

# Docket

3/21/2019

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

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

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

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**Election of Board Chair and Vice-Chair**

**Previously Heard Case Requiring Board Action:**

**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 2019-033 (Council District - 33)**

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

Use-Religious Institution

Map Parcel 17400009100

**RESULT -**

**CASE 2019-054 (Council District - 21)**

**SCOTT MORTON**, appellant and **22 DEVELOPMENTS LLC**, owner of the property Located at **209 22ND AVE N**, requesting 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

Use-Hotel

Map Parcel 09215011500

**RESULT -**

Map Parcel 09215012000

**CASE 2019-086 (Council District - 19)**

**BERT MORTON**, appellant and **CHARLOTTE AVENUE LODGING, LLC**, owner of the property located at **1500 CHARLOTTE AVE**, requesting a variance from 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 - Withdrawn**



**CASE 2019-092 (Council District - 7)**

**JOHN PIRTLE**, appellant and **O.I.C. 1301 D PORTER ROAD TOWNHOMES**, owner of the property located at **1301 F PORTER RD**, requesting variances from access and driveway requirements as well as sidewalk requirements in the R6 District, to construct two single family houses without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120, 17.36.470.D.1.D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 083031F90000CO

**RESULT -**

**CASE 2019-093 (Council District - 7)**

**JOHN PIRTLE**, appellant and **O.I.C. 1301 A PORTER ROAD TOWNHOMES**, owner of the property located at **1301 E PORTER RD**, requesting variances from driveway access and sidewalk requirements in the R6 District, to construct two single family houses without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 083031G90000CO

**RESULT -**

**CASE 2019-095 (Council District - 1)**

**GEORGE DEAN**, appellant and **SMYRNA READY MIX, LLC**, owner of the property located at **3730 AMY LYNN DR**, requesting an Item A Appeal challenging the Zoning Administrators denial of a permit to operate a concrete manufacturing plant in the IR District. Referred to the Board under Section 17.16.40. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-concrete manufacturing plant

Map Parcel 06800007100

**RESULT -**

**CASE 2019-097 (Council District - 16)**

**GHASEMNEZHAD, MAHMOOD & ASHRAF**, appellant and owner of the property located at **3601 NOLENSVILLE PIKE**, requesting a variance from size and material requirements on fencing for automotive sales in the CS District to maintain an existing fence. Referred to the Board under Section 17.16.070.V.1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Car Sales

Map Parcel 13306003700

**RESULT -**

**CASE 2019-098 (Council District - 5)**

**SCOTT NICODENUS**, appellant and **O.I.C. HOMES AT 915 RAMSEY STREET**, owner of the property located at **915 B RAMSEY ST**, requesting a variance from setback requirements in the RM20 District, to construct a multi-family residence. Referred to the Board under Section 17.12.030.B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 082120Y90000CO

**RESULT -**

**CASE 2019-103 (Council District - 2)**

**GREATER ST. MATTHEWS CHURCH** appellant and owner of the property located at **1719 MCKINNEY AVE**, requesting a variance from sidewalk requirements in the R6 District, to conduct interior renovations without building sidewalks or paying in 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 08102013000

**RESULT -**

**CASE 2019-104 (Council District - 24)**

**DUANE CUTHBERTSON**, appellant and **MURPHY ROAD PROPERTIES, LLC**, owner of the property located at **4501 MURPHY RD**, requesting a variance from sidewalk requirements in the CS District, to conduct 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-Restaurant

Map Parcel 10308005300

**RESULT -**

**CASE 2019-105 (Council District - 17)**

**STEWART DORN**, appellant and **DALECO CO.**, owner of the property located at **901 6TH AVE S**, requesting a variance from sidewalk requirements in the CF District, to make interior renovations to an existing warehouse without building sidewalks or paying into the fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09314058500

**RESULT -**

**CASE 2019-109 (Council District - 5)**

**BRANDON RUSSELL**, appellant and **WEBB, BRYAN L.**, owner of the property located at **326 DUKE ST**, requesting a variance from rear setback requirements in the R6-A District, to construct two single-family units. Referred to the Board under Section 17.12.020.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 07108004200

**RESULT -**

**CASE 2019-110 (Council District - 28)**

**DUANE CUTHBERTSON**, appellant and **APPALACHIAN LAND & LEASING COMPANY, LLC**, owner of the property located at **335 HARDING PL**, requesting a variance from sidewalk requirements in the CS District, to construct a carwash 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 D.

Use-Car Wash

Map Parcel 13414003700

**RESULT -**

**CASE 2019-112 (Council District - 5)**

**LUKE HARDY**, appellant and **PAIGE, RYAN & KIM, GRACE**, owner of the property located at **1128 MCFERRIN 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 08204017800

**RESULT -**

**CASE 2019-113 (Council District - 5)**

**KARLA NEWMAN**, appellant and **O.I.C. GRANT ESTATES II**, owner of the property located at **216 B DUKE ST**, requesting a variance from a sidewalk requirement in the R6-A District, to construct two single family units without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 071070H90000CO

**RESULT -**

**CASE 2019-115 (Council District - 5)**

**PAUL BOULIFAUD**, appellant and **HINES, SUSANNE L. & LOESER, JONATHAN D.**, owner of the property located at **1200 N 2ND ST**, requesting a variance from setback requirements in the SP District, to construct an addition to a single family residence. Referred to the Board under Section 17.20.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08203010900

**RESULT -**

**CASE 2019-116 (Council District - 10)**

**SONCERIA RADFORD**, appellant and **HARRISON, DUANE E. ET UX**, owner of the property located at **2340 SPRING BRANCH DR**, requesting a special exception to operate a community center in an existing building as well as a variance from requirements of access from a collector street in the RS40 District. Referred to the Board under Section 17.40.180, 17.16.220.B.D.4. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Community Center

Map Parcel 02616005900

**RESULT -**

**CASE 2019-117 (Council District - 17)**

**LAND DEVELOPMENT SOLUTIONS**, appellant and **HUTCHINS, LONEY JOHN**, owner of the property located at **444 HUMPHREYS ST**, requesting variances from street setback, rear setback, loading space and sidewalk requirements in the MUL District, to construct a multi-use development without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.030.A, 17.12.020.C, 17.20.130 The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed Use

Map Parcel 10507000200

**RESULT -**

**SHORT TERM RENTAL CASES**

**CASE 2019-012 (Council District - 6)**

**SHIM, ERIN L. & DECHANT, ANNE E.**, appellant and owner of the property located at **1306 GARTLAND AVE**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit for an isolated portion of single family residence. 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 2019-065 (Council District - 5)**

**ZARETH HOOKASSIAN**, appellant and **MAD PROPERTIES, LLC**, owner of the property located at **1105 B N 8TH ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after the legally required short term rental permit was revoked due to a change in property ownership. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08204042500

**RESULT -**

**CASE 2019-094 (Council District - 8)**

**CLARK, PATRICK NEAL**, appellant and, owner of the property located at **241 BEN ALLEN RD**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to applicant's operating on an expired permit. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 06100001600

**RESULT -**

**CASE 2019-099 (Council District - 2)**

**FITZPATRICK, JOSEPH R. & HERRERA, MARIE S.**, appellant and owner of the property located at **1800 A SEMINARY ST**, 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. 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 07109014300

**RESULT -**

**CASE 2019-101 (Council District - 17)**

**HERST, PERRY S., III**, appellant and owner of the property located at **1402 17<sup>TH</sup> AVE S**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired. 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 10408028900

**RESULT -**

**CASE 2019-102 (Council District - 28)**

**ULUMENFO, CHRISTOPHER & FATIMA**, appellant and, owner of the property located at **5161 PEBBLE CREEK DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Permit

Map Parcel 149070B01100CO

**RESULT -**

**CASE 2019-111 (Council District - 24)**

**SUNNY MEADOWS LLC**, appellant and owner of the property located at **3902 PARK AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. The applicant operated prior to obtaining a short-term rental permit. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 09213000500

**RESULT -**



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.*

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***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.

Randy Yard  
**APPELLANT**

1/15/19  
**DATE**

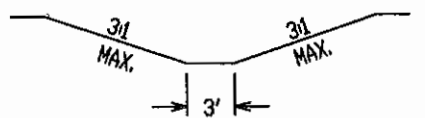
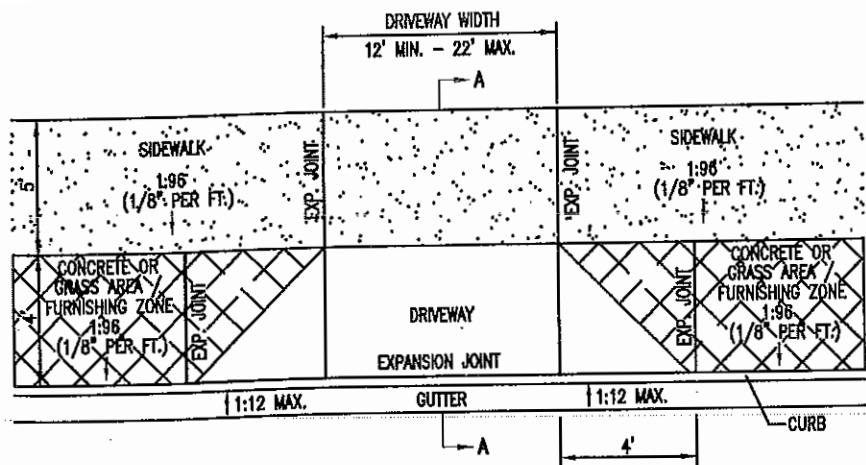
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

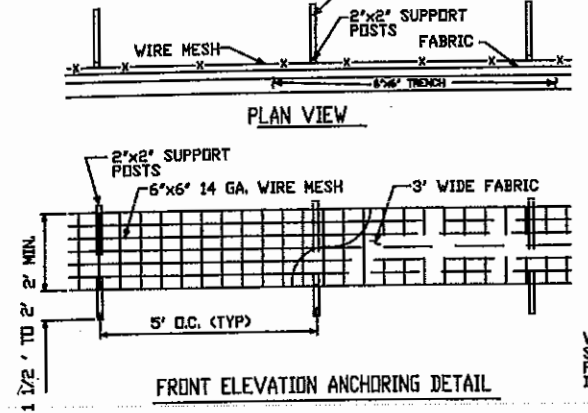
**WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?**

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'

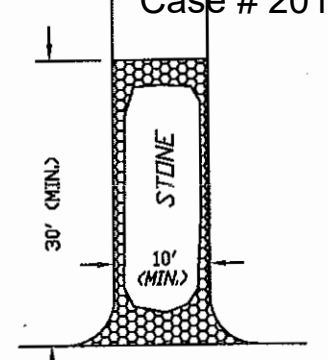


**TYP. DITCH SECTION**  
N.T.S.

STABILIZATION METHOD ACCORDING TO DITCH CENTERLINE SLOPE:  
1-3% SEEDING  
3-12% SODDING  
EXCEEDING 12% CONCRETE LINED

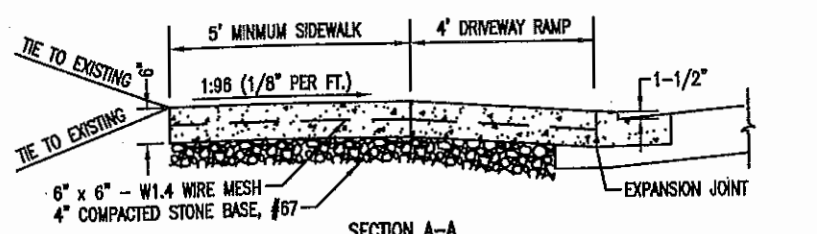


**SILT BARRIER/SOIL EROSION FABRIC FENCE**  
N.T.S.

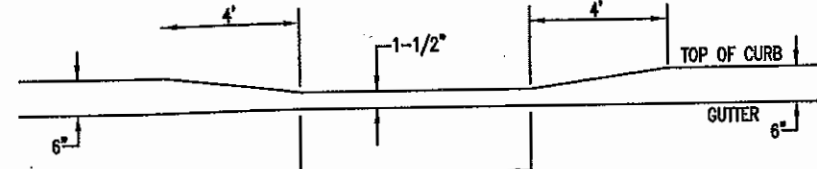


**TEMPORARY CONSTRUCTION ENTRANCE DETAIL**

- 1) STONE SIZE 1-1/2" TO 2" DIAMETER
- 2) MAINTAIN A CONDITION WHICH WILL TRACKING OF MUD ONTO PUBLIC STR

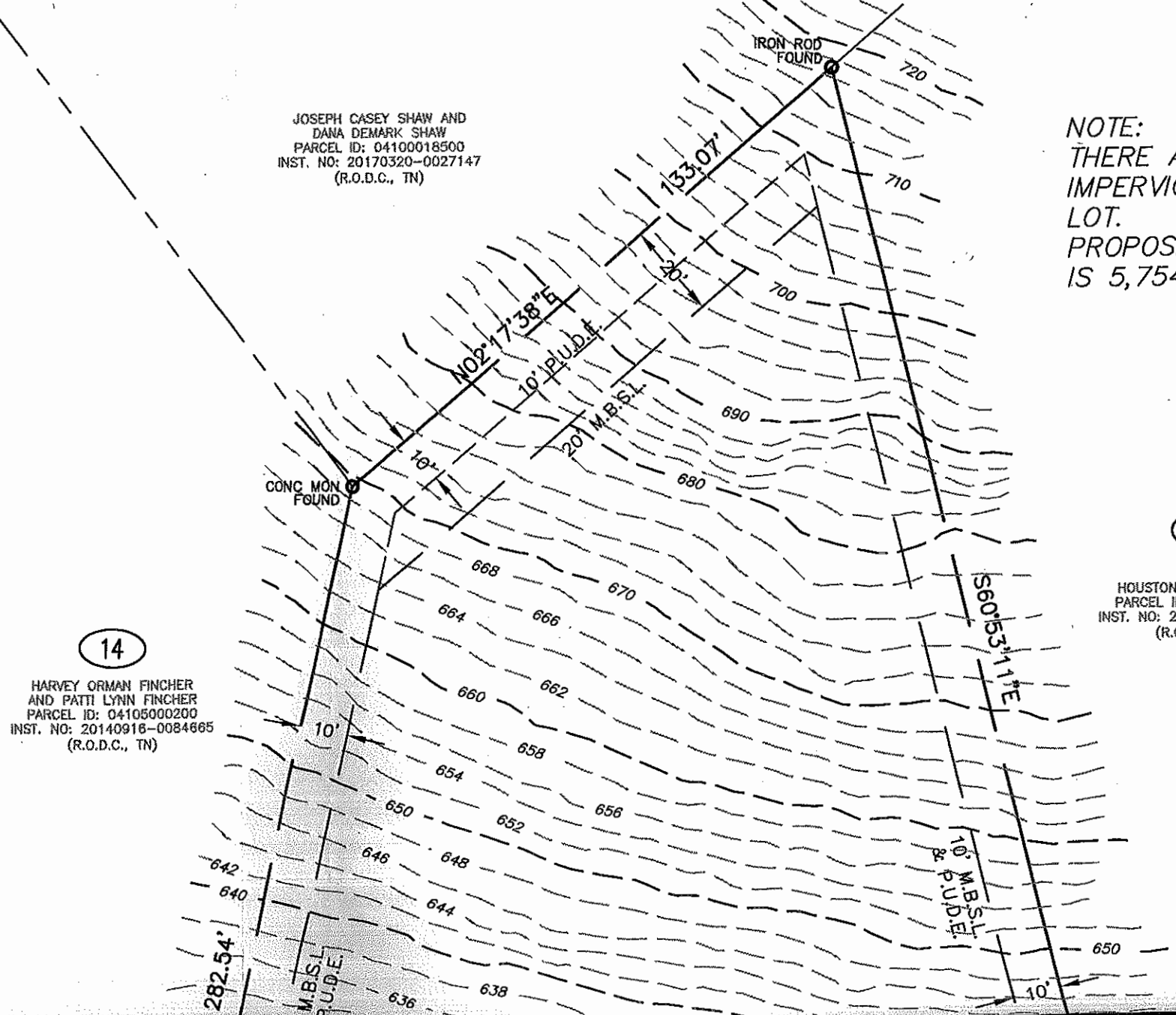


**SECTION A-A**



NOTE: CROSS-SLOPE OF SIDEWALK SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL).

**RESIDENTIAL CONCRETE DRIVEWAY RAMP**  
NOT TO SCALE



JOSEPH CASEY SHAW AND  
DANA DEMARK SHAW  
PARCEL ID: 04100018500  
INST. NO: 20170320-0027147  
(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)

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)

**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 COMMISSION STAFF FOR APPROVAL: BUILDING LOCATIONS AND FINISHED FLOOR ELEVATIONS; LOCATION OF ALL PROPOSED SITE IMPROVEMENTS; TOP AND BOTTOM ELEVATIONS OF RETAINING WALLS; EXISTING AND PROPOSED CONTOURS AT A MAXIMUM INTERVAL OF TWO FEET; SPECIFIED AND ILLUSTRATED METHODS OF STABILIZING GRADED SLOPES STEEPER THAN 33 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 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.

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 SURVEILLANCE RATE MAPS FOR NASHVILLE AND DAVIDSON COUNTY, TENNESSEE REVISION P REVISED APRIL 5, 2017).

PROPERTY INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

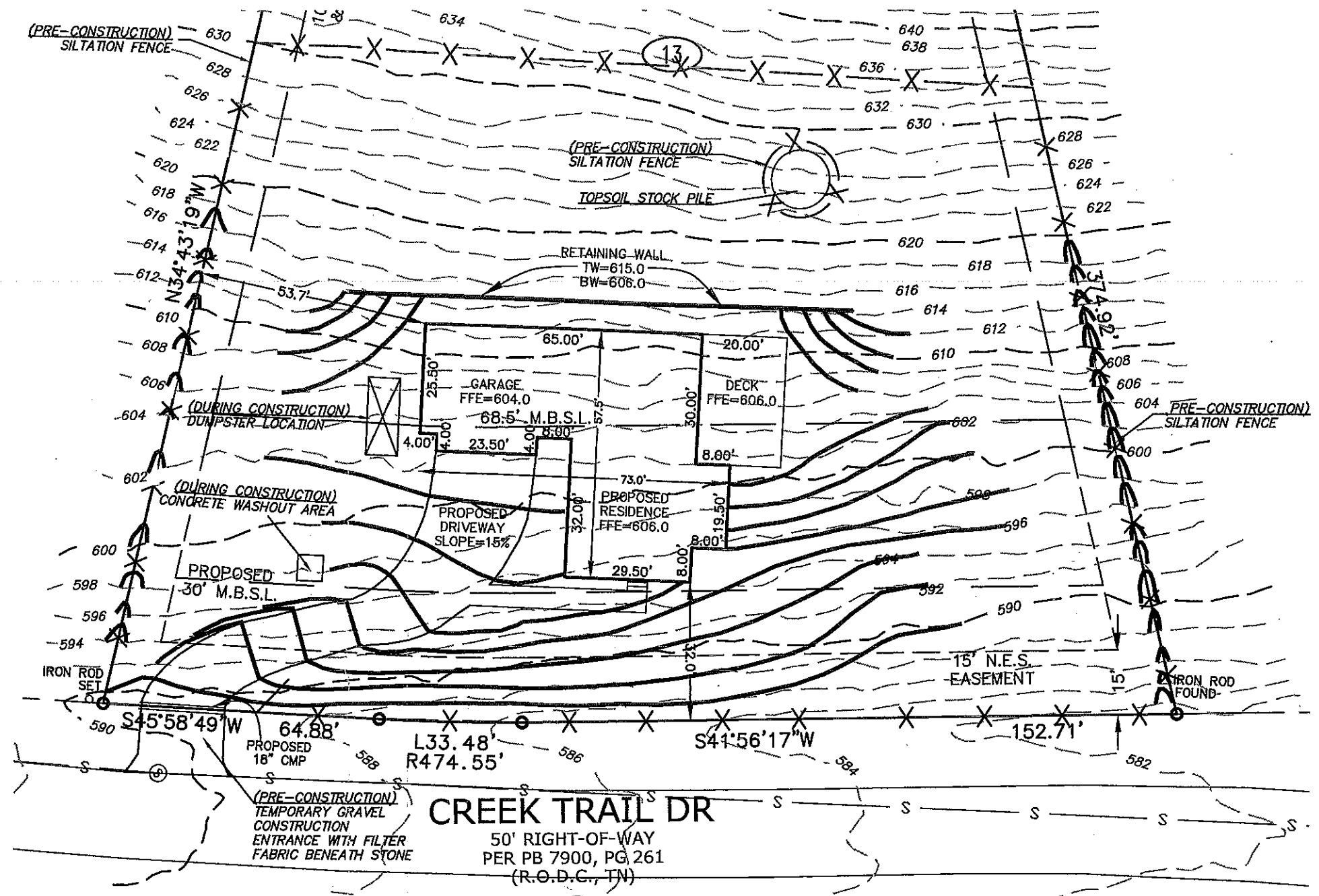
SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE RECORDS AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN 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.

THIS PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CURRENT RECORDS 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 PARTY.

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.

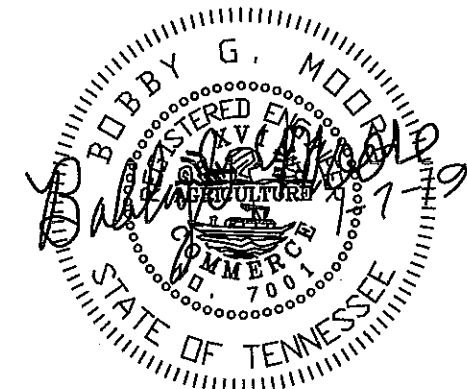


**RANDY YARD**  
 4136 CREEK TRAIL DR.  
 CREEK, DAVIDSON COUNTY, TENNESSEE  
 SUBD. CREEK TRAIL SUBDIVISION  
 PLAT BOOK 7900, PAGE 261, R.O.D.C., TN  
 DATE: JANUARY 7, 2019  
 PARCEL: 01.00 PLAN: # 73.00' X 57.50' L.H.F.F.  
 419 SQ.FT. ± OR 1.32 AC±

**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**

<b>Appellant:</b>	<b>Randy Yard</b>	)	
<b>Site Address:</b>	<b>4136 Creek Trail Dr. (Lot 13)</b>	)	<b>Case #: 2019-089</b>
	<b>Whites Creek, TN 37189</b>	)	<b>Map &amp; Parcel: 41-5-1</b>
		)	

**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  
Donna 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: Harold H. Reed  
[Signature]

Address: 212 ATARACT

Owners: [Signature]  
Regina Night

Address: 101 MEGHANA DRIVE

Owners: Allyn 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: Donzale Rivers

4187 Creek Trail

Address: Whites Creek 37189

Owners: Shawn Lee

4176 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

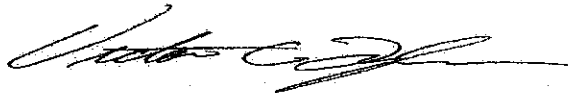
Tyler Construction Engineers, P.C. was engaged by Mr. John Richardson, owner-occupant of 4154 Creek Trail, to conduct a limited site analysis on parcels on Creek Trail Drive as referenced above and evaluate the general existing topography relative to buildable area.

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**

Receipt Number: **T20130094912**  
 Date/Time: **11/06/2013 12:18:40**  
 Method Received: **Walk-In**  
 Clerk: **ahite**

Customer Name : **OSCAR MILLER**

**HOLD AT COUNTER**

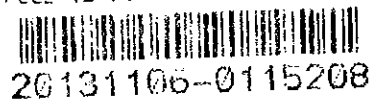
**Transaction Detail**

<u>Instrument Number</u>	<u>Instrument Type</u>	<u>Gen. Fee</u>	<u>Equip. Fee</u>	<u>Transfer Tax</u>	<u>Mortgage Tax</u>	<u>Copy</u>	<u>Cert. Copy</u>	<u>Total Copy Fee</u>	<u># Pgs</u>	<u>Consideration</u>	<u>Subtotal</u>
201311060115208	REST	\$10.00	\$2.00	\$0.00	\$0.00	N	N	\$0.00	1		\$12.00
<u>First Party Name</u>						<u>Second Party Name</u>					
CREEK TRAIL						CREEK TRAIL					

**Payment Information**

<u>Method of Payment</u>	<u>Payment Control ID</u>	<u>Authorized Agent</u>	<u>Company</u>	<u>Amount</u>
Check	1296			\$12.00

<b>AMOUNT PAID:</b>	<b>\$12.00</b>
<b>LESS AMOUNT DUE:</b>	<b>\$12.00</b>
<b>CHANGE RECEIVED:</b>	<b>\$0.00</b>

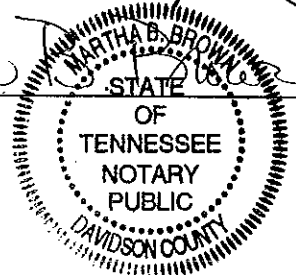


Creek Trail Subdivision  
 Ballot to Extend Restrictive Covenants

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

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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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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.

BOOK 7762 PAGE 425

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

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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

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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

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# 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

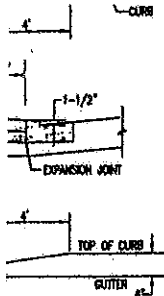
SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT)

**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**

PER TO ISSUANCE OF A COMPLETE WITH THE OF 1" = 20'-0" SHALL BE IN THE HANDS OF THE DESIGN STAFF FOR FINISHED FLOOR LEVELS AND ELEVATIONS. SEE SITE IMPROVEMENTS/RETAINING WALLS) EXISTING IN INTERVAL OF TWO METHODS OF STABILIZING (RECENT) LIMITS OF PRESERVED WITHIN OF PROTECTION

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 TRAIL 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 AND DAVIDSON COUNTY, TENNESSEE

AS IS AS IDENTIFIED IN COUNTY

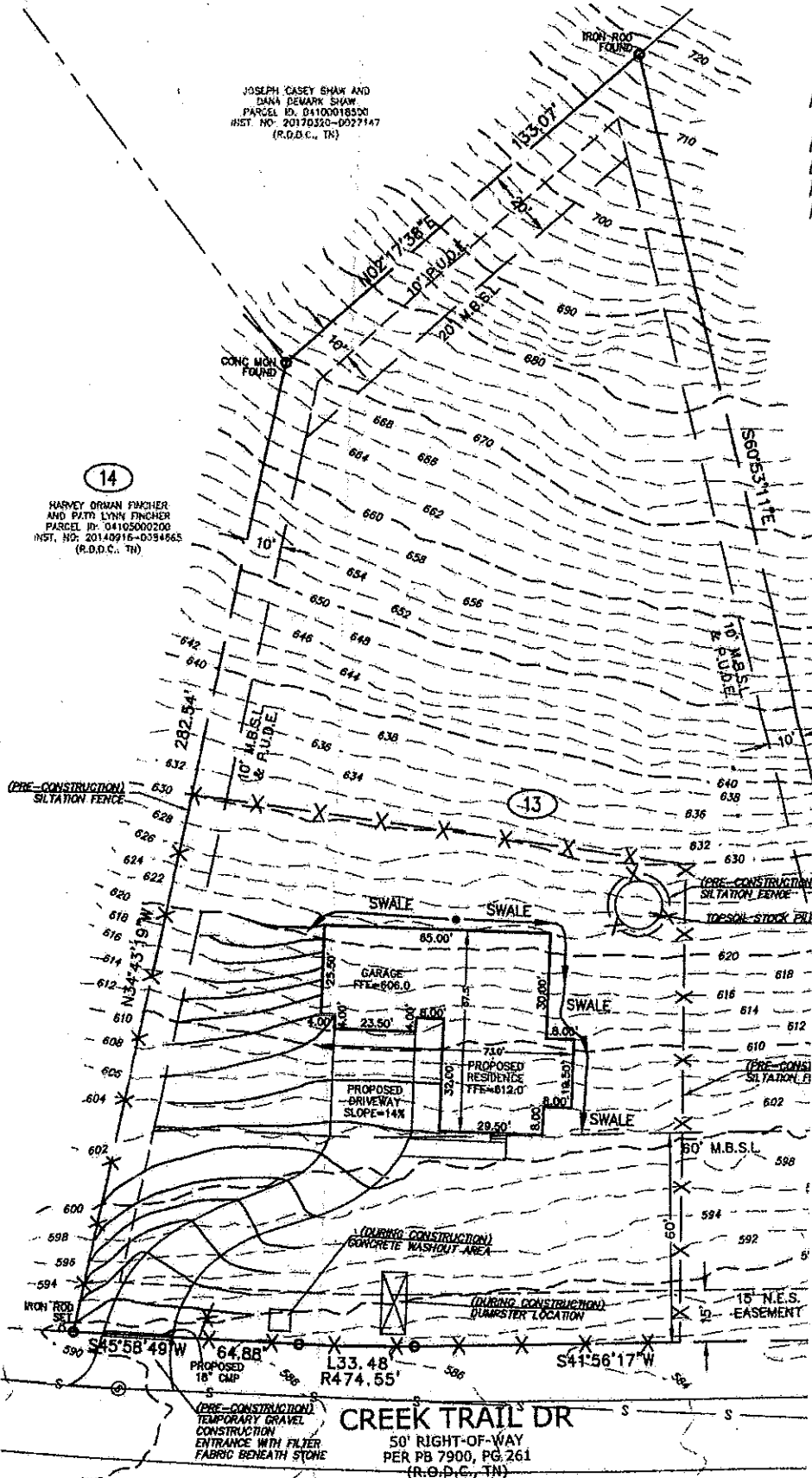
ALL UNDERGROUND UTILITIES, AS SHOWN WERE TAKEN FROM VISIBLE RECORDS, AND/OR MAPS PREPARED BY OTHERS. THE UNDERGROUND UTILITIES IN THE AREA, EITHER IN SERVICE DOES NOT WARRANT THAT THE EXACT LOCATION AS INDICATED. THE LOCATION AND DEPTH OF ALL UTILITIES WITH THIS CIRCUMSTANCE IS UNCERTAIN. LOCATION AND DEPTH OF UTILITIES RELATIVE THERETO IS MADE TO BE CONFIRMED WITH THE

IF UNDERGROUND UTILITY DAMAGE OCCURS IN EXCAVATION MUST NOTIFY THE UTILITY OWNER(S) NO LESS THAN THREE NOR MORE THAN FIVE DAYS BEFORE THE DATE OF THEIR INTENT TO EXCAVATE. THE TENNESSEE ONE CALL PROGRAM UTILITIES WERE NOT CHECKED DURING

PREPARED WITHOUT BENEFIT OF CURRENT SURVEY OF SUBJECT TRACT OR ADJOINERS AND THE CONTENT OF FACTS REVEALED BY

THE INFORMATION SHALL BE LIMITED TO THOSE PROVIDED AND DOES NOT EXTEND TO ANY

RESTRICTIONS SET FORTH ON THE RECORDED DEED AS RECORDED IN PLAT BOOK. SUBJECT TO ALL RESTRICTIONS OF DEEDS 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 17.12.030 NOTIF (2/3)



**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 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
<b>PERMIT FEE/PAYMENT</b>	<b>\$ 1,178.59</b>	<b>\$ 1,178.59</b>

**Payment Detail:**

11/20/2018	CREDIT	182005	<b>Pmt Total:</b>	\$ 1178.59
<b>Issue Date:</b>	11/20/2018		<b>Issued By:</b>	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**

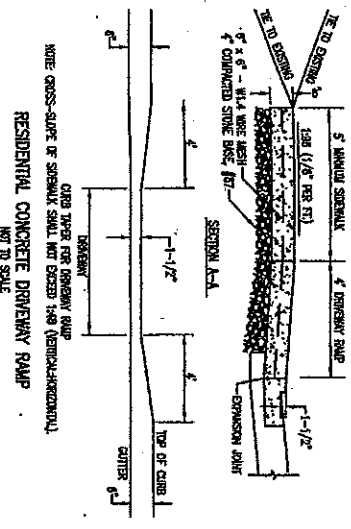
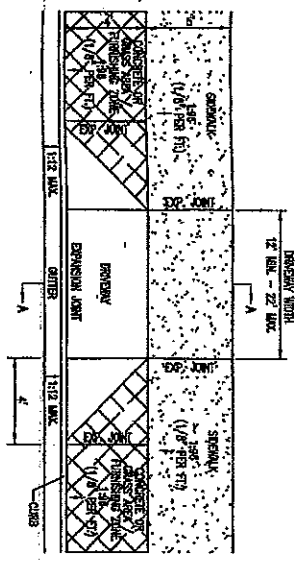
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

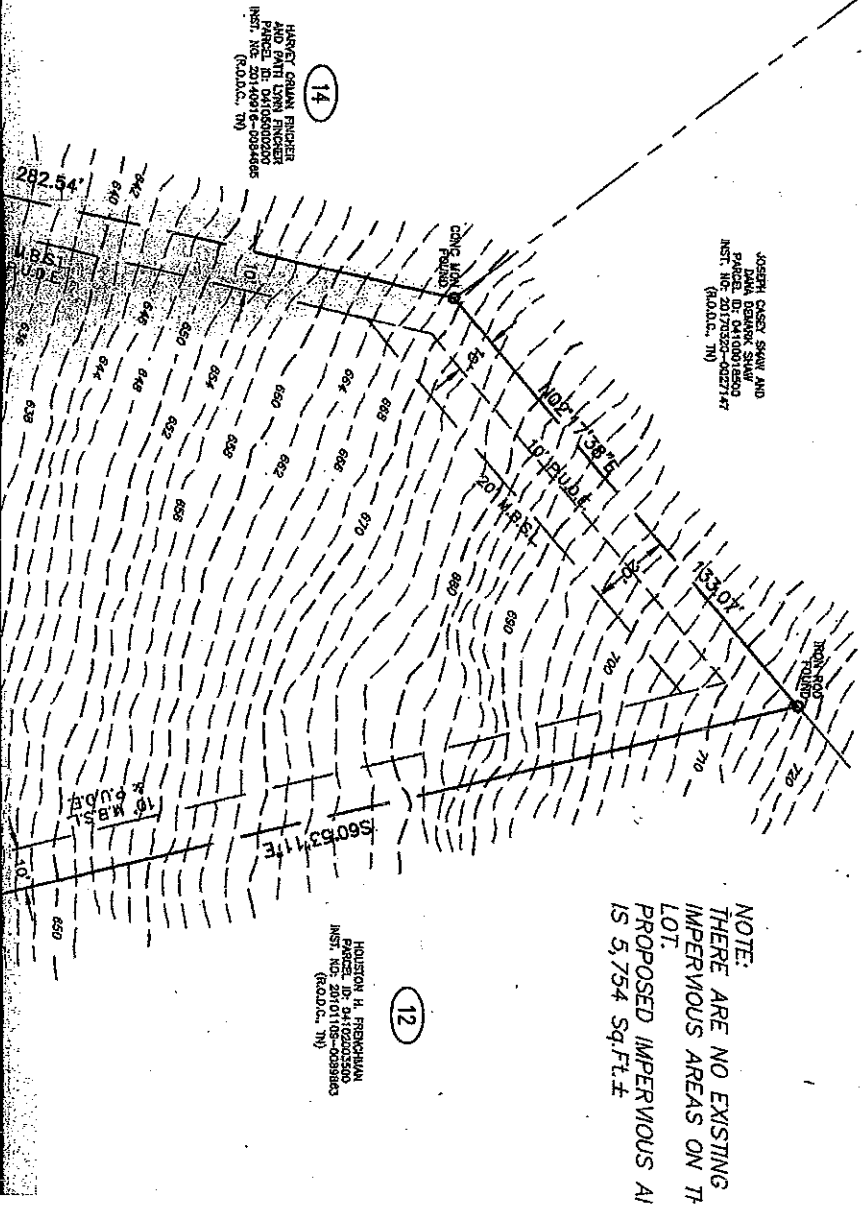
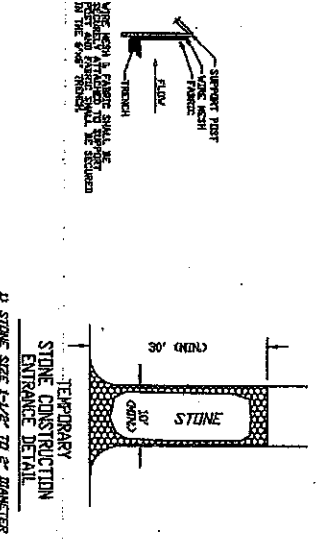
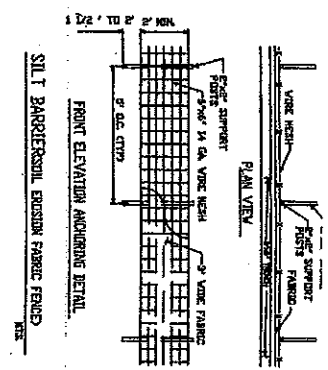
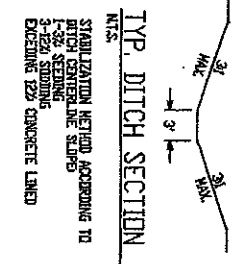
**WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?**

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 PROPOSED SITE IMPROVEMENTS/ TIP AND BOTTOM ELEVATIONS OF RETAINING WALLS/ EXISTING AND PROPOSED CONTIGUOUS 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 MAINTAIN 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.



14  
 HARVEY GRAY FINCHER AND PAUL LAMM FINCHER  
 P.L.L.C.  
 1000 W. UNIVERSITY BLVD.  
 SUITE 100  
 HOUSTON, TX 77005

JOSEPH CASEY SQUAT AND  
 PARRIS D. MANNING  
 REGISTERED PROFESSIONAL ENGINEERS  
 INST. NO. 2017332-0027147  
 (A.O.C.E., TX)

12  
 HOUSTON H. FRISCHMAN  
 P.L.L.C.  
 1000 W. UNIVERSITY BLVD.  
 SUITE 100  
 HOUSTON, TX 77005

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 STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION, A 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 AS THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = 183-C.O.R.S.; VERTICAL = NAVD83; ZONE TN 4100, GEOID MODEL MD TN 12A). USING SOKKIA GPS MODEL GRX2 GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=5mm+0.05ppm AND VERTICAL ACCURACY=10mm+0.06ppm.

WITHIN DESCRIBED TRACT OF LAND LIES WITHIN ZONE X AS SAID TRACT SET OUT BY SCALE ON FEMA MAP NUMBER 47037C0118H ON THE FLOOD HAZARD SURVEY RATE MAPS FOR NASHVILLE AND DAVIDSON COUNTY, TENNESSEE P REVISED APRIL 5, 2017).

PROPERTY INTEREST INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.

SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. THE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE SURVEY DATA, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THIS AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. THE 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 ANY KNOWN UNDERGROUND UTILITY OWNER(S) NO LESS THAN THREE NOR MORE THAN TEN 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 RECORDS OF SOURCE OF TITLE FOR THE SUBJECT TRACT OR ADJOINERS AND THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY RECORDS OF SUCH DOCUMENTS.

SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE INTERESTS IDENTIFIED IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY UNNAMED PARTY.

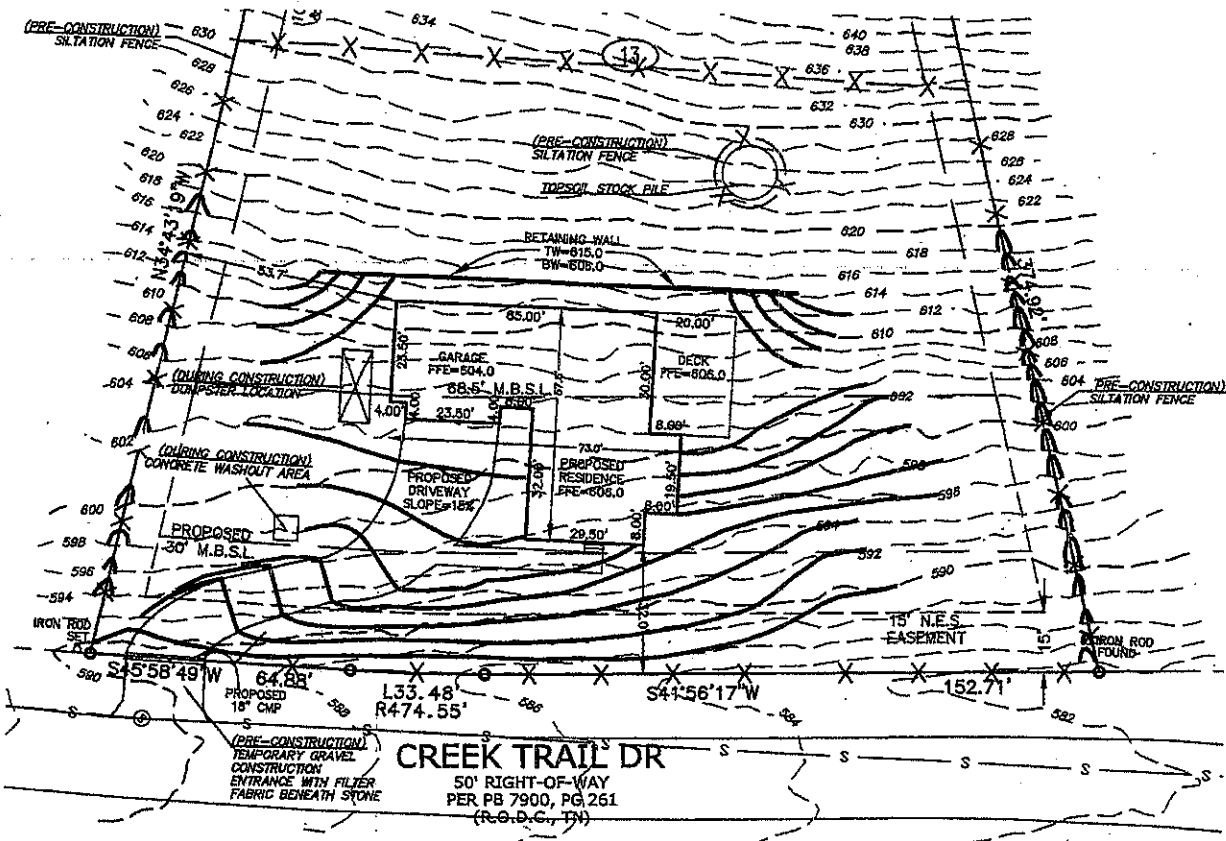
PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED PLAT OF CREEK TRAIL SUBDIVISION AS RECORDED IN PLAT BOOK 9, PAGE 261 R.O.D.C., TN, AND IS SUBJECT TO ALL RESTRICTIONS OF RECORD. BUYER TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

**RANDY YARD**  
 41.36 CREEK TRAIL DR.  
 YES CREEK, DAVIDSON COUNTY, TENNESSEE  
 SUBD. CREEK TRAIL SUBDIVISION  
 PLAT BOOK 7900, PAGE 261, R.O.D.C., TN  
 30' DATE: JANUARY 7, 2019  
 05 PARCEL: 01.00 PLAN: # 73.00 X 57.50' L.H.E.E.  
 419 SQ.FT. ± OR 1.32 AC±

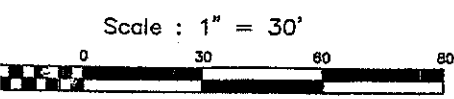
MINIMUM SET BACKS  
 FRONT YARD: SEE NOTE (A)  
 SIDE YARD: 5'  
 REAR YARD: 35'

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



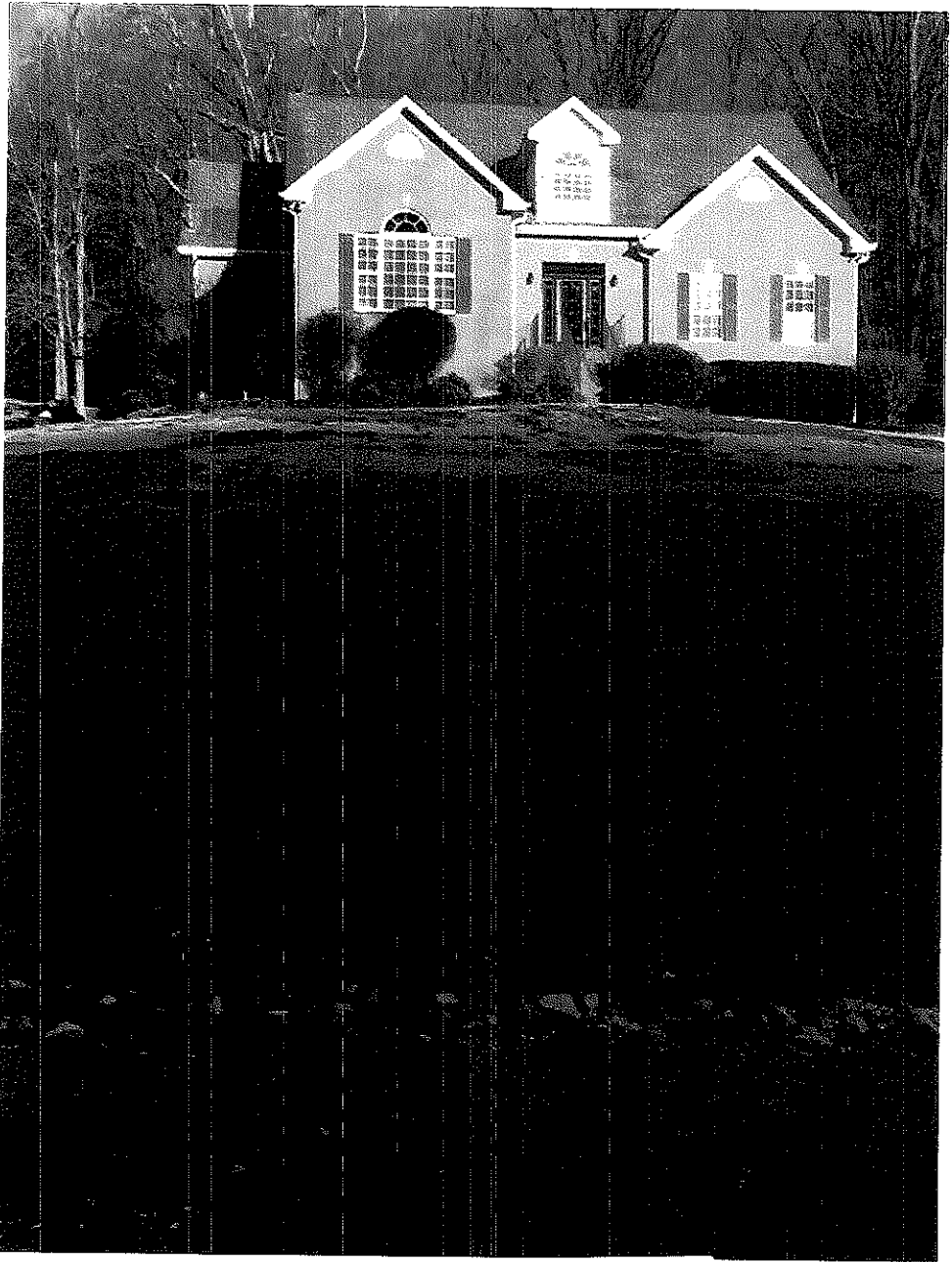
**RANDY YARD**  
 LOT 13-CREEK TRAIL SUBDIVISION  
 INSTRUMENT # 20180907-0089019, R.O.D.C., TN.

H & H LAND SURVEYING, INC.

612 A FITZHUGH BLVD.  
 SMYRNA, TENNESSEE 37167  
 PHONE: (615) 831-0756

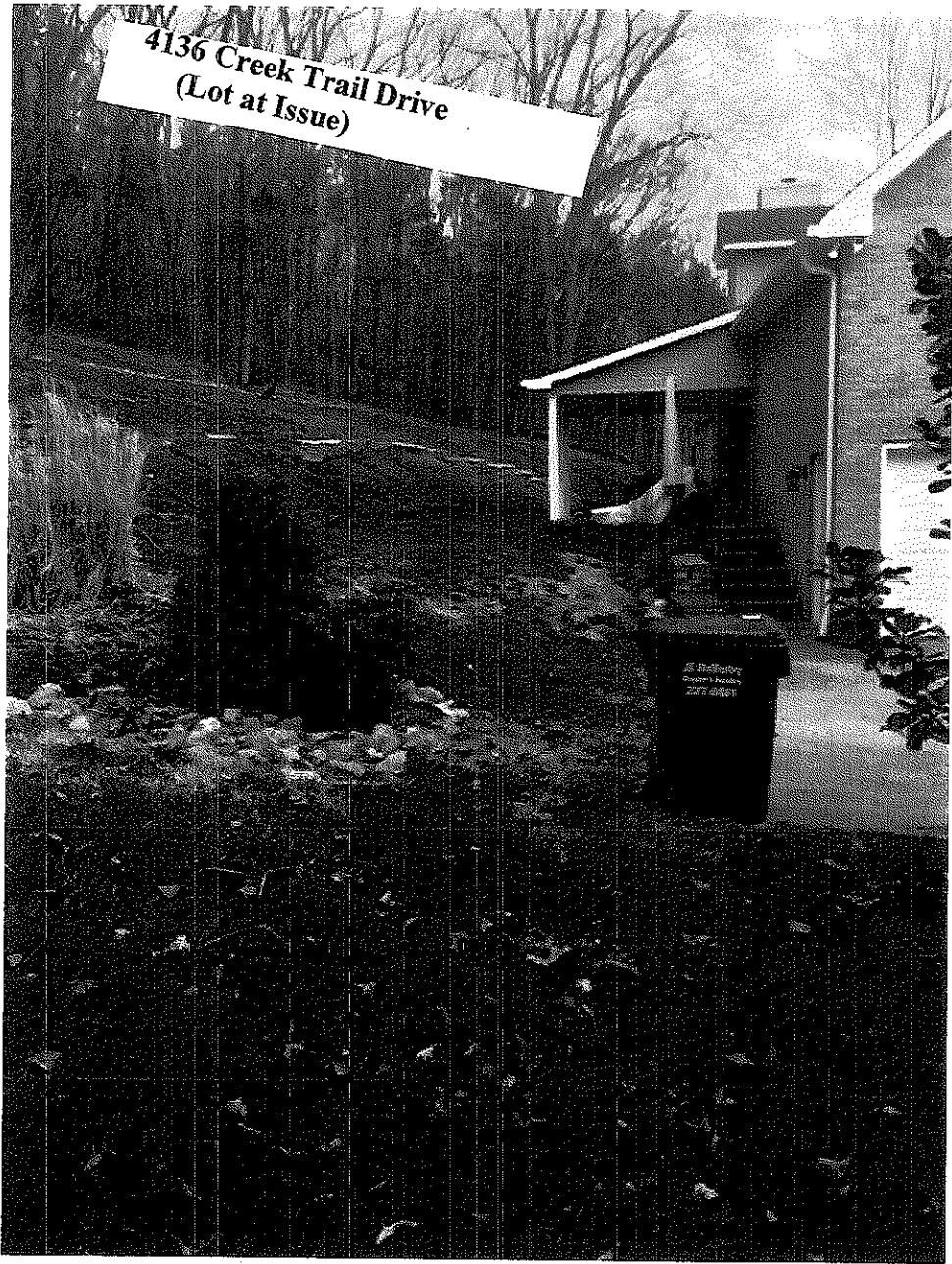


# EXHIBIT 5



Sent from my iPhone

4140 Creek Trail Drive

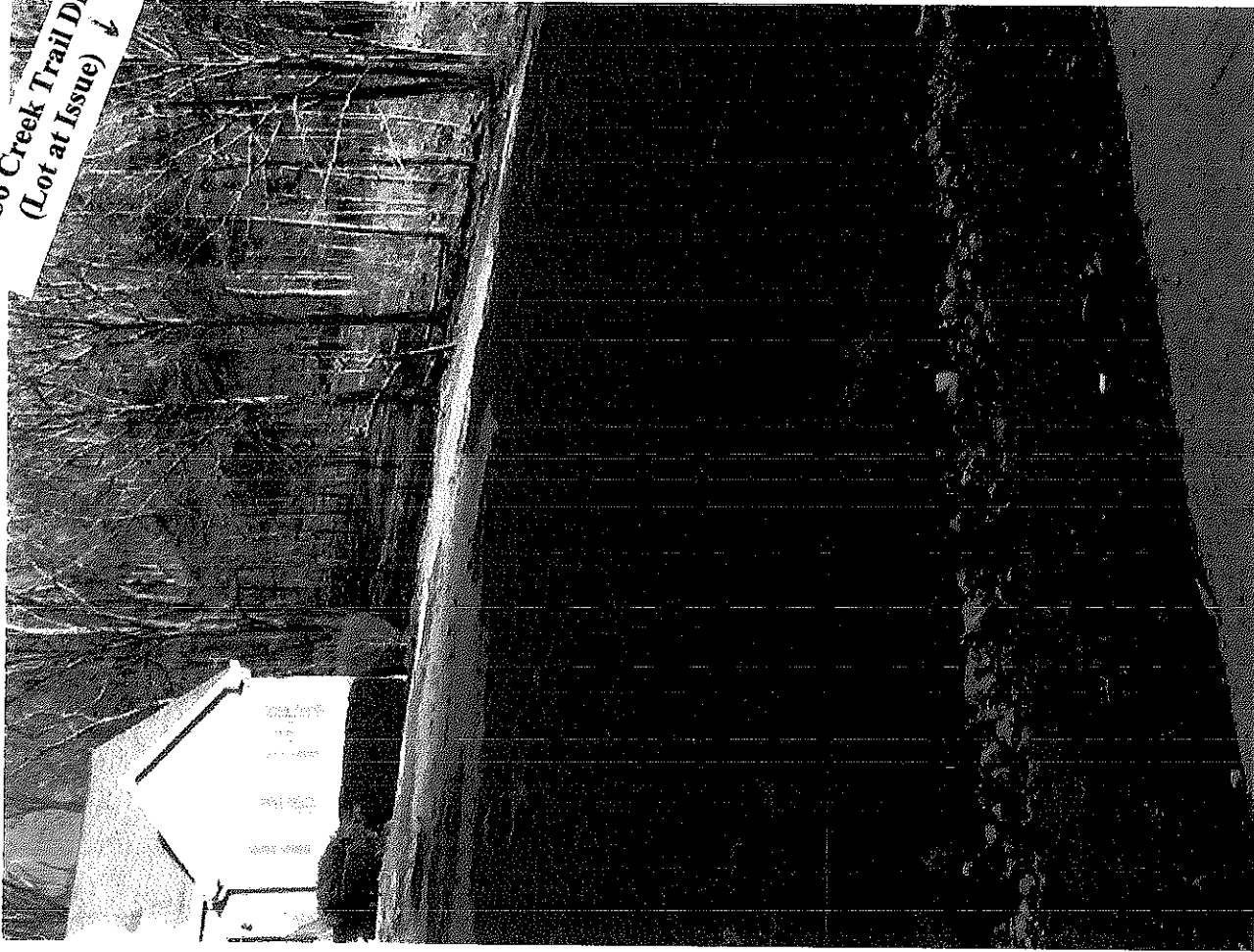


Sent from my iPhone

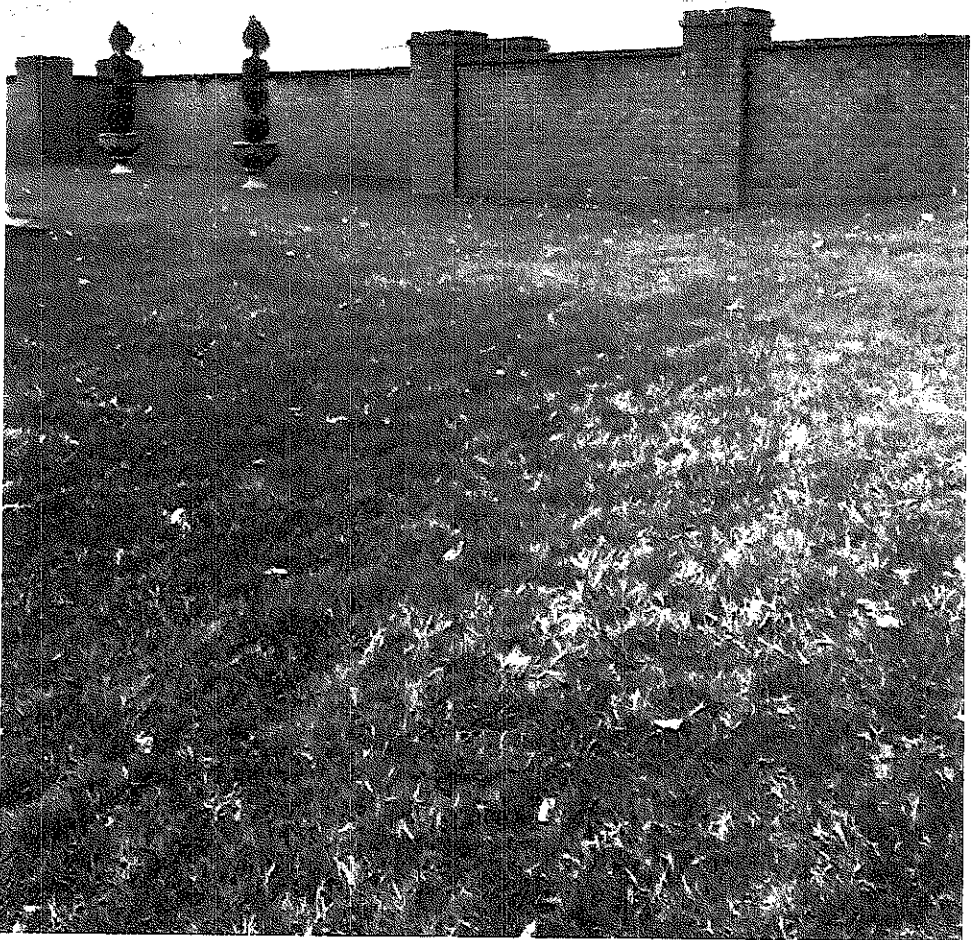
4140 Creek Trail Drive  
(REAR)



4136 Creek Trail Drive  
(Lot at Issue) ↓

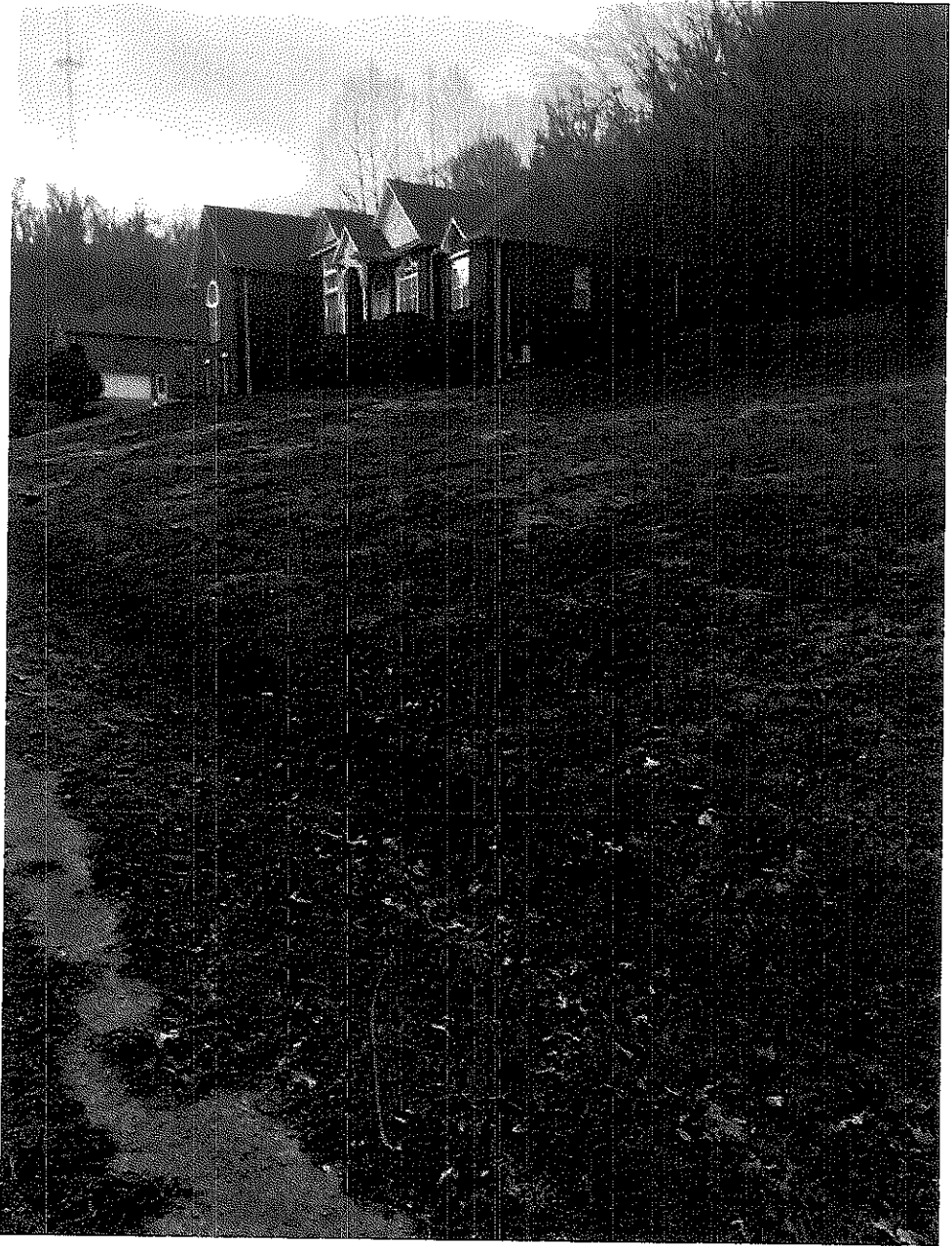


Sent from my iPhone



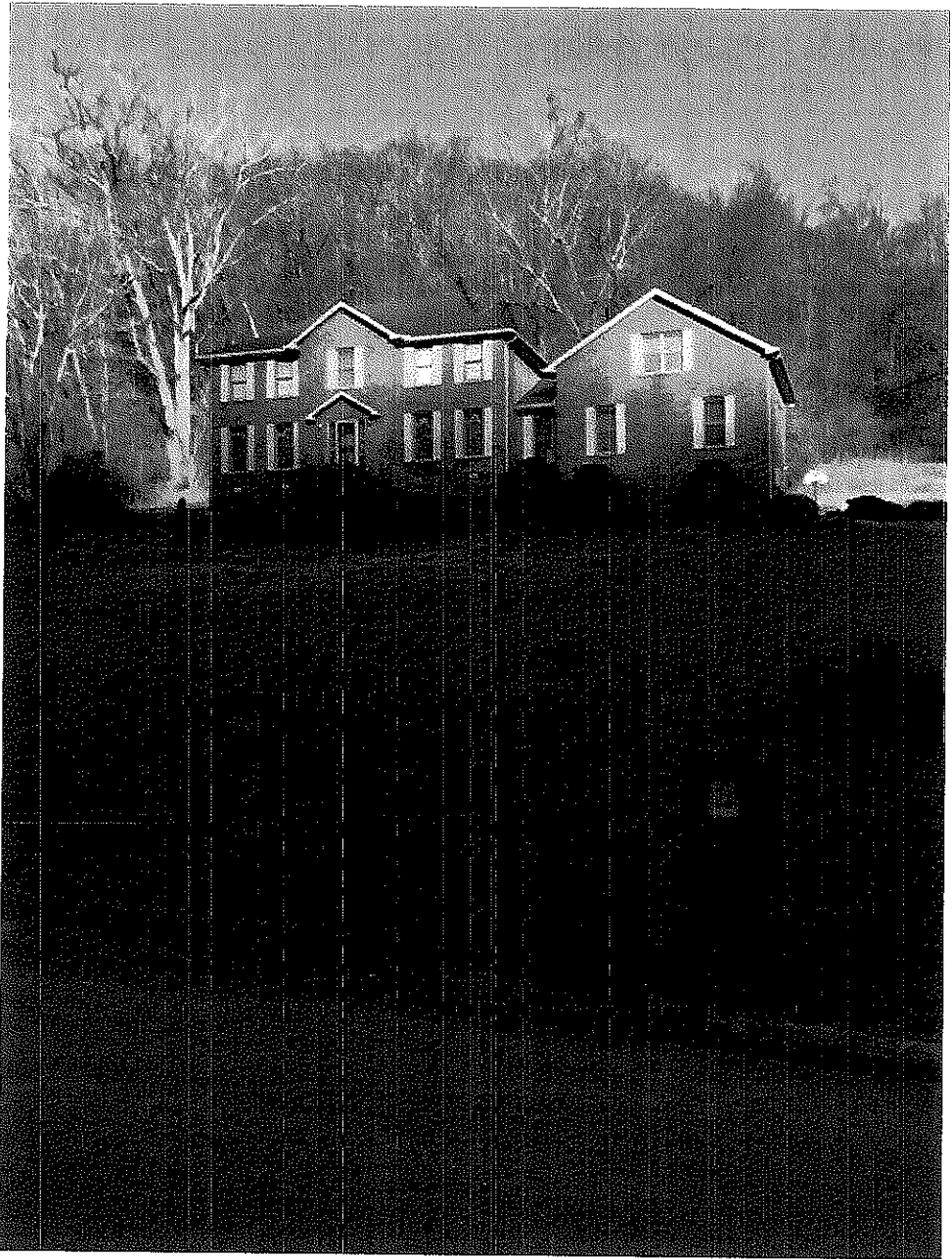
4144 Creek Trail Drive  
(Rear)

Sent from my iPhone



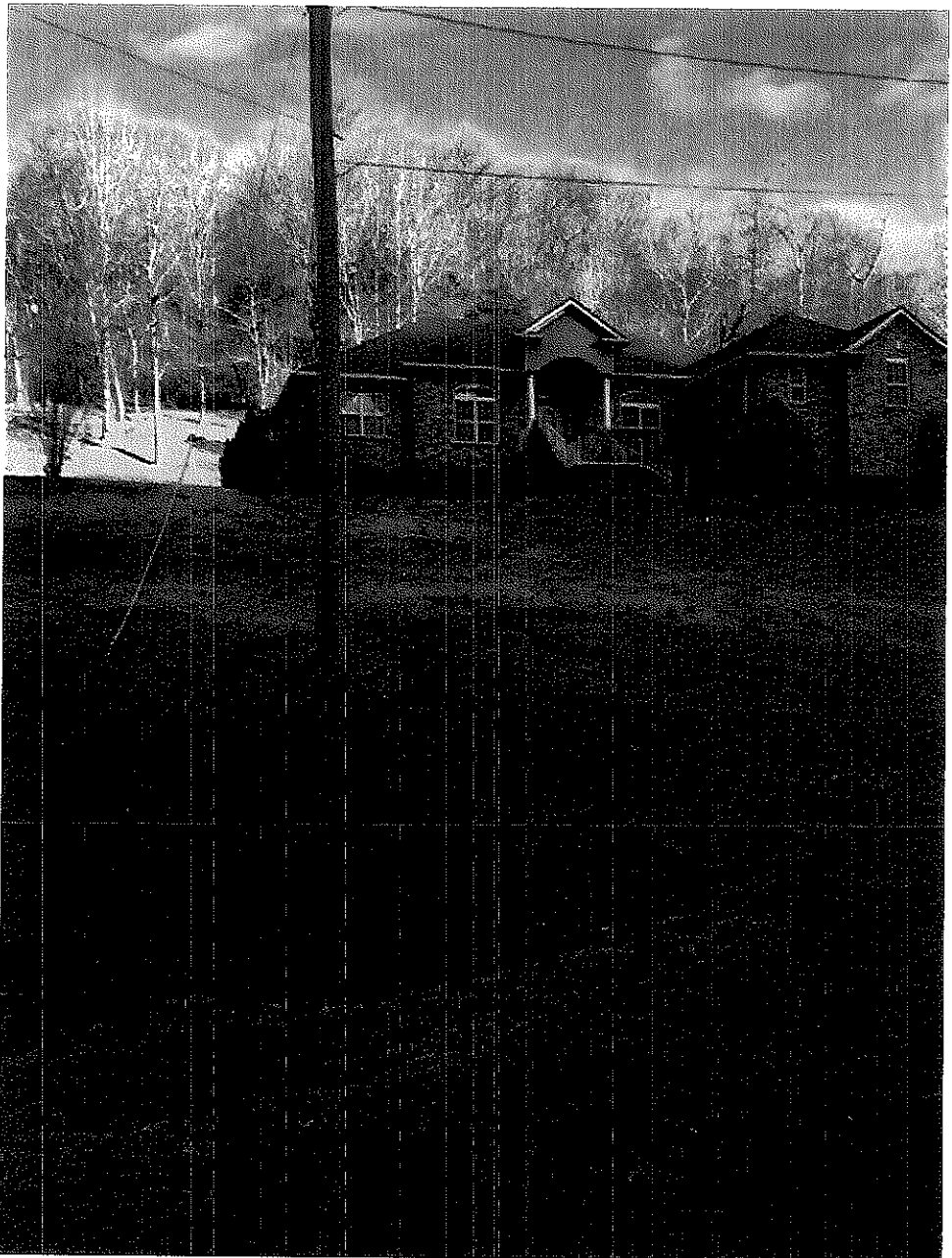
Sent from my iPhone

**4154 Creek Trail Drive**  
(Side)



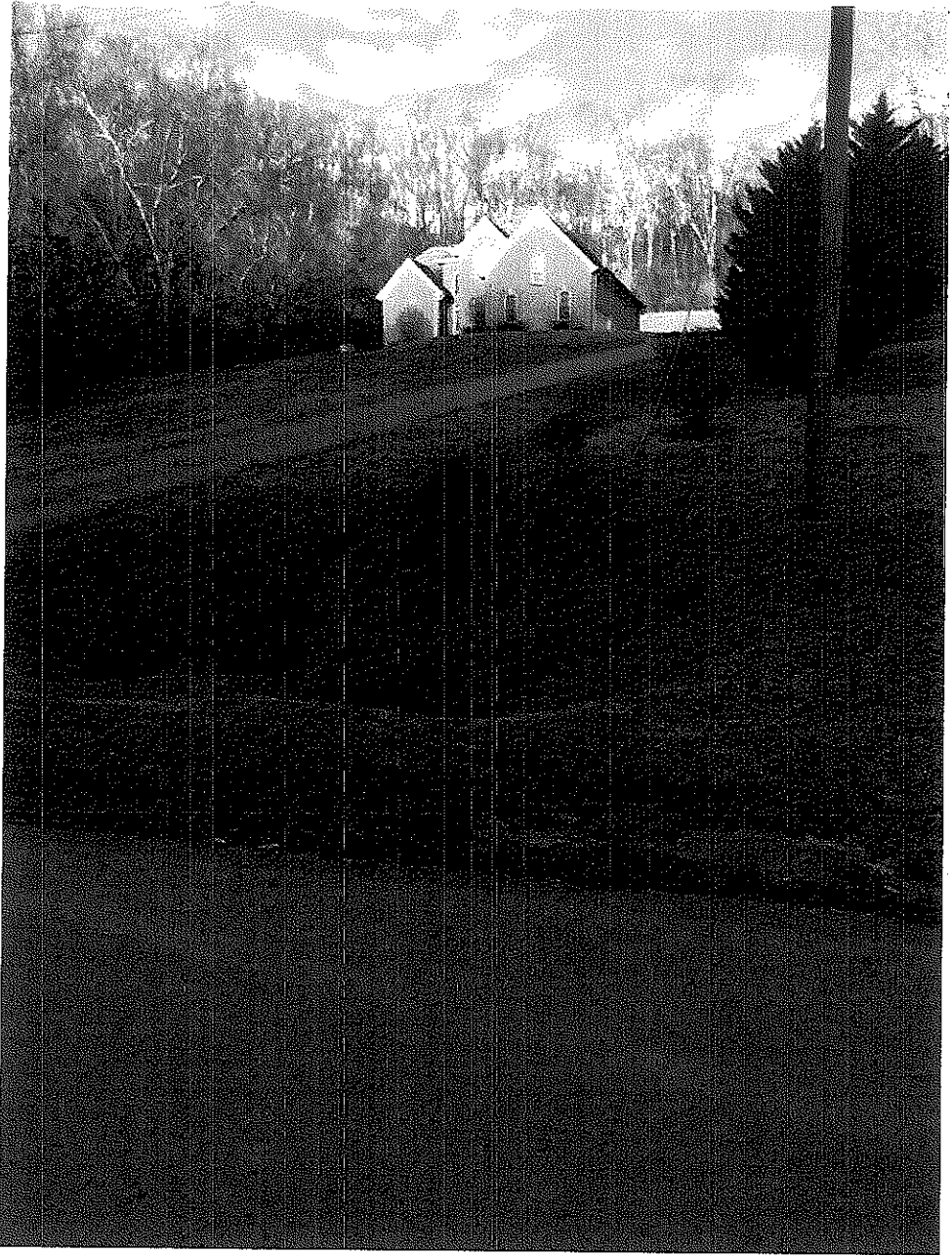
4150 Creek Trail Drive

Sent from my iPhone



4160 Creek Trail Drive

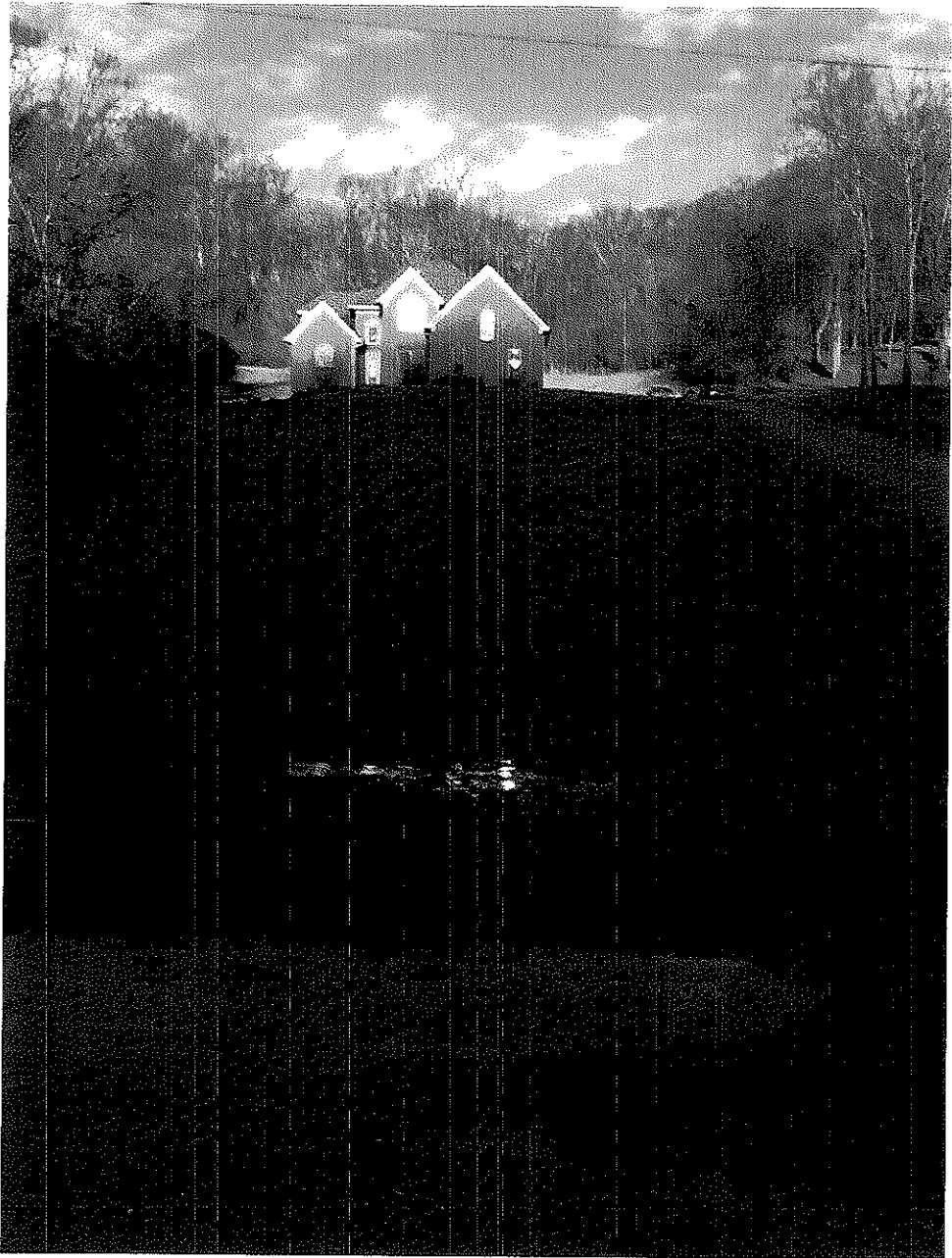
Sent from my iPhone



4164 Creek Trail Drive

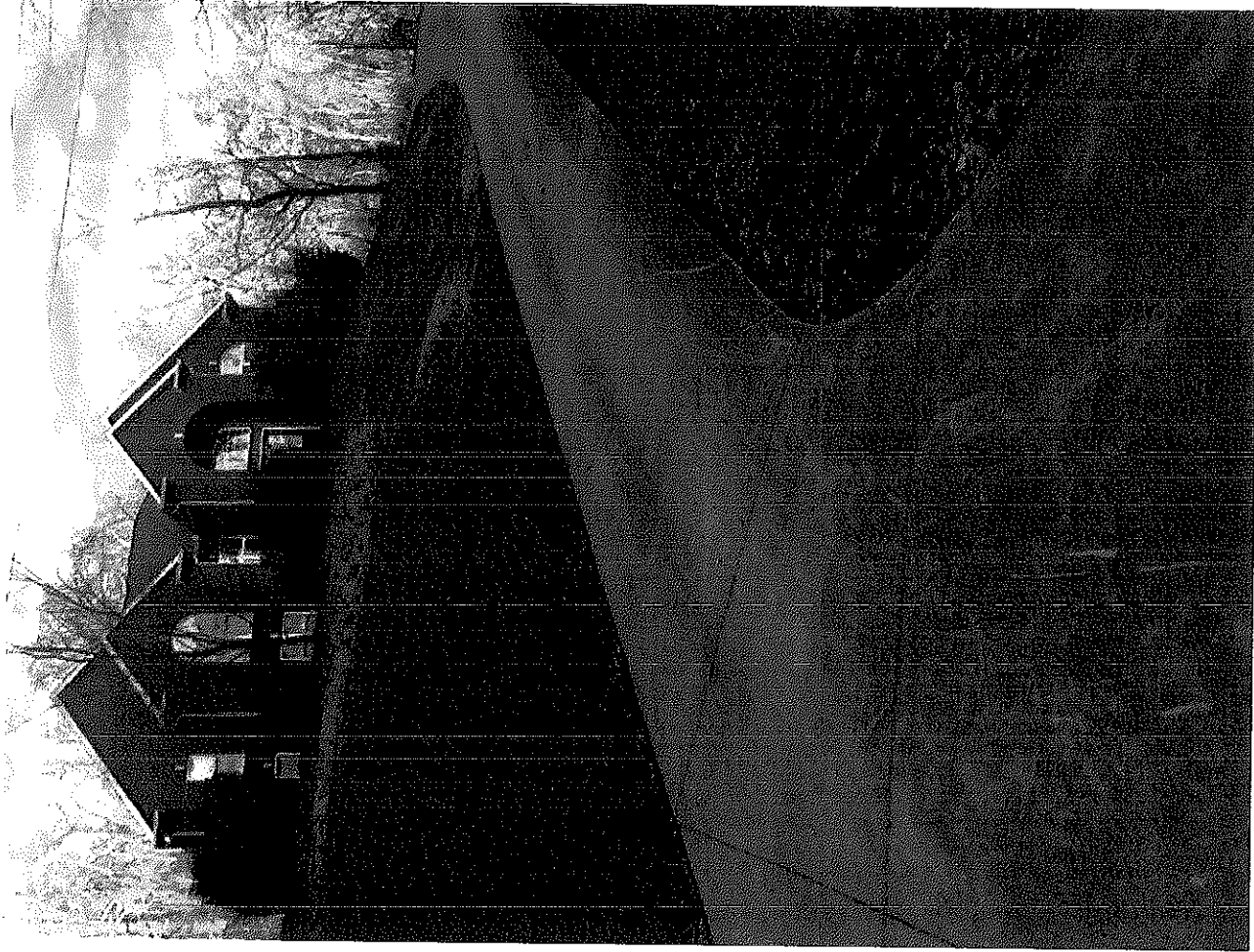
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4164 Creek Trail Drive

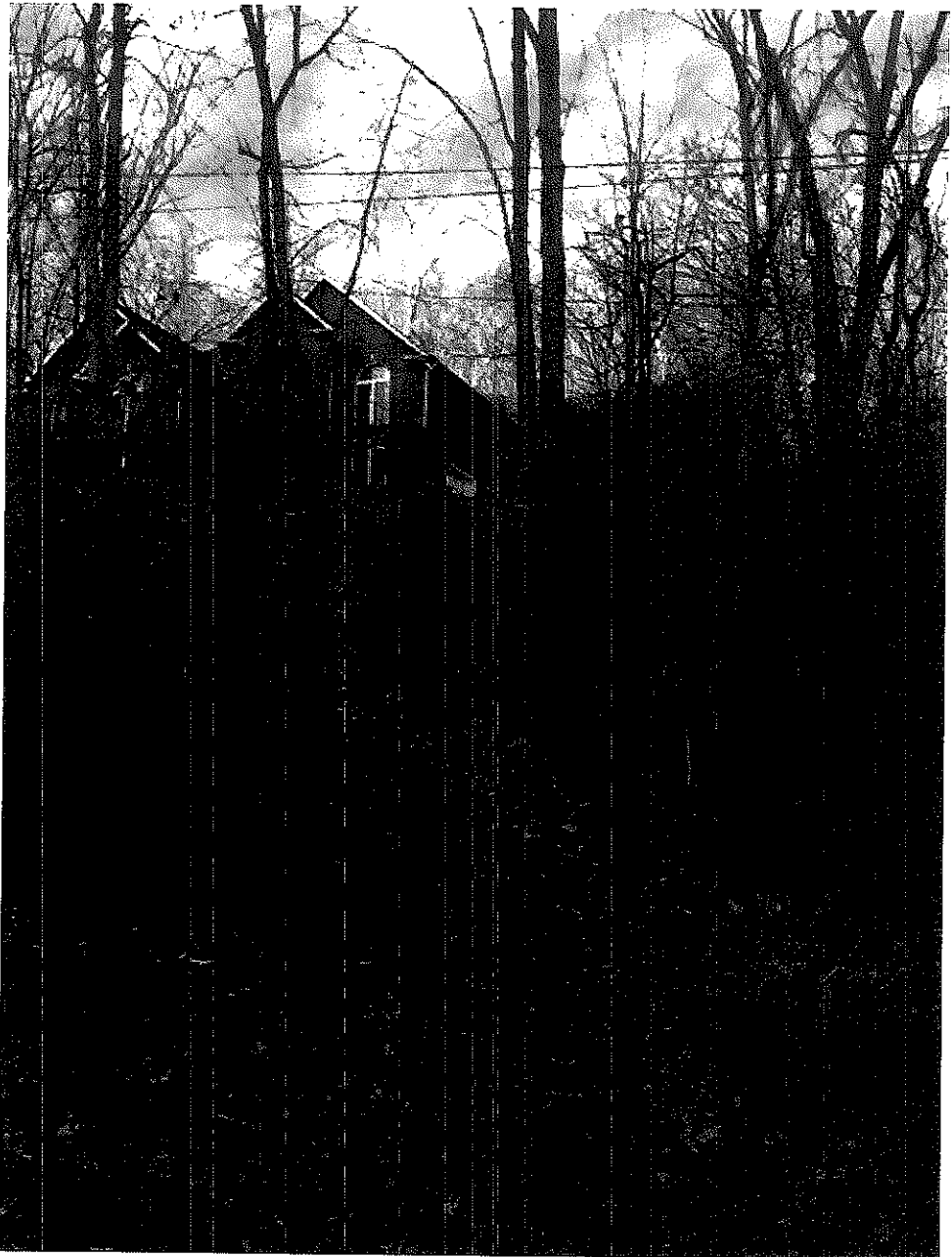
Sent from my iPhone



4176 Creek Trail Drive

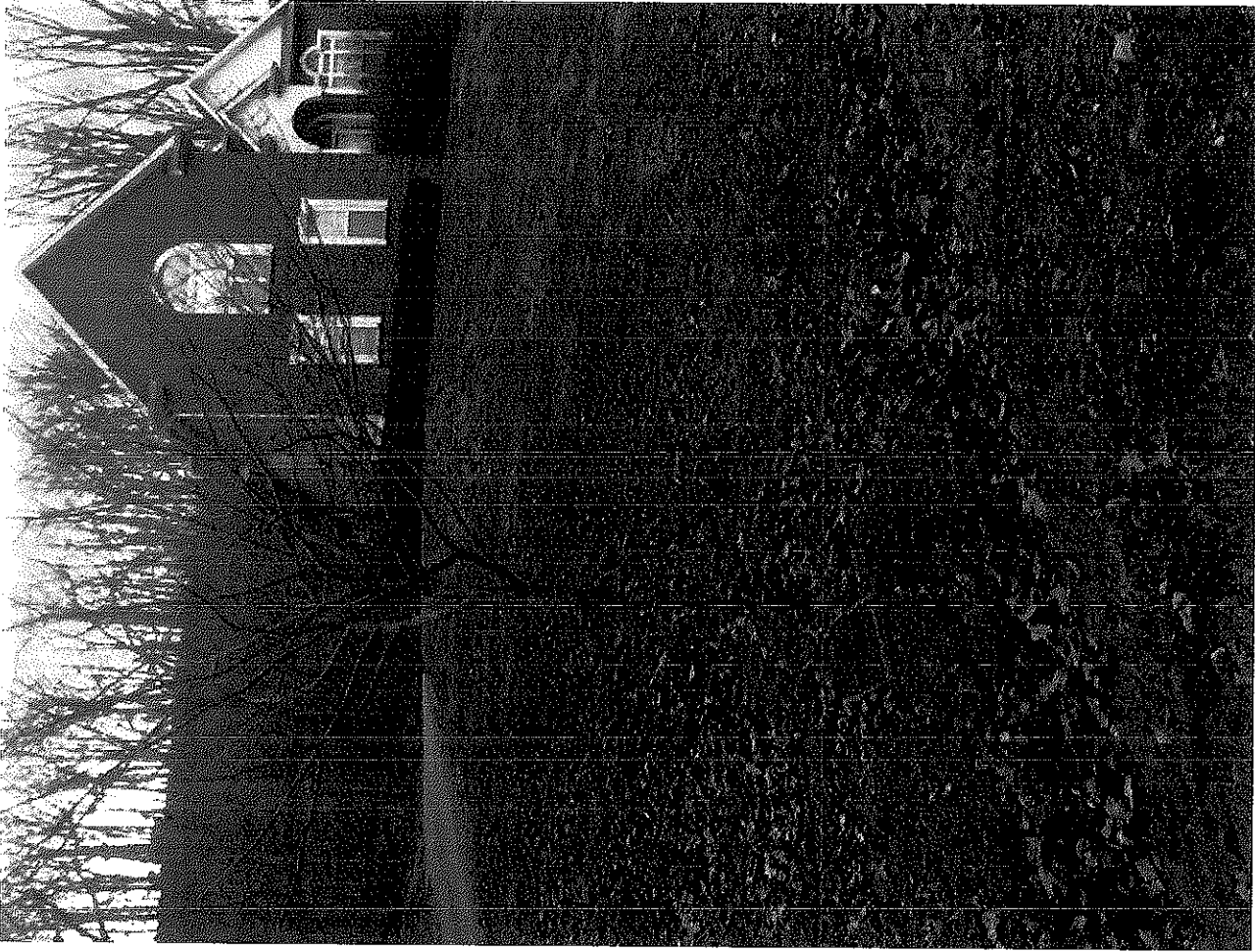
Sent from my iPhone





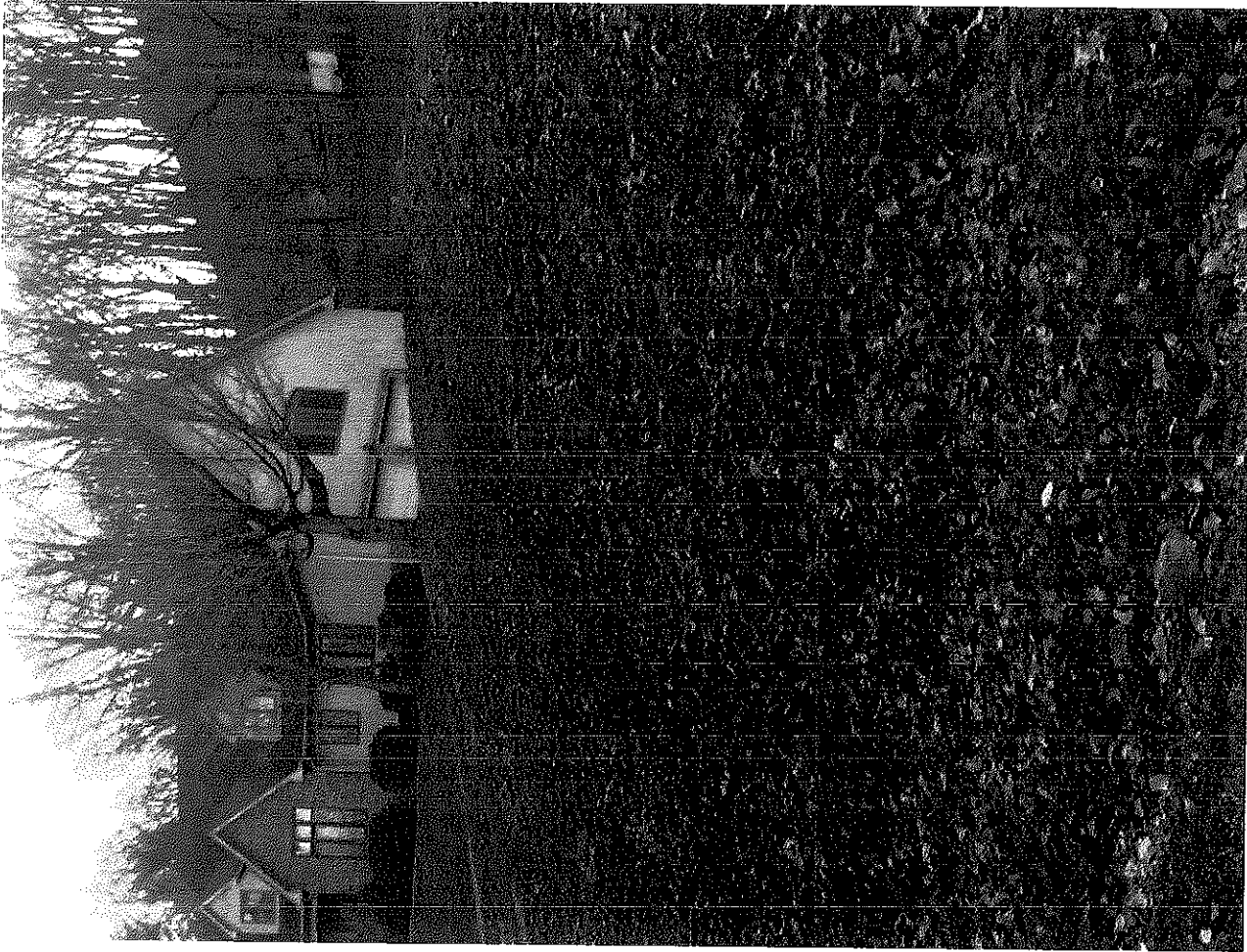
4176 Creek Trail Drive  
(SIDE)

Sent from my iPhone



4187 Creek Trail Dr

Sent from my iPhone



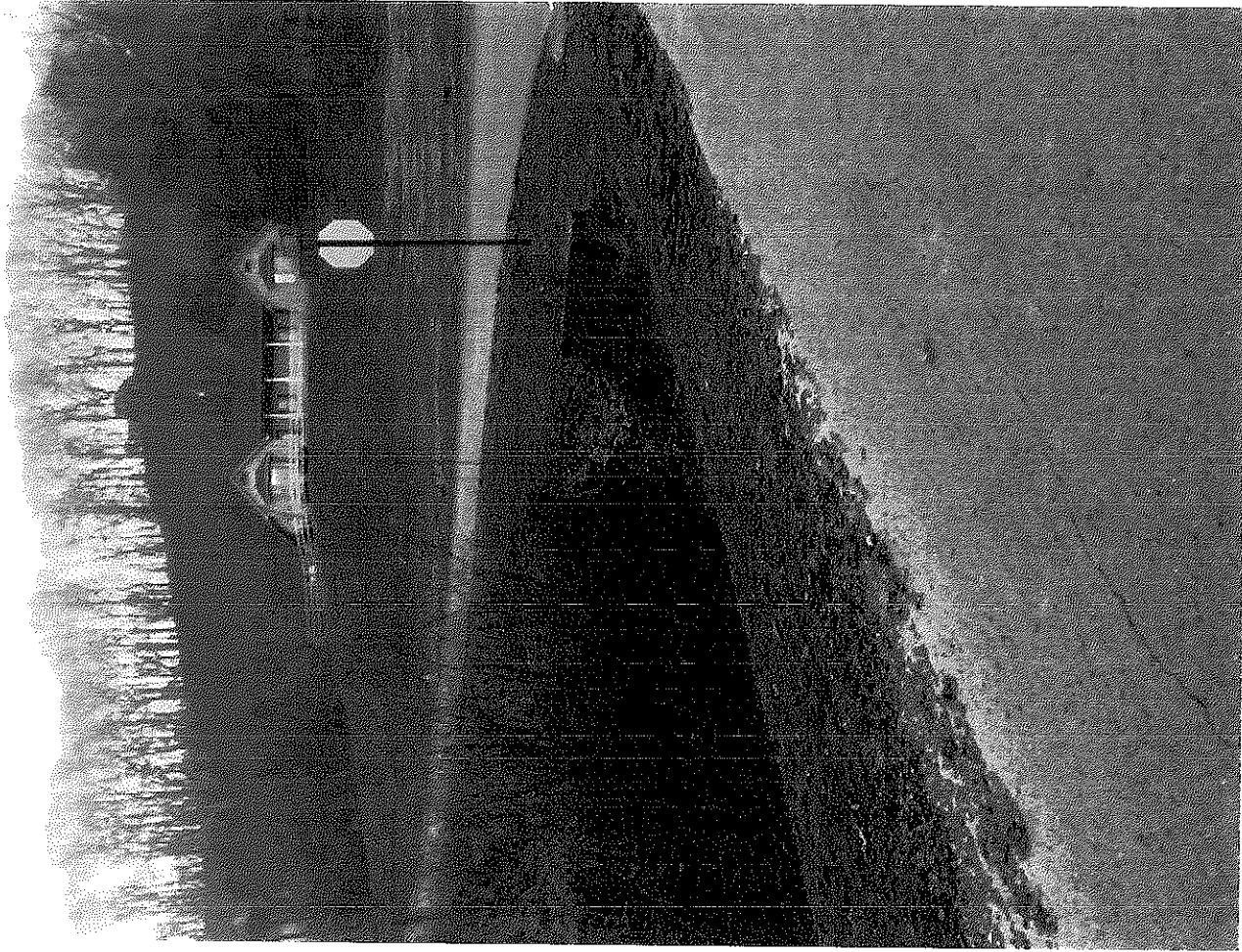
4191 Creek Trail Drive

Sent from my iPhone



Sent from my iPhone

4191 Creek Trail Drive



200 Aparna Court

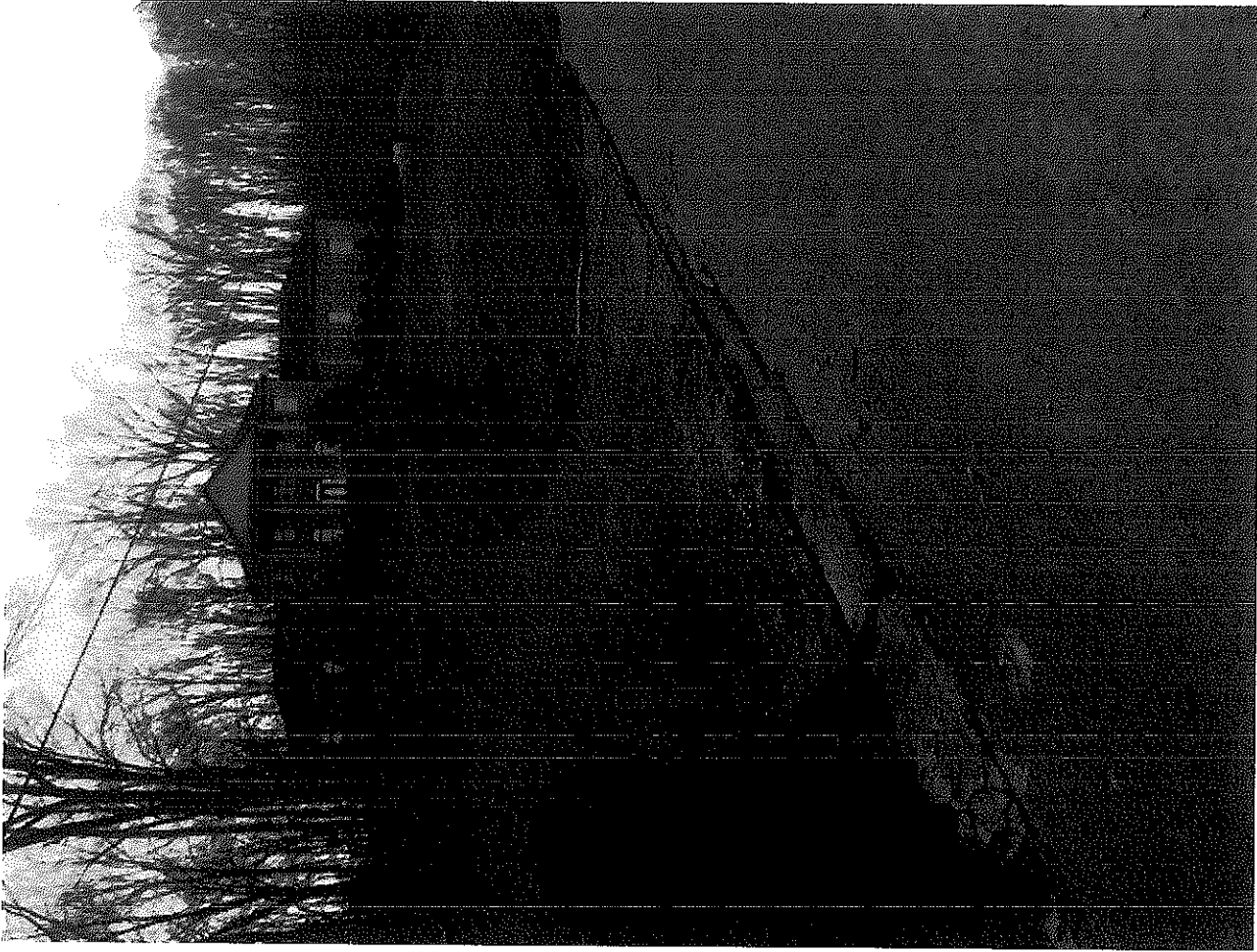
Sent from my iPhone





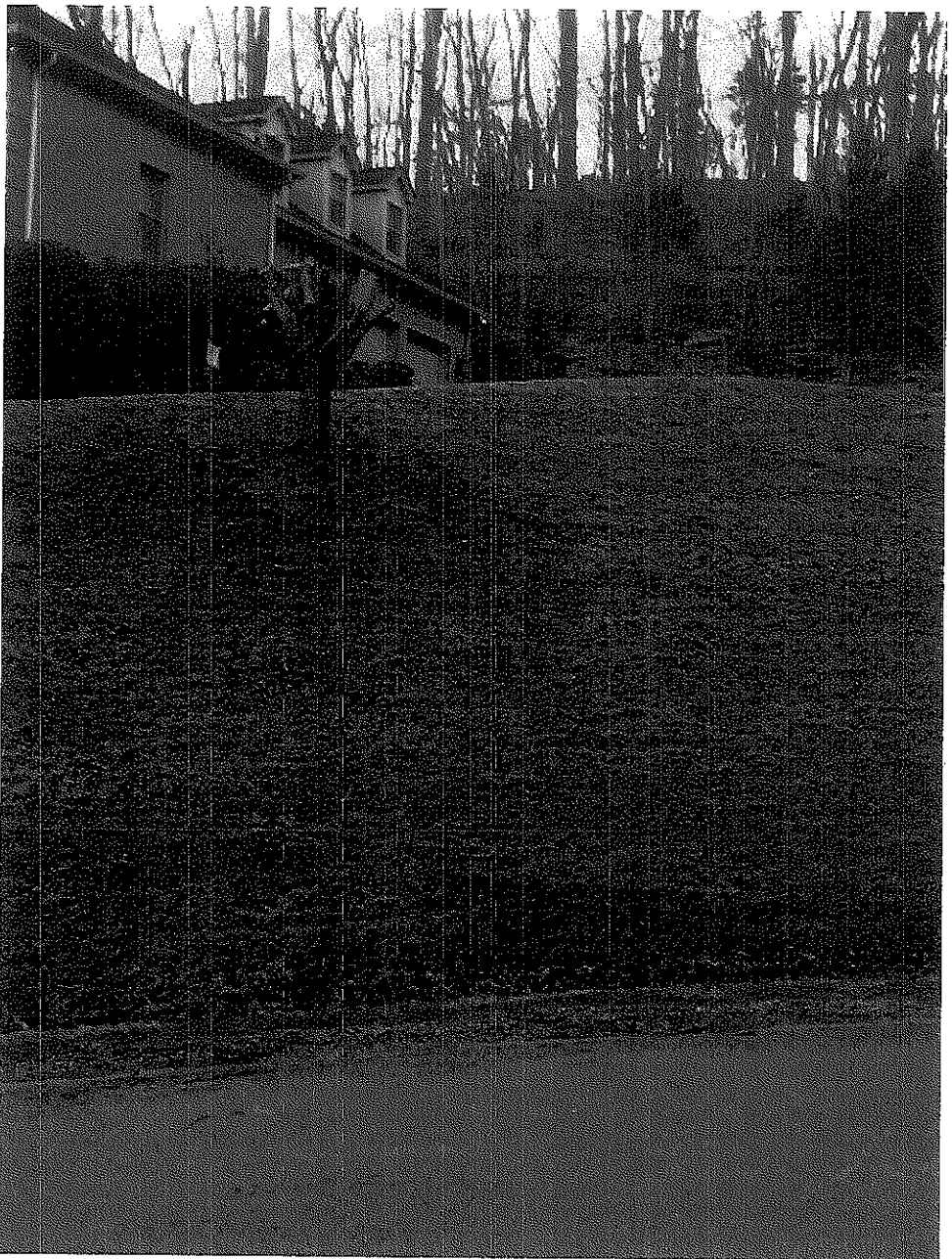
212 Aparna Court

Sent from my iPhone



209 Aparna Court

Sent from my iPhone



**209 Aparna Court**

(SIDE)

Sent from my iPhone





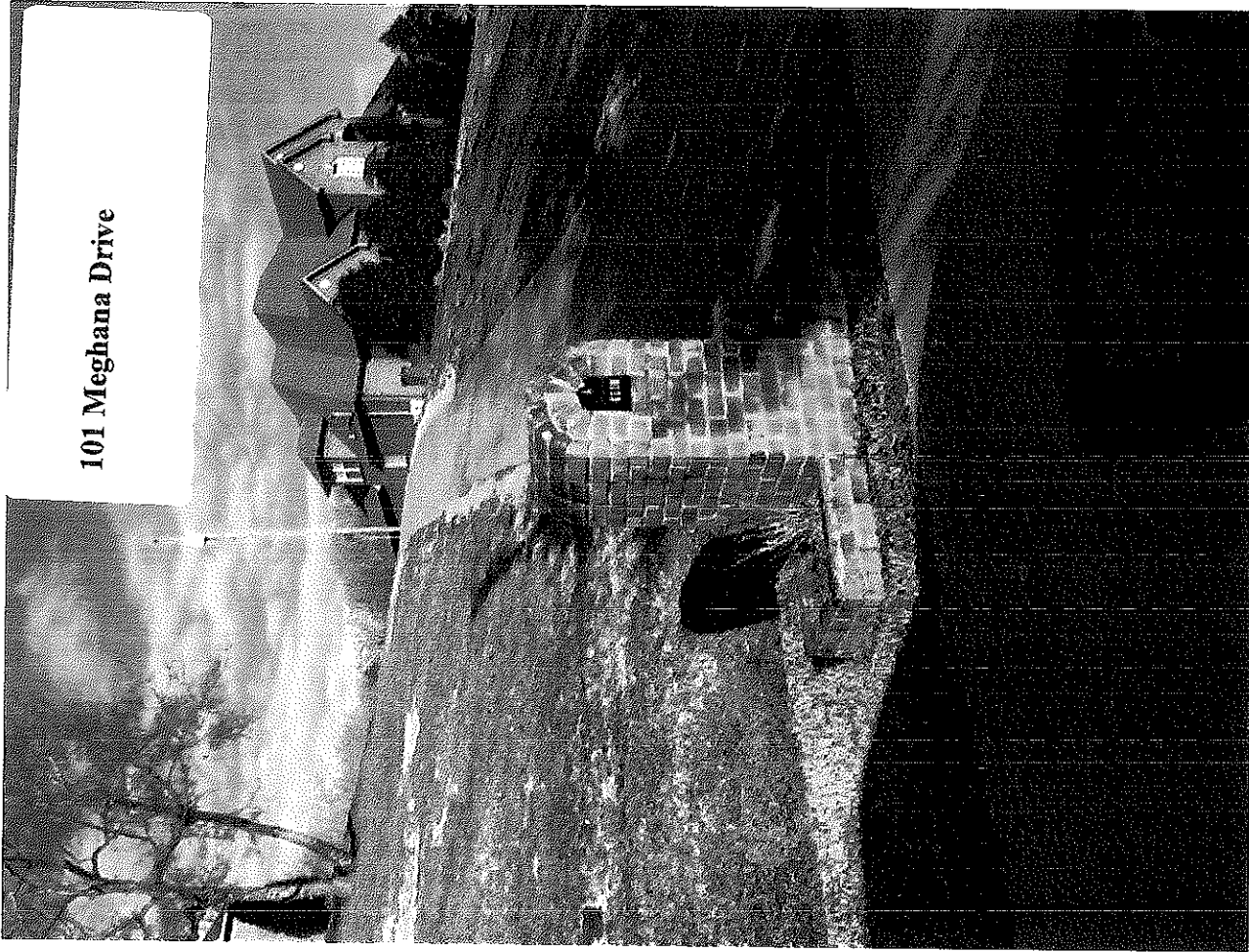
Sent from my iPhone

4175 Creek Trail Drive



Sent from my iPhone

4171 Creek Trail Drive



Sent from my iPhone

Sent from my iPhone



4116 Creek Trail Drive



4120 Creek Trail Drive

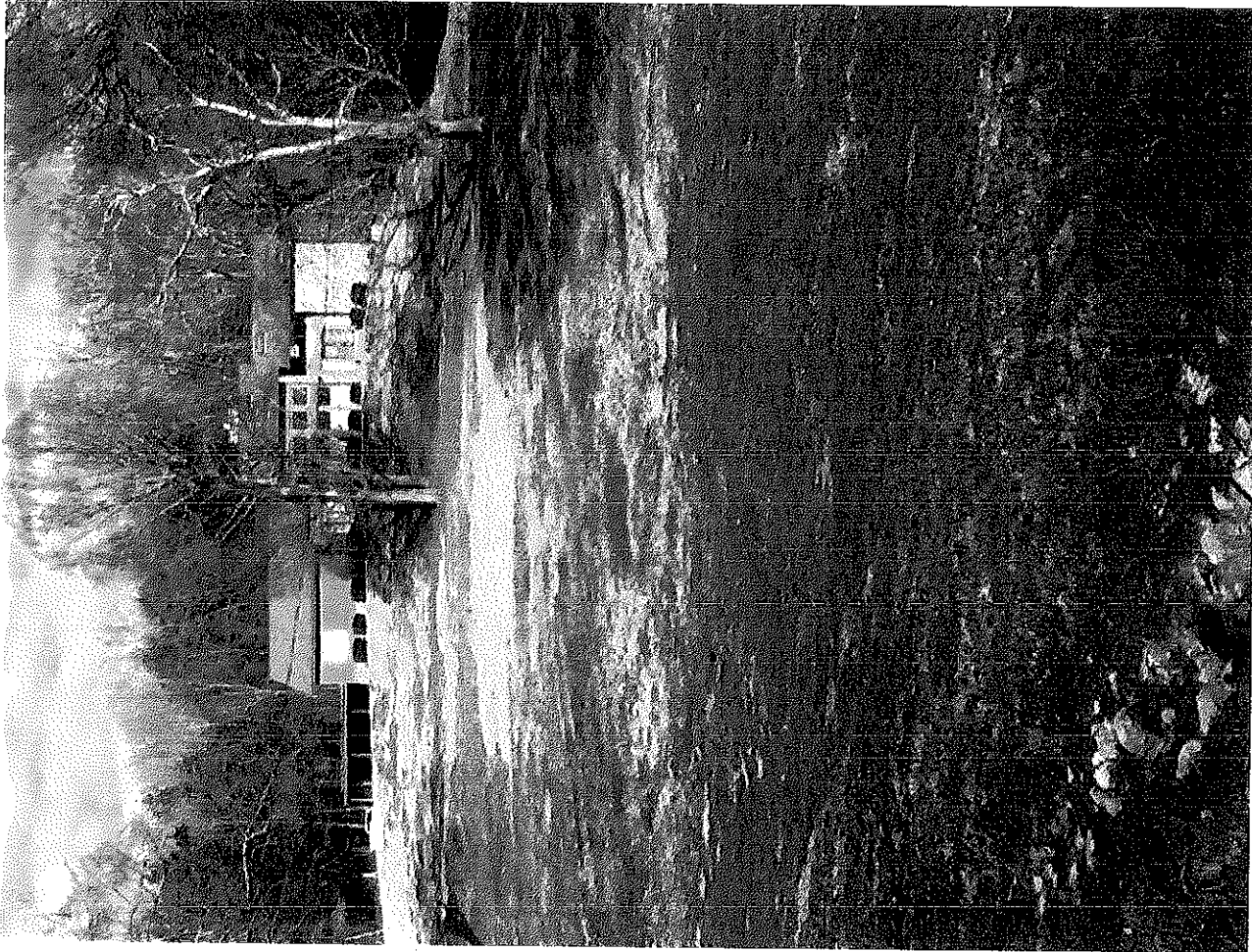
Sent from my iPhone





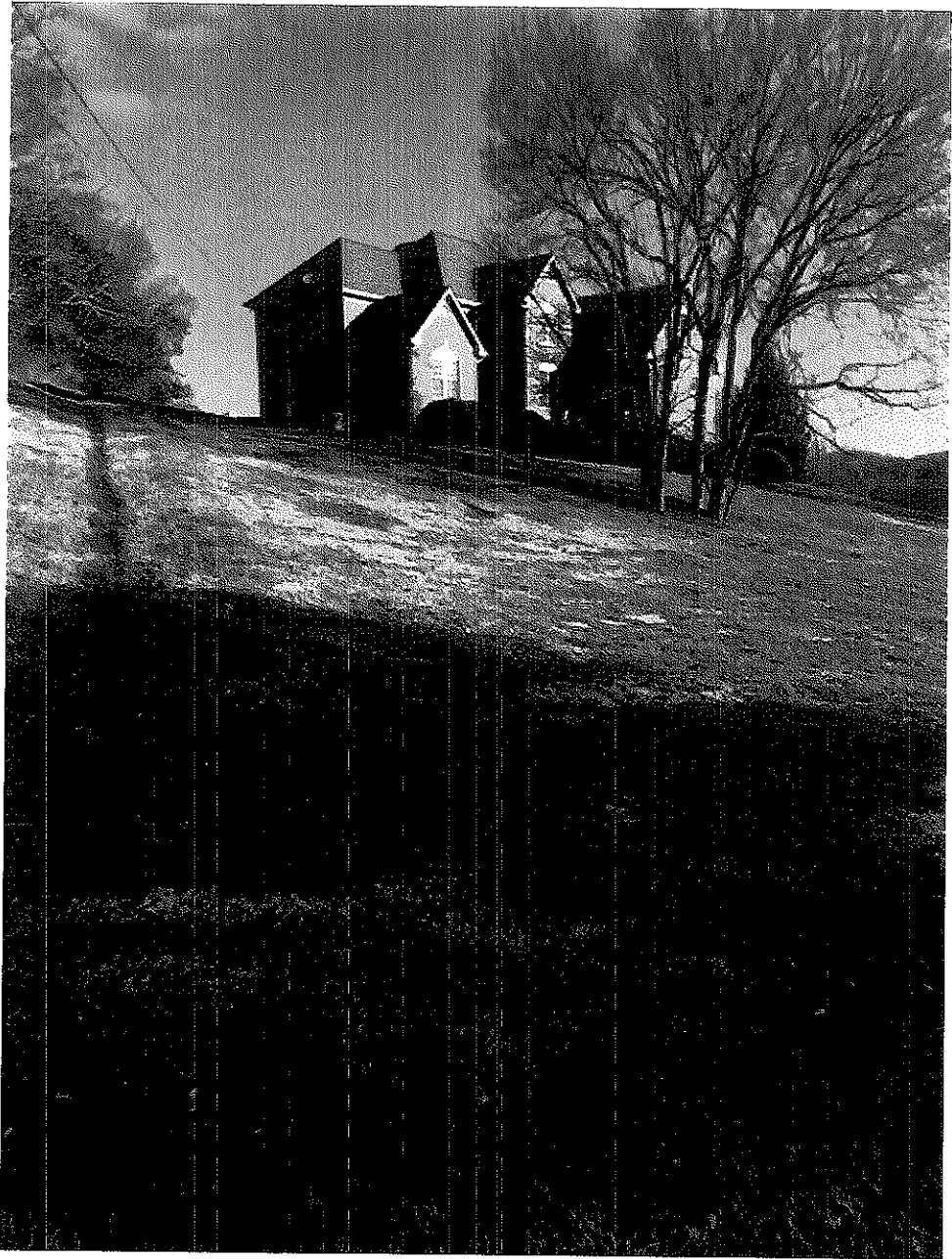
108 Meghana Drive

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

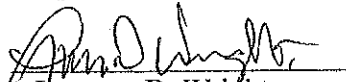
### Garage Modification:

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



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

Council District 33

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

Purpose: Chin Baptist Church new sanctaary

Activity Type: Religious Institution

Location: 5738 Cane Ridge Road, A

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

Reason: sidewalk variance

Section(s): 17.20.120

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

Dave Purser  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

2819 Columbine Place  
Address

5aw  
Address

Nashville, TN 37204  
City, State, Zip Code

City, State, Zip Code

615-943-8615  
Phone Number

Phone Number

dave@padpllc.com  
Email

Email

Appeal Fee: \_\_\_\_\_



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



3583991

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

PARCEL: 17400009100

APPLICATION DATE: 12/04/2018

**SITE ADDRESS:**

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

PARCEL OWNER: NASHVILLE CHIN BAPTIST CHURCH

CONTRACTOR:

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

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

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

---

***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

## APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530**

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



APPELLANT

Jonathan David Purser

PURSER ARCHITECTURE DESIGN

12/3/18  
DATE

### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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



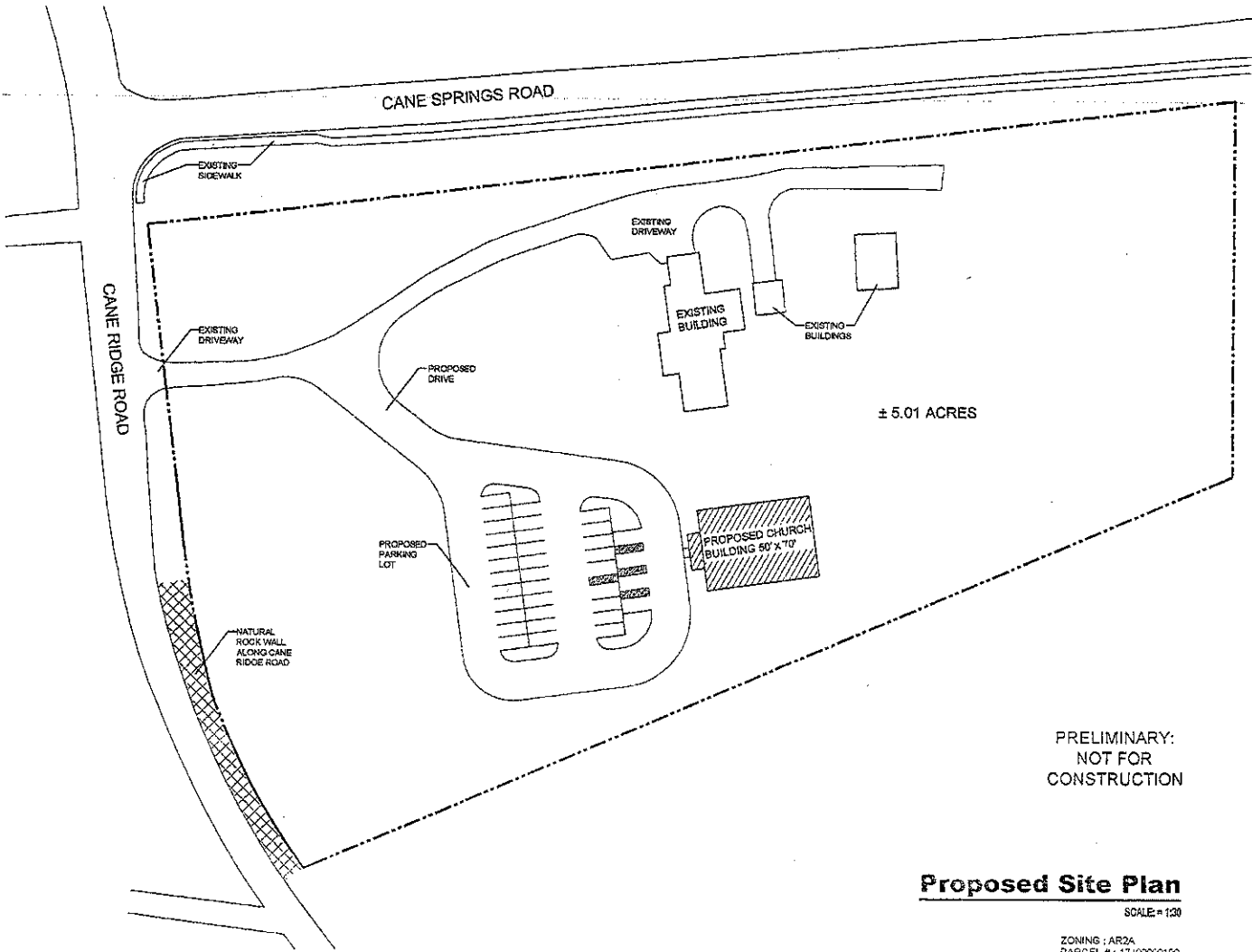
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

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



PRELIMINARY:  
NOT FOR  
CONSTRUCTION

**Proposed Site Plan**

SCALE = 1/320

ZONING : AR2A  
PARCEL # : 17-00009160

**PAD**

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

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



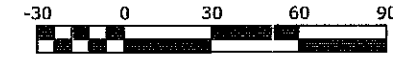
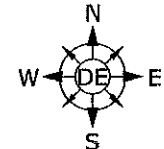
No. Revision/Issue	Date

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

Sheet Title & Number:  
Proposed Site Plan

A0.2

Case # 2019-033



Scale 1" = 30'  
Total Site Acreage: 5.01 Acres

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

**Owner**  
Nashville Chin Baptist Church  
1240 Baptist Highlands Dr  
Nashville, TN 37211

**Flood Note**  
No Portion of this Property is  
Located Within a Flood Hazard  
Area as Designated by "Zone  
X" on FEMA Map Number  
47037C0394H.  
Dated April 5, 2017

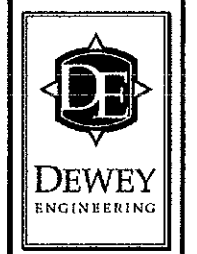
Revisions:

Drawing Notes:

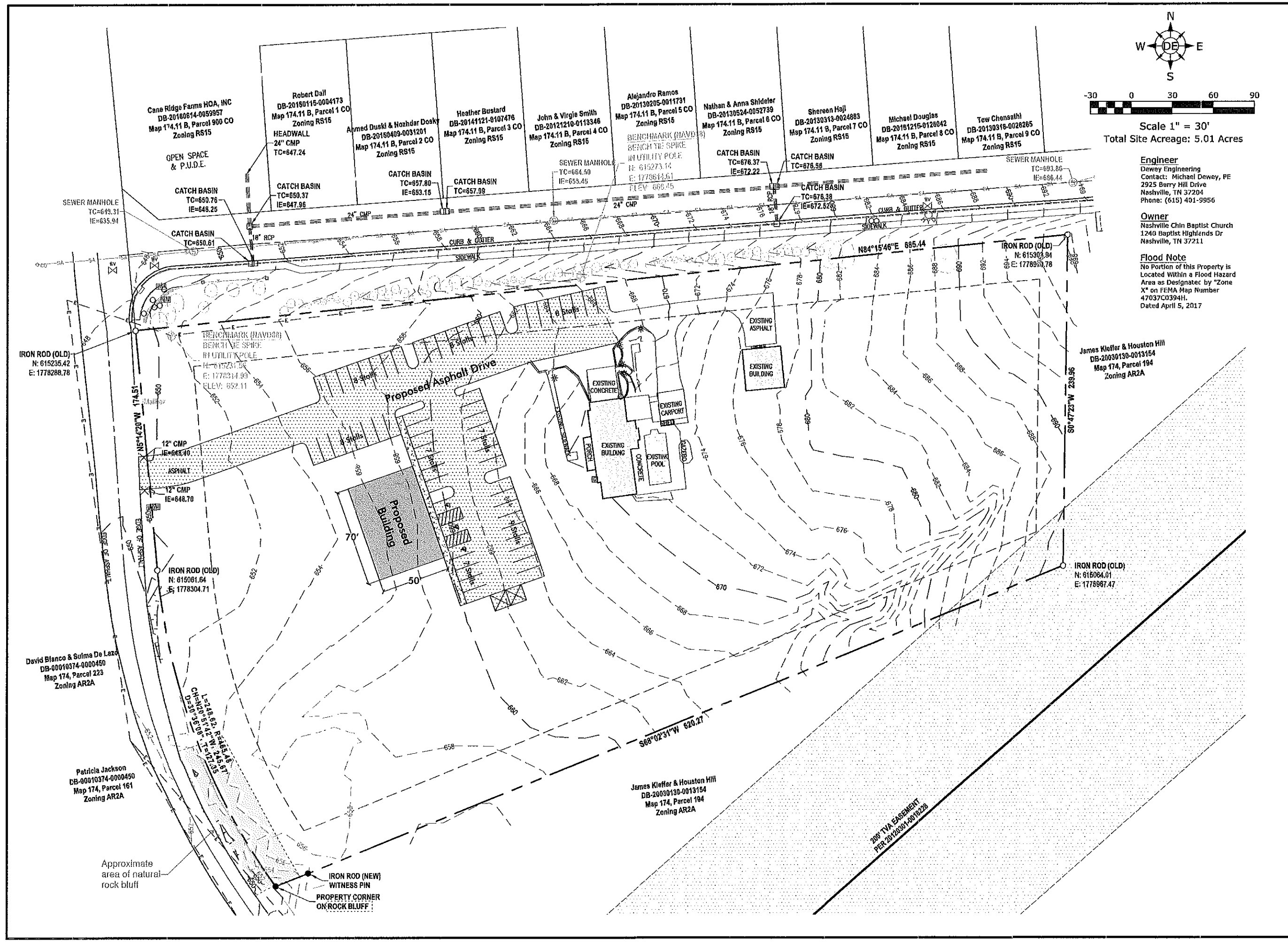
Date: December 18, 2018

# Chin Baptist Church

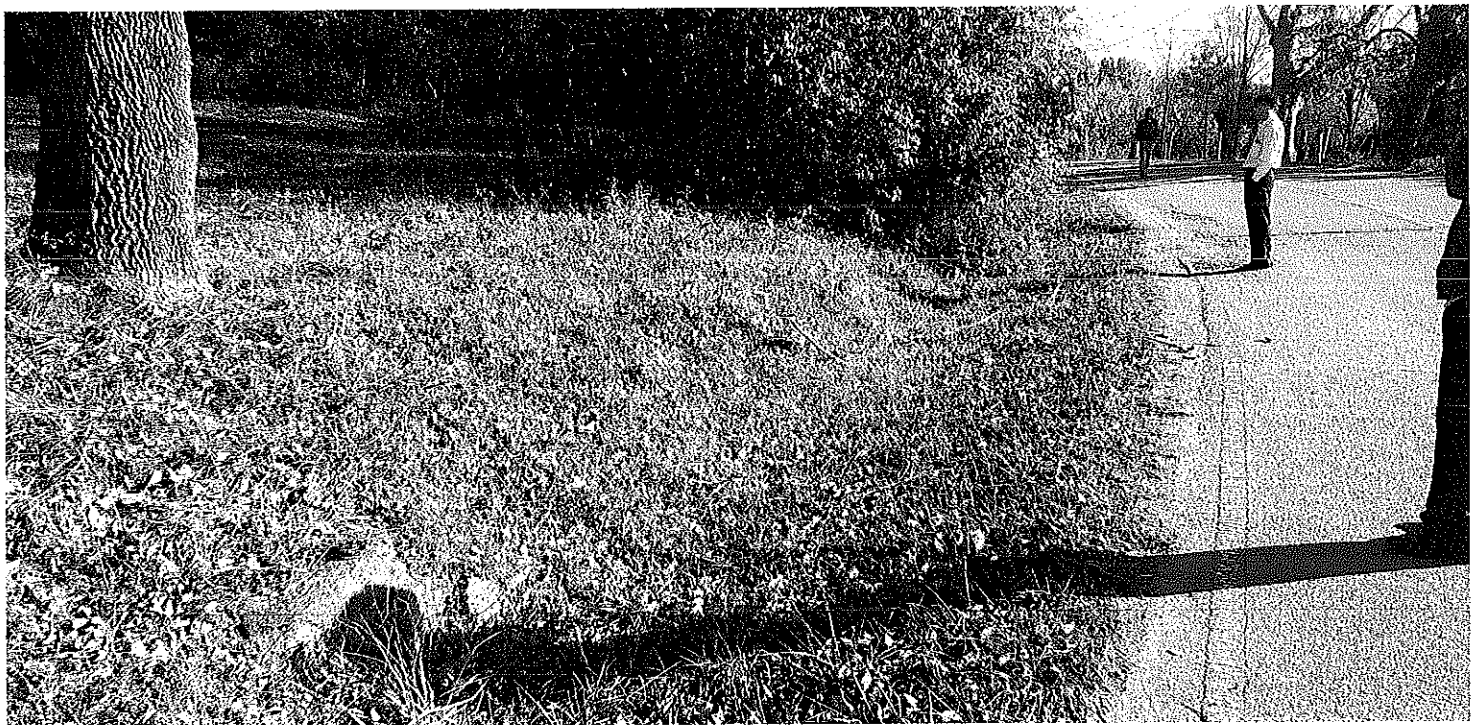
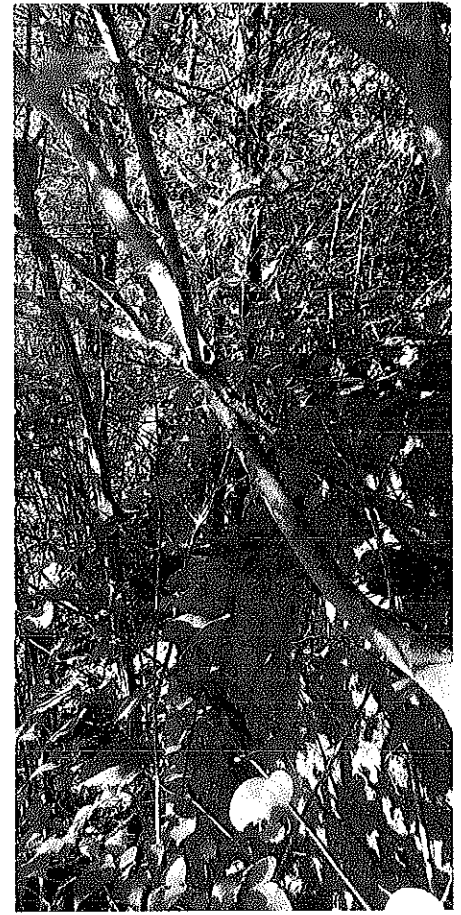
Tax Map 174, Parcels 91  
Nashville, Davidson County, Tennessee



Option A



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



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-033 (5738 Cane Ridge Road)

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

### Planning Staff Recommendation: *Approve with conditions.*

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

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

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

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



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



Appellant: SCOTT MORTON  
Property Owner: 22 DEVELOPMENTS  
Representative: \_\_\_\_\_

Date: 12/18/18  
Case #: 2019-054  
Map & Parcel: 2 PARCELS  
092150115.00  
092150120.00  
Council District 21

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

\*NO PERMIT APPLICATION STARTED\*

Purpose: SPECIAL EXCEPTION REQUEST  
1) REQUESTING TO ALLOW 7 STORIES IN BUILD-TO-SUITS (5 ALLOWED)  
2) REQUESTING REDUCTION OF STEEPACK, VARIES FROM 10 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@SMITHCOESTUDIO.COM  
Email

SAME  
Email

Appeal Fee: \_\_\_\_\_



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



**ZONING BOARD APPEAL / CAAZ - 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



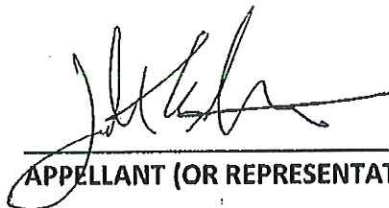
## SPECIAL EXCEPTION REQUEST

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 RESPONSIBILITIES 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

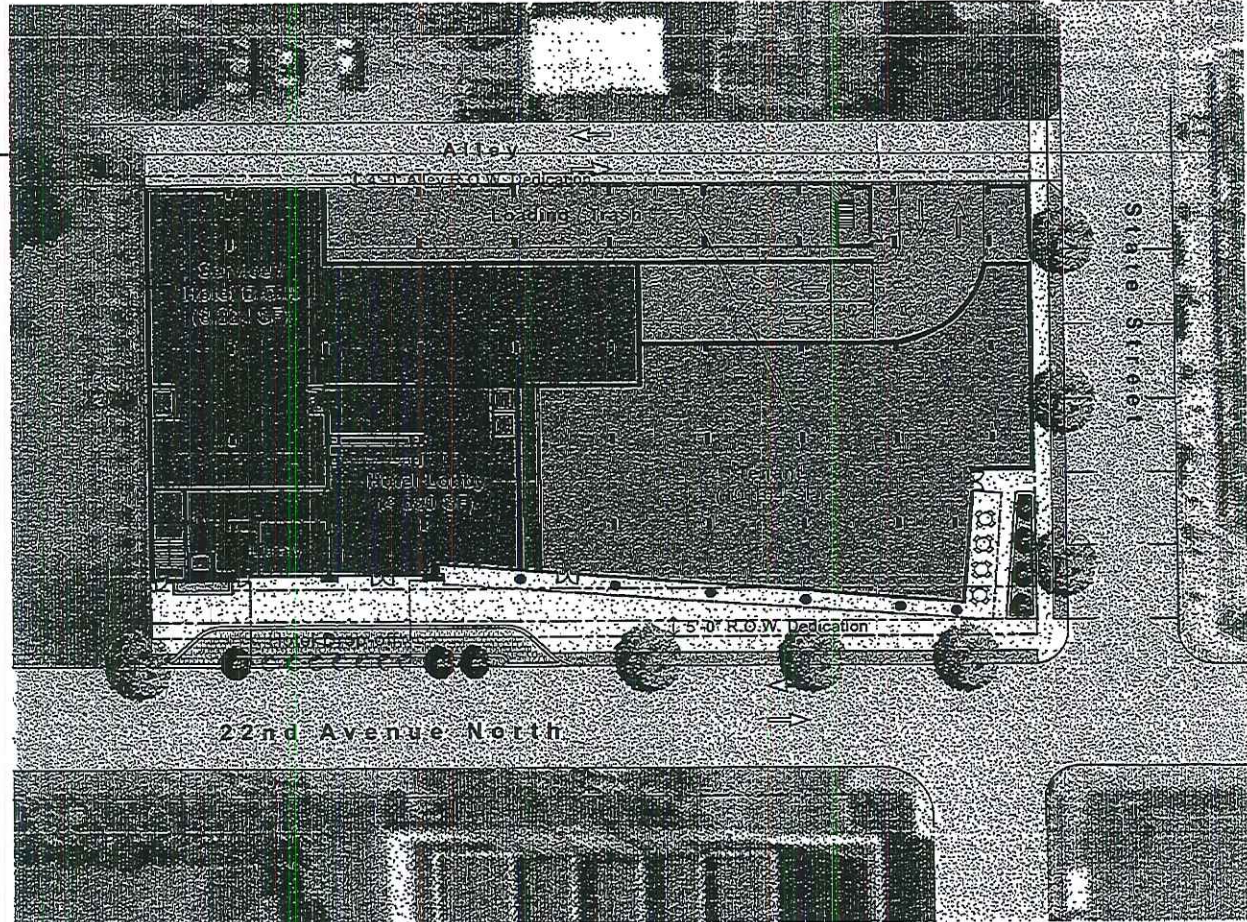


2019-054

22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
Level 3	30 Keys
Level 4	36 Keys
Level 5	36 Keys
Level 6	36 Keys
Level 7	30 Keys
Parking Required:	234 Spaces Total
Hotel (x1 / Key)	168 Spaces
Employee (x1 / 4 Emp.)	5 Spaces
Commercial (x1 / 150sf)	61 Spaces
(Restaurant)	
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.



December 18, 2018

Floor Plan - Ground Level  
**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

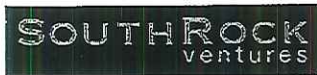
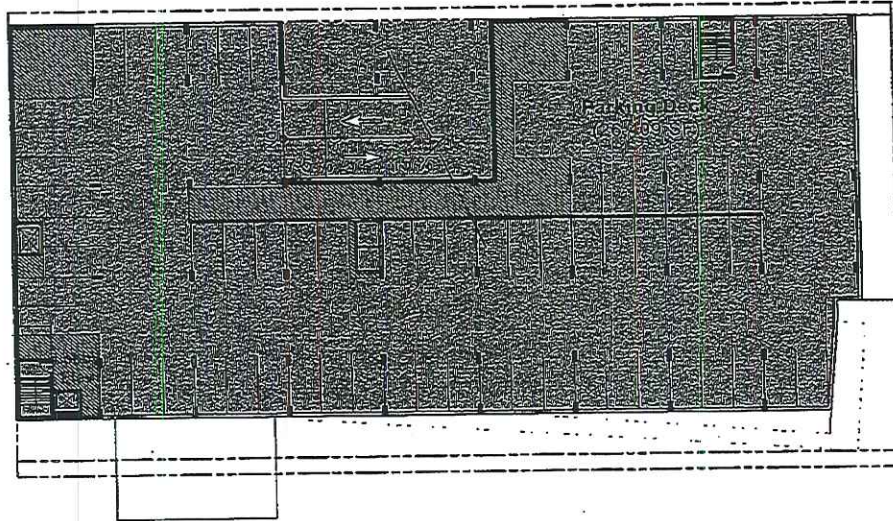
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22nd and STATE - BZA APPLICATION

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

\*One legal on-street parking space can be substituted for 3/4 of every required off-street parking space provided the on-street space is located on a public right-of-way immediately abutting the property or tenant space seeking the parking immediately abutting the property.



December 18, 2018

Floor Plan - Level 2 Parking

22ND AND STATE MIXED-USE  
Nashville, Tennessee

SGS #18127.00



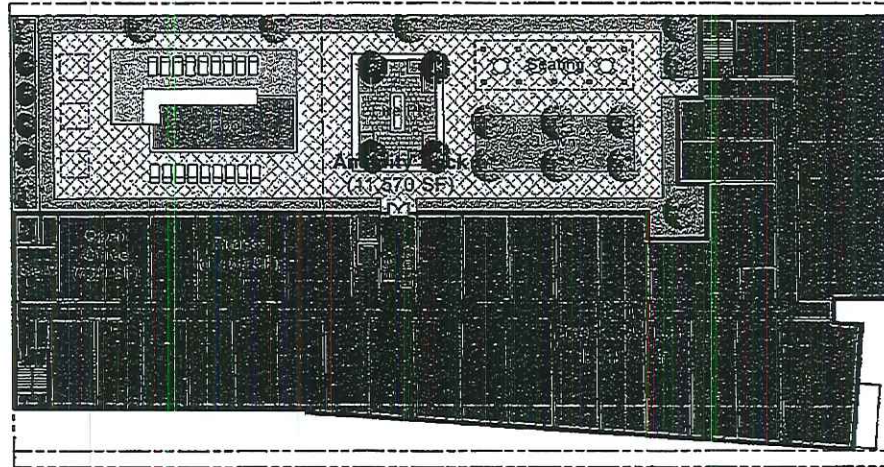
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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
Hotel:	168 Keys Total
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Floor Plan - Hotel Level 3



December 18, 2018

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Nashville, Tennessee

SGS #18127.00

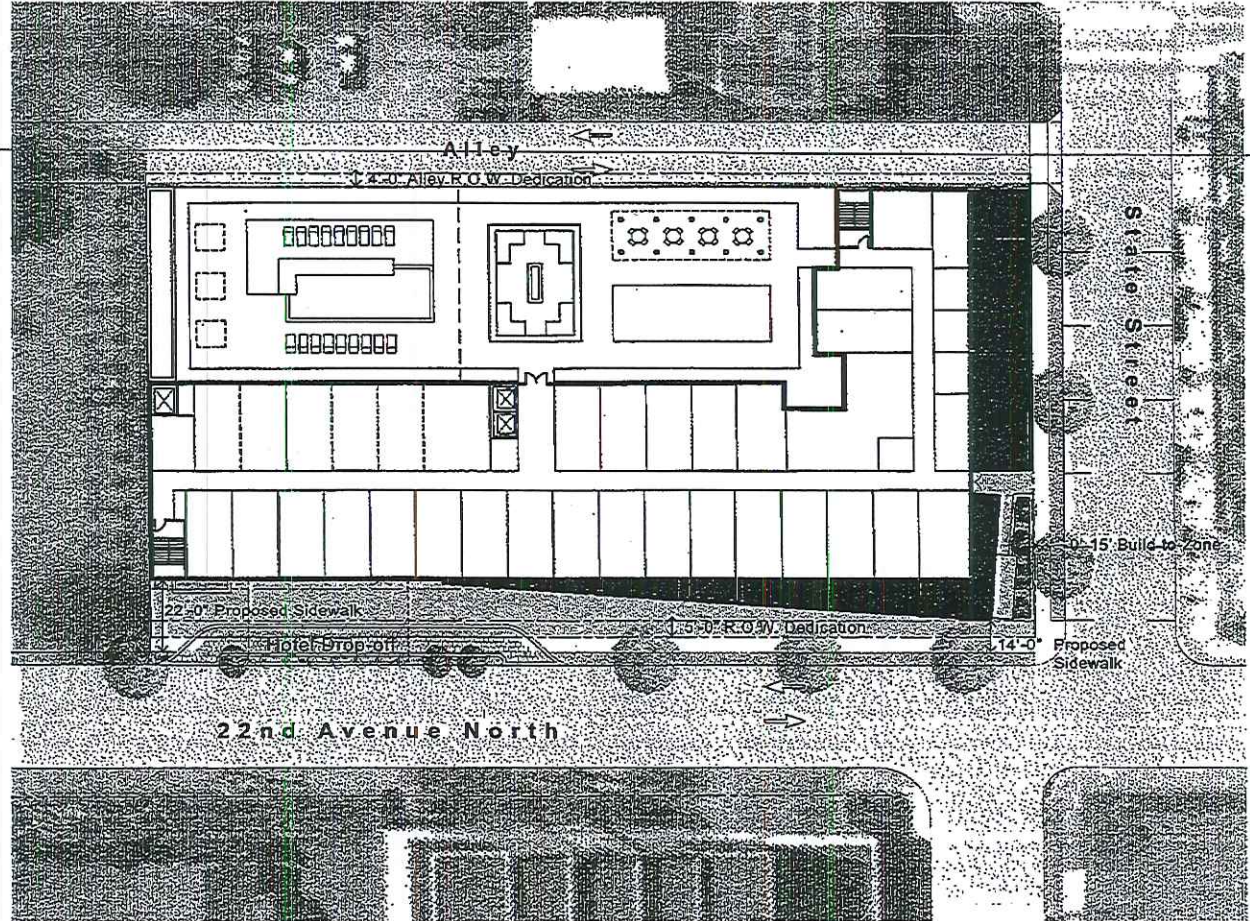


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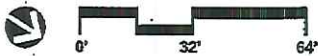


22nd and STATE - BZA APPLICATION



**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

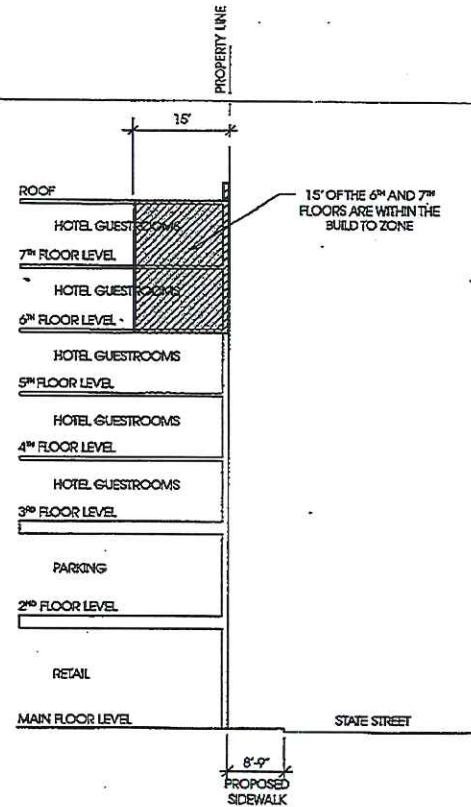
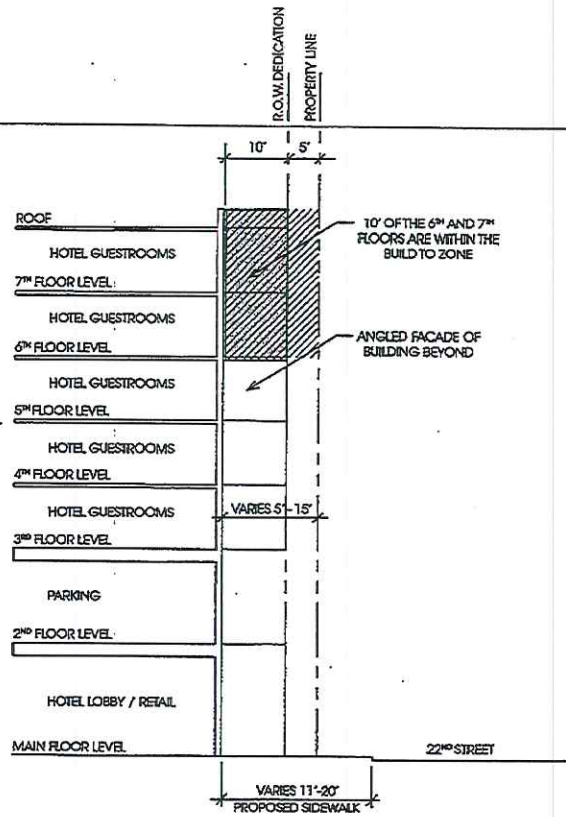
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22nd and STATE - BZA APPLICATION



 Portion of building encroaching within 15 ft. building setback



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

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22nd and STATE - BZA APPLICATION

PARKING REQUIRED PER CODE

USE	CODE REQUIREMENT	PROVIDED	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
<b>TOTAL PROVIDED</b>			<b>70 spaces</b>	



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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REQUEST FOR ZONING SPECIAL EXCEPTION

# 22nd and State



**SMITHGEESTUDIO**

**Request 1**    **Reduce hotel parking requirement to reflect current market demand.**

**Request 2**    **Reduce the upper floor stepback for floors 6 and 7.**





LEGEND	
	Premier Managed Parking 168 spaces
	Non Premier Managed Parking 100+ spaces

- 1. 22nd and State Lot - 209 22nd Ave N - 90 spaces**  
 Current - 50 spaces available  
 Proposed - 90 space available  
 0 monthly parkers  
 Average transient occupancy during Q4 2018 = less than 5%
- 2. Café Coco Lot - 210 Louise Ave - 42 spaces**  
 7 monthly parkers  
 Average transient occupancy during Q4 2018 = less than 10%

- 3. Plastics Lot - 204 23rd Ave N - 24 spaces**  
 After hours only  
 0 monthly parkers  
 Average transient occupancy during Q4 2018 = 0%
- 4. Barbershop Lot - 2115 Elliston Place - 12 spaces**  
 0 monthly parkers  
 Average transient occupancy during Q4 2018 = 50%

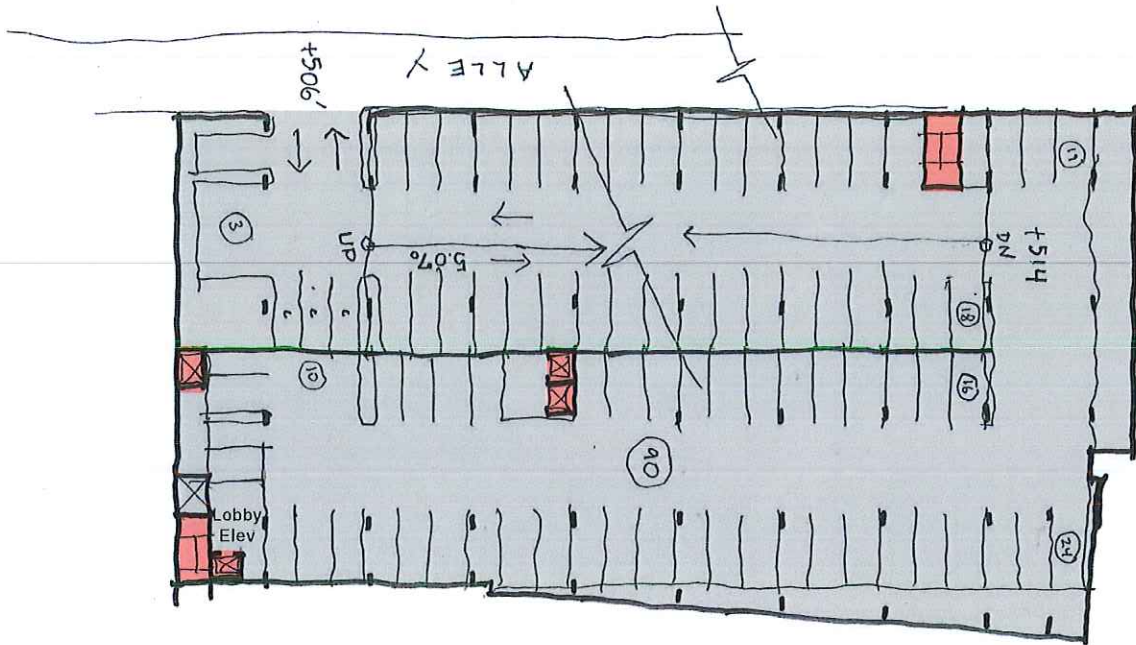
SHARED PARKING DEMAND STUDY

*\*Average drive-up based on both peak and non-peak demand.*

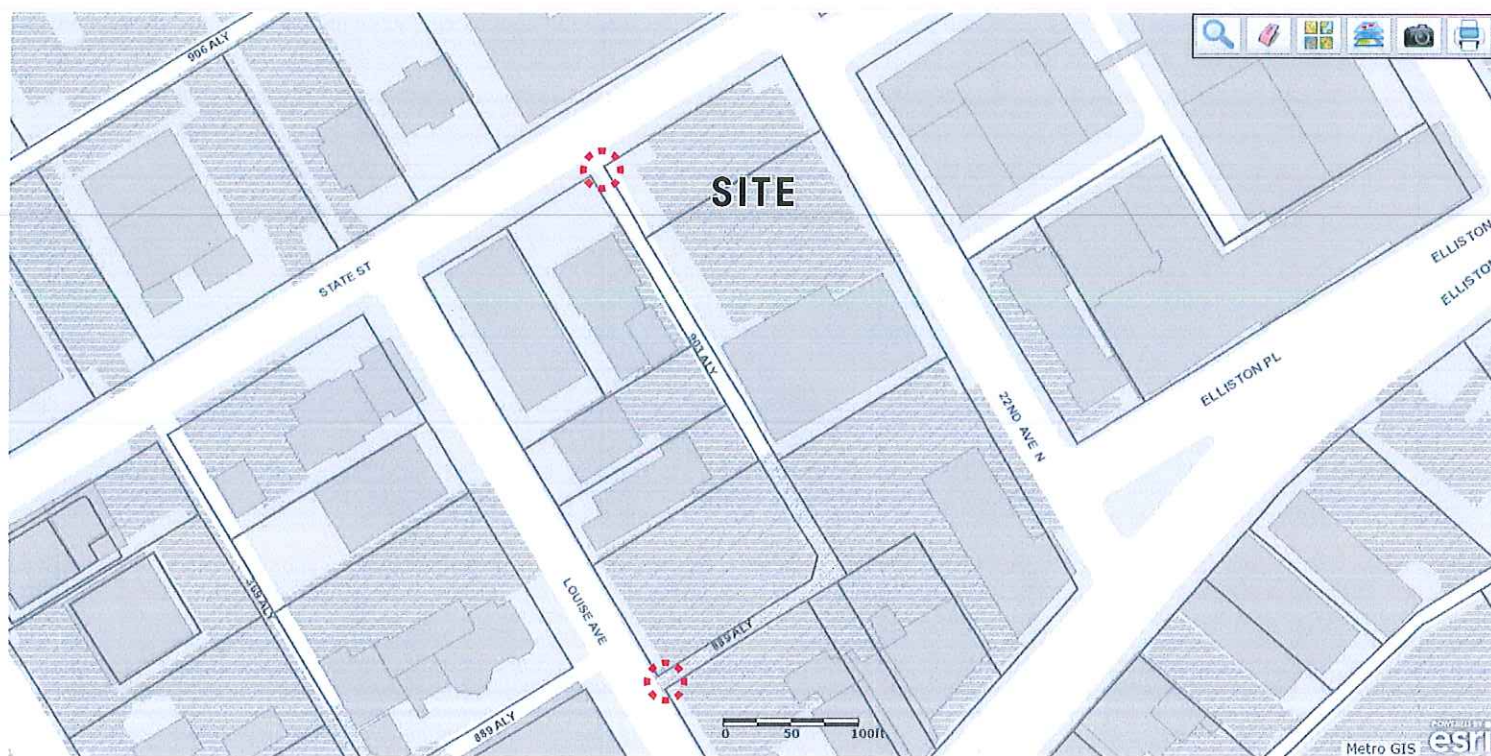
<u>DRIVE UP</u>	<u>HOTEL</u>
27%	KIMPTON AERTSON
26%	21c NASHVILLE
23%	HUTTON
21%	INDIGO
20%	THOMPSON NASHVILLE
23.4%	AVERAGE
23%	22ND & STATE - DEMAND

Average Hotel Occupancy: 90%







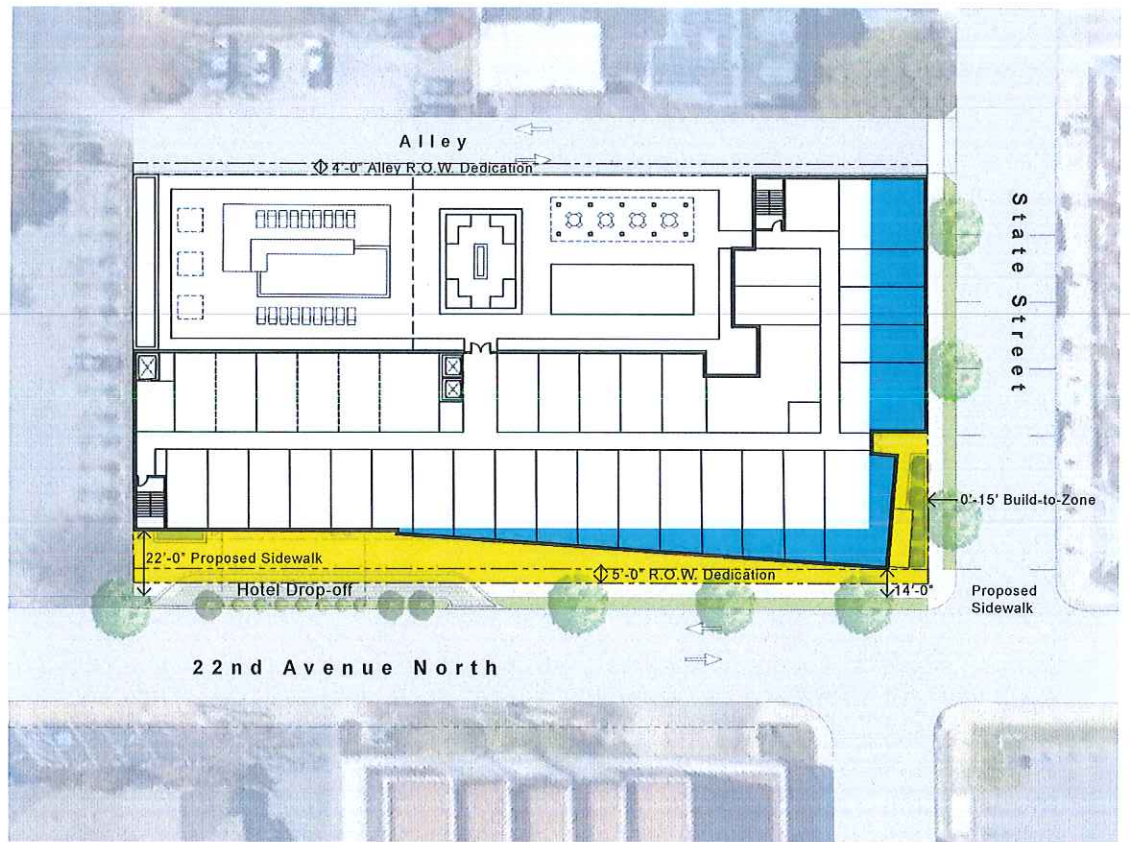


Metro GIS Map of Surrounding Context

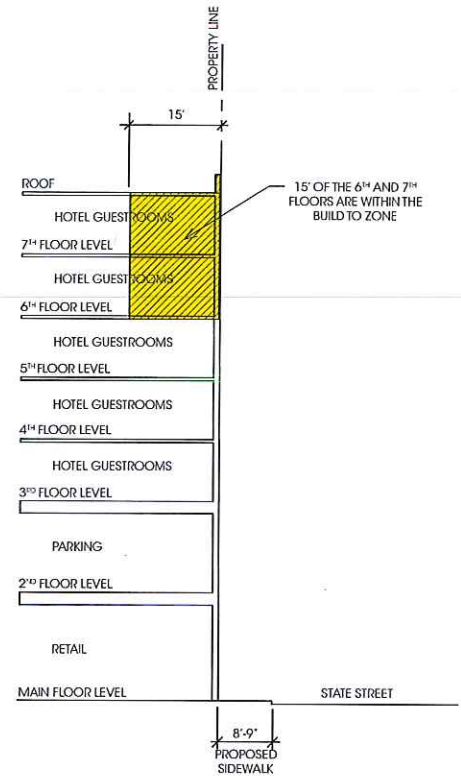
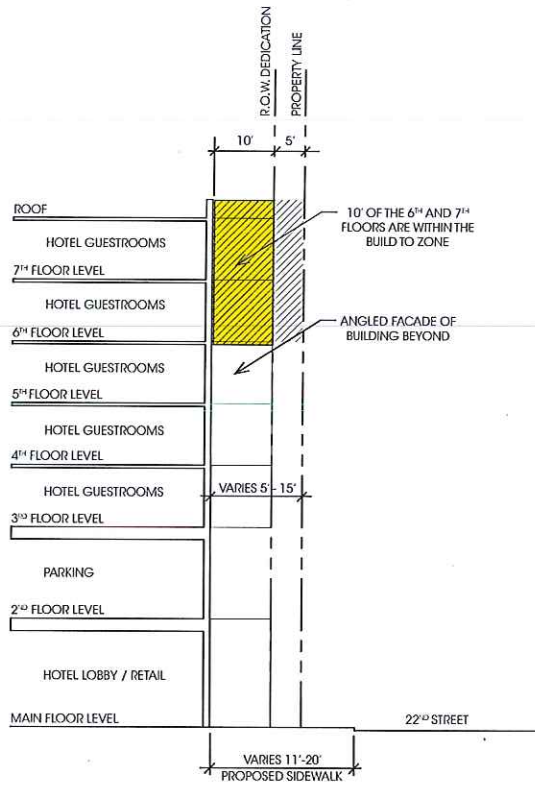


## PARKING REQUIRED PER CODE

USE	CODE REQUIREMENT	PROGRAM	ZONING REQUIREMENT
Hotel - guests	1 per guestroom	168 Keys	168 spaces
Hotel - employees	1 per 4 employees	20 employees	5 spaces
Tenant 1 - Restaurant (Full Service)	1 per 150 SF above 1k SF	3,000 SF	13 spaces
Tenant 2 - General Retail	1 per 200 SF above 2k SF	3,000 SF	5 spaces
Tenant 3 - General Retail	1 per 200 SF above 2k SF	3,400 SF	7 spaces
Tenant 4 - General Retail	1 per 200 SF above 2k SF	1,600 SF	0 spaces
Sub-total Required by Zoning			198 spaces
Urban Zoning Overlay Parking Reductions	Per Zoning Code 17.20.040E the project qualifies for parking reductions by Transit, Pedestrian Access, and Contextual Front Setbacks		25% reduction of 50 spaces
<b>TOTAL REQUIRED BY ZONING (W/ REDUCTION)</b>			<b>148 spaces</b>
PARKING STUDY RECOMMENDATION			77 spaces
TOTAL PROVIDED			90 spaces*
			* Asking for 39% reduction of 58 net spaces



Special Exception Request #2  
Reduction to Building Stepback Required for 6th & 7th Stories



 Portion of building encroaching within 15 ft. building setback

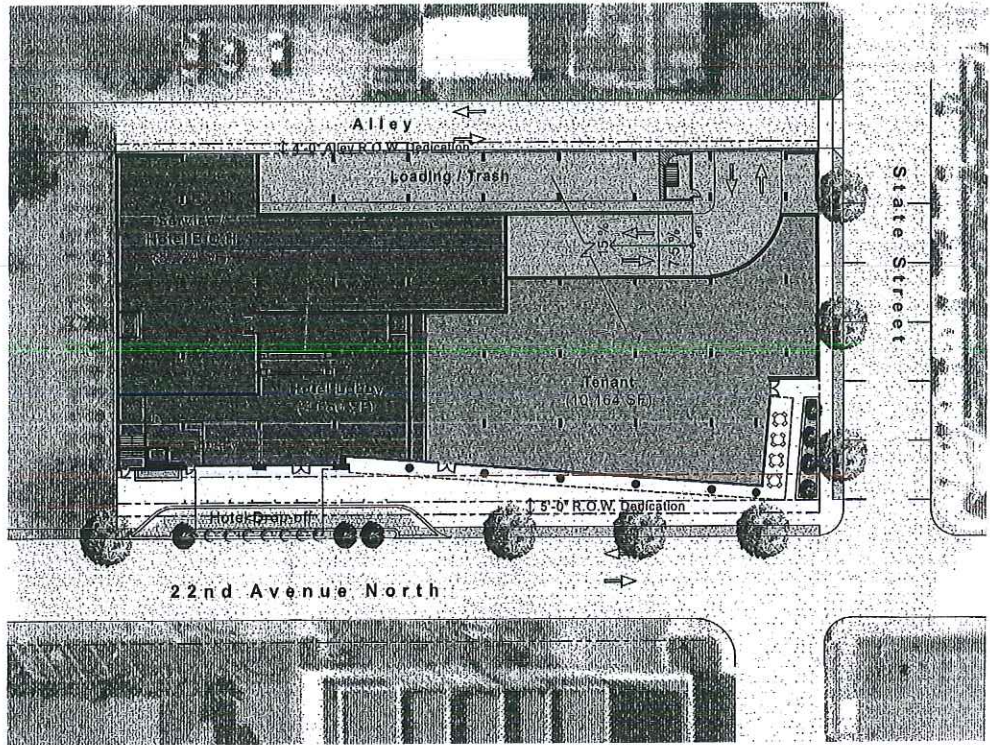
Street Section Diagrams



22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
Commercial:	10,164 SF
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(Restaurant)	
Parking Provided:	70 Spaces Total
P2	68 Spaces
On-street	02 Spaces*

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Floor Plan - Ground Level



December 18, 2018

22ND AND STATE MIXED-USE  
Nashville, Tennessee

SGS #18127.00



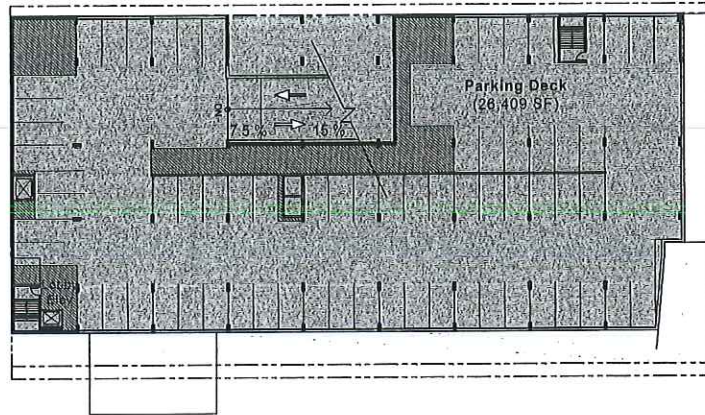
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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
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Floor Plan - Level 2 Parking



December 18, 2018

22ND AND STATE MIXED-USE  
Nashville, Tennessee

SGS #18127.00



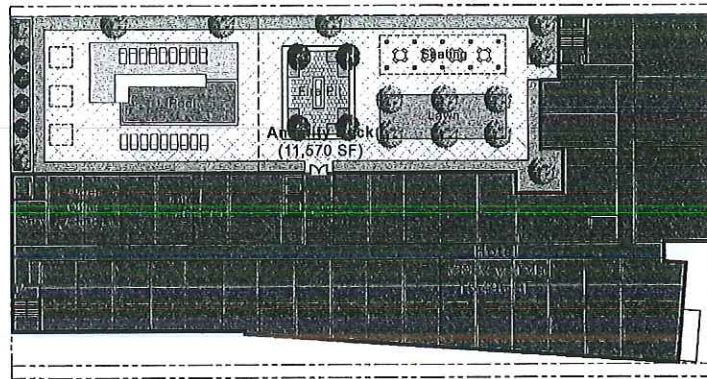
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22nd and STATE - BZA APPLICATION

DEVELOPMENT SUMMARY	
<b>Commercial:</b>	<b>10,164 SF</b>
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Floor Plan - Hotel Level 3



December 18, 2018

22ND AND STATE MIXED-USE  
Nashville, Tennessee

SGS #18127.00

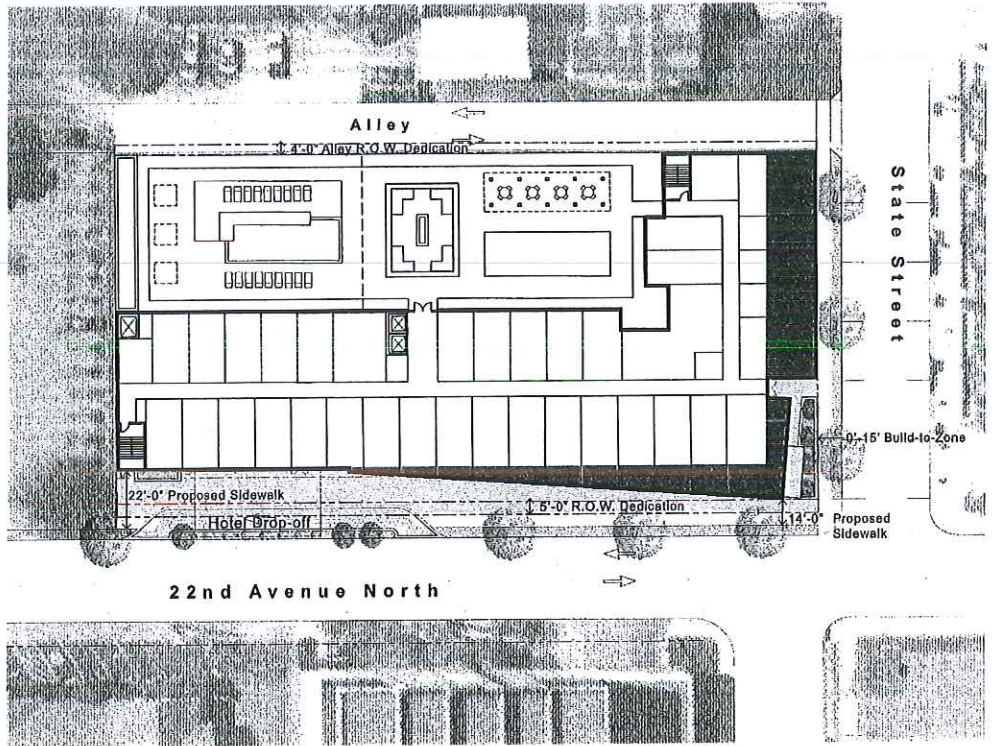




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22nd and STATE - BZA APPLICATION



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

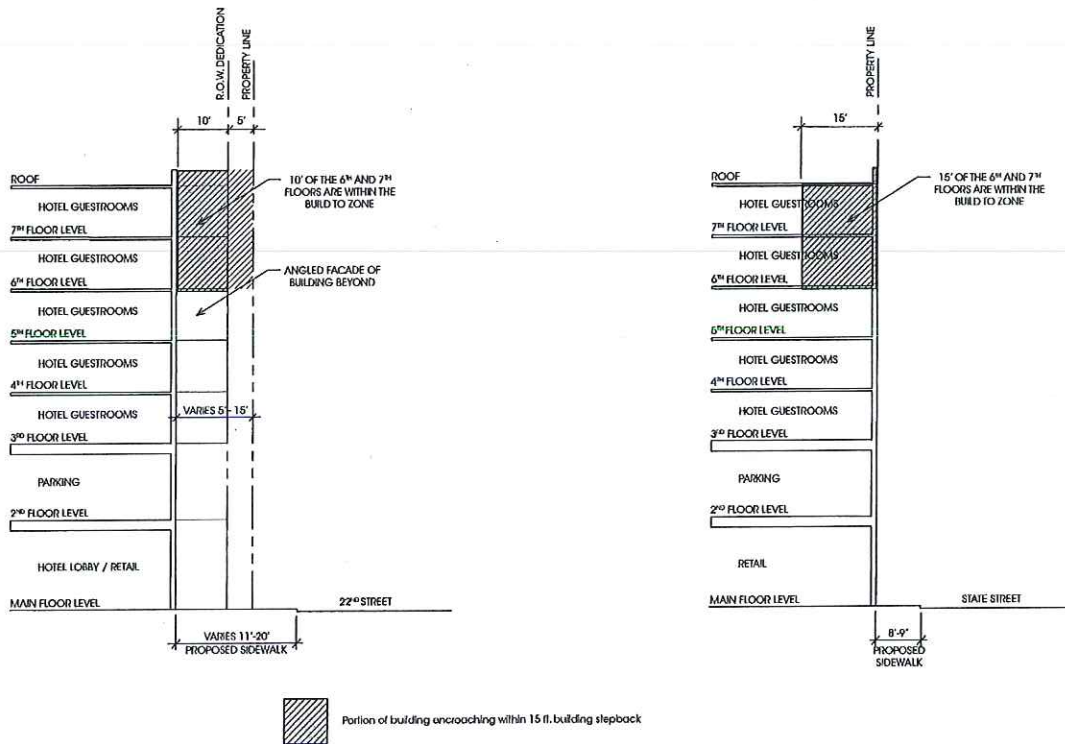
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22nd and STATE - BZA APPLICATION



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Street Section Diagrams

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Nashville, Tennessee

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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
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TOTAL REQUIRED				
TOTAL PROVIDED			70 spaces	



December 18, 2018

Special Exception Request #2  
 Reduction to Required Parking per Zoning  
**22ND AND STATE MIXED-USE**  
 Nashville, Tennessee

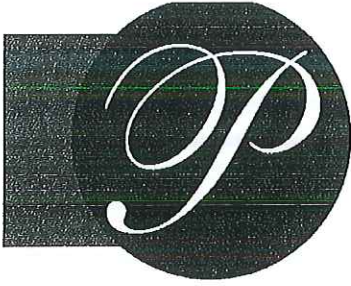
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PREMIER PARKING  
144 2<sup>nd</sup> Ave North 3<sup>rd</sup> Floor  
NASHVILLE, TN 37201  
P 615.238.2250

February 20<sup>th</sup>, 2019

Mr. Jay Patel  
JV Hospitality  
1085 E Christi Dr  
Dickson, TN 37055

**RE: 22<sup>nd</sup> and State – Parking Demand Analysis**

Jay,

Premier Parking has prepared a parking demand analysis for the planned "22<sup>nd</sup> and State" Hotel development in Nashville, TN. Our analysis is based on both industry design standards for parking demand (as established by the Urban Land Institute) as well as empirical data from our experience in the local Hotel parking market.

Our study is based our understanding of the project development:

- Hotel – 168 Rooms
- Retail – 8,000 Square Feet
- Restaurant – 3,000 Square Feet

Based on these size of land uses (inputted to the ULI parking demand model), market "drive in ratios," and 90% occupancy weekday and 95% occupancy weekend, Premier Parking recommends the following parking supply be provided:

**Peak Parking Demand – 77 Spaces**

Premier arrived at this analysis by using the ULI model calculations and applying discounts for parking demand that are allowed for "modal adjustment" to reflect actual parking demand for this type of Hotels. The "modal adjustment" is just simply the number of guests of the hotel that would arrive via another mode than an automobile that would then need to be parked – referred to as "drive in ratio". In recent years, the increased usage of Ride Share has drastically lowered "drive in ratio." In Nashville specifically, the increasing costs and taxes on rental vehicles and urban parking rates coupled with the proximity of our airport to downtown make alternative options much more viable. Premier used the following calculations in the ULI model to determine parking demand:





Base parking ratio per ULI model

- Hotel - 0.9 Spaces per Room (weekday) 1.0 Spaces per Room (weekend)
- Retail/Shopping – 1.0 Spaces per 200 Square Feet
- Restaurant/Lounge – 1 Space per 150 Square Feet
- Peak "Drive in Ratio" – 36% (weekday) 39% (weekend)
  - Drive In Ratio accounts for the average arriving vehicle per occupied room over a period of time. Ratios are lower early in the week and peak toward the weekend.
  - Average overall ratio for Nashville trends around 23.4%.

The "modal adjustment or "drive-in-ratio" was determined based on Premier's experience with similar type Hotels in the Nashville "West End" area during peak times. Drive In Percentage across Nashville trends much lower than the peak demand used in the ULI model. The Hotels studied for "drive in ratio" include:

Hotel	Drive In Percentage
Thompson Hotel	20%
Hotel Indigo	21%
Hutton Hotel	23%
21C Hotel and Museum	26%
Kimpton Aertson	27%
Average	23.4%

Premier Parking believes this estimated parking demand will be the peak that is ever achieved and for many other operating hours of the Hotel there will be lesser parking demand. Please review the material enclosed and please contact me if you have any questions.

Regards,



Robert Chapman  
Vice President  
Premier Parking  
bob@premierparking.com



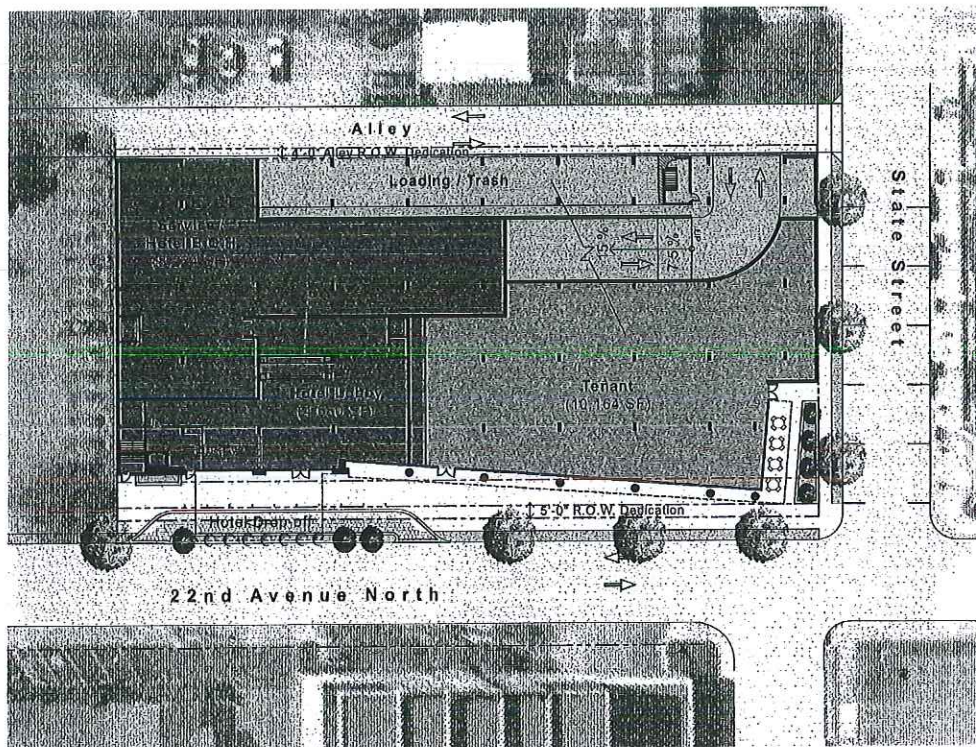
Brian Crawford  
Vice President  
Premier Parking  
bcrawford@premierparking.com



22nd and STATE - BZA APPLICATION

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On-street	02 Spaces*

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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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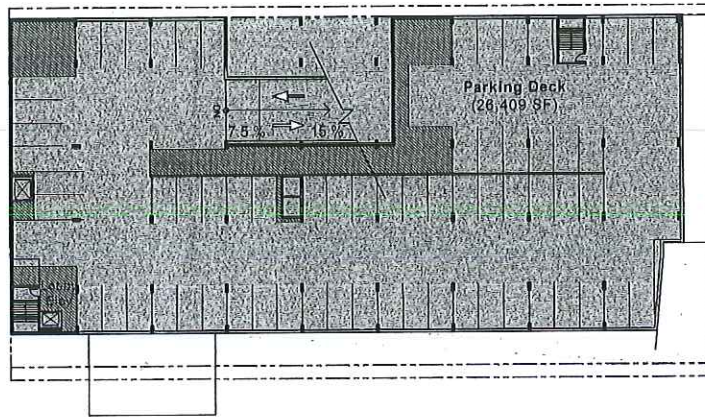
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22nd and STATE - BZA APPLICATION

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December 18, 2018

Floor Plan - Level 2 Parking

22ND AND STATE MIXED-USE  
Nashville, Tennessee

SGS #18127.00



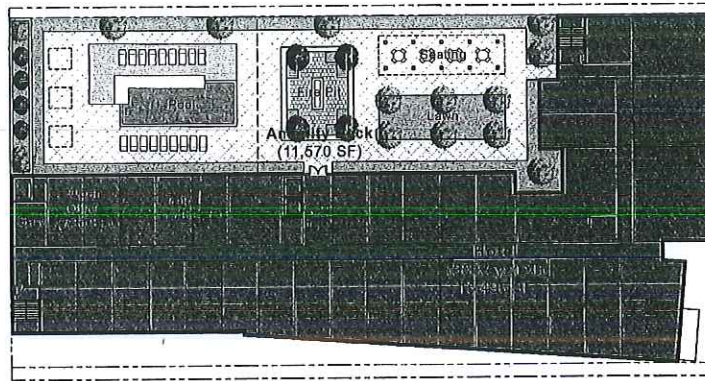
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December 18, 2018

Floor Plan - Hotel Level 3

22ND AND STATE MIXED-USE  
Nashville, Tennessee

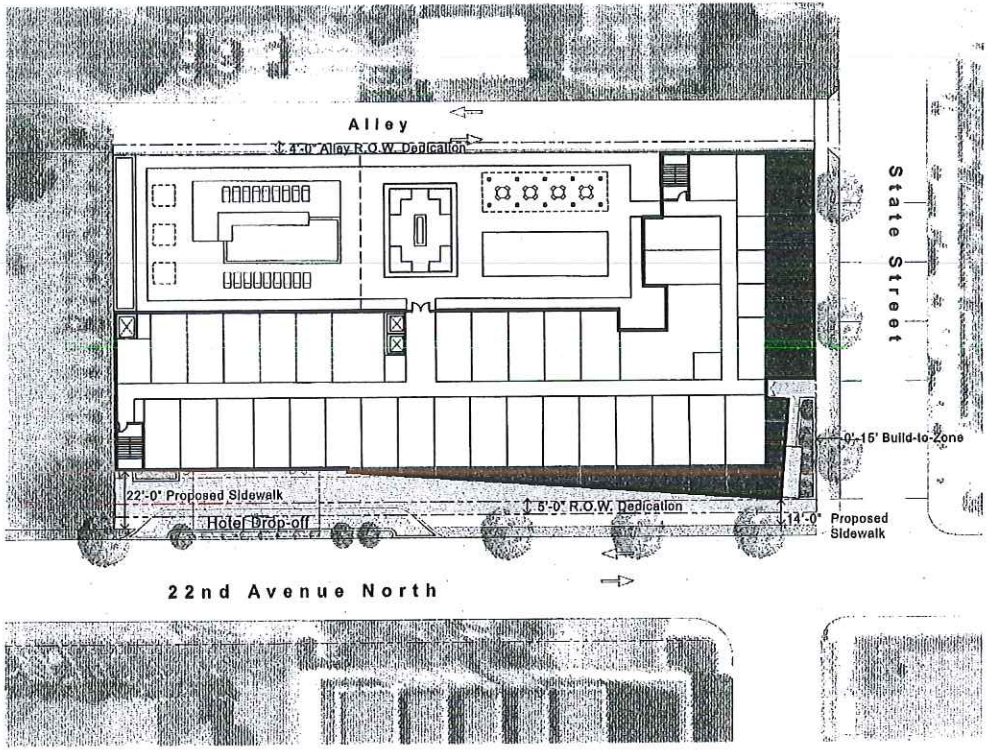
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22nd and STATE - BZA APPLICATION



**LEGEND**

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

0' 32' 64'



December 18, 2018

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

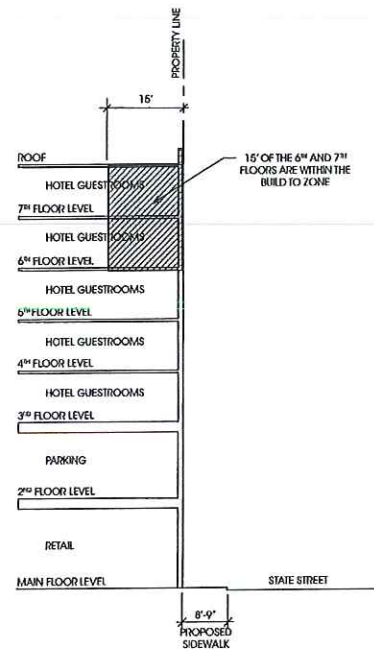
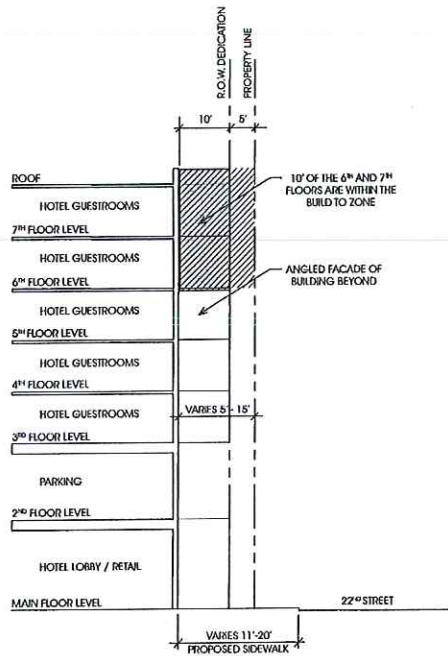
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22nd and STATE - BZA APPLICATION



 Portion of building encroaching within 15 ft. building setback

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 SPACE REQUIRE	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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West End Hotel  
Scenario 1  
Parking Demand



Table  
Project: West End Hotel 1  
Description: Mixed Use Development

1/16/2019

SHARED PARKING DEMAND SUMMARY

Land Use	Project Data Quantity Unit	Weekday				Weekend				Unit	Weekday		Estimated Parking Demand	Weekend		Estimated Parking Demand
		Base Rate	Max Adj.	Cap/100 Ratio	Project Rate	Base Rate	Max Adj.	Cap/100 Ratio	Project Rate		Peak Wk Adj.	Peak Wk Adj.		Peak Wk Adj.	Peak Wk Adj.	
Shopping Center (4000 sq ft)	8,000 sq GLA	3.30	0.50	1.00	1.80	3.40	0.50	1.00	1.80	3.40	0.18	0.57	1	850	0.57	3
Employees	154 rooms	0.70	0.50	1.00	0.35	0.80	0.50	1.00	0.40	0.80	0.40	0.40	1	0.65	0.30	1
Hotel/Leisure	154 rooms	0.90	0.40	1.00	0.30	1.00	0.30	1.00	0.30	1.00	0.30	0.30	54	0.55	1.00	62
Employees	154 rooms	0.75	0.30	1.00	0.68	0.75	0.30	1.00	0.68	0.75	0.68	0.68	12	0.55	1.00	8
Residential, Rental, Shared Spaces	154 rooms	1.60	1.00	1.00	1.50	1.60	1.00	1.00	1.50	1.60	0.25	1.00	0	0.50	1.00	0
Reserved	154 rooms	0	1.00	1.00	0	0	1.00	1.00	0	0	1.00	1.00	0	1.00	1.00	0
Guest	154 rooms	0	1.00	1.00	0	0	1.00	1.00	0	0	0.70	1.00	0	1.00	1.00	0
Reserved	154 rooms	0.00	1.00	1.00	0.00	0.00	1.00	1.00	0.00	0.00	1.00	1.00	0	1.00	1.00	0
Guest	154 rooms	0.15	1.00	1.00	0.15	0.15	1.00	1.00	0.09	0.15	0.20	1.00	0	1.00	1.00	0
Customer Employees Reserved Total													66 13 0 83	66 13 0 83	66 13 0 83	

US Base rates have been modified from default values.

Shared Parking Reduction 71% 70%

SEA Requirement	Count	Costs	Requirement	Space Reduction
Hotel	154	1 per Guestroom	154	100%
Hotel Employees	5	1 per 4 Employees	4	
Shopping	8,000	1 Space per 300 sq ft	27	
TOTAL			185	100%



**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 9 AM	Peak Mo Adj February	Estimated Parking Demand	Peak Hr Adj 9 PM	Peak Mo Adj February	Estimated Parking Demand
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	0.80	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 Employee		55	Customer Employee		65	
											Employee Reserved		13	Employee Reserved		6	
											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
<b>Total</b>			<b>198</b>	<b>158</b>

2019-05-4

Hi Scott,  
Unfortunately I am not going to be able to attend the meeting today because of a prior commitment. Attached is the letter sent to our councilman in support of the project.

Mike Kelly

Sent from my iPhone

Begin forwarded message:

**From:** Mike Kelly <jimmykellys@aol.com>  
**Date:** February 25, 2019 at 2:38:59 PM CST  
**To:** ed.kindall@nashville.gov  
**Subject:** 217 22nd Ave N

Hi Ed,

I am the owner of Jimmy Kelly's Steakhouse at 217 Louise Avenue. I tried to contact you by phone and I want you to know that I am in favor of the hotel development and the variance proposed for 217 22nd Ave. please feel free to give me a contact.

Cell 615-812-4349.

Mike Kelly

Sent from my iPhone



Nashville, TN • Los Angeles, CA  
Acquisition • Development • Investment

---  
This communication and any information or material transmitted with this communication is confidential and may be privileged. It is intended only for the use of the intended recipient. If you are not the intended recipient, any distribution, reproduction, sharing, or use of this communication is strictly prohibited and may be illegal. If you received this communication in error notify the sender immediately and permanently delete this communication and any information or material transmitted with it from any and all devices and storage media.

---  
Thanks,  
Jay Patel, CHA, CTPP  
[www.jvhospitalitygroup.com](http://www.jvhospitalitygroup.com)  
Cell: 931-622-4216  
Bus: 615-740-7475  
Fax: 615-326-0944

**Crow, Margie (County Clerk)**

---

**From:** Jay Patel <jvhospitality@gmail.com>  
**Sent:** Thursday, March 07, 2019 2:24 PM  
**To:** Crow, Margie (County Clerk)  
**Subject:** Fwd: 217 22nd Ave N

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

Please please. Can we print this email..

----- Forwarded message -----

**From:** David Byerley <davidb@southrockventures.com>  
**Date:** Thu, Mar 7, 2019 at 2:21 PM  
**Subject:** Fwd: 217 22nd Ave N  
**To:** Jay Patel <jvhospitality@gmail.com>

Sent from my iPhone

Begin forwarded message:

**From:** Meredith Bucher <mbucher@smithgeestudio.com>  
**Date:** March 7, 2019 at 2:01:52 PM CST  
**To:** davidb@southrockventures.com  
**Subject:** Fwd: 217 22nd Ave N

Begin forwarded message:

**From:** Scott <smorton@smithgeestudio.com>  
**Date:** March 7, 2019 at 1:49:45 PM CST  
**To:** mbucher@smithgeestudio.com  
**Subject:** Fwd: 217 22nd Ave N

Sent from my iPhone

Begin forwarded message:

**From:** Mike Kelly <jimmykellys@aol.com>  
**Date:** March 7, 2019 at 1:08:47 PM CST  
**To:** smorton@smithgeestudio.com  
**Subject:** Fwd: 217 22nd Ave N

**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 22<sup>nd</sup> Ave N special Exception for height and setbackand parking reduction from 234 req. spaces to 70 spaces

Variance: 17.12.020D, height and setback, 17.20.030 parking

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

2019-061 fire hall in residential zoned property at existing fire hall location 431 Tyler Dr and Andrew Jackson pkwy special exception

Variance:17.16.140 special exception

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



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

---

# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** January 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 (22<sup>nd</sup> 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 31<sup>st</sup> Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18<sup>th</sup> 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 22<sup>nd</sup> 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 22<sup>nd</sup> 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



March 11, 2019

*Via Email to [bza@nashville.gov](mailto:bza@nashville.gov) & USPS*

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

\*RULE 31 MEDIATOR

\*\*ALSO LICENSED IN KENTUCKY

Mr. Bill Herbert  
 Board of Zoning Appeals  
 Howard Office Building  
 700 2<sup>nd</sup> Avenue South  
 Nashville, TN 37210

*Re: 22<sup>nd</sup> and State Street; Hotel Project  
 Case 2019-054; Council District 21*

Dear Commissioners:

I wanted to share with you in advance of the March 20, 2019 meeting, to again review the parking proposal for this now 168 room hotel, with substantial retail space, because there are numbers and rules, but there is also simple common sense.

The original hotel plan had an entry for parking at the very beginning of the public alley between the law office and 1906 building and the adjoining property that is to be built on. This would have been a vey short in and out entry at the end of the alley, and an interior ramp would be used to go in and out of the parking garage inside the hotel. However, that plan only had 71 spaces on one floor, and so in order to add parking and go to 92 interior spaces, the interior ramp was eliminated and **now the proposal is to use this small one-way alley for all of the parking and valet vehicles for the hotel and retail space on a daily and nightly basis.**

Attached are photographs of this small and narrow alley. While it is true they are going to add four (4) feet to expand the alley on the side of the proposed hotel, this does not eliminate the fact that at check-out time or check-in time, there will literally be a stream of vehicles going one direction and coming in the other direction.

1. Is there going to be a twenty-four-hour director at the end of the alley to direct traffic one way or the other?
2. How can the developer say that our nine parking spaces along the historic building that run along this alley will not be impacted, when obviously, when two cars meet they will want to go over onto our property to avoid colliding or having to back-up?

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 WWW.HELENROGERSLAW.COM

Mr. Bill Herbert  
Board of Zoning Appeals  
March 11, 2019  
Page Two

3. The alley has never been maintained by the city, and we have repaved it twice during our twenty-three (23) years of using it. An alley does not equal a street, and basically, they are going to be using this alley as if it were a two-way street when it is not.
4. Significantly, five (5) small businesses use this alley for disposal of trash, so there are weekly dumpsters and daily deliveries to a restaurant, the law office, and Coco Greens businesses on Elliston Place. How will there be ingress and egress for a parking deck up and down this alley when deliveries are made that completely block the alley?

The real solution is to require this developer to have two floors of interior ramps and parking of seventy (70) spaces on each floor or 140 parking spaces, which may be barely adequate for this development, looking at the over-all numbers that they have crunched and re-crunched. A simple comparison of the two BZA applications that have been proposed will show you why we have so much reason to question their numbers. The first application proposed sixty percent (60%) hotel occupancy with forty-two percent (42%) driving and a need for 70 parking spaces. It also showed a need for sixty-one (61) spaces for the 10,164 square feet of retail space, and five (5) parking spaces for twenty (20) employees. The total Metro codes requirement would have been 234 spaces.

The second request for the zoning exception drawings claimed only a twenty-three percent (23%) drive-up demand for the parking area for the hotel, and changed the retail space around to only require, by zoning, one hundred ninety-eight (198) spaces, but then only required the parking entrance to be in and out of the alley for the near ninety (90) spaces that would be in the building.

Finally, please remember that this property was a lot of fifty (50) parking spaces that was used by the commercial neighborhood, and that Dr. Ducklo rented twelve (12) spaces for his employees there. We are now losing these parking spaces in a commercial area, a hospital area, and a medical and office business area.

Also, I would ask you to go to this link <https://www.newschannel5.com/news/on-the-rise/business-fights-developer-to-save-parking-spaces> for the Channel 5 news story that was done on this development, which ran on March 7, 2019. It had some good photographs of what the middle of the day looks like, and a shot of the alley that I am discussing in this letter. There is no legal basis for a variance under state law, especially one of this size.

Mr. Bill Herbert  
Board of Zoning Appeals  
March 11, 2019  
Page Three

Thank you for your attention and time with this matter. It is important to all of us and our neighborhood.

With best wishes, I remain,

Very truly yours,



Helen Sfikas Rogers

HSR/zc

Enclosure

Cc: Councilman Bob Mendes  
Councilwoman Kathleen Murphy  
Councilman Ed Kindall









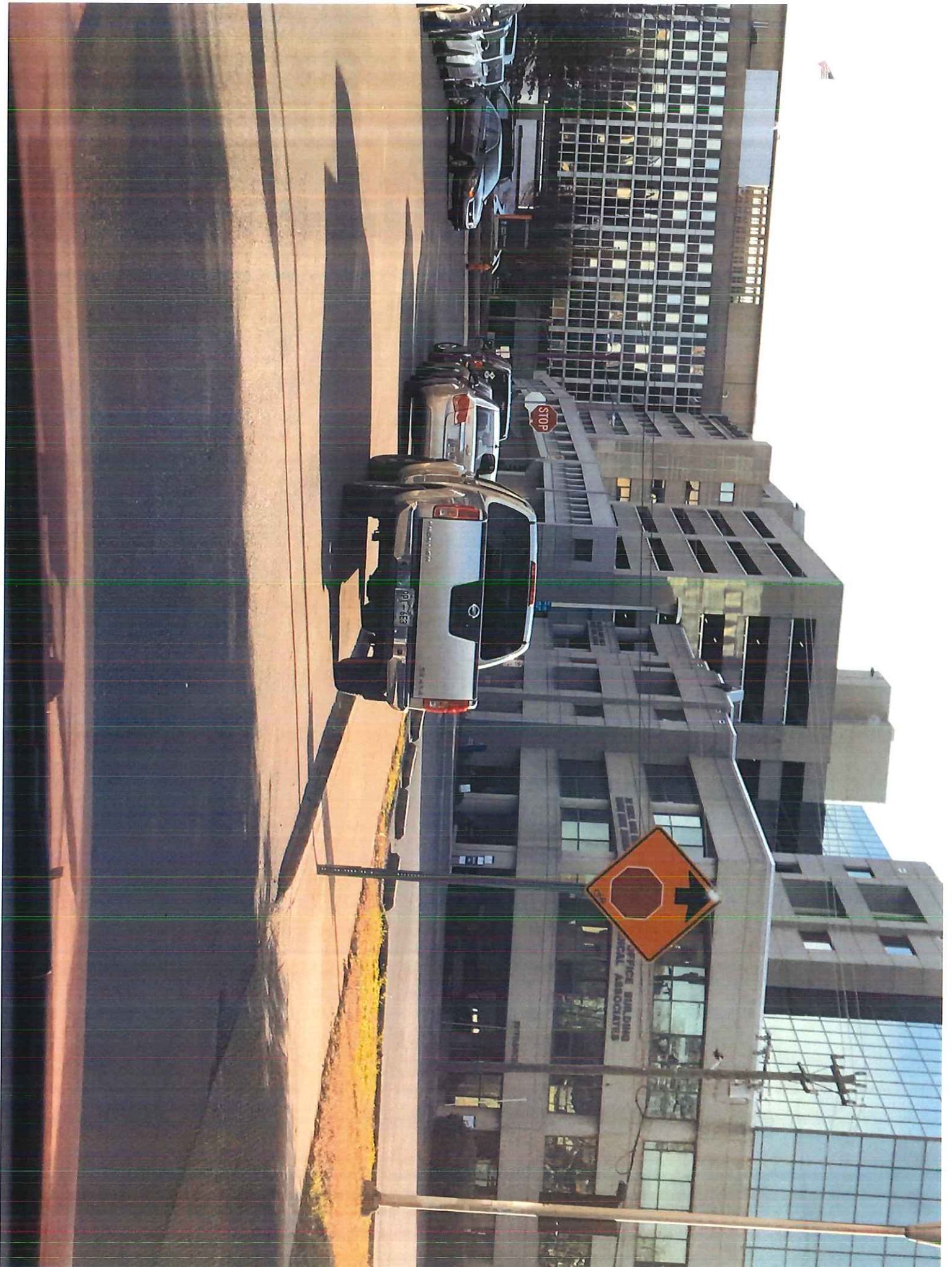














HELEN SFIKAS ROGERS\*\*  
LAWRENCE J. KAMM  
SIEW-LING SHEA\*  
GEORGE D. SPANOS

# ROGERS, KAMM & SHEA

ATTORNEYS AT LAW

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\*RULE 31 MEDIATOR

\*\*ALSO LICENSED IN KENTUCKY

†CERTIFIED AS A SPECIALIST IN  
CIVIL TRIAL AND PRETRIAL  
PRACTICE BY NATIONAL BOARD  
OF TRIAL ADVOCACY

March 14, 2019

*Via Email to [bza@nashville.gov](mailto:bza@nashville.gov) & USPS*

Board of Zoning Appeals

Mr. Bill Herbert  
Howard Office Building  
700 2<sup>nd</sup> Avenue South  
Nashville, TN 37210

*Re: 22<sup>nd</sup> and State Street; Hotel Project  
Case 2019-054; Council District 21*

Dear Commissioners:

I wanted to follow up on Ms. Rogers letter to dated March 11, 2019. First, thank you for your time in reviewing this information in contemplation of the variance requested by the applicants, 22 Development LLC and Smith Gee Studio, for the hotel project on the 209 22<sup>nd</sup> Ave N. and 217 22<sup>nd</sup> Ave. N. lots. As you are well aware, several neighbors are very concerned with this parking variance. While my law partner, Ms. Rogers, wrote to you about the practical effect of this development in our neighborhood, I would like to address the legal deficiencies in the application submitted on this development.

The nature of this variance is to reduce parking from approximately 198 spaces, based on latest proposal and current division of the "tenant" portion of the property and a 168 room hotel. As I know that you are aware, Section 17.20.010 of the Metropolitan Code provides that

The purpose of this chapter is to establish standards for vehicular parking, loading and access **in a manner which provides for reasonable utilization of land without adversely impacting abutting properties or the community as a whole.**

*Emphasis Added.*

No neighbor in our neighborhood has appeared before this commission and asked that no development be allowed on these two lots. However, three neighbors, my office, the office of Dr. Ducklo who sits across the street from the hotel on 22<sup>nd</sup> Ave. N., and Mr. Freeman, who has owned

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Board of Zoning Appeals  
March 14, 2019  
Page 2

an office one block away from the project on 22<sup>nd</sup> Ave. N. for twenty-four (24) years have all expressed grave concern on the parking variance.

Metropolitan Code Table 17.20.030: Parking Requirements establishes that a hotel must provide one parking spot per hotel room and one parking spot per four employees in the urban zoning district, which these two lots are located in. It further provides the formula used to determine the number of parking spaces required for the mixed use tenant space now consisting of retail and restaurant spaces. The applicants initially had a 10,000+ sq. ft. restaurant in the plan, had two (2) tenants in that 10,000 sq. ft. space when they met with our office privately, and then produced a plan with four (4) tenant spaces at the public meeting and to this Board. As one commissioner noted, the continued increase in the number of tenant spaces and decrease in square footage per space merely manipulates the parking requirements for this development. The numbers just keep changing. Also, no thought has been given to the solar panels on our building which my firm invested over \$100,000 in. My firm, Rogers, Kamm & Shea was an early leader in Green/Renewable Power. A seven story hotel next door has to have an adverse impact.

Additionally, I have concerns over the statistics provided to you by the applicants as it pertains to parking figures in the area as those statistics changed significantly from the first proposal to the last proposal. The excuse given to you all at the last public hearing was that the architects simply did not understand the numbers provided to them by Premier Parking. It seems suspect that regardless of what parking needs the project has that the parking study always shows that is comports with the project's alleged need.

Nevertheless, while the applicants are seeking a parking reduction, the Section 17.20.040 in the Zoning Codes already provides developments in the Urban Overlay District with a reduction up to 25% of the parking calculated pursuant to Section 17.20.030. The applicants have failed to set forth any proof before this Board that they meet any requirements set forth in Section 17.20.030. If they qualify for the maximum 25% reduction, the actual parking figure that we are discussing is 149 parking spaces.

Despite the concerns raised before you by my office and that of our neighbors during the last two hearings, The Board has indicated that it is inclined to provide a parking variance to the applicants in order to reduce the parking requirements. Such a decision appears contrary to the Zoning Code and the laws of this State. The applicants' argument is essentially threefold

1. The zoning regulations are outdated and not fair. (Then their redress is at the council level)
2. They have had a parking study done by Premier Parking and they do not believe they even need the 90 parking spaces that they are willing to build. (This is just self-serving)
3. Building more parking would be very expensive. (They knew this from the beginning)

This argument fails under the standards/requirements for a variance set forth in both T.C.A. §13-7-207 and Section 17.40.370, which require the Board to make an affirmative finding of each of the following seven standards:

**A. 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 upon the strict application of any regulation enacted by the ordinance codified in this title.

**Response to Standard A:** The applicants have failed to make any claim that comport with this Standard. The applicants failed to make such a claim because the two adjoining lots are flat and form a large rectangle that is neither narrow nor shallow, have no exceptional topographic conditions, or any extraordinary/exceptional condition on or to the property. The nature of these two lots presents absolutely no exceptional or undue hardship upon the development's owner(s). The applicants have failed to present any proof upon which this Board could make an affirmative finding in support of their application.

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

**Response to Standard B:** These lots have no unique characteristics that are unique to this property but not to other properties in the neighborhood. As with Standard A, the applicants have failed to even allege any specific conditions; however, there are no unique conditions to these two lots. Again, there is no proof before this Board to make an affirmative finding in support of the application.

**C. 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 the ordinance codified in this title.

**Response to Standard C:** This is the first of two Standards that cut to **the heart** of the applicants' argument. The Standard is clear that the hardship cannot be **self-imposed**. The applicants have presented a plan where they claim the maximum parking that they can provide is ninety (90) parking spaces, which at best is fifty-nine (59) parking spaces short and at worst one hundred eight (108) parking spaces. This is a self-imposed hardship. They can either put more parking in and fewer rooms, or build underground parking to try and keep the same number of rooms. This is not a limitation or hardship that was created by the property, but rather self-imposed by the applicants' own design. Unlike many of the other Standards, here, the proof presented here does allow the Board to make an affirmative finding- that the applicants created the hardship for which they want relief from.

**D. Financial Gain Not Only Basis.** Financial gain is not the sole basis for granting the variance.

**Response to Standard D:** This is the second Standard that cuts to the heart of the applicants' argument. Financial gain is the only reason that this variance has been requested. The applicants were asked point blank at the public/neighborhood meeting why underground parking was not



Board of Zoning Appeals  
March 14, 2019  
Page 4

included in the plan, and, to no one's surprise, the applicants answered that it was cost prohibitive. You have heard that putting more parking in does not make financial sense to the applicants. They are certainly able to put in two floors of parking and/or underground parking. The applicants only basis in seeking this parking variance is to fit their cost analysis. Similar to Standard C, the proof presented to the Board and to the public makes it clear that the purpose of this variance is contrary to the Standard they must meet.

**E. 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.

**Response to Standard E:** As the adjacent neighbor to this development, our property **will be injured**. The applicants wish to utilize a one lane alley between their properties and my office. Our parking is located right off the alley. Please see attached Exhibit A for an aerial view of our two properties and surrounding neighborhood.

On Exhibit B, I have provided an aerial view of my office and the applicants' properties as well as the properties directly behind us. The red line on the page is the alley in question. Even with four additional extension of the alley required to be made by the applicants, the alley is not suitable for the traffic that they have proposed. It is not a traditional alley. As you see, the alley travels from State Street between my office and the applicants' properties. It then turns into a dirt/gravel alley, until it reaches the Café Coco parking lot, where there is a ninety degree turn through their parking lot and exits onto Louise Avenue. I must stress that this alley will only service vehicles moving in one direction at a time. Vehicles frequently have to back up and move aside for a car to pass through. This would be a nightmare with up 149 or 198 additional vehicles in the area

I have attached additional pictures to help depict the issues that this alley presents. Exhibit C shows a view from State Street up the alley between my office and the applicants' properties depicting the narrowness of the alley and proximity to parking on the side of my office. Exhibit D is a picture of the alley beginning at the back corners of my office property and the adjoining development continuing away from State Street, behind Café Coco, where it becomes a dirt/gravel alley. Exhibit E shows the café parking lot down remainder of the alley out to the parking lot's exits onto Louise Avenue. The flow of traffic that the applicants have proposed to add to this alley is untenable.

**F. 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.

**Response to Standard F:** This hotel/retail development itself will not cause public detriment. However, the influx of vehicles predicted by the Zoning Code with no place to park will overrun this commercial neighborhood. Businesses will close if their customers cannot park. Additionally,



Board of Zoning Appeals

March 14, 2019

Page 5

providing a variance with no basis in the Zoning Code will substantially impair the intent and purpose of the Zoning code and set bad precedent for this Board.

**G. 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.

**Response to Standard G:** The integrity of the Master Development Plan will not be affected by this variance.

Additionally, it would be inappropriate to rely on the parking study conducted by Premier Parking. Not only have the figures provided to you changed between the two meetings, the study they explained is not what they purport it to be. Premier Parking has not done any study of any sort. They claim that their figures calculate the drive up rates at hotels, but they have only looked up parking figures in their lots, where they manage parking. This in no way measures hotel guests who choose not to valet their vehicles at hotels for \$20-\$40 per night in Nashville, Tennessee. Parking figures in a hotel garage and drive-up rates are not the same. Furthermore, this data is merely presented to distract the board from looking at actual standards they are required to review.

Finally and significantly, the Board must take notice of the hotel development located at the corner of 22<sup>nd</sup> Avenue N. and Charlotte Avenue, just a few blocks away from this development. A one hundred sixty-five (165) room Staybridge Suites is being built. It is also zoned as MUG-A in the UZO just as the development in question. I have attached the Site Layout Plan as **Exhibit F**. On the ride side of the Site Layout Plan, you can see that in addition to the 165 parking spaces required under the Zoning Codes (1 space per room) that they will have twelve employees, thus needing three additional spaces (1 space per 4 employees). Construction has begun and their permits are in place. I have checked and found no permit application seeking a parking variance of any kind. They have reduced the total number of requisite spaces by 20% which is permitted in the MUG-A and UZO, thus the required number is 135 parking spaces. I have also attached the Zoning Review Checklist, attached as **Exhibit G**, shows that they would be required to have 135 parking spaces, they plan to put in 167 parking spaces. Quite simply, the Staybridge Suites designed a hotel that could fit the parking it required. This is the type of development that the Zoning Code contemplates.

In conclusion this application for a parking variance is impractical given the nature of the alley that that applicants wish to utilize. Furthermore, the applicants have presented no evidence to comport with the law. There is no remedy for this problem after the hotel is built if a lack of parking destroys Elliston Place business community and the surrounding neighborhood. They have made an emotional plea to this Board based on their financial interest in creating this building, while relying on a parking study that is not a drive-up rate study. Additionally, three neighbors have appeared at meetings thus far and have stated that the parking situation in our neighborhood is already untenable and oppose this variance.

Allowing this development, which should attract more people to the neighborhood, to reduce the requisite number of parking spaces in derogation of the Zoning Codes does not comport with the law. The Board must make affirmative findings that **each** of Standards A-G in favor of

Board of Zoning Appeals  
March 14, 2019  
Page 6

the applicants' variance request. As set forth above, this is simply not the case. In fact, the applicants have not even addressed these Standards.

Thank you for your time and attention to this matter.

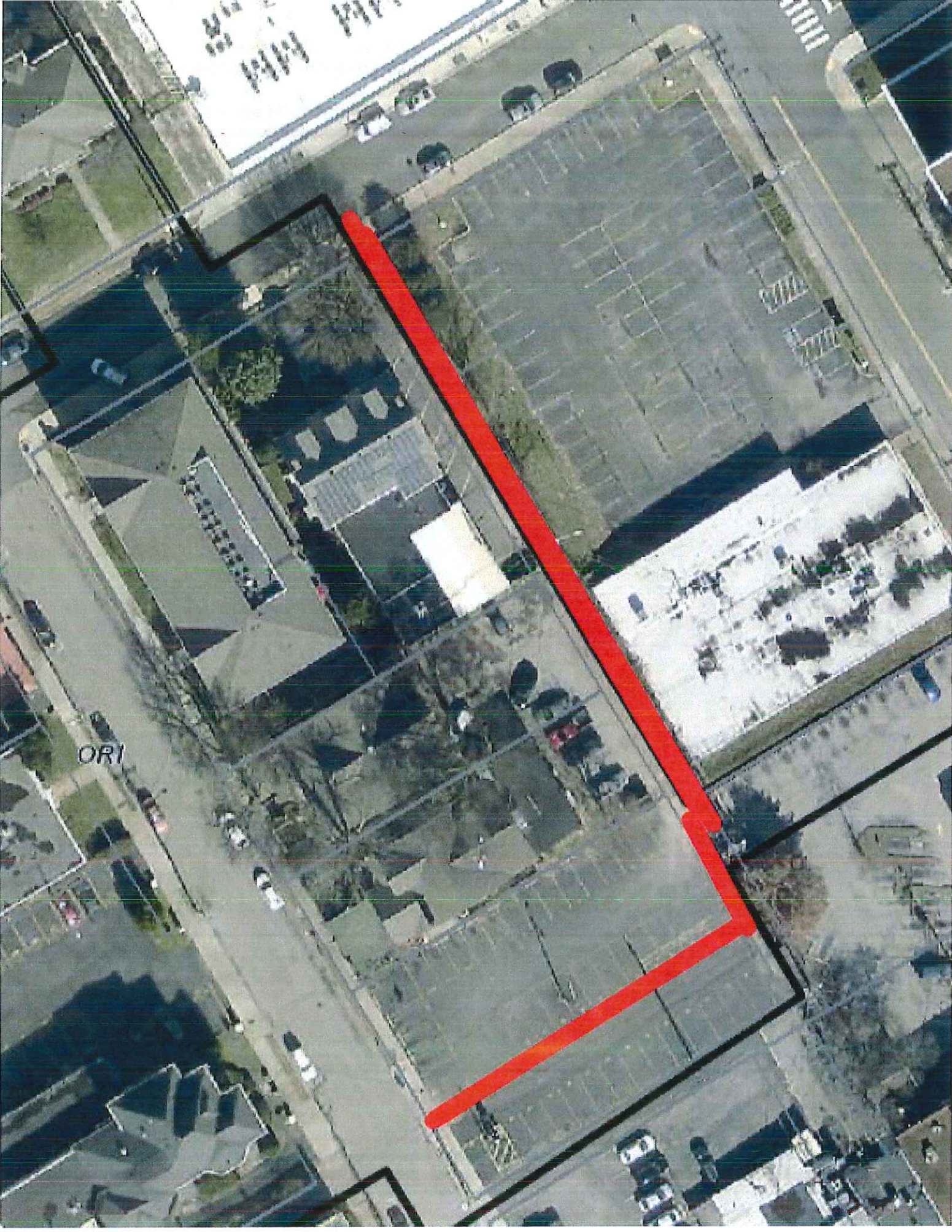
With best wishes, I remain,

Very truly yours,

  
George D. Spanos

Cc: Councilman Bob Mendes  
Councilwoman Kathleen Murphy  
Councilman Ed Kindall





ORI



# Nashville / Davidsor



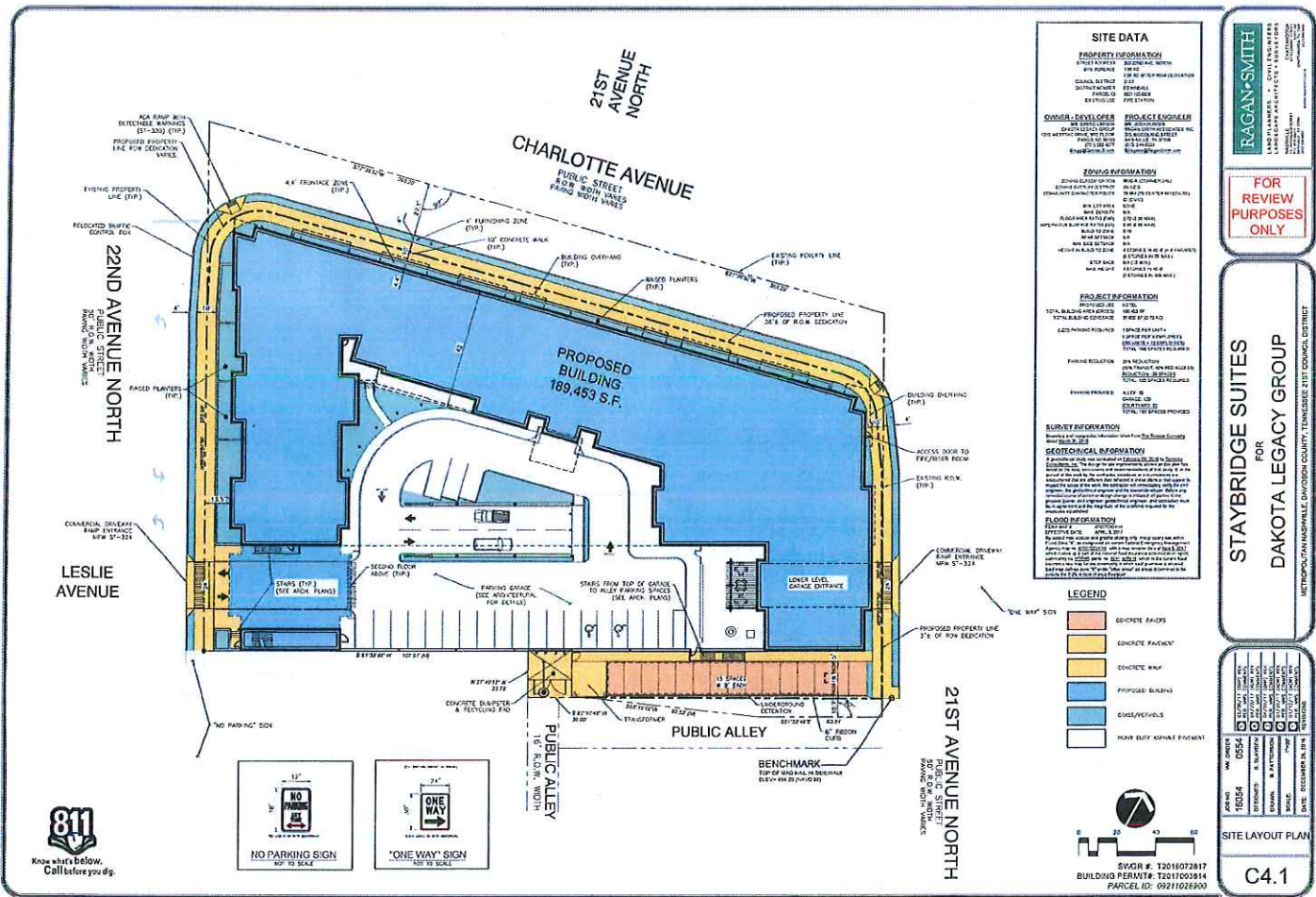
March 11, 2019

Ownership Parcels

 Planned Unit Development

 Zoning





DEPARTMENT OF CODES ADMINISTRATION  
METROPOLITAN NASHVILLE, & DAVIDSON COUNTY

**ZONING REVIEW CHECKLIST**  
**Nonresidential and Multifamily Construction**

APPLICATION #	T2017003814	PROJECT NAME:	Staybridge Suites
MAP/PARCEL #	092-11-0 - 289.00	EXAMINER:	Thomas Corcoran

**USE - CHAPTER 17.08 AND 17.16**

\*\*A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional \*\*

Determine the use	Hotel				X
Property zoning	MUG-A	Overlay(s)	OV-UZO	Surrounding Zoning	X
Use Charts:	P, PC, SE, A				X

**SITE CRITERIA**

\*\* Supplemental Checklist Also Required for UZO \*\*

Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)					X
Minimum lot size	None	Footprint			X
FAR		300 % Maximum	272 %	Requesting	X
ISR-Adjustments/ Slopes over 15%:		90% Maximum	90%	Requesting	X
Street Setback/ Street Type(s):					X
Side yard		N/A			X
Rear yard		N/A			X
Height standards	7 Stories in 105'	Number of Floors	4 Stories in 45.5'		X

**PARKING AND ACCESS - CHAPTER 17.20**

\*\* Supplemental Checklist Also Required for UZO \*\*

Ramp location and number					N/A
Distance to nearest existing ramp (minimum 30')					X
Distance to intersections	50' minor street	185' arterial street			X
	100' collector	250' controlled access ramp			X
Required parking based on uses	1/unit - 1/4 employees	Required 135	Providing 167		X
Required loading based on uses		Required	Providing		X
Surfacing over 5 spaces	1,750 sq. ft.				N/A
Space sizes, aisle widths, angle data					X
Queuing lanes					N/A
Over 10 spaces 20' queuing at exit					N/A
Number of compact spaces/%	9 = 5.3%				X
Number of handicapped spaces	6				X
Sidewalks required	Internal	public			X

**LANDSCAPING STANDARDS - CHAPTER 17.24**

\*\* Supplemental Checklist Also Required for UZO \*\*

Required buffer yards					X
Buffer yard adjustment					X
Perimeter landscaping (can't be over future R.O.W.)					X
Standard for 4 or more lanes					X
Standard for less than four lanes					X
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands					X
Interior landscaping minimum 8% area					X
Opaque fence adjacent to residential in parking area					N/A
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED)					X
Tree Density					X

- Chapter 17.16** Addresses those special features required for PC, SE, and A uses. All special requirements are to be reviewed as part of the zoning plan review and special features identified on plans.
- Chapter 17.28** Environmental and Operational Standards. Chapter addresses development standards for environmentally sensitive lots and can require additional calculations. It also addresses the noise light, and other pollutions controls along with storage of flammable goods.
- Chapter 17.32** Sign Regulations. Sign permits are applied for on separate applications and are not part of the zoning review for building permit.
- Chapter 17.36** This section outlines special restrictions and enabling language for overlay districts.
- Chapter 17.40** Addresses the administrative provisions of the code along with powers of the Board of Zoning Appeals.



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.*

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***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.

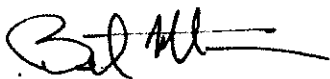
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.

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Civil & Environmental Consultants, Inc.

January 14, 2019

Board of Zoning Appeals  
Metropolitan Codes Department  
800 2<sup>nd</sup> 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.

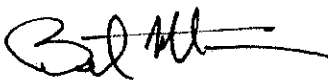
A study completed in Alexandria, Virginia collected parking usage data for ten hotels located in the city. It was observed that hotels had an average parking occupancy of 0.5 spaces per room with a range of 0.2 to 0.9 spaces per room. The average parking occupancy of hotels within ½ mile of the Metro 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](http://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.

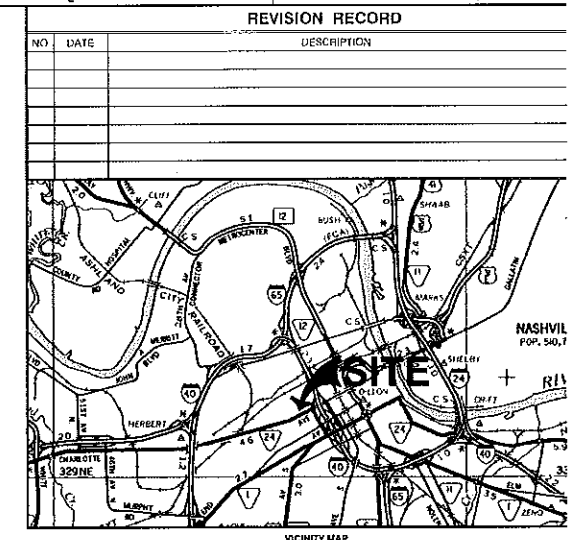
Section 17.40.250 of the Metro Zoning Ordinance states as follows: "All permits for variances or special exception uses authorized by the Board must be obtained within two years from the date of approval."

Sincerely,

*Jon Michael*

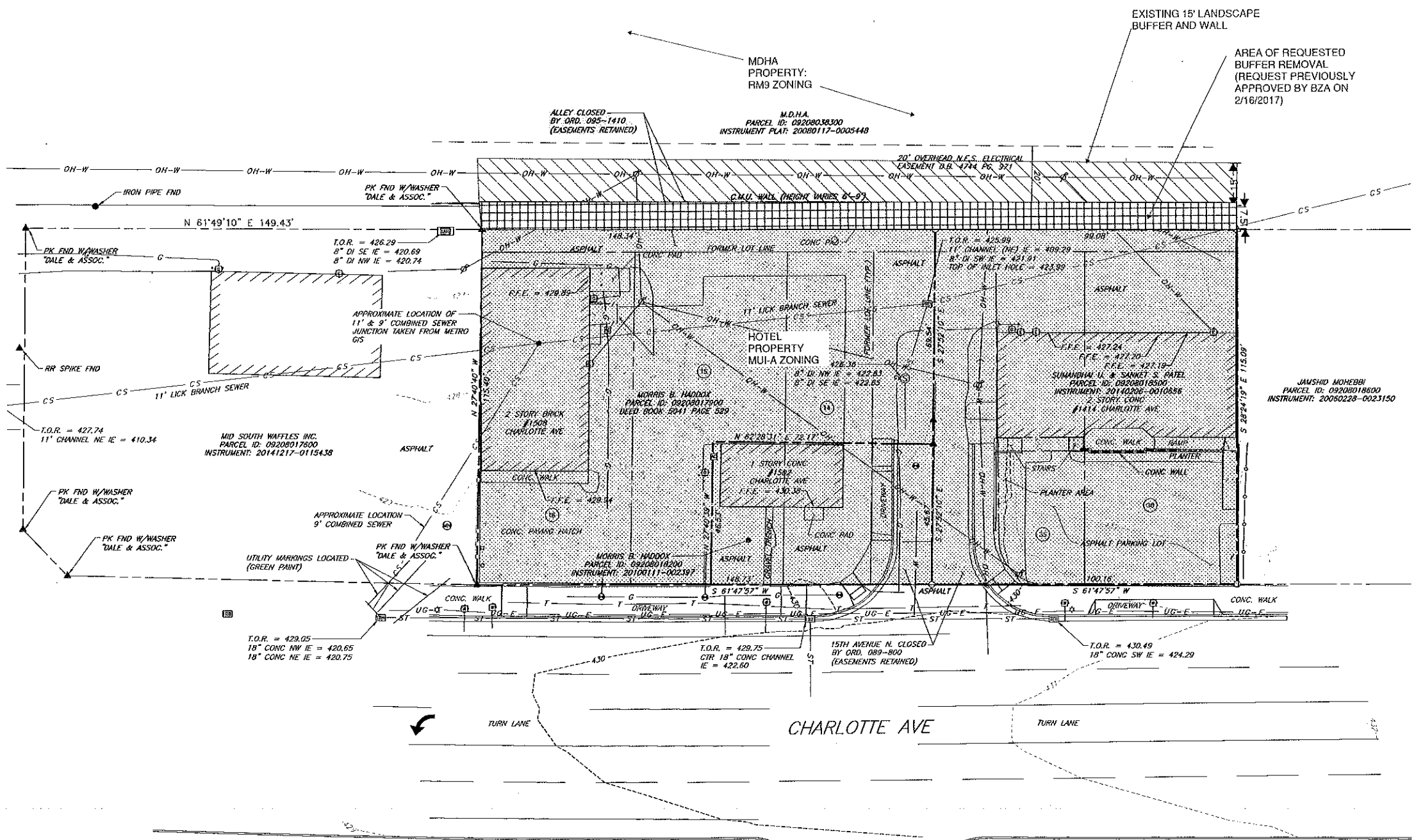
Secretary, Board of Zoning Appeals

**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	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)



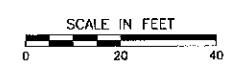
- GENERAL NOTES:**
- BEARINGS ARE BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
  - ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
  - CONTOURS SHOWN HEREON ARE AT 1' INTERVALS.
  - THIS SURVEY WAS PREPARED USING THE CURRENT DEEDS AND PLATS OF 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

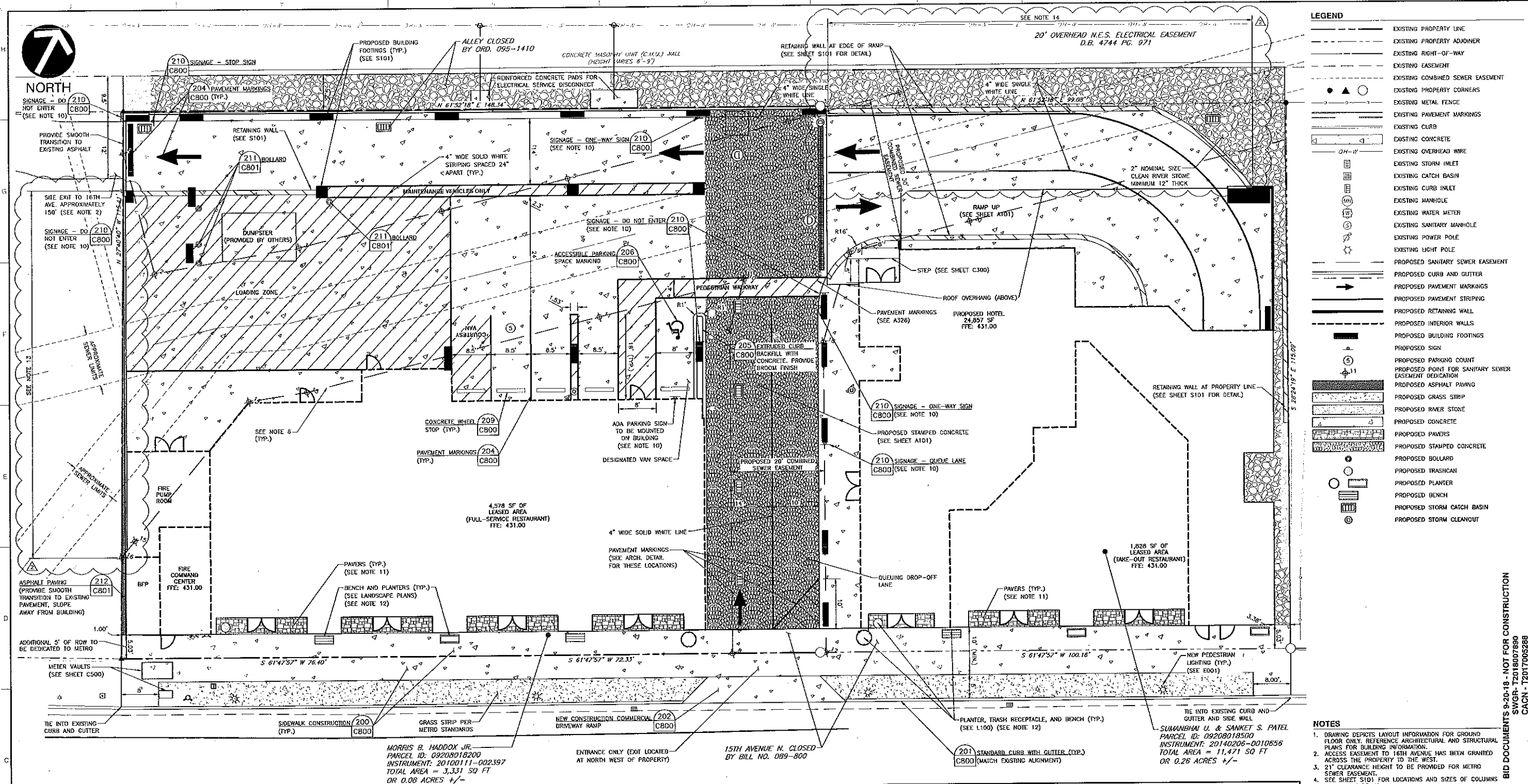
**PROPERTY EXHIBIT OF TAX MAP 92-08 PARCELS 179, 182, 185**

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:  
 DRAWN BY: **AAS** CHECKED BY: **RGM** **SV-1**  
 PROJECT NO: **174-404** APPROVED BY: **JJC** SHEET **1** OF **1**

P:\2019\174-404\174-404.dwg (1/23/2019 10:01:00 AM) - UP: 12/20/2018 1:41 PM



**LEGEND**

(Symbol)	EXISTING PROPERTY LINE
(Symbol)	EXISTING PROPERTY ADJOINER
(Symbol)	EXISTING RIGHT-OF-WAY
(Symbol)	EXISTING EASEMENT
(Symbol)	EXISTING COMBINED SEWER EASEMENT
(Symbol)	EXISTING PROPERTY CORNERS
(Symbol)	EXISTING METAL FENCE
(Symbol)	EXISTING PAVEMENT MARKINGS
(Symbol)	EXISTING CURB
(Symbol)	EXISTING CONCRETE
(Symbol)	EXISTING OVERHEAD WIRE
(Symbol)	EXISTING STORM INLET
(Symbol)	EXISTING CATCH BASIN
(Symbol)	EXISTING CURB INLET
(Symbol)	EXISTING MANHOLE
(Symbol)	EXISTING WATER METER
(Symbol)	EXISTING SANITARY MANHOLE
(Symbol)	EXISTING POWER POLE
(Symbol)	EXISTING LIGHT POLE
(Symbol)	PROPOSED SANITARY SEWER EASEMENT
(Symbol)	PROPOSED CURB AND GUTTER
(Symbol)	PROPOSED PAVEMENT MARKINGS
(Symbol)	PROPOSED PAVEMENT STRIPING
(Symbol)	PROPOSED RETAINING WALL
(Symbol)	PROPOSED INTERIOR WALLS
(Symbol)	PROPOSED BUILDING FOOTINGS
(Symbol)	PROPOSED SIGN
(Symbol)	PROPOSED PARKING COUNT
(Symbol)	PROPOSED POINT FOR SANITARY SEWER EASEMENT DEDICATION
(Symbol)	PROPOSED ASPHALT PAVING
(Symbol)	PROPOSED GRASS STRIP
(Symbol)	PROPOSED RIVER STONE
(Symbol)	PROPOSED CONCRETE
(Symbol)	PROPOSED STAMPED CONCRETE
(Symbol)	PROPOSED BOLLARD
(Symbol)	PROPOSED TRASHCAN
(Symbol)	PROPOSED PLANTER
(Symbol)	PROPOSED BENCH
(Symbol)	PROPOSED STORM CATCH BASIN
(Symbol)	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	12/24/2018	ISSUED
2	1/24/2019	ISSUED

**Civil & Environmental Consultants, Inc.**  
 325 Seaboard Lane - Suite 170 - Franklin, TN 37067  
 615-333-7797 - 800-763-2326  
 www.cetco.com

**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: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: 174-04  
 APPROVED BY: [Signature]

**SCALE IN FEET**  
 0 10 20

**C200**

**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.

**811**  
 Know what's below.  
 Call before you dig.

**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	1733634.63
12	665946.39	1733614.10
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	
<b>PARKING AND ACCESS - CHAPTER 17.20</b>	
RAMP LOCATION AND NUMBER: 1 ON CHARLOTTE AVE. DISTANCE TO NEAREST EXISTING RAMP (MINIMUM 30'); 160' TO WEST DISTANCE TO INTERSECTION (50' TO MINOR STREET): 275' FEET (16TH AVE. N)	
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**

PARKING REDUCTION (TRANSIT): 10%  
 PARKING REDUCTION (PEDESTRIAN ACCESS): 10%  
 REQUIRED PARKING PER REDUCTION: 147 SPACES  
 PROVIDED PARKING: 165 SPACES

REQUIRED LOADING BASED ON USES: 2 10'x50' SPACES  
 PROVIDED LOADING BASED ON USES: 1 24'x54' SPACE

SPACE SIZES, AISLE WIDTHS, ANGLE DATA: 8.5'x18' (STANDARD) & 8.5'x18' W/ 8' AISLE (HC)/24'/90'  
 QUEUING LANES: 1  
 OVER 10 SPACES 20' QUEUING AT EXIT: YES  
 NUMBER OF COMPACT SPACES: 30  
 NUMBER OF ADA SPACES: 6  
 SIDEWALKS REQUIRED: YES  
 INTERNAL: N/A  
 PUBLIC: YES

**LANDSCAPING STANDARDS - CHAPTER 17.24**

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

\*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

**C200**







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: \_\_\_\_\_

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WINFORD LINDSAY ARCHITECT

EAST ELEVATION

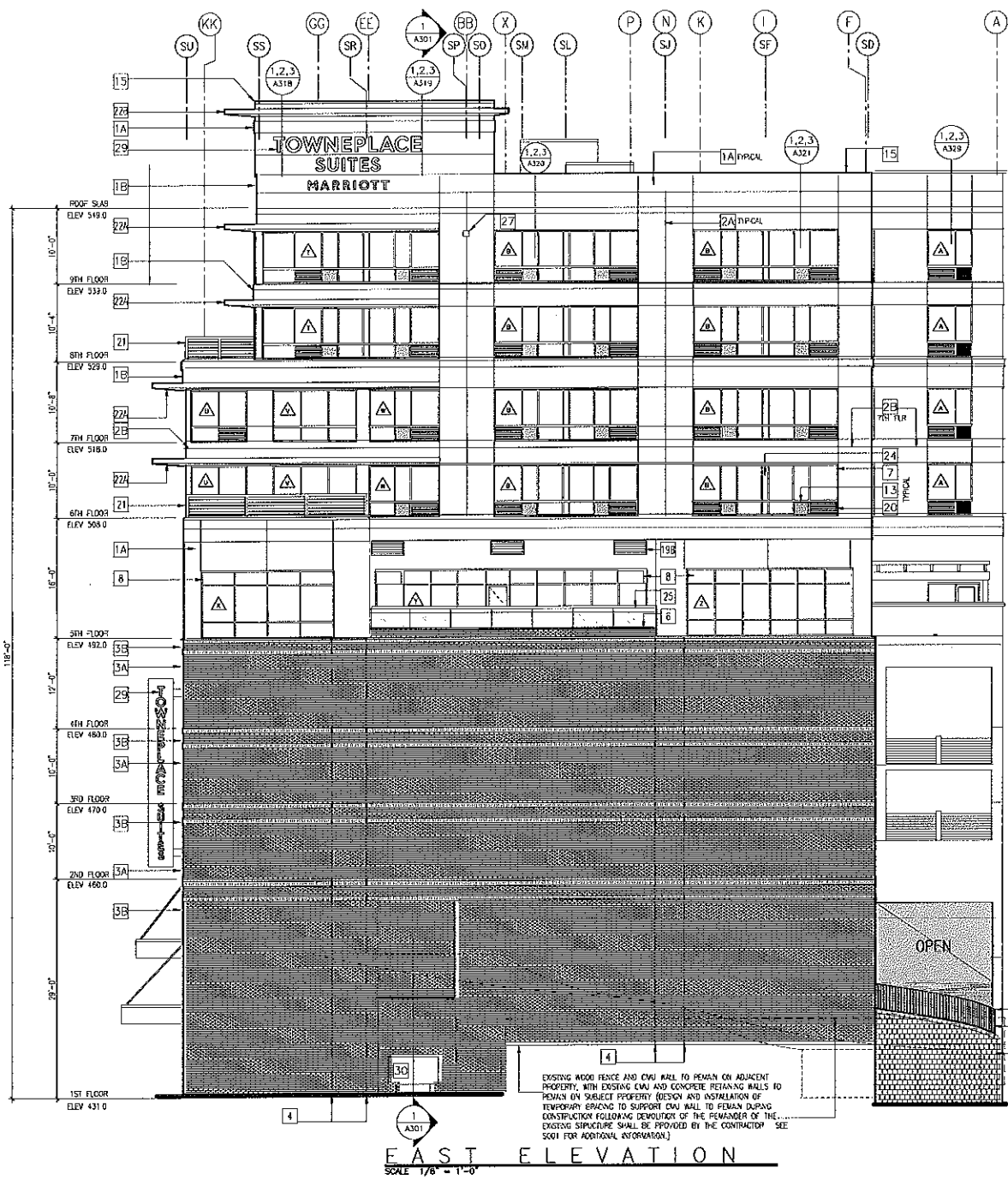


EXTERIOR FINISH MATERIALS LEGEND	
EIFS - COLOR 1 DRYVIT OUTSULATION PLUS 90 SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS INCREDIBLE WHITE 7028	
EIFS - COLOR 2 DRYVIT OUTSULATION PLUS 90 SANDBLAST TEXTURE MATCH SHERWIN WILLIAMS ONLINE 7072	
BRICK VENEER MASONRY - COLOR 1 MODULAR 3-5/8 x 7-5/8 x 2-1/4 DIERDREE 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. DRAPABLE 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 / FASCIA CONDITIONS.

KEYED ELEVATION NOTES	
NO	ITEM 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 W/ILL 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 DOWNPOUT
19A	PREFINISHED ALUMINUM ARCHITECTURAL LOUVER
19B	PREFINISHED ALUMINUM MEDIANICAL LOUVER
20	PREFINISHED ALUMINUM PTAC 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 STAGED 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 POOLS
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 - TIPS	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 DRAINING 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 BRG 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 W/ILL PANELS	WAPES / WAPES R PANELS	EMBOSSED EXTERIOR	70% TINTED RESIN FLUOROPOLYMER ANVA 2605 / SILVER
PREFINISHED ALUMINUM PERFORMED EXTERIOR WALL PANELS IN ALUMINUM STOREFRONT	WALCOVERS 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	70% TINTED RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM CORNICES	PETERSON ALUMINUM CORPORATION / CONTINUOUS CLEAR	NOT APPLICABLE	70% TINTED RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM SCUPPERS	TO BE DETERMINED	NOT APPLICABLE	70% TINTED RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM GUTTERS/DOWNPOUTS	TO BE DETERMINED	NOT APPLICABLE	70% TINTED 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	70% TINTED RESIN FLUOROPOLYMER ANVA 2605 / MATCH COLOR OF ADJACENT EIFS
PREFINISHED ALUMINUM PTAC 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	ALFANS ARCHITECTURAL PRODUCTS	CUSTOM FABRICATED ALUMINUM SUNSCREENS	70% TINTED RESIN FLUOROPOLYMER ANVA 2605
PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM	ANCHOR WALL SYSTEMS / SLD2	NOT APPLICABLE	CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612
DRAGLE OSHINGANG SPANDREL GLASS	ELCOCASTE BUILDING ENVELOPE	NOT APPLICABLE	1" THICK INSULATING DRAGLE SPANDREL GLASS COLOR TO BE SELECTED BY ARCHITECT
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/RY CONCRETE PAVERS	BELGIAN (DOLICULET) / IFRANVA SEIGNE	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/GRTE	FINE BRICKM FINISH	MATCH PATTERNEED CONCRETE COLOR
APPRVAL 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

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

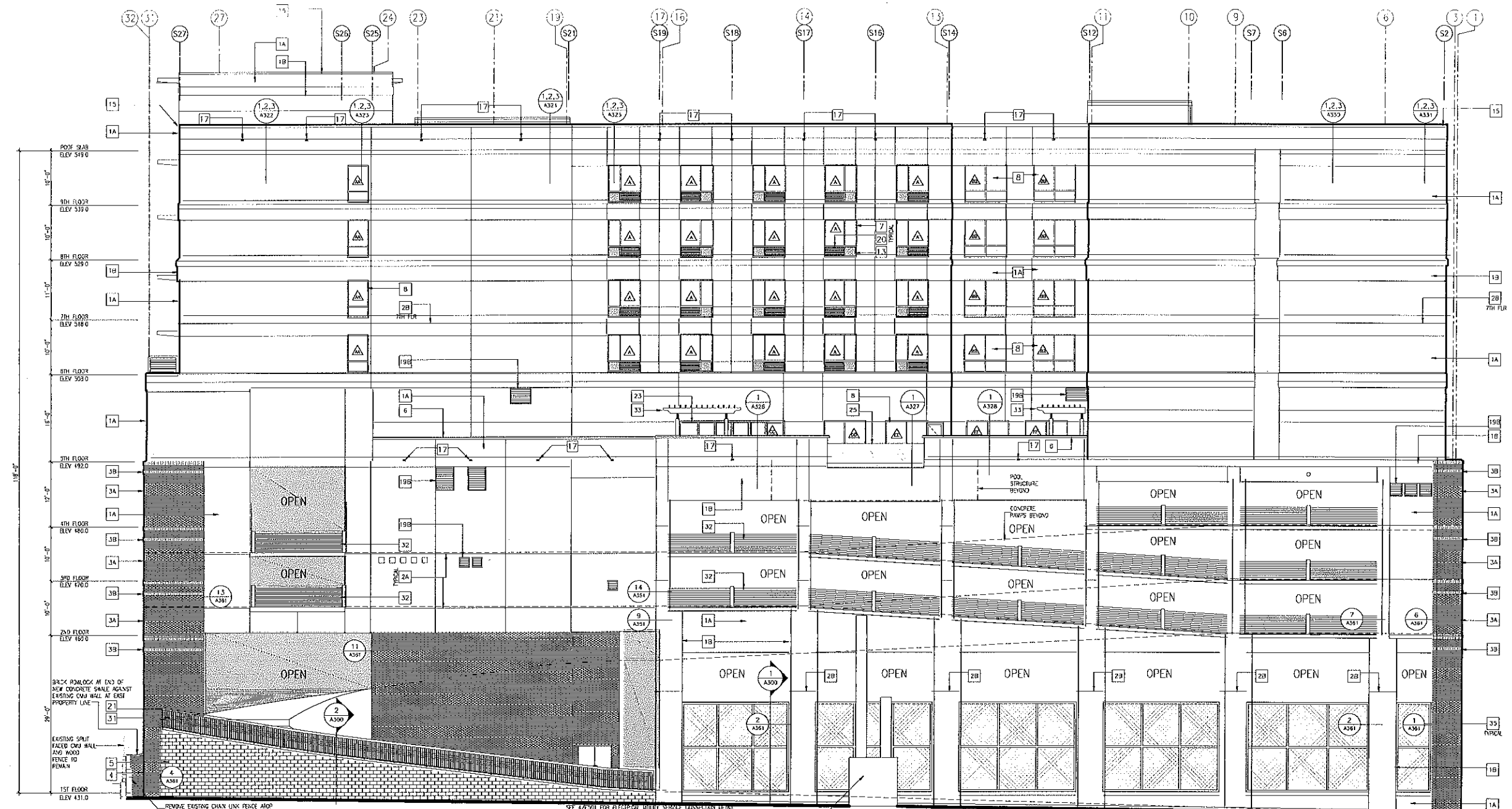
WLA PROJECT # 217051

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 section containing specific instructions for exterior finish installation and joint treatment.

KEYED ELEVATION NOTES table listing callout numbers (e.g., 1A, 1B, 2A) and their corresponding descriptions of materials and finishes.

EXTERIOR FINISH MATERIALS SCHEDULE table with columns for material description, manufacturer/product, pattern/finish, 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  
CHAPEL HILL, NC  
27402  
423-499-0497

PROJECT

TOWNEPLACE  
SUITES  
MARRIOTT

1500 CHARLOTTE  
AVENUE  
NASHVILLE, TN  
37203

EDITION  
8-7-18

WLA PROJECT  
# 217051

DRAWN BY:  
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APPROVED BY:  
PLOT DATE:

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WINFORD LINDSAY ARCHITECT

WEST ELEVATION

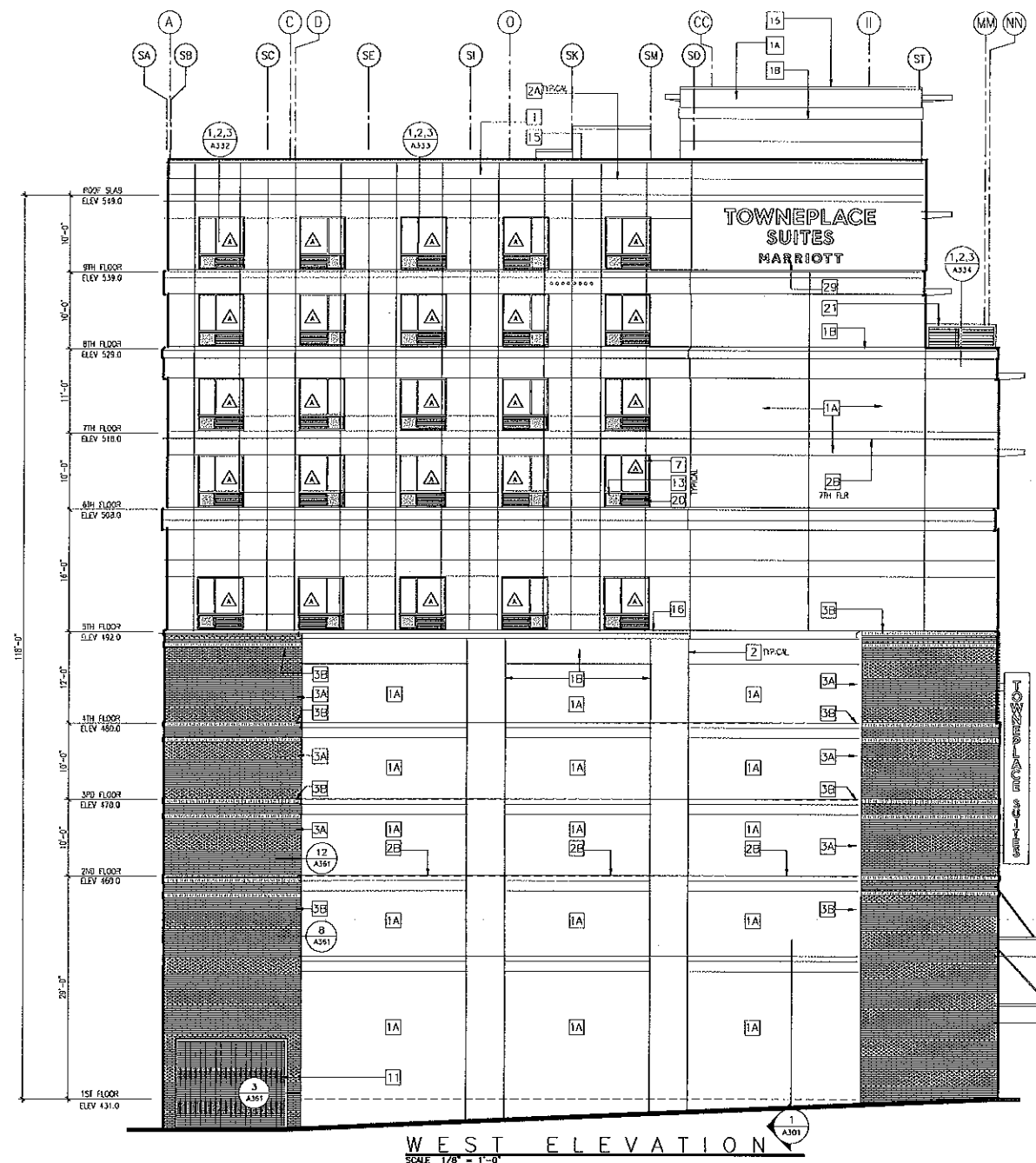
A204

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 ROXSPOT 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 GUESTROOM CABINA 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 SPANOLE 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 BARBER 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 ACRIAL 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 ROXSPOT / 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 / ACCUMAX 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	ROCKSPIN / 5015 SECURITY GRILLE	STRAIGHT BAR PATTERN	CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612
PREFINISHED ALUMINUM GUESTROOM CABINA DOORS	WIK-AP / SERIES 300	NOT APPLICABLE	CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612
PREFINISHED ALUMINUM INSULATING EXTERIOR GLAZING INFILL PANELS	WAPES / WAPES II PANELS	EXPOSED EXTERIOR	10K 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	10K KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM COPINGS	PETERSEN ALUMINUM CORPORATION / CONTINUOUS CLEAR	NOT APPLICABLE	10K KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM SCUPPERS	TO BE DETERMINED	NOT APPLICABLE	10K KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM GUTTERS/DOWNSPOUTS	TO BE DETERMINED	NOT APPLICABLE	10K KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT FINISH MATERIAL
PREFINISHED ALUMINUM ARCHITECTURAL LOUVERS	PUSPUN / ELF 3730D	NOT APPLICABLE	CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612
PREFINISHED ALUMINUM MECHANICAL LOUVERS	PUSPUN / ELF 3730K	NOT APPLICABLE	10K KANAR RESIN FLUOROPOLYMER ANMA 2005 / MATCH COLOR OF ADJACENT EIFS
PREFINISHED ALUMINUM PTAC LOUVER AND FRAME	RELIABLE / REL 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	10K KANAR RESIN FLUOROPOLYMER ANMA 2005
PREFINISHED ALUMINUM FOLDING EXTERIOR WALL SYSTEM	WYBARK SYSTEMS / 510	NOT APPLICABLE	CLEAR ANODIZED IN COMPLIANCE WITH ANMA 612
SPANOLE 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	EPITHEME 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 PATTERN A	COLOR TO BE DEFINED BY DEVELOPER / 60 MM THICK / SHEET VARY
COLORADO CONCRETE SOFFITS	BLM, SCORFIELD / LITHOKE PAPERPARTERS	FINE BRICK FINISH	MATCH PATTERNOED CONCRETE COLOR
SPRINKLER COURT PATTERNOED CONCRETE	TO BE DETERMINED / CLEAR HEART REDWOOD	JANESIDE EUROPEAN FAN FANDOM 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](mailto:jack@jacksbarbque.com)  
[www.jacksbarbque.com](http://www.jacksbarbque.com)  
615 207 4333





Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: John Pirtle

Date: 1-15-19

Property Owner: 1301 D Porter Rd

Case #: 2019-092

Representative: Joey Hargis

Map & Parcel: 083031#90000C0

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:

O.C. 1301 D PORTER ROAD TOWNHOMES UNITS C&D

HPR Duplex New Construction

Activity Type: HPR

Location: 1301 F PORTER ROAD

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

Reason: Request not to install sidewalks or 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 26B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

John Pirtle  
Appellant Name (Please Print)

Joey Hargis  
Representative Name (Please Print)

708 Brockett St.  
Address

211 Commerce St. Ste 800  
Address

Lebanon, TN. 37087  
City, State, Zip Code

Nashville, TN. 37201  
City, State, Zip Code

615 425 6599  
Phone Number

615 406 3559  
Phone Number

jpirtle@msn.com  
Email

jhargis@bakerdonelson.com  
Email

Appeal Fee: \_\_\_\_\_

NO Hardship / No site plan

ZA: TOM



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



3594979

**ZONING BOARD APPEAL / CAAZ - 20190002822**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 083031F90000CO

APPLICATION DATE: 01/15/2019

**SITE ADDRESS:**

1301 F PORTER RD NASHVILLE, TN 37206  
COMMON AREA 1301D PORTER ROAD TOWNHOMES

PARCEL OWNER: O.I.C. 1301D PORTER ROAD TOWNHOME

CONTRACTOR:

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

HPR DUPLEX, NEW CONSTRUCTION

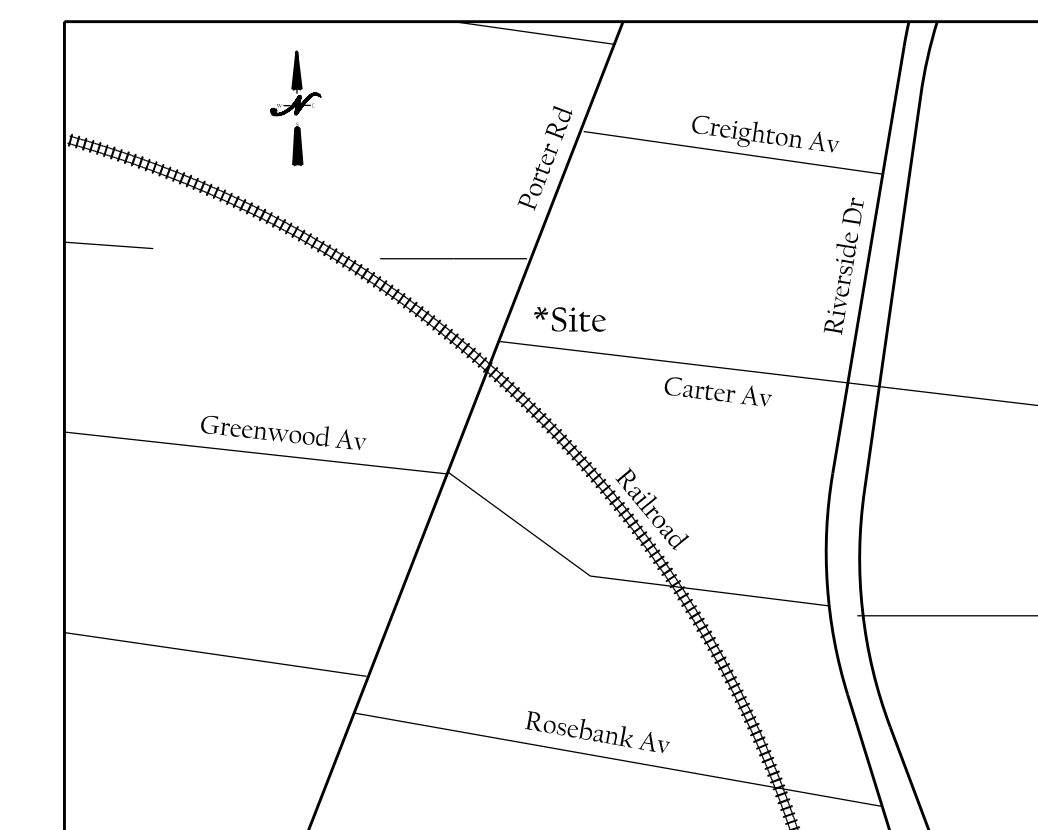
REQUEST NOT TO INSTALL SIDEWALKS AND NOT TO CONTRIBUTE

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.



SWGR T2018-----

**ZONING REVIEW CHECKLIST**

APPLICATION #: T2018045982 PROJECT NAME: Porter Road 4  
 T2018045988  
 T2018045988  
 T2018045988  
 T2018045988

APPLICATION DATE: ZONING EXAMINER:  
 MAP /PARCEL #: 083031P0000CO 083031G0000CO  
 083031F0010CO 083031G0000CO  
 083031F0020CO 083031G0020CO

USE:  
 Determine the use Residential - multi family  
 Property zoning - Surrounding zoning R6 - R6  
 Use Character: P, PC, SE, A

ACCESS:  
 Ramp location & number Porter Rd and Carter Rd - 2  
 Distance to nearest existing ramp (minimum 30') 30'  
 Distance to intersections: X 50' minor street X 185' arterial street  
 X 100' collector X 250' controlled access

SITE CRITERIA:  
 Subdivision Plat: N/A  
 Minimum lot size: 6000 SF  
 FAR: 60 % Maximum 23 % Requesting  
 ISR-adjustments / Slopes over 15%: 70 % Maximum 59 % Requesting  
 Street setback / Street type(s): 40' FROM CENTER OF TRAVEL WAY / NON-ARTERIAL  
 Side yards: 0  
 Rear yards: 20  
 Height slopes: 20' MAX HEIGHT AT SETBACK  
 Opaque fence adjacent to residential in parking areas: N/A  
 Screening around dumpsters: yes  
 Tree Density: yes  
 Sidewalks: yes

PARKING STANDARDS:  
 Required parking based on uses: 22 Required 22 Provided  
 Required loading based on uses: 22 Required 22 Provided  
 Surfacing over 5 spaces, 1750 SF: overs  
 Space sizes, aisle widths, angle data  
 Queuing lanes: Over 10 spaces 20' queuing at exit  
 Number of compact spaces / %: 4  
 Number of handicap spaces: 2 Required 2 Provided

LANDSCAPING STANDARDS:  
 Required buffer yards: N/A  
 Buffer yard adjustment: NONE  
 Perimeter landscaping (can't be over future R.O.W.):  
 Standard for 4 or more lanes: N/A  
 Standard for less than 4 lanes: 75%  
 Side lines adj. to parking areas 5' min. width with trees - 2.5' without trees  
 Interior landscaping minimum 8% area

COMMENTS:

sheet title:  
 Site Plan

for:  
 Porter Road Four  
 At Hartsville Pike

Located:  
 1301 Porter Road  
 Nashville, TN  
 Davidson County

Project #:  
 NC 18-365

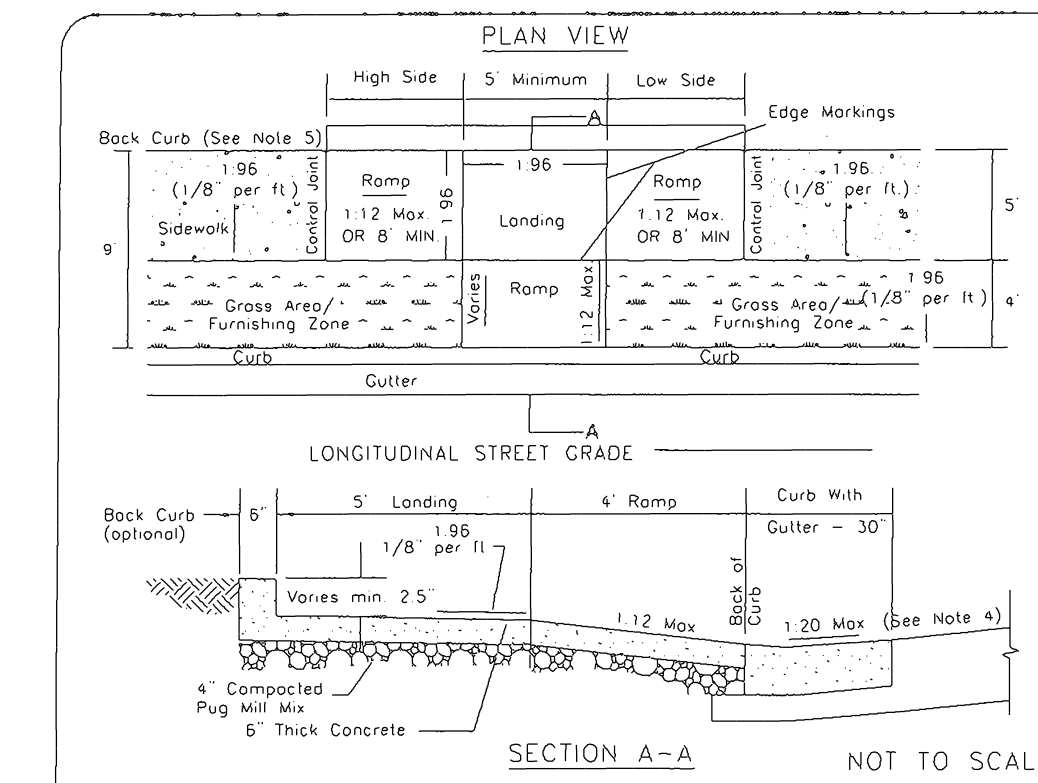
Original Issue Date:  
 30 Nov 2018

Revisions:  
 1. 7Jan19 - BZA Site Plan  
 2. 7Feb19 - Correction Carter Av

Phase:  
 Construction Plans

Site Plan

C1.0



- GENERAL NOTES
- Ramp shall be flush with the gutter or edge of pavement
  - Cross-slope of landing and of sidewalk shall not exceed 1:48 (vertical:horizontal)
  - Surface texture of the curb ramp shall be stable, firm, and slip-resistant. The surface shall be coarse broomed "white" concrete finish transverse to the slope of the ramp.
  - The normal gutter slope of 1:12 (vertical:horizontal) shall be reduced to 1:20 (vertical:horizontal) at the ramp when the curb and gutter is poured before the ramp, or the gutter of the ramp must be cut out, removed, and repoured when the ramp is poured.
  - Back curb shall be constructed of the direction of Public Works, and if required, back curb height along ramp shall transition from 0 inches at expansion joints to the proposed height of back curb at landing and shall be a constant height through landing. Deletion of back curb requires approval of inspector. Removal to be noted in project file and on inspection report.
  - High side and low side ramps shall have a maximum slope of 1:12 (vertical:horizontal) or shall be 8 feet (96 inches) minimum in length.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	NEW CONSTRUCTION CURB RAMP	DWG NO ST-320
DIR OF ENG. <i>Michele Perry</i>	DATE 5/12/23	REVISED 07/18/02 REVISED 05/08/03 REVISED

All Utilities For This Project Are Private And Not Shown On These Construction Plans  
 See C3.0 - Grading Plan for more detailed information on the Storm Drainage

1301 Porter Road Nashville, TN 37206

Owner/Developer: O.I.C. 1301 A PORTER ROAD TOWNHOMES 4316 COLORADO AVE NASHVILLE TN 37209

Engineer: Nashville Civil, LLC Brian Hamilton, PE 615.353.9622 b@nashvillecivil.com

Graphic Scale: 20  
1" = 20'

0 20 40

Site Benchmark (NAVD 88)  
lin pipe Elev 544.39



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-092 (1301F Porter Road)

Metro Standard:	Porter Road – 6’ grass strip, 6’ sidewalk, as defined by the Major and Collector Street Plan
	Carter Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Porter Road – T4-R-CA2
	Carter Avenue – Local Street
Transit:	#4 – Shelby
Bikeway:	Minor protected bike lane existing on Porter Road

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes constructing a duplex and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of existing sidewalks along the frontage of the site and impacts to future parking on the property. Planning evaluated the following factors for the variance request:

- (1) A 5’ wide sidewalk without a grass strip exists along the property’s Porter Road frontage, which is consistent with adjacent properties to the north along the block face.
- (2) Based upon the applicant’s site plan, additional right-of-way cannot be dedicated without impacting the ability to provide parking and access. Carter Avenue has further constraints with the significant slope and vegetation that buffers the railroad tracks at this location. In order to keep the existing vegetation, the layout cannot accommodate sidewalks, parking, and driveway access without significant impacts.

Given the factors above, staff recommends **approval with the following 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 Porter Road property frontage.

**Thomas Haehn**

3631 Brush Hill Road  
Nashville, TN 37216  
[tomhaehn@vionet.com](mailto:tomhaehn@vionet.com)  
ph: 615 423 8168

Metro Government of Nashville  
Dept of Codes and Building Safety  
PO Box 196300  
Nashville TN 37219-6300

March 4, 19  
~~May 26, 2015~~

**Sidewalk variance for 1301 F Porter Rd**  
**Appeal Case # 2019-092**

Dear Sirs.

As the owner of 104 and 107 McKennell Ave and 100 Creighton Ave I am aware that my tenants residing in these properties do appreciate the safe walk-ability to the restaurant area around the intersection of Porter and Greenwood. Since this is a busy area, with sidewalks along both sides of the street, the existence and maintenance of safe sidewalks for the local residents is very important.

I hereby strongly **object** to the request of John Pirtle to obtain a variance to the sidewalk requirements put in place and his objection to pay into the sidewalk fund.

The sidewalks in the area are currently in decent shape, but the funding of sidewalks and their maintenance is imperative for a walk-able community and any new construction shall be part of that necessary funding regardless if it is necessary at the time at the respective property.

Sincerely,



Thomas Haehn

**From:** [Aaron Gower](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Withers, Brett \(Council Member\)](#); [Davis, Anthony \(Council Member\)](#)  
**Subject:** Case 2019-092: 1301 Porter  
**Date:** Tuesday, March 19, 2019 11:06:57 AM

---

Just wanted to drop in our feedback on another attempt to escape building sidewalks. The whole point of the sidewalk bill was to get our sidewalk network built out along with the new development. This seems like a perfect example. Sidewalks should be maintained on Porter and added along Carter to start opening up another street for safe walking.

Thanks,  
Aaron Gower  
1807 Fatherland St

**From:** [Gracie Hollombe Vandiver](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Withers, Brett \(Council Member\)](#); [Davis, Anthony \(Council Member\)](#)  
**Subject:** Case 2019-092: 1301 Porter  
**Date:** Monday, March 18, 2019 3:42:34 PM

---

From:  
Jerry & Gracie Vandiver  
1702 Sharpe Ave  
Nashville, TN 37206

Hello,

As a nearby property owner, we are writing in opposition the the request for variance from the sidewalk requirements on this development. We feel this developer should follow all the rules every other developer has had to follow and there should be no exception here.

We also feel that not putting in a sidewalk for this development would be a detriment to the character of the neighborhood. *Therefore, we request that the applicants be required to maintain or upgrade the existing sidewalks along the Porter Road frontage and to pay into the in-lieu fund.*

Thank you,  
Jerry & Gracie Vandiver  
Our nearby property is 2112 Creighton



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: John Pirtle  
Property Owner: 1301 A Porter Rd  
Representative: Joey Hargis

Date: 1-15-19  
Case #: 2019-093  
Map & Parcel: 083031690000C0

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: O.I.C. 1301 A PORTER ROAD TOWNHOMES UNITS AND  
HPR Duplex New Construction

Activity Type: HPR  
Location: 1301 E PORTER RD

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

Reason: Request not to install sidewalks or 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.

John Pirtle  
Appellant Name (Please Print)

Joey Hargis  
Representative Name (Please Print)

708 Brockett St.  
Address  
Lebranon, TN. 37087  
City, State, Zip Code

211 Commerce St. Ste 800  
Address  
Nashville, TN. 37201  
City, State, Zip Code

615-425-6599  
Phone Number

615 406 3559  
Phone Number

jpirtle@msn.com  
Email

jhargis@bakerdonelson.com  
Email

Appeal Fee: \_\_\_\_\_

NO site plan / no hardship  
EA: TOM



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



3594967

**ZONING BOARD APPEAL / CAAZ - 20190002814  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 083031G90000CO

APPLICATION DATE: 01/15/2019

**SITE ADDRESS:**

1301 E PORTER RD NASHVILLE, TN 37206  
COMMON AREA 1301A PORTER ROAD TOWNHOMES

PARCEL OWNER: O.I.C. 1301 A PORTER ROAD TOWNHOMI

CONTRACTOR:

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

HPR DUPLEX, NEW CONSTRUCTION

REQUEST NOT TO INSTALL SIDEWALKS AND NOT TO CONTRIBUTE

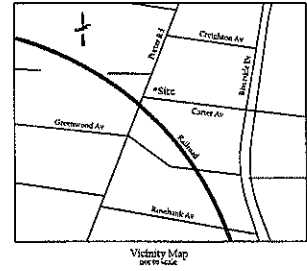
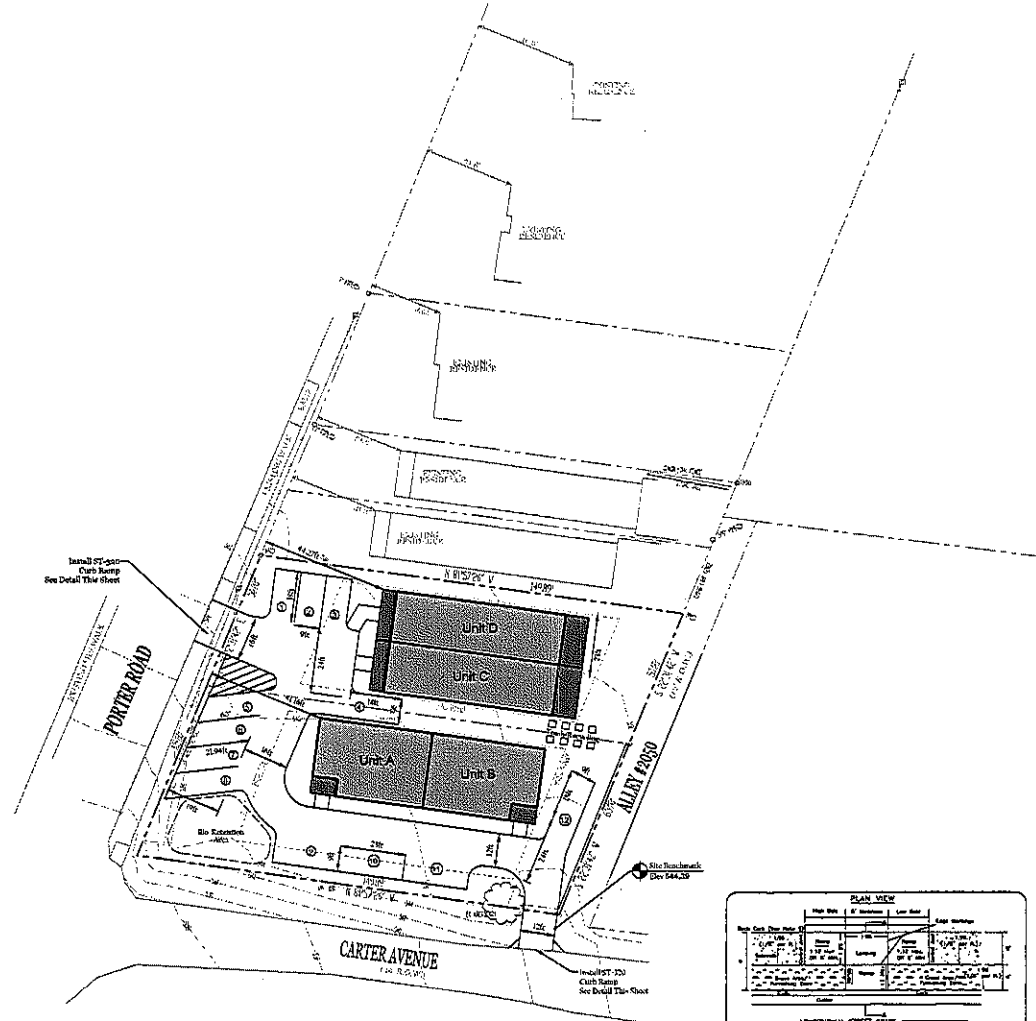
SECTION: 17.20.120

*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.



Plan Prepared By:  
**NC**  
 Nashville Civil LLC  
 Site Design • Engineering  
 700 51st Avenue North  
 Nashville, TN 37209  
 P 615.353.5622  
 b@nashvillecivil.com

Client:  
 Eastland Development, LLC  
 PO Box 3051  
 Brentwood, TN 37024



Sheet Title:  
 Site Plan

For:  
**Porter Road Four**  
 At  
 Hartsville Pike

Located:  
 1301 Porter Road  
 Nashville, TN  
 Davidson County

SWGR 72018

### ZONING REVIEW CHECKLIST

APPLICATION # \_\_\_\_\_ PROJECT NAME: Porter Road 4

APPLICATION DATE: \_\_\_\_\_ ZONING EXAMINER: \_\_\_\_\_

MAP / PARCEL # \_\_\_\_\_

USE: \_\_\_\_\_

ACCESS: \_\_\_\_\_

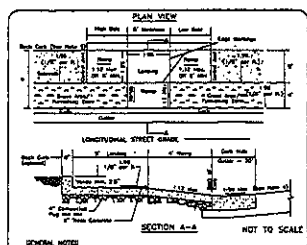
SITE CRITERIA: \_\_\_\_\_

PARKING STANDARDS: \_\_\_\_\_

LANDSCAPING STANDARDS: \_\_\_\_\_

COMMENTS: \_\_\_\_\_

All Utilities For This Project Are Private And Not Shown On These Construction Plans  
 See C3.0 - Grading Plan for more detailed information on the Storm Drainage

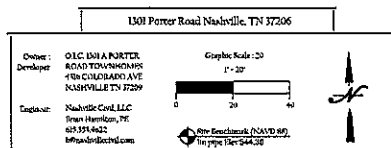


- GENERAL NOTES**
1. Curb shall be built with the curb on top of pavement.
  2. Elevation of landing end of sidewalk shall not exceed 1/8" (1/8" maximum).
  3. Surface texture of the curb ramp shall be stable, firm, and slip-resistant. The surface shall be concrete finished "broom" concrete with protrusions in the shape of the curb.
  4. The vertical clear height of 1:12 (continuous) shall be reduced to 1:12 (continuous) at the ramp when the curb and gutter is placed inside the ramp. If the gutter is placed outside the ramp, the curb and gutter shall be 1:12 (continuous) at the ramp when the curb and gutter is placed outside the ramp.
  5. The curb shall be 1:12 (continuous) at the entrance of public ways, and if required, back curb height along ramp shall transition from 6 inches to maximum height for the maximum height of 6 inches at landing end when the curb height is required. Maximum height of 6 inches shall be required at landing end when the curb height is required.
  6. Ramp slope and use shall have a maximum slope of 1:12 (continuous) or shall be 2 feet (2' maximum) maximum in length.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
 DEPARTMENT OF PUBLIC WORKS

NEW CONSTRUCTION CURB RAMP  
 SWGR NO. 57-320

DATE: 11/20/18



Project #: NC 18-068

Original Issue Date: 30 Nov 2018

Revisions:

1. 7/31/19 - 82A Site Plan  
 2. 7/31/19 - Correction Contour AV

Phase:  
 Construction Plans

Site Plan:  
**C1.0**

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-093 (1301E Porter Road)

Metro Standard:	Porter Road – 6’ grass strip, 6’ sidewalk, as defined by the Major and Collector Street Plan
	Carter Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSPP Street Designation:	Porter Road – T4-R-CA2
	Carter Avenue – Local Street
Transit:	#4 – Shelby
Bikeway:	Minor protected bike lane existing on Porter Road

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes constructing a duplex and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of existing sidewalks along the frontage of the site and impacts to future parking on the property. Planning evaluated the following factors for the variance request:

- (1) A 5’ wide sidewalk without a grass strip exists along the property’s Porter Road frontage, which is consistent with adjacent properties to the north along the block face.
- (2) Based upon the applicant’s site plan, additional right-of-way cannot be dedicated without impacting the ability to provide parking and access. Carter Avenue has further constraints with the significant slope and vegetation that buffers the railroad tracks at this location. In order to keep the existing vegetation, the layout cannot accommodate sidewalks, parking, and driveway access without significant impacts.

Given the factors above, staff recommends **approval with the following 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 Porter Road property frontage.



Metropolitan Board of Zoning Appeals  
 800 Second Avenue South  
 Nashville, TN 37210  
 615-862-6530

Applicant: Smyrna Ready Mix Date: January 22, 2019  
 Property Owner: Same Case #: 2019-095  
 Representative: Thomas White/George Dean M&P: 06800007100  
 Council District: 06800004600

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

Purpose: Appeal decision of the zoning administrator

Activity Type: Cement Manf Plan

Location: 3730 & 3744 Amy Lynn Drive

This property is in the IR Zone District; in accordance with the plans, this application, and all data heretofore filed with the Zoning Administrator, all of which are attached or will be submitted and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason: not permitted at that location, not legally non-conforming and rights not vested.

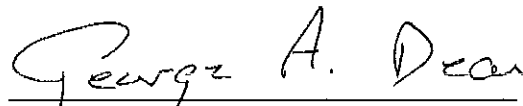
Sections: MetZo § 17.08.030

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in

§17.40.180, subsection A

of the Metropolitan Zoning Ordinance, and Tenn. Code Ann. § 13-7-207(1), the applicant appeals the decision of the Zoning Administrator in that the ruling, dated January 18, 2018 was made in error.

\_\_\_\_\_  
 Completed and Witnessed

  
 \_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

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

George A. Dean  
 Tune Entrekin & White, PC  
 315 Deaderick Street, Suite 1700  
 Nashville, TN 37238  
 615-244-2770  
[gdean@tewlawfirm.com](mailto:gdean@tewlawfirm.com)



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



3596637

**ZONING BOARD APPEAL / CAAZ - 20190004058  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 06800007100      **APPLICATION DATE:** 01/22/2019

**SITE ADDRESS:**

3730 AMY LYNN DR NASHVILLE, TN 37218  
LOT 2 WRIGHT & HAILEY INDUSTRIAL PROPERTY

**PARCEL OWNER:** SMYRNA READY MIX, LLC

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

this appeal applies to map 68 parcels 46 and 71. applicant is applying for an Item A Appeal challenging the Zoning Administrators denial of the issuance of a permit for a concrete manufacturing plant. see METZO SECTION 17.40.180 SUBSECTION A. POC GEORGE DEAN 615-244-2770

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

*There are currently no required inspections*

Inspection requirements may change due to changes during construction.

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

January 18, 2018

Tom White  
Tune, Entrekin & White, P.C.  
315 Deaderick Street, Suite 1700  
Nashville, Tennessee 37238

RE: 3730 Amy Lynn Drive  
3744 Amy Lynn Drive

Parcel IDs: 06800007100  
06800004600

Dear Mr. White:

I reviewed your correspondence, the correspondence from Mr. Leonardo, and the attendant documentation provided by both of you regarding the legality of the concrete batch and mixing use proposed by Smyrna Ready Mix for the properties at 3730 and 3744 Amy Lynn Drive.

“Concrete Plant,” like any other land use, is allowed only if 1) the base zoning permits the use, 2) the development entitlement was vested under the Vested Rights Act prior to any change to the zoning code that restricts the use, or 3) the use is established as legally non-conforming under TCA § 13-7-208.

**PERTINENT FACTS**

3730 Amy Lynn Drive was zoned IR (Industrial Restrictive) on February 19, 1976. 3744 Amy Lynn Drive was zoned IR on March 21, 1985. None of the documentation submitted by Smyrna Ready Mix shows the operation of a Concrete Plant before these

properties were zoned IR. To the extent the subsequent operations at these addresses might be categorized as Concrete Plant, those operations started after the dates those properties were zoned to IR.<sup>1</sup>

With the November 18, 2015, enactment of Council Bill 2015-14, Concrete Plant is now a specified land use under the Metro Zoning Code. Concrete Plant is a use permitted by right only in the IG (Industrial General) zoning district. Concrete Plant is not allowed at all in the IR zoning district.

Prior to Council Bill 2015-14, the definition of "Manufacturing, Heavy" under MCL § 17.04.060, specifically identified "concrete batch plants; concrete, tile or brick manufacturing" as examples of Heavy Manufacturing. Manufacturing, Heavy was a use permitted with conditions in the IG zoning district. However, that use was not allowed at all in the IR zoning district.

The records and documents provided by representatives for the current and prior operators at the subject property indicate activity that could be considered concrete batch and mixing use on dates preceding Council Bill 2015-014. However, none of the documentation asserts that Concrete Plant use was underway before the IR zoning took effect at these lots in 1976 and 1985, respectively.

## LEGAL ANALYSIS

### Base Zoning

The District Land Use Table outlines the uses permitted in each base zoning district. The property at 3730 Amy Lynn Drive is zoned IR (Industrial Restrictive) and has been since February 19, 1976. The property at 3744 Amy Lynn Drive is zoned IR and has been since March 21, 1985. IR zoning does not allow Concrete Plant use. Additionally,

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<sup>1</sup> Smyrna Ready Mix submitted the September 5, 2017, letter from Joey Hendren to Jeff Hollingshead as part of the documentation supporting the request to confirm eligibility for Concrete Plant use at these properties. That letter partially outlines the use of the property beginning in 1978, which Mr. Hendren identifies as the year the property was purchased by Hailey Construction Company. Records from the Register of Deeds indicated that the land was purchased by W.L. Hailey Company, Inc. in 1974. Mr. Hendren's letter discusses construction of a barge unloading facility in 1980. Thereafter, Mr. Hendren's letter states, "They brought a concrete plant in to the harbor to pour and construct rail ties," which confirms Concrete Plant use. However, neither the Hendren letter nor any other document affirmatively states a date on which such Concrete Plant use started. The closest estimate is that the property, "had a concrete plant located on it for many years, possibly until the mid- or late 1990s," as stated in Mr. White's letters of September 25, 2017, and July 18, 2018. The letter does not confirm concrete plant use preceding the 1976 IR zoning of 3730 Amy Lynn Drive or the 1985 IR zoning of 3744 Amy Lynn Drive. Mr. Hendren's letter and the supporting documents, thus, fail to establish Concrete Plant as a legally non-conforming use at these properties.

IR zoning did not allow the Manufacturing, Heavy land use when that was the applicable designation under the Land Use Table, prior to Council Bill 2015-14.

The only zoning designation that allows Concrete Plant use is IG (Industrial General). Even under IG zoning though, that use is permitted only under certain conditions. Therefore, the current zoning of those properties does not allow the concrete batch and mixing plant, as desired by Smyrna Ready Mix.

### Vested Rights

The Vested Rights Act of 2014, codified at Tennessee Code Annotated §§ 13-4-310 and 13-3-411, addresses the elements required to secure development rights. For decades, Tennessee courts relied on analysis of financial expenditures and the incursion of other substantial liabilities to determine whether development rights had vested. However, the state legislature sought to create more of a bright line test for the establishment of vested rights. The Vested Rights Act of 2014 creates that bright line test and identifies approved final site plans and legally issued building permits as the two main ways to vest development rights.

Smyrna Ready Mix did not obtain a building permit for concrete plant use at 3730 Amy Lynn Drive. Nor did Smyrna Ready Mix obtain final site plan approval for the project. Since neither of the two vesting actions occurred, the protections of the Vested Rights Act do not automatically cover Smyrna Ready Mix and their intended Concrete Plant use at this property.

However, that analysis under the Vested Rights Act is too simplistic for the facts of this case. Concrete Plant is a land use that does not require a building permit from the Metro Codes Department. That use involves large equipment but does not require traditional construction that necessitates a building permit. Similarly, the concrete batching and mixing plant would not trigger the need for a final site plan approval. So while the Vested Rights Act does not affirmatively establish the development rights that Smyrna Ready Mix seeks in this instance, the statute does not overtly extinguish those development rights either.

That raises the question as to whether any other form of permit issued by Metro Codes could rise to the level of vesting under this statute. In particular, Smyrna Ready Mix asserts that its 2015 electrical permit (#201516615), issued by Metro Codes on April 29, 2015, vests the entitlements sought at this property. However, the only permit expressly identified under the statute is the actual building permit. Furthermore, trade permits, like this electrical permit, do not involve any review of the zoning code or other land use development standards. Therefore, a trade permit is insufficient to vest development rights related to the provisions of the zoning code.



### Legally Non-Conforming Uses

Tennessee Code Annotated § 13-7-208 governs legally non-conforming uses of commercial property. If the concrete batch and mixing plant use was legally in place at these two properties before the IR zoning designation took effect, then that use could be confirmed as legally non-conforming under the existing zoning designation.

That fact-specific analysis requires the property owner or operator to establish these elements: 1) that the use was in effect before the zoning change, 2) that the prior zoning allowed the use in question, and 3) that there has been no interruption of the use for a period of 30 months or more since the change in the zoning designation.

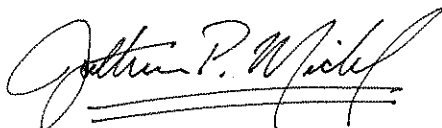
As previously noted, the documents provided by Smyrna Ready Mix demonstrate activity associated with the Concrete Plant use. However, none of those documents or other assertions pin those activities to dates that precede the February 1976 establishment of IR zoning for 3730 Amy Lynn Drive. Nor do the documents pin those activities to dates that precede the March 1985 establishment of IR zoning at 3744 Amy Lynn Drive. Accordingly, despite any current use or continuity of uses that preceded Council Bill 2015-14, Concrete Plant use cannot be considered legally non-conforming to the IR zoning district at these properties.

### CONCLUSIONS

The current IR zoning does not allow concrete plant use. Neither building permits nor final site plan approval necessary to trigger vested rights protections under state law were obtained. Concrete Plant use has not been established on dates that preceded the IR zoning designation for either property. That use would have to be established during a time when the base zoning allowed such use. No evidence has been submitted indicating Concrete Plant use during a period when zoning allowed such use at either of these properties.

Based on the foregoing, Concrete Plant is not an allowed use at either 3730 or 3744 Amy Lynn Drive.

Sincerely,



Jon Michael  
Zoning Administrator

CC: Dominic Leonardo, Esq.  
603 Woodland Street  
Nashville, Tennessee 37206

**TUNE, ENTREKIN & WHITE, P.C.**

ATTORNEYS AT LAW

JOHN C. TUNE  
1931-1983SUITE 1700  
315 DEADERICK STREET  
NASHVILLE, TENNESSEE 37238ERVIN M. ENTREKIN  
1927-1990

TEL (615) 244-2770 FAX (615) 244-2778

*\*Rule 31 listed General Civil Mediator*THOMAS V. WHITE  
JOHN W. NELLEY, JR.  
THOMAS C. SCOTT  
PETER J. STRIANSE  
HUGH W. ENTREKIN  
JOHN P. WILLIAMS \*  
ROBERT L. DELANEY  
GEORGE A. DEAN  
LESA HARTLEY SKONEY  
JOSEPH P. RUSNAK  
SHAWN R. HENRY  
T. CHAD WHITE  
BRANDT M. MCMILLAN \*  
CHRISTOPHER B. FOWLER  
TIMOTHY N. O'CONNOR

March 18, 2019

Ms. Emily Lamb  
Secretary, Board of Zoning Appeals  
800 Second Avenue, South  
Nashville, Tennessee 37210Re: Case Number: 2019-095  
3730 & 3744 Amy Lynn Drive  
Map & Parcel: 06800007100 & 06800004600  
Zoning Classification: IR  
Owner: Smyrna Ready Mix

Dear Ms. Lamb:

This letter is submitted in support of the appeal to the Metro Board of Zoning Appeals contesting the validity of the decision of the Metropolitan Zoning Administrator finding that the use of the property referenced above for a cement manufacturing plant is inappropriate at this location. The owner has previously submitted detailed letters concerning its position, and would ask that both of those letters be entered into the record of this case. The first letter was to Bill Herbert in July of last year, and the second was to Jon Michael dated December 5, 2018.

In addition, we are submitting with this letter additional documents concerning the use of the property. Affidavits from Joey Hendren, Lewis Johnson, and Edward Pannell are attached. These affidavits and other information which we will present to the board strongly demonstrate that there was a cement manufacturing plant on this property prior to any zoning and as early as the middle 1950s to early 1960s.

In addition, we have attached a map of the zoning in the area from 1963. As you can see, the zoning of the land to the north of the Cumberland River is at that time unclassified (not zoned), and as a result, a cement manufacturing plant would be permitted. It's not clear when the zoning on this property was first applied, except that it must've been after the signature at the bottom right-hand corner signed by former Metro Planning Commission staff member, Charley Raby.

## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb  
March 18, 2019  
Page 2

As a result, given the statements attached to this letter and the fact that there was no zoning on the property until sometime after 1963, this property was clearly legally non-conforming, has never been abandoned by any owner of the property, and as a result, is entitled to continue with its functions and activities today.

Unclassified	until 1974
AR2a	Dec 24, 1974
IR	1975

Of course, non-conforming uses can be abandoned, but there is no evidence of intentional abandonment here, and furthermore, the burden of proof regarding such an abandonment is on the government. Tenn. Code Ann. §13-7-208(g)(4). Additionally, there is no adverse impact on the surrounding properties, and accordingly, no standing.

It may be worthwhile to describe the efforts to uncover the prior zoning history on the property. That has been quite difficult. First, it appears that the most natural place to look, the office of the Metropolitan Clerk, does not have records which can be conveniently accessed for zoning issues dating this far back. At least, we have been unable to find records that could be accessed in a reasonable manner at the Clerk's office.

However, we were informed that much of the information relating to zoning going back into the 50s, 60s, and 70s was stored with the Metro Archives. We spent a great deal of time there, trying to run down any records they might have concerning the zoning changes of this property. Once again, very little information was obtained.

We also went to the Planning Department but even there the records are not particularly helpful. We were able to find the map that we attached to this letter at the Planning Department. In all, considerable hours were spent trying to research the date when the property was changed from unclassified to agricultural, but were unable to identify the precise ordinance which would have made the change. It is clear that as of December 24, 1974, with the adoption of the Comprehensive Zoning Ordinance, the property was zoned AR2A (agricultural and residential with a 2 acre minimum). It is also clear that almost immediately after the adoption of COMZO the Metropolitan Council changed the zoning on this property from AR2a to IR. That change was accomplished by Ordinance 75-73. Our client's predecessor (Hailey Harbor) bought it almost immediately thereafter.

TUNE, ENTREKIN & WHITE, P.C.

Letter to Emily Lamb  
March 18, 2019  
Page 3

As a result, this property is legally non-conforming and the decision of the Metro Zoning Administrator should be altered to that extent.

Sincerely,

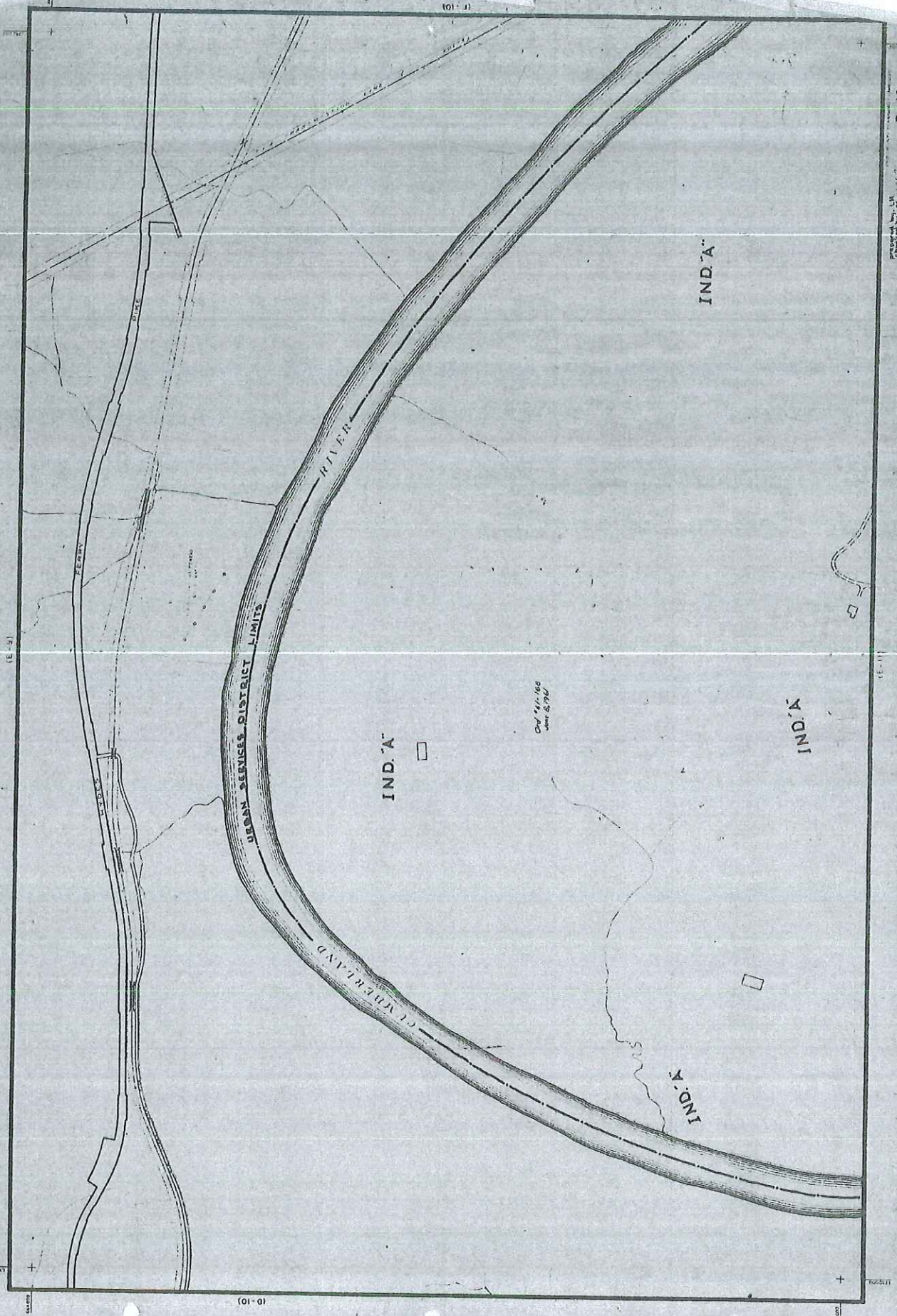
TUNE, ENTREKIN, & WHITE, PC

*Thomas V White / (by GAD)*

Thomas V. White

GAD:dns





Checked by: J.H. [illegible] E-10

10-10

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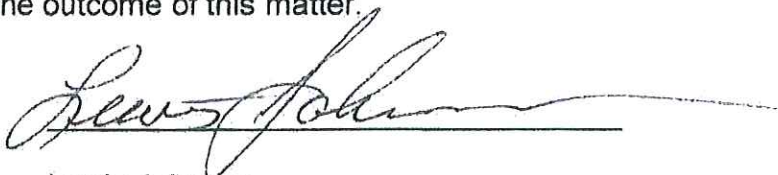
10-11



AFFIDAVIT

I, Lewis Johnson, being duly sworn, states as follows:

1. My name is Lewis Johnson and I reside at 4754 Old Hydes Ferry Pike in Nashville, TN.
2. I have lived in this area all my life and am very familiar with the property which is the subject of this hearing. As early as 1962, it was common knowledge that there was concrete manufacturing at the site where Smyrna Ready Mix is now located. I saw this operation and was aware that cement, sand and gravel were mixed at this property and there was a constant flow of concrete trucks to this site. I observed these activities myself from the mid-1960's to 1970. To my knowledge, some of the products were sold up on Highway 12 in the form of steps for residential and commercial structures. In 1970-1978, I was in the military, but returned to Nashville and have been aware of concrete manufacturing operations on that site since I have returned.
3. I am also aware that when W.L. Hailey operated this site, the same type of activity continued, and this was during the 1970's and 1980's.
4. I have no personal interest in the outcome of this matter.



Lewis Johnson

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Sworn to and subscribed before me  
this 18<sup>th</sup> day of March, 2019.

  
NOTARY PUBLIC

My commission expires: 8/20/19



AFFIDAVIT

I, Edward Pannell, being duly sworn, states as follows:

1. I am 68 years old and live at 470 Radnor Street in Nashville, Tennessee. I was born and raised in West Nashville and attended Cohn High School.
2. I am extremely familiar with the property which over the years was known as Hailey's Harbor, located at 3730 and 3744 Amy Lynn Drive.
3. I was in this area on many occasions and am very familiar with this site. This would start with my pre-teen years and continue through my adult life.
4. I was a concrete finisher almost all of my adult life and am familiar with the concrete business, including concrete batch plants.
5. I was aware that during the mid 1960's and early 1970's there was a concrete batching plant on this piece of property. I saw a red silo and frequently saw concrete trucks coming to and from this site as they went to Highway 12.
6. I have never been employed by Smyrna Ready Mix, and I have no personal interest in the outcome of this matter.

Edward S Pannell

Edward Pannell

STATE OF TENNESSEE )

COUNTY OF DAVIDSON )

Sworn to and subscribed before me  
this 5 day of March, 2019.

Cynthia G. Dutton  
NOTARY PUBLIC

My commission expires: July 6, 2020



AFFIDAVIT

Joey L. Hendren, being duly sworn, states as follows:

1. I previously gave a letter dated September 15, 2015 and the contents of that letter are incorporated and referenced in this Affidavit.
2. I had many years of involvement with Hailey's Harbor and W.L. Hailey Construction Company. I served for a number of years as Harbor Master and Vice President and eventually was a part-owner of the Harbor for 22 years.
3. I performed an extensive historical background check of the business and customer relationships before I agreed to buying into the company. W.L. Hailey Construction Company was one of the premier construction companies in Nashville for over 75 years, specializing in bridge work, pipeline river crossings, tunnel borings, and the related concrete work incidental to these operations all over the United States.
4. In 1978, W.L. Hailey Construction Company purchased the site which is currently occupied by Smyrna Ready Mix.
5. Very shortly after the purchase of the property by W.L. Hailey, they brought in a concrete plant to pour and construct railroad ties, bracings, and bridge supports. They also allowed a company called Huddleston Construction to use the concrete plant to pour forms for culvert ends and other various items.



6. It was general community knowledge that there was a concrete batching plant in operation on this site in the 1960's and 1970's before W.L. Hailey initiated their activities set out in this Affidavit.

*Joey L Hendren*  
JOEY L HENDREN

STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Sworn to and subscribed before me  
this 7 day of March 2018.

*Cynthia L. Duff*  
NOTARY PUBLIC

My commission expires: July 1st 2020



# Neighboring Properties

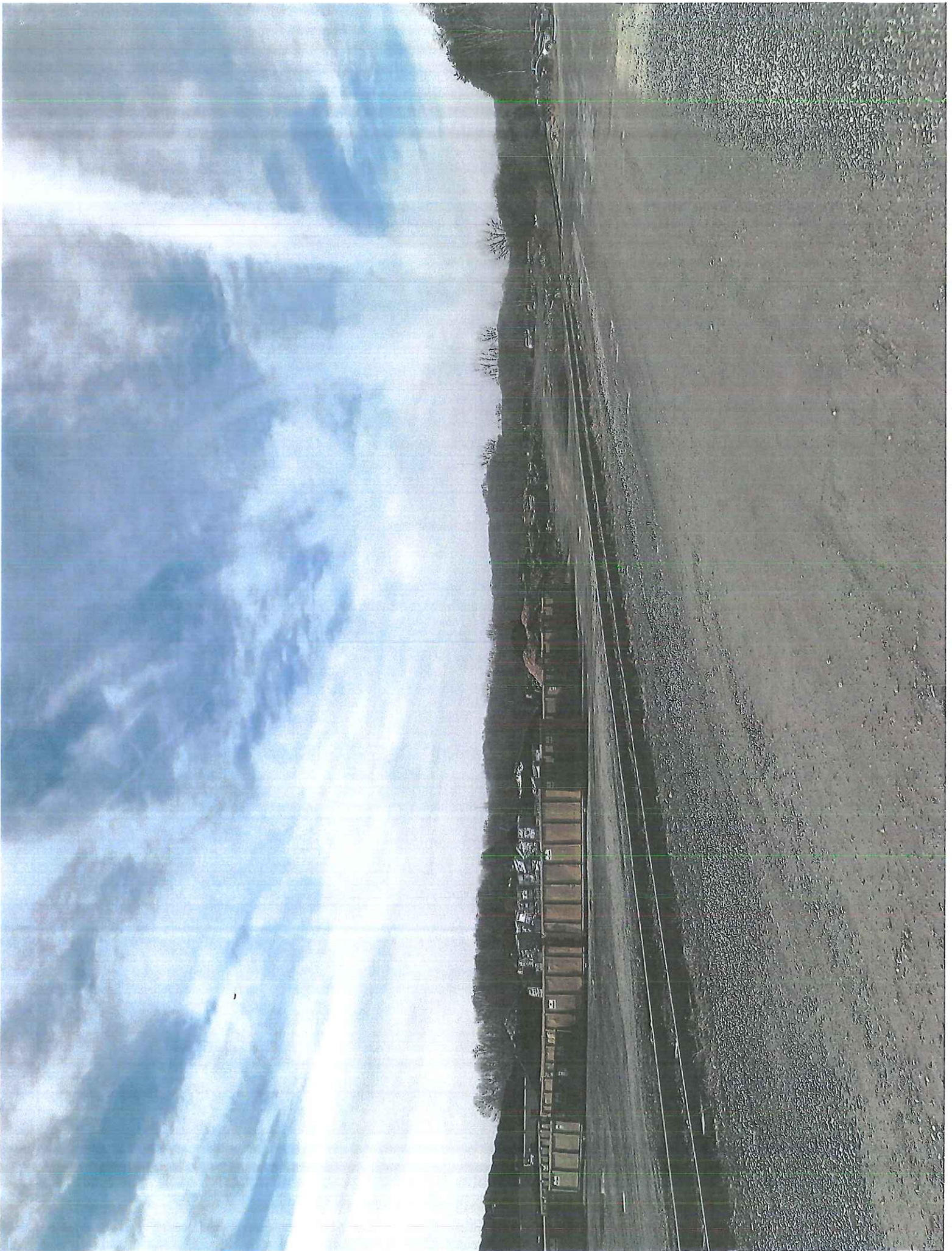




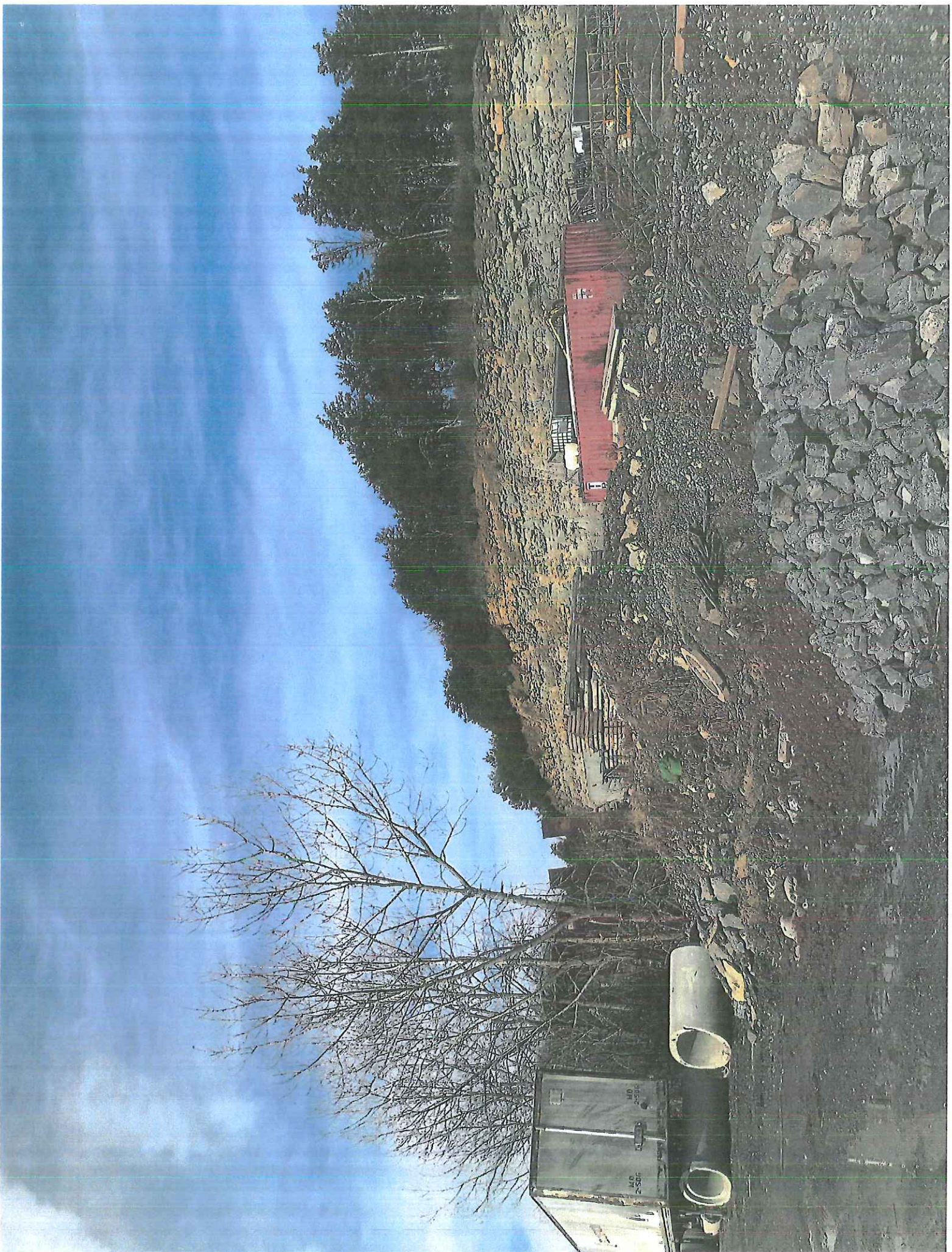




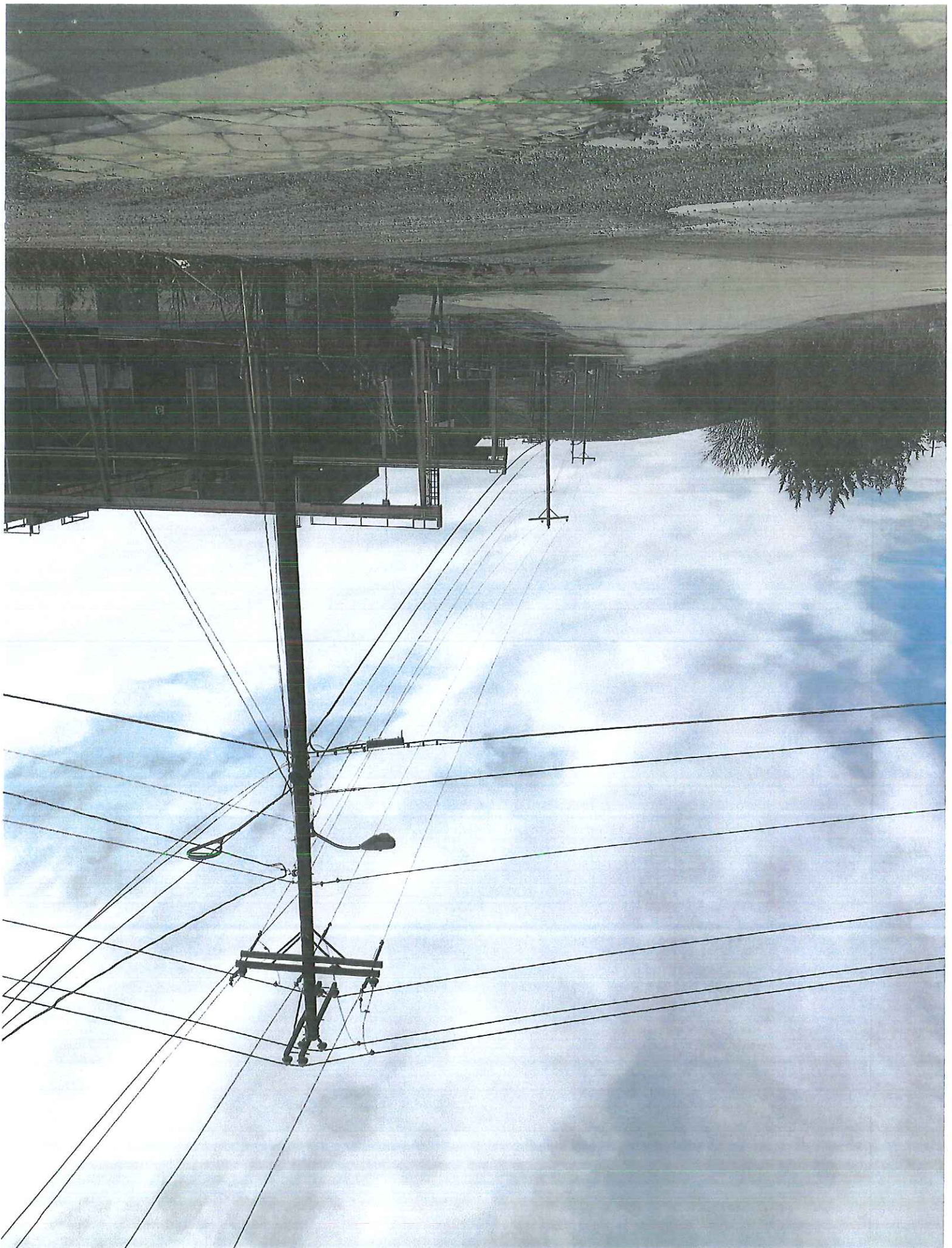




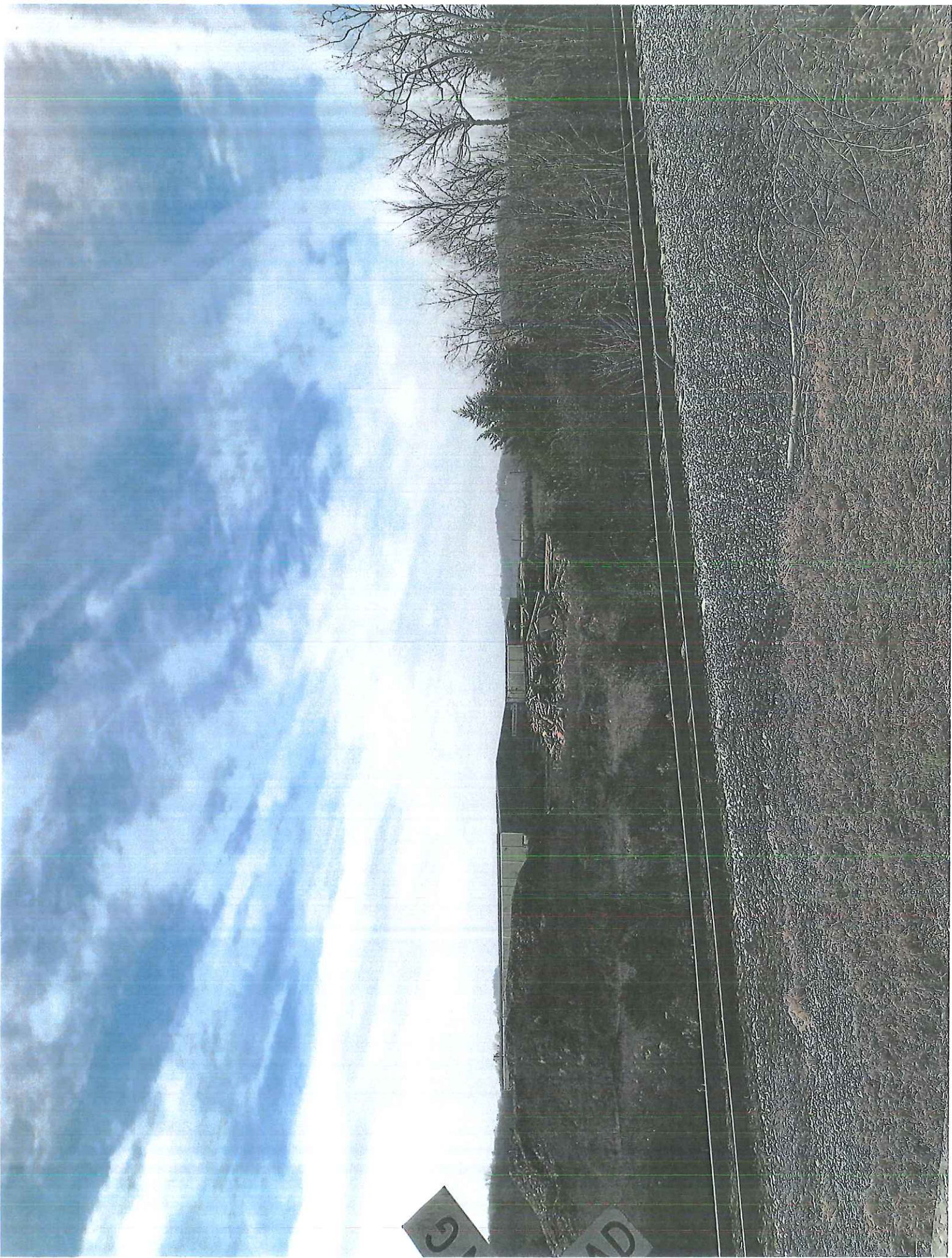


















# Smyrna Ready Mix















Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Mahmoud Ghaseemzadeh Date: 1-25-19  
Property Owner: " " Case #: 2019-097  
Representative: " " Map & Parcel: 133-6-37

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 in fencing requirements to allow 5' chain link fence around perimeter of Automotive sales lot.

Activity Type: Car Sales

Location: 3601 Nolensville Rd.

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: Does not meet minimum requirements

Section(s): 17.16.070(V)

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.

MAHMOUD GHASEMNEZHAD  
Appellant Name (Please Print)

\_\_\_\_\_  
Representative Name (Please Print)

3601 NOLENVILLE PIKE  
Address

SAME  
Address

NASHVILLE, TN 37215  
City, State, Zip Code

SAME  
City, State, Zip Code

615-479-3810  
Phone Number

SAME  
Phone Number

mahmoud9209@yahoo.com  
Email

SAME  
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



3597846

**ZONING BOARD APPEAL / CAAZ - 20190004899**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 13306003700

APPLICATION DATE: 01/25/2019

**SITE ADDRESS:**

3601 NOLENSVILLE PIKE NASHVILLE, TN 37211

LOT 18 AND 19 SUNRISE HGTS

PARCEL OWNER: GHASEMNEZHAD, MAHMOOD &amp; ASHRAI

CONTRACTOR:

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

requesting variance for size and material of required fencing for automotive sales. requesting 5' chain link fence around entire perimeter of lot.

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

---

***There are currently no required inspections***

Inspection requirements may change due to changes during construction.



## 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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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.

MAHMOOD GAASEMNEZHAD

**APPELLANT**

1/25/2019

**DATE**

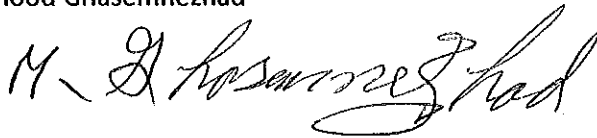
Car Trade Inc. Opened in 2001 and since we opened we have had lots of break ins and vandalism on our cars. This has cost the business loss of money and time to fix the cars and put them back on the lot for resale. Our Neighbors had the same problems on the left hand side, the 321 Dealership and also the right hand side and they came up with the solution of fencing to protect their assets and cars.

We have done the same thing. Once we have installed the fences, there hasn't been any vandalism on the cars. If the fences get any shorter we will face the same problems we had before.

My ask is, if we can be granted this existing fence minus the bob wire, it will help us tremendously to avoid damages to the cars.

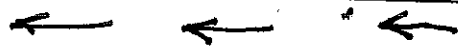
Sincerely yours,

Mahmood Ghasemnezhad

A handwritten signature in black ink, appearing to read "M. Ghasemnezhad", written in a cursive style.

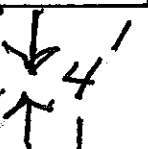


SCALE 1" = 20 FT



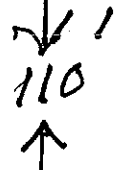
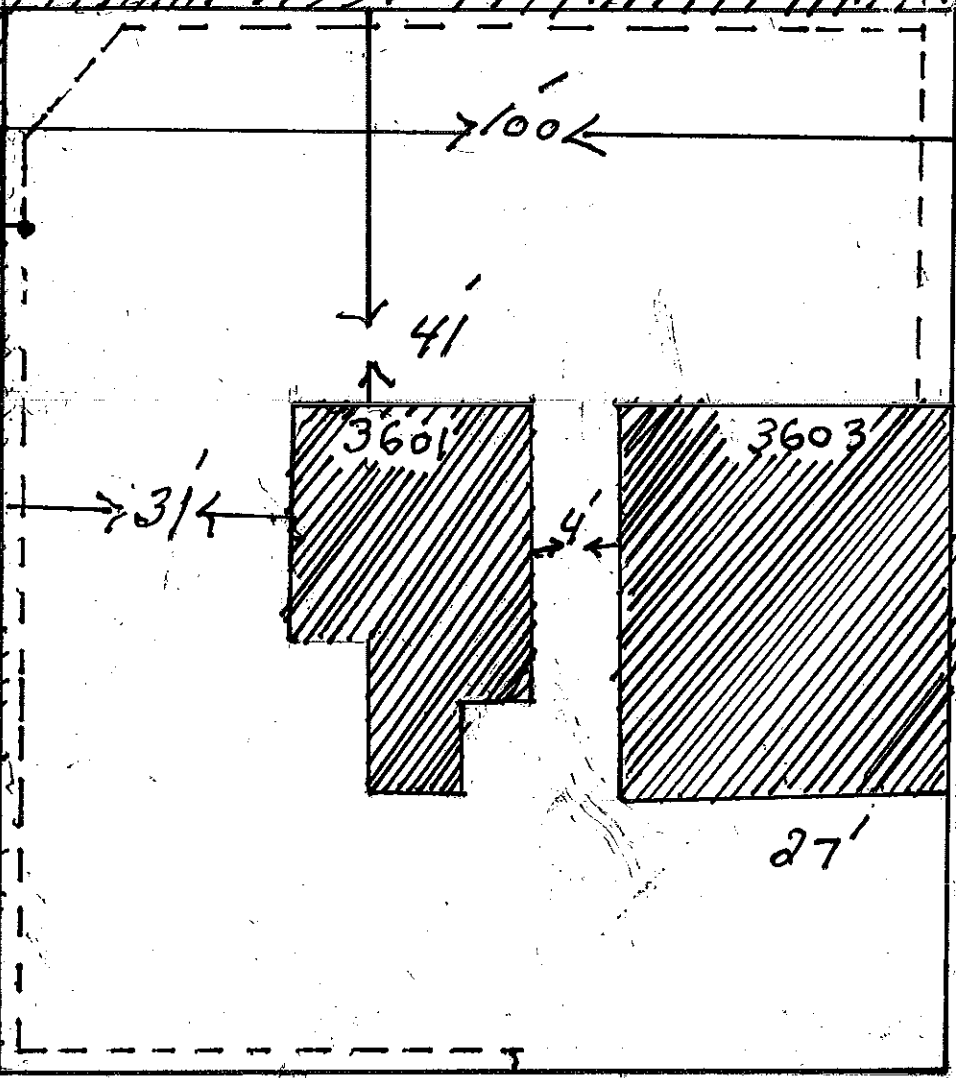
NOKENSVILLE PIKE → → →

SIDEWALK



EXISTING FENCE CHAIN LINK 5' HIGH

SIDE WALK



27'

**From:** [Freeman, Mike \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** CASE 2019-097  
**Date:** Tuesday, March 19, 2019 6:26:50 PM

---

Board Members,

I will not be able to make it to the Thursday meeting; work requires me to be in Chattanooga for the rest of the week. I do want to let you guys know my feelings on Case 2019-097.

I submitted the property to the Codes Dept for having a fence that does not meet the current code. The following is taken from the regulation for Auto Repair and Used Auto Sales. As I told the business owner in an email "I'm working my through all of the related businesses on NoRo and will be reporting all that are not in compliance." Sadly some will be "Grandfathered" because they had fencing erected prior to 2011.

3. Chain link fence, barbed wire, razor wire or similar fencing is prohibited within 25 feet of a public right-of-way.
4. Fencing or walls within 25 feet of a public right-of-way shall not be more than 36 inches in height.

I hope that you guys will decide to uphold the current law. You'll have another case coming before you next month, and probably more in the future.



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Urban Development Date: 1-25-19  
Property Owner: Urban Development Case #: 2019-098  
Representative: Jeremy Walker Map & Parcel: 82-12-4/900

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: Set back variance due to hard ship  
HPR

Activity Type: HPR Residential Multi Family

Location: 915 Ramsey

This property is in the RM20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 20' set back due to site hardship  
Section(s): 17.12.030B 30' set back required

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.

Jeremy Walker  
Appellant Name (Please Print)

Jeremy Walker  
Representative Name (Please Print)

PO Box 90288  
Address

PO Box 90288  
Address

Nashville TN  
City, State, Zip Code

Nashville TN  
City, State, Zip Code

615 506 7296  
Phone Number

615 506 7296  
Phone Number

bids.urbandg@gmail.com  
Email raven.aads@gmail.com

bids.urbandg@gmail.com  
Email

Appeal Fee: \_\_\_\_\_

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet 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.


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

### METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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 \_\_\_\_\_  
**APPELLANT**

1-25-19  
 \_\_\_\_\_  
**DATE**

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

The lot is very narrow and corner lot  
And its difficult to include parking  
with the 30' suggested set back





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



3598058

**ZONING BOARD APPEAL / CAAZ - 20190005046**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 082120Y90000CO

APPLICATION DATE: 01/25/2019

**SITE ADDRESS:**

915 B RAMSEY ST NASHVILLE, TN 37206  
COMMON AREA HOMES AT 915 RAMSEY STREET

PARCEL OWNER: O.I.C. HOMES AT 915 RAMSEY STREET

CONTRACTOR:

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

TO CONSTRUCT RESIDENTIAL HPR... ..MULTI-FAMILY RESIDENCE...3 UNITS ATTACHED... ..

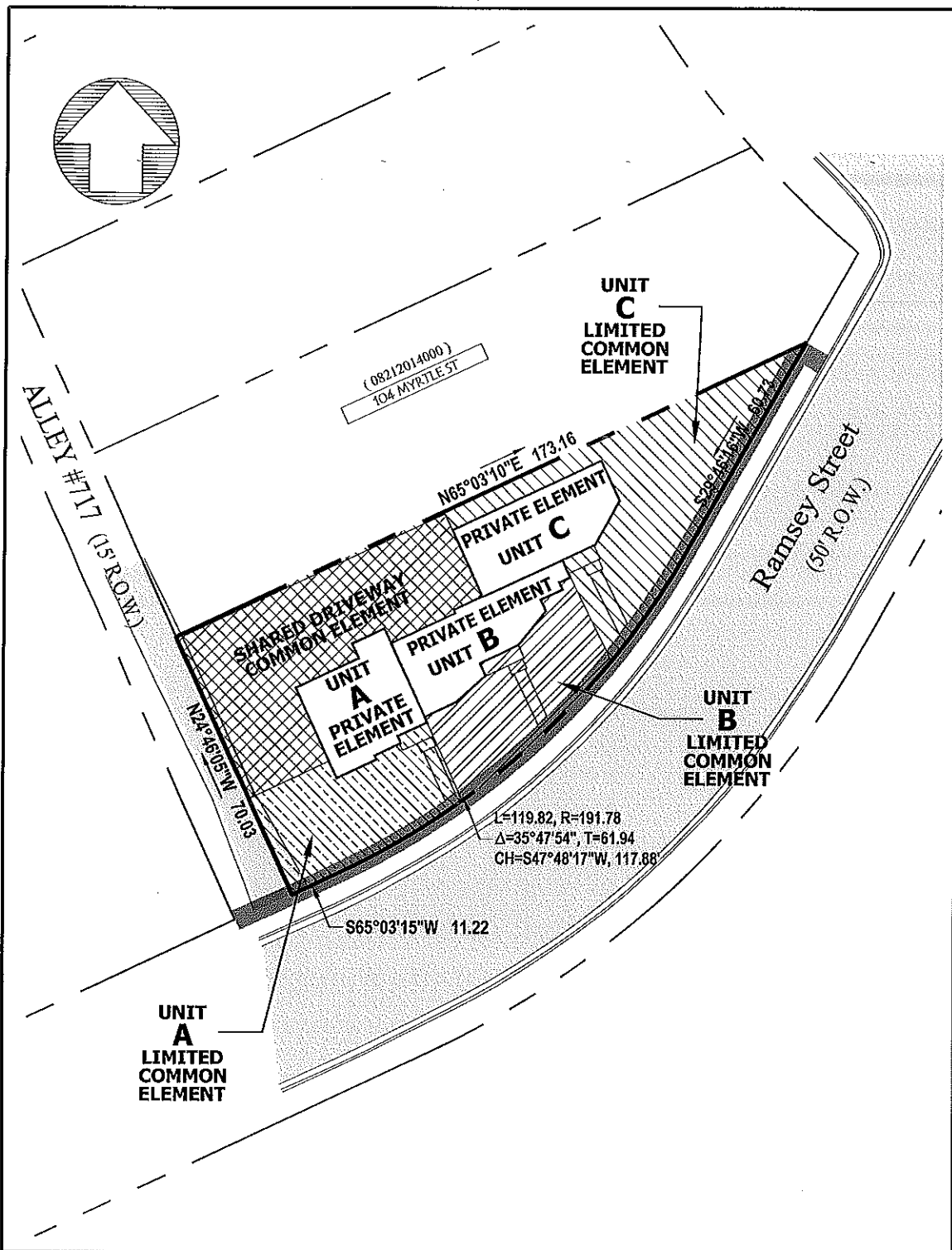
REQUEST TO BUILD TO 20' FRONT/STREET SETBACK LINE ALONG RAMSEY STREET

REJECTED: 17.12.030B STREET SETBACKS FOR MULTI-FAMILY AND NON-RESIDENTIAL DISTRICTS... ..RM20 REQUIRES  
30' FRONT/STREET SETBACK... ..

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

***There are currently no required inspections***

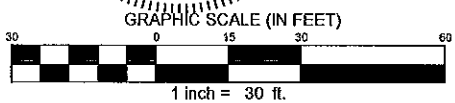
Inspection requirements may change due to changes during construction.



THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE WORK WAS FURNISHED TO THE SURVEYOR PRIOR TO THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.



**EXHIBIT 'B' - Units A, B and C**  
**915 Ramsey Street**  
 NASHVILLE, TENNESSEE  
 Metro Parcel ID: (08212013900)



**CLINT ELLIOTT SURVEY**

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



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

Appellant: Kendall Tucker Date: 1-31-19  
 Property Owner: Greater St. Matthews A.M.E. Church Case #: 2019-103  
 Representative: Jake Tanner Map & Parcel: 08102013000  
 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: Interior renovations  
 Activity Type: variance  
 Location: 1719 McKinney 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: Variance from sidewalks requesting not to pay or construct sidewalk

Section: 17.04017.20

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

Appellant Name: Greater St. Matthews Church Representative: Kendall Tucker  
 Phone Number: 615-310-3942 Phone Number: 615-310-3942  
 Address: 1917 McKinney Ave Address: 152 Queens Lane  
Nashville, TN 37208 Nashville, TN 37218  
 Email address: owenstuckerj@yahoo.com Email address: owenstuckerj@yahoo.com

Appeal Fee: 100.00

## APPLICATION FOR A VARIANCE REQUEST

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 \_\_\_\_\_  
**APPELLANT**

  
 \_\_\_\_\_  
**DATE**



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

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

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



3599597

340.02

**BUILDING RESIDENTIAL - REHAB / CARR - T2019006071  
Permit Tracking Checklist**

PARCEL: 08102013000

APPLICATION DATE: 01/31/2019

PERMIT TRACKING #: 3599597

**SITE ADDRESS:**

1719 MCKINNEY AVE NASHVILLE, TN 37208  
LOT 50 BUENA VISTA HEIGHTS

PARCEL OWNER: GREATER ST. MATTHEWS A.M.E. CHURCH

**CONTRACTOR:**

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION)  
SELF RESIDENTIAL

SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION)

**PURPOSE:**

replace HVAC unit, upgrade kitchen cabinets, replacing fixtures in bathroom, replacing windows and exterior doors  
POC KEN 615-310-3942

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 proposed sidewalk on the block face. To help determine whether there is existing or proposed sidewalk on the block face, use the sidewalk and open building permit information. Open building permits will require additional research.

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	→ SWREQ_ILEL	615-880-2649 Ronya.Sykes@nashville.gov
PW - Sidewalk Payment In Lieu Decision		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782



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



3599597

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



3599597

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SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION)

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[F] Solid Waste Review On Bldg App		862-8782

## THIRD SUBSTITUTE ORDINANCE NO. BL2016-493

**An ordinance amending Chapters 17.04, 17.20 and 17.40 of the Metropolitan Code pertaining to sidewalks (Proposal No. 2016Z-024TX-001)**

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

Section 1. Section 17.20.120 (Provision of sidewalks) is hereby amended by deleting the section in its entirety and replacing with the following:

Sidewalks are required to facilitate safe and convenient pedestrian movements for the residents, employees and/or patrons, and to reduce dependency on the automobile, thus reducing traffic congestion on the community's streets and protecting air quality. This article shall not decrease the allowable floor area ratio for development.

## A. Applicability.

1. Multi-family or nonresidential redevelopment. ~~The~~ All provisions of this section shall apply to the redevelopment of multi-family or nonresidential property when the property is located within the Urban Services District, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision. Redevelopment of multi-family or nonresidential property shall include one or more of the following:

- a. Construction of a new structure on a vacant lot, including lots on which all structures have been or are planned to be demolished; or
- b. The cost value of any one renovation equal to or greater than fifty percent of the assessed value of all structures on the lot, or the value of multiple renovations during any five-year period equal to or greater than seventy five percent of the assessed value of all structures on the lot; or
- c. The cost value of any one expansion equal to or greater than twenty-five percent of the assessed value of all structures on the lot, or the value of multiple expansions during any five-year period equal to or greater than fifty percent of the assessed value of all structures on the lot; or
- d. The total building square footage of any one expansion is equal to or greater than twenty-five percent of the total square footage of all structures on the lot, or the total building square footage of multiple expansions during any five-year period is equal to or greater than fifty percent of the total square footage of all structures on the lot.

2. Single-family or two-family construction. Single-family or two-family construction when the property is within the Urban Zoning Overlay, or within a center designated in the general plan, or any of the property frontage is within a quarter mile of the boundary of a center designated in the general plan, or the property is on a street in the Major and Collector Street plan in the Urban Services District. Properties on the opposite side of navigable waterways or controlled access highways from a center designated in the general plan are not subject to this provision.

- a. All provisions of Section 17.20.120 shall apply to the construction of a new single-family or attached or detached two-family structure(s).
- b. Dedication of Right-of-Way and Easements required by subsection E of this section shall apply to all single-family and two-family permits for an addition or any renovation with a cost equal to or greater than twenty-five percent of the assessed value of all structures on the lot.

B. On-Site Sidewalk Installation For Multi-Family and Nonresidential Development. A continuous, all-weather internal sidewalk network, constructed to a minimum width of five feet shall connect all pedestrian building entryways to parking areas and all public rights of way. Sidewalks shall be designed and constructed to be distinguishable from driving surfaces.

C. Public Sidewalk Installation. The provisions of this subsection apply to all property frontage, regardless of whether sidewalks are provided in public right-of-way or pedestrian easements.

1. Construction of new sidewalks is required along the entire property frontage under any one or more of the following conditions, unless the property abuts a sidewalk segment that the Department of Public Works has funded and scheduled for construction:

- a. When there is eExisting sidewalk in need of repair or replacement.
- b. To extend the existing sidewalk or sidewalk proposed by an adjacent abutting development.
- c. Existing sidewalk present on the same block face.
- d. Multi-family or nonresidential properties within the Urban Zoning Overlay.

- e. Multi-family or nonresidential properties along a street in the Major and Collector Street Plan.

2. Sidewalk Design Standards.

- a. Sidewalks dimensions and required elements shall comply with the Major and Collector Street Plan or, for a street not in the Major and Collector Street Plan, the adopted standards of the Metropolitan Government. Design of sidewalks shall comply with approved Public Works' standards.
- b. Obstructions are prohibited within the required pedestrian travelway, but may be located within a grass strip/green zone or frontage zone. Prior to the issuance of use and occupancy permits, existing obstructions shall be relocated outside of the required pedestrian travelway.

D. Contribution to the fund for the pedestrian benefit zone as an alternative to sidewalk installation.

1. When a public sidewalk is required by subsection A, but installation is not required by subsection C of this section, the building permit applicant may make a financial contribution to the fund for the pedestrian benefit zone in lieu of construction. The value of the contribution shall be the average linear foot sidewalk project cost, including new and repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government.

~~a. Multi-family or nonresidential development. The value of the contribution shall be the average linear foot sidewalk project cost, excluding repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government.~~

~~b. Single family or two-family construction. The value of the contribution shall be the average linear foot sidewalk project cost, including repair projects, determined by July 1 of each year by the Department of Public Works' review of sidewalk projects contracted for or constructed by the Metropolitan Government.~~

2. Any such contributions received by the Metropolitan Government shall be assigned and designated for implementation of the Strategic Plan for Sidewalks and Bikeways, as approved by the Planning Commission. The applicant's payment shall be allocated within ten years of receipt of the payment within the same pedestrian benefit zone as the property to be developed; otherwise, the payment shall be refunded to the building permit applicant.
3. Contribution to the pedestrian network as an alternative to sidewalk installation required under this section shall be received by the Department of Public Works and written confirmation of the contribution sent to the Department of Codes Administration prior to the issuance of a building permit.

E. Dedication of Right-of-Way and Easements Required. Dedication of right-of-way and/or public pedestrian easement is required to permit present or future installation of a public sidewalk built to the current standards of the Metropolitan Government. For properties abutting an existing sidewalk or planned sidewalk identified in the Priority Sidewalk Network in the Strategic Plan for Sidewalks and Bikeways, all driveways, walkways and other improvements within public right-of-way or pedestrian easement shall be designed and graded in accordance with Public Works' design standards necessary to accommodate future sidewalk construction.

F. Improvements required or elected on public rights-of-way and/or public pedestrian easements under subsection C of this section shall be reviewed for compliance by the Department of Public Works. No building permit shall be issued by the Department of Codes Administration until the Department of Public Works has released the building permit. Prior to the Department of Codes Administration authorizing final use and occupancy, the Department of Public Works shall inspect and approve the sidewalk improvements in the public rights-of-way and/or public pedestrian easements.

Section 2. Section 17.20.125 (Right to appeal and seek variances) is hereby amended by deleting the section in its entirety and replacing with the following:

The provisions of Section 17.20.120 may be varied or interpretations appealed in conformance with Chapter 17.40, Administration and Procedures. The Board of Zoning Appeals may require a contribution to the pedestrian network, consistent with subsection ~~DE~~ of this section, an alternative sidewalk design, or other mitigation for the loss of the public improvement as a condition to a variance.

Section 3. Section 17.40.340 (Limits to jurisdiction) is hereby amended by deleting subsection B in its entirety and replacing with the following subsection B:

B. The board shall not grant variances within the following sections, tables, zoning districts, or overlay districts without first considering a recommendation from the Planning Commission.

**Sections/Tables**

Section 17.20.120 (Provision of sidewalks)

Section 17.28.103 (Underground utilities)

**Zoning Districts**

SP District

**Overlay Districts**

PUD

UDO

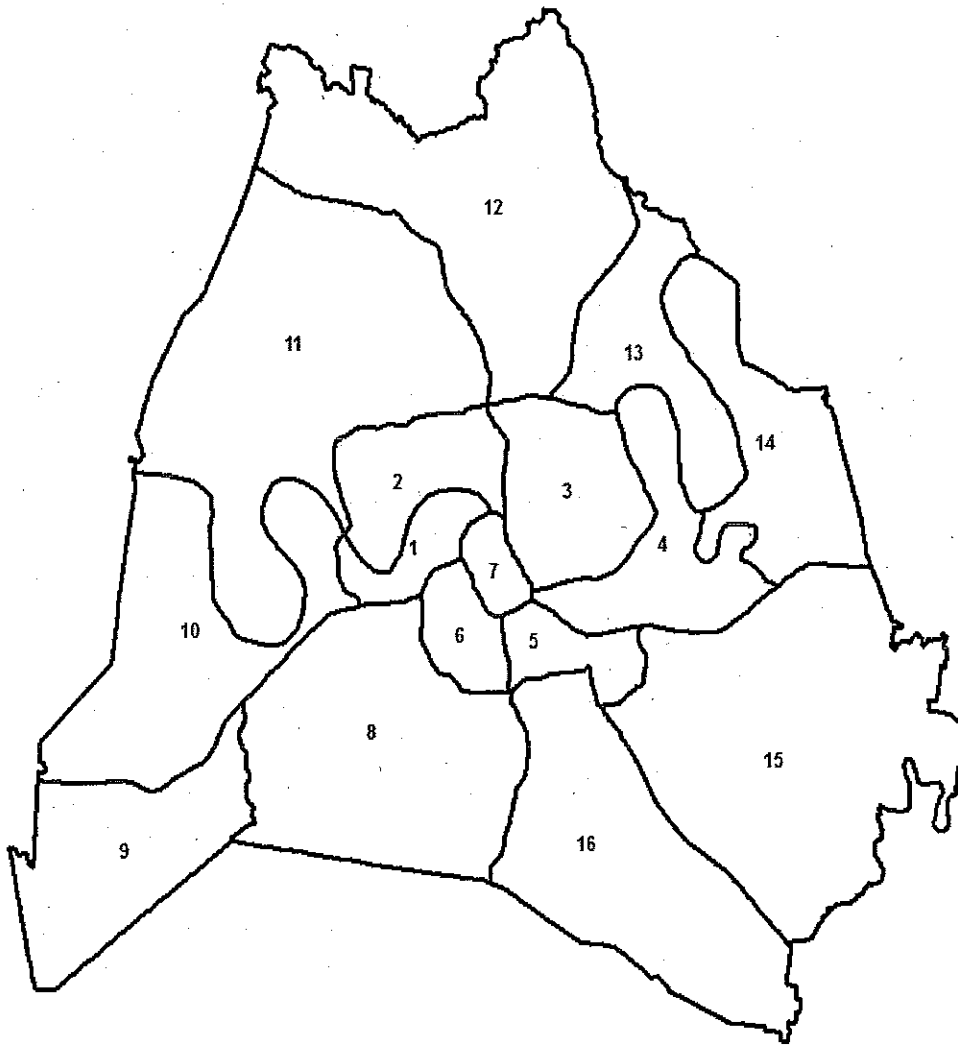
Institutional

Section 4. Section 17.04.060 (Definitions of General Terms) is hereby amended by adding the following definitions in alphabetical order:

"Pedestrian benefit zones" means the sixteen zones in which fees contributions in lieu of sidewalk construction may be collected, and where such fees contributions shall be spent for the safety and convenience of pedestrians. Pedestrian benefit zones are as follows:

- Zone 1: Bounded by I-40 on the south; I-65 on the southeast; Cumberland River on the north; State Route 155 on the west. (North Nashville, Metro Center, Nations areas)
- Zone 2: Bounded by Cumberland River and I-65 on the south; I-24 on the east; State Route 155 on the north and west. (Bordeaux area)
- Zone 3: Bounded by Cumberland River on the south and east; State Route 155 on the north; I-24 on the east. (East Nashville, Parkwood areas)
- Zone 4: Bounded by I-40 on the south; Stones River on the east; the Cumberland River on the north; I-24 on the west. (Spence Lane, Donelson areas)
- Zone 5: Bounded by I-440, I-24, and State Route 155 on the south and east; I-40 on the north; I-65 on the west. (South Nashville, North Mill Creek areas)
- Zone 6: Bounded by I-440 on the west and south; I-65 on the east; I-40 on the north. (Midtown area)
- Zone 7: Bounded by the downtown interstate loop. (Downtown area)
- Zone 8: Bounded by the county line on the south; I-65 on the east; I-440 and I-40 on the north; State Route 251, State Route 100, and Harpeth River on the west. (West Nashville, Green Hills areas)
- Zone 9: Bounded by the county line on the west and south; Harpeth River, State Route 100, and State Route 251 on the east; I-40 on the north. (Bellevue, Pasquo, Harpeth River areas)
- Zone 10: Bounded by I-40 on the south; State Route 155 on the east; Cumberland River on the north; county line on the west. (Newsom Station, Whites Bend, Cockrill Bend areas)
- Zone 11: Bounded by Cumberland River and State Route 155 on the south; I-24 on the east and north; county line on the west. (Joelton, Beaman Park, Bells Bend areas)
- Zone 12: Bounded by State Route 155 on the south; I-65 on the east; county line on the north; and I-24 on the west. (Paradise Ridge, Union Hill, Goodlettsville areas)
- Zone 13: Bounded by State Route 155 and Cumberland River on the south and east; county line on the north; I-65 on the west. (Madison, Neelys Bend, Rivergate areas)
- Zone 14: Bounded by I-40 on the south; county line on the east; Old Hickory Lake and Cumberland River on the north and west; Stones River on the southwest. (Old Hickory, Lakewood, Hermitage areas)
- Zone 15: Bounded by I-24 on the southwest; county line on the south and east; I-40 on the north; State Route 155 on the northwest. (Antioch, Priest Lake areas)
- Zone 16: Bounded by county line on the south; I-24 on the east; I-440 on the north; I-65 on the west. (Grassmere, Southeast Nashville, Cane Ridge areas)





"Sidewalk" means all Streetside Elements included in the Major and Collector Street Plan and Streetside Elements for local streets required by other standards of the Metropolitan Government located within the public right-of-way or a pedestrian easement.


"Sidewalk, On-site" means pedestrian facilities located outside of the public right-of-way.

Section 5. Section 17.20.060 (Parking area design standards) is hereby amended by deleting subsection H in its entirety and replacing with the following:

H. Curbs. Curbs or other equivalent means shall be provided to prevent any vehicle using a parking area from encroaching on any public right-of-way, on-site sidewalk, required landscaping area or adjacent property.

Section 6. Be it further enacted, that this ordinance take effect July 1, 2017, and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

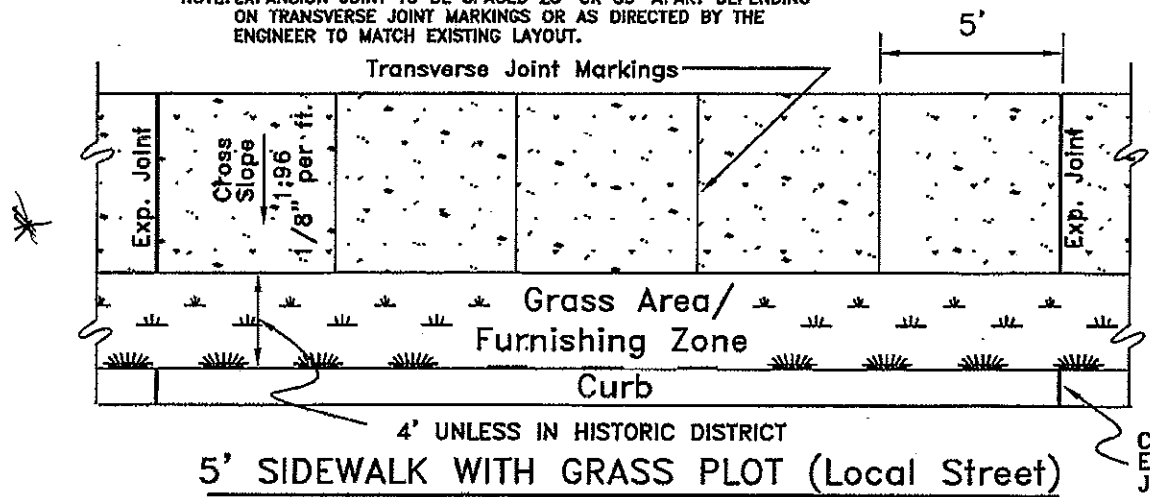
Sponsored by: Angie Henderson, Freddie O'Connell, Russ Pulley, Jeremy Elrod, Burkley Allen, Brett Withers, Kathleen Murphy, Bob Mendes, Erica Gilmore, Karen Johnson, Sharon Hurt, Anthony Davis, Kevin Rhoten, Jeff Syracuse, Colby Sledge, Nancy VanReece, Nick Leonardo, Brenda Haywood, John Cooper, Jim Shulman, Tanaka Vercher, Mina Johnson, Fabian Bedne, Mary Carolyn Roberts, Dave Rosenberg, Holly Huezo, Ed Kindall, Sheri Weiner, Jacobia Dowell, Michael Freeman, Doug Pardue, Davette Blalock, Jason Potts, Bill Pridemore, Robert Swope, Scott Davis, DeCosta Hastings, Larry Hagar

<b>LEGISLATIVE HISTORY</b>	
Introduced:	November 15, 2016
Substitute Introduced:	November 15, 2016
Passed First Reading:	November 15, 2016
Referred to:	Planning Commission - Approved with Third Substitute (8-0) Public Works Committee Planning, Zoning, & Historical Committee
Deferred to February 7, 2017:	January 3, 2017
Deferred to March 7, 2017:	February 7, 2017
Second Substitute Introduced:	March 7, 2017
Public Hearing Scheduled For:	April 4, 2017
Passed Second Reading:	April 4, 2017
Third Substitute Introduced:	April 18, 2017
Passed Third Reading:	April 18, 2017
Approved:	April 19, 2017
By:	
Effective:	April 21, 2017

Requests for ADA accommodation should be directed to the Metropolitan Clerk at 615/862-6770.  
Last Modified 08/28/2017 10:30:46

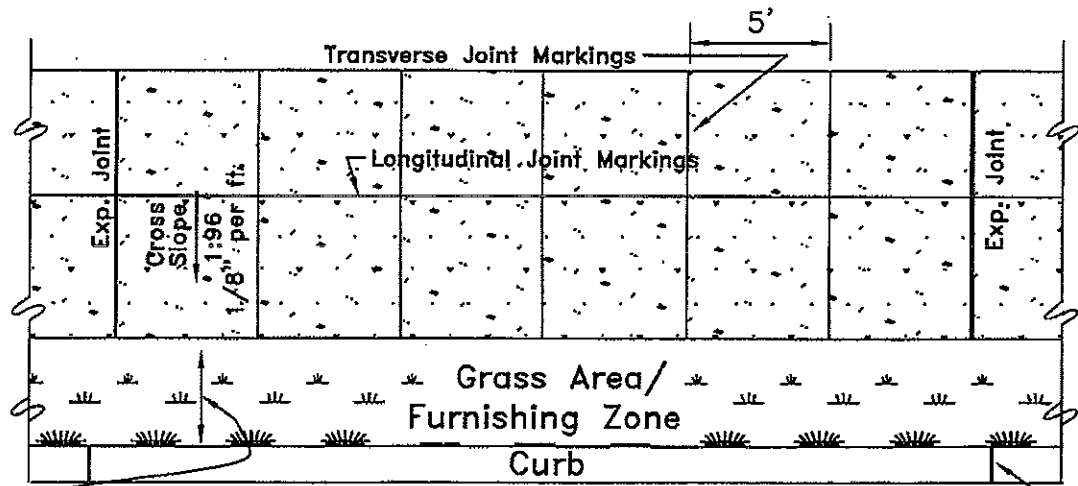
*Joined Ship Already Existing*

NOTE: EXPANSION JOINT TO BE SPACED 25' OR 30' APART DEPENDING ON TRANSVERSE JOINT MARKINGS OR AS DIRECTED BY THE ENGINEER TO MATCH EXISTING LAYOUT.



**5' SIDEWALK WITH GRASS PLOT (Local Street)**

Curb Expansion Joint



**SIDEWALK WIDTH GREATER THAN 6'**

Curb Expansion Joint

**GENERAL NOTES**

1. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES IN THICKNESS.
2. MAXIMUM CROSS SLOPE FOR SIDEWALKS SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL).
3. IN HISTORIC DISTRICTS THE STANDARD SHALL BE THE PREVAILING CHARACTERISTIC OF THE BLOCK FACE.
4. SIDEWALK SHALL BE CONSTRUCTED OF WHITE CONCRETE, BRICK, OR EXPOSED AGGREGATE PER METRO DEPARTMENT OF PUBLIC WORKS TECHNICAL SPECIFICATIONS, SECTION 02522.
5. IF APPROVED THE FURNISHING ZONE MAY CONTAIN HARDSCAPE MATERIALS SUCH AS CONCRETE, BRICK, OR PAVERS.
6. COMPACTED STONE BASE, PUG MILL MIX, 4" THICK SHALL BE APPLIED TO SUB GRADE PRIOR TO INSTALLING SIDEWALK.
7. FURNISHING ZONE IS AN AREA FOR OBSTRUCTIONS IN THE SIDEWALK. EXAMPLES ARE OUTDOOR CAFES, POWER POLES, FIRE HYDRANTS, SIGNS, ETC.
8. IN THE EVENT OF ANY CONFLICT, DISCREPANCY, OR INCONSISTENCY AMONG THE PLANS AND THESE STANDARD DETAILS, THE REQUIREMENTS OF THE STANDARD DETAILS SHALL GOVERN.

NTS

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS

SIDEWALK CONSTRUCTION

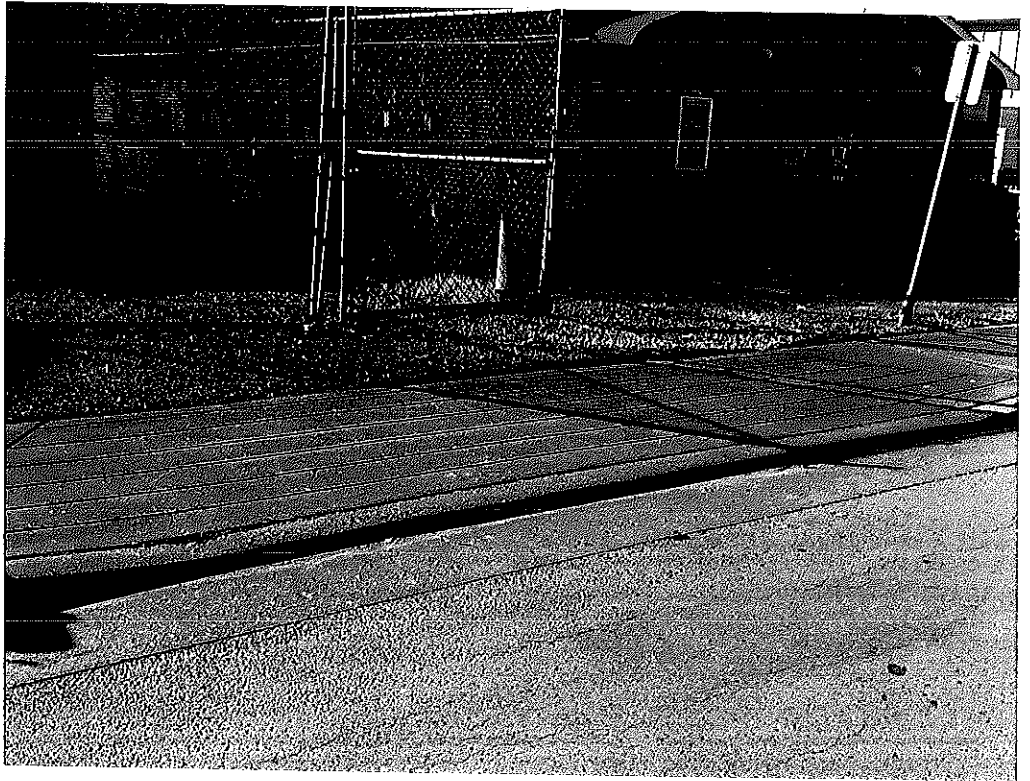
DWG. NO. ST-210

DIR. OF ENG.: *[Signature]*

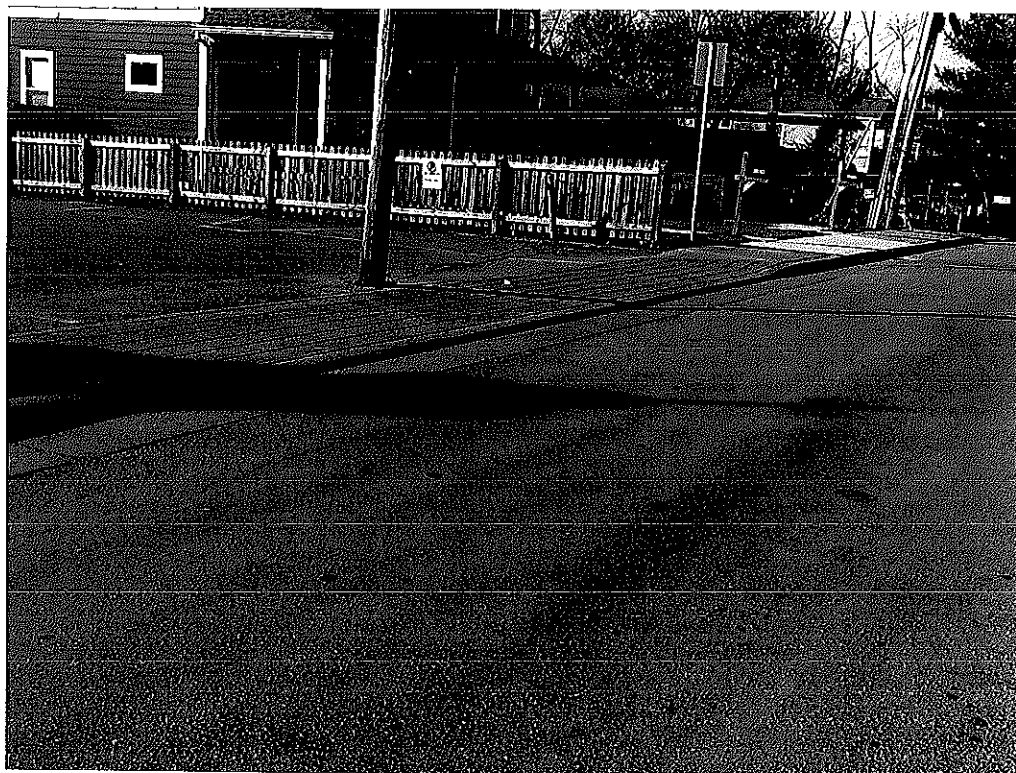
DATE: 9/12/17

- REVISED: 05/02/03
- REVISED: 11/24/03
- REVISED: 06/23/04
- REVISED: 09/11/17

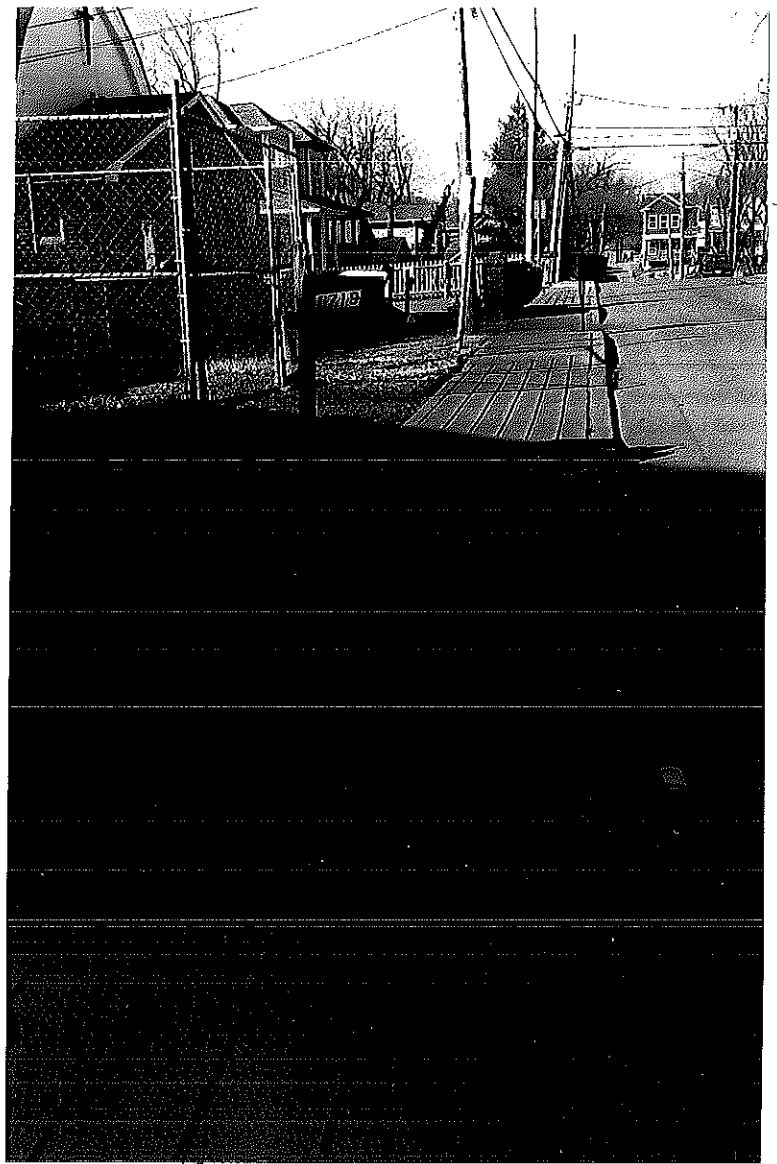
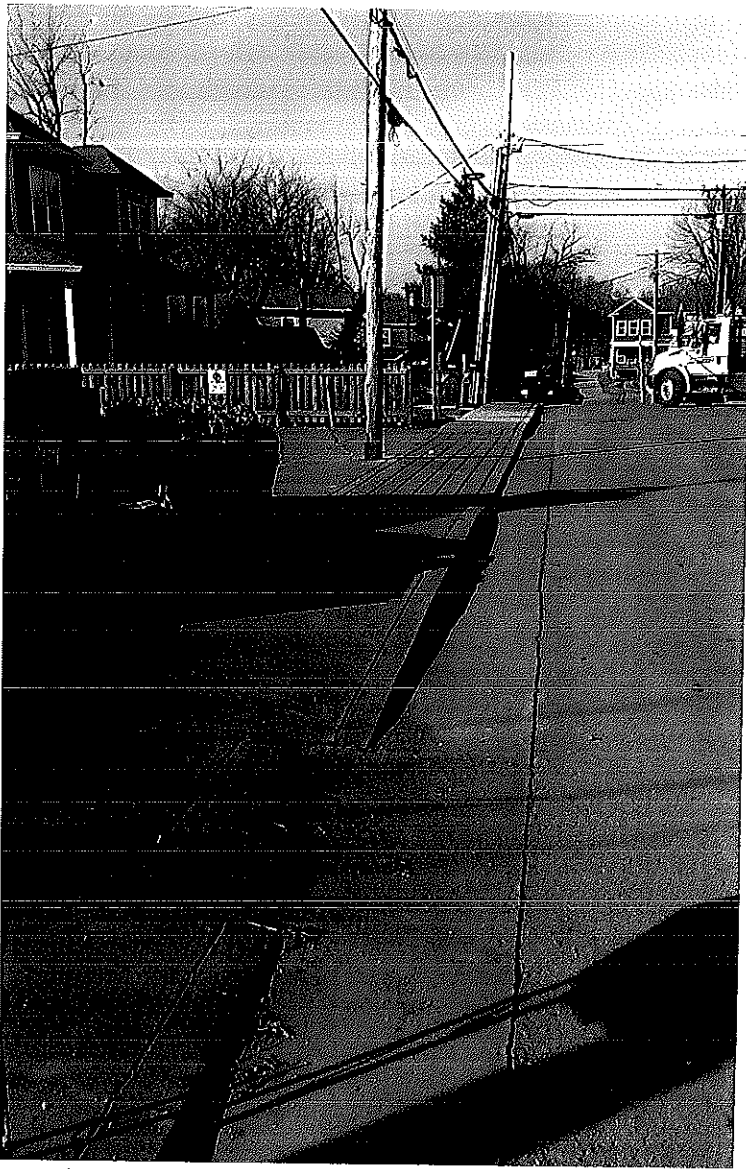
2019-103





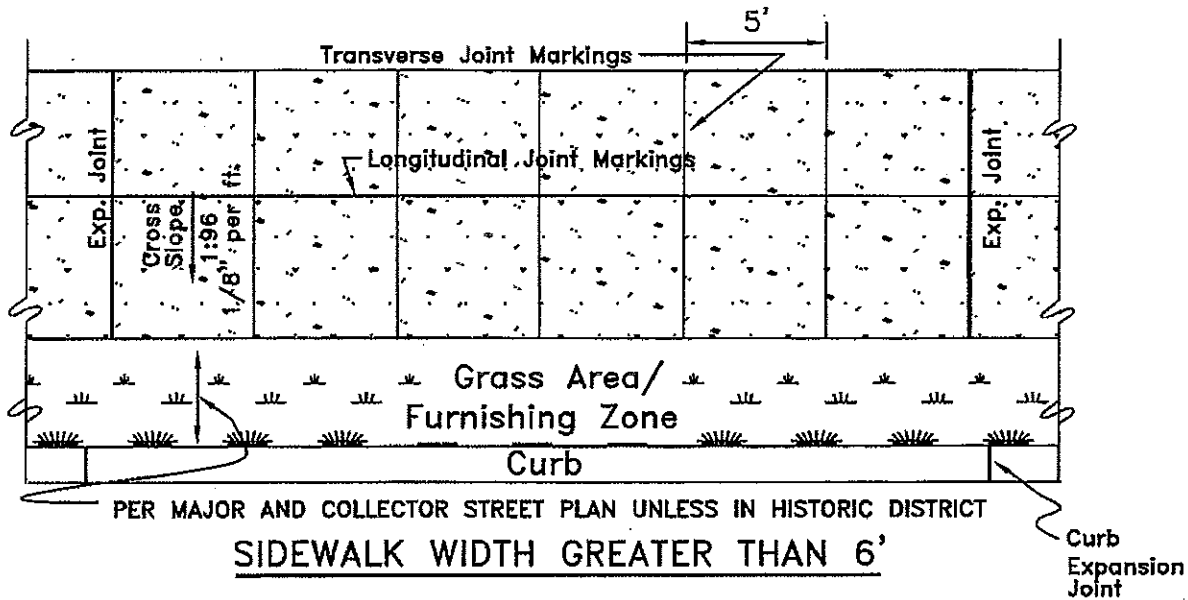
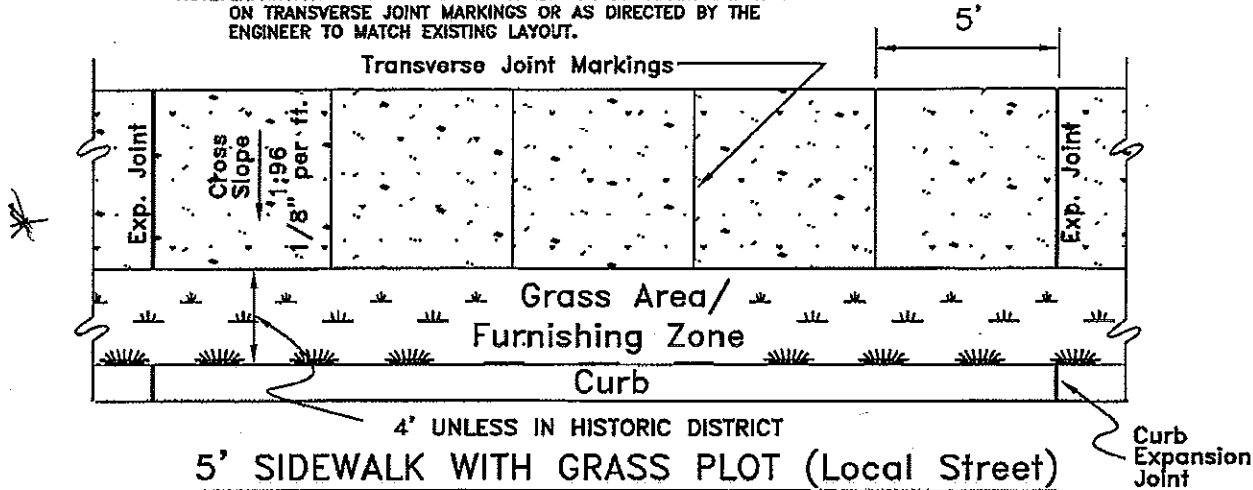






*Exposed Strip Already Existing*

NOTE: EXPANSION JOINT TO BE SPACED 25' OR 30' APART DEPENDING ON TRANSVERSE JOINT MARKINGS OR AS DIRECTED BY THE ENGINEER TO MATCH EXISTING LAYOUT.



GENERAL NOTES

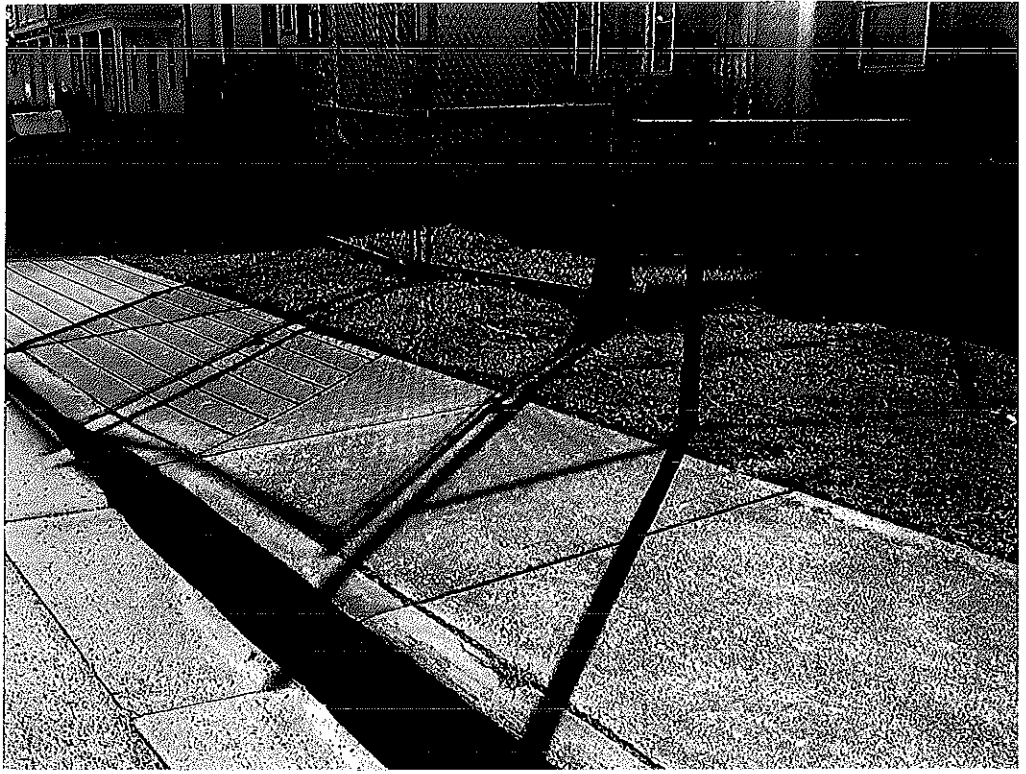
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7. FURNISHING ZONE IS AN AREA FOR OBSTRUCTIONS IN THE SIDEWALK. EXAMPLES ARE OUTDOOR CAFES, POWER POLES, FIRE HYDRANTS, SIGNS, ETC.
8. IN THE EVENT OF ANY CONFLICT, DISCREPANCY, OR INCONSISTENCY AMONG THE PLANS AND THESE STANDARD DETAILS, THE REQUIREMENTS OF THE STANDARD DETAILS SHALL GOVERN.

NTS

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	SIDEWALK CONSTRUCTION	DWG. NO. ST-210 REVISED: 05/02/03
DIR. OF ENG.: <i>D.P. [Signature]</i>	DATE: 9/12/17	REVISED: 11/24/03 REVISED: 06/23/04 REVISED: 09/11/17

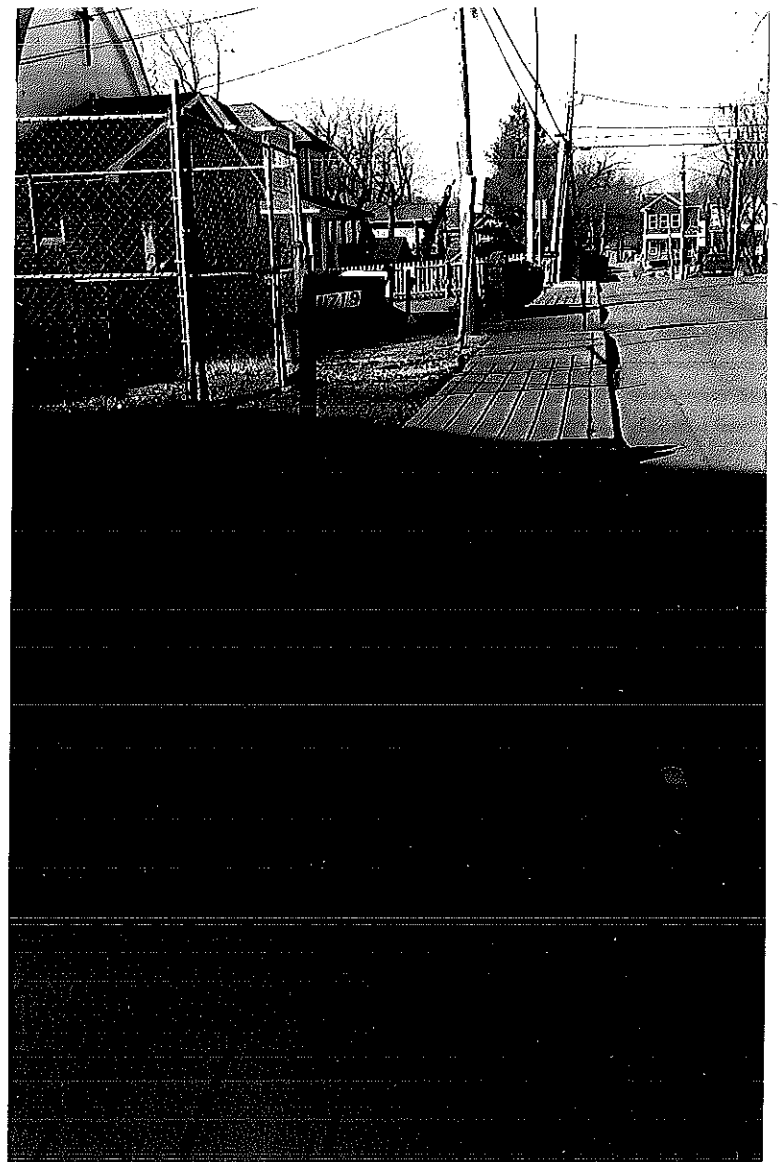
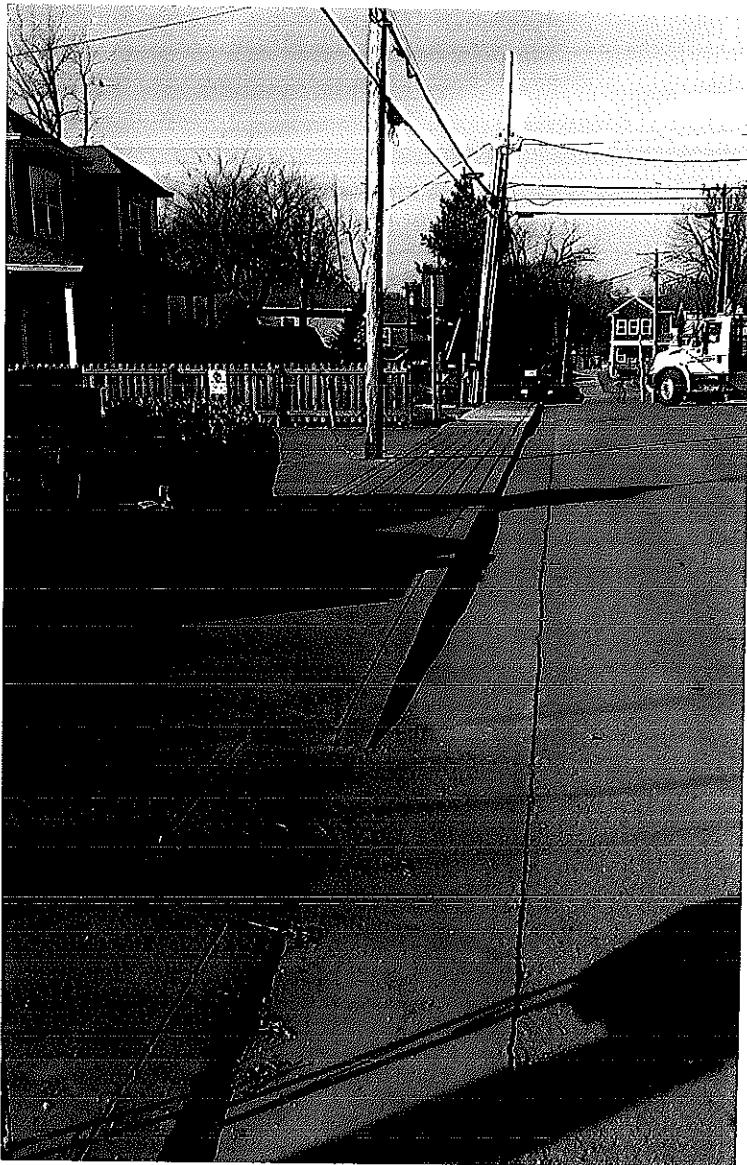


2019-103

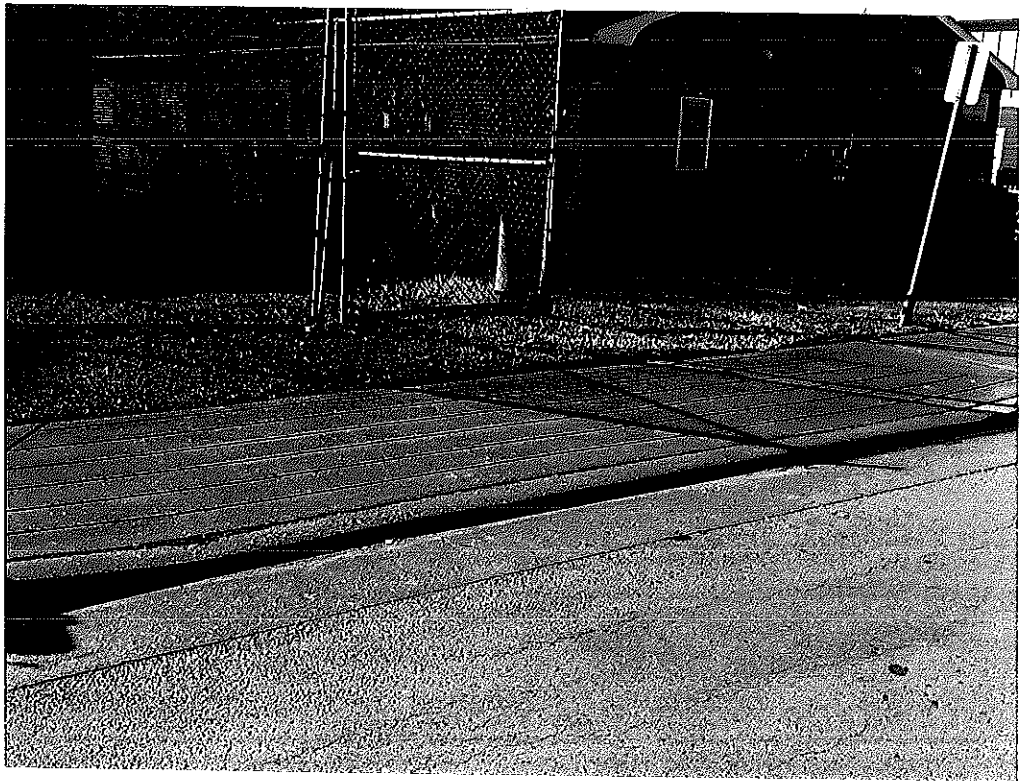






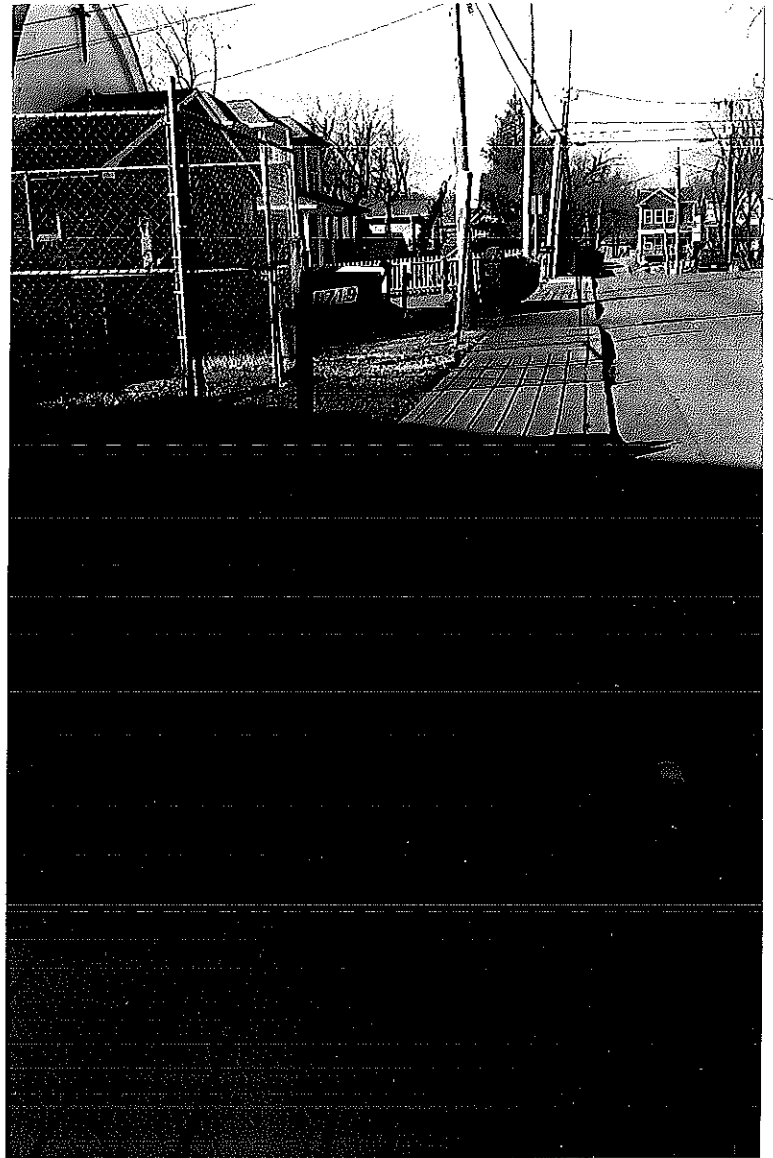














## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-103 (1719 McKinney Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	#42 – St. Cecilia/Cumberland
Bikeway:	Bike boulevard planned per WalknBike

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes interior renovations to an existing religious institutional use and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of 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 adjacent properties to the east and west along the block face.
- (2) While a 4' furnishing zone would enhance the pedestrian experience adjacent to the Center, upgrading the sidewalk to the Major and Collector Street Plan standard will require relocation of utilities that currently occupy the area to the rear of the existing 5' sidewalk or the inclusion of a wider furnishing zone to accommodate utilities.

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

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

**From:** [Elaine Bassani](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal Case Number 2019-103  
**Date:** Thursday, March 14, 2019 11:01:27 AM

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March 14, 2019

RE: Appeal Case Number 2019-103  
1719 McKinney Ave.  
Zoning Classification R6  
Council District 02

Nashville Metropolitan Government - Davidson County

I **oppose** the request by Greater St. Mathews Church to allow a variance (Appeal Case Number 2019-103) from the sidewalk requirements. I am writing the Board to go on record that I **oppose** the request that would allow interior renovations on 1719 McKinney Ave. without building sidewalks. The public hearing scheduled for 3/21/2019 affects my neighborhood.

Sidewalks should be a safety priority for a neighborhood and builders/homeowners should not be exempt from putting them in.

Elaine Bassani  
1715 B McKinney Ave.  
Nashville, TN 37208  
307-421-3323

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson Date: 1-31-19  
Property Owner: Murphy Rd Properties LLC Case #: 2019-104  
Representative: Duane Cuthbertson Map & Parcel: 10308 - 053

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 Variance from sidewalk requirements

Activity Type: Restaurant

Location: 4501 Murphy Rd

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: Existing sidewalks constructed by Metro

Section(s): 17-12-120

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

Duane Cuthbertson  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

2814 12th Av. S.  
Address

Address

Nashville, TN 37204  
City, State, Zip Code

City, State, Zip Code

615.924.9618  
Phone Number

Phone Number

dcuthber@gmail.com  
Email

Email

Zoning Examiner: \_\_\_\_\_

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



3599797

**ZONING BOARD APPEAL / CAAZ - 20190006237**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10308005300

APPLICATION DATE: 01/31/2019

## SITE ADDRESS:

4501 MURPHY RD NASHVILLE, TN 37209  
PT LOT 345 RICHLAND RLTY CO WEST LAWN

PARCEL OWNER: MURPHY ROAD PROPERTIES, LLC

CONTRACTOR:

## APPLICANT:

## PURPOSE:

requesting variance from sidewalk requirements

*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.*

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***There are currently no required inspections***

Inspection requirements may change due to changes during construction.



## APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510**

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

  
**APPELLANT**

1-31-19  
**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?**

Relatively new sidewalk constructed by Metro as part of a broader streetscape improvement project.

This permit enables building renovation with limited site improvements.

We'd like to maintain existing sidewalks.

The site is uniquely shaped and contains natural features that would make compliance with current sidewalk requirement difficult and burdensome.

We're also requesting to not contribute to the fee in-lieu as the site contains an extraordinary amount of frontage.  
~~and Metro recently~~

2713 Torbett Street SP  
March, 2018

## BZA 2019-104

### 4501 Murphy Rd.

3/21/19

**Request:** Variance of the sidewalk requirement (requesting a variance of the requirement to build to current MCSP standards and requesting a variance of the fee in-lieu)

The applicant is upgrading the existing restaurant on site and expanding the existing patio from 460 sq. ft. to 900 sq. ft. in order to open a new locally-owned restaurant concept. No site alterations other than cosmetic are anticipated with the renovation beyond the scope of the patio expansion. The value of the renovations are triggering the sidewalk requirement.

The Major and Collector Street Plan requires the following sidewalks standards:

Murphy Road = 4' grass strip and an 8' sidewalk  
Westlawn = 4' grass strip, 8' sidewalk, 4' frontage

The existing sidewalks as shown on the plan below were constructed as part of a major streetscape improvement project in 2014. At that time Metro determined an appropriate sidewalk standard and installed those sidewalks.

Adequate Right of Way exists along both street frontages of this property (except in the corner) to accommodate the new standard required by Metro.

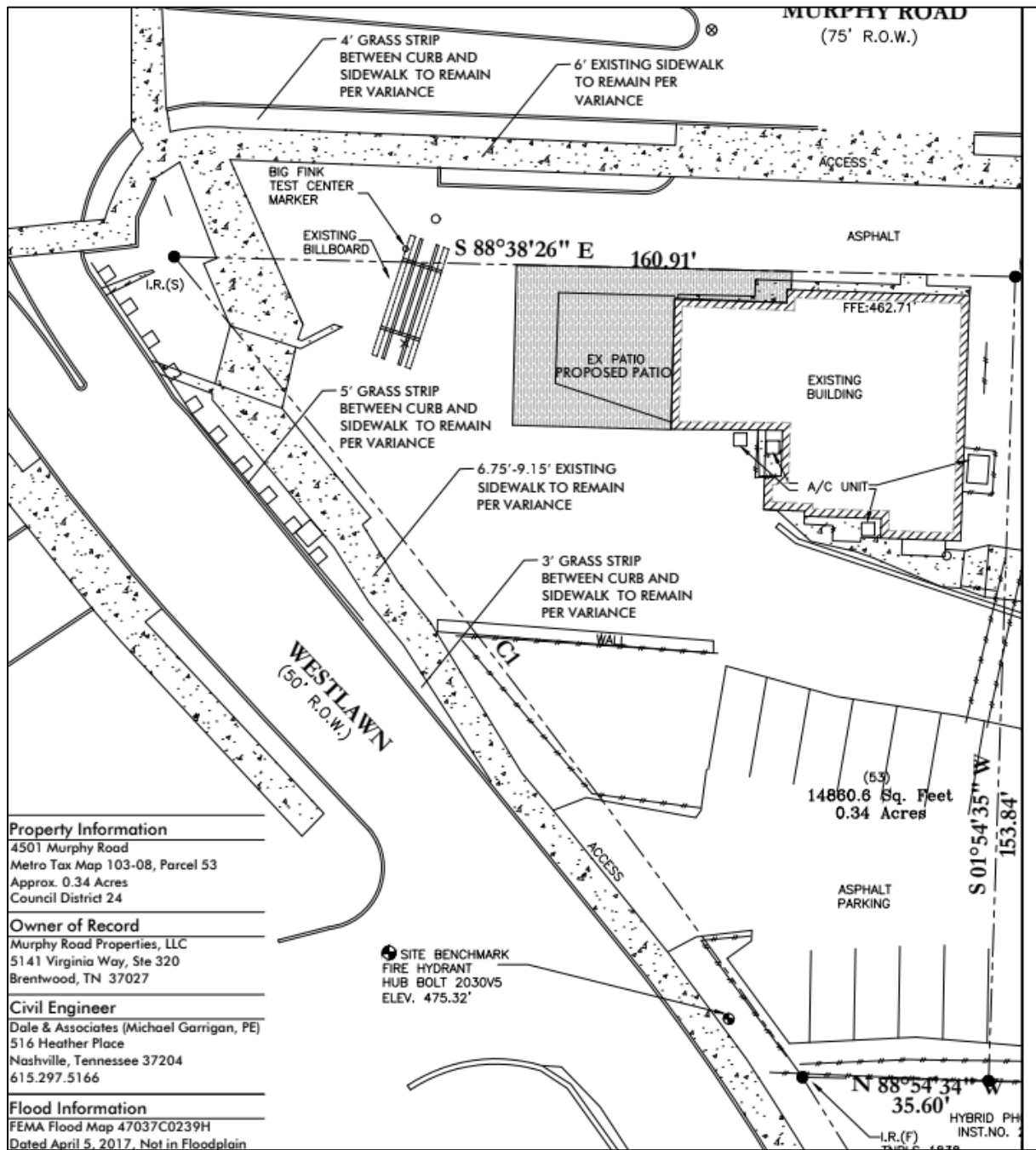
Construction of sidewalks to meet the new Metro standard would undermine the uniformity of the Murphy Rd streetscape project and result in the displacement of existing landscaping that contributes to the overall theme.

This property is uniquely shaped and contains an inordinate amount of frontage along both Westlawn and Murphy. The in-lieu fee would be excessive and disproportionate relative to the scope of the improvements planned on the property as well as to the overall size of the property.

The renovation program consists of the following:

- The existing building is about 2100sf which we are not increasing
- The interior renovation is significant – relocating the kitchen and bar, installing new hvac, plumbing & electrical, updating restrooms, and installing new lighting and finishes
- The exterior renovation consists of rehab of siding/trim & roof, window & door replacement, expansion of patio, and addition of roof covering patio
- The existing patio is about 460sf uncovered and we are proposing to increase to 900sf and cover it with a new gable roof
- Hardscape and landscape improvements to the asphalt area out front are yet to be determined

2713 Torbett Street SP  
 March, 2018



**Property Information**  
 4501 Murphy Road  
 Metro Tax Map 103-08, Parcel 53  
 Approx. 0.34 Acres  
 Council District 24

**Owner of Record**  
 Murphy Road Properties, LLC  
 5141 Virginia Way, Ste 320  
 Brentwood, TN 37027

**Civil Engineer**  
 Dale & Associates (Michael Garrigan, PE)  
 516 Heather Place  
 Nashville, Tennessee 37204  
 615.297.5166

**Flood Information**  
 FEMA Flood Map 47037C0239H  
 Dated April 5, 2017. Not in Floodplain



2713 Torbett Street SP  
March, 2018

# Mayor, Public Works Celebrate Completion of 46th Avenue North, Murphy Road Roundabout and Streetscaping

11/17/2014

*Improvements Enhance Safety and Quality of Life in Sylvan Park Neighborhood*

NASHVILLE, Tenn. - Mayor Karl Dean today helped celebrate a new traffic roundabout and streetscape project in Sylvan Park with a ribbon-cutting ceremony. The centerpiece of the project is a single-lane, landscaped urban roundabout that improves traffic flow at the intersection of 46th Avenue North and Murphy Road.

"This neighborhood is going to become even more vibrant because this roundabout makes it easier to move around," Mayor Dean said. "New sidewalks, additional on-street parking, decorative elements and landscaping adds to this commercial district to make it an even more attractive hub in this community."

Joining Mayor Dean at today's event were Randy Lovett, Metro Public Works Acting Director; Tommy Lynch, Metro Parks Director; and Councilmember Jason Holleman.

"This project is a great example of the importance of infrastructure to a dynamic and growing neighborhood," Randy Lovett, Public Works Director said. "This project does more than just keep up with multi-modal transportation needs; it also contributes directly to Nashville's continued high quality of life and will benefit those who live, work, and visit here."

The \$2.5 million project includes new sidewalks on 46th Avenue North/Murphy Road from 44th Avenue North to Colorado Avenue, 21 new on-street parking spots, decorative street lighting and native landscaping in planting beds. It is a Complete Street and accommodates various forms of transportation, including pedestrians, bicycles, vehicles and mass transit. The project was approved by the Metro Council in the FY 2014 capital spending plan.

In addition to multi-modal safety improvements, Complete Streets also include unique aesthetics and other elements that are designed to complement the character and setting specific to a neighborhood. An example is the art tiles which were on display at this morning's event. These tiles were designed by third-grade students at [Sylvan Park Paideia Design Center](#) in a collaboration between the design team at Kimley-Horn and Associates Inc., art teacher Robert Green and school parents.

The glazed tiles will adorn new entry columns on 46th Ave North, Murphy Road and Westlawn Drive. The designs represent different areas of art students have been studying this school year. Final installation of the tiles will be completed in December, along with remaining landscaping.

**Roundabouts provide for better traffic circulation due to reduced** vehicle delays and the number and duration of stops required to move through an area compared to intersections with stop signs or traffic signals. Roundabouts can also be safer because they contain fewer conflict points where vehicles can get into accidents, as opposed to a four-way intersection.

Connectivity is an important element in this neighborhood. The recently completed [Richland Creek Greenway](#) connects McCabe Park and the Sylvan Park neighborhood with the commercial and retail district along White Bridge Pike and Harding Road and with Nashville State Community College. The Music City Bikeway also runs through this area. Completed in early 2012, the 26-mile route provided bicycle connections between major parks, densely populated neighborhood areas and downtown.

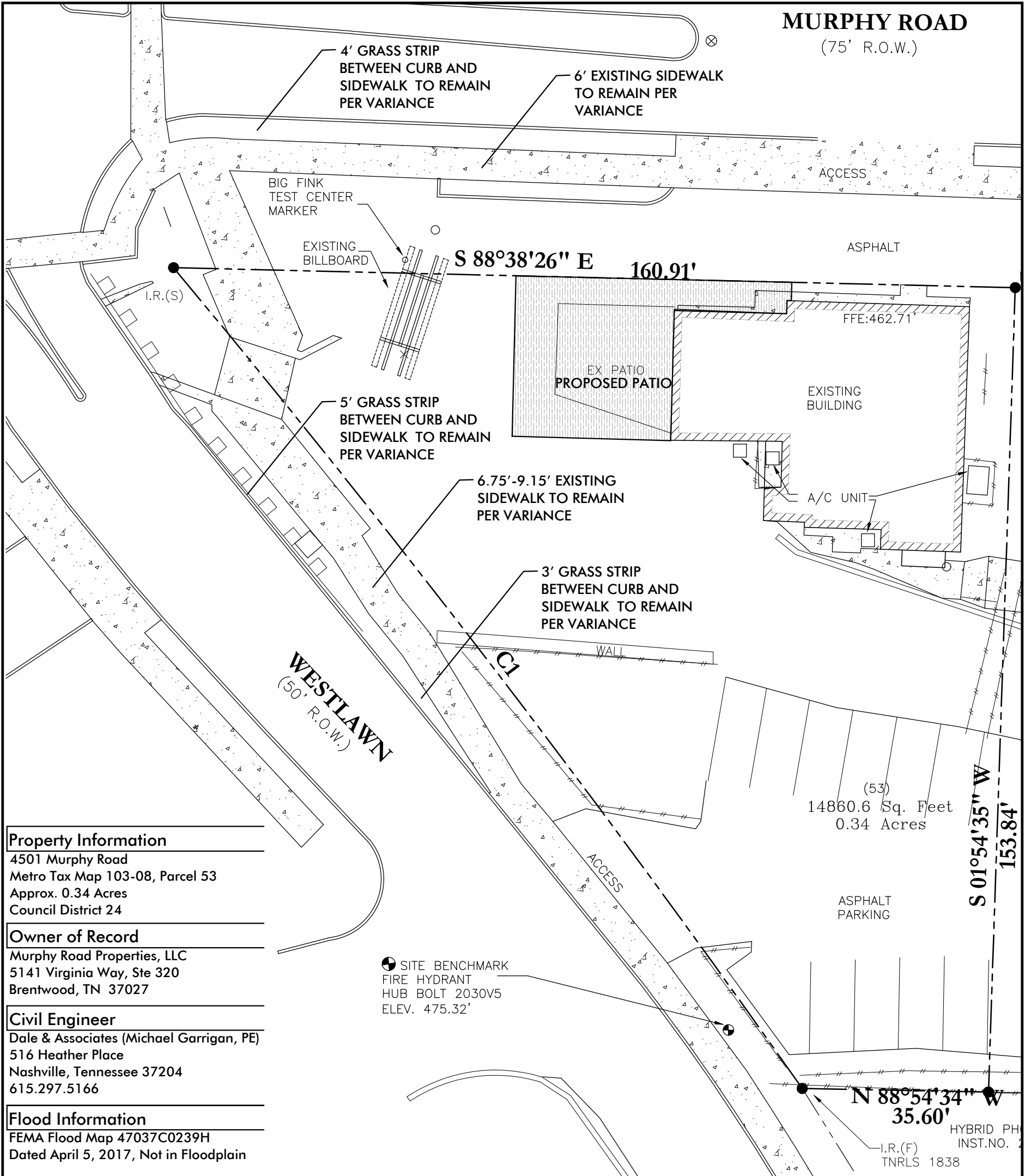
2713 Torbett Street SP  
March, 2018

The project was led by Metro Public Works Engineering Division. Project team members include Metro Parks and Recreation, Metro Water Services, RPM Transportation Consultants and Kimley-Horn and Associates Inc.

[Tips on driving the new roundabout](#), including how to enter and exit, is available online.

Photos credit: Metro Photographic Services





**Property Information**

4501 Murphy Road  
 Metro Tax Map 103-08, Parcel 53  
 Approx. 0.34 Acres  
 Council District 24

**Owner of Record**

Murphy Road Properties, LLC  
 5141 Virginia Way, Ste 320  
 Brentwood, TN 37027

**Civil Engineer**

Dale & Associates (Michael Garrigan, PE)  
 516 Heather Place  
 Nashville, Tennessee 37204  
 615.297.5166

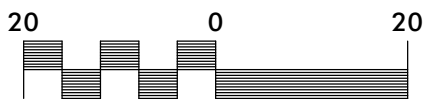
**Flood Information**

FEMA Flood Map 47037C0239H  
 Dated April 5, 2017, Not in Floodplain

● SITE BENCHMARK  
 FIRE HYDRANT  
 HUB BOLT 2030V5  
 ELEV. 475.32'

**DEVELOPMENT SUMMARY**

USE	RESTAURANT
PROPERTY ZONING CS	SURROUNDING ZONING CS
MINIMUM LOT SIZE	NOT APPLICABLE
FAR	0.60 MAXIMUM / 0.14 PROPOSED
ISR	0.90 MAXIMUM / 0.46 PROPOSED
STREET YARD SETBACK:	EXISTING STRUCTURE (3.5' FROM ROW)
SIDE YARD	0' FROM WEST PROPERTY LINE
REAR YARD	20' FROM SOUTH PROPERTY LINE
HEIGHT STANDARDS	30' MAX
<b>PARKING AND ACCESS</b>	
RAMP LOCATION AND NUMBER	1 ACCESS TO WESTLAWN
DISTANCE TO NEAREST EXISTING RAMP (MINIMUM 30')	N/A
DISTANCE TO INTERSECTION	+/- 170' EAST TO CANADAY ALONG MURPHY
REQUIRED PARKING	(1 STALL/150 SF @ 3,170 SF-1,000 SF)=14 REQ'D / 11 PROPOSED



Scale 1" = 20'

BZA Exhibit

**Dale & DA**  
 Consulting Civil Engineering  
 Land Planning & Zoning  
 Landscape Architecture  
 Surveying

PROJECT # 18183  
 Pancho and Lefty's

**BZA.1**

1 OF 1

516 Heather Place  
 Nashville, Tennessee 37204  
 (615) 297-5166

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-104 (4501 Murphy Road)

Metro Standard:	Murphy Road – 4’ grass strip, 8’ sidewalk as defined by the Major and Collector Street Plan
	Westlawn Drive – 4’ grass strip, 8’ sidewalk as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	CS
Community Plan Policy:	T4 NC (Urban Neighborhood Center); CO (Conservation – Stream Buffer)
MCSP Street Designation:	Murphy Road – T4-M-AB2
	Westlawn Drive – T4-M-CA2
Transit:	None existing; none planned
Bikeway:	Existing low stress bikeways on Murphy Road; existing bikeway for experienced cyclists on Westlawn Drive

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant is proposing to repurpose an existing 11,905 square foot structure for a restaurant use and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of existing sidewalks along both frontages of the site. Planning evaluated the following factors for the variance request:

- (1) In 2014, Metro Public Works completed a roundabout project at the intersection of Murphy Road and Westlawn Drive. This provided new sidewalks in the area along both streets.
- (2) A 4’ grass strip and 6’ sidewalk was constructed as part of the Metro Public Works project along the Murphy Road property frontage, which is consistent with adjacent properties to the east along the block face. Metro constructed a reduced sidewalk standard to avoid additional property impacts and acquisition of right-of-way. Upgrading sidewalks to meet the Major and Collector Street Plan standard will require reconfiguration of light poles and parking for the proposed restaurant use.
- (3) The grass strip and sidewalk widths along the Westlawn Drive property frontage vary due to the presence of a stream to the rear of the existing building. A 6’ grass strip and 10’ sidewalk at Westlawn Drive/Murphy Road intersection tapers to a 6’ sidewalk without a grass strip adjacent to the rear parking area. These sidewalks were constructed as part of the Metro Public Works project. It is a significant challenge for the applicant to re-engineer the stormwater drainage in the area and replace sidewalk infrastructure in this area.

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

1. The applicant shall contribute in-lieu of constructing sidewalks along the Murphy Road property frontage.



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



Appellant : Stewart Dorn Date: 1/31/2019  
Property Owner: Daleco Co Case #: 2019-105  
Representative: : Stewart Dorn Map & Parcel: 09314058500

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 make interior renovation to existing warehouse

Activity Type: Warehouse

Location: 901 6<sup>th</sup> Ave. S

This property is in the CF 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 sidewalks requesting not to build sidewalks or pay into the fund

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.

**STEWART DORN**  
Appellant Name (Please Print)

Representative Name (Please Print)

**315 MADISON ST.**  
Address

Address

**NASHVILLE, TN, 37208**  
City, State, Zip Code

City, State, Zip Code

**205.261.3399**  
Phone Number

Phone Number

**STEWART@REMICKARCH.COM**  
Email

Email

Zoning Examiner: \_\_\_\_\_

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**



3563820

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018061642  
THIS IS NOT A PERMIT**

PARCEL: 09314058500

APPLICATION DATE: 09/27/2018

**SITE ADDRESS:**

901 6TH AVE S NASHVILLE, TN 37203  
LOT 2 DALECO COMPANY SUB

PARCEL OWNER: DALECO CO.

APPLICANT: MTLC INCORPORATED

FRANKLIN, TN 37064 615-567-5855

**PURPOSE:**

interior reno of existing warehouse for GERMAN MOTORWORKS.

POC STEWART DORN 615-305-2335..

Appeal 2019-105\*\*asking not to build or pay into the sidewalk fund.

*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

SWREQ\_ILEL

615-880-2649 Ronya.Sykes@nashville.gov

PW - Sidewalk Payment In Lieu Decision

615-862-6558 Jonathan.Honeycutt@nashville.gov

**[B] Building Plans Received**

E-PLANS

615-880-2649 Ronya.Sykes@nashville.gov

**[B] Building Plans Review**

APPROVED

615-862-6039 John.Tyler@nashville.gov

**[B] Fire Life Safety Review On Bldg App**

APPROVED

615-862-6612 Chanda.Williams@nashville.gov

**[B] Fire Sprinkler Requirement**

YES

615-862-6612 Chanda.Williams@nashville.gov

**[E] Cross Connect Review For Bldg App**

COND

615-862-4045 Clay.Christain@nashville.gov

**[A] Bond & License Review On Bldg App****[B] Plans Picked Up By Customer**

615-880-2649 Ronya.Sykes@nashville.gov

**[D] Grading Plan Review For Bldg App**

APPROVED

(615) 862-6038 Logan.Bowman@nashville.gov



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 - 20190006423**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 09314058500

**APPLICATION DATE:** 01/31/2019

**SITE ADDRESS:**

901 6TH AVE S NASHVILLE, TN 37203  
LOT 2 DALECO COMPANY SUB

**PARCEL OWNER:** DALECO CO.

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

interior reno of existing warehouse for GERMAN MOTORWORKS.

POC STEWART DORN 615-305-2335..

Appeal 2019-105\*\*asking not to build sidewalks or pay into the sidewalk fund.

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

---

***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

## 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.

STEWART DORN

APPELLANT

DATE

01/31/2019



### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

901 6TH AVE. S. HAS NO ROAD FRONTAGE  
AND NO PEDESTRIAN FOOT TRAFFIC.  
THE REQUIRED SIDEWALKS LOCATION  
WOULD ALSO BE LOCATED BEHIND AN  
OPERABLE FENCE THAT ONLY THE  
TENANTS WILL HAVE ACCESS TO.



## APPLICATION FOR VARIANCE

Dear Board of Zoning Appeals,

We are seeking variance for sidewalk construction requirements at 901 6<sup>th</sup> Avenue South. We would like to waive this due to the nature of the property and how this ordinance should not apply.

**T2018061642 (901 6<sup>th</sup> Avenue S):**

Third Substitute Ordinance No. BL2016-493

Daleco Court/ frontage road is listed as a local street

## ANALYSIS:

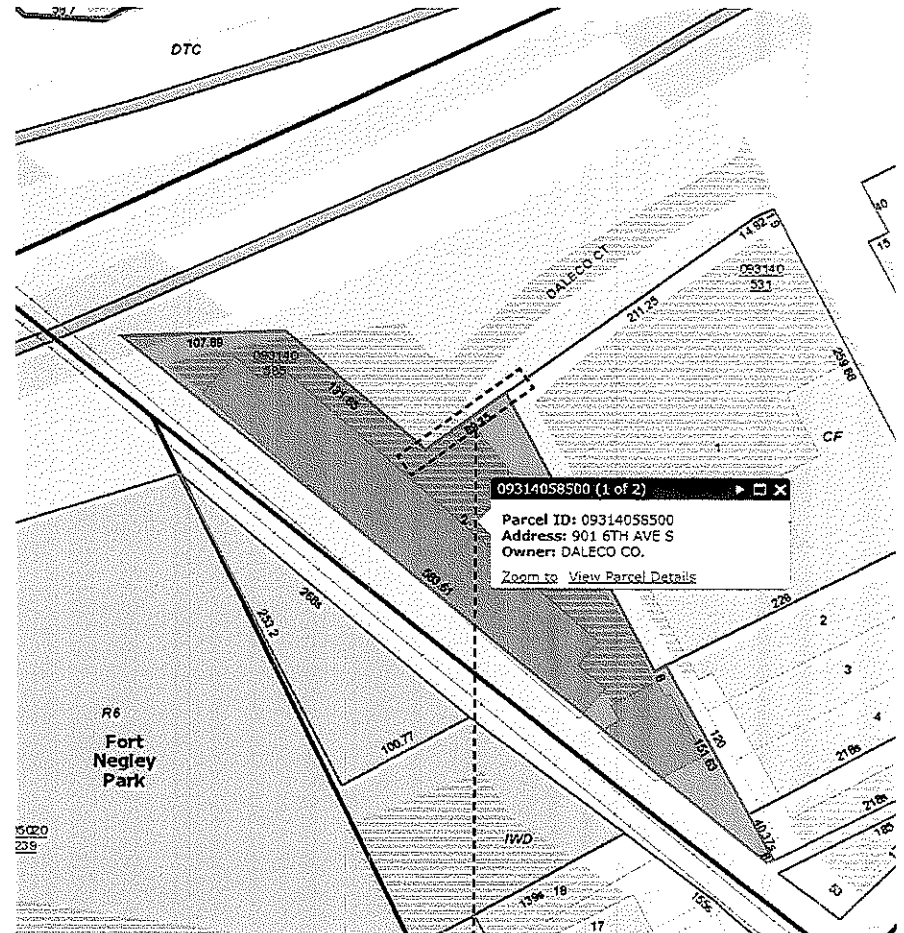
The Major and Collector Street Plan and Public Works design standards call for this property to have sidewalks along the 69 foot segment (see parcel map). The building has a uniquely large setback and is not likely to have pedestrians walk to it from 6<sup>th</sup> Avenue S. The property is only accessible by Daleco Ct. Daleco is an access road similar to a driveway and is gated off during non-business hours.

## Hardship:

- The building is approximately 345 feet away from 6<sup>th</sup> Avenue S. giving it no road frontage. The road (Daleco Ct.) that connects 6<sup>th</sup> Avenue South to the building could be considered a driveway for the existing building because of this distance and the private feel it gives the user. At the end of Daleco the user will find a locked gate that only the tenants have access to. This creates a disconnect from the driveway to the actual property (see images in attached document).
- Although there is an existing sidewalk on 6<sup>th</sup> Avenue South, there is none on Daleco Ct. leading to the property.
- The tenants plan to put up another operable gate, which will remain closed during business hours. This gate is in the same location as the required sidewalk is called to be. According to the ordinance, "Sidewalks shall be designed and constructed to be distinguishable from driving surfaces." The second gate that is going to be put up can be argued to clearly define driving surfaces.
- The proposed "frontage" for the building is not accessible to the public due to the existing operable gate, which eliminates pedestrian traffic on the site.

Sincerely,

Stewart Dorn  
Remick Architecture

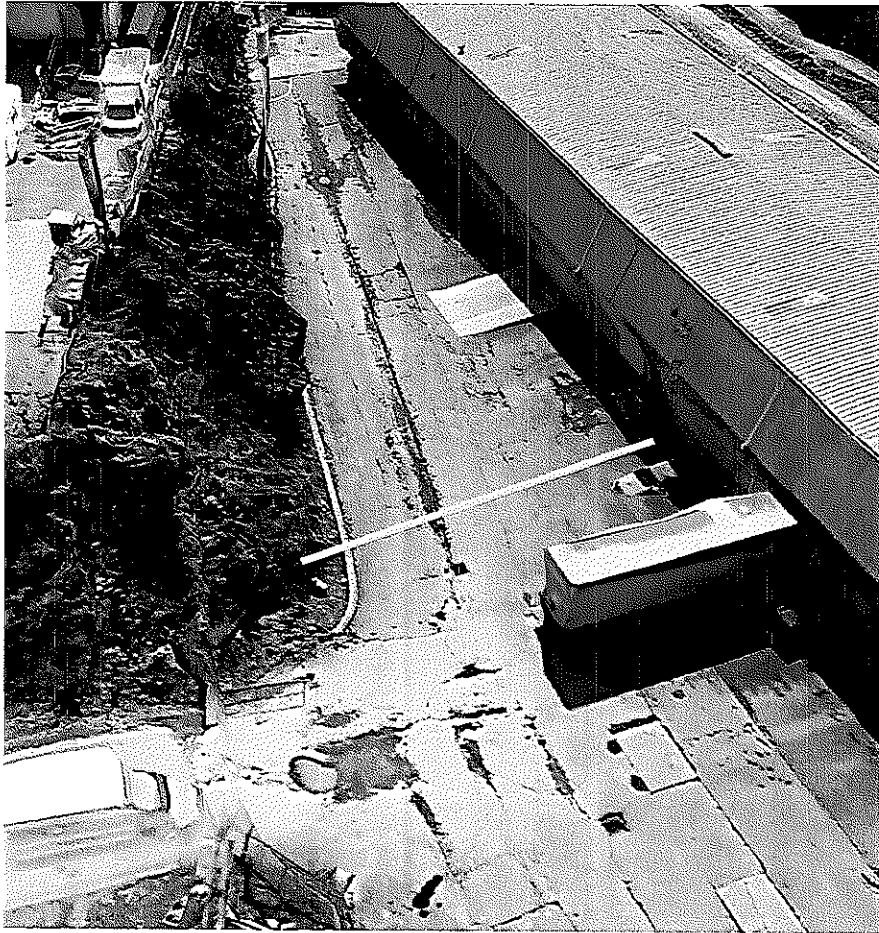


LOCATION OF REQUIRED SIDEWALKS  
ACCORDING TO ORDINANCE NO. BL2016-493

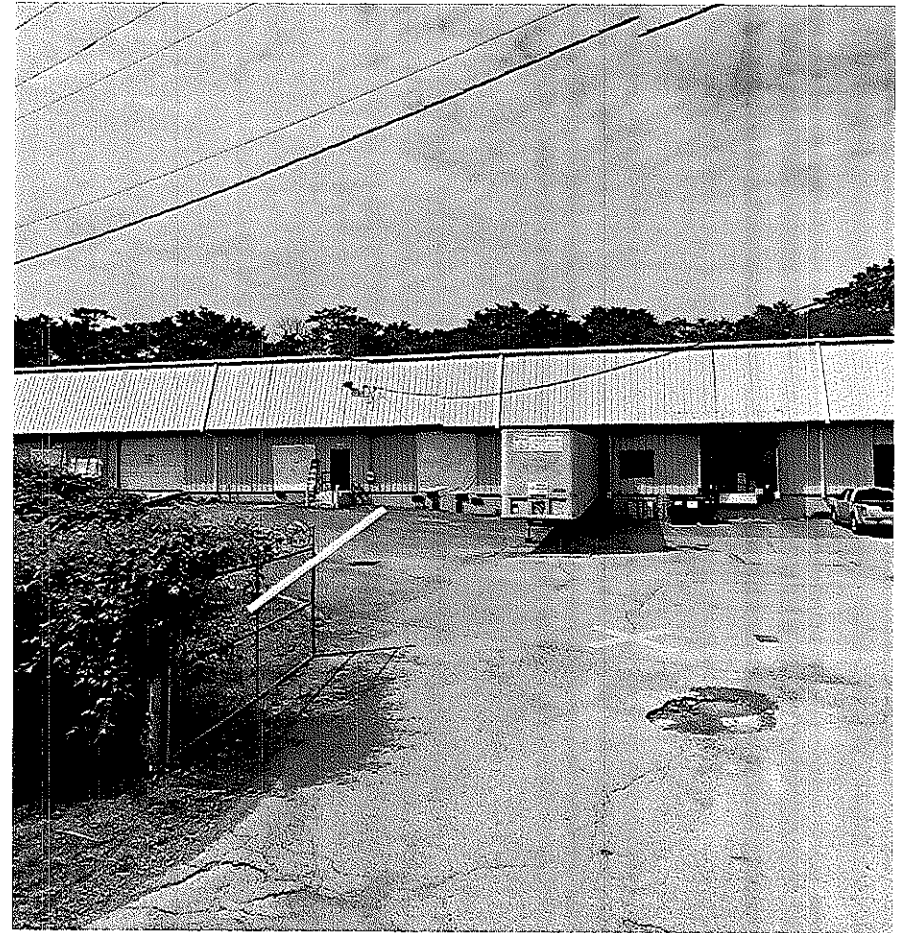
T2018061642 (901 6TH AVENUE S.)  
GERMAN MOTORWORKS  
NASHVILLE, TN 37203







AERIAL VIEW SHOWING LOCATION OF  
REQUIRED SIDEWALK



VIEW LOOKING AT BUILDING FROM BEHIND THE GATE  
THAT SEPERATES THE PROPERTY FROM DALECO CT.

T2018061642 (901 6TH AVENUE S.)  
GERMAN MOTORWORKS  
NASHVILLE, TN 37203

 **REMICK  
ARCHITECTURE**

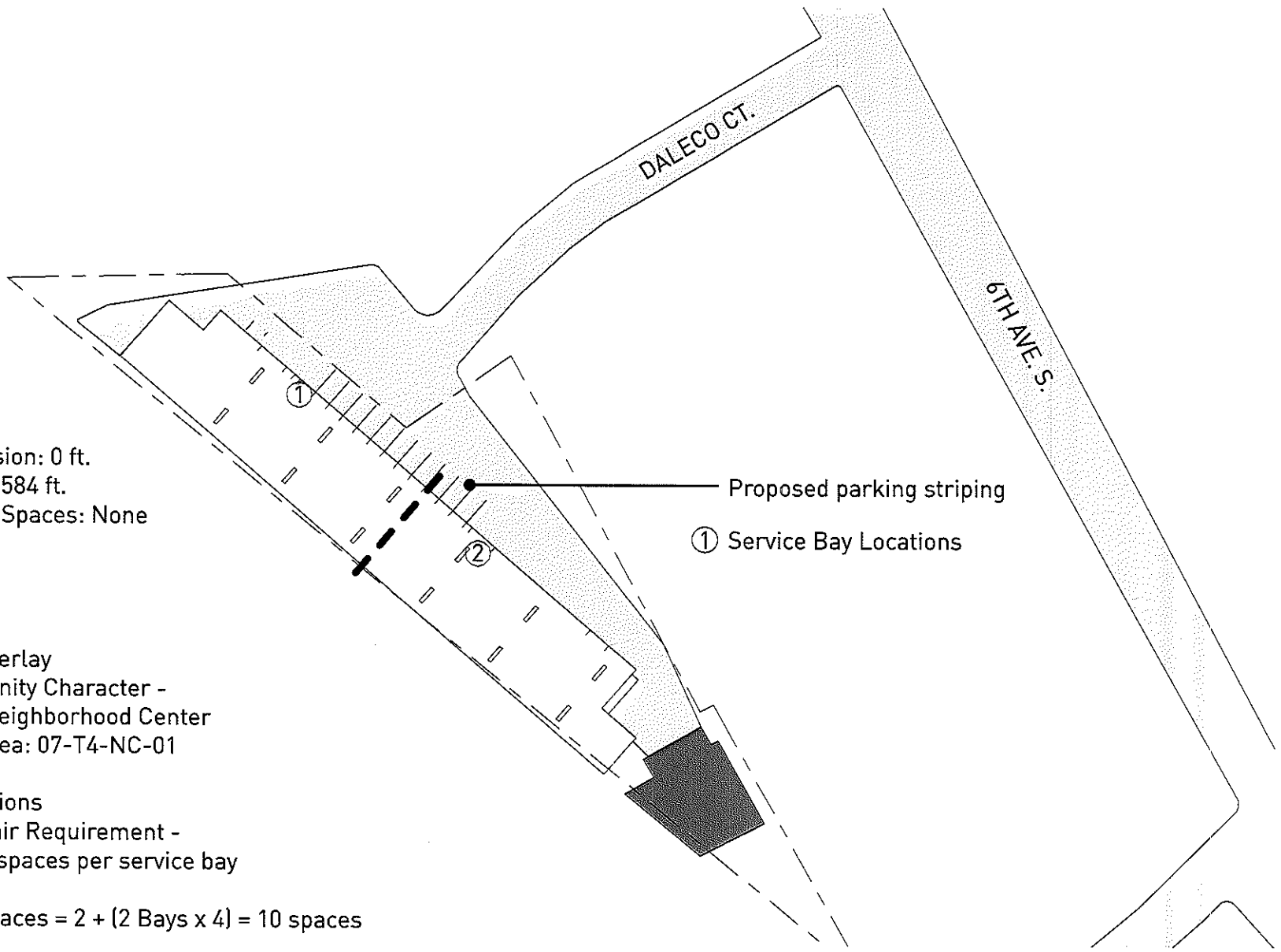
**SITE  
INFORMATION**

Lot Information:  
1.01 Acres  
Frontage Dimension: 0 ft.  
Side Dimension: 584 ft.  
Existing Parking Spaces: None

Zoning:  
Core Frame  
OV-ADE  
Urban Zoning Overlay  
Adopted Community Character -  
T4 NC - Urban Neighborhood Center  
Special Policy Area: 07-T4-NC-01

Parking Calculations  
Automobile Repair Requirement -  
2 spaces, plus 4 spaces per service bay

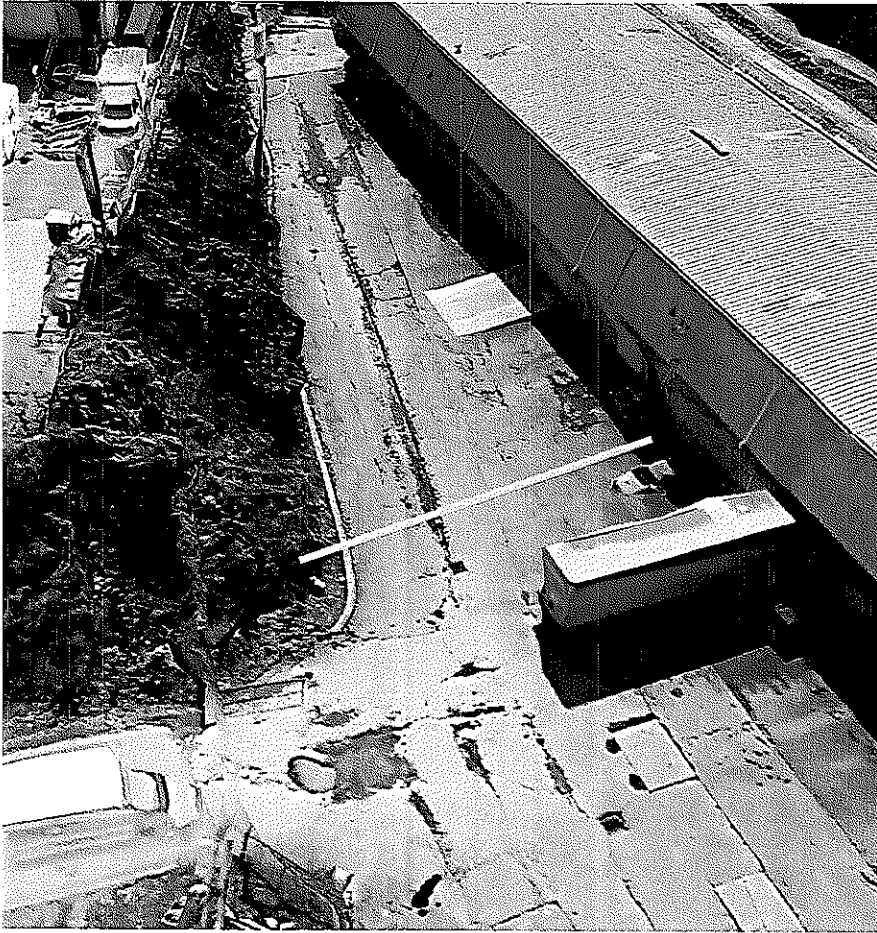
Total required spaces = 2 + (2 Bays x 4) = 10 spaces



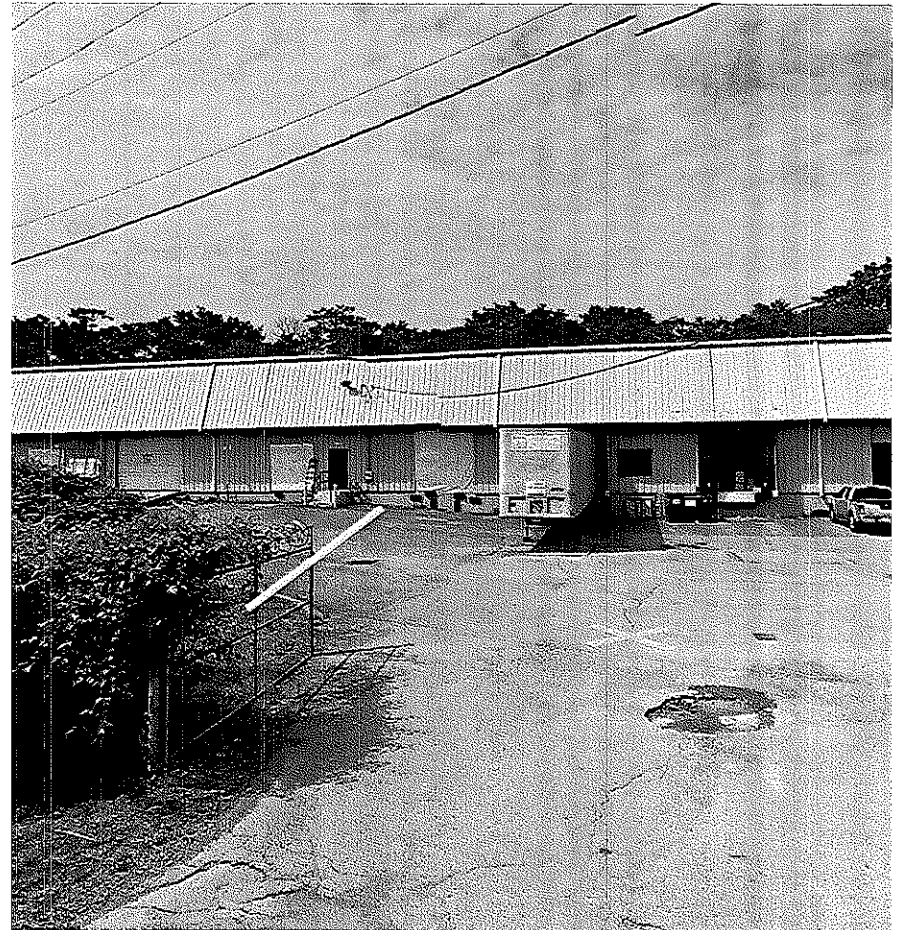
T2018061642 (901 6TH AVENUE S.)  
GERMAN MOTORWORKS  
NASHVILLE, TN 37203







AERIAL VIEW SHOWING LOCATION OF  
REQUIRED SIDEWALK



VIEW LOOKING AT BUILDING FROM BEHIND THE GATE  
THAT SEPERATES THE PROPERTY FROM DALECO CT.

T2018061642 (901 6TH AVENUE S.)  
GERMAN MOTORWORKS  
NASHVILLE, TN 37203

 **REMICK  
ARCHITECTURE**



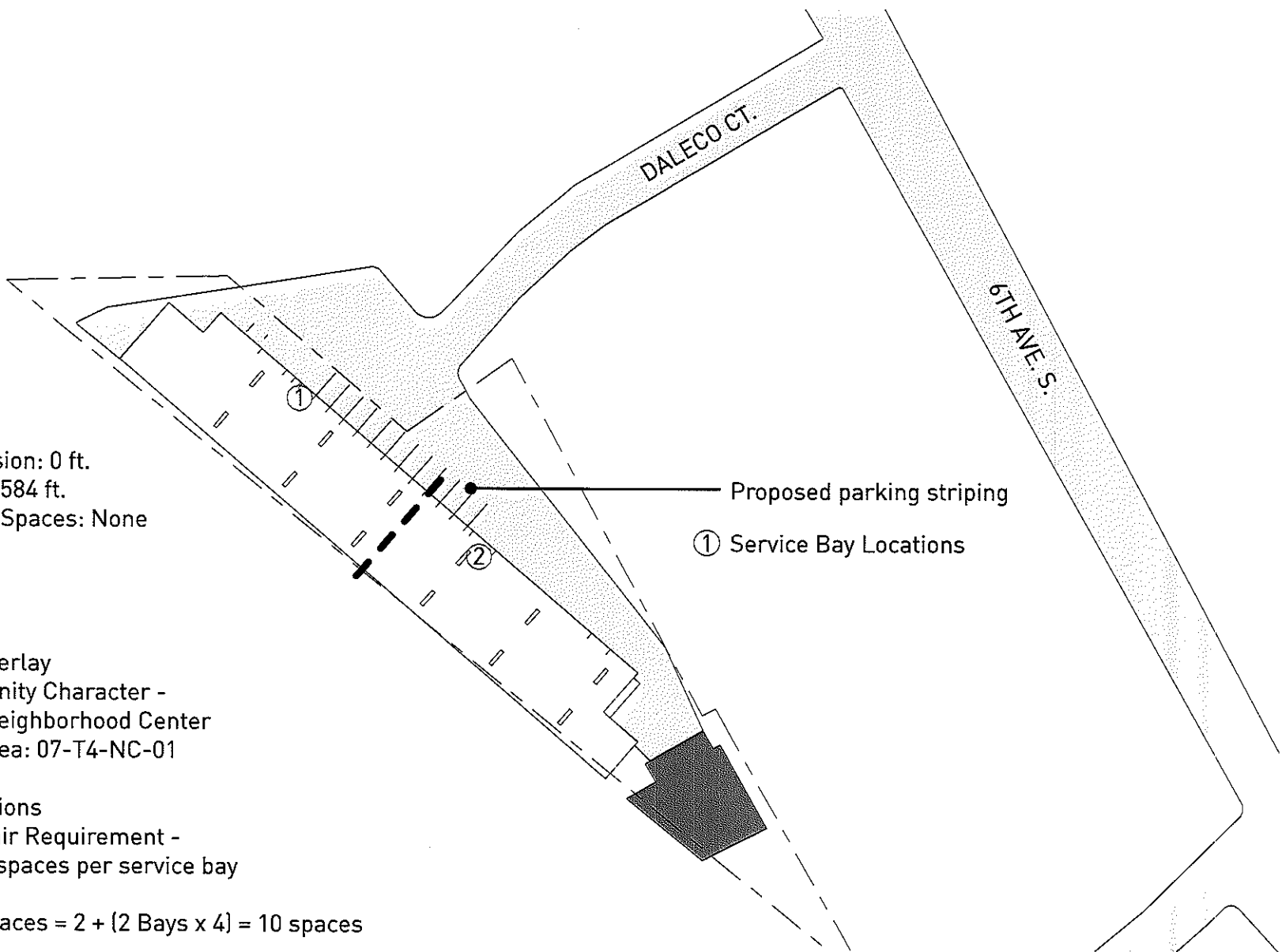
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Urban Zoning Overlay  
Adopted Community Character -  
T4 NC - Urban Neighborhood Center  
Special Policy Area: 07-T4-NC-01

Parking Calculations  
Automobile Repair Requirement -  
2 spaces, plus 4 spaces per service bay

Total required spaces = 2 + (2 Bays x 4) = 10 spaces



**T2018061642 (901 6TH AVENUE S.)**  
GERMAN MOTORWORKS  
NASHVILLE, TN 37203



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-105 (901 6<sup>th</sup> Avenue South)

Metro Standard:	Daleco Court – 4’ grass strip, 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	CF
Community Plan Policy:	T4 MU (Urban Mixed Use)
MCSP Street Designation:	Local Street
Transit:	250’ from #1 – 100 Oaks
Bikeway:	None existing

### Planning Staff Recommendation: *Approve with condition.*

**Analysis:** The applicant proposes interior renovations to an existing industrial use and requests a variance from constructing sidewalks and contributing in-lieu of construction due to the presence of existing sidewalks along the Daleco Court frontage of the site. Planning evaluated the following factors for the variance request:

- (1) This is a unique issue to this parcel, where Daleco Court provides access to one property and the parcel does not front 6<sup>th</sup> Avenue South. There is no connection, existing or planned, for pedestrians to traverse, and access to the industrial site is only for employees.
- (2) Given the scale of proposed improvements, sidewalks are premature. Substantial redevelopment of the site should trigger sidewalks in the future with a use that is more aligned with the Community Plan’s Urban Mixed Use policy.

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

1. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Lamb, Emily \(Codes\)](#); [Braisted, Sean \(Codes\)](#)  
**Subject:** Positions on March 21 D17 agenda items  
**Date:** Friday, March 15, 2019 4:48:00 PM

---

Good afternoon,

Board members, here are my positions on March 21 agenda items in District 17:

- Case 2019-105: A request to be exempt from sidewalk requirements for the interior renovation of a warehouse in an industrial zone (901 6th Ave S). I **support** this request, as this is a purely industrial area.
- Case 2019-117: This request in Wedgewood-Houston (444 Humphreys St) wants a ton of variances, which I normally would be fine with, **except** the applicant wants to get out of the sidewalk fund. Therefore, I **oppose** this request.
- Case 2019-101: I **oppose** the reinstatement of an illegally-rented short-term rental on 17th Ave S.

Thank you for your work!

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: Brandon Russell  
Property Owner: BRYAN WEBB  
Representative: \_\_\_\_\_

Date: 1-4-19  
Case #: 2019-109  
Map & Parcel: 71-8/42

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:

RESIDENTIAL  
NEW CONSTRUCTION

Activity Type: RESIDENTIAL DUPLEX

Location: 326 DUKE ST.

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

Reason: BUILD 9' FROM REAR PARCEL LINE

Section(s): 17.12.020 A REAR SETBACK MIN. 20 FEET

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.

Brandon Russell  
Appellant Name (Please Print)

\_\_\_\_\_  
Representative Name (Please Print)

523 Liberty Drive  
Address

\_\_\_\_\_  
Address

SMYRNA TN 37167  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

615-653-2019  
Phone Number

\_\_\_\_\_  
Phone Number

brandon.russell.realestate@gmail.com  
Email

\_\_\_\_\_  
Email

Zoning Examiner: [Signature]

Appeal Fee: \$100





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



3600869

**ZONING BOARD APPEAL / CAAZ - 20190006994  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 07108004200

APPLICATION DATE: 02/04/2019

**SITE ADDRESS:**

326 DUKE ST NASHVILLE, TN 37207  
LOT 60 PT 55 J B HAYNES ORIENTAL PLAN

PARCEL OWNER: WEBB, BRYAN L.

CONTRACTOR:

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

To construct a residential duplex under common ownership... ..2 units detached... ..

To construct east unit of duplex within a sixty (62) foot deep portion of parcel (see site plan)... ..

Request to build east unit of duplex, nine (9) feet off the rear line directly behind unit...

Required: Per Table 17.12.020A, Minimum rear setback (in ft.) is twenty (20) feet... ..

*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.

Branda Russell  
**APPELLANT**

1-9-19  
**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.*





Jeremy Russell & Erin Rainey  
500 Paragon Mills Road, K-1  
Nashville, TN 37211  
February 3, 2019

Chairman and Members of the Board  
Board of Zoning Appeals  
Metropolitan Government of Nashville and Davidson County  
800 Second Avenue South  
Nashville, TN 37210

Dear Chairman and Members of the Board:

It is our understanding that for us to meet the requirements for variance in the zoning ordinance, as enumerated in Section 17.40.370 of the Zoning Code, my wife and I should convey, as best as possible, that *one* or more of the following physical conditions, or hardships, impede, or significantly hinder, our ability to build upon or occupy the property for which we are submitting this request, 326 Duke Street: narrowness, shallowness, irregular shape, or topography. In addition, we should explain that our particular request does not fail to meet the conditions described therein: namely, (1) that the exceptional physical characteristics of the property would result in "peculiar and exceptional practical difficulties to...the owner of such property"; (2) that the specific conditions cited are unique to the subject property; (3) that the hardship is not self-imposed; (4) that financial gain is not the sole basis for granting variance; (5) that the granting of the variance will not be injurious to other property in the area; (6) that the variance will not be detrimental to the public welfare and will not substantially impair the purpose of the Zoning Code; and, finally, (7) that the variance will not compromise the design integrity or functional operation of activities within an approved Planned Unit Development.<sup>1</sup>

As pertaining to the conditions described above, we believe that our request for variance *due to the physical shallowness and irregular shape of the lot on 326 Duke Street* not only meets the criteria listed above, but also aims to enhance the aesthetic appeal, and promote a more balanced, and ultimately, more livable environment within the neighborhood we intend to inhabit and enhance.

As illustrated by Mr. Brackman's survey of the lot, we are requesting a setback of nine feet (9') behind proposed unit A as opposed to the recommended twenty feet (20') – a difference of eleven feet (11'). If we were to allow for 20', our options for a residence would have to include *only* those houses which are excessively shallow, a hardship that would severely limit our ability not only to select an appropriate house layout but also build a quality residence which the average family would find appealing enough to inhabit. Moreover, while the current setbacks to the east and west of the proposed units call for five feet (5') on either side, we hope that by allowing for over twenty

---

<sup>1</sup> <https://www.nashville.gov/Portals/0/SiteContent/Codes/docs/Board%20of%20Zoning%20Appeals/Variance%20Forms.pdf>

Chairman and Members of the Board

February 3, 2019

Page 2

feet (20') on the eastern side of Unit A, that we are providing for a more amenable, livable, and visually appealing outdoor space and yard.

My wife and I gratefully request your approval of this variance; nothing else about the property would require special accommodation other than this topographic shallowness we have described. Nashville has been an incredibly exciting place for us and our families to live – in my wife's case they have lived here since the late 1880s – and we are actively interested in what is best for the neighborhoods and communities of this city. As such, the plans we have described above are envisioned with the long-term and sustainable future of the city in mind. We appreciate your time, and eagerly anticipate your affirmation of the above described request.

Sincerely,

Jeremy Russell & Erin Rainey

**GENERAL NOTES**

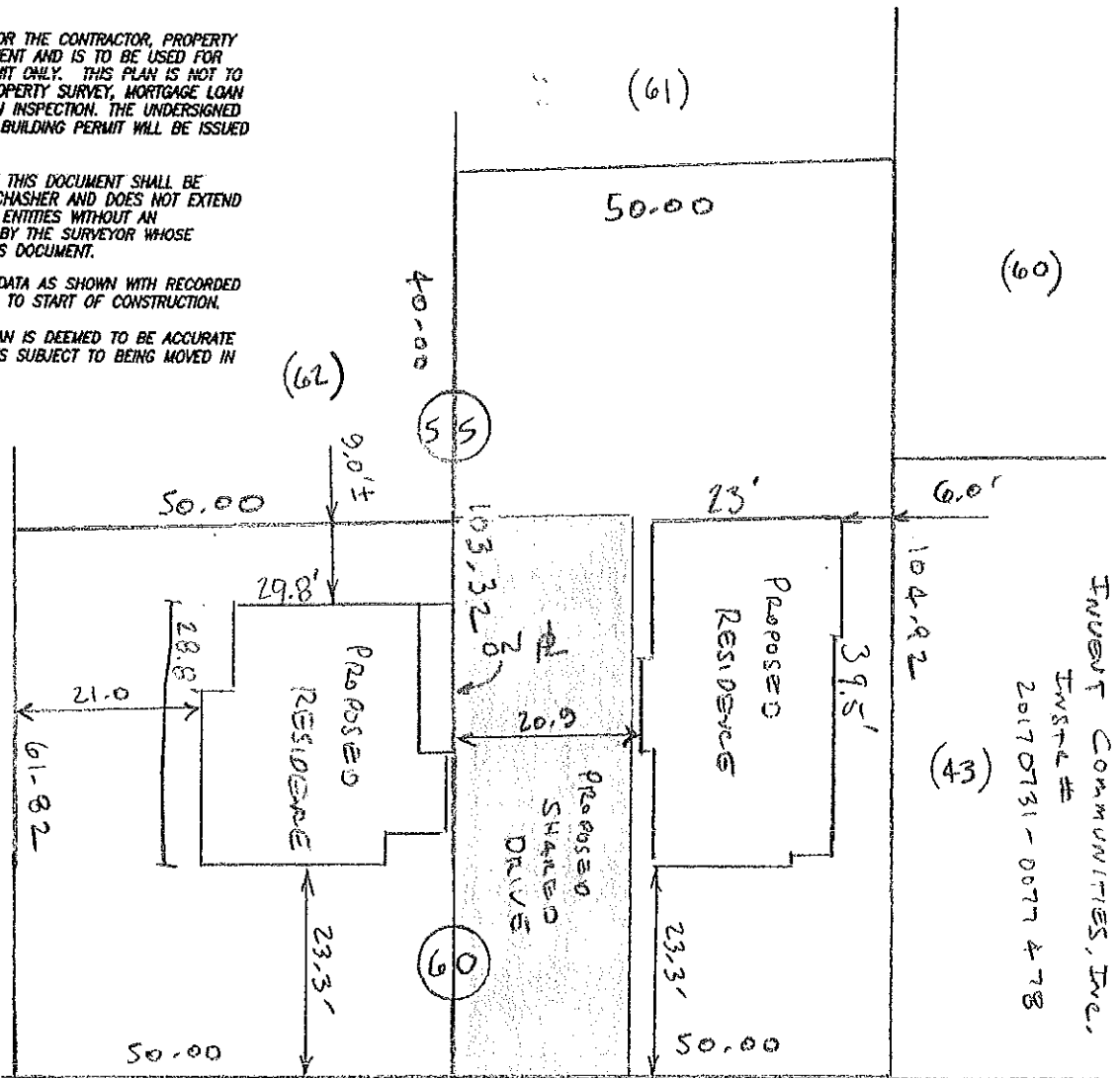
THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPARTMENT AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION. THE UNDERSIGNED MAKES NO WARRANTY THAT A BUILDING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

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS DOCUMENT.

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

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

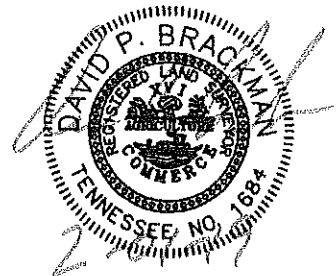
CHAO D. & Catherine  
THUMA  
INST # 20181003-0098169



INVENT COMMUNITIES, INC.  
INST #  
20170731-0077478

**PLOT PLAN**

326 DUKE STREET



OWNER: BRYAN L. WEBB

PROPERTY LOCATED: 326 DUKE STREET

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

PROPERTY: PROPERTY MAP 71-08 PARCEL 42

LOT 60 AND P/O LOT 55 JB HAYNIE'S SUBD. PB 161 PG 26& 27

RECORDED: INSTR # 20010511-0048963

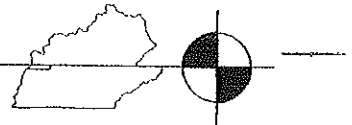
SCALE: 1" = 20'

DATE: FEBRUARY 1, 2019

50' R/W



**BRACKMAN**  
LAND SURVEYING



**DAVID P. BRACKMAN, RLS**

1707 Gale Lane  
Nashville, TN 37212

PH (615) 476-8107  
FAX (615) 298-2605

Email: [dbrack@bellsouth.net](mailto:dbrack@bellsouth.net)

FILE NO. 19-011 sheet 1 of 2

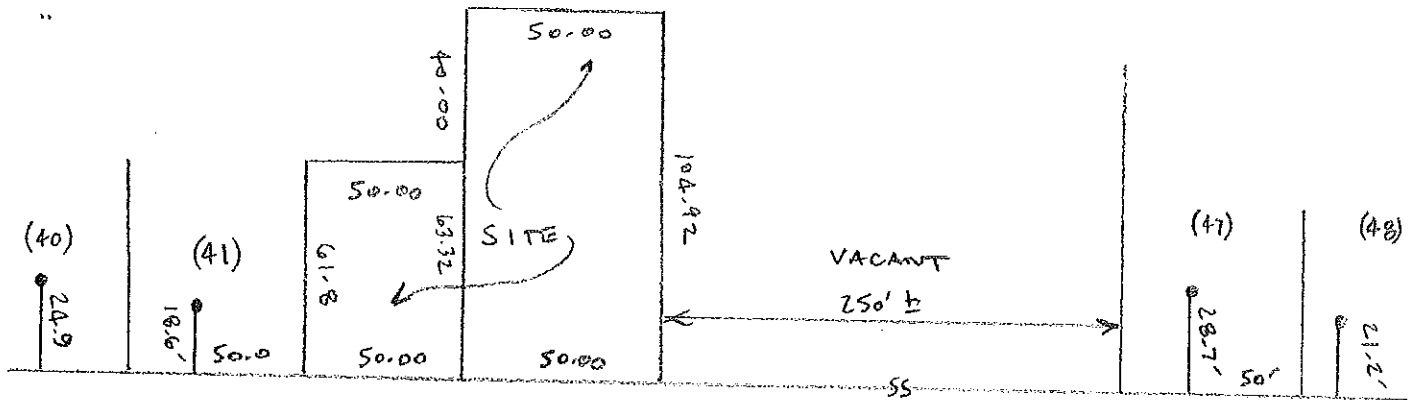
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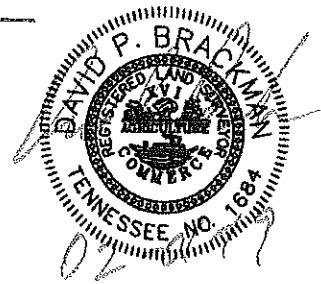
ALL INFORMATION ON PLOT PLAN IS DEEMED TO BE ACCURATE BUT NOT GUARANTEED. HOME IS SUBJECT TO BEING MOVED IN THE FIELD.



326 DUKE STREET

**PLOT PLAN**

50' R/W



OWNER: BRYAN L. WEBB

PROPERTY LOCATED: 326 DUKE STREET

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

PROPERTY: PROPERTY MAP 71-08 PARCEL 42

LOT 60 AND P/O LOT 55 JB HAYNIE'S SUBD. PB 161 PG 26& 27

RECORDED: INSTR # 20010511-0048963

SCALE: 1" = 50'

DATE: FEBRUARY 1, 2019



**DAVID P. BRACKMAN, RLS**

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Nashville, TN 37212

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FILE NO. 19-011 sheet 2 of 2



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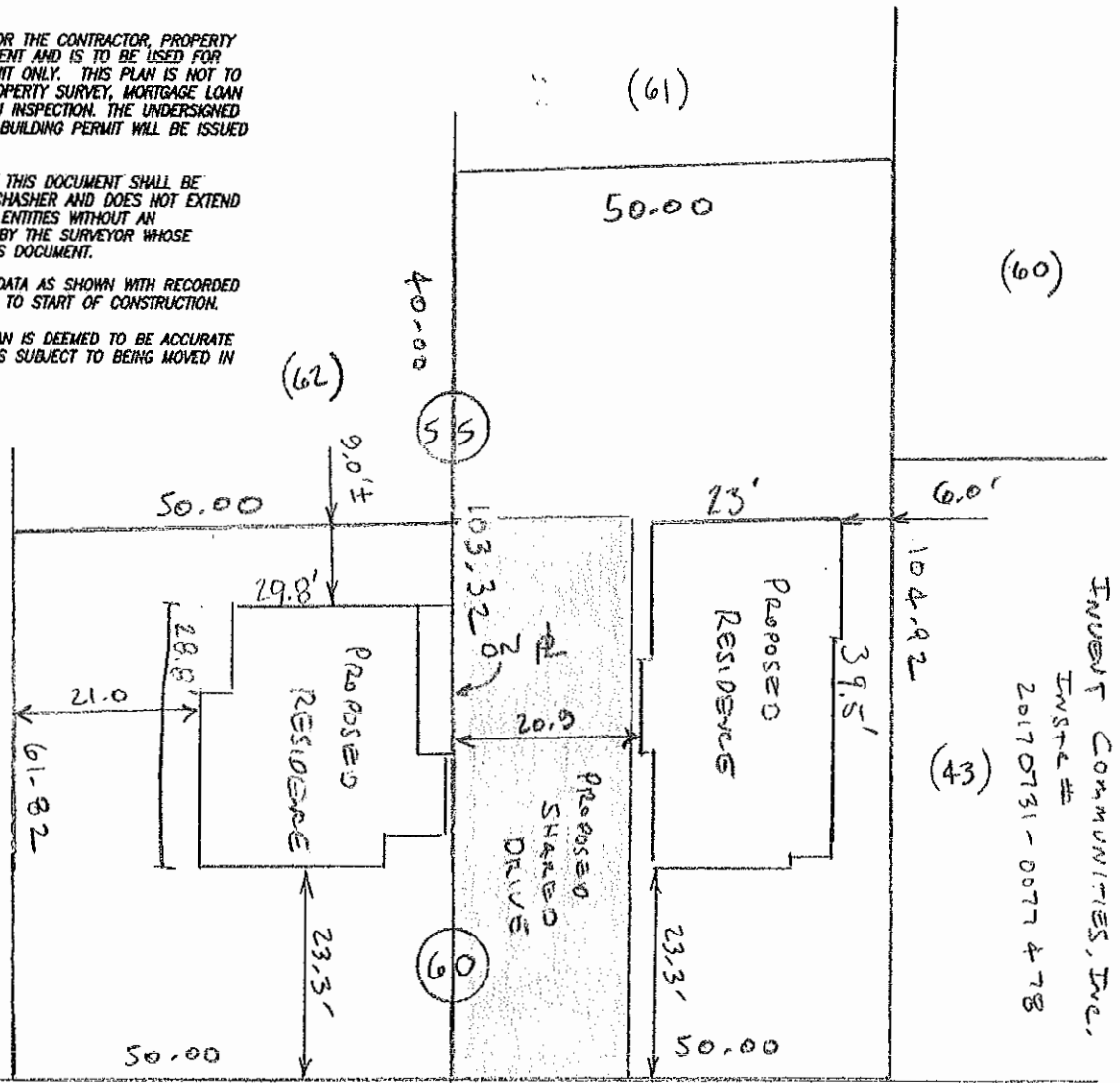
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CUAO D. & Catherine  
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INST # 20181003-0098169



INVEST COMMUNITIES, INC.  
INST #  
20170731-0077478

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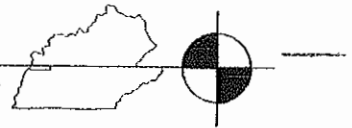
SCALE: 1" = 20'

DATE: FEBRUARY 1, 2019

50' R/W



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FILE NO. 19-011 sheet 1 of 2

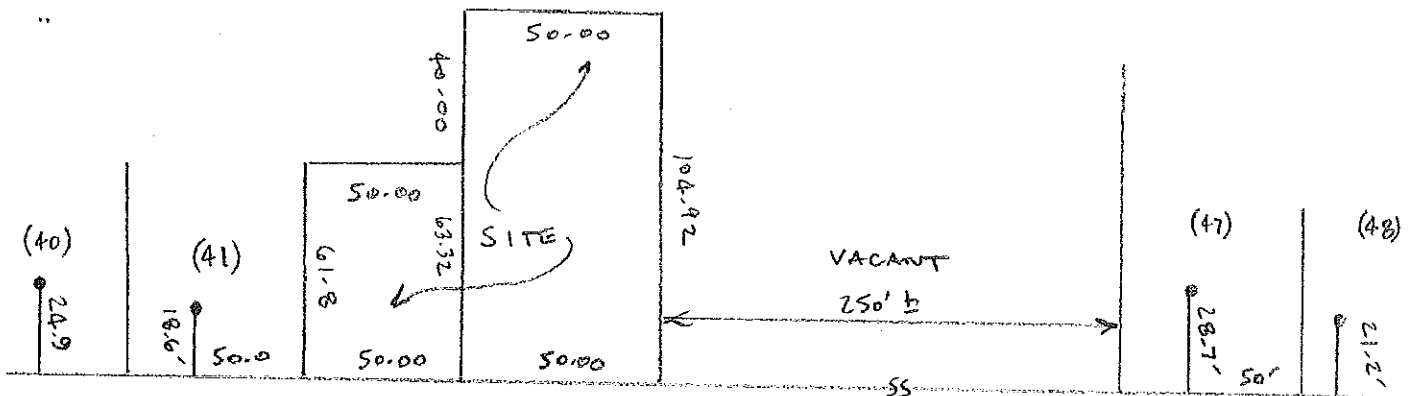
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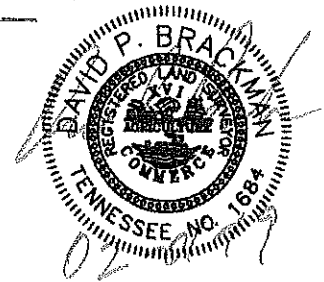
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RECORDED: INSTR # 20010511-0048963

SCALE: 1" = 60'

DATE: FEBRUARY 1, 2019



**BRACKMAN  
LAND SURVEYING**

**DAVID P. BRACKMAN, RLS**

1707 Gale Lane  
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FAX (615) 298-2605

Email: dbrack@bellsouth.net

FILE NO. 19-011 sheet 2 of 2

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Duane Cuthbertson  
Property Owner: Appalachian Land  
Representative: Same

Date: 2-4-19  
Case #: 2019-110  
Map & Parcel: 134-14-037

Council District 28

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

Purpose: to permit construction of a car wash facility

Activity Type: Commercial - new construction

Location: 335 Harding Pl.

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

Reason: Sidewalk Variance

Section(s): 17.20.120

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

Duane Cuthbertson  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

2814 12th Av. S.  
Address

Address

Nashville, TN 37204  
City, State, Zip Code

City, State, Zip Code

615.924.9618  
Phone Number

Phone Number

dcuthber@gmail.com  
Email

Email

Zoning Examiner: LB

Appeal Fee: \_\_\_\_\_

## 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.

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

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



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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.**

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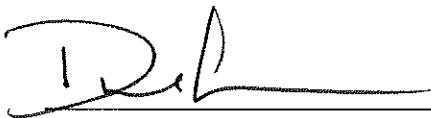
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**Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.**

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

### METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



**APPELLANT**

2-4-19

**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?**

Community signage at the corner of Harding Pl. and Perimeter Park Dr. is established with associative hard? softscaping in alignment with required sidewalks.

The topographic change along Perimeter Park Dr. would make installation of sidewalks extremely costly and challenging.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**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 - NEW / CACN - T2018077127  
THIS IS NOT A PERMIT**

**PARCEL:** 13414003700

**APPLICATION DATE:** 12/11/2018

**SITE ADDRESS:**

335 HARDING PL NASHVILLE, TN 37211  
LOT 3 SOUTH PERIMETER PARK SEC 5 2ND REVISION

**PARCEL OWNER:** APPALACHIAN LAND & LEASING COMPAI

**APPLICANT:**

**PURPOSE:**

BZA Appeal Case 2019-110 requesting a variance to Sidewalk requirements per 17.20.120, requesting to not build nor contribute into in-lieu of construction.

2/4/2019 LB

LB. Need plans reflecting sections 1: Physical separation

2: distance dimensions on Site Plan and 4: masonry wall shown on Plans of 17.16.070J

\*\*\*Minimum 12 ft bypass lane required, separate from queuing lane per 17.20.070

Use as a Full Service Carwash Permitted with Conditions, must comply with Section 17.16.070J.

SWGR Permit # XXXXXXXXXXXXXXXXXXXX

POC: Duane Cuthbersome 615-924-9618

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement		615-862-5248 Joseph.Almon@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6614 Michael.Plunk@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[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] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-4268 David.Brewington@nashville.gov
[E] Sewer Variance Approval For Bldg		862-7225 MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-4268 David.Brewington@nashville.gov
[E] Water Variance Approval For Bldg		862-7225 MWS.DevelopmentServicesCenter@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[A] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov



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



3601006

**ZONING BOARD APPEAL / CAAZ - 20190007071**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 13414003700

APPLICATION DATE: 02/04/2019

**SITE ADDRESS:**

335 HARDING PL NASHVILLE, TN 37211

LOT 3 SOUTH PERIMETER PARK SEC 5 2ND REVISION

**PARCEL OWNER:** APPALACHIAN LAND & LEASING COMPAI**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal Case 2019-110 requesting Variance to Sidewalks per 17.20.120. Requesting to not build nor contribute in-lieu of construction.

Construction Permit Application 2018077127

POC: Duane Cuthbertson 615-924-9618

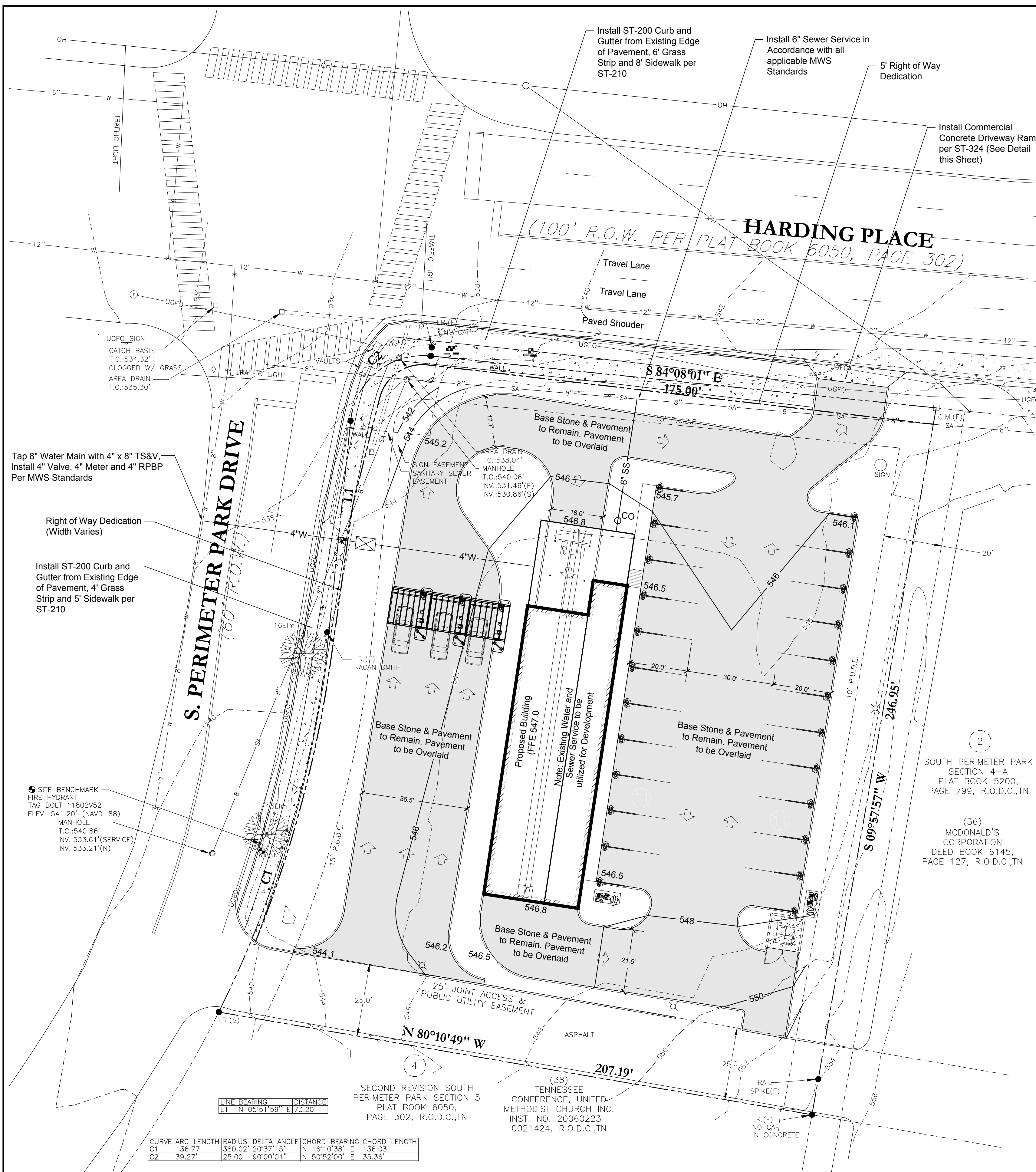
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.  
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

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***There are currently no required inspections***

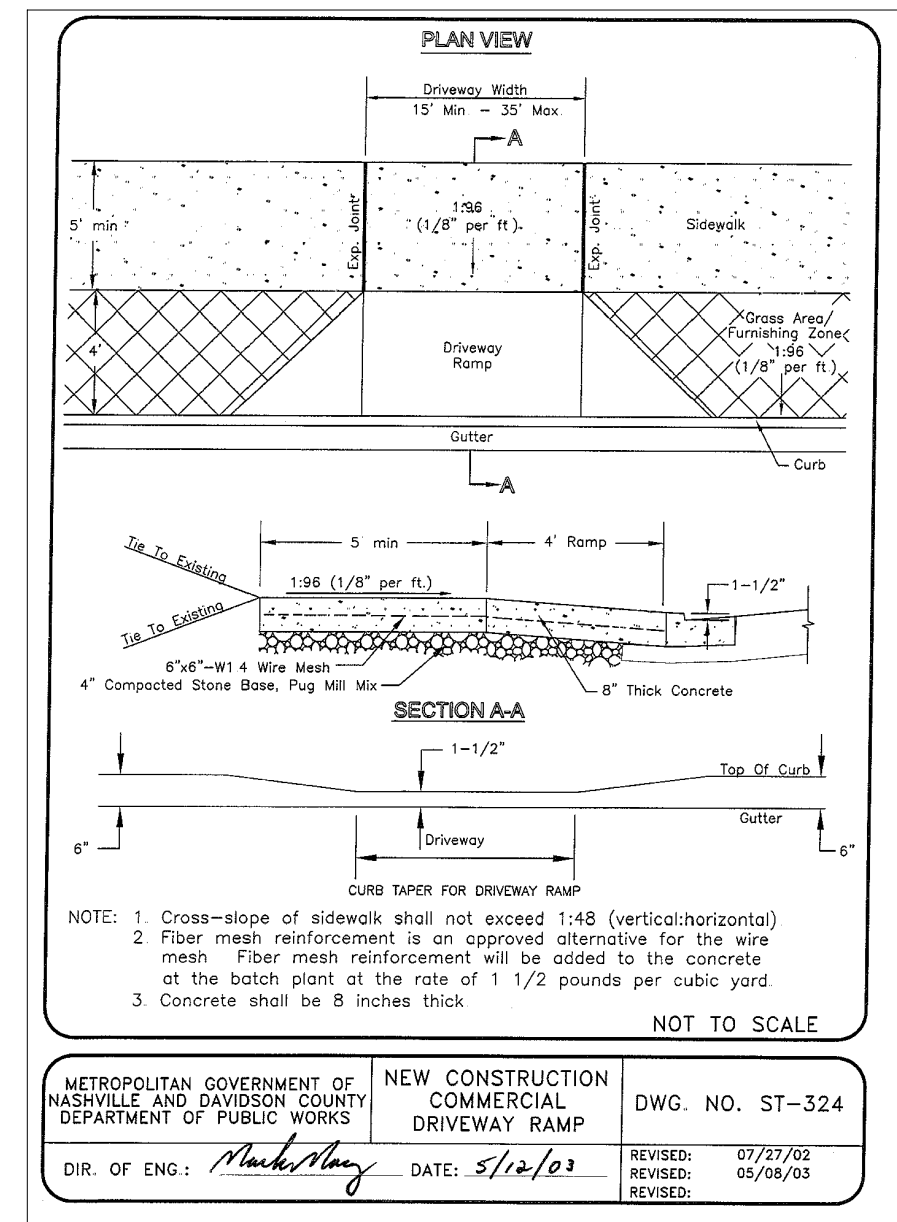
Inspection requirements may change due to changes during construction.





- ### Public Works Notes
- All work within the public right of way requires an excavation permit from the department of public works.
  - Proof-rolling of all street subgrades is required in the presence of the public works inspector. Inspection of the binder course is required prior to final paving in the presence of the public works inspector. These requests are to be made 24 hours in advance.
  - Stop signs are to be 30 inch by 30 inch.
  - Street signs to have six inch white letters on a nine inch green aluminum blade, high intensity reflective.
  - All pavement marking are to be thermoplastic.

- ### Water and Sewer Notes
- All water and sewer construction shall be in accordance with specifications and standard details of the Metro Water Services.
  - The contractor is responsible for reimbursing the metro water services the cost of inspection.
  - The contractor is to provide and maintain the construction identification sign for private development approved.
  - All connections to existing manholes shall be by coring and resilient connector method.
  - Reduced pressure backflow prevention devices (rpbp) or dual check valve will be required on all test and fill lines (jumper) needed for water main construction and must be approved by the metro water services.
  - All water meters shall be a minimum of 24" not to exceed a maximum of 28" below finished grade.
  - Pressure regulating devices will be required on the customer side of the meter when pressures exceed 100 psi.
  - Pressure regulating devices will be required on the street side of the meter when pressures exceed 150 psi.
  - After completion of the sanitary sewer, the developer is responsible for the televising of the lines prior to final acceptance. The televising must be coordinated with the Metro Water Services inspection section. All costs will be borne by the developer.
  - Upon completion of construction of water and/or sewer, the engineer shall provide the Metro Water Services department with a complete set of as-built plans on most erasable mylars in reverse and in digital (.dwg) format. Sewer plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include actual field angles between lines, all actual service lines and tee locations, the distance of the end of the service line to property corners and lines and/or station and offset from sewer centerline to end of service line, the depth to the top of the end of the service line, and shall reflect all alignment and grade changes. Water line plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include offset distance from the roadway centerline, or property line right of way, line depth, locations of hydrants, valves, reducers, tees and pressure reducing devices where applicable. All drawings must be completed and submitted prior to acceptance of the sewers or water mains into the public system and any connections being made.
  - All water mains must be located within the paved area including all blow-off assemblies.

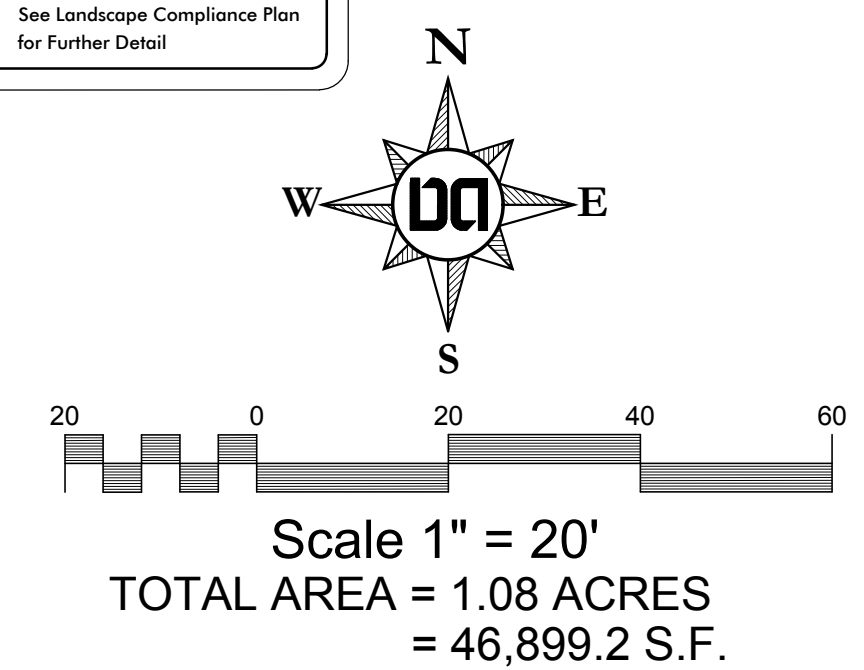


### Grading Permit Exemption Notes (Per SWMM, Volume 1, Section 3.4.3)

- Fill material contains only inert soil, rock, concrete without rebar and no more than 24 inches in length, and/or brick rubble. **-SATISFIED, Earthwork amounts minor as shown.**
  - Fill is not in the 100-year floodplain and is less than five (5) feet in vertical depth at its deepest point. **-SATISFIED, Mapped floodplain does not exist on-site and fill depths will not exceed five (5) feet.**
  - Does not result in a total quantity of more than 100 cy of material being removed from, deposited on, or disturbed on any lot, parcel or subdivision. **-SATISFIED, Earthwork minor as Shown. No material haul-off anticipated.**
  - Does not impair existing surface storm water management systems, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse. **-SATISFIED, Surface runoff maintain in the same flow path in sheet flow conditions with no potential for erosion or sedimentation.**
  - Has not fill placed on a surface have a slope steeper than 5:1 (Steeper slopes can be allowed if justified by calculations for appropriate stabilization measures). **-SATISFIED, No slopes in excess of 5:1 are proposed.**
  - Has no final slopes steeper than 3:1. **-SATISFIED, No slope (cut or fill) proposed to exceed 3:1.**
  - Has temporary or permanent soil stabilization measures applied to denuded areas within 15 days of disturbance. **-SATISFIED, All denuded areas will be stabilized with grass seed & straw, or Type II Erosion Control Matting as Specified.**
  - Does not contain hazardous substances. **-SATISFIED, No hazardous substances**
  - Is not partially or totally within a watershed with outlet to a sinkhole or drainage well. **-SATISFIED, No known sink holes or wells within the site's basin.**
  - Does not result in the exposure or disturbance of more than 10,000 square feet of land. **-SATISFIED, Utilization of the Existing Pavement will result in the minimization of land disturbance. Disturbance proposed consists primarily of the proposed building and parking area and does not exceed 10,000 square feet in size. Total land disturbance estimated to be 9,287 square feet. \*\***
- \*\* Existing Base Stone and Pavement to Remain as shown on these plans. The maximum total disturbance will be 9,287 square feet which does not exceed 10,000 square feet.

APPLICATION #:	PROJECT NAME: Camel Express Car Wash
MAP/PARCEL: Map 134-14, Parcel 37	EXAMINER:

USE - CHAPTER 17.08 & 17.16	
DETERMINE THE USE	Car Wash
PROPERTY ZONING CS	OVERLAY(A) AIR SURROUNDING ZONING CS
USE CHARTS: P, PC, SE, A	PERMITTED WITH CONDITIONS
<b>SITE CRITERIA (Bulk Standards based upon CS Zoning)</b>	
SUBDIVISION PLAT:	LOT 3 SOUTH PERIMETER PARK SEC 5 2ND REVISION
MINIMUM LOT SIZE	N/A
FAR	0.40 MAX, 0.09 Proposed
ISR - Adjustments / Slopes over 15%	0.90 MAX, 0.59 Proposed
STREET SETBACKS:	15 Feet
SIDE YARD	0 Feet
REAR YARD	20 Feet
HEIGHT STANDARDS	30' (1.5 to 1)
<b>PARKING AND ACCESS - CHAPTER 17.20</b>	
RAMP LOCATION AND NUMBER	One Access off Harding Place
DISTANCE TO NEAREST EXISTING RAMP (MINIMUM 30')	N/A-Existing Ramp
DISTANCE TO INTERSECTION	265'± West to S Perimeter Park Drive
	50' MINOR STREET 185' ARTERIAL STREET
	100' COLLECTOR 250' CONTROLLED ACCESS RAMP
REQUIRED PARKING BASED ON USES	5 Stalls (1 Stall/1,000 sq ft/22 Stalls Proposed)
REQUIRED LOADING BASED ON USES	N/A
SURFACING OVER 5 SPACES 1,750 SQ. FT.	Provided
SPACE SIZES, AISLE WIDTHS, ANGLE DATA	8.5'x18' Std Stalls & 9'x20', 90° Parking
QUEUING LANES	Provided
OVER 10 SPACES 20' QUEUING AT EXIT	Provided
NUMBER OF COMPACT SPACES / %	None
NUMBER OF ACCESSIBLE SPACES	None
SIDEWALKS REQUIRED	Public Sidewalk along Harding Place
<b>LANDSCAPING STANDARDS - CHAPTER 17.24</b>	
REQUIRED BUFFERIARDS	None
BUFFERIARD ADJUSTMENT	N/A
PERIMETER LANDSCAPING	Provided
STANDARD FOR 4 OR MORE LANES	N/A
SIDE LINES ADJACENT TO PARKING AREAS 5' MINIMUM WITH TREES-2.5' WITH TREE ISLANDS	Provided
INTERIOR LANDSCAPING MINIMUM 8% AREA	Provided
OPAQUE FENCE ADJACENT TO RESIDENTIAL PARKING AREA	N/A
SCREENING AROUND DUMPSTERS (NO CHAIN LINK FENCE PERMITTED)	Provided
TREE DENSITY	See Landscape Compliance Plan for Further Detail



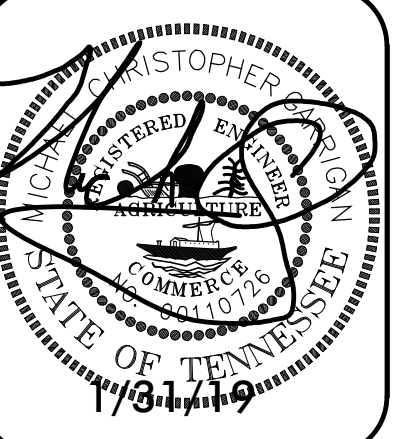
Codes Tracking Number T2018  
 Site Layout, Grading, Utilities Plan



REVISIONS:  
 WS Comments: 01/31/19

Preparation Date: October 2018

**Camel Carwash**  
**335 Harding Place**  
 BEING PARCEL 37 ON TAX MAP 134-14  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
 Codes Tracking # T2018



**Dale & Associates**  
 Consulting Civil Engineering  
 Land Planning & Zoning  
 Surveying

D&A Project #18149  
 Camel Carwash  
 335 Harding Place

**C2.0**

516 Heather Place  
 Nashville, Tennessee 37204  
 (615) 297-5166

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-110 (335 Harding Place)

Metro Standard:	Harding Place – 6’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Perimeter Park Drive – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Construct sidewalks along Harding Place; contribute in-lieu of construction for Perimeter Park Drive (not eligible)
Zoning:	CS
Community Plan Policy:	D OC (District Office Concentration)
MCSPP Street Designation:	Harding Place – T3-M-AB7-LM
	Perimeter Park Drive – Local Street
Transit:	#52 – Nolensville Pike BRT Lite; Future Crosstown Route per nMotion
Bikeway:	Existing bikeway for experienced cyclists per WalknBike

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes to construct a car wash and requests a variance to contribute in-lieu of construction along the Perimeter Park Drive property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist on both property frontages with Harding Place and Perimeter Park Drive. The applicant proposes to construct a 6’ grass strip and 8’ sidewalk along Harding Place, which meets the Major and Collector Street Plan standard.
- (2) The property has a grade change of 4’-6’ from the edge of pavement to the existing off-street parking area. Constructing sidewalks that meet the Local Street standard along Perimeter Park Drive will require retaining walls that will impact the adjacent property to the south.

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

1. The applicant shall construct 6’ grass strip and 8’ sidewalks along the Harding Place property frontage, which meets the Major and Collector Street Plan standard.
2. The applicant shall contribute in-lieu of constructing sidewalks for the Perimeter Park Drive property frontage.
3. Prior to the issuance of building permits, dedicate right-of-way along the Perimeter Park Drive property frontage to accommodate future sidewalks per the Metro Local Street standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Luke Hardy  
Property Owner: Ryan Paige  
Representative: Ryan Paige

Date: 2/5/19  
Case #: 2019-~~112~~ 112  
Map & Parcel: 08204017800

Council District OS

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 NEW SINGLE  
FAMILY RESIDENCE

Activity Type: RESIDENTIAL NEW CONSTRUCTION

Location: 1128 MCFERRIN AVE

This property is in the RS5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SIDEWALK VARIANCE

Section(s): 17.20.120

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

Luke Hardy  
Appellant Name (Please Print)

2307 Porter Rd.  
Address

Nashville, TN 37206  
City, State, Zip Code

336.251.3104  
Phone Number

luke.taylor.hardy@gmail.com  
Email

Zoning Examiner: \_\_\_\_\_

Ryan Paige  
Representative Name (Please Print)

508 Davidson St.  
Address

Nashville, TN 37213  
City, State, Zip Code

615.829.6163  
Phone Number

ryanpaigeis@gmail.com  
Email

Appeal Fee: \_\_\_\_\_

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet 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.

Luke Hardy  
APPELLANT

2/5/19  
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?**

We would like to receive a variance to the sidewalk requirements, due to the hardship of a 6-ft. retaining wall that runs across the front of our property, as well as the rest of the entire block. (See photos provided)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018075172  
THIS IS NOT A PERMIT**

**PARCEL:** 08204017800

**APPLICATION DATE:** 11/30/2018

**SITE ADDRESS:**

1128 MCFERRIN AVE NASHVILLE, TN 37206  
LOT 5 THORNBY PLACE

**PARCEL OWNER:** PAIGE, RYAN & KIM, GRACE

**APPLICANT:**

**PURPOSE:**

to construct a single family residence with 1212 sf living area and 100 sf porch areas. must comply with tree regulations one new two inch tree for every 30' road frontage. 37' min front s/b; 5' min side s/b; 20' min rear s/b. PUBLIC WORKS STAFF PLEASE NOTE: SIDEWALKS ARE EXISTING IN FRONT OF PARCEL, THEREFORE FULL AND COMPLETE COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW ACCORDINGLY. BZA Appeal Case 2019-112 Sidewalk variance requesting to not build nor pay in-lieu of constructing sidewalks.

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatinc		615-862-6558 Jonathan.Honeycutt@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 862-7225
[E] Water Availability Review For Bldg		MWS.DevelopmentServicesCenter@nashville.gov 862-7225
[E] Water Variance Approval For Bldg		MWS.DevelopmentServicesCenter@nashville.gov 862-7225
[A] Bond & License Review On Bldg App		MWS.DevelopmentServicesCenter@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov



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



3601249

**ZONING BOARD APPEAL / CAAZ - 20190007230**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 08204017800

APPLICATION DATE: 02/05/2019

## SITE ADDRESS:

1128 MCFERRIN AVE NASHVILLE, TN 37206

LOT 5 THORNBY PLACE

PARCEL OWNER: PAIGE, RYAN &amp; KIM, GRACE

CONTRACTOR:

## APPLICANT:

## PURPOSE:

BZA Appeal Case 2019-112 Sidewalk variance requesting to not build nor pay in-lieu of constructing sidewalks.  
Construction permit application #2018075172

*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.





**LEGEND**

- PROPERTY LINE
- W- WATER LINE
- S- SEWER LINE
- X-X- FENCE LINE
- OH/OHT- OVERHEAD POWER LINE / TELEPHONE
- IP/O IRON PIN OLD
- MON/M MONUMENT
- M.S.D.L. MINIMUM BUILDING SETBACK LINE
- ⊙ POWER POLE
- ⊙ LIGHT POLE
- ⊙ MANHOLE
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT

**IMPERVIOUS AREAS:**

PRE-IMPERVIOUS AREA:  
 STRUCTURES: 0 sq.ft.  
 PARKING AREA: 0 sq.ft.  
 TOTAL AREA: 0 sq.ft.

POST-IMPERVIOUS AREA:  
 STRUCTURES: 1212 sq.ft.  
 PARKING AREA: 324 sq.ft.  
 TOTAL AREA: 1536 sq.ft.

DIFFERENCE: 1536 (POST) - 0 (PRE) = 1536 sq.ft.

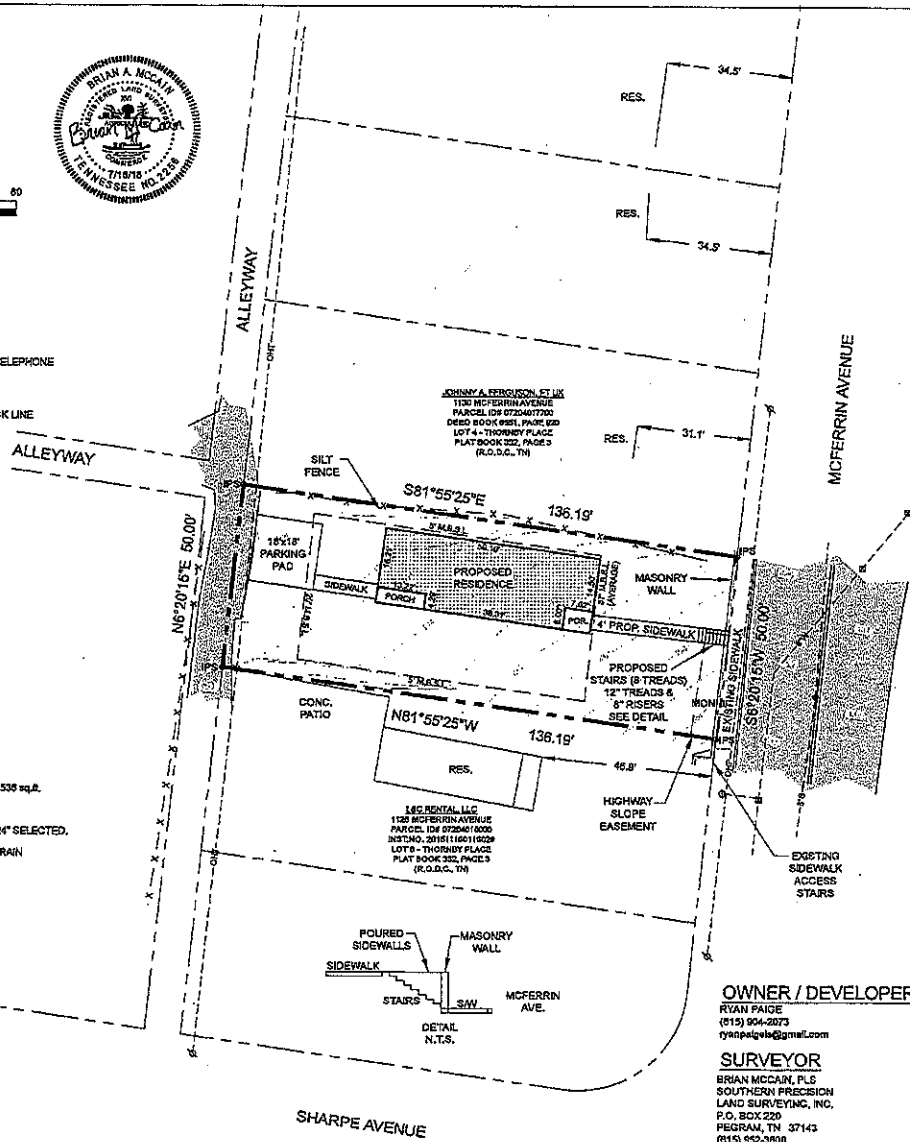
MAIN STRUCTURE @ 1212 MITIGATED.

55 LF. OF MODIFIED FRENCH DRAIN @ 24" SELECTED.

DOWNSPOUTS DIRECTED TO FRENCH DRAIN

**SOUTHERN PRECISION**  
 LAND SURVEYING, INC.  
 P.O. BOX 229  
 PEGRAM, TN 37143-0229  
 (615) 952-3600  
 "WE'LL PUT YOU ON THE MAP"

© COPYRIGHT SOUTHERN PRECISION LAND SURVEYING 2014.

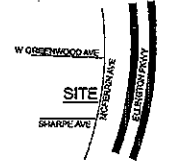


JOHNNY A. FERGUSON, ET UX  
 1128 MCFERRIN AVENUE  
 PARCEL ID# 0726407700  
 DEED BOOK 0851, PAGE 650  
 LOT 4 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3  
 (R.O.D.C., TN)

LEG RENTAL, LLC  
 1128 MCFERRIN AVENUE  
 PARCEL ID# 0726415000  
 NETS/O, 2018/11/06/19/02  
 LOT 8 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3  
 (R.O.D.C., TN)

**OWNER / DEVELOPER**  
 RYAN PAIGE  
 (615) 904-2073  
 ryanpaige@gmail.com

**SURVEYOR**  
 BRIAN MCCAIN, PLS  
 SOUTHERN PRECISION  
 LAND SURVEYING, INC.  
 P.O. BOX 229  
 PEGRAM, TN 37143  
 (615) 952-3600  
 brian@southernprecision.net



**VICINITY MAP**  
N.T.S.

**NOTES:**

1. This survey meets the requirements of a "General Property Survey" as per standards of practice, OESD-0-27 adopted by the Board of Examiners for Land Surveyors, State of Tennessee. This survey also meets the requirements of "Maps and Mapping" as per standards of practice, OESD-0-28 adopted by the Board of Examiners for Land Surveyors, State of Tennessee.
2. Bearings are based on the Tennessee State Plane Coordinate System, NAD83 (Horizontal) and NAVD83 (Vertical).
3. Distances were measured with E.D.M. equipment and have been corrected for temperature and barometric pressure.
4. This survey was made using the latest recorded deeds/plats of record. No title report was furnished by this surveyor, therefore, this survey is subject to the findings of a complete title search. The status of facts shown herein are based on a professional opinion in regards to information obtained during the survey and does not constitute a warranty or guarantee, expressed or implied.
5. This property is located entirely in an area designated "Zone AE" as per the National Flood Insurance Rate Map No. 47037C0234 H, Dated: April 6, 2017.
6. This surveyor has not physically located the underground utilities. Above grade and underground utilities shown were taken from visible appearances at the site, public records and/or maps prepared by others. The location and existence of utility service lines to the property surveyed are unknown and are not shown. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities are in the exact location indicated. Therefore, reliance upon the type, size, and location of utilities shown should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of service should be confirmed with the appropriate utility company. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act", that anyone who engages in excavation must notify all known underground utility owners, no less than three (3), nor no more than ten (10) working days prior to the date of their intent to excavate and also to avoid any possible hazard or conflict. Tennessee One-call 1-800-331-1111.
7. Information shown herein was derived from random shots, cross sections, and radial shots.
8. For: Mr. Ryan Paige.
9. Current Zoning: R35
10. Setback: Front Average Sides: 5', Rear: 20'

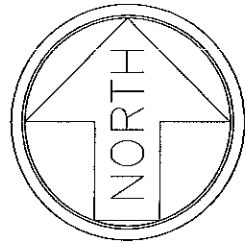
**TOTAL AREA:**  
 6,806 sq. ft. or 0.15 Ac.±

**SITE PLAN**

**RYAN PAIGE & GRACE KIM PROPERTY**  
 MCFERRIN AVENUE  
 METRO PARCEL ID# 08204017800  
 INST.NO. 201805040042847-R.O.D.C., TN.  
 LOT 5 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3-R.O.D.C., TN.  
 5TH COUNCIL DISTRICT  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
 SCALE: 1" = 20' DATE: 7/16/18

DRAWN BY: BAM PROJECT NO. 17-1055

Case # 2019-112



**LEGEND**

- PROPERTY LINE
- W- WATER LINE
- S- SEWER LINE
- X-X- FENCE LINE
- OHP/OHT- OVERHEAD POWER LINE / TELEPHONE
- IPO ⊙ IRON PIN OLD
- MON □ MONUMENT
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- ⊗ POWER POLE
- \* LIGHT POLE
- ⊙ MANHOLE
- ⊗ WATER VALVE
- ⊕ FIRE HYDRANT

**IMPERVIOUS AREAS:**

PRE-IMPERVIOUS AREA:  
 STRUCTURES: 0 sq.ft.  
 PARKING AREA: 0 sq.ft.  
 TOTAL AREA: 0 sq.ft.

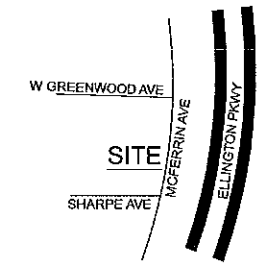
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DIFFERENCE: 1536 (POST) - 0 (PRE) = 1536 sq.ft.

MAIN STRUCTURE @ 1212 MITIGATED.

55 L.F. OF MODIFIED FRENCH DRAIN @ 24" SELECTED.

DOWNSPOUTS DIRECTED TO FRENCH DRAIN



**VICINITY MAP**  
N.T.S.

**NOTES:**

1. This survey meets the requirements of a "General Property Survey" as per standards of practices, 0820-3-.07 adopted by the Board of Examiners for Land Surveyors, State of Tennessee. This survey also meets the requirements of "Maps and Mapping" as per standards of practices, 0820-3-.08 adopted by the Board of Examiners for Land Surveyors, State of Tennessee.
2. Bearings are based on the Tennessee State Plane Coordinate System, NAD83 (Horizontal) and NAVD88 (Vertical).
3. Distances were measured with E.D.M. equipment and have been corrected for temperature and barometric pressure.
4. This survey was made using the latest recorded deeds/plats of record. No title report was furnished this surveyor, therefore, this survey is subject to the findings of a complete title search. The state of facts shown hereon are based on a professional opinion in regards to information obtained during the survey and does not constitute a warranty or guarantee, expressed or implied.
5. This property is located entirely in an area designated "Zone AE" as per the National Flood Insurance Rate Map No. 47037C0234 H, Dated: April 5, 2017.
6. This surveyor has not physically located the underground utilities. Above grade and underground utilities shown were taken from visible appurtenances at the site, public records and/or maps prepared by others. The location and/or existence of utility service lines to the property surveyed are unknown and are not shown. The surveyor makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. The surveyor further does not warrant that the underground utilities are in the exact location indicated. Therefore, reliance upon the type, size, and location of utilities shown should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost. of service should be confirmed with the appropriate utility company. In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act", that anyone who engages in excavation must notify all known underground utility owners, no less than three (3), nor no more than ten (10) working days prior to the date of their intent to excavate and also to avoid any possible hazard or conflict. Tennessee One-call" 1-800-351-1111.
7. Information shown hereon was derived from random shots, cross sections, and radial shots.
8. For: Mr. Ryan Paige.
9. Current Zoning: RS5
10. Setbacks: Front: Average Sides: 5', Rear: 20'

**TOTAL AREA:**  
6,806 sq.ft. or 0.15 Ac.±

**SITE PLAN**

**RYAN PAIGE & GRACE KIM PROPERTY**  
 MCFERRIN AVENUE  
 METRO PARCEL ID# 08204017800  
 INST.NO. 201805040042847-R.O.D.C., TN.  
 LOT 5 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3-R.O.D.C., TN.  
 5TH COUNCIL DISTRICT  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
 SCALE: 1" = 20' DATE: 7/16/18

**OWNER / DEVELOPER**

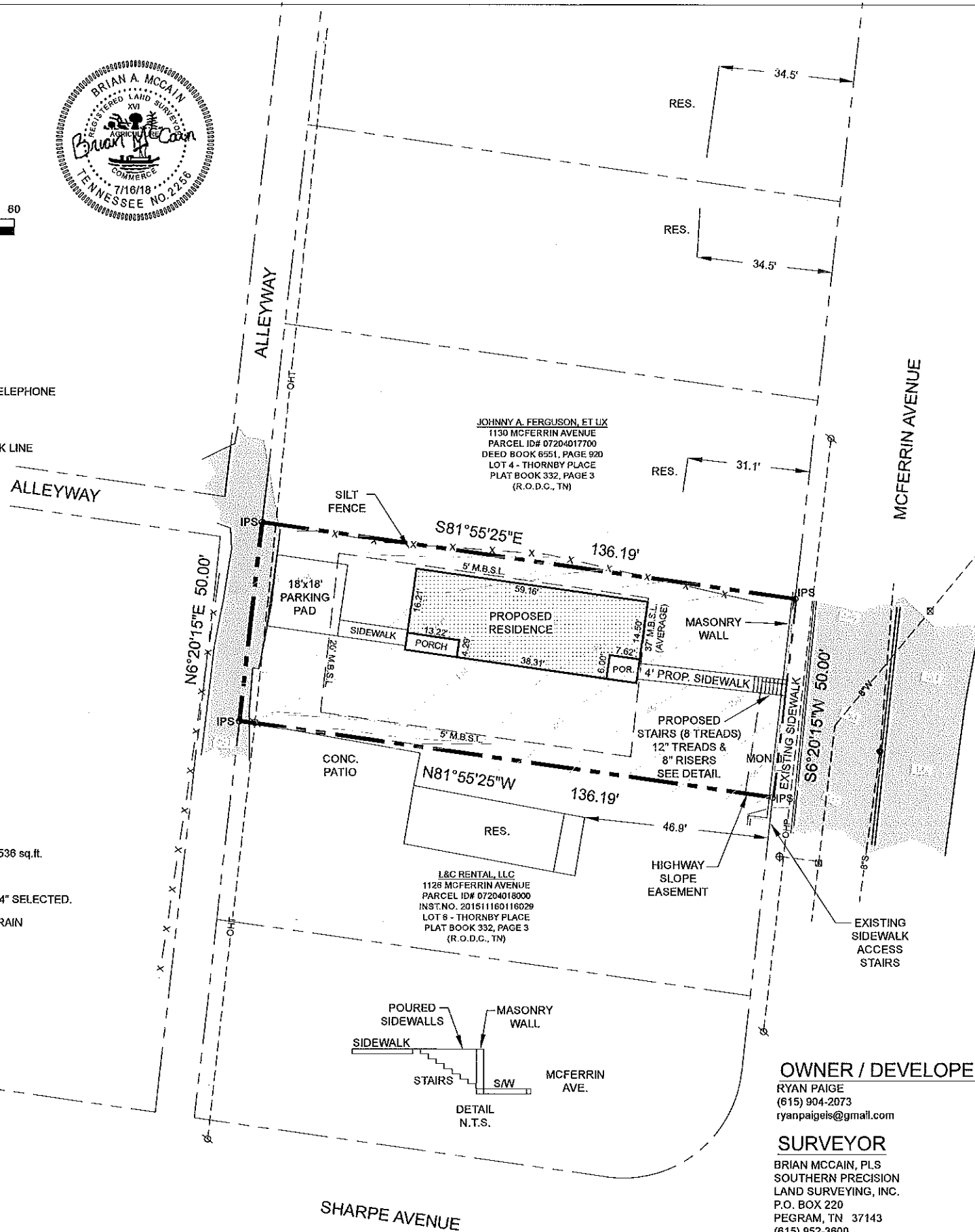
RYAN PAIGE  
 (615) 904-2073  
 ryanpaige@gmail.com

**SURVEYOR**

BRIAN MCCAIN, PLS  
 SOUTHERN PRECISION  
 LAND SURVEYING, INC.  
 P.O. BOX 220  
 PEGRAM, TN 37143  
 (615) 952-3600  
 brian@southernprecision.net

© COPYRIGHT SOUTHERN PRECISION LAND SURVEYING 2018.

**SOUTHERN PRECISION**  
 LAND SURVEYING, INC.  
 P.O. BOX 220  
 PEGRAM, TN 37143-0220  
 (615) 952-3600  
 "WE'LL PUT YOU ON THE MAP"

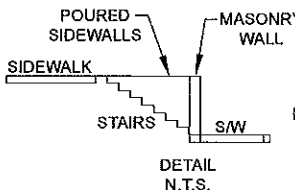


SHARPE AVENUE

MCFERRIN AVENUE

JOHNNY A. FERGUSON, ET UX  
 1150 MCFERRIN AVENUE  
 PARCEL ID# 07204017700  
 DEED BOOK 6551, PAGE 920  
 LOT 4 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3  
 (R.O.D.C., TN)

L&C RENTAL, LLC  
 1126 MCFERRIN AVENUE  
 PARCEL ID# 07204018000  
 INST.NO. 201511160116029  
 LOT 8 - THORNBY PLACE  
 PLAT BOOK 332, PAGE 3  
 (R.O.D.C., TN)



DETAIL  
N.T.S.

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-112 (1128 McFerrin Avenue)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	T4-R-CA2
Transit:	#30 – McFerrin
Bikeway:	None existing; Minor protected bike lane planned per WalknBike

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes to construct a single family residence and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of a large retaining wall 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 adjacent properties to the east and west along the block face.
- (2) A 6' tall retaining wall also exists along the property's frontage, demonstrating the significant topographic challenge to sidewalk construction on the site.

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

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

**From:** [Ernest Moore](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Ghimel Marin-Moore](#)  
**Subject:** Zoning Appeal Case Number 2019-112  
**Date:** Tuesday, March 5, 2019 8:47:54 PM

---

Metro Nashville Zoning Board of Appeals,

We the owners of 1200 McFerrin Ave are e-mailing you to advise you of our opposition to our neighbor's request at 1128 McFerrin Ave for a variance from sidewalk requirements. We believe that everyone in the community who builds or renovates their residence should construct sidewalks to conform to the existing look, feel, accessibility, and culture of the neighborhood. We also feel that all neighbors should pay their fare share into the sidewalk fund.

If you have any questions or if this e-mail does not suffice, please let us know.

Sincerely,

Ernest Moore and Ghimel Marin-Moore  
Owners, 1200 McFerrin Ave, Nashville TN

**Thomas Haehn**

3631 Brush Hill Road  
3631 Brush Hill Road  
Nashville, TN 37216  
[tomhaehn@vionet.com](mailto:tomhaehn@vionet.com)  
ph: 615 423 8168

**Metro Government of Nashville**  
**Dept of Codes and Building Safety**  
**PO Box 196300**  
**Nashville TN 37219-6300**

May 26, 2015

**Sidewalk variance for 1128 McFerrin Ave**  
**Appeal Case # 2019-112**

Dear Sirs,

As the owner of 823 and 819 W Greenland Ave I am aware that my tenants residing in these properties do appreciate the safe walk-ability to the restaurant area around the intersection of McFerrin and Cleveland. Since the opposite side of the road along Ellington Parkway does not offer a sidewalk along the fence and a bus line is going through this corridor, the existence and maintenance of a safe sidewalk for the local residents is very important.

I hereby strongly object to the request of Luke Hardy to obtain a variance to the sidewalk requirements put in place and his objection to pay into the sidewalk fund.

While the sidewalk in the area is currently in good shape, the funding of sidewalks and their maintenance is imperative for a walk-able community and any new construction shall be part of that necessary funding regardless if it is necessary at the time at the respective property.

Sincerely,



Thomas Haehn



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Karla Newman

Date: 2-5-19

Property Owner: Grant Ventures, LLC

Case #: 2019-113

Representative: Karla Newman

Map & Parcel: 07107040010000  
07107040020000

Council District 5

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

Purpose: Requesting variance from sidewalk requirement to construct a HPR.

Activity Type: New Construction - HPR

Location: 216 B Duke St.

This property is in the RL-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: Requesting variance from sidewalk requirement

Section(s): 17.12.120

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

Karla Newman  
Appellant Name (Please Print)

Karla Newman  
Representative Name (Please Print)

4012 Calumet Dr  
Address

4012 Calumet Dr  
Address

Antioch TN 37013  
City, State, Zip Code

Antioch TN 37013  
City, State, Zip Code

615-474-8406  
Phone Number

615-474-8406  
Phone Number

K.Newman73@Rocketmail.com  
Email

K.Newman73@Rocketmail.com  
Email

Zoning Examiner: CH

Appeal Fee: \$200.00

NO site plan submitted



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



3601313

**ZONING BOARD APPEAL / CAAZ - 20190007290**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 071070H90000CO

APPLICATION DATE: 02/05/2019

## SITE ADDRESS:

216 B DUKE ST NASHVILLE, TN 37207

COMMON AREA GRANT ESTATES II

PARCEL OWNER: O.I.C. GRANT ESTATES II

CONTRACTOR:

## APPLICANT:

## PURPOSE:

requesting variance from sidewalk requirement to construct HPR

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

---

***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

## 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.

Karla Neuman  
**APPELLANT**

2-4-19  
**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?**

Survey shows height difference from curb/street to the homes as curb and gutter will push water from street down to the home located at the left and the right on Duke Street which is also very low compared to the height of curb/gutter/sidewalk. Slope of the street will push all water from 214ea + 214eb to the side of properties. from curb and gutter.

**PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION****BZA Case 2019-113 (216B Duke Street)**

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	R6-A
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property is approximately 0.19 miles from #23 – Dickerson Road and #43 – Hickory Hills
Bikeway:	None existing; none planned

**Planning Staff Recommendation: *Disapprove.***

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

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



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: PAUL BOULIFAUD

Date: 2.5.2019

Property Owner: \_\_\_\_\_

Case #: 2019- 115

Representative: Paul Boulifaud

Map & Parcel: 08203010900

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:

one and two-story addition

Activity Type:

single family

Location: 1200 N. 2ND STREET, NASHVILLE, TN. 37207

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

Reason:

Side setback

Section(s):

17.12.020.A

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

PAUL BOULIFAUD

Appellant Name (Please Print)

Representative Name (Please Print)

1222 WASTONIC AVE.

Address

Address

NASHVILLE, TN. 37212

City, State, Zip Code

City, State, Zip Code

417-426-4286

Phone Number

Phone Number

615-913-3165

P@BOULIFAUD.COM

Email

Email

Zoning Examiner:

WM

Appeal Fee: \_\_\_\_\_



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



3601342

**ZONING BOARD APPEAL / CAAZ - 20190007303  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 08203010900

APPLICATION DATE: 02/05/2019

**SITE ADDRESS:**

1200 N 2ND ST NASHVILLE, TN 37207

LOT 137 SHARPE &amp; HORNS 2ND

PARCEL OWNER: HINES, SUSANNE L. &amp; LOESER, JONATHAN

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

see permit CARA 2018072027. applicant is requesting a side street setback variance for addition to rear of residence per METZO table 17:12.020 (A). requesting a 7 inch variance.

*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.

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### METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

  
 \_\_\_\_\_  
 APPELLANT

2.5.2019.  
 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.*





Paul John BOULIFARD Architect & LAND AP  
1222 Eastdale Ave  
Nashville, TN 37216  
417.496.4286  
p@boulifard.com

**Attn: Department of Codes Administration  
Board of Zoning Appeals  
800 2nd Av. South  
Metro Office Building  
Nashville, TN 37219-6300**

**RE: MR. JONATHAN LOESER  
MRS. SUSANNE HINES-LOESER  
1200 N. 2ND Street  
Nashville, TN 37209**

**RE: LETTER of APPEAL**

**FEBRUARY 4TH, 2019**

Dear Board of Zoning Appeals:

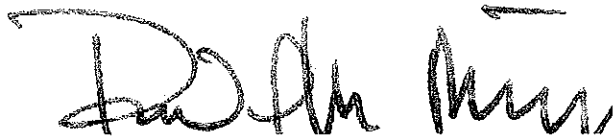
I am writing on behalf of the homeowners Jonathan and Susanne Loeser. The Loeser's are looking to do a one and two-story addition to their Cleveland park home. We are asking for a variance for a side yard setback as required by the neighborhood zoning regulations. We are submitting a package of information for your consideration. It is outlined below.

**A. Side yard Setback: (a ta corner condition)**

Based on the zoning requirements of a 10 foot setback at a side-yard condition located on a corner lot, we are requesting a **2 inch encroachment** (at the front portion of the addition) and **7 inch encroachment** (at the rear of the addition) variance condition. This is described in the attached document **SP-1**. We are asking for this variance to provide continuity of aesthetics between the existing and proposed structures. We will be changing the overall architectural aesthetic of the home with a series of new living spaces and bedrooms for their growing family.

We hope that you understand our requests for setback encroachment. If you have any additional questions, concerns or qualifications do not hesitate to contact me directly. Thank you for your time and consideration.

Sincerely,



Paul John BOULIFARD

Paul John BOULIFARD  
1222 Eastdale Ave  
Nashville, TN 37216  
417.496.4286  
p@boulifard.com

**Attn: Department of Codes Administration  
Board of Zoning Appeals**  
800 2nd Av. South  
Metro Office Building  
Nashville, TN 37219-6300

**RE: MR. JONATHAN LOESER  
MRS. SUSANNE HINES-LOESER  
1200 N. 2ND Street  
Nashville, TN 37209**

**RE: LETTER of APPEAL**

**FEBRUARY 4TH, 2019**

Dear Board of Zoning Appeals:

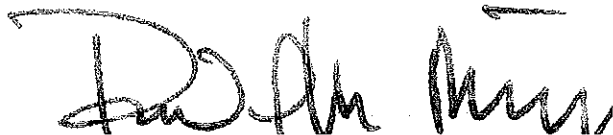
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Sincerely,



Paul John BOULIFARD

Paul John BOULIFARD Architect + LP/PA AD  
1222 Hickok Ave  
Nashville, TN 37216  
417.406.4286  
p@boulifard.com

**Attn: Department of Codes Administration  
Board of Zoning Appeals  
800 2nd Av. South  
Metro Office Building  
Nashville, TN 37219-6300**

**RE: MR. JONATHAN LOESER  
MRS. SUSANNE HINES-LOESER  
1200 N. 2ND Street  
Nashville, TN 37209**

**RE: LETTER of APPEAL**

**FEBRUARY 4TH, 2019**

Dear Board of Zoning Appeals:

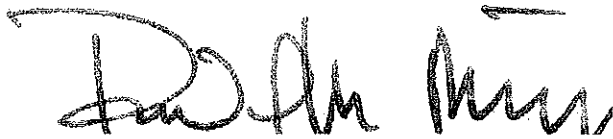
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**A. Side yard Setback: (a ta corner condition)**

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We hope that you understand our requests for setback encroachment. If you have any additional questions, concerns or qualifications do not hesitate to contact me directly. Thank you for your time and consideration.

Sincerely,



Paul John BOULIFARD



15' ALLEY

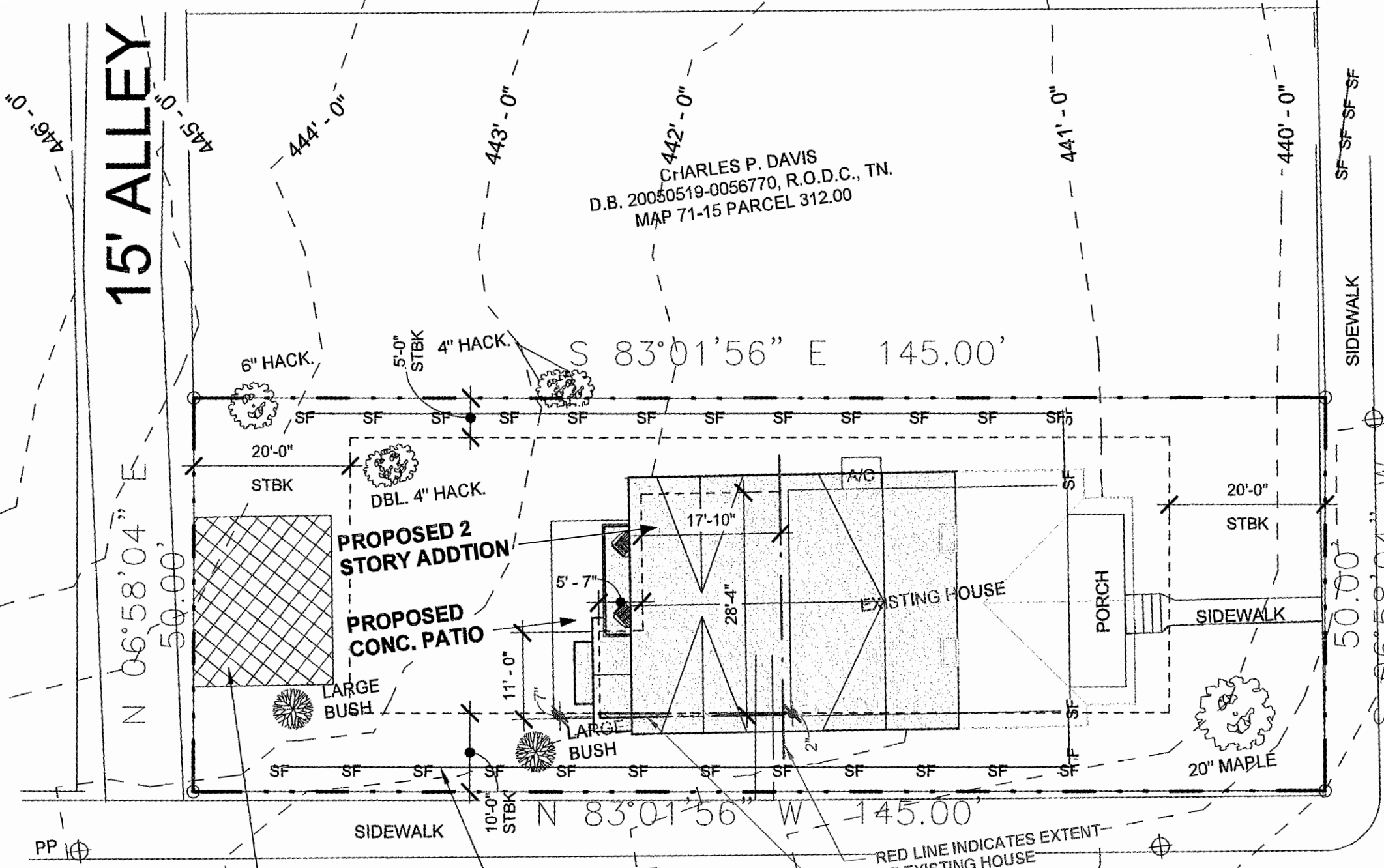
NORTH 2ND STREET (50')

RICHARDSON AVENUE (50')

CHARLES P. DAVIS  
D.B. 20050519-0056770, R.O.D.C., TN.  
MAP 71-15 PARCEL 312.00

S 83°01'56" E 145.00'

N 83°01'56" W 145.00'



PP

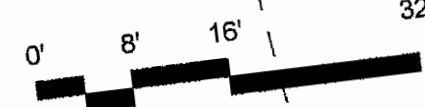
PP

PP

PP

SSMH

FH



1 ARCHITECTURAL PLAN - PROPOSED - VARIANCE  
1/16" = 1'-0"

Paul John BOULIFARD Architect & LEED AP  
1222 Eastdale Avenue Nashville, TN 37216  
Phone: 615.913.3165

RENOVATION & ADDITION - 1200 2ND STREET, NASHVILLE TN 37207  
HINES-LOESER

SITEPLAN-VARIANCE  
Project #: 0000  
Date: 02-04-2019  
SP-1



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Soncera Radford  
Property Owner: Duane Harrison  
Representative: Tifanie Capehart

Date: 2-5-19  
Case #: 2019-116  
Map & Parcel: 26-16-59

Council District 10

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

Purpose: Special Exception to operate Community Center in existing building as well as variance for access from collector street.

Activity Type: Use - Community Center

Location: 2340 Spring Branch Dr.

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Special Exception for use and variance from access from Collector Street

Section(s): 17.40.180, 17.16.220(B)D(H)

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.

SONCERIA RADFORD  
Appellant Name (Please Print)

TIFINIE CAPEHART  
Representative Name (Please Print)

1703 5th Ave N.  
Address

2940 Baby Ruth Ln #5  
Address

Nashville, TN 37208  
City, State, Zip Code

Antioch, TN 37013  
City, State, Zip Code

615-968-1997  
Phone Number

502-291-0223  
Phone Number

Soncera.radford@gmail.com  
Email

tifiniea@hotmail.com  
Email

Zoning Examiner: CH

Appeal Fee: \$200.00

No site plan



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



3601421

**ZONING BOARD APPEAL / CAAZ - 20190007352**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 02616005900

APPLICATION DATE: 02/05/2019

**SITE ADDRESS:**

2340 SPRING BRANCH DR MADISON, TN 37115  
W/S OF SPRING BRANCH DRIVE E. OF NORTH SIDE DRIVE

PARCEL OWNER: HARRISON, DUANE E. ET UX

CONTRACTOR:

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

special exception to operate community center in existing building as well as variance for access from collector street requirement.

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

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***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.

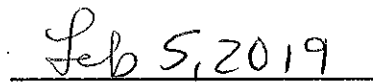
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

### 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**



**DATE**

## Application for Special Exception - Recreation Center

**Property Address:**

2340 Spring Branch Drive

Parcel ID: 02616005900

**Land Use:**

The definition of "Recreation Center" means recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public. The Retreat Center will be a facility with onsite recreational amenities for the businesses and individuals from the general public, that pay for its use. The Retreat Center property is currently equipped with a small swimming pool, an indoor racket ball court, and 7.51 acres where future walking trails will be laid.

Example of groups and activities that could take place on the property:

- Small company / team retreats / strategic meetings
- Small group Marriage Retreats
- Small Youth Group Retreats
- Wellness Events – Individual or small group (e.g. Guided Yoga, Counseling, Meditation retreats and sessions)

From Title 17 - Recreation Center Special Exception.

- **Setback.** Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.

There is a 145 foot setback (from driveway to property line) on the east side of the property where parking can be located.

- **Landscape Buffer Yard.** Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.

The property has significant vegetation and additional landscaping and buffering can be added where needed.

- **Street Standard.** At a minimum, driveway access shall be from a collector street.

The 7.5-acre property [2340 Spring Branch Drive], is located on a local street. The applicant is asking for a variance from this standard. The property is 0.6 miles from Gallatin Pike; a 2-minute drive and a 11-minute walk from Gallatin Pike. The property also has a 0.13-mile private driveway. The property is land locked and has significant topography preventing any additional access from Gallatin Pike; there are commercial properties that front onto Gallatin Pike to northwest. The access from Spring Branch Drive is the only feasible access to

the property.

**About:**

Seeking a special exception to obtain permits for a 'recreation center' - that will operate as a retreat center. The Retreat Center is a place for individuals, and small to moderately sized businesses and non-profits to gain focus, create strategy, and find clarity, through professional facilitation, and guided recreational activities (e.g. walking, yoga, light exercise, mediation, group or individual counseling). Users of The Retreat Center will have access to onsite meeting room(s) and limited overnight accommodations. The Retreat Center provides a space that inspires innovation, creativity, and productivity for small businesses to remain competitive Nashville's everchanging market. The Retreat Center seeks to:

- Provide scheduled, and guided experiences through a trusted network of contracted professionals, that challenge, inspire, relax, and focus teams and users.
- Curate uplifting experiences that inspire change in our users.
- Provide space for team building, personal and professional growth.
- Provide highly personalized service and gracious hospitality to our users.

Nashville is an ever growing and changing city. We hope to provide a retreat center that provides a space whereby local business owners and entrepreneurs prepare, strategize, and plan for remaining relevant and competitive in Nashville's everchanging market. We also hope to provide a space where groups and individuals can leave refreshed and fulfilled through self – improvement activities and offerings.



## 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.

Sonceria Radford  
APPELLANT

Feb 5, 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?

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**SEE ATTACHED**

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## Application for Special Exception - Recreation Center

**Property Address:**

2340 Spring Branch Drive

Parcel ID: 02616005900

**Land Use:**

The definition of "Recreation Center" means recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public. The Retreat Center will be a facility with onsite recreational amenities for the businesses and individuals from the general public, that pay for its use. The Retreat Center property is currently equipped with a small swimming pool, an indoor racket ball court, and 7.51 acres where future walking trails will be laid.

Example of groups and activities that could take place on the property:

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- Small Youth Group Retreats
- Wellness Events – Individual or small group (e.g. Guided Yoga, Counseling, Meditation retreats and sessions)

From Title 17 - Recreation Center Special Exception.

- **Setback.** Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.  
There is a 145 foot setback (from driveway to property line) on the east side of the property where parking can be located.
- **Landscape Buffer Yard.** Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.  
The property has significant vegetation and additional landscaping and buffering can be added where needed.
- **Street Standard.** At a minimum, driveway access shall be from a collector street.  
The 7.5-acre property [2340 Spring Branch Drive], is located on a local street. The applicant is asking for a variance from this standard. The property is 0.6 miles from Gallatin Pike; a 2-minute drive and a 11-minute walk from Gallatin Pike. The property also has a 0.13-mile private driveway. The property is land locked and has significant topography preventing any additional access from Gallatin Pike; there are commercial properties that front onto Gallatin Pike to northwest. The access from Spring Branch Drive is the only feasible access to

the property.

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Seeking a special exception to obtain permits for a 'recreation center' - that will operate as a retreat center. The Retreat Center is a place for individuals, and small to moderately sized businesses and non-profits to gain focus, create strategy, and find clarity, through professional facilitation, and guided recreational activities (e.g. walking, yoga, light exercise, mediation, group or individual counseling). Users of The Retreat Center will have access to onsite meeting room(s) and limited overnight accommodations. The Retreat Center provides a space that inspires innovation, creativity, and productivity for small businesses to remain competitive Nashville's everchanging market. The Retreat Center seeks to:

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METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

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# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** March 7, 2018  
**BZA Hearing Date:** March 21, 2018  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-116

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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 2019-6116 (2340 Spring Branch Dr.)

**Request:** A special exception to operate a recreation center out of an existing building in a RS40 zoning district; and a variance to allow for access from Local Street.

**Zoning:** RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. RS40 would permit a maximum of 8 units.

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

**Planning Department Analysis:** The site is approximately 7.5 acres and is located at the end of Spring Branch Drive. The only access to this property is of Spring Branch Drive. The property is surrounded by Single-Family Residential (RS40), Multi-family Residential (RM4), and Commercial Service (CS) zoned properties. The property also has a 0.13 mile private driveway. The site is surrounded by multi-family residential structures to the east, single family residential structures to the west, and commercial use structures to the north.



This request proposes to use an existing structure currently equipped with a small swimming pool, indoor racket ball court, and 7.51 acres of future walking trails as a recreation center. The property is intended to be used as a recreation center for team retreats, marriage retreats, and wellness events.

Recreation centers are not identified as an appropriate use within T3-Surburban Neighborhood Maintenance land use policy, which is intended to preserve and enhance existing residential neighborhoods and supports primarily residential uses. Additionally, the site is located in the interior of the neighborhood with one access off of a local residential street. For these reasons, staff recommends disapproval of this Special Exception request.

**Planning Recommendation: Disapprove.**

**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#); [Doyle, Devin \(Public Works\)](#)  
**Subject:** BZA 3/21/19 Hearing Case 2019-116 - 2340 Spring Branch Rd.  
**Date:** Wednesday, March 13, 2019 4:25:37 PM

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Debbie,

See below for Public Works comments for case 2019-116. Beverly has requested that I take the Public Works BZA variance reviews from her indefinitely. Please send future appeals that would go to her to me.

-  
**2019-116 2340 Spring Branch Rd. Special exception to operate community center in existing building and variance from collector road**

Variance: 17.40.180,17.16.220B, D4

Response: Public Works takes no exception with condition.

- Based on information provided by the applicant, events should not be larger than ~20 guests.
- No visitors allowed for non-scheduled events.
- Applicant needs to verify cross access easement to Spring Branch Dr., and if easement will allow access for events.
- Adequate parking must be provided on site.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

**Christopher E. Gregory, E.I.T.**

***Metropolitan Government of Nashville***

*Department of Public Works*

*Engineering Division*

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

**From:** [Eric Roberts](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Community center at 2340 spring branch dr.  
**Date:** Tuesday, March 5, 2019 9:27:21 PM

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My parents which are in their 90s have live at 301 north side dr for 49 years. This is a very quiet neighborhood with minimal traffic the thought of adding a community center is truly opposed. This is a residential area not a commercial zoned area. Will not be able to attend 3/21/2019 so please strongly opposed.Thanks

2019-116  
OPPOSE

March 4, 2019

This is in reference to appeal  
Case # 2019-116. at 2340  
Spring Branch Dr. in Madison.

I am located at 2318 Spring Branch Dr.  
and do not support a appeal for the  
property at 2340 Spring Branch Dr.  
to be used for a Community Center.  
My neighborhood is residential  
and is not commercial. I am  
opposed to this appeal.

Sincerely,

Mary Jane Via  
2318 Spring Branch Dr.  
Madison, TN. 37115

MJV

Date: 3-15-2019

To: Metro Nashville Board of Zoning Appeals Members

From : Concerned Property Owners in the North Hill Estates Neighborhood

Joye Hood 2313 Spring Branch Drive, Madison, TN 37115

Theresa Hicks 2309 Spring Branch Drive, Madison, TN 37115

This letter is to ask that you **Not Approve** The Special Exception for Property located at 2340 Spring Branch Drive, Madison, TN 37115 to operate a commercial recreation center and access said recreation center from a local street  
**Case No. 2019-116**

Metro Zoning Ordinance Title 17 Zoning

Chapter 17.04.060 Definitions and General Terms Does not define "Community Center"

Zoning Appeal: Notice to Neighboring Owners states that the appellant is requesting a Special Exception to operate a Community Center.

Metro Zoning Ordinance Title 17 Zoning Chapter 17.08.030 District Land Use Tables does not list "Community Center" as a use permitted by right or special exception.

A review of the appellant's application at [epermits.nashville.gov](http://epermits.nashville.gov) indicates that the request is for a Special Exception for a Recreation Center, which is defined in Chapter 17.04.060 Definitions and General Terms As "Recreation center" means recreational facilities such as community centers, playgrounds, parks, swimming pools and playing fields that are available to the membership of a club or the general public.

2340 Spring Branch Drive is currently zoned RS40  
Metro Zoning Ordinance Title 17 Zoning 17.08.020 states that

RS80, RS40, RS30 Districts. are Designed for low intensity single-family development, these districts are appropriate for implementing the residential low density policies of the general plan. These districts may also be appropriate within selected areas of natural conservation policy that are environmentally suitable and can be provided necessary support services.

As a nearby property owner we are very concerned that a commercial recreation center use does not fit with the current residential zoning of the property

Metro Zoning Ordinance Title 17 Zoning 17.16.220

States the requirements that must be met to allow a special exception for a Recreation Center.

1. Setback. Where any building or outdoor storage area, excluding passenger car parking lots, abuts a residential zone district or district permitting residential use, there shall be a minimum setback of one hundred feet from the property line.
2. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of landscape buffer yard standard A shall be applied along common property lines.
3. Street Standard. At a minimum, driveway access shall be from a collector street.

As shown on the attached site plan for the property located at 2340 Spring Branch Drive the buildings proposed for use as a recreation center do not meet the required setback of 100 feet required in the zoning ordinance. Existing residential dwelling constructed in 1969 is located 55 feet from the property line of the adjacent RS40 zoned properties. The existing racquetball court is located 26 feet from the property line of the adjacent RS40 zoned properties. Access to the subject property is by way of an ingress / egress easement across the open space area of the adjacent apartment complex that runs off of Spring Branch Drive which is designated as a Local Street by the Major and collector street plan. Access to Gallatin Pike would be from Spring Branch Drive and Northside Drive, which is also designated as a Local Street. North Hill Estates was platted in 1961 with additional sections recorded in the mid 60's and early 70's. This established neighborhood has always been a "Dead End" neighborhood with no outlet other than Gallatin Pike. As a nearby property owner we are concerned about the impact a commercial recreation center with associated support services would have on this "Dead End" neighborhood. We are also concerned that the 11 foot wide asphalt driveway that leads from Spring Branch Drive at a 14% grade is not sufficient to support the proposed use of a commercial recreation center.

Public record property history documents indicate that the property is not hooked to public sewer and is on a septic system that experienced a failure in 1985. It could not be determined at this time whether the existing residential dwelling is hooked to the public sewer but if the dwelling is still on a septic system there would be concerns about groundwater protection from a potential septic system failure.



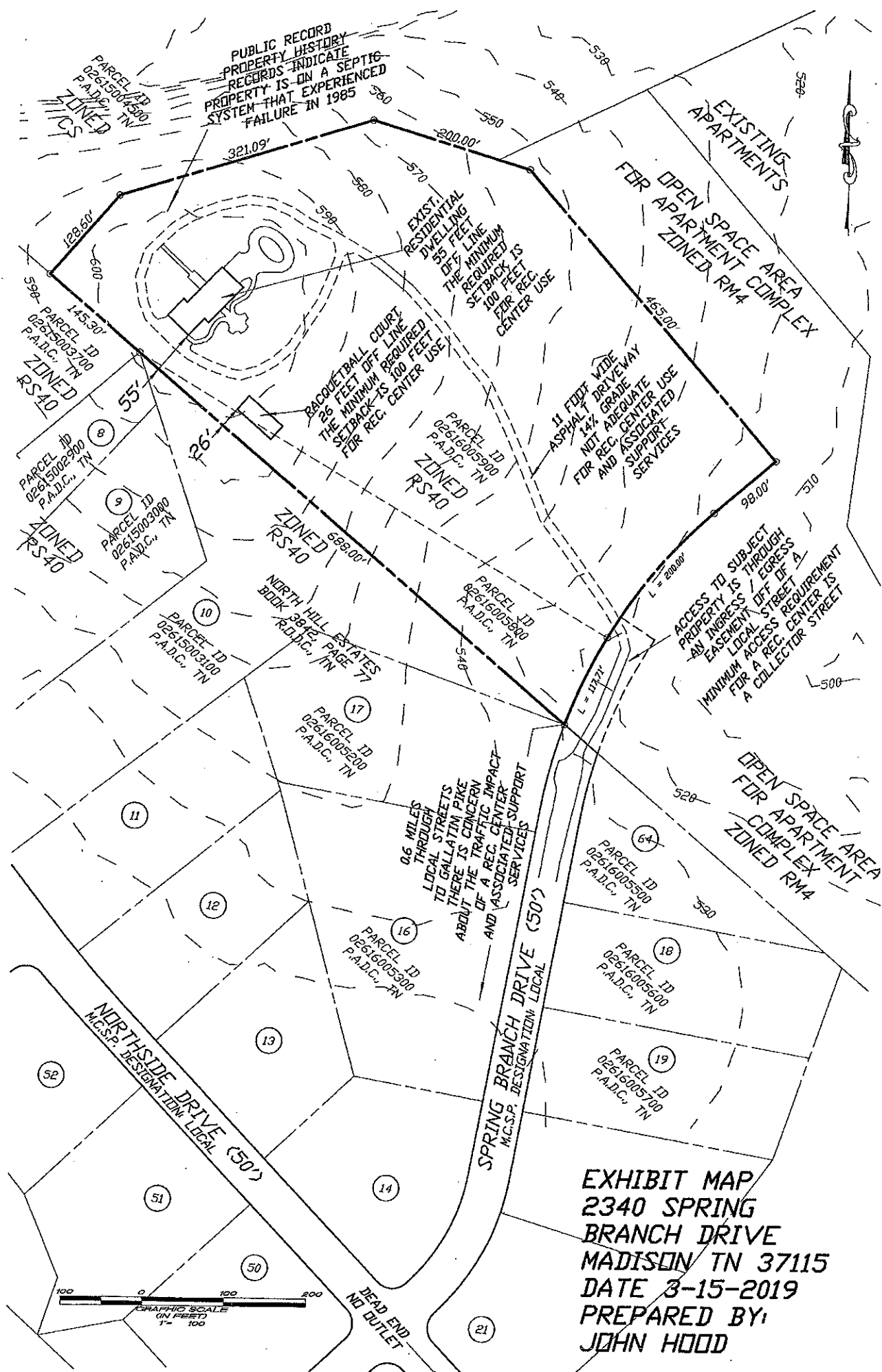
The commercial recreation center proposal states that there could be limited overnight accommodations that would not be permitted without an owner occupied short term rental permit.

## **The proposed commercial recreation center in a residentially zoned area should not be permitted.**

To summarize – Nearby property owners are

1. Concerned about a commercial recreation center in a residential area.
2. Concerned about increased traffic on local “Dead end Neighborhood Streets.
3. Concerned that the distance of structures to be used as a commercial recreation center are too close, as defined in the zoning ordinance, to adjacent residentially zoned properties.
4. Concerned that the 11 foot wide asphalt driveway at a 14% grade that serves the property is not sufficient to serve a commercial recreation center and associated support services.
5. Concerned that if the property is on a septic system that a commercial recreation center would put a burden on the existing septic system and create a potential groundwater protection hazard.
6. Concerned about potential overnight accommodations without required owner occupied short term rental permits
7. Concerned about the negative impact a commercial use next to the existing residential properties will have on property values.
8. Concerned about the introduction of non-residents into the neighborhood and the impact on crime in the neighborhood.

Thank you for your consideration



**EXHIBIT MAP  
2340 SPRING  
BRANCH DRIVE  
MADISON TN 37115  
DATE 3-15-2019  
PREPARED BY:  
JOHN HOOD**

**From:** [McNatt, Sara](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Zoning Board  
**Date:** Monday, March 18, 2019 8:58:32 AM

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Sara and Chad McNatt  
205 Northside Dr.  
Madison, TN,37115

March 18, 2019

Board of Zoning Appeals  
Metropolitan Government of Nashville and Davidson County  
Department of Codes & Building Safety  
800 Second Avenue South  
Nashville, TN 37210

RE:  
Appeal Case Number 2019-116  
2340 Spring Branch Dr.  
Map Parcel 02616005900  
Zoning Classification RS40  
Council District 10

Dear Board of Zoning Appeals:

I am writing to state my opposition to any exception to zoning for the above referenced property. I object to the establishment of a business in a residential neighborhood. The appeal describes the business as a community center, a vague and broad description that would permit many possible types of business operation. There are numerous other properties available and already zoned for business that could serve for a community center. My property touches this property and I do not want a business running that close to my own home. There are also concerns with there being a pool on the property that is not monitored closely especially with it not be fenced in. This leads itself to a safety issue.

Sincerely,

Sara and Chad McNatt

Sondra Walker  
200 Northside Drive  
Madison, TN 37115

March 17, 2019

Board of Zoning Appeals  
Metropolitan Government of Nashville and Davidson County  
Department of Codes & Building Safety  
800 Second Avenue South  
Nashville, TN 37210

RE:  
Appeal Case Number 2019-116  
2340 Spring Branch Dr.  
Map Parcel 02616005900  
Zoning Classification RS40  
Council District 10

Dear Board of Zoning Appeals:

I am writing to state my opposition to any exception to zoning for the above referenced property. I object to the establishment of a business in a residential neighborhood. The appeal describes the business as a community center, a vague and broad description that would permit many possible types of business operation. There are numerous other properties available and already zoned for business that could serve for a community center.

Sincerely,

A handwritten signature in black ink that reads "Sondra Walker". The signature is written in a cursive, flowing style.

Sondra Walker

**From:** [Stephanie Sturdivant](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** RE: Appeal Case Number 2019-116  
**Date:** Monday, March 18, 2019 9:56:05 AM

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RE:Appeal Case Number 2019-116  
2340 Spring Branch Dr.  
Map Parcel: 02616005900  
Zoning Classification: RS40  
Council District: 10

Dear Board of Zoning Appeals :

I am writing to state my opposition to any exception to zoning for the above referenced property. I object to the establishment of a business in a residential neighborhood. The appeal describes the business as a community center, a vague and broad description that would permit many possible types of business operation. After a meeting with the appellants, residents learned this is not a community center but a retreat center that would allow overnight guests. There are numerous other properties available and already zoned for business that could serve for a community/retreat center.

Our Neighborhood, currently zoned RS40, is a peaceful quiet neighborhood and a business within the neighborhood would disrupt said peacefulness and quality of life for current residents. A quick internet search brings up several corporate retreat centers in and around Nashville including a few state parks which provide recreational activities. There are also various meeting spaces already available for rent in and around Nashville.

I respectfully ask you dismiss this appeal and vote to keep our neighborhood just that, a neighborhood of single-family residents.

Sincerely,

Stephanie S Sturdivant  
352 Cumberland Hills Drive  
Madison, TN 37115



**From:** [Ted Montmeny](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Lori Montmeny](#)  
**Subject:** Appeal Case Number 2019-116  
**Date:** Sunday, March 17, 2019 9:00:32 PM

---

Ted & Lori Montmeny  
401 Cumberland Hills Drive  
Madison, TN 37115

March 17, 2019  
Board of Zoning Appeals  
Metropolitan Government of Nashville and Davidson County  
Department of Codes & Building Safety  
800 Second Avenue South  
Nashville, TN 37210

RE:  
Appeal Case Number 2019-116  
2340 Spring Branch Dr.  
Map Parcel 02616005900  
Zoning Classification RS40  
Council District 10

Dear Board of Zoning Appeals:

We are writing to state our opposition to any exception to zoning for the above referenced property. We object to the establishment of a business in a residential neighborhood. The appeal describes the business as a community center, a vague and broad description that would permit many possible types of business operation. There are numerous other properties available and already zoned for business that could serve for a community center.

Sincerely,

Ted & Lori Montmeny



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Land Development Solutions Date: 2.5.19  
Property Owner: Loney Hutchins Case #: 2019- 117  
Representative: Duane Cuthbertson Map & Parcel: 10507 - 02

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: permit a mixed use development

Activity Type: Mixed Use

Location: 444 Humphreys St.

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

Reason: \_\_\_\_\_

Section(s): 17.12.030A, 17.12.020.C, 17.20.130, 17.20.120

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

Same  
Appellant Name (Please Print)

Duane Cuthbertson  
Representative Name (Please Print)

Address

2814 12th Av. S.  
Address

City, State, Zip Code

Nashville, TN 37203  
City, State, Zip Code

Phone Number

615.924.9618  
Phone Number

Email

dcuthber@gmail.com  
Email

Zoning Examiner: TC

Appeal Fee: \$200



**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 - 20190007412  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10507000200

**APPLICATION DATE:** 02/05/2019

**SITE ADDRESS:**

444 HUMPHREYS ST NASHVILLE, TN 37203

LOT 81 HUMPHREY HOUSTON & MARTIN, ADDN TO SO NASH.& PT CL AL

**PARCEL OWNER:** HUTCHINS, LONEY JOHN

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

To construct multi-use development... ..office... ..cultural... ..retail... ..restaurant... .. residential... ..

Required: Per 17.12.030A Minimum street setback is ten (10') feet along Brown Street...

Request a zero (0) foot street setback... .. (Build ten (10') feet into street setback area along Brown Street)

Required: Per 17.12.020C Minimum rear setback is twenty (20') feet...

Request a seven and one half (7.5') foot rear setback... .. (Build twelve and one half (12.5) feet into rear setback area)

Required: Per 17.20.130 Commercial Land Use 2,000-9,999 sqft of gross floor space requires one (1) 10'x25' loading space...

Request no build loading space requirement...

Required: Per 17.20.120 Sidewalks required

Request not to install sidewalks or contribute

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

***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510**

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

  
 \_\_\_\_\_  
**APPELLANT**

2.5.19  
 \_\_\_\_\_  
**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 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.

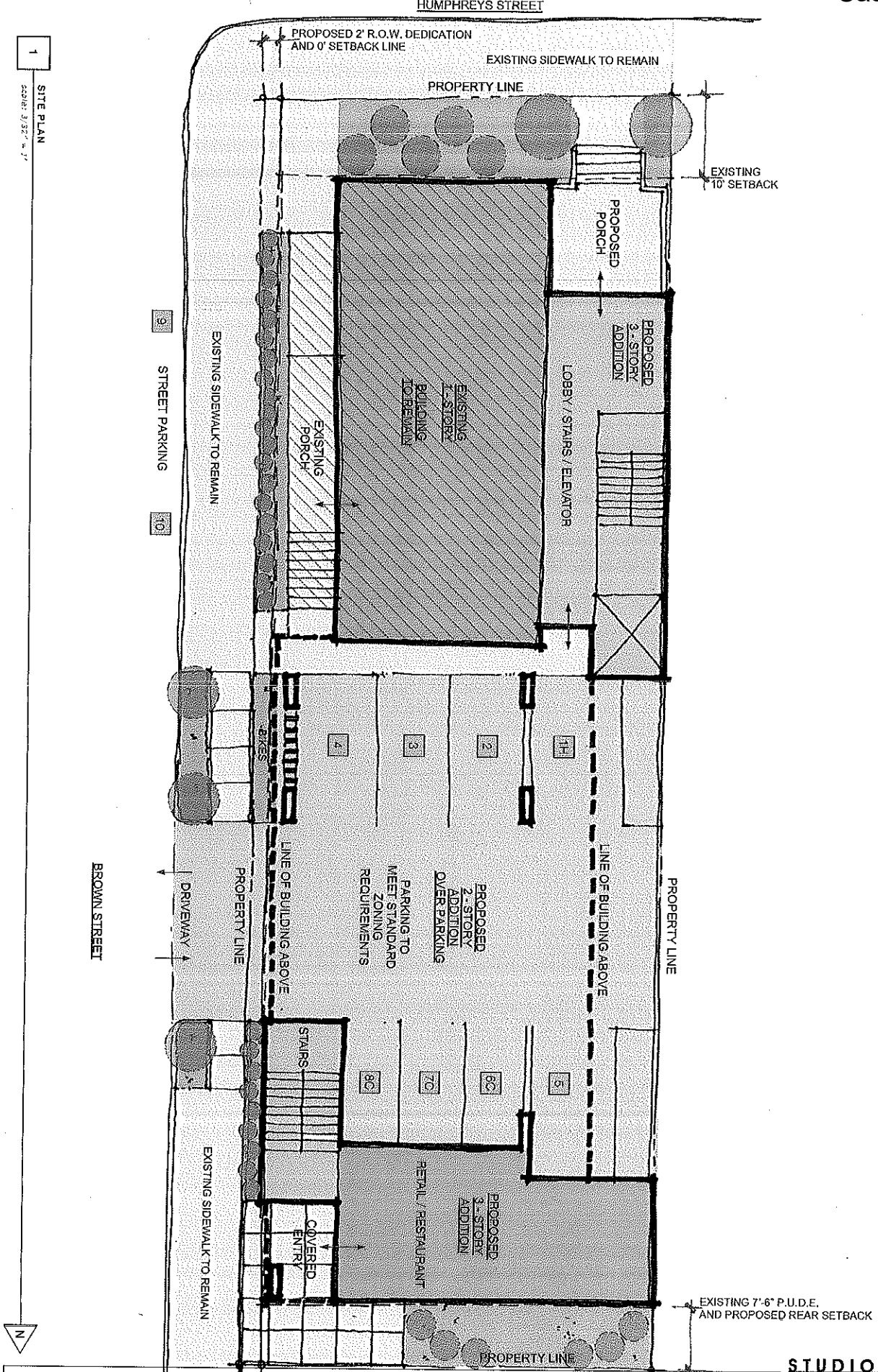
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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.

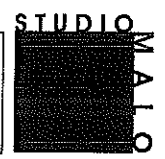
**WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?**

Neighborhood context and Land Use Policy  
Neighborhood support for dense urban infill.  
Paved portion of sidewalks exceed standard.

1 SITE PLAN  
SCALE: 3/32" = 1'



<p>01</p>	<p>444 HUMPHREYS 444 humphreys street, nashville, tn 37203 Tuesday 5 February 2019</p>	<p>SITE PLAN BZA SUBMISSION</p>	<p><b>STUDIOMALO</b> 1701 stewart place, nashville tn 37203 615.775.6491 www.studiomalo.com</p>
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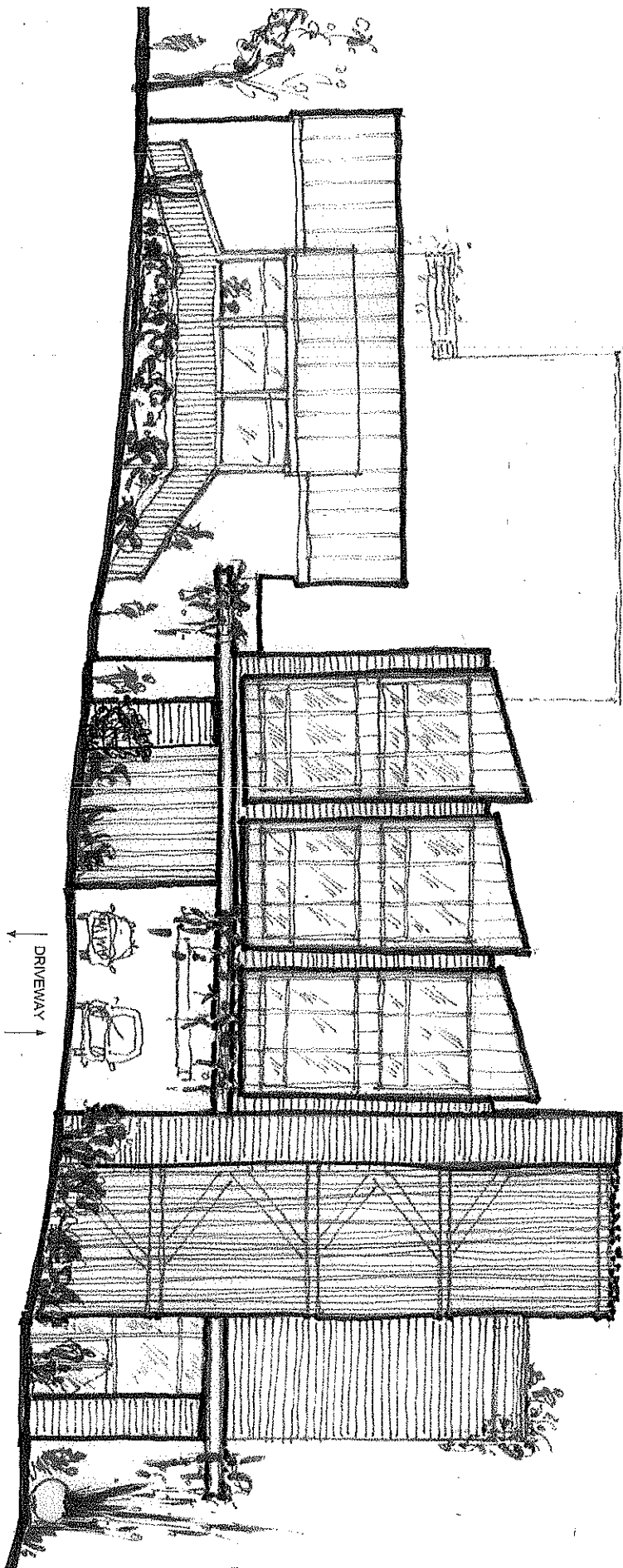


1  
PROPOSED BROWN STREET ELEVATION CONCEPT  
SCALE: 3/32" = 1'

EXISTING 1-STORY BUILDING  
TO REMAIN

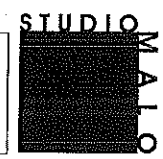
PROPOSED 2-STORY ADDITION  
OVER PARKING

PROPOSED 3-STORY ADDITION  
45' HEIGHT LIMIT  
PER STANDARD ZONING



STAIRS & ELEVATOR BEYOND  
WITH ACCESS TO ROOF DECK

STAIRS  
WITH ACCESS TO ROOF DECK



**BZA 2019-117****444 Humphreys Street****3/21/19****Request:****Special Exception** to reduce the side street setback along Brown Street from 10' to 0';**Special Exception** to reduce the rear setback from 20' to 7.5'; Section 17.12.035.D.1:**Variance** of the loading requirement (one – 10' x 25' space);**Variance** of the sidewalk requirement along Brown and Humphreys Streets.

All to permit an addition to an existing building allowing a mixed use development in the MUL zoning district.

444 Humphreys has served as a multi-use arts space since 2013. It's aim is to keep arts and music oriented work spaces accessible in the heart of Nashville. Its current tenants are:

**The Julia Martin Gallery**, which serves as the face of the building. Julia is a founding contributor to the 1st-Saturday of the month arts walks in the Wedgewood/Houston neighborhood since 2013 and has been regularly featured in local press and abroad. The gallery is known for its engaging shows from different corners of Nashville's arts community, including involvement by other outreach programs like Youth Empowerment through Arts and Humanities (Y.E.A.H.). [www.juliamartingallery.com](http://www.juliamartingallery.com) [www.am-wh.com](http://www.am-wh.com)

**YK Records** houses its label office and podcasting studio in the back unit of 444 Humphreys. The independent label hosts some of Nashville's most up and coming music artists on its roster and provides podcasting facilities to long running audio blog, 'We Own This Town.' [www.ykrecords.com](http://www.ykrecords.com) [www.weownthistown.net](http://www.weownthistown.net)

The entire basement level of 444 Humphreys is a professional audio recording studio, occupied by **Reel Recording** and **Cleft Music**, the latter of which is the building owner, **Loney John Hutchins'** own production space there. Reel Recording offers multi faceted audio services as well as providing numerous internship opportunities to Belmont University. Cleft Music is an active partner with the upstairs gallery for arts walk events, providing live music on the gallery porch many months out of the year. [www.reelrecording.com](http://www.reelrecording.com) [www.cleftmusic.net](http://www.cleftmusic.net)



The building addition will include a three (3) story addition including two (2) stories over a parking area. The building addition will not exceed the zoning district's 45' height limit.

The new building will include approximately 7000sf of art-focused rental space

- 1 ground floor commercial unit (art gallery, retail, or small restaurant space)
- 3-5 art studios on second floor
- 2-4 artist residential lofts on third floor
- roof deck

The proposed setback reductions are requested in order to accommodate utilization (and partial preservation) of the existing building which dates back to the late 1800's.

The **proposed setback reduction along Brown Street** will allow the proposed building to engage the public sidewalk in an intimate manner. Fenestration along the adjacent building wall will be programmed so as to ensure an interactive and pedestrian sensitive relationship. The proposed street setback will compliment the existing structure (raised entrance) along Brown.

The **proposed rear setback** reduction will, again, aid in accommodating utilization (and partial preservation) of the existing building. The reduced rear setback functions (is experienced) as a side setback along Brown Street and there is not a uniform rear setback pattern within this block.

The property is located within an older neighborhood in Nashville containing a variety of building types with a more urban fabric. Shallow setbacks on all sides of buildings are commonplace. Our requested setbacks will be consistent with the residential building recently constructed immediately to the west as well as many other building types found in the greater neighborhood.

The **loading space requirement** anticipates a traditional commercial use. The proposed addition, in combination with the existing building will host a variety of small uses. It is not anticipated that large truck deliveries will be necessary for any of the uses. Delivery has evolved and smaller more mobile options exist and will serve the proposed uses adequately ( UPS, FedEx, Amazon...). The loading requirement anticipates a suburban context. The subject property is located within an urban neighborhood where compact building design is desirable leaving less room for large loading spaces. Additionally, the subject property is surrounded by ample street parking and loading/delivery space on both Humphreys and Brown Streets.

Finally, **sidewalks** exist along both frontages. The standard would require a 4' grass strip and a 5' walkway. Currently there is a 10' paved sidewalk which exceeds the width of the standard sidewalk section. Our request would be to keep the existing sidewalk as it exceeds the intent of the sidewalk ordinance.

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-117 (444 Humphreys Street)

Metro Standard:	Humphreys Street – 4’ grass strip, 5’ sidewalk, as defined by the Local Street Standard
	Brown Street – 4’ grass strip, 5’ sidewalk, as defined by the Local Street Standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	MUL
Community Plan Policy:	T4 MU (Urban Mixed Use)
MCSP Street Designation:	Humphreys Street – Local Street
	Brown Street – Local Street
Transit:	911’ from #325 – Midtown, planned for rapid bus per nMotion
Bikeway:	None existing; bike boulevard planned per WalknBike

### Planning Staff Recommendation: *Approve with conditions.*

**Analysis:** The applicant proposes constructing a mixed use development and requests a variance from upgrading sidewalks and contributing in-lieu of construction due to the presence of existing sidewalks along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) An 8-9’ wide sidewalk without a grass strip exists along both of the property’s frontages, which is consistent with adjacent properties. The width of the sidewalk exceeds the Local Street standard.
- (2) There is a clear path of travel. Obstructions are located where a grass strip would be located.

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

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

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# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** March 4, 2018  
**BZA Hearing Date:** March 21, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-117

---

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 2019-117 (444 Humphreys Street)

**Request:** A Special Exception to reduce the street setback to 0 feet along the frontage of Brown Street. The applicant also requests relief from the requirement to provide a loading space for commercial vehicles, relief from the requirement to construct sidewalks and paying the fee in lieu of construction, and request to reduce the rear setback to 7 and half feet.

**Zoning:** Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**Land Use Policy:** T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

**Planning Department Analysis:** The site is located at the northwest corner of Humphreys and Brown Street, approximately 415 feet east of the intersection of Humphreys and Martin Street. Both Humphreys Street and Brown Street are identified as local streets. Existing site conditions include a one story commercial building which has a street setback of approximately 15 feet along Humphreys Street and a side setback along Brown Street of 4 feet. Existing context includes an adjacent two vacant lots, a lot located to the east of this site across Brown Street and a vacant lot located to the rear of the site. There are several lots across Humphreys Street which

contain a mixture of residential and light industrial uses. A multi-family structure is located to the west immediately adjacent to this site.

The existing structure will remain on site. The special exception request is associated with proposed additions to the existing building; the proposed building additions will be built around the existing structure. The requested setback variance of 0 feet along Brown Street is consistent with the urban character for structures located within a T4 MU policy area. While there are proposed additions to the existing structure on along Humphreys Street, these improvements will comply with the setbacks required per zoning.

Transportation Planning has provided an analysis for the sidewalk variance request. An 8-9' wide sidewalk without a grass strip exists along both of the property's frontages, which is consistent with adjacent properties.

The requested special exception to is consistent with the policy for the area and is an appropriate given the surrounding land uses and land use policy. The special exception will allow for redevelopment of a lot that has existing infrastructure in a manner which enhances and maintains the character of the street frontages. The MUL zone district would also ensure and appropriate bulk by limiting the height consistent with the multifamily structure to the west.

**Planning Recommendation: Approve.**

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Lamb, Emily \(Codes\)](#); [Braisted, Sean \(Codes\)](#)  
**Subject:** Positions on March 21 D17 agenda items  
**Date:** Friday, March 15, 2019 4:48:00 PM

---

Good afternoon,

Board members, here are my positions on March 21 agenda items in District 17:

- Case 2019-105: A request to be exempt from sidewalk requirements for the interior renovation of a warehouse in an industrial zone (901 6th Ave S). I **support** this request, as this is a purely industrial area.
- Case 2019-117: This request in Wedgewood-Houston (444 Humphreys St) wants a ton of variances, which I normally would be fine with, **except** the applicant wants to get out of the sidewalk fund. Therefore, I **oppose** this request.
- Case 2019-101: I **oppose** the reinstatement of an illegally-rented short-term rental on 17th Ave S.

Thank you for your work!

Colby

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



**Lifsey, Debbie (Codes)**

---

**From:** Duane Cuthbertson <dcuthber@gmail.com>  
**Sent:** Thursday, March 14, 2019 10:21 PM  
**To:** Lamb, Emily (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)  
**Subject:** Fwd: 444 Humphreys letters of support

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

Please find below communication of support for our requests related to 444 Humphreys St. - Case No. 2019-117. Thank you.

**Anna Zeitlin** <[anna@zeitgeist-art.com](mailto:anna@zeitgeist-art.com)>

to me

As someone who lives and works in Wedgewood Houston, I appreciate how Loney has contributed to the cultural life of the neighborhood, and support his effort to expand. I am in favor of his zoning board appeal.

Anna Zeitlin

615-306-3128

511 Hamilton Ave 37203

**Michael Eades, owner YK Records**

I support the proposed zoning changes from Loney Hutchins for Case No. 2019-117. As a tenant of 444 Humphreys I have experienced the benefits of Mr. Hutchins efforts to support creative endeavors in the Nashville area. He has provided me with a space to run an independent record label and a podcast studio, as well as instilled in me the confidence that his motivations for changing the lot are aimed at enriching the neighborhood and Nashville culture at large.

Thank you,  
Michael Eades  
yk LLC  
Home Address:  
2202 Grantland Ave  
Nashville, TN 37204  
615 497 6521

michael@ykrecords.com

**Barbara Moutenot**

to me

My husband and I have owned 491 Humphreys Street for 14 years. We support the zoning request for 444 Humphreys Street.

Loney Hutchins is a great neighbor and will add to the vibrancy of the neighborhood.

Barbara and Roger Moutenot

barbara@villagetn.com

615-812-6526

491 Humphreys Street

**Jon Sewell**

to me

Re: BZA Csase 2019-117

BZA,

I wholeheartedly support the project proposed by the owner for 444 Humphreys St. Long before the neighborhood became the arts hub that it is today, Mr. Hutchins provided a space for the type of creative businesses that have attracted the rapid growth that developers have tapped into. Allowing the conditions for Mr. Hutchins to continue his growth benefits the neighborhood by providing more creative spaces to complement the current tenants he has made a home for, incl. Julia Martin Gallery, YK Records, Cleft Music and Reel Recording. Spending a small fortune to save the railroad built house on his lot indicates Mr. Hutchins' sincere commitment to the past of the neighborhood while also focusing on growing a more inclusive community of local creative businesses that now more than ever are being displaced.

Jon Sewell

Owner: The Packing Plant

507 Hagan St

**Lauren Brown**

to me

To whom it may concern,

I am writing to express my support of renovations for 444 Humphreys St., BZA Case 2019-17. The owner of this property, Loney Hutchins, is a friend and neighbor of mine (as I live on the corner of Chestnut and Humphreys at 477 Chestnut St). As a property owner in the neighborhood, I believe Mr. Hutchins' property has already made a great contribution to our neighborhood; more, I am excited about the proposed renovations and how his property will continue to enrich the culture of our neighborhood.

Please contact me for any further inquiries about my support,

-Lauren Brown

Lauren Brown, PhD, LCSW  
615-557-3499  
[lbrownsocialworker@gmail.com](mailto:lbrownsocialworker@gmail.com)  
Symmetry Counseling  
4205 Hillsboro Rd., Suite 314  
Nashville, TN, 37215

--  
Duane Cuthbertson  
615.924.9618

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. &amp; DECHANT, ANNE E.

APPLICANT: Erin Shim  
1306 Gartland Ave.  
Nashville, TN 37210 440 488.5189

ORIGINAL PERMIT  
APPLICATION

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

## PURPOSE:

NOTE: In response to Fire Marshal inspection rejection of second floor window access, the area to be used for short term rental purposes will be confined to the first floor foyer, living room, owner's bedroom, and owner's bathroom as labeled on attached floor plan. Bedroom count is 1 with an occupancy count of 6.

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951, BL2016-381, BL2016-492, BL2017-608, and State of Tennessee Public Chapter No. 972.

Property is Owner occupied, 1 sleeping rooms, 6 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

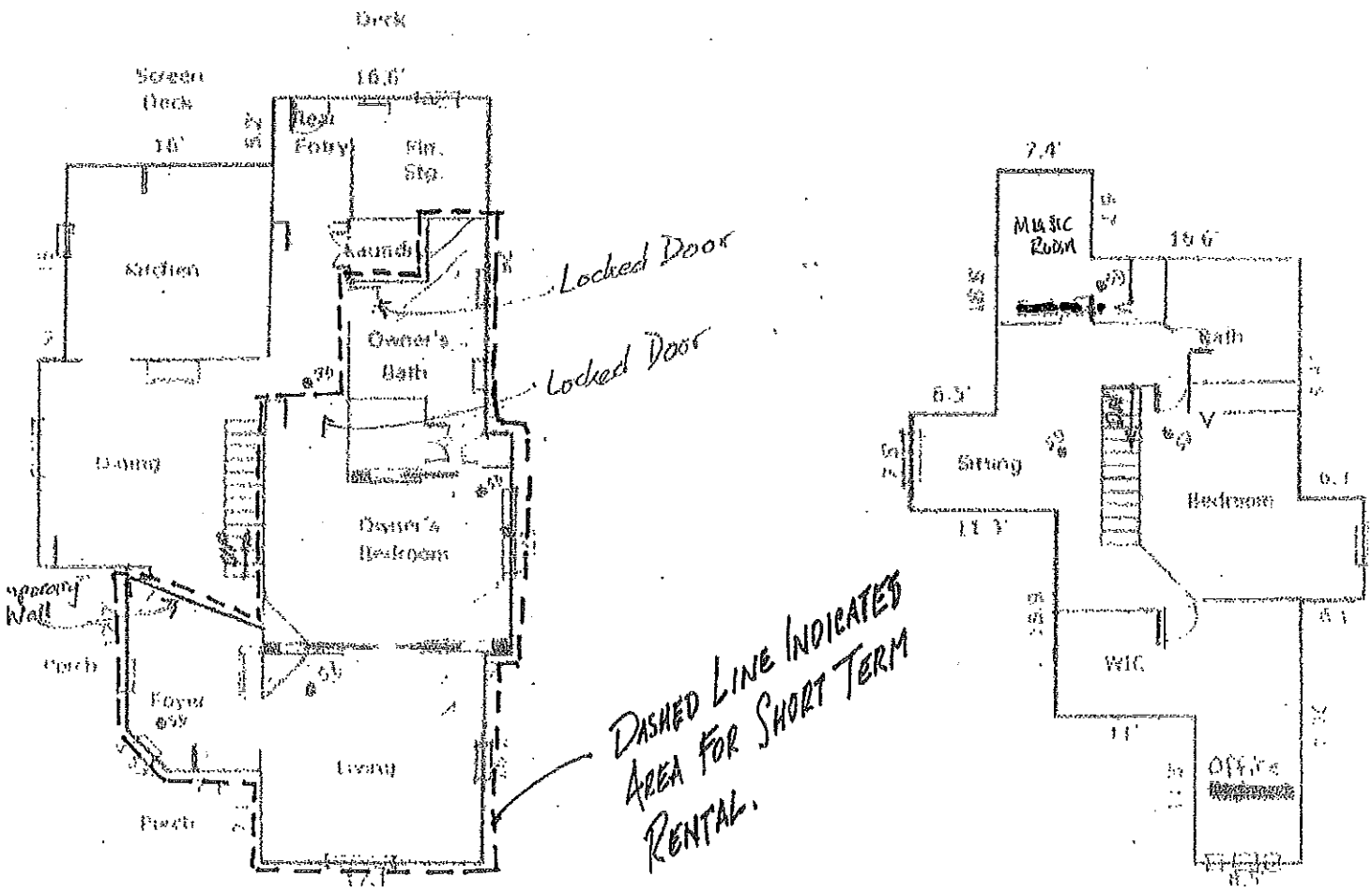
Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

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

[A] Zoning Review	APPROVED	615-880-3245 David.Frabutt@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-3245 David.Frabutt@nashville.gov
U&O Life Safety Final Approval - STRP	REJECTED	615-862-5233 Chad.Young@nashville.gov



First Floor  
(1717.85 Sq Ft)

STRP =  
Shaded Area

Second Floor  
(1020.91 Sq Ft)

1306 GARTLAND AVE  
NASHVILLE TN 37206

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Zareth Hookassian  
Property Owner: " "  
Representative: " "

Date: 12-21-18  
Case #: 2019-065  
Map & Parcel: 82-4-425

Council District 5

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

Purpose: Requesting variance for operation of STRP without a permit. Change of ownership.

Activity Type: STRP

Location: 1105 B N 8th St.

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: Variance for operation without Permit

Section(s): 17.12.250(E)

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

ZAREH HOOKASSIAN  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

1105 B N. 8th ST.  
Address

" "  
Address

NASHVILLE, TN 37206  
City, State, Zip Code

" "  
City, State, Zip Code

615-838-4820  
Phone Number

" "  
Phone Number

Zhookassian@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**



3589412

**ZONING BOARD APPEAL / CAAZ - 20180079494  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 08204042500

APPLICATION DATE: 12/21/2018

**SITE ADDRESS:**

1105 B N 8TH ST NASHVILLE, TN 37207

LOT 306 OAKWOOD PARK

PARCEL OWNER: MAD PROPERTIES, LLC

CONTRACTOR:

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

requesting variance from operation of short term rental without permit. ownership change as of 11-2-18.

*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.

ZAREH HOOKASSIAN  
APPELLANT

12-21-18  
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?**

Previous owners used their permit to operate as an airbnb ~~but~~ AFTER THE CLOSING DATE OF NOV 2nd when new owner purchased the property.

[Dashboard](#)

Rental Unit Record

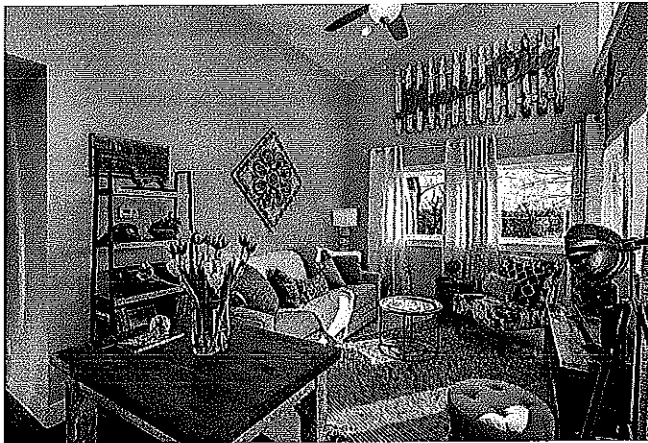
**1105 N 8th St, Nashville, TN 37207, USA**

Active ●  
Identified ✓  
Compliant ✓

[PRINT](#)

Listing(s) Information

Airbnb - 17386845    Airbnb - 17431556    VRBO - 321.1236239.1787147



Rental Unit Information



Identified Address

1105 N 8th St, Nashville, TN 37207, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.190533, -86.758103

Parcel Number

08204042500

Owner Name

MAD PROPERTIES, LLC

Owner Address

1105 N 8th St  
Nashville, TN 37207, US

Registration / Permit Number

2017006168, 502844

Matched Details

Analyst

KH6V

Explanation

Found address using parcel number from listing image and the assessor site.

Zip Code Match

City Name Match

Listing Details

Listing URL — <https://www.airbnb.com/rooms/17431556>

Listing Status ● Active

Host Compliance Listing ID — air17431556

Listing Title — East Nashville Apt-close to Lower Broadway!

Property type — Apartment

Room type — Entire home/apt

Timeline of Activity

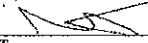
View the series of events and documentation pertaining to this property

✳ Listing hma121.7482829.6887387 First Crawled

Matched property listing

- March 16th, 2018
- ✘ Listing air17431556 Removed  
March 16th, 2018
- 📅 3 Documented Stays  
March, 2018
- ✔ First Warning - No STR Permit: Delivered  
March 10th, 2018
- ✔ First Warning - No STR Permit: Sent  
March 2nd, 2018
- Listing hma321.1236239.1787147 Reposted  
February 26th, 2018
- 📅 7 Documented Stays  
February, 2018
- ✘ Listing hma321.1236239.1787147 Removed  
February 21st, 2018
- ✔ Listing hma321.1236239.1787147 Identified  
February 13th, 2018
- Listing air17386845 Reposted  
February 4th, 2018
- ✘ Listing air17386845 Removed  
January 31st, 2018
- 📅 4 Documented Stays  
January, 2018
- 📅 5 Documented Stays  
December, 2017
- ✱ Listing hma321.1236239.1787147 First  
Crawled  
December 30th, 2017
- Listing hma321.1236239.1787147 First  
Activity  
December 27th, 2017
- 📅 4 Documented Stays  
November, 2017
- 📅 6 Documented Stays  
October, 2017
- 📅 7 Documented Stays  
September, 2017
- 📅 7 Documented Stays  
August, 2017
- ✔ Listing air17386845 Identified  
August 14th, 2017
- ✔ Listing air17431556 Identified  
August 7th, 2017
- 📅 9 Documented Stays  
July, 2017
- 📅 10 Documented Stays  
June, 2017
- 📅 14 Documented Stays  
May, 2017
- 📅 11 Documented Stays  
April, 2017
- 📅 6 Documented Stays  
March, 2017

RECORD AND RETURN TO:  
Limestone Title and Escrow, LLC  
580 Franklin Rd.  
Suite 203  
Franklin, Tennessee 37069  
File No.: TN1811216

<b>WARRANTY DEED</b>		STATE OF TENNESSEE COUNTY OF DAVIDSON
Karen Y Johnson Davidson County Batch# 158063 DEEDWARR 11/09/2018 10:43:32 AM 2 pgs Fees: \$13.00 Taxes: \$2,184.50  20181109-0111011		THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$585,000.00.  AFFIANT SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 2nd day of November, 2018.  NOTARY PUBLIC My commission expires: 6-20-2021
THIS INSTRUMENT PREPARED BY: Limestone Title and Escrow, LLC, 580 Franklin Road, Suite 203, Franklin, Tennessee 37069.		
ADDRESS NEW OWNER: Zareh Hookassian 1105 N. 8th Street Nashville, TN 37207	SEND TAX BILLS TO: Same address as new owner	MAP-PARCEL NUMBERS: 082 04 0 425.00

FOR AND IN CONSIDERATION of the sum of Five Hundred Eighty Five Thousand and 00/100 Dollars (\$585,000.00), and other good and valuable consideration, cash in hand paid by the hereinafter named Grantee(s), the receipt of which is hereby acknowledged; the undersigned, **MAD PROPERTIES, LLC, A TENNESSEE LIMITED LIABILITY COMPANY**, hereinafter called the Grantor(s), has bargained and sold and by these presents do hereby transfer and convey unto, **ZAREH HOOKASSIAN**, hereinafter called the Grantee(s), their heirs and assigns forever, that certain parcel of real estate situated in Davidson County, Tennessee, and being further described as follows, to-wit:

Being land in Davidson County, Tennessee, as set forth by survey of Delle Land Surveying, dated January 12, 2015, as described as Lot 1105 B on said attached Exhibit "A" and described more specifically as follows:

Beginning at an iron rod in the eastern right of way of North 8th Street, said point being the northwest corner of the Reginald Grady property as described in Instrument 20130306-0022537, Register's Office of Davidson County, Tennessee and the southwest corner of the Vernon Keesee property as described in Instrument No. 20160114-0004152, said Register's Office;

Thence, with said right of way, North 08 degrees 04 minutes 46 seconds East, 31.00 feet to an iron rod, the True Point of Beginning;

Thence, with said right of way, North 08 degrees 04 minutes 46 seconds East 31.00 feet to an iron rod, the southwest corner of 1105C;

Thence, with said right of way, with 1105C's south line, South 81 degrees 16 minutes 01 seconds West, 165.00 feet to an iron rod in the west right of way of alley #346;

Thence, with said alley, South 08 degrees 04 minutes 46 seconds West, 31.00 feet to an iron rod in the north line of 1105A

THIS LEGAL IS NOT COMPLETE IT IS MISSING A CALL.

Being that same property conveyed to Mad Properties, LLC, by Warranty Deed from Vernon Thomas Keese, Jr., an unmarried man, dated November 18, 2016 and recorded in Instrument No. 20161122-0123166, Register's Office for Davidson County, Tennessee.

The address of the herein described property is believed to be 1105B N 8th Street, Nashville, TN 37207, and is shown on all tax records as same, but such addresses are not part of the legal description of the property herein and in the event of any discrepancy, the legal description herein shall control.

This conveyance is made subject to all matters as shown of record in the Register's Office for Davidson County, Tennessee; and to the zoning and subdivision regulations of the appropriate governmental body.

TO HAVE AND TO HOLD said real estate, together with all of the appurtenances, estate and title thereunto belonging, unto the said Grantee(s), their heirs and assigns, forever.

The undersigned covenant with the said Grantee(s) that they are lawfully seized and possessed of said real estate; that they have a good right to convey the same; and that it is unencumbered except by lien of the 2018 property taxes, which taxes are being prorated between the parties, and are being paid at closing.

The undersigned further covenant and bind themselves, their heirs and assigns, forever to warrant and defend the title to said real estate unto the said Grantee(s), their heirs and assigns, against the lawful claims of all persons, whomsoever.

WITNESS MY/OUR HANDS, this the 2nd day of November, 2018.

MAD Properties, LLC, a Tennessee Limited Liability Company

Michael Atchley

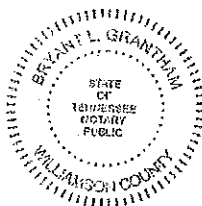
BY:

ITS:

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

Personally appeared before me, a Notary Public, of said County and State, Michael Atchley, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be \_\_\_\_\_ of MAD Properties, LLC, a Tennessee Limited Liability Company, the within named bargainor and that he as such \_\_\_\_\_, executed the foregoing instrument for the purposes therein contained by signing the name of the company by himself as, Member.

WITNESS my hand and seal, this the 2nd day of November, 2018.



[Signature]  
Notary Public

My commission expires: 6-20-2021



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Patrick Clark

Date: 1-18-2019

Property Owner: Patrick Clark

Case#: 2019-094

Representative: Patrick Clark

Map & Parcel:

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 obtain a STRP permit.

Activity Type: Short Term rental

Location: 241 Ben Allen Rd

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 expired permit.

Section(s): 17.16.250 E

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

Patrick Clark

\_\_\_\_\_

\_\_\_\_\_

Appellant Name (Please Print)

Representative Name (Please Print)

241 Ben Allen Rd

Address

Address

Nashville, TN 37207

City, State, Zip Code

City, State, Zip Code

615-521-0091

Phone Number

Phone Number

pnealclark@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



3595914

**ZONING BOARD APPEAL / CAAZ - 20190003503**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 06100001600**APPLICATION DATE:** 01/18/2019**SITE ADDRESS:**

241 BEN ALLEN RD NASHVILLE, TN 37207  
N SIDE BEN ALLEN RD E OF HILLSIDE RD

**PARCEL OWNER:** CLARK, PATRICK NEAL**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated on expired 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](http://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.



1/18/19

Dashboard

Rental Unit Record

**241 Ben Allen Rd, Nashville, TN 37207, USA**

Removed ✕  
Identified ✓  
Compliant ✓

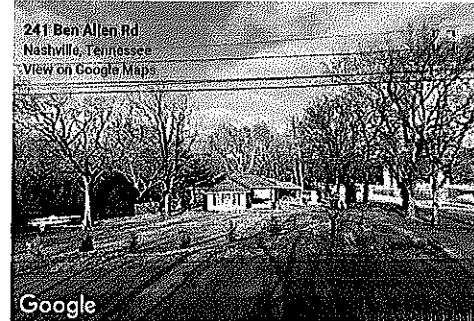
PRINT

Listing(s) Information

Airbnb - 21483076



Rental Unit Information



Identified Address

241 Ben Allen Rd, Nashville, TN 37207, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.226475, -86.752174

Parcel Number

06100001600

Owner Name

CLARK, PATRICK NEAL

Owner Address

241 Ben Allen Rd  
Nashville, TN 37207, US

Registration / Permit Number

503852

Matched Details

Analyst

CDZT

Explanation

Exterior matches in street view. The listing header calls the house "The 2-4-1". The Nashville records and map confirm the location and address and show APN 06100001600. <http://pntscr.com/frgne3>

Listing Photos



Matching 3rd Party Sources



Same exterior. #241 is visible on the photo.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

✕ Listing air21483076 Removed

Listing Details

Listing URL -- <https://www.airbnb.com/rooms/21483076>

Listing Status ● Inactive

Host Compliance Listing ID -- air21483076

Listing Title -- The 2-4-1

Property type -- House

Room type -- Entire home/apt

Listing Info Last Captured -- Dec 15, 2018

Screenshot Last Captured -- Dec 17, 2018

Price -- \$75/night

Cleaning Fee -- \$100

Information Provided on Listing

Contact Name -- Jess And Neal

Latitude, Longitude -- 36.226815, -86.751955

Minimum Stay (# of Nights) -- 2

Max Sleeping Capacity (# of People) -- 6

























Max Number of People per Bedroom -- 3

Number of Reviews -- 31

Last Documented Stay -- 1/2018

Listing Screenshot History  View Latest Listing Screenshot



- December 19th, 2018
-  First Warning - No STR Permit: Delivered December 16th, 2018 
-  First Warning - No STR Permit: Sent December 10th, 2018 
-  2 Documented Stays November, 2018
-  4 Documented Stays October, 2018
- Listing air21483076 Reposted October 11th, 2018
- ✘ Listing air21483076 Removed October 10th, 2018
-  3 Documented Stays September, 2018
-  2 Documented Stays August, 2018
-  3 Documented Stays July, 2018
- Listing air21483076 Reposted June 30th, 2018
- ✘ Listing air21483076 Removed June 30th, 2018
-  1 Documented Stay June, 2018
-  5 Documented Stays May, 2018
-  3 Documented Stays April, 2018
-  Airbnb Letter: Delivered April 9th, 2018 
-  Airbnb Letter: Sent March 28th, 2018 
-  3 Documented Stays March, 2018
- Listing air21483076 Reposted March 4th, 2018
- ✘ Listing air21483076 Removed March 2nd, 2018
-  1 Documented Stay February, 2018
- Listing air21483076 Reposted February 4th, 2018
- ✘ Listing air21483076 Removed January 31st, 2018
-  First Warning - No Tax Reg: Delivered January 6th, 2018 
-  1 Documented Stay January, 2018
-  1 Documented Stay December, 2017
-  First Warning - No Tax Reg: Sent 



December 29th, 2017

- ✓ Listing air21483076 Identified  
December 26th, 2017
- 📅 2 Documented Stays  
November, 2017
- \* Listing air21483076 First Crawled  
November 4th, 2017
- Listing air21483076 First Activity  
November 4th, 2017

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Joseph Fitzpatrick

Date: 1-28-19

Property Owner: " "

Case #: 2019-099

Representative: " "

Map & Parcel: 21-9-143

Council District 2

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

Purpose: Operation of STRP without permit

Activity Type: Short term Rental

Location: 1800 A Seminary St

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

Reason: Operation without Permit

Section(s): 12.16.250 (E)

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

Joseph Fitzpatrick  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

1800 A Seminary St  
Address

Same  
Address

Nashville, TN 37207  
City, State, Zip Code

Same  
City, State, Zip Code

615-524-1035  
Phone Number

Same  
Phone Number

josephfitzpatrick333@yahoo.com  
Email

Same  
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**



3598267

**ZONING BOARD APPEAL / CAAZ - 20190005199  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 07109014300**APPLICATION DATE:** 01/28/2019**SITE ADDRESS:**

1800 A SEMINARY ST NASHVILLE, TN 37207  
LOT 117 SCRUGGS SUB BROOKLYN HGTS

**PARCEL OWNER:** FITZPATRICK, JOSEPH R. & HERRERA, MA**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance for short term rental for operation without a 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.

## 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**

1/28/19  
 \_\_\_\_\_  
**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?**

I unfortunately did not realize that a short-term rental permit was necessary to operate my home as a short term rental unit. Upon being notified of this, I ceased all operation. I have also complied with every rule and guideline needed to obtain a permit. For this reason I respectfully request that my case be considered.



Rental Unit Record

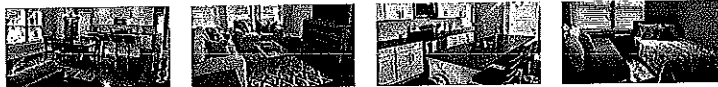
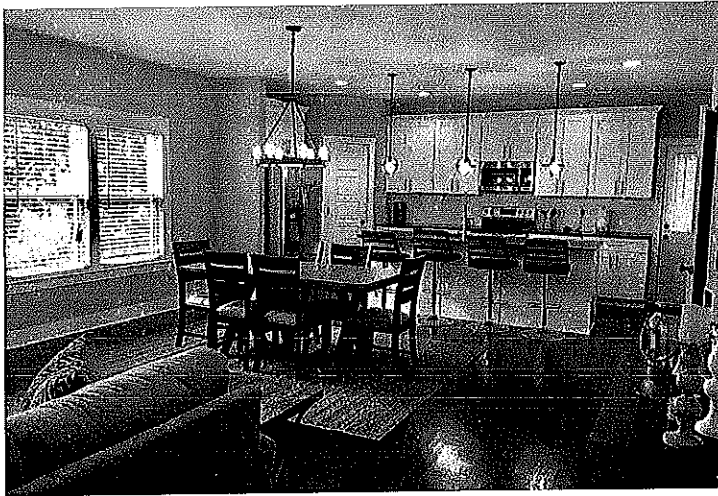
1800 Seminary St, Nashville, TN 37207, USA

Removed X  
Identified ✓  
Compliant ✓

PRINT

Listing(s) Information

Airbnb - 26038912



Rental Unit Information



Identified Address

1800 Seminary St, Nashville, TN 37207, USA

Identified Unit Number

A

Identified Latitude, Longitude

36.202280, -86.785060

Parcel Number

07109014300

Owner Name

FITZPATRICK, JOSEPH R. & HERRERA, MARIE S.

Owner Address

1800A Seminary St  
Nashville, TN 37207, US

Matched Details

Analyst

WWCZ

Explanation

Trulla listing shows matching kitchen as airbnb listing. Also show two bathrooms with matching fixtures and layout as the airbnb listing.

Listing Photos



Matching 3rd Party Sources

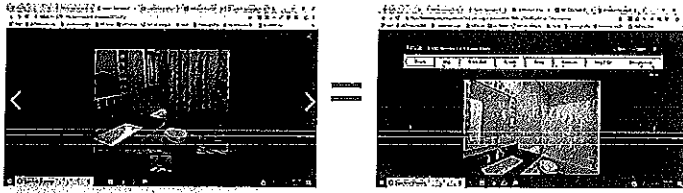


shows matching kitchen. light fixtures are the same, windows and doors in same location, kitchen island and fixtures are the same

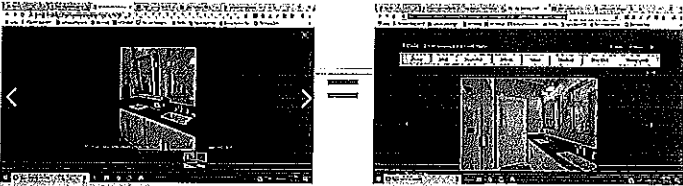
Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air26038912 Removed  
January 16th, 2019



matching bathroom number 1, sink and mirror are the same, toilet and tub in same location



bathroom number 2 matching sinks and mirrors, another picture shows matching shower

Zip Code Match

City Name Match

**Listing Details**

Listing URL	- <a href="https://www.airbnb.com/rooms/26038912">https://www.airbnb.com/rooms/26038912</a>
Listing Status	● Inactive
Host Compliance Listing ID	- air26038912
Listing Title	- Modern New Home 4 Minutes From Downtown
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Jan 08, 2019
Screenshot Last Captured	- Jan 08, 2019
Price	- \$75/night
Cleaning Fee	- \$100

**Information Provided on Listing**

Contact Name	- Joey
Latitude, Longitude	- 36.202580, -86.785424
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 10
Max Number of People per Bedroom	- 3.3
Number of Reviews	- 42
Last Documented Stay	- 12/2018

- 6 Documented Stays  
December, 2018
- First Warning - No STR or Tax: Delivered   
December 16th, 2018
- First Warning - No STR or Tax: Sent   
December 10th, 2018
- 6 Documented Stays  
November, 2018
- Listing air26038912 Identified  
November 10th, 2018
- 6 Documented Stays  
October, 2018
- 9 Documented Stays  
September, 2018
- 7 Documented Stays  
August, 2018
- 7 Documented Stays  
July, 2018
- 1 Documented Stay  
June, 2018
- \* Listing air26038912 First Crawled  
June 22nd, 2018
- Listing air26038912 First Activity  
June 22nd, 2018

Listing Screenshot History

View Latest Listing Screenshot



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

Appellant: Perry Herst Date: 1-29-2019  
 Property Owner: Perry Herst Case #: 2019-101  
 Representative: Shane & Trin Horton Map & Parcel: 10408028900  
 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: 1402 17<sup>th</sup> Ave. S

This property is in the OR20 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 operated after the issued STRP permit expired.

Section: 17.16.250 E

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

Appellant Name: Perry Herst Representative: Shane & Trin Horton  
 Phone Number: \_\_\_\_\_ Phone Number: (615) 227-4664  
 Address: \_\_\_\_\_ Address: 310 Chapel Ave  
 \_\_\_\_\_ Nashville, TN 37206  
 \_\_\_\_\_  
 Email address: pherst@cattailprop.com Email address: hortonshane@comcast.net

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



3598772

**ZONING BOARD APPEAL / CAAZ - 20190005542**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 10408028900**APPLICATION DATE:** 01/29/2019**SITE ADDRESS:**

1402 17TH AVE S NASHVILLE, TN 37212  
PT LOT 42 O B HAYES ROKEBY PLAN

**PARCEL OWNER:** HERST, PERRY S., III**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

*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**



**RESIDENTIAL SHORT TERM RENTAL / CASR - 201523018  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10408028900

**APPLICATION DATE:** 06/05/2015

**SITE ADDRESS:**

1402 17TH AVE S NASHVILLE, TN 37212  
PT LOT 42 O B HAYES ROKEYB PLAN

**PARCEL OWNER:**

**CONTRACTOR:**

**APPLICANT:** Herst, Perry S., Iii

15560 N. FRANK LLOYD WRIGHT BLVD.  
SCOTTSDALE, AZ 85260 760-809-5559

**CONTACT:** Trin Blakely

310 CHAPEL AVE  
NASHVILLE, TN 37206

**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. 1 bdr 6 max occ. this is unit B of 6 unit bldg.

*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 FMORquest@nashville.gov

Inspection requirements may change due to changes during construction.

*Permit expired on 6-5-2017*





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](http://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.

*Stane Fort*

*1-29-19*

Rental Unit Record

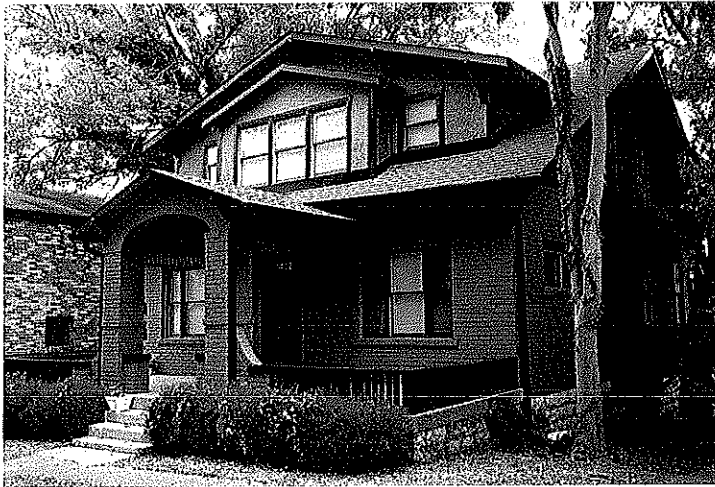
1402 17th Ave S, Nashville, TN 37212, USA

Removed X  
Identified ✓  
Compliant ✓

PRINT

Listing(s) Information

VRBO - 321.663694.1211596



Rental Unit Information



Identified Address

1402 17th Ave S, Nashville, TN 37212, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.140549, -86.794702

Parcel Number

10408028900

Owner Name

HERST, PERRY S., III

Owner Address

15560 N Frank Lloyd Wright Blvd # B4-409  
Scottsdale, AZ 85260, US

Matched Details

Analyst

I5C2

Explanation

The outside photos from the listing match Google Streetview. The house number is visible.

Listing Photos



Matching 3rd Party Sources



Same exterior. House number visible

Owner Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing hma321.663694.1211596 Removed January 5th, 2019

Listing Details

Listing URL	- <a href="https://www.homeaway.com/vacation-rental/p663694vb">https://www.homeaway.com/vacation-rental/p663694vb</a>
Listing Status	● Inactive
Host Compliance Listing ID	- hma321.663694.1211596
Listing Title	- Nice Music Row Apartment, A Mile from Downtown and Close to Everything Else!
Property type	- Apartment
Room type	- Entire home/apt
Listing Info Last Captured	- Jan 01, 2019
Screenshot Last Captured	- Jan 02, 2019
Price	- \$114/night
Cleaning Fee	- \$100

Information Provided on Listing

Contact Name	- Perry Herst
Latitude, Longitude	- 36.140545, -86.794782
Minimum Stay (# of Nights)	- 3
Max Sleeping Capacity (# of People)	- 4
Max Number of People per Bedroom	- 4
Number of Reviews	- 47
Last Documented Stay	- 11/2018



























Listing Screenshot History

 [View Latest Listing Screenshot](#)

November 7

December 8

January 1

-  1 Comments  
December 10th, 2018  
 Emails
-  2 Documented Stays  
November, 2018
-  4 Documented Stays  
October, 2018
-  1 Documented Stay  
September, 2018
-  2 Documented Stays  
August, 2018
-  1 Documented Stay  
June, 2018
-  3 Documented Stays  
May, 2018
-  5 Documented Stays  
April, 2018
- Listing hma321.663694.1211596 Reposted  
April 25th, 2018
- ✘ Listing hma321.663694.1211596 Removed  
April 19th, 2018
-  Airbnb Letter: Delivered   
April 8th, 2018
-  Airbnb Letter: Sent   
April 2nd, 2018
-  1 Documented Stay  
March, 2018
- Listing hma321.663694.1211596 Reposted  
February 26th, 2018
- ✘ Listing hma321.663694.1211596 Removed  
February 21st, 2018
-  1 Documented Stay  
December, 2017
-  1 Documented Stay  
November, 2017
-  First Warning - No STR Permit: Delivered   
November 3rd, 2017
-  First Warning - No STR Permit: Sent   
October 27th, 2017
-  2 Documented Stays  
October, 2017
- ✓ Listing hma321.663694.1211596 Identified  
August 14th, 2017
-  1 Documented Stay  
August, 2017
-  2 Documented Stays  
July, 2017
-  1 Documented Stay  
June, 2017
-  2 Documented Stays  
May, 2017
-  3 Documented Stays

April, 2017

📅 1 Documented Stay  
March, 2017

📅 1 Documented Stay  
January, 2017

📅 2 Documented Stays  
October, 2016

📅 1 Documented Stay  
September, 2016

✳ Listing hma321.663694.1211596 First  
Crawled  
July 20th, 2016

● Listing hma321.663694.1211596 Reposted  
July 20th, 2016

✕ Listing hma321.663694.1211596 Removed  
July 19th, 2016

📅 1 Documented Stay  
May, 2016

📅 1 Documented Stay  
April, 2016

📅 1 Documented Stay  
December, 2015

📅 2 Documented Stays  
October, 2015

📅 1 Documented Stay  
September, 2015

📅 1 Documented Stay  
June, 2015

📅 2 Documented Stays  
April, 2015

📅 1 Documented Stay  
March, 2015

● Listing hma321.663694.1211596 First  
Activity  
March 14th, 2015

December 30, 2018 - 10:07AM America/Chicago

HomeAway



Trip Boards

Login

Help

List your property



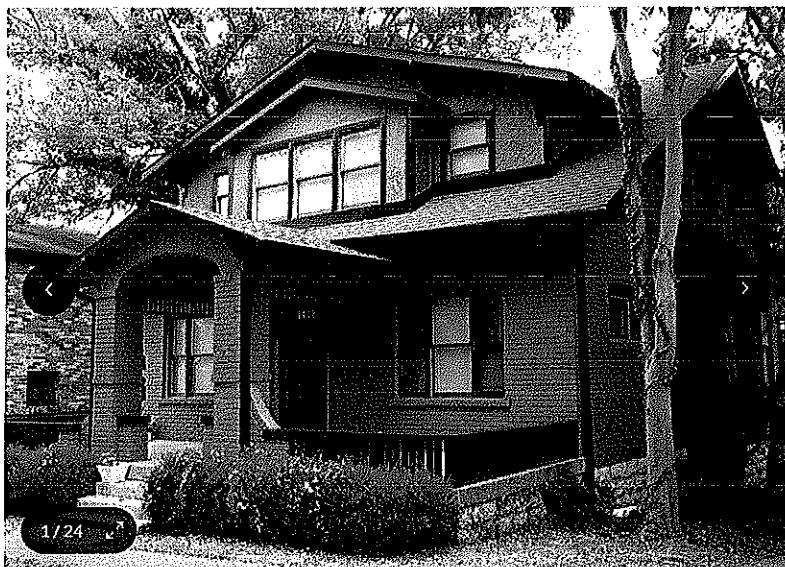
Dec 30, 2018 10:07am CT

Where  
Edgehill, Nashville, TN, USA

Check In

Check Out

Search



1/24

\$114 avg/night

★★★★★ 47 Reviews

Wonderful 4.8/5 - Good for families

Enter dates for accurate pricing

Check In

Check Out

Guests

Request to Book



Perry Herst

Ask Manager a Question

For booking assistance, call 888-640-7927

Property # 663694vb

Overview Amenities Reviews Map Rates & Availability

### Nice Music Row Apartment, A Mile from Downtown and Close to Everything Else!

Apartment - 800 sq. ft.

Edgehill, Nashville, TN, USA

Sleeps: 4

Bedrooms: 1

Bathrooms: 1

Min Stay: 3 nights

Good for families Air Conditioning No Smoking Internet

#### 1 Bedroom Apartment with Living Room and Nice Deck on Music Row

Located in a renovated 1911 Music Row Building, this refurbished 1 Br 1 Ba Apartment, on the quiet end of 17th Ave South, is a great place to hang your hat while visiting Music City. It is close to Vanderbilt, Belmont, Green Hills (The Bluebird), Hillsboro Village, the Studios and Downtown.

Furnished in country chic, with good parking, you will be feeling like the newest Country Music Star as soon as you cross the threshold.

#### Bedrooms

1 Bedroom

Sleeps 4

Master Bedroom

queen

Sitting Room

queen



Use Code  
BEST20  
Sitewide

VIC

Shop for all the festivities on your calendar with fully curated outfits - one stop shop!





The Sitting Room Sofa converts to a Queen Bed

There is a single Master Bedroom with a comfortable queen bed.

Property Manager



Perry Herst  
Member Since 2014

Ask Manager a Question

Speaks:  
English

Calendar last updated:  
Dec 29, 2018

[View more about Perry Herst](#)

Amenities

- Internet
- Satellite or Cable
- Heater
- Air Conditioning
- TV
- Children Welcome
- Washer & Dryer
- Parking

Bathrooms

1 Bathroom

**Bathroom 1**  
toilet, combination  
tub/shower, shower

Meals

Guests provide their own  
meals

General

- Telephone
- Washing Machine
- Towels Provided
- Air Conditioning
- Clothes Dryer
- Iron & Board
- Heating
- Parking
- Hair Dryer
- Linens Provided
- Internet
- Living Room

Kitchen

- Dishwasher
- Oven  
Electric Oven
- Pantry Items**  
Limited Pantry items are on hand to  
get you started
- Refrigerator  
Refrigerator / Freezer
- Microwave
- Dishes & Utensils
- Stove  
Electric Stove
- Coffee Maker
- Kitchen**  
There is a full fledged Kitchen, albeit  
a small one.
- Toaster

Dining

- Dining Area
- Dining
- comfy seating for 4 people

**Entertainment**

Television                      Satellite / Cable

**Outside**

Lawn / Garden                      Deck / Patio

**Suitability**

wheelchair inaccessible

**House Rules**

Check-in: 3:00 PM      Check-out: 10:00 AM

No parties/events

No smoking

No pets

Children allowed

Minimum age of primary renter: 26

Max occupancy: 4

**Cancellation Policy**

Canceled bookings will not receive a refund

**47 Reviews**

★★★★★ Wonderful 4.8/5

⏪                                      1 - 6 of 47                                      ⏩

**Great Location, quiet, clean, lots of room for a 1 Bed, 1 Bath.**

5/5 ★★★★★ Stayed Nov 2018

Alan A.

When I stay in Nashville, I like to stay at this VRBO.

Submitted Nov 23, 2018

**Quiet Location with plenty to do a short walk away**

4/5 ★★★★★ Stayed Nov 2018

Jason E.

Property is split into 4 units with one 2 on the same level and one above all 3 units. Overall the unit was clean and functional as far as short term rentals go. Deducting one star due to the unannounced renovations going on in the unit above that woke us up at 8:30AM due to excessive noise.

Submitted Nov 5, 2018

Must be 18 or over

**MUSIC TO MY EARS ...**

5/5 ★★★★★ Stayed Oct 2018

Alan P.

Great Location - walk to shops restaurants on 21st Ave S., quiet ... everything as advertised and property manager very responsive.

Submitted Oct 28, 2018

**Charming place within walking distance to food, beer and music history (and 3 colleges)**

5/5 ★★★★★ Stayed Oct 2018

Rebecca P.

My husband and I stayed for a week for our second visit to Nashville. We are already talking about our next visit as there is so much to do and see here. Our apartment was on a quiet one-way street. There are 2 or 3 other apartments in this home. It was quiet and accessible. The manager (Trin) checked in by text at the time of our arrival, mid-week and day before we were leaving. We had no problems to address with this apartment. It was very clean! The kitchen was functional but we didn't use much more than the coffee maker, fridge, microwave and dishes etc. The bathroom was on the small side but functional. Towels were provided and there were more towels, blankets and pillows available in a closet. The bed was very comfortable and there is a TV in the bedroom as well as the living room. The couch in the living room was not super comfortable to sit on. It also was a sleeper sofa but we did not use it as such. There was a 4 person dining set (Tall bar style) we did not use this for dining as we dined out most of our stay. We decided not to rent a car so we did not utilize the parking that is available in back of house. Although a busy street, the bedroom in in back of unit and we were not bothered by any traffic noises. We were picked up by Uber or Lyft many times without difficulty. We also walked to many nearby restaurants, bars/taprooms. We walked to and from the Gulch and back from Broadway one night also. We felt safe and enjoyed the walks very much. This apartment was a great place to call home for our week in Nashville!

Submitted Oct 21, 2018

**The property was spacious, stylish, and comfortable! Close proximity to all main attractions!**

5/5 ★★★★★ Stayed Oct 2018

William G.

The apartment on Music Row was the perfect getaway to the city of Nashville. Within walking distance of local restaurants, Vanderbilt, and Belmont College. Only a 5-10 minute trip from the property to downtown! The interior of the apartment was well-equipped and stocked with minimum essentials. We had a fantastic time and would definitely stay in Perry's property again!

Submitted Oct 14, 2018

**Great place, great location.**

5/5 ★★★★★ Stayed Oct 2018

Greg J.

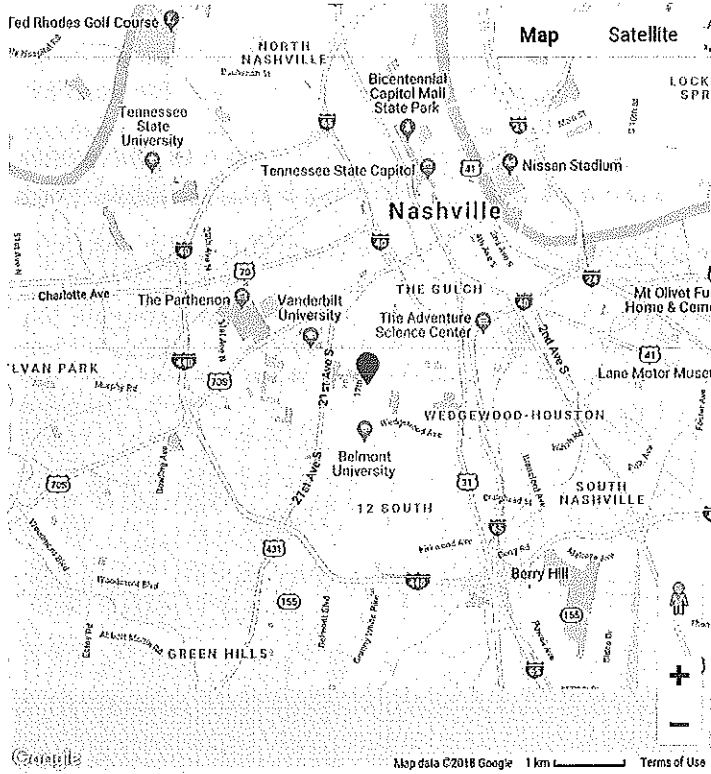
Very nice 1 bed, 1 bath in a great location. Very nice, quiet, neighborhood. Close to downtown but far enough away to avoid the crowds. Easy walk to Vanderbilt and to the Gulch areas. Plus There were lots of Lime and Bird scooters around for a motorized transit option. Trin, the local property manager, texted us every couple of days to see how things were going. The unit came with the typical appliances, including clothes washer/dryer which was very helpful. We highly recommend this property and we would definitely stay here again

Submitted Oct 8, 2018



1 - 6 of 47

**Map**



Edgehill, Nashville, TN, USA

**Rates & Availability**

December 2018							January 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1			2	3	4	5	
							150	150	150	150	150	150	
2	3	4	5	6	7	8	6	7	8	9	10	11	12
							150	150	150	150	150	150	150
9	10	11	12	13	14	15	13	14	15	16	17	18	19
							150	150	150	150	150	150	150
16	17	18	19	20	21	22	20	21	22	23	24	25	26
							150	150	150	150	150	150	150
23	24	25	26	27	28	29	27	28	29	30	31		
							150	150	150	150	150		

February 2019							March 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2						1	2
					150	150						150	150
3	4	5	6	7	8	9	3	4	5	6	7	8	9
150	150	150	150	150	150	150	150	150	150	150	150	150	150
10	11	12	13	14	15	16	10	11	12	13	14	15	16
150	150	150	150	150	150	150	150	150	150	150	150	150	150
17	18	19	20	21	22	23	17	18	19	20	21	22	23
150	150	150	150	150	150	150	150	150	150	150	150	150	150
24	25	26	27	28			24	25	26	27	28	29	30
150	150	150	150	150			150	150	150	150	150	150	150
							31						
							150						

Taxes and fees are additional

**Additional information about rental rates**

Cleaning Fee	100
Property Damage Insurance	59

Music Row is leased under a short term lease. Payment can be made by VRBO / Homeaway, PayPal, Wire Transfer, or Check.

You might like these similar properties



122 avg/night



155 avg/night



197 avg/night



197 avg/night

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**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Lamb, Emily \(Codes\)](#); [Braisted, Sean \(Codes\)](#)  
**Subject:** Positions on March 21 D17 agenda items  
**Date:** Friday, March 15, 2019 4:48:00 PM

---

Good afternoon,

Board members, here are my positions on March 21 agenda items in District 17:

- Case 2019-105: A request to be exempt from sidewalk requirements for the interior renovation of a warehouse in an industrial zone (901 6th Ave S). I **support** this request, as this is a purely industrial area.
- Case 2019-117: This request in Wedgewood-Houston (444 Humphreys St) wants a ton of variances, which I normally would be fine with, **except** the applicant wants to get out of the sidewalk fund. Therefore, I **oppose** this request.
- Case 2019-101: I **oppose** the reinstatement of an illegally-rented short-term rental on 17th Ave S.

Thank you for your work!

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: Christopher Ulumenfo Date: 1-29-2019  
 Property Owner: Christopher Ulumenfo Case #: 2019-102  
 Representative: Christopher Ulumenfo Map & Parcel: 149070B01100CO  
 Council District: 28

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 5161 Pebble Creek 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. Appellant operated prior to obtaining the legally required short term rental permit.

Section: 17.16.250 E

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

Appellant Name: Christopher Ulumenfo Representative: Same  
 Phone Number: (615) 593-8256 Phone Number: \_\_\_\_\_  
 Address: 5161 Pebble Creek Dr. Address: \_\_\_\_\_  
Antioch, TN 37013  
 Email address: krismenfo@gmail.com Email address: hortonshane@comcast.net

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



3599033

**ZONING BOARD APPEAL / CAAZ - 20190005724**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 149070B01100CO

APPLICATION DATE: 01/29/2019

**SITE ADDRESS:**

5161 PEBBLE CREEK DR ANTIOCH, TN 37013  
LOT 111 CANYON RIDGE PH 1

PARCEL OWNER: ULUMENFO, CHRISTOPHER &amp; FATIMA

CONTRACTOR:

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

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant 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

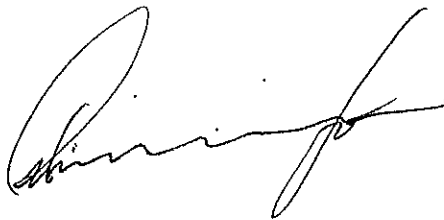
DEPARTMENT OF CODES & BUILDING SAFETY

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](http://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.

 1/29/19

Rental Unit Record

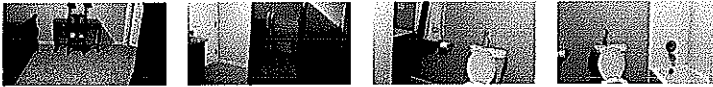
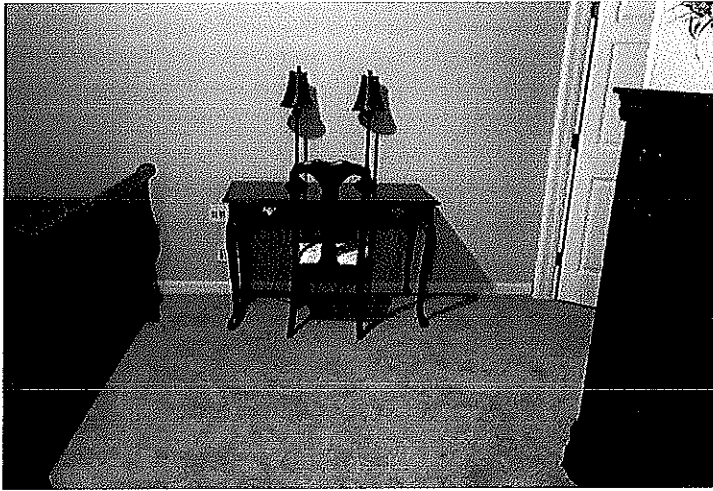
5161 Pebble Creek Dr, Antioch, TN 37013, USA

Removed X  
Identified ✓  
Compliant ✓

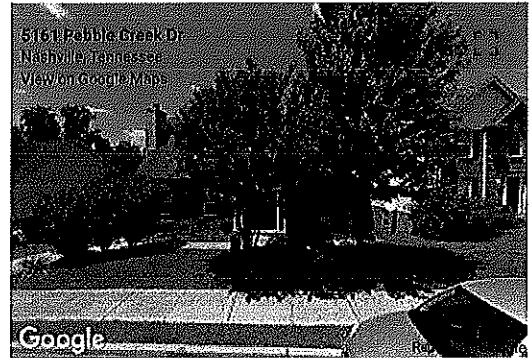
PRINT

Listing(s) Information

Airbnb - 24136182



Rental Unit Information



Identified Address

5161 Pebble Creek Dr, Antioch, TN 37013, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.071101, -86.649240

Parcel Number

149070B01100

Owner Name

ULUMENFO, CHRISTOPHER & FATIMA

Owner Address

5161 Pebble Creek Dr  
Antioch, TN 37013, US

Matched Details

Analyst

EGPL

Explanation

The zillow page for the address shows the same exterior and interior as the listing photos.

Listing Photos



The exterior is the same.

Matching 3rd Party Sources



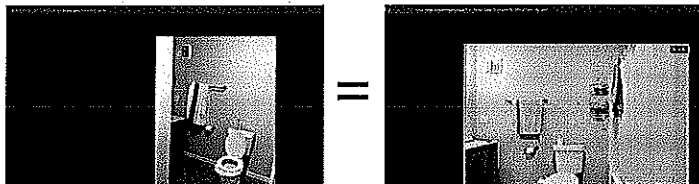
Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air24136182 Removed  
October 20th, 2018



The kitchen is the same.



The bathroom is the same.

Zip Code Match

City Name Match

### Listing Details

Listing URL	-- <a href="https://www.airbnb.com/rooms/24136182">https://www.airbnb.com/rooms/24136182</a>
Listing Status	● Inactive
Host Compliance Listing ID	-- air24136182
Listing Title	-- CUTIE HOME ANTIOCH
Property type	-- Guest suite
Room type	-- Private room
Listing Info Last Captured	-- Oct 16, 2018
Screenshot Last Captured	-- Oct 14, 2018
Price	-- \$33/night
Cleaning Fee	-- \$6

### Information Provided on Listing

Contact Name	-- Chris
Latitude, Longitude	-- 36.071691, -86.648690
Minimum Stay (# of Nights)	-- 1
Max Sleeping Capacity (# of People)	-- 2
Max Number of People per Bedroom	-- 2
Number of Reviews	-- 30
Last Documented Stay	-- 10/2018

Listing Screenshot History

View Latest Listing Screenshot

November 0

December 0

January 0

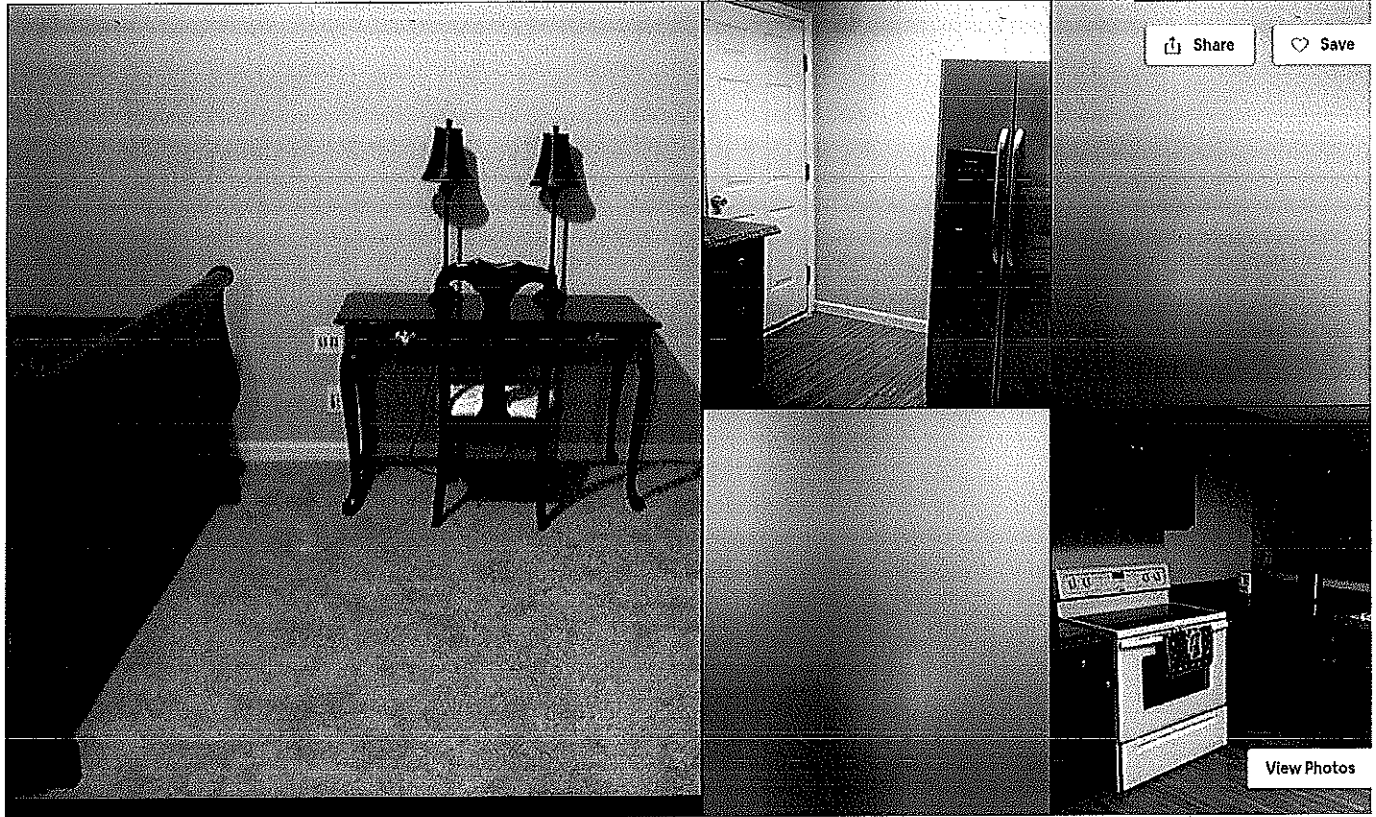
- Listing air24136182 Reposted  
October 18th, 2018
- ✕ Listing air24136182 Removed  
October 17th, 2018
- 📅 6 Documented Stays  
October, 2018
- ✔ First Warning - No STR or Tax: Delivered 📅  
October 12th, 2018
- ✔ First Warning - No STR or Tax: Sent 📅  
October 5th, 2018
- 📅 12 Documented Stays  
September, 2018
- ✔ Listing air24136182 Identified  
September 24th, 2018
- 📅 12 Documented Stays  
August, 2018
- ✳ Listing air24136182 First Crawled  
July 25th, 2018
- Listing air24136182 First Activity  
July 24th, 2018

October 14, 2018 - 11:30AM America/Chicago

Search

Become a host Help Sign up Log in

Oct 14, 2018 12:30pm CT



Share

Save

View Photos

PRIVATE ROOM IN GUEST SUITE

# CUTIE HOME ANTIOCH

Nashville



Chris

2 guests 1 bedroom 1 bed 1 private bath

### HOME HIGHLIGHTS

Great check-in experience - 95% of recent guests gave this home's check-in process a 5-star rating.

Helpful Not helpful

Brilliantly lighted rooms, baths, hall and kitchen for your pleasure. You got your IN and EXIT door to yourself-with you keeping your own key. Add to this, is well made and laid latest furniture sets that will take your breath away literally. You will love the well polished neighborhood and very friendly people of Antioch. Seeing is believing!

Read more about the space

Contact host

### Amenities

- Free parking on premises
- Iron
- Kitchen
- TV
- Wifi
- Hangers

Show all 15 amenities

### Sleeping arrangements

\$33 per night  
★★★★★ 29

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

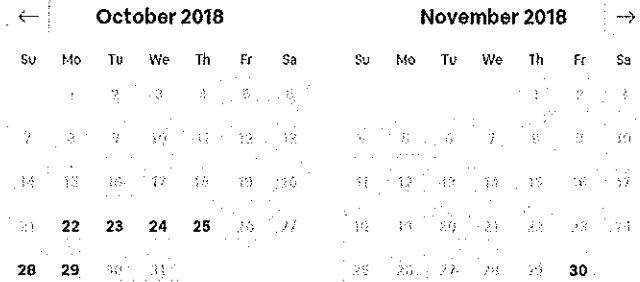


Common spaces

1 couch

Availability

Updated 1 day ago



29 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-In	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Dawn · October 2018 P  
 It can sometimes be hard as a woman travelling alone, and I really appreciate the safe and comfortable spots I find. This was a nice and conveniently located Airbnb, with good wifi, nice hosts, and tons of space.

Kirsten · October 2018 P  
 If you are looking for a very budget friendly overnight this would be the place. I recommend this stay to a single or pair travelling. Details of the stay were provided the day of our arrival, there were no issues finding and entering the place. The accommodation was comfortable a...Read more

Jessica · October 2018 P  
 This space was much bigger than I expected. The host saw me arrive and the key wasn't working so she came down and helped me. I loved the privacy and the tv was great because I was traveling alone for the first time and was scared to be by myself so I kept the tv on at night. Eve...Read more

Lori · October 2018 P  
 Good location and good price. Nice to have entire lower level to yourself.

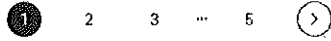
David · October 2018 P  
 My stay was great!!! Very private, clean. Great communication with my host when I had questions. Would definitely recommend this place to any future guests. The value on it was amazing.

Kella And Bryan · September 2018 P  
 If I have one piece of advice with this listing, it's heed the advice of the other reviewers. You definitely get what you pay for. There was no issue finding the residence or parking and any communication we had with the host was fairly timely. However, upon arrival the problem...  
 Read more



Alex · September 2018

Place was good. Host was nice and welcoming! Not close to downtown but overall good for the price and if you are looking for a quiet area.



### The neighborhood

Chris's home is located in Nashville, Tennessee, United States.

This neighborhood is quiet and the people very friendly. Highly lit at night with beautiful street lights.

[Read more about the neighborhood](#) ▾

Things to do in Nashville

#### Nearby landmarks

Nashville Zoo at Grassmere 5.9 mi

Exact location information is provided after a booking is confirmed.

### Hosted by Chris



Nashville, Tennessee, United States · Joined in March 2018

★ 29 Reviews

Friendly, Honest, Caring, Humorous and culturally unbiased.

[Contact host](#)

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

### Policies

#### House Rules

- No smoking
- Check-in is anytime after 12PM (noon)
- Check out by 11AM

[Read all rules](#) ▾

#### Cancellations

Flexible - Free cancellation for 48 hours  
After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) ▾

**Explore other options in and around Nashville**

*Maxine Cunningham, M.B.A.  
5164 Pebble Creek Drive  
Antioch, TN 37013-1870*

March 12, 2019

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

RE: Appeal Case #2019-102  
5161 Pebble Creek Drive  
Map Parcel: 149070B01100CO  
Zoning Classification: R10  
Council District: 28

Dear Sir/Madam:

This letter is written in response to a notice received by me pertaining the above reference property that is appealing an earlier decision by your board to not grant a short term rental permit. As the owner of my property, I am submitting my disapproval that this permit be granted due to the current property owner's previous action of utilizing the property at 5161 Pebble Creek Drive as a short term rental without receiving the proper permit.

Our community is one where we know a large majority of our neighbors and we are concerned that the granting of this permit will be disruptive as well as the possibility of property values might result in a decrease. This particular parcel has undergone several changes in ownership in the 14 years I have owned my home and would like to see some stability with the resident(s) of this property instead of its use as a short term rental.

I appreciate the opportunity provided to me to express my opposition to the appellant's appeal.

Sincerely,

  
Maxine Cunningham, MBA



Hi Mr. Harper 😊

My name is Valery Fletcher and I live at 5180 Pebble Creek Drive, (across the street from 5161 Pebble Creek Dr.) The appeal case # is 2019-102.

I strongly oppose the permit for a short term rental for the following reasons:

1. This is a residential neighborhood, not a business district. This residential neighborhood is on the outskirts and sandwiched between downtown, Music City Nashville and the increasingly busy Murfreesboro Rd/Hickory Hollow area. Our Neighborhood/Subdivision and street has a wide range of demographics from children to elderly. It is a walking district, very family oriented , uncluttered and safe. STRs would open up Pandora's box for a crowded, touristy, high traffic, unsafe community.
2. This particular street (Pebble Creek Dr.) is already a "thru". It is the connector between the busy Murfreesboro Rd. and Una Antioch Pike. It is the street that traffickers use to get to one side or the other. Therefore, the traffic on Pebble Creek is already constant 7 days a week. Also, on this end of Pebble Creek Dr., the only sidewalk is on the same side where the request for the STR permit is being made. That side is the only safe side for residents (adults & children) on Pebble Creek to utilize for walking, playing and riding tricycles.
3. The cause and effect of short term rentals result in communities no longer being affordable for families with medium to lower income.

Nashville is one of the fastest growing cities in the United States. Our construction and building is greater than 95% of all the cities in the US. Please consider this opposition in respect of maintaining and preserving nice, affordable, safe, family- friendly communities.

Sincerely,

Valery Fletcher



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

Appellant: Sunny Meadows, LLC Date: 2-4-2019  
 Property Owner: Sunny Meadows, LLC Case #: 2019-111  
 Representative: Kevin Henderson Map & Parcel: 092.30005.00  
 Council District: 24

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


Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 3902 Park Ave.

This property is in the RS5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit. 2.

Section: 17.16.250 E

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

Appellant Name: Sunny Meadows Representative: Kevin Henderson  
 Phone Number: (615)708-9853 Phone Number: (615)866-7297  
 Address: 3902 Park Ave Address: 116 Brookfield Ave  
Nashville, TN 37209 Nashville, TN 37205  
 Email address: James.matthews@sunnymeadows.tlc.com Email address: kevin@hrg-realty.com 

Appeal Fee: \$100.00

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

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

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

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

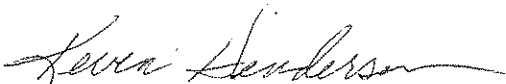
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530**

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



APPELLANT



DATE

Dashboard

Rental Unit Record

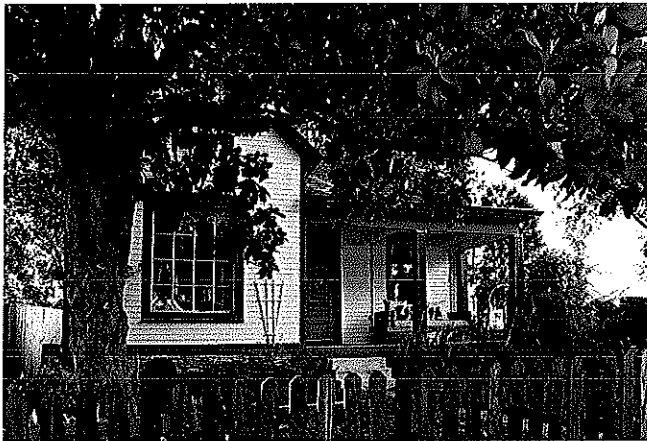
3902 Park Ave, Nashville, TN 37209, USA

Removed X  
Identified ✓  
Compliant ✓

PRINT

Listing(s) Information

Airbnb - 18997460



Rental Unit Information



Identified Address

3902 Park Ave, Nashville, TN 37209, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.151650, -86.832815

Parcel Number

09213000500

Owner Name

SUNNY MEADOWS LLC

Owner Address

1418 Lady Nashville Ct  
Hermitage, TN 37076, US

Registration / Permit Number

504145

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst

RS9Y

Explanation

I located a matching property on Google streetview and found a matching real estate listing at Realtor.com

Listing Photos



Exterior of the house is a match.

Matching 3rd Party Sources



The living room with high ceilings and crown moulding, the brick fireplace with windows on either side are a match.



X Listing air18997460 Removed

Zip Code Match

City Name Match

**Listing Details**

Listing URL	-	https://www.airbnb.com/rooms/18997460
Listing Status	●	Inactive
Host Compliance Listing ID	-	air18997460
Listing Title	-	Historic Home & Garden with Modern Renovation!
Property type	-	House
Room type	-	Entire home/apt
Listing Info Last Captured	-	Feb 18, 2018
Screenshot Last Captured	-	Feb 26, 2018
Price	-	\$180/night
Cleaning Fee	-	\$150

**Information Provided on Listing**

Contact Name	-	Ashtey
Latitude, Longitude	-	36.150727, -86.831631
Minimum Stay (# of Nights)	-	1
Max Sleeping Capacity (# of People)	-	8
Max Number of People per Bedroom	-	2.7
Number of Reviews	-	21
Last Documented Stay	-	02/2018

Listing Screenshot History

View Latest Listing Screenshot



February 3rd, 2019

- Listing air18997460 Reposted  
January 22nd, 2019
- ✕ Listing air18997460 Removed  
February 25th, 2018
- ✔ First Warning - No STR or Tax: Delivered  
February 16th, 2018
- 2 Documented Stays  
February, 2018
- ✔ First Warning - No STR or Tax: Sent  
February 10th, 2018
- 1 Documented Stay  
January, 2018
- 5 Documented Stays  
December, 2017
- 2 Documented Stays  
November, 2017
- 3 Documented Stays  
October, 2017
- 4 Documented Stays  
September, 2017
- ✔ Listing air18997460 Identified  
August 7th, 2017
- 4 Documented Stays  
July, 2017
- ✱ Listing air18997460 First Crawled  
June 3rd, 2017
- Listing air18997460 First Activity  
June 2nd, 2017