

D O C K E T

4/18/2019

1:00 P.M.

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

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

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

CASE 2019-097 (Council District - 16)

GHASEMNEZHAD, MAHMOOD & ASHRAF, appellant and owner of 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 existing fence. Referred to the Board under Section 17.16.070.V.1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Car Sales
Results:

Map Parcel 13306003700

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 special exception in the RM20 District, to construct a multi-family residence. Referred to the Board under Section 17.40.180 C. and 17.12.035.D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Multi-Family
Results:

Map Parcel 082120Y90000CO

CASE 2019-119 (Council District - 21)

ALEX CRAW, appellant and **C&H PROPERTIES, LLC**, owner of the property located at **1723 24TH AVE N**, requesting a variance from sidewalk requirement in the RS5 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family
Results:

Map Parcel 08110040200

CASE 2019-131 (Council District - 7)

JACOB BENDER, appellant and **JACKSON VALLEY LAND PARTNERS, LLC**, owner of the property located at **1525 PRESTON DR**, requesting a variance from sidewalk requirements in the R10 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 has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family
Results:

Map Parcel 072161E00100CO

CASE 2019-134 (Council District - 23)

Roy Williams, appellant and **WACHAL, WARREN R. & DONALD H. & DOUGLAS L.**, owner of the property located at **5101 HARDING PIKE**, requesting a variance from sidewalk requirements in the CS District, to renovate a commercial space without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map Parcel 11613009800

Results:

CASE 2019-136 (Council District - 24)

MARK FEN, appellant and **JONES, STEVEN & BEARD, ELIZABETH**, owner of the property located at **3505 ELKINS AVE**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family home without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09213034200

Results:

CASE 2019-137 (Council District - 19)

ANTHONY EUBANKS, appellant and **DURANI, HAMIDULLAH**, owner of the property located at **933 WARREN ST**, requesting a variance from setback requirements in the RS3.75, MDHA District, to construct two single-family houses. Referred to the Board under Section 17.12.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 08116070200

Results:

CASE 2019-140 (Council District - 17)

ELI BATES, appellant and, owner of the property located at **2027 HUTTON DR**, requesting variances from setback and house orientation requirements in the R6 District, to construct two single family houses. Referred to the Board under Section 17.12.030.C.6 and 17.12.030 C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Two-Family
Results:

Map Parcel 106130W00200CO

CASE 2019-141 (Council District - 1)

BRITTNEY FITZGERALD, appellant and **WEATHERSBY, CALPURNIA P.**, owner of the property located at **4243 EATONS CREEK RD**, requesting a special exception for a day care home in the RS15 District, to open a day care home. Referred to the Board under Section 17.16.170.C. 1 thru 7. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Daycare
Results:

Map Parcel 05813000100

CASE 2019-149 (Council District - 18)

TAYLOR, H DENNY JR & JENNIFER, appellant and owner of the property located at **2019 A 19TH AVE S**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family house without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.18 B.

Use-Single Family
Results:

Map Parcel 10412015700

CASE 2019-150 (Council District - 17)

DUANE CUTHERBERTSON, appellant and **O.I.C. HOMES AT 423 A & B MALLORY STREET**, owner of the property located at **423 & 425 MALLORY ST**, requesting a variance From setback requirements in the R6-A District, to construct two single family houses with Parking pad within the required front setback. Referred to the Board under Section 17.12.020 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family
Results:

Map Parcel 105074V90000CO
Map Parcel 105074V00200CO

CASE 2019-154 (Council District - 20)

JOEY HARGIS, appellant and **CENTENNIAL PARTNERS V, LLC**, owner of the property located at **5403 CENTENNIAL BLVD**, requesting a variance from sidewalk requirements in the CS District, to construct a new mixed use building without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use
Results:

Map Parcel 09102030400

CASE 2019-155 (Council District - 17)

S+H Group LLC, appellant and **RHINO HOLDINGS, LLC**, owner of the property located at **52 INDUSTRY ST**, requesting a variance from landscape buffer requirements in the IWD District, to build a warehouse and office development. Referred to the Board under Section 17.24. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Warehouse
Results:

Map Parcel 10508015400

CASE 2019-156 (Council District - 5)

WAYNE JOHNSON, appellant and **PRATT, DYVEKE & JOHNSON, WAYNE**, owner of the property located at **1016 DELMAS AVE**, requesting variances from side and rear setback requirements in the R6 District, to construct a garage. Referred to the Board under Section 17.12.020.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family
Results:

Map Parcel 07209024400

CASE 2019-157 (Council District - 6)

REAL HANDY PRO LLC, appellant and **HOMESTEADY PROPERTIES, LLC**, owner of the property located at **1313 A WOODLAND ST**, requesting a variance from sidewalk requirements in the MUL-MDHA District, to renovate an existing restaurant without building sidewalk or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Sidewalk
Results:

Map Parcel 08309015800

CASE 2019-158 (Council District - 17)

SPLIT ROCK DEVELOPMENT, appellant and **GILCHRIST, MARGARET B.**, owner of the property located at **1700, 1616 & 1619 19TH AVE S**, requesting a variance from setback requirements in the RM40 District, to construct a multi-family unit. Referred to the Board under Section 17.12.035. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Results: Withdrawn

Map Parcel 10408016800
Map Parcel 10408016700
Map Parcel 10408016600

CASE 2019-161 (Council District - 4)

NANCY STILLWELL-DUCKETT, appellant and **JOHNSON, ANDREW C. & MELODY A.**, owner of the property located at **5555 HILL RD**, requesting a variance from side and front setback requirements in the R40 District, to construct a detached carport. Referred to the Board under Section 17.12.040.E.1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family
Results:

Map Parcel 16000009800

CASE 2019-163 (Council District - 34)

KEVIN GANG, appellant and **ERNST, NICHOLAS C.**, owner of the property located at **1221 OLD HICKORY BLVD**, requesting a special exception for a religious institution in the R40 District, to acquire adjacent property in order to use the existing structure on the property for a church office and ministries. Referred to the Board under Section 17.16.170 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-religious Institution
Results:

Map Parcel 15900012800

CASE 2019-164 (Council District - 2)

INGRAM CIVIL ENGINEERING, appellant and **CUMBERLAND BEHAVIORAL HEALTH, LLC**, owner of the property located at **300 GREAT CIRCLE RD**, requesting a variance from landscape buffer and fence height requirements in the MUG District, to construct a rehabilitation services facility. Referred to the Board under Section 17.24.230 and 17.12.040.26. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Rehabilitation Services
Results:

Map Parcel 07012001000

CASE 2019-165 (Council District - 5)

COVINGTON, DORIS & RONALD, appellant and owner of the property located at **108 DOUGLAS AVE**, requesting a variance from sidewalk requirements in the RM20-A District, to build a multi-family building without updating existing sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 07115029400

Results:

CASE 2019-167 (Council District - 20)

LAND DEVELOPMENT SERVICES, appellant and **BIANUCCI, GARY W. & BARBARA A. & DEFORD, EDWARD D.**, owner of the property located at **616 & 618 CROLEY DR**, requesting a special exception to reduce the front setback and increase the building height in the RM20 District, to construct a multi-family development. Referred to the Board under Section 17.12.035 D.1 and 17.12.060 F.1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Multi-Family

Map Parcel 09012026700

Results:

Map Parcel 09012035600

CASE 2019-168 (Council District - 21)

KARLA NEWMAN, appellant and **O.I.C. CLAIBORNE AT 21ST AVE TOWNHOMES**, owner of the property located at **811 B 21ST AVE N**, requesting a variance from lot size requirements in the RM20-A District, to build 3 single family units. Referred to the Board under Section 17.12.120 D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 092070D90000CO

Results:

SHORT TERM RENTAL CASES

Appeal case 2019-101 previously heard on 3/21/19 that did not receive enough votes

CASE 2019-101 (Council District - 17)

HERST, PERRY S., III, appellant and owner of the property located at **1402 17TH 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 in the OR20 District. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental
Results:

Map Parcel 10408028900

CASE 2019-152 (Council District - 15)

JULIE BUHLER, appellant and **DAVIS, RICHARD S. & ELLEN UFFELMAN**, owner of the property located at **107 MCGAVOCK PIKE**, requesting Item A appeal challenging the zoning administrator's denial of a short term rental permit. Appellant operated on an expired permit in the R8 District. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental
Results:

Map Parcel 08416002800

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 GHASEEMZADEH
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 & 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.

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.

MAHMOOD GAASEMNEZHAD

APPELLANT

1/25/2019

DATE

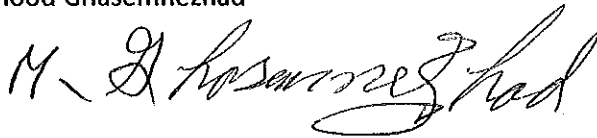
Car Trade Inc. Opened in 2001 and since we opened we have had lots of break ins and vandalism on our cars. This has cost the business loss of money and time to fix the cars and put them back on the lot for resale. Our Neighbors had the same problems on the left hand side, the 321 Dealership and also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

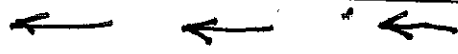
Sincerely yours,

Mahmood Ghasemnezhad

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

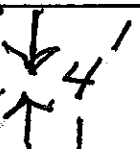


SCALE 1" = 20 FT



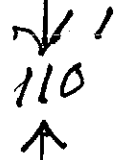
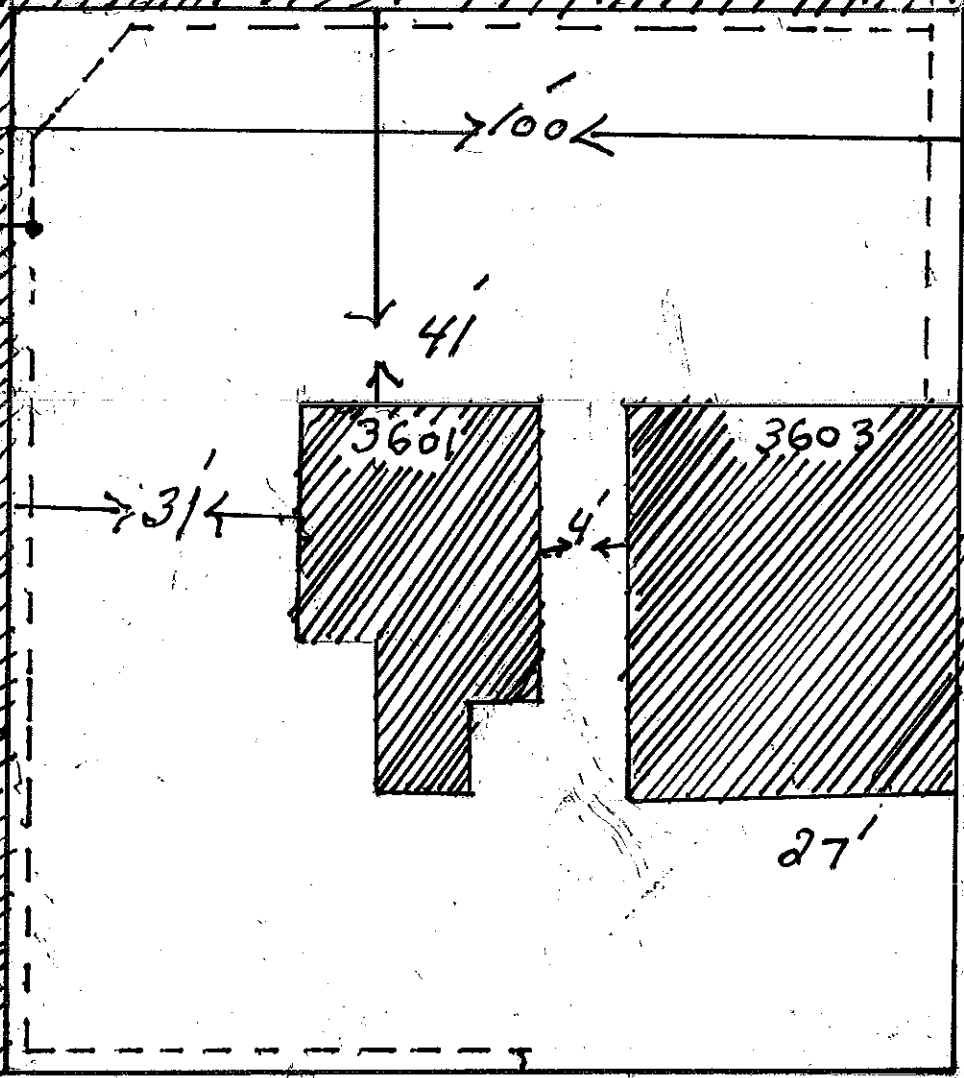
NOKENSVILLE PIKE → → →

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.


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

1-25-19

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 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?

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... ..

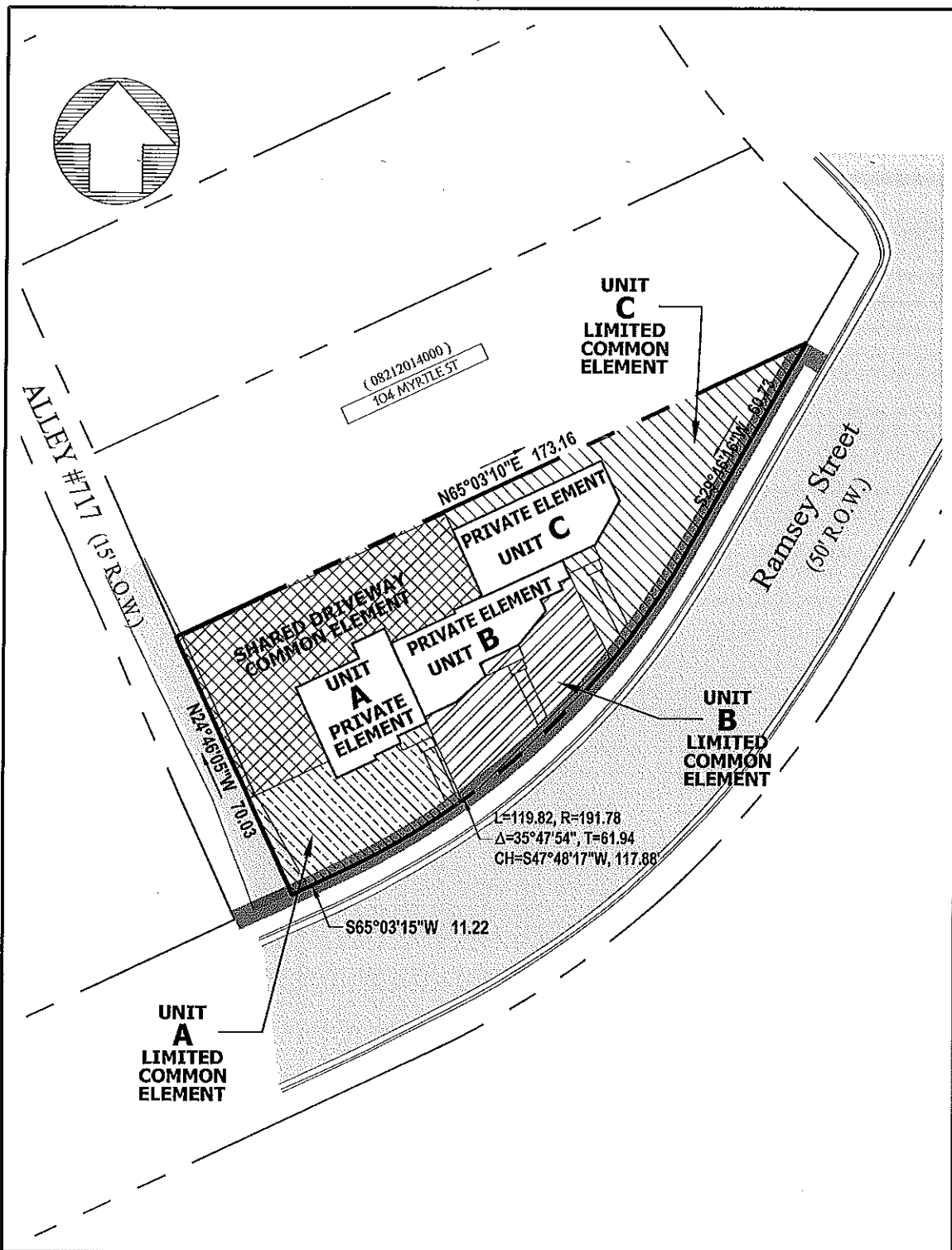
REQUEST TO BUILD TO 20' FRONT/STREET SETBACK LINE ALONG RAMSEY STREET

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

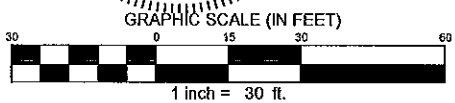
Inspection requirements may change due to changes during construction.



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.

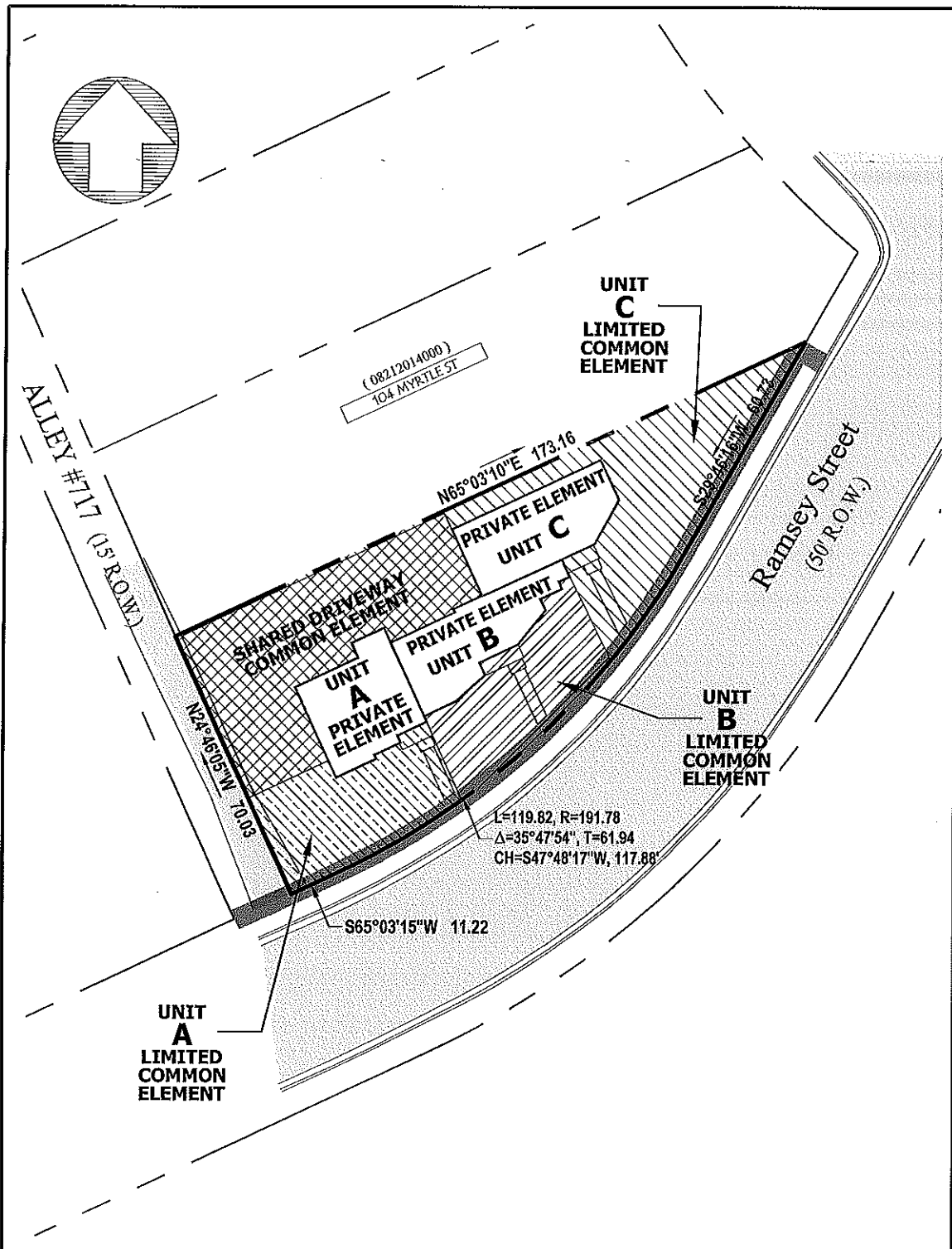


EXHIBIT 'B' - Units A, B and C
915 Ramsey Street
 NASHVILLE, TENNESSEE
 Metro Parcel ID: (08212013900)



CLINT ELLIOTT SURVEY

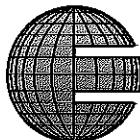
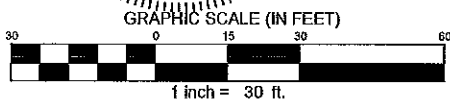
1711 Hayes Street
 Nashville, TN 37203
 clintelliotsurvey.com
 (615) 490-3236



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 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: April 3, 2019
BZA Hearing Date: April 18, 2019
Re: Planning Department Recommendation for Special Exception Cases

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

Case 2019-098 (915 Ramsey Street) –Setback Special Exception

Request: To reduce the required building setback along Ramsey Street.

Zoning: Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Land Use Policy: T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Existing Context: The property is approximately 8,700 square feet (0.2 acres) and located at the southwest corner of Ramsey Street and Myrtle Street in East Nashville. The property has been developed with two detached single story structures. The proposed development would permit three attached residential units. The parcels to the north and east along Ramsey Street are primarily single family residential. The parcels to the south of Ramsey Street are two story attached units which

transition to higher intensity multi-family use along Main Street. There are sidewalks along Ramsey Street and Myrtle Street.

Planning Department Analysis:

The applicant is requesting one exception:

- Reduce the minimum required 30 foot building setback along Ramsey Street. The applicant is proposing a 20 foot setback along Ramsey Street.

The site serves as a transition between traditional single family style development to the north and the higher density multi-family and commercial area to the south. This proposal is consistent with Urban Neighborhood Evolving Policy to have higher densities with a broader range and integrated mixture of housing types. The policy provides the following guidance on setbacks, “building setbacks are shallow and regular, providing some distinction between the public realm of the sidewalk and the private realm of the residence,” in order to create interaction between the two realms and to create a pedestrian-friendly environment. The proposed development is in accordance with the policy guidance.

Planning Recommendation: Approve

Lifsey, Debbie (Codes)

From: Duane Cuthbertson <dcuthber@gmail.com>
Sent: Thursday, April 11, 2019 8:05 PM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes); Lamb, Emily (Codes)
Subject: 915 Ramsey - BZA 2019-098
Attachments: Ramsey 915 modified site plan.jpg; Ramsey St 915 - 10' Setback Concept.pdf; Ramsey 915 BZA explanation - 2019-098.docx

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

Emily / Debbie / Jessica -

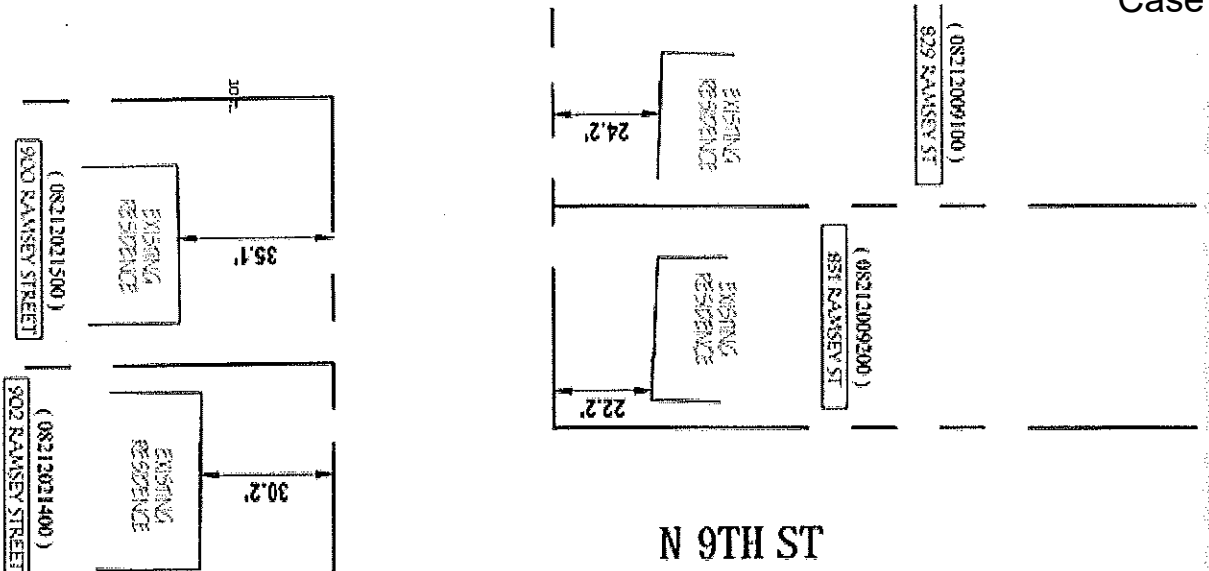
Please find attached, exhibits we'd like to attach to the record for BZA 2019-098 (915 Ramsey Street). The applicant initially requested a reduction of the street setback to 20' however we are now requesting the setback reduction to 10' as shown in the attached site plan. We feel the 10' setback reduction would make for a better streetscape along Ramsey as it would be consistent with the home immediately to the west and it would be consistent with the goals within the Urban Neighborhood Evolving policy applicable to the property (better engagement between the homes and the sidewalk and ensure parking is not permitted within the side street setback and accessed from the alley).

I understand that we are asking to reduce the setback further than initially requested (as indicated by the original plan) as well we are asking for the reduction to allow a density allowed by the zoning (4 dwellings) in conflict with our site plan and this may cause some confusion however it would appear we are noticed properly. We sent notices advertising the bza request twice (only asking to reduce the setback). No one from the community attended the original bza hearing on March 21st. Additionally, we advertised (3rd set of notices) for the community meeting (indicating only a reduction in the street setback from 30') and, again, no one from the community attended. As it stands, the applicant could squeeze 4 dwellings on the site in a modified form that could comply with RM20 zoning setback requirements however we feel that outcome would be grossly incompatible with the surrounding neighborhood context.

Please let me know if I can provide any clarification or additional information.

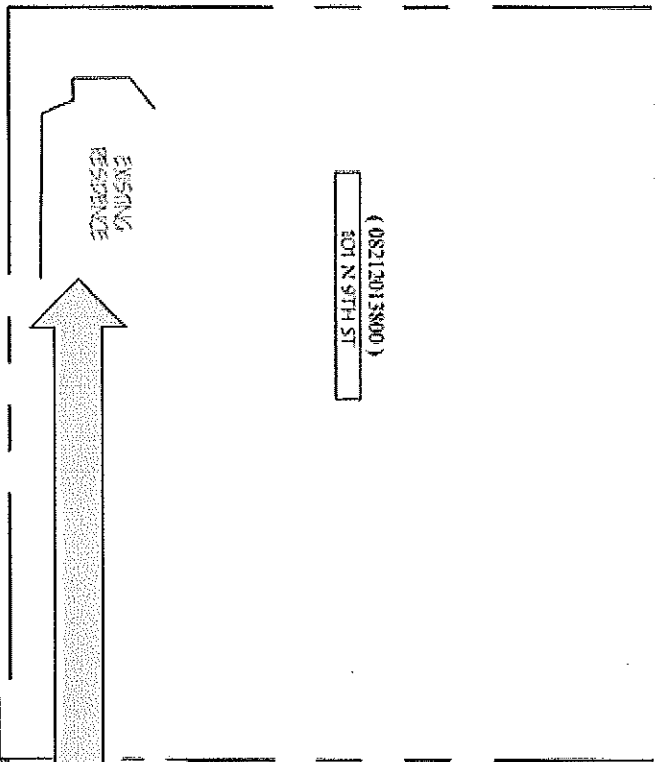
--

Duane Cuthbertson
615.924.9618

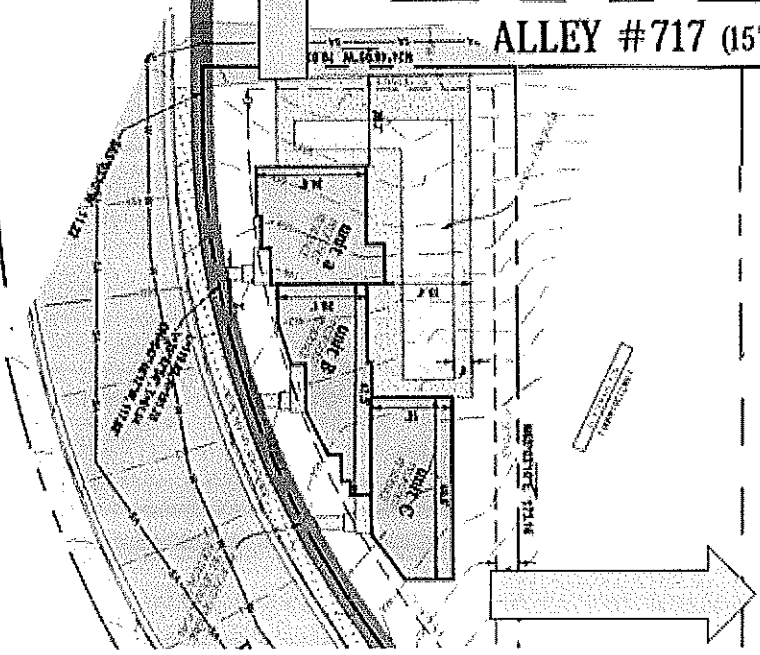


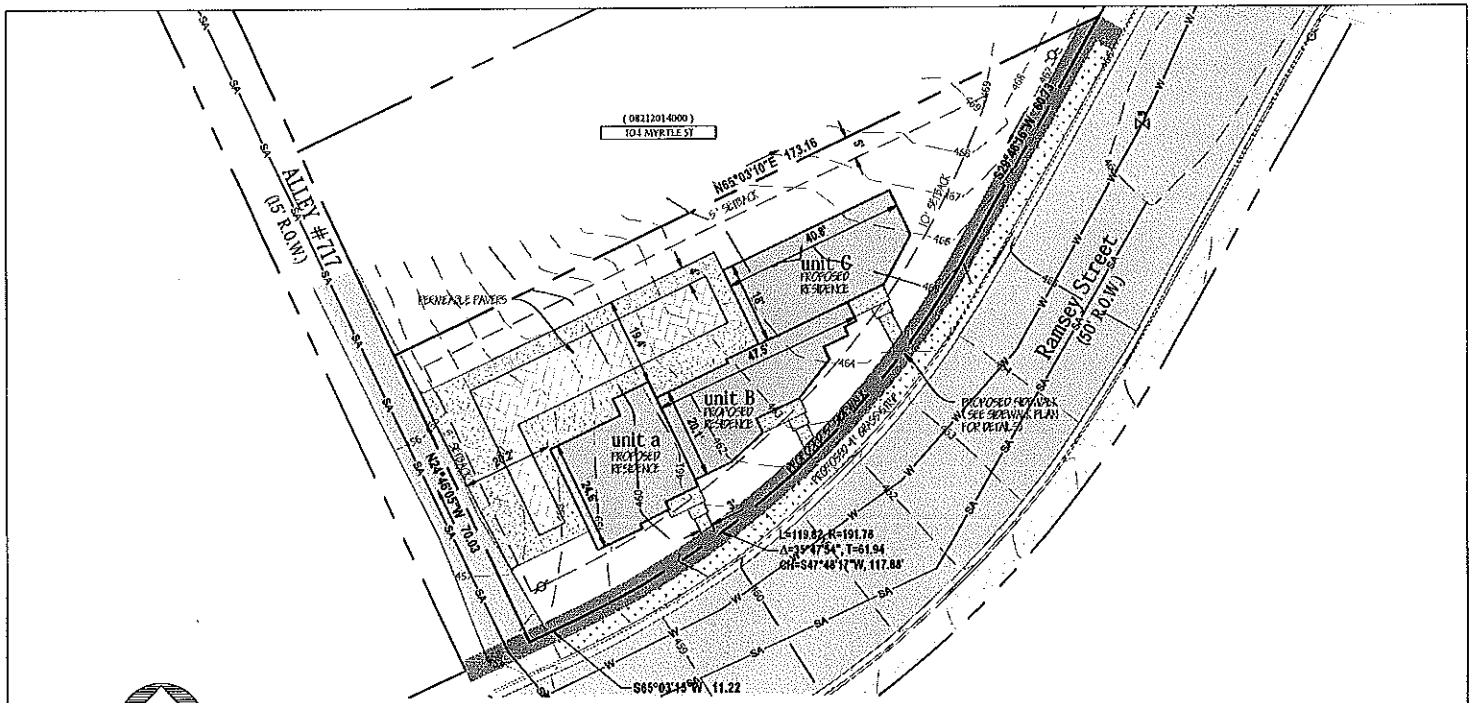
N 9TH ST

Ramsey Street
(50' R.O.W.)



ALLEY #717 (15' R.O.W.)

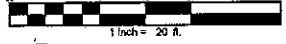




(08112014000)
101 MYRTLE ST



GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.



CLINT ELLIOTT SURVEY

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

Site Plan
915 Ramsey Street
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

BZA 2019-098**4/18/19****915 Ramsey Street****Request:**

Special Exception to reduce the street setback along Ramsey Street from 30' to 10'; to permit a multi-family development for up to 4 units in the RM20 zoning district.

915 Ramsey Street consists of 0.19 acres zoned RM20. The zoning allows up to 4 units.

The request to reduce the street setback will apply only to the frontage along Ramsey Street and will not bring the buildings closer to Myrtle Street to the east. Ramsey Street is effectively a side street for this property. While the unique shape does not give it frontage on Myrtle it is part of a block that affectively fronts Myrtle Street.

In traditional neighborhoods, side street setbacks are typically more shallow than the front street setback. In R and RS zoning districts the standard 20' street setback can be reduced by 50% along the side street. A similar reduction is not available in the RM zoning district.

The subject property is located within an Urban Neighborhood Evolving policy area. If the property were rezoned it is likely it would be required to utilize the A district which would require street 'build-to' standards ensuring buildings are placed closer (0' – 15') and oriented to adjoining streets. As the street setback is the only element of relief sought in order to redevelop the site in a manner consistent with the intent of the community plan, the bza was determined the appropriate avenue.

The requested reduced street setback along Ramsey will:

- Allow for a favorable relationship between proposed buildings and the sidewalk – improving the pedestrian experience;
- align with and allow for consistency in the streetscape with the neighboring property to the west.
- ensure parking is placed behind the buildings and access is gained from the alley – under traditional zoning parking could be provided within a deeper street setback.

The buildings will comply with the Code's building height limit of 30' at the street setback (3 stories with roof deck).

As it stands, the owner could squeeze 4 dwellings on the property in a modified form however we feel that type of development would be grossly incompatible with the surrounding neighborhood character and terribly inconsistent with the goals provided in the community plan.

Per BZA rules, a community meeting was held. Notices advertising the community meeting were mailed to property owners within 600' of the subject property. The meeting was held at the East Community Center on 4/10 at 6:00pm. No members of the community attended the community meeting.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Alex Crow
Property Owner: C & H Properties
Representative: : Alex Crow

Date: 2-7-19
Case #: 2019-119
Map & Parcel: 81-10-402

Council District 21

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

Purpose: Requesting variance from sidewalk requirement to pay fee in lieu of building sidewalks

Activity Type: New construction - Single family

Location: 123 24th Ave. N.

This property is in the BSS 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 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.

C&H PROPERTIES LLC
Appellant Name (Please Print)

ALEX CRAW
Representative Name (Please Print)

P.O. BOX 90680
Address

604 BASSWOOD AVE.
Address

NASHVILLE, TN 37209
City, State, Zip Code

NASHVILLE, TN 37209
City, State, Zip Code

615-479-5225
Phone Number

615-479-5225
Phone Number

CHNASHVILLEPROPERTIES @
Email EMAIL.COM

CHNASHVILLEPROPERTIES @
Email EMAIL.COM

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**



3602189

**ZONING BOARD APPEAL / CAAZ - 20190007900
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 0811.0040200

APPLICATION DATE: 02/07/2019

SITE ADDRESS:

1723 24TH AVE N NASHVILLE, TN 37208
PT LOT 127, COBBS SUB OF THE BOSLEY TRACT

PARCEL OWNER: C&H PROPERTIES, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk requirement to pay fee in lieu of building sidewalks

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3588552

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018078945
THIS IS NOT A PERMIT**

PARCEL: 08110040200

APPLICATION DATE: 12/19/2018

SITE ADDRESS:

1723 24TH AVE N NASHVILLE, TN 37208
PT LOT 127, COBBS SUB OF THE BOSLEY TRACT

PARCEL OWNER: C&H PROPERTIES, LLC

APPLICANT: C & H PROPERTIES, LLC

NASHVILLE, TN 37205 615-479-5225

PURPOSE:

PERMIT TO CONSTRUCT A SINGLE FAMILY RESIDENCE WITH 1220 SQFT OF LIVING AREA... ..25.8' MINIMUM FRONT SETBACK... ..5' MINIMUM SIDE SETBACK... ..20' MINIMUM REAR SETBACK... ..MAXIMUM HEIGHT 3 STORIES/45 FEET... ..NOT TO BUILD OVER OR OBSTRUCT ANY EASEMENTS ON PROPERTY. *** FOR EVERY 30 FEET OF STREET FRONTAGE, OR FRACTION THEREOF, ONE 2 INCH CALIPER TREE AS LISTED IN THE URBAN FORESTRY APPROVED TREE LIST... ..

*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	Thomas.Corcoran@nashville.gov
[A] Zoning Review	APPROVED	Thomas.Corcoran@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	Thomas.Corcoran@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic	NOTPLANNED	615-862-6558 Jonathan.Honeycutt@nashville.gov
[F] Sidewalk Review For Bldg App	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-4064 Gloria.Bryant@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-4064 Gloria.Bryant@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-4064 Gloria.Bryant@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-4064 Gloria.Bryant@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	Thomas.Corcoran@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-6558 Jonathan.Honeycutt@nashville.gov
[D] Grading Plan Review For Bldg App	REJECTED	(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	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

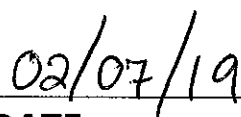
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



DATE

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.

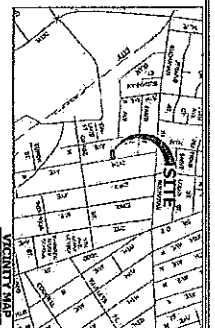
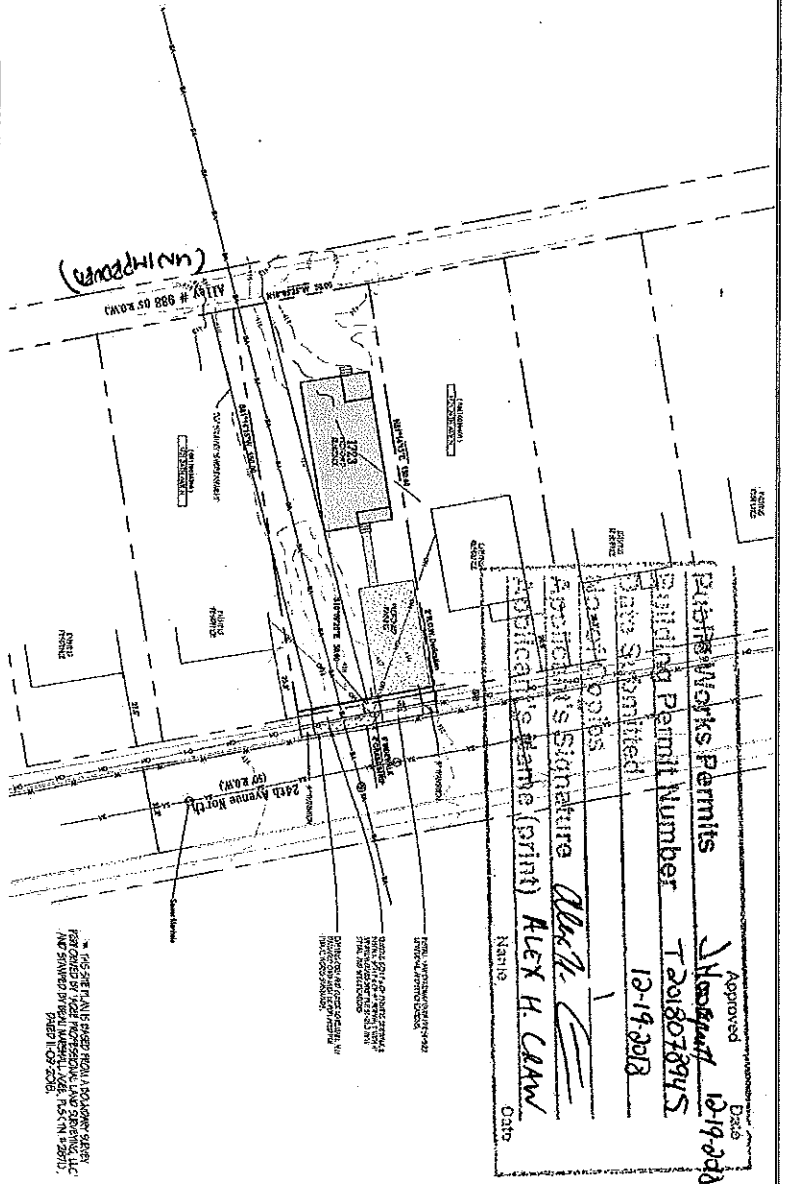
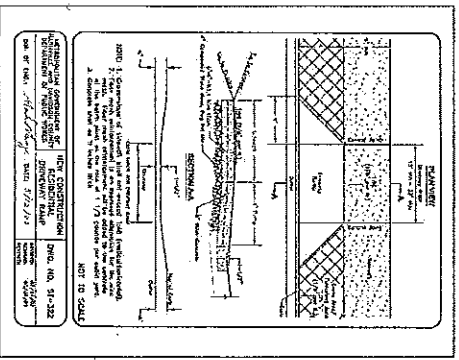
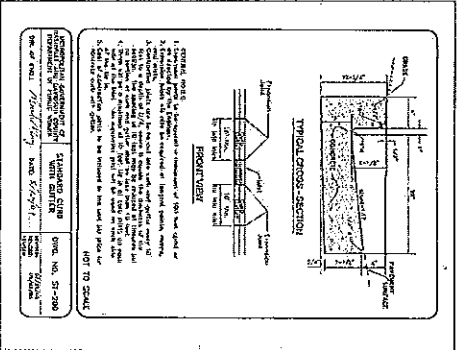
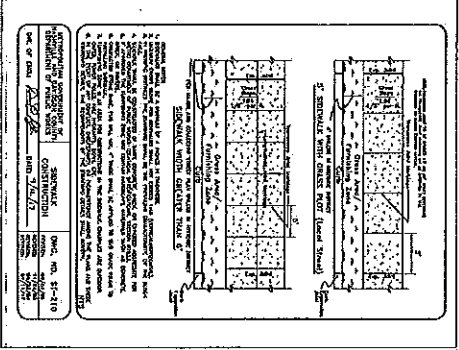
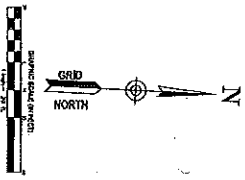
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

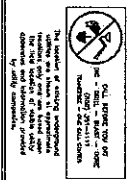
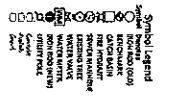
96" SEWER LINE RUNS THROUGH ENTIRE PROPERTY ON LEFT SIDE. WHEN GETTING STORMWATER PERMIT CHECK-OFFS, THEY ADVISED US STRONGLY TO NOT BUILD SIDEWALKS PER THE NEW SPECS (4' GRASS, 5' SIDEWALK) BECAUSE IT WOULD POTENTIALLY DISTURB THE 96" SEWER. WE ALREADY HAD SIDEWALKS APPROVED BY PUBLIC WORKS & HAVE DEDICATED 2' OF R.O.W. WE ASK TO KEEP THE EXISTING ~~5'~~ 5' SIDEWALK INTACT & TO PAY THE ~~CONTRIBUTION~~ CONTRIBUTION FEE, per STORMWATER & WATER/SEWER ~~RECOMMENDATIONS~~ RECOMMENDATIONS.

- Property Information**
1723 24th Avenue North
Nashville, Tennessee 37203
Parcel ID: 020-00-00-000-000-0000
- Owners of Record**
1723 24th Avenue North
Nashville, Tennessee 37203
- Surveyor**
1723 24th Avenue North
Nashville, Tennessee 37203
- Council Info**
Council Member: District
- Building Permit No.**
- Electric Service**
421 Campbell Street
Nashville, Tennessee 37216
052-02-001
- Gas Service**
Nashville Gas Corporation
052-02-001
- Water Service**
1801 24th Avenue North
Nashville, Tennessee 37203
052-02-001
- Sewer Service**
1801 24th Avenue North
Nashville, Tennessee 37203
052-02-001
- Telephone Service**
44-44-444
- Utility Location**
1801 24th Avenue North
Nashville, Tennessee 37203



- Metro Public Works Notes:**
- There shall be no vertical alignment with the sidewalk.
 - The contractor shall install a 4" thick concrete sidewalk on a 4" gravel base on a 4" subgrade.
 - Should there be any changes to the sidewalk, the contractor shall submit a change order to the City of Nashville.
 - Any construction shall be completed within the specified time frame.
 - Any construction shall be completed within the specified time frame.

DEED REFERENCE:
Reference to the deed of record in the Public Works Department, Nashville, Tennessee, for the property located at 1723 24th Avenue North, Nashville, Tennessee, shall be a reference to the deed of record in the Public Works Department, Nashville, Tennessee, for the property located at 1723 24th Avenue North, Nashville, Tennessee.



Public Sidewalk Improvement Plan
1723 24th Ave N
Nashville, Davidson County, Tennessee 37208

CLINT ELLIOTT SURVEY
1714 Hayes Street
Nashville, TN 37203
Date: 12/19/2018
(615) 436-5234

Scale: V-1.00

Property Information

1723 24th Avenue North
Nashville, Tennessee 37208
0.172± Total Acres

Owners of Record

C & H Properties, LLC
P.O. Box 90680
Nashville, Tennessee 37209

Surveyor

Beau Marshall Agee, RLS
1221 S. Hartmann Dr, Ste F
Lebanon, Tennessee 37090
Phone: 615-887-1371
Email: beauagee1@gmail.com

Council Info

Council District: 21
Council Member: Ed Kindall

Building Permit No.

Electric Service

Nashville Electric Service (NES)
1214 Church Street
Nashville, Tennessee 37208
615-747-6807

Gas Service

Nashville Gas (Piedmont)
615-734-0734

Water Service

Metro Water Service
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4598

Sewer Service

Metro Water Services
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4598

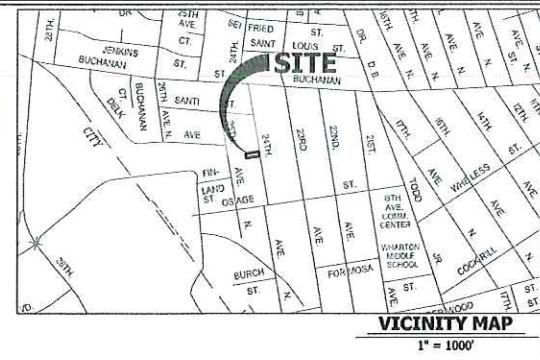
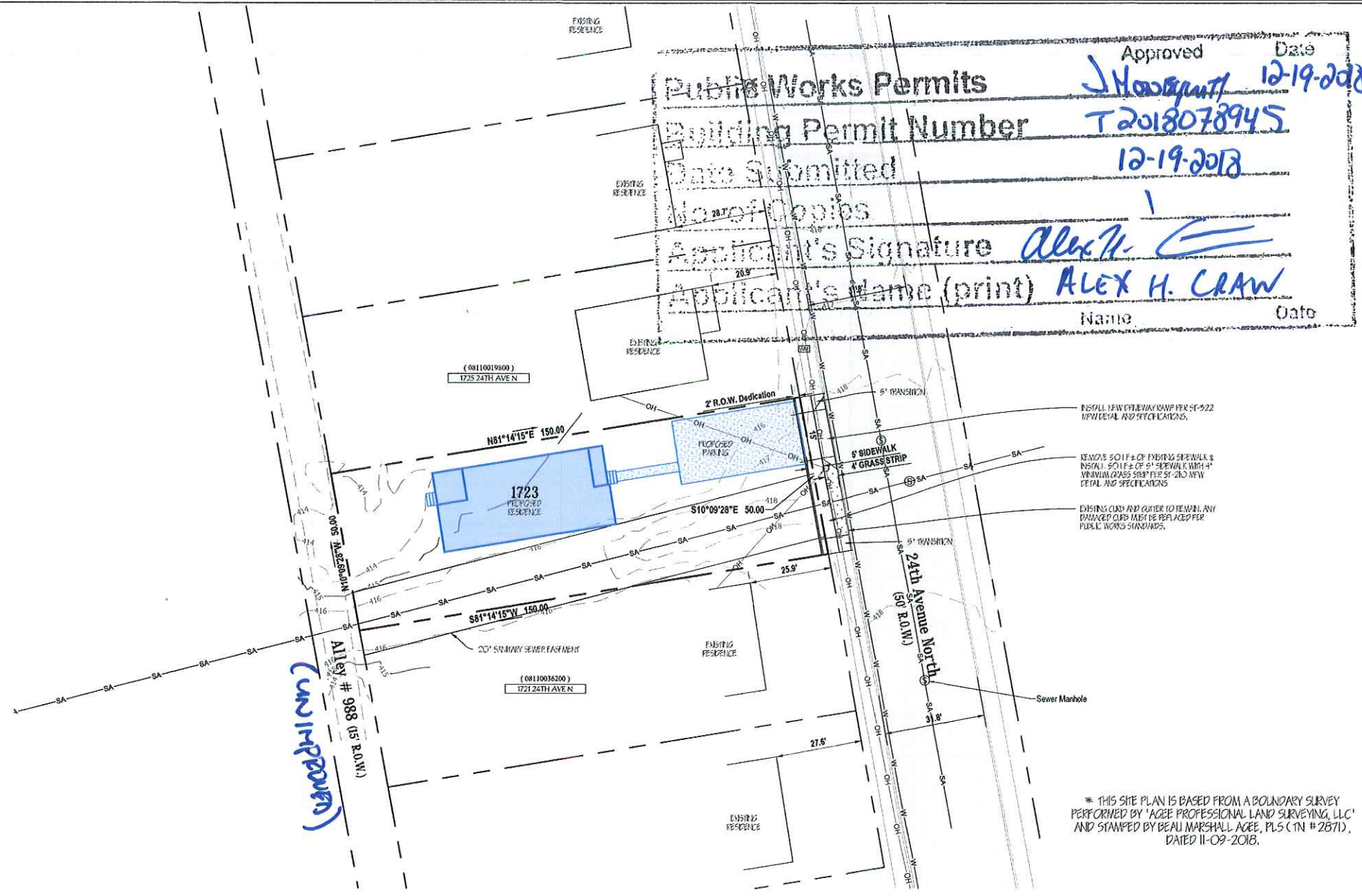
Telephone Service

Bellsouth
866-620-6000

Utility Location

Tennessee One-Call
800-351-1111

Approved Date *J. Houshart 12-19-2018*
Public Works Permits
Building Permit Number *T2018078945*
Date Submitted *12-19-2018*
No. of Copies *1*
Applicant's Signature *Alex H. Crow*
Applicant's Name (print) *ALEX H. CRAW*
Name Date



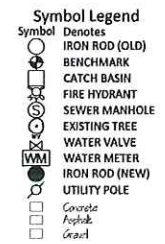
- Metro Public Works Notes:**
- There shall be no vertical obstructions within the sidewalk
 - The Contractor must call Public Works for a forms inspection at 615-456-3724 or 615-456-4095 prior to pouring concrete.
 - Sidewalk cross slope shall not exceed 2%.
 - Slopes from grading shall not exceed 3:1.
 - All construction within the right-of-way shall comply with the Americans with Disabilities Act (ADA) in effect at the time activities are performed.

- Surveyor's Notes:**
- 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.

MAP REFERENCE
Parcel ID for subject property is (0811004200) on Davidson County Property Map.

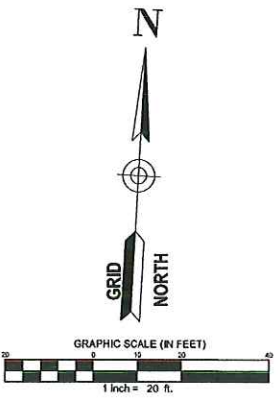
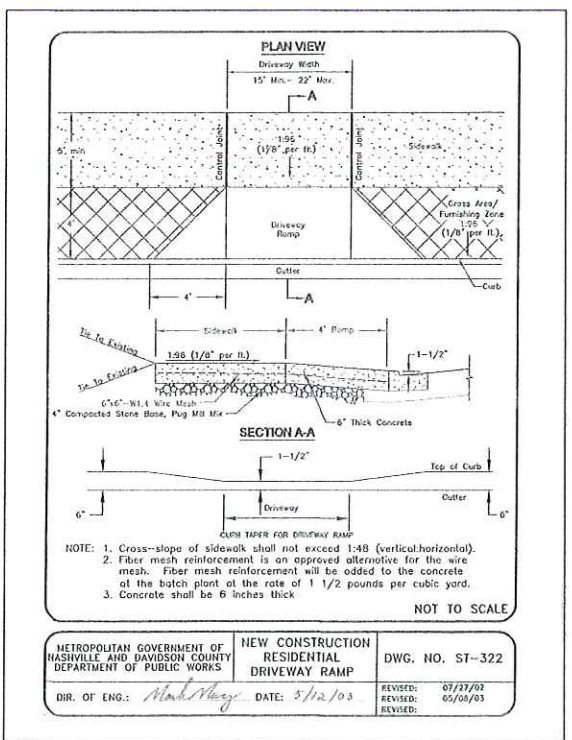
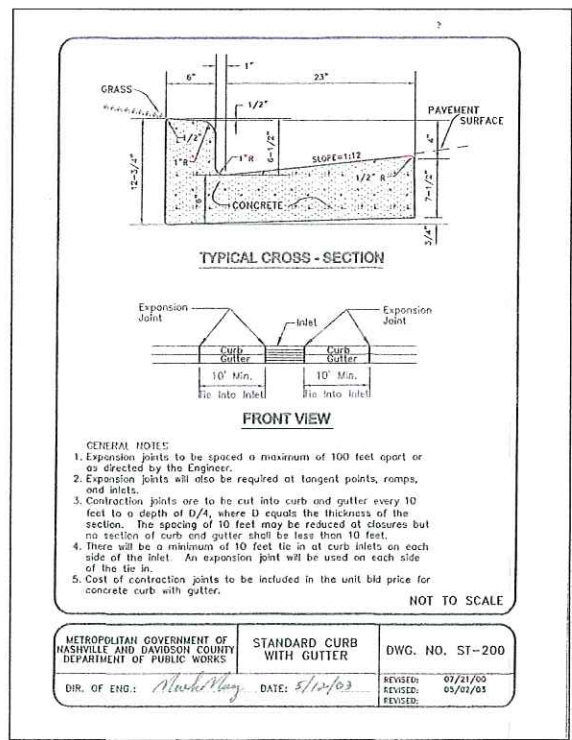
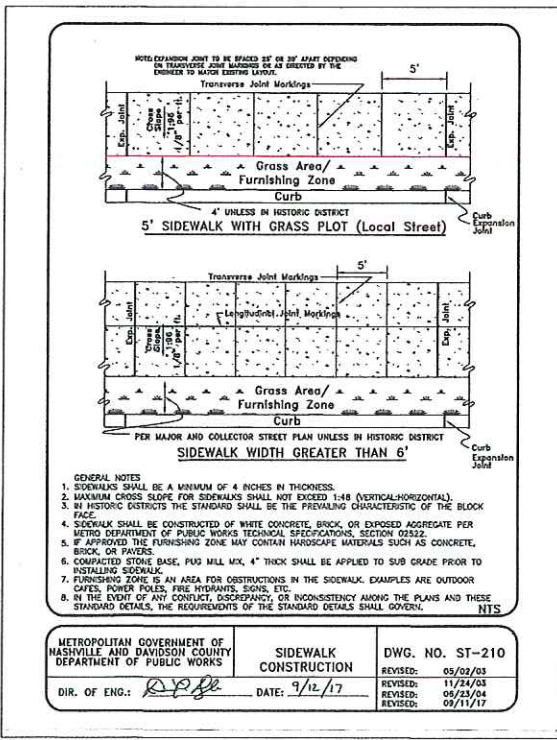
DEED REFERENCE
Owner: C & H Properties, LLC as of record in DB-20181026-0106369 Registers Office, Davidson County, Tennessee.

PLAT REFERENCE
Being Lot # 127 on the Map of Cobb's Subdivisions of Lot No. 6 of the Subdivision of Harling Bosley Tract, as of record in Book 161, Page 155, Register's Office for Davidson County, TN.



Public Sidewalk Improvement Plan
1723 24th Ave N
Nashville, Davidson County, Tennessee 37208

1714 Hayes Street
Nashville, TN 37203
elliotts@survey.com
(615) 490-3236

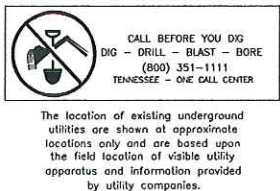


Rev.	Date	Revision Description

Issue Date: 12-10-2018
Project ID: 1723 24th Ave N
Drafted By: CH
Checked By: CH

Sheet Title:
Public Sidewalk Improvement Plan

Sheet No.
V-1.00



The location of existing underground utilities are shown at approximate locations only and are based upon the field location of visible utility apparatus and information provided by utility companies.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-119 (1723 24th Avenue North)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street Standard
Requested Variance:	Not upgrade sidewalks; contribute in lieu of construction (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	1000' from #22 – Bordeaux
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a new single family structure on the property and requests a variance from sidewalk construction due to a 96" sewer line that runs through the left side of the property. The applicant requests instead to contribute in lieu of constructing sidewalks. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip currently exists along the property frontage which is consistent with adjacent parcels to the north and south.
- (2) Metro Water recommends against constructing sidewalks on the property because of impacts to an existing mayor sewer line.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of constructing sidewalks along the property frontage.
3. The applicant shall dedicate right-of-way along the property frontage to accommodate a future 4' grass strip and 5' sidewalk.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF WASHINGTON, DEALE AND DAVIDSON COUNTY



Appellant : Jacob Bender

Date: 2-13-19

Property Owner: Jackson valley Land Partners

Case #: 2019-131

Representative: Jacob Bender

Map & Parcel: 072161E00100C0

Council District 1

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

Purpose:

Proposed HPR

Activity Type: _____

Location: 1525 Preston Drive 1527 Preston 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:

a variance from sidewalk requirements

Section(s):

17.20.120

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

Jacob Bender
Appellant Name (Please Print)

Same
Representative Name (Please Print)

6121 Nolensville Pike
Address

Address

Nashville TN 37211
City, State, Zip Code

City, State, Zip Code

615-831-3900
Phone Number

Phone Number

Jacob@TouchStonebuildersInc.com
Email

Email

ZE: WM

Appeal Fee: \$100



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



3603876

**ZONING BOARD APPEAL / CAAZ - 20190008980
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 072161E00100CO

APPLICATION DATE: 02/13/2019

SITE ADDRESS:

1525 PRESTON DR NASHVILLE, TN 37206
UNIT A PRESTON DRIVE COTTAGES

PARCEL OWNER: JACKSON VALLEY LAND PARTNERS, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting a sidewalk variance for proposed HPR duplex per METZO section 17.20.120.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

2-8-19
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?

NES Power poles are in the sidewalks. It is impossible to move one pole alone, NES engineer says it has to be all poles. Attached letter goes into more detail.

Handwritten response area consisting of multiple horizontal lines for text entry.

Zoning appeal.

Metro board of zoning appeals,

At the address stated, 1525 and 1527 Preston Drive Nashville TN, we believe that the construction of sidewalks at the public right of way per each house are not necessary due to NES power pole hardship locations, along with the presence of sidewalks on the other side of the street and the nonexistent sidewalks on our side of the street.

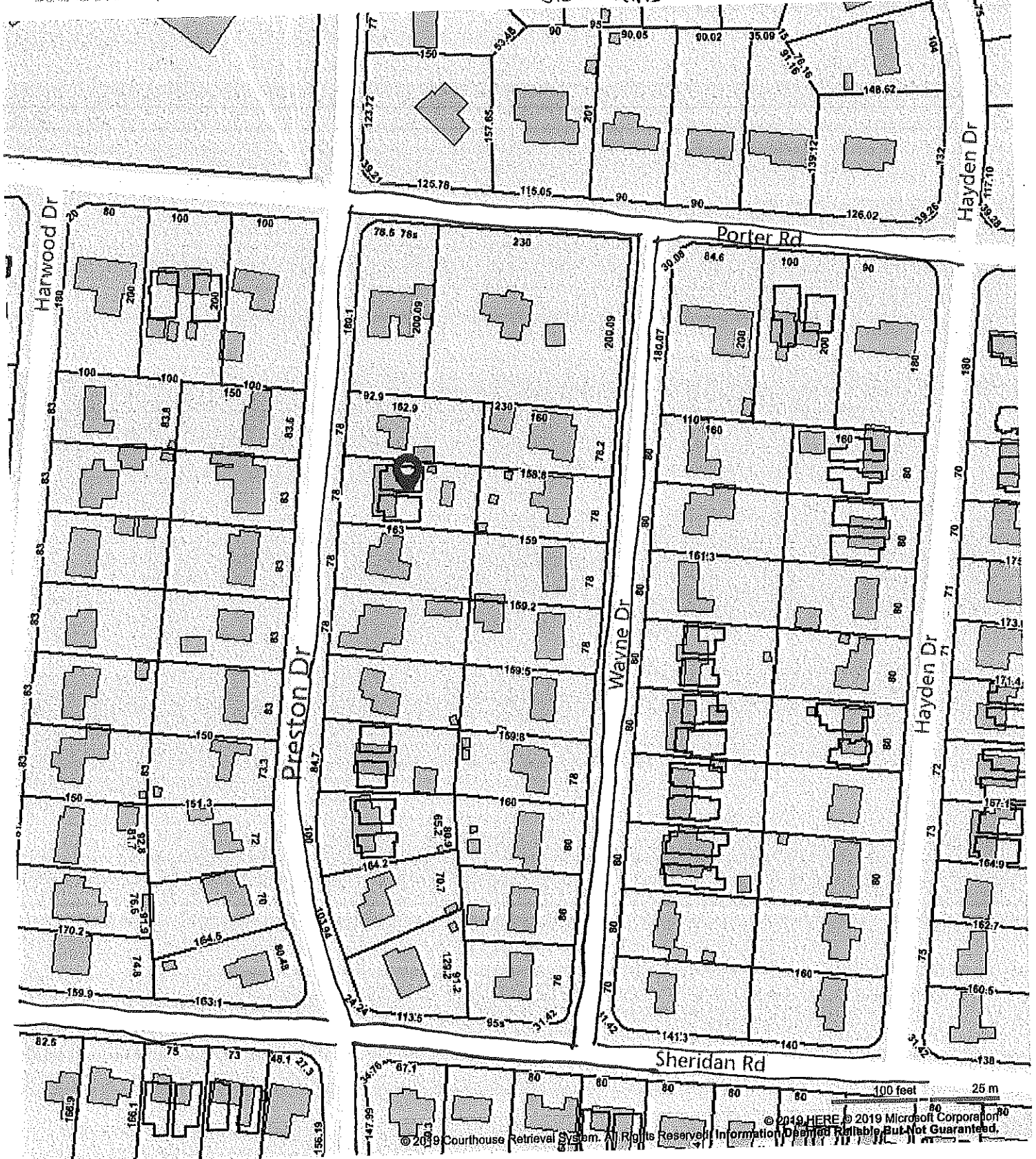
Our houses sit on the East side of Preston Drive, on this street the way NES has installed the power poles that service both sides of Preston Drive is a row of power poles that line the street. While pulling our permits on the construction of our houses, public works wants sidewalks installed at the front of our houses. Public works wants us to install curb and gutter, along with a grass strip, sidewalk and another grass strip. If this is to be done according to the standards set by public works one of the NES power poles will have to be moved. I have discussed this with an NES Engineer, Tim Ramey, and in his opinion, it cannot be done. In order to move one pole on this side of the street, all power poles on this side of the street along with poles on the other side of the street would have to be moved. This is due to the nature of how the poles are aligned to service the houses along with the lack of slack in the power lines. Moving one pole alone cannot be done according to the NES engineer.

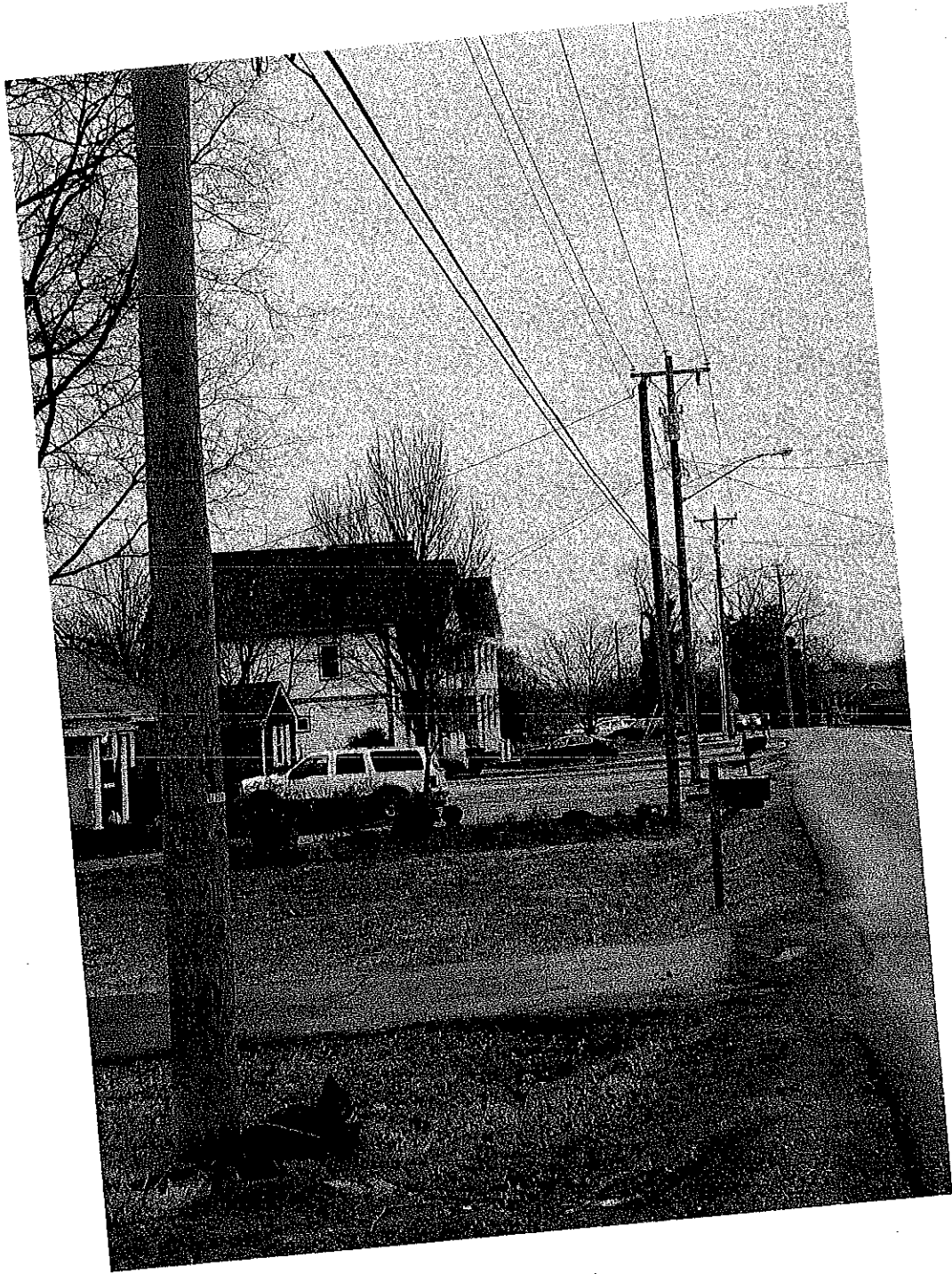
Also, there are currently already sidewalks built and established on the west side of Preston drive along with the west side Stratford avenue.

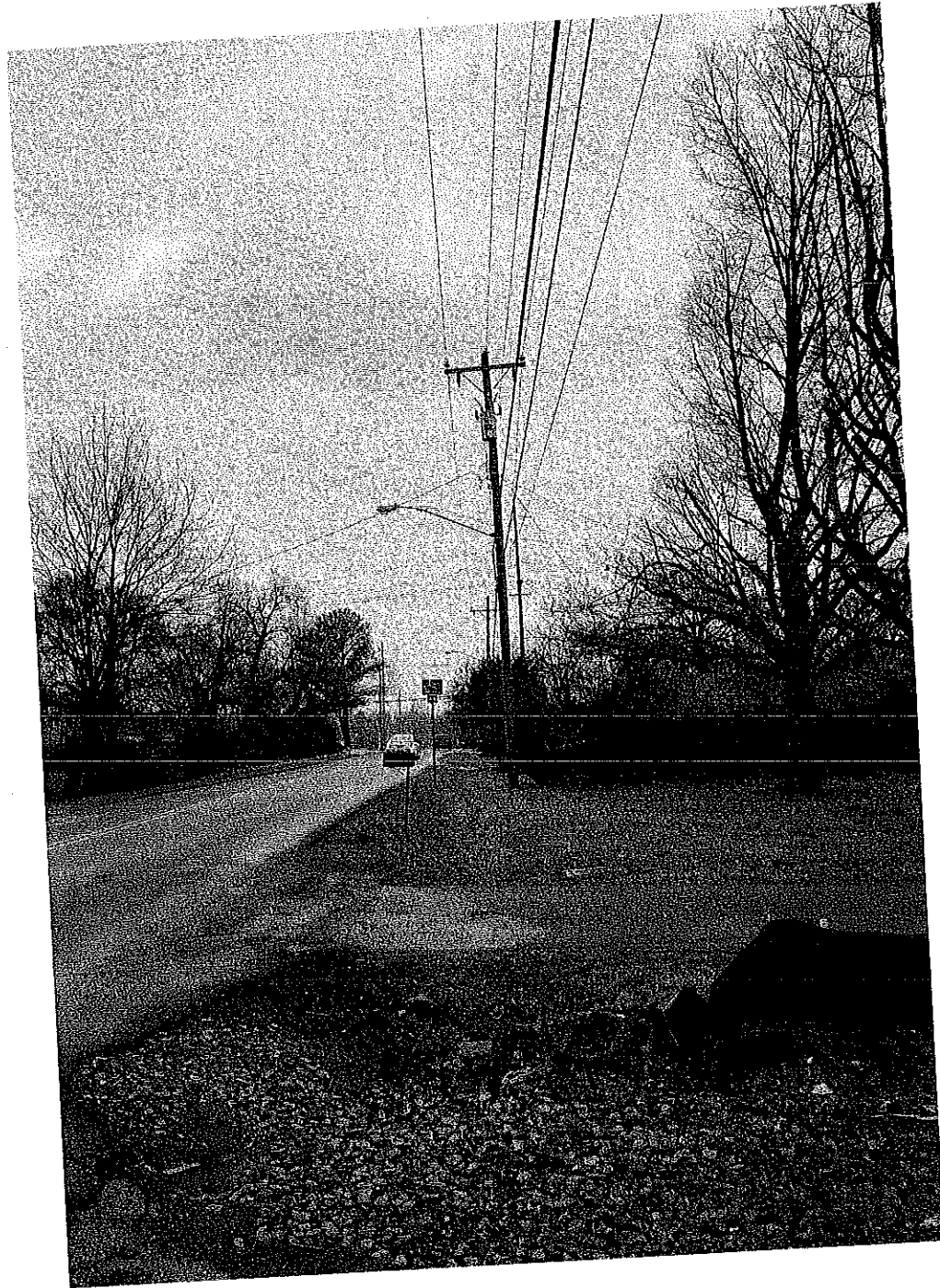
Map for Parcel Address: 1525 Preston Dr Nashville, TN 37206-1237 Parcel ID: 072-16-0-180.00



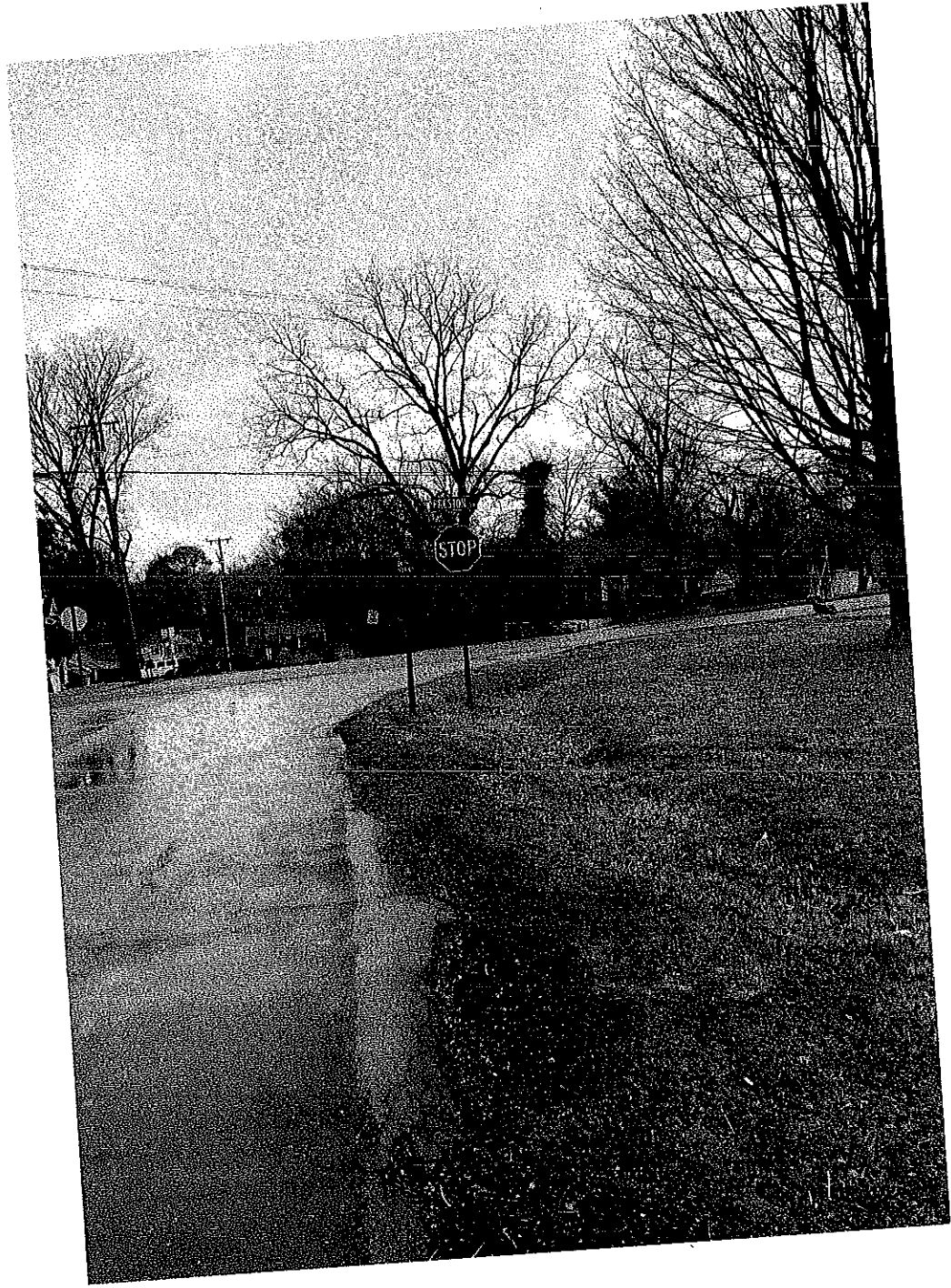
■ - No Sidewalks
□ - Sidewalks

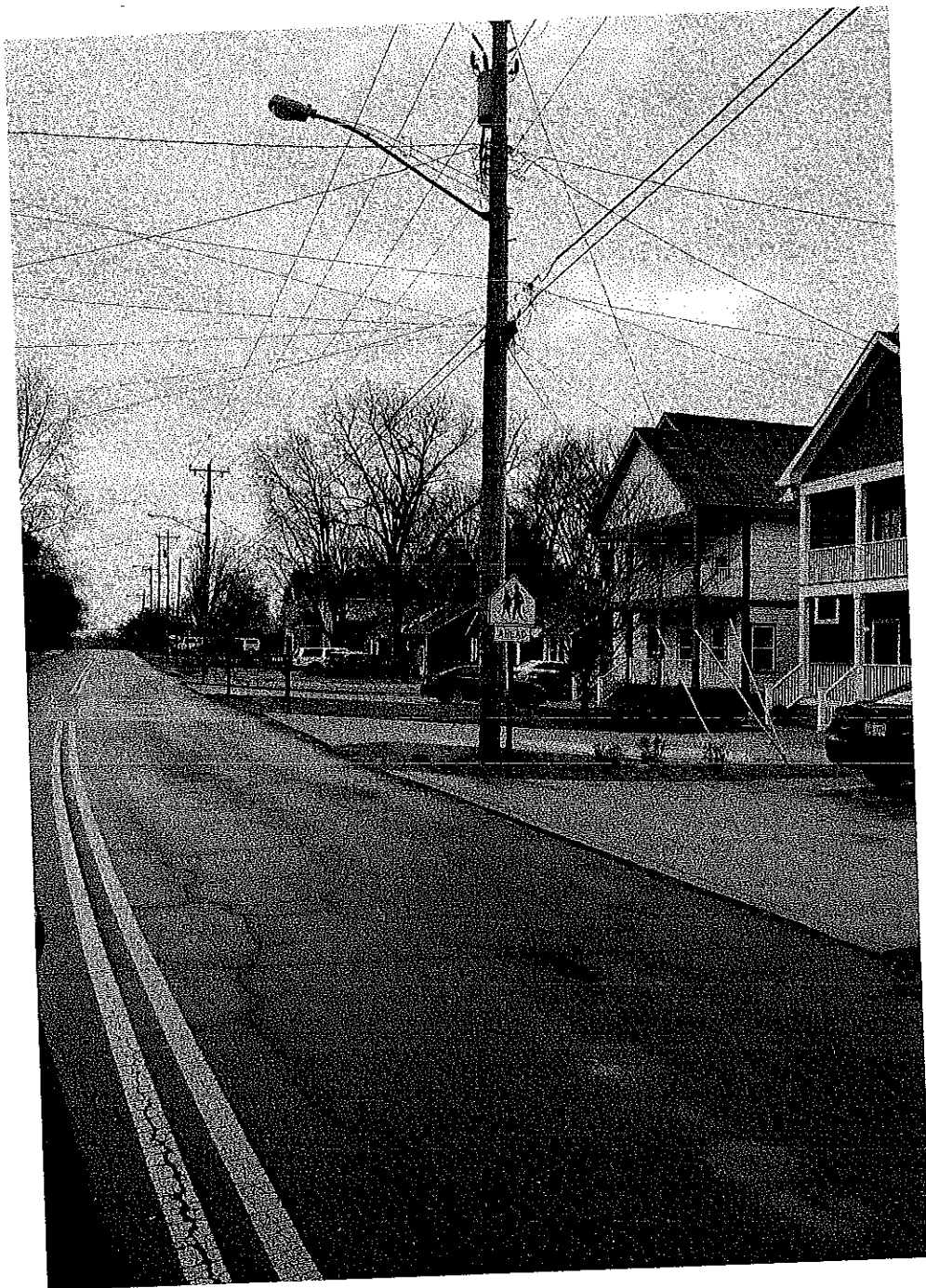


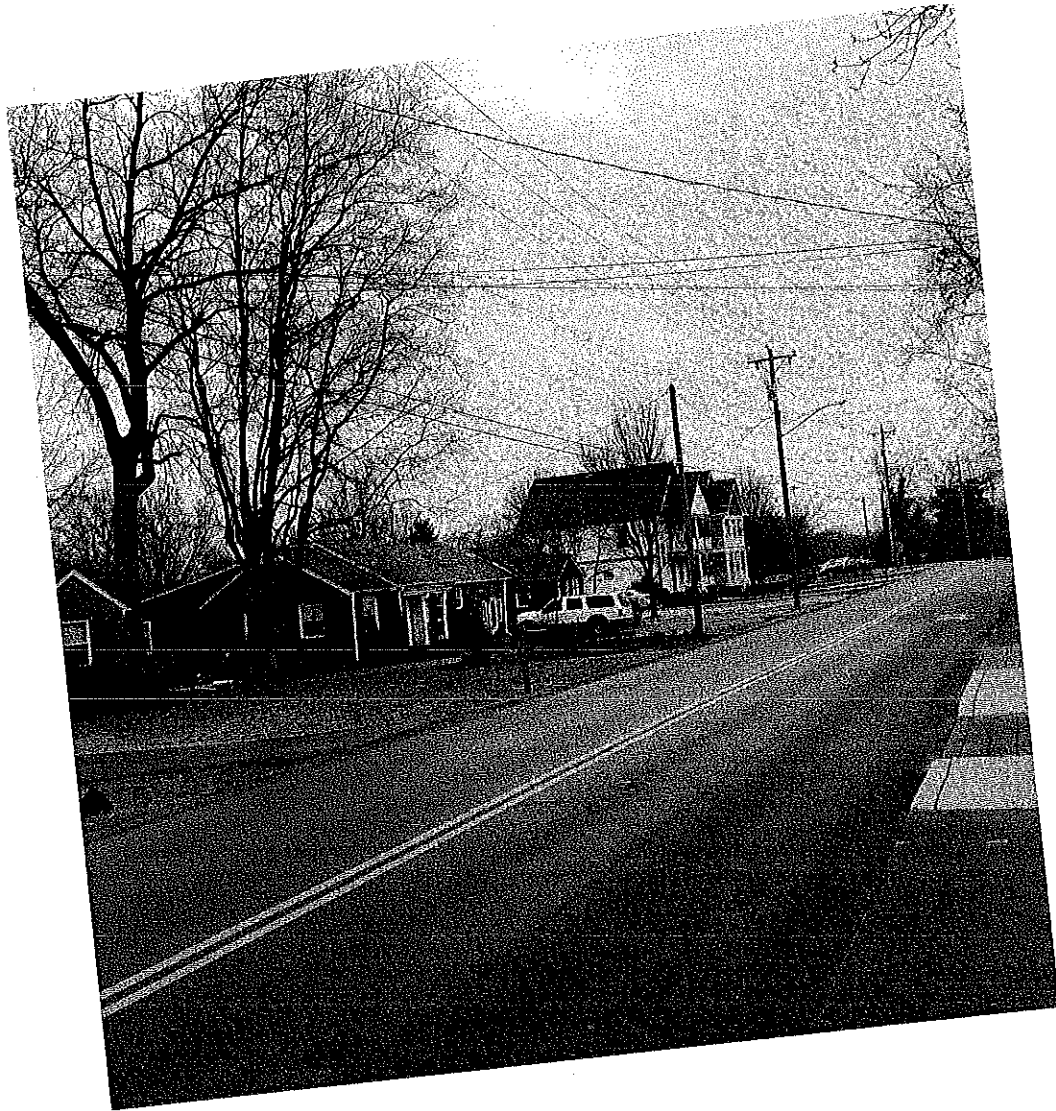


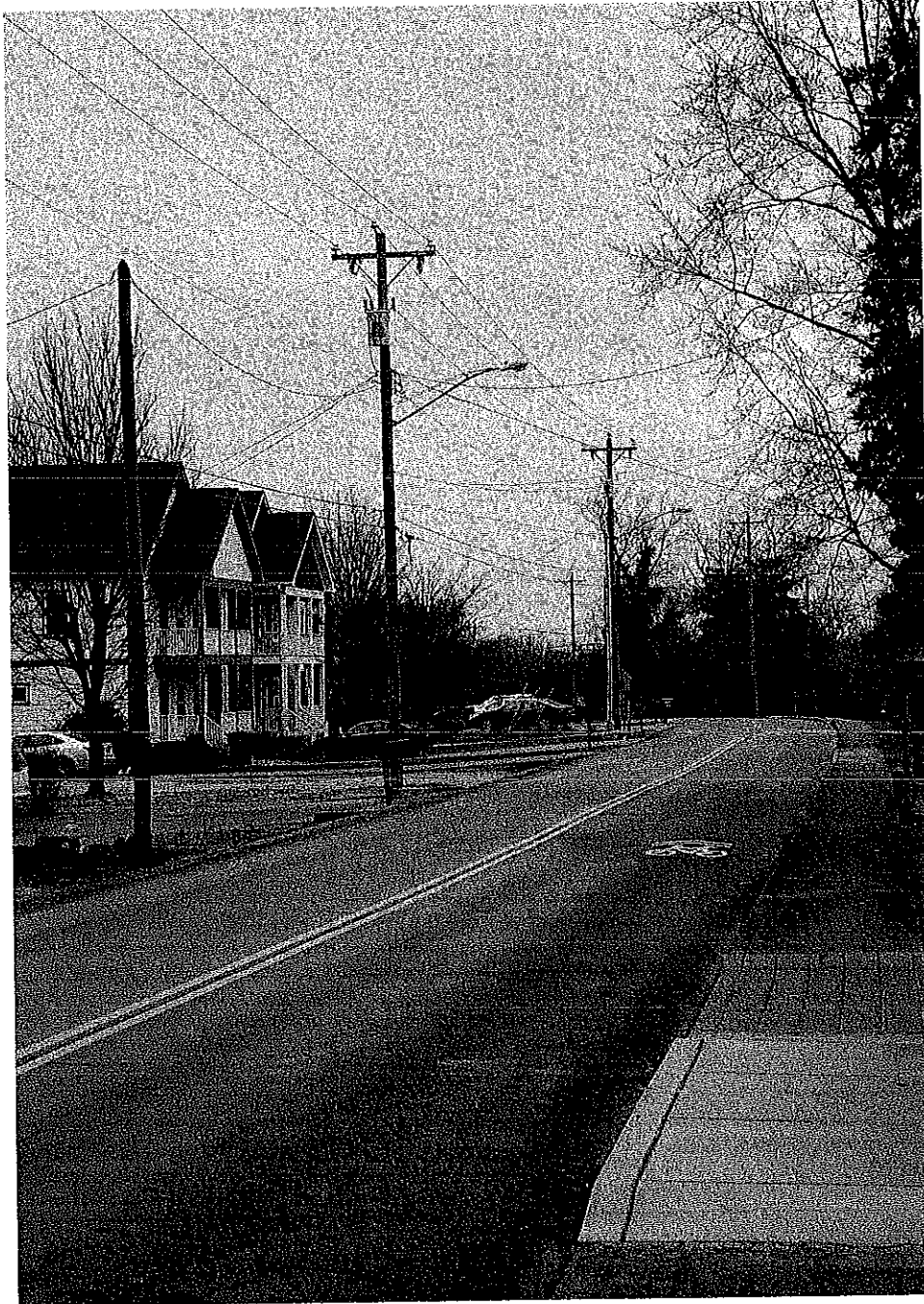


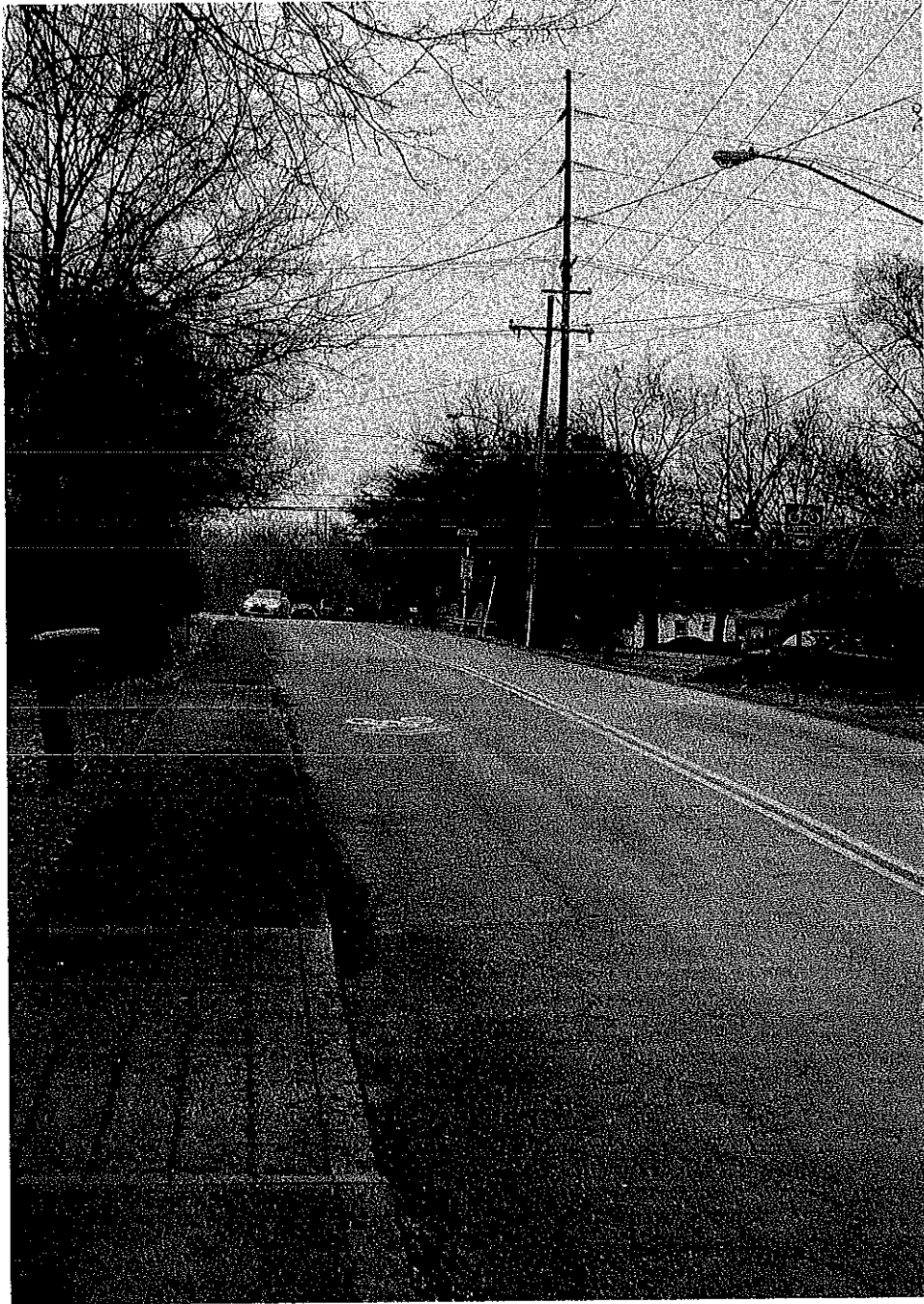






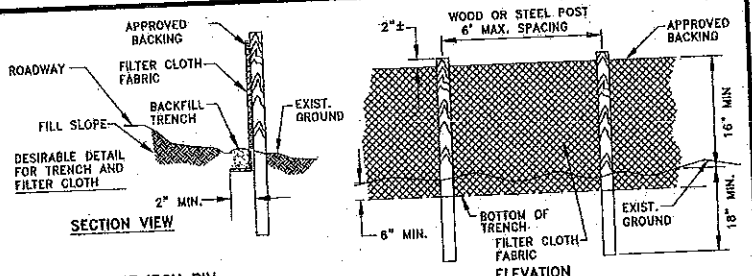
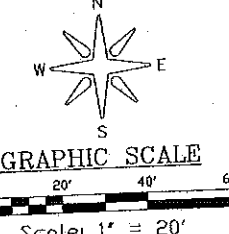




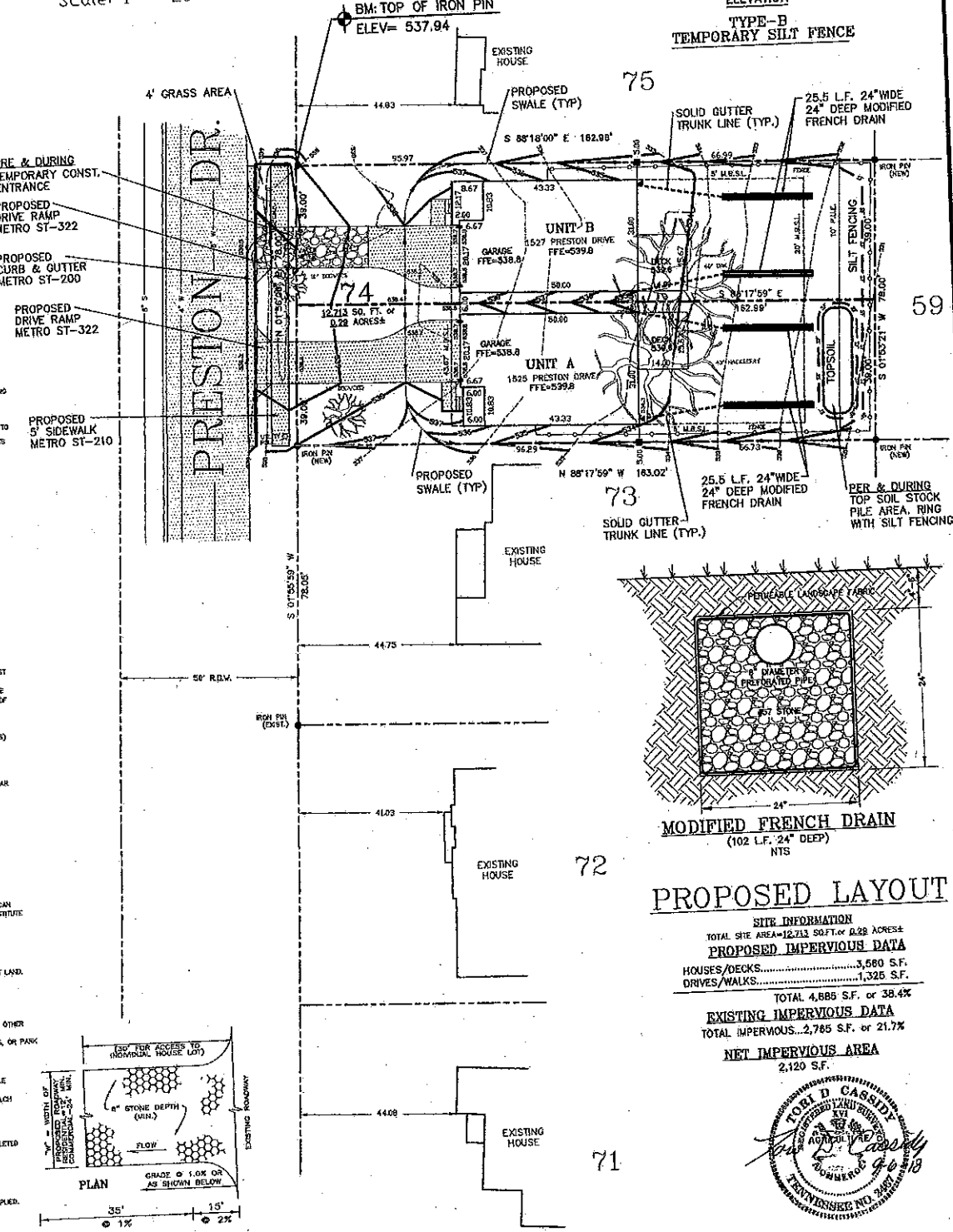


STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FOR GRADING, EROSION AND SEDIMENT CONTROL FOR THE UNPAVED SWALE OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED FROM TO THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL INSURVED AREAS ARE RESTORED TO THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS, ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OF EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE OR COMPATIBLE DROUGHT-TOLERANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE THE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE WORK IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEP AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONSTRUCTION SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW EXCAVATION STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REPAIR IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASHING. PROVIDE A CONCRETE TRUCK WASH TRAP WITH A DRAINAGE SYSTEM. ALL CONCRETE TRUCKS SHALL BE WASHED AND CLEANED AT THE SITE. THE WASH WATER SHALL BE COLLECTED IN A DRAINAGE SYSTEM AND SHALL NOT BE DISCHARGED TO ANY ADJACENT WATERWAY OR TO THE GROUND. WASTE PRODUCTS SUCH AS GREASE, OIL, PAINTS, SOLVENTS, FERTILIZERS, HERBICIDES & PESTICIDES, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE RESTRICTIONS TO DIVERTS AND SUBCONTRACTORS REGARDING THE STORAGE OF PAINTS AND SOLVENTS. ALL PAINTS AND SOLVENTS SHALL BE STORED IN A SECURE, LOCKED CONTAINER AND SHALL BE REMOVED FROM THE SITE IMMEDIATELY AFTER THE PROJECT IS COMPLETED.
 - C. HAZARDOUS WASTE MANAGEMENT: PROVIDE RESTRICTIONS TO DIVERTS AND SUBCONTRACTORS REGARDING THE STORAGE OF HAZARDOUS WASTE PRODUCTS. ALL HAZARDOUS WASTE PRODUCTS SHALL BE STORED IN A SECURE, LOCKED CONTAINER AND SHALL BE REMOVED FROM THE SITE IMMEDIATELY AFTER THE PROJECT IS COMPLETED.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS OR PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER EROSION CONTROL MEASURES ARE INSTALLED. VEGETATION (USING NATIVE PERENNIALS AND WOODY PLANTS WHERE PRACTICABLE) OR OTHER EROSION CONTROL MEASURES SHALL BE INSTALLED ANY PERMANENTLY STABLE, NON-EROSIVE SURFACE SHALL REMAIN ANY TEMPORARILY STABLE, NON-EROSIVE SURFACE SHALL REMAIN UNTIL PERMANENT STABILIZATION MEASURES ARE INSTALLED. TEMPORARY STABILIZATION MEASURES MAY INCLUDE, BUT NOT BE LIMITED TO, SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO DIVERT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LEAST RISKY AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE. MUST BE IMPLEMENTED, SUCH PRACTICES MAY INCLUDE, BUT NOT BE LIMITED TO, DRAINAGE SWALES, SWALE TRAPS, CHECK DAMS, GROUNDWATER DRAINS, PIPE SLOPE DRAINS, STORM DRAIN INLET PROTECTION, ROOF OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND DAMS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS SUCH AS REINTERMITTENT SHOWERS OVER THE COURSE OF SEVERAL DAYS) AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER, AND AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS. INSPECTIONS MUST BE CONDUCTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, THE DATES OF THE INSPECTIONS, THE QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTIONS, THE DATES OF THE INSPECTIONS, MAKE OBSERVATIONS RELATIVE TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION) OF DISTURBANCES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESCRIBED ON PROVIDED INDICATOR FOR A PARTICULAR LOCATION). BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN NEED OF REPAIR MUST BE REPLACED OR MODIFIED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT STORM EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.



PRE & DURING TEMPORARY CONST. ENTRANCE
PROPOSED DRIVE RAMP METRO ST-322
PROPOSED CURB & GUTTER METRO ST-200
PROPOSED DRIVE RAMP METRO ST-322
PROPOSED 5' SIDEWALK METRO ST-210



PROPOSED LAYOUT

SITE INFORMATION
TOTAL SITE AREA=12,713 SQ.FT. 0.28 ACRES

PROPOSED IMPERVIOUS DATA	
HOUSES/DECKS	3,580 S.F.
DRIVES/WALKS	1,325 S.F.
TOTAL	4,885 S.F. or 38.4%

EXISTING IMPERVIOUS DATA	
TOTAL IMPERVIOUS	2,785 S.F. or 21.7%
NET IMPERVIOUS AREA	2,120 S.F.



POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

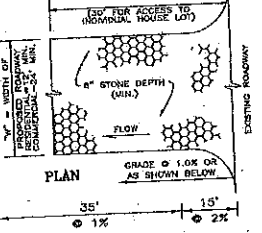
- 1.1 SLOPES SHOWN HEREON TO BE SLOPED FOR STABILIZATION
 - 2.1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GREEN SOIL BINDER CONTROL GRANULES OR APPROVED SUBSTITUTE STABLE PARTIAL "S".
- HOUSE EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
- IS WITHIN 500 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 15% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION NEAR TREES MARKED FOR PRESERVATION
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PAVE WITHIN 5 FEET OF THE TREE TRUNK.

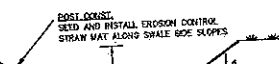
REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS SOON AS PRACTICABLE WITH TEMPORARY VEGETATION ANY/OR MULCHING TO PROTECT EXPOSED SOILS. AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BALES OF STRAW PER 1,000 SQ. FT.
- MULCH REQUIRED, BUT HIGHLY RECOMMENDED
 - INSTALL AS SOON AS OUTLETS AND DOWN SPOUTS ARE COMPLETED
 - ROUTE WATER TO A GRASSED AREA
 - MAINTAIN UNTIL A LAWN IS ESTABLISHED
- EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN
DO NOT
ALL DISTURBED AREA TO BE SEEDING AND STRAWED OR SOO APPLIED.



FRONT SETBACK AVERAGE

LOT #75	44.83
LOT #73	44.75
LOT #72	41.03
LOT #71	44.08
AVERAGE	174.69/4=43.67



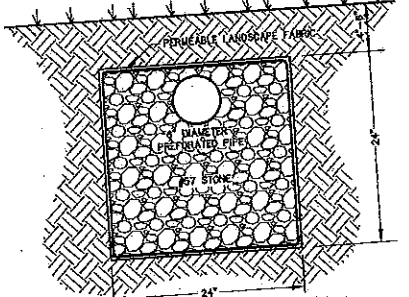
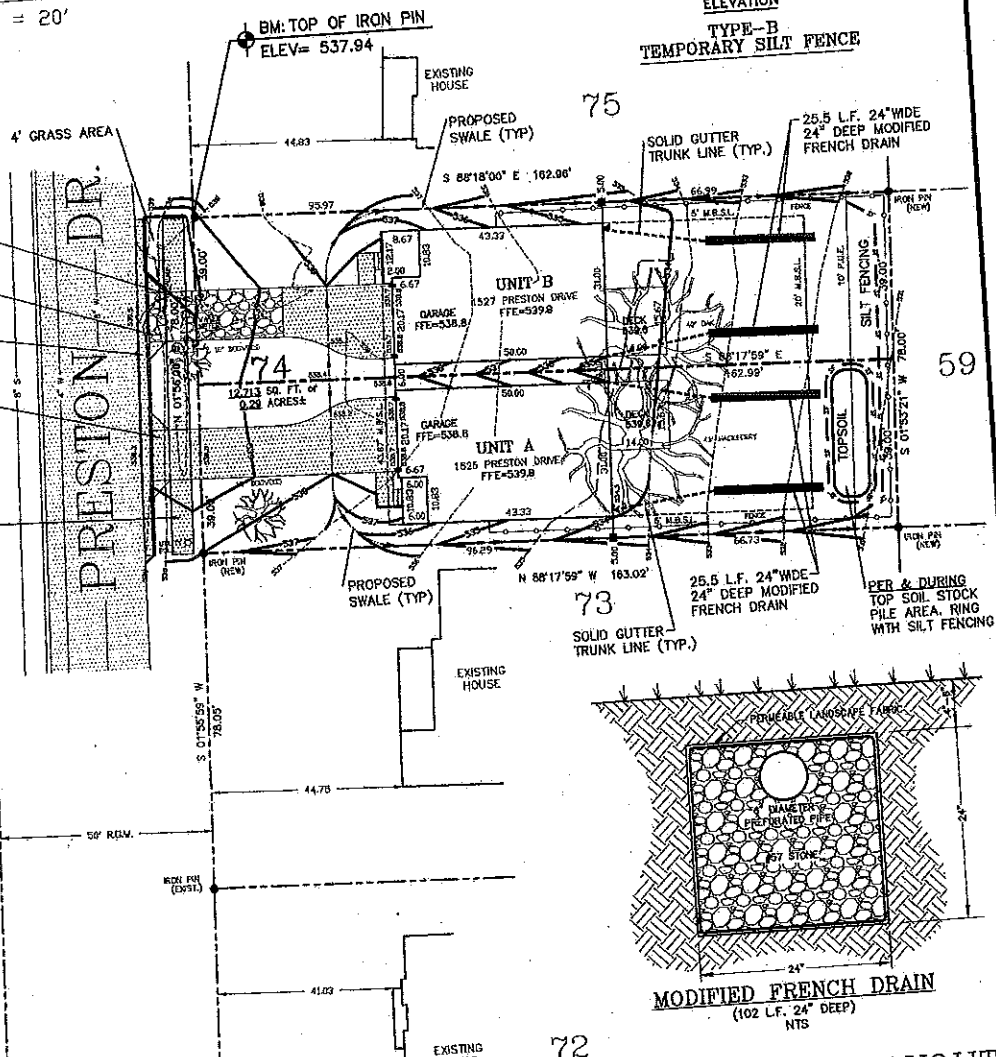
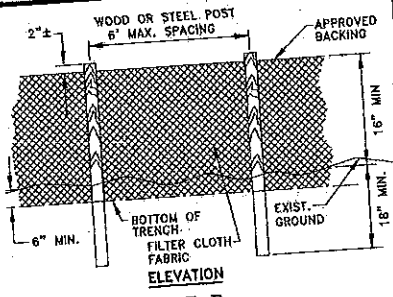
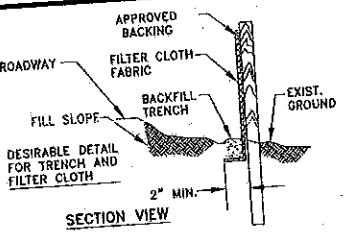
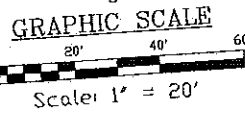
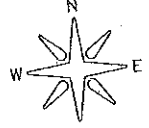
SITE GRADING PLAN
LOT NO. 74
PART TWO
PORTER HEIGHTS SUBDIVISION
1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206

Delta Associates INCORPORATED
Design - Surveying
7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

SCALE: 1" = 20'	DRAWN BY: YOC	DATE: 9-5-18	DRAWING NO.:
	CHECKED BY: RCL	RIP NO. 18-007P-1525	1 OF 2

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STREAM WATER QUALITY ACTS FOR GRADING, EROSION AND SEDIMENT CONTROL, FOR THE MEASURES GIVEN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY WORK. CONTRACTOR SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DIRECTION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF AT THE DIRECTION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE OR COMPARABLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEP AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW BRUSHING STRUCTURE OPERATIONS IMMEDIATELY AFTER THE STRUCTURE OPERATIONS ARE COMPLETED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL MAINTAIN HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: THE CONTRACTOR SHALL PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR PROVIDE A DESIGNATED AREA FOR THE STORAGE OF EXCESS CONCRETE. CONCRETE SHALL BE STORED IN THIS AREA UNTIL IT IS CURED. AT NO TIME SHALL A CONCRETE CURING CURB AND CLEAN UP AREA BE USED TO CONTROL RUNOFF AND WASTE FOR CURING OF HANDLED CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE PROTECTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING PROTECTIVE CLOTHING AND RESISTANT SHOES. STORAGE, USE AND REDUCTION OF POLLUTANTS FROM PAINTS, STAINERS, AND OTHER PRODUCTS. CLEAN UP, WIPED OFF FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE RELEASE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE OVERLAINING TOPSOIL. PROPER WASTE USE, STORAGE, AND HANDLING OF POLYMERIZING HAZARDOUS WASTE PRODUCTS. COORDINATE WITH THE CITY STREET DRAINAGE AND CURB AND CLEAN UP AREA. WASTE SHALL BE STORED IN A CONTAINER WITH A LID AND LABELS. WASTE SHALL BE STORED IN A CONTAINER WITH A LID AND LABELS. WASTE SHALL BE STORED IN A CONTAINER WITH A LID AND LABELS.
12. STABILIZATION MEASURES MUST BE WEARED WITHIN SEVEN (7) DAYS OR PERIODS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER SEPARATION. PERMANENT STABILIZATION WITH PERMANENT VEGETATION (SHOULD HAVE PERMANENTLY STABLE, HIGH-EROSION RESISTANT SURFACE) SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION MEASURES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO PREVENT OR STOP FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LAMB PROPERTY AND THE DISPENSURE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE: SILT FENCES, EARTH DICES, DRAINAGE SWALES, SEDIMENT TRAPS, DITCH BANKS, SUBSURFACE DRAIN, PIPE SLOPE PROTECTION, STORM DRAIN INLET PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL, RETAINING SYSTEMS, AND GASOLIN.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS SUCH AS INTERMITTENT SHOWERS OVER ONE OR MORE DAYS), AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF ONE INCH OR GREATER AND AT LEAST ONCE EACH FOURTEEN (14) CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE: GUIDELINES OF PERSONNEL, NATURE OF THE INSPECTION, THE DATES OF THE INSPECTION, MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION OF DISTURBANCES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNATED OR PROVIDED INADEQUATE FOR A PARTICULAR LOCATION). BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN NEED OF REPAIR MUST BE REPAIRED OR MODIFIED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.

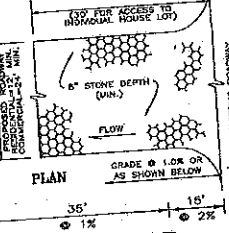


POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

- 31 SLOPES SHOWN HEREIN TO BE STABILIZED WITH NORTH AMERICAN GREEN SOLO DRAGON CONTROL BLANKET OR APPROVED SUBSTITUTE STAPLE PATTERN "D".
- NOISE EXTRA MEASURES MAY BE NEEDED IF:
 - IS WITHIN 300 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 12% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHEREVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION NEAR TRACES MARKED FOR PRESERVATION.
 2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PARK VEHICLES NEAR TRACES MARKED FOR PRESERVATION.
- REVEGETATION NOTES**
- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BALES OF STRAW PER 1,000 SQ. FT.
- NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - INSTALL AS SOON AS CUTTERS AND DOWN SPOUTS ARE COMPLETED
 - ROUTE WATER TO A GRASSED AREA
 - MAINTAIN UNTIL A LAWN IS ESTABLISHED
- EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN UNLESS ALL DISTURBED AREA TO BE SEEDING AND STRAW OR SOG APPLIED.



FRONT SETBACK AVERAGE

LOT #75.....	44.83
LOT #73.....	44.75
LOT #72.....	41.03
LOT #71.....	44.08
Average	43.67

SITE GRADING PLAN LOT NO. 74 PART TWO

PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206

PROPOSED LAYOUT

SITE INFORMATION

TOTAL SITE AREA-12,713 SQ.FT. OR 0.29 ACRES	
PROPOSED IMPERVIOUS DATA	
HOUSES/DECKS.....	3,560 S.F.
DRIVES/WALKS.....	1,325 S.F.
TOTAL 4,885 S.F. OR 38.4%	
EXISTING IMPERVIOUS DATA	
TOTAL IMPERVIOUS.....	2,785 S.F. OR 21.7%
NET IMPERVIOUS AREA	2,120 S.F.



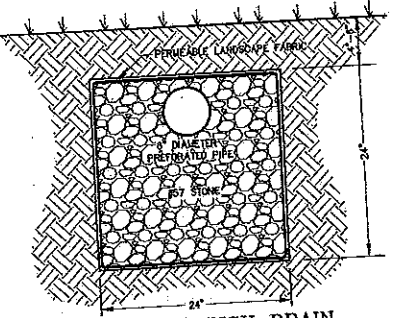
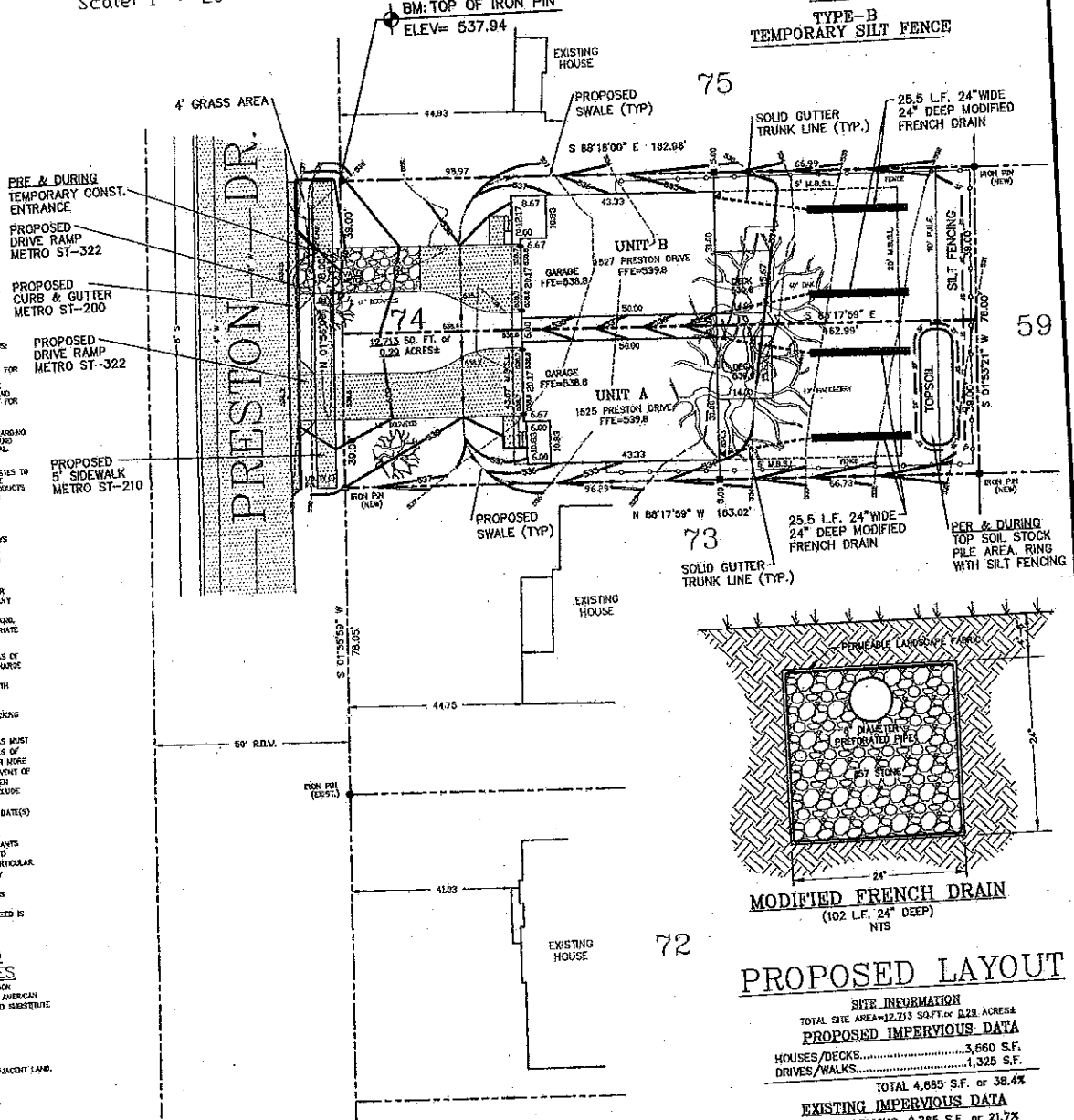
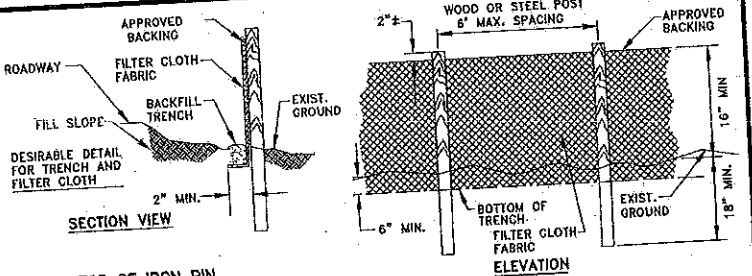
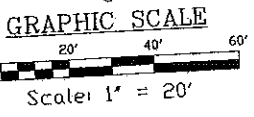
Delta Associates INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

DATE: 11-20-20	DRAWN BY: TDC	DATE: 8-5-18	DRAWING NO.:
CHECKED BY: BOL	APP NO. 18-00770-1825		1 OF 2

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY EROSION WATER ORDINANCE FOR GRADING, EROSION AND SEDIMENT CONTROL FOR THE WEATHERS SHOWN ON STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE START OF ANY OTHER CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WATER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO THE DESIGN OF A REPRESENTATIVE OF THE APPROPRIATE COVERING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE COVERING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MONITORING OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS, ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE 1 COMPATIBLE DROUGHT-PERSISTENT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT BARREN OVER THE WATER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE WILL BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEP AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE OPERATIONS IMMEDIATELY AFTER THE STRUCTURE GRADING IS COMPLETED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REPAIR IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASHOUT DISPOSE OF WASHOUT MATERIAL TO WASTE OFFSITE. AT NO TIME SHALL WASHOUT MATERIAL BE PLACED IN OR NEAR GUTTER OR TRUNK LINE ARE, BUT NOT LIMITED TO PARTS & EXHAUSTS, FUEL, OIL, GREASE, ANTIFREEZE, COOLANTS, SOLVENTS, PETROLEUM PRODUCTS, FLUORIDES, ANTACIDS, AND CONCRETE CURING PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE RESTRICTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING THE POSITION OF PAINTS AND PAINTING MATERIAL STORAGE. USE AND CLEAN UP. INSPECT WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE RELEASE OF POLLUTANTS FROM HAZARDOUS WASTE TO THE CHANGE SYSTEMS THROUGH PROPER MATERIAL USE, WASTE DISPOSAL AND TRAFFIC. HAZARDOUS WASTE SHALL BE STORED IN A SECURE, LEAK-PROOF, 55-GAL. DRUMS, BUT NOT LIMITED TO PARTS & EXHAUSTS, FUEL, OIL, GREASE, ANTIFREEZE, COOLANTS, SOLVENTS, PETROLEUM PRODUCTS, FLUORIDES, ANTACIDS, AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER EARTHWORK. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (OR NATIVE GRASSES) OR OTHER PERENNIALS AND WOOD PLANTS WHERE PRACTICABLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO OVERTOP OR STORE FLOWS FROM AREAS OF LAND INSUFFICIENT TO PREVENT EROSION AND THE OCCURRENCE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE SOFT EROSION, EARTH LOGS, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SURFACE GRATING, PIPE, SLOPE DRUMS, STORM DRAIN BUILT PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND BARRIERS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS) OR AS INTERMITTENT SHOWERS OVER ONE (1) HOUR. STORM INSPECTIONS SHALL BE PERFORMED AT LEAST ONCE EVERY FORTY-EIGHT (48) HOURS OR OPERATING, AND AT LEAST ONCE EVERY FORTY-EIGHT (48) HOURS OR OPERATING. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE:
 - DATE OF INSPECTION, NAME(S) AND TITLE OF INSPECTOR(S)
 - QUANTIFICATION OF PERSONNEL AMONG THE INSPECTION, THE DATE(S) OF THE INSPECTION, WATER OBSERVATIONS RELATING TO THE REPRESENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS INTENDED OR PROVIDED INADEQUATE FOR A PARTICULAR LOCATION), BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE. NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE. NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE.
 - BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.



PROPOSED LAYOUT

SITE INFORMATION

TOTAL SITE AREA=12,713 SQ.FT. OR 0.29 ACRES

PROPOSED IMPERVIOUS DATA

HOUSES/DECKS.....3,660 S.F.

DRIVES/WALKS.....1,325 S.F.

TOTAL 4,985 S.F. OR 38.4%

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS...2,785 S.F. OR 21.7%

NET IMPERVIOUS AREA

2,120 S.F.



Delta Associates
INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

1. SLOPES BROWN HORIZON TO BE SEeded FOR STABILIZATION
2. SLOPES BROWN HORIZON TO BE STABILIZED WITH NORTH AMERICAN GREEN SOLO EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE STAPLE PATTERNS TO:

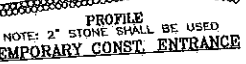
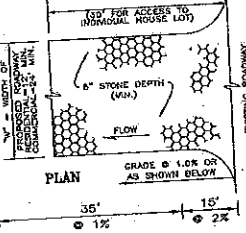
 - IS WITHIN 500 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (GRADE OF 10% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN INCH OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHEREVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PARK NEARBY TREES MARKED FOR PRESERVATION

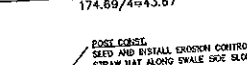
REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MACHING TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MACHING IS TO BE APPLIED AT THE RATE OF 2-3 BALS OF STRAW PER 1,000 SQ. FT.
- NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - INSTALL AS SOON AS OUTLETS AND DOWN SPOUTS ARE COMPLETED
 - ROUTE WATER TO A GRASSED AREA
 - MAINTAIN UNTIL A LAWN IS ESTABLISHED
- DO NOT REMOVE EXISTING TREES OUTSIDE LOTS OF GRADING TO REMAIN
- POST: ALL DISTURBED AREA TO BE SEeded AND STRAWED OR SOO APPLIED.



FRONT SETBACK AVERAGE

LOT #75.....	44.83
LOT #73.....	44.75
LOT #72.....	41.03
LOT #71.....	44.18
174.89/4=43.67	



SITE GRADING PLAN
LOT NO.74
PART TWO
PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206

SCALE: 1" = 20'

DRAWN BY: TDC	DATE: 8-5-18	DRAWING NO.
CHECKED BY: PDL	JOB NO.: 18-0770-1525	1 OF 2

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FOR EROSION AND SEDIMENT CONTROL. FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE CASSET OF ANY STORM. CONTRACTOR SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL RESTORED AREAS ARE STABILIZED. CONSTRUCTION OF EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. MEASURES MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS, ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REVEGETATION WITH NATIVE 1 COMPATIBLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE DETERMINED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC DURING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEPT AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REPAIR IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASHOUT FOR THE PROJECT. PROVIDE A TRUCK WASHOUT PIT. AT NO TIME SHALL A CONCRETE TRUCK WASHOUT PIT BE USED TO CLEAN THE TRUCK OR CITY STREET. ALL WASTE AND GUTTER INLETS INSPECT DAILY TO CONTROL RUNOFF AND WASHOUT FOR REMOVAL OF HARDENED CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE RESTRICTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE AND CLEAN UP. INSPECT WASTY EVIDENCE OF MATERIALS DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE DISPENSURE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE DRAINAGE SYSTEMS THROUGH PROPER HANDLING, USE, WASTE DISPOSAL AND TRAINING OF EMPLOYEES. HAZARDOUS WASTE PRODUCTS INCLUDING PAINTS, SOLVENTS, PETROLEUM PRODUCTS, PESTICIDES, HERBICIDES & FERTILIZERS, SOIL STABILIZING PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS OF PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER FINISHING. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (SUDDO GRASS, HERBACEOUS AND WOODY PLANTS WHERE PRACTICABLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MOWING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. EROSIONAL PRACTICES TO EXPORT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE: SALT FENCES, BATH DIGETS, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SURFACE DRAINS, PIPE SLOPE DRAINS, STORM DRAIN INLET PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND GABIONS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS SUCH AS PRECIPITATION SHOWERS OVER ONE OR MORE DAYS), AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER, AND AT LEAST ONCE EVERY FOURTEEN CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, MEASURES (AND THE TYPE OR QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION), THE DATE(S) OF THE INSPECTION, MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF OBSERVATIONS OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNED OR PROVIDED INADEQUATE FOR A PARTICULAR LOCATION), BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES BE REPAIRED MUST BE REPLACED OR MODIFIED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.

POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

- 3:1 SLOPES SHOWN HEREON TO BE SOODED FOR STABILIZATION
 - 2:1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GRASS SOILS EROSION CONTROL, BLANKET OR APPROVED SUBSTITUTE STABLE PATTERN "D".
- NOTE: EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
- IS WITHIN 300 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 12% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION. MARK TREES FOR PRESERVATION.
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PIPES, OR PANK WELLS NEAR TREES MARKED FOR PRESERVATION.

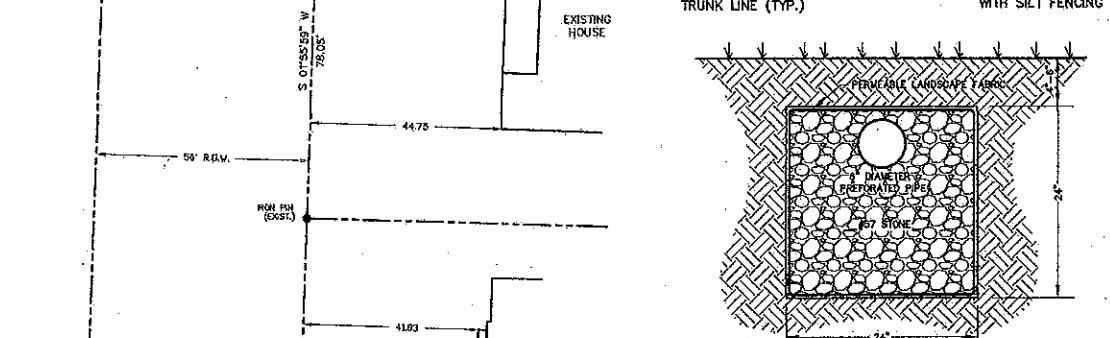
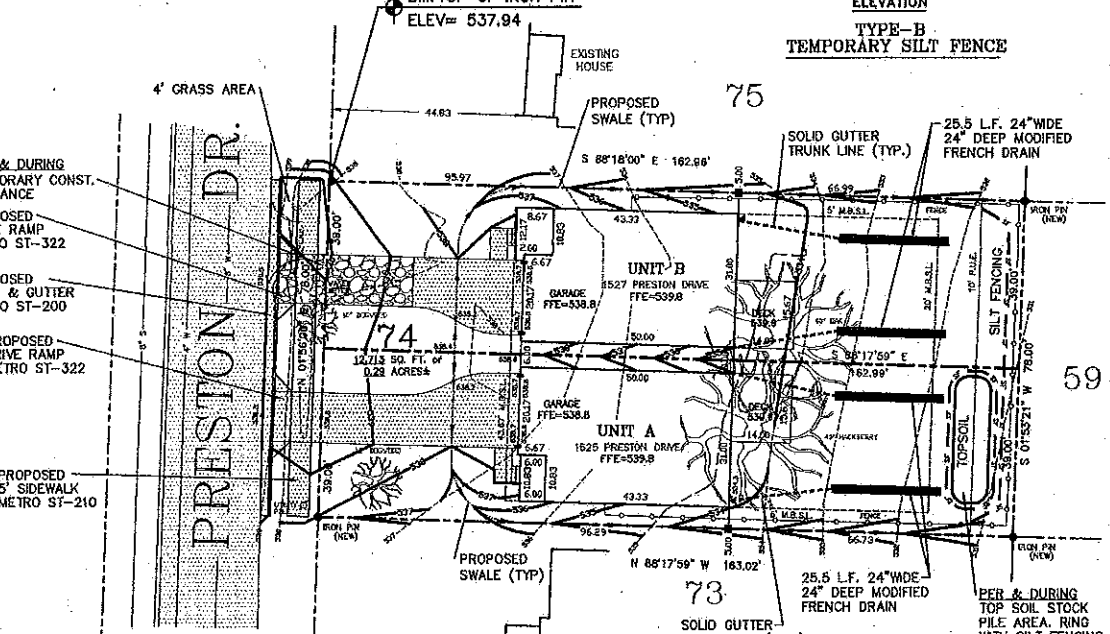
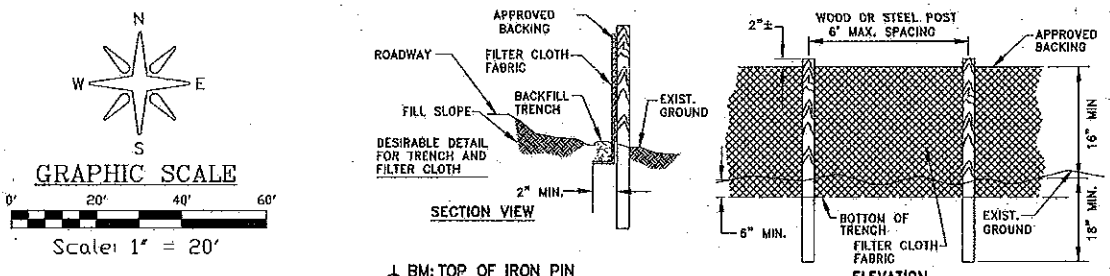
REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PREVENT SOODED CRACKS. AREAS EXPOSED TO SOODED CRACKS TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BALES OF STRAW PER 1,000 SQ. FT.
- * NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - * INSTALL AS SOON AS GUTTERS AND DOWN SPOUTS ARE COMPLETED
 - * PERTE WATER TO A GRASSED AREA
 - * MAINTAIN UNTIL A LAMN IS ESTABLISHED

- DESIGN:**
 EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN
 EXIST ALL DISTURBED AREA TO BE SEEDED AND STRAWED OR SOO APPLIED.

FRONT SETBACK AVERAGE

LOT #75.....	44.83
LOT #73.....	44.75
LOT #72.....	41.03
LOT #71.....	44.08
174.69/4=43.67	



SITE INFORMATION

TOTAL SITE AREA=12,713 SQ. FT. @ 0.28 ACRES

PROPOSED IMPERVIOUS DATA

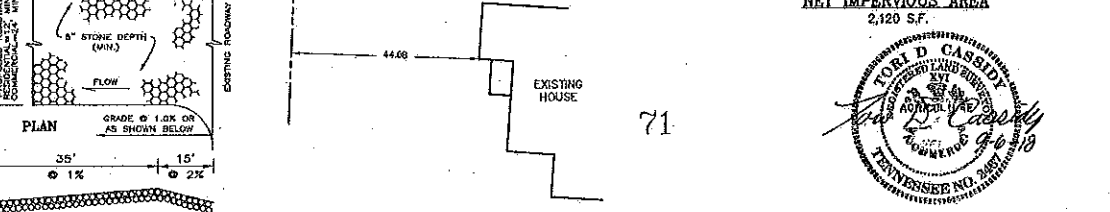
HOUSES/DECKS.....	3,560 S.F.
DRIVES/WALKS.....	1,326 S.F.
TOTAL 4,886 S.F. or 38.4%	

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS...2,785 S.F. or 21.7%	
---	--

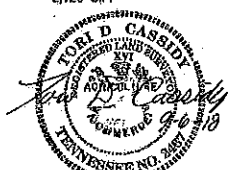
NET IMPERVIOUS AREA

2,120 S.F.



SITE GRADING PLAN
LOT NO. 74
PART TWO
PORTER HEIGHTS SUBDIVISION
1525 PRESTON DRIVE

Delta Associates
 INCORPORATED
 Design - Surveying
 7121 Crossroads Blvd., Brentwood, TN 37027
 PHONE: (615) 850-3501



STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER DRAINAGE, EROSION AND SEDIMENT CONTROL FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONTRACTOR SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE REQUEST OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF OR AT THE REQUEST OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE OR COMPATIBLE EROSION-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS SHALL BE LEFT EXPOSED OVER WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SHEPT AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PILE TO BE USED FOR CONCRETE TRUCK WASHOUT DISPOSE OF HARDENED CONCRETE GUTTERS, AT NO TIME SHALL CONCRETE BE PLACED ON THE DRIVE AND CLEAN ITS TRUCK INTO THE CITY STORM DRAINS VIA CURBS AND GUTTER BAYS. INSPECT DAILY TO CONTROL, MONITOR AND NOTIFY FOR REMOVAL OF HARDENED CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE AND CLEAN UP. INSPECT WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS WASTE TO THE DRAINAGE SYSTEMS THROUGH IMPROPER MATERIAL USE, WASTE STORAGE AND STORAGE. EMPLOYEES HAZARDOUS WASTE PRODUCTS COMMONLY FOUND ON-SITE ARE, BUT NOT LIMITED TO PAINTS & SOLVENTS, FERTILIZERS, PESTICIDES, FUELS, OILS, GREASE, RESTORERS, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INITIATED WITHIN SEVEN (7) DAYS ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER EARTHWORK. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (USING NATIVE PERENNIALS AND WOODY PLANTS WHERE FEASIBLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO PREVENT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR DRAINAGE (EARTHWORK) AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE SILT FENCES, EARTH DIVES, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SURFACE DRAINS, PIPE SLOPE DRAINS, STRIKE DRUM PILE PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND GABIONS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SEVEN (7) DAYS AFTER THE END OF A STORM EVENT OF ONE OR MORE DAYS), AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF ONE OR MORE DAYS, AND AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, NAME(S) AND TITLE OR QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION, THE DATE(S) OF THE INSPECTION, MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF IMPROVEMENTS OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNATED OR PROVIDED INADEQUATE FOR A PARTICULAR LOCATION). BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN DISREPAIR MUST BE REPLACED OR MODIFIED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.

POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

- 1.1 SLOPES SHOWN HEREON TO BE SLOPED FOR STABILIZATION
 - 2.1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GREEN SCS50 EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE STRIKE PATTERN "X"
- NOTICE EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
- IS NEAR 300 FEET OF A STREAM OR WETLAND
 - IS WITHIN 3,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 12% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

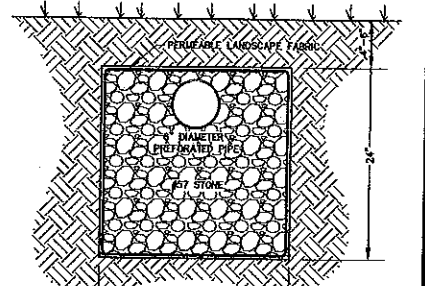
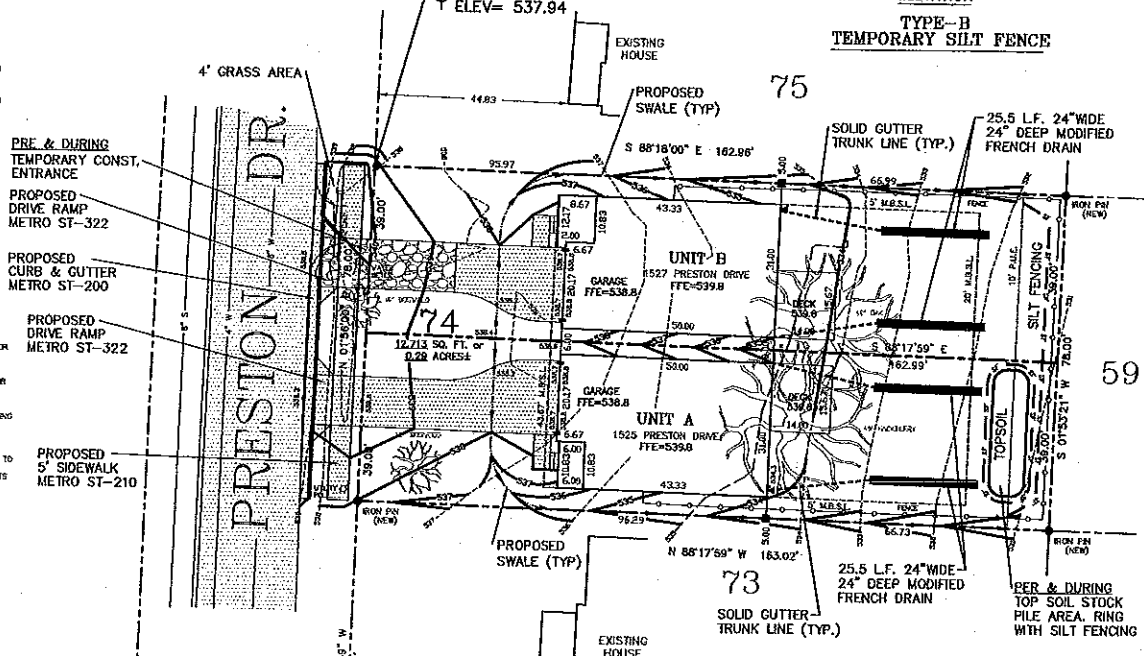
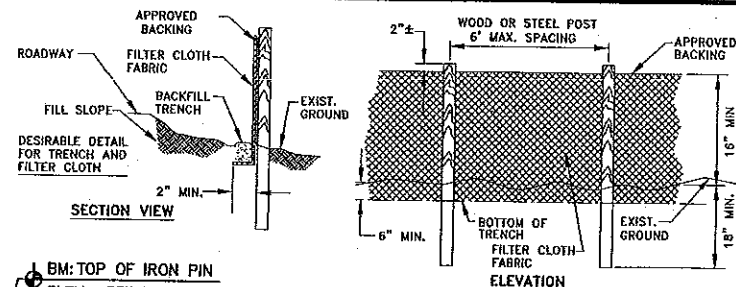
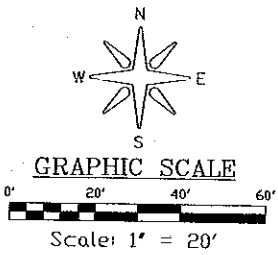
1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION NEAR TREES MARKED FOR PRESERVATION
2. TO PREVENT ROOT DAMAGE, DO NOT GRAZE, PLACE SOIL TUBES, OR PAK WHEELS NEAR TREES MARKED FOR PRESERVATION

REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BALE(S) OF STRAW PER 1,000 SQ. FT.
- * NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - * INSTALL AS SOON AS GUTTERS AND DOWN SPOUTS ARE COMPLETED
 - * ROUTE WATER TO A GRASSED AREA
 - * MAINTAIN UNTIL A LAWN IS ESTABLISHED
- NOTE: EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN
- NOTE: ALL DISTURBED AREA TO BE SEEDED AND STRAWED OR SOIL APPLIED.

FRONT SETBACK AVERAGE

LOT #75.....	44.83
LOT #73.....	44.75
LOT #72.....	41.03
LOT #71.....	44.08
AVERAGE	174.69/4=43.67



PROPOSED LAYOUT

SITE INFORMATION

TOTAL SITE AREA=12,713 SQ.FT. OR 0.23 ACRE(S)

PROPOSED IMPERVIOUS DATA

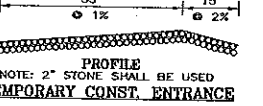
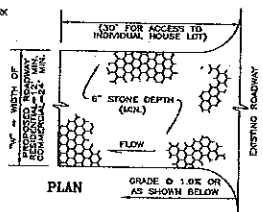
HOUSES/DECKS.....	3,560 S.F.
DRIVES/WALKS.....	1,325 S.F.
TOTAL	4,885 S.F. OR 38.4%

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS.....	2,785 S.F. OR 21.7%
------------------------------	----------------------------

NET IMPERVIOUS AREA

2,120 S.F.

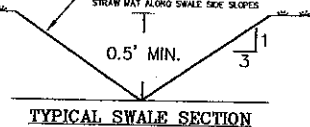


SITE GRADING PLAN
LOT NO.74
PART TWO
PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT

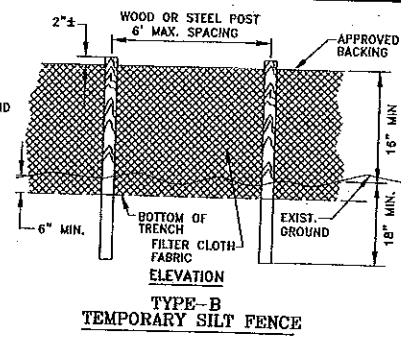
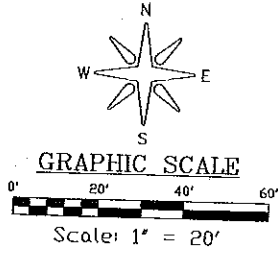
Delta Associates
INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

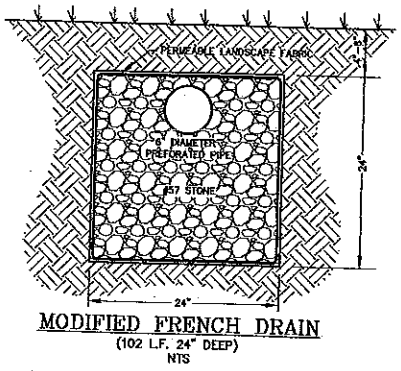
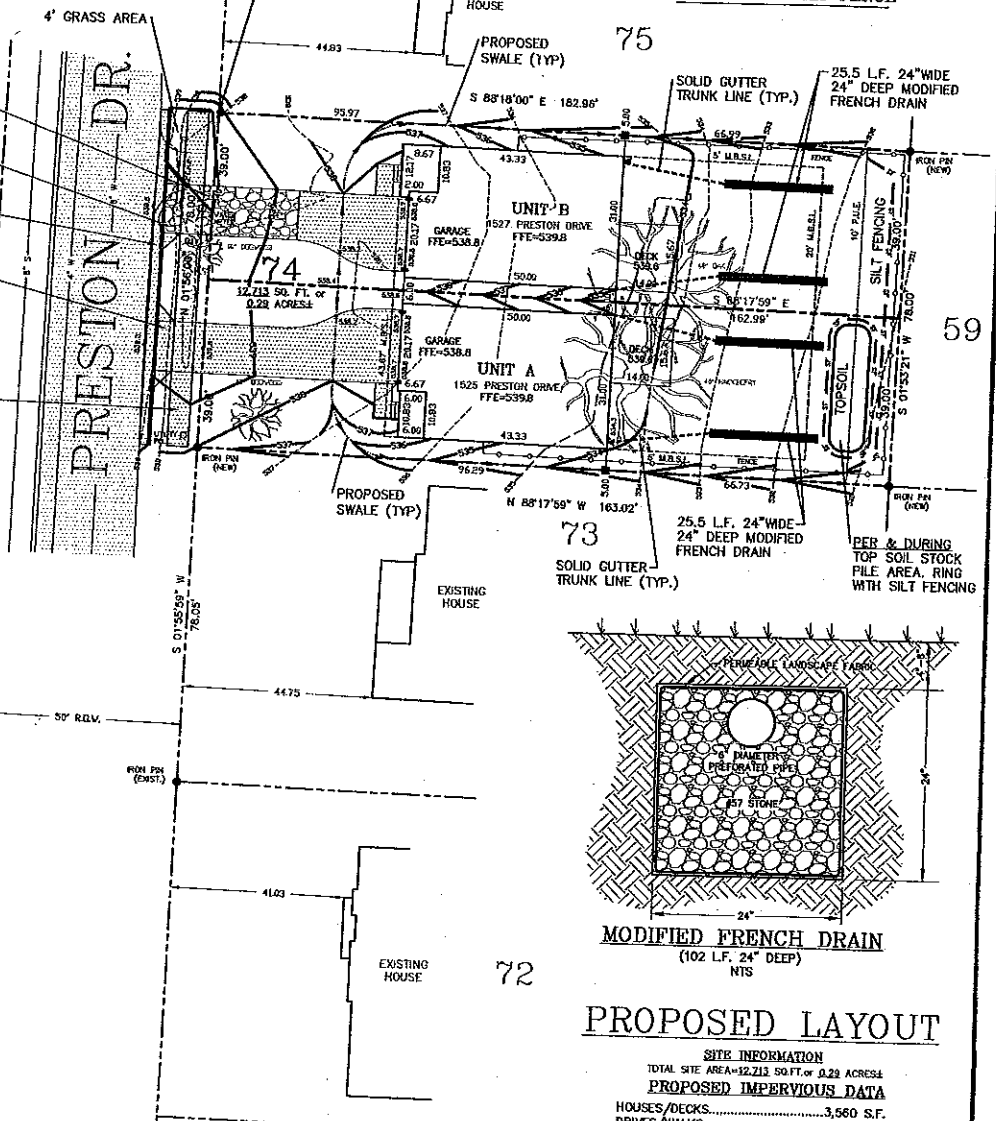


STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FOR GRADING, EROSION AND SEDIMENT CONTROL FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE INITIAL RAINFALL PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THE EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET EROSION CONSIDERATIONS ONLY WITH THE APPROVAL OF US AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OR GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REVEGETATION WITH NATIVE, COMPATIBLE DROUGHT-RESISTANT VEGETATION SHALL BE REQUIRED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE EXTRINSIC PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW OR EXISTING STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASHING. WASTE SHALL BE COLLECTED IN A CONTAINER. AT NO TIME SHALL A CONCRETE TRUCK DUMP ITS WASTE AND CLEAN ITS TRUCK INTO THE CURB AND GUTTER AREAS. INSPECT DAILY TO CONTROL RUNOFF AND READY FOR REMOVAL OF HAZARDOUS CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE INSTRUCTIONS TO EMPLOYEES AND SUBCONTRACTORS REGARDING PROTECTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE AND CLEAN UP. RESPECT FULLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE ENVIRONMENT. HAZARDOUS WASTES SHALL BE STORED IN CONTAINERS WITH PROPER LABELING. HAZARDOUS WASTES SHALL BE STORED IN A SECURE, LOCKED AREA. HAZARDOUS WASTES SHALL BE STORED IN A SECURE, LOCKED AREA. HAZARDOUS WASTES SHALL BE STORED IN A SECURE, LOCKED AREA.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS OF PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER SEPARATE STABILIZATION MEASURES WITH PERENNIAL VEGETATION (SEED OR NATIVE HERBACEOUS AND WOODY PLANTS WHERE PRACTICABLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION MEASURES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO DEVENT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR OVERSEEN LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE SILT FENCES, EARTH Dikes, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SAND/SILT TRAPS, PIPE SLOPE DRAINS, STORM DRAIN INLET PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND CASCADS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS SUCH AS STRONG WINDS) OVER ONE OR MORE DAYS, AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER, AND AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, NAME(S) AND TITLE OR QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION, THE DATE(S) OF THE INSPECTION, MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATIONS) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE, AS DESCRIBED OR PROVIDED NECESSARY FOR A PARTICULAR LOCATION. BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN GENERAL MUST BE REPLACED OR MODIFIED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS KNOWN.



- PRE & DURING TEMPORARY CONST. ENTRANCE**
- PROPOSED DRIVE RAMP METRO ST-322
 - PROPOSED CURB & GUTTER METRO ST-200
 - PROPOSED DRIVE RAMP METRO ST-322
 - PROPOSED 5' SIDEWALK METRO ST-210



POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

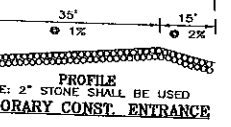
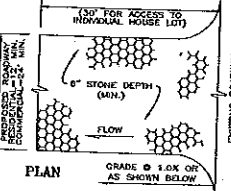
1. SLOPES SHOWN HEREIN TO BE SLOTTED FOR STABILIZATION
 - 2.1 SLOPES SHOWN HEREIN TO BE STABILIZED WITH NORTH AMERICAN GREEN SCISSOR EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE STAPLE PATTERN 'D'.
- ADDITIONAL MEASURES MAY BE NEEDED IF YOUR SITE:
- IS WITHIN 500 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 12% OR MORE)
 - RECEIVES RUN OFF FROM ROAD AND SOIL, OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION. NEAR TREES MARKED FOR PRESERVATION
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PARK VEHICLES NEAR TREES MARKED FOR PRESERVATION

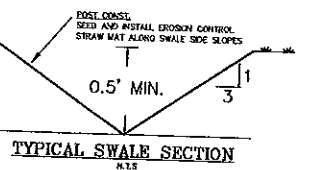
REVEGETATION NOTES

- DISTURBED SITES SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BAGES OF STRAW PER 1,000 SQ. FT.
- * NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - * INSTALL AS SOON AS GUTTERS AND DOWN SPOUTS ARE COMPLETED
 - * ROUTE WATER TO A GRASSY AREA
 - * MAINTAIN UNTIL A LAWN IS ESTABLISHED
- DESIGN: EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN EXIST
- ALL DISTURBED AREA TO BE SEEDED AND STRAWED OR SOIL APPLIED.



FRONT SETBACK AVERAGE

LOT #75	44.83
LOT #73	44.75
LOT #72	41.03
LOT #71	44.08
Average	43.67



SITE GRADING PLAN

LOT NO. 74

PART TWO

PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT

PROPOSED LAYOUT

SITE INFORMATION

TOTAL SITE AREA=12,212 SQ.FT. OR 0.28 ACRES

PROPOSED IMPERVIOUS DATA

HOUSES/DECKS	3,560 S.F.
DRIVES/WALKS	1,325 S.F.
TOTAL	4,885 S.F. OR 38.4%

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS	2,765 S.F. OR 21.7%
------------------	---------------------

NET IMPERVIOUS AREA

2,120 S.F.

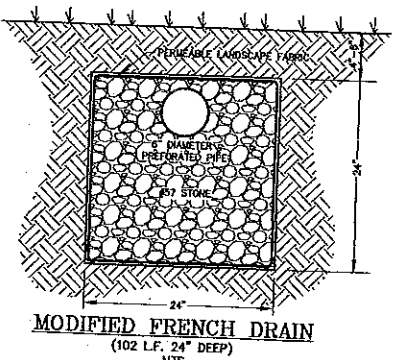
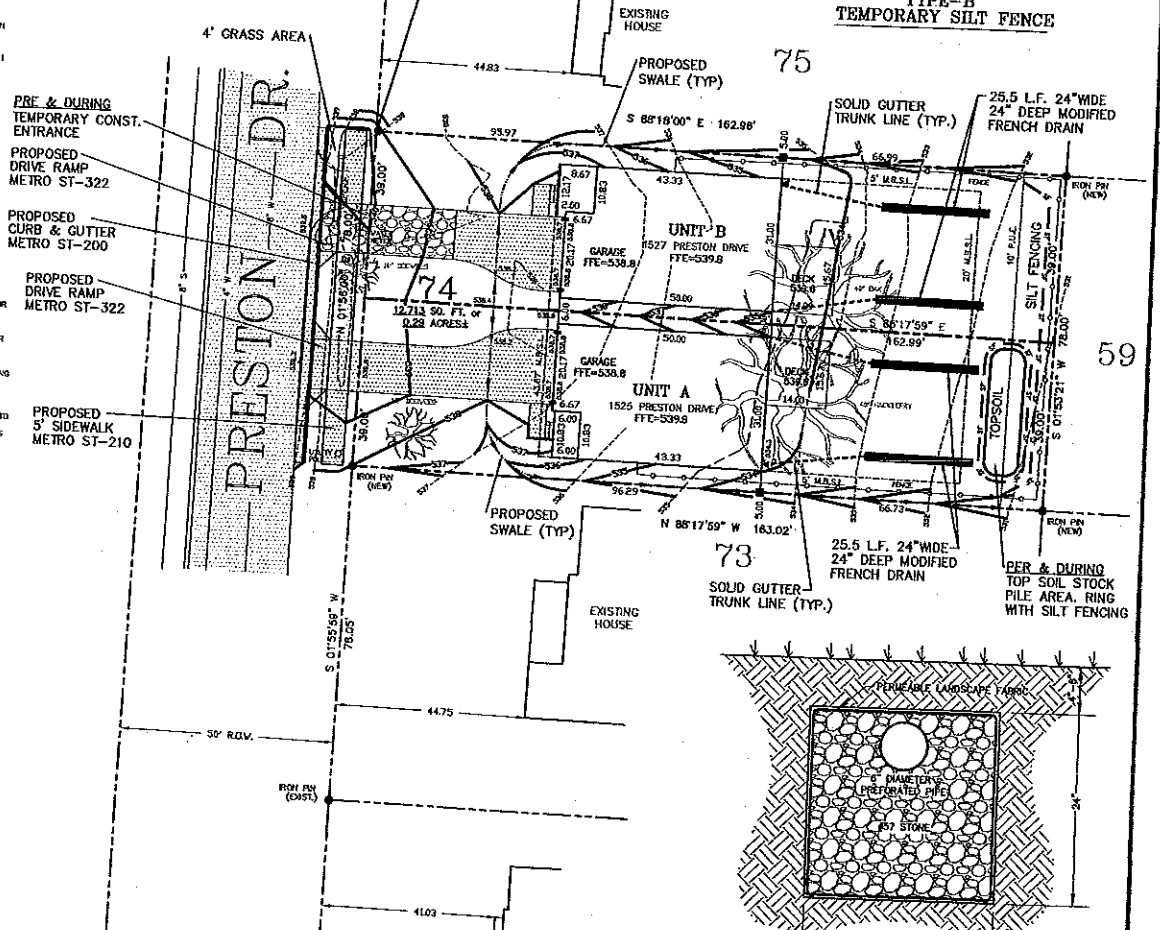
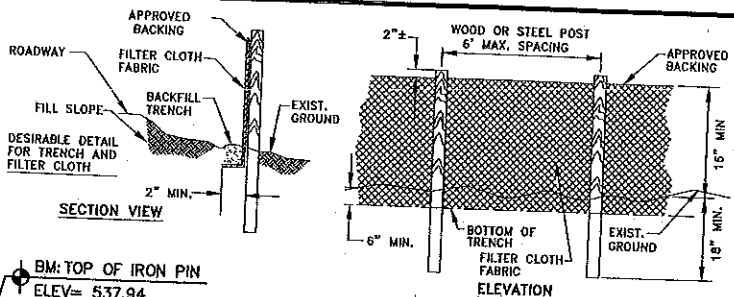
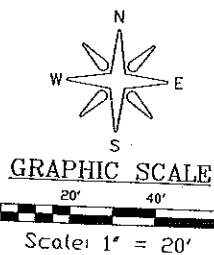


Delta Associates
INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FOR GRADING, EROSION AND SEDIMENT CONTROL, FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WHOLE MONTHS FROM TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION CONTROL PLAN SHALL BE MADE TO MUST BE MADE TO THE APPROVAL OF OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT CAN OCCUR IN THE FIELD SUBJECT TO THE APPROVAL OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS, ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE 1 COMPATIBLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO COMMENCEMENT OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED THROUGH THE CONSTRUCTION PERIOD. THE STABILIZED CONSTRUCTION ENTRANCE SHALL BE MAINTAINED IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE GRADING IS COMPLETED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE TRUCK WASHOUT. WASTE CONCRETE SHALL BE PLACED IN A CONCRETE TRUCK CUPP WITH WASTE AND CLEAN ITS TRUCK AND CITY TRUCKS. ALL CURB AND GUTTER REPAIRS, RESPECT DAILY TO CONTROL RUNOFF AND WASHOUT FOR CONTROL OF HAZARDOUS WASTE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE AND CLEAN UP. INSPECT REGULARLY EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE DISCHARGE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE ENVIRONMENT AND EMPLOYEES. HAZARDOUS WASTES PRODUCTS COMPANY FRANCHISES, BUT NOT LIMITED TO PAINTS & SOLVENTS, PETROLEUM PRODUCTS, FERTILIZERS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INITIATED WITHIN SEVEN (7) DAYS ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER GRADING. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (USING NATIVE HERBACEOUS AND WOODY PLANTS WHERE PRACTICABLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION MEASURES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO DIVERT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE SIX FEET HIGH EARTH DAMS, DRAINAGE SWALES, SEDIMENT TRAPS, CHECK DAMS, SURFACE DRAINAGE, PIPE SLOPE DRAIN, STORM DRAIN INLET PROTECTION, ROCK OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND GABIONS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (OR SERIES OF STORM EVENTS) SUCH AS PREVENTED SHOWERS OVER ONE OR MORE 24 HOUR PERIODS, AND AT LEAST ONCE EVERY FOURTEEN (14) CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, NAMES AND TITLE OR EQUIVALENTS OF PERSONNEL MAKING THE INSPECTION, THE DATE(S) OF THE INSPECTION, MAJOR OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNATED BY PROVIDED ADEQUATE FOR A PARTICULAR LOCATION). BASED ON THE RESULTS OF THE INSPECTION, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN DISREPAIR MUST BE REPLACED OR REPAIRED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.



PROPOSED LAYOUT

SITE INFORMATION
TOTAL SITE AREA=12.713 SQ.FT. OR 0.29 ACRES

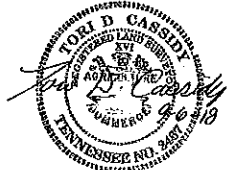
PROPOSED IMPERVIOUS DATA

HOUSES/DECKS	3,560 S.F.
DRIVES/WALKS	1,325 S.F.
TOTAL	4,885 S.F. OR 38.4%

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS	2,765 S.F. OR 21.7%
-------------------------	----------------------------

NET IMPERVIOUS AREA
2,120 S.F.



POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

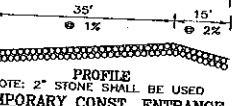
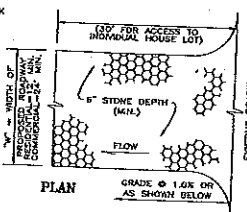
- 2.1 SLOPES SHOWN HEREON TO BE SEEDED FOR STABILIZATION
- 2.1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GREEN SETCO EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE STABLE PATTERN "X".

PRESERVING EXISTING VEGETATION NOTES

1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION.
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PILES, OR PARK VEHICLES NEAR TREES MARKED FOR PRESERVATION.

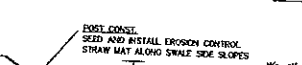
REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROMOTE DEVELOPMENT OF CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BALS OF STRAW PER 1,000 SQ. FT.
 - NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - INSTALL AS SOON AS GUTTERS AND DOWN SPOUTS ARE COMPLETED
 - ROUTE WATER TO A GRASSED AREA
 - MAINTAIN UNTIL A LAWN IS ESTABLISHED
- DURING**
EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN
- AFTER**
ALL DISTURBED AREA TO BE SEEDED AND STRAWED ON SOO APPLIED.



FRONT SETBACK AVERAGE

LOT #75	44.83
LOT #73	44.75
LOT #72	41.03
LOT #71	44.08
AVERAGE	43.67

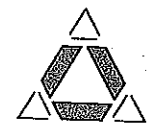


SITE GRADING PLAN

LOT NO. 74
PART TWO

PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206



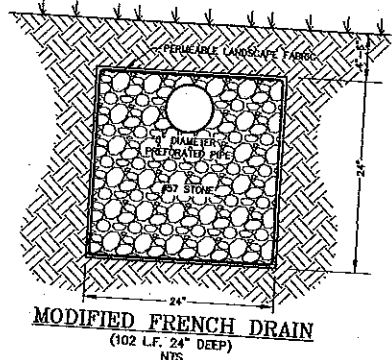
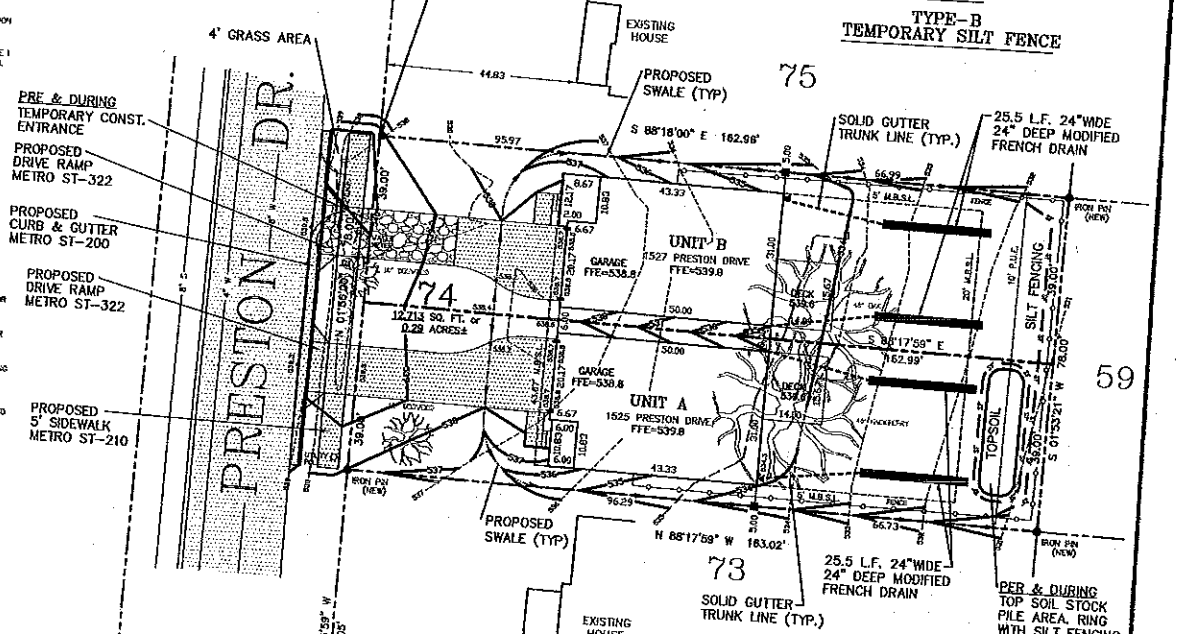
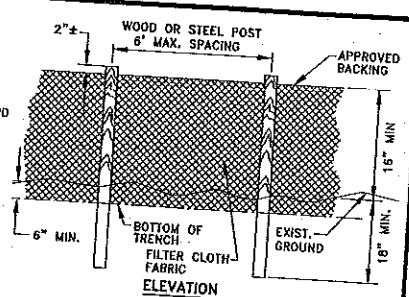
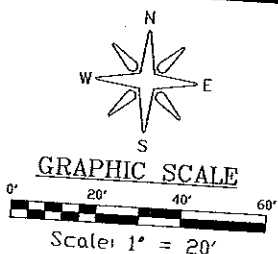
Delta Associates
INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

SCALE: 1" = 20' DRAWN BY: TOC DATE: 8-2-19

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY STORM WATER ORDINANCE FOR GRADING, EROSION AND SEDIMENT CONTROL FOR THE MEASURES SHOWN OR STATED ON THIS PLAN.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PREPARED PRIOR TO THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WINTER MONTHS FROM TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS ONLY WITH THE APPROVAL OF OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS ANY CORRECTIVE CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE, COMPATIBLE DROUGHT-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE FROM TO COMPLETION OF GRADING. LOCATION OF THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC DURING THE STABILIZED CONSTRUCTION PERIOD SHALL REMAIN IN PLACE UNTIL THE ROAD BASE, PAVEMENT IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONTRACTOR SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW DRAINAGE STRUCTURE OPENINGS IMMEDIATELY AFTER THE STRUCTURE OPENING IS CONSTRUCTED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE:
 - 1. PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE. THE PIT SHALL BE FENCED OFF AND THE CONCRETE SHALL BE CLEANED UP AND DISPOSED AT THE CITY STORM DRAIN. WASTE AND REMOVAL OF WASTED CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES AND SUBSTRUCTURES REGARDING REDUCTION OF POLLUTANTS INCLUDING MATERIAL STORAGE, USE, AND CLEAN UP. INSPECT REGULARLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT:
 - 1. THE REMOVAL OF POLLUTANTS FROM HAZARDOUS WASTES TO DISPOSAL AND TRACING OF EMPLOYEES. MATERIAL USE, WASTE STORAGE, AND TRACING OF EMPLOYEES. MATERIAL USE, WASTE STORAGE, PETROLEUM PRODUCTS, FERTILIZERS, PESTICIDES & PESTICIDES, SOIL STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS AFTER PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER EARTHWORK. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (GRASS) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION MEASURES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MACHINING, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO OVERTOP OR STOP FLOWS FROM AREAS OF LAND DISTURBANCE OR OTHERWISE LIMIT FLOWS AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE: SILT FENCES, EARTH SURFACE DRAINAGE, PIPE SLOPE DRAINS, CHECK DAMS, STORM DRAIN PROTECTION, ROCK OR PIPE SLOPE DRAINS, STORM DRAIN INLET SYSTEMS, AND GABIONS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANTICIPATED STORM EVENTS (ON SERIES OF STORM EVENTS SUCH AS INTERMITTENT SHOWERS OVER ONE OR MORE DAYS), AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF CALIBER DATE INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, NAMES AND TITLE OF QUALIFICATIONS OF PERSONNEL MAKING THE INSPECTION, THE DATE(S) OF THE INSPECTION, MARK OBSERVATIONS RELATING TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND OF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNED OR PROVIDED IMMEDIATE FOR A PARTICULAR LOCATION. BASED ON THE RESULTS OF THE INSPECTION, ANY NECESSARY CORRECTIVE MEASURES OR CONTROL MEASURES, ANY REPAIR MUST BE REPLETED OR MONITORED, OR REPAIRED AS NECESSARY, BEFORE THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS IDENTIFIED.



PROPOSED LAYOUT

SITE INFORMATION
TOTAL SITE AREA=12,711 SQ.FEET OR 0.28 ACRES

PROPOSED IMPERVIOUS DATA

HOUSES/DECKS	3,560 S.F.
DRIVES/WALKS	1,325 S.F.
TOTAL	4,885 S.F. or 38.4%

EXISTING IMPERVIOUS DATA

TOTAL IMPERVIOUS	2,785 S.F. or 21.7%
NET IMPERVIOUS AREA	2,120 S.F.



POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

- 2.1 SLOPES SHOWN HEREON TO BE SODDED FOR STABILIZATION.
 - 2.1 SLOPES SHOWN HEREON TO BE STABILIZED WITH NORTH AMERICAN GREEN SOLO EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE STRAPLE PATTERN "D".
- NOTE: EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
- IS WITHIN 300 FEET OF A STREET OR MEDIAN
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (GRADE OF 12% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

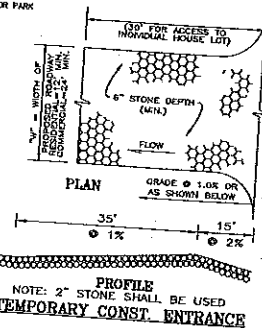
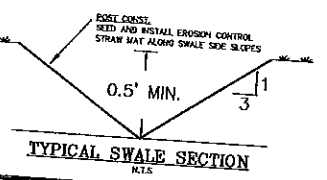
1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION NEAR TREES PLANNED FOR PRESERVATION.

REVEGETATION NOTES

- DISTURBED SOILS SHALL BE STABILIZED AS SOON AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MEASURES TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MARCH IS TO BE APPLIED AT THE RATE OF 2-3 BALES OF STRAW PER 1,000 SQ. FT.
- * NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - * INSTALL AS SOON AS OUTRIGS AND BORN SPOOTS ARE COMPLETED
 - * ROUTE WATER TO A GRASSED AREA
 - * MAINTAIN UNTIL A LAWN IS ESTABLISHED
- EXISTING TREES OUTSIDE LIMITS OF GRASSING TO REMAIN
- NOTE: ALL DISTURBED AREA TO BE SEEDS AND STRAWED OR SOO APPLIED.

FRONT SETBACK AVERAGE

LOT #75	44.83
LOT #73	44.75
LOT #72	41.03
LOT #71	44.08
AVERAGE	174.69/4=43.67



SITE GRADING PLAN

LOT NO. 74 PART TWO

PORTER HEIGHTS SUBDIVISION

1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206



Delta Associates
INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

March 25, 2019

Board of Zoning Appeals
Metro Office Bldg.,
800 Second Ave South
P.O.Box 196300
Nashville, T 37219-6300
Case #2019-131

Reference letter of February 26, 2019 – Jacob Bender's appeal.

I respectfully request that the Board deny this request because the construction of a two single family houses would not be in keeping with the ambience of the Neighborhood; in addition, Mr. would not be paying his fair share as a participant in the sidewalk fund.

Your consideration in this matter is appreciated.

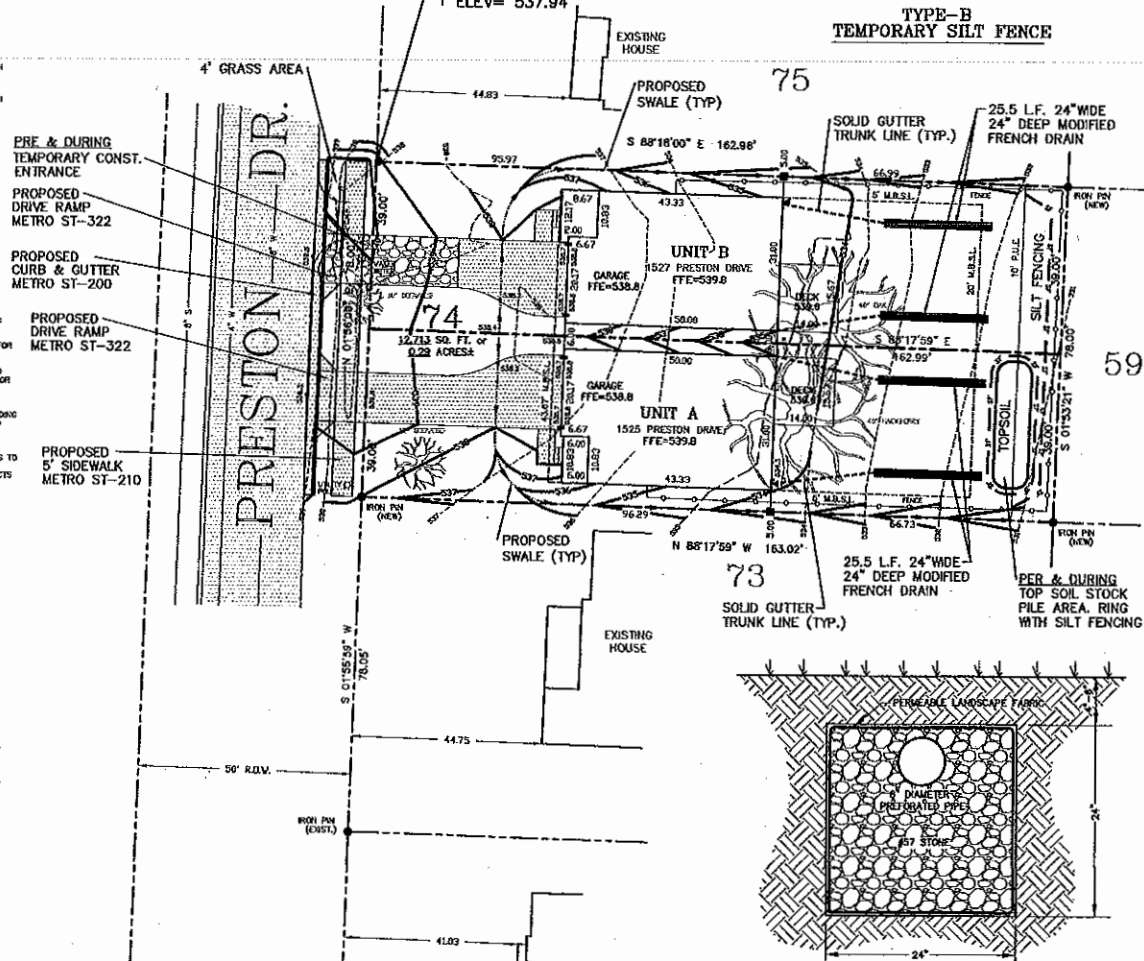
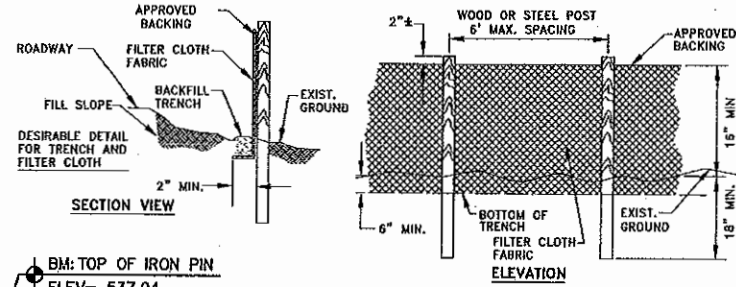
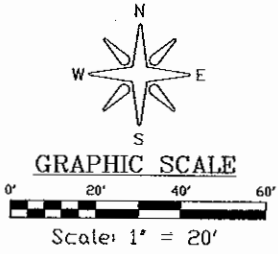
Sincerely,



(Mrs.) Martha J. Benet-Holt
195 Indian Lake Blvd Apt 3422
Hendersonville, TN 37075
(615)319-4993

STANDARD EROSION AND SEDIMENT CONTROL NOTES

1. THE CONTRACTOR SHALL BE SUBJECT TO AND FOLLOW ANY STATE, COUNTY OR CITY EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WATER MONTHS FROM OCTOBER 1 TO OCTOBER 31.
2. CONTRACTOR MUST ENSURE THAT THE CONSTRUCTION SITE IS PROTECTED FROM THE ONSET OF ANY STORM. CONSTRUCTION SHALL HAVE ALL EROSION AND SEDIMENT CONTROL MEASURES IN PLACE FOR THE WATER MONTHS PRIOR TO OCTOBER 1.
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE STABILIZED. CHANGES TO THIS EROSION AND SEDIMENT CONTROL PLAN SHALL BE MADE TO MEET FIELD CONDITIONS. ONLY WITH THE APPROVAL OF OR IN THE PRESENCE OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
4. DUE TO UNANTICIPATED FIELD CONDITIONS, THIS PLAN MAY NOT COVER ALL SITUATIONS THAT ARISE DURING CONSTRUCTION. VARIATIONS MAY BE MADE TO THE PLAN IN THE FIELD SUBJECT TO THE APPROVAL OR AT THE DISCRETION OF A REPRESENTATIVE OF THE APPROPRIATE GOVERNING DEPARTMENT.
5. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CHECKED BEFORE AND AFTER ALL STORMS TO ENSURE MEASURES ARE FUNCTIONING PROPERLY.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A LOG AT THE SITE OF ALL INSPECTIONS OR MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES, AS WELL AS ANY OTHER CHANGES TO EROSION AND SEDIMENT CONTROL MEASURES OR EROSION AND SEDIMENT CONTROL PLAN.
7. IN AREAS WHERE SOIL IS EXPOSED, PROMPT REPLANTING WITH NATIVE OR COMPANIBLE EROSION-RESISTANT VEGETATION SHALL BE PERFORMED. NO AREAS WILL BE LEFT EXPOSED OVER THE WINTER SEASON.
8. THE CONTRACTOR SHALL INSTALL THE STABILIZED CONSTRUCTION ENTRANCE PRIOR TO THE COMMENCEMENT OF GRADING OPERATIONS. THE ENTRANCE MAY BE ADJUSTED BY THE CONTRACTOR TO FACILITATE GRADING OPERATIONS. ALL CONSTRUCTION TRAFFIC ENTERING THE PAVED ROAD MUST CROSS THE STABILIZED CONSTRUCTION ENTRANCE. THE STABILIZED CONSTRUCTION ENTRANCE SHALL REMAIN IN PLACE UNTIL THE ROAD BASE ROCK COURSE IS COMPLETED.
9. ALL SEDIMENT DEPOSITED ON PAVED ROADWAYS SHALL BE SWEEPED AT THE END OF EACH WORKING DAY OR AS NECESSARY.
10. CONSTRUCTION SHALL PLACE EROSION CONTROL MEASURES AROUND ALL NEW GRADING STRUCTURE OPERATIONS IMMEDIATELY AFTER THE STRUCTURE GRADING IS COMPLETED. THESE EROSION CONTROL MEASURES SHALL BE MAINTAINED AND REMAIN IN PLACE UNTIL CONSTRUCTION IS COMPLETED.
11. CONTRACTOR SHALL IMPLEMENT HOUSEKEEPING PRACTICES AS FOLLOWS:
 - A. CONCRETE WASTE: PROVIDE A DESIGNATED AREA FOR A TEMPORARY PIT TO BE USED FOR CONCRETE. TRUCK WASHOUT DEPOSIT OF HARDBOARD CONCRETE DEBRIS. AT THE END OF THE DAY, REMOVE ALL CONCRETE DEBRIS AND CLEAN UP TRUCK INTO THE CITY STREET GRADING MAINTENANCE AND GUTTER BELTS. INSPECT ONLY CONTROL, PUMP AND WEEKLY FOR REMOVAL OF HARDBOARD CONCRETE.
 - B. PAINT AND PAINTING SUPPLIES: PROVIDE INSTRUCTION TO EMPLOYEES AND SUBCONTRACTORS REGARDING PROTECTION OF POLLUTANTS INCLUDING MATERIALS STORAGE, USE AND CLEAN UP. RESPECT WEEKLY FOR EVIDENCE OF IMPROPER DISPOSAL.
 - C. HAZARDOUS WASTE MANAGEMENT: PREVENT THE ESCAPE OF POLLUTANTS FROM HAZARDOUS WASTES TO THE DRAINAGE SYSTEMS THROUGH PROPER NATURAL USE. WASTE DISPOSAL AND TREATMENT OF HAZARDOUS WASTE PRODUCTS COMMONLY FOUND ON-SITE ARE, BUT NOT LIMITED TO PAINTS & SOLVENTS, FERTILIZERS, PESTICIDES, HERBICIDES, PESTICIDES, SOLID STABILIZATION PRODUCTS, ASPHALT PRODUCTS AND CONCRETE CURING PRODUCTS.
12. STABILIZATION MEASURES MUST BE INSTALLED WITHIN SEVEN (7) DAYS ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED, AND WITHIN FIFTEEN (15) DAYS AFTER FINAL GRADING OR OTHER LANDFORMING. PERMANENT STABILIZATION WITH PERENNIAL VEGETATION (SUCH AS NATIVE HERBACEOUS AND WOODY PLANTS WHERE FEASIBLE) OR OTHER PERMANENTLY STABLE, NON-ERODING SURFACE SHALL REPLACE ANY TEMPORARY MEASURES AS SOON AS PRACTICABLE. STABILIZATION PRACTICES MAY INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, GEOTEXTILES, SOIL STABILIZATION AND OTHER APPROPRIATE MEASURES.
13. STRUCTURAL PRACTICES TO PREVENT OR STORE FLOWS FROM AREAS OF LAND DISTURBANCE OR DRAINAGE UNIT BOUNDARY AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE MUST BE IMPLEMENTED. SUCH PRACTICES MAY INCLUDE SILT FENCES, EARTH DICES, BRUSHWOOD SWALES, SEDIMENT TRAPS, CHECK DAMS, SUBSURFACE DRAINS, PIPE SLOPE GRASS, STORM DRAIN INLET PROTECTION, FLOOR OUTLET PROTECTION, REINFORCED SOIL RETAINING SYSTEMS, AND GABIONS.
14. INSPECTIONS OF ALL CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BEFORE ANY STORM EVENTS OR SERIES OF STORM EVENTS SUCH AS INTERMITTENT SHOWERS OVER ONE OR MORE DAYS, AND WITHIN 24 HOURS AFTER THE END OF A STORM EVENT OF 0.5 INCHES OR GREATER, AND AT LEAST ONCE EVERY FOURTEEN CALENDAR DAYS. INSPECTIONS MUST BE DOCUMENTED AND INCLUDE THE SCOPE OF THE INSPECTIONS, NAME(S) AND TITLE OR QUALIFICATION OF PERSONNEL MAKING THE INSPECTION, THE DATES OF THE INSPECTIONS, MAJOR OBSERVATIONS RELATED TO THE IMPLEMENTATION OF THE CONTROL MEASURES (INCLUDING THE LOCATION(S) OF DISCHARGES OF SEDIMENT OR OTHER POLLUTANTS FROM THE SITE AND IF ANY CONTROL DEVICE THAT FAILED TO OPERATE AS DESIGNATED OR PROVED INADEQUATE FOR A PARTICULAR LOCATION), BASED ON THE RESULTS OF THE INSPECTION, ANY NECESSARY CONTROL MEASURES OR CONTROL MEASURES BE REPAIR OR MAINTENANCE OR MODIFIED, OR REPAIRED AS NECESSARY, WITHIN THE NEXT RAIN EVENT IF POSSIBLE, BUT IN NO CASE MORE THAN SEVEN (7) DAYS AFTER THE NEED IS DETERMINED.



POST CONSTRUCTION AND SLOPE STABILIZATION NOTES

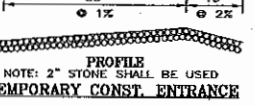
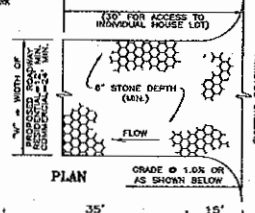
1. SLOPES SHOWN HEREIN TO BE SEEDS FOR STABILIZATION
 2. SLOPES SHOWN HEREIN TO BE STABILIZED WITH NORTH AMERICAN GREEN SCISSOR EROSION CONTROL BLANKET OR APPROVED SUBSTITUTE SIMILAR PATTERN "C".
- NOTE: EXTRA MEASURES MAY BE NEEDED IF YOUR SITE:
- IS WITHIN 300 FEET OF A STREAM OR WETLAND
 - IS WITHIN 1,000 FEET OF A LAKE
 - IS STEEP (SLOPE OF 10% OR MORE)
 - RECEIVES RUN OFF FROM 10,000 SQ. FT. OR MORE OF ADJACENT LAND.
 - HAS MORE THAN AN ACRE OF DISTURBED GROUND.

PRESERVING EXISTING VEGETATION NOTES

1. WHENEVER POSSIBLE, PRESERVE EXISTING TREES, SHRUBS, AND OTHER VEGETATION.
2. TO PREVENT ROOT DAMAGE, DO NOT GRADE, PLACE SOIL PIPES, OR PARK VEHICLES NEAR TREES MARKED FOR PRESERVATION.

REVEGETATION NOTES

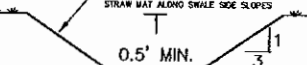
- DISTURBED SOILS SHALL BE STABILIZED AS QUICK AS PRACTICABLE WITH TEMPORARY VEGETATION AND/OR MULCHING TO PROTECT EXPOSED CRITICAL AREAS DURING DEVELOPMENT. TEMPORARY MULCH IS TO BE APPLIED AT THE RATE OF 2-3 BULKES OF STRAW PER 1,000 SQ. FT.
- * NOT REQUIRED, BUT HIGHLY RECOMMENDED
 - * INSTALL AS SOON AS GUTTERS AND DOWN SPOUTS ARE COMPLETED
 - * ROUTE WATER TO A GRASSY AREA
 - * MAINTAIN UNDER A LAWN IF ESTABLISHED
- DURING EXISTING TREES OUTSIDE LIMITS OF GRADING TO REMAIN FIRST ALL DISTURBED AREA TO BE SEEDS AND STRAWED OR SOIL APPLIED.



FRONT SETBACK AVERAGE

LOT #75.....	44.83
LOT #73.....	44.75
LOT #72.....	41.03
LOT #71.....	44.08
174.69/4=43.67	

TYPICAL SWALE SECTION

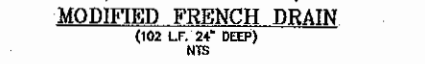


TEMPORARY CONST. ENTRANCE

NOTE: 2" STONE SHALL BE USED

**SITE GRADING PLAN
LOT NO. 74
PART TWO
PORTER HEIGHTS SUBDIVISION**

1525 PRESTON DRIVE
7th COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206



PROPOSED LAYOUT

SITE INFORMATION
TOTAL SITE AREA=12,713 SQ. FT. OR 0.29 ACRES

PROPOSED IMPERVIOUS DATA

HOUSES/DECKS.....	3,580 S.F.
DRIVES/WALKS.....	1,325 S.F.
TOTAL 4,885 S.F. OR 38.4%	

EXISTING IMPERVIOUS DATA
TOTAL IMPERVIOUS...2,785 S.F. OR 21.7%

NET IMPERVIOUS AREA
2,120 S.F.

Professional Engineer Seal for Todd D. Cassidi, State of Tennessee, License No. 2881.

Delta Associates INCORPORATED
Design - Surveying

7121 Crossroads Blvd., Brentwood, TN 37027
PHONE: (615) 850-3501

SCALE: 1" = 20'
DRAWN BY: TDC
CHECKED BY: ROL
DATE: 9-8-18
JOB NO.: 16-0070-1525
DRAWING NO.: 1 OF 2

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION**BZA Case 2019-131 (1525 Preston Drive)**

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Not construct sidewalks
Zoning	R10
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-CA2
Transit:	#4 – Shelby
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing two residential units on this parcel, and requests a variance from constructing sidewalks due to relocating utility poles to provide a clear sidewalk path along Preston Drive. 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: Roy Williams Date: 2-15-19
Property Owner: Wachtel, Warren & Donald H Case #: 2019-1384
Representative: Roy Williams Map & Parcel: 116-13-98

Council District 23

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

Purpose: Requesting variance from sidewalk requirements

Activity Type: Commercial - Rehab

Location: 5101 Harding Pike

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: Requesting variance from sidewalk requirements

Section(s): 12.12.120

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

Roy A. Williams
Appellant Name (Please Print)

Roy A. Williams
Representative Name (Please Print)

750 Old Hickory Blvd. Ste 250
Address

750 Old Hickory Blvd, Suite 250
Address

Brentwood, TN 37029
City, State, Zip Code

Brentwood, TN 37027
City, State, Zip Code

615-630-6529
Phone Number

615-630-6529
Phone Number

roy.williams@eandharch.com
Email

roy.williams@eandharch.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**



3604507

**ZONING BOARD APPEAL / CAAZ - 20190009396
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11613009800**APPLICATION DATE:** 02/15/2019**SITE ADDRESS:**

5101 HARDING PIKE NASHVILLE, TN 37205
LOTS 1&2 ALEX SUB MARTIN

PARCEL OWNER: WACHAL, WARREN R. & DONALD H. & D**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.*

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.

Roy Williams
APPELLANT

2/15/19
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?

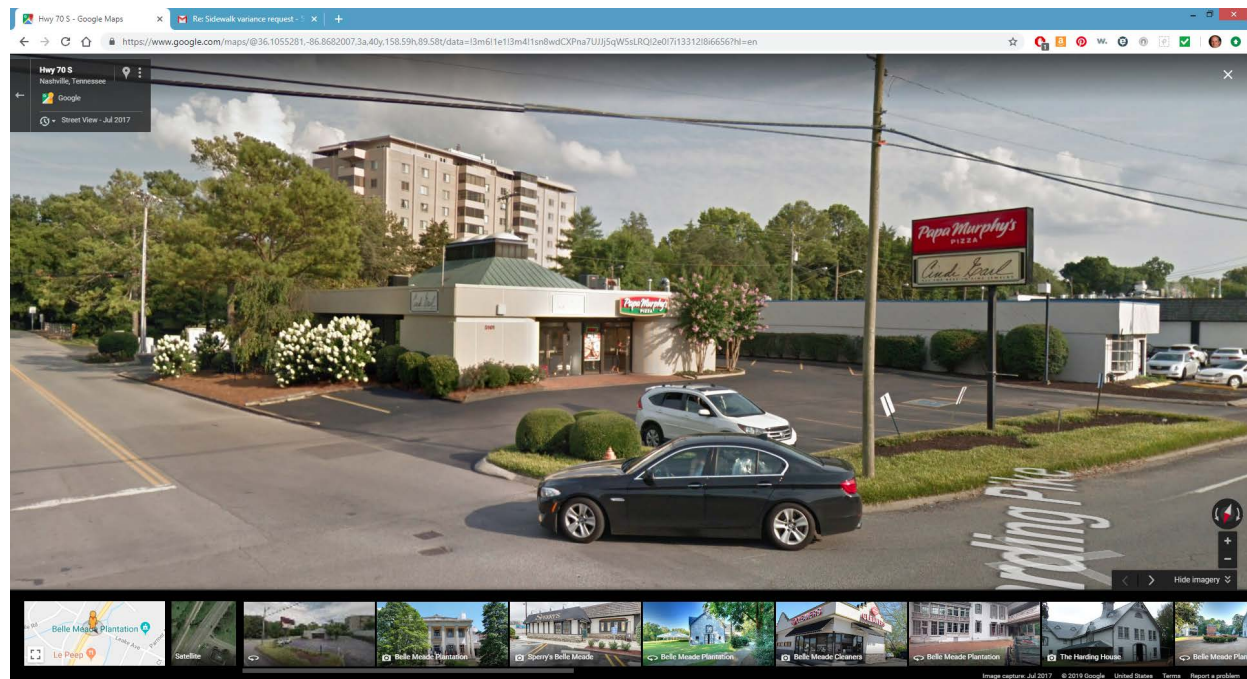
Distance between street curb and existing parking is less than that required to install walks required. Also on site are several vertical obstructions and a storm water structure in the path of the proposed sidewalk. We seek relief due to this hardship.

From: [Alan Dooley](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Johnson, Mina](#); [Angie E. Henderson](#)
Subject: Comment regarding Harding Road sidewalk CASE 2019-134 (Council District - 23)
Date: Friday, March 29, 2019 10:18:57 AM
Attachments: [image.png](#)

I, and several others in my neighborhood located near the location of this future Dunkin Donuts are against this requested variance to renovate the building without building sidewalks or paying into the sidewalk fund.

The neighborhood associations around this location have long been in communication about planning a redevelopment of the the 70/100 split, and sidewalks are key to that effort. In fact, we would rather that the sidewalk be built on both roads rather than money go into the sidewalk fund. But if this cannot be enforced, at least the developer should pay into the fund so that there is funding to ward the sidewalk efforts in our city. As one can see from a photo of the area, there is a neighborhood behind the location with higher density housing with residents who will want to walk down to get there morning coffee and donut without having to get in a car. To the left of the photo, across the street, is Belle Meade mansion that will certainly have visitors who will want to frequent this restaurant. Without a sidewalk, they will have to walk in the road. As you can see from the photo below, there is ample room for sidewalks on both the Harding Road and Leake Avenue. This part of Harding is the end of a long row of small businesses that would greatly benefit from being connected by sidewalks. Please do not grant this variance!

Alan Dooley
 6319 Percy Drive
 Nashville, TN 37205

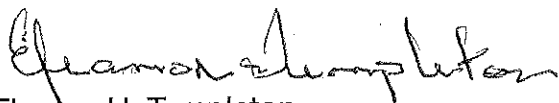


March 18, 2019

To whom it may concern:

Thank you for the opportunity to reply to the request from the owners of property located at 5101 Harding Pike; zoningCS ;Parcel11613009800.

Importance of Sidewalks in Nashville have dramatically increased in recent years Any owner close to a neighborhood area as this parcel is, should be aware of this. Straight to my point I would advise these owners of the gravity of being good neighbors themselves, by adding sidewalks for the many who walk to surrounding areas on Harding Road.



Eleanor H. Templeton
105 Leake Avenue
Nashville, TN 37205

2019-134
OPPOSE

Paula D. Hughey
5120 Boxcroft Pl.
Nashville, TN 37205

March 14, 2019

Metropolitan Government of Nashville and Davidson County
Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219-6300

Refer to : appeal case # 2019-134

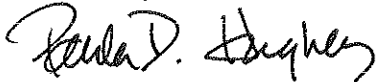
Dear Sir or Madam:

I do not approve of the applicant renovating the commercial space without paying into the sidewalk fund, at a minimum.

I would prefer the addition of a sidewalk.

Thank you.

Sincerely,



Paula D. Hughey

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-134 (5101 Harding Pike)

Metro Standard:	Harding Pike – 6’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Leake Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	CS
Community Plan Policy:	T3 NC (Suburban Neighborhood Center) CO (Conservation: Floodplain)
MCSP Street Designation:	Harding Pike – T3-M-AB5 Leake Avenue – Local Street
Transit:	#5 – West End/Bellevue
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes renovations to an existing shopping center use and requests a variance from constructing sidewalks along both property frontages. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the Harding Pike property frontage. A 3’ grass strip and 7’ sidewalk is under construction at 5115 Harding Pike 199’ to the south, pursuant to the Board of Zoning Appeals order related to Case Number 2018-510 (September 20, 2018 hearing).
- (2) No sidewalk currently exists along the Leake Avenue property frontage. Construction of a sidewalk along Leake Avenue will require relocating one parking space to the rear of the existing building.
- (3) Staff finds no hardship with constructing sidewalks with an alternative design along either street frontage to support the Suburban Neighborhood Center policy.

Given the factors above, staff recommends **disapproval**. The applicant should continue to coordinate with Metro Public Works and Metro Planning to construct an alternative sidewalk design along Harding Pike and along Leake Avenue.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION**BZA Case 2019-134 (5101 Harding Pike)**

Metro Standard:	Harding Pike – 6’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Leake Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct alternate sidewalk design along both streets
Zoning:	CS
Community Plan Policy:	T3 NC (Suburban Neighborhood Center)
	CO (Conservation: Floodplain)
MCSP Street Designation:	Harding Pike – T3-M-AB5
	Leake Avenue – Local Street
Transit:	#5 – West End/Bellevue
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

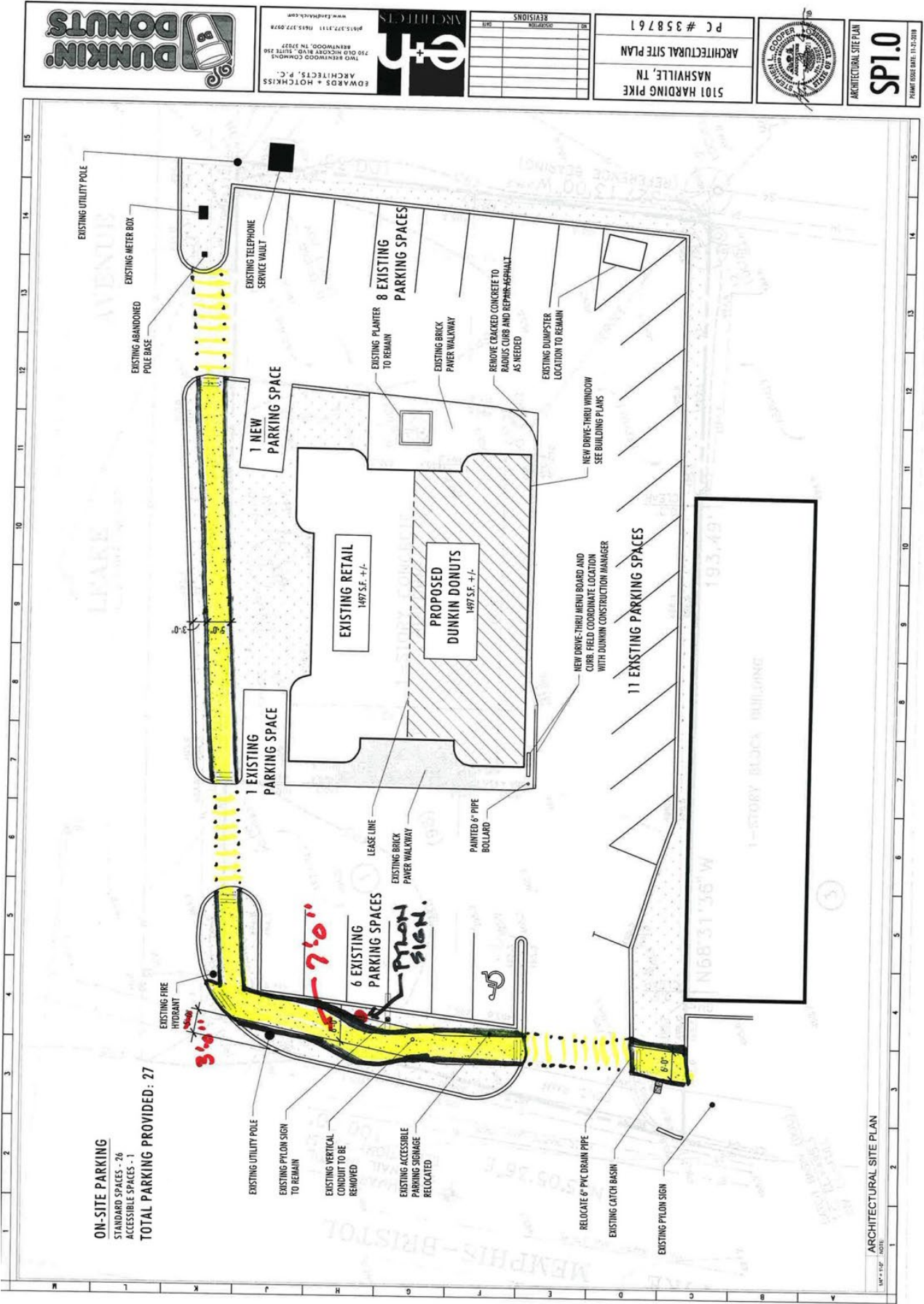
Analysis: The applicant proposes renovations to an existing retail building and requests an alternative sidewalk design along Harding Pike and Leake Avenue. Planning evaluated the following factors for the variance request:

- (1) No sidewalk exists along the Harding Pike property frontage. A 3’ grass strip and 7’ sidewalk is under construction at 5115 Harding Pike, 199’ to the south of the site (see BZA Case Number 2018-510). The applicant proposes to continue the same alternative sidewalk design and avoid a sign that the applicant will maintain. A portion of the sidewalk will be built without a grass strip to accommodate an existing stormwater catch basin at the southwestern corner of the property.
- (2) No sidewalk exists along the Leake Avenue property frontage, which is consistent with adjacent properties to the east along the block face. The applicant proposes to install a 3’ grass strip and 5’ sidewalk along the frontage from the intersection with Harding to the rear driveway ingress/egress. One parking space will be relocated to the rear of the existing building from its existing location along Leake Avenue.

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

1. The applicant shall construct sidewalks along Harding Pike and Leake Avenue per the attached site plan.

5101 Harding Pike – Site Plan Depicting Alternative Sidewalk Design



From: [Lamb, Emily \(Codes\)](#)
To: [Johnson, Mina \(Council Member\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019
Date: Monday, April 1, 2019 2:13:17 PM

Thanks, CM Johnson. We'll include your position in the casefile.

Emily Lamb
Metro Codes Department

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

From: Johnson, Mina (Council Member)
Sent: Monday, April 1, 2019 10:52 AM
To: Lamb, Emily (Codes); Gonzalez, Elwyn (Planning)
Cc: Briggs, Michael (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Thank you, Emily,

I have not heard back from the applicant either. Under the circumstances, my opposition to the variance request including the suggested plan by the applicant remain.

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Lamb, Emily (Codes)
Sent: Monday, April 01, 2019 10:14 AM
To: Johnson, Mina (Council Member); Gonzalez, Elwyn (Planning)
Cc: Briggs, Michael (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Hi Councilmember Johnson,

Thus far we have not received a request from the applicant for a deferral, although it could still come. Regardless, I will include your comments in the casefile for the board to consider.

Thanks,

Emily Lamb
Metro Codes Department

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

received this communication in error, please notify the sender immediately and in the interim please do not use, disseminate, forward, print or copy this communication.

From: Johnson, Mina (Council Member)
Sent: Friday, March 29, 2019 3:29 PM
To: Gonzalez, Elwyn (Planning)
Cc: Briggs, Michael (Planning); Lamb, Emily (Codes)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Elwyn,

Thank you for sending the information. It is very helpful since the applicant has not provided me the plan when we spoke or afterwards to follow up.

Emily,

I spoke with the representative to the applicant on Wednesday and discussed the alternate sidewalk plan. Also I suggested to defer the upcoming BZA hearing until we have a chance to sit down and come up with mutually agreeable plan.

Hopefully we hear from the applicant early next week to work out the differences. Otherwise, I am in agreement with MPC recommendation on the disapproval of variance request or applicant's currently proposal.

Have a wonderful weekend!

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Gonzalez, Elwyn (Planning)
Sent: Friday, March 29, 2019 3:00 PM
To: Johnson, Mina (Council Member)
Cc: Briggs, Michael (Planning); Lamb, Emily (Codes)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

CM Johnson,

Attached to this email are the original site plan and application that we have received for the BZA case (2019-134). Also attached is a copy of the site plan with a sidewalk shown along Harding Pike that the applicant's consultant said could work that would avoid impacts to drainage facilities and existing signage.

I have copied Emily Lamb in the Codes Administration to this email. From my understanding, sidewalks were triggered as a result of the internal renovation and the new drive thru that is being added. As of right now, I would be recommending disapproval since they do not want to build sidewalks on either frontage.

Have a great weekend!

Elwyn Gonzalez, AICP
Transportation Planner, Multimodal Transportation Planning
Metropolitan Nashville Planning Department
800 2nd Avenue South, PO Box 196300

Nashville, TN 37219-6300

(o) 615-862-7163

e-mail: elwyn.gonzalez@nashville.gov

From: Gonzalez, Elwyn (Planning)
Sent: Thursday, March 28, 2019 4:30 PM
To: Johnson, Mina (Council Member)
Cc: Briggs, Michael (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

CM Johnson,

To you as well! We will go ahead and hold off sending our recommendation until we speak with you about the case. We can let the Codes Administration know that the applicant will likely defer for now.

Thank you,

Elwyn Gonzalez, AICP
Transportation Planner, Multimodal Transportation Planning
Metropolitan Nashville Planning Department
800 2nd Avenue South, PO Box 196300
Nashville, TN 37219-6300

(o) 615-862-7163

e-mail: elwyn.gonzalez@nashville.gov

From: Johnson, Mina (Council Member)
Sent: Wednesday, March 27, 2019 5:40 PM
To: Gonzalez, Elwyn (Planning)
Cc: Briggs, Michael (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Elwyn,

It was nice talking with you this morning. I did not have an entire picture of the plan that triggered sidewalk requirement when I talk with you this morning. This afternoon, I had a chance to talk with the owner of the business who is planning to lease the building. I was in favor of no variance of the sidewalk requirement when I talked with you not knowing plan was to renovate less than half portion of the building where the applicant will be leasing.

I would like to have continuous sidewalk in Harding Pk for sure. However, I would like to take a close look of the plan and would like to evaluate most feasible solution under the circumstances.

Could you please hold off sending the sidewalk recommendation to BZA until we have a chance to talk again?

I am asking the applicant about possibility of deferring the BZA hearing until we can evaluate the plan and come up with mutually agreeable solution.

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Johnson, Mina (Council Member)
Sent: Monday, March 25, 2019 11:16 AM
To: Briggs, Michael (Planning)
Cc: Gonzalez, Elwyn (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Thank you for the info. Please keep me posted on the final analysis and recommendation.

Mina Johnson
Councilmember, District 23
(615) 429-7857
[Sign up for District 23 Update](#)

From: Briggs, Michael (Planning)
Sent: Monday, March 25, 2019 10:53 AM
To: Johnson, Mina (Council Member)
Cc: Gonzalez, Elwyn (Planning)
Subject: RE: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

CM Johnson – Thanks for contacting me about this variance. I’ve copied Elwyn Gonzalez, the staff reviewer on this case. We haven’t finalized the report because he was connecting with the applicant about extending the sidewalk along Leake. I believe the design along Harding is consistent with what we have discussed on the property further down the street.

I’ve attached his report, [which isn’t finalized yet](#), so he can give you can update directly.

Thanks,
Michael

Michael Briggs, AICP
Manager of Multimodal Transportation Planning
Metro Nashville Planning Department
800 Second Avenue South | P.O. Box 196300 | Nashville, TN 37219-6300
615.862.7219 | michael.briggs@nashville.gov | www.nashville.gov/MPC

[Bronze Bicycle Friendly Business](#)

From: Johnson, Mina (Council Member)
Sent: Saturday, March 23, 2019 11:37 AM
To: Briggs, Michael (Planning)
Subject: FW: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

Michael,

Although the applicant has not contacted me, I was made aware of this sidewalk variance request on April 4th BZA agenda.

I would like to see the continuation of 2018-510 5115 Harding Pike as we previously discussed. Have you prepared a recommendation?

Mina Johnson
Councilmember, District 23
(615) 429-7857

[Sign up for District 23 Update](#)

From: Fuqua, Barbara (Council Office)
Sent: Thursday, March 21, 2019 10:12 AM
To: Johnson, Mina (Council Member)
Subject: BZA Applications and Letters BZA Meeting Thursday, April 4, 2019

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Justin Crandall Date: 2-15-19
Property Owner: Jones, Steven & Beard, Elizabeth Case #: 2019-136
Representative: Mark Fenelon Map & Parcel: Q2-13-342

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 requirement

Activity Type: New Construction - Single Family

Location: 3505 Elkins Ave

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: 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.

JUSTIN CRANDALL
Appellant Name (Please Print)

MARK FENELON
Representative Name (Please Print)

6 FAWN CREEK PASS
Address

4219 HILLSBORO PIKE
Address

NASHVILLE, TN, 37204
City, State, Zip Code

NASHVILLE, TN, 37215
City, State, Zip Code

615-915-8288
Phone Number

615-238-1270
Phone Number

justin@builderassistllc.com
Email

mark@mossyridge.com
Email

Zoning Examiner: CH

Appeal Fee: \$100.00

no site plan



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



3604624

**ZONING BOARD APPEAL / CAAZ - 20190009475
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09213034200

APPLICATION DATE: 02/15/2019

SITE ADDRESS:

3505 ELKINS AVE NASHVILLE, TN 37209
PT LOTS 109 110 111 HORTENSE PLACE

PARCEL OWNER: JONES, STEVEN & BEARD, ELIZABETH

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk 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.*

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

2/15/19
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?

excavation of entire block would be required to
to build entire length of sidewalk, would have to
relocate power pole

From: [Andy Proctor](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 3505 Elkins
Date: Friday, April 12, 2019 7:26:46 PM

Board Members,

Please do not allow the variance request at 3505 Elkins / 2029-136.

I believe if you have enough money to remodel, you can build a sidewalk. If you cannot or will not build the sidewalk, then pay the in lieu fee.

Thanks for your hard work and consideration.

Andy Proctor
Proctor Marble and Granite
6100 Robertson Ave
Nashville TN 37209
andy@proctormarbleandgranite.com
Office 615-356-7099
Mobile 615-394-6100

From: [Theobald, Cecelia Nally](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: oppose variance request 2019-136.
Date: Saturday, April 13, 2019 3:23:39 PM

I am writing to request that you oppose the sidewalk variance request 2019-136. This location has what appears to be an old sidewalk (not up to current code) and it appears the new owners want an exemption from the new standards. This location is less than 2 blocks away from our treasured neighborhood elementary school, where a lot of children routinely walk, bike, and play. If this variance is granted and the construction damages the existing sidewalk there would be no incentive for the new owners to repair and rebuild it up to code, further degrading our close neighborhood and reducing incentives for Nashvillians to use non-car transit. Please oppose this variance request.

Cecelia N. Theobald, MD MPH
Vice Chair for Clinical Affairs, Department of Medicine
Vanderbilt University Medical Center

From: [Ing Christopher](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Reject Sidewalk Variance Request 2019-136
Date: Saturday, April 13, 2019 3:43:38 PM

I'm writing to stop giving into these fly by night builders and reject the request allowing variance request 2019-136.

This request to not build a sidewalk & nor pay the in-lieu contribution is just not acceptable. These rules were put in place for a reason. Especially considering that this property, 3505 Elkins, is located less than 2 blocks from an elementary school. If for no other reason than the safety of the parents and children you must deny this request!

Sincerely,
Christopher Ing

Please excuse any typos, this email was sent from my iPhone

From: [Jean Byassee](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2019-136
Date: Saturday, April 13, 2019 2:37:09 PM

Make sure the sidewalk is replaced please on this project !

Jean I. Byassee

Sent from my iPhone

From: [Laura](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Sidewalk Variance
Date: Saturday, April 13, 2019 12:11:31 PM

Dear BZA,

I'm writing to strongly discourage you from allowing variance request 2019-136. This request, to not build the sidewalk & also not pay the in-lieu contribution, is just not acceptable.

This has been happening over and over throughout our city. Builders are making money buying and selling properties, but are being allowed to bypass building the sidewalks that this city so badly needs. This property, at 3505 Elkins, is 1.5 blocks away from an elementary school. For the health & safety of the children of Nashville, please deny this request.

We live 1.5 blocks from an elementary school as well and have had at least 22 homes built on our street who have also been able to bypass the sidewalk requirement. It is disgusting and too late for you to do what is right for our street, but please deny this request and hold the builder to the zoning rules in the neighborhood where they bought knowing a sidewalk would be part of the deal.

Sincerely,

Laura Bonfiglio
2238 Castleman Drive



Sent from my iPhone

From: [Lucy Harrington](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Kathleen Murphy](#)
Subject: I reject this sidewalk variance request
Date: Saturday, April 13, 2019 11:35:09 AM

Dear BZA,

I'm writing to strongly discourage you from allowing variance request [2019-136](#). This request, to not build the sidewalk & also not pay the in-lieu contribution, is just not acceptable. This property, at 3505 Elkins, is 1.5 blocks away from an elementary school. For the health & safety of the children of Nashville, please deny this request.

Sincerely,
Lucy Harrington
3905 Kimpalong
Nashville, Tn 37205

Sent from my iPhone

From: lblocher@uncbusiness.net
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposition to variance request 2019-136
Date: Friday, April 12, 2019 7:07:43 PM

Dear BZA,

I'm writing to strongly discourage you from allowing variance request [2019-136](#). This request, to not build the sidewalk & also not pay the in-lieu contribution, is just not acceptable. This property, at 3505 Elkins, is 1.5 blocks away from an elementary school. If you approve this request, you are continuing to state that Nashville does not value neighborhood walking areas or neighborhood schools, and that anyone's private interest is greater than the community as a whole.

For the health & safety of the children of Nashville, and for the betterment of our city, please deny this request.

Sincerely,
Lynn Blocher
1509 Ferguson Ave

Sent from my iPhone

From: [Dorris, Stacy](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Murphy, Kathleen \(Council Member\)](#)
Subject: 2019-136
Date: Friday, April 12, 2019 6:24:28 PM

Dear BZA,

I writing to strongly discourage you from allowing variance request 2019-136. This request, to not build the sidewalk & also not pay the in-lieu contribution, is just not acceptable. This property is 1.5 blocks away from an elementary school. For the health & safety of the children of Nashville, please deny this request.

Sincerely,
Stacy Dorris
801 Timber Ln
Nashville TN 37215

Get [Outlook for iOS](#)

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-136 (3505 Elkins Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property 865' south from #10 – Charlotte and #42 – Charlotte Pike BRT Lite; Planned High Capacity Transit per nMotion.
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

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

- (1) A 5' wide sidewalk without a grass strip exists along the property's frontage, which is consistent with the adjacent properties to the east and west along the block face.
- (2) The property has a grade change of 2'-4' from the back of the curb to the back of the existing sidewalk. Constructing sidewalks to the Local Street standard may require new retaining walls which may impact the topography of adjacent properties to the east and west.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of construction for the property frontage.
3. The applicant shall dedicate right-of-way along the property frontage to accommodate a future 4' grass strip and 5' sidewalk.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Anthony Eubanks Date: 2/15/19
Property Owner: Hamidulah Durani Case #: 2019-137
Representative: Anthony Eubanks Map & Parcel: 08116070200

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 2 SINGLE FAMILY RESIDENCE ON A SINGLE PARCEL REQUIRED 20 FT SIDE STREET SETBACK ON JACKSON ST, NO PERMIT STARTED FOR CONSTRUCTION YET.

REQUESTING 10 FT SETBACK.

Activity Type: NEW RESIDENTIAL CONSTRUCTION

Location: 933 WARREN ST

This property is in the RS 37.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: STREET SETBACK VARIANCE

Section(s): 17.12.030

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.

Anthony Eubanks
Appellant Name (Please Print)

Representative Name (Please Print)

1401-Hilton ave
Address

Address

Nashville Tn. 37216
City, State, Zip Code

City, State, Zip Code

615-400-4550
Phone Number

Phone Number

cookieeubcookie@hotmail.com
Email

Email

Zoning Examiner: UB

Appeal Fee: \$100



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



3604190

ZONING BOARD APPEAL / CAAZ - 20190009195
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08116070200

APPLICATION DATE: 02/14/2019

SITE ADDRESS:

933 WARREN ST NASHVILLE, TN 37208
LOT 13 & PT LT 14 C M HOLT PLAN

PARCEL OWNER: DURANI, HAMIDULLAH

CONTRACTOR:

APPLICANT:**PURPOSE:**

17.12.030 Setback Variance request. 20 ft required side street setback on Jackson Street, requesting reduction to 10 ft. Proposed construction of 2 single family residences on parcel. No Permit Applications started for construction as of 2/14/2019. .

POC" Anthony Eubanks 615-400-4550

*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

2/14/19
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.

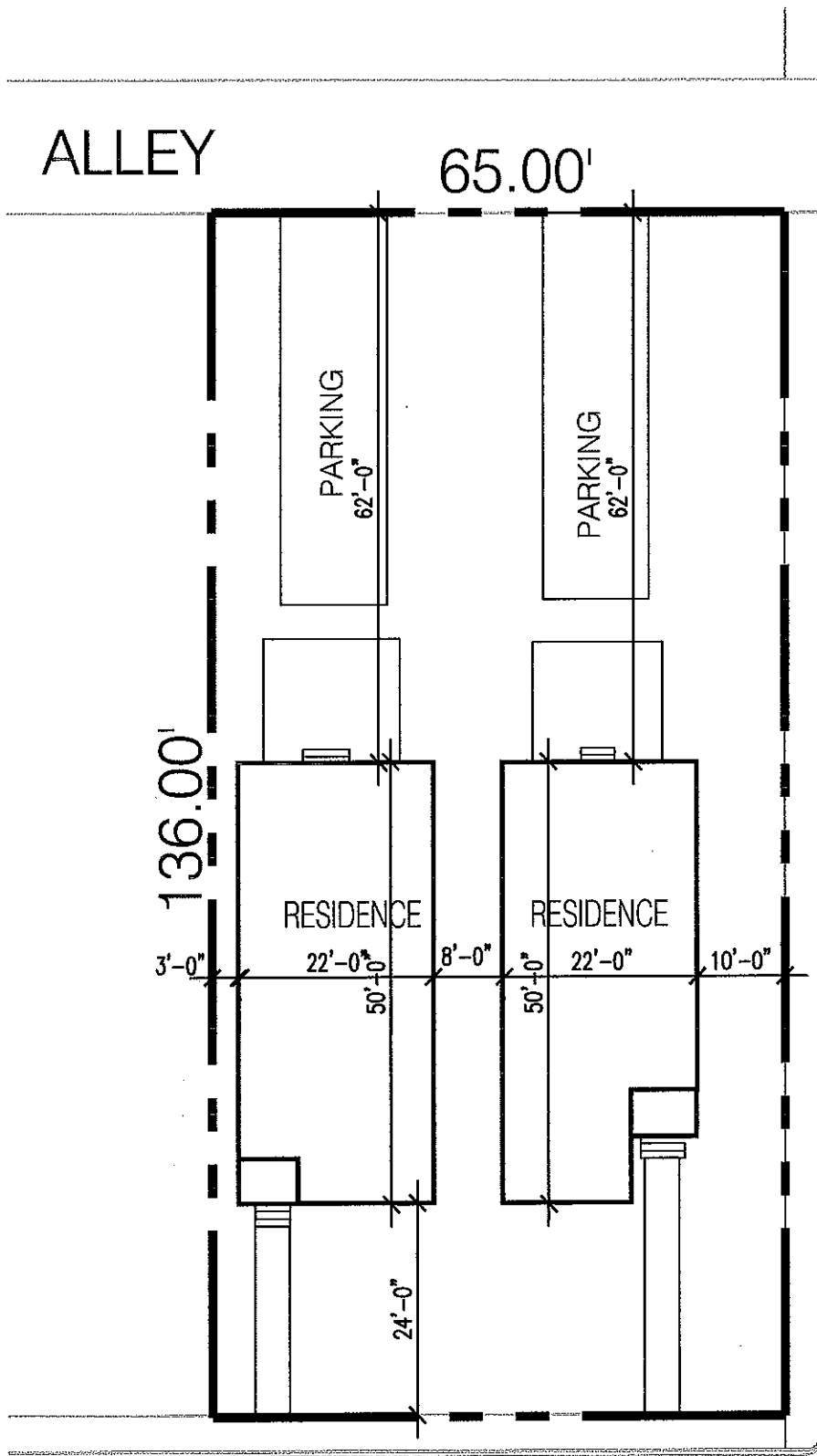
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

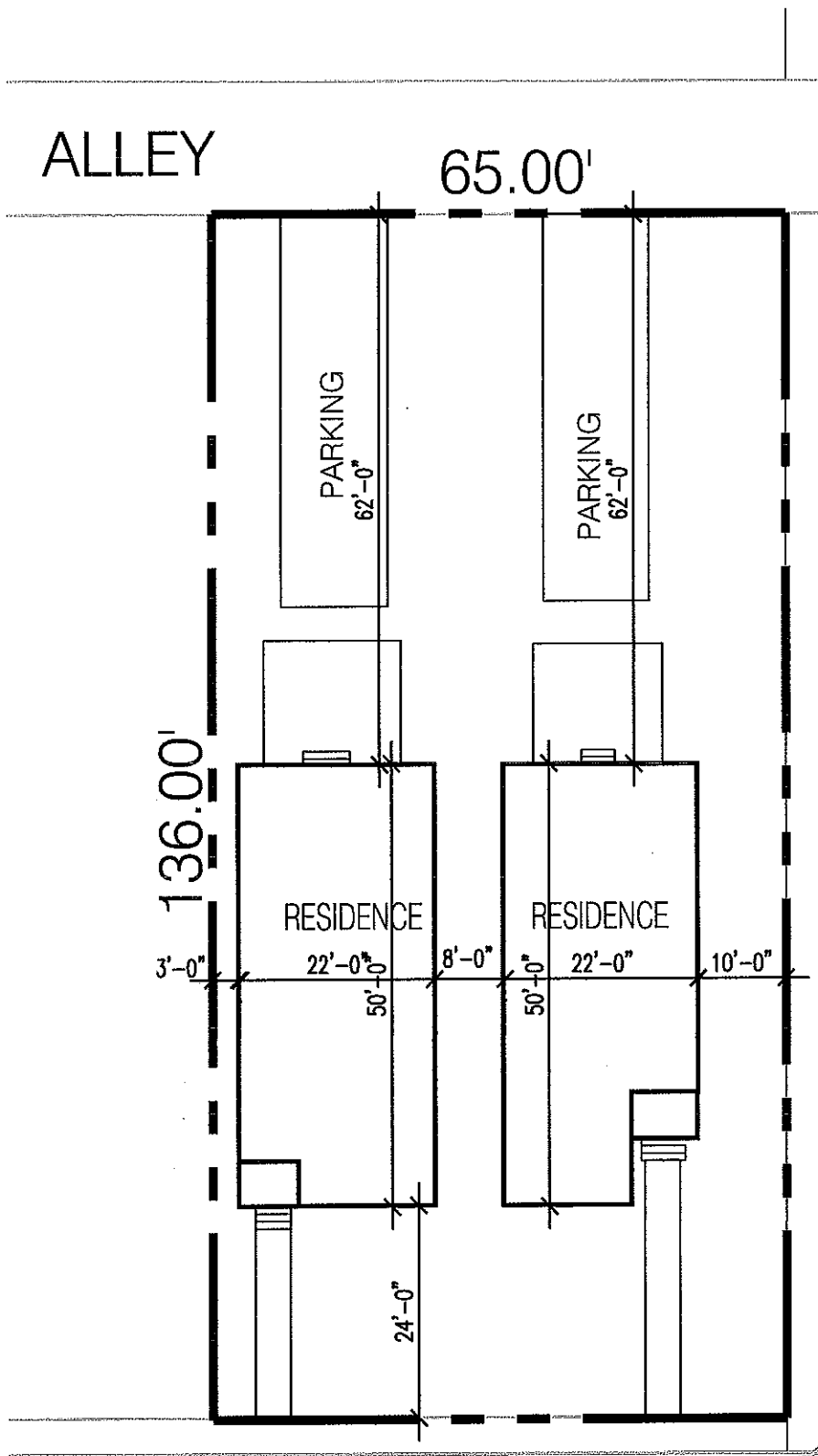
My name is Anthony E. Eubanks I live at 1401-
Lifton ave Nashville, TN, 37216. I am requesting a
side setback relocation at the property located
at 933 - Warren St. Nashville, TN, 37208 due to
the board approval to allow two (2) single family
homes to be built at 933 - Warren St. Nashville,
TN, 37208. The existing side setbacks, on
the Southside is three foot (3') and the North
side is twenty foot (20'), I am asking that the
South side setback remain three foot (3') and
the Northside setback be reset at Ten foot (10')



JACKSON STREET

WARREN STREET

SITE PLAN



JACKSON STREET

WARREN STREET

SITE PLAN

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : ELI BATES

Date: 2/19/19

Property Owner: Black Cotton

Case #: 2019-140

Representative: BATES Construction

Map & Parcel: 104130 W00200C0

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:

VARIANCES TO HOUSE ORIENTATION AND FRONT SETBACK.

BUILDING 2 HOUSES ON 1 LOT (HP2)

Activity Type: NEW RESIDENTIAL CONSTRUCTION

Location: 2027 HUNTON DRIVE

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: HOUSE ORIENTATION & SETBACK

Section(s): 17.12.030C.6 & 17.12.030C.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.

SCOTT STORY
Appellant Name (Please Print)

ELI BATES
Representative Name (Please Print)

209 10th Ave. S.
Address

P.O. Box 394
Address

Nashville TN, 37112
City, State, Zip Code

GLADEVILLE, TN, 37071
City, State, Zip Code

615-789-9189
Phone Number

615-456-1680
Phone Number

scott_story@ohm-advisors.com
Email

elibates32@comcast.net
Email

Zoning Examiner: _____

Appeal Fee: _____



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



3605125

**ZONING BOARD APPEAL / CAAZ - 20190009848
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 106130W00200CO

APPLICATION DATE: 02/19/2019

SITE ADDRESS:

2027 HUTTON DR NASHVILLE, TN 37210
UNIT 2027B 2027 HUTTON DRIVE

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

New construction of 2 single family residence on a one parcel (HPR). No construction Permit started.

Requesting (1) Variance to 17.12.030 C.6, which requires front facade orientation toward Hutton Drive, requesting to orientate houses toward Rosemary Lane.

(2) Variance to 17.12.030 C.3, which requires using the setbacks average of the 4 nearest houses (57.7 ft required) requesting to apply the platted setback of 30 ft.

POC: Eli Bates 615-486-1948 or Scott Story 615-789-9189

*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

OHM-ADVISORS

2/19/2019

 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 letter dated Jan. 30, 2019



ARCHITECTS. ENGINEERS. PLANNERS.

Board of Zoning Appeals
Metro Nashville Department of Codes Administration

January 31, 2019

Re: Variance Request to Metropolitan Board of Zoning Appeals for 2027 Hutton Avenue, Nashville, TN 37201.
Parcel Number 1013010600.

This Letter of Intent is in support of our request for a variance to the front setback requirements and a variance as to the determining the orientation of the front façade of the principle structure(s) on a corner lot that has lot lines of unequal length. Current zoning for this site is "R6" and the property lies in the 17th Council District where Mr. Colby Sledge is the Councilperson.

The property is located at the northeast corner of Hutton Drive and Rosemary Lane. It is lot 36 of Woodcrest Subdivision, Section 1 as recorded in Plat Book 1835, page 25 in the office of the Register of Deeds of Davidson County, Tennessee. The plat was recorded on October 26th of 1950, at which time, the plat called for a 30 foot building setback line for both Hutton Drive and Rosemary Lane. The width of the lot is approximately 115 feet along Hutton Drive and approximately 130 feet along Rosemary Lane. The intent is to tear down the existing single-family resident and replace with two (2) separate single-family residences under the Horizontal Property Regime "HPR" (Instrument No. 20181214-0121928 R.O.D.C., TN).

Zoning code section 17.12.030.C.6 reads: "the front façade of a principal structure on a corner lot that has lot lines of unequal length abutting the streets shall be oriented to the shorter lot line, except where the zoning administrator determines that the longer lot line is more appropriate based on one or more of the following criteria:

- a. The longer lot line of a lot zoned for office, mixed-use, commercial, or industrial use is located along an arterial street as shown on the adopted major street plan;
- b. The proposed structure will contain multiple businesses with outside entrances;
- c. The predominant character or pattern of adjoining development is or will be oriented to the street on which the longer lot line is located."

We feel that configuring the lot so that both of the proposed structures are oriented along Rosemary Lane would be more in line with existing HPR structures in the area and would maximize open area for the new lots created.

Zoning code section 17.12.030.C.3 reads: "In residential areas with an established development pattern, the minimum required street setbacks for the R and R-A, RS and RS-A and MHP districts shall be the average setback, up to a maximum of three times the standard setback provided in Table 17.12.030A, of the four nearest single-family or two-family houses on the same block face that are oriented to the same street and that follow the established development pattern."

In this case, the four nearest single-family lots along Rosemary Lane have an average front setback of 57.7 feet but also an average lot "depth" of 206.0 feet with our lot having a depth of only 115 feet. We are requesting that we be allowed to use the 30-foot setback as indicated on the plat along Rosemary, as well as, along Hutton Drive.

If you have any question, please do not hesitate to contact Felton Berger of OHM Advisors (615) 610-5238.

Sincerely,

A handwritten signature in black ink, appearing to read "Eli Bates", is written over the word "Sincerely,". To the right of the signature, the words "OHM ADVISORS" are written in a stylized, handwritten font.

Mr. Eli Bates
Bates Construction
1575 Corinth Road
Mount Juliet, TN. 37122
(615) 486-1948

OHM Advisors
209 10TH AVENUE SOUTH, SUITE 116
NASHVILLE, TENNESSEE 37203

T 615.649.5264

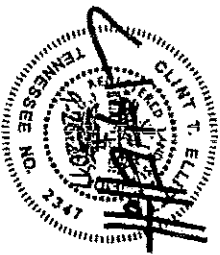
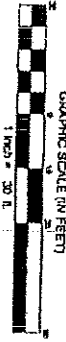
OHM-Advisors.com

Richard
Elliott



CLINT ELLIOTT SURVEY

1771 Hayes Street
Nashville, TN 37203
clintelliotsurvey.com
(615) 990-3326



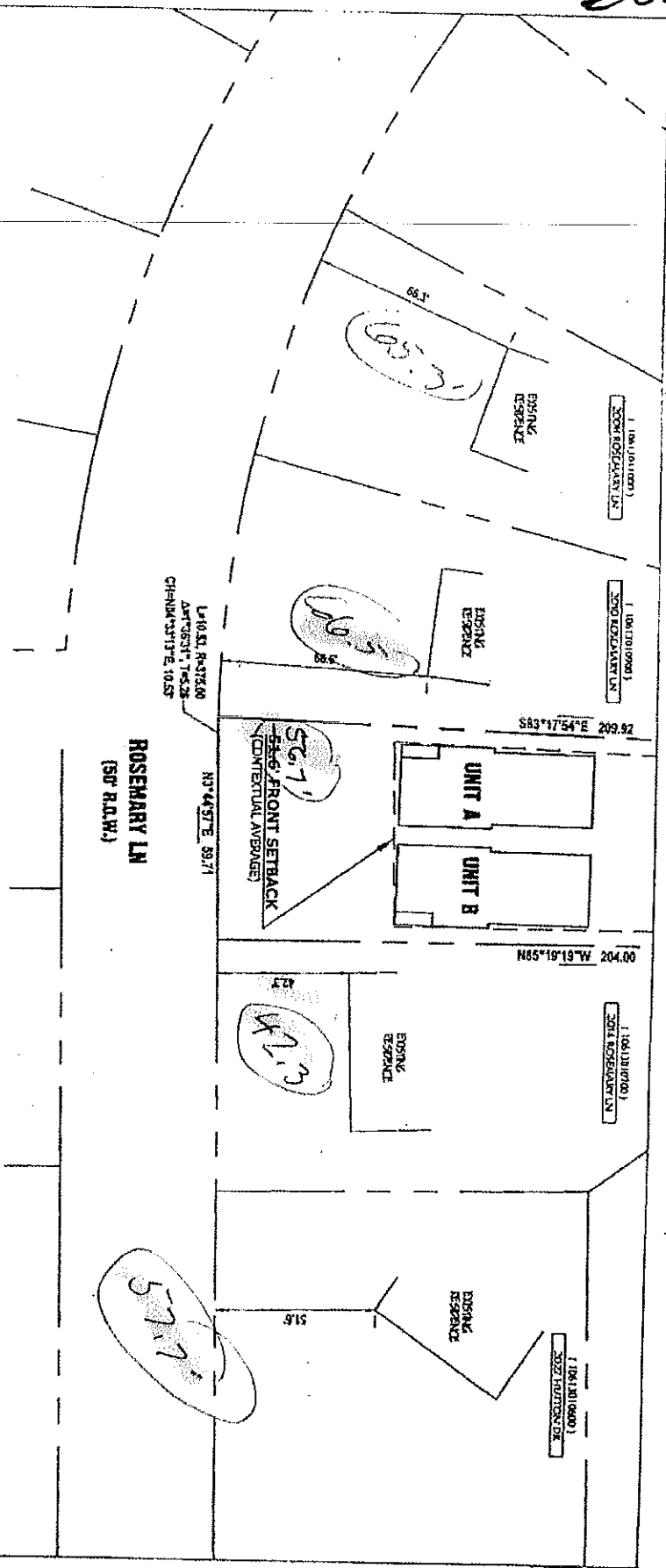
Building Setbacks
2012 Rosemary Lane, Units A & B
Nashville, Davidson County, Tennessee

Sheet No.

V-2.3

FRONT SETBACK: 56.7'

RM 9-27-17



ROSEMARY LN
(150' R.O.W.)

NO 44°37'E 39.71'

L40.61' ROSEMARY
ADJACENT TO E. 10.53'
CHINA DRIVE E. 10.53'

56.7'
FRONT SETBACK
(CONVENTUAL AVERAGE)

56.3

56.7

59.7

51.8

563°17'54"E 209.92'

60°42' M. 61.61, 59H

1 (04/10/1987)
2027 HAYES LN

1 (04/10/1987)
2027 HAYES LN

1 (04/10/1987)
2027 HAYES LN

1 (04/10/1987)
2027 HAYES LN

UNIT A
UNIT B

EXISTING RESERVE

EXISTING RESERVE

EXISTING RESERVE

EXISTING RESERVE

EXISTING RESERVE

EXISTING RESERVE

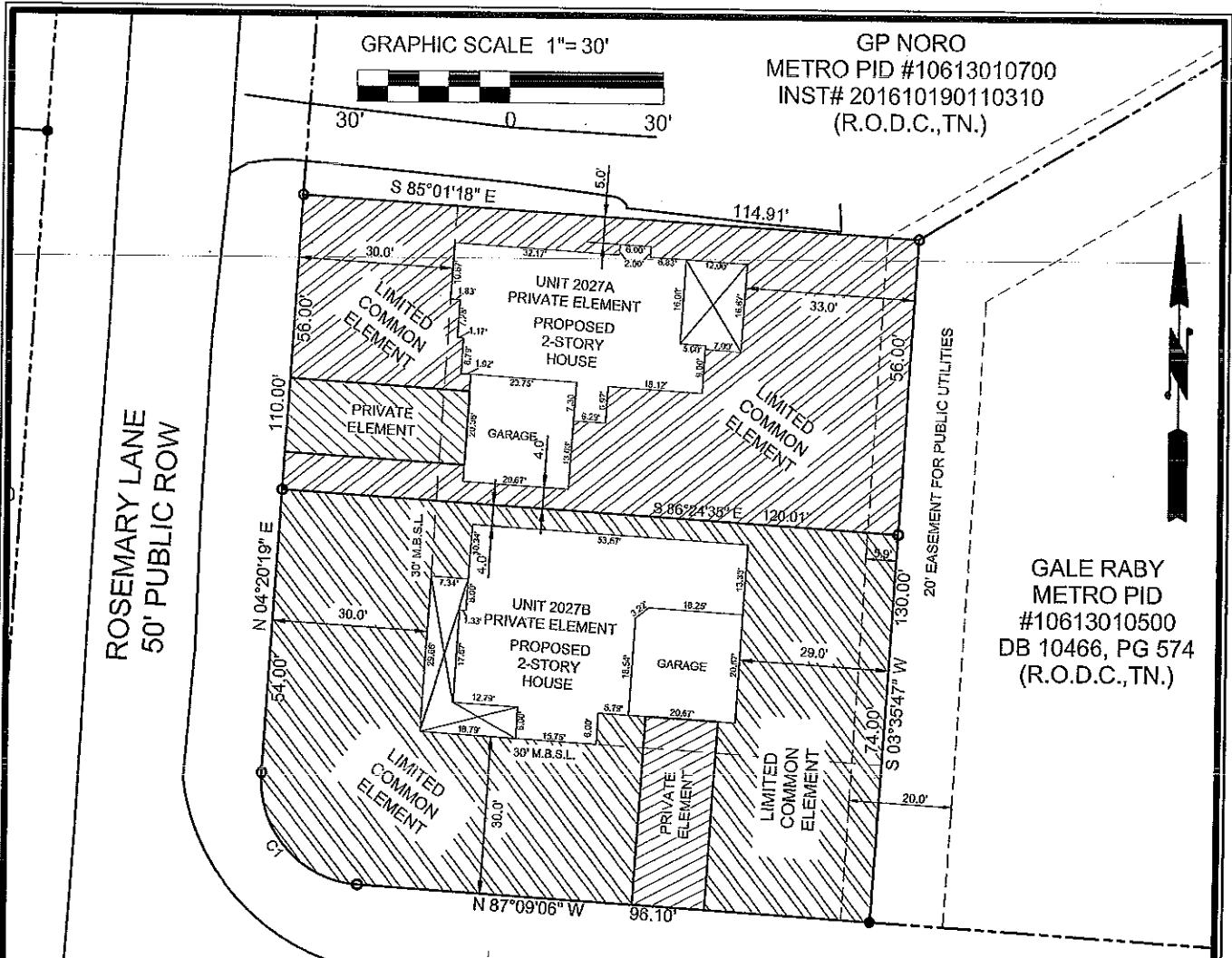
EXISTING RESERVE

EXISTING RESERVE

EXISTING RESERVE

66.1'

58.9'

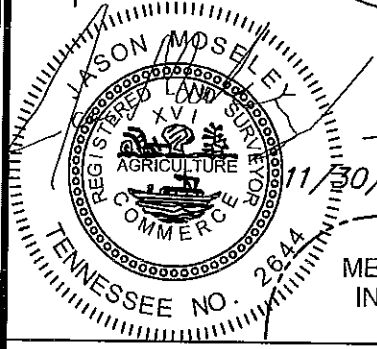


GP NORO
 METRO PID #10613010700
 INST# 201610190110310
 (R.O.D.C., TN.)

GALE RABY
 METRO PID
 #10613010500
 DB 10466, PG 574
 (R.O.D.C., TN.)

ROSEMARY LANE
 50' PUBLIC ROW

HUTTON DRIVE
 50' PUBLIC ROW



ROBERT S. OELZE
 METRO PID #10613009800
 INST# 201411030101369
 (R.O.D.C., TN.)

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH
C1	20.00'	31.94'	28.65'

THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF T.C.A. 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED BY RULE 0820-3-07 OF THE STANDARDS OF PRACTICE. THIS EXHIBIT IS FOR REFERENCE ONLY AND NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.

EXHIBIT
HORIZONTAL PROPERTY REGIME

UNITS 2027A & 2027B HUTTON DRIVE, NASHVILLE TN 37210
 BEING LOT 38 OF WOODY CREST SUBDIVISION, SECTION 1, PB 1835, PG 25

FOR: BATES CONSTRUCTION	DATE: 11/30/2018
PARCEL : 1013010600	ZONING: R6
DEED: D.B. 6001, PG 262 (R.O.D.C., TN)	PROJECT #: 0223-18-0060
PLAT: PB 1835, PG 25 (R.O.D.C., TN)	SHEET 1 OF 1

OHM®
 OHM ADVISORS
 209 10th AVENUE SOUTH
 SUITE 116
 NASHVILLE, TN 37203
 615-649-5264



ARCHITECTS. ENGINEERS. PLANNERS.

April 15, 2019

Board of Zoning Appeals
Metropolitan Nashville Government
800 Second Avenue South
Nashville, Tennessee

RE: Board of Zoning Appeals Special Exception and Variance Request
2027 Hutton Drive
BZA Case # 2019-140; CAAZ - 20190009848

Dear Board of Zoning Appeals Chairman and Members:

OHM Advisors (OHM) respectfully submits the additional information attached for consideration of the BZA case above. Councilman Sledge requested a deferral at the April 4, 2019 BZA meeting. We have since reached out again to Councilman Sledge by phone and email. He has communicated through email and OHM forwarded information to him.

Adhering to the contextual setbacks on Rosemary Lane would effectively reduce the building area of the lot by half when the lot itself is an unusual shape compared to others along the same block on Rosemary.

OHM Advisors requests to be placed on the April 18, 2019 Board of Zoning Appeals agenda.

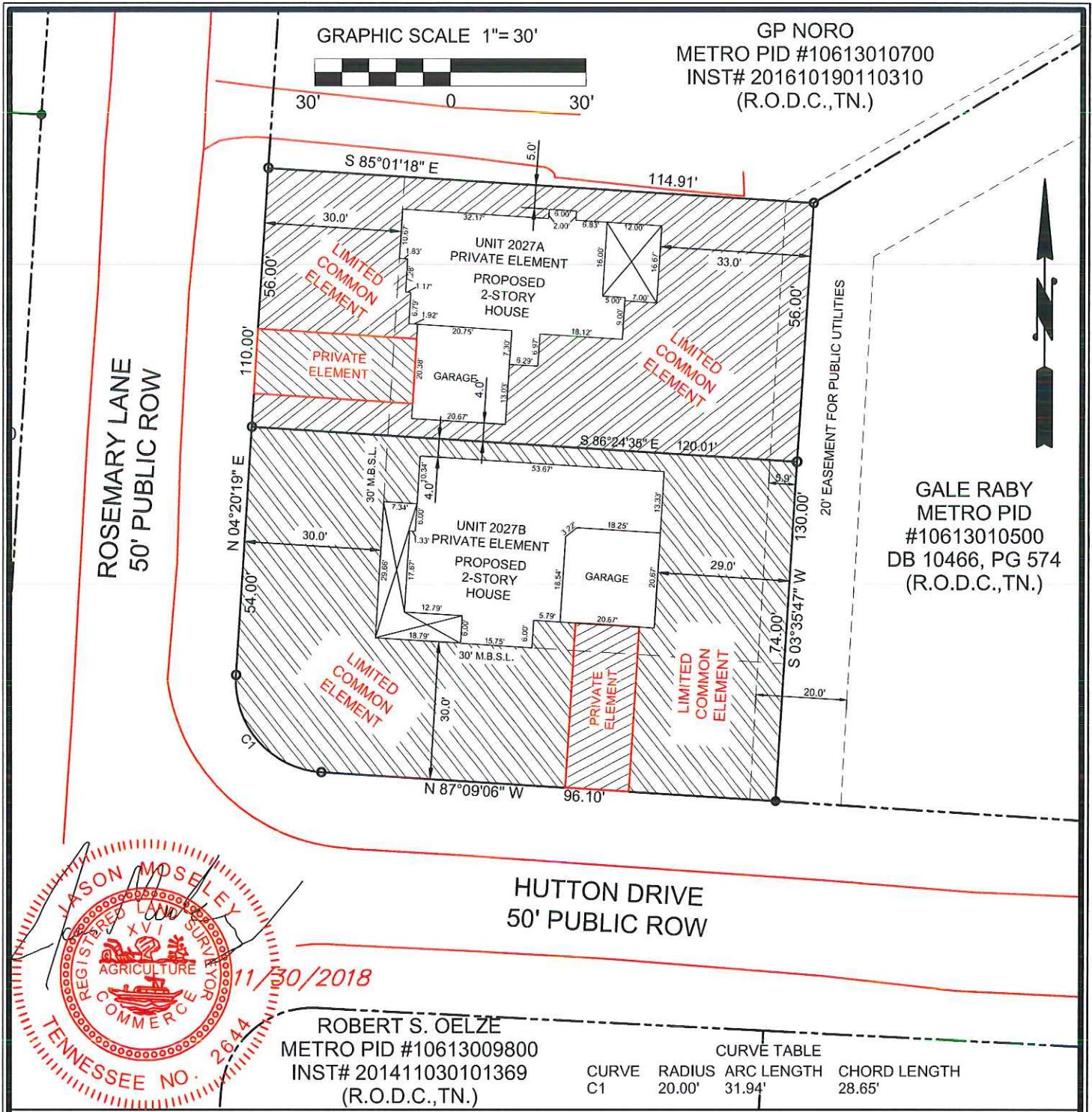
If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 445-9421 or by email at paula.hepp@ohm-advisors.com.

Respectfully Submitted,


OHM Advisors

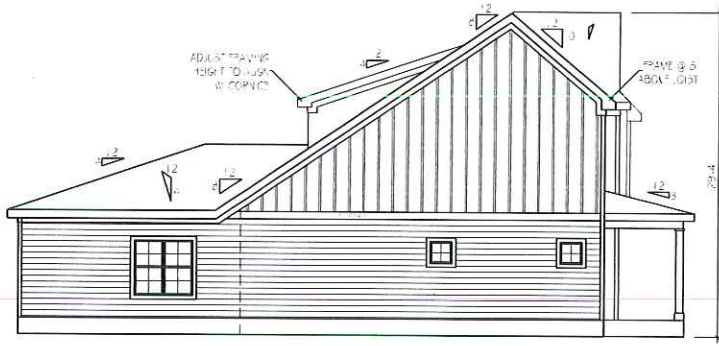
A handwritten signature in blue ink that reads "Paula K. Hepp". The signature is written in a cursive style and is positioned above the printed name and title.

Paula K. Hepp
Project Manager



THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF T.C.A. 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED BY RULE 0820-3-07 OF THE STANDARDS OF PRACTICE. THIS EXHIBIT IS FOR REFERENCE ONLY AND NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.

EXHIBIT HORIZONTAL PROPERTY REGIME UNITS 2027A & 2027B HUTTON DRIVE, NASHVILLE TN 37210 BEING LOT 38 OF WOODY CREST SUBDIVISION, SECTION 1, PB 1835, PG 25		 OHM OHM ADVISORS 209 10th AVENUE SOUTH SUITE 116 NASHVILLE, TN 37203 615-649-5264
FOR: BATES CONSTRUCTION	DATE: 11/30/2018	
PARCEL : 1013010600	ZONING: R6	
DEED: D.B. 6001, PG 262 (R.O.D.C., TN)	PROJECT #: 0223-18-0060	
PLAT: PB 1835, PG 25 (R.O.D.C., TN)	SHEET 1 OF 1	



LEFT SIDE ELEVATION

SCALE: 1/4"=1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/4"=1'-0"

PLEASE NOTE:

DESIGNER ASSUMES NO LIABILITY FOR ANY HOME CONSTRUCTED FROM THIS PLAN. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THIS PLAN TO PERFORM THE FOLLOWING BEFORE BEGINNING ACTUAL CONSTRUCTION:

- 1. BUILDER OR CONTRACTOR MUST VERIFY ALL DIMENSIONS & ALL SQUARE FOOTAGE PRIOR TO PROCEEDING WITH CONSTRUCTION.
- 2. BUILDER OR CONTRACTOR MUST VERIFY COMPLIANCE WITH ALL LOCAL BUILDING CODES.
- 3. THIS AREA WHERE THE HOME IS TO BE CONSTRUCTED.
- 4. THIS COVER ASSUMES NO RESPONSIBILITY FOR ANY STRUCTURAL ENGINEERING ASPECTS.

CAUTION MUST BE EXERCISED IN MAKING ANY CHANGES TO THIS PLAN. ONLY A LICENSED ARCHITECT, ARCHITECTURAL ENGINEER, CONTRACTOR, OR STRUCTURAL ENGINEER SHOULD MAKE ANY CHANGES TO THIS PLAN. ANY CHANGES TO THE PLAN OF THE HOUSE COULD LEAD TO MAJOR PROBLEMS IN ANY OTHER AREA.

MARK LYNN & ASSOCIATES IS NOT A LICENSED ARCHITECT

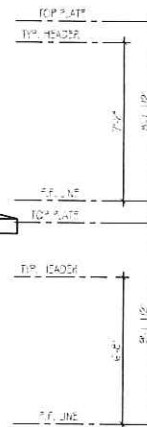
ELEVATION & ROOF NOTES

- 1. DO NOT SEAL ELEVATIONS
- 2. ROOF PITCH: 12 ON RAFTERS UNLESS NOTED OTHERWISE
- 3. 1x6 SIPS & BRIDGE JOISTS PER BUILDER
- 4. 4x12 SIPS & 2x6 BRIDGE JOISTS PER BUILDER
- 5. FLASHINGS AS SHOWN PER BUILDER
- 6. 1/2" C&G WATER SHIELD ON 3/4" 2x4 - 2 ROOFS AS SHOWN



REAR ELEVATION

SCALE: 1/4"=1'-0"



**HUTTON DRIVE
LOT 38
UNIT B**

DATE ISSUED: 12-07-16

Mark Lynn

& ASSOCIATES

615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates

NOTE:

1. FOUNDATION WALLS SHALL BE CONCRETE WITH 4" MIN. THICKNESS. ALL FOUNDATION WALLS SHALL BE REINFORCED WITH #4 BARS @ 16" O.C. MINIMUM.

2. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE INTERIOR.

3. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

4. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

5. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

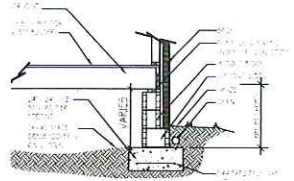
6. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

7. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

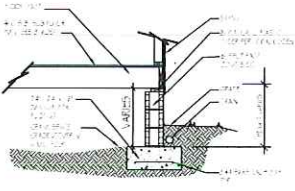
8. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

9. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.

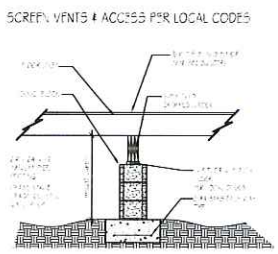
10. ALL FOUNDATION WALLS SHALL BE FINISHED WITH 4" MIN. THICKNESS OF CONCRETE ON THE INTERIOR AND 2" MIN. THICKNESS OF CONCRETE ON THE EXTERIOR.



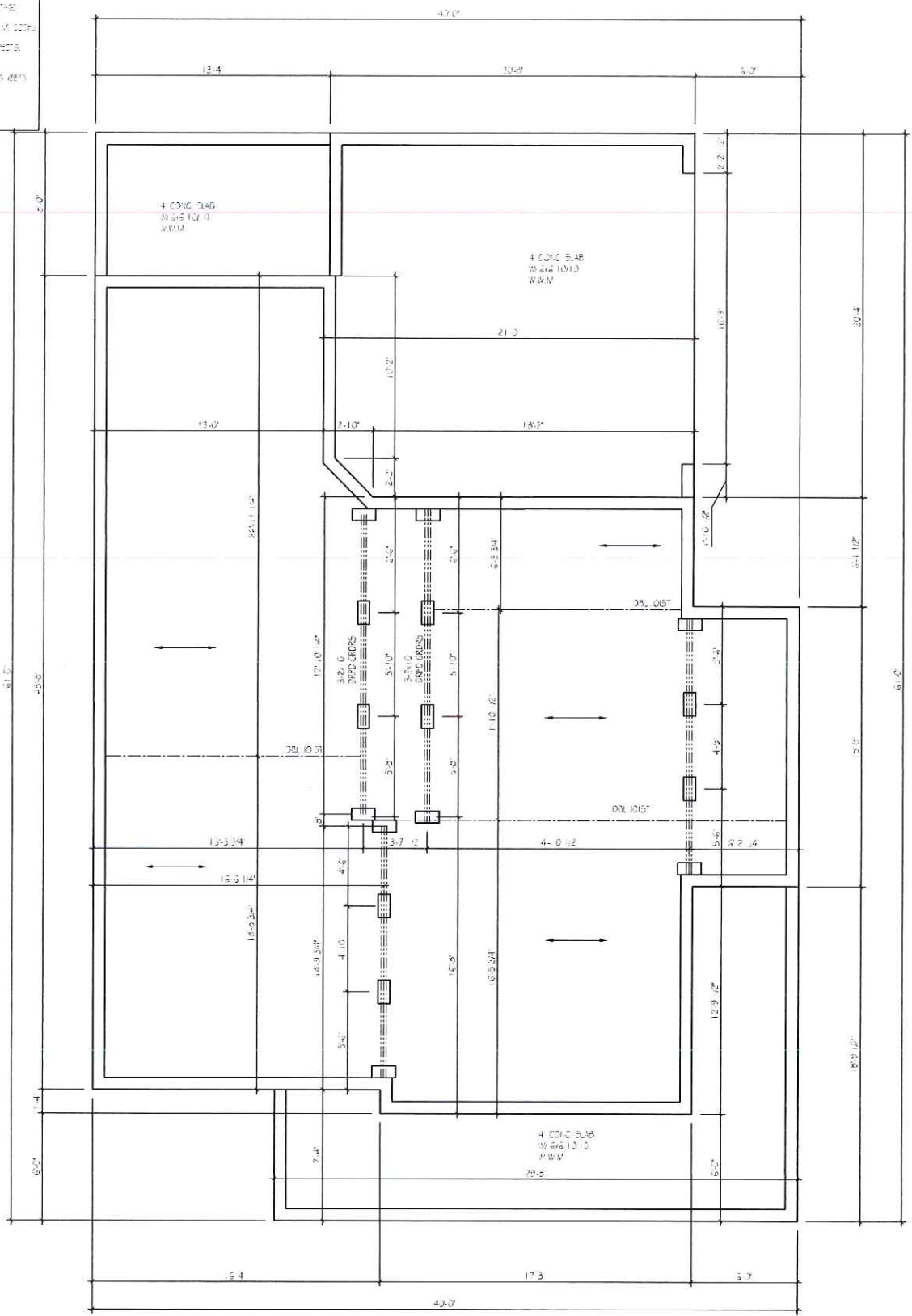
DETAIL: BRICK CRAWL SPACE
NOT TO SCALE, TYPICAL



CRAWL SPACE- SIDING SPLIT-FACE BLOCK
NOT TO SCALE, TYPICAL



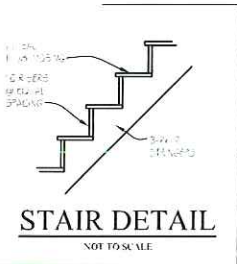
DETAIL: DROPPED GIRDER
NOT TO SCALE, TYPICAL



FOUNDATION PLAN
SCALE: 1/4"=1'-0"

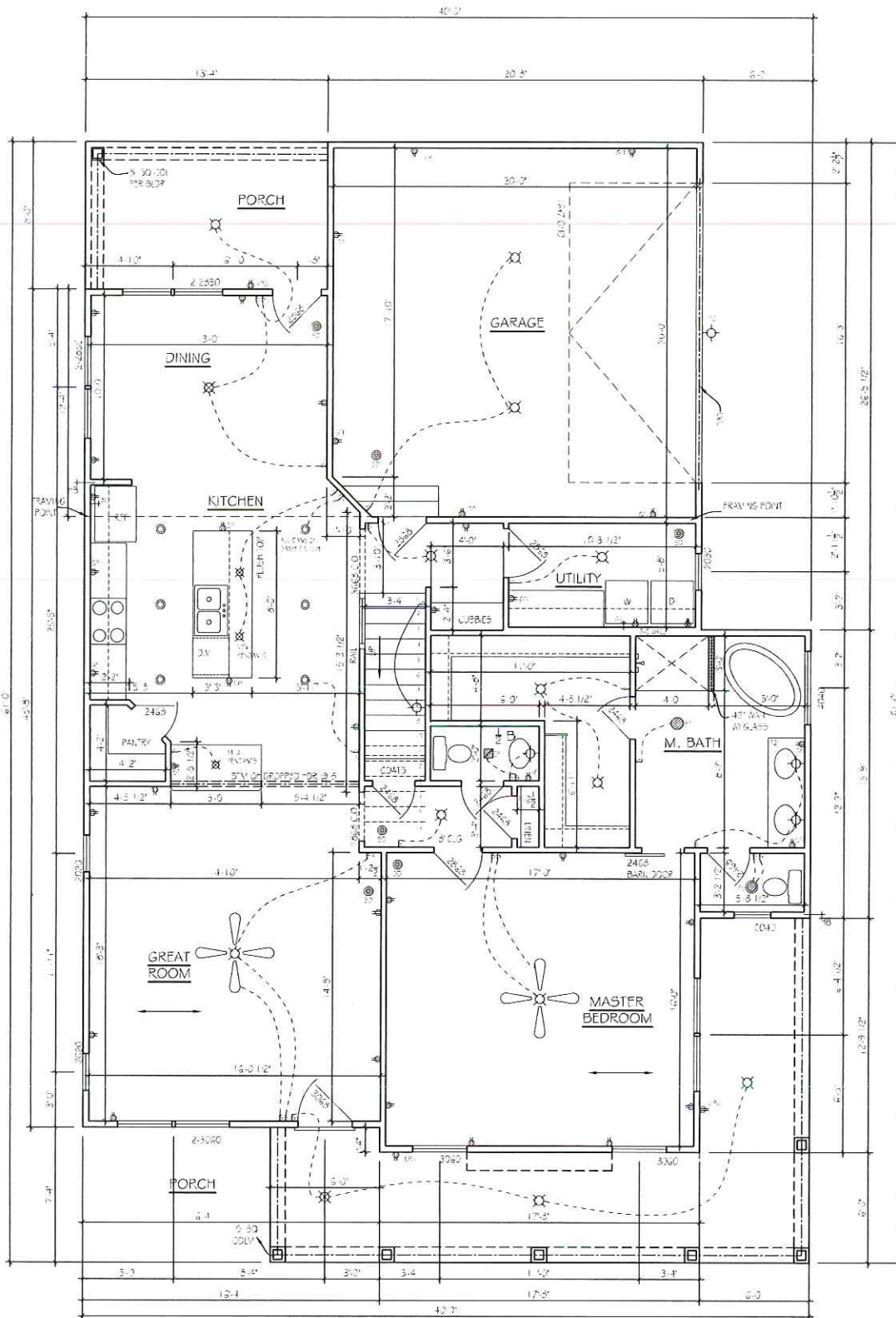
HUTTON DRIVE
LOT 38
UNIT B
DATE: 08.10.2019

Mark Lynn
& ASSOCIATES
615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates



FRAMING NOTES

1. ALL INTERIOR WALLS ARE 4" W/2X4 STUDS @ 16" O.C.
2. ALL EXTERIOR WALLS ARE 8" W/2X8 STUDS @ 16" O.C.
3. ALL CEILING ARE 5/8" CD SHEET
4. CEILING: 3/4" GYPSUM BOARD @ 5/8" O.C.
5. ALL ST. FLOOR AREAS ARE TRIMMED @ 3/4" W/ 2X4S @ 16" O.C.
6. ALL ST. FLOOR AREAS ARE TRIMMED @ 3/4" W/ 2X4S @ 16" O.C.



FIRST FLOOR PLAN

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

APPROX. AREA	
FIRST FLOOR LIVING	1422
SECOND FLOOR LIVING	783
TOTAL HEATED	2205
GARAGE	414
FRONT PORCH	263
REAR PORCH	107
TOTAL COVERED	2039

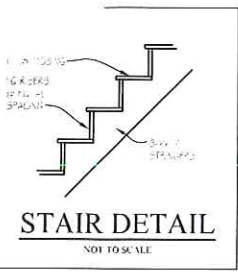
**HUTTON DRIVE
LOT 38
UNIT B**

DATE: 08/10/12 07:18

Mark Lynn

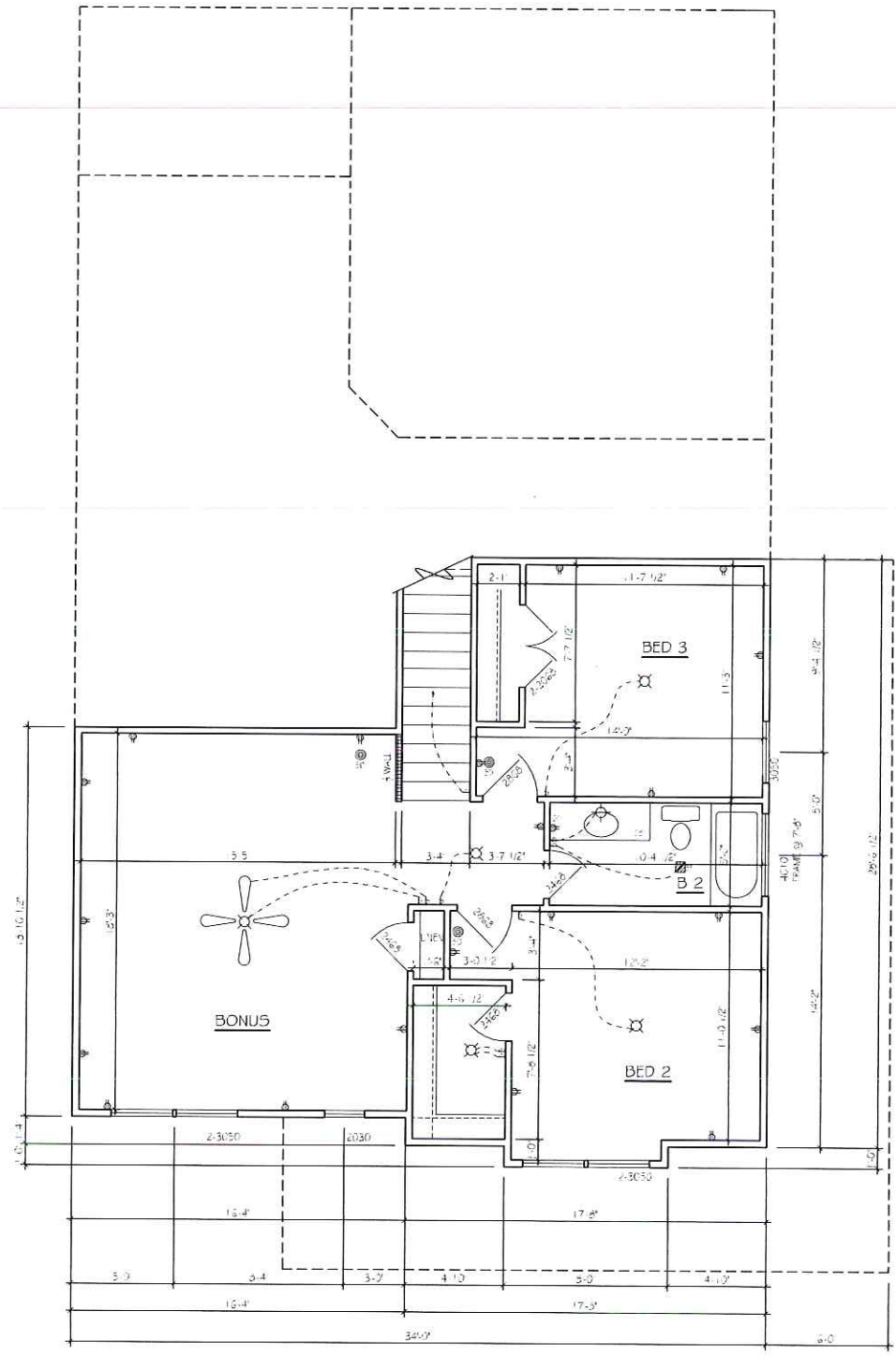
& ASSOCIATES

615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates



FRAMING NOTES

- 1. ALL EXTERIOR WALLS ARE 4" UNLESS OTHERWISE NOTED
- 2. ALL INTERIOR WALLS ARE 5/8" UNLESS OTHERWISE NOTED
- 3. ALL DOOR & WINDOW
- 4. CEILING - 5/8" PL GYPSUM BOARD
- 5. ALL 3RD FLOOR WINDOWS ARE FRAMED @ 6" ON CENTER UNLESS OTHERWISE NOTED
- 6. ALL 2ND FLOOR WINDOWS ARE FRAMED @ 7" ON CENTER UNLESS OTHERWISE NOTED



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

**HUTTON DRIVE
LOT 38
UNIT B**

DATE ISSUED: 02.07.19

Mark Lynn

& ASSOCIATES
615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates

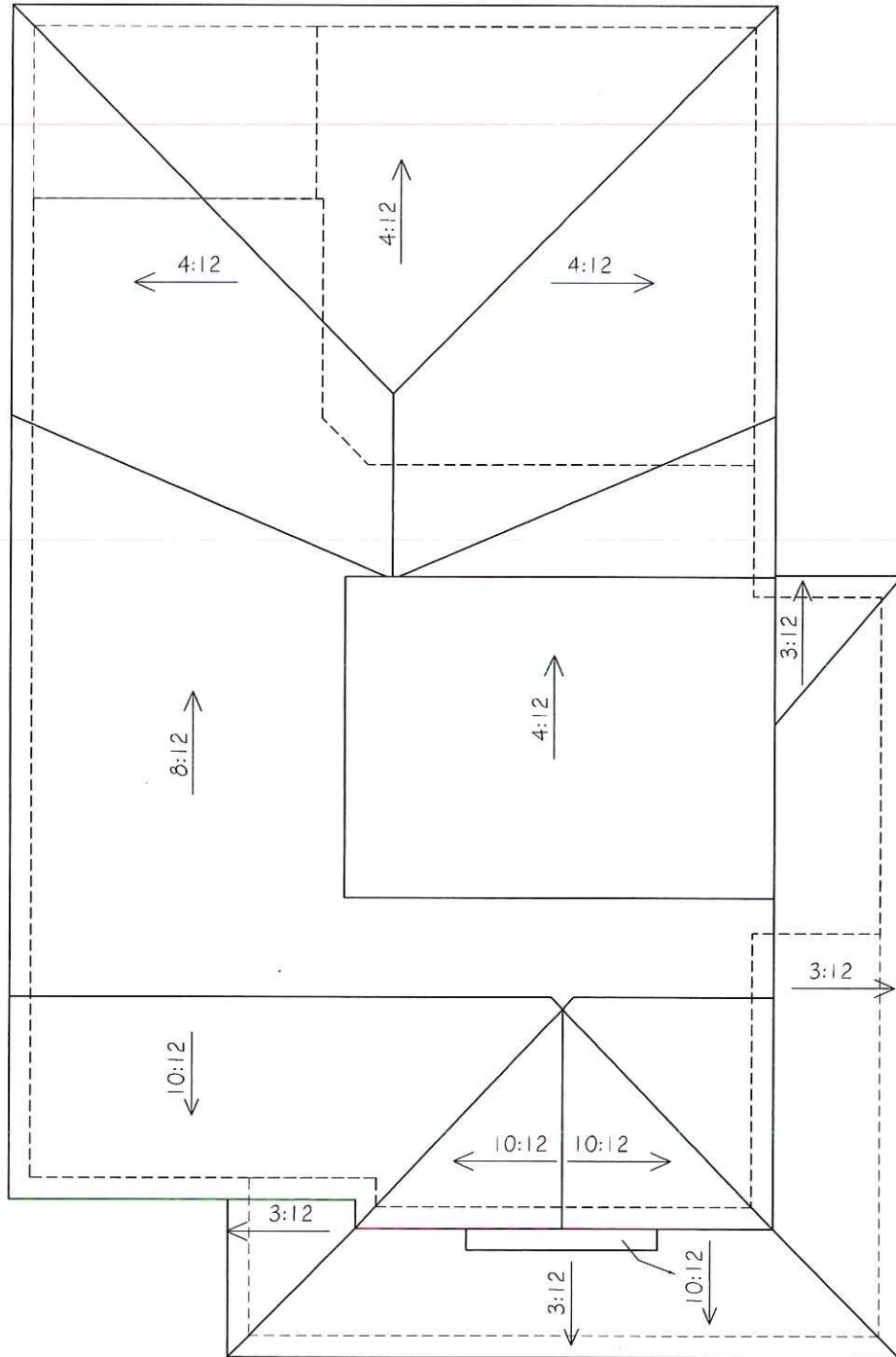
NOTE:

OWNER ASSUMES TO VERIFY ALL INFORMATION DERIVED FROM THE PLAN. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THE PLAN TO VERIFY THE FOLLOWING INFORMATION WITH THE ACTUAL STRUCTURE:

1. ALL ROOF STRUCTURES MUST VERIFY ALL DIMENSIONS AND SLOPES PRIOR TO PROCEEDING WITH CONSTRUCTION.
2. ALL ROOF JOINTS, FLASHINGS AND PENETRATIONS MUST BE PROPERLY DETAILLED AND PROTECTED.
3. ALL ROOF JOINTS MUST BE PROPERLY DETAILLED AND PROTECTED.
4. ALL ROOF JOINTS MUST BE PROPERLY DETAILLED AND PROTECTED.

OWNER MUST VERIFY ALL INFORMATION DERIVED FROM THE PLAN. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THE PLAN TO VERIFY THE FOLLOWING INFORMATION WITH THE ACTUAL STRUCTURE:

MARK LYNN & ASSOCIATES, INC. ARCHITECTS



**HUTTON DRIVE
LOT 38
UNIT B**

DATE: 08/17/2019

ROOF PLAN

SCALE 4"=1'-0"

Mark Lynn

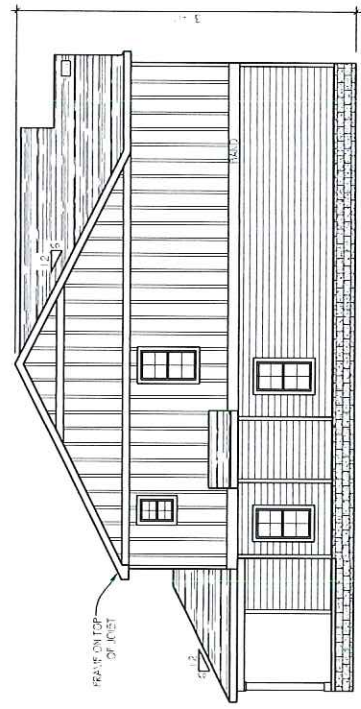
& ASSOCIATES

615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates

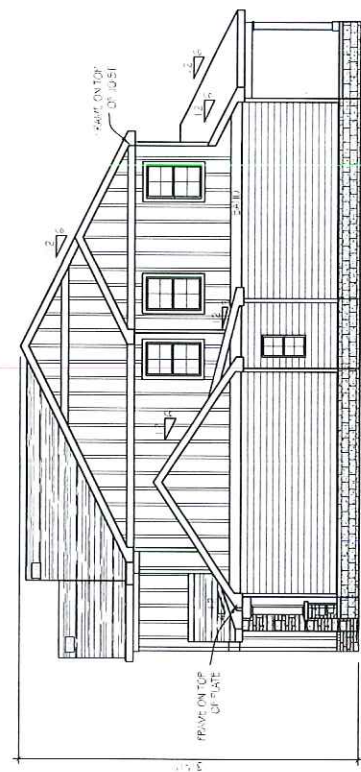
PLEASE NOTE:
 THESE ASSUMES TO BE AN APPROXIMATE "TYPICAL" CONSTRUCTION FROM THE PLAN. IT IS THE RESPONSIBILITY OF THE ARCHITECT TO PROVIDE THE FOLLOWING NOTES TO THE CONTRACTOR.
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
 3. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE SPECIFIED.
 4. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE.
 5. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
 6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND ALL APPLICABLE LOCAL ORDINANCES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
 8. ALL MATERIALS SHALL BE NEW UNLESS OTHERWISE SPECIFIED.
 9. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AVAILABLE.
 10. ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.

ELEVATION & ROOF NOTES

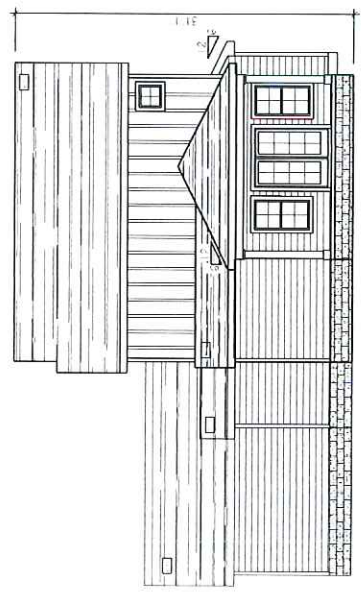
1. 1/2" ROOF PITCH
2. 1/2" ROOF PITCH
3. 1/2" ROOF PITCH
4. 1/2" ROOF PITCH
5. 1/2" ROOF PITCH
6. 1/2" ROOF PITCH



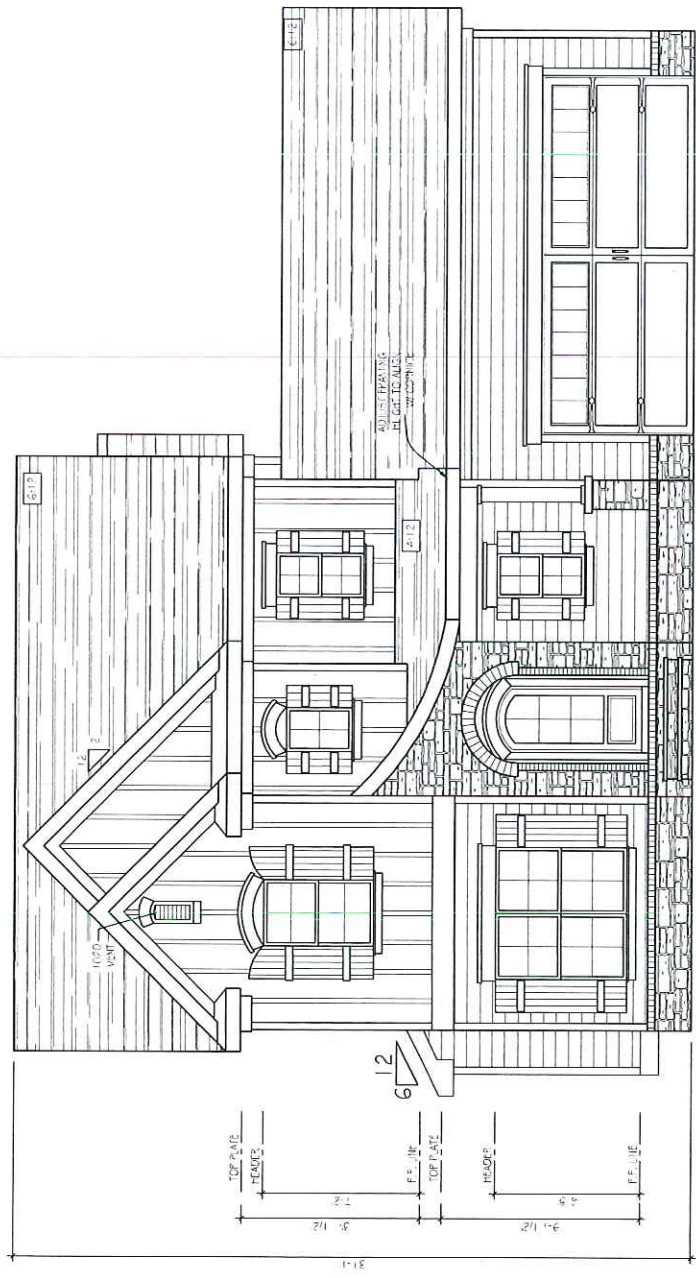
LEFT SIDE ELEVATION
 SCALE: 1/8"=1'-0"



RIGHT SIDE ELEVATION
 SCALE: 1/8"=1'-0"



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



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

HUTTON DRIVE
LOT 38
UNIT A
 DATE ISSUED: 12.11.19

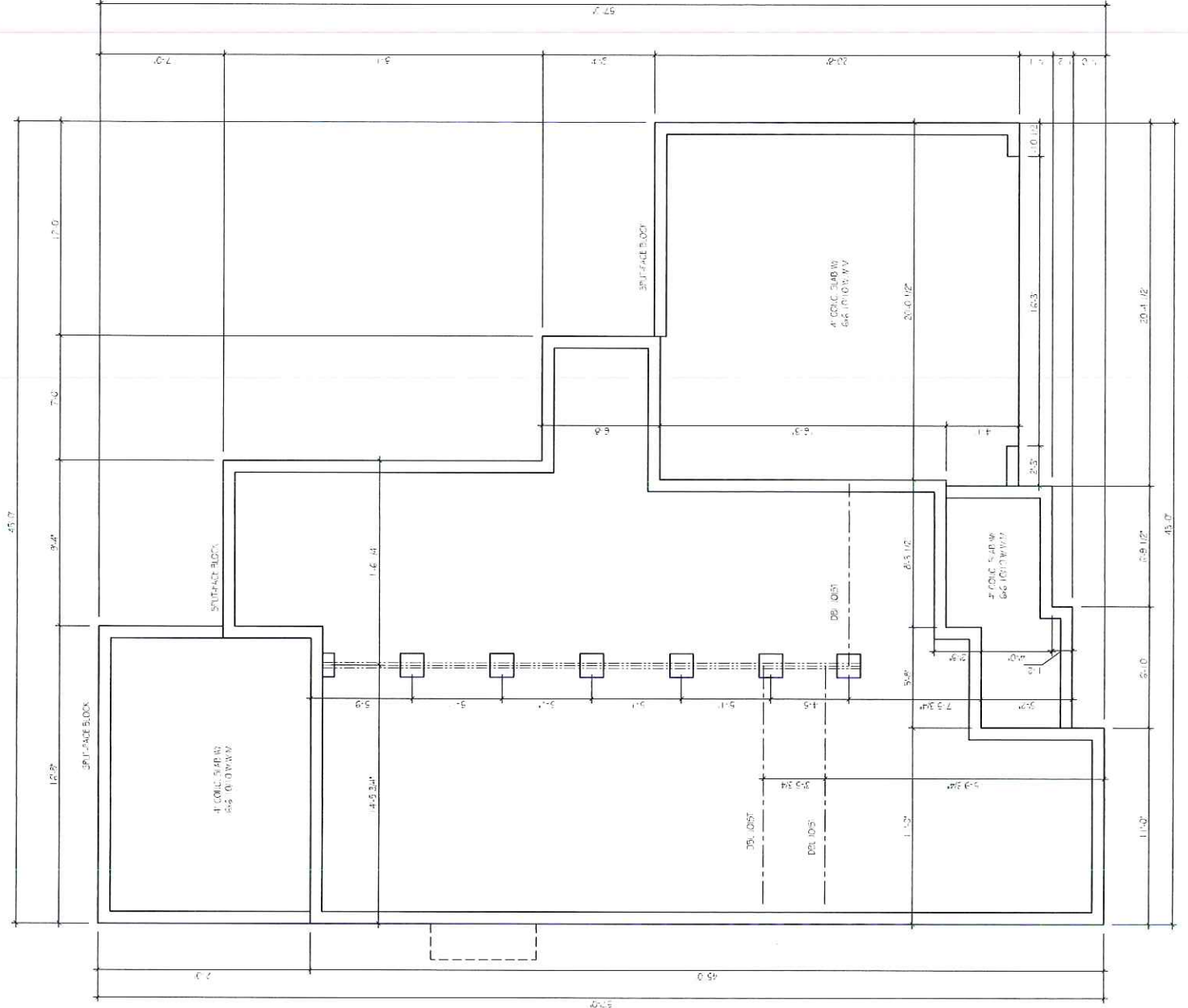
Mark Lynn
 & ASSOCIATES
 615.308.5330
 marklynn1@hotmail.com
 6965 Sunnywood Dr.
 Nashville, TN 37211
 © Mark Lynn & Associates

**HUTTON DRIVE
LOT 38
UNIT A**

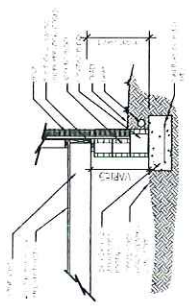
DATE ISSUED: 2.1.18

Mark Lynn

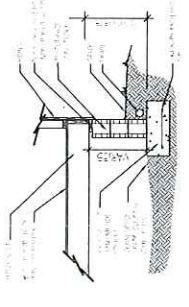
& ASSOCIATES
615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates



PLEASE NOTE:
DESIGNER ASSUMES NO LIABILITY FOR CONTRACTOR'S FAILURE TO FOLLOW THE RESULTS OF THIS PLAN TO PREVENT THE FOLLOWING FROM OCCURRING AT CONSTRUCTION:
1. A. LOSS OF CONTRACTOR'S INVESTMENT IN CONSTRUCTION OF ANY FOOTING.
2. FINISHING CONTRACTOR'S WORK COMPROMISED WITH ALL LOCAL PLUMBING CODES.
3. FINISHING CONTRACTOR'S WORK COMPROMISED WITH ALL LOCAL ELECTRICAL CODES.
CONTRACTOR IS RESPONSIBLE FOR ALL CHANGES IN THE PLAN.
4. CHANGES TO THIS PLAN SHALL BE MADE BY THE ARCHITECT.
5. THIS PLAN IS TO BE USED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CHANGES IN THE PLAN.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CHANGES IN THE PLAN.

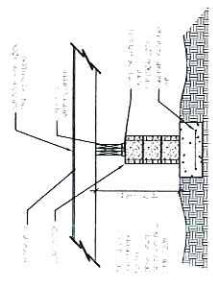


DETAIL: BRICK CRAWL SPACE
NOT TO SCALE, TYPICAL



CRAWL SPACE- SIDING SPLIT-FACE BLOCK
NOT TO SCALE, TYPICAL

SCREEN VENTS & ACCESS PER LOCAL CODES



DETAIL: DROPPED GIRDER
NOT TO SCALE, TYPICAL

PLEASE NOTE:

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 3. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 4. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 5. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 6. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 7. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 8. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 9. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 10. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 11. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 12. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 13. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 14. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 15. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 16. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 17. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 18. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 19. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.
 20. THE FINISH FLOOR IS TO BE DETERMINED BY THE ARCHITECT.

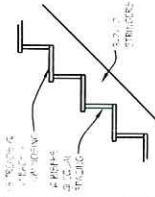
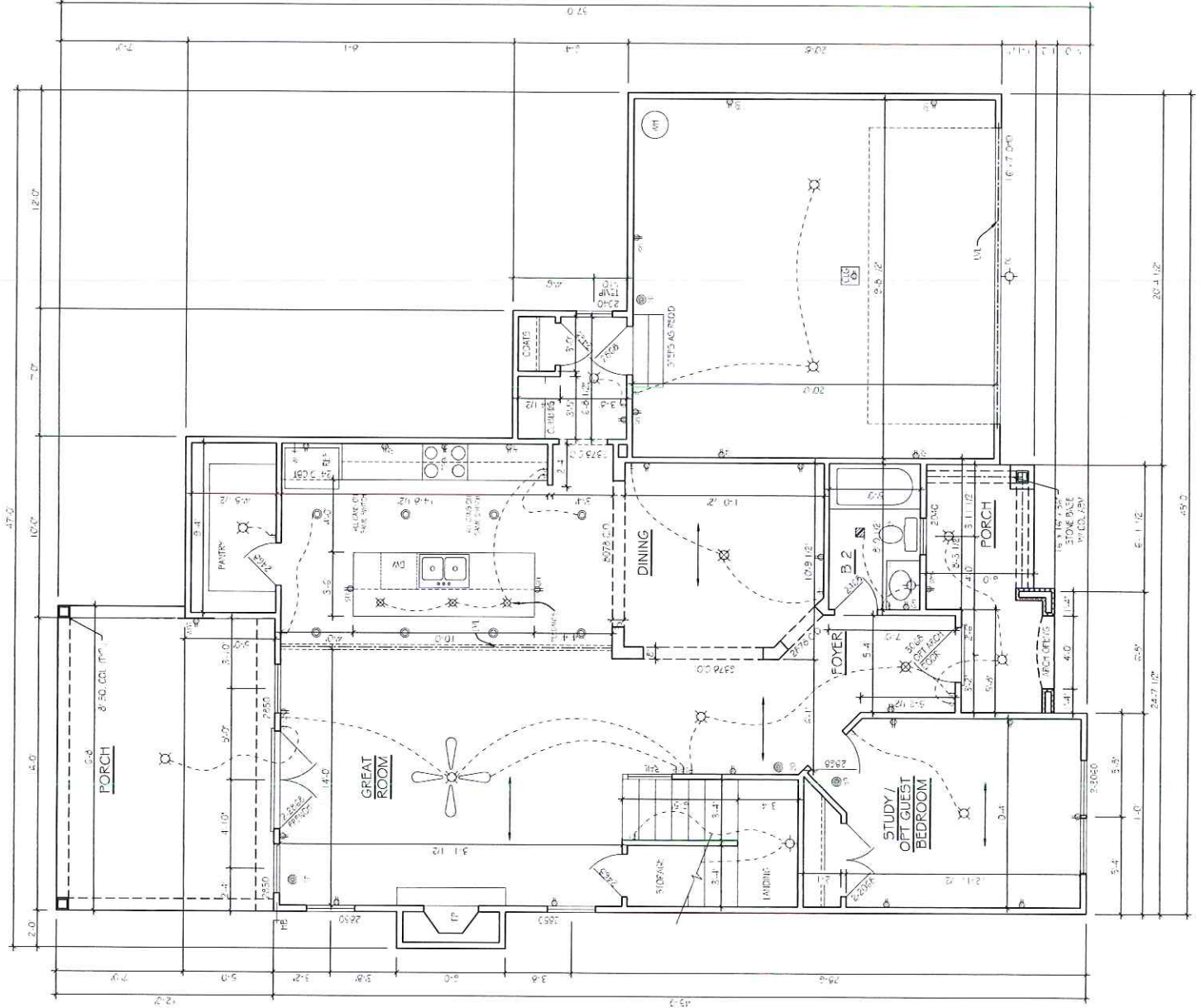
**HUTTON DRIVE
 LOT 38
 UNIT A**

DATE: 11/14/18

APPROX. AREA	
FIRST FLOOR LIVING	1,338
SECOND FLOOR LIVING	981
TOTAL HEATED	2,319
GARAGE	413
FRONT PORCH	78
REAR PORCH	196
TOTAL COVERED	2,806

Mark Lynn
 & ASSOCIATES

615.308.5330
 marklynn1@hotmail.com
 6965 Sunnywood Dr.
 Nashville, TN 37211
 © Mark Lynn & Associates



STAIR DETAIL

NOT TO SCALE

FRAMING NOTES

- 1. ALL JOIST WALLS ARE TO BE CONCRETE BLOCK.
- 2. ALL BRICK WALLS ARE 3" THICK UNLESS OTHERWISE NOTED.
- 3. ALL BRICK WORK IS TO BE 1" COURSE.
- 4. ALL ROOFING IS TO BE AS SHOWN.
- 5. ALL STAIRS ARE TO BE CONCRETE.
- 6. ALL STAIRS ARE TO BE CONCRETE.
- 7. ALL STAIRS ARE TO BE CONCRETE.
- 8. ALL STAIRS ARE TO BE CONCRETE.
- 9. ALL STAIRS ARE TO BE CONCRETE.
- 10. ALL STAIRS ARE TO BE CONCRETE.

PLEASE NOTE:

1. THIS PLAN IS FOR THE CONSTRUCTION OF THE BUILDING AS SHOWN. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY SUCH PERMITS OR APPROVALS.

2. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY MECHANICAL, ELECTRICAL, OR PLUMBING SYSTEMS. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS.

3. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY STRUCTURAL SYSTEMS. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL STRUCTURAL SYSTEMS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL STRUCTURAL SYSTEMS.

4. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY INTERIORS. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL INTERIORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL INTERIORS.

5. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY EXTERIORS. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL EXTERIORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL EXTERIORS.

6. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY LANDSCAPE. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL LANDSCAPE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL LANDSCAPE.

7. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY UTILITIES. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL UTILITIES.

8. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY SPECIALTIES. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL SPECIALTIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL SPECIALTIES.

9. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY FINISHES. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL FINISHES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL FINISHES.

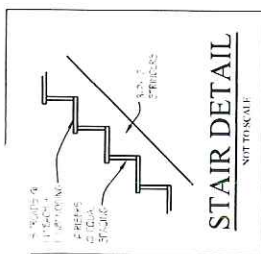
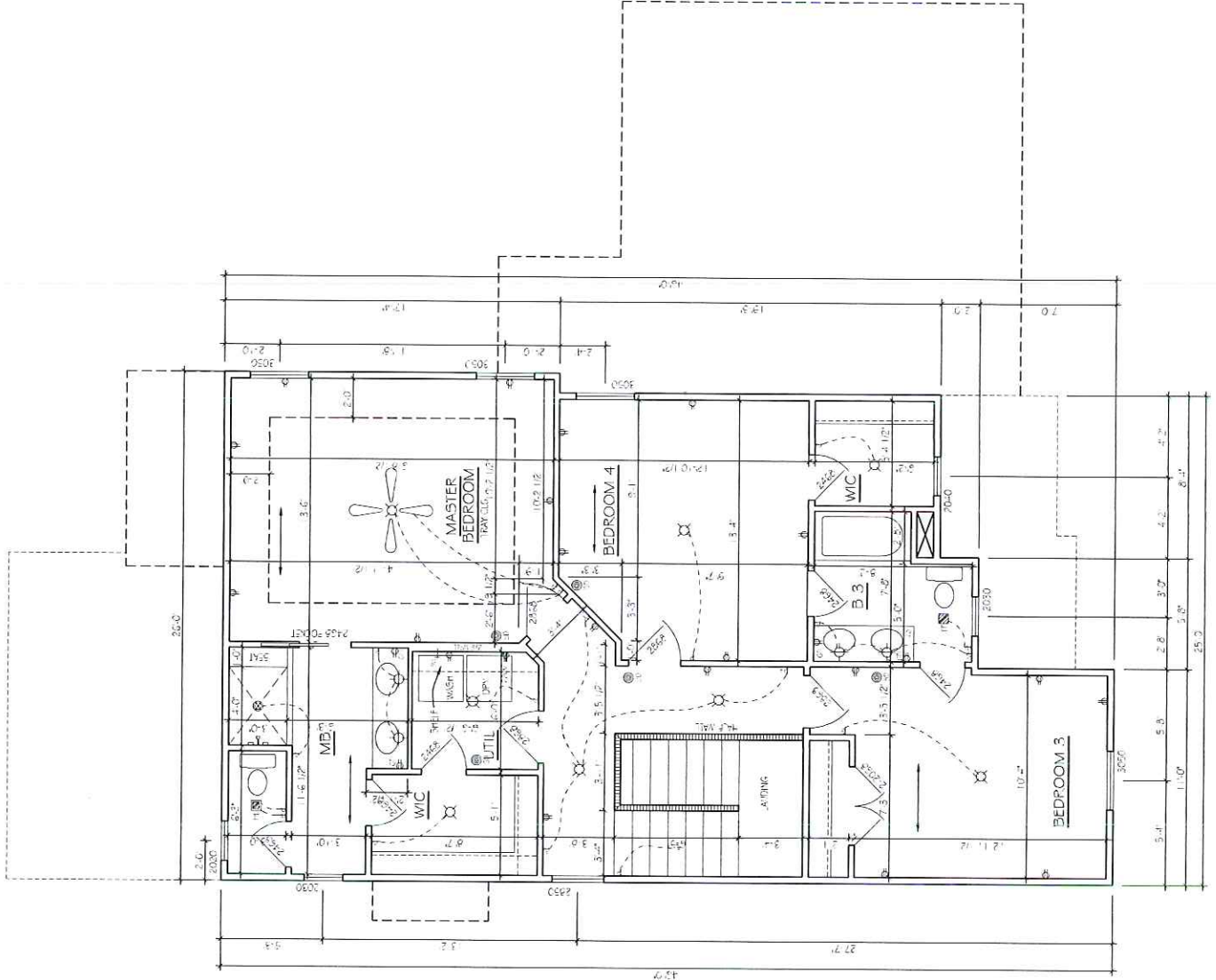
10. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OF ANY OTHERS. THE ARCHITECT SHALL PROVIDE THE LOCATION AND SIZE OF ALL OTHERS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL OTHERS.

**HUTTON DRIVE
LOT 38
UNIT A**

DATE ISSUED: 11.11.19

Mark Lynn

& ASSOCIATES
615.308.5330
marklynn1@hotmail.com
6965 Sunnywood Dr.
Nashville, TN 37211
© Mark Lynn & Associates

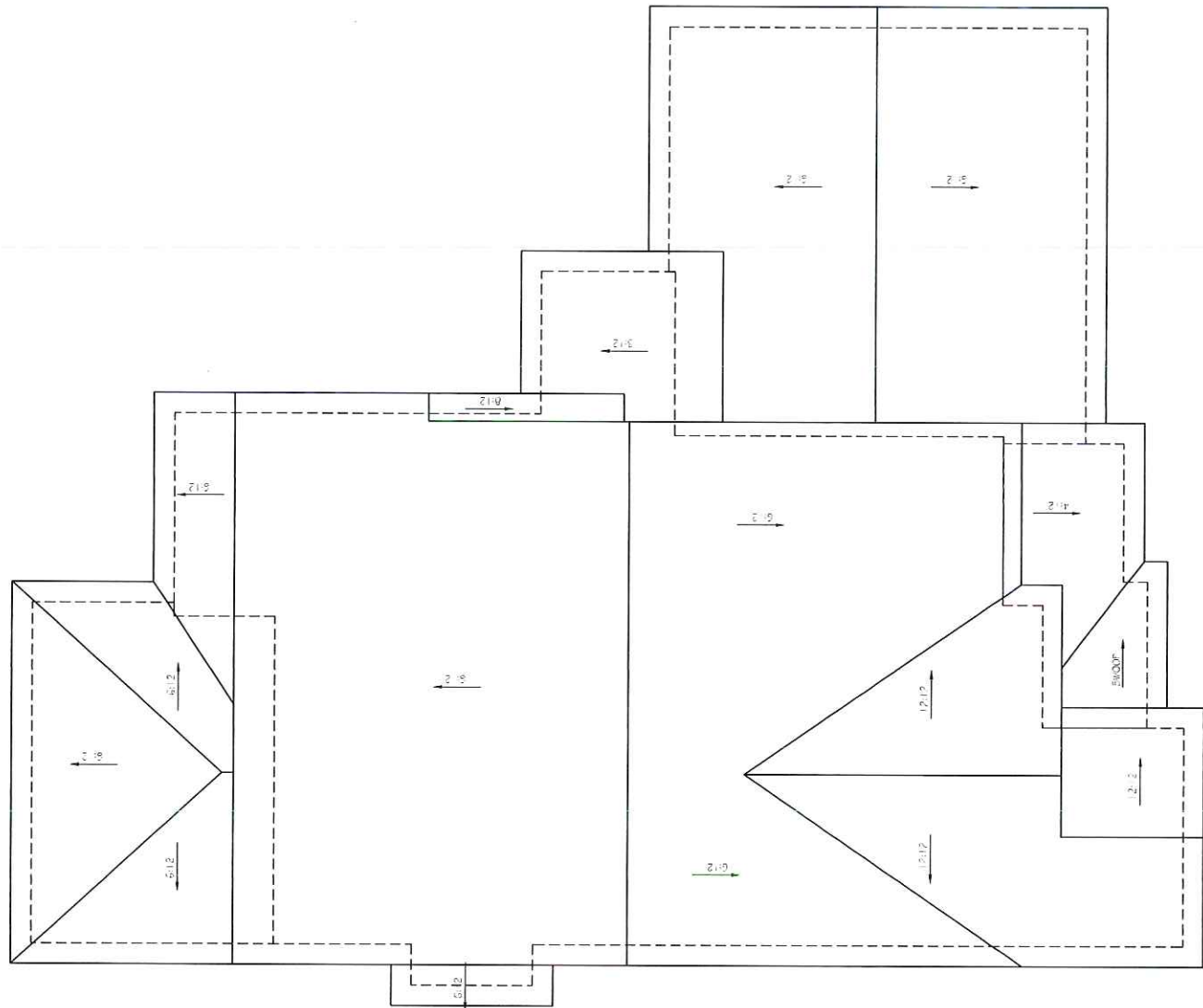


FRAMING NOTES

1. ALL CORNER WALLS ARE 4" UNLESS OTHERWISE NOTED.
2. ALL INTERIOR WALLS ARE 3" UNLESS OTHERWISE NOTED.
3. ALL DOOR THRESHLS ARE 2" UNLESS OTHERWISE NOTED.
4. ALL FLOOR FINISHES ARE 1/2" UNLESS OTHERWISE NOTED.
5. ALL STAIRS ARE TO BE CONCRETE WITH 4" REINFORCING BARS AT 12" ON CENTER.
6. ALL FLOOR FINISHES ARE TO BE 1/2" UNLESS OTHERWISE NOTED.

PLEASE NOTE:

DESIGNATED AS A COMMERCIAL DEVELOPMENT WITH THE FOLLOWING ZONING DISTRICTS: COMMERCIAL GENERAL (C-1), COMMERCIAL GENERAL (C-2), COMMERCIAL GENERAL (C-3), COMMERCIAL GENERAL (C-4), COMMERCIAL GENERAL (C-5), COMMERCIAL GENERAL (C-6), COMMERCIAL GENERAL (C-7), COMMERCIAL GENERAL (C-8), COMMERCIAL GENERAL (C-9), COMMERCIAL GENERAL (C-10), COMMERCIAL GENERAL (C-11), COMMERCIAL GENERAL (C-12), COMMERCIAL GENERAL (C-13), COMMERCIAL GENERAL (C-14), COMMERCIAL GENERAL (C-15), COMMERCIAL GENERAL (C-16), COMMERCIAL GENERAL (C-17), COMMERCIAL GENERAL (C-18), COMMERCIAL GENERAL (C-19), COMMERCIAL GENERAL (C-20), COMMERCIAL GENERAL (C-21), COMMERCIAL GENERAL (C-22), COMMERCIAL GENERAL (C-23), COMMERCIAL GENERAL (C-24), COMMERCIAL GENERAL (C-25), COMMERCIAL GENERAL (C-26), COMMERCIAL GENERAL (C-27), COMMERCIAL GENERAL (C-28), COMMERCIAL GENERAL (C-29), COMMERCIAL GENERAL (C-30), COMMERCIAL GENERAL (C-31), COMMERCIAL GENERAL (C-32), COMMERCIAL GENERAL (C-33), COMMERCIAL GENERAL (C-34), COMMERCIAL GENERAL (C-35), COMMERCIAL GENERAL (C-36), COMMERCIAL GENERAL (C-37), COMMERCIAL GENERAL (C-38), COMMERCIAL GENERAL (C-39), COMMERCIAL GENERAL (C-40), COMMERCIAL GENERAL (C-41), COMMERCIAL GENERAL (C-42), COMMERCIAL GENERAL (C-43), COMMERCIAL GENERAL (C-44), COMMERCIAL GENERAL (C-45), COMMERCIAL GENERAL (C-46), COMMERCIAL GENERAL (C-47), COMMERCIAL GENERAL (C-48), COMMERCIAL GENERAL (C-49), COMMERCIAL GENERAL (C-50), COMMERCIAL GENERAL (C-51), COMMERCIAL GENERAL (C-52), COMMERCIAL GENERAL (C-53), COMMERCIAL GENERAL (C-54), COMMERCIAL GENERAL (C-55), COMMERCIAL GENERAL (C-56), COMMERCIAL GENERAL (C-57), COMMERCIAL GENERAL (C-58), COMMERCIAL GENERAL (C-59), COMMERCIAL GENERAL (C-60), COMMERCIAL GENERAL (C-61), COMMERCIAL GENERAL (C-62), COMMERCIAL GENERAL (C-63), COMMERCIAL GENERAL (C-64), COMMERCIAL GENERAL (C-65), COMMERCIAL GENERAL (C-66), COMMERCIAL GENERAL (C-67), COMMERCIAL GENERAL (C-68), COMMERCIAL GENERAL (C-69), COMMERCIAL GENERAL (C-70), COMMERCIAL GENERAL (C-71), COMMERCIAL GENERAL (C-72), COMMERCIAL GENERAL (C-73), COMMERCIAL GENERAL (C-74), COMMERCIAL GENERAL (C-75), COMMERCIAL GENERAL (C-76), COMMERCIAL GENERAL (C-77), COMMERCIAL GENERAL (C-78), COMMERCIAL GENERAL (C-79), COMMERCIAL GENERAL (C-80), COMMERCIAL GENERAL (C-81), COMMERCIAL GENERAL (C-82), COMMERCIAL GENERAL (C-83), COMMERCIAL GENERAL (C-84), COMMERCIAL GENERAL (C-85), COMMERCIAL GENERAL (C-86), COMMERCIAL GENERAL (C-87), COMMERCIAL GENERAL (C-88), COMMERCIAL GENERAL (C-89), COMMERCIAL GENERAL (C-90), COMMERCIAL GENERAL (C-91), COMMERCIAL GENERAL (C-92), COMMERCIAL GENERAL (C-93), COMMERCIAL GENERAL (C-94), COMMERCIAL GENERAL (C-95), COMMERCIAL GENERAL (C-96), COMMERCIAL GENERAL (C-97), COMMERCIAL GENERAL (C-98), COMMERCIAL GENERAL (C-99), COMMERCIAL GENERAL (C-100).

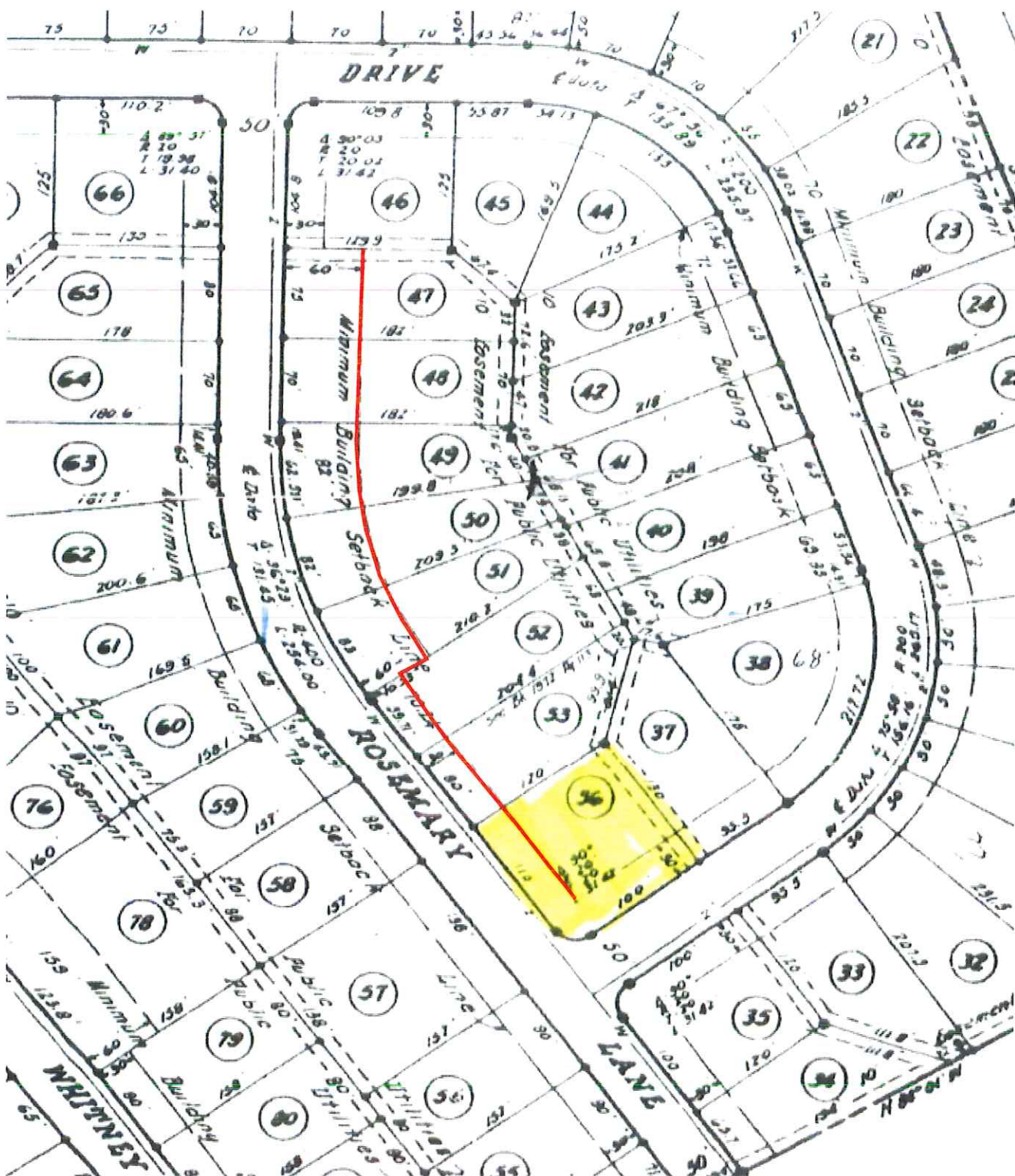


HUTTON DRIVE
LOT 38
UNIT A

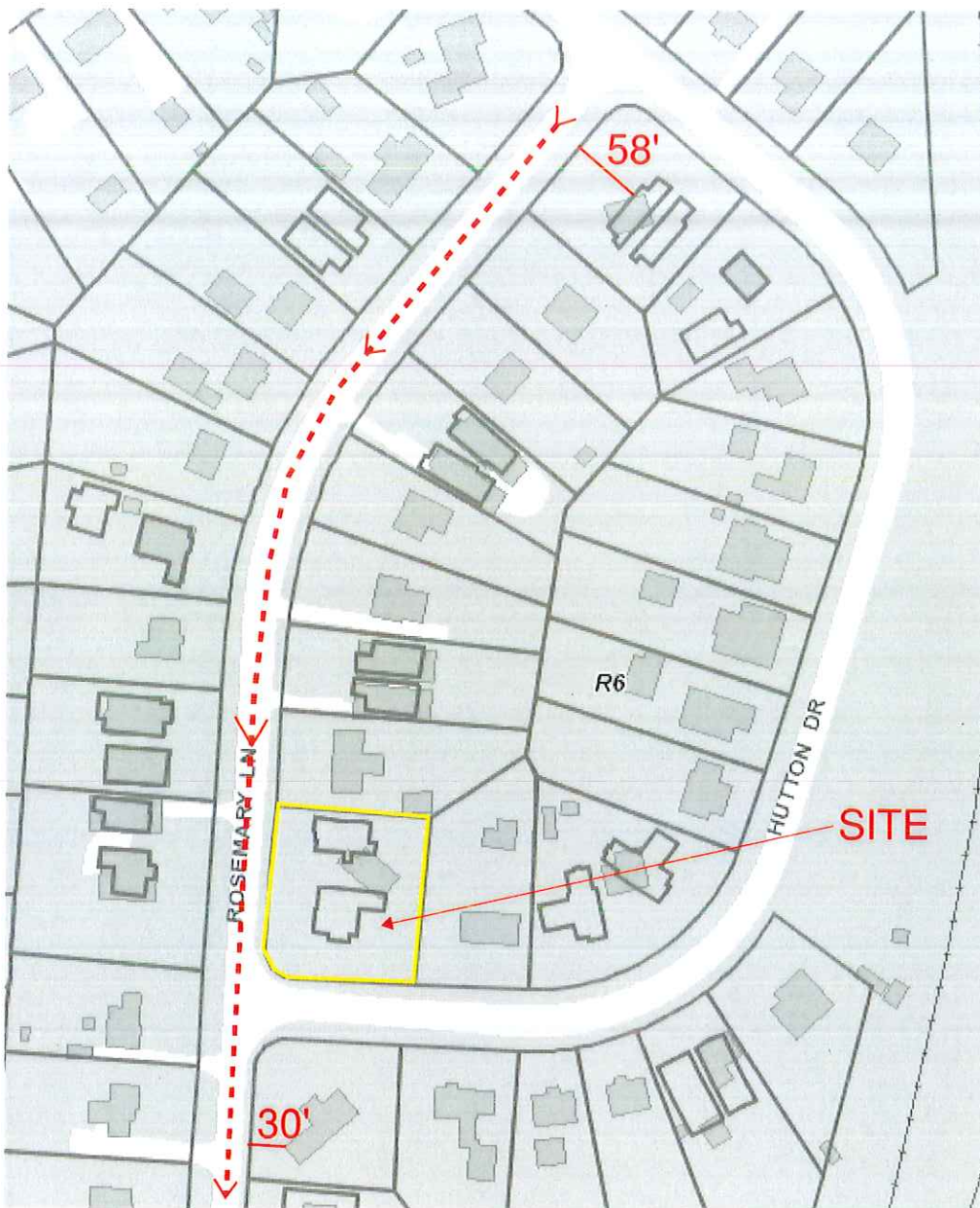
DATE: 05/10/19

Mark Lynn

& ASSOCIATES
 615.308.5330
 marklynn1@hotmail.com
 6965 Sunnywood Dr.
 Nashville, TN 37211
 © Mark Lynn & Associates



Lots 47-51 on Rosemary Lane were originally platted with a 60' setback. Lots 52-53 and 36 were platted with a 30' setback on Rosemary. Lots 53 and 36 have less depth than the other lots platted along Rosemary Lane. If these lots had to hold a contextual setback line of about 57' it would greatly diminish the building envelope available and eliminate the possibility of useful rear yards.



This snapshot is from Nashville GIS showing how the homes would be positioned in relation to the other homes in the neighborhood. If you follow the line of sight from north to south on the east side of Rosemary the homes gradually get closer to Rosemary as they continue across Hutton Drive.

Heide Browne and Beverly Anderson

2075 Whitney Avenue, Nashville TN 37205

Phone: 615-256-0688 e-mail: artbyheide@yahoo.com Email



March 20, 2019

Metropolitan Board of Zoning Appeals

Post Office Box 196300

Nashville, TN 37219-6300

CC: Colby Sledge

RE: Appeal Case # 2019-140

2027 Hutton Drive

Dear Metropolitan Board of Zoning Appeals,

Thank you for consulting us. While we are glad the neighborhood is renewing, we have some grave concerns with regard to this request based on what has been built in this neighborhood so far.

Substantial loss of mature trees and green.

Woodycrest is a small enclave of green space surrounded by treeless industrial zoned areas.

These trees are vital to the well-being of the people living here as well as to the ambience of the neighborhood. Building two larger houses on what was 1-family property has entailed the loss of one to three mature trees per lot. There are currently 7 mature trees on the parcel in question.

Type of buildings erected.

The Metro Planning Commission stated that it will preserve the character of the older neighborhoods. Here the modest houses generally have small front porches, good green front yards with mature trees. People walk here with their dogs and children and greet each other.



While some builders have made an effort to maintain the character of the neighborhood. Others have not. On the one house lot at 2071 Whitney Avenue an ugly 3-story, multiple unit building has been erected that in no way fits into the neighborhood. At each of the following addresses 2 oversized narrow shotgun houses with double garage doors and double concrete driveways facing the street have been squeezed onto each lot : 2084 Whitney Ave., 2130, 2005, 2006, 2012 Rosemary, 2038 Hutton. They turn their back on the neighborhood and truly alter its entire character.

The very fact that a variance of the existing restrictions is sought, for 2027 Hutton tells us that the houses planned for that lot will in size ,and likely in style, not fit well into the neighborhood and that all the trees close to the street will be cut down. **We therefore oppose this request.**

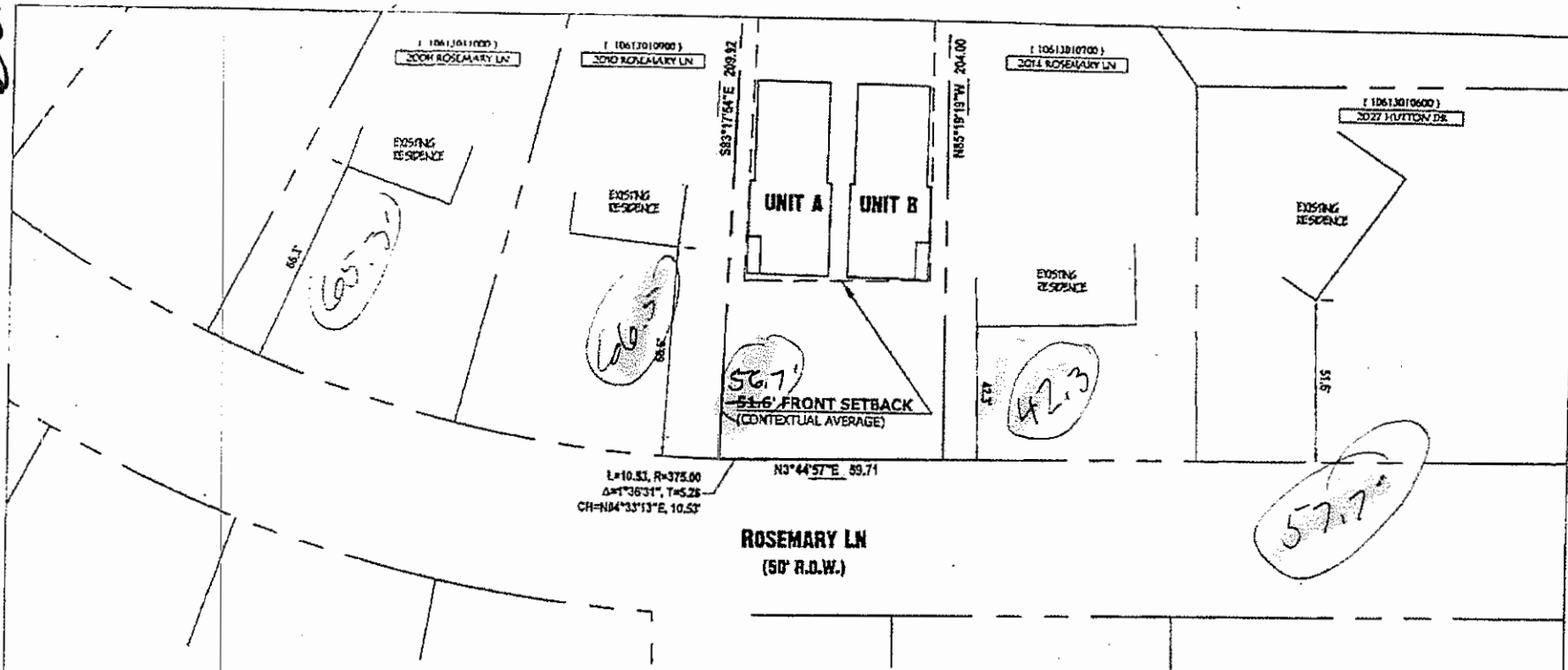
Sincerely,


Heide Browne


Beverly Anderson



*Rosemary
Conlink*



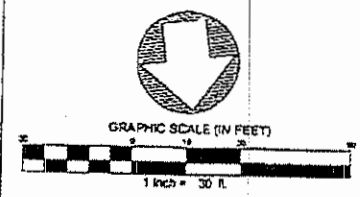
L=10.51, R=375.00
 Δ=1°36'31", T=5.28
 CH=104°33'13"E, 10.53

N3°44'57"E, 59.71

ROSEMARY LN
 (50' R.D.W.)

56.7'
 51.6' FRONT SETBACK
 (CONTEXTUAL AVERAGE)

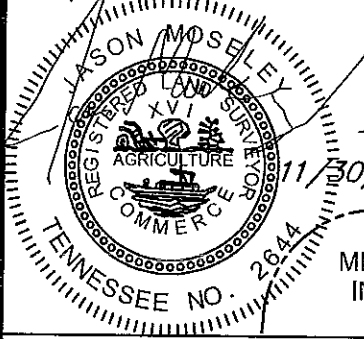
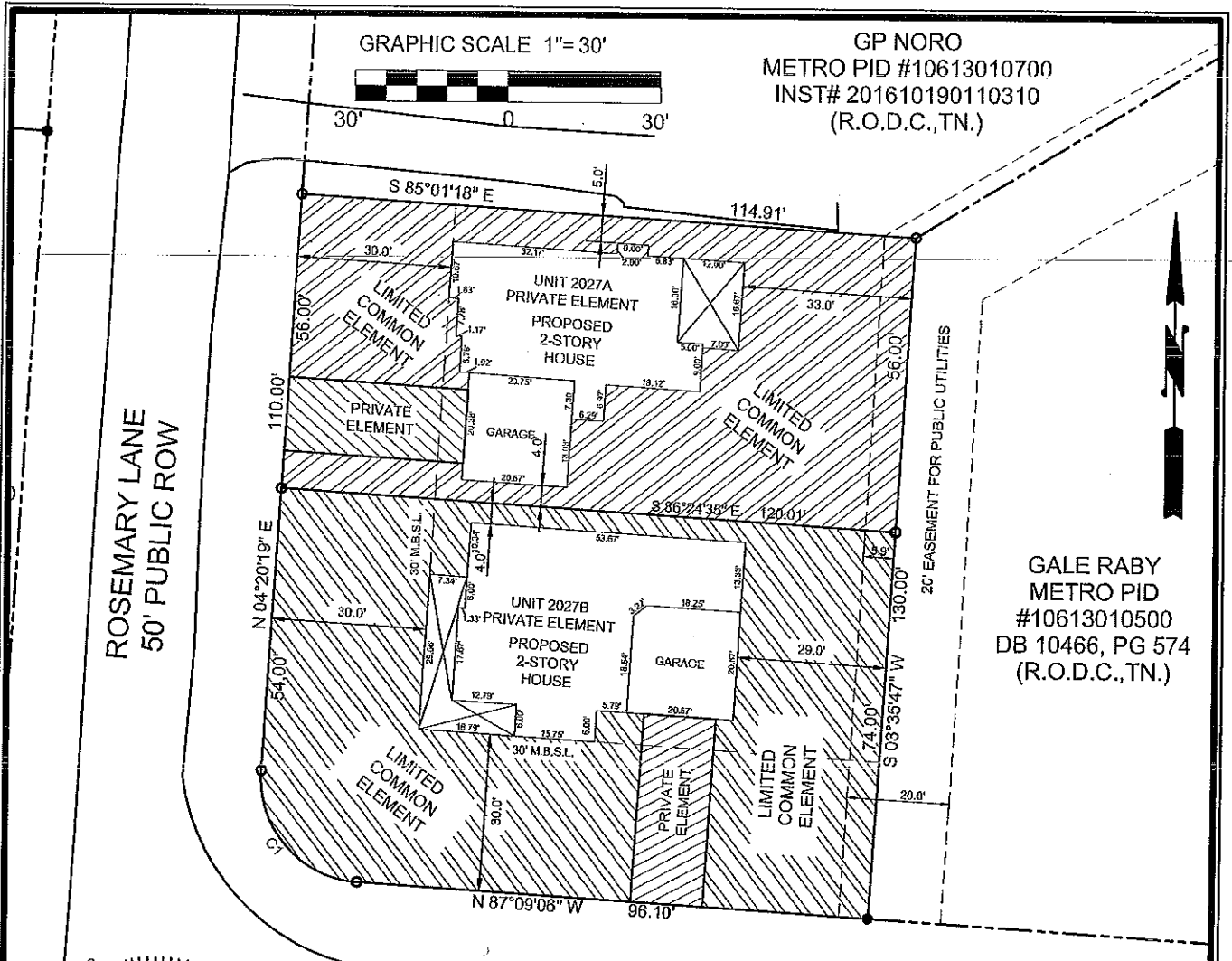
FRONT SETBACK: 56.7'
KLH/AR 9-27-17



CLINT ELLIOTT SURVEY
 1711 Hayes Street
 Nashville, TN 37203
 clint@clintsurvey.com
 (615) 450-3236

Building Setbacks
 2012 Rosemary Lane, Units A & B
 Nashville, Davidson County, Tennessee

Sheet No.
V-2.3



ROBERT S. OELZE
METRO PID #10613009800
INST# 201411030101369
(R.O.D.C., TN.)

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH
C1	20.00'	31.94'	28.65'

THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF T.C.A. 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED BY RULE 0820-3-07 OF THE STANDARDS OF PRACTICE. THIS EXHIBIT IS FOR REFERENCE ONLY AND NOT INTENDED TO REPRESENT A BOUNDARY SURVEY.

EXHIBIT HORIZONTAL PROPERTY REGIME UNITS 2027A & 2027B HUTTON DRIVE, NASHVILLE TN 37210 BEING LOT 38 OF WOODY CREST SUBDIVISION, SECTION 1, PB 1835, PG 25	
FOR: BATES CONSTRUCTION	DATE: 11/30/2018
PARCEL : 1013010600	ZONING: R6
DEED: D.B. 6001, PG 262 (R.O.D.C., TN)	PROJECT #: 0223-18-0060
PLAT: PB 1835, PG 25 (R.O.D.C., TN)	SHEET 1 OF 1

OHM[®]

OHM ADVISORS
209 10th AVENUE SOUTH
SUITE 116
NASHVILLE, TN 37203
615-649-5264

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Brittney Fitzgerald
Property Owner: Kim Patterson
Representative: _____

Date: Feb. 19, 2019
Case #: 2019-141
Map & Parcel: 05813000/00

Council District 01

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

Purpose: proposed Day Care Home

Activity Type: Child care (Group Home)
Location: 4243 Eaton's Creek Road, Nashville, TN 37218

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

Reason: special exception
Section(s): 17.16.170-C.1 thru 7

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.

Brittney Fitzgerald
Appellant Name (Please Print)

Representative Name (Please Print)

4243 Eatons Creek Rd.
Address

Address

Nashville, TN 37218
City, State, Zip Code

City, State, Zip Code

615-715-6778
Phone Number

Phone Number

brittfitz123@gmail.com
Email

Email

Zoning Examiner: Wm

Appeal Fee: \$ 200

jlaukin@tlg30.com



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



3610669

ZONING BOARD APPEAL / CAAZ - 20190010894
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 05813000100 **APPLICATION DATE:** 02/25/2019

SITE ADDRESS:

4243 EATONS CREEK RD NASHVILLE, TN 37218
LOT 186 ENCHANTED HILLS SEC. 6

PARCEL OWNER: WEATHERSBY, CALPURNIA P.

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a Special Exception permit per METZO section 17.16.170 C 1 thru 7 for a proposed Day Care Home. see scope on permit application for 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.*

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**



3610653

**BUILDING USE & OCCUPANCY / CAUO - T2019010886
Permit Tracking Checklist**

PARCEL: 05813000100

APPLICATION DATE: 02/25/2019

PERMIT TRACKING #: 3610653

SITE ADDRESS:

4243 EATONS CREEK RD NASHVILLE, TN 37218
LOT 186 ENCHANTED HILLS SEC. 6

PARCEL OWNER: WEATHERSBY, CALPURNIA P.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Applicant states there will be no construction. parcel is zoned RS15 and contains 1 acre. this permit to use existing residence for a group day care home for 12 children with the following conditions as required by zoning code and BZA. no other day care center/home to be located on this block face. for appellant only. hours of operation to be between 6 A.M. and 6 P.M.. appellant must reside at this residence. no signs. no dogs and no swimming pools. Special Exception required per METZO section 17.16.170 (D) 1 thru 7. POC Jimmy Larkin 615-999-2854

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

[A] Site Plan Review	
[A] Zoning Review	
[B] Building Plans Received	615-862-6614 teresa.patterson@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review	615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App	862-5230
[B] Fire Sprinkler Requirement	862-5230
[B] Fire Sprinkler Review On Bldg App	862-5230
[D] Grading Plan Review For Bldg App	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	862-7225 MWS.DevelopmentServicesCenter@nashville.gov
[F] Address Review On Bldg App	862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	862-8782 PWPPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App	862-8782
[A] Bond & License Review On Bldg App	
[C] Flood Plain Review On Bldg App	862-6038 logan.bowman@nashville.gov
BZA Hearing	615-862-6505 Debbie.Lifsey@nashville.gov

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.

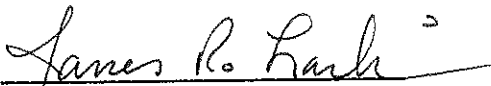
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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.

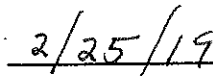
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

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

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."

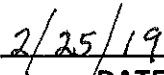
Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. 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)



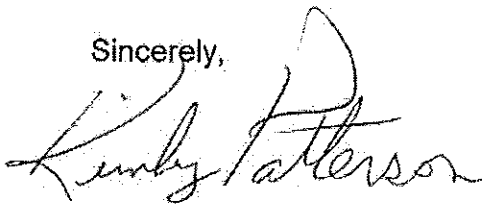
DATE

11/16/2018

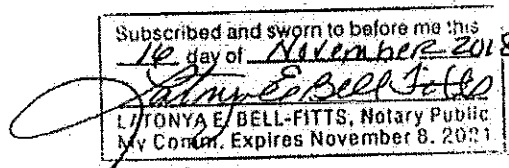
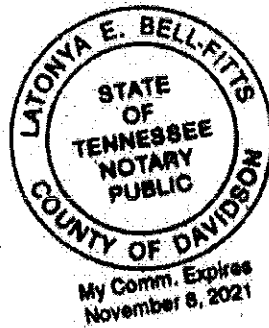
To whom it may concern,

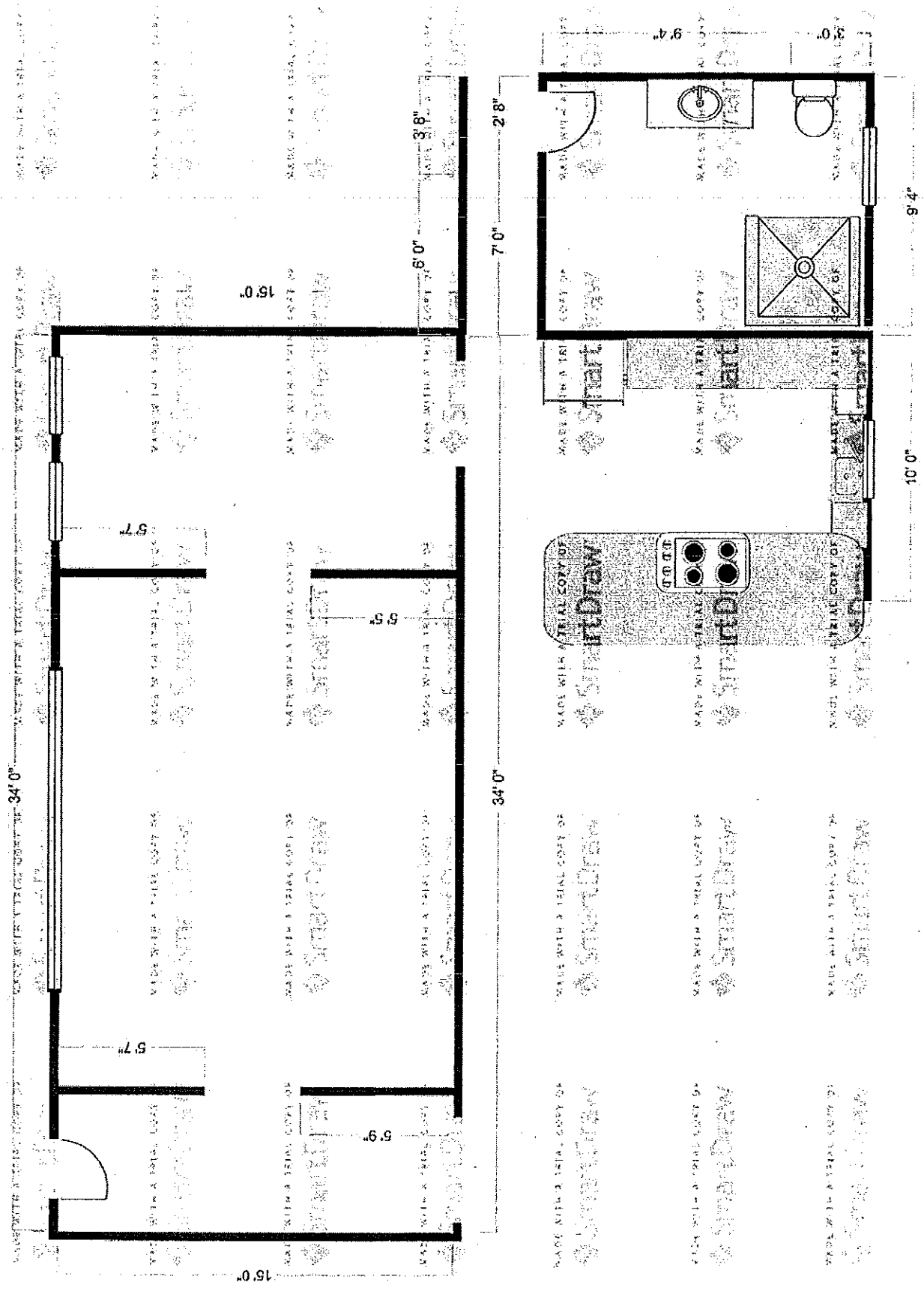
I, Kimberly Patterson give Brittney Fitzgerald permission to get licensed for child care services at the family home located at 4243 Eatons Creek Road Nashville, TN 37218. If there are any questions in regards to this statement or letter, please feel free to contact me at (615) 484-1085.

Sincerely,



Kimberly Patterson





Annie R. Kinzer
4234 Eaton's Creek
Nashville, TN 37218

April 1, 2019

To: Metropolitan Board of Zoning Appeal

Re: Appeal Case Number 2019-143-141
4243 Eaton's Creek Rd
Map Parcel: 0581300100
Zoning Classification: RS15
Council District: 1

This is to inform you, I oppose of the request for a day care home at 4243 Eaton's Creek Rd for a business. The property is back up to a creek and a heavily traffic street, this will endanger children.

Using this property as a business will only allow other to use their property for a business of their choice which will destroy this neighborhood and community.

Thanks for your attention:

Annie R. Kinzer

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#)
Subject: 4/18/19 BZA Hearing Cases
Date: Monday, March 18, 2019 10:57:36 AM

See below for Public Works comments on the requested cases

2019-141 4243 Eastons Creek Rd. Proposed Day Care Home in RS15 Zoning

Variance: 17.40.180, 17.16.170 C. (1-7)

Response: Public Works takes no exception with condition.

-Adequate parking must be provided on site per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-163 1221 Old Hickory Blvd. Religious Institution in R40 Zoning District

Variance: 17.40.180, 17.16.170 E.

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.

Christopher E. Gregory, E.I.T.

Metropolitan Government of Nashville

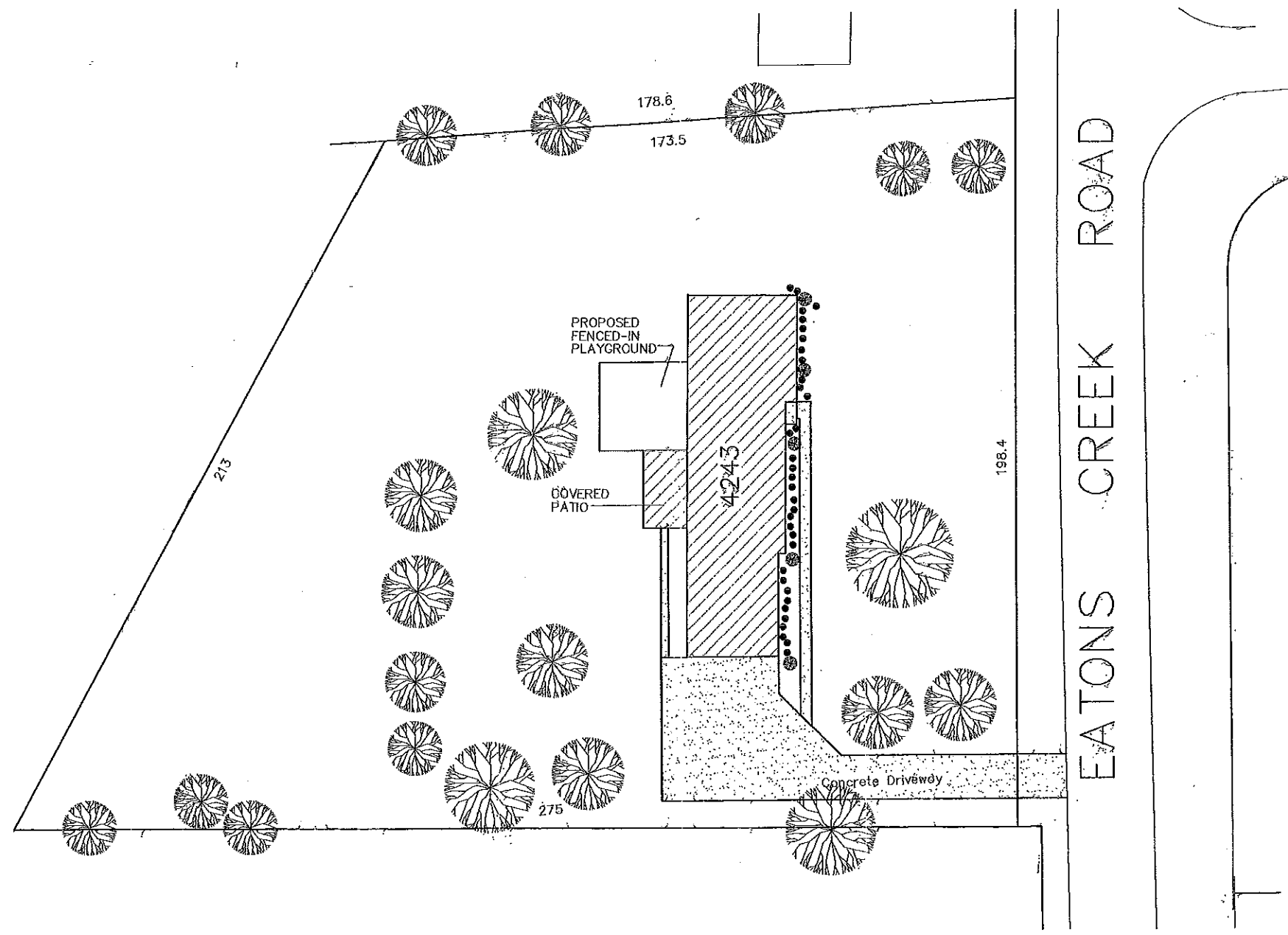
Department of Public Works

Engineering Division

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678



SITE PLAN
NORTH

D
B
A

A PROPOSED DAY-CARE FOR:
BRITTNEY FITZGERALD
4243 EATONS CREEK ROAD
Map/Parcel No. 05813000100
NASHVILLE, TN 37208



HENRY A. WATKINS, JR.
architect
3401 John Mallette Dr., Ste 100
Nashville, TN 37218
(615) 732-3722
hwatkins@thelarkinggrouponline.com

REVISIONS		
NO.	DATE	DESCRIPTION

PROJECT NO. JL2019	ISSUED DATE 7/23/19
DRAWN BY: Jesse	REVIEWED BY:

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: April 4, 2019
BZA Hearing Date: April 18, 2017
Re: Planning Department Recommendation for a Special Exception, Case 2019-141

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:

Case 2019-141 (4243 Eatons Creek Road- Parcel ID 05813000100)

Request: Special Exception to permit a day care home for up to 12 individuals at 4243 Eatons Creek Road.

Zoning: Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.90 dwelling units per acre.

Land Use Policy: T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

Site and Context: The site consists of 1 acre of land located at 4243 Eatons Creek Road in the Bordeaux-Whites Creek-Haynes Trinity Community Plan Area. Existing conditions include a one-story 2,804 square-foot single-family residential structure. This site has frontage along Eatons Creek Road, a collector-avenue according to the Major and Collector Street Plan. This site is also located within a large area of Single-Family Residential (RS15) zoning in a neighborhood that primarily has a single-family residential pattern of development.

Planning Department Analysis: This proposal is for a day care home, which will allow up to 12 individuals. The applicant resides on-site per the attached letter submitted with this application. The application does not propose modifications to the site or existing structure. This request does not incorporate an outdoor play area. By not proposing site modifications, the proposal will maintain the existing suburban residential character of the neighborhood and not disturb environmentally sensitive areas, which are encouraged by the T3 Suburban Neighborhood Maintenance and Conservation policy areas. Staff recommends approval of this special exception request as the proposal is consistent with the land use policy.

Planning Recommendation: Approve

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : DEJNY TAYLOR Date: 02/19/2019
Property Owner: DEJNY TAYLOR Case #: 2019- 149
Representative: HUNTER CONLEY Map & Parcel: 10412015700

Council District 17

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

Purpose: NEW CONSTRUCTION / SINGLE FAMILY / RESIDENTIAL

Activity Type: NEW CONSTRUCTION / SINGLE FAMILY
Location: 102 BERNARD 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: REQUEST NOT TO INSTALL SIDEWALKS NOT TO CONTRIBUTE

Section(s): 17.20.120

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

DEJNY TAYLOR
Appellant Name (Please Print)

HUNTER CONLEY
Representative Name (Please Print)

Address

1618 16TH AVE S
Address

City, State, Zip Code

NASHVILLE, TN
City, State, Zip Code

Phone Number

615.345.1010
Phone Number

Email

HCONLEY@ALLARDLAWP.COM
Email

Zoning Examiner: TC

Appeal Fee: \$ 100



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



3605429

**ZONING BOARD APPEAL / CAAZ - 20190010030
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10412015700

APPLICATION DATE: 02/19/2019

SITE ADDRESS:

2019 A 19TH AVE S NASHVILLE, TN 37212
PT LOT 29 BLAIR REV BELMONT HGTS

PARCEL OWNER: TAYLOR, H DENNY JR & JENNIFER

CONTRACTOR:

APPLICANT:**PURPOSE:**

PER 17.20.120 SIDEWALKS REQUIRED

REQUEST NOT TO INSTALL SIDEWALKS...NOT TO 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.



19 February 2019

Re: Application for Variance to Sidewalk Requirement at 1902 Bernard Avenue

Board of Zoning Appeals
Metro Government of Nashville and Davidson County


The homeowner of 1902 Bernard Avenue, Denny and Jennifer Taylor would like to formally request a variance from the sidewalk required by Section 17.20.120 of the Metropolitan Code of Laws. The property is currently under construction and requires sidewalk along both edges of the corner lot (please see site plan).

The subject property currently contains a fully compliant front sidewalk on the 19th Avenue side of the property (which is actually the front of the house, though the address is on Bernard Avenue). The homeowner would request relief from providing the sidewalk along Bernard Avenue as it puts an unfair financial burden on the owner that other neighbor's (who are not corner lots) do not have to contend with. Along with the expense of the sidewalk installation, it is not physically possible to provide a compliant sidewalk on that edge of the property as the grade will not allow it. The maximum slope allowed under Metro's guidelines is 2% grade, but the slope of the property is more than double that (over 4% slope).

Should the sidewalk be required to be installed, it is not possible to continue past the alley due to a retaining wall that encompasses the property on the other side of the alley. It would only be a sidewalk to the alley (which in itself has an even more extreme grade to contend with).

The financial burden and physical characteristics of this property do not make it conducive to having a sidewalk installed on the Bernard Avenue side and to require such would be an undue burden (hardship) on the owner.

Sincerely,



Tyler F. LeMarinel, AIA, NCARB
Partner
Allard Ward Architects
1618 16th Avenue South
Nashville, Tennessee 37212

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

2.19.2019

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.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

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

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

See Letter.

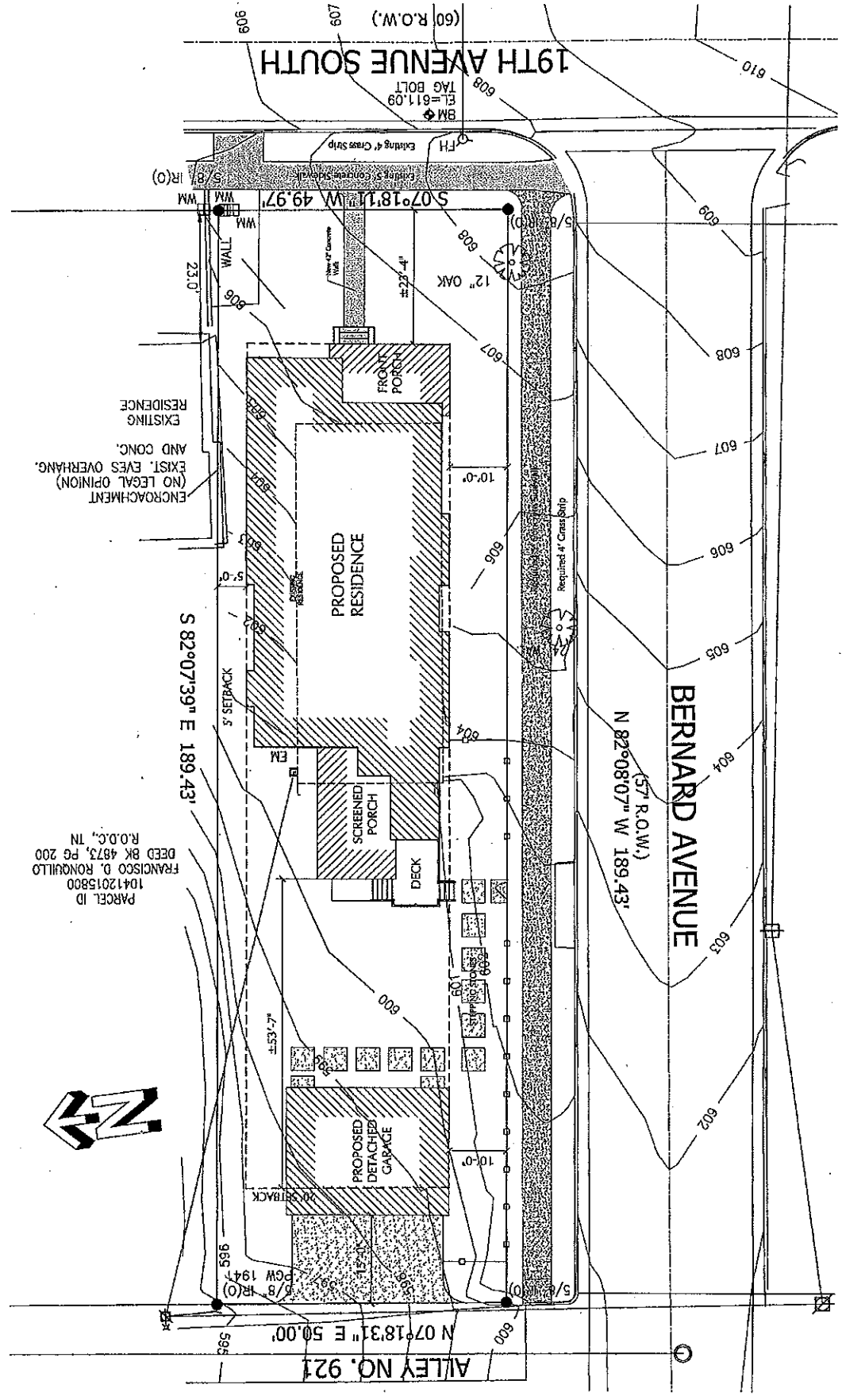
A1.0

Drawings:
Site Layout Plan
Date:
02.19.19

M
 MANNING
 ARCHITECTS
 1618 SHERWOOD AVENUE
 NASHVILLE, TN 37212
 TEL: 615.259.1010
 FAX: 615.259.1011

A New Home for
 The Taylor Residence
 1902 Bernard Avenue
 Nashville, Tennessee 37212

MHZC PRESERVATION PERMIT APPLICATION



Scale: 1/8" = 1'-0"

1 Site Layout Plan

PARCEL ID
 10412015800
 FRANCISCO D. RONGILLO
 DEED BK 4873, PG 200
 R.O.D.C., TN

ENCROACHMENT
 (NO LEGAL OPINION)
 EXIST. EYES OVERHANG
 AND CONC.
 EXISTING
 RESIDENCE

S 82°07'39" E 189.43'
 JACKETS, S

(57' R.O.W.)
 N 82°08'07" W 189.43'

BERNARD AVENUE

19TH AVENUE SOUTH
 (60' R.O.W.)

S 07°18'11" W 49.97'
 S 07°18'11" W 49.97'

12" OAK
 4" x 4" x 22' #

FRONT PORCH
 10'-0"

SCREENED PORCH
 10'-0"

DECK
 10'-0"

PROPOSED DETACHED GARAGE
 10'-0"

PROPOSED RESIDENCE
 10'-0"

EXISTING RESIDENCE
 23'-0"

5' U/E
 5' R.O.W.

BM TAG BOLT
 EL. = 611.09

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

5/8" R(O)

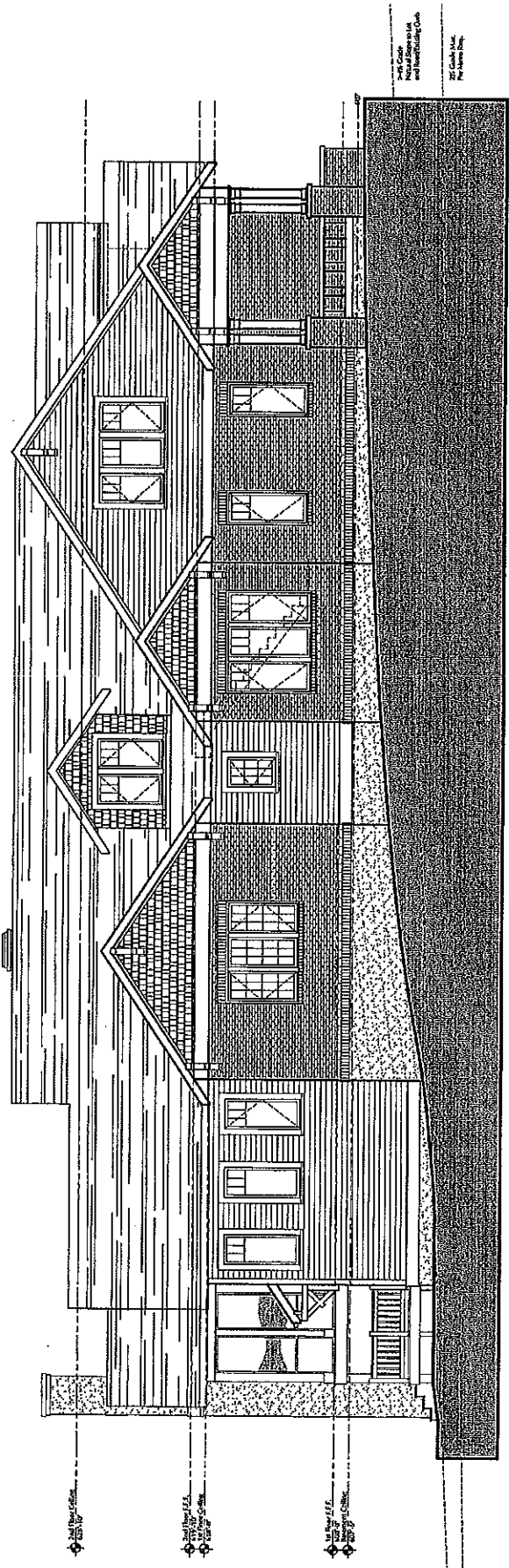
A2.0

Drawings:	Exterior Elevation
Date:	02/19/19

M
 MASONRY
 ARCHITECT
 1618 Sycamore Avenue South
 Nashville, Tennessee 37212
 Tel: 615.243.0510
 Fax: 615.243.0511

A New Home for:
 The Taylor Residence
 1902 Bernard Avenue
 Nashville, Tennessee 37212

MHZC PRESERVATION PERMIT APPLICATION



1 Elevation: Site Section



Scale: 1/8"=1'-0"

1. All work to be done in accordance with the International Building Code and the International Residential Code.
 2. All work to be done in accordance with the International Building Code and the International Residential Code.
 3. All work to be done in accordance with the International Building Code and the International Residential Code.

From: [ALI RAFATJOO](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal case 2019-149
Date: Wednesday, March 27, 2019 2:30:21 PM

Permit # 20190010030

I am a new homeowner in your state. I just moved into my home a few weeks ago and I received a zoning appeal notice to neighboring owners.

I am trying to figure out where this house is and how building a home to the edge of the street and eliminating an entire sidewalk would affect my home. It sounds visually unappealing and goes against the norm of the beautiful neighborhood where my home is located.

Thus I would like to object to this appeal and request that it not be granted.

Perhaps the builder or homeowner should go around and inform his/her neighbors of his/her plans and have a discussion with them rather than just "serve" them with a "zoning appeal"

Ali Rafatjoo
1906 Bernard Ave. unit B
Nashville TN 37212

Barbara A. Cloud
2105 20th Avenue South
Nashville, TN 37212-4311

March 12, 2019

Metro Dept of Codes
P.O. Box 196300
Nashville, TN 37210

Re: Appeal Case Number 2019-149
2019 A 19th Ave S
Map Parcel: 10412015700
Zoning Classification R6
Council District: 17

I oppose this appeal. I assume this is about a putting a sidewalk along Bernard Avenue. To have a sidewalk there would be wonderful. This is an opportunity for a bit of an upgrade to the neighborhood.

My neighbor and I take walks together every day. We often walk on that part of Bernard Avenue. We would enjoy a sidewalk there very much.

Sincerely,



Barbara Cloud

2019-149
OPPOSE

Board of Zoning Appeals
Metro Government of Nashville and Davidson County

re: Parcel 1041215700 Sidewalk Variance Request Case #2019-149

Dear Board Members,

Belmont-Hillsboro Neighbors, Inc encourages compliance with Metro Nashville's Sidewalk Requirements and ask that the Board of Zoning Appeals deny the sidewalk variance request issued by the appellant, Denny Taylor, Case #2019-149.

In regard to the Application for Variance to Sidewalk Requirement at 1902 Bernard Avenue (aka 2019 A 19th Ave, S), Nashville, TN 37212, Case #2019-149, Map & Parcel 10412015700, Belmont-Hillsboro Neighbors, Inc oppose the request to not install sidewalks nor contribute to the sidewalk fund. Belmont-Hillsboro Neighbors, Inc honors the sidewalk requirements provided by Metro Codes of Law Section 17.20.120. The sidewalk requirements set forth by Metro are consistent with BHN's standards and goals to promote safety and mobility for pedestrians within our neighborhood through construction and maintenance of our sidewalk infrastructure. The hardships stated by the appellant and his assigns do not constitute a valid reason for not contributing to our neighborhood through this ordinance.

Thank you for your continued support of our neighborhoods through thoughtful consideration of the ordinances and laws designed to grow our city in a well designed manner. We appreciate your consideration and ask that you deny this request.

Kind regards,

Cynthia J. Hicks, President
Belmont-Hillsboro Neighbors, Inc
615.347.0421 cell
cjhicks@mac.com

From: gerry.knab@att.net
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: RE: Zoning appeal question
Date: Thursday, March 14, 2019 11:29:16 AM

Dear Board:

I received a "Notice To Neighboring Owners" letter about an appeal for **2019A 19th Ave S. permit # 20190010030**. I would like to express **opposition** to this request but cannot attend in person. I believe any new homes built in the urban core needs to have sidewalks. I believe this request is unacceptable.

Kind regards,

Gerry Knab
2207 18th Ave S
615-370-1319

From: [Linda Marini](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit #20190010030
Date: Tuesday, March 19, 2019 10:20:45 AM

Hello

I oppose Denny Taylor's request for a sidewalk variance at 2019A 19th Ave S. We need sidewalks in the neighborhood and he should supply one at this residence.

Linda Marini
2007 20th Ave S, Nashville, TN 37212

Morton, Richard
2107 20th Ave S
Nashville TN 37212

615-498-1647

crsnmorton@gmail.com

3/29/2019

Dept of Codes and Building Safety
P.O. Box 196350
Nashville, TN 37219

Dear Sir or Madam

I am writing to oppose appeal case 2019-149. The builder of the new house on parcel 10412015700 should NOT receive a sidewalk variance. As a close neighbor, it is important for new buildings to follow the sidewalk code.

Sincerely,

Morton, Richard



2107 20th Ave S

From: [Robert E Patchin](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeals Case Number 2019-149.
Date: Thursday, March 21, 2019 9:55:10 AM

I oppose Denny Taylor's requested variance from sidewalk requirements for the property at 2019A 19TH AVE S.

Sincerely Robert E Patchin. 2007 TH AVE S 37212

April 15, 2019

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

Re: Case # 2019-149

Ladies and Gentlemen:

I am writing to register my opposition to the variance from sidewalk requirements at the property located at 2019 A 19th Ave. So.

The Appellant has cited financial burden and the physical characteristics of the property as reasons for requesting this variance. I respond as follows:

Financial Burden:

This is new construction of a large and no doubt expensive home. The owners knew or should have known of this requirement and therefore could have figured the expense into their construction budget. Their architects and/or builders could/should have apprised their clients of this requirement and accounted for the costs before construction began.

Physical Characteristics:

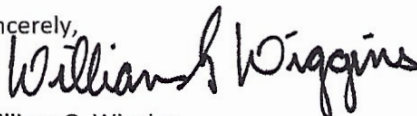
It is accurate to say that there are issues with the terrain along Bernard Ave. Granted that I am not an engineer, however, I maintain that this could be mitigated with some infill material and a retaining wall. Again, a matter which could have been addressed in the initial stages of construction.

There has been reference to a property across the alley from 2019 19th Ave. The owner of that property has erected a fence across the sidewalk easement, which is a questionable situation.

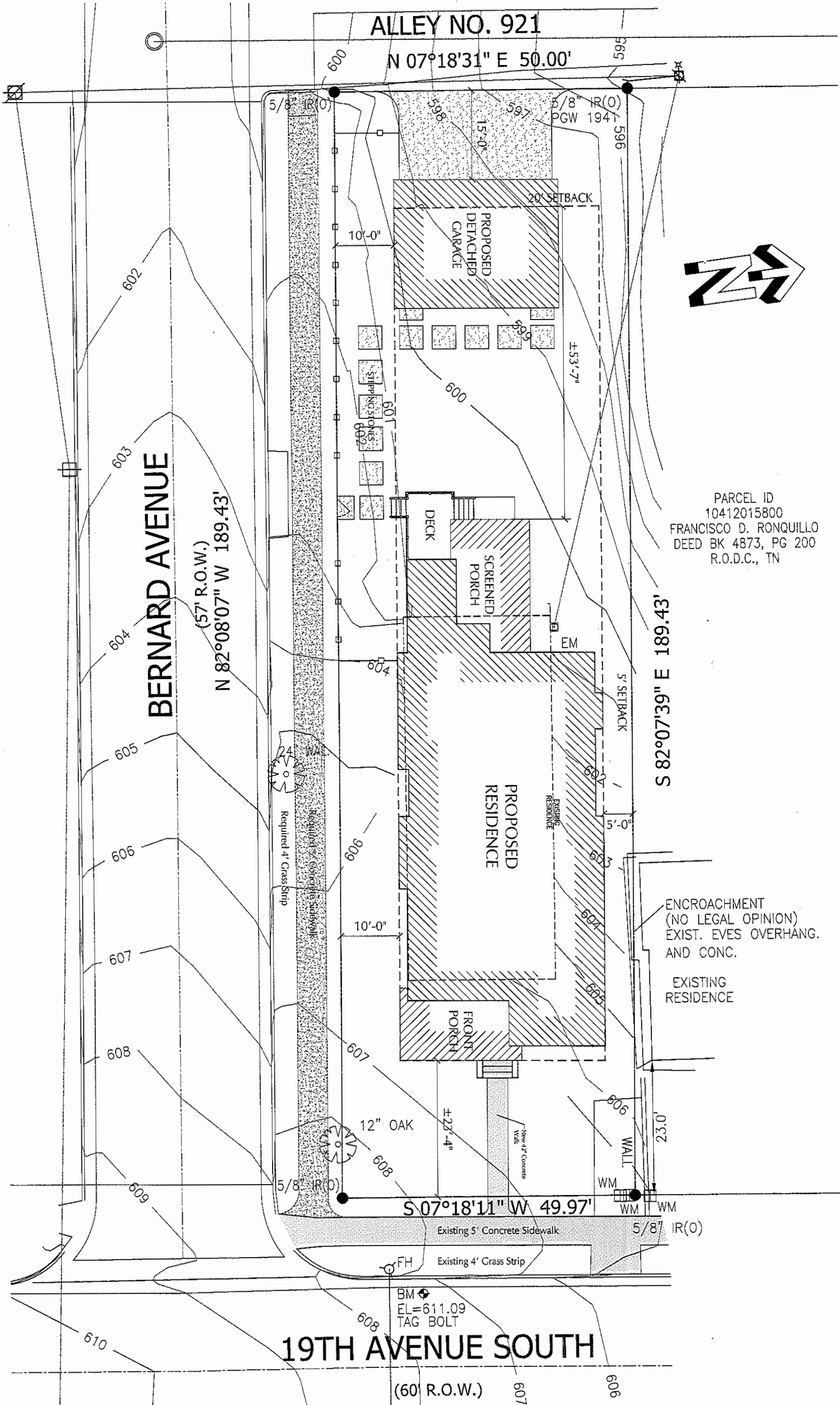
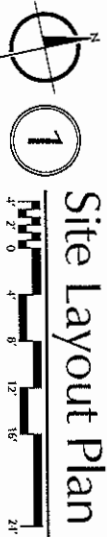
This neighborhood is heavily trafficked by pedestrians. People walking pets, children in strollers, exercising, walking to schools and work. The block from Portland Ave. to Bernard Ave. is surrounded on three sides by sidewalk. This section of Bernard Ave. has one section of truncated sidewalk across from the property on the north side of Bernard. There is on-street parking on both sides of Bernard. Pedestrians are forced to walk on the street for most of the block between 19th and 20th Ave. **This is an unsafe situation.** Construction of a sidewalk on this property would not totally alleviate this situation, but it would provide motivation and impetus for completing the sidewalk around this block. As a sidewalk already exists from 21st. Ave. So. to 20th Ave. So., this would result in a continuous sidewalk from 21st Ave. So. To 19th Ave. So., greatly enhancing the walkability in the neighborhood.

In conclusion, I urge the Board to deny this appeal and require conformity to the ordinance requiring either construction of a sidewalk or payment in lieu of construction. **My preference is construction of the sidewalk.**

Sincerely,



William G. Wiggins
2009 20th Ave. So.
Nashville, TN 37212



PARCEL ID
10412015800
FRANCISCO D. RONQUILLO
DEED BK 4873, PG 200
R.O.D.C., TN

ENCROACHMENT
(NO LEGAL OPINION)
EXIST. EYES OVERHANG.
AND CONC.

EXISTING
RESIDENCE

A1.0

Drawings:
Site Layout Plan

Date:
02.19.19



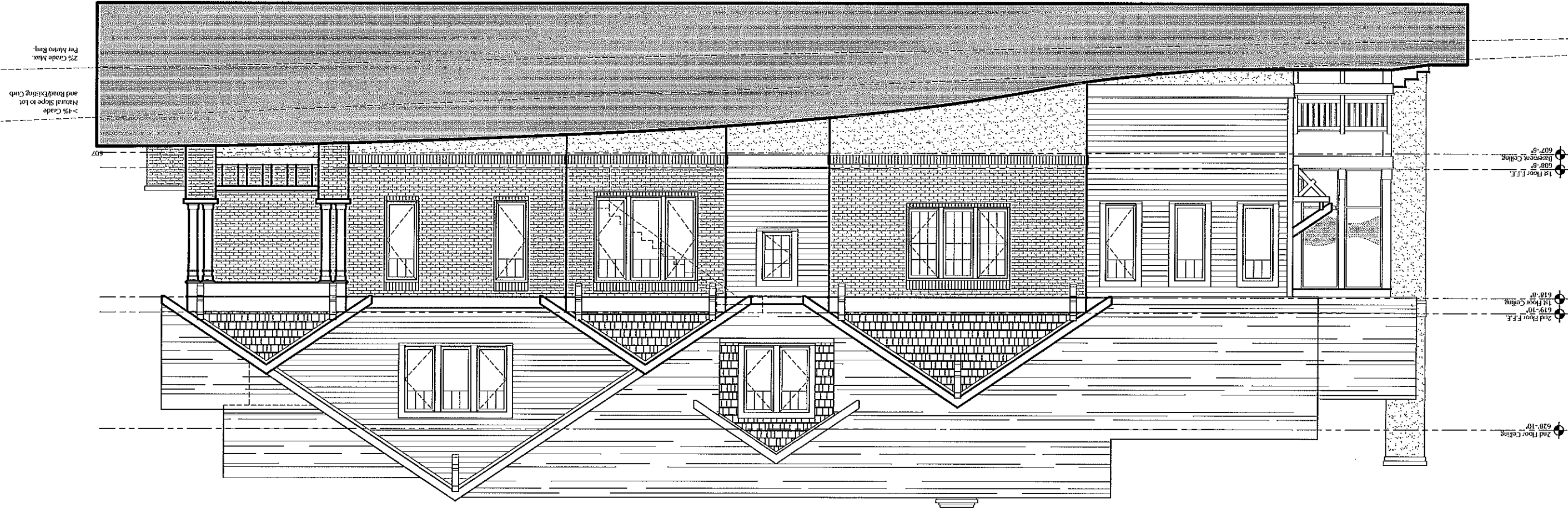
A New Home for:
The Taylor Residence
1902 Bernard Avenue
Nashville, Tennessee 37212

MHZC PRESERVATION PERMIT APPLICATION

1
Elevation: Site Section



Scale: 1/8"=1'-0"



607'-6" Basement Ceiling
608'-6" 1st Floor F.F.
618'-6" 1st Floor Ceiling
619'-10" 2nd Floor F.F.
628'-10" 2nd Floor Ceiling

2% Grade Max. Per Metro Reg.
> 4% Grade Natural Slope to Lot and Road/Existing Curb

A2.0

Drawings:
Exterior Elevation
Date:
02.19.19

M.W.
ALLAN WARD
ARCHITECTS
1618 Sincenath Avenue South
Nashville, Tennessee 37212
Tel: 615.246.1070
Fax: 615.245.1011

A New Home for:
The Taylor Residence
1902 Bernard Avenue
Nashville, Tennessee 37212

MHZC PRESERVATION PERMIT APPLICATION

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-149 (1902 Bernard Avenue)

Metro Standard:	Bernard Avenue - 4' grass strip, 5' sidewalk, as defined by the Local Street standard 19 th Avenue South - 4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks along Bernard Avenue; not contribute in lieu (not eligible)
Zoning	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	#4 – Shelby
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a new single family residence on the property, and requests a variance from constructing sidewalks due to slope and existing mature trees. Planning evaluated the following factors for the variance request:

- (1) The property has frontages on both Bernard Avenue and 19th Avenue South. However sidewalks meeting the Local Street standard exist on 19th Avenue South, and no variance is needed for that property frontage.
- (2) No sidewalk exists along the Bernard Avenue property frontage. Sidewalks exist on the opposite side of the street.
- (3) While it is very feasible to construct sidewalks along Bernard Avenue, at least two mature trees on the frontage will be removed. Contributing in lieu of construction is an acceptable alternative in this location to supplement Metro's annual sidewalk capital program.

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

1. The applicant shall contribute in-lieu of construction for the Bernard Avenue property frontage.
2. Maintain existing sidewalk conditions along 19th Avenue South 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.
3. The applicant shall dedicate right-of-way along the Bernard Avenue property frontage to accommodate a future 4' grass strip and 5' sidewalk.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson
Property Owner: P:P Development
Representative: Duane Cuthbertson

Date: 2-20-19
Case #: 2019-150
Map & Parcel: 105074V00200C0
105074V00100C0

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: Request variance to allow parking pad within front setback in R6-A district

Activity Type: Residential
Location: 425 423 Mallory Street

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: Parking pads in front of houses

Section(s): 12.12.020B

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 (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

Address

2814 12th Av. S.
Address

City, State, Zip Code

Nashville, TN 37204
City, State, Zip Code

Phone Number

615.924.9618
Phone Number

Email

dcuthber@gmail.com
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**



3605962

**ZONING BOARD APPEAL / CAAZ - 20190010264
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105074V90000CO

APPLICATION DATE: 02/20/2019

SITE ADDRESS:

423 MALLORY ST NASHVILLE, TN 37203

COMMON AREA HOMES AT 423 A & B MALLORY STREET

PARCEL OWNER: O.I.C. HOMES AT 423 A & B MALLORY STI

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance to allow parking pad within front setback of R6-A zoning.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

2-20-19

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?

Shallow lot and utility easement at side
restrict layout such that access to parking location
in the rear is impractical.



CONTOURS FROM RADIAL TOPOGRAPHIC SURVEY

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

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

SITE DATA
 ORIGINAL
 PARCEL ID: 10507039400
 P.A.D.C., TN 6778.35
 S.F. OR 0.16 ACRES±
 EXISTING I.A. HOUSE - 881 S.F.
 DRIVE - 366 S.F.
 TOTAL EXISTING I.A. 1247 S.F.
 PROPOSED I.A. HOUSE'S - 1766 S.F. (ROOFTOPS)
 DECKS - 270 S.F.
 TOTAL PROPOSED I.A. 2036 S.F.
 2036 - 1247 = 789
 NET NEW I.A. 789 S.F.

TENNESSEE PRISON OUTREACH MINISTRY, INC.
 INSTRUMENT# 20021004-0121485
 R.O.D.C., TN
 PARCEL ID 10507037100
 P.A.D.C., TN

SPRINGER, LINDA M.
 INSTRUMENT# 20150702-0064283
 R.O.D.C., TN
 PARCEL ID 10507039300
 P.A.D.C., TN

MORGAN, ALBERT G., JR.
 INSTRUMENT# 20080905-0091293
 R.O.D.C., TN
 PARCEL ID 10507037600
 P.A.D.C., TN

MORROW, DEBRA A.
 BOOK 8273, PAGE 842
 R.O.D.C., TN
 PARCEL ID 10507037700
 P.A.D.C., TN

NGUYEN, THANH VAN
 INSTRUMENT# 20050411-0039426
 R.O.D.C., TN
 PARCEL ID 10507037800
 P.A.D.C., TN

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R6
 SETBACKS FOR R6 ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 "ZONING" CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE.

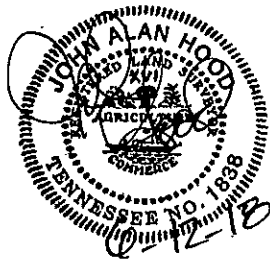
BY GRAPHIC SCALING FROM THE LATEST F.E.M.A. / FLOOD INSURANCE RATE MAP THIS PROPERTY IS NOT LOCATED IN A F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA
 MAP 47037 PANEL 0244 "H"
 EFFECTIVE DATE = 04-05-2017

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

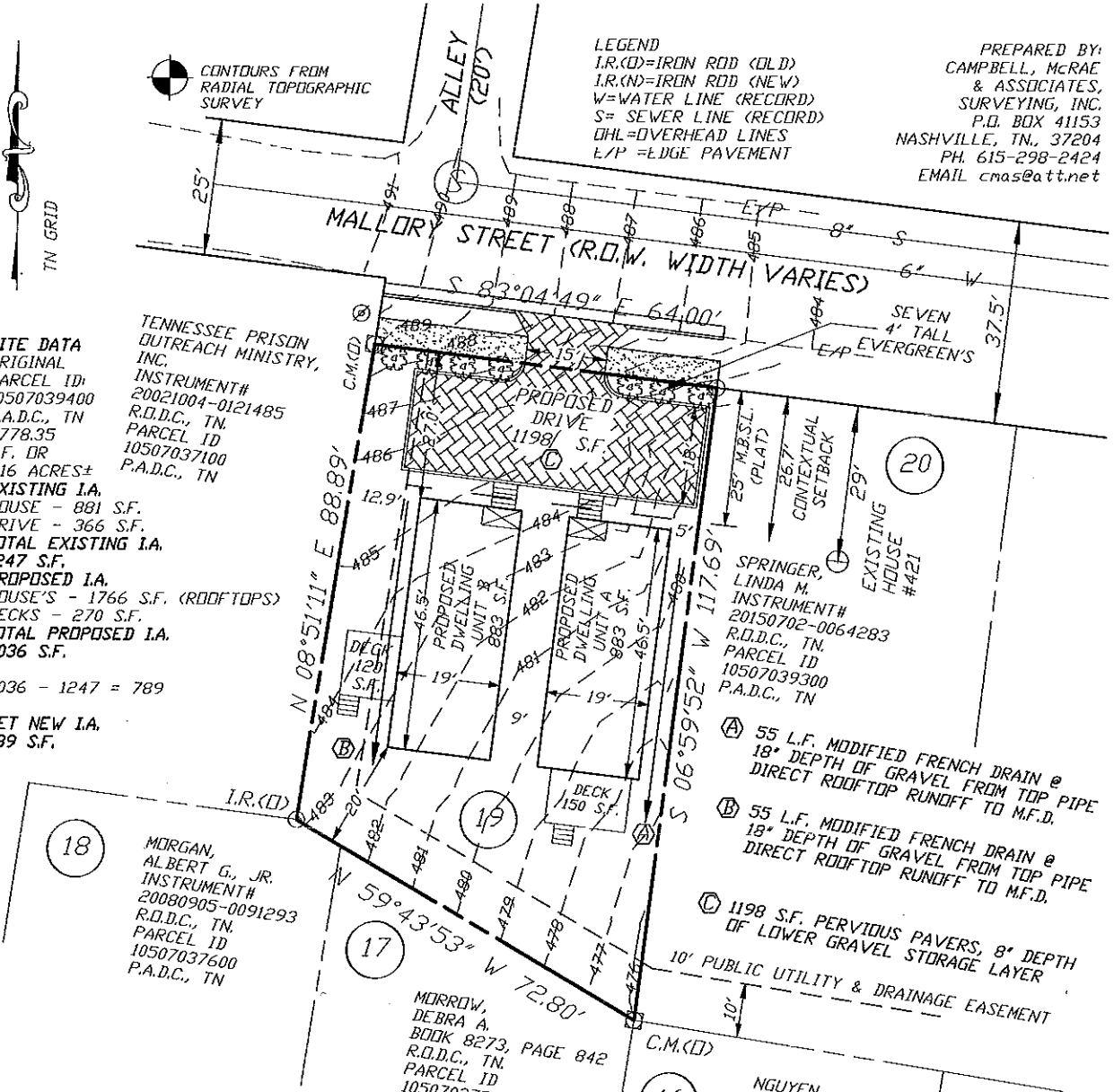
UTILITIES SHOWN WERE TAKEN FROM PUBLIC AS-BUILT RECORDS & FIELD LOCATION. THERE MAY BE UTILITIES OR EASEMENTS PRESENT THAT ARE NOT SHOWN ON THIS EXHIBIT. CONTACT THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY CONSTRUCTION OR DIGGING.

I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.

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



SITE PLAN
 LOT 19 ON THE PLAN OF RAINS HEIGHTS SUBDIVISION, BOOK 2663, PAGE 46 R.O.D.C., TN.
 PROPERTY LOCATED IN THE 17TH COUNCIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY TENNESSEE ON THE SOUTHERLY MARGIN OF MALLORY STREET, EAST OF RAINS AVENUE
 PROPERTY ADDRESS: 423 A & B MALLORY STREET NASHVILLE, TN, 37203
 DEED REFERENCE: INSTRUMENT #20021004-0121485 R.O.D.C., TN.
 ORIGINAL PARCEL ID: 10507039400 P.A.D.C., TN.
 DATE: 06-12-2018
 SCALE: 1"=20'
 PREPARED FOR: MAURINE J. BRONAUH



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

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

CONTOURS FROM
 RADIAL TOPOGRAPHIC
 SURVEY

TN GRID

SITE DATA

ORIGINAL
 PARCEL ID:
 10507039400
 P.A.D.C., TN
 6778.35
 S.F. OR
 0.16 ACRES±

EXISTING I.A.
 HOUSE - 881 S.F.
 DRIVE - 366 S.F.
TOTAL EXISTING I.A.
1247 S.F.
PROPOSED I.A.
 HOUSE'S - 1766 S.F. (ROOFTOPS)
 DECKS - 270 S.F.
TOTAL PROPOSED I.A.
2036 S.F.

2036 - 1247 = 789

NET NEW I.A.
789 S.F.

TENNESSEE PRISON
 OUTREACH MINISTRY,
 INC.
 INSTRUMENT#
 20021004-0121485
 R.O.D.C., TN.
 PARCEL ID
 10507037100
 P.A.D.C., TN

SPRINGER,
 LINDA M.
 INSTRUMENT#
 20150702-0064283
 R.O.D.C., TN.
 PARCEL ID
 10507039300
 P.A.D.C., TN

MORGAN,
 ALBERT G., JR.
 INSTRUMENT#
 20080905-0091293
 R.O.D.C., TN.
 PARCEL ID
 10507037600
 P.A.D.C., TN

MORROW,
 DEBRA A.
 BOOK 8273, PAGE 842
 R.O.D.C., TN.
 PARCEL ID
 10507037700
 P.A.D.C., TN

NGUYEN,
 THANH VAN
 INSTRUMENT#
 20050411-0039426
 R.O.D.C., TN.
 PARCEL ID
 10507037800
 P.A.D.C., TN

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R6
 SETBACKS FOR R6 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17
 "ZONING" CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

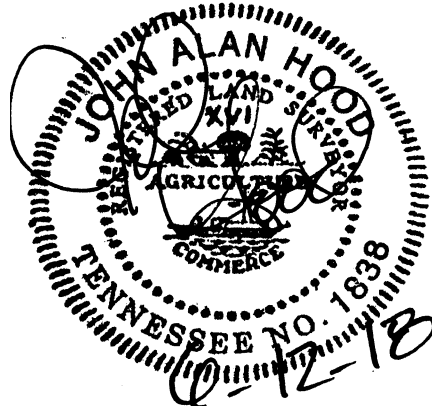
BY GRAPHIC SCALING FROM THE LATEST
 F.E.M.A. / FLOOD INSURANCE RATE MAP
 THIS PROPERTY IS NOT LOCATED IN A
 F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD
 AREA
 MAP 47037 PANEL 0244 "H"
 EFFECTIVE DATE = 04-05-2017

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

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
 AS-BUILT RECORDS & FIELD LOCATION. THERE
 MAY BE UTILITIES OR EASEMENTS PRESENT
 THAT ARE NOT SHOWN ON THIS EXHIBIT.
 CONTACT THE TENNESSEE ONE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

I HEREBY CERTIFY THAT THIS IS
 A CATEGORY I SURVEY WITH THE
 RATIO OF PRECISION OF THE
 UNADJUSTED SURVEY BEING 1: 18,000.
 THIS SURVEY WAS DONE IN
 COMPLIANCE WITH THE CURRENT
 STANDARDS OF PRACTICE ADOPTED
 BY THE TENNESSEE STATE BOARD OF
 EXAMINERS FOR LAND SURVEYORS.

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



SITE PLAN

LOT 19 ON THE PLAN OF
 RAINS HEIGHTS SUBDIVISION,
 BOOK 2663, PAGE 46
 R.O.D.C., TN.

PROPERTY LOCATED IN THE 17TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE SOUTHERLY MARGIN OF
 MALLORY STREET,
 EAST OF RAINS AVENUE

PROPERTY ADDRESS:
 423 A & B MALLORY STREET
 NASHVILLE, TN., 37203
DEED REFERENCE:
 INSTRUMENT #20021004-0121485
 R.O.D.C., TN.
ORIGINAL PARCEL ID:
 10507039400 P.A.D.C., TN.
DATE: 06-12-2018
SCALE: 1"=20'
PREPARED FOR:
 MAURINE J. BRONAUGH

From: [Duane Cuthbertson](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: Fwd: MALLORY STREET 423 SITE 012919A.pdf
Date: Thursday, March 28, 2019 3:34:28 PM

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

Can I please include this in the case file for 2019-150? Please.

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

From: Hayes, Kimberly (WS) <Kimberly.Hayes@nashville.gov>
Date: Mon, Mar 18, 2019, 1:12 PM
Subject: RE: MALLORY STREET 423 SITE 012919A.pdf
To: Duane Cuthbertson <dcuthber@gmail.com>

Having front loading parking and/or garages will reduce the amount of impervious area being added to site, thus providing more green space for stormwater runoff to infiltrate and location for green infrastructure control practices that do not encroach the public utility and drainage easement (PUDE). The current plan as proposed has a gicp that extends to the property line and encroaches fully into the PUDE, this is not an acceptable practice. Furthermore, it could possible impact the downstream residents.

-Kimberly

From: Duane Cuthbertson [mailto:dcuthber@gmail.com]
Sent: Tuesday, March 05, 2019 10:52 AM
To: Hayes, Kimberly (WS)
Subject: Fwd: MALLORY STREET 423 SITE 012919A.pdf

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

Hi Kimberly - Here is the plan we for 423 Mallory St. Can you provide me with some sort of analysis that essentially suggests why Stormwater would be better served if we were able to place parking out of the rear yard as proposed (and as directed by the current zoning)? Let me know if you need additional information.

Duane

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

From: **Paul Ziady** <paul_ziady@yahoo.com>
Date: Mon, Mar 4, 2019 at 9:27 AM
Subject: MALLORY STREET 423 SITE 012919A.pdf
To: Duane Cuthbertson <dcuthber@gmail.com>

Original site plan

Paul M. Ziady
Partner - P&P Development, LLC

Agent - Tarkington & Harwell Co. LLC

Cell: 615-456-8239

The information in this e-mail transmission is confidential or legally privileged information. If you received this e-mail in error, please notify sender and delete immediately.

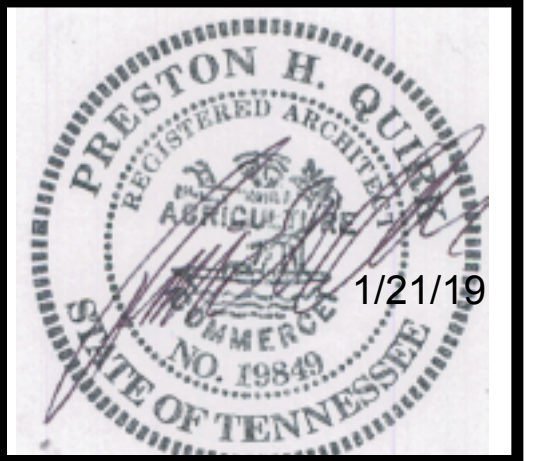
Please be advised that any distribution, reading, copying or other use of this e-mail communication by anyone other than the designated recipient is strictly prohibited.

--

Duane Cuthbertson

615.924.9618

P&P Development
423 MALLORY STREET
Nashville, TN 37203



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 788-0248 Fax: (615) 627-1288
email: quirksdesigns@comcast.net

QUIRK DESIGNS

Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

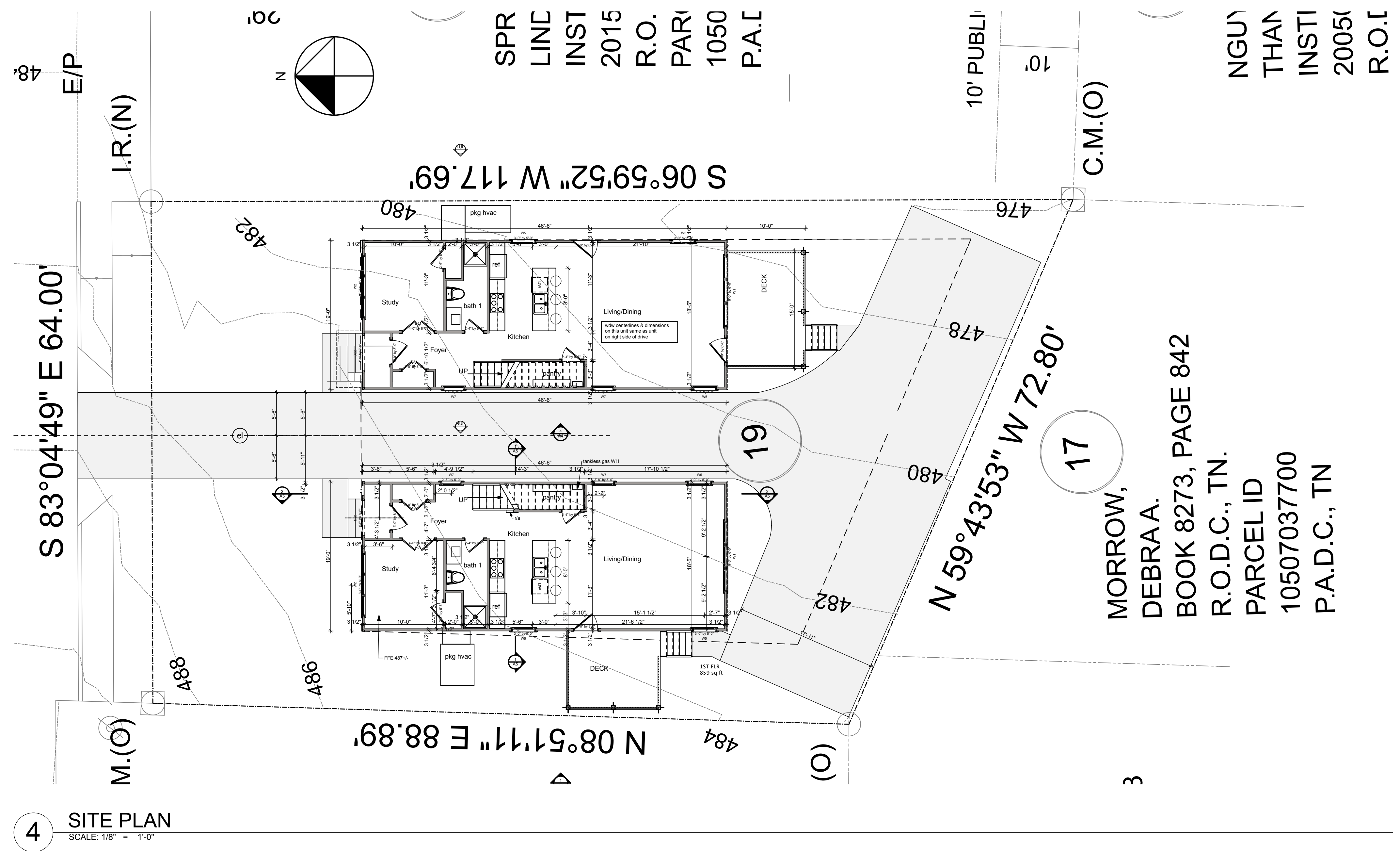
DATE: 1/21/19
REVISION

PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

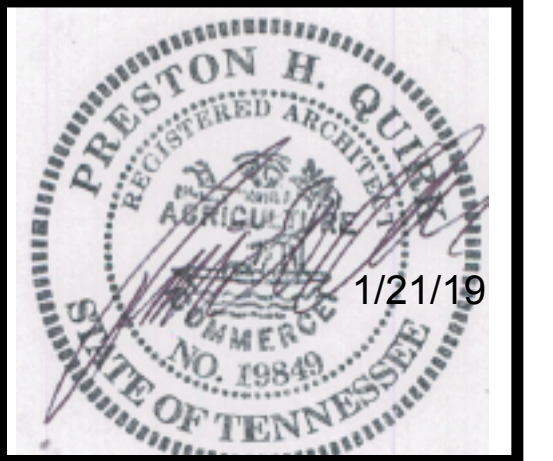
SITE PLAN

C1

ACAD FILES\work 2018\PPP DEVELOPMENT 423 MALLORY 18-091\MALLORY 2.dwg



P&P Development
423 MALLORY STREET
Nashville, TN 37203



2631 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 268-2048 Fax: (615) 627-1298
email: quirksdesigns@comcast.net

QUIRK DESIGNS

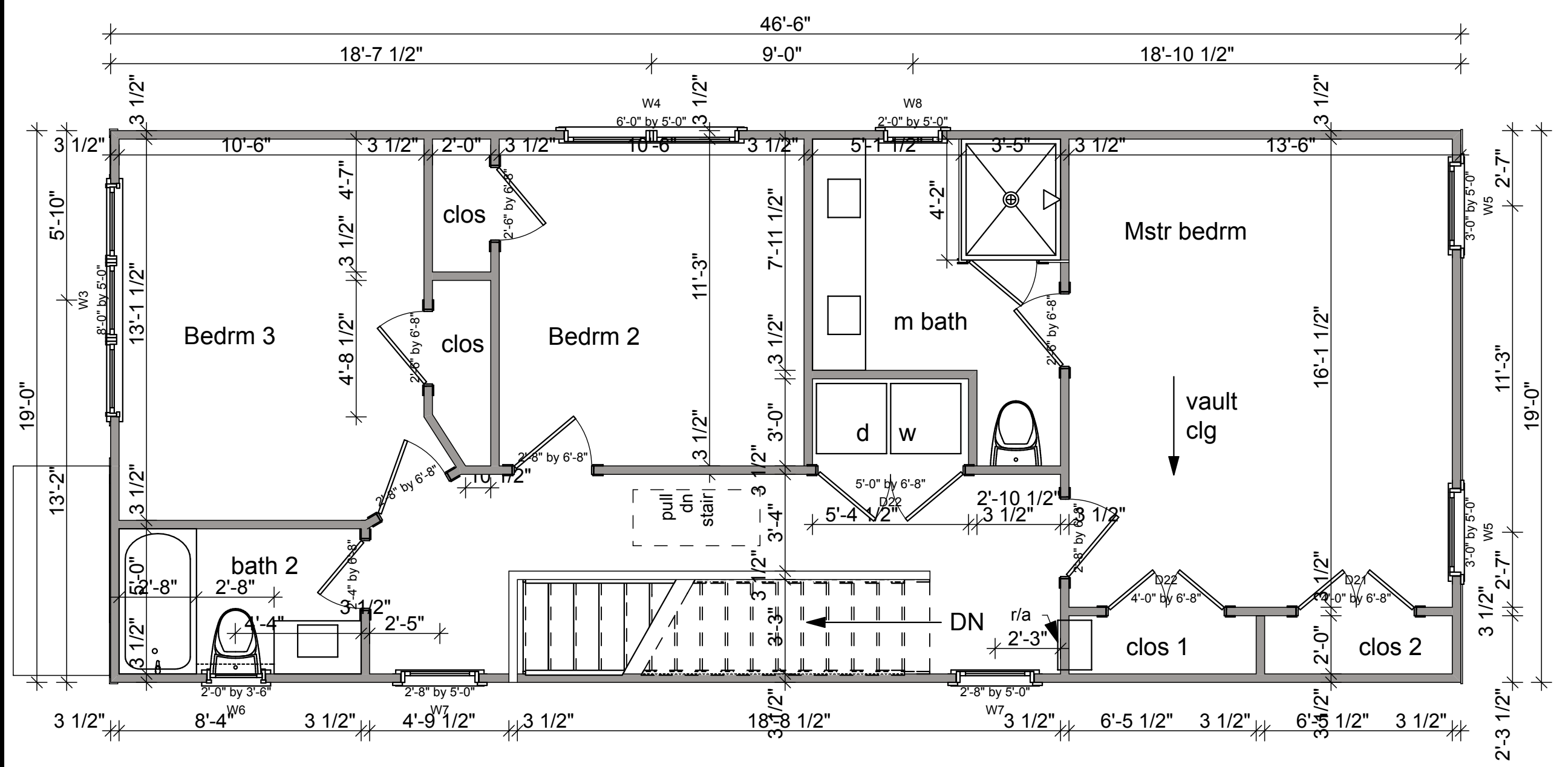
Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

DATE: 1/21/19
REVISION

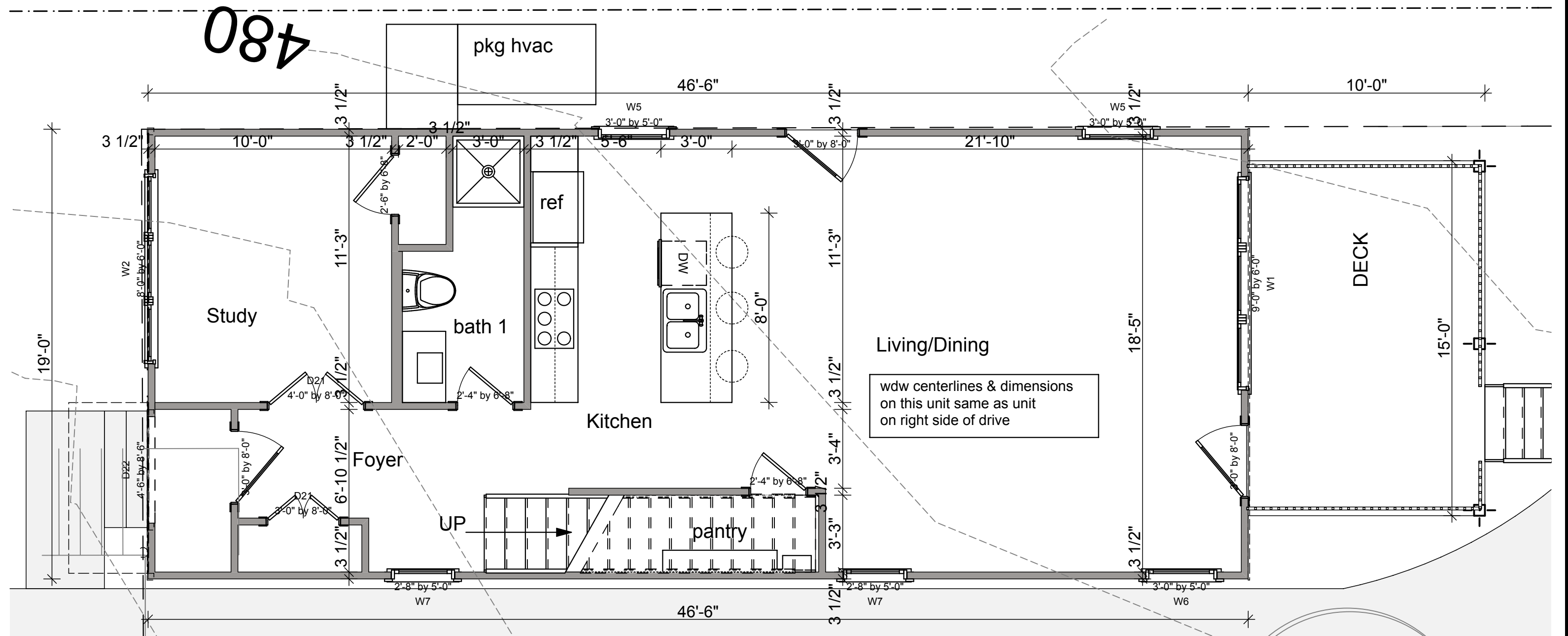
PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

FLOOR PLANS

A1



3 2ND FLR PLAN
SCALE: 1/4" = 1'-0"

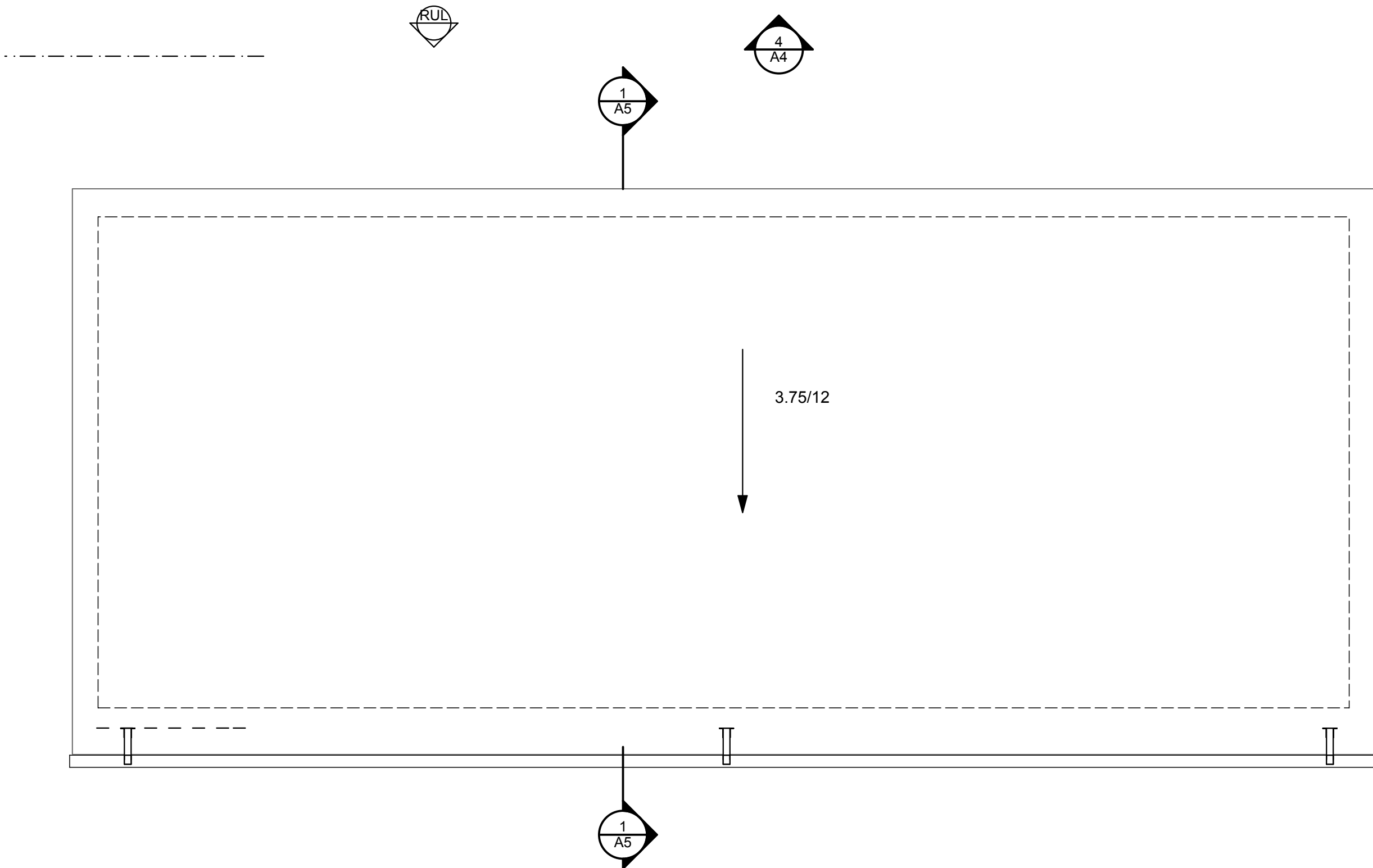
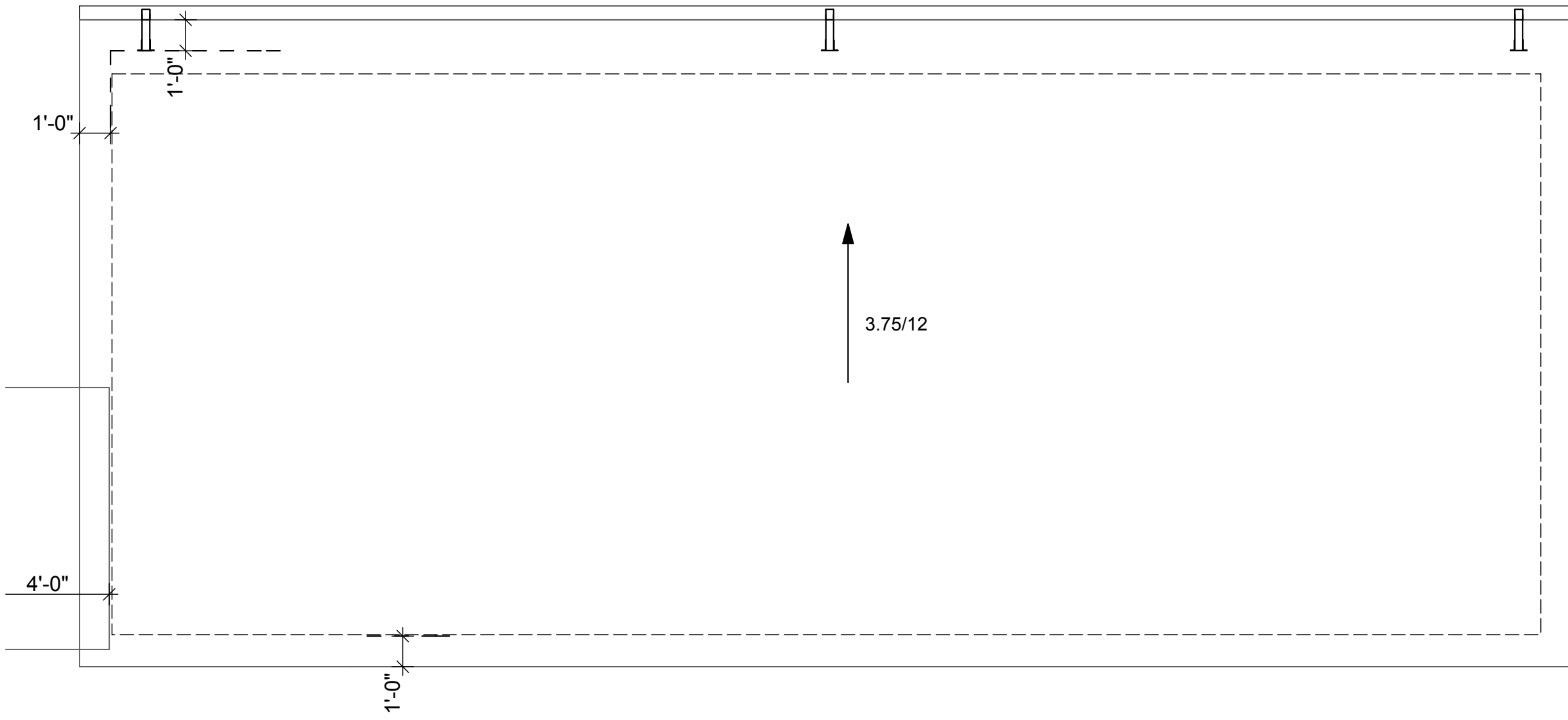


1 1ST FLR PLAN
SCALE: 1/4" = 1'-0"

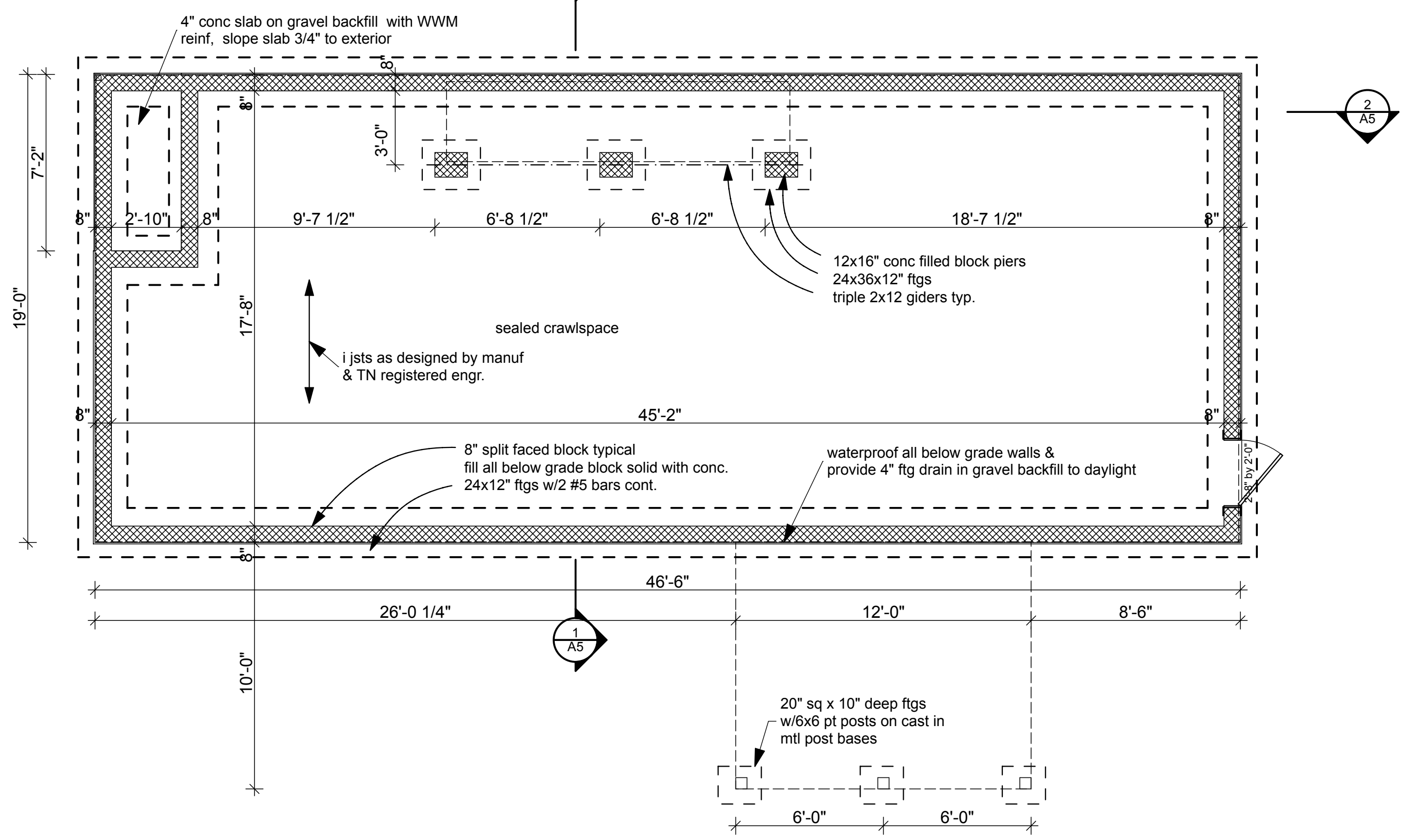
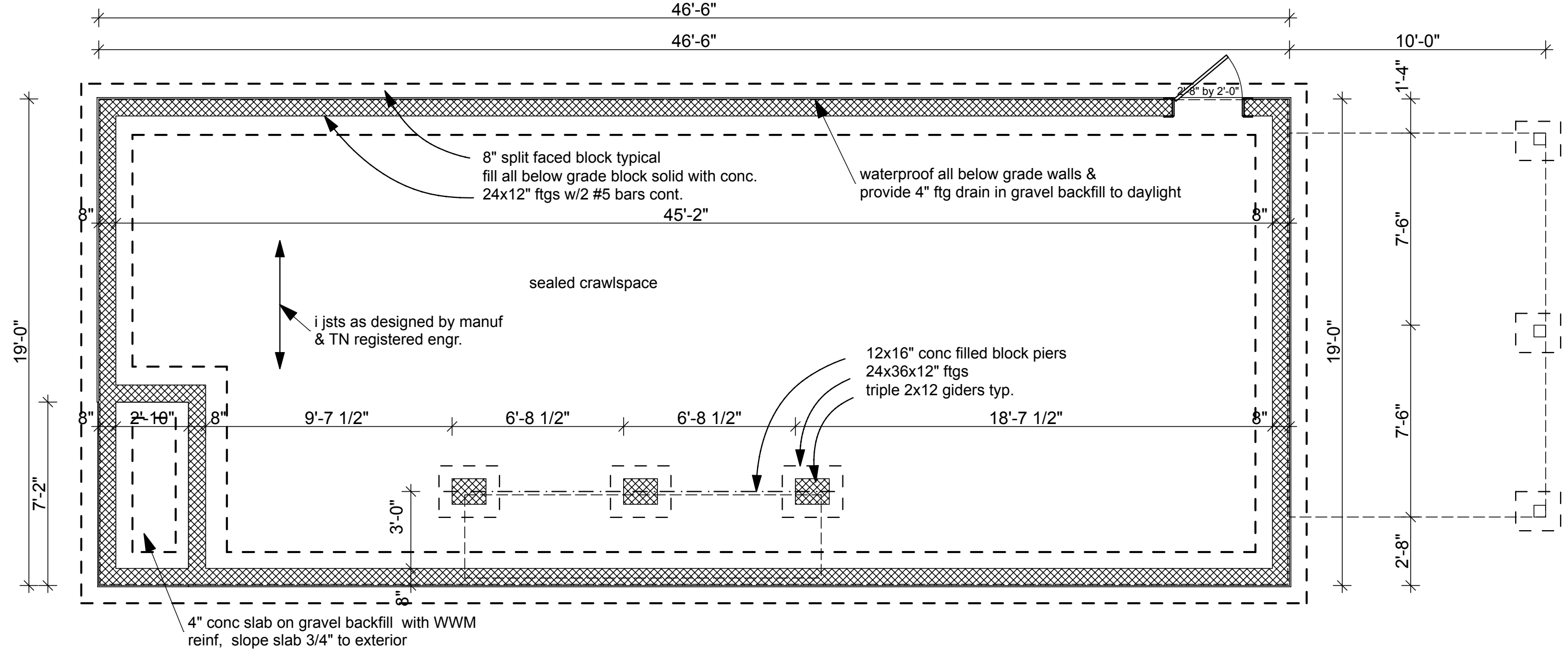
FLOOR AREA	
Zone Name	Area
1ST FLR	859
2ND FLR	884
	1,743 sq ft

CAD FILES: 2018PP DEVELOPMENT 423 MALLORY 18-091/MALLORY 2.dwg

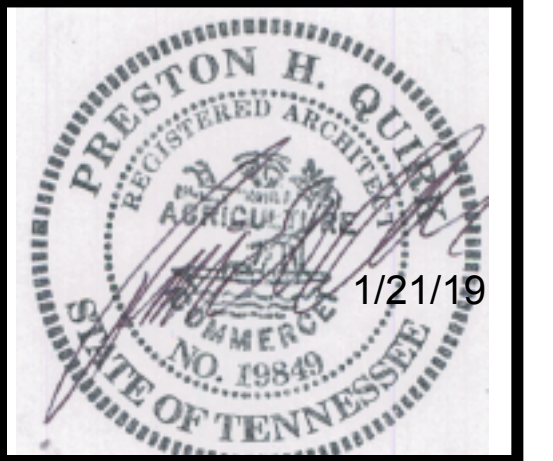
P&P Development
423 MALLORY STREET
Nashville, TN 37203



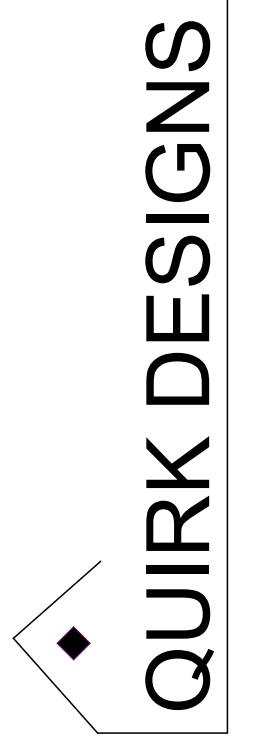
2 ROOF PLAN
SCALE: 1/4" = 1'-0"



1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 268-0248 Fax: (615) 627-1288
email: quirksdesigns@comcast.net



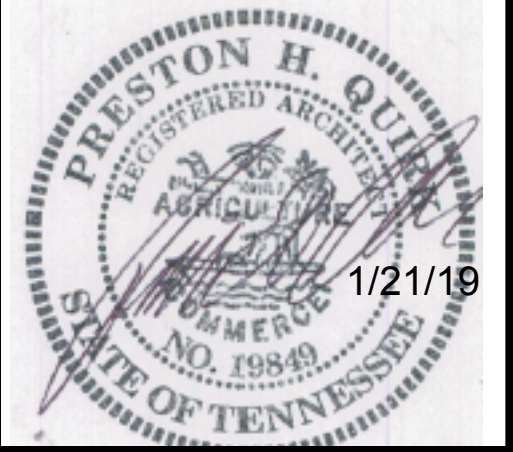
Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

DATE: 1/21/19
REVISION

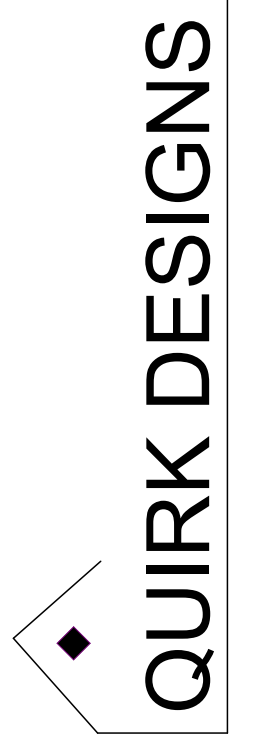
PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

FOUNDATION, ROOF PLANS

P&P Development
423 MALLORY STREET
Nashville, TN 37203



2631 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 268-0248 Fax: (615) 627-1288
email: quirksdesigns@comcast.net



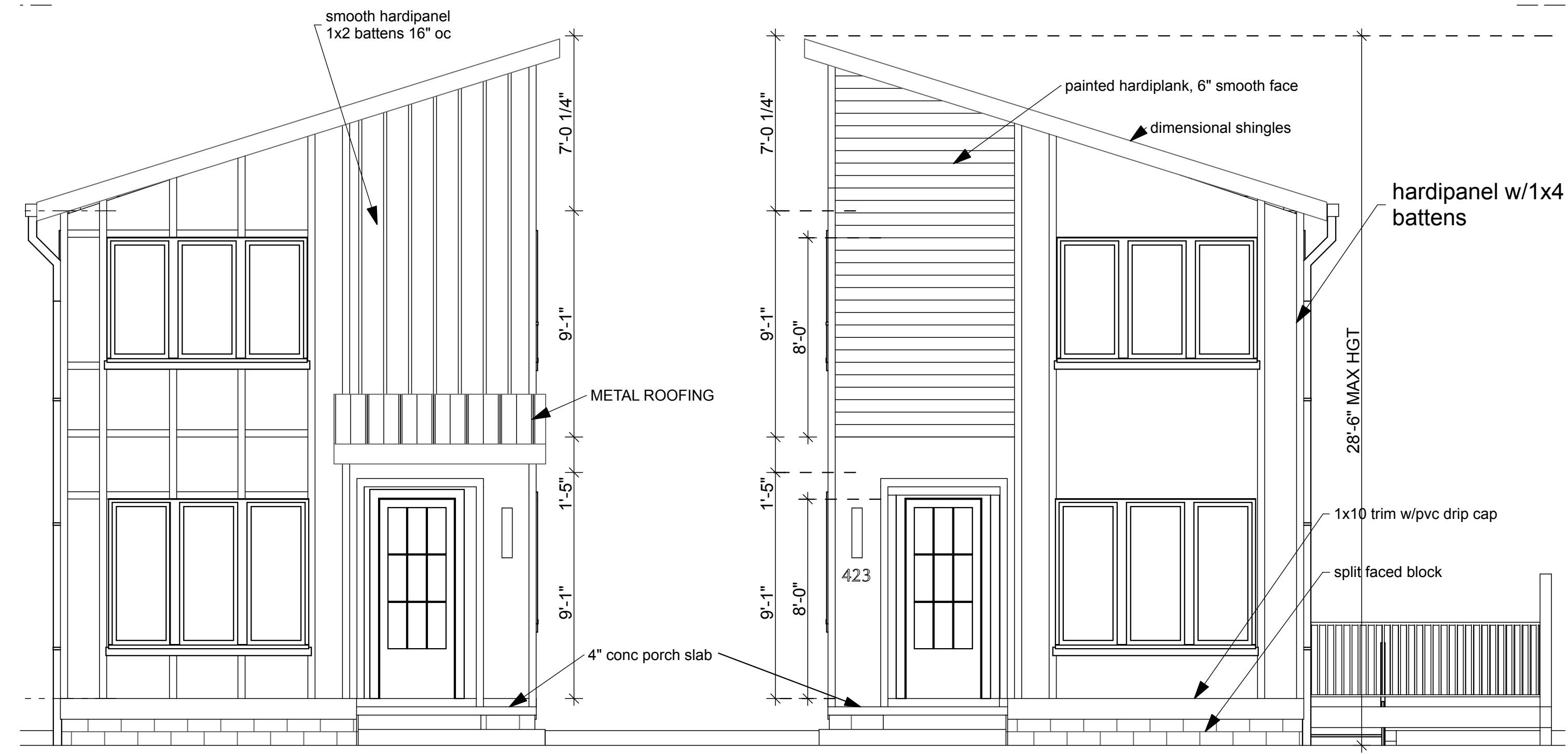
Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

DATE: 1/21/19
REVISION

PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

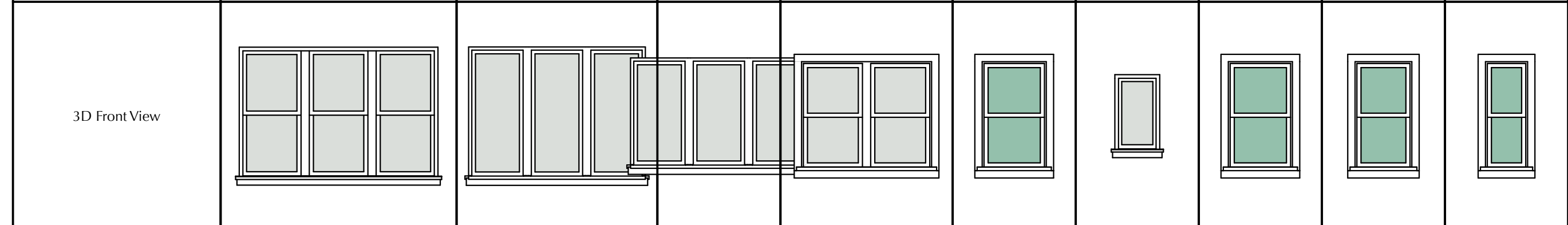
ELEVATIONS

A3



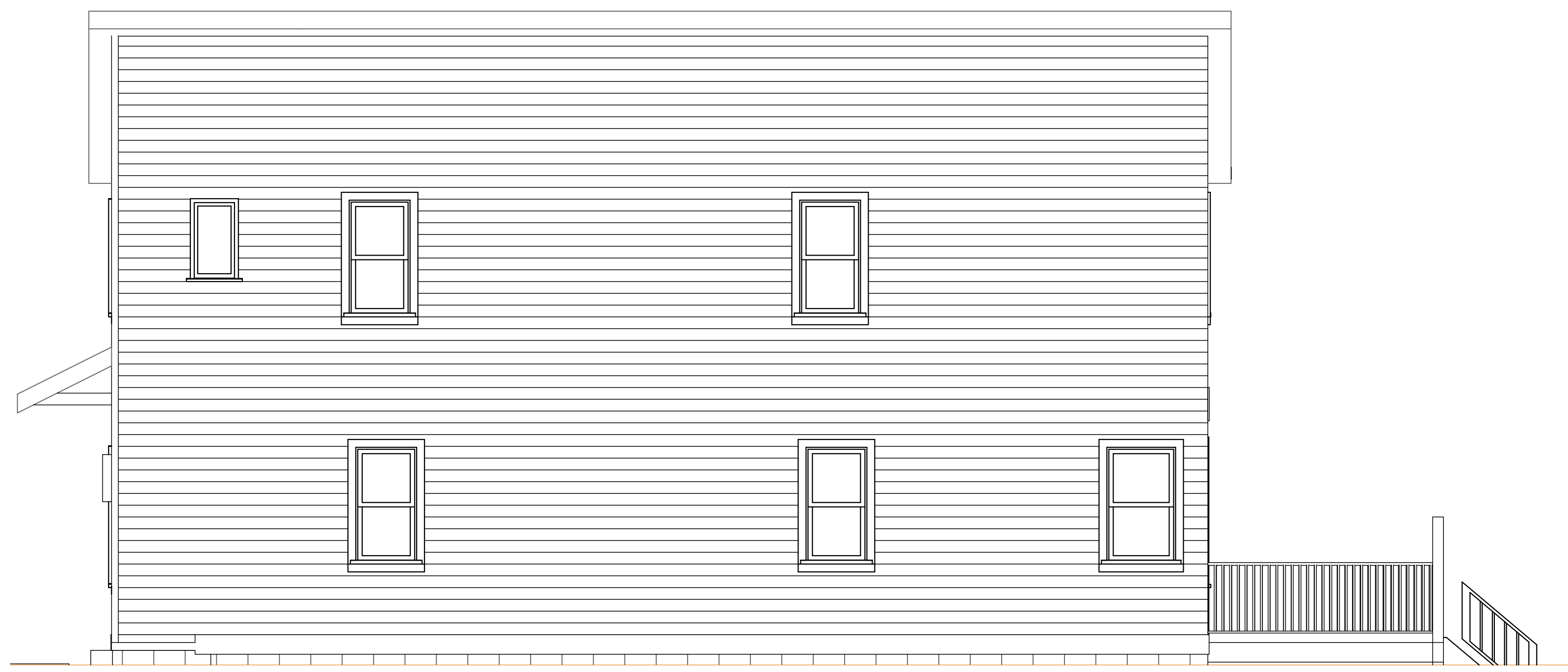
1 FRONT ELEVATION
SCALE: 1/4" = 1'-0"

MARK		W1	W2	W3	W4	W5	W6	W6	W7	W8
SIZE	WIDTH	9'-0"	8'-0"	8'-0"	6'-0"	3'-0"	2'-0"	3'-0"	2'-8"	2'-0"
	HEIGHT	6'-0"	6'-0"	5'-0"	5'-0"	5'-0"	3'-6"	5'-0"	5'-0"	5'-0"
TYPE										
NOTES										
Quantity		2	2	2	2	9	2	1	8	2



2 REAR ELEVATION
SCALE: 1/4" = 1'-0"

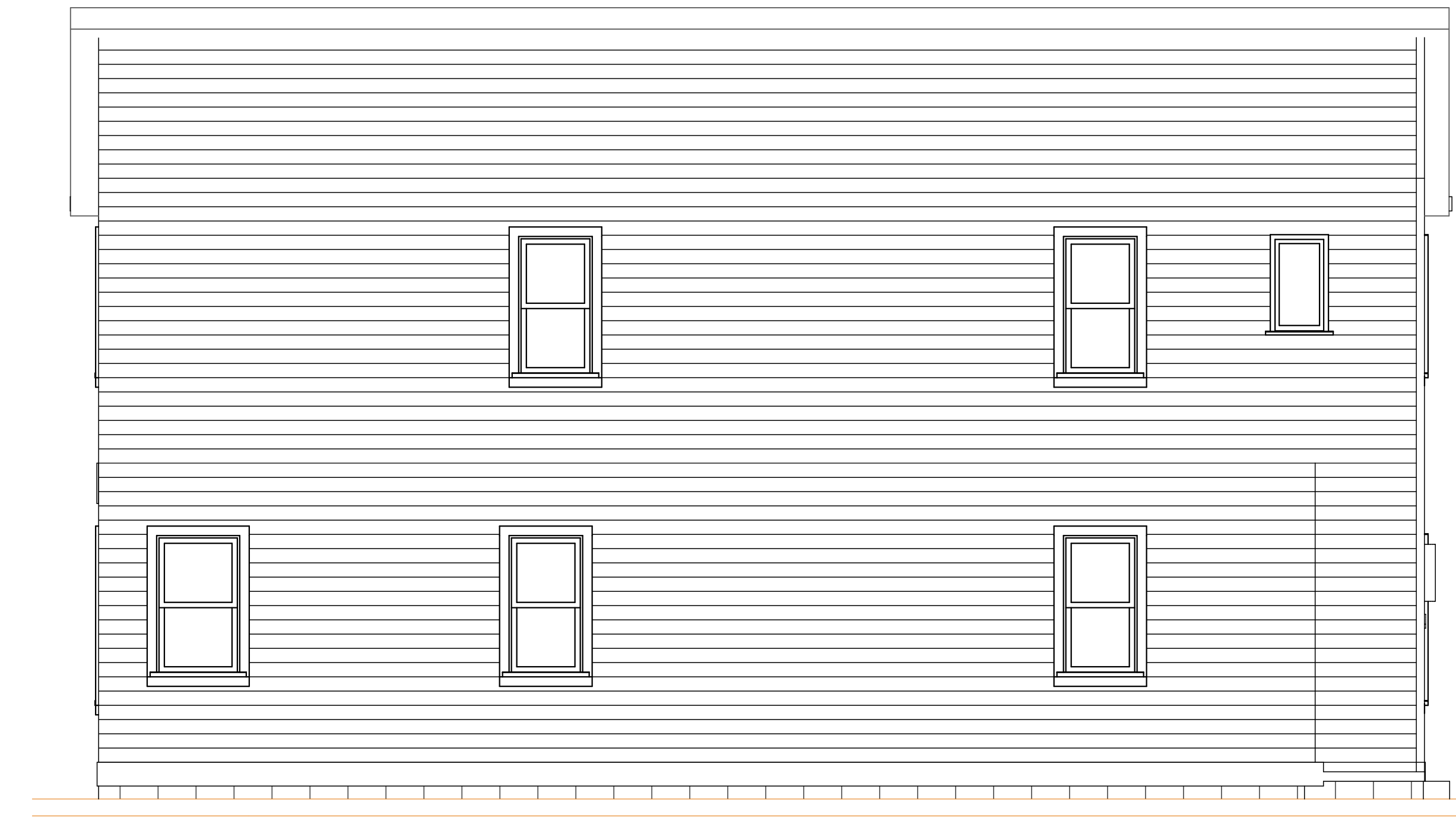
P&P Development
423 MALLORY STREET
Nashville, TN 37203



4 RIGHT ELEVATION, LEFT UNIT
SCALE: 1/4" = 1'-0"



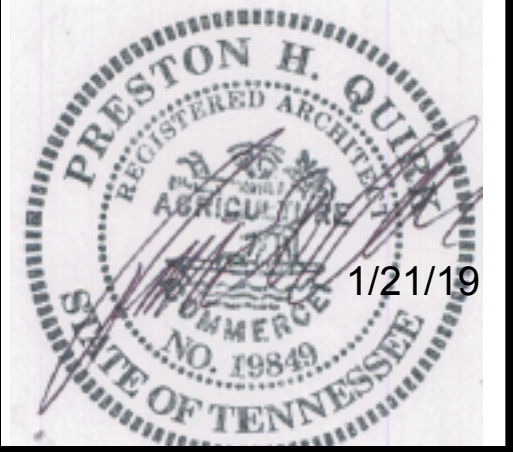
3 LEFT ELEVATION, LEFT UNIT
SCALE: 1/4" = 1'-0"



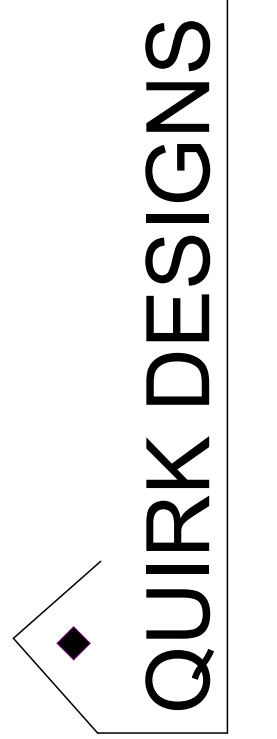
2 LEFT ELEVATION, RT UNIT
SCALE: 1/4" = 1'-0"



1 RIGHT ELEVATION, RT UNIT
SCALE: 1/4" = 1'-0"



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 268-2048 FAX: (615) 627-1288
email: quirkdsgns@comcast.net



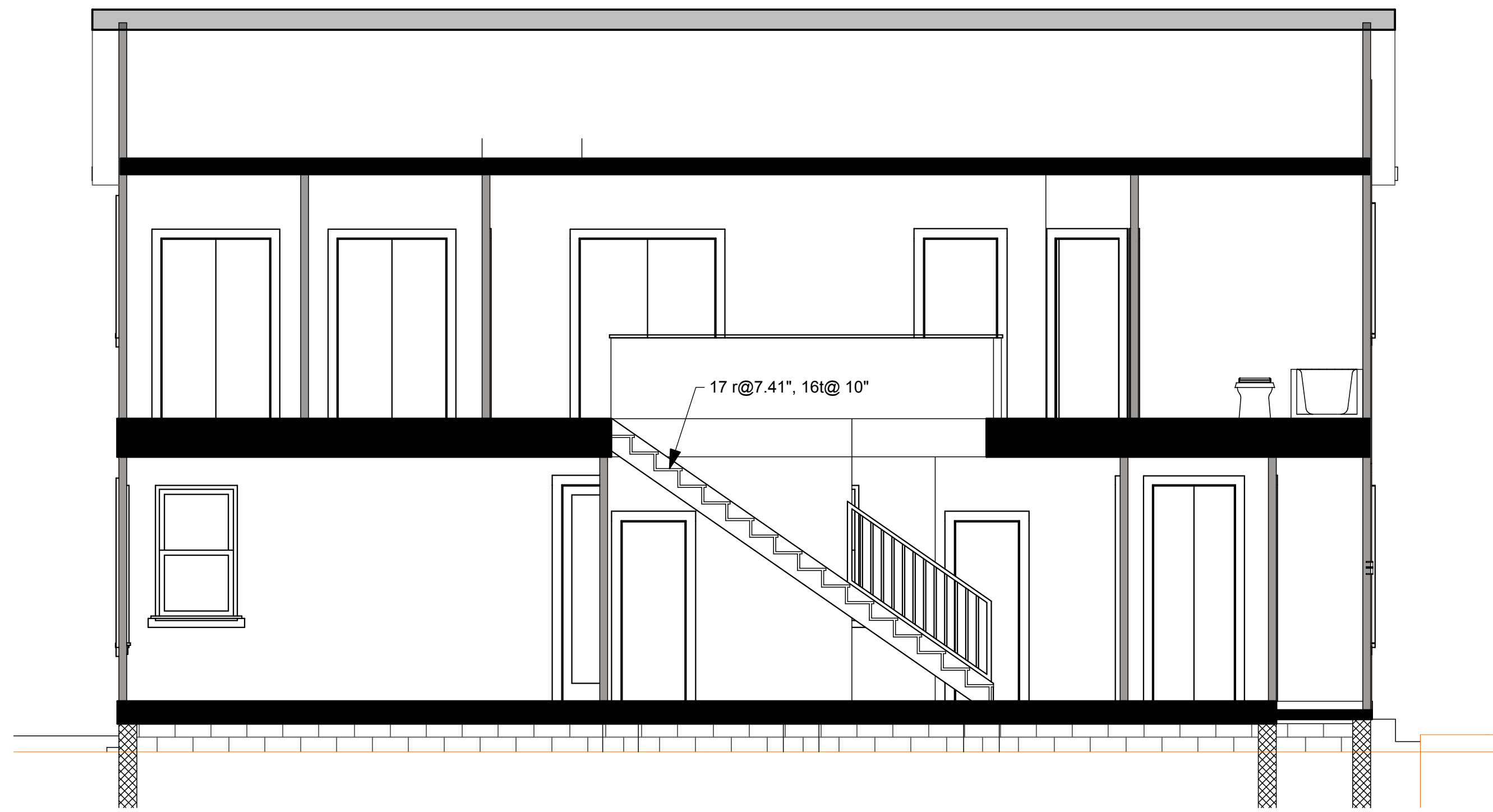
Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

DATE: 1/21/19
REVISION

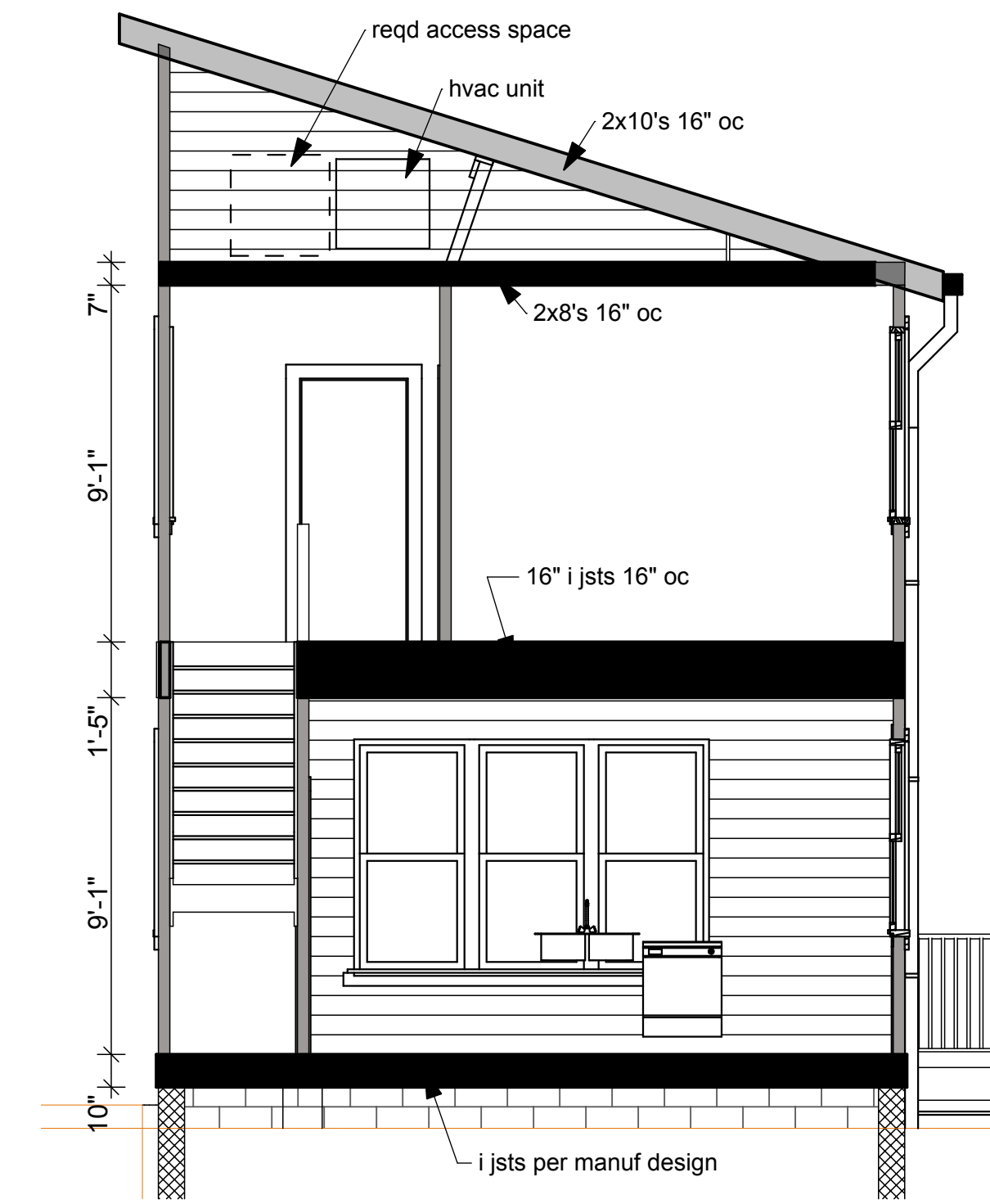
PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

SIDE ELEVATIONS

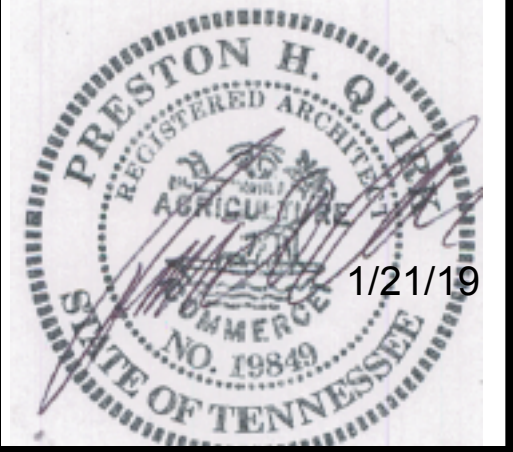
P&P Development
423 MALLORY STREET
Nashville, TN 37203



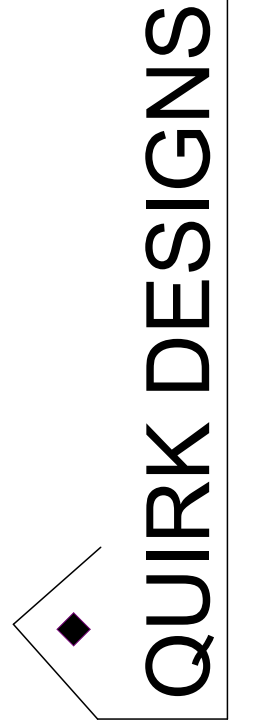
2 SECTION - STAIR
SCALE: 1/4" = 1'-0"



1 CROSS SECTION
SCALE: 1/4" = 1'-0"



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 298-0248 Fax: (615) 627-1288
email: quirksdesigns@comcast.net



Custom Residences
P&P Development
423 MALLORY STREET
Nashville, TN 37203

DATE: 1/21/19
REVISION

PROJECT NO: 18-091
COPYRIGHT 1/21/19
QUIRK DESIGNS

SECTIONS

A5

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

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

CONTOURS FROM
 RADIAL TOPOGRAPHIC
 SURVEY

TN GRID

SITE DATA

ORIGINAL
 PARCEL ID:
 10507039400
 P.A.D.C., TN
 6778.35
 S.F. OR
 0.16 ACRES±

EXISTING I.A.

HOUSE - 881 S.F.
 DRIVE - 366 S.F.
TOTAL EXISTING I.A.
1247 S.F.

PROPOSED I.A.

HOUSE'S - 1766 S.F. (ROOFTOPS)
 DECKS - 270 S.F.
TOTAL PROPOSED I.A.
2036 S.F.

2036 - 1247 = 789

NET NEW I.A.
789 S.F.

TENNESSEE PRISON
 OUTREACH MINISTRY,
 INC.
 INSTRUMENT#
 20021004-0121485
 R.O.D.C., TN.
 PARCEL ID
 10507037100
 P.A.D.C., TN

SPRINGER,
 LINDA M.
 INSTRUMENT#
 20150702-0064283
 R.O.D.C., TN.
 PARCEL ID
 10507039300
 P.A.D.C., TN

MORGAN,
 ALBERT G., JR.
 INSTRUMENT#
 20080905-0091293
 R.O.D.C., TN.
 PARCEL ID
 10507037600
 P.A.D.C., TN

MORROW,
 DEBRA A.
 BOOK 8273, PAGE 842
 R.O.D.C., TN.
 PARCEL ID
 10507037700
 P.A.D.C., TN

NGUYEN,
 THANH VAN
 INSTRUMENT#
 20050411-0039426
 R.O.D.C., TN.
 PARCEL ID
 10507037800
 P.A.D.C., TN

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R6
 SETBACKS FOR R6 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17
 "ZONING" CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

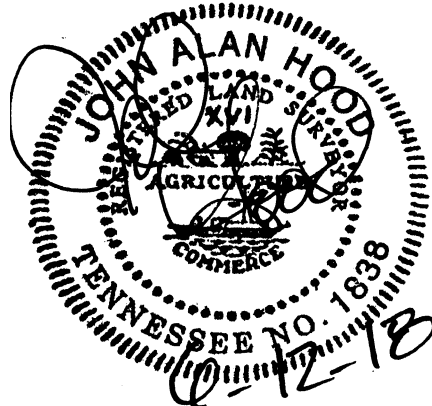
BY GRAPHIC SCALING FROM THE LATEST
 F.E.M.A. / FLOOD INSURANCE RATE MAP
 THIS PROPERTY IS NOT LOCATED IN A
 F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD
 AREA
 MAP 47037 PANEL 0244 "H"
 EFFECTIVE DATE = 04-05-2017

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

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
 AS-BUILT RECORDS & FIELD LOCATION. THERE
 MAY BE UTILITIES OR EASEMENTS PRESENT
 THAT ARE NOT SHOWN ON THIS EXHIBIT.
 CONTACT THE TENNESSEE ONE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

I HEREBY CERTIFY THAT THIS IS
 A CATEGORY I SURVEY WITH THE
 RATIO OF PRECISION OF THE
 UNADJUSTED SURVEY BEING 1: 18,000.
 THIS SURVEY WAS DONE IN
 COMPLIANCE WITH THE CURRENT
 STANDARDS OF PRACTICE ADOPTED
 BY THE TENNESSEE STATE BOARD OF
 EXAMINERS FOR LAND SURVEYORS.

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



SITE PLAN

LOT 19 ON THE PLAN OF
 RAINS HEIGHTS SUBDIVISION,
 BOOK 2663, PAGE 46
 R.O.D.C., TN.

PROPERTY LOCATED IN THE 17TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE SOUTHERLY MARGIN OF
 MALLORY STREET,
 EAST OF RAINS AVENUE

PROPERTY ADDRESS:
 423 A & B MALLORY STREET
 NASHVILLE, TN., 37203
DEED REFERENCE:
 INSTRUMENT #20021004-0121485
 R.O.D.C., TN.
ORIGINAL PARCEL ID:
 10507039400 P.A.D.C., TN.
DATE: 06-12-2018
SCALE: 1"=20'
PREPARED FOR:
 MAURINE J. BRONAUGH

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Centennial Partners LLC
Property Owner: _____
Representative: Joey Hargis

Date: 3-5-19
Case #: 2019-154
Map & Parcel: 91-2-304

Council District 20

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

Purpose: To allow construction of a new mixed use building with no sidewalks on 55th Ave N.

Activity Type: Mixed Use
Location: 5403 Centennial

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: Variance from sidewalk req. on 55th Ave N.
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 D 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.

Joey Hargis
Appellant Name (Please Print)
211 Commerce St. Suite 800
Address
Nashville, TN 37201
City, State, Zip Code
615-726-7391
Phone Number
jhargis@bakerdonelson.com
Email
Zoning Examiner: _____

Sam P
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email
Appeal Fee: 200.00



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



**BUILDING COMMERCIAL - NEW / CACN - 2017006364
Permit Tracking Checklist**

PARCEL: 09102030400 **APPLICATION DATE:** 01/27/2017 **PERMIT TRACKING #:** 3314765

SITE ADDRESS:

5403 CENTENNIAL BLVD NASHVILLE, TN 37209
PT LOTS 1304 1306 1038 1310 1312 1314 1316 1318 1320 1322 1324 BLK 53 WEST NASHVILLE 2

PARCEL OWNER: CENTENNIAL PARTNERS V, LLC

CONTRACTOR:

APPLICANT: ZMX INC

ZMX INC 66410 STBC-A

SUITE 103
NASHVILLE, TN 37216

PURPOSE:

NEED TO COMBINE PARCELS 303 AND 304 (MAP 91-2).
THIS PERMIT TO CONSTRUCT A NEW MIXED USE BLDG.

1....1ST FLOOR...5261 SQFT GROUND FLOOR COMMERCIAL: RETAIL, RESTAURANTS, OFFICES.

2....2ND FLOOR 5261 SQFT RESIDENTIAL

3....3RD FLOOR 5261 SQFT RESIDENTIAL

**BZA 2017-052....

FRONT SETBACK IF RETAIL IS INVOLVED...SANDBORN SHOWS RETAIL AT FRONT LOT LINE.....THEREFORE REQUIRED SETBACK 0'...HOWVER SINC MOST OF BLDG RESIDENTIAL USE....GOING TO USE TABLE FOR FRONT SETBACK.....REQUIRED FRONT SETBACK...23.5' FROM LOT LINE (50.5' FRO CENTER LINE OF ROW)

*****REQUIRED PARKING:

a....8 UNITS AT 2 BDRMS...8X1.5 = -----12 PARKING

b....2000 SQFT OFFICE ---UZO-----0 PARKING

c....2500 SQFT RESTAURANT -1000/150 = 10 PARKING

d....1186 SQFT RETAIL/TAKE-OUT---UZO.....0 PARKING

TOTAL= 22-10%-10% = 18...PROVIDED 20

*****GOING TO PROVIDE ISR...USING PAVERS.

****SPECIAL EXCEPTION****

17.12.060 F...SKYPLANE APPEAL.

*****...MAX HT AT SETBACK LINE 30'....REQUEST 36'.

17.12.030 B....FRONT SETBACK APPEAL.

*****...GOING TO USE TABLE FOR FRONT SETBACK.....REQUIRED FRONT SETBACK...23.5' FROM LOT LINE..(TAKING INTO ACCOUNT THE ULTIM FUTURE ROW).... (50.5' FROM CENTER LINE OF ROW)...REQUEST 15' FROM LOT LINE...

BZA 2017-052...

NEED:

1....SITE PLANS SHOWING FOOTPRINT SQFT.

2....NEED HEIGHT IN FEET OF STRUCTURE.

3.....TOTAL SQFT PER FLOOR.

4...PARKING LAYOUT....

POC: JOEY HARGIS 615-726-7391

jhargis@bakerdonelson.com

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

U&O Life Safety Final Approval

615-862-5230 FMORrequest@nashville.gov

U&O PW Sidewalk FA - CA Final Approval

862-8758 Benjamin.york@nashville.gov

SWGR U&O Sign-off

862-6038 logan.bowman@nashville.gov

[B] Fire Sprinkler Review On Bldg App

862-5230

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.

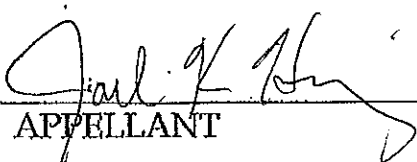
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

3-5-19

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

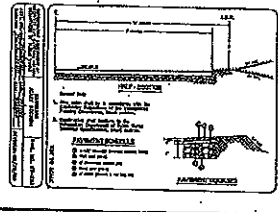
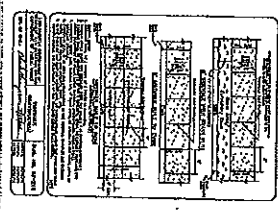
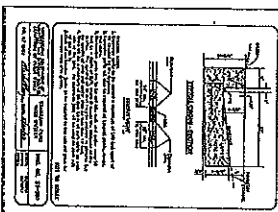
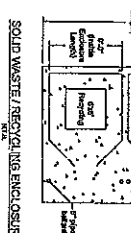
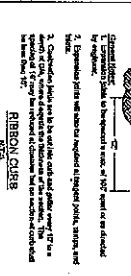
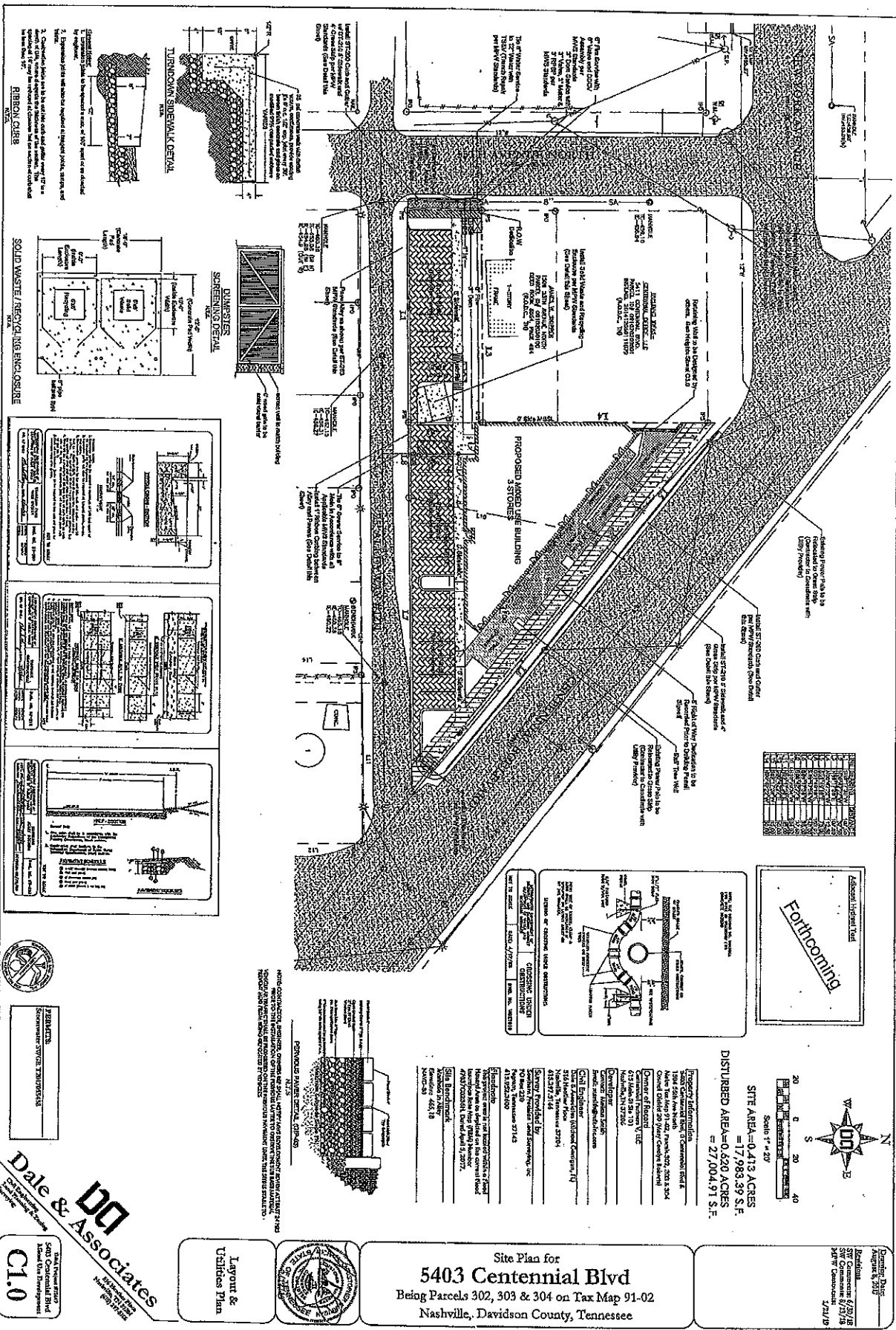
Financial gain not only basis - Financial gain is not the sole basis for granting the variance.

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

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

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

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



PERMITS
SCHEDULED CIVIL ENGINEER

Dale & Associates
 5000 Centennial Blvd
 Suite 100
 Nashville, TN 37219
 (615) 251-1100
CL1.0

Layout & Utilities Plan



Site Plan for
5403 Centennial Blvd
 Being Parcels 302, 303 & 304 on Tax Map 91-02
 Nashville, Davidson County, Tennessee

Site Area = 0.413 ACRES
 = 17,983.59 S.F.
 DISTURBED AREA = 0.520 ACRES
 = 27,004.91 S.F.

Project No. 2019-154
 Prepared by: Dale & Associates
 Date: 8/21/19
 Scale: 1" = 20'

From: [Brad Borchers](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposition to Permit #20190013054
Date: Wednesday, March 27, 2019 8:03:36 PM

Hello,

I received a zoning appeal notice related to permit #20190013054.

I am in opposition of the applicant to receive a variance from the sidewalk requirement. The applicant should have to put in sidewalks.

Let me know if you have any questions.

Brad

--

Brad Borchers

ATTORNEY BROOKE A. USHER
20 MUSIC CIRCLE EAST
NASHVILLE, TN 37203



BROOKE@USHERFAMILYLAW.COM
(615) 345-6611 PHONE
(615) 244-3296 FAX

April 10, 2019

Sent via U.S. Mail and Email
Metropolitan Board of Zoning Appeals
P.O. Box 196300
Nashville, Tennessee 37219-6300
BZA@Nashville.gov

RE: Appeal Case Number: 2019-154
5403 CENTENNIAL BLVD
Map Parcel: 09102030400
Zoning Classification: CS
Council District: 20

Dear Respective Board Members:

I am writing you to voice my objections to Mr. Joey Hargis' appeal for a variance from sidewalk requirements in order to construct a new mixed use building without sidewalks or paying into the sidewalk fund on Centennial Boulevard in the Nations neighborhood of Nashville. My personal home is located within 600 feet of the subject location, being 1604 56th Ave. North. I have attached a copy of the Zoning Appeal Notice that I received and responding to for reference.

I purchased my home in 2016 and live within 100 feet of Centennial Boulevard and am personally and uniquely familiar with all aspects of the street. The Nations is an up and coming neighborhood that with the right planning and attention to detail can become something very special for Nashvillians and tourists alike. However, shortcuts taken by those who are not as invested in our long-term vision in order to try to increase their bottom line are not going to take this neighborhood in the direction that its residents and this city deserves.

The Nations desperately needs sidewalks as the neighborhood is completely deprived of them other than partial sidewalks on 51st Avenue which were constructed in the last two years. The difference the sidewalks on 51st Avenue have made for commercial properties, convenience, parking and safety is exponential and is why the community has put variances in place regarding the necessity for sidewalks on Centennial Boulevard.

Centennial Boulevard is a four lane street with a ton of traffic including large tanking trucks and is incredibly dangerous to walk on which causes more people to drive places within the Nations which has limited parking. The construction of the new mixed residential neighborhood Silo Bend will also bring hundreds of people to live on Centennial Boulevard. Those individuals as well as other Nations' residents deserve to be able to enjoy their

ATTORNEY BROOKE A. USHER
20 MUSIC CIRCLE EAST
NASHVILLE, TN 37203



BROOKE@USHERFAMILYLAW.COM
(615) 345-6611 PHONE
(615) 244-3296 FAX

neighborhood long term and safely walk to commercial businesses from their homes. We cannot stand for allowing those who are not invested long-term in the neighborhood to get not be held accountable to do their part for our future.

Sidewalks create an aesthetically pleasing, safer, and more enjoyable quality of life for residences and visitors in any neighborhood. Sidewalks increase the value of homes and lead individuals to commercial businesses. Mr. Hargis might be trying to save some money by avoiding sidewalks but think of the thousands of individuals that live, work and play in the Nations that the lack of sidewalks will financially affect long-term and potentially physically affect if someone is injured due to the lack of sidewalks.

People who have purchased homes in the Nations in the last few years have done so with the understanding and belief that sidewalks were coming and going to be mandatory for any new businesses on Centennial Boulevard. If you approve this requests for Mr. Hargis, thousands of taxpaying homeowners will be very upset as well as other business who adhered to the resident's wishes and followed the rules. The bottom line is that it is simply not right and not fair for Mr. Hargis to be allowed to construct anything at 5403 Centennial Boulevard without following the applicable variance regarding sidewalks. If you look at the current property and location there is no apparent reason why this cannot be done. I ask that you please consider the wellbeing of the inhabitants of this area, the Nations and the city of Nashville as a whole and deny his appeal. If you have any questions or concerns feel free to contact me.

Respectfully yours,

Brooke A. Usher, Esq.

A handwritten signature in black ink, appearing to read "Brooke A. Usher". The signature is fluid and cursive, written over the typed name.

BAU/
Enclosures

George W. Shuff IV
4710 Elkins Ave
Nashville, TN 37209

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

Dear Board,

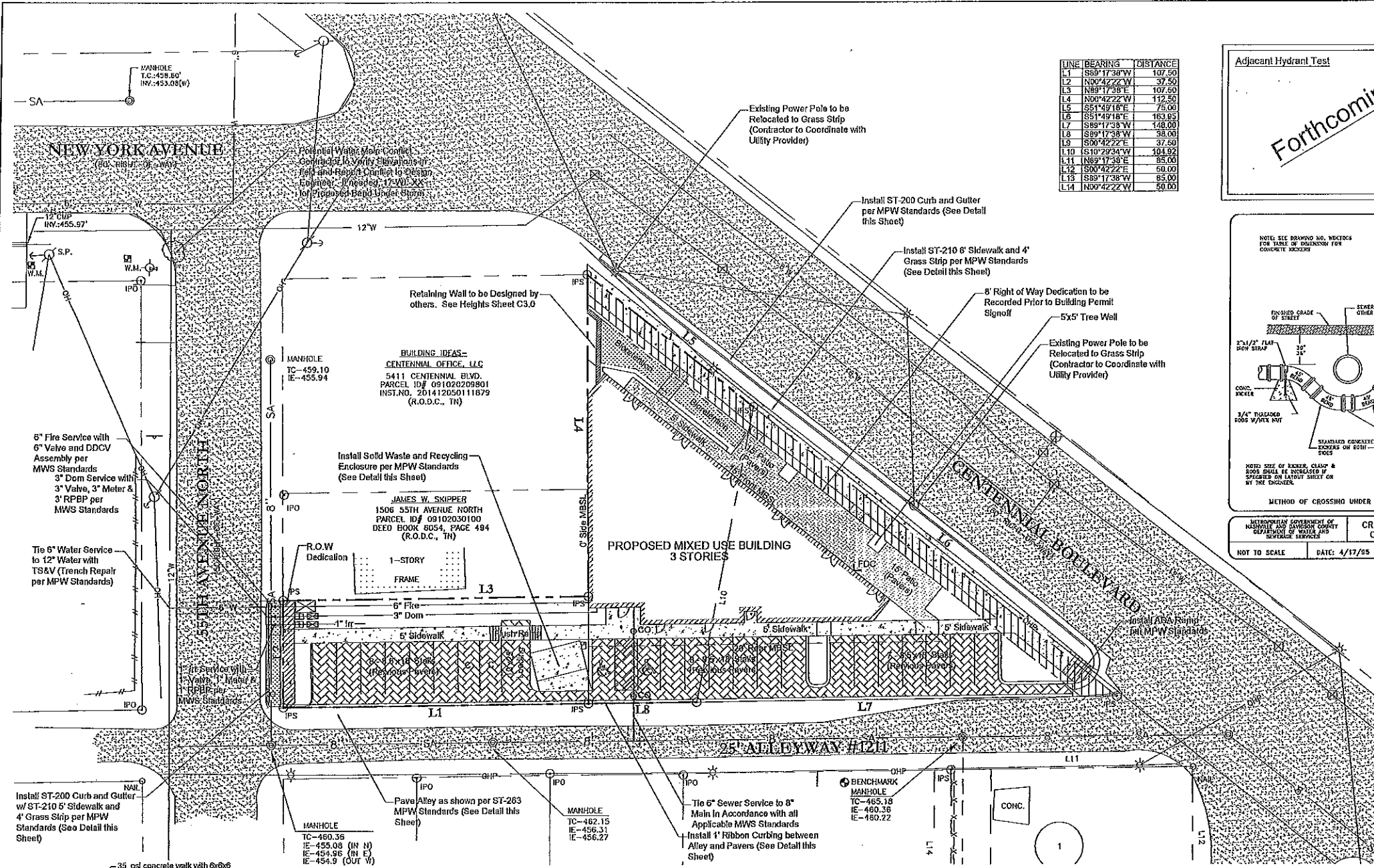
Nations Investors, LLC, which I am a member, received a letter for appeal case #2019-154 concerning the property at 5403 Centennial Blvd. and their request to avoid constructing sidewalks or pay into the fund. As owner of 2 properties, 5207 Centennial Blvd & 5215 Centennial Blvd, we are in favor of sidewalks and making our city more walkable therefore oppose Mr. Hargis's request to avoid constructing sidewalks.

I am also serving on the board of The Sidewalk Foundation this year. Our goal is to make our city more pedestrian friendly. We hope you value making Nashville more pedestrian friendly.

Respectfully,

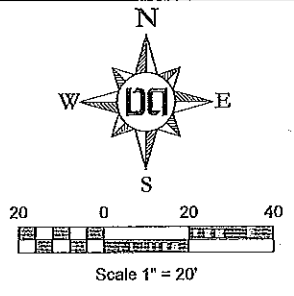

George W. Shuff IV

4/4/19



LINE	BEARING	DISTANCE
L1	S89°17'38"W	107.50
L2	N00°42'22"W	37.50
L3	N89°17'38"E	107.50
L4	N00°42'22"W	112.50
L5	S81°49'18"E	75.00
L6	S51°49'18"E	163.83
L7	S89°17'38"W	148.00
L8	S89°17'38"W	98.00
L9	S00°42'22"E	37.50
L10	S10°29'34"W	104.52
L11	N89°17'38"E	85.00
L12	S00°42'22"E	50.00
L13	S89°17'38"W	85.00
L14	N00°42'22"W	50.00

Adjacent Hydrant Test
Forthcoming



SITE AREA=0.413 ACRES
=17,983.39 S.F.
DISTURBED AREA=0.620 ACRES
=27,004.91 S.F.

Property Information
5403 Centennial Blvd, 0 Centennial Blvd & 1504 55th Ave North
Metro Tax Map 91-02, Parcels 302, 303 & 304
Council District 20 (Mary Carolyn Roberts)

Owner of Record
Centennial Partners V, LLC
615 Main St Ste 101
Nashville, TN 37206

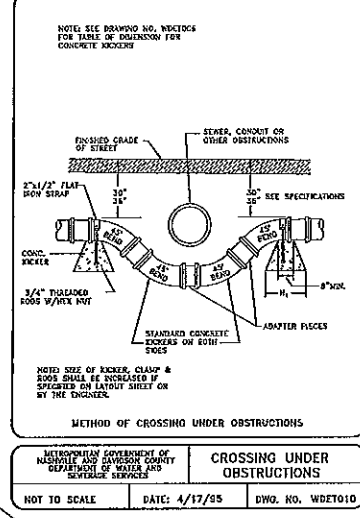
Developer
Contact: Malissa Smith
Email: msmith@ndc-inc.com

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

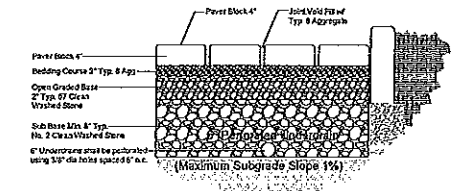
Survey Provided by
Southern Precision Land Surveying, Inc
PO Box 220
Pegram, Tennessee 37143
615.952.3600

Floodnote
This project area is not located within a Flood Hazard Area as depicted on the current Flood Insurance Rate Map (FIRM) Number 4703/0236H. Dated April 5, 2017.

Site Benchmark
Manhole in Alley
Elevation: 465.18
NAVD-88



CROSSING UNDER OBSTRUCTIONS
NOT TO SCALE DATE: 4/17/95 DWG. NO. WDET010

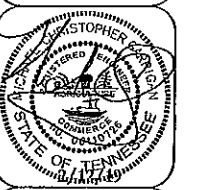


PERVIOUS PAVEMENT DETAIL (GIP-03)
N.T.S.
NOTE: CONTRACTOR, ENGINEER, OWNERS REP SHALL NOTIFY MWS DEVELOPMENT REVIEW AT LEAST 24 HRS PRIOR TO THE INSTALLATION OF THE PERVIOUS LAYER TO OBSERVE THE SUB-BASE MATERIAL. VEHICULAR TRAFFIC SHALL BE PROHIBITED ON THE PERVIOUS PAVEMENT UNTIL THE SITE IS STABLE TO PREVENT MUD FROM BEING DEPOSITED BY VEHICLES.

Drawing Date:
August 8, 2017

Revisions
SW Comments: 6/30/18
SW Comments: 8/13/18
MPW Comments:
1/21/19

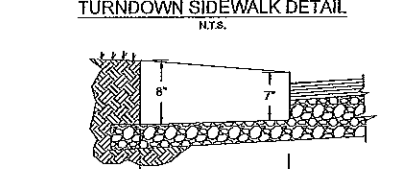
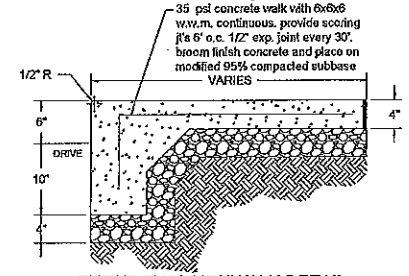
Site Plan for
5403 Centennial Blvd
Being Parcels 302, 303 & 304 on Tax Map 91-02
Nashville, Davidson County, Tennessee



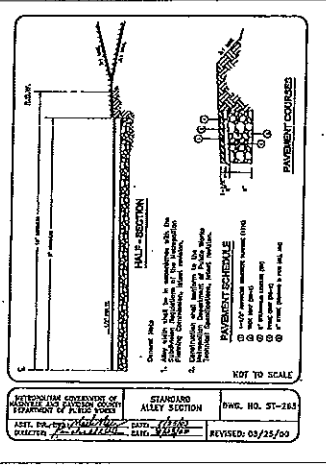
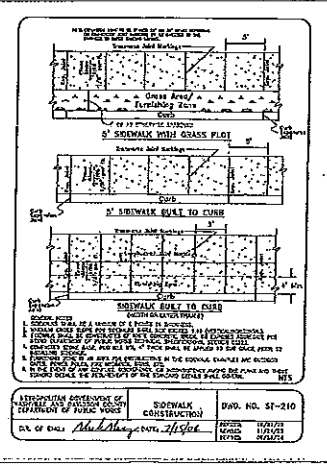
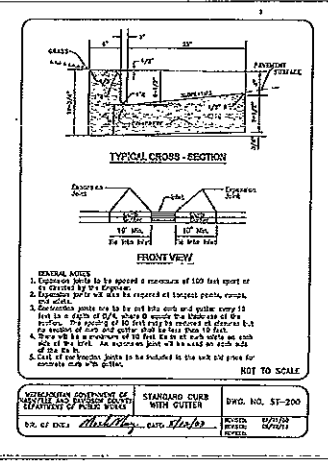
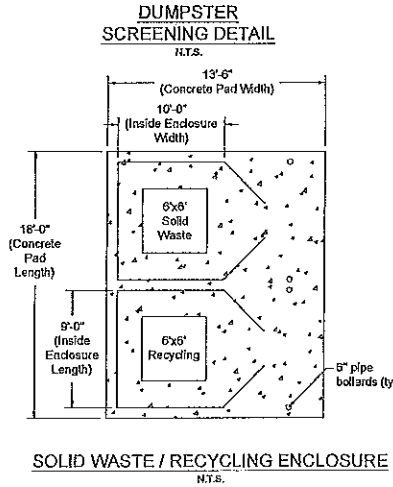
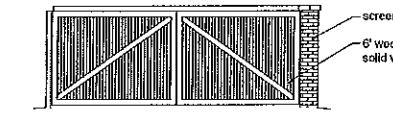
Layout & Utilities Plan

Dale & Associates
Civil Engineering
Land Planning & Zoning
516 Heather Place
Nashville, TN 37204
(615) 297-5166

D&A Project #15149
5403 Centennial Blvd
Mixed Use Development
C1.0



General Notes:
1. Expansion joints to be spaced a max. of 100' apart or as directed by engineer.
2. Expansion joints will also be required at tangent points, ramps, and trails.
3. Contraction joints are to be cut into curb and gutter every 10' to a depth of D/4, where d equals the thickness of the section. The spacing of 10' may be reduced at closures but no section of curb shall be less than 10'.



PERMITS:
Stormwater SWR T2017055458

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-154 (5403 Centennial Boulevard)

Metro Standard:	Centennial Boulevard – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	55 th Avenue North – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Construct alternative sidewalk design (5’ sidewalk, no grass strip) on 55 th Avenue North
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	Centennial Boulevard – T4-M-AB4
	55 th Avenue North – Local Street
Transit:	Property ¼ mile from #19 – Herman
Bikeway:	None existing; major protected bike lane planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a three-floor 15,000 square foot mixed use development with residential units and a restaurant and requests a variance from upgrading sidewalks on the property’s 55th Avenue North frontage. Planning evaluated the following factors for the variance request:

- (1) The applicant’s site plan indicates sidewalk that meet the Major and Collector Street Plan standard along Centennial Boulevard.
- (2) The applicant is providing parking at the rear of the property and currently meets the parking code. After review with Planning staff, the applicant can shift these spaces to ensure that a sidewalk connection can be made along the 55th Avenue North frontage. Since this is a Local Street, in this context, the elimination of the grass strip will fit the applicant’s needs and also create a pedestrian connection along the frontage.

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

1. Construct an alternative sidewalk design with no grass strip and 5’ wide sidewalk along the 55th Avenue North property frontage.

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : S+H Group, LLC
Property Owner: Rhino Holdings, LLC
Representative: : Tripp Smith

Date: 3/1/2019
Case #: ~~2018~~ 2019-155
Map & Parcel: 10508015400

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: The removal of the Standard "C" Landscape Buffer at zoning boundary across Alley 2085 for industrial property outside of the UZO. The lot across the alley is currently vacant and owned by Trevecca Nazarene University.

Activity Type: Warehouse/Office

Location: Zoning boundary across Alley 2085 52 Industry St.

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

Reason: To provide the required parking for proposed development of Warehouse/Office

Section(s): 17.24

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.

Rhino Holdings, LLC
Appellant Name (Please Print)

S+H Group, LLC
Representative Name (Please Print)

52 Industry Street
Address

2606 Eugenia Ave. Suite D
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

615-804-8155
Phone Number

615-647-8775
Phone Number

kevin@perkinsfloors.com
Email

tripp@shgroupllc.com
Email

CH zoning examiner.

Appeal Fee: ~~8250~~ \$200

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.

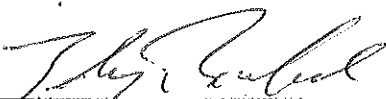
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

3/1/2019

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.

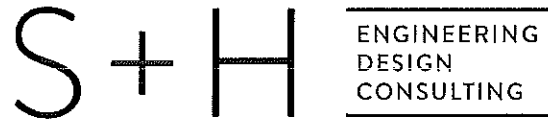
The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster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

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

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

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

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



2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.shgroupllc.com

February 27, 2019

Board of Zoning Appeals
800 2nd Ave S
Nashville, TN 37210

Re: 52 Industry Street
Parcel No. 10508015400

To Whom It May Concern:

On behalf of our client, S+H Group (S+H) is submitting the referenced project for a Variance Request from Chapter 17.24 of the Metropolitan Code pertaining to landscaping, buffering and tree replacement. Due to the unique circumstance of existing adjacent OR zoning and a hardship related to landscape buffer requirements, we are requesting the Standard "C" Landscape Buffer be removed. Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstance (hardship) description below and enclosed the following:

1. Eight (8) copies of the Site Plan
2. Site Photos at Street View
3. Board of Zoning Appeals Checklist
4. Application for Variance Request
5. Check in the amount of \$200.00 to Board of Zoning

Unique Circumstance (Hardship)

The unique circumstance (hardships) that affect the property is the inconsistent zoning of adjacent properties in regards to the current use of the surrounding properties. Accordingly, these zoning designations result in landscape buffer requirements that create a property hardship related to the parking requirements and vehicular access to the proposed project according to the zoning classification.

The adjacent lot across Alley #2085 (Parcel ID 10508012600) from the proposed project, 52 Industry Street, is zoned for office and residential use (OR-20). The neighboring properties on the west side of this lot, Parcel IDs 10508012500, 10508012400, 10508012300, 10508012200, and 10508011900 are also zoned OR-20.

Given the above information, we would anticipate the referenced properties to continue the current use and function as office and residential properties and the OR-20 zoning to remain. Additionally, if these properties were not rezoned and developed under the OR-20 zoning they would be subject to similar landscape buffer requirements as the proposed project property. Each lot would be required to implement a minimum 20-foot landscape buffer per Standard C at the rear of the property. As many of these lots are only 140 feet long and 50 feet wide, this would result in a buildable length of only 120 feet for any proposed residential or office development and would cause similar parking complications. This provides further justification

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



that these properties would likely be granted a variance to reduce or eliminate buffer requirements.

For the reasons presented above and our understanding of the unique circumstances and resulting hardship, we are requesting the Standard "C" Landscape Buffer to be removed to allow vehicular access to the property and satisfy the parking requirements.

If you have any questions or concerns, please call or email me at 615-390-0139 and tripp@shgroupllc.com.

Sincerely,

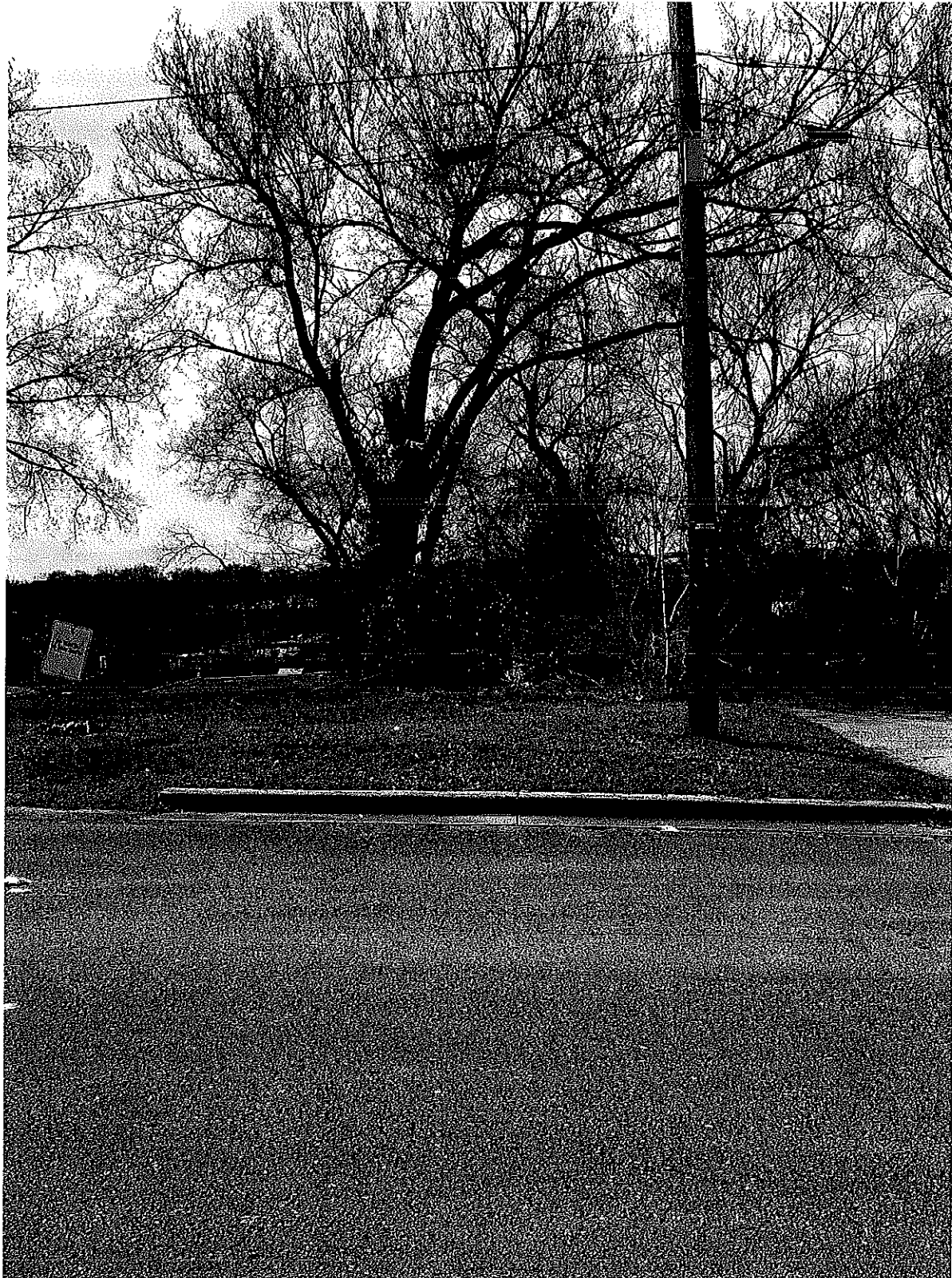
Frank (Tripp) P. Smith, III, PE
Principal, Director of Operations

cc: Chip Howorth, Principal

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.shgroupllc.com



View from Geyser Street facing West

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.shgroupinc.com



View from Property Corner and Alley

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.shgroupllc.com



View from Alley facing South

S + H ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.sbgroupllc.com



View from Western P/L facing East



April 1, 2019

Metro Board of Zoning Appeals
c/o Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219-6300

Re: Case #2019-155; Map & Parcel 10508015400;
52 Industry Street requesting variance for Alley 2085

Dear Sirs,

I am aware of an appeal by S&H Group, LLC to remove the Standard "C" Landscape Buffer at zoning boundary across Alley 2085 between property owned by Rhino Holdings, LLC at 52 Industry Street and property owned by Trevecca Nazarene University at 0 Factory Street.

I am writing on behalf of Trevecca Nazarene University (TNU) to state our clear opposition to removing the existing buffer. We clearly support the prior action taken by the Board of Zoning to deny this request.

TNU has had a significant presence in this neighborhood since 1935. In 1998 TNU acquired the property adjacent to 52 Industry Street (0 Factory Street) that would be most affected by the variance change to the Alley. Our lot was cleared after purchase and remains so today. TNU acquired the nearly 6 acres at 101 Factory Street, across the street from 52 Industry Street, in 2015 after investing \$300,000 to remediate the former brownfield site under a state of TN program which resulted in a clean title for that property.

TNU has been seeking to improve the area surrounding the campus over the past decade with significant investment and financial risk in some cases. After acquiring many different properties on the east side of campus we were successful in creating the first new real estate development in this area of the city in decades with the creation of both Walden Village (34 homes) and The Flats at Walden Grove (a 126 unit work-force priced apartment building). These efforts alone created over \$250,000 of incremental annual tax revenue for the city without any investment from the city.

We have been involved in many strategic conversations to develop the 101 Factory Street site with additional work-force housing once we find the appropriate partner. We have also considered constructing new single-family homes on our lots at 0 Factory Street, that

David B. Caldwell • Executive Vice President for Finance and Administration • dcaldwell@trevecca.edu

333 Murfreesboro Road • Nashville, TN 37210-2877 • 615-248-7790 • www.trevecca.edu



shares the alley with 52 Industry Street, as well as 83 and 79 Factory Street. The numbering is confusing but these 3 Factory street lots – 0, 83 & 79 only have two other lots between them. All 3 of these homes would need alley access for traditional garage parking due to the topography of lots.

I share all of this information as support to illustrate that TNU has been a long time property holder seeking to help improve our area of our beloved city. The current owners of 52 Industry Street, whom we assume have the best intentions, closed on their property in January 2019. As the only other structures on Geysler Street currently are residential, I had expected to see a residence of some kind on that site following the sale. That said I would not speak in opposition to any new construction that conformed to current zoning but **I am strongly opposed to any variances that would impair access to the existing alley for a new single family home we may choose to construct at 0 Factory Street (or 83 & 79 Factory Street) in the future.** I am also concerned about what seems likely could be a significant number of business vehicles attempting to park at this relatively small lot once a building is constructed.

Thus, I respectfully ask that you deny the appeal and hold to your initial decision. As the topography of our lot at 0 Factory Street is such that the alley is virtually the only option for parking, I would also ask that any development on 52 Industry Street clearly not impair the existing alley right of way with the expectation that a single family home is likely to occupy the 0 Factory Street lot at some point in the future.

Sincerely,

A handwritten signature in black ink that reads "David B. Caldwell".

David B. Caldwell
E.V.P. Finance & Administration

cc: Colby Sledge Colby.Sledge@nashville.gov
Jeff Heinze jheinze@catalyst-dg.com
Marcy Shelton mshelton@renocavanaugh.com
Scott Perkerson scott@perk-products.com

David B. Caldwell • Executive Vice President for Finance and Administration • dcaldwell@trevecca.edu

333 Murfreesboro Road • Nashville, TN 37210-2877 • 615-248-7790 • www.trevecca.edu

Metro Codes Administration - BZA Tracker



Tue Mar 26 2019 12:41:32 GMT-0500 (Central Daylight Time)

Case Information

Application Submittal	3/4/2019
Case #	2019-155
Property Address / Location	52 INDUSTRY ST 37210
Parcel ID	10508015400
Council District / Member	17 (Colby Sledge)
Property Owner	RHINO HOLDINGS, LLC
Appellant	RHINO HOLDINGS, LLC
BZA Hearing Date	4/18/2019
Deferred From Date	
Application Scope	
Reason	A VARIANCE FROM LANDSCAPE BUFFER REQUIREMENTS
Purpose	TO BUILD A WAREHOUSE AND OFFICE DEVELOPMENT
Deny Section	17.24
Use	WAREHOUSE
In UZO?	No
Zoning District	IWD
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	View Scanned Documents

↳ They (Rhino Holdings) have submitted an application to build a warehouse & offices on 52 Industry St.

↳ Board of Zoning has denied their application for whatever reason and this is the denial appeal.

Appeals hearing set for 4/18/2019

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



Appellant : S+H Group, LLC Date: 3/1/2019
Property Owner: Rhino Holdings, LLC Case #: ~~2019-155~~ 2019-155
Representative: Tripp Smith Map & Parcel: 10508015400

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: The removal of the Standard "C" Landscape Buffer at zoning boundary across Alley 2085 for industrial property outside of the UZO. The lot across the alley is currently vacant and owned by Trevecca Nazarene University.

Activity Type: Warehouse/Office

Location: Zoning boundary across Alley 2085 52 Industry St.

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

Reason: To provide the required parking for proposed development of Warehouse/Office

Section(s): 17.24

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.

Rhino Holdings, LLC
Appellant Name (Please Print)

S+H Group, LLC
Representative Name (Please Print)

52 Industry Street
Address

2606 Eugenia Ave. Suite D
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

615-804-8155
Phone Number

615-647-8775
Phone Number

kevin@perkinsfloors.com
Email

tripp@shgrouppllc.com
Email

CH zoning examiner.

Appeal Fee: ~~\$250~~ \$200

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

3/1/2019

 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?

★ ★

None listed

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



February 27, 2019

Board of Zoning Appeals
800 2nd Ave S
Nashville, TN 37210

Re: 52 Industry Street
Parcel No. 10508015400

To Whom It May Concern:

On behalf of our client, S+H Group (S+H) is submitting the referenced project for a Variance Request from Chapter 17.24 of the Metropolitan Code pertaining to landscaping, buffering and tree replacement. Due to the unique circumstance of existing adjacent OR zoning and a hardship related to landscape buffer requirements, we are requesting the Standard "C" Landscape Buffer be removed. Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstance (hardship) description below and enclosed the following:

1. Eight (8) copies of the Site Plan
2. Site Photos at Street View
3. Board of Zoning Appeals Checklist
4. Application for Variance Request
5. Check in the amount of \$200.00 to Board of Zoning

Unique Circumstance (Hardship)

The unique circumstance (hardships) that affect the property is the inconsistent zoning of adjacent properties in regards to the current use of the surrounding properties. Accordingly, these zoning designations result in landscape buffer requirements that create a property hardship related to the parking requirements and vehicular access to the proposed project according to the zoning classification.

The adjacent lot across Alley #2085 (Parcel ID 10508012600) from the proposed project, 52 Industry Street, is zoned for office and residential use (OR-20). The neighboring properties on the west side of this lot, Parcel IDs 10508012500, 10508012400, 10508012300, 10508012200, and 10508011900 are also zoned OR-20.

Given the above information, we would anticipate the referenced properties to continue the current use and function as office and residential properties and the OR-20 zoning to remain. Additionally, if these properties were not rezoned and developed under the OR-20 zoning they would be subject to similar landscape buffer requirements as the proposed project property. Each lot would be required to implement a minimum 20-foot landscape buffer per Standard C at the rear of the property. As many of these lots are only 140 feet long and 50 feet wide, this would result in a buildable length of only 120 feet for any proposed residential or office development and would cause similar parking complications. This provides further justification

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



that these properties would likely be granted a variance to reduce or eliminate buffer requirements.

For the reasons presented above and our understanding of the unique circumstances and resulting hardship, we are requesting the Standard "C" Landscape Buffer to be removed to allow vehicular access to the property and satisfy the parking requirements.

If you have any questions or concerns, please call or email me at 615-390-0139 and tripp@shgroupllc.com.

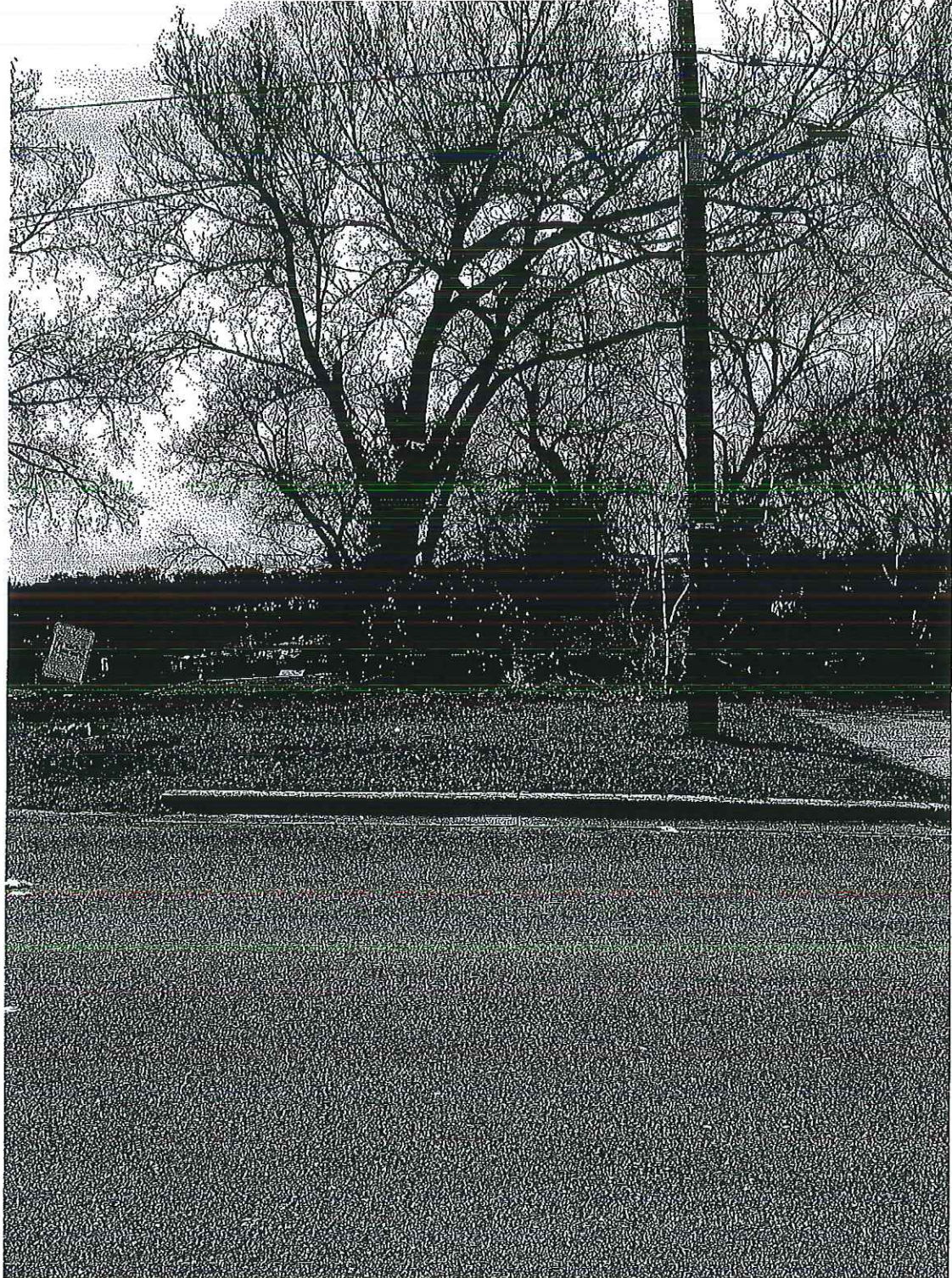
Sincerely,

Frank (Tripp) P. Smith, III, PE
Principal, Director of Operations

cc: Chip Howorth, Principal

S + H ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8775 • www.sbgroupplc.com



View from Geyser Street facing West

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8775 • www.shgroupllc.com



View from Property Corner and Alley

S + H ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8775 • www.shgroupllc.com

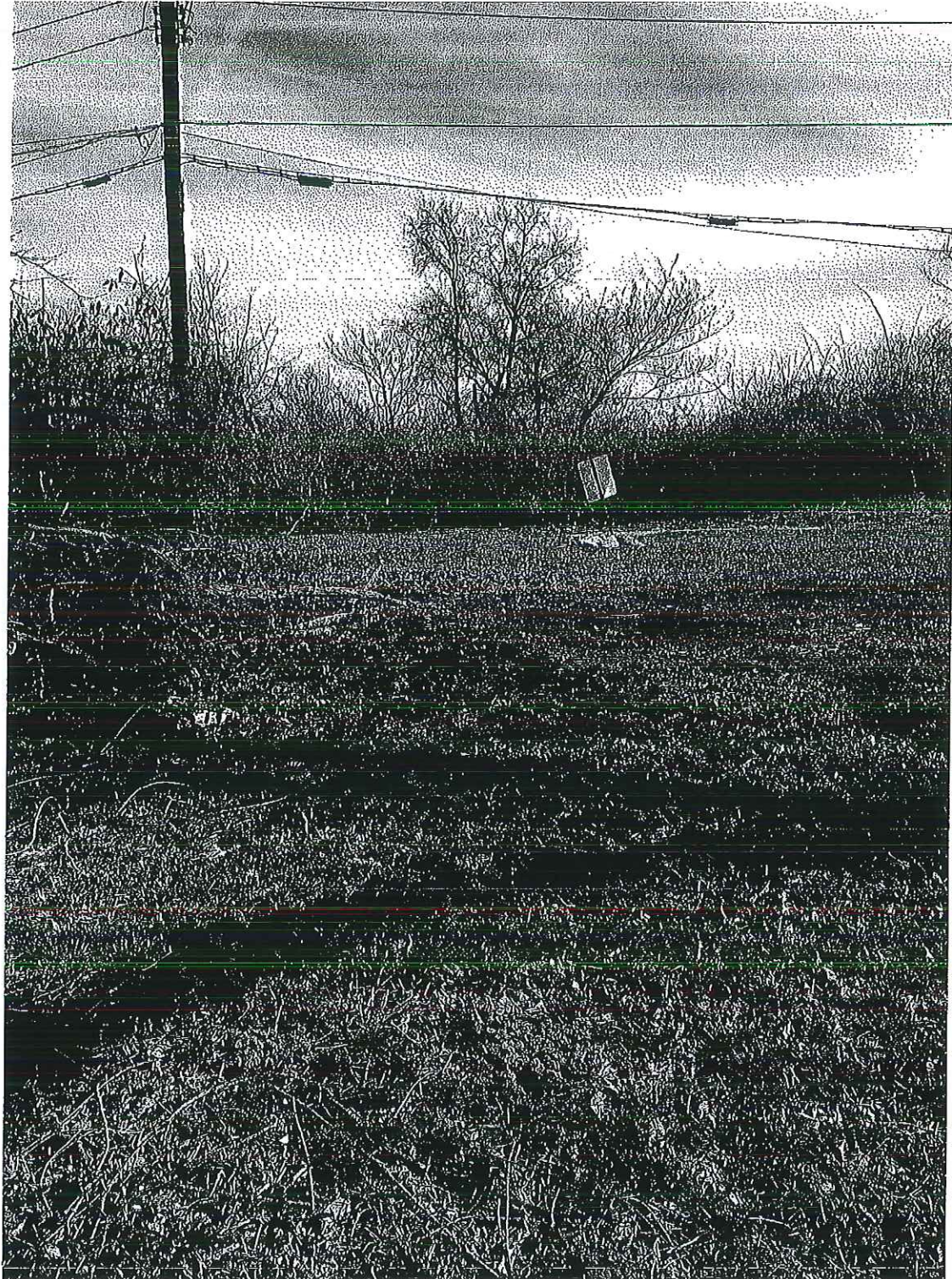


View from Alley facing South

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8776 • www.sbgroupllc.com

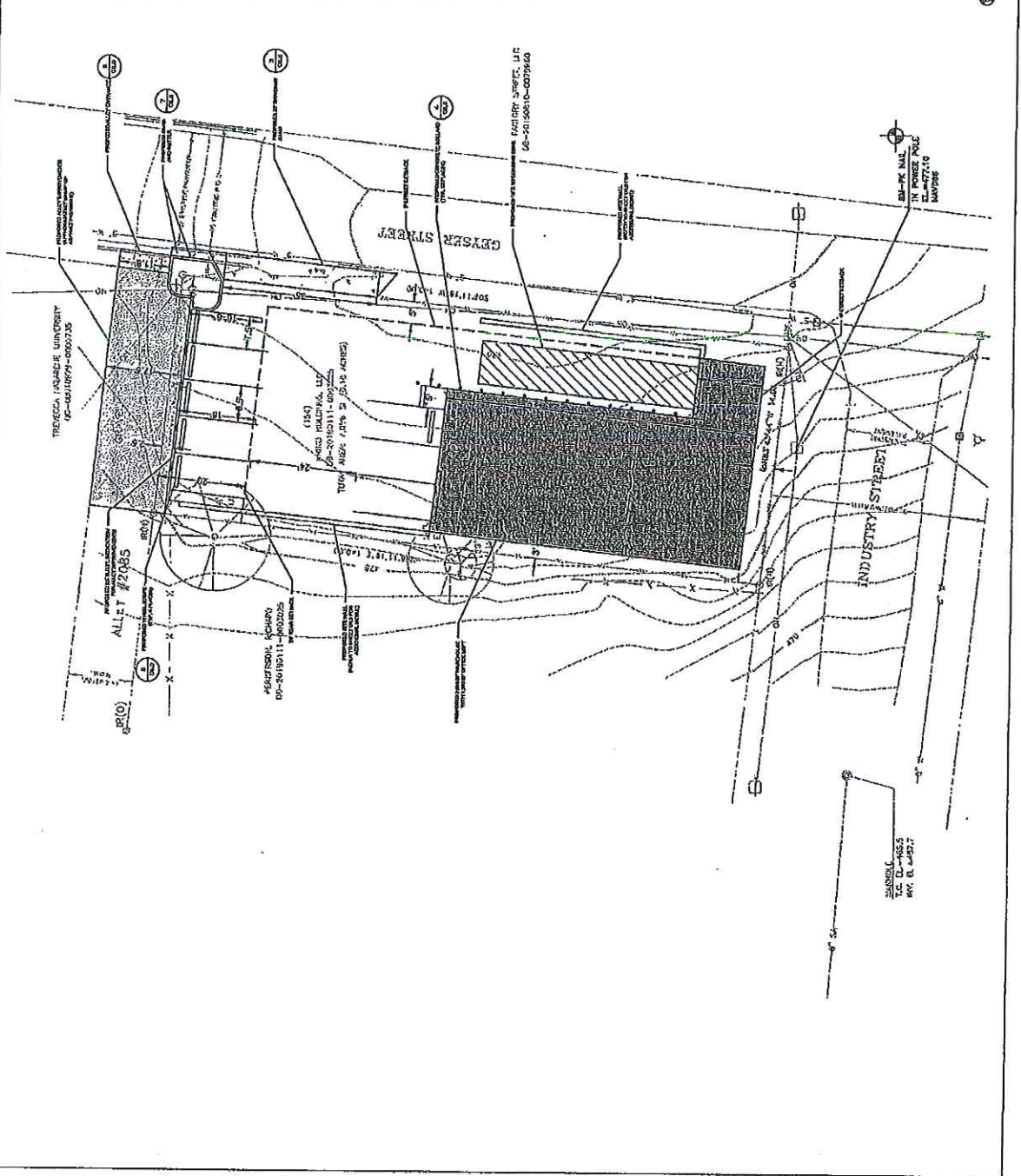


View from Western P/L facing East

PERKINS HARDWOOD FLOORING		C3.0	
PROPOSED WAREHOUSE		S+H	
DATE	REVISION	DATE	REVISION

GENERAL NOTES:

1. ALL DIMENSIONS SHALL BE UNLESS OTHERWISE SPECIFIED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.
4. ALL PERKINS HARDWOOD FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH THE PERKINS HARDWOOD FLOORING INSTALLATION MANUAL.
5. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A CONCRETE SLAB ON GRADE.
6. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A MOISTURE BARRIER.
7. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A VAPOR BARRIER.
8. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
9. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
10. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
11. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
12. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
13. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
14. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
15. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
16. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
17. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
18. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
19. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.
20. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A SOUND BARRIER.



RENO & CAVANAUGH PLLC

April 11, 2019

David L. Kleinfelder
 (615) 866-2320
 (615) 866-2321 fax
 dkleinfelder@renocavanaugh.com

VIA HAND DELIVERY

Metro Nashville Board of Zoning Appeals
 Jon Michael, Zoning Administrator
 800 2nd Ave S,
 Nashville, TN 37210

RE: BZA Case # 2019-155
 52 Industry Street, Parcel ID 10508015400
OPPOSITION TO REQUEST FOR VARIANCE

Dear Members of the BZA:

You are being asked to grant a variance from the landscape buffer requirements of the Metro Zoning Code in connection with construction of a warehouse/office structure at 52 Industry Street (the "Property").¹ My firm represents Trevecca Nazarene University (TNU), which owns the parcel on Factory Street that is directly to the north of the Property.² TNU also owns two other parcels on Factory Street³ and a 6 acre parcel immediately across Geysler Street from the Property.⁴

Simply put, there is no legal basis for the requested variance. The application for this matter states that the Applicant seeks the variance to provide parking for its warehouse/office development. The BZA application form requires an applicant to state "what specific and unique circumstances (hardship) exist that would authorize." That section of the application for this variance was left completely blank. As explained in more detail below, Tennessee law and the Metro Code both require that a variance be supported by evidence of exceptional characteristics of the property and undue hardship to the property owner. Neither of those requirements is met by the Applicant's variance request.

The only information offered by the Applicant in support of its request is a letter from Frank (Tripp) P. Smith, III, with the firm of S+H Group. Mr. Smith states that the variance is requested based on "the unique circumstance of existing adjacent OR zoning and a hardship related to landscape buffer requirements." Later, Mr. Smith refers to a "unique circumstance" of there being "inconsistent zoning of adjacent properties." In fact, the entire purpose of the Zoning

¹ The Property is owned by Rhino Holdings, LLC (the "Applicant").

² 0 Factory Street, Parcel ID 10508012600

³ 79 Factory Street, Parcel ID 10508012200 – and 83 Factory Street, Parcel ID 10508012400

⁴ 101 Factory Street, Parcel ID 10508024900. A map of the parcels in the immediate vicinity owned by TNU is attached as Exhibit A.

Metro Nashville Board of Zoning Appeals
April 11, 2019
Page 2 of 3

Code landscape buffer requirement is to address the many thousands of instances throughout Davidson County where there are boundaries between “inconsistent zoning.”

Section 17.24.180 of the Zoning Code sets out the purpose and intent of the Code’s landscape buffer requirements:

The purpose of this article is to protect the value and integrity of property from the potential adverse effects of noncompatible land uses. To that end, this article requires that landscape buffer yards be provided at the boundaries of selected zoning districts. The landscape buffer yard standards of this article are also employed by other chapters of this title to accomplish special screening and buffering objectives. The width of the landscape buffer yard and the intensity of plantings required may vary depending upon the relative intensities of the abutting zone districts or the activity itself. In most cases, the property owner may choose among a number of buffer yard widths and plantings to satisfy the requirement.

The Property is within an IWD (Industrial Warehousing/Distribution) zoning district. The parcels to the immediate north of the Property are in an OR20 (Office Residential) zoning district. The fundamental purpose of the landscape buffer requirements is to “protect the integrity of property from the potential adverse effects of noncompatible land uses.” The existence of the boundary between IWD and OR20 is not a hardship, but rather it is the fundamental triggering event that requires application of the buffering requirements.

The Applicant’s argument is essentially that the Zoning Code requirement for a landscape buffer is a “hardship” because they want to use the required buffer area for parking and vehicular access. That argument is no more persuasive than if the Applicant were to request a setback or height variance “because we need more square footage in our building.” Landscape buffers, off-street parking, and vehicular access are not hardships, they are essential requirements for constructing a building in compliance with the Zoning Code.

With respect to variances, the BZA’s authority is spelled out in §13-7-207(3) of the Tennessee Code. The BZA has the authority to grant a variance if, “by reason of exceptional narrowness, shallowness or shape” of the Property, or “by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition” of the Property such that it would result in “peculiar and exceptional practical difficulties” or “undue hardship” to the Applicant if the Applicant is required to comply with the requirements of the landscape buffer requirements of the Metro Code. The Applicant’s request for a variance does not comply with any of these requirements.

Section 17.40.370 of the Metro Code also includes additional standards for approval of a variance. The Applicant’s variance request fails to meet any of those standards, especially 17.40.370(B), which requires evidence that “[t]he specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.” The

Metro Nashville Board of Zoning Appeals
April 11, 2019
Page 3 of 3

Property is identical to many of the other lots in the area that previously were occupied by single family residences.

The Applicant has purchased a 50 x 140 foot parcel in what was historically a residential neighborhood. Although the site is zoned IWD and permits the proposed warehouse/office use, the Nashville Next adopted Community Character for the Property – and all of the land to the immediate north, west, and south of the Property – is Urban Mixed Use Neighborhood.⁵ Despite the existing zoning, the community vision for these blocks is for urban mixed use, not warehouses. Accordingly, in addition to there being no legal basis for granting a variance, there also is no policy-based reason to “bend over backwards” and approve a variance to allow construction of a warehouse/office use on this site. The Applicant’s proposed project simply requires a site that is larger than a lot that historically was occupied by, and is properly sized for, a single-family residence.

There is no factual or legal basis for the BZA to approve the Applicant’s request to be relieved from the landscape buffer requirements of the Zoning Code. Accordingly, TNU respectfully requests that you disapprove the variance request.

Sincerely,



David L. Kleinfelter
Reno & Cavanaugh, PLLC

Attachments

Copy: Bill Herbert, Director, Metro Department of Codes
Colby Sledge, Metro Councilmember, District 17 (via email)
David Caldwell, EVP Finance & Administration, Trevecca Nazarene Univ. (via email)

⁵ The Community Character map for this area is attached to this letter as Exhibit B.

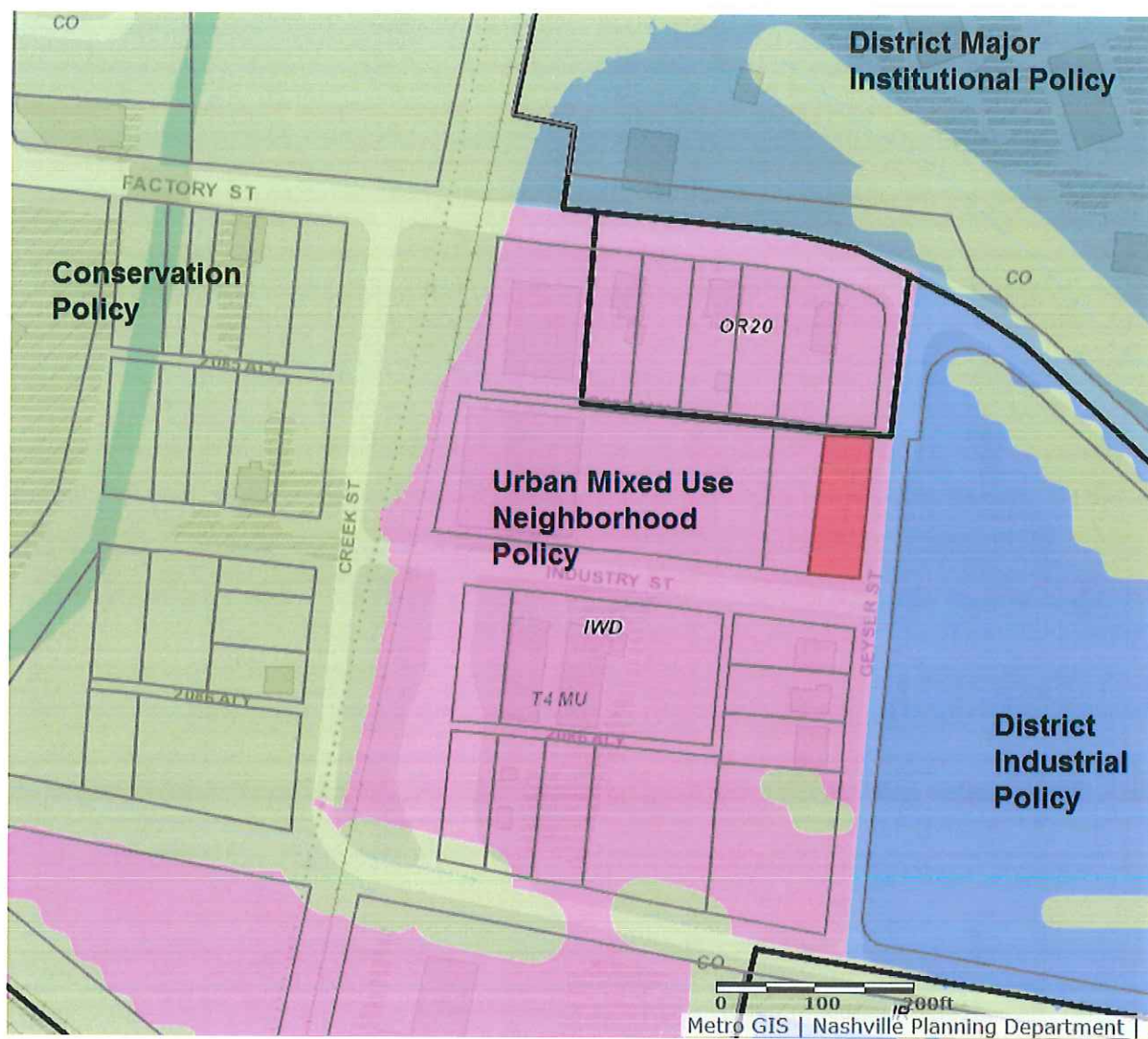
EXHIBIT A

Properties Owned by Trevecca Nazarene University



EXHIBIT B

South Nashville Community Plan – Community Character Policy Map



FAX (615) 242-1276

PERK PRODUCTS
& Chemical Co., Inc.

PHONE (615) 242-6157

April 2, 2019

**P. O. BOX 100585
45 INDUSTRY STREET
NASHVILLE, TENNESSEE 37210**Metro Board of Zoning Appeals
c/o Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219-6300

RE: Appeal Case #: 2019-155
 52 Industry St
 Map Parcel: 10508015400
 Zoning Classification: IWD
 Council District: 17

Dear Members of the Board:

It has recently come to our attention that an appeal was filed by S&H Group, LLC for the property at the above referenced location requesting a variance from landscape buffer requirements allowing the applicant to build a warehouse and office development. Perk Products Officers' are primary landowners, in conjunction with Trevecca Nazarene University, of the majority properties located within 600' of the subject location referenced above. More specifically, Perk Products owns the residences which border Industry, Geysler, and Factory Streets and, alongside Trevecca, we have made significant efforts to improve and develop the sectors surrounding 52 Industry St. We strongly oppose the appeal for variance to the landscape buffer requirements and whole-heartedly support the Boards initial decision to deny this request.

We at Perk Products feel it would impose a significant hardship amongst our current tenants should the variance be granted in that the new structures will adversely impact the paths of egress by making this a primary parking area for office and warehouse staff. We feel the alley will become obstructed and that the building site is too small to allow for adequate parking thus having to park on the narrow street blocking normal flow of traffic. We would ask that you look to deny the appeal and uphold your initial decision.

Sincerely;

Richard V. Perkerson Jr.
President/ Owner
Perk Products Co.

cc: Colby Sledge
 David B Caldwell
 Scott Perkerson

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Wayne Johnson
Property Owner: Wayne Johnson
Representative: Wayne Johnson

Date: 3/4/2019
Case #: 2019-156
Map & Parcel: 072 090 24400

Council District 05

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

Purpose:

RESIDENTIAL
CONSTRUCT 40'x24' GARAGE

Activity Type: RESIDENTIAL / GARAGE

Location: 1016 Delmas 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: REQUEST 3' SIDE SETBACK AND 3' REAR SETBACK

Section(s): 17.12.020A MIN. SIDE(S) AND REAR(20) SETBACKS

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.

Wayne Johnson
Appellant Name (Please Print)

Wayne Johnson
Representative Name (Please Print)

1016 Delmas Ave
Address

1016 Delmas Ave
Address

Nashville, TN 37216
City, State, Zip Code

Nashville, TN 37216
City, State, Zip Code

615-804-3939
Phone Number

615-804-3939
Phone Number

PlanetWJ@Gmail.com
Email

PlanetWJ@Gmail.com
Email

Zoning Examiner: Tom Coreoran

Appeal Fee: \$100



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



3618460

ZONING BOARD APPEAL / CAAZ - 20190012520
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07209024400

APPLICATION DATE: 03/04/2019

SITE ADDRESS:

1016 DELMAS AVE NASHVILLE, TN 37216
PT OF LOT 40 EAST HILL ADDN

PARCEL OWNER: PRATT, DYVEKE & JOHNSON, WAYNE

CONTRACTOR:

APPLICANT:

PURPOSE:

CONSTRUCT 40'X24' GARAGE TO REAR OF EXISTING SINGLE FAMILY RESIDENCE...

REQUEST 3' SIDE SETBACK

REJECTED: PER 17.12.020A REQUIRE 5' MINIMUM SIDE SETBACK

REQUEST 3' REAR SETBACK

REJECTED: PER 17.12.020A REQUIRE 20' MINIMUM REAR SETBACK

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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?

See attached letter.

HARDSHIP LETTER FOR VARIANCE REQUEST

Homeowners:
Wayne Johnson &
Dyveke Pratt

1016 Delmas Avenue
Nashville, TN 37216

615-804-3939

March 3, 2019

Board of Zoning Appeals
Department of Codes Administration
P.O. Box 196350
Nashville, TN 37219

To the Board of Zoning Appeals,

We are submitting an application for a hardship variance request for our property, 1016 Delmas Avenue, Nashville, TN 37216.

Specifically we are asking for a setback exception.

Our plan is to build a 960 sq ft garage in the rear of our property with a 3 ft setback from the back and side fences. Currently on the property, there is a house (with attached porch and back deck), a side deck, and a tool shed. The lot is 50'W x 191' L and therefore is quite narrow, limiting our options. There are also two very large, mature trees (at least 100ft tall each) in the backyard between the house and the proposed garage (see Site Plans).

Although we are currently allowed to build a 750 sq ft garage, this size is inadequate for our needs to park our vehicles and provide storage. Our home has no usable basement or attic.

Under the current zoning, we are only able to build a larger structure if it is setback 20 ft from the back fence and 5ft from the side fences. Doing this would place the garage too close to the house and would necessitate cutting down both mature trees and removing the side deck. We are asking for a setback exception to allow construction with a 3 ft setback from both the back fence as well as side fences. There are no easements that would affect the proposed build site.

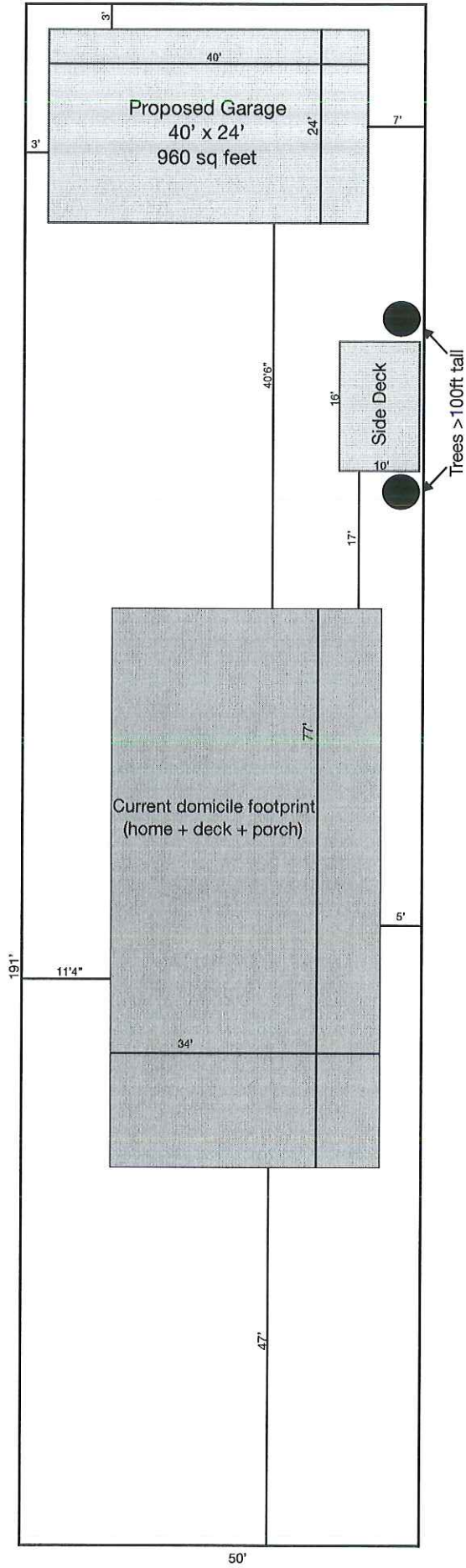
Please see the attached Site Plans, one which demonstrates our current property and one with the proposed project.

We appreciate in advance your assistance with this request. Please do not hesitate to contact us with any questions or concerns.

Sincerely yours,

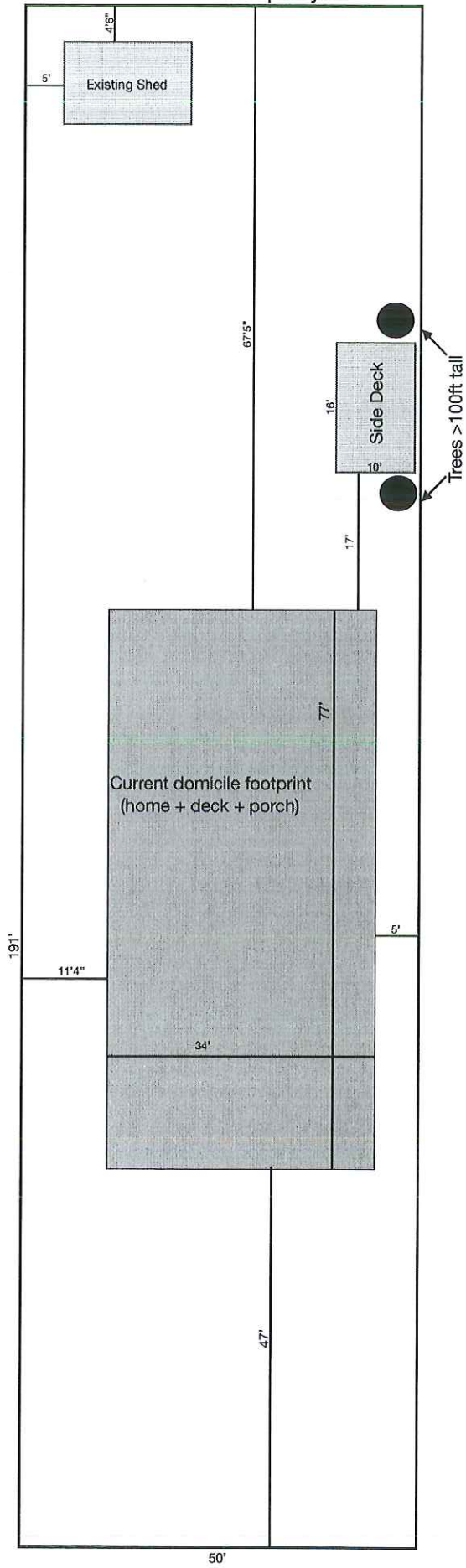

Wayne Johnson & Dyveke Pratt

Proposed Construction



Delmas Avenue
1/20 scale

Current Property



Delmas Avenue
1/20 scale

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.

Wayne W. Johnson

 APPELLANT

3/4/2019
 DATE

I have no problem with Wayne building a garage.

DAVID BRILEY
MAYOR

3/29/19

*Don Sawyer
1022 Fairview
Nashville, TN 37216*



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

March 12, 2019

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

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2019-156
1016 DELMAS AVE
Map Parcel: 07209024400
Zoning Classification: R6
Council District: 5

This is to inform you that Wayne Johnson filed an appeal for the property at the above referenced location. The appellant requested variances from side and rear setback requirements. Should this request be approved, it would allow the applicant to construct a garage.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 4/18/2019, **beginning at 1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. **We cannot guarantee written communication to be a part of the record unless it is received no later than Noon the Monday before the meeting date.**

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20190012520 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Real Handy Pro LLC

Date: 3-4-19

Property Owner: Homesteady Properties

Case #: 2019-157

Representative: Juan Albarran

Map & Parcel: 08309015800

Council District 6

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

Purpose:

To Rehab existing restaurant

Activity Type: Commercial - Restaurant

Location: 1313 A Woodland St Nashville, TN 37206

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

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

Section(s): 17.20.120

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

Real Handy Pro LLC
Appellant Name (Please Print)

Juan Albarran
Representative Name (Please Print)

4839 Jonquil Drive
Address

4839 Jonquil Dr
Address

Nashville, TN 37211
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

6155004289
Phone Number

9316372187
Phone Number

thepros@realhandy.pro
Email

thepros@realhandy.pro
Email

Zoning Examiner: Walter Morgan

Appeal Fee: \$200



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



3608623

APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019010705

THIS IS NOT A PERMIT

PARCEL: 08309015800

APPLICATION DATE: 02/22/2019

SITE ADDRESS:

1313 A WOODLAND ST NASHVILLE, TN 37206
LOT 15 BLK 1 ALLISON ADD

PARCEL OWNER: HOMESTEADY PROPERTIES, LLC

APPLICANT: REAL HANDY PRO LLC

NASHVILLE, TN 37211 931-637-2187

PURPOSE:

to rehab existing restaurant and install new windows for CINCO DE MAYO RESTAURANT. MHZC AND MDHA OVERLAYS. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. PUBLIC WORKS STAFF PLEASE NOTE: COST OF THIS PROPOSED PROJECT WILL REQUIRE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493. THEREFORE, THE PUBLIC WORKS STAFF IS REQUIRED TO REVIEW THIS APPLICATION ACCORDINGLY.

*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	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[E] Cross Connect Review For Bldg App		862-7225
[A] Bond & License Review On Bldg App	APPROVED	MWS.DevelopmentServicesCenter@nashville.gov 615-862-6500 Walter.Morgan@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
Kitchen Plans Review On Bldg App		340-5620 steve.crosier@nashville.gov
[H] Historic Zoning Review - CA	IGNORE	615-862-7970 Robin.Zeigler@nashville.gov
M.D.H.A REVIEW ON BLDG APP		615-252-3750 pbrown@nashville-mdha.org
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782

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.


 Amy Alberson

APPELLANT

3-4-19

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.

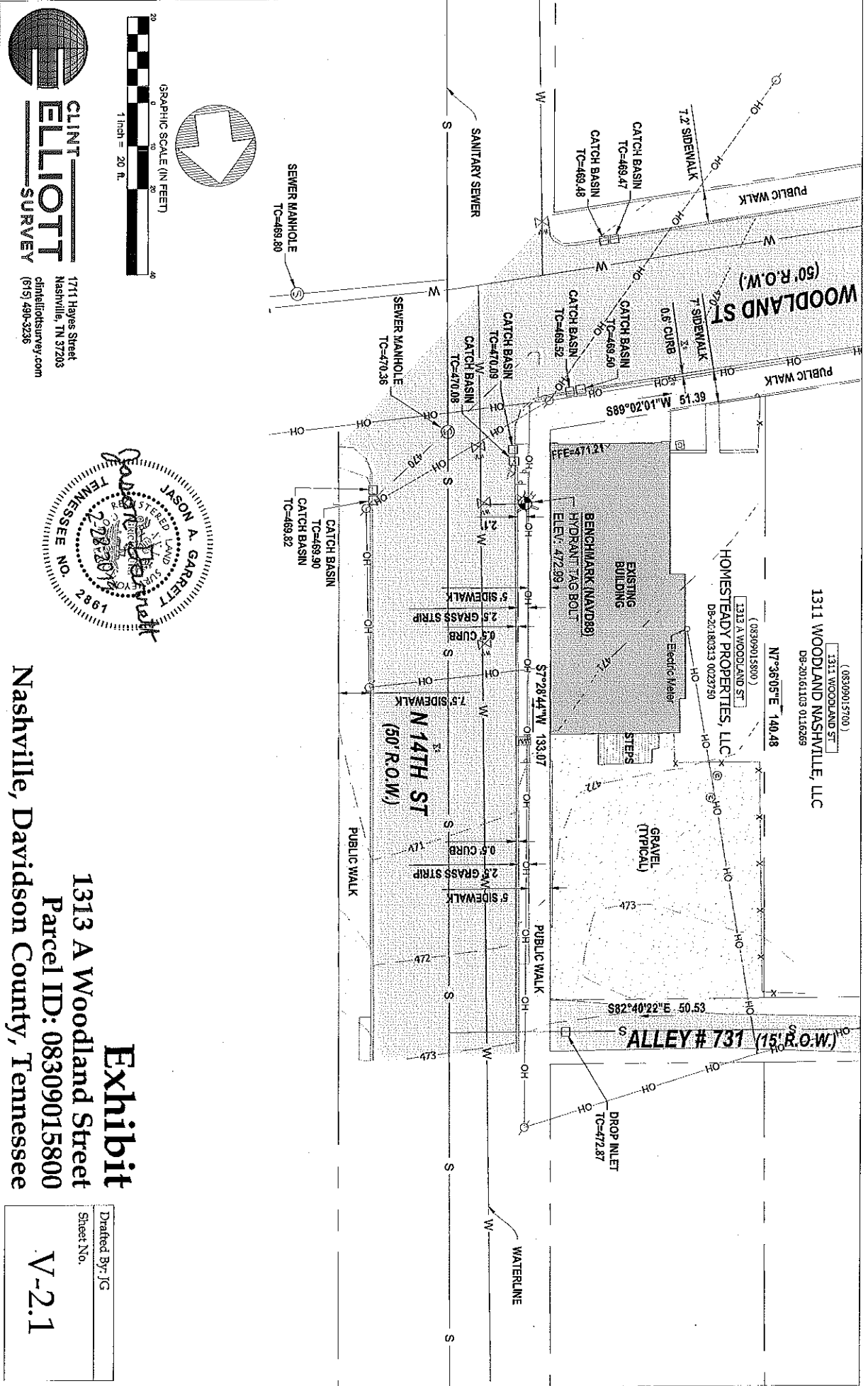
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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 are looking for a variance on the sidewalk requirement. The building is too close to the street and the existing sidewalks are already installed and fulfill the needs for the area and are in very good condition. Also, this building is in a historical overlay and we were instructed that because of this we cannot modify the building.



CLINT ELLIOTT SURVEY
 1711 Hayes Street
 Nashville, TN 37203
 chnell@clintelliotsurvey.com
 (615) 496-3236

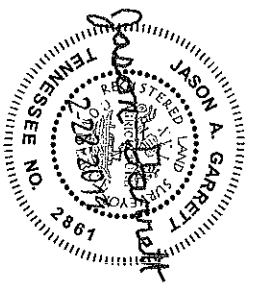
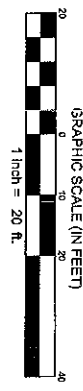
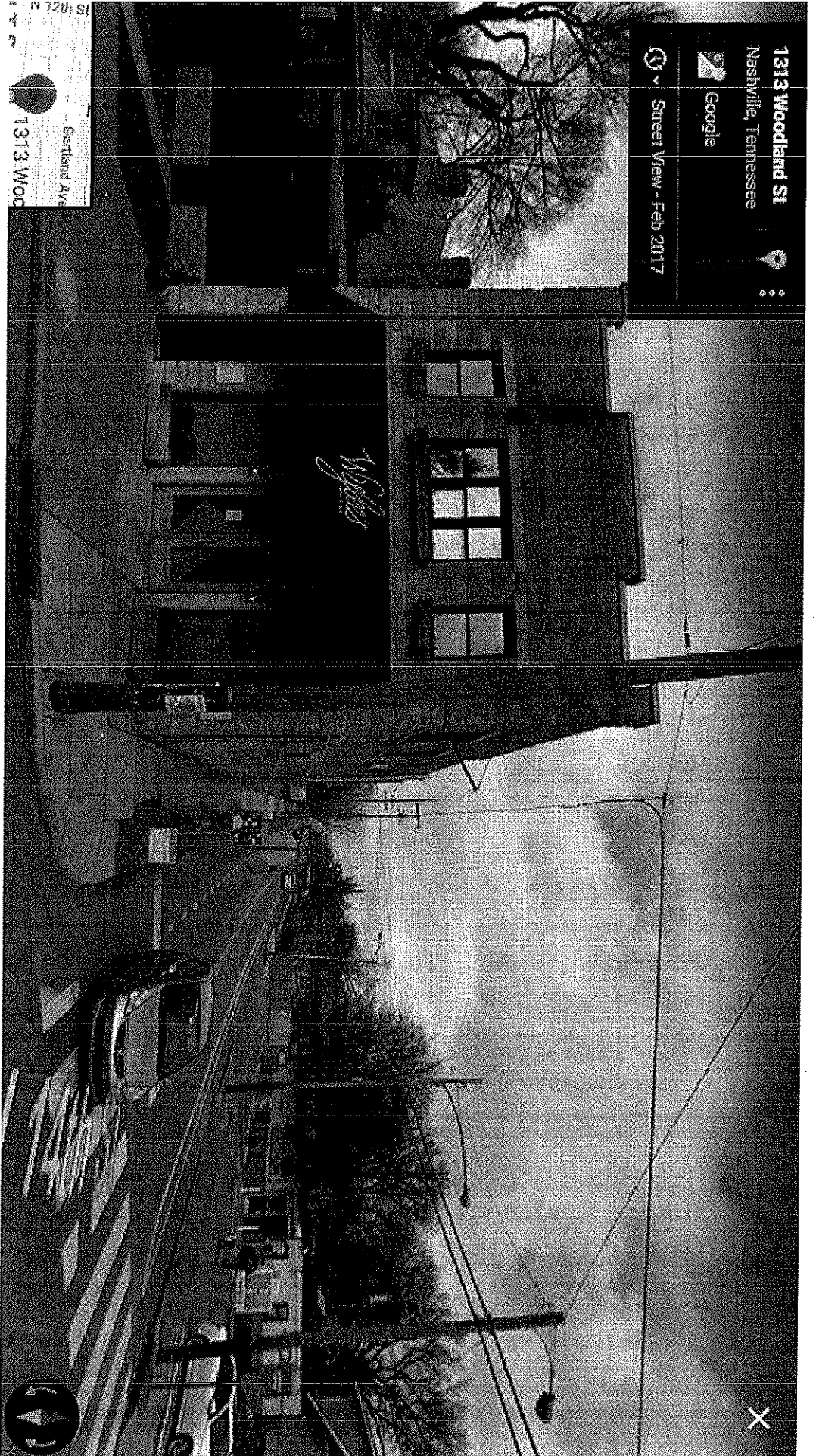


Exhibit
 1313 A Woodland Street
 Parcel ID: 08309015800
 Nashville, Davidson County, Tennessee

Drafted By: JG
 Sheet No.
V-2.1



1313 Woodland St
 Nashville, Tennessee
 Google

1313 Woodland St
 Nashville, Tennessee
 Google

DAVID BRILEY

MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

March 4, 2019

Board of Zoning Appeals
c/o Jon Michael

RE: 1313 B Woodland St

Dear BZA:

Staff with the MHZC support the request 1313 B Woodland St to continue the existing sidewalk dimensions in the existing location. Because our role is to review design, we are not taking a position on whether or not the applicant should pay in-lieu-of fees or whether or not the existing sidewalk should be repaired or replaced.

The majority of buildings on this block are contributing buildings, which means there will be few projects that will trigger the new sidewalk dimensions anywhere else on this block-face. If this project is required to adhere to the new standards, there would be one section that did not match the existing sidewalk design and the requirements would likely require demolition of the historic building.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Zeigler".

Robin Zeigler
Historic Zoning Administrator

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-157 (1313A Woodland Street)

Metro Standard:	Woodland Street – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	North 14 th Street - 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	MUL
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	Woodland Street – T4-R-CA2
	North 14 th Street - T4-R-CA2
Transit:	#20 – Scott
Bikeway:	Buffered bike lane existing on North 14 th Street; bike boulevard planned for Woodland Street

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to renovate an existing building for a restaurant and requests a variance from upgrading sidewalks due to existing sidewalks along both site frontages, as well as an existing building set at the back of sidewalks on both frontages. Planning evaluated the following factors for the variance request:

- (1) The proposed building rehab is located within the Lockeland Springs Conservation Zoning Overlay.
- (2) A 7’ wide sidewalk without a grass strip exists along both property frontages, which is consistent with the adjacent properties along both block faces.
- (3) The sidewalk and right-of-way dedication cannot be achieved without severely impacting the historic building.

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: SPLIT ROCK DEVELOPMENT Date: 3/5/19

Property Owner: MARGARE GILCHRIST
CHANDA RAYNE/KATHLEEN RM Case #: 2019-158

Representative: COLBY SLEDGE Map & Parcel: 10408016800
10408016700
10408016600

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: SETBACK VARIANCE OFF WEDGEWOOD AVE
19TH AVE S
Mult-Story-family

Activity Type: _____

Location: (1700)(1618)(1616) 19TH AVE S

This property is in the RM40 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: SIMILAR RM40 LOTS STREET SETBACK
Section(s): 17.12.035 VARIANCE

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.

SPLIT ROCK DEVELOPMENT
Appellant Name (Please Print)

COLBY SLEDGE
Representative Name (Please Print)

833 9TH AVE S
Address

614 MOORE AVE
Address

NASHVILLE TN 37203
City, State, Zip Code

NASHVILLE TN 37203
City, State, Zip Code

615-440-6726
Phone Number

615 442-3729
Phone Number

ALBERT@YAHOO.COM
Email

COLBY.SLEDGE@NASHVILLE.GOV
Email

Zoning Examiner: LISA BUILOZ

Appeal Fee: \$100

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.

Spirit Rock Development
APPELLANT

3/4/19
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.



March 5, 2019

From: Ryan Talbert
Split Rock Development
833 9th Ave S.
Nashville, TN 37203

To: Metropolitan Board of Zoning Appeals
Metro Howard Building
800 2nd Ave S.
Nashville, TN 37210

Subject: APPLICATION FOR A VARIANCE REQUEST

To whom it may concern:

We have recently gone under contract with a plan to combine (3).18 acre RM40 lots and building 16 traditionally architected row houses off 19th Ave S and Wedgewood.

We understand in this overlay setbacks are somewhat arbitrary but influenced by surrounding RM40 projects. Surrounding projects have setbacks anywhere from .5 ft to 15 ft.

We would like to move units closer to Wedgewood getting close to a zero set back off the property line allowing our development to be cohesive with the surrounding developments.

The ROW on Wedgewood flares out to 110 ft at that location (elsewhere on Wedgewood it's 80ft) . Sidewalks are well within the ROW. Then there is another 20 ft to the property line. So even if we can do a zero set back off property line, there is a 20 ft buffer from sidewalk. A like property across from the alley behind 1700 19th Ave S. has a similar situation but has a large wall at sidewalk and has the 20 ft buffer fenced in.

Another like property directly across Wedgewood has a 10 ft setback but a 10 ft (vs a 20ft) buffer from sidewalk. Other RM40 development on Capers and 19th has a .5ft front and side setback.

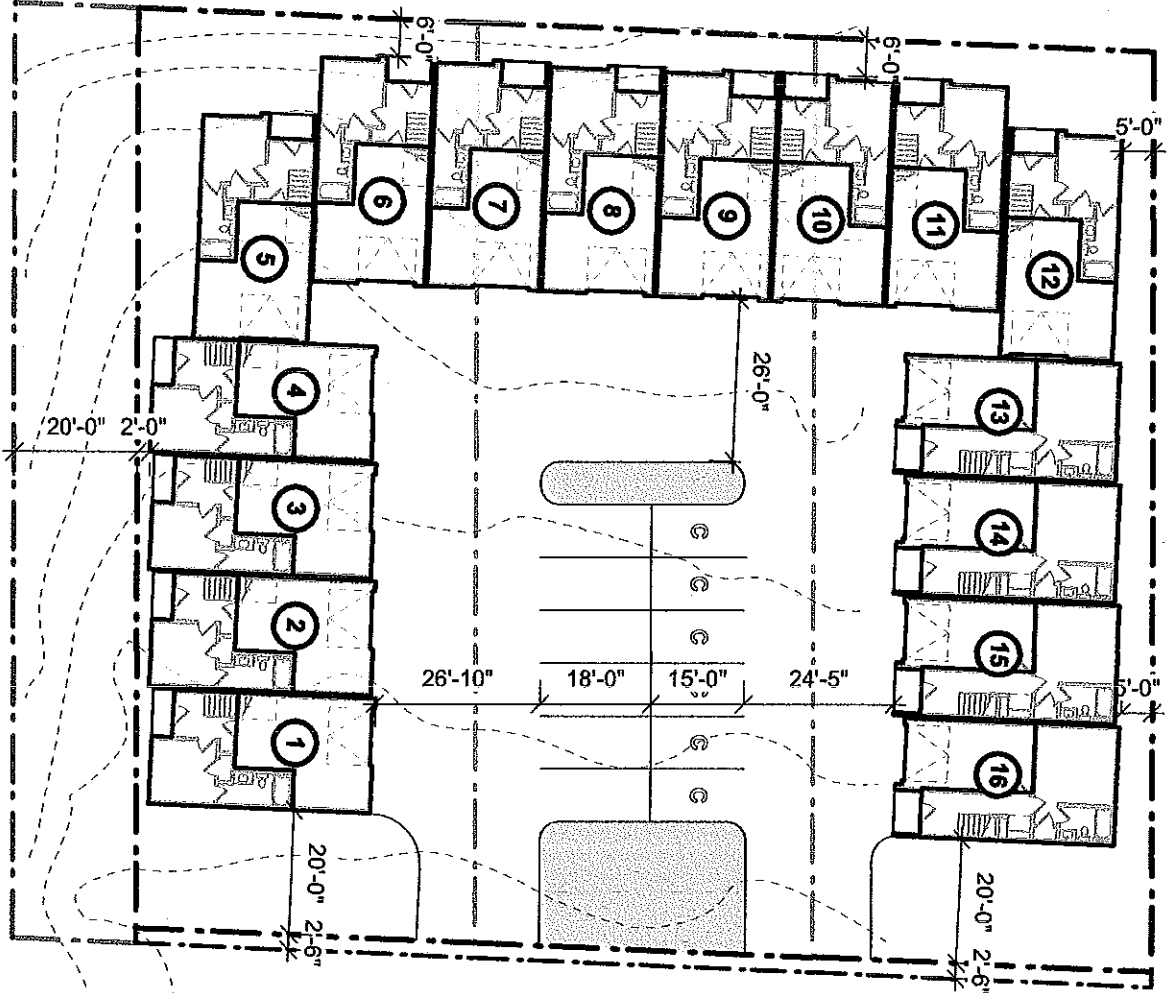
Please see the attached survey and site plan.

Thank you,



Ryan Talbert
Owner, Split Rock Development
615-440-6726

19TH AVENUE S



(15' ALLEY)



1616, 1618 & 1700 19TH AVES
 PRELIMINARY SITE PLAN
 SCALE: 1"=20'



PREPARED BY:
CAMBELL, MENDEL
SURVEYING, L.L.C.
P.O. Box 515
PO Box 432746
Nashville, TN 37204
E-mail: cmendel@trent



I HEREBY CERTIFY THAT THIS IS
A TRUE AND CORRECT COPY OF THE
ORIGINAL SURVEY RECORD AS I HAD
PERSONALLY VIEWED THE RECORD
AND THAT IT ACCURATELY REFLECTS
THE ORIGINAL SURVEY RECORDS
IN MY OFFICE.

BOUNDARY SURVEY
LOTS 9 AND 10,
D. H. SMELLS SUBDIVISION
OF LOT 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100,
BEING A PART OF LOT 57
WHICH SUBDIVISION IS
RECORDED PAGE 258
RECORD # 19
RECORD # 19

PROPERTY LOCATED
17TH COUNCIL DISTRICT OF
NASHVILLE, DAVIDSON COUNTY
1878 AVENUE SOUTH,
NASHVILLE, TENNESSEE
1878 AVENUE SOUTH
NORTH OF WEDGEWOOD AVENUE

PROPERTY ADDRESS
1878 AVENUE SOUTH
NASHVILLE, TENNESSEE
37215
DEED REFERENCE
ANSLEY TRACT, BOUNDARY SURVEY
RECORD # 19
RECORD # 19

PARCEL ID
19-0801809
19-0801809
19-0801809
PARCEL # 19
DATE: 2-6-19
SCALE: 1"=50'

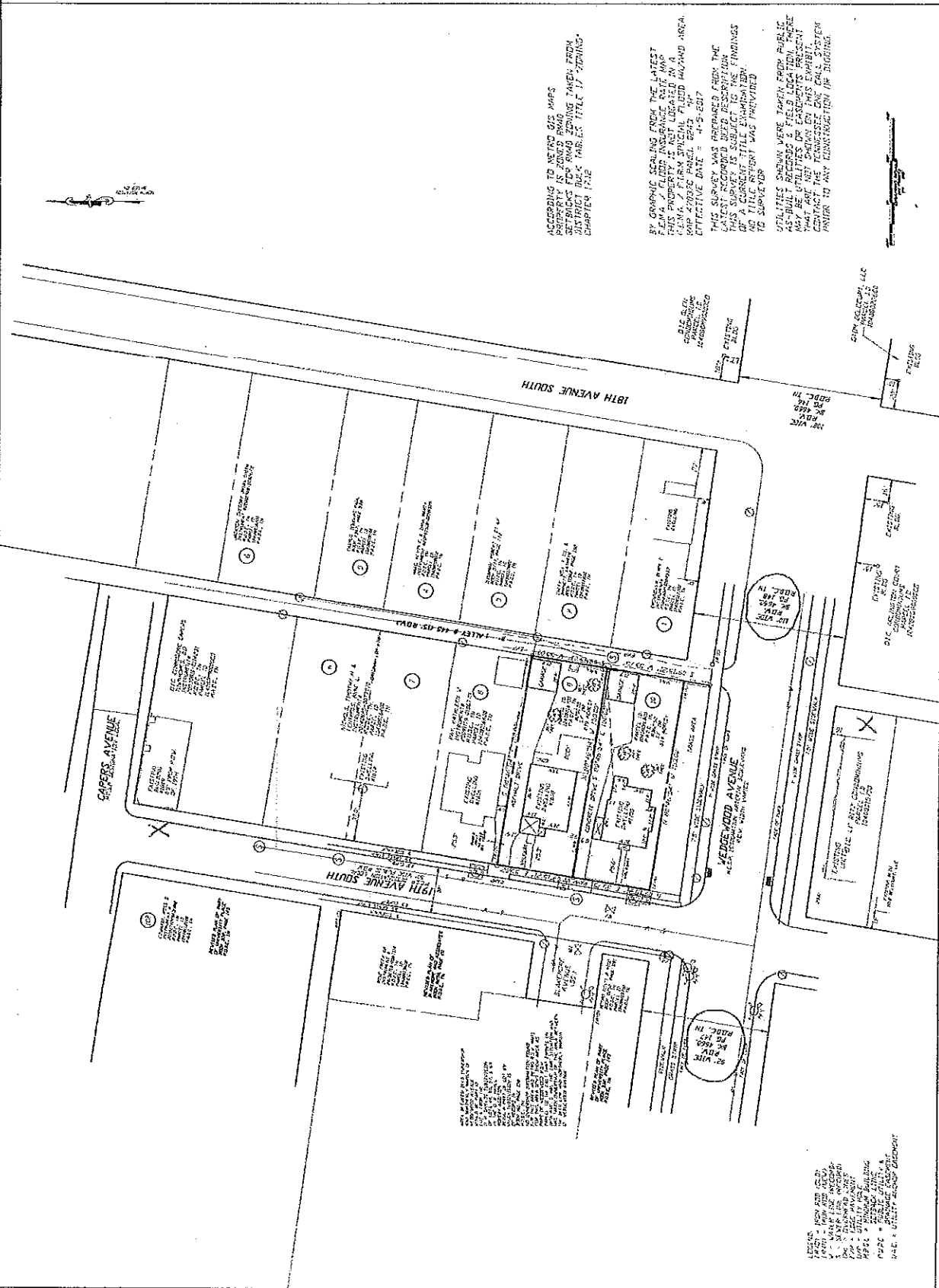
DATE: 2-6-19
SCALE: 1"=50'

ACCORDING TO NEIRO GIS MAPS
PROPERTY IS ZONED RMD
DISTRICT MAP TABLES TITLE 17 - ZONING -
COMPLEX TABLE

BY GRAPHIC SCALING FROM THE LATEST
THIS PROPERTY IS NOT LOCATED IN
F.E.M.A. A FIRM ORIGINAL FLOOD HAZARD AREA
MAP 47092C PARCEL BOUND #1
EFFECTIVE DATE = 4-5-2017

THIS SURVEY WAS PREPARED FROM THE
LATEST RECORDS AND FIELD FINDINGS
OF A CURRENT TITLE EXAMINATION
AS TITLE REPORT WAS PROVIDED
TO SURVEYOR

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
AS-BUILT RECORDS & FIELD LOCATION. THESE
MAY BE UTILITIES OR CATCH BASINS PRESENT
ON THE PROPERTY. THE SURVEYOR HAS
CONTACT THE TENNESSEE ONE CALL SYSTEM
PRIOR TO ANY EXCAVATION OR DRILLING.



NOTES:
1. HATCHED AREA IS
2. 1/8" = 1' SCALE
3. 1/8" = 1' SCALE
4. 1/8" = 1' SCALE
5. 1/8" = 1' SCALE
6. 1/8" = 1' SCALE
7. 1/8" = 1' SCALE
8. 1/8" = 1' SCALE
9. 1/8" = 1' SCALE
10. 1/8" = 1' SCALE
11. 1/8" = 1' SCALE
12. 1/8" = 1' SCALE
13. 1/8" = 1' SCALE
14. 1/8" = 1' SCALE
15. 1/8" = 1' SCALE
16. 1/8" = 1' SCALE
17. 1/8" = 1' SCALE
18. 1/8" = 1' SCALE
19. 1/8" = 1' SCALE
20. 1/8" = 1' SCALE
21. 1/8" = 1' SCALE
22. 1/8" = 1' SCALE
23. 1/8" = 1' SCALE
24. 1/8" = 1' SCALE
25. 1/8" = 1' SCALE
26. 1/8" = 1' SCALE
27. 1/8" = 1' SCALE
28. 1/8" = 1' SCALE
29. 1/8" = 1' SCALE
30. 1/8" = 1' SCALE
31. 1/8" = 1' SCALE
32. 1/8" = 1' SCALE
33. 1/8" = 1' SCALE
34. 1/8" = 1' SCALE
35. 1/8" = 1' SCALE
36. 1/8" = 1' SCALE
37. 1/8" = 1' SCALE
38. 1/8" = 1' SCALE
39. 1/8" = 1' SCALE
40. 1/8" = 1' SCALE
41. 1/8" = 1' SCALE
42. 1/8" = 1' SCALE
43. 1/8" = 1' SCALE
44. 1/8" = 1' SCALE
45. 1/8" = 1' SCALE
46. 1/8" = 1' SCALE
47. 1/8" = 1' SCALE
48. 1/8" = 1' SCALE
49. 1/8" = 1' SCALE
50. 1/8" = 1' SCALE
51. 1/8" = 1' SCALE
52. 1/8" = 1' SCALE
53. 1/8" = 1' SCALE
54. 1/8" = 1' SCALE
55. 1/8" = 1' SCALE
56. 1/8" = 1' SCALE
57. 1/8" = 1' SCALE
58. 1/8" = 1' SCALE
59. 1/8" = 1' SCALE
60. 1/8" = 1' SCALE
61. 1/8" = 1' SCALE
62. 1/8" = 1' SCALE
63. 1/8" = 1' SCALE
64. 1/8" = 1' SCALE
65. 1/8" = 1' SCALE
66. 1/8" = 1' SCALE
67. 1/8" = 1' SCALE
68. 1/8" = 1' SCALE
69. 1/8" = 1' SCALE
70. 1/8" = 1' SCALE
71. 1/8" = 1' SCALE
72. 1/8" = 1' SCALE
73. 1/8" = 1' SCALE
74. 1/8" = 1' SCALE
75. 1/8" = 1' SCALE
76. 1/8" = 1' SCALE
77. 1/8" = 1' SCALE
78. 1/8" = 1' SCALE
79. 1/8" = 1' SCALE
80. 1/8" = 1' SCALE
81. 1/8" = 1' SCALE
82. 1/8" = 1' SCALE
83. 1/8" = 1' SCALE
84. 1/8" = 1' SCALE
85. 1/8" = 1' SCALE
86. 1/8" = 1' SCALE
87. 1/8" = 1' SCALE
88. 1/8" = 1' SCALE
89. 1/8" = 1' SCALE
90. 1/8" = 1' SCALE
91. 1/8" = 1' SCALE
92. 1/8" = 1' SCALE
93. 1/8" = 1' SCALE
94. 1/8" = 1' SCALE
95. 1/8" = 1' SCALE
96. 1/8" = 1' SCALE
97. 1/8" = 1' SCALE
98. 1/8" = 1' SCALE
99. 1/8" = 1' SCALE
100. 1/8" = 1' SCALE

We will make note of your position on this appeal.

Thank you,

Jessica Shepherd

From: Sledge, Colby (Council Member)

Sent: Tuesday, March 12, 2019 11:38 AM

To: Shepherd, Jessica (Codes)

Cc: Braisted, Sean (Codes); Board of Zoning Appeals (Codes); Lamb, Emily (Codes)

Subject: RE: Appeal 2019-158

Thanks, Jessica. I am adamantly opposed to this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com

PROPERTY BY:
 COVERELL, KEVIN
 1774 COUNCIL DISTRICT OF
 NASHVILLE, TENNESSEE
 SURVIVAL, LLC
 P.O. BOX 27173
 NASHVILLE, TN 37202
 TEL: 615-270-2000
 Email: ems@survival.com



I, KEVIN COVERELL, being duly sworn, depose and say that I am the owner of the above described property and I have caused this plat to be prepared and filed with the proper authorities in accordance with the provisions of the laws of the State of Tennessee relating to the recording of plats.

KEVIN COVERELL
 1774 COUNCIL DISTRICT OF
 NASHVILLE, TN 37202

BOUNDARY SURVEY
 LOTS 9 AND 10
 G. H. SHIELDS SUBDIVISION
 IN THE C. S. HAZEN
 PLAT, 7 FIRM SPECIAL FLOOD HAZARD AREA,
 RICHMOND ADDITION,
 BEING A PART OF LOT 57
 OF RECORD MAP NO. 128
 OF RECORD MAP NO. 128
 P.L.S.C., TN

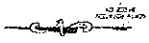
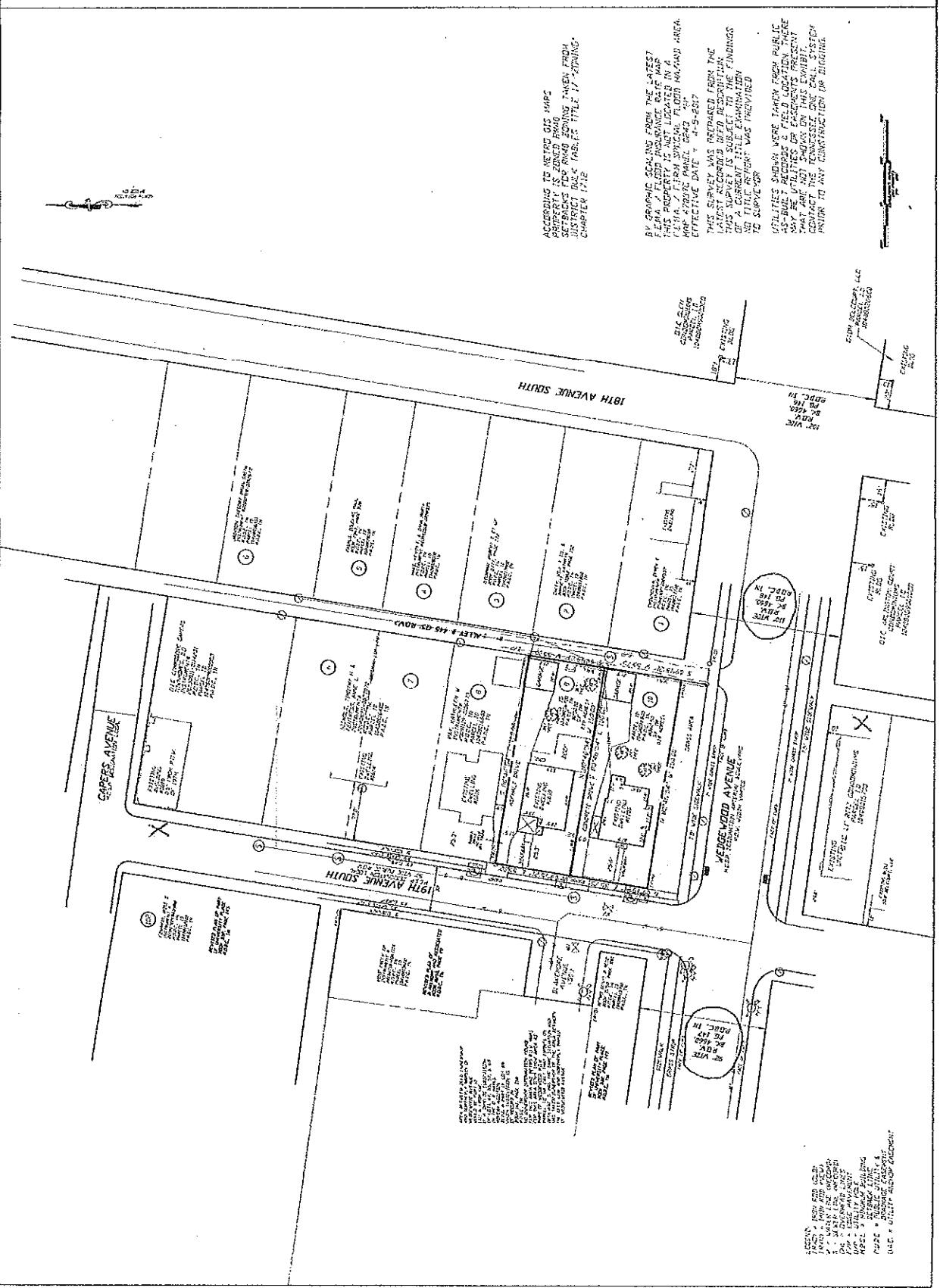
PROPERTY LOCATED
 1774 COUNCIL DISTRICT OF
 NASHVILLE, TENNESSEE COUNTY
 IN THE EASTERN MARGIN OF
 17TH AVENUE SOUTH
 NORTH OF WOODWOOD AVENUE

PROPERTY ADDRESS
 1700 19TH AVENUE SOUTH
 NASHVILLE, TN 37202

DEED REFERENCE
 DEED NO. 113
 INSTRUMENT REGISTRATION NO. 0079729
 REELS, TN

PARCEL ID
 10-00014800
 10-00014700
 P.L.S.C., TN

DATE 6-6-19
SCALE 1"=50'
PREPARED FOR



ACCORDING TO NEWEST GIS MAPS
 PROPERTY IS ZONED RM40
 SETBACKS FOR ROAD SHOWING INNER FROM
 PLAT 7 FIRM SPECIAL FLOOD HAZARD AREA,
 RICHMOND ADDITION,
 CHAPTER 116

BY GRAPHIC SCALING FROM THE LATEST
 GIS MAPS, THE PROPERTY IS NOT LOCATED IN A
 PLAT 7 FIRM SPECIAL FLOOD HAZARD AREA,
 RICHMOND ADDITION,
 EFFECTIVE DATE 4-9-2017

THIS SURVEY WAS PREPARED FROM THE
 LATEST GIS MAPS AND FIELD EXAMINATION
 OF A CURRENT TITLE EXAMINATION
 NO TITLE REPORT WAS PREPARED
 TO SUPPORT THIS

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
 AS-BUILT RECORDS & FIELD LOCATION THERE
 MAY BE DIFFERENT OR FACTORS PRESENT
 THAT WOULD AFFECT THE LOCATION OF
 CONTACT THE TENNESSEE ONE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.



NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Nancy Stillwell-Duckett
Property Owner: Andrew C. Johnson
Representative: Nancy Stillwell-Duckett

Date: 3 March 2019
Case #: 2019- 161
Map & Parcel: 160000098.00

Council District 04

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

Purpose: TO CONSTRUCT AN 805 SQ FT DETACHED GARAGE PERMIT APP 2019 012461 REQUIRED 40 FT FRONT & 15 FT SIDE SETBACKS

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 5555 Hill Rd

This property is in the R40 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 FRONT AND SIDE SETBACKS

Section(s): 17.12.040 E1

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.

Nancy Stillwell-Duckett
Appellant Name (Please Print)

Nancy Stillwell-Duckett
Representative Name (Please Print)

409 Springer Ct
Address

409 Springer Ct
Address

Brentwood TN 37027
City, State, Zip Code

Brentwood, TN 37027
City, State, Zip Code

615-516-0945
Phone Number

615-516-0945
Phone Number

nsstillwell@gmail.com
Email

nsstillwell@gmail.com
Email

Zoning Examiner: _____

Appeal Fee: \$100



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



3618282

**ZONING BOARD APPEAL / CAAZ - 20190012477
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 16000009800

APPLICATION DATE: 03/04/2019

SITE ADDRESS:

5555 HILL RD BRENTWOOD, TN 37027
E SIDE HILL RD N OF OLD HICKORY BLVD

PARCEL OWNER: JOHNSON, ANDREW C. & MELODY A.

CONTRACTOR:

APPLICANT:**PURPOSE:**

INCOMPLETE APPEAL NEED VARIANCE PAPERWORK, SITE PLAN AND SPECIFIC SETBACKS BEING REQUESTED(LB) WILL NOT PROCEED TO BZA WITHOUT NECESSARY DOCUMENTS.

Siteplan rejected, does not meet 40 ft front or 15 ft side setbacks.

Self Permit.

To construct a detached carport 37 ft x 24'-2" (805 sq ft irregular shaped) Minimum 40 ft front setback, 15 ft side setbacks and 20 ft rear setback

Nancy Stillwell 615-516-0945

*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**



3618209

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019012461
THIS IS NOT A PERMIT**

PARCEL: 16000009800

APPLICATION DATE: 03/04/2019

SITE ADDRESS:

5555 HILL RD BRENTWOOD, TN 37027
E SIDE HILL RD N OF OLD HICKORY BLVD

PARCEL OWNER: JOHNSON, ANDREW C. & MELODY A.

APPLICANT:**PURPOSE:**

Siteplan rejected, does not meet front or side setbacks.
Self Permit.

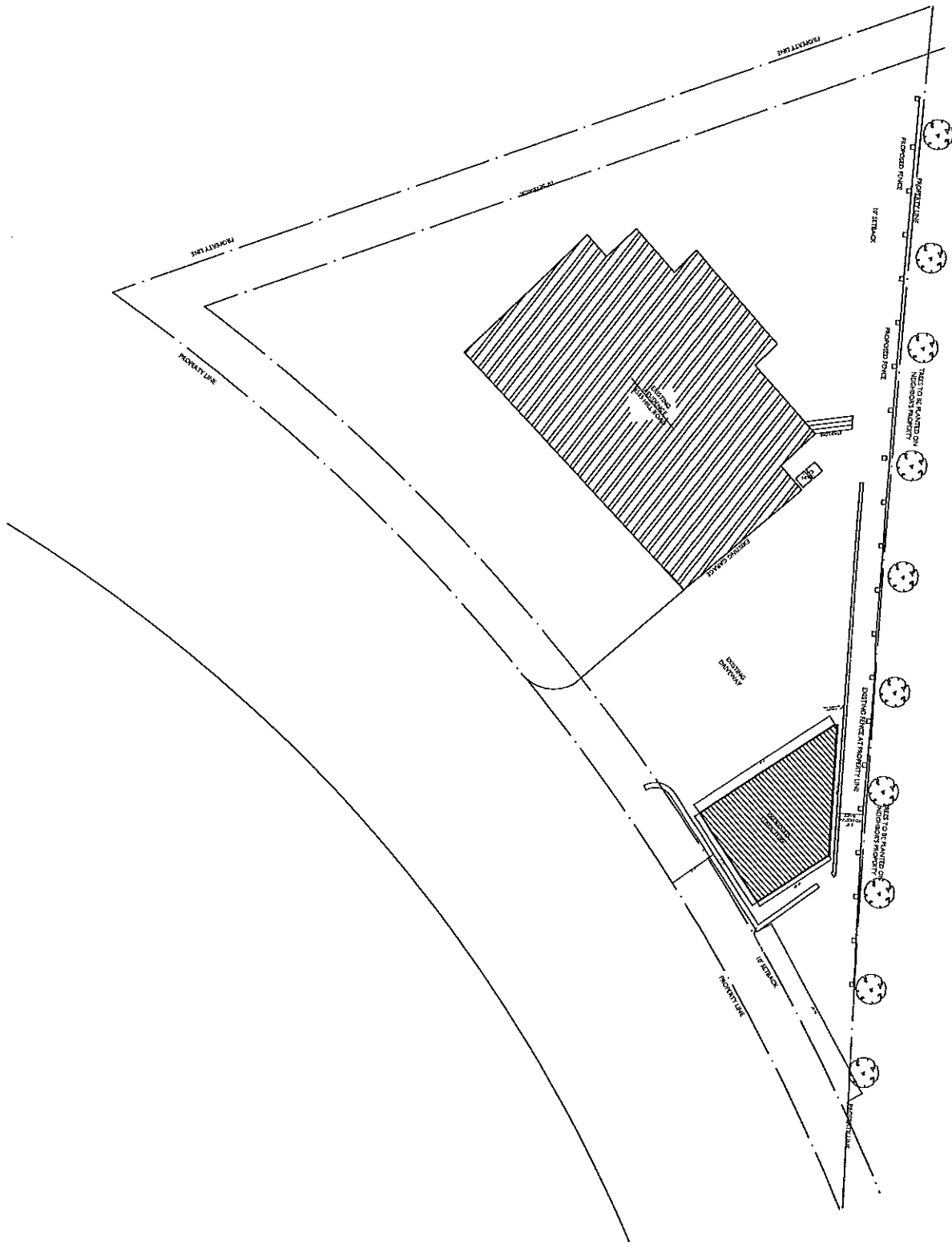
To construct a detached carport 37 ft x 24'-2" (805 sq ft irregular shaped) Minimum 40 ft front setback, 15 ft side setbacks and 20 ft rear setback. Must conform with all easements. Restrictive Covenant required prior to any trade authorizations. Not to be used for living or commercial purposes. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit...

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

POC: Nancy Stillwell 615-516-0945

*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*

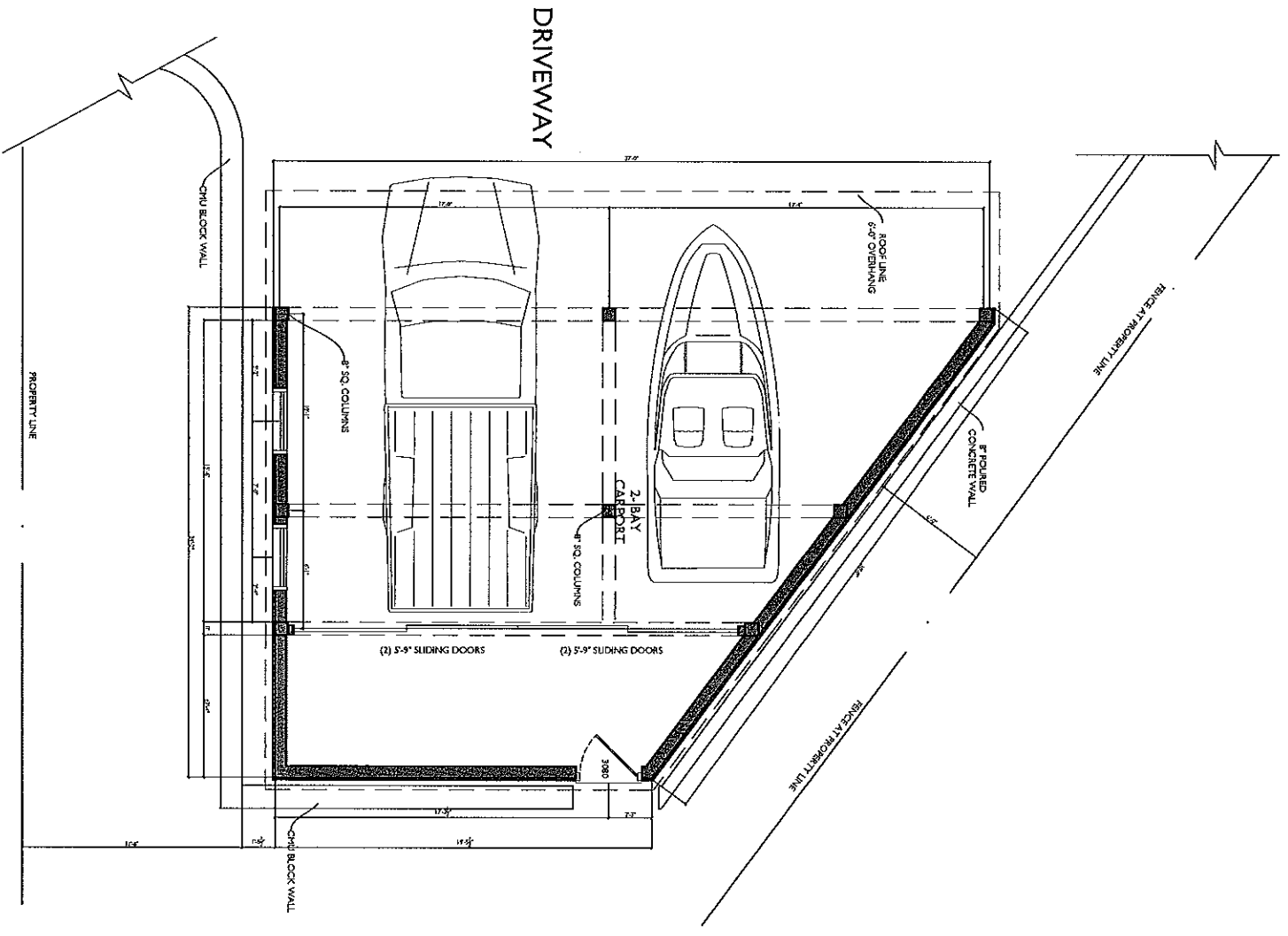
[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[E] Sewer Availability Review For Bldg		862-7225 MWS.DevelopmentServicesCenter@nashville.gov
[E] Sewer Variance Approval For Bldg		862-7225 MWS.DevelopmentServicesCenter@nashville.gov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



JOHNSON CARPORT: 5555 HILL ROAD

NOT TO SCALE
 ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED
 ALL CHANGES MUST BE APPROVED BY THE ARCHITECT
 ANY WORK NOT SHOWN ON THESE PLANS IS TO BE PERFORMED IN ACCORDANCE WITH THE LOCAL AND STATE REQUIREMENTS
 ALL CHANGES MUST BE APPROVED BY THE ARCHITECT
 ANY WORK NOT SHOWN ON THESE PLANS IS TO BE PERFORMED IN ACCORDANCE WITH THE LOCAL AND STATE REQUIREMENTS

PROPOSED CARPORT PLAN
 SCALE 1/4" = 1'



JOHNSON CARPORT: 5555 HILL ROAD

KATHLEEN TING
 615.364.3416

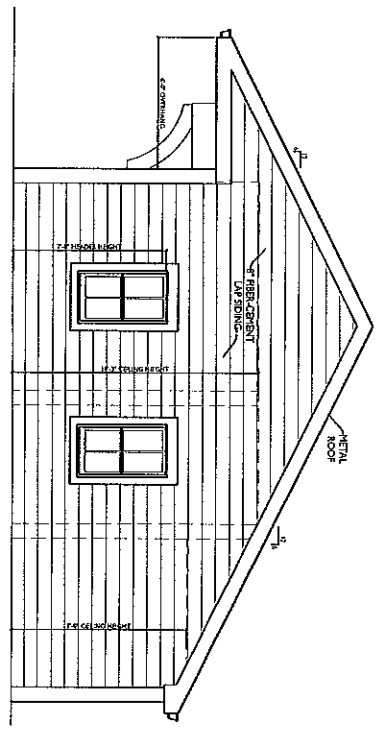
REVISIONS:
 03/04/2019

SCALE: 1/4" = 1'-0"

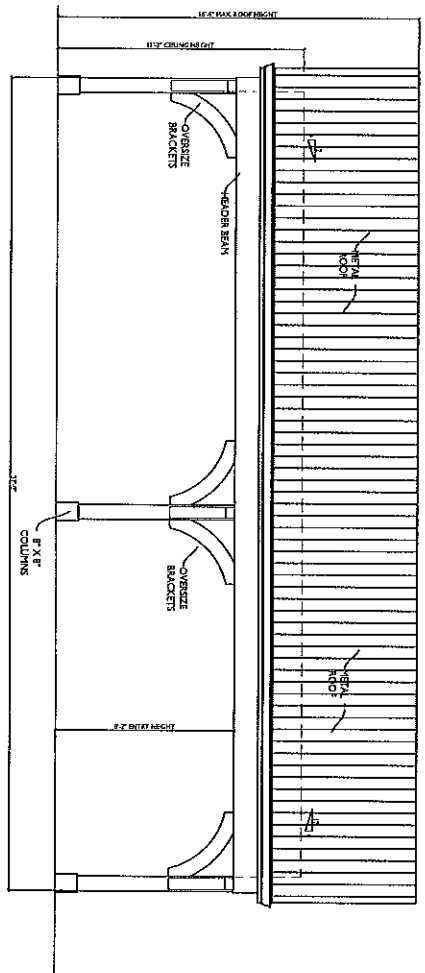
A.1

DATE: 03/04/2019

NOT TO SCALE. DIMENSIONS AND MATERIALS ARE APPROXIMATE. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND MATERIALS BEFORE CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.



PROPOSED STREET ELEVATION
SCALE: 1/4" = 1'



DRIVEWAY ELEVATION
SCALE: 1/4" = 1'

KATHLEEN TINS
615.364.3416

JOHNSON CARPORT: 5555 HILL ROAD

REVISIONS:
03/04/2019

SCALE: 1/4" = 1'-0"

A.2

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.

Nancy Stillwell-Dockett

APPELLANT

3 March 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.

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?

See Attached 

Andrew C. And Melody A Johnson's property is pie shaped and does not allow for sufficient space to support a shed or carport in the back of the property. It is a long, lengthwise stretch the owners wish to utilize the unique shape to their best ability.

Their existing home has a 2-car garage in which 2 vehicles are currently parked. The carport will be needed for an additional car when their daughter turns 16 and to store their utility trailer.

The carport is to be built in the same appearance and quality as the existing home and to look as though it had been there since the home was built.

This piece of property was "left over" from building Brentwood Chase Subdivision thus its irregularity in shape. The homes to the north and across the street (Hill Road) were in existence long before the Brentwood Chase development ensued. Lastly, and most importantly, the carport would keep the driveway and large concrete patio neat and orderly for neighbors and those that pass by.

April 6th, 2019


RE: Appeal Case Number: 2019-161
 5555 Hill Rd.
 Map Parcel: 16000009800
 Zoning Classification: R40
 Council District: 4

Dear Metropolitan Board of Zoning Appeals,

In response to your letter dated March 12th, 2019, this letter is to express our opposition to Nancy Stidwell-Duckett's request to construct a detached carport.

First of all, approving this request would change the landscape and green space distribution in our community. Furthermore, allowing the construction of a detached carport will promote further requests for variances to the established house and property regulations that we all strive to follow in our community.

Sincerely,


Jorge and Monica Pezzimenti
108 RAUSCH DRIVE
BRENTWOOD, TN 37027

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Kevin GARGAUME Date: 3/5/19
Property Owner: NICHOLAS ERNST Case #: 2019- 163
Representative: Kevin GARGAUME Map & Parcel: 159-128

Council District 34

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

Purpose: RELIGIOUS INSTITUTION
R40 ZONING DISTRICT

Activity Type: Religious institution (Church Admin)

Location: 1221 Old Hickory Blvd., Brentwood TN 37027

This property is in the R40 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 RELIGIOUS INST.

Section(s): 17.10.170 E RELIGIOUS INSTITUTION

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.

Kevin GARGAUME
Appellant Name (Please Print)
Civil Site Design Co.#
2305 Kline Ave - Suite 300
Address

Nashville TN 37211
City, State, Zip Code

615-305-3972
Phone Number

KevinG@Civil-SDC.com
Email

Zoning Examiner: [Signature]

SAME
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: \$200



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



3620025

ZONING BOARD APPEAL / CAAZ - 20190012843
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 15900012800

APPLICATION DATE: 03/05/2019

SITE ADDRESS:

1221 OLD HICKORY BLVD BRENTWOOD, TN 37027
PT LOT 1 NEALS THREE LOT SUB-DIVISION RESUB LOT 3'

PARCEL OWNER: ERNST, NICHOLAS C.

CONTRACTOR:

APPLICANT:**PURPOSE:**

GRACE COMMUNITY CHURCH OF NASHVILLE TO ACQUIRE ADJACENT PROPERTY FOR EXPANSION

17.16.170-E RELIGIOUS INSTITUTION

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

CIVIL SITE

DESIGN GROUP
ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS

March 4, 2019

Ms. Emily Lamb
Zoning Examinations Chief
Metro Zoning Department
800 2nd Avenue South
Nashville, TN 37210

RE: Grace Community Church of Nashville
Map 159, Parcel 128
1221 Old Hickory Blvd.
Brentwood, TN 37027

Dear Emily,

On behalf of our client, Grace Community Church of Nashville, we are submitting a request to appear before the Metro Nashville Board of Zoning Appeals. The Grace Community Church leaders are planning to purchase the property located at 1221 Old Hickory Blvd. (ID 15900012800), which is located next to their church property. The property currently has a single-family residence on it and is zone R40. The church leaders are interested in using the existing structure for a church office and for ministries. Because the property is zoned R40, a Special Exception variance is required from the BZA in order for the religious institution to use the property for their ministries. Please find enclosed a copy of the Metro GIS map and aerial photo showing the existing house located next to the existing church property. Also enclosed is an application for Special Exception, a copy of the Special Exception Requests (signed), a BZA checklist and a check in the amount of \$200 to pay for the application fee. We respectfully request that you review this information and place this request on the next available agenda of the Board of Zoning Appeals meeting. Please feel free to contact me if you have any questions or need additional information.

Respectfully,
Civil Site Design Group, PLLC



Kevin F. Gangaware, P.E.
Principal

csdg 04-012-04

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

3/4/19

 DATE

SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

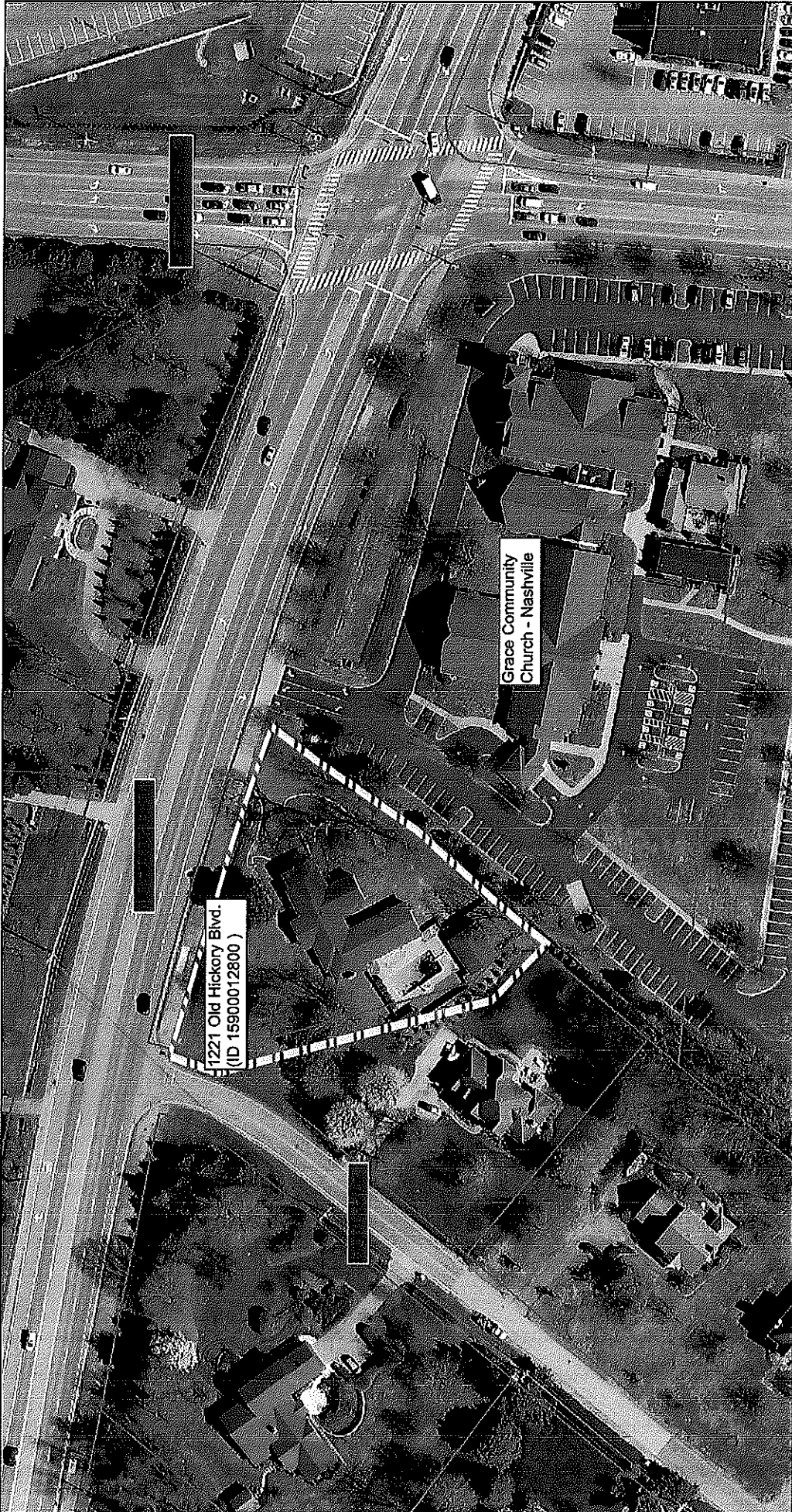
In other words, we will provide you a mail list of those persons within 300 feet of the location designated for a special exception permit. We are required by law to notify these people (within 300 feet) of your request. The Board requires that you contact those persons on the mail list, give them a date, time, place to meet with you and discuss your request. If there is opposition, this will give you a chance to address their concerns prior to the public hearing.

You must make documentation to present to the Board concerning your efforts to contact these people. Failure to do so can result in a deferral or denial of your request.



Signature of Appellant or Representative

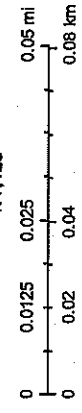
Nashville / Davidson County Parcel Viewer



March 4, 2019

Ownership Parcels

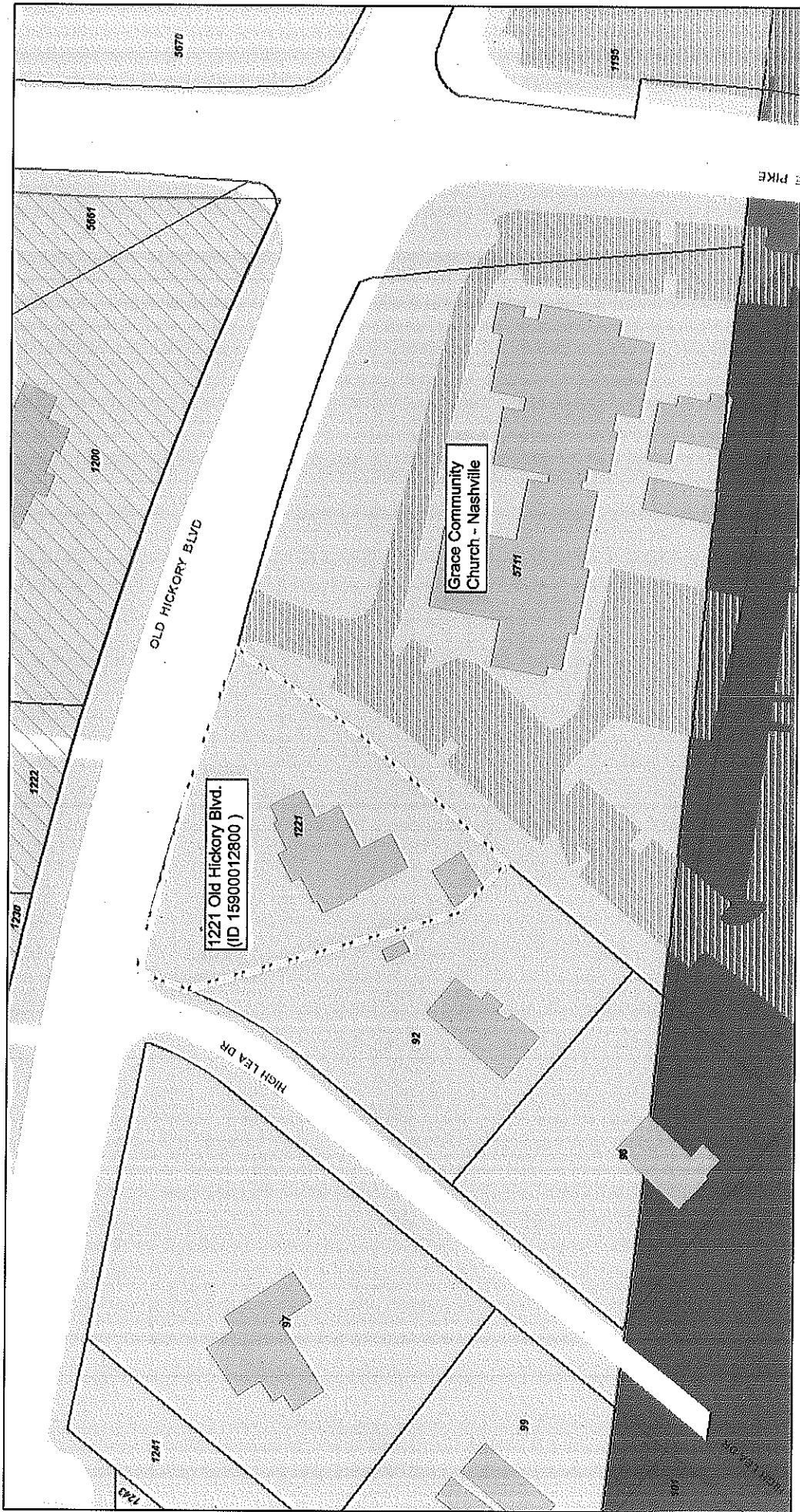
1:1,128



Metro GIS; Pictometry International

Made by: Metro GIS

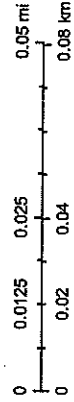
Nashville / Davidson County Parcel Viewer



March 4, 2019

Ownership Parcels
House Numbers

1:1,128



Metro Public Works
Metro GIS

Made by: Metro GIS

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#)
Subject: 4/18/19 BZA Hearing Cases
Date: Monday, March 18, 2019 10:57:36 AM

See below for Public Works comments on the requested cases

2019-141 4243 Eastons Creek Rd. Proposed Day Care Home in RS15 Zoning

Variance: 17.40.180, 17.16.170 C. (1-7)

Response: Public Works takes no exception with condition.

-Adequate parking must be provided on site per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-163 1221 Old Hickory Blvd. Religious Institution in R40 Zoning District

Variance: 17.40.180, 17.16.170 E.

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.

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

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: April 3, 2019
BZA Hearing Date: April 18, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-163

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 2019-163 (1221 Old Hickory Boulevard) – Religious Institution

Request: A special exception for the expansion of an existing religious institution.

Zoning: One and Two Family Residential (R40) is a zoning district intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots.

Land Use Policy: T3 Suburban Neighborhood Maintenance (T3 NM) 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 consists of 0.9 acres of land located in the Green Hills/Midtown planning area. The site contains a single family structure and several mature trees. The site is located at 1221 Old Hickory Boulevard approximately on the southeast corner of Old Hickory Boulevard and High Lea Drive.

Religious institutions are allowed within residential zoning districts with the approval of a Special Exception. The application proposes the use of an existing single family structure as an office for the

existing religious institution. The single family structure contains a driveway connection to Old Hickory Boulevard. No renovation or alteration of the structure is proposed with this application.

The existing religious institution is located directly adjacent to this site to the east. No renovation or alteration is proposed for the existing religious institution. No additional connection to Old Hickory Boulevard is proposed, nor is any additional parking proposed with the special exception requires. Old Hickory Boulevard is identified as a Scenic Arterial by the Major and Collector Street.

The use is consistent with T3 Suburban Neighborhood Maintenance policy as it is identified as an appropriate land use for this policy area. Staff recommends approval of this special exception request.

Planning Recommendation: Approve.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF SHIPLEY AND DAVIDSON COUNTY



Appellant : Ingram Civil Engineering

Date: Jason Yost

Property Owner: Cumberland Behavioral Health

Case #: 2019-164

Representative: Jason Yost

Map & Parcel: 07012001000

Council District 02

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

Purpose:

TO CONSTRUCT A 90 BED REHABILITATION SERVICES FACILITY

PERMIT APP 2019008034

Activity Type: NEW COMM. CONSTRUCTION

Location: 300 GREAT CIRCLE RD

This property is in the MUG 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 LANDSCAPE BUFFER & FENCE HEIGHT

Section(s): 17.24.230 AND 17.12.040 26

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.

Ingram Civil Engineering
Appellant Name (Please Print)

Ingram Civil Engineering
Representative Name (Please Print)

212 Overlook Circle
Address

212 Overlook Circle
Address

Brentwood, TN 37027
City, State, Zip Code

Brentwood, TN 37027
City, State, Zip Code

615-370-7964
Phone Number

615-370-7964
Phone Number

jyost@ingramcivil.com
Email

jyost@ingramcivil.com
Email

Zoning Examiner: 212 Overlook Circle

Appeal Fee: \$200.00

APPLICATIONS FOR VARIANCE REQUESTS

- FENCE HEIGHT

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

03/03/2018

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Cumberland Behavioral Health is requesting a variance for maximum fence height. Maximum fence height is 8'. We are requesting a 12' fence for the safety of the residents as well as public safety. The 12' fence will reduce the risk of outside activity triggering undesired behavior by residents.

APPLICATIONS FOR VARIANCE REQUESTS

- LS BUFFER

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.

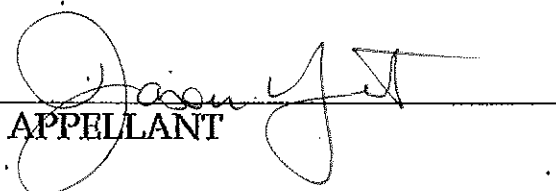
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

03/03/2018

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Cumberland Behavioral Health is requesting a landscape buffer variance. The site is required to have a Type B (10') buffer. Portions of the north and south property lines encroach on this buffer. Parking encroaches upon the north property line buffer while an emergency egress sidewalk encroaches on the south property line. We are requesting a landscape buffer variance to decrease the required buffer to 4'. The site exceeds the required parking for the site. However, the facility's proposed program requires 1.5' spaces per bed. there are 90 proposed beds so the parking needs for the site would total 135 spaces. There are currently 143 spaces shown on the site. If the site is required to conform to the Type B buffer depth, the site would have to reduce the parking below the desired program number. Adjacent parcels are developed with equivalent or more intense zones. Adjacent parcels also encroach on the required 10' buffer zone.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Doris Covington
Property Owner: Doris Covington
Representative: Davis

Date: 3/4/19
Case #: 2019-~~111111~~ 165
Map & Parcel: 07115029400

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: 4 townhomes

Activity Type: Multi-Family
Location: 108 Douglas

This property is in the RM10-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: Sidewalk requirement 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.

Doris Covington
Appellant Name (Please Print)

same
Representative Name (Please Print)

108 Douglas Ave
Address

[crossed out]
Address

Nashville, TN 3
City, State, Zip Code

[crossed out]
City, State, Zip Code

615-815-8573
Phone Number

[crossed out]
Phone Number

markwallacedc@yahoo.com
Email

[crossed out]
Email

Zoning Examiner: walter

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.

Doris Covington

APPELLANT

3/4/19

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.

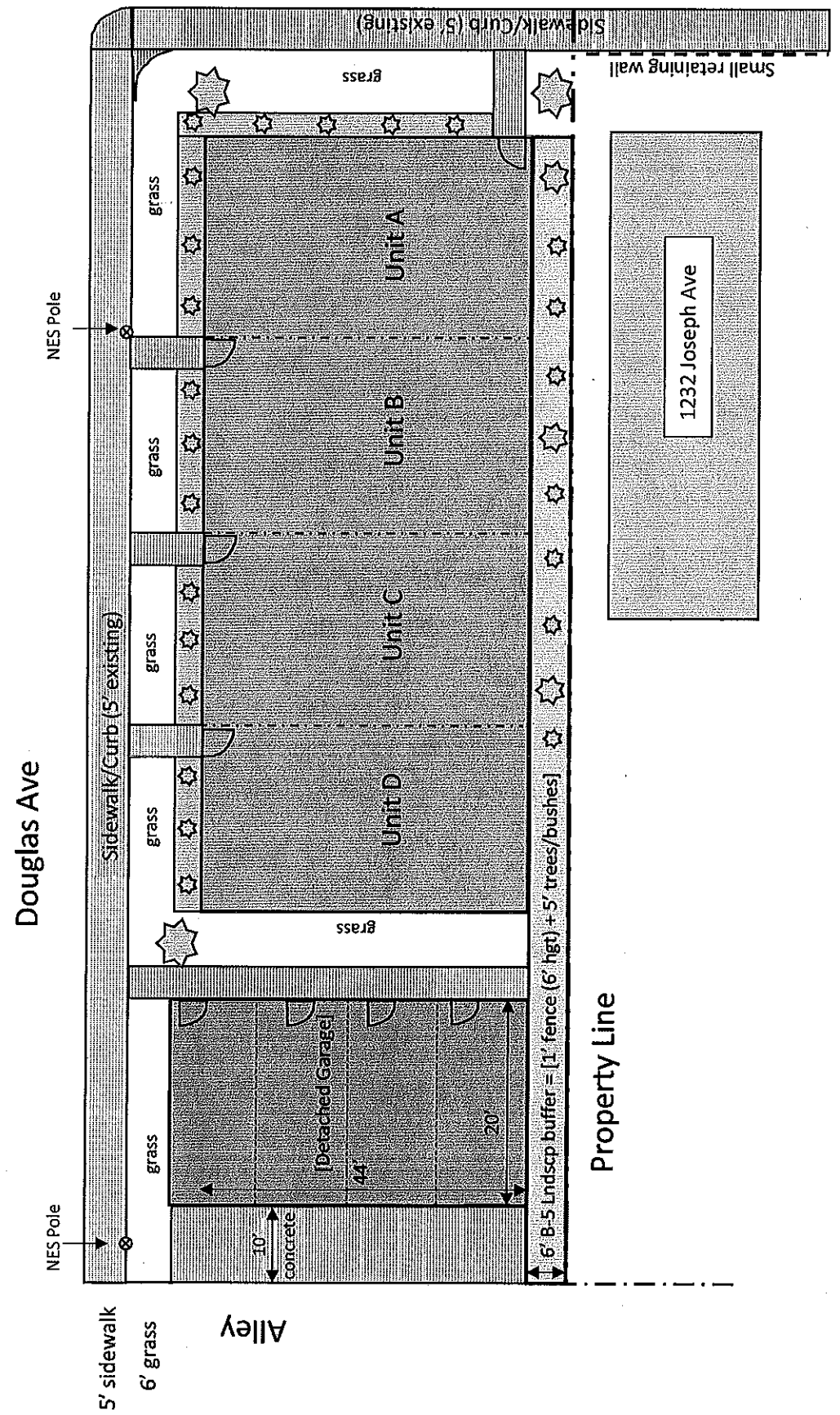
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

Public safety and street congestion at corner lot.
 Current (existing) sidewalks (Poros 25' at curb) are in good ^{condition} ~~shape~~. Leaving as ^{+ Joseph} is allows covered, clean, garage parking for all units, no street parking (or parking lot), appropriate landscape buffer with neighbor, and less congestion on corner for traffic.

- 8' sidewalk with 4' grass strip cancels covered garage parking, creates parking lot and increases need for street parking near corner intersection.

Joseph Ave (with street parking)



1232 Joseph Ave

Property Line

Douglas Ave

5' sidewalk

6' grass

Alley

NES Pole

Sidewalk/Curb (5' existing)

grass

grass

grass

grass

grass

grass

concrete

Detached Garage

grass

Unit D

Unit C

Unit B

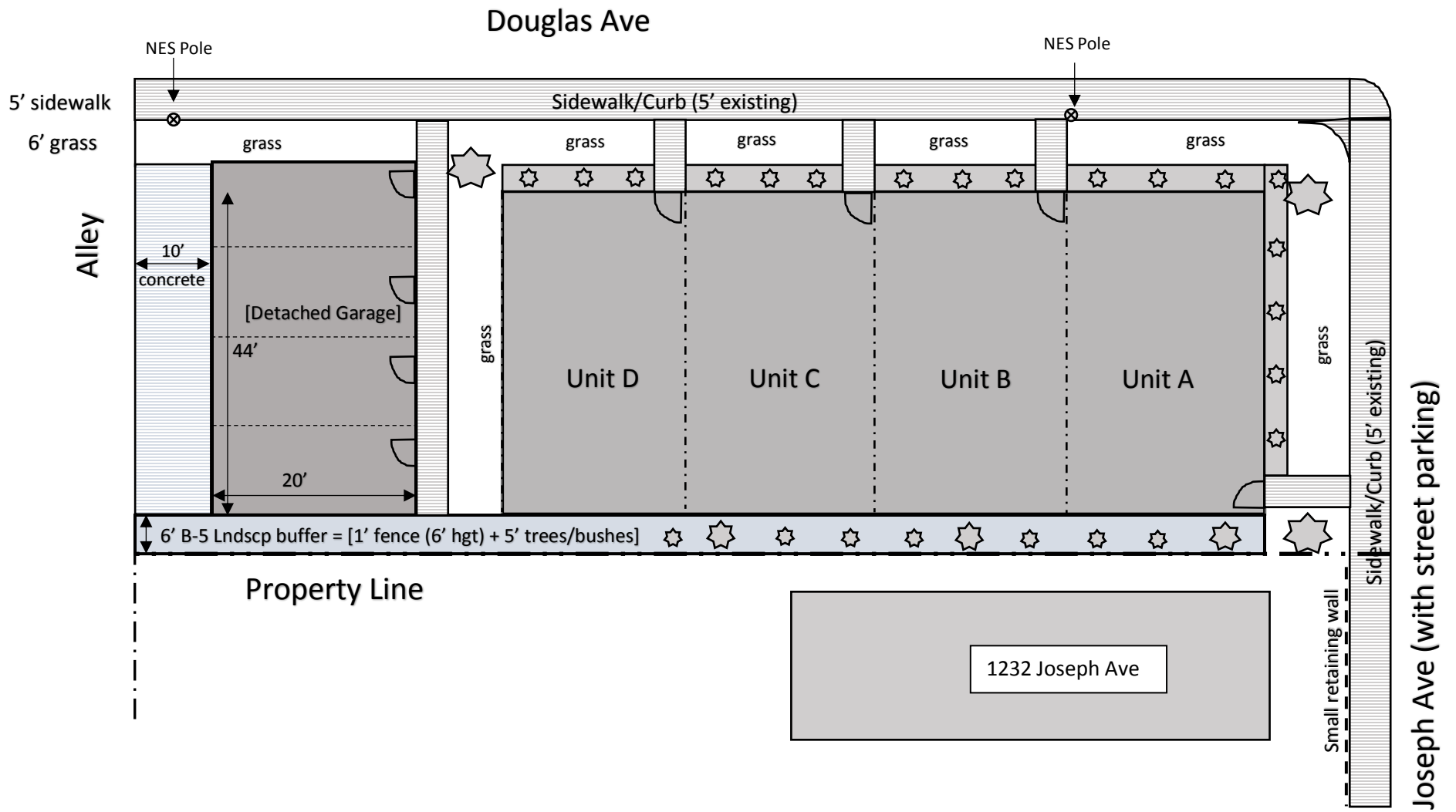
Unit A

grass

6' B-5 Landscp buffer = [1' fence (6' hgt) + 5' trees/bushes]

Small retaining wall

Sidewalk/Curb (5' existing)



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-165 (108 Douglas Avenue)

Metro Standard:	Douglas Avenue – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	Joseph Avenue - 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning:	RM20-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Douglas Avenue – T4-M-CA2
	Joseph Avenue – Local Street
Transit:	175’ east from #23 – Dickerson Road and #43 – Hickory Hills; future Bus Rapid Transit per nMotion
Bikeway:	Existing low stress bikeway on Douglas Avenue

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing four townhouses and requests a variance from upgrading sidewalks to the Collector-Avenue and Local Street standards due to the presence of existing sidewalks. Planning evaluated the following factors for the variance request:

- (1) A 5’ sidewalk without a grass strip currently exists along the Douglas Avenue property frontage, which is consistent from Dickerson Pike to Joseph Avenue. The Highland Heights Study which re-examined the Major and Collector Street Plan in this area reinforces improved sidewalks along Douglas Avenue. This plan was adopted by the Metro Planning Commission at its June 14, 2018 public hearing.
- (2) An 8’ sidewalk without a grass strip currently exists along the Joseph Avenue property frontage which is consistent with adjacent properties to the south. Constructing sidewalks to the Local Street standard will require removal of the retaining wall which would impact adjacent properties to the south.
- (3) The applicant’s site plan indicates a 6’ grassed area at the back of the existing sidewalk. The layout in this area can be altered to provide a buffer for placement of obstructions and improve safety for people walking along Douglas Avenue.

Given the factors above, staff recommends **disapproval**. **The applicant shall work with Planning and Public Works to develop an alternative sidewalk design along Douglas Avenue.**

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#)
Subject: Appeal 2019-167 - 616 Croley Dr.
Date: Tuesday, April 9, 2019 10:37:57 AM

2019-167 616 and 618 Croley Dr. Construct a Multi-family Residential

Variance: 17.40.180, 17.12.035.D.1, 17.12.060.F.1

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.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Land Development Solutions

Date: 3.5.19

Property Owner: BIANUCCI & DEFORD

Case #: 2019- 167

Representative: Duane Cuthbertson

Map & Parcel: 09012035600
09012026700

Council District 20

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

Purpose: to construct a multi-family development

Activity Type: Multi-family Residential

Location: 1016 & 1018 Croley Dr.

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: Special Exception to reduce the front setback to 10'

Section(s): 17.12.035.D.1 & 17.12.060.F.1 and increase the bldg. height

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. at the setback to 38'

SAME
Appellant Name (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

Address

1806-A Allison Pl.
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: _____

*no site plan
no special exception form.*



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



3620654

**ZONING BOARD APPEAL / CAAZ - 20190013012
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09012026700

APPLICATION DATE: 03/05/2019

SITE ADDRESS:

616 CROLEY DR NASHVILLE, TN 37209

LOT 1. JAMES SPENCE JR. PROPERTY

PARCEL OWNER: BIANUCCI, GARY W. & BARBARA A. & DEI

CONTRACTOR:

APPLICANT:**PURPOSE:**

TO CONSTRUCT MULTI-FAMILY DEVELOPMENT (TOWNHOMES) ON RM20 PARCEL.

BZA APPEAL:

(1) SPECIAL EXCEPTION 17.12.035 D1 - REQUIRED 30 FT SETBACK, REQUESTING 10 FT

(2) SPECIAL EXCEPTION 17.12.060 F1 - MAXIMUM HEIGHT OF 30 FT AT SETBACK, REQUESTING 38 FT HEIGHT AT FRONT, SIDES AND REAR SETBACKS

POC: DUANE CUTHBERTSON 615-924-8618

*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.



CROLEY STREET
 (50' R.O.W.)
 N8°48'40"E 175'

● SITE BENCHMARK
 FIRE HYDRANT
 TAG BOLT #184+73W
 ELEV. 513.28

10' SETBACK

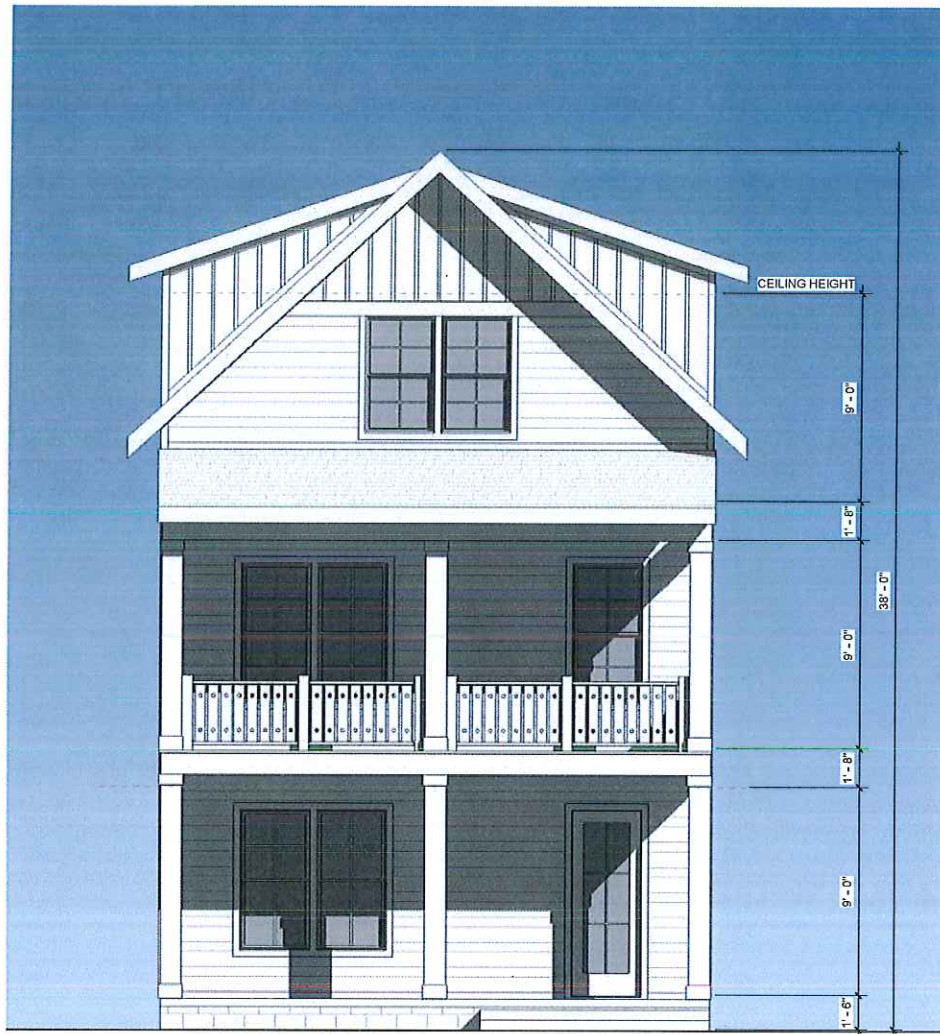
S 80°48'06" E

325.12'

N 80°53'02" W

657.50'

622 CROLEY DR
 PHASE 2
 #15350
 1"=30'
 0.91 AC
 17 UNITS
 ZONED: RM20



FRONT ELEVATION

622 Croley Dr.

1/8" = 1'-0"

5.10.2018

Building Ideas*
Architecture Interior Design Planning

David Baird, Architect

NCARB, LEED-AP

5411 Centennial Blvd.
Nashville, TN 37209

T 615-585-9410

dbaird@building-ideas.net

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: April 7, 2019
BZA Hearing Date: April 18, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-167

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 2019-167 (616 & 618 Croley Dr.)

Request: A special exception to reduce the required 30 foot front setback to 10 feet and increase maximum height at setback line to 38 feet in height at front, side and rear setback line.

Zoning: Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. RM20 would permit a maximum of 18 units.

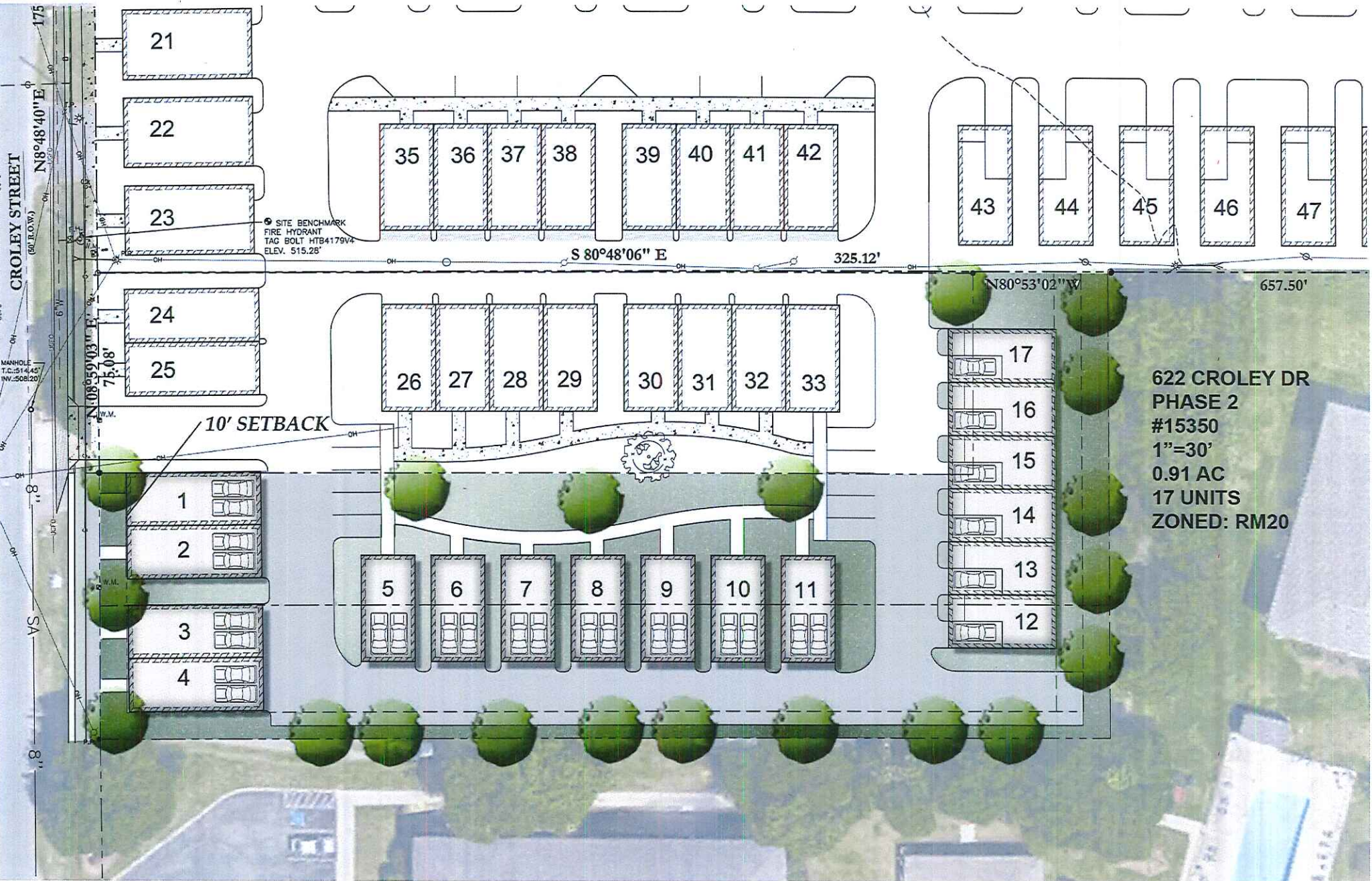
Land Use Policy: T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

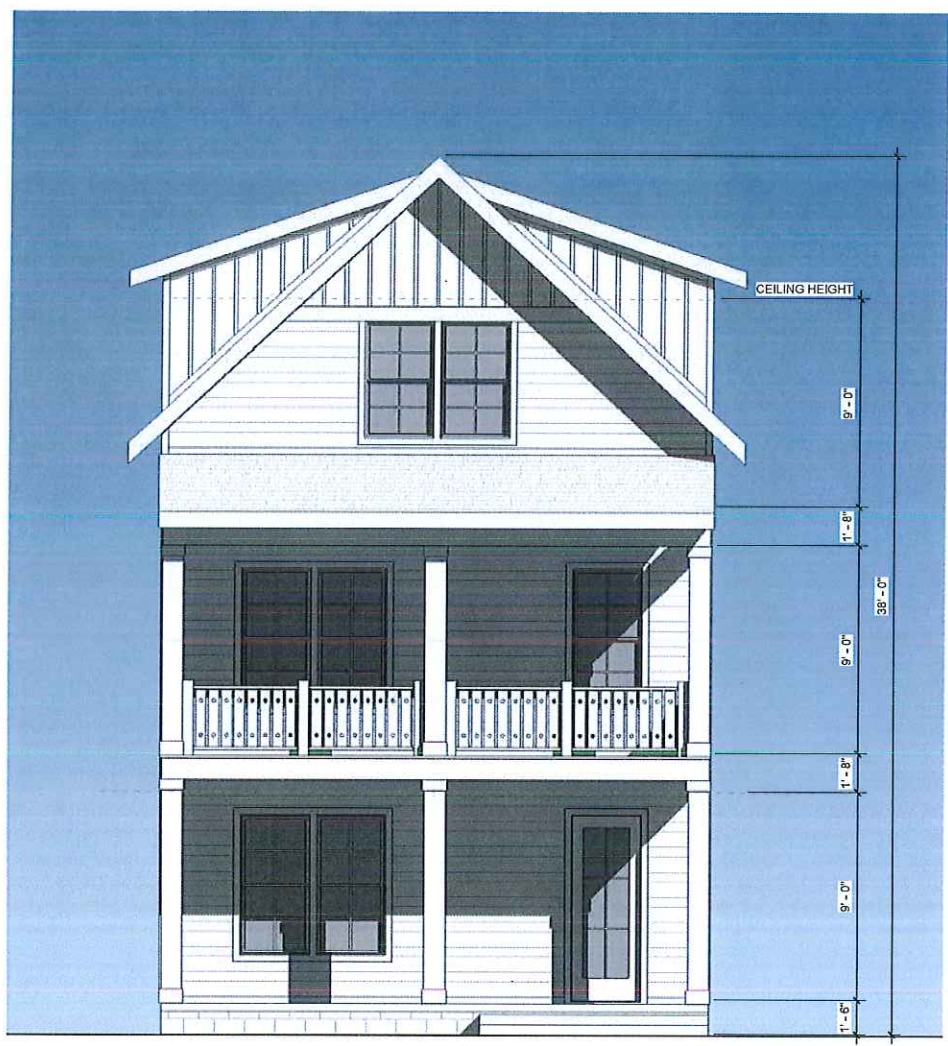
Planning Department Analysis: The request includes two properties located at 616 and 618 Croley Drive. The site is approximately 0.9 acres and is located on the eastern side of Croley Drive. The only access to this property is off Croley Drive. The properties are surrounded by Multi-Family Residential (RM20) zoning on all sides. The properties are currently surrounded by a single-family residential use to the north and west. Multi-family residential uses are to the east and south.

This request proposes to construct a multi-family development on two RM20 zoned parcels. The applicant is requesting a reduction of the required 30 feet front setback to a 10 foot front setback. The applicant is also requesting an increase of the maximum building height at the setback line of 30 feet to a maximum height of 38 feet at the front, side and rear setback line.

The T4 Urban Neighborhood Maintenance policy is characterized by neighborhoods with moderate to high density residential development patterns, building forms, setbacks, and building rhythm along the street. The requested setback reduction and increased height for this development are consistent with the policy as the increase in density, massing, and more shallow setbacks will generate more pedestrian activity, higher levels of connectivity, and a more regularly spaced rhythm along Croley Street. There is an SP to the south, along Croley Drive, that was approved with 20 foot setbacks and a maximum building height of 3 stories in 35 feet, which is similar in form and massing to this request and consistent with the policy. This is important as the T4NM policy area aims to make efforts to retain the character of the surrounding context. For these reasons, staff recommends approval.

Planning Recommendation: Approve





FRONT ELEVATION

622 Croley Dr.

1/8" = 1'-0"

5.10.2018

Building Ideas*
Architecture Interior Design Planning

David Baird, Architect
NCARB, LEED-AP

5411 Centennial Blvd,
Nashville, TN 37209

T 615-585-9410

dbaird@building-ideas.net

Lifsey, Debbie (Codes)

From: Duane Cuthbertson <dcuthber@gmail.com>
Sent: Thursday, April 11, 2019 7:03 PM
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes); Lamb, Emily (Codes)
Cc: Ned Michaels
Subject: Fwd: BZA 2019-167
Attachments: 15350 PH 2-Layout2.pdf; Croley 616&618 duplex elevations.pdf; Croley 616&618 BZA explanation - 2019-167.docx

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

Emily / Debbie / Jessica -

Please include the attached exhibits in the record for 2019-167 (616 & 618 Croley Dr) in anticipation of the 4/18 BZA hearing.

The owners / developers have met with the community as required by BZA rules and have gained their support as well as the Councilmember's for the requests subject to a limitation of the density in this phase to 16 units. We have not been able to modify the site plan as of yet but will do so prior to initiating any permits. There were no concerns from the neighborhood as to how the density reduction would be executed. If the BZA is inclined to support our requests I would ask that they allow for flexibility with the layout of the site subject to a limitation on density for this property to 16 units. Please let me know if I can provide any additional information.

Duane Cuthbertson
615.924.9618

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

From: Duane Cuthbertson <dcuthber@gmail.com>
Date: Mon, Apr 1, 2019 at 5:23 PM
Subject: Fwd: BZA 2019-167
To: Dunnavant, Joren (Planning) <Joren.Dunnavant@nashville.gov>

Joren -

Here are the plans we submitted with the application. These should have been forwarded to you. I'm attaching a more refined elevation for the duplex units we're building next door on 620 & 622 Croley. We received the exact same BZA action on those properties. We attempting to achieve uniformity in the streetscape along all the properties. We've submitted these plans and to the neighborhood and Councilmember - they've agreed to support the request if we drop a unit off of the site (preferably in the rear row). Let me know if I can provide additional information.

Duane Cuthbertson
615.924.9618

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

From: **Duane Cuthbertson** <dcuthber@gmail.com>

Date: Thu, Mar 14, 2019 at 12:59 PM

Subject: BZA 2019-167

To: Lamb, Emily (Codes) <emily.lamb@nashville.gov>, Shepherd, Jessica (Codes)

<Jessica.Shepherd@nashville.gov>, Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>

Cc: Ned Michaels <nedmichaels360@gmail.com>

All -

Please include the attached exhibits with the BZA application for 618 and 616 Croley Drive in place of any exhibits you might already have. It's on track for the April 18th agenda. Let me know if I can provide additional information.

--

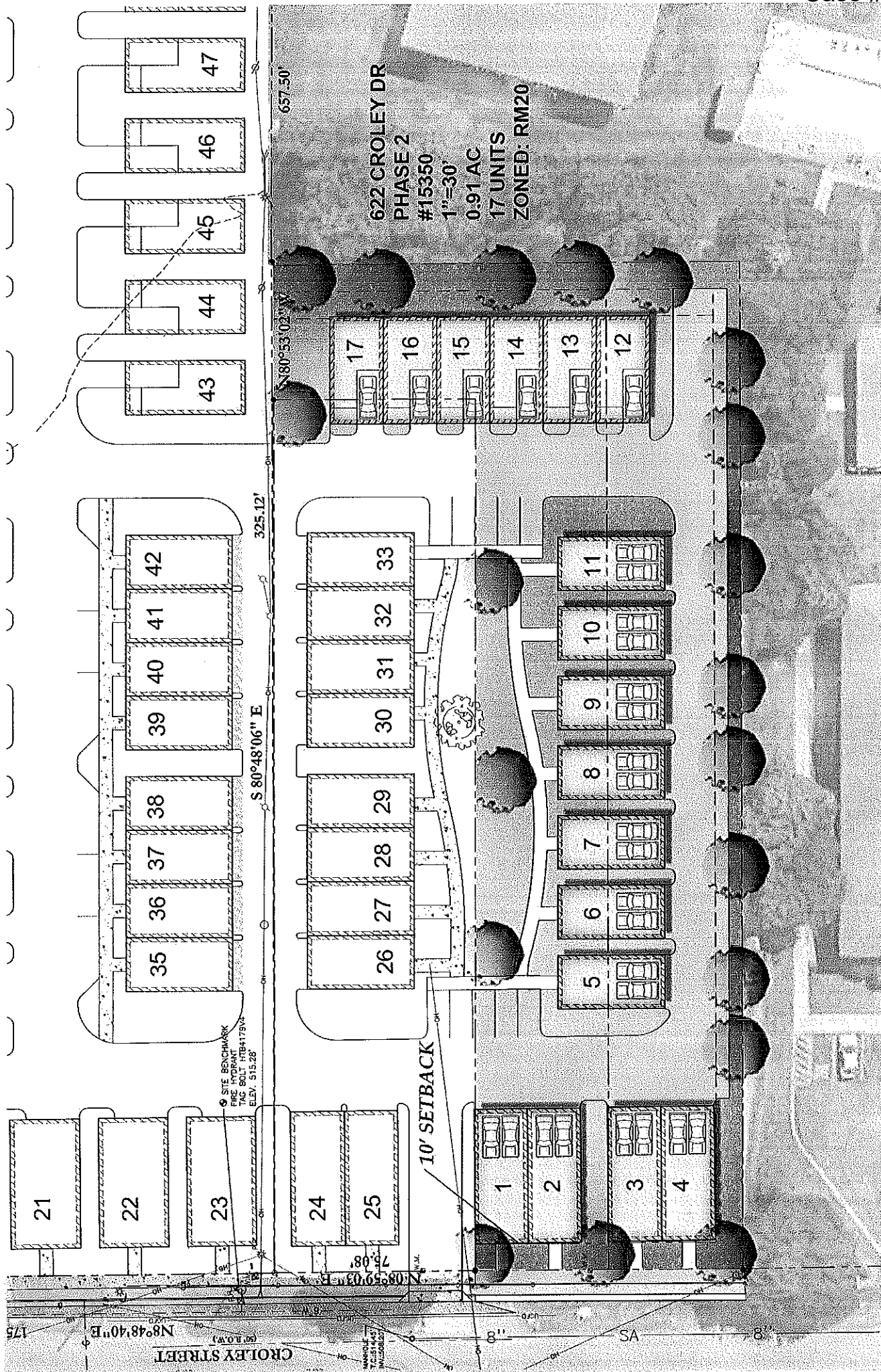
Duane Cuthbertson
615.924.9618

--

Duane Cuthbertson
615.924.9618

--

Duane Cuthbertson
615.924.9618



Building
 Design: BRAD BIRCH, ARCHITECT
 1000 17th Avenue S.W.
 Atlanta, GA 30334
 Phone: 404.525.1111
 Fax: 404.525.1112

612 525-22 6000
 612 525-22 6000
 612 525-22 6000
 612 525-22 6000

Designed For:
MICHAEL & TSANNA LOHMANN

THE BECCANI
 UNIT TYPE A
 820 & 822 CROLEY STREET
 NASHVILLE, TN 37203
 Two Family Residence

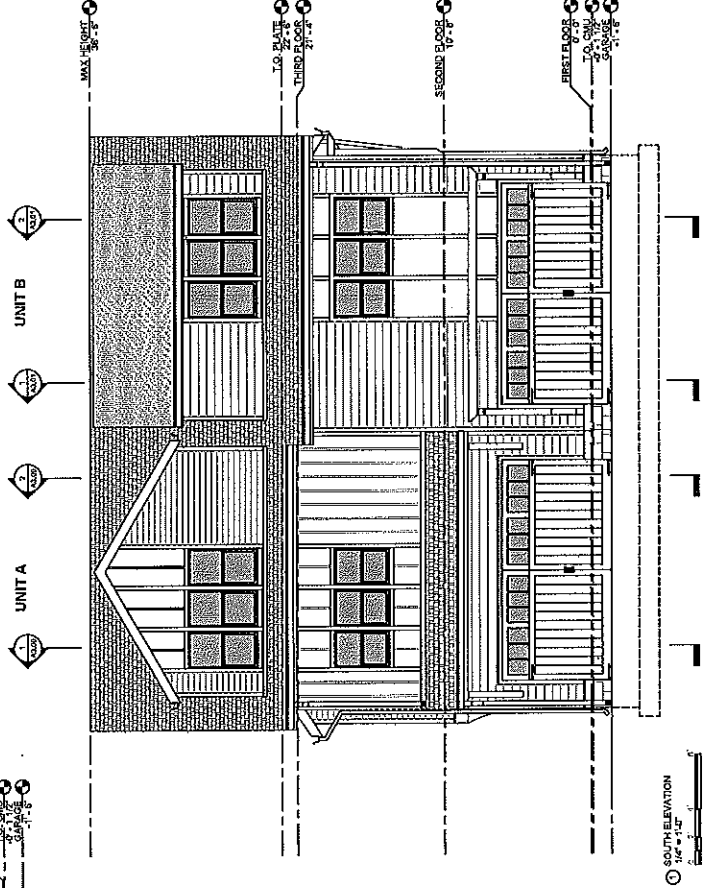
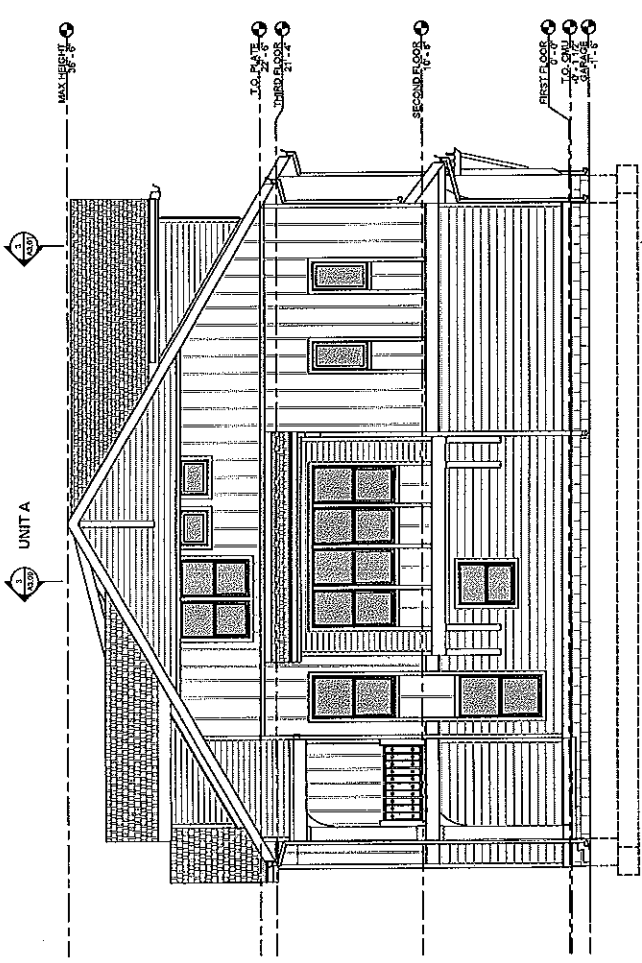
REVISION	DESCRIPTION	DATE

Project Phase:
REGULATOR REVIEW SET
 Project Number: 620
 Date: 3.6.2019

EXTENDER ELEVATIONS
A2.01

ASSUMPTIONS AND NOTES:
 1. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 2. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 3. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 4. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 5. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 6. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 7. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 8. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 9. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 10. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.

1. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 2. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 3. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 4. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 5. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 6. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 7. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 8. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 9. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.
 10. ALL FINISHES AND MATERIALS SHALL BE AS SHOWN ON THE DRAWINGS.



A4.00

3D VIEWS

Date: 3.6.2019

Project Number: 620

Project Name: REALTOR REVIEW SET

Project Phase:

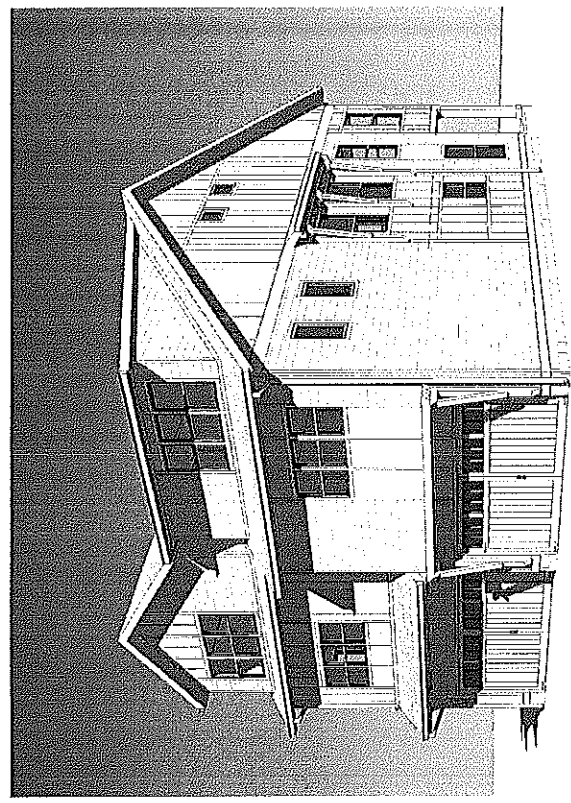
NO.	DESCRIPTION	DATE

Two Family Residence
 620 & 622 GROLEY STREET
 NASHVILLE, TN 37220

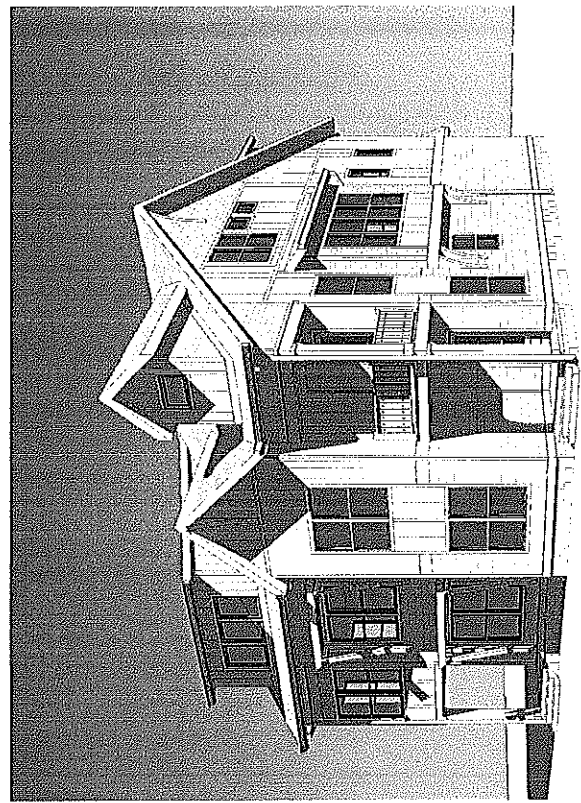
Designed For
**MICHAEL & TSANNINA
 LOHMANN**

620 & 622 GROLEY STREET
 NASHVILLE, TN 37220
 Project Name: REALTOR REVIEW SET
 Project Phase: REALTOR REVIEW SET
 Project Number: 620
 Date: 3.6.2019

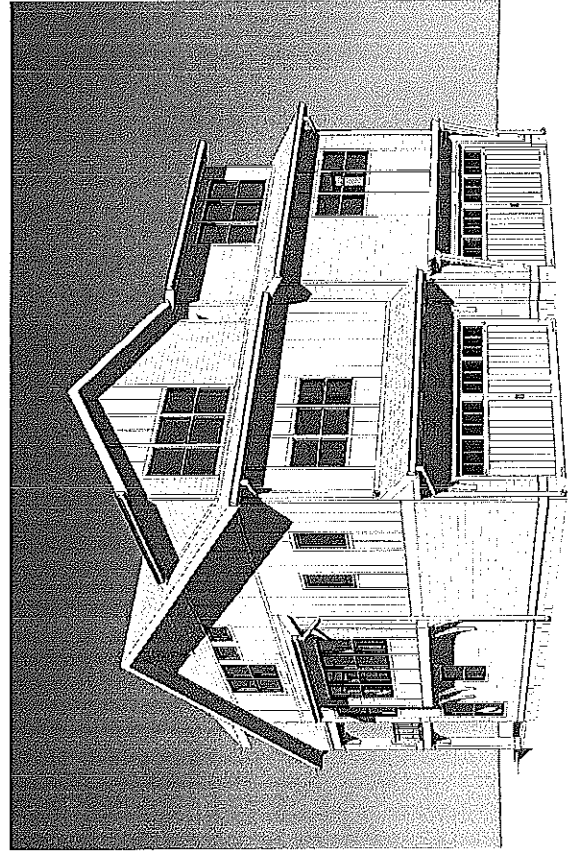
Building
 David Baird Architects
 1100 17th Avenue South
 Nashville, TN 37203
 Phone: 615.259.1515



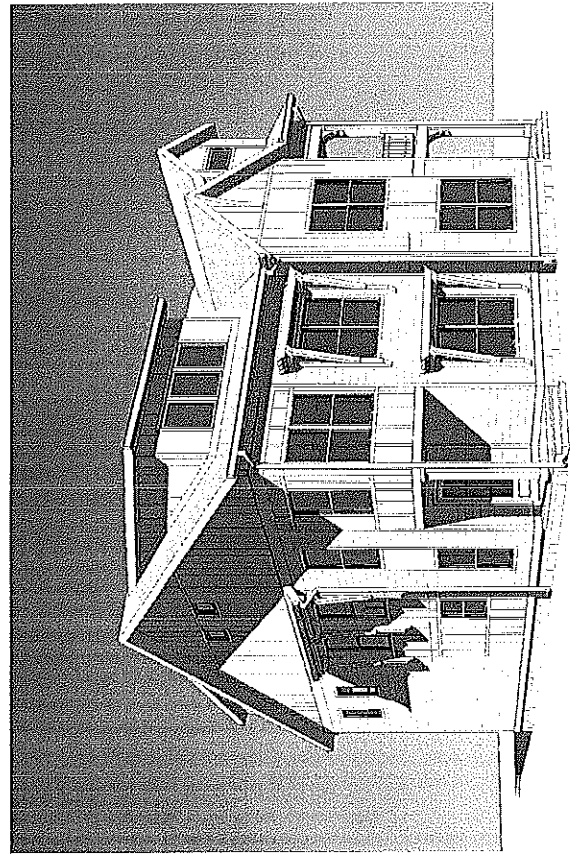
3D View 2



3D View 4



3D View 1



3D View 3

Building Ideas
 David Baird Architects
 1100 Broadway, Suite 1000
 Nashville, TN 37203
 615.259.1100
 www.dbaa.com

Our design approach is to create a building that is not only functional and beautiful, but also sustainable. We believe in using high-quality materials and construction techniques that will last for generations to come. Our goal is to create a building that is a true work of art, one that will stand the test of time and inspire its occupants.

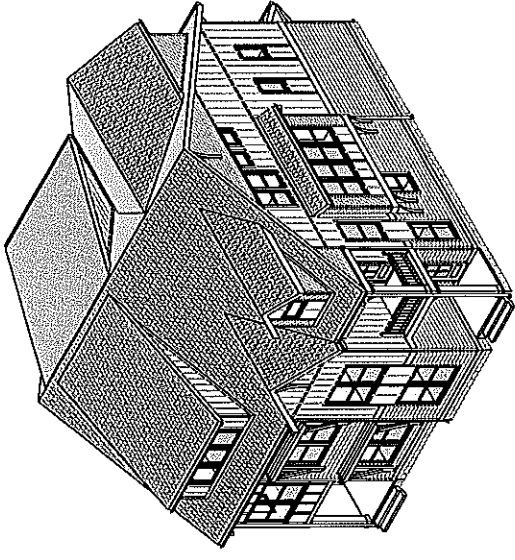
Designed For
MICHAEL & TSANNINA LOHMANN

THE BECANNI
 UNIT TYPE A
 620 & 622 CROLEY STREET
 NASHVILLE, TN 37220
 Two Family Residence

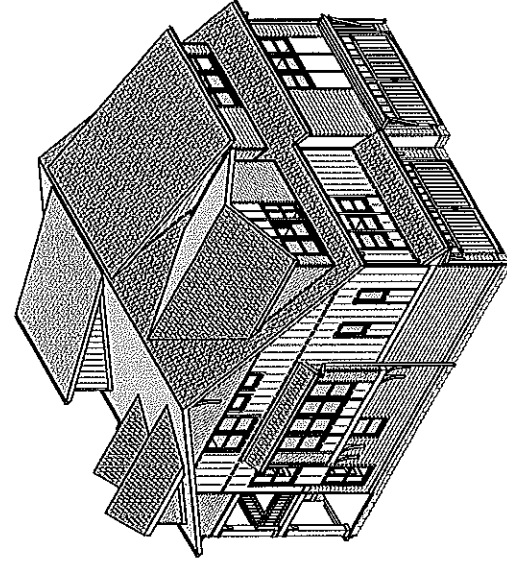
REVISIONS
 DATE
 DESCRIPTION

Project Phase
REACTOR REVIEW SET
 Project Number: **620**
 Date: **3.6.2019**
 3D VIEWS

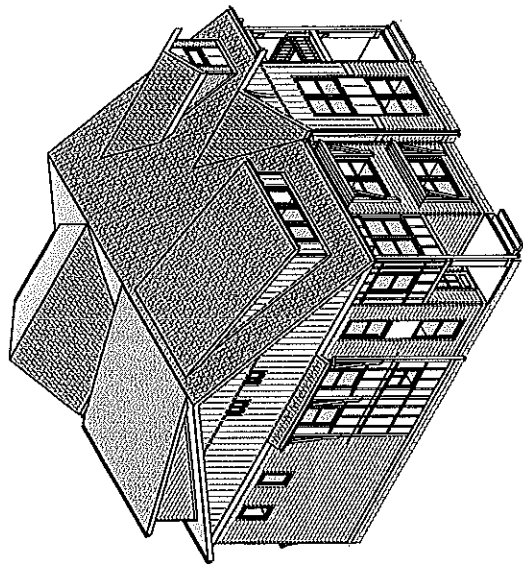
A4.01



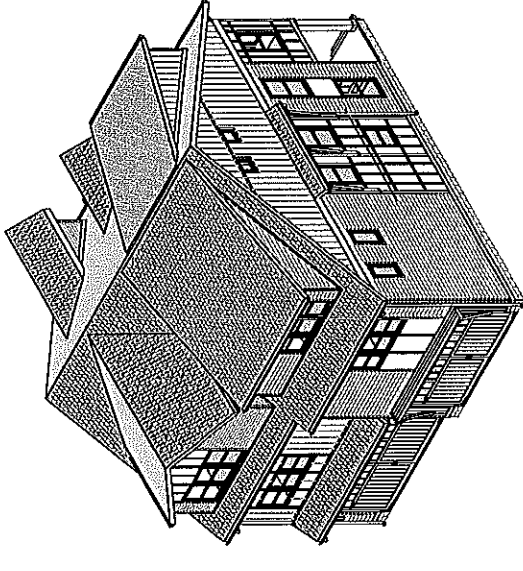
① FRONT RIGHT BIRDS EYE VIEW



④ REAR RIGHT BIRDS EYE VIEW



② FRONT LEFT BIRDS EYE VIEW



③ REAR LEFT BIRDS EYE VIEW

BZA 2019-167

616-618 Croley Dr

4/18/19

Request:

Special Exception to reduce the street setback along Croley Dr. from 30' to 10';
Special Exception to increase the building height at the setback from 30' to 38'.

to permit an expansion of a multi-family development in the RM20 zoning district.

616 and 618 Croley Dr (current phase) consist of 0.92 acres zoned RM20. The parcels are immediately south and adjoining 620-622 Croley Drive (initial phase) which contains 3.11 acres.

620-622 Croley Drive (initial phase) are in the final stages of permitting of a multi-family (attached and detached homes) development for up to 50 units. The initial phase was granted similarly requested Exceptions to reduce the street setback to 10' on the RM20 zoned portion immediately adjacent to the current phase as well granted an Exception to increase the building height at the setback from 30' to 38'. (2018-210 & 2018-211: Granted May, 2018)

The current requests are made in an attempt to create consistency in the streetscape of the entire development along Croley Drive (initial and current phases).

The setback reduction will allow for an favorable and engaging relationship between the proposed buildings and the public realm (sidewalks and streets). The increased building height request will allow for a moderated building elevation that is consistent with the emerging development pattern in the neighborhood as well as consistent with the buildings approved within the initial phase at 620 & 622 Croley Dr.

Per BZA rules, a community meeting was held with the James Robertson Neighborhood Association (twice) to discuss the proposed Special Exception requests. The neighborhood voted overwhelmingly to support the requests subject to the current phase being limited in density to 16 units (the zoning would allow up to 18 units). The owners / developers have agreed to the limitation on density.

Community Meeting on 2/21 & 3/21 (Supported by Neighborhood Group)

Councilmember Support – per neighborhood agreement limiting density to 16 units

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



X Appellant: Karla Newman Date: 3/5/19
Property Owner: _____ Case #: 2019- 168
X Representative: Karla Newman Map & Parcel: 092070D9000000

Council District 21

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

Purpose: 3 family development

Activity Type: multi-family

X Location: 811 B 21st Ave North Nash, TN 37208

This property is in the R-2M20-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: lot size variance

Section(s): 17.12.120.D

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.

X Karla Newman
Appellant Name (Please Print)
4012 Palumet Dr
Address
Antioch TN 37013
City, State, Zip Code
615-474-8406
Phone Number
K. Newman 730
Email Rocketmail.com

X Karla Newman
Representative Name (Please Print)
4012 Palumet Dr
Address
Antioch TN 37013
City, State, Zip Code
615-474-8406
Phone Number
K. Newman 730 @ Rocketmail.com
Email

Zoning Examiner: walter

Appeal Fee: \$250.00

no site plan



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



3620273

ZONING BOARD APPEAL / CAAZ - 20190012908
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 092070D90000CO

APPLICATION DATE: 03/05/2019

SITE ADDRESS:

811 B 21ST AVE N NASHVILLE, TN 37208

COMMON AREA CLAIBORNE AT 21ST AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. CLAIBORNE AT 21ST AVE TOWNHO**CONTRACTOR:****APPLICANT:****PURPOSE:**

per table 17.12.020 (D) of METZO, requesting a lot area variance for proposed three (3) family development. 7500 sf lot area required---providing 6800 sf.

*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.

Karla Newman
APPELLANT

3/5/19
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.

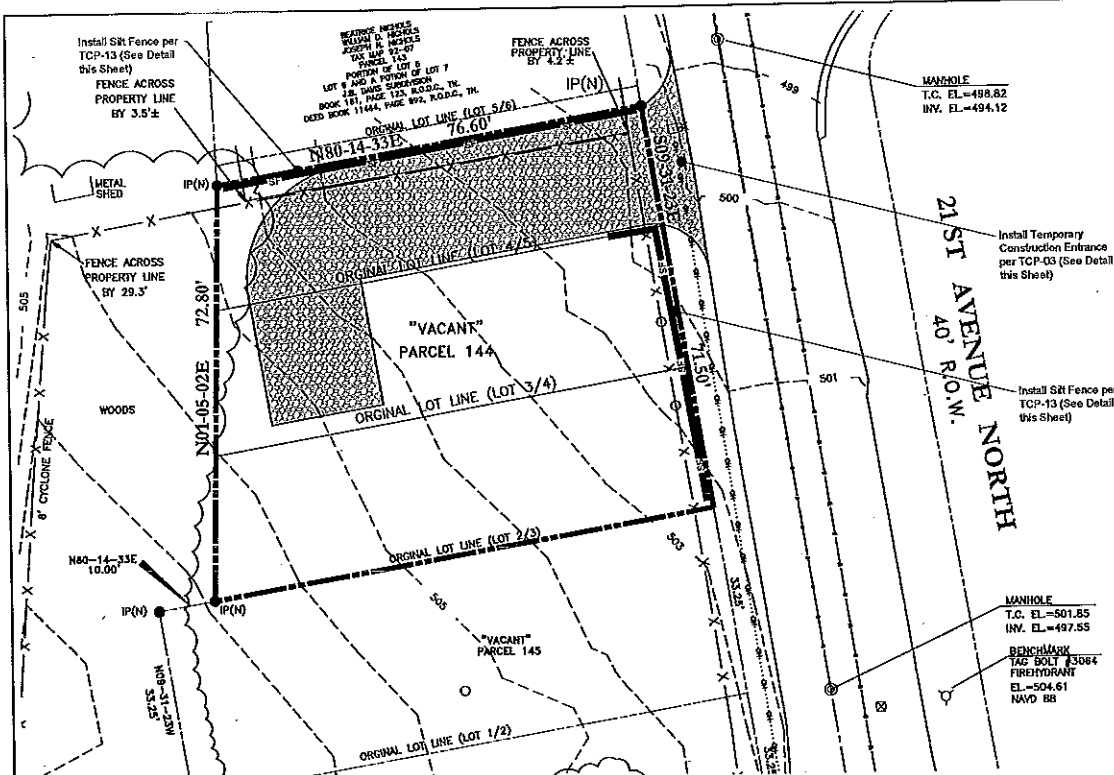
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

Shape of the lot
Size of lot
Rail Road tracks



Drawing Date: September 25, 2018
Revisions

Site Plan for
811 B 21st Ave North
 Being Parcels 900.0000, 001.0000, 002.0000 & 003.0000
 on Tax Map 92-07 D
 Nashville, Davidson County, Tennessee

I hereby certify that this project does not require coverage under a Tennessee Construction General Permit. The total disturbed area is 0.14 acres.

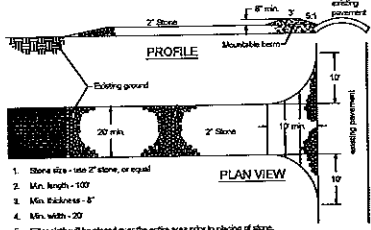
Check all that apply. This site discharges into waters identified by IDEC as:
 impaired for stream impaired for habitat alteration nonpoint

[Signature] 9/19/18
 Engineer Date

[Signature] as the "Certified Erosion Control Specialist" for this site, have reviewed and approved the Erosion Prevention and Sediment Control BMPs of this Plan on 9/19/18.



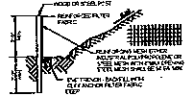
Existing Conditions and Initial Erosion Control Plan



- Stone size - 2" stone, or equal
- Min. length - 10'
- Min. thickness - 8"
- Min. width - 20'
- Filter cloth will be placed over the entire area prior to placing of stone.
- Surface water all surface water flowing or diverted toward construction entrances shall be piped across the surface.
- Maintenance - the entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public right-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any rakes used to top sediment. All sediment applied, topped, washed or tracked onto public right-of-way must be removed immediately.

TEMPORARY CONSTRUCTION EXIT
 REFER TO METRO DETAIL TCP-03
 N.T.S.

ALL PERIMETER EPSC MEASURES MUST BE IN PLACE PRIOR TO GRADING



- MAINTENANCE NOTES:**
- INSPECT WEEKLY AND AFTER EACH RAINFALL.
 - REPAIR WHEREVER FENCE IS DAMAGED.
 - REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE.
 - REPAIR SILT FENCE WHEN RAIN REVEALS PERFORM REQUIRED MAINTENANCE BEFORE THE FOLLOWING RAIN.
 - REMOVE SILT FENCE WHEN NO LONGER NEEDED.
 - FILL AND COMPACT PAST HOLE AND ANCHOR TRENCH REMOVE SEDIMENT ACCUMULATION AND GRADE ALIGNMENT TO BLEND WITH ADJACENT GROUND.

WIRE BACK SILT FENCE DETAIL
 REFER TO METRO DETAIL TCP-13

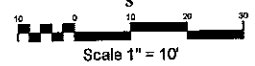
STABILIZATION OF DISTURBED SOILS

Soil stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 15 days.

As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 15 days in duration, the contractor will apply permanent soil stabilization. No allowance in the time schedule will be made for snow cover during periods of construction slowdown. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method.

The areas to be seeded will be uniform and will conform to the finished grade and cross section shown in the plans for this project or as otherwise designated. Check if representative will perform rate of slapping of cover and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.

The seed bed (including top slope) will be tamped to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be checked for stones larger than 2.5 inches in dimension, roots, and other debris.



Scale 1" = 10'
 TOTAL AREA = 0.136 ACRES
 = 5,956 S.F.
 DISTURBED AREA = 0.14 ACRES
 = 6,132 S.F.

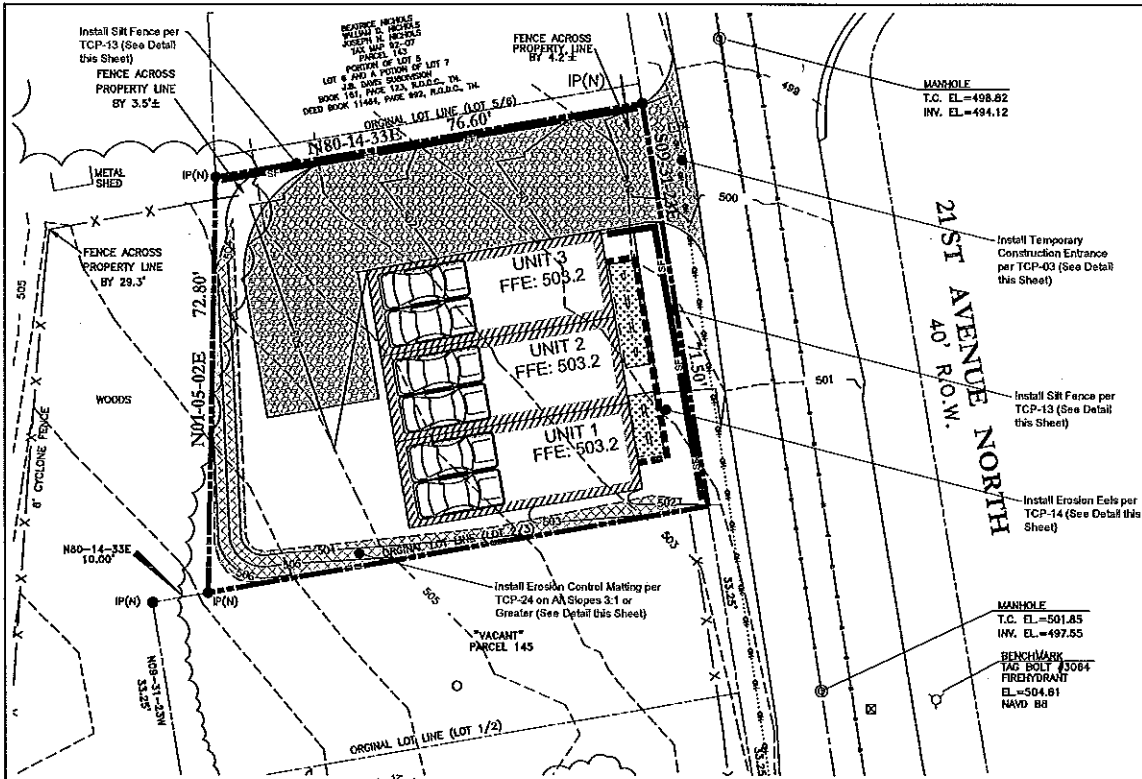
PERMITS:
 Illustrative EYENR # 12918
 Cuda's Tracking # 12918



Dale & Associates
 2015 River Street
 Nashville, Tennessee 37203
 (615) 259-1111

D&A Project #18112
 811B 21st Ave North
 Multifamily Development

C2.0



Drawing Date
September 25, 2018

Revisions

Site Plan for
811 B 21st Ave North
Being Parcels 900.0000, 001.0000, 002.0000 & 003.0000
on Tax Map 92-07 D
Nashville, Davidson County, Tennessee



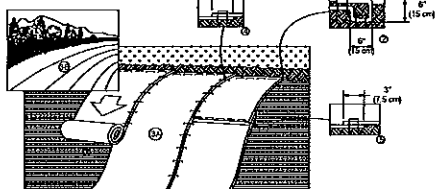
Intermediate
Erosion
Control Plan

I hereby certify that this project does not require coverage under a Tennessee Construction General Permit. The Total Disturbed Area is: 0.14 acres.

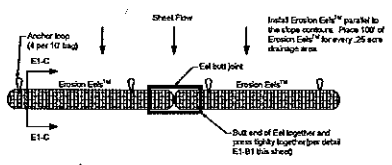
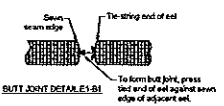
Check all that apply. This site discharges into waters identified by TDEC as:
 Impaired for protection Impaired for habitat alteration Unassessable

Engineer: [Signature] Date: 9/19/18

As the "Certified" Erosion Control Specialist for this site, I have Reviewed and Approved the Erosion Prevention and Sediment Control BMP's of this Plan on: 9/19/18



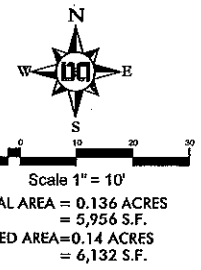
Stabilization Note:
All slopes 3:1 or greater to be stabilized with type II erosion control matting or equivalent in 7 days.



EROSION EEL DETAIL (TCP-14)
E1-B
Contact Eco Sediment for Eel Pricing & Shipping (615) 218-0700 ecosedim4@gmail.com

- Notes:
- Prepare a soil before installing blankets, including any necessary application of lime, fertilizer, and seed. Note: When using Cell-o-seed™ do not seed prepared area. Cell-o-seed™ must be installed with paper side down.
 - Begin at the top of the slope by anchoring the blanket in a 6" (15cm) deep x 6" (15cm) wide trench with approximately 1/2" (20mm) of blanket material below the top slope portion of the trench. Anchor the blanket with a row of staples/staples approximately 1/2" (20mm) apart in the bottom of the trench. Backfill and compact the trench after staking. Apply seed to compacted soil and hold remaining 1/2" (20mm) portion of blanket back over seed and compacted soil. Secure blanket over compacted soil with a row of staples/staples spaced approximately 1/2" (20mm) apart across the width of the blanket.
 - Roll the blankets (a) down or (b) horizontally across the slope. Blankets will unroll with appropriate side against the soil surface. All blankets must be securely fastened to soil surface by placing staples/staples in appropriate locations as shown in the staple pattern guide. When using optional dot system, staple/staples should be placed through each of the colored dots corresponding to the appropriate staple pattern.
 - The edges of pre-cut blankets must be stapled with approximately 2" (50mm) overlap depending on blanket type. To ensure proper seam alignment, place the edge of the overlapping blanket (blanket being installed on top) even with the colored seams attach on the previously installed blanket.
 - Connective blankets upland down the slope must be placed end over end (single style) with an approximate 1" (25mm) overlap. Staple through overlapped area, approximately 1/2" (20mm) apart across entire blanket width.
- *In loose soil conditions, the use of staple or stake lengths greater than 6" (15cm) may be necessary to properly secure the blankets.

EROSION CONTROL MATTING DETAIL (TCP-09)
E1-A

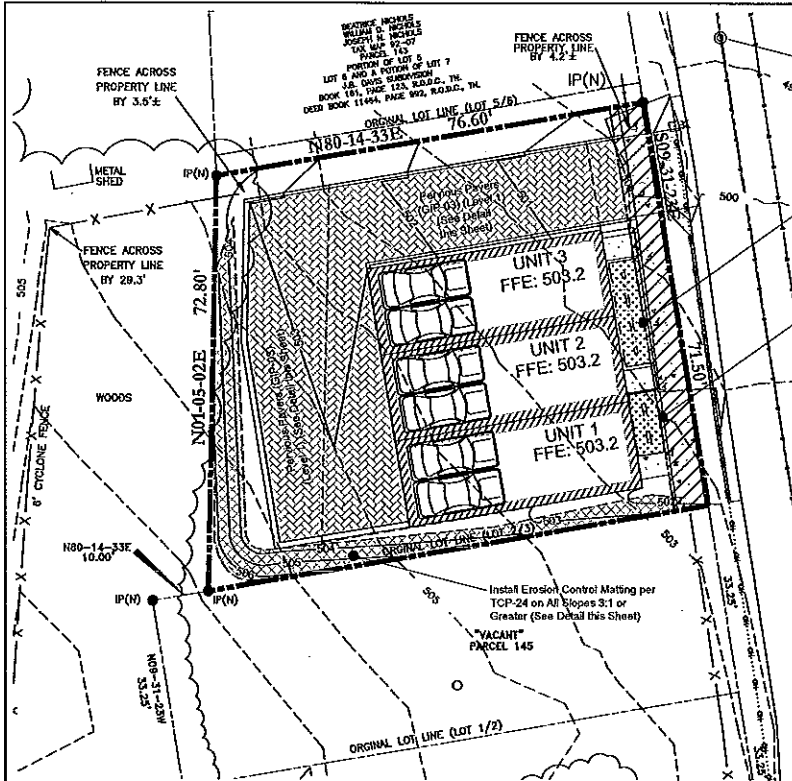


PERMITS:
Site/Stormwater SWP# 172018
Code# Tracking # 172018

Dale & Associates
Civil Engineering
Land Use Planning
Surveying

34-A Project #1032
811B 21st Ave North
Nashville, Tennessee 37203

C2.1



In accordance with the Metro Stormwater Manual, Volume 1, Section 3.0, as-built certifications, MWS stormwater division must approve the following submittals prior to issuance of the use & occupancy permit:

- underground detention
- above ground detention
- water quality infrastructure
- public storm sewer infrastructure
- outfall in the floodplain
- spill hole installations
- bio-retention areas

a) A certification letter from TN registered P.E. stating that the site has been inspected and that the stormwater management system and stormwater control measures (both structural and non-structural) are complete and functional in accordance with the plans approved by MWS.

b) Hydrologic and hydraulic calculations for as-built conditions, as required.

c) As-built drawings showing the final topographic features of all these facilities. This shall include final elevations of outlet control structures.

d) Any deviations from the approved plans shall be noted on as-built drawings submitted.

e) Copy of as-built plan in CAD file on a CD and should be registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83). Data should be placed in separate layers and should be labeled/checked for easy identification.

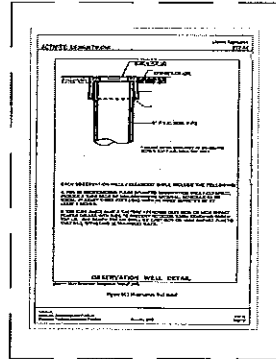
f) Cut and fill balance certification for floodplain and statewide adherence.

g) Water Quality Buffers shall be surveyed and included with the as-built submittal.

h) Any public (to ensure the responsibility of Metro to maintain) stormwater infrastructure shall be video inspected to verify proper installation with video recording and key associated inspection report submitted as part of as-built record.

i) Additional testing may be required and warranted by video inspection.

The engineer shall contact stormwater development review staff for submittal requirements.



Drawing Date:
September 25, 2018

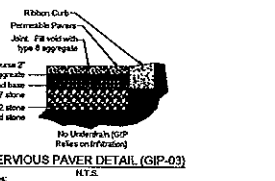
Revisions:

Site Plan for
811 B 21st Ave North
Being Parcels 900.00000, 001.00000, 002.00000 & 003.00000
on Tax Map 92-07 D
Nashville, Davidson County, Tennessee



Grading and
Drainage Plan

Dale & Associates
Civil, Surveying, Planning & Engineering
1916 10th Avenue North
Nashville, TN 37203
C3.0



PERVIOUS PAVEMENT DETAIL (GIP-03)
MWS

1. Contractor, engineer, owners representative shall notify Metro Water Services development review at least 24 hrs prior to the installation of the pervious layer to observe the sub-base material.
2. Vehicular traffic shall be prohibited on the pervious pavement until the site is stable to prevent mud from being deposited by vehicle.

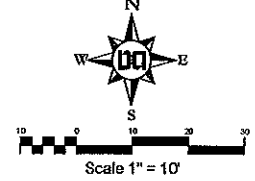
ITEM	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
1	2\"/>			

- CONSTRUCTION NOTES:**
1. Erosion control matting shall be installed on all exposed soil surfaces.
 2. No heavy machinery shall be used during installation of rain gardens.
 3. Backfill material must remain uncompacted to create a subsurface void space for storage.
 4. Contractor, engineer or owner shall notify MWS development review at least 24 hours prior to the installation of the planting soil. See backsheet.
 5. At the completion of installation, the contractor shall collect one sample per bio-retention bed for analysis at a cost of \$100.00. The contractor shall collect one sample per bio-retention bed for analysis at a cost of \$100.00.



Stabilization Note:
All slopes 3:1 or greater to be stabilized with type II erosion control matting or equivalent within 7 days.

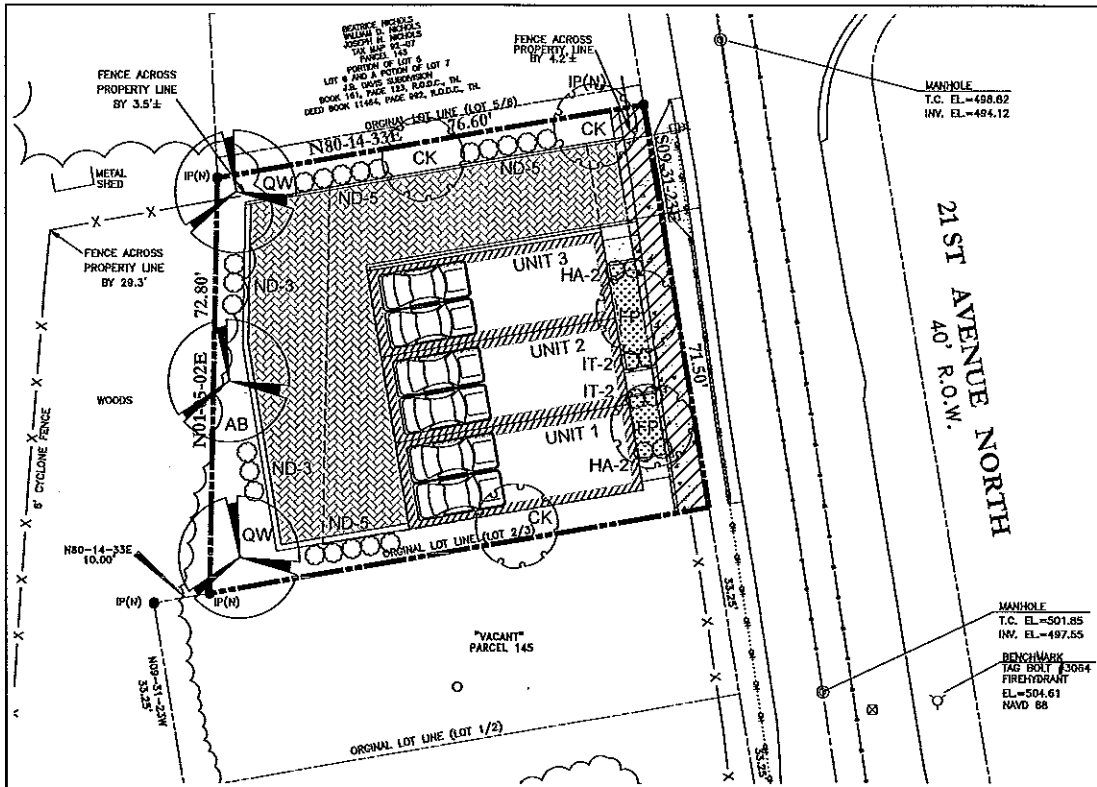
Contractor, engineer, or owners representative shall notify MWS-Development review at least 24 hrs prior to the installation of the planting soil filter bed. At the completion of installation, the above referenced person will collect one sample per bio-retention bed for analysis and confirmation of the soil characteristics as defined by GIP-01, filter media and surface cover, section 6.6, page 20.



TOTAL AREA = 0.136 ACRES
= 5,956 S.F.
DISTURBED AREA = 0.14 ACRES
= 6,132 S.F.



PERMITS:
Stormwater SWGR # 17018
Codes Tracking # T2018



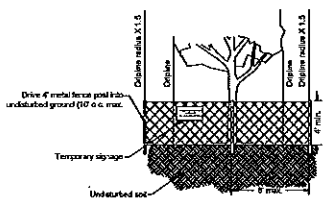
Key	City	Scientific Name / Common Name	Ht.	Spread	Trunk	Remarks
Tree						
AB 1		<i>Aster longicaulis</i> / Trident Maple	6-10'	4-6'	2"	4' clear trunk, matched
CK 3		<i>Cornus florida</i> / Kousa Dogwood	6-10'	4-8'	2"	4' clear trunk, matched
FP 2		<i>Clusia canadensis</i> / Forest Pansy Redbud	6-10'	4-5'	2"	4' clear trunk, matched
QW 2		<i>Quercus phellos</i> / Willow Oak	10-14'	6-8'	2"	5' clear trunk, matched
Shrub						
HA 4		<i>Hydrangea arborescens</i> / Smooth Hydrangea	24'-30'	18'-24'	F.T.B.	
IT 4		<i>Thuja virginiana</i> / Virginia Sweetgum	18'-24'	12'-18'	F.T.B.	
ND 21		<i>Nandina domestica</i> / Nandina	18'-24'	12'-18'	F.T.B.	
Miscellaneous						
RH		Black-eyed Susan				1 gallon pot, spaced every 18" o.c. in rain gardens (approx. 300 sq ft in garden)
MO		Mulch Bed Edge				Minimum 3" depth throughout. Minimum 4" deep on slopes greater than 3:1
MI		Shredded Hardwood Bark Mulch				Minimum 3" depth throughout. Minimum 4" deep on slopes greater than 3:1

Drawing Date: September 25, 2018
 Revisions:

Site Plan for
811 B 21st Ave North
 Being Parcels 900.0000, 001.0000, 002.0000 & 003.0000
 on Tax Map 92-07 D
 Nashville, Davidson County, Tennessee

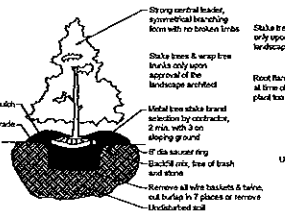


Landscape Plan



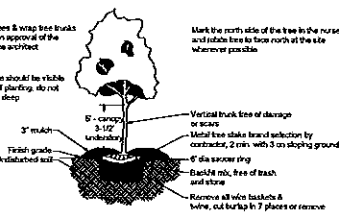
TREE PROTECTION FENCING DETAIL
 N.T.S.

- Any required excavation within the protection zone shall be completed by hand.
- No stockpiling or storage of materials is permitted within the limits of the protection area.
- Continuous barrier of 4' high chain-link fencing with temporary slugs delineating boundaries of tree protection fencing.
- Fencing to enclose the critical root zone or 1.5 x the diameter of the tree, min. 10' away protected area required.
- Flag may be allowed to contain area, and grading done.



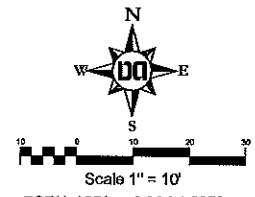
EVERGREEN TREE PLANTING DETAIL
 N.T.S.

Do not heavily grade the site at planting. Grade only across or below, and remove leaders and broken or dead branches. Some interior limbs and lateral branches may be pruned. However, do not remove the terminal buds of branches that extend to the edge of the crown.



DECIDUOUS TREE PLANTING DETAIL
 N.T.S.

LANDSCAPE REQUIREMENTS	
INTERIOR GREEN SPACE	
Area in 40' offset planting area	N/A sq ft
Building area in 40' offset	N/A sq ft
8% of remaining area	N/A sq ft
Interior planting area provided:	N/A sq ft
TREE DENSITY LIMITS	
Site Area	0.14 (total site)
Building coverage	0.04 ac
Area of required compliance:	0.10 ac
	1.16
	141.00
Proposed new trees	2' CA @ 0.5
Total tree density units provided:	8 x 0.5 = 4.0
On-site irrigation shall be installed as shown and designed in field.	



TOTAL AREA = 0.136 ACRES
= 5,956 S.F.
DISTURBED AREA = 0.14 ACRES
= 6,132 S.F.

PERMITS:
 Stormwater RWOR # T2018
 Codes Tracking # T2018

Dale & Associates
 Dale & Associates, Inc.
 1000 17th Avenue North
 Nashville, TN 37203
 (615) 259-1111

DNA Project #1812
 811B 21st Ave North
 Multifamily Development
L1.0



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 17th 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**



2048366

**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 ROKEBY 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

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

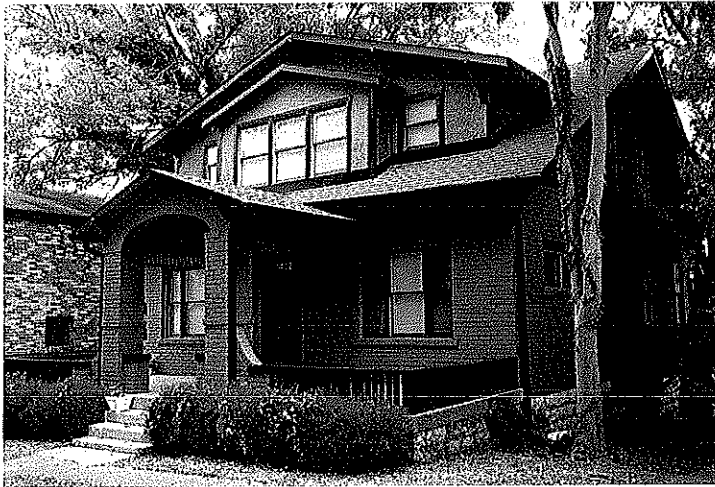
1402 17th Ave S, Nashville, TN 37212, USA

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	- https://www.homeaway.com/vacation-rental/p663694vb
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



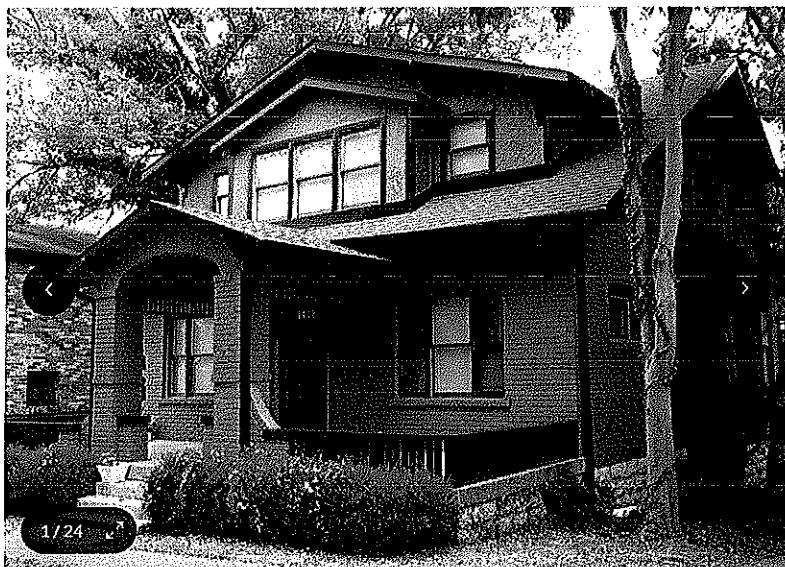
Dec 30, 2018 10:07am CT

Where
Edgehill, Nashville, TN, USA

Check In

Check Out

Search



\$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

VIC1

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
- Pantry Items
- Refrigerator
- Electric Oven
- Limited Pantry items are on hand to
get you started
- Refrigerator / Freezer
- Microwave
- Dishes & Utensils
- Stove
- Coffee Maker
- Kitchen
- Electric Stove
- Toaster
- There is a full fledged Kitchen, albeit
a small one.

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.

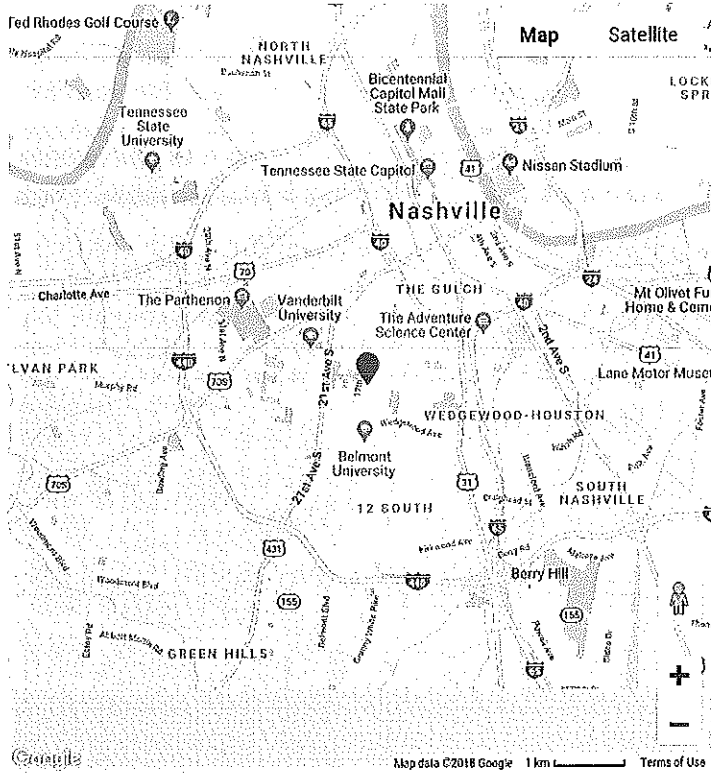
Very nice 1 bed, 1 bath in a great location. Very nice, quiet, neighborhood. Close to downtown but far enough away to avoid the crowds. Easy walk to Vanderbilt and to the Gulch areas. Plus There were lots of Lime and Bird scooters around for a motorized transit option. Trin, the local property manager, 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

Special Offers

[Add your property](#) [Account](#) [My Lists](#) [My Trips](#) [Support](#) [Español](#) [简体中文](#)

[Flights](#) [Hotels](#) [Bundle and Save](#) [Cars](#) [Cruises](#) [Things to Do](#) [Discover](#) [Vacation Rentals](#) [Deals](#) [Rewards](#) [Mobile](#)

Show us your human side...
We can't tell if you're a human or a bot.



Please upgrade to a [supported browser](#) to get a reCAPTCHA challenge.

[Why is this happening to me?](#)

[Add your property to Expedia](#)

[Explore More](#)

Cabins In Nashville TN - Cabins In Nashville TN
[Visit Website](#) [Find Cabins In Nashville TN. Examine Now.](#)

Cabins In TN For Rent - Cabins In TN For Rent
[Visit Website](#) [Find Cabins In TN For Rent. Examine Now. Relevant Search Results. Custom Solutions.](#)

Black Hills Cabin Rentals Hill City - Black Hills Cabin Rentals Hill City
[Visit Website](#) [Search Black Hills Cabin Rentals Hill City.](#)

Popular Vacation Destinations

[United States](#) > [Tennessee](#) > [Davidson County](#) > [Nashville-Davidson](#) > [Nashville](#) > [Edgehill](#)

[Feedback](#)

METROPOLITAN BOARD OF ZONING APPEALS

IN THE MATTER OF
SHORT TERM RENTAL CASE #2019-101

SWORN AFFIDAVIT OF PERRY S. HERST, III (appellant)STATE OF ARIZONA
COUNTY OF MARICOPA

I, Perry S. Herst, III being first duly sworn, state as follows:

1. I am a citizen and permanent resident of Maricopa County, Arizona, over the age of 21 years old, and fully competent to testify to the truthful facts herein.

2. I reside at 12430 East Cayuse Court, Scottsdale, AZ, 85259. I have never occupied a residence in Nashville, Davidson County, Tennessee. I conduct business under the name of Cattail Properties, LLC, a Nevada limited liability company with an office address of 15560 N. Frank Lloyd Wright Blvd., #B4-409, Scottsdale, Arizona 85260.

3. On January 24, 2014, I purchased real property located at 1402 17th Avenue South, Nashville, Tennessee 37212 via warranty deed instrument no. 20140210-0011270 ("the subject property"). The subject property is zoned for Office and Residential Intensive (ORI) commercial use. The ORI District permits a hotel/motel. The building consists of six (6) living units. See Exhibit 1.

4. Since October 1, 2014, one of the six units (Unit B) has been rented for fewer than thirty (30) consecutive days (i.e. short term rental). This STR unit is not owner-occupied.

5. On June 5, 2015 I received a Residential Short Term Rental permit #201523018 for "Unit B of 6 unit bldg." from Metro pursuant to Ordinance BL2014-951. See Exhibit 2. I renewed this permit in 2016 but forgot to do so in 2017 because I did not receive a reminder from Metro to renew the STR permit.

6. On December 5, 2018 I learned from Nashville real estate agent John Toomey of Urban Grout Commercial Real Estate that a potential buyer of the subject property discovered a "Notice of Short Term Rental Property Violation" dated October 27, 2017 ("the Notice"). It was mailed by Metro to "15560 N. Wright Blvd." which is incorrect because it is missing "Frank Lloyd" or "Frank L." I believe this missing street information is the reason why the Notice was not delivered to me. See Exhibit 3.

7. Upon hearing that there was a problem with my STR permit, I immediately telephoned the Codes Department and left voice mail messages with Metro inspector Robert Osborn and the general voice box recorder. After days of no response I emailed Mr. Osburn on Monday, December 10, 2018 to inform him that I had not received any notices about the purported problem and to inquire about the steps that I need to take to address the issue of Metro's concern. See Exhibit 4.

8. Because Metro would not reissue my permit, on January 3, 2019 I instructed Home Away and VRBO to remove the STR advertisement listing (#1211596). It was officially removed two (2) days later on January 5, 2019. **Unit B has remained unrented since December 11, 2018.** It has remained unoccupied since.


9. I instructed my property manager Trin Blakely to file the necessary paperwork with the Metro Codes Dept. in order to renew the STR permit or appeal the denial to the Metro Board of Zoning Appeals ("BZA"). Her husband Shane Horton did so on January 29, 2019. The BZA appeal was scheduled for March 20, 2019 and I flew to Nashville from Arizona to attend. However, due to loss of quorum at 6:00 p.m., my case was deferred to April 4, 2019.

10. I am unable to attend the April 4th BZA hearing due to work commitments. Specifically, I am contractually obligated to film a commercial culinary video for a major brand involving a location set and equipment, talent staff, and production crews among other things paid for and committed to be paid.

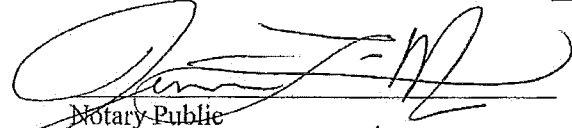
11. The co-manager of the subject property, Shane Horton, is authorized to answer questions on my behalf to the extent that he has firsthand personal knowledge of the facts that would enable a truthful response to any question from the members of the Metro Board of Zoning Appeals.

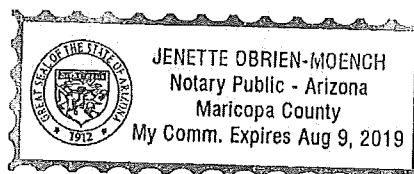
12. I have always paid the Hotel Occupancy Tax, real estate tax, and related tax obligations. I am unaware of any complaints filed against the subject property pertaining to the STR unit or any other matter. The property owners and business owners adjacent to the subject property are in full support of my STR permit renewal application. See Exhibit 5.

Further, Affiant sayeth not.


PERRY S. HERST, III

Subscribed and sworn to before me on this 3rd day of April, 2019.


Notary Public
My commission expires: Aug 9 2019



Map & Parcel No.: 104 08 0 289.00

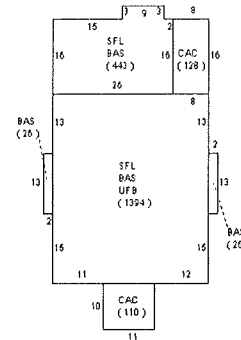
Location Address: 1402 17TH AVE S NASHVILLE

Building Square Footage

Sub Area *	Sketched Area	Finished Area
BAS BASE AREA	1,889	1,889
CAC ATT CANOPY	238	0
SFL SECOND FLR	1,837	1,837
UFB CM UNFIN BMT	1,394	1,394
Total	5,358	5,120

* O.R.I. ZONING DISTRICT.
 * "S.T.R." PERMITTED WITH CONDITIONS.
 * "HOTEL/MOTEL" PERMITTED BY RIGHT.

Building Sketch



Building Attributes

Property Type: OFFICE
 Year Built: 1916
 Story Height: 2 STY
 Living Units: 6

Exterior Wall: BRICK
 Building Condition: Average
 Foundation Type: TYPICAL
 Roof Cover: TYPICAL

Percent Sprinkled: %
 Average Height/Floor: 10
 Building Grade: OFB

Building Special Features

Improvement Type	Quantity	Units	Condition
H18 - HT/CL PACK	1	3,726	AV

Supporting Improvements

Improvement Type	Quantity	Units	Condition	Year Built**
------------------	----------	-------	-----------	--------------

*Square Footage may include more than one of this sub area type.

**The Assessor's Office did not begin entering certain "Improvement Type" data until 1998. As a result, some improvements completed prior to 1998 indicate a year "Built" of 1998.



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



2048366

**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 ROKEBY 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 FMORrequest@nashville.gov

Inspection requirements may change due to changes during construction.

Permit expired on 6-5-2017

From: Perry Herst [mailto:pherst@cattailprop.com]
Sent: Monday, December 10, 2018 10:43 AM
To: Osborn, Robert (Codes)
Subject: 1402 17th Ave South.

EFFORTS
TO
DETERMINE
PROBLEM OF
NON-COMPLIANCE

Hi Robert

A broker who represents a neighbor property, told me last week that I have a permit issue for my property in Nashville. They mentioned your name as the contact who I should seek out.

I have not received any notices at the property or my mailing address about the purported problem.

I am writing to find out what the problem might be and what I have to do to fix it.

Thank you for your help.

Perry Herst

Cattail Properties, LLC

760 809 5559

Sent from my Verizon, Samsung Galaxy smartphone

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

From: "Osborn, Robert (Codes)" <Robert.Osborn@nashville.gov>

Date: 12/10/18 10:04 AM (GMT-07:00)

To: 'Perry Herst' <pherst@cattailprop.com>

Subject: RE: 1402 17th Ave South.

Perry,

What is your mailing address?

Robert Osborn

Zoning Examiner

Metro Office Building

800 2nd Ave S., 3rd. Floor

Nashville, TN 37210

Phone- 615-862-6353

From: Perry Herst [<mailto:pherst@cattailprop.com>]
Sent: Monday, December 10, 2018 11:36 AM
To: Osborn, Robert (Codes)
Subject: RE: 1402 17th Ave South.

Hi Robert

The mailing address is:

Cattail Properties, LLC

15560 N. Frank Lloyd Wright Blvd

#B4-409

Scottsdale, AZ 85260

* it is an office suites / mailbox place and the regular U.S. Mail Carriers (USPS) and mail databases often have problems recognizing/reconciling it. Sometimes just #B4 works better. Fed Ex, UPS, find it fine.

Thanks

Perry Herst

Cattail Properties, LLC

Sent from my Verizon, Samsung Galaxy smartphone

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

Subject:RE: 1402 17th Ave South.

Date:2018-12-10 10:55

From:"Osborn, Robert (Codes)" <Robert.Osborn@nashville.gov>

To:'Perry Herst' <pherst@cattailprop.com>

Perry,

That is where we sent the notices. The property doesn't have a STRP permit. It expired on 6-5-17. The operation of the STRP must cease.

Regards,

Robert Osborn

Zoning Examiner

Metro Office Building

800 2nd Ave S., 3rd. Floor

Nashville, TN 37210

Phone- 615-862-6353



March 20, 2019

Metropolitan Board of Zoning Appeals
C/O Ms. Emily Lamb, Zoning Chief
Via Emily.Lamb@nashville.gov
Metropolitan Codes Dept.

RE: BZA Case #2019-101 (1402 17th Avenue South)
Application to RENEW Short Term Rental Permit

Dear BZA Members:

My company Broker Title & Escrow, LLC operates its place of business next door to the property owned by Perry Herst. I know and respect Mr. Herst's property manager Trin Blakely. I have no objection and fully support a decision by the Board to allow Mr. Herst to continue operating part of his property for short term lodging. Music Row should have more such places.

Respectfully,

Greg Fairbette, Owner/Manager
Broker Title & Escrow, LLC
1404 17th Ave. S.
Nashville, TN 37212

1404 17th Avenue South • Nashville, TN 37212
Phone: 615.986.2213 • Fax: 615.329.3037 • Toll Free: 800.662.4734
www.brokertitle.com

March 20, 2019

Metropolitan Board of Zoning Appeals
C/O Ms. Emily Lamb, Zoning Chief
Via Emily.Lamb@nashville.gov
Metropolitan Codes Dept.

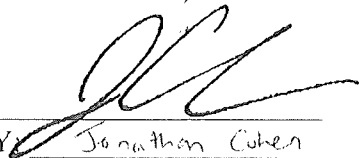
RE: BZA Case #2019-101 (1402 17th Avenue South)
Application to RENEW Short Term Rental Permit

Dear BZA Members:

My company 17th and Horton, LLC owns the property at 1400 17th Avenue South, immediately adjacent to the property owned by Perry Herst. We have not experienced any problems and have no complaints regarding prior STR use. We have no objection to the requested renewal of the STR Permit.

Thank you.

17th and Horton, LLC


BY: Jonathan Cohen

ITS: _____

TUNE, ENTREKIN & WHITE, P.C.

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

ATTORNEYS AT LAW

SUITE 1700
 315 DEADERICK STREET
 NASHVILLE, TENNESSEE 37238
 TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE
 1931-1983

ERVIN M. ENTREKIN
 1927-1990

*Rule 31 listed General Civil Mediator

April 15, 2019

Via Email: Emily.Lamb@nashville.gov

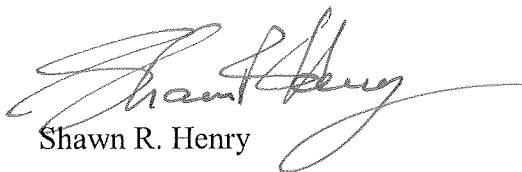
Chairman David Taylor
 Metro Board of Zoning Appeals
 Attn: Emily Lamb
 Dept. Codes and Building Safety
 P.O. Box 196300
 Nashville, TN 37219-6300

RE: BZA Case No. 2019-101 (1402 17th Ave. S.) – Short Term Rental

Dear Chairman Taylor and Board Members:

Enclosed please find a summary timeline for the *Initial Start-Up of Short-Term Rental Use for 1402 17th Ave. S., Nashville, TN* with Exhibits regarding the above-referenced appeal case. In short, VRBO listing #663694 was activated on January 2, 2015. The first Metro ordinances to regulate STR use were enacted (became effective as binding law) on February 24, 2015 (Ord. #BL2014-951) and March 6, 2015 (Sub. Ord. #BL2014-909). Therefore, Mr. Herst began using his property as a short-term rental unit prior to Metro's enactment of any STR laws.¹ Pursuant to Tenn. Code Ann. §13-7-603(a) Metro's STR laws "shall not apply" to this property.

Sincerely,



Shawn R. Henry

SRH/acr
 Enclosures
 cc: Debbie Lifsey (Debbie.Lifsey@nashville.gov)

¹ "Used as short-term rental unit" means the property was held out to the public for use as a short-term rental unit. Tenn. Code Ann. § 13-7-602(3).

**INITIAL START-UP OF
SHORT-TERM RENTAL USE
1402 17th Ave. S., Nashville, TN
Perry S. Herst, III d/b/a Cattail Properties, LLC**

<u>DATE</u>	<u>ACTIVITY</u>
Oct. 1, 2014	STR Agreement fully executed (Hartman from Kansas). Submitted to BZA on April 4, 2019.
Jan. 2, 2015	VRBO Listing Account #663694 activated. Exhibit A.
Jan. 2, 2015	HotSpot Tax Services Account activated. Exhibit B.
Jan. 21 – 22, 2015	Email exchange w/potential STR user (Bankston). Exhibit C.
Jan. 26 – Feb. 2, 2015 Feb. 4, 2015	Email exchange w/STR user (Shaver from Canada). Exhibit D. STR Agreement fully executed. Exhibit E.
Feb. 9 – 12, 2015 Feb. 13, 2015	VRBO info exchange (Frost from Iowa). Exhibit F. Rental Agreement fully executed. Exhibit G.
<hr/>	
Feb. 1, 2015 – Dec. 31, 2018	Hotel Occupancy Privilege Tax (\$5,318 paid).
Jan. 1, 2015 – Dec. 31, 2018	State and Local Sales and Use Tax (\$9,561 paid).
Dec. 2015 – Dec. 2017	State and Local Business Tax (\$160 paid).

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

From: HomeAway Customer Support <support-cs@homeaway.com>

Date: 4/12/19 10:15 AM (GMT-07:00)

To: pherst@cattailprop.com

Subject: HomeAway Property Case 20870734 [ref: _00D1aZzRr._5001Pr57ye:ref]



Dear Perry,

Thank you for contacting HomeAway Customer Support. This email is to inform you that your VRBO listing/ 663694 has been live on the platform since January 2, 2015.

Property Address: 1402 17th Ave S, Unit B, Nashville, TN, 37212, United States

Visit help.homeaway.com for answers to frequently asked questions.

Sincerely,

Yasmin

HomeAway.com Customer Support

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

Subject: HotSpot Tax has activated your property #12855

*** Date:** 2015-01-02 15:40

From: memberservices@hotspottax.com

To: pherst@cattailprop.com

Perry,

Your HotSpot account has been activated!

Please forward any correspondence that you receive directly from a tax jurisdiction to us. Many jurisdictions are contacting owners directly instead of contacting us. If you don't forward the correspondence to us, we will not know about it and cannot address it or be responsible for any penalties that may result. You can fax correspondence to 303-220-0185 or email it to memberservices@hotspottax.com.

The next correspondence from us will be an email from memberservices@hotspottax.com beginning on 2/1/2015 reminding you to log into your account and report your revenue. The email will give you specific instructions on how to report. Please refer to the original tax rate email sent from memberservices@hotspottax.com for your filing start date.

Thank you for choosing HotSpot Tax Services!

HotSpot Tax Services

PO Box 3089

Greenwood Village, CO 80155-3089

memberservices@hotspottax.com

Phone 303-220-0183

Fax 303-220-0185

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

Subject:Re: Music Row Short Term Lease

* **Date:**2015-01-22 09:57

From:Lauren Bankston <lbankston41@yahoo.com>

To:Perry Herst <pherst@cattailprop.com>

Hi Perry,

Thank you so much for all your help and getting back to me. I appreciate it. My brother and his wife are going too and they just had a last minute opening in the house they are renting, which we took. We apologize for any inconvenience.

Thanks again.

Safe travels.

Lauren B

On Jan 21, 2015, at 10:23 AM, Perry Herst <pherst@cattailprop.com> wrote:

Hi Lauren,

We are excited about having you with us in Nashville, TN. I found myself with some extra time and worked on the two payment version of the short term lease this morning. It is attached.

Please let me know if you have any questions about the house or the agreement. The Agreement has to be fully filled out, signed by both of us, a copy of your ID included, and the payment deposited before everything is official and fully confirmed.

We are looking forward to having you on Music Row.

Have a great day.

Perry Herst
Music Row
Cattail Properties, LLC

--

Perry Herst

Cattail Properties, LLC

15560 N. Frank L. Wright Blvd.

#B4-409

Scottsdale, AZ 85260

(760) 809 5559

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

Subject:RE: Music Row Short Term Lease March 13th to March 20th 2015

Date:2015-02-02 10:14

From:Karen Shaver <karen.shaver@bigbrothersbigsisters.ca>

To:Perry Herst <pherst@cattailprop.com>

Hi Perry

I just returned from a week away and will sign the lease today. Sorry for the delay. I'll have to pay through VRBO as well.

I don't have "state issued ID". Will you accept an Ontario issued Drivers License or would you prefer a copy of my passport? Is it just for me or for everyone staying in the house?

Thanks

Karen

Karen Shaver

Vice-President, Agency Services

Big Brothers Big Sisters of Canada

Office: 1-800-263-9133 x42

Mobile: 1-905-638-0461

From: Perry Herst [<mailto:pherst@cattailprop.com>]

Sent: Monday, January 26, 2015 8:58 PM

To: Karen Shaver

Subject: Music Row Short Term Lease March 13th to March 20th 2015

Hi Karen,

We are excited about having you with us in Nashville, TN. The Short Term Lease Agreement is attached.

Please let me know if you have any questions about the house or the agreement. The Agreement has to be fully filled out, signed by both of us and the payment deposited before everything is official and fully confirmed. We also need a photocopy of your state issued ID.

I had a problem with my footer so the request to initial pages, starts on page 2, which is actually instructions and not a part of the lease. If you want to skip it on the instruction page that is fine with us.

EXHIBIT D

We are looking forward to having you on Music Row.

Have a great day.

--

Perry Herst

Music Row

Cattail Properties, LLC

15560 N. Frank L. Wright Blvd.

#B4-409

Scottsdale, AZ 85260

(760) 809 5559

RESIDENTIAL RENTAL AGREEMENT

Cattail Properties LLC ("Landlord") and Karen Shaver ("Tenant") agree as follows:

1. PROPERTY:

A. Landlord rents to Tenant and Tenant rents from Landlord, the real property, furniture, fixtures and improvements described as: 1402 17th Ave South, Unit B, Nashville, TN, 37212. ("Premises")

B. The Premises are for the sole use as a personal residence for Karen Shaver ("Tenant"), who must be 26 years of age or older, and the following additional 1 tenants ONLY:

LIST EVERYONE WHO WILL BE STAYING AT THE HOUSE WITH Karen Shaver:

Karen Shaver
Kevin Shaver

2. **TERMIN:** The lease term begins on March 13th 2015 at 03:00 P.M. ("Commencement Date"). The lease term shall terminate on March 20th 2015 at 10:00 A.M. Tenant shall vacate the Premises upon termination of the Agreement. Tenant understands and agrees that this is a temporary rental, and that under NO CIRCUMSTANCES can Tenant occupy the house later than March 20th 2015 at 10:00 A.M. Should Tenant fail to vacate property by this time, Landlord reserves the right to keep entire Security Deposit, charge additional fees of \$800 per day for every day or portion of a day that Tenant stays in house beyond this time, and utilize all legal means necessary to evict Tenant and to charge Tenant with any legal fees and costs related to his eviction. Rent shall be at a rate agreed to by Landlord and Tenant, or as allowed by law. All other terms and conditions of this Agreement shall remain in full force and effect.

3. **RENT:** "Rent" shall mean all monetary obligations of Tenant to Landlord under the terms of the Agreement, except Security Deposit and taxes.

A. Tenant agrees to pay \$799.00 as Nonrefundable Rent, PLUS \$0.00 for 0 mandatory Nonrefundable Light Cleaning(s) (for stays >9 days), PLUS \$100.00 as a Nonrefundable Cleaning Fee (for one deep cleaning after stay), PLUS 10.5% tax on all rent and cleaning fees, which is equal to \$899.00 x 10.5%, or \$94.40, plus a Property Damage Protection fee of \$49.00, for a TOTAL of \$942.40 due immediately. Tenant further agrees to pay immediately a \$500.00 Refundable Security Deposit.

B. Total fees and tax due immediately are: \$1,442.40.

Recap:

Base Rent (the base rent for 4 or fewer guests)	\$150.000
Extra Person Surcharge (for beyond 2 guests) per night	\$00.00
TOTAL DAILY RENTAL RATE (base rent + extra person surcharge)	\$150.000
TOTAL NONREFUNDABLE RENT (total daily rental rate x number of days of rental)	\$799.000
Light Cleaning Fee (there is a \$75 cleaning charge every 7 days for stays > 10 days)	\$00.000
Departure Cleaning Fee (this is a fixed cleaning charge for ALL rentals)	\$100.000
TOTAL NONREFUNDABLE CLEANING FEES (light cleaning + departure cleaning)	\$100.000

TOTAL NONREFUNDABLE RENT + CLEANING FEES	\$899.000
TAX @ 10.5% (10.5% Nashville tax on rent + cleaning fees for stays < 31 days)	\$94.40
PROPERTY DAMAGE PROTECTION	\$49.000
TOTAL NONREFUNDABLE RENT, CLEANING, TAXES & PROPERTY DAMAGE PROTECTION	\$942.40
REFUNDABLE SECURITY DEPOSIT	\$500.000
TOTAL FUNDS DUE BEFORE OCCUPYING PROPERTY	\$1,442.40
TOTAL FUNDS <u>DUE NOW</u>	\$1,442.40

\$1,442.40 DUE NOW

C. PAYMENT: Rent shall be paid by wire or PayPal. *If paid by PayPal, payment shall be sent to pherst@cattailprop.com. If any fees are incurred in PayPal or any other financial transaction, these shall be borne in full by Tenant.* If any payment is returned for non-sufficient funds ("NSF") or because Tenant stops payment, then, Tenant forfeits all rights to renting the property. Payment information by wire will be emailed separately.

D. Note that this lease will only be considered valid and property will only be held for Tenant by Landlord once this lease, signed by the Tenant, is received by Landlord AND Tenant has provided a photocopy of their government issued ID AND Landlord has verified Tenant's ID and references to Landlord's satisfaction AND rental agreement has been signed by Landlord AND rent, cleaning fees, taxes and Security Deposit as specified in clause 3A above have been paid by Tenant to Landlord and are cleared and available in Landlord's bank account AND Landlord has returned an executed copy of this rental agreement to Tenant.

E. Under no circumstances can Tenant move-in to Premises until payment in clause 3B has been made to Landlord by Tenant and said payment is cleared and available in Landlord's bank account and all conditions in clause 3D are satisfied.

4. SECURITY DEPOSIT:

A. All or any portion of the Security Deposit mentioned in 3A above may be used, as reasonably necessary, to: (i) cure Tenant's default in payment of Rent (which includes Late Charges, NSF fees or other sums due); (ii) repair damage, excluding ordinary wear and tear, caused by Tenant or by a guest or licensee of Tenant to the house, furniture, the landscaping, the Landlord's personal property, and any other items on the property grounds or in the house; (iii) clean Premises, if necessary, if the house requires more cleaning than is standard or covered by the normal cleaning fee, or if Tenant has moved furniture, or smoke removal is required, upon termination of the tenancy; (iv) replace or return personal property or appurtenances; (v) pay any excessive natural gas, water or electric fees as determined solely by the Landlord; and (vi) pay any fees from alarm company for tripping house alarm.

B. Within 10 days after Tenant vacates the Premises, Landlord shall: (1) furnish Tenant an itemized statement indicating the amount of any Security Deposit received and the basis for its disposition and supporting documentation as required by Tennessee Civil Code Title 66-28-301 and (2) return any remaining portion of the Security Deposit to Tenant.

Notwithstanding anything contained herein to the contrary, Landlord reserves the right to pursue additional sums from the Tenant, above and beyond the Security Deposit, if Landlord believes said Security Deposit does not adequately cover costs in 4A above.

C. Security Deposit will not be returned until all Tenants have vacated the Premises and all keys are returned. Any Security Deposit returned by check shall be made out to Tenant named on this Agreement, as subsequently modified.

D. No interest will be paid on Security Deposit unless required by local law.

5. PARKING:

Parking is permitted as follows: two vehicles in the rear driveway, and the rest in the street only. Mechanical work or storage of inoperable vehicles is not permitted in parking space(s) or elsewhere on the Premises.

6. STORAGE:

Storage is only permitted for personal items needed to live in the unit for the term of the lease. The right to storage space is included in the Rent charged pursuant to paragraph 3. Tenant shall store only personal property Tenant owns, and shall not store property claimed by another or in which another has any right, title or interest. Tenant shall not store any improperly packaged food or perishable goods, flammable materials, explosives, hazardous waste or other inherently dangerous material, or illegal substances.

7. UTILITIES:

Utilities shall remain in Landlord's name, and be paid by Landlord. However, Tenant agrees to pay for any excess in utility charges as follows: any amount over and beyond \$50 a week for electric or natural gas or water, respectively. Landlord reserves the right to use Security Deposit to pay any overages in Utilities. Utilities shall include use of existing internet service and cable/satellite service, but shall not include landline phone service, which is not included with this property. Tenant agrees to use internet service in compliance with all state and federal laws, and agrees that any illegal use of internet service shall be Tenant's sole responsibility. Tenant hereby indemnifies and holds Landlord harmless against any law suits or damages that happen as a result of illegal use of internet service that occurs during the term of this lease, and permits Landlord to share contact information of Tenant with authorities if said illegal use of internet occurs during the term of this lease.

8. MAINTENANCE:

A. Tenant shall properly use, operate and safeguard Premises, including if applicable, any landscaping, furniture, furnishings and appliances, and all mechanical, electrical, gas and plumbing fixtures, and keep them and the Premises clean, sanitary and well ventilated. Tenant shall immediately notify Landlord, in writing, of any problem, malfunction or damage. Tenant shall be charged for all repairs or replacements caused by Tenant, pets, guests or licensees of Tenant, excluding ordinary wear and tear. Tenant shall be charged for all damage to Premises as a result of failure to report a problem in a timely manner. Tenant shall be charged for repair of drain blockages or stoppages, unless caused by defective plumbing parts or tree roots invading sewer lines.


B. Landlord shall water the garden, landscaping, trees and shrubs.

C. Landlord shall maintain the garden, landscaping, trees and shrubs.

9. NEIGHBORHOOD CONDITIONS:

Tenant is advised to satisfy him or herself as to neighborhood or area conditions, including proximity and adequacy of law enforcement, crime statistics, proximity of registered felons or offenders, fire protection, other governmental services, availability, adequacy and cost of any speed-wired, wireless internet connections or other telecommunications or other technology services and installations, proximity to commercial, industrial or agricultural activities, existing and proposed transportation, construction and development that may affect noise, view, or traffic, airport noise, noise or odor from any source, wild and

YAD



domestic animals, other nuisances, hazards, or circumstances, cemeteries, facilities and condition of common areas, conditions and influences of significance to certain cultures and/or religions, and personal needs, requirements and preferences of Tenant.

10. **PETS:** Unless otherwise provided in Tennessee Civil Code Title 10-210, no animal or pet shall be kept on or about the Premises without Landlord's prior written consent. Keeping a pet on premises by Tenant at ANY TIME is grounds for immediate termination by Landlord of this agreement, eviction of Tenant and forfeiture of Tenant's rent and Security Deposit.

11. **RULES/REGULATIONS:** Tenant agrees to comply with all Landlord rules and regulations that are at any time posted on the Premises or delivered to Tenant. Tenant shall not, and shall ensure that guests and licensees of Tenant shall not, disturb, annoy, endanger or interfere with neighbors, or use the Premises for any unlawful purposes, including, but not limited to, using, manufacturing, selling, storing or transporting illicit drugs or other contraband, or violate any law or ordinance, or commit a waste or nuisance on or about the Premises.

12. **ALTERATIONS; REPAIRS:** Unless otherwise specified by law, without Landlord's prior written consent, (i) Tenant shall not make any repairs, alterations or improvements in or about the Premises including: painting, wallpapering, adding or changing locks, installing antenna or satellite dish(es), placing signs, displays or exhibits, or using screws, fastening devices, large nails or adhesive materials; (ii) Landlord shall not be responsible for the costs of alterations or repairs made by Tenant; (iii) Tenant shall not deduct from Rent the costs of any repairs, alterations or improvements; and (iv) any deduction made by Tenant shall be considered unpaid Rent.

13. **SECURITY SYSTEM:**

A. In the event that Tenant uses the Security System (if any), then Tenant is responsible for accidental trippings of Security System during their tenancy which can incur charges from the Nashville Police Department, and Tenant agrees to pay all such charges.

14. **ENTRY:**

A. Tenant shall make Premises available to Landlord or Landlord's representative for the purpose of entering to make repairs, decorations, alterations, or improvements, or to supply necessary or agreed services, that are deemed, solely and exclusively in the opinion of the Landlord, necessary, or to show Premises to prospective or actual purchasers, tenants, mortgagees, lenders, appraisers, or contractors.

B. Landlord and Tenant agree that 24-hour written notice shall be reasonable and sufficient notice. No notice is required: (i) to enter in case of an emergency; (ii) if the Tenant is present and consents at the time of entry or (iii) if the Tenant has abandoned or surrendered the Premises; (iv) if the Tenant is in default of any of the clauses in this agreement. No written notice is required if Landlord and Tenant orally agree to an entry for agreed services or repairs if the date and time of entry are within one week of the oral agreement.

15. **ASSIGNMENT; SUBLETTING:** Tenant shall not sublet all or any part of Premises, or assign or transfer this Agreement or any interest in it, without Landlord's prior written consent.

16. **JOINT AND INDIVIDUAL OBLIGATIONS:** If there is more than one Tenant, each one shall be individually and completely responsible for the performance of all obligations of Tenant under this Agreement, jointly with every other Tenant, and individually, whether or not in possession.

17. **LEAD-BASED PAINT:** Premises was constructed prior to 1978. In accordance with federal law, Tenant acknowledges that all homes built prior to 1978 are subject to having Lead-Based paint, and Tenant further acknowledges that he or she has read the Lead-Based paint warnings contained here <http://www.cpsc.gov/PageFiles/121956/426.pdf>, and is thus aware of the risks inherent in occupying a building constructed prior to 1978 and indemnifies Landlord against any injuries or illnesses occurring as a result of Lead-Based paint in the premises.

18. **ASBESTOS:** Premises was constructed prior to 1977. In accordance with federal law, Tenant acknowledges that all homes built prior to 1978 are subject to having Asbestos, Asbestos Siding, Asbestos Tiles, etc. , and Tenant further acknowledges that he or she has read the Asbestos warnings contained here <http://www.cpsc.gov/en/Safety-Education/Safety-Guides/Home/Asbestos-In-The-Home/>, and is thus aware of the risks inherent in occupying a building constructed prior to 1977 and indemnifies Landlord against any injuries or illnesses occurring as a result of Asbestos in the premises. Tenant acknowledges that, according to the Consumer Protection Agency, the best course of action with regards to Asbestos is to LEAVE ASBESTOS IN PLACE UNDISTURBED.

19. **DATABASE DISCLOSURE:** Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Department of Justice at www.meganslaw.ca.gov. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides. (Neither Landlord nor Brokers, if any, are required to check this website. If Tenant wants further information, Tenant should obtain information directly from this website.)

20. **MOLD:** Tenant has read the information about mold contained here, http://www.sandiegorealestate360.com/uploads/2/6/0/8/2608437/lrm_-_leasental_mold_and_ventilation_addndm_-_405.pdf, and agrees as part of signing this agreement that the terms of this mold addendum shall apply to this rental agreement.

21. POSSESSION:

Tenant is not in possession of the premises. If Landlord is unable to deliver possession of Premises on Commencement Date, Tenant may terminate this Agreement.

22. TENANT'S OBLIGATIONS UPON VACATING PREMISES:

A. Upon termination of the Agreement, Tenant shall: (i) give Landlord all copies of all keys or opening devices to Premises, including any common areas; (ii) vacate and surrender Premises to Landlord, empty of all persons; (iii) vacate any/all parking and/or storage space; (iv) leave premises in reasonably clean and organized order, such that it can be cleaned by a professional house-cleaner within 5 hours time.

B. All alterations/improvements made by or caused to be made by Tenant, with or without Landlord's consent, become the property of Landlord upon termination. Landlord may charge Tenant for restoration of the Premises to the condition it was in prior to any alterations/improvements.

23. **BREACH OF CONTRACT; EARLY TERMINATION:** In addition to any obligations established by paragraph 20, in the event of termination by Tenant prior to completion of the original term of the Agreement, Tenant shall also be responsible for lost Rent, rental commissions, advertising expenses and painting costs necessary to ready Premises for re-rental. Landlord may withhold any such amounts from Tenant's Security Deposit, and use whatever legal means necessary to recoup any such costs not covered by Security Deposit.

24. **TEMPORARY RELOCATION:** Subject to local law, Tenant agrees, upon demand of Landlord, to temporarily vacate Premises for a reasonable period, to allow for fumigation (or other methods) to control wood destroying pests or organisms, or for other repairs to Premises for any reason as needed. Tenant agrees to comply with all instructions and requirements necessary to prepare Premises to accommodate pest control, fumigation or other work, including bagging or storage of food and medicine, and removal of perishables and valuables. Tenant shall only be entitled to a credit of Rent equal to the per diem Rent for the period of time Tenant is required to vacate Premises.

25. **WAIVER:** The waiver of any breach shall not be construed as a continuing waiver of the same or any subsequent breach.

26. **MAIL:** Tenant agrees to leave Landlord's mail on kitchen counter.

27. NOTICE: Notices may be served at the following address, or at any other location subsequently designated: Cattail Properties, LLC, 15560 N. Frank L. Wright Blvd. #B4-409 Scottsdale, Az. 85260.

28. TENANT ESTOPPEL CERTIFICATE: Tenant shall execute and return a tenant estoppel certificate delivered to Tenant by Landlord or Landlord's agent within 3 days after its receipt. Failure to comply with this requirement shall be deemed Tenant's acknowledgment that the tenant estoppel certificate is true and correct, and may be relied upon by a lender or purchaser.

29. TENANT REPRESENTATIONS; NUMBER OF TENANTS STAYING AT PROPERTY: Tenant warrants that the information supplied in 1B of this contract is accurate – specifically, the people listed in 1B who will be staying at the property – and Tenant agrees that these are the ONLY people who are permitted to stay overnight in the property. If anyone NOT listed in 1B stays overnight at the property, then Landlord reserves the right to cancel this agreement and immediately evict all tenants from property without returning any rent or Security Deposit to Tenant. TENANT'S INITIALS (MB) ()

30. ATTORNEY FEES: In any action or proceeding arising out of this Agreement, the prevailing party between Landlord and Tenant shall be entitled to reasonable attorney fees and costs.

31. TIME OF ESSENCE; ENTIRE CONTRACT; CHANGES: Time is of the essence in all understandings between the parties incorporated in this Agreement. Its terms are intended by the parties as a final, complete and exclusive expression of their Agreement with respect to its subject matter, and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. If any provision of this Agreement is held to be ineffective or invalid, the remaining provisions will nevertheless be given full force and effect. Neither this Agreement nor any provision in it may be extended, amended, modified, altered or changed except in writing. This Agreement is subject to California landlord-tenant law and shall incorporate all changes required by amendment or successors to such law. This Agreement and any supplement, addendum or modification, including any copy, may be signed in two or more counterparts, all of which shall constitute one and the same writing.

32. AUTHORIZATION TO ACT ON BEHALF OF LANDLORD: Trin Blakely and Blakely Scott Management shall be authorized in all matters related to this lease and the property to act on behalf of Landlord.

33. TRASH CONTAINERS: Tenant shall be responsible for placing their trash in the designated trash containers at the rear of the building. Garbage pickup is Wednesday morning, or as amended by the city. Tenant shall be responsible for disposing of any items not accepted by garbage collector.

34. SMOKING, PROPER USE OF GAS STOVE, AND BURNING OF CANDLES OR INCENSE: There will be no smoking permitted in the house or on the grounds at any time, or burning anything on the premises. This includes burning incense or burning anything of any kind except the existing kitchen oven / kitchen stove for cooking. Landlord reserves the right to immediately evict Tenant from property for violating the terms of the previous two sentences without returning any rent to Tenant. Tenant further agrees that their entire Security Deposit will be forfeited if smoking or burning of incense or burning anything in the unit or on grounds while under Tenant's term. Tenant further agrees that Landlord can pursue additional charges above and beyond the loss of the Security Deposit if Landlord incurs charges in removing smoke odors from house. TENANT'S INITIALS (MB) ()

35. GARBAGE DISPOSAL: Tenant shall be responsible for keeping garbage disposal free of items that might cause stoppage of mechanism or cause clogs in the disposal, sink or drain line.

36. NOISE AND DISTURBANCE OF NEIGHBORS: Tenant agrees not to allow any noise or activity on premises that disturbs the peace and quiet of the neighbors. Violation of this is grounds for cancellation of this agreement and immediate eviction without return of Security Deposit or rental payments. Additionally, if Landlord learns of disruption to neighbors after Tenant's lease term expires, Landlord reserves the right to withhold \$100 per day from Security Deposit for every day a complaint is lodged by a

MB

neighbor or police against Tenant during the Tenant's stay at the Premises. TENANT'S INITIALS 

37. **MAXIMUM GUESTS ON PROPERTY:** Tenant hereby agrees that at no time will Tenant allow more than 4 people on property grounds simultaneously. Breach of this term is grounds for immediate termination of agreement by Landlord, surrender of full Security Deposit and immediate eviction of Tenant from premises.

38. **WAIVER:** Landlord's failure to require compliance with the conditions of this agreement, or to exercise any right provided herein, shall not be deemed a waiver by Landlord of such condition or right. Landlord's acceptance of rent with knowledge of any default under agreement by Tenant shall not be deemed a waiver of such default, nor shall it limit Landlord's rights with respect to that or any subsequent right. If is further agreed between the parties that the payment of rent at any time shall not be a waiver to any unlawful detainer action unless Landlord in writing specifically acknowledges that this constitutes a waiver to the unlawful detainer action.

39. **CANCELLATION OF AGREEMENT BY LANDLORD AND LIMIT OF LANDLORD'S LIABILITY:** Landlord reserves the right to cancel this agreement in its entirety in case of: a) major damage to the property or the property's contents from any cause; b) Landlord sells the property; c) Landlord inadvertently "double books" the property d) Landlord, despite his best efforts, is unable to evict the previous Tenant prior to new Tenant's arrival or e) Landlord rents out property on a permanent, year-lease basis. Landlord agrees in the case of 39b or 39e to provide Tenant at least 2 months notice; however, in the event Landlord cancels because of 39a, 39c or 39d, notification must be given as soon as reasonably practical. In the event Landlord cancels this agreement, Landlord agrees to refund all of Tenant's rent and Security Deposit within 1 week of notification, plus pay 5% simple annual interest on any refunded amount. Regardless of whether this agreement is canceled due to clause 39a, 39b, 39c, 39d or 39e, damages from Landlord to Tenant cannot exceed the total rent paid by Tenant and the return of the Tenant's Security Deposit plus 5% simple annual interest on the rent and Security Deposit.

40. **MINIMUM AGE OF PRINCIPLE TENANT:** Principle Tenant, as listed in 1B, warrants that he or she is 26 years of age or greater, and that he or she will occupy the Premises during the term of this lease. Misrepresentation of age is a violation of this agreement and is grounds for cancellation of this agreement and immediate eviction without return of Security Deposit or rental payments.

41. **VALIDITY/SEVERABILITY:** If any provision of this agreement is held to be invalid, such invalidity shall not affect the validity or enforceability of any other provision of this agreement.

42. **ENTIRE AGREEMENT:** The foregoing agreement, including any attachments incorporated by reference, constitute the entire agreement between the parties and supersedes any oral or written representations or agreements that may have been made by either party. Further, Tenant represents that Tenant has relied solely on Tenant's judgment in entering into this agreement. Tenant acknowledges having been advised to consult with independent legal counsel before entering into this Agreement and has decided to waive such representation and advice. Tenant acknowledges that Tenant has read and understood this agreement and has been furnished a duplicate original.

43. **JURISDICTION:** This agreement shall fall under the laws of the State of Tennessee.

[REST OF PAGE INTENTIONALLY LEFT BLANK]



Tenant agrees to rent the premises on the above terms and conditions.

Tenant Signature [Signature] Tenant Name Karen Shaver

Date 2/4/15

Telephone 702-541-3366 Email karen.shaver@bmg-brokers.com

Tenant Address 324 East 15th St Hamilton OH 45002

Landlord agrees to rent the premises on the above terms and conditions.

Landlord Signature: [Signature]

Landlord Name: Cattail Properties, LLC Date 2/4/15

Telephone: Perry Herst Managing Member: 760-809-5559
Email: pherst@cattailprop.com

Trin Blakely Blakely Scott Property Management: 615-238-5437
Email: triblakely@comcast.net

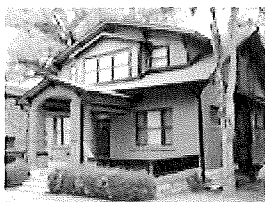
[Handwritten mark]

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

Subject:Re: Inquiry from Karla Frost: Mar 20 through 23 - VRBO.com #663694
Date:2015-02-12 14:48
From:Karla Frost <sender@messages.homeaway.com>
To:pherst@cattailprop.com, 2286oxford@cattailprop.com
Reply-To:Karla Frost <06ea8975-178c-4376-8d50-833889da3b4d@messages.homeaway.com>



Karla Frost has replied to your message



Property	#663694
Dates	Mar 20-23, 2015
Guests	2 adults, 0 children
Traveler name	Karla Frost
Traveler phone	312282922

Yes, thanks for the clarification. I'll send the docs over by end of day.

Thanks again,

Karla Frost

[Respond in your dashboard](#)

↩ Or, reply to this email

To help keep you protected, email addresses will be removed from conversations between owners and travelers. If you include an email address in your message, it will appear as [-----@-----](#) to the recipient.

Conversation history

Perry Herst sent a message

Feb 12, 2015

Hi Karla, I have to send you a payment request through VRBO. I usually do that once the lease is signed by both of us. Then you can use your credit card to pay.

Does that help?

Perry Herst
Music Row
Cattail Properties, LLC

Karla Frost sent a message

Feb 12, 2015

Hi Perry -

I'd like to use my credit card through VRBO but I'm having trouble figuring out how to do that. Do I need to get the lease and id to you first, then you'd open it up for me to pay on VRBO?

Thanks,

Karla Frost

Perry Herst sent a message

Feb 11, 2015

Hi Karla, I don't always know if the email address given is the most active email address for people, so I wanted to let you know that I sent a short term lease over to you at your yahoo address for the Music Row rental. Have a good day. Perry Herst Music Row, Cattail Properties, LLC

Karla Frost sent a message

Feb 10, 2015

Hi Perry -

We can pay in full now to save the extra hassle and paperwork.

To confirm (again) we are arriving on Friday March 20th, for 3 nights. You quoted my incorrect/typo dates later in the month.

March 20th arrival

March 21st

March 22nd

March 23rd depart

Thank you,
Karla

Perry Herst sent a message

Feb 10, 2015

oops, I typed Karen, and meant Karla. I apologize for my fumble fingers.

Perry Herst sent a message

Feb 10, 2015

Hi Karen,

I was sitting down to do the paperwork and thought that it is a short while until March 30th and that you might prefer a two payment option. I am writing to ask if you would prefer to pay in full now or to have two payments? One smaller payment now and then the bulk of the funds to be paid on 2/28 or so? It would save you 18 days of parking your money with us, but would also mean two steps.

Let me know and I can draft the contract either way.

Thanks

Perry Herst
Music Row
Cattail Properties, LLC

Perry Herst sent a message

Feb 9, 2015

Thanks for the clarification. I understand. I can send a short term lease tomorrow AM.

Perry

Karla Frost sent a message

Feb 9, 2015

Sorry for the typo, I mean Friday, March 20th for 3 nights.

Thanks,

Karla Frost

Perry Herst sent a message

Feb 9, 2015

Hi Karla.

Do you mean 3/30 or did you mean 3/20 as per your original email?

Perry Herst
Music Row
Cattail Properties, LLC

Karla Frost sent a message

Feb 9, 2015

Thanks for the quick reply. I'd like to book this property for rent starting 3/30, for 3 nights.

Let me know the details of how to proceed.

Thank you,

Karla
312-282-9222

Perry Herst sent a message

Feb 9, 2015

Dear Karla Frost,

Thank you for your inquiry on my vacation rental (663694).

We typically specify check in as 03:00 PM. We could probably hold to that time, but we have another party leaving on 3/20 and will need time to go in and clean and restock.

That being said the property is available from Mar 20, 2015 - Mar 23, 2015.
If you have questions or would like to reserve the property, please call or email me.

I look forward to speaking with you soon.

Sincerely,
Perry Herst

Karla Frost sent an inquiry

Feb 9, 2015

Dates Mar 20-23, 2015

Guests 2 adults, 0 children

Hello - My husband and I will be in town visiting family. What is the earliest we could check in on Friday, March 20th?

Thank you, Karla

Download the HomeAway app so you can reply to travelers, send payment details, manage your calendar, and more on your mobile device.



© 2006 - Present HomeAway.com Inc. 1011 W. Fifth Street, Suite 300, Austin, TX 78703

This email was sent to pherst@cattailprop.com, 2286Oxford@cattailprop.com.

[View our Privacy Statement](#) | [Contact Us](#) | [Terms & Conditions](#)

RESIDENTIAL RENTAL AGREEMENT

Cattail Properties LLC ("Landlord") and Karla Frost ("Tenant") agree as follows:

1. PROPERTY:

A. Landlord rents to Tenant and Tenant rents from Landlord, the real property, furniture, fixtures and improvements described as: 1402 17th Ave S., Nashville, TN. ("Premises")

B. The Premises are for the sole use as a personal residence for Karla Frost ("Tenant"), who must be 26 years of age or older, and the following additional 3 tenants ONLY:

(THE FOLLOWING WHO WILL BE STAYING AT THE HOUSE WITH) Karla Frost:

John Stueber (husband)

2. TERM: The lease term begins on March 20th 2015 at 03:00 P.M. ("Commencement Date"). The lease term shall terminate on March 23rd 2015 at 10:00 A.M. Tenant shall vacate the Premises upon termination of the Agreement. Tenant understands and agrees that this is a temporary rental, and that under NO CIRCUMSTANCES can Tenant occupy the house later than March 23rd 2015 at 10:00 A.M. Should Tenant fail to vacate property by this time, Landlord reserves the right to keep entire Security Deposit, charge additional fees of \$800 per day for every day or portion of a day that Tenant stays in house beyond this time, and utilize all legal means necessary to evict Tenant and to charge Tenant with any legal fees and costs related to his eviction. Rent shall be at a rate agreed to by Landlord and Tenant, or as allowed by law. All other terms and conditions of this Agreement shall remain in full force and effect.
3. RENT: "Rent" shall mean all monetary obligations of Tenant to Landlord under the terms of the Agreement, except Security Deposit and taxes.
- A. Tenant agrees to pay \$450.00 as Nonrefundable Rent, PLUS \$0.00 for 0 mandatory Nonrefundable Light Cleaning(s) (for stays >9 days), PLUS \$100 as a Nonrefundable Cleaning Fee (for one deep cleaning after stay), PLUS 10.5% tax on all rent and cleaning fees, which is equal to \$550.00 x 10.5%, or \$57.75, plus a Property Damage Protection fee of \$49.00, for a TOTAL of \$656.75 due immediately. Tenant further agrees to pay immediately a \$500.00 Refundable Security Deposit.
- B. Total fees and tax due immediately are: \$1,156.75.

Recap:

Base Rent (the base rent for 4 or fewer guests)	\$150.00
Extra Person Surcharge (for beyond 4 guests) per night	
TOTAL DAILY RENTAL RATE (base rent + extra person surcharge)	\$150
TOTAL NONREFUNDABLE RENT (total daily rental rate x number of days of rental)	\$450.00
Light Cleaning Fee (there is a \$75 cleaning charge every 7 days for stays > 10 days)	\$0.00
Departure Cleaning Fee (this is a fixed cleaning charge for ALL rentals)	\$100.00
TOTAL NONREFUNDABLE CLEANING FEES (light cleaning + departure cleaning)	\$100.00
TOTAL NONREFUNDABLE RENT + CLEANING FEES	\$550.00
TAX @ 10.5% (10.5% Nashville tax on rent + cleaning fees for stays < 31 days)	\$57.75
PROPERTY DAMAGE PROTECTION	\$49.00
TOTAL NONREFUNDABLE RENT, CLEANING, TAXES & PROPERTY DAMAGE PROTECTION	\$656.75
REFUNDABLE SECURITY DEPOSIT	\$500.00
TOTAL FUNDS DUE BEFORE OCCUPYING PROPERTY	\$1,156.75
TOTAL FUNDS DUE NOW	\$1,156.75

\$1,156.75 DUE NOW

Tenant's Initials (KE)() Landlord's Initials (L)() Page 1 of 7

- C. **PAYMENT:** Rent shall be paid by wire or PayPal. *If paid by PayPal, payment shall be sent to pherst@cattailprop.com. If any fees are incurred in PayPal or any other financial transaction, these shall be borne in full by Tenant.* If any payment is returned for non-sufficient funds ("NSF") or because Tenant stops payment, then, Tenant forfeits all rights to renting the property. Payment information by wire will be emailed separately.
- D. Note that this lease will only be considered valid and property will only be held for Tenant by Landlord once this lease, signed by the Tenant, is received by Landlord **AND** Landlord has verified Tenant's references to Landlord's satisfaction **AND** rental agreement has been signed by Landlord **AND** rent, cleaning fees, taxes and Security Deposit as specified in clause 3A above have been paid by Tenant to Landlord and are cleared and available in Landlord's bank account **AND** Landlord has returned an executed copy of this rental agreement to Tenant.
- E. Under no circumstances can Tenant move-in to Premises until payment in clause 3B has been made to Landlord by Tenant and said payment is cleared and available in Landlord's bank account and all conditions in clause 3D are satisfied.

4. SECURITY DEPOSIT:

- A. All or any portion of the Security Deposit mentioned in 3A above may be used, as reasonably necessary, to: (i) cure Tenant's default in payment of Rent (which includes Late Charges, NSF fees or other sums due); (ii) repair damage, excluding ordinary wear and tear, caused by Tenant or by a guest or licensee of Tenant to the house, furniture, the landscaping, the Landlord's personal property, and any other items on the property grounds or in the house; (iii) clean Premises, if necessary, if the house requires more cleaning than is standard or covered by the normal cleaning fee, or if Tenant has moved furniture, or smoke removal is required, upon termination of the tenancy; (iv) replace or return personal property or appurtenances; (v) pay any excessive natural gas, water or electric fees as determined solely by the Landlord; and (vi) pay any fees from alarm company for tripping house alarm.
- B. Within 7 days after Tenant vacates the Premises, Landlord shall: (1) furnish Tenant an itemized statement indicating the amount of any Security Deposit received and the basis for its disposition and supporting documentation as required by Tennessee Civil Code Title 66-28-301; and (2) return any remaining portion of the Security Deposit to Tenant.
Notwithstanding anything contained herein to the contrary, Landlord reserves the right to pursue additional sums from the Tenant, above and beyond the Security Deposit, if Landlord believes said Security Deposit does not adequately cover costs in 4A above.
- C. Security Deposit will not be returned until all Tenants have vacated the Premises and all keys returned. Any Security Deposit returned by check shall be made out to Tenant named on this Agreement, as subsequently modified.
- D. No interest will be paid on Security Deposit unless required by local law.

5. PARKING:

Parking is permitted as follows: two vehicles in the rear driveway, and the rest in the street only. Mechanical work or storage of inoperable vehicles is not permitted in parking space(s) or elsewhere on the Premises.

6. STORAGE:

Storage is only permitted for personal items needed to live in the house for the term of the lease. The right to storage space is included in the Rent charged pursuant to paragraph 3. Tenant shall store only personal property Tenant owns, and shall not store property claimed by another or in which another has any right, title or interest. Tenant shall not store any improperly packaged food or perishable goods, flammable materials, explosives, hazardous waste or other inherently dangerous material, or illegal substances.

7. UTILITIES:

Utilities shall remain in Landlord's name, and be paid by Landlord. However, Tenant agrees to pay for any excess in utility charges as follows: any amount over and beyond \$50 a week for electric or natural gas or water, respectively. Landlord reserves the right to use Security Deposit to pay any overages in Utilities.

Tenant's Initials (KE)() Landlord's Initials (J)() Page 2 of 7

Utilities shall include use of existing internet service and cable/satellite service, but shall not include landline phone service, which is not included with this property. Tenant agrees to use internet service in compliance with all state and federal laws, and agrees that any illegal use of internet service shall be Tenant's sole responsibility. Tenant hereby indemnifies and holds Landlord harmless against any law suits or damages that happen as a result of illegal use of internet service that occurs during the term of this lease, and permits Landlord to share contact information of Tenant with authorities if said illegal use of internet occurs during the term of this lease.

8. MAINTENANCE:

- A. Tenant shall properly use, operate and safeguard Premises, including if applicable, any landscaping, furniture, furnishings and appliances, and all mechanical, electrical, gas and plumbing fixtures, and keep them and the Premises clean, sanitary and well ventilated. Tenant shall immediately notify Landlord, in writing, of any problem, malfunction or damage. Tenant shall be charged for all repairs or replacements caused by Tenant, pets, guests or licensees of Tenant, excluding ordinary wear and tear. Tenant shall be charged for all damage to Premises as a result of failure to report a problem in a timely manner. Tenant shall be charged for repair of drain blockages or stoppages, unless caused by defective plumbing parts or tree roots invading sewer lines.
- B. Landlord shall water the garden, landscaping, trees and shrubs.
- C. Landlord shall maintain the garden, landscaping, trees and shrubs.

9. NEIGHBORHOOD CONDITIONS:

Tenant is advised to satisfy him or herself as to neighborhood or area conditions, including proximity and adequacy of law enforcement, crime statistics, proximity of registered felons or offenders, fire protection, other governmental services, availability, adequacy and cost of any speed-wired, wireless internet connections or other telecommunications or other technology services and installations, proximity to commercial, industrial or agricultural activities, existing and proposed transportation, construction and development that may affect noise, view, or traffic, airport noise, noise or odor from any source, wild and domestic animals, other nuisances, hazards, or circumstances, cemeteries, facilities and condition of common areas, conditions and influences of significance to certain cultures and/or religions, and personal needs, requirements and preferences of Tenant.

- 10. PETS:** Unless otherwise provided in Tennessee Civil Code § 10-210, no animal or pet shall be kept on or about the Premises without Landlord's prior written consent. Keeping a pet on premises by Tenant at ANY TIME is grounds for immediate termination by Landlord of this agreement, eviction of Tenant and forfeiture of Tenant's rent and Security Deposit.

- 11. RULES/REGULATIONS:** Tenant agrees to comply with all Landlord rules and regulations that are at any time posted on the Premises or delivered to Tenant. Tenant shall not, and shall ensure that guests and licensees of Tenant shall not, disturb, annoy, endanger or interfere with neighbors, or use the Premises for any unlawful purposes, including, but not limited to, using, manufacturing, selling, storing or transporting illicit drugs or other contraband, or violate any law or ordinance, or commit a waste or nuisance on or about the Premises.

- 12. ALTERATIONS; REPAIRS:** Unless otherwise specified by law, without Landlord's prior written consent, (i) Tenant shall not make any repairs, alterations or improvements in or about the Premises including: painting, wallpapering, adding or changing locks, installing antenna or satellite dish(es), placing signs, displays or exhibits, or using screws, fastening devices, large nails or adhesive materials; (ii) Landlord shall not be responsible for the costs of alterations or repairs made by Tenant; (iii) Tenant shall not deduct from Rent the costs of any repairs, alterations or improvements; and (iv) any deduction made by Tenant shall be considered unpaid Rent.

Tenant's Initials (*JS*) () Landlord's Initials (*J*) () Page 3 of 7

13. **SECURITY SYSTEM:**
- A. In the event that Tenant uses the Security System (if any), then Tenant is responsible for accidental trippings of Security System during their tenancy which can incur charges from the Nashville Police Department, and Tenant agrees to pay all such charges.
14. **ENTRY:**
- A. Tenant shall make Premises available to Landlord or Landlord's representative for the purpose of entering to make repairs, decorations, alterations, or improvements, or to supply necessary or agreed services, that are deemed, solely and exclusively in the opinion of the Landlord, necessary, or to show Premises to prospective or actual purchasers, tenants, mortgagees, lenders, appraisers, or contractors.
- B. Landlord and Tenant agree that 24-hour written notice shall be reasonable and sufficient notice. No notice is required: (i) to enter in case of an emergency; (ii) if the Tenant is present and consents at the time of entry or (iii) if the Tenant has abandoned or surrendered the Premises; (iv) if the Tenant is in default of any of the clauses in this agreement. No written notice is required if Landlord and Tenant orally agree to an entry for agreed services or repairs if the date and time of entry are within one week of the oral agreement.
15. **ASSIGNMENT; SUBLETTING:** Tenant shall not sublet all or any part of Premises, or assign or transfer this Agreement or any interest in it, without Landlord's prior written consent.
16. **JOINT AND INDIVIDUAL OBLIGATIONS:** If there is more than one Tenant, each one shall be individually and completely responsible for the performance of all obligations of Tenant under this Agreement, jointly with every other Tenant, and individually, whether or not in possession.
17. **LEAD-BASED PAINT:** Premises was constructed prior to 1978. In accordance with federal law, Tenant acknowledges that all homes built prior to 1978 are subject to having Lead-Based paint, and Tenant further acknowledges that he or she has read the Lead-Based paint warnings contained here <http://www.cpsc.gov/PageFiles/121956/426.pdf>, and is thus aware of the risks inherent in occupying a building constructed prior to 1978 and indemnifies Landlord against any injuries or illnesses occurring as a result of Lead-Based paint in the premises.
18. **ASBESTOS:** Premises was constructed prior to 1977. In accordance with federal law, Tenant acknowledges that all homes built prior to 1978 are subject to having Asbestos, Asbestos Siding, Asbestos Tiles, etc., and Tenant further acknowledges that he or she has read the Asbestos warnings contained here <http://www.cpsc.gov/en/Safety-Education/Safety-Guides/Home/Asbestos-In-The-Home/>, and is thus aware of the risks inherent in occupying a building constructed prior to 1977 and indemnifies Landlord against any injuries or illnesses occurring as a result of Asbestos in the premises. Tenant acknowledges that, according to the Consumer Protection Agency, the best course of action with regards to Asbestos is to LEAVE ASBESTOS IN PLACE UNDISTURBED.
19. **DATABASE DISCLOSURE:** Notice: Pursuant to Section 290.46 of the Penal Code, information about specified registered sex offenders is made available to the public via an Internet Web site maintained by the Tennessee Bureau of Investigation at http://www.tbi.tn.gov/sex_ofender_reg/sex_ofender_reg.shtml. Depending on an offender's criminal history, this information will include either the address at which the offender resides or the community of residence and ZIP Code in which he or she resides. (Neither Landlord nor Brokers, if any, are required to check this website. If Tenant wants further information, Tenant should obtain information directly from this website.)
20. **MOLD:** Tenant has read the information about mold contained here, http://www.sandiegorealestate360.com/uploads/2/6/0/8/2608437/lrm_-_leaserental_mold_and_ventilation_addndm_-_405.pdf, and agrees as part of signing this agreement that the terms of this mold addendum shall apply to this rental agreement.

Tenant's Initials (JS) () Landlord's Initials ([Signature]) () Page 4 of 7

21. POSSESSION:

Tenant is not in possession of the premises. If Landlord is unable to deliver possession of Premises on Commencement Date, Tenant may terminate this Agreement.

22. TENANT'S OBLIGATIONS UPON VACATING PREMISES:

- A. Upon termination of the Agreement, Tenant shall: (i) give Landlord all copies of all keys or opening devices to Premises, including any common areas; (ii) vacate and surrender Premises to Landlord, empty of all persons; (iii) vacate any/all parking and/or storage space; (iv) leave premises in reasonably clean and organized order, such that it can be cleaned by a professional house-cleaner within 5 hours time.
- B. All alterations/improvements made by or caused to be made by Tenant, with or without Landlord's consent, become the property of Landlord upon termination. Landlord may charge Tenant for restoration of the Premises to the condition it was in prior to any alterations/improvements.

23. BREACH OF CONTRACT; EARLY TERMINATION: In addition to any obligations established by paragraph 20, in the event of termination by Tenant prior to completion of the original term of the Agreement, Tenant shall also be responsible for lost Rent, rental commissions, advertising expenses and painting costs necessary to ready Premises for re-rental. Landlord may withhold any such amounts from Tenant's Security Deposit, and use whatever legal means necessary to recoup any such costs not covered by Security Deposit.


24. TEMPORARY RELOCATION: Subject to local law, Tenant agrees, upon demand of Landlord, to temporarily vacate Premises for a reasonable period, to allow for fumigation (or other methods) to control wood destroying pests or organisms, or for other repairs to Premises for any reason as needed. Tenant agrees to comply with all instructions and requirements necessary to prepare Premises to accommodate pest control, fumigation or other work, including bagging or storage of food and medicine, and removal of perishables and valuables. Tenant shall only be entitled to a credit of Rent equal to the per diem Rent for the period of time Tenant is required to vacate Premises.

25. WAIVER: The waiver of any breach shall not be construed as a continuing waiver of the same or any subsequent breach.

26. MAIL: Tenant agrees to leave Landlord's mail on kitchen counter.



27. NOTICE: Notices may be served at the following address, or at any other location subsequently designated: Cattail Properties, LLC, 15560 N. Frank L. Wright Blvd. #B4-409 Scottsdale, Az. 85260.

28. TENANT ESTOPPEL CERTIFICATE: Tenant shall execute and return a tenant estoppel certificate delivered to Tenant by Landlord or Landlord's agent within 3 days after its receipt. Failure to comply with this requirement shall be deemed Tenant's acknowledgment that the tenant estoppel certificate is true and correct, and may be relied upon by a lender or purchaser.

29. TENANT REPRESENTATIONS; NUMBER OF TENANTS STAYING AT PROPERTY: Tenant warrants that the information supplied in 1B of this contract is accurate – specifically, the people listed in 1B who will be staying at the property – and Tenant agrees that these are the ONLY people who are permitted to stay overnight in the property. If anyone NOT listed in 1B stays overnight at the property, then Landlord reserves the right to cancel this agreement and immediately evict all tenants from property without returning any rent or Security Deposit to Tenant. TENANT'S INITIALS () ()

30. ATTORNEY FEES: In any action or proceeding arising out of this Agreement, the prevailing party between Landlord and Tenant shall be entitled to reasonable attorney fees and costs.

31. TIME OF ESSENCE; ENTIRE CONTRACT; CHANGES: Time is of the essence in all understandings between the parties incorporated in this Agreement. Its terms are intended by the parties as a final, complete and exclusive expression of their Agreement with respect to its subject matter, and may not be contradicted by evidence of any prior agreement or contemporaneous oral agreement. If any provision of this Agreement is held to be ineffective or invalid, the remaining provisions will nevertheless be given full force and effect.

Tenant's Initials () () Landlord's Initials () () Page 5 of 7

Neither this Agreement nor any provision in it may be extended, amended, modified, altered or changed except in writing. This Agreement is subject to Tennessee landlord-tenant law and shall incorporate all changes required by amendment or successors to such law. This Agreement and any supplement, addendum or modification, including any copy, may be signed in two or more counterparts, all of which shall constitute one and the same writing.


32. **AUTHORIZATION TO ACT ON BEHALF OF LANDLORD:** Trin Blakely and Blakely Scott Management shall be authorized in all matters related to this lease and the property to act on behalf of Landlord.
33. **TRASH CONTAINERS:** Tenant shall be responsible for placing designated trash containers on street for collection. Garbage pickup is Wednesday morning, or as amended by the city. Tenant shall be responsible for disposing of any items not accepted by garbage hauler.
34. **SMOKING, PROPER USE OF GAS STOVE, AND BURNING OF CANDLES OR INCENSE:** There will be no smoking permitted in the house or on the grounds at any time, or burning anything on the premises. This includes burning incense or burning anything of any kind except in the existing kitchen oven / kitchen stove for cooking. Landlord reserves the right to immediately evict Tenant from property for violating the terms of the previous two sentences without returning any rent to Tenant. Tenant further agrees that their entire Security Deposit will be forfeited if smoking or burning of incense or burning anything in the unit or on the grounds while under Tenant's term. Tenant further agrees that Landlord can pursue additional charges above and beyond the loss of the Security Deposit if Landlord incurs charges in removing smoke odors from house. TENANT'S INITIALS (RB) ()
35. **GARBAGE DISPOSAL:** Tenant shall be responsible for keeping garbage disposal free of items that might cause stoppage of mechanism or cause clogs in the disposal, sink or drain line.
36. **NOISE AND DISTURBANCE OF NEIGHBORS:** Tenant agrees not to allow any noise or activity on premises that disturbs the peace and quiet of the neighbors. Violation of this is grounds for cancellation of this agreement and immediate eviction without return of Security Deposit or rental payments. Additionally, if Landlord learns of disruption to neighbors after Tenant's lease term expires, Landlord reserves the right to withhold \$100 per day from Security Deposit for every day a complaint is lodged by a neighbor or police against Tenant during the Tenant's stay at the Premises. TENANT'S INITIALS (RB) ()
37. **MAXIMUM GUESTS ON PROPERTY:** Tenant hereby agrees that at no time will Tenant allow more than 6 people on property grounds simultaneously. Breach of this term is grounds for immediate termination of agreement by Landlord, surrender of full Security Deposit and immediate eviction of Tenant from premises.
38. **WAIVER:** Landlord's failure to require compliance with the conditions of this agreement, or to exercise any right provided herein, shall not be deemed a waiver by Landlord of such condition or right. Landlord's acceptance of rent with knowledge of any default under agreement by Tenant shall not be deemed a waiver of such default, nor shall it limit Landlord's rights with respect to that or any subsequent right. If is further agreed between the parties that the payment of rent at any time shall not be a waiver to any unlawful detainer action unless Landlord in writing specifically acknowledges that this constitutes a waiver to the unlawful detainer action.
39. **CANCELLATION OF AGREEMENT BY LANDLORD AND LIMIT OF LANDLORD'S LIABILITY:** Landlord reserves the right to cancel this agreement in its entirety in case of: a) major damage to the property or the property's contents from any cause; b) Landlord sells the property; c) Landlord inadvertently "double books" the property d) Landlord, despite his best efforts, is unable to evict the previous Tenant prior to new Tenant's arrival or e) Landlord rents out property on a permanent, year-lease basis. Landlord agrees in the case of 39b or 39e to provide Tenant at least 2 months notice; however, in the event Landlord cancels because of 39a, 39c or 39d, notification must be given as soon as reasonably practical. In the event Landlord cancels this agreement, Landlord agrees to refund all of Tenant's rent and Security Deposit within 1 week of notification, plus pay 5% simple annual interest on any refunded amount. Regardless of whether this agreement is canceled due to clause 39a, 39b, 39c, 39d or 39e, damages from Landlord to Tenant cannot

Tenant's Initials (RB) () Landlord's Initials () () Page 6 of 7


exceed the total rent paid by Tenant and the return of the Tenant's Security Deposit plus 5% simple annual interest on the rent and Security Deposit.

- 40. **MINIMUM AGE OF PRINCIPLE TENANT:** Principle Tenant, as listed in 1B, warrants that he or she is 26 years of age or greater, and that he or she will occupy the Premises during the term of this lease. Misrepresentation of age is a violation of this agreement and is grounds for cancellation of this agreement and immediate eviction without return of Security Deposit or rental payments.
- 41. **VALIDITY/SEVERABILITY:** If any provision of this agreement is held to be invalid, such invalidity shall not affect the validity or enforceability of any other provision of this agreement.
- 42. **ENTIRE AGREEMENT:** The foregoing agreement, including any attachments incorporated by reference, constitute the entire agreement between the parties and supersedes any oral or written representations or agreements that may have been made by either party. Further, Tenant represents that Tenant has relied solely on Tenant's judgment in entering into this agreement. Tenant acknowledges having been advised to consult with independent legal counsel before entering into this Agreement and has decided to waive such representation and advice. Tenant acknowledges that Tenant has read and understood this agreement and has been furnished a duplicate original.
- 43. **JURISDICTION:** This agreement shall fall under the laws of the State of Tennessee.

Tenant agrees to rent the premises on the above terms and conditions.

Tenant Signature  Tenant Name Karla Frost Date 2/11/2015
 Telephone (312) 282-9222 Email karla_frost@yahoo.com
 Tenant Address 300 STATE ST UNIT 301 CEDAR FALLS IA 50613

Landlord agrees to rent the premises on the above terms and conditions.

Landlord Signature: 

Landlord Name: Cattail Properties, LLC Date 2/13/15

Telephone: Perry Horst Managing Member: 760-809-5559
Email: phorst@cattailprop.com

Trin Blakely Blakely Scott Management: 615-239-5437
Email: sandra@dandnpropertymanagement.com

Tenant's Initials (KB) () Landlord's Initials (P) () Page 7 of 7

From: [Braisted, Sean \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: FW: D17 positions re: BZA
Date: Thursday, April 4, 2019 10:53:26 AM

Can we provide these as handouts to the members?

Thanks,
Sean Braisted

From: Sledge, Colby (Council Member)
Sent: Thursday, April 4, 2019 10:34 AM
To: Michael, Jon (Codes); Braisted, Sean (Codes); Lamb, Emily (Codes)
Subject: D17 positions re: BZA

Hey y'all,

I meant to send these separately to Sean but forgot. Just in case ...

- **Case 2018-644:** I was under the impression this setback issue was being negotiated between the property owners involved on 2nd Ave S. I'll want to know more about the status of those negotiations. For now, I am **neutral**.
- **Case 2019-117:** This appeal for several exemptions on Humphreys St. is OK with me if the sidewalk appeal is removed. As currently requested, I am **opposed**. With the sidewalk appeal removed, I am **supportive**.
- **Case 2019-130:** Operation Stand Down is renovating its internal space, which has triggered the sidewalk law. I am **supportive** of the organization's request to be exempt from the requirement.
- **Case 2019-135:** I am **strongly opposed** to a request to not pay into the sidewalk fund for a property on Rains Ave.
- **Case 2019-140:** I still have questions on this appeal on Hutton Dr. regarding setbacks and housing orientation. I am asking that the board **defer** this decision one meeting so I can follow up with the applicant.
- **Case 2019-150:** I have the same issue with an appeal for a parking pad on Mallory St, with the same request: a one-meeting **deferral**.
- **Case 2019-101:** A short-term rental appeal at 1402 17th Ave S. has garnered support from the adjacent properties. Accordingly, I am **neutral** on this request.

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

From: [Shawn R. Henry](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: RE: STR Case #101 - BZA Letter
Date: Monday, April 1, 2019 1:08:57 PM

Emily and Debbie, as a result of the support letters from adjacent properties, Councilman Sledge has changed is position from opposed to neutral. This is from his newsletter:

“**Case 2019-101**: A short-term rental appeal at 1402 17th Ave S. has garnered support from the adjacent properties. Accordingly, I am **neutral** on this request.”

Thanks, Shawn
615.244.2770
Tune, Entrekin & White, PC

From: Shawn R. Henry
Sent: Thursday, March 21, 2019 9:19 AM
To: 'Lifsey, Debbie (Codes)' <Debbie.Lifsey@nashville.gov>
Cc: 'Lamb, Emily (Codes)' <Emily.Lamb@nashville.gov>
Subject: STR Case #101 - BZA Letter
Importance: High

Debbie, I just received this. Please add to the file record for today.

Thanks, Shawn
615.244.2770
Tune, Entrekin & White, PC

From: John Toomey [<mailto:john@urbangrout.com>]
Sent: Thursday, March 21, 2019 9:14 AM
To: Shawn R. Henry <shenry@tewlawfirm.com>
Subject: 1400 17th - BZA Letter

Shawn,

Good timing! They just sent the attached back. Please confirm receipt.

Glad to help.

JOHN E TOOMEY IV

Nashville Market Lead

john@urbangrout.com

615.933.1610

www.urbangrout.com

150 4th Ave N, Floor 22

Nashville, TN 37209

615.678.1022

March 20, 2019

Metropolitan Board of Zoning Appeals
C/O Ms. Emily Lamb, Zoning Chief
Via Emily.Lamb@nashville.gov
Metropolitan Codes Dept.

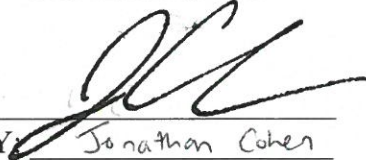
RE: BZA Case #2019-101 (1402 17th Avenue South)
Application to RENEW Short Term Rental Permit

Dear BZA Members:

My company 17th and Horton, LLC owns the property at 1400 17th Avenue South, immediately adjacent to the property owned by Perry Herst. We have not experienced any problems and have no complaints regarding prior STR use. We have no objection to the requested renewal of the STR Permit.

Thank you.

17th and Horton, LLC



BY: Jonathan Cohen

ITS: _____



March 20, 2019

Metropolitan Board of Zoning Appeals
C/O Ms. Emily Lamb, Zoning Chief
Via Emily.Lamb@nashville.gov
Metropolitan Codes Dept.

RE: BZA Case #2019-101 (1402 17th Avenue South)
Application to RENEW Short Term Rental Permit

Dear BZA Members:

My company Broker Title & Escrow, LLC operates its place of business next door to the property owned by Perry Herst. I know and respect Mr. Herst's property manager Trin Blakely. I have no objection and fully support a decision by the Board to allow Mr. Herst to continue operating part of his property for short term lodging. Music Row should have more such places.

Respectfully,

Greg Fairbette, Owner/Manager
Broker Title & Escrow, LLC
1404 17th Ave. S.
Nashville, TN 37212

1404 17th Avenue South • Nashville, TN 37212
Phone: 615.986.2213 • Fax: 615.329.3037 • Toll Free: 800.662.4734
www.brokertitle.com

April 1, 2019

Reply to: Appeal Case Number 2019-152

107 McGavock Pike

To: Metropolitan Board of Zoning Appeals:

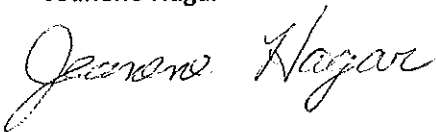
I am requesting a denial for the short-term rental property located at 107 McGavock Pike for the following reasons:

1. This is a residential neighborhood with have many long-term residents. (My property has been in my family since 1954, next door in the same family since 1953, one property in the same family since 1969.)
2. One short-term rental may result in other short-term rentals.
3. We must accept the traffic on McGavock, so we do not want a short-term rental with a party atmosphere and trash that the rentals bring.
4. Parking may be a problem because there cannot be street parking.
5. There are MANY hotels in Donelson that can be utilized for overnight guests.
6. We do not need any more businesses on McGavock Pike (A short-term rental is a business; Kroger, McDonalds, etc. is bad enough.)
7. We have been promised by previous councilmen that businesses will not go past Park Drive (past Kroger).
8. The owner has broken the law by operating on an expired permit. (I was not notified about the first permit.)

Please deny the short-term rental permit for 107 McGavock Pike!

Thank you,

Jeanene Hagar



124 McGavock Pike

Nashville, TN 37214



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

Appellant: Julie Buhler Date: 2-26-19
 Property Owner: Richard Davis Case #: 2019-152
 Representative: Julie Buhler Map & Parcel: 08416002800
 Council District: 15

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: 107 McGavock Pike

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant 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: Julie Buhler Representative: _____
 Phone Number: (615) 400-0433 Phone Number: _____
 Address: 105 McGavock Pike Address: _____
Nashville, TN 37214 _____
 Email address: juliebuhlerjb@gmail.com Email address: _____

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**



3611985

**ZONING BOARD APPEAL / CAAZ - 20190011254
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08416002800

APPLICATION DATE: 02/26/2019

SITE ADDRESS:

107 MCGAVOCK PIKE NASHVILLE, TN 37214
E SIDE MCGAVOCK PK & N OF STINSON RD

PARCEL OWNER: DAVIS, RICHARD S. & ELLEN UFFELMAN

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.

Flags CACODES : CODES FLAG [FLAG].....

Summary	Main	Address [?]	People	DataGroup	Workflow	Fees
Payment	Notes	Rel Docs				
Type/SubType: CASR - CAZ10A002		Number: 2016071136			Status: EXPIRED	

Main

Case Type: CASR
Case Type Desc: Residential Short Term Rental
Case Number: 2016071136
Case Status: EXPIRED
Status Code: DONE
Sub Type: CAZ10A002
Sub Type Desc: Short Term Rental - Non-Owner Occupied

Project/Permit
Details:

By making this application for a Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Project:
Location: 107 MCGAVOCK PIKE 37214
Tag:

Accepted By: CWHARPER 12/20/2016
Issued By: TPATTERSON 12/22/2016
Initiated By: CWHARPER 12/20/2016
Expiration, 12/22/2018 37214
Priority:

X, Y: 1768511.800, 671341.200

CA Building Permit

Case. 2019-152
107 McGarock.
Permit # 201900
11254



AFFIDAVIT FOR SHORT TERM RENTAL

Richard S. Davis hereby authorize Julie Buhler to apply
for a Short Term Rental Permit(s) for my property located at 107 McGarock Pike

Richard S. Davis 3-21-19
Signature Date
I have sold this property to Julie with seller financing.
Affiant's PRINTED Name Richard S. Davis
Affiant's Address 1233 Hill Lane
Goodlettsville TN 37072
Representative's Email rpmdavis@gmail.com
Phone 615-804-5366

Please call with my guardian

COUNTY OF DAVIDSON

STATE OF TENNESSEE

Before me, Jessica Brito, a Notary Public for said County and said
State, appeared Julie Buhler, with whom I am
personally acquainted, or proved to me on the basis of satisfactory evidence and that in the
capacity of Representative executed the foregoing Affidavit for the purposes therein
contained.



This the 21st day of March, 2019.

Jessica M. Brito
NOTARY SIGNATURE

My Commission Expires: May 5, 2020

Rental Unit Record

107 McGavock Pike, Nashville, TN 37214, USA

Active ●
Identified ✓
Compliant X

PRINT

Listing(s) Information

Airbnb - 16568892 VRBO - 321.978314.1526269



Rental Unit Information



Identified Address

107 McGavock Pike, Nashville, TN 37214, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.175799, -86.678262

Parcel Number

08416002800

Owner Name

DAVIS, RICHARD S. & ELLEN UFFELMAN

Owner Address

PO Box 293269
Nashville, TN 37229, US

Registration / Permit Number

503640

Matched Details

Analyst LYY3

Explanation
Matched street view to listing photo.

Listing Photos



Matching 3rd Party Sources



Same shutters, brick, windows, including circular window above regular windows.

Zip Code Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

2/26/2019

Matched property listing





Listing URL	- https://www.airbnb.com/rooms/16568892
Listing Status	● Active
Host Compliance Listing ID	- air16568892
Listing Title	- Memory Maker Nashville/Opry/Hip D
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Feb 25, 2019
Screenshot Last Captured	- Feb 21, 2019
Price	- \$131/night
Cleaning Fee	- \$150

Information Provided on Listing

Contact Name	- Nick
Latitude, Longitude	- 36.174960, -86.676660
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 12
Max Number of People per Bedroom	- 3
Number of Reviews	- 59
Last Documented Stay	- 02/2019

Listing Screenshot History  [View Latest Listing Screenshot](#)

December **8**
January **6**
February **3**

- Listing air16568892 Reposted February 11th, 2019
- ✕ Listing air16568892 Removed February 10th, 2019
- 📅 1 Documented Stay February, 2019
- 📅 5 Documented Stays January, 2019
- Listing air16568892 Reposted January 20th, 2019
- ✕ Listing air16568892 Removed January 19th, 2019
- ✔ First Warning - No STR Permit: Delivered January 18th, 2019 
- ✔ First Warning - No STR Permit: Sent January 11th, 2019 
- 📅 3 Documented Stays December, 2018
- 📅 3 Documented Stays November, 2018
- 📅 3 Documented Stays October, 2018
- Listing air16568892 Reposted October 11th, 2018
- ✕ Listing air16568892 Removed October 10th, 2018
- 📅 3 Documented Stays September, 2018
- 📅 3 Documented Stays August, 2018
- 📅 3 Documented Stays July, 2018
- 📅 2 Documented Stays June, 2018
- Listing air16568892 Reposted June 23rd, 2018
- ✕ Listing air16568892 Removed June 22nd, 2018
- 📅 3 Documented Stays May, 2018
- 📅 4 Documented Stays April, 2018
- ✔ Airbnb Letter: Delivered April 6th, 2018 
- ✔ Airbnb Letter: Sent March 29th, 2018 
- 📅 4 Documented Stays March, 2018
- 📅 1 Documented Stay February, 2018
- Listing air16568892 Reposted

2/26/2019

Matched property listing

February 5th, 2018

- ✘ Listing air16568892 Removed
January 31st, 2018
- ✘ Listing hma321.978314.1526269 Removed
January 25th, 2018
- ☐ 1 Documented Stay
December, 2017
- ✔ First Warning - No Tax Reg: Delivered ☐
December 7th, 2017
- ✔ First Warning - No Tax Reg: Sent ☐
December 1st, 2017
- ☐ 1 Documented Stay
November, 2017
- ☐ 2 Documented Stays
October, 2017
- ☐ 3 Documented Stays
September, 2017
- ☐ 3 Documented Stays
August, 2017
- ✔ Listing air16568892 Identified
August 2nd, 2017
- ☐ 2 Documented Stays
July, 2017
- ✔ Listing hma321.978314.1526269 Identified
July 28th, 2017
- ☐ 2 Documented Stays
June, 2017
- ☐ 2 Documented Stays
May, 2017
- ☐ 2 Documented Stays
April, 2017
- ☐ 3 Documented Stays
March, 2017
- ✘ Listing air16568892 First Crawled
January 21st, 2017
- Listing air16568892 First Activity
January 21st, 2017
- ✘ Listing hma321.978314.1526269 First
Crawled
January 1st, 2017
- Listing hma321.978314.1526269 First
Activity
December 29th, 2016

February 21, 2019 - 05:46PM America/Chicago

Search

Become a host Help Sign up Log in

Feb 21, 2019 5:46pm CT



ENTIRE HOUSE

Memory Maker Nashville/Opry/Hip D

Nashville



Nick

\$131 per night
★★★★★ 59

Dates

Check in

→ Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

12 guests 4 bedrooms 8 beds 2 baths

HOME HIGHLIGHTS

Great check-in experience - 90% of recent guests gave the check-in process a 5-star rating.

Helpful · Not helpful

Great location - 100% of recent guests gave the location a 5-star rating.

Helpful · Not helpful

Nick is a Superhost - Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

Love at first sight, spacious open floor plan, on 2 acre lot just waiting to impress you.

Great for a group. In the heart of Nashville's Hip Donelson. 4 bedrooms (1 king bedroom, one tiny bedroom with 2 singles separated by a door that opens on to the master, 2 queen bedrooms, 1 trundle bed in the living room and a pull out couch. Sleeps 12 Master with Jacuzzi tub and steam shower. Oversized living room open floor plan w/ beautiful chefs kitchen. Plenty of seating inside and out. gas grill.

The space

Weddings, bachelorette & bachelor parties, showers, family reunions, special birthdays, graduations our home offers the perfect canvas to create your perfect event. And we can offer professional chef services and catering!! From a formal wedding to a brunch special, or catered trays for the big game or shower. We are here to help you with your plans.

Guest access

2/26/2019

Matched property listing

This rental includes the large main house, back yard, front porch, front yard, parking & billiard room in the garage.

Interaction with guests

We are happy to be available to answer questions, offer suggestions for dining, places to see, or we can simply provide you with the codes to get in and wish you a nice quiet stay.

Other things to note

Professional chef and catering services are available.

All bookings are subject to 9% Sales Tax as well as 6% Hotel Occupancy Tax. This will be sent as a separate charge after your confirmed booking.

Please respect the neighbors. We ask that you keep noise to a minimum especially at night when outside. The city noise curfew is 10pm.

Hide ^

Contact host



Amenities

Basic

Wifi

Continuous access in the listing

Indoor fireplace

Cable TV

Iron

Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

TV

Dryer

In the building, free or for a fee

Washer

In the building, free or for a fee

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

Central heating or a heater in the listing

Air conditioning

Hot water

Family features

Bathtub

2/26/2019

Matched property listing

Children's books and toys

Facilities

Free parking on premises

Single level home

No stairs in home

Dining

Kitchen

Space where guests can cook their own meals

Coffee maker

Cooking basics

Pots and pans, oil, salt and pepper

Dishes and silverware

Dishwasher

Microwave

Refrigerator

Oven

Stove

Guest access

Private entrance

Separate street or building entrance

Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure.

Long term stays allowed

Allow stay for 28 days or more:

Bed and bath

Hangers

Hair dryer

Shampoo

Bed linens

Extra pillows and blankets

Outdoor

2/26/2019

Matched property listing

BBQ grill

Patio or balcony

Garden or backyard

Safety features

Fire extinguisher

Carbon monoxide detector

Smoke detector

First aid kit

Sleeping arrangements



Bedroom 1
1 king bed



Bedroom 2
1 queen bed



Bedroom 3
1 queen bed



Accessibility

Step-free access to the home's entrance

Wide doorway to the home's entrance

Show all

Availability

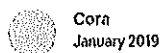
Updated 5 months ago

February 2019							March 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
					1	2							
3	4	5	6	7	8	9	3	4	5	6	7	8	9
10	11	12	13	14	15	16	10	11	12	13	14	15	16
17	18	19	20	21	22	23	17	18	19	20	21	22	23
24	25	26	27	28			24	25	26	27	28	29	30
							31						

59 Reviews ★ ★ ★ ★ ★

Accuracy	★ ★ ★ ★ ★	Location	★ ★ ★ ★ ★
Communication	★ ★ ★ ★ ★	Check-in	★ ★ ★ ★ ★
Cleanliness	★ ★ ★ ★ ★	Value	★ ★ ★ ★ ★

Q Search reviews Most relevant




The house is amazing. Very clean and spacious. It was seven in my group and we


2/26/2019

Matched property listing

had plenty of room. The host Nick was amazing. He made sure everything was perfect before arrival. Will definitely come back again.

 Kathleen
January 2019


This was a perfect house for our group of friends to hang out at for the weekend. The kitchen is amazing and the social space was very large with plenty of seating, and the room setup made it easy to have two different activities going on at a time in different areas. Nick was...Read more

 Halay
January 2019


The house was perfect for our group of 8! Very spacious and very stylish. We had a wonderful time! Nick was great and always very easy to get in touch with! We highly recommend!

 Niki
December 2018


Fantastic host and house in a great central location! Highly recommend this property and host. Extremely responsive and considerate. Will be back again.

 Kay
December 2018

Our early Christmas celebration in Nashville was great for our family..... Rainy days limited us enjoying the nice patio/backyard. Would return for another family gathering.

 Sherise
December 2018

Beautiful home inside and out...home is very large plenty of space for my family of 12...there was plenty of parking...will definitely stay there again...nick was a great host..

 Laura
November 2018

House is amazing! Great location and a lot of privacy. I highly recommend staying here. Nick was a wonderful host.




Hosted by Nick

Nashville, Tennessee, United States · Joined in June 2016



★ 69 Reviews  Verified

Nick is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests. 

I'm an artist, designer, and tech consultant traveling to support clients and life.

Response rate: 100%

Response time: within a few hours

[Contact host](#)

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Nick's home is located in Nashville, Tennessee, United States.

Just a mile from the Grand Ole Opry and Opry Mills, you can start experiencing all the amazing things Nashville has to offer immediately. We love the tranquil wooded setting of our 2 acre lot, with all the convenience of being just minutes away from fantastic restaurants, the airport, Opryland mills, the Grand ole Opry, live music, the Green Way, the train station and of course Downtown.

Getting around

Easy ride to anywhere you want to go by Uber or Lyft. You could do like the locals and take the Music City Express train into downtown.

Hide ^

Exact location information is provided after a booking is confirmed.

Policies

House Rules

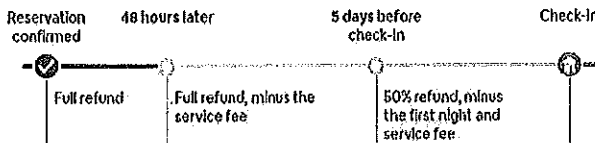
- No smoking
- No pets
- Check-in is anytime after 2PM and check out by 12PM (noon)

- Guests must be 25 to rent please
- Guests of our home will receive gift certificates to two of our favorites places, Phat Bites Cafe and Ellendales Restaurant, here in the neighborhood. The house is stocked with all of the amenities you may need including a fully stocked kitchen, towels, linens, toiletries, WiFi, just pack your suit case, everything you need is here.

Hide rules ^

Cancellations

Moderate - Free cancellation for 48 hours
After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.



Get full details

Hide policies ^



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING - 8th FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

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

NOTICE

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

Julie Bui
2/26/19

April 1, 2019

Reply to: Appeal Case Number 2019-152

107 McGavock Pike

To: Metropolitan Board of Zoning Appeals:

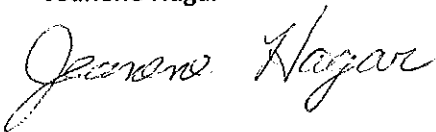
I am requesting a denial for the short-term rental property located at 107 McGavock Pike for the following reasons:

1. This is a residential neighborhood with have many long-term residents. (My property has been in my family since 1954, next door in the same family since 1953, one property in the same family since 1969.)
2. One short-term rental may result in other short-term rentals.
3. We must accept the traffic on McGavock, so we do not want a short-term rental with a party atmosphere and trash that the rentals bring.
4. Parking may be a problem because there cannot be street parking.
5. There are MANY hotels in Donelson that can be utilized for overnight guests.
6. We do not need any more businesses on McGavock Pike (A short-term rental is a business; Kroger, McDonalds, etc. is bad enough.)
7. We have been promised by previous councilmen that businesses will not go past Park Drive (past Kroger).
8. The owner has broken the law by operating on an expired permit. (I was not notified about the first permit.)

Please deny the short-term rental permit for 107 McGavock Pike!

Thank you,

Jeanene Hagar



124 McGavock Pike

Nashville, TN 37214

