

DOCKET

6/6/2019

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

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

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

CASE 2019-236 (Council District - 19)

ROB PROCTOR, appellant and **PROCTOR, ROBERT, W JR & HOWARD, DANIEL, JACKSON**, owner of the property located at **11 MUSIC SQ E 403**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to a court injunction prohibiting short term rental activity on the property in the ORI District. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 093130A40300CO

RESULT -

CASE 2019-079 (Council District - 20)

COLLINS, JAMES CHARLES, appellant and owner of the property located at **6503 PREMIER DR**, requesting a variance from lot size requirements in the R10 District, to construct a second house on the property. Referred to the Board under Section 17.12.020.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10204007900

RESULT –

CASE 2019-085 (Council District - 19)

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

Use-Residential

Map Parcel 09212034000

RESULT – Deferred Indefinitely

CASE 2019-160 (Council District - 1)

MIYA SULLIVAN, appellant and owner of the property located at **117 HAYNES PARK DR**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Single Family

Map Parcel 06904011000

RESULT -

CASE 2019-169 (Council District - 15)

KENNY MAUK, appellant and **LAMAC, LLC**, owner of the property located at **2256 CABIN HILL RD**, requesting an Item D appeal in the RS15 District, to construct an addition to an existing non-conforming duplex. Referred to the Board under Section 17.40.660.C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 07311011200

RESULT –

CASE 2019-199 (Council District - 24)

BEN CARTER, appellant and **LEGACY SOUTH HOMES FUND I, LLC**, owner of the property located at **201 ORLANDO AVE**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund for the Burgess Avenue property frontage. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180.

Use-Single Family

Map Parcel 10302005700

RESULT -

CASE 2019-211 (Council District - 25)

MICKEY HARLOW, appellant and **TUGGLE, WILLIAM C. & CHRISTIE W., TR.**, owners of the property located at **950 GLENDALE LN**, requesting a variance from side setback requirements in the R20 District, to construct two single family houses on one parcel. Referred to the Board under Section. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 13205012500

RESULT - Deferred 7/18/19

CASE 2019-215 (Council District - 25)

JOE PEEL ET AL, appellant requesting an Item A appeal challenging the zoning administrator's issuance of permits 2018072091, 20180720961 and 2018072099 for the property located at **3502 A, B & C RULAND PL.** in the RS10 District, to prohibit the parcels from being restored to the three originally plotted parcels in order to build a single-family home on each lot. Referred to the Board under Section 17.40.180.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Single Family

Map Parcel 11705014100

Map Parcel 11705019600

Map Parcel 11705019700

RESULT -

CASE 2019-218 (Council District - 17)

JOSH HELLMER, appellant and owner of the property located at **1103 2ND AVE S**, requesting variances from front setback, side build to zone and sidewalk requirements in the R6 District, to construct a single family residence without building sidewalks. Referred to the Board under Section 17.12.030.A, 17.40.670.A, and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10503008900

RESULT -

CASE 2019-229 (Council District - 2)

CARLOS F. PRESTON, appellant and **JONA DEVELOPMENT, LLC**, owner of the property located at **1212 KATIE AVE**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 07110011100

RESULT -

CASE 2019-239 (Council District - 26)

FRANK FISS, appellant and owner of the property located at **519 LANDON DR**, requesting a variance from side setback requirements in the RS20 District, to construct a detached accessory building. Referred to the Board under Section 7.12.040 E.

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

Use-Single Family

Map Parcel 14616011900

RESULT -

CASE 2019-240 (Council District - 13)

PEGRAM, JUDY G., appellant and owner of the property located at **1010 ALADDIN DR**, requesting a variance from setback requirements in the RS10 District, to permit an existing carport and garage overhang. Referred to the Board under Section 17.12.020 A, and 17.12.040 E. 1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential

Map Parcel 10714011200

RESULT -

CASE 2019-242 (Council District - 15)

CHADWICK CONSTRUCTION INC., appellant and **ALLEN, JIM E. JR.**, owner of the property located at **2666, 2668 & 2670 MIAMI AVE**, requesting a variance from side setback requirements in the R15 District, to construct 3 single family residences. Referred to the Board under Section 17.12.020.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 05209017500

RESULT -

Map Parcel 05209017600

Map Parcel 05209017700

CASE 2019-243 (Council District - 2)

MCKEEVER, REGINALD, appellant and owner of the property located at **437 DENNIS DR**, requesting a variance from setback requirements in the R8 District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 07102012800

RESULT -

CASE 2019-244 (Council District - 17)

GOOCH, RODNEY & FELICIA, appellant and owner of the property located at **2817 W KIRKWOOD AVE**, requesting a variance from setback variances in the 17 District, to construct a two-family residence. Referred to the Board under Section 17.12.030.C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 11802001501

RESULT -

CASE 2019-245 (Council District - 4)

KRISTINA CHAPMAN, appellant and **CHAPMAN FAMILY TRUST**, owner of the property located at **6136 MT PISGAH RD**, requesting a variance from setback requirements in the RS10 District, to construct a single family residence. Referred to the Board under Section 17.12.030.C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 17215000500

RESULT -

CASE 2019-248 (Council District - 21)

HOUSE OF GOD-KEITH DOMINIION TRS., appellant and owner of the property located at **2717 W HEIMAN ST**, requesting a variance from sign requirements in the RM40 District, to display an LED sign. Referred to the Board under Section 17.32.050.H.2. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institutions

Map Parcel 08114017600

RESULT -

CASE 2019-251 (Council District - 21)

BAKER DONELSON, appellant and **L & S DEVELOPMENT, LLC**, owner of the property located at **2719 TORBETT ST**, requesting a Special Exception from the street setback requirement in the CS District, to construct a Multi-Family development. Referred to the Board under Section 17.12.035.D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 09210022900

RESULT -

CASE 2019-252 (Council District - 17)

GORDON GILBREATH, appellant and **HUMPHREYS STREET INVESTMENTS, LLC**, owner of the property located at **440 HUMPHREYS ST**, requesting a special exception from rear setback requirements in the MUL District, to construct a parking garage. Referred to the Board under Section 17.12.020.C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Parking Garage

Map Parcel 10507000500

RESULT -

CASE 2019-254 (Council District - 15)

PAUL BOULIFARD, appellant and **HILL, BRENDA F.**, owner of the property located at **2704 OVERHILL CIR**, requesting a variance from setback requirements in the RS20 District, to construct an addition to a single family residence. Referred to the Board under Section 17.12.030.C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09504022300

RESULT -

CASE 2019-255 (Council District - 15)

ROGERS JACKSON, appellant and **O'BREIN, ARTHUR JOHN RUSHTON & TRACY LEIGH.**, owners of the property located at **2411 A & B MIDDLE ST**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family houses without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

RESULT -

Map Parcel 081031R00100CO

Map Parcel 081031R00200CO

CASE 2019-257 (Council District - 5)

ROBERT NOERPER, appellant and **NOERPER, ROBERT & TRACY & LUTE, ALEX**, owner of the property located at **888 CARTER ST**, requesting a variance from setback requirements in the R6 District, to construct two single family houses. Referred to the Board under Section 17.12.030.A.1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 08204024100

RESULT -

CASE 2019-258 (Council District - 25)

DUANE CUTHBERTSON, appellant and **RYAN, JASON & SHANNON**, owners of the property located at **906 ALBERT CT**, requesting a variance from sidewalk requirements in the R20 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 118134B00100CO

RESULT -

CASE 2019-259 (Council District - 19)

LANDON BEAZEALS, appellant and **P & H GERMANTOWN PROPERTY, LLC**, owner of the property located at **1311 4TH AVE N**, requesting a variance from parking requirements in the MUN District, to convert an existing single family residence into a bar. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Bar

Map Parcel 08209017200

RESULT -

SHORT TERM RENTAL CASES

CASE 2019-186 (Council District - 21)

MCDONALD, KASEY J, appellant and owner of the property located at **2626 JENKINS ST**, requesting an Item A appeal challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short-term rental permit in the RS5 District. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Short Term Rental

Map Parcel 08106012500

RESULT -

CASE 2019-241 (Council District - 21)

BAUER, MARTIN P. & CRYSTAL C., appellant and owner of the property located at **1915 HERMAN ST**, 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 RM10 District. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 09207016000

RESULT -

CASE 2019-249 (Council District - 19)

ANDERSON, ZEKE, appellant and owner of the property located at **938 1ST AVE N**, requesting an Item A appeal challenging the Zoning Administrator's denial of Short Term Rental permit. The appellant operated after the permit expired in the DTC District. Referred to the Board under Section 17.16.250.E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 082140A07300CO

RESULT -



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

Appellant: Rob Proctor Date: 4-4-19
Property Owner: Rob Proctor Case #: 2019-236
Representative: Rob Proctor Map & Parcel: 093130A40300CO

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 obtain a STRP permit
Activity Type: Short Term Rental
Location: 11 Music Sq. E #403

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to existing injunction on unit.

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: Rob Proctor Representative: Same
Phone Number: 704 491-8532 Phone Number: _____
Address: 4113 Colorado Ave Address: _____
Nashville, TN 37209
Email address: robunc@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



3646656

ZONING BOARD APPEAL / CAAZ - 20190019760
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 093130A40300CO **APPLICATION DATE:** 04/04/2019

SITE ADDRESS:

11 MUSIC SQ E 403 NASHVILLE, TN 37203
UNIT 403 SPENCE MANOR CONDOMINIUM

PARCEL OWNER: PROCTOR, ROBERT, W JR & HOWARD, D/ **CONTRACTOR:**

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to existing injunction on unit.

*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.

received
12-18-17

17GC 23694

IN THE GENERAL SESSIONS COURT FOR DAVIDSON COUNTY, TENNESSEE

FILED

THE METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY,)
Plaintiff,)
v.)
PI INVESTMENTS, LLC,)
Defendant.)

Docket No. 17GC23694 2017 DEC 13 PM 3:50
Environmental Court
DAVIDSON CLERK

Call Chambers

FINAL ORDER AND INJUNCTION

Default Adjudicated Agreed Order

This cause came to be heard on the 13th day of December, 2017. Based upon the evidence presented, this Court is of the opinion that Defendant is in violation of Metropolitan Code of Laws § 17.16.250 E.1.a.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- 1 Defendant was found guilty of violating Metropolitan Code of Laws § 17.16.250 E.1.a at the property located at 11 Music Sq. East, #403, Nashville, TN 37203; and shall pay a \$50 fine.
- 2 This Order permanently enjoins Defendant from violations of Metropolitan Code of Laws § 17.16.250.
3. The property located at 11 Music Sq. East, # 403, Nashville, TN 37203 is not eligible for a short term rental permit for three years in accordance with Metropolitan Code of Laws § 17.16.250E 4.I.vl.3.
4. Any violation of this order shall subject Defendant to contempt proceedings and possible jail time.
- 5 Costs in this matter shall be taxed to Defendant.

ENTERED this the 13th day of Dec, 2017.

[Signature]
REFeree

APPROVED FOR ENTRY:

Catherine J. Pham

Catherine J. Pham, #28005
Metropolitan Attorney
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219

w/permission
by CJP

Margaret L. Behm

Margaret L. Behm, #5123
Attorney for Defendants
Dodson Parker Behm & Capparella, PC
1310 6th Ave. N.
Nashville, TN 37208

Certificate of Service

I hereby certify that a true and correct copy of the foregoing will be mailed to Margaret L. Behm, 1310 6th Ave. No, Nashville, TN 37208 on this the 15th day of December, 2017.

Catherine J. Pham
Catherine J. Pham

David Frabutt
615-880-3245
david.frabutt@nashville.gov

Zoning OK
office ; Residential intensive

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS OF NASHVILLE
AND DAVIDSON COUNTY**

IN THE MATTER OF:)	
)	
Robert Proctor)	
)	
Appellant,)	Case No.: 2019-236
)	
v.)	CONTESTED CASE
)	HEARING REQUESTED
)	
Metropolitan Department of Codes & Building Safety,)	
)	
Appellee.)	
)	

APPEAL OF STRP PERMIT DENIAL

Introduction

Mr. Robert Proctor ("Appellant") is a Tennessee resident located at 4113 Colorado Ave, Nashville, TN 37209. On February 11, 2019, Robert Proctor purchased real Property located at 11 Music City Sq. E, #403 Nashville, Tennessee 37203 (also referred to as "403" or "Property") from P1 Investments, LLC. Mr. Proctor made application to Metro Codes for a Not-Owner Occupied Short Term Rental Permit ("STRP") in April of 2019. Mr. Proctor's STRP application was denied due to the existence of an Injunction of the Property due to the actions of the previous owner, P1 Investments, LLC. Mr. Proctor now appeals the denial of his application.

Facts

1. Mr. Robert Proctor ("Appellant") is a Tennessee resident located at 4113 Colorado Ave, Nashville, TN 37209. On February 11, 2019, Robert Proctor purchased real Property located

at 11 Music City Sq. E, #403 Nashville, Tennessee 37203 from P1 Investments, LLC. Copies of the Deed and the Purchase and Sale Agreement are provided as Exhibit 1.

2. P1 Investments, LLC ("P1 Investments") acquired title to 11 Music City Sq. E, #403 on June 13, 2017, from Patricia S. Senger. A copy of the 2017 Purchase and Sale Agreement between Patricia S. Senger and Adam B. Moore and Greg F. Lamas is provided as Exhibit 2.

3. A special stipulation of the Purchase and Sale Agreement included the transfer of the Multi-family Short-Term Rental Permit from Senger to the P1, Investments. *See Ex 2.*

4. The Zoning Administrator rejected the attempt by P1 Investments and Greg Lamas to transfer the previous owner's Short-Term Rental Permit. Records from the Codes Department reveal that the STRP permit was denied based on the advertising and operating without a permit by P1 Investments. Greg Lamas, on behalf of P1 Investments, appealed the Zoning Administrator's Decision on September 21, 2017. A copy of the BZA Appeal Application (Case #2017-303) is attached as Exhibit 3.

5. Separately, Metro Codes filed an action, Case No. 17GC23694, in Environmental Court against P1 Investments on October 5, 2017.

6. A Final Order and Injunction ("Injunction") was entered on December 13, 2017, purporting to enjoin P1 Investments from further violations of the Metro Code. A copy of the Final Order and the Citation are attached as Exhibit 4.

7. The BZA case was deferred on November 9, 2017, and ultimately withdrawn.

8. The Injunction was not recorded with the Register of Deeds for Davidson County¹. Within Caselink², the site for search of cases and judgments in Davidson County, P1 Investments

¹ Metro Codes does not record Orders of Injunction with the Register of Deeds in any case.

² Caselink is the online portal for viewing court records held by the Davidson County Circuit Court Clerk and General Sessions Court Clerk.

is listed as "PI Investments, LLC." The "I" has replaced the "1" within the database. As such, someone looking up "P1 Investments" would not find the Injunction unless they likewise searched for "PI Investments."

9. Shortly after purchasing the Property from P1 Investments, the Appellant completed all the required steps to acquire a short-term rental permit for his Property.

10. Upon learning of the complaints associated with the injunction issued against P1 Investments, Mr. Proctor made deliberate steps to improve upon the unit which included adding additional sound barriers, replacing worn windows, repainting the unit, and replacing smoke alarms as approved by Metro.

11. The Appellant's application for a short-term rental permit was denied by the zoning administrator due to the Injunction prohibiting short term rental activity on Mr. Proctor's unit.

12. On April 4, 2019, the Appellant appealed the zoning administrator's decision to the Board of Zoning Appeals ("BZA") which set Mr. Proctor's BZA Appeal on May 15, 2019, at 1:00 P.M. A copy of the BZA appeal application is provided as Exhibit 5.

13. Mr. Proctor completed all requirements associated with filing a BZA Appeal by placing a sign at his Property and mailing letters to his neighbors. A copy of the Zoning Appeal Notice Letter is attached as Exhibit 6.

14. Appellant submits that the denial of his Short-Term Rental Permit is unduly burdensome and arbitrary as Mr. Proctor was not associated with the Property when the Injunction was issued against P1 Investments. As such, Mr. Proctor would offer that the Zoning Administrator did deny his application for a Short-Term Rental Permit in error.

Summary of Proceedings Below

15. On December 13, 2017, a Final Order and Injunction was issued in the matter of Metro vs. P1 Investments, LLC, Docket No. 17GC23694, enjoining P1 Investments from operating the Property as a short-term rental for three years since they had operated without a permit.

16. On April 4, 2019, Mr. Rob Proctor, the new owner of the Property and Appellant in this matter, applied for an appeal to the BZA following the denial of his permit by the Zoning Administrator.

Grounds for Relief

Count 1: The Restriction on the Property is not within Mr. Proctor's chain of title and is therefore not a valid restrictive covenant.

17. As previously mentioned, the order against "P1 Investments" was incorrectly held within the Davidson County Caselink database under "PI Investments." See Exhibit 4

18. Despite there being a Final Order of Injunction against P1 Investments, Metro did not record the Injunction with the Davidson County Register of Deeds. Consequently, a record check of the chain of title would result in no revelation of the Injunction on the Property.

19. The Injunction acts as a restrictive covenant on the use of the Property. "Tennessee law does not favor restrictive covenants because they are in derogation of the rights of free use and enjoyment of property." Lutzak v. Phoenix Am. Dev. Partners, L.P., No. M201502117COAR3CV, 2017 WL 4685300, at *4 (Tenn. Ct. App. October 18, 2017). The Lutzak Court further states: Ambiguities will be construed "against the party seeking to enforce the restriction and in a manner which advances the unrestricted use of the property." Id. Still, in appropriate cases, restrictive covenants, like any other contract, "will be enforced according to the clearly expressed intention

of the parties." *Benton v. Bush*, 644 S.W.2d 690, 691 (Tenn. Ct. App. 1982). When properly created, restrictive covenants run with the land and are "binding on remote grantees if they appear in the chain of title or if the grantee had actual notice of them when the grantee acquired title." *Hughes v. New Life Dev. Corp. (Hughes I)*, No. M2008-00290-COA-R3-CV, 2009 WL 400635, at *3 (Tenn. Ct. App. 2009).

20. Here, Metro seeks to go beyond mere zoning of the Property but to, in effect, enter into a restrictive covenant that runs with the land. In order for any covenant to run with the land, it must provide for notice through recording.

21. Courts have explained specific ways in which a restriction can run with the land. "Landowners may sell portions of their real Property and, in the process, may place restrictions on the future use of the Property to benefit themselves and their grantees. *Laughlin v. Wagner*, 146 Tenn. 647, 653, 244 S.W. 475, 476-77 (1922); *Beacon Hills Homeowners Ass'n, Inc. v. Palmer Props., Inc.*, 911 S.W.2d 736, 739 (Tenn.Ct.App.1995). When properly created, these restrictions- commonly referred to as restrictive covenants-run with the land, *General Bancshares, Inc. v. Volunteer Bank & Trust*, 44 S.W.3d 536, 540 (Tenn.Ct.App.2000); *Maples Homeowners Ass'n v. T & R Nashville Ltd. P' ship*, 993 S.W.2d at 38 and will be binding on remote grantees when they appear in the chain of title or when the grantees know about the restriction when they acquired the Real Property. *Land Developers, Inc. v. Maxwell*, 537 S.W.2d 904, 913 (Tenn.1976); *Hillis v. Powers*, 875 S.W.2d 273, 274 (Tenn.Ct.App.1993)." (emphasis added).

22. In this case, Mr. Proctor is a remote grantee. Mr. Proctor was not a party to the injunction entered into by P1 Investments and Metro. Even a diligent search of the Court records would not result in a finding of the injunction. As such, the injunction should have no bearing on

the subsequent purchasers of land absent a showing of the restriction appearing in the chain of title. No such showing can be made in this case because Metro did not record the injunction.

Count 2: Use of the Properties as Short-Term Rental Properties is a legally permitted under the Non-Conforming Property Act, Tenn. Code Ann. § 13-7-208.

23. Tenn. Code Ann. § 13-7-208(b)(1) states:

24. "In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions, and such zoning restrictions differ from zoning restrictions imposed after the zoning change, then any industrial, commercial, or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted; provided, that no change in the use of land is undertaken by such industry or business."

25. Metro Ordinance BL2017-608 amended section 17.08.030 (District Land use tables) of the Metro Code to add "commercial uses' Short term rental property (STRP) – Not Owner-Occupied." Metro Ordinance BL2017-608 was approved as amended on January 29, 2018, with an effective date of February 2, 2018.

26. Before the passage of BL2017-608, BL2016-492 provided the distinction within MCL § 17.16.250 between types of permits. BL2016-492 was approved as amended on February 22, 2017, with an effective date of February 24, 2017. BL2016-492 provided in pertinent part as follows: "Type 2 (Not Owner-Occupied): A Type 2 permit is available for units that are in (i)

single-family, two-family, and nonconforming multi-family units in Single-Family and One and Two-Family zoning districts; and (ii) not owner-occupied."

27. Before the passage of BL2016-492, no Metro ordinance or code section provided defined "Not Owner-Occupied" or "Non-Owner-Occupied."

28. 403 was permitted and in operation as Short-Term Rental Properties under MCL § 6.28.030 as established by BL2014-909 and BL2014-951 (first permitted on January 12, 2016). BL2016-492 deleted STRP definitions in their entirety from Title 6 of the Metro Code which controls Business Licensing and Regulations. BL2016-492 added several new definitions and the regulatory structure as applied to STRPs to Title 17 of the Metro Code. Title 17 of the Metro Code relates to Zoning. Thus, a change in zoning regulations occurred after Senegar, the original permit holder, was in operation of her commercial business of short-term rental.

29. Since the change in the zoning regulations, there has been no change in the use of the respective Properties as STRP since the initial application and approval as such by Metro. The use of the Property as a Non-Owner-Occupied STRP constitutes a business operation under both State and local law.

30. There has not been discontinued the use of the Property as STRP for a period of more than thirty (30) months.

31. The use has been previously permitted under the zoning regulations and Mr. Proctor should be allowed to be permitted. If the Property were required to apply under the current zoning regulations, the current intended use would be permitted.

Count 3: The Properties enjoy vested rights under the Tennessee Vested Property Rights

Act of 2014, Tenn. Code Ann. § 13-4-310.

32. Tenn. Code Ann. § 13-4-310(2) states in relevant part: "A vested property right shall be established upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan..."

33. Importantly, Tenn. Code Ann. § 13-4-310(5)(A) defines the various types of a "final development plan." Tenn. Code Ann. § 13-4-310(5)(A)(vi) specifically includes "any other land-use approval designation as may be utilized by a local government."

34. The approval of the application for the Property's STRP permit constitutes a land-use approval designation as contemplated by Tenn. Code Ann. § 13-4-310(5)(A)(vi)

35. There was no change in the use of the Property. MCL § 17.04.030 (A)(3) provides:

36. "In no event shall such use be changed except to a conforming use or a non-conforming use as provided for in Section 17.40.650C. A change of use is a change to another use either under the same use group or any other use group or major class of use. A change in occupancy or ownership shall not by itself constitute a change in use."

37. "A permit or variance to use land for a certain purpose is not personal to the owner but is a condition that runs with the land." See McClurkan v. Bd. of Zoning Appeals, 565 S.W.2d 495, 497 (Tenn.Ct.App.1977); Hickerson v. Flannery, 302 S.W.2d 508, 514 (Tenn.Ct.App.1956) Bell v. Metro. Gov't of Nashville & Davidson Cty., No. M201501521COAR3CV, 2016 WL 1119152, at *3 (Tenn. Ct. App. March 21, 2016)

Count 4: Denying the Appellant's ability to apply for a short-term rental permit is unduly burdensome and arbitrary.

38. In this case, denying Rob Proctor the ability to apply for a short-term rental permit for his Property is not warranted for several reasons.

39. First, and most importantly, the Appellant did not own the Property located at 11 Music City Sq. E, #403 Nashville, Tennessee 37203 when the Injunction against P1 Investments, LLC was issued nor was he in any way associated with any violation caused by P1 Investments.

40. Second, unlike many property owners before this BZA, Appellant has made every effort to comply in good faith with all applicable rules and regulations associated with obtaining a Short-Term Rental Property Permit. Mr. Proctor has even gone above and beyond to ensure the violations associated with P1 Investments' Injunction do not occur during his ownership of the Property.

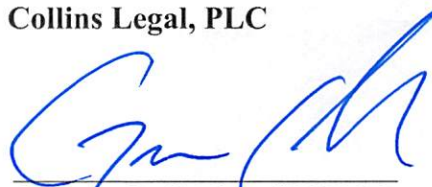
41. Finally, denying Mr. Property the opportunity to apply for a Short-Term Rental Permit for his Property will cause Mr. Proctor to suffer significant financial harm due to the loss in revenue. This cannot possibly be a just punishment for an actor who is not responsible for any wrongdoing. Mr. Proctor is investing in his Nashville community and the community at 11 Music City Sq. E. He takes pride in his Property and will provide a Short-Term Rental Property that adds value to our city. Mr. Proctor's neighbors at Spence Manor support him renting the home as a short-term rental property, and they have provided letters of support to the BZA. Copies of the Support Letter are attached as Exhibit 7.

Conclusion

For the foregoing reasons, Mr. Robert Proctor respectfully requests that this honorable Board exercise its broad discretion and overturn the Codes Department's decision to deny the short-term rental permit.

Respectfully Submitted,

Collins Legal, PLC



Grover C. Collins, #027997

Collins Legal, PLC

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Nashville, TN 37219

(615) 736-9596 - telephone

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grover@collins.legal

Attorney for Appellant

APPELLANT'S EXHIBIT LIST

- Exhibit 1 Appellant's Purchase and Sale Agreement & Warranty Deed
- Exhibit 2 Greg F. Lamas' 2017 Purchase and Sale Agreement
- Exhibit 3 Greg Lamas' BZA Appeal Application
- Exhibit 4 P1 Investment's Final Order & Citation
- Exhibit 5 Appellants' BZA Appeal Application
- Exhibit 6 Zoning Appeal: Notice to Neighboring Owners
- Exhibit 7 Neighbor Support Letters

EXHIBIT 1

PURCHASE AND SALE AGREEMENT

1 **1. Purchase and Sale.** For and in consideration of the mutual covenants herein and other good and valuable consideration,
2 the receipt and sufficiency of which is hereby acknowledged, the undersigned buyer

3 Robert W Proctor Jr and Daniel Jackson Howard ("Buyer") agrees to buy and the
4 undersigned seller P1 Investmets ("Seller")

5 agrees to sell all that tract or parcel of land, with such improvements as are located thereon, described as follows:

6 All that tract of land known as: 11 Music Square East, Unit 403

7 (Address) Nashville (City), Tennessee, 37203 (Zip), as recorded in
8 _____ County Register of Deeds Office, _____ deed book(s), _____ page(s),
9 and/or _____ instrument number and as further described as:

10 _____ together with all
11 fixtures, landscaping, improvements, and appurtenances, all being hereinafter collectively referred to as the "Property."

12 **A. INCLUDED** as part of the Property (if present): all attached light fixtures and bulbs including ceiling fans;
13 permanently attached plate glass mirrors; heating, cooling, and plumbing fixtures and equipment; all doors, storm
14 doors and windows; all window treatments (e.g., shutters, blinds, shades, curtains, draperies) and hardware; all wall-
15 to-wall carpet; range; all built-in kitchen appliances; all bathroom fixtures and bathroom mirrors; all gas logs, fireplace
16 doors and attached screens; all security system components and controls; garage door opener(s) and all (at least _____)
17 remote controls; an entry key; swimming pool and its equipment; awnings; permanently installed outdoor cooking
18 grills; all landscaping and all outdoor lighting; mailbox(es); attached basketball goals and backboards; TV mounting
19 brackets (but excluding flat screen TVs); antennae and satellite dishes (excluding components); and central vacuum
20 systems and attachments.

21 **B. Other items that REMAIN with the Property at no additional cost to Buyer:**

22 All furnishings and appliances to convey.

23
24
25
26 **C. Items that WILL NOT REMAIN with the Property:**

27 Owners personal wall hangings and current tenants personal belongings.

28
29 **D. LEASED ITEMS:** Leased items that remain with the Property: (e.g., security systems, water softener systems, fuel
30 tank, etc.):

31 Buyer shall assume any and all lease payments as of Closing. If leases are not assumable, the balance shall be paid in
32 full by Seller at or before Closing.

33 Buyer does not wish to assume a leased item. (THIS BOX MUST BE CHECKED IN ORDER FOR IT TO
34 BE A PART OF THIS AGREEMENT.)

35 Buyer does not wish to assume Seller's current lease of _____;
36 therefore, Seller shall have said lease cancelled and leased items removed from Property prior to Closing.

37 **E. FUEL:** Fuel, if any, will be adjusted and charged to Buyer and credited to Seller at Closing at current market prices.

38 **2. Purchase Price, Method of Payment and Closing Expenses.** Buyer warrants that, except as may be otherwise provided
39 herein, Buyer will at Closing have sufficient cash to complete the purchase of the Property under the terms of
40 this Purchase and Sale Agreement (hereinafter "Agreement"). The purchase price to be paid is: \$ ~~256,000~~ 255,500 ✓,
41 two hundred fifty six thousand U.S. Dollars, ("Purchase Price") which
42 shall be disbursed to Seller or Seller's Closing Agency by one of the following methods:

- 43 i. a Federal Reserve Bank wire transfer;
44 ii. a Cashier's Check issued by a financial institution as defined in 12 CFR § 229.2(i); OR
45 iii. other such form as is approved in writing by Seller.

46 **A. Financial Contingency – Loan(s) To Be Obtained.** This Agreement is conditioned upon Buyer's ability to obtain
47 a loan(s) in the principal amount up to 80 75 % of the Purchase Price listed above to be secured by a deed of trust
48 on the Property. "Ability to obtain" as used herein means that Buyer is qualified to receive the loan described herein

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49 based upon Lender's customary and standard underwriting criteria. In consideration of Buyer, having acted in good
 50 faith and in accordance with the terms below, being unable to obtain financing by the Closing Date, the sufficiency of
 51 such consideration being hereby acknowledged, Buyer may terminate this Agreement by providing written notice via
 52 the Notification form or equivalent written notice. Seller shall have the right to request any supporting documentation
 53 regarding loan denial. Upon termination, Buyer is entitled to a refund of the Earnest Money/Trust Money. Lender is
 54 defined herein as the financial institution funding the loan.

55 The loan shall be of the type selected below (Select the appropriate boxes. Unselected items will not be part of
 56 this Agreement):

- 57 Conventional Loan FHA Loan; attach addendum
 58 VA Loan; attach addendum Rural Development/USDA
 59 THDA Other _____

60 Buyer may apply for a loan with different terms and conditions and also Close the transaction provided all other terms
 61 and conditions of this Agreement are fulfilled, and the new loan does not increase any costs charged to Seller. Buyer
 62 shall be obligated to Close this transaction if Buyer has the ability to obtain a loan with terms as described herein
 63 and/or any other loan for which Buyer has applied and been approved.

64 **Loan Obligations: The Buyer agrees and/or certifies as follows:**

- 65 (1) Within three (3) days after the Binding Agreement Date, Buyer shall make application for the loan and shall
 66 pay for credit report. Buyer shall immediately notify Seller or Seller's representative of having applied for
 67 the loan and provide Lender's name and contact information, and that Buyer has instructed Lender to order
 68 credit report. Such certifications shall be made via the Notification form or equivalent written notice;
 69 (2) Within fourteen (14) days after the Binding Agreement Date, Buyer shall warrant and represent to Seller via
 70 the Notification form or equivalent written notice that:
 71 a. Buyer has secured evidence of hazard insurance which will be effective at Closing and Buyer shall
 72 notify Seller of the name of the hazard insurance company;
 73 b. Buyer has notified Lender of an Intent to Proceed and has available funds to Close per the signed
 74 Loan Estimate; and
 75 c. Buyer has requested that the appraisal be ordered and affirms that the appraisal fee has been paid.
 76 (3) Buyer shall pursue qualification for and approval of the loan diligently and in good faith;
 77 (4) Buyer shall continually and immediately provide requested documentation to Lender and/or loan originator;
 78 (5) Unless otherwise stated in this Agreement, Buyer represents that this loan is not contingent upon the lease or
 79 sale of any other real property and the same shall not be used as the basis for loan denial; and
 80 (6) Buyer shall not intentionally make any material changes in Buyer's financial condition which would
 81 adversely affect Buyer's ability to obtain the Primary Loan or any other loan referenced herein.

82 Should Buyer fail to timely comply with section 2.A.(1) and/or 2.A.(2) above and provide notice as required, Seller
 83 may make written demand for compliance via the Notification form or equivalent written notice. If Buyer does not
 84 furnish Seller the requested documentation within two (2) days after such demand for compliance, Buyer shall be
 85 considered in default and Seller's obligation to sell is terminated.

- 86 **B. Financing Contingency Waived (THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT.)**
 87 (e.g. "All Cash", etc.): Buyer's obligation to close shall not be subject to any financial contingency. Buyer reserves
 88 the right to obtain a loan. Buyer will furnish proof of available funds to close in the following manner:

89 _____ (e.g. bank statement, Lender's commitment letter) within five (5) days
 90 after Binding Agreement Date. Should Buyer fail to do so, Seller may make written demand for compliance via the
 91 Notification form or equivalent written notice. If Buyer does not furnish Seller with the requested notice within two
 92 (2) days after such demand for compliance, Buyer shall be considered in default and Seller's obligation to sell is
 93 terminated. Failure to Close due to lack of funds shall be considered default by Buyer.

94 In the event this Agreement is contingent upon an appraisal (See Section 2.C. below), Buyer must order the appraisal
 95 and provide Seller with the name and telephone number of the appraisal company and proof that appraisal was ordered
 96 within five (5) days of the Binding Agreement Date. Should Buyer fail to do so, Seller may make written demand for
 97 compliance via the Notification form or equivalent written notice. If Buyer does not furnish Seller with the requested
 98 notice within two (2) days after such demand for compliance, Buyer shall be considered in default and Seller's
 99 obligation to sell is terminated.

100 **C. Appraisal (Select either 1 or 2 below. The sections not checked are not a part of this Agreement).**

- 101 1. This Agreement IS NOT contingent upon the appraised value either equaling or exceeding the agreed upon
 102 Purchase Price.

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- 103 2. This Agreement IS CONTINGENT upon the appraised value either equaling or exceeding the agreed
 104 upon Purchase Price. If the appraised value is equal to or exceeds Purchase Price, this contingency is satisfied.
 105 In consideration of Buyer having conducted an appraisal, the sufficiency of such consideration being hereby
 106 acknowledged, if the appraised value of the Property does not equal or exceed the Purchase Price, Buyer
 107 shall promptly notify the Seller via the notification form or written equivalent notice. Buyer shall then have
 108 3 days to either:

- 109 1. waive the appraisal contingency via the notification form or equivalent written notice
 110 OR
 111 2. terminate the agreement by giving notice to seller via the notification form or equivalent written
 112 notice. Upon timely termination, Buyer is entitled to a refund of the Earnest money.

113 In the event buyer fails to either waive the appraisal or terminate the agreement as set forth above, this
 114 contingency shall be deemed satisfied. Thereafter, failure to appraise shall not be used as the basis for loan
 115 denial or termination of contract. Seller shall have the right to request any supporting documentation showing
 116 appraised value did not equal or exceed the agreed upon purchase price.

117 **D. Closing Expenses.**

- 118 1. **Seller Expenses.** Seller shall pay all existing loans and/or liens affecting the Property, including all penalties,
 119 release preparation costs, and applicable recording costs; any accrued and/or outstanding association dues or fees;
 120 fee (if any) to obtain lien payoff/estoppel letters/statement of accounts from any and all associations, property
 121 management companies, mortgage holders or other liens affecting the Property; Seller's closing fee, document
 122 preparation fee and/or attorney's fees; fee for preparation of deed; notary fee on deed; and financial institution
 123 (Bank, Credit Union, etc.) wire transfer fee or commercial courier service fee related to the disbursement of any
 124 lien payoff(s). Seller additionally agrees to permit any withholdings and/or to pay any additional sum due as is
 125 required under the Foreign Investment in Real Property Tax Act. Failure to do so will constitute a default by
 126 Seller.

127 In the event Seller is subject to Tax Withholding as required by the Foreign Investment in Real Property
 128 Tax Act, (hereinafter "FIRPTA"), Seller additionally agrees that such Tax Withholding must be collected
 129 from Seller by Buyer's Closing Agent at the time of Closing. In the event Seller is not subject to FIRPTA,
 130 Seller shall be required as a condition of Closing to sign appropriate affidavits certifying that Seller is not subject
 131 to FIRPTA. *It is Seller's responsibility to seek independent tax advice or counsel prior to the Closing Date
 132 regarding such tax matters.*

- 133 2. **Buyer Expenses.** Buyer shall pay all transfer taxes and recording fees on deed of conveyance and deed of trust;
 134 Buyer's closing fee, document preparation fee and/or attorney's fees; preparation of note, deed of trust, and other
 135 loan documents; mortgage loan inspection or boundary line survey; credit report; required premiums for private
 136 mortgage, hazard and flood insurance; required reserved deposits for insurance premiums and taxes; prepaid
 137 interest; re-inspection fees pursuant to appraisal; insured Closing Protection Letter; association fees as stated
 138 within section 4.E.; and any costs incident to obtaining and closing a loan, including but not limited to: appraisal,
 139 origination, discount points, application, commitment, underwriting, document review, courier, assignment,
 140 photo, tax service, notary fees, and any wire fee or other charge imposed for the disbursement of the Seller's
 141 proceeds according to the terms of this Agreement.

- 142 3. **Title Expenses.** Cost of title search, mortgagee's policy and owner's policy (rates to be as filed with the
 143 Tennessee Department of Commerce and Insurance) shall be paid as follows:

144 Seller to pay _____
 145 Simultaneous issue rates shall apply.

146 Not all of the above items (Seller Expenses, Buyer Expenses and Title Expenses) are applicable to every transaction
 147 and may be modified as follows:

148 _____
 149 _____
 150 Closing Agency for Buyer & Contact Information : Tennessee Title Services Brentwood
 151 615-686-2521

152 Closing Agency for Seller & Contact Information : Rudy Title & Escrow
 153 615-383-2903

- 154 3. **Earnest Money/Trust Money.** Buyer has paid or will pay within 3 bus days after the Binding Agreement Date to
 155 Rudy Title & Escrow (name of Holder) ("Holder") located at
 156 2012 21st Ave, Nashville, TN (address of Holder), a Earnest

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157 Money/Trust Money deposit of \$ 10,000.00 by check (OR
158) ("Earnest Money/Trust Money").

159 **A. Failure to Receive Earnest Money/Trust Money.** In the event Earnest Money/Trust Money (if applicable) is not
160 timely received by Holder or Earnest Money/Trust Money check or other instrument is not honored for any reason by
161 the bank upon which it is drawn, Holder shall promptly notify Buyer and Seller of the Buyer's failure to deposit the
162 agreed upon Earnest Money/Trust Money. Buyer shall then have one (1) day to deliver Earnest Money/Trust Money
163 in immediately available funds to Holder. In the event Buyer does not deliver such funds, Buyer is in default and
164 Seller shall have the right to terminate this Agreement by delivering to Buyer or Buyer's representative written notice
165 via the Notification form or equivalent written notice. In the event Buyer delivers the Earnest Money/Trust Money in
166 immediately available funds to Holder before Seller elects to terminate, Seller shall be deemed to have waived his
167 right to terminate, and the Agreement shall remain in full force and effect.

168 **B. Handling of Earnest Money/Trust Money upon Receipt by Holder.** Earnest Money/Trust Money (if applicable)
169 is to be deposited promptly after the Binding Agreement Date or the agreed upon delivery date in this Earnest
170 Money/Trust Money section or as specified in the Special Stipulations section contained at Section 19 herein. Holder
171 shall disburse Earnest Money/Trust Money only as follows:

- 172 (a) at Closing to be applied as a credit toward Buyer's Purchase Price;
173 (b) upon a written agreement signed by all parties having an interest in the funds;
174 (c) upon order of a court or arbitrator having jurisdiction over any dispute involving the Earnest
175 Money/Trust Money;
176 (d) upon a reasonable interpretation of the Agreement; or
177 (e) upon the filing of an interpleader action with payment to be made to the clerk of the court having
178 jurisdiction over the matter.

179 Holder shall be reimbursed for, and may deduct from any funds interpleaded, its costs and expenses, including
180 reasonable attorney's fees. The prevailing party in the interpleader action shall be entitled to collect from the other
181 party the costs and expenses reimbursed to Holder. No party shall seek damages from Holder (nor shall Holder be
182 liable for the same) for any matter arising out of or related to the performance of Holder's duties under this Earnest
183 Money/Trust Money section. Earnest Money/Trust Money shall not be disbursed prior to fourteen (14) days after
184 deposit unless written evidence of clearance by bank is provided.

185 **4. Closing, Prorations, Special Assessments and Warranties Transfer.**

186 **A. Closing Date.** This transaction shall be closed ("Closed") (evidenced by delivery of warranty deed and payment of
187 Purchase Price, the "Closing"), and this Agreement shall expire, at 11:59 p.m. local time on the 1st day of
188 March, 2019 ("Closing Date"), or on such earlier date as may be agreed to by the
189 parties in writing. Such expiration does not extinguish a party's right to pursue remedies in the event of default. Any
190 extension of this date must be agreed to by the parties in writing via the Closing Date/Possession Date Amendment or
191 equivalent written agreement.

192 **1. Possession.** Possession of the Property is to be given (Select the appropriate boxes below. Unselected items
193 will not be part of this Agreement):

194 at Closing as evidenced by delivery of warranty deed and payment of Purchase Price;

195 **OR**

196 as agreed in the attached and incorporated Temporary Occupancy Agreement;

197 **B. Prorations.** Real estate taxes, rents, dues, maintenance fees, and association fees on said Property for the calendar
198 year in which the sale is Closed shall be prorated as of the Closing Date. In the event of a change or reassessment of
199 taxes for the calendar year after Closing, the parties agree to pay their recalculated share. Real estate taxes, rents, dues,
200 maintenance fees, and association fees for prior years and roll back taxes, if any, will be paid by Seller.

201 **C. Greenbelt.** If property is currently classified by the property tax assessor as "Greenbelt" (minimum of 15 acres or
202 otherwise qualifies), does the Buyer intend to keep the property in the Greenbelt? (Select the appropriate boxes
203 below. Unselected items will not be part of this Agreement):

204 Buyer intends to maintain the property's Greenbelt classification and acknowledges that it is Buyer's
205 responsibility to make timely and proper application to insure such status. Buyer's failure to timely and
206 properly make application will result in the assessment of rollback taxes for which Buyer would be responsible.
207 Buyer should consult the tax assessor for the county where the property is located prior to making this offer to
208 verify that their intended use will qualify for greenbelt classification.

209 Buyer does not intend to maintain the property's Greenbelt status and Rollback taxes shall be payable by the
210 Seller at time of closing.

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211 **D. Special Assessments.** Special assessments approved or levied prior to the Closing Date shall be paid by the Seller at
 212 or prior to Closing unless otherwise agreed as follows:
 213

214 **E. Warranties Transfer.** Seller, at the option of Buyer and at Buyer's cost, agrees to transfer Seller's interest in any
 215 manufacturer's warranties, service contracts, termite bond or treatment guarantee and/or similar warranties which by
 216 their terms may be transferable to Buyer.

217 **F. Association Fees.** Buyer shall be responsible for all homeowner or condominium association transfer fees, related
 218 administration fees (not including statement of accounts), capital expenditures/contributions incurred due to the
 219 transfer of Property and/or like expenses which are required by the association, property management company and/or
 220 the bylaws, declarations or covenants for the Property (unless otherwise specifically addressed herein and/or unless
 221 specifically chargeable to Seller under applicable bylaws, declarations, and/or neighborhood covenants).

222 **5. Title and Conveyance.**

223 **A. Seller warrants that at the time of Closing, Seller will convey or cause to be conveyed to Buyer or Buyer's assign(s)**
 224 **good and marketable title to said Property by general warranty deed, subject only to:**

- 225 (1) zoning;
 226 (2) setback requirements and general utility, sewer, and drainage easements of record on the Binding Agreement
 227 Date upon which the improvements do not encroach;
 228 (3) subdivision and/or condominium declarations, covenants, restrictions, and easements of record on the
 229 Binding Agreement Date; and
 230 (4) leases and other encumbrances specified in this Agreement.

231 If title examination, closing or loan survey pursuant to Tenn. Code Ann. § 62-18-126, boundary line survey, or other
 232 information discloses material defects, Buyer may, at Buyer's discretion:

- 233 (1) accept the Property with the defects OR
 234 (2) require Seller to remedy such defects prior to the Closing Date. Buyer shall provide Seller with written notice
 235 of such defects via the Notification form or equivalent written notice. If defects are not remedied prior to
 236 Closing Date, Buyer and Seller may elect to extend the Closing Date by mutual written agreement evidenced
 237 by the Closing Date/Possession Amendment form or other written equivalent. If defects are not remedied by
 238 the Closing Date or any mutually agreed upon extension thereof, this Agreement shall terminate, and Buyer
 239 shall be entitled to refund of Earnest Money/Trust Money.

240 Good and marketable title as used herein shall mean title which a title insurance company licensed to do business in
 241 Tennessee will insure at its regular rates, subject only to standard exceptions. The title search or abstract used for the
 242 purpose of evidencing good and marketable title must be acceptable to the title insurance agent and the issuing title
 243 insurance company. Seller agrees to execute such appropriate affidavits and instruments as may be required by the
 244 issuing title insurance company.

245 **B. Deed.** Deed is to be made in the name of Walston Capital, LLC

246 The manner in which Buyer takes title determines ownership and survivorship rights. It is the Buyer's responsibility
 247 to consult the closing agency or attorney prior to Closing.

248 **C. Association Lien Payoff.** In the event the Property is subject to mandatory association assessments or other fees,
 249 which may impose a lien, Seller shall cause to be delivered to Buyer or Buyer's Closing Agent not later than seven
 250 (7) days before Closing a lien payoff, estoppel letter or a statement of account reflecting that the account relating to
 251 the Property is current or setting forth the sum due to bring the account current.

252 **6. Lead-Based Paint Disclosure (Select the appropriate box.)**

253 does not apply. does apply (Property built prior to 1978 – see attached Lead-Based Paint Disclosure)

254 **7. Inspections.**

255 **A. Buyer's Right to Make Inspection(s).** All inspections/reports, including but not limited to the home inspection
 256 report, those required/recommended in the home inspection report, Wood Destroying Insect Infestation
 257 Inspection Report, septic inspection and well water test, are to be made at Buyer's expense, unless otherwise
 258 stipulated in this Agreement. The parties hereto agree that in the event Buyer shall elect to contract with a third
 259 party inspector to obtain a "Home Inspection" as defined by Tennessee law, said inspection shall be conducted by a
 260 licensed Home Inspector. However, nothing in this section shall preclude Buyer from conducting any inspections on
 261 his/her own behalf, nor shall it preclude Buyer from retaining a qualified (and if required by law, licensed) professional
 262 to conduct inspections of particular systems or issues within such professional's expertise or licensure, including but
 263 not limited to inspection of the heating/cooling systems, electrical systems, foundation, etc., so long as said

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264 professional is not in violation of Tenn. Code Ann. § 62-6-301, et seq. as may be amended. Seller shall cause all
 265 utility services and any pool, spa, and similar items to be operational so that Buyer may complete all inspections
 266 and tests under this Agreement. Buyer agrees to indemnify Seller from the acts of himself, his inspectors and/or
 267 representatives in exercising his rights under this Purchase and Sale Agreement. Buyer's obligations to indemnify
 268 Seller shall also survive the termination of this Agreement by either party, which shall remain enforceable. Buyer
 269 waives any objections to matters of purely cosmetic nature (e.g. decorative, color or finish items) disclosed by
 270 inspection. Buyer has no right to require repairs or alterations purely to meet current building codes, unless
 271 required to do so by governmental authorities.

272 **B. Initial Inspections.** Buyer and/or his inspectors/representatives shall have the right and responsibility to enter the
 273 Property during normal business hours, for the purpose of making inspections and/or tests of the Property. Buyer
 274 and/or his inspectors/representatives shall have the right to perform a visual analysis of the condition of the Property,
 275 any reasonably accessible installed components, the operation of the Property's systems, including any controls
 276 normally operated by Seller including the following components: heating systems, cooling systems, electrical systems,
 277 plumbing systems, structural components, foundations, roof coverings, exterior and interior components, any other
 278 site aspects that affect the Property, and environmental issues.

279 **C. Wood Destroying Insect Infestation Inspection Report.** If desired by Buyer or required by Buyer's Lender, it shall
 280 be Buyer's responsibility to obtain *at Buyer's expense* a Wood Destroying Insect Infestation Inspection Report (the
 281 "Report"), which shall be made by a Tennessee licensed and chartered pest control operator.

282 **The foregoing expense may be subject to governmental guidelines relating to VA Loans (See VA/FHA Loan**
 283 **Addendum if applicable).**

284 The inspection shall include each dwelling, garage, and other permanent structure on the Property excluding
 285 none _____ for evidence of active infestation and/or damage.

286 Buyer shall cause such Report to be delivered to Seller simultaneously with any repairs requested by the Buyer or the
 287 end of the Inspection Period, whichever is earlier. If the Report indicates evidence of active infestation, Seller agrees
 288 to treat infestation at Seller's expense and provide documentation of the treatment to Buyer prior to Closing. Requests
 289 for repair of damage, if any, should be addressed in the Buyer's request for repairs pursuant to Subsection 8.D., Buyer's
 290 Inspection and Resolution below.

291 **D. Buyer's Inspection and Resolution.** Within 10 days after the Binding Agreement Date ("Inspection Period"),
 292 Buyer shall cause to be conducted any inspection provided for herein, including but not limited to the Wood
 293 Destroying Insect Infestation Inspection Report AND shall provide written notice of such to Seller as described below.
 294 *In the event Buyer fails to timely make such inspections and respond within said timeframe as described herein,*
 295 *the Buyer shall have forfeited any rights provided under this Section 7, and in such case shall accept the Property*
 296 *in its current condition, normal wear and tear excepted.*

297 **In said notice Buyer shall either:**

298 (1) In consideration of Buyer having conducted Buyer's good faith inspections as provided for herein, the
 299 sufficiency of such consideration being hereby acknowledged, Buyer shall furnish Seller with a list of written
 300 specified objections and immediately terminate this Agreement via the Notification form or equivalent
 301 written notice. All Earnest Money/Trust Money shall be returned to Buyer upon termination.

302 **OR**

303 (2) accept the Property in its present "AS IS" condition with any and all faults and no warranties expressed or
 304 implied via the Notification form or equivalent written notice. Seller has no obligation to make repairs.

305 **OR**

306 (3) furnish Seller a written list of items which Buyer requires to be repaired and/or replaced with like quality or
 307 value in a professional and workmanlike manner. Seller shall have the right to request any supporting
 308 documentation that substantiates any item listed.

309 a. Resolution Period. Seller and Buyer shall then have a period of 3 days following receipt of
 310 the above stated written list ("Resolution Period") to reach a mutual agreement as to the items to be
 311 repaired or replaced with like quality or value by Seller, which shall be evidenced by the Repair /
 312 Replacement Amendment or written equivalent(s). *The parties agree to negotiate repairs in good*
 313 *faith during the Resolution Period.* In the event Seller and Buyer do not reach a mutual written
 314 resolution during such Resolution Period or a mutually agreeable written extension thereof as
 315 evidenced in an Amendment to this Agreement signed by both parties within said period of time,
 316 this Agreement is hereby terminated. If terminated, Buyer is entitled to a refund of the Earnest
 317 Money/Trust Money.

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E. **Waiver of All Inspections. THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT.**

Buyer, having been advised of the benefits of inspections, waives any and all Inspection Rights under this Section 7 (including but not limited to the Wood Destroying Insect Infestation Inspection Report).

8. **Final Inspection.** Buyer and/or his inspectors/representatives shall have the right to conduct a final inspection of Property on the Closing Date or within 2 day(s) prior to the Closing Date only to confirm Property is in the same or better condition as it was on the Binding Agreement Date, normal wear and tear excepted, and to determine that all repairs/replacements agreed to during the Resolution Period, if any, have been completed. Property shall remain in such condition until Closing at Seller's expense. Closing of this sale constitutes acceptance of Property in its condition as of the time of Closing, unless otherwise noted in writing.
9. **Buyer's Additional Due Diligence Options.** If any of the matters below are of concern to Buyer, Buyer should address the concern by specific contingency in the Special Stipulations Section of this Agreement.
- A. **Survey and Flood Certification.** Survey Work and Flood Certifications are the best means of identifying boundary lines and/or encroachments and easements or flood zone classifications. Buyer may obtain a Mortgage Inspection or Boundary Line Survey and Flood Zone Certifications.
- B. **Insurability.** Many different issues can affect the insurability and the rates of insurance for property. These include factors such as changes in the Flood Zone Certifications, changes to the earthquake zones maps, the insurability of the buyer, and previous claims made on the Property. It is the right and responsibility of Buyer to determine the insurability, coverage and the cost of insuring the Property. It is also the responsibility of Buyer to determine whether any exclusions will apply to the insurability of said Property.
- C. **Water Supply.** The system may or may not meet state and local requirements. It is the right and responsibility of Buyer to determine the compliance of the system with state and local requirements. [For additional information on this subject, request the "Water Supply and Waste Disposal Notification" form.]
- D. **Waste Disposal.** The system may or may not meet state and local requirements. It is the right and responsibility of Buyer to determine the compliance of the system with state and local requirements. In addition, Buyer may, for a fee, obtain a septic system inspection letter from the Tennessee Department of Environment and Conservation, Division of Ground Water Protection. [For additional information on this subject, request the "Water Supply and Waste Disposal Notification" form.]
- E. **Title Exceptions.** At Closing, the general warranty deed will be subject to subdivision and/or condominium declarations, covenants, restrictions and easements of record, which may impose obligations and may limit the use of the Property by Buyer.
10. **Disclaimer.** It is understood and agreed that the real estate firms and real estate licensee(s) representing or assisting Seller and/or Buyer and their brokers (collectively referred to as "Brokers") are not parties to this Agreement and do not have or assume liability for the performance or nonperformance of Seller or Buyer. Buyer and Seller agree that Brokers shall not be responsible for any of the following, including but not limited to, those matters which could have been revealed through a survey, flood certification, title search or inspection of the Property; the insurability of the Property or cost to insure the Property; for the condition of the Property, any portion thereof, or any item therein; for any geological issues present on the Property; for any issues arising out of the failure to physically inspect Property prior to entering into this Agreement and/or Closing; for the necessity or cost of any repairs to the Property; for hazardous or toxic materials; for the tax or legal consequences of this transaction; for the availability, capability, and/or cost of utility, sewer, septic, or community amenities; for any proposed or pending condemnation actions involving Property; for applicable boundaries of school districts or other school information; for the appraised or future value of the Property; for square footage or acreage of the Property; for any condition(s) existing off the Property which may affect the Property; for the terms, conditions, and availability of financing; and/or for the uses and zoning of the Property whether permitted or proposed. Buyer and Seller acknowledge that Brokers are not experts with respect to the above matters and that they have not relied upon any advice, representations or statements of Brokers (including their firms and affiliated licensees) and waive and shall not assert any claims against Brokers (including their firms and affiliated licensees) involving same. Buyer and Seller understand that it has been strongly recommended that if any of these or any other matters concerning the Property are of concern to them, that they secure the services of appropriately credentialed experts and professionals of Buyer's or Seller's choice for the independent expert advice and counsel relative thereto.
11. **Brokerage.** As specified by separate agreement, Seller agrees to pay Listing Broker at Closing the agreed upon compensation. The Listing Broker will direct the closing agency to pay the Selling Broker, from the compensation received, an amount in accordance with the terms and provisions specified by separate agreement. The parties agree and acknowledge that the Brokers involved in this transaction may receive compensation from more than one party. All parties to this Agreement agree and acknowledge that any real estate firm involved in this transaction shall be deemed a third

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372 party beneficiary only for the purposes of enforcing their commission rights, and as such, shall have the right to maintain
 373 an action on this Agreement for any and all compensations due and any reasonable attorney's fees and court costs.

374 12. **Default.** Should Buyer default hereunder, the Earnest Money/Trust Money shall be forfeited as damages to Seller and
 375 shall be applied as a credit against Seller's damages. Seller may elect to sue, in contract or tort, for additional damages or
 376 specific performance of the Agreement, or both. Should Seller default, Buyer's Earnest Money/Trust Money shall be
 377 refunded to Buyer. In addition, Buyer may elect to sue, in contract or tort, for damages or specific performance of this
 378 Agreement, or both. In the event that any party hereto shall file suit for breach or enforcement of this Agreement (including
 379 suits filed after Closing which are based on or related to the Agreement), the prevailing party shall be entitled to recover
 380 all costs of such enforcement, including reasonable attorney's fees. In the event that any party exercises its right to
 381 terminate due to the default of the other pursuant to the terms of this Agreement, the terminating party retains the right to
 382 pursue any and all legal rights and remedies against the defaulting party following termination. The parties hereby agree
 383 that all remedies are fair and equitable and neither party will assert the lack of mutuality of remedies, rights and/or
 384 obligations as a defense in the event of a dispute.

385 13. **Home Protection Plan.** This is not a substitution for Home Inspection. Exclusions to coverage may apply. (Select the
 386 appropriate box below. Items not selected are not part of this Agreement).

387 **Home Protection Plan.** _____ to pay \$ _____ for the purchase of a limited home
 388 protection plan to be funded at Closing. Plan Provider: _____
 389 Ordered by: _____ (Real Estate Company)

390 **Home Protection Plan waived.**

391 14. **Other Provisions.**

392 A. **Binding Effect, Entire Agreement, Modification, Assignment, and Binding Agreement Date.** This Agreement
 393 shall be for the benefit of, and be binding upon, the parties hereto, their heirs, successors, legal representatives and
 394 assigns. This Agreement constitutes the sole and entire agreement between the parties hereto and no modification of
 395 this Agreement shall be binding unless signed by all parties or assigns to this Agreement. No representation, promise,
 396 or inducement not included in this Agreement shall be binding upon any party hereto. It is hereby agreed by both
 397 Buyer and Seller that any real estate agent working with or representing either party shall not have the authority to
 398 bind the Buyer, Seller or any assignee to any contractual agreement unless specifically authorized in writing within
 399 this Agreement. Any assignee shall fulfill all the terms and conditions of this Agreement. The parties hereby authorize
 400 either licensee to insert the time and date of receipt of the notice of acceptance of the final offer. The foregoing time
 401 and date will be referred to for convenience as the Binding Agreement Date for purposes of establishing performance
 402 deadlines.

403 B. **Survival Clause.** Any provision contained herein, which by its nature and effect is required to be performed after
 404 Closing, shall survive the Closing and delivery of the deed and shall remain binding upon the parties to this Agreement
 405 and shall be fully enforceable thereafter.

406 C. **Governing Law and Venue.** This Agreement is intended as a contract for the purchase and sale of real property and
 407 shall be governed by and interpreted in accordance with the laws and in the courts of the State of Tennessee.

408 D. **Time of Essence.** Time is of the essence in this Agreement.

409 E. **Terminology.** As the context may require in this Agreement: (1) the singular shall mean the plural and vice versa;
 410 (2) all pronouns shall mean and include the person, entity, firm or corporation to which they relate; (3) the masculine
 411 shall mean the feminine and vice versa; and (4) the term day(s) used throughout this Agreement shall be deemed to
 412 be calendar day(s) ending at 11:59 p.m. local time unless otherwise specified in this Agreement. Local time shall be
 413 determined by the location of Property. In the event a performance deadline, other than the Closing Date (as defined
 414 in Section 4 herein), Date of Possession (as defined in Section 4 herein), Completion of Repair Deadline (as defined
 415 in the Repair/Replacement Amendment), and Offer Expiration Date (as defined in Section 20 herein), occurs on a
 416 Saturday, Sunday or legal holiday, the performance deadline shall extend to the next following business day. Holidays
 417 as used herein are those days deemed federal holidays pursuant to 5 U.S.C. § 6103. In calculating any time period
 418 under this Agreement, the commencement shall be the day following the initial date (e.g. Binding Agreement Date).

419 F. **Responsibility to Cooperate.** Buyer and Seller agree to timely take such actions and produce, execute, and/or deliver
 420 such information and documentation as is reasonably necessary to carry out the responsibilities and obligations of this
 421 Agreement. Except as to matters which are occasioned by clerical errors or omissions or erroneous information, the
 422 approval of the closing documents by the parties shall constitute their approval of any differences between this
 423 Agreement and the Closing. Buyer and Seller agree that if requested after Closing, they will correct any documents

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424 and pay any amounts due where such corrections or payments are appropriate by reason of mistake, clerical errors or
425 omissions, or the result of erroneous information.

426 **G. Notices.** Except as otherwise provided herein, all notices and demands required or permitted hereunder shall be in
427 writing and delivered either (1) in person; (2) by a prepaid overnight delivery service; (3) by facsimile transmission
428 (FAX); (4) by the United States Postal Service, postage prepaid, registered or certified, return receipt requested; or (5)
429 Email. **NOTICE** shall be deemed to have been given as of the date and time it is actually received. Receipt of notice
430 by the real estate licensee or their Broker assisting a party as a client or customer shall be deemed to be notice to that
431 party for all purposes under this Agreement as may be amended, unless otherwise provided in writing.

432 **H. Risk of Loss.** The risk of hazard or casualty loss or damage to Property shall be borne by the Seller until transfer of
433 title. If casualty loss prior to Closing exceeds 10% of the Purchase Price, Seller or Buyer may elect to terminate this
434 Agreement with a refund of Earnest Money/Trust Money to Buyer.

435 **I. Equal Housing.** This Property is being sold without regard to race, color, creed, sex, religion, handicap, familial
436 status, or national origin.

437 **J. Severability.** If any portion or provision of this Agreement is held or adjudicated to be invalid or unenforceable for
438 any reason, each such portion or provision shall be severed from the remaining portions or provisions of this
439 Agreement, and the remaining portions or provisions shall be unaffected and remain in full force and effect. In the
440 event that the contract fails due to the severed provisions, then the offending language shall be amended to be in
441 conformity with state and federal law.

442 **K. Contract Construction.** This Agreement or any uncertainty or ambiguity herein shall not be construed against any
443 party but shall be construed as if all parties to this Agreement jointly prepared this Agreement.

444 **L. Section Headings.** The Section Headings as used herein are for reference only and shall not be deemed to vary the
445 content of this Agreement or limit the scope of any Section.

446 **15. Seller's Additional Obligations.** In addition to any other disclosure required by law, the Seller shall, prior to entering
447 into a contract with a Buyer, disclose in writing including acknowledgement of receipt:

448 (a) the presence of any known exterior injection well or sinkhole (as defined in TCA § 66-5-212) on the property;

449 (b) the results of any known percolation test or soil absorption rate performed on the property that is determined or
450 accepted by the Department of Environment and Conservation and;

451 (c) if the property is located in a Planned Unit Development (PUD) and

452 (d) if the property is located in a PUD, make available to the Buyer a copy of the development's restrictive covenants,

453 homeowner bylaws and master deed upon request. Seller shall also disclose in the same manner whether any single

454 family residence located on the Property has been moved from an existing foundation to another foundation where such
455 information is known to the Seller.

456 **16. Method of Execution.** The parties agree that signatures and initials transmitted by facsimile, other photocopy transmittal,
457 or by transmittal of digital signature as defined by the applicable State or Federal law will be acceptable and may be treated
458 as originals and that the final Purchase and Sale Agreement containing all signatures and initials may be executed partially
459 by original signature and partially on facsimile, other photocopy documents, or by digital signature as defined by the
460 applicable State or Federal law.

461 **17. Exhibits and Addenda.** All exhibits and/or addenda attached hereto, listed below, or referenced herein are made a part
462 of this Agreement:

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18. Special Stipulations. The following Special Stipulations, if conflicting with any preceding section, shall control:

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Buyer pays no agent fees.
Buyer and seller responsible for their own closing costs.
Buyer agrees to allow current renter to stay in condo up until 20 days after closing.
Whatever the renter would owe in rent payment during that time will be owed to buyer.

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19. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not countered or accepted by _____ o'clock a.m./ p.m.; on the _____ day of _____.

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LEGAL DOCUMENTS: This is an important legal document creating valuable rights and obligations. If you have any questions about it, you should review it with your attorney. Neither the Broker nor any Agent or Facilitator is authorized or qualified to give you any advice about the advisability or legal effect of its provisions.

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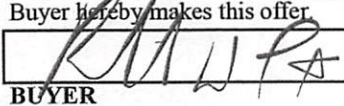
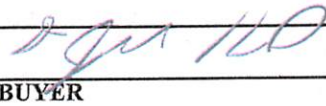
NOTE: Any provisions of this Agreement which are preceded by a box "☐" must be marked to be a part of this Agreement. By affixing your signature below, you also acknowledge that you have reviewed each page and have received a copy of this Agreement.

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IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

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Buyer hereby makes this offer

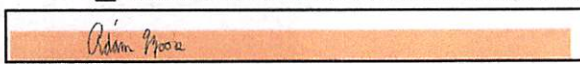
	
BUYER	BUYER
01/31/2019 02/11/2019	Jan 31, 2019 02/11/2019
Offer Date	Offer Date

_____ at _____ o'clock am/ pm

516
517

Seller hereby:

ACCEPTS – accepts this offer.
 COUNTERS – accepts this offer subject to the attached Counter Offer(s).
 REJECTS this offer and makes no counter offer.

	
SELLER	SELLER
2-11-19	
Date	Date

_____ at _____ o'clock am/ pm

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518 Acknowledgement of Receipt. Adam Moore hereby acknowledges receipt of the final accepted offer
519 on 2/11/19 at _____ o'clock am/ pm, and this shall be referred to as the Binding Agreement Date for
520 purposes of establishing performance deadlines as set forth in the Agreement.
521

For Information Purposes Only:

Listing Company: <u>N/A</u>	Selling Company: <u>N/A</u>
Listing Firm Address: _____	Selling Firm Address: _____
Firm License No.: _____	Firm License No.: _____
Firm Telephone No.: _____	Firm Telephone No.: _____
Listing Licensee: _____	Selling Licensee: _____
Licensee License Number: _____	Licensee License Number: _____
Licensee Email: _____	Licensee Email: _____
Home Owner's / Condominium Association ("HOA/COA"): _____	


HOA / COA Phone: _____	HOA/COA Email: _____
Property Management Company: _____	_____
Phone: _____	Email: _____

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

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Karen Johnson Davidson County
 Batch# 203024 DEEDWARR
 03/07/2019 10:36:30 AM 3 pgs
 Fees: \$18.00 Taxes: \$945.35
 20190307-0021002

WARRANTY DEED  Y-P1-19-11-403	STATE OF TENNESSEE COUNTY OF DAVIDSON THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$255,500.00. Affiant <u>[Signature]</u>
	SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE 5th DAY OF MARCH, 2019. Notary Public <u>[Signature]</u> MY COMMISSION EXPIRES: _____ (AFFIX SEAL)

THIS INSTRUMENT WAS PREPARED BY
 Rudy Title and Escrow, LLC
 2012 21st Avenue South
 Nashville, TN 37212

ADDRESS NEW OWNER (S) AS FOLLOWS:		SEND TAX BILLS TO	MAP / PARCEL NUMBER (S)
Robert W. Proctor, Jr and Daniel Jackson Howard		NEW OWNER	
(NAME)		(NAME)	
11 Music Square East, Unit 403		1127 Daffshore Dr.	093-13-0A-403-00-CO
(ADDRESS)		(ADDRESS)	
Nashville, TN 37203		Fayetteville, NC 28305	
(CITY) (STATE) (ZIP)		(CITY) (STATE) (ZIP)	

For and in consideration of the sum of TEN DOLLARS, cash in hand, paid by the hereinafter named Grantee(s), and other good and valuable consideration, the receipt of which is hereby acknowledged, P1 INVESTMENTS, LLC, A TENNESSEE LIMITED LIABILITY COMPANY, hereinafter called the Grantor(s), has/have bargained and sold, and by these presents do/does transfer and convey unto ROBERT W. PROCTOR, JR AND DANIEL JACKSON HOWARD, hereinafter called the Grantee(s), his/her/its/their heirs, successors and assigns, that certain tract or parcel of land in DAVIDSON COUNTY, STATE OF TENNESSEE, described as follows, to wit:

Land in Davidson County, Tennessee, being Unit No. 403 of Spence Manor Condominiums created under Title 66, Chapter 27, Section 101, Et Seq., as amended, Tennessee Code Annotated as established by a Master Deed of record in Book 6794, page 219, Register's Office for Davidson County, Tennessee, together with undivided percent interest in the common elements appurtenant to said unit as set forth in exhibit A-1 of said Master Deed. Reference is hereby made for the Plat of Spence Manor Condominium as set forth in exhibit A-2 of said Master Deed for a more complete identification and description of said unit.

Being the same property conveyed to P1 Investments, LLC by Quitclaim deed from Adam B. Moore and Gregory F. Lamas of record in Instrument No. 20170807-0080666 Register's Office for Davidson County, Tennessee, dated August 01, 2017 and recorded on August 07, 2017.

- This conveyance is subject to:
- Master Deed establishing a Horizontal Property Regime of Spence Manor Condominium, of record in Book 6794, Page 219, Register's Office for Davidson County, Tennessee.
 - By-Laws of Spence Manor Condominium and Spence Manor Condominium Association, Inc. attached as Exhibit "B" to the Master Deed of record in Book 6794, Page 219, in the Register's Office for Davidson County, Tennessee.
 - Charter of Spence Manor Condominium Association, Inc. of record in Book 6790, Page 237, as amended in Instrument No. 20011106-0121962 and Instrument No. 20020710-0083218, in the Register's Office for Davidson County, Tennessee.
 - Spence Manor Condominium Association Rules Regarding Modification of Units of record in Instrument Number 20181226-0125273, in the Register's Office for Davidson County, Tennessee.
 - Any and all existing easements and restrictions as shown of record not stated herein

This is Improved property known as: **11 Music Square East, Unit 403, Nashville, Tennessee 37203.**

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEE(S), their heirs and assigns forever, and we do covenant with the said GRANTEE(S) that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE(S), their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness my/our hand(s) this the 5th DAY OF MARCH, 2019.

P1 Investments, LLC

BY: [Signature]
Tyler Thompson
Member

BY: [Signature]
Adam Moore
Member

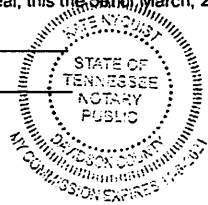
BY: [Signature]
Greg Lamas
Member

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, TYLER THOMPSON, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who acknowledged himself/herself to be the MEMBER of P1 INVESTMENTS, LLC the within named bargainer, a limited liability company, and that he/she as such MEMBER executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal, this the 5th of March, 2019.

[Signature]
Notary Public
My Commission Expires: _____
(SEAL)

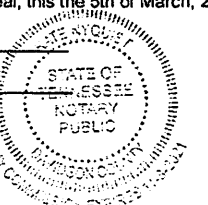


STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, ADAM MOORE, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who acknowledged himself/herself to be the MEMBER of P1 INVESTMENTS, LLC the within named bargainer, a limited liability company, and that he/she as such MEMBER executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal, this the 5th of March, 2019.

[Signature]
Notary Public
My Commission Expires: _____
(SEAL)

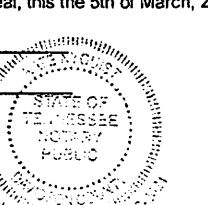


STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, GREG LAMAS, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who acknowledged himself/herself to be the MEMBER of P1 INVESTMENTS, LLC the within named bargainer, a limited liability company, and that he/she as such MEMBER executed the foregoing instrument for the purpose therein contained.

Witness my hand and official seal, this the 5th of March, 2019.

[Signature]
Notary Public
My Commission Expires: _____
(SEAL)



True Copy Certification

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

Marjorie Kaup Haines
Signature

State of TN

County of Williamson

Personally appeared before me, Chris Mule, a notary public for this county and state, Marjorie Kaup Haines, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Chris Mule
Notary's Signature

My Commission Expires: 1/19/2020
Notary Seal (if on paper)



EXHIBIT 2



PURCHASE AND SALE AGREEMENT

1. Purchase and Sale. For and in consideration of the mutual covenants herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned buyer

Adam B. Moore & Graig P. Lamar ("Buyer") agrees to buy and the undersigned seller Patricia S. Senger ("Seller") agrees to sell all that tract or parcel of land, with such improvements as are located thereon, described as follows:

All that tract of land known as: 11 Music Sq B Unit 403 (Address) Nashville (City), Tennessee, 37203 (Zip), as recorded in Davidson County Register of Deeds Office, TBD deed book(s), TBD page(s), and/or TBD instrument number and as further described as: 11 MUSIC SQ B UNIT 403, NASHVILLE TN 37203 together with all fixtures, landscaping, improvements, and appurtenances, all being hereinafter collectively referred to as the "Property."

A. INCLUDED as part of the Property (if present): all attached light fixtures and bulbs including ceiling fans; permanently attached plate glass mirrors; heating, cooling, and plumbing fixtures and equipment; all doors, storm doors and windows; all window treatments (e.g., shutters, blinds, shades, curtains, draperies) and hardware; all wall-to-wall carpet; range; all built-in kitchen appliances; all bathroom fixtures and bathroom mirrors; all gas logs, fireplace doors and attached screens; all security system components and controls; garage door opener and all (at least 0) remote controls; an entry key; swimming pool and its equipment; awnings; permanently installed outdoor cooking grills; all landscaping and all outdoor lighting; mailbox(es); attached basketball goals and backboards; TV mounting brackets (but excluding flat screen TVs); antennae and satellite dishes (excluding components); and central vacuum systems and attachments.

B. Other items that REMAIN with the Property at no additional cost to Buyer: **All furnishings, bedding, wall hangings, appliances, window treatments, kitchenware presently in condo**

C. Items that WILL NOT REMAIN with the Property: **any personal photos, clothing**

D. LEASED ITEMS: Leased items that remain with the Property: (e.g., security systems, water softener systems, fuel tank, etc.): paid by seller if applicable. Buyer shall assume any and all lease payments as of Closing. If leases are not assumable, the balance shall be paid in full by Seller at or before Closing.

Buyer does not wish to assume a leased item. (THIS BOX MUST BE CHECKED IN ORDER FOR IT TO BE A PART OF THIS AGREEMENT.)

Buyer does not wish to assume Seller's current lease of if applicable; therefore, Seller shall have said lease cancelled and leased items removed from Property prior to Closing.

E. FUEL: Fuel, if any, will be adjusted and charged to Buyer and credited to Seller at Closing at current market prices.

2. Purchase Price, Method of Payment and Closing Expenses. Buyer warrants that, except as may be otherwise provided herein, Buyer will at Closing have sufficient cash to complete the purchase of the Property under the terms of this Purchase and Sale Agreement (hereinafter "Agreement"). The purchase price to be paid is: \$ 250,000.00, Two Hundred Fifty Thousand U.S. Dollars, ("Purchase Price") which shall be disbursed to Seller or Seller's Closing Agency by one of the following methods:

- a Federal Reserve Bank wire transfer;
- a Cashier's Check issued by a financial institution as defined in 12 CFR § 229.2(l); OR
- other such form as is approved in writing by Seller.

A. Financial Contingency - Loan(s) To Be Obtained. This Agreement is conditioned upon Buyer's ability to obtain a loan(s) in the principal amount up to 80 % of the Purchase Price listed above to be secured by a deed of trust on the Property. "Ability to obtain" as used herein means that Buyer is qualified to receive the loan described

This form is copyrighted and may only be used in real estate transactions in which Adrienne Arnett is involved as a TAR authorized user. Unauthorized use of the form may result in legal actions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477. Version 01/01/2017

Authenticign ID: AA7E4558-37FA-4CDF-B5B8-608AF1CB1337

Authenticign ID: 157376770F-4858-4632-B5A0-24E4E6B09120

429 16. Seller's Additional Obligations. If Seller has any knowledge of an exterior injection well, a sinkhole as defined
 430 pursuant to Tenn. Code Ann. § 66-5-212(c), and/or a percolation test or soil absorption rate on the Property, Seller shall be
 431 obligated to counter this offer by disclosure of the existence of the above including any tests and reports unless disclosure has
 432 already been received and acknowledged in writing by Buyer. Seller shall also disclose in the same manner whether any
 433 single family residence located on the Property has been moved from an existing foundation to another foundation where
 434 such information is known to the Seller. Seller shall also be obligated to counter this offer to disclose if the Property is
 435 located in a Planned Unit Development (PUD) as defined pursuant to Tenn. Code Ann. § 66-5-213 unless said disclosure has
 436 already been received in writing and acknowledged by Buyer. If the Property is in a PUD, Seller agrees to make available
 437 copies of the development's restrictive covenants, homeowner bylaws, and master deed to Buyer upon request.

438 17. Method of Execution. The parties agree that signatures and initials transmitted by facsimile, other photocopy
 439 transmittal, or by transmittal of digital signature as defined by the applicable State or Federal law will be acceptable and
 440 may be treated as originals and that the final Purchase and Sale Agreement containing all signatures and initials may be
 441 executed partially by original signature and partially on facsimile, other photocopy documents, or by digital signature as
 442 defined by the applicable State or Federal law.

443 18. Exhibits and Addenda. All exhibits and/or addenda attached hereto, listed below, or referenced herein are made a part
 444 of this Agreement:
 445 **ALL REQUIRED DISCLOSURES**

446
 447
 448 19. Special Stipulations. The following Special Stipulations, if conflicting with any preceding paragraph, shall control:
 449 1. The seller will Transfer logins to Air BnB and/or VRBO by the
 450 date of closing, and show proof of transfer.
 451 2. The seller will Transfer the Short Term Rental permit to Buyers
 452 by the date of closing, and show proof of transfer.
 453 3. The Sellers will give copies of any and all paper work
 454 (contracts or agreements) for reserved AirBNB reservations that
 455 were scheduled for after the contracted closing date.
 456 4. Buyers reserve the right to keep or cancel future (contracted
 457 bookings) after closing. Any deposits received for these bookings
 458 shall be credited to the buyers at closing out of Sellers proceeds.
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TENNESSEE REALTORS Copyright 2015 © Tennessee Realtors®
 RF401 - Purchase and Sale Agreement, Page 9 of 10

Version 01/01/2017

Instructions

AuthentSign ID: AA784558-37FA-4CDF-B6B6-900AF1CB1337

AuthentSign ID: AA784558-37FA-4CDF-B6B6-900AF1CB1337

484 20. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not
485 countered or accepted by 9 o'clock a.m./ p.m.; on the 14th day of June, 2017.

486 LEGAL DOCUMENTS: This is an important legal document creating valuable rights and obligations. If you have
487 any questions about it, you should review it with your attorney. Neither the Broker nor any Agent or Facilitator is
488 authorized or qualified to give you any advice about the advisability or legal effect of its provisions.

489 NOTE: Any provisions of this Agreement which are preceded by a box "☐" must be marked to be a part of this
490 Agreement. By affixing your signature below, you also acknowledge that you have reviewed each page and have
491 received a copy of this Agreement.

492 IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts
493 and sending emails with fake wiring instructions. These emails are convincing and sophisticated.
494 Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone
495 number. Never wire money without double-checking that the wiring instructions are correct.

496 Buyer hereby makes this offer.

497	AuthentSign <u>Adam B. Moore</u>	AuthentSign <u>Greg F. Lamas</u>
498	BUYER Adam B. Moore 06/13/2017 2:17 PM CDT	BUYER Greg F. Lamas 06/13/2017 2:22 PM CDT
499	<u>06/13/2017</u> at <u>2</u> o'clock <input type="checkbox"/> am/ <input checked="" type="checkbox"/> pm	<u>06/13/2017</u> at <u>2</u> o'clock <input type="checkbox"/> am/ <input checked="" type="checkbox"/> pm
500	Offer Date	Offer Date

501 Seller hereby:

502 ACCEPTS— accepts this offer.

503 COUNTERS— accepts this offer subject to the attached Counter Offer(s).

504 REJECTS this offer and makes no counter offer.

505	AuthentSign <u>Patricia S Seeger</u>	SELLER
506	SELLER Patricia S Seeger 06/13/2017 8:38 AM CDT	
507	_____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm	_____ at _____ o'clock <input type="checkbox"/> am/ <input type="checkbox"/> pm
508	Date	Date

509 Binding Agreement Date. This instrument shall become a "Binding Agreement" on the date ("Binding Agreement Date")
510 the last offeror, or licensee of the offeror, receives notice of offeree's acceptance.

511 Notice of acceptance of the final offer was received on the _____ day of _____, _____ at _____ o'clock am/ pm
512 by _____ (Name).

For Information Purposes Only:

Listing Company: <u>Re/Max Fine Homes</u>	Selling Company: <u>Re/Max Fine Homes</u>
Listing Firm Address: <u>Wall Street 37174</u>	Selling Firm Address: <u>Wall Street 37174</u>
Firm License No.: <u>262539</u>	Firm License No.: <u>262539</u>
Firm Telephone No.: <u>615-371-3232</u>	Firm Telephone No.: <u>615-371-3232</u>
Listing Licensee: <u>252879</u>	Selling Licensee: <u>282879</u>
Licensee License Number: <u>615-429-5193</u>	Licensee License Number: <u>615-429-5193</u>
Licensee Email: <u>jarnett433@aol.com</u>	Licensee Email: <u>jarnett433@aol.com</u>

Home Owner's / Condominium Association ("HOA/COA"):

HOA / COA Phone: _____ HOA/COA Email: _____

Property Management Company: _____

Phone: _____ Email: _____

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

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INSTRUMENTXXXX

EXHIBIT 3

2017-303

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530



Appellant : Greg Lamas

Date: 9-21-17

Property Owner: P1 Investments, LLC

Case #: 2017-303

Representative: Greg Lamas

Map & Parcel: 093130A40300CO

Council District 19

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

Purpose:

Appeal of the zoning staff's rejection of STRP permit based on advertising and operating without a permit.

Activity Type: Short Term Rental

Location: 11 Music St. E #403

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

Reason: Applicant was under the assumption that the existing STR Permit was transferable.

Section(s): 17.16.250(E,1.a), 17.40.180A

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.

[Signature]
Completed and witnessed, Date

Greg Lamas
Name (Please Print)

[Signature]
Signature

gflamas@gmail.com
Applicant's e-mail address

(585) 747-3321
Applicant's phone

1515 Demonbreun St. #805
Mailing Address

Nashville, TN 37203
City, State, Zip Code

(585) 747-3321
Phone Number

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

Appeal Fee: \$ 100.00

EXHIBIT 4

Copy

176C 23694

IN THE GENERAL SESSIONS COURT FOR DAVIDSON COUNTY, TENNESSEE

THE METROPOLITAN GOVERNMENT OF)
NASHVILLE AND DAVIDSON COUNTY,)
Plaintiff,)
v.)
P1 INVESTMENTS, LLC,)
Defendant.)

Docket No. 17GC23694
Environmental Court
2017 DEC 13 PM 3:50
CLERK

William S. Chambers
S.C.

FINAL ORDER AND INJUNCTION

Default Adjudicated Agreed Order

This cause came to be heard on the 13th day of December, 2017. Based upon the evidence presented, this Court is of the opinion that Defendant is in violation of Metropolitan Code of Laws § 17.16.250.E.1.a.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. Defendant was found guilty of violating Metropolitan Code of Laws § 17.16.250.E.1.a. at the property located at 11 Music Sq. East, #403, Nashville, TN 37203; and shall pay a \$50 fine.
2. This Order permanently enjoins Defendant from violations of Metropolitan Code of Laws § 17.16.250.
3. The property located at 11 Music Sq. East, # 403, Nashville, TN 37203 is not eligible for a short term rental permit for three years in accordance with Metropolitan Code of Laws § 17.16.250E.4.l.vi.3.
4. Any violation of this order shall subject Defendant to contempt proceedings and possible jail time.
5. Costs in this matter shall be taxed to Defendant.

ENTERED this the 13th day of Dec, 2017.

William S. Chambers

REFEREE

Copy

APPROVED FOR ENTRY:

Catherine J. Pham
 Catherine J. Pham, #28005
 Metropolitan Attorney
 Metropolitan Courthouse, Suite 108
 P.O. Box 196300
 Nashville, Tennessee 37219

*w/permission
by CJP*

Margaret L. Behm
 Margaret L. Behm, #5123
 Attorney for Defendants
 Dodson Parker Behm & Capparella, PC
 1310 6th Ave. N.
 Nashville, TN 37208

Certificate of Service

I hereby certify that a true and correct copy of the foregoing will be mailed to Margaret L. Behm, 1310 6th Ave. No, Nashville, TN 37208 on this the 15th day of December, 2017.

Catherine J. Pham
 Catherine J. Pham

Copy
STATE OF TENNESSEE, COUNTY OF DAVIDSON

██████████ ██████████ ██████████ ██████████
COURTROOM 5D
No. 17GC23694 **H**

To Any Lawful Officer to Execute and Return:

FILED

Summon **PI INVESTMENTS, LLC** ██████████

2017 NOV 13 PM 3:40

To appear before the Metropolitan General Sessions Court of Davidson County, Tennessee, to be held in Court Room

5D, Justice A. A. Birch Building, 408 Second Avenue North, Nashville, Tennessee, on Wednesday,
13th day of December, 2017 at 1:00 p.m., then and there to answer in civil action brought by the Plaintiff(s) ON 10-5-17

RICHARD R. ROOKER, CLERK

VIOLATION OF METRO CODE SECTION 17.16.250.E.1.A- ADVERTISING/OPERATING A STRIP WITHOUT A PERMIT

AT ADDRESS 11 MUSIC SQ E #403 NASHVILLE TN 37203.

ENVIRONMENTAL COURT

Plaintiff(s) **Metro Codes Department Robert Osborn**

vs.

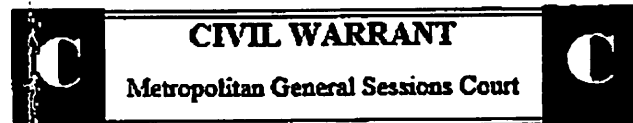
Defendant **PI INVESTMENTS, LLC**

Address **3205 MARLBOROUGH AVE
NASHVILLE, TN 37212**

Metro seeks an Order to remedy violations. Robert Osborn (615-862-6590)

Defendant

Address



Issued 11-9 2017

Richard Rooker

MSSO
x 34j By: *[Signature]*
Deputy Clerk

Day of the week **Wednesday**

Set for 1:00 p.m. on 13th day of December, 2017

Courtroom 5D Justice A. A. Birch Building
408 Second Avenue North
P.O. box 186304
Nashville, Tennessee

Reset for:

Came to hand same day issued and executed as commanded on:

PI INVESTMENTS, LLC

Served: NOV 27 2017 20

H Barragan

Sheriff/Process Server

Attorney for Plaintiff

Telephone

Key for Defendant

NOTICE: FAILURE TO APPEAR IN COURT IN THE DATE ASSIGNED BY THIS CITATION/WARRANT CAN RESULT IN THE COURT ORDERING YOU TO PAY A CIVIL FINE/PENALTY, COURT COSTS AND LITIGATION TAXES TO THE METROPOLITAN GOVERNMENT; THE ISSUANCE OF AN EXECUTION AND GARNISHMENT TO COLLECT THE FINE/ PENALTY, COSTS AND TAXES; AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT. WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO

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Judgment for Metro codes against Defendant(s) f \$0.00 and Cost, + 347 Inj

Dismissed with cost taxed to Metro Codes,

Dismissed with cost taxed to Defendant(s), for which execution may issue.

Entered: 12-13 2017

[Signature]
Judge/Referee Division IV, Metropolitan General Sessions Court



If you have a disability and require assistance, please contact 880-3309

NOTICE

Case # 2019-236
TO THE DEFENDANT(S):

Failure to appear and answer this Summons will result in judgment by default being rendered against you for the relief requested. Tennessee law provides a ten thousand dollars (\$10,000) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. This list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed; these items include items of necessary wearing apparel (clothing) for yourself and your family and trunks and other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to execute it, you may wish to seek the counsel of a lawyer.

A F F I D A V I T

To the best of my information and belief, after investigation of Defendant's employment, I hereby make affidavit that the Defendant is/is not a member of a military service.

Plaintiff or Attorney for Plaintiff

Notary Public

My Commission Expires _____

ORDER

Entered: _____ 20 _____

Judge, Division _____ Metropolitan General Sessions Court

ORDER

Entered: _____ 20 _____

Judge, Division _____ Metropolitan General Sessions Court

ORDER

Entered: _____ 20 _____

Judge, Division _____ Metropolitan General Sessions Court

EXHIBIT 5

METROPOLITAN GOVERNMENT OF THE CITY OF NASHVILLE AND DAVIDSON COUNTY



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

Appellant: Rob Proctor Date: 4-4-19
 Property Owner: Rob Proctor Case #: 2019-236
 Representative: Rob Proctor Map & Parcel: 093130A40300CO
 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 obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 11 Music Sq. E #403

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to existing injunction on unit.

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: Rob Proctor Representative: Same
 Phone Number: 704 491-8532 Phone Number: _____
 Address: 4113 Colorado Ave Address: _____
Nashville, TN 37209
 Email address: robunc@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



3646656

ZONING BOARD APPEAL / CAAZ - 20190019760

Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

~~PARCEL: 093130A40300C0~~ ~~APPLICATION DATE: 04/04/2019~~

SITE ADDRESS:

11 MUSIC SQ E 403 NASHVILLE, TN 37203
UNIT 403 SPENCE MANOR CONDOMINIUM

PARCEL OWNER: PROCTOR, ROBERT, W JR & HOWARD, D/ **CONTRACTOR:**

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to existing injunction on unit.

*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.

EXHIBIT 6

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

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

MAILING ADDRESS
POST OFFICE BOX 196350
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

RE: Appeal Case Number: 2019-236
 11 MUSIC SQ E 403
 Map Parcel: 093130A40300CO
 Zoning Classification: ORI
 Council District: 19

This is to inform you that Rob Proctor filed an appeal for the property at the above referenced location. The appellant requested an Item A appeal, challenging the zoning administrator's denial of a short term rental permit due to a court injunction prohibiting short term rental activity on unit on unit. Should this request be approved, it would allow the applicant to obtain a permit.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 5/16/2019, **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 # 20190019760 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

EXHIBIT 7

Derek Heiar
3949 Hwy 13 S.
Waverly, TN 37185
(563) 212-3696

April 29, 2019

Board of Zoning Appeals
Metro Office Building – 3rd Floor
800 Second Ave. S
Nashville, TN 37210

Re: Appeal Case #2019-236; Rob Proctor

Dear Metropolitan Board of Zoning Appeals,

I am writing to you today on behalf of Rob Proctor **in favor** of his appeal for acquiring a short-term rental permit for the property located at 11 Music Square East #403. I own several units in Spence Manor and feel very confident in Rob's recent ownership of unit 403 and I sense through his passion and thoughtfulness, he will respect the residents and guests at Spence Manor. As you are aware, he inherited the ban on his property from the mishandling of the previous owner and in now way was directly involved in the mismanagement of the permitting process.

In addition to the following due course through the appropriate channels and paying permitting fees, Mr. Proctor would pay his monthly Hotel Occupancy Taxes; an amount which I estimate (based on my own experience) to be conservatively \$300.00/month. Over the course of twenty-four months, the city would generate approximately \$7,200.00 by simply lifting the ban and allowing Rob to legally obtain a short-term rental permit and responsibly overseeing the management of its use.

Thank you for your time and consideration in this matter,

Derek Heiar

615-364-9634
sarahsbutler@gmail.com

April 27, 2019

Board of Zoning Appeals
Metro Office Building-3rd Floor
800 Second Ave. S.
Nashville, TN 37210

Re: Appeal Case #2019-236; Rob Proctor

Dear Metropolitan Board of Zoning Appeals,

I am writing to you today on behalf of Rob Proctor **in favor** of his appeal for acquiring a short-term rental permit for the property located at 11 Music Square East #403. I own unit #503 directly above Mr. Proctor and can attest to the outstanding constitution of his character in both personal and business dealings. As you are aware, he inherited the ban on his property from the mishandling of the previous owner and in no way was directly involved in the mismanagement of the permitting process.

In addition to following due course through the appropriate channels and paying permitting fees, Mr. Proctor would pay his monthly Hotel Occupancy Taxes; an amount which I estimate (based on my own experience) to be conservatively \$300.00/month. Over the course of twenty-four months, the city would generate approximately \$7200.00 by simply lifting the ban and allowing Mr. Proctor to legally obtain a short-term rental permit and responsibly overseeing the management of its use.

Thank you for your time and consideration in this matter,

Sarah Butler

I

Derek Heiar
3949 Hwy 13 S.
Waverly, TN 37185
(563) 212-3696

April 29, 2019

Board of Zoning Appeals
Metro Office Building – 3rd Floor
800 Second Ave. S
Nashville, TN 37210

Re: Appeal Case #2019-236; Rob Proctor

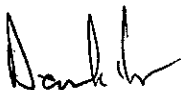
Dear Metropolitan Board of Zoning Appeals,

I am writing to you today on behalf of Rob Proctor **in favor** of his appeal for acquiring a short-term rental permit for the property located at 11 Music Square East #403. I own several units in Spence Manor and feel very confident in Rob's recent ownership of unit 403 and I sense through his passion and thoughtfulness, he will respect the residents and guests at Spence Manor. As you are aware, he inherited the ban on his property from the mishandling of the previous owner and in know way was directly involved in the mismanagement of the permitting process.

In addition to the following due course through the appropriate channels and paying permitting fees, Mr. Proctor would pay his monthly Hotel Occupancy Taxes; an amount which I estimate (based on my own experience) to be conservatively \$300.00/month. Over the course of twenty-four months, the city would generate approximately \$7,200.00 by simply lifting the ban and allowing Rob to legally obtain a short-term rental permit and responsibly overseeing the management of its use.

Thank you for your time and consideration in this matter,

Derek Heiar



Sarah Butler

4201 Nevada Ave.
Nashville, TN 37209
615-364-9634

sarahsbutler@gmail.com

April 27, 2019

Board of Zoning Appeals
Metro Office Building-3rd Floor
800 Second Ave. S.
Nashville, TN 37210

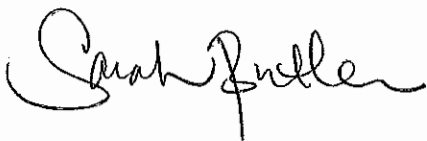
Re: Appeal Case #2019-236; Rob Proctor

Dear Metropolitan Board of Zoning Appeals,

I am writing to you today on behalf of Rob Proctor **in favor** of his appeal for acquiring a short-term rental permit for the property located at 11 Music Square East #403. I own unit #503 directly above Mr. Proctor and can attest to the outstanding constitution of his character in both personal and business dealings. As you are aware, he inherited the ban on his property from the mishandling of the previous owner and in no way was directly involved in the mismanagement of the permitting process.

In addition to following due course through the appropriate channels and paying permitting fees, Mr. Proctor would pay his monthly Hotel Occupancy Taxes; an amount which I estimate (based on my own experience) to be conservatively \$300.00/month. Over the course of twenty-four months, the city would generate approximately \$7200.00 by simply lifting the ban and allowing Mr. Proctor to legally obtain a short-term rental permit and responsibly overseeing the management of its use.

Thank you for your time and consideration in this matter,



Sarah Butler

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : James Collins
Property Owner: " "
Representative: " "

Date: 1/7/19
Case #: 2019-079
Map & Parcel: 102-04-0 079.00

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:

Existing 9622# R10 parcel,
request Appeal to lot size to
allow 2nd House

Activity Type: S.F Duplex

Location: 6503 Premier Dr N.E. 37209

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: Small lot / To allow a 2nd House

Section(s): 17.12.020A

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.

James Collins
Appellant Name (Please Print)

Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

615-794-9461
Phone Number

Phone Number

collins_jamie@hotmail.com
Email

Email

Appeal Fee: 100.00



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



3592179

ZONING BOARD APPEAL / CAAZ - 20190000894

Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 10204007900

APPLICATION DATE: 01/07/2019

SITE ADDRESS:

6503 PREMIER DR NASHVILLE, TN 37209

LOT 727 SEC 12 CHARLOTTE PARK

PARCEL OWNER: COLLINS, JAMES CHARLES

CONTRACTOR:

APPLICANT:

PURPOSE:

1...R10 ZONED PROPERTY....EST BY PLAT 1960...

2...PROPERTY AT 9622 SQFT.

3...EXISTING SINGLE FAMILY HOUSE.

4....IRR-SHAPED EASEMENT TO THE REAR OF THE PROPERTY.

5....IRR-SHAPED REAR LOT LINE.

6...NOT ZONED -A...SO PARKING ALLOWED IN FRONT OF EXISTING HOUSE...NEED 4 SPACES FOR TWO HOUSES.

7....not to be over the easement...

****THIS PERMIT REQUEST BZA TO ALLOW THE 2ND SINGLE FAMILY HOUSE ON THIS SMALL LOT.... 17.12.020 A....

POC: JAMES COLLINS 615-794-9461

Collins_jamie@hotmail.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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.**

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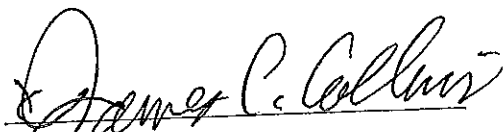
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT

11/2/19
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?

See Letter

James Collins 6503 Premier Dr. Nashville, TN 37209

I request lot 727 of Charlotte Park be granted a variance from R-10 to R-8. Most lots in Charlotte Park are 10,000 sq. feet. Mine is not. Lot 727 is a few hundred sq. feet less due to the odd shaping, probably since 1960's. It is due to this hardship that I apply.

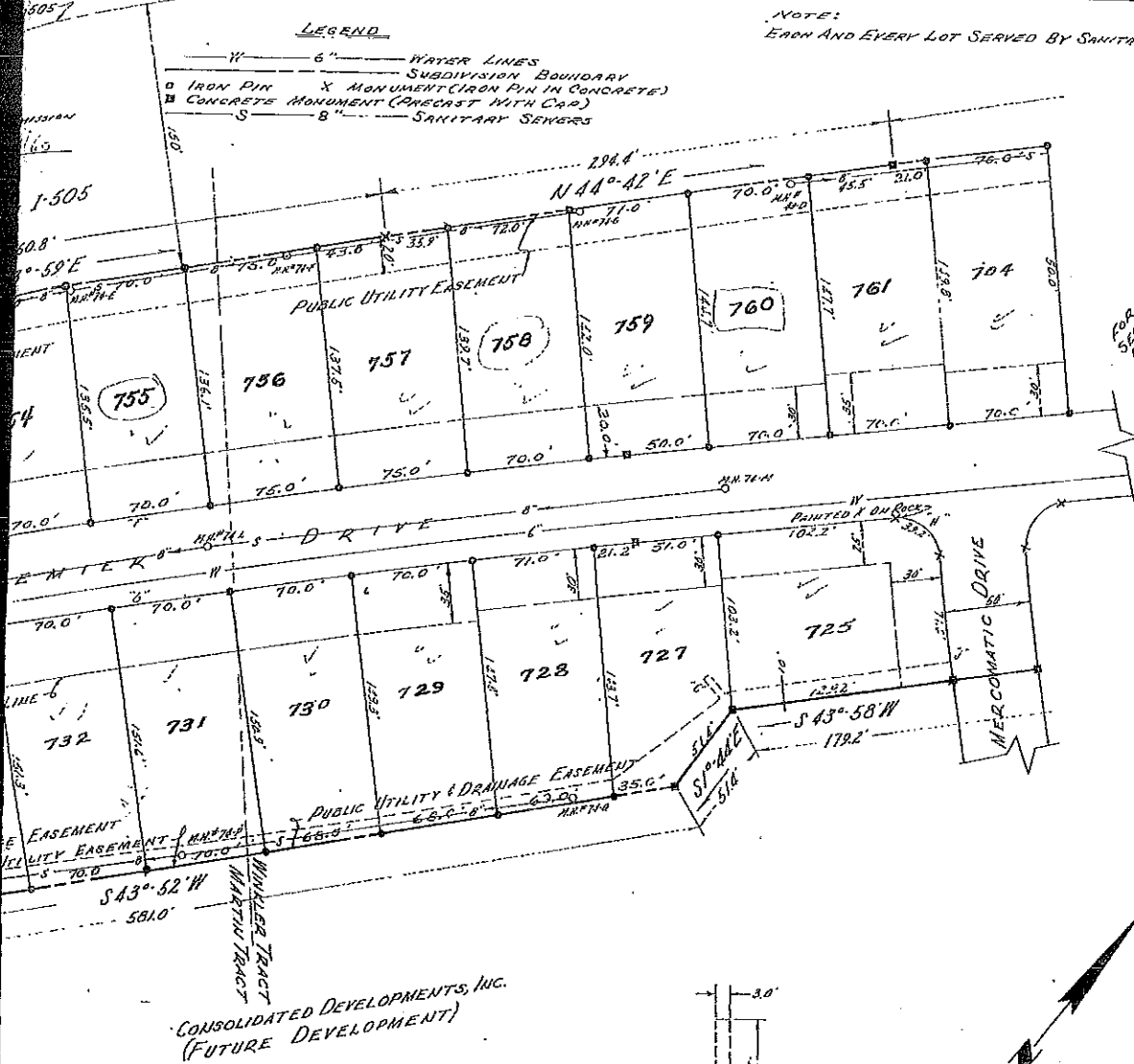
I would like to build a small 400-500 sq. foot, single story apartment which will be tied into my electrical, plumbing and water services. This variance causes no known injury, does not impair surrounding values or any access to light or air quality. I can see no known harm to public welfare or integrity to the rest of the area's zoning. There already exists a variety of home owners, rentals, apartments and duplexes nearby.

The variable size I mention is due to the easement complication. While I would be willing to comply with the 20 ft. of utility easements, I would like the board to consider granting me a variance with a 15 feet easement since the bizarre cut of my back line to the desired location of this apartment is about 18 feet. I already had Travis Shoemaker come out to the property, and he said NES would be ok with the 10 feet requirement. But I'll leave the final word with the board.

As far as the financial aspect of this, a small apartment would allow me to stay in my home when I retire in a few years, live independently as a viable member of our West Nashville community, rather than a burden on it. I doubt I would be able to survive on social security alone.

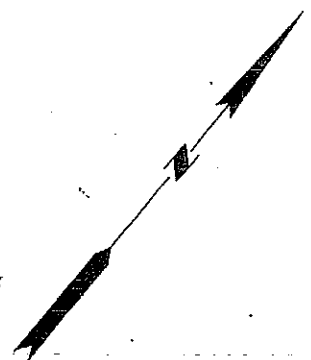
In any on sight research to this possible approval, please note - that there is an oak tree between this desired apartment location and my house. I will remove this and replant another in a different location.

Thank You for your consideration.



FOR CONTINUATION
 SEE SHEET 1 OF 2
 BOOK REC. PAGE 128 2
 2000 127

CONSOLIDATED DEVELOPMENTS, INC.
 (FUTURE DEVELOPMENT)



CURVE DATA

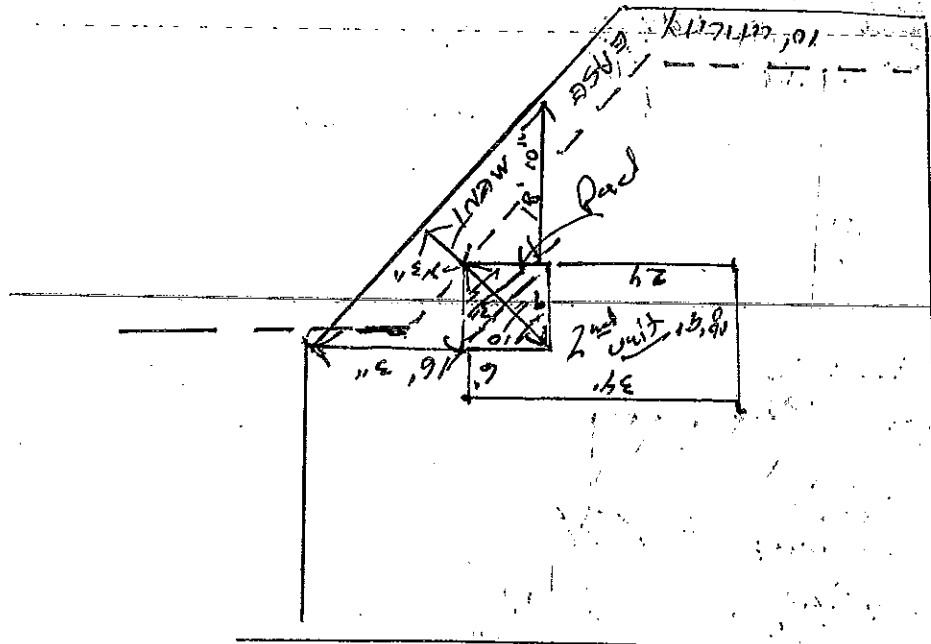
L	T	L	R	REMARKS
26.0	40.2	25.0		
28.4	37.6	25.0		
15.0	22.8	202.4		INTERSECTED
26.2	40.5	25.0		
23.0	38.0	25.0		
200.0	401.5	611.0		
112.2	388.2	611.8		
21.8	39.2	25.0		
35.8	71.6	147.6		INTERSECTED
25.0				
25.0				
25.0				

MASTER FILE

CHARLOTTE PARK
SECTION TWELVE

8TH CIVIL DISTRICT - DAVIDSON COUNTY, TENNESSEE
 OWNERS AND DEVELOPERS - CONSOLIDATED DEVELOPMENTS, INC.
 SCALE - 1" = 50'

TURNER ENGINEERING COMPANY
 CONSULTING ENGINEERS
 NASHVILLE, TENNESSEE



Detail of shed pad.

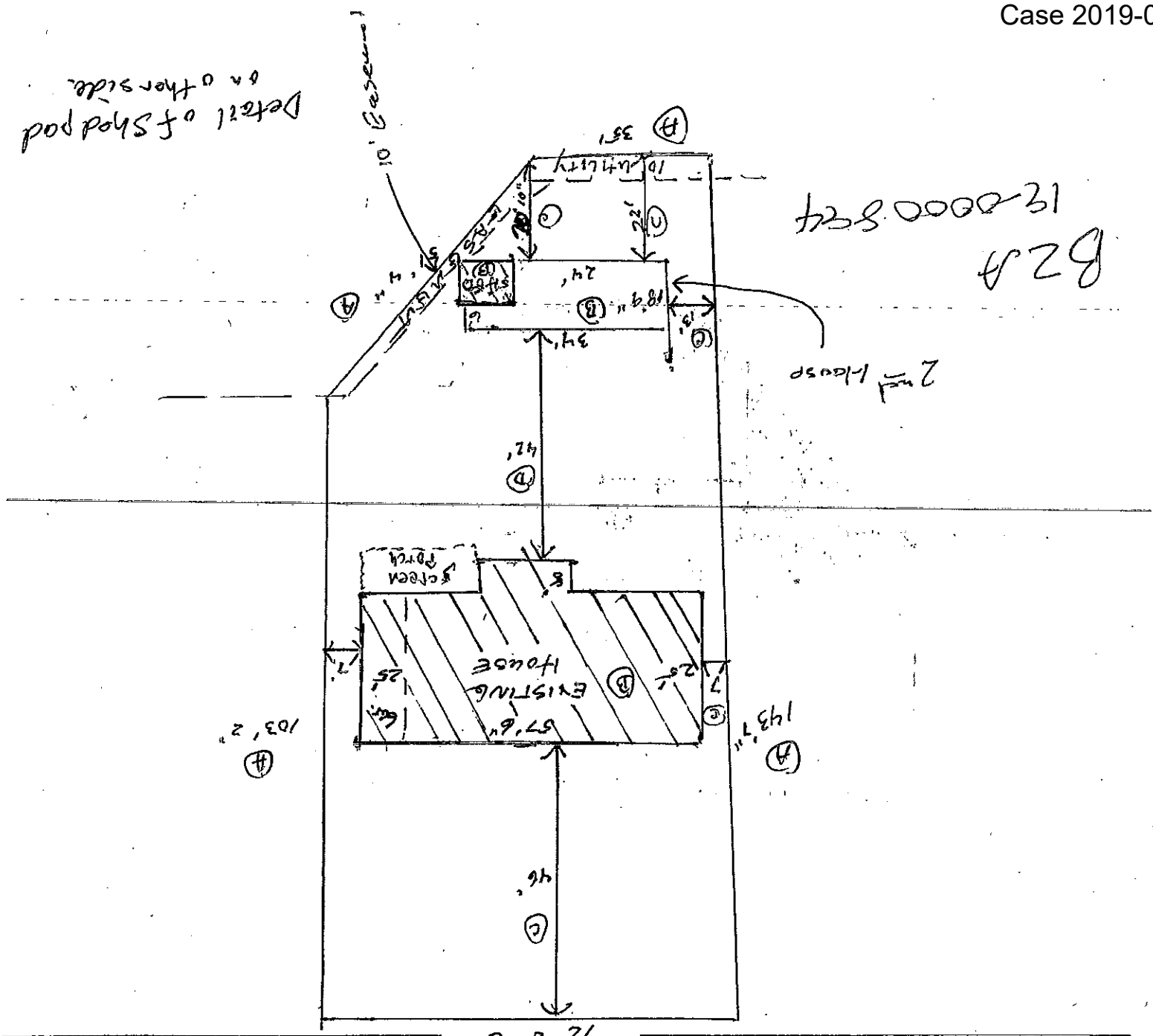
SHED IS US E L S S. R U S T Y
 + holes in side. It will be
 removed, the pad will stay.

~~Detail of shed pad:~~

Detail of Shop pod on other side.

B2A
120000824

2nd Floor

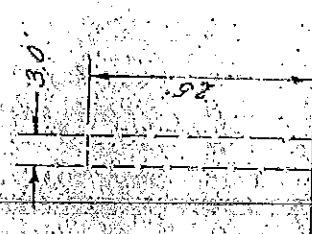
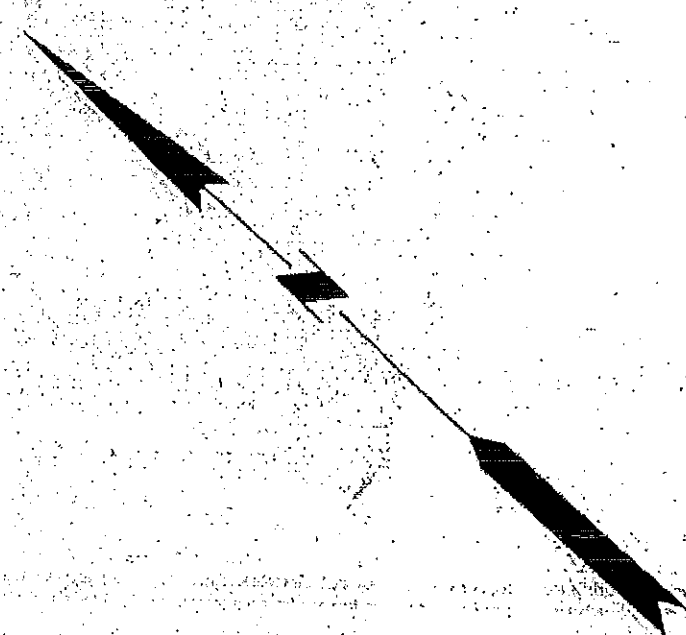
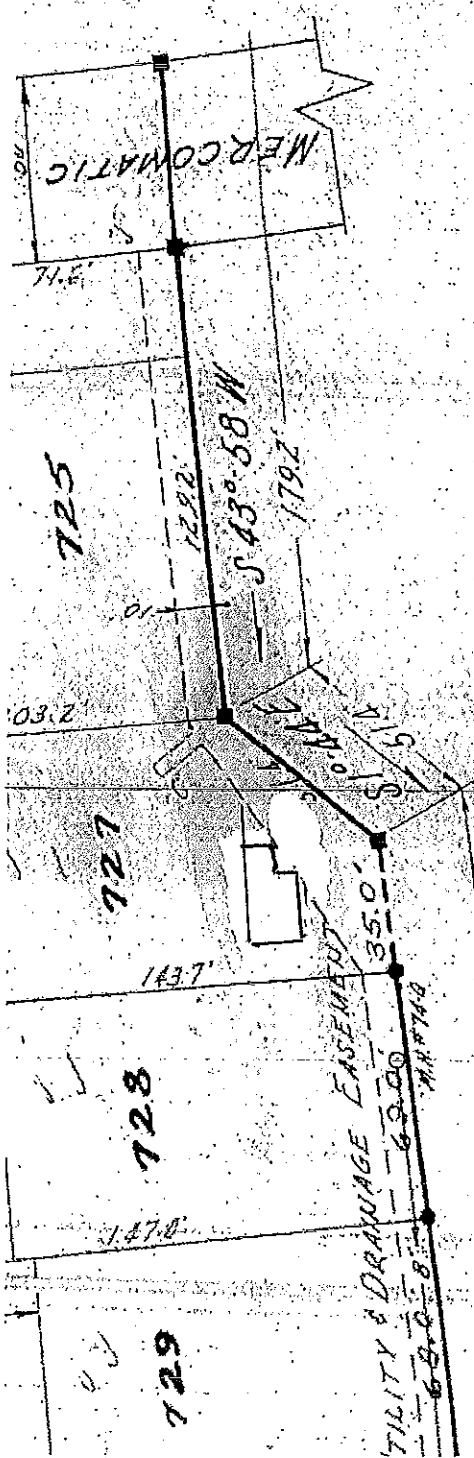


PREMIER DR

11' = 25'



James Collins Co's Premier Dr
Lot 227 Charlotte Park



DETAIL
ANCHOR EASEMENT DETAIL
1/8" SCALE

COMPONENTS, INC.
(MENT)

- LEGEND
- 6" WATER LINES
 - SUBDIVISION BOUNDARY
 - MONUMENT (IRON PIN IN CONCRETE)
 - 8" (PRECAST WITH CAP) SANITARY SEWERS

James Collins 6503 Premier Dr
Lot 727 Charlotte Park



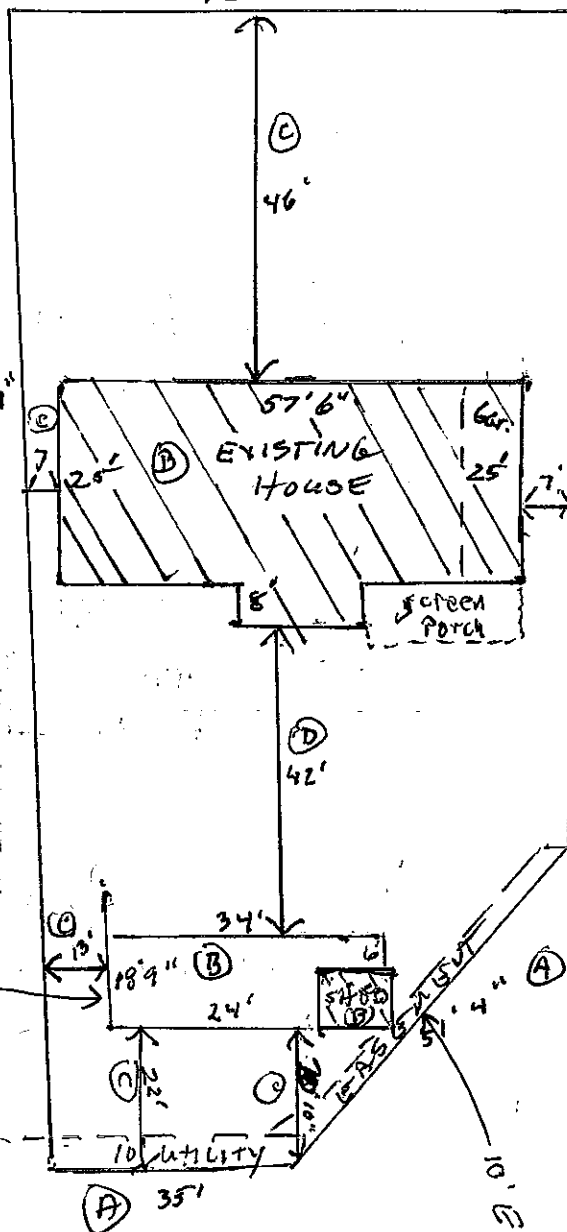
1" = 25'
(F)

PREMIER DR

72' 2" (A)

(A) 143' 7"

(A) 103' 2"



2nd House

BZA

19-0000894

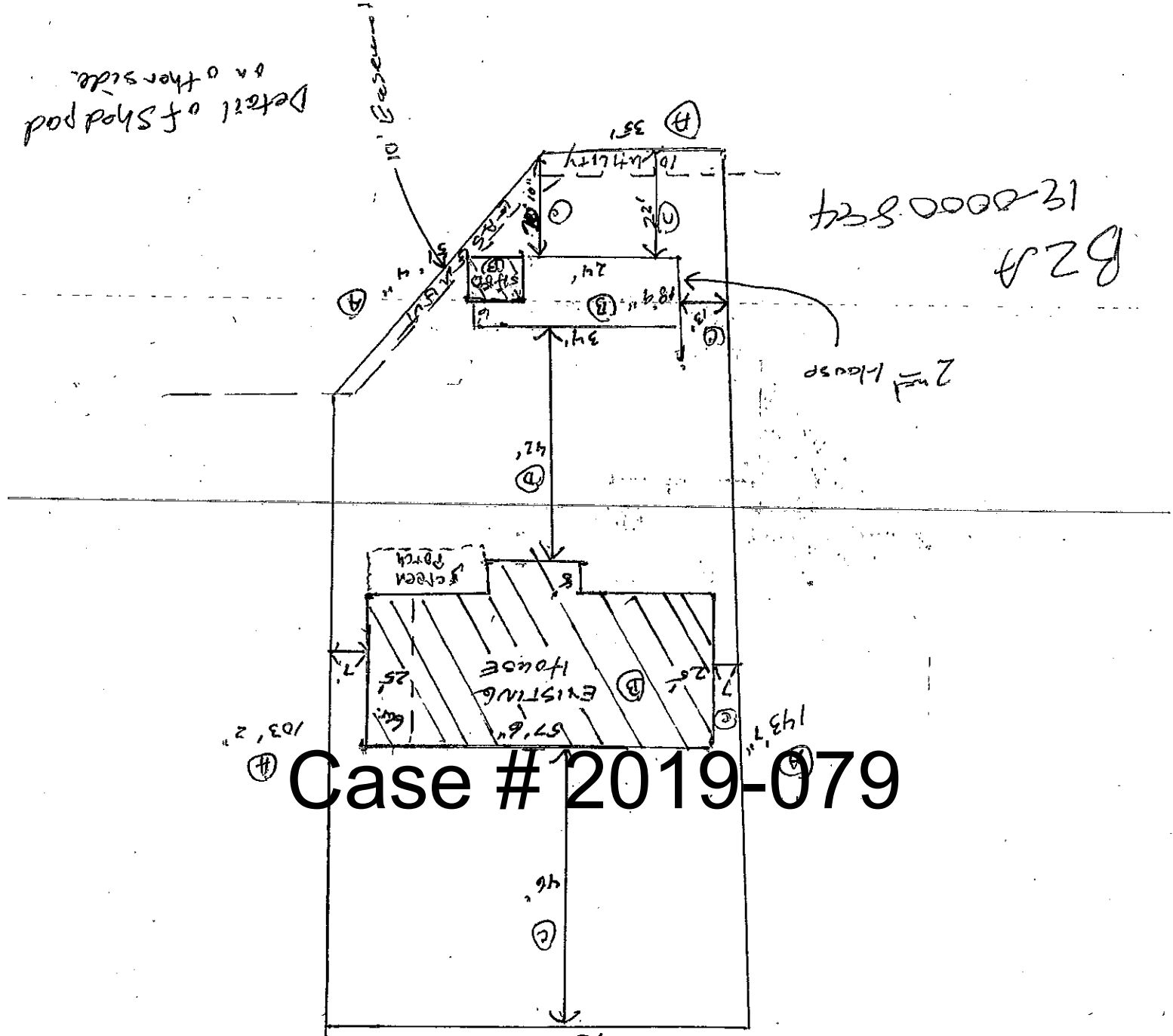
Detail of Shed pad
on other side.

Detail of shed pad
on other side.

B2A
12-0000-824

2nd House

Case # 2019-079



PREMIER DR

11' = 25'



James Collins Co's Premier Dr
Lot 727 Charlotte Park

From: Mary Carolyn Roberts <marycarolynroberts@gmail.com>
Date: May 1, 2019 at 8:21:04 AM CDT
To: "Herbert, Bill (Codes)" <bill.herbert@nashville.gov>, Emily Lamb <emily.lamb@nashville.gov>, Chuck Smith <chuck@traviselectric.com>, "Jon Michael" <jon.michael@nashville.gov>
Subject: BZA applications

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

Case # 2019-192	
Property Address / Location	6300 THUNDERBIRD DR 37209

Case # 2019-079	
Property Address / Location	6503 PREMIER DR 37209

The two cases above that you will hear tomorrow have neither one worked with my neighborhood association, nor have they any reason other than financial gain to want to do what they're proposing. Unfortunately, I cannot attend tomorrow's meeting but I ask that you please do not allow these to pass.

However, I'm in full support of:

Case #	2019-170
Property Address / Location	222 MARCIA AVE 37209

Thank you,



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

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[Contribute to Campaign](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Miya Sullivan

Date: 3-4-19

Property Owner: " "

Case #: 2019-160

Representative: " "

Map & Parcel: 69-4-110

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: Requesting variance from sidewalk requirement

Activity Type: New Construction-Residential

Location: 117 Haynes Park Dr.

This property is in the RS2.5 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: 17-12-120

Section(s): Requesting variance from sidewalk requirement

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.

Miya V. Sullivan
Appellant Name (Please Print)

Representative Name (Please Print)

lot → 117 Haynes Park Dr.
Address

710 W. Nocturne Dr. → contact
Address

Nashville, TN 37218
City, State, Zip Code

Nashville, TN 37207
City, State, Zip Code

314-363-6402
Phone Number

314-363-6402
Phone Number

sullivmb4@gmail.com
Email

sullivmb4@gmail.com
Email

Zoning Examiner: CHA

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**



3619297

**ZONING BOARD APPEAL / CAAZ - 20190012723
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 06904011000**APPLICATION DATE:** 03/04/2019**SITE ADDRESS:**

117 HAYNES PARK DR NASHVILLE, TN 37218

LOT 191 HAYNES PARK SUB SEC 1

PARCEL OWNER: SULLIVAN, MIYA V.**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

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Miya V. Sullivan
APPELLANT

3/4/19
DATE

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

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

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

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

- 1) Older subdivision that is developed and no current sidewalks anywhere in this neighborhood. Possible disgruntled neighbors and a eye sore for neighborhood being the only house w/ a sidewalk
- 2) There a couple of utility boxes (Cable fibers, electrical) at the left corner of my property line that has been marked off that can not and will not be removed. No way to conveniently build or put a sidewalk along the required length in front of house w/o complications.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-160 (117 Haynes Park Drive)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	RS7.5
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	#22 – Bordeaux
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes to construct a single family dwelling and requests a variance from constructing sidewalks due to lack of sidewalks in the area and potential impacts to existing utility boxes. Planning evaluated the following factors for the variance request:

- (1) No sidewalk exists along the property's frontage, which is consistent with the adjacent properties to the east and west along the block face.
- (2) 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



Appellant: Kenny Maulk
Property Owner: Lamae, LLC
Representative: Carlos Preston

Date: 3-7-2019
Case #: 2019-169
Map & Parcel: 0731104200

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: 600 ft addition to existing non-conforming duplex

Activity Type: Two Family

Location: 2256 Cabin Hill Rd Nashville TN 37214

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: Item D Appeal, non conforming use.
Section(s): 17.40.660.C

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.

Kenny Maulk
Carlos F. Preston

Appellant Name (Please Print)

Carlos F. Preston

Representative Name (Please Print)

145 Thompson Ln

Address

3509 Huntland Dr.

Address

Nashville TN 37211

City, State, Zip Code

Whites Creek TN 37189

City, State, Zip Code

615-428-0122

Phone Number

615-642-4457

Phone Number

Email

Email

ALL PROCS @ gmail .com

Zoning Examiner: 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**



3622482

**ZONING BOARD APPEAL / CAAZ - 20190013471
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07311011200

APPLICATION DATE: 03/07/2019

SITE ADDRESS:

2256 CABIN HILL RD NASHVILLE, TN 37214
LOT 1 SUNSET VIEW SECT 8 RESUB LOT 611

PARCEL OWNER: LAMAC, LLC

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

Requesting BZA approval for a 600 sf addition to existing non-conforming duplex per METZO SECTION 17.40.660 (C)

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

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

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

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

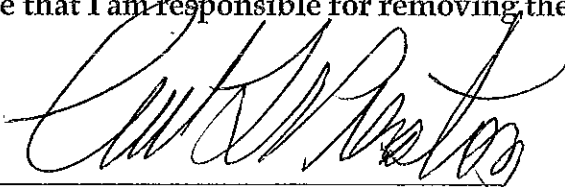
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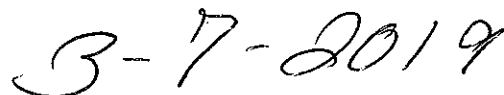
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

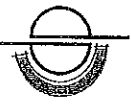
I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.



APPELLANT

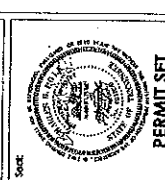


DATE



creative design
professionals
ARCHITECTURE, LLC
2112 Eighth Avenue South
Nashville, TN 37204

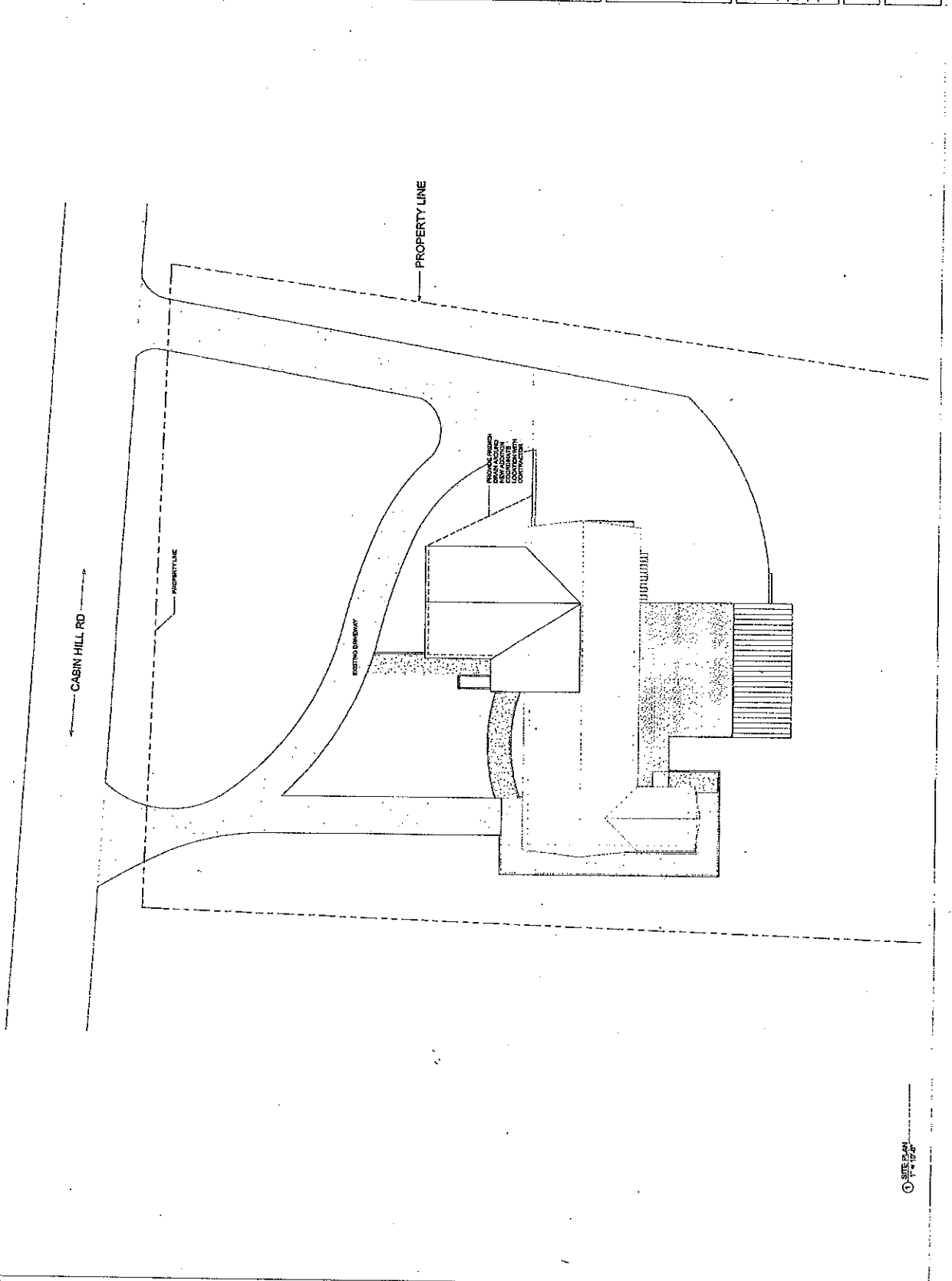
**LIFECARE GROUP INTERIOR
RENOVATION AND ADDITION**
JIM CARTER
2255 CASIN HILL RD.
NASHVILLE, TN 37214



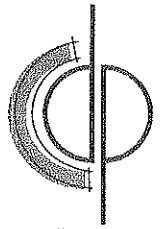
PERMIT SET
Project Number: 19001
Issue Date: 2/27/19

REVIEW SET
I HEREBY CERTIFY THAT I HAVE REVIEWED THIS SET OF PLANS AND THAT I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TENNESSEE AND AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PARTY.

A-1.00
SITE PLAN



① SITE PLAN
1/4" = 10'-0"

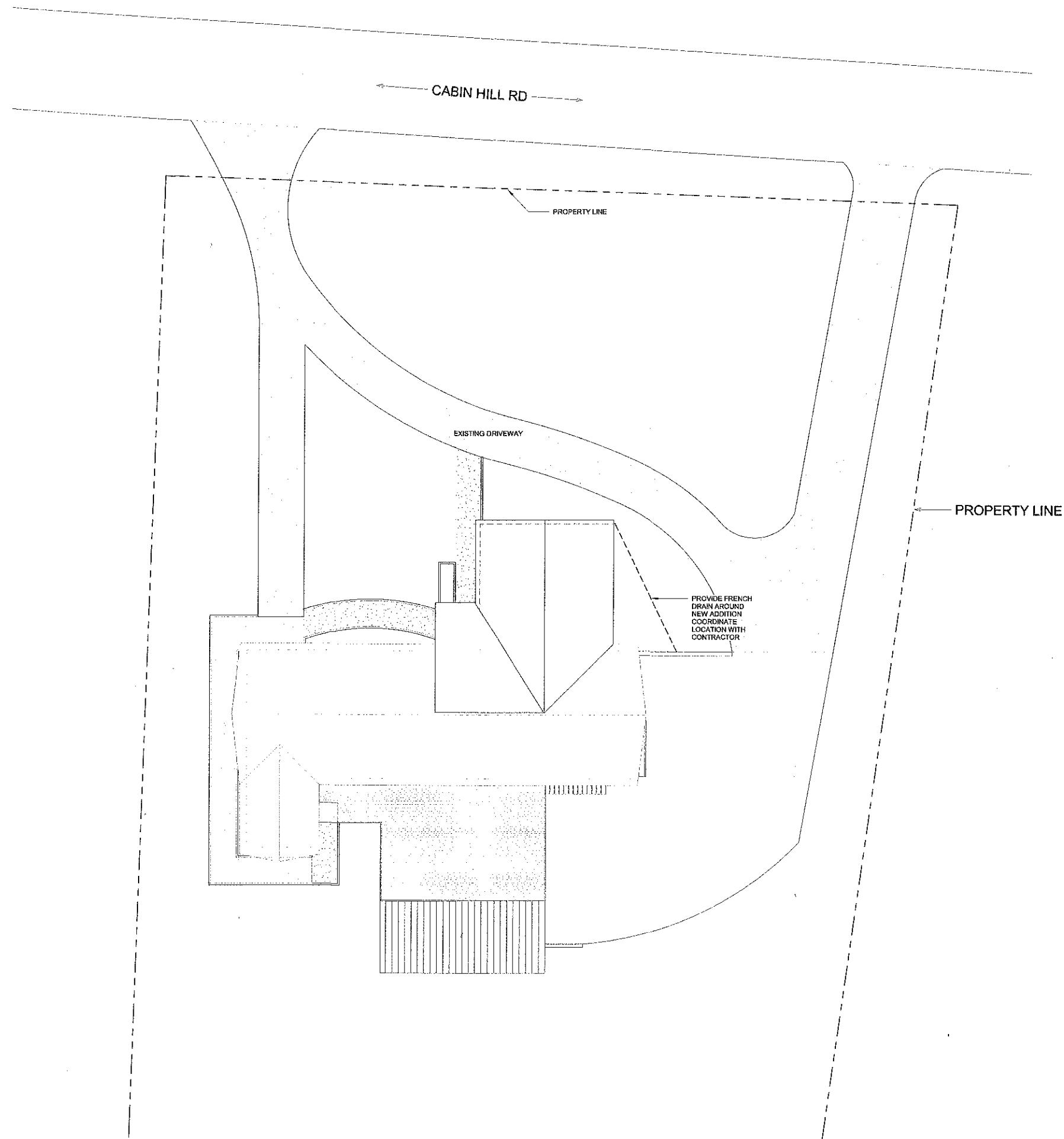


creative design
professionals

ARCHITECTURE, L.L.C.
2115 Eighth Avenue South
Nashville, TN 37204

**LIFECARE GROUP INTERIOR
RENOVATION AND ADDITION**

JIM CARTER
2254 CABIN HILL RD.
NASHVILLE, TN 37214



P:\CDP Architecture\Projects\19001 LifeCare Group Nashville\Drawings\Revit\Cabin Hill Rd-option 2.rvt

1 SITE PLAN
1" = 10'-0"

Seal:



PERMIT SET

Project Number: 19001
Issue Date: 2/27/19

REVIEW SET

PDF'S WHEN PRINTED MAY OR MAY NOT REPRODUCE TO SCALE. DO NOT SCALE DRAWINGS REPRODUCED BY PDF. ANY QUESTIONS OF SCALE OR DIMENSIONS SHOULD BE REFERRED TO THE ARCHITECT.

SITE PLAN

A-1.00

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: BEN CARTER

Date: 4/9/19

Property Owner: LEGACY SOUTH HOME FUND

Case #: 2019-199

Representative: Eli Routh

Map & Parcel: 10302005700

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: RESIDENTIAL Single Family
HOUSE
PERMIT AP 2019001198

Activity Type: RES. CONSTRUCTION

Location: 201 ORLANDO 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: SIDEWALK VARIANCE
CORNER LOT

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.

Ben Carter
Appellant Name (Please Print)

Eli Routh
Representative Name (Please Print)

2305 Cruzer St.
Address

2305 Cruzer St.
Address

Nashville, TN 37211
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

615-428-7400
Phone Number

615-
Phone Number

Benelegacysouth.com
Email

Eli@legacysouth.com
Email

Zoning Examiner: _____

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

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.



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



3635592

**ZONING BOARD APPEAL / CAAZ - 20190017035
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10302005700**APPLICATION DATE:** 03/22/2019**SITE ADDRESS:**

201 ORLANDO AVE NASHVILLE, TN 37209
W OF ORLANDO AVE N OF BURGESS AVE

PARCEL OWNER: LEGACY SOUTH HOMES FUND I, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal Case 2019-199 requesting Variance to 17.20.120 requires sidewalks to be constructed on both Orlando and Burgess Avenues. Requesting to build sidewalks along Orlando Avenue to driveway access point and requesting to not build remainder of sidewalk.

POC: Elo Routh 615-830-4474

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019001198
THIS IS NOT A PERMIT**

PARCEL: 10302005700

APPLICATION DATE: 01/08/2019

SITE ADDRESS:

201 ORLANDO AVE NASHVILLE, TN 37209
W OF ORLANDO AVE N OF BURGESS AVE

PARCEL OWNER: ITH, LP

APPLICANT: LEGACY SOUTH BUILDERS LLC

***CHANGED NAME FROM VILLAGE
BUILDERS LLC TO LEGACY SOUTH B
NASHVILLE, TN 37204 615-351-5506

PURPOSE:

BZA Appeal Case 2019-199 requesting Variance to 17.20.120 requires sidewalks to be constructed on both Orlando and Burgess Avenues. Requesting to build sidewalks along Orlando Avenue to driveway access point and requesting to not build remainder of sidewalk.

Permit to construct a single family residence with 2016 sq ft 116 sq ft of porches and decks...50.9 ft minimum front setback, 5 ft minimum side setback, 10 ft setback along Burgess Avenue and 20 ft rear setback.....Maximum height 3 stories within 45 ft..Must conform with all 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 shall be planted on the subject property. ***Pursuant to ordinance no. 2006-1263 of the metropolitan code of laws, I (the holder on this permit) hereby certify that all construction and demolition waste. Sidewalks ARE required for this project because this parcel is within the UZO. You are Not eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

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

[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review		
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5248 Joseph.Almon@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	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[D] Grading Plan Review For Bldg App	COND	(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Blgd App	IGNORE	615-862-6978 David.Johnson@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov



April 9th, 2019

To Whom It May Concern:

We are requesting a hardship due to a building mandate relative to the south side elevation at 201 Orlando Ave.

Due to the grade we are being required to install an unusually large retaining wall spanning the full length of the lot, in order to accommodate the walk way.

Upon visiting the site Korland Hatcher (Public Works inspector) felt the retaining wall would be necessary.

During the permitting process however, Jonathan Honeycutt concluded that Public works would not want the financial responsibility of maintaining this wall. (It is important to note also that we are also not "in-lieu-of," eligible here).

In addition to this retaining wall, the section of walk that runs the front length of the lot past the driveway would require a large amount of road additions at the intersection of Burgess and Orlando.

In considering our request to avoid this hardship, we thank you for your time and consideration

Kind Regards,

Eli Routh
Project Manager
Legacy South Builders
615-830-4474

2019-199

SURVEY NOTES

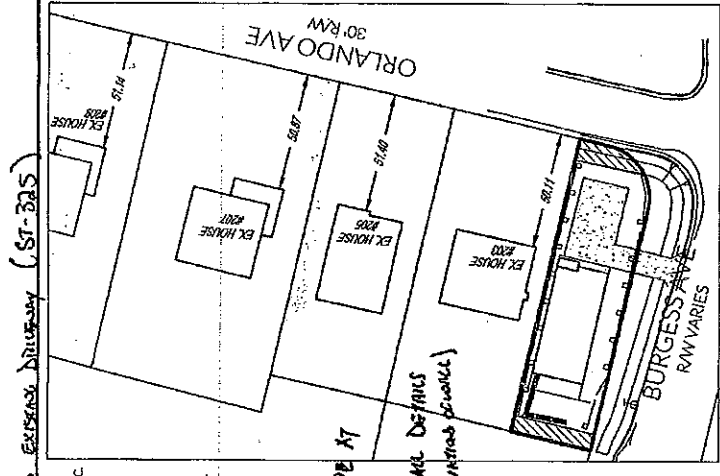
1. NORTH AND BEARING SYSTEM BASED UPON TENNESSEE STATE PLANE COORDINATES (NAD 83) AS ESTABLISHED BY GPS OPUS OBSERVATION (03/20/2018) AND 03/20/2018 AS COLLECTED USING SPECTRA SP80 ON 01/20/2018. VERTICAL DATUM IS BASED NAVD83 AS ESTABLISHED BY GPS OPUS OBSERVATION (03/20/2018) AND 03/20/2018 AS COLLECTED USING SPECTRA SP80 ON 01/20/2018. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION RELATING TO RECORD EASEMENTS AND OTHER DOCUMENTS THAT MAY AFFECT THIS SURVEY SHOULD BE OBTAINED THROUGH STANDARD RESEARCH AND COMMENTARY NUMBER 017-05560 BY STEWARD TITLE GUARANTY COMPANY, DATED DECEMBER 19, 2017.
2. ALL UTILITIES ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND ARE BASED ON LOCATIONS TAKEN FROM OBSERVED EVIDENCE ONLY. NO CERTIFICATION IS MADE OR IMPLIED THAT THE UTILITIES SHOWN ARE CORRECT OR THAT ALL UTILITIES ARE SHOWN. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE SURVEY PREPARED FROM RELEVANT RECORDS IN JANUARY 2018. ALL INFORMATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
3. ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA BURGESS AVE. A PUBLIC RIGHT-OF-WAY.
4. UTILITIES IN THE FORM OF STORM SEWER, SANITARY SEWER, ELECTRIC, TELEPHONE, CABLE, AND GAS ARE SHOWN AS LOCATED EITHER ON THE SURFACE OR AS SHOWN ON RECORDS. UTILITIES ARE SHOWN AS LOCATED ON THE FRONT, REAR, AND SIDE YARDS OF THE SUBJECT PARCELS.
5. THIS IS NOT A REBAR SURVEY. THE REBAR IS SHOWN AS NOTED ON THE PLANS.
6. THIS IS NOT A FOUND IRON PIPE SURVEY. THE FOUND IRON PIPE IS SHOWN AS NOTED ON THE PLANS.
7. THIS IS NOT A SITE BENCHMARK SURVEY. THE SITE BENCHMARK IS SHOWN AS NOTED ON THE PLANS.
8. THIS IS NOT A POWER/TELEPHONE/LIGHT POLE SURVEY. THE POWER/TELEPHONE/LIGHT POLE IS SHOWN AS NOTED ON THE PLANS.
9. THIS IS NOT A WATER VALVE SURVEY. THE WATER VALVE IS SHOWN AS NOTED ON THE PLANS.
10. THIS IS NOT A PROPERTY LINE SURVEY. THE PROPERTY LINE IS SHOWN AS NOTED ON THE PLANS.
11. THIS IS NOT A WATERLINE SURVEY. THE WATERLINE IS SHOWN AS NOTED ON THE PLANS.
12. THIS IS NOT A FENCE SURVEY. THE FENCE IS SHOWN AS NOTED ON THE PLANS.
13. THIS IS NOT A SANITARY LINE SURVEY. THE SANITARY LINE IS SHOWN AS NOTED ON THE PLANS.
14. THIS IS NOT A BOUNDARY LINE SURVEY. THE BOUNDARY LINE IS SHOWN AS NOTED ON THE PLANS.
15. THIS IS NOT A WATERLINE SURVEY. THE WATERLINE IS SHOWN AS NOTED ON THE PLANS.
16. THIS IS NOT A FENCE SURVEY. THE FENCE IS SHOWN AS NOTED ON THE PLANS.



SIGNED: DONOVAN BENSON
 DONOVAN BENSON SURVEYING, LLC
 937.286.5043
 BALSANDPROFESSIONALS.COM

SITE PLAN

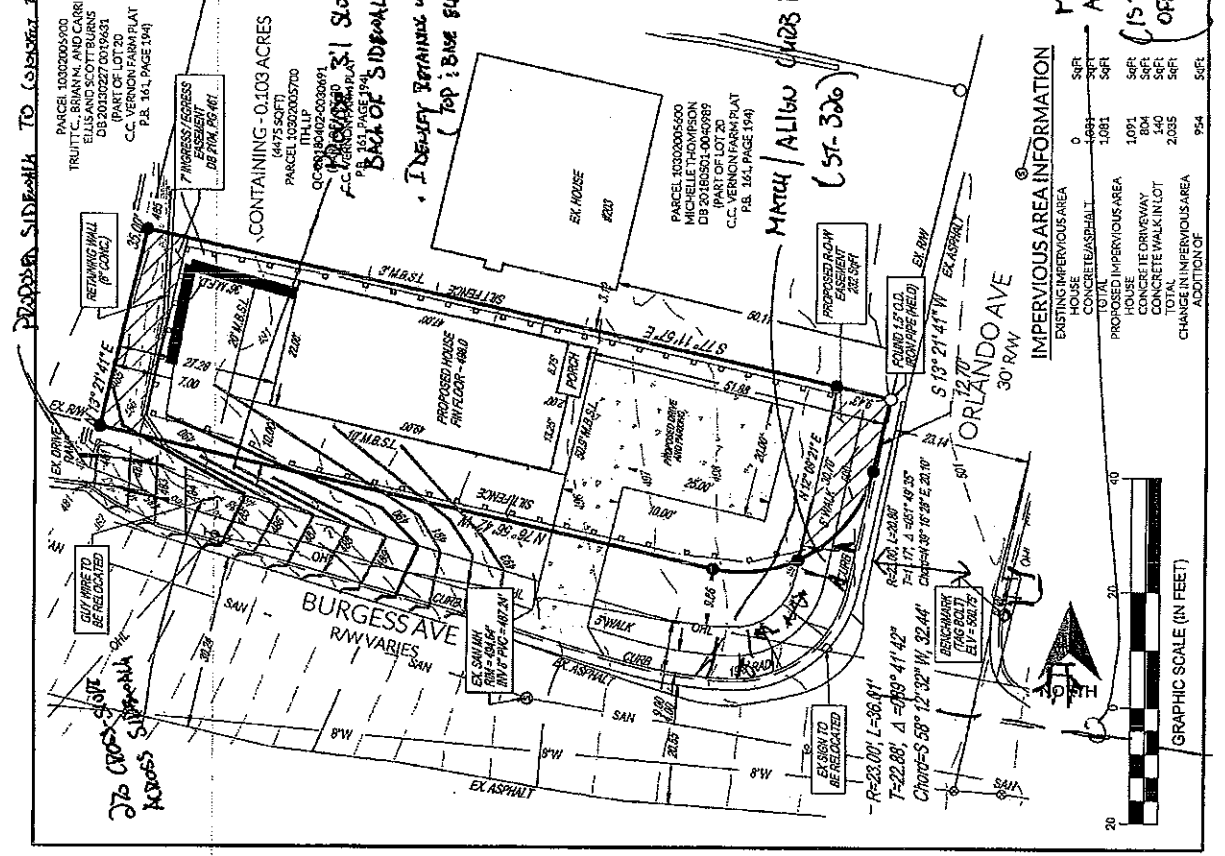
LEGACY SOUTH BUILDERS	
24TH COUNCILMANIC DISTRICT DAVIDSON COUNTY, TENNESSEE	
SCALE: 1"=50'	DATE: 11/20/2018 REV: 03/14/2019
DESIGN: NA	JOB NO.: 19-0109
DRAWN: DPB	SHEET NO.:
CHECKED: JBA	1 OF 6
BA LAND PROFESSIONALS	



SCALE: 1"=50'

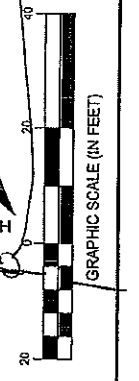
LEGEND

- SET 5/8" X 30" REBAR WITH CAP
- STAMPED "BA" LAND PROFESSIONALS
- FOUND IRON PIPE AS NOTED
- FOUND MAG NAIL
- SITE BENCHMARK
- POWER/TELEPHONE/LIGHT POLE
- SANITARY SEWER
- WATER VALVE
- BOUNDARY LINE
- PROPERTY LINE
- WATERLINE (SIZE)
- OVERHEAD LINE
- FENCE
- SANITARY LINE (SIZE)



IMPERVIOUS AREA INFORMATION

EXISTING IMPERVIOUS AREA	HOUSE	CONCRETE/ASPHALT	TOTAL	PROPOSED IMPERVIOUS AREA	HOUSE	CONCRETE/ASPHALT	TOTAL	CHANGE IN IMPERVIOUS AREA	ADDITION OF
0	548	1081	1629	1094	848	2065	2913	1684	CONCRETE/ASPHALT



PROPOSED DRIVEWAY TO CONNECT TO EXISTING DRIVEWAY (ST-325)

PARCEL 10020005000
 TRUITT, C. BRIAN, AND CARRIE C.
 EDWARDS SCOTT BURNS
 (PART OF LOT 20)
 C.C. VERNON FARM PLAT
 P.B. 161, PAGE 194

CONTAINING - 0.103 ACRES
 PARCEL 10020005000
 (PART OF LOT 20)
 C.C. VERNON FARM PLAT
 P.B. 161, PAGE 194

PROPOSED DRIVEWAY TO CONNECT TO EXISTING DRIVEWAY (ST-325)
 MATCH / ALLOW CURBS RAMP
 (ST-326)

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 MATCH / ALLOW CURBS RAMP
 (ST-326)

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 (ST-326)

PROPOSED DRIVEWAY TO CONNECT TO EXISTING DRIVEWAY (ST-325)
 MATCH / ALLOW CURBS RAMP
 (ST-326)

270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

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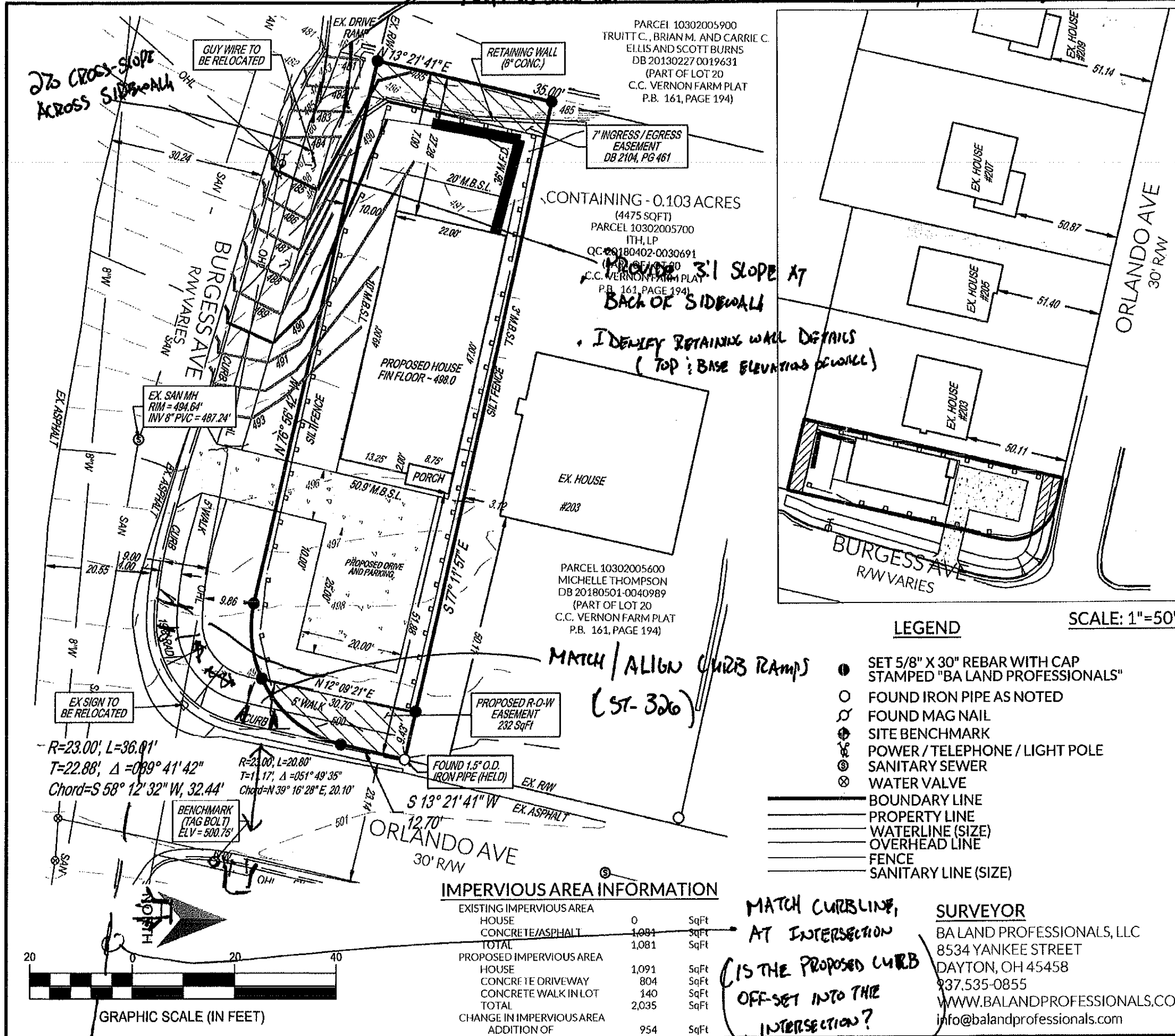
270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

270 CROSS-SLOPE ACROSS DRIVEWAY

2019-199

PROPOSED SIDEWALK TO CORNER TO EXISTING DRIVEWAY (ST-325)



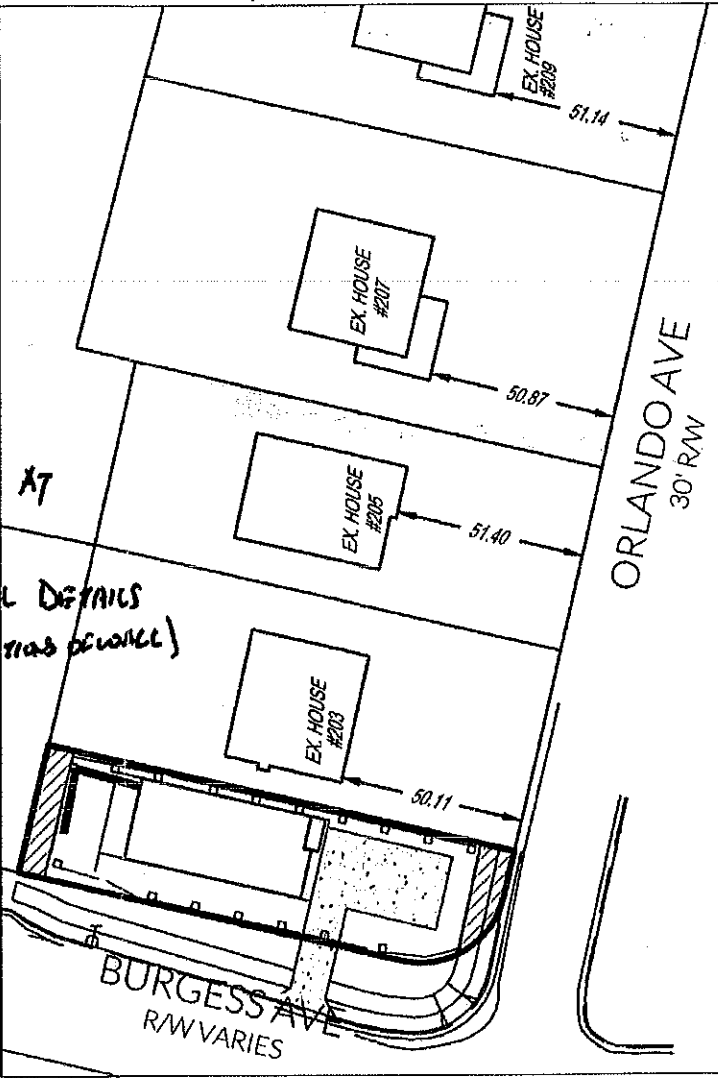
PARCEL 10302005900
TRUITT C., BRIAN M. AND CARRIE C.
ELLIS AND SCOTT BURNS
DB 20130227 0019631
(PART OF LOT 20
C.C. VERNON FARM PLAT
P.B. 161, PAGE 194)

7' INGRESS / EGRESS
EASEMENT
DB 2104, PG 461

CONTAINING - 0.103 ACRES
(4475 SQFT)
PARCEL 10302005700
ITH, LP
QC 20180402-0030691
(PART OF LOT 20
C.C. VERNON FARM PLAT
P.B. 161, PAGE 194)

PROVIDE 3:1 SLOPE AT
BACK OF SIDEWALK
IDENTIFY RETAINING WALL DETAILS
(TOP & BASE ELEVATIONS OF WALL)

PARCEL 10302005600
MICHELLE THOMPSON
DB 20180501-0040989
(PART OF LOT 20
C.C. VERNON FARM PLAT
P.B. 161, PAGE 194)



LEGEND SCALE: 1"=50'

- SET 5/8" X 30" REBAR WITH CAP STAMPED "BALAND PROFESSIONALS"
- FOUND IRON PIPE AS NOTED
- FOUND MAG NAIL
- ⊕ SITE BENCHMARK
- ⊕ POWER / TELEPHONE / LIGHT POLE
- ⊕ SANITARY SEWER
- ⊕ WATER VALVE
- BOUNDARY LINE
- PROPERTY LINE
- WATERLINE (SIZE)
- OVERHEAD LINE
- FENCE
- SANITARY LINE (SIZE)

IMPERVIOUS AREA INFORMATION

EXISTING IMPERVIOUS AREA		SqFt
HOUSE	0	SqFt
CONCRETE/ASPHALT	1,081	SqFt
TOTAL	1,081	SqFt
PROPOSED IMPERVIOUS AREA		
HOUSE	1,091	SqFt
CONCRETE DRIVEWAY	804	SqFt
CONCRETE WALK IN LOT	140	SqFt
TOTAL	2,035	SqFt
CHANGE IN IMPERVIOUS AREA		
ADDITION OF	954	SqFt

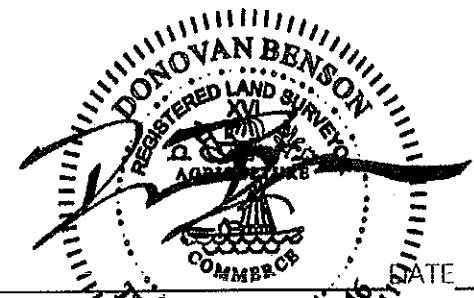
MATCH CURBLINE,
AT INTERSECTION
(IS THE PROPOSED CURB
OFF-SET INTO THE
INTERSECTION?)

SURVEYOR
BALAND PROFESSIONALS, LLC
8534 YANKEE STREET
DAYTON, OH 45458
937.535-0855
WWW.BALANDPROFESSIONALS.COM
info@balandprofessionals.com

SURVEY NOTES

1. NORTH AND BEARING SYSTEM BASED UPON TENNESSEE STATE PLANE COORDINATES (NAD 83) AS ESTABLISHED BY GPS OPUS OBSERVATION (03520300.18a AND 03520301.18a) AS COLLECTED USING Spectra sp80 on 01/30/2018. VERTICAL DATUM IS BASED NAVD88 AS ESTABLISHED BY GPS OPUS OBSERVATION (03520300.18a AND 03520301.18a) AS COLLECTED USING Spectra sp80 on 01/30/2018.
2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO THE PARCEL SHOWN HEREON WERE OBTAINED THROUGH STANDARD RESEARCH AND COMMITMENT NUMBER G17-05360 BY STEWARD TITLE GUARANTY COMPANY, DATED DECEMBER 19, 2017.
3. ALL UTILITIES ARE SHOWN TO THE BEST OF OUR KNOWLEDGE AND ARE BASED ON LOCATIONS TAKEN FROM OBSERVED EVIDENCE ONLY. NO CERTIFICATION IS MADE OR IMPLIED THAT THE UTILITIES SHOWN ARE CORRECT OR THAT ALL UTILITIES ARE SHOWN.
4. ALL DATA SOURCES, DOCUMENTS AND RECORDS SHOWN HEREON ARE ON FILE IN THE DAVIDSON COUNTY RECORDER'S OFFICE LOCATED IN NASHVILLE, TN
5. SURVEY PREPARED FROM FIELDWORK PERFORMED IN JANUARY OF 2018. ALL MONUMENTATION SHOWN HEREON IS IN GOOD CONDITION UNLESS OTHERWISE NOTED.
6. ACCESS TO THE SUBJECT PARCEL IS AVAILABLE VIA BURGESS AVE, A PUBLIC RIGHT-OF-WAY.
7. UTILITIES IN THE FORM OF STORM SEWER, SANITARY SEWER, ELECTRIC, TELEPHONE, CABLE, NATURAL GAS AND DOMESTIC WATER ARE ALL LOCATED EITHER ON THE SUBJECT PROPERTY OR WITHIN THE PUBLIC RIGHT-OF-WAY ADJOINING SAID PARCEL.
8. FRONT SETBACK SHOWN IS 50.9' SEE DETAIL IS BASED ON AN AVERAGE OF THE 4 CLOSEST HOUSES.
9. THIS IS NOT A RECORDABLE DOCUMENT FOR TRANSFER OF TITLE.
10. CURRENT ZONING AS EVIDENCED BY NASHVILLE PLANNING DEPARTMENT IS - R6
11. THIS SURVEY MEETS ALL OF THE ACCURACY REQUIREMENTS FOR BOUNDARY SURVEY PURSUANT TO TGA 820.03000; review do not relieve the
12. PROPERTY IS LABELED "ZONE X" PER FIRM MAP PANEL NUMBER 47040 C023BH (REV APRIL 5, 2017); DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD.
13. RIGHT-OF-WAY OF BURGESS AVE ESTABLISHED USING METRO ENGINEERING MAPS 73-B-12 AND DEED 201302270012631 AND METRO TAXATION MAPS.
14. SILT FENCE TO BE INSTALLED AROUND PERIMETER OF PROPERTY PRIOR TO CONSTRUCTION (25' SHOWN).
15. PROPOSED SHADING ALONG BURGESS AVE IS SUBJECT TO FIELD MODIFICATION TO ENSURE COMPLIANCE WITH LOCAL MUNICIPAL STANDARDS.

Signed J. HONEYCUTT Date 3/14/2019



SIGNED _____ DATE 3/14/2019
DONOVAN BENSON
TN RLS #3046
BENSON@BALANDPROFESSIONALS.COM
937.286.5043

SITE PLAN

LEGACY SOUTH BUILDERS	
201 ORLANDO AVE NASHVILLE	24TH COUNCILMANIC DISTRICT DAVIDSON COUNTY, TENNESSEE
SCALE: 1"=20'	DATE: 11/12/2018 REV 03/14/2019
DESIGN: N/A	JOB NO.: 18-0109
DRAWN: DPB	SHEET NO.:
CHECKED: JBA	1 OF 6



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-199 (201 Orlando Avenue)

Metro Standard:	Orlando Avenue - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
	Burgess Avenue - 4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct sidewalks on Orlando Avenue; not on Burgess Avenue
Zoning:	R6
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Orlando Avenue - Local Street
	Burgess Avenue - Local Street
Transit:	260' east of #3 – West End to White Bridge
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a single family residence and requests a variance from constructing sidewalks along the Burgess Avenue property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalk along the property frontage currently exists on either of the property's frontages.
- (2) The applicant proposes constructing the sidewalk along Orlando Avenue; however, the Burgess Avenue property frontage has challenging topography requiring the construction of a retaining wall.

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

1. The applicant shall construct sidewalks along the Orlando Avenue property frontage per the Local Street standard.
2. The applicant shall contribute in-lieu of construction along the Burgess Avenue property frontage.
3. The applicant shall dedicate right-of-way along the Burgess Avenue property frontage to accommodate a future 4' grass strip and 5' sidewalk.

From: [HENRY PARMER](#)
To: [Board of Zoning Appeals \(Codes\)](#); Kathleen@murphyformetro.com
Subject: re: appeal case 2019-199
Date: Sunday, May 26, 2019 5:53:20 PM

May 26,
2019
Burgess Avenue

5406

Nashville, Tn., 37209

Dear Members of the Zoning and Appeals Board:

I am writing in opposition to the following request for a variance from sidewalk requirements:

Appeal Case Number 2019-199

Orlando Avenue: Map Parcel number 10302005700

Zoning Classification R6 District # 24

We have lived at 5406 Burgess Avenue since 1993, and have seen a lot of growth in the neighborhood over the 26 years we have been here. This has been especially true within the past 12 years.

Intersecting Burgess Avenue is Orlando Avenue, with the property in question on the corner of Orlando and Burgess.

If you keep going east on Burgess, once you got up the hill you would find a drive (on the left) leading to a new development where 12 houses are being built, just before the entrance of the Richland Creek Apartments. This drive is the only access for that development. The entrance for the apartments previously noted is the only entrance/exit there as well.

Intersecting Burgess Avenue between the drive for the new homes and Orlando Avenue is Rural Avenue. Rural Avenue is the location of the Big Picture High School, and new and

older homes.

My husband and I often see people from the apartments walking up and down Burgess Avenue from White Bridge Rd. We have also seen students from the high school use Burgess Avenue as well.

From these photos I took on May 23rd (please ignore the time and date stamp) you can see how narrow the road is, and how little space there is on the shoulder of the road for pedestrians to avoid traffic.

Burgess Ave. at White Bridge Rd., looking east:



Burgess Ave. - North side of property, looking east. Note existing section of sidewalk



Burgess Ave, looking down the hill, west, to the intersection with White Bridge road. This is the south side of the parcel for which the variance has been requested. Note both the lack of any shoulder to walk on, and the steepness of the bank.



For the safety of pedestrians alone, we feel that the variance should be denied and a sidewalk on the Burgess Avenue side should be put in.

Also, the property directly across Orlando at that same intersection with Burgess had to

put in sidewalks on both the west and south sides when a new house was built on it just last year.



They must have felt that they could still make a reasonable profit on that new home, even with the expense of sidewalks, since they never asked for a variance. (We would surely have been aware if they had asked, since the property is right next door to ours.) That parcel isn't much larger than the one asking for the variance.

When we received the notification letter, we had already made plans to be away from town, to celebrate our 40th wedding anniversary. Otherwise, we would be at the meeting on June 6th to voice our objections in person. Thank you for taking the time to read this and review the photos.

Sincerely:

Joan and Hank Parmer

5406 Burgess Avenue

Nashville Tn. 37209

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Joe Peel et al.

Date: March 29, 2019

Property Owner: _____

Case #: 2019-215

Representative: Douglas Berry
Attorney

Map & Parcel: 11705014100
11705014

Council District 25

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

Purpose: ITEM A APPEAL - 3 PROPERTIES

2018072091, 2018072096, 2018072099

Activity Type: _____

Location: 3502 (A, B, C) TRULAND PLACE

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: ITEM A APPEAL

Section(s): 17.40.180.A

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

Joe Peel et al
Appellant Name (Please Print)

Douglas Berry
Representative Name (Please Print)

3616 Woodmont Boulevard
Address

401 Commerce Street
Address

Nashville, TN 37215
City, State, Zip Code

Nashville TN 37219
City, State, Zip Code

(615)
Phone Number

(615) 744. 8620
Phone Number

jcopeel21@gmail.com
Email

doug.berry@miller martin.com
Email

Zoning Examiner: LB

Appeal Fee: _____



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



3640568

**ZONING BOARD APPEAL / CAAZ - 20190018349
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11705014100

APPLICATION DATE: 03/29/2019

SITE ADDRESS:

3502 A RULAND PL NASHVILLE, TN 37215
LOT 32 BLK D WOODMONT ACRES

PARCEL OWNER: WHITE PINES BUILDING GROUP, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A Appeal 17.40.180A
in relation to 3502 A Ruland, 3502 B Ruland and 3502 C Ruland Place.
Permits 2018072091, 2018072096 and 2018072099
POC: Doug Berry 615-744-8620

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

There are currently no required inspections

There are currently no required inspections

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**



3578836

**BUILDING RESIDENTIAL - NEW / CARN - 2018072091
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11705014100

APPLICATION DATE: 11/14/2018

SITE ADDRESS:

3502 A RULAND PL NASHVILLE, TN 37215
LOT 32 BLK D WOODMONT ACRES

PARCEL OWNER: WHITE PINES BUILDING GROUP, LLC

CONTRACTOR:

APPLICANT: WHITE PINES BUILDING GROUP LLC
CLAY KUNZE

WHITE PINES BUILDING GROUP LLC 68948 STBC-A

NASHVILLE, TN 37211 615-513-0275

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER..17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property... Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this 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 Metropolitan Code.... ****SITE PLAN SENT TO FILE...
SIDEWALK REVIEW NOT REQUIRED*

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.

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

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**



3578840

**BUILDING RESIDENTIAL - NEW / CARN - 2018072096
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11705019600

APPLICATION DATE: 11/14/2018

SITE ADDRESS:

3502 B RULAND PL NASHVILLE, TN 37215
LOT 33 BLK D WOODMONT ACRES

PARCEL OWNER: WHITE PINES BUILDING GROUP, LLC

CONTRACTOR:

APPLICANT: WHITE PINES BUILDING GROUP LLC
CLAY KUNZE

WHITE PINES BUILDING GROUP LLC 68948 STBC-A

NASHVILLE, TN 37211 615-513-0275

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER..17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property... Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this 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 Metropolitan Code.... ****SITE PLAN SENT TO FILE...

SIDEWALK REVIEW NOT REQUIRED**

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

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U&O Water Availability Final Approval	862-7225 MWS.DevelopmentServicesCenter@nashville.gov
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Building Foundation	Charles.Hayes@nashville.gov
Building Framing	Charles.Hayes@nashville.gov
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CA Building Progress Inspection	Charles.Hayes@nashville.gov
Building Slab	Charles.Hayes@nashville.gov
Codes Tree U&O Final Inspection	
Building Final	Charles.Hayes@nashville.gov
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov

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**



3578844

**BUILDING RESIDENTIAL - NEW / CARN - 2018072099
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11705019700

APPLICATION DATE: 11/14/2018

SITE ADDRESS:

3502 C RULAND PL NASHVILLE, TN 37215
LOT 34 BLK D WOODMONT ACRES

PARCEL OWNER: WHITE PINES BUILDING GROUP, LLC

CONTRACTOR:

APPLICANT: WHITE PINES BUILDING GROUP LLC
CLAY KUNZE

WHITE PINES BUILDING GROUP LLC 68948 STBC-A

NASHVILLE, TN 37211 615-513-0275

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER..17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property... Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this 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 Metropolitan Code.... ****SITE PLAN SENT TO FILE...
SIDEWALK REVIEW NOT REQUIRED**

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

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Codes Tree U&O Final Inspection	
Building Final	Charles.Hayes@nashville.gov
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov

Inspection requirements may change due to changes during construction.

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

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

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

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

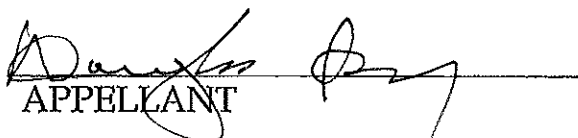
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

3 / 28 / 2019
DATE



401 COMMERCE STREET
SUITE 720
NASHVILLE, TN 37219-2449
(615) 244-9270
FAX 615-744-8635

Douglas Berry

Direct Dial 615-744-8620
Direct Fax 615-744-8635
dberry@millermartin.com

March 28, 2019

Mr. Jon Michael
Zoning Administrator
Metropolitan Board of Zoning Appeals
800 Second Avenue S.
Nashville, TN 37219-6300

RE: 3502 Ruland Place—Tax Parcel 11705014100—Appeal by Affected
Neighborhood Property Owners of Issuance of Building Permits
White Pines Building Group, LLC

Dear Mr. Michael:

This firm represents property owners who live near and will be detrimentally affected by proposed development at 3502 Ruland Place. The appellants are Steve and Gaye Condurelis, 3509 Wimbledon Road, Nashville, TN 37215, Joe and Mary Margaret Peel, 3616 Woodmont Boulevard, Nashville, TN 37215 and Ben and Barbara Shields, 3713 Wimbledon Road, Nashville, TN 37215. (Hereinafter “appellants.”)

This letter is an appeal of the decision of the Department of Codes and Building Safety to grant zoning and site plan approval for the demolition of the existing single-family dwelling at 3502 Ruland Place (hereinafter “the property”) and to issue three building permits, CARN 2018072091, 2018072096, and 2018072099, to construct three new residences on the property. This appeal is pursuant to Tenn. Code Ann. §13-7-207 and Section 17.40.180A of the Zoning Ordinance. The Board of Zoning Appeals (“Board”) has jurisdiction.

The approved site plan reveals that White Plans Building Group, LLC (“the owner”) intends to construct three residences on three antiquated, substandard lots shown on the Revised Plan of Woodmont Acres, being Lots 32, 33, and 34, a plan of development recorded by the owner in 1935, prior to the enactment of zoning and subdivision regulations in Davidson County. (Unless the context is otherwise clear, these lots will be referred to sometimes hereinafter as “antiquated lots” or simply by their numbers).

It is the appellants’ contention that the antiquated lots are not “legally-created lots” within the meaning of Section 17.40.670 A. of the Metropolitan Nashville Zoning Code (“Zoning Ordinance”), upon which the Codes Department relied in issuing the permit. The term

Woodmont Neighborhood

Page 2

March 28, 2019

“legally-created” lots must logically and necessarily refer to lots intended for building when they were created and not to lots that were simply packaged or bundled for sale with other substandard lots over eighty (80) years ago, prior to zoning regulation and planning control in Davidson County.

HISTORY OF THE PROPERTY AND APPLICABLE ZONING AND SUBDIVISION REGULATIONS

On June 14, 1928, D.T. Crockett et al. conveyed to Life & Casualty Insurance Company (“L&C”) approximately 30.37 acres on and along Woodmont Avenue. *See* Book 754, Page 369, Register’s Office of Davidson County, Tennessee (“RODC”). On August 8, 1935, L&C recorded a “Revised Plan” of the “subdivision” of Woodmont Acres (“the Plan” and “the Subdivision”). (Exhibit 1). The Plan was likewise recorded in 1935 at Book 843, Page 102 (RODC). There is no evidence, however, either on the recorded document itself or elsewhere, that the Plan was approved by a planning commission, either of the City of Nashville or of Davidson County.

The Plan shows all lots on Ruland Place as having twenty-five feet (25’) frontage. However, the Plan also contains very specific covenants and building restrictions, including the following:

2. 75 FEET FRONT TO BE THE MINIMUM LOT FOR A RESIDENCE ON WOODMONT BOULEVARD AND 50 FEET FRONT THE MINIMUM ON OTHER STREETS.

Thus, when L & C recorded the Plan, it clearly did not intend that a lot for building purposes could be created on Ruland Place with less than 50 feet street frontage.

On February 12, 1940, the Davidson County Planning Commission (“County Planning Commission”) promulgated Davidson County’s first subdivision regulations. These regulations also established the minimum lot width for residential lots at 50 feet and minimum set-backs of thirty (30) feet for the front lot line and fifteen (15) feet for the side lot lines. (Relevant portions of the 1940 Subdivision Regulations are attached as Exhibit 2, Section 12, at page 6.) Thus, the first subdivision regulations were consistent with the private restrictions established for Woodmont Acres.

In July of 1940, the Davidson County Commission adopted zoning regulations for unincorporated areas of the County, which included the property. At the time of the adoption of these regulations, the property was located in the Residential B zoning district. The minimum lot size in this zoning district was established as 10,000 square feet. (Relevant portions of the 1940 Zoning Regulations are attached as Exhibit 3, with relevant maps and provisions colored in yellow).

On July 20, 1940, L&C sold the property to James F. Cook and Mary Brown Cook, as evidenced by deed recorded at Book 1169, Page 131. (Exhibit 4). This deed conveyed Lots 32,

Woodmont Neighborhood
 Page 3
 March 28, 2019

33, and 34 to the Cooks. One of the calls in the deed states: "THESE LOTS JOIN AND FRONT TOGETHER 75 FEET ON THE EASTERLY SIDE OF RULAND." This deed also stated "SUBJECT TO RESTRICTIVE COVENANTS AS SHOWN ON THE PLAN OF RECORD IN BOOK 843, PAGE 102 SAID REGISTER'S OFFICE."

The Cooks constructed the residence that is currently on the property in 1945. (See Property Card, Exhibit 5, attached). The house is built across the lines of Lots 32, 33, and 34, and appears to observe the thirty-foot (30') front yard set-back to Ruland Place and the fifteen-foot (15') side-yard set-backs dictated by the 1940 Zoning Ordinance. Clearly, the Cooks, the owners who built the house, believed that the combined Lots 32, 33, and 34 constituted the "building lot" for their home.

For over fifty (50) years, the Woodmont Acres neighborhood developed according to the pattern established under the Plan and in accordance with both the Plan's restrictions and the applicable zoning. Persons who purchased property in that neighborhood did so with the reasonable expectation that lots would not be smaller than 10,000 square feet or narrower than 50 feet. Persons who bought antiquated lots, as shown on the Plan, bought a minimum of two (2), but typically from three to five (3-5) lots. The deed from L&C assembled them into a single parcel for building. This resulting parcel became the "lot" in the modern sense of the word. With a few exceptions, the character of the neighborhood has not changed since the 1940s.

LEGAL ISSUE

Section 17.40.670 A of the Zoning Ordinance provides, in part:

17.40.670-Nonconforming lot area.

The following provisions shall apply to *legally created lots* less than the required minimum lot area.

A. Single Family Structures in Residential and Agriculture Districts. Within the R and R-A, RS and RS-A, RM, RM-A, AR2a and AG districts, a single-family structure may be constructed *on a legally created lot* that contains less than the minimum lot area required by Tables 17.12.020A, 17.12.020B, 17.12.020C or 17.12.020D, provided the lot contains a minimum area of three thousand seven hundred fifty square feet and existed prior to the effective date of the ordinance codified in this title. (Emphasis added).

*

*

*

The zoning for the Property is RS-10. See Section 17.12.020 of Zoning Ordinance. In the RS-10 zone, the minimum lot area allowed is 10,000 square feet. *Id.* This minimum lot size has applied to the property since zoning was enacted in Davidson County in 1940. (See discussion below). Each of the antiquated lots is only .09 acres, or about 3,900 square feet and has only 25 feet of frontage on Ruland Place.

Woodmont Neighborhood

Page 4

March 28, 2019

Under the definitions section of the Zoning Ordinance, a “(l)ot” means “a tract, plot or portion of a subdivision or parcel of land intended as a unit for the purpose, whether immediate or future, *for transfer of ownership or for building development*. . . .” Section 17.040.60. A “subdivision,” in turn, means “any subdivision of land as provided in Section 13-3-401 et seq. and Section 13-4-301 et seq. Tennessee Code Annotated.” (Emphasis added).

Both of the two sections of the Tennessee Code Annotated define “subdivision” . . . as “the division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five (5) acres for the purpose, whether immediate or future, of *sale or building development*, and includes resubdivision and, when appropriate to the context, relates to the process of resubdividing or to the land or area subdivided.” (Emphasis added).

The question for the Board is whether the historic lots were ever “legally created” as separate building lots within the meaning of the above sections of the Zoning Ordinance. The appellants maintain that they were not, or if so, they were created only for the purpose of “transfer of ownership,” and not for separate “building development.” This is the only reasonable interpretation of Section 17.40.670, the above-cited nonconforming lot area provision. To interpret that section otherwise, allowing higher density development in an area whose character has been established for seventy (70) years, without going through the re-zoning or even subdivision process, is contrary to and circumvents and subverts the entire purpose of both zoning and planning.

Furthermore, and as alternative argument, interpreting Section 17.40.670 to allow building on sub-standard lots, without regard to neighborhood character, also circumvents the orderly and established administrative or quasi-judicial process of “variances,” which is part of the classic jurisdiction of boards of zoning appeals. *See* Tenn. Code Ann. §13-7-207. Under the statute, a variance may be granted only according to the following standards:

*

*

*

(3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part or part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance. . .

The owner should not be able to develop 3502 Ruland without establishing the standards for grant of a variance. The appellants would oppose the granting of a variance in this case, if there were such an application, because a variance could not be granted “without

Woodmont Neighborhood

Page 5

March 28, 2019

substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance.”

The Zoning Code is even more specific than state law as to when the grant of a variance might not be in furtherance of the public good. Section 17.40.370 of the Zoning Code provides, in sub-section E:


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

I also attach the signed form application required for this appeal. We ask that this appeal be heard on Thursday June 6, 2019, at 1 P.M. We may file other documents in support of this appeal on or before Monday June 3, 2019, in accordance with the BZA by-laws.

Thank you for your assistance.

MILLER & MARTIN, PLLC

By:

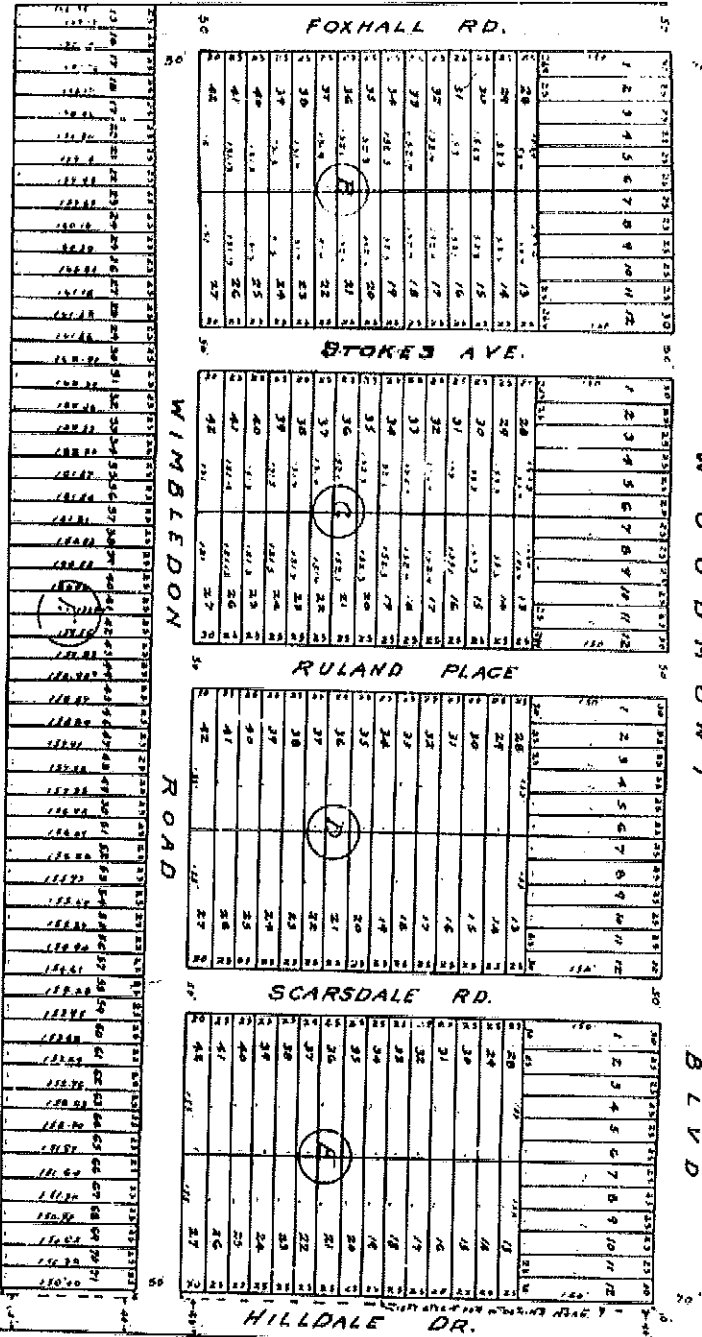
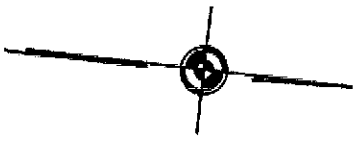


Douglas Berry
Direct Dial Number:
(615) 744-8620

Cc: Clients

- 59786 -

Received for Record Aug. 12, 1935. At 3:22 o'clock P.M.



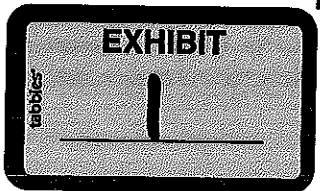
TULSA RESTRICTIONS ON THESE LOTS
 1. PER PEATY I. BE USED FOR RESIDENCES FOR:

2. 75 FEET FRONT TO BE THE MINIMUM LOT FRONTAGE ON WOODMONT BOULEVARD AND 50 FEET FRONT FRONT ON OTHER STREETS.
3. NO RESIDENCE TO BE DEEPER THAN 50 FEET TO WOODMONT BOULEVARD, NOR DEEPER THAN 35 FEET ON OTHER STREETS. ALL OUT BUILDINGS TO BE ON REAR 50 FEET OF ANY LOT.
4. MINIMUM COST OF RESIDENCES ON WOODMONT BOULEVARD \$5,000.
5. MINIMUM COST ON OTHER STREETS \$4,000.
6. THESE RESTRICTIONS SHALL EXPIRE ON SEPTEMBER 1, 1935.

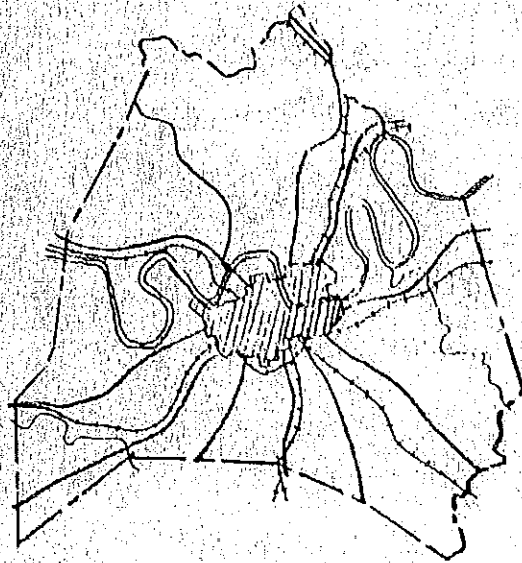
REVISED PLAN OF
THE LIFE & CASUALTY INSURANCE CO'S
 SUBDIVISION OF
WOODMONT ACRES
 WOODMONT BLVD, DAVIDSON COUNTY TENN

SCALE 1" = 100'

Signed: 6-29-1935 E.J. Wilkinson Surveyor
 Traced: Aug. 8, 1935. E.H. Drake & Company



RULES AND REGULATIONS FOR LAND SUBDIVISION



Archives
346.04377
N263r

09/16/14

DAVIDSON COUNTY PLANNING COMMISSION

TENNESSEE

1940

EXHIBIT

2

11. Block sizes;

- (a) The width of blocks shall be sufficient normally to allow two tiers of lots of appropriate depth.
- (b) Blocks shall not exceed sixteen hundred (1600) feet in length and dead-end streets four hundred (400) feet.

12. Lots: The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated, and shall conform to the following, except when otherwise provided in a zoning resolution of the County Court;

- (a) Lots for residential use shall be at least fifty (50) feet wide at the building line and have an average depth of not less than one hundred and fifty (150) feet.
- (b) Side lines of lots shall be at right angles or radial to street lines.
- (c) Every lot shall abut on a street, or on an officially approved cul-de-sac.
- (d) Double-frontage lots shall be avoided.
- (e) Reversed frontage shall be avoided in blocks exclusively residential.
- (f) Building setback lines or front yards of not less than thirty (30) feet shall be established on all lots to be used principally for residence purposes and, in the case of corner lots, a fifteen (15) foot side yard shall be provided along the side street.

Where lots are platted abutting on existing streets or roads shown on the major thoroughfare plan at a proposed width greater than the present, the building setback line or side yard shall be increased by one-half the difference in the present and the proposed road or street width.

- (g) An easement-way for public utility service, such as sewer, water, electric, telephone, etc., shall be provided along the rear lot line of all lots designed for residential use and said easement shall have a minimum width of ten (10) feet on each lot, making an overall easement width of twenty (20) feet. The Commission may require said utility easement along side lot lines where necessary for such service.

13. Improvements;

- (a) All streets and roads must be graded and drained in accordance with minimum standards established by the Davidson County Highway Commission and said work be approved by the Chief Engineer of said Highway Commission. Ample provision for the discharge of surface water from street or road right-of-way shall be made.

ZONING REGULATIONS

DAVIDSON COUNTY, TENNESSEE

Ordinance No. 100

Resolution Number 55 of the Quarterly County Court of Davidson County, Tennessee in Quarterly Session assembled at its July Term, 1940, with all amendments through the April Term of Court, 1949.

By authority of provisions of Chapter 473 of the Private Acts of the General Assembly of the State of Tennessee for the year 1939 and as amended through 1949.

COUNTY BUILDING COMMISSIONER

Wm. A. Pitts

Board of Zoning Appeals

W. P. Barton, Chairman
3rd District, Donelson, Tenn.

M. D. McCarley, Vice-Chairman
10th District, White's Creek,
Tenn.

John S. Jenkins, Secretary
4th District, Hermitage, Tenn.

T. O. Brady
8th District, West Nashville,
Tenn.

A. J. McMahon
6th District, Woodbine, Tenn.

Chas. W. Hawkins
Engineer

DAVIDSON COUNTY PLANNING COMMISSION
Commission Members

T. P. Kennedy, Jr.
Nashville

Ex Officio Members from
City Planning Commission

Ernest T. Chadwell
Nashville

Art J. Dyer
Nashville

A. E. McClanahan
Nashville

J. E. Gatlin
Nashville

J. D. Peay
Goodlettsville, Tenn.

W. Louis Davis
Nashville

J. Clark Akers
County Highway Engineer
(Ex Officio)

Harry A. Howe
Nashville

Commission Officers

T. P. Kennedy, Jr.
Chairman

Ernest T. Chadwell
Vice-Chairman

Chas. W. Hawkins
Engineer-Secretary

William A. Pitts
Assistant Engineer

OFFICE - 301 City-County Building
Nashville 3, Tennessee

EXHIBIT

3

SECTION 6. ESTATES B DISTRICTS

USES PERMITTED: Within any Estates B District, no building, structure or land shall be used, arranged or designed to be used, except for one or more of the uses permitted in Section 5, Estates A Districts.

BUILDING HEIGHT LIMIT, REAR YARD, SIDE YARD and FRONT YARD: The provisions of Section 5, Estates A Districts, shall apply.

LOT AREA: Each one-family or two-family dwelling shall have a lot area of not less than one (1) acre.

SECTION 7. RESIDENTIAL A DISTRICTS

USES PERMITTED: Within any Residential A District, no building, structure or land shall be used, arranged or designed to be used, except for one or more of the uses permitted in Section 5, Estates A Districts.

BUILDING HEIGHT LIMIT: No building shall be erected or structurally altered so as to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height. (See Sect. 17 (3); Page 16).

REAR YARD: There shall be a rear yard on every lot which rear yard shall have a minimum depth of forty (40) feet. Accessory buildings may be located in the rear yard, provided such buildings occupy not more than twenty (20) per cent of the rear yard area and, also, provided, such accessory buildings come not nearer than five (5) feet to any lot line. (See Sect. 17 (7) Building in rear; Page 16).

In the case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from the side street line as the setback line fixed by this resolution for buildings on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARD: There shall be a side yard on each side of every building, except as above provided for accessory buildings, the minimum width of which shall be not less than ten (10) feet. (See Sect. 17 (4); Page 16).

The above regulation shall apply to all lots except reversed corner lots in which case the side yard along the street or roadside of such reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot; provided, however, that such requirement does not reduce the buildable width of such corner lot to less than thirty-six (36) feet, nor require any such side yard to have a width greater than forty (40) feet.

FRONT YARD: There shall be a front yard of not less than forty (40) feet in depth measured from the street to the front line of the building.

Where the frontage on a road or street between two intersecting streets, not more than sixteen hundred (1600) feet apart, is partly built upon, the front yard requirement shall be established as being the average of the front yards of the existing buildings on the same side of the street, and provided further, that no building shall be required to provide a front yard greater than eighty (80) feet in depth.

LOT AREA: Each one-family or two-family dwelling shall have a lot area of not less than twenty thousand (20,000) square feet. (See Sect. 17--General Provisions; Page 15).

SECTION 8. RESIDENTIAL B DISTRICTS

USES PERMITTED: Within any Residential B District, no building, structure or land shall be used, arranged or designed to be used, except for one or more of the uses permitted in Section 5, Estates A Districts. (See Sect. 18 (10) (11) (12); Pages 17 and 18).

BUILDING HEIGHT LIMIT: No building shall be erected or structurally altered so as to exceed two and one-half ($2\frac{1}{2}$) stories or thirty-five (35) feet in height. (See Sect. 17 (3); Page 16).

REAR YARD: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of thirty (30) feet. Accessory buildings may be located in the rear yard, provided

such buildings occupy not more than twenty-five (25) per cent of the rear yard area and also, provided, such accessory buildings come not nearer than two (2) feet to any lot (See Sect. 17 (7) Building in rear; Page 16).

In the case of a corner lot, no wall of an accessory building shall be nearer to a street line than the side line of the main building and it shall also be as far from a side street line as the setback line fixed by this resolution for buildings on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARD: There shall be a side yard on each side of every building, except as above provided for accessory buildings, the minimum width of any one side yard shall be seven feet and the least sum of the widths of both side yards shall be sixteen (16) feet. (See Sect. 17 (4); Page 16).

The above regulation shall apply to all lots except reversed corner lots in which the side yard along the street or roadside of such reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot; provided, however, that such requirement does not reduce the buildable width of a corner lot to less than thirty (30) feet, nor require any such side yard to have a width greater than thirty (30) feet.

FRONT YARD: There shall be a front yard of not less than thirty (30) feet in depth measured from the street to the front line of the building.

Where the frontage on a road or street between two intersecting streets, not more than sixteen hundred (1600) feet apart, is partly built upon, the front yard requirement shall be established as being the average of the front yards of the existing buildings on the side of the street, and provided further, that no building shall be required to provide a front yard greater than sixty (60) feet in depth.

LOT AREA: Each one-family or two-family dwelling shall have a lot area of not less than ten thousand (10,000) square feet. (See Sect. 17--General Provisions; Page 15).

SECTION 9. RESIDENTIAL C DISTRICTS

USES PERMITTED: Within any Residential C District, no building, structure or land shall be used, arranged or designed to be used, except for one or more of the uses permitted in Section 5, Estates A Districts. (See Sect. 18 (10) (11) (12); Pages 17 and 18).

BUILDING HEIGHT LIMIT: No building shall be erected or structurally altered so as to exceed two and one-half ($2\frac{1}{2}$) stories, or thirty-five (35) feet in height. (See Sect. 17 (3); Page 16).

REAR YARD: There shall be a rear yard on every lot, which rear yard shall have a minimum depth of twenty-four (24) feet for a one-story building and twenty-eight (28) feet for a two-story building. Accessory buildings may be located in the rear yard, provided such buildings occupy not more than twenty-five (25) per cent of the rear yard area and, also provided, such accessory buildings come not nearer than two (2) feet to any lot line. (See Sect. 17 (7) Building in rear; Page 16).

In the case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall also be as far from a side street line as the setback line fixed by this resolution for buildings on the side street lots or as near thereto as the width of the lot will permit.

SIDE YARD: There shall be a side yard on each side of every building, except as above provided for accessory buildings, having a minimum width of not less than five (5) feet for one or one and one-half story buildings and not less than seven (7) feet for two or two and one-half story buildings. (See Sect. 17 (4); Page 16).

The above regulation shall apply to all lots except reversed corner lots in which the side yard along the street or roadside of such reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot; provided, however, that such requirement does not reduce the buildable width of a corner lot to less than thirty (30) feet, nor require any such side yard to have a width greater than thirty (30) feet.

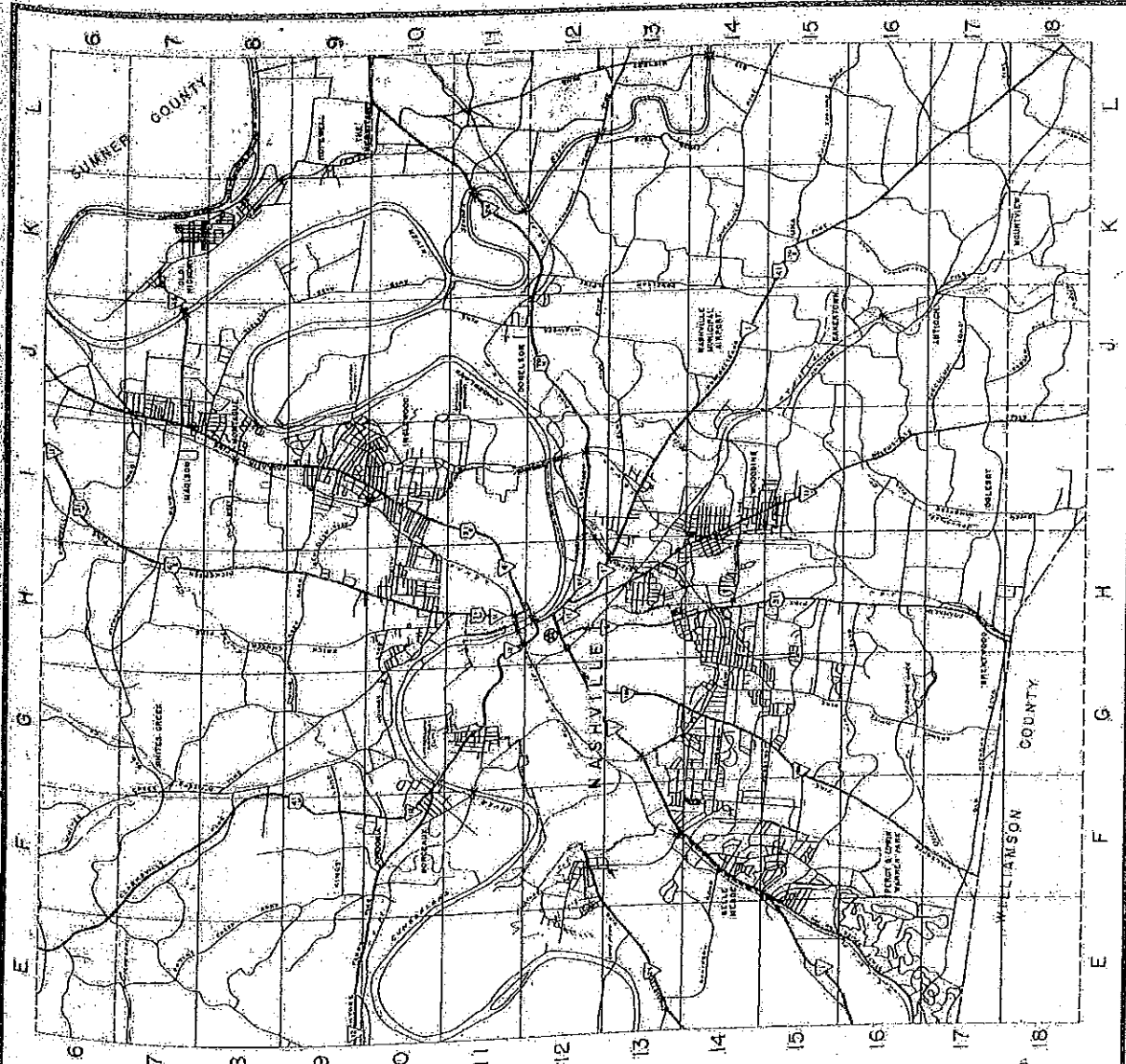
KEY TO

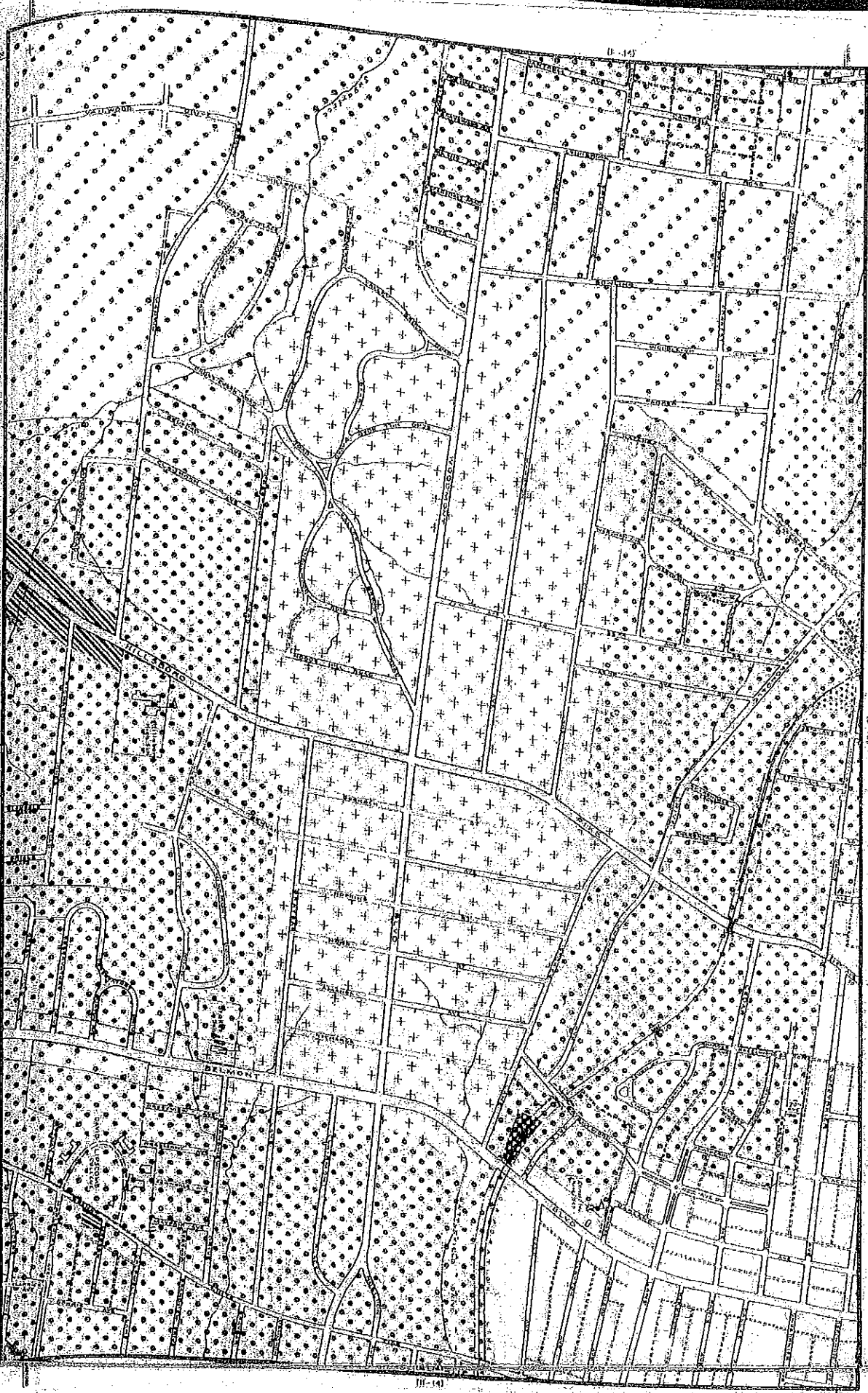
BUILDING ZONE MAP

SYMBOLS

AGRICULTURAL	
ESTATES A	
ESTATES B	
RESIDENTIAL A	
RESIDENTIAL B	
RESIDENTIAL C	
COMMERCIAL A	
COMMERCIAL B	
INDUSTRIAL A	
INDUSTRIAL B	
UNCLASSIFIED	

SCALE OF ATLAS SHEETS





NUMBER 45726 RECORDED SEPT 18, 1940 LIFE & CASUALTY INSURANCE CO. & W.O. HENDERSON TO JAMES F. COOK ET AL.

INSTALLMENT DEED

Book No. 1169

FOR AND IN CONSIDERATION of the sum of FOUR HUNDRED NINETY THREE AND 75/100 DOLLARS

of which THREE HUNDRED AND NO/1000 DOLLARS has been paid in cash by

JAMES F. COOK AND WIFE, MARY BROWN COOK, the receipt of which is hereby acknowledged, and for the remainder

the said ONE HUNDRED NINETY THREE AND 75/100 DOLLARS

JAMES F. COOK AND WIFE, MARY BROWN COOKE, HAVE EXECUTED THEIR ONE CERTAIN PROMISSORY NOTE OF EVEN DATE HERewith PAYABLE TO THE ORDER OF THE LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE AS FOLLOWS: ONE HUNDRED NINETY THREE AND 75/100 DOLLARS TO BE PAYABLE ON OR BEFORE

JANUARY 20, 1941, WITH INTEREST AT THE RATE OF SIX PER CENT PER ANNUM PAYABLE AT THE MATURITY OF SAID NOTE.

AND PROVIDING FOR PAYMENT OF ATTORNEY'S FEES, AND TO SECURE THE PAYMENT OF SAID NOTES, PRINCIPAL AND INTEREST AND ATTORNEY FEES, A LIEN IS EXPRESSLY RETAINED ON THE LAND HEREIN CONVEYED, WE, THE LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE HAVE THIS DAY BARGAINED AND SOLD, AND DO HEREBY TRANSFER AND CONVEY UNTO THE SAID MARY BROWN COOK, WIFE OF JAMES F. COOK, HER HEIRS AND ASSIGNS, CERTAIN REAL ESTATE IN DAVIDSON COUNTY, TENNESSEE, AS FOLLOWS:

BEING LOTS NOS. 32, 33 AND 34 OF BLOCK "D" ON THE MAP OF WOODMONT ACRES, OF RECORD IN BOOK 843, PAGE 102, REGISTER'S OFFICE FOR SAID COUNTY.

SAID LOTS ADJOIN AND FRONT TOGETHER 75 FEET ON THE EASTERLY SIDE OF RULAND PLACE AND RUN BACK BETWEEN PARALLEL LINES 155 FEET TO A DEAD LINE.

BEING PART OF THE PROPERTY CONVEYED TO LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE BY DEED FROM D.T. CROCKETT AND WIFE ET AL, OF RECORD IN BOOK 754 PAGE 369, AND BY DEED FROM THE HARPETH HILLS WATER COMPANY, OF RECORD IN BOOK 966 PAGE 625 SAID REGISTER'S OFFICE.

SUBJECT TO RESTRICTIVE COVENANTS AS SHOWN ON THE PLAN OF RECORD IN BOOK 843 PAGE 102, SAID REGISTER'S OFFICE.

TAXES FOR 1940 TO BE PRO-RATED AS OF DATE OF DEED.

SUBJECT TO PUMPING CHARGE, WHICH CHARGE IS AT THE RATE OF \$1.00 PER MONTH FOR EACH WATER TAP.

all of said notes bearing six per cent interest from date, and providing for payment of attorney's fees; and to secure the payment of said notes, principal and interest, and attorney's fees, a lien is expressly retained on the land herein conveyed

have this day bargained and sold, and do hereby transfer and convey, unto the said

heirs and assigns, certain real estate in Davidson County.

Tennessee as follows:

X. HERETOFORE AS OF JULY 20, 1940, THE LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE EXECUTED A DEED OF THE ABOVE DESCRIBED PROPERTY TO WARD DON HENDERSON AND WIFE, ELEANOR TRESS HENDERSON, WHICH DEED HAS NEVER BEEN RECORDED AND HAS BEEN RETURNED TO THE LIFE AND CASUALTY INSURANCE COMPANY OF TENNESSEE AND PHYSICALLY CANCELLED, AND SAID WARD DON HENDERSON AND WIFE, ELEANOR TRESS HENDERSON, JOIN IN THIS INSTRUMENT FOR THE PURPOSE OF AND DO HEREBY CONVEY TO JAMES F. COOK AND WIFE, MARY BROWN COOK, ALL RIGHT, TITLE AND INTEREST THAT THEY HEREBY ACQUIRED IN SAID PROPERTY. IN WITNESS WHEREOF, WE, THE SAID LIFE & CASUALTY INSURANCE COMPANY OF TENNESSEE AND JAMES F. COOKE AND WIFE, MARY BROWN COOK, AND WARD DON HENDERSON AND WIFE, ELEANOR TRESS HENDERSON, HEREUNTO SET OUR HANDS AT NASHVILLE, TENNESSEE, THIS THE 20th DAY OF JULY, 1940.

ATTEST: E.R. DERRYBERRY SECRETARY

BY C.M. HERRON VICE PRESIDENT WARD DON HENDERSON ELEANOR TRESS HENDERSON JAMES F. COOK MARY BROWN COOK

STATE OF TENNESSEE COUNTY OF DAVIDSON

BEFORE ME, R.B. EVANS A NOTARY PUBLIC IN AND FOR SAID STATE AND COUNTY, PERSONALLY APPEARED C.M. HERRON AND E.R. DERRYBERRY WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ON OATH ACKNOWLEDGED THEMSELVES TO BE THE PRESIDENT AND SECRETARY OF THE LIFE & CASUALTY INSURANCE COMPANY OF TENNESSEE, INCORPORATED, THIS WITHIN NAMED BARGAINOR, A CORPORATION, AND THAT THEY AS SUCH VICE PRESIDENT AND SECRETARY BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE CORPORATION BY C.M. HERRON AS VICE PRESIDENT, AND ATTESTING THE SAME BY E.R. DERRYBERRY AS SECRETARY.

WITNESS MY HAND AND OFFICIAL SEAL AT OFFICE, IN NASHVILLE, TENNESSEE, THE 16TH DAY OF SEPTEMBER 1940. (SEAL) R.B. EVANS, NOTARY PUBLIC COM. EXPIRES NOV 2, 1940

TO HAVE AND TO HOLD said real estate, with the appurtenances, estate, title, and interest thereto belonging, to the said MARY BROWN COOKE, HER heirs and assigns, covenant that WE ARE



WE, the said JAMES F. COOKE AND WIFE, MARY BROWN COOKE, do hereby agree to keep all buildings now on, or to be hereafter erected on said property, insured in some reliable fire insurance company or companies for at least the sum of \$ 193.75 until the notes herein secured are fully paid, and to have the loss, if any, made payable on the policy or policies to said Trustee for the benefit of the lawful owner and holder of said notes, as his interest may appear.

WE further agree to keep the improvements on said property in good repair and preservation, and to pay all taxes and assessments thereon, and to pay them when due; and in case WE fail to do either, then the said Trustee or the lawful owner and holder of said notes, or any of them, may do any or all of these things and charge and treat the sum or sums so expended as part of the indebtedness secured therein, the same to bear interest from the date of such payment.

Now, if WE, the said JAMES F. COOK AND WIFE MARY BROWN COOK, shall pay the notes aforesaid when due, according to their terms, and pay taxes, keep up repairs, and keep said premises insured as aforesaid, then this trust

conveyance shall be of no further force or effect. But if WE fail to pay any one of said notes or part thereof promptly at maturity, or if, failing to pay taxes, keep up repairs, or keep said premises insured as herein provided, WE fail to reimburse the Trustee or lawful owner and holder of said notes for all sums, with interest, so expended by said Trustee or lawful owner and holder of said notes, within thirty days from date of such payment, this trust conveyance shall remain in full force and effect, and at the option of the lawful owner and holder of said notes, or any of said notes then past due and unpaid, all remaining unpaid notes shall become due and payable at once without notice, and the said Trustee or his successor in trust is hereby authorized and empowered, upon giving twenty days' notice by three publications in any newspaper, daily or weekly, published in Davidson County, Tennessee, to sell said property at the south door of the Courthouse in said County to the highest bidder, for cash, at public outcry, free from the equity of redemption, homestead, dower, and all other exemptions of every kind, which are hereby expressly waived; and the said Trustee or his successor in trust is authorized and empowered to execute and deliver a deed to the purchaser. The creditor may bid at any sale under this trust conveyance.

WE agree that the Trustee may, at any time after default in payment of any one of said notes, enter and take possession of said property, and shall only account for the net rents actually received by him. WE further agree that in the event the Trustee fails before selling said property as herein provided, to enter and take possession thereof, the purchaser shall be entitled to immediate possession thereof upon delivery to him by the Trustee of a deed for said property. In case of sale hereunder, the proceeds will be applied by the Trustee as follows:

- 1st. To the payment of all costs, charges, and expenses of executing this conveyance and enforcing said lien, as herein provided; also reasonable attorney's fees for advice in the premises, or for instituting or defending any litigation which may arise on account of the execution of this conveyance or the enforcement of said lien; also the expenses of any such litigation.
- 2nd. To the payment of all taxes which may be unpaid on said premises.
- 3rd. To the payment of all unpaid notes herein secured, and any and all sums expended in the protection of said property, as herein authorized.
- 4th. The residue, if any, will be paid to MARY BROWN COOKE, HER representatives or assigns.

IT IS AGREED THAT IF SAID PROPERTY IS SOLD UNDER THIS INSTRUMENT WE OR ANY PERSON HOLDING UNDER US, SHALL AT ONCE BECOME AND BE THE TENANT OR TENANTS AT WILL OF THE PURCHASER HEREUNDER, AND SHALL BE REMOVED BY WRIT OF UNLAWFUL DETAINER AT ANY TIME AFTER DEMAND FOR POSSESSION IS MADE.

In case of the death, absence, inability, or refusal to act of said Trustee at any time when action under the foregoing power and trusts may be required, the lawful owner and holder of said lien notes, or if more than one, then the first-maturing unpaid note, is hereby authorized and empowered to name and appoint a successor to execute this trust by an instrument in writing, to be recorded in the Register's Office for Davidson County, Tennessee, and the title herein conveyed to WARD DON HENDERSON Trustee, shall be vested in said successor.

Said Trustee shall execute this trust without being required to give bond, and he shall not be required to file any account of settlement in relation to this trusteeship.

In Witness Whereof, We, the said and SEE X, hereunto set our hands at Tennessee, this the day of, 19

STATE OF TENNESSEE, DAVIDSON COUNTY. Personally appeared before me, H.N. O'CALLAGHAN, a Notary Public in and for said County and State, the within named WARD DON HENDERSON AND ELEANOR TRESS HENDERSON the bargainor S. with whom I am personally acquainted, and who acknowledged that THEY executed the within instrument for the purposes therein contained.

having appeared before me privately and apart from husband, the said, acknowledged the execution of the said instrument to have been done by freely, voluntarily, and understandingly, without compulsion or constraint from said husband, and for the purposes therein expressed.

Witness my hand and official seal at Nashville, Tennessee, this 6TH day of SEPTEMBER 1940. My commission expires APRIL 6 1942. H.N. O'CALLAGHAN, Notary Public, STATE OF TENNESSEE, DAVIDSON COUNTY.

PERSONALLY APPEARED BEFORE ME, LILLIAN J. JOHNSON, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, THE WITHIN NAMED MARY BROWN COOKE & JAMES F. COOK THE BARGAINORS, WITH WHOM I AM PERSONALLY ACQUAINTED, AND WHO ACKNOWLEDGED THAT THEY EXECUTED THE WITHIN

EXTERIOR INFORMATION

Type: R1 - SINGLE FAM	Full Bath: 2	Rating: AVERAGE
Sy Hb: 06 - 1.5 STORY	A Bath: 1	Rating: AVERAGE
(Lvl) Units: 1	3/4 Bath: 1	Rating: AVERAGE
Total: 1	A 3/4Bth: 1	Rating: AVERAGE
Foundation: 03 - FT BSMT	1/2 Bath: 1	Rating: AVERAGE
Frame: 01 - BRICK	A Hbth: 1	Rating: AVERAGE
Prime Wall: 01 - BRICK	Other Fix: 10	Rating: AVERAGE
Sec Wall: 01 - ASPHALT	Other Features	
Roof Cover: 01 - ASPHALT	Kits: 1	Rating: AVERAGE
Color: 162Q - 3228 Q	A Kits: 1	Rating: AVERAGE
View / Desir: 162Q - 3228 Q	Fpl: 1	Rating: AVERAGE
GENERAL INFORMATION	WStFile: 1	Rating: AVERAGE
Grade: C - RES GRADE	CONDO INFORMATION	
Year Bilt: 1945	Location: 1	
Alt LUC: 1975	Total Units: 1	
Jurisdiction: 1	Floor: 1	
Const Mod: 1	% Own: 100	
Lump Sum Adj: 1	Name: 1	

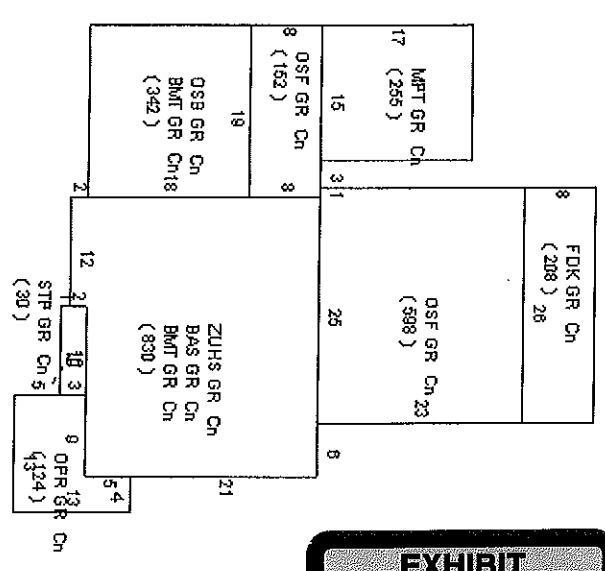
BATH FEATURES

Full Bath: 2	Rating: AVERAGE
A Bath: 1	Rating: AVERAGE
3/4 Bath: 1	Rating: AVERAGE
A 3/4Bth: 1	Rating: AVERAGE
1/2 Bath: 1	Rating: AVERAGE
A Hbth: 1	Rating: AVERAGE
Other Fix: 10	Rating: AVERAGE

COMMENTS

RESIDENTIAL GRID	1st Res Grd	Desc: Line 1	# Units: 1
Level	FY LR DR D	K: FR RR BR PB HB L O	
Other			
Upper			
Lvl 2			
Lvl 1			
Lower			
Totals	RMS: 8	BRS: 3	Baths: 2

SKETCH



INTERIOR INFORMATION

Avg Ht/Ft: 1	Phys Cond: AV - Average	30%
Prim Int Wall: 1	Functional: 1	%
Sec Int Wall: 1	Economic: CCHG - COMP S	15%
Partition: 1	Special: 1	%
Prim Floors: 1	Override: 1	%
Sec Floors: 1	Total: 41.01	%

DEPRECIATION

Basic \$ / SQ: 77.94	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj: 10.97001708	79.9	117 14 0 003.00	3/16/2007	398,000	
Const Adj: 1.41960001	76.7	131 01 0 003.00	9/28/2007	450,000	
Insulation: 1	75.9	117 05 0 120.00	6/17/2008	460,000	
Int vs Ext: 1	75.7	117 05 0 126.00	7/28/2008	558,000	
Heat Fuel: 1	75.3	116 12 0 051.00	1/11/2008	485,000	
Heat Type: 1	75	116 12 0 087.00	4/14/2008	364,000	
Neighborhood Inf: 1.00000000	WVA\$/SQ: 1	AVRate: 76.41	Ind Val: 432800.0000		
LUCC Factor: 1.00	Jurts. Factor: 1	Before Depr: 123.43			
Adj Total: 314532	Special Features: 6500	Val/Su Net: 46.53			
Depreciation: 128990	Final Total: 192000	Val/Su SzAd: 82.16			
Depreciated Total: 185543					

REMODELING

Exterior: 1	Interior: 1	NO Unit	RMS	BRS	FL
1	1	1	8	3	
Totals					
1	8	3			

RES BREAKDOWN

1	8	3
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CALC SUMMARY

Basic \$ / SQ: 77.94	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj: 10.97001708	79.9	117 14 0 003.00	3/16/2007	398,000	
Const Adj: 1.41960001	76.7	131 01 0 003.00	9/28/2007	450,000	
Insulation: 1	75.9	117 05 0 120.00	6/17/2008	460,000	
Int vs Ext: 1	75.7	117 05 0 126.00	7/28/2008	558,000	
Heat Fuel: 1	75.3	116 12 0 051.00	1/11/2008	485,000	
Heat Type: 1	75	116 12 0 087.00	4/14/2008	364,000	
Neighborhood Inf: 1.00000000	WVA\$/SQ: 1	AVRate: 76.41	Ind Val: 432800.0000		
LUCC Factor: 1.00	Jurts. Factor: 1	Before Depr: 123.43			
Adj Total: 314532	Special Features: 6500	Val/Su Net: 46.53			
Depreciation: 128990	Final Total: 192000	Val/Su SzAd: 82.16			
Depreciated Total: 185543					

COMPARABLE SALES

Basic \$ / SQ: 77.94	Rate	Parcel ID	Typ	Date	Sale Price
Size Adj: 10.97001708	79.9	117 14 0 003.00	3/16/2007	398,000	
Const Adj: 1.41960001	76.7	131 01 0 003.00	9/28/2007	450,000	
Insulation: 1	75.9	117 05 0 120.00	6/17/2008	460,000	
Int vs Ext: 1	75.7	117 05 0 126.00	7/28/2008	558,000	
Heat Fuel: 1	75.3	116 12 0 051.00	1/11/2008	485,000	
Heat Type: 1	75	116 12 0 087.00	4/14/2008	364,000	
Neighborhood Inf: 1.00000000	WVA\$/SQ: 1	AVRate: 76.41	Ind Val: 432800.0000		
LUCC Factor: 1.00	Jurts. Factor: 1	Before Depr: 123.43			
Adj Total: 314532	Special Features: 6500	Val/Su Net: 46.53			
Depreciation: 128990	Final Total: 192000	Val/Su SzAd: 82.16			
Depreciated Total: 185543					

SUB AREA

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sld %	Area Usbl	Descrp	Type	%	Qu #	Ten
BMT	BASEMENT	1,172	21,470	25,157							
BAS	BASE AREA	830	107,330	89,081							
OSF	FRAME ADD	750	107,330	80,485							
ZUHS	UNFN 1.5 STY	415	42,530	17,816							
OSB	BRICK ADD	342	107,330	36,706							
MPT	MAS PATTI	255	7,510	1,916							
FDK	FDK	208	24,690	5,134							
OPR	OPEN PORCH	124	35,420	4,392							
Net Sketched Area: 4,126		Total:	260,987	1922							
Site Adj:	2337	Gross Area:	4541	Fin Area:	1922						

SUB AREA DETAIL

8	FDK GR Cn	(208)	26
17	MPT GR Cn	(255)	
15	OSF GR Cn	(750)	
8	OSF GR Cn	(152)	
19	OSB GR Cn	(342)	
31	ZUH'S GR Cn	(415)	
25	BAS GR Cn	(830)	
8	BMT GR Cn	(830)	
21	STP GR Cn	(5)	
12	OPR GR Cn	(124)	
19	OPR GR Cn	(30)	
13	OPR GR Cn	(424)	

SPEC FEATURES/YARD ITEMS

Code	Description	A	YIS	Qty	Stradim	Qual	Con	Year	Unit Price	DIS	Dep	LUC	Fact	NB	Fa	Appr Value	JCodu	Fact	Jurts. Value
D-FRG	DET FR GAR	D	Y	1	122x24	D	FR	1998	24.38	T	65	R11				4,500			4,500
FPL	FIREPLACE	A	S	1	12	C	AV	1945	3,500.00	B	41	R11				4,100			4,100
CCAL	CENT AIR	A	S	1	119x22	C	AV	1945	2,081.6	B	41	R11				2,400			2,400
STSH	STG SHED	D	Y	1	110x12	T	AV	1998	16,801.6	T	35	R11				1,300			1,300

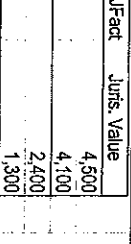
PARCEL ID

117 05 0 141.00

PARCEL ID

117 05 0 141.00

IMAGE



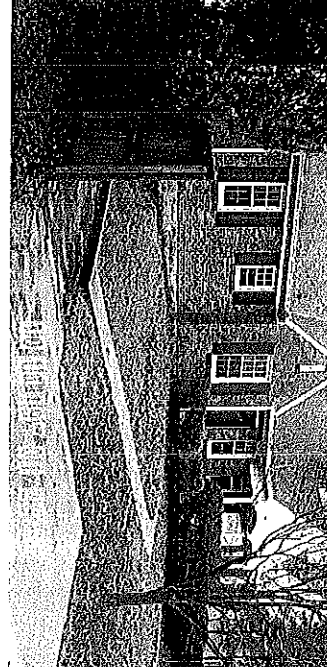
AssessPro Patriot Properties, Inc

More: N

Total Yard Items: 5,800

Total Special Features: 6,500

Total: 12,300



PROPERTY LOCATION: 3502JA Alt No - RULAND P, NASHVILLE Direction/Street/City
 OWNERSHIP: [Int #] [Int #]
 Owner 1: WHITE PINES BUILDING GROUP, LL
 Owner 2:
 Owner 3:
 Street 1:
 Street 2:
 Turn/City:
 S/P/Prov:
 Postal:

IN PROCESS APPRAISAL SUMMARY
 Use Code Land Size Building Value Yard Items Land Value Total Value
 R11 0.000 192.000 5.800 216,000 413,800
 Total Card 0.000 192.000 5.800 216,000 413,800
 Total Parcel 0.000 192.000 5.800 216,000 413,800
 Source/Market Adj Cost Total Value per SQ unit /Card: 215.30 /Parcel: 215.30

PREVIOUS ASSESSMENT
 Parcel ID 117.05 0 141.00
 Tax Yr Use Cat Bldg Value Yrd Items Land Size Land Value Total Value Asses'd Value
 2017 R11 INF 192,000 5,800 360,000 557,800 139,450
 2013 R11 ROLL 153,700 4,300 240,000 398,000 99,500 Year End Roll
 2009 R11 ROLL 173,800 3,200 240,000 417,000 104,250
 2005 R11 ROLL 128,900 3,100 185,000 317,000 79,250
 2001 R11 ROLL 157,200 3,200 125,000 285,400 71,350 Year End Roll
 2000 R11 PR 104,100 2,400 99,900 205,400 51,600 07-01-2000
 1999 R11 ROLL 87,600 2,700 99,900 192,900 48,225

SALES INFORMATION
 Grantor Legal Ref Type Date Sale Code Sale Price V Tst Year
 WHITE PINES BUI 20181025-010 QC 10/23/2018 No No
 NATIEL, JAMES M 20181025-010 DB 10/23/2018 No No
 CHARPMAN, LISA M 20010820-008 DB 8/15/2001 QUALIFIED 294,000 No No
 VAN CLEEMPJUT, A 00011642-000 DB 8/26/1999 QUALIFIED 211,500 No No
 00004494-000 DB 4/15/1971 No No

TAX DISTRICT
 Legal Description
 LOT 32 BLDG D WOODMONT ACRES

PAT ACCT.
 Notes
 127637

USER DEFINED
 Prior Id # 1: MAILED
 Prior Id # 2:
 Prior Id # 3: ACT19
 Date Time
 02/22/19 14:41:29
 LAST REV
 Date Time
 02/20/19 15:36:42
 Prior Id # 1: 193038
 Prior Id # 2:
 Prior Id # 3: 0
 ASR Map:
 Fact Dist: 1112
 Reval Dist:
 Year:
 LandReason:
 BldReason:
 CMI/District:
 Ratio:

MOBILE HOME
 Make Model Year Bit Serial # Color

NARRATIVE DESCRIPTION
 This parcel contains .09 A. of land mainly classified as RES with a SINGLE FAM Building built about 1945, having primarily BRICK Exterior and 1922 Square Feet with 1 Unit, 2 Baths, 0 3/4 Bath, 0 HalfBath, 8 Rooms, and 3 Bdrms.

BUILDING PERMITS
 Date Number Descrp Amount C/O Last Visit Fed Code F. Descrp Comment
 11/11/2019 072091 NEW RES 246.059 CAA01/R301 TO CONST
 2/17/2005 010946 NEW FIXT 50.C 7/29/2005
 9/21/1999 08641A ADD SING 38.825 C 6/21/2000 TO CONSTRUCT A 690

ACTIVITY INFORMATION
 Date Result By Name
 2/20/2019 NYC 251 D WALLACE
 1/23/2019 NYC 261 D WALLACE
 5/4/2017 REVCHG 2017 109 J TRACZEK
 12/19/2013 NYC 59 J EADIE
 12/12/2013 FIELD CHECKS 59 J EADIE
 10/15/2010 NYC 86 R TEDROW
 9/8/2006 REP VAL CHG 59 J EADIE
 7/29/2005 CHANGE 59 J EADIE
 11/6/2002 ILIST 59 J EADIE

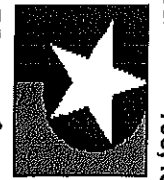
PROPERTY FACTORS
 Item Code Description % Item Code Description
 Z RS-10 RES 10K Utilite
 0 Utilite
 n Utilite
 Census: Exmpt
 Flood Haz: Exmpt
 D USD URBAN Topo
 s Street
 t Traffic:

LAND SECTION (First 7 lines only)
 Use Code LUC No of Units Depth / Unit Type Land Type
 R11 RES 1 R SITE VA 3228 V

Parcel LUC: R11 RES
 Prime NB Desc RES
 Total AC/Ha: 0.00000 Total SF/SqM: Parcel SF/SqM: Prime NB Desc RES

Total: 216,000 Spi Credit Total: 216,000

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: AssessPro - Nashville



Patriot Properties Inc.



May 31, 2019

Emily Lamb
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue South
Nashville, Tennessee 37210

Re: Appeal of Issued Building Permits for 3502 Ruland Place

Dear Ms. Lamb:

We represent White Pines Building Group, LLC (“White Pines”), in connection with the issuance of certain building permits, on January 11, 2019, (the “Permits”) by the Department of Codes and Building Safety (“Metro Codes”). Copies of the Permits are attached hereto as **Exhibit A**. The Permits authorize the construction of three new single-family residences. Several neighbors have appealed the decision of the Zoning Administrator to issue the Permits pursuant to Section 17.40.180A of the Zoning Code and Tennessee Code Annotated §13-7-207. This letter shall serve as White Pines’ response to the neighbors’ appeal.

Factual Background

On January 11, 2019, Metro Codes issued permits, CARN 2018072091, 2018072099, and 2018072099, to construct three new single-family residences on Lot 32 (Parcel ID # 11705014100), Lot 33 (Parcel ID # 11705019600), and Lot 34 (Parcel ID # 11705019700) as shown on the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres, recorded on August 15, 1935 at Book 843, page 102 in the Register’s Office for Davidson County, Tennessee (collectively, the “Property”). A copy of the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres is attached hereto as **Exhibit B**. The property shown on the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres was a portion of an approximately 30.37 acre tract of land acquired by Life & Casualty Insurance Company on June 14, 1928 from D.T. Crockett *et al.* by deed of record at Book 754, page 369, in the Register’s Office. The Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres was recorded prior to the Davidson County Planning Commission’s initial adoption of subdivision regulations on February 12, 1940 so no approval by the Davidson County Planning Commission was required.

The Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres includes certain restrictive covenants applicable to the properties shown thereon. One of those restrictive covenants provided that “75 FEET TO BE THE MINIMUM LOT FOR A RESIDENCE ON WOODMONT BOULEVARD, AND 50 FEET THE MINIMUM ON OTHER STREETS.” Another of the restrictive covenants provided that “NO RESIDENCE TO BE NEARER THAN 40 FEET TO WOODMONT BOULEVARD, NOR NEARER THAN 35 FEE TO OTHER STREET.”

Emily Lamb
May 31, 2019
Page 2

The restrictive covenants further provided that “THESE RESTRICTIONS SHALL EXPIRE ON SEPTEMBER 1, 1955.”

White Pines acquired the Property from James Mark Naftel and wife, Margaret I. Naftel by Warranty Deed on October 23, 2018, of record at Instrument No. 20181025 0105668 in the Register’s Office. The Property was described in the Warranty Deed as follows:

Land in Davidson County, Tennessee, being Lot Nos. 32, 33 and 34 on the Plan of the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres, Block “D” of record in Plat Book 843, Page 102 in the Register’s Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

A copy of the Warranty Deed is attached hereto as **Exhibit C**.

For the reasons described below, the Board of Zoning Appeals (“BZA”) should uphold the decision of the Zoning Administrator and deny this appeal.

The Permits were appropriate under the Zoning Code.

In the Appeal, the neighbors argue that Metro Codes should not have issued the Permits because the lots composing the Property were never legally created as separate building lots within the meaning of the Zoning Code, and thus fail to comply with Section 17.40.670A of the Zoning Code. This argument fails, however, because the lots comprising the Property meet the requirements for development single family residences on nonconforming lots.

The Property is zoned RS 10, and the minimum lot area in the RS 10 zoning District is 10,000. Each of the three lots comprising the Property is 25 feet wide by 155 feet deep, so they each only contain 3,875 square feet. Since the three lots comprising the Property have less than the required minimum lot area, the lots are nonconforming lots.

Section 17.40.670A of the Zoning Code permits the development of single family residences on certain legally created lots that contains less than the minimum lot area. Section 17.40.670A provides as follows:

Section 17.40.670- Nonconforming lot area

The following provisions shall apply to legally created lots less than the required minimum lot area.

- A. Single Family Structures in Residential and Agriculture Districts. Within the R and R-A, RS and RS-A, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by Tables 17.12.020A, 17.12.020B, 17.12.020C or 17.12.020D, provided the lot contains a minimum area of

Emily Lamb
May 31, 2019
Page 3

three thousand seven hundred fifty square feet and existed prior to the effective date of the ordinance codified in this title.

Each of the three lots comprising the Property was legally created by the recording of the Revised Plan of The Life & Casualty Insurance Co's Subdivision of Woodmont Acres on August 15, 1935, which was prior to the 1998 effective date of the Zoning Code. Each of the three lots comprising the Property contains more than 3,750 square feet of lot area. Therefore a single family residence can be constructed on each of the three lots comprising the Property pursuant to Section 17.40.670A of the Zoning Code.

The appellants contend that the ownership of the lots had been consolidated for many year prior to the adoption of the Zoning Code and therefore they were not "legally created" for purposes of Section 17.40.670A. In the analogous case of *Alexander v. Board of Zoning Appeals of Metropolitan Government of Nashville and Davidson County*, however, the Tennessee Court of Appeals found that small, contiguous lots which had been created prior to the adoption of a prior zoning ordinance but had been in consolidated ownership prior to the adoption of the prior zoning ordinance were still separate lots that could be each developed with a separate duplex dwelling. *Alexander v. Board of Zoning Appeals of Metropolitan Government of Nashville and Davidson County*, 1988 WL 85487 *1 (Tenn. Ct. App. Aug. 19, 1988). In *Alexander*, a plan for the West End Heights Subdivision contained three lots on the south side of Love Circle in Davidson County was recorded in 1910. *Id. Id.* In 1925, the middle lot was conveyed to a new owner as well as ten feet from the inside of each of the adjoining two lots. *Id.* By 1937, all three lots were under the same ownership. *Id.* In 1986, a new owner proposed to demolish the existing house on the three lots and build a duplex on each of the three lots. *Id.* Under the prior zoning ordinance, the new owner could build a duplex if the size of each lot was 8,000 square feet. *Id.* If the original lot lines shown on the plan for the West End Heights Subdivision were recognized, each lot would have sufficient area to permit a separate duplex. *Id.* at *2. Upon reviewing the facts and analyzing the relevant law, the Court of Appeals held that the new owner of the property could elect to reestablish the lot lines to their originally platted configuration—thus allowing for construction of the three duplexes.

In this case, event though the three lots comprising the Property were in common ownership for many years prior to the adoption of the Zoning Code, they were legally created prior to the adoption of the Zoning Code. Since they were legally created prior to the adoption of the Zoning Code and meet the minimum size requirements of 17.40.670A, the BZA should uphold the decision of the Zoning Administrator and deny this appeal.

The BZA may not rely on restrictive covenants in reviewing approval of the Permits.

In this matter, the appellants also contend that the BZA should overturn the issuance of the Permits because the single family residences authorized by the Permits will violate the frontage and setback requirements of the restrictive covenants contained on the Revised Plan of The Life & Casualty Insurance Co's Subdivision of Woodmont Acres. Under Tennessee law, however, a

Emily Lamb
 May 31, 2019
 Page 4

board of zoning appeals may only hear and decide appeals based on zoning regulations or ordinances. A restrictive covenant is not a zoning regulation, and therefore, a board of zoning appeals does not have jurisdiction to hear or decide an appeal founded on violation of a restrictive covenant.

First, the power and jurisdiction of a board of zoning appeals “is limited in scope to that expressly conferred by statute,” as set forth in T.C.A. § § 13-7-206, 13-7-207. *Father Ryan High Sch., Inc. v. City of Oak Hill*, 774 S.W.2d 184, 188-90 (Tenn. Ct. App. 1988). If a board of zoning appeals subsequently decides to deny a permit “based upon considerations beyond its statutory powers,” that action is “illegal.” *Father Ryan*, 774 S.W.2d at 190-91 (referring to T.C.A. § 27-8-101 which states that a writ of certiorari may be granted when a board exceeds the jurisdiction conferred or acts illegally).

Under the above statutes, a board of zoning appeals has jurisdiction to hear appeals from aggrieved persons “affected by any grant or refusal of a building permit . . . based in whole or part upon the provisions of [the zoning] ordinance enacted under this part or part 3¹ of this chapter.” T.C.A. § 13-7-206(b). A zoning ordinance may confer power to a board of zoning appeals to “make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent,” or “to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions as they arise in the administration of the zoning regulations.” T.C.A. § 13-7-206(a). Further, a board of zoning appeals has the power to “[h]ear and decide appeals where it is alleged by the appellant that there is error in any . . . permit . . . made . . . in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this part or part 3 of this chapter.” T.C.A. § 13-7-207(1).

Second, a restrictive covenant is not a zoning ordinance, but rather “a contract regarding the use of land among generally private landowners.” Tenn. Op. Att’y Gen. No. 13-02 (Jan. 7, 2013); *See also Friends of Shawangunks, Inc. v. Knowlton*, 476 N.E.2d 988, 990 (N.Y. 1985) (stating that a zoning ordinance is a legislative enactment and a restrictive covenant is a “matter of private agreement”). Further, the use of land may violate a restrictive covenant but not the zoning ordinance. *See Patterson v. Cook*, 655 S.W.2d 955, 960-61 (Tenn. Ct. App. 1983) (holding a restrictive covenant invalid but remanding the case to determine whether the zoning ordinance is violated); *See also Friends of Shawangunks, Inc.*, 476 N.E.2d at 990.

Because a restrictive covenant is separate and distinct from a zoning regulation or ordinance, and because a board of zoning appeals may only hear and decide appeals regarding whether the application for a permit conforms to zoning regulations or ordinances, the BZA does not have jurisdiction to hear or decide a claim based on a restrictive covenant and may not invalidate a permit based on a violation of a restrictive covenant.

The provisions of the restrictive covenants in the Plan have expired.

¹ Part 2 of Title 13, Chapter 7 of the Tennessee Code Annotated relates to “Municipal Zoning” *See* T.C.A. § 13-7-201 through § 13-7-212. Part 3 of Title 13, Chapter 7 of the Tennessee Code Annotated relates to “Municipal Zoning Outside Boundaries.” *See* T.C.A. § 13-7-301 through § 13-7-306.

Emily Lamb
May 31, 2019
Page 5

Even if the BZA could make a permit determination based on a restrictive covenant, a restrictive covenant with an express expiration date is unenforceable after the expiration date because a restrictive covenant that is not ambiguous must be enforced according to its terms.

A property owner has a fundamental right to “own, use, and enjoy private property.” *Barnett v. Behringer*, No. M1999-01421-COA-R3CV, 2003 WL 21212671, at *3 (Tenn. Ct. App. May 27, 2003). A landowner, however, may sell portions of his property and place restrictions, commonly known as restrictive covenants, on the property’s future use to benefit himself or his grantees. *Id.* If restrictions placed on the land are properly created, they run with the land and are “binding on remote grantees when they appear in the chain of title or when the grantees actually know about the restriction when they acquired the real property.” *Id.*

Although restrictive covenants are recognized under Tennessee law, they are disfavored “because they are inconsistent with a subsequent landowner’s free and unrestricted use of the property.” *Id.* at *4; *See also Arthur v. Lake Tansi Village, Inc.*, 590 S.W.2d 923, 927 (Tenn. 1979). Therefore, in construing restrictive covenants, a court will “enforce these covenants according to the grantor’s clearly expressed intentions reflected in the language of the covenant . . . [and] they will construe them strictly against interfering with the landowner’s use of real property . . . resolv[ing] all doubts in favor of the property’s unrestricted use.” *Barnett*, 2003 WL 21212671, at *4 (internal citations omitted).

If the terms of a restrictive covenant are ambiguous, a court will resolve all ambiguities against the party seeking to enforce the restriction and “adopt the construction that advances the unrestricted use of the property. *Id.* A restrictive covenant is ambiguous if the words, given their natural and ordinary meaning and considering the context in which they appear, “can reasonably be construed in more than one way.” *Id.* (internal citations omitted); *See also Island Point Estates Prop. Owners Ass’n, Inc. v. Burriss*, No. C/A 964, 1990 WL 146526, at *1 (Tenn. Ct. App. Oct. 8, 1990) (stating that a court will “give the words a fair and reasonable meaning in order to effectuate its purpose”). Further, all doubts concerning the covenant’s applicability will be resolved by not applying the covenant. *Barnett*, 2003 WL 21212671, at *4.

If a restrictive covenant is unambiguous, however, a court will construe the covenant “using the established principles used to construe written contracts,” refraining from the use of parol evidence or looking beyond the language of the covenant to determine its scope. *Id.* A restrictive covenant is unambiguous if the language of the restriction, given its plain and natural meaning, cannot be “reasonably construed in more than one way.” *Id.*

The restrictive covenants contained on the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres are unambiguous. The express language in the restrictive covenants states that the restriction expires on September 1, 1955. Given the plain meaning of the language, this restrictive covenant can only be construed to mean that the restriction at issue is to no longer be effective against an owner of the property after September 1, 1955. As seen in *Barnett*, when the terms are clear under their plain meaning, the court will not read in other language nor will the court extend the terms to include terms not expressly written. Therefore, the restrictive covenants contained on the Revised Plan of The Life & Casualty Insurance Co’s Subdivision of Woodmont Acres, which has an express expiration date, are unenforceable after that expiration date.

Emily Lamb
May 31, 2019
Page 6

As discussed above, the Permits as approved, comply with Section 17.40.180A of the Zoning Code. Therefore the BZA should uphold the decision of the Zoning Administrator and deny this appeal.

Sincerely,

James L. Murphy w/ permission by J.O.

James L. Murphy, Jr.

Junaid A. Odubeko

Junaid A. Odubeko

Enclosures



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



3578836

BUILDING RESIDENTIAL - NEW / CARN - 2018072091

ISSUED ON: 1/11/2019

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

CLAY KUNZE

SITE ADDRESS:

3502 A RULAND PL NASHVILLE, TN 37215
LOT 32 BLK D WOODMONT ACRES

PARCEL: 11705014100

Tax District: USD

Census Tr: 37017901

PARCEL OWNER:

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER..17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property...

Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this 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 Metropolitan Code.... ****SITE PLAN SENT TO FILE...

SIDEWALK REVIEW NOT REQUIRED**

CONTRACTOR:

WHITE PINES BUILDING GROUP LLC
2517 EUGENIA AVE

68948 STBC-A

APPLICANT:

WHITE PINES BUILDING GROUP LLC
CLAY KUNZE

CLAY KUNZE
NASHVILLE, TN 37211
615-513-0275

NASHVILLE, TN 37211

PERMIT DETAILS:

Estimated Value: \$246,059.40
Const Type: VB-100 VB-100
Sq Footage: 2006 450
Parking Required: N
Parking Provided: N
Sprinklers? N
Metro Water:
Public Constr? N

Number of Floors:
Sewer or Septic:
Total # Buildings:
Total # Units:
Garage:
Number of Bedrooms:
Number of Kitchens:

N

ZONING ASSIGNMENTS:

RS10 SINGLE FAMILY 10,000 SQUARE FOOT LOT





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



3578840

BUILDING RESIDENTIAL - NEW / CARN - 2018072096

ISSUED ON: 1/11/2019

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

Clay Kunze
CLAY KUNZE

SITE ADDRESS:

3502 B RULAND PL NASHVILLE, TN 37215
LOT 33 BLK D WOODMONT ACRES

PARCEL: 11705019600
Tax District:
Census Tr: 37017901

PARCEL OWNER:

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER...17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property...

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SIDEWALK REVIEW NOT REQUIRED*

CONTRACTOR:

WHITE PINES BUILDING GROUP LLC
2517 EUGENIA AVE

68948 STBC-A

APPLICANT:

WHITE PINES BUILDING GROUP LLC
CLAY KUNZE

CLAY KUNZE
NASHVILLE, TN 37211
615-513-0275

NASHVILLE, TN 37211

PERMIT DETAILS:

Estimated Value: \$246,059.40
Const Type: VB-100 VB-100
Sq Footage: 2006 450
Parking Required: N
Parking Provided: N
Sprinklers? N
Metro Water:
Public Constr? N

Number of Floors:
Sewer or Septic:
Total # Buildings:
Total # Units:
Garage: N
Number of Bedrooms:
Number of Kitchens:

ZONING ASSIGNMENTS:

RS10 SINGLE FAMILY 10,000 SQUARE FOOT LOT



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



3578844

BUILDING RESIDENTIAL - NEW / CARN - 2018072099

ISSUED ON: 1/11/2019

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required)

Date

CLAY KUNZE

SITE ADDRESS:

3502 C RULAND PL NASHVILLE, TN 37215 LOT 34 BLK D WOODMONT ACRES

PARCEL: 11705019700

Tax District:

Census Tr: 37017901

PARCEL OWNER:

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2006 SQFT WITH ATTACHED GARAGE AT 450 SQFT WITH PORCHES AND DECKS....FRONT BASED ON AVERAGE OF 4 CLOSESTS HOUSES...MIN 45.5'...SIDES 3'...REAR MIN 20'...HT 2 STORIES AND 35'....PER..17.40.070 A..MAX HT 35' FROM GRADE TO VERY TOP OF STRUCTURE INCLUDING PARAPET WALLS...AND INCLUDING FOUNDATION....SIDE SETBACKS 3'.For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property...

Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this 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 Metropolitan Code.... *****SITE PLAN SENT TO FILE... ***SIDEWALK REVIEW NOT REQUIRED*****

CONTRACTOR:

WHITE PINES BUILDING GROUP LLC 2517 EUGENIA AVE

68948 STBC-A

APPLICANT:

WHITE PINES BUILDING GROUP LLC CLAY KUNZE

CLAY KUNZE NASHVILLE, TN 37211 615-513-0275

NASHVILLE, TN 37211

PERMIT DETAILS:

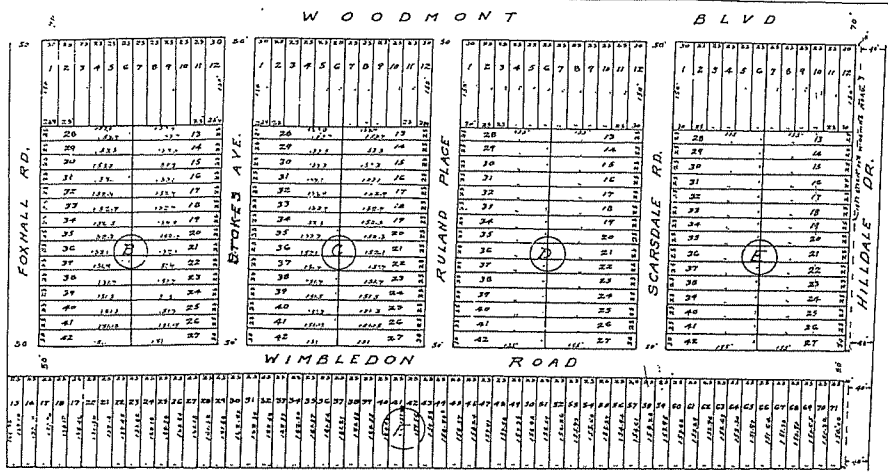
Estimated Value: \$246,059.40 Const Type: VB-100 VB-100 Sq Footage: 2006 450 Parking Required: N Parking Provided: N Sprinklers? N Metro Water: Public Constr? N

Number of Floors: Sewer or Septic: Total # Buildings: Total # Units: Garage: N Number of Bedrooms: Number of Kitchens:

ZONING ASSIGNMENTS:

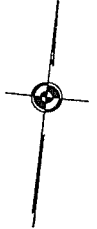
RS10 SINGLE FAMILY 10,000 SQUARE FOOT LOT

- 59786 -



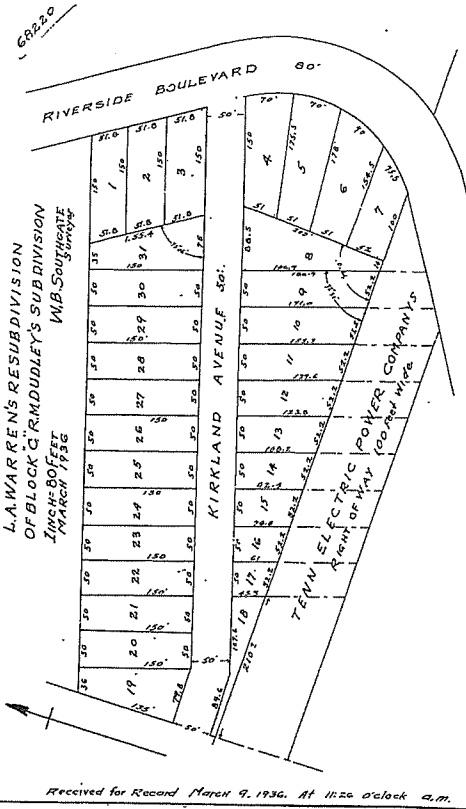
Received for Record Aug. 14, 1935. At 3:22 o'clock P.M.

- BUILDING RESTRICTIONS ON THESE LOTS
1. NO PARTY TO BE USED FOR RESIDENCES FOR WHITE PEOPLE ONLY.
 2. 75 FEET FRONT TO BE THE MINIMUM LOT FRONT ON WOODMONT BOULEVARD, AND 50 FEET FRONT THE MINIMUM ON OTHER STREETS.
 3. NO RESIDENCE TO BE NEARER THAN 40 FEET TO WOODMONT BOULEVARD, NOR NEARER THAN 35 FEET TO OTHER STREET. ALL OUT BUILDINGS TO BE ON REAR 50 FEET OF ANY LOT.
 4. MINIMUM COST OF RESIDENCES ON WOODMONT BOULEVARD \$5,000. MINIMUM COST ON OTHER STREETS \$4,000.
 5. THESE RESTRICTIONS SHALL EXPIRE ON SEPTEMBER 1, 1965.



REVISED PLAN OF
THE LIFE & CASUALTY INSURANCE CO'S
 SUBDIVISION OF
WOODMONT ACRES
 WOODMONT BLVD, DAVIDSON COUNTY TENN.
 SCALE: 1" = 100'


Signed: 6-29-1935 J.J. Wilkinson, Surveyor
 Traced: Aug. 9, 1935. E.L. Drake & Company

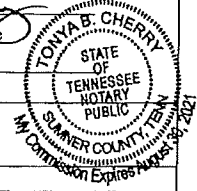


Received for Record March 9, 1936. At 11:26 o'clock A.M.



BOX 10-A

<p>THIS INSTRUMENT WAS PREPARED BY</p> <p>Bankers Title & Escrow Corp. 3310 West End Ave., Ste. 540 Nashville, TN 37203 P18-25236</p> <p>Karen Y Johnson Davidson County Batch# 153973 DEEDWARR 10/25/2018 09:26:07 AM 2 pgs Fees: \$13.00 Taxes: \$2,218.00</p>  <p>20181025-0105668</p>	<p>STATE OF TENNESSEE COUNTY OF <u>DAVIDSON</u></p> <p>THE ACTUAL CONSIDERATION OR VALUE, WHICHEVER IS GREATER, FOR THIS TRANSFER IS \$ <u>599,460.00</u></p> <p><u>Betty Rogers</u> Affiant</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME, THIS THE <u>24</u> DAY OF <u>October</u> <u>2018</u></p> <p><u>[Signature]</u> Notary Public</p> <p>MY COMMISSION EXPIRES: _____ (AFFIX SEAL)</p>
---	--



WARRANTY DEED

ADDRESS NEW OWNER(S) AS FOLLOWS:			SEND TAX BILLS TO:			MAP-PARCEL NUMBERS
White Pines Building Group, LLC			White Pines Building Group, LLC			MAP
3502 Ruland Place			2317 Cruzen St.			PARCEL 117-05-0-141.00
Nashville, TN 37205			Nashville, TN 37211			
(CITY)	(STATE)	(ZIP)	(CITY)	(STATE)	(ZIP)	

FOR AND CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HERINAFTER NAMED GRANTEES, AND OTHER GOOD AND VALUABLE CONSIDERATIONS. THE RECEIPT OF WHICH IS HERBBY ACKNOWLEDGED, WE, **James Mark Naftel and wife, Margaret I. Naftel**

HEREINAFTER CALLED THE GRANTORS, HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO **White Pines Building Group, LLC.**, a Tennessee limited liability company

HEREINAFTER CALLED THE GRANTEES, THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

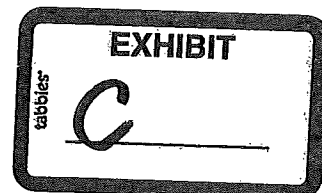
Land in Davidson County, Tennessee, being Lot Nos. 32, 33 and 34 on the Plan of Revised Plan of The Life and Casualty Insurance Co's Subdivision of Woodmont Acres, Block "D" of record in Plat Book 843, Page 102, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Being the same property conveyed to James Mark Naftel and wife, Margaret I. Naftel by Warranty deed from Lisa M. Chapman, unmarried of record in Instrument No. 20010820-0089425 Register's Office for Davidson County, Tennessee, dated August 15, 2001 and recorded on August 20, 2001.

THIS CONVEYANCE IS SUBJECT TO: (1) Taxes which have been prorated and assumed by Grantee; (2) All restrictions of record; (3) All easements of record; (4) All visible easements; (5) All matters appearing on the plan of record; (6) All applicable governmental and zoning regulations.

This is UNIMPROVED

IMPROVED property known as 3502 Ruland Place, Nashville, TN 37205.



RETURN TO:
PREMIER ESCROW, LLC
4301 HILLSBORO ROAD, STE 31
NASHVILLE, TN 37215

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said GRANTEES, their heirs and assigns forever; and we do covenant with the said GRANTEES that we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and we do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEES, their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

Witness our hand(s) this the 23rd day of October, 2018.

James Mark Naftel
James Mark Naftel

Margaret I. Naftel
Margaret I. Naftel

STATE OF TENNESSEE
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **James Mark Naftel** the bargainer, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence to be the within named bargainer, and who acknowledged that he executed the within instrument for the purposes therein contained.

Witness my hand and official seal this the 23rd day of October, 2018.

My Commission expires: March 3, 2020



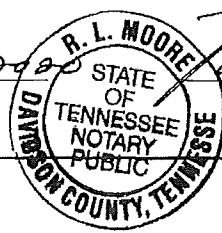
Notary Public

STATE OF TENNESSEE
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named **Margaret I. Naftel** the bargainer, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence to be the within named bargainer, and who acknowledged that she executed the within instrument of the purposes therein contained.

Witness my hand and official seal this the 23rd day of October, 2018.

My Commission expires: March 3, 2020



Notary Public



401 COMMERCE STREET
SUITE 720
NASHVILLE, TN 37219-2449
(615) 244-9270
FAX 615-744-8635

Douglas Berry

Direct Dial 615-744-8620
Direct Fax 615-744-8635
dberry@millermartin.com

June 3, 2019

Ms. Emily Lamb
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue S.
Nashville, TN 37219-6300

RE: Item A Appeal Concerning 3502 Ruland Place

Dear Ms. Lamb:

The appellants submit this letter as a supplemental statement in support of their appeal and as a reply to the response filed by White Pines Building Group, PLLC (“White Pines” or “appellee”) on May 31, 2019, through its attorneys.

1. 3502 Ruland Place is not a lot with “less than the minimum required lot area.”

The appellants argued in their original appeal that Section 17.40.670 A of the Zoning Ordinance (“Ordinance”) applied only to building lots approved by the Planning Commission. If, however, as the appellees contend, the Ordinance provision *does* apply to lots created before the Planning Commission assumed jurisdiction, then the appellants offer this alternative argument: 3502 Ruland Place was not a “non-conforming lot” with “less than the minimum required lot area” prior to the time White Pines purchased the property and sought its building permits. It was a lot created by deed in 1940, which conformed and still conforms in all respects to the underlying zoning—11,625 square feet in an area that requires 10,000 square feet lots. Thus, the owner does not require the protection of the Ordinance. The only reasonable interpretation of the Ordinance is that it is intended to protect the owners of already substandard, non-conforming lots from hardship. It should not be interpreted to allow the creation of new non-conforming lots. The latter interpretation subverts the entire intent and purpose of the Ordinance.

2. *The Alexander v. Metro Board of Zoning Appeals case is inapposite to the facts of this case and is neither controlling nor persuasive.*

On Page 3 of its response, White Pines discusses the holding in a 1988 Court of Appeals case styled *Alexander v. Board of Zoning Appeals of Metropolitan Nashville and Davidson*

Woodmont Neighborhood

Page 2

June 3, 2019

County, 1988 WL 85487 *1 (Tenn. Ct. App. Aug. 1988). That case, like this case, did involve substandard lots created before the exercise of county-wide zoning and subdivision controls, but there the similarity ends. The sole issue in that case, as stated in the first sentence of the opinion by the Court of Appeals was: "Whether the conveyance of a part of a lot shown on a recorded plat amounts to a resubdivision." 1988 WL 85487 *1. This case does not involve the conveyance of any of the substandard lots that went to make up 3502 Ruland Place. Therefore, the holding in *Alexander* is not binding on this Board, nor even relevant. The case dealt with a different fact situation and interpreted a provision of the Metropolitan Zoning Ordinance that has now been repealed.

Moreover, if one reads the case more carefully, the general authority relied upon by the Court in *Alexander* is more supportive of the appellants' position than that of White Pines. The Court of Appeals discusses how a city might lawfully regulated "substandard lots" and quotes from the authoritative zoning treatise, *Anderson on Zoning*. *Anderson* suggests that the owner of a single substandard lot might be able to get around modern set-back and lot area requirements. Otherwise, there could be a taking of property. However, the Court also stated:

If the owner if such a lot owns another lot adjacent to it, he is not entitled to the exception. Rather, he must combine the two lots to form one which will meet, or more closely approximate, the frontage and area requirements of the ordinance.
Id. at *4.

In this case, White Pines is not in the hardship position of owning only one substandard lot. It owns all three of the substandard lots that go to make up 3502 Ruland Place. White Pines does not need the protection of Section 17.40.670 A

A final, major distinction between *Alexander* and this case is that the substandard lots that the Court held were buildable in that case were still within the requirements of the current zoning, which required 8,000 square foot lots. That is not true in this case. In this case, the zoning is RS 10, requiring 10,000 square feet, but the lots White Pines seeks to build on are only 3,750 square feet.

3. *The appellants are not arguing that the restrictive covenants on Woodmont Acres could control the decision of this Board.*

The appellees spend considerable time in their response rebutting an argument that the appellants do not even make. This argument suffers from the "straw man" fallacy, in which one party seeks to create the impression of refuting an opponent's argument, while actually refuting an argument that was not presented by his opponent. The appellants cited the now-expired private restrictive covenants for Woodmont Acres for the sole purpose of showing the intention of the developer, Life & Casualty, to create a subdivision in which the minimal lot frontage was 75 feet on Woodmont Boulevard and 50 feet on side streets like Ruland, and to explain why the neighborhood has developed as it has.

Woodmont Neighborhood

Page 3

June 3, 2019

4. Allowing the division of 3502 Ruland Place into three lots for building would destroy the character of the neighborhood.

When Life & Casualty recorded the Revised Plan of Woodmont Acres ("the Plan") in 1935, the Plan showed 287 twenty-five foot (25') substandard lots for sale on Woodmont Boulevard, Wimbledon Avenue, and the side streets of Foxhall, Ruland, Scarsdale, and Hilldale. It appears that when the developer, Life & Casualty, completed the initial sales, the collective purchasers had by deed combined these 287 twenty-five foot (25') wide parcels into only fifty-three (53) lots for building purposes. The development along these streets is still overwhelmingly single-family homes on lots of at least 10,000 square feet, which is in conformance with what has been the zoning for seventy (70) years.

The attached Exhibit 1 shows graphically the actual building lot lines in the neighborhood overlaid in red on the Plan.

Exhibit 2 shows the type of homes currently existing on Woodmont Boulevard, Wimbledon Avenue, and the side streets like Ruland Place, connecting the two and the visual effect of a redevelopment of these streets that would be permitted by allowing the narrower substandard lots to be used for building.

Exhibit 3 shows 3502 Ruland Place with the existing home and a visualization of what is proposed.

Finally, Exhibit 4 lists the homes on all streets in the neighborhood except for Woodmont Boulevard and the square footage of the homes constructed and dates of construction.

Sincerely,

MILLER & MARTIN, PLLC

By: 

Douglas Berry
Direct Dial Number:
(615) 744-8620

Cc: Clients
Appellee's Counsel

EXHIBIT 1

Woodmont-Wimbleton Neighborhood (Woodmont Acres) Building lots (outlined in red) R10 and RS10 zoning



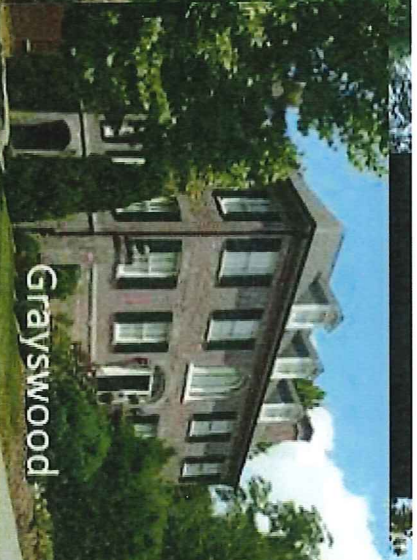
Wimbleton-Woodmont Neighborhood using antiquated 25' wide lots from 1935 Woodmont Acres Plat as building lots- bypassing zoning.



EXHIBIT 2



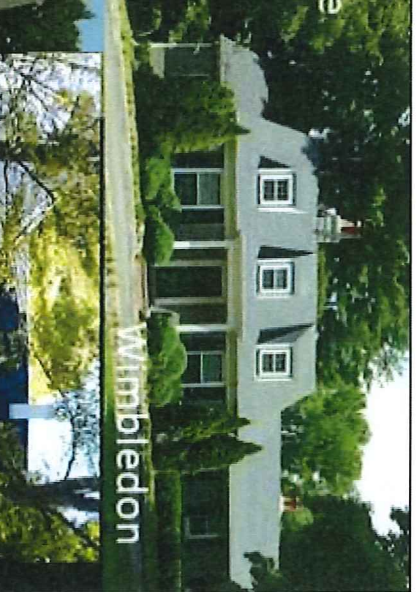
Wimbledon



Grayswood



Scarsdale



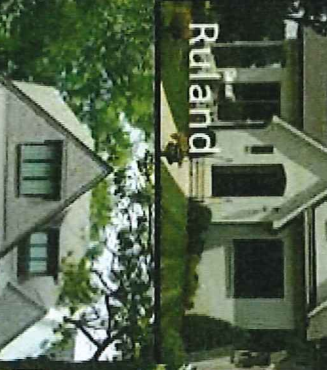
Wimbledon



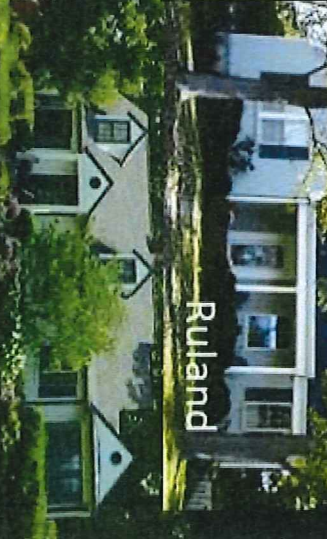
Wimbledon



Scarsdale



Ruland



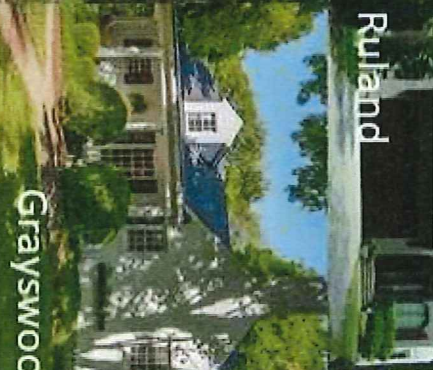
Ruland



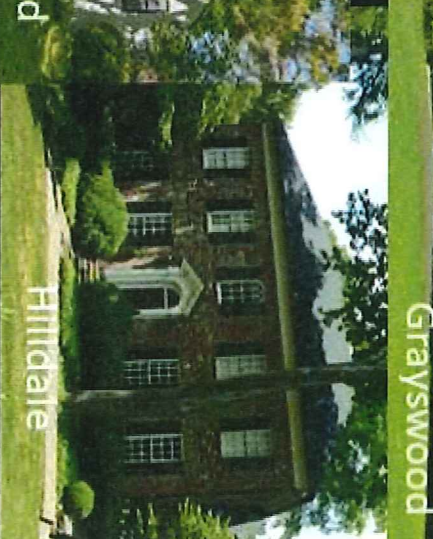
Wedgmont




Foxhall



Grayswood

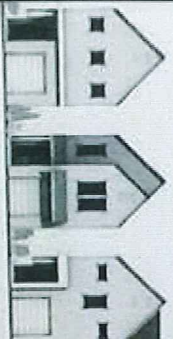


Hilldale



WHITE PINES

 615-942-7032



3502 Ruland A - B - C

ABOVE: Examples of Existing homes in Woodmont/Wimbledon Neighborhood
BELOW: Visualization of 19' wide homes on 25' wide standard lots.
 (based on 2 built by this developer) - There are 287 of these standard lots in the 1935 Woodmont Acres Plat within
 4 blocks of Woodmont : 12 /blockface on Woodmont and 30 /block on side streets, which Metro is now viewing as building lots




EXHIBIT 3

3502 Ruland- Existing home and visualization of what White Pines plans to build



Visualization of these 3 homes based on those built by same developer



EXHIBIT 4

Address	SqFtTotal	YearBuilt
2806 WIMBLEDON ROAD	3430	1944
2808 A Wimbledon	4668	2017
2811 Wimbledon Ave	5930	2018
3301 Wimbledon Rd	3811	1990
3307 WIMBLEDON RD	3082	1937
3401 WIMBLEDON RD	2386	1940
3405 WIMBLEDON RD	3606	1932

3497 Grayswood Ave	4723	2007
3497 Scarsdale Rd	3199	2012
3499 Grayswood Ave	3844	2007
3500 FOXHALL RD	2650	1941
3500 Hilldale	5640	2007
3501 FOXHALL RD	2663	1955
3501 Grayswood Avenue	2081	1940
3501 Hilldale Dr	5889	1995
3501 Scarsdale Rd	1415	1930
3501 WIMBLEDON ROAD	2236	1938
3502 Foxhall Rd	2354	1940
3502 Grayswood Ave	3725	1940
3502 Ruland Pl	2418	1945
3502 RULAND PLACE	1761	1945
3502 SCARSDALE RD	4222	1990
3503 A Ruland Pl	3769	2013
3503 FOXHALL RD	2674	1938
3503 GRAYSWOOD AVE	2602	1942
3503 HILLDALE DR	1372	1958
3503 RULAND PL	2601	1945
3504 FOXHALL RD	1867	1941
3504 SCARSDALE RD	2187	1941
3505 FOXHALL RD	3294	1940
3505 Grayswood Ave	3382	1941
3505 Wimbledon Rd	4292	1940
3506 FOXHALL RD	1983	1940
3507 Foxhall Rd	4450	1999
3507 GRAYSWOOD	2100	1942
3507 Ruland Pl	2125	1941
3507 SCARSDALE DR.	2520	1941
3507 Wimbledon Road	4270	1935
3508 Hilldale Dr	4835	2016
3509 SCARSDALE RD	6183	2006
3511 Ruland Pl	3795	2017
3513 Ruland Pl	4115	2017
3601 Wimbledon	3073	1940
3603 WIMBLEDON ROAD	2500	1940
3703 WIMBLEDON ROAD	1729	1942
3705 Wimbledon Rd	2270	1945
3707 WIMBLEDON RD	1267	1971
3709 Wimbledon	2100	1948
3709 WIMBLEDON RD	1601	1948
3710 Wimbledon Rd	3565	2015
3712 Wimbledon Rd	3690	2015
3713 Wimbledon Rd	4012	2004
3714 WIMBLEDON	4870	2000

Average	3223	SqFtTotal
Median	3082	SqFtTotal

multiple homes proposed

Department of Codes and Building Safety

Reference: Appeal Case Number 2019-215
3502 Ruland Pl
Map Parcel: 11705014100, 11705019600, 11705019700
Zoning Classification: RS10
Council District: 25

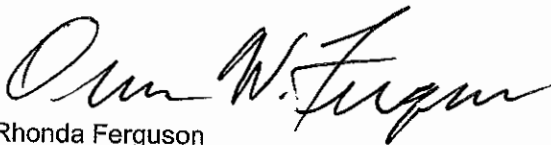
We are in support of the Joe Peel for his appeal of the above referenced property. Ruland can't support the present traffic flow. With the current parking it becomes basically a one way street with street side garbage pick-up and street parking overflow from individual homes with multiple cars.

It would not benefit the rate that the current tax payers are assessed to approve and build multiple homes on a single lot that will overload the problem that already exists.

To allow multiple homes on a single lot will decrease the value of the existing homes.

Please allow this letter to voice our opposition in our absence.

Owen W. Ferguson



Rhonda Ferguson

3619 Woodmont Blvd.
Nashville, TN 37215

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JOSH HELLMER
Property Owner: JOSH HELLMER
Representative: _____

Date: 3/29/19
Case #: 2019-218
Map & Parcel: 105 030 089 00

Council District 17

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

Purpose: RESIDENTIAL NEW CONSTRUCTION

Activity Type: RESIDENTIAL

Location: 1071 2ND AVE S

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 16' FRONT SETBACK

Section(s): 17.12.030(A)

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

JOSH HELLMER
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

1071 2ND AVE S
Address

Address

NASHVILLE, TN 37210
City, State, Zip Code

City, State, Zip Code

920-207-4721
Phone Number

Phone Number

HELLMERS@HOTMAIL.COM
Email

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



3641248

ZONING BOARD APPEAL / CAAZ - 20190018503
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10503008900

APPLICATION DATE: 03/29/2019

SITE ADDRESS:

1103 2ND AVE S NASHVILLE, TN 37210
PT LOT 18 PLAN OF JOHN NELSON ADDN

PARCEL OWNER: HELLMER, JOSH

CONTRACTOR:

APPLICANT:

PURPOSE:

REQUIRED: PER 17.12030 (A) MINIMUM 40' FRONT SETBACK

REQUEST 16' FRONT 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.

SURVEYOR'S NOTES:

1. This survey meets or exceeds the requirements of a Category 1 Urban and Subdivision Land Survey, as per the standards of practice, as revised and adopted by the Board of Examiners for Land Surveyors, State of Tennessee, (Effective March 17, 2012).
2. The ratio of precision of this unadjudicated survey is greater than 1:1000 and/or does not exceed 1/10 of a foot of positional error at any corner.
3. The bearing system shown hereon is derived from a survey by others and is referenced as magnetic north observation.
4. Numbers shown that (60) pertain to Davidson County property tax map number 703_05.
5. This property is subject to any and all findings of a current and accurate title search. No title report for this parcel furnished to surveyor prior to this survey.
6. In Tennessee, it is a requirement of the "Underground Utility Damage Prevention Act" that anyone who engages in any excavation must notify all known underground utility owners (8), no less than (3) nor more than (30) working days prior to the start of the excavation work and allow the utility owner to be notified in writing to Tennessee One Call @ 1-800-357-1111. No utilities were checked during the course of this survey.
7. Surveyor's liability for this document shall be limited to the original purchaser and does not extend to any unnamed person or entity without an expressed identification by the surveyor whose name appears upon this survey.

**Property Survey For
Dan Huffstutter**

Property Located
1103 and Avenue South
Nashville, Tennessee, 37210

SHOWING

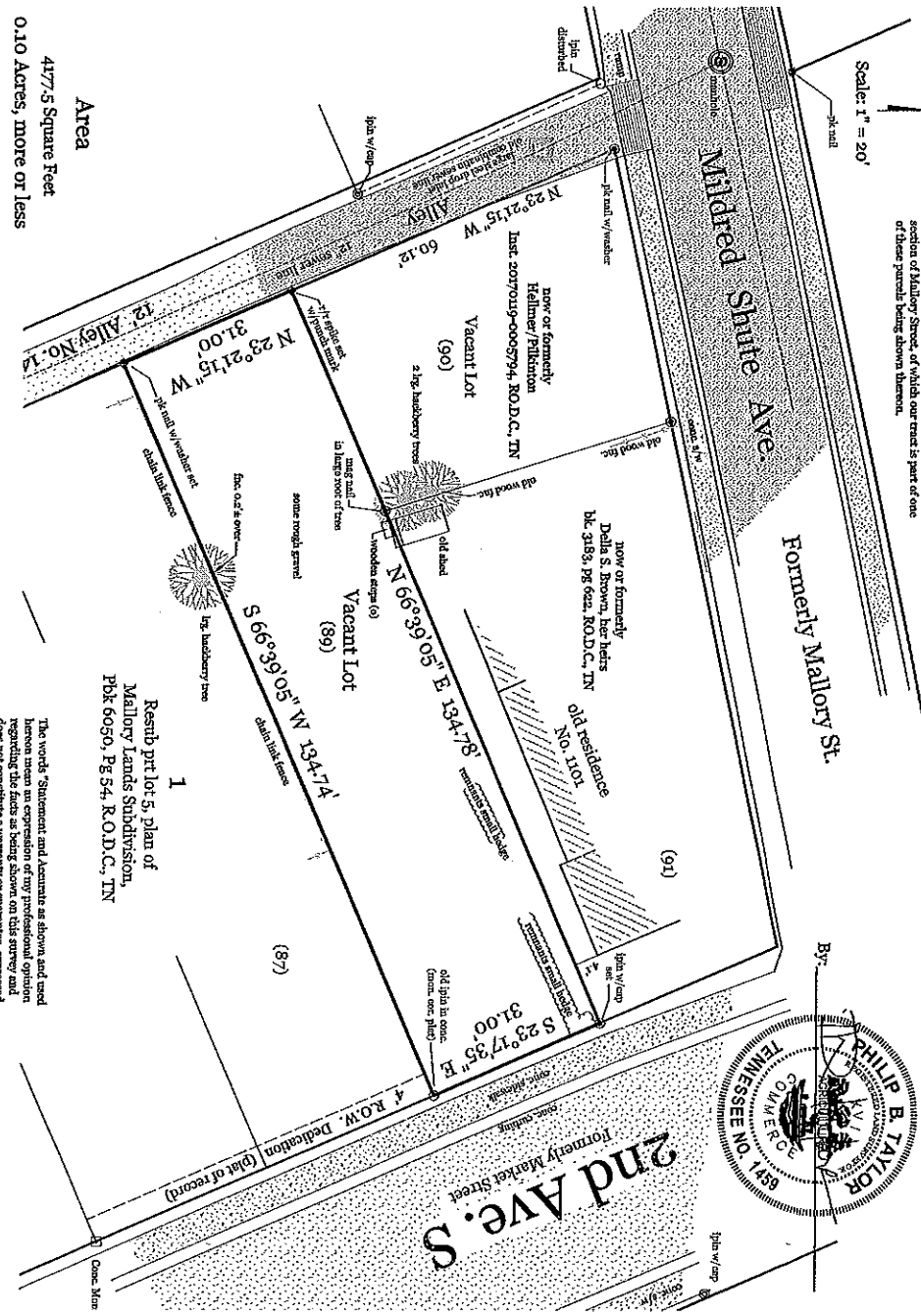
Property being described in Book 5440, Page 23,
Register's Office for Davidson County, Tennessee
Date: May 1, 2017 Scale: 1" = 20' File No. 006-03-17

LEGEND

- Property Line
- (7 U. & D. E.) Public Utility Easement
- (MBSL) Minimum Building Setback Line
- x — x — x — Fence Line
- Iron Pin by others
- Conc. Mon. Existing
- ⊕ Bench Mark
- ⊙ Fire Hydrant
- ⊕ Gas Meter/Valve
- ⊕ Water Meter/Valve
- ⊙ Iron Pin w/cap by others
- ⊙ Iron Pin w/cap set this survey
- × "X" Mark
- ⊕ Mag Nail
- ⊕ San. Sewer Man Hole Cover

Taylor Land Surveying, LLC
P.O. Box 295, Nolensville, Tennessee, 37135-0295
taylorlandsurveying@comcast.net
615 351 0766

©2017 Taylor Land Surveying, LLC



8. Deed of record in BK 5440, Pg 23, states "being part of lot no. 18, from John Nelson Addition, of record in Book 2, Page 182, (Date 1899) R.O.D.C., Tennessee, is the description there on for the same. A previous deed book 5204, Page 449, notes 31 x 355, field book 15 W 2490. An adjudicator deed mentions a Book 2, Page 324, County Court of Davidson County, Tennessee. Book 2 is a minute book, Davidson Co., TN, and is dated November of 1894 and has some dimensions and names of family members and various parcels shown thereon. It shows several parcels on Market Street at the intersection of 12 Alley No. 12, which are part of one of these parcels being shown hereon.

9. There is a sewer line in the alley, see Note No. 6, prior to any construction on this parcel. In conjunction with the Metro Water Department, there apparently were several drawings and plans that showed the location of sewer lines in the alley. A correspondence from said department states "an older map has the sewer in the alley actually running a straight line to the north in Mildred Shute (Formerly Mallory)", said lines being shown hereon.

Surveyor's Statement
I hereby state that this survey has been made using the deed of record as recorded in book 5440, page 23, Register's Office for Davidson County, Tennessee and other information and is accurate in my professional opinion.
Signed: Taylor Land Surveying, LLC

4177.5 Square Feet
Area
0.10 Acres, more or less

The words "Statement and Accurate as shown, and used hereon mean an expression of my professional opinion regarding the facts as being shown on this survey, and does not constitute a warranty or guarantee, expressed or implied.

Resub part lot 5, plan of
Mallory Lands Subdivision,
Bk 6050, Pg 54, R.O.D.C., TN

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?

Due to the size of the lot and the layout
of the surrounding homes we are asking
for a front setback variance.

SURVEYOR'S NOTES:

1. This survey meets or exceeds the requirements of a Category I Urban and Subdivision Land Survey, as per the standards of practice, as revised and adopted by the Board of Examiners for Land Surveyors, State of Tennessee, (Effective March 17, 2011)
2. The ratio of precision of the unadjusted survey is greater than 1:10000 and/or does not exceed 1/10 of a foot of positional error at any corner.
3. The bearing system shown hereon is derived from a survey by others.
4. Numbers shown thus (00) pertain to Davidson County property tax map number 105_3.
5. This property is subject to any and all findings of a current and accurate title search. No title report for this parcel furnished to surveyor prior to this survey.
6. In Tennessee it is a requirement of the "Underground Utility Damage Prevent Act", that anyone who engages in any excavation must notify all known underground utility owner(s), no less than (3) nor more than (10) working days prior to the date of their intent to excavate and also to avoid any possible hazard or conflict by calling Tennessee One Call @ 1-800-351-1111. No utilities were checked during the course of this survey.
7. Surveyor's liability for this document shall be limited to the original purchaser and does not extend to any unnamed person or entity without an expressed recertification by the surveyor whose name appears upon this survey.

Site Plan
Josh Hellmer
 Property Located
 1103 2nd Avenue South
 Nashville, Tennessee

Showing
 Part of lot no. 18, Plan of John Nelson addition,
 as of record in Book 2, Page 182,
 Register's Office for Davidson County, Tennessee

Date: April 28, 2019 Scale: 1" = 20' File No. 005-04-19

See: 005-03-17

LEGEND

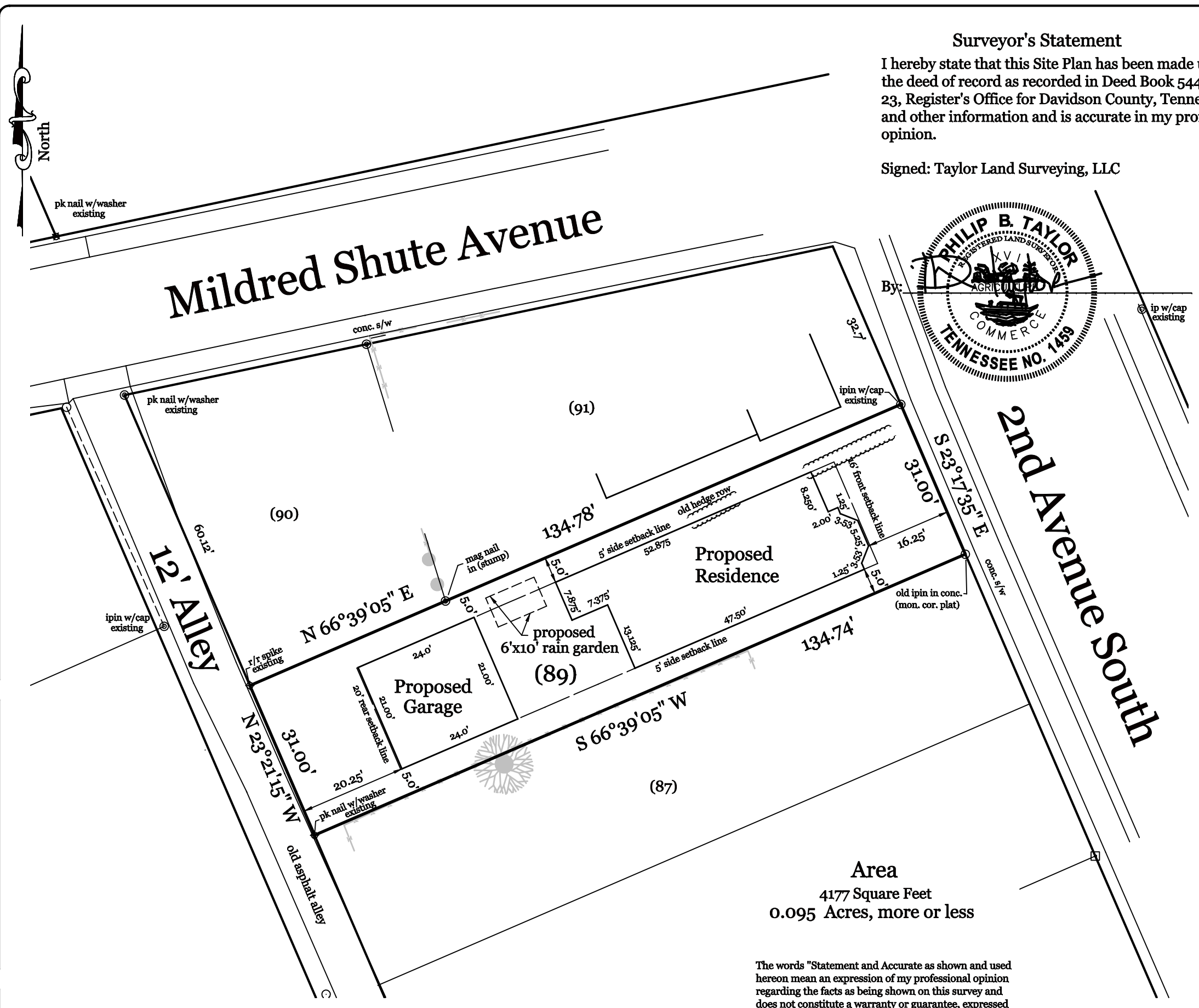
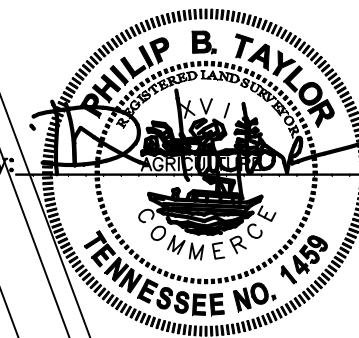
- Property Line
- - - (P.U. & D. E.) Public Utility Easement
- - - (MBSL) Minimum Building Setback Line
- x x x x Fence Line
- Iron Pin by others
- ⊙ Iron Pin w/cap by others
- Conc. Mon. Existing
- Iron Pin w/cap set this survey
- ⊕ Bench Mark
- × "X" Mark
- Fire Hydrant
- ◆ Mag Nail
- ⊕ Gas Meter/Valve
- ⊕ San. Sewer Man Hole Cover
- ⊕ Water Meter/Valve

Taylor Land Surveying, LLC
 P.O. Box 295, Nolensville, Tennessee, 37135-0295
 taylorlandsurvey@comcast.net
 615 351 0766

Surveyor's Statement

I hereby state that this Site Plan has been made using the deed of record as recorded in Deed Book 5440, Page 23, Register's Office for Davidson County, Tennessee; and other information and is accurate in my professional opinion.

Signed: Taylor Land Surveying, LLC



Area
 4177 Square Feet
 0.095 Acres, more or less

The words "Statement and Accurate as shown and used hereon mean an expression of my professional opinion regarding the facts as being shown on this survey and does not constitute a warranty or guarantee, expressed or implied.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-218 (1103 2nd Avenue South)

Metro Standard:	4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Contribute in lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	T4-R-AB3-IM
Transit:	#52 – Nolensville BRT; planned for light rail per nMotion
Bikeway:	None existing; major protected bike lane planned per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a single family residence and requests a variance from upgrading sidewalks due to presence of an existing sidewalk and unique property shape. Planning evaluated the following factors for the variance request:

- (1) There is currently a 5' sidewalk and 2' grass strip along the property frontage, which is consistent with adjacent properties.
- (2) The applicant has indicated a desire to contribute in-lieu of constructing sidewalks at this location. Given the existing sidewalks and scale of development, a contribution in-lieu is an appropriate alternative.

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

1. The applicant shall contribute in lieu of construction for the property frontage.
2. The applicant shall dedicate right-of-way along the property frontage per the Major and Collector Street Plan.

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: D17 items for June 6
Date: Saturday, June 1, 2019 6:24:11 AM

Good morning, members,

My positions on D17 items for this week are below. Thank you, as always, for your service!

Colby

- I'm asking for a **deferral** of a request at 1103 2nd Ave S. in order to get a better idea of the proposal.
- I'm asking for a **deferral** of a setback variance request at 2817 W Kirkwood Ave, as the applicant has not contacted me.
- I **support** a rear setback exemption at 440 Humphreys St. to build a parking structure (surface with one floor underneath) on a vacant piece of land. This parking would support the businesses on Houston St. and help clear up some on-street congestion.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Carlos F. Preston Date: 4-2-2019
Property Owner: JONA DEVELOPMENT, LLC Case #: 2019-229
Representative: Carlos F. Preston Map & Parcel: 0711 0011100

Council District 2

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

Purpose: To construct a single family residence

Activity Type: Residential

Location: 1212 Katie Avenue

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: Variance from sidewalk - requesting not to build or pay

Section(s): 17.20.120

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

Carlos F. Preston
Appellant Name (Please Print)

Carlos F. Preston
Representative Name (Please Print)

3508 HOUTLAND DR.
Address

same
Address

WHITES CREEK TN. 37189
City, State, Zip Code

same
City, State, Zip Code

615-642-4477
Phone Number

Phone Number

ALLPROCMS@gmail.com
Email

Email

Zoning Examiner: ROOYA BOWMAN Appeal Fee: _____



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019018905
THIS IS NOT A PERMIT**

PARCEL: 07110011100

APPLICATION DATE: 04/02/2019

SITE ADDRESS:

1212 KATIE AVE NASHVILLE, TN 37207
LOT 19 W G BUSH

PARCEL OWNER: JONA DEVELOPMENT, LLC

APPLICANT:

PURPOSE:

PERMIT TO CONSTRUCT A SINGLE FAMILY RESIDENCE WITH 2141 SQFT 20' MINIMUM FRONT SETBACK, 5' MINIMUM SIDE SETBACK, 20' REAR SETBACK... ... 168 SQ.FT FRONT PORCH TO MAIN ENTRANCE ...MAXIMUM HEIGHT 3 STORIES... ...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 SHALL BE PLANTED ON THE SUBJECT PROPERTY. ***PURSUANT TO ORDINANCE NO. 2006-1263 OF THE METROPOLITAN CODE OF LAWS, I (THE HOLDER ON THIS PERMIT) HEREBY CERTIFY THAT ALL CONSTRUCTION AND DEMOLITION WASTE GENERATED BY ANY AND ALL ACTIVITIES GOVERNED BY THIS PERMIT SHALL BE DISPOSED OF IN AN APPROVED LANDFILL. FURTHER, I CERTIFY THAT NO CONSTRUCTION AND DEMOLITION WASTE SHALL BE STORED ON THE PROPERTY IN VIOLATION OF ANY PROVISION OF THE METROPOLITAN CODE**-----

Sidewalks ARE required for this project because the frontage of this parcel is within a 1/4 mile of a Nashville Next Center.

You are eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction, provided that there is not a substandard sidewalk on the property, existing sidewalk on the block face or proposed sidewalk on the block face. To help determine whether there is existing or proposed sidewalk on the block face, use the sidewalk and open building permit information. Open building permits will require additional research.

POC CARLOS PRESTON 615-642-4477

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

[A] Site Plan Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQ_ILEL	615-880-2649 Ronya.Sykes@nashville.gov
PW - Sidewalk Payment In Lieu Decision	CONSTRUCT	615-862-6558 Jonathan.Honeycutt@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov
[G] Bond & License Review On Bldg App		
[A] Noise Mitigation Bldg App Review		
[F] Address Review On Bldg App	APPROVED	615-862-6558 Jonathan.Honeycutt@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsI@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Carlos F. Preston

APPELLANT

4-2-2019

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.

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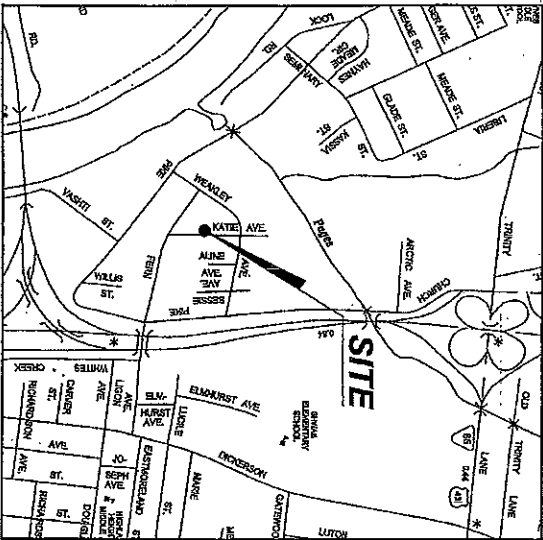
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Our Hardship - For Grading Plans Review
 Per Kimberly - Are There Drain Pipes
 (Storm Drain) or Do We Need to pay into
 The Fund - For City to Perform Sidewalk
 and Drain Construction on Katie Street.
 Need Cautional - For Building Residen-
 tial Permit Building Permit App -
 2019-018905

Thank you
 Cal Mark

SHEET INDEX:

- C1.0 - COVER SHEET (GENERAL NOTES)
- S1.0 - SITE PLAN
- S2.0 - SITE CALCULATIONS (IMPERVIOUS-LOT COVERAGE)
- E1.0 - EROSION PREVENTION & SEDIMENT CONTROL PLAN
- E2.0 - EROSION PREVENTION & SEDIMENT CONTROL DETAILS
- B1.0 - BUILDING CONTEXTUAL AVERAGE SETBACKS
- W1.0 - SIDEWALK CONSTRUCTION PLAN
- W2.0 - SIDEWALK CONSTRUCTION DETAILS
- W3.0 - SIDEWALK CONSTRUCTION NOTES



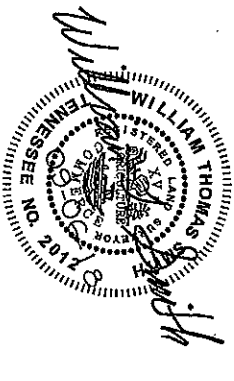
LOCATION-MAP
NOT-TO-SCALE

SITE DATA:

1. Total Site Area 7,823 S.F., or 0.179 Acres ±
2. Tax ID: 07140011100
3. Owner and/or Developer
JONA DEVELOPMENT, LLC
2020 FIELDSTONE PKWY STE 900-306 ATTN: SCOTT JONES
FRANKLIN, TN 37069.
Phone: (615)-943-6942, Email: Scott@jonadevelopment.com
4. Subject property base zoning - RS5.
5. Setbacks:
Contextual Front M.B.S.L. - 32.5'
Side M.B.S.L. - 5'
Rear M.B.S.L. - 20'
6. Districts:
Urban Services District
2nd Council District
Councilman - DeCosta Hastings

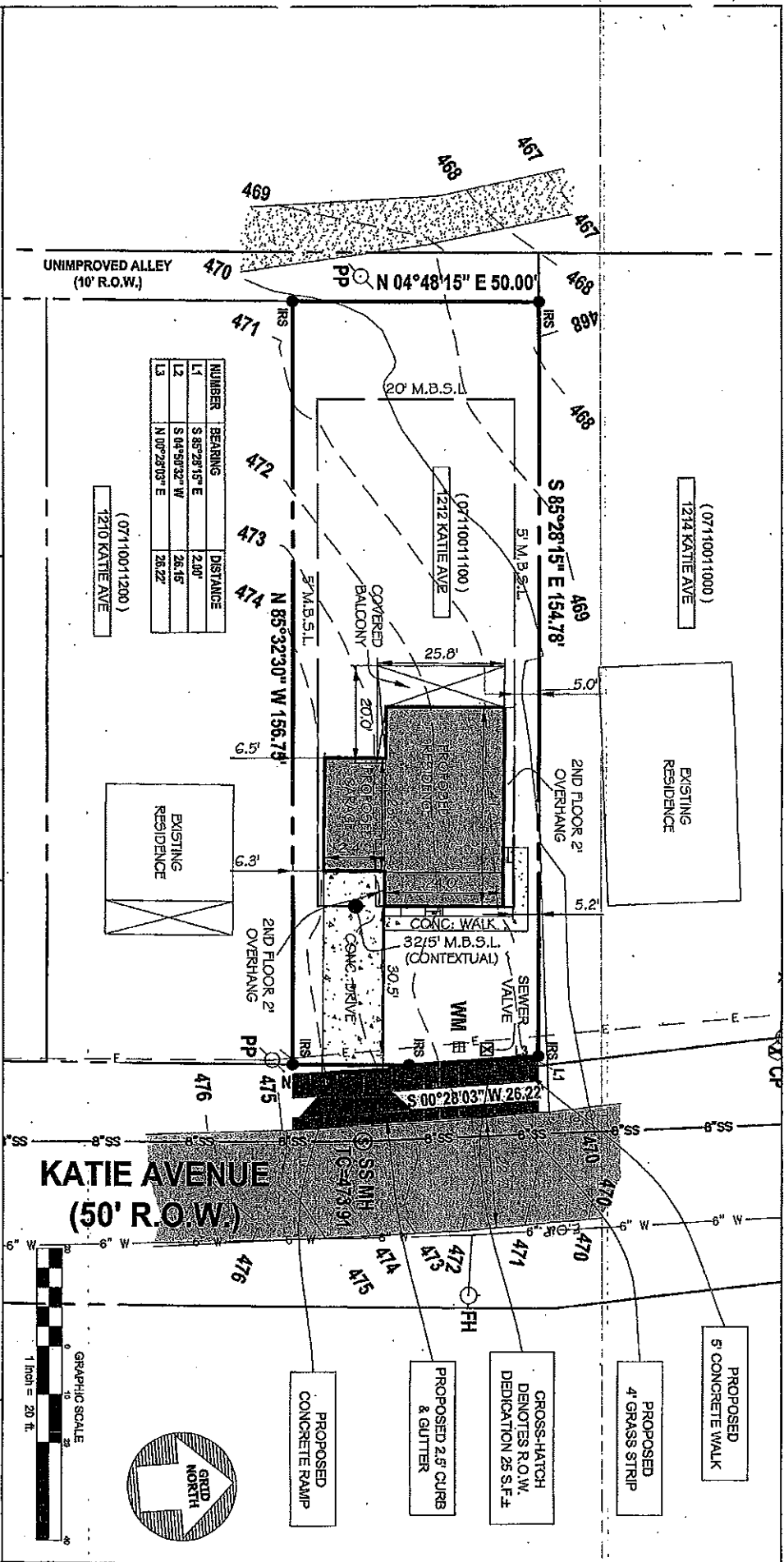
W.T. Smith - Land Surveying

Prepared By:
1004 Hickory Hill Lane - Suite #10
Hermitage, TN 37076
Phone: 615-712-6693
Email: tommy@wtsmithsurvey.com



COVERSHEET
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
C-1.0



NUMBER	BEARING	DISTANCE
L1	S 85°28'15" E	22.00'
L2	S 04°50'32" W	26.15'
L3	N 10°28'03" E	26.22'

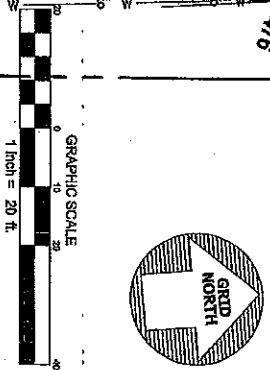
Prepared By:
W.T. Smith - Land Surveying

1004 Hickory Hill Lane - Suite #10
 Heritage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

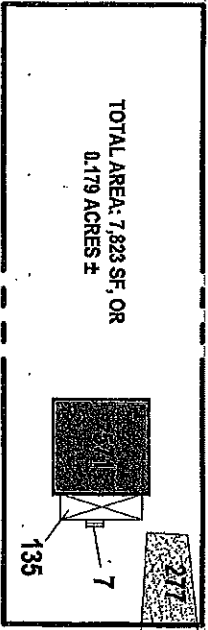


Site Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

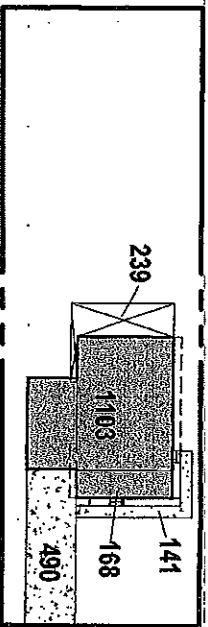
SHEET NO.
S-1.0



PRE-DEVELOPMENT



POST-DEVELOPMENT



SITE DATA: PRE-DEVELOPMENT

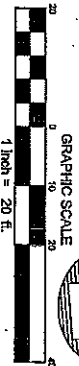
TOTAL SITE AREA: 7,823 SF
 PRE-DEVELOPMENT IMPERVIOUS AREA: 990 SF
 Buildings: 574 SF
 Porches: 135 SF
 Parking/Drives: 277 SF
 Walks/Pads/Misc. 7 SF

SITE DATA: POST-DEVELOPMENT

TOTAL SITE AREA: 7,823 SF
 POST-DEVELOPMENT IMPERVIOUS AREA: 2,141 SF @ 27.4%
 Buildings: 1,103 SF
 Porches: 168 SF
 Parking/Drives: 490 SF
 Walks/Pads/Misc. 380 SF
 POST-DEVELOPMENT NET GAIN: 1,151 SF (TIER N/A)

STORM WATER NET GAIN TREATMENT

TOTAL SITE AREA: 7,823 SF
 POST-DEVELOPMENT IMPERVIOUS AREA
 NET GAIN: 2,141 SF
 TREATMENT - NOT-REQUIRED (TOTAL LOT
 COVERAGE < 30%)



Prepared By:
W.T. Smith - Land Surveying

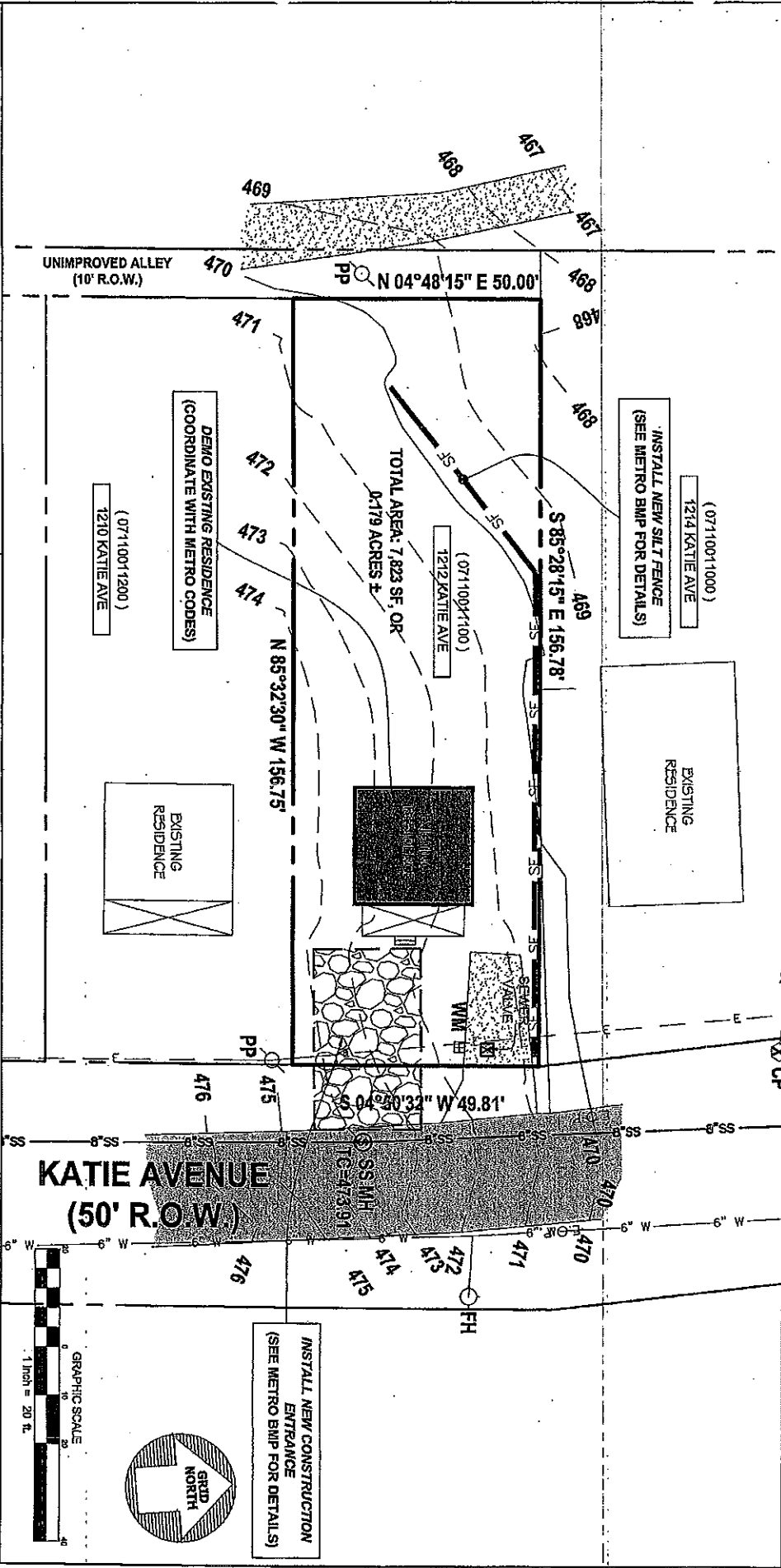
1004 Hickory Hill Lane - Suite #10
 Heritage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wsmithsurvey.com



Impervious Areas
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.

S-2.0



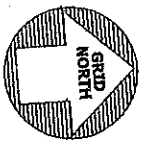
W.T. Smith - Land Surveying

Prepared By:
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wsmithsurvey.com



EPSC Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
E-1.0



INSTALL NEW CONSTRUCTION
 ENTRANCE
 (SEE METRO BMP FOR DETAIL.S)

INSTALL NEW SILT FENCE
 (SEE METRO BMP FOR DETAIL.S)

DEMO EXISTING RESIDENCE
 (COORDINATE WITH METRO CODES)

EXISTING RESIDENCE

EXISTING RESIDENCE

TOTAL AREA: 7,823 SF, OR
 0.179 ACRES ±

(07110041100)
 1212 KATIE AVE

(07110011200)
 1210 KATIE AVE

UNIMPROVED ALLEY
 (10' R.O.W.)

KATIE AVENUE
 (50' R.O.W.)

S 04°50'32" W 49.81'

S 85°28'15" E 156.78'

SS MH
 TC=473.91

FH

469

468

467

470

471

472

473

474

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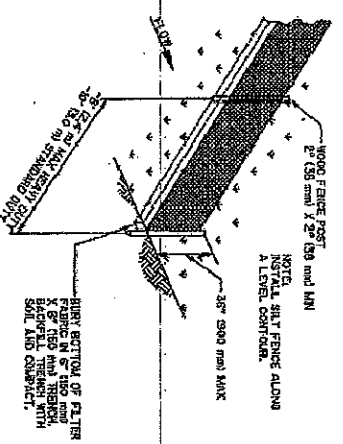
470

470

470

470

470



TYPICAL PREFABRICATED SILT FENCE INSTALLATION
N.T.S.

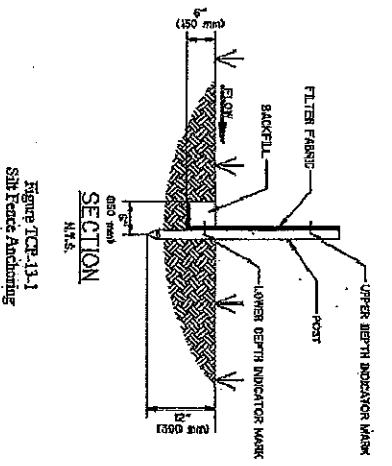
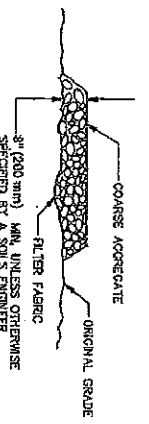


Figure TCP-03.1
Silt Fence Anchoring

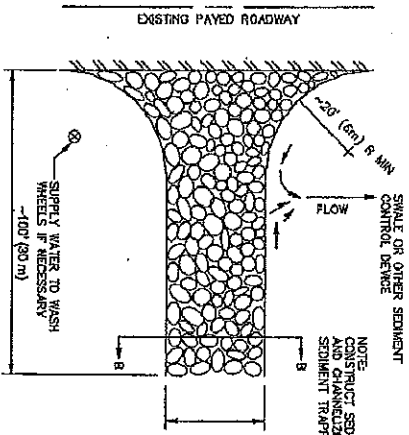
- SITE GRADING & EROSION CONTROL NOTES**
1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY (FIRM) MAP.
 2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT. SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS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



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 THREE WORKING DAYS BEFORE YOU DIG
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION. THE LOCATION OF ALL UNDERGROUND UTILITIES IS APPROXIMATE AND POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO THE LOCATION OF ALL UNDERGROUND UTILITIES IS WITHHELD.



SECTION B-B
N.T.S.



PLAN VIEW
N.T.S.

Figure TCP-03.1
Stabilized Construction Entrance

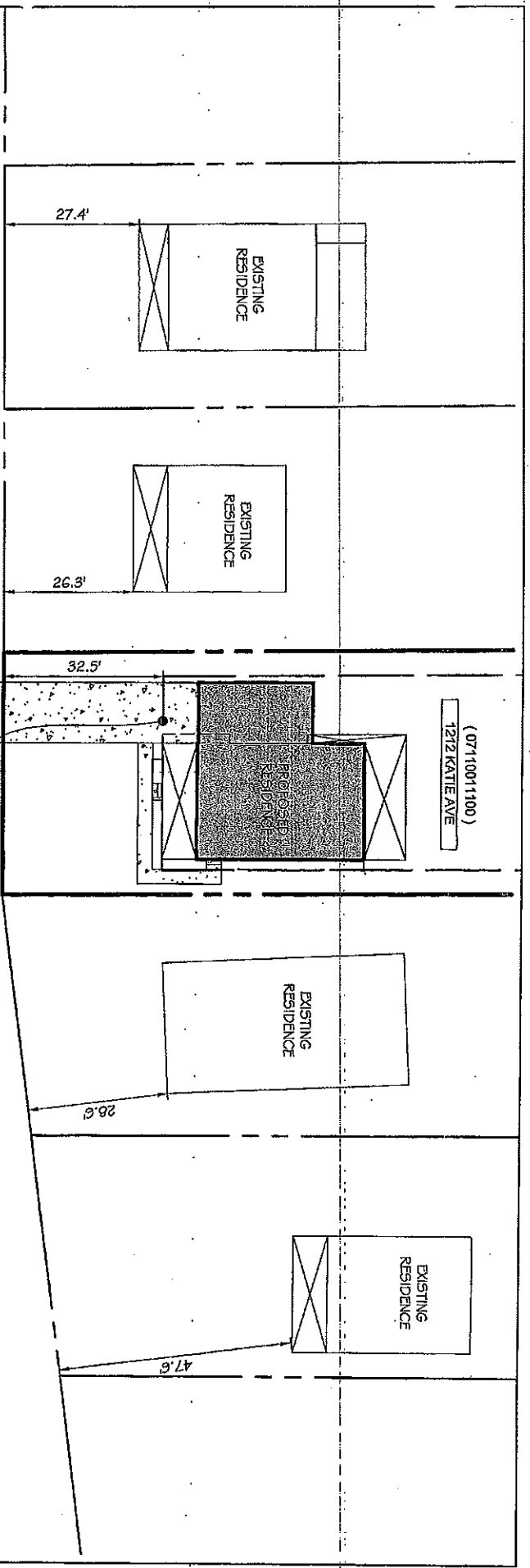
W.T. Smith-Land Surveying

Prepared By:
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

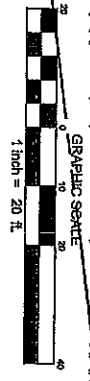


Erosion-Sediment Control Details
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
E-2.0



**KATIE AVENUE
(50' R.O.W.)**



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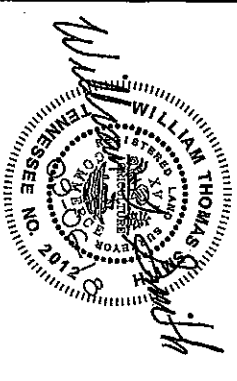
Building Setbacks
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
B-1.0

Public Works Permits	Approved	Date
Building Permit Number	T2019018905	
Date Submitted	4-2-2019	
No. of Copies	4	
Applicant's Signature	<i>[Signature]</i>	
Applicant's Name (print)	T2019018905	
	Date	

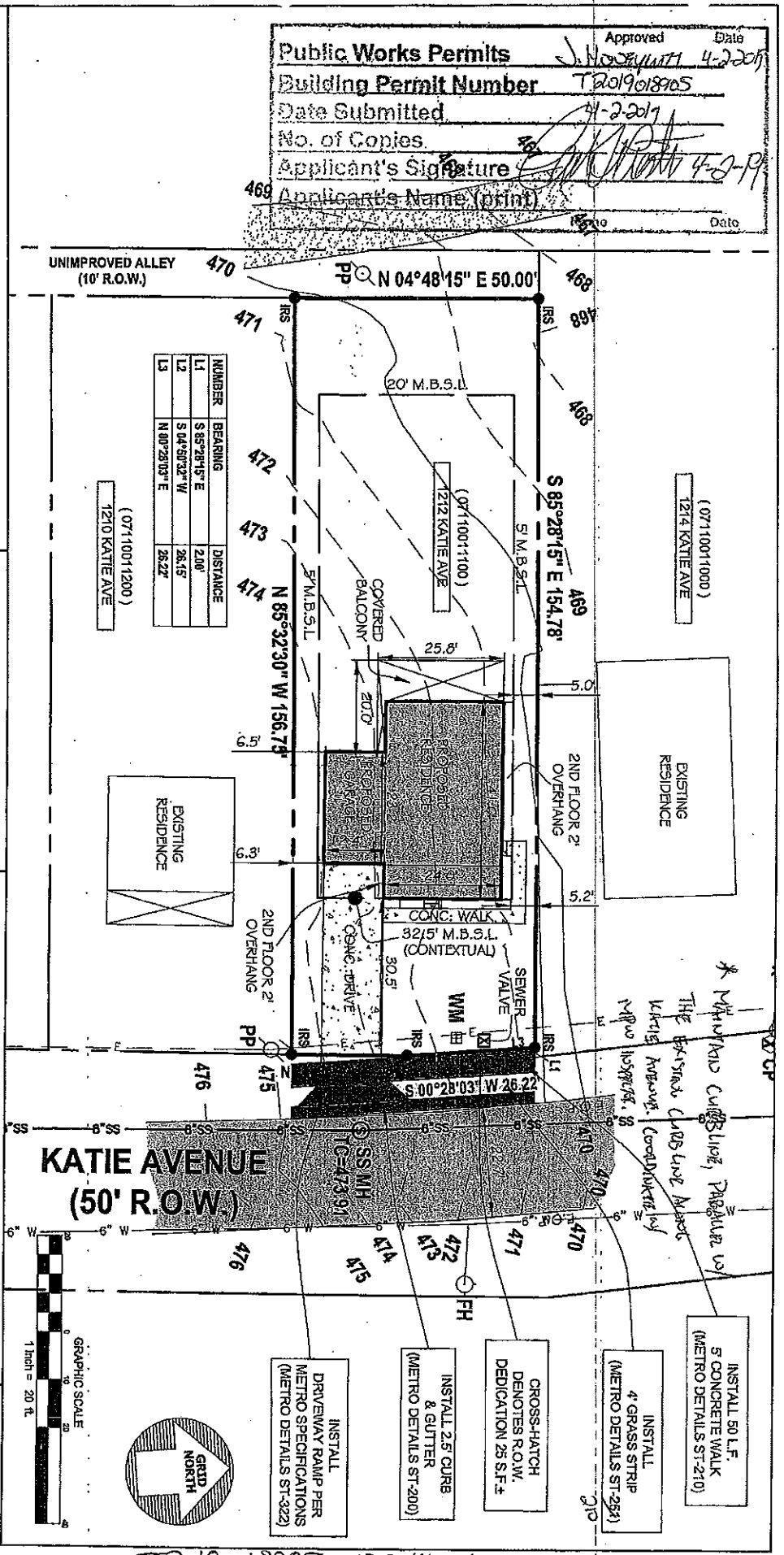
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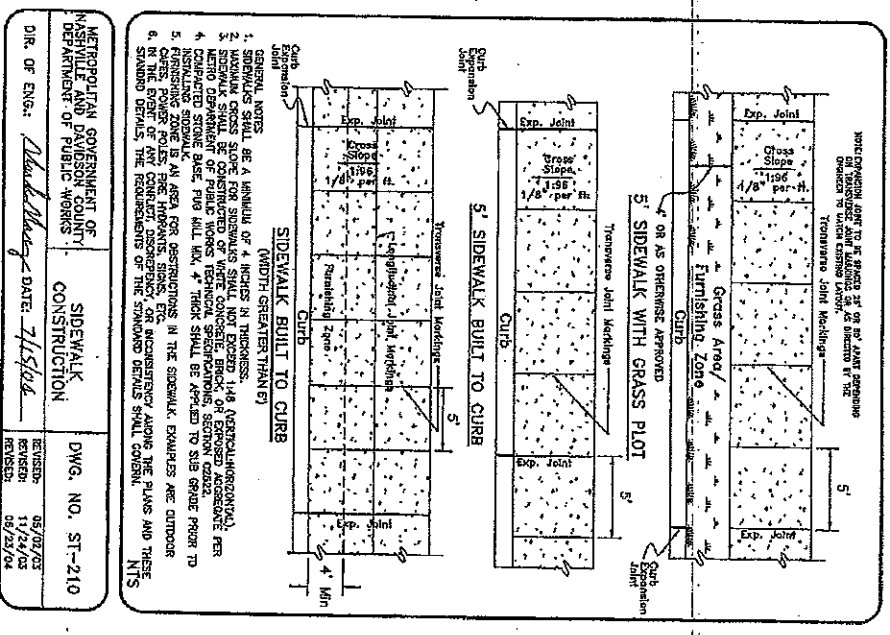
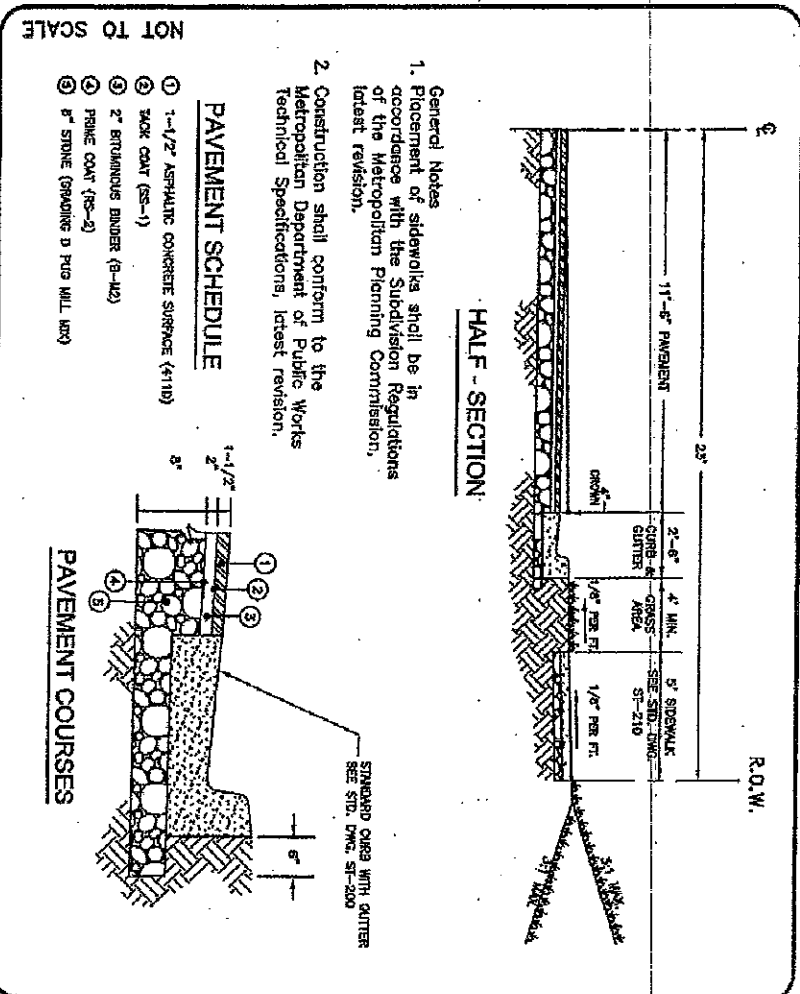
Sidewalk Construction Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
W-1.0



T2019018905 - 1212 KATIE AVE

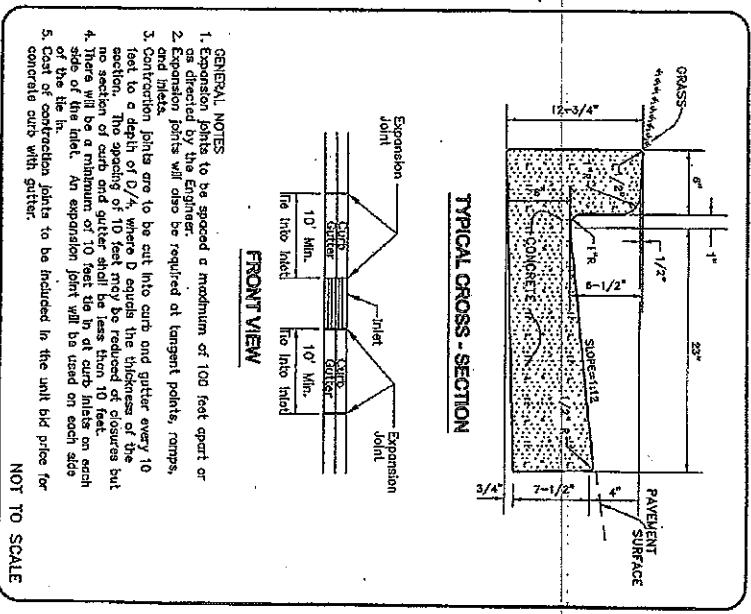
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
 ASST. DIR. ENGR. *Mark May* DATE: *5/3/01*
 DIRECTOR: *Mark May* DATE: *5/8/01*
 REVISED: 04/09/01
 DWG. NO. ST-251
 RESIDENTIAL-LOW DENSITY MINOR LOCAL STREET (46' R.O.W.)



Prepared By:
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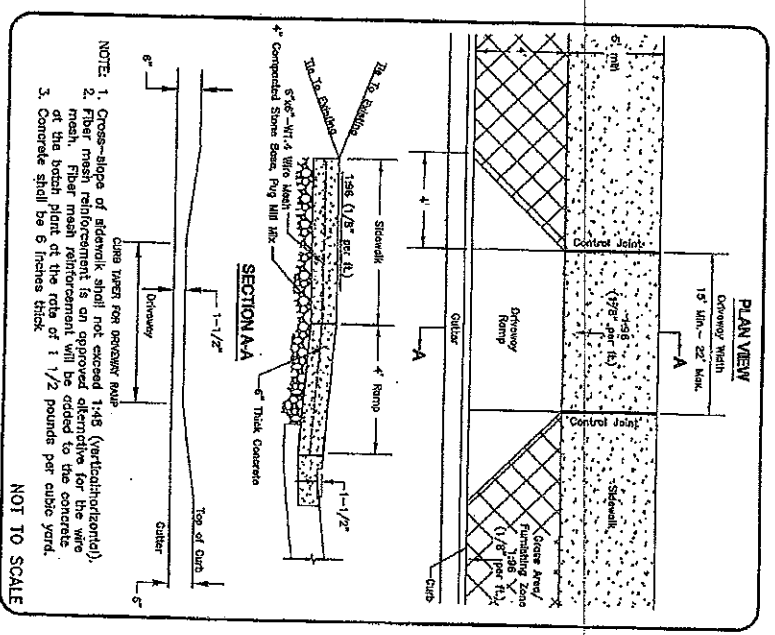
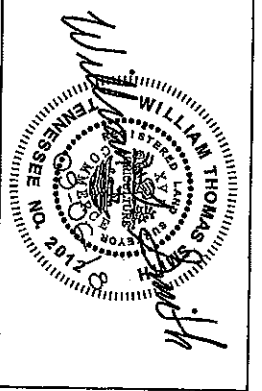


Sidewalk Construction Details
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.
 SHEET NO. **W-2.0**



METROPOLITAN GOVERNMENT OF NASHVILLE DEPARTMENT OF PUBLIC WORKS	STANDARD CURB WITH GUTTER	DWG. NO. ST-200
DIR. OF ENG.: <i>Mark May</i>	DATE: 5/12/03	REVISIONS: 07/27/03 09/02/03

Prepared By:
W.T. Smith - Land Surveying
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 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com



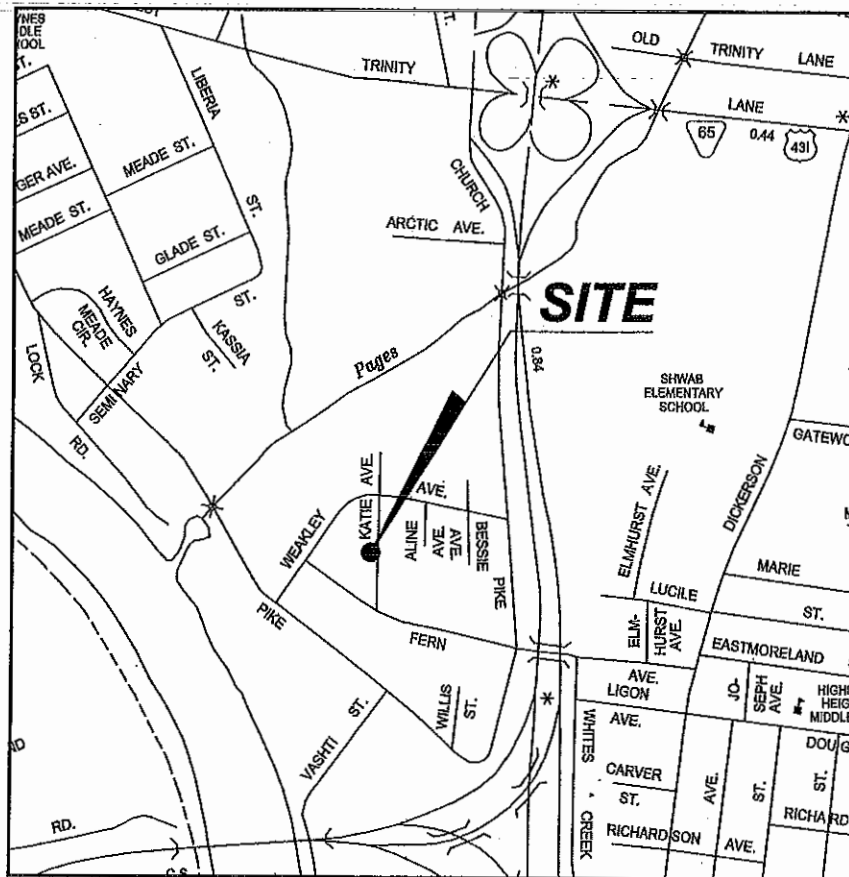
METROPOLITAN GOVERNMENT OF NASHVILLE DEPARTMENT OF PUBLIC WORKS	NEW CONSTRUCTION RESIDENTIAL DRIVEWAY RAMP	DWG. NO. ST-522
DIR. OF ENG.: <i>Mark May</i>	DATE: 5/12/03	REVISIONS: 07/27/03 09/02/03

Sidewalk Construction Details & Notes
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
W-3.0

SHEET INDEX:

- C1.0 - COVER SHEET (GENERAL NOTES)
- S1.0 - SITE PLAN
- S2.0 - SITE CALCULATIONS (IMPERVIOUS-LOT COVERAGE)
- E1.0 - EROSION PREVENTION & SEDIMENT CONTROL PLAN
- E2.0 - EROSION PREVENTION & SEDIMENT CONTROL DETAILS
- B1.0 - BUILDING CONTEXTUAL AVERAGE SETBACKS
- W1.0 - SIDEWALK CONSTRUCTION PLAN
- W2.0 - SIDEWALK CONSTRUCTION DETAILS
- W3.0 - SIDEWALK CONSTRUCTION NOTES



LOCATION-MAP

NOT-TO-SCALE

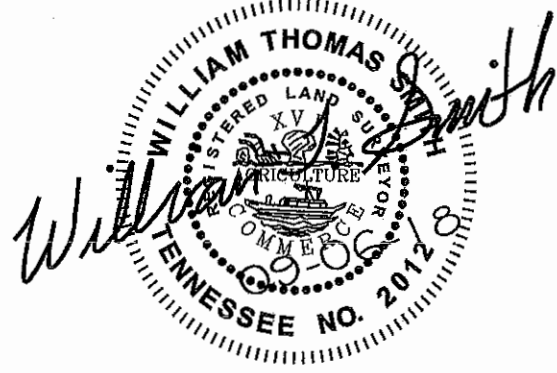
SITE DATA:

1. Total Site Area 7,823 S.F., or 0.179 Acres ±
2. Tax ID: 07110011100
3. **Owner and/or Developer**
 JONA DEVELOPMENT, LLC
 2020 FIELDSTONE PKWY STE 900-306 ATTN: SCOTT JONES
 FRANKLIN, TN 37069
 Phone: (615)-943-6942, Email: Scott@jonadevelopment.com
4. Subject property base zoning - **RS5..**
5. **Setbacks:**
 Contextual Front M.B.S.L. - 32.5'
 Side M.B.S.L. - 5'
 Rear M.B.S.L. - 20'
6. **Districts:**
 Urban Services District
 2nd Council District
 Councilman - DeCosta Hastings

Prepared By:

W.T. Smith- Land Surveying

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 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

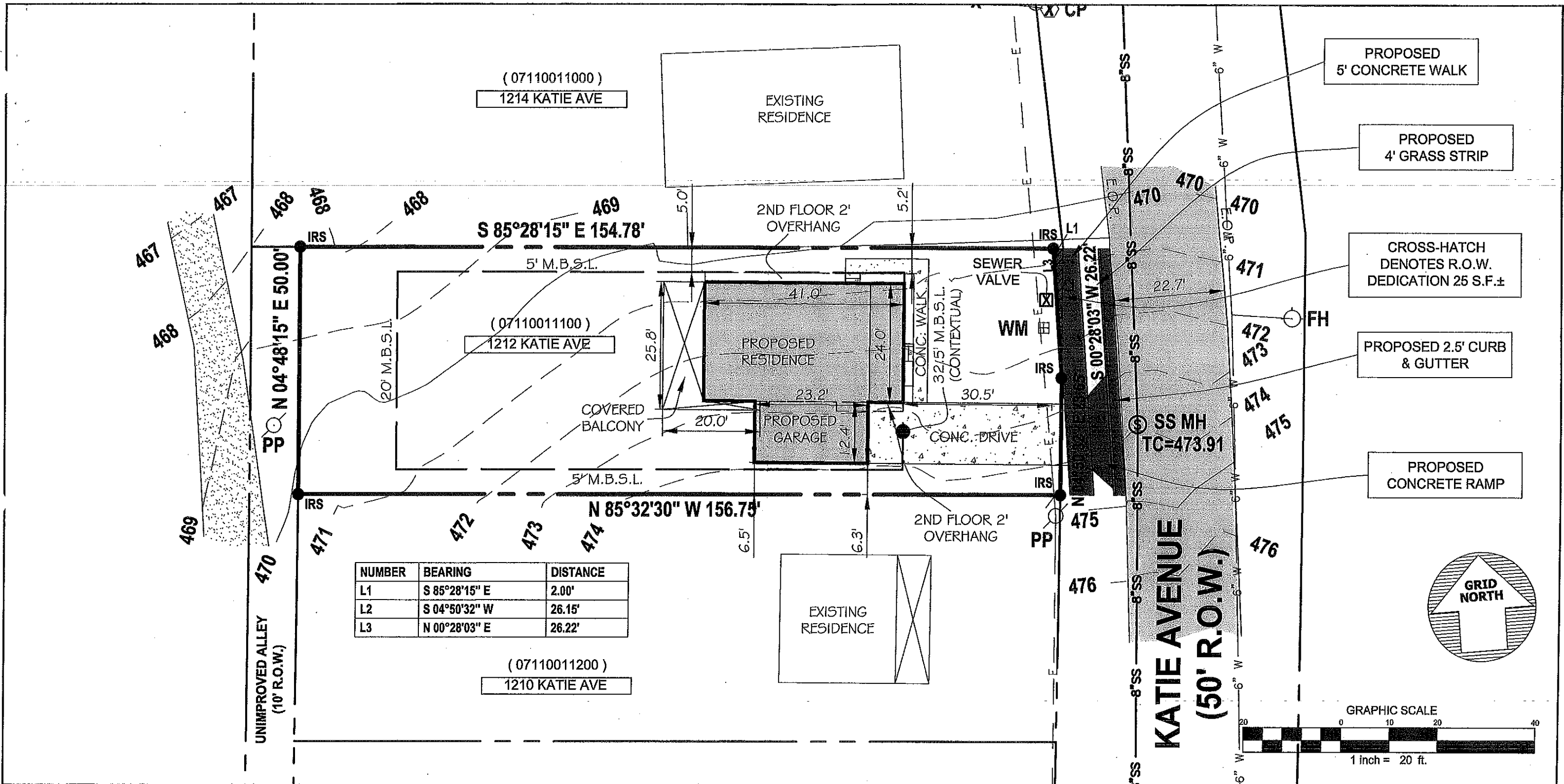


COVERSHEET

***1212 Katie Avenue
 Nashville - Davidson Co., Tn.***

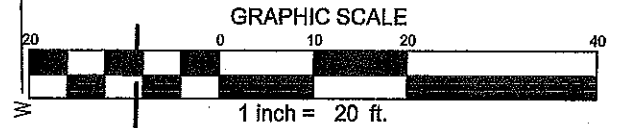
SHEET NO.

C-1.0



NUMBER	BEARING	DISTANCE
L1	S 85°28'15" E	2.00'
L2	S 04°50'32" W	26.15'
L3	N 00°28'03" E	26.22'

- PROPOSED 5' CONCRETE WALK
- PROPOSED 4' GRASS STRIP
- CROSS-HATCH DENOTES R.O.W. DEDICATION 25 S.F.±
- PROPOSED 2.5' CURB & GUTTER
- PROPOSED CONCRETE RAMP



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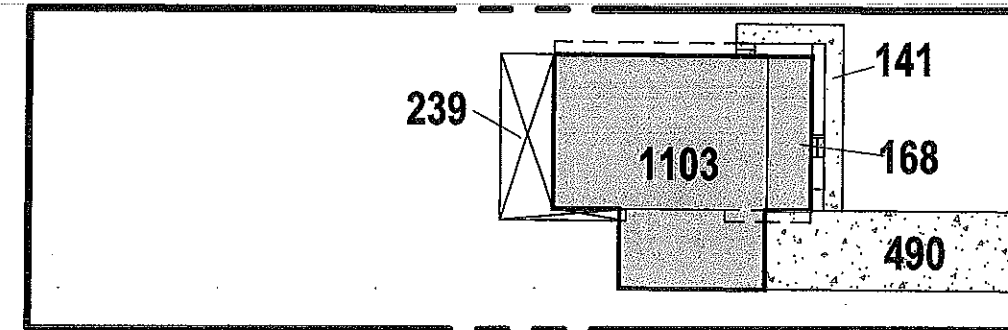
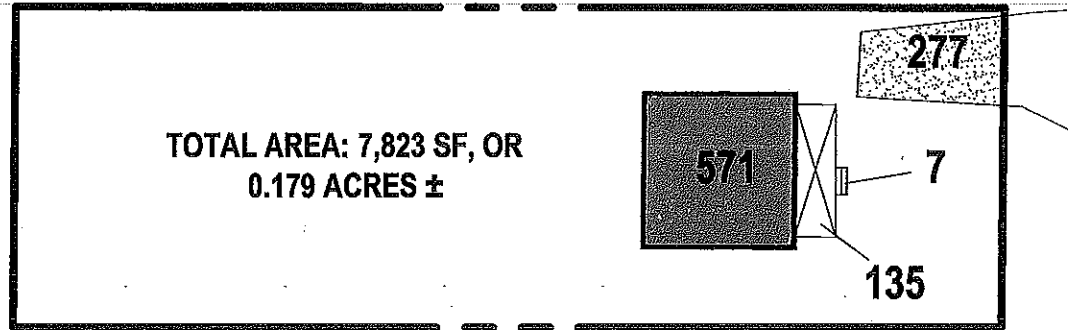


Site Plan
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
S-1.0

PRE-DEVELOPMENT

POST-DEVELOPMENT



SITE DATA: PRE-DEVELOPMENT

SITE DATA: POST-DEVELOPMENT

STORM WATER NET GAIN TREATMENT

TOTAL SITE AREA: 7,823 SF
 PRE-DEVELOPMENT IMPERVIOUS AREA: 990 SF
 Buildings: 571 SF
 Porches: 135 SF
 Parking/Drives: 277 SF
 Walks/Pads/Misc. 7 SF

TOTAL SITE AREA: 7,823 SF
 POST-DEVELOPMENT IMPERVIOUS AREA: 2,141 SF @ 27.4%
 Buildings: 1,103 SF
 Porches: 168 SF
 Parking/Drives: 490 SF
 Walks/Pads/Misc. 380 SF
 POST-DEVELOPMENT NET GAIN: 1,151 SF (TIER N/A)

TOTAL SITE AREA: 7,823 SF
 POST-DEVELOPMENT IMPERVIOUS AREA
 NET GAIN: 2,141 SF
 TREATMENT - NOT REQUIRED (TOTAL LOT COVERAGE < 30%)

Prepared By:

W.T. Smith- Land Surveying

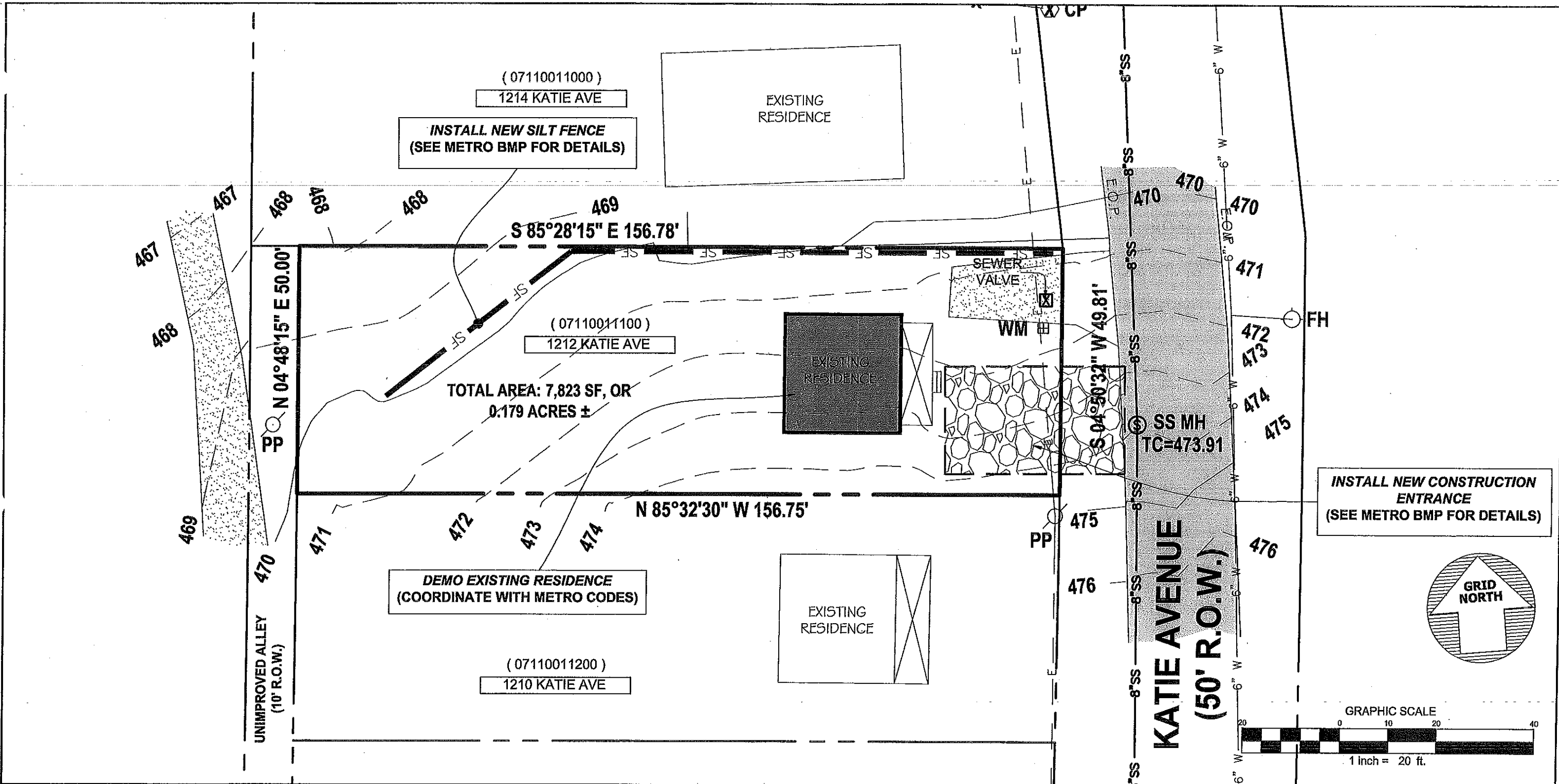
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 Email: tommy@wtsmithsurvey.com



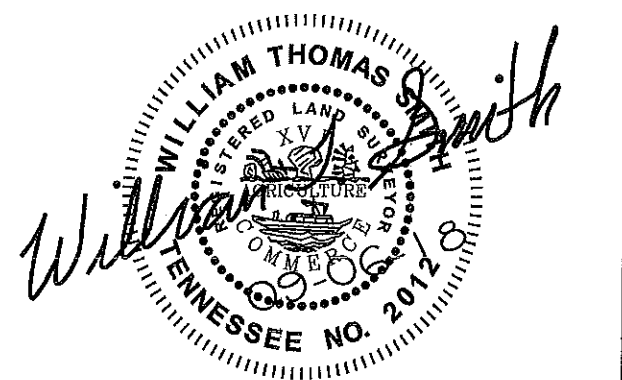
Impervious Areas
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.

S-2.0



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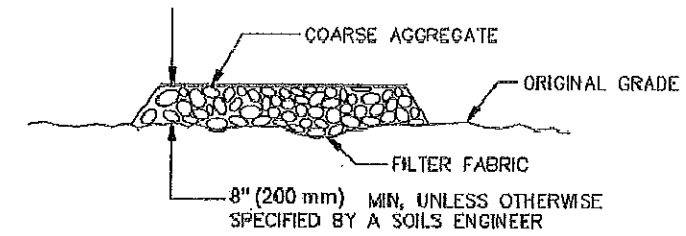


EPSC Plan
1212 Katie Avenue
Nashville - Davidson Co., Tn.

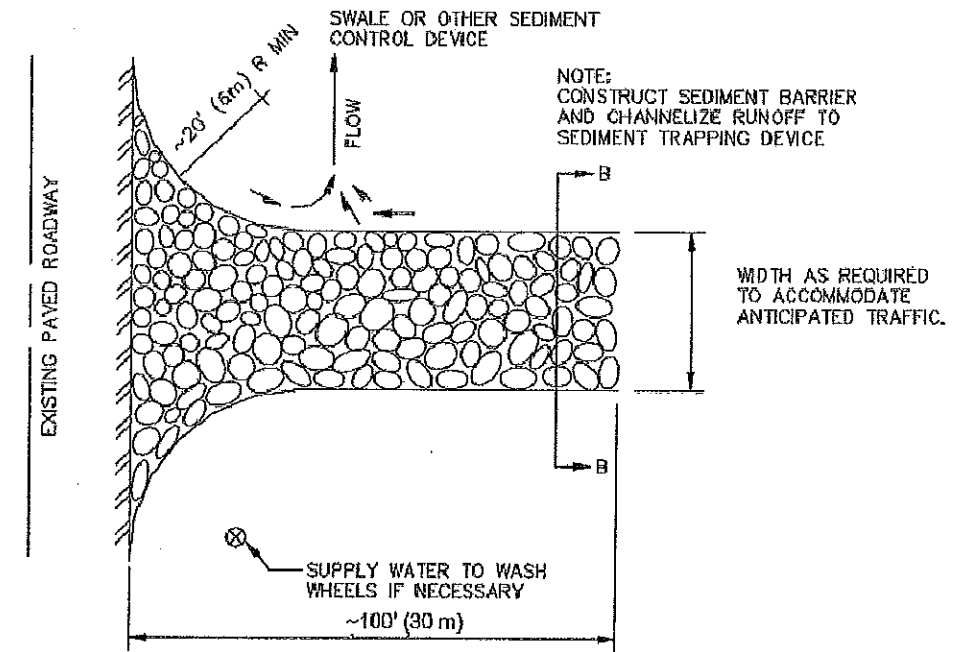
SHEET NO.
E-1.0

SITE GRADING & EROSION CONTROL NOTES

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT, SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
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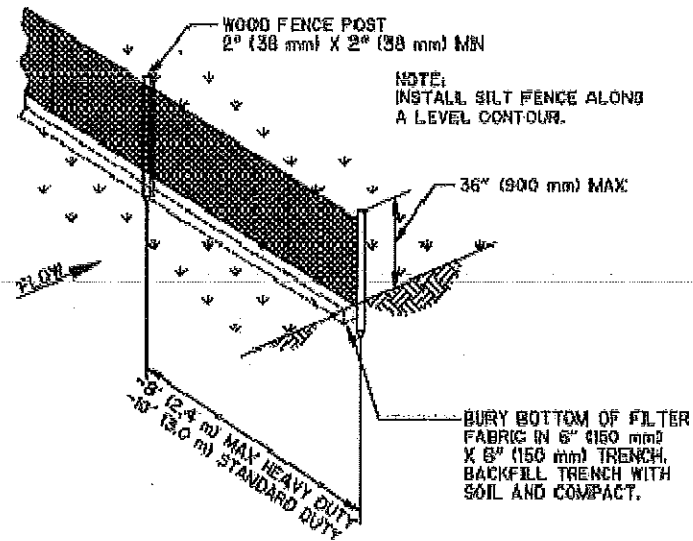


SECTION B-B
N.T.S.



PLAN VIEW
N.T.S.

Figure TCP-03-1
Stabilized Construction Entrance



TYPICAL PREFABRICATED SILT FENCE INSTALLATION
N.T.S.

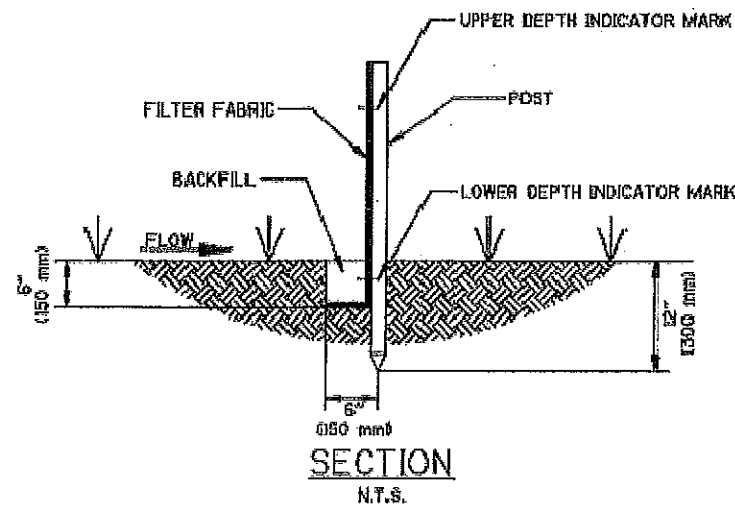
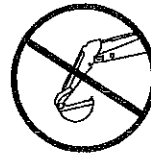


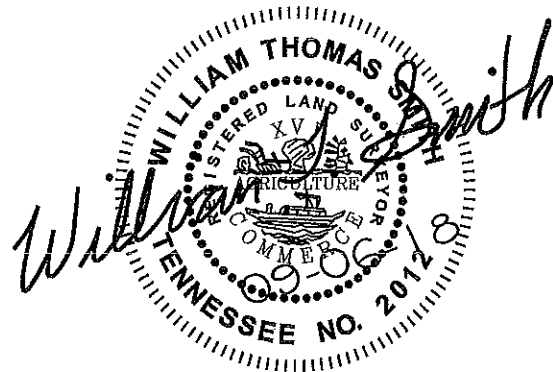
Figure TCP-13-1
Silt Fence Anchoring



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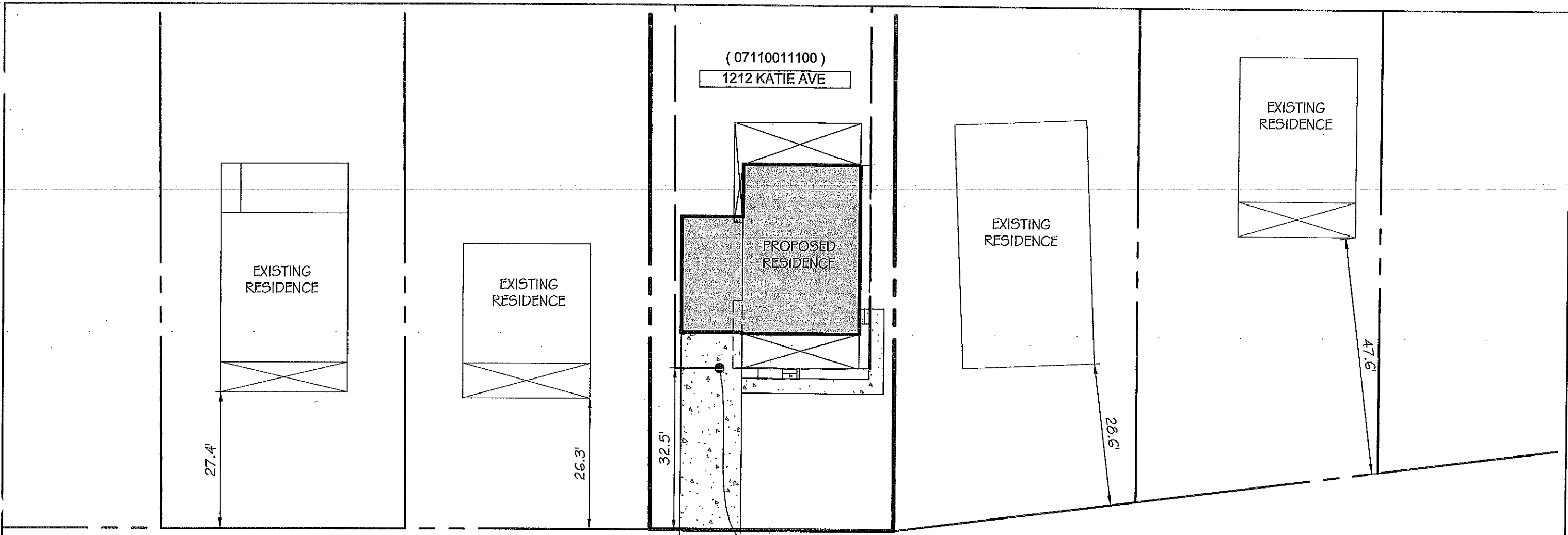
Prepared By:
W.T. Smith- Land Surveying

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Phone: 615-712-6693
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Erosion-Sediment Control Details
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
E-2.0



(07110011100)
1212 KATIE AVE

EXISTING RESIDENCE

EXISTING RESIDENCE

PROPOSED RESIDENCE

EXISTING RESIDENCE

EXISTING RESIDENCE

27.4'

26.3'

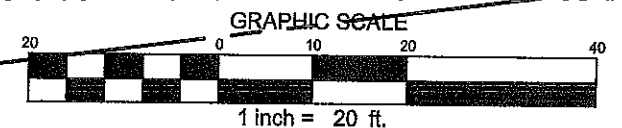
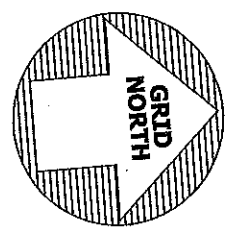
32.5'

28.6'

47.6'

32.5' M.B.S.L. (CONTEXTUAL AVERAGE)

KATIE AVENUE (50' R.O.W.)



Prepared By:
W.T. Smith- Land Surveying

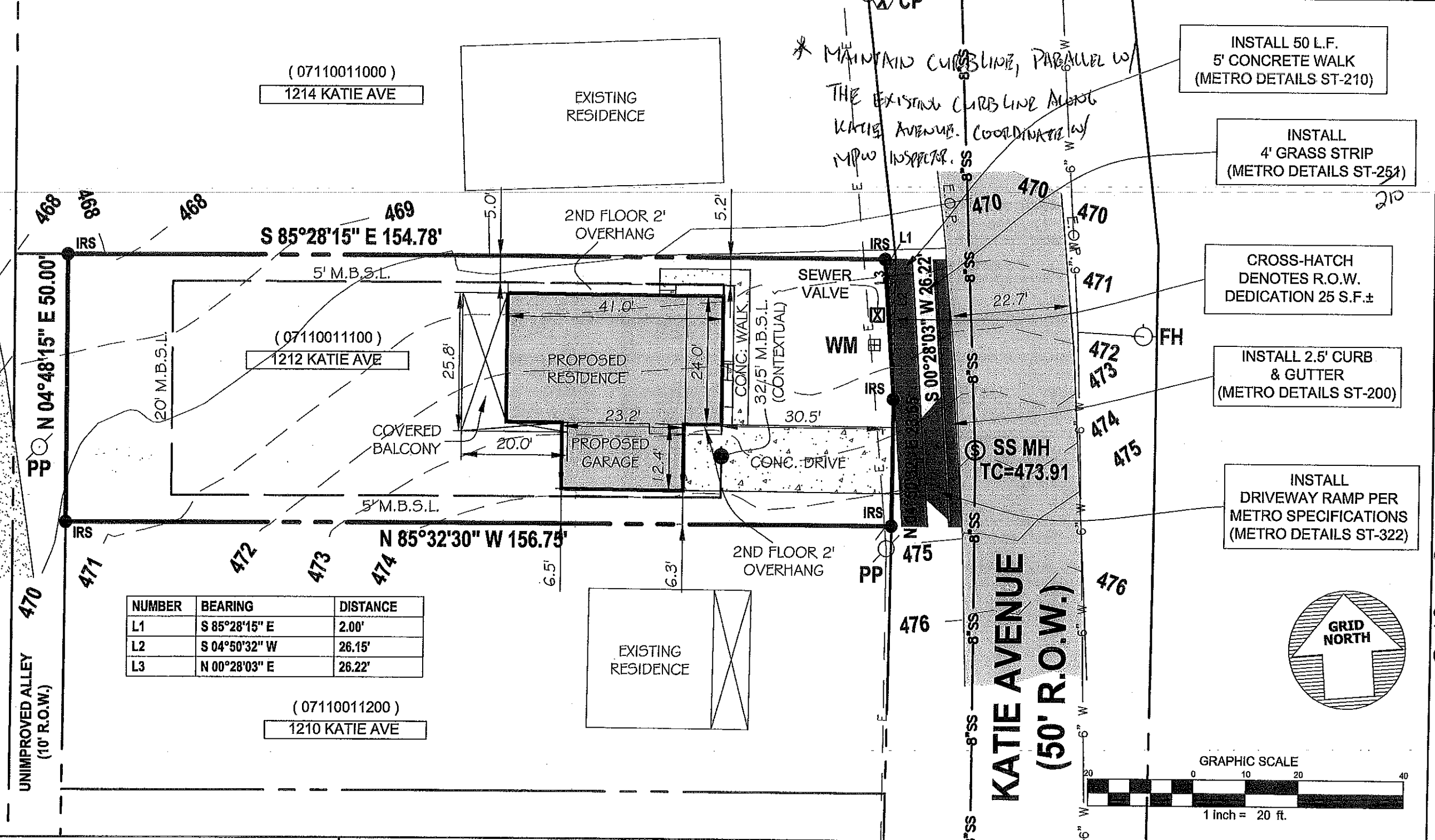
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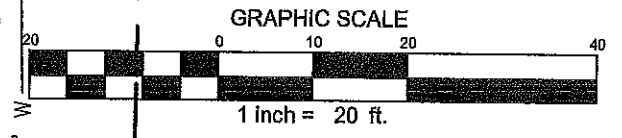
Building Setbacks
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
B-1.0

Public Works Permits Approved Date
 Building Permit Number
 Date Submitted
 No. of Copies
 Applicant's Signature
 Applicant's Name (print)
 Date



- INSTALL 50 L.F. 5' CONCRETE WALK (METRO DETAILS ST-210)
- INSTALL 4' GRASS STRIP (METRO DETAILS ST-251)
- CROSS-HATCH DENOTES R.O.W. DEDICATION 25 S.F.±
- INSTALL 2.5' CURB & GUTTER (METRO DETAILS ST-200)
- INSTALL DRIVEWAY RAMP PER METRO SPECIFICATIONS (METRO DETAILS ST-322)



Prepared By:
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Sidewalk Construction Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

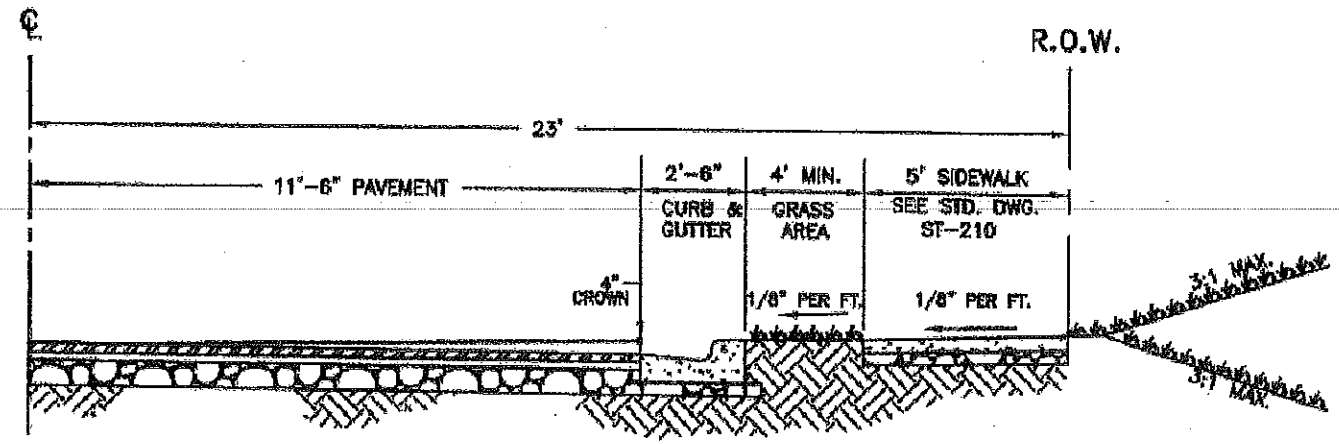
SHEET NO.
W-1.0

T2019018905 - 1212 KATIE AVE

ASST. DIR. ENG.: *Made Mary* DATE: 5/15/04
 DIRECTOR: *Robert* DATE: 5/18/01
 REVISED: 04/09/01

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
 RESIDENTIAL-LOW DENSITY MINOR LOCAL STREET (46' R.O.W.)
 DWG. NO. ST-251

NOT TO SCALE

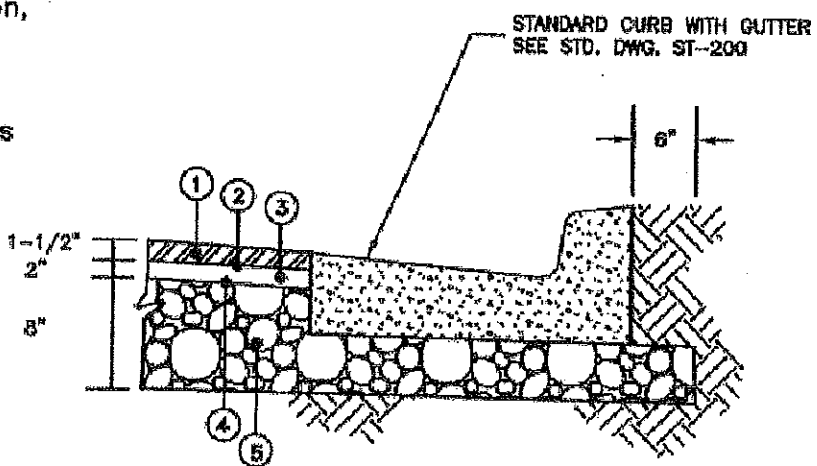


HALF - SECTION

- General Notes
1. Placement of sidewalks shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, latest revision.
 2. Construction shall conform to the Metropolitan Department of Public Works Technical Specifications, latest revision.

PAVEMENT SCHEDULE

- ① 1-1/2" ASPHALTIC CONCRETE SURFACE (411D)
- ② TACK COAT (SS-1)
- ③ 2" BITUMINOUS BINDER (B-M2)
- ④ PRIME COAT (RS-2)
- ⑤ 6" STONE (GRADING D PUG MILL MIX)



PAVEMENT COURSES

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

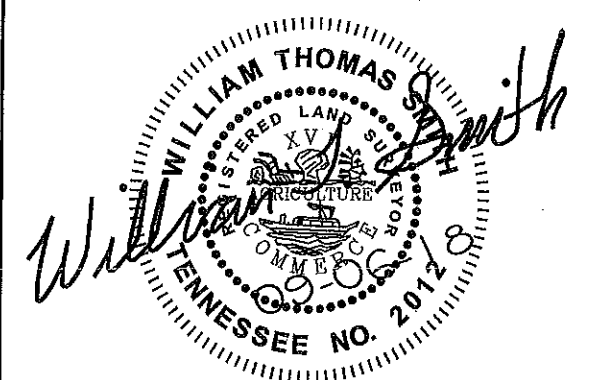
GENERAL NOTES

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

NTS

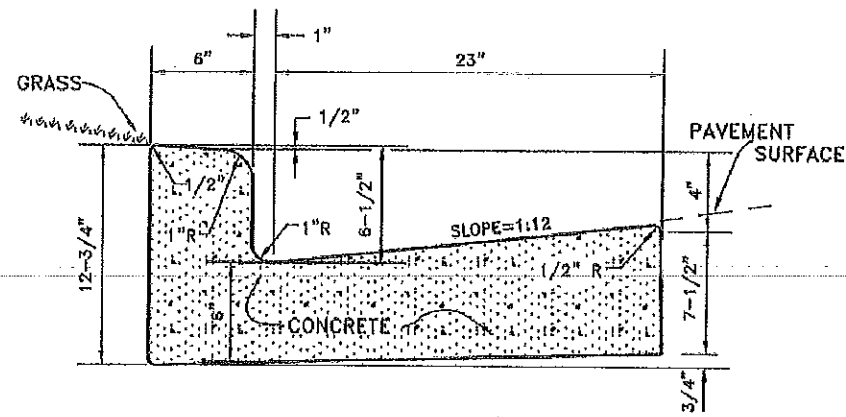
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	SIDEWALK CONSTRUCTION	DWG. NO. ST-210
DIR. OF ENG.: <i>Made Mary</i>	DATE: 7/15/04	REVISED: 05/02/03 REVISED: 11/24/03 REVISED: 06/23/04

Prepared By:
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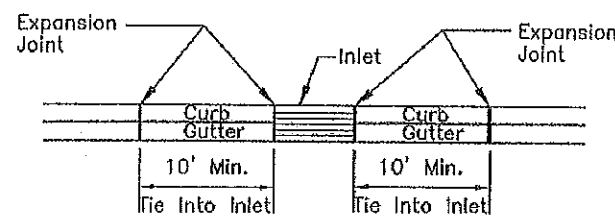


Sidewalk Construction Details
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
W-2.0



TYPICAL CROSS - SECTION



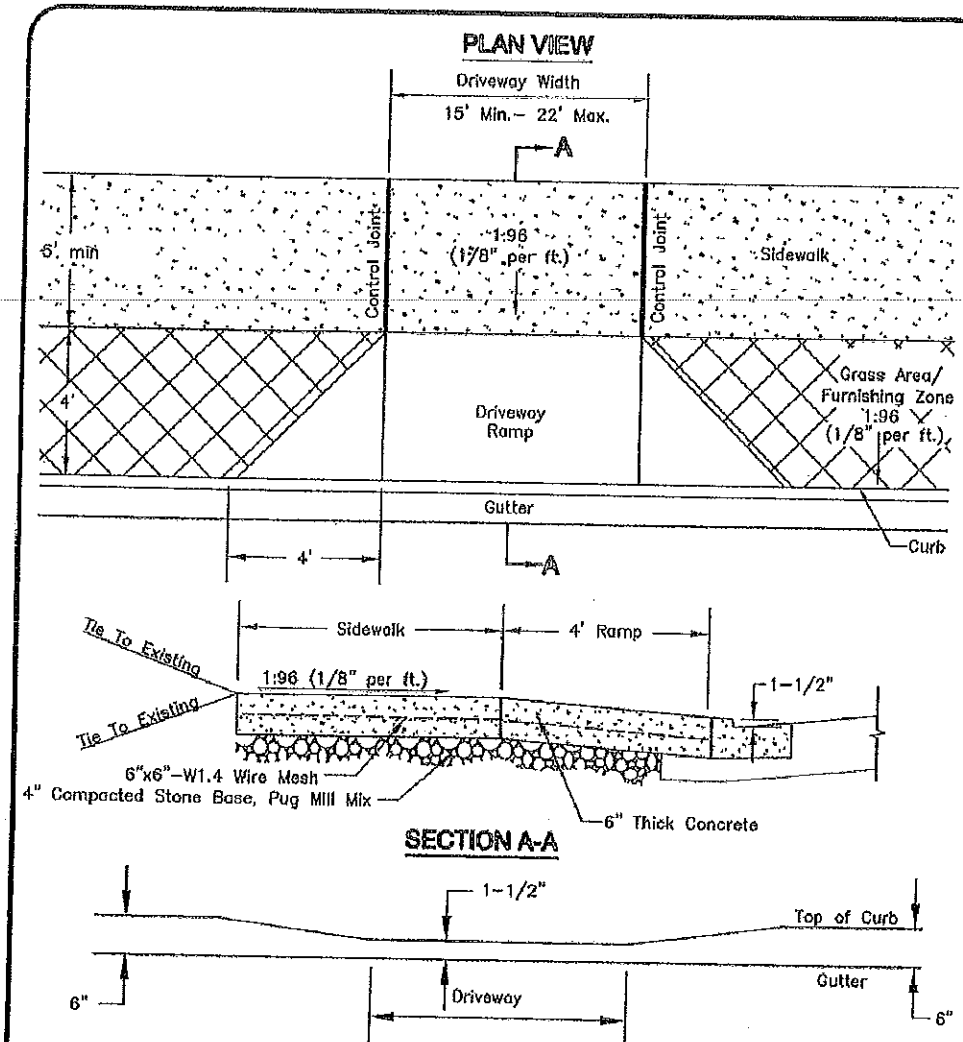
FRONT VIEW

GENERAL NOTES

1. Expansion joints to be spaced a maximum of 100 feet apart or as directed by the Engineer.
2. Expansion joints will also be required at tangent points, ramps, and inlets.
3. Contraction joints are to be cut into curb and gutter every 10 feet to a depth of $D/4$, where D equals the thickness of the section. The spacing of 10 feet may be reduced at closures but no section of curb and gutter shall be less than 10 feet.
4. There will be a minimum of 10 feet tie in at curb inlets on each side of the inlet. An expansion joint will be used on each side of the tie in.
5. Cost of contraction joints to be included in the unit bid price for concrete curb with gutter.

NOT TO SCALE

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	STANDARD CURB WITH GUTTER	DWG. NO. ST-200
DIR. OF ENG.: <i>Mark May</i> DATE: 5/12/03	REVISED: 07/21/06 REVISED: 05/02/03	



SECTION A-A

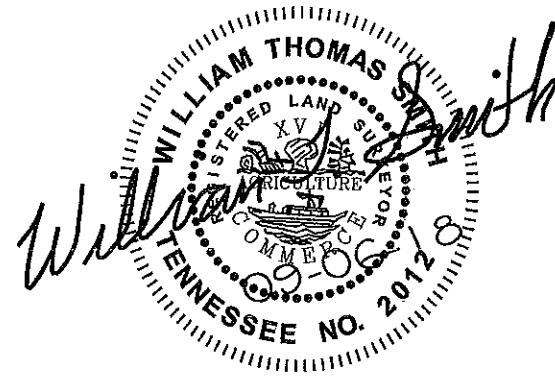
- NOTE:
1. Cross-slope of sidewalk shall not exceed 1:48 (vertical:horizontal).
 2. Fiber mesh reinforcement is an approved alternative for the wire mesh. Fiber mesh reinforcement will be added to the concrete at the batch plant at the rate of 1 1/2 pounds per cubic yard.
 3. Concrete shall be 6 inches thick

NOT TO SCALE

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	NEW CONSTRUCTION RESIDENTIAL DRIVEWAY RAMP	DWG. NO. ST-322
DIR. OF ENG.: <i>Mark May</i> DATE: 5/12/03	REVISED: 07/27/02 REVISED: 05/08/03	

Prepared By:
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Hermitage, TN 37076
Phone: 615-712-6693
Email: tommy@wtsmithsurvey.com



**Sidewalk Construction
Details & Notes**
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
W-3.0

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-229 (1212 Katie Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not build sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	RS5
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	1,342' north of #14 – Whites Creek; planned Major Local Service per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing a single family residence and requests a variance from constructing sidewalks and from contributing in-lieu of construction. 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: Frank Fiss
Property Owner: Francis Fiss
Representative: Frank Fiss

Date: 4-9-19
Case #: 2019-239
Map & Parcel: 146-16-119

Council District 26

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

Purpose:

Requesting variance on side setback. Requesting 2' side setback, a reduction of 3' from the minimum of 5' for detached accessory Bldg. under 700SF.

Activity Type:

New Construction - Garage

Location:

519 Landon Dr.

This property is in the RS20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:

Does not meet minimum side setback

Section(s):

17.12.040 (E) 1 (b)

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

FRANK FISS

Appellant Name (Please Print)

Same

Representative Name (Please Print)

519 LANDON DR

Address

Address

NASHVILLE, TN 37220

City, State, Zip Code

City, State, Zip Code

615-218-3101

Phone Number

Phone Number

FRANK.FISS@TN.GOV

Email

Email

Zoning Examiner: C.H.

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**



3649226

**ZONING BOARD APPEAL / CAAZ - 20190020470
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 14616011900**APPLICATION DATE:** 04/09/2019**SITE ADDRESS:**

519 LONDON DR NASHVILLE, TN 37220
LOT 47 SEC 3 BRENTWOOD HALL

PARCEL OWNER: FISS, FRANCIS C.**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance on side setback. requesting 2' side setback, a reduction of 3' from the minimum of 5' for detached accessory buildings under 700 square feet.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

Frank & Liz Fiss

4-8-19

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 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.

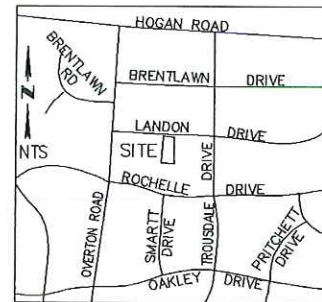
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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?

Lot is narrow as compared to many in the neighborhood causing tight access/placement

LANDON DRIVE



LEGEND	
)	IRON PIN SET
-	IRON PIN FOUND
Q	CALCULATED POINT
?	WATER VALVE
⊖	ELECTRIC METER
⊕	WATER METER
Y	FIRE HYDRANT
X	UTILITY POLE
-- T --	OVERHEAD TELEPHONE
-- OHE --	OVERHEAD ELECTRIC
- X - X -	FENCE

PARCEL INFO:

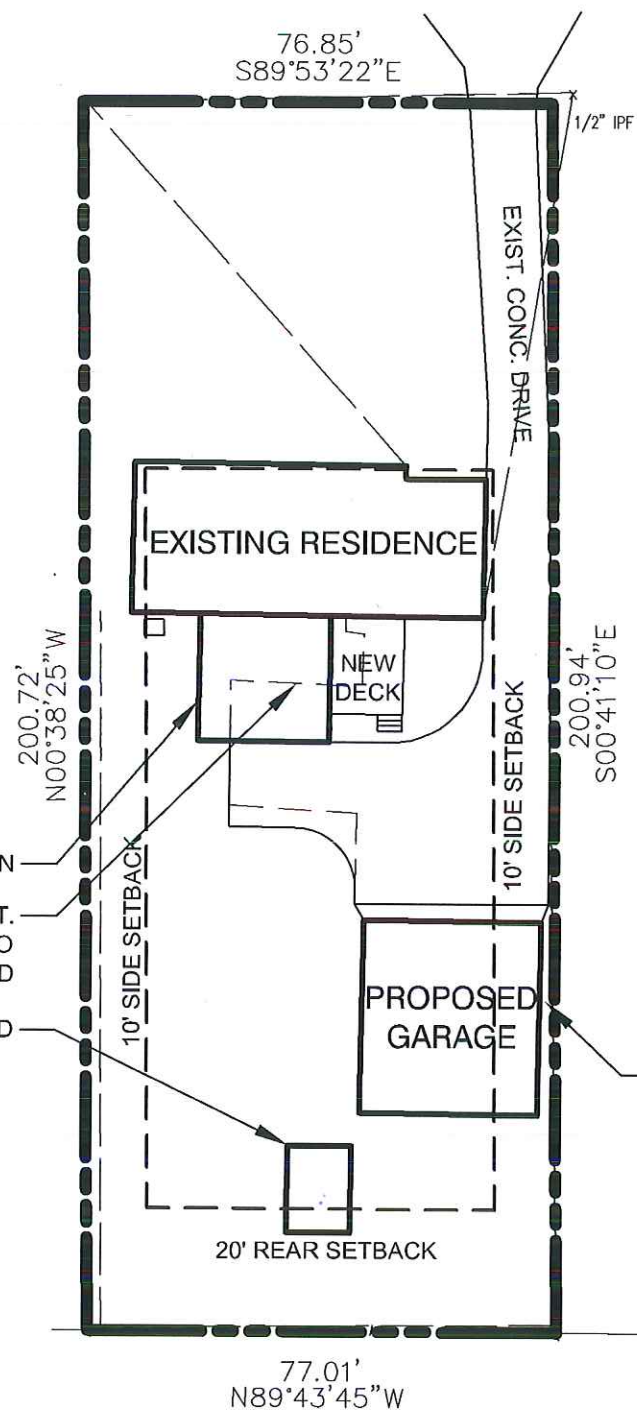
ADDRESS: 519 LANDON DR
 NASHVILLE, TN 37220
 LOT AREA: 15,448 SF / .36 AC+-
 PARCEL ID: 14616011900
 SETBACKS:
 FRONT: PLAT - 60'

OBTAIN ALL OTHER SETBACKS WITH METRO CODES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE.

ACCORDING TO METRO MAPS PROPERTY IS ZONED RS20

EXISTING IMPERVIOUS AREA: 4,361 SF
PROPOSED NET IMPERVIOUS AREA: 5,305 SF
PROPOSED NET IMPERVIOUS: 34.35% OF LOT

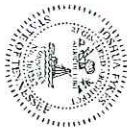
PROPOSED GARAGE TO BE 2'-0" MIN. FROM PROPERTY LINE



SITE PLAN

SCALE: 1" = 30'-0"

*** NOT FOR CONSTRUCTION - FOR REVIEW ONLY ***



ISSUE DATE: 02.26.2019
REVISIONS:

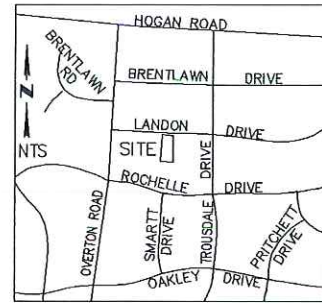
FISS RESIDENCE

519 LANDON DR. NASHVILLE, TN

FYK
ARCHITECTURE
PLLC

4937 Selma Drive
Nashville, TN 37211
615.315.9223
fykarchitect.com

LANDON DRIVE



LEGEND	
)	IRON PIN SET
-	IRON PIN FOUND
Q	CALCULATED POINT
?	WATER VALVE
⊖	ELECTRIC METER
⊕	WATER METER
Y	FIRE HYDRANT
x	UTILITY POLE
--T--	OVERHEAD TELEPHONE
--OHE--	OVERHEAD ELECTRIC
-X-X-	FENCE

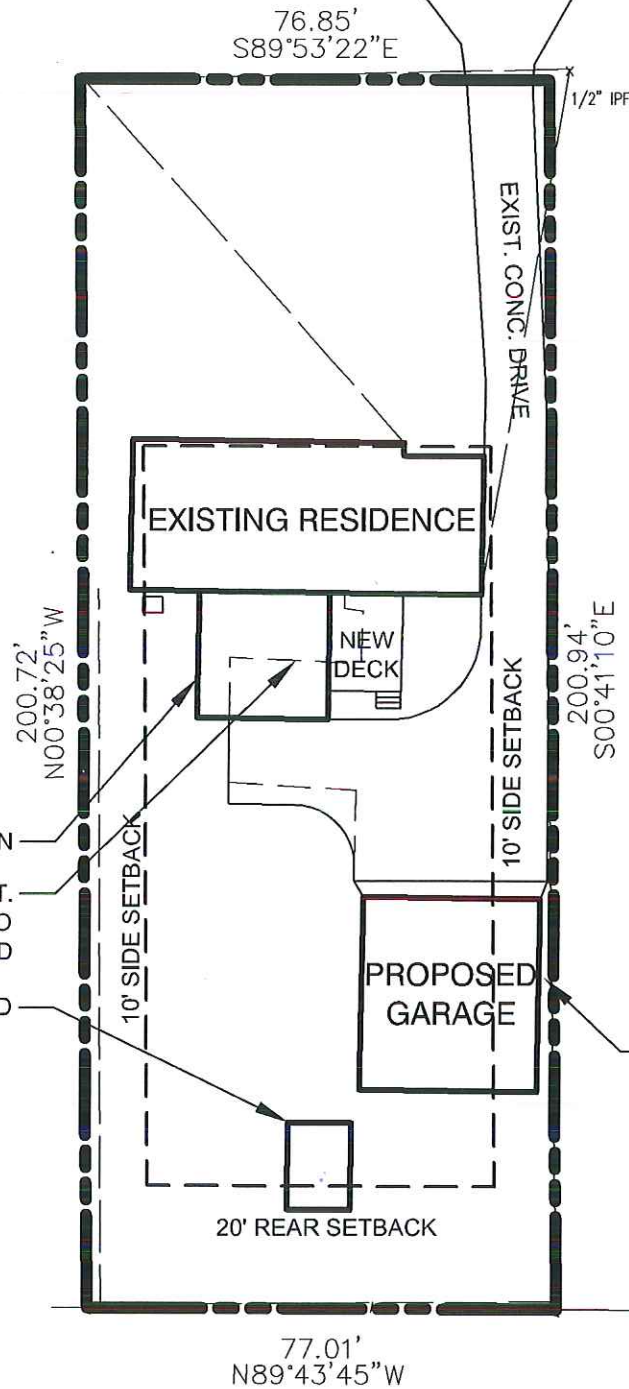
PARCEL INFO:
 ADDRESS: 519 LANDON DR
 NASHVILLE, TN 37220
 LOT AREA: 15,448 SF / .36 AC+-
 PARCEL ID: 14616011900
 SETBACKS:
 FRONT: PLAT - 60'

OBTAIN ALL OTHER SETBACKS WITH METRO CODES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE.

ACCORDING TO METRO MAPS PROPERTY IS ZONED RS20

EXISTING IMPERVIOUS AREA: 4,381 SF
PROPOSED NET IMPERVIOUS AREA: 5,305 SF
PROPOSED NET IMPERVIOUS: 34.35% OF LOT

PROPOSED GARAGE TO BE 2'-0" MIN. FROM PROPERTY LINE



SITE PLAN

SCALE: 1" = 30'-0"

*** NOT FOR CONSTRUCTION - FOR REVIEW ONLY ***



ISSUE DATE: 02.26.2019
REVISIONS:

FISS RESIDENCE
 519 LANDON DR. NASHVILLE, TN

FYK ARCHITECTURE
 4303 Salem Drive
 Nashville, TN 37211
 615.315.9223
 fkyk@fkykarch.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Judy G. Perram
Property Owner: Judy G Perram
Representative: Judy G Perram

Date: 4/10/19
Case #: 2019-240
Map & Parcel: 10714011200

Council District 13

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

Purpose: RESIDENTIAL/SINGLE FAMILY
ACCESSORY STRUCTURES

Activity Type: EXISTING ACCESSORY STRUCTURES

Location: 1010 ALADDIN DR.

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: DO NOT MEET SETBACKS

Section(s): 17.12.020.A 17.12.040 E1

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.

Judy G Perram
Appellant Name (Please Print)

Judy G Perram
Representative Name (Please Print)

1010 Aladdin Dr
Address

1010 Aladdin Dr
Address

Nashville, TN 37217
City, State, Zip Code

Nashville, TN 37217
City, State, Zip Code

615-319-8031
Phone Number

615-319-8031
Phone Number

JP072563@Comcast.net
Email

JP072563@Comcast.net
Email

Zoning Examiner: Korcoran

Appeal Fee: 100.00

No Hardship



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



3650024

**ZONING BOARD APPEAL / CAAZ - 20190020841
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10714011200

APPLICATION DATE: 04/10/2019

SITE ADDRESS:

1010 ALADDIN DR NASHVILLE, TN 37217
LOT 179 MIRO MEADOWS

PARCEL OWNER: PEGRAM, JUDY G.

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

TO PERMIT EXISTING CARPORT AND EXISTING GARAGE OVERHANGS/LEAN-TO

1. EXISTING 18'X22' CARPORT LOCATED ALONG RIGHT SIDE OF EXISTING SINGLE FAMILY RESIDENCE

REJECTED: PER 17.12.020.A MINIMUM 5' SIDE SETBACK

REQUEST: 0 SETBACK

2. EXISTING 10' OVERHANG/LEAN-TO LOCATED ALONG REAR WALL OF EXISTING DETACHED GARAGE

REJECTED: PER 17.12.040.E.1 MINIMUM 3' REQUIRED

REQUEST: 0 SETBACK

3. EXISTING 3' OVERHANG/LEAN-TO LOCATED ALONG RIGHT (SOUTH) WALL OF EXISTING DETACHED GARAGE

REJECTED: PER 17.12.040.E.1 MINIMUM 3' REQUIRED..

REQUEST: 0 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.



1 inch = 30 feet

RSIO



APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

APPELLANT

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

Case number 2019-240

4-28-19

To the board of zoning appeals, this is to request to let Judy B. Pegram to keep the existing carport and existing garage overhang. This has been up for many years and not hurting anyone. She always keeps her property clean and looking good. I have lived across the street from her for about 28 or 29 years.

Rachel Clark Elkins
1011 Aladden Dr.
Nash. TN. 37217

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Chadwick Construction Inc.

Date: 4-11-2019

Property Owner: Jim Allen

Case #: 2019-242

Representative: Connie Chadwick

Map & Parcel: 52-9 177

176

175

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:

SINGLE FAMILY RESIDENTIAL

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 2666, 2668, 2670 MIAMI AVE (3 LOTS)

This property is in the P-15 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 5' SIDE SETBACKS / 10' SIDE SETBACK REQUIRED

Section(s): 17.12.020A

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.

Chadwick Construction, Inc.

Appellant Name (Please Print)

Connie Chadwick

Representative Name (Please Print)

3029 Foust Drive

Address

3029 Foust Drive

Address

Spring Hill, TN 37174

City, State, Zip Code

Spring Hill, TN 37174

City, State, Zip Code

615-417-2129

Phone Number

615-417-2129

Phone Number

connie@chadwickandtignor.com

Email

connie@chadwickandtignor.com

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



3650597

ZONING BOARD APPEAL / CAAZ - 20190021050
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 05209017500

APPLICATION DATE: 04/11/2019

SITE ADDRESS:

2670 MIAMI AVE NASHVILLE, TN 37214
P/O LOT 66 WOODDALE GROVE ANNEX

PARCEL OWNER: ALLEN, JIM E. JR.

CONTRACTOR:

APPLICANT:**PURPOSE:**

PROPOSED SINGLE FAMILY CONSTRUCTION...3 LEGALLY CREATED LOTS... ..

REQUIRED: PER 17.12.020 (A) MINIMUM 10' SIDE SETBACK

REQUEST: TO BUILD HOMES AT A MINIMUM 5' SIDE SETBACKS

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

There are currently no required inspections

There are currently no required inspections

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.)

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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.

Connie Chadwick
APPELLANT

4-11-2019
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:

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

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

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

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

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

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

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

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

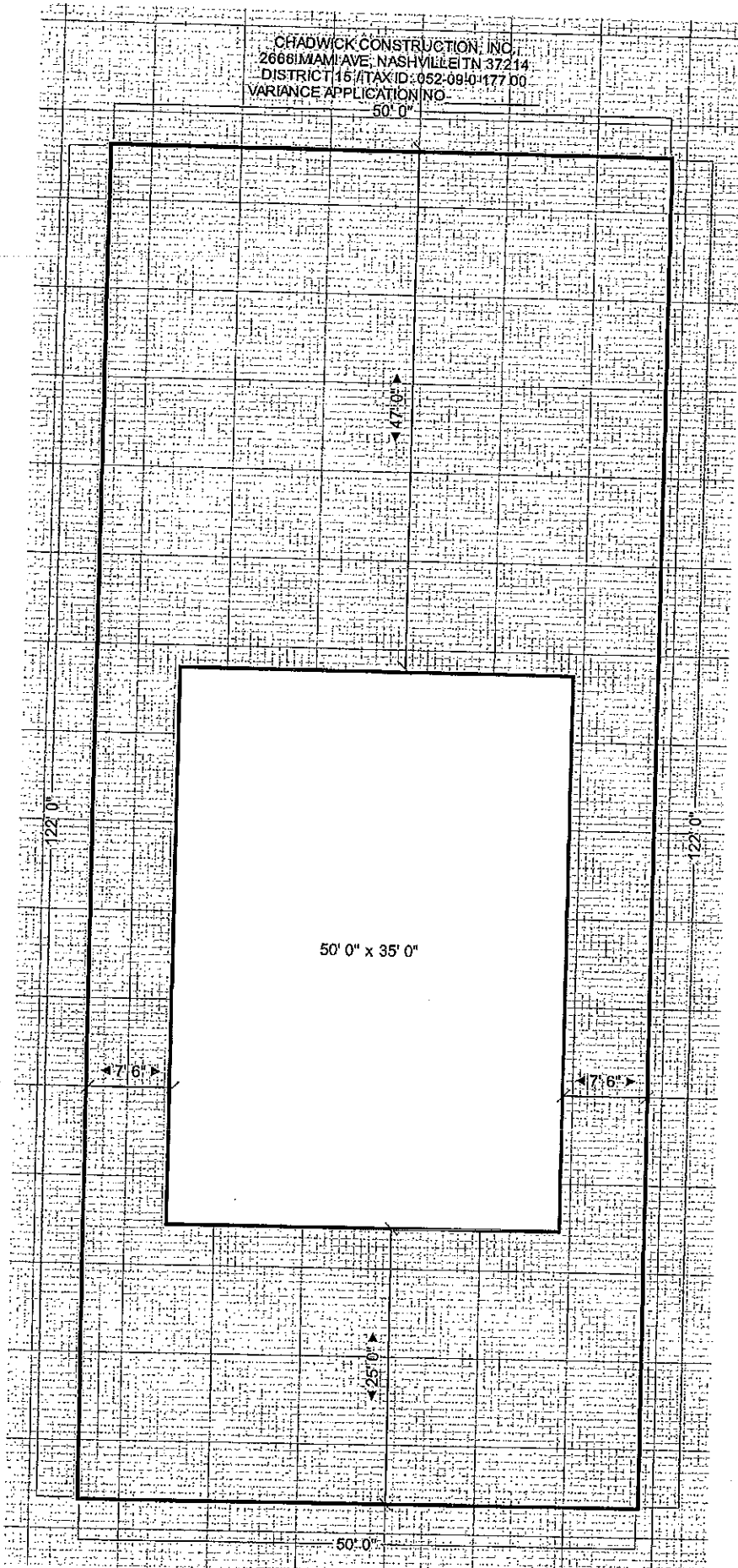
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

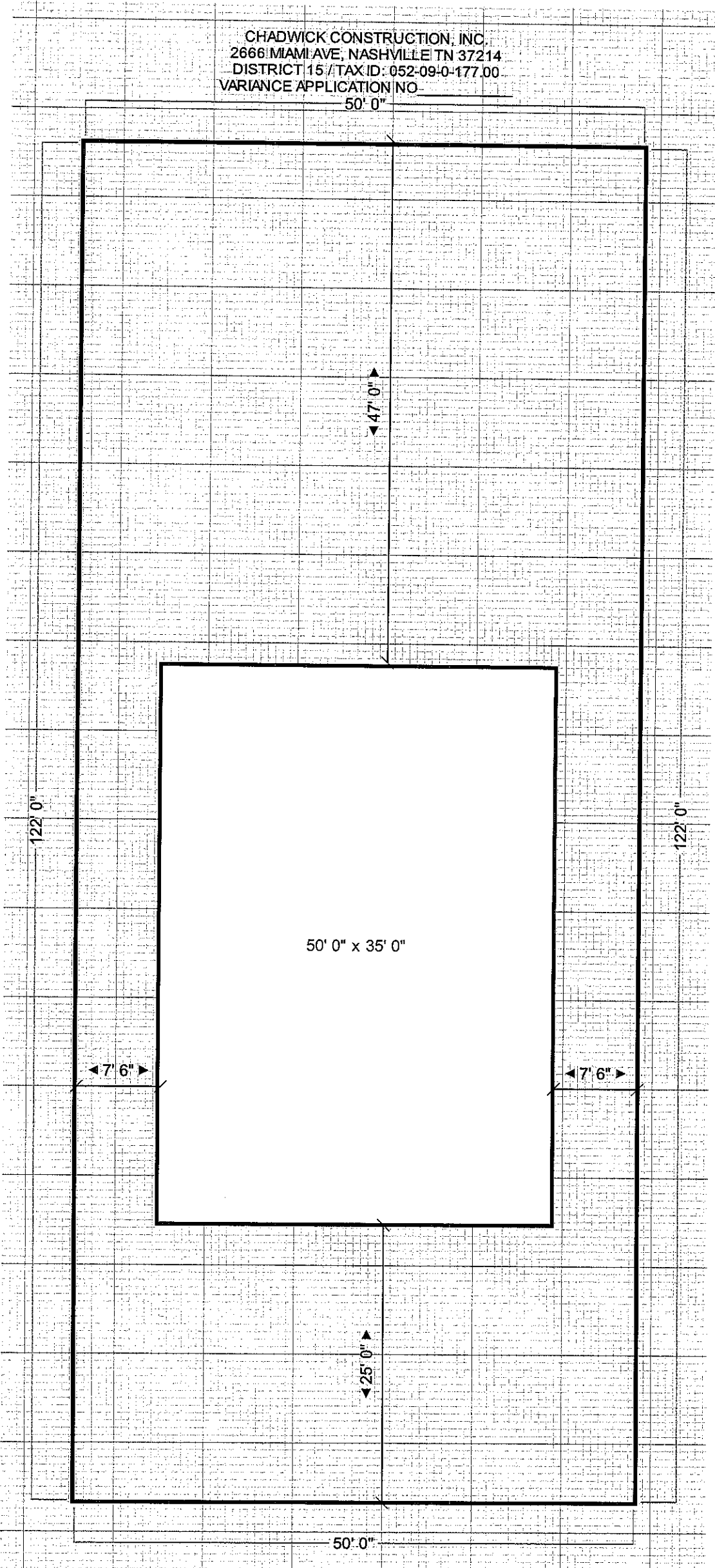
The narrowness of the three lots prevent the best possible houseplan for the area to be built. An insignificant reduction in side setbacks from 10' to 5' would rectify the problem and enable us to build a much better home that would be aesthetically pleasing and more valuable to the area. The driveways are front entry so there would be no possibility of side encroachment. The characteristics of the neighborhood and average lot sizes seem to be an average size which might be more indicative of R5 zoning which only requires 5' setbacks - In other words - the approval of this variance request wouldn't change the current character of the neighborhood.

CHADWICK CONSTRUCTION, INC.
2666 MIAMI AVE, NASHVILLE TN 37214
DISTRICT 16 / TAX ID: 052-0940-177 00
VARIANCE APPLICATION NO. 50' 0"



2019-242

CHADWICK CONSTRUCTION, INC.
2666 MIAMI AVE, NASHVILLE TN 37214
DISTRICT 15 // TAX ID: 052-09-0-177.00
VARIANCE APPLICATION NO.



2019-242

From: boyleapl@aol.com
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Zone Variance Letter
Date: Tuesday, May 21, 2019 10:41:34 AM

This is my response to the attached letter. I posted it on a neighborhood facebook I cannot attend meeting that date do to being in California. I was forced to change my building plans due to the 10 ft variance and was not happy having to do so.

My opinion is it should not be allowed. When I was building my home I had to loose 3 ft of my family room because the exterior chimney of the fireplace would not give the 10 ft. clearance if placed on the exterior of my home. Therefore we brought the fireplace inside. I also had to get a ventless fireplace rather than a vented one. For this reason I'm against the 5ft. clearance.

Les Boyle
510-410-6458

From: [Michele](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Syracuse, Jeff \(Council Member\)](#)
Subject: Variance Request on Miami Ave
Date: Tuesday, May 21, 2019 1:36:58 PM

I am the homeowner of 2672 Miami Ave. I noticed the “variance request” sign on the property next door. (Case #2019-242 is on the sign).

Those lots were originally designed for mobile homes, and are only about 50’ wide. There were 3 old mobile homes in a row, sitting lengthwise, on those narrow lots. (Before the 2010 flood).

I combined lots 2672 & 2674, and built my house in the middle. If that variance is granted, it will definitely affect my property if they are allowed to build 5’ from my property line. I am asking, PLEASE, don’t grant this variance. These 50’ lots really weren’t designed to have a house built on each of them. (They were literally sold as mobile home lots, years ago). I complied with these setback rules, and I think they should be, and hope they will be, upheld. I am also concerned that whoever has purchased these lots, may not only build 3 houses on these narrow lots, but also have Airbnb rentals in mind. We already have so many in our area, I think it is over the allowed amount (?).

I don’t mean to sound like a fussy, complaining homeowner, forgive me if I seem that way. But I am asking you to **please, please**, turn down this side variance request. I just don’t feel it would be fair for my property, or the other homeowners in our area.

I am going to try to attend the June 6 Hearing, if possible. But I wanted to send this email in addition, or if I am unable to attend.

Thank you so much,

Michele Voan Capps
2672 Miami Ave-owner
615-525-0052

From: [Victoria May](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Richard Loller](#); [Syracuse, Jeff \(Council Member\)](#)
Subject: 2019-242, objection opposing
Date: Monday, June 3, 2019 10:51:51 AM

Dear Board,

Please accept this email as my family's objection to this variance request to build 3 houses on Miami Avenue.

Here is why we object:

1) Allowing more homes in the floodplain where these lots are located will create dangers during flooding to both the people currently residing in this area and to the first responders called to rescue.

This risk was clearly exhibited during the 2010 Cumberland River flood.

2) To allow these builds would also contradict the policy exhibited by the city when it purchased damaged homes after said flood.

3) Miami Avenue is a double dead-end street with only one access road.

Thank you,
Victoria May

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Reginald McKeever
Property Owner: Reginald McKeever
Representative: Self

Date: 9/10/19
Case #: 2019-243
Map & Parcel: 07102012800

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: SINGLE FAMILY CONSTRUCTION

Activity Type: RESIDENTIAL

Location: 437 Dorris St Nashville, TN

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: REQUEST NOT TO BUILD/INSTALL SIDEWALKS
NOT TO CONTRIBUTE TO FUND

Section(s): 17.20.120

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

Reginald McKeever
Appellant Name (Please Print)

Representative Name (Please Print)

1631 Letitia Dr
Address

Address

Nashville TN 37206
City, State, Zip Code

City, State, Zip Code

615-569-4401
Phone Number

Phone Number

rmckeever73@gmail.com
Email rmckeever73@gmail.com

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



ZONING BOARD APPEAL / CAAZ - 20190021208
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07102012800

APPLICATION DATE: 04/11/2019

SITE ADDRESS:

437 DENNIS DR NASHVILLE, TN 37207
LOT 9 RUCKER SUB BROOKLYN

PARCEL OWNER: MCKEEVER, REGINALD

CONTRACTOR:

APPLICANT:

PURPOSE:

SINGLE FAMILY RESIDENTIAL CONSTRUCTION

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED

REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE TO FUND

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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.

Reginald McKeever
APPELLANT

4/11/19
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

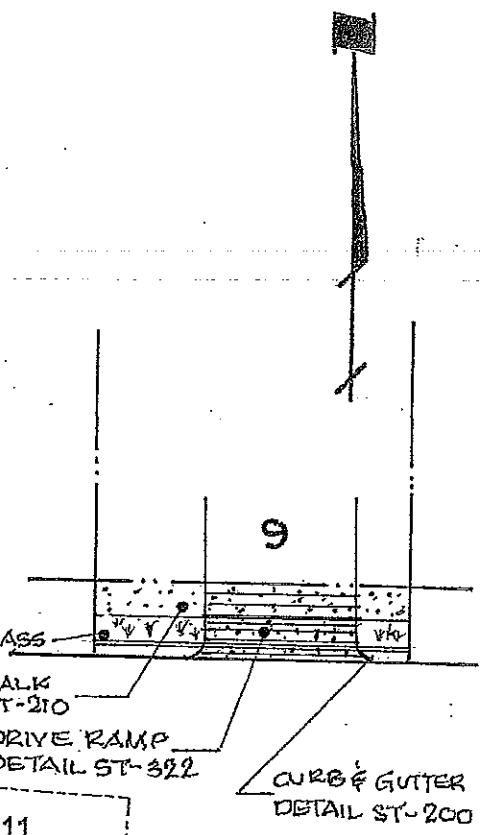
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Be: I am going to be building Affordable housing in Area, on lot.

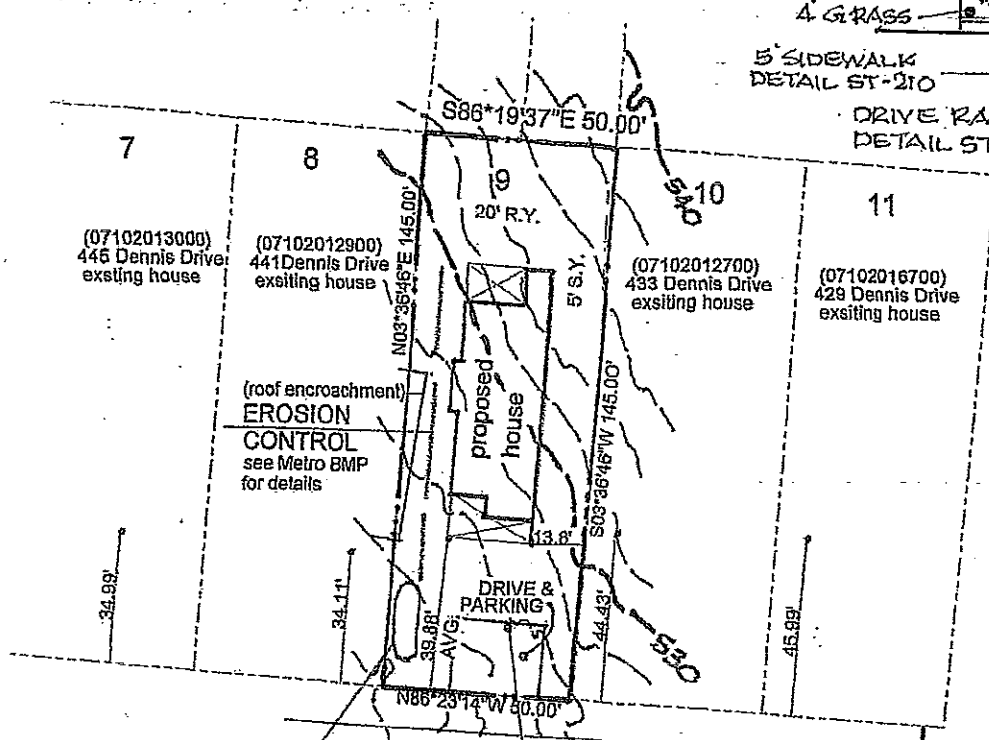
Rmckeev 73@gmail

General Notes:

1. Bearing Basis: Magnetic observation dated 03/31/19
2. Map reference: Being parcel 128 as shown on Davidson County Property Map 71-02, T.O.D.C., Tn.
3. Plat Reference: Lot 9 on the Plan of John J. Rucker's Subdivision Of lot no. 8 and parts of lots nos. 7 & 9 in the 2nd plan of Brooklyn recorded in plat book 332, page 157 R.O.D.C., TN.
4. Deed Reference: Instrument 20180614-0057403 R.O.D.C. Tn.
5. Address: 437 Dennis Drive, Nashville, Tn. 37207.
6. Area: Lot Contains 7,250 sq. ft., or 0.17 acres.
7. No title report was furnished to this surveyor.
8. Utilities: Existing visible utilities were field located as a part of this survey, other utilities, above and/or below ground may exist of which the survey is unaware. Call before you dig.
9. Datum Basis: Metro G I S Information.
10. Property Zoned R8.
11. Owner: Reginald McKeever, 437 Dennis Drive, Nashville, Tn. 37207



DETAIL
SCALE: 1" = 30'



INSTALL RAIN GARDEN
(180 sf @ 18" amended soil depth. Divert all unit roof drainage toward rain garden.

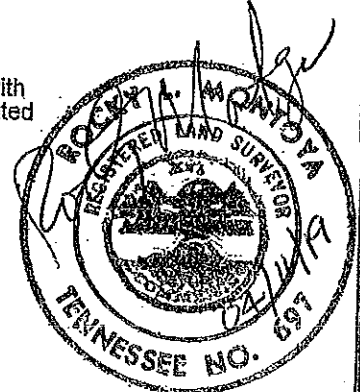
INSTALL NEW CONSTRUCTION ENTRANCE-see Metro BMP for details

SITE PLAN
437 DENNIS DRIVE
NASHVILLE, TN. 37207

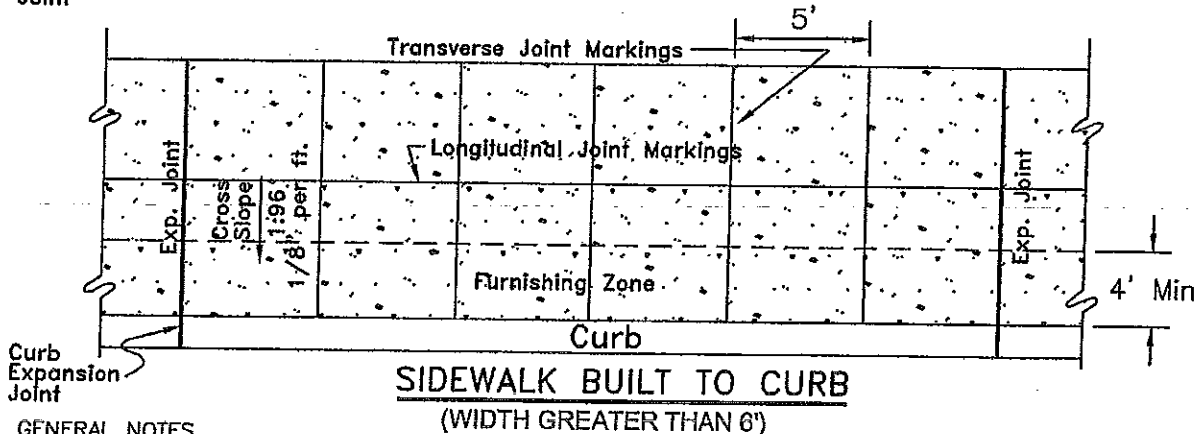
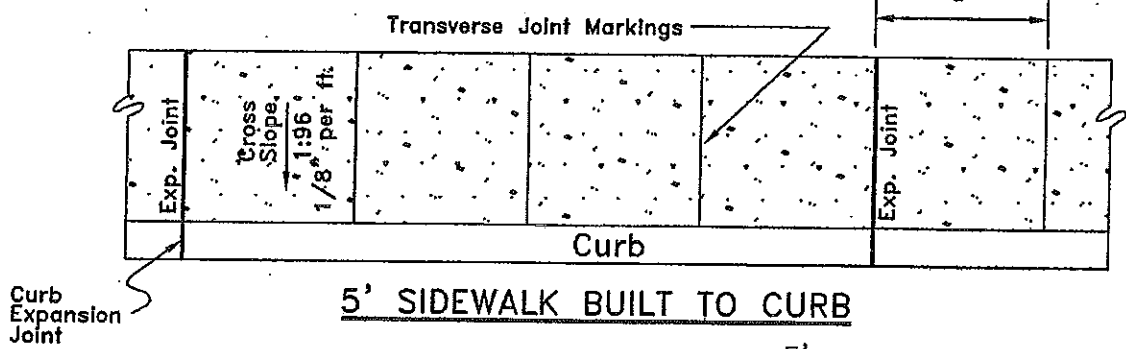
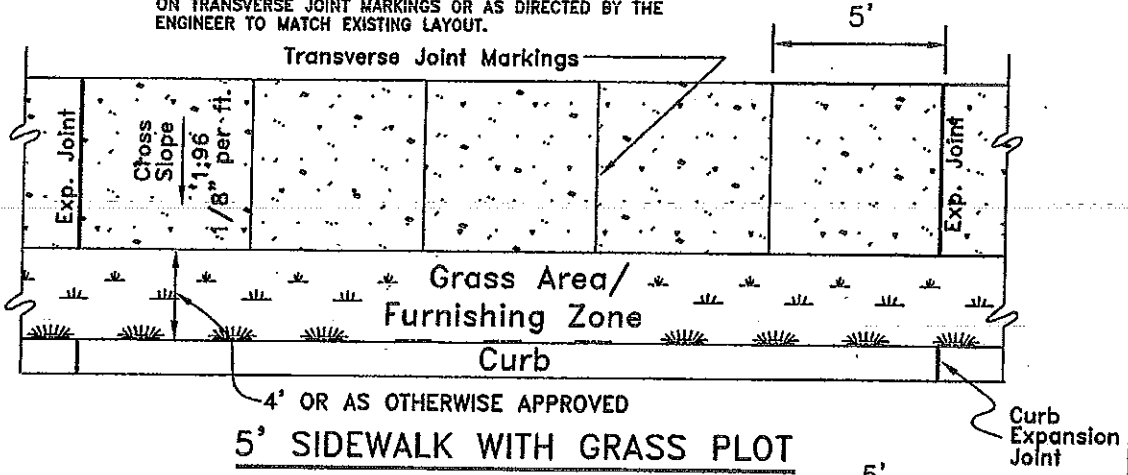
Prepared by:
Rocky Montoya-surveyor
1105 Old Dickerson Pike.
Goodlettsville, Tn. 37072
Phone: 615-347-1210
email: rocky.surveyor@gmail.com

All work to be done in accordance with Metro Regulation-appendix H regulated in fill guidance.
Lot area: 7,250 sq.ft.
Existing Impervious area: 0.00 sq. ft.
Impervious area added 2,347 sq.ft.

SCALE: 1" = 50'



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

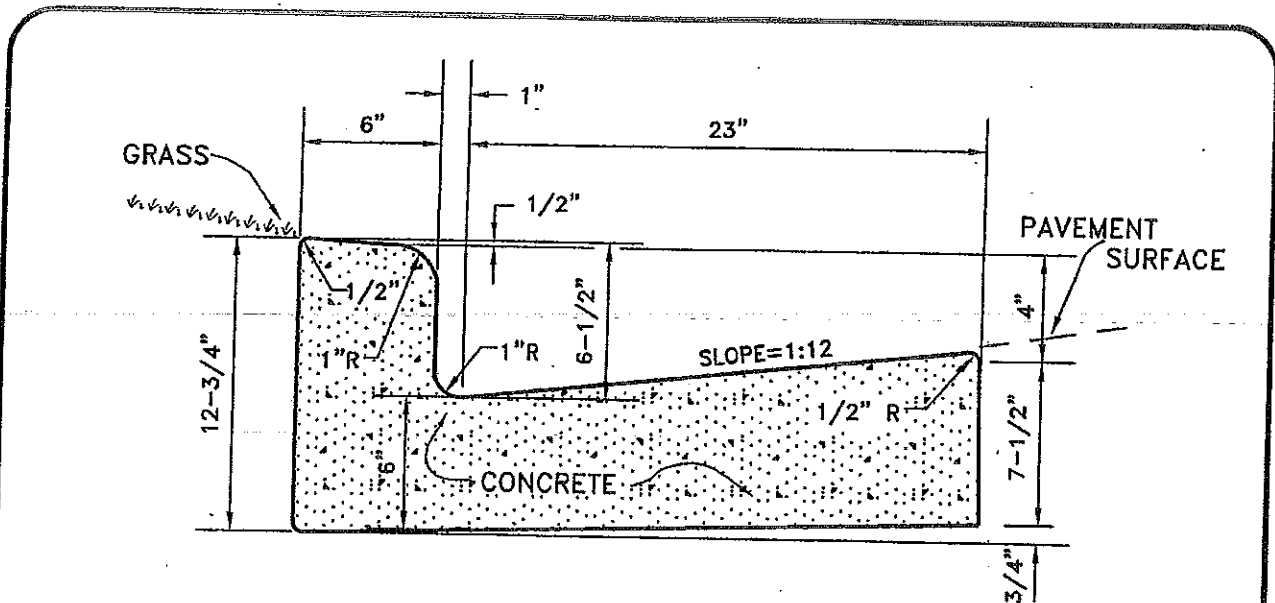


GENERAL NOTES

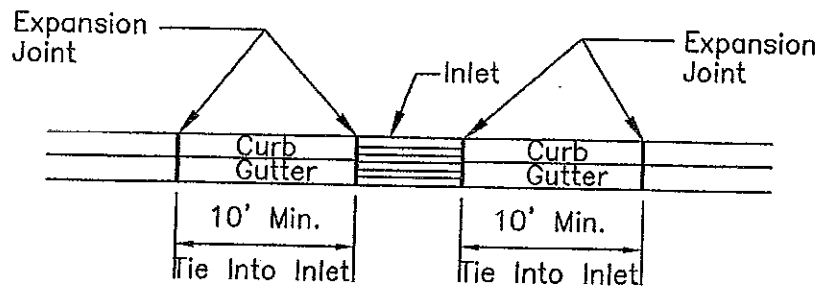
1. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES IN THICKNESS.
2. MAXIMUM CROSS SLOPE FOR SIDEWALKS SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL).
3. SIDEWALK SHALL BE CONSTRUCTED OF WHITE CONCRETE, BRICK, OR EXPOSED AGGREGATE PER METRO DEPARTMENT OF PUBLIC WORKS TECHNICAL SPECIFICATIONS, SECTION 02522.
4.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

NTS

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	SIDEWALK CONSTRUCTION	DWG. NO. ST-210
DIR. OF ENG.: <i>Mark Macy</i>	DATE: <i>7/15/04</i>	REVISED: 05/02/03 REVISED: 11/24/03 REVISED: 06/23/04



TYPICAL CROSS - SECTION



FRONT VIEW

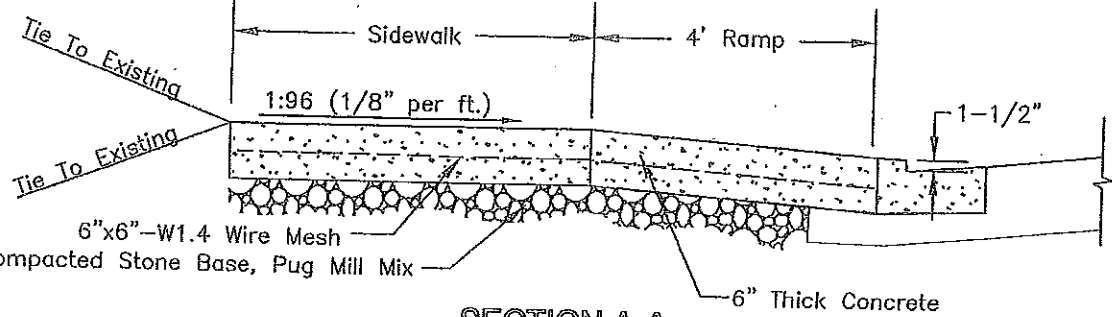
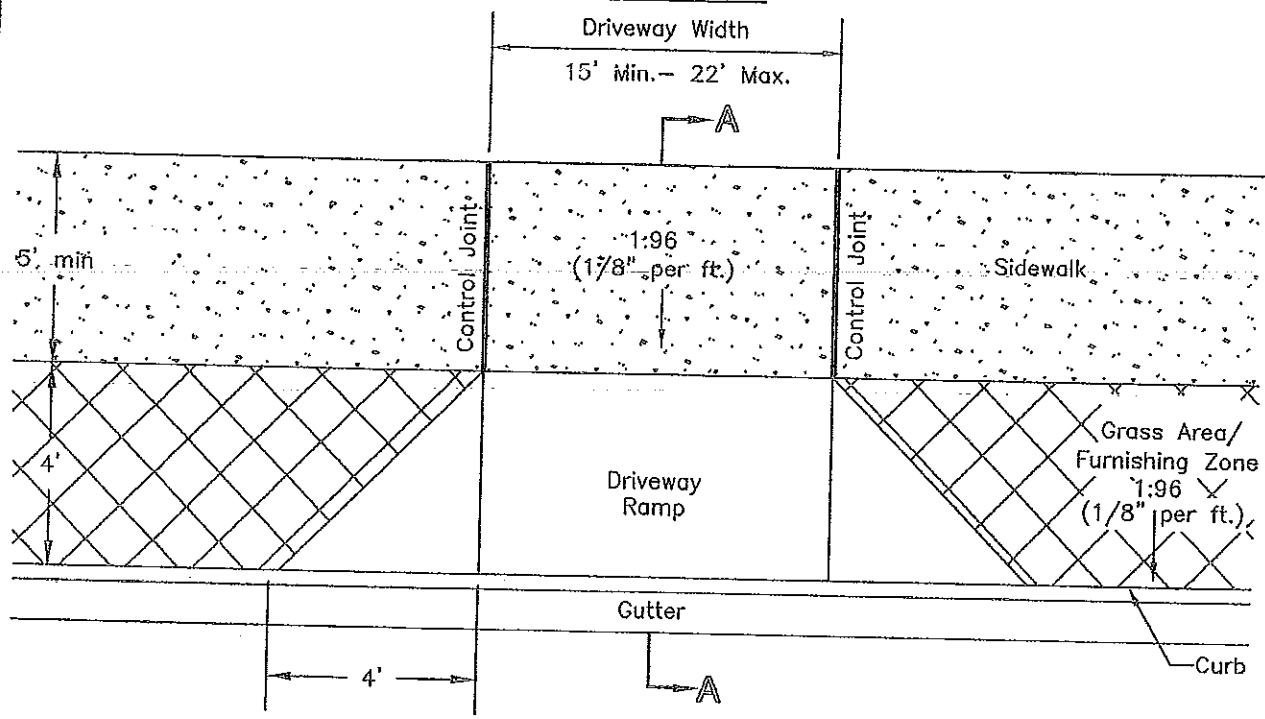
GENERAL NOTES

1. Expansion joints to be spaced a maximum of 100 feet apart or as directed by the Engineer.
2. Expansion joints will also be required at tangent points, ramps, and inlets.
3. Contraction joints are to be cut into curb and gutter every 10 feet to a depth of D/4, where D equals the thickness of the section. The spacing of 10 feet may be reduced at closures but no section of curb and gutter shall be less than 10 feet.
4. There will be a minimum of 10 feet tie in at curb inlets on each side of the inlet. An expansion joint will be used on each side of the tie in.
5. Cost of contraction joints to be included in the unit bid price for concrete curb with gutter.

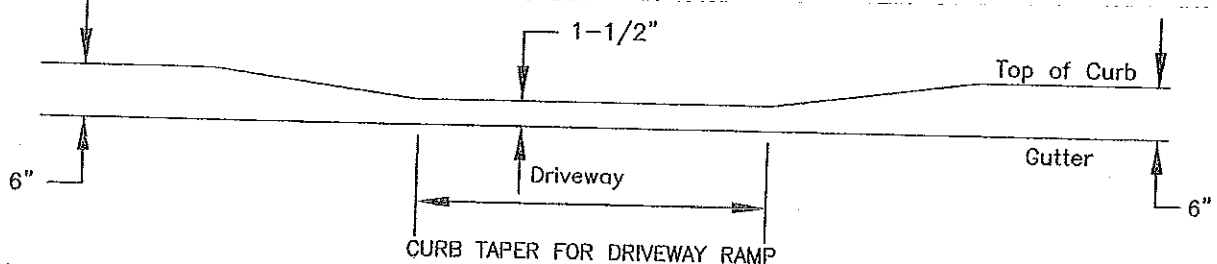
NOT TO SCALE

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	STANDARD CURB WITH GUTTER	DWG. NO. ST-200
DIR. OF ENG.: <i>Mack May</i>	DATE: <i>5/12/03</i>	REVISED: 07/21/00 REVISED: 05/02/03 REVISED:

PLAN VIEW



SECTION A-A



- NOTE: 1. Cross-slope of sidewalk shall not exceed 1:48 (vertical:horizontal).
 2. Fiber mesh reinforcement is an approved alternative for the wire mesh. Fiber mesh reinforcement will be added to the concrete at the batch plant at the rate of 1 1/2 pounds per cubic yard.
 3. Concrete shall be 6 inches thick

NOT TO SCALE

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	NEW CONSTRUCTION RESIDENTIAL DRIVEWAY RAMP	DWG. NO. ST-322
DIR. OF ENG.: <i>Mark Nary</i>	DATE: 5/12/03	REVISED: 07/27/02 REVISED: 05/08/03 REVISED:

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-243 (437 Dennis Drive)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalk; not contribute in lieu (eligible)
Zoning:	R8
Community Plan Policy:	D IN (District Industrial)
MCSP Street Designation:	Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes to construct a single family residence and requests a variance from upgrading sidewalks due to the applicant's assertion to develop affordable housing. Planning evaluated the following factors for the variance request:

- (1) The applicant is not participating in the city's Barnes Fund program to expand affordable housing or another THDA or HUD program.
- (2) 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



Appellant: Rodney Gooch
Property Owner: Rodney Gooch
Representative: Rodney Gooch

Date: 4-15-19
Case #: 2019-244
Map & Parcel: 11802001501

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: Duplex construction

Activity Type: RESIDENTIAL
Location: 2817 W KIRKWOOD (2817 + 2819)

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

Reason: SETBACK VARIANCE

Section(s): 17.12.030 C3

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.

Rodney Gooch
Appellant Name (Please Print)

Representative Name (Please Print)

709 Posey Hill Rd
Address

Address

MT Juliet TN 37122
City, State, Zip Code

City, State, Zip Code

615 347-8228 615 754-1226
Phone Number

Phone Number

RGooch 127 @ T.B.S. net
Email

Email

[Signature]
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**



3652025

**ZONING BOARD APPEAL / CAAZ - 20190021651
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11802001501**APPLICATION DATE:** 04/15/2019**SITE ADDRESS:**

2817 W KIRKWOOD AVE NASHVILLE, TN 37204
LOT 4 RESUB 2 AMANDA K BERRY LAND

PARCEL OWNER: GOOCH, RODNEY & FELICIA**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting Variance from 67 ft average front setback requirement per 17.12.030 C3. Requesting a 60 ft front setback for construction of a duplex family residence.

No construction Permit Application started.

*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.

4-15-2019

RODNEY GOOCH
2817-2819 W. KIRKWOOD AVE
NASHVILLE, TENN

TO: BOARD OF ZONING APPEALS

RE: BUILDING SETBACKS FOR 2817-2819 W. KIRKWOOD AVE.

I WISH TO BUILD ON MY PROPERTY AT 2817-2819 W. KIRKWOOD AVE . PRESENTLY THE REQUIRED SETBACK FOR NEW CONSTRUCTION IS THE AVERAGE OF FOUR HOUSES NEXT TO MINE. THIS AVERAGE WOULD FORCE ME TO BUILD BACK 67 FEET FROM W. KIRKWOOD AVE. THE ORIGINAL SUBDIVISION REQUIREMENT WAS 60 FEET. THIS NEW REQUIREMENT WOULD BE A HARDSHIP FOR ME AS I HAVE AN IRREGULAR LOT, UNLIKE MY NEIGHBORS WHO HAVE DEEPER LOTS. WITH THE 20 FOOT REAR YARD AND A 67 FRONT YARD, IT WILL REQUIRE ME TO BUILD A SMALLER HOUSE THAN THE REST OF THE NEIGHBORHOOD.

WE WISH TO BUILD AT THE ORIGINAL 60' SETBACK AS IT WOULD ENHANCE OUR HOUSE. THE NEIGHBOR ON MY LEFT HAS A GARAGE THAT ALSO FACES W. KIRKLAND AVE. BUT ONLY SETS 35.8 FEET FROM THE RIGHT OF WAY.

PLEASE CONSIDER THE IRREGULAR LOT AND THE GARAGE SETTING MUCH CLOSER TO THE ROAD THAN THE 60 FEET WE ARE ASKING FOR.

THANK YOU

A handwritten signature in cursive script, appearing to read "Rodney Gooch".

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

4-15-19

 DATE

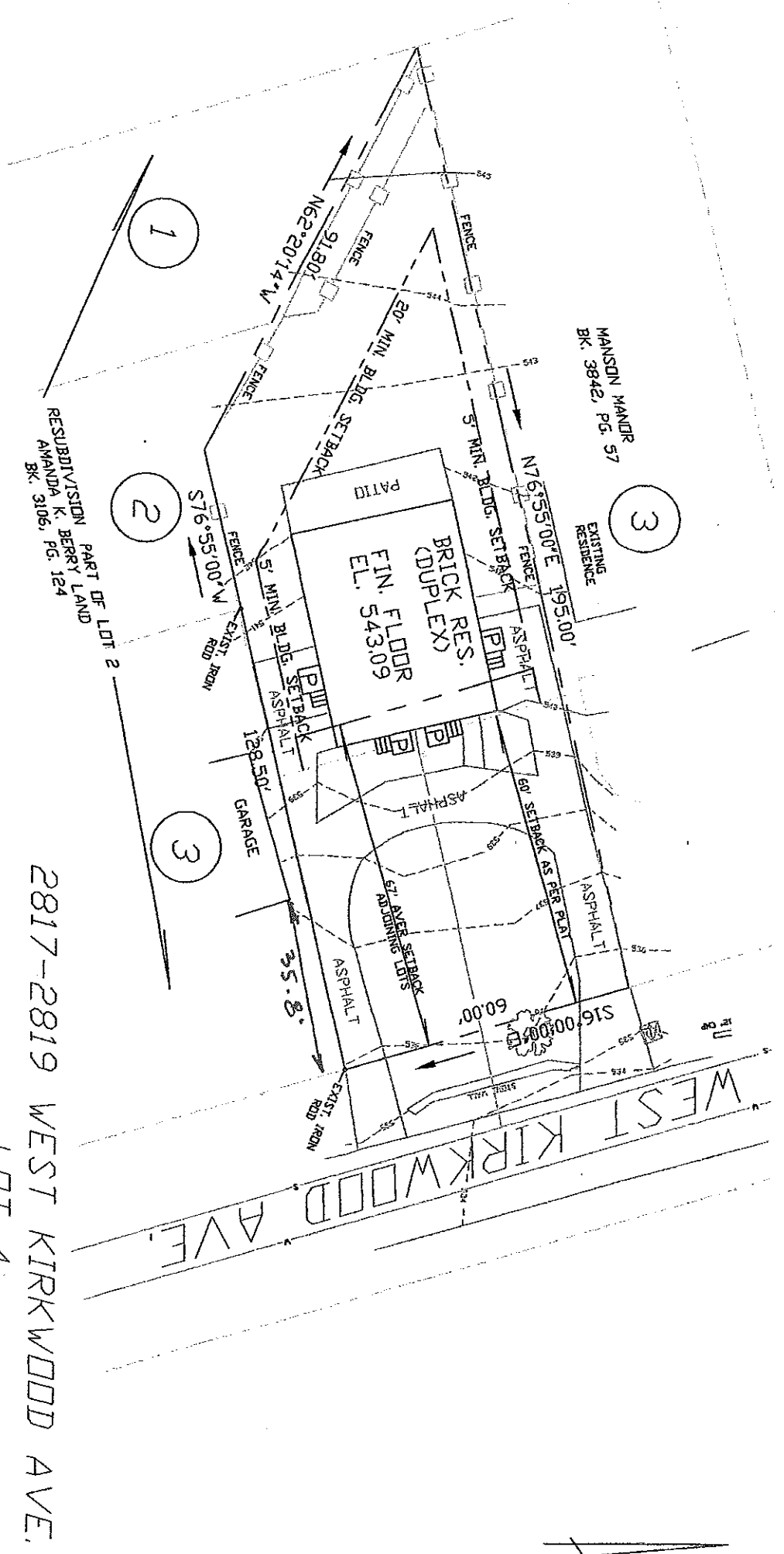
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

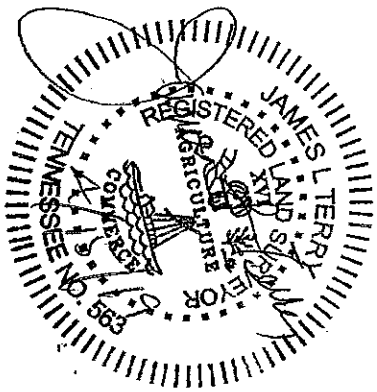
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE RRVBHW STANDARDS AS OUTLINED?

We have an irregular shaped lot. The rest of the lots on our
street are deeper & can setback further than we can
and not interfere with 20' rear setback. Our Subd was
recorded as a 60' setback but the Asses would set
our house back 67'. Also the garage next door
setback 35.8' and faces W. Kirkwood Ave.

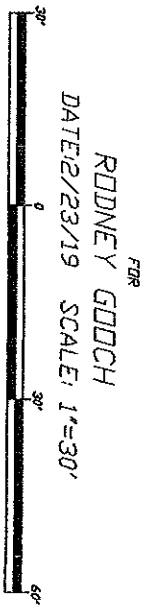


- NOTES:
- 1) BOUNDARY INFORMATION FROM PLAN OF THE RESUB. OF PART OF LOT 2 OF THE AMANDA K. BERRY LAND, AS OF RECORDED IN PLAT BOOK 3106, PAGE 124, R.D.D.C., TN.
 - 2) TOPO INFO. FROM FIELD OBSERVATIONS.
 - 3) UTILITIES INFO. FROM METRO WATER AND SEWER DEPT. 2817-2819 WEST KIRKWOOD AVE. NASHVILLE, TENN, 37204
 - 4) OWNER RODNEY GOOCH
 - 5) PROPERTY RECORDED IN BK 10886, PG. 350, REGISTER'S OFFICE OF DAVIDSON COUNTY, TN.
 - 7) TOTAL LOT AREA: 9,668 SF
 - 8) PROPERTY ZONED R-8

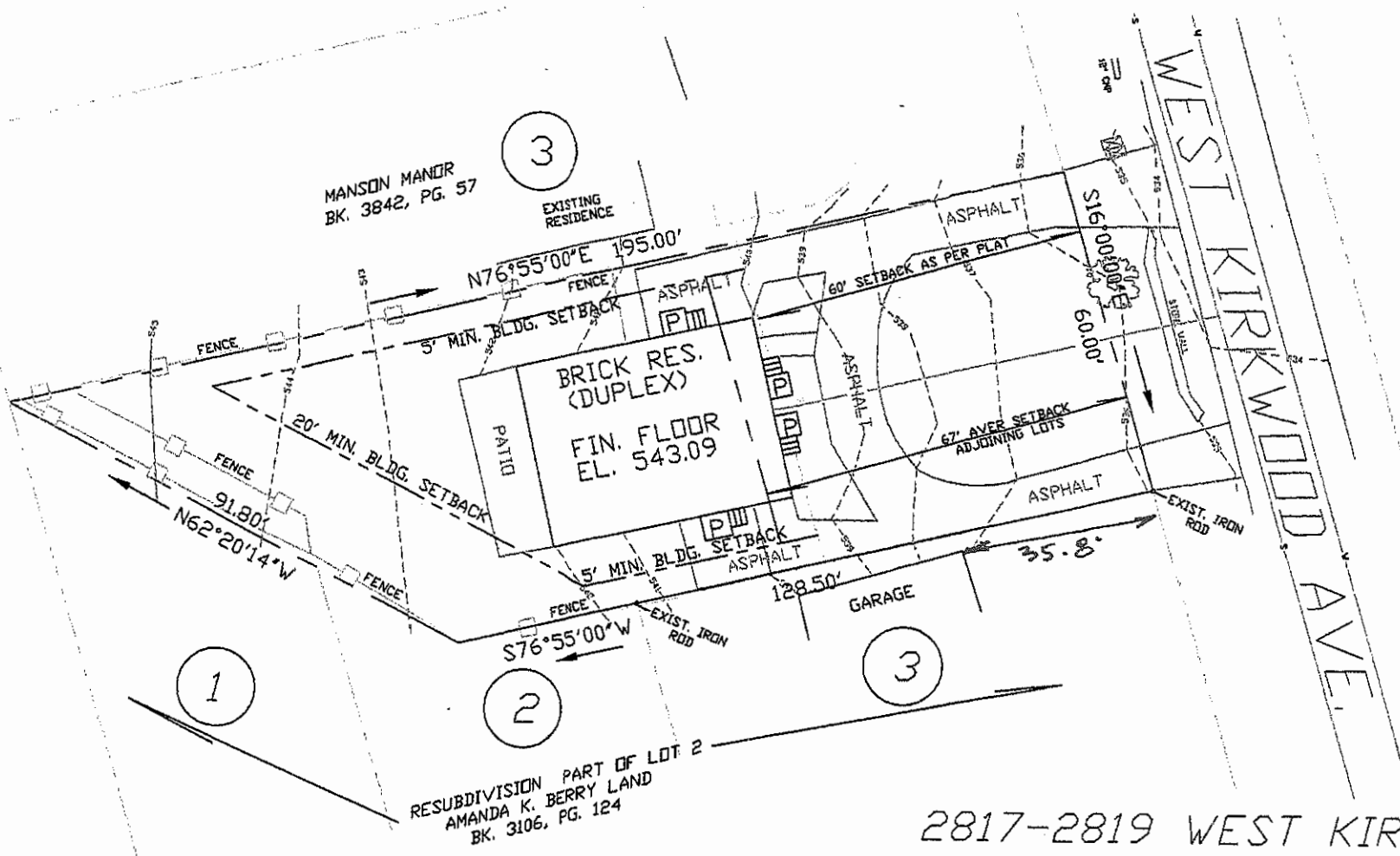
CERTIFICATION
 I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE SURVEY, THE RATIO OF PRECISION EXCEEDS 1 IN 10,000.



2817-2819 WEST KIRKWOOD AVE.
 LOT 4
 RESUB. OF A PART OF LOT 2
 OF THE AMANDA K. BERRY LAND
 LOT SURVEY



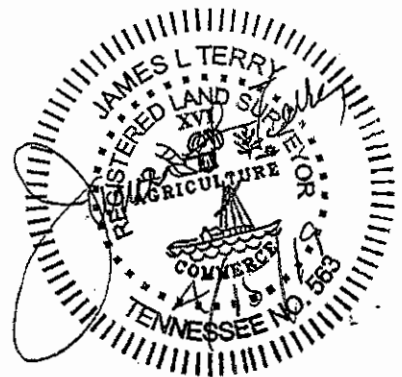
PREPARED BY: JAMES L. TERRY
 2812 BRANWOOD DRIVE
 NASHVILLE, TN 37214
 615-415-7525
 TENN. REG. LAND SURVEYOR 563



2817-2819 WEST KIRKWOOD AVE.
 LOT 4
 RESUB. OF A PART OF LOT 2
 OF THE AMANDA K. BERRY LAND
 LOT SURVEY

- NOTES:
- 1) BOUNDARY INFORMATION FROM PLAN OF THE RESUB. OF PART OF LOT 2 OF THE AMANDA K. BERRY LAND, AS OF RECORD IN PLAT BOOK 3106, PAGE 124, R.O.D.C., TN.
 - 2) TOPO INFO. FROM FIELD OBSERVATIONS.
 - 3) UTILITIES INFO. FROM METRO WATER AND SEWER DEPT.
 - 4) OWNER: RODNEY GOOCH
2817-2819 WEST KIRKWOOD AVE.
NASHVILLE, TENN, 37204
 - 5) PROPERTY RECORDED IN BK. 10886, PG. 350, REGISTER'S OFFICE OF DAVIDSON COUNTY, TN.
 - 7) TOTAL LOT AREA: 9,668 SF
 - 8) PROPERTY ZONED R-8

CERTIFICATION
 I HEREBY CERTIFY THIS TO BE A TRUE AND ACCURATE SURVEY. THE RATIO OF PRECISION EXCEEDS 1 IN 10,000.



FOR
 RODNEY GOOCH
 DATE: 2/23/19 SCALE: 1"=30'

PREPARED BY: JAMES L. TERRY
 2812 BRANWOOD DRIVE
 NASHVILLE, TN 37214
 615-415-7525
 TENN. REG. LAND SURVEYOR 563

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: D17 items for June 6
Date: Saturday, June 1, 2019 6:24:11 AM

Good morning, members,

My positions on D17 items for this week are below. Thank you, as always, for your service!

Colby

- I'm asking for a **deferral** of a request at 1103 2nd Ave S. in order to get a better idea of the proposal.
- I'm asking for a **deferral** of a setback variance request at 2817 W Kirkwood Ave, as the applicant has not contacted me.
- I **support** a rear setback exemption at 440 Humphreys St. to build a parking structure (surface with one floor underneath) on a vacant piece of land. This parking would support the businesses on Houston St. and help clear up some on-street congestion.

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

Alexander Joskowicz and Julia Cohen
21814A West Kirkwood Ave
Nashville, TN 37204

To
Metropolitan Board of Zoning Appeals
PO Box 196350
Nashville, TN 37219-6300

May 30, 2019

Regarding Appeal Case Number: 2019-244
2817 W Kirkwood Ave
Map Parcel: 11802001501.

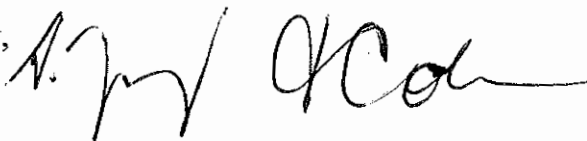
Dear Members of the Metropolitan Board of Zoning Appeals,

As close neighbors of this property, we would support a change to setback variance if it also includes the condition to build a sidewalk. We understand from the letter we received from the board that a reduced setback variance will allow the applicant to build a two-family residence on this property (which formerly had only a single-family residence). While we appreciate that denser neighborhoods have their own advantages, they also require a different infrastructure to accommodate heavier foot traffic and allow pedestrians to walk safely with increased car traffic.

We understand that the application for a variance is the result of the large front yards on this side of West Kirkwood Avenue and the desire to use them more effectively. That same reason—the large front yards—also make it easy to enforce the provision that the builders have to add a sidewalk. A local inspection of the situation will easily confirm that such a sidewalk is reasonable and easy to build. It is could also in the foreseeable future connect to the sidewalk on Kirkwood Ave (indeed the adjacent corner lot recently received a permission for a variance to setback variances and—although they did not build a sidewalk—left the part that could be used as a sidewalk outside of the properties fencing).

We appreciate your willingness to hear the voice of neighbors and hope you will consider this proposal for a variance that would offer a win-win situation for both the applicant (builders) and the neighbors.

Sincerely,



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Kristina Chapman Date: April 15, 2019
Property Owner: Chapman Family Trust Case #: 2019-245
Representative: : Kristina Chapman Map & Parcel: 17215000500

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 a single family residence

Activity Type: Single Family

Location: 6136 Mt. Pisgah Rd

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Requesting a variance from front setback requirements

Section(s): 17.12.030 C3.

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.

Kristina Chapman
Appellant Name (Please Print)

Representative Name (Please Print)

2814 Brentwood Knoll Court
Address

SAME
Address

Nashville TN 37211
City, State, Zip Code

City, State, Zip Code

615-969-8820
Phone Number

Phone Number

bthc@comcast.net
Email

Email

Zoning Examiner: _____

Appeal Fee: 100.00



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



3652362

**ZONING BOARD APPEAL / CAAZ - 20190021747
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 17215000500**APPLICATION DATE:** 04/15/2019**SITE ADDRESS:**

6136 MT PISGAH RD NASHVILLE, TN 37211
LOT 1 CHAPMAN'S RETREAT

PARCEL OWNER: CHAPMAN FAMILY TRUST**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting Variance from front setback requirements per 17.12.030 C3 to construct a single family residence. Required 53 ft front setback per Average, requesting 30 ft front setback. If BZA Appeal is Granted, a Plat amendment will be required to amend the Front Setback on Plat 20160108-002181 prior to the Issuance of a Construction Permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

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

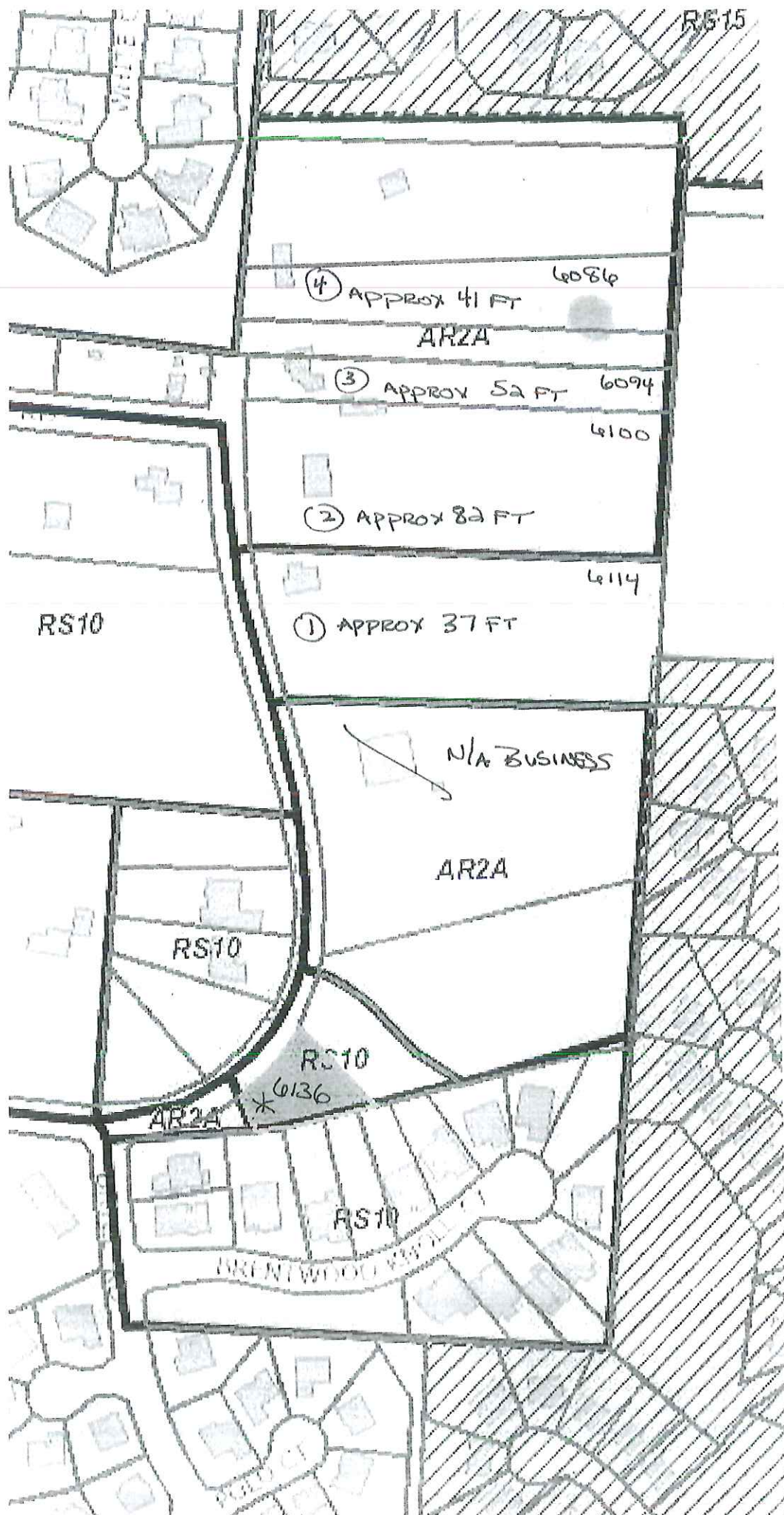
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

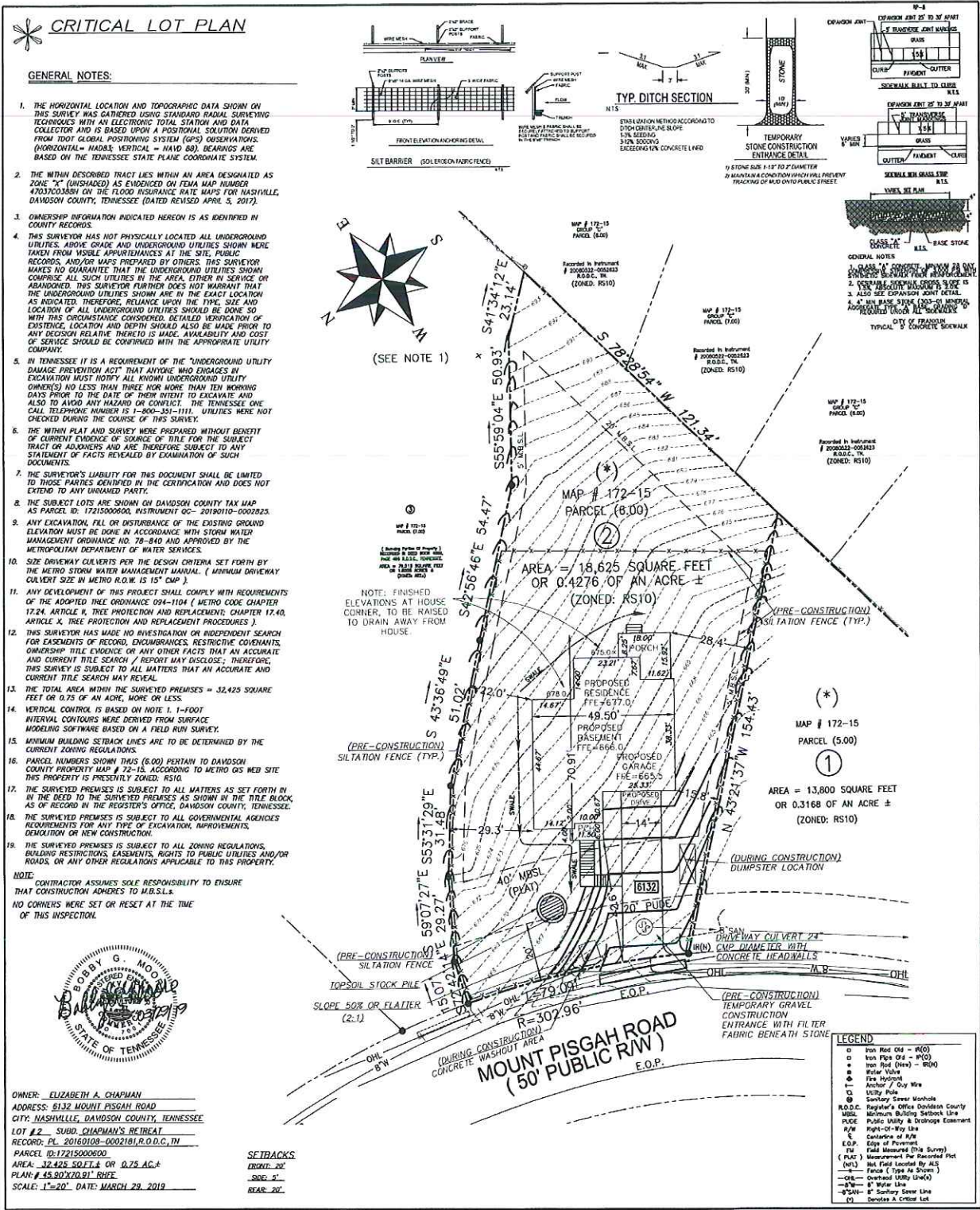
The subject property is 6136 Mt. Pisgah Road. (Lot #1) We are requesting that the front setback be approved at 30 feet. We are aware that the average setback if applied would be 53 feet. This area was historically agricultural, and current land usage varies widely...houses, cemeteries, and business. (See attached #1)

We own both lot# 1 and #2. Lot #2 is currently permitted with a 40 ft front setback, (see attached critical lot plan #2). Lot #1 (also critical) is wide, but shallow, irregular, and curved. It backs up to 4 back yards on Brentwood Knoll Court, which is a fairly steep hill. The water will go directly on to Lot #1. Storm water control (berms and swales, etc.) take space. The 10 extra feet that we are seeking will be used in the back as a buffer, for privacy, and for storm water control, and breathing space for all parties.

Finally, our goal is to build a house that is both architecturally pleasing and consistent in size and value with the adjoining houses, while controlling water runoff, and creating privacy. The 40 ft front setback creates a severe hardship which makes meeting all of these goals virtually impossible.



1

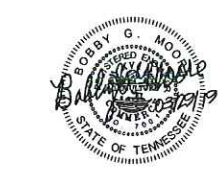


CRITICAL LOT PLAN

GENERAL NOTES:

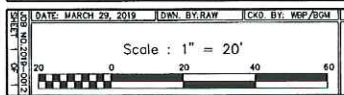
1. THE HORIZONTAL LOCATION AND TOPOGRAPHIC DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION AND DATA COLLECTOR AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM 1007 GLOBAL POSITIONING SYSTEM (GPS) OBSERVATIONS. (HORIZONTAL = NAD83, VERTICAL = NAVD 83). BEARINGS ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM.
2. THE WITHIN DESCRIBED TRACT LIES WITHIN AN AREA DESIGNATED AS ZONE "X" (UNSHADED) ON FEMA MAP NUMBER 47037C0388H ON THE FLOOD INSURANCE RATE MAPS FOR NASHVILLE, DAVIDSON COUNTY, TENNESSEE. (DATED/REVISED APRIL 5, 2017).
3. OWNERSHIP INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.
4. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY.
5. IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS) NO LESS THAN THREE NOR MORE THAN TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY HAZARD OR CONFLICT. THE TENNESSEE ONE CALL TELEPHONE NUMBER IS 1-800-351-1111. UTILITIES WERE NOT CHECKED DURING THE COURSE OF THIS SURVEY.
6. THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CURRENT EVIDENCE OF SOURCE OF TITLE FOR THE SUBJECT TRACT OR ADDENDUMS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
7. THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE PARTIES DERIVED IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY UNNAMED PARTY.
8. THE SUBJECT LOTS ARE SHOWN ON DAVIDSON COUNTY TAX MAP AS PARCEL ID: 17215000600, INSTRUMENT 00-20190110-0002825.
9. ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
10. SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL. (MINIMUM DRIVEWAY CULVERT SIZE IN METRO R.O.W. IS 15" CWP.)
11. ANY DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE ORDINANCE 09A-110A (METRO CODE CHAPTER 17.24, ARTICLE II, TREE PROTECTION AND REPLACEMENT; CHAPTER 17.40, ARTICLE A, TREE PROTECTION AND REPLACEMENT PROCEDURES).
12. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE. THEREFORE, THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
13. THE TOTAL AREA WITHIN THE SURVEYED PREMISES = 32,425 SQUARE FEET OR 0.75 OF AN ACRE, MORE OR LESS.
14. VERTICAL CONTROL IS BASED ON NOTE 1, 1-FOOT INTERVAL CONTOURS WERE DERIVED FROM SURFACE MODELING SOFTWARE BASED ON A FIELD RUM SURVEY.
15. MINIMUM BUILDING SETBACK LINES ARE TO BE DETERMINED BY THE CURRENT ZONING REGULATIONS.
16. PARCEL NUMBERS SHOWN THIS (6.00) PERTAIN TO DAVIDSON COUNTY PROPERTY MAP # 72-15, ACCORDING TO METRO OS MEB SITE THIS PROPERTY IS PRESENTLY ZONED: RS10.
17. THE SURVEYED PREMISES IS SUBJECT TO ALL MATTERS AS SET FORTH BY IN THE DEED TO THE SURVEYED PREMISES AS SHOWN BY THE TITLE BLOCK, AS OF RECORD IN THE REGISTER'S OFFICE, DAVIDSON COUNTY, TENNESSEE.
18. THE SURVEYED PREMISES IS SUBJECT TO ALL GOVERNMENTAL AGENCIES REQUIREMENTS FOR ANY TYPE OF EXCAVATION, IMPROVEMENTS, DEMOLITION OR NEW CONSTRUCTION.
19. THE SURVEYED PREMISES IS SUBJECT TO ALL ZONING REGULATIONS, BUILDING RESTRICTIONS, EASEMENTS, RIGHTS TO PUBLIC UTILITIES AND/OR ROADS, OR ANY OTHER REGULATIONS APPLICABLE TO THIS PROPERTY.

NOTE: CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L. NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.



OWNER: ELIZABETH A. CHAPMAN
 ADDRESS: 6132 MOUNT PISGAH ROAD
 CITY: NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 LOT # 2 - SUBD. CHAPMAN'S RETREAT
 RECORD: PL. 20161008-0002161, R.O.D.C. TN
 PARCEL ID: 17215000600
 AREA: 32,425 SQ.FT. ± OR 0.75 AC. ±
 PLAN: # 45,80X70.91' RHEE
 SCALE: 1"=20' DATE: MARCH 29, 2019

SETBACKS
 FRONT: 20'
 SIDE: 5'
 REAR: 20'



DATE: MARCH 29, 2019 | DRAWN BY: RAW | CHECK BY: WAP/BOH | TITLE: CRITICAL LOT PLAN

ELIZABETH A. CHAPMAN
 CHAPMAN'S RETREAT - LOT 2
 6132 MOUNT PISGAH ROAD
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

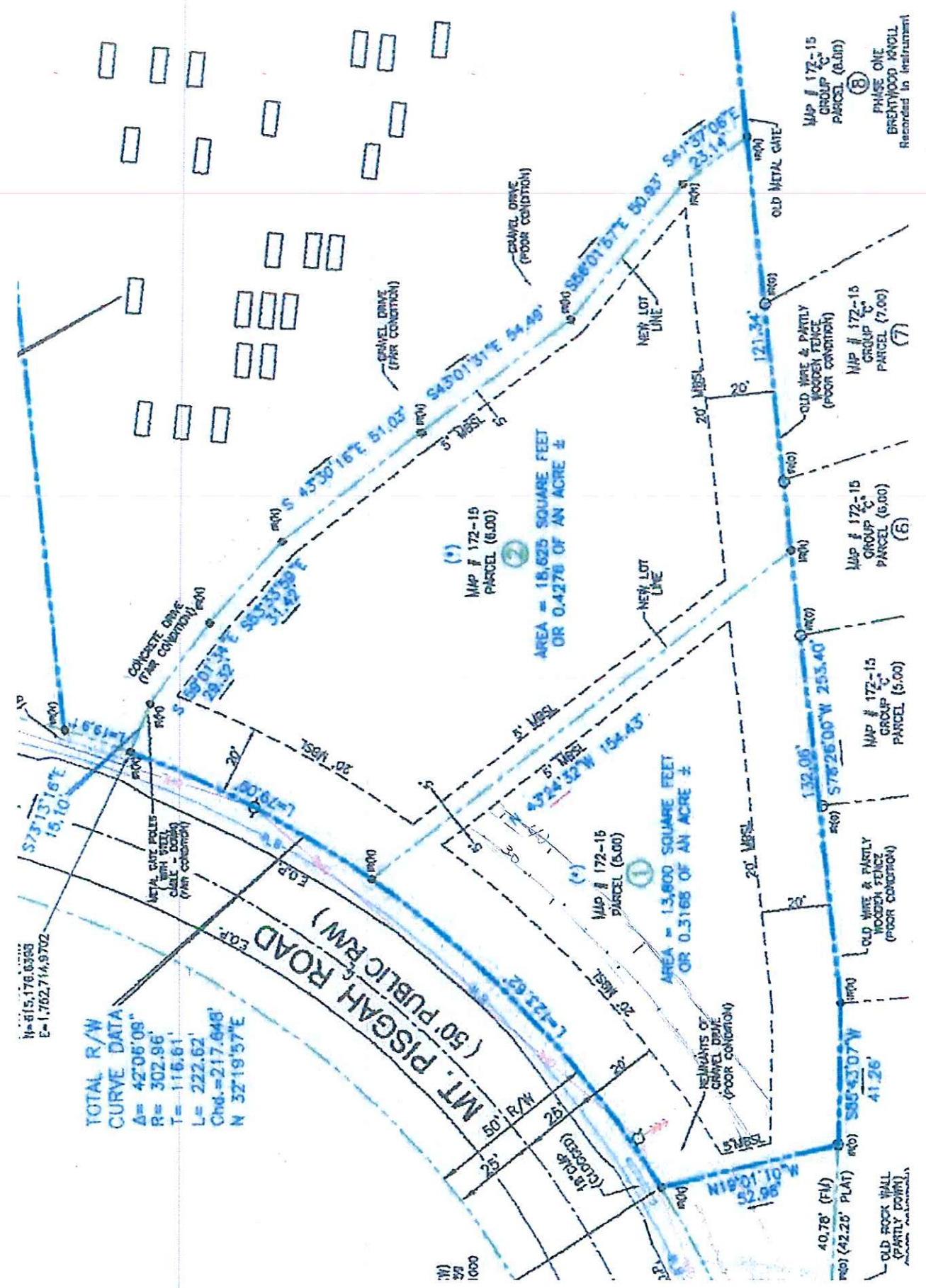
H & H LAND SURVEYING, INC.
 612 A FITZGUH BLDV.
 SMYRNA, TENNESSEE 37167
 PHONA: (615) 831-0756

Lot # 2



CHAPMAN'S RETREAT LOT 1

APRIL 9, 2019
SCALE: 1"=20'



N=815,176.6398
E=1,752,714.9702

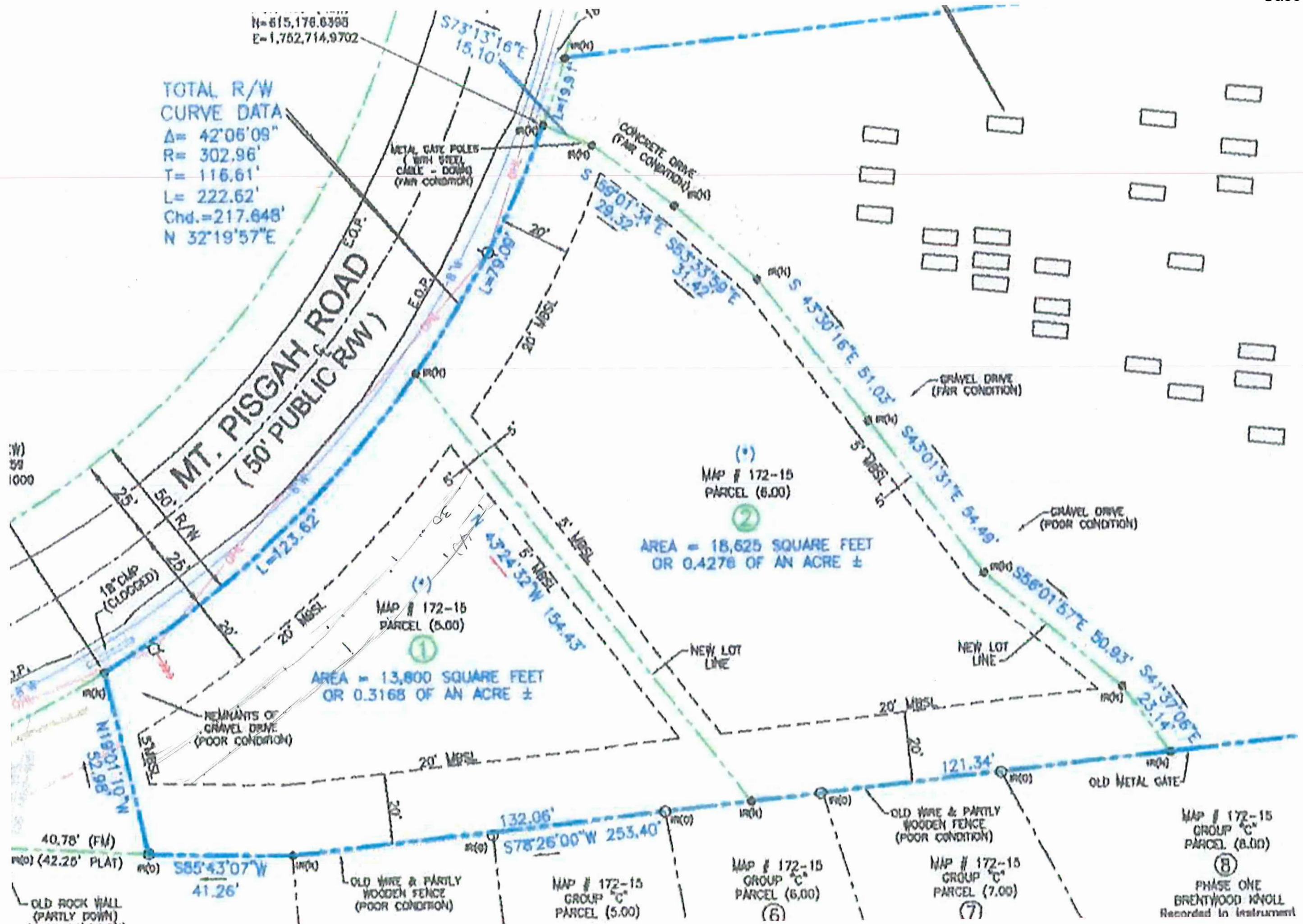
TOTAL R/W
CURVE DATA
Δ= 42°06'09"
R= 302.96'
T= 116.61'
L= 222.62'
Chd.=217.648'
N 32°19'57"E

MT. PISGAH ROAD
(50' PUBLIC R/W)

AREA = 18,625 SQUARE FEET
OR 0.4276 OF AN ACRE ±

AREA = 13,800 SQUARE FEET
OR 0.3168 OF AN ACRE ±

1:W
59
1000



MAP # 172-15
GROUP "C"
PARCEL (8.00)
PHASE ONE
BREYWOOD KNOLL
Recorded in Instrument

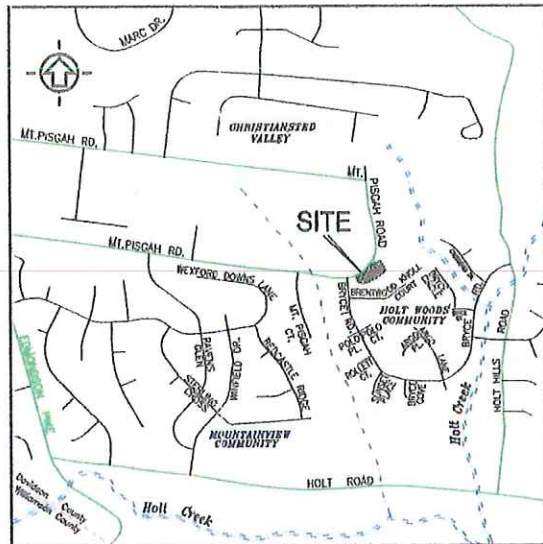
OLD ROCK WALL
(PARTLY DOWN)

OLD WIRE & PARTLY
WOODEN FENCE
(POOR CONDITION)

MAP # 172-15
GROUP "C"
PARCEL (5.00)

MAP # 172-15
GROUP "C"
PARCEL (6.00)

MAP # 172-15
GROUP "C"
PARCEL (7.00)



LOCATION MAP (NOT TO SCALE)

PROPERTY TITLE REFERENCE:

LOTS 1 AND 2 AS SHOWN HEREON, IS ALL OF THE SAME PROPERTY, AS CONVEYED TO: THOMAS CHAPMAN and KRISTINA CHAPMAN BY QUITCLAIM DEED AS OF RECORD IN INSTRUMENT # 20140404-0028278 REGISTER'S OFFICE, DAVIDSON COUNTY, TENNESSEE.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE HEREON SHOWN SUBDIVISION PLAT REPRESENTS A CATEGORY "T" SURVEY HAVING AN UNADJUSTED RATIO OF PRECISION OF 11.27,000 AND IS TRUE AND CORRECT. APPROVED MONUMENTS HAVE BEEN PLACED AS INDICATED. ALL SIDE LOT LINES ARE AT RIGHT ANGLES OR RADIAL TO A STREET UNLESS OTHERWISE NOTED.

NAME: ADVANTAGE LAND SURVEYING

BY: WILLIAM B. PERKINS, DATE: DECEMBER 19, 2014

TN. REGISTERED SURVEYOR NO. 2163



TOTAL AREA WITHIN OVERALL SURVEYED PREMISES = 109,734 S.F. OR 2.5191 ACRES MORE OR LESS.

OWNERS:

THOMAS CHAPMAN and KRISTINA CHAPMAN
ADDRESS: 6300 WILLIAMS GROVE DRIVE
CITY: BRENTWOOD, TN. 37027
INSTRUMENT # 20140404-0028278
PHONE: 615-969-8822
EMAIL: tchap9967@comcast.net



SPECIAL N.E.S. NOTE:

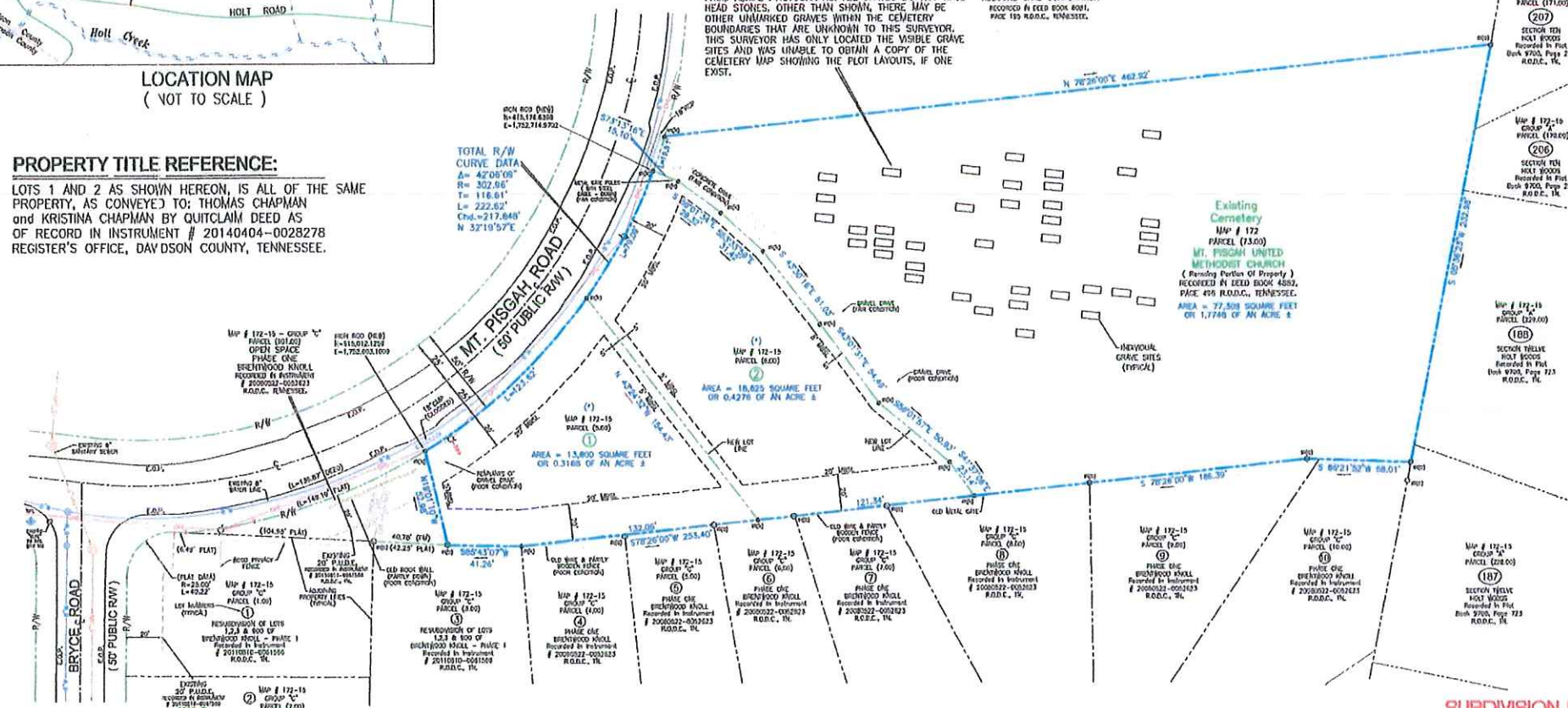
N.E.S. HAS AUTHORITY TO CLEAR OR TRIM ANYTHING WITHIN 5' TO 10' OF A POWER LINE, WHETHER OF RECORD EASEMENT OR NOT, EVEN IF THE CENTERED POWER LINE IS NOT DIRECTLY IN THE N.E.S. EASEMENT.



GRAVE/CEMETERY NOTE:

ALL GRAVE SITES AS SHOWN HEREON WERE DIGITIZED FROM AERIAL PHOTOGRAPHS. ALL GRAVES DO NOT HAVE HEAD STONES, OTHER THAN SHOWN, THERE MAY BE OTHER UNMARKED GRAVES WITHIN THE CEMETERY BOUNDARIES THAT ARE UNKNOWN TO THIS SURVEYOR. THIS SURVEYOR HAS ONLY LOCATED THE VISIBLE GRAVE SITES AND WAS UNABLE TO OBTAIN A COPY OF THE CEMETERY MAP SHOWING THE PLOT LAYOUTS, IF ONE EXISTS.

Map # 172-15 GROUP "C" PARCEL (224.00) RECORDED IN DEED BOOK 4801, PAGE 193 R.O.D.C., TENNESSEE.



CERTIFICATE OF OWNERSHIP AND DEDICATION:

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON AS EVIDENCED IN INSTRUMENT # 20140404-0028278, COUNTY REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND THAT THIS PLAN CONSTITUTES OFFERS OF IRREVOCABLE DEDICATION FOR ALL PUBLIC ROADS, UTILITIES, AND OTHER FACILITIES SHOWN HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE PLANNING COMMISSION OF METROPOLITAN NASHVILLE, DAVIDSON COUNTY.

(DATE) OWNER _____

(DATE) OWNER _____

REVIEWED AND APPROVED:

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON IN DEED BOOK 4882, PAGE 496, COUNTY REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE, AND THAT I (WE) HAVE REVIEWED AND APPROVED THIS PLAN OF SUBDIVISION.

MT. PISGAH UNITED METHODIST CHURCH

(DATE) OWNER _____

GENERAL NOTES:

- 1) THE PURPOSE OF THIS SUBDIVISION PLAT IS TO CREATE TWO (2) BUILDABLE LOTS FROM ONE PARCEL, AS SHOWN HEREON.
2) BEARINGS ARE BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
3) PARCEL NUMBERS SHOWN THIS (5.00) ; PERTAIN TO DAVIDSON COUNTY PROPERTY MAP NUMBER 172-15, AS PER THE METRO TAX ASSESSOR WEB-SITE THIS PROPERTY IS CURRENTLY ZONED: RS10, SINGLE FAMILY 10,000 SQUARE FOOT LOT.
4) BY GRAPHIC PLOTTING AND SCALED MAP LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON MAP # 47037000357 (PARCEL NOT PRINTED). THE SURVEYED PREMISES AS SHOWN HEREON, IS SITUATED IN ZONE: "X".
5) A PUBLIC UTILITY EASEMENT OF TWENTY FEET (20') ADJACENT TO ALL STREET RIGHT-OF-WAYS SHALL HEREBY BE MADE A PART OF THIS RECORDING. ON CORNER LOTS WHERE FRONT YARD BUILDING SETBACKS ARE LESS THAN TWENTY FEET (20'), THE EASEMENT SHALL BE REDUCED ACCORDINGLY.
6) THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS, AND/OR MAPS PREPARED BY OTHERS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY, TENNESSEE ONE-CALL SYSTEM, (811).
7) ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
8) SIZE DRIVEWAY CULVERTS FOR THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL (MINIMUM DRIVEWAY CULVERT SIZE IN METRO R.O.W. IS 16" CIP).
9) THE DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE ORDINANCE 2008-328 (METRO CODE CHAPTER 17.24, ARTICLE II, TREE PROTECTION AND REPLACEMENT AND CHAPTER 17.40, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).
10) THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE. THEREFORE, THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH / COMMITMENT MAY REVEAL.
11) THE SURVEYED PREMISES AS SHOWN HEREON, IS SUBJECT TO ALL GOVERNMENTAL AGENCIES REQUIREMENTS FOR ANY TYPE OF DEMOLITION, EXCAVATION, REMODELING OR NEW CONSTRUCTION OF ANY TYPE THAT SO EVER.
12) RAISED FOUNDATIONS OF 18"-36" ARE REQUIRED FOR RESIDENTIAL BUILDINGS.
13) PRIOR TO APPLICATION FOR A BUILDING PERMIT ON A LOT DESIGNATED AS "CRITICAL", A PLAN SHALL BE SUBMITTED TO THE EXECUTIVE DIRECTOR FOR APPROVAL. SEE SECTIONS 17.26.030 AND 17.26.04 OF THE ZONING CODE.

COMMISSION'S APPROVAL:

APPROVED BY THE METROPOLITAN PLANNING COMMISSION OF NASHVILLE DAVIDSON COUNTY, TENNESSEE.

NAME: _____ DATE: _____

RECORD:

SUBDIVISION NUMBER: 2015S-002-001

FINAL PLAT CHAPMAN'S RETREAT

(UNIMPROVED PROPERTY - NO BUILDINGS)

EAST SIDE OF PISGAH ROAD EAST OF BRYCE ROAD

RECORDED IN INSTRUMENT # 20140404-0028278 R.O.D.C., TN. 4th COUNCIL DISTRICT - METROPOLITAN NASHVILLE, DAVIDSON COUNTY, TENNESSEE



GRAPHIC SCALE - 1" = 50 FEET

FOURTH COUNCIL DISTRICT - COUNCILMAN: BRADY BANKS brady.banks@nashville.gov

REVISIONS:

- 1) By:TMF Date: 12-19-2014. Revise Plat as per review by the Metro Planning Commission.

DRAWN BY: T. (MIKE) FULLER CHECKED BY: BILLY PERKINS DRAWING NAME: 116-2014 FP1at-ChapmanSD.dwg

DATE: AUGUST-26-2014 JOB NO. 116-2014 SHEET NO. 1 OF 1

SPECIAL ZONING CODE NOTE:

IN ACCORDANCE WITH SECTION 17.12.030 OF THE METROPOLITAN ZONING CODE THE CONTRACTOR/OWNER IS REQUIRED TO HAVE A LOT SURVEY STAKING OUT THE FRONT PROPERTY LINE OF ALL LOTS INVOLVED IN DETERMINING THE AVERAGE SETBACK AND STAKING THE ENTIRE SUBJECT LOT.

WATER AND SANITARY SEWER SPECIAL NOTE:

INDIVIDUAL WATER AND SANITARY SEWER SERVICES ARE REQUIRED FOR EACH PARCEL. METRO WATER SERVICES SHALL BE PROVIDED SUFFICIENT AND UNENCUMBERED INGRESS AND EGRESS AT ALL TIMES IN ORDER TO MAINTAIN, REPAIR, REPLACE, AND INSPECT ANY STORM WATER FACILITIES WITHIN THE PROPERTY.

THIS PLAT PREPARED BY: ADVANTAGE LAND SURVEYING 4636 LEBANON PIKE # 327 HERMITAGE, TENNESSEE 37076 PHONE # 615-319-4701

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: HOUSE OF GOD

Date: 4-15-19

Property Owner: HOUSE OF GOD

Case #: 2019-248

Representative: MIKE RANDOLPH
NICK SNOW

Map & Parcel: 81-14/176

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:

NEW SIGNS FOR HOUSE OF GOD
LED MESSAGE BOARD

Activity Type: LED MESSAGE BOARDS (PROHIBITED SIGNS)

Location: 2717 W. HEIMAN ST.

This property is in the RMAO/RC 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:

LED MESSAGE BOARD/PROHIBITED SIGN

Section(s): PER 1732.050 (A)(2) PROHIBITED SIGN

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.

HOUSE OF GOD
Appellant Name (Please Print)

NICK SNOW
Representative Name (Please Print)

2717 W. HEIMAN ST.
Address

91 WHITE BRIDGE RD.
Address

NASHVILLE, TN.
City, State, Zip Code

NASHVILLE, TN. 37207
City, State, Zip Code

615.554.3200
Phone Number

615.554.3200
Phone Number

nsnow@signarama-bellemeade.com
Email

Email

Zoning Examiner: TC

Appeal Fee: \$700

nsnow@signarama-bellemeade.com.



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



3652856

**ZONING BOARD APPEAL / CAAZ - 20190021898
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08114017600

APPLICATION DATE: 04/15/2019

SITE ADDRESS:

2717 W HEIMAN ST NASHVILLE, TN 37208
LOT 1 RE-SUB LOTS 13 TH 20 & 27 TH 37 FISK EXCLUSIVE SUB

PARCEL OWNER: HOUSE OF GOD-KEITH DOMINION TRS.

CONTRACTOR:

APPLICANT:**PURPOSE:**

HOUSE OF GOD, RELIGIOUS INSTITUTION

PROPOSED SIGNS: LED MESSAGE BOARDS

REJECTED: PER 17.32.050 (H) (2)

REQUEST TO INSTALL 2 PROHIBITED LED MESSAGE BOARDS ON PARCEL:

1. 72"X192" LED MESSAGE BOARD MOUNTED ABOVE EXISTING MONUMENT SIGN AT MAIN ENTRANCE.
PROPOSED OVERALL HEIGHT TO BE 11.25'.
2. 36"X72" LED MESSAGE BOARD MOUNTED ON SOUTH FAÇADE AT BUSINESS OFFICE ENTRANCE FACING SCOVEL ST.

*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.

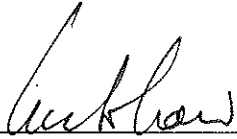
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

4.15.19

DATE

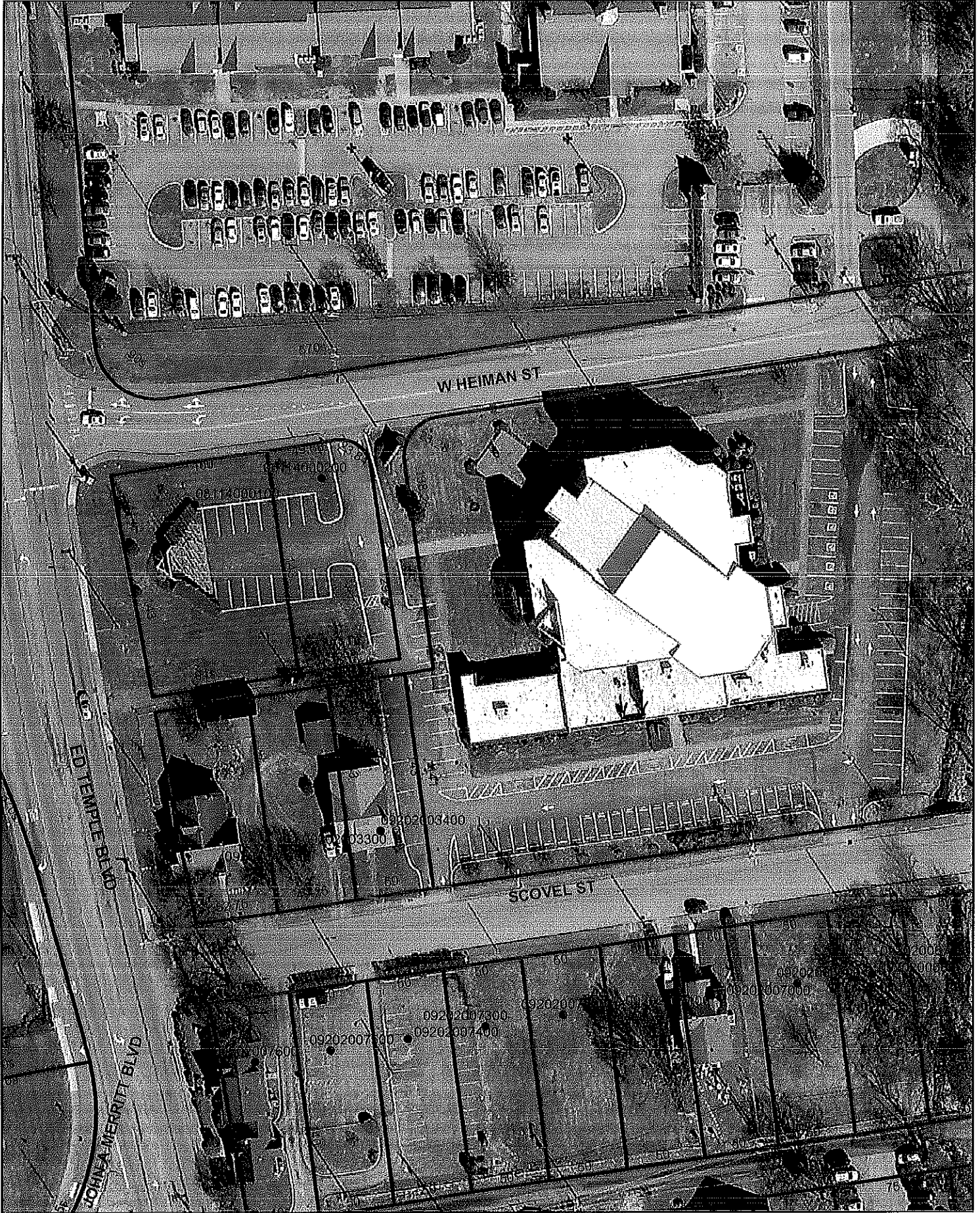
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

TO ACHIEVE SIMILAR VISIBILITY &
EFFECTIVE METHOD OF COMMUNICATION
AS T.S.U. RIGHT ACROSS STREET
IN FRONT.



1 inch = 80 feet



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Baker Donelson
Property Owner: LS Development LLC
Representative: Joey Hargis

Date: 4-16-19
Case #: 2019-251
Map & Parcel: 92-10-279

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: To construct an 8 unit Multi Family development

Activity Type: Multi-Family via adaptive reuse

Location: 2719 Torbett St

This property is in the C5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Special Exception for street setback

Section(s): 17.12.035 D

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

Joey Hargis
Appellant Name (Please Print)

Same
Representative Name (Please Print)

211 Commerce St Ste 800
Address

Address

N.T. 37201
City, State, Zip Code

City, State, Zip Code

615-726-7391
Phone Number

Phone Number

jhargis@bakerdonelson.com
Email

Email

Zoning Examiner: Tom

Appeal Fee: 20000

BAKER DONELSON

BEARMAN, CALDWELL & BERKOWITZ, PC

BAKER DONELSON CENTER,
SUITE 800
211 COMMERCE STREET
NASHVILLE, TENNESSEE 37201

MAILING ADDRESS:
P.O. BOX 190613
NASHVILLE, TENNESSEE 37219

PHONE: 615.726.5600
FAX: 615.726.0464

www.bakerdonelson.com

JOEL K. HARGIS, ATTORNEY
Direct Dial: 615.726.7391
E-Mail Address: jhargis@bakerdonelson.com

April 16, 2019

Mr. Jon Michael
Metro Zoning Administrator
Metro Codes
800 2nd Avenue South
Nashville, TN 37210

Re: Proposed Special Exception for Street Setback
2719 Torbett Street ; APN: 09210022900

Dear Mr. Michael and Members of the Board of Zoning Appeals

Enclosed are submittal materials associated with our client's special exception for street setback for the above-referenced location.

L & S Development, LLC is requesting a special exception for street setback under §17.12.035D under the zoning ordinance. The proposed development's setbacks will clearly promote a strong pedestrian friendly environment. The proposed development will not create an adverse impact on adjacent properties as the proposed setback will be in keeping with the new development to the south.

We are submitting the following documents to you on behalf of our client.

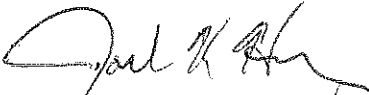
1. 3 Copies of Site Plan
2. Fee for \$200

Please confirm that the materials enclosed with this letter are complete and that you do not need any further information from us in order for the BZA to consider our client's request at its meeting on June 6, 2019. If additional information is needed, please contact me and I will deliver it to you as soon as possible. Thank you very much for your kind assistance regarding this matter.

April 16, 2019
Page 2

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC



Joel K. Hargis, Attorney

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 rewarding 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.

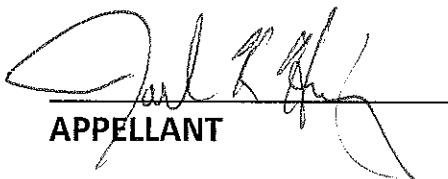
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

4-16-19

 DATE

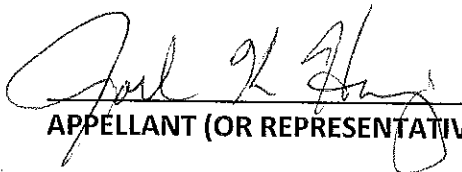
SPECIAL EXCEPTION REQUEST

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

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

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

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


APPELLANT (OR REPRESENTATIVE)

4-16-19
DATE

28th & Torbett St

1"=20'

Zoned: CS (OV-UZO)

0.4 Total Ac.

8 Units (20 un/ac)

0.07 Ac. Open Space

D&A: 14208

Units 1-6: 21.5' x 42'

w/ 2 car garage

3 stories

+/- 2710 sf

Units 7-8: 20' x 45'

w/ 2 car garage

3 stories

+/- 2700 sf

TORBETT ST. (40' ROW)

S83°42'21"E

100.00'

170.00'

170.00'

N04°57'55"E

S04°57'55"W

28TH AVE. N. (40' ROW)

S70°

N83°42'21"W

16' ALLEY NO. 936

24.0

①

②

③

④

⑤

⑥

⑧

④

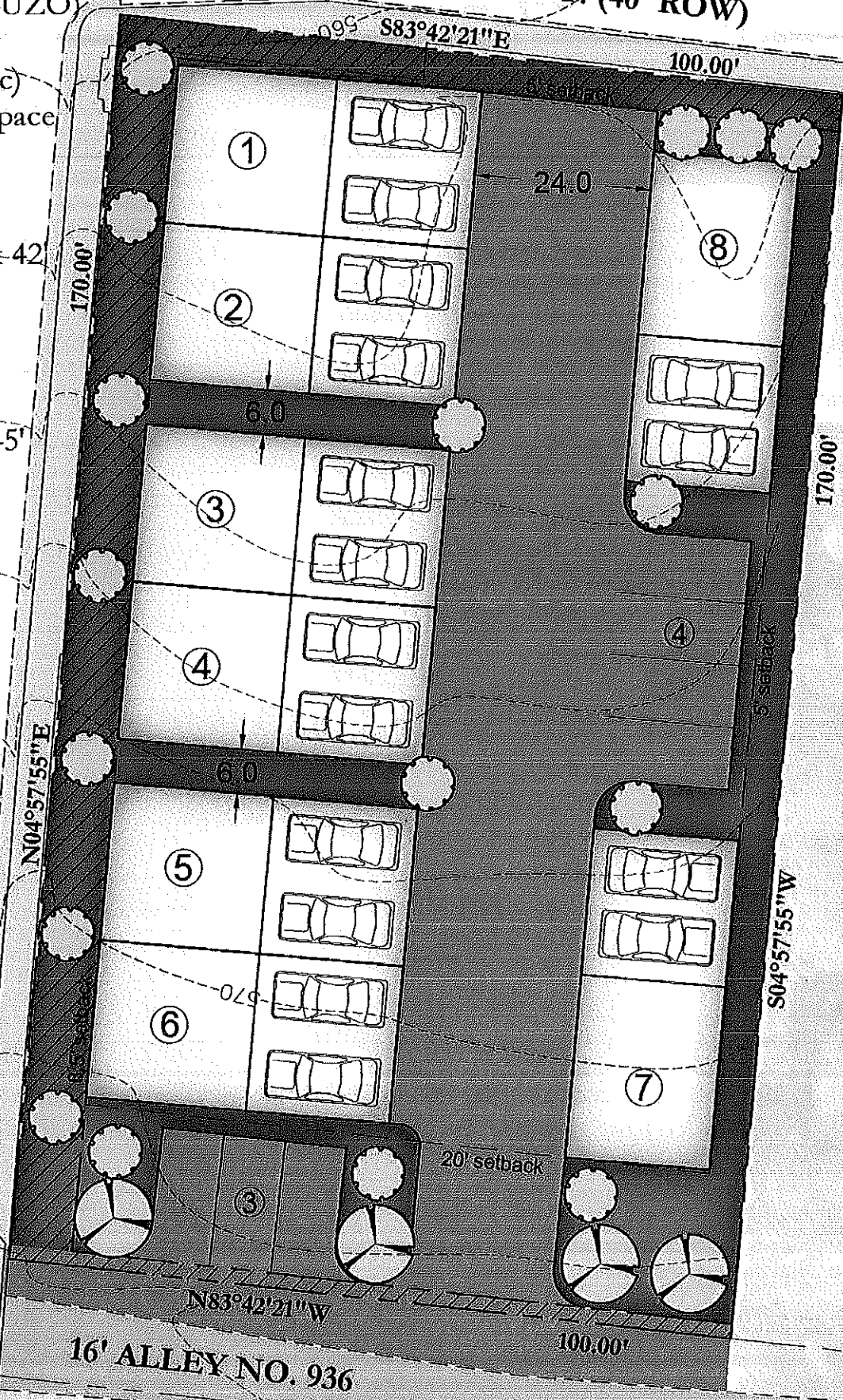
⑦

20' setback

5' setback



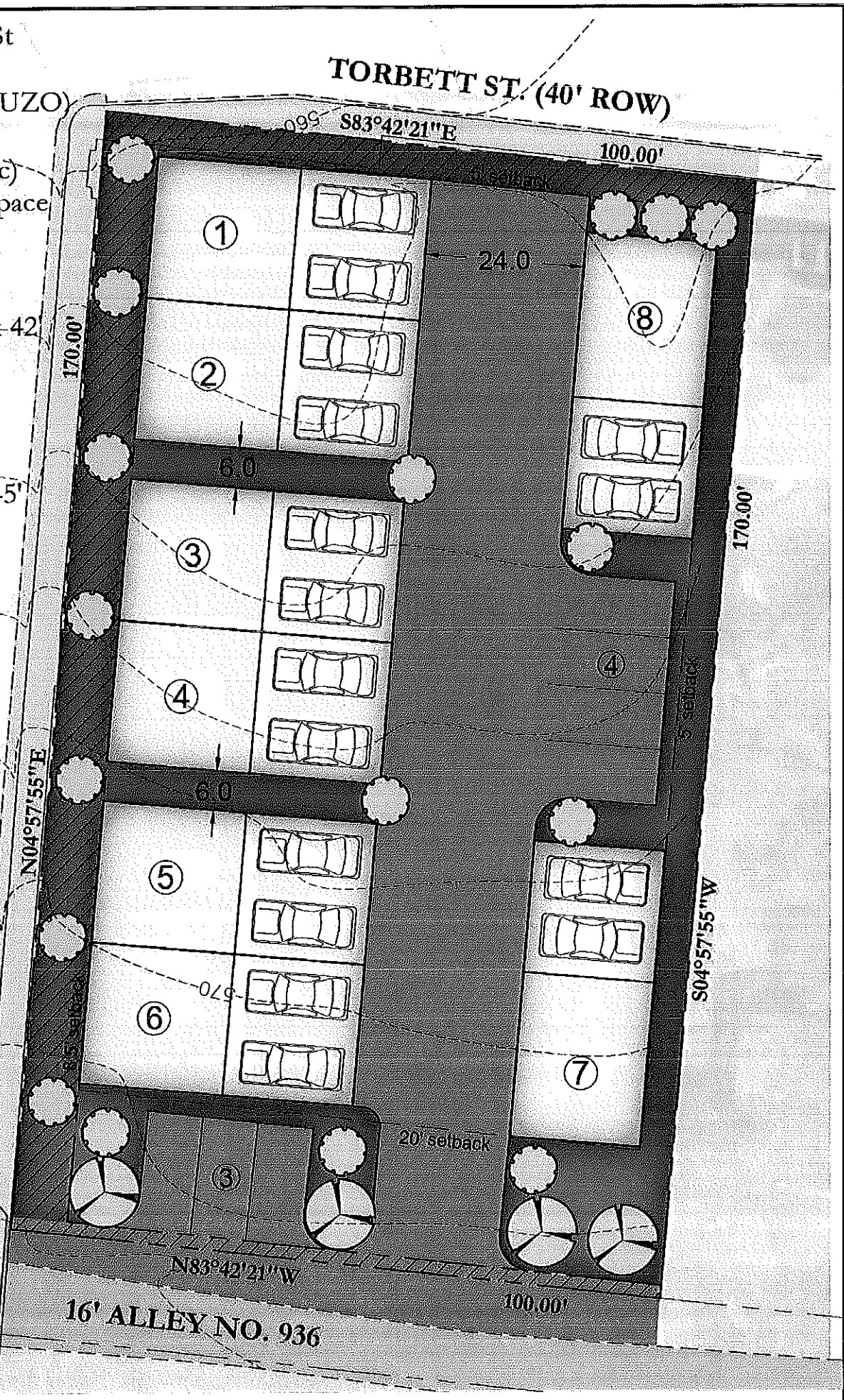
Dale & Associates



28th & Torbett St
 1"=20'
 Zoned: CS (OV-UZO)
 0.4 Total Ac.
 8 Units (20 un/ac)
 0.07 Ac. Open Space
 D&A: 14208

Units 1-6: 21.5' x 42'
 w/ 2 car garage
 3 stories
 +/- 2710 sf

Units 7-8: 20' x 45'
 w/ 2 car garage
 3 stories
 +/- 2700 sf



28th & Torbett St

1"=20'

Zoned: CS (OV-UZO)

0.4 Total Ac.

8 Units (20 un/ac)

0.07 Ac. Open Space

D&A: 14208

Units 1-6: 21.5' x 42'

w/ 2 car garage

3 stories

+/- 2710 sf

Units 7-8: 20' x 45'

w/ 2 car garage

3 stories

+/- 2700 sf

TORBETT ST. (40' ROW)

099° S83°42'21"E

100.00'

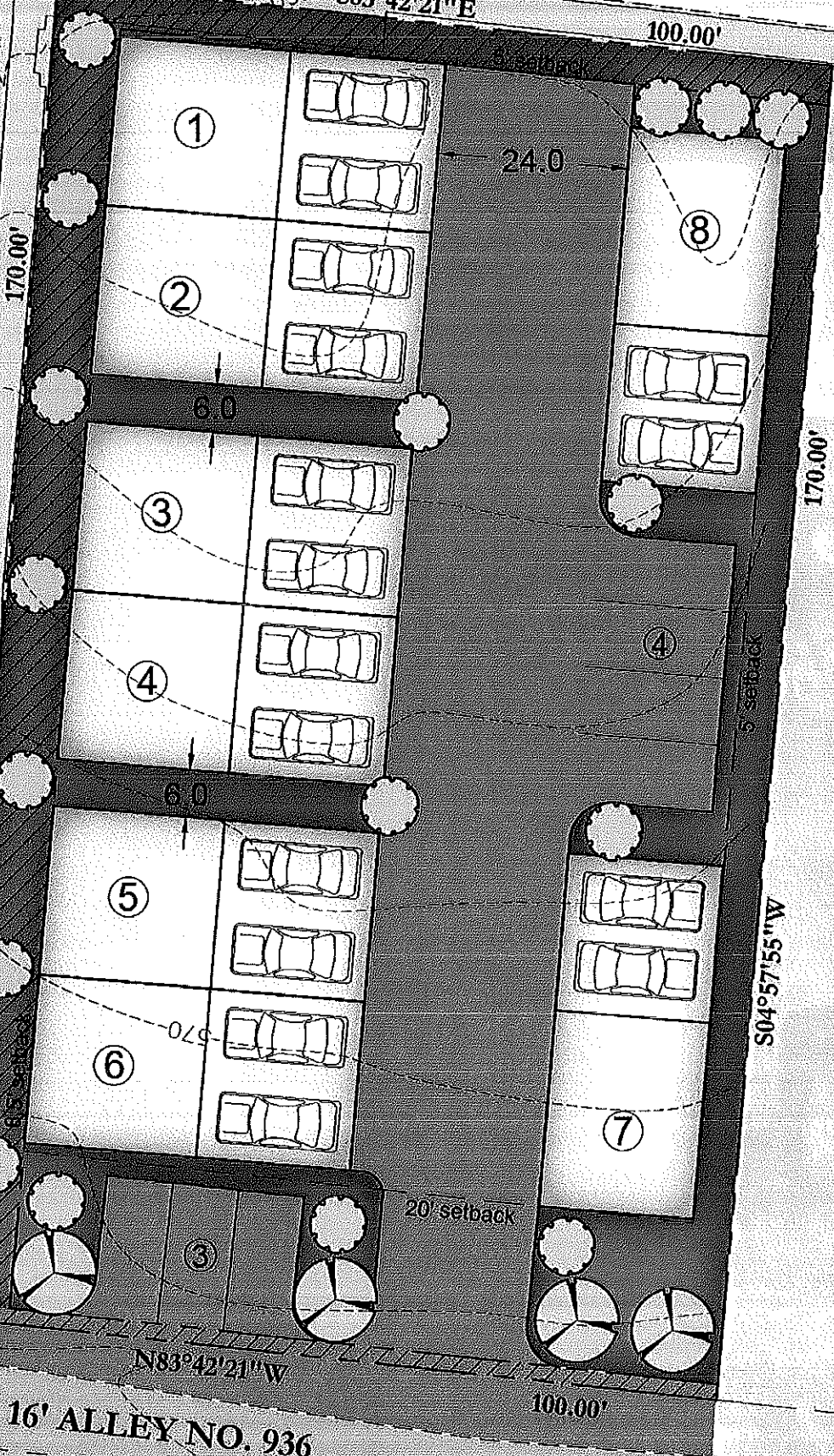
170.00'

170.00'

N04°57'55"E

S04°57'55"W

28TH AVE. N. (40' ROW)



N83°42'21"W

16' ALLEY NO. 936

100.00'





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



3653513

**APPLICATION FOR BUILDING USE & OCCUPANCY / CAUO - T2019022108
THIS IS NOT A PERMIT**

PARCEL: 09210022900

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

2719 TORBETT ST NASHVILLE, TN 37209
LOT 19 BLK C M S PILCHER

PARCEL OWNER: L & S DEVELOPMENT, LLC

APPLICANT:**PURPOSE:**

MASTER PERMIT ONLY... NO CONSTRUCTION... RESIDENTIAL ... 5 BUILDINGS...8 UNITS... SEE SITE PLAN... ..

POC JOEY HARGIS 615-726-7391

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

[A] Site Plan Review	
[A] Zoning Review	
[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
[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	615-862-7225 mws.ds@nashville.gov
[E] Grease Control Review On Bldg App	862-4590 ECO@nashville.gov
[E] Sewer Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg	615-862-7225 mws.ds@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
[G] Bond & License Review On Bldg App	
Landscaping & Tree Review	862-6488 stephan.kivett@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	



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



3653531

ZONING BOARD APPEAL / CAAZ - 20190022112
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09210022900

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

2719 TORBETT ST NASHVILLE, TN 37209

LOT 19 BLK C M S PILCHER

PARCEL OWNER: L & S DEVELOPMENT, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

8 UNIT MULTI-FAMILY DEVELOPMENT

REQUEST SPECIAL EXCEPTION FOR STREET SETBACK

SECTION: 17.12.035 (D)

*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
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: May 24, 2019

BZA Hearing Date: June 6, 2019

Re: Planning Department Recommendation for Special Exception Case 2019-251

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

Case 2019-251 - Street Setback for Multi-family Residential Units (2719 Torbett Street)

Request: To reduce the required street setback along Torbett Street and 28th Avenue North.

Zoning: Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Land Use Policy: T4 Urban Residential Corridor (T4 RC) is intended to maintain, enhance and create urban residential corridors. T4 RC areas are located along prominent arterial-boulevard or collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive and comfortable access and travel for all users. T4 RC areas provide high access management and are served by moderately connected street networks, sidewalks, and existing or planned mass transit.

Existing Context:

The property is located at 2719 Torbett Street at the southeast corner of Torbett Street and 28th Avenue North. The site contains approximately 0.4 acres across two parcels. Both parcels are currently vacant. McKissack Park located across Torbett Street to the

North. There are several multi and single-family residential dwellings within the surrounding neighborhood. A large religious institution is located to the southwest of the site. The site is located within the (UZO) Urban Zoning Overlay.

Proposal: The applicant is requesting a reduced street setback along Torbett Street and 28th Avenue North. Each street frontage has a required street setback of 15 feet. The applicant has requested a minimum five foot street setback along Torbett Street and an eight and one half foot setback is requested along 28th Avenue North. The site plan provided with the application indicates a single driveway will provide access to the site from the alley. All units will contain two car garages; 7 surface parking spaces will be provided.

Planning Department Analysis

The required setback along Torbett Street and 28th Avenue North is 15 feet. The applicant is requesting a minimum setback of five feet along Torbett Street and an eight and one half foot setback along 28th Avenue North. The requested setbacks will allow the proposed multi-family structures to orient towards 28th Avenue North, framing the corridor with firm edges and creating a clearly distinguishable character along the corridor. The proposed setbacks are consistent with the setbacks of nearby multi-family zone districts within the T4 RC policy and the less intense T4 Neighborhood Evolving policy. The comparative multifamily dwellings to the north and south of this site frame the corridor and address 28th Avenue North in a meaningful way. Reducing the street setbacks and placing the parking at the rear of the site will create a form and scale which is consistent with the T4 Residential Corridor policy.

Staff finds that the requested setbacks are appropriate given the reduced setback for the existing multi-family residential units to the south of the site. Allowing a similar setback for the proposed units will provide for an appropriate character and form consistent with the T4 Residential Corridor policy.

Planning Recommendation: Approve the requested exception for a reduced setback along Torbett Street and 28th Avenue North.

From: [Shepherd, Jessica \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Subject: FW: Appeal 2019-251
Date: Wednesday, April 17, 2019 1:51:51 PM

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

From: Gregory, Christopher (Public Works)
Sent: Wednesday, April 17, 2019 1:46 PM
To: Shepherd, Jessica (Codes)
Cc: Ammarell, Beverly (Public Works)
Subject: RE: Appeal 2019-251

2019-251 2719 Torbett Street To Construct an 8 Unit Multi-family Development
Variance: 17.12.035 D

Response: Public Works takes no exception with confirmation that sight distance is adequate at driveway entrance. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

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

From: Ammarell, Beverly (Public Works)
Sent: Tuesday, April 16, 2019 6:09 PM
To: Gregory, Christopher (Public Works)
Subject: FW: Appeal 2019-251

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

From: Shepherd, Jessica (Codes)
Sent: Tuesday, April 16, 2019 1:40 PM
To: Doyle, Devin (Public Works); Ammarell, Beverly (Public Works)
Subject: Appeal 2019-251

Appeal 2019-251 on agenda for 6/6/19

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

From: MOBKDMFP01@nashville.gov [<mailto:MOBKDMFP01@nashville.gov>]
Sent: Tuesday, April 16, 2019 1:36 PM
To: Shepherd, Jessica (Codes)
Subject: Message from "MOBKDMFP01"

This E-mail was sent from "MOBKDMFP01" (Aficio MP C5502).

Scan Date: 04.16.2019 14:35:58 (-0400)
Queries to: MOBKDMFP01@nashville.gov

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Gordon G. Gilbreath

Date: 4/16/19

Property Owner: Humphreys Street Investments, LLC

Case #: 2019-252

Representative: Gordon Gilbreath

Map & Parcel: 10507002500

Council District 17

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

Purpose: To construct a parking garage

Activity Type: Commercial construction

Location: 440 Humphreys St

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

Reason: SPECIAL EXCEPTION

Section(s): 17.12.020C

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.

Gordon Gilbreath
Appellant Name (Please Print)

Representative Name (Please Print)

2601 BARTON Avenue
Address

Address

Nashville, TN 37212
City, State, Zip Code

City, State, Zip Code

615.504.7406
Phone Number

Phone Number

dovetailllc@ydnio.com
Email

Email

Zoning Examiner: _____

Appeal Fee: _____

no subeplan



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



3653489

ZONING BOARD APPEAL / CAAZ - 20190022099
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10507000500**APPLICATION DATE:** 04/16/2019**SITE ADDRESS:**

440 HUMPHREYS ST NASHVILLE, TN 37203

LOTS 76 TH 80 & PT 75 HUMPHREY, HOUSTON & MARTIN ADDN. TO S NASHVILLE

PARCEL OWNER: HUMPHREYS STREET INVESTMENTS, LLC **CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal requesting a Special Exception to Rear Setback Requirements per 17.12.020C . MUL Zoning. Required 20 ft rear setback requesting a reduction to a 15 ft rear setbacks (5 ft reduction)

Permit Application 2019022092.

POC: Gordon Gilbreth 615-504-7406

*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**



3653479

**APPLICATION FOR BUILDING COMMERCIAL - NEW / CACN - T2019022092
THIS IS NOT A PERMIT**

PARCEL: 10507000500

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

440 HUMPHREYS ST NASHVILLE, TN 37203

LOTS 76 TH 80 & PT 75 HUMPHREY, HOUSTON & MARTIN ADDN. TO S NASHVILLE

PARCEL OWNER: HUMPHREYS STREET INVESTMENTS, LLC

APPLICANT:**PURPOSE:**

Need Plans. MUL Zoning. Minimum 10 ft front setback and 20 ft rear setback. Must conform with all easements and section 17.12.020C of Code.

To construct a Parking Garage. Top level will access via Humphreys Street and lower level will access via Brown Street. Sidewalks ARE required for this project because this parcel is within the USD. You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is within the UZO.

POC: Gordon Gilbreth 615-504-7406

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

[A] Site Plan Review	
[A] Zoning Review	
CA - Zoning Sidewalk Requirement Review	
[B] Fire Life Safety Review On Bldg App	862-5230
[B] Fire Sprinkler Requirement	862-5230
[B] Building Plans Received	615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review	615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	615-862-7225 mws.ds@nashville.gov
[E] Sewer Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov
[F] Address Review On Bldg App	862-8781 bonnie.crumbly@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	862-8782 PWPermitsl@nashville.gov
[G] Bond & License Review On Bldg App	
Landscaping & Tree Review	862-6488 stephan.kivett@nashville.gov
[A] Noise Mitigation Bldg App Review	

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.

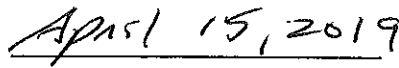
Any correspondence to the Board must be submitted to our office by noon, The Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

Humphreys Street Investments, LLC

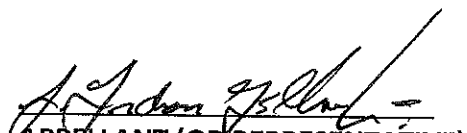
SPECIAL EXCEPTION REQUEST

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

HUMPHREYS STREET INVESTMENTS, LLC

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: May 20, 2019
BZA Hearing Date: June 6, 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 2019-252 (440 Humphreys Street) –Setback Special Exception

Request: To reduce the required rear building setback from 20 feet to 15 feet.

Zoning: Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

Land Use Policy: T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

Existing Context: The property is approximately 8,700 square feet (0.2 acres) and located at the northeast corner of Humphreys Street and Brown Street in the Wedgewood -Houston Area of Nashville. The property is currently vacant. The proposed development is to construct a 2 story parking garage. The lower level will be accessed by Brown Street and the top level will be accessed by Humphreys Street. The surrounding parcels are primarily commercial and light industrial. There are sidewalks along both street frontages.

Planning Department Analysis:

The applicant is requesting one exception:

- Reduce the minimum required 20 foot rear building setback along Alley 189. The applicant is proposing a 15 foot setback along Alley 189.

The Urban Mixed Use Neighborhood Policy has a strong focus on building form and site design. The setbacks in this policy area for automobile-related uses are focused on providing design features to separate the public and private realms. As the request for a setback reduction is adjacent to the alley and not the area adjacent to sidewalk or greenways, the request does not negatively impact the public realm. By pushing the building closer to the rear property line, there is additional space along Humphreys Street to allow for separation between the proposed parking garage and the public realm with provides improved safety for pedestrians.

Planning Recommendation: Approve the reduced rear setback from 20 feet to 15 feet.

From: [Gregory, Christopher \(Public Works\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#)
Subject: Appeal 2019-252
Date: Friday, April 19, 2019 9:13:45 AM

2019-252 440 Humphreys Street To Construct a Parking Garage

Variance: 17.12.020 C

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

Christopher E. Gregory, E.I.T.
Metropolitan Government of Nashville

Department of Public Works

Engineering Division

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Braisted, Sean \(Codes\)](#)
Subject: D17 items for June 6
Date: Saturday, June 1, 2019 6:24:11 AM

Good morning, members,

My positions on D17 items for this week are below. Thank you, as always, for your service!

Colby

- I'm asking for a **deferral** of a request at 1103 2nd Ave S. in order to get a better idea of the proposal.
- I'm asking for a **deferral** of a setback variance request at 2817 W Kirkwood Ave, as the applicant has not contacted me.
- I **support** a rear setback exemption at 440 Humphreys St. to build a parking structure (surface with one floor underneath) on a vacant piece of land. This parking would support the businesses on Houston St. and help clear up some on-street congestion.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : PAUL BOULIFARD
Property Owner: BRENDA HILL
Representative: PAUL BOULIFARD

Date: 4.16.2019
Case #: 2019-25A
Map & Parcel: 09504022300

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 construct an additional
to existing single residence

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 2704 OVERHILL

This property is in the RS20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SETBACK VARIANCE
64'-5" PER AVG REQUESTING 57'-9"

Section(s): 17.12.030 C3

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

PAUL BOULIFARD
Appellant Name (Please Print)

← SAMUE
Representative Name (Please Print)

1222 EASTDALE AVE.
Address

Address

NASHVILLE, TN. 37216
City, State, Zip Code

City, State, Zip Code

417-496-4286
Phone Number

Phone Number

PEBOULIFARD.COM
Email

Email

Zoning Examiner: LB

Appeal Fee: _____



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



3653703

ZONING BOARD APPEAL / CAAZ - 20190022141
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09504022300

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

2704 OVERHILL CIR NASHVILLE, TN 37214
PT LOT 69 BLUEFIELDS

PARCEL OWNER: HILL, BRENDA F.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Variance request to 17.12.030 C3 required 64'-5" front setback per average, requesting 57'-9" (6 ft 8" difference)

Proposed construction of an addition to existing single family residence.

No Permit Application on File

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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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.

PAUL JOHN BOULIFANT
APPELLANT

4.16.2019
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

Paul John BOULIFARD Architect • LEED AP
1000 17th Avenue South
Metro Office Building
Nashville, TN 37219-6300
p@boulifard.com

**Attn: Department of Codes Administration
Board of Zoning Appeals
800 2nd Ave. South
Metro Office Building
Nashville, TN 37219-6300**

**RE: Variance Request
Ms. Brenda HILL
2704 Overhill Circle
Nashville, TN 37214**

RE: LETTER of APPEAL

April 15TH, 2019

Dear Board of Zoning Appeals:


I am writing on behalf of the homeowner Ms. Brenda Hill. Ms. Hill is looking to do a one-story addition to her home in Donelson. We are asking for a variance for a front yard setback as required by the current zoning regulations requiring an average of the two adjacent lots. We are submitting a package of information for your consideration. She will be adding on a ground floor master suite. It is outlined below.

A. Front yard Setback:

Based on the zoning requirements of an average of the two adjacent lots, the current setback is 64 feet and 5 inches. We would be requesting that the revised setback be 57 feet 9 inches on the western most side of the home. This is described in the attached document **A.01**. We are asking for this variance to provide continuity of aesthetics between the existing and proposed addition. We would like both old and new to align with each other. As mentioned, this addition will provide a new master suite on the ground floor.

We hope that you understand our request for the setback encroachment. If you have any additional questions, concerns or qualifications do not hesitate to contact me directly. Thank you for your time and consideration.

Sincerely,



Paul John BOULIFARD

Paul John BOULIFARD
1000 17th Ave. S
Nashville, TN 37203
615-259-1100
p@boulifard.com

1000 17th Ave. S

Nashville, TN 37203

p@boulifard.com

**Attn: Department of Codes Administration
Board of Zoning Appeals
800 2nd Ave. South
Metro Office Building
Nashville, TN 37219-6300**

**RE: Variance Request
Ms. Brenda HILL
2704 Overhill Circle
Nashville, TN 37214**

RE: LETTER of APPEAL

April 15TH, 2019

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A. Front yard Setback:

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We hope that you understand our request for the setback encroachment. If you have any additional questions, concerns or qualifications do not hesitate to contact me directly. Thank you for your time and consideration.

Sincerely,



Paul John BOULIFARD



1 ARCHITECTURAL SITE PLAN - PROPOSED - VARIANCE APPLICATION
 1" = 20'-0"

RENOVATION & ADDITION
B. HILL & R. SKRANCE
 2704 OVERHILL CIRCLE, NASHVILLE TN 37214

No.	Description	Date

Project #: 0000

Date: 04-15-2019

PROPOSED SITE PLAN

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: ROGERS JACKSON
Property Owner: ARTHUR RUSHTON
Representative: ROGERS JACKSON

Date: 4/16/19
Case #: 2019- 255
Map & Parcel: 081031R0010000
081031R0020000

Council District 2

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

Purpose: Requesting variance from sidewalk requirements

Activity Type: New Construction - HPR

Location: 2411 A & B Middle St.

This property is in the RC 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.

ROGERS JACKSON
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

1200 49th Ave N.
Address

SAME
Address

NASHVILLE, TN, 37209
City, State, Zip Code

SAME
City, State, Zip Code

615-207-5803
Phone Number

SAME
Phone Number

rogers@jbgbuilt.com
justin@builderassistllc.com
Email

SAME
Email

Zoning Examiner: C.H.

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



3653891

ZONING BOARD APPEAL / CAAZ - 20190022178
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081031R90000CO

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

2411 C MIDDLE NASHVILLE, TN 37208
COMMON AREA HOMES AT 2411 MIDDLE STREET

PARCEL OWNER: O.I.C. HOMES AR 2411 MIDDLE STREET

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

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

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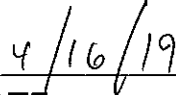
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

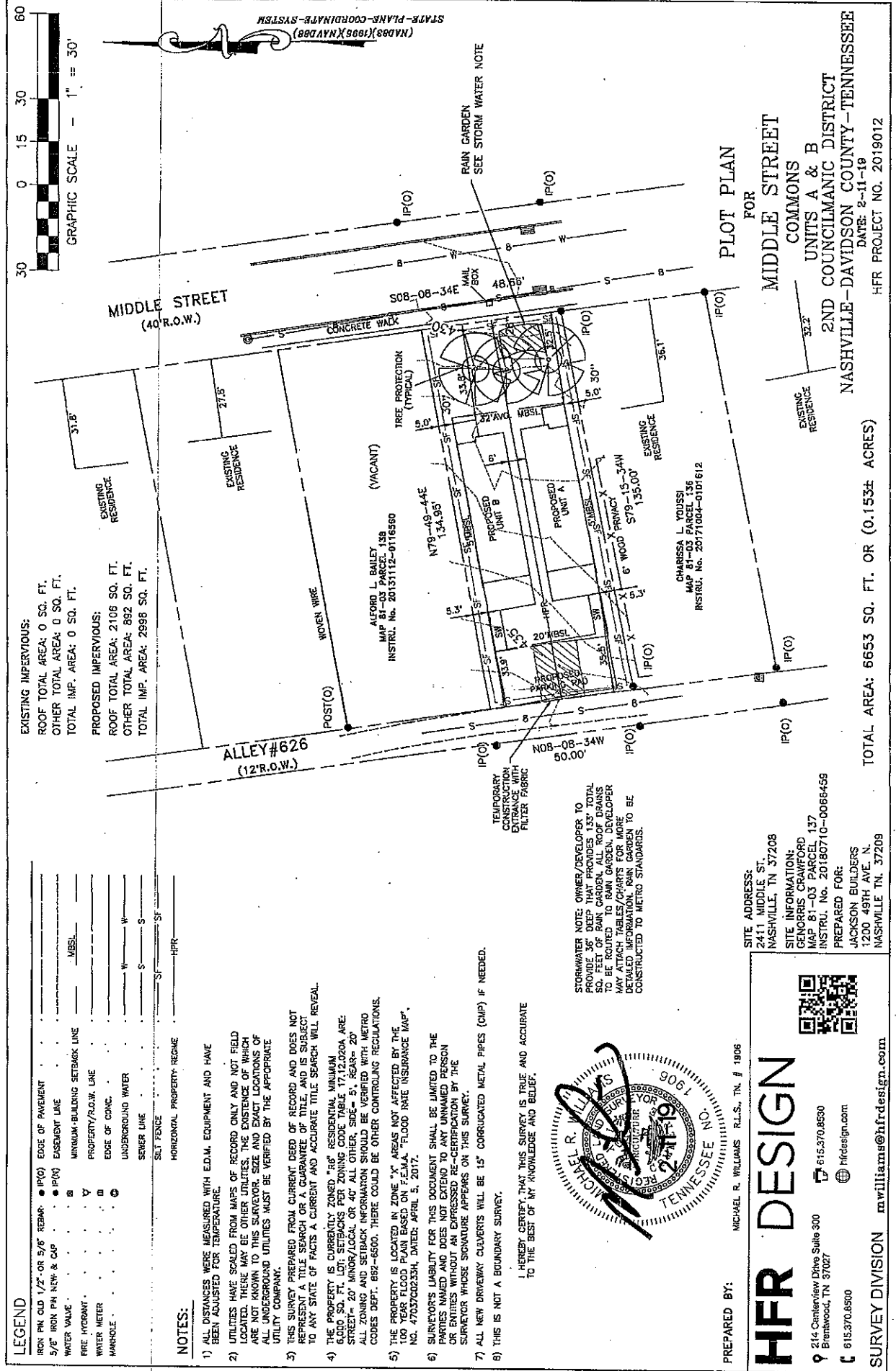
I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



APPELLANT



DATE



EXISTING IMPERVIOUS:
 ROOF TOTAL AREA: 0 SQ. FT.
 OTHER TOTAL AREA: 0 SQ. FT.
 TOTAL IMP. AREA: 0 SQ. FT.

PROPOSED IMPERVIOUS:
 ROOF TOTAL AREA: 2106 SQ. FT.
 OTHER TOTAL AREA: 892 SQ. FT.
 TOTAL IMP. AREA: 2998 SQ. FT.

LEGEND

IRON PIN OLD 1/2" OR 5/8" REBAR	● IP(O)	EDGE OF PAVEMENT
5/8" IRON PIN NEW & CAP	● IP(O)	EASING LINE
WATER VALVE	●	MINIMUM-BUILDING SETBACK LINE
PROPERTY/RO.W. LINE	—	PROPERTY/RO.W. LINE
WATER METER	●	EDGE OF CONC.
MANHOLE	●	UNDERGROUND WATER
	—	SEWER LINE
	—	SILT FENCE
	—	HORIZONTAL PROPERTY REGIME

- NOTES:**
- 1) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
 - 2) UTILITIES HAVE SCALED FROM MAPS OF RECORD ONLY AND NOT FIELD LOCATED. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THIS SURVEYOR. SIZE AND EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY.
 - 3) THIS SURVEY PREPARED FROM CURRENT DEED OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE TITLE SEARCH WILL REVEAL.
 - 4) THE PROPERTY IS CURRENTLY ZONED "R6" RESIDENTIAL MINIMUM 6,000 SQ. FT. LOT; SETBACKS PER ZONING CODE TABLE 17.12.020A ARE: STREET = 20' MINOR/LOCAL OR 40' ALL OTHER, SIDE = 5', REAR = 20' ALL ZONING AND SETBACK INFORMATION SHOULD BE VERIFIED WITH METRO CODES DEPT. 692-6000. THERE COULD BE OTHER CONTROLLING REGULATIONS.
 - 5) THE PROPERTY IS LOCATED IN ZONE "X" AREAS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN BASED ON FEMA "FLOOD RATE INSURANCE MAP", NO. 470370233H, DATED: APRIL 5, 2017.
 - 6) SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE PARTIES NAMED AND NOT EXTENDED TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESS WRITTEN AGREEMENT BY THE SURVEYOR WHOSE SIGNATURE APPEARS ON THIS SURVEY.
 - 7) ALL NEW DRIVEWAY CURBETS WILL BE 15" CORRUGATED METAL PIPES (CMP) IF NEEDED.
 - 8) THIS IS NOT A BOUNDARY SURVEY.

I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

STORMWATER NOTE: OWNER/DEVELOPER TO PROVIDE 36" DEEP THAT PROVIDES 133' TOTAL SQ. FEET OF RAIN GARDEN, ALL ROOF DRAINS TO BE ROUTED TO RAIN GARDEN. DEVELOPER MAY ATTACH TABLES/CHARTS FOR MORE DETAILED INFORMATION. RAIN GARDEN TO BE CONSTRUCTED TO METRO STANDARDS.

FOR
MIDDLE STREET
COMMONS
UNITS A & B
2ND COUNCILMANIC DISTRICT
NASHVILLE-DAVIDSON COUNTY-TENNESSEE
 DATE: 2-11-19
 HFR PROJECT NO. 2019012

ALFORD L. BAILEY
 MAP 81-03 PARCEL 138
 INSTR. No. 20131112-0116960

CHARISSA L. YOUSSEI
 MAP 81-03 PARCEL 136
 INSTR. No. 20171004-01D1612

CHARISSA L. YOUSSEI
 2411 MIDDLE ST.
 NASHVILLE, TN 37208

GEORGE M. GIFFORD
 MAP 81-03 PARCEL 137
 INSTR. No. 20180710-0066458

JACKSON BUILDERS
 1200 49TH AVE. N.
 NASHVILLE TN, 37209

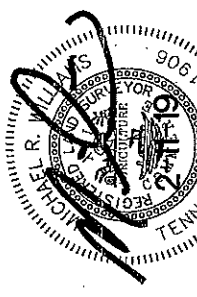
PREPARED FOR:
 JACKSON BUILDERS
 1200 49TH AVE. N.
 NASHVILLE TN, 37209

PREPARED BY:
 MICHAEL R. WILLIAMS R.L.S., TN, # 1906

HFR DESIGN
 214 Centerview Drive Suite 300
 Brentwood, TN 37027
 615.370.8530
 hfrdesign.com

SURVEY DIVISION mwilliams@hfrdesign.com

TOTAL AREA: 6653 SQ. FT. OR (0.153± ACRES)



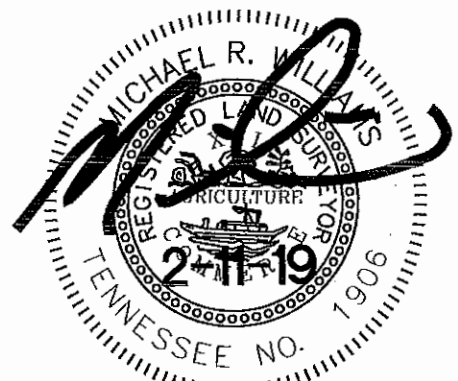
LEGEND

IRON PIN OLD 1/2" OR 5/8" REBAR	● IP(O)	EDGE OF PAVEMENT	---
5/8" IRON PIN NEW & CAP	● IP(N)	EASEMENT LINE	---
WATER VALVE	⊠	MINIMUM BUILDING SETBACK LINE	MBSL
FIRE HYDRANT	⊕	PROPERTY/R.O.W. LINE	---
WATER METER	⊞	EDGE OF CONC.	---
MANHOLE	⊙	UNDERGROUND WATER	W W
		SEWER LINE	S S
		SILT FENCE	SF SF
		HORIZONTAL PROPERTY REGIME	HPR

NOTES:

- 1) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 2) UTILITIES HAVE SCALED FROM MAPS OF RECORD ONLY AND NOT FIELD LOCATED. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THIS SURVEYOR. SIZE AND EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY.
- 3) THIS SURVEY PREPARED FROM CURRENT DEED OF RECORD AND DOES NOT REPRESENT A TITLE SEARCH OR A GUARANTEE OF TITLE, AND IS SUBJECT TO ANY STATE OF FACTS A CURRENT AND ACCURATE TITLE SEARCH WILL REVEAL.
- 4) THE PROPERTY IS CURRENTLY ZONED "R6" RESIDENTIAL MINIMUM 6,000 SQ. FT. LOT; SETBACKS PER ZONING CODE TABLE 17.12.020A ARE: STREET= 20' MINOR/LOCAL OR 40' ALL OTHER, SIDE= 5', REAR= 20' ALL ZONING AND SETBACK INFORMATION SHOULD BE VERIFIED WITH METRO CODES DEPT. 862-8500. THERE COULD BE OTHER CONTROLLING REGULATIONS.
- 5) THE PROPERTY IS LOCATED IN ZONE "X" AREAS NOT AFFECTED BY THE 100 YEAR FLOOD PLAIN BASED ON F.E.M.A. "FLOOD RATE INSURANCE MAP", NO. 47037C0233H, DATED: APRIL 5, 2017.
- 6) SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE PARTIES NAMED AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS ON THIS SURVEY.
- 7) ALL NEW DRIVEWAY CULVERTS WILL BE 15" CORRUGATED METAL PIPES (CMP) IF NEEDED.
- 8) THIS IS NOT A BOUNDARY SURVEY.

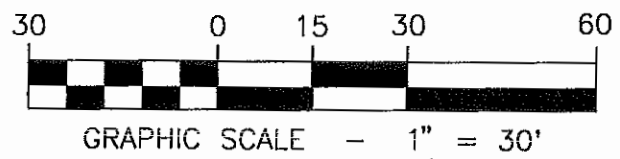
I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.



STORMWATER NOTE: OWNER/DEVELOPER TO PROVIDE 36" DEEP THAT PROVIDES 133' TOTAL SQ. FEET OF RAIN GARDEN. ALL ROOF DRAINS TO BE ROUTED TO RAIN GARDEN. DEVELOPER MAY ATTACH TABLES/CHARTS FOR MORE DETAILED INFORMATION. RAIN GARDEN TO BE CONSTRUCTED TO METRO STANDARDS.

EXISTING IMPERVIOUS:
 ROOF TOTAL AREA: 0 SQ. FT.
 OTHER TOTAL AREA: 0 SQ. FT.
 TOTAL IMP. AREA: 0 SQ. FT.

PROPOSED IMPERVIOUS:
 ROOF TOTAL AREA: 2106 SQ. FT.
 OTHER TOTAL AREA: 892 SQ. FT.
 TOTAL IMP. AREA: 2998 SQ. FT.



PREPARED BY: MICHAEL R. WILLIAMS R.L.S., TN. # 1906

HFR DESIGN

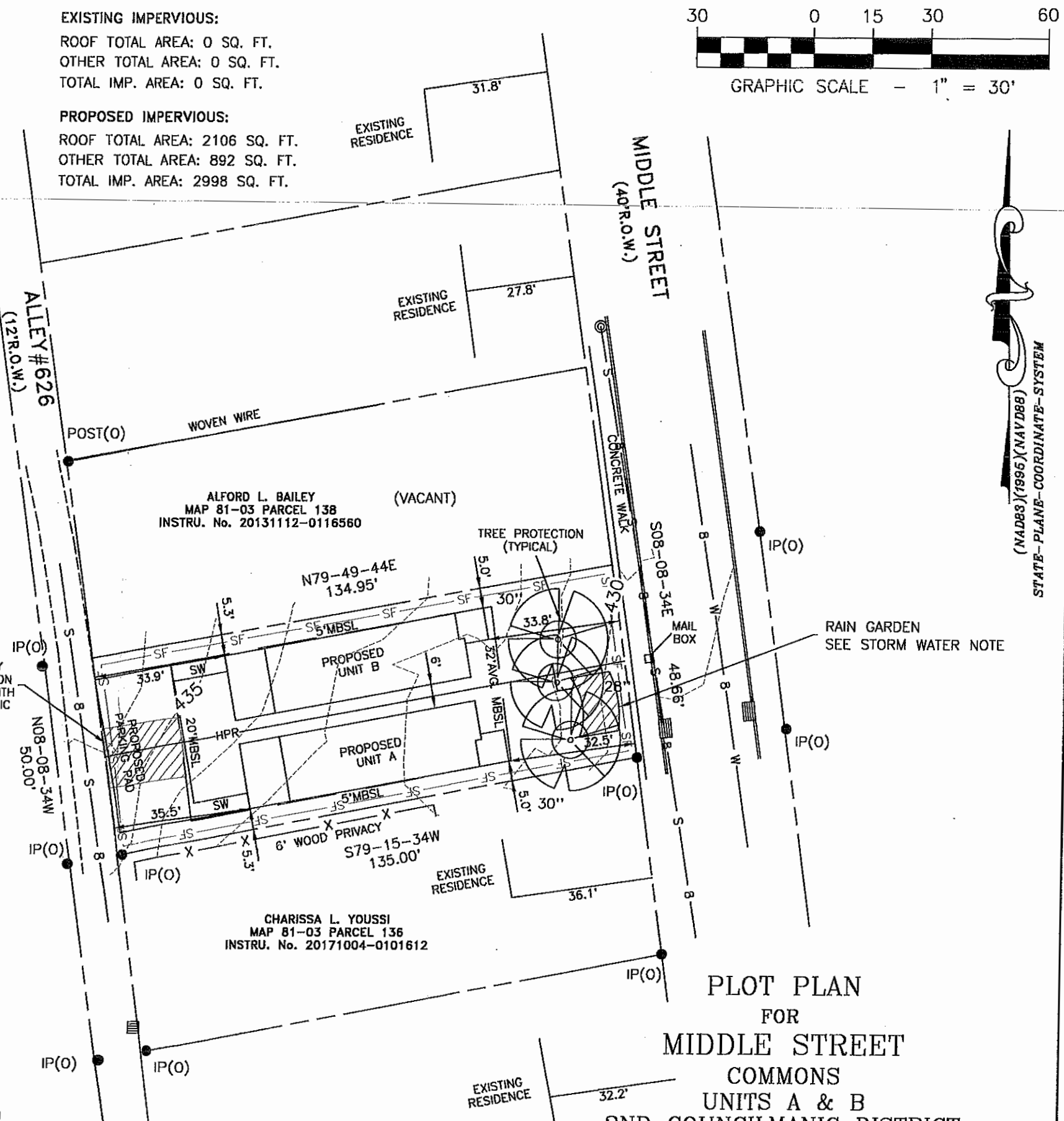
214 Centerview Drive Suite 300
 Brentwood, TN 37027
 615.370.8530
 615.370.8500
 hfrdesign.com



SURVEY DIVISION mwilliams@hfrdesign.com

SITE ADDRESS:
 2411 MIDDLE ST.
 NASHVILLE, TN 37208
 SITE INFORMATION:
 GENORRIS CRAWFORD
 MAP 81-03 PARCEL 137
 INSTRU. No. 20180710-0066459
 PREPARED FOR:
 JACKSON BUILDERS
 1200 49TH AVE. N.
 NASHVILLE TN. 37209

TOTAL AREA: 6653 SQ. FT. OR (0.153± ACRES)



PLOT PLAN
 FOR
MIDDLE STREET
COMMONS
 UNITS A & B
 2ND COUNCILMANIC DISTRICT
 NASHVILLE-DAVIDSON COUNTY-TENNESSEE
 DATE: 2-11-19
 HFR PROJECT NO. 2019012

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-255 (2411 A&B Middle Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Property 510' east from #42 – St. Cecilia Cumberland
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a two family dwelling and requests a variance due to the presence of an existing sidewalk 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 Middle Street, which is consistent with adjacent properties to the north and south.
- (2) In this location along a Local Street, on-street parking provides a buffer between people walking and traffic.

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



Appellant: Robert Aberper
Property Owner: Robert Aberper
Representative: Robert Aberper

Date: 4/16/19
Case #: 2019-257
Map & Parcel: 82-A/2A1

Council District 5

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

Purpose:

RESIDENTIAL CONSTRUCTION
HRR DUPLEX

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 888 CARTER ST

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

Reason:

BUILD TWO-FAMILY DWELLING AT 20' FRONT SETBACK (CONT)
PER 17.12.030A(1) MIN. 30' SETBACK FOR TWO-FAMILY

Section(s): 17.12.030A(1)

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

Robert Aberper
Appellant Name (Please Print)

~~Scott~~ Robert Aberper
Representative Name (Please Print)

1912 Cromwell Dr.
Address

SAME AS
Address

Nashville TN 37215
City, State, Zip Code

SAME AS
City, State, Zip Code

615 975-0500
Phone Number

SAME AS
Phone Number

raoberper@gmail.com
Email

S/A
Email

Zoning Examiner: J.C.

Appeal Fee: S/A



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



3654217

ZONING BOARD APPEAL / CAAZ - 20190022248
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08204024100

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

888 CARTER ST NASHVILLE, TN 37206
LOT 34 CARTER LANE PLACE

PARCEL OWNER: NOERPER, ROBERT & TRACY & LUTE, ALE

CONTRACTOR:

APPLICANT:**PURPOSE:**

RESIDENTIAL: HPR DUPLEX – NEW CONSTRUCTION...

PER 17.12.030A(1) TWO-FAMILY DWELLINGS WITH ANY PARKING PROPOSED BETWEEN THE STREET LINE AND THE FRONT EDGE OF THE RESIDENTIAL STRUCTURE SHALL PROVIDE A MINIMUM STREET SETBACK OF THIRTY FEET...

REQUEST TO CONSTRUCT TWO-FAMILY DWELLING AT 20' CONTEXTUAL FRONT SETBACK...

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT


DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

Variance is requested for 20' setback instead of 30' due to stormwater requirement not to touch zone 1. We've already applied for a stormwater ~~variance~~ variance to build in zone 2. Which is currently under review

2019-257

GRADING & DRAINAGE LEGEND

- STORM SEWER LINE (SEE PIPE LEGEND FOR DETAILS)
- - - XXX - - - EXISTING MINOR CONTOUR
- - - XXX - - - EXISTING MAJOR CONTOUR
- - - XXX - - - PROPOSED MINOR CONTOUR
- - - XXX - - - PROPOSED MAJOR CONTOUR
- XXX SPOT ELEVATION
- TP: XXX.XX TOP OF PAVEMENT SPOT ELEVATION
- ME: XXX.XX MATCH EXISTING SPOT ELEVATION
- TW: XXX.XX TOP OF WALL SPOT ELEVATION
- TS: XXX.XX TOP OF STEP SPOT ELEVATION
- BS: XXX.XX BOTTOM OF STEP SPOT ELEVATION
- TC: XXX.XX TOP OF CURB SPOT ELEVATION

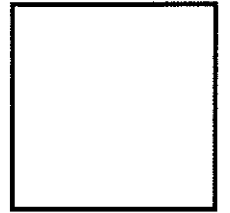
GRADING & DRAINAGE NOTES

- ①
- ②
- ③
- ④
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩
- ⑪
- ⑫

HFR DESIGN

214 Centerview Drive Suite 300
Brentwood, TN 37027

615.370.8500
615.370.8500
hfrdesign.com



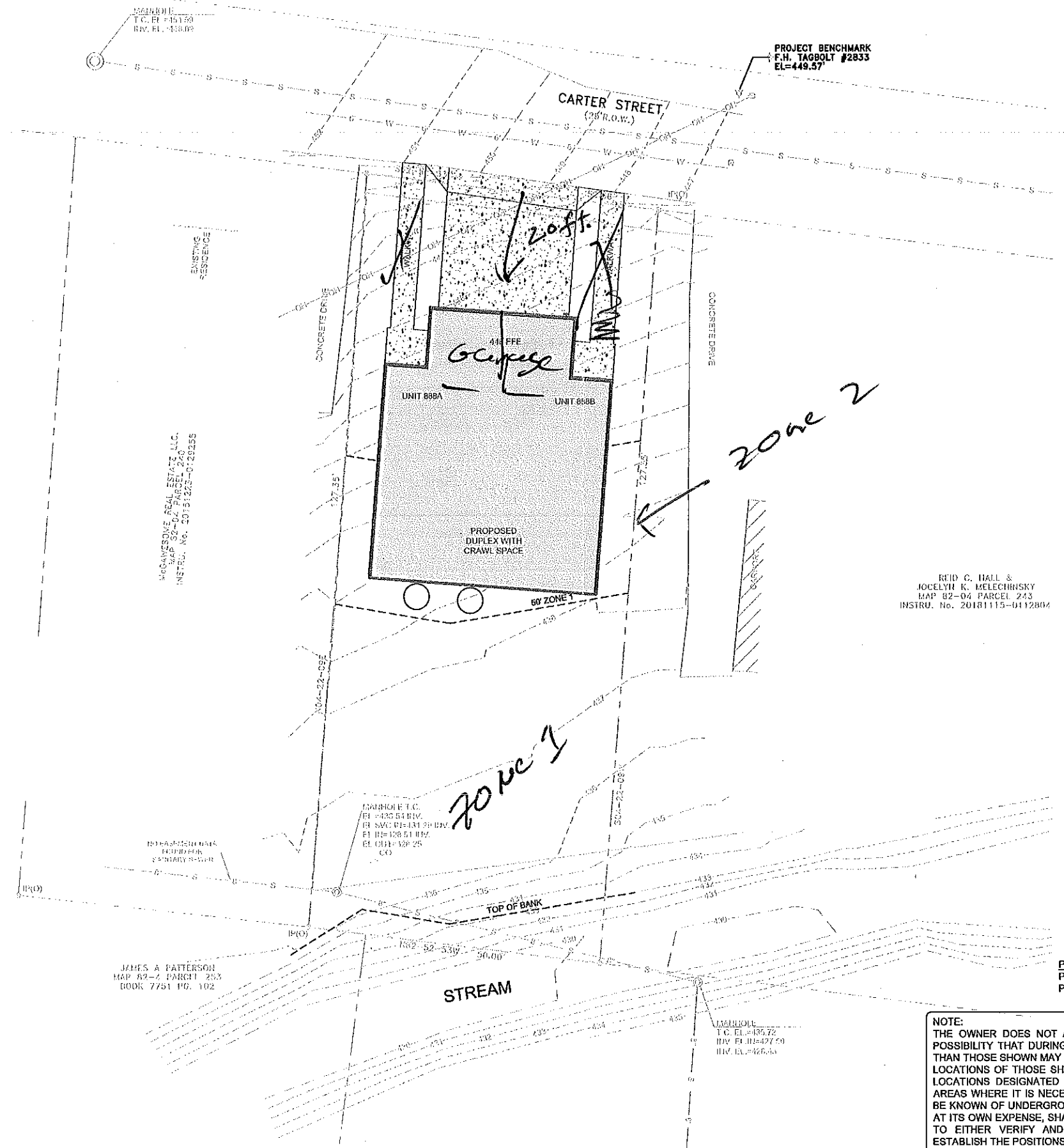
NO.	DATE	DESCRIPTION

CARTER LANE PLACE
888 CARTER ST
NASHVILLE, TN

HFR PROJECT NO.: 2019014
DATE: 03/22/2019
PM REVIEWER: P. AYER
QC REVIEWER:

GRADING & DRAINAGE PLAN

**C
2.01**



REID C. HALL &
JOCELYN K. MELECHNISKY
MAP 82-04 PARCEL 243
INSTR. No. 20181115-012804

MAGUIROVE REAL ESTATE LLC
848 SOUTH MAP 82-04 PARCEL 240
INSTR. No. 20151212-012835

JAMES A PATTERSON
MAP 82-04 PARCEL 243
BOOK 7751 PG. 162

MARSHALL T.C.
E1: 432.54 ELEV.
E1 SVC: 131.29 ELEV.
E1 R1: 128.51 ELEV.
E1 C1: 128.25
CO

MARSHALL
T.C. E1: 435.72
E1V. E1: 131.47 ELEV.
E1V. E1: 127.53

NOTE:
THE OWNER DOES NOT ASSUME RESPONSIBILITY FOR THE POSSIBILITY THAT DURING CONSTRUCTION, UTILITIES OTHER THAN THOSE SHOWN MAY BE ENCOUNTERED OR THAT ACTUAL LOCATIONS OF THOSE SHOWN MAY BE DIFFERENT FROM THE LOCATIONS DESIGNATED ON THE CONTRACT DRAWINGS. IN AREAS WHERE IT IS NECESSARY THAT THE EXACT LOCATION BE KNOWN OF UNDERGROUND FACILITIES, THE CONTRACTOR, AT ITS OWN EXPENSE, SHALL FURNISH ALL LABOR AND TOOLS TO EITHER VERIFY AND SUBstantiate OR DEFINITELY ESTABLISH THE POSITIONS OF UNDERGROUND UTILITY LINES.

10' 5' 0' 10'

SCALE: 1"=10'

PLOT DATE: 4/2/2019 14:42 PM (PAYER) LOCATION: WOODLORDBR1614000-GRADING 201914.DWG
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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson Date: 04-10-19
Property Owner: Jason & Shannon Ryan Case #: 2019-258
Representative: Same as Appell. Map & Parcel: 118134B90000C0

Council District 25

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

Purpose: To construct a single-family dwelling

Activity Type: Residential

Location: 900 Albert Ct.

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

Reason: sidewalk 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.

Duane Cuthbertson
Appellant Name (Please Print)

Same as appellant
Representative Name (Please Print)

1806-A Allison Pl.
Address

Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

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



3654157

ZONING BOARD APPEAL / CAAZ - 20190022242
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 118134B00100CO

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

906 ALBERT CT NASHVILLE, TN 37204
UNIT 904A 904 ALBERT COURT TOWNHOMES

PARCEL OWNER: RYAN, JASON & SHANNON

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from setback 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.)

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

4.10.19

DATE

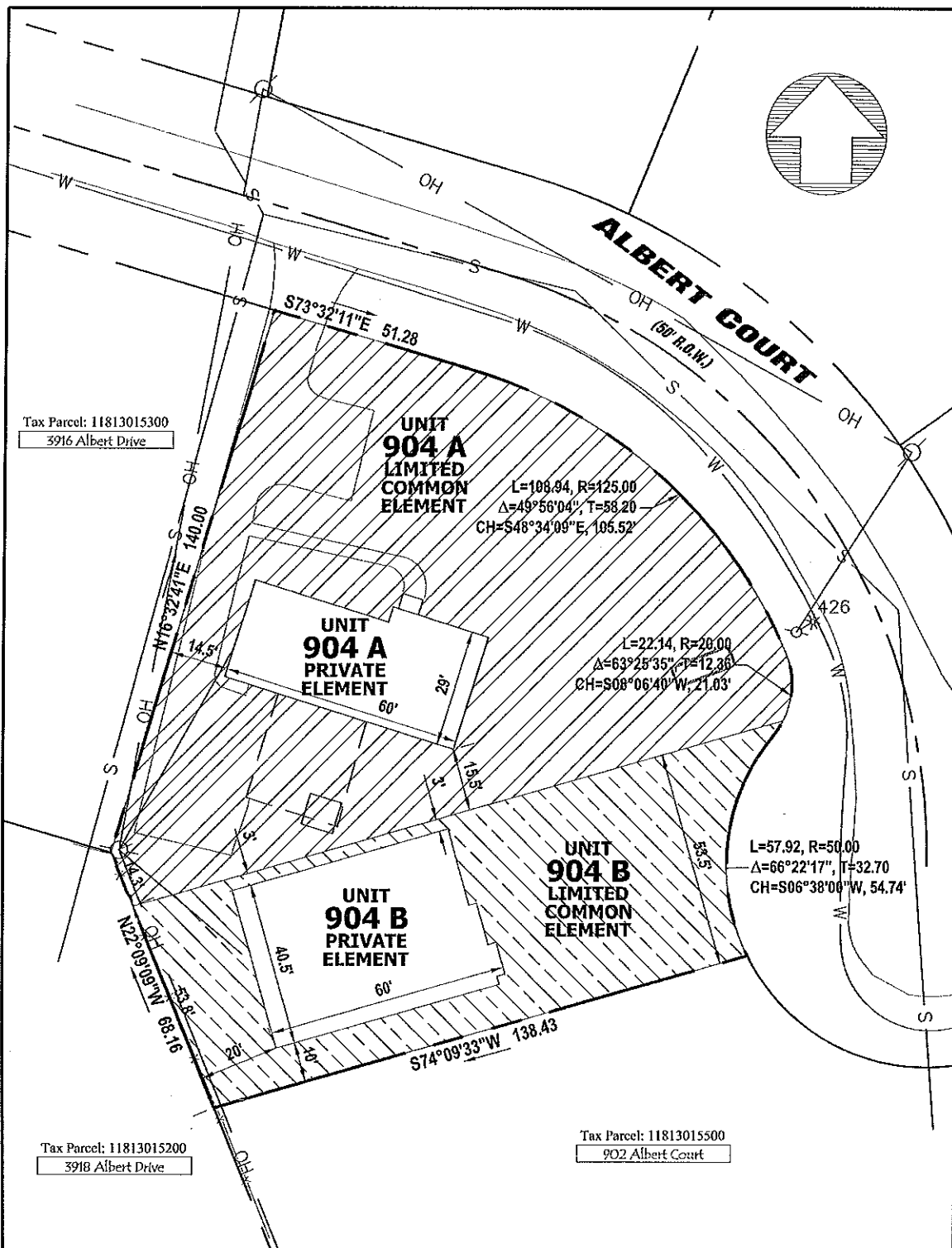
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The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important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

- Owner is reconstructing existing home. This is second home sharing parcel (hpr). Traditionally, both homes share the burden of the sidewalk fee. The owner of this home is incurring full cost of entire frontage.
 - For a two family lot the frontage is excessive.
 - Owners can often consider building sidewalks however existing trees and drainage channel would on this property and frontage would make such construction impractical and cost prohibitive.
-
-



Tax Parcel: 11813015300
3916 Albert Drive

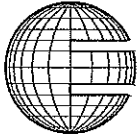
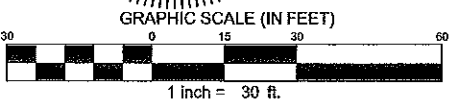
Tax Parcel: 11813015200
3918 Albert Drive

Tax Parcel: 11813015500
902 Albert Court

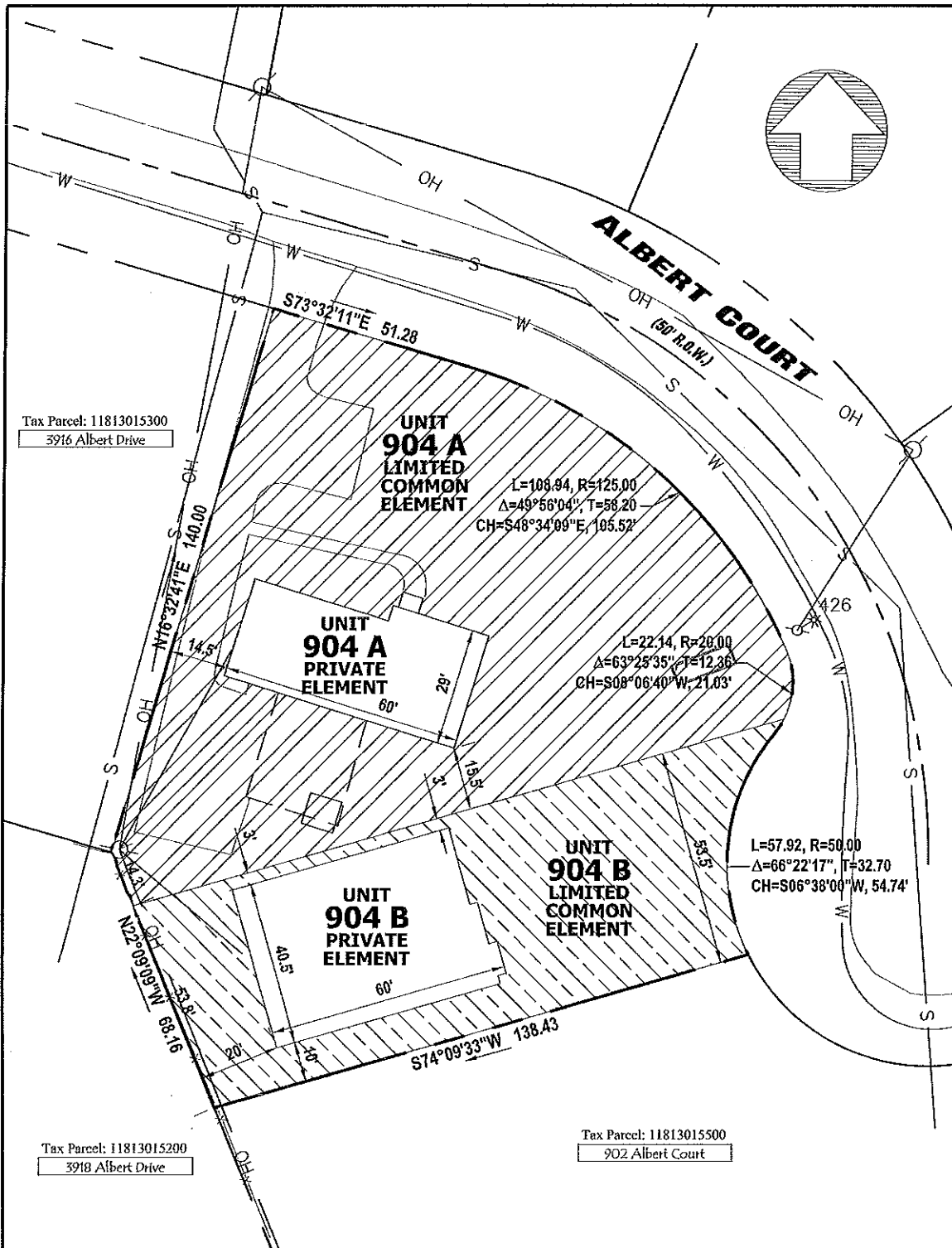
THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. 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 904 A & 904 B
ALBERT COURT
 NASHVILLE, TENNESSEE 37204
 Zoning: R20 Metro Parcel ID: (11813015400) DATE: 8-31-16



CLINT T. ELLIOTT
REGISTERED LAND SURVEYOR
 7930 Hwy 70 South, Nashville Tn, 37221
 p| (615) 533-2054
 e| clintelliott@comcast.net



Tax Parcel: 11813015300
5916 Albert Drive

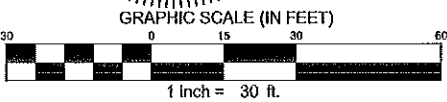
Tax Parcel: 11813015200
5918 Albert Drive

Tax Parcel: 11813015500
902 Albert Court

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 904 A & 904 B
ALBERT COURT
 NASHVILLE, TENNESSEE 37204
 Zoning: R20 Metro Parcel ID: (11813015400) DATE: 8-31-16



CLINT T. ELLIOTT
REGISTERED LAND SURVEYOR
 7930 Hwy 70 South, Nashville Tn, 37221
 p| (615) 533-2054
 e| clintelliott@comcast.net

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-258 (906 Albert Court, Unit 904A)

Metro Standard:	Albert Court - 4' grass strip, 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (eligible)
Zoning:	R20
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Albert Court - Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

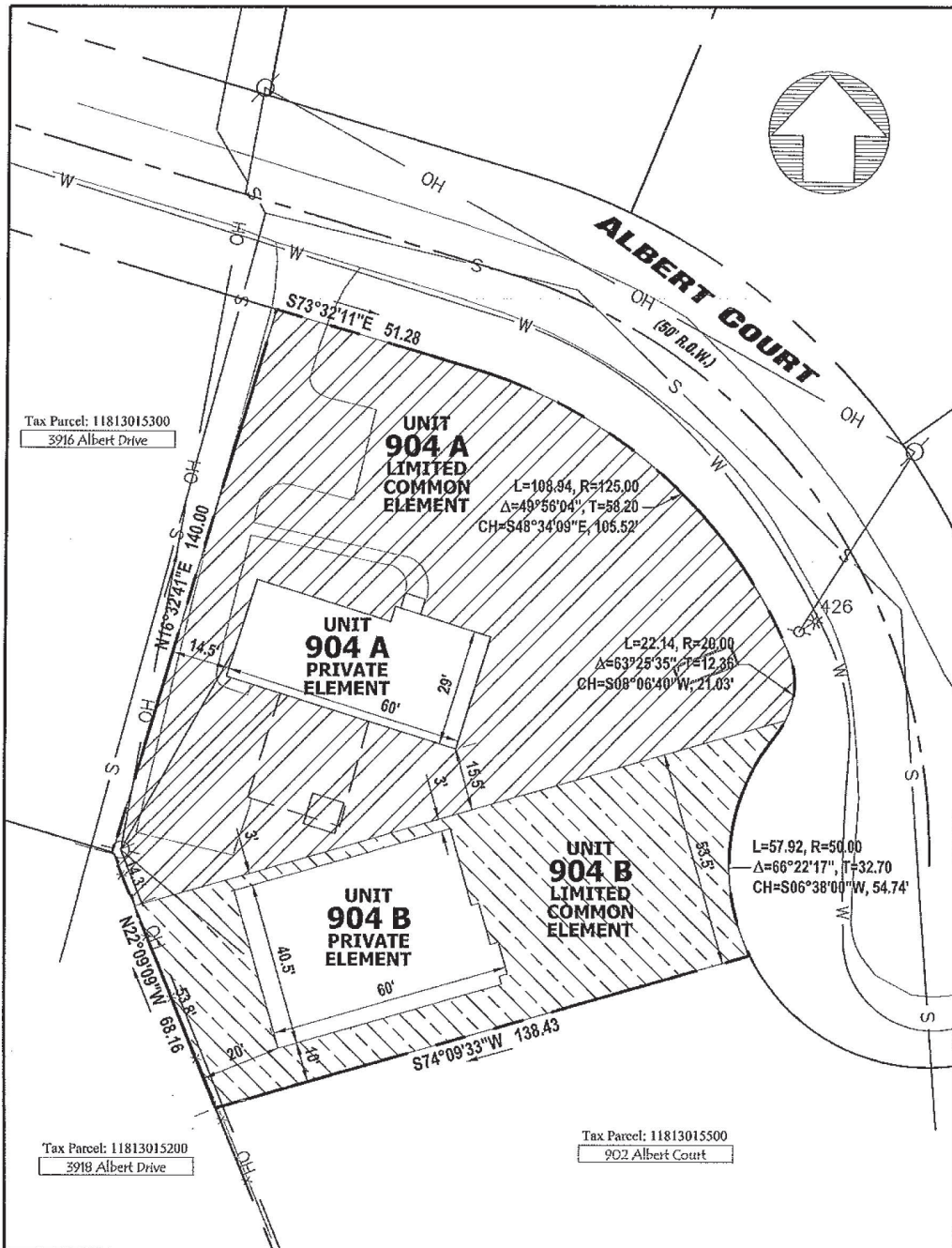
Analysis: The applicant proposes to construct a second single family residence on the same lot and requests a variance from constructing sidewalks, due to the property's large frontage, and impacts to mature trees and storm water. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist along the property frontage.
- (2) Metro Water Services has indicated that sidewalk construction at this location is typical with stormwater improvements.
- (3) The applicant is eligible to contribute in lieu of construction, but the size of the property frontage and common lot ownership would require the applicant to contribute for the entire property frontage.

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

1. The applicant shall contribute in lieu of construction for the property frontage of Unit 904A's Limited Common Element (126') as indicated on the attached site plan.
2. The applicant shall dedicate right-of-way along the property frontage for a future sidewalk per the Local Street Standard.

906 Albert Court Site Plan Depicting Limited Common Element

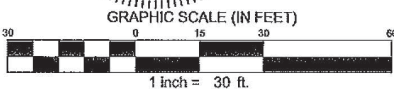


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EXHIBIT 'B' - Units 904 A & 904 B
ALBERT COURT
 NASHVILLE, TENNESSEE 37204

Zoning: R20 Metro Parcel ID: (11813015400) DATE: 8-31-16



CLINT T. ELLIOTT
REGISTERED LAND SURVEYOR
 7930 Hwy 70 South, Nashville Tn, 37221
 p| (615) 533-2054
 e| clintelliott@comcast.net

Michael and Erin Yu

905 Albert Court

Nashville, TN 37204

615-712-9245

Re: Zoning Appeal 2019-258 (Map Parcel 118134B00100CO)

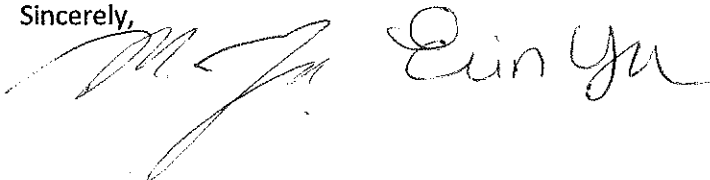
May 27, 2019

To the Metropolitan Board of Zoning Appeals:

We are writing in support of appeal case number 2019-58 for a variance from sidewalk requirements filed by Duane Cuthbertson for the property at 906 Albert Court. This property is located on a cul-de-sac where no other sidewalks currently exist. Of the 10 homes on the street, 8 of them are new construction (within the last 6 years). No sidewalks have been installed, and given that the properties are all new, there is little chance that any sidewalks will be installed unless the city of Nashville funds and installs them. If Mr. Cuthbertson were required to install the sidewalk, it would be necessary that he remove a very large tree, which provides shade and protection from wind for the cul-de-sac. Furthermore, it would essentially be a sidewalk to nowhere since there are no other sidewalks in the cul-de-sac or on any of the surrounding streets in the neighborhood, where many of the homes are new construction. In fact, we would venture to say it could even reduce the value of the property, as it would be out of place, take away vegetation, reduce the yard size, and limit parking on our street.

We respectfully request the board grant the appeal for the variance from sidewalk requirements at 906 Albert Court. Should you need any other information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael and Erin Yu". The signature is fluid and cursive, with the first name "Michael" being more prominent and the last name "Erin Yu" following in a similar style.

Michael and Erin Yu

From: [Dorris, Stacy](#)
To: [Pulley, Russ \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: variance request 2019-258 906 Albert Ct - to not build, not pay in lieu for sidewalk - please deny
Date: Tuesday, May 7, 2019 12:28:28 PM

Dear Councilman Pulley and the BZA,

Hope this email finds you well. I respectfully write to ask you to deny 2019-258, 906 Albert Ct, 37204. This variance is asking to NOT build the sidewalk AND NOT pay the in-lieu contribution. This just is not a fair request to the community. Nashville has sidewalks on only 20% of our roadways. The Sidewalk Bill #493 was created to link development with new sidewalk production. When this opportunity to build the new sidewalk is lost, decades can pass before the property is redeveloped.

Nashville has a significant traffic issue. We have an obesity issue. And, we do not have a strong culture of walking partly because we have few sidewalks and they are not often linked. Every piece of sidewalk we can have built, during development, is the start of linking our neighborhoods and filling out our woefully absent sidewalk grid.

PLEASE deny this request. We need every piece of sidewalk.

Best,
Stacy Dorris, MD
801 Timber Ln
37215

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Landon Brazzale Date: 4-16-19
Property Owner: PJH Germantown Property LLC Case #: 2019-259
Representative: Proper Power LLC Map & Parcel: 08209017200

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 convert existing single family residence into a bar (2735 sq ft)

- ZONING:
- MUN
 - HISTORIC
 - MDHA-PJ
 - UZO

Activity Type: COMMERCIAL RENOVATION
Location: 1311 4TH AVE N

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

Reason: VARIANCE TO PARKING REQUIREMENTS REQUIRES 36 SPACES, REQUESTING 17

Section(s): 17.20.030

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.

Proper Power LLC
Appellant Name (Please Print)

Landon Brazzale
Representative Name (Please Print)

Address

Address

City, State, Zip Code

City, State, Zip Code

203-605-1555
Phone Number

615-712-6394
Phone Number

Properpowernash@gmail.com
Email

landon@schafferslawfirmtn.com
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



3654185

ZONING BOARD APPEAL / CAAZ - 20190022244
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08209017200

APPLICATION DATE: 04/16/2019

SITE ADDRESS:

1311 4TH AVE N NASHVILLE, TN 37208
PT LOT 55 MCGAVOCK 1ST ADDN

PARCEL OWNER: P & H GERMANTOWN PROPERTY, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

2 Variance Requests for proposed Commercial Renovations to existing building for use as a Bar.

(1) Parking 17.20.030 requires 36 parking spaces, requesting reduction to 17 spaces.

(2) Variance to square footage limitations per Use Permitted with Conditions 17.16.070 G, maximum of 2,500 sq ft of gross floor area, requesting 2,725 sq ft of gross floor area.

POC: Jeff Compo 203-605-1555

*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

4/15/19
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.

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?

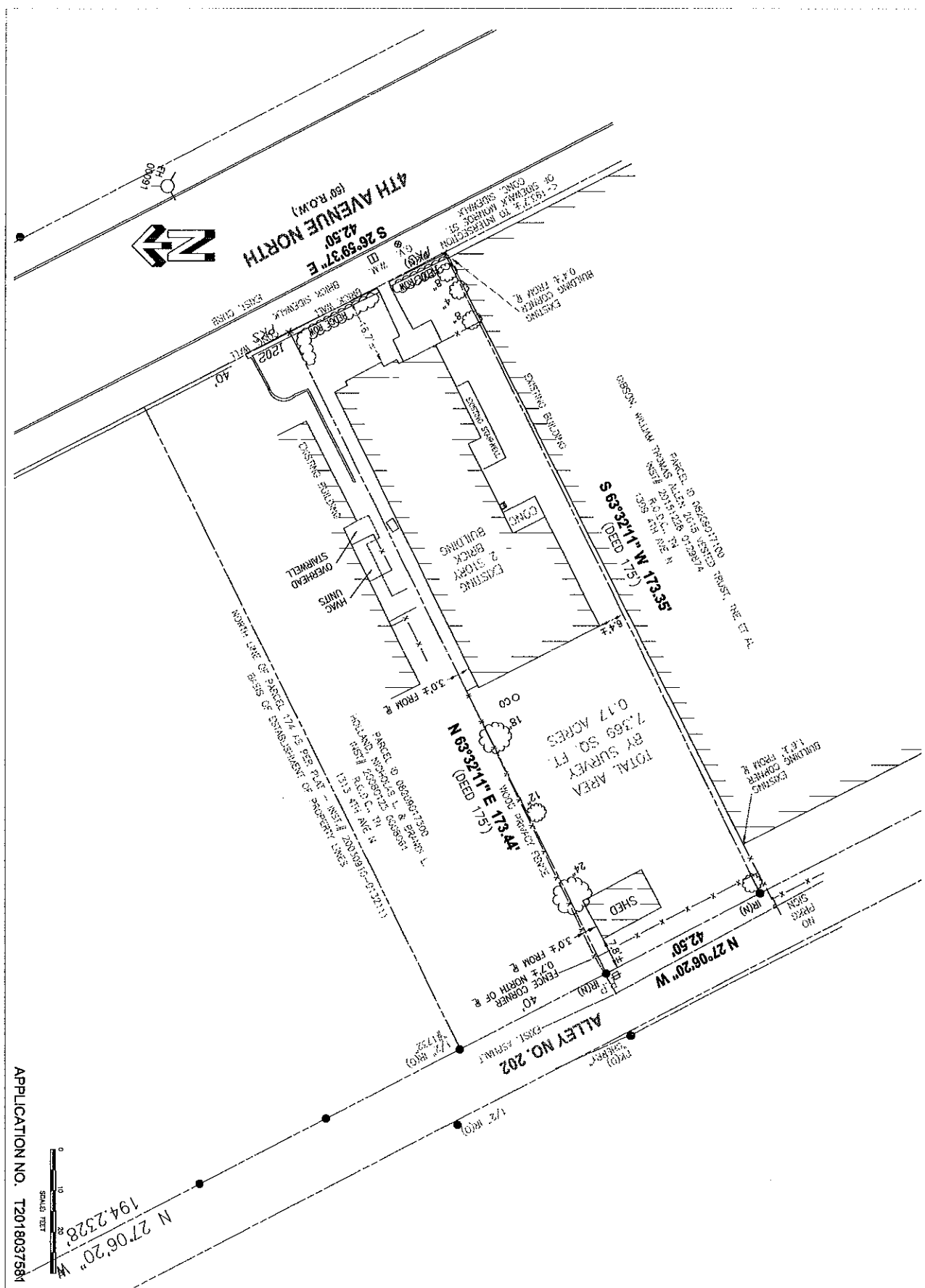
Zoning Administrator and Members of the Board of Zoning Appeals,

Proper Pour, LLC is requesting a variance of the parking requirements which are set forth in the Ordinances of the Metropolitan Government of Nashville and Davidson County in 17.20. Proper Pour plans to open a casual lounge establishment at 1311 4th Ave N in the Germantown neighborhood, which primarily serves wine, beer, and cider, but will not be serving liquor by the drink, such as whiskey, vodka, gin, etc., and does not plan to have live entertainment at this time. The establishment will serve food; however, the food sales will likely not exceed fifty percent of revenue. The establishment will be 2,725 square feet. Thus, the establishment will be required to have 36 individual parking spots. This is impossible to obtain onsite as the structure is an old house that will be renovated to accommodate this commercial use. The size and structure of the lot and building simply do not allow for parking of this amount to be added to the location. Also, adding parking would require the permission of the Metro Historic Zoning Commission.

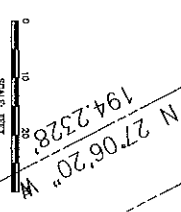
The building has three spots located in the rear and two spots directly in front of the building in street parking. Further, Proper Pour has reached an agreement, which will be provided in writing to the Administrator, for use of an additional twelve spots within a block of the building. Additionally, Germantown is a high density apartment dwelling neighborhood where most people walk to restaurants, people from out of the neighborhood frequently use ride sharing and scooter sharing apps to keep from driving, and there is street parking throughout the neighborhood and multiple pay parking lots within blocks of our location. It is the belief of the Appellant that these factors allow for ample parking to meet the requirements of the establishment and will not negatively impact the neighborhood.

Thank you,

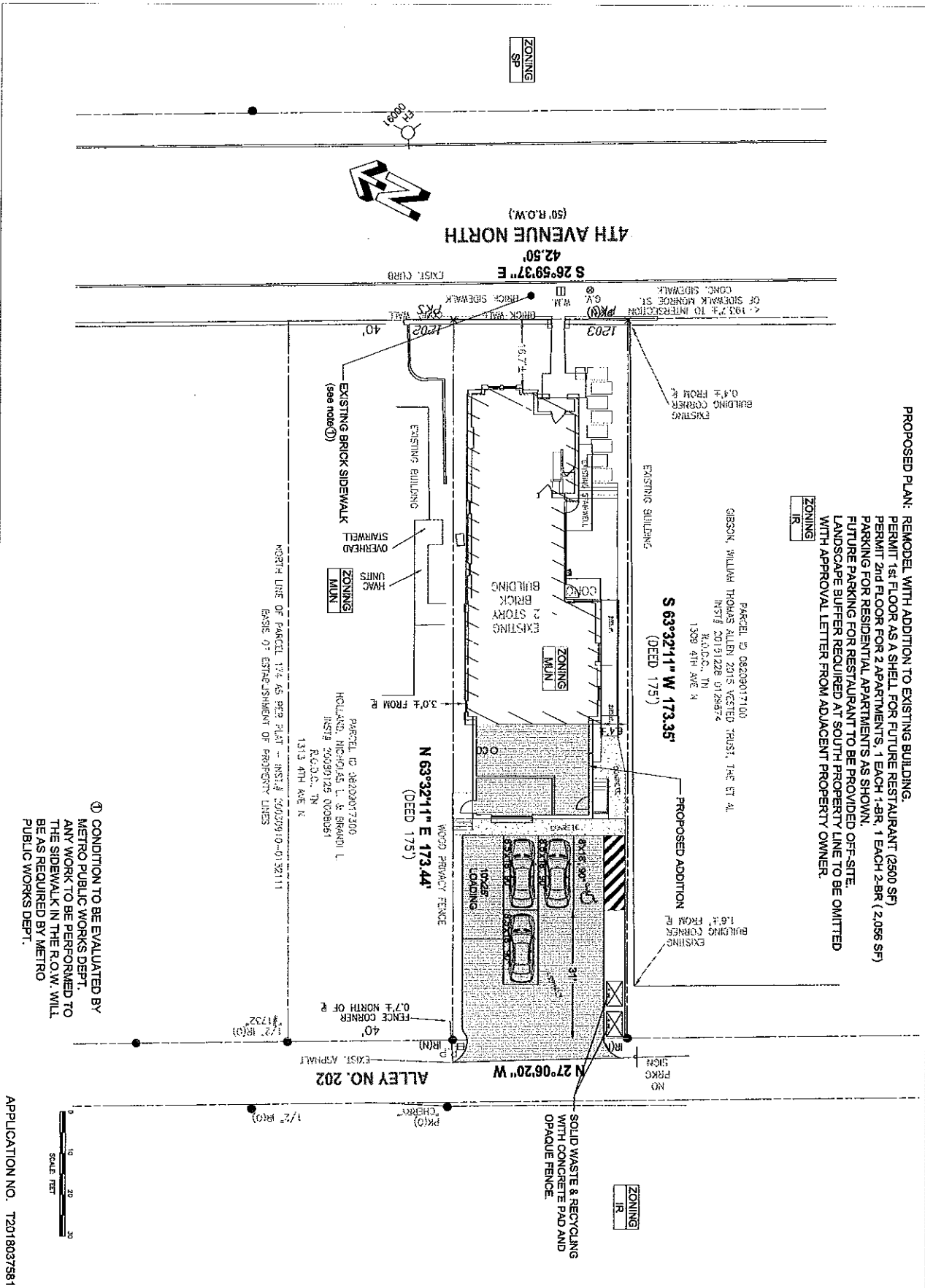
Proper Pour



APPLICATION NO. T2018037584



<p>EXISTING CONDITIONS</p> <p>C-2.0</p>	<p>DATE: 07/11/2019</p> <p>CONSTRUCTION DOCUMENTS</p> <p>NO: 17254</p> <p>DATE: 07/11/2019</p> <p>NO: 17254</p> <p>DATE: 07/11/2019</p>	<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>		<p>D A A D</p> <p>Dylan Architecture and Design</p> <p>2520 White Avenue Nashville, TN 37204</p> <p>615.246.3223 www.daad-group.com</p>



PROPOSED PLAN: REMODEL WITH ADDITION TO EXISTING BUILDING.
 PERMIT 1st FLOOR AS A SHELL FOR FUTURE RESTAURANT (2500 SF)
 PERMIT 2nd FLOOR FOR 2 APARTMENTS, 1 EACH 1-BR, 1 EACH 2-BR (2,056 SF)
 PARKING FOR RESIDENTIAL APARTMENTS AS SHOWN.
 FUTURE PARKING FOR RESTAURANT TO BE PROVIDED OFF-SITE.
 LANDSCAPE BUFFER REQUIRED AT SOUTH PROPERTY LINE TO BE OMITTED
 WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.

PARCEL ID: 06209017100
 GIBSON, WILLIAM THOMAS ALLEN 2015 VESTED TRUST, THE ET AL.
 R.A.D.C., TN
 INST# 20191228 0729474
 1308 4TH AVE N

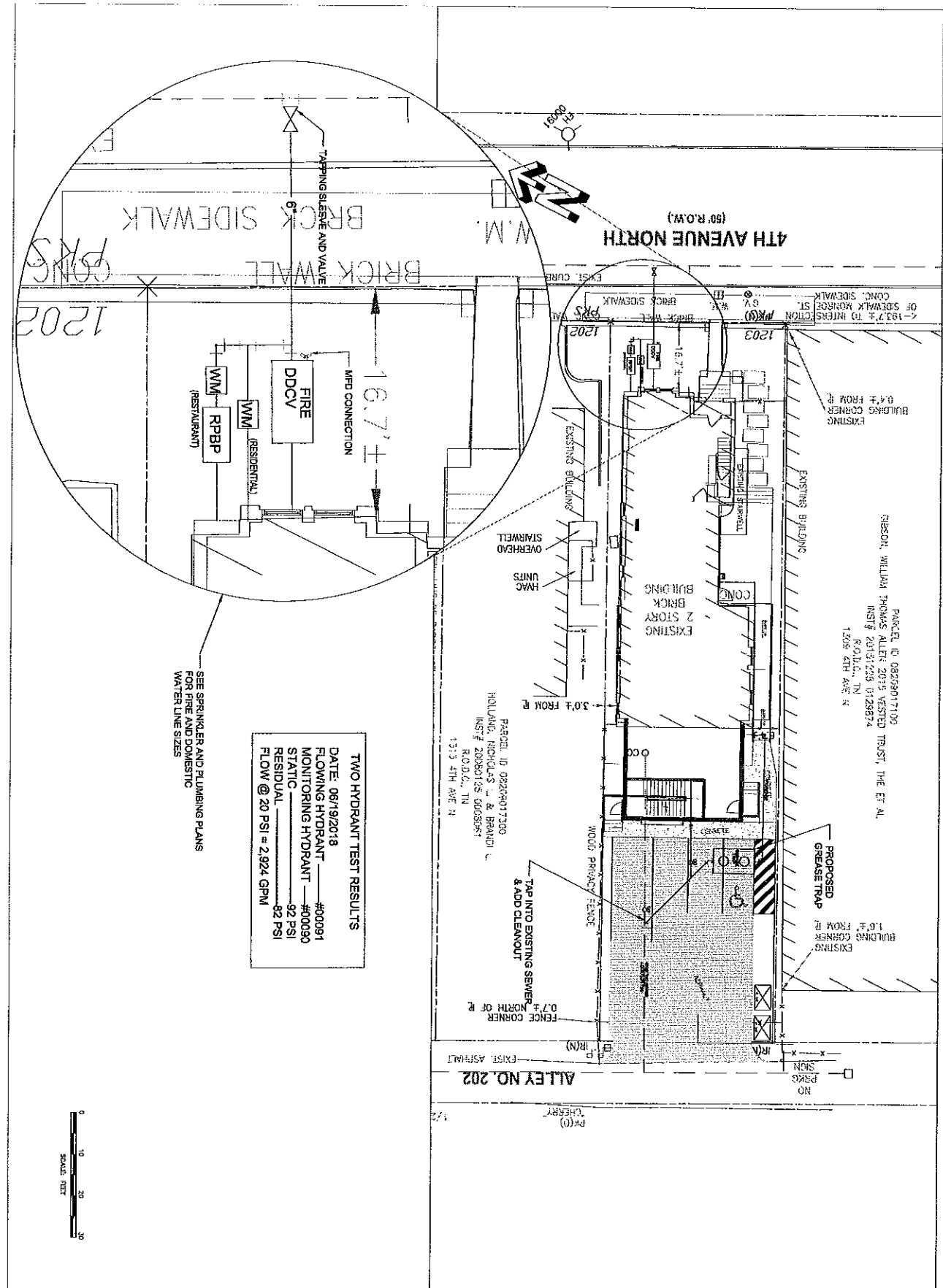
PARCEL ID: 06209017200
 HOLLAND, NICHOLAS L. & BRADLEY L.
 INST# 20090125 0028081
 R.A.D.C., TN
 1313 4TH AVE N

① CONDITION TO BE EVALUATED BY METRO PUBLIC WORKS DEPT. ANY WORK TO BE PERFORMED TO THE SIDEWALK IN THE R.O.W. WILL BE AS REQUIRED BY METRO PUBLIC WORKS DEPT.

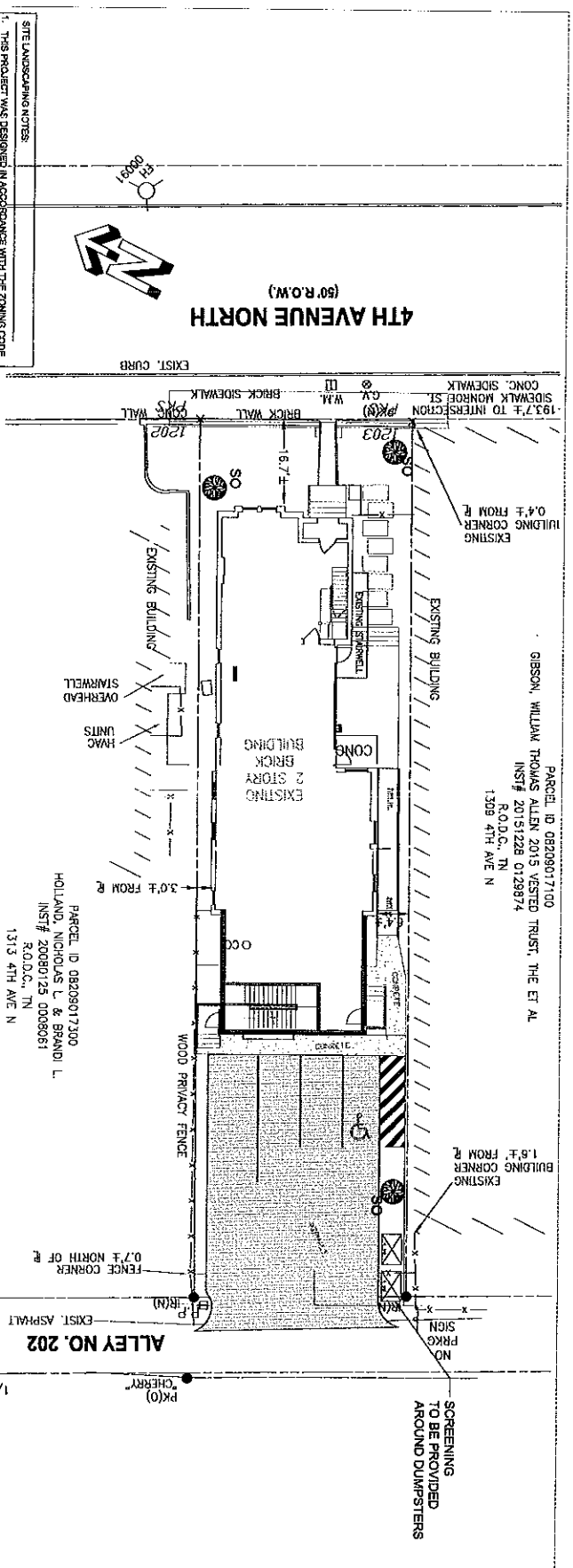
APPLICATION NO. T2018037581



<p>D A A D</p> <p>David Anderson and Design 2500 White Avenue Nashville, TN 37204 615.244.3221 www.daaad.com</p>		<p>07/14/2019</p>
<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>		
<p>2019 Permit #</p> <p>17288</p>	<p>Site</p> <p>CONSTRUCTION DOCUMENTS</p>	<p>Date:</p> <p>07/14/2019</p>
<p>Site Plan</p> <p>C-3.0</p>		



<p>D A A D</p> <p>Order Architecture and Design 2550 White Avenue Nashville, TN 37204 615.248.3233 www.daaad.com</p>		<p>07/14/2018</p>	
<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>		<p>Drawn: UTILITIES</p> <p>Checked: C-5.0</p>	
<p>Drawn: UTILITIES</p> <p>Checked: C-5.0</p>	<p>DATE: 07/12/18</p> <p>CONSTRUCTION DOCUMENTS</p>	<p>DATE: 07/12/18</p> <p>CONSTRUCTION DOCUMENTS</p>	<p>DATE: 07/12/18</p> <p>CONSTRUCTION DOCUMENTS</p>



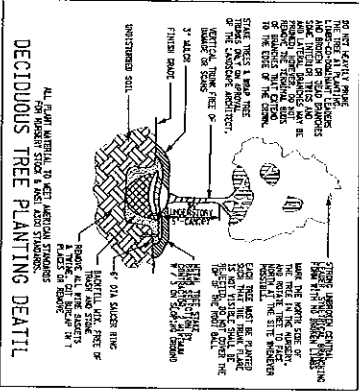
SITE LANDSCAPING NOTES:

1. THIS PROJECT WAS DESIGNED IN ACCORDANCE WITH THE ZONING CODE FOR VESTING OUTLINE MAPS, TITLE 17, CHAPTER 17.04. REASONABLE SUPPLY AND TREE REPLACEMENT IS REQUIRED TO MAINTAIN VISUAL QUALITY AND TO COMPENSATE FOR ANY REMOVAL OF TREES. THE CONTRACTOR SHALL PROVIDE A TREE REMOVAL PLAN THAT YOU BELIEVE FULFILLS THE REQUIREMENTS OF THIS ORDINANCE AS IT PERTAINS TO QUALITY OF WORKMANSHIP, PLANT SELECTION AND RESTORATION.
2. NO CHANGE IN SIZE, SPECIES OR LOCATION SHALL BE MADE WITHOUT APPROVAL OF URBAN FORESTER.
3. THE PLANT LIST IS FOR THE CONVENIENCE OF THE CONTRACTOR. HOWEVER, THE CONTRACTOR SHALL CONSIDER ALL QUANTITIES PRIOR TO BIDDING. IF THE PLANT LIST AND PLANT QUANTITIES DIFFER, THE PLAN SHALL TAKE PRECEDENCE.
4. PROVIDE TREES, SHRUBS AND PLANTS OF QUANTITY, SIZE AND GENUS SPECIFIED AND VARIETY SHOWN AND SPECIFIED FOR LANDSCAPE WORK. ANSI #61, LATEST EDITION, AMERICAN STANDARDS FOR FORESTRY STOCK. PROVIDE HEALTHY, VIGOROUS STOCK, GROWN IN A RECOGNIZED NURSERY IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES. PROVIDE PROPER PLANTING AND MAINTENANCE INSTRUCTIONS SUCH AS MOUNT, SHADING, MULCHING, AERATION OR DISTURBANCE.
5. LOCATIONS OF ALL PLANT BEDS AND TREES TO BE STAGED AND APPROVED BY OWNER PRIOR TO PLANTING.
6. DETERMINE LOCATION OF UNDERGROUND UTILITIES AND PERSON EXCAVATE AS NECESSARY TO INSTALL POSSIBLE WATER, LAND DRAINAGE AND ELECTRICAL LINES. PROVIDE A PLAN SHOWING THE LOCATION OF ALL UTILITIES AND PERSON EXCAVATION. REMOVAL IS MUTUALLY AGREED UPON BY PARTIES CONCERNED.
7. IF TOPSOIL IS REQUIRED, PROVIDE NEW TOPSOIL WHICH IS GENUINE PRIMA E NATURAL LAMIN SURFACE SOIL. PROVIDE A PLAN SHOWING THE LOCATION OF ALL EXCAVATIONS OR TOPSOIL LAYER REMOVAL. PROVIDE A PLAN SHOWING THE LOCATION OF ALL EXCAVATIONS OR TOPSOIL LAYER REMOVAL. PROVIDE A PLAN SHOWING THE LOCATION OF ALL EXCAVATIONS OR TOPSOIL LAYER REMOVAL. PROVIDE A PLAN SHOWING THE LOCATION OF ALL EXCAVATIONS OR TOPSOIL LAYER REMOVAL.
8. ALL TREES, SHRUBS AND BEDS SHALL BE MULCHED WITH A LAMIN LAYER OF HARDWOOD BARK MULCH. THE MULCH SHALL BE FINE TEXTURED, FREE OF LARGER PIECES OF WOOD OR BARK AND DARK IN COLOR.
9. BEDS SHALL BE SHOVEL, SEGED TO FORM A NEAT TRENCH 3" IN DEPTH.
10. MULCH BEDS SHALL BE SLIGHTLY WOUNDED (9" OVER ALLOWING OVERFLOW).
11. CONTRACTOR TO MAINTAIN ALL PLANTING FOR A PERIOD OF ONE (1) YEAR AFTER DATE OF FINAL ACCEPTANCE BY URBAN FORESTER.

KEY	QTY	SPECIES/COMMON NAME	SIZE	HEIGHT	SPREAD
SO	3	QUERCUS SQUAMARDA II	2"	12 - 14'	4 - 5'
SEED		FINE BLADED FESCUE SEED			

REBEL II
5 LBS PER 1000 SQ FT

NOTE: IF AUTOMATIC IRRIGATION FOR TREES IS PROVIDED, THERE IS NO HOSE BIB REQUIRED. IF IRRIGATION IS NOT PROVIDED, A HOSE BIB IS REQUIRED WITHIN 100' OF EACH TREE.



DECIDUOUS TREE PLANTING DETAIL

1. ACREAGE (AREA OF BUILDING SITE)
2. MINUS BUILDING COVERAGE AREA
3. EQUALS ADJUSTED AREA
4. MULTIPLIED BY REQUIRED DENSITY UNITS PER ACRE
5. EQUALS REQUIRED TREE DENSITY UNITS FOR PROJECT

NOTE: LANDSCAPE BUFFER REQUIRED AT SOUTH PROPERTY LINE TO BE OMITTED WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.



APPLICATION NO. T2018037581

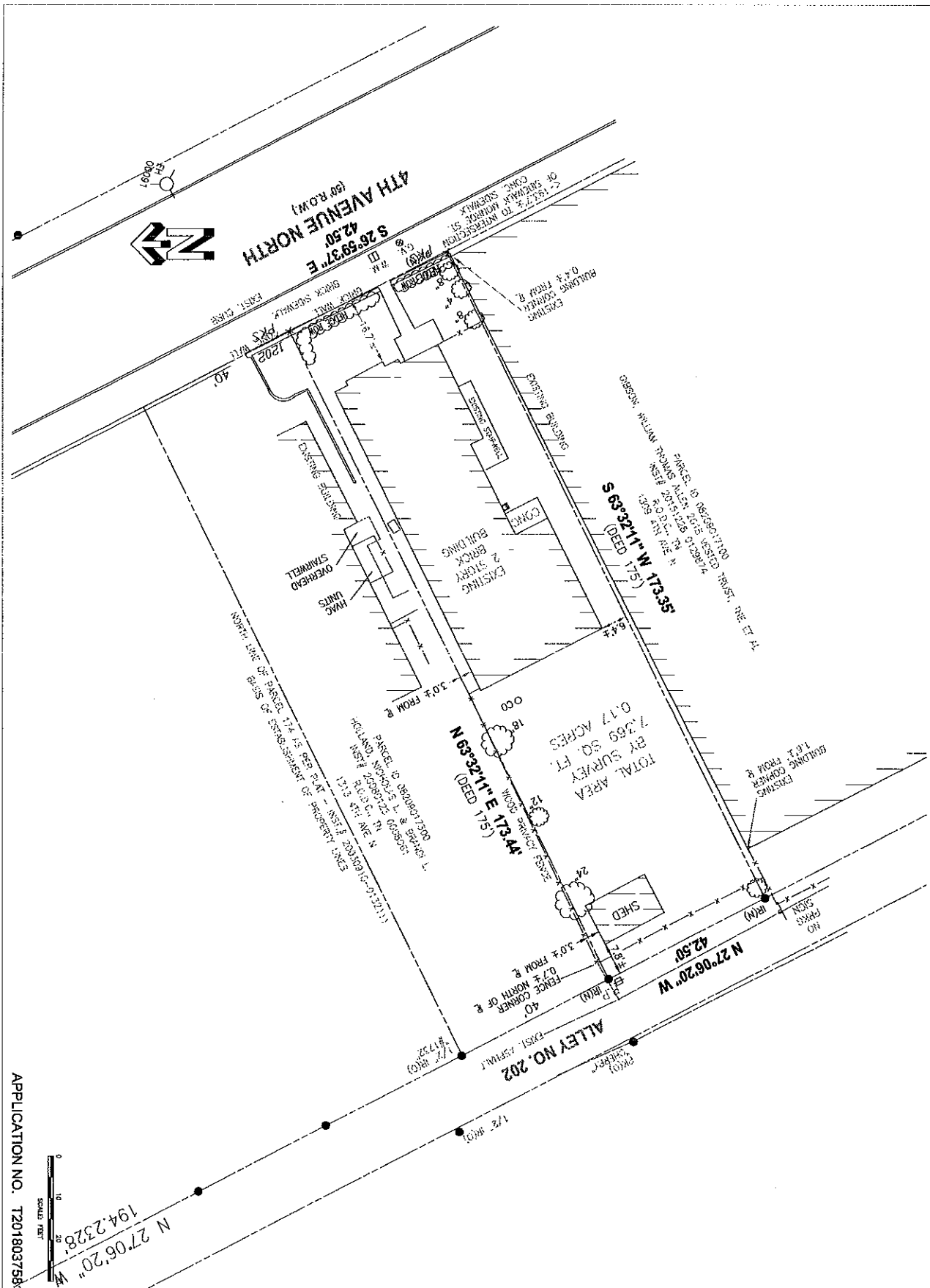
DATE PREPARED: 07/17/2018
 NO. SEC. 17.04.01
 PROJECT NAME: 1311 4th Ave N, Nashville, TN 37027
 DATE: 07/17/2018
 DRAWING: LANDSCAPE PLAN
 SHEET: L-1.0

A Renovation and Addition to
1311 Fourth Avenue North
 Nashville, TN 37027



City of Nashville
 2500 Third Avenue North, Nashville, TN 37204
 615.248.3222 www.dca-c.gov

D I A A D



APPLICATION NO. T2018037584



<p>C-2.0</p>	<p>EXISTING CONDITIONS</p>	<p>D A A D</p>
	<p>Drawn:</p>	

D|A|A|D Project #:
T2018037584

Site:
CONSTRUCTION DOCUMENTS

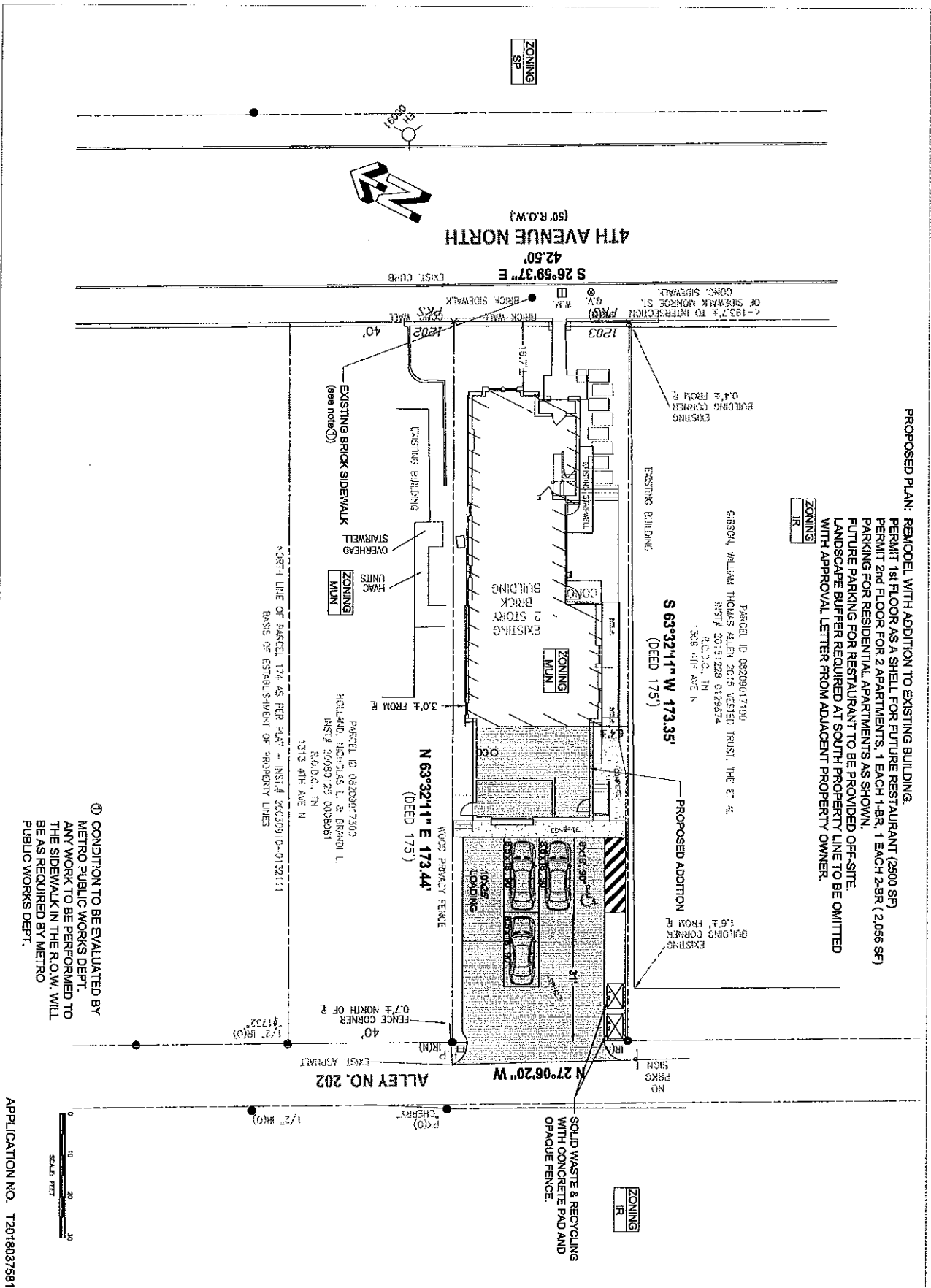
Date:
07/12/2019

A Renovation and Addition to

1311 Fourth Avenue North

Nashville, TN 37027

Dylan Architecture And Design
2520 White Avenue Nashville, TN 37204
615.246.2223 www.daaad.com



PROPOSED PLAN: REMODEL WITH ADDITION TO EXISTING BUILDING.
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 WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.

ZONING
IR

PARCEL ID 08209017100
 GIBSON, WILLIAM THOMAS TRUST, THE ET AL
 R.C.O.C. TN
 INST# 20151228 0129574
 1308 4TH AVE N

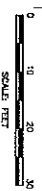
S 63°32'11" W 173.35'
 (DEED 175)

N 63°32'11" E 173.44'
 (DEED 175)

PARCEL ID 08209077305
 HOLLAND, MICHAEL L. & BRADLEY L.
 INST# 20050125 0008061
 R.C.O.C. TN
 1313 4TH AVE N

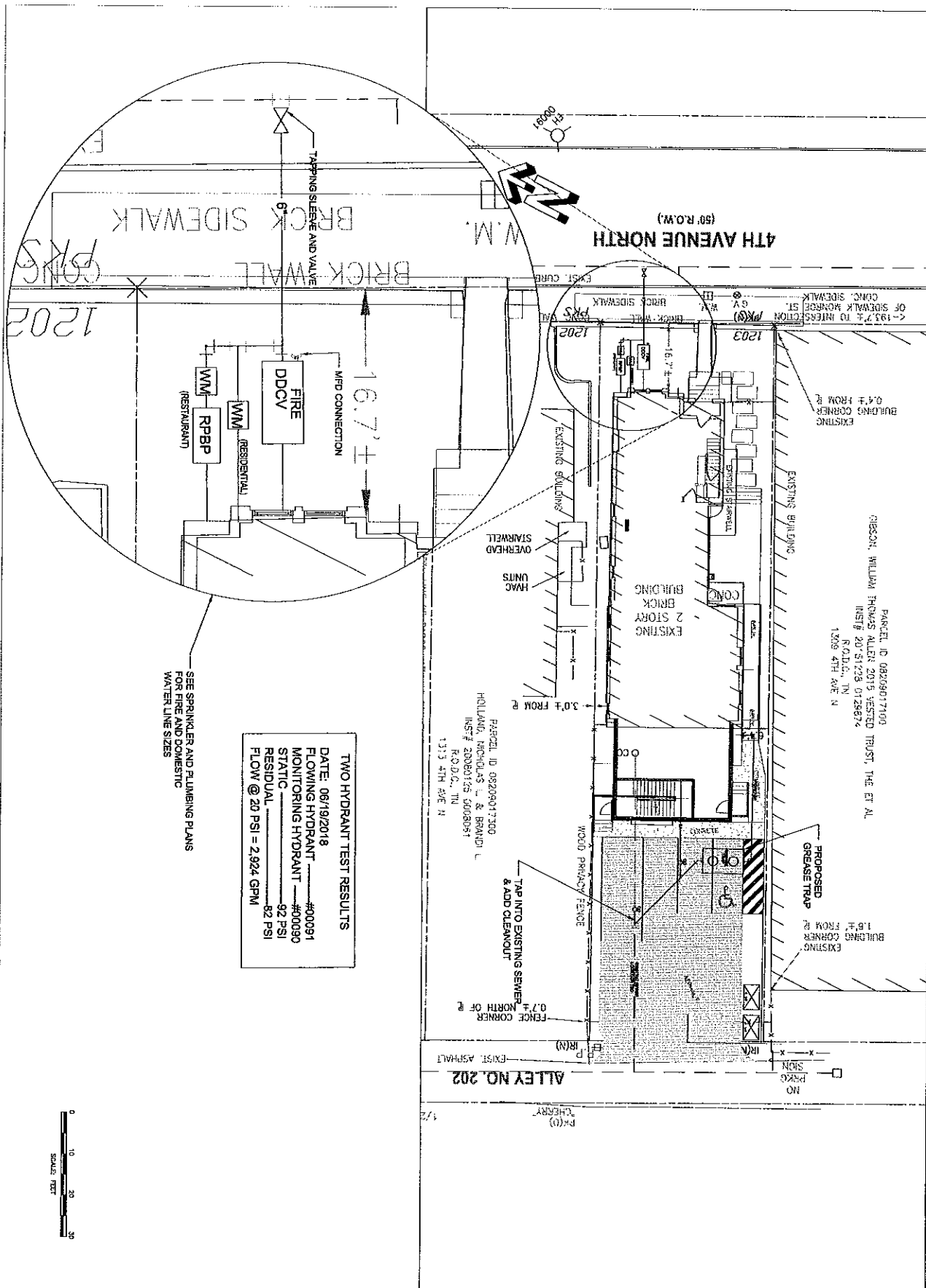
NORTH LINE OF PARCEL 174 AS REP. PART -- INST# 25030910-0122111
 BASE OF ESTABLISHMENT OF PROPERTY LINES

① CONDITION TO BE EVALUATED BY METRO PUBLIC WORKS DEPT. ANY WORK TO BE PERFORMED TO THE SIDEWALK IN THE R.O.W. WILL BE AS REQUIRED BY METRO PUBLIC WORKS DEPT.



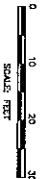
APPLICATION NO. 12018037581

<p>D A A D</p> <p>Dylan Architecture and Design 2500 White Avenue Nashville, TN 37204 615.246.1222 www.daad-ny.com</p>		<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>
<p>DATE PROJECT: 17/08/24</p> <p>NO. SEC CONSTRUCTION DOCUMENTS: 07/12/24</p> <p>DATE: 07/12/24</p>	<p>Drawn by: [Blank]</p> <p>Checked by: [Blank]</p>	<p>07/12/2018</p>
<p>C-3.0</p> <p>SITE PLAN</p>		<p>APPENDIX 1: [Blank]</p>



TWO HYDRANT TEST RESULTS
 DATE: 06/19/2018
 FLOWING HYDRANT #00091
 MONITORING HYDRANT #00090
 STATIC 92 PSI
 RESIDUAL 82 PSI
 FLOW @ 20 PSI = 2,924 GPM

SEE SPRINKLER AND PLUMBING PLANS FOR FIRE AND DOMESTIC WATER LINE SIZES



<p>DIAAD</p> <p>Dylan Architecture and Design 2500 White Avenue Nashville, TN 37204 615.248.2322 www.diaad-arch.com</p>		<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>	
		<p>DATE: 06/19/2018</p> <p>PROJECT: 17-084</p> <p>NO. SEC: COMMUNICATION DOCUMENTS</p> <p>DATE: 07/1/2018</p>	<p>DATE: 06/19/2018</p> <p>PROJECT: 17-084</p> <p>NO. SEC: COMMUNICATION DOCUMENTS</p> <p>DATE: 07/1/2018</p>

From: [whitney.drury](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Support
Date: Wednesday, May 29, 2019 1:59:18 PM

Hello! My name is Whitney Drury at 1206 6th Ave. N, #3 in Germantown. I am writing in support of the parking requirement reduction reference # **20190022244**.

Thank you,
Whitney Drury

Sent from my iPhone

From: [Marlene Bown](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #2019002224 - Please pass!
Date: Wednesday, May 29, 2019 12:37:19 PM

My name is Marlene Bown and my wife Beth Walsh and I live in Germantown at 1206 6th Ave N #2. We are highly supportive of allowing the parking variance for this case and would love to have this new business in our neighborhood. Please pass!!

Sent from my iPhone

From: [Fred Booth](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #20190022244
Date: Thursday, May 23, 2019 9:07:54 AM

Dear Board of Zoning Appeals:

I am writing to voice my opposition to the request for a parking variance by the operators of the bar proposed to be located at 1311 4th Ave North, 37208. My wife and I reside at 1317 4th Ave North, just three doors up the street from the location of the proposed bar, Proper Pour.

It is unfortunate that the operators of the proposed bar chose a location that requires more parking spaces than they can provide. It is not reasonable, however, for them to expect the other residents of the neighborhood to share the burden of providing the legally required parking spaces for a bar. Obviously, fewer parking spaces provided by a bar would result in more people competing for the scarce parking spaces now available on the street on a first-come, first-served basis.

When we first moved into our home on 4th Ave North ten years ago we knew what the rules for on-street parking were, and we understood that competition for parking spaces would probably increase with the growth in population that was already taking place in Germantown.

As expected, it has become more difficult to park on the street during the past ten years and we accept that. We do not, however, accept the idea that anyone should be granted an exception that relieves them from their legal responsibilities at the expense of other residents.

I appreciate your consideration of my request, and encourage you to deny the request for the parking variance for 1311 4th Ave North,

Sincerely,

Fred Booth

1317 4th Ave North
Nashville, TN 37208

615-585-4370

From: [Kellye Joiner](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #20190022244
Date: Friday, May 24, 2019 10:30:44 AM

Dear BZA,

I am writing in opposition to the parking variance for the proposed bar at 1311 4th Ave. North. Although I don't live on 4th Ave., I live around the corner on Van Buren street. This requested variance for the bar would mean an increased hardship for what is now mainly a residential section of 4th Ave. Although I understand we are discussing free and open parking in an urban area, I don't understand relieving a legal parking requirement for bar, when that would mean increasing hardship on residents.

Thank you for your consideration,
Kellye Joiner
425 Van Buren street

Sent from my iPad

From: [Jessica Himes](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit 20190022244
Date: Thursday, May 9, 2019 10:55:59 AM

My name is Jessica Himes. My husband, Doug Himes and I reside at 1326 5th Ave North. We received the zoning appeal notice for permit number 20190022244, for a business seeking a variance on parking requirements.

We strongly oppose this variance being granted. Parking in Germantown is going increasingly difficult given all the businesses which do not provide adequate parking, or those businesses which reserve all non-street parking spaces their business provides for their customers/clients and require their employees to take up the street parking.

With the numerous new apartment complexes, restaurants, and businesses locating to Germantown, street parking is already at a premium. 4th Avenue in Germantown is difficult to traverse because vehicles are parked on both sides of the street, right up to the cross streets. It is near impossible to see if cars are traveling down 4th Avenue when stopped at the Van Buren stop sign.

Granting yet another parking requirement variance will only exacerbate this issue.

Thank you for your consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,

Jessica Himes

May 28, 2019

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety
PO Box 196350
Nashville, TN 37201

Dear Board of Zoning Appeals Members,

This is in reference to Appeal Case Number 2019-259 -1311 4th Avenue N, Map Parcel 08209017200.

My husband Jim and I own a condo located within 600 feet of the subject location. We bought this condo with the intent to use it as a second home. We do not rent it out or use it for Air B&B as we want to maintain the integrity of the neighborhood.

We oppose the appeal for the property listed above for a variance from parking requirements. Our objections are to any change in parking as there is already a major issue with parking, especially for residents. Very often residents are left without parking spaces, and often you will see vehicles parked illegally. Germantown is a wonderful neighborhood, but the continual erosion of parking spaces will have an impact on the residents, patrons of existing establishments and on the neighborhood itself.

We also opposed the applicant converting a single family residence into a bar. Germantown already has enough restaurants and bars in the neighborhood, especially in the area of the proposed business. Repurposing a residence for yet another bar does not bode well for the neighborhood. As residents, we want to maintain the historic nature of the community, and maintaining homes for their intended purpose will only help maintain the Germantown neighborhood.

I would recommend that the applicant look to less populated areas to establish a bar. There are a number of warehouses that could be used for this purpose, and would also have ample parking.

We adamantly oppose this variance.

Sincerely,

Karin and Jim Patricelli

May 31, 2019

Metropolitan Board of Zoning Appeals
PO Box 196350
Nashville, TN 37219-6300

RE: Appeal Case Number: 2019-259
1311 4TH AVE N
Map Parcel: 08209017200
Zoning Classification: MUN
Council District: 19

Dear Board Members,

As concerned neighbors living less than one block North of the party seeking a parking variance we wish to express opposition to the appeal. We share the alley that backs up to the property and fear illegal parking, late night noise, and the littering that we've witnessed with similar venues in our residential neighborhood of nearly 14 years.

We recognize Historic Germantown historically functioned as a mixed-use neighborhood; however, in the past, traditional daytime-operating businesses were our neighbors. The new trend of accommodating Nashville's tourist industry has led to an over-saturation of restaurants, bars, and STRs that fail to provide their own parking and patron oversight, spoiling the charm of the historic neighborhood as a place to live. The lack of business-provided parking has led to illegal parking and overcrowded street parking, thus creating blind intersections and points of impasse for streets designed for two-way traffic.

Please consider these issues and vote as if you lived in our beloved neighborhood. We don't oppose growth nor development, we only ask that it be responsible and considerate to those of us who call it home.

Sincerely yours,



Timothy C. Cope

Sheila Weinberger Cope

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Appellant: Kasey McDonald Date: 3-15-19
 Property Owner: Kasey McDonald Case #: 2019-186
 Representative: Kasey McDonald Map & Parcel: 08106012500
 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: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 2626 Jenkins St.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

Section: 17.16.250 E

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

Appellant Name: Kasey McDonald Representative: Same
 Phone Number: 312 476-0209 Phone Number: _____
 Address: 2626 Jenkins St. Address: _____
Nashville, TN 37208 _____
 Email address: kaseyjomcd@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**



3629578

**ZONING BOARD APPEAL / CAAZ - 20190015171
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08106012500**APPLICATION DATE:** 03/15/2019**SITE ADDRESS:**

2626 JENKINS ST NASHVILLE, TN 37208

LOT 1 SEC 5 CUMBERLAND GARDENS

PARCEL OWNER: MCDONALD, KASEY J**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

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.

Kim Donale 3/15/19

Rental Unit Record

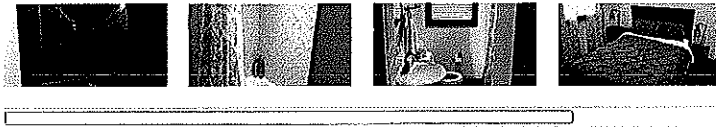
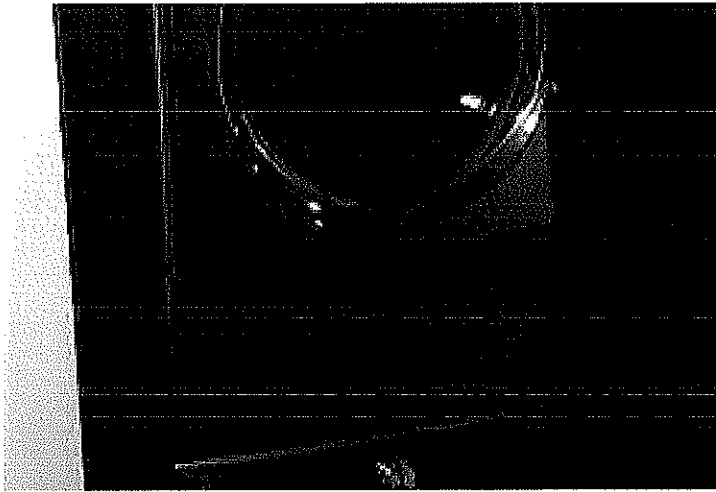
2626 Jenkins St, Nashville, TN 37208, USA

Removed X
 Identified ✓
 Compliant ✓

PRINT

Listing(s) Information

Airbnb - 27928248



Rental Unit Information



Identified Address

2626 Jenkins St, Nashville, TN 37208, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.181734, -86.821171

Parcel Number

08106012500

Owner Name

MCDONALD, KASEY J

Owner Address

2626 Jenkins St
Nashville, TN 37208, US

Matched Details

Analyst

ZBUO

Explanation

The address was found to be at 2626 Jenkins St. The Redfin photos of the property's bathroom (same architecture, tiling in shower, and location of sink, toilet, air vent, etc.) matches the bathroom shown in the Airbnb listing. (<https://www.redfin.com/TN/Nashville/2626-Jenkins-St-37208/home/62315168>).

Listing Photos



Matching 3rd Party Sources

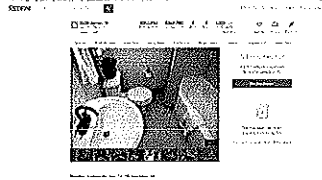
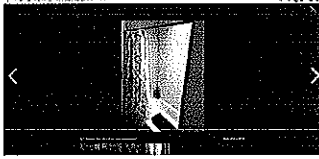


Same Bathroom (Architecture and location of sink, toilet, air vent, etc)

Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing alr27928248 Removed
 November 22nd, 2018



Same Bathroom (Tiling in Shower)

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/27928248
Listing Status	● Inactive
Host Compliance Listing ID	- air27928248
Listing Title	- Comfortable room with private bathroom, 4 miles from Broadway.
Property type	- House
Room type	- Private room
Listing Info Last Captured	- Nov 02, 2018
Screenshot Last Captured	- Nov 22, 2018
Price	- \$50/night
Cleaning Fee	- \$5

Information Provided on Listing

Contact Name	- Kasey
Latitude, Longitude	- 36.181349, -86.821431
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 2
Max Number of People per Bedroom	- 2
Number of Reviews	- 15
Last Documented Stay	- 11/2018

Listing Screenshot History

View Latest Listing Screenshot

January 0

February 0

March 0

- First Warning - No STR or Tax: Delivered November 19th, 2018
- First Warning - No STR or Tax: Sent November 13th, 2018
- Listing air27928248 Identified November 10th, 2018
- 5 Documented Stays November, 2018
- 5 Documented Stays October, 2018
- Listing air27928248 First Crawled October 20th, 2018
- Listing air27928248 Reposted October 20th, 2018
- Listing air27928248 Removed October 20th, 2018
- Listing air27928248 Reposted October 16th, 2018
- Listing air27928248 Removed October 4th, 2018
- Listing air27928248 Reposted October 3rd, 2018
- Listing air27928248 Removed September 28th, 2018
- 5 Documented Stays September, 2018
- Listing air27928248 Reposted September 23rd, 2018
- Listing air27928248 Removed September 11th, 2018
- Listing air27928248 Reposted September 7th, 2018
- Listing air27928248 Removed September 6th, 2018
- Listing air27928248 First Activity September 1st, 2018

Metropolitan Board of Zoning Appeals
Metro Office Building
800 Second Avenue South
P.O. Box 196300
Nashville, TN 37219-6300
Case# 2019-186

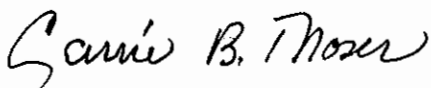
May 23, 2019

RE: Case 2019-186 Short-term rental permit for the property at 2626 Jenkins St

Please accept this letter in **OPPOSITION** to the request for a short-term rental permit at 2626 Jenkins St.

I am an elderly homeowner in Cumberland Gardens. I have lived in my home for 56 years, raising a family and paying taxes. Several of my neighbors keep an eye out for me and I receive help from family and friends to continue to be able to stay in my home. I am adamantly opposed to having strangers in and out of the neighborhood on a regular basis who have no interest in the long-term safety and security of the community. While I am glad to see Nashville prosper in the tourist business, the housing for these tourists is best relegated to hotels, motels and owner-occupied homes.

I hope and pray that my community will continue to be a place for long-term residents with a commitment to keeping the area safe for families.



Carrie B. Moses
1816 26th Avenue North
(615) 259-3731

May 30, 2019

Board of Zoning Appeals

Metro Office Building

800 Second Ave South

Case # 2019-186

Re: Zoning Board appeals Case NO. 2019-186

Dear Zoning Board I am writing to express
my concern about Air BNB in my
Neighborhood.

Located at 2626 Jenkins St. Nashville TN 37208
we live at 2700 Jenkins St Nashville TN 37208
Next Door.

Ms Kasey McDonald is a good Neighbor but
we disapproved of Air BNB because we looked
at the Pros and Cons. And we found more
Cons than Pros

Sincerely

Tricia Haines
David W. Sanford



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

Appellant: Martin & Crystal Bauer Date: 4-11-19
 Property Owner: Martin & Crystal Bauer Case #: 2019-241
 Representative: Martin & Crystal Bauer Map & Parcel: 09207016000
 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: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 1915 Herman St

This property is in the RM10 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: Martin & Crystal Bauer Representative: Same
 Phone Number: 949 554-7778 Phone Number: _____
 Address: 762 Saussy Place Address: _____
Nashville, TN 37205
 Email address: martypbauer@gmail.com Email address: _____

Appeal Fee: \$100.00

P.D.F.



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



3650539

ZONING BOARD APPEAL / CAAZ - 20190021026
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09207016000

APPLICATION DATE: 04/11/2019

SITE ADDRESS:

1915 HERMAN ST NASHVILLE, TN 37208
LOT 6 BUSH SUB 16 HARDING & LYTLE

PARCEL OWNER: BAUER, MARTIN P. & CRYSTAL C.

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

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

Martin Bauer

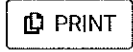
4-11-2019

Bauer 4-11-19

Rental Unit Record

1915 Herman St, Nashville, TN 37208, USA

Removed X
Identified ✓
Compliant X



Listing(s) Information

VRBO - 321.1056737.1604863 Airbnb - 18311389

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety
Site Address: 1915 HERMAN ST NASHVILLE, TN 37208 Permit #: 2016044295



Issue Date: September 14, 2016 Parcel:
Applicant: BAUER, MARTIN P. & CRYSTAL C.
Contact: BAUER, MARTIN P. & CRYSTAL C.

NOTICE
No work may be done on any part of a building or structure beyond the required applicable inspectors.
Keep Job Sites Clean and Safe.



Matched Details

Analyst: RMIT

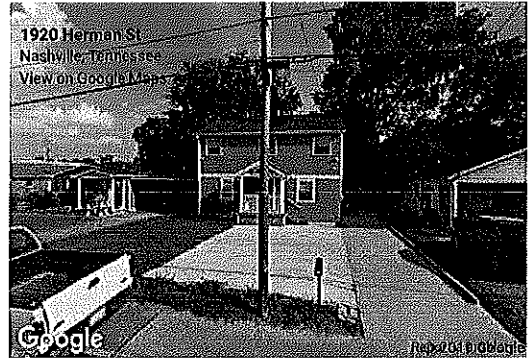
Explanation: Listing matches a short-term rental permit holder.

Owner Name Match

Listing Details

- Listing URL: <https://www.homeaway.com/vacation-rental/p1056737vb>
- Listing Status: inactive
- Host Compliance Listing ID: hma321.1056737.1604863
- Listing Title: Spacious 4 bedroom 3.5 bathroom House 2 miles from downtown - 12 beds

Rental Unit Information



Identified Address

1915 Herman St, Nashville, TN 37208, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.162762, -86.806073

Parcel Number

09207016000

Owner Name

BAUER, MARTIN P. & CRYSTAL C.

Owner Address

7148 Locksley Ln
Fairview, TN 37062, US

Registration / Permit Number

502766

Timeline of Activity

View the series of events and documentation pertaining to this property

4/11/2019

Matched property listing


Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Apr 09, 2019
Screenshot Last Captured	- Apr 06, 2019
Price	- \$683/night
Cleaning Fee	- \$300

- ✘ Listing air18311389 Removed April 10th, 2019
- ✘ Listing hma321.1056737.1604863 Removed April 10th, 2019
- 📅 3 Documented Stays March, 2019
- Listing air18311389 Reposted February 26th, 2019
- ✘ Listing air18311389 Removed February 25th, 2019
- 📅 3 Documented Stays February, 2019
- Listing air18311389 Reposted February 15th, 2019
- ✘ Listing air18311389 Removed February 13th, 2019
- 🚩 First Warning - No STR Permit: Delivered October 12th, 2018 📅
- 🚩 First Warning - No STR Permit: Sent October 5th, 2018 📅
- 📅 1 Documented Stay October, 2018
- 📅 4 Documented Stays September, 2018
- 📅 4 Documented Stays August, 2018
- 📅 1 Documented Stay July, 2018
- 📅 4 Documented Stays June, 2018
- Listing air18311389 Reposted June 23rd, 2018
- ✘ Listing air18311389 Removed June 22nd, 2018
- 📅 3 Documented Stays May, 2018
- Listing hma321.1056737.1604863 Reposted May 2nd, 2018
- 📅 3 Documented Stays April, 2018
- ✘ Listing hma321.1056737.1604863 Removed April 19th, 2018
- 🚩 Airbnb Letter: Delivered April 9th, 2018 📅
- 🚩 Airbnb Letter: Sent March 29th, 2018 📅
- 📅 2 Documented Stays March, 2018
- Listing hma321.1056737.1604863 Reposted February 26th, 2018
- ✘ Listing hma321.1056737.1604863 Removed February 21st, 2018

Information Provided on Listing

Contact Name	- Marty Bauer
Latitude, Longitude	- 36.165500, -86.803085
Minimum Stay (# of Nights)	- 3
Max Sleeping Capacity (# of People)	- 12
Max Number of People per Bedroom	- 3
Number of Reviews	- 4
Last Documented Stay	- 05/2018

Listing Screenshot History

 View Latest Listing Screenshot

February 3

March 7

April 2

4/11/2019

Matched property listing

- 📅 2 Documented Stays
February, 2018
- 📅 1 Documented Stay
December, 2017
- 📅 1 Documented Stay
November, 2017
- 📅 1 Documented Stay
October, 2017
- 📅 3 Documented Stays
September, 2017
- 📅 4 Documented Stays
August, 2017
- ✓ Listing air18311389 Identified
August 7th, 2017
- ✓ Listing hma321.1056737:1604863 Identified
July 29th, 2017
- 📅 1 Documented Stay
July, 2017
- 📅 2 Documented Stays
June, 2017
- 📅 1 Documented Stay
May, 2017
- 📅 2 Documented Stays
April, 2017
- * Listing hma321.1056737:1604863 First
Crawled
April 22nd, 2017
- * Listing air18311389 First Crawled
April 22nd, 2017
- Listing air18311389 First Activity
April 21st, 2017
- Listing hma321.1056737:1604863 Reposted
April 21st, 2017
- ✗ Listing hma321.1056737:1604863 Removed
April 1st, 2017
- Listing hma321.1056737:1604863 First
Activity
April 1st, 2017

April 06, 2019 - 06:08AM America/Chicago

HomeAway

Trip Boards Login Help Feedback

List your property

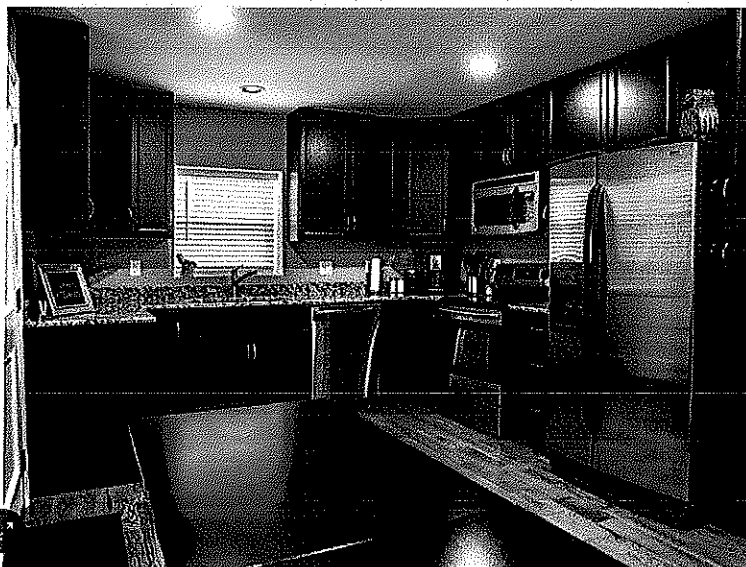
Apr 6, 2019 6:08am CT

Where Nashville, TN, USA

Check In

Check Out

Search



\$683 avg/night

★★★★ 4 Reviews

Enter dates for accurate pricing

Check In Check Out Guests

Request to Book

Marty Bauer Ask Owner a Question

For booking assistance, call HomeAway at 888-829-7076 Property # 1056737vb

Overview Amenities Reviews Map Rates & Availability

Spacious 4 bedroom 3.5 bathroom House 2 miles from downtown - 12 beds

- House Nashville, TN, USA · 1.4 mi to Nashville center
Sleeps: 12
Bedrooms: 4
Bathrooms: 3
Half Baths: 1
Min Stay: 3 nights

Air Conditioning No Smoking Internet

This 4 bedroom 3.5 bathroom single family home is 2 miles from downtown Nashville. It has 4 queen beds, 6 twin beds and 2 full futons. There's plenty of room for getting ready, 6 sinks, 4 showers, seating for 6 at a mirrored makeup counter, tankless water heater for lots of showers. House is equipped with WIFI and 50mbit cable, central heat and air. 10'x35' back deck with seating for 14 and a large back yard. Washer and dryer, full kitchen, Bonus room with 60" tv, speakers with bluetooth in bonus room and living room. Free on property parking for 5 cars, additional street parking available.

Bedrooms

Bedrooms: 4 Sleeps: 12

Bedroom 1

queen

Bedroom 2

queen · sleep sofa /futon

Bedroom 3



queen (2)

Bedroom 4



twin/ single (6)

You might like these similar properties

See more



1BR • Sleeps 4

266 avg/night

0 reviews (0)



2BR • Sleeps 6

338 avg/night

0 reviews (0)



4BR • Sleeps 12

435 avg/night

7 reviews (7)

Owner



Marty Bauer

Member Since 2017

Ask Owner a Question

Speaks:
English

Calendar last updated:
Apr 5, 2019

Amenities

Featured

Air Conditioning

Washer & Dryer

Satellite or Cable

TV

Children Welcome

Internet

Internet

Parking

Heater

Bathrooms

3 Bathrooms, 1 Half Bath

Bathroom 1

toilet, shower, Double sinks

Bathroom 2

toilet, combination tub/shower

Bathroom 3

toilet, shower, Double shower,

double sink

Bathroom 4

toilet

General

Air Conditioning

Heating

Linens Provided

Washing Machine

Clothes Dryer

Parking

Parking for up to 6 cars on property.

Internet

50mbit cable, WIFI 802.11N 2.4/5ghz

Towels Provided

Iron & Board

Living Room

Kitchen

Kitchen

Full kitchen, 26cf fridge, smoothtop range,

dishes, glasses, flatware, dishwasher, garbage disposal, microwave, coffee maker, coffee, creamer, sugar, various pots and

pans.

Dining

Dining Area

DINING
seating for 8 in kitchen, seating for 12 on deck.

comfy seating for 8 people

Entertainment

Television
69" LCD

Basic cable

Games
some simple board games.

Satellite / Cable

Stereo
Bluetooth stereos in living room and bonus room.

Outdoor Features

Deck / Patio

Suitability

wheelchair inaccessible

House Rules

Check-in: 3:00 PM

Check-out: 11:00 AM

No parties/events

No smoking

Children allowed

Minimum age of primary renter: 25

Max occupancy: 12

By renting this property you agree to follow all rules in the attached rental agreement.

Failure to follow the rules may result in guests being removed from property, some or all of security deposit not being returned, or additional costs.

Cancellation Policy

100% refund if canceled at least 60 days before arrival date. 50% refund if canceled at least 30 days before arrival date.

4 Reviews

★★★★ 4.5/5

1 - 4 of 4

Nice back yard, great for games quick uber to downtown

4/5 ★★★★★ Stayed May 2018

Benjamin L.

The house was very nice and Marty was very accommodating. We landed early and since no one was there before us we were able to check in early

We spent most of our time playing games in the large back yard and on the nice porch. Lots of beds and towels for all 10 of us. I would stay here again for sure!

Published May 15, 2018

Rates & Availability

April 2019							May 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6				1 530	2 530	3	4
7 530	8 530	9 530	10 530	11 530	12	13	5	6 530	7 530	8 530	9 530	10 1065	11 1065
14	15 530	16 530	17 530	18 530	19 1065	20 1065	12 530	13 530	14 530	15	16	17	18
21 530	22 530	23 530	24 530	25	26	27	19	20 530	21 530	22 530	23 530	24	25
28 530	29 530	30 530					26	27 530	28 530	29 530	30 530	31 1065	



June 2019							July 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1 1065		1 530	2 530	3 530	4 530	5 1065	6 1065
2 530	3 530	4 530	5	6	7	8	7 530	8 530	9 530	10 530	11 530	12 1065	13 1065
9	10 530	11 530	12 530	13 530	14 1065	15 1065	14 530	15 530	16 530	17 530	18 530	19 1065	20 1065
16 530	17 530	18 530	19 530	20 530	21 1065	22 1065	21 530	22 530	23 530	24 530	25 530	26 1065	27 1065
23 530	24 530	25 530	26 530	27 530	28 1065	29 1065	28 530	29 530	30 530	31 530			
30 530													

Taxes and fees are additional

Additional information about rental rates

Cleaning Fee	300
Refundable Damage Deposit	500

Popular Vacation Destinations

Home > United States > Tennessee > Davidson County > Nashville-Davidson > Nashville

Vanderbilt University Nashville Convention Center

Go Running from a Modern Apartment by Centennial Park All-Inclusive Amenities & Awesome Attractions Await
138/139 4 Bedroom Downtown Condo comprised of 2 suites

HomeAway

Explore HomeAway

- List Your Property
- Book with Confidence
- Trust & Safety
- Discovery Hub
- Community

Company

- About
- Careers
- Affiliates
- Media Center

Meet the HomeAway family

- Vrbo
- HomeAway.com
- Homelidays.com
- Abritel.fr
- FeWo-direkt.de
- Bookabach.co.nz
- Stayz.com.au

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Available for iOS and Android. Messaging!



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

Appellant: Zeke Anderson Date: 4/16/19
Property Owner: Zeke Anderson Case #: 2019-249
Representative: Zeke Anderson Map & Parcel: 082140A07300Co
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 obtain a STRP permit
Activity Type: Short Term Rental
Location: 938 1st Ave. N

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant does not qualify to apply under Public Chapter No. 972.

Section: 17.16.250 E

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

Appellant Name: Zeke Anderson Representative: Same
Phone Number: 615-995-8353 Phone Number: _____
Address: 3000 Hillsboro Pike Apt 107 Address: _____
Nashville, TN 37215
Email address: Zeke13anderson@gmail.com Email address: _____

Appeal Fee: _____

RJB

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

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT


DATE



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



3437925

RESIDENTIAL SHORT TERM RENTAL / CASR - 2018001840
PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO
[HTTP://STRP.NASHVILLE.GOV](http://STRP.NASHVILLE.GOV) FOR RENEWAL INSTRUCTIONS

PARCEL: 082140A07300CO

APPLICATION DATE: 01/10/2018

SITE ADDRESS:

ISSUED DATE: 02/02/2018

938 1ST AVE N NASHVILLE, TN 37201
UNIT 938 RIVERFRONT CONDO 2ND AMEND

PARCEL OWNER: Zeke Anderson

APPLICANT: Zeke Anderson
938 1st Ave. N
Nashville, TN 37201
615 995-8353

CONTACT: Zeke Anderson
938 1st Ave. N
Nashville, TN 37201
615 995-8353

PURPOSE:

By making this application for a Type 3 Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is not Owner occupied, 1 sleeping room, 6 person maximum occupancy.

Compliance letter verified.

Floor Plan and smoke detectors verified.

Homeowner has confirmed that subject property is not in violation of a Homeowners Association

Renew Short Term Rental Permit

Inspection requirements may change due to changes during construction.

Dashboard

Rental Unit Record

938 1st Ave N, Nashville, TN 37201, USA

Active
Identified
Compliant

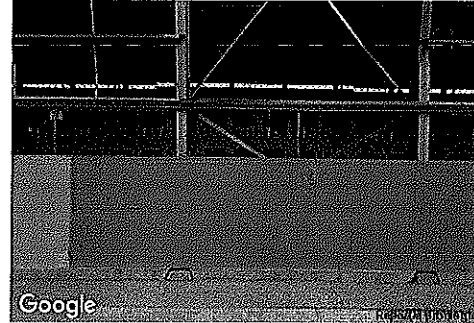


Listing(s) Information

Airbnb - 20896221



Rental Unit Information



Identified Address

938 1st Ave N, Nashville, TN 37201, USA

Identified Unit Number

938

Identified Latitude, Longitude

36.174153, -86.781022

Parcel Number

082140A07300

Owner Name

ANDERSON, ZEKE

Owner Address

938 1st Ave N
Nashville, TN 37201, US

Registration / Permit Number

2018001840, 504549

Matched Details

Analyst

WVGW

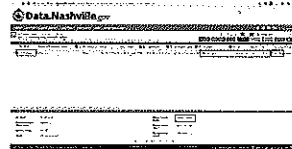
Explanation

The host provides a rental permit number on the listing. On the permit site, you will see the host name under applicant name. You will also see the address and unit number listed.

Listing Photos



Matching 3rd Party Sources



Same permit number and host name.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

2 Documented Stays

Matched property listing

Listing Details

Listing URL — <https://www.airbnb.com/rooms/20896221>
 Listing Status ● Active
 Host Compliance Listing ID — air20896221
 Listing Title — Nashville Downtown Riverfront Condo
 Property type — Condominium
 Room type — Entire home/apt
 Listing Info Last Captured — Apr 13, 2019
 Screenshot Last Captured — Apr 14, 2019
 Price — \$89/night
 Cleaning Fee — \$95


















Information Provided on Listing

Contact Name — Zeke
 Latitude, Longitude — 36.173880, -86.780080
 Minimum Stay (# of Nights) — 2
 Max Sleeping Capacity (# of People) — 4
 Max Number of People per Bedroom — 4
 Number of Reviews — 74
 Last Documented Stay — 04/2019

Listing Screenshot History

 [View Latest Listing Screenshot](#)



- April, 2019
-  9 Documented Stays
March, 2019
-  6 Documented Stays
February, 2019
- Listing air20896221 Reposted
February 15th, 2019
- ✘ Listing air20896221 Removed
February 13th, 2019
-  6 Documented Stays
January, 2019
-  3 Documented Stays
December, 2018
-  6 Documented Stays
November, 2018
-  6 Documented Stays
October, 2018
- Listing air20896221 Reposted
October 23rd, 2018
- ✘ Listing air20896221 Removed
October 20th, 2018
- Listing air20896221 Reposted
October 10th, 2018
- ✘ Listing air20896221 Removed
October 9th, 2018
-  8 Documented Stays
September, 2018
-  5 Documented Stays
August, 2018
-  4 Documented Stays
July, 2018
-  6 Documented Stays
June, 2018
- Listing air20896221 Reposted
June 23rd, 2018
- ✘ Listing air20896221 Removed
June 22nd, 2018
-  7 Documented Stays
May, 2018
-  4 Documented Stays
April, 2018
- ✔ Airbnb Letter: Delivered 
April 9th, 2018
- ✔ First Warning - No Tax Reg: Delivered 
April 9th, 2018
- ✔ First Warning - No Tax Reg: Sent 
April 2nd, 2018
-  2 Documented Stays
March, 2018
- ✔ Airbnb Letter: Sent 
March 29th, 2018
- ✔ Listing air20896221 Identified

March 19th, 2018

● Listing air20896221 Reposted
March 4th, 2018

✘ Listing air20896221 Removed
March 2nd, 2018

* Listing air20896221 First Crawled
February 25th, 2018

● Listing air20896221 First Activity
February 25th, 2018

To whom it may concern:

I appreciate you taking the time to attend to this situation. I own property in Nashville that I have been operating as a Short-Term Rental over a year.

938 1st Avenue North STRP# 2018001840.

I attempted to renew my STRP around March 19th, thinking that it had to be renewed before my initial date of operation in 2018. However, that is not the case and my permit expired on February 2nd.

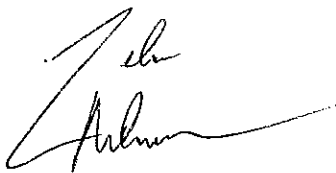
I did not receive the letter that my renewal was not accepted until the evening April 15th. The next morning, April 16th, I went to Metro Codes building to re-apply for my permit. I told them that I am willing to pay any late fees or fines and comply in any way. I was told that I was operating illegally and that I must cease operation immediately. I was told I must take down my advertisement and cancel all bookings for the rest of the year.

I was told I had to attend the court of appeals on June 6th along with several steps to notify all the surrounding neighbors within 600 feet.

I have taken down my advertisement. I understand ignorance of the law is not an excuse. This was an honest mistake and I can assure you it will not happen again. All I'm asking for is a little mercy on the first offense. I have paid all my taxes. I am willing to pay any penalties or late fees.

I would love to be permitted to operate legally in the city of Nashville. Any assistance you can provide is greatly appreciated.

Thanks again for taking the time to attend to this issue.

A handwritten signature in black ink, appearing to read "Zeke Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Zeke Anderson
615-995-8353

May 25, 2019

Metropolitan Board of Zoning Appeals:

As the neighbor owning unit 854 1st Ave North in Riverfront Condos, I support Zeke Anderson's appeal. Please permit him to continue operating his short term rental once he has paid all necessary fees and fines. This is reference to appeal case #: 2019-249. Thank you.

Sincerely,
Cathy Veretta