

DOCKET

6/20/2019

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

Previously Heard Cases Requiring Board Action:

CASE 2019-095 (3730 & 3788 Amy Lynn Drive) Motion to Rehear case previously heard on 3/21/19 regarding Smyrna Ready Mix's operation of a concrete manufacturing plant.

CASE 2019-160 (117 Haynes Park Dr) – Requesting a variance from sidewalk requirements to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Previously heard on 5/16/19 and failed to receive four affirmative votes.

CASE 2019-258 (906 Albert Ct) - Requesting a variance from sidewalk requirements to construct a single family residence without building sidewalks or paying into the sidewalk fund. Previously heard on 5/16/19 and failed to receive four affirmative votes.

CASE 2018-674 (Council District - 17)

DON HARDIN, appellant and **LYTLE, T. C. ETUX**, owner of the property located at **1112 2ND AVE S**, requesting a variance from lot size requirements in the R6 District, to construct two 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 10503011400

RESULT -

CASE 2019-155 (Council District - 17)

S+H GROUP LLC, appellant and **RHINO HOLDINGS, LLC**, owner of the property located at **52 INDUSTRY ST**, requesting a variance from landscape buffer requirements in the IWD District, to build a warehouse and office development. Referred to the Board under Section 17.24.240. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Warehouse

Map Parcel 10508015400

RESULT - WITHDRAWN

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 2019-225 (Council District - 5)

ACUFF, STEPHEN & TIFFANY, appellants and owners of the property located at **812 N 5TH ST**, requesting an Item A appeal challenging the zoning administrator's denial of a permit to convert an existing detached structure into a detached accessory dwelling unit in the RS5, SP 2014-896 District, to convert the structure into a DADU. Referred to the Board under Section 17.40.010.A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Single Family

Map Parcel 08207041300

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

Map Parcel 05209017700

Map Parcel 05209017600

RESULT -

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 R8 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 2019-259 (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 -

CASE 2019-267 (Council District - 15)

BUSH, J. SETH, appellant and owner of the property located at **0 DONELSON PIKE**, requesting an Item A appeal challenging the zoning administrator's denial of a permit to build a single family house in the R10 District. 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 09609005202

RESULT -

CASE 2019-269 (Council District - 17)

JONI ELDER, appellant and **NORMAN, DUINA Z.& STRATTON, PIA D.**, owner of the property located at **1802 8TH AVE S**, requesting a variance from sidewalk requirements in the CS District, to conduct interior renovations without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Kennel

Map Parcel 10510010200

RESULT –

CASE 2019-270 (Council District - 17)

HERBOLD, ELLIOTT & ALEXANDRA, appellant and owner of the property located at **916 KIRKWOOD AVE**, requesting variances from side and rear setback requirements in the R8 District, to construct an addition to a single family home. 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 11801043100

RESULT -

CASE 2019-272 (Council District - 17)

ROB CUSHMAN, appellant and **O.I.C. 525 MOORE AVENUE TOWNHOMES**, owner of the property located at **525 C MOORE AVE**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family homes without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 105074X90000CO

RESULT -

CASE 2019-273 (Council District - 17)

ROB CUSHMAN, appellant and **O.I.C. 527 MOORE AVENUE TOWNHOMES**, owner of the property located at **527 C MOORE AVE**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family homes without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 105074W90000CO

RESULT -

CASE 2019-274 (Council District - 3)

THERESA WINNINGTON, appellant and **PNI, LLC**, owner of the property located at **2924 TORBETT ST**, requesting a variance from side setback requirements in the RS5 District, to maintain an existing residence. 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 09210008300

RESULT -

CASE 2019-276 (Council District - 17)

ROB CUSHMAN, appellant and **O.I.C.1706 CARVELL AVENUE TOWNHOMES**, owner

Page 7

of the property located at **1706 C CARVELL AVE**, requesting a variance from sidewalk requirements in the R6-A District, to construct four single family residences on two parcels without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 105111M90000CO

RESULT -

CASE 2019-277 (Council District - 17)

ROB CUSHMAN, appellant and **O.I.C. 1704 CARVELL AVENUE TOWNHOMES**, owner of the property located at **1704 C CARVELL AVE**, requesting a variance from sidewalk requirements in the R6-A District, to construct 4 single family homes on two parcels without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 105111L90000CO

RESULT -

CASE 2019-278 (Council District - 17)

JOSH HELLMER, appellant and owner of the property located at **36 SHEPARD ST**, requesting variances from setback and build to zone requirements in the R6 District, to construct a single family residence. Referred to the Board under Section 17.40.670 17.12.030.C.3 and 17.12.030 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single-Family

Map Parcel 10504011800

RESULT –

CASE 2019-280 (Council District - 21)

ERIN LEAF, appellant and **WEST END LAND DEV. CO., L.P.**, owner of the property

Page 8

located at **2317 ELLISTON PL**, requesting a variance from sidewalk requirements in the SP District, to renovate F45 Fitness without building sidewalks. The applicant is requesting to contribute to the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Personal Care Services

Map Parcel 09215014000

RESULT -

CASE 2019-281 (Council District - 7)

JAY FULMER, appellant and **2003 EAST, LLC**, owner of the property located at **2003 STRAIGHTWAY AVE**, requesting an Item D appeal in the R6 District, to demolish a legally non-conforming four-unit structure and construct four new units. Referred to the Board under Section 17.40.660 A., 17.40.660 B. and 17.40.650 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 D.

Use-Multi-Family

Map Parcel 07214038700

RESULT -

CASE 2019-283 (Council District - 32)

PAUL PLUMMER, appellant and **EVEREST INVESTMENTS, G.P.**, owner of the property located at **5200 HICKORY HOLLOW PKWY**, requesting variances in lot size and setback requirements in the AR2A District, to construct a school and multipurpose field. Referred to the Board under Section 17.16.040.A.1. and 17.16.040.A.2. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Education

Map Parcel 16300006200

RESULT -

CASE 2019-284 (Council District - 15)

TONY BACHMAN, appellant and **443 DONELSON PIKE, LLC**, owner of the property located at **441 DONELSON PIKE**, requesting a variance from sidewalk requirements in the

Page 9

CL District, to renovate an office space without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 09613018700

RESULT -

CASE 2019-285 (Council District - 24)

JODY ROERTS, appellant and **COLBURN, TODD M. & JENNIFER L.**, owner of the property located at **3801 NEVADA AVE**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family house without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09213024700

RESULT -

CASE 2019-286 (Council District - 2)

TIFFINIE CAPEHART, appellant and **DAVIS, CHARLES PATRICK**, owner of the property located at **1639 EMERALD DR**, requesting variances from sidewalk and front setback requirements in the RS15 District, to construct a single family home without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.020 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 06911007800

RESULT -

CASE 2019-287 (Council District - 17)

MATT SCHLICKER, appellant and **SAWTOOTH PARTNERS, LLC**, owner of the

Page 10

property located at **2030 LINDELL AVE**, requesting a variance from sidewalk requirements in the IR District, to make renovations to an office space without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 10510029600

RESULT -

CASE 2019-288 (Council District - 22)

SHELBE HEFIN, appellant and **WEST MEADE FELLOWSHIP, INC.**, owner of the property located at **277 OLD HICKORY BLVD**, requesting a Special Exception in the OL District, to erect an electronic message board. Referred to the Board under Section 17.40.280. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Religious Institution

Map Parcel 14200034300

RESULT -

CASE 2019-289 (Council District - 16)

IGLESIA DE CRISTO JEHOVA- SHAMA NASHVILLE TN, appellant and, owner of the property located at **520 RAYMOND ST**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct an addition to a church without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution

Map Parcel 13301023200

RESULT -

CASE 2019-290 (Council District - 2)

Page 11

BEASLEY, ANDREW CHAMBERS, appellant and owner of the property located at **1200 KATIE AVE**, requesting a variance from side setback requirements in the RS5 District, to construct a single-family residence. 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 07114001000

RESULT -

CASE 2019-291 (Council District - 19)

CATALYST DESIGN GROUP, appellant and **1715 WEST END PARTNERS**, owner of the property located at **1715 WEST END AVE**, requesting variances from sidewalk and driveway requirements in the MUI-A District, to conduct interior renovations and install an ATM without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120 and 17.20.170. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Financial Institution

Map Parcel 09216017600

RESULT -

CASE 2019-306 (Council District - 6)

MORRIS, STEVEN T, appellant and owner of the property located at **124 S 12TH ST**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family house without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08313001700

RESULT -

SHORT TERM RENTAL CASES

CASE 2019-236 (Council District - 19)

Page 12

ROB PROCTOR, appellant and **PROCTOR, ROBERT, W JR & HOWARD, DANIEL, JACKSON**, owners 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

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., appellants and owners 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)

Page 13

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 -

CASE 2019-263 (Council District - 35)

RIVERSIDE HOMEOWNERS' ASSOCIATION, appellant, requesting an Item A appeal challenging the zoning administrator's renewal of short term rental permit 2018028390 for the property located at **1616 GLENRIDGE DR** in the RS20 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 142130A08000CO

RESULT -

CASE 2019-268 (Council District - 5)

NATHAN PYLE, appellant and **PYLE PROPERTIES, LLC**, owner of the property located at **913 A CHICAMAUGA AVE**, 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 RM40 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 08208030000

RESULT -

TUNE, ENTREKIN & WHITE, P.C.

THOMAS V. WHITE
JOHN W. NELLEY, JR.
THOMAS C. SCOTT
PETER J. STRIANSE
HUGH W. ENTREKIN
JOHN P. WILLIAMS *
ROBERT L. DELANEY
GEORGE A. DEAN
LESA HARTLEY SKONEY
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JOHN C. TUNE
1931-1983

ERVIN M. ENTREKIN
1927-1990

**Rule 31 listed General Civil Mediator*

June 13 2019

Emily Lamb
Secretary, Metro Board of Zoning Appeals
800 Second Avenue South
Nashville, TN 37210

Re: Smyrna Ready Mix – Non-Conforming Property
Map & Parcel: 06800007100 & 06800004600
3730 Production Way
MBZA Case # 2019-095

Dear Emily:

We are in receipt of a letter from Irwin Venick requesting a rehearing of the above-referenced zoning board appeal case. Our client opposes this request and asks that the motion be denied for several reasons outlined in this letter. We would request that this letter be made a part of the record; we have sent copies to the members of the Zoning Board.

Of course, the board originally heard this matter on March 21 of this year. Nick Leonardo represented the opponents at that time. The hearing took several hours to present to the board of zoning appeals, including approximately 30 minutes on the issue of abandonment and continuity, and the board ultimately ruled 7-0 in favor of the applicant, Smyrna Ready Mix.

As you know, Rule 10 (A) of the Zoning Board Rules requires that any request for a rehearing be accompanied by “new evidence ... **which could not have reasonably been presented at the previous hearing.**” A number of affidavits as well as other documents have been submitted in support of the rehearing request, but these are all items which could easily have been provided to the Zoning Board at the original hearing on this matter back on March 21.

The reason that the rule requires that the new evidence be of a nature which could not have reasonably been presented at the earlier hearing is to prevent relitigation of issues which the board has decisively determined. This fits into precisely is this category. Although our client does not believe that this additional offer of proof changes anything, the important point is that the opponents could have brought this evidence to the hearing on March 21; for whatever reason, they

Letter to Emily Lamb
June 13, 2019
Page 2

simply did not do so and the board for that reason alone should deny the request.

For example, one of the affidavits is signed by Jim Haney, who resides at 5733 Old Hickory Boulevard. In essence the affidavit states that he looked for sources of concrete when he built his home in 2010 but was unable to find any in that general vicinity. Obviously, this information was available prior to the date of this hearing on March 21, 2019. It could have been presented at that time, it was not. The purpose of Rule 10 is to prevent rehashing of the case which has already been decided by the board. That's essentially what this is.

Second, the opponents argue that the original administrative decision by the Zoning Administrator, Jon Michael, did not include a consideration of whether the non-conforming use had continuously operated at this location. The opponents argue further that since Mr. Michael had not considered that issue, this augers in favor of granting the motion to rehear. There are several reasons why that is incorrect.

The burden of demonstrating that there was an intentional abandonment (where the use itself has been discontinued) is on the local government (and on those opposing the non-conforming use). Tenn. Code Ann. §13-7-208 (g) (4). Restrictions on the reactivation of the non-conforming use "shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government (or opponent) has the burden of proving an overt act of abandonment in such matter." See *Boles v. City of Chattanooga*, 892 S.W.2d 416, 422 (Tenn. Ct. App. 1994)(city must show some intent to abandon plus an overt act of abandonment).

Intentional abandonment is must be raised by the government and/or the opponents of the non-conforming property. The burden was on the opponents to do so but no such proof was presented.

Furthermore, this very issue came up in the hearing. This board has already made a finding with regard to that issue. Paragraph 5 of the board's order specifically recites that the burden of demonstrating a lack of continuity under Tenn. Code Ann. § 13-7-208 (g) (4) is on the opponent, and that no such proof was presented to the board at the original hearing.

Now the opponents have hired a new firm, and ask for rehearing to put on proof that could have been presented to the board at the original hearing. This is

Letter to Emily Lamb
June 13, 2019
Page 3

simply inappropriate. The proof in any event does not change the conclusion of the board, but there is no sense in relitigating a case that has already been extensively litigated.

Finally, the board should keep in mind that this matter has been under discussion for some time. As Mr. Leonardo mentioned at the original hearing, he was involved as early as 2016 concerning the potential zoning change. There have been numerous meetings since then. The opponents have been aware of this issue for several years.

The original letter in opposition was sent to the Zoning Administrator on October 5, 2018 by Mr. Leonardo on behalf of the same opponents. Even assuming that the original review was the same month as the letter was written to the Zoning Administrator (October 2018), the opponents had six months to prepare for the zoning board hearing. Now that they have lost before the board, they want to come back for another chance to relitigate. The opponents had ample time to prepare and simply did not carry the day back in March when this case was heard.

Additionally, that October 5 letter refers to the burden of proving an overt act of abandonment (last paragraph on page 3) and argues that it is “unnecessary to entertain the question” because the property was never used as a concrete batch plant. Far from not having an opportunity to address the issue of abandonment, the opponents as of October 5 of 2018, had determined that it was unnecessary to address that issue.

Pursuant to the rules of the zoning board, the materials we submitted for consideration by the board were submitted before noon on the Monday preceding the hearing. Further, we sent copies of those materials to opposing counsel on that same day, at approximately 2:15 PM. The parties had discussions concerning potential settlement of this matter, with the last correspondence from Mr. Leonardo to Tom White, dated March 13 by email, indicating that the opponents might consider a single use specific plan but that they would not consider that until after the hearing by the zoning board. We have not heard anything further since that time.

The board should deny the motion to rehear because the evidence which has been attached to the motion could have been presented to the Board at the original hearing. The opponents simply failed to present that proof at that time.

TUNE, ENTREKIN & WHITE, P.C.

Letter to Emily Lamb
June 13, 2019
Page 4

Sincerely,

TUNE, ENTREKIN, & WHITE, PC

A handwritten signature in black ink that reads "Thomas V. White". The signature is written in a cursive style with a large, sweeping initial 'T'.

Thomas V. White

cc: Irwin Venick
MBZA Members
Jon Michael
Emily Lamb

TVW:dns



Venick Kuhn Byassee
Austin & Rosen, PLLC

Irwin B. Venick*
Irwin J. Kuhn*
Jean L. Byassee
Katherine A. Austin
Peter S. Rosen
* Rule31 listed mediator

Writer's email: kmoctezuma@vkbarlaw.com

May 20, 2019

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

Re: Case 2019-095
3730 and 3744 Amy Lynn Drive
Map and Parcel Nos. 06800007100 and 06800004600
Zoning Classification IR
Owner: Smyrna Ready Mix
REQUEST FOR REHEARING

Dear Ms. Lamb,

The Beaman Park to Bells Bend Conservation Corridor, Inc.(hereinafter "Bells Bend") respectfully requests a rehearing of the Board's decision on March 21, 2019, to allow the subject property to be used for concrete manufacturing by Smyrna Ready Mix (hereinafter referred to as "the Owner") notwithstanding the IR zoning classification that does not allow such use. This firm has assumed representation of Bells Bend for purposes of this Request for Rehearing.

The Board's decision was based on evidence submitted by the Owner that that the subject property had been used for concrete manufacturing prior to the creation of IR zoning over one portion of the subject property in 1976. Zoning Administrator Jon Michael denied the Owner's request for a Certificate of Zoning Compliance for use of the property for concrete manufacturing in a letter dated January 18, 2018[2019]. According to the Zoning Ordinance as amended in 2015, a "concrete plant" means the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement and/or other components. The use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use[d] in the operation."

Letter to Emily Lamb
May 20, 2019
Page 2

In reaching his decision Mr. Michael considered whether use of the property for concrete manufacturing could be justified for any of three reasons: (1) if the base zoning allowed the use; (2) if development entitlement was vested under the Vested Rights Act prior to any change in the zoning code which restricts its use; or (3) if the use is established as legally non-conforming as provided by TCA 13-7-208. As Mr. Michael noted in his January 18, 2018[2019] letter denying the requested Certificate of Zoning Compliance, the Owner has the burden of providing evidence in support of the proposed use. (*See also, Application for Interpretation against the Zoning Administrator and the Non-Complying/Non-Conforming Uses*, Metropolitan Board of Zoning Appeals website). Based on the information submitted by the Owner and Bells Bend, Mr. Michael denied the proposed use for three reasons: first, because the existing base zoning does not permit concrete manufacturing; second, because the Owner did not establish that it had any development entitlement under the Vested Rights Act; and third, the Owner did not establish a legally non-conforming use. With respect to the legally non-conforming use, Mr. Michael concluded that the Owner failed to provide evidence that the property had been used for concrete manufacturing prior to establishment of IR zoning on the property in 1975 and 1986.

To qualify as a legally non-conforming use, the Owner must establish that the property had been used in a non-conforming manner before zoning restrictions went into effect and that there was no interruption of such non-conforming for a period of thirty months or more after the zoning restriction became effective. T.C.A. 13-7-208(g). Mr. Michael concluded that the Owner did not establish a legally non-conforming use because the Owner failed to establish concrete manufacturing use prior to the establishment of zoning restrictions. Mr. Michael did not reach any conclusion on the additional requirement that the owner show no interruption of non-conforming use for a period of thirty months or more after the enactment of zoning restrictions. Such a determination required, as a precondition, use as a concrete manufacturing plant prior to the establishment of zoning restrictions in 1976 and 1985.

The Owner submitted an Item A Appeal on January 22, 2019 challenging the Zoning Administrator's decision with respect to whether the property had been used for concrete manufacturing plant prior to 1976. The only evidence submitted by the Owner in support of its Item A Appeal was three affidavits attesting to prior concrete manufacturing use on the property. (See, Board of Zoning Appeals Final Hearing Packet for March 21, 2019, pp. 198-217). The Owner did not submit any evidence demonstrating that concrete manufacturing continued on the property uninterrupted by a period of at least 30 months after the enactment of zoning restrictions. Bells Bend did not submit opposing affidavits on abandonment in response to those submitted by the Owner because the Owner's affidavits only addressed the issue of property use prior to 1976. Therefore, the issue of continuous use was not properly before the Board at the hearing on the Owner's Item A Appeal on March 21, 2019.

Letter to Emily Lamb
May 20, 2019
Page 3

During the Board hearing, Commissioner Kennedy confirmed with Mr. Michael that he (Mr. Michael) never reached the issue of whether use of the property for concrete manufacturing after the enactment of zoning restrictions had been abandoned. He further stated that had information about prior use been submitted, it would have triggered further investigation and a determination by him on the issue of abandonment. (Hearing video at 3:02:59 – 3:04:10).

Bells Bend now submits new evidence for the Board's consideration which demonstrates that concrete manufacturing was abandoned by an overt act of an owner of the property after the enactment of zoning restrictions and that concrete manufacturing on the property ceased for a period of at least thirty (30) months after zoning restrictions on the property were established. The new evidence shows that there was no concrete manufacturing on the property between at least 1992 and February 2018 (when the Owner began concrete manufacturing on the site without either approval from the Zoning Administrator or a change in zoning of the property).

Neither party presented any affidavits of continuous use of the non-conforming use on March 21, 2019 because the Zoning Administrator never made a decision on that issue. Under the circumstances of how this case has proceeded, the burden was on the Owner to establish continuous non-conforming use after the establishment of zoning restrictions. It failed to do so through the letter submitted by its counsel dated March 18, 2019. Contrary to the assertion of the Owner, Bells Bend had no burden to submit evidence of abandonment at the March 21, 2019 Hearing because the Owner had not submitted any evidence of continuous use.

For these reasons, Bells Bend requests a rehearing be granted on the issues of whether concrete manufacturing continued for ceased for a period of at least 30 months after the adoption of zoning restrictions on the property in 1976 and 1985 and whether concrete manufacturing had been abandoned by an overt act.

Intentional Abandonment

In a letter to Mr. Michael dated July 18, 2018, the Owner, through his counsel, submitted to Mr. Michael, in support of its request for a certificate of compliance, a letter signed by Joey Hendren dated September 15, 2017. (See Exhibit A). This letter has never been submitted to the Board of Zoning Appeals for its consideration in this matter. Mr. Hendren worked for Hailey's Harbor, Inc. beginning in 1992. He became Harbor Master, Vice-President and eventually a part-owner.

In his letter, Mr. Herndon states the following:

"We can fast forward to 1992 when I was given the task of developing the Harbor into a full service barge facility. Needless to say, the 40 acres was covered with old useless construction equipment that had to be dealt with. There was very little equipment that was useful, and that would pass inspection for a job site. So

Letter to Emily Lamb
May 20, 2019
Page 4

we cut up all the concrete plant, tunnel forms, bridge templates, and all things metal and sold them for scrap to local scrap metal dealers. We finally got the Harbor property into a usable and profitable condition.” (Italics added)

As Mr. Hendren further explains in his letter, prior to 1992 the subject property had been owned by W. L. Hailey & Co., which was in the construction business. As part of that business it brought a concrete plant onto the property at some time.

W. L. Hailey & Co. sold the property to Hailey Harbor, Inc. in 1990 (Exhibit B). Hailey Harbor was, as described by Mr. Hendren, engaged in the business of operating a full service barge facility. It subsequently discontinued whatever concrete manufacturing work that W. L. Hailey & Co. engaged in. Hailey’s Harbor, Inc. then sold the property to the Owner, Smyrna Ready Mix in 2014. (Exhibit C)

As part of its business of operating a full service barge facility, the Hailey Harbor property was used for the transit of mulch products as well as blending sand and other materials. As stated by Mr. Hendren: “We unloaded sand and aggregate from barges”. Mr. Hendren does not describe the Hailey Harbor property as being used for concrete manufacturing after 1992. He says that the concrete plant was dismantled and the metal from the plant sold for scrap. (Exhibit A). Concrete manufacturing, as described by Mr. Hendren, was abandoned on the Hailey Harbor property.

Cessation of Concrete Manufacturing for at least 30 months after 1992

Bells Bend submits, in support of this Request for Rehearing, affidavits from four individuals residing in the Bells Bend area who attest that after 1992 and before February 2018, a period of 26 years, they were not aware of concrete manufacturing taking place on the subject property.

Jim Haney has resided at 5733 Old Hickory Blvd, Nashville, Tennessee since 2010. He built the home he lives in 2009 and 2010. At the time he was building his home he looked for sources from which to purchase concrete in the area. There were no sources for concrete on Amy Lynn Drive. He had to purchase concrete outside the area. (Exhibit D)

James Thomas John has resided at 5188 Old Hickory Blvd., Nashville, Tennessee, since 1975. During the time he has resided at that address, he was not aware of any concrete manufacturing being conducted on Amy Lynn Drive until Smyrna Ready Mix began its operations in early 2018. (Exhibit E)

Peter Burns lived at two different locations in the Bells Bend/Scottsboro community between 2011 and 2019. During those years, he saw no evidence of any concrete manufacturing being conducted on Amy Lynn Drive until Smyrna Ready Mix started concrete manufacturing in early 2018. In addition, Mr. Burns conducted a Google Earth search of the Amy Lynn Drive property. Upon reviewing images of the Amy Lynn Drive property, Mr. Burns was not able to see any evidence of concrete

Letter to Emily Lamb
May 20, 2019
Page 5

manufacturing equipment in 1997, August 2004, September 2008, May 2010, or November 2013. The images from Google Earth are attached to his Affidavit. Of particular note are pictures taken after the initiation of concrete manufacturing by the Owner in February 2018. It is clear by comparing the 2018 pictures with those from the previous years, that there was no concrete manufacturing plant on the property from 1997 to February 2018. (Exhibit F)

Rev. Joseph B. Ingle resides at 5788 Old Hickory Boulevard. He reviewed the White and Yellow Pages from 1978 through 2009 at Downtown Public Library. There were no telephone directories after 2009. Based on his review, he found no evidence of concrete manufacturing conducted by either W.L. Hailey & Co. after 1978 and no evidence of concrete manufacturing by Hailey's Harbor, Inc. after 1980 (the first entry he was able to find for Hailey's Harbor). (Exhibit G)

There is new evidence that the Board should consider that demonstrates that there was no concrete manufacturing on the Amy Lynn Drive property from at least 1992 through February 2018, a period of 26 years. There is also evidence in the record that concrete manufacturing was, thereby, abandoned on the property. The overt of abandonment was the dismantling of the concrete plant manufacturing equipment by Hailey's Harbor after the property was sold to it by W. L. Hailey & Co. The Owner, therefore, cannot establish a legally non-conforming use as provided by T.C.A. 13-7-208.

Procedural Posture and Legal Analysis

A. A Rehearing Should be Granted Because the Zoning Administrator Never Made any Determination About Continuous Use or Abandonment of the Non-Conforming Use.

After the Board of Zoning Appeals decided on March 21, 2019 that there was evidence which supported that Owner's contention concrete manufacturing had taken place on the property prior to the enactment of zoning restrictions, the Board should then have directed the Zoning Administrator to determine whether concrete manufacturing was continuous thereafter for a period of at least thirty months or intentionally abandoned after the enactment of zoning restrictions. Alternatively, the Board could have ordered a further hearing on these issues alone.

In this case, the Zoning Administrator never determined if there was continuous use of the property for concrete manufacturing or an overt act of abandonment after the zoning restriction was established. No affidavits attesting to continuous use were presented by the Owner either to the Zoning Administrator or in support of its Item A Appeal. Therefore, given that Mr. Michael never addressed the issue of continuous use or abandonment, the Board could have remanded the case to Mr. Michael to reach a decision on those issues before it considered the matter. This is because an Item A Appeal is intended to allow a party to contest a determination of the Zoning

Letter to Emily Lamb
May 20, 2019
Page 6

Administrator which an interested party believes is incorrect. Admittedly it would have been more efficient had Mr. Michael addressed the issues of use of the property for concrete manufacturing prior to the enactment of zoning restrictions, continuous after the enactment of zoning restrictions and abandonment at the same time. However, he did not.

Alternatively the Board should grant this Request for Rehearing and allow those issues to be fully presented for decision by the Board of Zoning Appeals.

B. Based on the Evidence Presented by Bells Bend, this Case is Factually Distinct from the *Richland Watershed Case*.

With respect to the issues of continuous use and abandonment, based on the information presented thus far, the record demonstrates the following:

1. W. L Hailey & Co. owned the subject properties prior to 1990. W.L. Hailey was a contractor which, at some undetermined time, brought a concrete plant onto the property in connection with its business. (Exhibit A, Hendren letter)
2. In 1990, W. L. Hailey & Co. sold the subject property to Hailey Harbor, Inc. Hailey Harbor, Inc. operated a river terminal at which raw materials were delivered on barges for distribution. By 1992, Hailey Harbor removed all extraneous equipment, including concrete manufacturing equipment from the property. Thereafter, Hailey Harbor was used for materials (mulch, sand, etc.) collection and distribution. (Exhibit A, Hendren letter)
3. Neither W. L. Hailey & Co. nor Hailey Harbor, Inc. was listed as concrete manufacturers in the Yellow or White pages after 1978. (Exhibit G, Ingle Aff.)
4. Four residents of the area near Amy Lynn Drive did not see any evidence of concrete manufacturing or concrete trucks in the area between 1975 and early 2018. (See Exhibit D Haney Aff; Exhibit E; John Aff.; Exhibit F, Burns Aff.; and Exhibit G, Ingle Aff.)
5. One resident had a construction project that required concrete use, in 2009-10 could not locate a concrete manufacturing facility in the area for the project and purchased concrete from Metro Ready Mix. (Exhibit D, Haney Aff.)

6. Google Earth pictures of the subject property between 1978 and early 2018 show no evidence of a concrete manufacturing plant. The concrete manufacturing plant established by the Owner is clearly visible in the pictures from 2018. (Exhibit G, Burns Aff.)

This evidence establishes an overt act of abandonment (the dismantling of any concrete manufacturing plant operated by W.L. Hailey & Co. by Hailey Harbor, Inc. in 1992) and continuous absence of concrete manufacturing on the property from at least 1992 through February 2018, a period of 26 years.

This case is clearly distinguishable from *Richland Creek v. Metro Board of Zoning Appeals and Auto Masters (Davidson Chancery, Case No. 11-1558, 2011)*. The issue in *Richland Creek* was whether the property owner ceased using the property as a car sales lot for more than 30 months and, thereby lost its protected status as a legally non-conforming use. The owner contended that the property had been used for car sales since 1940. In 2008, a former lessee who operated a car sales business filed a petition in bankruptcy after which the property owner had difficulty finding a new lessee of the property. In the *Richland* case, the sole issue was whether non-use for more than thirty months was enough to preclude future non-conforming use. In determining that there was no overt act of abandonment, the Court took note that the lessee of the property was in bankruptcy and was uncertain about what acts could be taken to continue its business during the pendency of the bankruptcy. The owner continued its efforts to have the property used for car sales. There was no proof that anything was done to the property to change its use as intended by the owner. The Court determined that the legally non-conforming use had not been abandoned. It reasoned that non-use standing alone is not sufficient on its own to constitute abandonment. The Court also determined that the lessee did not voluntarily discontinue car sales during the intervening bankruptcy.

There are at least two facts which distinguish this case from *Richland Creek*: first, W. L. Hailey & Co. sold the subject property to another owner, Hailey Harbor, Inc., which then dismantled and sold for scrap the concrete manufacturing plant that had been used by W. L. Hailey & Co. and left on site after the property was sold; and second, there is a period of at least 26 years during which there was no concrete manufacturing on the property.

The Owner, through its counsel, had suggested that use of the property for the collection or storage of materials is sufficiently related to concrete manufacturing to constitute continued use. The Board should reject such reasoning. The essence of concrete manufacturing is dedicated equipment to mix aggregate and cement to make a concrete product. It is the equipment that is essential to the use, not the storage of materials that can be used in concrete manufacturing. Materials can be stored for many purposes unrelated to concrete manufacturing such as, in this case, the operation of a river terminal by Hailey's Harbor, Inc. Mr. Hendren stated that concrete manufacturing

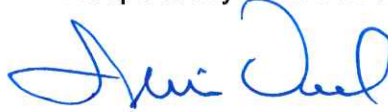
Letter to Emily Lamb
May 20, 2019
Page 8

equipment was dismantled in 1992; Google Earth pictures demonstrate that the property was used exclusively as a river terminal for off-loading materials; Affidavits submitted by Bells Bend show no evidence of concrete manufacturing after the enactment of zoning restrictions.

Conclusion

For these reasons, Bells Bend respectfully requests that the Board of Zoning Appeals grant its Request for Rehearing. The Rehearing should be limited to the issues of whether the property was used continuously for concrete manufacturing after the enactment of zoning restrictions, whether there was a period of non-use for 30 months or more and, if so, whether such non-use was intentional.

Respectfully Submitted,



Irwin Venick

Enc. Exhibits A – G.

cc: Beaman Park to Bells Bend Conservation Corridor, Inc.
Tom White, Esq., Counsel for Smyrna Ready Mix (by email and deposited in U.S. Mail, postage prepaid, March 20, 2019).

EXHIBIT A

September 5, 2017

Joey L. Hendren
215 Cherokee Lane
Beech Grove, TN 37018
615-394-8858

To: Jeff Hollingshead
Ref: A Partial Historical Background for Hailey's Harbor Property

Jeff,

I want to preface this letter by giving you a background on my involvement with Hailey's Harbor and W. L. Hailey Construction Company. I started to work for the Harbor in 1992 and was Harbormaster, Vice President, and eventually part owner of the Harbor for 22 years. I performed an extensive historical background check of the business and its business ethics and customer relations before agreeing to buy in to the company. W.L. Hailey Construction Company was one of the premiere construction companies in Nashville for over 75 years, and specialized in bridge work, pipeline river crossings, and tunnel borings that were performed all over the United States. They were a highly respected company in their field of work.

In 1978, W.L. Hailey Construction Company decided that they needed more property to store all of their construction equipment, which included tug boats, barges, piping, tunnel forms, boring equipment, and everything else involved in their business. They found about 40 virgin acres located on the Cumberland River, at mile 181.1 just off of I-12 near Briley Parkway. This was a perfect location for their purposes, and near their local office. The property was purchased, and was called Hailey's Harbor, Inc. They decided to dredge a "still water" slip off of the river to have a place to dock their boats and barges.

In 1980, the company was approached by their business neighbors Stewart Steel, to build a barge unloading facility to handle structural steel. The docks were built, and thus was the beginning of Hailey's Harbor Inc as a barge facility.

Over the years, W.L. Hailey had massive amounts of construction equipment stored on these 40 acres that they would use on their various job sites. Their tunnel boring equipment ran on rails with wooden ties to support it. They found that the wooden ties did not hold up in wet underground conditions, so they decided to construct their own concrete ties and bracings so they could be utilized on numerous job sites. They brought a concrete plant in to the harbor to pour and construct rail ties, bracings, and bridge supports for their various jobs. They not only could produce these items to be used many times, but they could utilize their crews for the labor and not have to furlough employees in adverse weather conditions.

W.L. Hailey Company also had a barter agreement with Huddleston Construction to allow them to use their concrete plant to pour forms for culvert ends and other various items. Huddleston would do work for W.L. Hailey Company for the privilege of use of their equipment.

We can fast forward to 1992 when I was given the task of developing the Harbor property into a full service barge facility. Needless to say, the 40 acres was covered with old useless construction equipment that had to be dealt with. There was very little equipment that was useful, and that would pass inspection for a job site. So we cut up all of the concrete plant, tunnel forms, bridge templates, and all things metal and sold them for scrap to local scrap dealers. We finally got the Harbor property into a usable, and profitable situation.

B & J Mulch Company approached us to lease some property from the Harbor to produce mulch products. They brought in wood chips, leaves, coal ash from Vanderbilt University to blend together for their final product. Their grinder and blender were on site to continue their operation. They hauled product in and hauled product out by trucks.

Hailey's Harbor was approached by Ingram Sand Company, and asked to provide property at the Harbor to blend sand, aggregate, and peat moss to build the Titans football field. We worked through the permit process to add these products to our Operation Permit. We brought in large blenders to blend various materials according to the specs for the football field. Over several years, we brought in blenders to provide specialized products for many schools, universities, and golf courses. We unloaded sand and aggregates from barges, and had peat moss trucked in from Canada to use in producing their various mixtures.

During all of these various endeavors, Hailey's Harbor was always in compliance with the Air and Water Pollution regulations. We worked closely with The Corp of Engineers, Coast Guard, and Tennessee D.O.T. to be in compliance with their standards. We also unloaded, stored, and delivered road salt for a major part of Tennessee for the D.O.T., and was always in compliance.

There were many additional materials handled at the Harbor over the years, but these particular ones could be of significance to your particular interest.

Respectfully

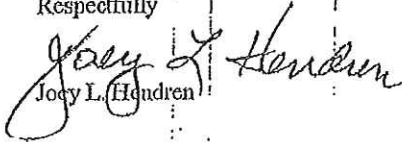

Joey L. Hendren

EXHIBIT B

Address New Owner:	Map-Parcel Numbers:	Send Tax Bills To:
Hailey's Harbor, Inc.	Map 68, Parcel 29	same
3730 Amy Lynn Drive	Map 68, Parcel 46	
Nashville, TN 37218	Map 68, Parcel 71	
This instrument prepared by: Boulton, Cummings, Conners & Berry 222 Third Avenue, North, P.O. Box 198062, Nashville, TN 37219		

QUITCLAIM DEED

FOR AND IN CONSIDERATION of the sum of One Dollar (\$1.00) cash in hand paid, the receipt and sufficiency of which are hereby acknowledged, W. L. HAILEY AND COMPANY, INC., a Tennessee corporation (the "Grantor"), by these presents hereby sells, assigns, and quitclaims to HAILEY'S HARBOR, INC., a Tennessee corporation (the "Grantee"), Grantee's successors and assigns, all of Grantor's right, title, and interest in and to certain land in Davidson County, Tennessee, being more particularly described in Exhibit A, which is attached hereto and incorporated herein by reference (the "Property").

A portion of the Property is improved property located at 3730 Amy Lynn Drive, Nashville, Tennessee (Map 68, Parcel 71). The remaining portions of the Property are unimproved (Map 68, Parcels 29 and 46).

The Property is conveyed expressly ^{3776 01/08 0101 03CHECK} subject to all ^{9.00} limitations, restrictions, and encumbrances as may affect the Property.

IDENTIF. REFERENCE
 JAN 8 3 39 PM '91
 DAVIDSON COUNTY TN

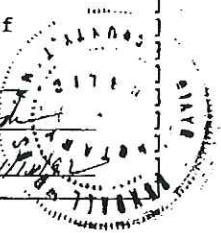
STATE OF TENNESSEE
 COUNTY OF DAVIDSON

The actual consideration for this transfer is \$-0-.

W. L. Hailey
 Affiant

Subscribed and sworn to before me this 14TH day of DECEMBER, 1990.

Randall W. Wood
 Notary Public
 My Commission Expires: 11/28/92



BOOK 8272 PAGE 123

IN WITNESS WHEREOF, the Grantor has executed this Deed
this 14th day of December, 1990.

W. L. HAILEY AND COMPANY, INC., a
Tennessee corporation

By: George David Walker, III
Title: Vice President

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, RONNALL G. WOODS,
Notary Public, GEORGE DAVID WALKER III, with whom I am
personally acquainted, and who acknowledged that HE executed
the foregoing instrument for the purposes therein contained and
who further acknowledged that HE is VICE PRESIDENT of
W. L. HAILEY AND COMPANY, INC., a Tennessee corporation, and is
authorized to execute this instrument on behalf of said
corporation.

WITNESS my hand, at office, this 14th day of
DECEMBER, 1990.

Ronnall G. Woods
Notary Public
My Commission Expires: 11/1/92



WP:LBLWLHQD

EXHIBIT A

A CERTAIN TRACT OR PARCEL OF LAND IN THE 13TH CIVIL DISTRICT OF DAVIDSON COUNTY, STATE OF TENNESSEE, TOGETHER WITH ALL IMPROVEMENTS LOCATED THEREON AND ALL EASEMENTS AND APPURTENANCES THERETO, BEING DESCRIBED AS FOLLOWS:

Tract No. 1: BEGINNING at a point in the southerly margin of Old Hydes Ferry Pike right-of-way, the NE corner of this tract and a NW corner to Smith; thence along the common line of this tract and said Smith, with a fence, S 7° 22' 58" W 1,786.68 feet to a tree on the bank of the Cumberland River; thence along said bank, as follows: N 55° 16' 26" W 149.09 feet; N 60° 30' 10" W 451.61 feet; N 61° 01' W 75.26 feet; N 66° 06' 30" W 297.30 feet and N 70° 24' 53" W 59.54 feet to a tree; thence leaving said river bank, with Edney's line, N 6° 58' 56" E 1,431.14 feet to an iron stake, in the southerly margin of Old Hydes Ferry Pike right-of-way; thence with said margin S 82° 09' 28" E 965.87 feet to the point of beginning, containing 35.31 acres, more or less.

Tract No. 2: BEGINNING at a point in the northerly margin of Tennessee Central right-of-way, the SW corner of this tract, in Edney's line; thence with Edney's line N 4° 33' 13" E 407.89 feet to a point in the southerly margin of Hydes Ferry Pike; thence along said margin S 67° 18' 25" E 149.70 feet to a point; thence continuing with said margin easterly 506.30 feet; thence N 10 feet; thence easterly 555 feet; thence S 20 feet; thence easterly 453 feet to a point in Walker's westerly line; thence with said Walker's line S 19° 40' W 309.95 feet to a post; thence S 29° 38' 13" E 46.58 feet to a post and S 71° 44' W 114.25 feet to a post in the northerly margin of Tennessee Central right-of-way; thence with the said margin, N 82° 31' 15" W 1,417.70 feet to the point of beginning, containing 14.22 acres, more or less.

Being the same property conveyed to W. L. Hailey and Company, Inc. by deed from John Robert Martin and L. H. Melton, of record in Book 4822, page 87, Register's Office for Davidson County, Tennessee.

EXHIBIT C

BILL GARRETT, Davidson County

Trans: T20140030040 DEEDWARR
Recvd: 05/01/14 16:09 4 pgs |
Fees: 23.00 Taxes: 7770.00



20140501-0037030

THIS INSTRUMENT PREPARED BY:
BOTTORFF & KAVIN, PLC (RFK)
5110 Maryland Way, Suite 120
Brentwood, Tennessee 37027

WARRANTY DEED

Address New Owner:	Send Tax Bills To:	Map-Parcel
Smyrna Ready Mix, LLC	<i>New Owner</i>	68-46
4472 Hickory Grove Road		68-71
Murfreesboro, TN 37129-7447		

STATE OF TENNESSEE
COUNTY OF *Rutherford*

I hereby swear or affirm that the actual consideration or true value of this transfer, whichever is greater, is \$2,100,000.00.

[Signature]
Affiant

Subscribed and sworn to before me this *30th* day of April, 2014.

[Signature]
Notary Public

My Commission Expires: *10/18/15*

FOR AND IN CONSIDERATION of Ten and No/100 Dollars (\$10.00), cash in hand paid by the hereinafter named Grantee; and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **Hailey's Harbor, Inc., a Tennessee corporation** ("Grantor") by these presents does hereby transfer, sell and convey to **Smyrna Ready Mix, LLC, a Tennessee limited liability company** ("Grantee"), its successors and assigns, all interest, right and title in and to a certain tract of land located in Davidson County, State of Tennessee, more particularly described as follows, to-wit:

Land in Davidson County, Tennessee, being more particularly described on Exhibit "A" attached hereto.

Being part of the same property conveyed to Hailey's Harbor, Inc., a Tennessee corporation by Quitclaim Deed from W.L. Hailey and Company, Inc. dated December 14, 1990, of record in Book 8272, page 122 said Register's Office, and further being part of the property conveyed to W.L. Hailey and Company, Inc. by Warranty Deed dated March 29, 1974 from John Robert Martin and L.H. Melton of record in Book 4822, page 87 said Register's Office..

This is improved property located at 3730 Amy Lynn Drive, Nashville, Tennessee 37209 (and also known as 3730 Production Way, according to Metro Trustee's records).

This conveyance is subject to all restrictions of record and all matters shown on the plan of record, including the above-referenced easement.

TO HAVE AND TO HOLD the said property, with the appurtenances, estate, title and interest thereto belonging to the Grantee, its successors and assigns, forever.

AND Grantor does hereby covenant with the Grantee that it is lawfully seized and possessed of the said land in fee simple, has a good right to convey it, and the same is unencumbered except for those matters hereinabove mentioned.

AND Grantor does further covenant and bind its self, its successors and assigns, to warrant and forever defend the title to said real property to the Grantee, its successors and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, this document has been executed on this the 30th day of April, 2014.

GRANTOR:

HAILEY'S HARBOR, INC.
a Tennessee Corporation

By: *Lewis M. Steele, Jr.*
Lewis M. Steele, Jr., President

STATE OF TENNESSEE
COUNTY OF DeKalb

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **Lewis M. Steele, Jr.**, with whom I am personally acquainted or proved to me on the basis of satisfactory evidence, and who, upon oath, acknowledged that he is the **President of Hailey's Harbor, Inc., a Tennessee corporation** and acknowledged that he as President, being authorized so to do, executed the foregoing by himself as President.

Witness my hand and official seal this 30th day of April, 2014.

My Commission Expires: 10/18/15

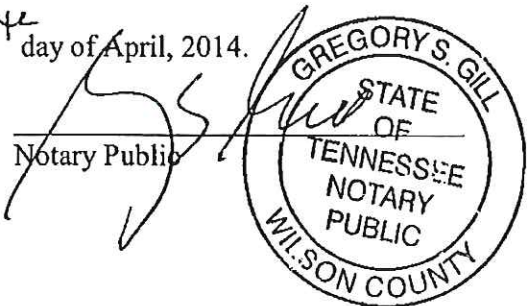


EXHIBIT "A"

THE LEGAL DESCRIPTION BELOW DESCRIBES TWO PARCELS AS A TOTAL, BEING MAP 68, PARCEL 46 AND PARCEL 71, RECORDED AT BOOK 8272, PAGE 122, R.O.D.C.T. OWNED BY HAILEY'S HARBOR, INC..

BASIS OF BEARING BEING THE RECORDINGS OF PLAT 20120309-0020757
R.O.D.C.T.

Beginning at a wood fence post on the southerly Right of Way of Tennessee Central Rail Road at the Northwest corner to the described property, (Map 68, Parcel 46) said point being the POINT OF BEGINNING.

Thence from the said Point of Beginning and with said southerly Right of Way, S 79°39'32" E, a distance of 965.87 feet to an iron pin set at the Northeast corner of the described property and being the Northwest corner to JMW inc.(Book 2006011-0004195, R.O.D.C.T.);

Thence leaving said Right of Way and with JMW inc. west line, S 08°59'41" W, a distance of 267.37 feet to the point of curvature of a non-tangent curve in the west Right of Way of Amy Lynn Drive,

Thence with a curve to the left, having a radius of 526.00 feet a central angle of 05°48'42", and a chord of 53.33 feet bearing S 25°10'36" W;

For an arc length of 53.35 feet to an iron pin found at the Northeast corner to Jesse Jepson, (Book 20120402-0027859, R.O.D.C.T.);

Thence with Jepson's North line, N 70°35'21" W, a distance of 402.04 feet to an iron pin set;

Thence Jepson's West line, S 12°25'49" W, a distance of 274.17 feet to an iron pin set;

Thence Jepson's South line S 77°34'11" E, a distance of 398.26 feet to an iron pin found in the west Right of Way of Amy Lynn Drive;

Thence with said Right of Way, S 09°08'26" W, a distance of 218.91 feet to the point of curvature of a tangent curve, to the right, having a radius of 25.00 feet and a central angle of 91°11'17";

Thence along said curve, a distance of 39.79 feet to an iron pin set,

Thence S 10°19'26" W, a distance of 60.00 feet to an iron pin set in the North line of Parcel 71;

Thence with the North line of Parcel 71 and the South Right of Way of Amy Lynn Drive, S 79°39'13" E, a distance of 57.22 feet to a paint spot on a rock, 1' +/- south of a Power pole and on the West bank of a drainage ditch, said point being the Northeast corner to parcel 71 and the Northwest corner to Allied Properties inc. (Book 20040816-0098908, R.O.D.C.T.);

Thence with Allied Properties inc West line, S 09°09'47" W, passing through a one inch iron shaft at 927.49' for a total distance of 1005.91 feet to a point in the Cumberland River.

Thence with the Northerly side of River, N 60°01'28" W, a distance of 1021.54 feet to a point at the Southwest corner of Parcel 71 and the Southeast corner of Nina Moss, (Book 20070730-0089816, R.O.D.C.T.);

Thence with Moss's east line, N 08°10'47" E, a distance of 124.05' to a miss placed iron pin found 7.14' west and perpendicular to described line for a total distance of 663.00 feet to a Concrete monument found, being the Northwest corner to Parcel 71;

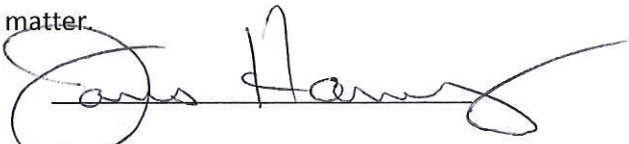
Thence continuing with Moss's west line, N 09°00'16" E, a distance of 848.71 feet; to the POINT OF BEGINNING; said described tract containing 34.54 Acres, more or less.

EXHIBIT D

AFFIDAVIT

I, Jim Haney, being first duly sworn, states as follows:

- 1. My name is Jim Haney and I live at 5733 Old Hickory Boulevard, Nashville, Tennessee which is in the Bells Bend/Scottsboro community.
- 2. I built the house I currently live in in 2009 and 2010 and I have lived in this area since 2010.
- 3. In building my house, I explored sources of concrete for construction.
- 4. I was not able to locate a local source of concrete. There was not a source of concrete on Amy Lynn Drive in 2009. I secured concrete for construction of my home from Metro Ready Mix.
- 5. I would regularly drive to and from Nashville on Ashland City Highway and Briley Parkway. Between 2009 and 2018, prior to the opening of the Smyrna Ready Mix facility on Amy Lynn Drive, I did not see concrete trucks going to and from the Amy Lynn Drive area.
- 6. I have no personal interest in this matter.

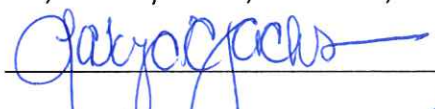


Jim Haney

State of Tennessee

County of Davidson

Sworn to and subscribed before me, a Notary Public, Tennessee, this 15th day of May, 2019.



Notary Public

My Commission expires Nov. 08, 2022



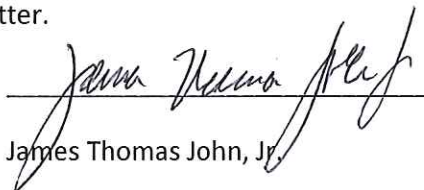
My Commission Expires Nov. 8, 2022

EXHIBIT E

AFFIDAVIT

I, James Thomas John, Jr., being first duly sworn, states as follows:

- 1. My name is James Thomas John, Jr. I reside at 5188 Old Hickory Boulevard, Nashville, Tennessee, which is in the Bells Bend/Scottsboro community.
- 2. I have lived at my current address since 1975 except for a period of two years when I lived nearby on Pecan Valley Road during the reconstruction of my home which had been destroyed in a fire.
- 3. I am a retired physician and a farmer. I own Sulphur Creek Farm.
- 4. Over the years I have lived on Old Hickory Boulevard and temporarily on Pecan Valley Road, to the best of my knowledge I have not been aware of any concrete manufacturing plant operating off Ashland City Highway until the spring of 2018 when Smyrna Ready Mix began operating without proper zoning.
- 5. I have no personal interest in this matter.



 James Thomas John, Jr.

State of Tennessee

County of Davidson

Sworn to and subscribed before me, a Notary Public, this 15th day of May, 2019



 Notary Public

My Commission expires Nov. 08, 2022.



My Commission Expires Nov. 8, 2022

EXHIBIT F

AFFIDAVIT

I, Peter Burns, being first duly sworn, states as follows:

1. My name is Peter Burns. I currently reside at 1923 Pinehurst Drive, Nashville, Tennessee..
2. Between 2011 and 2014 I lived at 4502 Old Hickory Boulevard, Nashville, Tennessee. I moved to 5257 Tidwell Hollow Road, Nashville, Tennessee in 2014 and lived there until February 2019. These homes are in the Bells Bend/Scottsboro communities.
3. When I lived in the Bells Bend/Scottsboro area I saw no evidence of a concrete manufacturing plant in use before the opening of Smyrna Ready Mix in the spring 2018. I would regularly drive to and from Nashville on Ashland City Highway and Briley Parkway.
4. I reviewed Google Earth satellite images to determine if there were aerial views of a concrete manufacturing facility at 3744 Amy Lynn Drive or 3730 Production Way over the past years.
4. The years I researched and found satellite images for the previously mentioned properties included: 1997 (unknown month)(Exhibit 2), August 2004 (Exhibit 3), September 2008 (Exhibit 4), May 2010(Exhibit 5), November 2013(Exhibit 6), February 2017(Exhibit 7) and 2018 (unknown month)(Exhibit 1 and 1a).
5. Exhibits 1 and 1a show the concrete manufacturing equipment in use after 2018.
6. Exhibits 2 through 7 only show a river terminal, associated buildings and off loaded materials in the years between 1997 and 2017.
8. I have no personal interest in this matter.



Peter Burns

State of Tennessee
County of Davidson

Sworn to and subscribed before me, a Notary Public, Tennessee, this 15th day of May, 2019



Notary Public

My Commission expires NOV. 08, 2022.



My Commission Expires Nov. 8, 2022

EXHIBIT 1



Smyrna Rady Mix 2018

Google Earth

Legend

600 ft





EXHIBIT 2



Smyrna Rady Mix
1997

Google Earth

© 2019 Google

EXHIBIT 3

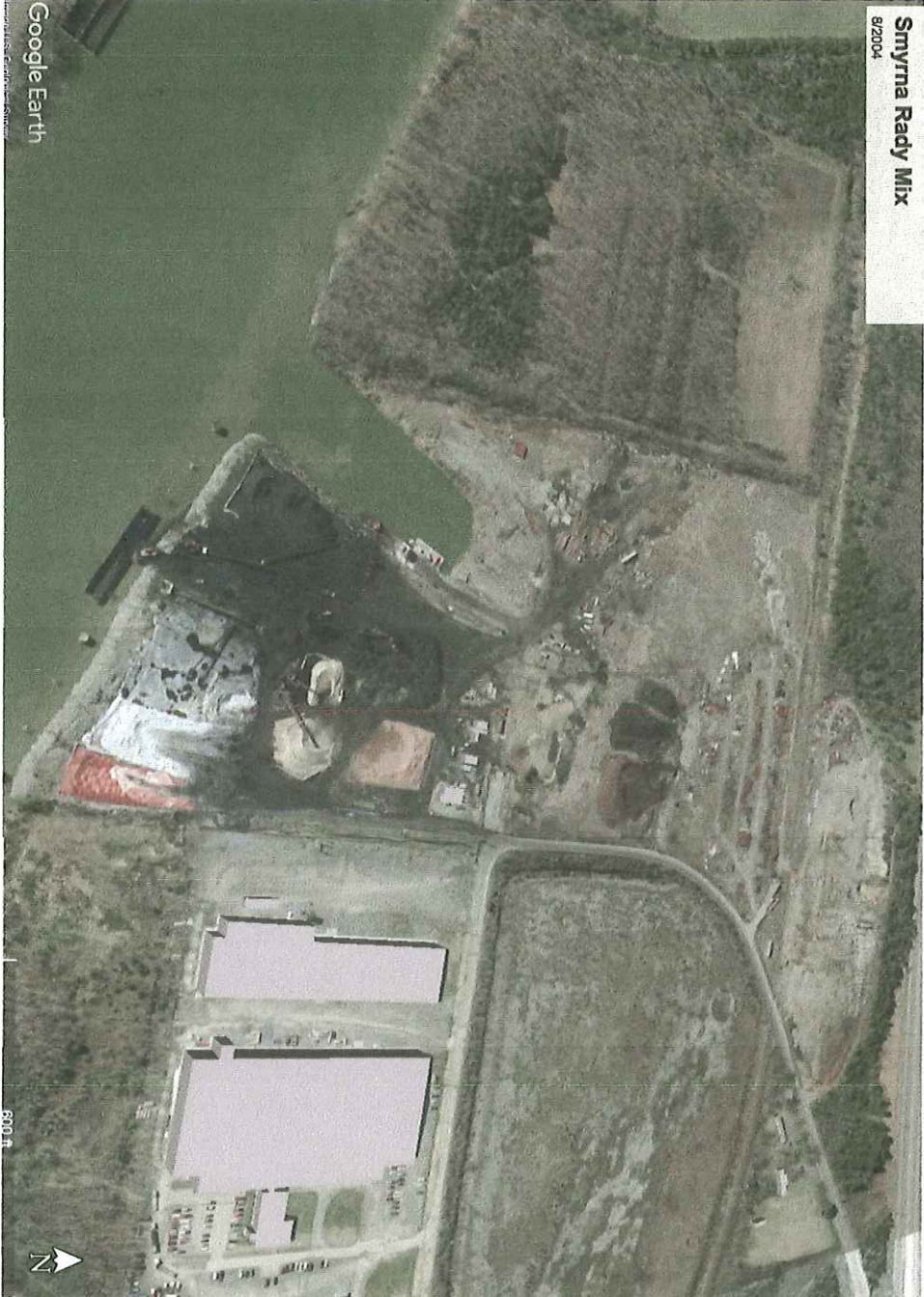


EXHIBIT 4



Google Earth

Smyrna Rady Mix
9/2006

600 ft



EXHIBIT 5

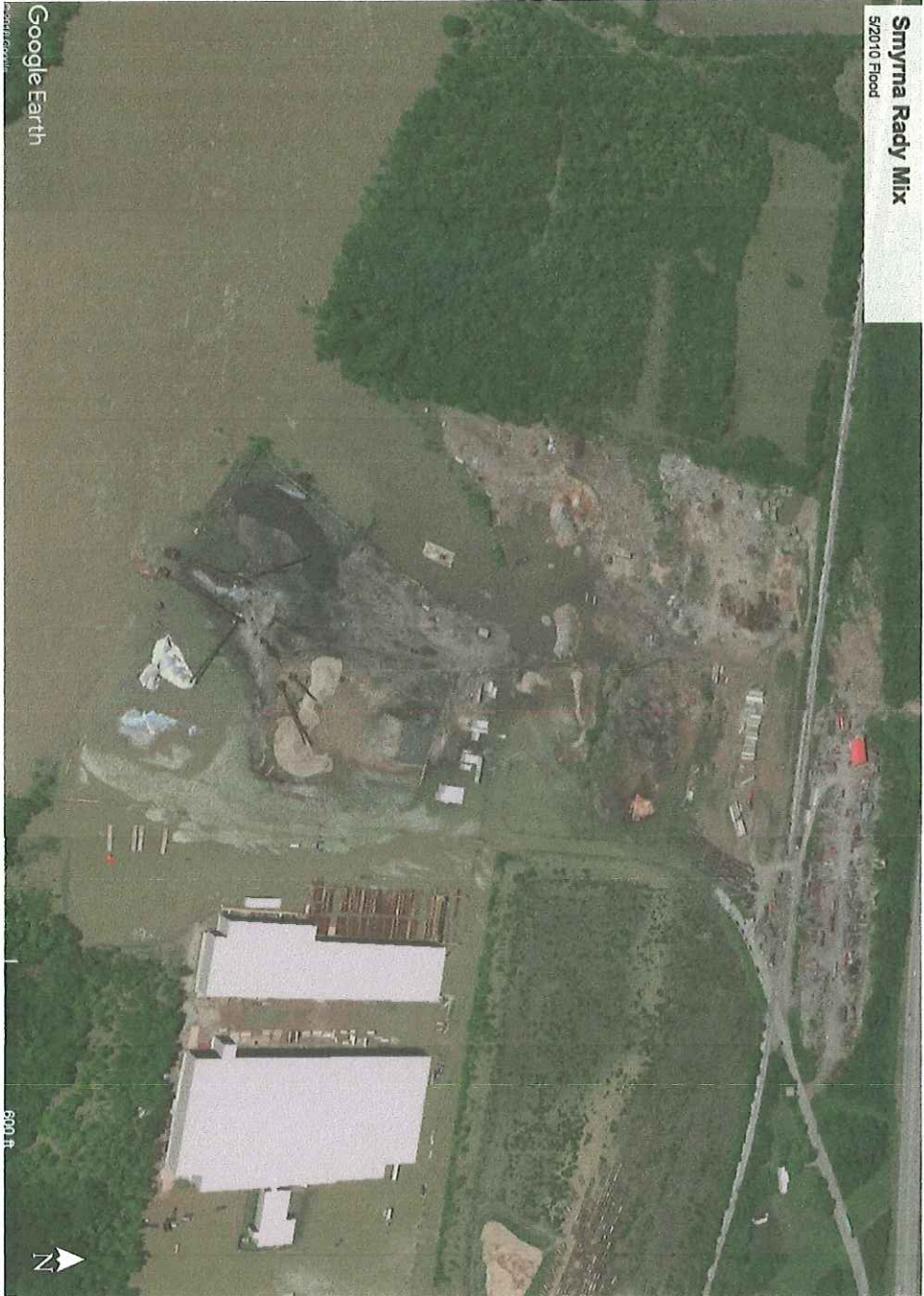


EXHIBIT 6



Smyrna Rady Mix
11/2013

Google Earth

800 ft



EXHIBIT 7



Smyrna Rady Mix
2/2017

Google Earth

600 ft



EXHIBIT G

AFFIDAVIT

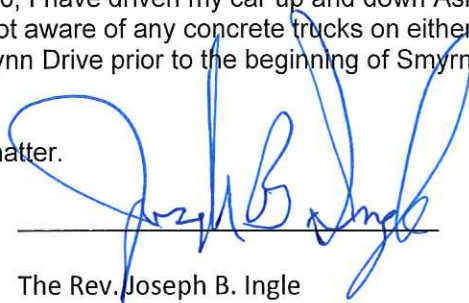
I, Joseph B. Ingle, being first duly sworn, states as follows

1. My name is Joseph B. Ingle and I currently reside at 5711 Old Hickory Blvd., Nashville, Tennessee which is in the Bells Bend/Scottsboro community.
2. I have lived in this area since 1990.
3. I am a minister in the United Church of Christ.
4. I went to the Nashville Room of the Downtown Public Library to research the listings of W.L. Hailey & Co. from 1978 to 1990 and Hailey's Harbour, Inc. from 1990 through 2009 in the Nashville Yellow and White pages. July 2009 was the last telephone book the library had available.
5. In the telephone books that I reviewed from May of 1978 through 1990 W.L. Hailey & Co. was not listed in any of the telephone books as being in the concrete business. Hailey's Harbour, Inc. was not listed in any of the telephone books I reviewed as being in the concrete business. Attached are copies of the listings for concrete businesses for the years 1980 (Exhibit 1), 1993 (Exhibit 2), 2000 (Exhibit 3) and 2009 (Exhibit 4).
6. Neither W.L. Hailey & Co. nor Hailey's Harbour, Inc. were listed in any of the Yellow or White pages as being in the sand and gravel business during the same periods.
7. In May of 1978, W.L Hailey & Co. was listed in the Yellow and White pages as having its offices and shop at 2971 Kraft Dr. and in the Yellow pages as a general contractor at the same address. There were many listings for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. (Exhibit 5).
9. In June 1980 W.L Hailey & Co. was listed in the White pages with its offices at 2971 Kraft Dr. There were many listing for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. (Exhibit 6)
10. In June 1989 W.L. Hailey & Co. was listed in the White pages as a contractor with its offices and shop at 2971 Kraft Dr. It was also listed in the Yellow pages only with its address. There were many listings for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. Hailey's Harbour , Inc. address was listed on Highway 12. It was not listed as a concrete business. (Exhibit 7)
11. In June 1990-91 W.L. Hailey & Co. was listed in the Yellow pages as a contractor with its offices at 2971 Kraft Dr. It was also listed in the White pages with its offices and shop at 2971 Kraft Dr. Hailey's Harbour, Inc.'s. address was listed on Highway 12. There were many listings for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. Hailey's Harbour, Inc. was not listed as a concrete business. (Exhibit 8)
12. In the 1992-93 W.L. Hailey & Co. was listed in the Yellow pages as a contractor with its offices at 2971 Kraft Dr. There was no listing for Hailey's Harbour, Inc. There were many listings for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. (Exhibit 9)

13. In 1993-94 W.L. Hailey & Co. was listed in the Yellow pages as a contractor with its offices at 2971 Kraft Dr. It was also listed in the White pages with its offices and shop at 2971 Kraft Dr. Hailey's Harbour, Inc.'s address was listed as 2917 Kraft Drive and its River Terminal at 3730 Amy Lynn Drive. There were many listings for concrete businesses. W. L. Hailey & Co. was not listed as a concrete business; it was listed as a contractor. Hailey's Harbour, Inc. was not listed as a concrete business. (Exhibit 10)

14. As a resident of this area since 1990, I have driven my car up and down Ashland City Highway and Briley Parkway on a daily basis. I am not aware of any concrete trucks on either Ashland City Highway or Briley Parkway going to or from Amy Lynn Drive prior to the beginning of Smyrna Ready Mix's concrete plant in early 2018.

18. I have no personal interest in this matter.

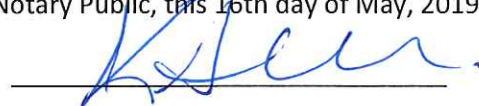


The Rev. Joseph B. Ingle

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Sworn to and subscribed before me, a Notary Public, this 16th day of May, 2019



Notary Public

My Commission expires 9/7/21.



EXHIBIT 1

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DRIVEWAY SPECIALISTS

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3006 AMBROSE AV



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BY

Bill Anderson

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The days of limitless energ

low cost are over. Let's be

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could be conserved;

• Set air conditioner

thermostat between 78

and 80 degrees. If this

temperature is 6 degrees

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you can cut cooling cost

nearly in half.

• Take showers instead of

baths, you'll save hot

water.

• Wash clothes in warm or

cold water and rinse them

in cold.

• Repair leaky faucets. One

drop a second wastes

about 700 gallons of

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• Check to see that oven

and refrigerator

door seals are tight.

• Use fluorescent lights

rather than incan-

descent ones. A 40 watt

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more light than a 100

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last 10 times longer,

and uses less than half

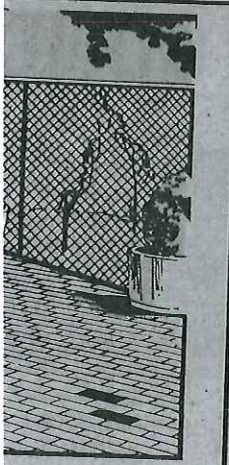
the energy.

• Turn off all unnecessary

lights.

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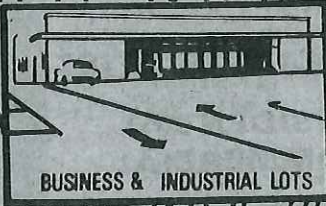
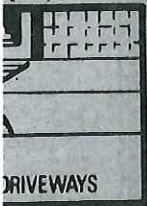
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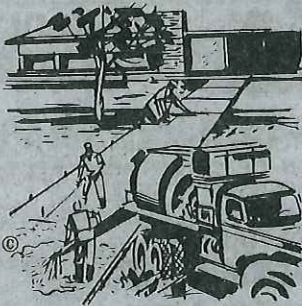
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Brentwood Highlands Office Bldg—373-3333

(Classification Continued Next Page)

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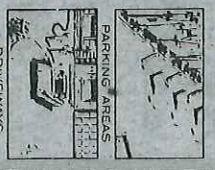
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AREA CODE 615

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309 7th Av S 255-8606

Concrete Mixers-Renting

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Concrete-Prestressed

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 - Foundations
 - Erection
 - Cast In Place Panels (Tilt-Up)
- Serving All Davidson County And Surrounding Counties
- 508 Long Hollow Pk Goodlettsville..... 859-3544

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a consumer tip

APPROXIMATE CONVERSIONS TO METRIC MEASURES

	Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH:	in	inches	2.5	centimeters	cm
	ft	feet	30	centimeters	cm
	yd	yards	0.9	meters	m
	mi	miles	1.6	kilometers	km
MASS (weight):	oz	ounces	28	grams	g
	lb	pounds	0.45	kilograms	kg
		short tons (2000 lb)	0.9	tonnes	t
VOLUME:	c	cups	0.24	liters	l
	pt	pints	0.47	liters	l
	qt	quarts	0.95	liters	l
	gal	gallons	3.8	liters	l
TEMPERATURE: (exact)	F	Fahrenheit temperature	5/9 (after subtracting 32)	Celsius temperature	°C

APPROXIMATE CONVERSIONS FROM METRIC MEASURES

	Symbol	When You Know	Multiply by	To Find	Symbol
LENGTH:	mm	millimeters	0.04	inches	in
	cm	centimeters	0.4	inches	in
	m	meters	3.3	feet	ft
	km	kilometers	1.1	yards	yd
MASS (weight):	g	grams	0.035	ounces	oz
	kg	kilograms	2.2	pounds	lb
	t	tonnes(1000kg)	1.1	short tons	st
VOLUME:	ml	milliliters	0.03	fluid ounces	fl oz
	l	liters	2.1	pints	pt
	l	liters	1.06	quarts	qt
	l	liters	0.26	gallons	gal
TEMPERATURE: (exact)	°C	Celsius temperature	9/5 (then add 32)	Fahrenheit temperature	°F

SOURCE: U.S. DEPARTMENT OF COMMERCE National Bureau of Standards

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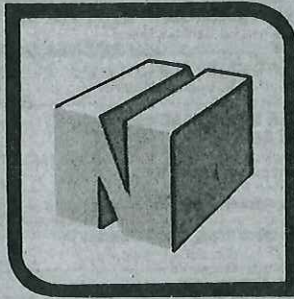
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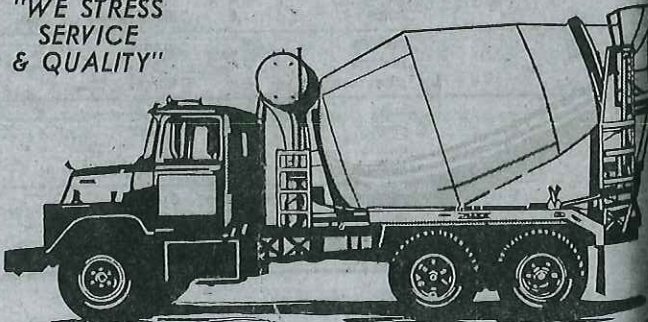
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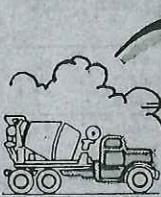
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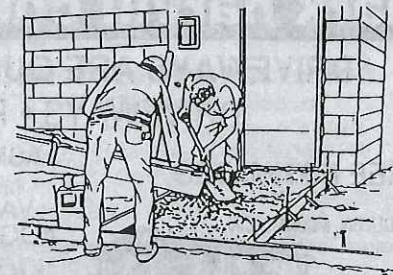
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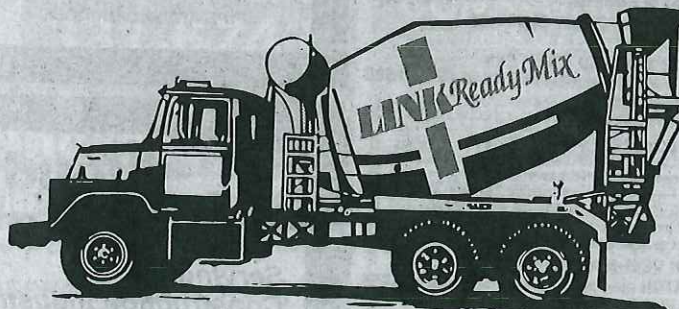
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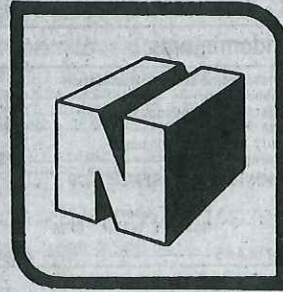
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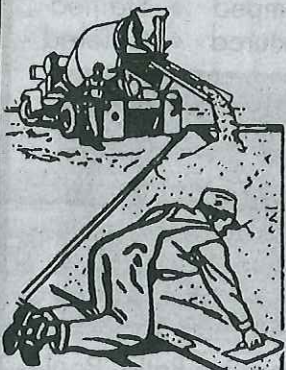
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- County Dr Hendersonville 824-4024
- Concrete Co 113 Sycamore Dr 672-2152
- Please See Our Display Ad This Page)
- Foundation Company Inc
- Woodwood Ln 874-8434
- Please See Our Display Ad This Page)
- Concrete 793-3516
- Please See Our Display Ad Next Page)
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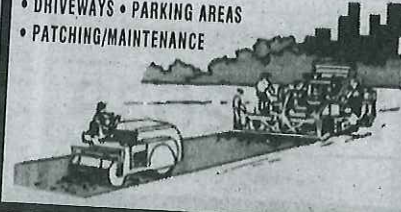
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White's Concrete Company **595-5669**
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Dispatch River Rd **356-5555**
- Metro Ready Mix Concrete 1136 2nd Av N .. **255-1900**

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- 6666 Brookmont Ter 356-8616
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(Please See Our Display Ad Prev)
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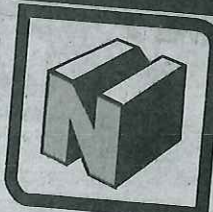
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RADIO
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EXHIBIT 4

July 2008 - 2009



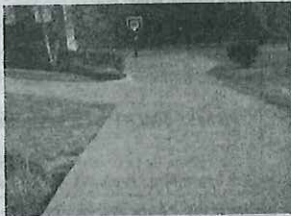
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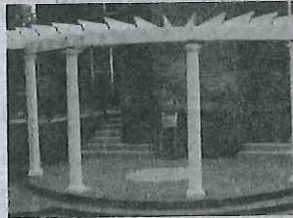
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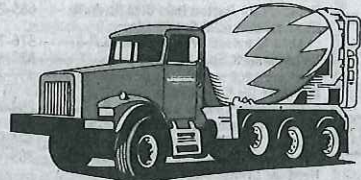


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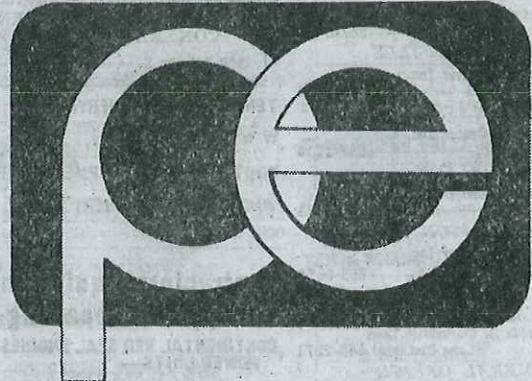
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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Miya Sullivan
Property Owner: " "
Representative: " "

Date: 3-4-19
Case #: 2019-160
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

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.

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.

2019-160

ZONED RS7.5

190

(111)

121 HAYNES PARK DRIVE
DIANA G. JOHNS
D.B. 5675, PG. 45, R.O.D.C., TN.

EXISTING HOUSE

191

7974 S.F.

(110)

T.S.P.C.
N-683714.08
W-1721984.07

BOUNDARY

N 11°58'57" E 119.64'

S 30°37'53" E 142.47'

20' REAR SETBACK LINE

5' SIDE SETBACK LINE

30' M. B. S. L.
20' P.U.D.E.

34.92'

I.P.(N)

I.P.(O)

PROPOSED SIDEWALK

30°37'53" W 54.43'

2.5' X 25' U.A.E.

S 59°22'07" W 81.00'

CURB

SS SSMH

8"SS

HAYNES PARK DRIVE

CURB

DRIVE
NT
10017.

ZO

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: 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.)

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

4.10.19

DATE

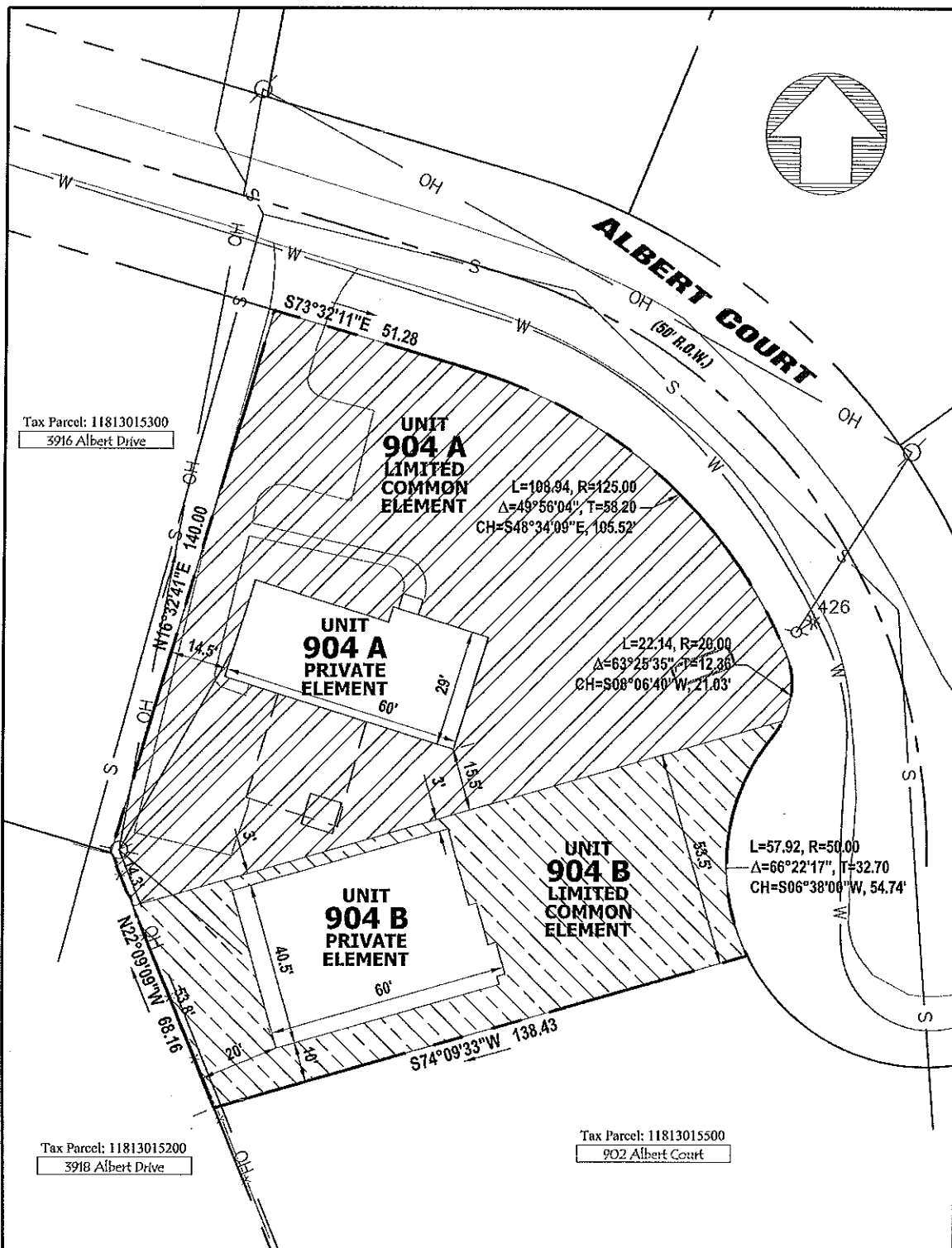
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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

- 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

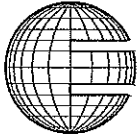
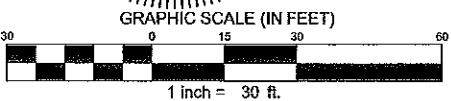
Tax Parcel: 11813015200
3918 Albert Drive

Tax Parcel: 11813015500
902 Albert Court

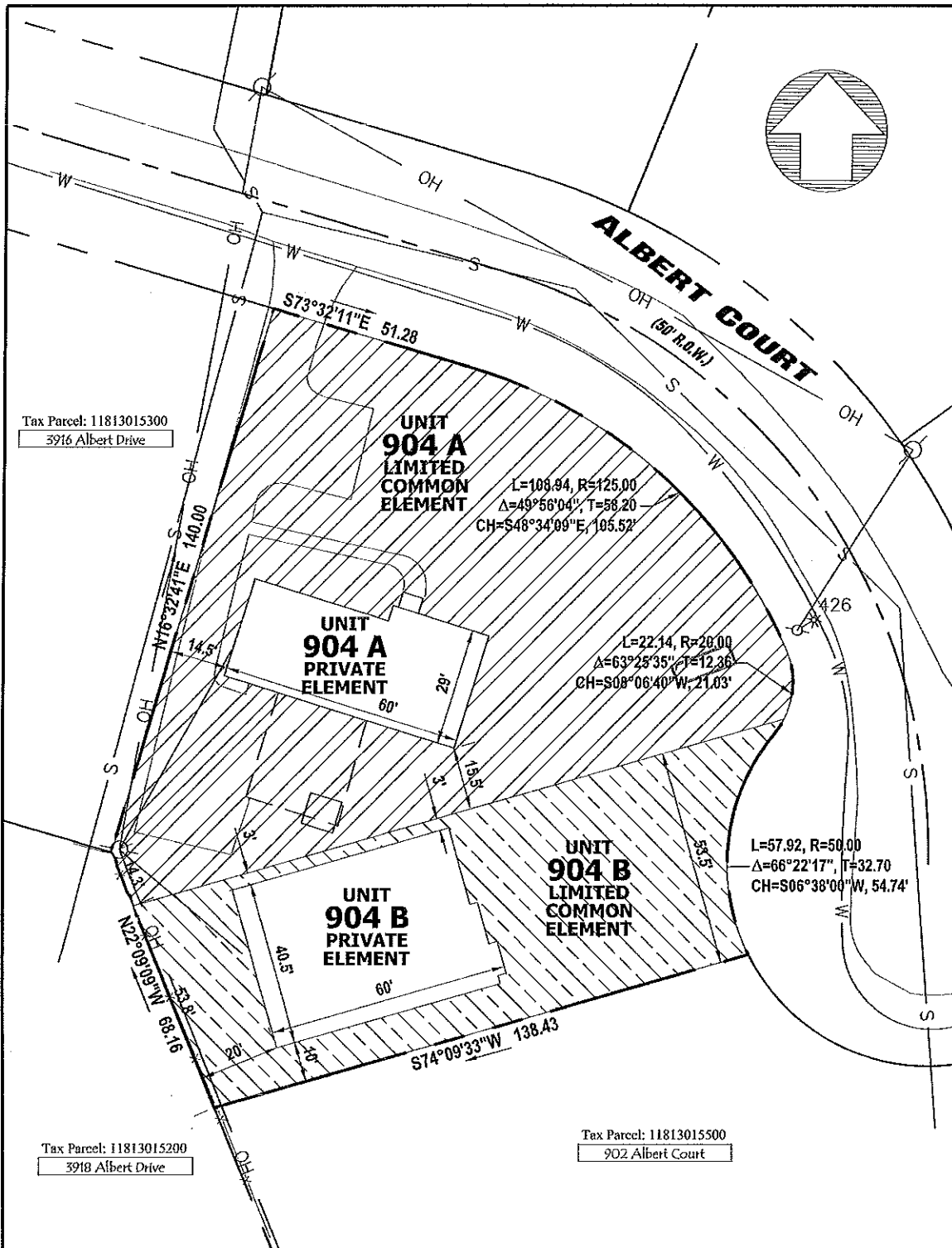
THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. 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

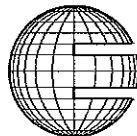
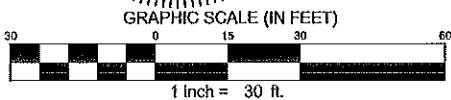
Tax Parcel: 11813015200
5918 Albert Drive

Tax Parcel: 11813015500
902 Albert Court

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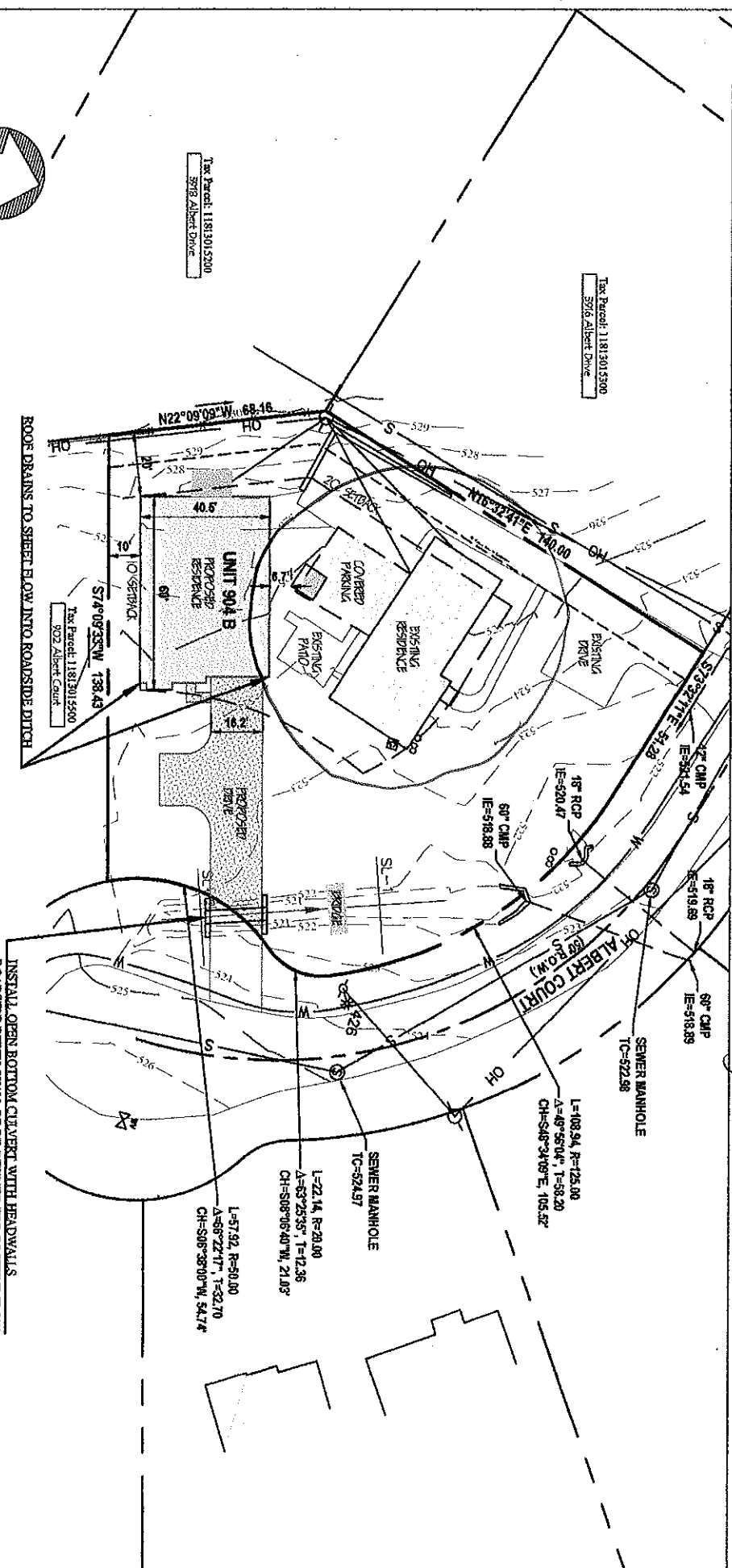
EXHIBIT 'B' - Units 904 A & 904 B
ALBERT COURT
 NASHVILLE, TENNESSEE 37204
 Zoning: R20 Metro Parcel ID: (11813015400) DATE: 8-31-16



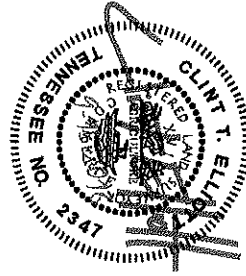
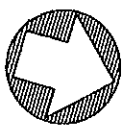
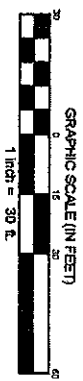
CLINT T. ELLIOTT
REGISTERED LAND SURVEYOR
 7930 Hwy 70 South, Nashville Tn, 37221
 p| (615) 533-2054
 e| clintelliott@comcast.net

2019-058

Previous Existing Home



CLINT T. ELLIOTT
 REGISTERED LAND SURVEYOR
 7930 Hwy 70 South, Nashville TN, 37221
 p (615) 533-2054
 e clnt@clintellottsurvey.com



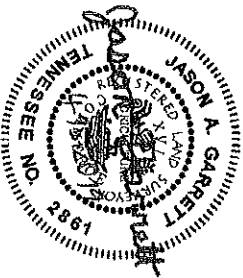
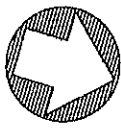
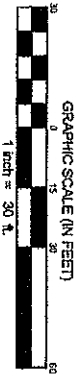
Site Plan
 904 Albert Court
 Nashville, Davidson County, Tennessee

Sheet No.
V-2.1



ELLIOTT
SURVEY

1711 Hayes Street
Nashville, TN 37203
ad@elliotsurvey.com
(615) 490-3236



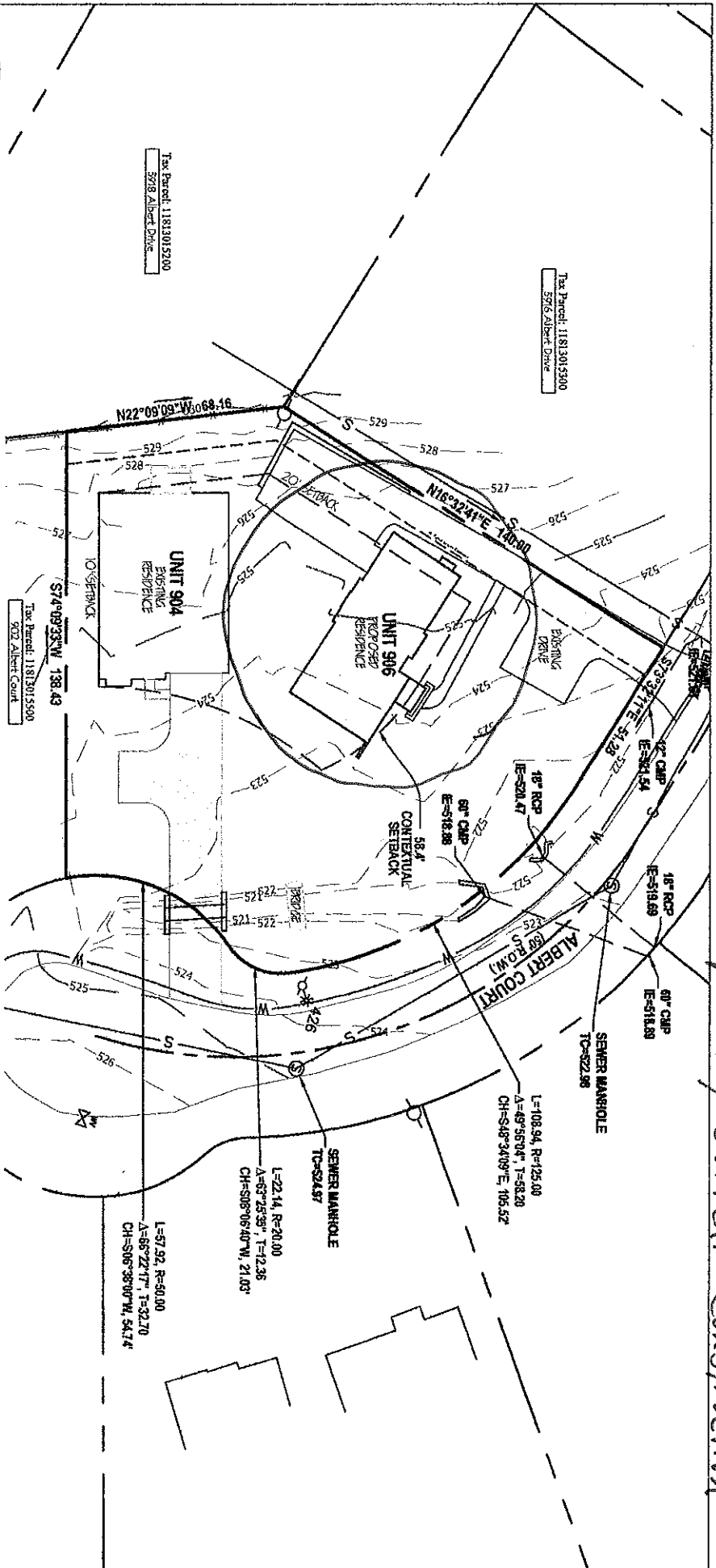
Nashville, Davidson County, Tennessee

Site Plan

906 Albert Court

Sheet No.

V-2.1



Proposed / Current Construction

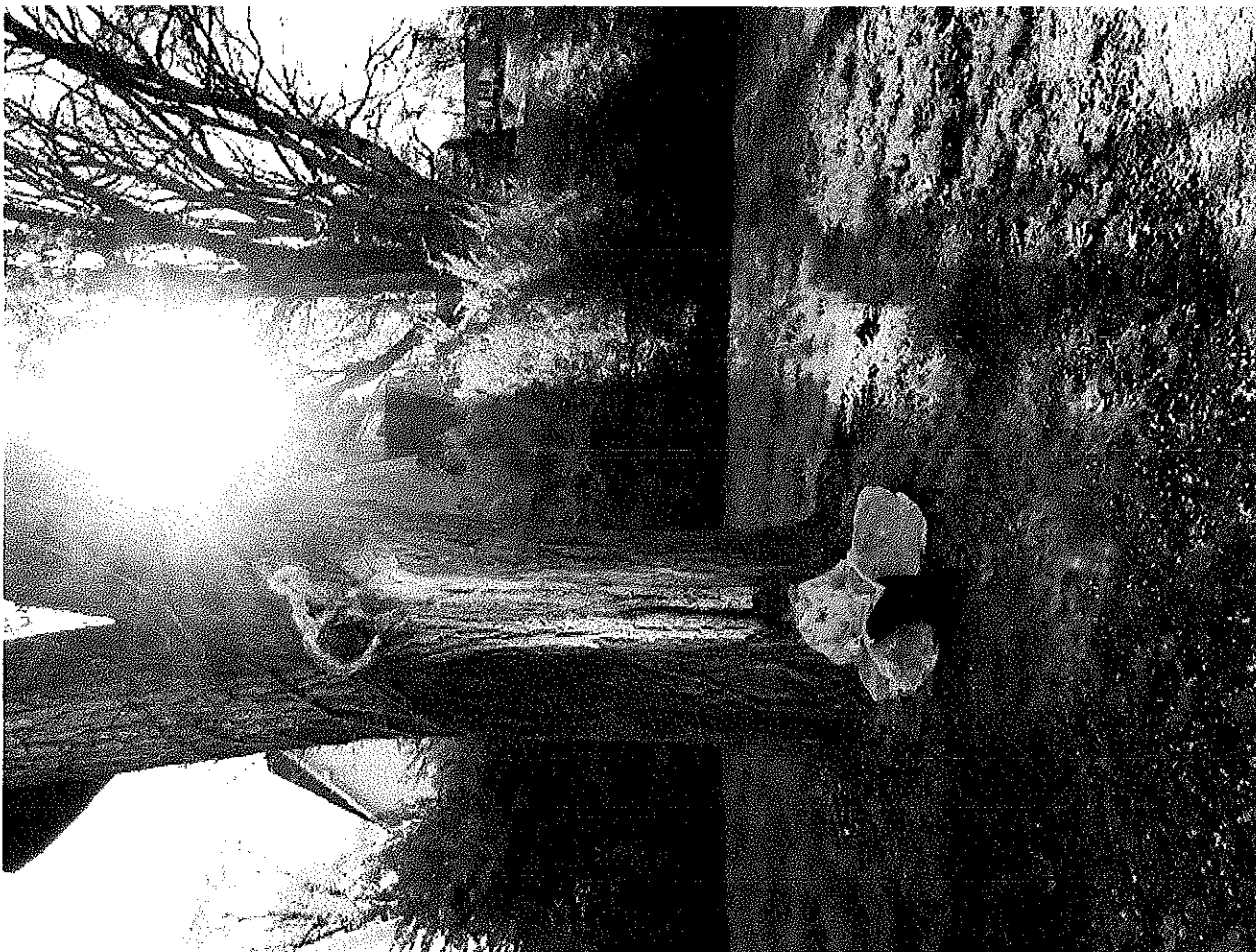
Jason Ryan

From: Kristen Dabbs <kristendabbs@me.com>
Sent: Wednesday, April 10, 2019 6:45 AM
To: Jason Ryan
Subject: Tree

Hey Jason,

Please please do not cut the tree down! My 2 year old daughter loves to get a book from the mailbox library in the cup de sac and then reads it under that tree. A sidewalk on that property makes zero sense!

Happy to do what I can to help!
Kristen



Sent from my iPhone

Jason Ryan

From: mason jones <masonjones2@gmail.com>
Sent: Tuesday, April 30, 2019 4:26 PM
To: Jason Ryan
Subject: 903 Albert

Jason, i saw your email about the sidewalk and left a voicemail, I live st 903 across the road and would agree a sidewalk is a bad idea. Happy to help in any way possible please let me know!

--

Mason Jones
www.VolunteerTraditions.com

Jason Ryan

From: Erin Yu <erinyu24@gmail.com>
Sent: Saturday, April 13, 2019 5:38 PM
To: Jason Ryan
Subject: Sidewalk

Hi Jason,

We are your soon to be neighbors across the street (905 Albert Ct.). Welcome to the street!
We are in agreement—a sidewalk just at your house makes no sense. There really won't be any additional new builds since all the other houses are new, so there won't be any additional sidewalks added.
What do we need to do to help you get around this?

Erin and Mike Yu

Sent from my iPhone

Jason Ryan

From: nancy stewart <ngs35@bellsouth.net>
Sent: Wednesday, April 10, 2019 8:30 AM
To: Jason Ryan
Subject: sidewalk controversy

Sir, I have lived at 4037 Albert Drive for 35 years and I have no desire for sidewalks on my street or yours. This is a great and convenient neighborhood and there is no need for sidewalks. You have my complete support.

Nancy Stewart
4037 Albert Drive

Jason Ryan

From: Angela Weingarten <ajweingarten@gmail.com>
Sent: Tuesday, April 9, 2019 7:57 PM
To: Jason Ryan
Subject: Tree

Hey Jason,

I'm your neighbor at 904 Albert Ct and totally agree that there is no need for a sidewalk here and I really do not want to see that tree cut down!

Please let me know what we can do to help stop this from happening!

Angela Weingarten
(804-399-1269)

Jason Ryan

From: Marilee Jacobs <mjacobs25@hotmail.com>
Sent: Tuesday, April 9, 2019 9:11 PM
To: Jason Ryan

Hi,

I think you should contact the representative for this

<https://www.nashville.gov/Metro-Council/Metro-Council-Members/District-25-Council-Member.aspx>

His name is Russ Pulley 615-862-6780 -we are district 25 and ask for his help

it is stupid stupid and push the tree part since that has been all over the news from the mayor's oversight downtown.

good luck

I am only a couple doors away from you-the house with the large crabapple trees.

Marilee

Jason Ryan

From: Garen Eadie <garen.eadie@gmail.com>
Sent: Tuesday, April 9, 2019 8:33 PM
To: Jason Ryan
Subject: Sidewalk

Jason,
I would support your quest for a sidewalk exemption in favor of saving your tree.
-Garen

--
Earth's crammed with heaven,
And every common bush afire with God;
But only he who sees, takes off his shoes
The rest sit round it and pluck blackberries.
- Elizabeth Barrett Browning

Jason Ryan

From: Rachel Wilson <racheltru@gmail.com>
Sent: Tuesday, April 9, 2019 5:34 PM
To: Jason Ryan
Cc: Joshua Edward Hurt I
Subject: Re: the sidewalk to nowhere

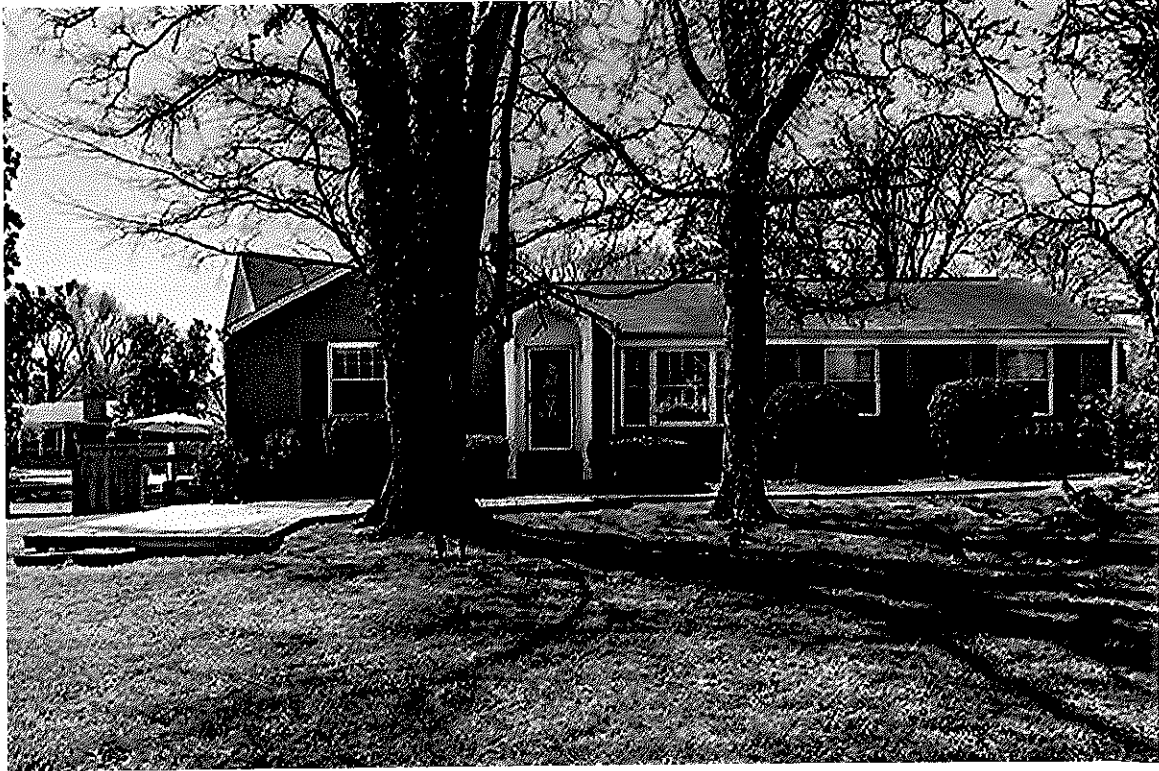
Hey, neighbor!!

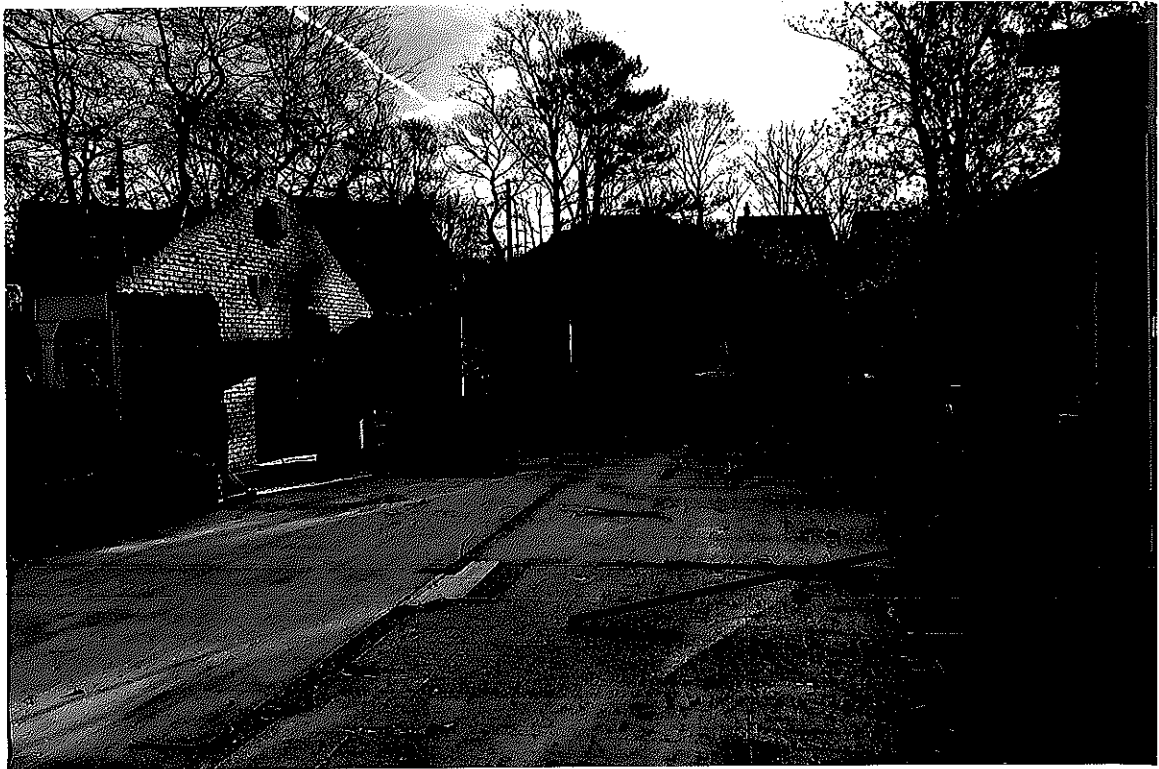
For what it's worth, your next door neighbors Josh and Rachel fully support you in figuring out how to not cut down the trees and build an unnecessary sidewalk. Just wanted to let you know. :)

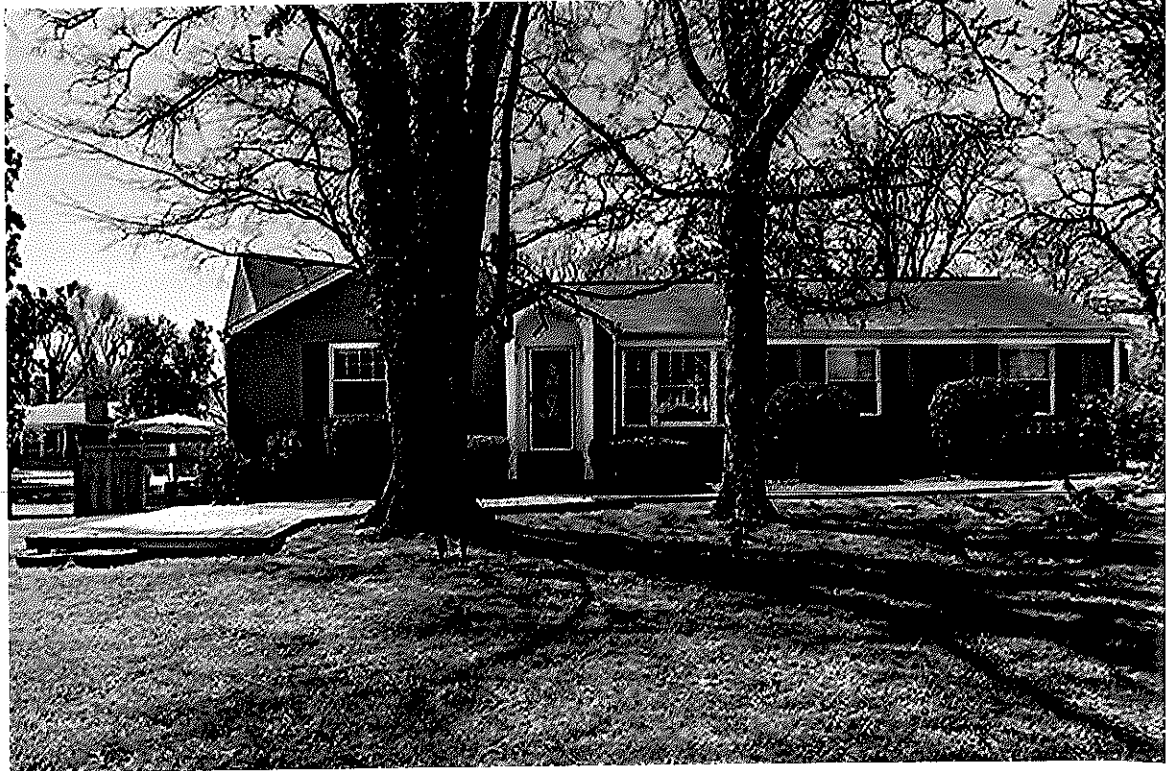
Excited to have y'all in the neighborhood!

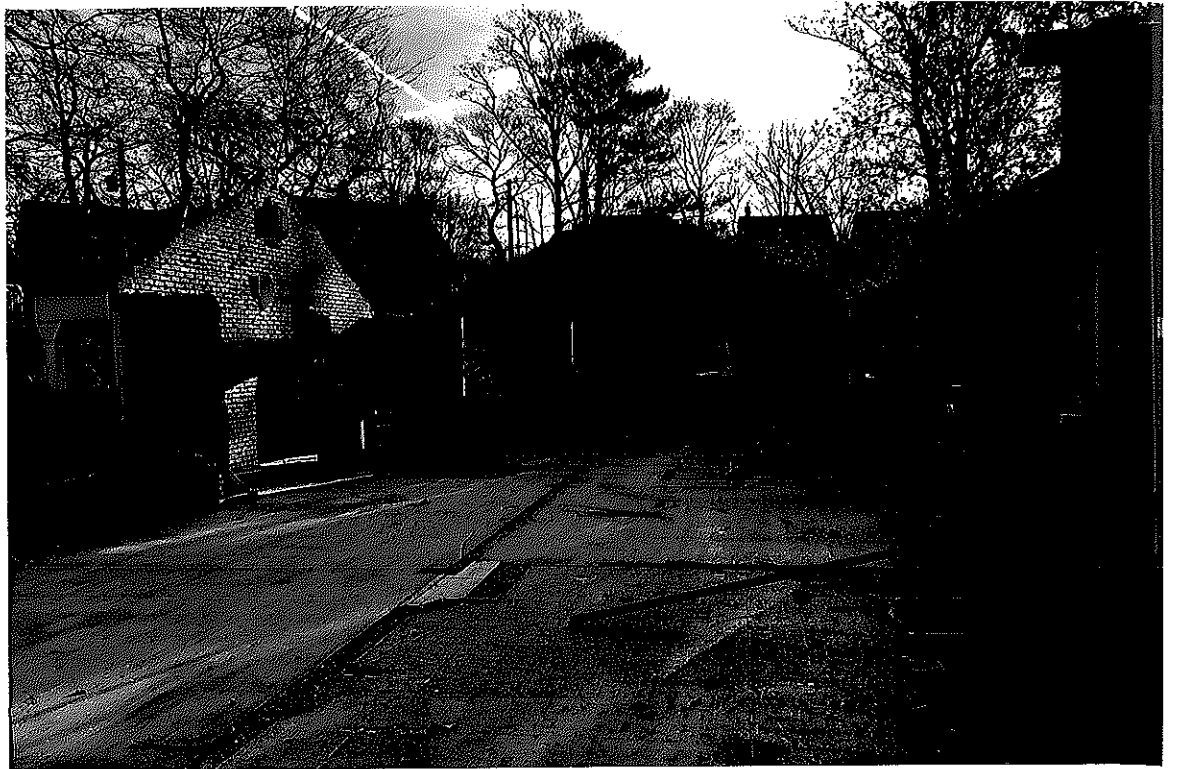
Rachel Hurt

Sent from my iPhone









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.

Michael and Erin Yu

905 Albert Court

Nashville, TN 37204

615-712-9245

Re: Zoning Appeal 2019-258 (Map Parcel 118134B00100CO)

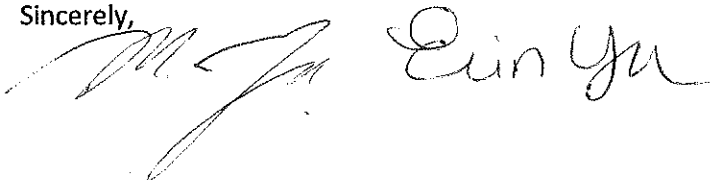
May 27, 2019

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 : _____ Date: 10-22-18
Property Owner: T Lytte / Rebecca Hall Case #: 2018-674
Representative: Don Hardin Map & Parcel: 105-3-114

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: Requesting variance from lot size requirements to allow for construction of a unit HPR. Minimum size is 6000 SF, lot is at 5300 SF

Activity Type: New Construction - Residential

Location: 1112 2nd Ave. S.

This property is in the RG 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 lot size

Section(s): 17.12.020 (A)

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

Rebecca Hall
Appellant Name (Please Print)

Don Hardin
Representative Name (Please Print)

1114 2nd Ave S
Address

2006 South Hamilton Rd
Address

Nashville TN 37210
City, State, Zip Code

Nashville TN 37218
City, State, Zip Code

615.838.0437
Phone Number

615.394.1288
Phone Number

lyttehall69@icloud.com
Email

dhardin@donhardingroup.com
Email

Appeal Fee: \$100.00



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



3571188

**ZONING BOARD APPEAL / CAAZ - 20180066819
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10503011400**APPLICATION DATE:** 10/22/2018**SITE ADDRESS:**

1112 2ND AVE S NASHVILLE, TN 37210

E SIDE 2ND AVE SO S OF MALORY ST

PARCEL OWNER: LYTLE, T. C. ETUX**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from lot size requirements to allow for construction of 2 unit HPR. Current lot is 5300SF with a requirement of 6000SF.

*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

DATE

10/22/18

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?

We request a variance to allow 2 units on the R6 property. Currently the property is 5,500 SF instead of the 6,000 SF



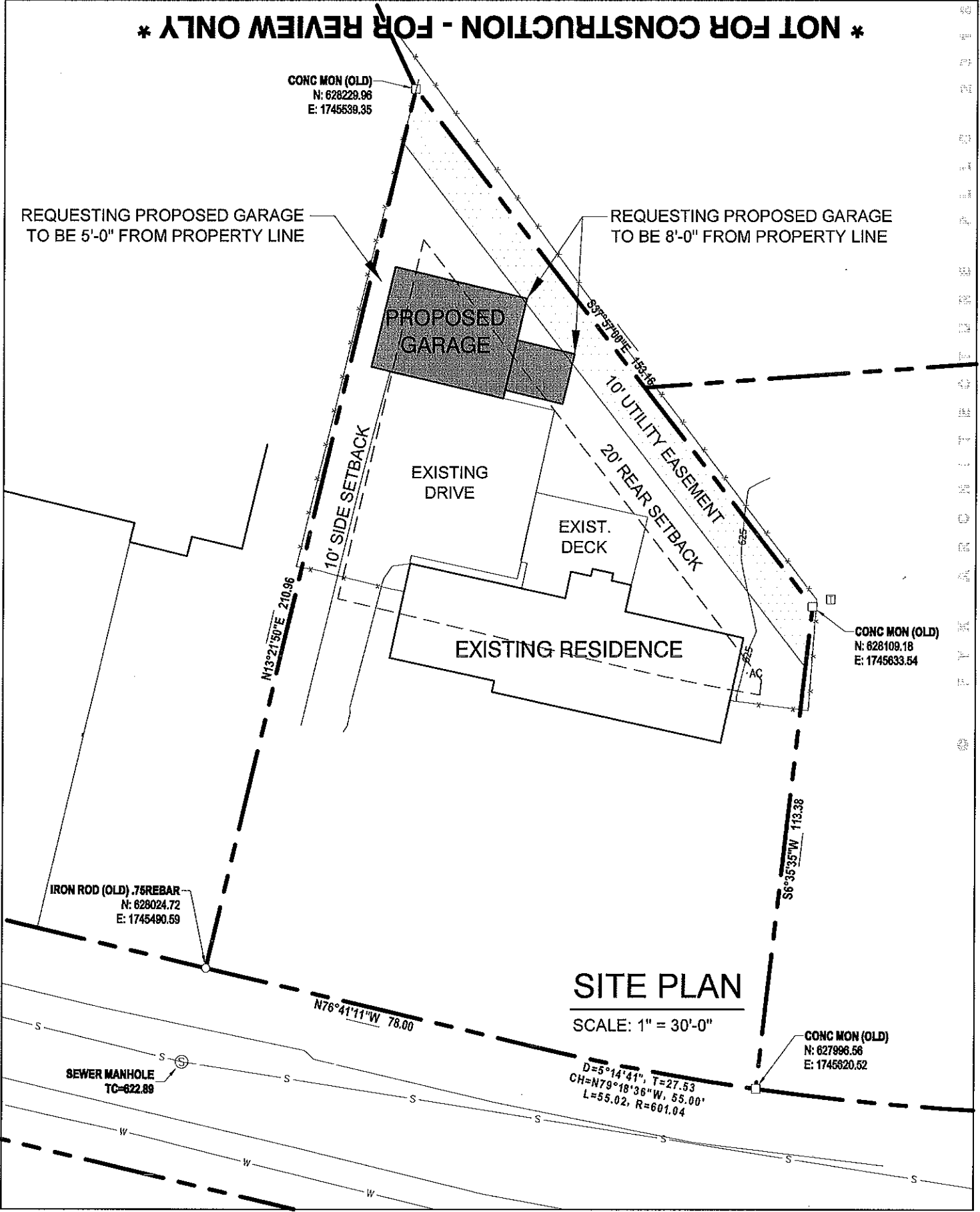
FYK
ARCHITECTURE
4811 Trousdale Drive
Nashville, TN 37220
615.315.9223
FYKGROUP.COM

BUCHANAN RESIDENCE
402 FITCHIE DRIVE
NASHVILLE, TN

ISSUE DATE: 10.19.2018	REVISIONS:



*** NOT FOR CONSTRUCTION - FOR REVIEW ONLY ***



SITE PLAN

SCALE: 1" = 30'-0"

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : S+H Group, LLC

Date: 3/1/2019

Property Owner: Rhino Holdings, LLC

Case #: ~~2018~~ 2019-155

Representative: : Tripp Smith

Map & Parcel: 10508015400

Council District 17

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

Purpose:

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

Activity Type: Warehouse/Office

Location: Zoning boundary across Alley 2085 52 Industry St.

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

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

Section(s): 17.24

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

Rhino Holdings, LLC
Appellant Name (Please Print)

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

52 Industry Street
Address

2606 Eugenia Ave. Suite D
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

615-804-8155
Phone Number

615-647-8775
Phone Number

kevin@perkinsfloors.com
Email

tripp@shgroupllc.com
Email

CH zoning examiner.

Appeal Fee: ~~8250~~ \$200

APPLICATIONS FOR VARIANCE REQUESTS

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

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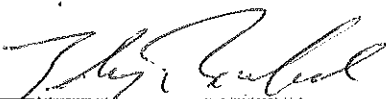
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

3/1/2019

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

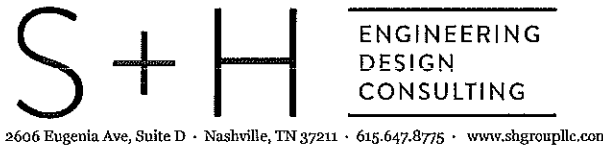
The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster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

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

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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?



February 27, 2019

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

Re: 52 Industry Street
Parcel No. 10508015400

To Whom It May Concern:

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

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

Unique Circumstance (Hardship)

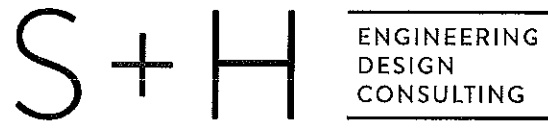
The unique circumstance (hardships) that affect the property is the inconsistent zoning of adjacent properties in regards to the current use of the surrounding properties. Accordingly, these zoning designations result in landscape buffer requirements that create a property hardship related to the parking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

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

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

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



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

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

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

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

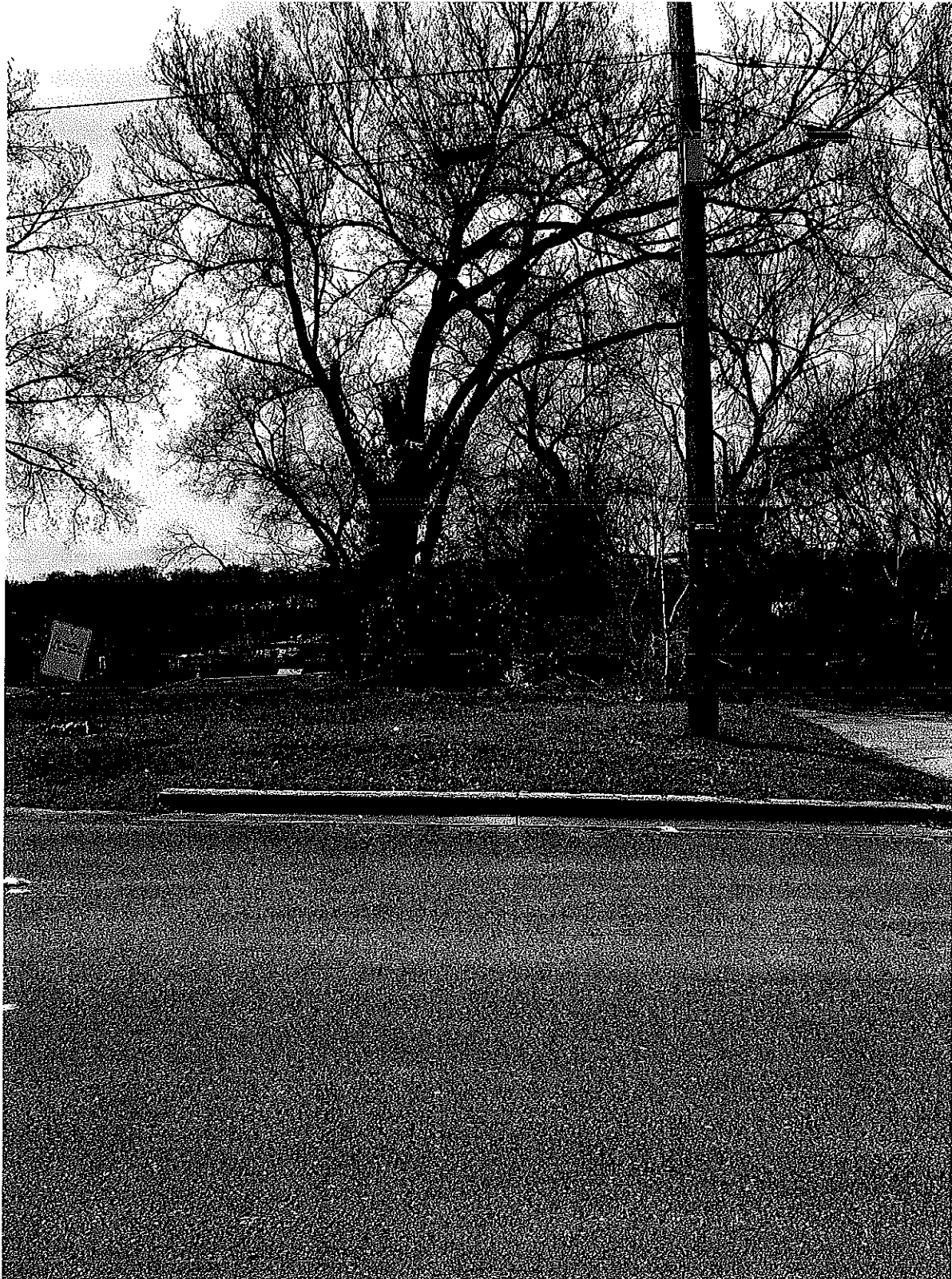
Sincerely,

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

cc: Chip Howorth, Principal

S + H ENGINEERING
DESIGN
CONSULTING

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



View from Geyser Street facing West

S + H

ENGINEERING
DESIGN
CONSULTING

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View from Property Corner and Alley

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View from Alley facing South

S + H ENGINEERING
DESIGN
CONSULTING

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



View from Western P/L facing East

PROPOSED WAREHOUSE		DATE	
PERKINS HARDWOOD FLOORING		DATE	
PROJECT NO. 19-000000		DATE	
SHEET NO. 001		DATE	
SHEET NO. 002		DATE	
SHEET NO. 003		DATE	
SHEET NO. 004		DATE	
SHEET NO. 005		DATE	
SHEET NO. 006		DATE	
SHEET NO. 007		DATE	
SHEET NO. 008		DATE	
SHEET NO. 009		DATE	
SHEET NO. 010		DATE	

C3.0

SCALE: 1" = 10'-0"

DATE: 08/20/19

PROJECT: PERKINS HARDWOOD FLOORING

SHEET NO. 001

DESIGNED BY: [Name]

CHECKED BY: [Name]

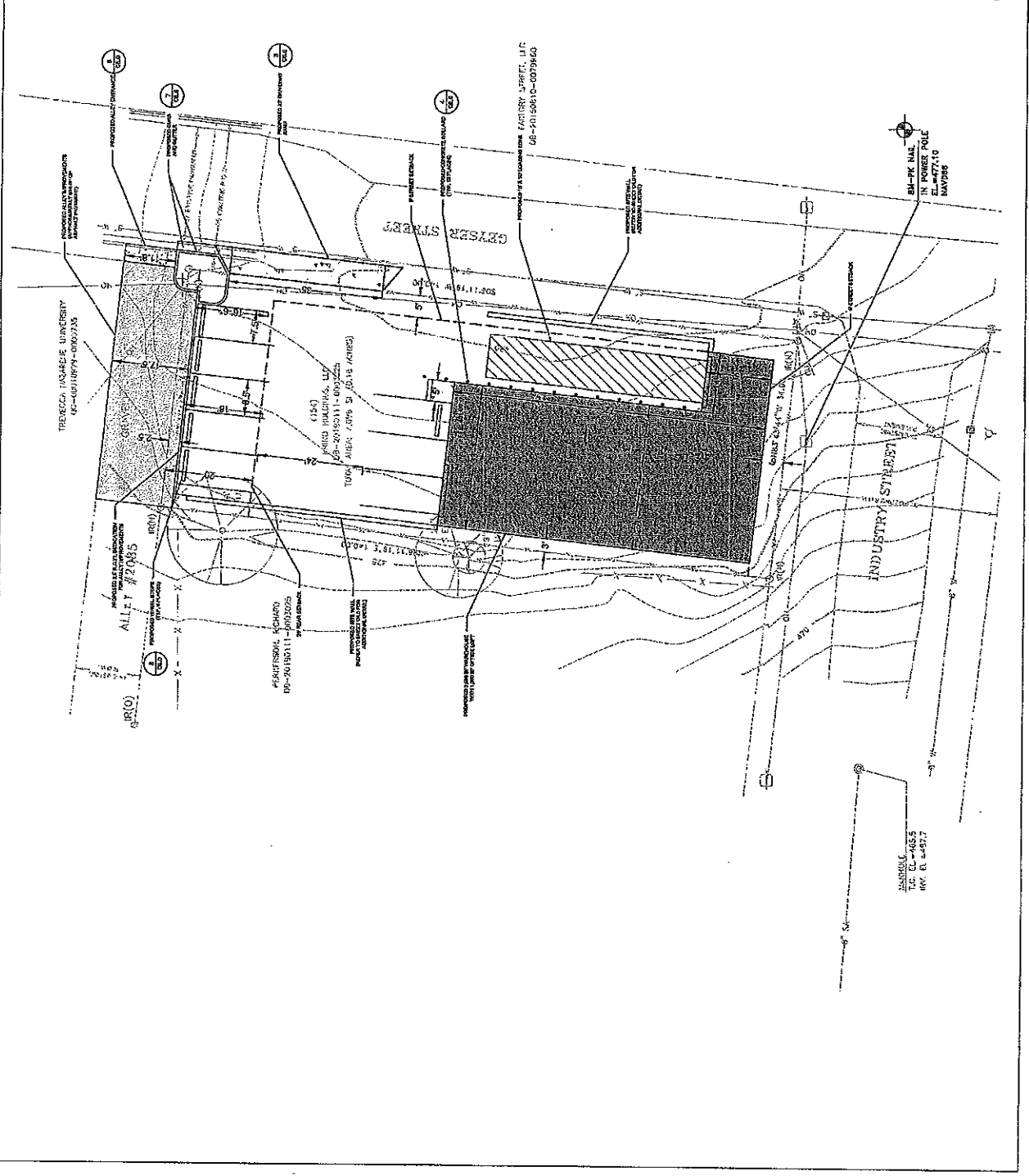
APPROVED BY: [Name]

PROJECT NO. 19-000000

SHEET NO. 001

GENERAL NOTES:

- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL PLUMBING CODE (IMC/MEPC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPMC/MEPC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY EFFICIENCY CODE (IEEC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL GREEN BUILDING CODE (IGBC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN AND CONSTRUCTION CODE (ISDCC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WELL-BEING AND PRODUCTIVITY CODE (IWPC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL QUALITY MANAGEMENT SYSTEMS CODE (IQMS).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RISK MANAGEMENT CODE (IRMC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUPPLY CHAIN MANAGEMENT CODE (ISCM).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL CUSTOMER EXPERIENCE CODE (ICEX).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL EMPLOYEE ENGAGEMENT CODE (IEEC).
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) CODE.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WELL-BEING AND PRODUCTIVITY CODE (IWPC).
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PERKINS HARDWOOD FLOORING

PROJECT NO. 19-000000

SHEET NO. 001

DATE: 08/20/19

DESIGNED BY: [Name]

CHECKED BY: [Name]

APPROVED BY: [Name]



April 1, 2019

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

Re: Case #2019-155; Map & Parcel 10508015400;
52 Industry Street requesting variance for Alley 2085

Dear Sirs,

I am aware of an appeal by S&H Group, LLC to remove the Standard "C" Landscape Buffer at zoning boundary across Alley 2085 between property owned by Rhino Holdings, LLC at 52 Industry Street and property owned by Trevecca Nazarene University at 0 Factory Street.

I am writing on behalf of Trevecca Nazarene University (TNU) to state our clear opposition to removing the existing buffer. We clearly support the prior action taken by the Board of Zoning to deny this request.

TNU has had a significant presence in this neighborhood since 1935. In 1998 TNU acquired the property adjacent to 52 Industry Street (0 Factory Street) that would be most affected by the variance change to the Alley. Our lot was cleared after purchase and remains so today. TNU acquired the nearly 6 acres at 101 Factory Street, across the street from 52 Industry Street, in 2015 after investing \$300,000 to remediate the former brownfield site under a state of TN program which resulted in a clean title for that property.

TNU has been seeking to improve the area surrounding the campus over the past decade with significant investment and financial risk in some cases. After acquiring many different properties on the east side of campus we were successful in creating the first new real estate development in this area of the city in decades with the creation of both Walden Village (34 homes) and The Flats at Walden Grove (a 126 unit work-force priced apartment building). These efforts alone created over \$250,000 of incremental annual tax revenue for the city without any investment from the city.

We have been involved in many strategic conversations to develop the 101 Factory Street site with additional work-force housing once we find the appropriate partner. We have also considered constructing new single-family homes on our lots at 0 Factory Street, that

David B. Caldwell • Executive Vice President for Finance and Administration • dcaldwell@trevecca.edu

333 Murfreesboro Road • Nashville, TN 37210-2877 • 615-248-7790 • www.trevecca.edu



shares the alley with 52 Industry Street, as well as 83 and 79 Factory Street. The numbering is confusing but these 3 Factory street lots – 0, 83 & 79 only have two other lots between them. All 3 of these homes would need alley access for traditional garage parking due to the topography of lots.

I share all of this information as support to illustrate that TNU has been a long time property holder seeking to help improve our area of our beloved city. The current owners of 52 Industry Street, whom we assume have the best intentions, closed on their property in January 2019. As the only other structures on Geysler Street currently are residential, I had expected to see a residence of some kind on that site following the sale. That said I would not speak in opposition to any new construction that conformed to current zoning but **I am strongly opposed to any variances that would impair access to the existing alley for a new single family home we may choose to construct at 0 Factory Street (or 83 & 79 Factory Street) in the future.** I am also concerned about what seems likely could be a significant number of business vehicles attempting to park at this relatively small lot once a building is constructed.

Thus, I respectfully ask that you deny the appeal and hold to your initial decision. As the topography of our lot at 0 Factory Street is such that the alley is virtually the only option for parking, I would also ask that any development on 52 Industry Street clearly not impair the existing alley right of way with the expectation that a single family home is likely to occupy the 0 Factory Street lot at some point in the future.

Sincerely,

A handwritten signature in black ink that reads "David B. Caldwell".

David B. Caldwell
E.V.P. Finance & Administration

cc: Colby Sledge Colby.Sledge@nashville.gov
Jeff Heinze jheinze@catalyst-dg.com
Marcy Shelton mshelton@renocavanaugh.com
Scott Perkerson scott@perk-products.com

David B. Caldwell • Executive Vice President for Finance and Administration • dcaldwell@trevecca.edu

333 Murfreesboro Road • Nashville, TN 37210-2877 • 615-248-7790 • www.trevecca.edu

Metro Codes Administration - BZA Tracker



Tue Mar 26 2019 12:41:32 GMT-0500 (Central Daylight Time)

Case Information

Application Submittal	3/4/2019
Case #	2019-155
Property Address / Location	52 INDUSTRY ST 37210
Parcel ID	10508015400
Council District / Member	17 (Colby Sledge)
Property Owner	RHINO HOLDINGS, LLC
Appellant	RHINO HOLDINGS, LLC
BZA Hearing Date	4/18/2019
Deferred From Date	
Application Scope	
Reason	A VARIANCE FROM LANDSCAPE BUFFER REQUIREMENTS
Purpose	TO BUILD A WAREHOUSE AND OFFICE DEVELOPMENT
Deny Section	17.24
Use	WAREHOUSE
In UZO?	No
Zoning District	IWD
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	View Scanned Documents

↳ They (Rhino Holdings) have submitted an application to build a warehouse & offices on 52 Industry St.

↳ Board of Zoning has denied their application for whatever reason and this is the denial appeal.

Appeals hearing set for 4/18/2019

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



Appellant : S+H Group, LLC Date: 3/1/2019
Property Owner: Rhino Holdings, LLC Case #: ~~2019-155~~ 2019-155
Representative: Tripp Smith Map & Parcel: 10508015400

Council District 17

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

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

Activity Type: Warehouse/Office

Location: Zoning boundary across Alley 2085 52 Industry St.

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

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

Section(s): 17.24

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

Rhino Holdings, LLC
Appellant Name (Please Print)

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

52 Industry Street
Address

2606 Eugenia Ave. Suite D
Address

Nashville, TN 37212
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

615-804-8155
Phone Number

615-647-8775
Phone Number

kevin@perkinsfloors.com
Email

tripp@shgrouppllc.com
Email

CH zoning examiner.

Appeal Fee: ~~\$250~~ \$200

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

3/1/2019

 DATE

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

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

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

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

★ ★

None listed

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



February 27, 2019

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

Re: 52 Industry Street
Parcel No. 10508015400

To Whom It May Concern:

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

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

Unique Circumstance (Hardship)

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

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

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

2/26/2019

52 Industry BZA Submittal Letter - 2.12.19 - Google Docs



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

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

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

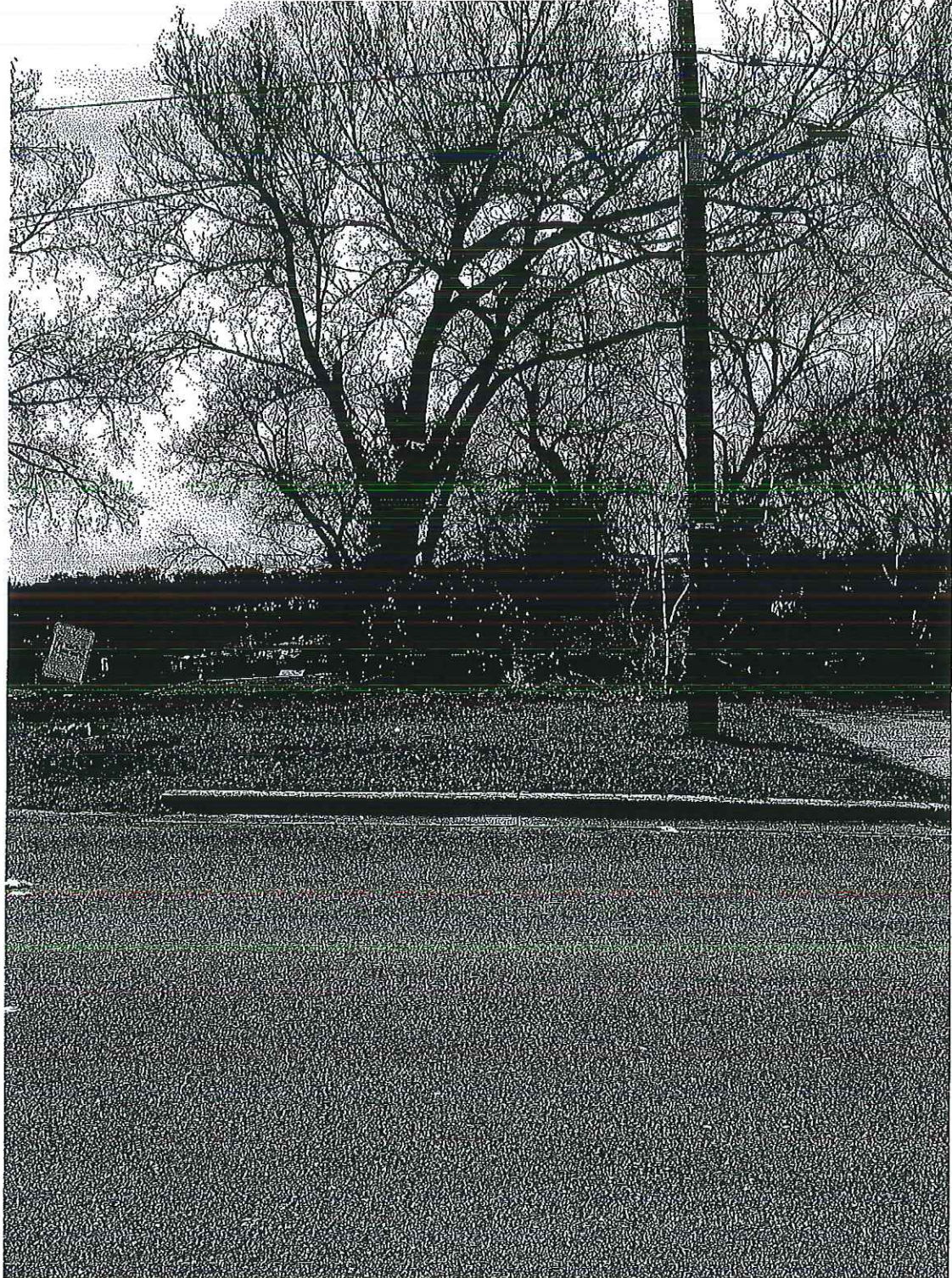
Sincerely,

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

cc: Chip Howorth, Principal

S + H ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8775 • www.sbgroupplc.com



View from Geyser Street facing West

S + H

ENGINEERING
DESIGN
CONSULTING

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



View from Property Corner and Alley

S + H ENGINEERING
DESIGN
CONSULTING

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

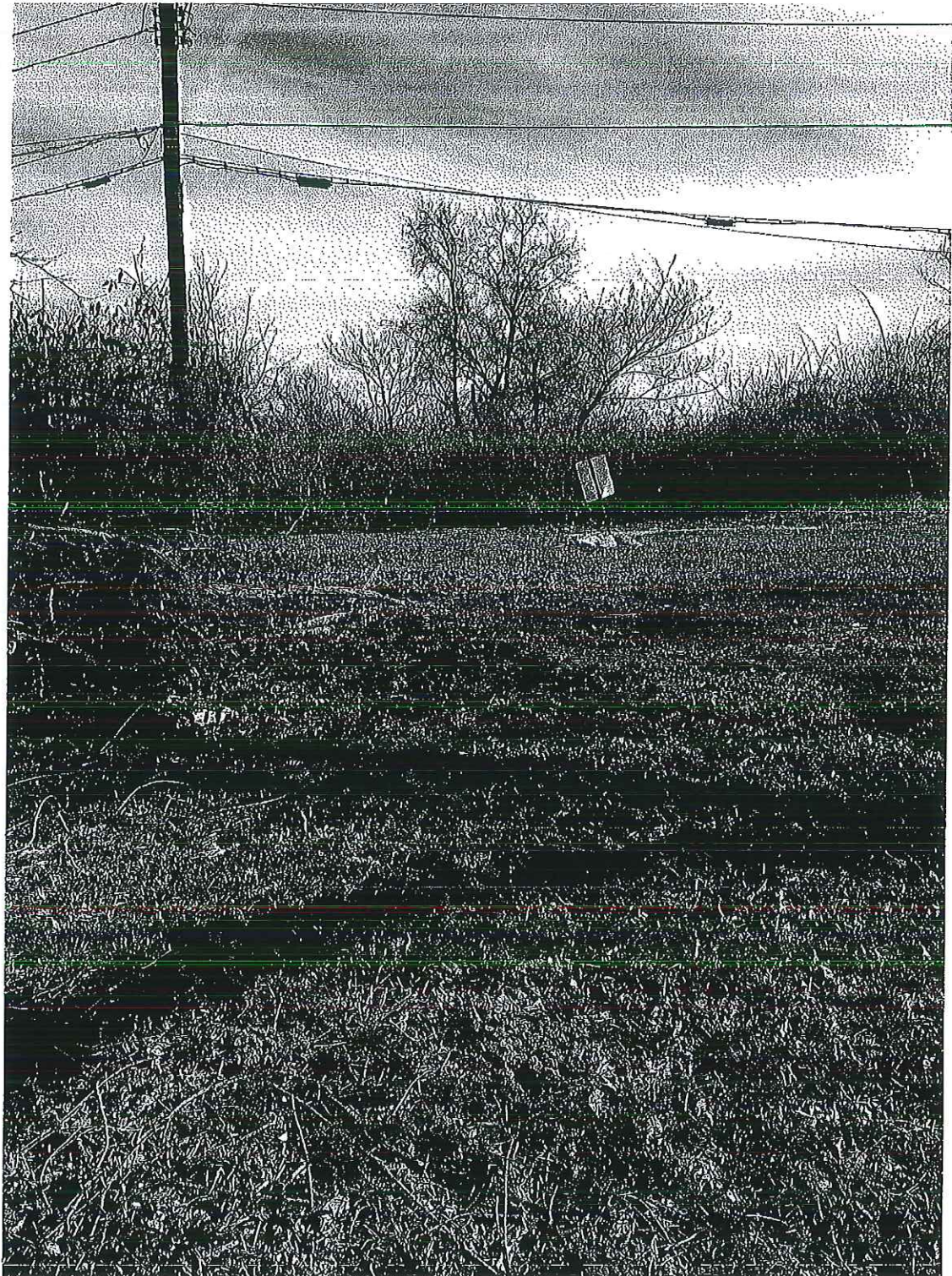


View from Alley facing South

S + H

ENGINEERING
DESIGN
CONSULTING

2606 Eugenia Ave, Suite D • Nashville, TN 37211 • 615.647.8776 • www.sbgroupllc.com

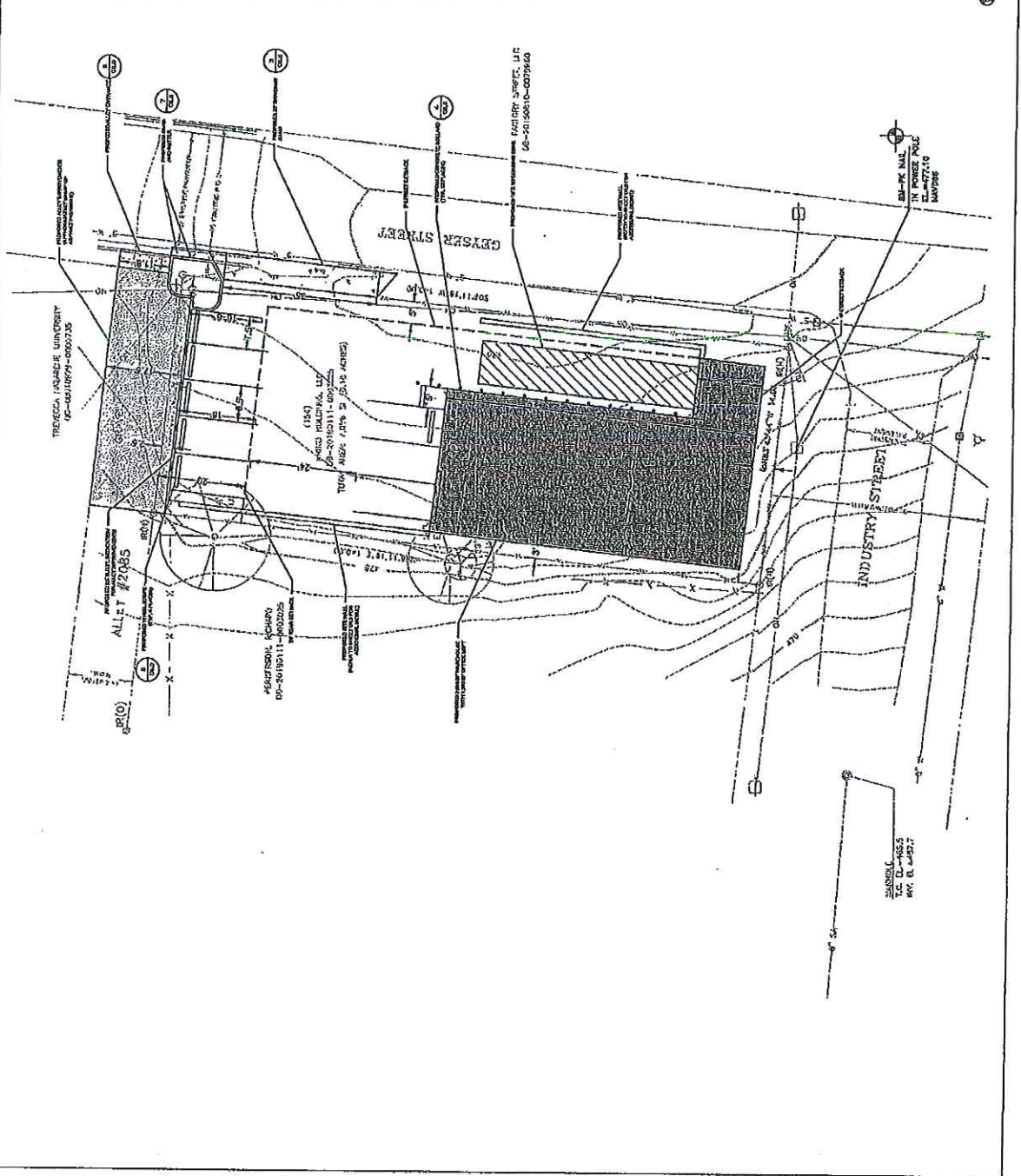


View from Western P/L facing East

PERKINS HARDWOOD FLOORING		C3.0	
PROPOSED WAREHOUSE		S+H	
DATE	REVISION	DATE	REVISION

GENERAL NOTES:

1. ALL DIMENSIONS SHALL BE UNLESS OTHERWISE SPECIFIED.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL RESIDENTIAL CODE (IRC).
3. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT AND THE LOCAL BUILDING DEPARTMENT.
4. ALL PERKINS HARDWOOD FLOORING SHALL BE INSTALLED IN ACCORDANCE WITH THE PERKINS HARDWOOD FLOORING INSTALLATION MANUAL.
5. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A CONCRETE SLAB ON GRADE.
6. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
7. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
8. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
9. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
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17. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
18. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
19. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.
20. THE PERKINS HARDWOOD FLOORING SHALL BE INSTALLED OVER A 1/2" Gypsum Board.



RENO & CAVANAUGH PLLC

David L. Kleinfelter
(615) 866-2320

(615) 866-2321 fax

dkleinfelter@renocavanaugh.com

April 11, 2019

VIA HAND DELIVERY

Metro Nashville Board of Zoning Appeals
Jon Michael, Zoning Administrator
800 2nd Ave S,
Nashville, TN 37210

RE: BZA Case # 2019-155
52 Industry Street, Parcel ID 10508015400
OPPOSITION TO REQUEST FOR VARIANCE

Dear Members of the BZA:

You are being asked to grant a variance from the landscape buffer requirements of the Metro Zoning Code in connection with construction of a warehouse/office structure at 52 Industry Street (the "Property").¹ My firm represents Trevecca Nazarene University (TNU), which owns the parcel on Factory Street that is directly to the north of the Property.² TNU also owns two other parcels on Factory Street³ and a 6 acre parcel immediately across Geysler Street from the Property.⁴

Simply put, there is no legal basis for the requested variance. The application for this matter states that the Applicant seeks the variance to provide parking for its warehouse/office development. The BZA application form requires an applicant to state "what specific and unique circumstances (hardship) exist that would authorize." That section of the application for this variance was left completely blank. As explained in more detail below, Tennessee law and the Metro Code both require that a variance be supported by evidence of exceptional characteristics of the property and undue hardship to the property owner. Neither of those requirements is met by the Applicant's variance request.

The only information offered by the Applicant in support of its request is a letter from Frank (Tripp) P. Smith, III, with the firm of S+H Group. Mr. Smith states that the variance is requested based on "the unique circumstance of existing adjacent OR zoning and a hardship related to landscape buffer requirements." Later, Mr. Smith refers to a "unique circumstance" of there being "inconsistent zoning of adjacent properties." In fact, the entire purpose of the Zoning

¹ The Property is owned by Rhino Holdings, LLC (the "Applicant").

² 0 Factory Street, Parcel ID 10508012600

³ 79 Factory Street, Parcel ID 10508012200 – and 83 Factory Street, Parcel ID 10508012400

⁴ 101 Factory Street, Parcel ID 10508024900. A map of the parcels in the immediate vicinity owned by TNU is attached as Exhibit A.

Metro Nashville Board of Zoning Appeals
April 11, 2019
Page 2 of 3

Code landscape buffer requirement is to address the many thousands of instances throughout Davidson County where there are boundaries between “inconsistent zoning.”

Section 17.24.180 of the Zoning Code sets out the purpose and intent of the Code’s landscape buffer requirements:

The purpose of this article is to protect the value and integrity of property from the potential adverse effects of noncompatible land uses. To that end, this article requires that landscape buffer yards be provided at the boundaries of selected zoning districts. The landscape buffer yard standards of this article are also employed by other chapters of this title to accomplish special screening and buffering objectives. The width of the landscape buffer yard and the intensity of plantings required may vary depending upon the relative intensities of the abutting zone districts or the activity itself. In most cases, the property owner may choose among a number of buffer yard widths and plantings to satisfy the requirement.

The Property is within an IWD (Industrial Warehousing/Distribution) zoning district. The parcels to the immediate north of the Property are in an OR20 (Office Residential) zoning district. The fundamental purpose of the landscape buffer requirements is to “protect the integrity of property from the potential adverse effects of noncompatible land uses.” The existence of the boundary between IWD and OR20 is not a hardship, but rather it is the fundamental triggering event that requires application of the buffering requirements.

The Applicant’s argument is essentially that the Zoning Code requirement for a landscape buffer is a “hardship” because they want to use the required buffer area for parking and vehicular access. That argument is no more persuasive than if the Applicant were to request a setback or height variance “because we need more square footage in our building.” Landscape buffers, off-street parking, and vehicular access are not hardships, they are essential requirements for constructing a building in compliance with the Zoning Code.

With respect to variances, the BZA’s authority is spelled out in §13-7-207(3) of the Tennessee Code. The BZA has the authority to grant a variance if, “by reason of exceptional narrowness, shallowness or shape” of the Property, or “by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition” of the Property such that it would result in “peculiar and exceptional practical difficulties” or “undue hardship” to the Applicant if the Applicant is required to comply with the requirements of the landscape buffer requirements of the Metro Code. The Applicant’s request for a variance does not comply with any of these requirements.

Section 17.40.370 of the Metro Code also includes additional standards for approval of a variance. The Applicant’s variance request fails to meet any of those standards, especially 17.40.370(B), which requires evidence that “[t]he specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.” The

Metro Nashville Board of Zoning Appeals
April 11, 2019
Page 3 of 3

Property is identical to many of the other lots in the area that previously were occupied by single family residences.

The Applicant has purchased a 50 x 140 foot parcel in what was historically a residential neighborhood. Although the site is zoned IWD and permits the proposed warehouse/office use, the Nashville Next adopted Community Character for the Property – and all of the land to the immediate north, west, and south of the Property – is Urban Mixed Use Neighborhood.⁵ Despite the existing zoning, the community vision for these blocks is for urban mixed use, not warehouses. Accordingly, in addition to there being no legal basis for granting a variance, there also is no policy-based reason to “bend over backwards” and approve a variance to allow construction of a warehouse/office use on this site. The Applicant’s proposed project simply requires a site that is larger than a lot that historically was occupied by, and is properly sized for, a single-family residence.

There is no factual or legal basis for the BZA to approve the Applicant’s request to be relieved from the landscape buffer requirements of the Zoning Code. Accordingly, TNU respectfully requests that you disapprove the variance request.

Sincerely,



David L. Kleinfelter
Reno & Cavanaugh, PLLC

Attachments

Copy: Bill Herbert, Director, Metro Department of Codes
Colby Sledge, Metro Councilmember, District 17 (via email)
David Caldwell, EVP Finance & Administration, Trevecca Nazarene Univ. (via email)

⁵ The Community Character map for this area is attached to this letter as Exhibit B.

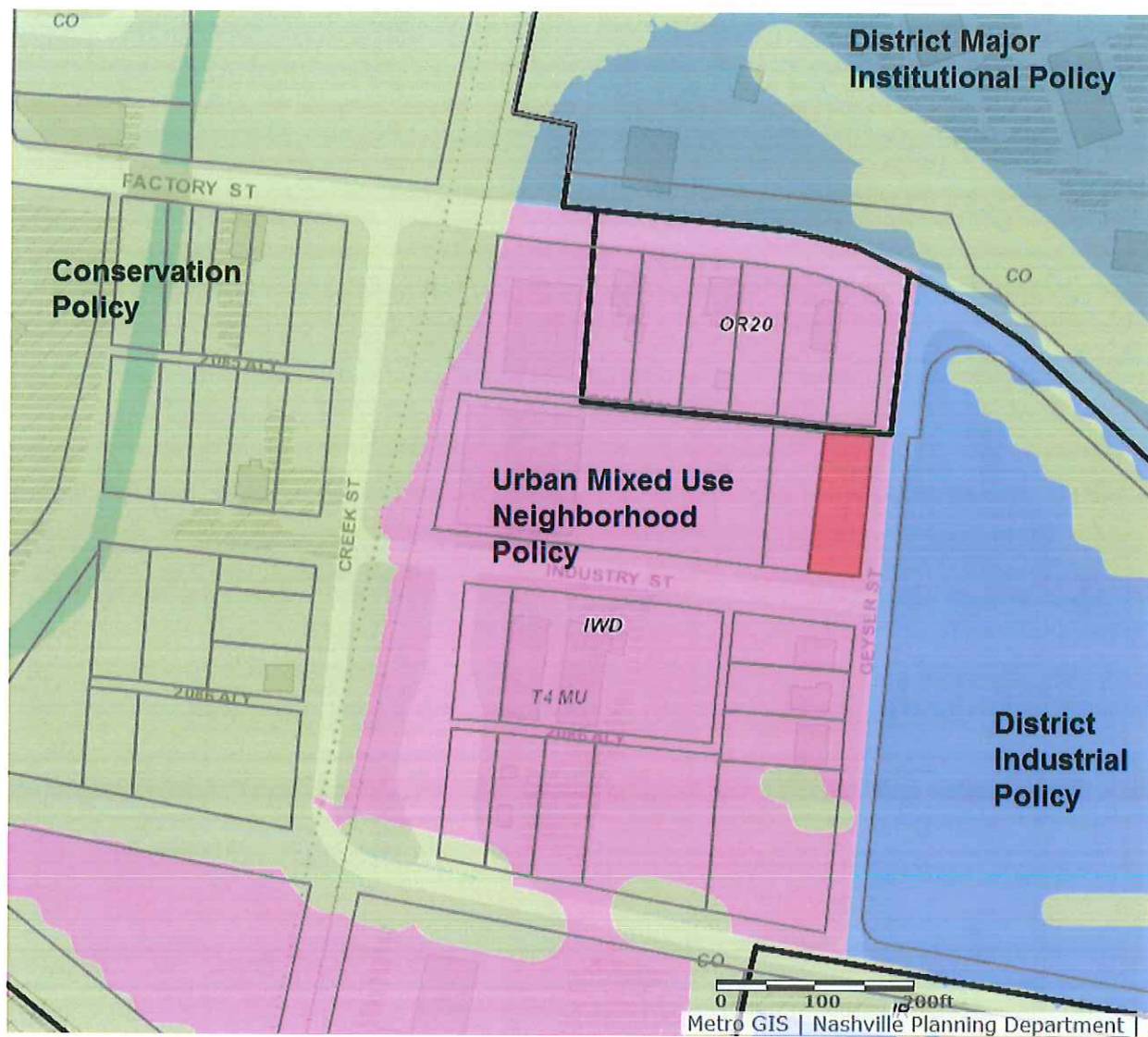
EXHIBIT A

Properties Owned by Trevecca Nazarene University



EXHIBIT B

South Nashville Community Plan – Community Character Policy Map



FAX (615) 242-1276

PERK PRODUCTS
& Chemical Co., Inc.

PHONE (615) 242-6157

April 2, 2019

**P. O. BOX 100585
45 INDUSTRY STREET
NASHVILLE, TENNESSEE 37210**Metro Board of Zoning Appeals
c/o Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219-6300

RE: Appeal Case #: 2019-155
52 Industry St
Map Parcel: 10508015400
Zoning Classification: IWD
Council District: 17

Dear Members of the Board:

It has recently come to our attention that an appeal was filed by S&H Group, LLC for the property at the above referenced location requesting a variance from landscape buffer requirements allowing the applicant to build a warehouse and office development. Perk Products Officers' are primary landowners, in conjunction with Trevecca Nazarene University, of the majority properties located within 600' of the subject location referenced above. More specifically, Perk Products owns the residences which border Industry, Geysler, and Factory Streets and, alongside Trevecca, we have made significant efforts to improve and develop the sectors surrounding 52 Industry St. We strongly oppose the appeal for variance to the landscape buffer requirements and whole-heartedly support the Boards initial decision to deny this request.

We at Perk Products feel it would impose a significant hardship amongst our current tenants should the variance be granted in that the new structures will adversely impact the paths of egress by making this a primary parking area for office and warehouse staff. We feel the alley will become obstructed and that the building site is too small to allow for adequate parking thus having to park on the narrow street blocking normal flow of traffic. We would ask that you look to deny the appeal and uphold your initial decision.

Sincerely;

Richard V. Perkerson Jr.
President/ Owner
Perk Products Co.

cc: Colby Sledge
David B Caldwell
Scott Perkerson

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: 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.

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

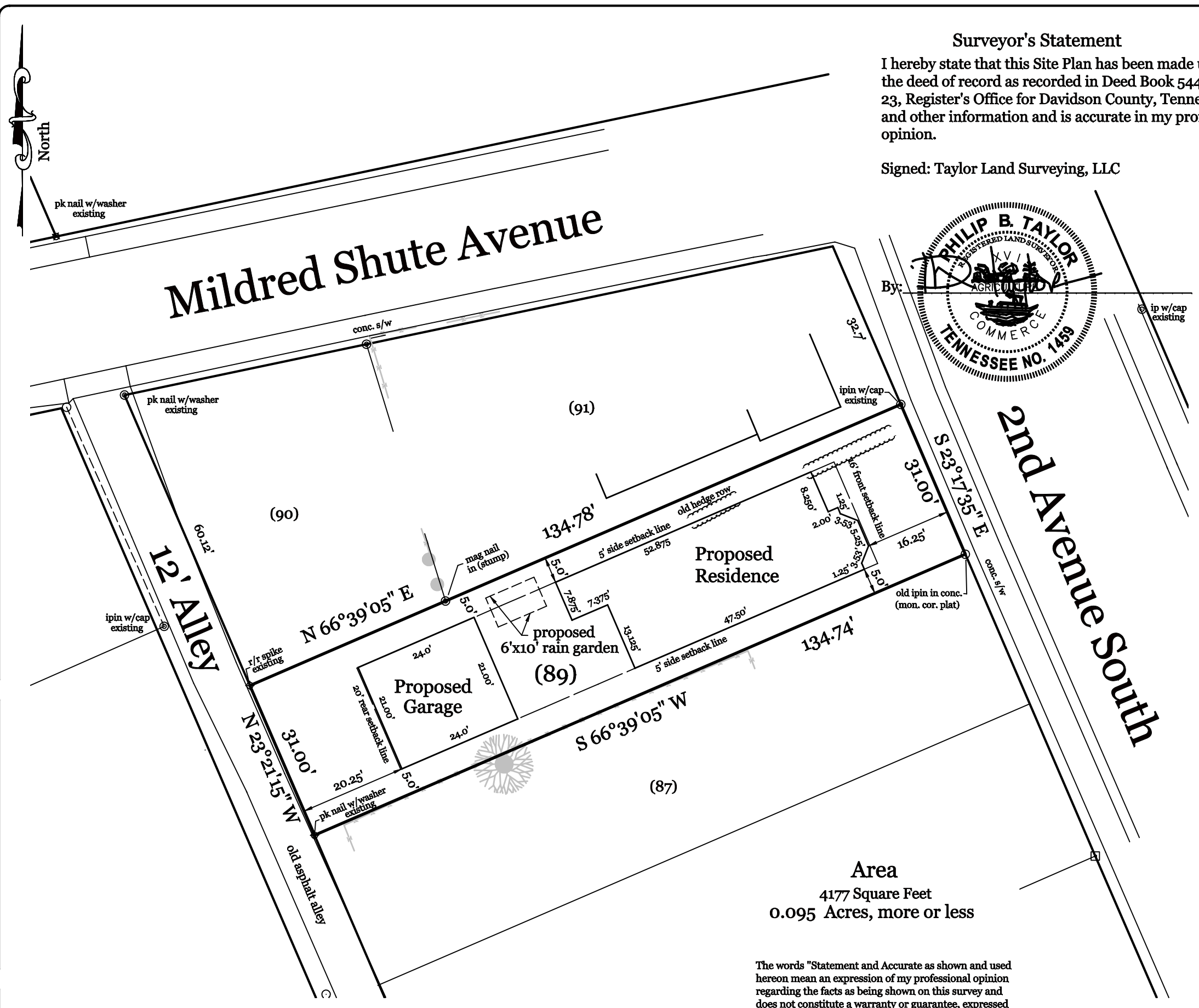
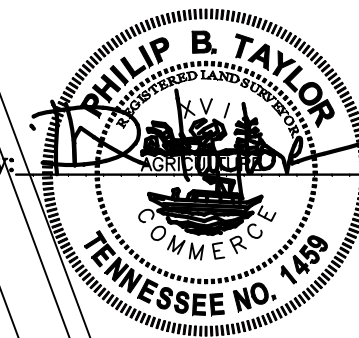
- Property Line
- - - - - (P.U. & D. E.) Public Utility Easement
- - - - - (MBSL) Minimum Building Setback Line
- x x x x Fence Line
- Iron Pin by others
- ⊙ Iron Pin w/cap by others
- Conc. Mon. Existing
- Iron Pin w/cap set this survey
- ⊕ Bench Mark
- × "X" Mark
- Fire Hydrant
- ◆ Mag Nail
- ⊗ Gas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

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Tiffany Acuff
Property Owner: Tiffany Acuff
Representative: Tiffany Acuff

Date: _____
Case #: 2019- 225
Map & Parcel: 08207041300

Council District 05

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

Purpose:

To convert existing detached
STRUCTURE INTO A DETACHED ACCESSORY
DWELLING UNIT FOR USE BY ARTISTIC CHILD.
SP BL2014-896

Activity Type: RESIDENTIAL RENOVATION

Location: 812 N 5TH ST

This property is in the SP 2014-896 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: ITEM A

Section(s): 17.40.010 A

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

Tiffany Acuff
Appellant Name (Please Print)

Representative Name (Please Print)

812 North 5th St.
Address

Address

NASHVILLE TN 37207
City, State, Zip Code

City, State, Zip Code

615-779-9749
Phone Number

Phone Number

tiffanyacuff@gmail.com
Email

Email

B
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



3643253

ZONING BOARD APPEAL / CAAZ - 20190018900
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08207041300

APPLICATION DATE: 04/02/2019

SITE ADDRESS:

812 N 5TH ST NASHVILLE, TN 37207
LOT 24 MILLER ADDN

PARCEL OWNER: ACUFF, STEPHEN & TIFFANY

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A Appeal due to Denied. Permit Application to convert existing detached structure into a Detached Accessory Dwelling Unit for use by Autistic Son. Per Planning Staff: Easement does not negate meeting requirements of Metro Zoning Code for the Non-Conforming Structure and setbacks.

POC: Tiffany Acuff 615-9-9749

Permit Application 2018068062

*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 - REHAB / CARR - T2018068062
THIS IS NOT A PERMIT**

PARCEL: 08207041300

APPLICATION DATE: 10/26/2018

SITE ADDRESS:

812 B N 5TH ST NASHVILLE, TN 37207
LOT 24 MILLER ADDN

PARCEL OWNER: ACUFF, STEPHEN & TIFFANY

APPLICANT: Tiffany Acuff
, 615-779-9749

PURPOSE:

BZA ITEM A APPEAL CASE 2019-225

****1-28-19, DADU DENIED. PER ZA: SETBACK AND PROPERTY LINE INCURSIONS WITH EXISTING ACCESSORY STRUCTURE AND CHANGE IN USE FROM GARAGE TO DADU MERITS COMPLIANCE WITH CURRENT ZONING REGULATIONS. WILL REQUIRE ITEM A APPEAL FROM THE BZA TO ALLOW DADU USE****

restrictive covenant instrument 201811160112874.

to conduct interior renovations to existing 400SF garage to created a detached accessory dwelling unit. see copy of easement sent to file.

no change to footprint.

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

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

[A] Zoning Review	APPROVED	clint.harper@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	clint.harper@nashville.gov
[E] Water Availability Review For Bldg	APPROVED	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Availability Review For Bldg	APPROVED	615-862-6825 Sara.Jinnette@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[A] Restrictive Covenant Review - CA	APPROVED	clint.harper@nashville.gov
[A] Site Plan Review	REJECTED	clint.harper@nashville.gov
[J] Planning Zoning Review - CA	DENIED	Deborah.Sullivan@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Cross Connect Review For Bldg App	IGNORE	615-862-6825 Sara.Jinnette@nashville.gov

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 3/6/19

②

This Instrument Prepared By:
 M2L Law Group
 202 South 11th Street
 Nashville, TN 37206

BILL GARRETT, Davidson County

Trans: 720130105770 ESMY
 Recvd: 12/19/13 12:17 5 PGS
 Fees: 27.00 Taxes: 0.00



20131219-0126268

DEED OF EASEMENT

This agreement, made this 4th day of December, 2013, between Stephen Acuff and Tiffany Acuff, Husband and Wife ("Party One"), and James B. Anthony, a single person, and Samuel Kpana-Quamoh, a single person, as Tenants in Common ("Party Two"), witnesseth:

WHEREAS, Party One has title to the real estate located in Davidson County, Tennessee, described as follows (the "Lot 24 Property"):

Land in Davidson County, Tennessee, being Lot No. 24 on the Map of Miller's Addition to Edgefield of record in Book 57, page 133, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

Being the same property conveyed to Stephen Acuff and Tiffany Acuff, Husband and Wife, by Warranty Deed from James B. Anthony, a single person, and Samuel Kpana-Quamoh, a single person, as Tenants in Common, in Instrument 20131219-0126267, Register's Office for Davidson County, Tennessee, dated December 4, 2013.

Being part of the same property conveyed to James B. Anthony, a single person and Samuel Kpana-Quamoh, a single person, a fifty-percent (50%) undivided interest as Tenants in Common by Quitclaim Deed from James B. Anthony, a single person of record in Instrument Number 20100510-0035699, Register's Office for Davidson County, Tennessee, dated May 7, 2010, recorded May 10, 2010.

Being part of the same property conveyed to James B. Anthony and wife Claudette Fisher Anthony by Installment Deed from Mrs. Viola Sellars, a widow of record in Book 4744, Page 589, Register's Office for Davidson County, Tennessee, dated August 17, 1973 and recorded September 10, 1973. Claudette Lee Anthony having since died on May 13, 2007.

This is improved property known as *part of* 812 North 5th Street, Nashville, TN 37207.

WHEREAS, Party Two owns and has title to the unimproved real estate located in Davidson County, Tennessee, described as follows (the "Lot 23 Property"):

Land in Davidson County, Tennessee, being Lot No. 23 on the Plan of Miller's Addition to Edgefield of record in Plat Book 57, Page 133, 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 a portion of the same property conveyed to James B. Anthony, a single person and Samuel Kpana-Quamoh, a fifty-percent (50%) undivided interest as Tenants in Common by Deed from James B. Anthony, a single person of record at Instrument No. 20100510-0035699, Register's Office for Davidson County, Tennessee, dated May 07, 2010 and recorded on May 10, 2010.

Being a portion of the same property conveyed to James B. Anthony and wife, Claudette Fisher Anthony By Deed from Mrs. Viola Sellars, a widow of record in Book 4744, Page 589, Register's Office for Davidson County, Tennessee, dated August 17, 1973 and recorded September 10, 1973. Claudette Lee Anthony having since died on May 13, 2007.

This is unimproved property known as *part of 812 North 5th St., Nashville, TN 37207.*

WHEREAS, the said properties are adjacent to each other as depicted on the Exhibit Map, attached hereto as "Exhibit A." A Concrete Block Building/Garage and part of Party One's House on Lot 24 encroaches over the property line of Party Two's Lot 23 Property. Rather than require said encroaching Concrete Block Building/Garage and a part of the House to be razed and/or moved, Party Two desires to grant Party One an easement – as depicted on Exhibit A – to encompass the Concrete Block Building/Garage and House encroachment along the boundary line between the Lot 23 Property and Lot 24 Property as depicted on Exhibit A.

NOW, THEREFORE, in pursuance of said agreement and for and in consideration of the sum of \$1.00 paid by Party One to Party Two, receipt of which is hereby acknowledged, and of the mutual covenants, agreements, conditions and stipulations therein contained, it is mutually covenanted, stipulated and agreed by and between the parties as follows:

1. **GRANT BY PARTY TWO:** Party Two hereby grants to Party One, his/her/their heirs and assigns, an easement, as depicted on Exhibit A, the Exhibit Map prepared by Campbell, McRae & Associates, Surveying, Inc., dated November 20, 2013, in order to encompass the Concrete Block Building/Garage and House encroachment along the boundary line between the Lot 24 Property and the Lot 23 Property as depicted on Exhibit A.

The legal description(s) for the Easement(s) granted by Party Two for the use of Party One being more fully described as follows:

House Easement:

Beginning at an iron rod in the western right of way of N 5th Street, said iron rod being the northeastern corner of Lot 24 and the southeastern corner of Lot 23 as described in Plat Book 57 Page 133 RODC TN.

Thence, with the line between Lots 23 & 24, North 80 degrees 40 minutes 57 seconds West, 61.77 feet to a point on the front of the house, the True Point of Beginning;

Thence, with the front of the house, North 09 degrees 36 minutes 42 seconds East, 0.83 feet to the northeast corner of the house;

Thence, with the north line of the house, North 80 degrees 40 minutes 57 seconds West, 18.58 feet to the northwest corner of the house;

Thence, with the rear of the house, South 09 degrees 36 minutes 42 seconds West, 0.92 feet to the line between Lots 23 & 24;

Thence, with the line between Lots 23 & 24, through the house, South 80 degrees 40 minutes 57 seconds East, 18.58 feet to the point of beginning and containing 16.2 Square Feet.

Concrete Block Building/Garage Easement:

Beginning at an iron rod in the eastern right of way of a 15 foot alley, said iron rod being the northwestern corner of Lot 24 and the southwestern corner of Lot 23 as described in Plat Book 57 Page 133 RODC TN.

Thence, with the line between Lots 23 & 24, South 80 degrees 40 minutes 57 seconds East, 4.79 feet to a point on the rear of the garage, the True Point of Beginning;

Thence, with the front of the garage, North 07 degrees 30 minutes 55 seconds East, 12.83 feet to the northwest corner of the garage;

Thence, with the north line of the garage, South 80 degrees 40 minutes 57 seconds East, 19.69 feet to the northeast corner of the garage;

Thence, with the rear of the garage, South 07 degrees 30 minutes 55 seconds West, 13.45 feet to the line between Lots 23 & 24;

Thence, with the line between Lots 23 & 24, through the garage, North 80 degrees 40 minutes 57 seconds West, 19.70 feet to the point of beginning and containing 258.6 Square Feet.

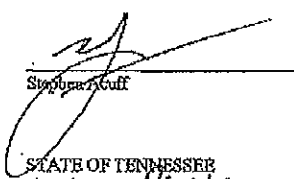
2. APPURTENANT. It is further understood and agreed that the easement granted herein is to be held by the respective grantee(s), their heirs and assigns as appurtenant to and running with the title to the above described land owned by the respective grantee(s).

3. COSTS OF MAINTENANCE. It is further understood and agreed that Party One shall bear all costs of maintaining the Concrete Block Building/Garage and House that is being encompassed by this Easement as depicted on Exhibit A.

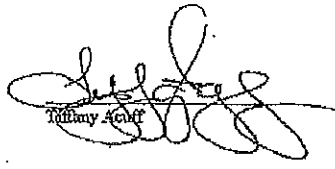
4. ACCESS & HOLD HARMLESS: Party One hereby agrees to maintain the portion of the easement serving Party Two's Lot 23 Property in good condition and repair and to indemnify and hold Party Two harmless from Party One's use and maintenance of any improvements located on the easement serving Party One. Furthermore, Party Two shall allow reasonable access to Party One to maintain the Concrete Block Building/Garage and House encompassed by the easement on the Lot 23 Property.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Party One (Lot 24 Property)



Stephen Acuff

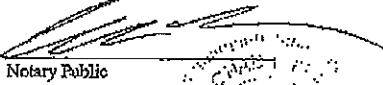


Tiffany Acuff

STATE OF TENNESSEE
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for the County and State, the within named Stephen Acuff and Tiffany Acuff, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this 5th day of December, 2013.



Notary Public

My Commission Expires:



Party Two (Lot 23 Property)

James B. Anthony
James B. Anthony

Samuel Kpana-Quamoh
Samuel Kpana-Quamoh

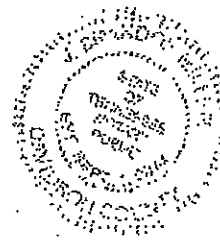
STATE OF TENNESSEE
COUNTY OF Davidson

Personally appeared before me, the undersigned, a Notary Public in and for the County and State, the within named James B. Anthony and Samuel Kpana-Quamoh, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he/she executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal this 4th day of December, 2013.

J. B. Mill
Notary Public

My Commission Expires: 9-9-2014



State of Tennessee
County of Williamson

The actual consideration or value, whichever is greater, for this transfer is \$0.00.

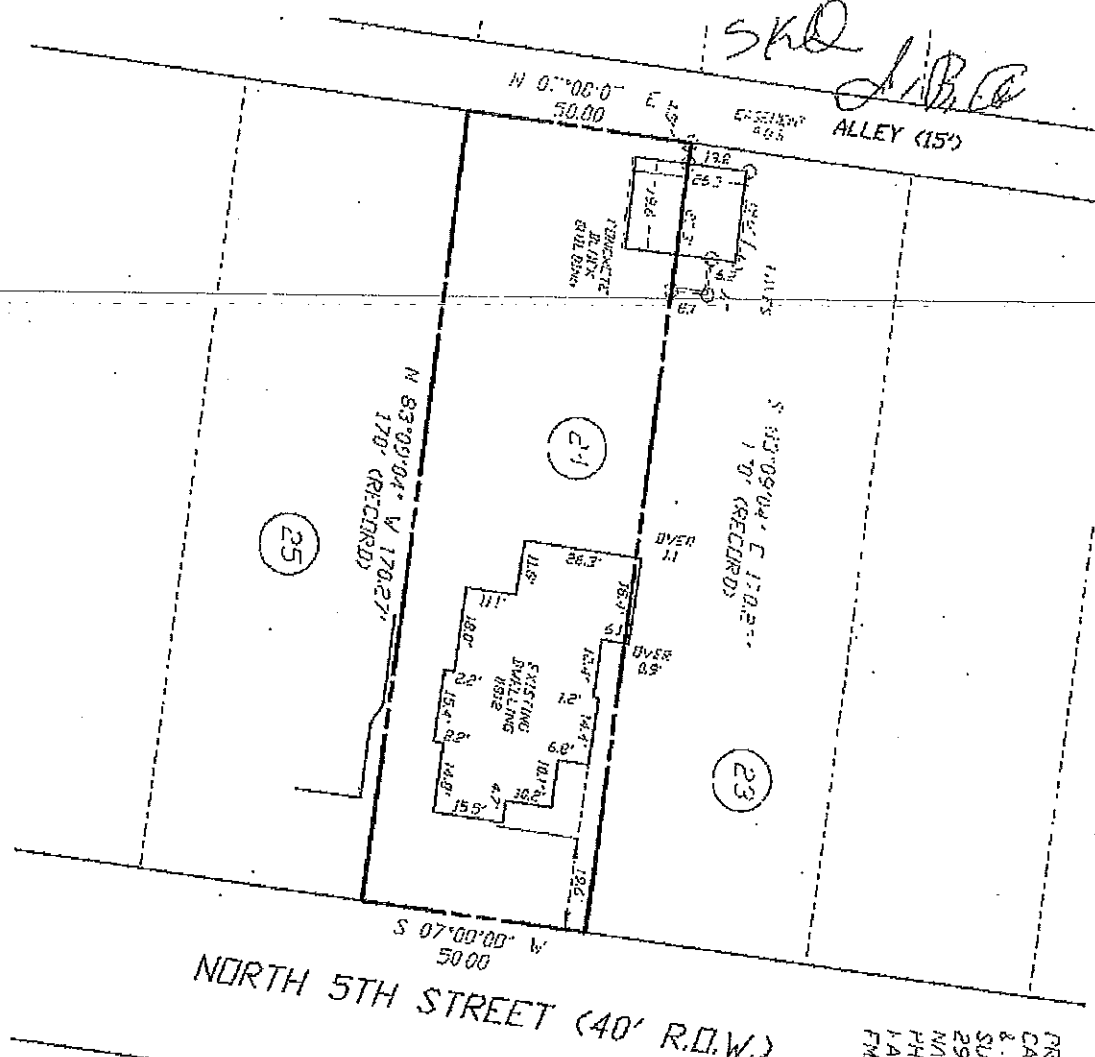
Cosman
Affiant

Subscribed and sworn to before me, this 11th day of December, 2013

[Signature]
Notary Public

Exhibit "A"

SKD
L.B.C.



NORTH 5TH STREET (40' R.O.W.)

PREPARED BY:
 CAMPBELL, MCBRAE
 & ASSOCIATES,
 SURVEYING, INC.
 2918 BERRY HILL DRIVE
 NASHVILLE, TN, 37211
 PH: 615-288-7424
 FAX: 615-297-2828
 EMAIL: info@cmbl.com



EXHIBIT MAP SHOWING
 PROPOSED USE EASTWARD
 FOR THE PORTION OF THE
 EXISTING BIRK MILL ROAD
 THAT ENCOMPASSES PORTION
 LOT 23, MILLER'S ADDITION
 III EDGEFIELD
 BRK 57, PAGE 133
 R.O.W. IN
 LOCATED ON THE 5TH (FRONT)
 DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY, TENN. SITS
 ON THE WESTERLY MARGIN OF
 NORTH 5TH STREET,
 300 FEET NORTH OF
 ARRINGTON STREET
 PROPERTY ADDRESS
 FOR LOT 21
 512 NORTH 5TH STREET
 NASHVILLE, TN 37203
 DATE: 11/20/2013
 SCALE: 1"=50'
 PREPARED FOR:
 WARDWHEEL TITLE

Karen Y Johnson Davidson County
Batch# 161520 AGRMTWARR
11/16/2018 08:43:30 AM 2 pgs
Fees: \$12.00 Taxes: \$0.00
20181116-0112874

Prepared by the Department of Codes Administration

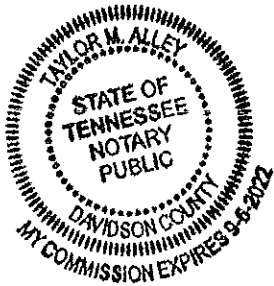
RESTRICTIVE COVENANT FOR DETACHED ACCESSORY DWELLING UNIT

IN CONSIDERATION of the issuance of building/use and occupancy permits by the Metropolitan Government of Nashville and Davidson County, for a single-family accessory Dwelling, detached residence on certain property herein described,

I/We, the undersigned owner(s) of the property located at

812 NORTH 5TH ST
Lot Number 24 Subdivision Miller Addn, further identified
As Map/Parcel Number 08207041300, Being the same property
Conveyed in Book/Page/Instrument Number DB-201312190128267 R. O. D. C.,
Tennessee, hereby agree, covenant, and bind myself/ourselves, our heirs, and assigns that this
unit shall be used in compliance with section 17.16.030 G of the Metropolitan Zoning Code and
in all other laws of the Metropolitan Government.

This 8 Day of November, 2016.



Tiffany Acuff
Name (Print)

812 North 5th St
Address (Street and Number)

Nashville, TN
City and State

[Signature]
Signature

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Before me, Taylor Alley, a Notary Public in and for the said State and Country, personally appeared Will + Tiffany Acuff, who upon oath Acknowledge Will + Tiffany Acuff, to be the owner(s) of the property Therein described, executed the foregoing instrument for the purpose therein contained.

Witness my hand and seal Davidson, Tennessee,
This 9th day of Nov, 2016

[Signature]
Notary Public

My Commission expires:

9/22

From: [Ashley Meeks](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case No. 2019-225 - Letter of Support
Date: Wednesday, May 15, 2019 10:08:16 PM

Board Members,

This is concerning permit # 20190018900 located at 812 North 5th Street, Nashville, TN 37207.

I am writing this letter in support of the Acuffs converting the structure into a dwelling unit. I live at 814 North 5th Street, Nashville, TN 37207. This structure is an easement onto our property and we fully support the Acuffs' converting it into a dwelling unit. Their son is autistic and will need housing assistance and care even through adulthood. I ask that you please approve this request.

Thank you for your consideration.

--

Thanks,

Ashley V. Meeks, LCR
Associate Reporter
Elite Reporting Services
Direct Dial (615)881-4520
ashley@elitereportingservices.com

ELITE REPORTING IS PROUDLY A NONCONTRACTING COURT REPORTING FIRM

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From: [Brian Straessle](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Support Appeal # 2019-225
Date: Monday, May 6, 2019 10:49:34 PM

Honorable Members of the Board of Zoning Appeals,

With regards to the following agenda item...

Appeal Case Number: 2019-225
Address: 812 N 5th St
Permit Number: 20190018900

As a neighbor of Will and Tiffany Acuff, I write in full support of their effort to convert an existing detached garage into a detached accessory dwelling unit. I urge you to vote in favor of their appeal and grant this permit, which will allow the Acuffs to remain rooted in our community with a long-term living arrangement for their son with autism.

My family and I live at 809 N 5th St, across the street from the Acuffs and their children. If you lived here too, I suspect you'd agree: there are no better neighbors than Will and Tiffany. Their engagement in our community runs deep, and McFerrin Park residents would face tremendous loss if the Acuffs had to leave in order to find a long-term living arrangement for their son.

I believe each of you serving on this Board does so with the best interests of Nashville and Nashvillians in mind. There is also no doubt in my mind that the interests of our community will be best served by approving this appeal and granting this permit.

Thank you for your thoughtful consideration.

Warm Regards,

Brian Straessle

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

same
Phone Number

ALLPROCMS@gmail.com
Email

same
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.

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?

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 HATIE STREET -
 NEED CATCHMENTAL - 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

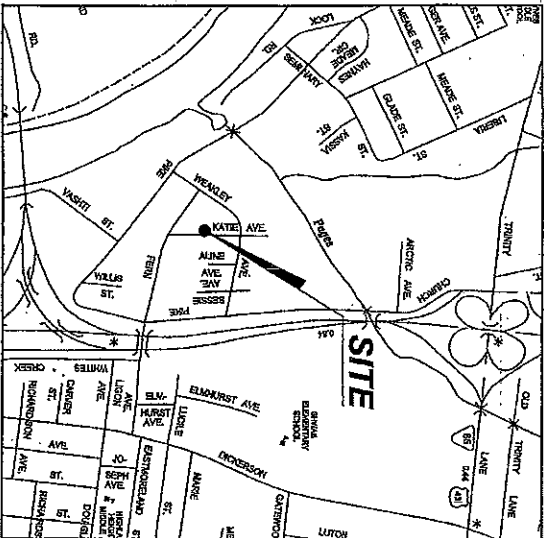
W.T. Smith - Land Surveying

Prepared By:
 1004 Hickory Hill Lane - Suite #10
 Heritage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com



COVERSHEET
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

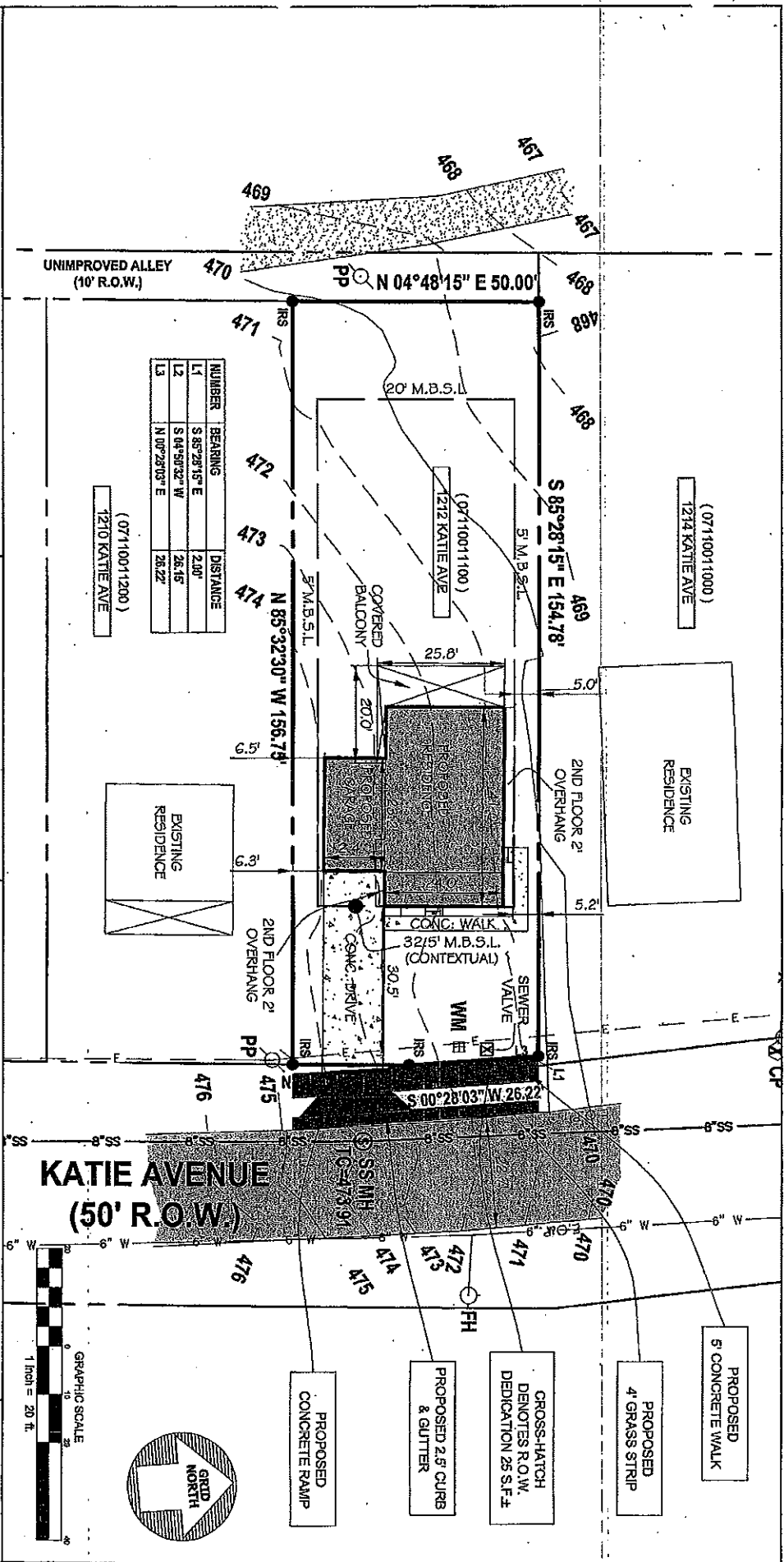
SHEET NO.
C-1.0



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



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'

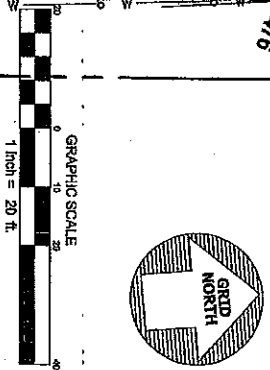
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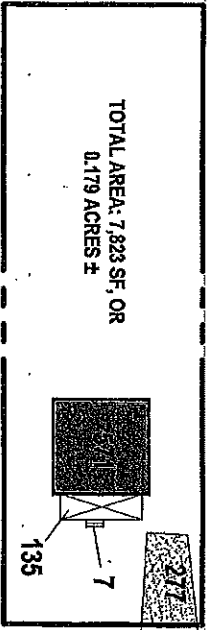


Site Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

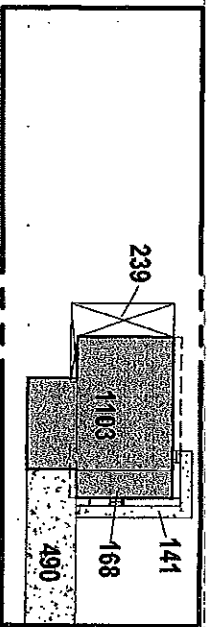
SHEET NO.
S-1.0



PRE-DEVELOPMENT



POST-DEVELOPMENT



SITE DATA: PRE-DEVELOPMENT

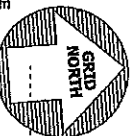
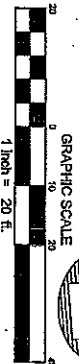
TOTAL SITE AREA: 7,823 SF
 PRE-DEVELOPMENT IMPERVIOUS AREA: 990 SF
 Buildings: 574 SF
 Porches: 135 SF
 Parking/Drives: 277 SF
 Walks/Pads/Misc: 7 SF

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%)



W.T. Smith - Land Surveying

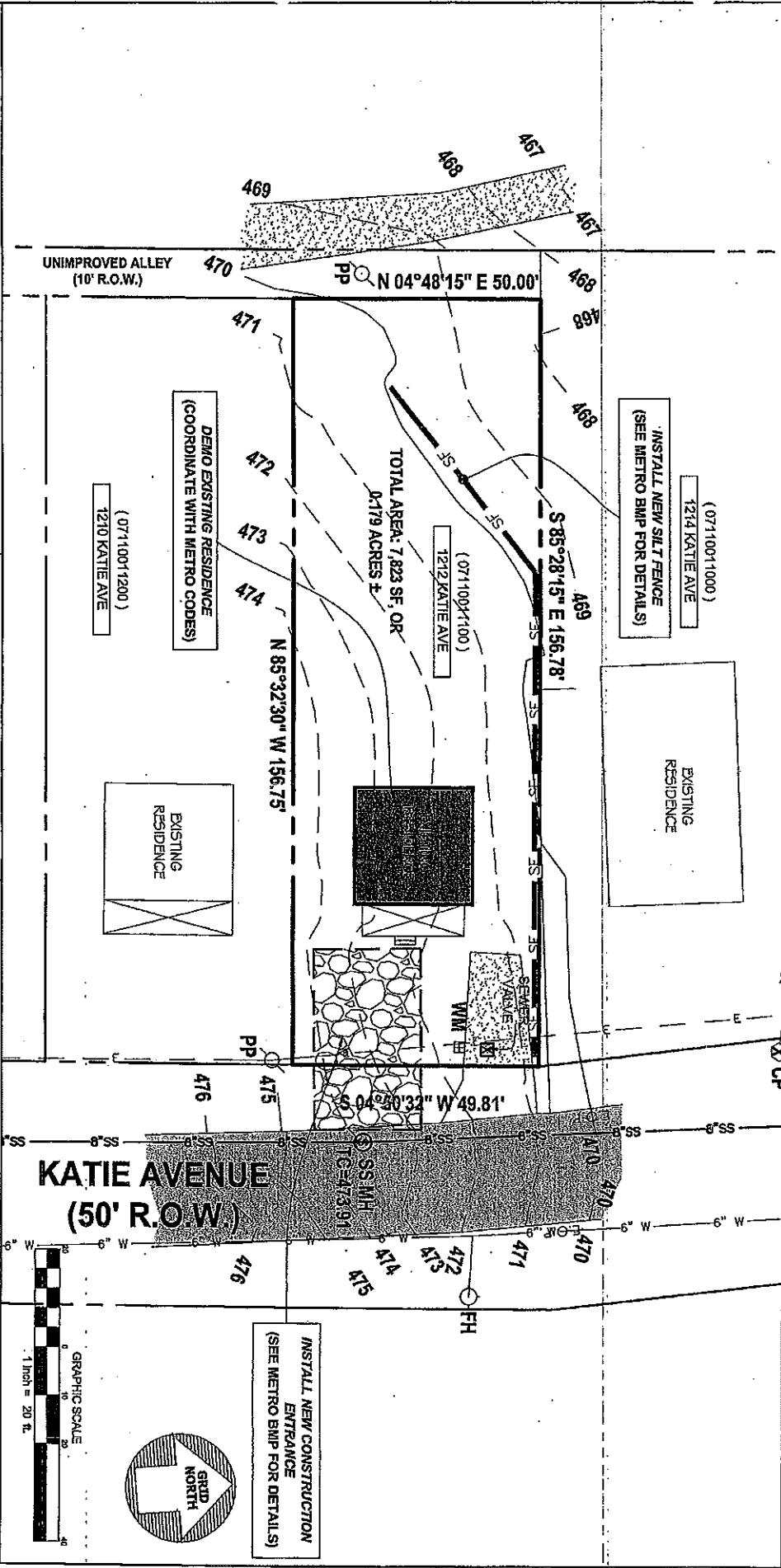
Prepared By:
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wsmithsurvey.com



Impervious Areas
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.

S-2.0



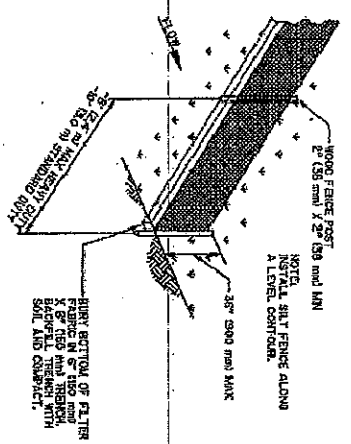
Prepared By:
W.T. Smith - Land Surveying

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EPSC Plan
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
E-1.0



TYPICAL PREFABRICATED SILT FENCE INSTALLATION
N.T.S.

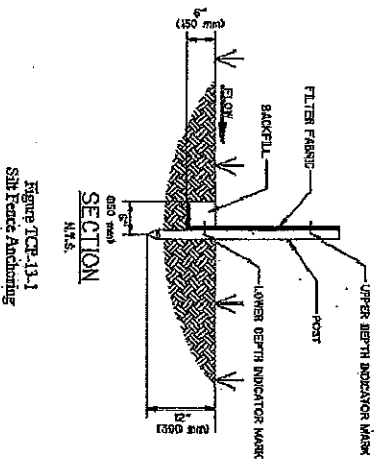
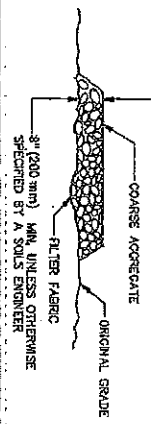


Figure TCP-03.1
Silt Fence Anchoring

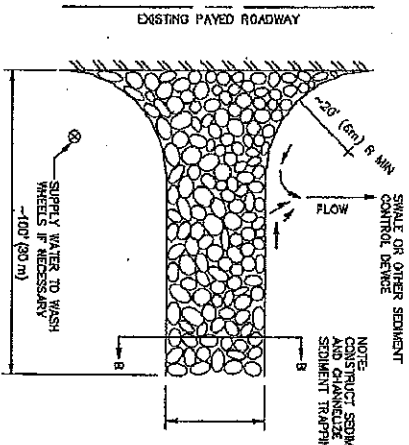
- SITE GRADING & EROSION CONTROL NOTES**
1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
 2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT. SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS 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.



CALL BEFORE YOU DIG!
TENNESSEE ONE CALL IT'S THE LAW
 UTILITIES PROTECTION CENTER
 IN TENNESSEE CALL
 1-800-351-1111
 1-800-366-1987
 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.

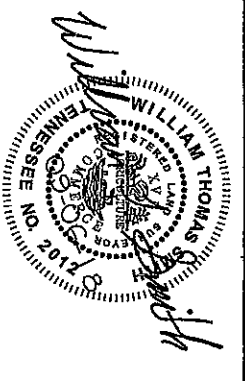


PLAN VIEW
N.T.S.

Figure TCP-03.1
Stabilized Construction Entrance

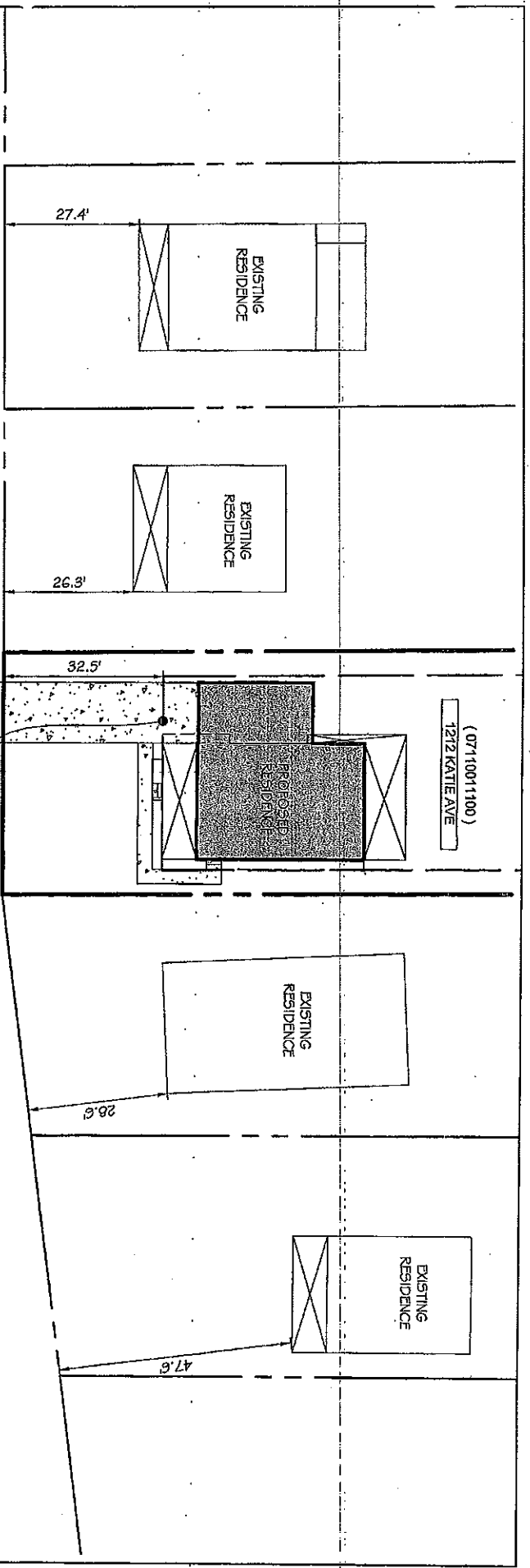
W.T. Smith-Land Surveying

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.

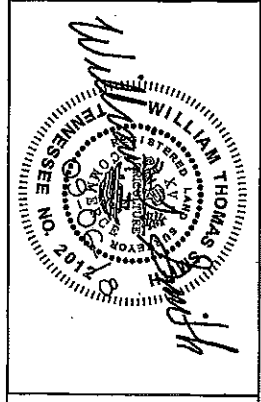
SHEET NO.
E-2.0



**KATIE AVENUE
(50' R.O.W.)**



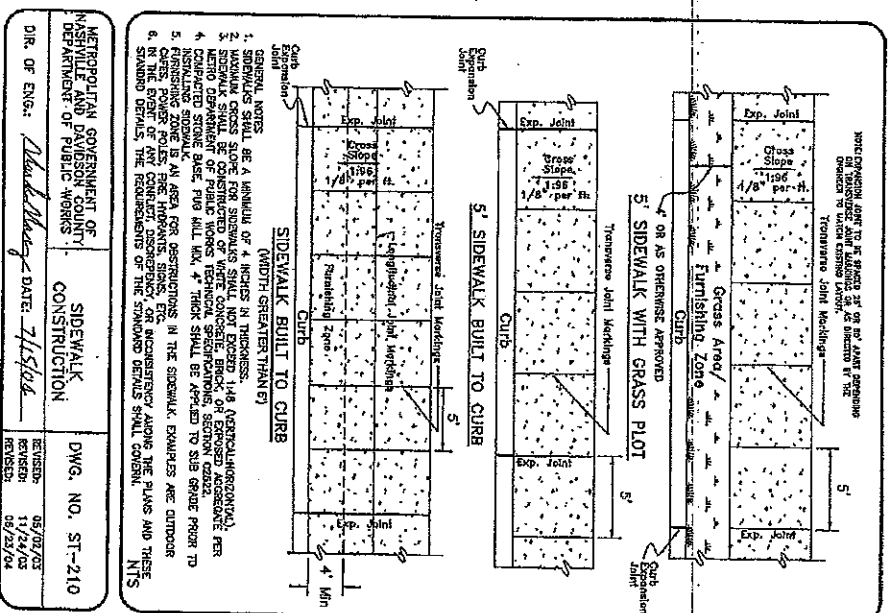
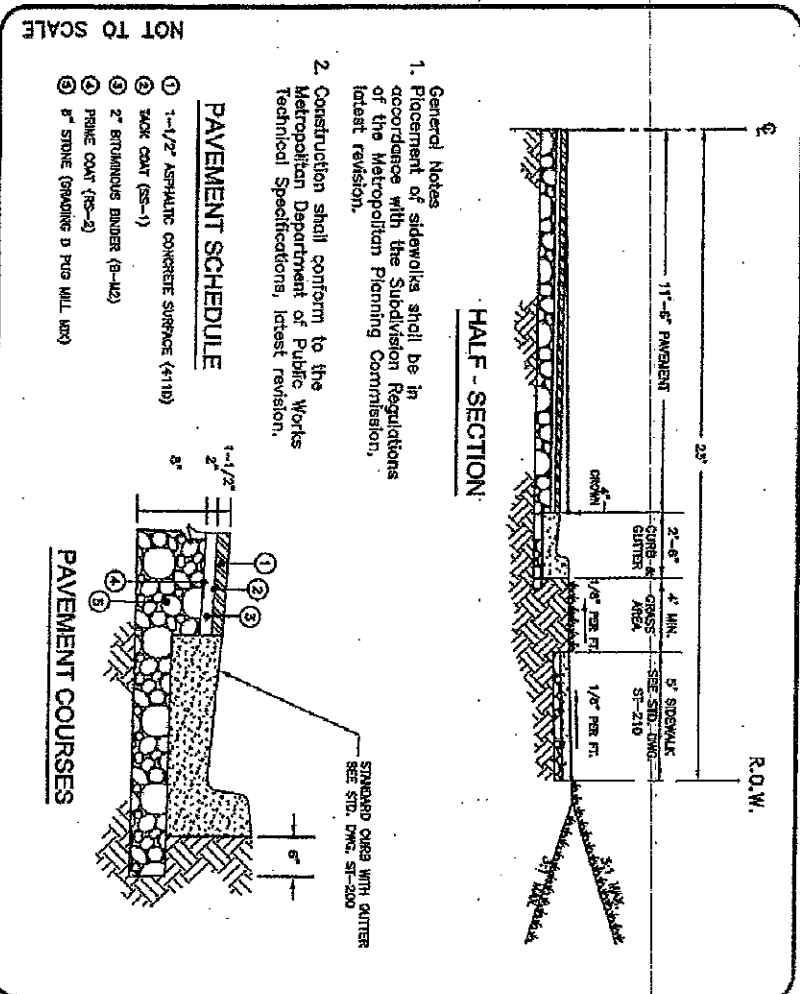
Prepared By:
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Building Setbacks
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
B-1.0

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.)

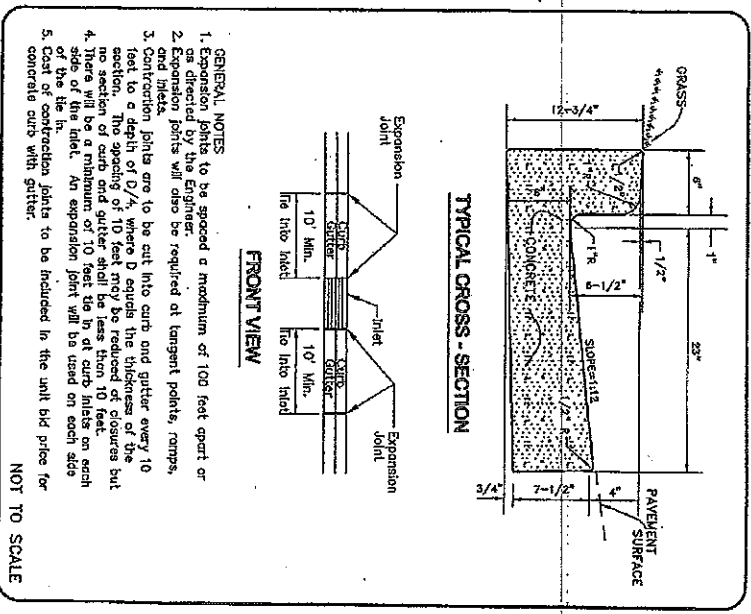


METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
 DIR. OF ENGR. *Mark May* DATE: *7/15/04*
 SIDEWALK CONSTRUCTION
 DWG. NO. ST-210
 REVISIONS:
 03/02/03
 1/24/04
 06/25/04

Prepared By:
W.T. Smith-Land Surveying
 1004 Hickory Hill Lane - Suite #10
 Heritage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

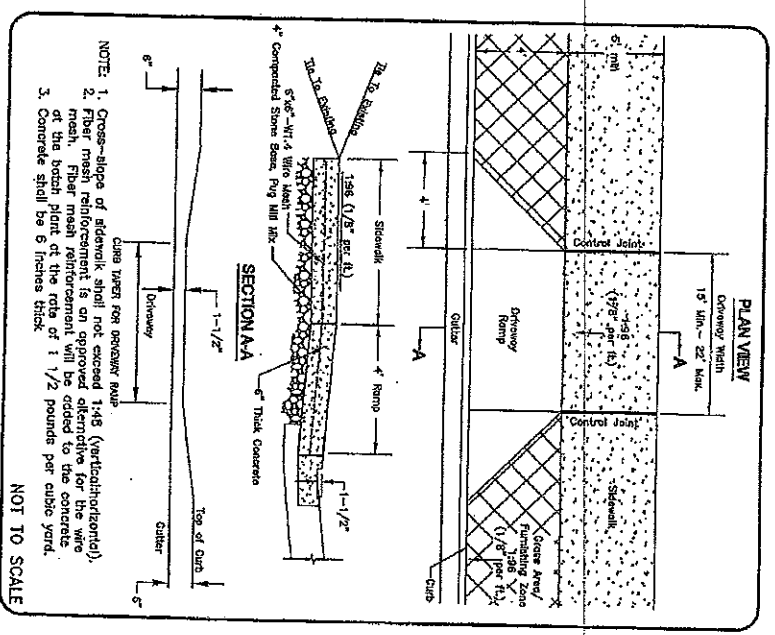
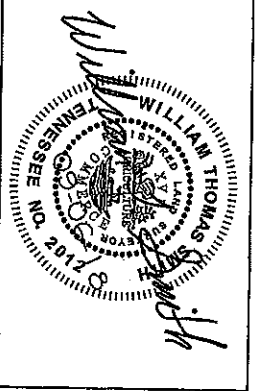


Sidewalk Construction Details
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.
 SHEET NO. **W-2.0**



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
 1004 Hickory Hill Lane - Suite #10
 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-322
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

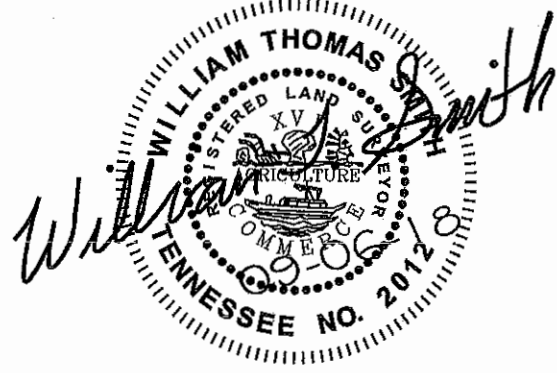
SITE DATA:

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

1004 Hickory Hill Lane - Suite #10
Hermitage, TN 37076
Phone: 615-712-6693
Email: tommy@wtsmithsurvey.com

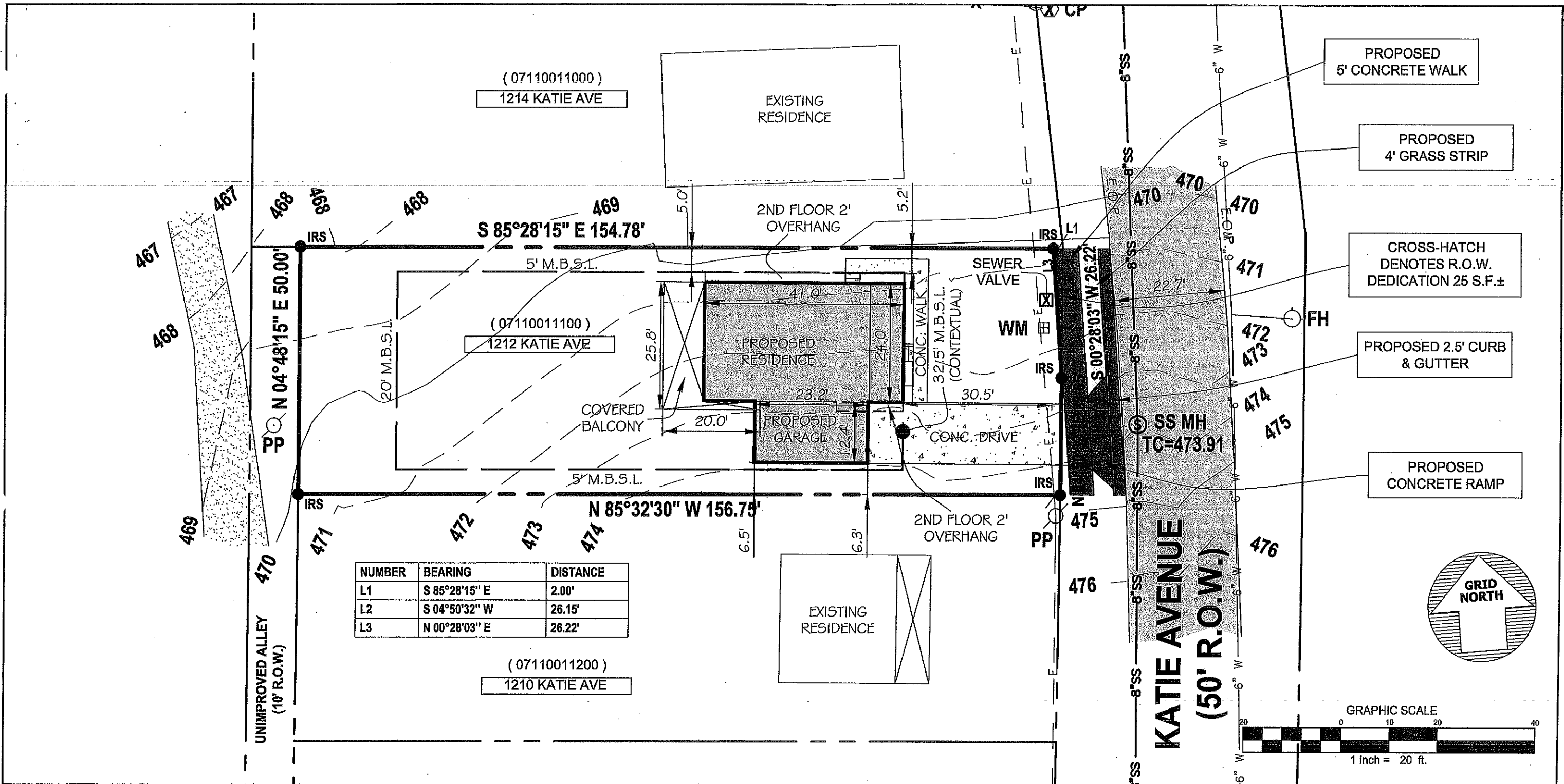


COVERSHEET

**1212 Katie Avenue
Nashville - Davidson Co., Tn.**

SHEET NO.

C-1.0



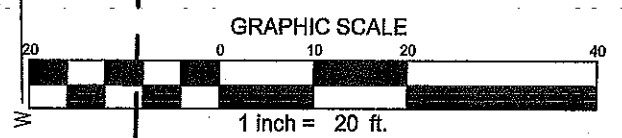
PROPOSED 5' CONCRETE WALK

PROPOSED 4' GRASS STRIP

CROSS-HATCH DENOTES R.O.W. DEDICATION 25 S.F.±

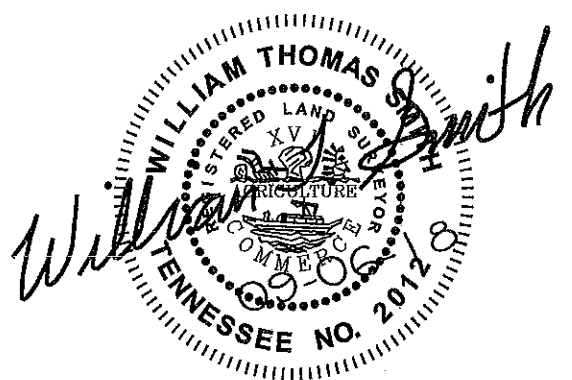
PROPOSED 2.5' CURB & GUTTER

PROPOSED CONCRETE RAMP



Prepared By:
W.T. Smith- Land Surveying

1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

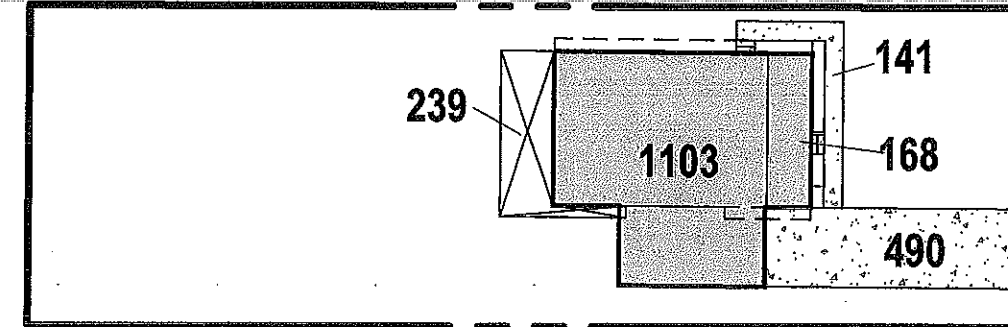
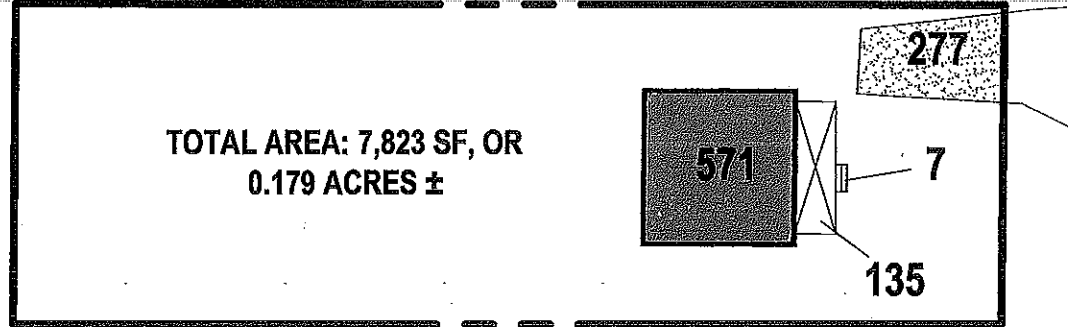


Site Plan
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.
S-1.0

PRE-DEVELOPMENT

POST-DEVELOPMENT



SITE DATA: PRE-DEVELOPMENT

SITE DATA: POST-DEVELOPMENT

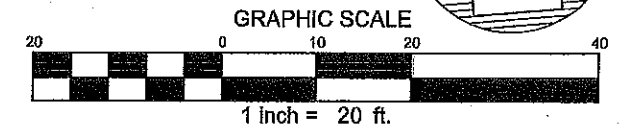
STORM WATER NET GAIN TREATMENT

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

TOTAL SITE AREA: 7,823 SF
 POST-DEVELOPMENT IMPERVIOUS AREA
 NET GAIN: 2,141 SF

TREATMENT - NOT REQUIRED (TOTAL LOT
 COVERAGE < 30%)

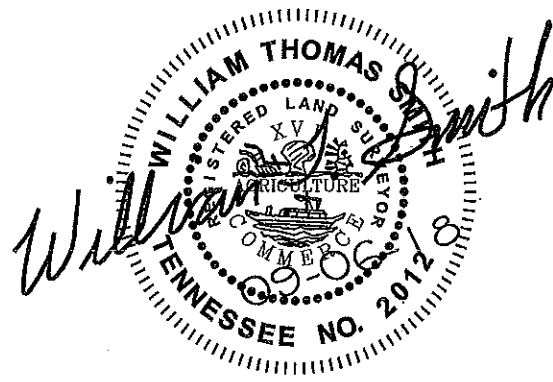


POST-DEVELOPMENT NET GAIN: 1,151 SF (TIER N/A)

Prepared By:

W.T. Smith- Land Surveying

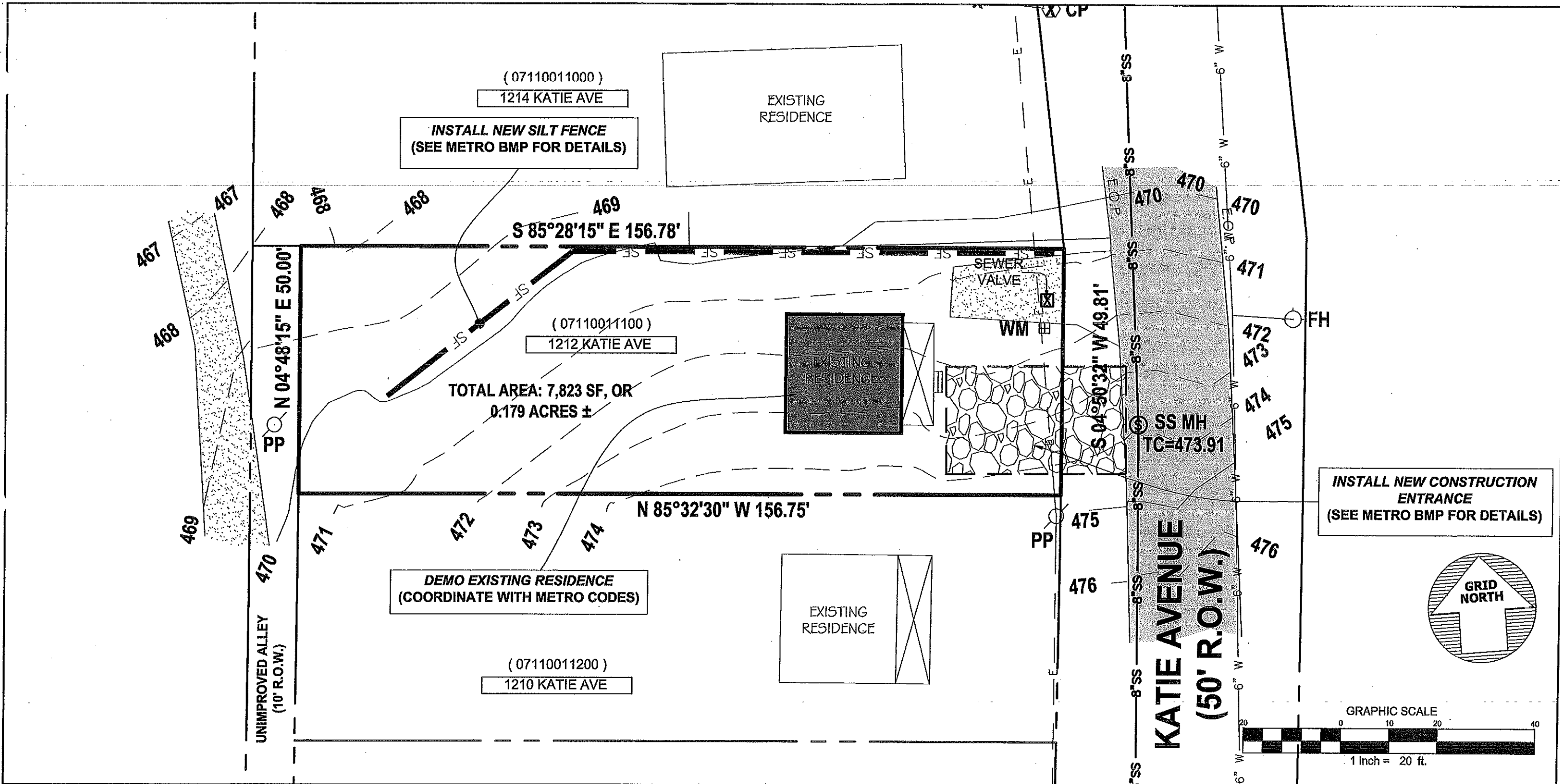
1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com



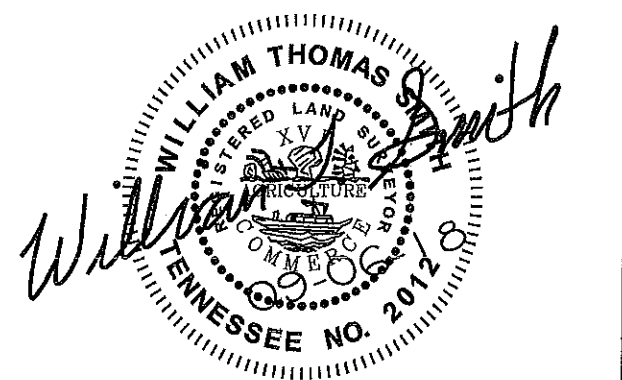
Impervious Areas
1212 Katie Avenue
Nashville - Davidson Co., Tn.

SHEET NO.

S-2.0



Prepared By:
W.T. Smith- Land Surveying
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
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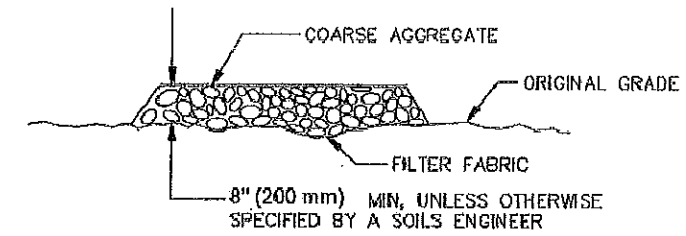


EPSC Plan
1212 Katie Avenue
Nashville - Davidson Co., Tn.

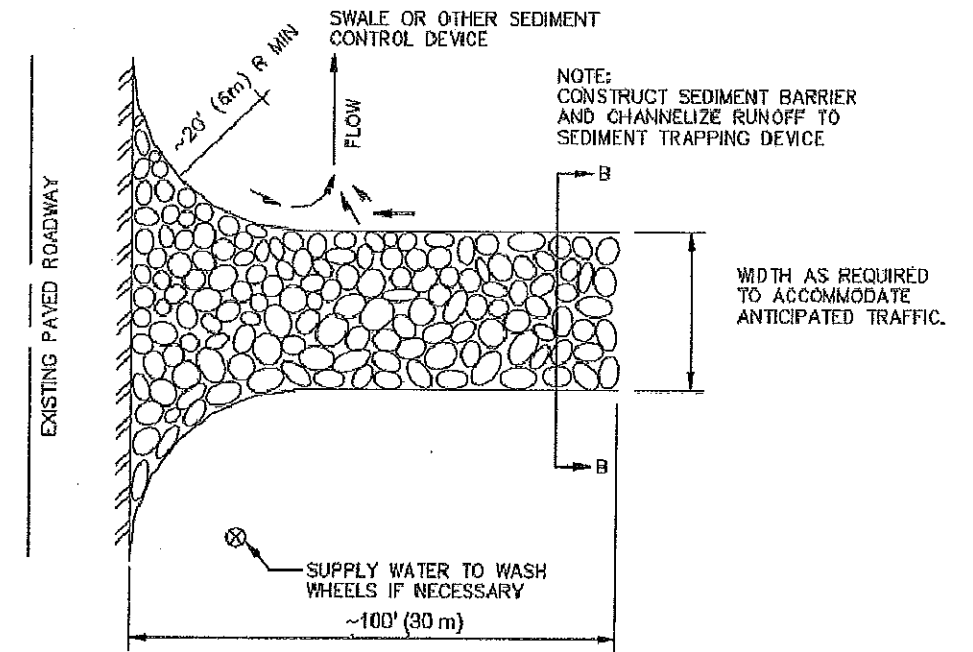
SHEET NO.
E-1.0

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.
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.

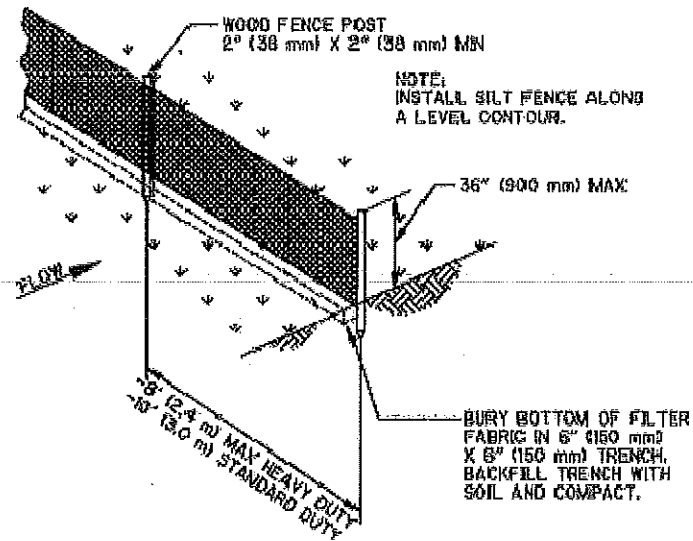


SECTION B-B
N.T.S.



PLAN VIEW
N.T.S.

Figure TCP-03-1
Stabilized Construction Entrance



TYPICAL PREFABRICATED SILT FENCE INSTALLATION
N.T.S.

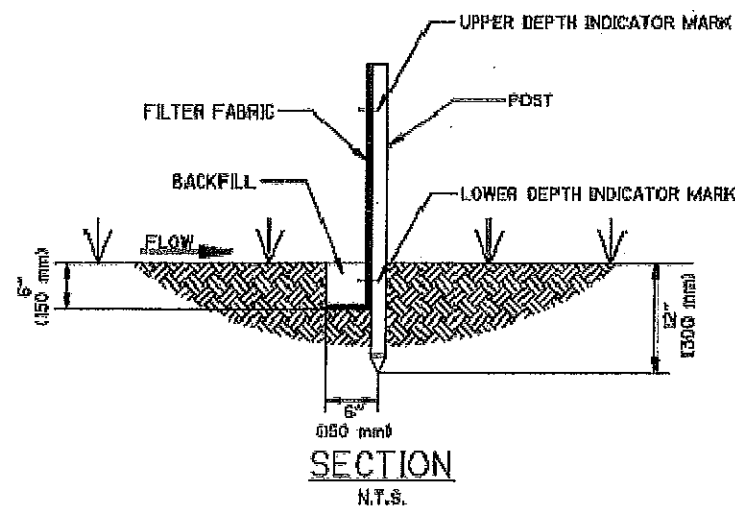


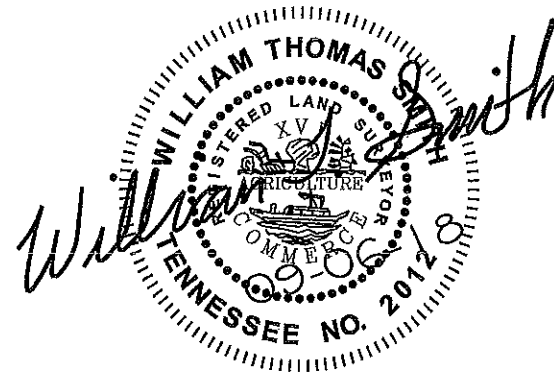
Figure TCP-13-1
Silt Fence Anchoring



CALL BEFORE YOU DIG!
TENNESSEE ONE CALL IT'S THE LAW
UTILITIES PROTECTION CENTER
IN TENNESSEE CALL
1-800-351-1111
1-800-366-1987
THREE WORKING DAYS BEFORE YOU DIG
IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION. THE LOCATION OF UTILITIES SHOWN HEREON ARE APPROXIMATE AND POSSIBLY INCOMPLETE. THEREFORE CERTIFICATION TO THE LOCATION OF ALL UNDERGROUND UTILITIES IS WITHHELD.

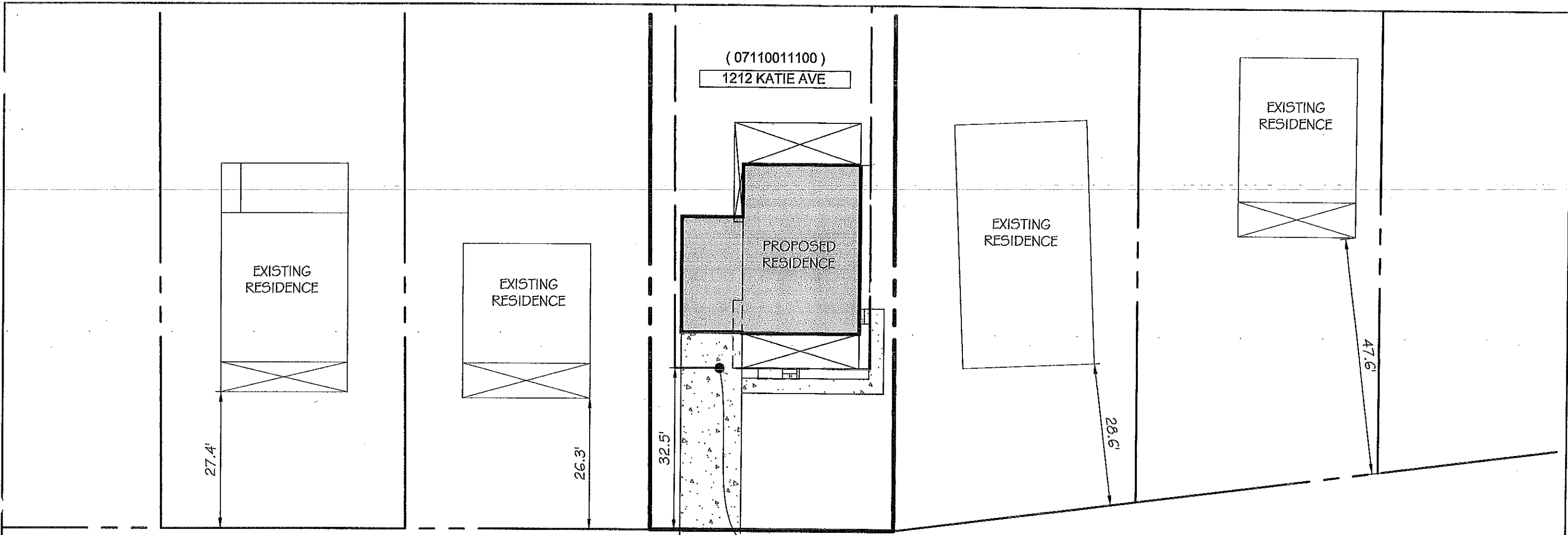
Prepared By:
W.T. Smith- Land Surveying

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



(07110011100)
1212 KATIE AVE

EXISTING RESIDENCE

EXISTING RESIDENCE

PROPOSED RESIDENCE

EXISTING RESIDENCE

EXISTING RESIDENCE

27.4'

26.3'

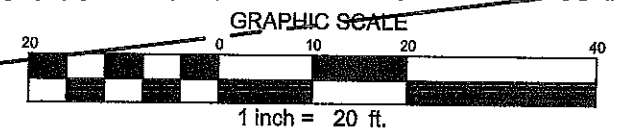
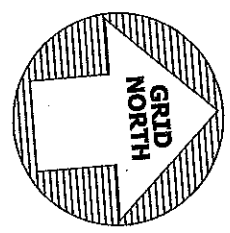
32.5'

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

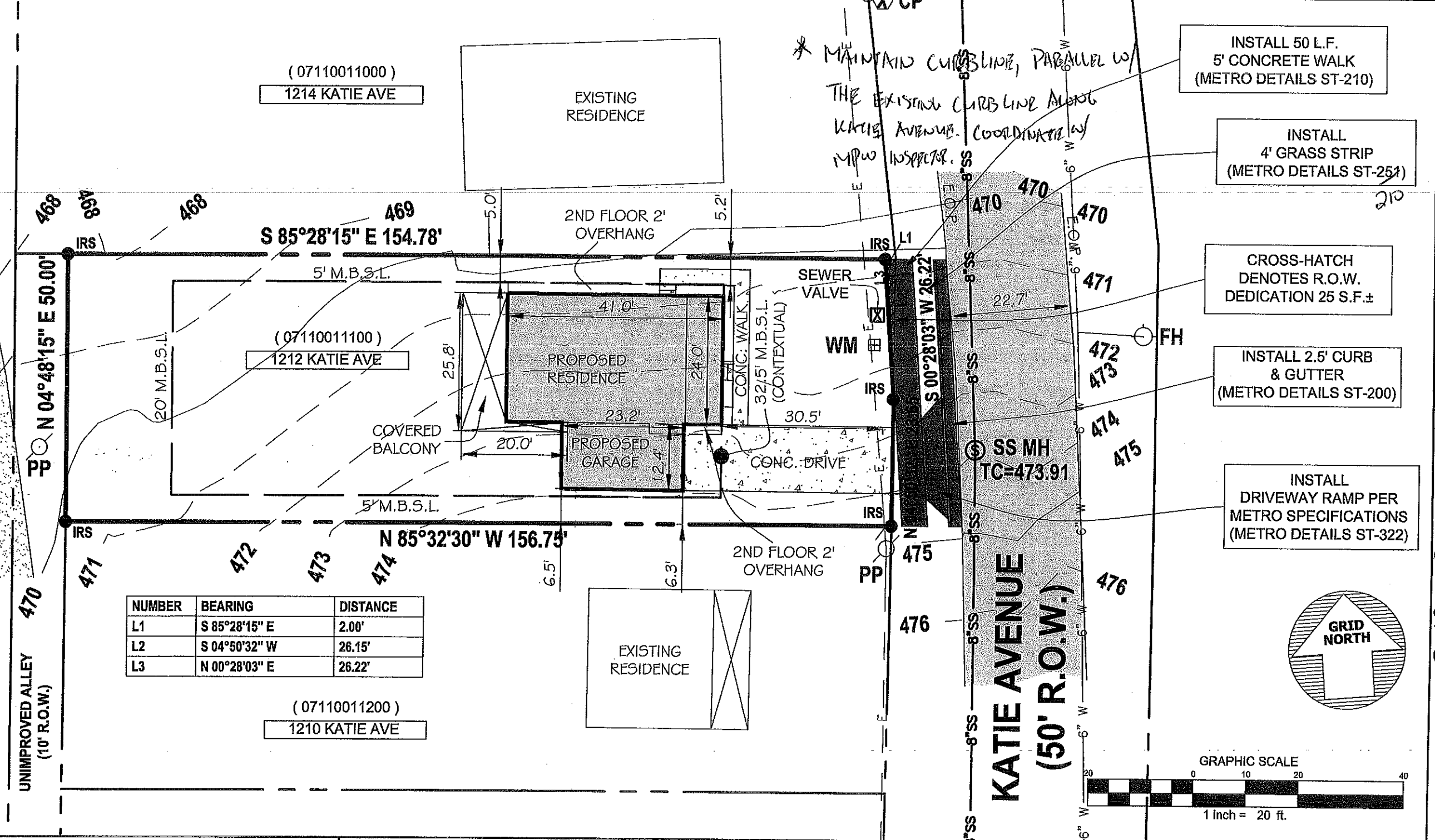
1004 Hickory Hill Lane - Suite #10
Hermitage, TN 37076
Phone: 615-712-6693
Email: tommy@wtsmithsurvey.com



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



T2019018905 - 1212 KATIE AVE

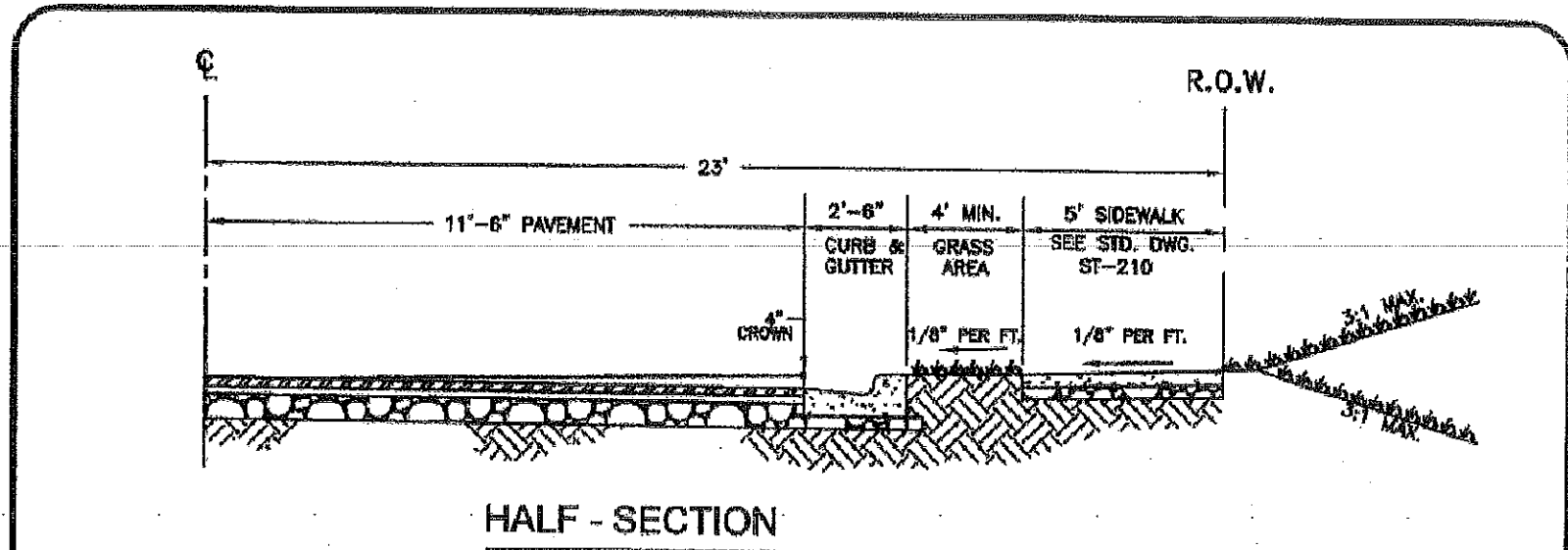
Prepared By:
W.T. Smith- Land Surveying
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com



**Sidewalk
 Construction Plan
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.**

SHEET NO.
W-1.0

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
 ASST. DIR. ENG.: *Made Mary* DATE: 5/3/01
 DIRECTOR: *Made Mary* DATE: 5/8/01
 REVISED: 04/09/01

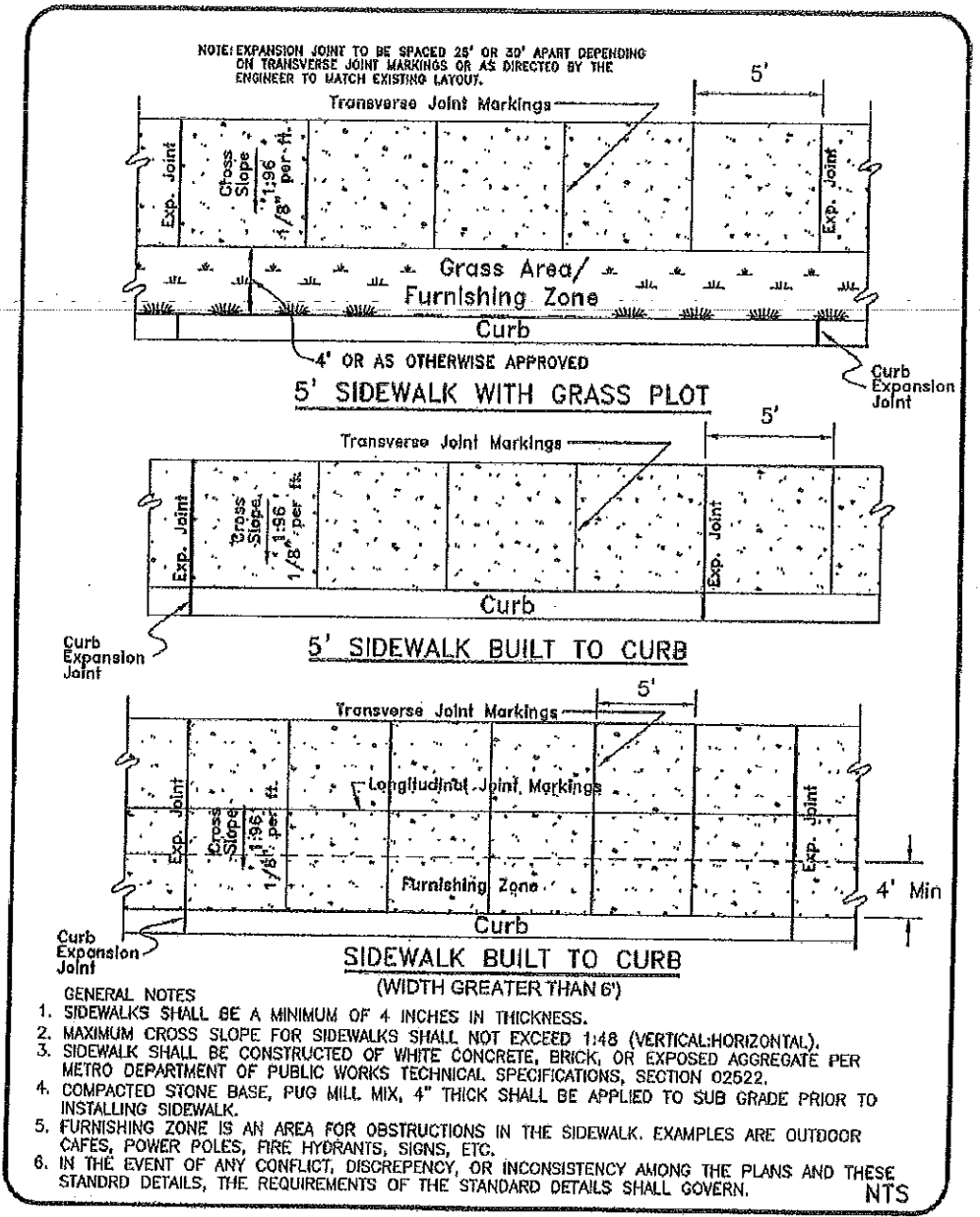
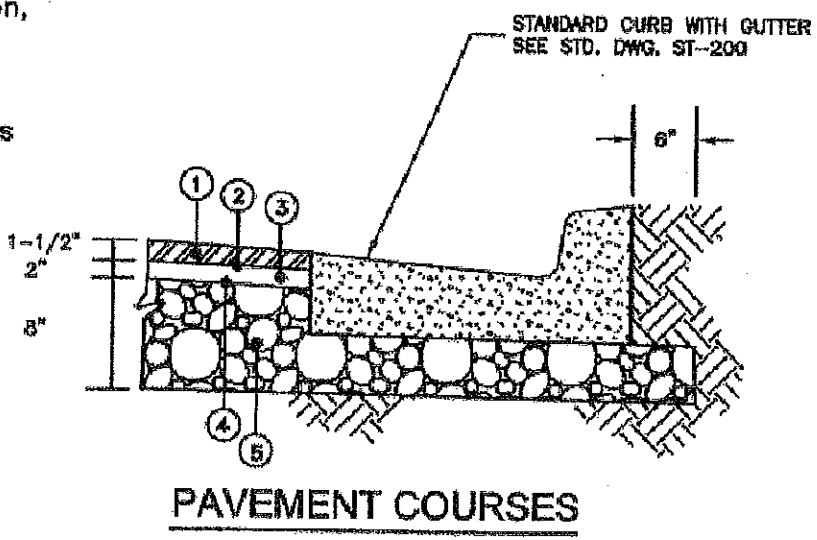


- General Notes**
1. Placement of sidewalks shall be in accordance with the Subdivision Regulations of the Metropolitan Planning Commission, latest revision.
 2. Construction shall conform to the Metropolitan Department of Public Works Technical Specifications, latest revision.

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)

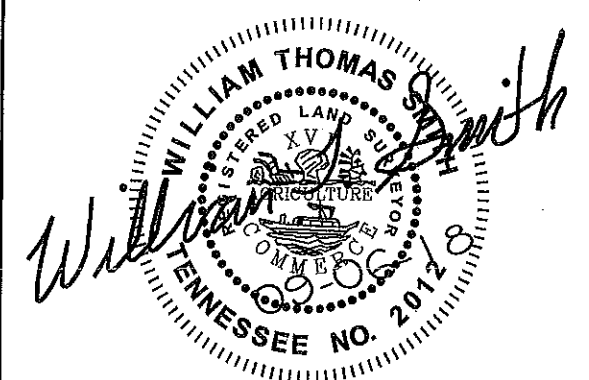
NOT TO SCALE



- 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

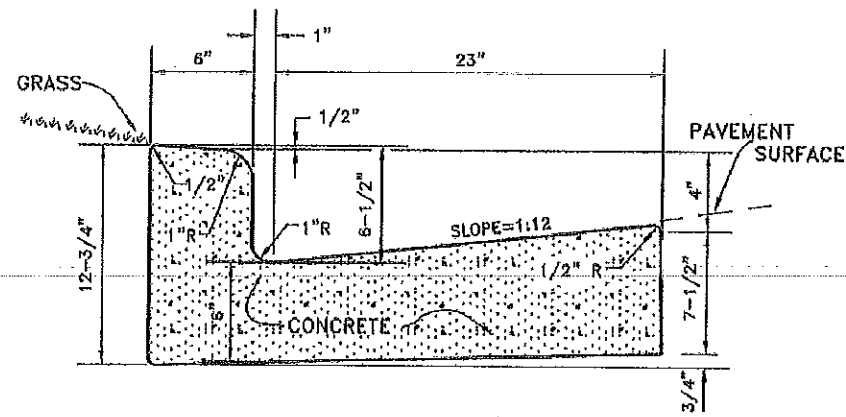
METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS	SIDEWALK CONSTRUCTION	DWG. NO. ST-210
DIR. OF ENG.: <i>Made Mary</i>	DATE: 7/15/04	REVISED: 05/02/03 REVISED: 11/24/03 REVISED: 06/23/04

Prepared By:
W.T. Smith- Land Surveying
 1004 Hickory Hill Lane - Suite #10
 Hermitage, TN 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

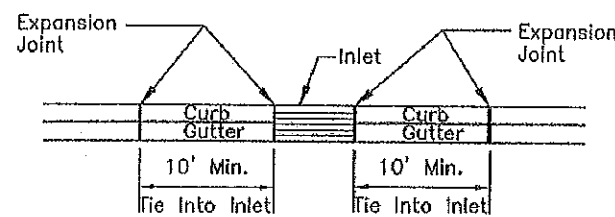


**Sidewalk
 Construction Details**
 1212 Katie Avenue
 Nashville - Davidson Co., Tn.

SHEET NO.
W-2.0



TYPICAL CROSS - SECTION



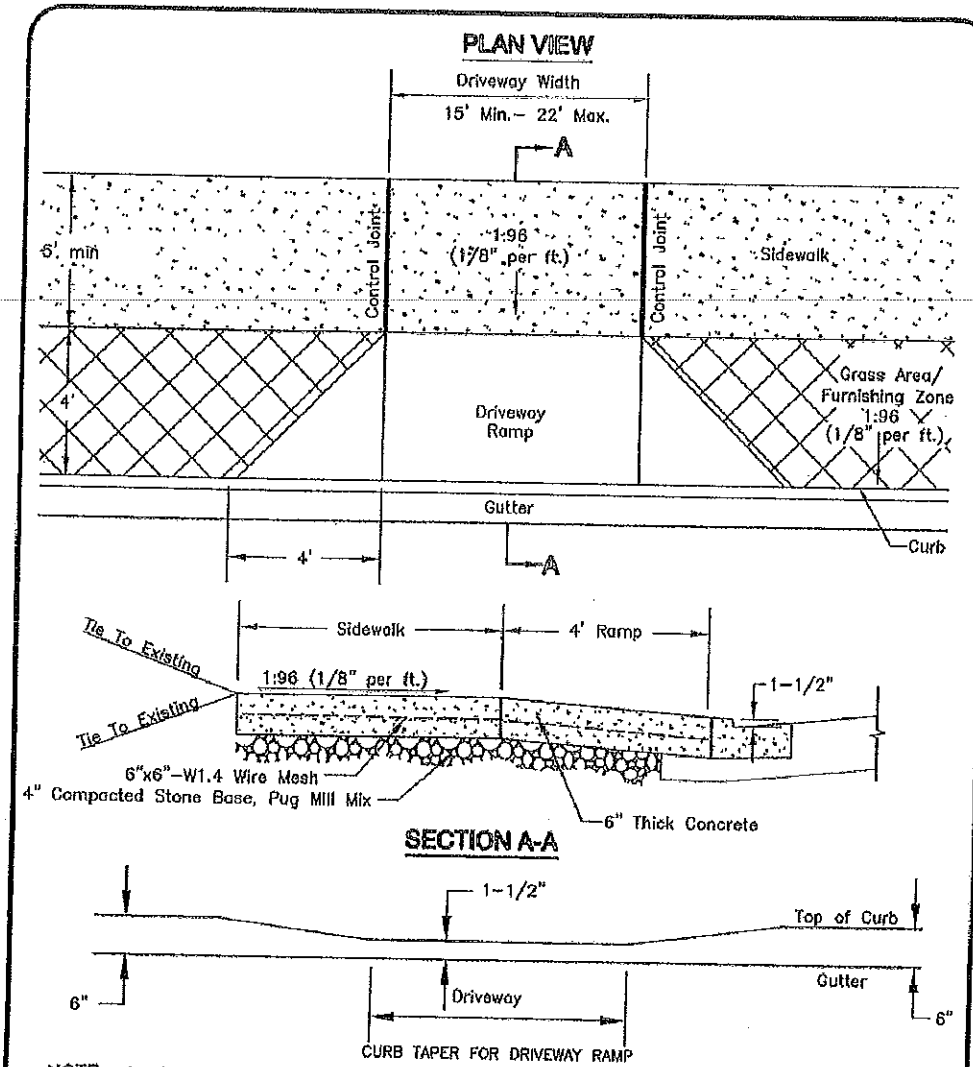
FRONT VIEW

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

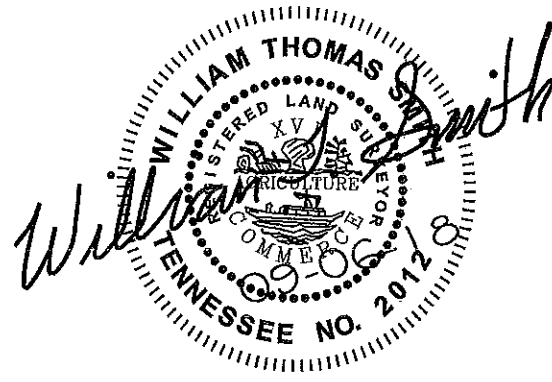
- NOTE:
1. Cross-slope of sidewalk shall not exceed 1:48 (vertical:horizontal).
 2. Fiber mesh reinforcement is an approved alternative for the wire mesh. Fiber mesh reinforcement will be added to the concrete at the batch plant at the rate of 1 1/2 pounds per cubic yard.
 3. Concrete shall be 6 inches 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:
W.T. Smith- Land Surveying

1004 Hickory Hill Lane - Suite #10
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: Chadwick Construction Inc.
Property Owner: Jim Allen
Representative: Connie Chadwick

Date: 4-11-2019
Case #: 2019-242
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.)

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.

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:

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

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

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

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

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

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

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

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

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

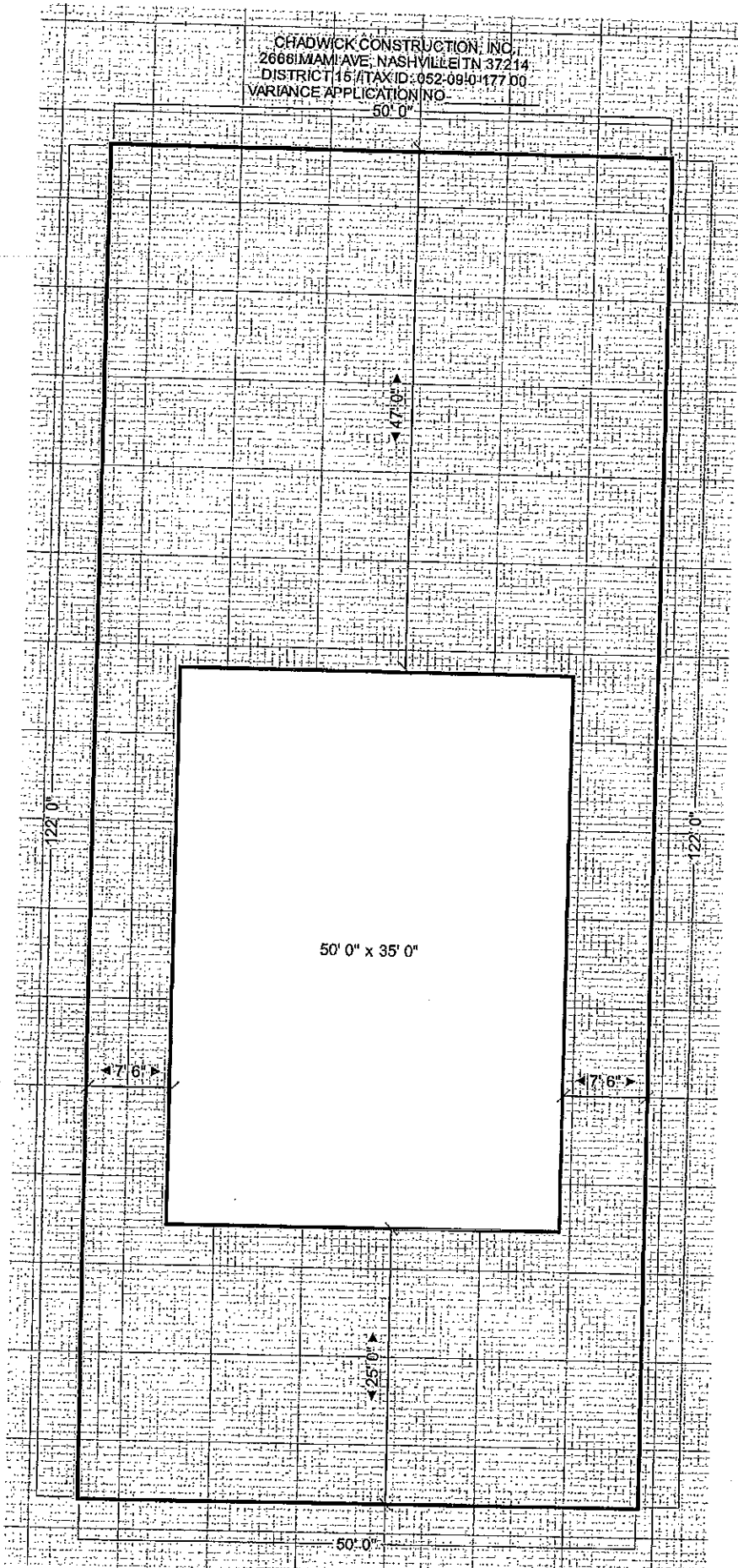
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

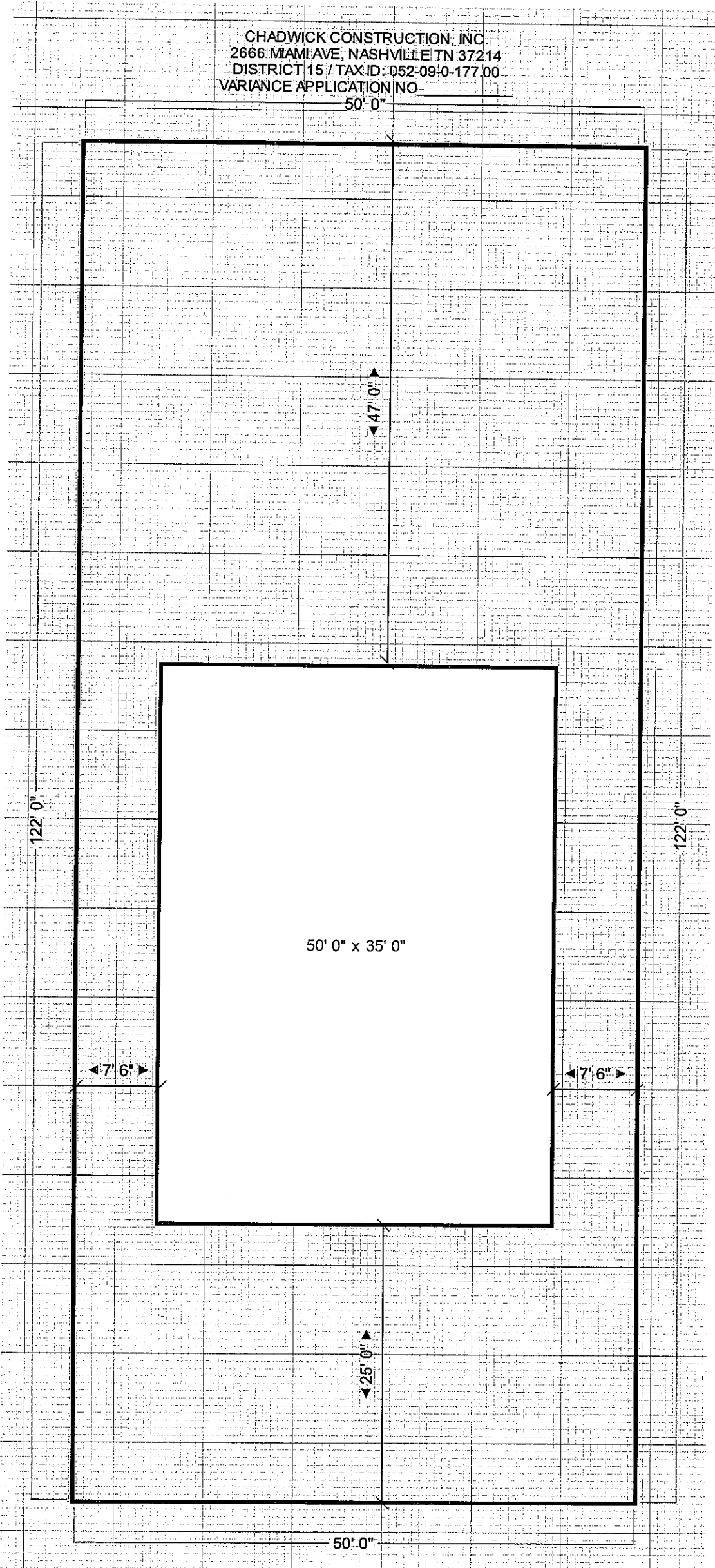
The narrowness of the three lots prevent the best possible houseplan for the area to be built. An insignificant reduction in side setbacks from 10' to 5' would rectify the problem and enable us to build a much better home that would be aesthetically pleasing and more valuable to the area. The driveways 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

Braisted, Sean (Codes)

From: Syracuse, Jeff (Council Member)
Sent: Monday, June 3, 2019 7:15 PM
To: Kathy Romersa
Cc: Board of Zoning Appeals (Codes)
Subject: Re: The variance

Thanks, Kathy. This doesn't go through me but thorough the BZA. Copying them here so it's part of the public record.

Best,
Jeff
615-886-9906

Sent from my iPhone

> On Jun 3, 2019, at 7:07 PM, Kathy Romersa <kathywromersa@comcast.net> wrote:
>
>
> We own the property at 2545 Miami ave . Please do not grant this variance.
> Kathy
> Sent from my iPhone

Braisted, Sean (Codes)

From: dwhassoc@aol.com
Sent: Tuesday, June 4, 2019 12:36 PM
To: Board of Zoning Appeals (Codes)
Subject: Variance regarding 2666 Miami Avenue, Nashville, TN

From: Dorothea Hartley
Owner of 2669, 2667, 2662 Miami Avenue, Nashville, TN 37214
Subject: Re: Variances for 2666, 2668, 2670 Miami Avenue, Nashville, TN 37214
Case # 2019-242

Dear Gentlepersons:

I am the owner of 2662, 2667 and 2669 Miami Avenue, Nashville, TN, and I am OPPOSED to the variance request. If you allow three tall skinny houses built there, it will directly impact my privacy and I will literally have three homes overlooking my homes. I own the home directly across the street and also the one on the immediate side of it. It would impact all three of my properties.

I have seen so many changes since 1998. It is distressing to me that we are losing the “ambience” and nature of our wonderful neighborhood. I bought my home where I did for the privacy and feeling of the river and sanctuary living. This variance would change the whole perspective for me and my neighbors.

Thank you for your consideration.

Sincerely,

Dorothea Hartley
615-884-4444

Braisted, Sean (Codes)

From: Kim Sorensen <kimsorensen@usa.com>
Sent: Wednesday, June 5, 2019 8:00 PM
To: Board of Zoning Appeals (Codes)
Cc: Syracuse, Jeff (Council Member)

I am writing about the variance request for three properties on Miami Ave, case #2019-242.

I oppose the variance. It will put the houses too close together, and too close to the neighboring home. There is nothing about the condition of the property to justify allowing a variance. A contractor not making as much money with a smaller home is not a valid hardship to approve this variance.

Houses can still be built on that property, just as others have been built in the neighborhood.

Thank you,

Kim Sorensen
homeowner
2627 Miami Ave

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

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.

Resinal 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.

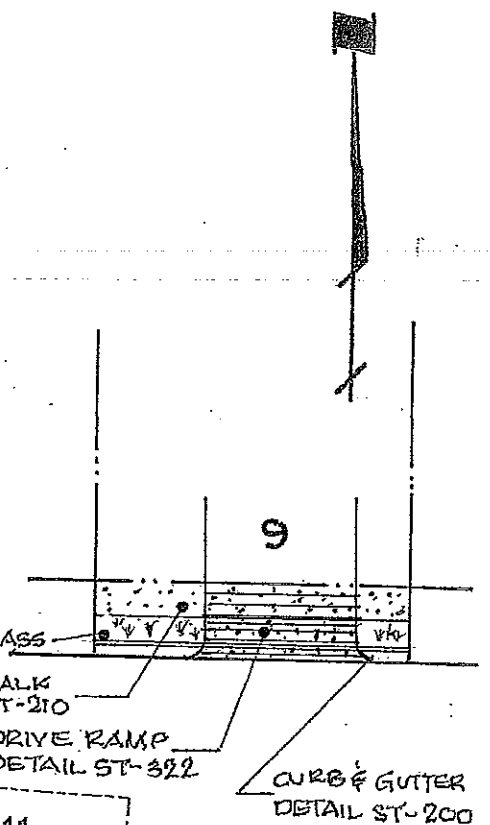
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Be: I am going to be building Affordable housing in Area, on lot.

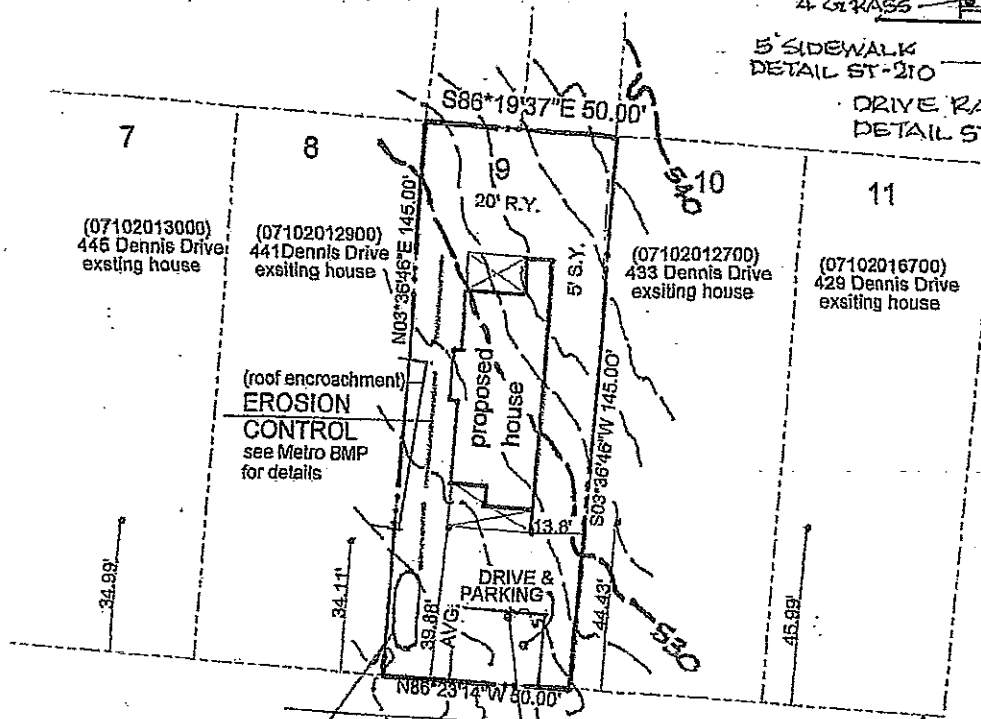
General Notes:

R.McKeever 73@gmail

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.

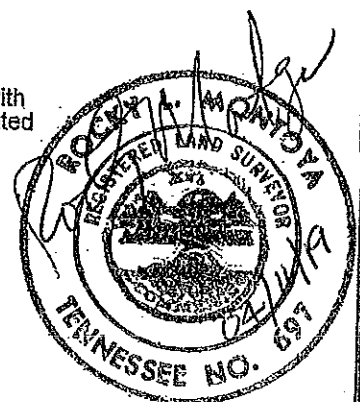
INSTALL NEW CONSTRUCTION ENTRANCE-see Metro BMP for details

SITE PLAN
437 DENNIS DRIVE
NASHVILLE, TN. 37207

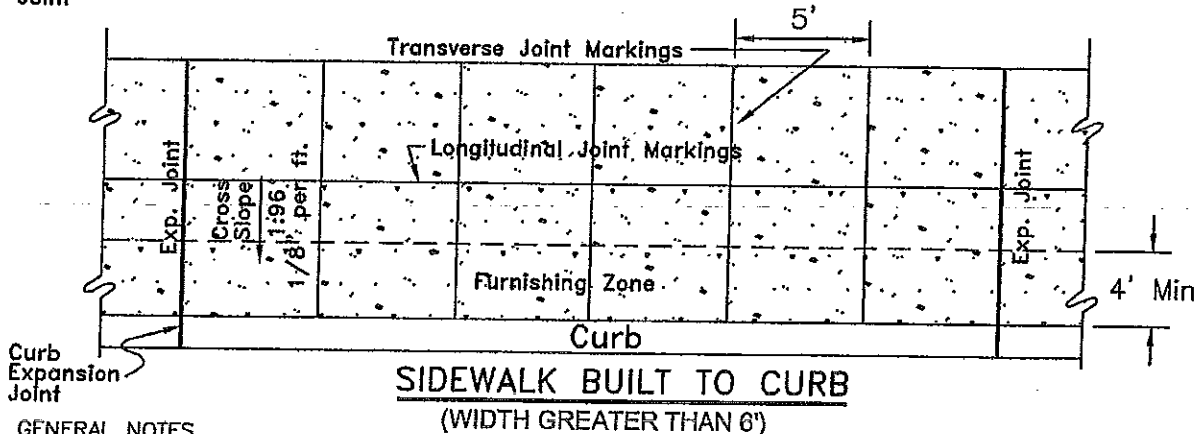
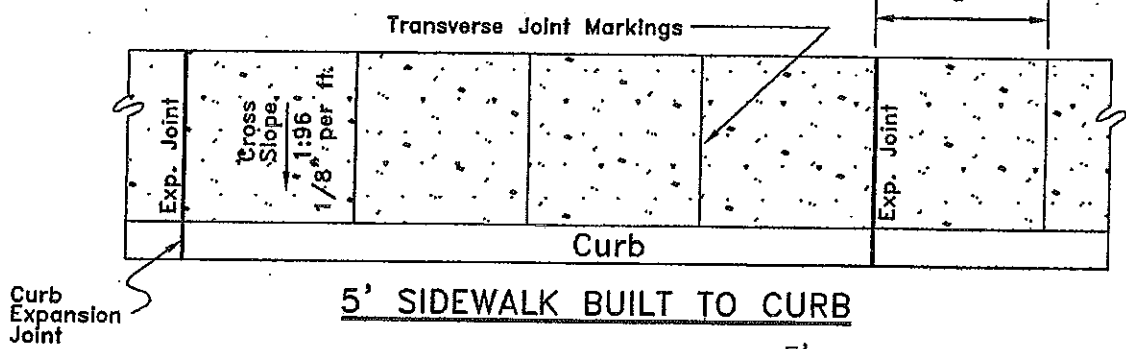
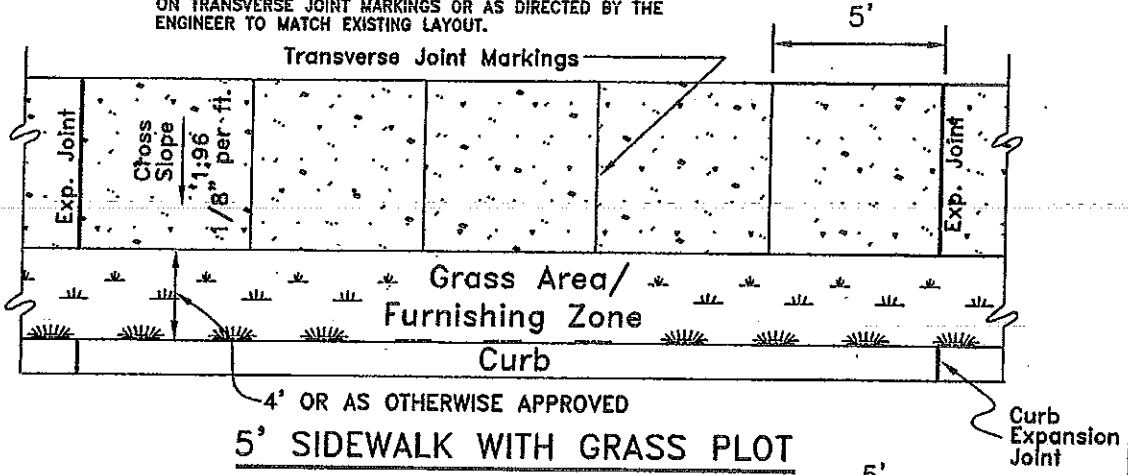
Prepared by:
Rocky Montoya-surveyor
1105 Old Dickerson Pike.
Goodlettsville, Tn. 37072
Phone: 615-347-1210
email: rocky.surveyor@gmail.com

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.

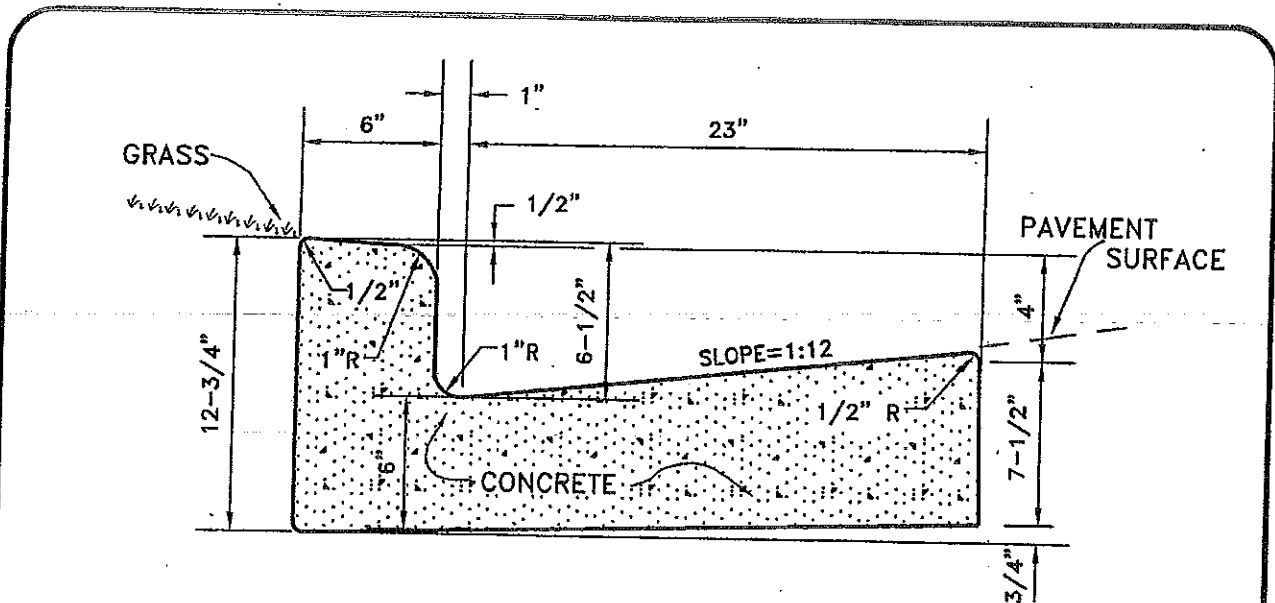


GENERAL NOTES

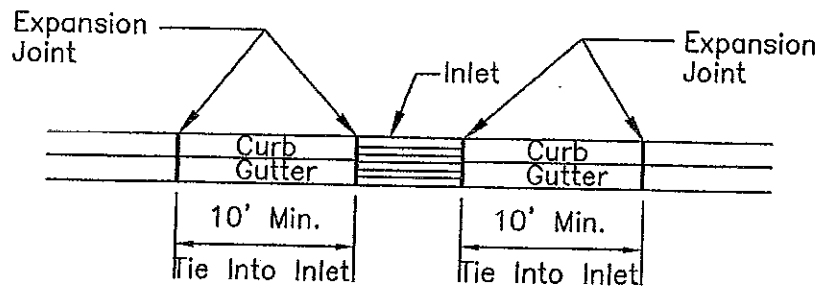
1. SIDEWALKS SHALL BE A MINIMUM OF 4 INCHES IN THICKNESS.
2. MAXIMUM CROSS SLOPE FOR SIDEWALKS SHALL NOT EXCEED 1:48 (VERTICAL:HORIZONTAL).
3. SIDEWALK SHALL BE CONSTRUCTED OF WHITE CONCRETE, BRICK, OR EXPOSED AGGREGATE PER METRO DEPARTMENT OF PUBLIC WORKS TECHNICAL SPECIFICATIONS, SECTION 02522.
4. 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

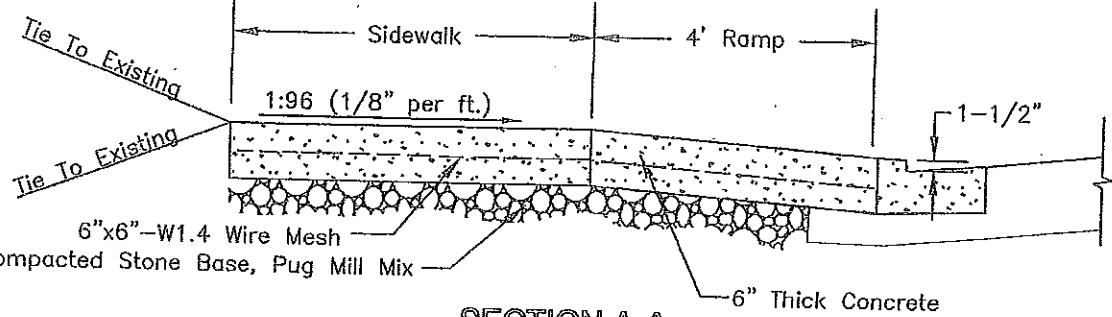
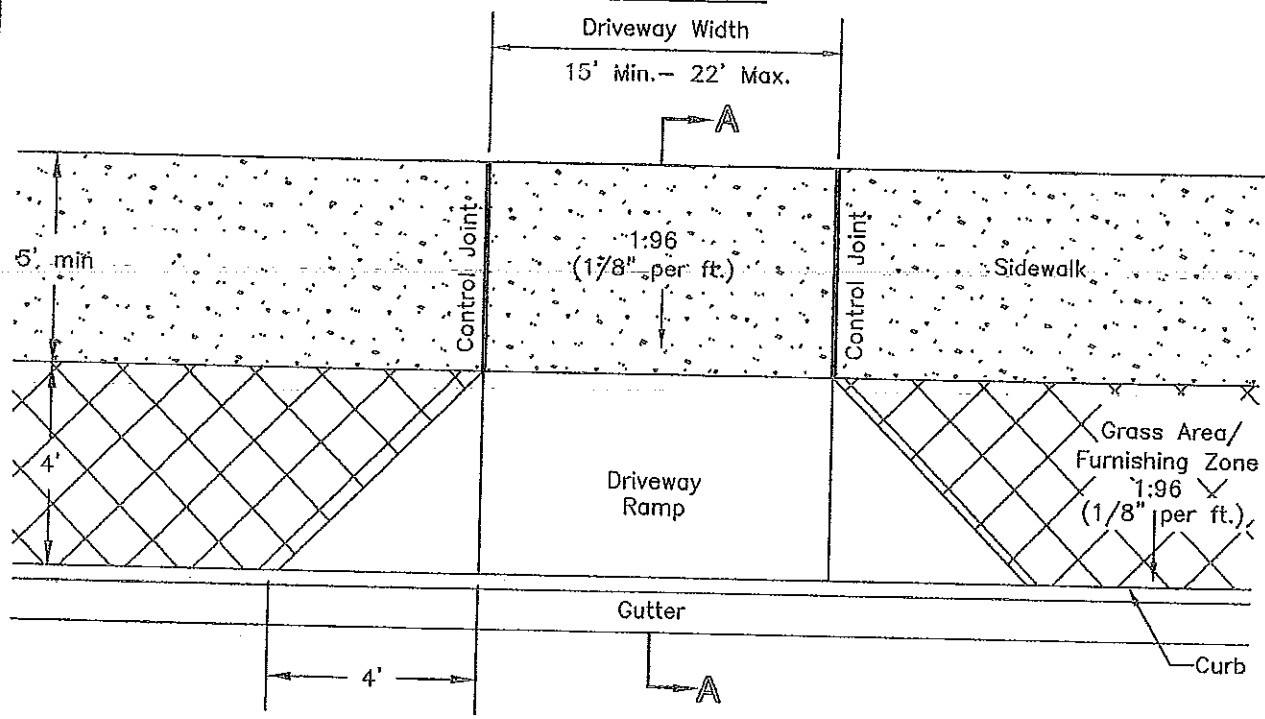
GENERAL NOTES

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.

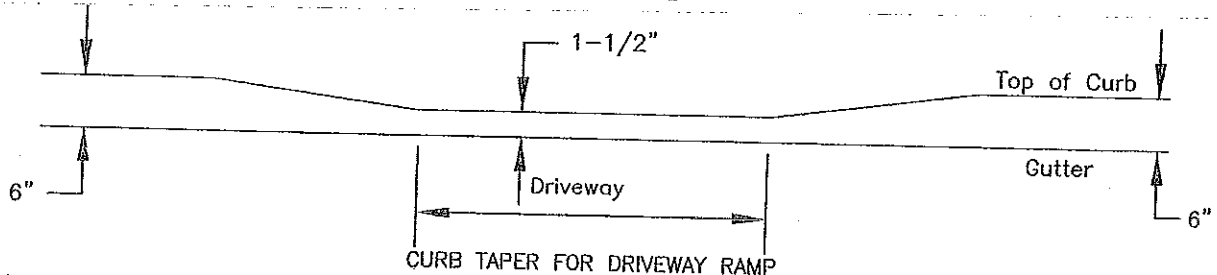
NOT TO SCALE

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



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.)

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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) 862-6530

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



 APPELLANT

4-15-19

 DATE

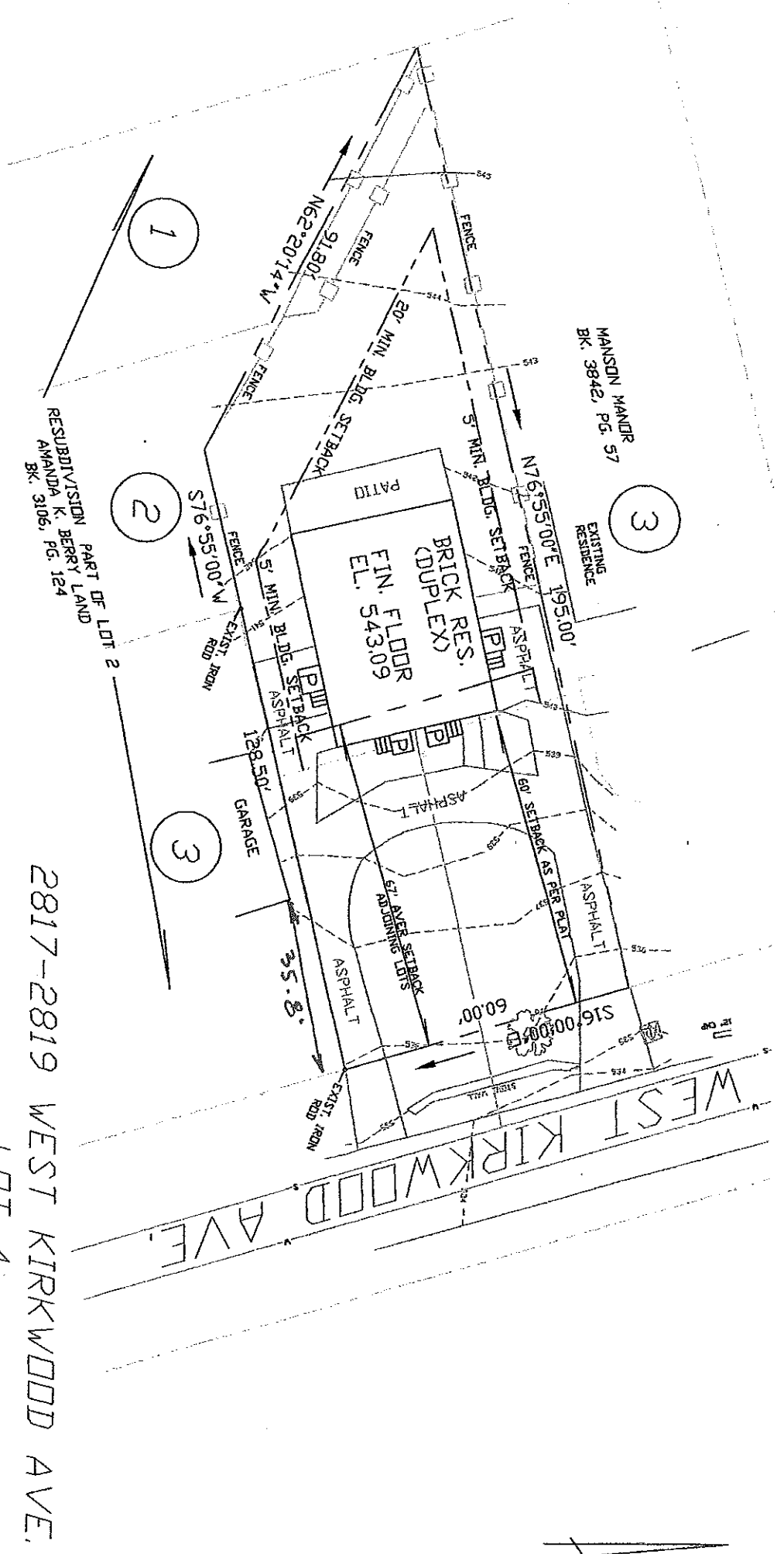
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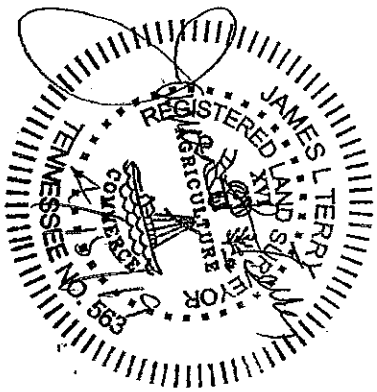
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE RUVIOW STANDARDS AS OUTLINED?

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 Assesors would set
our house back 67'. Also the garage next door
setback 35.8' and faces W. Kirkwood Ave.

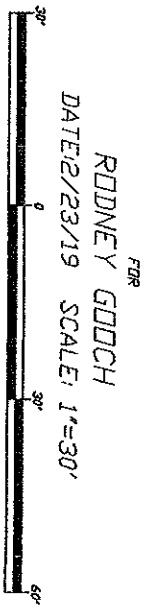


- NOTES:
- 1) BOUNDARY INFORMATION FROM PLAN OF THE RESUB. OF PART OF LOT 2 OF THE AMANDA K. BERRY LAND, AS OF RECORDED IN PLAT BOOK 3106, PAGE 124, R.D.D.C., TN.
 - 2) TOPO INFO. FROM FIELD OBSERVATIONS.
 - 3) UTILITIES INFO. FROM METRO WATER AND SEWER DEPT. 2817-2819 WEST KIRKWOOD AVE. NASHVILLE, TENN, 37204
 - 4) OWNER: RODNEY GOODCH
 - 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.

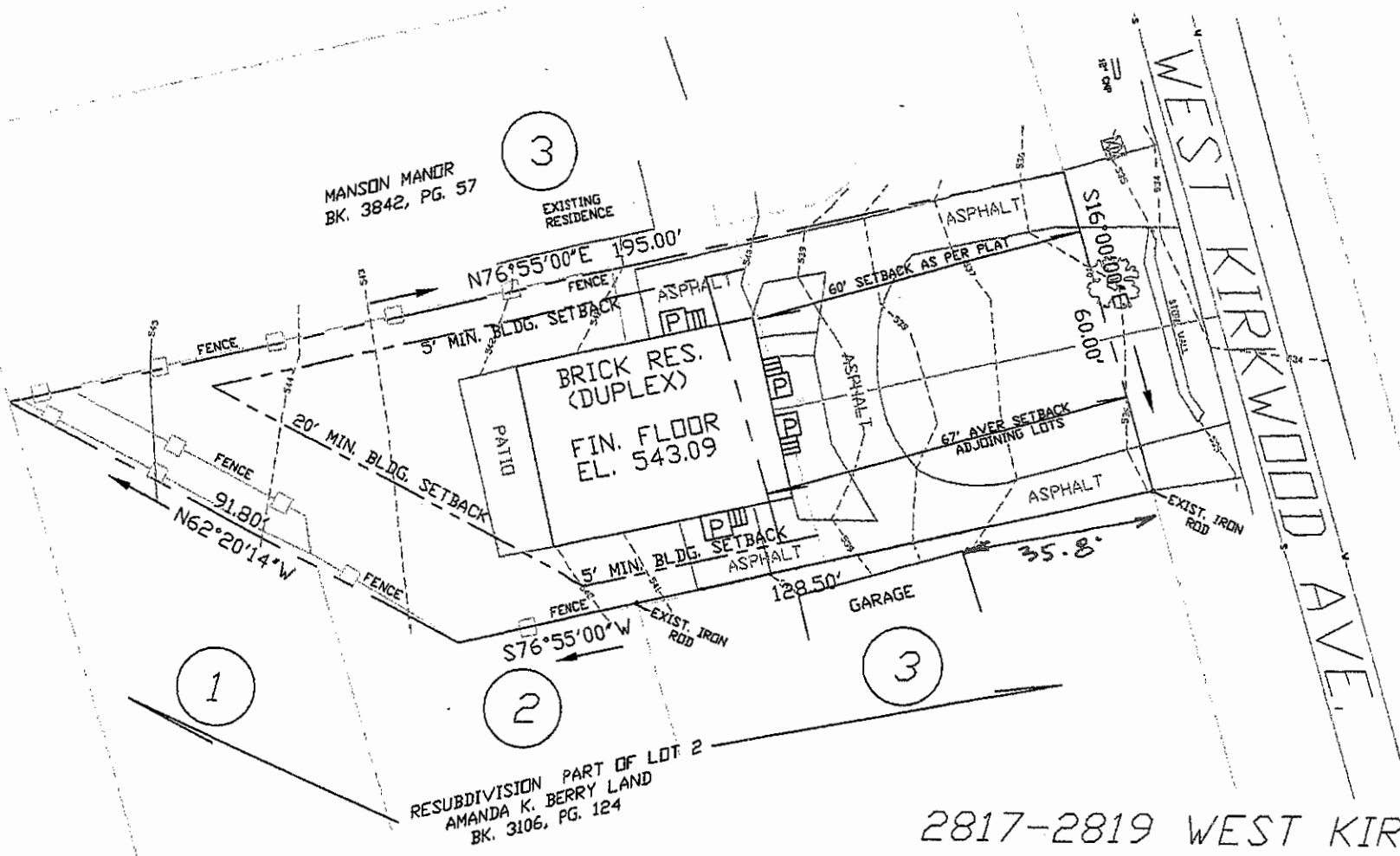


2817-2819 WEST KIRKWOOD AVE.
 LOT 4
 RESUB. OF A PART OF LOT 2
 OF THE AMANDA K. BERRY LAND
 LOT SURVEY



MAP 118-2 PARCEL 15.01

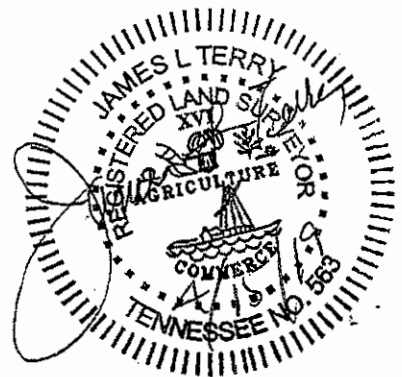
PREPARED BY: JAMES L. TERRY
 2812 BRANWOOD DRIVE
 NASHVILLE, TN 37214
 615-415-7525
 TENN. REG. LAND SURVEYOR 563



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

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

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.

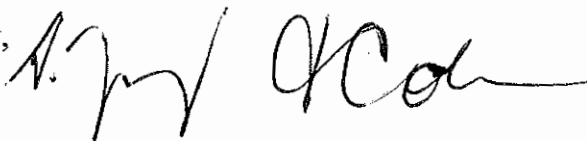
Dear Members of the Metropolitan Board of Zoning Appeals,

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: 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.

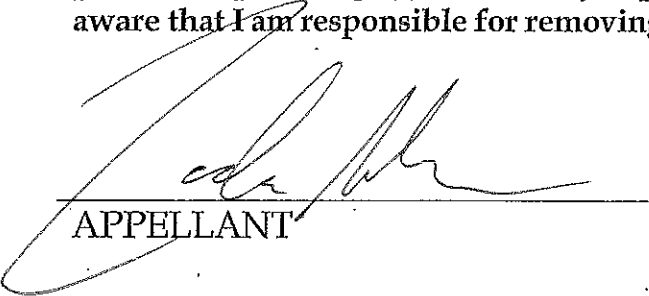
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

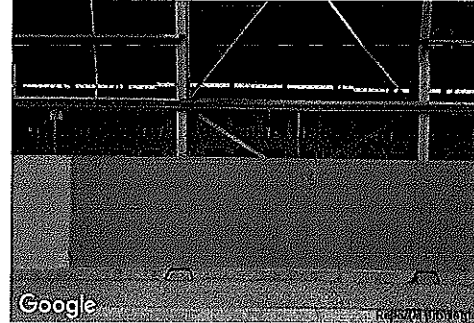


Listing(s) Information

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

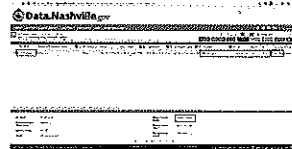
Explanation

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.

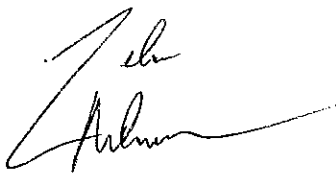
I did not receive the letter that my renewal was not accepted until the evening April 15th. The next morning, April 16th, I went to Metro Codes building to re-apply for my permit. I told them that I am willing to pay any late fees or fines and comply in any way. I was told that I was operating illegally 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 extending to the right.

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

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?

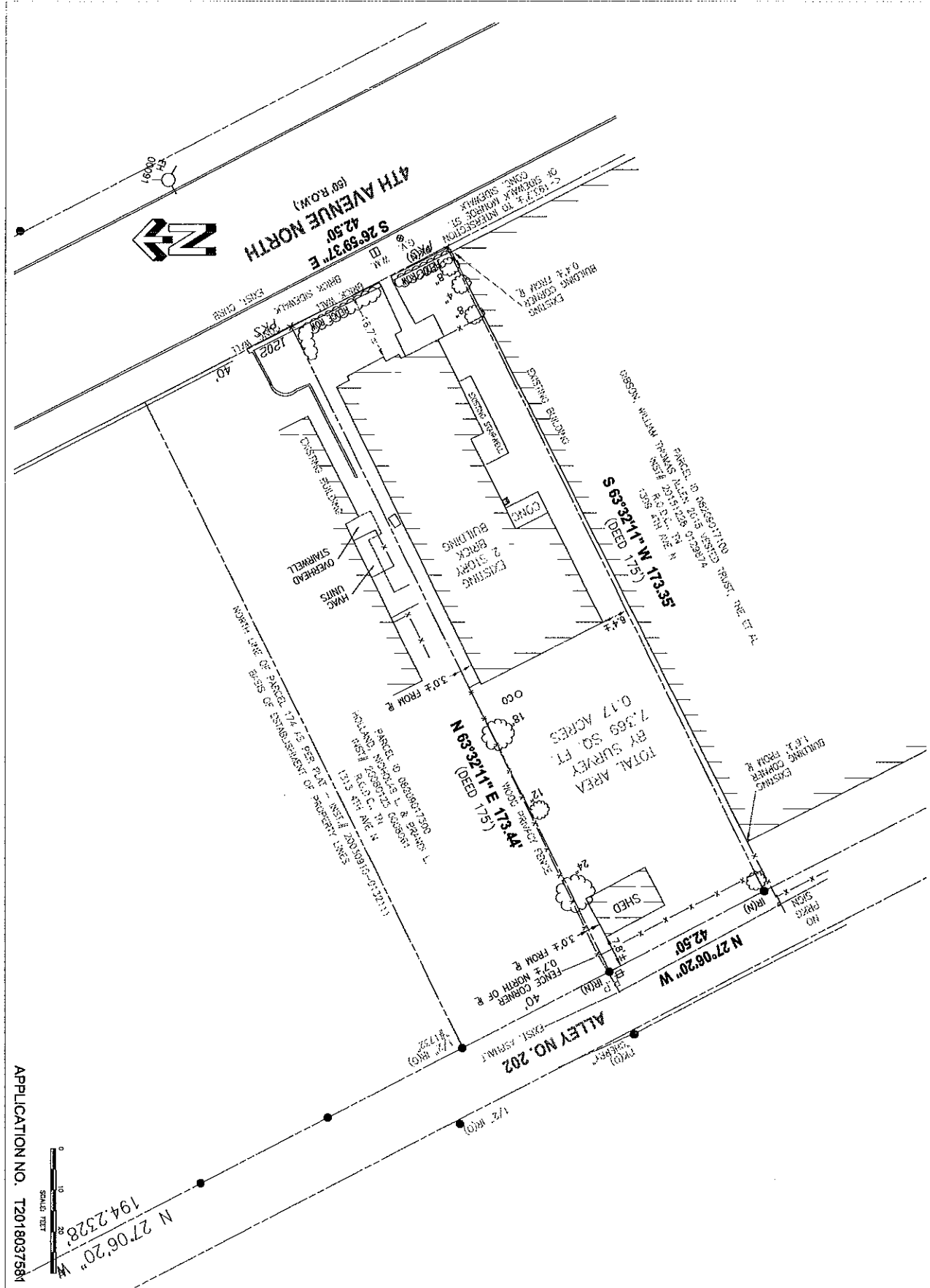
Zoning Administrator and Members of the Board of Zoning Appeals,

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.

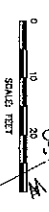
The building has three spots located in the rear and two spots directly in front of the building in street parking. Further, Proper Pour has reached an agreement, which will be provided in writing to the Administrator, for use of an additional twelve spots within a block of the building. Additionally, 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



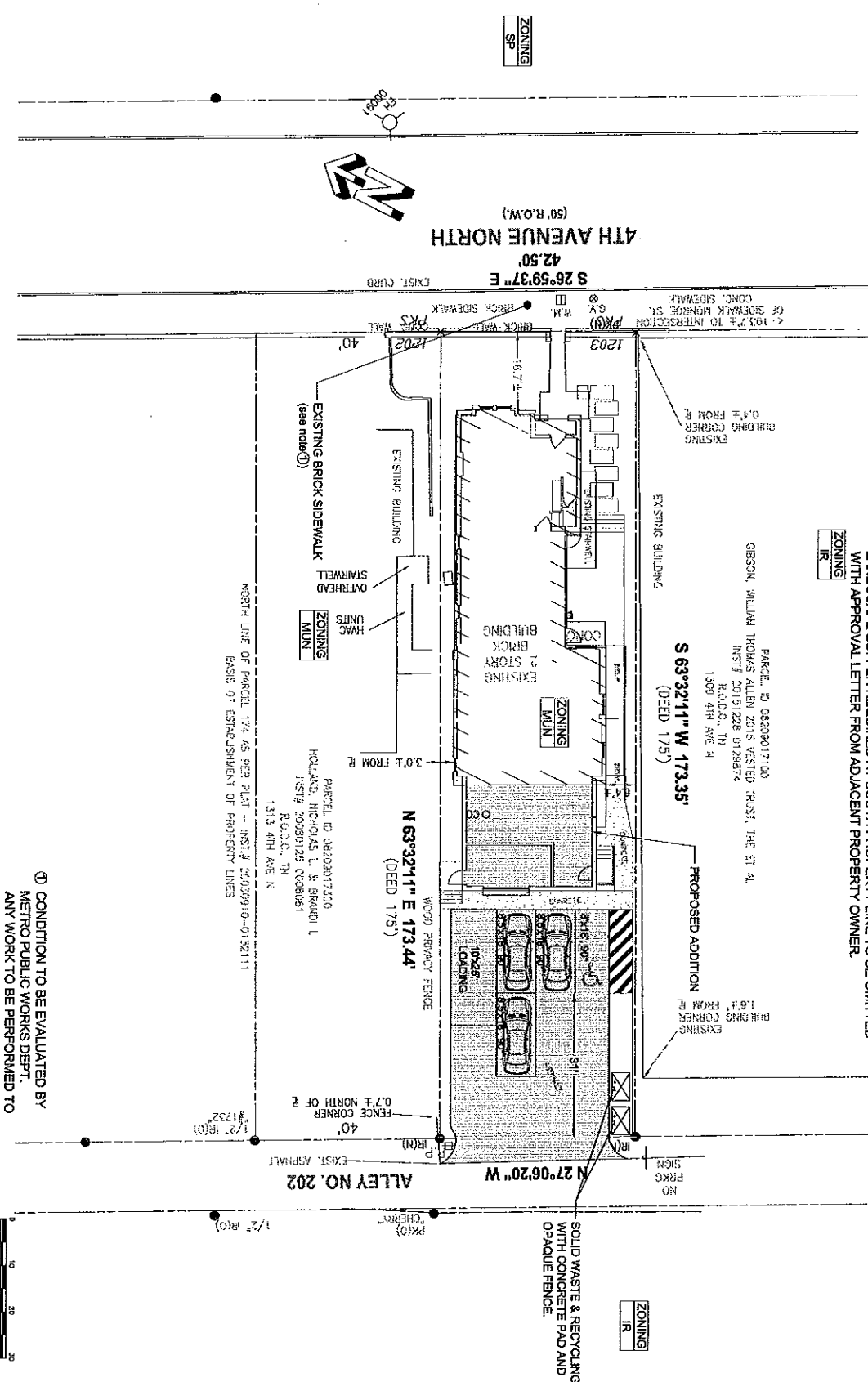
APPLICATION NO. T2018037584



N 27°06'20" W
194.2328'

<p>D A A D</p> <p>Dylan Architecture And Design 2520 White Avenue Nashville, TN 37204 615.246.3223 www.daaad-group.com</p>	<p>07 MAY 2018</p> 	<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>	
		<p>DAAD Project #: 172524</p> <p>No. 504 CONSTRUCTION DOCUMENTS</p> <p>Date: 07/11/2018</p>	<p>EXISTING CONDITIONS</p> <p>C-2.0</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.

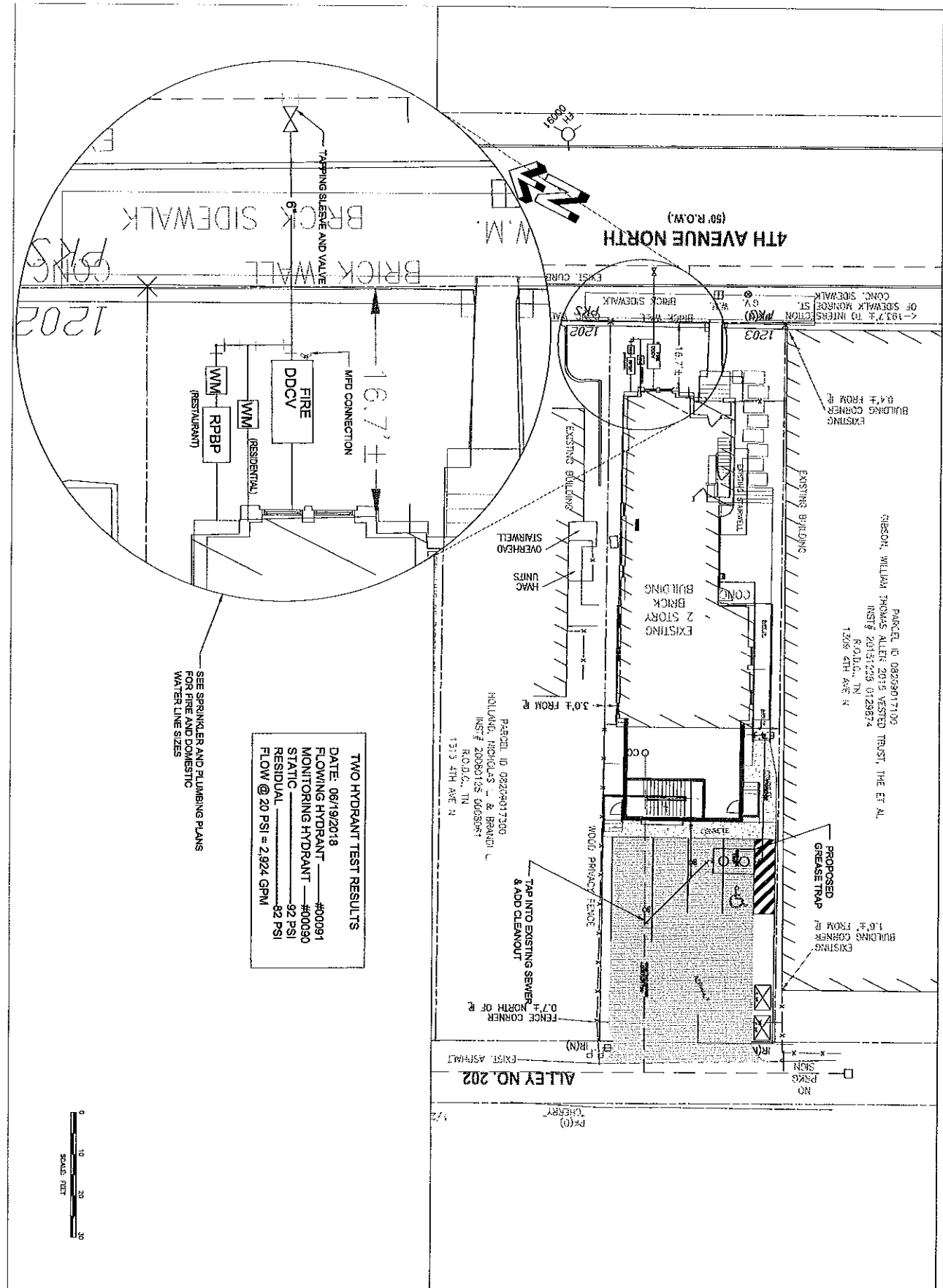


① CONDITION TO BE EVALUATED BY METRO PUBLIC WORKS DEPT. ANY WORK TO BE PERFORMED TO THE SIDEWALK IN THE R.O.W. WILL BE AS REQUIRED BY METRO PUBLIC WORKS DEPT.



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 # 17288</p>	<p>Site CONSTRUCTION DOCUMENTS</p>	<p>Date: 07/11/2019</p>
<p>Site PLAN</p>		
<p>C-3.0</p>		



D | A | A | D

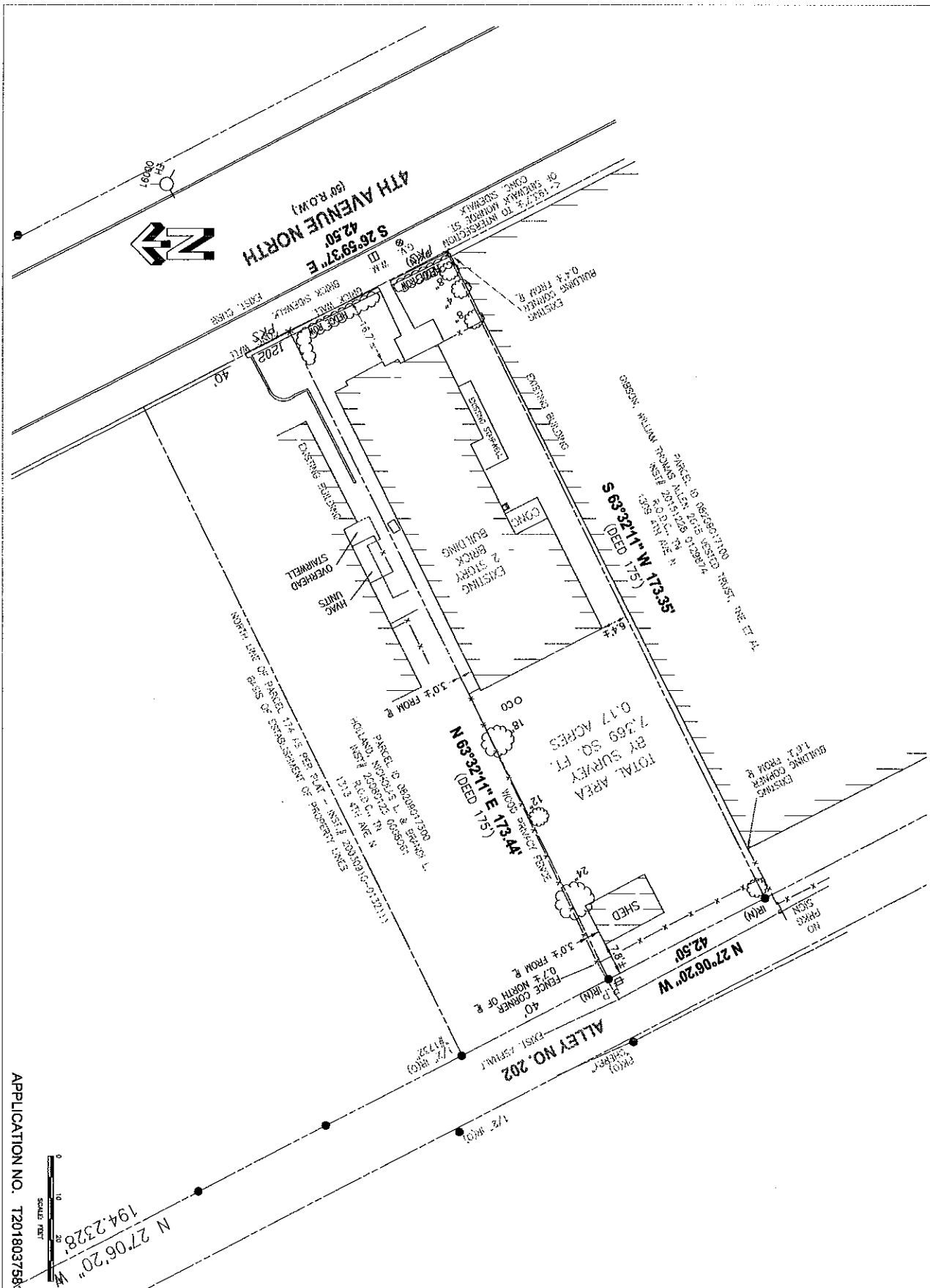
Order Architecture and Design
2550 White Avenue Nashville, TN 37204
615.248.3233 www.daaad.com

A Renovation and Addition to

1311 Fourth Avenue North

Nashville, TN 37027

Date: 06/19/2018 Project #: 171824 No. Sec. Docu: 07112018	Date: 07/11/2018 Title: UTILITIES Project #: C-5.0	<p>07/11/2018</p>
--	--	-------------------



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

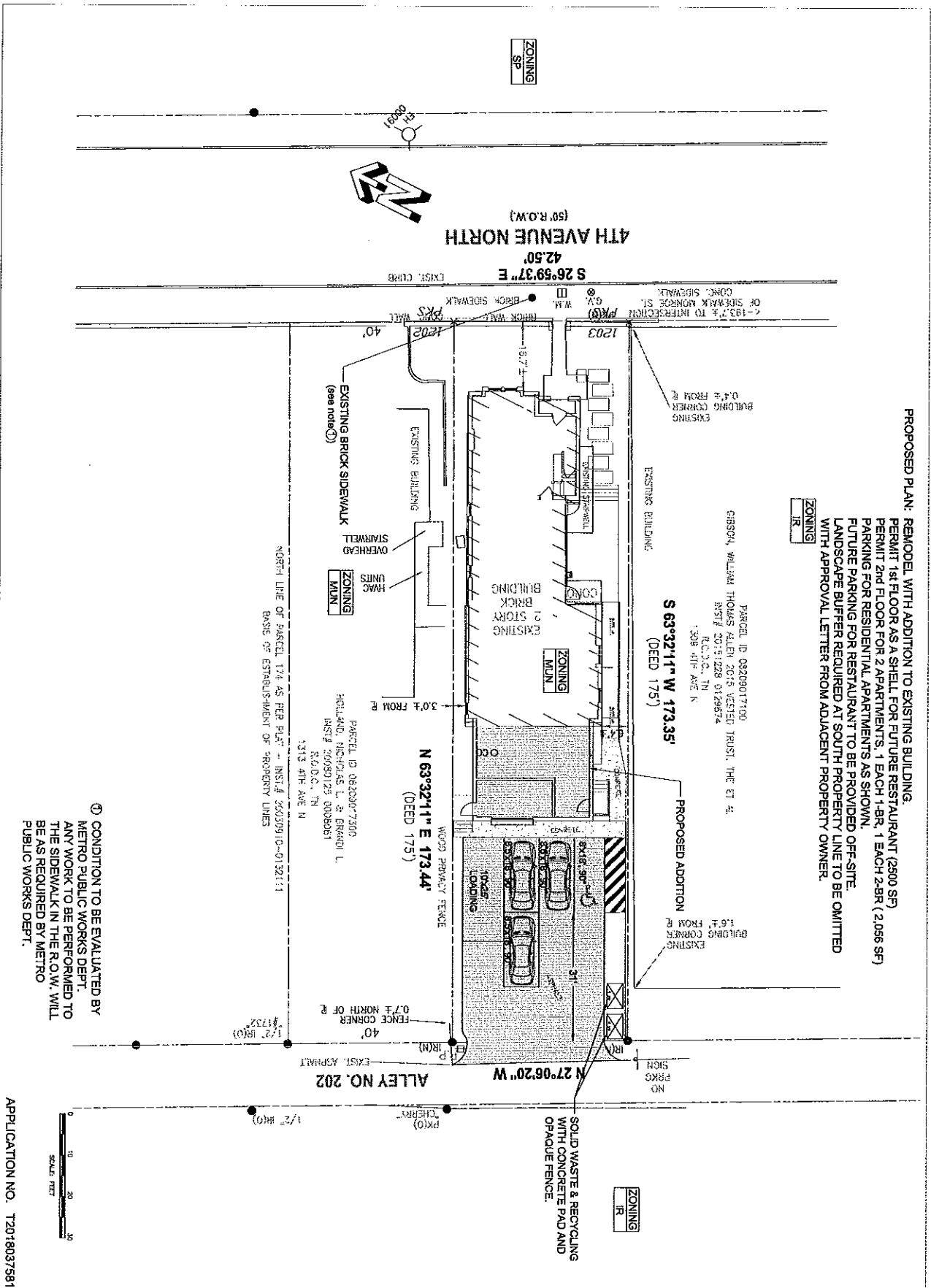
A Renovation and Addition to

1311 Fourth Avenue North

Nashville, TN 37027



Dylan Architecture And Design
2530 White Avenue Nashville, TN 37204
615.246.3223 www.daaad.com



PROPOSED PLAN: REMODEL WITH ADDITION TO EXISTING BUILDING.
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 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.

ZONING
IR

PARCEL ID 08209017100
 GIBSON, WILLIAM THOMAS ALEEN 2015 VESTED TRUST, THE ET AL
 R.C.O.C. TN
 INST# 20151228 0129574
 1308 4TH AVE N

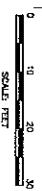
S 63°32'11" W 173.35'
 (DEED 175)

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

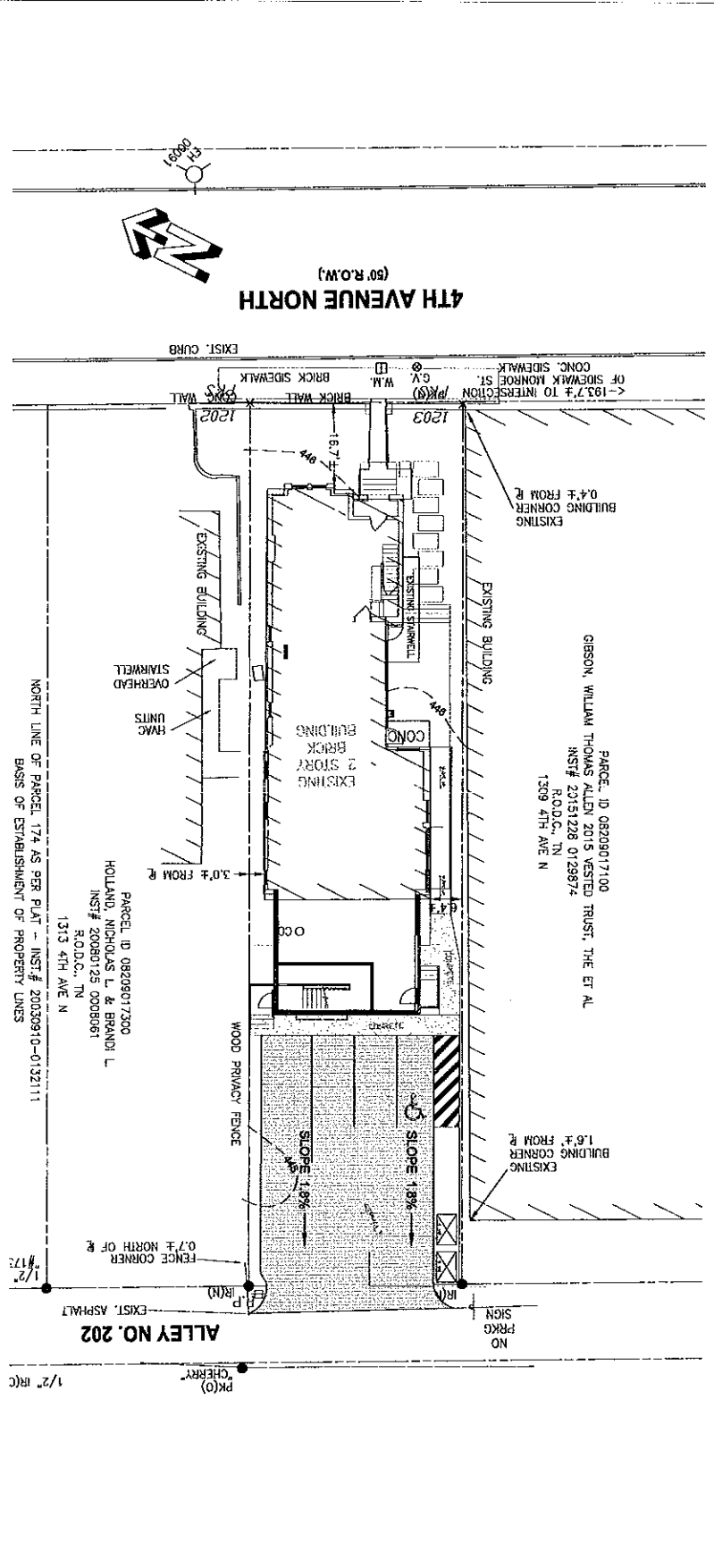
NORTH LINE OF PARCEL 174 AS REP. PART -- INST# 25030910-0122111
 BASE OF ESTABLISHMENT OF PROPERTY LINES

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: 1311 4TH AVE N</p>



GRADING EXEMPTION CERTIFICATION

No Grading Permit shall be required for an excavation or fill that satisfies all of the following criteria:

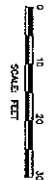
1. Fill material consists only of rock, sand, concrete, or other similar material and no more than 24 inches in height, unless noted otherwise.
2. Fill is not in the 100-year floodplain and is less than five (5) feet in vertical depth.
3. Does not result in a total quantity of more than 100 cubic yards of material being removed from, deposited on, or distributed on any lot, parcel, or subdivision, whether a residential or commercial property, or on any other property owned, controlled, managed, or used by the applicant.
4. The applicant has obtained all necessary permits from the local health department, health department, or other authority having jurisdiction over the proposed work.
5. The applicant has obtained all necessary permits from the local health department, health department, or other authority having jurisdiction over the proposed work.
6. The applicant has obtained all necessary permits from the local health department, health department, or other authority having jurisdiction over the proposed work.
7. This exemption or permit and all applicable rules and regulations shall be included in the final plan.
8. The applicant has obtained all necessary permits from the local health department, health department, or other authority having jurisdiction over the proposed work.
9. The applicant has obtained all necessary permits from the local health department, health department, or other authority having jurisdiction over the proposed work.
10. Does not result in the acquisition or disturbance of more than 10,000 square feet of land.

THE TO CHUTE

ANTHONY F. SANCER, P.E.

07/08/2019

- GRADING NOTES:**
1. SLOPE FOR REAR PARKING AS SHOWN.
 2. ENTIRE REAR ASPHALT PARKING AREA TO DRAIN TO THE ALLEY.
 3. REAR PARKING LOT PAVING TO BE 6" BASE AGGREGATE, 2-1/2" BINDER, 1-1/2" SURFACE.
 4. CONTRACTOR TO FIELD VERIFY UNDERGROUND PIPES ACCEPTING ROOF DRAINAGE. NEW UNDERDRAINS MAY BE REQUIRED USING POP-UP EMITTERS.
 5. LANDSCAPE BUFFER REQUIRED AT SOUTH PROPERTY LINE TO BE OMITTED WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.
 6. TOTAL LOT AREA = 7,379 SF.
 7. DISTURBED AREA = 3,548 SF.



APPLICATION NO. T2018037581

D | A | A | D

Design Architecture and Design
2520 Wilma Avenue Nashville, TN 37204
615.262.2022 www.daaa-group.com

A Renovation and Addition to

1311 Fourth Avenue North

Nashville, TN 37027

Drawn: _____

Checked: _____

Scale: _____

Date: _____

Project No. 17-2024

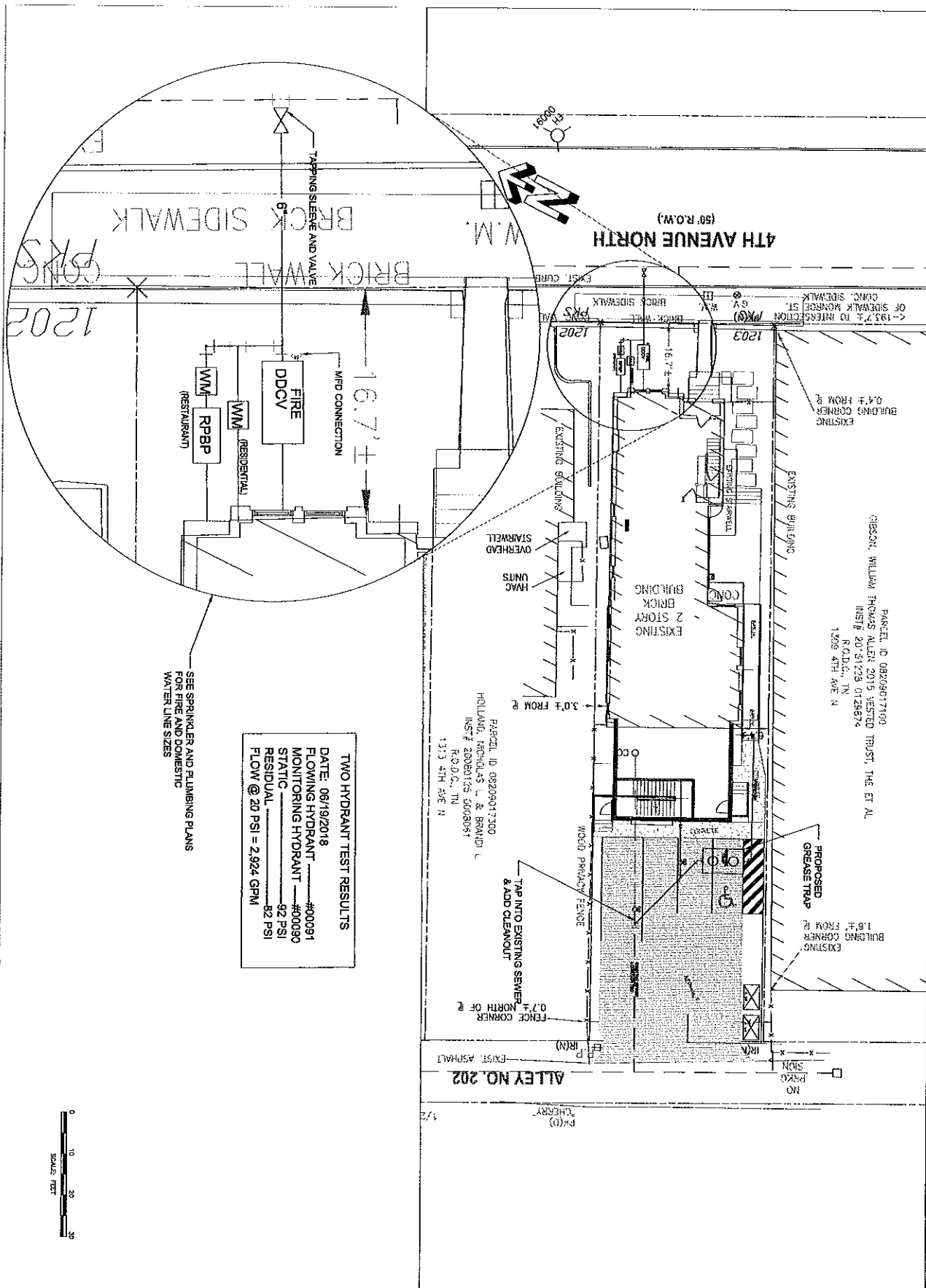
Sheet No. _____

Construction Documents

07/12/2019

07/08/2019

C-4.0



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>City of Nashville Department of Public Works 2500 White Avenue, Nashville, TN 37204 615.261.2322 www.diaad-nash.com</p>		<p>07/14/2018</p>	
<p>1311 Fourth Avenue North</p> <p>Nashville, TN 37207</p>			
<p>A Renovation and Addition to</p>			
<p>04-0 Project # 17-084</p>		<p>Date: 07/12/18</p>	
<p>CONSTRUCTION DOCUMENTS</p>		<p>Scale: 1/2" = 1'-0"</p>	
<p>Utilities</p>		<p>C-5.0</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: [Amy Williams](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Opposed — CASE 2019-259 (Council District - 19)
Date: Wednesday, June 5, 2019 10:19:08 AM

Dear Board Members,

I am Amy Williams and I have lived at 1319 4th Ave N. for more than 18 years, since April 2001. My family -- husband, 8-year-old daughter and myself -- lives three doors down from the property seeking the variance.

I am strongly to the variance for parking requirements.

My husband attended a neighborhood meeting with the owners to learn more about their plans for the property and parking. The owners have not secured enough parking and didn't even try to add parking to the property. Instead of using the off alley area in the back of the lot for parking, they chose to add square footage to the building. This shows that they were never interested in securing the required parking spaces.

Parking is already very difficult for neighbors on our street. With the addition of a busy bar, it will be even harder for residents to find parking. This is the reason for the zoning requirements. If the bar can't meet the requirements then they shouldn't be allowed on our street.

The bar would be the first business that is open at night on our block and I'm worried about bar patrons leaving late at night and walking down our street or in the alley. Our block is primarily filled with residents and families. I think the additional late night traffic will cause a lot of noise and other issues. We have yet to see their security plan and what they will do about disorderly drinkers.

Thanks for taking the time to read my letter. Please vote against the variance for the residents of Germantown.

Amy Williams
1319 4th Avenue North

Braisted, Sean (Codes)

From: Andrew Leahey <andrewcleahey@gmail.com>
Sent: Wednesday, June 5, 2019 11:44 AM
To: Board of Zoning Appeals (Codes)
Subject: Letter of opposition to Proper Pour (CASE 2019-259 (Council District - 19))

This email is directed to the Board of Zoning Appeals, to go on record in opposition to the variance for 1311 4th Avenue North/Proper Pour (CASE 2019-259 (Council District - 19)).

My name is Andrew Leahey, and my wife and I have lived at 1318 4th Ave N. since 2011. We've watched the neighborhood grow. We love seeing the development here.

That said, parking on my block has become extremely difficult. If the Proper Pour cannot meet the simple parking requirements for their proposed business, the burden will absolutely be passed down to the adjacent neighbors. Why should they be exempt from their legal responsibilities?

This particular block of 4th Ave N is almost entirely residential, with the sole exception of Cumberland Machine Company. The longtime residents of the 1300 4th Ave N block have helped turn this area into the sort of place that would attract a business. Surely, our needs must be considered here.

I am strongly in opposition to the parking variance.

All the best,
Andrew Leahey

--

Andrew Leahey
[Andrew Leahey & the Homestead]
www.AndrewLeaheyMusic.com

From: [Brian Fitzpatrick](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Freddie O'Connell](#)
Subject: Case 2019-259 (1311 4th Ave N/Proper Pour)
Date: Tuesday, June 4, 2019 3:52:31 PM

Dear Board of Zoning Appeals,

I received a postcard in the mail regarding this appeal because I live so close to the appellant's property. I am vehemently opposed to the requested variance. I am frankly surprised the appellant is even pursuing this matter. We litigated the question of whether businesses should be allowed to skirt parking requirements almost two years ago in almost the same spot with The Livery application at the corner of Monroe and Fifth. The Livery wanted to open a bar and event space with woefully inadequate parking. Because there is ALREADY nowhere to park near this intersection, the Planning Commission rejected The Livery's application. The Livery had the good sense not to appeal to the Board.

Nothing has changed in the last two years other than parking is even WORSE now than it was then. There is nowhere to park near Monroe and Fourth where the appellant is located any more than there was at Monroe and Fifth where The Livery was to be located. Anyone who has been to Germantown in the evening on any weekend or even weekday can attest to this fact.

If businesses want to open bars, they should provide enough parking for their bars. They should not be able to skirt the parking guidelines because they "hope" people will scooter or uber. As the saying goes, we can always hope for the best, but we must plan for the worst. Please plan our neighborhoods based on guarantees, not on hopes that may or may not materialize.

Thank you,

Brian Fitzpatrick
1222 5th Ave N
Nashville, TN 37208

From: [Brian Fitzpatrick](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Freddie O'Connell](#)
Subject: Case 2019-259 (1311 4th Ave N/Proper Pour)
Date: Tuesday, June 4, 2019 3:52:31 PM

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Thank you,

Brian Fitzpatrick
1222 5th Ave N
Nashville, TN 37208

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

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

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

Braisted, Sean (Codes)

From: Kevin Powell <kjpowell@gmail.com>
Sent: Wednesday, June 5, 2019 7:10 PM
To: Board of Zoning Appeals (Codes)
Subject: CASE 2019-259 (Council District - 19)

I am writing to you to let you know that I oppose allowing the parking variance for 1311 4th Avenue North/Proper Pour (CASE 2019-259 (Council District - 19)). I own a single family home, along with my wife and 10 year old son on 5th Avenue, just a short distance from this proposed bar. I am very familiar with this property and know several neighbors who live within a few doors of this establishment. I cannot imagine the increased traffic and parking troubles that allowing this to go forward will cause. Parking and traffic are already pretty bad in Germantown.

I have lived in my house for 20 years and have seen a lot of changes in Germantown. I understand that sometimes changes occur for the sake of progress, but I believe this would be a step in the wrong direction.

Thank you for taking the time to read my email.

Kevin Powell
1214 5th Ave North
Nashville, TN 37208

Braisted, Sean (Codes)

From: Masker, Pamela <Pamela.Masker@healthstream.com>
Sent: Monday, June 3, 2019 9:27 PM
To: Board of Zoning Appeals (Codes)
Subject: Case #2019002244 (reduction in dedicated parking spots)

Hello, My name is Pamela Masker and I live at 316 Van Buren Street, Nashville, TN 37207. The Germantown neighborhood. I support a reduction in the parking requirement of 36 dedicated parking spots. Case **#2019002244** brought this to my attention. I'm hopeful to have a casual wine tap house in Germantown and would like to see the current rule of 36 dedicated parking spots dropped to allow for the new addition of Proper Pour to the Germantown neighborhood.

Thank you,
Pamela

Pamela Masker
Regional Director – SouthEast & Mid-Atlantic
HealthStream
P: 615.844.2525
C: 402.670.0229
www.healthstream.com

From: [Rob Williams](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CASE 2019-259 (Council District - 19)
Date: Tuesday, June 4, 2019 3:09:02 PM

My name is Rob Williams and I am a homeowner at 1319 4th Ave N. I have lived in Historic Germantown at this house since April 2001. I am a former member and past president of the Historic Germantown Neighborhood Association. My house is three doors down from the property seeking the variance.

I am opposed to the variance for parking requirements.

First, rather than creating a small parking area at the rear of the property to help meet the required parking spots, the owner has decided to build additional square footage off of the back of the building.

Second, residents of my block of 4th Avenue are already have difficulty parking on the street in front of their houses in the evening. The addition of a bar would increase the difficulty for residential parking.

Third, the prospective bar owners suggest that their patrons will use ride sharing to get to the bar, but they have no proof. Even if patrons use ride sharing, the traffic will be impeded by all of the cars dropping off and picking up. N

Fourth, unlike other bars and restaurants in Historic Germantown, this property is in the midst of a residential-only block. The precedent of allowing this variance may lead to further parking woes for the residents.

Finally, the conversion from a single family home to a bar is not good for my family's and my neighbors' quality of life. With the customers leaving after the bar closes and walking down our street and in our alley, I'm very worried about the additional noise and traffic. We haven't seen a security plan from the bar owners.

Thanks for taking the time to read my letter and for considering the problems that will be created for residents, who live in and love Germantown.

Rob Williams

Rob Williams
[Batch](#)
615.686.4568

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

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: [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

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

METROPOLITAN GOVERNMENT OF WASHINGTON AND DAVIDSON COUNTY



Appellant: Josiah Seth Bush Date: 4-23-19
Property Owner: Josiah Seth Bush Case #: 2019-267
Representative: Josiah Seth Bush Map & Parcel: 09669005202

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 A single family RESIDENCE.

Activity Type: RESIDENTIAL CONST

Location: Donelson Pike

This property is in the R10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: ITEM A APPEAL - UNDERSIZED VACANT LOT / LANDLOCKED / MUST BE PLATTED AND EASEMENT ACCESS TO BUILD

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.

Josiah Seth Bush
Appellant Name (Please Print)

Representative Name (Please Print)

404 Lorna Dr
Address

Address

Nashville, TN, 37214
City, State, Zip Code

City, State, Zip Code

615-500-7003
Phone Number

Phone Number

JsethBush@AOL.COM
Email

Email

Zoning Examiner: Lisa Minton

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**



3660612

**ZONING BOARD APPEAL / CAAZ - 20190023568
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09609005202 **APPLICATION DATE:** 04/23/2019

SITE ADDRESS:

0 DONELSON PIKE NASHVILLE, TN 37214
W OF DONELSON PK S OF LORNA DR

PARCEL OWNER: BUSH, J. SETH**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A Appeal.

Vacant Parcel is

- (1) landlocked, access easement required
- (2) illegally created in 1974, must be platted AND access easement recorded prior to starting a Permit Application
- (3) Undersized parcel, does not meet R10 minimum of 10,000 sq ft

No 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.

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 our 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 the 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 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.)~~

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the 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 non-conforming or non-complying, it is your job to explain to 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.

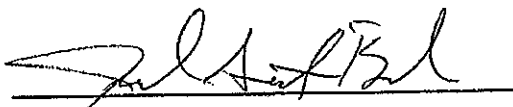
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to 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 procedures and if our office can be of further assistance, please do not hesitate to contact us.

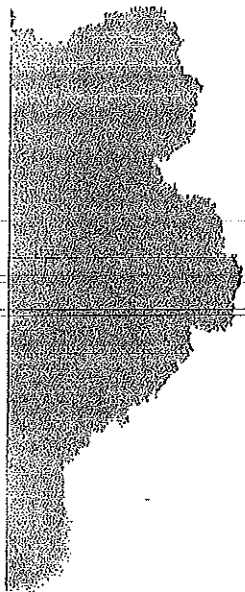
METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

I am aware that I am responsible for removing the Sign(s) after the public hearing.



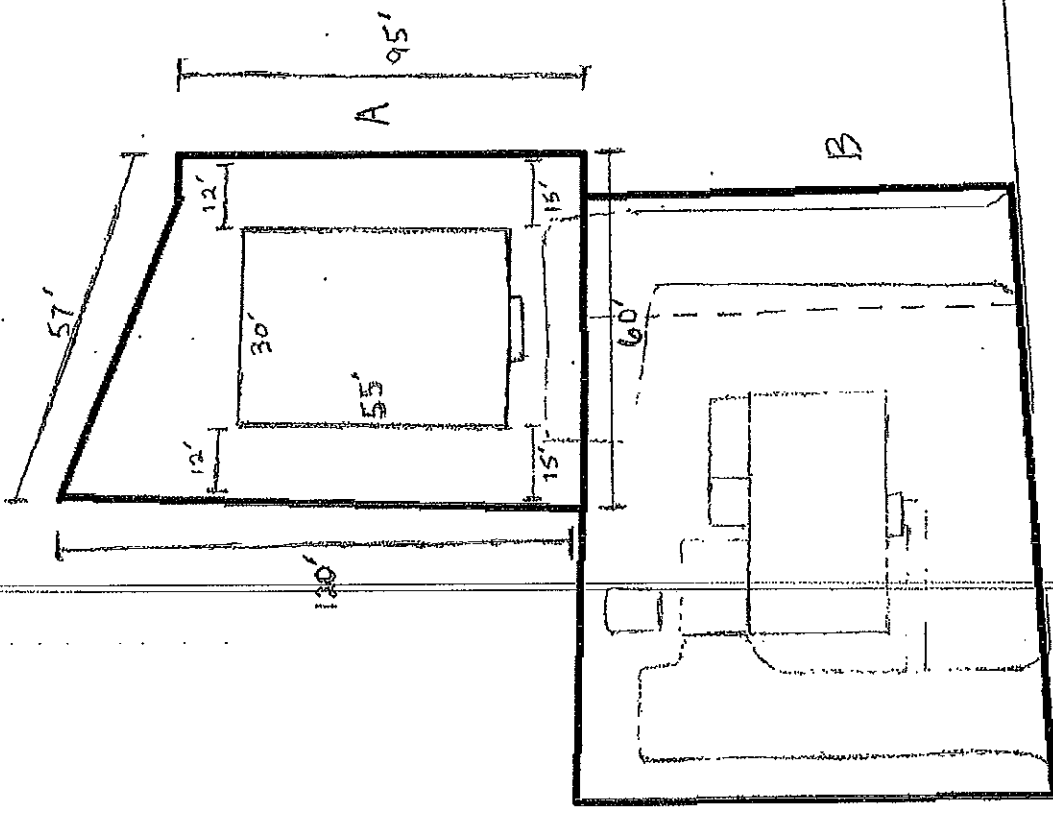
APPELLANT

04/23/19
DATE



PROPERTY "A"
- .18 ACRES (7840 Ft²)

PROPERTY "B"
- .36 ACRES (15,681 Ft²)



404 LORNA DR.
NASHVILLE, TN 37214

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : JONI ELDER
Property Owner: PIA STRATTON
Representative: JONI ELDER

Date: 4-24-19
Case #: 2019-269
Map & Parcel: MAP 105-10
Parcel # 102

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: INTERNAL RENOVATIONS FOR NEW TENANT
DOGTOPIA

Activity Type: KENNEL
Location: 1802 8th AVE S, NASHVILLE TN

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

Reason: REQUEST NOT TO INSTALL SIDEWALKS OR CONTRIBUTE
Section(s): 17.20.120

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

Joni Elder
Appellant Name (Please Print)
391 DANORIOGE DR
Address
FRANKLIN, TN
City, State, Zip Code
847-370-1012
Phone Number
JONIE@DOGTOPIA.COM
Email

Same
Representative Name (Please Print)
Address
City, State, Zip Code
Phone Number
Email
Appeal Fee:

Zoning Examiner: _____



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



3661517

ZONING BOARD APPEAL / CAAZ - 20190023768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10510010200

APPLICATION DATE: 04/24/2019

SITE ADDRESS:

1802 8TH AVE S NASHVILLE, TN 37203

PT LOTS 4&5 SUB OF PT HORTON & WAVERLY PLANS

PARCEL OWNER: NORMAN, DUINA Z.& STRATTON, PIA D.

CONTRACTOR:

APPLICANT:

PURPOSE:

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED

REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

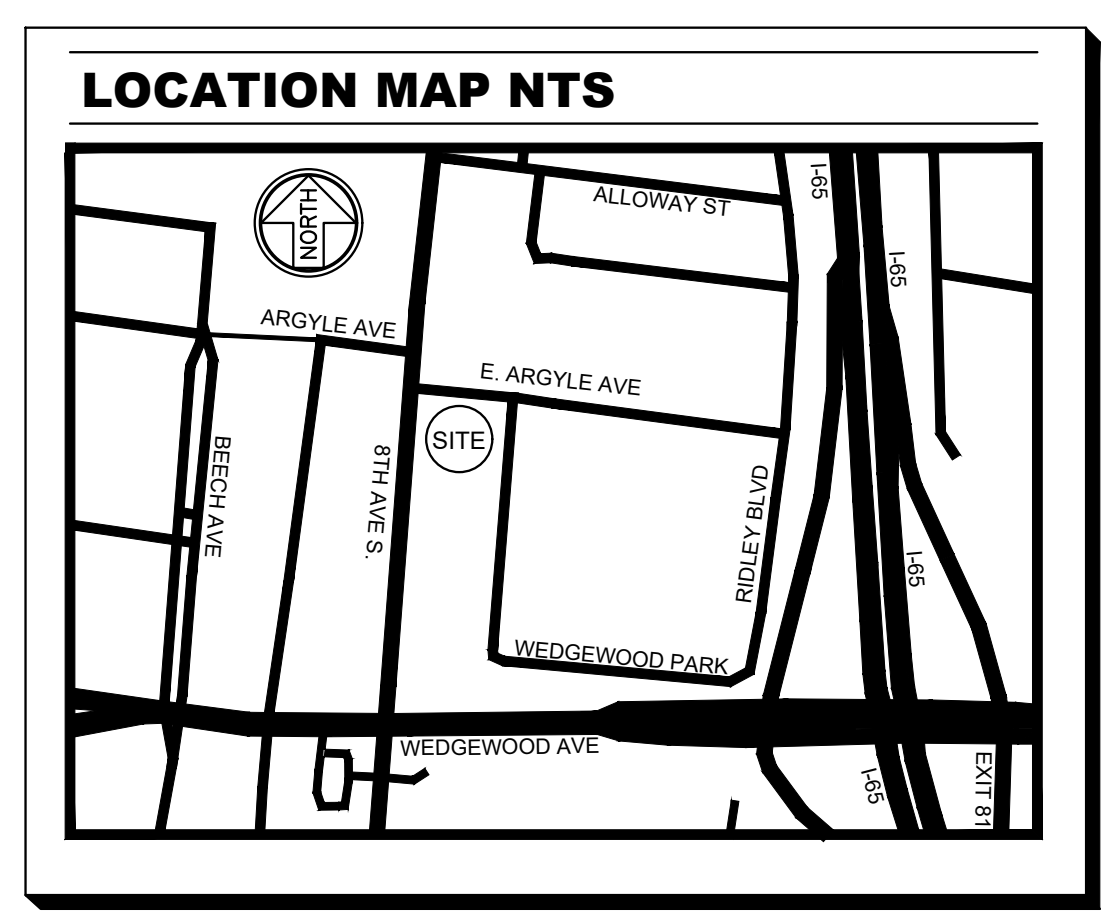
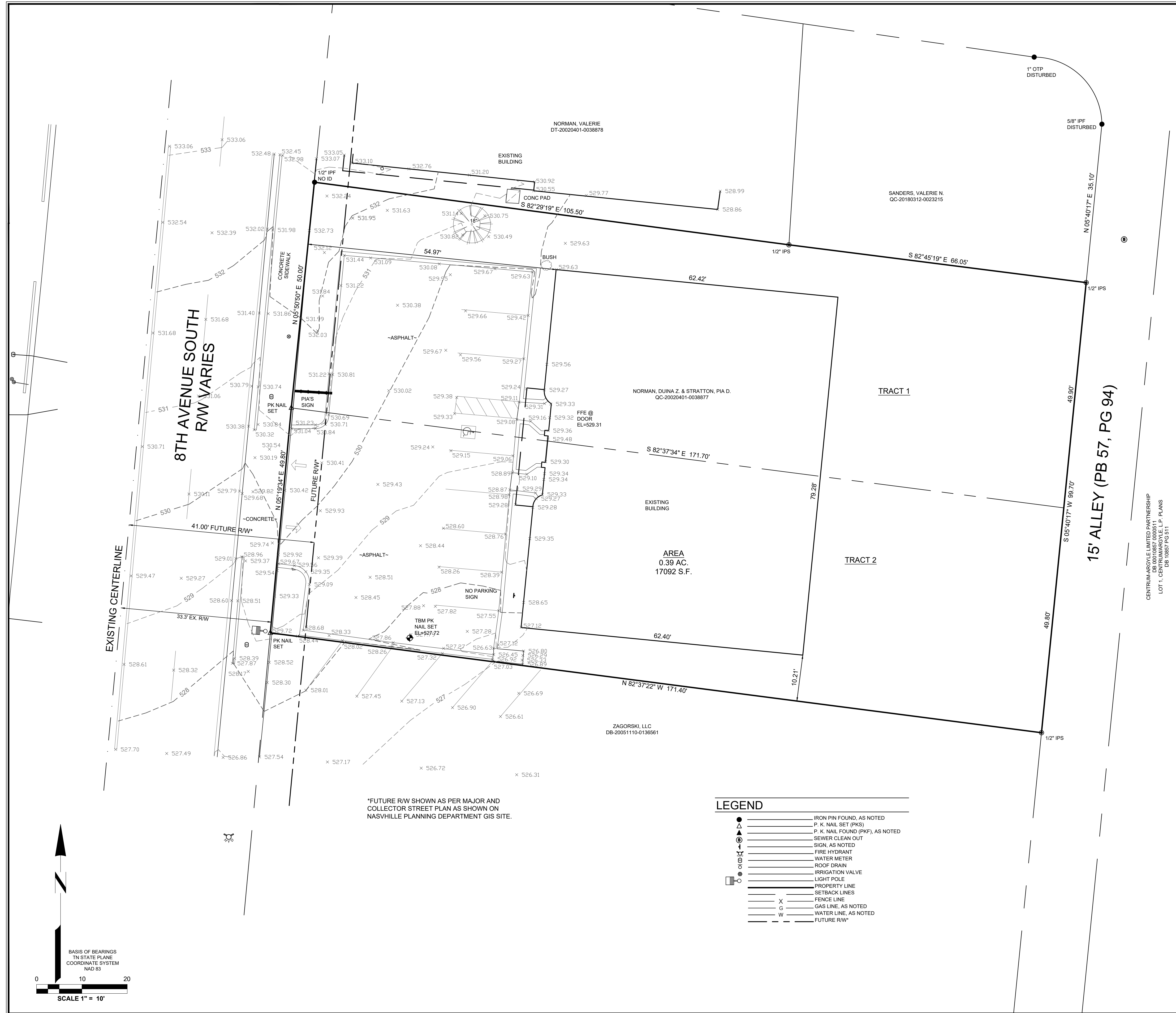
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

Pre-existing sidewalk in place & in good condition.



LAND DESCRIPTION: AS PER DEED

TRACT ONE: LAND IN DAVIDSON COUNTY, TENNESSEE, BEING THE SOUTHERLY ONE-HALF OF LOT NO. 5 ON THE WAVERLY LAND COMPANY'S PLAN OF LOTS AS OF RECORD IN BOOK 57, PAGE 94, REGISTER'S OFFICE FOR SAID COUNTY, DESCRIBED ACCORDING TO A SURVEY BY HAROLD C. FULGHUM, SURVEYOR, DATED MARCH 9, 1985, AS FOLLOWS:
 BEGINNING AT AN IRON PIN IN THE EASTERLY MARGIN OF 8TH AVENUE, SOUTH, SAID POINT BEING THE NORTHWEST CORNER OF PROPERTY CONVEYED TO METROPOLITAN DEVELOPMENT AND HOUSING AGENCY, BY CLERK'S DEED OF RECORD IN BOOK 488, PAGE 52, SAID REGISTER'S OFFICE; THENCE WITH METROPOLITAN DEVELOPMENT AND HOUSING AGENCY'S NORTHERLY BOUNDARY LINE SOUTH 82° 42' EAST 171.7 FEET TO AN IRON PIN IN THE WESTERLY MARGIN OF A 15-FOOT ALLEY; THENCE WITH THE SAME NORTH 5° 41' EAST 49.90 FEET TO AN IRON PIN; BEING THE SOUTHEAST CORNER OF THE DUINA Z. NORMAN PROPERTY; THENCE WITH NORMAN'S SOUTHERLY BOUNDARY LINE, NORTH 82° 50' WEST 66.05 FEET TO AN IRON PIN; THENCE NORTH 82° 34' WEST 105.50 FEET TO AN IRON PIN IN THE EASTERLY MARGIN OF 8TH AVENUE SOUTH; THENCE WITH THE SAME SOUTH 5° 28' WEST 50.00 FEET TO THE POINT OF BEGINNING.

TRACT TWO: LAND IN DAVIDSON COUNTY, TENNESSEE, BEING THE NORTHERLY ONE-HALF OF LOT NO. 4 ON THE WAVERLY LAND COMPANY'S PLAN OF LOTS AS OF RECORD IN BOOK 57, PAGE 94, REGISTER'S OFFICE FOR SAID COUNTY, DESCRIBED ACCORDING TO A SURVEY BY THOMAS B. LEE, SURVEYOR, AS FOLLOWS:
 BEGINNING AT AN IRON PIN IN THE EASTERLY MARGIN OF 8TH AVENUE SOUTH, SAID POINT BEING THE SOUTHWEST CORNER OF THE METROPOLITAN DEVELOPMENT AND HOUSING AGENCY PROPERTY OF RECORD IN BOOK 5318, PAGE 123, SAID REGISTER'S OFFICE; THENCE WITH METROPOLITAN DEVELOPMENT AND HOUSING AGENCY'S SOUTHERLY BOUNDARY LINE SOUTH 82° 42' EAST 171.7 FEET TO AN IRON PIN IN THE WESTERLY MARGIN OF A 15-FOOT ALLEY; THENCE WITH THE SAME SOUTH 5° 41' WEST 49.8 FEET TO AN IRON PIN, BEING THE NORTHEAST CORNER OF THE EDWARD G. KURTZ PROPERTY; THENCE WITH KURTZ' NORTHERLY BOUNDARY LINE NORTH 82° 42' WEST 114 FEET TO AN IRON PIN IN THE EASTERLY MARGIN OF 8TH AVENUE SOUTH; THENCE WITH THE SAME NORTH 5° 28' EAST 49.8 FEET TO THE POINT OF BEGINNING.

BEING THE SAME PROPERTY CONVEYED TO DUINA Z. NORMAN BY QUITCLAIM DEED FROM PIA D. HARDIN OF RECORD IN BOOK 6142, PAGE 47, AND RE-RECORDED IN BOOK 6143, PAGE 150, RODC, TENNESSEE.
 THIS IS IMPROVED PROPERTY KNOWN AS 1802-1804 8TH AVENUE SOUTH, NASHVILLE, TENNESSEE.

SURVEY NOTES:

INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREON. THIS INFORMATION HAS BEEN SHOWN BASED ON THE LOCATION OF ABOVE GROUND APPURTENANCES, AVAILABLE DESIGN PLANS, AND FLAGS AND PAINT PLACED BY THE UNDERGROUND PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OF THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON. (TN ONE CALL SYSTEM, INC. 1-800-351-1111 OR 811).

NO PRIVATE UTILITY LOCATE WAS PERFORMED ON THIS SITE AT THE TIME OF THIS SURVEY.
 CONTACT PROPER AUTHORITIES BEFORE BUILDING NEAR UTILITY LINES. FOR EASEMENT WIDTH AND RESTRICTIONS, UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THE SURVEY SHOWN HEREON WAS MADE IN ACCORDANCE WITH CHAPTER 082D-3, STANDARDS OF PRACTICE AS ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.

THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING ZONE DESIGNATIONS OF "X" BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP NO. 4703070244H IN DAVIDSON COUNTY, STATE OF TENNESSEE, WITH AN EFFECTIVE DATE OF APRIL 5, 2017, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

CONTOURS WERE DERIVED FROM RANDOM SHOTS AND CROSS SECTIONS AND ARE SHOWN AT ONE FOOT INTERVALS. ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATIONS TOGETHER WITH AN OPUS SOLUTION, DATED 5/7/2019 (NAVD88, GEOID12B).

UNLESS STATED OTHERWISE, ANY MONUMENT REFERRED TO HEREIN AS AN "IRON PIN SET OR IPS" IS A SET 1/2" DIAMETER REBAR, 18" IN LENGTH, WITH A YELLOW PLASTIC CAP STAMPED "YOUNG, HOBBS"

I HEREBY CERTIFY THAT THIS SURVEY HAS BEEN MADE USING THE RECORDED INFORMATION SHOWN, AND THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. (THIS LOT IS SUBJECT TO ANY RELATED RECORDED MATTERS AND THE FINDINGS OF AN ACCURATE TITLE SEARCH) AND I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE RATIO OF PRECISION OF THE UNADJUSTED TRAVERSE IS BETTER THAN 1:10,000 AS SHOWN HEREON.

CENTRUM-ARGYLE LIMITED PARTNERSHIP
 10101 CENTRUM-ARGYLE, L.P. PLANS
 DE 10857 PG 511

YOUNG - HOBBS AND ASSOCIATES
 1202 CROSSLAND AVE.
 CLARKSVILLE, TN 37040
 PHONE 931-645-2524
 FAX 931-645-2768
 dave@younghobbs.com

PRELIMINARY - NOT FOR RECORDING OR TRANSFER
 KENNETH A. BAU, RLS
 kenn@younghobbs.com

No.	Date	Revision
1		
2		
3		
4		
5		
6		
7		

Kimley»Horn
 Kimley Horn and Associates, Inc.
 214 Oceanside Drive
 Nashville, TN

BOUNDARY & LIMITED TOPOGRAPHIC SURVEY
 1802 EIGHTH AVE S.
 NASHVILLE, TN 37203

OWNER INFORMATION
 NORMAN, DUINA Z. & STRATTON, PIA D.
 1802 8TH AVE S
 NASHVILLE, TN 37203
 (MAP 105-10 PAR 102.00)

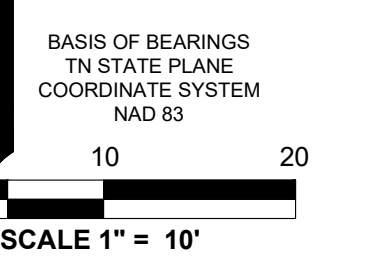
CITY OF NASHVILLE
 DAVIDSON COUNTY,
 TENNESSEE

DRAWN BY: KAB/CH
 APPROVED BY: KAB
 DATE: (FIELD) 5/7/2019
 DATE: (OFFICE) 5/13/2019
 YHA PRO. # 066-19

SHEET OF 1

- LEGEND**
- IRON PIN FOUND, AS NOTED
 - ▲ P. K. NAIL SET (PKS)
 - ▲ P. K. NAIL FOUND (PKF), AS NOTED
 - SEWER CLEAN OUT
 - SIGN, AS NOTED
 - FIRE HYDRANT
 - WATER METER
 - ROOF DRAIN
 - IRRIGATION VALVE
 - LIGHT POLE
 - PROPERTY LINE
 - SETBACK LINES
 - FENCE LINE
 - X GAS LINE, AS NOTED
 - G WATER LINE, AS NOTED
 - W FUTURE RW*

*FUTURE RW SHOWN AS PER MAJOR AND COLLECTOR STREET PLAN AS SHOWN ON NASHVILLE PLANNING DEPARTMENT GIS SITE.



Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Alexandra Herbold Date: 4-24-19
Property Owner: Herbold, Alexandra & Elliott Case #: 2019-270
Representative: Alexandra Herbold Map & Parcel: 118-1-431

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: Requesting variance from side and rear setbacks. Requesting 1'9" rear setback (18'3" reduction) & 2'6" side setback (2'6" reduction).

Activity Type: New Addition - Single Family

Location: 916 Kirkwood Ave.

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Does not meet minimum required setbacks

Section(s): 17.12-020(A)

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

Alexandra Herbold
Appellant Name (Please Print)

Alexandra Herbold
Representative Name (Please Print)

916 Kirkwood Ave
Address

916 Kirkwood Ave
Address

NASHVILLE, TN 37204
City, State, Zip Code

NASHVILLE, TN 37204
City, State, Zip Code

(605) 406-3541
Phone Number

(605) 406-3541
Phone Number

Alexanderbold@gmail.com
Email

Alexa Herbold@gmail.com
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



ZONING BOARD APPEAL / CAAZ - 20190023897
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11801043100

APPLICATION DATE: 04/24/2019

SITE ADDRESS:

916 KIRKWOOD AVE NASHVILLE, TN 37204
LOT 1 KIRKWOOD LANE RE-SUB

PARCEL OWNER: HERBOLD, ELLIOTT & ALEXANDRA

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from rear & side setbacks. requesting 1'9" rear setback and 2'6" side setback. a reduction of 2'4" on side and reduction of 18'3" on the rear.

*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.

Alexa & Elliott Herbold

4-24-19

[Signature]

 APPELLANT

4-24-19

 DATE

Alexa & Elliott Herbold

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 RBVIHW STANDARDS AS OUTLINED?

Lot is narrow as compared to many in the neighborhood causing tight access/placement

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

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

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- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
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- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Rob Cushman
Property Owner: MCD Group
Representative: Rob Cushman

Date: 4-25-19
Case #: 2019-272
Map & Parcel: 105074X0010000
105074X0020000

Council District D

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

Purpose: Requesting to not construct sidewalks or pay into fund

Activity Type: S2S A & B Monce Ave S
Location: New Construction - HPR

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

Reason: Does not meet 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.

Rob Cushman
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

408 Church St Ste 300
Address

SAME
Address

Franklin, TN, 37064
City, State, Zip Code

SAME
City, State, Zip Code

615-559-2212
Phone Number

SAME
Phone Number

rob@stratosdevelopment.com
Email
justin@builderassistllc.com

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



3662429

ZONING BOARD APPEAL / CAAZ - 20190024157
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105074W90000CO

APPLICATION DATE: 04/25/2019

SITE ADDRESS:

527 C MOORE AVE NASHVILLE, TN 37203
COMMON AREA 527 MOORE AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 527 MOORE AVENUE TOWNHOME CONTRACTOR:

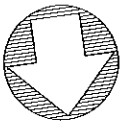
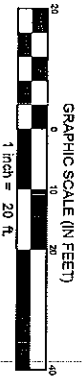
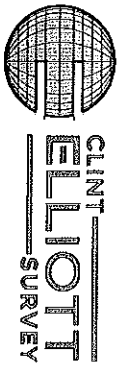
APPLICANT:**PURPOSE:**

requesting to not construct sidewalks or pay into the sidewalk fund

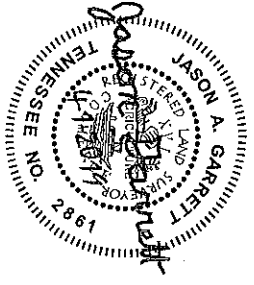
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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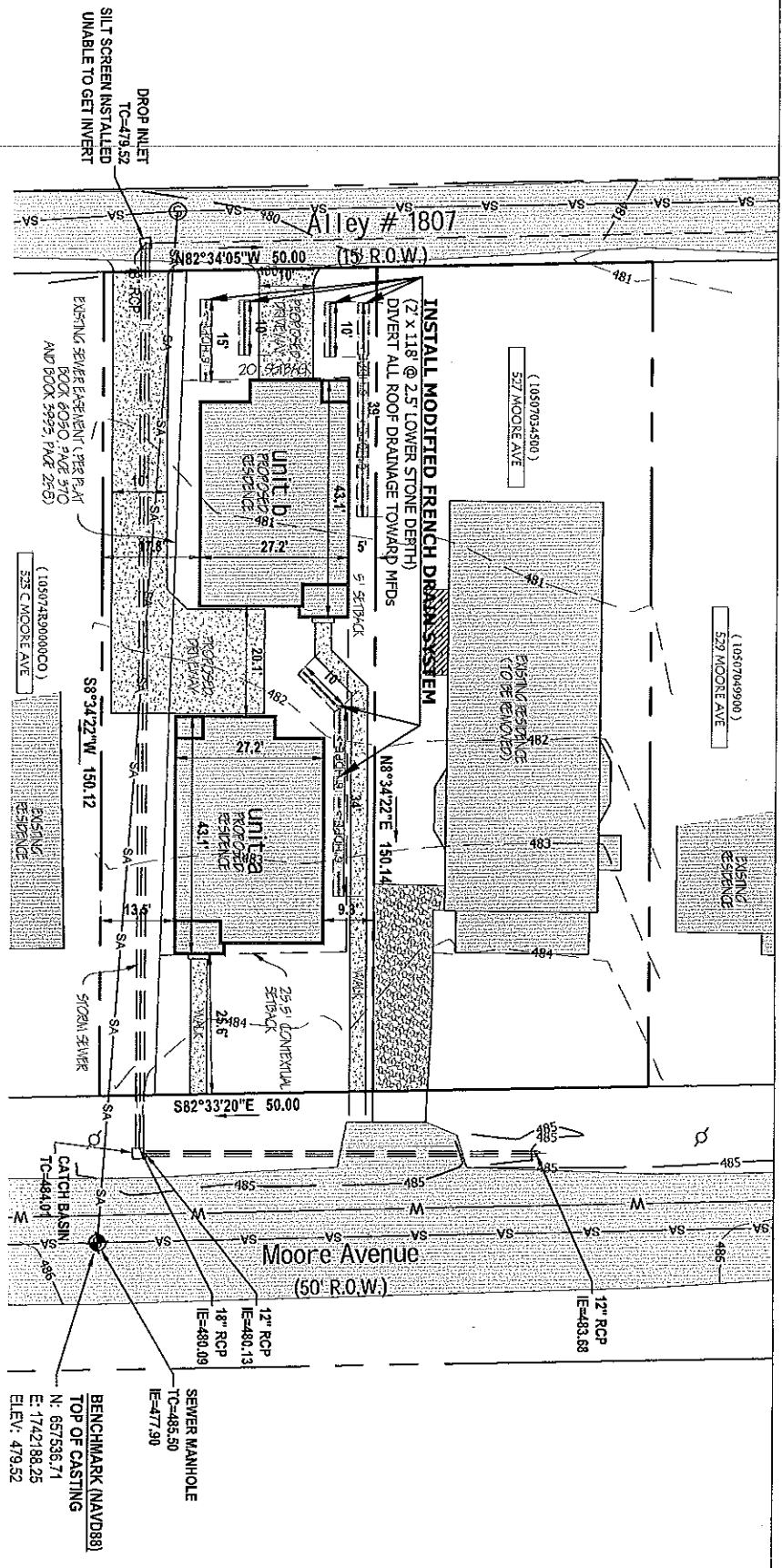


1711 Hayes Street
Nashville, TN 37203
clintelliotts@survey.com
(615) 490-3236



Site Plan
525 Moore Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1



BENCHMARK (NAVDS8)
TOP OF CASTING
N: 657536.71
E: 1742988.25
ELEV: 479.52

SEWER MANHOLE
TC=485.50
IE=477.90

12" RCP
IE=480.13
18" RCP
IE=480.09

12" RCP
IE=483.88

INSTALL MODIFIED FRENCH DRAIN SYSTEM
(2' X 118" @ 2.5' LOWER STONE DEPTH)
DIVERT ALL ROOF DRAINAGE TOWARD MFDS

DROP INLET
TC=479.52
SILT SCREEN INSTALLED
UNABLE TO GET INVERT

EXISTING SEWER EXHIBIT 1192 PLAT
BOOK 6030 PAGE 276
AND BOOK 5995 PAGE 276

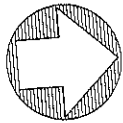
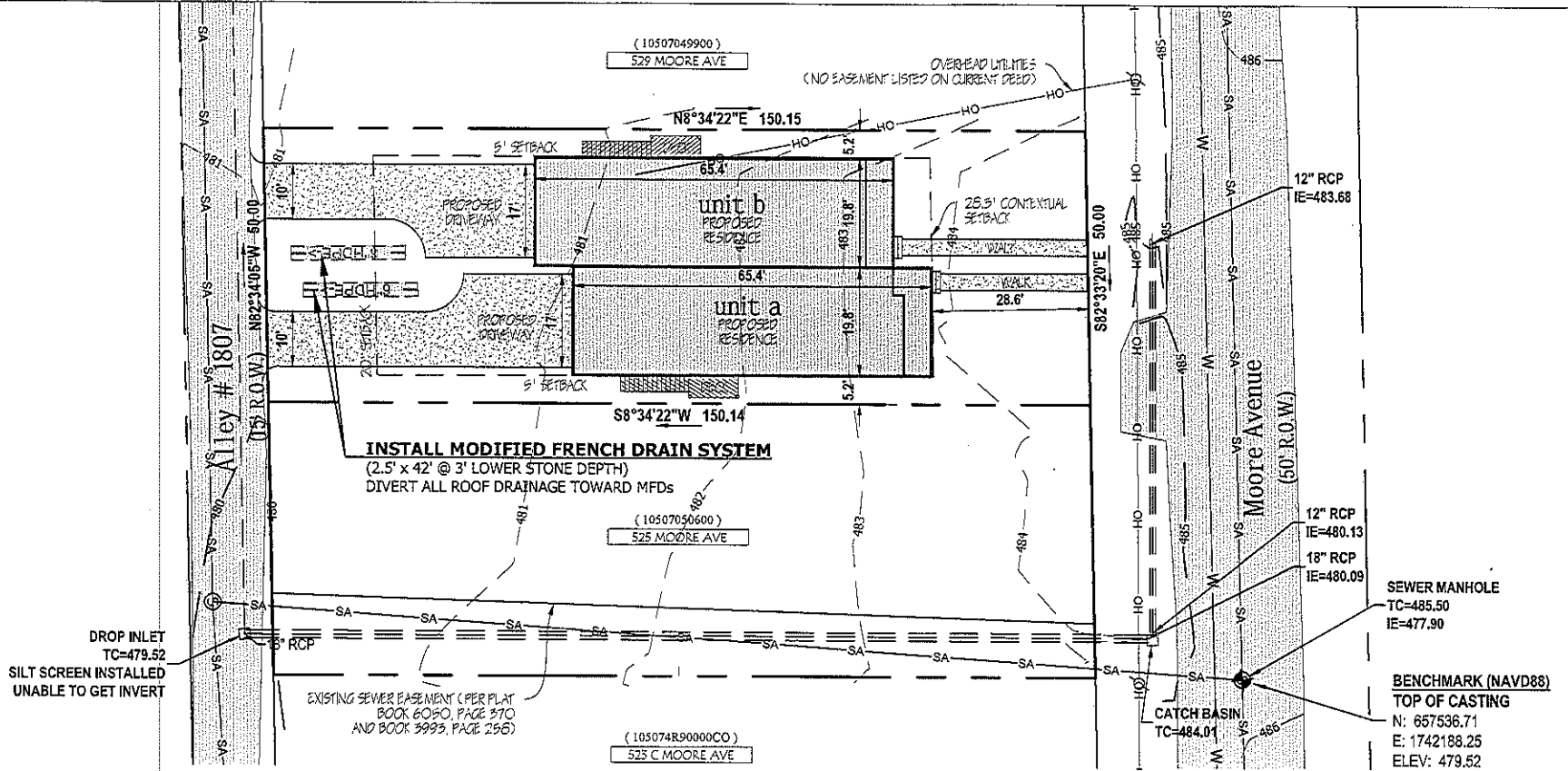
(10507489000000)
525 C. MOORE AVE.

(10507049900)
527 MOORE AVE.

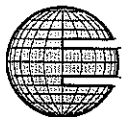
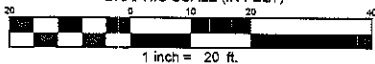
(10507034500)
527 MOORE AVE.

Alley # 1807
(15' R.O.W.)

Moore Avenue
(50' R.O.W.)

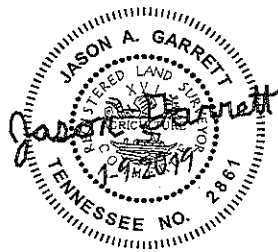


GRAPHIC SCALE (IN FEET)



**CLINT
ELLIOTT
SURVEY**

1711 Hayes Street
Nashville, TN 37203
clintelliotts@survey.com
(615) 490-3236



Site Plan
527 Moore Avenue
Nashville, Davidson County, Tennessee

Sheet No.

V-2.1

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-272 (527C Moore Avenue)

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:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	0.33 miles west from #52 – Nolensville Pike BRT Lite; future High Capacity Transit per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing two units, and requests a variance from constructing sidewalks or 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.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

From: [Mike Miles](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)
Subject: Regarding Appeal Case Numbers 2019-272 and 2019-273
Date: Thursday, May 23, 2019 5:30:57 PM

To Whom It May Concern:

I have received the notification of zoning appeal for these parcels dated May 8 as a neighbor to the concerned property. I am writing to you to express my opposition to the owner's request not to pay into the sidewalk fund or construct sidewalks.

Regards,
Mike Miles
540 A Moore Ave

From: [Danielle Dean](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#)
Subject: Zoning request for sidewalk exemption
Date: Tuesday, May 28, 2019 2:32:09 PM

To the members of the Metro Zoning Board:

I recently received a letter from the zoning board notifying me of the distressing news that a developer on the 500 block of Moore Avenue has requested an exemption from either building a sidewalk on their property or paying into the general sidewalk fund. I cannot image any reason for such a request aside from greed. It is disrespectful to the residents of the Wedgewood-Houston neighborhood to come build what I am sure will be lucrative new properties on Moore Avenue but then leave the infrastructure of the immediate area poor. Please do not allow this to happen. Hold this developer and all the developers in this neighborhood accountable. I welcome the growth and even own a "new build". I love my home, my neighbors, and my neighborhood. Sidewalks are fundamentally at the heart of a safe and active community. It is already dangerous enough to walk our pets down our street with NO sidewalks while speeding vehicles using Wedgewood-Houston as a cut through between 440/Nolensville and 8th avenue weave in and out of parked cars on the street - an issue that has escalated between the increased density of residents and road closure from the Fairgrounds construction. Allowing developers out of their obligation to help build sidewalks send a strong message to Wedgewood-Houston residents that their safety is not a priority.

Thank you for your consideration!

Sincerely,

Danielle Dean
538A Moore Avenue
Nashville, TN 37203

From: [Kate Clouse](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#)
Subject: 525C and 527C Moore Ave.
Date: Wednesday, May 22, 2019 3:06:47 PM

Dear Zoning Board Members,

As a resident and homeowner of the 500 block of Moore Ave., I am writing in strong opposition to Mr. Rob Cushman's appeal to allow a variance of the sidewalk ordinance (case numbers 2019-272 and 2019-273). This particular block is fully residential and has seen tremendous development over the past 5+ years. Due to this, the narrow road is made ever tighter by the number of cars parking on the street. Every day, I see families with small children walking to Fall-Hamilton Elementary and people walking their dogs on our street. Without sidewalks, pedestrians must walk in the road with cars going by quickly. We need more sidewalks on streets like Moore Ave., and throughout Nashville. There is no reason to support an effort to reduce the number of sidewalks on this street. It is in the best interest of public safety and health to have access to sidewalks. I encourage you to reject this appeal.

Many thanks,
Kate Clouse
540C Moore Ave, Nashville, TN 37203

From: [Mike Miles](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)
Subject: Regarding Appeal Case Numbers 2019-272 and 2019-273
Date: Thursday, May 23, 2019 5:30:57 PM

To Whom It May Concern:

I have received the notification of zoning appeal for these parcels dated May 8 as a neighbor to the concerned property. I am writing to you to express my opposition to the owner's request not to pay into the sidewalk fund or construct sidewalks.

Regards,
Mike Miles
540 A Moore Ave

From: [Todd Hartley](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#); [Danielle Dean](#)
Subject: Re: Zoning request for sidewalk exemption
Date: Tuesday, May 28, 2019 3:12:23 PM

Dear Metro Zoning Board members,

I am also a property owner on the 500 block of Moore Avenue. I support Danielle's comments below and request that this sidewalk exemption be denied.

On Tue, May 28, 2019 at 2:32 PM Danielle Dean <edanielledean@gmail.com> wrote:

To the members of the Metro Zoning Board:

I recently received a letter from the zoning board notifying me of the distressing news that a developer on the 500 block of Moore Avenue has requested an exemption from either building a sidewalk on their property or paying into the general sidewalk fund. I cannot image any reason for such a request aside from greed. It is disrespectful to the residents of the Wedgewood-Houston neighborhood to come build what I am sure will be lucrative new properties on Moore Avenue but then leave the infrastructure of the immediate area poor. Please do not allow this to happen. Hold this developer and all the developers in this neighborhood accountable. I welcome the growth and even own a "new build". I love my home, my neighbors, and my neighborhood. Sidewalks are fundamentally at the heart of a safe and active community. It is already dangerous enough to walk our pets down our street with NO sidewalks while speeding vehicles using Wedgewood-Houston as a cut though between 440/Nolensville and 8th avenue weave in and out of parked cars on the street - an issue that has escalated between the increased density of residents and road closure from the Fairgrounds construction. Allowing developers out of their obligation to help build sidewalks send a strong message to Wedgewood-Houston residents that their safety is not a priority.

Thank you for your consideration!

Sincerely,

Danielle Dean
538A Moore Avenue
Nashville, TN 37203

--

Todd Jefferson Hartley
615.830.1235
toddjeffersonhartley@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: ROB CUSHMAN

Date: 4-25-19

Property Owner: MCD Group

Case #: 2019-273

Representative: ROB CUSHMAN

Map & Parcel: 105074W0010000

105074W0020000

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:

Requesting to not construct sidewalks or
pay into fund

Activity Type: New Construction-HPR

Location: 527 A & B Moore Ave.

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

Reason:

Does not meet 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.

ROB CUSHMAN
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

408 CHURCH ST STE 300
Address

SAME
Address

FRANKLIN, TN, 37064
City, State, Zip Code

SAME
City, State, Zip Code

615-559-2212
Phone Number

SAME
Phone Number

rob@stratosdevelopment.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



3662421

ZONING BOARD APPEAL / CAAZ - 20190024151
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105074X90000CO

APPLICATION DATE: 04/25/2019

SITE ADDRESS:

525 C MOORE AVE NASHVILLE, TN 37203
COMMON AREA 525 MOORE AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 525 MOORE AVENUE TOWNHOME

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance to not construct sidewalks or pay into the sidewalk fund

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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.

The MC 2 Group, Inc
APPELLANT

4-24-19
DATE

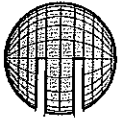
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

525 + 527 Moore Ave: Request is to not construct new sidewalks and pay into the fund. There is a storm and sanitary sewer easement on the property line of 525 Moore that Stormwater said was sensitive and better left alone. The storm infrastructure runs next to the 8" Sanitary sewer and if it is disturbed it may cause a larger issue.



CLINT ELLIOTT SURVEY

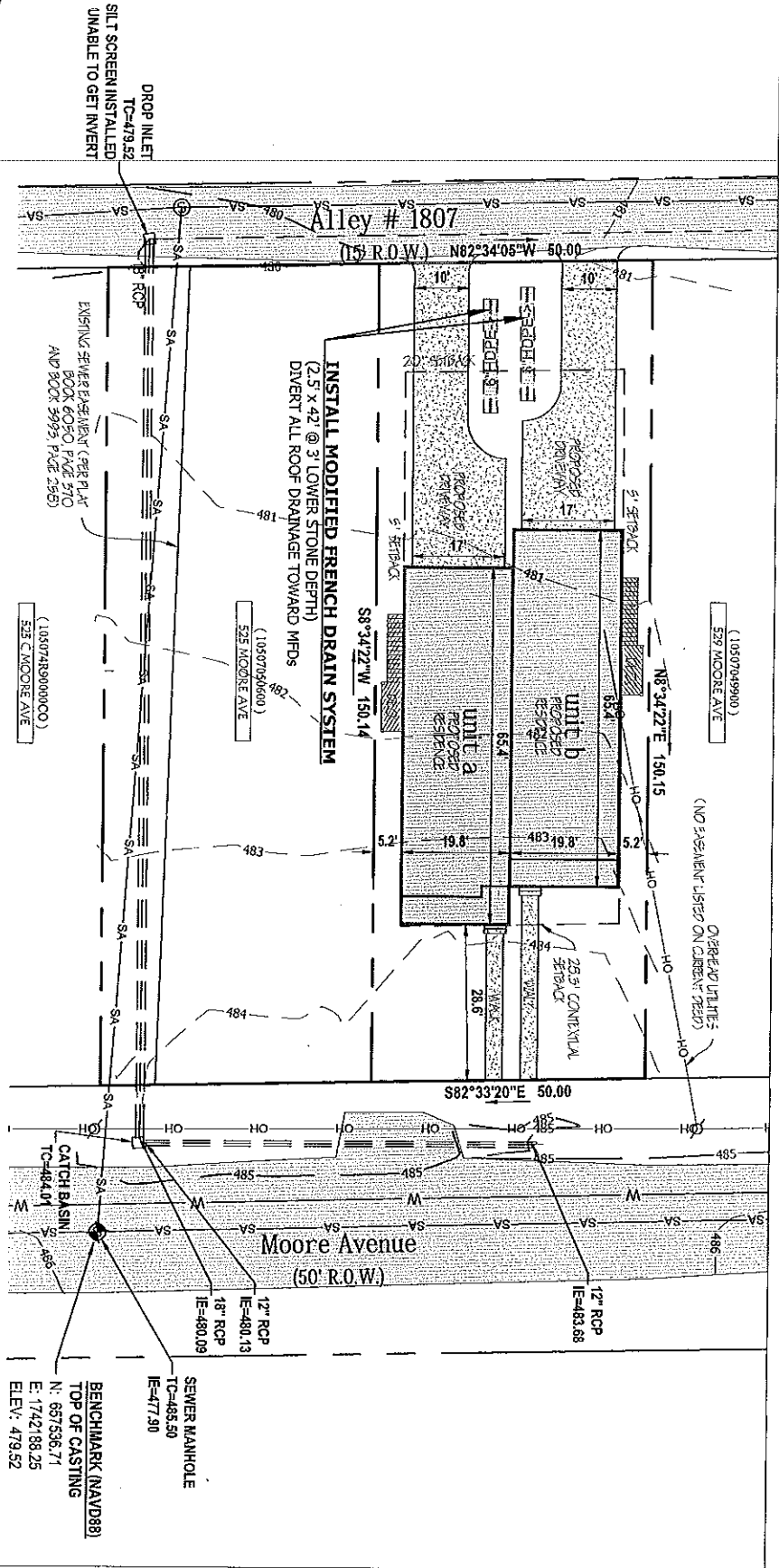
1711 Hayes Street
Nashville, TN 37203
clintelliotts@survey.com
(615) 490-3236



Site Plan
527 Moore Avenue
Nashville, Davidson County, Tennessee

Sheet No.

V-2.1



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-272 (527C Moore Avenue)

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:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	0.33 miles west from #52 – Nolensville Pike BRT Lite; future High Capacity Transit per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing two units, and requests a variance from constructing sidewalks or 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.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
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- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
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- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
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- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

From: [Danielle Dean](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#)
Subject: Zoning request for sidewalk exemption
Date: Tuesday, May 28, 2019 2:32:09 PM

To the members of the Metro Zoning Board:

I recently received a letter from the zoning board notifying me of the distressing news that a developer on the 500 block of Moore Avenue has requested an exemption from either building a sidewalk on their property or paying into the general sidewalk fund. I cannot image any reason for such a request aside from greed. It is disrespectful to the residents of the Wedgewood-Houston neighborhood to come build what I am sure will be lucrative new properties on Moore Avenue but then leave the infrastructure of the immediate area poor. Please do not allow this to happen. Hold this developer and all the developers in this neighborhood accountable. I welcome the growth and even own a "new build". I love my home, my neighbors, and my neighborhood. Sidewalks are fundamentally at the heart of a safe and active community. It is already dangerous enough to walk our pets down our street with NO sidewalks while speeding vehicles using Wedgewood-Houston as a cut through between 440/Nolensville and 8th avenue weave in and out of parked cars on the street - an issue that has escalated between the increased density of residents and road closure from the Fairgrounds construction. Allowing developers out of their obligation to help build sidewalks send a strong message to Wedgewood-Houston residents that their safety is not a priority.

Thank you for your consideration!

Sincerely,

Danielle Dean
538A Moore Avenue
Nashville, TN 37203

From: [Kate Clouse](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#)
Subject: 525C and 527C Moore Ave.
Date: Wednesday, May 22, 2019 3:06:47 PM

Dear Zoning Board Members,

As a resident and homeowner of the 500 block of Moore Ave., I am writing in strong opposition to Mr. Rob Cushman's appeal to allow a variance of the sidewalk ordinance (case numbers 2019-272 and 2019-273). This particular block is fully residential and has seen tremendous development over the past 5+ years. Due to this, the narrow road is made ever tighter by the number of cars parking on the street. Every day, I see families with small children walking to Fall-Hamilton Elementary and people walking their dogs on our street. Without sidewalks, pedestrians must walk in the road with cars going by quickly. We need more sidewalks on streets like Moore Ave., and throughout Nashville. There is no reason to support an effort to reduce the number of sidewalks on this street. It is in the best interest of public safety and health to have access to sidewalks. I encourage you to reject this appeal.

Many thanks,
Kate Clouse
540C Moore Ave, Nashville, TN 37203

From: [Mike Miles](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)
Subject: Regarding Appeal Case Numbers 2019-272 and 2019-273
Date: Thursday, May 23, 2019 5:30:57 PM

To Whom It May Concern:

I have received the notification of zoning appeal for these parcels dated May 8 as a neighbor to the concerned property. I am writing to you to express my opposition to the owner's request not to pay into the sidewalk fund or construct sidewalks.

Regards,
Mike Miles
540 A Moore Ave

From: [Todd Hartley](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#); [Danielle Dean](#)
Subject: Re: Zoning request for sidewalk exemption
Date: Tuesday, May 28, 2019 3:12:23 PM

Dear Metro Zoning Board members,

I am also a property owner on the 500 block of Moore Avenue. I support Danielle's comments below and request that this sidewalk exemption be denied.

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To the members of the Metro Zoning Board:

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Thank you for your consideration!

Sincerely,

Danielle Dean
538A Moore Avenue
Nashville, TN 37203

--

Todd Jefferson Hartley
615.830.1235
toddjeffersonhartley@gmail.com

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530

Appellant: [Signature] Date: 4/18/19
Property Owner: PNI LLC Case #: 2019-274
Representative: Therese Winnington Map & Parcel: 092-10-0-083.00
Council District: 21

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

Purpose: To sell lot to a builder Requesting side setback
We are open to easement ~~off the lot~~ ^{8.4'}
~~along the~~ ^{along} ~~lot~~ ^{lot} lines with help of surveyor ~~Gain~~ ^{Gain} for setback variance

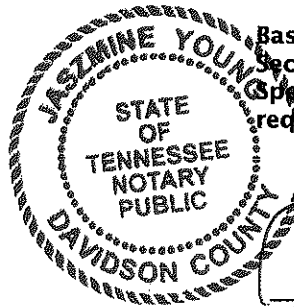
Activity Type: _____
Location: 2924 Torbett St

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:

Zoning RS5 Ov Uzo Urban Zoning overlay

Section(s): Lot 5 38 + 39 TM Steger

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



exp: 01/03/2022
Jasmine Young 4/25/19
Completed and witnessed, Date
twinnington@yahoo.com
Applicant's e-mail address
Therese Winnington
Name (Please Print)
[Signature]
Signature
PO Box 160732
Mailing Address
Nashville TN 37216
City, State, Zip Code
615-545-8700
Phone Number

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

Appeals Fee: _____
Sign Fee: _____
Total Fee: _____

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. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

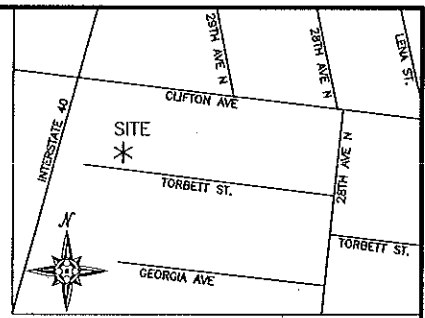
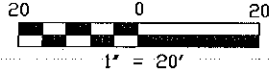
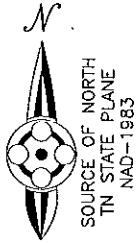
DATE 4/18/19

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.

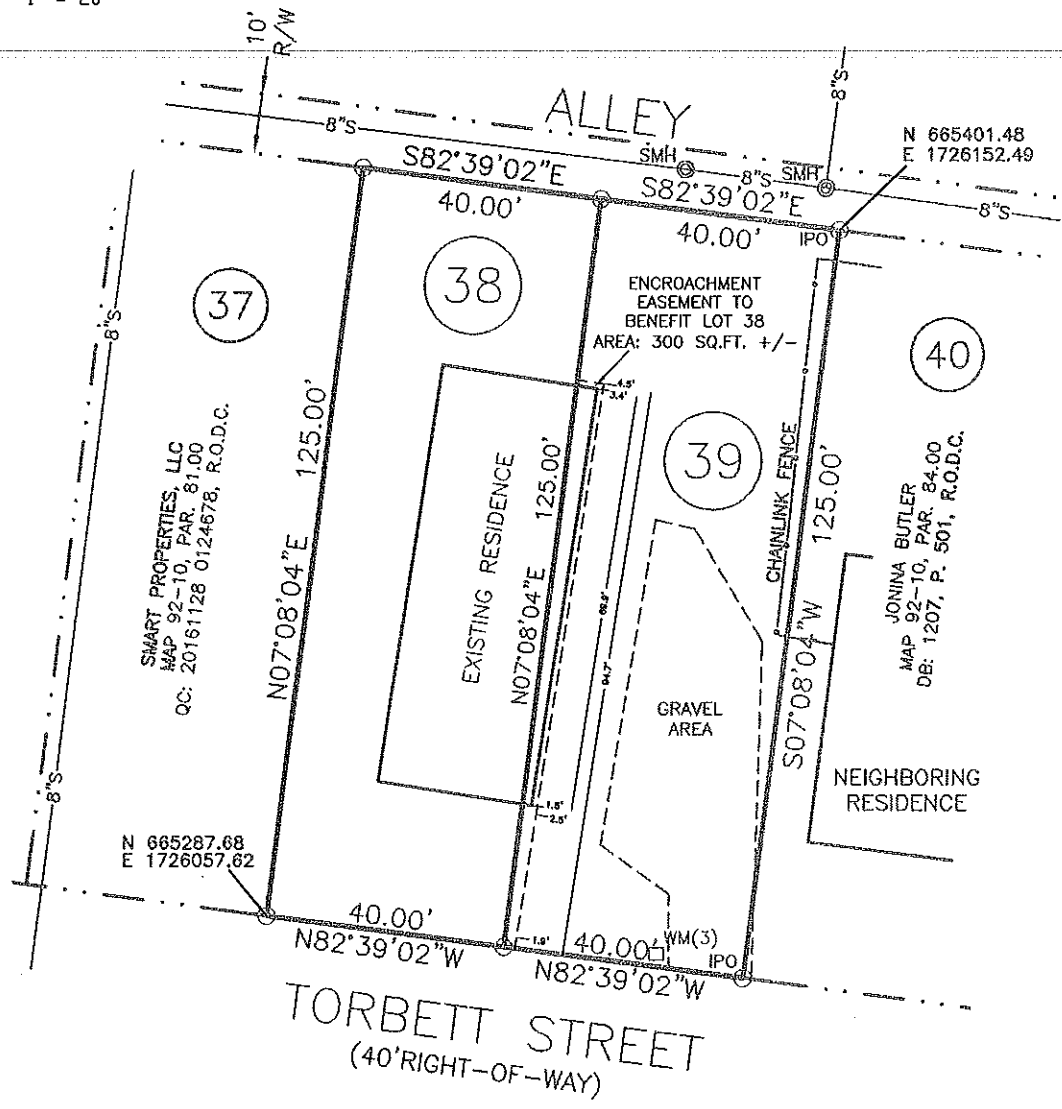
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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?



VICINITY MAP: NOT TO SCALE



LOT 38: 5,000 SQ.FT. +/- OR 0.11 AC. +/-
 LOT 39: 5,000 SQ.FT. +/- OR 0.11 AC. +/-

EASEMENT EXHIBIT

2922 & 2924 TORBETT STREET, NASHVILLE, TN 37209
 LOTS 38 & 39, SUBDIVISION OF THE BARROW PLACE
 PLAT BOOK 421, PAGE 112, R.O.D.C.
 MAP 92-10, PARCELS 83.00 & 440.00
 21ST CONCIL DISTRICT of DAVIDSON COUNTY, TN
 DATE: APRIL 25, 2019 JOB # 19-0307-A1280

APLS
 AGEe PROFESSIONAL
 LAND SURVEYING, LLC
 1221 S. HARTMANN DR. STE F
 LEBANON, TN 37090
 615.887.1371
 beaUAGEE1@gmail.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Rob Cushman
Property Owner: MJ Group
Representative: Rob Cushman

Date: 4-26-18
Case #: 2019-276
Map & Parcel: 105111M0010000

105111M0020000

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: Requesting to not construct sidewalks or pay into sidewalk fund.

Activity Type: New Construction - HPZ

Location: 1706 A & B Carvell Ave.

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

Reason: Does not meet 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.

ROB CUSHMAN
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

408 Church St STE 300
Address

SAME
Address

NASHVILLE, TN, 37064
City, State, Zip Code

SAME
City, State, Zip Code

615-559-2212
Phone Number

SAME
Phone Number

rob@strobosdevelopment.com
Email
justin@builderassistllc.com

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**



3662822

**ZONING BOARD APPEAL / CAAZ - 20190024367
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105111M90000CO

APPLICATION DATE: 04/26/2019

SITE ADDRESS:

1706 C CARVELL AVE NASHVILLE, TN 37203
COMMON AREA 1706 CARVELL AVENUE TOWNHOMES

PARCEL OWNER: O.I.C.1706 CARVELL AVENUE TOWNHOM

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance to not construct sidewalks or pay into sidewalk fund

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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.

The MCA Group, Inc
APPELLANT

4-24-19
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.

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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?

1704 + 1706 Carvell: Requesting not to build sidewalks
and also not to pay into the fund. The hardships
that exist are an irregular shape to the lot, a sewer
~~easeme~~ easement in the rear that pushes the houses
forward, and the requirement to dedicate substantial ROW
in the front due to a narrow street.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-276 (1706C Carvell Avenue)

Metro Standard:	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:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	500' from #1 – 100 Oaks
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing two units, and requests a variance from constructing sidewalks or 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.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Rob Cushman

Date: 4-26-19

Property Owner: MC2 Group

Case #: 2019-277

Representative: Rob Cushman

Map & Parcel: 105111L0010000
105111L0020000

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:

Requesting variance to not construct sidewalks or pay into fund.

Activity Type: New Construction - HPR

Location: 1704 A & B Carvell Ave

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

Reason:

Does not meet 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.

Rob Cushman
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

408 Church St Ste 300
Address

SAME
Address

Nashville, TN, 37064
City, State, Zip Code

SAME
City, State, Zip Code

615-559-2212
Phone Number

SAME
Phone Number

rob@stalosdevelopment.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



3662812

ZONING BOARD APPEAL / CAAZ - 20190024362
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105111190000CO

APPLICATION DATE: 04/26/2019

SITE ADDRESS:

1704 C CARVELL AVE NASHVILLE, TN 37203
COMMON AREA 1704 CARVELL AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 1704 CARVELL AVENUE TOWNHOMES

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance to not build sidewalks or pay into sidewalk fund.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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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

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The MCR Group, Inc
APPELLANT

4-24-19
DATE

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1704 + 1706 Carvell: Requesting not to build sidewalks and also not to pay into the fund. The hardships that exist are an irregular shape to the lot, a sewer easement in the rear that pushes the houses forward, and the requirement to dedicate substantial ROW in the front due to a narrow street.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-277 (1704C Carvell Avenue)

Metro Standard:	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:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	500' from #1 – 100 Oaks
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing two units, and requests a variance from constructing sidewalks or 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.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

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Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)



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



3662977

ZONING BOARD APPEAL / CAAZ - 20190024433
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11903008100

APPLICATION DATE: 04/26/2019

SITE ADDRESS:

118 DODGE DR NASHVILLE, TN 37210
LOT PT 53 CRESCENT HEIGHTS

PARCEL OWNER: SADLER, JUSTIN

CONTRACTOR:

APPLICANT:**PURPOSE:**

PER 17.12.030C.3 MINIMUM FRONT SETBACK IS XX FEET (CONTEXTUAL)

REQUEST TO BUILD AT 10' FRONT SETBACK LINE

PER 17.12.020A MINIMUM REAR SETBACK IS 20 FEET

REQUEST TO BUILD AT 5' REAR SETBACK LINE

*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



3662977

ZONING BOARD APPEAL / CAAZ - 20190024433
Inspection Checklist for Use and Occupancy
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PARCEL: 11903008100

APPLICATION DATE: 04/26/2019

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CONTRACTOR:

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800 Second Avenue South, Nashville, TN 37210



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LOT PT 53 CRESCENT HEIGHTS

PARCEL OWNER: SADLER, JUSTIN

CONTRACTOR:

APPLICANT:

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APPLICATION FOR A VARIANCE REQUEST

2019-278

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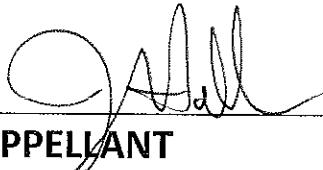
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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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APPELLANT

4/26/19

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.

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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?

THIS IS A STANDARD SIZE LOT ON SHEPARD, UNFORTUNATELY
THEY WERE PLATTED BELOW THE MINIMUM LOT SIZE
REQUIRED. WE CAN MEET SETBACK REQUIREMENTS ON
SIDE AND REAR, WILL NEED A FRONT SETBACK
DUE TO LOT DEPTH BEING SHALLOW. THERE WAS A
HOUSE THERE THAT WAS DEMO'D IN 1993. ASKING
FOR A FRONT SETBACK THAT'S ACTUALLY MORE
THAN THE AVERAGE, BUT LESS THAN THE MINIMUM.

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: ERIN LEAF Date: 4/26/18
Property Owner: WEST END LAND DEVELOPMENT
Representative: ERIN LEAF Case #: 2019-280
Map & Parcel: 09215014000

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: RENOVATIONS TO 900 SQ FT INTERIOR
FOR F45 FITNESS
PERMIT APP 2019017748

Activity Type: COMM RENOVATION

Location: 2317 ELLISTON PI

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

Reason: SIDEWALK VARIANCES
REQUEST TO 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 _____ Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

ERIN LEAF
Appellant Name (Please Print)

Representative Name (Please Print)

315 MADISON ST.
Address

Address

NASHVILLE, TN, 37208
City, State, Zip Code

City, State, Zip Code

202.388.3770
Phone Number

Phone Number

erin@remickarch.com
Email

Email

Zoning Examiner: [Signature]

Appeal Fee:



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



3663043

**ZONING BOARD APPEAL / CAAZ - 20190024465
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09215014000

APPLICATION DATE: 04/26/2019

SITE ADDRESS:

2317 ELLISTON PL NASHVILLE, TN 37203
LOT 2 RESUB WEST END DEVELOPMENT CO., L.P. PROPERTY

PARCEL OWNER: WEST END LAND DEV. CO., L.P.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting Variance from 17.20.120 Sidewalk requirements. Required to build, requesting pay In-Lieu of Constructing.
Renovation Permit Application 2019017748

POC: Erin Leaf 262-388-3772

*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 COMMERCIAL - REHAB / CACR - T2019017748
THIS IS NOT A PERMIT**

PARCEL: 09215014000

APPLICATION DATE: 03/27/2019

SITE ADDRESS:

2317 ELLISTON PL NASHVILLE, TN 37203

LOT 2 RESUB WEST END DEVELOPMENT CO., L.P. PROPERTY

PARCEL OWNER: WEST END LAND DEV. CO., L.P.

APPLICANT:

PURPOSE:

approx 900 sq.ft interior reno for F45 FITNESS

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 ERIN LEAF 262-388-3772

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

[A] Zoning Review

CA - Zoning Sidewalk Requirement Review

SWREQUIRED

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

[B] Building Plans Received

E-PLANS

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

[J] Planning Zoning Review - CA

615-862-7190 Deborah.Sullivan@nashville.gov

PW - Public Works Sidewalk Capital Project Coordinatic

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

[B] Building Plans Review

615-862-6519 Scott.Summerville@nashville.gov

[B] Fire Life Safety Review On Bldg App

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

[B] Fire Sprinkler Requirement

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

[E] Cross Connect Review For Bldg App

COND

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

[A] Bond & License Review On Bldg App

[B] Plans Picked Up By Customer

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

[E] Grease Control Review On Bldg App

862-4590 ECO@nashville.gov

[D] Grading Plan Review For Bldg App

APPROVED

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

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.

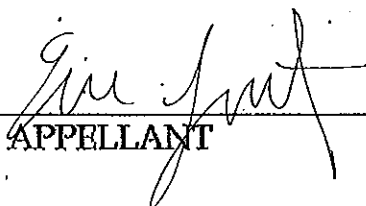
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

04.26.2019

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.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?

SEE ATTACHED DOCUMENT...



APPLICATION FOR VARIANCE

PROJECT NAME: F45 FITNESS

RMA PROJECT #: 1907

We are seeking variance for sidewalk redevelopment at 2317 Elliston Pl. Nashville, TN 37203. We would like to contribute to the Pedestrian Benefit Zone in-lieu of construction on the front facing Elliston Pl. side of the street.

Elliston Place from 21st Ave. to 25th Ave:

Adopted MCSP: T5-M-AB3

Standard ROW = 98 ft.

Bike Lane Planned

Primary Street

Existing Elements

2 Travel Lanes

1 Turn Lane

On- site Parking for patrons – at front

Sidewalks = Variable - 5 – 15 ft.

ANALYSIS: This area is likely to redevelop and the curb-to-curb must move to accommodate bike lanes. The existing curb to curb dimension is 50 ft. This will make it difficult to add bike lanes without significant redevelopment. There are a few historic properties worth of conservation and requests for reduced ROW should be considered on their merits and degree of constraint. Bike lanes and the existing on-site parking are both important elements of the roadway and should both be incorporated in future development. It would be possible to implement the bike lane within the existing curb to curb dimension if on-site parking for the development was encroached upon / removed.

Hardship:

- Due to the adopted MCSP: T5-M-AB3 the sidewalk redevelopment would ensue significant construction which would encroach on and hinder the existing parking lot at the front of the building. The degree of constraint on the existing conditions of the site are significant
- No other developed bike lanes to connect to on Elliston Pl.
- Overall construction and architecture costs would be high in adjusting the design of the building for the sidewalk / bike lane development. This is seen as an infeasible cost to the owner per the small scope.
- The activity type of the building will remain the same.



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Adopted MCSP: T5-M-AB3	Existing Elements
Standard ROW = 98 ft.	2 Travel Lanes
Bike Lane Planned	1 Turn Lane
Primary Street	On- site Parking for patrons – at front
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 **REMICK
ARCHITECTURE**



Street view of 2317 Elliston Pl.
Building / scope of work located
on the right side of the street.



Existing site plan of 2317
Elliston Pl. Scope of work
highlighted

REMICK ARCHITECTURE



Street view of 2317 Elliston Pl. Building / scope of work located on the right side of the street.



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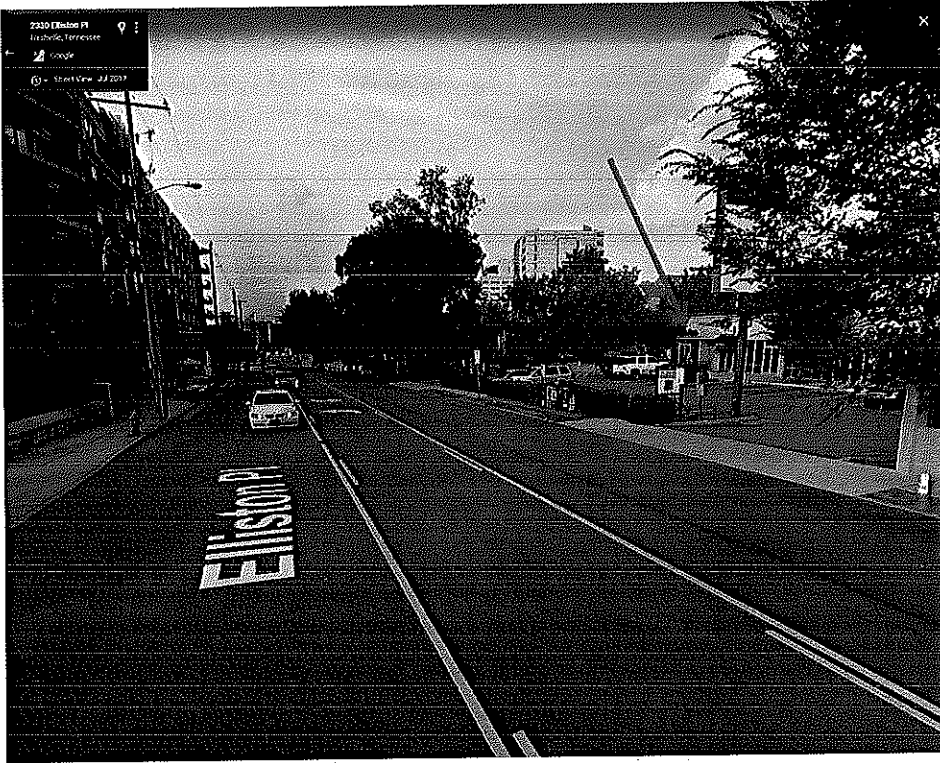


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PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-280 (2317 Elliston Place)

Metro Standard:	4' furnishing zone, 10' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; Contribute in-lieu of construction (not eligible)
Zoning:	SP
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	T5-M-AB3
Transit:	570' north of #3 – West End/White Bridge and #5 – West End/Bellevue. Planned Bus Rapid Transit per nMotion
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to repurpose a 900 square foot space within an existing commercial building for a new fitness use and requests a variance to contribute in-lieu of upgrading sidewalks along Elliston Place. Planning evaluated the following factors for the variance request:

- (1) A 4' grass strip and 5' sidewalk currently exists along the Elliston Place frontage, which is consistent with adjacent properties to the east and west.
- (2) The property was rezoned by the Metro Council for a Specific Plan on May 29, 2015 pursuant to ordinance BL2015-1088. Future redevelopment of the property will require construction of a 4' furnishing zone and 10' sidewalk, which meet the Major and Collector Street Plan standard.

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 Elliston Place frontage.
3. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk as identified in the site plan for the SP.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Fulmer Engineering, LLC
Property Owner: 2003 East, LLC
Representative: Jay Fulmer

Date: 04/26/2019
Case #: 2019- 281
Map & Parcel: 72-14 387.00

Council District 07

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

Purpose:

Existing nonconforming 4 Unit structure is to be razed and rebuilt rather than repaired.

Activity Type: Demolition and construction.

Location: 2003 Straightway 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: Continuation of nonconforming use (multifamily) and construction of the structure.

Section(s): 17.40.660 A and 17.40.660 B and 17.40.650 D

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

Jay Fulmer
Appellant Name (Please Print)

Jay Fulmer
Representative Name (Please Print)

2002 Richard Jones Rd. Suite C304

2002 Richard Jones Rd. Suite C304
Address

Nashville, TN 37215
City, State, Zip Code

(615) 345-3770
Phone Number

jay@fulmereng.com
Email

Appeal Fee: \$200

*Will email
the letter
before Tuesday*



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



3662980

ZONING BOARD APPEAL / CAAZ - 20190024434
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07214038700

APPLICATION DATE: 04/26/2019

SITE ADDRESS:

2003 STRAIGHTWAY AVE NASHVILLE, TN 37206
PT. LOTS. 37 & 38 BROWNSVILLE & PT. CLOSED ST.

PARCEL OWNER: 2003 EAST, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

item A appeal for non conforming use to demolish existing 4 unit structure and rebuild 4 units.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

FULMER ENGINEERING, LLC
APPELLANT

04/26/2019
DATE



James L. Murphy III
Direct: (615) 252-2303
Fax: (615) 252-6303
jmurphy@bradley.com

June 12, 2019

Emily Lamb
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue South
Nashville, Tennessee 3721

RE: Appeal Case # 2019-281-Demolition and Construction of Building at 2003
Straightway Avenue, Map 72-14, parcel 387.00

Dear Emily:

I represent 2003 East LLC ("2003 East"), the owner of the property located at 2003 Straightway Avenue (the "Property"). The Property is located in a R6 zoning district where multi-family dwellings are not currently permitted. However there is a legally nonconforming 24 unit multi-family development located on the Property which was approved by the Board of Zoning Appeals on February 28, 1963 in Appeal Case 63-32. Copies of the Building Permit No. 33746 evidencing the Board of Zoning Appeals' approval and the approved site plan from Appeal Case 63-32 are attached hereto as Exhibit 1.

Jay Fulmer of Fulmer Engineering, LLC has filed an application of behalf of 2003 East to obtain the approval of the Metropolitan Board of Zoning Appeals to demolish and reconstruct one of the multi-family buildings on the Property. The application proposes the replacement of an existing approximately 5,460 SF building with a new approximately 5,460 SF building. This building contains four apartment units. The March, 2019 NES bills for those four units are attached as Exhibit 2.

Section 17.40.650D of the Zoning Code requires that the Metropolitan Board of Zoning Appeals must approve any alteration of the legally nonconforming multi-family building on the Property. The Metropolitan Board of Zoning Appeals has jurisdiction to hear this case pursuant to Section 17.40.180 D of the Zoning Code.

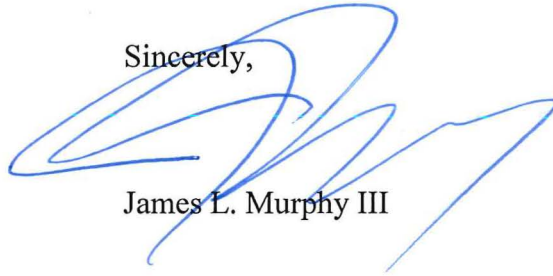
Section 17.40.650D of the Zoning Code, which regulates the alteration of a structure containing a nonconforming use, permits such alteration if they are approved by the Board of Zoning Appeals and the floor area ratio (FAR) of the expanded use, together with all other uses on the lot, does not exceed the maximum FAR currently permitted in the base zoning district. In this case, the maximum FAR in the R6 zoning district is 0.60. As noted on the site plan attached hereto as Exhibit 3, the FAR of all the buildings on the Property is 0.20. The replacement of the existing 5,460 SF building with a new 5,460 SF building will not result in the buildings exceeding the maximum FAR permitted in the R6 zoning district.

Emily Lamb
June 12, 2019
Page 2

Section 17.40.650E2 of the Zoning Code addresses the destruction of a structure containing a nonconforming use in a residential district. That section provides that the nonconforming use shall terminate if fifty percent or more of the floor area of the building or structure is damaged or destroyed. If less than fifty percent of the floor area of the building or structure is damaged or destroyed, Sections 17.40.650E provides that the building may be restored within one year of the date of the damage or destruction. As noted on the plan attached hereto as Exhibit 3, the total floor area of the multi-family structures on the Property is 17,938 SF. The demolition of the existing 5,450 SF building will result in less than fifty percent of the floor area of the multi-family structures on the Property being demolished, so the existing 5,450 SF building can be replaced within a new 5,450 SF building within one year.

Therefore the Board of Zoning Appeals should approve this application to replace the existing approximately 5,500 SF building with a new approximately 5,500 SF building.

Sincerely,



James L. Murphy III

JLM

Enclosures

cc: Johnathan Cohen (via email, w/ enclosures)
Jay Fulmer (via email, w/ enclosures)

* SEE OTHER PLOT PERMIT: ~~XXXXXXXXXX~~

Application No. **13345**

City of Nashville, Tennessee
OFFICE OF THE CHIEF BUILDING INSPECTOR

Index Card By _____

Application for Building Permit and Certificate of Occupancy

Application is hereby made for a permit to erect/alter a structure as described herein or shown in accompanying plans and specifications, which structure is to be located as shown on the accompanying plot plan. The information which follows and the accompanying plans and specifications with the representations therein contained are made a part of this application, in reliance upon which the Chief Building Inspector is requested to issue a building permit.

It is understood and agreed by this applicant that any error, misstatement or misrepresentation of material fact or expression of material fact, either with or without intention on the part of this applicant, such as might, or would, operate to cause a refusal of this application, or any material alteration or change in the accompanying plans, specifications or structure made subsequent to the issuance of a permit in accordance with this application, without the approval of the Chief Building Inspector, shall constitute sufficient ground for the revocation of such permit.

9-25-63
Date 2-13-63

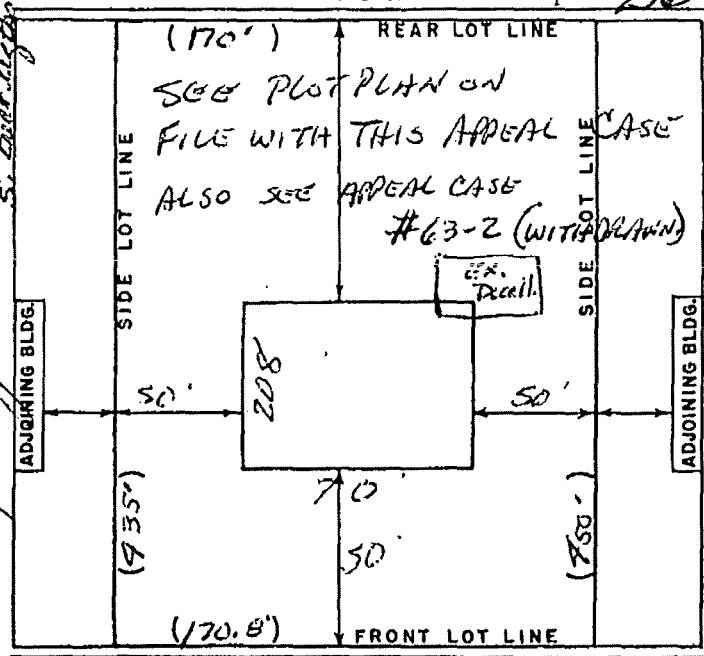
Bldg. Permit No. **33746** Occ. Permit _____ Lot No. _____

Est. Value \$ **59,000.00** Fee \$ **133.00** Location **2005 STRAIGHTWAY AVE.**

Owner: **JOHN COLLEY** Address **3814 MOSS ROSE DR.** Tel. No. _____

Contractor **SELF** Address **"** Tel. No. _____ Lic. No. _____

Architect _____ Fall Out Shelter Class _____ O. S. Parking Spaces **26** Work Starts _____ Work not included _____



Type Const.	Occ. Group	Fire Zone	Use Zone A-1
Overall Height	No. of ft. Rooms	No. of Families 24	No. of Floors 2
Type Roof Comp	Found. Mat. BLK.	Ext. Wall Material BV	
Int. Wall Material DRY	Sprinklers <input type="checkbox"/>	Res. Bldg. <input type="checkbox"/>	
	Standpipes <input type="checkbox"/>	Non Res. <input type="checkbox"/>	

To CONVERT EX. TWO FAM. DWL. INTO FOUR UNIT APT. BLDG. & CONST A 2 STORY, 20 UNIT APT. ADDITION TO SAME FOR TOTAL OF 24 UNITS.

Application is hereby made for a CERTIFICATE OF OCCUPANCY to use the building and/or premises at the above location for the following purposes (s).

24 UNIT APT. BLDG.

Plb. Contr. Not Let.	Elect. Contr. Not Let	Other Contr.	No. of Baths 24	No. of Kitchens 24
Fire Place.	Fuel for Heat. FREE.	Are Plans on File?		

I hereby certify that the information given herein is correct and true. X John Colley APPLICANT
PERMIT above applied for ~~()~~ (will not) comply with the Nashville Zoning Regulations.

By T. Green Zoning Examiner (Disapproved) (Approved) _____ B. C. Examiner

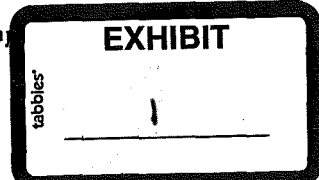
If not approved give reasons: MANDATORY PROCEDURE, BOARD OF ZONING APPEALS HAVING JURISDICTION.

Completed building complies with this application. INSPECTOR _____ Date _____

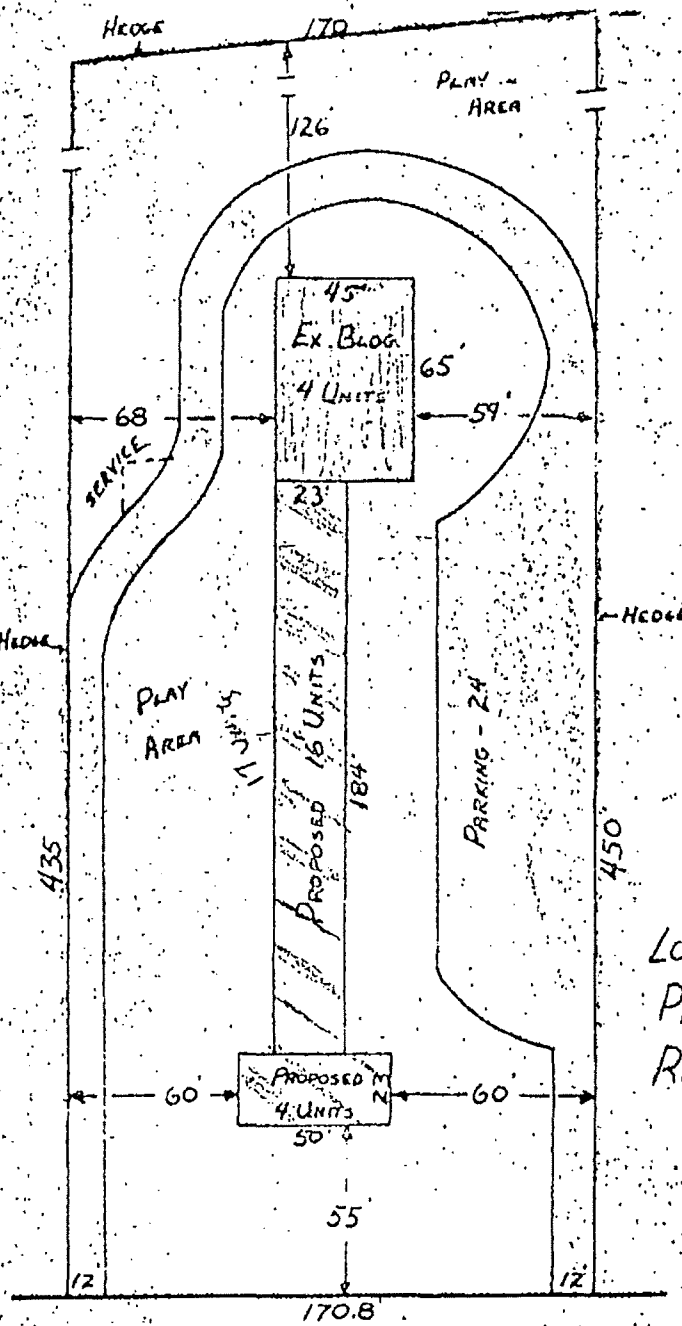
Board of ~~ZONING APPEALS~~ **ZONING APPEALS** by resolution in Case No. **63-32**, adopted **Feb. 28, 1963** date (affirmed) (denied) _____

the above application for (building permit) and/or (certificate of occupancy). Chas. W. Kelly, Jr.

List file No. and dates of correspondence regarding this application _____
Called Insp. Req. _____ S. W. Ram _____ Insurance Bond



Conditions of Bldg. Appeals.
 1. Draw for plan with double typewritten
 2. Development secured by county sewer
 3. Road with front P.U. to be landscaped
 4. No of trees in location & details
 5. Exact height so not to project, but give on sidewalk property



#63-32

LOT AREA FOR 24 UNITS
 PROVIDED 75,402^{sq}
 REQUIRED 73,560^{sq}

FORMER APPEAL
 #63-2

STRAIGHTWAY AVE.





1214 CHURCH STREET, NASHVILLE, TN 37246
nespower.com

Customer Relations 615-736-6900
Report an Outage 615-234-0000

Customer Name: BRANDAU, MILDRED L
Service Address: 2003 STRAIGHTWAY AVE 21
Service Period: 2/20/19- 3/21/19
Rate Class: RESIDENTIAL
Account Number: 1067577-0148851
Meter Number: 149377
District Number: 11

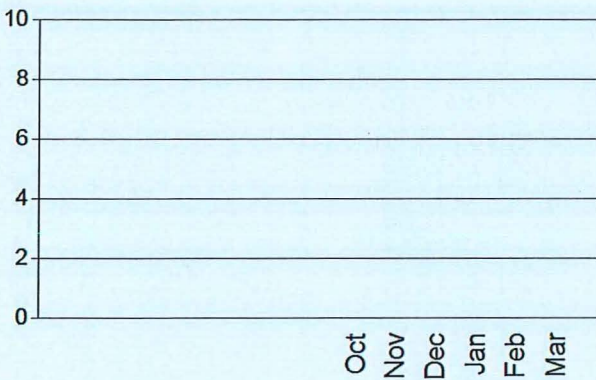
TOTAL BALANCE DUE: \$15.60

DUE DATE: 4/11/19

USAGE HISTORY

Current kWh Reading: 11 read 3/21/19
Previous kWh Reading: 11 read 2/20/19

Next Scheduled Reading: 4/22/19



ACCOUNT BALANCE

Service Charge 11.50
TVA Grid Access Charge 4.10

TOTAL BALANCE DUE 04/11/19 15.60

Your Detailed Usage by Month

	This Month	Last Month	Last Year
kWh			
Billing Days	29	28	
Degree Days	505	577	
Charges	\$15.60	\$15.60	

IMPORTANT MESSAGES

We work around the clock to provide reliable power. But when storms hit, outages happen. While we can't control when a disaster will strike, you can take steps now to be prepared. See this month's insert for storm safety advice.

▼ Please detach and return the bottom portion with your payment. When paying in person, please bring the entire bill. ▼

Account Number: 1067577-0148851
Meter Number: 149377

TOTAL DUE BY 4/11/19: \$15.60

Amount Due After 4/11/19: \$16.38

BRANDAU, MILDRED L
285 LAKE TERRACE DR
HENDERSONVILLE, TN 37075-5151

NASHVILLE ELECTRIC SERVICE
P.O. BOX 305099
NASHVILLE, TN 37230-5099



885100000000000000001560000000000000001560001



1214 CHURCH STREET, NASHVILLE, TN 37246
nespower.com

Customer Relations 615-736-6900
Report an Outage 615-234-0000

Customer Name: BRANDAU, MILDRED L
Service Address: 2003 STRAIGHTWAY AVE 23
Service Period: 2/20/19- 3/21/19
Rate Class: RESIDENTIAL
Account Number: 1067577-0148853
Meter Number: 275072
District Number: 11

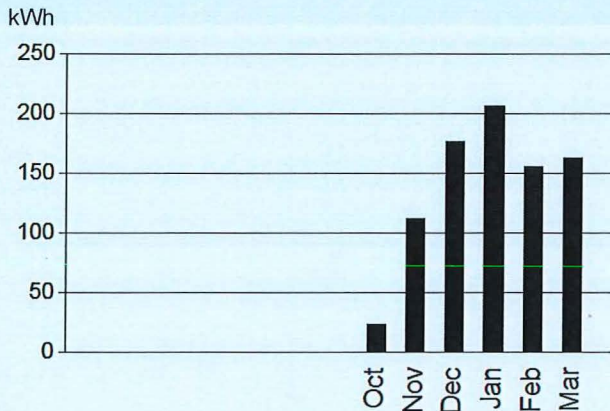
TOTAL BALANCE DUE: \$31.66

DUE DATE: 4/11/19

USAGE HISTORY

Current kWh Reading: 1990 read 3/21/19
Previous kWh Reading: 1827 read 2/20/19

Next Scheduled Reading: 4/22/19



ACCOUNT BALANCE

Service Charge	11.50
TVA Grid Access Charge	4.10
Energy Charge 163 kWh @ \$ 0.09855	16.06
<hr/>	
TOTAL BALANCE DUE 04/11/19	31.66

The TVA Fuel Cost Adjustment this month has decreased your bill by \$0.10.

Your Detailed Usage by Month

	This Month	Last Month	Last Year
kWh	163	155	
Billing Days	29	28	
Degree Days	505	577	
Charges	\$31.66	\$31.07	

IMPORTANT MESSAGES

We work around the clock to provide reliable power. But when storms hit, outages happen. While we can't control when a disaster will strike, you can take steps now to be prepared. See this month's insert for storm safety advice.

▼ Please detach and return the bottom portion with your payment. When paying in person, please bring the entire bill. ▼

Account Number: 1067577-0148853
Meter Number: 275072

TOTAL DUE BY 4/11/19: \$31.66

Amount Due After 4/11/19: \$33.24

BRANDAU, MILDRED L
285 LAKE TERRACE DR
HENDERSONVILLE, TN 37075-5151

NASHVILLE ELECTRIC SERVICE
P.O. BOX 305099
NASHVILLE, TN 37230-5099



00000003166000000000000003166001



1214 CHURCH STREET, NASHVILLE, TN 37246
nespower.com

Customer Relations 615-736-6900
Report an Outage 615-234-0000

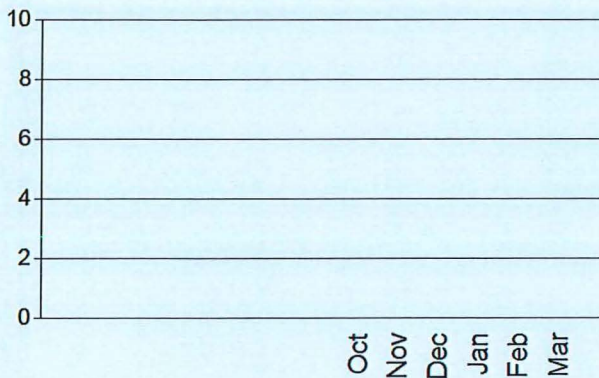
Customer Name: BRANDAU, MILDRED L
Service Address: 2003 STRAIGHTWAY AVE 24
Service Period: 2/20/19- 3/21/19
Rate Class: RESIDENTIAL
Account Number: 1067577-0148854
Meter Number: 149378
District Number: 11

TOTAL BALANCE DUE:	\$15.60
DUE DATE:	4/11/19

USAGE HISTORY

Current kWh Reading: 51 read 3/21/19
Previous kWh Reading: 51 read 2/20/19

Next Scheduled Reading: 4/22/19



ACCOUNT BALANCE

Service Charge	11.50
TVA Grid Access Charge	4.10
TOTAL BALANCE DUE 04/11/19	15.60

Your Detailed Usage by Month

	This Month	Last Month	Last Year
kWh			
Billing Days	29	28	
Degree Days	505	577	
Charges	\$15.60	\$15.60	

IMPORTANT MESSAGES

We work around the clock to provide reliable power. But when storms hit, outages happen. While we can't control when a disaster will strike, you can take steps now to be prepared. See this month's insert for storm safety advice.

▼ Please detach and return the bottom portion with your payment. When paying in person, please bring the entire bill. ▼

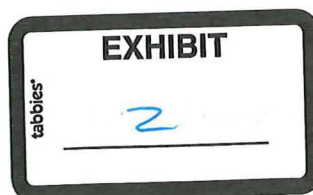
Account Number: 1067577-0148854
Meter Number: 149378

TOTAL DUE BY 4/11/19:	\$15.60
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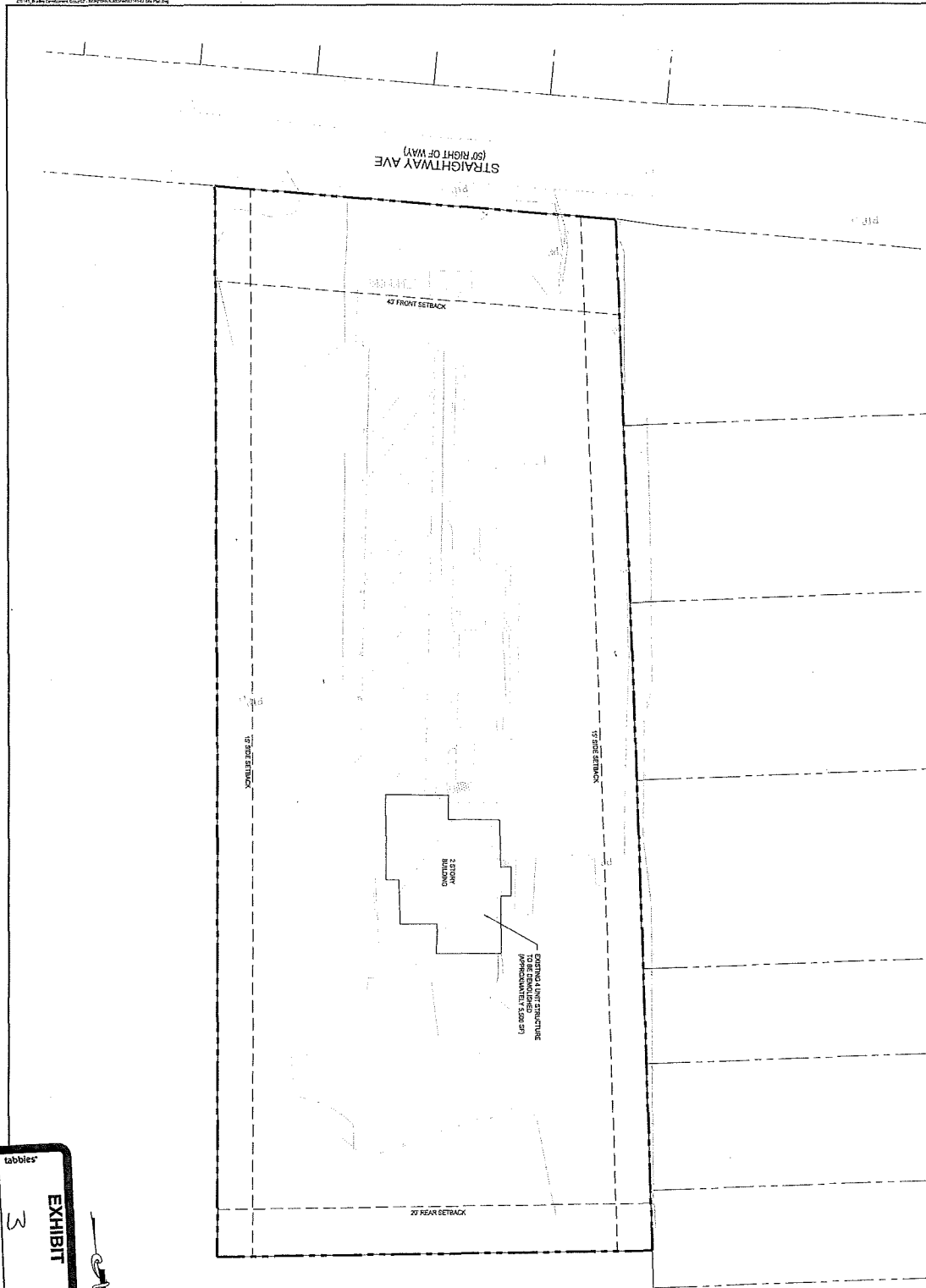
Amount Due After 4/11/19: \$16.38

BRANDAU, MILDRED L
285 LAKE TERRACE DR
HENDERSONVILLE, TN 37075-5151

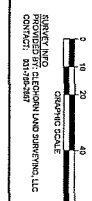
NASHVILLE ELECTRIC SERVICE
P.O. BOX 305099
NASHVILLE, TN 37230-5099



000000000000015600000000000001560001



tabbles
EXHIBIT
 3



PURPOSE: LUMP STRUCTURE WITH AREA OF UNIT STRUCTURE
BULK REGULATIONS:
 MAX. HEIGHT: 20'
 MAX. AREA: 4,000 SQ. FT.
 MAX. SETBACK: 42' FRONT SETBACK, 15' SIDE SETBACK, 20' REAR SETBACK
FLOOR AREA DATA:
 TOTAL FLOOR AREA: 11,200 SF
 FLOOR AREA TO BE DEMOLISHED: 2,500 SF

REV.	DATE	DESCRIPTION
01	08/18	OFFICE PLANS, MATTL

SITE LAYOUT PLAN
 SITE DEVELOPMENT PLANS FOR:
 STRAIGHTWAY
 2003 STRAIGHTWAY AVE.
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE 37206

FULMER ENGINEERING
 2002 RICHARD JONES RD - SUITE C304
 NASHVILLE, TENNESSEE 37215
 INFO@FULMERENG.COM • (615) 345-3770

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: PAUL PLUMMER

Date: 4/30/2019

Property Owner: SUDHAKAR V. REDDY, EVEREST INVESTMENTS, G.P.

Case #: 2019-283

Representative: PAUL PLUMMER

Map & Parcel: MAP 163, PARCEL 62

Council District 32

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

Purpose: (REFER TO ATTACHED OUTLINE) PERMIT TO BUILD MULTIPURPOSE FIELD AND FUTURE K-8 CHARTER SCHOOL. NEED VARIANCE ON CAMPUS SIZE AND A PORTION OF SETBACKS.

Activity Type: New Construction - Education

Location: 5200 HICKORY HOLLOW PARKWAY

This property is in the AB2A 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: (REFER TO ATTACHED OUTLINE DATED APRIL 29, 2019)

Section(s): 17.16.040.A.1: CAMPUS SIZE ; 17.16.040.A.2: SETBACKS

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

PAUL PLUMMER
Appellant Name (Please Print)

PAUL PLUMMER
Representative Name (Please Print)

4011 ARMORY OAK DRIVE
Address

(SAME AS APPELLANT)
Address

NASHVILLE, TN 37204
City, State, Zip Code

City, State, Zip Code

615-347-6258
Phone Number

Phone Number

pplummer@southeastventure.com
Email

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**



3663948

**ZONING BOARD APPEAL / CAAZ - 20190024895
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 16300006200**APPLICATION DATE:** 04/30/2019**SITE ADDRESS:**

5200 HICKORY HOLLOW PKWY ANTIOCH, TN 37013
E/S HICKORY HOLLOW PKWY N OF BELL ROAD

PARCEL OWNER: EVEREST INVESTMENTS, G.P.**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting reductions in lot size and setbacks to allow construction of 700 student charter school (K-8). requesting reduction of lot size from 12 acres (min.) to 6.6 acres, a reduction of 5.4 acres and a reduction of setbacks from 50' to 30'.

*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.

Date: April 29, 2019

Subject: BZA Application

5200 Hickory Hollow Parkway-6.6 acre tract

Introduction: Intrepid College Prep is a well-established charter school operating in the Antioch area of Nashville. They have plans to purchase a 6.6 acre tract of land at 5200 Hickory Hollow Parkway. On this property they plan to initially build multi-purpose outdoor activity fields. In phase two they plan to build a new K-8th school building in order to better serve their growing educational programs.

BZA Variance: The board of the Intrepid College Prep is requesting a variance from the Board of Zoning Appeals to assure them of the ability to utilize the property for outdoor fields and a new school as illustrated on the master development plan.

Variance: The subject property is zoned AR2a and allows for Community Education with conditions (PC). Zoning Code: 17.16.040 EDUCATIONAL USES

(Refer to attached development plan illustrating the two-phase master plan for the site)

The development plan meets the various conditions required under this section of the Code, except two.

17.16.040.A.1: CAMPUS SIZE

The master plan is for a 700-student K-8th new school in phase two of development. The current code requires a larger tract to serve this population (5 acres plus 1 acre/100 students). We request the plan be approved as shown with 6.6 acres for the 700 student school.

17.16.040.A.2: SETBACKS

Building Setback

The code requires the school buildings to have certain setbacks from residential zone districts or districts that allow residential. We are requesting that the building setback requirement be reduced from 50 feet to 30 feet. This is only requested along the northern property line where the adjacent parcels have been previously developed as commercial structures (which face the mall loop road).

Outdoor Activity Field Setback

The Code requires a 100-foot setback along property lines that abut parcels that are residential or allow residential uses. In this case, we placed the fields away from any current residential uses and next to current commercial uses. Even though there are no current residential uses adjacent to the field shown, the underlining zoning could allow for it in the future. We request the 100-foot setback be reduced along the north and east boundaries of the property as shown in the master development plan.

HARDSHIP:

All schools, both Metro and Charter are impacted financially by the growth of Nashville and the rapidly escalating cost of raw land. The Intrepid Charter Prep organization has a high school fronting on Hickory Hollow Parkway and is leasing space along Bell Forge Lane for a middle school. They need to provide their students with more multi-purpose outdoor activity open spaces and they wish to build a new 700-student school for K-8th grades. In their search for land, the parcel located at 5200 Hickory Hollow Parkway offers a tremendous opportunity to serve both of these missions on one site. According to the Metro codes, they would have to buy a 12- acre tract of land right there in the heart of the Hickory Hollow area. None exist. However, this 6.6-acre tract is available. Therefore, it is constrained by the fact that this type of land is not available at the size required. The Master plan is carefully laid out in a way that is sensitive to all adjacent uses and to access. It is constrained in size. This is a hardship. We respectfully request relief from two aspects of the current code.

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.

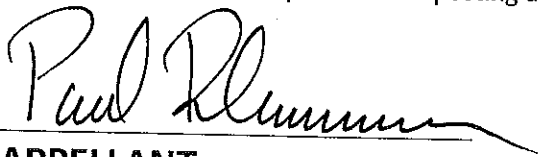
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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.

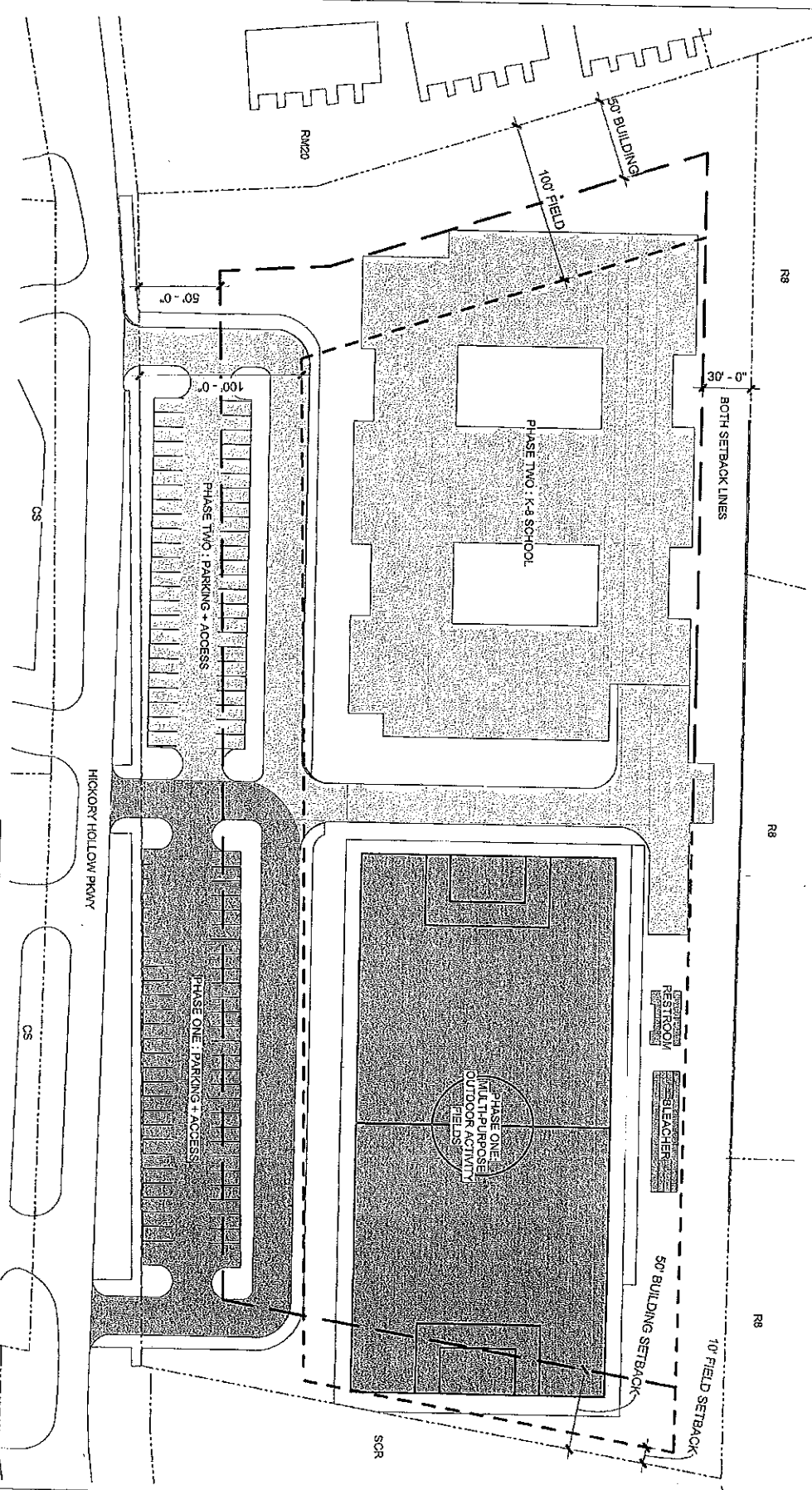


APPELLANT

APRIL 30, 2019

DATE

1 DEVELOPMENT PLAN
1" = 60'-0"



ZONING DATA

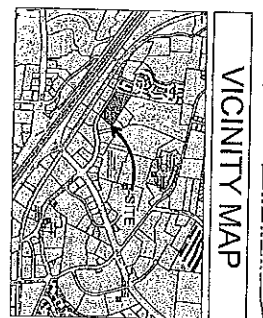
MAP+PARCEL: MAP183, PARCEL: 62.00
ACREAGE: 1.66 ACRE
ZONING: AR2A

LINE TYPE LEGEND

- PROPERTY LINE
- BUILDING SETBACK LINE
- OUTDOOR ACTIVITY GROUNDS SETBACK LINE

SHADING TYPE LEGEND

[Stippled Pattern]	PHASE 1
[Cross-hatched Pattern]	PHASE 2



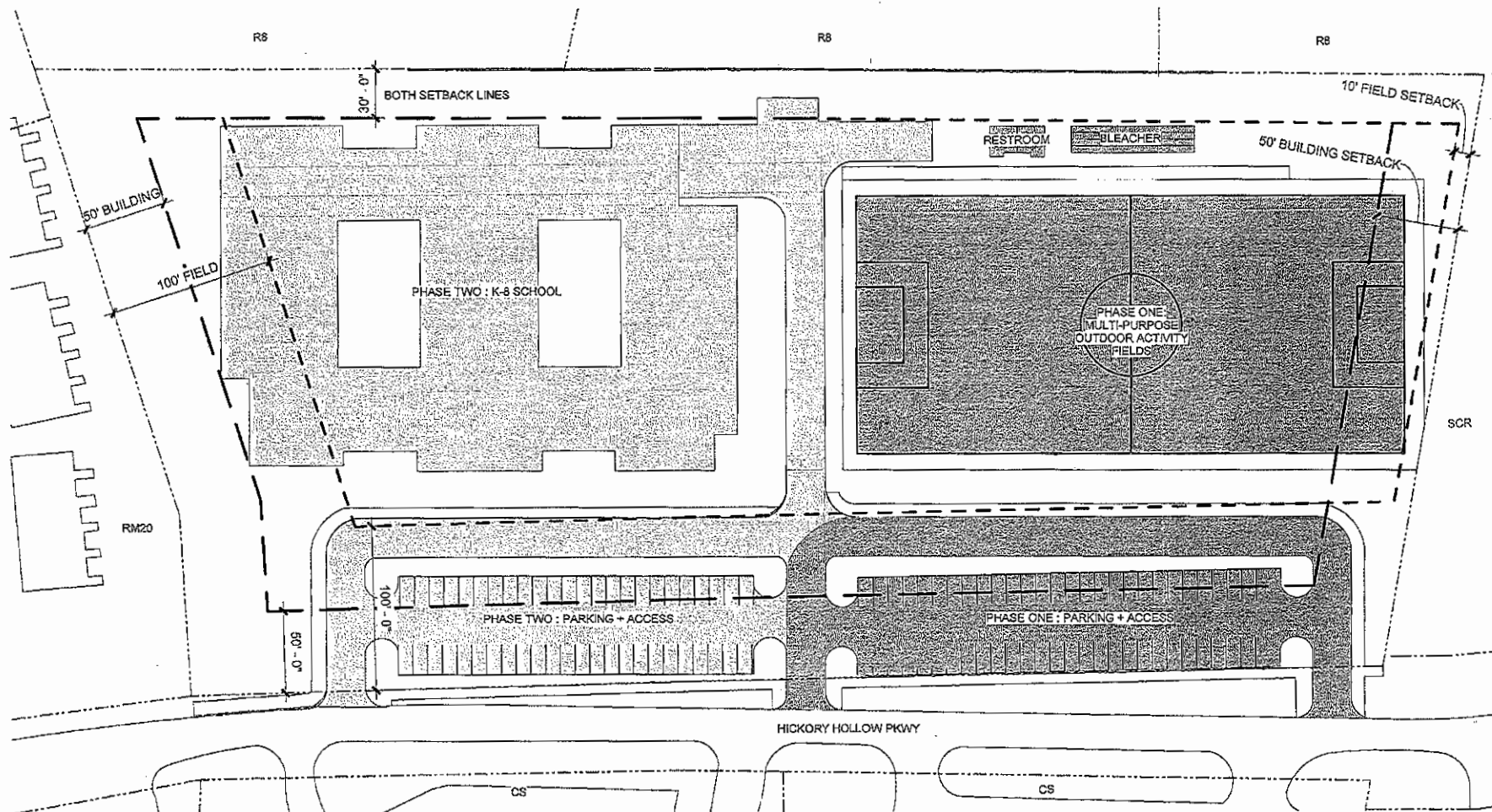
ISSUED	DATE
BY: YVANCE ROKUSI	4/30/2019
DATE REVERD	

SITE PLAN	
DRAWN	B
CHECKED	SO
PROJECT	19014

INTREPID COLLEGE PREP

5200 Hickory Hollow Pkwy, Artoch, TN 37013

Southwest Venture
DESIGN SERVICES
4011 ARADORY OAKS DRIVE
NASHVILLE, TN 37004
(615) 855-9710



Southeast Venture
DESIGN SERVICES
 4011 ARMORY OAKS DRIVE
 NASHVILLE, TN 37204
 (615) 633-8716

INTREPID COLLEGE PREP
 5200 Hickory Hollow Pkwy, Atnash, TN 37013

ISSUED	DATE
BZA VARIANCE REQUEST	4/30/2019

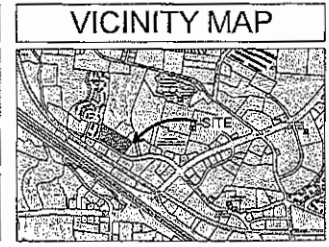
Δ No.	REVISED	DATE

SITE PLAN	
A100	
DRAWN:	BJ
CHECKED:	SC
PROJECT:	19014

① **DEVELOPMENT PLAN**
 1" = 60'-0"

ZONING DATA	
MAP+PARCEL:	MAP163, PARCEL 62.00
ACREAGE :	6.6 ACRE
ZONING :	AR2A

LINE TYPE LEGEND	
	PROPERTY LINE
	BUILDING SETBACK LINE
	OUTDOOR ACTIVITY GROUNDS SETBACK LINE
SHADING TYPE LEGEND	
	PHASE 1
	PHASE 2



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Tony Bachman Date: 4/30/19
Property Owner: _____ Case #: 2019- 284
Representative: Tony Bachman Map & Parcel: 09613018700

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: Sidewalk ordinance issue in front of property
renovations to office space.

Activity Type: Commercial Office

Location: 444 Donelson Pike Nashville TN

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

Reason: sidewalk variance

Section(s): 17. 20. 120

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

Tony Bachman
Appellant Name (Please Print)

Representative Name (Please Print)

1033 Demonbreun Street Suite 600
Address

Address

Nashville TN 37203
City, State, Zip Code

City, State, Zip Code

615-815-5598
Phone Number

Phone Number

Tony.Bachman@cushwake.com
Email

Email

Zoning Examiner: _____
N/A

Appeal Fee: \$200

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.

Tom L. Bachman
APPELLANT

4/29/2019
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

Practical Difficulties and topography of property. The city just redone the sidewalks in front of the property a year ago and did not repair the sidewalks to the proper ordinance standards. All sidewalks are brand new from the city. This hardship is not self imposed and the approval of this variance would bring no harm to public welfare. These sidewalks are not prevalent to the neighborhood or functionality of the property.

17.40.370 - Review standards.

In accordance with Tennessee Code Annotated Section 13-7-207, the board shall not grant a variance without an affirmative finding of fact on each of the following standards based on evidence presented by the applicant.

- A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.
- B. Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.
- C. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.
- D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.
- 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.
- F. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.
- G. Integrity of Master Development Plan. The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved planned unit development.

(Ord. 96-555 § 10.8(E), 1997)

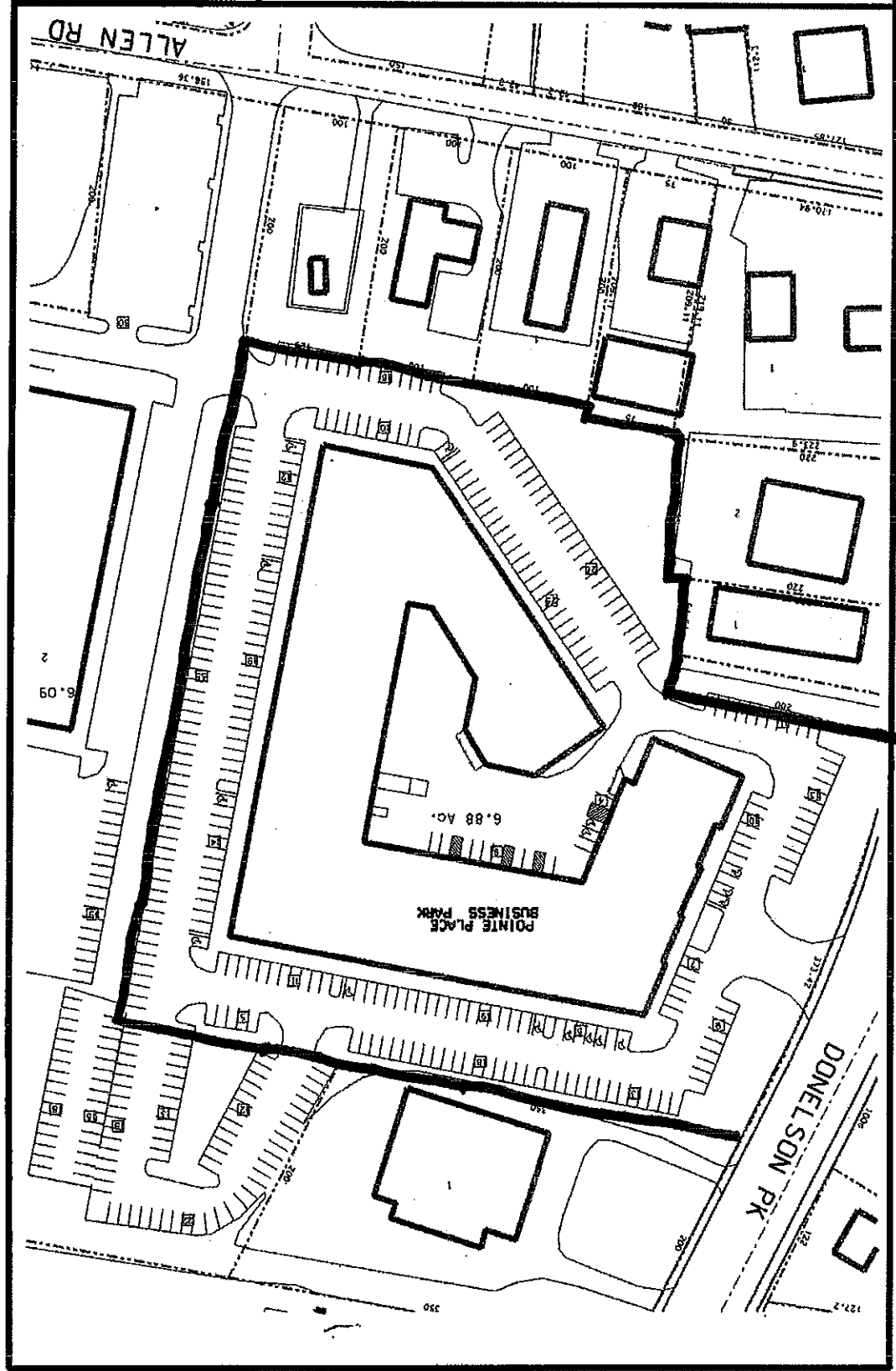
S CIVIL & SITE
 DESIGN GROUP, P.L.L.C.
 1000 WEST END AVENUE, SUITE 1102
 RICHMOND, VA 23220
 (813) 988-3228

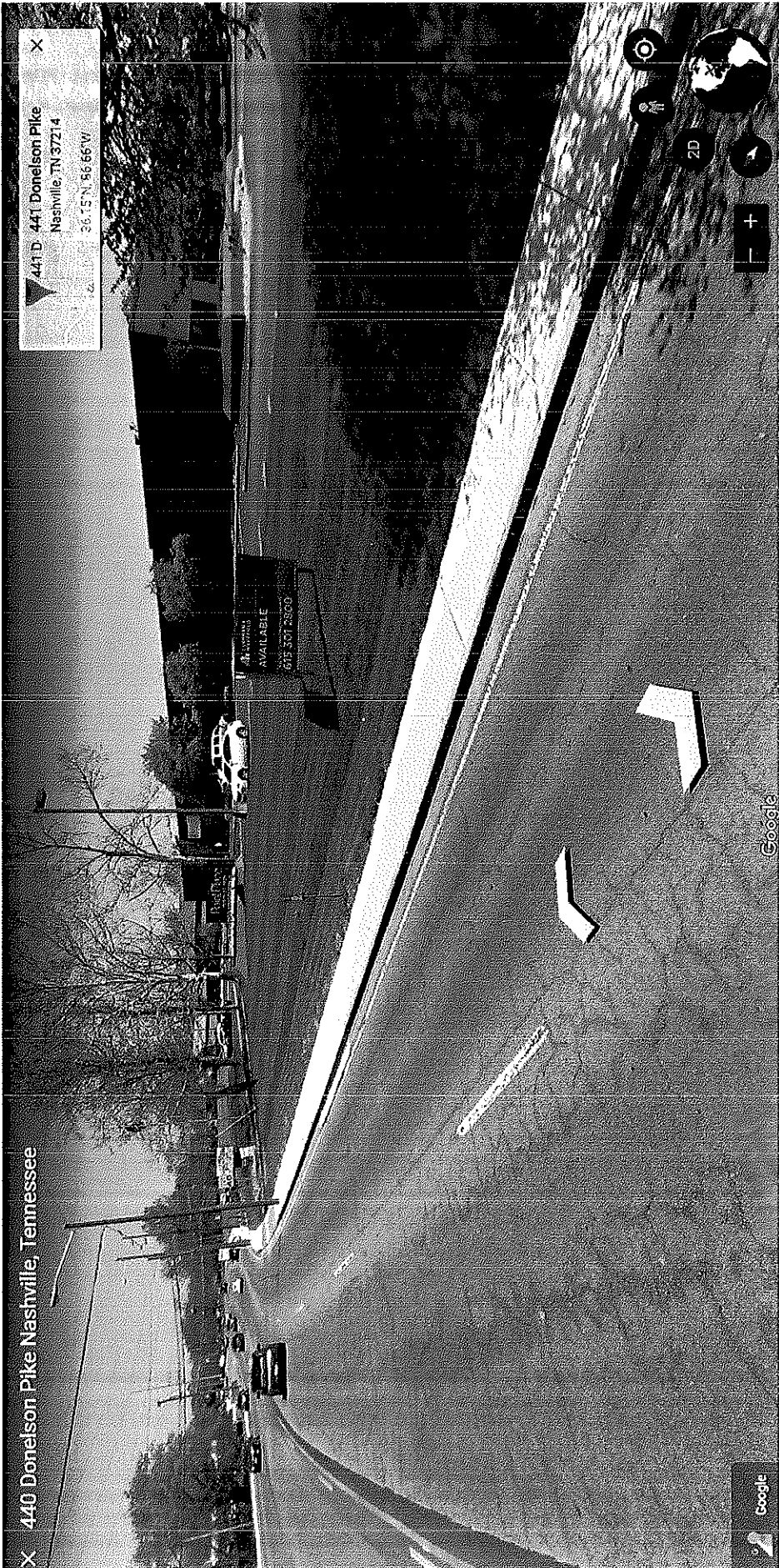
EXISTING CONDITIONS
 441 DONELSON PIKE
 POINT E PLACE

100 SCALE



EXISTING PARKING
 408 PARKING SPACES
 16 HANDICAP
 60 BOTTOM LOT EST.
 484 TOTAL SPACES





440 Donelson Pike Nashville, Tennessee

X
441 D, 441 Donelson Pike
Nashville, TN 37214
36.15° N, 86.66° W

Google

Google



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



3628128

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019014659
THIS IS NOT A PERMIT**

PARCEL: 09613018700

APPLICATION DATE: 03/13/2019

SITE ADDRESS:

441 DONELSON PIKE NASHVILLE, TN 37214
LOT 1 POINT PLACE BUSINESS PARK

PARCEL OWNER: 443 DONELSON PIKE, LLC

APPLICANT:**PURPOSE:**

Comm PUD. Upgrades to parking lot to include sidewalks, parking areas, re-lining, gas generator, lighting for Point Place. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6039 John.Tyler@nashville.gov
[E] Cross Connect Review For Bldg App	IGNORE	615-862-4569 Charissa.Mishu@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
[J] Planning Zoning Review - CA	IGNORE	Deborah.Sullivan@nashville.gov



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



**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019014655
THIS IS NOT A PERMIT**

PARCEL: 09613018700

APPLICATION DATE: 03/13/2019

SITE ADDRESS:

441 DONELSON PIKE 310 NASHVILLE, TN 37214
LOT 1 POINT PLACE BUSINESS PARK

PARCEL OWNER: 443 DONELSON PIKE, LLC

APPLICANT:

PURPOSE:

Comm PUD.

Renovations to 14,400 sq ft in Suite 310 for future tenant GSA. Use as General Office. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.

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 NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is on a street in the Major and Collector Street Plan.

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

[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[J] Planning Zoning Review - CA	IGNORE	Deborah.Sullivan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6039 John.Tyler@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement	YES	615-862-5248 Joseph.Almon@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-862-4045 Clay.Christain@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App	APPROVED	615-862-4591 angela.colter@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov

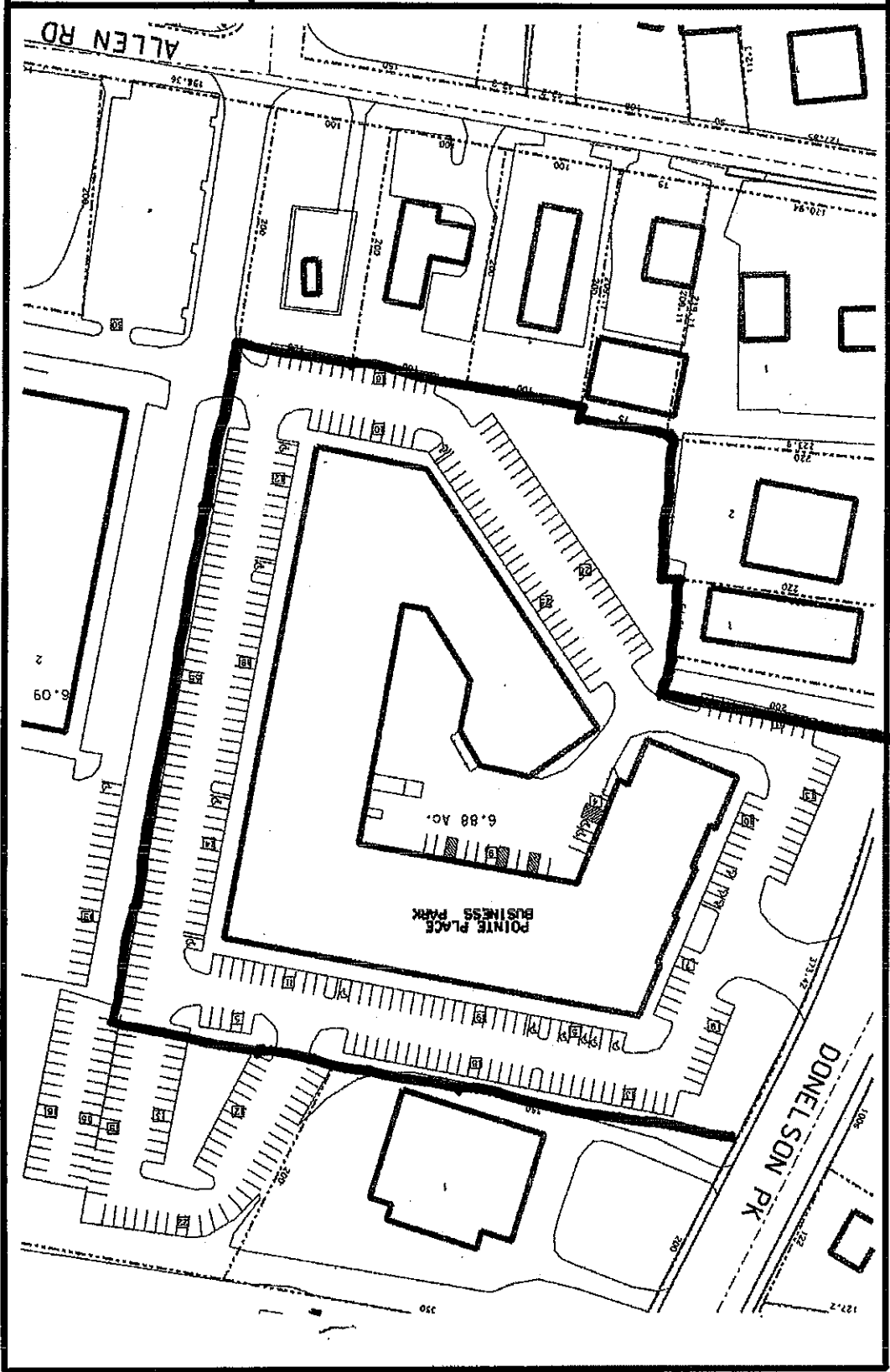
S&S CIVIL SITE
 DESIGN GROUP, P.L.L.C.
 1000 West Egg Avenue, Suite 1402
 Miami, FL 33132
 (305) 555-3555

EXISTING CONDITIONS
 POINTE PLACE
 441 DONELSON PIKE

100 SCALE



EXISTING PARKING
 408 PARKING SPACES
 16 HANDICAP
 60 BOTTOM LOT EST.
 484 TOTAL SPACES



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-284 (441 Donelson Pike)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	CL PUD
Community Plan Policy:	T3 CC (Suburban Community Center)
MCSP Street Designation:	T3-M-AB5-LM
Transit:	¼ mile from #18 – Airport/Downtown
Bikeway:	None existing; bike lane planned, per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes renovating part of an existing office building and requests a variance from constructing sidewalks or contributing in-lieu of construction due to the scale of the improvements and the presence of existing sidewalks. After further discussions with the applicant about the proposed improvements, the applicant requests to dedicate right of way only. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk with no grass strip currently exists along the Donelson Pike property frontage, which is consistent with the block face.
- (2) The applicant is proposing an internal renovation, with no changes to the building footprint.
- (3) Dedicating right of way will allow Metro to install sidewalks in the future without having to acquire additional property.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall dedicate right-of-way along the property frontage to accommodate future sidewalks per the Major and Collector Street Plan.
3. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

Braisted, Sean (Codes)

From: David Duhl <davidduhl@comcast.net>
Sent: Sunday, June 9, 2019 12:18 PM
To: Board of Zoning Appeals (Codes)
Subject: Xoning Appeal 2019-284

I oppose the zoning appeal for 441 Donelson Pike. This property already has a sidewalk—part of a larger string of sidewalks—which is essential for safe passage along this busy road. As Donelson looks to bring a pedestrian-friendly feel to the neighborhood, this project is counter-productive. And since there is already a sidewalk in place at this property, not keeping the sidewalk—or not contributing to the sidewalk fund—should be rejected.

David Duhl
Neighborhood Homeowner

May 24, 2019

2718 Wellman Drive
Nashville, TN 37214

Metropolitan Board of Zoning Appeals
P.O. Box 196350
Nashville, TN 37219-6300

Dear Sirs:

RE: Appeal Case Number: 2019-284

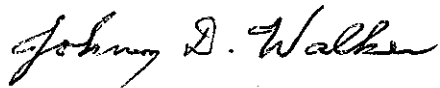
I wish to express my opposition to the granting of a variance for the property at 441 Donelson Pike so that the office space can be renovated without building sidewalks or paying into the sidewalk fund.

Donelson Pike is a major walking area and we need sidewalks on both sides of that street.

Please do not let this go through and omit building a sidewalk for Donelson Pike.

I received the notice because I live within 600 feet of the subject location.

Sincerely,

A handwritten signature in cursive script that reads "Johnny D. Walker".

Johnny D. Walker
2718 Wellman Drive
Nashville, TN 37214

Phone 615-872-0071

From: [Lindsey Sullivan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit 20190024919
Date: Friday, May 24, 2019 11:00:58 AM

Please accept this email as my written communication regarding permit #20190024919. I am not in support of this variance request. Sidewalks are integral to the health and safety of the community. I recommend denial of the appeal. Businesses should share the burden of payment for public sidewalks.

Sincerely,
Lindsey Sullivan
865-556-0942



Virus-free. www.avast.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Jody Roberts
Property Owner: Cole Woodworks
Representative: Jody Roberts

Date: 4/30/19
Case #: 2019- 285
Map & Parcel: 09213024700

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: NEW CONSTRUCTION OF
SINGLE FAMILY HOME
PERMIT 2019024910

Activity Type: RES. CONSTRUCTION

Location: 3501 NEVADA

This property is in the R55 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
REQUESTING TO BUILD ON NEVADA ONLY,

Section(s): 17.20.120

NOT ON
3574 AVEN

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.

Jody Roberts
Appellant Name (Please Print)

Same
Representative Name (Please Print)

209 Woodford Pl
Address

Address

Nashville TN 37215
City, State, Zip Code

City, State, Zip Code

615-533-4499
Phone Number

Phone Number

jodyroberts13@gmail.com
Email

Email

Zoning Examiner: [Signature]

Appeal Fee: _____



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



3663991

**ZONING BOARD APPEAL / CAAZ - 20190024926
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09213024700**APPLICATION DATE:** 04/30/2019**SITE ADDRESS:**

3801 NEVADA AVE NASHVILLE, TN 37209
PT BLK 30 CHARLOTTE PK 2ND EXT

PARCEL OWNER: COLBURN, TODD M. & JENNIFER L.**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal 17.20.120 Sidewalk Variance requesting to build sidewalk along Nevada Avenue and not to build sidewalks on 38th Avenue North.
Constructing a single family residence

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

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Jody Roberts
APPELLANT

4-30-19
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?

We want to keep consistency of Neighborhood.
Only sidewalks in front of house.

We do not need sidewalks down left side of our property 38th Ave N. Because there is existing sidewalk across 38th Avenue.

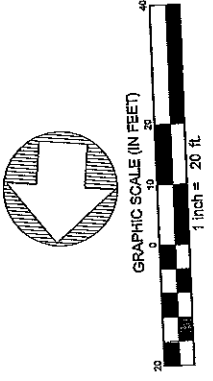
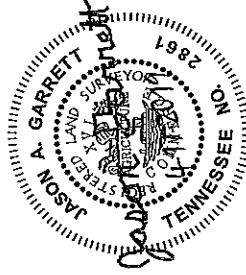
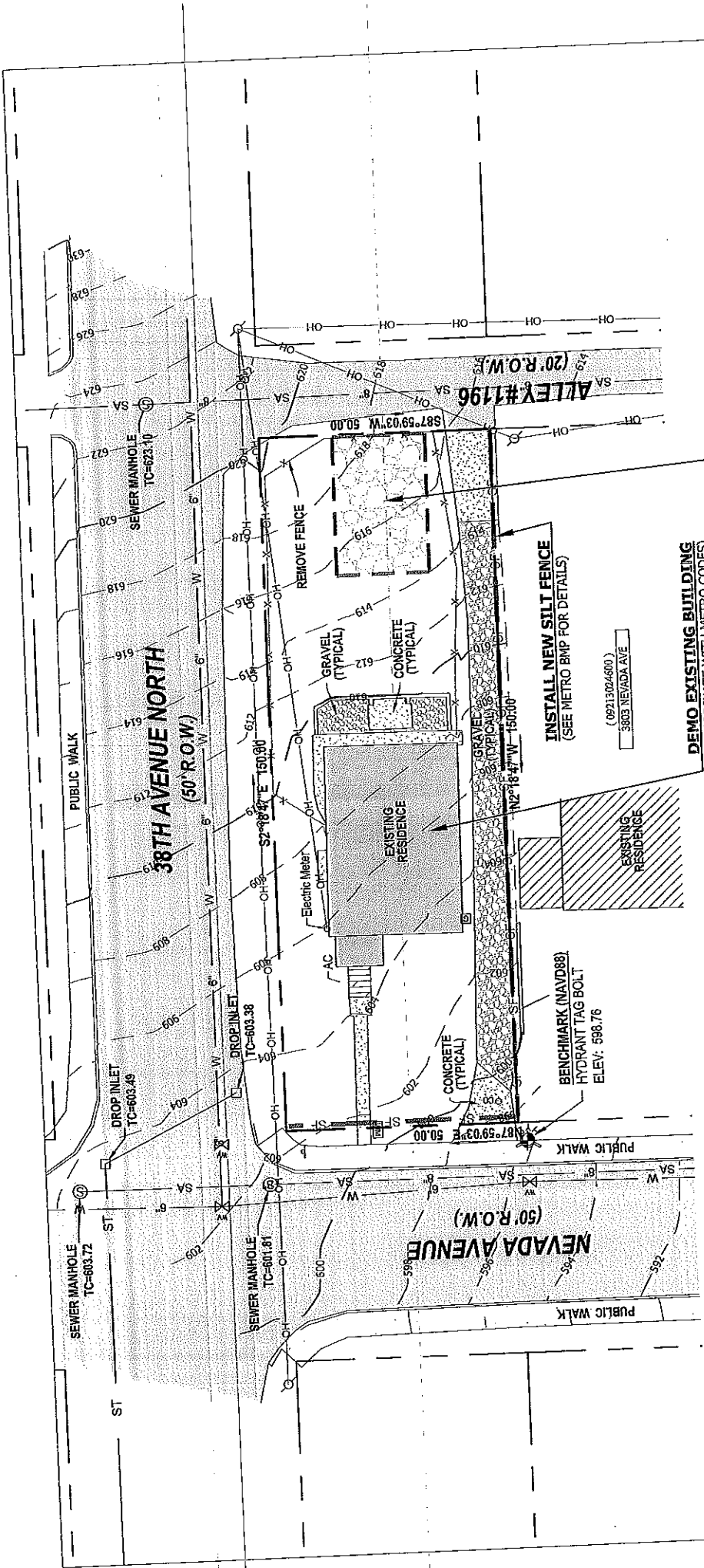
We are minimizing our impervious surfaces.

Sheet No.

V-2.2

EPSC Plan

3801 Nevada Avenue
Nashville, Davidson County, Tennessee



1711 Hayes Street
Nashville, TN 37203
clint@elliottssurvey.com
(615) 490-3236

CLINT ELLIOTT SURVEY





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



3663967

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019024910
THIS IS NOT A PERMIT**

PARCEL: 09213024700

APPLICATION DATE: 04/30/2019

SITE ADDRESS:

3801 NEVADA AVE NASHVILLE, TN 37209
PT BLK 30 CHARLOTTE PK 2ND EXT

PARCEL OWNER: COLBURN, TODD M. & JENNIFER L.

APPLICANT:**PURPOSE:**

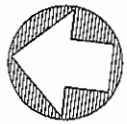
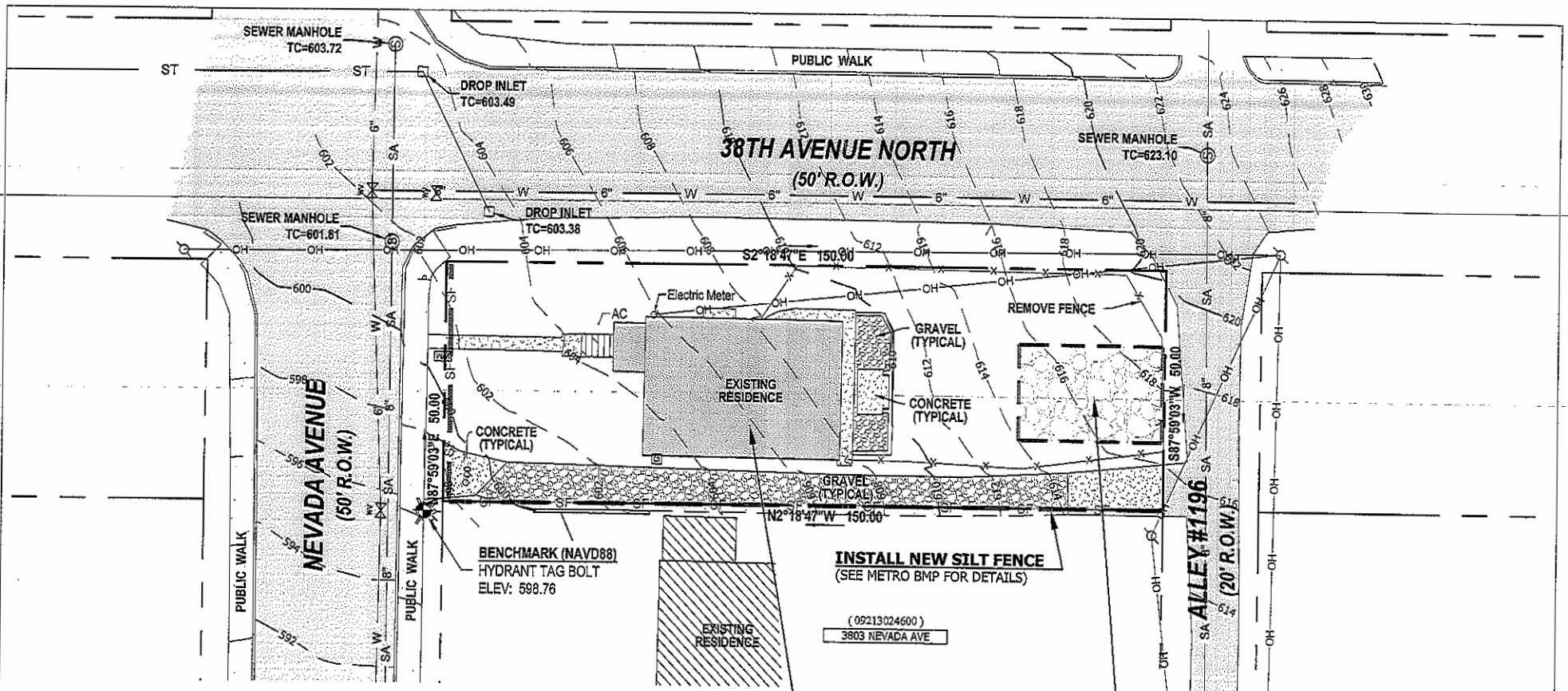
BZA Appeal 17.20.120 Sidewalk Variance requesting to build sidewalk along Nevada Avenue and not to build sidewalks on 38th Avenue North.

Permit to construct a single family residence with 3080 sq ft of living and 510 sq ft of porches and decks...34.8 ft minimum front setback, 20 ft minimum side street setback, 5 ft side setback and 20 ft rear setback.....Maximum height of 3 stories within 45 ft from natural grade. 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.

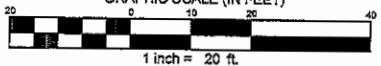
Sidewalks ARE required for this project because this parcel is within the UZO. You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction. For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are required.

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

[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[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
[G] Bond & License Review On Bldg App		
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPpermitsl@nashville.gov



GRAPHIC SCALE (IN FEET)



INSTALL NEW SILT FENCE
(SEE METRO BMP FOR DETAILS)

(09213024600)
3803 NEVADA AVE

DEMO EXISTING BUILDING
(COORDINATE WITH METRO CODES)

INSTALL NEW CONSTRUCTION ENTRANCE
(SEE METRO BMP FOR DETAILS)



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

EPSC Plan
3801 Nevada Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.2

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-285 (3801 Nevada Avenue)

Metro Standard:	Nevada Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard 38 th Avenue North – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Upgrade sidewalks on Nevada Avenue; not construct sidewalks on 38 th Avenue North
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Nevada Avenue – Local Street 38 th Avenue North – Local Street
Transit:	0.22 miles south of #10 – Charlotte and #36 – Charlotte Pike BRT Lite; future High Capacity Transit per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing a single family dwelling and requests a variance from constructing sidewalks along the 38th Avenue North property frontage. Planning evaluated the following factors for the variance request:

- (1) An existing 5’ sidewalk without a grass strip is located along the property’s Nevada Avenue frontage, which is consistent with adjacent properties to the west. The applicant proposes upgrading the sidewalk along this frontage to meet the Metro Local Standard with a 4’ grass strip and 5’ sidewalk.
- (2) No sidewalk currently exists along the 38th Avenue North property frontage. The parcel’s width is narrow, so an alternative sidewalk design that eliminates the grass strip along this frontage might be an appropriate solution.

Given the factors above, staff recommends **disapproval**. **The applicant shall work with Planning and Public Works to design an alternative sidewalk design that extends the abutting sidewalk along the 38th Avenue North frontage.**

From: [Jessica Jarrett](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Sidewalk Variance Requests
Date: Friday, May 10, 2019 9:01:31 AM

To Whom It May Concern,

I am writing to ask you to deny sidewalk variance requests that ask to not build AND not pay into the sidewalk fund. These requests are all too common and it is an unfair ask of a city that has sidewalks on only 20% of its roadways and high pedestrian fatality rate per population. Nashville citizens have asked time and again to increase sidewalks. There should be NO VARIANCE for sidewalks at this point.

This particular area, at **Nevada and 38th**, is in a rapidly changing neighborhood, with quickly expanding retail options, near public transportation and near a public elementary school. If using the sidewalk generator scoring system, it would rank very high. Sylvan Heights needs all the sidewalks it can get for the health and safety of all and to help it grow.

Please deny this request and have Todd and Jennifer Colburn build the sidewalks that are required. I am very embarrassed for the city that this request is even being considered.

Jessica Jarrett

From: [Dorris, Stacy](#)
To: [Board of Zoning Appeals \(Codes\); Murphy, Kathleen \(Council Member\)](#)
Subject: please deny sidewalk variance request 2019-285
Date: Thursday, May 9, 2019 3:47:42 PM

Dear Councilperson Murphy and the BZA,

I am writing, yet again, to ask you to deny sidewalk variance requests that ask to not build AND not pay into the sidewalk fund. These requests are all too common and it is an unfair ask of a city that has sidewalks on only 20% of its roadways and high pedestrian fatality rate per population.

This particular area, at Nevada and 38th, is in a rapidly changing neighborhood, with quickly expanding retail options, near public transportation and near a public elementary school. If using the sidewalk generator scoring system, it would rank very high. Sylvan Heights needs all the sidewalks it can get for the health and safety of all and to help it grow.

Please deny this request and have Todd and Jennifer Colburn build the sidewalks that are required.

Sincerely,
Stacy Dorris
801 Timber Ln 37215

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Eric & Tifinie Capehart Date: 4/30/19
Property Owner: Davis, Charles Patrick Case #: 2019-286
Representative: : Tifinie Capehart Map & Parcel: 06911007800

Council District 02

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

Purpose: to construct a single family residence without building or paying into the sidewalk fund.

Activity Type: Single Family

Location: 1639 Emerald Road

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

Reason: Variance from sidewalks and from front setback requirements

Section(s): 17.12.020, 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.

ERIC & TIFINIE CAPEHART
Appellant Name (Please Print)

2940 BABY RUTH LN UNIT 5
Address

ANTIOCH, TN 37013
City, State, Zip Code

502-291-0223
Phone Number

tifinica@hotmail.com
Email

Zoning Examiner: _____

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: paid



**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 - 20190024971
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 06911007800

APPLICATION DATE: 04/30/2019

SITE ADDRESS:

1639 EMERALD DR NASHVILLE, TN 37218

LOT 2 LEWIS SUB

PARCEL OWNER: DAVIS, CHARLES PATRICK

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from sidewalk requirements and a front setback variance to reduce the setback from average (68') to 25' front setback. 43' reduction.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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.

Tifinie Capehart
 APPELLANT TIFINIE CAPEHART

4.29.19
 DATE

Tifinie Capehart



2940 Baby Ruth Lane Unit 5
502-291-0223
tifinea@hotmail.com

April 28, 2019

Dear Metropolitan Board of Zoning Appeals,

This is a variance request for property located at 1639 Emerald Drive, Nashville TN 37218. We are requesting a Setback Variance as well as a Variance from the Sidewalk Requirement.

Setback Variance:

In 2016, a setback variance was requested and granted. The following physical characteristics of the site were noted:

- The variance was requested due to there being a required contextual setback of 68 feet. The lot is only 100 feet deep. With a 20foot rear yard setback, that would reduce the depth of the permitted building envelope to only 12 feet.
- Therefore, the property being only 100 feet deep, is exceptionally shallow as compared to the other properties in the vicinity.
- Given that there was no financial gain, and the that the physical uniqueness of the property was a hardship, and the granting of the variance would not substantially impact the intent and purpose of the zoning code, a 29 foot variance was granted, and the maximum front yard would be 39 feet.

In this case our request is for a maximum front yard of 25 feet (a variance of 43 feet for from the required 68 foot front yard), in order to have an adequate building envelope to build a single-family home, citing the same conditions – an exceptionally shallow lot.



Sidewalk Variance Request:

Per the sidewalk ordinance, a required 114 feet of sidewalk would need to be constructed. We are asking for variance from the sidewalk requirement (new construction and/or in lieu fee), based on the following unique physical characteristics of the site.

1. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area:
 - a. The most significant physical characteristic is that this lot, is one of only eight lots on Emerald Drive that fall within the Sidewalk Requirement Buffer area. Of the eight lots, the subject lot and only two additional lots with frontage on the north side of Emerald Drive, and within the Sidewalk Requirement Buffer area, are impacted by a natural drainage ditch. These properties impacted by the drainage ditch, would require a fully engineered pipe and drainage system, curb and gutter, with the construction of a required 4 foot planting strip and 5 foot sidewalk. The four properties on the south side of Emerald Drive within the Sidewalk Requirement Buffer area, do not have a ditch, and therefore could potentially avoid having to build a fully engineered sidewalk. This unique condition creates an unnecessary hardship placed on the subject property.
 - b. This lot was created prior to the adoption of the Sidewalk Ordinance in 2017. It was created as an exceptionally shallow lot, whereas lots in the general vicinity are deep lots with large setbacks and yards. A new sidewalk along the 114 feet of frontage on this lot would not fit the suburban character of this street, and would give a visual impression of a shallow front yard. This could diminish or impair property values along Emerald Drive; it would be out of character as potentially the only home with a section of unconnected sidewalk along a very suburban street.
 - c. There are mature trees on the site. The previous variance approval included a condition that the mature trees on the site, outside of the building envelope, be preserved. We would like to minimize disturbance to the mature trees within the front yard. Not building a sidewalk, curb and gutter could aid in the preservation of the mature trees.
 - d. Granting this variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of the Zoning Code.

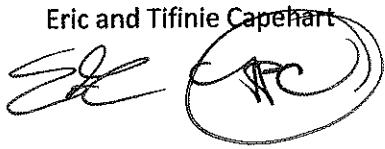


Emerald Drive is a dead end street, with a total 23 homes fronting on either side. The street serves as a local street with low vehicular traffic. The absence of a sidewalk in this location will not be detrimental to the public welfare.

Thank you for your consideration of this request.

Best regards,

Eric and Tifinie Capehart

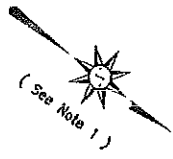
Handwritten signatures of Eric and Tifinie Capehart. The signature on the left is 'EC' and the signature on the right is 'TC', both enclosed in a circular scribble.

BUILDING SETBACK NOTE:
 ANY MBL'S USED FOR NEW CONSTRUCTION, WILL HAVE TO BE APPROVED BY THE METRO CODES AND/OR ZONING DEPT. PRIOR TO ANY CONSTRUCTION.

PROPERTY TITLE REFERENCE:
 THE SURVEYED PREMISES IS ALL OF THE SAME PROPERTY AS CONVEYED TO SHARON NICHOLS BY WARRANTY DEED AS OF RECORD IN INSTRUMENT # 20010402-0031272 REGISTER'S OFFICE, DAVDSSON COUNTY, TENNESSEE.

SURVEYOR'S CERTIFICATE:
 I HEREBY CERTIFY TO SHARON NICHOLS THAT THIS LOT SURVEY IS A CATEGORY 1 SURVEY AND THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF TENNESSEE (UNDER THE AUTHORITY OF TCA 62-18-129), AND THE UNADJUSTED ERROR OF CLOSURE EXCEEDS 1:10,000 AS SHOWN HEREON.

BY: ADVANTAGE LAND SURVEYING DATE: JUNE 15, 2016



LEGEND

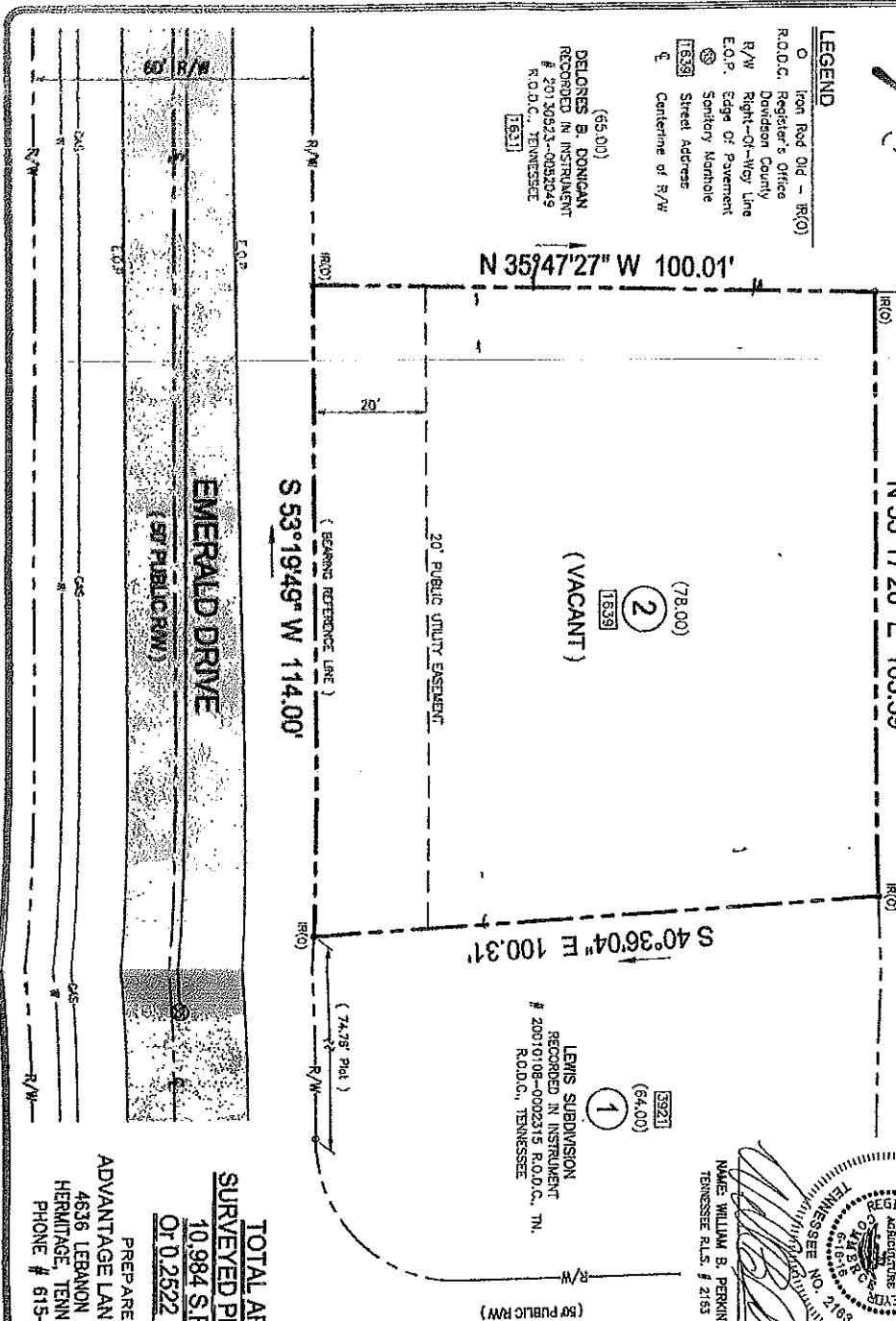
- O Iron Rod Old - (R/O)
- R.O.D.C. Registrar's Office Davidson County
- R/W Right-Of-Way Line
- E.O.P. Edge Of Pavement
- Sanitary Manhole
- Street Address
- Centerline of R/W

(65.00)
 DELONES B. DONIHAN
 RECORDED IN INSTRUMENT
 # 20130823-0082049
 R.O.D.C., TENNESSEE
 [6531]

(78.00)
 (2)
 [1839]
 (VACANT)

(64.00)
 (1)
 [5921]
 LEWIS SUBDIVISION
 RECORDED IN INSTRUMENT
 # 20010108-0002315 R.O.D.C., TN.
 R.O.D.C., TENNESSEE

WILLIAM B. PERKINS
 REGISTERED LAND SURVEYOR
 No. 1839
 TENNESSEE
 NAME: WILLIAM B. PERKINS
 TENNESSEE R.L.S. # 2185



TOTAL AREA IN SURVEYED PREMISES =
 10,984 S.F. ± OR
 0.2522 Acres ±

PREPARED BY:
 ADVANTAGE LAND SURVEYING
 4636 LEBANON PIKE # 327
 HERMITAGE, TENNESSEE 37076
 PHONE # 615-319-4701

LOT SURVEY
FINAL PLAT OF
LEWIS SUBDIVISION
 LOT # 2 AS SHOWN ON THE

RECORDED IN INSTRUMENT # 20010108-0002315
 REGISTER'S OFFICE DAVDSSON COUNTY, TENNESSEE
 2nd COUNCIL DISTRICT - METROPOLITAN
 NASHVILLE DAVDSSON COUNTY, TENNESSEE

GRAPHIC SCALE: 1" = 20 FEET

DATE: JUNE 16, 2016
 JOB NO. 88-2016
 SHEET 1 OF 1

- GENERAL NOTES:**
1. BEARINGS ARE BASED ON THE FINAL PLAT TO THE SURVEYED PREMISES AS OF RECORD IN INSTRUMENT # 20010108-0002315 R.O.D.C., TENNESSEE.
 2. THE TOTAL AREA WITHIN THE SURVEYED PREMISES (LOT # 2) IS 10,984 SQUARE FEET.
 3. ALL LOT / PROPERTY CORNERS ARE SHOWN ON THIS SURVEY.
 4. FROM PUBLIC UTILITY RECORDS THE 20' PUBLIC UTILITY EASEMENT IS SHOWN ON INSTRUMENT # 20010108-0002315 R.O.D.C., TENNESSEE.
 5. PARCEL NUMBERS SHOWN THUS (78.00) PERTAIN TO DAVDSSON COUNTY PROPERTY MAP # 89-11, CURRENTLY ZONED RS-15.
 6. BY GEOPHIC PLATTING AND MAP SCALING LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD HAZARDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON FEMA MAP NUMBER 47187C0202F WHICH IS THE MOST CURRENT (VIA THE FEMA WEB-SITE) FOR WHICH THE SURVEYED PREMISES IS SITUATED IN. THE SURVEYED PREMISES LIES ENTIRELY WITHIN ZONE "X", COASTALITY # 47040 - PANEL # 0203 - SURVEY "F" - EFFECTIVE DATE 4-20-2001.
 7. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN HEREON FROM THE PLAT FROM VISIBLE APPEARANCES AT THE SITE. PUBLIC UTILITIES ARE SHOWN FROM VISIBLE APPEARANCES. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN ARE ACCURATE. COMPASS 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. DETAIL VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION TO BE MADE. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EVIDENCE OF RECORD, ENCUMBRANCES, RESTRICTIONS, COVENANTS AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE, THEREFORE THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
 8. THE SURVEYED PREMISES IS SUBJECT TO ALL GOVERNMENTAL AGENCIES OR JURISDICTIONS OF ANY TYPE OF EXCAVATION, IMPROVEMENTS, DEDICATION OR ANY EROSION CONTROL OF ANY TYPE.
 9. ANY EROSION CONTROL OF ANY TYPE OF EXCAVATION, IMPROVEMENTS, RESTRICTIONS, COVENANTS AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE, THEREFORE THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
 10. SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL (NASHVILLE DRIVEWAY DESIGN SIZE IN METRO ROAD 15 1/2" DIA).
 11. ANY DESIGNER SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE DESIGNATION AND REPLACEMENT SCHEDULE 17-20, ARTICLE II, TREE PROTECTION AND REPLACEMENT PROCEDURES, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

Re: Sharon Nichols
Appellant and Owner
1639 Emerald Drive
Map: 69-11 Parcel: 78
Zoning: RS15

Appeal Case: 2016-105

ORDER

This matter came to be heard in public hearing on October 4, 2016, before the Metropolitan Board of Zoning Appeals, upon the appeal of Sharon Nichols, with regard to the denial of a zoning permit for the construction of a single-family residence on the subject property. The reason for the denial was the inability to comply with the contextual setback requirement, MetZo §17.12.030A, which as applied to this property requires a 68 foot front yard. Because the property is only 100 feet deep, and because the rear yard setback is 20 feet, MetZo §17.12.020A, that reduces the depth of the permitted building envelope to only 12 feet.

After the public hearing on October 4, 2016, fewer than four votes were cast in favor of the variance, and as a result the application was held over to the October 20, 2016 docket of the Metro Board of Zoning Appeals. At that time another vote was taken, and the variance was granted as follows:

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

1. Proper legal and written notice of the public hearing has been given as set forth in § 17.40.720 of MetZo;
2. The appellants have appealed the denial of the permit and requested a variance pursuant to MetZo §§ 17.40.180(B) and §17.40.370;
3. The property is only 100 feet deep, and is exceptionally shallow as compared to the other properties in the general vicinity;
4. The property has existed in its current form since before the adoption of MetZo §17.12.030A, the contextual setback requirement;
5. The preceding property owner subdivided the property at a time before the contextual setback was adopted (the subdivision was in 2001; the adoption of the contextual setback was in May 2014), and then sold it to the current owner and



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



3258757

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2016035188
THIS IS NOT A PERMIT**

PARCEL: 06911007800

APPLICATION DATE: 07/13/2016

SITE ADDRESS:

1639 EMERALD DR NASHVILLE, TN 37218
LOT 2 LEWIS SUB

PARCEL OWNER: NICHOLS, SHARON

APPLICANT:**PURPOSE:**

TO CONSTRUCT A NEW SINGLE FAMILY RES.

DENIED: REQUIRED FRONT SETBACK MIN 68' BASED ON AVERAGE....ZONED RS15.

REQUEST 30'.....17.12.020.

POC: SHARON NICHOLS....615-244-9619

snichols6670@yahoo.com

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

[A] Site Plan Review

[A] Zoning Review

[B] Fire Life Safety Review On Bldg App

862-5230

[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

[A] Bond & License Review On Bldg App

[A] Noise Mitigation Bldg App Review

Zoning Appeals

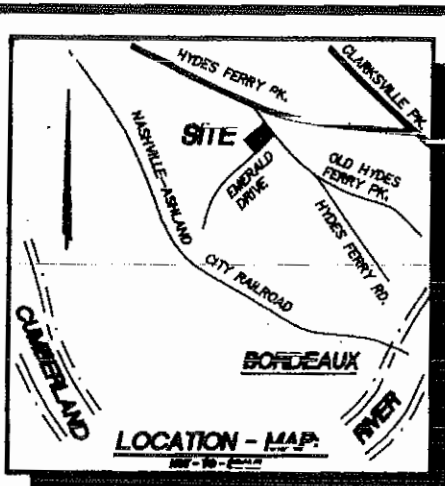
REJECTED

615-862-6505 Debbie.Lifsey@nashville.gov

Zoning Appeals

APPROVED

615-862-6505 Debbie.Lifsey@nashville.gov



LEGEND

IRON ROD (OLD)	○
IRON ROD (NEW)	●
CONCRETE MONUMENT (OLD)	□
CONCRETE MONUMENT (NEW)	■
EXISTING FIRE HYDRANT	⊙
GAS VALVE	⊕
WATER VALVE	⊖
EXISTING MAN-HOLE	⊗

C-1 CURVE DATA:
 $\Delta = 03^{\circ}21'32''$
 $R = 1705.81'$
 $T = 50.02'$
 $L = 100.00'$
 $CHD = 84^{\circ}28'16''E$
 $60.00'$

OWNER'S CERTIFICATE
 I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS EVIDENCED IN BOOK 1847, PAGE 72, R.O.D.C., TN., AN ADOPT THE PLAN OF THE SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC RIGHT-OF-WAYS AS NOTED. NO LOT OR LOTS AS SHOWN HEREON SHALL AGAIN BE SUBDIVIDED, RESUBDIVIDED, ALTERED OR CHANGED SO AS TO PRODUCE LESS AREA THAN HEREBY ESTABLISHED UNLESS OTHERWISE APPROVED BY THE METROPOLITAN PLANNING COMMISSION AND UNDER NO CONDITION SHALL SUCH LOT OR LOTS BE MADE TO PRODUCE LESS AREA PRESCRIBED BY THE RESTRICTIVE COVENANTS AS OF RECORD IN BOOK PAGE R.O.D.C., TN., RUNNING WITH THE TITLE TO THE PROPERTY.

NAME: Mary Dean Laird DATE: 11-8-2000
 NAME: _____ DATE: _____

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON IS CORRECT WITH A RATIO OF _____ ADJUSTED SURVEY BEING AT LEAST 1:10,000, AND THAT IT MEETS THE REQUIREMENTS OF A CATEGORY "1" URBAN LAND SURVEY AS SET FORTH IN THE RULES AND REGULATIONS OF THE STATE BOARD OF LAND SURVEYORS IN T.C.A. 04B2-3-03, AND THAT APPROVED MONUMENTS SHOWN ON THIS PLAN HAVE BEEN PLACED AS INDICATED ON THIS PLAN. ALL SIDE LOTS ARE TO A STREET UNLESS OTHERWISE NOTED.

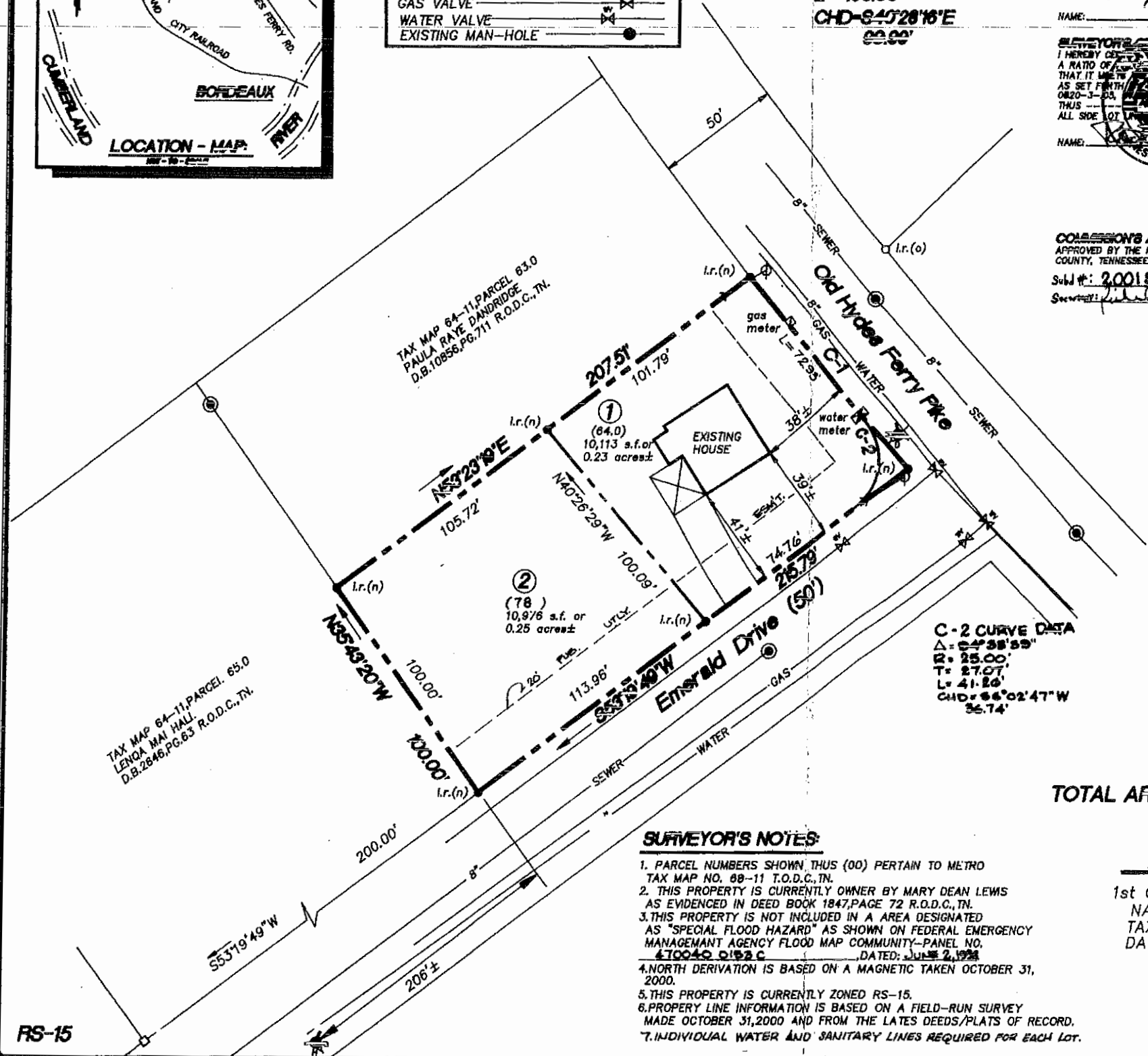
NAME: [Signature] DATE: 11/06/00
 LICENSE NO. _____

COMMISSION'S APPROVAL
 APPROVED BY THE METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE.

Subd #: 2001S-019U-05 DATE: _____
 Surveyed by: [Signature] Date: 1-5-01

RECORDED

Davidson County PLAT-REG
 Recvd: 01/05/01 12:27 ipgs
 Fees: 10.00 Taxes: 0.00
 20010108-0002315



C-2 CURVE DATA
 $\Delta = 04^{\circ}38'59''$
 $R = 25.00'$
 $T = 27.07'$
 $L = 41.20'$
 $CHD = 86^{\circ}02'47''W$
 $36.74'$

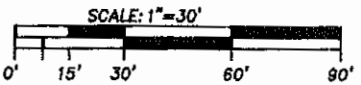
TOTAL AREA = 21,089 S.F., OR 0.48 ACRES ±

SURVEYOR'S NOTES

1. PARCEL NUMBERS SHOWN THUS (00) PERTAIN TO METRO TAX MAP NO. 88-11 T.O.D.C., TN.
2. THIS PROPERTY IS CURRENTLY OWNER BY MARY DEAN LEWIS AS EVIDENCED IN DEED BOOK 1847, PAGE 72 R.O.D.C., TN.
3. THIS PROPERTY IS NOT INCLUDED IN AN AREA DESIGNATED AS "SPECIAL FLOOD HAZARD" AS SHOWN ON FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD MAP COMMUNITY-PANEL NO. 470049 D152 C DATED: July 2, 1978
4. NORTH DERIVATION IS BASED ON A MAGNETIC TAKEN OCTOBER 31, 2000.
5. THIS PROPERTY IS CURRENTLY ZONED RS-15.
6. PROPERTY LINE INFORMATION IS BASED ON A FIELD-RUN SURVEY MADE OCTOBER 31, 2000 AND FROM THE LATEST DEEDS/PLATS OF RECORD.
7. INDIVIDUAL WATER AND SANITARY LINES REQUIRED FOR EACH LOT.

FINAL PLAT OF:
Lewis Subdivision

1st CIVIL DISTRICT - 13th CIVIL DISTRICT
 NASHVILLE, TENNESSEE 37218
 TAX MAP REF: MAP69-11 PARCEL 64.00
 DATE: NOV.1st, 2000 SCALE: 1"=30'



r.l. montoya - Land Surveying, inc.
 412 Bass Street
 Goodlettsville-Davidson Co., TN. 37072
 Phone: (615) 851-1969 Fax: (615) 851-7355

FINAL PLAT OF:
LEWIS SUBDIVISION
 IN ONE ACRES
 2001S-019U-05
 NASHVILLE, TENNESSEE 37218

DRAWN BY:
 T.S.

CHECKED BY:

DATE:
 11-1-00

REVISIONS:

SCALE:
 1"=30'

JOB NO.:

02-10-129

SHEET NO.:

DF: 1

RS-15

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-286 (1639 Emerald Drive)

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:	RS15
Community Plan Policy:	T3 NE (Suburban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	None existing; none planned
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



Appellant : Matt Schlicker, P.E. Date: 4/30/19
Property Owner: Sawtooth Partners, LLC Case #: 2019-287
Representative: : Matt Schlicker, P. E. Map & Parcel: 10510029600

Council District 17

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

Purpose: to make renovation to portion of existing building without building sidewalks or paying.

Activity Type: Commercial

Location: 2030 Lindell Avenue

This property is in the IR 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 sidewalk requirements. Requesting not to pay or build sidewalks

Section(s): 17.20.120

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

MATT SCHLICHER
Appellant Name (Please Print)

Representative Name (Please Print)

214 Oceanside Drive
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615-564-2700
~~615-564-2700~~
Phone Number

Phone Number

MATT.SCHLICHER@KIMLEY-HORN.COM
Email

Email

Zoning Examiner: _____

Appeal Fee: paid



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



3664127

ZONING BOARD APPEAL / CAAZ - 20190024998
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10510029600

APPLICATION DATE: 04/30/2019

SITE ADDRESS:

2030 LINDELL AVE NASHVILLE, TN 37203
PT LOTS 17 THRU 21 W. P. CLEVELAND ADDN

PARCEL OWNER: SAWTOOTH PARTNERS, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

renovation to portion of existing bldg. for SAWTOOTH-ORIN
POC MATTHEW WILLIAMS 615-312-0265

*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**



3637811

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019017663
THIS IS NOT A PERMIT**

PARCEL: 10510029600

APPLICATION DATE: 03/26/2019

SITE ADDRESS:

2030 LINDELL AVE NASHVILLE, TN 37203
PT LOTS 17 THRU 21 W. P. CLEVELAND ADDN

PARCEL OWNER: SAWTOOTH PARTNERS, LLC

APPLICANT:**PURPOSE:**

renovation to portion of existing bldg. for SAWTOOTH-ORIN
POC MATTHEW WILLIAMS 615-312-0265

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Building Plans Received	E-PLANS	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review		615-862-6039 John.Tyler@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5421 Patricia.Reynolds@nashville.gov
[B] Fire Sprinkler Requirement		615-862-5421 Patricia.Reynolds@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[A] Bond & License Review On Bldg App		
[A] Noise Mitigation Bldg App Review		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	REJECTED	(615) 862-6038 Logan.Bowman@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

2019-04-30

 DATE

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

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

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

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

SEE ATTACHED LETTER

Kimley»Horn

April 30, 2019

**Metropolitan Board of Zoning Appeals
Department of Codes and Administration
Metro Office Building
700 2nd Avenue South, Nashville, TN**

**Subject: *Sawtooth Building Rehab, 700 Benton Avenue
Sidewalk Variance Request Letter***

This letter provides a summary of the project requirements, the site considerations, and the subsequent request for a variance to the City of Nashville Board of Zoning Appeals to allow the property improvements and the renovations to an existing office building.

The existing office building is located at 700 Benton Avenue in Nashville, Tennessee. The site is bounded by an unused public alley to the west and north, a CSX rail line to the east, and a dead-end public street (Lindell Ave) to the south. The total site area is +/- 1.69 AC in size.



The property has been flagged for sidewalk improvements on Building Permit CACR T2019017663. In



our professional opinion, sidewalks are not warranted on this site for the following reasons:

1. They would be installed at the very end of a dead-end drive that terminates into railroad ROW, so they would not provide any benefit to the community.
2. There are existing features there (power poles, fencing, parking, etc.) that would need to be removed. These existing obstructions represent a significant hardship that would make installation of the sidewalk very difficult.
3. The building is just being renovated and adding sidewalks would add significant cost without providing benefit to either the community or the property owner.

For these reasons, we are requesting approval of a variance to waive sidewalk requirements for this renovation project.

Should you have any questions or concerns, please do not hesitate to contact me at 615-564-2708 or matt.schlicker@kimley-horn.com.

Sincerely,

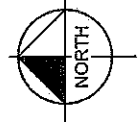
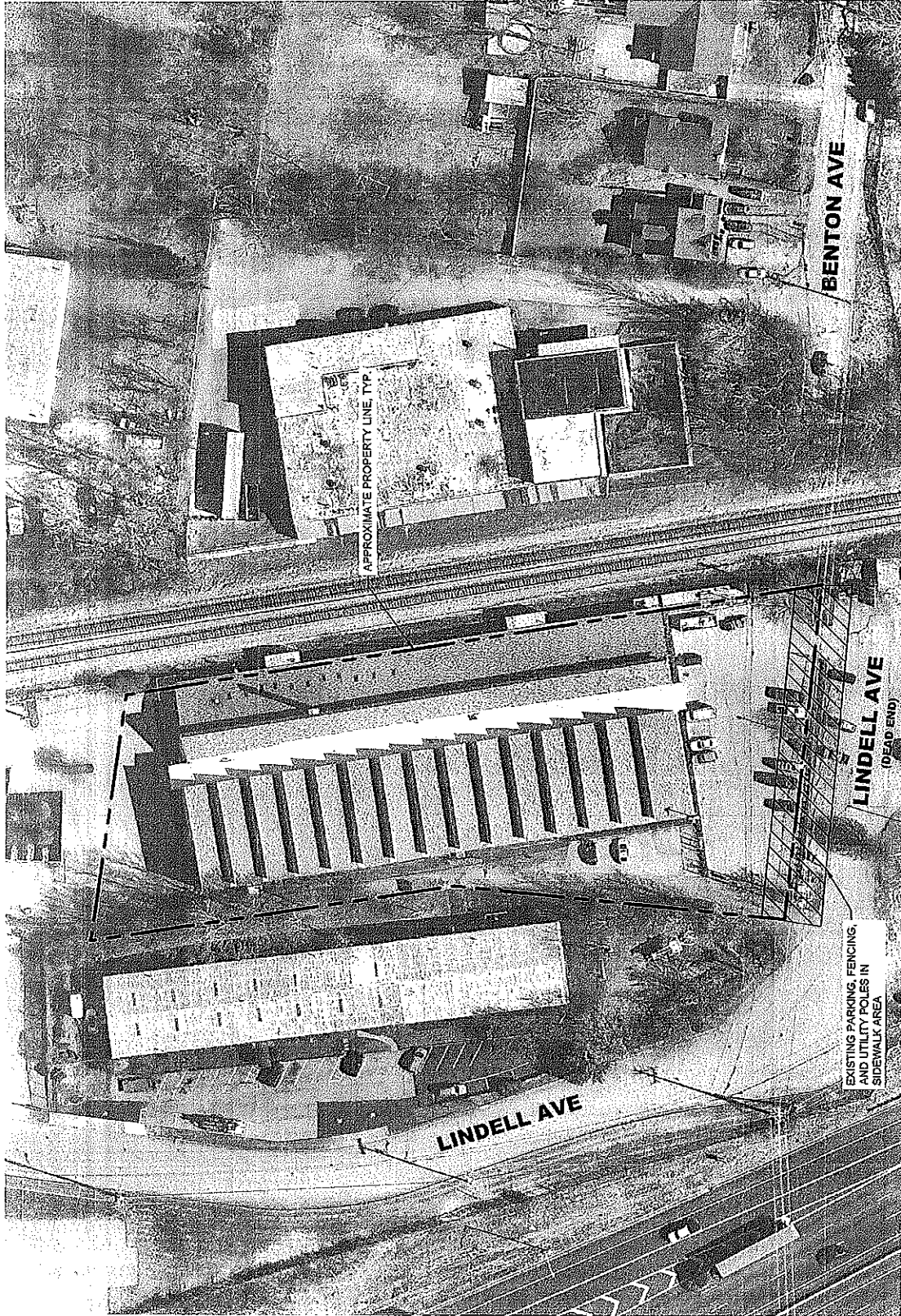
A handwritten signature in black ink that reads "Matt Schlicker".

Matt Schlicker, P.E.

Project Manager

SITE PLAN NOTES

- PROJECT ADDRESS: 700 BENTON AVE.
- PARCEL NO. 16510022600
- BLDG PERMIT NO. 1201907669



Kimley»Horn

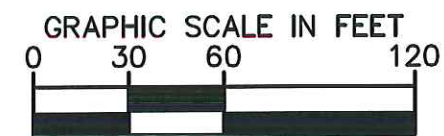
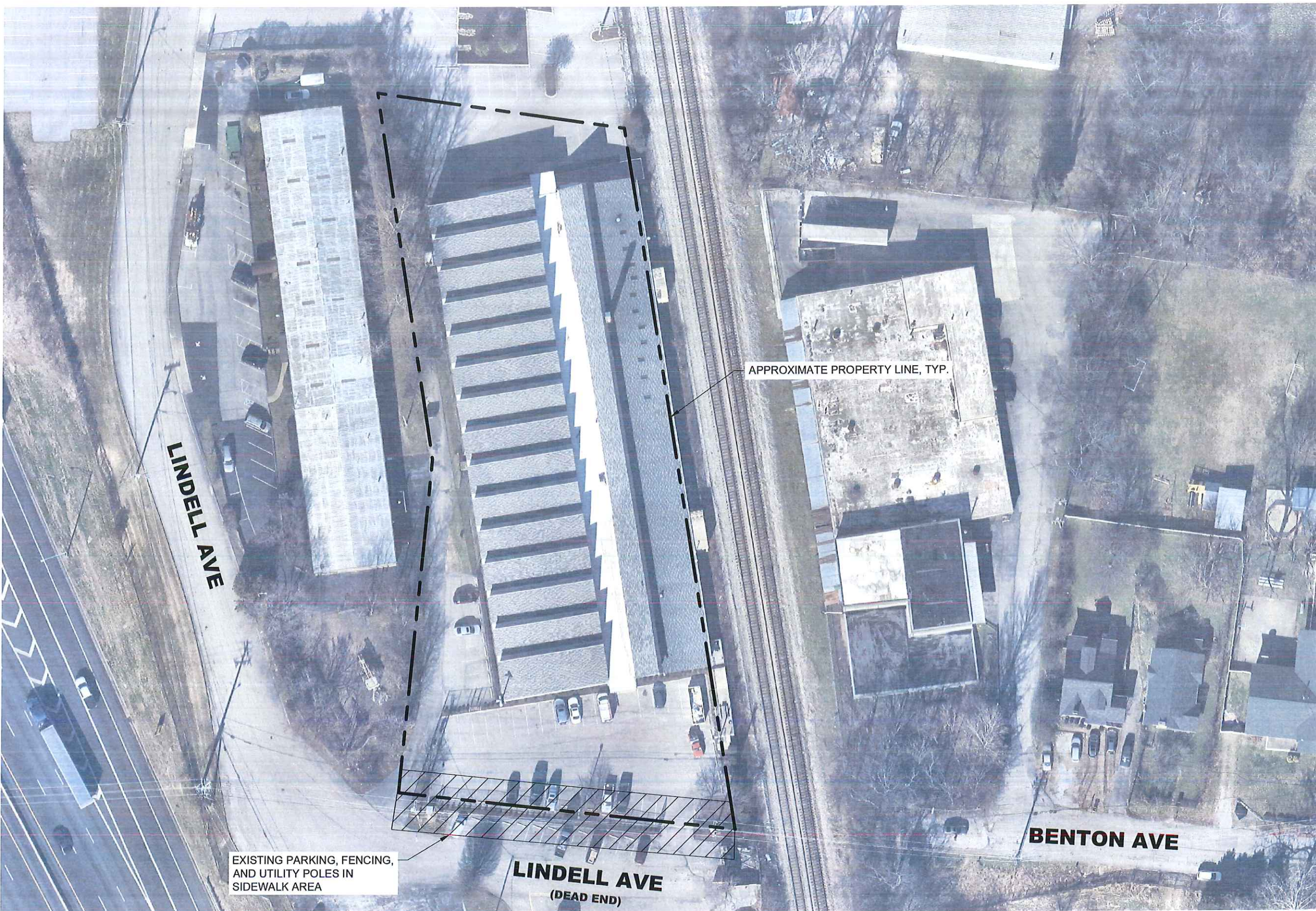
APRIL 30, 2019

SAWTOOTH SITE PLAN

017010006

SITE PLAN NOTES

- PROJECT ADDRESS: 700 BENTON AVE.
- PARCEL NO. 10510029600
- BLDG PERMIT NO. T201907663



SAWTOOTH SITE PLAN

Kimley»Horn



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-287 (2030 Lindell Avenue)

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 (not eligible)
Zoning:	IR
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	0.24 miles west of #1 – 100 Oaks
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to conduct interior renovations to an existing 65,096 square foot distribution warehouse and office and requests a variance from constructing sidewalks or from contributing in-lieu of construction. Planning evaluated the following factors for the variance request:

- (1) The existing distribution warehouse and office use comprises three adjacent parcels. A 7' sidewalk without a grass strip exists along the Lindell Avenue frontage of the northern-most parcel, which terminates approximately 294' from the southern-most parcel cited within the variance application.
- (2) Because of the existing industrial and warehousing uses in the area along a dead-end street, construction of sidewalks is premature. However, if more significant development more aligned with the land use policy occurs in the future, the need for sidewalks should be re-evaluated.

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

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

Braisted, Sean (Codes)

From: Sledge, Colby (Council Member)
Sent: Friday, June 14, 2019 8:54 AM
To: Board of Zoning Appeals (Codes)
Cc: Lamb, Emily (Codes); Braisted, Sean (Codes)
Subject: BZA D17 items

Board members,

Good morning! I hope you've had a good week. My position on D17 items below:

- 2018-674: I've received no word on this lot-size appeal at 1112 2nd Ave S. I request a **deferral**.
- 2019-218: I've received no word on this appeal for a boatload of exemptions at 1103 2nd Ave S. I **oppose** this request.
- 2019-244: The applicant reached out to me, but when I asked for details, they told me they would follow up. I have not heard back; therefore, I **oppose** this request for now.
- 2019-269: The applicant has reached out, but neighbors have requested that the applicant pay at least something into the sidewalk fund. I agree with this request and **oppose** the appeal as currently written.
- 2019-270: I've received no word on this setback appeal at 916 Kirkwood Ave. I request a **deferral**.
- 2019-272 and 273: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street that desperately needs it.
- 2019-276 and 277: I **vehemently oppose** this attempt to get out of building 200 feet of sidewalk on a street where this is practically the only gap left. It should be noted that the applicant would not have been able to construct single family residences without the Board's prior action.
- 2019-278: The applicant has not reached out to me about this appeal on 36 Shepard St. I request a **deferral**.
- 2019-287: The applicant has reached out to me and the sidewalk law was triggered by an internal renovation to an existing building. I **support** this request.

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727

ColbySledge.com

[Sign up for my weekly newsletter here!](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF WASHINGTON AND DAVIDSON COUNTY



Appellant: Shelbye Heflin Date: 4/30/19
Property Owner: West Meade Fellowship Case #: 2019-288
Representative: Shelbye Heflin Map & Parcel: 14200034300

Council District 22

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

Purpose: Special Exception to Erect 44SF electronic message board

Activity Type: Electronic Message Board

Location: 277 Old Hickory Blvd.

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

Reason: Special Exception to erect electronic message board

Section(s): 17.40.290

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

Same
Appellant Name (Please Print)

Shelbye Heflin
Representative Name (Please Print)

Address

630 Murfreesboro PK.
Address

City, State, Zip Code

Nashville, TN 37210
City, State, Zip Code

Phone Number

615-255-3463
Phone Number

Email

shelbye@jaslinsign.com
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



3664230

ZONING BOARD APPEAL / CAAZ - 20190025052
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14200034300

APPLICATION DATE: 04/30/2019

SITE ADDRESS:

277 OLD HICKORY BLVD NASHVILLE, TN 37221

LOT 3 SUMMIT OAKS PH 5 & PUD BOUNDARY

PARCEL OWNER: WEST MEADE FELLOWSHIP, INC.

CONTRACTOR:

APPLICANT:**PURPOSE:**

special exception to erect 44Sf electronic message board

*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 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 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 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 various procedures 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.

Derek Ross
APPELLANT

4-24-19
DATE

Kevin White

4/24/19

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.

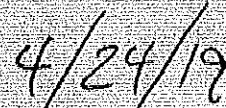
You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

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


 APPELLANT (OR REPRESENTATIVE)




 DATE



Metropolitan Board of Zoning Appeal
Metro Office Building
800 2nd Avenue South
Nashville, TN 37210

April 30, 2019

Re: Application for Special Exemption Request for West Meade Fellowship
277 Old Hickory Boulevard
Nashville, TN 37221

Thank you for the opportunity to submit this request which is for an appeal to allow our church to have, in combination with a new logo sign, an electronic message center. We would like to replace our existing, aged fluorescent illuminated sign that is a combination of our church logo and manual fluorescent illuminated reader board with a new sign that is similar, but replaces the section of the sign that has a manual reader board with an electronic message center. The new replacement sign will be the same size and utilize the existing brick structure for support. The new sign will also utilize LEDs for the logo illumination and for the message display. Use of LED technology will save on future repair costs.

There are numerous reasons for our church's need for a new electronic message center. Our congregation is indeed an older congregation and an electronic message center would alleviate the physical requirements of updating the sign, especially in seasons when the weather conditions deteriorate. The new message center will be an effective means of informing our community of the many & ever-changing events and programs that we offer. We feel that the message center will draw better attention to our church. We have seen other area churches be awarded message centers and can see firsthand the positive benefits of their new message centers. The churches near us that have new electronic message centers are located closer to residential areas whereas our church is closer to commercial activity.

Thank you very much for considering our appeal.

Dick Bess & Kevin Mills - Session Members of West Meade Fellowship



METROPOLITAN COUNCIL

Member of Council

April 24, 2019

Members of the Board of Zoning Appeals,

Thank you so much for your time and consideration of the request by the West Meade Fellowship Church at 277 Old Hickory Blvd, Nashville, Tn 37221 in District 22 which I represent. I am writing to support their request to replace their current sign with an electronic message board for the following reasons:

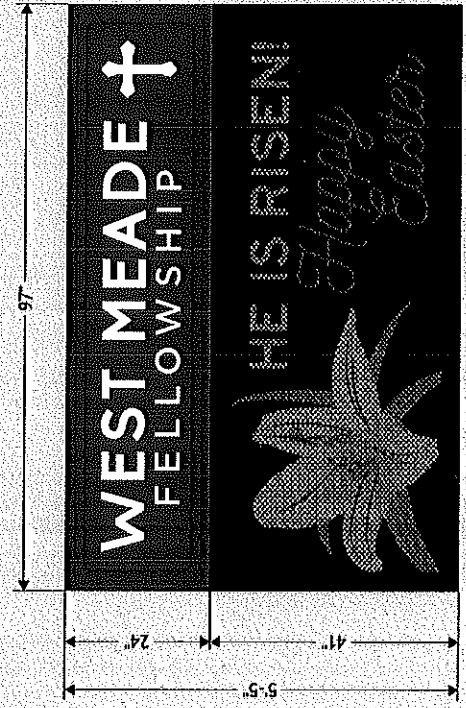
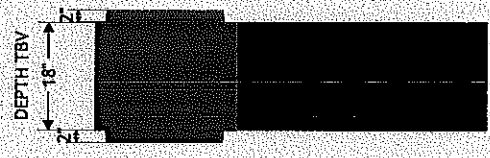
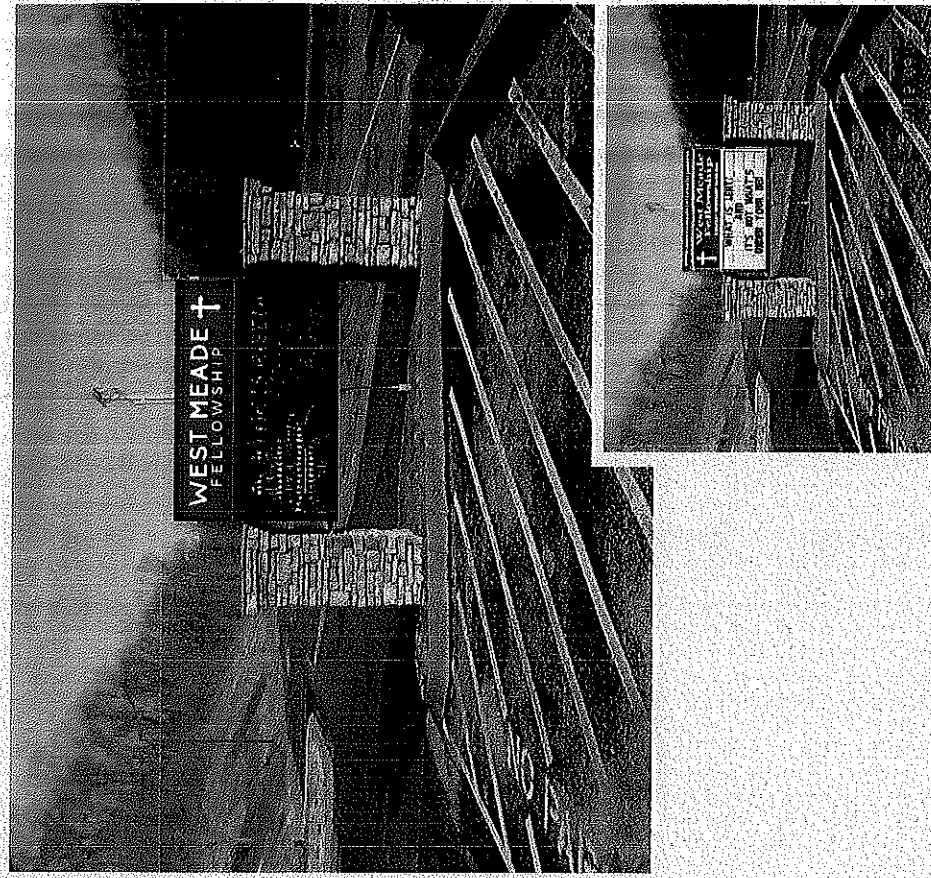
- Old Hickory Blvd is a major corridor that is dotted with commercial and residential properties.
- No residential properties are located directly across from this church. Any residences are buffered by landscaping at OHB.
- There are other churches in the area that have switched over to electronic message boards on Hwy 70 S and on Hwy 100, both major corridors.

Again, my thanks for your service.

Sincerely,

Dr. Sheri Weiner
Member of Metro Council, District 22

Final Graphics
J. Morton
TBD



FRONT VIEW
 SCALE: 1/2" = 1'-0"

END VIEW
 SCALE: 1/2" = 1'-0"

WEST MEADE FELLOWSHIP
 277 OLD HICKORY BLVD
 NASHVILLE, TN 37221
 PROJECT MGR: M. SHEA
190361-S10-01

SPECIFICATIONS & FINISHES

1. FABRICATE/INSTALL LED-ILLUMINATED CABINET WITH PAN FORMED FACES AND FULL COLOR EMC SCREENS, AS ILLUSTRATED AND SPECIFIED.

WHITE BLACK PMS 1805 C

3-29-19 J. MORTON
XXXXX
 PAGE 1 OF 1

APPROVALS
 ENGINEERING:
 INSTALLATION:
 PROJECT MANAGER:

JUSTIN AND SON SIGNS
 630 Murfreesboro Rd, Nashville, TN 37210
 615.255.3453 1.800.546.9957

*Design & Drawing Are Property Of Justin Signs. Use Without Consent Is Subject To Invoicing And/or Litigation.

From: [Gregory, Christopher \(Public Works\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#)
Subject: Case #2019-288
Date: Wednesday, May 8, 2019 11:43:24 AM

2019-288 277 Old Hickory Blvd To Erect a 44 sf Electronic Message Board

Variance: 17.40.290

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

Christopher E. Gregory, E.I.T.
Metropolitan Government of Nashville

Department of Public Works

Engineering Division

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

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



Appellant: Iglesia de Cristo Jehova Shema Date: 2/11/2019
Property Owner: IGLESIA DE CRISTO
Representative: James King Case #: 2019-289
Map & Parcel: 133.010 232.00

Council District 16

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

Purpose: CONSTRUCT ADDITION ON
EXISTING CHURCH
(SPECIAL EXCEPTION GRANTED (2018-663))

Activity Type: ADDITION TO CHURCH

Location: 520 RAYMOND DR.

This property is in the R575 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 SIDEWALKS OR CONTRIBUTE

Section(s): 17.20.120

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

Iglesia De Cristo Jehova Shema
Appellant Name (Please Print)

James King
Representative Name (Please Print)

520 Raymond St.
Address

2833 Bradford Ave
Address

Nashville, TN 37211
City, State, Zip Code

Nashville, TN 37204
City, State, Zip Code

615.429.4448
Phone Number

615.743.8702
Phone Number



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 - 20190008357
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13301023200

APPLICATION DATE: 02/11/2019

SITE ADDRESS:

520 RAYMOND ST NASHVILLE, TN 37211

LOTS 273, 275, & 277 SEC 2 SUNRISE HGTS & PT CL STREET

PARCEL OWNER: IGLESIA DE CRISTO JEHOVA-SHAMA NASI

CONTRACTOR:

APPLICANT:

PURPOSE:

Required: Per 17.20.120 Sidewalks required

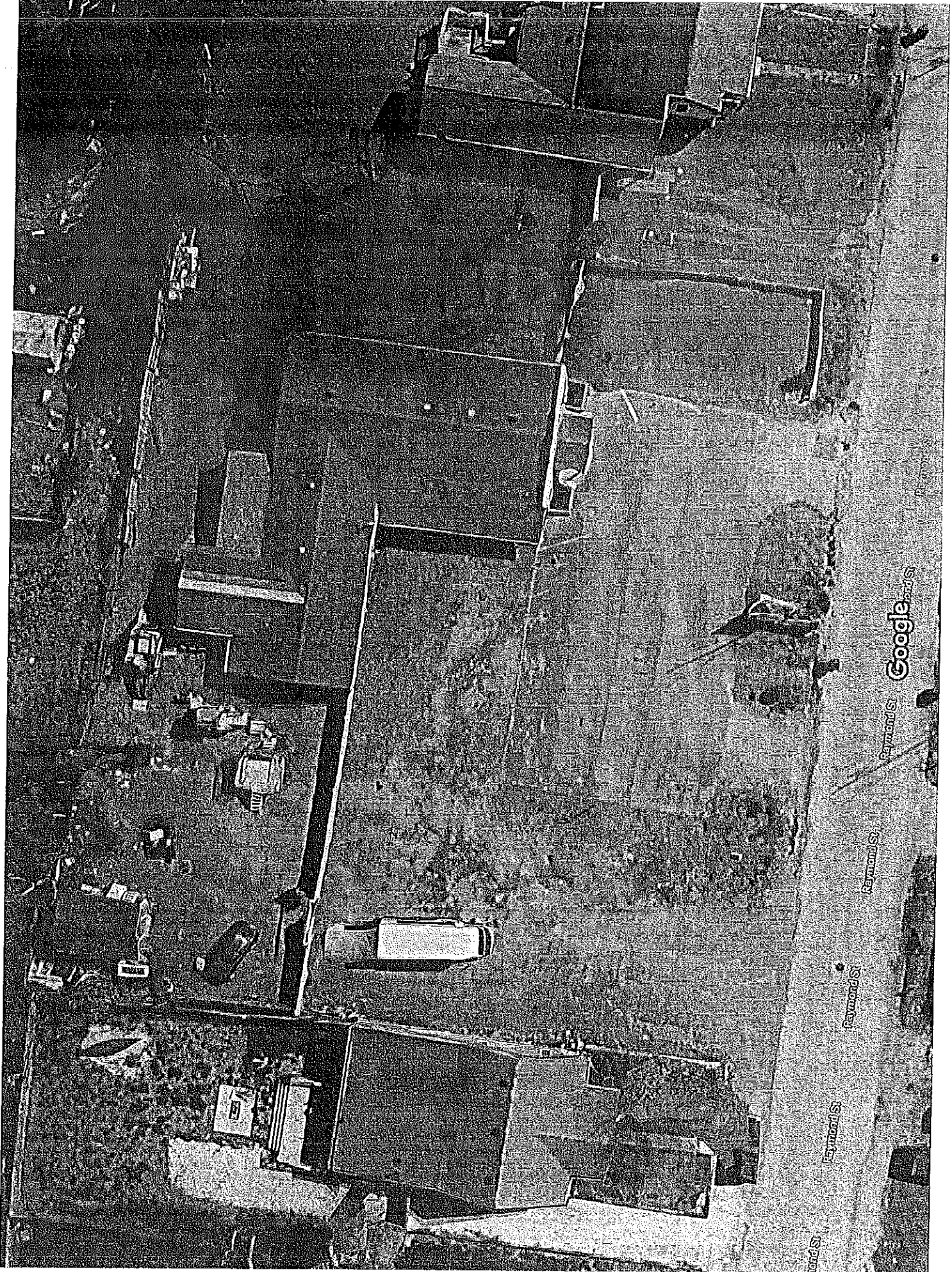
Request not to install sidewalks or contribute

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

615. 862-6500
615 862-6548
Brady Rich.



Google

Raymond St

Raymond St

Raymond St

Raymond St

Raymond St



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.

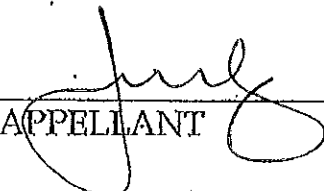
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

4-30-19

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

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

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

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

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

1. As there are no sidewalks on Raymond Street nor are there sidewalks in the neighborhood, it would be difficult to maintain continuity with the neighborhood. 2. The cost of sidewalks would take up 62% of the budget available for the improvement. This would leave the small congregation without adequate funds to complete it's improvement.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-289 (520 Raymond Street)

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:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	154' west from #52 – Nolensville Pike BRT Lite; future High Capacity Transit per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve.*

Analysis: The applicant proposes a 1,120 square foot addition to an existing religious institutional use and requests a variance from constructing sidewalks and from contributing in-lieu of construction. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the property's frontage, which is consistent with adjacent properties to the east and west along the block face.
- (2) There is no stormwater infrastructure including ditches on this side of Raymond Street, so construction of sidewalks at this location should be undertaken comprehensively to determine potential impacts to the area's drainage. Parking would need to be rearrange and utilities moved, so this is a significant hardship given the scale of improvements proposed on the site.
- (3) The property line is approximately 11' from the existing pavement width. Right-of-way dedication for construction of a sidewalk which meets the Local Street standard is unnecessary given the amount of available space.

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

From: [Michael Hogan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: ZONING APPEAL: Case Number 2019-289
Date: Tuesday, May 28, 2019 9:32:06 AM

Dear Zoning Board,

We live at 523 Raymond St. and wish to support the appeal for the sidewalk construction variance requested by Iglesia De Cristo Jehova-Shama. There are currently no sidewalks constructed anywhere in the neighborhood, and in doing so, would require the church to incur an unnecessary financial burden. Also, many of the lots in the neighborhood, including our own, are not conducive to sidewalk construction unless underground drainage pipes are installed due to the drainage culverts that run along the front of numerous properties throughout the neighborhood.

Please contact me via email or by the number below if you require any additional information or have any questions.

Best regards,
Michael Hogan & Michele Bendekovic
(412) 616-8548

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : ANDREW C BEASLEY Date: 4/30/19

Property Owner: ANDREW C BEASLEY Case #: 2019- 290

Representative: ANDREW C BEASLEY Map & Parcel: 07114001000

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: NEW SINGLE FAMILY RESIDENCE

Activity Type: RES. CONSTRUCTION

Location: 1200 KATIE AVE

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

Reason: SETBACK VARIANCE FROM 5 FT
REQUIRED SIDE SETBACK, REQUESTING 2.5 FT SETBACK

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.

ANDREW C BEASLEY
Appellant Name (Please Print)

Representative Name (Please Print)

816 WOODLAND ST
Address

Address

NASHVILLE, TN 37206
City, State, Zip Code

City, State, Zip Code

615-999-4011
Phone Number

Phone Number

ANDREW@ANDREWBEASLEY.COM
Email

Email

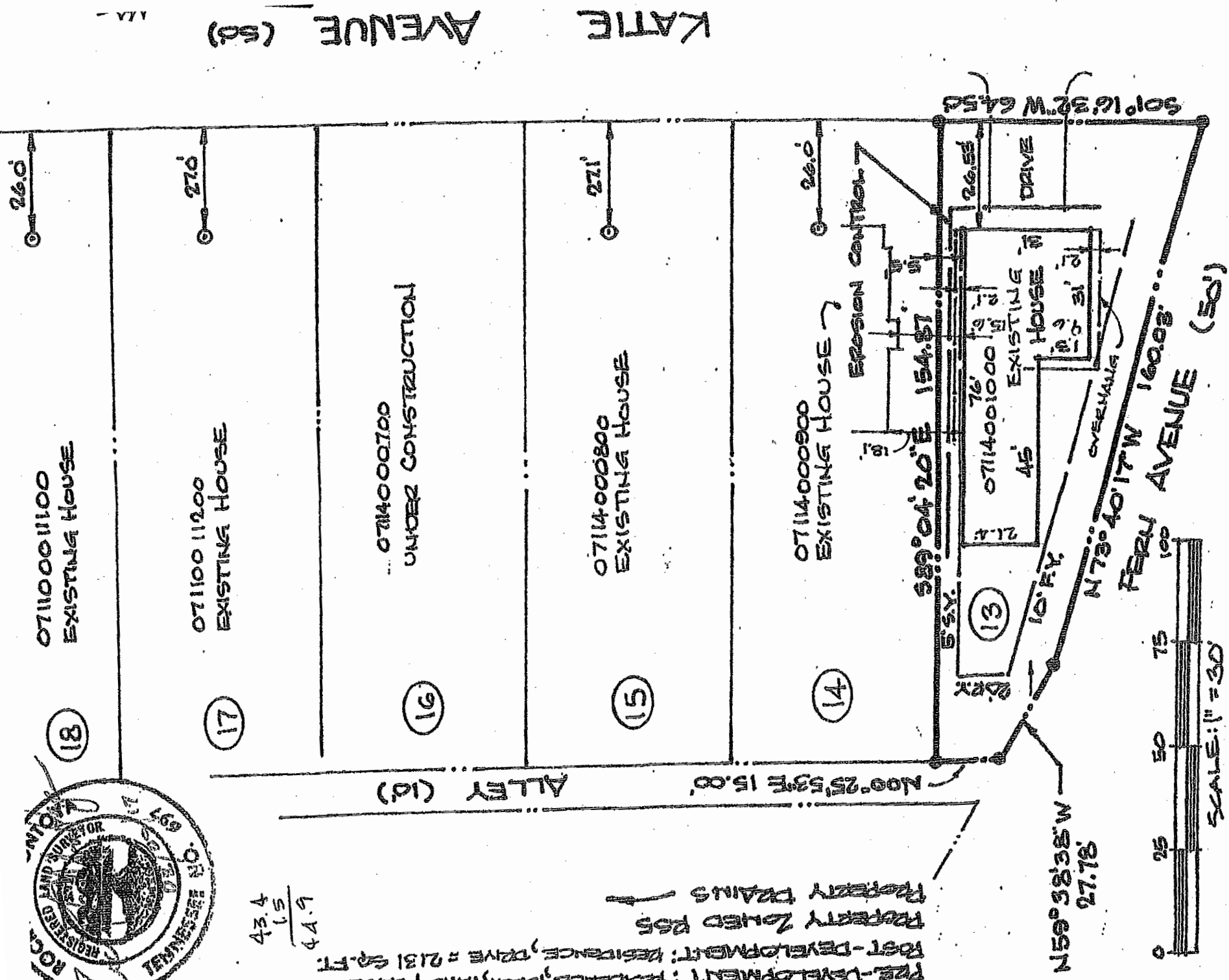
Zoning Examiner: Lisa

Appeal Fee: paid



PRE-DEVELOPMENT: RESIDENCE, PORCH, PATIO & DRIVE = 1522 SQ.FT.
 POST-DEVELOPMENT: RESIDENCE, DRIVE = 2131 SQ.FT.
 PROPERTY ZONED R5S
 PROPERTY DRAINS →

$\frac{43.4}{1.5} = 44.9$



KATIE AVENUE (50')

LOT SURVEY AND PLOT PLAN

NOTES:

1. This lot is not included in an area designated "special flood hazard" on Federal flood maps available to me at this time.
2. I hereby certify that this survey has been made using the latest recorded deeds and other information furnished by title attorney, that there are no encroachments or projections other than those shown, and that the survey is correct to the best of my knowledge and belief.

PROPERTY ANDREW CHAMBERS BEASLEY
 SUBDIVISION W.G. BUSH TRACT
 ADDRESS 1702 KATIE AVENUE CITY NASHVILLE
 COUNTY DAVENPORT PLAT BOOK 421 PAGE 24
 LOT NO. 13 BLOCK JOB NO. 16-08-44 E.L.M.
T.N. RLS 071

ROCKY MONTOYA-LAND SURVEYING

1105 OLD DICKERSON FIVE-GOULDSVILLE, TN. 37012 Rev: 05/03/19
 PHONE: (615) 247-1710 FAX: (615) 247-1710

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: CATALYST DESIGN GROUP Date: 4-30-19
Property Owner: 1715 WEST END PARTNERS Case #: 2019- 291
Representative: PHILIP PIERCY Map & Parcel: 092.160 17406

Council District 19

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

Purpose: COMMERCIAL RENOVATIONS
AND ATM ADDITION

Activity Type: COMMERCIAL
Location: 1715 WEST END

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

Reason: VARIANCE TO SIDEWALK AND
DRIVEWAY REQUIREMENTS

Section(s): 17.20.120 AND 17.20.170

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.

<u>CATALYST DESIGN GROUP</u> Appellant Name (Please Print)	_____ Representative Name (Please Print)
<u>5016 PENNENIAL BLVD SUITE 200</u> Address	_____ Address
<u>NASHVILLE TN 37205</u> City, State, Zip Code	_____ City, State, Zip Code
<u>615 476-7238</u> Phone Number	_____ Phone Number
<u>PIERCY@CATALYST-DG.COM</u> 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**



3664374

**ZONING BOARD APPEAL / CAAZ - 20190025138
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09216017600

APPLICATION DATE: 04/30/2019

SITE ADDRESS:

1715 WEST END AVE NASHVILLE, TN 37203
LOT 2 BOYD HOME TRACT RE-SUB OF LOT 137

PARCEL OWNER: 1715 WEST END PARTNERS

CONTRACTOR:

APPLICANT:**PURPOSE:**

Proposed renovations to existing building and addition of a detached ATM Bank Machine on MUI-A Zoned parcel.
BZA Appeal requesting Variance from Sidewalk requirements per 17.20.120 and Driveway Access requirements per 17.20.170.

Sidewalk Variance requesting to keep existing sidewalk and update ADA compliance.

Driveway Variance to keep existing 3 driveways, 1 on West End Ave and 2 on Broadway Ave.

No Permit Application for Renovations/ATM

*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.



April 30, 2019

**Mr. Jon Michael
Metro Codes Department
800 Second Avenue South
Nashville, TN 37210**

**Re: Fifth Third Bank
1715 West End Avenue
Parcel ID 09216017600
Nashville, TN**

Dear Mr. Michael,

Please find attached and application and 2 copies of a plan for a Board of Zoning Appeals variance request for the above referenced site. Fifth Third Bank has an option to lease this site which was a former branch bank. Their plans for this site include a complete renovation to the existing building which is in dis-repair. The plans also include the addition of a dual ATM drive thru, which is imperative to the bank's operations.

Since the building is being completely renovated, we anticipate that the requirement to upgrade the site to current codes will be enacted. The site conditions create hardships preventing compliance with some of the current codes.

We anticipate these issues will include the following items:

1. Standard furnishing zone and sidewalk widths: The site currently has sidewalks located behind the curb line on both West End and Broadway. The adjoining sites on both sides and on both roads also have sidewalks located behind the curb without furnishing zones. On both roadways and on both sides of the site there are retaining walls and building structures that are located closer to the roadway than the widths of the required furnishing zone and sidewalk. On West End a 4' grass strip and 10' sidewalk is required. On Broadway a 4' grass strip and 12' sidewalk is required. If the required sidewalks were installed, they would direct pedestrian traffic into the walls and building walls at the adjacent properties. It is not likely that the adjoining sites would redevelop any time in the near future to allow the sidewalks to extend, since both have been renovated in the recent past and neither upgraded the sidewalks to current codes. We would propose to replace the sidewalks along our frontage to be ADA compliant if out of compliance, but construct them in the current location.

2. Driveway separation: The plan proposes to use the existing driveways which are currently located closer to each other, and the neighboring site driveways. The driveways are also located closer to the existing street intersection (18th Avenue) than allowed. On Broadway there are two existing driveways (one entry, one exit) which we need to maintain in order to provide access to the ATM. The neighboring property to the east is a car wash which has nearly a full access driveway the width of the property. The property to the west has dumpsters located adjacent to our sites driveway and must access these dumpsters through our driveway.

We are therefore requesting a variance to not be required to bring the site into compliance with the current standards noted above.

In addition to the plans and application this submittal includes photographs from the site and a review fee check in the amount of \$ 200.00.

Please let me know if you need any additional information to process this request.

Sincerely,

Catalyst Design Group



D. Phillip Piercy, PE
Project Manager

Enclosure(s)

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

4-30-19

 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.

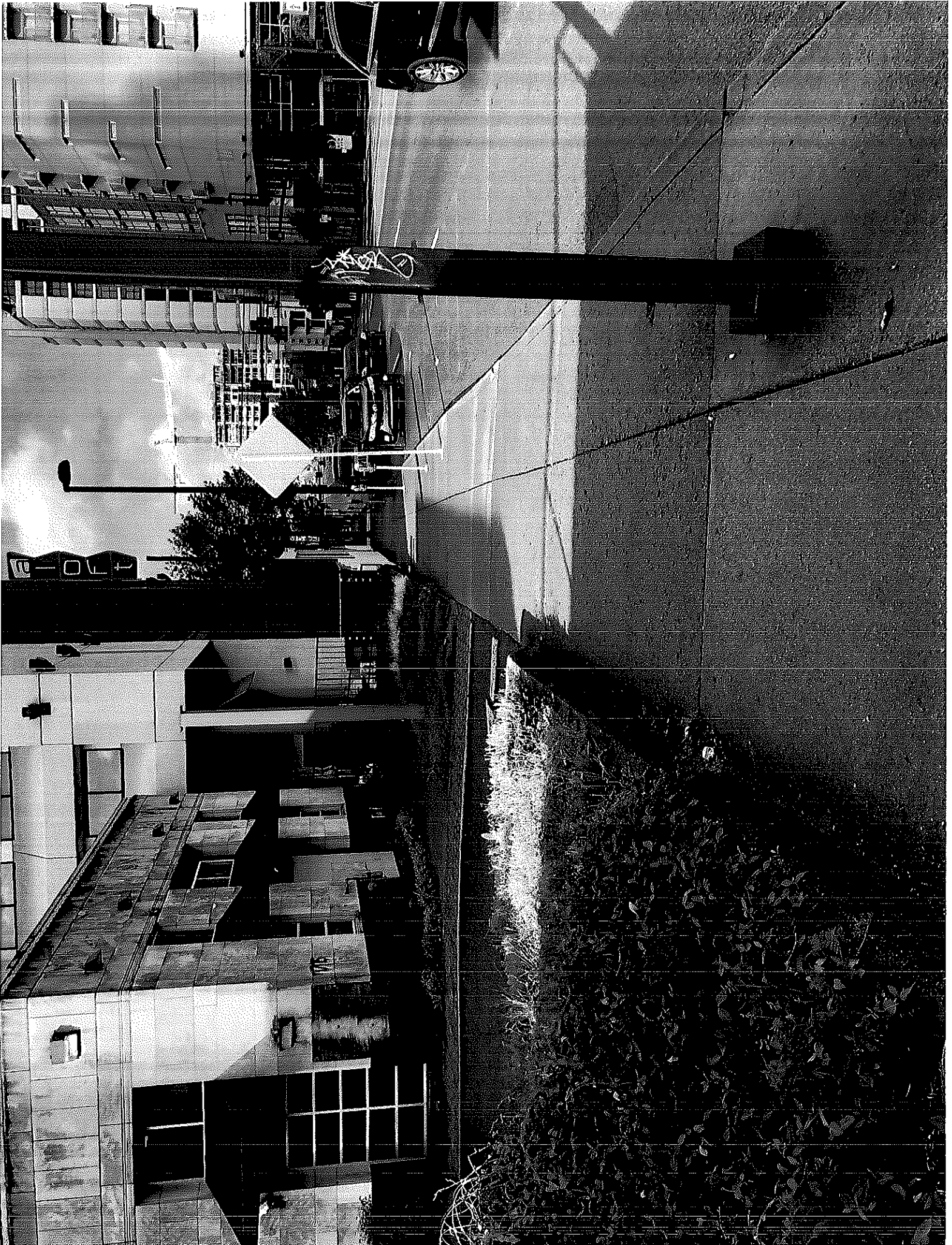
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

See attached letter describing the restrictions and hardships of this site.





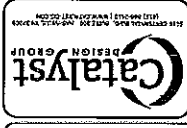






09216017500 (1 of 3)
Parcel ID: 09216017500
Address: 1715 WEST END AVE
Owner: 1715 WEST END PARTNERS
Zoom to View Parcel Details

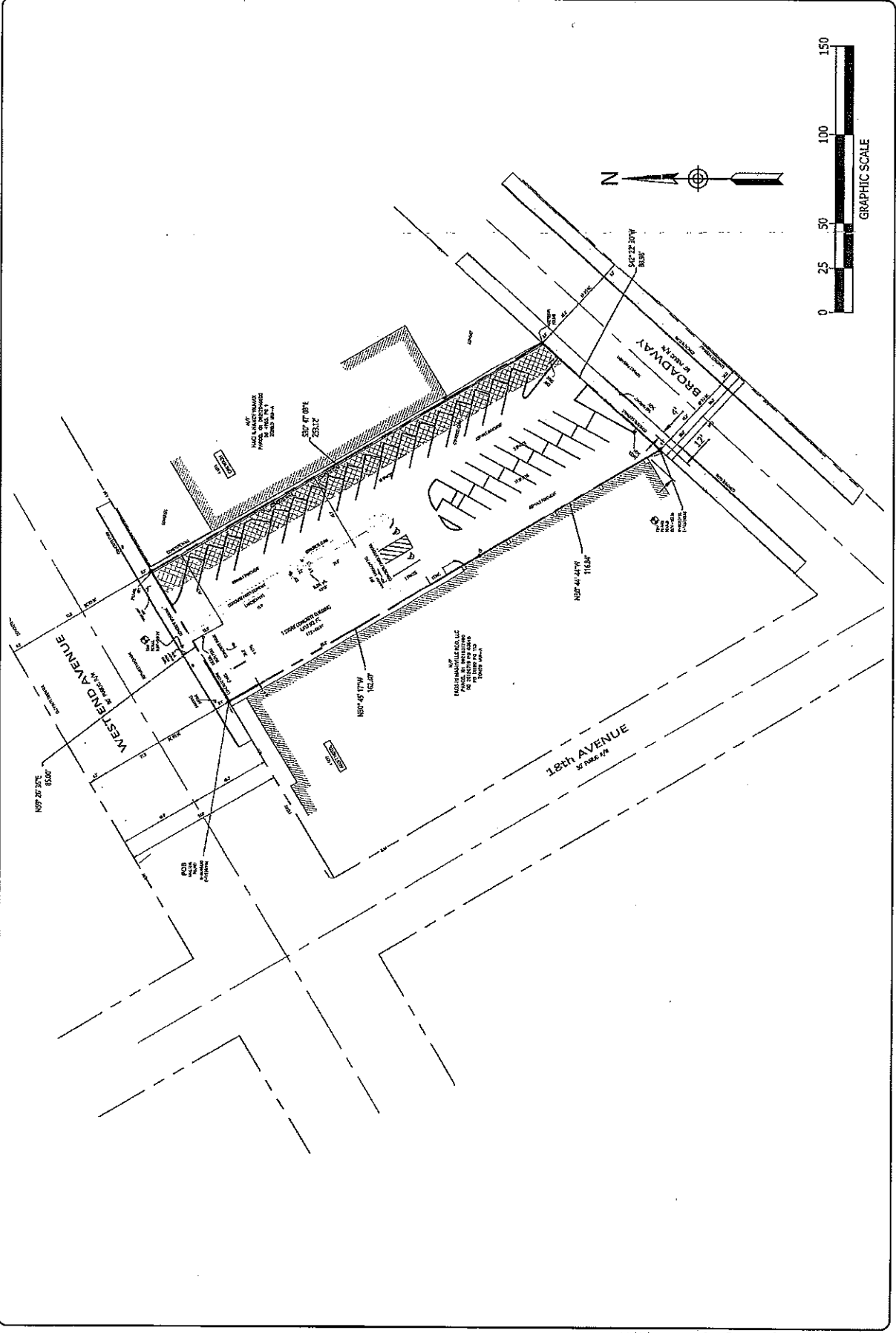
- Nashville Basemap
- Nashville Gray Basemap
- 2018 Aerial Imagery
- 2017 Aerial Imagery
- 2016 Aerial Imagery
- 2014 Aerial Imagery



1715 WEST END AVENUE, NASHVILLE, TN 37203
 DAVISON COUNTY
 WEST END SUN TRUST SITE
 B2A SUBSTITAL

NO.	DATE	DESCRIPTION

EXISTING
 CONDITIONS
 PROJECT NUMBER: 2019000
 DRAWING NUMBER:
EX 001



15/01/2019 09:57:17 AM (P:\Projects\2019\2019000\2019000-EX-001.dwg) (P:\Projects\2019\2019000\2019000-EX-001.dwg) (P:\Projects\2019\2019000\2019000-EX-001.dwg)

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-291 (1715 West End Avenue)

Metro Standard:	West End Avenue - 4' furnishing zone, 10' sidewalk, as defined by the Major and Collector Street Plan
	Broadway - 4' furnishing zone, 12' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	MUI-A
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	West End Avenue - T5-M-AB5-IM
	Broadway - T5-M-AB4-IM
Transit:	#3 – West End/White Bridge; #5 – West End/Bellevue. Planned Bus Rapid Transit per nMotion; #7 – Hillsboro; #35 – Rivergate Express
Bikeway:	Minor protected bike lanes planned on both frontages

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to renovate an existing building and add a dual ATM drive thru and requests a variance to not upgrade sidewalks. Planning evaluated the following factors for the variance request:

- (1) Sidewalks without a grass strip exist along both property frontages. Constructing sidewalks to the Major and Collector Street Plan Standards will result in new sidewalks terminating into adjacent retaining walls.
- (2) Given the reuse of the building and scale of improvements with the existing sidewalks, a contribution in-lieu of construction at this location is an acceptable alternative until further redevelopment occurs on the site.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall contribute in-lieu of construction for the property frontages.
3. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Steve Mabee

Date: 5/21/19

Property Owner: Steven T Morris

Case #: ~~2018~~ 2019-306

Representative: Steve Mabee

Map & Parcel: 08313001700

Council District 6

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

Purpose: requesting variance from sidewalk requirement

Activity Type: New Construction - Residential

Location: 124 S. 12th St. 37206

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

Reason: Does not meet sidewalk requirements.

Section(s): 17-12-020

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection _____ 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.

Steve Mabee

Steve Mabee

Appellant Name (Please Print)

Representative Name (Please Print)

4303 Gallatin Pike Suite 103

4303 Gallatin Pike Suite 103

Address

Address

Nashville TN, 37216

Nashville TN, 37216

City, State, Zip Code

City, State, Zip Code

615-887-1110

615-887-1110

Phone Number

Phone Number

steve@greenlinepartnersllc.com

steve@greenlinepartnersllc.com

Email

Email

Appeal Fee: _____

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.



5/21/19

APPELLANT

DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

Sidewalks are currently constructed.
They are also in historic overlay and
would like to leave them as is for compliance.
In lieu of fee is cost prohibitive and
very expensive as well.

From: [Amy Gill](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Steve Morris](#)
Subject: Permit #20190029708
Date: Thursday, May 30, 2019 11:55:37 AM

Hi--

I am writing to support the appellant for Appeal Case 2019-306. As a neighbor residing at 1208 Russell St, I agree with the appellant that tearing up the historic brick sidewalks would be a loss for the neighborhood. Further, disrupting the continuity of the existing sidewalk structure to create the grassy strip now required would be impractical, disruptive, an eyesore--in short a step backward and not forward.

Thank you for your consideration,

Amy Gill

--

Gill Design & Construction LLC
www.gillconstructs.com

Distinctive | Enduring | Efficient



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.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.

[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

Tenn. Code Ann. § 25-5-101

Current through Chapter 199 (excluding Ch. 193) of the 2019 Regular Session. The commission may make editorial changes to this version and may relocate or redesignate text. Those changes will appear on Lexis Advance after the publication of the certified volumes and supplements. Pursuant to TCA sections 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code. Until the annual issuance of the certified volumes and supplements, references to the updates made by the most recent legislative session should be to the Public Chapter and not TCA.

TN - Tennessee Code Annotated > Title 25 Judgments > Chapter 5 Lien of Judgment

25-5-101. Real property.

(a) Judgments and decrees obtained before July 1, 1967, in any court of record of this state, in the county where the debtor resides at the time of rendition, shall be liens upon the debtor's land in that county from the time the same were rendered.

(b)

(1) Except as provided in subdivision (b)(2), judgments and decrees obtained from and after July 1, 1967, in any court of record and judgments in excess of five hundred dollars (\$500) obtained from and after July 1, 1969, in any court of general sessions of this state shall be liens upon the debtor's land from the time a certified copy of the judgment or decree shall be registered in the lien book in the register's office of the county where the land is located. If such records are kept elsewhere, no lien shall take effect from the rendition of such judgments or decrees unless and until a certified copy of the same is registered as otherwise provided by law.

(2) Judgments and decrees obtained by a governmental entity from and after July 1, 2005, in any court in counties having a metropolitan form of government with a population of more than five hundred thousand (500,000), according to the 2000 federal census or any subsequent federal census, shall be liens upon the debtor's land from the time a certified copy of the judgment or decree is registered in the lien book in the register's office of the county where the land is located. If such records are kept elsewhere, no lien shall take effect from the rendition of such judgments or decrees, unless and until a certified copy of the lien is registered as otherwise provided by law.

(c) Attachments, orders, injunctions and other writs affecting title, use or possession of real estate, issued by any court, shall be effective against any person having, or later acquiring, an interest in such property who is not a party to the action wherein such attachment, order, injunction or other writ is issued only after an appropriate copy or abstract, or a notice of lis pendens, is recorded in the register's office of the county wherein the property is situated. If an abstract is used, the contents shall be as prescribed in § 25-5-108.

History

Code 1858, § 2980 (deriv. Acts 1831, ch. 90, § 7; 1833, ch. 92, § 6); Shan., § 4708; Code 1932, § 8043; Acts 1957, ch. 310, § 1; 1967, ch. 375, § 1; 1969, ch. 33, § 1; T.C.A. (orig. ed.), § 25-501; Acts 1983, ch. 212, § 1; 2005, ch. 306, §§ 1, 2.

Annotations

Notes

Compiler's Notes.

For tables of U.S. decennial populations of Tennessee counties, see Volume 13 and its supplement.

**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.

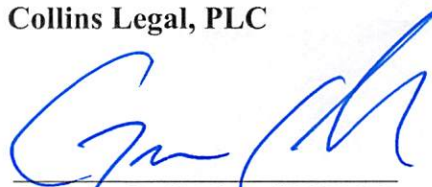
41. Finally, denying Mr. Property the opportunity to apply for a Short-Term Rental Permit for his Property will cause Mr. Proctor to suffer significant financial harm due to the loss in revenue. This cannot possibly be a just punishment for an actor who is not responsible for any wrongdoing. Mr. Proctor 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

414 Union Street #1110

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:

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.

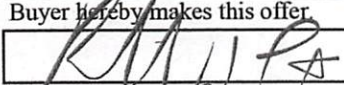
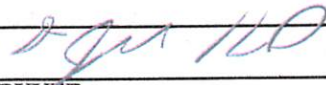
19. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not countered or accepted by _____ o'clock a.m./ p.m.; on the _____ day of _____, _____.

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.

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.

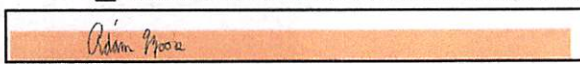
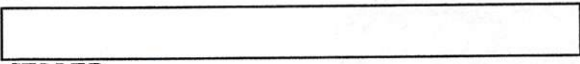
IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted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

Buyer hereby makes this offer

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

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

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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

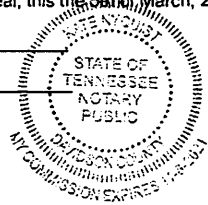
BY: [Signature]
Greg Lamas
Member

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)

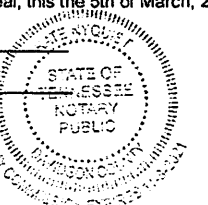


STATE OF TENNESSEE
COUNTY OF DAVIDSON

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)

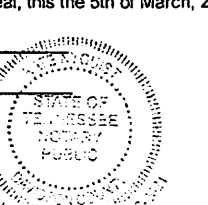


STATE OF TENNESSEE
COUNTY OF DAVIDSON

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

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

Authenticign ID: 157376770F-4858-4632-B5A0-2E4E46B09120

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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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.

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 sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

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.4.1.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.

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

ENVIRONMENTAL COURT

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

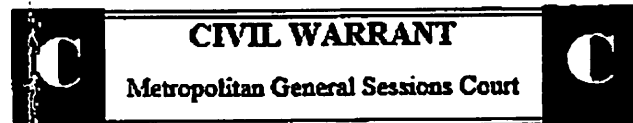
vs.

Defendant **PI INVESTMENTS, LLC**

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

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 50⁰⁰ and Cost,

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

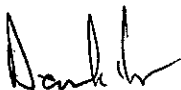
Dear Metropolitan Board of Zoning Appeals,

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

sarahsbutter@gmail.com

April 27, 2019

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

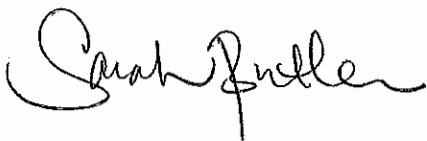
Re: Appeal Case #2019-236; Rob Proctor

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 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

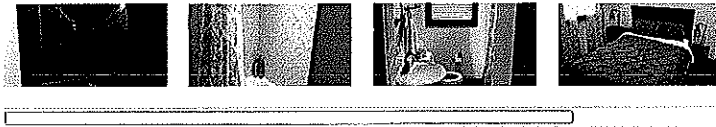
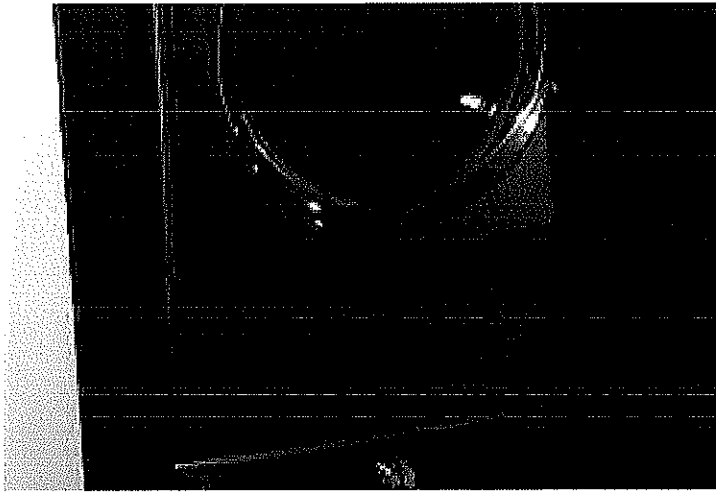
2626 Jenkins St, Nashville, TN 37208, USA

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

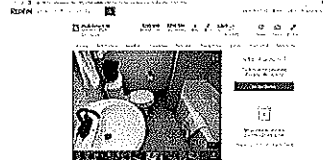
The address was found to be at 2626 Jenkins St. The Redfin photos of the property's bathroom (same architecture, tiling in shower, and location of sink, toilet, air vent, etc.) matches the bathroom shown in the Airbnb listing.

(<https://www.redfin.com/TN/Nashville/2626-Jenkins-St-37208/home/62315168>).

Listing Photos



Matching 3rd Party Sources

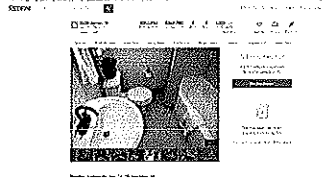
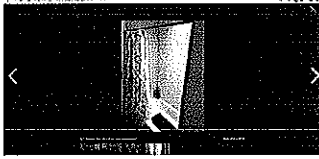


Same Bathroom (Architecture and location of sink, toilet, air vent, etc)

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

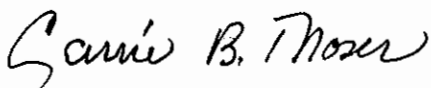
May 23, 2019

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



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

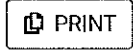
4-11-2019

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

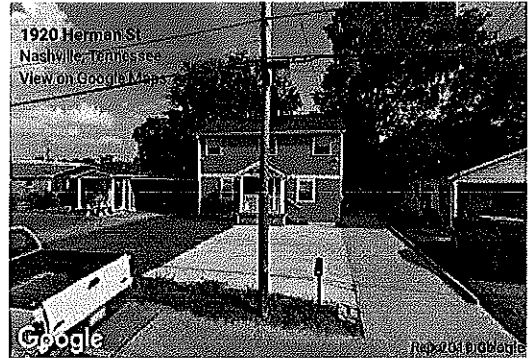
Listing URL: <https://www.homeaway.com/vacation-rental/p1056737vb>

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

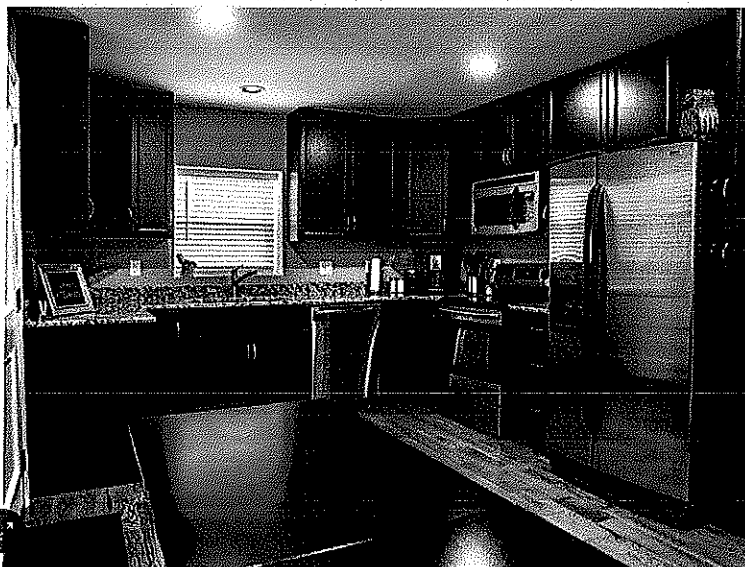
Where Nashville, TN, USA

Check In

Check Out

Search

Apr 6, 2019 6:08am CT



\$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

GREAT HOUSE!

5/5 ★★★★★ Stayed Oct 2017

Ashley S.

The house is great for a big group, very accommodating, nice beds and lots of places to hang out. Best part about the house - the amazing patio in the back! Would stay again!

Published Oct 16, 2017

Perfect place for a large group!

5/5 ★★★★★ Stayed Sep 2017

Rebecca L.

We had a great time at our stay in Nashville! The house is very clean and updated. It provided us space to hang out while getting ready to hit the town and more than enough showers and beds for our group of 12 females. The back patio and yard were great to hang out at as well! Quick drive to all the Nashville attractions and ample off-street parking. Our only regret is we couldn't stay a few extra days :)

Published Oct 3, 2017

New and very well equipped.

4/5 ★★★★★ Stayed Apr 2017

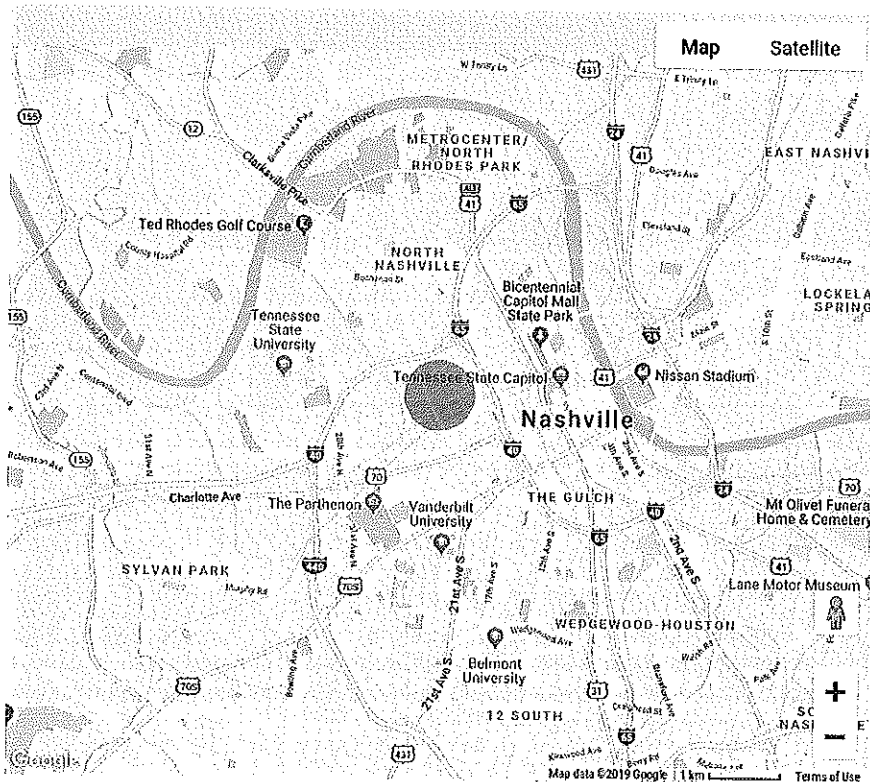
John & Brigid B. Illinois

Hope was new, clean, neat and had everything one would need. Definitely a great place for a group to gather!

Published Apr 24, 2017

1 - 4 of 4

Map



Nashville, TN, USA

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

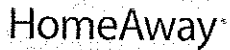
Cleaning Fee	300
Refundable Damage Deposit	500

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



Explore HomeAway

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- Book with Confidence
- Trust & Safety
- Discovery Hub
- Community

Company

- About
- Careers
- Affiliates
- Media Center

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- HomeAway.com
- Homeidays.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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Update your browser for a better experience.
We recommend Chrome, Firefox, Safari, or Microsoft Edge.

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

Appellant: Troy Mcpeak Date: 4-22-2019
Property Owner: David and Sandy Bishop Case #: 2019-263
Representative: Troy Mcpeak Map & Parcel: 142130A08000CO
Council District: 35

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: 1616 Glenridge 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: Item A appeal, HOA challenging the zoning administrator's renewal 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 here by requested in the above requirement as applied to this property.

Appellant Name: Troy Meadows Representative: Same
Phone Number: 615-521-6123 Phone Number: _____
Address: 7076 Northridge Dr. Address: _____
Nashville, TN 37221
Email address: troymcpeak@gmail.com Email address: _____

Appeal Fee: _____

RJB

June 5, 2019

VIA email: BZA@nashville.gov

Metropolitan Board of Zoning Appeals
[PO Box 196300](#)
[Nashville, TN 37219](#)

Re: Appeal case number: 2019-263

Dear Sir:

The Riverside Homeowners Association (HOA) has filed an appeal challenging the zoning administrator's renewal of a short-term rental permit for David Bishop at 1616 Glenridge Drive, Nashville, Tennessee 37221. The hearing is scheduled for Thursday, June 20, 2019, at 1 o'clock. I am submitting this letter with attachments in support of the Riverside Homeowners Association's appeal.

The Riverside HOA Restrictive Covenants state on page 13 that "Each Lot shown on the Plat shall be used only for private, single-family residential purposes and not otherwise." "No house or other structure on any Lot shall be used for any business or commercial purpose..."

The Riverside HOA Restrictive Covenants prohibit short-term rentals as explained in the legal opinion letter from Gerald C. Wigger, dated January 22, 2018, attached.

I am President of the Riverside HOA. If you have any questions or if I can provide any additional information, please feel free to contact me.

Sincerely,



Troy A. McPeak, President
Riverside HOA
[7076 Northridge Drive](#)
[Nashville, TN 37221](#)

Telephone: [615-521-6123](tel:615-521-6123)



Gerald C. Wigger
 gwigger@ortalekelley.com
 Direct: 615.780.7472

January 22, 2018

VIA U.S. MAIL and EMAIL (troyamcpeak@gmail.com)

Troy McPeak, President
 Riverside HOA
 7076 Northridge Drive
 Nashville, TN 37221

Re: Riverside Homeowners Association – Short-Term Rentals

Dear President McPeak:

This will confirm your request for an Opinion concerning the ability of an Owner to rent their Unit on a short-term basis. In preparation for the Opinion, I have reviewed the following documents:

1. The Second Amendment to the Declaration of Easements and Restrictive Covenants for Riverside Homeowners Association, Inc., found at Instrument Number 20091204-0111306 in the Register of Deeds Office for Davidson County, Tennessee; and
2. The case of *Shields Mountain Property Owners Association, Inc. v. Marion A. Teffeteller*, found at 2006 WL 408050.

Paragraph 17 of the Declaration states that ... “[e]ach Lot shall be used as a residence or such other use permitted by this Declaration, and for no other purposes ...”. That particular paragraph goes on to discuss how an Owner may utilize the residence for maintaining a professional library, etc. However, those uses are wholly different than Short-Term Rental (hereinafter “STR”).

Paragraph 17(u) clearly states that “[e]ach Lot shown on the Plat shall be used for private single-family residential purposes and not otherwise.” Paragraph 17(w) goes on to further state that “[n]o house or other structure on any Lot shall be used for any business or commercial purpose except as referred to in Paragraph 17.”

Based upon the clear language of the Declaration, STRs are not permitted within Riverside Homeowners Association. It is clear that the use of a Lot as a STR is not “private, single-family” nor is it a “residential purpose” as explained by the Tennessee Court of Appeals in *Shields Mountain Property Association, Inc. v. Marion A. Teffeteller*, 2006 WL 408050, in 2006. In *Shields Mountain*, the Court affirmed that short-term rentals were a business or commercial use, and not a single-family residential use. Essentially, Owners who rent on a short-term basis are using the property as a motel, a business or commercial purpose that is clearly prohibited by the Declaration.

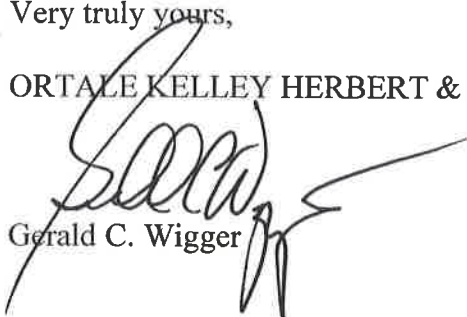
Riverside homes may only be used for “private single-family residential purposes and not otherwise.” Short-term Rentals are not a private, single-family use.

Opinion Letter
January 22, 2018
Page 2

If you have any questions concerning any of this, please contact the undersigned.

Very truly yours,

ORTALE KELLEY HERBERT & CRAWFORD



Gerald C. Wigger

GCW/bg

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

May 08, 2019

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2019-263
 1616 GLENRIDGE DR
 Map Parcel: 142130A08000CO
 Zoning Classification: RS20
 Council District: 35

This is to inform you that Troy McPeak filed an appeal for the property at the above referenced location. The appellant requested an Item A appeal challenging the zoning administrator's renewal of short term rental permit 2018028390. Should this request be approved, the short term rental permit will be cancelled.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on **THURSDAY 6/20/2019, 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 # 20190023500 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS



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

Appellant: Nathan Pyle Date: 4-24-19
 Property Owner: Nathan Pyle Case #: 2019-268
 Representative: Nathan Pyle Map & Parcel: 08208030000
 Council District: 05

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

Purpose: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 913 Chicamuga

This property is in the RM40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 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: Nathan Pyle Representative: _____
 Phone Number: 614 517-7701 Phone Number: _____
 Address: 913 Chicamauga Ave. Address: _____
Nashville, TN 37206 _____
 Email address: pylepropertiesllc@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



3661401

ZONING BOARD APPEAL / CAAZ - 20190023736
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08208030000

APPLICATION DATE: 04/24/2019

SITE ADDRESS:

913 A CHICAMAUGA AVE NASHVILLE, TN 37206
LOT 10 BLOCK C EASTWOOD ADDN

PARCEL OWNER: PYLE PROPERTIES, LLC

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.



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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.

Mark D. Pyke 4/24/19

Rental Unit Record

913 Chicamauga Ave, Nashville, TN 37206, USA

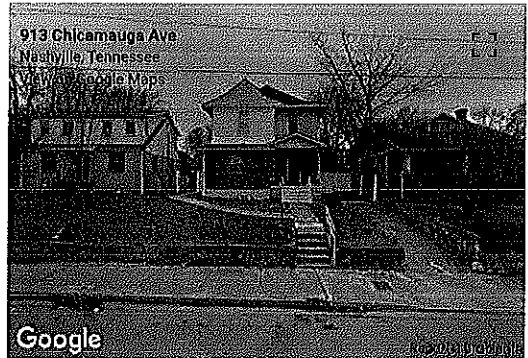
Active
Identified
Compliant



Listing(s) Information

Rental Unit Information

Airbnb - 22264807 HomeAway - 121.4790543.5778663 Booking - 2240497



Identified Address

913 Chicamauga Ave, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.185407, -86.753171

Parcel Number

08208030000

Owner Name

PYLE PROPERTIES, LLC

Owner Address

1675 Glenn Ave
Columbus, OH 43212, US

Registration / Permit Number

504372

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst QZ4P

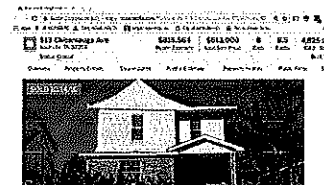
Explanation

The property was successfully identified after finding the home via google maps then validating the address with the pictures on the listing and the images from a listing from the Redfin site, then getting all other information from the tax assessor site.

Listing Photos



Matching 3rd Party Sources



Same property.

Zip Code Match

City Name Match

Listing Details

Listing URL - <https://www.booking.com/hotel/us/modern-victorian-home-in-east-nashville-home.en-gb.html>

Listing Status ● Inactive

Host Compliance Listing ID - bkg2240497

Listing Title - Modern-Victorian-Home-in-East-Nashville-Home

Property type - Holiday homes

Room type - Entire home/apt

Listing Info Last Captured - Aug 18, 2018

Screenshot Last Captured - Sep 22, 2018


Information Provided on Listing


Contact Name - Not provided


Latitude, Longitude - 36.185474, -86.753141















Last Documented Stay -

Listing Screenshot History  View Latest Listing Screenshot

February 

March 

April 

-  2 Documented Stays
April, 2019
-  3 Documented Stays
March, 2019
- Listing air22264807 Reposted
February 15th, 2019
- ✕ Listing air22264807 Removed
February 13th, 2019
-  1 Documented Stay
February, 2019
-  3 Documented Stays
January, 2019
-  2 Documented Stays
December, 2018
-  4 Documented Stays
November, 2018
-  2 Documented Stays
October, 2018
- Listing air22264807 Reposted
October 21st, 2018
- ✕ Listing air22264807 Removed
October 20th, 2018
-  5 Documented Stays
September, 2018
-  3 Documented Stays
August, 2018
- ✕ Listing bkg2240497 Removed
August 23rd, 2018
- Listing bkg2240497 Reposted
August 18th, 2018
-  3 Documented Stays
July, 2018
- Listing air22264807 Reposted
June 23rd, 2018
-  4 Documented Stays
June, 2018
- ✕ Listing air22264807 Removed
June 22nd, 2018
-  4 Documented Stays
May, 2018
- Listing hma121.4790543.5778663
Reposted
April 21st, 2018
- ✕ Listing hma121.4790543.5778663
Removed
April 19th, 2018
- ✕ Listing bkg2240497 Removed
April 16th, 2018
-  2 Documented Stays
April, 2018
- ✔ Airbnb Letter: Delivered 
April 7th, 2018

- 📅 3 Documented Stays
March, 2018
- ✍️ Airbnb Letter: Sent
March 29th, 2018
- ✓ Listing bkg2240497 Identified
March 19th, 2018
- Listing air22264807 Reposted
March 4th, 2018
- ✗ Listing air22264807 Removed
March 2nd, 2018

-
- Listing hma121.4790543.5778663
Reposted
February 26th, 2018
 - ✗ Listing hma121.4790543.5778663
Removed
February 21st, 2018
 - ✓ Listing air22264807 Identified
February 13th, 2018
 - ✓ Listing hma121.4790543.5778663
Identified
February 13th, 2018
 - ✳️ Listing hma121.4790543.5778663 First
Crawled
January 6th, 2018
 - Listing hma121.4790543.5778663 First
Activity
January 6th, 2018
 - 📅 1 Documented Stay
January, 2018
 - ✳️ Listing bkg2240497 First Crawled
December 24th, 2017
 - Listing bkg2240497 First Activity
December 24th, 2017
 - ✗ Listing fli8446002 Removed
December 23rd, 2017
 - ✳️ Listing air22264807 First Crawled
December 23rd, 2017
 - Listing air22264807 First Activity
December 20th, 2017
 - Listing fli8446002 Reposted
December 16th, 2017
 - ✗ Listing fli8446002 Removed
December 2nd, 2017
 - ✗ Listing air16310358 Removed
November 25th, 2017
 - Listing fli8446002 Reposted
October 29th, 2017
 - ✗ Listing fli8446002 Removed
September 30th, 2017
 - Listing fli8446002 Reposted
September 2nd, 2017
 - ✗ Listing fli8446002 Removed
August 26th, 2017

- ✓ Listing air16310358 Identified
August 22nd, 2017
- 📄 1 Documented Stay
August, 2017
- ✓ Listing fli8446002 Identified
August 2nd, 2017
- Listing fli8446002 Reposted
July 8th, 2017
- ✗ Listing fli8446002 Removed
July 1st, 2017

- Listing air16310358 Reposted
June 17th, 2017
- ✗ Listing air16310358 Removed
June 14th, 2017
- Listing fli8446002 Reposted
May 6th, 2017
- ✗ Listing fli8446002 Removed
April 8th, 2017
- ✳ Listing air16310358 First Crawled
January 1st, 2017
- ✳ Listing fli8446002 First Crawled
January 1st, 2017
- Listing air16310358 First Activity
January 1st, 2017
- Listing fli8446002 First Activity
January 1st, 2017

JAMIE R. HOLLIN
Attorney at law
1006 Fatherland Street, Suite 102B
Nashville, Tennessee 37206
(615) 870-4650
j.hollin@icloud.com

June 13, 2019

Delivered via Electronic Mail

Mr. Jon Michael, Zoning Administrator
Metropolitan Nashville Department of Codes Administration
800 2nd Avenue, South
Nashville, TN 37210

Re: 913 Chicamauga Avenue, Case No. 2019-268

Dear Mr. Michael:

I represent the owner of the property located at 913 Chicamauga Avenue, Nashville, Tennessee, 37206 (the "Property"). The original short-term rental permit ("STR Permit") was issued on November 2, 2016. Consequently, and pursuant to the Short-Term Rental Unit Act, codified at Tenn. Code Ann. § 13-7-601 *et seq.*, BL2014-951 (the "Enabling Ordinance") is the governing law.

The STR Permit was later renewed on November 1, 2017. Originally, a property management company handled all permitting matters on the Property. Since then, Nathan Pyle (co-owner) has been handling permitting matters. On April 23, 2019, Mr. Pyle discovered, for the first time, that his STR Permit was expired. The following day, April 24, 2019, Mr. Pyle submitted his request for renewal in person at the Metro Codes Department ("Metro Codes"). Metro Codes denied the request for renewal, and instead issued a cease and desist.

The Property is zoned RM 40 and is situated within the boundaries of the Greenwood Neighborhood Association ("GNA"). On June 11, 2019, Mr. Pyle attended the GNA meeting and received no opposition from the group relative to this appeal. A copy of the minutes from the GNA meeting is attached hereto as **Exhibit No. 1**.

Mr. Pyle has dutifully remitted all state and local taxes as required. There have been no complaints against the property and Mr. Pyle has never received a notice from Host Compliance. Mr. Pyle canceled all bookings and took down his listing since being denied renewal.

Because the Enabling Ordinance is the governing law, there is no provision for when the renewal should be completed. Metro Code of Laws § 6.28.030(L), provides, in pertinent part, that "STRP permits may be renewed upon the payment of a fifty dollar renewal fee to the department of codes administration."

Jon Michael
June 13, 2019
Page 2 of 2

Further, if Mr. Pyle wanted to apply for a new permit, BL2017-608 would not bar him from receiving a non-owner occupied STR Permit because the Property is located in a RM40 zoning district, which allows non-owner occupied STRs. In the interests of economy and efficiency, we respectfully ask for renewal of the STR Permit.

Based upon the foregoing, we ask for the Board of Zoning Appeals to allow the STR Permit to be renewed. If you have any questions or concerns, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "JR Hollin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jamie R. Hollin

Attachment
Cc: Emily Lamb

Exhibit No. 1

**Greenwood Neighborhood Association - JUNE
Meeting Minutes - 06.11.2019**

Attendees: 34

- **Meeting opening**
 - Prayer
 - Treasury - as of end of Apr = \$932 balance --> end of May = \$1025
 - Minutes

- **Police report**
 - Only 1 incident this month: car break-in on 1000 block of W. Eastland
 - YTD trends:
 - Down 9.4% on violent incidents relative to last year
 - Overall crime up 1.8% due to continued challenges with larceny and motor vehicle thefts (25 guns taken out of cars in East precinct)
 - Nashville Night Out Against Crime - raise awareness about crime and to build relationships with local law enforcement
 - East Park - family-friendly, live music, food, activities
 - August 6th - more details to come on timing

- **Guest Speakers**
 - **Pam Murray - Candidate for District 5 Council Seat**
 - Experience on Council for the District - elected in 2003 and 2007
 - Helped to put conservation overlay in place, along with other neighborhood advances
 - Masters in Social Work, specializes in policy
 - Coming back to get more work done!

 - **Paragon - Development proposed at McFerrin and W. Seymour** - Jen Quinn (Paragon) and Hunter Gee (architect)
 - 2.5 acre property; Idea is to create a small cottage development
 - Have been working with Metro and Historic Commission to revise plan based on initial feedback
 - Prior iteration was for ~50 residential units + office space in mixed-used building
 - Reduced down to maximum of 37 res units (22 cottages + up to 15 micro-units)
 - Reduced the height (cottages changed from 3 stories to 2 stories max, with 1.5 on W. Eastland)
 - Mixed-use bldg changed from 3 stories to 2 (with 1.5 along street frontage); potentially to have live/work units that are 2-level
 - Commercial space is office-only (not retail) which should minimize parking demands
 - Reduced unit density but maintained original parking capacity to address those concerns
 - May be sales rather than rental units - expected pricing TBD, but potentially in \$300k's range for cottages
 - STR restriction included in the plan for res units
 - Goal to have this blend in and be a green space
 - Neighborhood park pockets that could include community gardens and/or landscaping
 - Parking "bosques" will have trees planted in parking area to make it feel more like an open park space
 - Neighborhood residents raised questions about

- Parking capacity (62-67 spaces expected) relative to likely demand for this volume of units
 - Primary entry/exit access points (one on McFerrin that is 24' wide and one on W. Eastland that is 14' wide)
 - Fire marshall approved access. Residents expressed concern over volume of traffic thru these points
 - Perception that the walkability level of the neighborhood would get lower with extra traffic
 - Concern over potential impact to storm water flow in an area that already has challenges with runoff and flooding
 - Concern with general "fit" with rest of the neighborhood look and feel
 - Next steps in the proposal process [Case #: 2019SP-027-001, Project Name: ROOTS EAST]
 - Planning Commission releases a report with their recommendations on Fri, June 21
 - Planning Commission hearing on June 27 at 4:00pm at Howard Office Building, 700 Second Avenue South
 - Any expected changes to be shared through Greenwood Neighbors, and GNA will pass along through email list and Next Door
 - Commission Staff person in charge - Patrick Napier (Patrick.napier@nashville.gov) - neighbors encouraged to be in touch with commission (planningstaff@nashville.gov) and/or Patrick with any questions/concerns
 - Neighbors also encouraged to contact Scott Davis (scott.davis@nashville.gov) and/or at-large Council members with any concerns
- **Neighborhood concerns**
 - Nathan Pyle - Duplex property as primary residence, with STR onsite; appealing for renewal of license (missed deadline); no concerns from neighbors
 - Flooding at bottom of McFerrin - has started up again; Anita to reach out to Metro Storm Water
 - Rep to come to upcoming meeting and share latest + take questions
 - Neighbors encouraged to submit issues through HUB Nashville or by calling 311
 - Questions on timeline of Publix --- uncertain, but word of mouth has been that it's likely in spring/summer 2020
 - Sean Parker (District 5 Council candidate): Event on June 25th - first Mayoral televised debate (and Sean's birthday) - event at 221 Treutland Ave at 5:30
 - Sick and shut-in
 - Mrs. Robertson - doing well
 - John Samuel - back at home
 - Mrs. Landers - send her greetings
 - Mrs. Smart's daughter - moving to nursing home
 - Tim Bowers - on dialysis and doing well
 - Next GNA meeting - Tues, July 9th
 - John Cooper
 - + Paragon TBD return visit
 - Ashley Hunter - Fifty Forward
 - + Storm Water TBD date