

DOCKET

7/18/2019

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

**Meeting held at the Metropolitan Board of Education
2601 Bransford Avenue**

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

CASE 2019-211 (Council District - 25)

MICKEY HARLOW, appellant and owner of the property located at **950 GLENDALE LN**, requesting a variance from side setback requirements in the R20 District, to construct two single family houses on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 13205012500

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 2019-274 (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 2019-278 (Council District - 17)

JOSH HELLMER, appellant and owner of the property located at **36 SHEPARD ST**, requesting variances from setback and lot size 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 2019-285 (Council District - 24)

JODY ROBERTS, appellant and **COLBURN, TODD M. & JENNIFER L.**, owners 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 2019-292 (Council District - 6)

JOSHUA HUNTER, appellant and owner of the property located at **1104 FATHERLAND ST**, requesting a variance from sidewalk requirements in the OR20 District, to add an addition 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 08313009700

RESULT -

CASE 2019-293 (Council District - 21)

DEMETRIUM WIDE, appellant and owner of the property located at **943A 28TH AVE N**, requesting a variance from sidewalk requirements in the CN District, to construct an addition to a commercial building 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-Commercial

Map Parcel 09206005000

RESULT -

CASE 2019-294 (Council District - 5)

KARLA NEWMAN, appellant and **CUTLER, JUSTIN**, owner of the property located at **202 AN 9TH ST**, requesting a variance from sidewalk requirements in the RM20 District, to construct a multi-family unit 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-Multi-Family

Map Parcel 082120X00100CO

RESULT -

CASE 2019-295 (Council District - 24)

SAMUEL GLASGOW, appellant and **DISHNER, DERRICK & PUTNAM, LYNN**, owners of the property located at **4911 IDAHO AVE**, requesting a variance from height restrictions in the RS7.5 District, to maintain an already existing garage. Referred to the Board under Section 17.12.060. B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10303013200

RESULT -

CASE 2019-296 (Council District - 18)

CHEROYL LEHNING, appellant and **HARDING, RENA & WARD, LANA K. ET AL**, owners of the property located at **1704 BERNARD AVE**, requesting a variance from lot size requirements in the R8 District, to build two single family homes. 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 10412027100

RESULT -

CASE 2019-297 (Council District - 6)

CLARK, STARIA CHRISTIAN & HOILES, MATTHEW LAWRENCE, appellants and owners of the property located at **233 CHAPEL AVE**, requesting variances from fence height and location requirements in the R6 District, to maintain an existing fence. Referred to the Board under Section 17.20.040.E.26. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08306009900

RESULT -

CASE 2019-299 (Council District - 14)

BAKER DONELSON, appellant and **LEVOG**, owner of the property located at **4321 OLD HICKORY BLVD**, requesting a variance from sidewalk requirements in the R15 District, to construct a wireless telecommunication tower 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-Telecommunications

Map Parcel 06400010400

RESULT –

SHORT TERM RENTAL CASES

CASE 2019-236 (Council District - 19)

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.

Use-Short Term Rental

Map Parcel 093130A40300CO

RESULT -

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Mickey Harlow
Property Owner: Mickey Harlow
Representative: JIM McLEAN

Date: 3-26-19
Case #: 2019- 211
Map & Parcel: 13205012500

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 2 single family houses on 1 parcel

Activity Type:

RESIDENTIAL CONSTRUCTION

Location:

950 GLENDALE LN

This property is in the R20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:

SIDE SETBACK VARIANCE
REQUESTING 5 FT SIDE SETBACK, 10 FT REQUIRED.

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.

Mickey Harlow
Appellant Name (Please Print)

JIM McLEAN
Representative Name (Please Print)

1139 Battery LN
Address

319 PLUS PARK BLVD.
Address

Nashville TN 37220
City, State, Zip Code

Nashville TN
City, State, Zip Code

901.826.9294
Phone Number

615-394-2220
Phone Number

mickeyharlow12@gmail.com
Email

JIM@JAKBUILDERS.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**



3637147

**ZONING BOARD APPEAL / CAAZ - 20190017501
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 13205012500

APPLICATION DATE: 03/26/2019

SITE ADDRESS:

950 GLENDALE LN NASHVILLE, TN 37204
LOT 62 SEC 2 GLENDALE PK

PARCEL OWNER: TUGGLE, WILLIAM C. & CHRISTIE W., TR.

CONTRACTOR:

APPLICANT:

PURPOSE:

Variance request of 17.12.020A required 10 ft side setbacks, requesting to allow for 5 ft side setbacks.

Proposed construction of 2 single family residence on one Parcel (HPR)

No Permit Applications started at this point.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

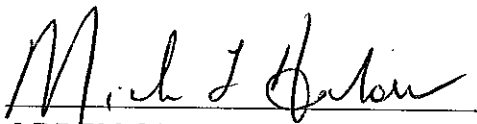
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.


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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


 APPELLANT


 DATE

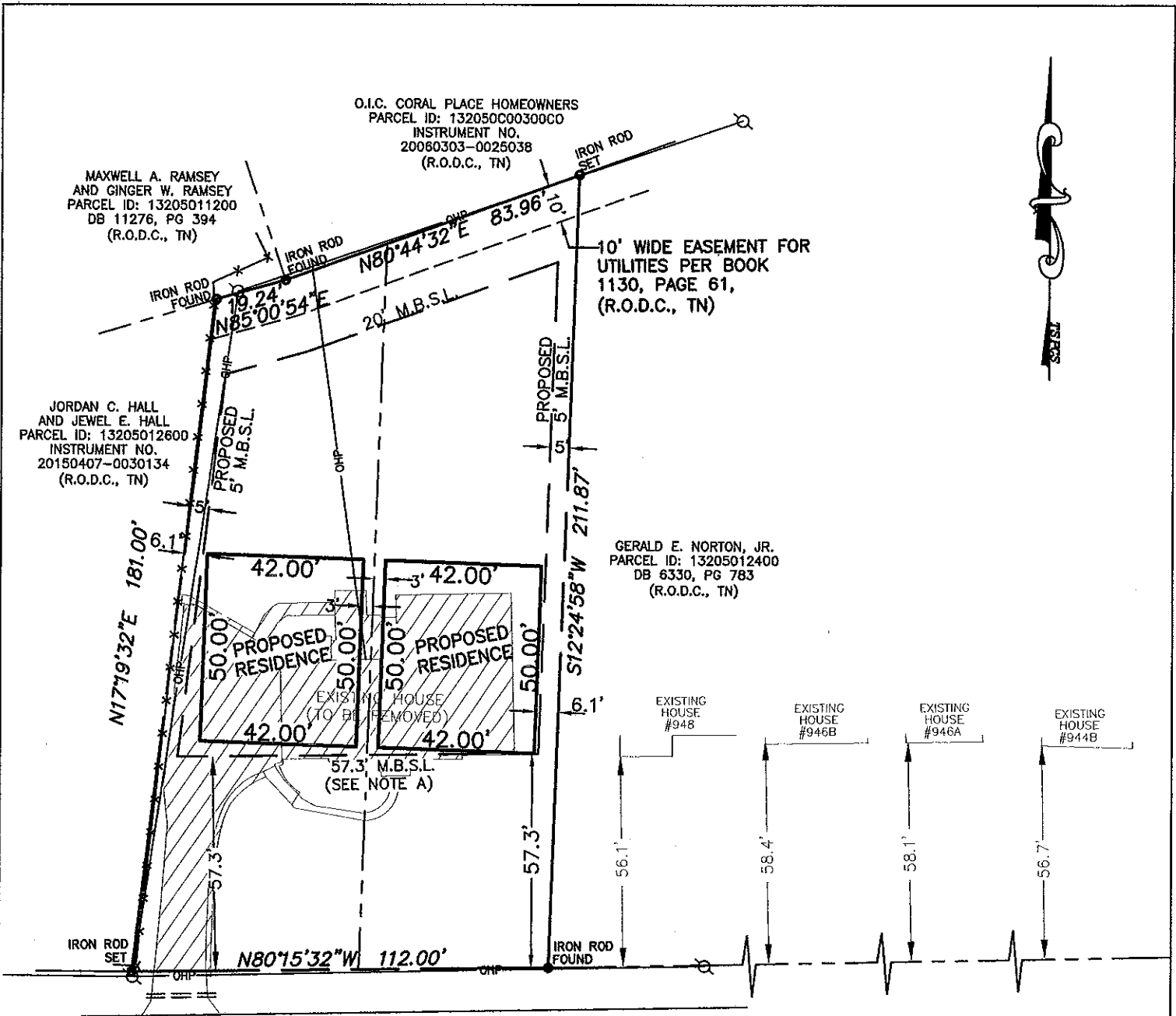
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

The lot to be built on is
an irregular shape and narrow's at
it goes back on the east side.



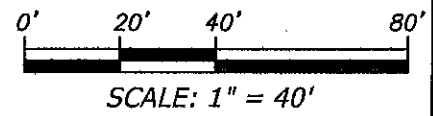
GLENDALE LANE
50' RIGHT-OF-WAY

STREET SETBACK TABLE	
ADDRESS	SETBACK
#944B GLENDALE LN	56.7'
#946A GLENDALE LN	58.1'
#946B GLENDALE LN	58.4'
#948 GLENDALE LN	56.1'
AVERAGE SETBACK = 57.3'	

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030, NOTE C(3) PER ORDINANCE NO. BL2017-833

SETBACKS
FRONT/STREET: SEE NOTE A
SIDE: 10' (5' PROPOSED)
REAR: 20'

NOTE:
 CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L.'S

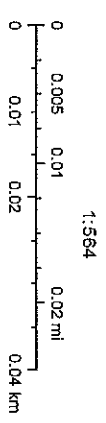


THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING, IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR FEDERAL POLICIES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THE SUBJECT PROPERTY. THIS PLOT PLAN WAS GENERATED FROM THE FOUNDATION PLAN AS PROVIDED BY OTHERS. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO H&H LAND SURVEYING BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT CONDITIONS OR OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY. ALL LOT AND UTILITY INFORMATION SHOWN IS PER PLAT. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS NOT AUTHORIZED FOR USE IN DETERMINING ANY MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

Nashville / Davidson County Parcel Viewer



March 26, 2019
 polygonLayer
 Overlay 1
 Ownership Parcels
 Planned Unit Development
 Zoning



Nashville Planning Department, MetroGIS
 Metro GIS

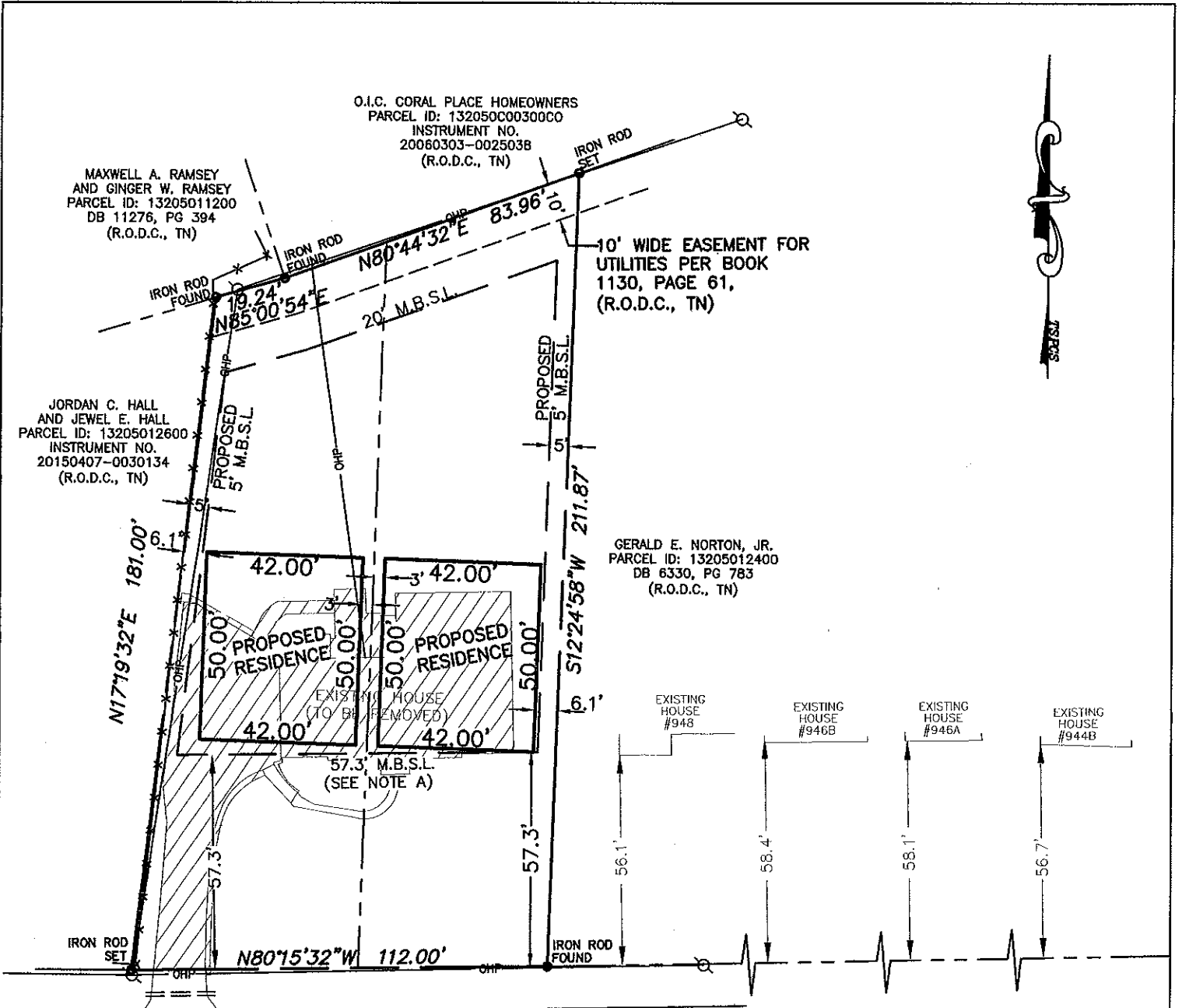
O.I.C. CORAL PLACE HOMEOWNERS
 PARCEL ID: 132050C00300C0
 INSTRUMENT NO.
 20060303-002503B
 (R.O.D.C., TN)

MAXWELL A. RAMSEY
 AND GINGER W. RAMSEY
 PARCEL ID: 13205011200
 DB 11276, PG 394
 (R.O.D.C., TN)

JORDAN C. HALL
 AND JEWEL E. HALL
 PARCEL ID: 13205012600
 INSTRUMENT NO.
 20150407-0030134
 (R.O.D.C., TN)

10' WIDE EASEMENT FOR
 UTILITIES PER BOOK
 1130, PAGE 61,
 (R.O.D.C., TN)

GERALD E. NORTON, JR.
 PARCEL ID: 13205012400
 DB 6330, PG 783
 (R.O.D.C., TN)



GLENDALE LANE

50' RIGHT-OF-WAY

STREET SETBACK TABLE	
ADDRESS	SETBACK
#944B GLENDALE LN	56.7'
#946A GLENDALE LN	58.1'
#946B GLENDALE LN	58.4'
#948 GLENDALE LN	56.1'
AVERAGE SETBACK = 57.3'	

NOTE A: FRONT/STREET
 SETBACK PER METRO
 GOVERNMENT OF NASHVILLE
 MUNICIPAL CODES, CHAPTER
 17.12.030, NOTE C(3)
 PER ORDINANCE NO.
 BL2017-833

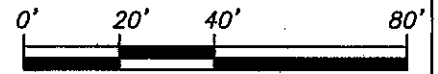
SETBACKS

FRONT/STREET: SEE NOTE A

SIDE: 10' (5' PROPOSED)

REAR: 20'

NOTE:
 CONTRACTOR ASSUMES SOLE
 RESPONSIBILITY TO ENSURE THAT
 CONSTRUCTION ADHERES TO M.B.S.L.'S



SCALE: 1" = 40'

THE BUILDER IS SOLELY RESPONSIBLE FOR CONFORMING TO ALL ZONING REGULATIONS INCLUDING BUT NOT LIMITED TO BUILDING SETBACK LINES, EASEMENTS AND OTHER BUILDING, IMPROVEMENTS AND PROPERTY RESTRICTIONS AS WELL AS ANY OTHER CONDITIONS AS SET FORTH OR NOTED ON THE SUBDIVISION PLAT AND OTHER LOCAL, STATE OR FEDERAL POLICIES, REGULATIONS AND ORDINANCES THAT MAY APPLY TO THE SUBJECT PROPERTY. THIS PLOT PLAN WAS GENERATED FROM THE FOUNDATION PLAN AS PROVIDED BY OTHERS. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL BUILDING DIMENSIONS SHOWN AND SHALL REPORT ANY DISCREPANCIES TO H&H LAND SURVEYING BEFORE BEGINNING CONSTRUCTION. THE SHAPE, SIZE AND PLACEMENT OF THE PROPOSED STRUCTURE AND IMPROVEMENTS MAY CHANGE DUE TO LOT CONDITIONS OR OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY. ALL LOT AND UTILITY INFORMATION SHOWN IS PER PLAT. THE LOCATION OF THE HOUSE AND IMPROVEMENTS SHOWN HEREON IS AS SPECIFIED AND DIRECTED BY THE BUILDER/CONTRACTOR. THE SUBJECT PROPERTY AND IMPROVEMENTS SHOWN HEREON ARE SUBJECT TO SUCH STATE OF FACT AS AN ACCURATE TITLE SEARCH, FLOOD STUDY, COMPREHENSIVE SURVEY, GEOLOGIC AND SOILS STUDY MAY REVEAL. THIS DOCUMENT IS NOT AUTHORIZED FOR USE IN DETERMINING ANY MATTERS RELATED TO ANY FLOOD ASSESSMENTS OF THE SUBJECT PROPERTY AND IMPROVEMENTS.

From: [Caroline Harlow Smith](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Pulley, Russ \(Council Member\)](#)
Subject: 950 Glendale Variance
Date: Wednesday, July 10, 2019 10:47:38 AM

To whom it may concern,

I am in favor of the variance request for 950 Glendale. I believe the variance would not harm neighboring properties/property values, rather would help the appeal of the street if slightly wider, more appealing homes could be built.

Thank you,

Caroline Smith (903 Coral Rd)

--



PARKS
311 12th Ave S Nashville Tn 37203
615.430.2485



METROPOLITAN COUNCIL

Metro Council Office

Members of the Board of Zoning Appeals,

I am writing this letter in opposition to the proposed side setback variance at 950 Glendale Lane (Case #2019-211) that is due to be heard at your May 16, 2019 meeting. The applicant has not reached out to me for my input or the community's input regarding this proposed variance.

Having examined the site plan submitted as a part of the application, it appears that there is sufficient room to build two houses within the building envelope provided by the R20 zoning district. Further, if the footprints of the proposed homes were modified to be more rectangular in shape, then two homes with the same amount of square footage as is proposed could be constructed on the property. Finally, the lot tapers a total of 8.8 feet on the eastern side over the length of the property, which is not exceptional, nor unique for the neighborhood. Other properties in the area with much more significant tapering include 4322 Lealand Ln., 923 Coral Rd., 926 Coral Rd., 4309 Gray Oaks Dr., and 4307 Gray Oaks Dr. Therefore, this request appears to be for the convenience of using a standard home design, rather than a hardship due to the uniqueness of the shape of the lot.

Based on the above information, I am not in support of this request. However, as always, I have complete confidence in the discretion of the BZA to examine the facts and apply the appropriate reasoning to your decision. Thank you for the outstanding service and the significant time you dedicate to the service of our great city.

Sincerely

Russ Pulley
Council Member, District 25

July 9, 2019

Case# 2019-211

CASE Number: 2019-211

Dear Metropolitan Board of Zoning Appeals,

My name is Erin Keckley, and I received a notice in mail regarding the zoning appeal made by Mickey Harlow for the 950 Glendale Lane address. I have lived across the street from this property for 11 years at 949 Glendale Lane. In addition, I have lived in 37204 for 40 years.

I oppose this request for the setback requirements to allow for two houses. I apologize I will not be able to attend the appeal in person as I have a work conflict. Glendale Lane, especially the section of discussion, is right pass the very busy intersection of Glendale and Lealand Lanes of which the property is simply one house up from this intersection. The street is very narrow with no sidewalk or easement through that section. In addition, there are still may older homes in the area that would sustain damage that closely from the massive construction project.

The older home, formerly owned by the Tuggles, does need some improvement but demolition for two houses is not necessary nor desired in the neighborhood, especially from their across the street neighbor. I simply ask you to maintain the current regulations with the established setback requirements and not grant the appeal.

If you have any questions, thoughts, and/or concerns, I can be reach at 615-419-6698 or erin.keckley@lipscomb.edu.

Sincerely,

Erin C. Keckley, DNP, APRN, FNP-C

949 Glendale Lane

Nashville, TN 37204

From: [Ginger Byrn](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: Fwd: Appeal Case Number: 2019-211 at 950 Glendale Lane
Date: Monday, May 13, 2019 10:04:02 AM

Hi,

Please include my email in the Board member packet for the May 16th meeting. I noticed that it's not included in the packet on the BZA website now.

Thank you.

Virginia Byrn

Begin forwarded message:

From: Ginger Byrn <gbyrn@comcast.net>
Subject: Appeal Case Number: 2019-211 - 950 Glendale Lane
Date: May 8, 2019 at 10:01:27 AM CDT
To: bza@nashville.gov
Cc: "Pulley, Russ (Council Member)" <Russ.Pulley@nashville.gov>

Dear Board of Zoning Appeals Members:

I'm writing in opposition to the side setback variance request for 950 Glendale Lane.

The shape of the lot is not a hardship. It does not prevent the new owners/builder from adding on to the existing house, building a new single family house or building two-family dwellings. Two-family dwellings have been built on smaller lots in our neighborhood, and I don't recall any requests for setback variances. The shape of the lot is only a hardship to the owners/builder because they want to build houses that are too big for that lot. Perhaps, so they can make more money on the sale of the houses? If they wanted to build bigger, they should have purchased another bigger lot.

The real hardship is for my neighbors at 4320 and 4322 Lealand Lane. When the existing house (a very nice house) is torn down and building begins, my neighbors, who are next to and downhill from 950 Glendale Lane, will have to live with the construction and with some big, beautiful trees and green space being replaced by new houses and increased storm water runoff. The owners of 4322 had just moved into their new home when the variance notice was mailed. Not a great welcome to the neighborhood. Really, a 10-ft. side setback is not enough in this situation, but it's better than 5 feet.

Please don't make a bad situation worse by approving this variance request.

Thank you for your consideration.

Virginia Byrn
4323 Lealand Lane
Nashville, TN 37204

From: [ANDREW RAMSEY](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 950 Glendale Lane Case No. 2019-211
Date: Friday, July 5, 2019 7:43:25 PM

Dear Metropolitan Board of Zoning and Appeals,

I am writing today to express my strong opposition to the setback variance requested by the new owner of 950 Glendale Lane. My husband, Andrew, and I cannot make it to the neighborhood meeting July 9th, nor to the zoning committee July 17th, as we will be out of the country. Please do not mistake our absence for indifference or support for the variance.

I do not support the variance for a variety of reasons. First, the property's shape does not prevent the new owner from building two houses. 946 Glendale was wide enough to accommodate to construction of two very large houses. The width of that lot is 90.5 feet wide. 950 Glendale is 112 feet at the street and 104 feet at the rear. Both numbers exceed the width of 946 Glendale so the new houses can be built with the current setback. Secondly, building two bigger houses just because someone wants to build larger houses is not a hardship. Nashville's zoning board should not set such a precedent. Thirdly, the new owner will soon transfer his interest in the property when he sells his two new houses. His rights as a temporary owner should not exceed those of us who permanently own properties nearby. We will have to contend with storm runoff and a lack of privacy. Allowing houses to be built a mere five feet from the property line will only compound those disadvantages. Fourthly, I am appalled Mr. Harlow was untruthful to the previous owner, as she was told he wanted to renovate the current house.

I have asked our neighbors to keep us informed of what occurs at both meetings.

Thank you,

Ginger Ramsey

4320 Lealand Lane

Nashville, TN 37204

Date: [10/22/2019](#)
Time: [10:00 AM](#)
From: [Casper Roney](#)
To: [Merrill](#)
Subject: [10/22/2019](#)

In the Metropolitan Area of Orange County, CA

My name is Casper Roney. My husband, Andrew, and I have lived at [1000 1/2 1st St](#) for twenty years. Our property address is [1000 1/2 1st St](#) - the back corner of our property. We enjoyed a close relationship with our neighbor at this address. The previous owner, Christine Taglia, informed us when her property sold. Unfortunately, she was under the impression her list of many decades would be remembered, not identified. Regardless, I would encourage you to not support a sale without a visit to the back end of the property. The property is fully fenced in our opinion. I am of absolutely no knowledge regarding the construction of any materials. In any opinion, reasonable care should be given. However, any further loss of green space will adversely affect our neighbor at [1000 1/2 1st St](#). We are already forced to undertake a cross street mitigation project this Spring from being built directly behind us and further up the block.

The site is across from and behind a small lot in an ongoing development. Nevertheless, I would not agree to any change to the address. Please take our opinion into consideration and do not support the sale.

Thank you.

Casper Roney
[1000 1/2 1st St](#)







Shot taken by Photos

Lifsey, Debbie (Codes)

From: Ginger Ramsey <ram1993@comcast.net>
Sent: Thursday, May 2, 2019 3:10 PM
To: Board of Zoning Appeals (Codes)
Subject: 950 Glendale Lane 2019-211

To the Metropolitan Board of Zoning Appeals,

My name is Ginger Ramsey. My husband, Andrew, and I have lived at 4320 Lealand Lane for twenty years. Our property adjoins 950 Glendale Lane at the back corner of our property. We enjoyed a close relationship with our neighbors at this address. The previous owner, Christie Tuggle, informed me when her property sold. Unfortunately, she was under the impression her home of many decades would be remodeled, not demolished.

Regardless, I would encourage you to not support a side setback variance by the new owners. I have attached photos of the backyard of the property. The property is fairly level and is not narrow. I see of absolutely no hardship in regard to constructing two homes of reasonable size. In my opinion, reasonable size should be good enough. Moreover, any further loss of green space will adversely affect storm runoff for us and our neighbors at 4322 Lealand Lane. We are already forced to undertake a storm runoff mitigation project this Spring from house built directly behind us and further up Glendale.

The new owners have not bothered to reach out to us regarding their plans. Nevertheless, I would not agree to any change to the setback. Please take our opinion into consideration and do not support this variance.

Thank you,

Ginger Ramsey
4320 Lealand Lane
Nashville, TN 37204



The information on this page is provided for informational purposes only. It is not intended to be used as a substitute for professional advice. For more information, please contact your local health department or the Centers for Disease Control and Prevention (CDC).
 The information on this page is provided for informational purposes only. It is not intended to be used as a substitute for professional advice. For more information, please contact your local health department or the Centers for Disease Control and Prevention (CDC).
 The information on this page is provided for informational purposes only. It is not intended to be used as a substitute for professional advice. For more information, please contact your local health department or the Centers for Disease Control and Prevention (CDC).





10/10/2019 10:00 AM

May 10, 2018

VIA E-MAIL

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

*Re: Request for Side Setback Variance at 950 Glendale Lane
Case No. 2019-211
Map & Parcel No. 13205012500*

Dear Metropolitan Board of Zoning Appeals,

My name is Nathan Sanders, and my wife, Rachel, and I are writing to oppose the variance requested by the owner of 950 Glendale Lane, Mr. Mickey Harlow. Rachel and I recently purchased a home located at 4322 Leland Lane, which shares a side boundary with 950 Glendale Lane. We are opposed to the variance because the construction of a new residence within five feet of our property line will diminish the privacy of our home and create drainage issues.

The documents filed by Mr. Harlow with the Board of Zoning Appeals indicate that he is planning to build two homes on the lot at 950 Glendale Lane that are 42 feet wide and set back five feet from the lot's side boundaries. Because our lot shares a side boundary with 950 Glendale Lane, one of the proposed residences will be located within feet of our property line. We have serious concerns about the effect that this new residence will have on the privacy of our home. Our home sits on a slightly lower elevation than 950 Glendale Lane, and our master bedroom is located near the shared boundary. In the likely event that Mr. Harlow builds residences at 950 Glendale Lane that are more than one story high, a new residence within five feet of our boundary will tower over our master bedroom and our back yard.

We are also concerned that the construction of a multi-story residence within five feet of our boundary line will create drainage issues for our property. We have spoken to Maxwell and Ginger Ramsey—our neighbors to the north of our property who also share a boundary with 950 Glendale Lane—and they are opposed to Mr. Harlow's variance request because the construction of two residences on the lot immediately east of their home has created recurring drainage problems. Given the fact that our home sits on a lower elevation than 950 Glendale Lane, my wife and I are concerned that we will experience similar issues if a multi-story residence is constructed within five feet of our boundary line.

More importantly, we have reviewed Mr. Harlow's application, and we do not believe there is any hardship that justifies the requested variance. The only alleged hardship identified in Mr. Harlow's application is that "[t]he lot to be built on is an irregular shape and narrows as it goes back on the east side." However, there is nothing about the shape of the lot that prevents Mr. Harlow from (a) renovating the single-family home that is already located on the property, (b)

Metropolitan Board of Zoning Appeals
Page 2

building a new single-family home, or (c) building two homes that are smaller than 42 feet wide and comply with the ten-foot setback requirement. As demonstrated by the building plans included with Mr. Harlow's application—which show a considerable distance between the northern walls of the proposed residences and the northern boundary line—there is ample room to build before the lot begins to “narrow.”

It seems to us that the only “hardship” faced by Mr. Harlow is that he cannot build (and then sell) two larger residences on his lot without obtaining a variance to the side-setback requirement. While we do not fault Mr. Harlow for trying to maximize his return on investment, this is not the type of hardship that justifies a variance. As the Board's application form makes clear, it “cannot grant a variance based solely on inconvenience to the applicant or solely on financial consideration.”

My wife and I support responsible development in Nashville and, indeed, believe it is necessary to address the housing shortages caused by our city's tremendous growth. Responsible development can occur at 950 Glendale Lane without violating the side setback requirements established by the city.

Thank you for considering this letter, and we look forward to seeing you at next Thursday's hearing.

Sincerely,

Nathan and Rachel Sanders

May 6, 2019

Dear Metro Government People,

Re: Appeal Case # 2019-211
950 Glendale Lane
Map Parcel 1320 501 2500, zoning classification R20

Vote "NO" on this appeal ! !

Metro Nashville has been criminally negligent in promoting development while ignoring infrastructure needs necessary to the health and safety of Nashville citizens.

We watch developers place 2 huge houses on lots formerly zoned for single homes. In areas which flooded seven years ago, we see no provision for water run-off. Now, of course, there is almost no space for water to soak into soil.

On our street, we now have twice as many homes but twenty times as much traffic and half as much on-street parking space. Lots which formerly had 1 or 2 cars now sport 4 or more. It's not unusual for our driveway to be blocked by parked cars.

What about fire and police protection? Are these services staffed for increased population? What will happen in the next community-emergency?

We oppose permission to develop 2 homes at 950 Glendale until you have addressed these basic issues, the negligence of which threatens us and our property.

Ralph and Laura K. McKenzie

909 Coral Road (within 600 feet
of 950 Glendale)

Ralph K. McKenzie
Laura K. McKenzie



METROPOLITAN COUNCIL

Metro Council Office

Members of the Board of Zoning Appeals,

I am writing this letter in opposition to the proposed side setback variance at 950 Glendale Lane (Case #2019-211) that is due to be heard at your May 16, 2019 meeting. The applicant has not reached out to me for my input or the community's input regarding this proposed variance.

Having examined the site plan submitted as a part of the application, it appears that there is sufficient room to build two houses within the building envelope provided by the R20 zoning district. Further, if the footprints of the proposed homes were modified to be more rectangular in shape, then two homes with the same amount of square footage as is proposed could be constructed on the property. Finally, the lot tapers a total of 8.8 feet on the eastern side over the length of the property, which is not exceptional, nor unique for the neighborhood. Other properties in the area with much more significant tapering include 4322 Lealand Ln., 923 Coral Rd., 926 Coral Rd., 4309 Gray Oaks Dr., and 4307 Gray Oaks Dr. Therefore, this request appears to be for the convenience of using a standard home design, rather than a hardship due to the uniqueness of the shape of the lot.

Based on the above information, I am not in support of this request. However, as always, I have complete confidence in the discretion of the BZA to examine the facts and apply the appropriate reasoning to your decision. Thank you for the outstanding service and the significant time you dedicate to the service of our great city.

Sincerely

Russ Pulley
Council Member, District 25

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

1311 4th Avenue North

Parcel No. 08209017200

Nashville-Davidson County, Tennessee

19th Councilmanic District

Sheet Index

- C-1 TITLE SHEET
- C-2 EXISTING CONDITIONS
- C-3 SITE PLAN
- C-4 GRADING PLAN
- C-5 UTILITY PLAN
- L-1 LANDSCAPE PLAN

ZONING REVIEW CHECKLIST
 Nonresidential and Multifamily Construction

APPLICATION # 172018037861 PROJECT NAME: 1311 4th Ave. N
 MAP/Parcel # 0820901-17200 EXAMINER: WALTER MORGAN

USE - CHAPTER 17.08 AND 17.16 RESTAURANT & RESIDENTIAL UZO
 Determine the use RESTAURANT & RESIDENTIAL UZO Surrounding Zoning: RAKIN, SR

PROPOSED ZONING: UZO PERMITTED

USE CHANGES: FC, SE, A ** Supplemental Checklist Also Required for UZO **

STANDARDS PLAN: Note any special requirements such as easements, setbacks, restrictions and etc.

Minimum lot size: NONE 60 % Maximum Footprint: 3294 SF % Requesting: 49

USE: Maximum Stoops over 15%: 80 % Maximum % Requesting: 77

Street Setbacks: Street 1: 20' 10' Street 2: NONE

Rear yard: 20' Number of floors: 3

Height: 45' ** Supplemental Checklist Also Required for UZO **

PARKING AND ACCESS - CHAPTER 17.20

Form, location and number: 50' 150' adjacent street: N/A

Distance to nearest existing ramp: 450' 250' adjacent street: N/A

Distance to nearest existing ramp: 10' 250' adjacent street: N/A

Required parking based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

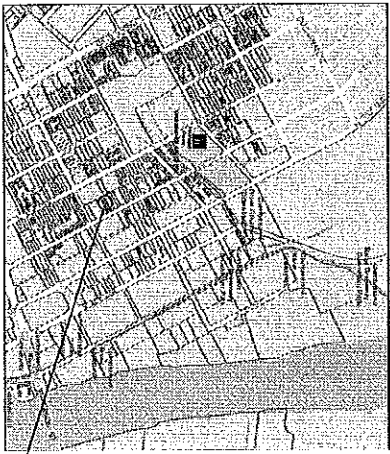
Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required

Required based on use: 10 Required



Location Map

SITE

Property Information
 1311 4th Ave. N.
 NASHVILLE, TN 37208
 Parcel : 08209017200

Owner
 P & H GERMANTOWN PROPERTY LLC
 9807 Dartmouth Ave
 NASHVILLE, TN 37215
 CONTACT:

Civil Engineer
 Tony Snyder
 Snyder Engineering pllc
 228 Spence Lane
 Nashville, Tennessee 37210
 615-383-1699
 tony.snyder@comcast.net

SURVEYOR
 Weatherford & Associates LLC
 P.O.B. 8248
 NASHVILLE, TN 37076
 391-3044298-2424

UTILITIES

Electric Service
 Nashville Electric Service
 1214 Church St
 Nashville, Tennessee 37246
 Joe Valley 615-747-3281

Water Service
 Metro Water Service
 1600 2nd Ave. N
 Nashville, Tennessee 37208
 Christian Thompson -615-862-7229

Sewer Service
 Metro Water Service
 1600 2nd Ave. N
 Nashville, Tennessee 37208
 615-862-4588

Gas Service
 Piedmont Natural Gas
 800-752-504

Tennessee One Call 800-351-1111

CONTEXTUAL STREET SETBACKS UNDER UZO - CHAPTER 17.12.035 A 14

Used to determine street setbacks for new construction. In case of conflict between any two provisions below, the provision that permits the building to be built closer to the street shall govern.

- Neighboring lots
 Street setbacks of adjacent structures
- Block character
 Street setbacks of all principle structures on that block
- Major new investment
 Street setbacks of all principle structures at that corner
- Corner
 For lots 60' wide or more, the front facade shall extend across the entire width except for required driveways and landscaping.
 For lots less than 60', the building shall extend across at least 25% of the lot footage or 25' whichever is greater.

The front facade of a principal structure on a corner lot shall be oriented to the shorter lot line under 17.12.030 C and 17.12.035 Note.

Zone of visibility does not apply in the UZO under 17.20.180

Revisions for mandatory reductions of street setbacks under 17.12.035 B

Chapter 17.16 Address those special features required for FC, SE, and A uses. All special requirements are to be reviewed as part of the zoning plan review and special features identified on plans.

Chapter 17.22 Environmental and Operational Standards. Chapter addresses development standards for environmental and operational standards. Chapter also addresses the solar light, sign, and other special features that may be required for certain uses.

Chapter 17.23 Sign Regulations. Sign permits are applied for on separate applications and are not part of the zoning review for building permit.

Chapter 17.24 Address those special provisions and setbacks required for certain uses.

1311 Fourth Avenue North

Nashville, TN 37027

D | A A D

Digital Architecture and Design
 2500 Villa Avenue Nashville, TN 37204
 615-246-0200 www.daaad.com

DATE Project # 17-024

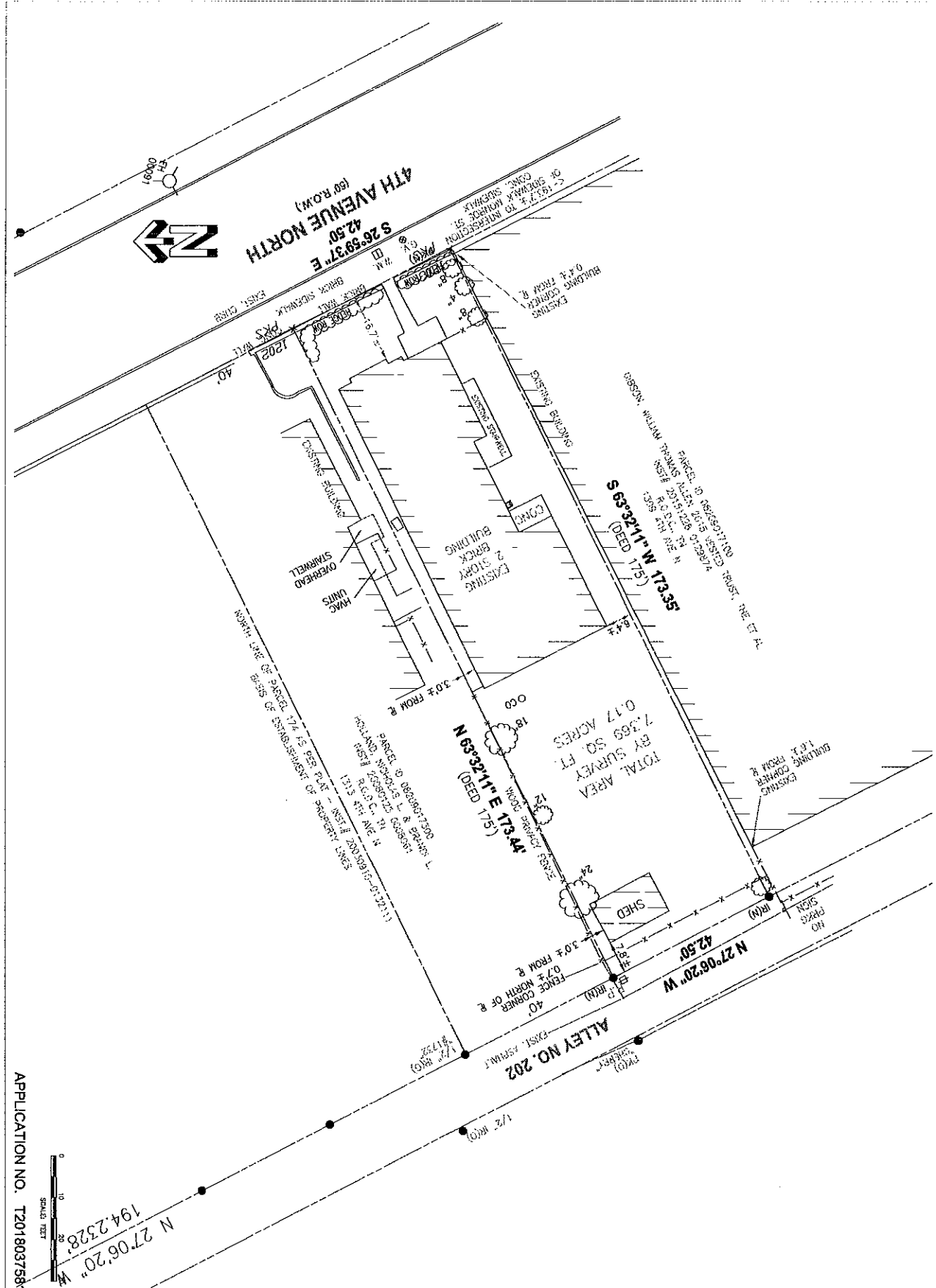
NO. SEC. 17-024

CONSTRUCTION 07/17/2018

TITLE

C-1.0

3 A Renovation and Addition to



APPLICATION NO. T2018037584



C-2.0

EXISTING CONDITIONS

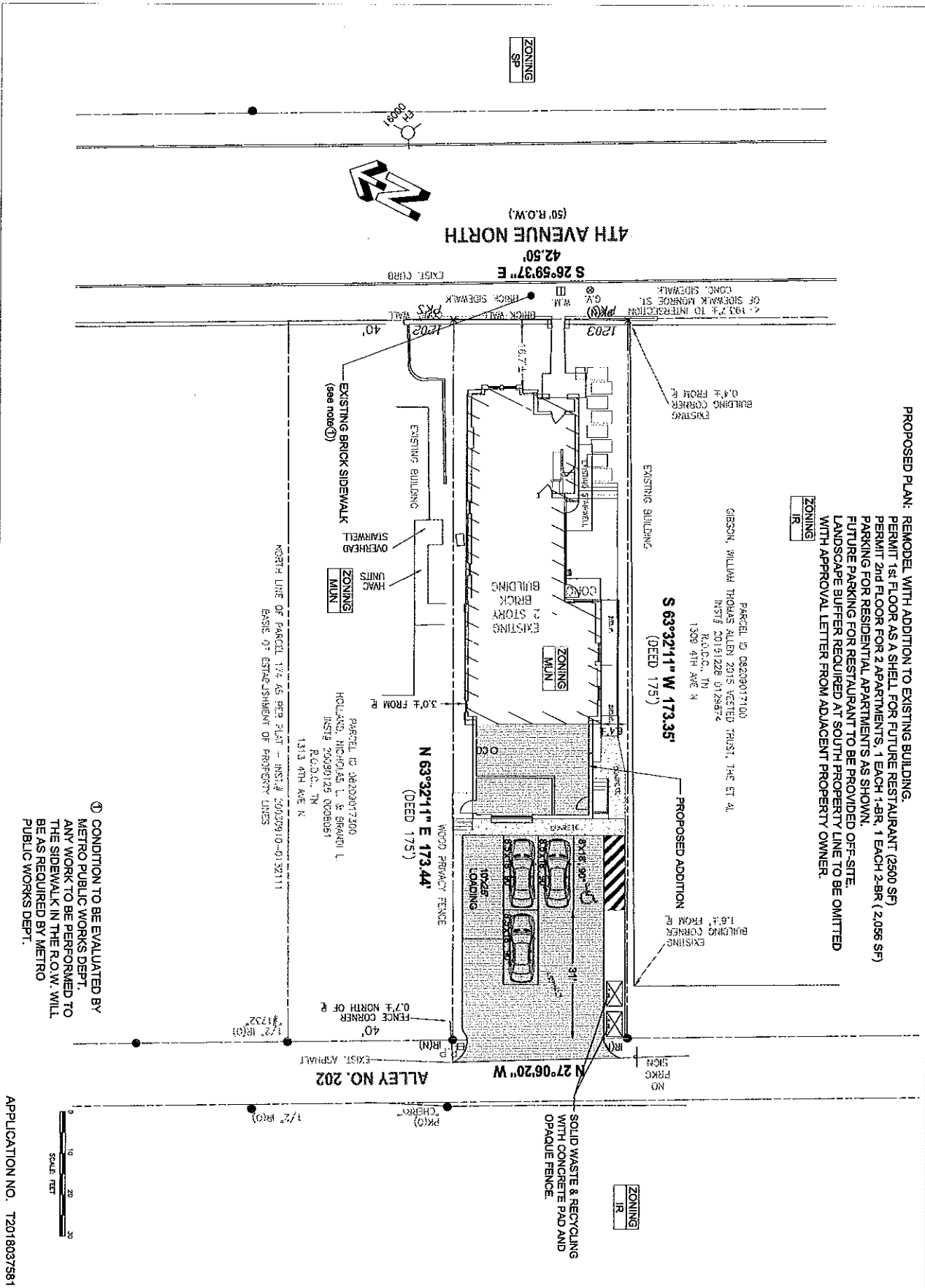
DATE	07/11/2018
NO.	17254
DATE	07/11/2018
NO.	17254
DATE	07/11/2018
NO.	17254

A Renovation and Addition to
1311 Fourth Avenue North

Nashville, TN 37027



D|P|A|D
 Dyden Architecture And Design
 2520 White Avenue Nashville, TN 37204
 615.246.3223 www.dpad-group.com



PROPOSED PLAN: REMODEL WITH ADDITION TO EXISTING BUILDING.
 PERMIT 1st FLOOR AS A SHELL FOR FUTURE RESTAURANT (2500 SF)
 PERMIT 2nd FLOOR FOR 2 APARTMENTS, 1 EACH 1-BR, 1 EACH 2-BR (2,056 SF)
 PARKING FOR RESIDENTIAL APARTMENTS AS SHOWN.
 FUTURE PARKING FOR RESTAURANT TO BE PROVIDED OFF-SITE.
 LANDSCAPE BUFFER REQUIRED AT SOUTH PROPERTY LINE TO BE OMITTED
 WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.

PARCEL ID: 06209017100
 GIBSON, WILLIAM THOMAS ALLEN 2015 VESTED TRUST, THE ET AL.
 R.A.D.C., TN
 INST# 20191228 0729874
 1308 4TH AVE N

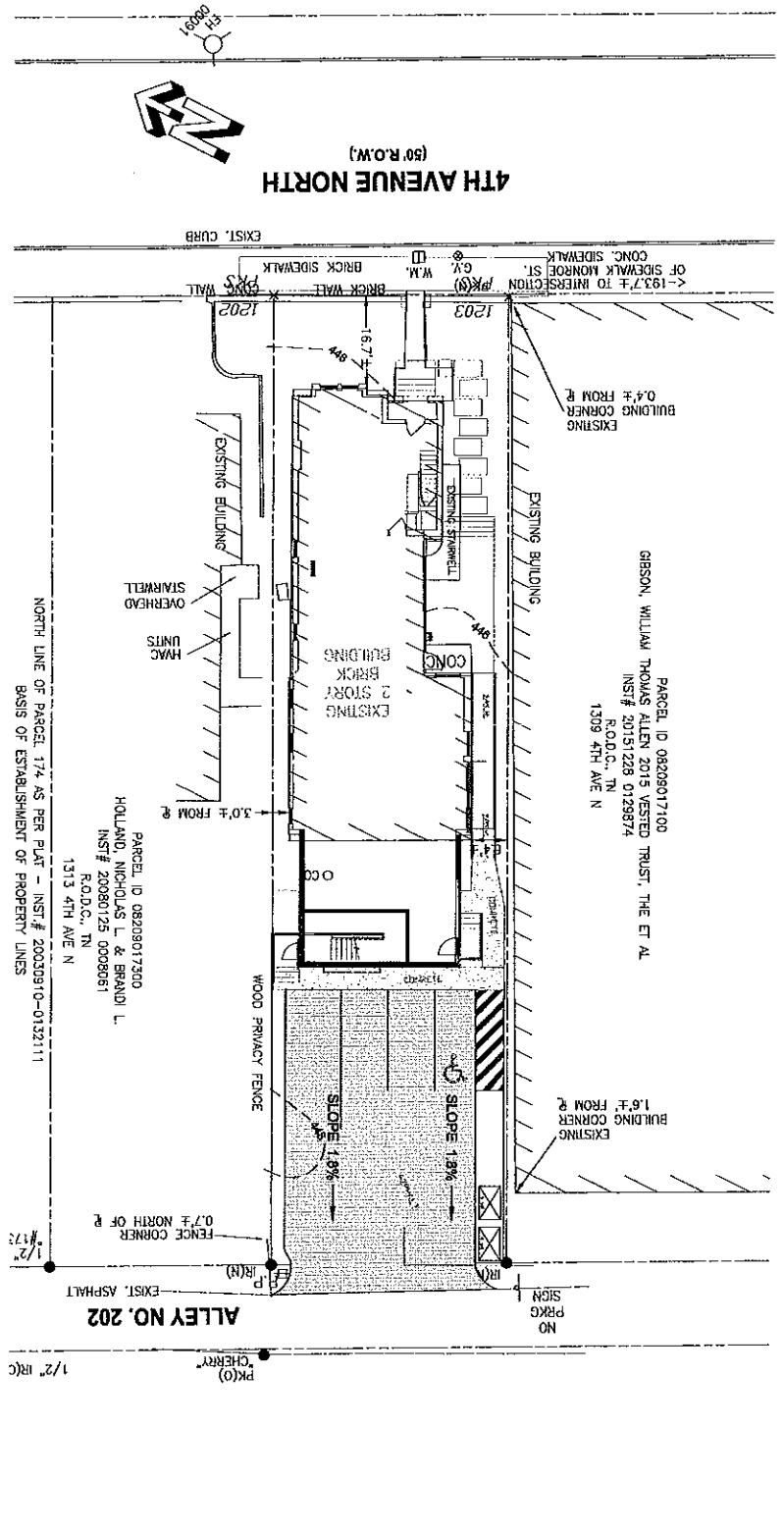
PARCEL ID: 06209017200
 HOLLAND, NICHOLAS L. & BRADLEY L.
 INST# 20090125 0020951
 R.A.D.C., TN
 1313 4TH AVE N

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

APPLICATION NO. T2018037581



<p>D A A D</p> <p>David Anderson and Design 2500 White Avenue Nashville, TN 37204 615.244.3221 www.daad-na.com</p>		<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>
<p>2040 Parcel # 17288</p> <p>Site CONSTRUCTION DOCUMENTS</p> <p>Date: 07/11/2019</p>	<p>07/11/2019</p>	<p>Scale: 1" = 20'</p> <p>C-3.0</p>



GRADING EXEMPTION CERTIFICATION

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

1. Fill material consists only of well-graded, non-compressible material such as rock, concrete, or other similar material.
2. Fill is not in the 100-year floodplain and is less than the (3) feet in vertical depth.
3. The fill is not in a 500-year floodplain and is less than the (3) feet in vertical depth.
4. Does not result in a size quantity of rock that (3) cubic yards of material being removed from, deposited on, or established on any lot, parcel, or subdivision bearing a governmental subdivision or zoning ordinance, or any other governmental subdivision or zoning ordinance, or any other governmental subdivision or zoning ordinance, or any other governmental subdivision or zoning ordinance, or any other governmental subdivision or zoning ordinance.
5. Has no final slope steeper than one (1) foot vertical to three (3) feet horizontal (measured).
6. Has no final slope steeper than one (1) foot vertical to three (3) feet horizontal (measured).
7. Has any necessary permanent soil stabilization measures applied to disturbed areas within 15 days of disturbance.
8. Is not adjacent or nearby to a watercourse or other water body.
9. Does not result in the exposure or disturbance of more than 10,000 square feet of bank.
10. The 100-year floodplain.

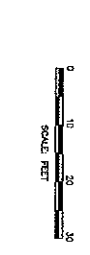
ANTHONY F. SYTHERS, P.E.

07/08/2018

DATE

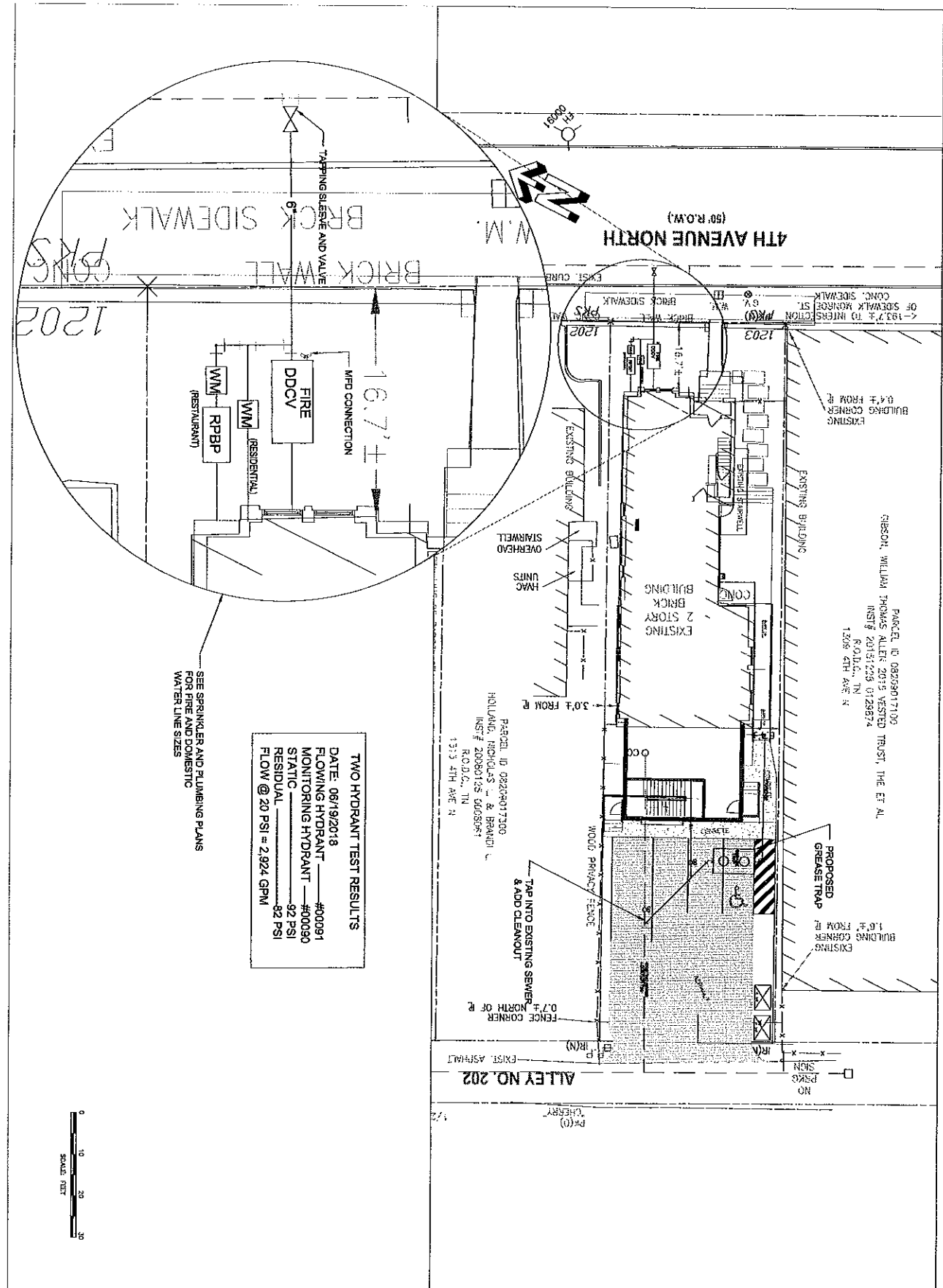
GRADING NOTES:

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\"/>



APPLICATION NO. T2018037581

<p>D A A D</p> <p>Dylan Architecture And Design 2520 White Avenue Nashville, TN 37204 615.246.3222 www.daad-projects.com</p>		<p>07/08/2018</p>
<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37207</p>		
<p>Client Project #</p> <p>17284</p>	<p>No. Sec</p> <p>CONSTRUCTION DOCUMENTS</p> <p>07/1/2018</p>	<p>Date:</p>
<p>Project:</p> <p>GRADING PLAN</p>		
<p>C-4.0</p>		



TWO HYDRANT TEST RESULTS
 DATE: 06/19/2018
 FLOWING HYDRANT #00091
 MONITORING HYDRANT #00090
 STATIC _____ 92 PSI
 RESIDUAL _____ 82 PSI
 FLOW @ 20 PSI = 2,924 GPM

SEE SPRINKLER AND FILLING PLANS FOR FIRE AND DOMESTIC WATER LINE SIZES



<p>D A A D</p> <p>Dieter Architecture and Design 2550 White Avenue Nashville, TN 37204 615.248.3233 www.daaad.com</p>		<p>07/11/2018</p>	
<p>A Renovation and Addition to</p> <p>1311 Fourth Avenue North</p> <p>Nashville, TN 37027</p>		<p>Drawn: _____</p> <p>Checked: _____</p> <p>DATE: 07/11/2018</p>	
<p>PROJECT # 171824</p> <p>NO. SEC. DATE:</p>		<p>CONSTRUCTION DOCUMENTS</p>	
<p>UTILITIES</p>		<p>C-5.0</p>	



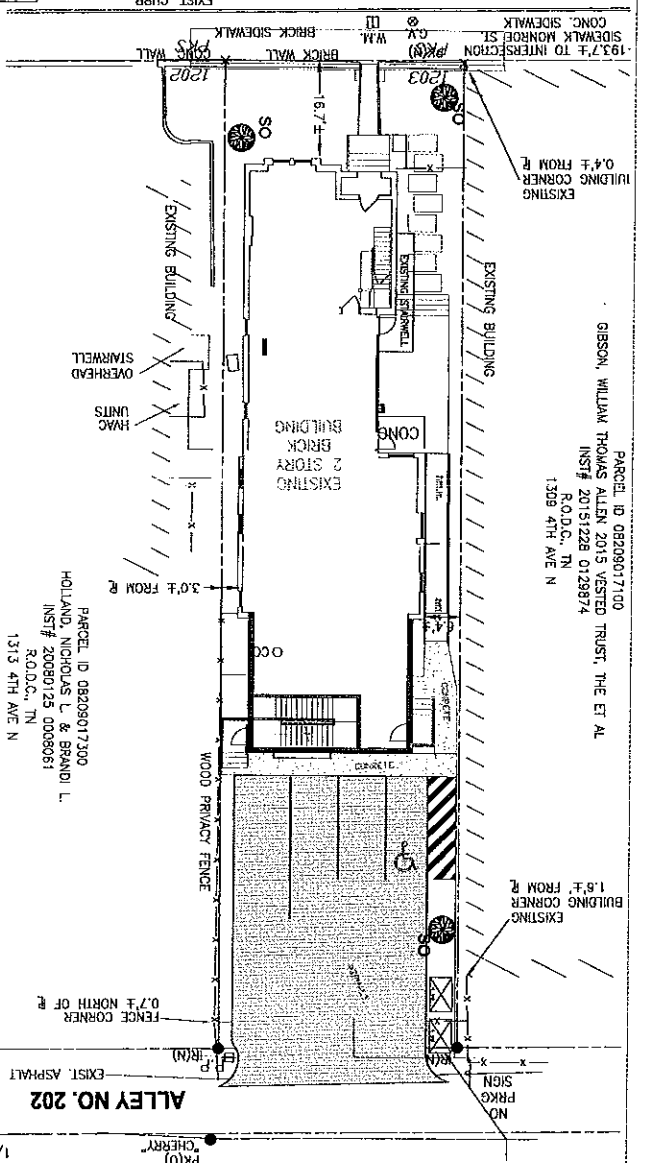
City of Nashville
2505 White Avenue, Nashville, TN 37204
615.246.2222 www.dacp-gov.com

A Renovation and Addition to
1311 Fourth Avenue North
Nashville, TN 37027

DATE: 07/26/2018 PARCEL: 172.00
PROJECT NAME: 1311 4th Ave N,
ADDRESS: 1311 4th Ave North, Nashville, TN 37027

NO.	SEC.	DATE
17.824		07/17/2018
COMPETITION		
CONSENTING		

LANDSCAPE PLAN
L-1.0



PARCEL ID 08208017100
GIBSON, WILLIAM THOMAS ALLEN 2015 VESTED TRUST, THE ET AL
INST# 20151228 0128974
R.O.D.C., TN
1309 4TH AVE N

PARCEL ID 08208017100
HOLLAND, NICHOLAS L & BRANDI L
INST# 20080725 0088081
R.O.D.C., TN
1313 4TH AVE N

47TH AVENUE NORTH
(50' R.O.W.)
EXIST. CURB

1. THIS PROJECT WAS DESIGNED IN ACCORDANCE WITH THE ZONING CODE FOR URBAN OUTRIM NASHVILLE, TN, TITLE 17, CHAPTER 17.04. RECOMMENDED SPECIES AND TREE BEING PLANTED IN THIS AREA ARE: QUERCUS SPINOSA AND QUERCUS LAEVOGLOBULA. YOU SHOULD BE FAMILIAR WITH THE REQUIREMENTS OF THIS ZONING AS IT PERTAINS TO QUALITY OF WORKSMANSHIP, PLANT SELECTION AND RESTRUCTIONS.

2. NO CHANGE IN SIZE, SPECIES OR LOCATION SHALL BE MADE WITHOUT APPROVAL OF URBAN FORESTER.

3. THE PLANT LIST IS FOR THE CONVENIENCE OF THE CONTRACTOR. HOWEVER, THE CONTRACTOR SHALL CONSIDER ALL QUANTITIES PRIOR TO BIDDING. IF THE PLANT LIST AND PLANT QUANTITIES DIFFER, THE PLANT LIST TAKE PRECEDENCE.

4. PROVIDE TREES, SHRUBS AND PLANTS OF QUANTITY, SIZE AND GENUS SPECIFIED AND VARIETY SHOWN AND SPECIFIED FOR LANDSCAPE WORK. ANSI #6, LATEST EDITION, AMERICAN STANDARDS FOR TESTING MATERIALS. PROVIDE HEALTHY, VIGOROUS STOCK, SHOWN IN A RECOMMENDED NURSERY IN ACCORDANCE WITH GOOD HORTICULTURAL PRACTICES. PREVIOUSLY PLANTED TREES SHALL BE MAINTAINED OR REPLANTED AS NOTED, INCLUDING INJURED, ABRASIONS OR DISTURBED SUCH AS HOLES, STAGNANT, INHIBITED, ABRASIONS OR DISTURBANCE.

5. LOCATIONS OF ALL 3" AM BBS AND TREES TO BE STAGED AND APPROVED BY OWNER PRIOR TO PLANTING.

6. DETERMINE LOCATION OF UNDERGROUND UTILITIES AND PERSONS EMPLOYEE AS WELL AS POSSIBLE DAMAGE. LAND EXCAVATE AS WELL AS REPAIRS TO ALL UTILITIES AND PERSONS CONCERNED. REMOVAL IS MUTUALLY AGREED UPON BY PARTIES CONCERNED.

7. FILL EXCAVATION WITH CLEAN FILL. FILL SHOULD BE STAGED AND APPROVED BY OWNER PRIOR TO PLANTING.

8. ALL TRENCHES SHALL BE TREATED WITH A PERMEABLE FILTER FABRIC. EXCAVATION SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC. EXCAVATION SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC.

9. ALL TRENCHES SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC. EXCAVATION SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC.

10. ALL TRENCHES SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC. EXCAVATION SHALL BE FILLED WITH A PERMEABLE FILTER FABRIC.

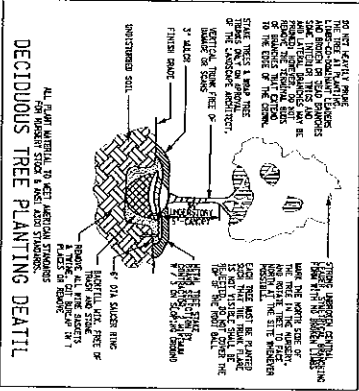
11. CONTRACTOR TO MAINTAIN ALL PLANTING FOR A PERIOD OF ONE (1) YEAR AFTER DATE OF FINAL ACCEPTANCE BY URBAN FORESTER.

PLANT LIST

KEY	QTY	SPECIES / COMMON NAME	SIZE	HEIGHT	SPREAD
SO	3	QUERCUS SPINOSA II	2"	12 - 14'	4 - 5'
SEED		FINE BLADED FESCUE SEED			

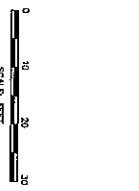
REBEL II
5 LBS PER 1000 SQFT
INSTALL AT ALL DISTURBED AREAS

NOTE: IF AUTOMATIC IRRIGATION FOR TREES IS PROVIDED, THERE IS NO HOSE BIB REQUIRED. IF IRRIGATION IS NOT PROVIDED, A HOSE BIB IS REQUIRED WITHIN 100' OF EACH TREE.

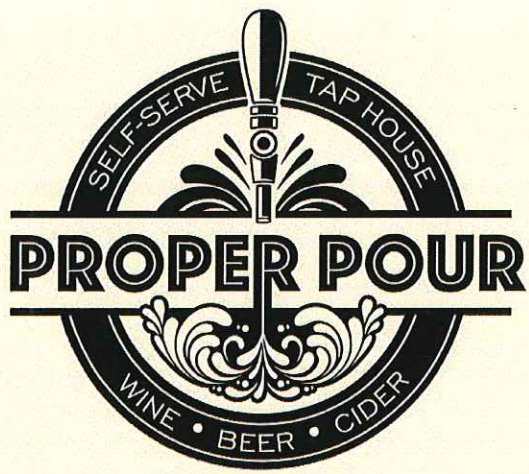


NOTE: LANDSCAPE BUFFER REQUIRED AT SOUTH PROPERTY LINE TO BE OBTAINED WITH APPROVAL LETTER FROM ADJACENT PROPERTY OWNER.

ACREAGE (AREA OF BUILDING SITE)	MINUS BUILDING COVERAGE AREA	EQUALS ADJUSTED AREA	MULTIPLIED BY REQUIRED DENSITY UNITS PER ACRE	EQUALS REQUIRED TREE DENSITY UNITS FOR PROJECT
0.17	0.08	0.09	14	1.26
				3 TREES AT 2" CAL. = 3 X .05 = 1.50 TDU PROVIDED



APPLICATION NO. TZ018037581



Parking Variance Request

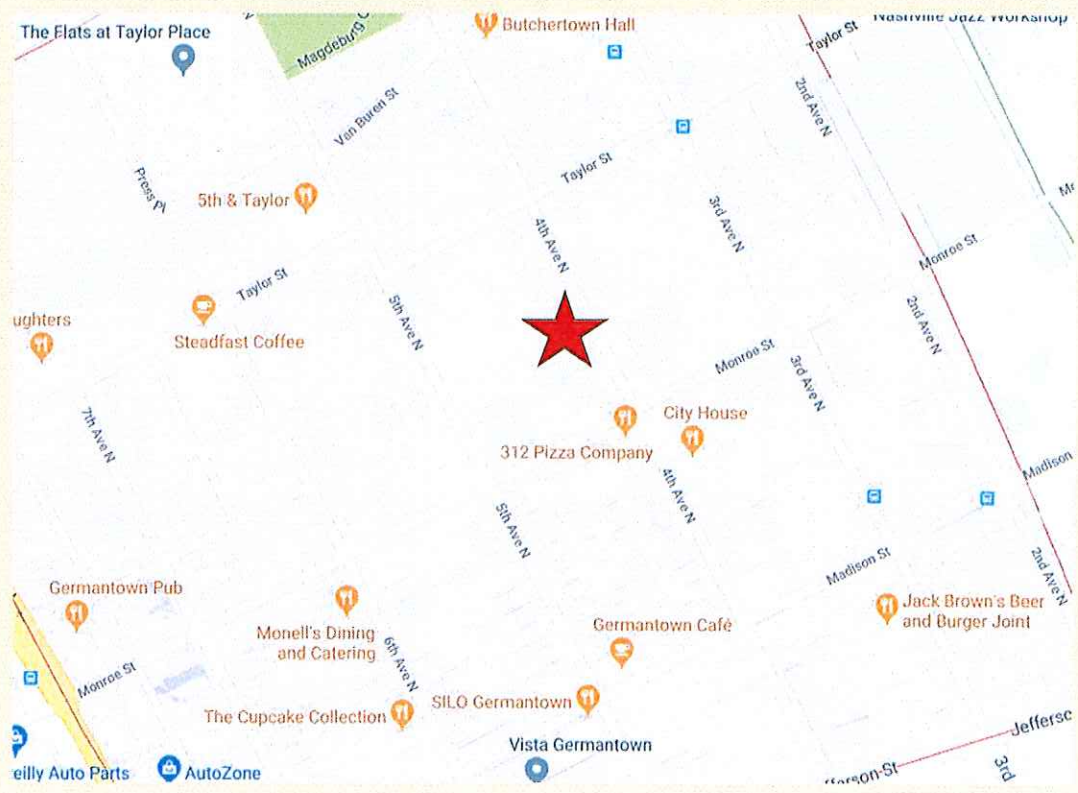
ABOUT US

- Proper Pour is an upscale neighborhood restaurant offering guests the ability to **pour themselves** a glass of wine, beer, cider, sake or cold coffee all on tap.
- Relax with friends while exploring the tap wall and enjoy light snacks offered like cheese boards, charcuterie, breads and spreads.
- There is no actual bar or bartender at Proper Pour and we are not serving any hard alcohol



Location

1311 4th Ave North, Germantown.

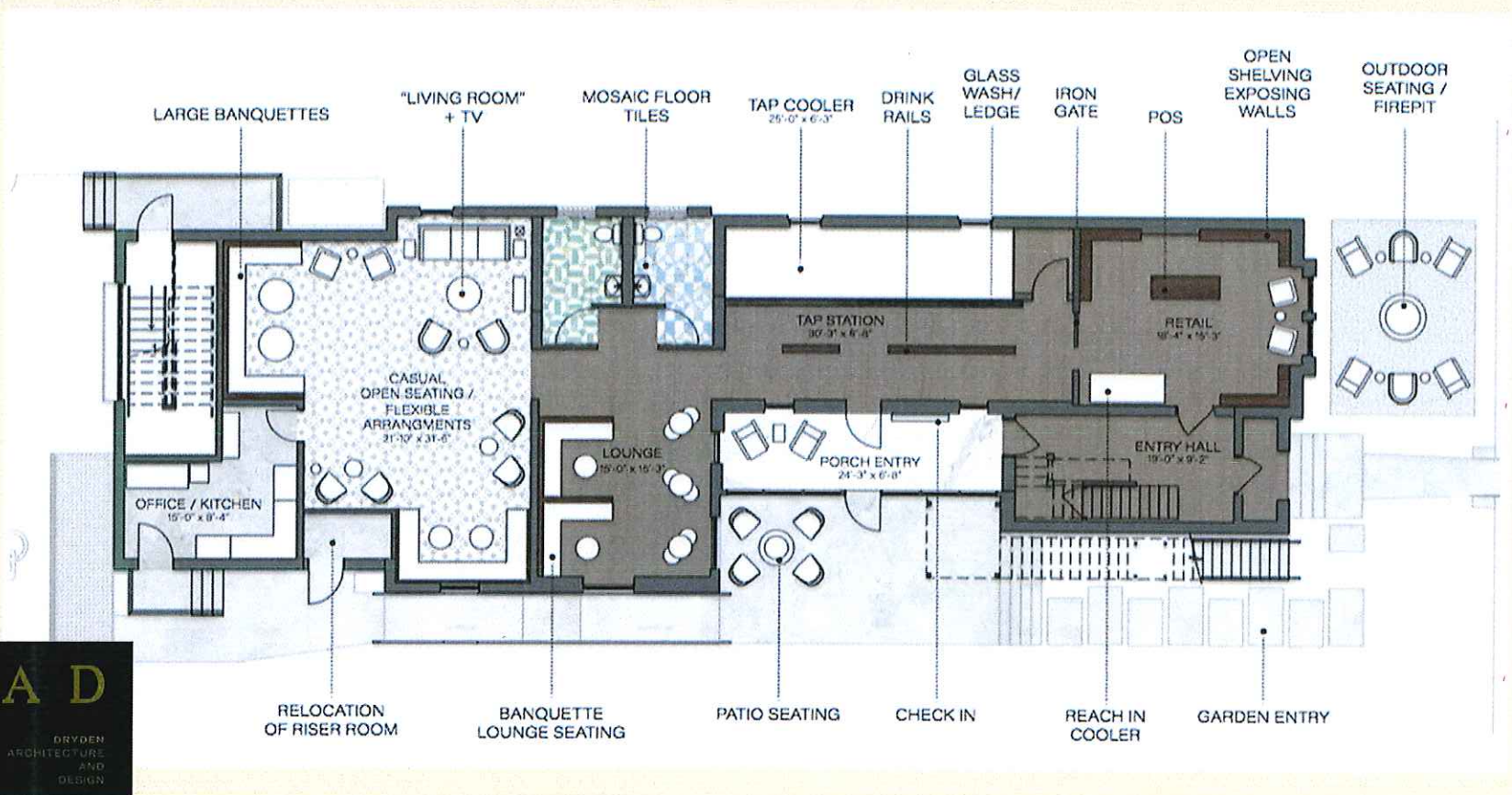


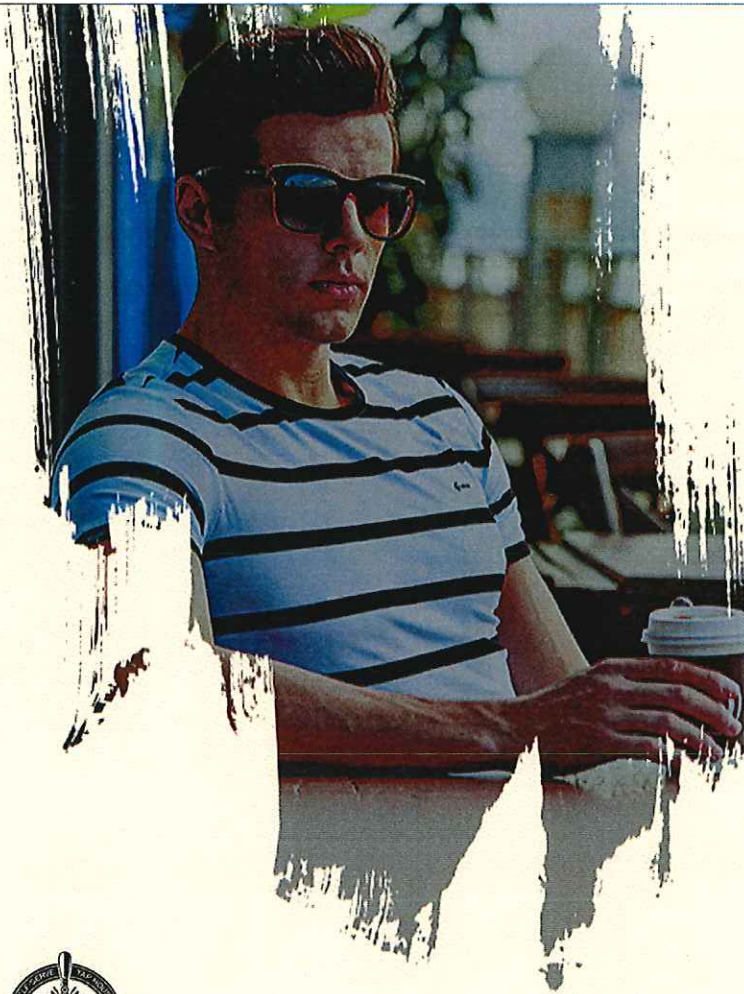
Building

Historic building with 2,725 square feet on the first floor



Floor Plan





PROBLEM

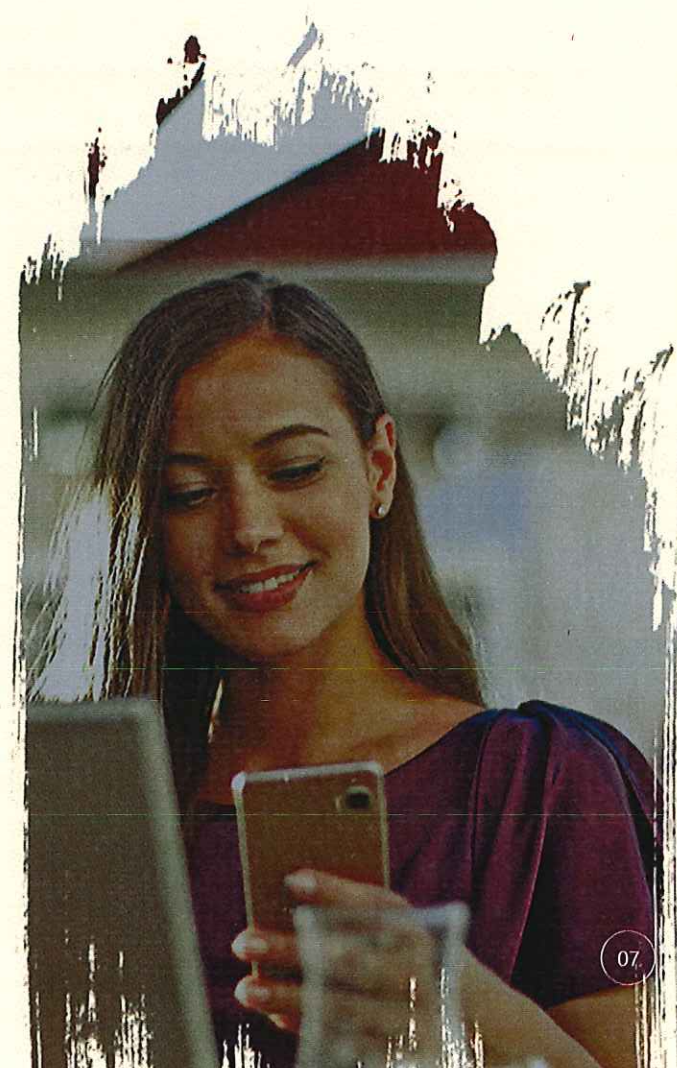
Current code requires 1 parking space for every 75 square feet of a restaurant establishment where food sales are not more than 50% of revenue. With 2,725 square feet we would be required 37 parking spaces. Unfortunately the property does not have space to accommodate 37 parking spaces and there are no available adjacent sites able to be purchased for pure parking.



Our Position

We feel the existing parking requirement does not reflect current needs.

- Germantown is a high density mixed-use neighborhood where most people walk to restaurants
- People from outside of the neighborhood are utilizing ride sharing and alternative means of transportation, not driving
- There is street parking along the fronting street, throughout the neighborhood, and multiple pay parking lots within 2 blocks of our location



Our Solution

Proper Pour

- We have 5 spaces per code that we can count toward our requirement
- 2 street spots in front and 3 spots in the rear

Barista Parlor

- We have signed a contract with Barista Parlor to use their parking lot daily starting at 6 pm. This contract is initially for 5-years
- The Barista Parlor lot accommodates 12 cars and is within a block from our location

Public Parking

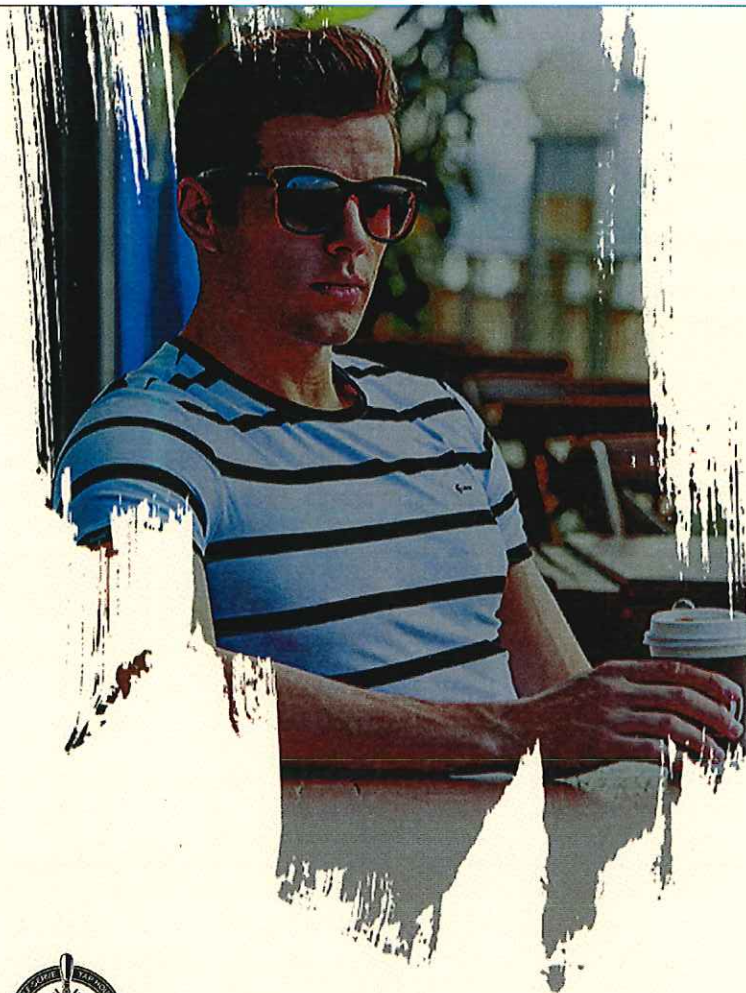
- 4th Avenue N has open street parking on both sides as noted in yellow on the map
- Additionally there are 2 pay parking lots within 2 blocks of Proper Pour
- Each of these lots accommodate over 20 cars



17 Dedicated Spot

Available Parking





Summary

- This parking challenge is unique to Germantown. Urban- walkable neighborhood- adjacent to downtown.
- The location is surrounded by commercial buildings on all 4 sides. Our side alley entrance walkway butts up to the 20" tall cinderblock wall of Cumberland Machine which run the length of the lot.
- Seeking the variance due to unique nature of the hybrid bar/restaurant self pour concept



Board of Zoning Appeals
800 Second Ave South
Nashville, TN 37210

Re: Variance for parking requirements at 1311 4th Ave N.

Members of the Board of Zoning Appeals,

We represent Proper Pour, LLC (“Proper Pour”) in the process of opening a wine room in the Germantown neighborhood of Nashville. We are submitting this letter to supplement information that you have already received from our client, their consultants, or any members of the community.

As previously stated, Proper Pour is seeking to open a wine room at 1311 4th Ave N (the “Property”). Because of the nature of the wine room and to limit expenses and overhead, Proper Pour will have limited food services. Therefore, Proper Pour will be classified as a bar for purposes of zoning and must provide one parking spot for every seventy-five (75) square feet in accordance with Section 17.20.030 of the Zoning Ordinances. With a total lease space of 2,725 square feet, a minimum of 36 parking spots are required to meet the zoning requirements.

The building in which Proper Pour will be located has approximately five (5) parking spots between street parking and parking in the rear of the building. The owners of the property and Proper Pour held numerous meetings or otherwise engaged with multiple business owners, but were only able to find an additional twelve (12) parking spots. Proper Pour reached an agreement with the owners of 1230 4th Ave N. to allow for Proper Pour to access the additional twelve (12) parking spots at that location. However, the seventeen (17) parking spots now available to Proper Pour clearly falls short of the number of parking spots required by the Ordinance. A request for variance was filed with this Board requesting a reduction in the number of parking spots from the required thirty-six (36) to the available seventeen (17).

The variance requested for this Property should be granted as it squarely satisfies all of the criteria as set forth in Section 17.40.370 of the Zoning Ordinance (“Section”). That Section indicates that a variance shall not be granted unless there is a finding of facts in the affirmative for each of the following standards: the physical characteristics of the property, unique characteristics, hardship not self-imposed, financial gain is not the only basis, no injury to the neighboring property, no harm to the public welfare, and upholds the integrity of the Master

Development Plan. Each of these criteria are satisfied in the variance request as will be discussed in detail below.

1. The physical characteristics of the Property create a hardship for parking.

The Property in question consists of a single family home of approximately 3,700 square feet situated on a lot of approximately 0.18 acres. Both the lot and the home are long and narrow as the lot is only 42 feet wide by 175 feet long. This means that the structure of the home and necessary spacing for ingress and egress limit the amount of space available to be converted to parking spaces.

Furthermore, the structure on the Property was constructed in the 1880s. To alter the number of parking spaces available on the property, the footprint of the structure would have to be altered. Even if this was permissible under the current zoning of the property, to do so would fundamentally alter the aesthetics of the neighborhood and contribute to what some have argued is a replacement of charm, character, and neighbors and neighborhood considerations with profit seeking.

Finally, this Property is not situated in a position that allows for additional parking to be easily acquired. A single family residence which was constructed over a century ago exists at 1313 4th Ave N. The remaining surrounding properties are owned and were developed by Cumberland Machine. These properties also have limited parking and do not allow for any additional development of areas for parking.

Thus, the standard of physical characteristics of the property has been met.

2. The unique characteristics of the property and the neighborhood create a hardship for satisfying the parking requirements.

This Property has several unique characteristics that create a hardship for satisfying the parking requirements. First, this property was developed originally as a single family home and, thus, was only provided area sufficient for parking related to use as a single family home. As time has progressed and the characteristics of the neighborhood and Nashville, generally, have evolved, the Property's former and current owners determined that it would sold to make use of the multiuse zoning under which the Property falls. However, the parking requirements in the area have not been updated to reflect the denser and retail centric environment of the neighborhood. Therefore, any commercial use of the Property would be almost entirely precluded due to the characteristics of the Property.

Additionally, this Property falls within a historic district overlay. This creates additional restrictions on how the Property can be developed and remodeled. The exterior of the structure on the Property is likely required to be maintained in the same or substantially similar state as it is currently in. This does not allow for the property to be reconfigured to allow for any additional parking. The existing structure takes up a large portion of the lot and simply precludes the use of the lot for much, if any, additional parking to be added.

With the unique characteristics of this property, a hardship for meeting the necessary parking spaces for zoning exists sufficient to approve the variance request.

3. There is no injury to the neighboring property by granting the variance.

The neighboring properties will not suffer any injury, either physical or fiscal, due to the granting of the variance. This variance does not require any physical alterations of the property. As such, there is little risk of actual injury to other property. Further, there will be no reduction in the supply of light or air to the adjacent property as the façade of the structure will remain the same and intact.

Additionally, the property values in the area will not be substantially diminished or impaired. This Property will be used in a manner in which it is already zoned. The Property will not be used as a raucous or rowdy bar as one might think due to the nature of the zoning classification. The concept as it is currently planned would primarily sell wine in an upscale and sophisticated environment. There are no plans for loud live music or DJs, only soft music which would be required to create the appropriate atmosphere. Further, this area already features many restaurants and bars which have proven not to negatively impact property values. In fact, the access to bars and restaurants seems to have the opposite effect. While it is possible that some individuals may not chose to live directly next to a bar or restaurant, the impact on or diminishing of property values would not be so "substantial" as to deny the variance.

4. The other factors of granting a variance for hardship are also satisfied.

Finally, the remaining for standards which are required to grant a variance are satisfied. The hardship in this instance is not self-imposed. The nature of the neighborhood and rapid growth in the area have limited the amount of parking available.

Financial gain is not the only basis for granting the variance. While it can be viewed that granting this variance allows for a for-profit commercial business to operate in the area and that, by the very nature of such a business, financial gain is a motivating factor. However, financial gain is not the sole basis. The Property is zoned in such a manner as to allow for this use, but the restrictions set by the Ordinances is so restrictive as to all but preclude commercial use of the Property unless a variance is approved.

There will simply be no harm to the public welfare. There is no detriment to the public welfare and does not impair the intent and purpose of the zoning code. The stated purpose of this section of the zoning code is "to establish standards for vehicular parking, loading and access in a manner which provides for reasonable utilization of land without adversely impacting abutting properties or the community as a whole. The requirements and standards of this chapter are intended to ensure the provision of adequate and functional loading facilities for all land uses, to allow full utilization of land commensurate with sufficient levels of roadway service, and to provide reasonable vehicular access to property while at the same time protecting the operational integrity and safety of public streets." While there might be a slight increase in traffic, it is important to note that the Germantown area is a neighborhood which is unusually, for Nashville, friendly to alternative modes of transportation. The neighborhood has walkable

sidewalks throughout, as well as access to bicycles and, currently, scooters. This allows for members of the neighborhood to utilize the alternative modes of transportation and members of the community at large to utilize one of the several commercial parking lots in the area and still access the Property. Further, the request is simply a reduction in the total required spaces for parking. Proper Pour has attempted to limit the request as much as possible by finding additional parking to rent from a neighboring business, thus limiting the impact and not impairing the intent and purpose of the code.

Finally, the variance will not compromise the integrity of the master development plan. This variance does not impact any design integrity or functional facilities in the area. The structure for this Property already exists. This variance will still place the Property squarely within the direction that Nashville leadership is currently directing the city. The city has an increased focus on encouraging mass transportation and alternative modes of transportation in an effort to reduce traffic. As the city continues on this path of reducing automobiles on the roads, the need for parking will, hopefully, similarly reduce. This Property provides easy access to those who seek to utilize the many initiatives that the city has previously and continues to put forth to reduce traffic. Further, this variance request does not require any type of rezoning or other significant departure from existing zoning standards. This Property, and the use thereof, comports with the zoning requirements, parking excepted, which have been set forth by the Metropolitan Government of Nashville and Davidson County.

For the reasons stated above, the standards set forth in section 17.40.370 have been satisfied and, therefore, the Board of Zoning Appeals should grant the request for variance.

Thank you,



Landon Breazeale

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: [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

From: [Andrew Leahey](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Letter of opposition to Proper Pour (CASE 2019-259 (Council District - 19))
Date: Wednesday, June 5, 2019 11:43:57 AM

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

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: [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

From: [Kevin Powell](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CASE 2019-259 (Council District - 19)
Date: Wednesday, June 5, 2019 7:10:35 PM

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

From: [Masker, Pamela](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #2019002244 (reduction in dedicated parking spots)
Date: Monday, June 3, 2019 9:26:36 PM

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: [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
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 ~~at the rear of the lot~~ ^{8.4'}
~~along the rear lines with help of surveyor~~ ^{Going for setback variance}

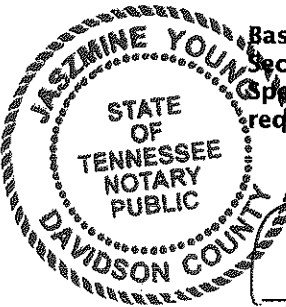
Activity Type: _____
Location: 2924 Torbett St

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

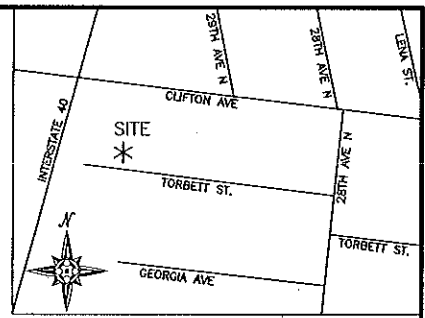
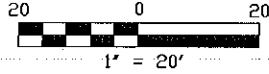
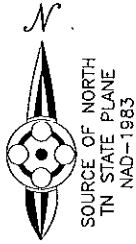
DATE 4/18/19

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.

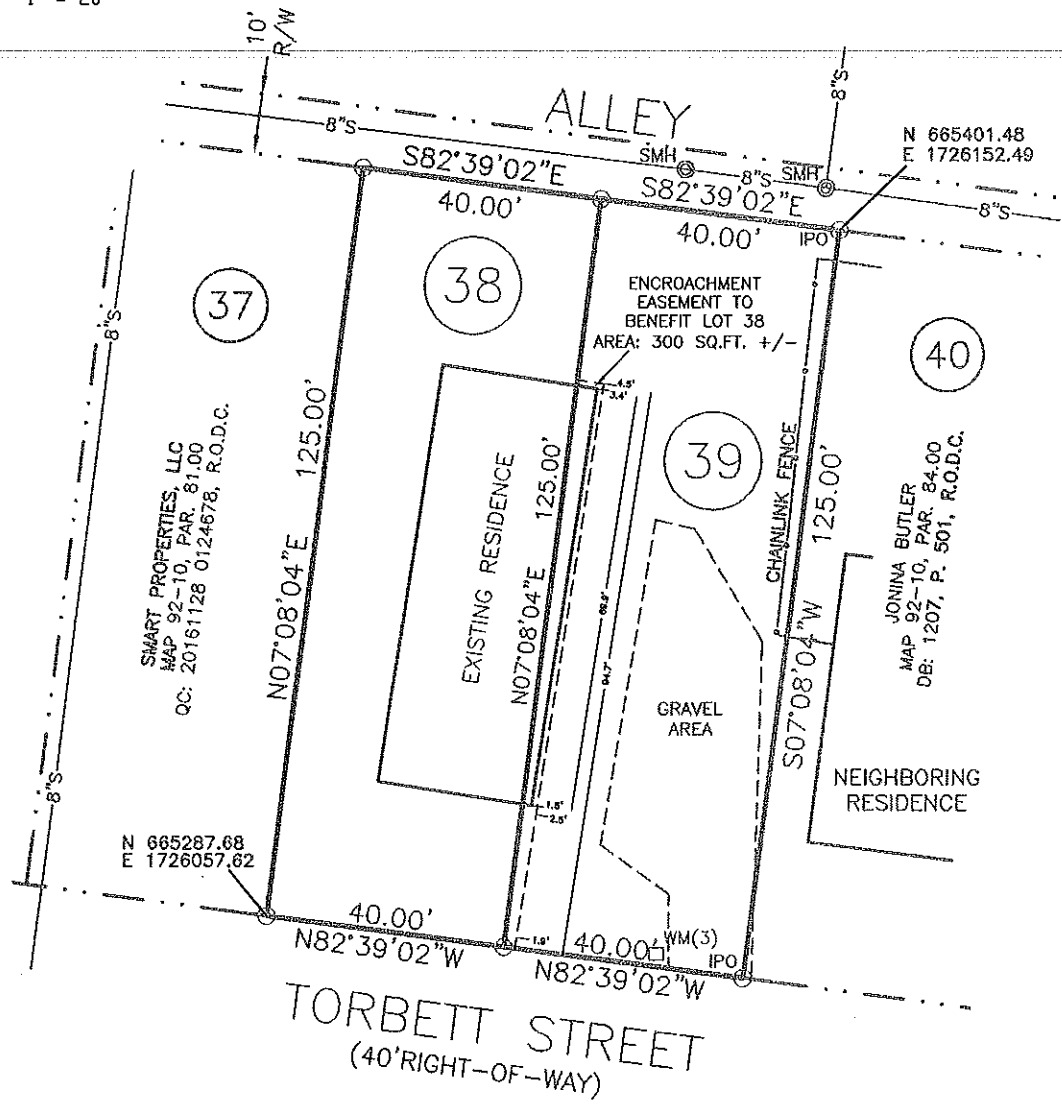
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Date: 4/26/19
Case #: 2019-278
Map & Parcel: 105-4/118

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 CONSTRUCTION
SINGLE FAMILY RESIDENCE

Activity Type:

SINGLE FAMILY RESIDENCE

Location:

30 SHEPARD ST.

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

Reason:

LOT SIZE & FRONT SETBACK

Section(s): 17.40.670 17.12.030 C.3 & 17.12.030A

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)

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

TC
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



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
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
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.

APPLICATION FOR A VARIANCE REQUEST

2019-278

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

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

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

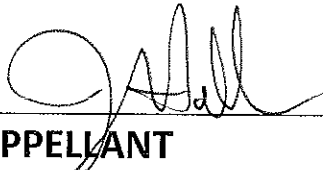
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

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.

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?

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.

<p>F A X</p> <p>KAHLUA BAY</p> <p><small>A Division of McCulley Enterprises, Inc.</small></p> <p>PO Box 100356 Nashville, TN 37210 615.255.9490 p 615.244.6324 f KahluaBay.net</p>	To:	Dept of Codes & Building Safety Board of Zoning Appeals
	Fax number:	615.862.6514
	From:	McCulley Enterprises, Inc
	Date:	July 5, 2019
	Regarding:	Zoning Appeal
<p>Regarding Appeal Case # 2019-278 36 Shepard ST Map Parcel: 10504011800 Zoning Classification: R6 Council District: 17</p> <p>McCulley Enterprises, Inc wishes to show OPPOSITION to our neighbor's request to build a residence without conforming to existing lot size and setback requirements. To maintain the existing rules and regulations in the neighborhood is very important to us. The setback should not be changed nor should the lot size requirement.</p> <p>Setbacks from the street are created for a reason and making one home closer to the street than the adjoining homes detracts from the cohesiveness of the community. It also blocks neighbor's visibility to the right and left of their homes creating an unsafe environment. Safety should be a priority, not ignored.</p> <p>Thank you for taking our opinion into consideration and allowing us to show our OPPOSITION to the request.</p> <p>Please contact Kahlua Bay dba McCulley Enterprises, Inc. with any questions.</p> <p>McCulley Enterprises, Inc. 43 Trimble Street Nashville, TN 37210 615.255.9490</p>		

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



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.)

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.

Jody Roberts
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 the Zoning Code based upon findings of fact related to the standards in section 17.40.370. This Section is included as follows:

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

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

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

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

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

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

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

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

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

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

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

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

We 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.

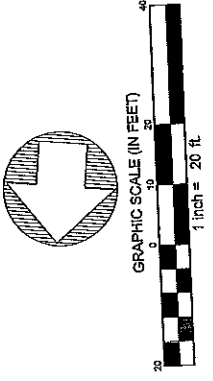
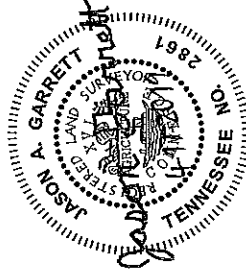
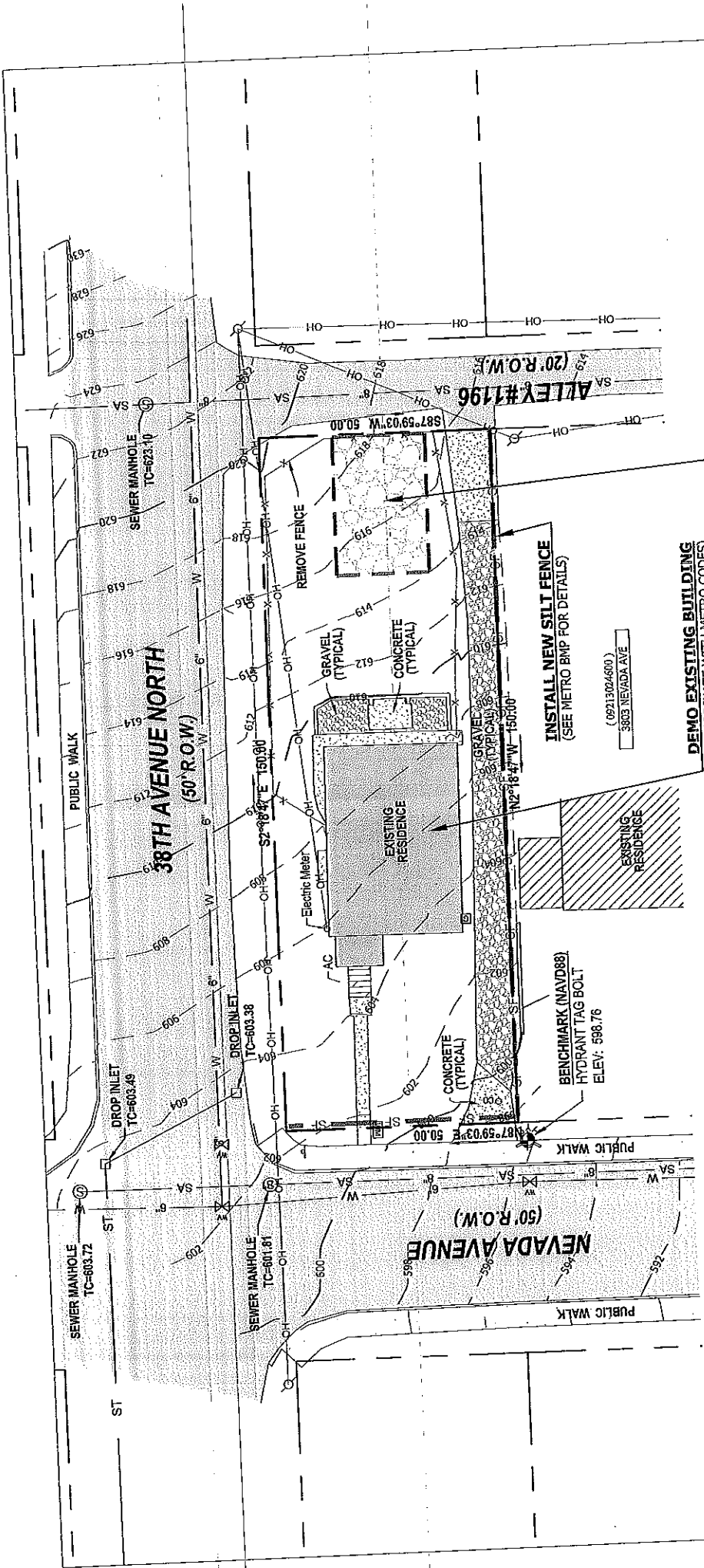
We are minimizing our impervious surfaces.

Sheet No.

V-2.2

EPSC Plan

3801 Nevada Avenue
Nashville, Davidson County, Tennessee



1711 Hayes Street
Nashville, TN 37203
clintelliotsurvey.com
(615) 490-3226

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:**

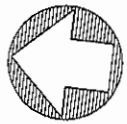
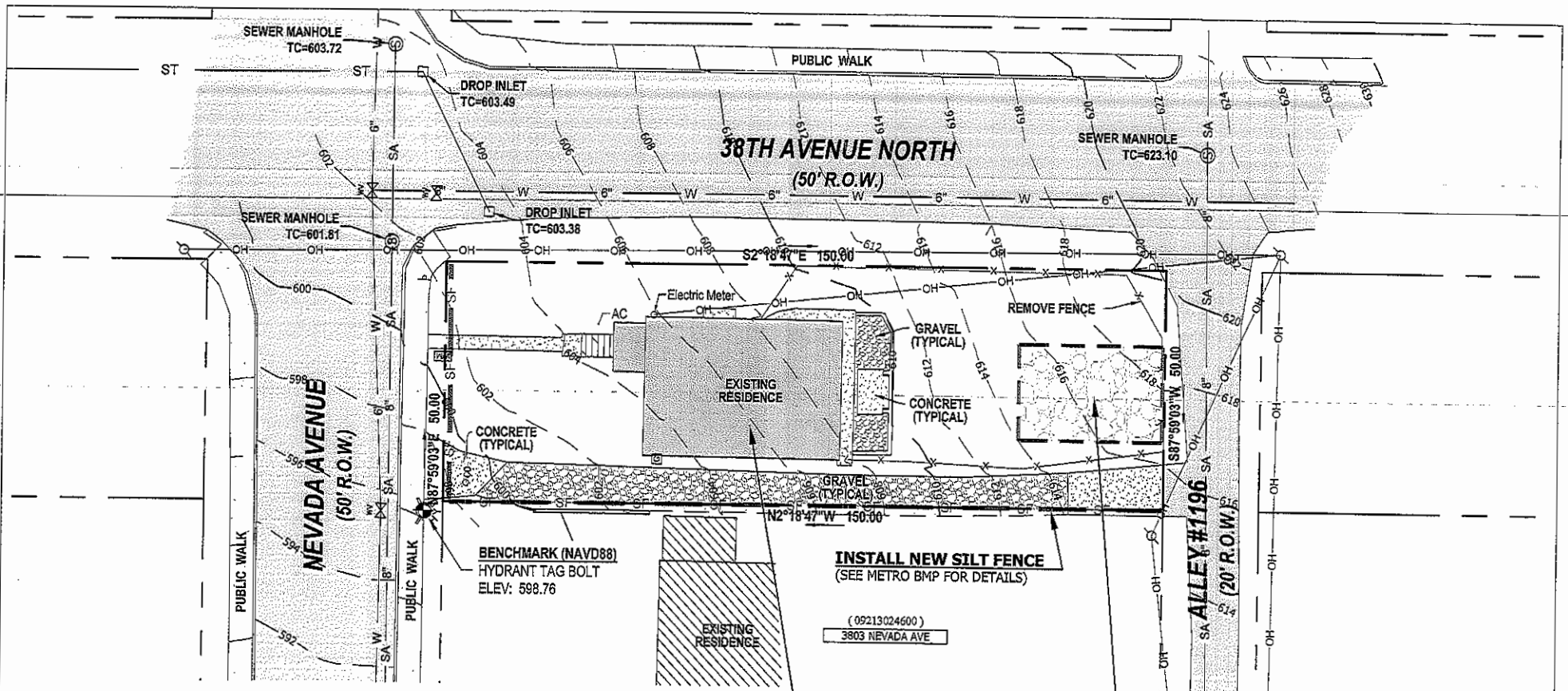
BZA Appeal 17.20.120 Sidewalk Variance requesting to build sidewalk along Nevada Avenue and not to build sidewalks on 38th Avenue North.

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.

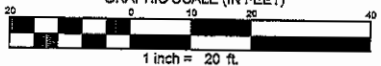
Sidewalks ARE required for this project because this parcel is within the UZO. You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction. For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information 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)



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



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)

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.**



METROPOLITAN COUNCIL

Member of Council

Kathleen Murphy
Councilwoman, District 24
231 Orlando Avenue- Nashville, TN 37209
615-422-7109/ email: Kathleen.murphy@nashville.gov

June 20, 2019

Chairman and Members of the
Metropolitan Board of Zoning Appeals
Metro Office Building
800 Second Avenue South
Nashville, TN 37219-6300

Appeal Case Number: 2019-285
3801 Nevada Ave.

Dear Chair and Members:

I respectfully request that the Board of Zoning Appeals disapprove the above appeal Case 2019-285 located at 3801 Nevada Ave., requesting a variance from sidewalk requirements in the RS5 District, to construct a single family home without building sidewalks or paying into the sidewalk fund.

Thank you for your service to the city of Nashville and your consideration for disapproval of this case.

Sincerely,

Kathleen Murphy
Councilwoman, District 24

KM/dc

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: 2019-285 - please deny
Date: Sunday, June 23, 2019 8:56:07 PM

Dear BZA and CM Murphy,

I am writing to request that you deny Case # 2019-285 at 3801 NEVADA AVE 37209 to not build and also not pay into the in-lieu fee for sidewalks. New sidewalks are intimately linked with development. If the opportunity is missed, the community then waits literally decades for another chance. Since Nashville is significantly behind in sidewalks already, we have just 20% of our roadways sidewalked, we just cannot miss any opportunity.

The sidewalk is a gift to our city for development and it is a known cost of doing business. Please deny this and any request such as this to both not pay and not build.

It is just simply not fair to the citizens of this city to not pay and also not build.

Sincerely,
Stacy Dorris
801 Timber Ln
37215
The Sidewalk Foundation

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: Joshua Hunter Date: 5/7/2019
Property Owner: SAME Case #: 2019-292
Representative: Same Map & Parcel: 08313009700
Council District: 06

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

Purpose: Requesting a variance to sidewalk requirements 17.20.120 does not want to build/not eligible to contribute
Activity Type: Sidewalk variance
Location: 1104 Fatherland St

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

Reason: Variance

Section: 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.

Appellant Name: Joshua Hunter Representative: Same
Phone Number: (615-469-5925) Phone Number: _____
Address: 1106 Fatherland St Address: _____
Nashville, TN 37206
Email address: josh@magnoliatitle.com Email address: _____

Appeal Fee: _____

RB
no site plan submitted



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



3666770

ZONING BOARD APPEAL / CAAZ - 20190026410
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08313009700

APPLICATION DATE: 05/07/2019

SITE ADDRESS:

1104 FATHERLAND ST NASHVILLE, TN 37206
LOT 1 EAST EDGEFIELD RESUB LOT 91

PARCEL OWNER: HUNTER, JOSHUA L.

CONTRACTOR:

APPLICANT:**PURPOSE:**

addition to rear existing building approx. 3075 sq.ft. for MAGNOLIA TITLE

POC MICHAEL CRADDOCK 615-300-0410

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.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT

Josh Hunter

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 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 structure is in a Historic Overlay and already has sidewalks. The proposed buffer would not be in keeping with the context of the neighborhood.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-292 (1104 Fatherland Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks
Zoning:	OR20; Lockeland Springs Neighborhood Conservation Overlay; Five Points Redevelopment District
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	Local Street
Transit:	Property ¼ mile from #4 – Shelby; #20 - Scott
Bikeway:	None existing; bike boulevard planned for construction in 2019

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct an addition to an existing single family dwelling and requests a variance due to the presence of an existing sidewalk along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) An 8' wide sidewalk with no grass strip exists along Fatherland Street, which is consistent with adjacent properties to the east and west.
- (2) The property is within a Neighborhood Conservation Overlay, and the sidewalks meet the historic character of that district.

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.

June 5, 2019

Metro Planning Commission
Planning Department, Metro Office Building
800 Second Avenue South
P.O. Box 193600
Nashville, TN 37219-6300

NASHVILLE & DAVIDSON COMPANY

JUN 10 2019

METROPOLITAN PLANNING DEPARTMENT

RE: Case 2019-292, Map Parcel 08313009700

This letter is to show my opposition to the request for a variance from the sidewalk requirements. One of the key factors of our neighborhood is the walkability and accessibility for all people regardless of their age, physical limitations, etc. Not building a sidewalk interrupts the accessibility and is a potential hazard.

Sincerely,
Elizabeth j. Moore
1015 Fatherland St, Unit 209



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Demetrius Wide Date: 5-8-19
Property Owner: " " Case #: 2019-293
Representative: " " Map & Parcel: 92-6-50

Council District 21

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

Purpose: Requesting variance from sidewalk requirements

Activity Type: Commercial addition - Barber shop

Location: 943 A 28th Ave. N.

This property is in the CN 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 have required sidewalks

Section(s): 17.10.120

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.

Demetrius Wide
Appellant Name (Please Print)

Demetrius Wide
Representative Name (Please Print)

916^B Scovel St
Address

916^B Scovel St
Address

Nashville TN 37208
City, State, Zip Code

Nashville TN 37208
City, State, Zip Code

901-495-3754
Phone Number

901-495-3754
Phone Number

Demetriuswide23@gmail.com
Email

Demetriuswide@Bcatgmail.com
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00

no site plan submitted with appeal.



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



3667632

ZONING BOARD APPEAL / CAAZ - 20190026931
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09206005000

APPLICATION DATE: 05/08/2019

SITE ADDRESS:

943 A 28TH AVE N NASHVILLE, TN 37208
PT BLK 2 MIDWAY

PARCEL OWNER: WIDE, DEMETRIUS

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance to not require sidewalks for proposed barbershop addition to existing building.

*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.

Demetrius Wide
APPELLANT

5-8-19
DATE

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

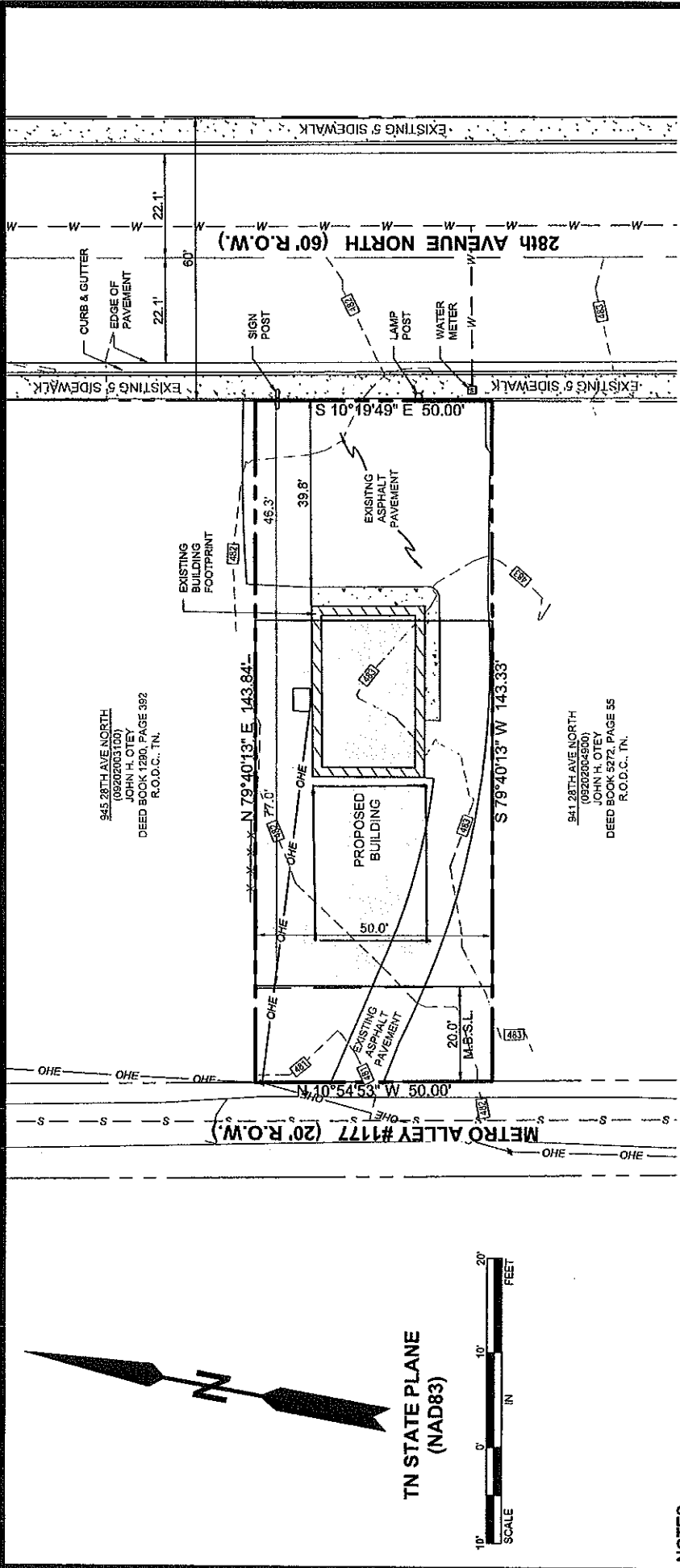
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

I would like to build a Barber Shop in the back of my building 943 28th ave north but due to the sidewalk code it will take up the front of my parking lot no place for customer to park

2019-293



945 28TH AVE NORTH
(09202003100)
JOHN H. OTEY
DEED BOOK 1290, PAGE 392
R.O.D.C., TN.

841 28TH AVE NORTH
(09202004500)
JOHN H. OTEY
DEED BOOK 5272, PAGE 55
R.O.D.C., TN.

TN STATE PLANE
(NAD83)

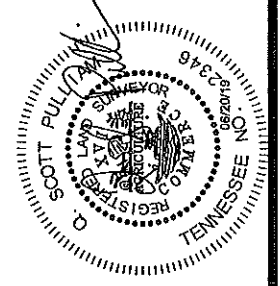


NOTES

1. DEED REFERENCE: BEING THE PROPERTY CONVEYED TO DEMETRIUS WIDE AS OF RECORD IN INSTRUMENT NUMBER 20181218-0122918, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.
2. PROPERTY SHOWN AS PARCEL ID 09206005000 ON DAVIDSON COUNTY PROPERTY MAPS.
3. PROPERTY SHOWN AS A PORTION OF LOT 3 IN THE SUBDIVISION OF THE EAST HALF OF BLOCK NO. 2 ON THE PLAN OF MIDWAY AS OF RECORD IN PLAT BOOK 421, PAGE 11, IN THE REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE.
4. NORTH ARROW BASED ON TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
5. NO UTILITIES SHOWN ON THIS SURVEY. IN TENNESSEE, IT IS A REQUIREMENT OF THE LAW TO LOCATE THE EXISTING UTILITIES BY CONTRACTING TENNESSEE ONE-CALL (611) AT LEAST THREE WORKING DAYS BEFORE BEGINNING ANY EXCAVATING OR DIGGING.
6. THIS PROPERTY LIES TOTALLY OUTSIDE ANY FLOODPLAIN AREA AND WITHIN ZONE X (AREAS OF MINIMAL FLOOD HAZARD), ON FEMA FIRM COMMUNITY PANEL NO. 47037C0237H, DATED 04/09/2017.
7. SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL CLIENT(S) AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THIS SURVEYOR.

SIDEWALK EXHIBIT
EXISTING CONDITIONS
OF
943 28th AVENUE NORTH
METRO PARCEL ID 09206005000
TWENTY-FIRST COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
FOR
ORCA BUILDING GROUP, LLC

QSP
Q. Scott Pulliam, RLS
715 Northview Circle, Lebanon, Tennessee 37087
Telephone (615)207-2086 Fax (615)292-7870
qspulliamts@yahoo.com
Land Surveying Land Use Consulting Spatial Data Mgmt.



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-293 (943A 28th Avenue N)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	CN
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	T4-M-AB4-LM
Transit:	#21 – University Connector
Bikeway:	Minor separated bikeway currently planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct an addition to an existing 6,970 square foot barber shop on the property and requests to not upgrade the existing sidewalks along their property frontage. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip exists along the property frontage, which is consistent with adjacent properties to the north and south.
- (2) Utility poles and the applicant's surface parking area are currently located to the rear of the existing sidewalk. Constructing sidewalks that meet the Major and Collector Street Plan design will require the relocation of the utility poles and impact the business's off-street parking lot.

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Karla Newman
Property Owner: Justin Cotler
Representative: Karla Newman

Date: 5-9-19
Case #: 2019-294
Map & Parcel: 082120X9000000

Council District 5

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

Purpose: Requesting variance from sidewalk requirements

Activity Type: New Construction - 4 unit townhome(s)

Location: 202 N. 9th St.

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

Reason: Existing sidewalks and retaining wall

Section(s): 17.12.120

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

Karla Newman
Appellant Name (Please Print)

Representative Name (Please Print)

4012 Calumet
Address

Address

Antioch TN 37013
City, State, Zip Code

Same
City, State, Zip Code

615-474-8406
Phone Number

Phone Number

K.NewmanM3@Rocketmail.com
Email

Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00

no site plan submitted with appeal.



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



3667856

ZONING BOARD APPEAL / CAAZ - 20190027064
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 082120X00100CO

APPLICATION DATE: 05/09/2019

SITE ADDRESS:

202 A N 9TH ST NASHVILLE, TN 37206

UNIT 1 202 NORTH 9TH

PARCEL OWNER: CUTLER, JUSTIN

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalks 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.

Karee Newman
APPELLANT

5/9/19
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?

Retaining wall
wanting to maintain the existing
wall. so we want disturb the neighbors
yard.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-294 (202A North 9th Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not upgrade sidewalks
Zoning:	RM20
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	Property 645' east from #30 – McFerrin
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a four-unit multi-family dwelling and requests a variance due to the presence of an existing sidewalk and retaining wall along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' wide sidewalk exists along North 9th Street, which is consistent with adjacent properties to the north and south.
- (2) A retaining wall exists along the property frontage and adjacent properties. Upgrading the sidewalk to the Metro Local Standard will adversely impact adjacent properties.

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Samuel Glasgow Date: 5-10-19
Property Owner: Dishner, Derrick & Potnam, Lynn Case #: 2019-295
Representative: Samuel Glasgow Map & Parcel: 10303013200

Council District 24

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

Purpose: Requesting height variance to allow detached garage height at 21'4" (14'6" to eaves) with height of main residence at 20'

Activity Type: New Construction - garage

Location: 4911 Idaho Ave.

This property is in the RS9.5 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: Does not meet maximum height requirement

Section(s): 17.12.060(B)

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

Same
Appellant Name (Please Print)

Samuel Glasgow
Representative Name (Please Print)

Same
Address

481 Old Nashville Hwy
Address

Same
City, State, Zip Code

LaVergne, TN 37086
City, State, Zip Code

Same
Phone Number

615-663-0364
Phone Number

Same
Email

glasgow_samuel@yahoo.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



3668276

ZONING BOARD APPEAL / CAAZ - 20190027329
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10303013200

APPLICATION DATE: 05/10/2019

SITE ADDRESS:

4911 IDAHO AVE NASHVILLE, TN 37209
LOT 810 BLK 38 CHARLOTTE PK CO 1ST ADDN

PARCEL OWNER: DISHNER, DERRICK & PUTNAM, LYNN

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting height variance to allow detached garage height at 21' 4" (14' 6" to eave) with the main residence being 20' in height.

*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

05/10/19

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.

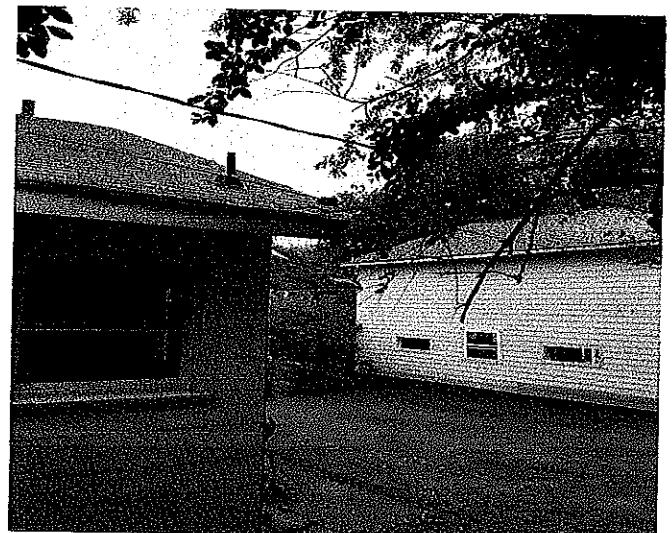
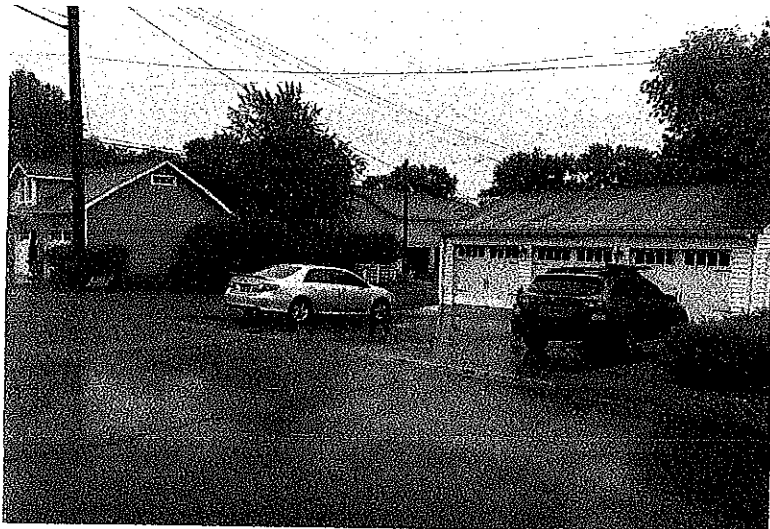
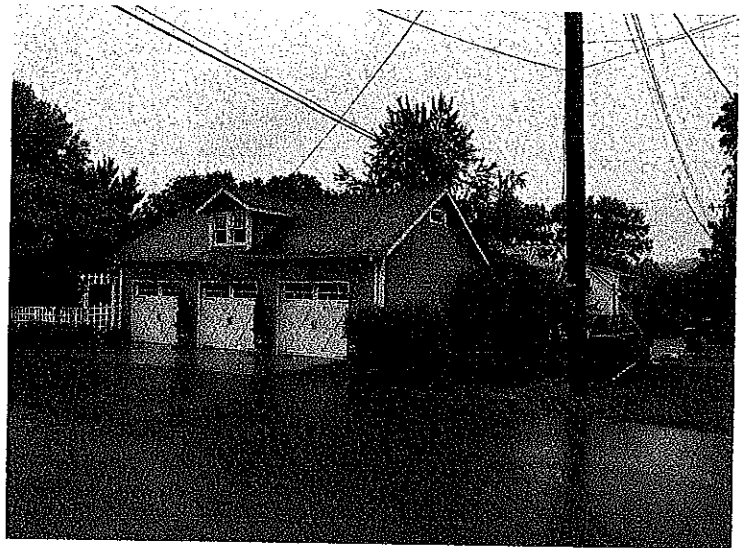
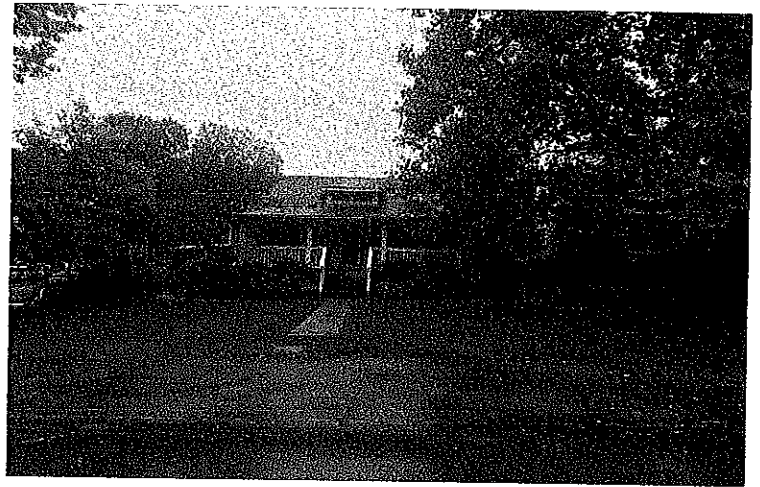
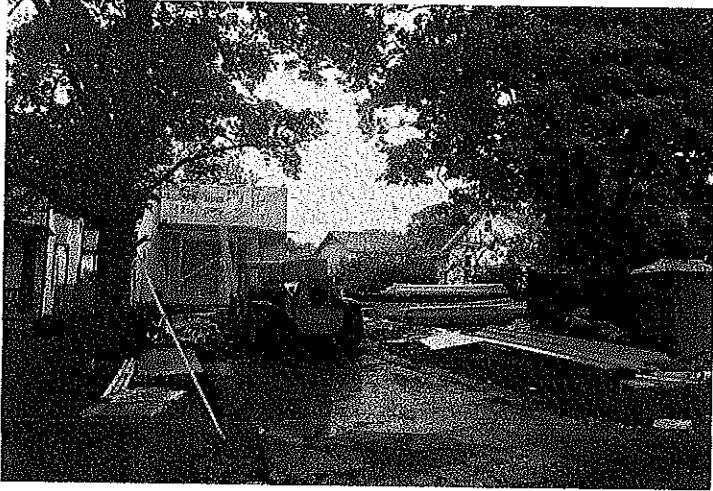
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Homeowner required garage to store vehicles, but due to maximum sq ft. allowed, we had to build 14' walls that would fit two vehicle lifts. We were aware the eave line had to be less than 16' (we are approx 14'6") and thought the peak would be less than home but due to calculation errors, we are less than 16" taller than home. We have the entire structure built and lack 2/3 wall of siding before we can start finishing touches. The garage is not visible from in front of the home nor the homes on Wyoming Avenue. Garage is also built directly next to homes that are way taller so it is not an eye sore and does not stand out. There are also garages near by that are taller than this one.

4911 Idaho Avenue, Nashville, TN 37209

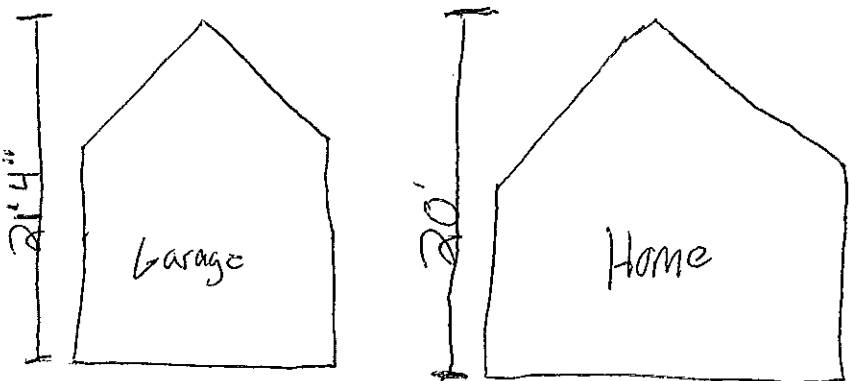
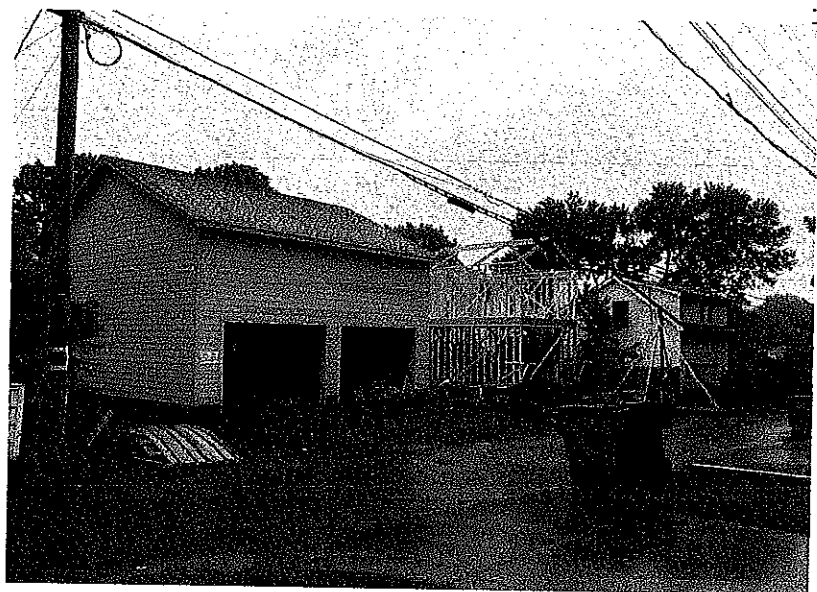
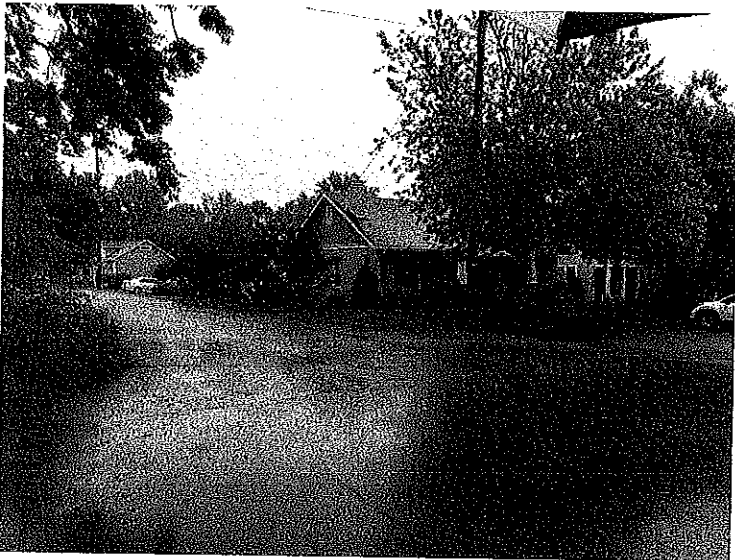
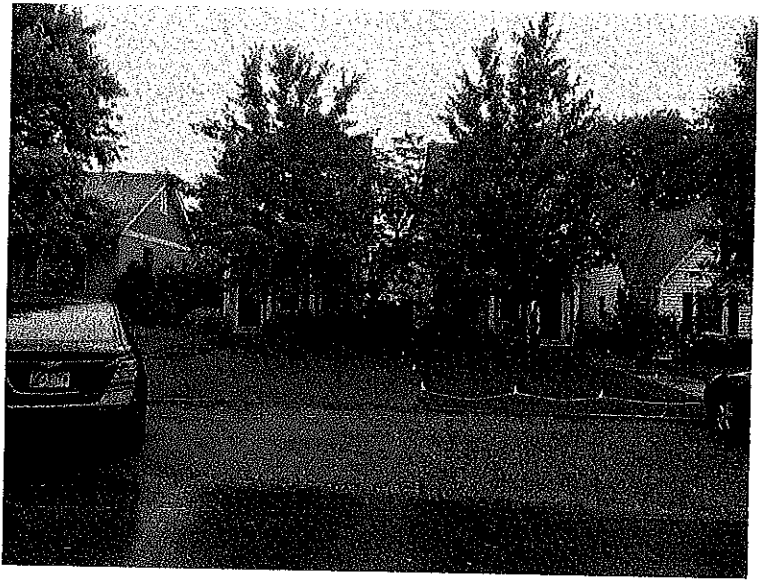
Height Variance Request

views from Idaho Avenue, 50th Avenue N, Wyoming Avenue, Home, and Alley



4911 Idaho Avenue, Nashville, TN 37209

Height Variance Request



* Measurements do not account for grade height differences *
(slight grade down from home to garage)

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

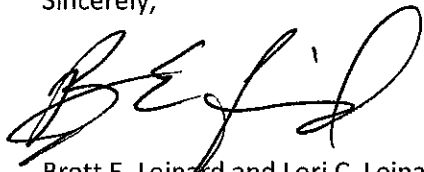
To Whom it May Concern:

As owner of the property located at:

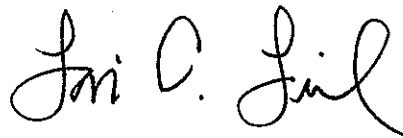
5006 Idaho Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue,
Nashville, TN 37209.

Sincerely,



Brett E. Leinard and Lori C. Leinard



July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

As owner of the property located at:

4911 Dakota Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue, Nashville, TN 37209.

Sincerely,

A handwritten signature in black ink that reads "Cara Lar Schneider". The signature is written in a cursive style with a large, sweeping initial "C".

Cara Lar Schneider

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

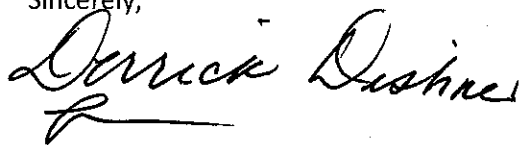
To Whom it May Concern:

As owner of the property located at:

4913 Idaho Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue,
Nashville, TN 37209.

Sincerely,

A handwritten signature in cursive script, appearing to read "Derrick Dishner". The signature is written in black ink and is positioned above the typed name.

Derrick Dishner and Lynn Putnam

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

As owner of the property located at:

4908 A Wyoming Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue, Nashville, TN 37209.

Sincerely,

A handwritten signature in black ink that reads "Derrick T. Fox". The signature is written in a cursive, somewhat stylized font.

Derrick T. Fox

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

As owner of the property located at:

5006 Wyoming Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue, Nashville, TN 37209.

Sincerely,


Donna G. Gilley and Nancy J. Hunter



July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

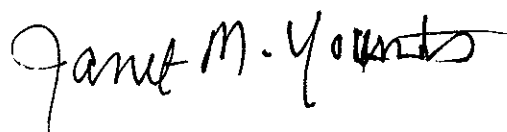
As owner of the property located at:

206 51st Avenue N

Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue, Nashville, TN 37209.

Sincerely,

A handwritten signature in black ink that reads "Janet M. Younts". The signature is written in a cursive, flowing style.

Janet M. Younts

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

As owner of the property located at:

4908 B Wyoming Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue,
Nashville, TN 37209.

Sincerely,


Jean-Nicolas and Jessica L. Gallant

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

To Whom it May Concern:

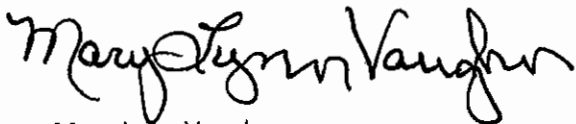
As owner of the property located at:

5001 Idaho Avenue

Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue, Nashville, TN 37209.

Sincerely,

A handwritten signature in black ink that reads "Mary Lynn Vaughn". The signature is written in a cursive, flowing style.

Mary Lynn Vaughn

Ronald M. Chance
4812 Wyoming Ave.
Nashville, TN 37209
615.584-2428
chancecomm@outlook.com


July 10, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300
Case# 2019-295

RE: Case# 2019-295
4911 Idaho Ave
Map Parcel 10303013200
Zoning Classification RS7.5
Council District 24

My name is Ron Chance and I live at 4812 Wyoming Ave. I have no problem with the height of Mr. Glasgow's new garage at 4911 Idaho Ave. I can see the garage from my back porch, and the addition is a welcomed improvement. The roof height is less than the three recently constructed houses to the east of Mr. Glasgow's property.

I support Mr. Glasgow's request for a variance to height requirements.


Ronald M. Chance

July 1, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300

RE: Case# 2019-295
4911 Idaho Avenue
Map Parcel: 10303013200
Zoning Classification: RS7.5
Council District: 24

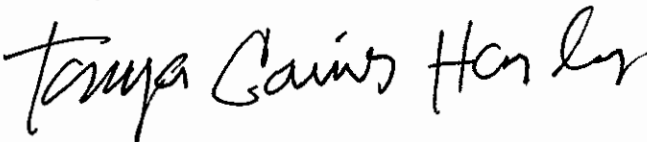
To Whom it May Concern:

As owner of the property located at:

4908 Idaho Avenue
Nashville, TN 37209

I am NOT in opposition to the current height of the garage being constructed at 4911 Idaho Avenue,
Nashville, TN 37209.

Sincerely,

A handwritten signature in black ink that reads "Tonya Gaines". The signature is written in a cursive, flowing style.

Tonya Gaines

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



Appellant: Cheroyl Lehning
Property Owner: Larrah Ward
Representative: Cheroyl Lehning

Date: May, 13, 2019
Case #: 2019-296
Map & Parcel: 104/12027100

Council District 18

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

Purpose: To 2 single family homes.

NO PERMIT APP STARTED

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 1704 BERNARD 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: VARIANCE TO MINIMUM LOT AREA

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 _____ 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.

CHEROYL LEHNING
Appellant Name (Please Print)

CHEROYL LEHNING
Representative Name (Please Print)

1011 EAST GADSDEN ST
Address

1011 E
Address

PENSACOLA, FL 32501-4123
City, State, Zip Code

SAME
City, State, Zip Code

LANDLINE 850-434-4223
CELL 850-503-7879
Phone Number

Phone Number

cheroyllehning@gmail.com
Email

Email

Zoning Examiner: B

Appeal Fee: _____

Cheroyl Lehning @ gmail.com



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



3668811

**ZONING BOARD APPEAL / CAAZ - 20190027663
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10412027100

APPLICATION DATE: 05/13/2019

SITE ADDRESS:

1704 BERNARD AVE NASHVILLE, TN 37212
LOT 37 LENOX PLACE

PARCEL OWNER: HARDING, RENA & WARD, LANA K. ET AI CONTRACTOR:

APPLICANT:**PURPOSE:**

Variance to Minimum lot area per 17.12.020A.
(R8 Zoning). Lot has 7891.46 sq ft per survey, 8,000 sq ft required to construct 2 single family homes.

No Permit App 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.

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.

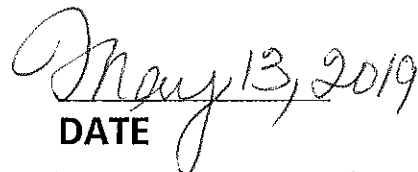
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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?

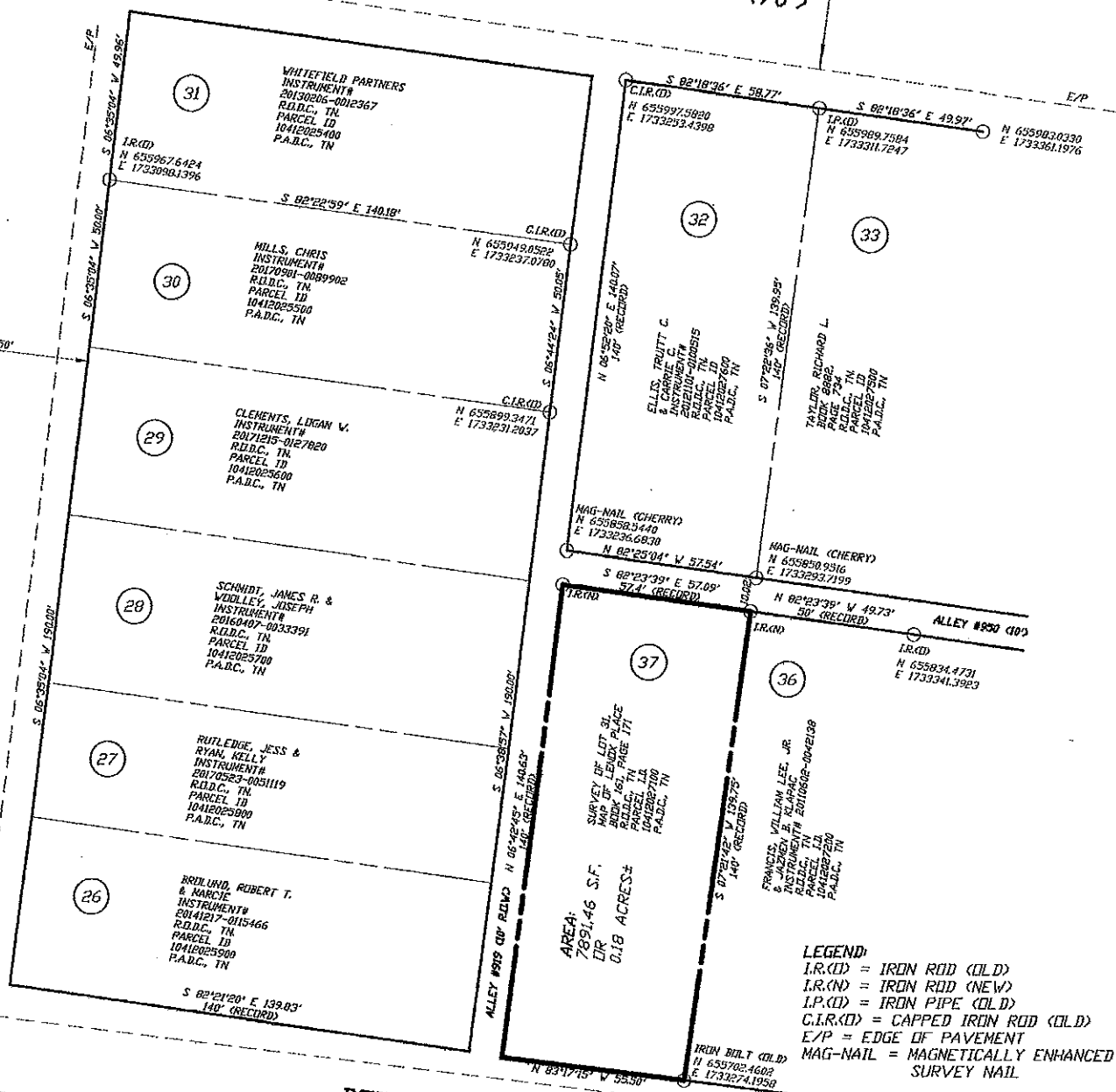
Were wanting to build duplex there was a garage at the time. The City took it down. This is our home place, where we all thought we could live.

We were under the assumption there was enough sq ft dating back to 1977 when it was zoned R8, with duplexes allowed, because we thought the sq ft footage was 8,276. We wish to get this done please.

PORTLAND AVENUE (70')

18TH AVENUE SOUTH (50')

BERNARD AVENUE (40' R.O.W.)

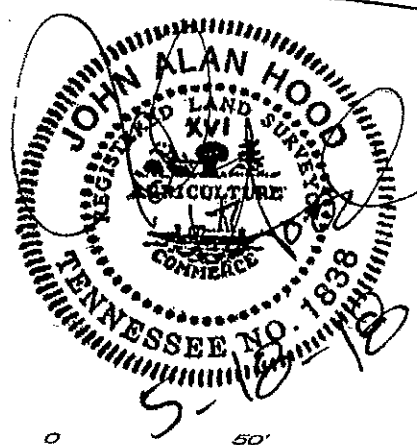


LEGEND:
 I.R.(D) = IRON ROD (OLD)
 I.R.(N) = IRON ROD (NEW)
 I.P.(D) = IRON PIPE (OLD)
 C.I.R.(D) = CAPPED IRON ROD (OLD)
 E/P = EDGE OF PAVEMENT
 MAG-NAIL = MAGNETICALLY ENHANCED SURVEY NAIL

THIS SURVEY WAS PREPARED FOR THE SOLE PURPOSE OF CALCULATING THE AREA OF THE SUBJECT PROPERTY.

NO UTILITIES OR IMPROVEMENTS ARE SHOWN.

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



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

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN, 37204

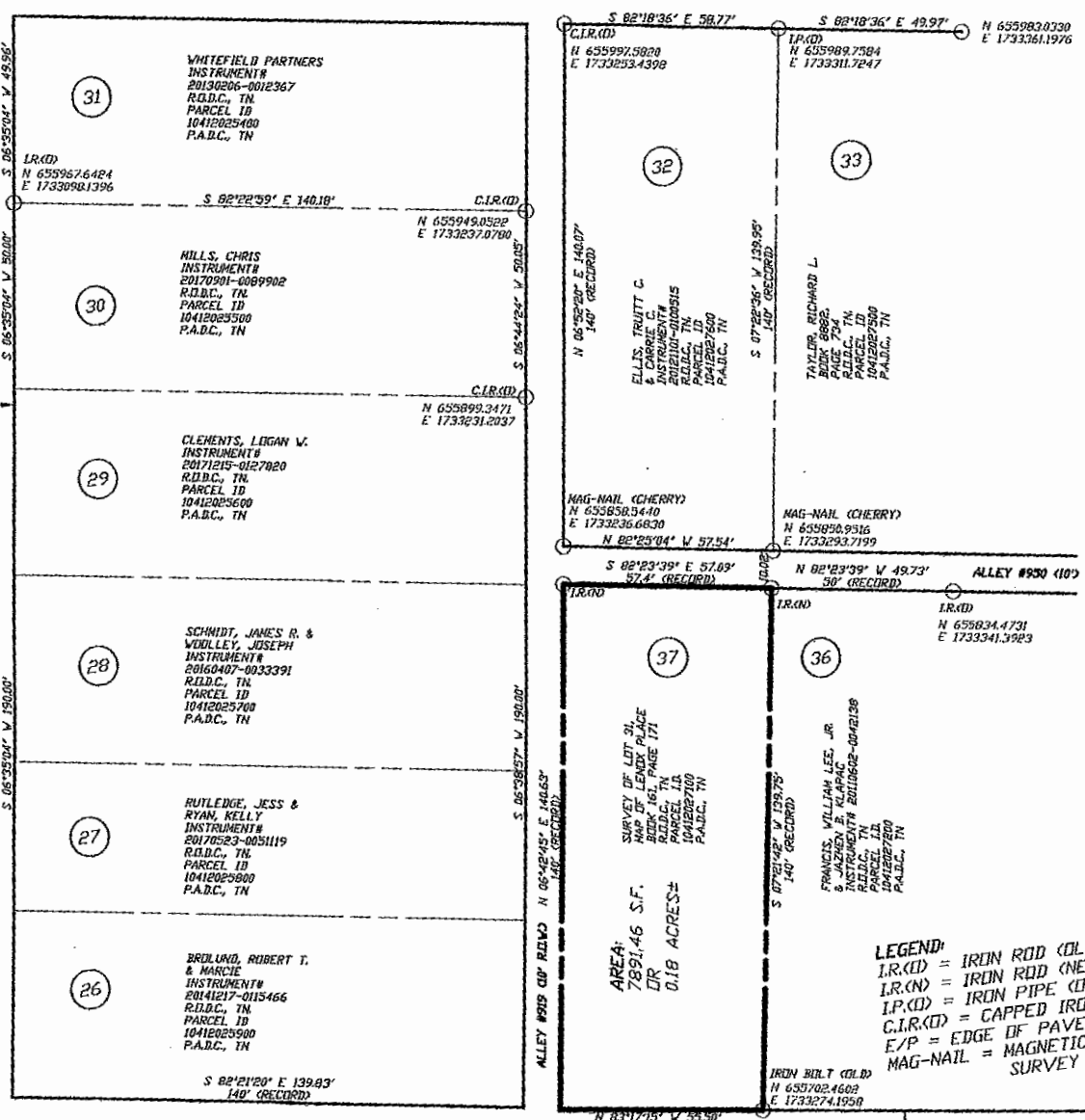


BOUNDARY SURVEY
 LOT 37, LENOX PLACE
 BOOK 161, PAGE 171
 R.D.D.C., TN.
PROPERTY LOCATED
 18TH COUNCIL DISTRICT OF
 NASHVILLE, DAVIDSON COUNTY
 TENNESSEE
 ON THE NORTHERLY MARGIN OF
 BERNARD AVENUE,
 EAST OF 18TH AVENUE SOUTH
PROPERTY ADDRESS:
 1704 BERNARD AVENUE,
 NASHVILLE, TN, 37212
DEED REFERENCE:
 INSTRUMENT # 20060501-0049422
 R.D.D.C., TN.
PARCEL ID 10412027100
 P.A.D.C., TN.
DATE: 5-18-2018
SCALE: 1"=50'

PORTLAND AVENUE (70')

NORTH DATATION BASED
ON TN GRID MAD 83 (95)

18TH AVENUE SOUTH (50')

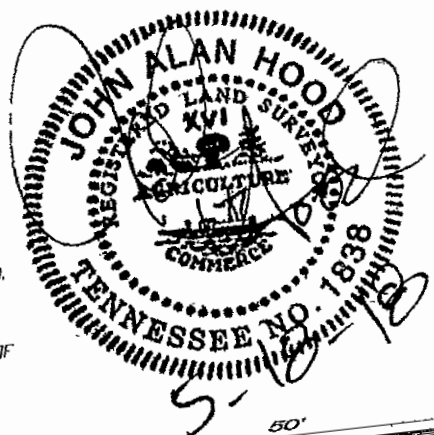


BERNARD AVENUE (40' R.O.W.)

THIS SURVEY WAS PREPARED FOR THE SOLE PURPOSE OF CALCULATING THE AREA OF THE SUBJECT PROPERTY.

NO UTILITIES OR IMPROVEMENTS ARE SHOWN.

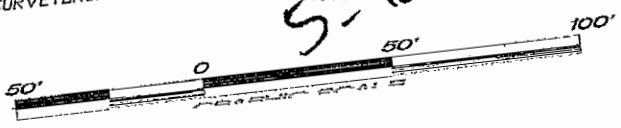
I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.



BOUNDARY SURVEY
 LOT 37, LENOX PLACE
 BOOK 161, PAGE 171
 R.O.D.C., TN.
PROPERTY LOCATED
 18TH COUNCIL DISTRICT OF
 NASHVILLE, DAVIDSON COUNTY
 TENNESSEE
 ON THE NORTHERLY MARGIN OF
 BERNARD AVENUE,
 EAST OF 18TH AVENUE SOUTH
PROPERTY ADDRESS:
 1704 BERNARD AVENUE,
 NASHVILLE, TN, 37212
DEED REFERENCE:
 INSTRUMENT # 20060501-0049422
 R.O.D.C., TN.
PARCEL ID 10412027100
 P.A.D.C., TN.
DATE: 5-18-2018
SCALE: 1"=50'

PREPARED BY:
 CAMPBELL, MCRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN, 37201

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



BOARD MEMBERS, ZONING APPEALS

WE ARE REQUESTING A VARIANCE ON THE PROPERTY FOR DUPLEXES. WE HAVE BEEN UNDER THE IMPRESSION THAT THE ZONING OF R-8 IN 1977 , DUPLEXES , WOULD ALLOW US TO BUILD DUPLEXES ON THE PROPERTY.

I WAS WITH MY DAD IN 2003 , WHEN N.E.S. CAME ON TO HIS PROPERTY AND TOOK DOWN THE FENCE AND CUT A TREE DOWN.

THE TREE WAS OF NO PROBLEM, I DID TELL THEM TO GET OFF MY DADS PROPERTY BECAUSE IT WAS NOT THE EASEMENT. I REQUESTED THEY PUT THE FENCE BACK . THEY DID AT LEAST 2 FT. SHORT OF WHERE IT HAD BEEN!!

THERE IS A SURVEY LETTET FROM MR. JOHN HOOD, A WELL KNOWN SURVEYOR BACK IN EARLY 2018 THAT STATES THE PROPERTY IS 7903 S.Q.F.T. APPROXITATE.

THEN A SURVEY IN MAY 2018 FROM MR. JOHN HOOD THAT STATES THE PROPERTY IS 7891.46 S.F. THEN A LETTER FROM BYRD SUREYING IN JULY 2018 STATING THAT THE PROPERTY IS 7839 S.F.

THEN WHEN YOU SEE THE RECORDS THAT STATE PROPERTY IS 8,276 SQ. FT. THIS IS WHERE OUR ASSUMPTION OF ENOUGH SQ. FT. CAME FROM.

THE PROPERTY AT 1702 BERNARD NEXT TO OURS ALREADY HAS ANOTHER DWELLING ON IT. IT HAS BEEN THERE FOR YEARS, IT WAS THERE WHEN WE WERE KIDS AND LIVED THERE. THAT LOT IS SMALLER THAN OURS.

I TOOK PICTURE OF THE PROPERTY , MAY 13, 2019 AND AGAIN ON MAY 26, 2019. THE ALLEY WAY BEHIND THE PROPERTY IS BLOCKED. THERE IS NO WAY TO GO UP IT ,OR DOWN IT. THE COSMIC CONNECTION AT THE TOP HAS POSTED SIGNS , PRIVATE PROPERTY NO PARKING !!! THEY PARK PULLED INTO THE ALLEY TO THE BACK OF PEOPLES FENCES!! THE BUSINESS NEXT TO THEM DOES THE SAME. I HAVE PICTURES OF THE ALLEY WAYS AND THE BEST PICTURE I COULD GET OF THEM. I ALSO TOOK PICTURE OF NEXT DOOR PROPERTY WITH THE OTHER SMALL HOUSE ON IT

SO MEMBERS WE ARE ASKING YOU PLEASE LET US HAVE THE VARIANCE FOR THE PROPERTY, SO THAT IT IS POSSIALE TO BUILD DUPLEXES, LIKE WE THOUGHT WE COULD DO.

THANK YOU FOR YOUR TIME AND PLEASE FOR THE CONSIDERATION OF A VARIANC.

IN CLOSING THIS SHOULD NOT BE A PROBLEM TO ALL WHO LIVE THERE AND AROUND THE PROPERTY.

THANK YOU

CHEROYL LEHNING ,

APPLICANT/OWNER

Cheryl Lehning
Pictures of Alley ways enclosed



From: Martha Montiel-Lewis martha@six1fiveliving.com
Subject: Fwd: 1704 Bernard Avenue
Date: May 8, 2018 at 9:47 AM
To: Jennifer Tarkington Powell jenniferp@worthproperties.com, fionapking@me.com
Cc: Samantha Eastman samantha@six1fiveliving.com

Good Morning,

Please see the note from the surveyor below. We are so sorry this did not work out. We hope to have the opportunity to work with you two in the near future and we are extremely thankful to you and the sellers for your willingness to work with us.

Best,

Martha Montiel-Lewis
REALTOR | Village | Six1Five Living

M: 931.338.0082
E: martha@six1fiveliving.com

www.six1fiveliving.com

From: "Campbell, McRae & Assoc. Surveying, Inc." <cmas@ait.net>
Date: May 7, 2018 at 3:34:30 PM CDT
To: "Chip Ikerd" <cikerd@gmail.com>
Cc: "Jeremy Leggo" <jeremy@highlandhomestn.com>
Subject: 1704 Bernard Avenue

It's short of sq. footage on paper
for the R8 min area of 8000 s.f.

would need another 1.8 feet of depth
to get over 8000 s.f.

Have not surveyed anything next to it
but I'm betting I won't find an
extra 1.8 feet of depth on
this lot.

If anything I would bet on a
little shortage in depth.

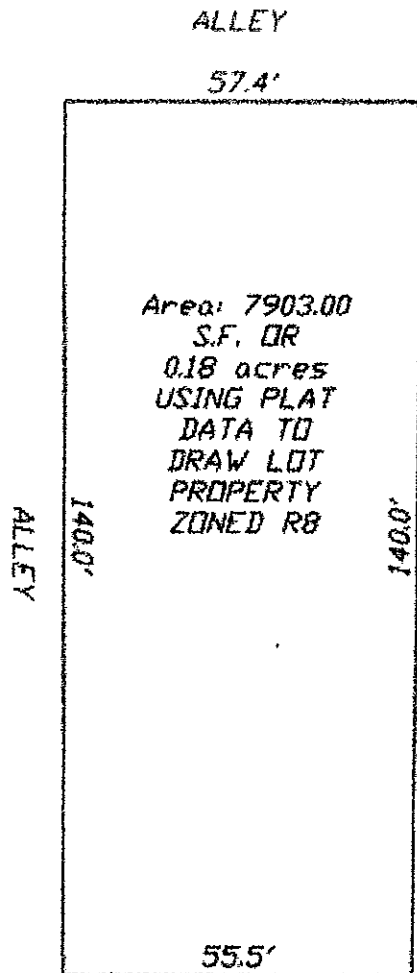
I think it would be short of
8000

John Hood TN RLS# 1838
Campbell, McRae & Associates,
Surveying, Inc.
P.O. Bx. 41153
Nashville, TN 37204

Office: 615-298-2424
Mobile 615-298-1245
Email cmas@att.net



Bernard Avenue
1704 info.pdf



LOT 37
LENOX PLACE
BOOK 161, PAGE 171
REGISTERS OFFICE
DAVIDSON COUNTY, TN

Braed

BYRD

SURVEYING, INC.

230 West Dunbar Cave Road
P.O. Box 31392 Clarksville, TN 37040-31392
Phone: (931) 906-0040 Fax: (931) 553-0070
Nashville Phone: (615) 733-3131
www.byrdsurveying.com

September 14, 2018

Ms. Lana Ward
1523 East LaRua Street
Pensacola, Florida 32501

Re: Project No. B16008-18
Survey of 1704 Bernard Avenue, Nashville, Tennessee 37212
Lot 37 of Lenox Place as Recorded in Book 161 at Page 171

Dear Ms. Ward:

On July 23, 2018, you engaged Byrd Surveying, Inc., (hereinafter BSI), to perform survey work on the above referenced property. You stated that the purpose of the work was to determine the boundaries of the Lot and the area contained within that boundary. You indicated that the area of the lot was of particular importance in this project. At the time my firm initially discussed this project with you we advised you of the following:

1. The area determined by the survey would be based on the available evidence in the field and the deed and plat of record.
2. A deposit of \$1,500.00 would be required prior to the commencement of the project.
3. That BSI would advise you of the initial results of the survey as the level of effort expended were near the deposit amount so that you could make an informed decision on whether to complete the survey.

When BSI received the required deposit we began the project as we always do by performing the research of the deeds and plat to assemble a digital representation of Lot 37 and the surrounding property. After this work was finished a two man field crew was dispatched to the site on August 22, 2018, to begin reconnaissance that provided evidence of the boundary location. This task included the recovery of property corner markers, indications of possession and the physical location of 18th Avenue and Bernard Avenue, alleys, curbs and sidewalks that would provide a model of the area which required 7.75 hours to complete.

This collection of field evidence was analyzed in conjunction with the deeds and plat of record and a preliminary determination of the boundary of Lot 37 and its area were made. The resulting calculation produced a preliminary area of approximately 7,839 square feet. This number fell below the threshold of 8,000 square feet that you were hoping would be within the perimeter of the Lot.

NEIGHBORS OF LENOX PLACE

JUNE 5, 2019 , THE AREA THAT SUROUNDS THE PROPERTY AT 1704 BERNARD AVE, THIS IS WHAT IT WAS CALLED YEARS AGO.

WE AS OWNERS DO NOT WISH TO INCONVIENCE ANY OF YOU, BUT WE DO WISH TO BUILD A NEW HOME . WE BELIEVE IT WILL ENHANCE ALL THE PROPERTY SURROUNDING THE AREA. THE CURRENT HOUSE IS OF NO HISTORIC VALUE OR STYLE IT IS MEARLY OLD.

WE WANT TO APOLOGIES AHEAD OF TIME FOR ANY TEMPORY DISRUPTION .

~~IT WILL MAKE THE NEIGHBOR HOOD MORE ATTRACTIVE FOR ALL OF US.~~

OUR FATHER BOUGHT THE PROPERTY BACK IN 1955, IT HAS ALL CERTAINLY CHANGED. WE WOULD LIKE A NEWER AND BETTER LOOKING PLACE TO LIVE AND FIT IN BETTER WITH THE NEIGHBOR HOOD.

THANKING YOU FOR TAKING THE TIME TO READ OUR LETTER.

CHEROYL LEHNING /OWNER

REANA HARDING / OWNER

LANA KAY WARD / OWNER

THANK YOU,

A handwritten signature in cursive script that reads "Cheryl Lehning". The signature is written in black ink and is positioned below the typed name "Cheryl Lehning".

COUNCIL WOMAN 18TH DISTRICT

BURKLEY ALLEN

METRO COUNCIL OFFICE

ONE PUBLIC SQUARE

SUITE 204, P.O. BOX 196300

NASHVILLE, TN. 37219-6300

I WISH TO INFORM YOU THAT WE THE OWNERS OF THE PROPERTY AT 1704 BERNARD AVE. NASHVILLE, TN. 37212 , ARE APPLY FOR A VARIANCE ON THE PROPERTY.

THERE HAS BEEN TOTAL MISUNDERSTANDING OF THE SQ. FT. OF THE PROPERTY FOR US. THE RECORDS THAT GO BACK TO THE ZONING OF 1977 -R-8, DUPLEXES , THE TAX RECORDS ALSO STATE 8,276 SQ.FT. ?? THERE IS ALREADY A SECOND EXISTING APT. ON THE PROPERTY NEXT TO OURS AT 1702 , IT HAS BEEN THERE SINCE WE WERE KIDS AND LIVED WITH OUR PARENTS THERE . THE LOT IS SMALLER THAN OURS.

WE HAVE A LETTER FROM JOHN HOOD THAT STATES APPROXIMATE 7,903 SQ. FT , THEN HIS SURVEY OF MAY 2018 STATING 7,891.46 SQ. FT. ALSO A LETTER FROM BYRD SURVEYING AUGUST 2018 THAT THE SQ. FT. IS 7,846 ???

I THINK YOU CAN SEE OUR DELIMA!!

WE JUST WISH TO INFORM YOU OF OUR APPLICATION FOR A VARIANCE, THE ALLEY WAYS BEHIND ARE BEING USED AS PARKING LOTS , AND HAVE SIGNS POSTED , PRIVATE PROPERTY NO PARKING!!

THERE IS NO WAY TO EVEN GET UP THE ALLEY DIRECTLY BEHIND OUR PROPERTY, I WAS THERE ON MAY 13, AND AGAIN ON MAY 26TH AND TOOK PICTURES TO SEND WITH ALL THE PAPER WORK FOR THE ZONING APPEALS BOARD.

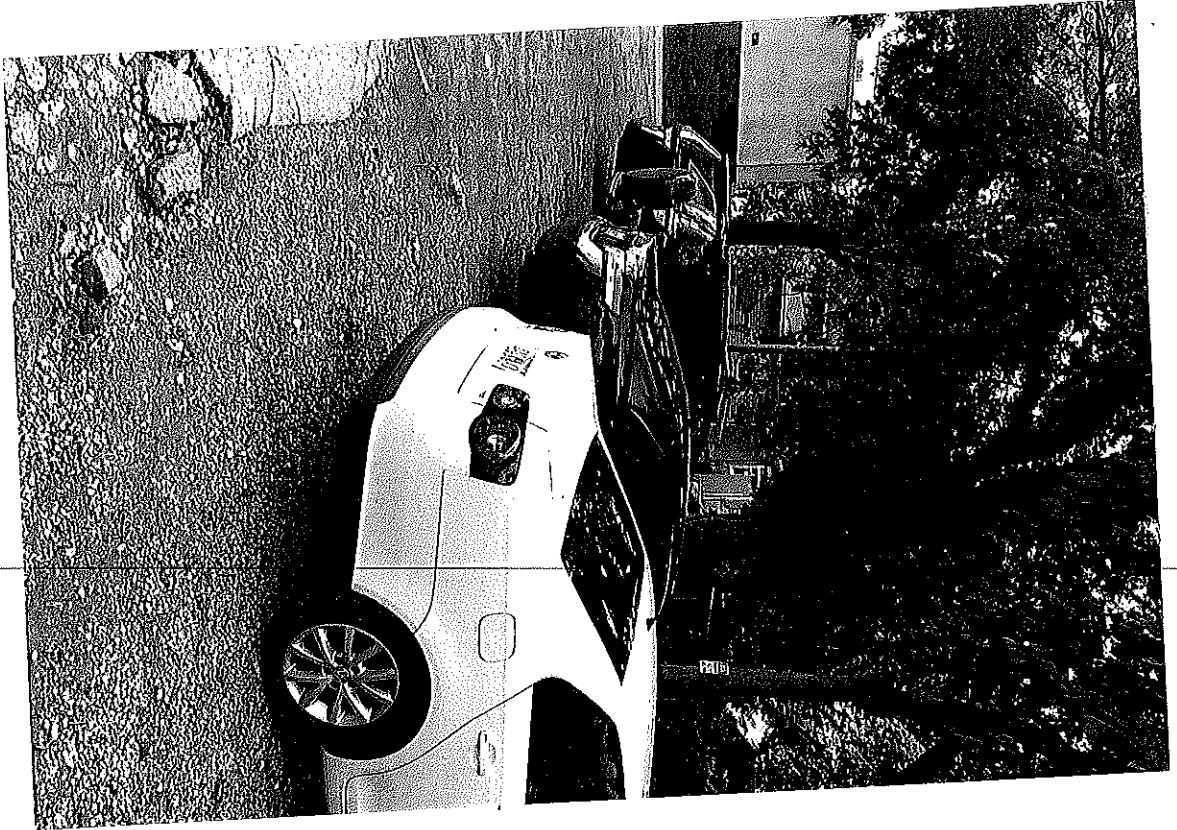
THANK YOU FOR ALL YOUR GOOD WORK, WE JUST WISH TO BUILD A NEW PLACE , BETTER AND LOOK BETTER TOO

THANK YOU





*Sign posted in
alley way behind
Cashue Connection*



can park on way
 in alley behind
 corner connector
 No way for them
 to park

Further down the alley:
more cross ways
parking in the alley
No thru traffic





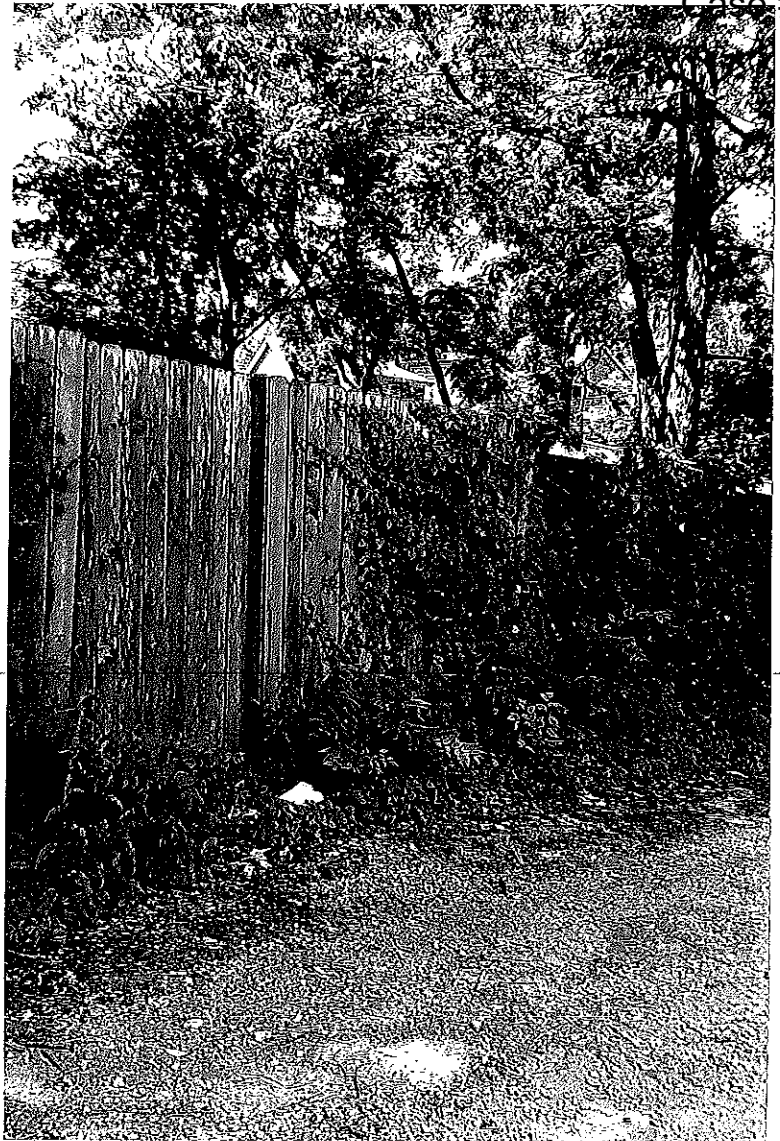
Property with 3
units Shueley & W
the property permit
to 1704 Burnard,
On a smaller lot.

~~More cars further
down the alley parked
across the alley.~~

~~No thru traffic in
alley~~

Looking thru
fence at 1702, another
unit or apt already
on the property





Roof top of unit in
back of property
at 1702 S. Mueller Blvd
Next to 1704
Bernard



Directly behind property
Blocking driveway.
No time to stop at
all.



They've directly behind
the property where the
fence was removed
and a tree taken down
on the property by N.E.S.
The fence would have
been on the outside of
the Bamboos.
That's why the
Bamboos was planted

From: [Marcie Brolund](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 1704 Bernard Appeal 2019-296
Date: Saturday, June 22, 2019 9:59:18 AM

To the Metropolitan Board of Zoning Appeals,

We object to the possibility of two homes being built on the lot behind us.

It is already difficult for us to access our garage in the alley that faces the property at times, as well as the fact that there isn't available street parking many days. More homes means more cars and people on an already crowded street.

Please follow the ordinance, and don't set a precedent for the rest of the street.

Bob and Marcie Brolund
2010 18th Avenue South

Scott & Penny Romine
2105 18th Avenue S
Nashville, Tennessee 37212
July 6, 2019

Board of Zoning Appeals
P.O. Box 196350
Nashville, Tennessee 37219

RE: Appeal Case Number: 2019-296
1704 BERNARD AVE
Map Parcel: 10412027100
Zoning Classification: R8
Council District: 18

Dear Board of Zoning Appeals,

Zoning laws and regulations are in place for a reason. Zoning in the Belmont-Hillsboro area helps to prevent overcrowding and keep the area safe and peaceful.



While everyone should be able to build his dream home, he should first acquire property in a place that is properly zoned for the home he wants. The appellants' enclosed letter made absolutely no mention of the fact that they want to build two homes on one lot.

We agree that building more modern houses and updating existing houses increases property value for us all, but putting two single family homes on a lot that is only zoned for one is going to add to the already overcrowded street parking and congestion in the area.

We cannot in good conscience support the requested variance. Please do not allow the appellants to disregard the rules that the rest of us follow.

Thank you.

Sincerely,



Scott & Penny Romine

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Staria Clark
Property Owner: Staria Clark
Representative: Matt Hoiles

Date: 5-13-19
Case #: 2019- 297
Map & Parcel: 08304009900

Council District 04

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

Purpose: FENCE

NO PERMIT REQUIRED, MUST BE BUILT TO CODE

Activity Type: RESIDENTIAL FENCING

Location: 233 CHAPEL AVE.

This property is in the R4/HISTORIC 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 HEIGHT & LOCATION

Section(s): 17.12.040 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.

Staria Clark
Appellant Name (Please Print)

Matt Hoiles
Representative Name (Please Print)

233 Chapel Ave
Address

same
Address

Nashville, TN 37203
City, State, Zip Code

same
City, State, Zip Code

615 983 0370
Phone Number

same
Phone Number

staria@me.com
Email

same
Email

Zoning Examiner: B

Appeal Fee: _____



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



3668970

**ZONING BOARD APPEAL / CAAZ - 20190027758
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08306009900**APPLICATION DATE:** 05/13/2019**SITE ADDRESS:**

233 CHAPEL AVE NASHVILLE, TN 37206

LOT 1 WILLIAMS SUB HUNTER

PARCEL OWNER: CLARK, STARIA CHRISTIAN & HOILES, MA**CONTRACTOR:****APPLICANT:****PURPOSE:**

2 Variance requests : (1) Fence height limitation per 17.12.040 26. Requesting along Benjamin 0 ft setback (10 ft required) requesting 48" for 14 ft, then to 8 ft at rear of property on sloped lot.

(2) Fencing within Visibility Zone for corner lot. Requesting to keep 47" Height Horizontal Slat fence within Visibility Zone.

*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.

Nashville / Davidson County Parcel Viewer



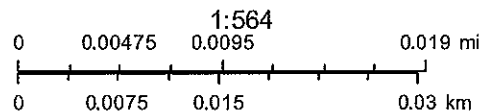
May 12, 2019

polygonLayer

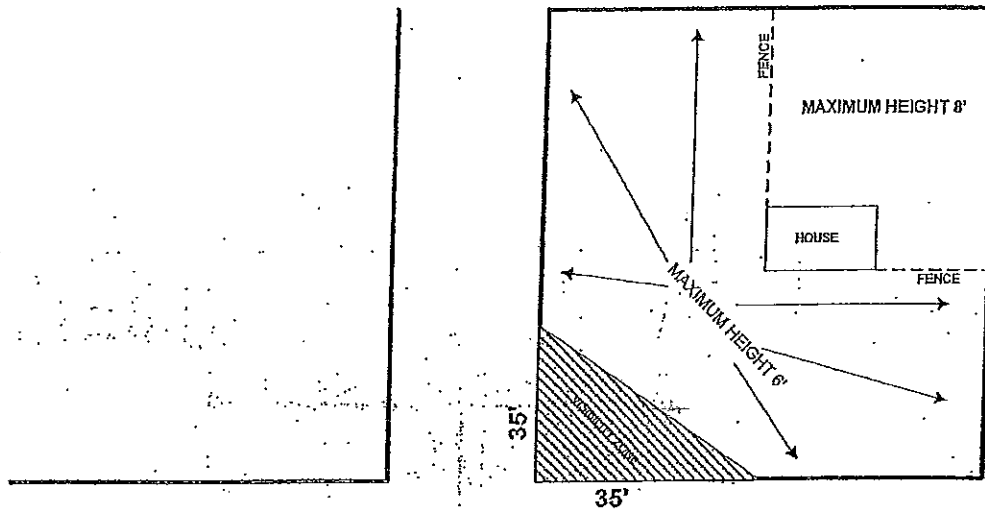
Override 1

Ownership Parcels

Planned Unit Development



RESTRICTIONS ON CHAIN LINK FENCE / OPEN FENCING

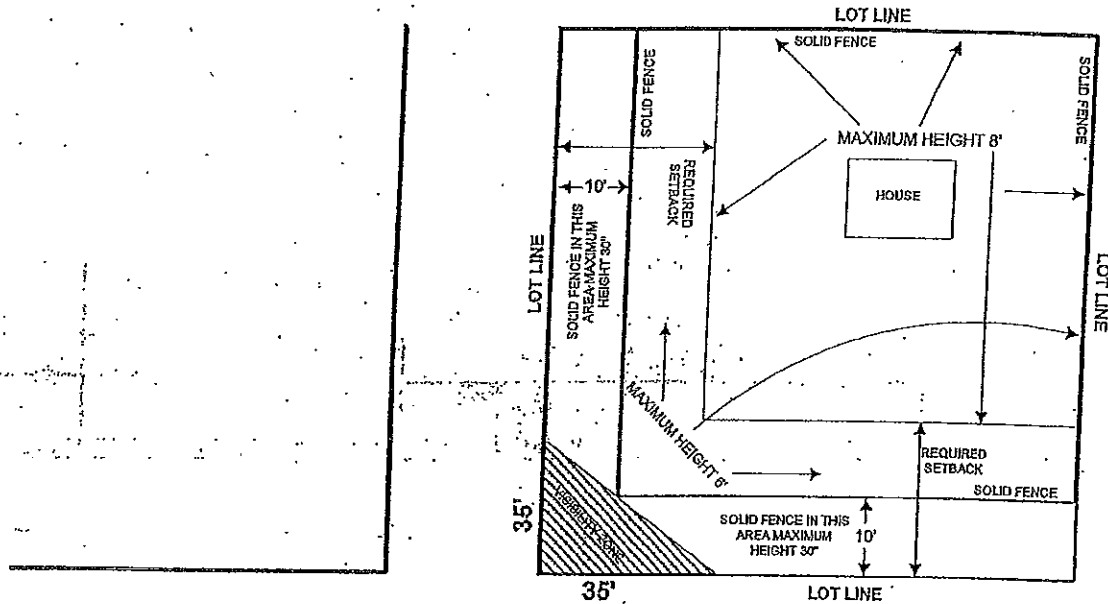


STREET

STREET

1. Chainlink has no setback issues.
2. Cannot be in th 35' visibility zone.
3. Maximum height is 8' behind residence.
4. Maximum height is 6' to the front and side of residence.

RESTRICTIONS ON SOLID FENCE



STREET

STREET

1. Solid fence has 10' setback.
2. If less than a 10' setback, maximum height is 30".
3. Cannot be in the 35' visibility zone.
4. Screening walls or fences. The maximum permitted height measured from finish grade level on the side of the wall or fence with the greatest vertical exposure shall be;
 - a. Two and one-half feet in height within ten feet of a street right-of-way. Open fences, such as chain link or those of a similar nature are permitted to be six feet in height.
 - b. Six feet in height within the remainder of the required front setback.
 - c. Eight feet in height within the required side or rear setback or within any platted common open space.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

5/13/08

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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


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

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

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

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

See letter attached.



Butler, Lisa (Codes)

From: Matt Hoiles <mhoiles2@gmail.com>
Sent: Monday, May 13, 2019 10:14 AM
To: Butler, Lisa (Codes)
Subject: 233 Chapel

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

I am seeking a variance on height and setback from the corner lot fence regulation on our fence at 233 Chapel Ave, Nashville, TN, 37206.

Prior to designing and building our fence, we met with the Zoning Examiner in early April 2019 to get guidance on height, setback and style of fence that would be admissible for our corner lot. Unfortunately, the guidance we received was incorrect as the Zoning Examiner was applying a Side Setback regulation instead of the Side Street Setback regulation. The Zoning Examiner advised us that we can build a solid fence up to 8ft high with a zero foot setback, as long as the solid fence was not located in front of the house.

Unfortunately, we acted on this guidance and started building our fence until it was brought to our attention from a neighbor that the fence was not within the corner lot fence regulations. We stopped work immediately and will not be continuing work until we receive further guidance from the BZA.

From: [Denise Gramm](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: fsalmon15@gmail.com
Date: Thursday, June 13, 2019 9:51:30 PM

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

Hello Ms. Shepherd,

My husband, Roger Gramm and I, live next door to Faith and Matt Hoiles on Chapel Avenue. Ever since they bought their home two years ago, they have been wonderful neighbors, and continue to add to the value of our street with spectacular gardening and pristine landscaping, always maintaining the charm and integrity of our old neighborhood. We were so excited when they told us they had purchased 233 Chapel, a house much in need of love and upgrades. We knew their good taste and talent would raise the bar on the corner of Chapel and Benjamin.

I realize the fence they're proposing for the backyard is slightly above the code standard, but it's aesthetically pleasing considering the size of the house and the lot. Hopefully, you'll allow this variance, knowing the motivation behind it is pure. The intent only to make 233 attractive and welcoming, just like the rest of Chapel Avenue.

Thank you for your time and consideration,

Sincerely,

Denise A. Gramm
227 Chapel Avenue

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Baker Donelson
Property Owner: Levog
Representative: Joey Hargis

Date: 5-14-19
Case #: 2019-299
Map & Parcel: 64-104

Council District 14

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

Purpose: To allow the construction of new wireless telecommunications tower without required sidewalks

Activity Type: Wireless Telecom Tower

Location: 4321 Old Hickory Blvd

This property is in the 1009 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 in sidewalk construction

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.

Joey Hargis
Appellant Name (Please Print)

Same
Representative Name (Please Print)

211 Commerce St Ste 800
Address

11
Address

Nashville TN 37201
City, State, Zip Code

11
City, State, Zip Code

615-726-7391 615-406-3559
Phone Number

11
Phone Number

jhargis@bakerdonelson.com
Email

11
Email

Zoning Examiner: _____

Appeal Fee: 200.00



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



3669669

ZONING BOARD APPEAL / CAAZ - 20190028186
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06400010400

APPLICATION DATE: 05/14/2019

SITE ADDRESS:

4321 OLD HICKORY BLVD OLD HICKORY, TN 37138
LOT 1 GRANWOOD VILLAGE

PARCEL OWNER: LEVOG

CONTRACTOR:

APPLICANT:**PURPOSE:**

CONSTRUCTION OF NEW WIRELESS TELECOMMUNICATIONS TOWER

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.

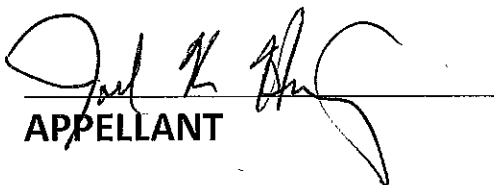
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

5-14-19
 DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

See attached letter

BAKER DONELSON

BEARMAN, CALDWELL & BERKOWITZ, PC

BAKER DONELSON CENTER,
SUITE 800
211 COMMERCE STREET
NASHVILLE, TENNESSEE 37201

MAILING ADDRESS:
P.O. BOX 190613
NASHVILLE, TENNESSEE 37219

PHONE: 615.726.5600
FAX: 615.726.0464

www.bakerdonelson.com

JOEL K. HARGIS, ATTORNEY
Direct Dial: 615.726.7391
E-Mail Address: jhargis@bakerdonelson.com

May 14, 2019

Mr. Jon Michael
Metro Zoning Administrator
Metro Codes
800 2nd Avenue South
Nashville, TN 37210

Re: Proposed Special Exception for Street Setback
4321 Old Hickory Blvd ; APN: 06400010400

Dear Mr. Michael and Members of the Board of Zoning Appeals

Enclosed are submittal materials associated with our client's variance request to postpone construction of the sidewalks until the property is developed in the future. for the above-referenced location.

SCI Towers, LLC is requesting variance in the sidewalk requirements under §17.20.120 under the zoning ordinance. This request is to allow the construction of an unmanned wireless telecommunications tower. Our request is to postpone construction of sidewalks until a future date once a building is constructed on the property that would generate pedestrian traffic. The proposed development is unmanned and is comprised of no buildings. The public is intentionally discouraged from coming to the site as a matter of safety. The proposed development will not create an adverse impact on adjacent properties

The Planning Commission recommended approval of our client's tower request at its meeting on May 9, 2019 with the condition that a landscaping buffer be placed along the property's frontage and that sidewalks be constructed per the MCSP. Our client has agreed to construct the landscape buffer as requested but respectfully asks to postpone construction of sidewalks until the property develops as planned.

We are submitting the following documents to you on behalf of our client.

1. 3 Copies of Site Plan

May 14, 2019

Page 2

2. Fee for \$200

Please confirm that the materials enclosed with this letter are complete and that you do not need any further information from us in order for the BZA to consider our client's request at its meeting on July 18, 2019. If additional information is needed, please contact me and I will deliver it to you as soon as possible. Thank you very much for your kind assistance regarding this matter.

Respectfully submitted,

BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC

Joel K. Hargis, Attorney

NOTES:

1. THE BASIS OF THE MERIDIANS AND COORDINATES FOR THIS PLAT IS THE TENNESSEE STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM 1983 (TNSPCS NAD 83), BASED ON DIFFERENTIAL GPS OBSERVATIONS PERFORMED ON OCTOBER 22, 2018.
2. VERTICAL INFORMATION SHOWN BASED ON THE NORTH AMERICAN VERTICAL DATUM OF NAVD 1988 IN FEET.
3. ALL DISTANCES ARE GROUND UNLESS OTHERWISE NOTED.
4. THE TOWER IS LOCATED IN ZONE "X," AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FEMA COMMUNITY PANEL #47037C025H, DATED APRIL 5, 2017.
5. FALL ZONE IS DESIGNED FOR THE LOWEST ENGINEERED BREAK POINT.



PLANS PREPARED FOR:



PO BOX 3469, CARY, NC 27519
(888) 318-2803

PROJECT INFORMATION:

**SCI SITE NAME:
BERRYVILLE**

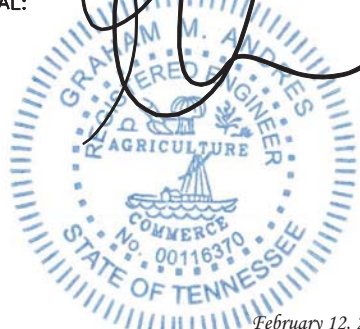
OLD HICKORY BOULEVARD
(E911 ADDRESS T.B.D.)
OLD HICKORY, TN 37138
(DAVIDSON COUNTY)

PLANS PREPARED BY:



TOWER ENGINEERING PROFESSIONALS
326 TRYON ROAD
RALEIGH, NC 27603
OFFICE: (919) 661-6351
www.tepgroup.net

SEAL:



February 12, 2019

REV	DATE	ISSUED FOR:
2	02-12-19	ZONING
1	02-05-19	ZONING
0	01-11-19	ZONING

DRAWN BY: TLL CHECKED BY: EBM

SHEET TITLE:

SITE PLAN

SHEET NUMBER:	REVISION:
C-1	2
	TEP #: 146203

N/F
**O.I.C. LAUREL HILL
COURTYARD HOMES**
PARCEL ID: 064130B900
PB 6900, PG 573

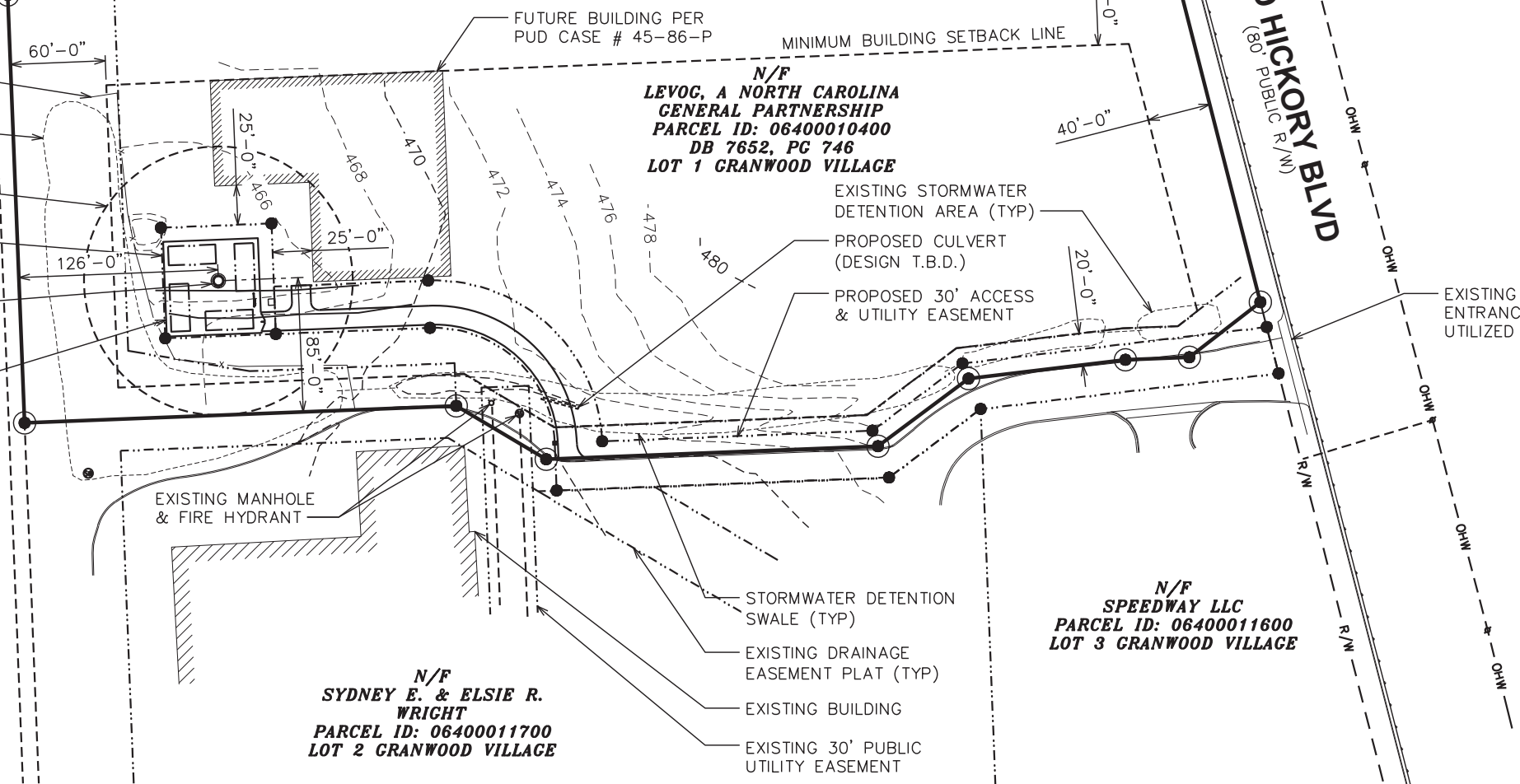
N/F
**WILLIAM LYTTLETON
BUTLER**
PARCEL ID: 06400008900

N/F
**LEVOG, A NORTH CAROLINA
GENERAL PARTNERSHIP**
PARCEL ID: 06400010400
DB 7652, PG 746
LOT 1 GRANWOOD VILLAGE

N/F
SPEEDWAY LLC
PARCEL ID: 06400011600
LOT 3 GRANWOOD VILLAGE

N/F
**SYDNEY E. & ELSIE R.
WRIGHT**
PARCEL ID: 06400011700
LOT 2 GRANWOOD VILLAGE

- EXISTING WIRE FENCE
- EXISTING STORMWATER DETENTION AREA (TYP)
- PROPOSED 85' TOWER FALL ZONE RADIUS
- PROPOSED 70'x70' LEASE AREA BY SCI TOWERS
- PROPOSED MONOPOLE TOWER. SEE SHEET C-3 FOR ELEVATION.
- PROPOSED 60'x60' FENCED EQUIPMENT COMPOUND. SEE SHEET C-2 FOR COMPOUND DETAILS.



LEGEND

- EXIST. PROPERTY LINE
- EXIST. UTILITY POLE
- EXIST. TELCO PEDESTAL
- PROPERTY CORNER
- EXIST. CONTOUR LINE
- EDGE OF PAVEMENT
- OVERHEAD WIRE
- RIGHT-OF-WAY
- CHAIN LINK FENCE
- EXISTING TREE LINE

TOWER SETBACKS

SETBACK	REQUIRED	PROPOSED
FRONT	150'	635'
REAR	150'	126'
LEFT SIDE	150'	85'
RIGHT SIDE	150'	186'

SITE PLAN

SCALE: 1" = 100'



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-299 (4321 Old Hickory Boulevard)

Metro Standard:	8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	R15
Community Plan Policy:	T3 NC (Suburban Neighborhood Center)
MCSP Street Designation:	T3-M-AB5-S
Transit:	#27 – Old Hickory
Bikeway:	None existing; bike lane planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a cellular tower on the site and requests not to construct sidewalks due to no buildings being constructed and to discourage pedestrians from accessing the utility infrastructure.

Planning evaluated the following factors for the variance request:

- (1) Along this side of Old Hickory Boulevard, 5' wide sidewalks exist directly south of this property. There is a worn walking path in the grass on the property frontage where there is this gap.
- (2) Planning has worked with the applicant to develop an alternate sidewalk design with the construction of the cell tower. The applicant has proposed constructing a 5' wide sidewalk with no grass strip.
- (3) Given the scope of the construction and the anticipation for additional development in the future on the site, an alternative sidewalk design that meets the minimum Metro sidewalk standards is an acceptable solution until future development occurs at this location.

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

1. The applicant shall construct 5' wide sidewalks along the property frontage as the alternative sidewalk design to be coordinated with Metro Public Works.
2. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

From: [Laura Harris Smith](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: cell tower appeal, Old Hickory
Date: Thursday, July 11, 2019 12:51:29 PM
Attachments: [Laura Signature.png](#)
[Laura Email pic.tiff](#)

Dear BZA Board Members,

I am writing you at the suggestion of Councilman Larry Hagar. I am also headed to the FCC offices in Washington, DC about this next week but in addition to that I am reaching out to you at Mr. Hagar's advice.

I am a 30-year resident of Hampton Park subdivision in Old Hickory, TN. It has come to our attention that a cell tower will be built to the side of my home, and we only learned about it due to an ordinance notice that recently went out about a proposed sidewalk. **We never received any notice about the tower itself.** I am not only a nutritionist with two degrees in original medicine, but have a 41 year neurological struggle (convulsions) that has led me to have to make it my life's work to study EMFs, RFs and microwave activity and radioactivity. I have gone to great lengths and expense over the years to rid my home of "dirty electricity" and shield myself from the constant barrage of such electrical emissions. Yes, I have wifi, a laptop, etc., but my home is full of materials and minerals which absorb excesses, including heat and radiation resistance pads and EMF and radioactivity monitors which led to the removal of our microwaves, etc. But there is no way that I could protect myself from the emissions from a cell tower so closeby.

I am aware of the study done by the *American Cancer Society* stating that cell towers aren't that dangerous, but I better trust the *WORLD Health Organization's* 25 million dollar study that proves they are. And the countless other studies that confirm their danger. They are linked to cancer, neurological issues, infertility, migraines, tumors, and so much more. In my neighborhood and culdesac are people who already have some of these issues. If this tower goes up, I know that lives will be lost. I myself will have to leave my home of 30 years to survive. I am sure all our property values will plummet, too.

I cannot find on the BZA site where to file an appeal (to an actual detailed form to fill out) but I see it has to be filed by this Monday, July 15th to be heard at the next meeting on Sept. 5th. I have left two messages by phone and no one is returning my calls. Can you please advise me on where and how to appeal? Or call me at 615-310-1300. I have rallied interest from within our HOA and neighborhood and many of us want to attend the meeting.

I have a television show that airs internationally in primetime and daytime slots every day, and I am gathering data to make an episode out of these very cell tower studies. My show helps people get healthy—body, mind and spirit — as do my books. My husband also pastors a church in Old Hickory.

As you may know, seizures are merely too much electricity in the brain. To stay seizure free, I have not only had to monitor and control my exposure but also wound up creating a natural treatment for which I was awarded a patent by the USPTO earlier this year. All of this to say... I am serious about this fight to maintain my health and the health of my neighbors. I hope you will show compassion and help us.

Sincerely,

A handwritten signature in black ink that reads "Laura". The letters are cursive and fluid, with a large loop for the 'L' and a long tail for the 'a's.

Laura Harris Smith, C.N.C.

author, [official site](#)

host, [theTHREE.tv site](#)

inventor, [Quiet Brain site](#)

pastor, [Eastgate church site](#)

[Official Facebook page](#)





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

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

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

Call Chambers

FINAL ORDER AND INJUNCTION

Default Adjudicated Agreed Order

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

ENTERED this the 13th day of Dec, 2017.

[Signature]
REFeree

APPROVED FOR ENTRY:

Catherine J. Pham

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

w/permission
by CJP

Margaret L. Behm

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

Certificate of Service

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

Catherine J. Pham

Catherine J. Pham

David Frabutt

615-880-3245

david.frabutt@nashville.gov

Zoning OK
office ; Residential intensive

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.

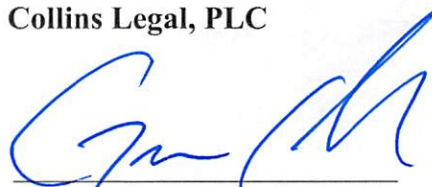
41. Finally, denying Mr. Property the opportunity to apply for a Short-Term Rental Permit for his Property will cause Mr. Proctor to suffer significant financial harm due to the loss in revenue. This cannot possibly be a just punishment for an actor who is not responsible for any wrongdoing. Mr. Proctor 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

(615) 915-0481 - facsimile

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

This form is copyrighted and may only be used in real estate transactions in which _____ 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.



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.

This form is copyrighted and may only be used in real estate transactions in which _____ 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.



- 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

This form is copyrighted and may only be used in real estate transactions in which _____ 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.



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.

This form is copyrighted and may only be used in real estate transactions in which _____ 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.

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

This form is copyrighted and may only be used in real estate transactions in which _____ 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.

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.

This form is copyrighted and may only be used in real estate transactions in which _____ 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.

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

This form is copyrighted and may only be used in real estate transactions in which _____ 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.

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

This form is copyrighted and may only be used in real estate transactions in which _____ 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.



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:

463
464
465
466
467
468
469
470
471
472

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

473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492

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.

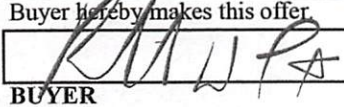
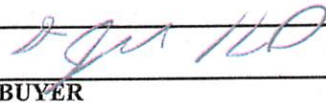
19. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not countered or accepted by _____ o'clock a.m./ p.m.; on the _____ day of _____, _____.

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.

505 Buyer hereby makes this offer

506  

507 BUYER BUYER

508 ~~01/31/2019~~ at _____ o'clock am/ pm ~~Jan 31, 2019~~ at _____ o'clock am/ pm

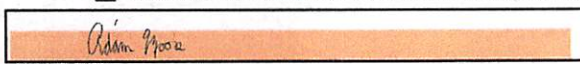
509 ~~02/11/2019~~ Offer Date ~~02/11/2019~~ Offer Date

510 Seller hereby:

511 ACCEPTS – accepts this offer.

512 COUNTERS – accepts this offer subject to the attached Counter Offer(s).

513 REJECTS this offer and makes no counter offer.

514  _____

515 SELLER SELLER

516 2-11-19 _____ at _____ o'clock am/ pm _____ at _____ o'clock am/ pm

517 Date Date

This form is copyrighted and may only be used in real estate transactions in which _____ 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.

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.

This form is copyrighted and may only be used in real estate transactions in which _____ 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.



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 GRANTEE(S), their heirs and assigns, against the lawful claims of all persons whomsoever. Wherever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

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

P1 Investments, LLC

BY: [Signature]
Tyler Thompson
Member

BY: [Signature]
Adam Moore
Member

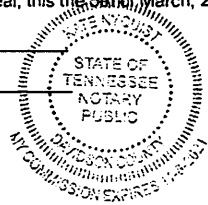
BY: [Signature]
Greg Lamas
Member

STATE OF TENNESSEE
COUNTY OF DAVIDSON

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

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

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

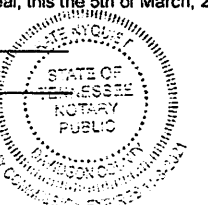


STATE OF TENNESSEE
COUNTY OF DAVIDSON

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

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

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

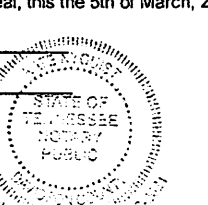


STATE OF TENNESSEE
COUNTY OF DAVIDSON

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

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

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



True Copy Certification

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

Marjorie Kaup Haines
Signature

State of TN

County of Williamson

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

Chris Mule
Notary's Signature

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



EXHIBIT 2



PURCHASE AND SALE AGREEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

445 **ALL REQUIRED DISCLOSURES**

446
 447
 448 19. Special Stipulations. The following Special Stipulations, if conflicting with any preceding paragraph, shall control:

- 449 1. The seller will Transfer logins to Air BnB and/or VRBO by the
- 450 date of closing, and show proof of transfer.
- 451 2. The seller will Transfer the Short Term Rental permit to Buyers
- 452 by the date of closing, and show proof of transfer.
- 453 3. The Sellers will give copies of any and all paper work
- 454 (contracts or agreements) for reserved AirBNB reservations that
- 455 were scheduled for after the contracted closing date.
- 456 4. Buyers reserve the right to keep or cancel future (contracted
- 457 bookings) after closing. Any deposits received for these bookings
- 458 shall be credited to the buyers at closing out of Sellers proceeds.

459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483

This form is copyrighted and may only be used in real estate transactions in which Adrienne Arnett is involved as a TARI 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.
 Version 01/01/2017

TENNESSEE REALTORS Copyright 2015 © Tennessee Realtors®
 RF401 - Purchase and Sale Agreement, Page 9 of 10

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 offeror'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.

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] 9-21-17
Completed and witnessed, Date

Greg Lamas
Name (Please Print)

[Signature]
Signature

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

(585) 747-3321
Applicant's phone

1515 Demonbreun St. #805
Mailing Address

Nashville, TN 37203
City, State, Zip Code

(585) 747-3321
Phone Number

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

Appeal Fee: \$ 100.00

EXHIBIT 4

Copy

176C 23694

IN THE GENERAL SESSIONS COURT FOR DAVIDSON COUNTY, TENNESSEE

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

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

William S. Chambers
S.C.

FINAL ORDER AND INJUNCTION

Default Adjudicated Agreed Order

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

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

ENTERED this the 13th day of Dec, 2017.

[Signature]
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

VIOLETION OF METRO CODE SECTION 17.16.250.E.1.A- ADVERTISING/OPERATING A STRP 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**

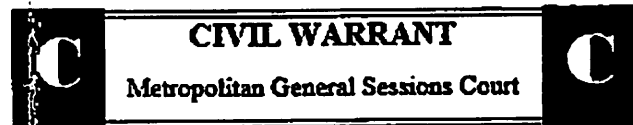
vs.

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

**J
U
D
G
M
E
N
T**

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

Dismissed with cost taxed to Metro Codes,

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

Entered: 12-13 2017

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



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

COPY

NOTICE

Case #

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

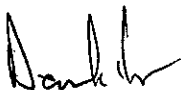
Dear Metropolitan Board of Zoning Appeals,

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

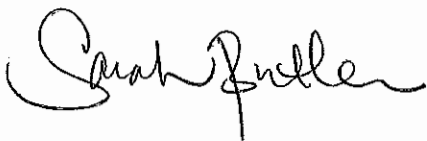
Re: Appeal Case #2019-236; Rob Proctor

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