

**DOCKET**

**8/15/2019**

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

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

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

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**CASE 2019-128 (Council District - 17)**

**Clayton Kottler**, appellant and owner of the property located at **809 HORNER AVE**, requesting a variance from minimum lot size requirements in the R10 District, to construct two single family houses on one parcel. Referred to the Board under Section 17.40.180 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 11802015700

**RESULT -**

**CASE 2019-212 (Council District - 6)**

**WALKER, JEREMY T. & JULIE R**, appellants and owners of the property located at **1525 FATHERLAND ST**, requesting an Item A appeal challenging the zoning administrator's denial of a permit for a second house in the R6 District. Referred to the Board under Section 17.16.030 D and 12.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Single Family

Map Parcel 08313055000

**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 2019-285 (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 2019-308 (Council District - 19)**

**JASON HITCHCOCK**, appellant and **ELEVEN WILLOW, LLC**, owner of the property located at **11 WILLOW ST**, requesting a variance from sidewalk requirements in the IR District, to renovate an existing building without building sidewalks or paying into the sidewalk fund for the property frontage along Fairfield Ave. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09312002600

**RESULT -**

**CASE 2019-324 (Council District - 3)**

**PTL FABRICATORS LLC**, appellant and **TKM REAL ESTATE, LLC**, owner of the property located at **3570 DICKERSON PIKE**, requesting a variance from sidewalk requirements in the CS District, to construct a new building for a tractor dealership 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-Retail

Map Parcel 05000015900

**RESULT -**

**CASE 2019-325 (Council District - 2)**

**JOSEPH PERRY**, appellant and **PERRY PROPERTY TRUST #1**, owner of the property located at **739 MOORMANS ARM RD**, requesting a variance from sidewalk requirements in the RS20 District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 05914006100

**RESULT -**

**CASE 2019-331 (Council District - 11)**

**MOLINA, RICHARD F. & MARTHA J**, appellants and owners of the property located at **236 ASHAWN BLVD**, requesting a variance from side setback requirements in the R20 District, to construct a pool house. 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 06401004600

**RESULT -**

**CASE 2019-332 (Council District - 19)**

**PHILLIP PIERCY**, appellant and **1501 HERMAN STREET, LLC**, owner of the property located at **0 HERMAN ST**, requesting variances from setback and step back requirements in the MUL-A District, to construct a mixed-use building. Referred to the Board under Section 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use

Map Parcel 09204031300

**RESULT -**

Map Parcel 09204031400

Map Parcel 09204031200

**CASE 2019-333 (Council District - 27)**

**HILLCREST UMC**, appellant and **HILLCREST UNITED METHODIST CHURCH, TRS.**, owner of the property located at **5116 RAYWOOD LN**, requesting a Special Exception in the RS10 District, to construct a portable building. Referred to the Board under Section 17.40.180. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Religious Institution

Map Parcel 16104014800

**RESULT -**

**CASE 2019-335 (Council District - 17)**

**COX, CONRAD B & REBECCA R**, appellants and owners of the property located at **2038 ELLIOTT AVE**, requesting a variance from lot size requirements in the R8 District, to convert an existing structure into a detached accessory dwelling unit. 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 10510015400

**RESULT -**

**CASE 2019-337 (Council District - 5)**

**NOLYN CROY**, appellant and **BLACK CHANDELIER PROPERTIES, LLC**, owner of the property located at **1115 LISHEY AVE**, requesting a variance from sidewalk requirements in the SP District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08203044000

**RESULT -**

**CASE 2019-341 (Council District - 25)**

**JOHN TESELLE**, appellant and **RICHARDSON, GREGORY & VIRGINA**, owners of the property located at **2414 STERLING RD**, requesting variances from setback and height restrictions in the RS10 District, to construct a detached garage. Referred to the Board under Section 17.12.040 E and 17.12.060 B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11702009200

**RESULT -**

**CASE 2019-342 (Council District - 5)**

**KARLA NEWMAN**, appellant and **O.I.C. GRNAT ESTATES 3.0**, owner of the property located at **313 C PRINCE AVE**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family residences on one parcel without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 071080Q00100CO

**RESULT -**

Map Parcel 071080Q00200CO

**CASE 2019-343 (Council District - 5)**

**BAILEY NEAL**, appellant and **MWC, LLC**, owner of the property located at **102 DUKE ST**, requesting a variance from parking requirements in the CS District, to construct an office development. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office

Map Parcel 07107026500

**RESULT -**

**CASE 2019-344 (Council District - 35)**

**SHAWN HENRY**, appellant and **COLLINS ROAD 1, LLC**, owner of the property located at **8200 HIGHWAY 100**, requesting an Item D appeal to allow the change from a static message board to an LED sign in the CN District. Referred to the Board under Section 17.40.660 and 17.40.690. The appellant alleged the Board would have jurisdiction under Section 17.40.180 D.

Use-Retail

Map Parcel 15500010500

**RESULT -**

**SHORT TERM RENTAL CASES**

**CASE 2019-118 (Council District - 27)**

**CODY LAFEVER**, appellant and **LAFEVER, CODY & AUSTIN**, owners of the property located at **626 HUNTINGTON PKWY**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated prior to obtaining the legally required short term rental permit in the R10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 16110000700

**RESULT -**

**CASE 2019-329 (Council District - 6)**

**KATHRUN RUSS**, appellant and owner of the property located at **1421 ORDWAY PL**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the R6 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08309028400

**RESULT-**

**CASE 2019-338 (Council District - 6)**

**THRAN, AMY LOUISE**, appellant and owner of the property located at **1415 FORREST AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit renewal. Applicant operated after the permit expired in the R6 District, to renew the expired permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08309036600

**RESULT -**

**CASE 2019-339 (Council District - 5)**

**GAVIN GOSIK**, appellant and owner of the property located at **924 CHICKASAW AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Applicant operated prior to obtaining the legally required permit in the RS5 District, to obtain a permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 07209004700

**RESULT -**



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Clayton Kottler  
Property Owner: " "  
Representative: " "

Date: 2-14-19  
Case #: 2019-128  
Map & Parcel: 118-2-157

Council District 17

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

Purpose: Requesting lot size variance to allow for duplex construction, lot does not meet minimum lot size.

Activity Type: New Construction

Location: 809 Horner Ave.

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

Reason: Does not meet minimum lot size

Section(s): 17.12.020(A)

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

Clayton Kottler  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

809 Horner Ave  
Address

Address

Nashville TN 37204  
City, State, Zip Code

City, State, Zip Code

615-294-2122  
Phone Number

Phone Number

clayk@outlook.com  
Email

Email

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

Appeal Fee: \$100.<sup>00</sup>



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



3604073

**ZONING BOARD APPEAL / CAAZ - 20190009107**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 11802015700

APPLICATION DATE: 02/14/2019

## SITE ADDRESS:

809 HORNER AVE NASHVILLE, TN 37204  
LOT 47 KIRKWOOD HGTS

PARCEL OWNER: KOTTLER, CLAYTON

CONTRACTOR:

## APPLICANT:

## PURPOSE:

requesting lot size variance to allow for duplex construction. Lot does not meet minimum lot size.

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

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

Feb 14 2019  
**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?**

My lot is short the square footage but zoned properly to build two homes.

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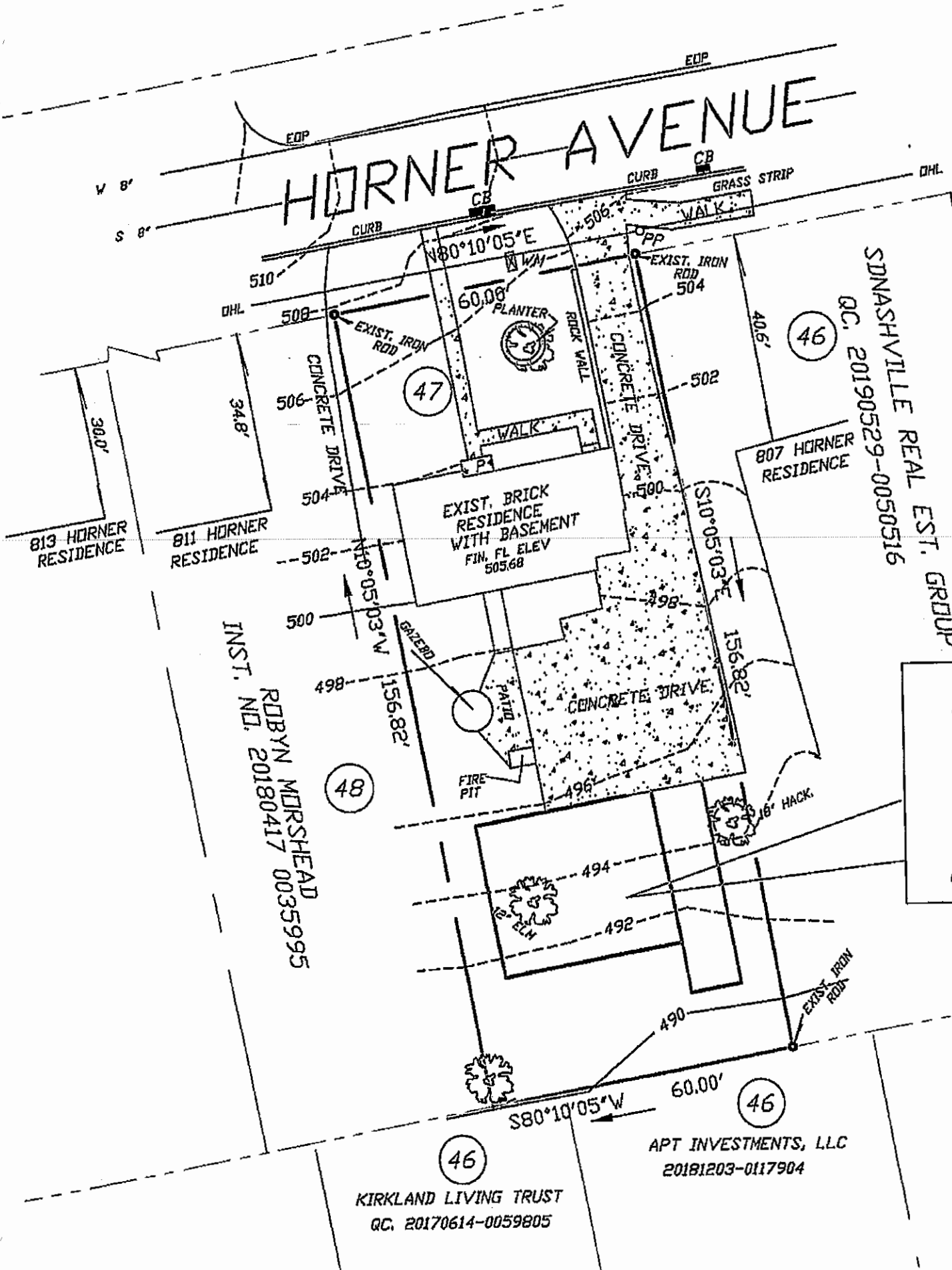
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- NOTES:
- BOUNDARY INFORMATION FROM PLAN OF KIRKWOOD HEIGHTS, THE W.T. BERRY EST., SECT. 4, AS OF RECORD IN BK. 1130, PG. 18, R.D.D.C., TN.
  - FRONT SETBACK CALCULATIONS:
 

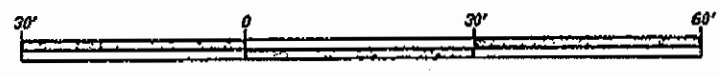
805 HORNER AVE.	37.1'
807 HORNER AVE.	40.6'
811 HORNER AVE.	34.8'
813 HORNER AVE.	30.0'
<b>TOTAL</b>	<b>142.5'</b>
142.5'/4 = 35.6' SETBACK AVER.	
PROPOSED SETBACK 36'	
  - LOT AREA = 9,400 SF
  - METRO TAX MAP 118-020-157
  - OWNER: CLAYTON KOTTLER  
809 HORNER AVE.  
NASHVILLE, TN 37204  
INST. NO 200402250021341
  - LOCATIONS OF UNDERGROUND UTILITES ARE BASED ON FIELD OBSERVATIONS, MAPS BY OTHERS AND DATA FROM UTILITY DISTRICT. THIS INFORMATION SHOULD NOT BE RELIED UPON AS BEING EXACT OR COMPLETE. CONTRACTOR SHOULD FIELD VERIFY BEFORE ANY EXCAVATION IS BEGUN.
  - PROPERTY ZONED "X" ON FEMA FIRM MAP, METRO GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY COMMUNITY MAP NO. 470040357H, DATED APRIL 5, 2017.

PROPOSED 2nd  
STRUCTURE WITH  
EXTENDED DRIVEWAY  
35' x 30'  
(DEMONSTATION PURPOSES ONLY)

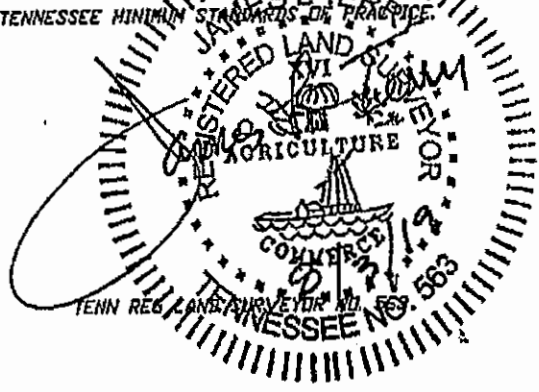
LOT & TOPOGRAPHICAL SURVEY  
809 HORNER AVENUE

FOR  
APEX BUILDERS

DATE: 7/28/2019 SCALE: 1"=30'



CERTIFICATION  
I HEREBY CERTIFY THAT THIS SURVEY IS A CATEGORY SURVEY AND THE ACCURACY OF THE SURVEY EXCEEDS 1 IN 10,000 AND WAS PERFORMED IN ACCORDANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.

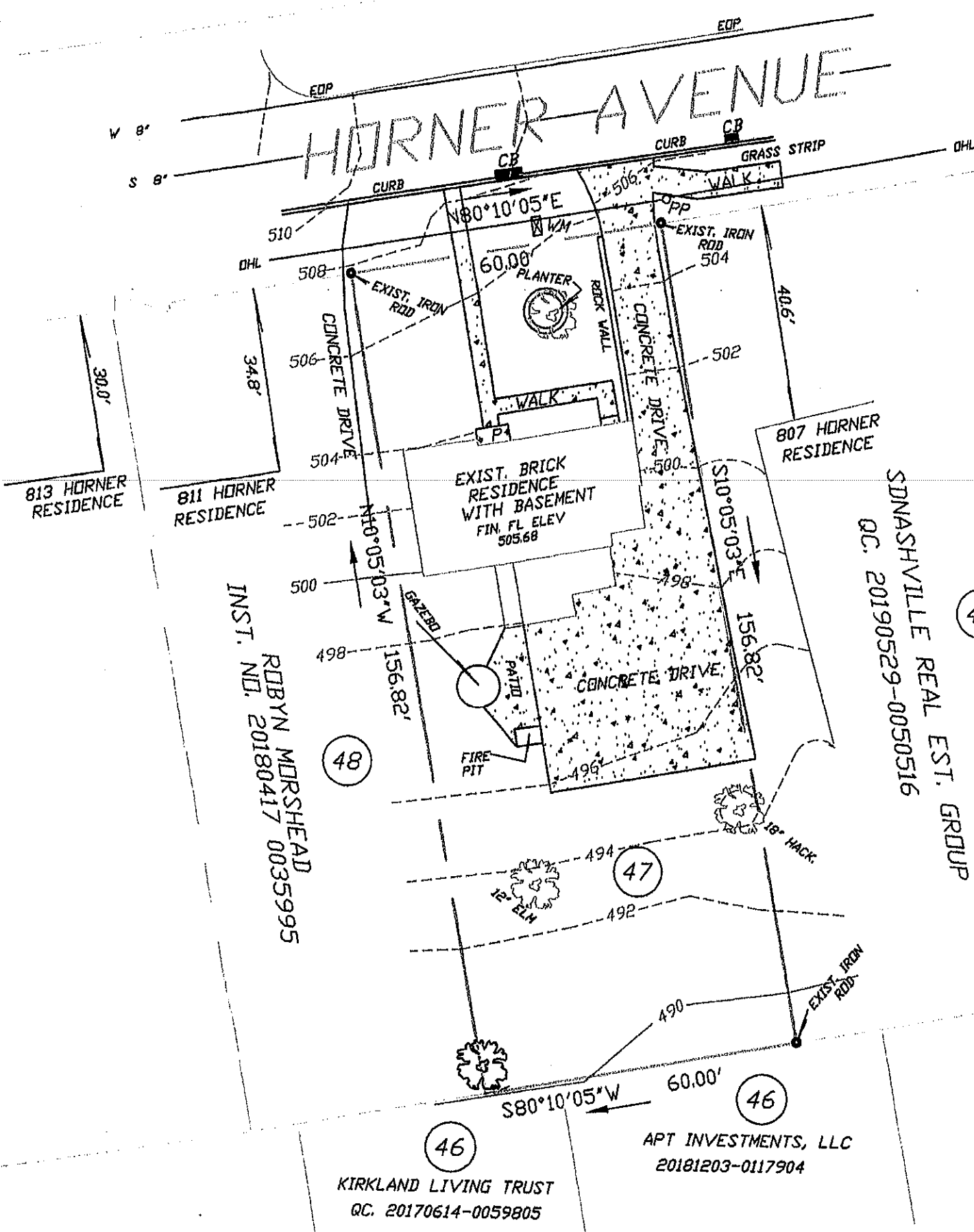


PREPARED BY: JAMES L. TERRY  
2812 BRANWOOD DRIVE  
NASHVILLE, TN 37214  
615-415-7525  
TENN. REG. LAND SURVEYOR 563

APT INVESTMENTS, LLC  
20181203-0117904

KIRKLAND LIVING TRUST  
QC. 20170614-0059805

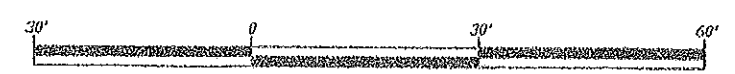
ROBYN MERSHEAD  
INST. NO. 20180417 0035995



- NOTES:
- 1) BOUNDARY INFORMATION FROM PLAN OF KIRKWOOD HEIGHTS, THE W.T. BERRY EST., SECT. 4, AS OF RECORD IN BK. 1130, PG. 18, R.O.D.C., TN.
  - 2) FRONT SETBACK CALCULATIONS:  
 805 HORNER AVE. 37.1'  
 807 HORNER AVE. 40.6'  
 811 HORNER AVE. 34.8'  
 813 HORNER AVE. 30.0'  
 TOTAL 142.5'  
 142.5'/4 = 35.6' SETBACK AVER.  
 PROPOSED SETBACK 36'
  - 3) LOT AREA = 9,400 SF
  - 4) METRO TAX MAP 118-020-157
  - 5) OWNER: CLAYTON KOTTLER  
 809 HORNER AVE.  
 NASHVILLE, TN 37204  
 INST. NO 200402250021341
  - 6) LOCATIONS OF UNDERGROUND UTILITIES ARE BASED ON FIELD OBSERVATIONS, MAPS BY OTHERS AND DATA FROM UTILITY DISTRICT. THIS INFORMATION SHOULD NOT BE RELIED UPON AS BEING EXACT OR COMPLETE. CONTRACTOR SHOULD FIELD VERIFY BEFORE ANY EXCAVATION IS BEGUN.
  - 7) PROPERTY ZONED "K" ON FEMA FIRM MAP, METRO GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY COMMUNITY MAP NO. 470040357H, DATED APRIL 5, 2017.

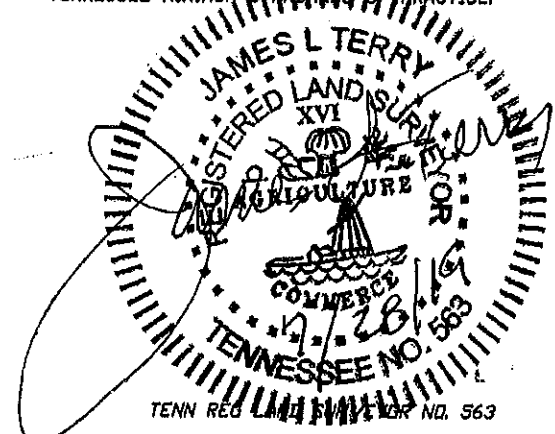
LOT & TOPOGRAPHICAL SURVEY  
 809 HORNER AVENUE  
 FOR  
 APEX BUILDERS

DATE: 7/28/2019 SCALE: 1"=30'



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

CERTIFICATION  
 I HEREBY CERTIFY THAT THIS SURVEY IS A CATEGORY SURVEY AND THE ACCURACY OF PRECISION EXCEEDS 1 IN 10,000 AND WAS PERFORMED IN ACCORDANCE WITH CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE.



46  
 KIRKLAND LIVING TRUST  
 QC. 20170614-0059805

46  
 APT INVESTMENTS, LLC  
 20181203-0117904

46  
 SDNASHVILLE REAL EST. GROUP  
 QC. 20190529-0050516

48  
 ROBYN MORSEHEAD  
 INST. NO. 20180417 0035995

To the board of zoning appeals,

I'm the owner and resident at 809 Horner Avenue (District 17; 37204). I'm requesting a variance from lot size requirements in this R10 district to build and occupy a second residential dwelling behind my existing residence. I have been in touch with Councilmember Sledge throughout this process and have his full support. My plan is to build and then move into the new house. The current house is in much need of repair. After moving into the new house I plan to fully remodel the existing house. Once complete I want to make the original house a long term rental property (minimum one year leases) and in the future hope that my mother will move into the original house as she becomes more dependent in the years to come.

My site survey shows that I'm just short of the 10,000 square-foot requirement to build the second home at 9496.31 sq. ft. However my neighbor at 823 Horner Ave requested this very same variance back in September of 2017 and was granted the variance. It appears that just a few houses on our side of the street are short the square feet required because of the commercial properties that border our properties in the rear. This has created a hardship and therefore I'm asking for this variance. I have watched the project at 823 progress and I'm very pleased with the turnout. So much that I would like to do the same thing.

My site plan and elevation is very similar to what has been done at 823 Horner Ave. The new structure in the rear will be a modest and subtle three bedroom two bath house that blends into its current surroundings. Leaving the current structure in the front will also help to preserve the original character of the neighborhood and provide more housing in a city where housing is becoming more and more difficult to find. I believe this design is in line with current building and the nature of the R10 zoning of this neighborhood.

Why did I decide to take this route? I like where I live and I don't want to move. The current house is in need a major repair and also no longer fits my needs. This will give me the ability to have the new house I have been wanting without moving. Plus I will be able to remodel the existing house without having to move out and rent a house while remodeling thus saving more money to help pay for all of this. Once complete the rental property will provide addition income to help with ongoing cost. I have lived in this area for most of my adult life and I love it and want to continue to live here for the foreseeable future.

Thank you for your consideration.

Clay Kottler 8/6/2019

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Cc:** [Cox, Conrad](#); [clayhk@outlook.com](mailto:clayhk@outlook.com)  
**Subject:** D17 BZA stances  
**Date:** Wednesday, August 7, 2019 2:14:36 PM

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Hi all,

Hope you are well; writing to state that I'm supportive of Cases 2019-335 and 2019-128 on the Aug. 15 agenda.

Colby

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



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: JULIE WALKER  
Property Owner: JULIE WALKER  
Representative: JULIE WALKER

Date: 3-26-19  
Case #: 2019- 212  
Map & Parcel: 08313055000

Council District 6

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

Purpose: Construct secondary residence for personal use

Activity Type: \_\_\_\_\_

Location: 1525 Fatherland St.

This property is in the G-20 R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A minimum lot size

Section(s): 17.16.030D, 12.12.020A

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.

JULIE WALKER  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

1525 FATHERLAND ST  
Address

SAME  
Address

NASHVILLE, TN, 37206  
City, State, Zip Code

SAME  
City, State, Zip Code

615-981-0361  
Phone Number

SAME  
Phone Number

juliebiglerwalker@gmail.com  
Email  
justin@builderassistllc.com

SAME  
Email

Zoning Examiner: RJB

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

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

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

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

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

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

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

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

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

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

APPELLANT

DATE

3/26/19

**To:** Metro Government of Nashville – Codes

**Purpose:** Application for Misinterpretation of Codes

**Type:** Item A Appeal

**Address:** 1525 Fatherland Street, Nashville, TN 37206

**Lot Size:** 7,490 square feet

**Zone:** R6

**Reference:** 17.16.030.D, 12.12.020A

**To whom this may concern,**

We are seeking your approval to build a secondary residence, for personal use, on our property located at 1525 Fatherland Street, Nashville, TN 37206. We're writing to submit an Item A appeal based on a misinterpretation of the code 17.16.030.D, items #1 and #2.

Specifically, regarding Residential Uses 17.16.030.D Two Family Dwellings, per #1, a lot must be legally created and is of record in the country register prior to 1984 or #2, a lot must be created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots.

Our lot, per 17.16.030.D #1, was created after 1984; thus, it does not meet requirement #1; however, per 17.16.030.D #2, our lot was created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots. The parcel was subdivided into two standard sized lots. Additionally, our lot is 47' x 160' and is 7,490 square feet which exceeds the minimum lot size of 6,000 square feet (ref: 17.16.030.G.2), and is larger than other area lots who have been permitted to build a second residential dwelling. Because our lot satisfies requirement 17.16.030.D #2, indicating it is permissible to build a secondary residence on our property, we are applying. We are zoned R6 per 17.12.020A.

If helpful, we will gladly provide reference to other nearby residences who have established a precedent in our area relative to this request. Thank you for your assistance.

Thank you,  
Julie

**Contact Information:**

Julie Walker

Phone: (615) 981-0361

Email: [juliebiglerwalker@gmail.com](mailto:juliebiglerwalker@gmail.com)

**Owner of property located at:**

1525 Fatherland St.

Nashville, TN 37206

REFERENCE:

[https://library.munlcode.com/tn/metro-government-of-nashville-and-davidson-county/codes/code-of-ordinances?nodeId=CD\\_T171720\\_CH17.16LAU\\_SDEST\\_ARTIIUSPECOPC\\_17.16.030REUS](https://library.munlcode.com/tn/metro-government-of-nashville-and-davidson-county/codes/code-of-ordinances?nodeId=CD_T171720_CH17.16LAU_SDEST_ARTIIUSPECOPC_17.16.030REUS)

**Date:** February 7, 2019

**Purpose:** Seeking your support, thank you ☺

**Location:** 1525 Fatherland Street, Nashville, TN 37206

Hello! We're hoping to build a small secondary residential structure above our existing garage, *for personal use only*, and would greatly appreciate your willingness to acknowledge and approve of this notice.

A little background, we recently welcomed our third child and with family traveling in from out-of-state, we'd love nothing more than to host them while in town, spending as much time together as possible (while giving them space, too). We also intend to utilize the space for the storage, etc. of personal items.

Thank you for your consideration and time to complete this form. We will gladly pick it up (feel free to text, call, or email), or you're welcome to drop it in our mailbox, please and thank you.

Thanks,  
The Walker Family

**Our contact information:**

Phone: (615) 981-0361 and (615) 804-5335

Email: juliebiglerwalker@gmail.com and jeremytwalker@gmail.com

Your signature: \_\_\_\_\_

Your name: \_\_\_\_\_

Your address: \_\_\_\_\_  
Nashville, TN 37206

Phone (optional): \_\_\_\_\_

Email (optional): \_\_\_\_\_

**To:** Metro Government of Nashville – Codes

**Purpose:** Appeal – Misinterpretation of Codes

**Case #:** 2019-212

**Zoning Classification:** R6, MDHA-FP, OV-UZO, OV-NHC | **Type:** Item A Appeal

**Address:** 1525 Fatherland Street, Nashville, TN 37206 | **Map Parcel:** 08313055000 | **Lot Size:** 7,490sq ft

**Council District:** 6 | **Reference:** 17.16.030.D, 12.12.020A

**To whom this may concern,**

We are seeking your approval to build a secondary living space, *for personal use only*, on our property located at 1525 Fatherland Street, Nashville, TN 37206. We're writing to submit an item A appeal based on a misinterpretation of the code 17.16.030.D, items #1 and #2.

Specifically, regarding Residential Uses 17.16.030.D Two Family Dwellings, per #1, a lot must be legally created and is of record in the country register prior to 1984 or #2, a lot must be created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots.

Our lot, per 17.16.030.D #1, was created after 1984; however, per 17.16.030.D #2, our lot was created by the subdivision of a parcel of land in existence prior to August 1, 1984 into *no more than* three lots. ***The parcel was subdivided into two standard sized lots.***

Additionally, our lot is 47' x 160' and is 7,490 square feet which exceeds the minimum lot size of 6,000 square feet (ref: 17.16.030.G.2), and is larger than other area lots who have been permitted to build a second residential dwelling. *Thus, our lot also satisfies requirement 17.16.030.D #2*, indicating it should be permissible to build a secondary residence on our property. We are zoned R6 per 17.12.020A.

If helpful, we will gladly provide reference to other nearby residences who have established a precedent in our area relative to this request. Thank you for your assistance.

Thank you,  
Julie

**Contact Information:**

Julie & Jeremy Walker

Phone: (615) 981-0361, (615) 804-5335

**Owners of property located at:**

1525 Fatherland St.

Nashville, TN 37206

REFERENCE:

[https://library.municode.com/tn/metro\\_government\\_of\\_nashville\\_and\\_davidson\\_county/codes/code\\_of\\_ordinances?nodeId=CD\\_TIT17ZO\\_CH17.16LAUSDEST\\_ARTIIUSPECOPC\\_17.16.030REUS](https://library.municode.com/tn/metro_government_of_nashville_and_davidson_county/codes/code_of_ordinances?nodeId=CD_TIT17ZO_CH17.16LAUSDEST_ARTIIUSPECOPC_17.16.030REUS)

**From:** [Gina Emmanuel](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 1525 Fatherland Street  
**Date:** Tuesday, July 16, 2019 10:13:59 AM

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I am writing in support of the request for a second residence at 1525 Fatherland. I live less than half a block away and while the lot may be smaller than what zoning mandates, it is a large lot that in my opinion should be developed. We should be looking at properties like this differently than we have in the past to ensure the neighborhoods are vibrant and still remain affordable. If we leave lots undeveloped like this in the middle of an active neighborhood with transit and sidewalks already in existence (and less impact on the environment with utilities and services already available), then we have left something on the table as a city.

I hope to see this approved.

Gina Emmanuel  
1609 Fatherland Street

**From:** [Constance Sinclair](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Connie Sinclair](#)  
**Subject:** OPPOSED TO zoning appeal for 1525 Fatherland St. - Appeal Case Number 2019-212  
**Date:** Wednesday, July 31, 2019 3:33:11 PM

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Dear Board of Zoning Appeals:

This letter is to express my STRONG OPPOSITION to the request for a permit to build an additional house for the property located at 1525 Fatherland St., Nashville, TN 37206.

This property has maximum buildings at this time and I believe their appeal to build a 2nd house on the property should be denied. I also believe the additional building is desired to operate another Short Term Rental ... the neighborhood already has too many of these.

This large home with DETACHED GARAGE existing is fairly new construction. The current homeowners were well aware of what they were buying ... if they needed a 2nd home, they should have sought another property as this one is not zoned for an additional home. Period. There is too much density here.

I am a property owner in this neighborhood and live in this neighborhood - the density and traffic is already too great. We have many illegal short term rentals causing major traffic and safety issues as well as noise issues. These are all already impacting my quality of life and standard of living that I paid a high price for. This property is in a quiet residential neighborhood - it is not suited for multiple dwellings as the zoning does not permit it here.

PLEASE DENY their appeal for a permit for an additional building on the property!! There is already too much density there.

We are VERY OPPOSED to this. Perhaps this property owner should move to a property that better suits their needs.

Respectfully,

Constance Sinclair  
1909 Long Ave.  
Nashville, TN 37206  
615-975-0727

July 28, 2019

To: Metro Board of Zoning Appeals

Re: Appeal Case Number 2019-212

1525 Fatherland Street- (Map Parcel: 08313055000/Council District 6)

Members of the Board,

I am writing this statement in support of the Zoning Board's denial of the appellant's application for the construction of a *separate* secondary residence on their existing lot. I hope the members of the Board will uphold the initial ruling of the denial of the appellant's appeal request by variance.

According to the appellant's statement, dated February 7, 2019, they are asking to construct a separate secondary residential structure above their existing garage for "personal use because of the recent expansion of their family and desire to host family on site". This is fine, however if this can't be accomplished without a variance under the current Metro Zoning Ordinances and MHZC Guidelines then it should not be allowed. Their statement of "Personal Use" also can't be legally upheld if the property is sold or they simply change their mind about its use in the future.

The use of a single lot for the construction of two separate (detached) houses is not keeping with the historic character of the neighborhood and does not meet the MHZC Guidelines for the Lockeland Springs Neighborhood. The neighborhood contains many historic examples of 2 family residences (duplexes) dating back to the 1920's. Our home, as well as several others, on the 1600 block of Fatherland is such an example of a Bungalow style duplex built in the mid 1920's.

The home on this previously vacant, and recently subdivided corner lot, is a new construction (2016) that already has a DADU (2 car garage). Under the MHZC Guidelines for Infill Duplexes they shall have one or two door facing the street, as seen on historic duplexes. The request to have a separate, second house above the existing DADU (garage) would not meet the Guidelines for a duplex. The lot is also smaller than the standard 50'x160' lot with a total building footprint which is significantly larger than the majority of the surrounding houses.

The Lockeland Springs Neighborhood in East Nashville has seen a lot of changes in the past 20+ years. The majority has been for the better due to the Zoning Ordinances and the establishment of the MHZC Guidelines. Again, I hope that the Board strongly considers upholding the denial of this appeal.

Sincerely,

Elke Vormfelde-Combs

1612 Fatherland Street



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

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

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

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

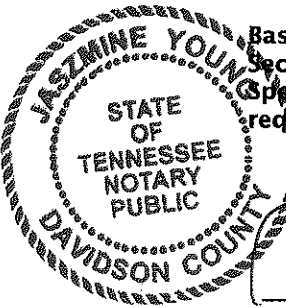
Activity Type: \_\_\_\_\_  
Location: 2924 Torbett St

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  
Appeals Fee: \_\_\_\_\_  
Sign Fee: \_\_\_\_\_  
Total Fee: \_\_\_\_\_

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

## 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.

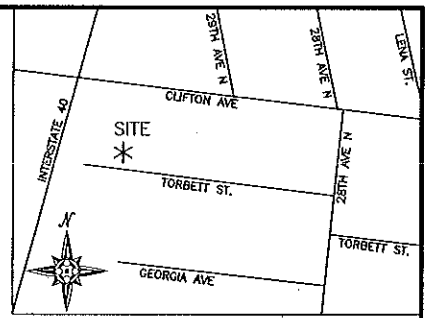
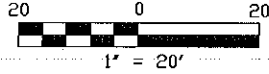
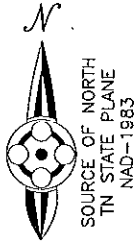
**WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?**

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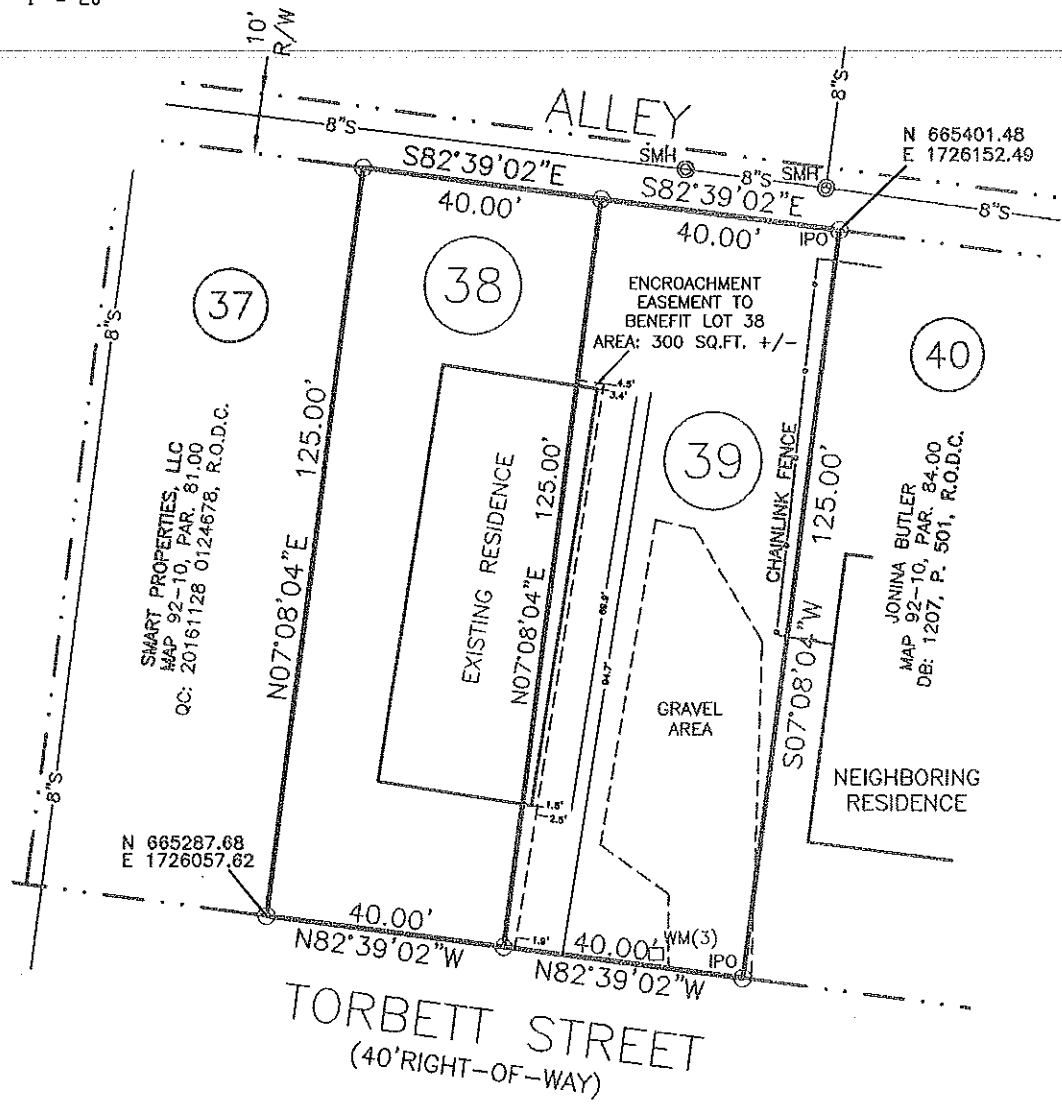
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VICINITY MAP: NOT TO SCALE



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  
 21<sup>ST</sup> 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  
 beaagee1@gmail.com

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.*

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet 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 38<sup>th</sup> Ave N. Because there is existing sidewalk across 38<sup>th</sup> Avenue.

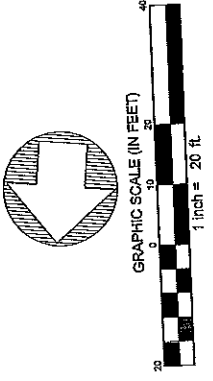
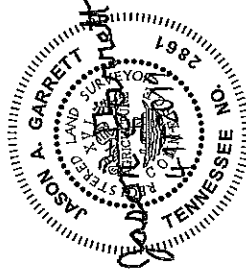
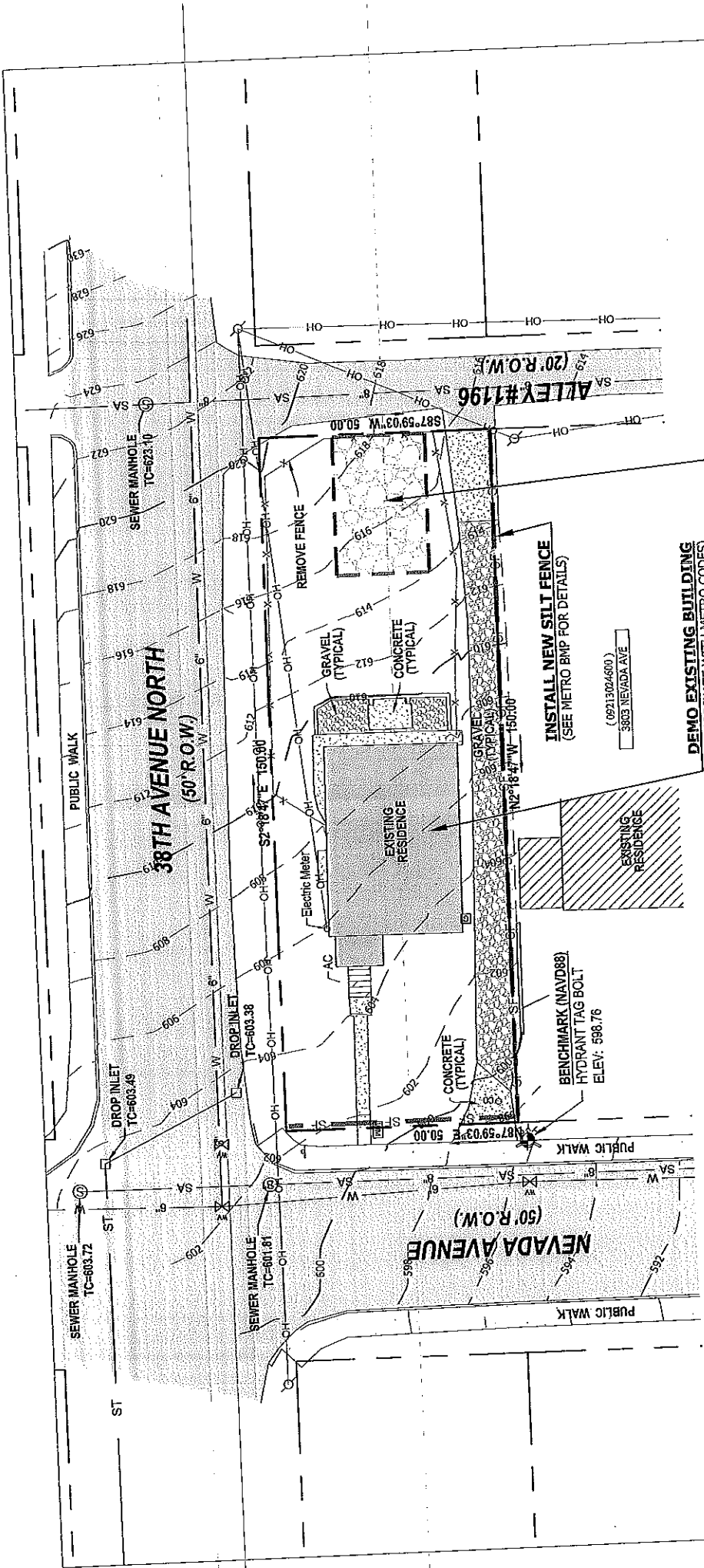
We are minimizing our impervious surfaces.

Sheet No.

V-2.2

# EPSC Plan

3801 Nevada Avenue  
Nashville, Davidson County, Tennessee



1711 Hayes Street  
Nashville, TN 37203  
clint@elliottssurvey.com  
(615) 490-3226

## 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. &amp; JENNIFER L.

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

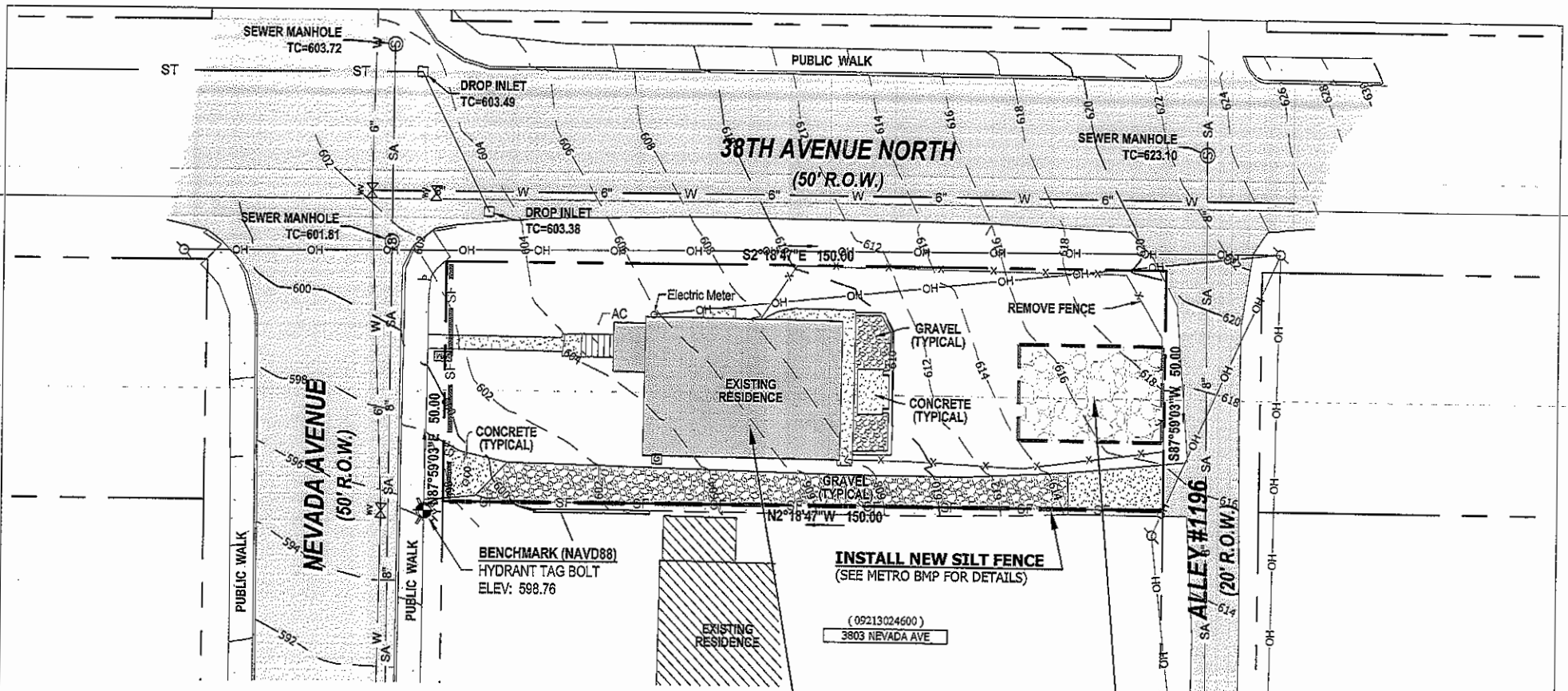
BZA Appeal 17.20.120 Sidewalk Variance requesting to build sidewalk along Nevada Avenue and not to build sidewalks on 38th Avenue North.

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



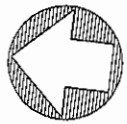
**BENCHMARK (NAVD88)**  
HYDRANT TAG BOLT  
ELEV: 598.76

**INSTALL NEW SILT FENCE**  
(SEE METRO BMP FOR DETAILS)

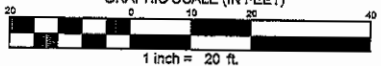
(09213024600)  
3803 NEVADA AVE

**DEMO EXISTING BUILDING**  
(COORDINATE WITH METRO CODES)

**INSTALL NEW CONSTRUCTION ENTRANCE**  
(SEE METRO BMP FOR DETAILS)



GRAPHIC SCALE (IN FEET)



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

**EPSC Plan**  
3801 Nevada Avenue  
Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.2**

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-285 (3801 Nevada Avenue)

Metro Standard:	Nevada Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
	38 <sup>th</sup> 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 <sup>th</sup> Avenue North
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Nevada Avenue – Local Street
	38 <sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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](mailto:Kathleen.murphy@nashville.gov)**

July 16, 2019

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

**Appeal Case Numbers:           2019-285**  
**3801 Nevada Ave.**

**2019-295**  
**4911 Idaho Avenue**

Dear Chair and Members:

I respectfully request that the Board of Zoning Appeals **disapprove the above 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.

I am also requesting that the Board **disapprove the above Case 2019-295** located at 4911 Idaho Avenue, asking for a variance from height restrictions to maintain an already existing garage.

Thank you for your service to the city of Nashville and your consideration for disapproval of these cases before the Board of Zoning Meeting on Thursday, July 18, 2019.

Sincerely,

Kathleen Murphy  
Councilwoman, District 24

KM/bf



## METROPOLITAN COUNCIL

Member of Council

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

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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

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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 38<sup>th</sup>, 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

**From:** [Charles Cardona](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 3801 Nevada sidewalk  
**Date:** Wednesday, July 17, 2019 9:16:28 AM

---

Hello,

I think that since there already is a sidewalk fronting the property, there's no need to change it. I DO think that the developer should pay the alternative fee.

We need more sidewalks in this city and as I understand it, the provision was for one or the other. That seems fair.

I'm the property owner at 3805 Nevada. 615-638-0198

Thanks,

Chuck Cardona

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Jason Hitchcock  
Property Owner: Eleven Willow LLC  
Representative: Kirk Slawek

Date: 5/22/19  
Case #: 2019-308  
Map & Parcel: \_\_\_\_\_

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: RENOVATIONS TO EXISTING COMMERCIAL BUILDING + SITE IN PREPARATION FOR FUTURE TENANTS (2019029194)

Activity Type: Comm. REHAB

Location: 11 WILLOW ST

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

Reason: SIDEWALK VARIANCE

Section(s): 17.20.120

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

Jason Hitchcock  
Appellant Name (Please Print)

Kirk Slawek  
Representative Name (Please Print)

904 Main st, suite A1  
Address

11 willow street  
Address

Nashville, TN 37206  
City, State, Zip Code

Nashville, TN 37210  
City, State, Zip Code

615-320-5000  
Phone Number

~~630-927-2402~~ 630-927-2402  
Phone Number

Jason@powellarchitects.com  
Email

kirk@gearseven.tv  
Email

Zoning Examiner: LB

Appeal Fee: \$200

no site plan submitted

## 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

5/22/19  
DATE

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

Due to existing topography and existing building, we are only able to do the side walk on ~~with~~ Fairfield not without without losing parking spaces

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



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



**ZONING BOARD APPEAL / CAAZ - 20190029947**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 09312002600

**APPLICATION DATE:** 05/22/2019

**SITE ADDRESS:**

11 WILLOW ST NASHVILLE, TN 37210  
LOTS 61 62 63 64 PAGEOT PLAN FAIRFIELD

**PARCEL OWNER:** ELEVEN WILLOW, LLC

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

17.20.120 Sidewalk Variance.

Requesting to build along Fairfax Avenue and not along Willow Avenue. Property is a corner lot.

Rehab Permit 2019029194

*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.



**PROJECT DATA**

**PROPERTY OWNER:**  
EILEEN WILLOW LLC  
11 WILLOW ST.  
NASHVILLE, TN  
KIRK SLAWEK  
615-864-0850

**DEVELOPER:**  
EILEEN WILLOW LLC  
11 WILLOW ST.  
NASHVILLE, TN  
KIRK SLAWEK  
615-864-0850

**AUTHORIZED AGENT:**  
W&A ENGINEERING  
501 WOODLAND STREET  
NASHVILLE, TN 37206  
CLINT CAMP  
CCAMP@W&AENGINEERING.COM  
615.610.1023

**PHYSICAL ADDRESS:** 11 WILLOW STREET  
**TAX PARCEL:** 09312002600  
**TOTAL PROJECT ACREAGE:** 0.84 ACRES (56,717 SF.)  
**OFF SITE PROPERTY:** 0.064 ACRES UNDISTURBED.  
**CONTOUR INTERVAL:** 1 FOOT  
**BOUNDARY SURVEY:** THIS DRAWING WAS PREPARED USING A STIVERS LAND SURVEYING SURVEY FOR POWELL ARCHITECTURE + BUILDING STUDIO, DATED 4/23/2019.

**EXISTING ZONING:** IR – INDUSTRIAL RESTRICTIVE, 0V–UZO OVERLAY.  
**PROPOSED ZONING:** IR – INDUSTRIAL RESTRICTIVE, 0V–UZO OVERLAY.  
**EXISTING USE:** WAREHOUSE/DISTRIBUTION  
**EXISTING BUILDING SF:** 21,320 +/- (89,188 FOOT PRINT)  
**EXISTING PARKING:** N/A  
**PROPOSED USE:** OFFICE

**PROPOSED BUILDING SF:** 21,320 +/- (89,188 FOOT PRINT)  
**REQUIRED PARKING:** 1 SPACE PER 300 S.F. WITH UZO OVERLAY FIRST 2000 S.F. AREA EXEMPT; 1 SPACE PER 500 S.F. PARK FLOOR SPACE IN EXCESS OF 2000 S.F. NONRESIDENTIAL USE LOCATED WITHIN 660' OF PUBLIC TRANSIT IS ALLOWED A 10% REDUCTION IN PARKING REQUIREMENTS. OR:  
21,320÷(2000/500)=(86.6) 39 SPACES -(10% 4)= 35 SPACES REQUIRED.  
30% (10) OF THE TOTAL REQUIRED CAN BE COMPACT SPACES, 7.6x15'.  
**OFF SITE PARKING:** 13 TOTAL SPACES; PERMIT NO. 197717402

**PROPOSED PARKING:** 35 TOTAL, INCLUDING 13 OFF SITE, 5 COMPACT AND 2 ADA SPACES.  
**REQUIRED BICYCLE PARKING:** GENERAL OFFICE = 2 PUBLICLY AVAILABLE SPACES PER ESTABLISHMENT OR 1 SPACE PER 15,000 SQUARE FEET, WHICHEVER IS GREATER, BASED ON 21,320÷15,000=1.42 2 BICYCLE PARKING SPACES. BASED ON 4 ESTABLISHMENTS = 8 BICYCLE PARKING SPACES.

**PROVIDED BICYCLE PARKING:** 8 SPACES.  
**REQUIRED LOADING SPACE:** 10K-25K SF = 1 10x50 LOADING SPACE  
**PROVIDED LOADING SPACE PROVIDED:** 1 – 10x50  
**FLOOD PLAIN:** NO PORTION OF THIS PROPERTY LIES WITHIN THE FLOOD PLAN ACCORDING TO FIRM COMMUNITY PANEL NUMBER 4703702244H DATED 4/5/2017.

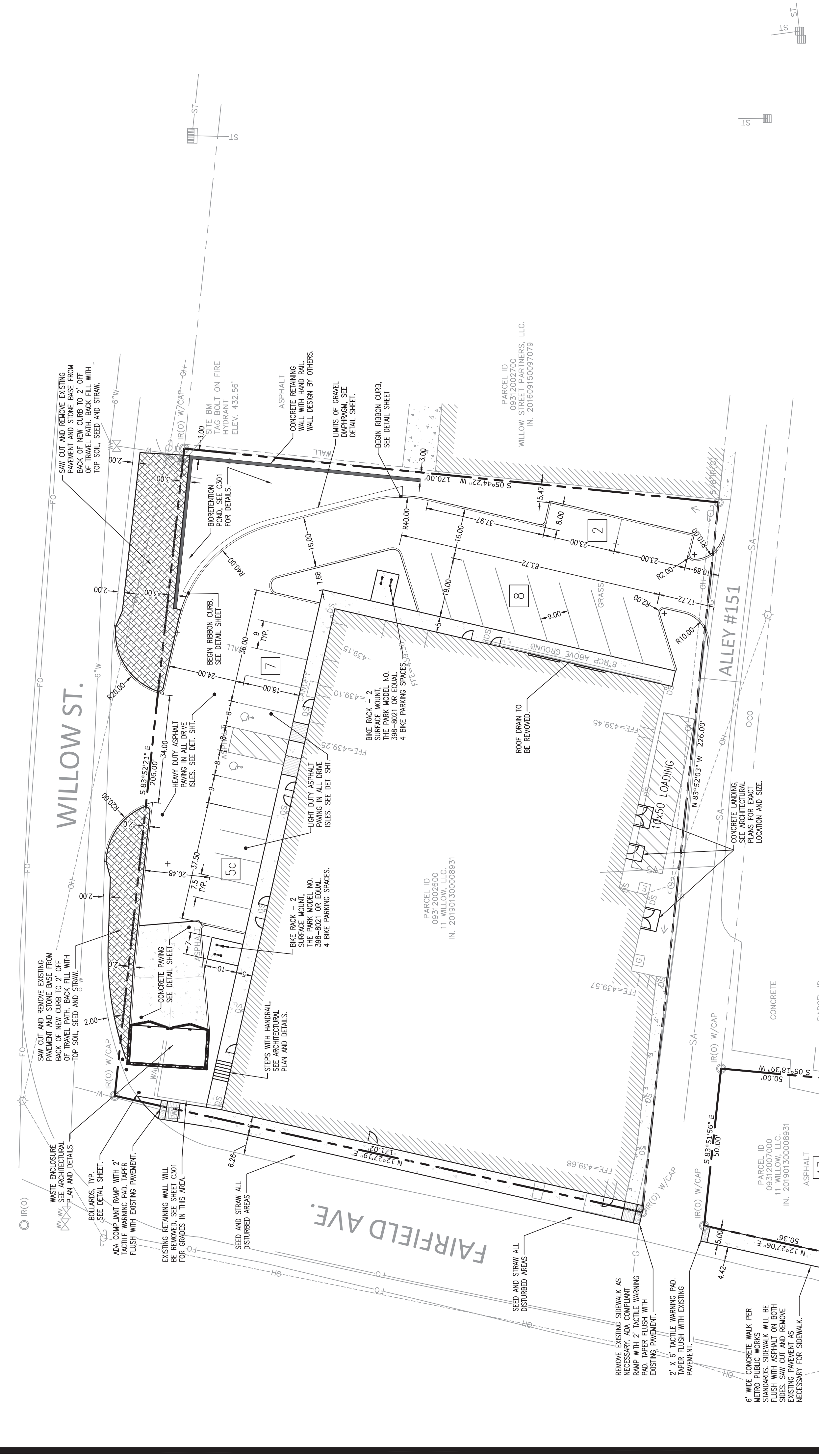
**THERE ARE NO STATE WATERWAYS ON SITE, NOR WITHIN 200' OF THE SITE.**  
**THERE ARE NO WETLANDS DELINEATED ON SITE.**

**WATER SUPPLY:** METRO WATER SERVICES  
**SEWAGE DISPOSAL:** METRO WATER SERVICES  
**SOLID WASTE:** BY PRIVATE CONTRACT  
**UTILITIES:** POWER, GAS, WATER, SEWER, TELEPHONE, CABLE TV  
**SITE DRAINAGE:** THE EXISTING BUILDING AND PARKING LOT DRAINS TO THE EAST ALONG WILLOW ST. AND THE ALLEY ALONG THE SOUTH SIDE OF THE SITE. NO WATER QUALITY OR QUANTITY IS CURRENTLY PROVIDED FOR THIS PROPERTY.

- GENERAL NOTES**
- THE FOLLOWING NOTES ARE APPLICABLE TO ALL CIVIL DOCUMENTS.
  - THE CONTRACTOR SHALL USE MATERIALS AND EMPLOY CONSTRUCTION METHODS IN ORDER TO COMPLY WITH THE DRAWINGS AND SPECIFICATIONS. ENGINEERS REVIEW OF SHOP DRAWINGS, PRODUCT DATA, ETC. DOES NOT RELIEVE THE CONTRACTOR FROM COMPLYING WITH THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL INFORM THE OWNER AND ENGINEER IN WRITING PRIOR TO ANY SUBSTITUTIONS OF MATERIALS OR METHODS. WRITTEN APPROVAL OF THE SPECIFIC REVISION.
  - THE CONTRACTOR SHALL CONFORM TO ALL LOCAL ORDINANCES AND OBTAIN ALL PERMITS AND BOND IF REQUIRED, PRIOR TO BEGINNING WORK.
  - ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES, ORDINANCES, AND SPECIFICATIONS, UNLESS OTHERWISE NOTED.
  - CURBS SHALL BE PARALLEL TO THE CENTERLINE OF DRIVES. THE CURBS SHALL BE PLACED ONLY AFTER HAVING ALL BREAK POINTS (PC & PTA OF CURVES) LOCATED AT THE FACE OF CURB OR AT A CONSISTENT OFFSET BY A LAND SURVEYOR.
  - THE SITE LAYOUT IS BASED ON THE CONTROL POINTS OR SITE DIMENSIONS AS NOTED.
  - REFER TO THE ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, BOLT PORCHES, FRONT DOORS, EXISTING BUILDING DIMENSIONS, AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS, AS APPLICABLE.
  - DO NOT SCALE DRAWING AS THEY ARE REPRODUCTION AND SUBJECT TO DISCREPANCY.
  - THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SPECIFICATIONS AT THE APPROPRIATE UTILITY COMPANY.
  - THE CONTRACTOR IS RESPONSIBLE FOR NOTIFICATIONS AND LIAISON WITH ALL UTILITIES COMPANIES IN THE PROCESS OF LOCATING, RELOCATION, AND TIE-IN ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL MAINTAIN ALL INSPECTOR'S MINIMUM 48 HOURS PRIOR TO ANY CONSTRUCTION ACTIVITIES. VERIFY WITH GOVERNING AGENCY.

- PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND INSTALLING ALL UTILITIES PRIOR TO INSTALLATION OF PAVEMENT.
- CONCRETE WALLS AND PAVES SHALL HAVE A LIGHT BEHIND FINISH. ALL CONCRETE SHALL BE CLASS "A" (15,000 P.S.I.) UNLESS OTHERWISE NOTED. PREFORMED RECYCLED RUBBER EXPANSION JOINTS (1/2") ARE TO BE USED AT ALL LOCATIONS, WITH A MAXIMUM SPACING OF 30.0'. TRANSVERSE JOINTS SHALL BE MADE TO FORM BLOCKS AS NEARLY SQUARE AS POSSIBLE.
- ALL FINISHES TO EXISTING ASPHALT PAVEMENT TO REMAIN, WHICH RESULTS FROM NEW CONSTRUCTION, SHALL BE REPLACED WITH USE MATERIALS AT CONTRACTOR'S EXPENSE.
- CONTRACTOR SHALL EXERCISE EXTREME CAUTION IN THE USE OF EQUIPMENT IN AND AROUND OVERHEAD ELECTRICAL WIRES AND SERVICES. IF AT ANY TIME IN THE PURSUIT OF THIS WORK, THE CONTRACTOR MUST WORK IN PROXIMITY TO OVERHEAD ELECTRICAL WIRES AND SERVICES, THE CONTRACTOR SHALL BE CONTACTED PRIOR TO SUCH WORK AND THE PROPER SAFETY MEASURES TAKEN.
- IN EASEMENTS AND RIGHTS-OF-WAY, CONTRACTOR SHALL PROTECT AND RESTORE SAID PROPERTY TO A CONDITION SIMILAR OR EQUAL TO THAT EXISTING AT THE COMMENCEMENT OF CONSTRUCTION EXCEPT AS NOTED.
- THESES PLANS, PREPARED BY W&A ENGINEERING, DO NOT EXTEND TO OR INCLUDE SYSTEMS PERTAINING TO THE SAFETY OF THE CONSTRUCTION OPERATIONS OF THE EMPLOYER. THE SYSTEMS OF W&A ENGINEERING PROFESSIONAL HEREON DOES NOT EXTEND TO ANY SUCH SAFETY SYSTEMS THAT MAY NOW OR HEREAFTER BE INCORPORATED INTO THESE PLANS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, SAFETY SYSTEMS WHICH MAY BE REQUIRED BY U.S. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) AND/OR LOCAL REGULATIONS.
- ALL ACCESSIBLE RAMPS SHALL CONFORM TO ADA STANDARDS OR LOCAL BUILDING CODE STANDARDS, WHICHEVER IS MORE RESTRICTIVE.
- ON-SITE PARKING SHALL BE CONSTRUCTED IN ACCORDANCE WITH PLANS AND THE GEOTECHNICAL ENGINEERING REPORT. ALL PAVING WORK WITHIN PUBLIC RIGHTS-OF-WAY MUST MEET THE MATERIALS, EQUIPMENT, AND CONSTRUCTION REQUIREMENTS OF THE GOVERNING MUNICIPALITY'S STANDARDS & SPECIFICATIONS.

- THIS SITE DOES NOT CONTAIN ANY WETLANDS AS SHOWN ON THE U.S. DEPARTMENT OF INTERIOR FISH AND WILDLIFE SERVICE, NATIONAL WETLANDS INVENTORY.
- THE CONTRACTOR SHALL PROTECT ALL MONUMENTS, IRON PINS, AND PROPERTY CORNERS DURING CONSTRUCTION.
- UNLESS NOTED, SUBMIT SHOP DRAWINGS OF ALL FABRICATED MATERIALS FOR APPROVAL PRIOR TO CONSTRUCTION. PERSON DRAWINGS SHALL NOT BE REPRODUCED FOR USE AS SHOP DRAWINGS.
- ALL REQUIRED TESTING REPORTS SHALL BE MADE AVAILABLE AT THE JOB SITE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DOCUMENTING AND ARCHIVING ALL CONSTRUCTION PROGRESSES OR AT THE COMPLETION OF APPROPRIATE CONSTRUCTION INTERVALS AND SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY INFORMATION TO THE GOVERNING AGENCIES AS REQUIRED. ALL AS-BUILT DATA SHALL BE COLLECTED BY A STATE OF TENNESSEE PROFESSIONAL LAND SURVEYOR WHOSE SERVICES ARE ENGAGED AND PAID FOR BY THE CONTRACTOR.
- THE CONTRACTOR SHALL HAVE AVAILABLE AT THE JOB SITE AT ALL TIMES ON COPY OF THE CURRENT CONSTRUCTION DOCUMENTS INCLUDING PLANS, SPECIFICATIONS, AND SPECIAL CONDITIONS AND COPIES OF ANY REQUIRED PERMITS.
- ALL FINISH CONSTRUCTION MATERIALS AND WORKMANSHIP WITHIN THE STATE SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF TDOT'S SPECIFICATIONS AND STANDARDS.
- ALL PAVING, CONSTRUCTION MATERIALS AND WORKMANSHIP WITHIN THE RIGHTS-OF-WAY (ROW) SHALL BE IN ACCORDANCE WITH TDOT'S SPECIFICATIONS AND STANDARDS (LATEST EDITION).
- ANY WELLS DISCOVERED ON SITE THAT WILL HAVE NO USE MUST BE PLUGGED BY A LICENSED WELL DRILLING CONTRACTOR IN A MANNER APPROVED BY ALL JURISDICTIONAL AGENCIES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANY WELL ABANDONMENT PERMITS REQUIRED.
- ANY WELL DISCOVERED DURING EARTH MOVING OR EXCAVATION SHALL BE ABANDONED IN ACCORDANCE WITH ALL APPLICABLE JURISDICTIONAL AGENCIES WITHIN 24 HOURS AFTER DISCOVERY IS MADE.



**11 WILLOW ST.  
SHELL RENOVATION  
NASHVILLE, DAVIDSON COUNTY, TN  
11 WILLOW STREET - 0.904 TOTAL ACRES**

**REVISIONS**

DATE	COMMENT

DATE: 5/15/2019

**CONSTRUCTION DOCUMENTS**  
W&A JOB NO. 19129  
**SITE PLAN**  
**C201**

SCALE 1" = 20'

**W&A Engineering**  
CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE  
SURVEYING - SOIL AND ENVIRONMENTAL CONSULTING  
TRAFFIC ENGINEERING - ECONOMIC DEVELOPMENT

901 Woodland Street  
Nashville, TN 37206  
P: (615) 610-1023  
w&aengineering.com

THIS INSTRUMENT SHALL REMAIN THE PROPERTY OF W&A ENGINEERING. THESE INSTRUMENTS OR SERVICES ARE TO BE USED ONLY FOR THE PROJECT AND PURPOSE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THESE INSTRUMENTS OR SERVICES WITHOUT THE WRITTEN CONSENT OF W&A ENGINEERING IS PROHIBITED.

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-308 (11 Willow Street)

Metro Standard:	Willow Street – 4’ grass strip, 5’ sidewalk as defined by the Metro Local Street standard
	Fairfield Avenue – 4’ grass strip, 5’ sidewalk as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks on Willow Street; construct sidewalks on Fairfield Avenue
Zoning:	IR
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	The property is located approximately 191’ north of seven transit routes given its location to serving downtown and WeGo’s Nestor facility.
Bikeway:	None existing; none planned

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

**Analysis:** The applicant proposes to conduct interior renovations to an existing 35,856 square foot distribution warehouse and requests a variance from constructing sidewalks along Willow Street. The applicant proposes to construct sidewalks along the Fairfield Avenue property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalks currently exist along either property frontage with Fairfield Avenue and Willow Street. A 5’ wide sidewalk wraps around Hermitage Avenue onto Fairfield Avenue and ends.
- (2) The applicant cannot construct a sidewalk and grass strip along the Willow Avenue frontage to the Local Street standard without adversely impacting the existing warehouse functions and associated parking and loading zones. Due to the orientation of the existing loading docks and surface parking lots, right of way dedication is not possible. However, if more significant development more aligned with the land use policy occurs in the future, the need for sidewalks should be re-evaluated.

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

1. Construct a 4’ grass strip and 5’ sidewalk which meet the Local Street standard along the Fairfield Avenue property frontage.
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 along Willow Street to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

July 24, 2019

*VIA EMAIL AND REGULAR MAIL*

Mr. Bill Herbert  
Board of Zoning Appeals  
Metropolitan Office Building  
800 Second Ave South  
P.O. Box 196300  
Nashville, TN 37219-6300  
[BZA@nashville.gov](mailto:BZA@nashville.gov)

Re: **Appeal Case No. 2019-308**  
**11 WILLOW ST.**  
**Map Parcel: 09312002600**  
**Zoning Classification: IR**  
**Council District: 19**

To Whom It May Concern:

I am writing on behalf of Eleven Willow, LLC as the owner of a neighboring property to 11 Willow Street, Nashville, TN 37210. ( "**Property**") This is in regards to the hearing that will be held on August 1, 2019.

I fully support the proposed renovations and improvements to the "**Property**" including the addition of sidewalk along Fairfield Avenue and the addition of some greenspace and breaking up the continuous stretch of asphalt along Willow Street. I feel the investment to be made and proposed improvements will positively impact the surrounding area.

Should you have any questions or concerns, please do not hesitate to contact me at 615-256-6200 or by email. I appreciate your consideration in this regard.

Sincerely,



Douglas Rice  
45 Willow Street  
Nashville, TN 37210

cc: Kirk Slawek, Eleven Willow LLC

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: PTL Fabricators LLC, Date: 6/7/19  
Property Owner: TKM REAL ESTATE INC. Case #: 2019- 324  
Representative: PETER FISACKERLY Map & Parcel: 05000015900

Council District 3<sup>rd</sup>

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

Purpose: TO CONSTRUCT NEW BUILDING  
FOR EXISTING TRACTOR DEALERSHIP  
PERMIT APP - 2018049969

Activity Type: Comm. Construction

Location: 3570 DICKERSON PIKE

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

Reason: SIDEWALK VARIANCE

Section(s): 17.20.120

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

PETER FISACKERLY  
Appellant Name (Please Print)  
PTL FABRICATORS, LLC  
681 INTERNATIONAL BLVD.  
Address  
CLARKSVILLE TN 37040  
City, State, Zip Code

PETER FISACKERLY  
Representative Name (Please Print)  
681 INTERNATIONAL BLVD.  
Address  
CLARKSVILLE TN 37040  
City, State, Zip Code

931-648-9101  
Phone Number

931-257-4779  
Phone Number

PETER.F@PTLFAB.COM  
Email

PETER.F@PTLFAB.COM  
Email

Zoning Examiner: LB

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



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



3678537

**ZONING BOARD APPEAL / CAAZ - 20190033715  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 05000015900**APPLICATION DATE:** 06/07/2019**SITE ADDRESS:**

3570 DICKERSON PIKE NASHVILLE, TN 37207  
W SIDE DICKERSON PK & S OF BELLSHIRE DR

**PARCEL OWNER:** TKM REAL ESTATE, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal for Sidewalks required per 17.20.120, required to build, requesting to not build nor contribute into Sidewall Fund.

Permit Application for Construction 2018049969

*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.

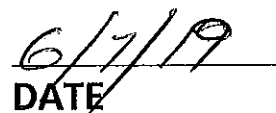
**Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.**

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

PETER FISACKERLY  
PTR Fabricators LLC.

## 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 CURRENT CODE REQUIREMENT CALLS FOR A 12' SIDEWALK w/ AN 8' GRASS AREA. IT ALSO CALLS FOR A 24" CURB & GUTTER ALONG Dickerson Rd. THE ISSUE FOR NON-COMPLIANCE IS THAT A 6" DEEP DRAINAGE DITCH RUNS THE ENTIRE LENGTH OF Dickerson Rd. AND THERE IS ONLY 10' TO 15' FROM THE PROPERTY LINE TO THE EDGE OF THE PAVEMENT. THE ONLY ACCESS TO THE PROPERTY WILL BE THE EXISTING ENTRANCE FROM Dickerson Rd.





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



3548005

**APPLICATION FOR BUILDING COMMERCIAL - NEW / CACN - T2018049969  
THIS IS NOT A PERMIT**

PARCEL: 05000015900

APPLICATION DATE: 08/21/2018

**SITE ADDRESS:**

3570 DICKERSON PIKE NASHVILLE, TN 37207  
W SIDE DICKERSON PK & S OF BELLSHIRE DR

PARCEL OWNER: TKM REAL ESTATE, LLC

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

BZA Appeal for Sidewalks required per 17.20.120, required to build, requesting to not build nor contribute into Sidewalk Fund.

COMM PUD, Planning to review/approve prior to permit issuance. Portion(s) of new building are within COMM PUD overlay on parcel.

To construct new tractor dealership for CUMBERLAND TRACTOR 19,628 sq.ft. as well as new parking area and site improvements. Existing buildings to remain on site. No change in use, remains Heavy Equipment Sales (LB)6/7/20109  
POC JOSHUA WRIGHT 931-217-0479

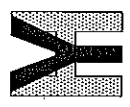
*Before a building permit can be issued for this project, the following approvals are required.  
The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Site Plan Review		
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic	NOTPLANNED	Kim.Patton@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[B] Fire Life Safety Review On Bldg App	REJECTED	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement	YES	615-862-5248 Joseph.Almon@nashville.gov
[B] Building Plans Received	E-PLANS	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6519 Scott.Summerville@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[E] Grease Control Review On Bldg App	APPROVED	615-862-4590 joseph.welch@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[J] Planning Zoning Review - CA		615-862-7190 Deborah.Sullivan@nashville.gov
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[A] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov

**SITE PLAN**  
**C1**  
 WINDY HILL, INC. 10/1/17  
 DATE: JANUARY 15, 2017

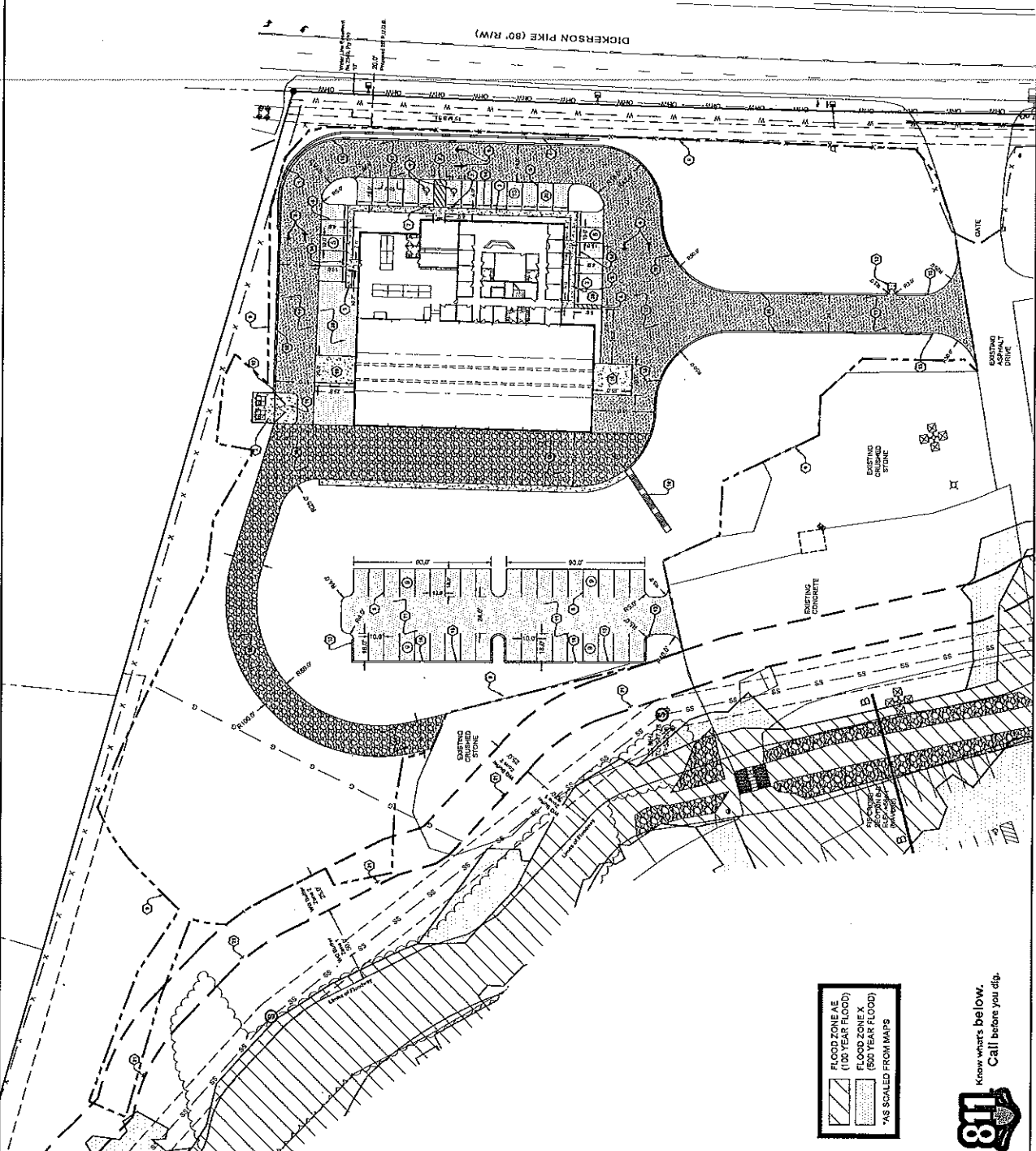
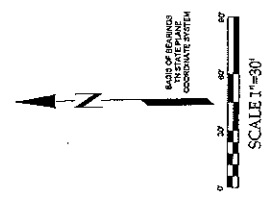
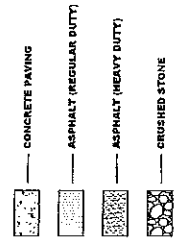


**CUMBERLAND TRACTOR & EQUIPMENT**  
 OWNER/DEVELOPER  
 TRM REAL ESTATE LLC  
 1275 DICKERSON PIKE  
 MARBLE, NC 27555  
 PROPERTY # 1000000000  
 AND COUNCIL DISTRICT - DISTRICT 20 (M4114-D-10000)



**YOUNG, HOOPES AND ASSOCIATES**  
 10000 WINDY HILL DRIVE  
 SUITE 200  
 MARBLE, NC 27555  
 PHONE: 704-281-1111  
 FAX: 704-281-1112  
 WWW.YOUNGHOOPEANDASSOCIATES.COM

- DETAILS**
1. RETAINING WALL TO BE CONSTRUCTED BY OTHERS, NOT INCLUDED IN THIS SUBMITTAL. SEE ARCHITECTURAL PLANS FOR DETAILS.
  2. CONCRETE CURB WITH TYPED SIDEWALK (REF. C2)
  3. CONCRETE SIDEWALK WITH TYPED SIDEWALK (REF. C2)
  4. ACCESSIBLE PARKING SPACES
  5. 4" WIDE PAINTED WHITE STRIPES, 30" O.C. @ 45°
  6. ACCESSIBLE PARKING SPACES (REF. C2)
  7. TRAFFIC COUNTERS (REF. C2)
  8. UNITS OF CONSTRUCTION
  9. SIDEWALKS AND ASPHALT TO BE 18" THICK (REF. C2)
  10. HEAVY DUTY ASPHALT (REF. C2)
  11. 4" X 4" CONCRETE PAD
  12. 18" X 18" CURB @ 18" HIGHT TWO FEET
  13. CONCRETE MANHOLE TOP (REF. C2)
  14. IMPERMEABLE CURB (REF. C2)
  15. 30" CURB CUT IN EXTENDED CURB
  16. EXTEND CURB TO START OF WALL AND PAIR CURB FLOOR WITH WALL
  17. PROPOSED CRUSHED STONE (REF. C2)
  18. HEAVY DUTY CONCRETE PAVING (REF. C2)
  19. REGULAR DUTY ASPHALT (REF. C2)
  20. NORTH QUALITY SUPER STONE (REF. C2). STONE TO BE INSTALLED EVERY 60 FT.

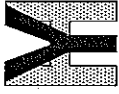


FLOOD ZONE AE (100-YEAR FLOOD)  
 FLOOD ZONE X (50-YEAR FLOOD)  
 \*AS SCALED FROM MAPS

Know what's below.  
 Call before you dig.







**YOUNG & HOBBS AND ASSOCIATES**  
 1000 CHESAPEAKE AVENUE, SUITE 200  
 CHARLOTTE, NORTH CAROLINA 28202  
 PHONE: 704.375.2700  
 FAX: 704.375.2799  
 WWW.YOUNGANDHOBBS.COM  
 DAVID R. HOBBS, P.E., S.E.  
 PROJECT MANAGER

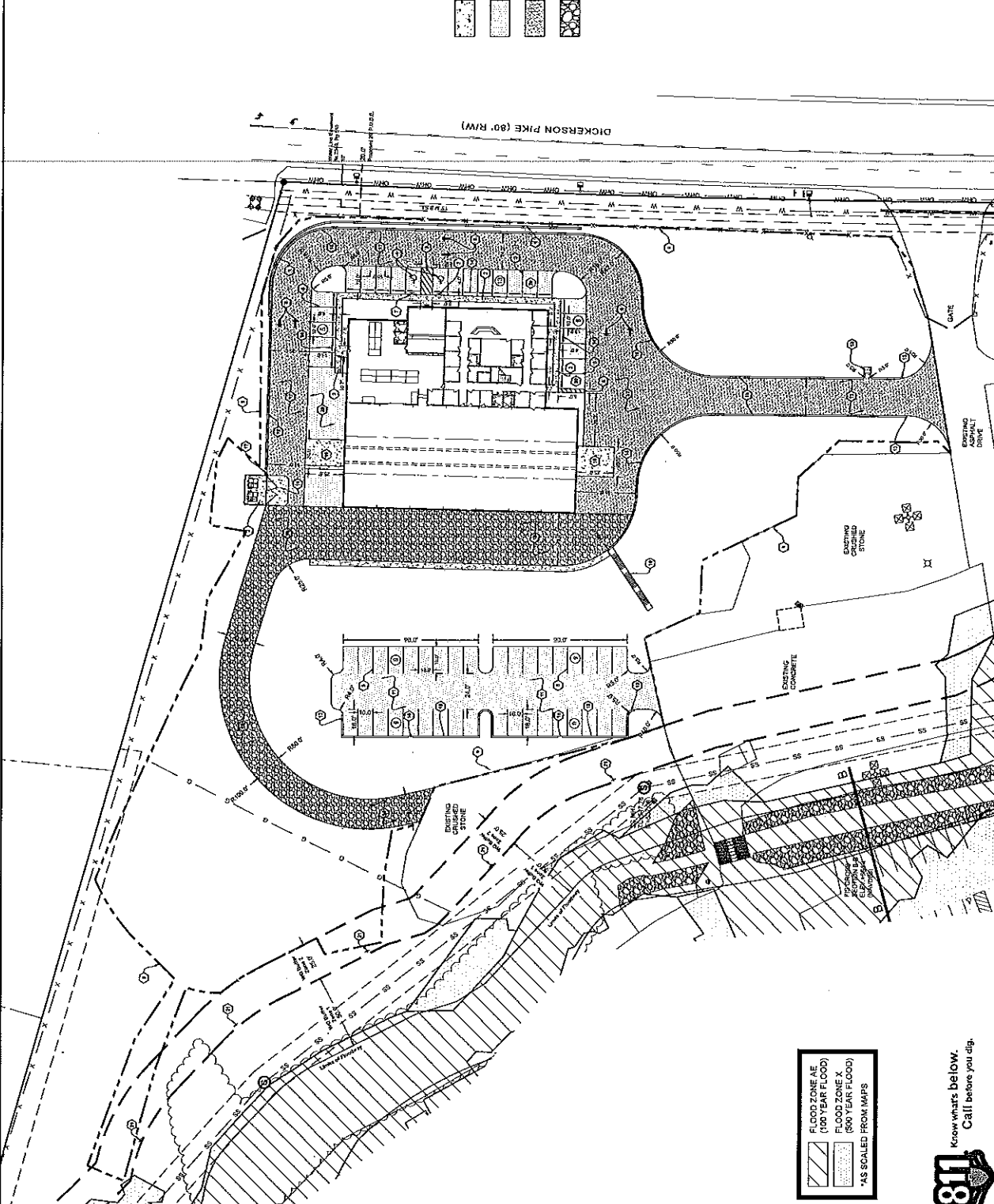
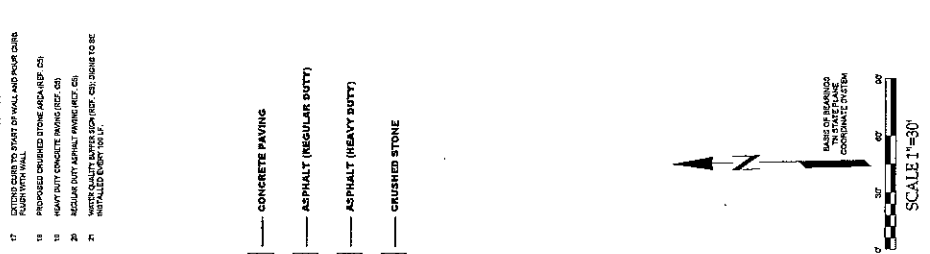
**CUMBERLAND TRACTOR & EQUIPMENT OWNER/DEVELOPER**

1000 CHESAPEAKE AVENUE, SUITE 200  
 CHARLOTTE, NORTH CAROLINA 28202  
 PHONE: 704.375.2700  
 FAX: 704.375.2799  
 WWW.YOUNGANDHOBBS.COM  
 DAVID R. HOBBS, P.E., S.E.  
 PROJECT MANAGER



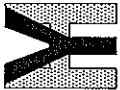
**SITE PLAN**  
 PROJECT NO. 2018-12  
 DATE: JANUARY 15, 2019  
**C1**

- DETAILS**
1. ALL WALLS SHALL BE CONCRETE ON GRADE UNLESS OTHERWISE NOTED.
  2. CONCRETE SHALL BE 4000 PSI COMPRESSIVE STRENGTH WITH 4% STEEL FIBERS.
  3. CONCRETE CURING SHALL BE AS PER ACI 308.1R-11.
  4. CONCRETE SHALL BE FINISHED WITH A BROOM FINISH UNLESS OTHERWISE NOTED.
  5. 4" WIDE PAINTED WHITE STRIPS SHALL BE APPLIED TO ALL CONCRETE SURFACES.
  6. 4" WIDE PAINTED WHITE STRIPS SHALL BE APPLIED TO ALL CONCRETE SURFACES.
  7. ACCESSIBLE PARKING SPACES SHALL BE AS PER ADA 2010.
  8. TRAFFIC FLOW ARROWS SHALL BE AS PER ADA 2010.
  9. LAND OF CONSTRUCTION SHALL BE AS PER LOCAL ORDINANCES.
  10. FENCE SHALL BE 6' TALL AND 4" DIA. GALV. PIPE WITH 4" DIA. RUST FREE POSTS.
  11. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  12. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  13. CONCRETE WHEEL STOPS SHALL BE AS PER ADA 2010.
  14. 2" DIA. CURB IN EXTERIOR OVER EXISTING CURB SHALL BE AS PER ADA 2010.
  15. 2" DIA. CURB IN EXTERIOR OVER EXISTING CURB SHALL BE AS PER ADA 2010.
  16. 2" DIA. CURB TO START OF WALL AND FOUR CORNERS SHALL BE AS PER ADA 2010.
  17. PROPOSED CRUSHED STONE SHALL BE AS PER ADA 2010.
  18. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  19. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  20. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  21. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  22. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  23. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  24. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  25. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  26. 4" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.
  27. 8" WIDE CONCRETE WALKWAYS SHALL BE AS PER ADA 2010.



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

FLOOD ZONE AE (100 YEAR FLOOD)  
 FLOOD ZONE X (500 YEAR FLOOD)  
 AS SCALED FROM MAPS



YOUNG, HOBBES AND ASSOCIATES

CUMBERLAND TRACTOR & EQUIPMENT

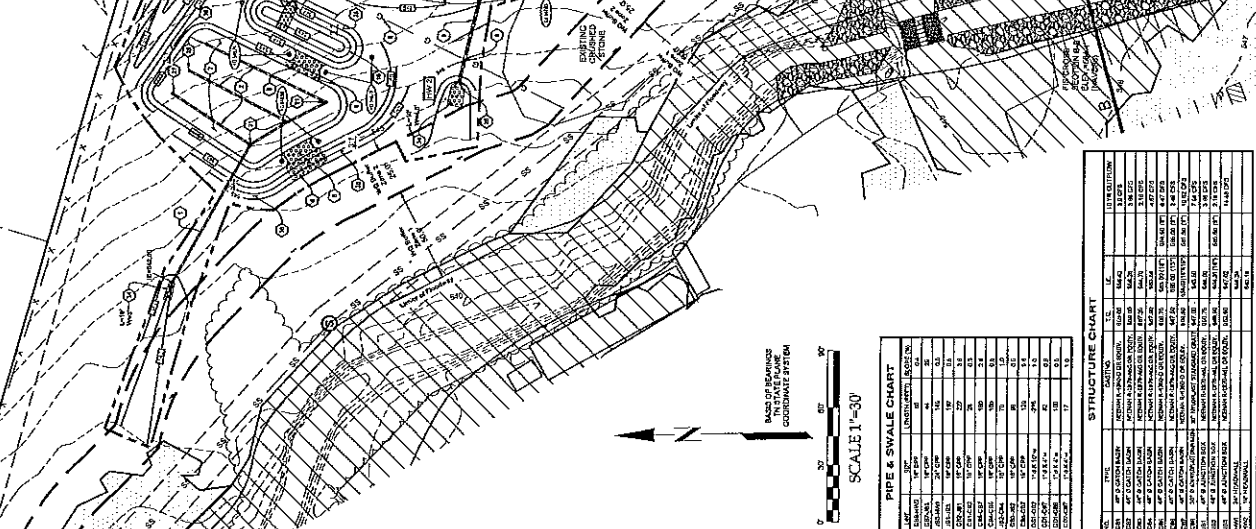
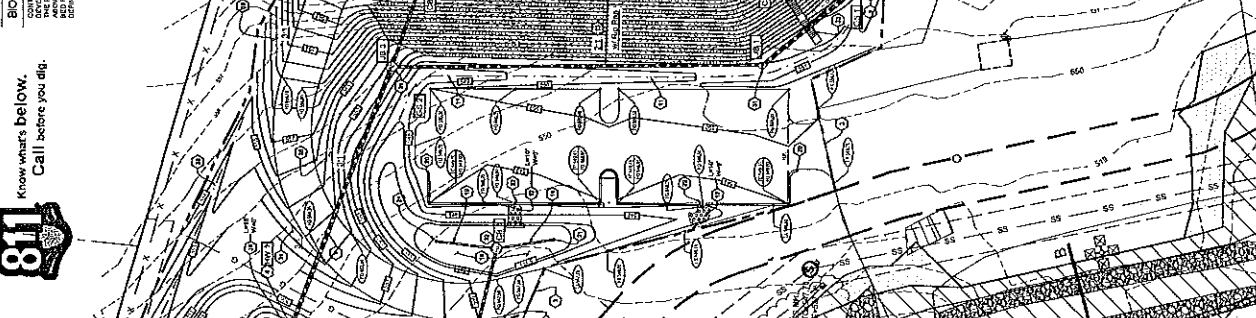
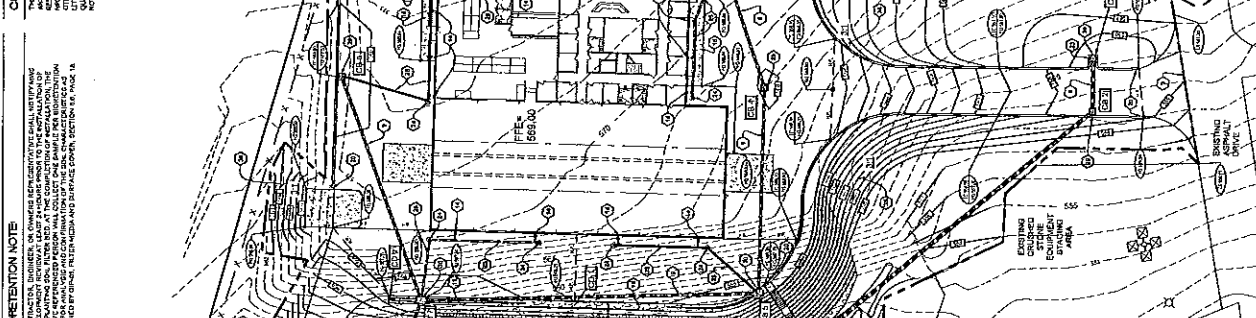
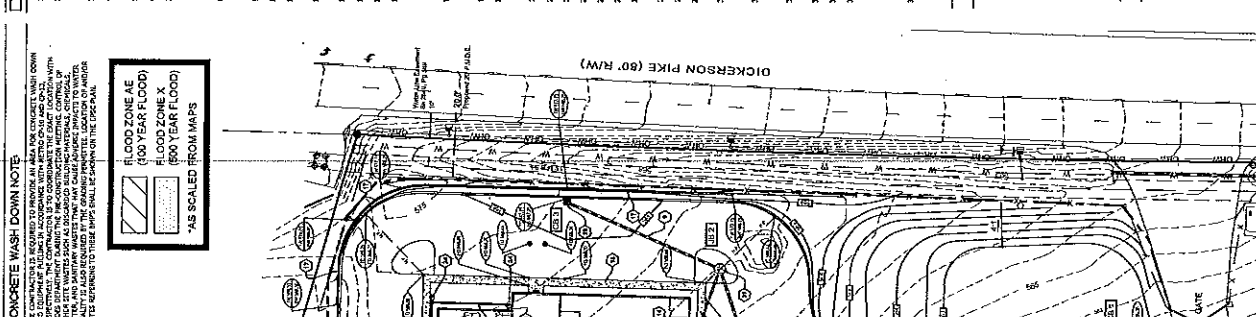
THE REAL ESTATE COMPANY INC. 1995 PINE TREE DR. WOODBRIDGE, MD 21797



ANTHONY J. TRIVELPIECE

PLAN GRADING & DRAINAGE 20

- GRADING NOTES
1. ALL 4" OF 19" RISE SHALL BE AT A MINIMUM SLOPE OF 3.0%
2. 12" (10") TOPS OF 4" COMPACTED TOP OF ASPHALT DRIVEWAYS SYSTEM SHALL BE 0.5" ABOVE FINISH GRADE...



BIORETENTION NOTE
THE CONTRACTOR SHALL BE RESPONSIBLE FOR... THE BIORETENTION AREAS SHALL BE MAINTAINED AT ALL TIMES...

CONCRETE WASH DOWN NOTE
THE CONTRACTOR IS REQUIRED TO REMOVE ALL EXCESS CONCRETE WASH DOWN... AND DISPOSE OF IT PROPERLY...

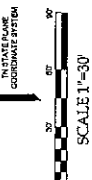
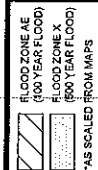


Table with columns: STRUCTURE, PIPE, and SPECIFICATIONS. Lists various pipe sizes and materials for different structures.

Table with columns: STRUCTURE CHART, TYPE, and SPECIFICATIONS. Provides detailed specifications for various structures like catch basins and drainage ditches.

**S1**  
SITE SURVEY

FIELD NO. 180712  
DATE: JANUARY 15, 2017

CONTRACT # 180626 PALM BEACH COUNTY



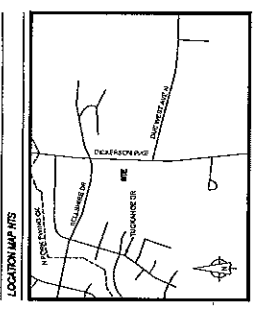
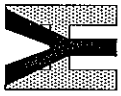
**CUMBERLAND TRACTOR & EQUIPMENT**  
OWNER/DEVELOPER

TKM REAL ESTATE, LLC  
1805 LANTANA WALK  
POMEROY BEACH, FLORIDA 33412-1103

PROPERTY ACQUISITION  
3200 DESERON PARK  
LANTANA, FLORIDA 33462

AND CORNER RESTRICT - DISTRIBUTION # 41101-41055

**YOUNG, ROBES AND ASSOCIATES**  
1500 WEST PALM BLVD., SUITE 200  
PALM BEACH, FLORIDA 33411



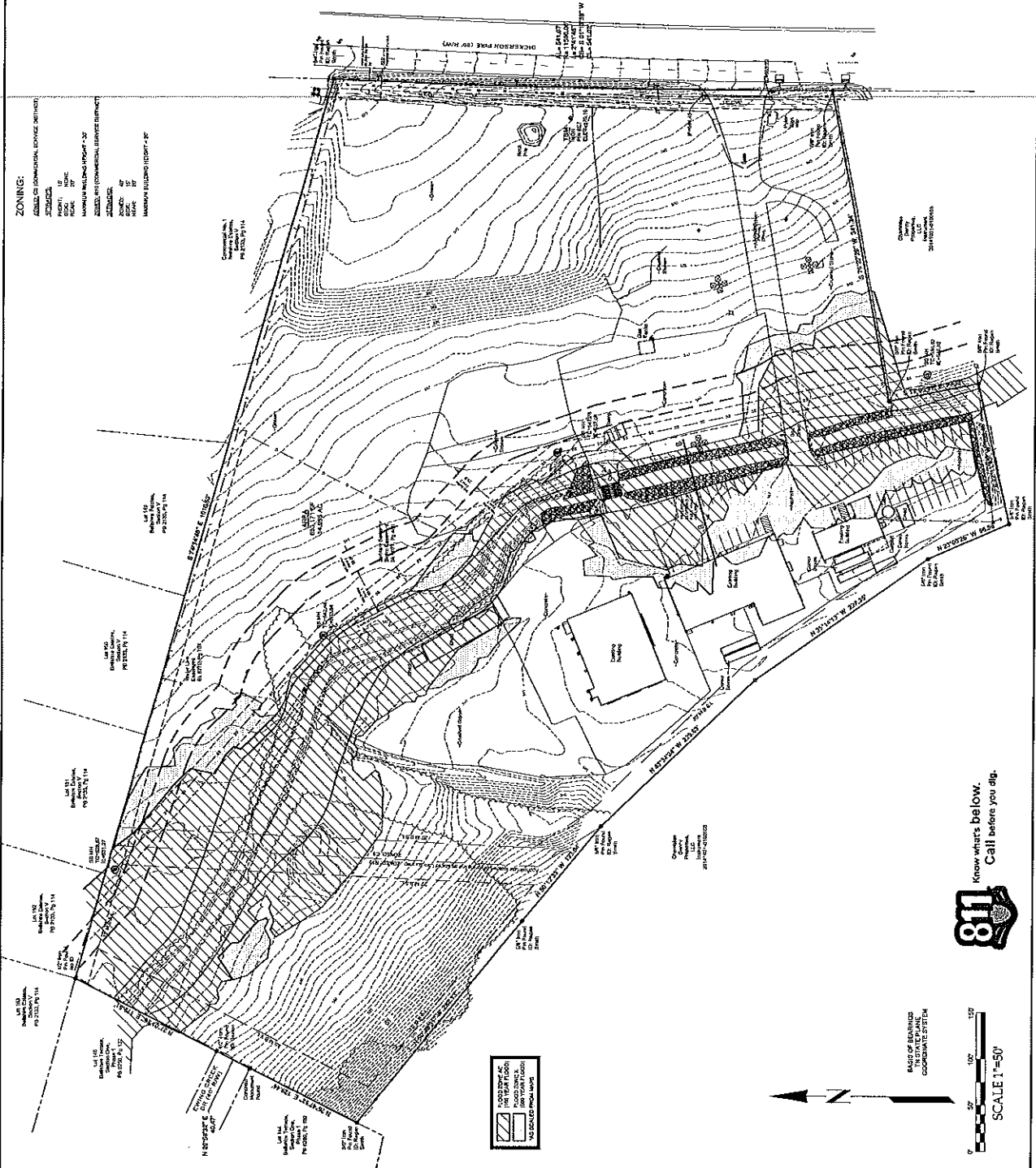
**SURVEY NOTES:**

1. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITY LINES WAS OBTAINED FROM THE RECORDS OF THE PALM BEACH COUNTY PLANNING AND ZONING DEPARTMENT AND THE UTILITY COMPANIES. THIS INFORMATION IS BASED UPON THE RECORDS AND THE UTILITY COMPANIES' RECORDS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES. THE SURVEYOR HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES.
2. NO ABOVE-GROUND UTILITIES WERE IDENTIFIED ON THE DATE OF THIS SURVEY.
3. CONTACT NUMBERS FOR ABOVE-GROUND UTILITIES ARE: 311 FOR GAS, 311 FOR WATER, 311 FOR SANITARY SEWER, 311 FOR CABLE, 311 FOR TELEPHONE, 311 FOR FIBER OPTIC, 311 FOR RAILROADS, 311 FOR HIGH VOLTAGE POWER LINES, 311 FOR TELEPHONE CABLE, 311 FOR CABLE TELEVISION, 311 FOR SANITARY SEWER, 311 FOR WATER, 311 FOR GAS, 311 FOR RAILROADS, 311 FOR HIGH VOLTAGE POWER LINES.
4. THE SURVEYOR HAS BEEN PROVIDED WITH THE EXISTING SURVEY AND MAPS OF THE PROPERTY AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES.
5. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES.
6. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES AND HAS IDENTIFIED ANY ABOVE-GROUND UTILITIES.

**LEGEND**

POINT OF COMMENCEMENT	OPTIONAL POINT
BOUNDARY LINE	BOUNDARY LINE
ADJACENT PROPERTY	ADJACENT PROPERTY
EXISTING BUILDING	EXISTING BUILDING
EXISTING DRIVEWAY	EXISTING DRIVEWAY
EXISTING WALKWAY	EXISTING WALKWAY
EXISTING UTILITY LINE	EXISTING UTILITY LINE
EXISTING ROADWAY	EXISTING ROADWAY
EXISTING FENCE	EXISTING FENCE
EXISTING CURB	EXISTING CURB
EXISTING SIDEWALK	EXISTING SIDEWALK
EXISTING DRIVEWAY	EXISTING DRIVEWAY
EXISTING WALKWAY	EXISTING WALKWAY
EXISTING UTILITY LINE	EXISTING UTILITY LINE
EXISTING ROADWAY	EXISTING ROADWAY
EXISTING FENCE	EXISTING FENCE
EXISTING CURB	EXISTING CURB
EXISTING SIDEWALK	EXISTING SIDEWALK

**ZONING:**  
LOCAL ZONING DISTRICT  
MUNICIPALITY: PALM BEACH  
ZONING DISTRICT: R-10  
ZONING DISTRICT: R-10  
ZONING DISTRICT: R-10  
ZONING DISTRICT: R-10



811  
Know whats below.  
Call before you dig.

SCALE 1"=50'  
BASED ON THE  
NAD 83 STATE PLANE  
COORDINATE SYSTEM

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-324 (3570 Dickerson Pike)

Metro Standard:	8' grass strip, 12' multi-use path as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	CS; Commercial PUD
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
MCSP Street Designation:	T3-M-AB5-LM
Transit:	#43 – Hickory Hills
Bikeway:	12' multi-use path planned in-lieu of bicycle lanes

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

**Analysis:** The applicant is proposing a 19,628 square foot expansion to an existing tractor supply dealership and requests a variance to not construct sidewalks along the Dickerson Pike property frontage nor contribute in-lieu of construction. Planning evaluated the following factors for the variance request:

- (1) No sidewalk exists on the property frontage with Dickerson Pike, which is consistent with adjacent properties to the north and south.
- (2) A 6' drainage ditch currently runs parallel to the Dickerson Pike frontage. While an alternate sidewalk design may be used to accommodate an acceptable stormwater facility, construction of a wider ditch or the installation of piping may impact adjacent properties.
- (3) The existing use and proposed expansion meet current zoning, and it is unlikely to generate significant pedestrian traffic. Although the Community Plan Policy envisions a greater mixture of uses in a suburban development pattern which can generate more pedestrian traffic, there are significant challenges in constructing stormwater infrastructure along the site's frontage. Additionally, the site is constrained by a stream and associated floodplain that traverses the property. The applicant's ability to significantly revise the current proposed site layout is challenging.

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

1. Prior to the issuance of building permits, dedicate right-of-way along the property's frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.



Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Joseph Perry  
Property Owner: Joseph Perry  
Representative: Joseph Perry

Date: 6/7/19  
Case #: 2019- 325  
Map & Parcel: 059140 061 00

Council District 02

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

Purpose: NEW SINGLE FAMILY RESIDENCES

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 139 MOORMANS

This property is in the RS20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: REQUEST NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

Section(s): 17.20.120

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

Joseph L. Perry  
Appellant Name (Please Print)

Representative Name (Please Print)

1008 A 32nd Ave. W  
Address

Address

Nashville, TN. 37209  
City, State, Zip Code

City, State, Zip Code

615.977.6410  
Phone Number

Phone Number

J.Perry@tnstate.edu  
Email

Email

Zoning Examiner: TC

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

no site plan

## 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.

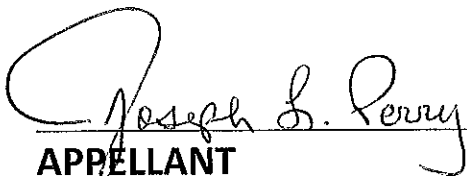
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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

6/7/2019  
DATE

## Standards for a Variance

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

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

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

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

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

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

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

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

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

In Simple terms, for the Board to 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?**

At the location of 239 Moormans Arm Road I am requesting that the existing sidewalk and green space is appropriate for that location, because the green space between the road and sidewalk already exist.

Blank lined area for additional text.



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



3678632

**ZONING BOARD APPEAL / CAAZ - 20190033786**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 05914006100

APPLICATION DATE: 06/07/2019

**SITE ADDRESS:**

739 MOORMANS ARM RD NASHVILLE, TN 37207  
S SIDE MOORMANS ARM RD AND E OF BUENA VISTA PK

PARCEL OWNER: PERRY PROPERTY TRUST #1

CONTRACTOR:

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

SINGLE FAMILY RESIDENTIAL CONSTRUCTION

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.*

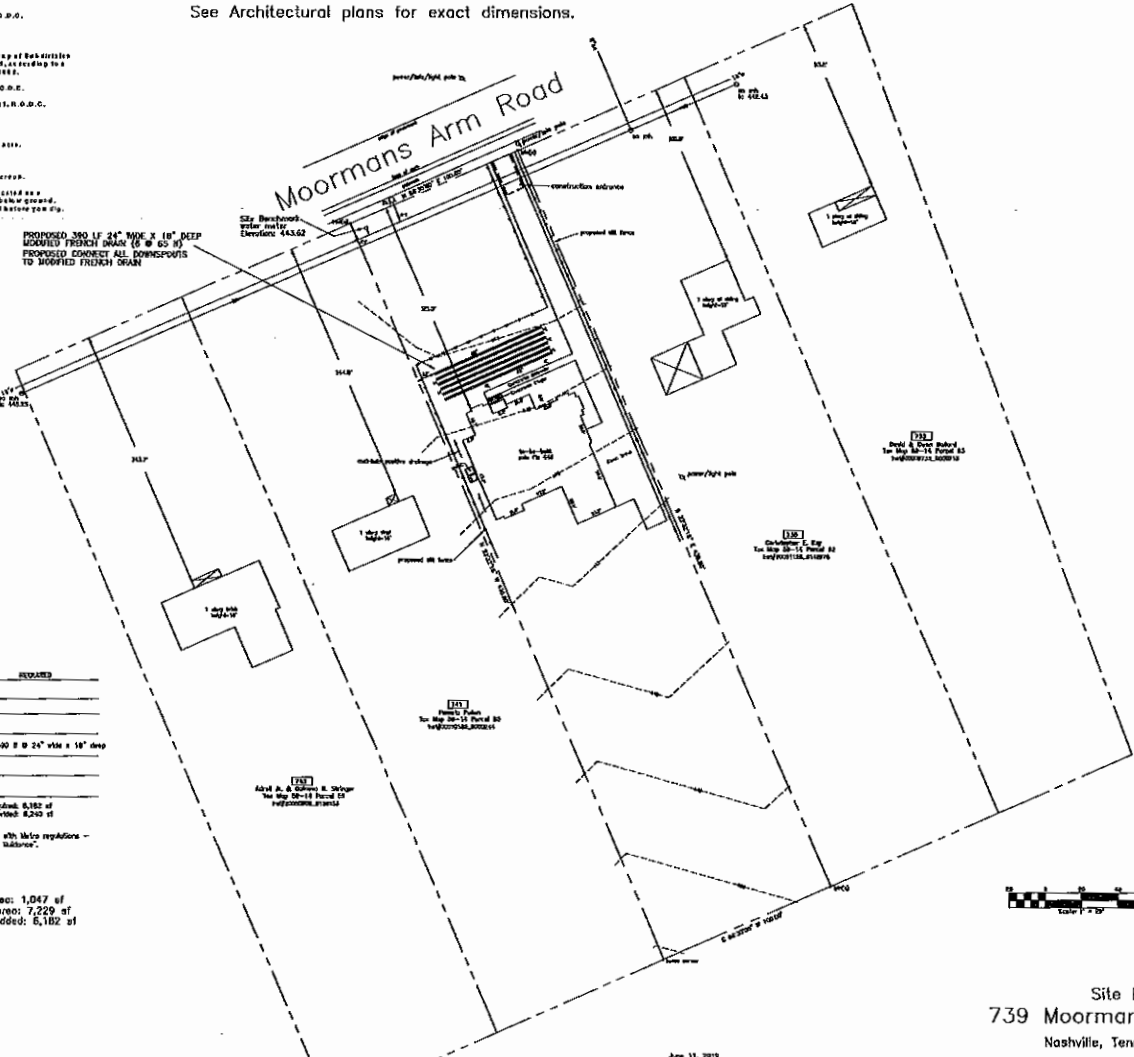
***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

See Architectural plans for exact dimensions.

- General Notes**
1. Working sheets Book Pack 1161, Page 721, R.O.D.C.
  2. Map reference: Being parcel 43 as shown on Davidson County property map 19-14, R.O.D.C.
  3. 2011 reference to being City of Nashville on the map of Subdivision of parcel to Joseph Walker, 2011, as recorded in a conveyance made by George Walker, dated May 14, 1987.
  4. Map reference: Map 22010009, 200874, R.O.D.C.
  5. Parcel deed reference: Map 22010011, 20090113, R.O.D.C.
  6. Address: 739 Moormans Arm Road  
Nashville, TN 37207
  7. Area: Property contains 43,288 s.f. or an 1.00 acre.
  8. No title report was furnished to this Surveyor.
  9. Property corners are (1) (2) (3) (4) as shown herein.
  10. Utilities: Existing utility utilities were field located on a part of this survey. Other utilities, shown as indicated on ground, may exist beneath the driveway to property. Call before you dig.

PROPOSED 300 LF 24" WIDE X 18" DEEP  
SCHEDULE 40 STEEL MANHOLE (50' @ 60' @)  
PROPOSED CONNECT ALL DOWNSPOUTS  
TO SLOTTED FRENCH DRAIN



Describe The Surface	EXISTING	REQUIRED
sidewalk		
dry well		
sewer line		
proposed	see table	500' @ 24" wide x 18" deep
permeable pavement		
rain gardens		
<b>Total</b>	<b>required 6,182 sf</b>	<b>provided 6,293 sf</b>

All work shall be done in accordance with local regulations - Applicable to regulated Residential 3000 minimum.

lot area: 43,580 sf  
existing impervious area: 1,047 sf  
proposed impervious area: 7,229 sf  
net impervious area added: 6,182 sf



Site Plan  
739 Moormans Arm Road  
Nashville, Tennessee 37207

June 11, 2019

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-325 (739 Moormans Arm Road)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade; not contribute in lieu (not eligible)
Zoning:	RS-20
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-CA2
Transit:	950' from #14 – Whites Creek
Bikeway:	None existing; none planned

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

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

- (1) A 2' grass and 5' sidewalk exists along Moormans Arm Road, which is consistent with adjacent properties.
- (2) The Community Plan Policy is Suburban Neighborhood Maintenance, which envisions as redevelopment occurs in this area that the suburban neighborhood pattern will continue to exist. Dedicating right-of-way will allow Metro to upgrade sidewalks in the future without having to acquire additional property.

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Richard Molina  
Property Owner: Richard Molina  
Representative: \_\_\_\_\_

Date: 6/18/19  
Case #: 2018- 331  
Map & Parcel: 064 01004600

Council District 11

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

Purpose: a proposed pool house

Activity Type: Single Family

Location: 236 ASHAWN BLVD

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 set back variance

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.

Richard Molina  
Appellant Name (Please Print)

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

236 Ashawn Blvd  
Address

\_\_\_\_\_  
Address

Old Hickory TN 37138  
City, State, Zip Code

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

615 678 9919  
Phone Number

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

Rick@TNmuffler.com  
Email

\_\_\_\_\_  
Email

Appeal Fee: \$100

WM





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



3681945

**ZONING BOARD APPEAL / CAAZ - 20190035899  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 06401004600

APPLICATION DATE: 06/18/2019

**SITE ADDRESS:**

236 ASHAWN BLVD OLD HICKORY, TN 37138  
LOT 20 BRANDYWINE PLACE

PARCEL OWNER: MOLINA, RICHARD F. &amp; MARTHA J.

CONTRACTOR:

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

Requesting a side yard variance for proposed detached <sup>pool house</sup> structure 10' min side s/b required providing 2' for an 8' variance request per METZO TABLE 17.12.020 (A). POC RICHARD MOLINA 615-678-9919. COUNCIL DISTRICT #11.

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

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

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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.

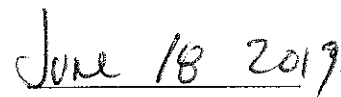
**Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.**

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.*

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

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

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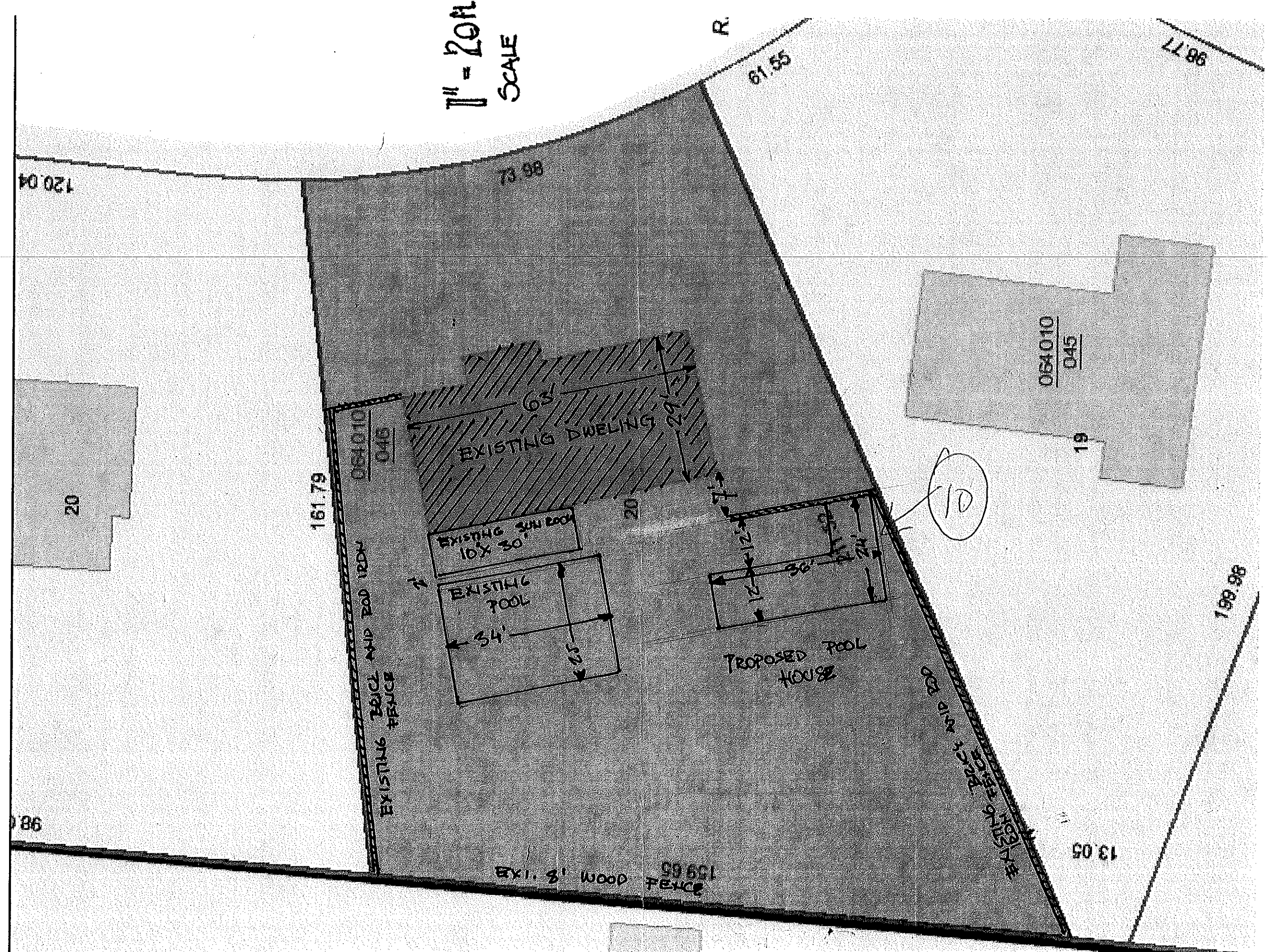
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

Shape of the lot and topography.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Nashville / Davidson County Parcel V

2019-331



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Phillip Piercy  
Property Owner: 1501 Herman St. LLC  
Representative: Phillip Piercy

Date: 06/17<sup>th</sup> / 2019  
Case #: 2019-332  
Map & Parcel: 09204031200  
09204031300  
09204031400

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:

NEW CONSTRUCTION OF A MIXED USE  
BUILDING - 4 STORY MAX  
3 PARCELS TO BE COMBINED FOR PROJECT

Activity Type: COMMERCIAL CONSTRUCTION

Location: 1501 HERMAN ST / O HERMAN ST / O HERMAN S

This property is in the MULA 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:

REAR SETBACK VARIANCE  
STEP BACK VARIANCE

Section(s): 17.12.020 D MIN 20 FT REAR SETBACK / 15 FT STEPBACK  
REQ.

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.

Phillip Piercy  
Appellant Name (Please Print)

Phillip Piercy  
Representative Name (Please Print)

5016 Centennial Blvd, Ste. 200  
Address

5016 Centennial Blvd, Suite 200  
Address

Nashville, TN 37209  
City, State, Zip Code

Nashville, TN 37209  
City, State, Zip Code

(615) 866-2410 / (615) 476-9238  
Phone Number

(615) 866-2410 / (615) 476-9238  
Phone Number

ppiercy@catalyst-dg.com  
Email

ppiercy@catalyst-dg.com  
Email

Zoning Examiner: LB

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

\* NO PERMIT APP FOR CONSTRUCTION



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



3681565

**ZONING BOARD APPEAL / CAAZ - 20190035677  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 09204031300

APPLICATION DATE: 06/17/2019

**SITE ADDRESS:**

0 HERMAN ST NASHVILLE, TN 37208  
PT LOT 16 CARTER & HEREFORD

PARCEL OWNER: 1501 HERMAN STREET, LLC

CONTRACTOR:

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

Variance Request to Rear Setback and Minimum Stepback requirements per 17.12.020D. Required rear setback of 20 ft, requesting 5 ft rear setback. Maximum of 3 stories within 45 ft in build-to zone then required minimum 15 ft stepback before increasing to maximum of 4 stories within 60 ft, requesting to build to 4 stories at 60 ft height within build-to zone.

Proposed development of a 4 story Mixed Use Development on MUL-A Zoned parcel(s). Combining 1501 Herman, 0 Herman and 0 Herman St (parcels 09204031200/09204031300/09204031400)

**\*\*STORMWATER FLAG ON PROPERTY 1501 HERMAN ST\*\***

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

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

***There are currently no required 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

6-13-19  
 \_\_\_\_\_  
 DATE



### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

See attached letter describing the restrictions and hardships of this site.

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June 14, 2019

Ms. Jessica Shepherd  
Metro Codes Department  
800 Second Avenue South  
Nashville, TN 37210

**Re: 1501 Herman Street Mixed Use  
Nashville, TN**

Dear Jessica,

Please find attached a request for this project to be considered at the next Board of Zoning Appeals meeting. This submittal includes two requests.

The first request is to reduce the rear setback from 20 feet to 5 feet. This request is being made because the rear neighbor is a 40' wide railroad right of way. Since the tracks are not a buildable site the setback appears to be excessive. If the tracks were to ever be abandoned it may be feasible that half the right of way could be added to each neighbor resulting in a 25' set back, (half the railroad right of way, 20 plus the 5 feet we are proposing.)

The second request is regarding the building frontage. The site is located just beyond the interloop where the DTC is prevalent in a MUL-A zoning district. The MUL-A requires a maximum 3 stories to a height of 45 feet to be constructed within the first 15' of the front property line and the step back 15 feet before rising to a height of 4 stories in 60 feet. The typical architectural design aligns elements from floors to floors including the interior hallways to allow stairs, elevators and utility chases to align. The required step back results in unique characteristics not prevalent in comparable buildings in the neighborhood - specifically inefficient layouts on the upper floors which significantly narrow the units on the upper floors. Since this site has three street frontages the issue is compounded to three sides of the building.

Our variance request would be to allow 4 stories without the step back. The building height of the 4 stories would be lower than the total 60 feet allowed and much closer to the maximum 3 story height of 45'. The heights shown on the attached plan include the parapet height.

This project will voluntarily include affordable housing to allow the project to take advantage of incentives in the zoning ordinance. The incentives require that 25% of the units comply with the affordable housing requirements. As mitigation for the request the developer is proposing to provide additional affordable housing above the 25% requirement. If the request is granted the developer believes that the efficiencies gained would allow for an additional 20 units which will require an additional 25% or 5 to be affordable. As mitigation for the request the developer will

Re: 1501 Herman Street Mixed Use

2

make an additional 5 of these units affordable. (Effectively 50% or 1 to 1 units gained will be affordable)

Best Regards,

**Catalyst Design Group**

A handwritten signature in black ink, appearing to read 'D. Phillip Piercy', with a stylized flourish at the end.

D. Phillip Piercy, PE  
Project Manager

Enclosures



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Metro Codes Department  
800 Second Avenue South  
Nashville, TN 37210

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 APPELLANT

6-13-19  
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See attached letter describing the restrictions and hardships of this site.

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2019-2332



THETA CONSTRUCTION SERVICES, LLC

1501 HERMAN STREET

NO.	DATE	DESCRIPTION

DRAWING TITLE  
**PROPOSED PLAN**

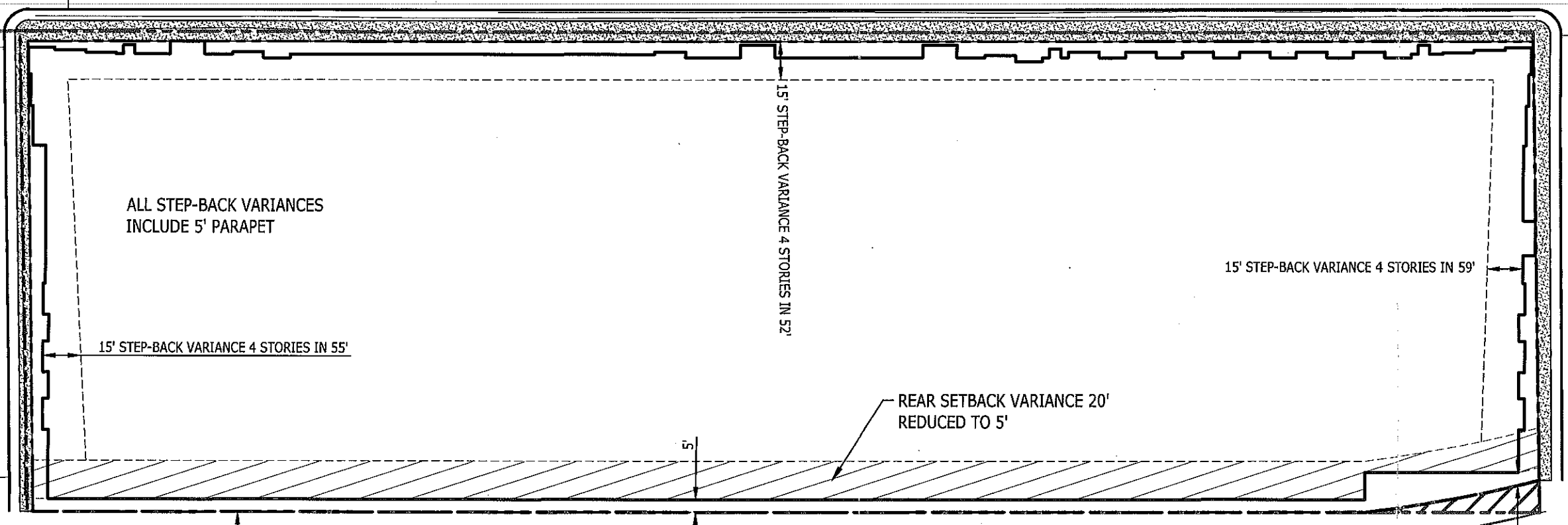
PROJECT NUMBER  
20180665

DRAWING NUMBER  
**C-1.0**

HERMAN STREET  
(FORMERLY HAMILTON STREET)  
(50' R/W PER PLAT BOOK 5200, PAGE 169)

16TH AVENUE NORTH  
(FORMERLY PARK STREET - SEE NOTE 9)

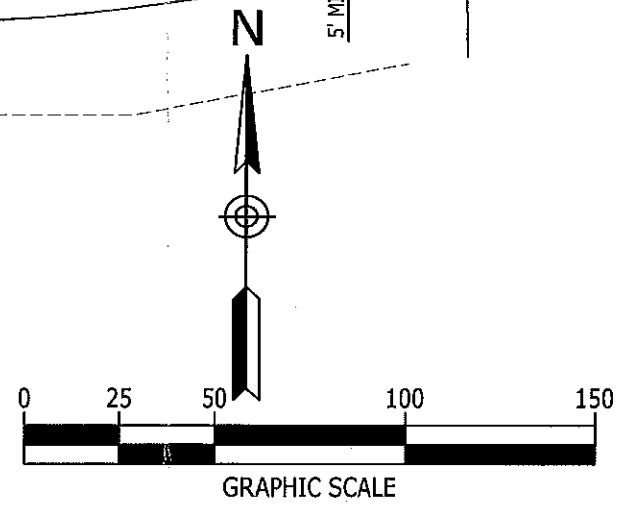
14TH AVENUE NORTH  
(FORMERLY WATKINS STREET - SEE NOTE 8)

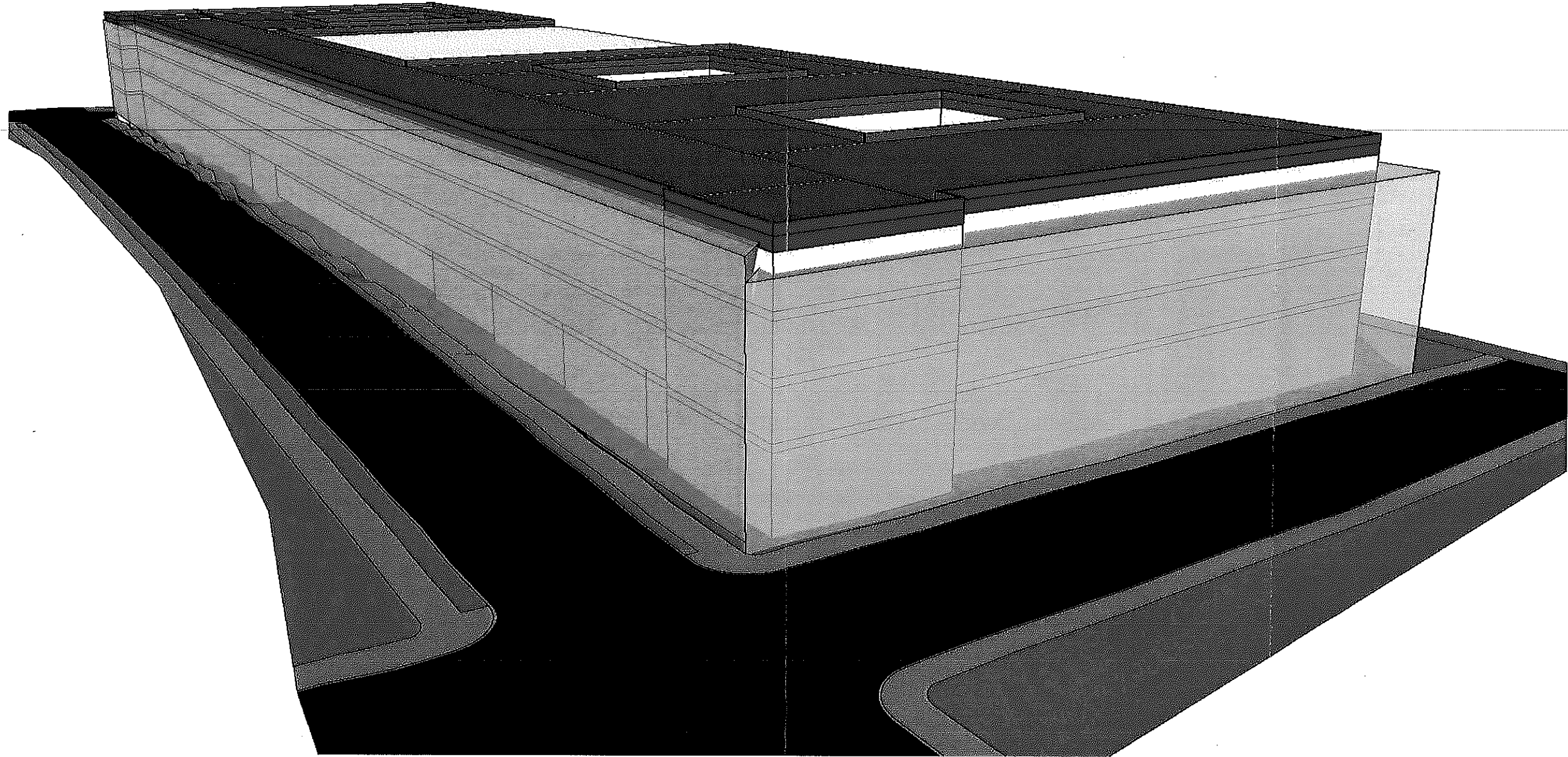


NASHVILLE & WESTERN RAILROAD  
DESHA STREET  
(UNIMPROVED - SEE NOTE 3)  
(40' R/W PER PLAN BOOK 1, PAGE 47)

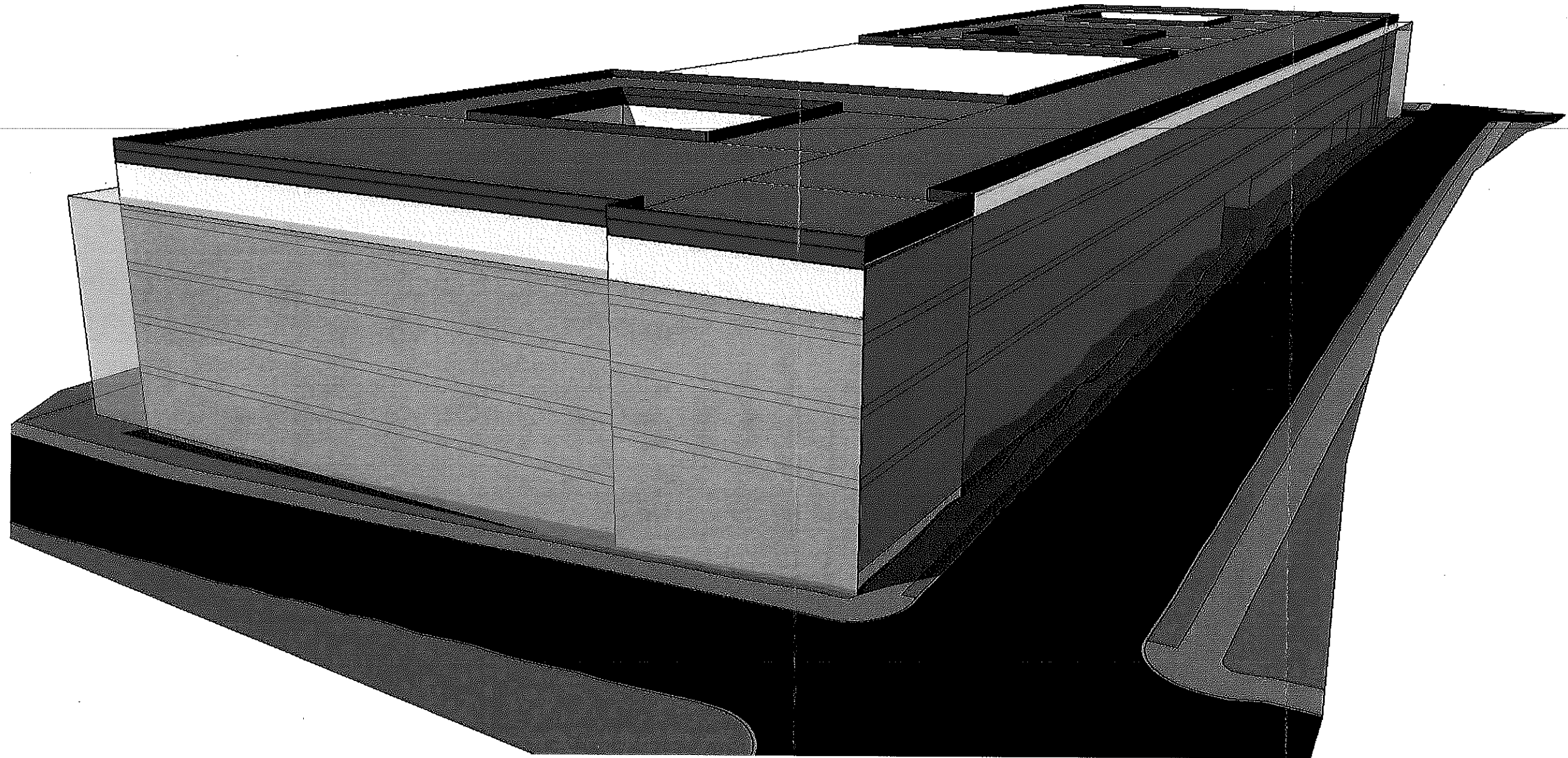
40' RAILROAD R.O.W.

HERMAN STREET (SETBACK)





1 Skyplane Exhibit - Corner of 16th & Herman  
Scale: N. T. S.



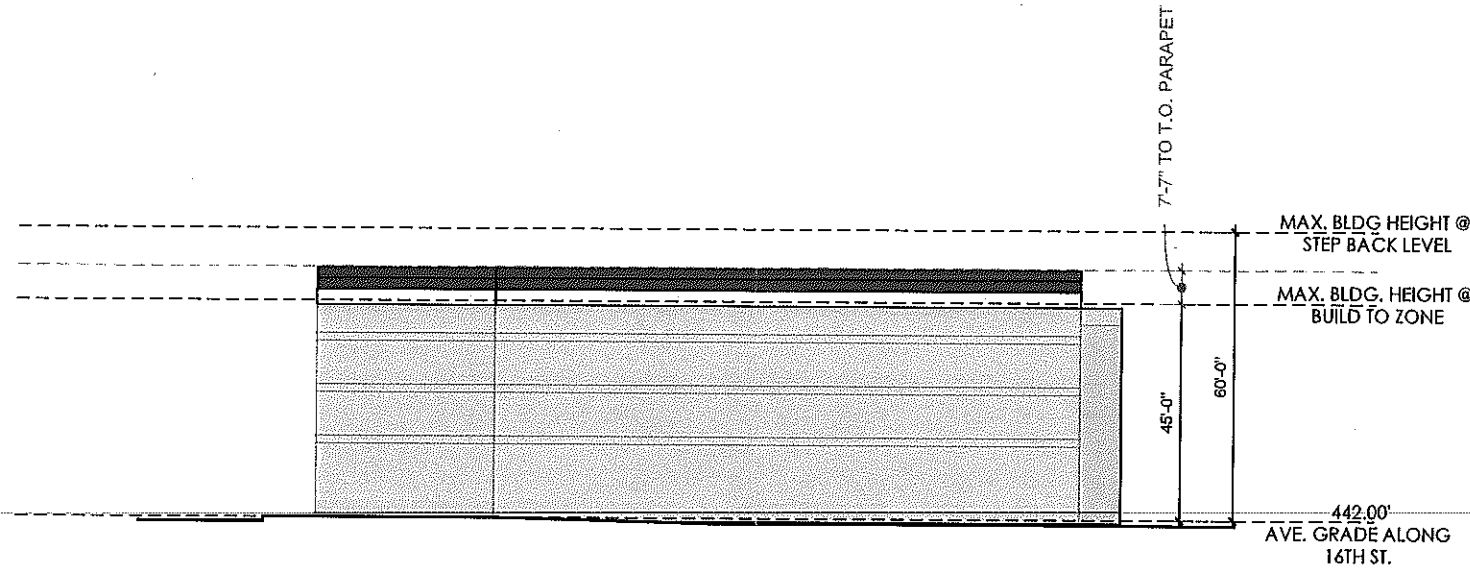
1 Skyplane Exhibit - Corner of 16th & Herman  
Scale: N. T. S.

**TOTAL SURFACE AREA PER ELEVATION:**

**16TH ST. ELEVATION**  
 TOTAL SURFACE AREA: 8,211 SF  
 SURFACE AREA ABOVE SKY PLANE: 1,220 SF (15%)

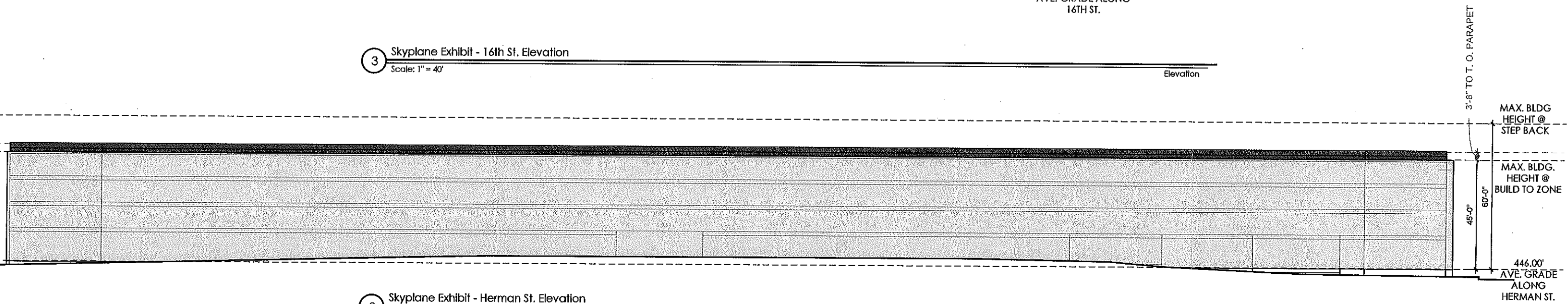
**HERMAN ST. ELEVATION**  
 TOTAL SURFACE AREA: 29,900 SF  
 SURFACE AREA ABOVE SKY PLANE: 2,192 SF (7%)

**14TH ST. ELEVATION**  
 TOTAL SURFACE AREA: 9,019 SF  
 SURFACE AREA ABOVE SKY PLANE: 1,854 SF (20%)



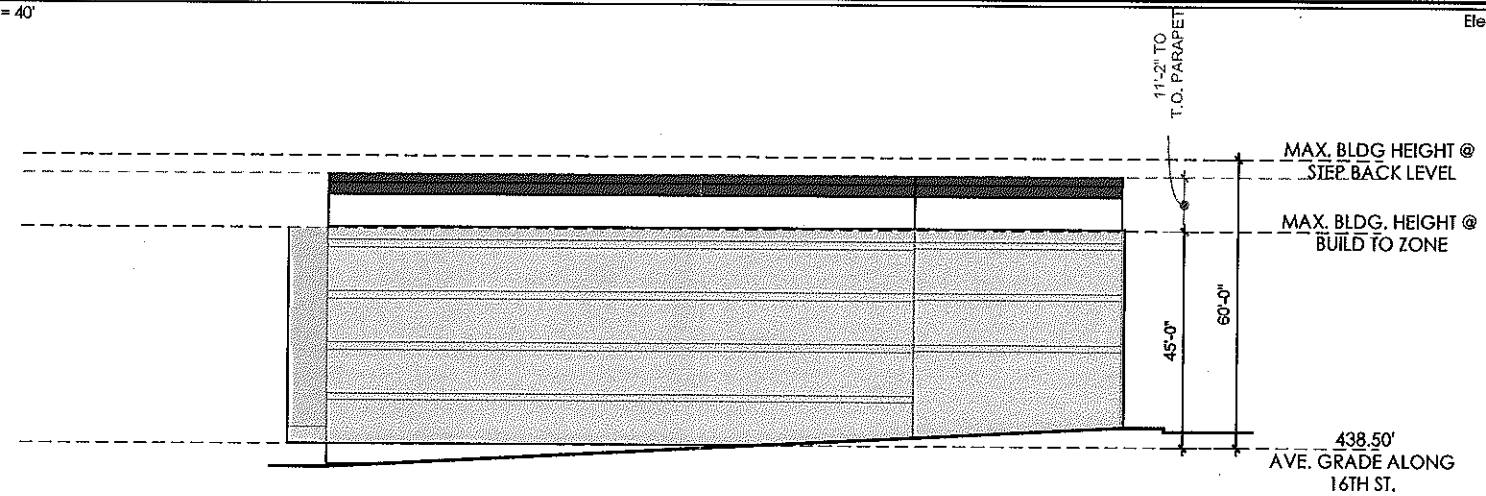
3 Skyplane Exhibit - 16th St. Elevation  
 Scale: 1" = 40'

Elevation



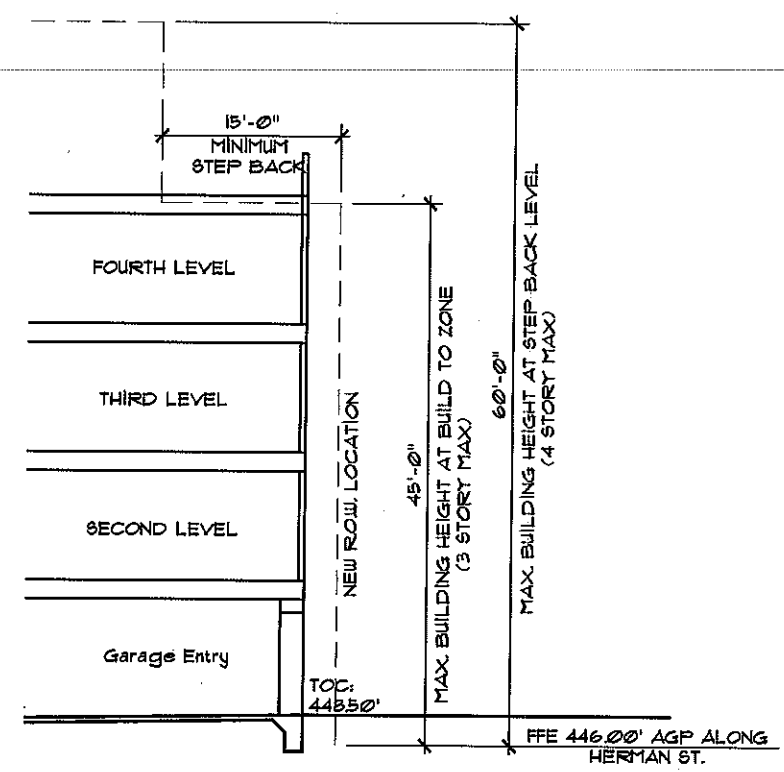
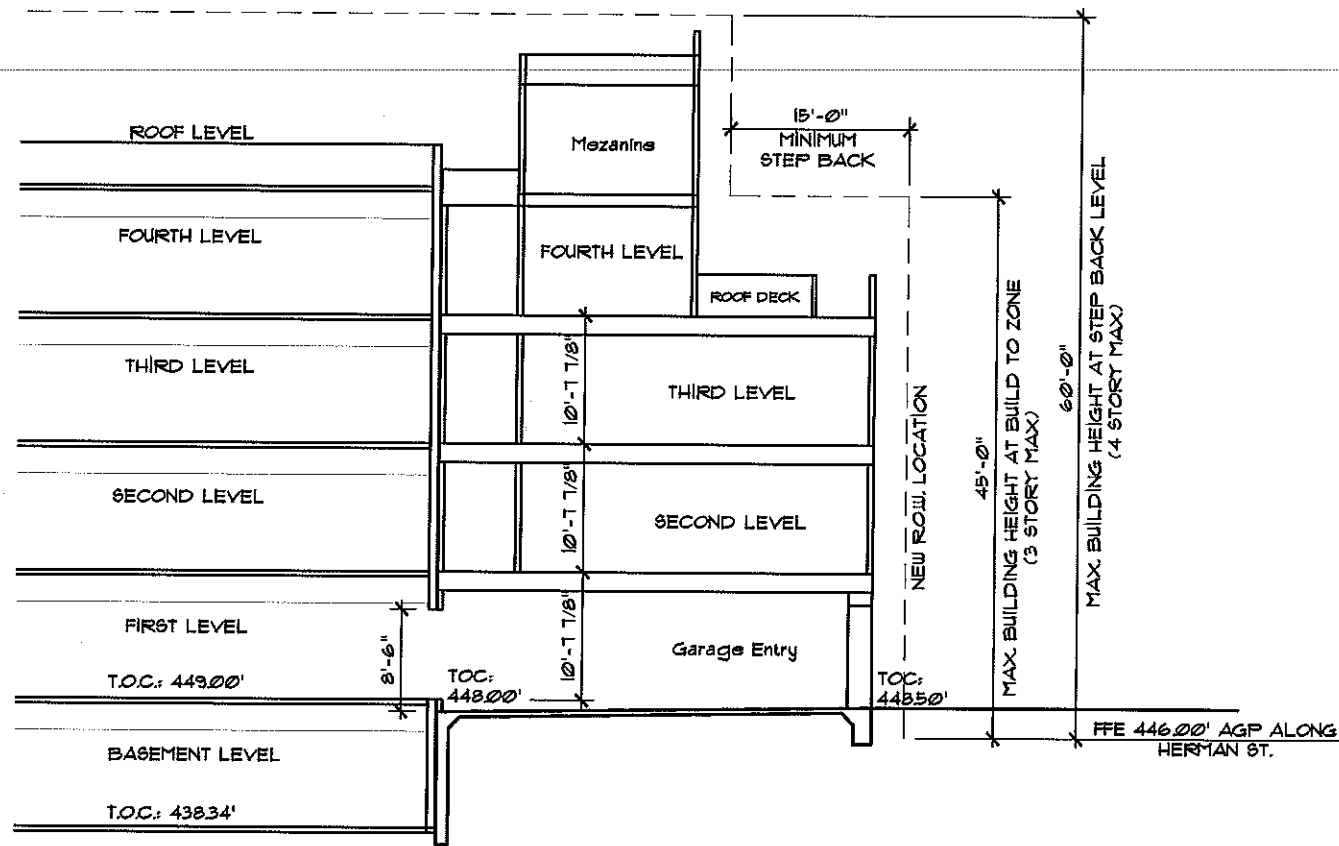
2 Skyplane Exhibit - Herman St. Elevation  
 Scale: 1" = 40'

Elevation



1 Skyplane Exhibit - 14th St. Elevation  
 Scale: 1" = 40'

Elevation



1 Building Section - With Step Back Plane  
Scale: 1/16" = 1'-0"

Section

2 Building Section  
Scale: 1/16" = 1'-0"

Section



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Hillcrest UMC  
Property Owner: Hillcrest UMC  
Representative: R. L. Murphree

Date: 6/12/19  
Case #: 2019-333  
Map & Parcel: 16104008800

Council District 27

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

Purpose: Special Exception to construct  
A 40' X 8'6" "CONEX"  
PORTABLE BUILDING ON CHURCH  
CAMPUS FOR FOOD DISTRIBUTION

Activity Type: New Construction - Commercial

Location: 5116 RAYWOOD LANE

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

Reason: Special Exception to construct new  
building for church use.

Section(s): 17.40.180

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.

Hillcrest UMC  
Appellant Name (Please Print)  
5112 Raywood Lane  
Address  
Nashville, TN 37211  
City, State, Zip Code  
865 806-0110  
Phone Number

Richard L. Murphree  
Representative Name (Please Print)  
C/O Hillcrest UMC  
Address  
5112 Raywood Lane  
Address  
Nashville, TN 37211  
City, State, Zip Code  
865 806-0110  
Phone Number

Richardmurphree@  
Email  
A#NET

Richardmurphree@  
Email  
A#NET

Zoning Examiner: C.H.

Appeal Fee: \$200.00

no site plan



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



**ZONING BOARD APPEAL / CAAZ - 20190034702**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 16104014800

APPLICATION DATE: 06/12/2019

**SITE ADDRESS:**

5116 RAYWOOD LN NASHVILLE, TN 37211  
LOTS 6 TH 15 GOODRICH HGTS

PARCEL OWNER: HILLCREST UNITED METHODIST CHURCH,

CONTRACTOR:

**APPLICANT:**

**PURPOSE:**

special exception to construct 340Sf building on site for Hillcrest United Methodist Church

*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.



June 10, 2019

Metropolitan Nashville Davidson County  
Department of Codes Administration  
Board of Zoning Appeals  
800 2<sup>nd</sup> Avenue South  
Metro Office Building  
Nashville, TN

Re: Hillcrest United Methodist Church  
5112-5116 Raywood Lane  
Nashville, TN 37211

Gentlemen:

Second Harvest Food Bank of Middle Tennessee ("Second Harvest") has contracted with Hillcrest United Methodist Church ("Hillcrest") located at 5112-5116 Raywood Lane to operate a Senior Citizen Food Commodity distribution center for south Davidson County. This program provides a free weekly food basket to low income senior citizens.

Second Harvest has leased a 40'x8'x9'6" portable "Conex" building for use by Hillcrest for this program. Hillcrest has contracted with Baird Electric ("Baird") to install electrical service to the portable building to operate its HVAC, refrigerator, lighting, and computer. Baird has installed, at the direction of Nashville Electric Service ("NES"), a new pole, weatherhead, meter, and conduit for this service. Hillcrest has a service order pending with NES to run power from an existing pole near the portable building to the new service pole installed by Baird. However, the Permit Issuance office has advised NES that a permit is required in order to provide this new electric service.

Hillcrest has been advised by the Permit Issuance Office that because Hillcrest is in an area zoned for residential use and the Conex building is considered new commercial construction, a zoning variance is required.

Respectfully,



Richard L. Murphree  
Chairman, Trustees  
Hillcrest United Methodist Church

## APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a neighborhood meeting.

Hillcrest United  
 Methodist Church  
 APPELLANT

By:   
 R. L. Humphrey,  
 CHAIRMAN, TRUSTEES

6/10/19  
 DATE

**SPECIAL EXCEPTION REQUEST**

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 600 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

Hillcrest United  
METHODIST Church

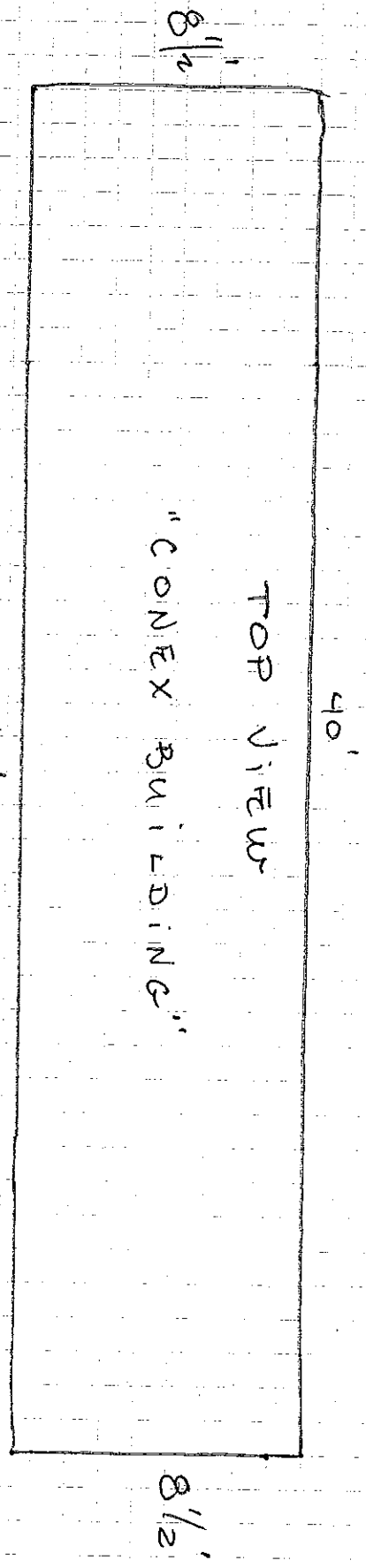
By [Signature]  
APPELLANT (OR REPRESENTATIVE)  
R. L. Murphree  
CHAIRMAN  
TRUSTEES

6/10/19  
DATE

Hillcrest United Methodist Church  
5112-5116 Raywood Lane  
Nashville, TN 37211

Map and Parcel 16104008800  
Council District 27  
Zoning: RS10

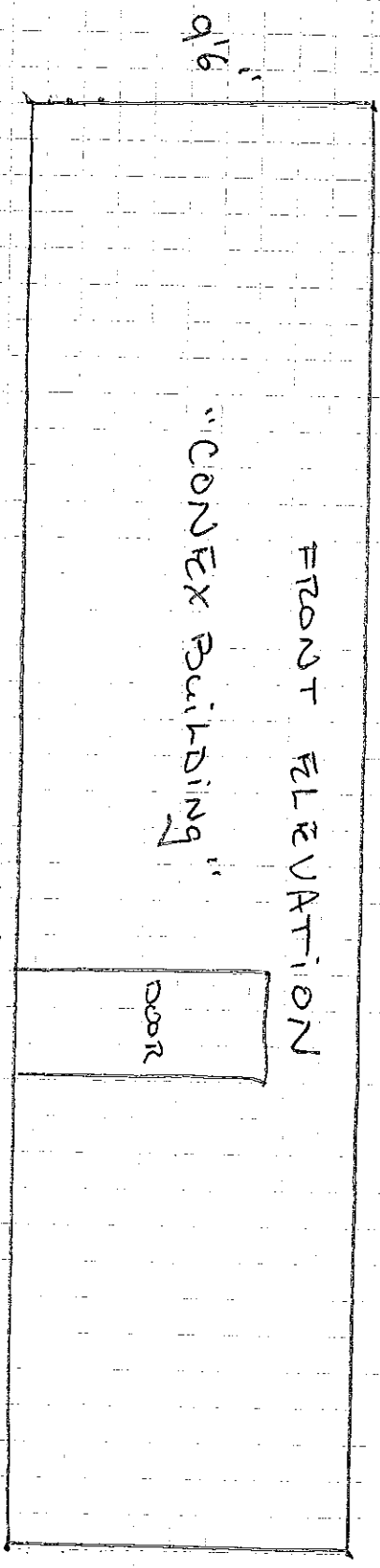
Richard L. Murphree, Trustees Chair  
865 806-0110  
richardmurphree@att.net



TOP VIEW  
"CONEX BUILDING"

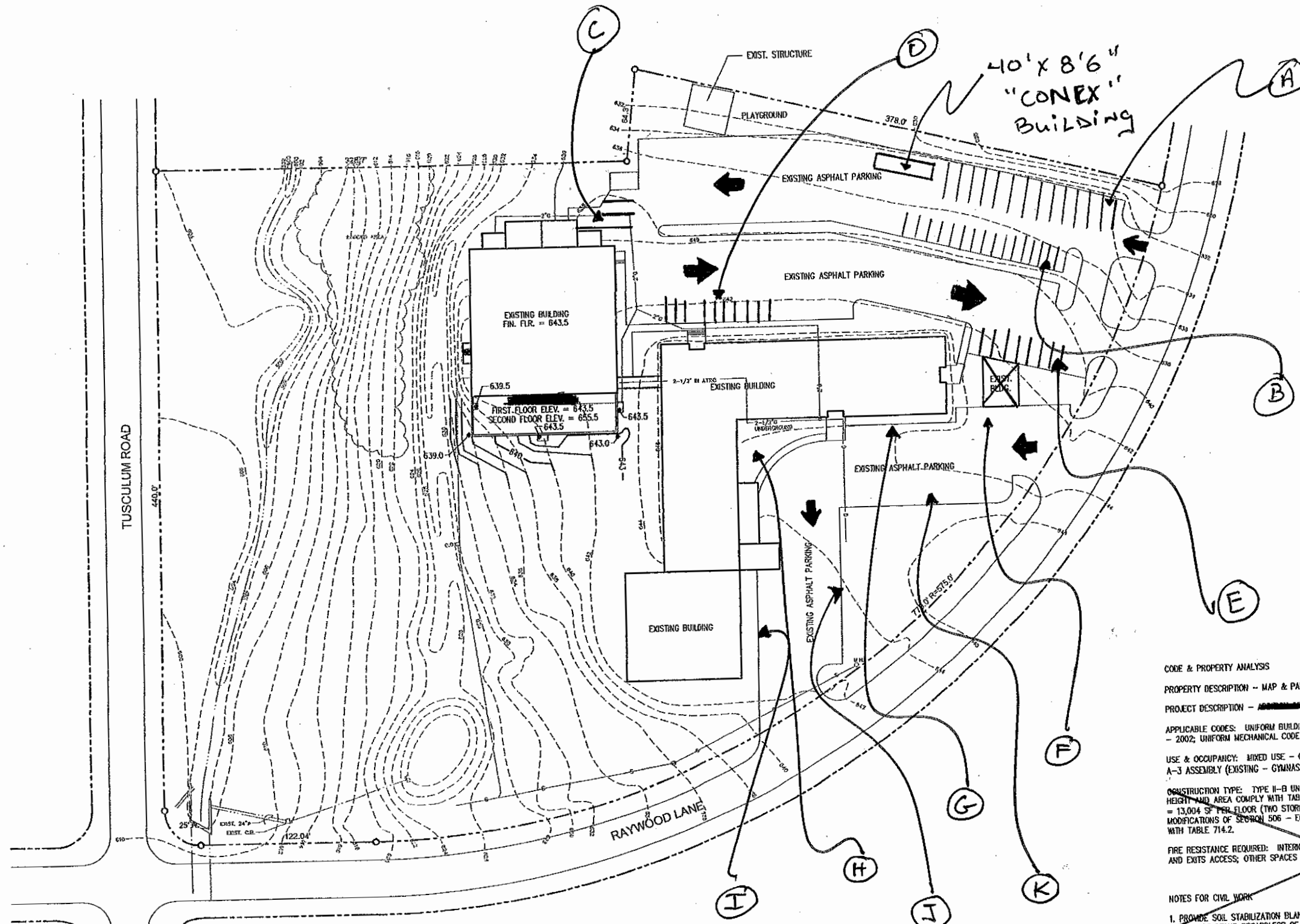
HILLCREST UMC  
5112 RAYWOOD LANE  
NASHVILLE, TN 37112

SCALE  $\square = 159 \text{ FT} = 12' \times 12'$



FRONT ELEVATION  
"CONEX BUILDING"

DOOR



PARKING

- A = 13
- B = 3
- C = 16
- D = 8 (6 HC)
- E = 8

CODE & PROPERTY ANALYSIS

PROPERTY DESCRIPTION - MAP & PARCEL: TAX MAP 161.04 / PARCEL 148.00  
 PROJECT DESCRIPTION - ~~XXXXXXXXXXXXXXXXXXXX~~ "CONEX" BUILDING

APPLICABLE CODES: UNIFORM BUILDING CODE - 2000 EDITION; NATIONAL ELECTRICAL CODE (NEC) - 2002; UNIFORM MECHANICAL CODE - 2000; UNIFORM PLUMBING CODE - 2000.

USE & OCCUPANCY: MIXED USE - GROUP B BUSINESS (NEW - CHURCH EDUCATIONAL) AND GROUP A-3 ASSEMBLY (EXISTING - GYMNASIUM).

CONSTRUCTION TYPE: TYPE II-B UNPROTECTED (TABLE 601) - NONCOMBUSTIBLE MATERIALS. HEIGHT AND AREA COMPLY WITH TABLE 5: EXISTING AREA 10,288 SF + PROPOSED AREA 2,736 SF = 13,024 SF PER FLOOR (TWO STORES); AREA ALLOWED = 26,030 S.F. PER FLOOR WITH AREA MODIFICATIONS OF SECTION 506 - EQUATIONS 5-1 AND 5-2. FIRE RESISTANCE RATING COMPLIES WITH TABLE 714.2.

FIRE RESISTANCE REQUIRED: INTERIOR FINISHES TO COMPLY WITH TABLE 803.4 - CLASS B IN EXITS AND EXITS ACCESS; OTHER SPACES CLASS C.

NOTES FOR CIVIL WORK

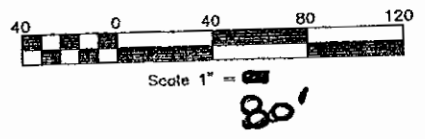
1. PROVIDE SOIL STABILIZATION BLANKET AS REQUIRED BY FIELD CONDITIONS TO MAINTAIN STABILITY AND GRASS STAND REGARDLESS OF SLOPE. PROVIDE BLANKET ON ALL SLOPES GREATER THAN 1:5 (V:H).

PARKING

- F = 10
- G = 6 (2 HC)
- H = 3 HC
- I = 10 (8 HC)
- J = 13
- K = 14

Hillcrest UMC

SITE PLAN



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

---

# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** July 24, 2019  
**BZA Hearing Date:** August 15, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-333

---

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

## **1. Case 2019-333 Hillcrest United Methodist Church Accessory Building (5116 Raymond Lane)**

**Request:** A Special Exception to permit construction of a 340 square-foot accessory building for storage purposes.

**Zoning:** Single-Family Residential (RS10) requires a minimum 10,000 square-foot lot and is intended for single-family dwellings at a maximum density of 4.36 dwelling units per acre.

**Overlay District:** Urban Zoning Overlay District

**Land Use Policy:** T3 Suburban Neighborhood Maintenance (T3 NM) policy is intended to maintain the general character of existing suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas are served by moderate levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit.

**Planning Department Analysis:** The subject site is located at the southeast corner of the intersection of Raywood Lane and Tusculum Road. Existing conditions include a religious institution building with associated surface parking and a playground area. The site is surrounded by Single-Family Residential zoning (RS10). Nolensville Pike is one block to the west of the site and has a variety of commercial uses.

The request is to place a 340 square-foot storage container on the eastern portion of the parking lot, south of the playground area. The requested location would reduce the available parking on the site. The container would be viewable from the street and from the residential property to the east.

An existing religious institution is identified as an appropriate use within T3 Suburban Neighborhood Maintenance (T3 NM) land use policy and are allowed to expand within residential zoning districts with the approval of a Special Exception by the Board of Zoning Appeals. The proposed addition does not significantly change the intensity of the site and the continued use of the property for a religious institution is consistent with the T3 NM policy.

**Planning Recommendation: Approve with conditions.**

**Conditions**

1. The reduced number of total available parking spaces shall comply with the parking requirement for a Religious Institution as provided in the Metro Zoning Code.



**Shepherd, Jessica (Codes)**

---

**From:** Gregory, Christopher (Public Works)  
**Sent:** Monday, June 24, 2019 9:30 AM  
**To:** Shepherd, Jessica (Codes)  
**Cc:** Ammarell, Beverly (Public Works)  
**Subject:** BZA case 2019-333

**2019-333 5116 Raywood Lane Exception to Construct Portable Building**

Variance: 17.40.180

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

**Christopher E. Gregory, E.I.T.**

*Metropolitan Government of Nashville*

*Department of Public Works*

*Engineering Division*

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Conrad Cox  
Property Owner: Conrad Cox  
Representative: Conrad Cox

Date: 6-13-19  
Case #: 2019-335  
Map & Parcel: 105-10-154

Council District 17

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

Purpose:

To permit a detached accessory dwelling unit / second dwelling on an R8 zoned property in an existing building.

Activity Type: DADU

Location: 2038 Elliott 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:

Doesn't contain minimum lot area

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 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.

Same  
Appellant Name (Please Print)

Conrad Cox  
Representative Name (Please Print)

Address

2038 Elliott Ave  
Address

City, State, Zip Code

Nashville, TN 37204  
City, State, Zip Code

Phone Number

(423) 737-3030  
Phone Number

Email

ConradbcOX@gmail.com  
Email

Zoning Examiner: C.H.

Appeal Fee: \$100.00



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



3680560

**ZONING BOARD APPEAL / CAAZ - 20190035022**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10510015400

APPLICATION DATE: 06/13/2019

**SITE ADDRESS:**

2038 ELLIOTT AVE NASHVILLE, TN 37204  
LOT 6 DOUGLAS PLACE

PARCEL OWNER: COX, CONRAD B &amp; REBECCA R

CONTRACTOR:

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

requesting variance from lot size requirements to all for use of detached structure as a detached accessory dwelling unit. minimum requirement is 8,000SF of lot size and lot is currently at 7600SF of lot size.

*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.

Conrad B. Cox  
APPELLANT

5-20-19  
DATE

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

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

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

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

2038 Elliott is located in an older neighborhood containing a variety of housing types, including many duplex eligible properties. There are many detached accessory dwelling units within our neighborhood as well. The subject property is < 5% short of the minimum required lot size needed to permit a second dwelling. Perceptively, the subject property is very similar to those lots in the neighborhood that are duplex eligible.

- I have attached additional points of support

Metropolitan Nashville Board of Zoning Appeals  
800 Second Avenue South | P.O. Box 196300  
Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019

Planning Commission Case Number: 2019 - 335

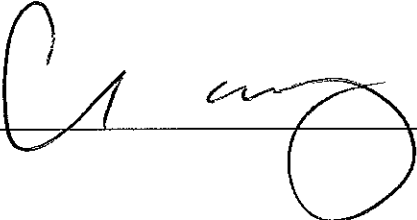
Address:

To Whom it May Concern

As a resident and/or property owner in the surrounding neighborhood I would like to express my **support** for a variance to permit a detached building to be used as a detached accessory dwelling unit (DADU) at 2038 Elliott Avenue.

A detached accessory dwelling unit (DADU) will enhance the neighborhood by providing a much needed housing type in a controlled environment. It incrementally addresses our city's housing affordability issue, inserting one more small housing option in a walkable neighborhood where services, universities, and employment opportunities are nearby. It will provide an opportunity for a variety of individuals (student, family member, young/older adult) to live in a high demand neighborhood. The DADU will create a presence on an otherwise inactive alley in a building that will compliment the surrounding neighborhood.

Sincerely,

 \_\_\_\_\_ / Name  
Chris York

2034 Elliott Ave \_\_\_\_\_ / Address

Metropolitan Nashville Board of Zoning Appeals  
 800 Second Avenue South | P.O. Box 196300  
 Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019

Planning Commission Case Number: 2019 - 335

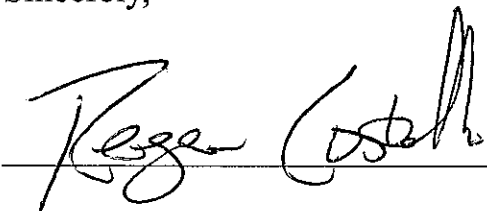
Address:

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Sincerely,



\_\_\_\_\_/ Name

822 South Douglas Avenue, Nashville, TN 37204 / Address

I live 2 houses down and support this improvement as it will improve upon the existing structure.

Metropolitan Nashville Board of Zoning Appeals  
800 Second Avenue South | P.O. Box 196300  
Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019

Planning Commission Case Number: 2019 - 335

Address:

To Whom it May Concern

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Sincerely,



CHAO FAER

/ Name

2034 10<sup>th</sup> Ave S.

/ Address



Metropolitan Nashville Board of Zoning Appeals  
800 Second Avenue South | P.O. Box 196300  
Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019  
Planning Commission Case Number: 2019 - 335  
Address:

To Whom it May Concern

As a resident and/or property owner in the surrounding neighborhood I would like to express my **support** for a variance to permit a detached building to be used as a detached accessory dwelling unit (DADU) at 2038 Elliott Avenue.

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Sincerely,



\_\_\_\_\_/ Name

2035 Elliot Ave

\_\_\_\_\_/ Address

Metropolitan Nashville Board of Zoning Appeals  
 800 Second Avenue South | P.O. Box 196300  
 Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019

Planning Commission Case Number: 2019 - 335

Address:

To Whom it May Concern

As a resident and/or property owner in the surrounding neighborhood I would like to express my **support** for a variance to permit a detached building to be used as a detached accessory dwelling unit (DADU) at 2038 Elliott Avenue.

A detached accessory dwelling unit (DADU) will enhance the neighborhood by providing a much needed housing type in a controlled environment. It incrementally addresses our city's housing affordability issue, inserting one more small housing option in a walkable neighborhood where services, universities, and employment opportunities are nearby. It will provide an opportunity for a variety of individuals (student, family member, young/older adult) to live in a high demand neighborhood. The DADU will create a presence on an otherwise inactive alley in a building that will compliment the surrounding neighborhood.

Sincerely,

*Kathryn Humphreys King*  
*Robert Coughlin*

/ Name

1908 Elliott Ave., Nashville, TN 37204

/ Address

Metropolitan Nashville Board of Zoning Appeals  
800 Second Avenue South | P.O. Box 196300  
Nashville, TN 37219-6300


RE: Agenda Date: \_\_\_ / \_\_\_ / 2019  
Planning Commission Case Number: 2019 - 335  
Address:

To Whom it May Concern

As a resident and/or property owner in the surrounding neighborhood I would like to express my **support** for a variance to permit a detached building to be used as a detached accessory dwelling unit (DADU) at 2038 Elliott Avenue.

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Sincerely, Leah Johnson

Graham Johnson /  / Name

919 S. Douglas Ave. Nashville, TN 37204 / Address

Metropolitan Nashville Board of Zoning Appeals  
 800 Second Avenue South | P.O. Box 196300  
 Nashville, TN 37219-6300

RE: Agenda Date: \_\_\_ / \_\_\_ / 2019  
 Planning Commission Case Number: 2019 - 335

To Whom it May Concern

As the immediate neighbor to the subject property I would like to express my **support** for the construction of a new outbuilding in the location of the current 60-70 year old outbuilding. Based on a recent land survey the current set-back is approximately 1.7 feet from the adjacent property line.

The new structure would occupy only 76% of the current outbuilding footprint (704 square feet proposed, 920 square feet current). It will enhance the neighborhood by removing an old eyesore and replacing it with a building that complements the surrounding historical architecture by adhering to design guidelines laid out by the metropolitan historical zoning commission. The property owners (Conrad and Rebecca Cox) at 2038 Elliott Ave seek to utilize the current cement slab as it is in suitable condition for repurposing. Reusing the existing cement slab will be cost effective and reduce harm to the environment during a rebuild. This outbuilding will incrementally improve the beauty of our lovely Historic Waverly.

Regards,

Gusa Mulcahy & David Cox 5/30/19 / Name

2040 Elliott Ave / Address

We own the immediate adjacent property & have no objection to preserving the footprint of the old building.

2019-335

TENNESSEE STATE PLANE  
COORDINATE SYSTEM - NAD 1983



**BUILDING SETBACKS**

FRONT = 20'  
SIDE = 5'  
REAR = 20'

SETBACKS VALUES TAKEN FROM METRO  
NASHVILLE PLANNING DEPARTMENT BULK TABLES  
AND MAJOR AND COLLECTOR STREET PLAN

**LOT 6 DOUGLAS PLACE**

(AS RECORDED IN BOOK 332, PAGE 130)

CONRAD and REBECCA COX  
2038 ELLIOTT AVENUE  
NASHVILLE, TENNESSEE 37204

SEVENTEENTH (17th) COUNCIL DISTRICT  
DAVIDSON COUNTY, TENNESSEE

PARCEL ID: 10510015400  
REFERENCE: BOOK 332, PAGE 130  
R8 ZONING

AREA = 0.18 ± ACRES

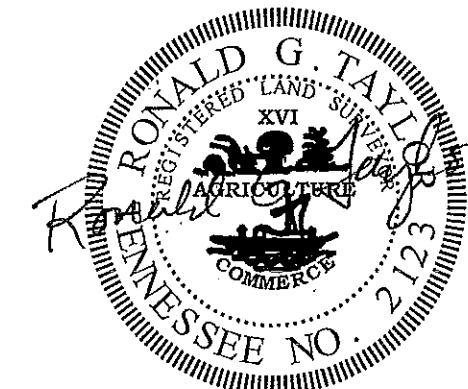
NOTE: THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS,  
COVENANTS, OR RESTRICTIONS, EITHER WRITTEN OR UNWRITTEN.

SURVEY FIELD WORK WAS COMPLETED ON 04/17/2019

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THAT  
THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS IN EXCESS  
OF 1:10,000 USING TOTAL STATION AND GPS SURVEY EQUIPMENT.  
THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH THE CURRENT  
TENNESSEE MINIMUM STANDARDS OF PRACTICE.

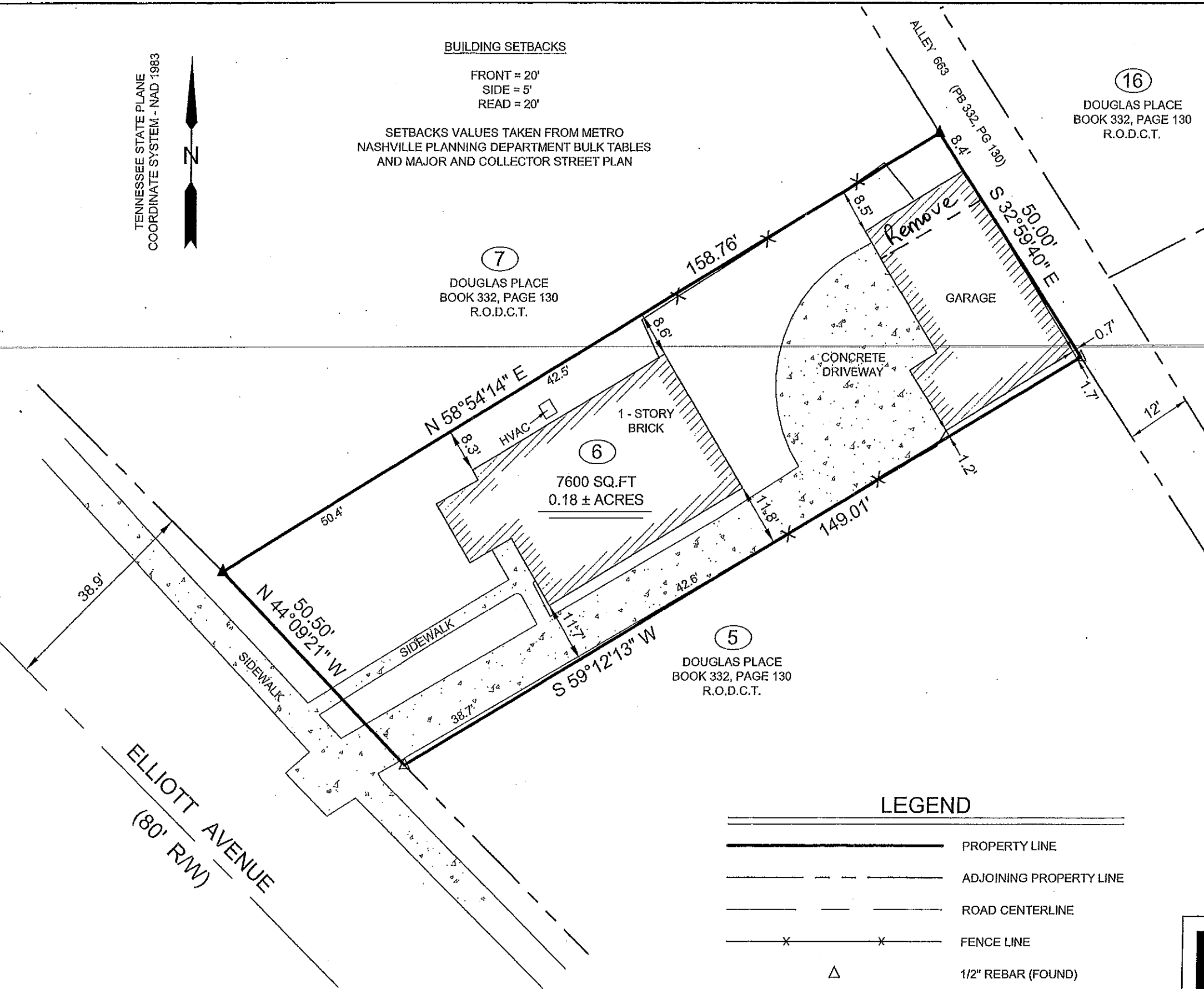
LOCATION OF PERIMETER MONUMENTS FOR THIS BOUNDARY SURVEY  
WERE PERFORMED USING SPECTRA PRECISION SP60 GNSS RECEIVER  
USING REAL TIME KINEMATIC (RTK) METHODS RELATIVE TO TDOT  
BASE REFERENCE RECEIVER. LOCATIONS GENERATED USING RTK  
VECTORS HAD A HORIZONTAL PRECISION OF 0.06' AND A VERTICAL  
PRECISION OF 0.10'. DISTANCES SHOWN HEREON ARE GROUND.

DATE: 05/13/2019



RONALD G. TAYLOR, R.L.S.  
TENNESSEE REGISTRATION NO. 2123

05-13-19



**LEGEND**

- PROPERTY LINE
- ADJOINING PROPERTY LINE
- ROAD CENTERLINE
- FENCE LINE
- 1/2" REBAR (FOUND)
- 5/8" REBAR w/ CAP (SET)



**L.I. Smith and Associates, Inc.**  
**LAND DEVELOPMENT | INFRASTRUCTURE DESIGN**  
**SURVEYING SERVICES**  
 302 North Caldwell Street, Paris, TN 38242 | 731-644-1014 | www.lsmith.com  
 475 Metroplex Drive, Suite 212 Nashville, TN 37211 | 615-256-0290

© 2019	L.I. SMITH & ASSOCIATES, INC.	SHEET: 1 of 1
DRAWN BY: MSI	CHECKED BY: RGT	SCALE: 1" = 20'
PROJECT # DA 105-154 / 190197		DATE: 05/13/2019

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Cc:** [Cox, Conrad](#); [clayhk@outlook.com](mailto:clayhk@outlook.com)  
**Subject:** D17 BZA stances  
**Date:** Wednesday, August 7, 2019 2:14:36 PM

---

Hi all,

Hope you are well; writing to state that I'm supportive of Cases 2019-335 and 2019-128 on the Aug. 15 agenda.

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Nolyn Cray Date: 6-13-19  
Property Owner: Black Chandelier Prop. Case #: 2019- 337  
Representative: Nolyn Cray Map & Parcel: 8A-3-440

Council District 5

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

Purpose: Requesting variance from sidewalk requirement

Activity Type: New Construction- Single Family

Location: 1115 Lischey Ave.

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

Reason: Requesting variance from sidewalk requirement

Section(s): 17.12.120

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

Nolyn Cray c/o  
Black Chandelier Properties LLC  
Appellant Name (Please Print)

same as appellant  
Representative Name (Please Print)

1107 Pennock Ave  
Address

Address

Nashville TN 37207  
City, State, Zip Code

City, State, Zip Code

419-889-4797  
Phone Number

Phone Number

nolyn@blackchandelierproperties.com  
Email

Email

Zoning Examiner: CH.

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



3680876

**ZONING BOARD APPEAL / CAAZ - 20190035234**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 08203044000

APPLICATION DATE: 06/13/2019

**SITE ADDRESS:**

1115 LISCHHEY AVE NASHVILLE, TN 37207  
LOT 13 & PT LOT 14 OAKWOOD PARK

PARCEL OWNER: BLACK CHANDELIER PROPERTIES, LLC

CONTRACTOR:

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

requesting variance from sidewalk requirement

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

---

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

Inspection requirements may change due to changes during construction.



## APPLICATIONS FOR VARIANCE REQUESTS

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

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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.

*Nolyn Gray on behalf of  
Black Chandelier Properties*

APPELLANT

*13 June 2019*

DATE

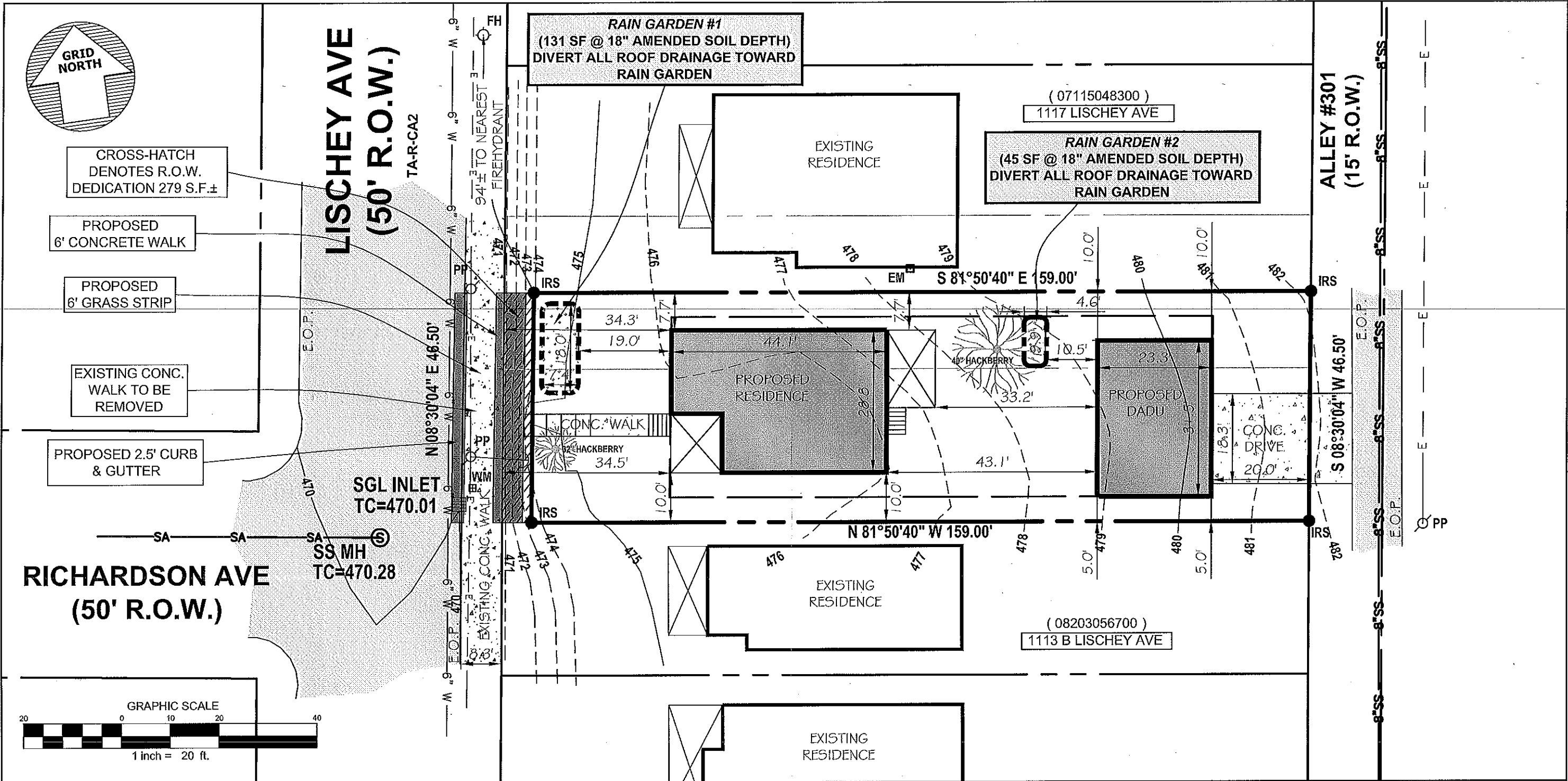
In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

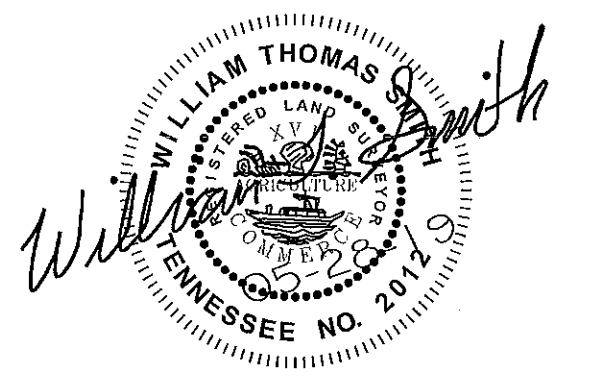
The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively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

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

- removal of old/historic tree
- entry to neighbors lot requiring removal of historic tree which neighbor does not approve of
- all other sidewalks from Cleveland to Douglas - do not conform to neighborhood
- financial hardship of constructing retaining wall
- new design would not be handicapped friendly - require wheel chair to make 4-90' turns



Prepared By:  
**W.T. Smith- Land Surveying**  
 4207 Lebanon Pike, Suite #200  
 Hermitage, TN. 37076  
 Phone: 615-712-6693  
 Email: tommy@wtsmithsurvey.com



**Site Plan**  
**1115 Lischey Avenue**  
**Nashville - Davidson Co., Tn.**

SHEET NO.  
**S-1.0**  
 REVISION

# PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

## BZA Case 2019-337 (1115 Lischey Avenue)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade; not contribute in lieu (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T4-R-CA2
Transit:	#28 – Meridian
Bikeway:	None existing; none planned

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

**Analysis:** The applicant proposes constructing a new single family residence and requests a variance from upgrading sidewalks due to the presence of an existing sidewalk, topography, and impacts to mature trees and the neighboring property. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk with no grass strip currently exists along Lischey Avenue, which is consistent with adjacent properties. The MCSP design guidance in this area would be achieved through a much more significant redevelopment of an entire block, and it would take significant effort by Metro to achieve a new sidewalk design in this area. The street is not extremely congested and a wide sidewalk exists, so right-of-way dedication a less suitable alternative in this area.
- (2) Upgrading sidewalks to the MCSP standard would impact two mature trees, require a retaining wall, and possibly impact adjacent properties due to topography.

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 along the property frontage.

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



Appellant: John TeSelle  
Property Owner: Greg Richardson  
Representative: John TeSelle

Date: 6/17/19  
Case #: 2019-341  
Map & Parcel: 11702009200

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: detached garage

Activity Type: \_\_\_\_\_  
Location: 2414 Sterling Rd

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

Reason: setbacks and height variances  
Section(s): 17.12.040.E 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.

John TeSelle  
Appellant Name (Please Print)  
405 Fairfax Ave.  
Address  
Nashville TN 37212  
City, State, Zip Code  
615.297.1919  
Phone Number  
jte@jt-architecture.com  
Email

\_\_\_\_\_  
Representative Name (Please Print)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code  
\_\_\_\_\_  
Phone Number  
\_\_\_\_\_  
Email  
Appeal Fee: \$100

WM



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



3681692

**ZONING BOARD APPEAL / CAAZ - 20190035722**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 11702009200

APPLICATION DATE: 06/17/2019

## SITE ADDRESS:

2414 STERLING RD NASHVILLE, TN 37215

PT LOT 1 STOKES TRACT BLK 7

PARCEL OWNER: RICHARDSON, GREGORY &amp; VIRGINA

CONTRACTOR:

## APPLICANT:

## PURPOSE:

requesting a rear setback variance per METZO section 17.12.040 (E) and an 18 inch height variance per METZO section 17.12.060 (B) for proposed addition to detached garage. council district #25. POC JOHN TESELLE 615-297-1919.

*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.

**John TeSelle ARCHITECTURE**

405 Fairfax Avenue Nashville TN 37212 615 297-1919 www.jt-architecture.com

**MEMO**

---

**Project:** 2414 Sterling Road  
Nashville, TN 37215  
Garage addition / renovation

**Subject:** Zoning Variance Request

**Date:** June 14, 2019

---

1. The project consists of renovation of an existing small outbuilding (to serve as a pool house) and construction of an addition to this existing outbuilding for a new 2-car garage.
2. Lot and structure areas
  - o Lot area is 28,013 SF
  - o Building coverage of the main residence is 3,078 SF. 50% of this area = 1,539 SF.
3. Two variances are requested for this project:
  - o Rear setback variance from 20 feet to 3 feet
    - Per 17.12.040 (E) (b) a rear setback of 3 feet is permitted for an outbuilding but only if the area of the outbuilding does not exceed 700 SF. The combined area of the existing outbuilding and the new addition is 1,100 SF of interior space with a 140 SF open porch.
    - The existing outbuilding has a rear setback of 3 feet.
  - o Height variance from 16 feet to approximately 16'-9" or 17'-5" depending on how measurement is made
    - Per 17.12.060 (B) the maximum height of an outbuilding is 16 feet.
    - If measurement is taken from the grade directly below the gable ridge, height of the proposed addition is 16'-9". If measurement is taken from the lowest grade at the new garage door, height to the gable ridge is 17'-5".
    - The addition is proposed to match the height of the existing outbuilding roof.
4. Hardship
  - o Both variances are requested due to the existing conditions of the lot and the location and height of the existing outbuilding.
  - o There is a large existing tree in the yard that can be preserved if the new garage is constructed as an addition to the existing outbuilding. Moving the new garage to meet the 20 foot rear setback would require removal of the tree.
  - o The existing driveway runs to the original outbuilding, and this driveway can only be re-used if the new garage is located with the 3 foot setback.
  - o Connecting the new garage to the existing outbuilding requires that the roof ridge of the addition be at least as high as the original outbuilding roof ridge, therefore requiring the height variance.

## 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

6/14/19  
 \_\_\_\_\_  
 DATE



### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

SETBACK VARIANCE:

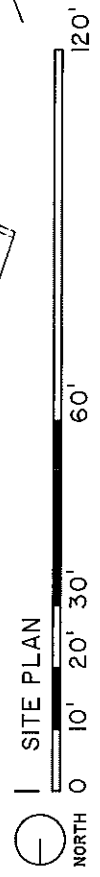
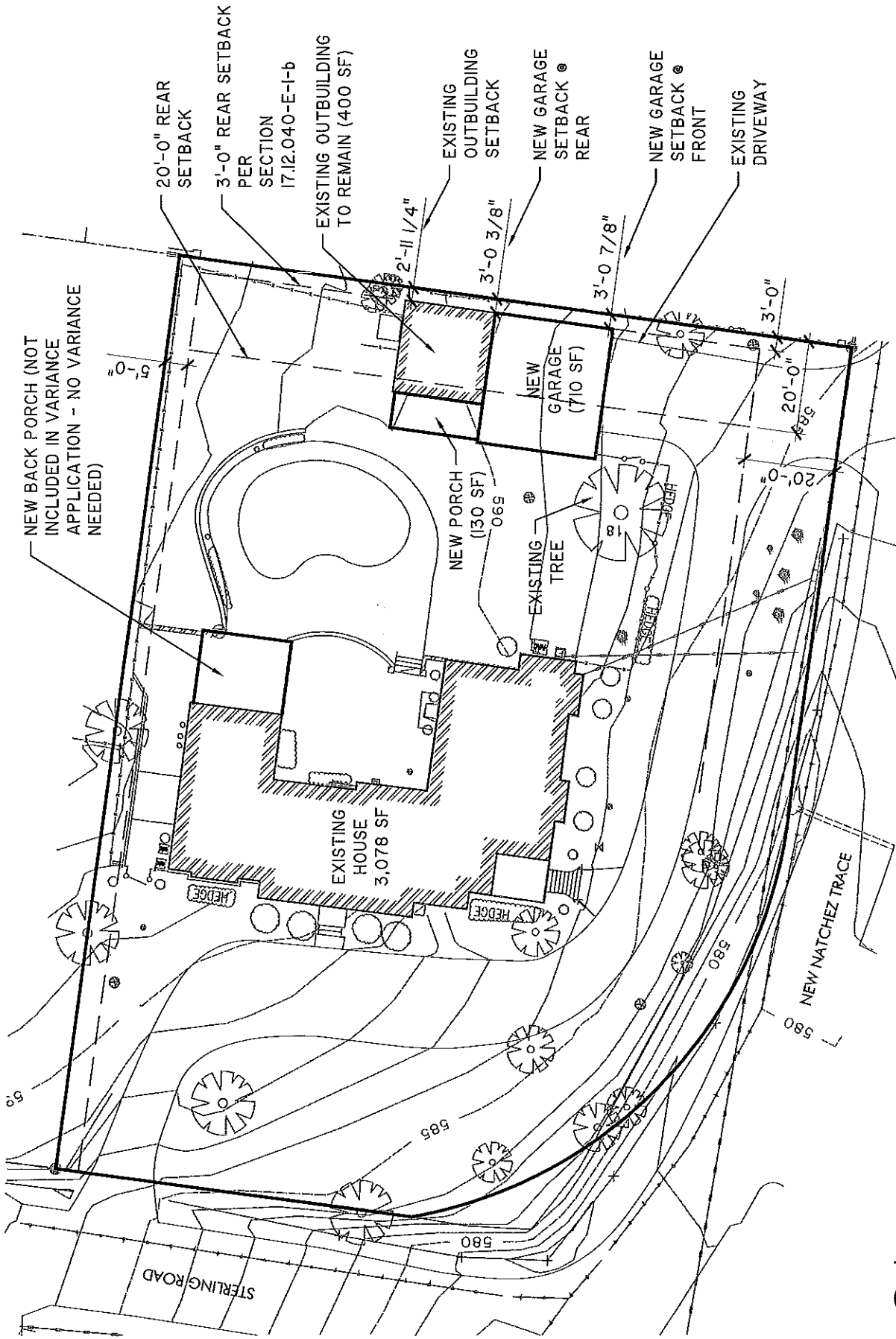
- Existing mature tree on the site restricts placement of new garage
- Existing outbuilding (old garage, to be converted to pool house) should be preserved. It has a 3' setback and addition needs to match this to connect at the roofline.
- Existing driveway runs to old garage -- new garage is sited to re-use this driveway.

HEIGHT VARIANCE

- In order to connect addition to the existing outbuilding, the roof ridge line of the addition must be at least as high as the ridge of the existing outbuilding.
- Depending upon where the height to the ridge is measured, a variance may be required for the new ridge height to match the existing ridge height as the new ridge may be higher than the 16 foot limit specified by 17.12.060 (B)

SUMMARY

- Both variances are motivated by a desire to retain and preserve the existing construction, trees, and drives on the site.
- Retaining these items reduces construction waste and preserves the urban tree canopy.

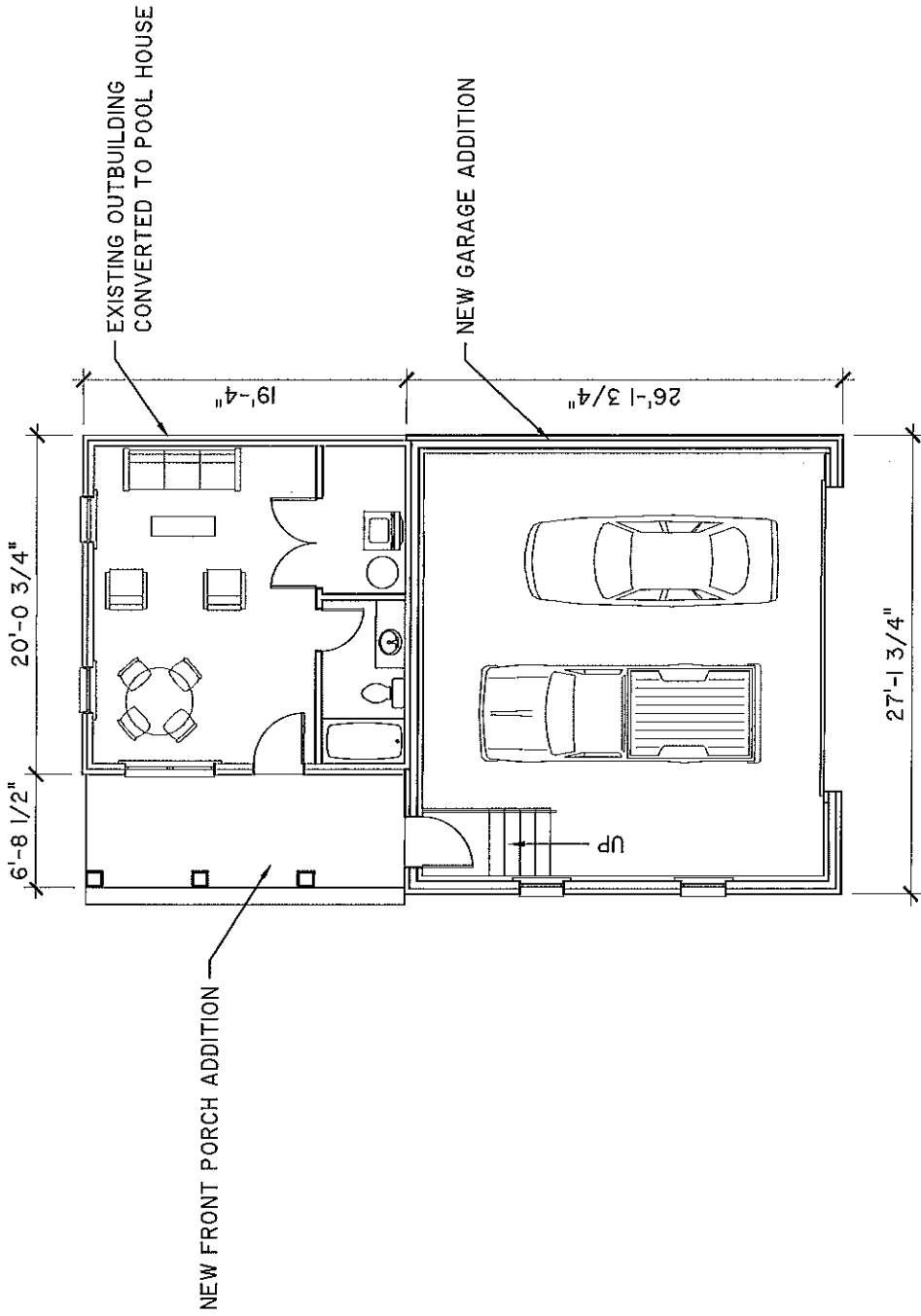


14 June 2019  
Site Plan

Garage and Porch Addition  
2414 Sterling Road, Nashville, Tennessee

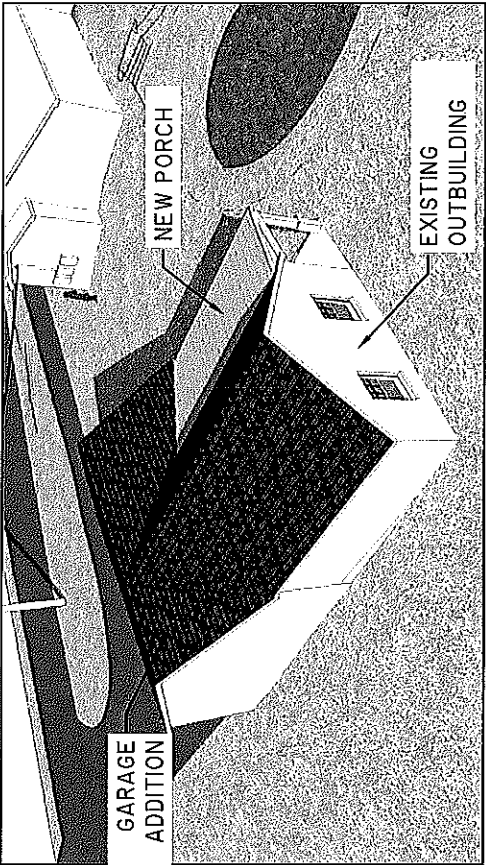
John Teselle ARCHITECTURE  
40 Fuller Road, Nashville, TN 37212 615.972.1819 www.johnteselle.com  
© Copyright 2019

S1.1

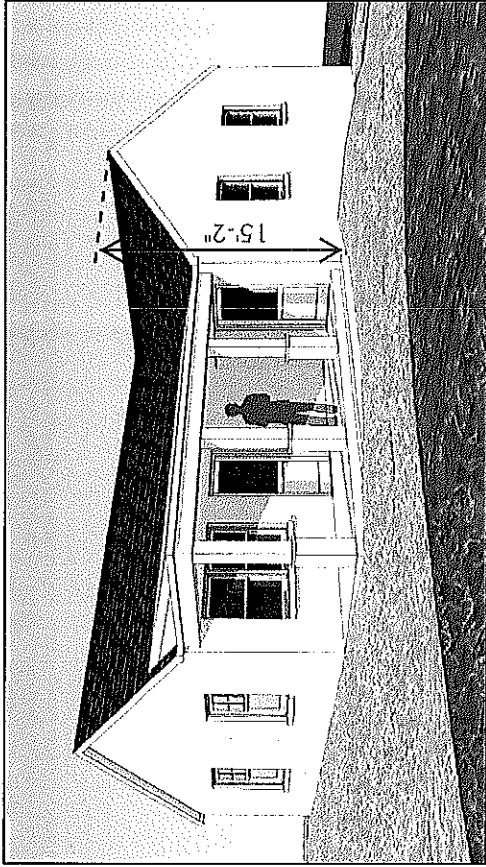


1 | GARAGE FLOOR PLAN - 1,100 SF TOTAL (1,240 INCLUDING PORCH)

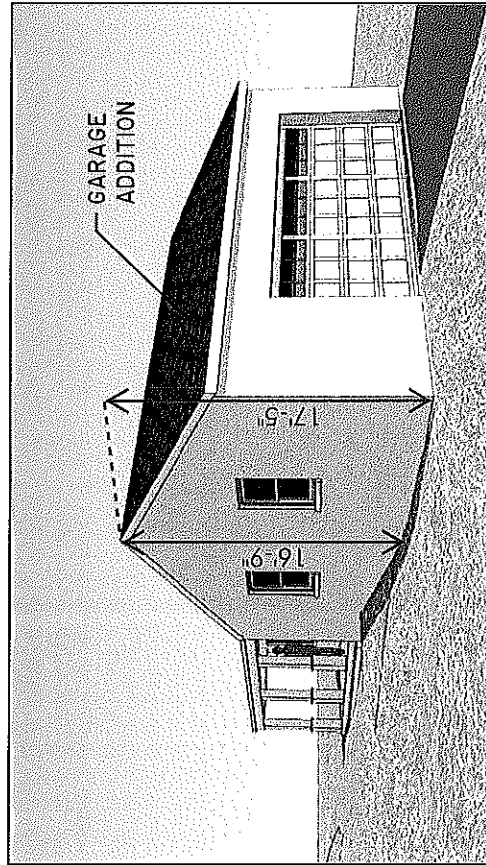
NORTH 0' 2' 4' 8' 16' 32'



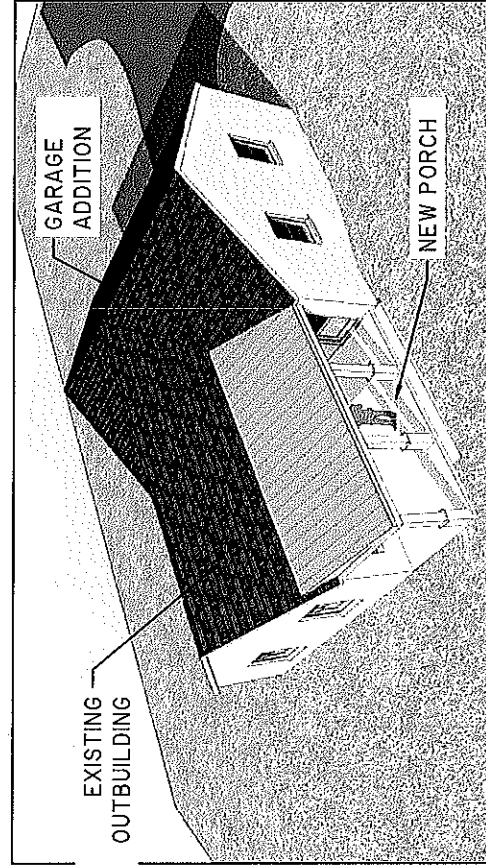
1 PERSPECTIVE VIEW



2 PERSPECTIVE VIEW



3 PERSPECTIVE VIEW



4 PERSPECTIVE VIEW

**Garage and Porch Addition**  
 2414 Sterling Road, Nashville, Tennessee

Jennifer Phillips  
2405 Sterling Rd  
Nashville TN 37215

Metro Department of Codes & Building Safety  
Metro Office Building-3<sup>rd</sup> Floor  
800 Second Avenue South  
Nashville, TN 37219

July 24, 2019

RE: Appeal Case Number 2019-341

To Whom It may concern:

I writing to oppose the appeal of 2414 Sterling Road their request for a vaiance from setback and height restriction.

Thank you very much for your consideration of this opposition.

Regards,

A handwritten signature in cursive script that reads "Jennifer Phillips". The signature is written in black ink and is positioned to the right of the word "Regards,".

Jennifer Phillips

July 26, 2019

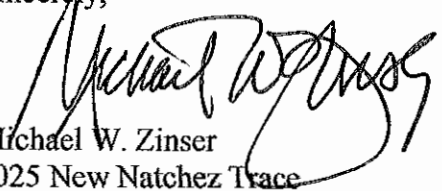
Board of Zoning Appeals  
800 2<sup>nd</sup> Avenue S-3<sup>rd</sup> Floor  
P. O. Box 196300  
Nashville, TN 37219-6300

RE: Appeal Case Number 2019-341  
2414 Sterling Road  
Map Parcel: 11702009200  
Zoning Classification: RS10  
Council District: 25

To Whom It May Concern:

I am in receipt of your letter to inform me of the zoning appeal requested from our neighbors at 2414 Sterling Road. While I'll not attend the Board of Zoning Appeals public hearing on 8/15/2019 I wanted to let you know that I have no opposition to their request, in fact believe it will be an improvement not only to their property, but also to the neighborhood.

Sincerely,



Michael W. Zinser  
3025 New Natchez Trace  
Nashville, TN 37215

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DEKALB AND DAVIDSON COUNTY



Appellant: Karla Newman

Date: 6-18-19

Property Owner: Grant Ventures LLC

Case #: 2019-342

Representative: Karla Newman

Map & Parcel: 71-8-Q-1-CO  
71-8-Q-2-CO

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 - HPR

Location: 313 C Prince Ave

This property is in the R6A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Requesting variance from sidewalk requirement

Section(s): 17.12.120

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

Karla Newman  
Appellant Name (Please Print)

Karla Newman  
Representative Name (Please Print)

4012 Calumet Dr  
Address

4012 Calumet Dr  
Address

Antioch TN 37013  
City, State, Zip Code

Antioch TN 37013  
City, State, Zip Code

615-474-8406  
Phone Number

615-474-8406  
Phone Number

K.Newman73@Rocketmail.com  
Email

''  
Email

Zoning Examiner: C.H.

Appeal Fee: \$ 200.00





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



3682080

**ZONING BOARD APPEAL / CAAZ - 20190035975  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 071080Q90000CO

APPLICATION DATE: 06/18/2019

**SITE ADDRESS:**

313 C PRINCE AVE NASHVILLE, TN 37207

COMMON AREA GRANT ESTATES 3.0

PARCEL OWNER: O.I.C. GRNAT ESTATES 3.0

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

requesting variance from sidewalk requirements

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

---

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

Karla Newman  
**APPELLANT**

6/18/19  
**DATE**

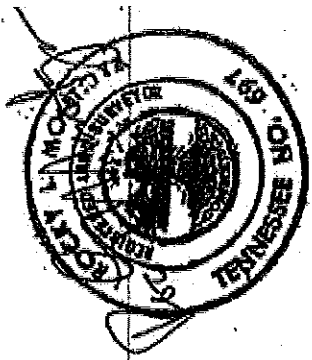
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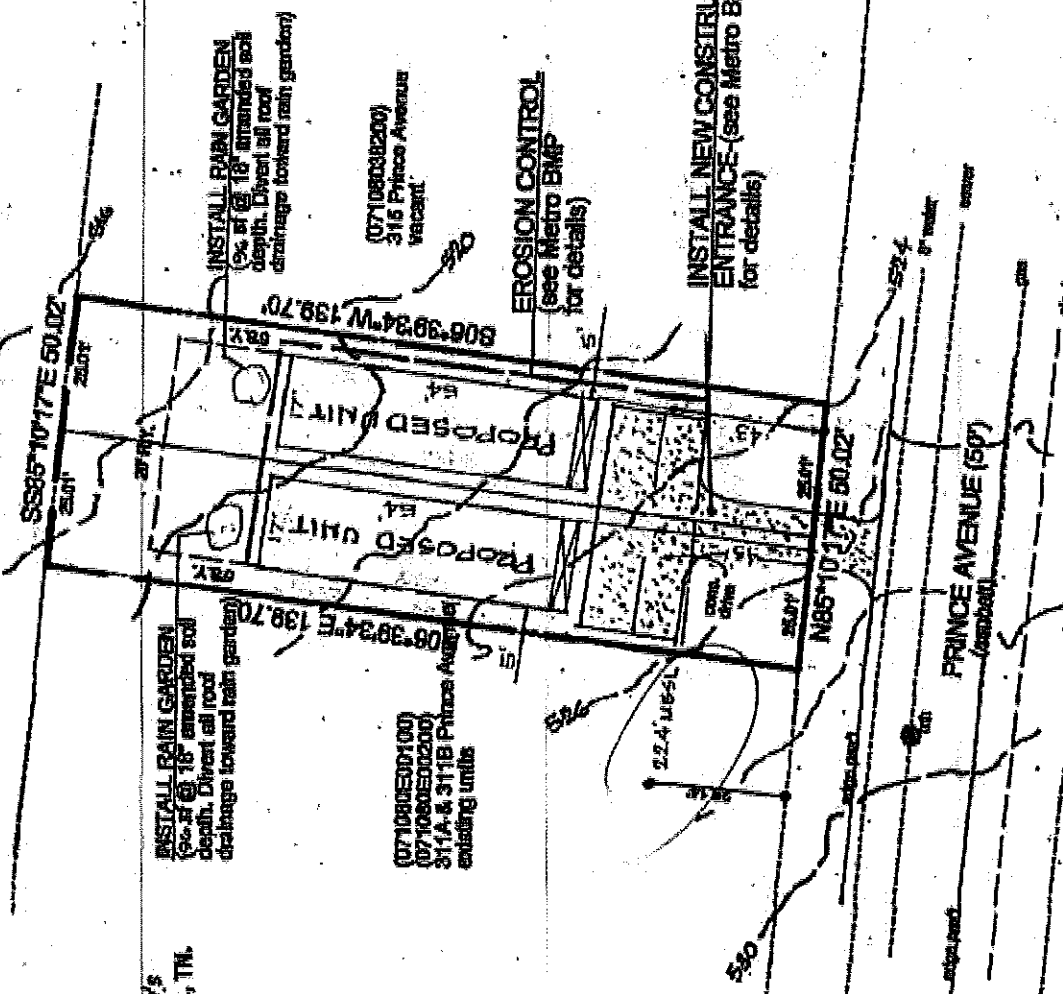
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

There isnt any existing sidewalks there and would cause water to run back towards the homes.



REV. DATE: 05/05/19  
REV. DATE: 05/08/19



All work to be done in accordance with Metro regulation-appendix H registered infill guidelines.  
Lot area 8,984 sq.ft., 0.180 acres  
Existing impervious area 0.04sq.ft.  
Impervious area added 2996 sq.ft.

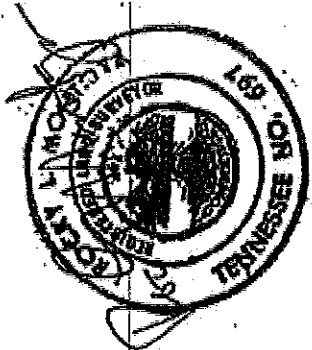
SCALE: 1"=30'

**SITE PLAN**  
313 PRINCE AVENUE  
NASHVILLE, TN 37207

Prepared By:  
**R.I. Montoya - Land Surveying**  
1103 Old Hickory Road, Goodlettsville, TN 37072  
Phone: 615-547-4210 Email: rmontoya@rland.com

**General Notes:**

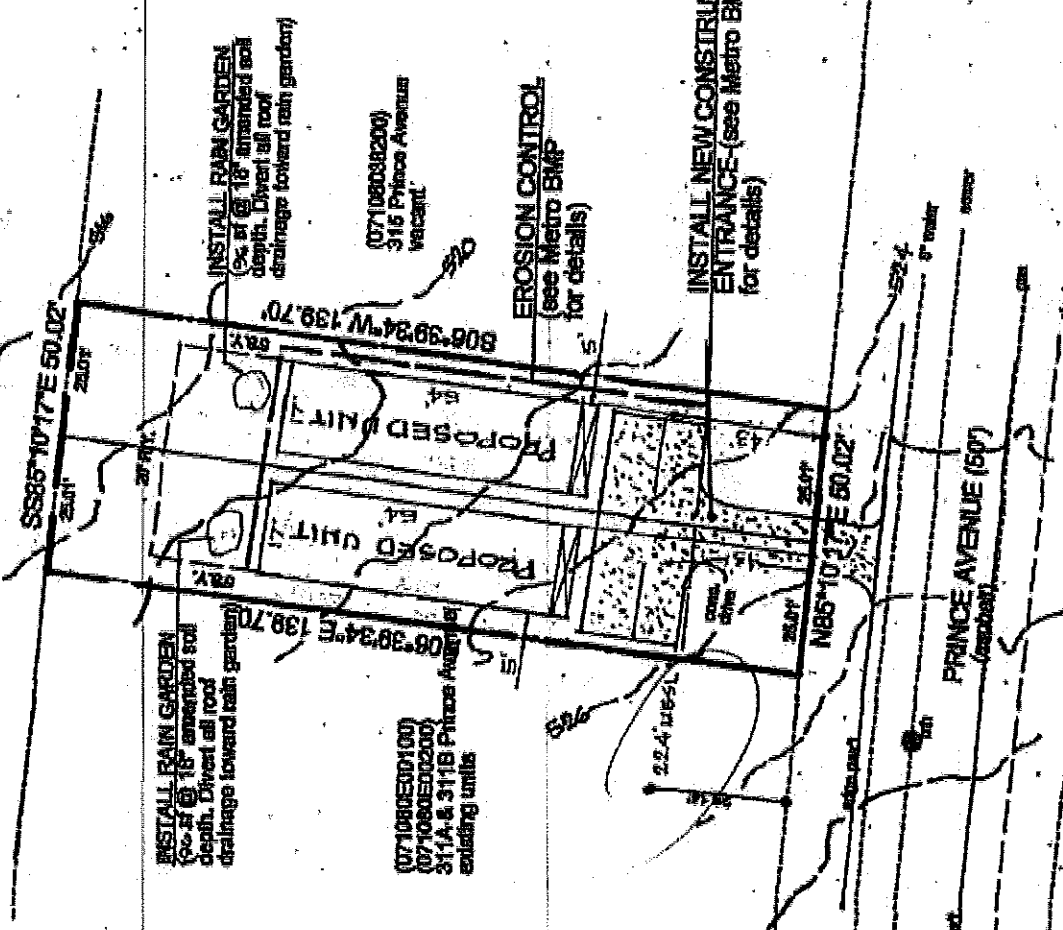
Bearing Basis: Magnetic observation dated 04/09/19  
Map reference: Being parcel 56 as shown on Davidson County Property Map 71-08, T.O.S.C., Tn.  
Plat Reference: part of Lot 52 & 63 on the Map of J. B. Haynie's Oriental plan recorded in plat book 161, page 26 & 27 R.O.S.C., Tn.  
Deed Reference: CC-20020-402-0039809 R.O.D.C. Tn.  
Address: 313 Prince Avenue, Nashville, Tn. 37208  
Area: Lot Contains 8,984 sq. ft. sq. ft., or 0.180 acres.  
No title report was furnished to this surveyor.  
Utilities: Existing visible utilities were field located as a part of this survey, other utilities, above and/or below ground may exist of which the survey is unaware. Call before you dig.  
Datum Basis: Davidson County GIS Information.  
Property: Zoned R6-A  
Owner: Roy A. Patterson, Sr.



REV. DATE: 05/05/19  
REV. DATE: 05/08/19

**General Notes:**

Bearing Basis: Magnetic observation dated 04/09/19  
 Map reference: Being parcel 56 as shown on Davidson County Property Map 71-08, T.O.S.C., Tn.  
 Plat Reference: part of Lot 52 & 63 on the Map of J. B. Haynie's Oriental plan recorded in plat book 161, page 26 & 27 R.O.S.C., Tn.  
 Deed Reference: OC-20020402-0038809 R.O.D.C. Tn.  
 Address: 313 Prince Avenue, Nashville, Tn. 37208  
 Area: Lot Contains 8,6,984 sq. ft. sq. ft., or 0.160 acres.  
 No title report was furnished to this surveyor.  
 Utilities: Existing visible utilities were field located as a part of this survey, other utilities, above and/or below ground may exist of which the surveyor is unaware. Call before you dig.  
 Datum Basis: Davidson County G I S Information.  
 Property: Zoned R6-A  
 Owner: Iby A. Patterson, Sr.



All work to be done in accordance with Metro regulation-appendix H regulated infill guidance.  
 Lot area 8,984 sq. ft., 0.160 acres  
 Existing impervious area 0.05sq. ft.  
 Impervious area added 2996 sq. ft.

SCALE: 1"=30'

**SITE PLAN**  
 313 PRINCE AVENUE  
 NASHVILLE, TN 37207

Prepared by:  
**J. I. Montoya - Land Surveying**

1105 Old Deussen Road, Rockledge, TN, 37072  
 Phone: 615-367-4210 Email: jmontoya@jmontoya.com

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-342 (313C Prince Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	R6-A
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Approximately 0.38 miles from #23 – Dickerson Road and #43 – Hickory Hills; future Bus Rapid Transit per nMotion
Bikeway:	None existing; none planned

### Planning Staff Recommendation: *Disapprove.*

**Analysis:** The applicant proposes constructing a two-family dwelling and requests a variance from constructing sidewalks. Per the Zoning Ordinance, the applicant is eligible to contribute in-lieu of construction. Electing to make the contribution in-lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

Given the factors above, staff recommends **disapproval as the applicant has the option to contribute in-lieu of construction.** The applicant shall also dedicate right-of-way for future sidewalk construction.

## Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Bailey Neal Date: 06/18/19  
 Property Owner: Bailey Neal Case #: 2019 - 343  
 Representative: Chip Howorth Map & Parcel: 07107026500

Council District 05

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

**Purpose:**

To allow a reduction in the number of required parking spaces as established in section 17.20.030.

Activity Type: Office

Location: 102 Duke Street

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

Reason: To allow the ability to use the UZO district calculation in establishing minimum parking spaces.

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.

Bailey Neal

Appellant Name (Please Print)

2305 Cruzen Street

Address

Nashville, TN, 37211

City, State, Zip Code

Phone Number

bronson@ldctn.com

Email

S+H Group, LLC (Chip Howorth)

Representative Name (Please Print)

2606 Eugenia Ave, Suite D

Address

Nashville, TN 37211

City, State, Zip Code

615-647-8775

Phone Number

chip@shgroupplc.com

Email

Appeal Fee: \$200



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



3681771

**ZONING BOARD APPEAL / CAAZ - 20190035775  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 07107026500

APPLICATION DATE: 06/17/2019

**SITE ADDRESS:**

102 DUKE ST NASHVILLE, TN 37207

LOT 2 H. O. GARY SUBD.

PARCEL OWNER: MWC, LLC

CONTRACTOR:

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

Requesting Variance to parking requirements per 17.20.030 for proposed construction of a 12,600 sq ft Office Development of 7 offices within 3 buildings.

Use requires 42 spaces, requesting a reduction of 14 spaces (35%) by providing 28 spaces. Requesting to use the UZO standards which allow for an exemption of the first 2,000 sq ft of office space.

No Permit Application started.

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

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

Inspection requirements may change due to changes during construction.





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

June 18, 2019

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

Re: 102 Duke Street  
Nashville, TN 37207  
Parcel 07107026500

To Whom It May Concern:

On behalf of our client, S+H Group (S+H) is submitting the referenced property located at 102 Duke Street, Nashville, TN 37207 (the "property") for a Variance Request from Section 17.20.030 of the Metropolitan Code pertaining to minimum parking requirements, respectively. Due to the property's proximity to both Dickerson Road and the UZO, we are requesting that the number of minimum parking spaces be either dictated by the calculation used for parking within the UZO district or, in the alternative, request that the non-UZO general office parking requirement as dictated by Section 17.20.030 of the Code be reduced by 35%. Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstances (hardships) described below and the following documents enclosed:

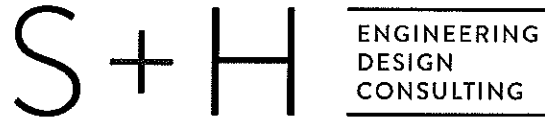
1. Eight (8) copies of the Site Plan
2. Exhibit - Urban Zoning District Map
3. Board of Zoning Appeals Checklist
4. Application for Variance Request
5. Check in the amount of \$200.00 to Board of Zoning

#### **Variance Request - Reduction in Parking Requirement/Parking Spaces**

Per Section 17.20.030 and Table 17.20.030 of the Code, the minimum required parking spaces for a general office development outside the UZO district is 1 space per 300 square feet (SF) of office. Inside the UZO district, the first 2,000 SF of general office is exempt from parking requirements and for floorspace in excess of 2,000 SF, 1 space per 500 SF of general office is required.

Based on the proposed project program of general office, the minimum number of parking spaces required using the **outside-UZO district** calculation is 42 spaces. Using the **inside-UZO district** calculation, the requirement is 22 spaces. In the alternative, we would request that a parking reduction of 35% be applied to the outside-UZO district parking requirement, which would require the proposed project to have 28 parking spaces.

The property is 0.81 acres or 35,283 SF of land area and is currently zoned CS. As proposed, the project has a FAR of only 0.35. By requiring strict application of the parking requirements on this property, it can be argued that the intent of CS zoning is defeated by the parking requirement.



2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · [www.shgrouppllc.com](http://www.shgrouppllc.com)

Furthermore, the current Community Character Policy for the property is T4CM or Urban Mixed Use Corridor. As defined by NashvilleNext, the intent of T4CC is to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections.

It is clear that long range planning has indicated that future growth is envisioned for the property and its surroundings. Given the proximity of the property in question to both Dickerson Road and the UZO district and given the future growth that is planned for the property and its surroundings, it is requested that the project be allowed to use the UZO calculation for establishing minimum parking spaces or, in the alternative, request that the non-UZO general office parking requirement as dictated by Section 17.20.030 of the Code be reduced by 35%.

If you have any questions or concerns, please call or email me at 615-647-8775 ext. 101 and [chip@shgrouppllc.com](mailto:chip@shgrouppllc.com).

Sincerely,

A handwritten signature in cursive script that reads 'Chip Howorth'.

Chip Howorth  
Principal

## 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.

Bailey Neal  
APPELLANT

6/18/2019

DATE

### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

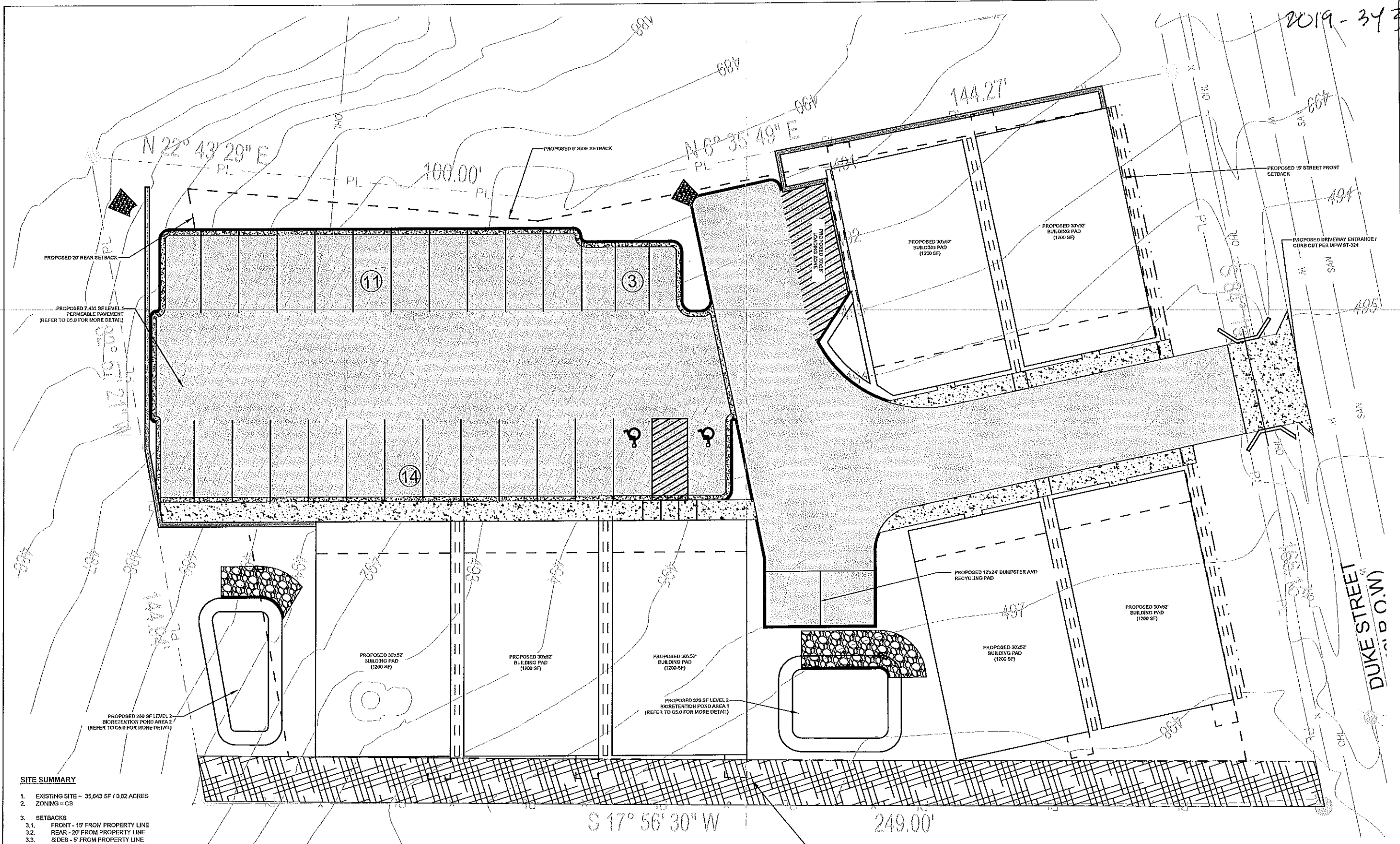
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

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

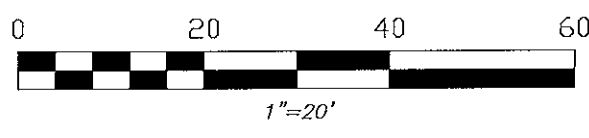
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

See attached letter.

2019-343



- SITE SUMMARY**
- EXISTING SITE - 35,643 SF / 0.82 ACRES  
ZONING = CS
  - SETBACKS
    - FRONT - 15' FROM PROPERTY LINE
    - REAR - 20' FROM PROPERTY LINE
    - SIDES - 5' FROM PROPERTY LINE
  - PROPOSED AREAS
    - BUILDING PAD FOOTPRINTS - 10,020 SF
    - PAVEMENT - 11,971 SF
    - SIDEWALK - 1,128 SF
    - GREEN AREA - 11,928 SF
    - ISR = 70% MAX (PROPOSED = 66.5%)
    - FAR = 60% MAX (PROPOSED = 35.4%)
  - PARKING
    - SPOTS REQUIRED = 1/300 SF GENERAL OFFICE  
REQUIRED = 12,600 / 300 = 42  
PROVIDED = 28



NOT FOR CONSTRUCTION

102 DUKE STREET  
102 DUKE STREET  
NASHVILLE, TENNESSEE

Sheet Title  
SITE LAYOUT

**S+H** ENGINEERING  
DESIGN  
CONSULTING  
2008 EUGENIA AVENUE  
NASHVILLE, TN 37211  
TEL: 615.962.0000

Date  
JUNE 18, 2019

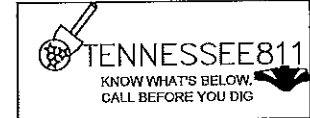
Scale  
1" = 20'

Drawn by  
J. SCOTT

Reviewed by  
P. SMITH

Sheet Name

**EX.1**






PARCEL IDENTIFICATION NUMBERS  
07107026500

PROJECT BENCHMARK  
TAG BOLT ON FIRE HYDRANT  
EL = 480.70  
(NAVD88)




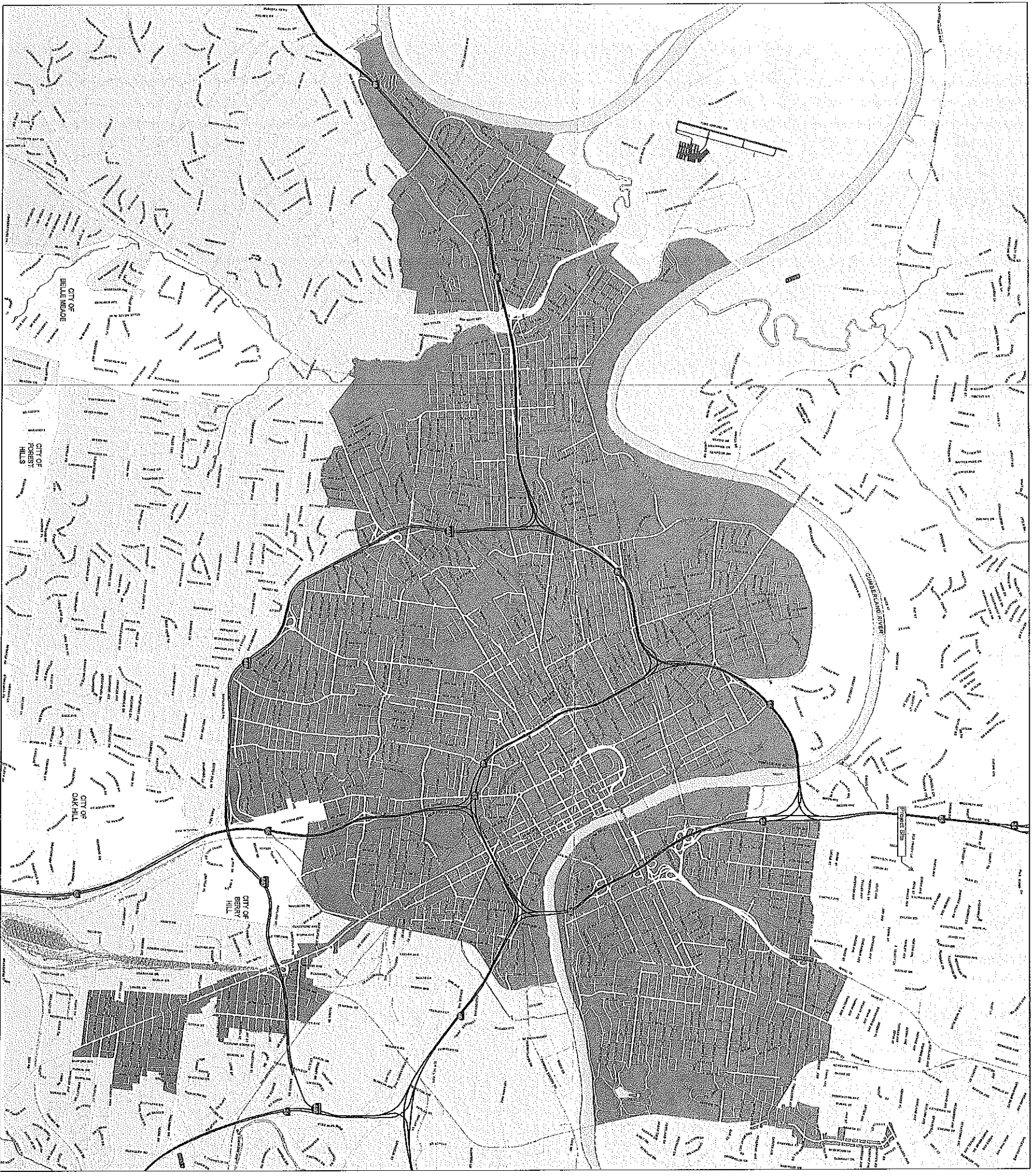
# Metropolitan Nashville Davidson County Urban Zoning Overlay

 Urban Zoning Overlay  
 Satellite City

  
Metropolitan Government of Nashville and Davidson County Planning Department  
Overlaid Overlay, Version 3/24/10 Scale: 1 inch equals 1,000 feet

0 1,500 3,200 4,800 Feet





Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DEKALB AND DAVIDSON COUNTY



Appellant: TUNE, ENTREKIN & WHITE, PC Date: 6-18-19  
Property Owner: Collins Road I, LLC Case #: 2019- 344  
Representative: SHAWN HENRY Map & Parcel: 155-105

Council District 35

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

Purpose:

TO REPLACE STATIC MESSAGE PANEL IN EXISTING NONCONFORMING SIGN STRUCTURE WITH DIGITAL DISPLAY.

Activity Type: BUSINESS SIGN

Location: 8200 HIGHWAY 100

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:

PANEL REPLACEMENT WILL INCREASE AWARENESS OF ALL 3 TENANTS IN BUILDING.

Section(s): 17.40.660 AND 17.40.690

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

TUNE, ENTREKIN & WHITE, PC

Appellant Name (Please Print)

315 DEADERICK STREET  
SUITE 1700

Address

NASHVILLE, TN, 37238-1700

City, State, Zip Code

615-244-2770

Phone Number

SHenry@TEWlawfirm.com

Email

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

SHAWN HENRY

Representative Name (Please Print)

[SAME]

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: \$ 100.00





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



3681916

**ZONING BOARD APPEAL / CAAZ - 20190035876  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 15500010500

APPLICATION DATE: 06/18/2019

**SITE ADDRESS:**

8200 HIGHWAY 100 NASHVILLE, TN 37221

LOT 1 COLLINS ROAD COMMERCIAL DEV. BOUNDARY PLAT &amp; PT CLOSED ROW

PARCEL OWNER: COLLINS ROAD 1, LLC

CONTRACTOR:

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

item a appeal to change existing message board on existing sign with new LED message center within a CN zoned district.

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

---

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

Inspection requirements may change due to changes during construction.

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

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

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

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

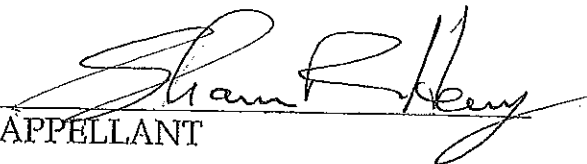
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

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

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

  
APPELLANT

DATE June 17, 2019

# RIVER TRACE UDO

## Applicability

These sign regulations shall not apply to single- & two-family zoning districts in the River-Trace UDO. Base district standards that are not varied by the provisions set forth in this section shall apply within the River-Trace UDO. In addition to the standards set forth within this section, the following Sections of the Metro Zoning Code shall apply to all regulated signage within the River-Trace UDO.

- Section 17.04.06 - Definitions of general terms
- Within Chapter 17.32 SIGN REGULATIONS:
  - Section 17.32.020 - General Provisions
  - Section 17.32.040 - Signs allowed without a permit
  - Section 17.32.050 - Prohibited signs
  - Section 17.32.060 - Permitted on-premises temporary signs
  - Section 17.32.145 - Landmark signs
  - Section 17.32.160 – Computations

## Right-of-way Encroachments

Where a sign is proposed to encroach into the public right-of-way, an application shall be made with the Public Works Department. The application shall include the requirements of the Public Works Department available at their website: <http://www.nashville.gov/public-works/permits.aspx>, in addition to the submittal requirements for sign permit applications in the Metro Zoning Code.

## Nonconforming Signs



Applicable provisions (Sections 17.40.660 and 17.40.690) of the Metro Zoning Code apply.

In addition, panel changes in a legally non-conforming cabinet sign shall be permitted. All new panels shall conform to all illumination standards herein.

## Prohibited Signs

In addition to signs prohibited in the base zoning district, on-premise temporary signs, pole mounted signs, and billboards shall not be permitted. Any sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means are prohibited. Digital signs are prohibited.

## Other Sign Types

Auto-oriented canopy/awning signs: The allocation of signage for auto-oriented canopies and awnings shall be measured as wall signs and shall only be used on the canopy/awning. The following standards shall apply:


- Only one sign shall be permitted on each side of a canopy/awning which faces a public ROW.
- Internal illumination shall be permitted only in the sign area.

# Nashville / Davidson County Parcel Viewer



May 15, 2019

Ownership Parcels

 Planned Unit Development

 Zoning

1:564

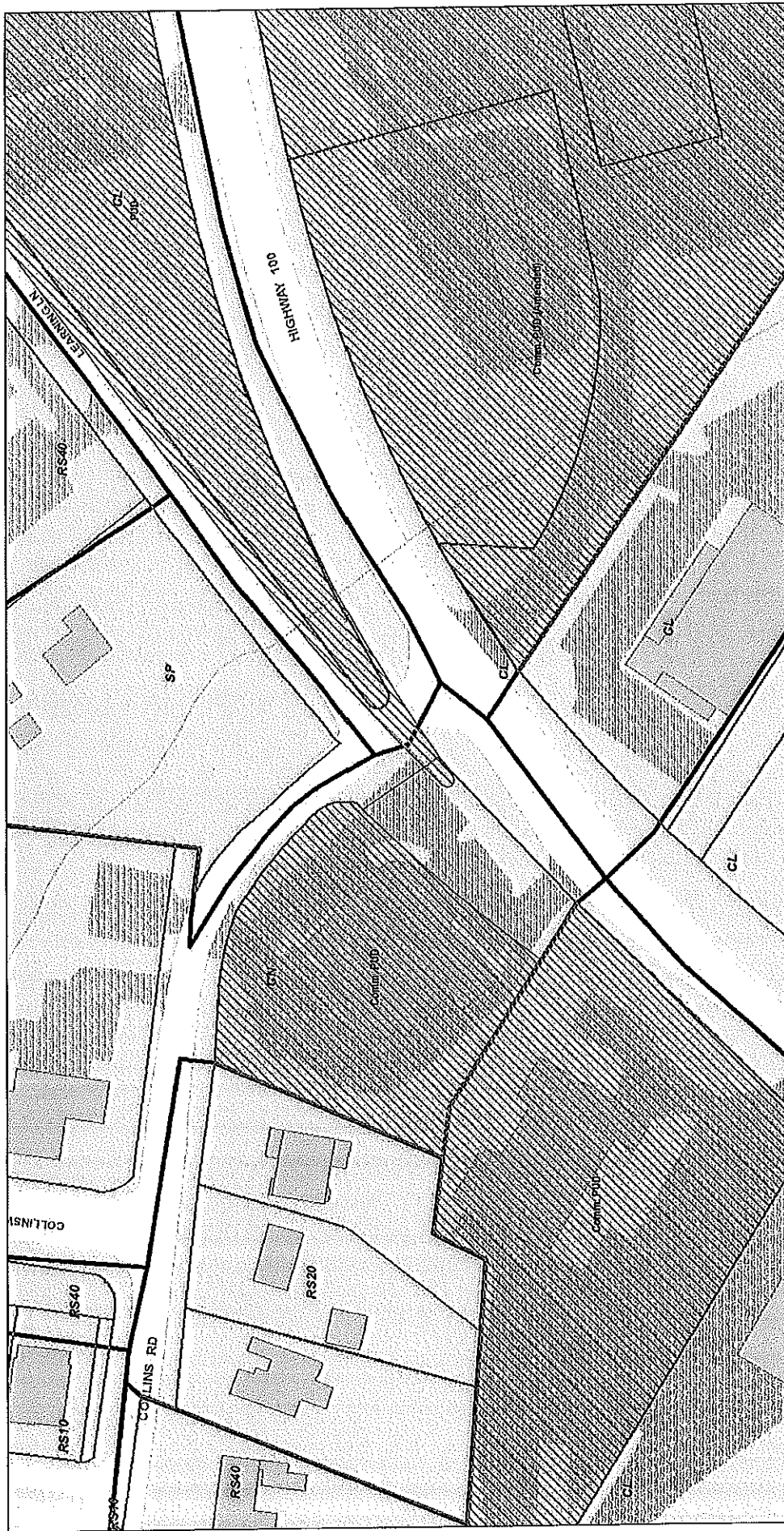
0 0.00475 0.0095 0.019 mi

0 0.0075 0.015 0.03 km

Metro GIS, Pictometry International  
Nashville Planning Department, MetroGIS

Made by: Metro

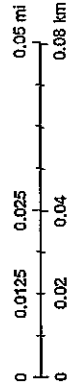
# Nashville / Davidson County Parcel Viewer



April 16, 2019

- Ownership Parcels
- Planned Unit Development
- Zoning

1:1,128



Nashville Planning Department, MetroGIS  
Metro GIS

Made by: Metro GIS



Nashville Planning Department

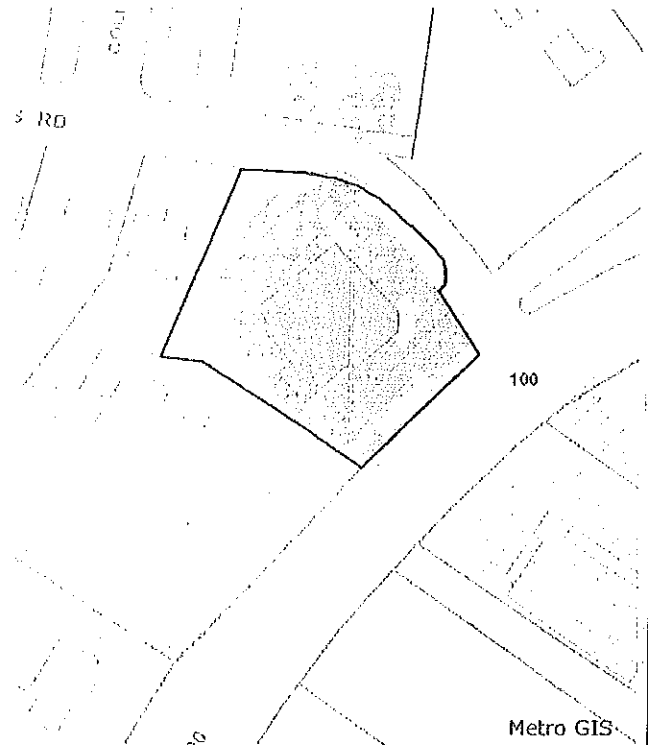
800 2nd Ave S

P.O. Box 196300

Nashville, TN 37219-6300

[maps.nashville.gov](http://maps.nashville.gov)**Parcel Details**

**Parcel ID:** 15500010500  
**Parcel Address:** 8200 HIGHWAY 100  
 NASHVILLE, TN 37221  
**Owner:** COLLINS ROAD 1, LLC  
**Acquired Date:** 11/13/2016  
**Sale Price:** \$ 1,817,000.00  
**Sale Instrument:** DB-20161115 0120582  
**Mailing Address:** 1066 VAUGHN CREST DR  
 FRANKLIN, TN 37069  
**Legal Description:** LOT 1 COLLINS ROAD COMMERCIAL  
 DEV. BOUNDARY PLAT & PT CLOSED  
 ROW  
**Acreage:** 1.32  
**Frontage Dimension:** 130  
**Side Dimension:** 258  
**Parcel Instrument:** OR-20031413 0000000  
**Parcel Instrument Date:** 6/10/2003  
**Census Tract:** 37018408  
**Tax District:** GSD  
**Council District:** 35  
**Land Use Description:** ONE STORY GENERAL RETAIL  
 STORE

**Zoning**

Hide

**Zone Code:** CN  
**Zone Description:** COMMERCIAL NEIGHBORHOOD IS INTENDED FOR VERY LOW INTENSITY RETAIL, OFFICE,  
 AND CONSUMER SERVICE USES WHICH PROVIDE FOR THE RECURRING SHOPPING  
 NEEDS OF NEARBY RESIDENTIAL AREAS.  
**Effective Date:** 1/1/1998  
**Ordinance:** 096-555  
**Case Number:**  
**Zone Code:** OV-COM  
**Zone Description:**  
**Effective Date:** 1/1/1998  
**Ordinance:** 096-555  
**Case Number:**  
**Zone Code:** OV-UDO  
**Zone Description:**  
**Effective Date:** 4/20/2018  
**Ordinance:** BL2018-111  
**Case Number:** 2018UD-001-001  
**Zone Code:** CSL  
**Zone Description:**  
**Effective Date:** 5/20/1987

<p> <b>Ordinance</b> 087-1725  <b>Case Number</b> 16-87-P  <b>Zone Code</b> OV-COM  <b>Zone Description</b>  <b>Effective Date</b> 5/20/1987  <b>Ordinance</b> 087-1725  <b>Case Number</b> 16-87-P  <b>Zone Code</b> R40  <b>Zone Description</b> LOW DENSITY RESIDENTIAL, REQUIRING A MINIMUM 40,000 SQUARE FOOT LOT AND INTENDED FOR SINGLE AND TWO-FAMILY DWELLINGS AT A DENSITY OF 1.16 DWELLING UNITS PER ACRE.  <b>Effective Date</b> 5/20/1987  <b>Ordinance</b> 087-1725  <b>Case Number</b> 16-87-P         </p>	
<b>Owner History</b>	Show
<b>Property History</b>	Show
<b>Assessments</b>	Show

2019-344

EXISTING



PROPOSED



3'H X 8'W FULL COLOR LED DISPLAY ON BOTH SIDES OF EXISTING MONUMENT.

# JARVISIGNS

DESIGN • BUILD • INSTALL



310 Madison St  
Madison, TN 37115



615.865.6062



www.jarvisigns.com

**Customer:**

PARAGON STRENGTH AND FITNESS  
8200 HIGHWAY 100  
NASHVILLE, TN

ATTN: KEITH FERRARI  
T: 239.595.6150

**File Location:**

JEG DESIGNS\VP\PARAGON FITNESS\PG LED  
DISPLAY.CDR

**Sign Type:**

**LED DISPLAY**

**Drawn By:**

J. PUENTE

**Page No.:**

**SG. 1**

Original Date:	Revised Date:	Rev #
1/9/2019		

DISCLAIMERS:  
This Document is the exclusive property of Jarvis Signs Incorporated, Madison, Tennessee, and may not be copied, reproduced, manufactured, marketed or sold, in whole or part without the express written consent of Jarvis Signs Incorporated.

\*Production will proceed upon receipt of your signed and dated approval.  
Proof approvals via email are considered binding and are subject to the above collection fees. It is the customers/client/recipients responsibility to verify quantities, sizes, colors, spelling and overall concept(s) contained in your layout. Any correction made after production begins will be the customers/client/recipients responsibility and additional charges will apply.

\*Colors will appear differently from one computer monitor to another. The colors in the customers/client/recipients approval drawings only to be used as reference. Please refer to actual color chip for accurate color reference.



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

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# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** August 8, 2019  
**BZA Hearing Date:** August 15, 2019  
**Re:** Planning Department Recommendation for Case 2019-344

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## 1. Case 2019-344 (8200 Highway 100) – Signage variance within the River-Trace Urban Design Overlay (UDO)

**Request:** To replace a static message panel in an existing non-conforming sign structure with a digital display.

**Zoning:** Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Land Use Policy:** T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space.

**Existing Context:** The property is located at 8200 Hwy 100 at the southwest corner of Hwy 100 and Collins Road. The site is approximately 1.32 acres. The site contains a multi-tenant building with a non-conforming sign located on the Hwy 100 frontage. The site is located next to the historic Chaffin's Barn and within the River-Trace UDO.

**Planning Department Analysis:**

The River-Trace UDO was established in 2018 in large part to address signage concerns along HWY 100. The intent of the UDO signage standards is to create signage that is attractive, appropriately scaled, and that contributes positively to the surroundings without producing visual clutter. The UDO prohibits digital signage. The current sign does not meet the UDO standards or intent and changing it to digital would further increase the degree of non-conformity.

**Planning Recommendation: Disapprove the digital signage.**



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

Appellant: Cody Lafever Date: 2-7-2019  
 Property Owner: Cody & Austin Lafever Case #: 2019-118  
 Representative: Cleveland Bain Map & Parcel: 16110000700  
 Council District: 27

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: 626 Huntington Pkwy.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

Section: 17.16.250 E

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

Appellant Name: Cody Lafever Representative: Cleveland Bain  
 Phone Number: \_\_\_\_\_ Phone Number: 615 942-6812  
 Address: 626 Huntington Pkwy. Address: 4800 Charlotte Ave.  
Nashville, TN 37211 Nashville, TN 37209  
 Email address: \_\_\_\_\_ Email address: cleveland@westnashvillelaw.com

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



3602125

ZONING BOARD APPEAL / CAAZ - 20190007854  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification

PARCEL: 16110000700

APPLICATION DATE: 02/07/2019

## SITE ADDRESS:

626 HUNTINGTON PKWY NASHVILLE, TN 37211  
LOT 65 HUNTINGTON PARK SEC. 1

PARCEL OWNER: LAFEVER, CODY &amp; AUSTIN

CONTRACTOR:

## APPLICANT:

## PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

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

---

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

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

**NOTICE**

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

*x Nora El-Chaer*  
\_\_\_\_\_  
Nora El-Chaer

2-7-2019

Rental Unit Record

# 626 Huntington Pkwy, Nashville, TN 37211, USA

Active   
Identified   
Compliant

PRINT

### Listing(s) Information

Airbnb - 27463080    Airbnb - 27549211    HomeAway - 121.7220503.6420722



### Rental Unit Information



#### Identified Address

626 Huntington Pkwy, Nashville, TN 37211, USA

#### Identified Unit Number

None

#### Identified Latitude, Longitude

36.048678, -86.733441

#### Parcel Number

16110000700

#### Owner Name

LAFEVER, CODY & AUSTIN

#### Owner Address

626 Huntington Pkwy  
Nashville, TN 37211, US

### Matched Details

Analyst

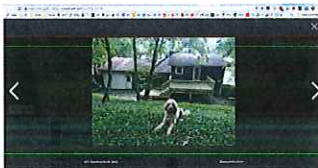
UOZO

#### Explanation

Interior and exterior photos from the listing match Redfin listing for the addressInterior and exterior photos from the listing match Zillow listing for the addressThe home is in the target area and matches listing descriptionThe host/owner name matches property records

#### Listing Photos

#### Matching 3rd Party Sources

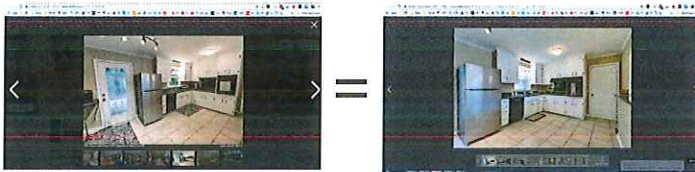


Identical exterior. Same deck. Same door and windows. Same trim. Same roof. Same satellite dish.

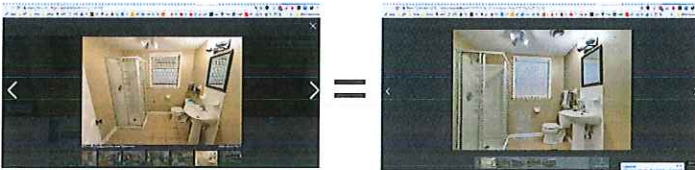
#### Timeline of Activity

View the series of events and documentation pertaining to this property

**X** Listing hma121.7220503.6420722  
Removed  
February 7th, 2019



Same kitchen. Same cabinets, floor, dishwasher, fridge, window, light fixtures.



Same bathroom.

Zip Code Match

Owner Name Match

City Name Match

**Listing Details**

Listing URL	- <a href="https://www.airbnb.com/rooms/27463080">https://www.airbnb.com/rooms/27463080</a>
Listing Status	● Active
Host Compliance Listing ID	- air27463080
Listing Title	- Convenient Private Room in Nashville. Close to DT!
Property type	- House
Room type	- Private room
Listing Info Last Captured	- Feb 07, 2019
Screenshot Last Captured	- Dec 18, 2018
Price	- \$50/night
Cleaning Fee	- \$20

**Information Provided on Listing**

Contact Name	- Cody
Latitude, Longitude	- 36.048396, -86.732808
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 2
Max Number of People per Bedroom	- 2
Number of Reviews	- 12
Last Documented Stay	- 11/2018

Listing Screenshot History

View Latest Listing Screenshot

- ✕ Listing air26686134 Removed February 7th, 2019
- Listing air26686134 Reposted February 5th, 2019
- Listing air27463080 Reposted February 5th, 2019
- Listing air27549211 Reposted February 5th, 2019
- ✕ Listing air26686134 Removed February 3rd, 2019
- ✕ Listing air27463080 Removed February 3rd, 2019
- ✕ Listing air27549211 Removed February 3rd, 2019
- Listing air26686134 Reposted January 22nd, 2019
- Listing air27463080 Reposted January 22nd, 2019
- Listing air27549211 Reposted January 22nd, 2019
- Listing hma121.7220503.6420722 Reposted January 22nd, 2019
- ✕ Listing hma121.7220503.6420722 Removed December 29th, 2018
- ✕ Listing air26686134 Removed December 22nd, 2018
- ✕ Listing air27463080 Removed December 22nd, 2018
- ✕ Listing air27549211 Removed December 22nd, 2018
- First Warning - No STR or Tax: Sent December 10th, 2018
- 3 Documented Stays November, 2018
- First Warning - No Tax Reg: Delivered November 18th, 2018
- First Warning - No Tax Reg: Sent November 13th, 2018
- 7 Documented Stays October, 2018
- Listing air26686134 Reposted October 11th, 2018
- ✕ Listing air26686134 Removed October 10th, 2018
- 11 Documented Stays September, 2018
- ✓ Listing air27463080 Identified September 24th, 2018
- ✓ Listing air27549211 Identified September 24th, 2018

December 5

January 0

February 0

✓ Listing hma121.7220503.6420722 Identified  
September 24th, 2018

✓ Listing air26686134 Identified  
September 24th, 2018

📅 11 Documented Stays  
August, 2018

✳ Listing air27549211 First Crawled  
August 10th, 2018

✳ Listing hma121.7220503.6420722 First  
Crawled  
August 7th, 2018

● Listing air27549211 First Activity  
August 7th, 2018

● Listing hma121.7220503.6420722 First  
Activity  
August 6th, 2018

✳ Listing air27463080 First Crawled  
August 5th, 2018

● Listing air27463080 First Activity  
August 5th, 2018

📅 1 Documented Stay  
July, 2018

✳ Listing air26686134 First Crawled  
July 9th, 2018

● Listing air26686134 First Activity  
July 7th, 2018



December 18, 2018 - 09:00PM America/Chicago



Search

Become a host Help Sign up Log i

Dec 18, 2018 9:00pm CT



Share Save

View Photos

PRIVATE ROOM IN HOUSE

# Convenient Private Room in Nashville. Close to DT!

Nashville

2 guests 1 bedroom 1 bed 2 shared baths



Cody

\$50 per night

★★★★★ 12

Dates

Check in → Check out

Guests

1 guest

Book

You won't be charged yet

Report this listing

### HOME HIGHLIGHTS

**Great check-in experience** - 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

**Self check-in** - Check yourself in with the smartlock.

Helpful · Not helpful

**Cody is a Superhost** - Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

Private room in a spacious house in a very safe neighborhood. There are two full bathrooms, a fully equipped kitchen, and a living room with cable/TV/wifi/etc which are shared spaces. The house is about ten minutes from the airport and about ten minutes outside of downtown Nashville.

[Read more about the space](#)

[Contact host](#)

### Amenities

Free parking on premises

Wifi

Kitchen

Iron

[Show all 16 amenities](#)

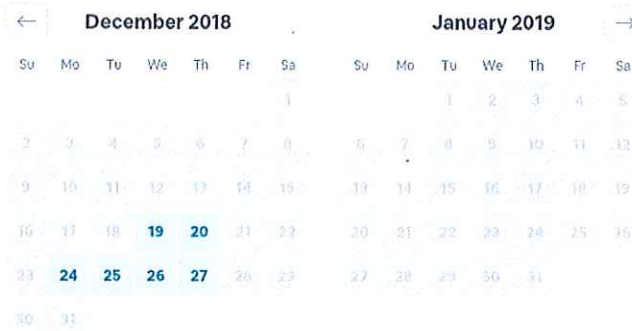
Sleeping arrangements



Bedroom 1  
1 king bed

Availability

Updated 1 month ago



12 Reviews ★★★★★

Search reviews

- Accuracy ★★★★★
- Communication ★★★★★
- Cleanliness ★★★★★
- Location ★★★★★
- Check-in ★★★★★
- Value ★★★★★

Jennifer  
October 2018

Cody's place is SO homey!! He is so quick to communicate and his home was so clean which was a plus for me! I came in town for a work trip and it was nice to come back and relax at such a nice spot! Will book again!

C  
September 2018

This home is a lovely gem outside the bustling downtown Nashville. Our room was stylish, clean and furnished for a comfortable stay. Would come back and recommend to others.

Trevor  
September 2018

Great location, tons of space. I brought my dog with and there's a nice back yard for him to run around. Would highly recommend

David  
August 2018

Cody's place was amazing! He was prompt with his responses and his place was as shown in the pictures. Clean, stylish, spacious! Cody was so hospitable and also provided us with local places to visit! The neighborhood is quiet and safe! Entry in and out the house was easy! Clean ...[Read more](#)

Pengfei  
August 2018

Great experience. Cody is quick at giving us instructions and the place is stylish and cleaning.



**Don**  
September 2018

Cody's place is great! Very Clean and Decor is nice just as described Great Stay



**Daniel**  
September 2018

Great place to stay. It was clean and everything. No issues at all.



### Hosted by Cody

Nashville, Tennessee, United States · Joined in June 2017



★ 33 Reviews ✨ Verified

**Cody is a Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

I am a Nashville Native born and raised. I work downtown and I will make your trip to Nashville the best possible! I can certainly suggest the best spots and help you in any way I can. I love Nashville very much and it's a great city to visit. I will be as hands on or hands off o...[Read more](#)

Response rate: 100%

Response time: **within an hour**

[Contact host](#)

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

### The neighborhood

Cody's home is located in Nashville, Tennessee, United States.

The neighborhood is very safe and conveniently located about ten minutes outside of downtown Nashville. The house is about ten minutes from the airport. There are plenty of bars, restaurants, and shops just within a few miles.

[Read more about the neighborhood](#) ▾

#### Nearby landmarks

- Nashville Zoo at Grassmere 4.2 mi
- Radnor Lake State Park 6.0 mi

Exact location information is provided after a booking is confirmed.

### Policies

**House Rules**

No smoking, parties, or events  
Check-in is anytime after 3PM and check out by 12PM (noon)  
Self check-in with smart lock

**Cancellations**

**Flexible - Free cancellation for 48 hours**  
After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) 

Daniel V. Knapp, Jr.  
622 Tobyllynn Dr.  
Nashville, TN 37211  
July 26, 2019

Reg: Property at 626 Hunting Parkway.  
Case appeal #2019-118

To whom this may concern:

I am apposed of an approval of the property stated above to be used as short term rental for the following reasons:

1. There is no on street parking because of bike lanes and people on this street are parking in the yards which brings down our property values.
2. There is heavy traffic on this street which is used as a cut through to Old Hickory Blvd. and Nolensville PK.
3. The area is already congested because of the duplexes on this street which causes additional parking.

This area is a nice quite area close to the interstates and downtown and we would like to keep it as such, an approval such as this could create a party atmosphere and more traffic congestion which we don't need.

Your rejection to this request would be greatly appreciated by all.

Sincerely,



Daniel V. Knapp, Jr.

1.070

# JOANNE GREGORY

614 Huntington Parkway ♦ Nashville, TN 37211 ♦ Email: jmeg39@yahoo.com ♦ Phone: 615-519-9954

August 6, 2019

Metropolitan Government of Nashville Davidson County  
Department of Codes and Building Safety  
800 Second Ave., South - 2<sup>nd</sup> Floor  
Nashville, TN 37210

\*\*\*\*\*VIA FAX TO 615.862.6514\*\*\*\*\*

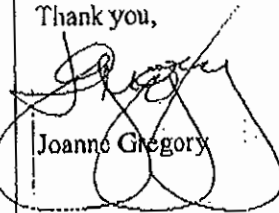
Good morning,

I am unable to attend the zoning appeal meeting scheduled for 8/15/2019 for 626 Huntington Parkway, Nashville, TN 37211.

Please consider this my request to leave the denial for the re-zone to short term rental property in place and not appeal the initial decision. I am not at all in favor of allowing short term rentals in my neighborhood.

Please feel free to contact me with any questions.

Thank you,

  
Joanne Gregory



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

Appellant: Kathryn Russ Date: 6-11-19  
 Property Owner: Kathryn Russ Case #: 2019-329  
 Representative: Kathryn Russ Map & Parcel: 08309028400  
 Council District: 06

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 1421 Ordway

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

Section: 17.16.250 E

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

Appellant Name: Kathryn Russ Representative: Same  
 Phone Number: 615 337-0116 Phone Number: \_\_\_\_\_  
 Address: 1421 Ordway Pl Address: \_\_\_\_\_  
Nashville, TN 37206 \_\_\_\_\_  
 Email address: kathrynruss@me.com Email address: \_\_\_\_\_

Appeal Fee: \$100.00

*P.D.K.*



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



3679852

**ZONING BOARD APPEAL / CAAZ - 20190034561**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 08309028400**APPLICATION DATE:** 06/11/2019**SITE ADDRESS:**

1421 ORDWAY PL NASHVILLE, TN 37206  
LOT 2 WEBB & JOHNSON

**PARCEL OWNER:** RUSS, KATHRYN**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

Note: There are 2 short term rental property permits issued for this property.

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

---

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

Inspection requirements may change due to changes during construction.





METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

**NOTICE**

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

*Ch* \_\_\_\_\_

6-11-19

Rental Unit Record

1421 Ordway Pl, Nashville, TN 37206, USA

Active ●  
Identified ✓  
Compliant X

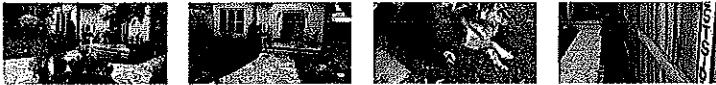


Listing(s) Information

Airbnb - 5401511

Airbnb - 6060351

2 LISTINGS; 1 PERMIT DWELLING = DADU



Rental Unit Information



Identified Address

1421 Ordway Pl, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.180180, -86.743344

Parcel Number

08309028400

Owner Name

RUSS, KATHRYN

Owner Address

1421 Ordway Pl  
Nashville, TN 37206, US

Registration / Permit Number

500835

Matched Details

Analyst

CHN6

Explanation

Owner of record matches owner on listing. Assessors image matches listing image. Rental permit identifies owner, and house in rear as unit B.

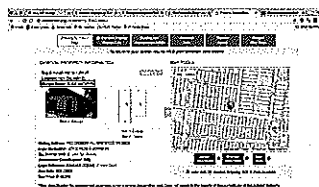
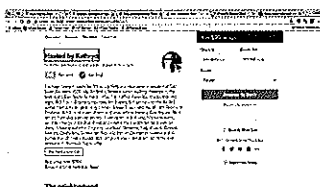
Listing Photos



Matching 3rd Party Sources



Assessors image matches listing image front.



Timeline of Activity

View the series of events and documentation pertaining to this property

Owner of record matches owner on listing.

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/6060351
Listing Status	● Active
Host Compliance Listing ID	- air6060351
Listing Title	- East Nashville-Cozy 1 bdrm apartment - (Westside)
Property type	- Apartment
Room type	- Entire home/apt
Listing Info Last Captured	- Jun 11, 2019
Screenshot Last Captured	- Jun 05, 2019
Price	- \$80/night
Cleaning Fee	- \$50

Information Provided on Listing

Contact Name	- Kathryn
Latitude, Longitude	- 36.179850, -86.743980
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 2
Max Number of People per Bedroom	- 2
Number of Reviews	- 220
Last Documented Stay	- 06/2019

Listing Screenshot History

View Latest Listing Screenshot

April 8

May 7

June 1

- 6 Documented Stays  
June, 2019
- First Warning - No STR Permit: Delivered  
June 7th, 2019
- First Warning - No STR Permit: Sent  
May 30th, 2019
- 14 Documented Stays  
May, 2019
- 12 Documented Stays  
April, 2019
- 13 Documented Stays  
March, 2019
- 9 Documented Stays  
February, 2019
- Listing air5401511 Reposted  
February 15th, 2019
- Listing air6060351 Reposted  
February 15th, 2019
- ✘ Listing air5401511 Removed  
February 13th, 2019
- ✘ Listing air6060351 Removed  
February 13th, 2019
- 6 Documented Stays  
January, 2019
- 10 Documented Stays  
December, 2018
- 7 Documented Stays  
November, 2018
- 13 Documented Stays  
October, 2018
- Listing air5401511 Reposted  
October 22nd, 2018
- Listing air6060351 Reposted  
October 22nd, 2018
- ✘ Listing air5401511 Removed  
October 20th, 2018
- ✘ Listing air6060351 Removed  
October 20th, 2018
- 8 Documented Stays  
September, 2018
- 10 Documented Stays  
August, 2018
- 12 Documented Stays  
July, 2018
- 12 Documented Stays  
June, 2018
- Listing air6060351 Reposted  
June 23rd, 2018
- ✘ Listing air6060351 Removed  
June 22nd, 2018
- 15 Documented Stays  
May, 2018

- 11 Documented Stays  
April, 2018
- Airbnb Letter: Delivered   
April 6th, 2018
- 12 Documented Stays  
March, 2018
- Airbnb Letter: Sent   
March 29th, 2018
- 6 Documented Stays  
February, 2018
- Listing air6060351 Reposted  
February 5th, 2018
- Listing air5401511 Reposted  
February 3rd, 2018
- Listing air5401511 Removed  
January 31st, 2018
- Listing air6060351 Removed  
January 31st, 2018
- 2 Documented Stays  
January, 2018
- 6 Documented Stays  
December, 2017
- 4 Documented Stays  
November, 2017
- 8 Documented Stays  
October, 2017
- 5 Documented Stays  
September, 2017
- 9 Documented Stays  
August, 2017
- Listing air6060351 Identified  
August 22nd, 2017
- Listing air5401511 Identified  
August 14th, 2017
- 6 Documented Stays  
July, 2017
- 8 Documented Stays  
June, 2017
- 9 Documented Stays  
May, 2017
- 11 Documented Stays  
April, 2017
- 11 Documented Stays  
March, 2017
- 6 Documented Stays  
February, 2017
- 2 Documented Stays  
January, 2017
- 7 Documented Stays  
December, 2016
- 9 Documented Stays  
November, 2016

## Matched property listing

- 📅 12 Documented Stays  
October, 2016
- 📅 8 Documented Stays  
September, 2016
- 📅 10 Documented Stays  
August, 2016
- 📅 10 Documented Stays  
July, 2016
- ✳ Listing air5401511 First Crawled  
July 21st, 2016
- ✳ Listing air6060351 First Crawled  
July 21st, 2016
- 📅 7 Documented Stays  
June, 2016
- 📅 11 Documented Stays  
May, 2016
- 📅 7 Documented Stays  
April, 2016
- 📅 4 Documented Stays  
March, 2016
- 📅 3 Documented Stays  
January, 2016
- 📅 3 Documented Stays  
December, 2015
- 📅 5 Documented Stays  
November, 2015
- 📅 6 Documented Stays  
October, 2015
- 📅 3 Documented Stays  
September, 2015
- 📅 7 Documented Stays  
August, 2015
- 📅 7 Documented Stays  
July, 2015
- 📅 7 Documented Stays  
June, 2015
- 📅 6 Documented Stays  
May, 2015
- Listing air6060351 First Activity  
May 7th, 2015
- 📅 1 Documented Stay  
April, 2015
- Listing air5401511 First Activity  
April 26th, 2015

Rental Unit Record

1421 Ordway Pl, Nashville, TN 37206, USA

Active ●  
Identified ✓  
Compliant X

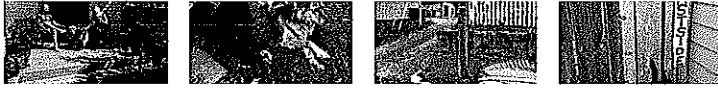
PRINT

Listing(s) Information

Airbnb - 5401511

Airbnb - 6060351

2 LISTINGS; 1 PERMIT DWELLING = DADU



Rental Unit Information



Identified Address

1421 Ordway Pl, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.180180, -86.743344

Parcel Number

08309028400

Owner Name

RUSS, KATHRYN

Owner Address

1421 Ordway Pl  
Nashville, TN 37206, US

Registration / Permit Number

500835

Matched Details

Analyst

CHN6

Explanation

Assessors image matches listing image and owner of record matches owner on listing.

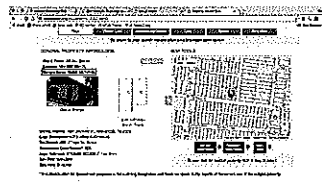
Listing Photos



Matching 3rd Party Sources



Assessors image matches listing image front.



Timeline of Activity

View the series of events and documentation pertaining to this property

6/11/2019

Matched property listing

Owner of record matches owner on listing.

Zip Code Match

Owner Name Match

City Name Match

### Listing Details

Listing URL	- <a href="https://www.airbnb.com/rooms/5401511">https://www.airbnb.com/rooms/5401511</a>
Listing Status	● Active
Host Compliance Listing ID	- air5401511
Listing Title	- East Nashville Studio Apt (Eastside)
Property type	- Apartment
Room type	- Entire home/apt
Listing Info Last Captured	- Jun 11, 2019
Screenshot Last Captured	- Jun 06, 2019
Price	- \$75/night
Cleaning Fee	- \$50

### Information Provided on Listing

Contact Name	- Kathryn
Latitude, Longitude	- 36.181060, -86.743060
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 2
Max Number of People per Bedroom	- 2
Number of Reviews	- 176
Last Documented Stay	- 06/2019

### Listing Screenshot History

View Latest Listing Screenshot

April 8

May 7

June 1

- 6 Documented Stays  
June, 2019
- First Warning - No STR Permit: Delivered  
June 7th, 2019
- First Warning - No STR Permit: Sent  
May 30th, 2019
- 14 Documented Stays  
May, 2019
- 12 Documented Stays  
April, 2019
- 13 Documented Stays  
March, 2019
- 9 Documented Stays  
February, 2019
- Listing air5401511 Reposted  
February 15th, 2019
- Listing air6060351 Reposted  
February 15th, 2019
- ✗ Listing air5401511 Removed  
February 13th, 2019
- ✗ Listing air6060351 Removed  
February 13th, 2019
- 6 Documented Stays  
January, 2019
- 10 Documented Stays  
December, 2018
- 7 Documented Stays  
November, 2018
- 13 Documented Stays  
October, 2018
- Listing air5401511 Reposted  
October 22nd, 2018
- Listing air6060351 Reposted  
October 22nd, 2018
- ✗ Listing air5401511 Removed  
October 20th, 2018
- ✗ Listing air6060351 Removed  
October 20th, 2018
- 8 Documented Stays  
September, 2018
- 10 Documented Stays  
August, 2018
- 12 Documented Stays  
July, 2018
- 12 Documented Stays  
June, 2018
- Listing air6060351 Reposted  
June 23rd, 2018
- ✗ Listing air6060351 Removed  
June 22nd, 2018
- 15 Documented Stays  
May, 2018

6/11/2019

## Matched property listing

- ☑ 11 Documented Stays  
April, 2018
- ✍ Airbnb Letter: Delivered ☑  
April 6th, 2018
- ☑ 12 Documented Stays  
March, 2018
- ✍ Airbnb Letter: Sent ☑  
March 29th, 2018
- ☑ 6 Documented Stays  
February, 2018
- Listing air6060351 Reposted  
February 5th, 2018
- Listing air5401511 Reposted  
February 3rd, 2018
- ✘ Listing air5401511 Removed  
January 31st, 2018
- ✘ Listing air6060351 Removed  
January 31st, 2018
- ☑ 2 Documented Stays  
January, 2018
- ☑ 6 Documented Stays  
December, 2017
- ☑ 4 Documented Stays  
November, 2017
- ☑ 8 Documented Stays  
October, 2017
- ☑ 5 Documented Stays  
September, 2017
- ☑ 9 Documented Stays  
August, 2017
- ✓ Listing air6060351 Identified  
August 22nd, 2017
- ✓ Listing air5401511 Identified  
August 14th, 2017
- ☑ 6 Documented Stays  
July, 2017
- ☑ 8 Documented Stays  
June, 2017
- ☑ 9 Documented Stays  
May, 2017
- ☑ 11 Documented Stays  
April, 2017
- ☑ 11 Documented Stays  
March, 2017
- ☑ 6 Documented Stays  
February, 2017
- ☑ 2 Documented Stays  
January, 2017
- ☑ 7 Documented Stays  
December, 2016
- ☑ 9 Documented Stays  
November, 2016



## Matched property listing

- ☒ 12 Documented Stays  
October, 2016
- ☒ 8 Documented Stays  
September, 2016
- ☒ 10 Documented Stays  
August, 2016
- ☒ 10 Documented Stays  
July, 2016
- ✳ Listing air5401511 First Crawled  
July 21st, 2016
- ✳ Listing air6060351 First Crawled  
July 21st, 2016
- ☒ 7 Documented Stays  
June, 2016
- ☒ 11 Documented Stays  
May, 2016
- ☒ 7 Documented Stays  
April, 2016
- ☒ 4 Documented Stays  
March, 2016
- ☒ 3 Documented Stays  
January, 2016
- ☒ 3 Documented Stays  
December, 2015
- ☒ 5 Documented Stays  
November, 2015
- ☒ 6 Documented Stays  
October, 2015
- ☒ 3 Documented Stays  
September, 2015
- ☒ 7 Documented Stays  
August, 2015
- ☒ 7 Documented Stays  
July, 2015
- ☒ 7 Documented Stays  
June, 2015
- ☒ 6 Documented Stays  
May, 2015
- Listing air6060351 First Activity  
May 7th, 2015
- ☒ 1 Documented Stay  
April, 2015
- Listing air5401511 First Activity  
April 26th, 2015



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



**Application for BUILDING RESIDENTIAL - NEW / CARN - T201421614**  
**THIS IS NOT A PERMIT**

Parcel: 08309028400

Application Date: June 18, 2014

Permit Tracking #: 1983471

**Site Address:**

1421 B ORDWAY PL NASHVILLE, TN 37206

**Parcel Owner:**

RUSS, KATHRYN

**Location Description:** LOT 2 WEBB & JOHNSON**Purpose:**

EXISTING SINGLE FAMILY RES...THIS PERMIT TO CONSTRUCT A NEW 2ND DWELLING UNIT PER 17.16.030 F. ONE STORY AT 699 SQFT.....PART LIVING SPACE..(384 SQFT)... AND PART GARAGE...(315 SQFT)...must have access to the garage by way of the alley...no curb from front to this dwelling.  
 Pursuant Ordinance # 2006-1263 Metropolitan code of Laws, I (the holder on this permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metropolitan Code....  
**NEED TO COMPLY WITH HZC 14-253**  
 \*\*\*\*\*SITE PLAN SENT TO FILE...

**Applicant:** THE DAN COMPAN  
 1023 MITCHELL RD  
 NASHVILLE TN 37206

*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.*

COND	[A] ZONING REVIEW	862-6545 richard.thomopoulos@nashville.gov
APPROVED	[A] SITE PLAN REVIEW	862-6545 richard.thomopoulos@nashville.gov
APPROVED	BOND & LICENSE REVIEW ON BLDG APP	862-6545 richard.thomopoulos@nashville.gov
COND	[E] SEWER AVAILABILITY REVIEW FOR BLDG	862-4569
COND	[E] WATER AVAILABILITY REVIEW FOR BLDG	862-4569
IGNORE	[B] FIRE LIFE SAFETY REVIEW ON BLDG APP	862-5230
APPROVED	[H] HISTORICAL COMM. REVIEW ON BLDG APP	862-7970 histlap1@nashville.gov
COND	[D] GRADING PLAN REVIEW FOR BLDG APP	862-6038 bill.breakfield@nashville.gov
COND	OTHER BLDG APPLICATION REVIEW	

If you are a registered user of the E-Permit system and would like to pay for this permit online, please e-mail the permit tracking number to [buildingpermits@nashville.gov](mailto:buildingpermits@nashville.gov) after all activities have been approved.

**METRO HISTORIC ZONING COMMISSION**

Sunnyside at Sevier Park  
 3000 Granny White Pike  
 Nashville TN 37204  
 (615) 862-7970

[histlap1@nashville.gov](mailto:histlap1@nashville.gov)

**HISTORICAL COMMISSION PERMIT - 201400253**

Entered on: 02-JUL-2014

**IVR PERMIT TRACKING NUMBER: 1986091**

**Site Address**

1421 Ordway Pl, NASHVILLE, TN 37206

**Parcel: 08309028400**

LOT 2 WEBB & JOHNSON

**Parcel Owner**

RUSS, KATHRYN

**Purpose: DESCRIPTION**

- Construct detached accessory dwelling unit

**CLADDING & TRIM**

- All/any trim, railings, vents and associated type elements are to be wood or cement fiberboard. Clad material is not approved. Wood or cement fiberboard shall be a smooth face material void of any simulated wood grain pattern or rough, unfinished appearance. All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.

- 2 x 4 inches wood corner boards are typical on the face of each exposed corner, except for masonry buildings. Lumber to be of an appropriate trim grade (smooth and square). Stud wall lumber is not appropriate.

- 2 x 4 inches wood casing typical at doors and windows, except for masonry buildings. Double and triple windows should have a 4" to 6" mullion between. Lumber to be of an appropriate trim grade (smooth and square). Stud wall lumber is not appropriate.

**WINDOWS & DOORS**

- If there are muntins, only factory installed muntins are approved. Self installed snap, clip or glue type muntins on windows are not approved. Interior type muntins on windows are not approved. Windows to be approved by staff prior to installation.

- Windows on clapboard structures shall not have brick-mold.

- Overhead garage door and pedestrian entry doors may be steel with simple panel design. Doors to be approved by staff prior to installation.

**ROOF**

- Roof material may match the main structure. If roof material is not to match main structure, then color to be approved by staff prior to installation.

**GENERAL SPECIFICATIONS**

- Alterations to be constructed in accordance with attached elevations. Any deviation from the approved plans could result in changes being reversed to reflect the approved drawings. Please note: MHZC staff may have added notes to the submitted drawings.

- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.

- Exterior finish materials shall be trim grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate. - Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken.

- The work items listed are approved in accordance with the adopted design guidelines and are NOT applicable beyond the unique facts and circumstances of this particular application.

- This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.

of design should not be considered approval of a particular use. - THIS IS NOT A BUILDING PERMIT. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration: Howard School Building Campus (615) 862-6500.

**Contractor:**

**Applicant:** THE DAN COMPAN

**Activities to be Completed – call (615) 862-7970:**

SETBACK REQUIRED (Y/N):	NO	07/02/2014
RESTRICTIVE COVENANT REQUIRED:	NOT RCVD	07/02/2014
FIELD STAKING:		
FOUNDATION CHECK:		
ROUGH FRAMING INSPECTION:		
ROOFING COLOR APPROVAL PRIOR TO INSTALL:		
WINDOW APPROVAL PRIOR TO INSTALL:		
DOOR APPROVAL PRIOR TO INSTALLATION:		
CERTIFICATE OF OCCUPANCY:		

Issue Date: September 26, 2014 Issued By: ROBIN ZEIGLER

**MHHC NOTES; CALL 862-7970 IF QUESTIONS**

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in ~~changes being reversed~~ to reflect the approved drawings.

2. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHHC staff prior to continuing with the project.

3. Exterior finish materials shall be trim grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate.

4. Windows shall be single-light or fully simulated, divided light sashes. Muntins are to be factory installed with an exterior muntin, interior muntin and a spacer bar within the double paned-glass. Snap-in or between the glass muntins are never appropriate. Double and triple windows shall have 4" to 6" mullions between.

5. Four (4) inch (nominal) wood casings are required around doors, windows and vents within clapboard walls. Windows on clapboard structures shall not have brick-mold.

6. HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the structure on a non-street facade.

7. For non-masonry buildings, siding and trim shall be wood or smooth-faced, cement-fiberboard (e.g.: Hardiplank). Siding exposure shall have a maximum reveal of five (5) inches.

8. Four inch (nominal) wood corner-boards are required at the face of each exposed corner.

**MHHC INSPECTIONS & FINAL APPROVALS**

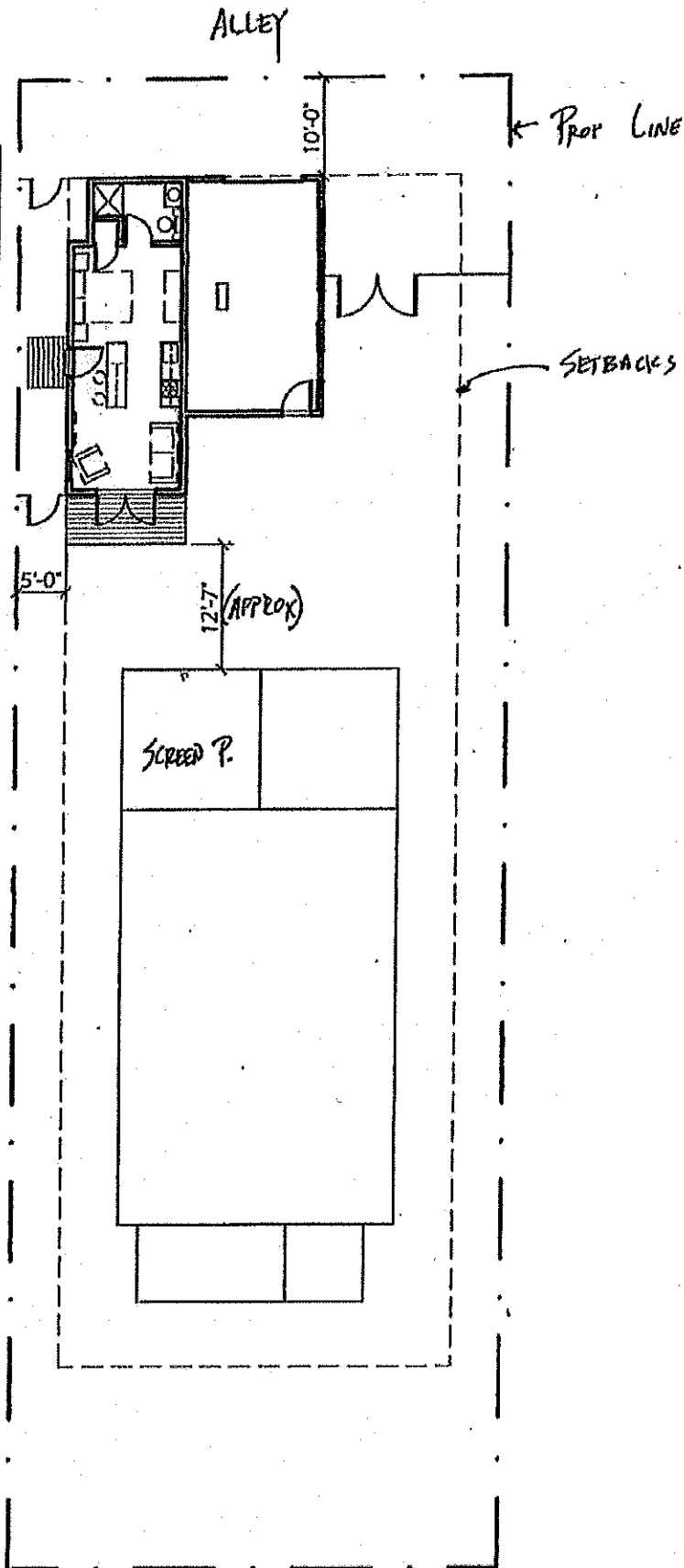
**CALL 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS**

1. Staff must approve the construction progress at the three following points:

- a. After the building footprint has been field staked
- b. After the foundation wall has been constructed-
- c. After the rough framing has been completed

2. The following must be submitted for final approval before purchase:

- a. Windows and doors
- b. Roof color
- c. Utility location



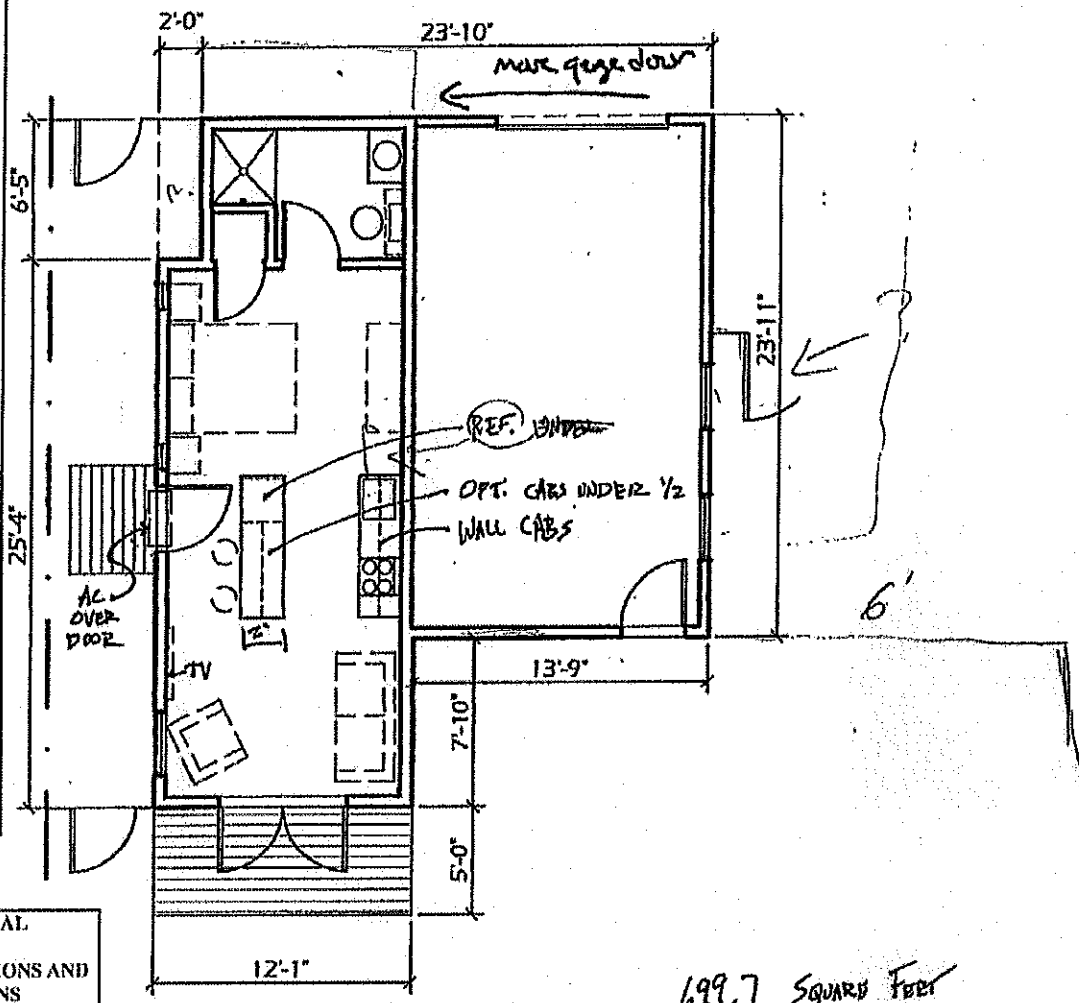
2011-06-11

Wide Boards

288  
288  
216  
384

**MHZC NOTES; CALL 862-7970 IF QUESTIONS**

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**MHZC INSPECTIONS & FINAL APPROVALS**

CALL 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

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  - a. After the building footprint has been field staked
  - b. After the foundation wall has been constructed-
  - c. After the rough framing has been completed
2. The following must be submitted for final approval before purchase:
  - a. Windows and doors
  - b. Roof color
  - c. Utility location

699.7 SQUARE FEET

201-0611

22  
12

East Elevation 1421 Ordway Pl.

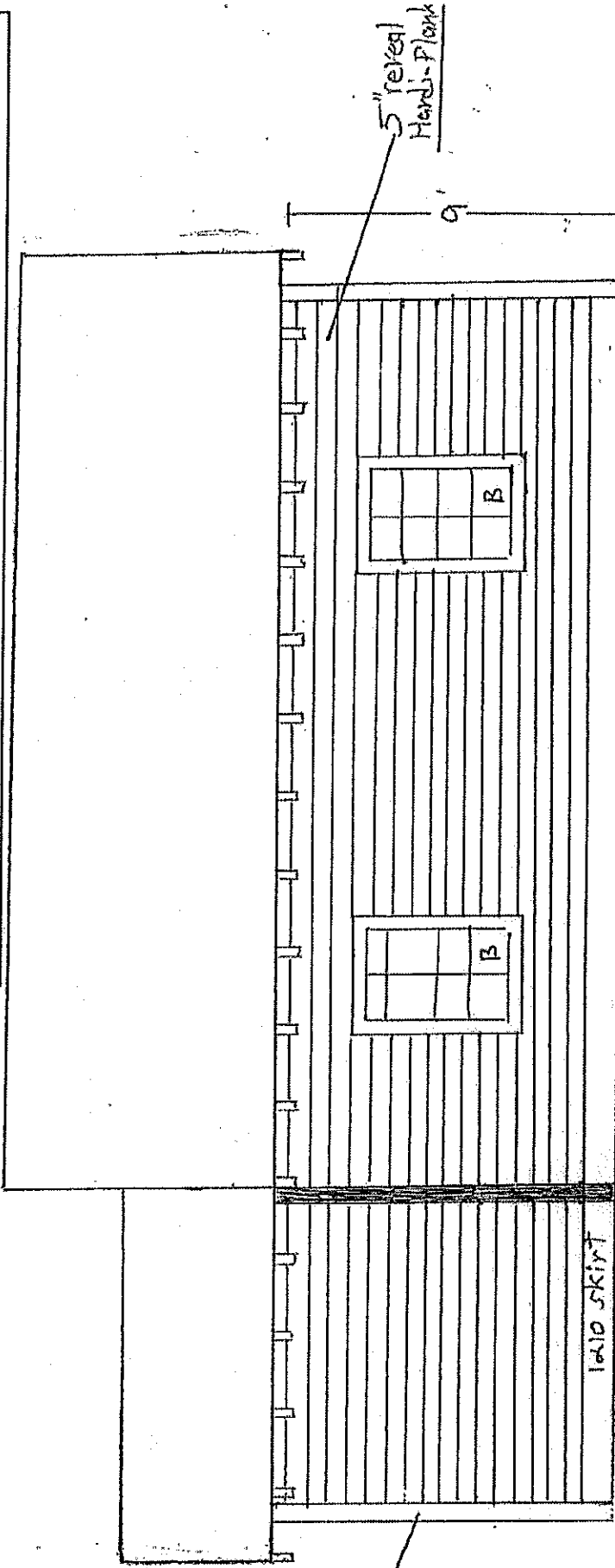
**MHZC INSPECTIONS & FINAL APPROVALS**  
 CALL 862-7970 FOR QUESTIONS AND TO  
 SCHEDULE INSPECTIONS

- 1. Staff must approve the construction progress at the three following points:
  - a. After the building footprint has been field staked
  - b. After the foundation wall has been constructed
  - c. After the rough framing has been completed
- 2. The following must be submitted for final approval before purchase:
  - a. Windows and doors
  - b. Roof color
  - c. Utility location

Architect Asphalt Roof  
 5/2 to match main House

**MHZC NOTES: CALL 862-7970 IF QUESTIONS**

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in ~~changes being reversed~~ to reflect the approved drawings.
2. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
3. Exterior finish materials shall be trim grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate.
4. Windows shall be single-light or fully simulated, divided light sashes. Mullions are to be factory installed with an exterior muntin, interior muntin and a spacer bar within the double paned-glass. Snap-in or between the glass muntins are never appropriate. Double and triple windows shall have 4" to 6" mullions between.
5. Four (4) inch (nominal) wood casings are required around doors, windows and vents within clapboard walls. Windows on clapboard structures shall not have brick-mold.
6. HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the structure on a non-street facade.
7. For non-masonry buildings, siding and trim shall be wood or smooth-faced, cement-fiberboard (e.g.: Hardiplank). Siding exposure shall have a maximum reveal of five (5) inches.
8. Four inch (nominal) wood corner-boards are required at the face of each exposed corner.



Slab Foundation  
 Scale: 1/4" = 2 feet  
 11"

31'-9"

Windows  
 B: Pella Architect DBL Hing  
 30x54

**MHZC NOTES; CALL 862-7970 IF QUESTIONS**

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes, being reversed to reflect the approved drawings.
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6. HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the structure on a non-street facade.
7. For non-masonry buildings, siding and trim shall be wood or smooth-faced, cement-fiberboard (e.g.: Hardiplank). Siding exposure shall have a maximum reveal of five (5) inches.
8. Four inch (nominal) wood corner-boards are required at the face of each exposed corner.

West Elevation 1421 Ordway

Architect Asphalt roof  
5/12 To match Main House

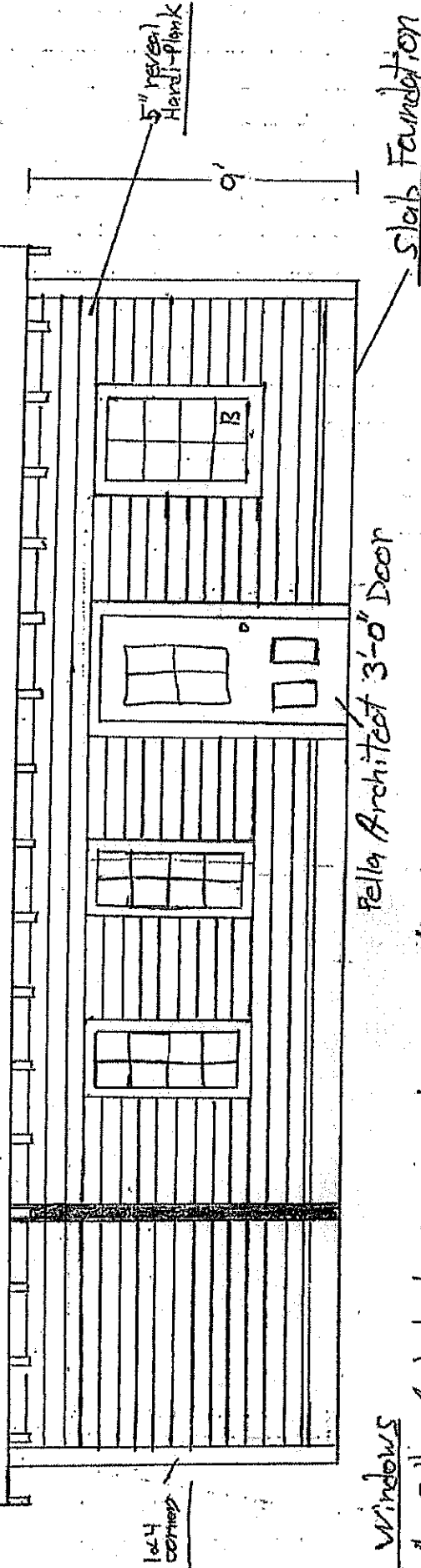
**MHZC INSPECTIONS & FINAL APPROVALS**

**CALL 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS**

1. Staff must approve the construction progress at the three following points:

- a. After the building footprint has been field staked
  - b. After the foundation wall has been constructed
  - c. After the rough framing has been completed
2. The following must be submitted for final approval before purchase:

- a. Windows and doors
- b. Roof color
- c. Utility location



Scale: 1/4" = 2 feet

Pella Architect 3'-0" Door

31'-9"

Windows

A: Pella Architect Casement 8 x 254

B: Pella Architect Dbl. Hung 20 x 54

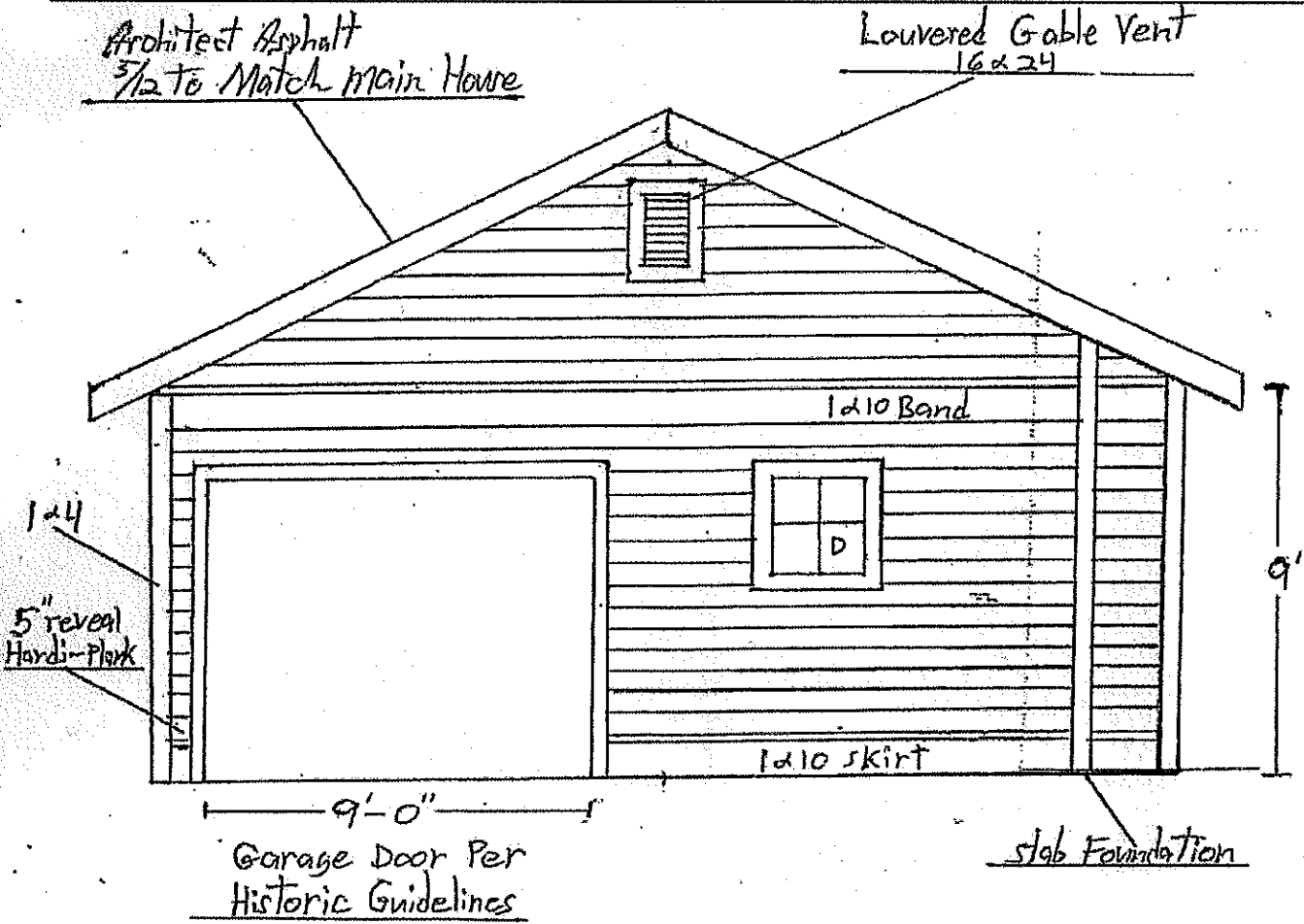
1/2" corner



North Elevation 1421 Ordway Pl.

**MHFC NOTES; CALL 862-7970 IF QUESTIONS**

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being reversed to reflect the approved drawings.
2. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHFC staff prior to continuing with the project.
3. Exterior finish materials shall be trim grade (smooth and square). Stud wall lumber or embossed wood grain is not appropriate.
4. Windows shall be single-light or fully simulated, divided light sashes. Muntins are to be factory installed with an exterior muntin, interior muntin and a spacer bar within the double paned-glass. Snip-in or between the glass muntins are never appropriate. Double and triple windows shall have 4" to 6" mullions between.
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8. Four (4) inch (nominal) wood corner-boards are required at the face of each exposed corner.



Window

D: Pella, Architect Picture Window w/privacy Glass  
30" x 30"

scale: 1/4" = 1 Foot

**MHFC INSPECTIONS & FINAL APPROVALS; CALL 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS**

1. Staff must approve the construction progress at the three following points:
  - a. After the building footprint has been field staked
  - b. After the foundation wall has been constructed
  - c. After the rough framing has been completed
2. The following must be submitted for final approval before purchase:
  - a. Windows and doors
  - b. Roof color

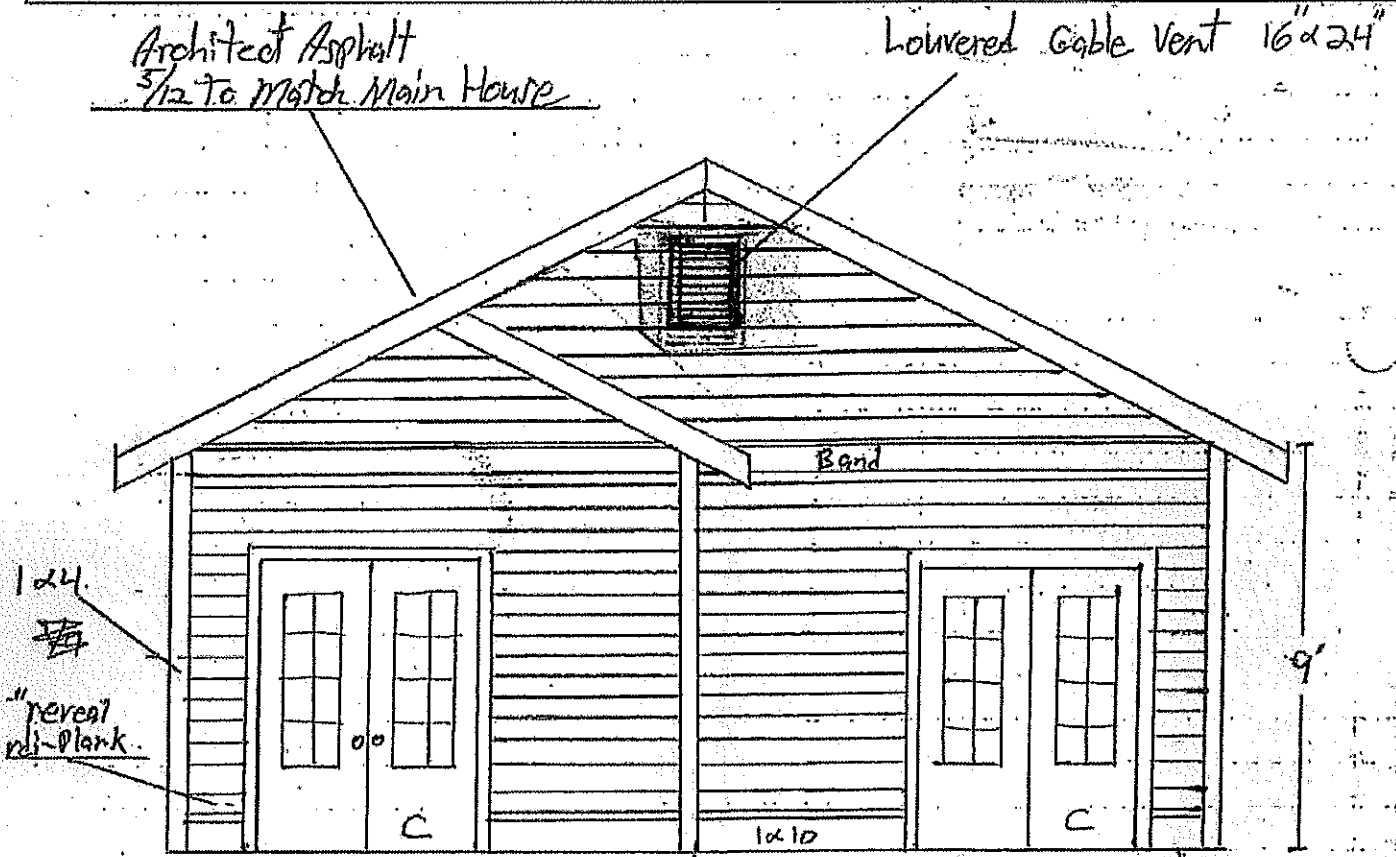
**MHIC INSPECTIONS & FINAL APPROVALS; CALL 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS**

1. Staff must approve the construction progress at the three following points:
  - a. After the building footprint has been field staked
  - b. After the foundation wall has been constructed-
  - c. After the rough framing has been completed
2. The following must be submitted for final approval before purchase:
  - a. Windows and doors
  - b. Roof color
  - c. Utility location

*South Elevation 1421 Ordway Pl.*

**MHIC NOTES; CALL 862-7970 IF QUESTIONS**

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6. HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the structure on a non-street facade.
7. For non-masonry buildings, siding and trim shall be wood or smooth-faced, cement-fiberboard (e.g.: Hardiplank). Siding exposure shall have a maximum reveal of five (5) inches.
8. Four inch (nominal) wood corner-boards are required at the face of each exposed corner.



*Architect Asphalt  
1/2 To Match Main House*

*Louvered Gable Vent 16x24"*

*1x4  
"reveal  
plank"*

*Band*

*9'*

*25'-10"*

*slab Foundation*

*Doors  
C: Pella Architect  
5'-0"*

*scale: 1/4" = 1 Foot*

CALVIN AVE

08305041200 08305041100 08305041000

08305045100

08309027600

083090

083090

083090

083

083

N 15TH ST

#728 ALY

08309028900

08309028700

08309028700

08309028500

08309028400

08309028300

ORDWAY PL

08309030100

08309030200

083090

08309030400

08309030500

08309030600

08309030700

08309030800

08309030900

08309031000

#729 ALY

08309032400

08309032500

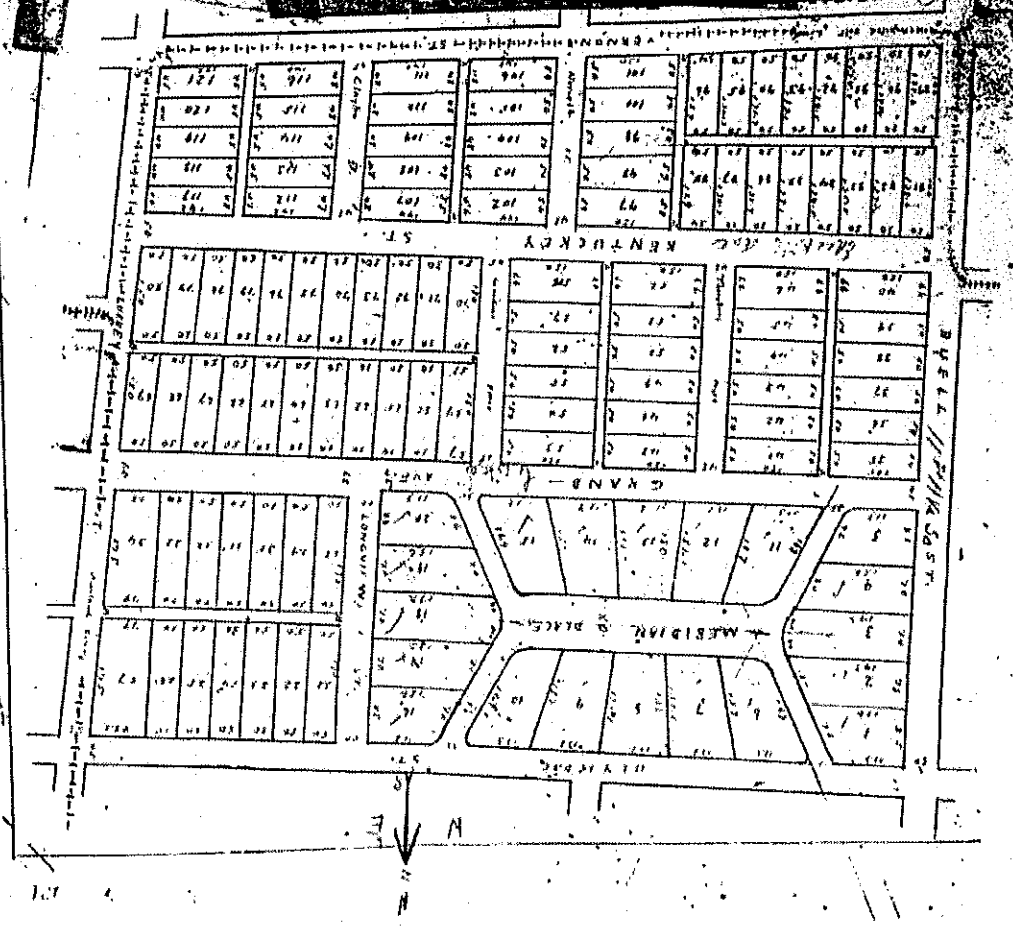
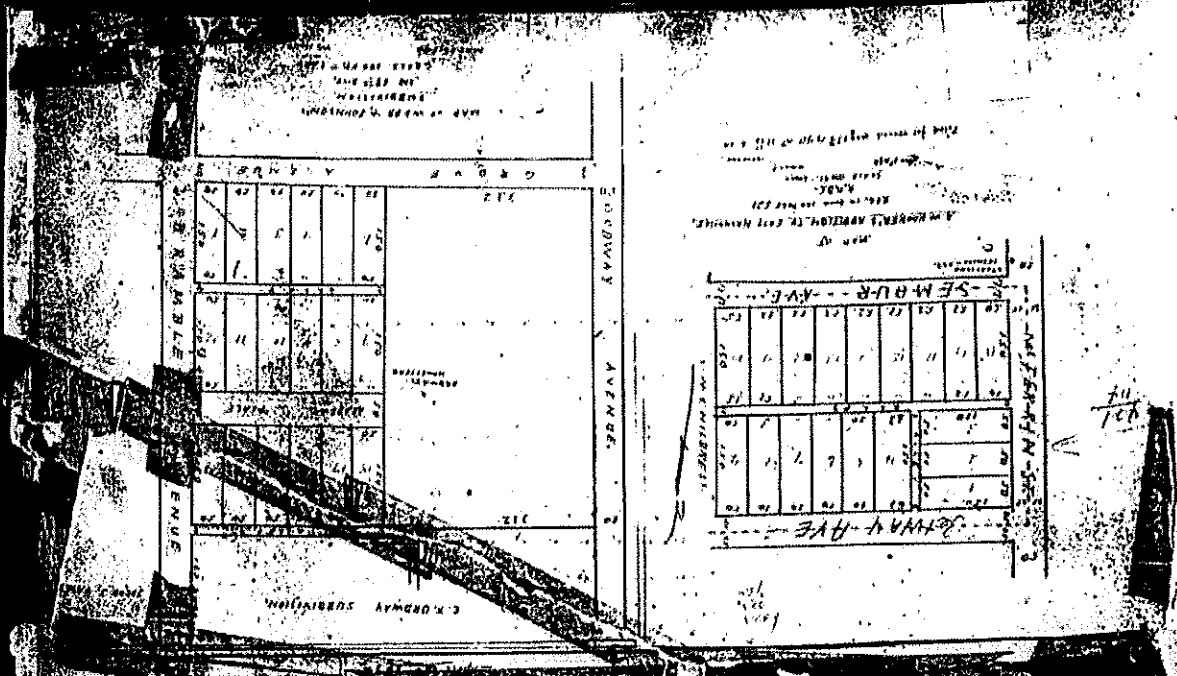
08309032200

08309032100

08309032000

08309031900

103



131

**From:** [Claudia Huskey](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Zoning Appeal: 2019-329  
**Date:** Monday, July 8, 2019 9:10:24 AM

---

Good Morning,

Related to this case, if Ms. Russ has been a responsible operator in the past with no other infractions or complaints, I would support her appeal and allow her to renew her permit. Everything I know about her is that she is a good neighbor and lives in her home with an STRP in her detached garage.

Best,

Claudia Huskey  
1411 Ordway Place  
Nashville, TN 37206

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

At that time , as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances.

I am writing in her behalf to ask she be allowed to get her permit back again.

Thank you

Lana Kelly

Address

1422 Ordway Pl  
Nashville TN 37206

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

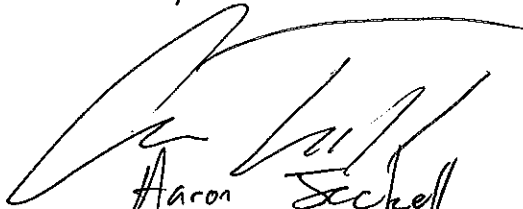
At that time , as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances.

I am writing in her behalf to ask she be allowed to get her permit back again.

Thank you

  
Address  
1419 Ordway Place  
Nashville TN 37206

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

At that time , as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances.

I am writing in her behalf to ask she be allowed to get her permit back again.

Thank you

*Kathy Ornd*

Address

*401 N. 15th  
Nashville, TN 37206*



Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

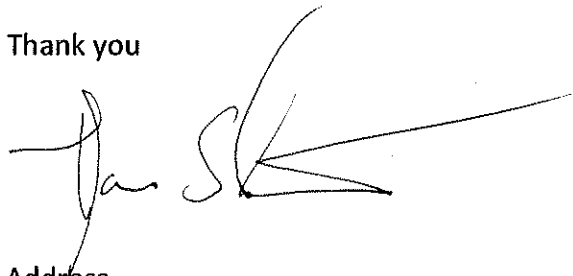
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She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances.

I am writing in her behalf to ask she be allowed to get her permit back again.

Thank you



Address

Hans & Tomianne Schmidt  
1424 Ordway Pl.  
Nashville, TN 37206

July 15, 2019

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit had expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

At that time , as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances.

I am writing in her behalf to ask she be allowed to get her permit back again.

Many thanks

Lindy Barrett



1420 Ordway Pl  
Nashville, TN 37206  
206-356-7914

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

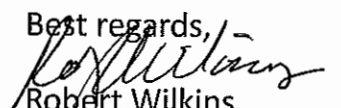
At that time , as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time , paying State and Hotel taxes all along.

Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances. My son has stayed there several nights while visiting; he reported the accommodations exactly as advertised. He said that he would not hesitate to stay there again.

I am writing in her behalf to ask she be allowed to get her permit back again.

Best regards,

  
Robert Wilkins  
1427 Stratton Avenue  
Nashville TN 37206

Metro Government of Nashville and Davidson County  
Dept of Codes and Building Safety  
PO BOX 196350  
Nashville, TN 37219

Appeal Case # 2019-329

To whom it may concern

I wish to show my support of my neighbor Kathryn Russ, 1421 ORDWAY PLACE, NASHVILLE, TN 37206, who operated her Air BnB for one month after her permit expired, due to an oversight, as she wasn't sent a renewal. Once it was brought to her attention that her permit has expired, she immediately contacted Robert Osborn with codes and went to Metro the next day to set up her appeal (scheduled for August 15<sup>th</sup>).

At that time, as instructed, she shut down her Air BnB and cancelled all of her future guests, per Metro.

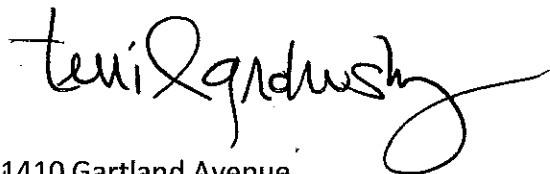
She built her Air BNB in 2015 to codes and got her permit in 2015. She operated legally with a permit since that time, paying State and Hotel taxes all along.

Kathryn is a very responsible person and is a long term resident of East Nashville. Her Air BnB is very quiet, housing only 2 guests maximum, there were never any disturbances. She would never allow that!

I am writing in her behalf to ask she be allowed to get her permit back again.

Many thanks,

Terri Grohusky

A handwritten signature in black ink that reads "Terri Grohusky". The signature is written in a cursive style with a large, looping flourish at the end.

1410 Gartland Avenue

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Amy Thran  
Property Owner: " "  
Representative: " "

Date: 6-14-19  
Case #: 2019-338  
Map & Parcel: 83-9-366

Council District 6

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

Purpose: Item A appeal of denial of permit renewal

Activity Type: Short term Renewal

Location: 1415 Forrest Ave.

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

Reason: Permit expired

Section(s): 17.40.180

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

Amy Thran  
Appellant Name (Please Print)

same  
Representative Name (Please Print)

1415 Forrest Ave  
Address

Address

Nashville TN 37206  
City, State, Zip Code

City, State, Zip Code

615.496.8031  
Phone Number

Phone Number

thranamL@hotmail.com  
Email

Email

Zoning Examiner: C.H.

Appeal Fee: \$100.00



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



3680996

**ZONING BOARD APPEAL / CAAZ - 20190035339  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08309036600**APPLICATION DATE:** 06/14/2019**SITE ADDRESS:**

1415 FORREST AVE NASHVILLE, TN 37206  
LOT 52 LINDSLEY SUB 29 AC

**PARCEL OWNER:** THRAN, AMY LOUISE**CONTRACTOR:****APPLICANT:****PURPOSE:**

item a appeal for denial of renewal. requesting to renew former permit.

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

---

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

Inspection requirements may change due to changes during construction.

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

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

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

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


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

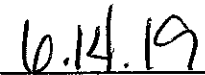
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to public hearing to be included in the record. You must provide eight (8) copies of you information to staff.

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

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

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

  
 \_\_\_\_\_  
 APPELLANT

  
 \_\_\_\_\_  
 DATE

To Whom it may concern:

I have been a responsible STRP holder since May 4<sup>th</sup> 2015. I pay all my taxes, I am on my property, in my house when I'm hosting. Each year I have renewed my permit & for 3 years I received a renewal notice that prompted me to do so. This year I didn't receive a notice my permit expired. This was an honest mistake & I would like to request that the denial of the renewal be lifted so I can start to operate again. As soon as I learned that my permit expired by a letter dated May 30<sup>th</sup> that arrived at my house on Monday June 10<sup>th</sup> I came down to metro & made an appointment. First availability was June 14<sup>th</sup>. Between June 14<sup>th</sup> - 14<sup>th</sup> I cancelled all of my reservations through the end of August & I removed my listing from Airbnb.com. Thank you for your consideration
















Sincerely,

Amy L. [Signature]

Amy L. [Name]  
1415 Forrest Ave  
Nashville TN

37206  
615.496.8031



	Thomas Yesterday	Hello Amy, please send me an email to: (Email hidden by Airbnb) w... Entire Upstairs- 2 Bedrooms (Jul 17 - 22, 2019)	<b>Canceled</b> \$0.00
	Sven 2 days ago	Conversation with Sven Charismatic room in East Nashville (Jun 17 - 20, 2019)	<b>Canceled</b> \$0.00
	Stephanie 2 days ago	My number is (Phone number hidden by Airbnb) Charismatic room in East Nashville (Jul 13 - 17, 2019)	<b>Canceled</b> \$0.00
	Airbnb Support 2 days ago	Hello Amy, I've waived the host cancellation penalties as a one-...	
	Airbnb Support 2 days ago	Hi Miss Amy, It's Jo from Airbnb, your resolutions specialist. I...	
	Isabella 2 days ago	Ok. Im on ferry right now. But will be landed in about an hour. G... Charismatic room in East Nashville (Jun 13 - 16, 2019)	<b>Canceled</b> \$0.00
	Jill 2 days ago	Hello Jill- I'm running into issues with the city of Nashville. I... Heart of Historic East Nashville (Jul 26 - 28, 2019)	<b>Canceled</b> \$0.00
	Tim 2 days ago	Hi Amy, I just tried calling you (Phone number hidden by Airbnb)... Entire Upstairs- 2 Bedrooms (Jul 4 - 7, 2019)	<b>Canceled</b> \$0.00
	Airbnb Support 2 days ago	Hi Amy , This is Mark, your resolution specialist I hope that thi...	
	Airbnb Support Yesterday	Hi Chris - sorry I missed your call. I was on a work call can you...	
	Wendy Yesterday	Conversation with Wendy Heart of Historic East Nashville (Jun 28 - Jul 1, 2019)	<b>Canceled</b> \$0.00
	Irene Yesterday	Conversation with Irene Charismatic room in East Nashville (Aug 7 - 10, 2019)	<b>Canceled</b> \$0.00
	Anna Yesterday	Conversation with Anna Charismatic room in East Nashville (Aug 1 - 4, 2019)	<b>Canceled</b> \$0.00
	Antonina Yesterday	Conversation with Antonina Charismatic room in East Nashville (Jun 23 - 25, 2019)	<b>Canceled</b> \$0.00
	Erin Yesterday	tonight or Friday (Phone number hidden by Airbnb) Charismatic room in East Nashville (Aug 4 - 5, 2019)	<b>Canceled</b> \$0.00

DAVID BRILEY, MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF FINANCE  
 COLLECTIONS OFFICE  
 P.O. BOX 196311  
 NASHVILLE, TN 37219-6311  
 PHONE: 615-862-6215  
 FAX: 615-880-2810

June 26, 2019

AMY THRAN C/O PAULA WALLS  
 AMY THRAN  
 PO BOX 362  
 THOMPSON STATION, TN 37179  
 Parcel Number: 08309036600 Permit Number: 201517383

1415 FORREST AVE

Account Number: **501166**

To whom it may concern:

According to our records, **AMY THRAN** has made the following payments for your Davidson County Hotel Occupancy Tax over the period of 1/2/2017 through 06/26/2019.

<u>Return Month/Year</u>	<u>Transaction Date</u>	<u>Amount Received</u>
5/2017	7/24/2017	\$0.00
6/2017	7/24/2017	\$207.40
6/2017	8/16/2017	\$306.66
8/2017	9/8/2017	\$368.41
9/2017	10/12/2017	\$289.01
10/2017	11/17/2017	\$332.06
11/2017	12/13/2017	\$90.75
12/2017	1/23/2018	\$99.30
1/2018	2/23/2018	\$8.20
2/2018	3/15/2018	\$64.58
3/2018	4/20/2018	\$162.20
4/2018	5/10/2018	\$172.47

Thanks!

**Department of Finance  
 Collections Office  
 P.O. Box 196311  
 Nashville, TN 37219-6311**

DAVID BRILEY, MAYOR



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF FINANCE  
 COLLECTIONS OFFICE  
 P.O. BOX 196311  
 NASHVILLE, TN 37219-6311  
 PHONE: 615-862-6215  
 FAX: 615-880-2810

June 26, 2019

AMY THRAN C/O PAULA WALLS  
 AMY THRAN  
 PO BOX 362  
 THOMPSON STATION, TN 37179

1415 FORREST AVE

Parcel Number: 08309036600 Permit Number: 201517383

Account Number: **501166**

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<u>Return Month/Year</u>	<u>Transaction Date</u>	<u>Amount Received</u>
5/2018	6/22/2018	\$304.80
6/2018	7/23/2018	\$302.99
7/2018	8/14/2018	\$159.84
8/2018	9/20/2018	\$204.05
9/2018	10/8/2018	\$309.78
10/2018	11/21/2018	\$154.66
11/2018	12/19/2018	\$173.99
12/2018	2/4/2019	\$53.80
1/2019	2/20/2019	\$0.00
2/2019	3/8/2019	\$102.24
3/2019	4/11/2019	\$201.29
4/2019	5/17/2019	\$242.80

Thanks!

**Department of Finance  
 Collections Office  
 P.O. Box 196311  
 Nashville, TN 37219-6311**

DAVID BRILEY, MAYOR

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

DEPARTMENT OF FINANCE  
COLLECTIONS OFFICE  
P.O. BOX 196311  
NASHVILLE, TN 37219-6311  
PHONE: 615-862-6215  
FAX: 615-880-2810

June 26, 2019

AMY THRAN C/O PAULA WALLS  
AMY THRAN  
PO BOX 362  
THOMPSON STATION, TN 37179

1415 FORREST AVE

Parcel Number: 08309036600 Permit Number: 201517383

Account Number: **501166**

To whom it may concern:

According to our records, **AMY THRAN** has made the following payments for your Davidson County Hotel Occupancy Tax over the period of 1/2/2017 through 06/26/2019.

<u>Return Month/Year</u>	<u>Transaction Date</u>	<u>Amount Received</u>
5/2019	6/12/2019	\$203.64

Thanks!

**Department of Finance  
Collections Office  
P.O. Box 196311  
Nashville, TN 37219-6311**

Letters of support from Neighbors on Forrest

Courtney Shaddox <courtney@exudeproperties.com>

Amy is the kind of neighbor you can only dream of having. We've been neighbors for nearly 3 years now and she's friendly, involved in the community and incredibly active on the street.

In all the time I've lived directly across the street from Amy, I've never had a problem with any of the guests at her home. They are courteous and mannerly just as a home owner would be. I am proud to welcome them to our fine neighborhood. What a great way for them to experience Nashville.

I am in full support of reinstating Amy's Airbnb permit and would hope it would be a haven to welcome many far and wide into our great city!

**Courtney Shaddox**

CEO at Exude Properties  
(479) 957-4817

Hey Amy, just wanted to say thank you for clearly screening and being mindful of guests. I haven't seen any bachelorette parties or unruly guests, everyone seems to be generally respectful even during CMA Fest. This does not go unnoticed to me - there is an Airbnb right behind my child's daycare with loud parties and alcohol all day, so I absolutely have been noticing the difference in who you choose to let stay at your place. It is clear you are picky about who stays there, and I do really appreciate that and it is not lost on my family. So, just wanted to send a thanks.

Marissa  
Forrest Neighbor

Kayce Kiningham <kayce.kiningham@gmail.com>

Hi Amy,

I can assure you that I have not had any problems with your STR guests since I moved in next door in Dec. 2015. I never hear them, and parking or access to my house/alley have never been an issue. You are also great about checking in with your neighbors to make sure everything is going smoothly. Please let me know if there's anything else I can do to help through this process!

Sincerely,

Kayce Kiningham  
1413 Forrest Ave

Re: appeal case # 2019-338

1415 Forrest Ave, 37206

Permit # 20190035339

Both my wife and I are strongly opposed to the short term permit for above address.

Additionally there is a short term permit evidently for 1501 Forrest as well. For that specific one, the home owner does not live there at all, not sure how that passed, all neighbors are opposed! We appreciate getting these notifications,  
over

**From:** [David Hunter](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** BZA Case Number 2019-338  
**Date:** Friday, August 9, 2019 8:27:01 AM

---

BZA,

I oppose renewal of the STR Permit at 1415 Forrest Ave. The original denial was appropriate. I do not support transient in nature rental properties within our residential neighborhoods and believe this practice should be ended or phased out as quickly as possible.

Thank you for your consideration and hopefully again for your denial of this request.

David Hunter  
1411 Woodland Street

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Garvin Gosik  
Property Owner:    "   "  
Representative:    "   "

Date: 6-14-19  
Case #: 2019-339  
Map & Parcel: 72-9-47

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: Item A appeal for operation of  
strip without a permit.

Activity Type: STRP

Location: 924 Chickasaw Ave.

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

Reason: Operation of STRP without permit

Section(s): 17.40.180

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

Garvin Gosik  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

924 Chickasaw Ave  
Address

Same  
Address

Nashville TN 37207  
City, State, Zip Code

Same  
City, State, Zip Code

(352)209-7765  
Phone Number

Same  
Phone Number

Garvin.gosik@gmail.com  
Email

Same  
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



3681070

**ZONING BOARD APPEAL / CAAZ - 20190035383**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 07209004700

APPLICATION DATE: 06/14/2019

## SITE ADDRESS:

924 CHICKASAW AVE NASHVILLE, TN 37207  
LOT 49 VICTORY HGTS.

PARCEL OWNER: GOSIK, GAVIN

CONTRACTOR:

## APPLICANT:

## PURPOSE:

item a appeal for denial of a permit for operation without permit

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

---

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

Inspection requirements may change due to changes during construction.

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

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

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

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

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

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

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

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


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

\_\_\_\_\_  
APPELLANT

6/14/19  
\_\_\_\_\_  
DATE

To Whom This May Concern,

Our home at 924 Chickasaw has been used part time to host guest + tourist of Nashville TN. We had a letter posted on our door of a stop using as an airbnb. At the time we had no clue of the local laws and no notification prior. At the time of this notice we have taken the listing off the Airbnb site and have not made any new bookings since. We have obtained letter and other documents from surrounding home owners supporting this home and its use. We are now appealing so we can continue the use legally with the correct permit and documentation needed. Please help us as a new small business and local community.

Sincerely,  
 Gavin Goslin 

Rental Unit Record

# 924 Chickasaw Ave, Nashville, TN 37207, USA

Removed X  
Identified ✓  
Compliant ✓

PRINT

## Listing(s) Information

Airbnb - 27385545



## Matched Details

Analyst RTNR

Explanation exterior streetview match

### Listing Photos



streetview match

### Matching 3rd Party Sources

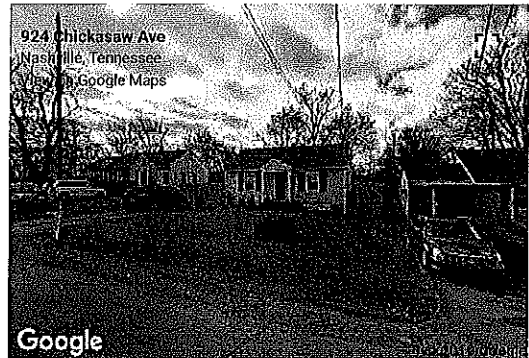


Zip Code Match

City Name Match

Owner Name Match

## Rental Unit Information



### Identified Address

924 Chickasaw Ave, Nashville, TN 37207, USA

### Identified Unit Number

None

### Identified Latitude, Longitude

36.199717, -86.752283

### Parcel Number

07209004700

### Owner Name

GOSIK, GAVIN

### Owner Address

924 Chickasaw Ave  
Nashville, TN 37207, US

### Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air27385545 Removed June 6th, 2019

**Listing Details**

Listing URL	- <a href="https://www.airbnb.com/rooms/27385545">https://www.airbnb.com/rooms/27385545</a>
Listing Status	● Inactive
Host Compliance Listing ID	- air27385545
Listing Title	- The Perfect Cozy East Nashville home!
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Jun 02, 2019
Screenshot Last Captured	- May 27, 2019
Price	- \$69/night
Cleaning Fee	- \$60

- 📅 1 Documented Stay  
June, 2019
- Listing air27385545 Reposted  
June 2nd, 2019
- ✕ Listing air27385545 Removed  
May 30th, 2019
- 📅 8 Documented Stays  
May, 2019
- Listing air27385545 Reposted  
May 26th, 2019
- ✕ Listing air27385545 Removed  
May 23rd, 2019
- Listing air27385545 Reposted  
May 19th, 2019
- ✕ Listing air27385545 Removed  
May 17th, 2019

**Information Provided on Listing**

Contact Name	- Gavin
Latitude, Longitude	- 36.199330, -86.753860
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 10
Max Number of People per Bedroom	- 3.3
Number of Reviews	- 69
Last Documented Stay	- 06/2019

**Listing Screenshot History**

📷 View Latest Listing Screenshot

April 9

May 4

June 0

- 📅 8 Documented Stays  
April, 2019
- 📅 11 Documented Stays  
March, 2019
- 📅 9 Documented Stays  
February, 2019
- Listing air27385545 Reposted  
February 15th, 2019
- ✕ Listing air27385545 Removed  
February 13th, 2019
- Listing air27385545 Reposted  
February 10th, 2019
- ✕ Listing air27385545 Removed  
February 10th, 2019
- 📅 11 Documented Stays  
January, 2019
- ☹️ tip: 924 Chickasaw Ave , Nashville  
January 14th, 2019
- 📅 7 Documented Stays  
December, 2018
- 📅 7 Documented Stays  
November, 2018
- ⚠️ First Warning - No STR or Tax: Incorrect Recipient 📅  
November 19th, 2018
- ⚠️ First Warning - No STR or Tax: Sent 📅  
November 13th, 2018
- ✓ Listing air27385545 Identified  
November 10th, 2018
- 📅 7 Documented Stays  
October, 2018
- ✳️ Listing air27385545 First Crawled  
September 22nd, 2018
- Listing air27385545 First Activity  
September 22nd, 2018



## The Perfect Cozy East Nashville home!

Nashville



Gavin

**Entire house**

10 guests 3 bedrooms 6 beds 1 bath

**Sparkling clean**

15 recent guests said this place was sparkling clean.

Helpful · Not helpful

**Gavin is a Superhost**

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Helpful · Not helpful

**Self check-in**

Check yourself in with the smartlock.

Helpful · Not helpful

Located in the heart of East Nashville you'll find our home is as pleasant and enjoyable as your own. Many attractions and fun things to do in 5+ min Uber ride to the likes of Topgolf, Music city's world famous Broadway and the Grand ole Opry. Some of the amenities include a 55" TV, WiFi, Hot Tub, complete privacy fenced backyard, washer and dryer, Keurig, French press and many more amenities!!

**Contact host**

**Amenities**

Free parking on premises

Wifi

Kitchen

Cable TV

Show all 35 amenities






Entire place



You'll have the space to yourself and will only share it with those you're traveling with.

**Sleeping arrangements**

 <b>Bedroom 1</b> 1 queen bed	 <b>Bedroom 2</b> 2 double beds	 <b>Bedroom 3</b> 2 single beds
--	--	---

**Availability**


Updated 1 month ago

← June 2019							July 2019 →						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
						1		1	2	3	4	5	6
2	3	4	5	6	7	8	7	8	9	10	11	12	13
9	10	11	12	13	14	15	14	15	16	17	18	19	20
16	17	18	19	20	21	22	21	22	23	24	25	26	27
23	24	25	26	27	28	29	28	29	30	31			
30													

**70 Reviews**

Search reviews

- Accuracy
- Location
- Communication
- Check-in
- Cleanliness
- Value

 **Courtney**  
June 2019

We had a great stay. The yard was perfect for our dogs. I loved the keypad to get into the house. It was close to everything we wanted to do and was a great price. There were even toothbrushes and other toiletries left out in case you forget your things at home. There were also...Read more

 **Jennifer**  
June 2019

The house is very nice and clean! It is a short Uber ride to all the Nashville sites. We would definitely stay here again!!

 **Allie**  
May 2019

Stop looking at other places and stay here! Its sooooo nice I loved it and the hot tub was amazing!



Jody  
May 2019

Easy and accurate check in process. Multitude of extra amenities. Quick response times. The neighborhood is a bit rough looking but absolutely no problems in our 2 night stay with the house or the neighbors.



Katie  
May 2019

Very happy with our stay!



Nickolas  
May 2019

Great house. Really clean and great fenced backyard that our pups loved. Hot tub was a nice bonus. Situated in a bit of a rough neighborhood, but I would probably stay again.



Sierra  
May 2019

Great, clean house with all the amenities. We had a great stay!

1 2 3 ... 10 >

### Hosted by Gavin

Murfreesboro, TN · Joined in September 2016

★ 73 Reviews ✨ Verified



Gavin is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



Just a young entrepreneur living life

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

### The neighborhood

Gavin's home is located in Nashville, Tennessee, United States.

Our neighborhood is very quiet. All of our neighbors are extremely nice and helpful.

[See guidebook](#)



Exact location information is provided after a booking is confirmed.

### Policies

#### House Rules

- No smoking
- Check-in is anytime after 3PM and check out by 10AM
- Self check-in with smart lock

#### Cancellations

Moderate · Free cancellation for 48 hours  
 After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

### Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condos  
 \$62 per night  
 70

Nashville	Check-in	→	Checkout
Somerford Keynes			Donholme
Strathy	Guests		Harriman
Kolhapur			Douglasville
Piechowice	1 guest		Helensvale
Huangshan			Waukegan
Borgio			Rafael Calzada
Woodenbridge		<b>Book</b>	Bas Limbe
Burnsall			Womeisdorf
			Ca' Rossi

You won't be charged yet

Report this listing