

DOCKET

9/19/2019

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

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

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

CASE 2019-085 (Council District - 19)

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

Use-Residential

Map Parcel 09212034000

RESULT -

CASE 2019-300 (Council District - 19)

JENNIFER CARR, appellant and **PEP MUSIC SQUARE, LLC**, owner of the property located at **900 18TH AVE S**, requesting a special exception to allow additional height within the build to zone to construct an office building in the ORI-A District. 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-Commercial

Map Parcel 09216036100

RESULT -

CASE 2019-315 (Council District - 8)

AZIZ DHANANI, appellant and **WESTFIELD MALL, LLC**, owner of the property located at **3041 DICKERSON PIKE**, requesting a variance from sidewalk requirements to construct an addition to a commercial building without building sidewalks or paying into the sidewalk fund in the CS District. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 06008002000

RESULT -

CASE 2019-317 (Council District - 20)

DAVIDSON, BRIAN, appellant and owner of the property located at **6211 LARAMIE AVE**, requesting variances from setback and sidewalk requirements to construct two single family homes on one parcel without building sidewalks or paying into the sidewalk fund in the R8 District. Referred to the Board under Section 17.12.030 C.3 and 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09105006500

RESULT -

CASE 2019-350 (Council District - 3)

YARD, RANDY, appellant and owner of the property located at **4136 CREEK TRAIL DR**, requesting a variance from front setback requirements to construct a single-family residence in the RS20 District. Referred to the Board under Section 17.12.030 C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 04105000100

RESULT -

CASE 2019-351 (Council District - 10)

RABIEI, MOJTABA, appellant and owner of the property located at **1306 GALLATIN PIKE**, requesting an Item A appeal challenging the zoning administrator's denial of permit for an automobile repair and used automobile sales facility in the CS District. Referred to the Board under Section 17.16.070 E and 17.16.070 F. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Auto Sales and Service

Map Parcel 03413032900

RESULT -

CASE 2019-376 (Council District - 21)

SOUTHEAST VENTURE, appellant and **BREAUX, DARRELL & LINDA**, owner of the property located at **3214 CHARLOTTE AVE**, requesting variances from setback and control plane requirements to construct a multi-family development in the CS District. Referred to the Board under Section 17.12.020 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 09209037800

RESULT -

CASE 2019-378 (Council District - 35)

MICHAEL, HOLLY L. appellant and owner of the property located at **804 ONSLOW WAY**, requesting a variance from rear setback requirements to cover an existing deck in the RS20 District. 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 141150D19500CO

RESULT -

CASE 2019-381 (Council District - 9)

265 E OLD HICKORY, LLC, appellant and owner of the property located at **265 OLD HICKORY BLVD E**, requesting a variance from sidewalk requirements to construct a multi-unit development without building sidewalks or paying into the sidewalk fund in the RM20 District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi Family

Map Parcel 04313001200

RESULT -

CASE 2019-384 (Council District - 5)

CHENEY, GUY & RENITA, appellants and owners of the property located at **924 MCFERRIN AVE**, requesting variances from sidewalk, landscape buffer, and parking requirements to renovate an existing restaurant without building sidewalks or paying into the sidewalk fund in the MUN-A District. Referred to the Board under Section 17.20.030, 17.20.120, 17.24.230, and 17.24.240 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant

Map Parcel 08208010600

RESULT -

CASE 2019-388 (Council District - 10)

ANDY RALEY, appellant and **WASTE MANAGEMENT, INC. OF TENNESSEE**, owner of the property located at **630 MYATT DR**, requesting a variance from sidewalk requirements to conduct interior and exterior improvements to an existing facility without building sidewalks or paying into the sidewalk fund in the IR District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Recycling Facility

Map Parcel 03410012400

RESULT -

CASE 2019-393 (Council District - 25)

JOSHUA MALNOFSKI, appellant and **BENZ, NELSON P. & ARTHUR, GERALD Q.**, owners of the property located at **4422 SCENIC DR**, requesting a variance from front setback requirements to construct two single family homes on one parcel in the R20 District. 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-Two-Family

Map Parcel 13112007300

RESULT –

CASE 2019-397 (Council District - 12)

NEW BEGINNINGS INTERNATIONAL MINISTRY, INC, appellant and owner of the property located at **4201 CENTRAL PIKE**, requesting a variance from sidewalk requirements to rehab an office building into a daycare facility without building sidewalks or paying into the sidewalk fund in the OR20 District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Day Care

Map Parcel 08700003202

RESULT -

CASE 2019-398 (Council District - 21)

SEAN ROBERGE, appellant and **AFFORDABLE HOUSING RESOURCES, INC**, owner of the property located at **1704 A 17TH AVE N**, requesting a variance from sidewalk requirements to construct a single-family residence without building sidewalks or paying into the sidewalk fund in the RS5 District. 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 08111025200

RESULT -

CASE 2019-399 (Council District - 21)

CHAD HARRIS, appellant and **WILSON, JOHN E**, owner of the property located at **1816 OWEN ST. & 1817 10TH AVE N**, requesting a variance from sidewalk requirements to construct two single family residences in the R6 District without building sidewalks and only paying into the sidewalk fund for the frontage along 10th Ave N. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 081074Q00100CO

RESULT –

Map Parcel 081074Q00200CO

CASE 2019-400 (Council District - 16)

BRIAN STRINGER, appellant and owner of the property located at **3313 COLBY DR**, requesting a variance from front setback requirements to construct a porch on the front of the residence in the RS10 District. Referred to the Board under Section 17.12.030 C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 13307001400

RESULT -

CASE 2019-401 (Council District - 17)

RANDY ARNOLD, appellant and **O.I.C. 1016 WEST GROVE AVENUE TOWNHOMES**, owner of the property located at **1016 C W GROVE AVE**, requesting a variance from sidewalk requirements to construct two single family residence without building sidewalks or paying into the sidewalk fund in the R8 District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-HPR

Map Parcel 105092J90000CO

RESULT -

CASE 2019-403 (Council District - 17)

ORGANIZED NEIGHBORS OF EDGEHILL, appellant and **METRO GOV'T S ROSE PARK**, owner of the property located at **1025 9TH AVE S**, requesting an Item A appeal challenging the issuance of permit **2019012290** in the RM20 District. Referred to the Board under Section 17.80.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Commercial

Map Parcel 10502017100

RESULT -

CASE 2019-404 (Council District - 1)

HELENE HARVEY, appellant and **BROWN, KENNETH M. & KAREN R.**, owners of the property located at **4341 PECAN VALLEY RD**, requesting a Special Exception to offer daycare services and a variance to operate within existing structure in the AR2A District, to open a day care facility. Referred to the Board under Section 17.16.040 A.8. A. and 17.16.035 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B and D.

Use-Day Care

Map Parcel 05600002400

RESULT - Deferred

CASE 2019-405 (Council District - 17)

DUANE CUTHBERTSON, appellant and **ROUDI, ROD & HELEN ADELMAN**, owners of the property located at **1104 PARIS AVE**, requesting a variance from minimum lot size requirements to construct a detached accessory dwelling in the R8 District. 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-Residential

Map Parcel 11801015800

RESULT -

CASE 2019-408 (Council District - 25)

TUNE ENTREKIN & WHITE, PC, appellant and **LAMININ HOLDINGS-TENNESSEE, LLC**, owner of the property located at **1610 GRAYBAR LN**, requesting a variance from street setback requirements to construct a single-family residence in the RS40 District. Referred to the Board under Section 17.12.030 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential

Map Parcel 11711004900

RESULT -

CASE 2019-409 (Council District - 20)

DUANE CUTHBERTSON, appellant and **5915 ROBERTSON, LLC**, owner of the property located at **5915 ROBERTSON AVE**, requesting a variance from landscape buffer requirements for mixed use development in the CS District. Referred to the Board under Section 17.24.230. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed Use

Map Parcel 09109011300

RESULT -

CASE 2019-410 (Council District - 6)

WALL, LAURA A., appellant and owner of the property located at **709 WILSONWOOD PL**, requesting a variance from rear setback requirements to construct an addition to the rear of a residence in the R6 District. 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 08307016400

RESULT -

CASE 2019-412 (Council District - 7)

BRYAN VELER appellant and **MICHAELS, PATRICK & KLAVER, JACQUELINE M.**, owners of the property located at **4122 MOSS ROSE DR**, requesting a variance from rear setback requirements for an addition to a residence in the RS20 District. 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 06213009400

RESULT -

CASE 2019-413 (Council District - 19)

TONY WOODHAM, appellant and **WCO ELM HILL FLATS, LLC**, owner of the property located at **825 ELM HILL PIKE**, requesting a variance from sidewalk requirements to construct an apartment complex without building sidewalks or paying the into the sidewalk fund in the CS District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Apartments

Map Parcel 10601016800

RESULT –

CASE 2019-414 (Council District - 20)

JEFF HOOPER, appellant and **T. C. SUMMERS, INC.**, owner of the property located at **6400 CHARLOTTE PIKE**, requesting a variance from sidewalk requirements to make renovations to an existing restaurant without building sidewalks or paying into the sidewalk fund in the CS District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant

Map Parcel 10301013100

RESULT –

CASE 2019-415 (Council District - 21)

JAY FULMER, appellant and **1900 WARNER PARTNERS, LLC**, owner of the property located at **627 19TH AVE N**, requesting a variance from rear setback requirements to construct a medical office building in the IR District. 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-Medical Office

Map Parcel 09207033400

RESULT – Deferred 10/17/19

CASE 2019-416 (Council District - 9)

RICHARD OGURA, appellant and **ANDERSON, RAYMOND W., JR. & JOY C.**, owners of the property located at **105 EAGAN CIR**, requesting a special exception to permit an animal daycare with overnight stay in the CS District. Referred to the Board under Section 17.40.290. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Kennel

Map Parcel 04316001600

RESULT -

CASE 2019-417 (Council District - 20)

GREEN, KEVIN, appellant and owner of the property located at **905 & 907 54TH AVE N**, requesting a variance from street setback requirements to construct two single family residences on one lot in the R6 District. Referred to the Board under Section 17.40.180 C.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 091110Y00100CO

RESULT -

Map Parcel 091110Y00200CO

CASE 2019-418 (Council District - 17)

ROB CUSHMAN, appellant and **O.I.C. 151 RAINS AVENUE TOWNHOMES**, owner of the property located at **151 C RAINS AVE**, requesting a variance from sidewalk requirements to construct two single family residences without building sidewalks but instead paying into the sidewalk fund in the R6A District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-HPR

Map Parcel 105112H90000CO

RESULT -

CASE 2019-419 (Council District - 17)

ROB CUSHMAN, appellant and **WRIGHT, CLINT**, owner of the property located at **149 RAINS AVE**, requesting a variance from sidewalk requirements to construct two single family residences without building sidewalks but instead paying into the sidewalk fund in the R6A District. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Singe Family

Map Parcel 10511003100

RESULT –

SHORT TERM RENTAL CASES

CASE 2019-319 (Council District - 33)

FANOUS, GEORGE NAZIR, appellant and owner of the property located at **3425 TOWNE VILLAGE RD**, 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 RS10 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 15007049100

RESULT -

CASE 2019-361 (Council District - 23)

SAMUEL LEVINE, appellant and **LEVINE, SAMUEL BILLET REVOCABLE LIVING TRUST, THE**, owner of the property located at **6205 VOSSWOOD DR**, requesting an Item A appeal challenging the zoning administrator's cancellation of an STRP permit due to a change in ownership in the RS40 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 11512004300

RESULT -

CASE 2019-402 (Council District - 21)

ABUQAYAS, MOHAMMED, appellant and owner of the property located at **1525 12TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated prior to obtaining the legally required short term rental permit in the RS5 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08112018700

RESULT -

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



Appellant: 15th Church Equity Investors Date: _____
Property Owner: 15th Church & Investors Case #: 2019-085
Representative: Lee Mulette Map & Parcel: 92-12/340

Council District 19

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

Purpose: To reduce parking spaces

Activity Type: Residential - Short Term Rental Condos

Location: 1506 Church St Nashville 37203

This property is in the MU1-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 17.20.030
Section(s): Variance from parking requirements.

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.

15th Church Equity Investors
Appellant Name (Please Print)

Lee Mulette
Representative Name (Please Print)

1506 Church St #130
Address

1506 Church St #131
Address

Nashville, TN 37203
City, State, Zip Code

Nashville, TN 37203
City, State, Zip Code

(615) 300.7862
Phone Number

(615) 300.7862
Phone Number

lee.fs.developers@gmail.com
Email

lee.fs.developers@gmail.com
Email

Appeal Fee: _____

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

1.11.19

Re: Variance Request

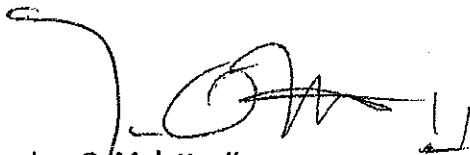
Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short-term rental condominium building. We are appealing to have the required parking requirement of 40 spaces reduced to 14. This requirement burdens the development with significant excessive parking requirements. We will submit supporting documentation and studies prior to our hearing. However, with the growth of ride-share and other alternative means of transportation including buses, most visitors are no longer driving. Therefore, they do not require as much parking. Our location is within walking distance of the majority of Nashville's entertainment districts & venues for our guests.

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas.

We respectfully submit this appeal for your consideration.

Warm regards

A handwritten signature in black ink, appearing to read 'Lee O. Molette, II', with a large, sweeping initial 'L' on the left side.

Lee O. Molette, II

President

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

1.11.19

DATE

GENERAL NOTES - FLOOR PLAN

1. ALL DIMENSIONS ARE TO FINISH UNLESS NOTED OTHERWISE.
2. ALL WALLS ARE 12" THICK UNLESS NOTED OTHERWISE.
3. ALL CEILING HEIGHTS ARE 8'-0" UNLESS NOTED OTHERWISE.
4. ALL FLOOR FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
5. ALL WALL FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
6. ALL CEILING FINISHES ARE TO BE DETERMINED BY THE ARCHITECT.
7. ALL DOOR SIZES ARE TO BE DETERMINED BY THE ARCHITECT.
8. ALL WINDOW SIZES ARE TO BE DETERMINED BY THE ARCHITECT.
9. ALL STAIR SIZES ARE TO BE DETERMINED BY THE ARCHITECT.
10. ALL ELEVATIONS ARE TO BE DETERMINED BY THE ARCHITECT.

CORNER NOTES - FLOOR PLAN

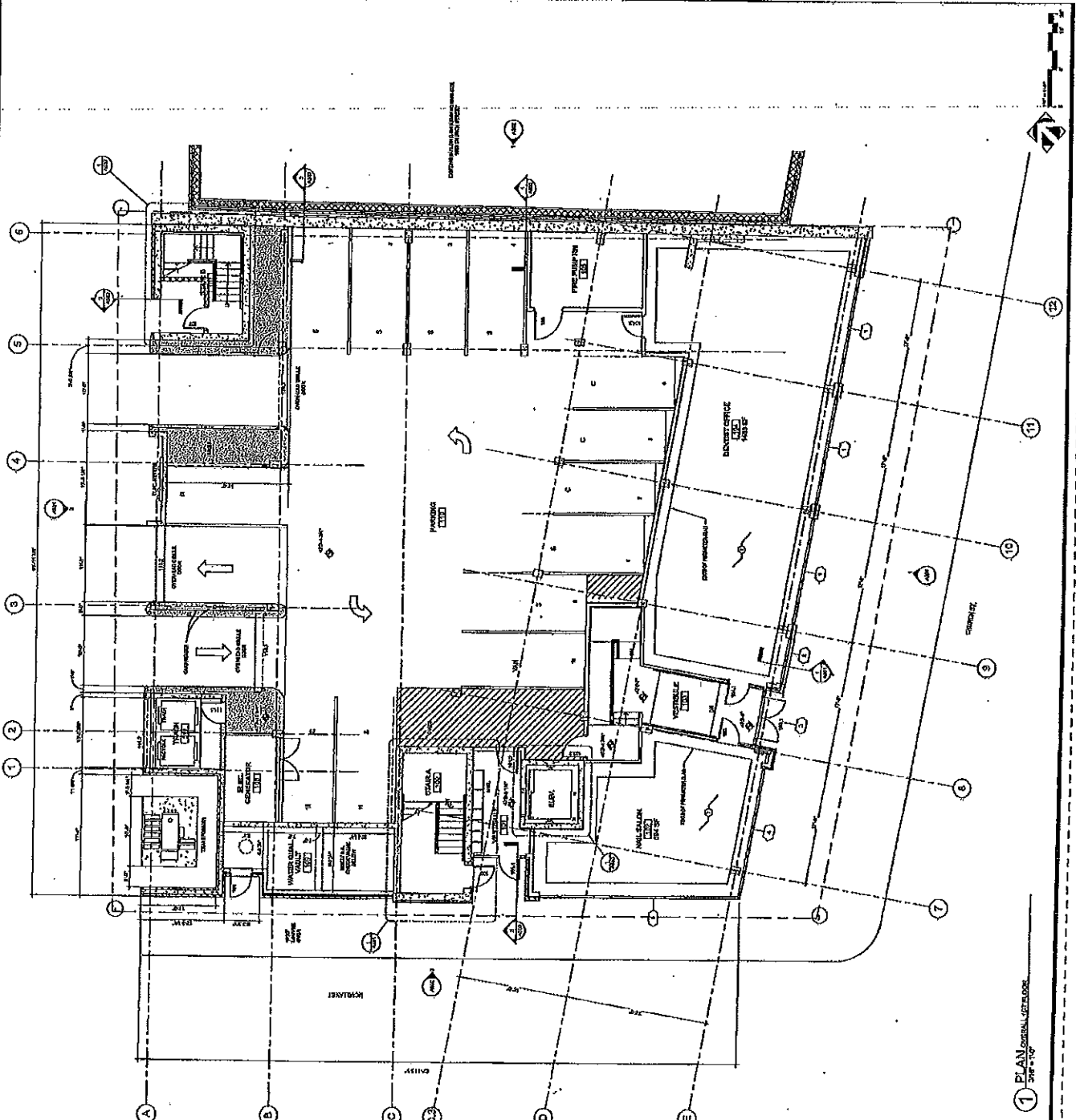
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10. CORNER NOTES ARE TO BE DETERMINED BY THE ARCHITECT.

WALL PATTERN LEGEND

1. 1/2" BRICK	2. 1/2" CMU	3. 1/2" CONCRETE	4. 1/2" GYP BOARD
5. 1/2" GYP BOARD	6. 1/2" GYP BOARD	7. 1/2" GYP BOARD	8. 1/2" GYP BOARD
9. 1/2" GYP BOARD	10. 1/2" GYP BOARD	11. 1/2" GYP BOARD	12. 1/2" GYP BOARD

NO.	DESCRIPTION
1.	1/2" BRICK
2.	1/2" CMU
3.	1/2" CONCRETE
4.	1/2" GYP BOARD
5.	1/2" GYP BOARD
6.	1/2" GYP BOARD
7.	1/2" GYP BOARD
8.	1/2" GYP BOARD
9.	1/2" GYP BOARD
10.	1/2" GYP BOARD
11.	1/2" GYP BOARD
12.	1/2" GYP BOARD

Client: Sherwin Reddicks
 Project: Sherwin Reddicks
 Architect: Frank Stanton Development
MOODY-NOLAN
 REGISTERED ARCHITECTS
 1000 GUYTON STREET, SUITE 100
 CHARLOTTE, NORTH CAROLINA 28202
 PROJECT NO. 19-085
 SHEET NO. 19-085-01
 DATE: 08/20/2019



1 PLAN GENERAL (SEE BOOK)



E.S.S., Inc.

203 McMillin St. • Nashville, TN 37203-2912

(615) 340-9033 • Fax (615) 340-9642

www.essnashville.com

To: Metro Nashville Zoning Appeals Board

Re: case# 2019-085

I own and operate ESS Inc. ESS is located on McMillin Street, and it is across the street from the proposed project.

I am requesting that the board please reject this application for a reduction in the required number of parking spaces because of the very negative impacts it will have on my business, my employees, my neighbors and the neighborhood in general. Below I have listed multiple reasons why the zoning variance should not be granted.

- There is precious little available on street parking in the neighborhood. This is especially true at night when is when residents and guests will need the parking facilities the most. All on street parking fills up extremely quickly on the weekends and on Wednesday. I often work late into the evenings, and I have witnessed this personally. I also have CCTV camera video that could easily be provided upon request. When people can't find parking on the street, they often trespass and park on the property of other local businesses including ESS.
- There is no plan for parking for the two commercial businesses that will also occupy the building. Those two businesses by themselves could easily overwhelm the proposed parking facility with their own employees and clients.
- It is my understanding that a reduction in the parking spaces requirement has already been granted based on the availability of public transportation. It is true that there is a bus stop sign located at the location, but that stop is no longer an active one, and that has been the case for a very long time. There is a decal on the sign notifying the public of this. The nearest bus stop is several blocks away. I have included a photo of the bus stop sign. I took that photo this morning. I have also checked the Metro Nashville bus map. The closest bus stop is several blocks away on Charlotte Avenue. There are no bus stops conveniently located to this project location.
- I believe that the appellant is vastly underestimating the parking needs of vacation rental guests. It is true that once guests arrive in Nashville that they are very likely to use ride sharing services, taxis, scooters and so on, but they have to travel to Nashville, and if they are driving to get here as many people do, they will need to park their vehicles while here. A one bedroom short term rental unit can easily house four adult guests because you can have a sleeper sofa in the living room. Similarly, a two bedroom unit can house up to six adult guests. With each adult guest there is potential need for a parking space. So, you could easily fill all available parking spaces with vehicles

belonging to guests from just a few of the 52 units.

- This project (and its sister project "Alto") will impose significant hardship upon the neighbors during construction. While speaking to this board during a previous hearing on this matter, the appellant has described a necessary "painful transition" while his two projects are being constructed. He realized that during the height of construction, there will be even less street parking, and the neighbors will be inconvenienced. During a recent meeting with the appellant and other concerned neighbors, he mentioned that temporary additional parking could be made available on a lot adjacent to the Deju Vu club that is owned by a Mr. Patel. I asked if he had anything in writing from Mr. Patel on the subject, he said no he did not, and he did not offer to obtain such. Therefore, we have no real assurance that we would receive any kind of relief during the construction process. Furthermore, the alleys adjacent to the project will be closed during much of the construction. This will impair access for multiple businesses in the area. Mr. Alex Crooke, owner of Precision Autohaus asked me this morning to mention this to you specifically. He is very concerned about this because it will be a significant problem for him.
- This project in general is ill advised. Variances should not be granted for a project that very likely will pose a significant public nuisance. The vacation rental units in this building will have very little supervision. There won't be the hotel staff who are aware and involved as guests check in and out. In an apartment building, the staff gets to know the residents because they become familiar. Here, the people will constantly change, and there will be no supervision other than video cameras. In fact, we were told by the appellant they will not be allowed to have an attended lobby because they are not a hotel as such. Security cameras will definitely be helpful, but I don't think that they will deter the criminal activity that can occur inside the units. We need to be realistic about what occurs in a neighborhood with multiple adult oriented businesses. As it is, there have been many incidents of people fornicating and using drugs on fire escapes, on outside staircases and in our parking lots over the years. So, it is likely that many of these people will seek out a far more comfortable location for their activities inside the Contralto building. On the short term rental front, the units in this building will be most attractive to bachelor parties and so on because of the location. Unfortunately, this also means that conditions will be ripe for prostitution and drug trafficking.

Sincerely,



Ann E. Braun
Owner/President, ESS

From: Lee Molette II <lee.fsdevelopers@gmail.com>
Sent: Tuesday, May 7, 2019 3:06 PM
To: Shepherd, Jessica (Codes); Lamb, Emily (Codes)
Subject: Fwd: Lee Molette shared 2 photos with you

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

Here are the pics.

Thanks again!
LM



[View photos](#)

From: [Lee Molette II](#)
To: [Shepherd, Jessica \(Codes\)](#); [Lamb, Emily \(Codes\)](#)
Subject: Fwd: Lee Molette shared 2 photos with you
Date: Tuesday, May 7, 2019 3:06:06 PM

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


Here are the pics.



Thanks again!
LM

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

From: Lee Molette (via Google Photos) <noreply-1593ea0d37380490b1a3c9832bdffd19@google.com>
Date: Tue, May 7, 2019 at 2:53 PM
Subject: Lee Molette shared 2 photos with you
To: <lee.fsdevelopers@gmail.com>



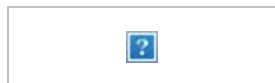
 **Lee Molette** shared 2 photos with you

	
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[View photos](#)

You received this mail because Lee Molette shared these photos with you. If you no longer wish to receive email notifications of shared photos, [unsubscribe here](#).

Get the Google Photos app



Google LLC
1600 Amphitheatre Pkwy
Mountain View, CA 94043 USA

From: [Aubrey Leake](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number: 2019-085
Date: Wednesday, August 28, 2019 9:53:49 AM

Country Delite continues to be opposed to the appellant requested variance with such limited parking.

Ty for the consideration,

Aubrey H. Leake III
Plant Manager

From: [Paul Morris](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number: 2019-085
Date: Wednesday, August 28, 2019 10:47:08 AM
Attachments: [image001.png](#)

I represent Jack Morris Auto Glass, a neighbor to this proposed development. While I am all for improvement to this property, I remain against the requested variance. Parking is already a challenge in our neighborhood and for our business, and granting this requested variance would exacerbate the problem and hurt the neighborhood.

Thank you for considering my perspective,

-Paul

Paul Morris
www.morrisglass.com
Office: 901.722.7001
Cell: 901.219.2336



Lifsey, Debbie (Codes)

From: abraun@essnashville.com
Sent: Wednesday, September 4, 2019 8:42 PM
To: Board of Zoning Appeals (Codes)
Cc: Ann Braun
Subject: Appeal Case Number: 2019-085
Attachments: ContraltoFloorPlan.docx; BZA appeal Case Number 2019-085.png

To: Metro Nashville Zoning Appeals Board

Re: case# 2019-085

I own and operate ESS Inc. ESS is located on McMillin Street, and it is across the street from the proposed project.

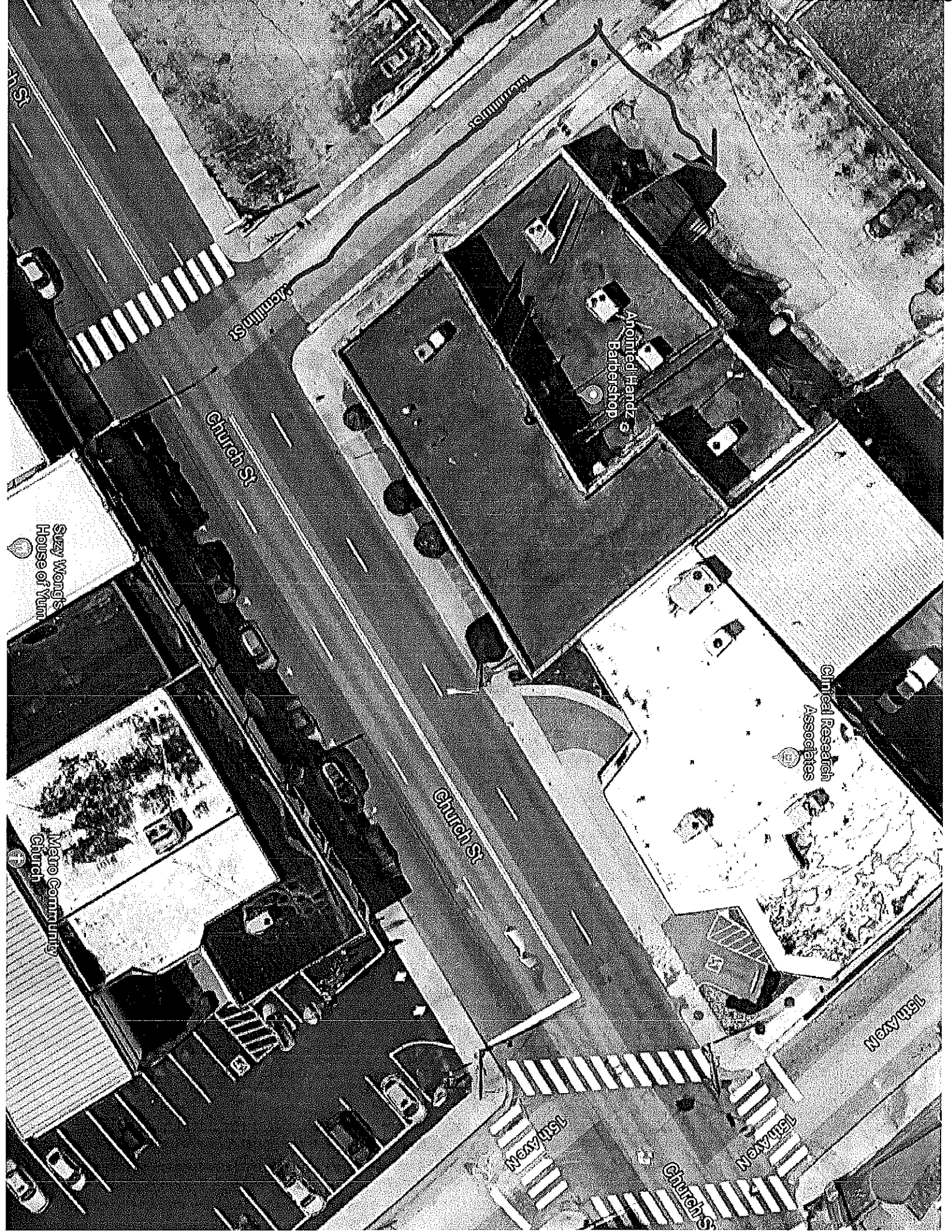
I am respectfully requesting that the board please reject this application for a reduction in the required number of parking spaces because of the very negative impacts it will have on my business, my employees, my neighbors and the neighborhood in general. This plan if allowed to move forward will impose significant hardship on existing businesses and residents of the neighborhood. Below I have listed multiple reasons why the appellant's planned parking is severely inadequate.

- The appellant is relying on alternative forms of transportation for residents and guests of the condos since supposedly most will not have cars. However, there is no plan whatsoever to accommodate these transportation alternatives. Other than the public alley in the rear of the building, there is no place for vehicles to safely pull over to load and unload passengers. There are no bike racks, no bike storage areas inside and not even a scooter corral.
- Because the only available parking spaces will be inside a small parking garage, service and delivery vehicles -- especially large ones - will be forced to block the public alley or park elsewhere. Multiple other businesses in the neighborhood depend on this alley for access.
- Because cab drivers, Uber drivers or Lyft drivers will not have a place to pull over to load and unload, they will either need to use the public alley, or they will pull over on either Church street or McMillin street. In either case, they will block traffic and will cause accidents.
- This location does not have access to public transportation. There once was a bus stop at this location, but Metro discontinued the route years ago. The closest bus stop is on Charlotte Avenue several blocks away.
- The appellant is ignoring the fact that although many visitors to Nashville use alternative modes of transport while they are here, many visitors also depend on cars to get here in the first place. Nashville is located within a day's drive of 65 percent of the population of the USA. Therefore, a large percentage of tourists drive here. Guests of the proposed vacation rental units in this building will need a place to park while they are here.
- When the vacation rental units turnover, they will need to be cleaned. During high turnover days (typically Monday is the busiest day for this in Nashville), several, if not all, of the available parking will be used by cleaners and maintenance personnel.
- On street parking in the neighborhood is already extremely limited and is maxed out each day and at night also by existing local businesses and residents.

The appellant has not demonstrated that he will experience significant hardship if his appeal is denied. Instead, the neighbors will be forced to assume all hardships associated with this bad parking plan. Included with this email for your reference is a screen shoot of Google Maps satellite view of the site and a copy of the 1st floor floorplan which includes the planned parking that I pulled from the appellant's web site <http://altocontralto.com>

Sincerely,

Ann E. Braun
Owner/President
"The Headset Lady"
E.S.S., Inc.
203 McMillin Street
Nashville TN 37203
Office:615-340-9033
Fax: 615-340-9642
Cell: 615-305-9931
Email: ABraun@essnashville.com



Madison St

Church St

Church St

Naylor St

Naylor St

Church St

Naylor St

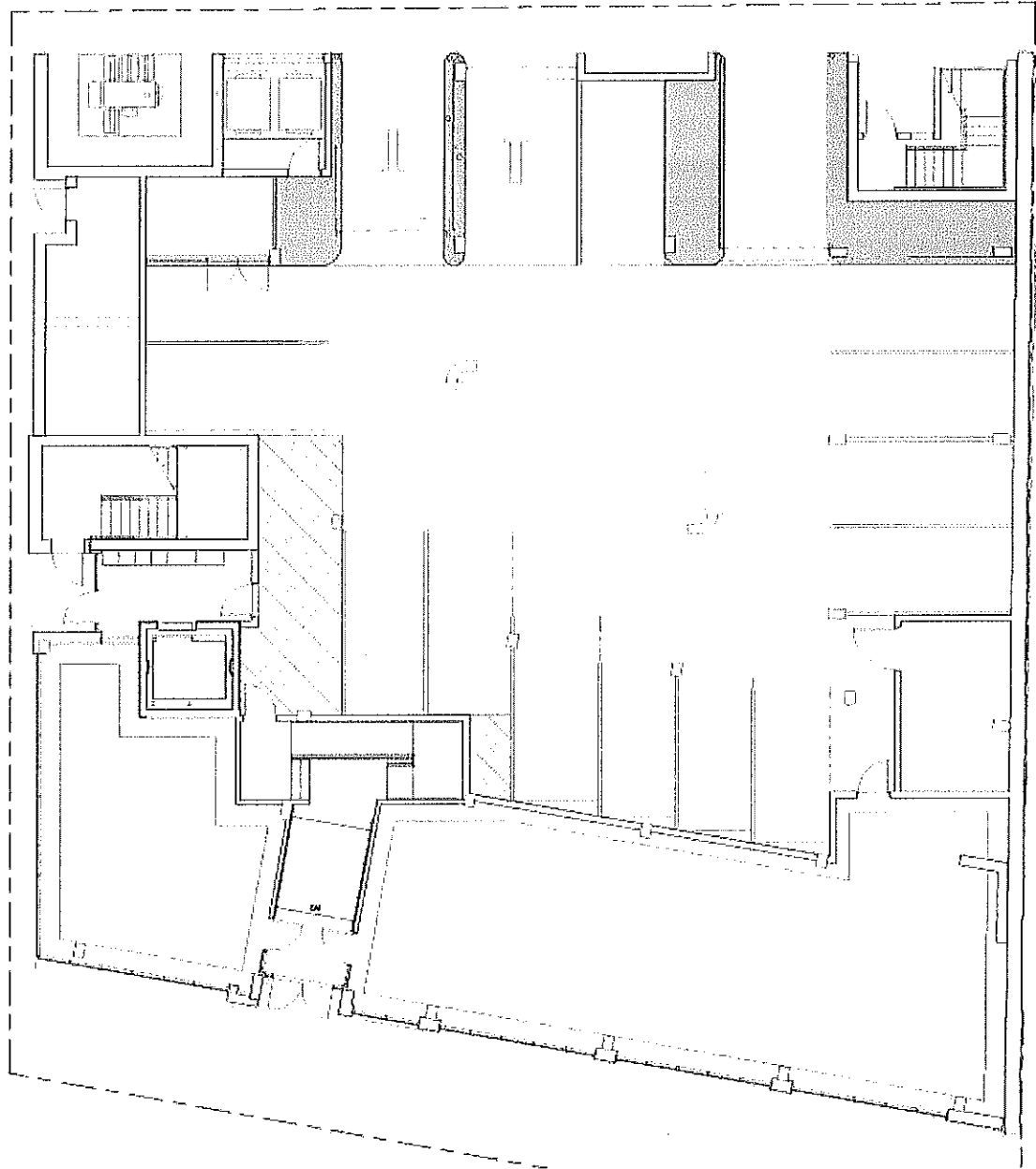
Anointed Hands Barber Shop

Clinical Research Associates

Suzy Wong's House of Yum

Metro Community Church

<http://altocontralto.com/contralto/> Ground floor plan from the appellant's web site



Greg Kyser, MD, LLC

1500 Church St. Ste. #200

Nashville TN, 37203

615 750 3696

Fax: 750 3749

Certified ABPN

Adult, Occupational and

Distinguished Fellow APA

Forensic Psychiatry

TO: Board of Zoning Appeals Members:

RE: BZA Case # 2019-085

I wish to express my opposition for the above stated appeal. My medical practice is located at 1500 Church Street which is next to Mr. Molette's proposed project. We do not have enough available parking on our block or surrounding streets to accommodate a 52 unit condo plus retail space with only 11 parking spaces, as requested.

The proposed limited parking will be injurious to my practice and clients. My clients are accustomed to available parking and easy access to my office. I do not have the resources to provide a parking attend to assure only my patients are parking in designated spaces plus over-night guest will be parked there after office hours and remain after our morning arrival. It would be a 24 hour job! Unfortunately, we have several businesses within our area with limited or no parking. We simply cannot absorb another one. Our narrow side streets are already congested without this additional burden. We have cars parked on the sidewalk leading into our building, which is a no parking zone.

Please consider the established businesses in this area and the safety issues which we face. We have provided parking for our use and have suffered with the encroachment of others. It is incumbent on Mr. Mollette to provide adequate parking for his building and for the board to vote NO for this appeal.

Sincerely,

Greg Kyser MD

3/4/19

From: [Jack Wilder](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case 2019-085 Lee Mollette
Date: Friday, March 1, 2019 3:58:08 PM

I understand that Lee is asking for a variance to reduce the parking space requirement from 63 to 11 spaces. I have heard that bza suggested a reduction to 37 spaces, which sounds reasonable to me. I'm opposed to allowing only 11 spaces. I don't know what plan Lee has to accommodate parking for 52 units, but there is very little on-street parking available now. It sure seems like something close to 37 spaces would be more appropriate.

Jack Wilder
Wilder Equipment Co.
301 15th Ave. North
Nashville, Tn.

From: [Linda Schipani](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case 2019-085
Date: Thursday, August 29, 2019 11:22:35 AM

Dear Board of Zoning Members:

I am writing to express my strong opposition to the parking variance requested by 15th and Church Equity investors/Lee Molette. As stated in previous meetings and written communications, the neighboring businesses and residents continues to have problems with inadequate parking. We simply can not absorb parking required by a 52 unit Condo plus 2 retail spaces without adequate parking provided by the development. The variance requested at only 11 spaces is drastically less than adequate. Are there any ADA spaces? Mr. Molette stated the dental practice to be located on the first floor would require 7 spaces. The remain 4 spaces would be shared by a 4 person barber shop, 52 unit Condo and cleaning/maintenance crews. Is this reasonable?

The last hearing of this variance was March 7th. Instead of a vote, the chairman asked for a parking study for similar properties in the nearby area. Here's a listing of what we found:

McMillin Court Vacation Rental (321 McMillin St.) 15 unit with 26 parking spaces

Elevate at City Heights Townhouses (508 31st Ave. North): 2 car parking garages for each unit

Endeavor at City Heights (26th Ave. & Clifton) 1 parking space for each bedroom

Alabaster West (227 Oceola) 2 parking spaces per unit plus open parking

Alloy (400 Herron Dr.) 2 parking spaces for 1 BR units;

1818 Church (1818 Church Street) 142 one- BR units with 142 parking spaces garage

The 1865 (610 21st Ave North) 46 units providing 1.5 parking spaces per bedroom; seeking additional parking to increase 2 spaces per bedroom.

Chelsea (1900 12th Ave South) 532 one-bedroom units; 532 parking spaces

West End Project ("Palmer Lake") 2,500 parking spaces (700 more than Music City Convention Center)

Announced 3/13/19 the Haven (Gulch) development of 299 units; "The building design complies with existing zoning and no variances are needed."

To date there has never been a Hardship identified by the appellant. According to the Standards For A Variance (Section 17.40.370), there has to be a hardship. There are no physical or unique characteristics at the property. The hardship can not be self imposed or solely for financial gain.

The appellant has suggested adequate parking to be provided at a future project directly located behind the proposed building site. I would respectfully remind the board this requested variance is for this project only and future building may or may not happen.

I believe if this variance is granted, it will adversely effect the established businesses and residents in the surrounding neighborhood. I would urge you to vote "NO" on case # 2019-085.

Thank you for your service,

Linda Moore Schipani

President & CEO
Clinical Research Associates, Inc.
1500 Church Street
Nashville, TN 37203

From: [Lisa Booy](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Oppose Case# 2019-085
Date: Thursday, February 28, 2019 11:45:47 AM
Importance: High

I am opposed to the zoning variance which has been requested in Case #2019-085.

I respectfully ask that the Board deny this variance as there is no hardship to justify such. If granted, the hardship will be our business and the other existing area businesses.

The proposed project consists of a 52 unit building with retail on the ground floor. It is my understanding that Codes requires 62 parking spaces for this project but they are asking for a 51 space REDUCTION (from 62 to 11 spaces). Our business is located adjacent to this project and I have first-hand knowledge of the limited parking available in the area without the additional living and/or short term rental space. Eleven parking spaces, as requested, is insufficient for the retail space proposed and to add 52 units of living space that will share the 11 parking spots is irrational.

Our business cannot share or contribute any parking as we utilize all of our parking to conduct our own business. We have a full-time staff, patients, repair, service and janitorial parking. We cannot assume the cost of a parking attendant to supervise our parking lot/spaces. We cannot assume the cost of an employee to supervise the towing of unauthorized automobiles. Our business has met codes requirements for parking and request the same be required of surrounding businesses.

There is very limited street parking and much of that is taken by area businesses, both during and after hours. There is NO access to a parking garage in our area. Although there is a paid parking lot with 18 spots that is only available after hours, they do not accommodate any parking during the day except to their own customers (all others are towed).

If this project plans to rely on the Uber/Lift model, then they will still require parking/pickup areas for these vehicles. Déjà Vu has attempted this model which has resulted in **severe congestion** on 15th Avenue that overflows onto Church Street. This area has become **dangerously overcrowded** with cars parked in “no parking” and/or loading zones, streets being blocked due to double-parking of Uber/Lift drop off and pickup, pedestrian foot traffic around vehicles that park on the sidewalks, and very restricted traffic flow for emergency vehicles.

Once again, for the safety of our employees, clients, customers and community, I ask that the Board deny the request for a reduction in required parking space.

Sincerely,

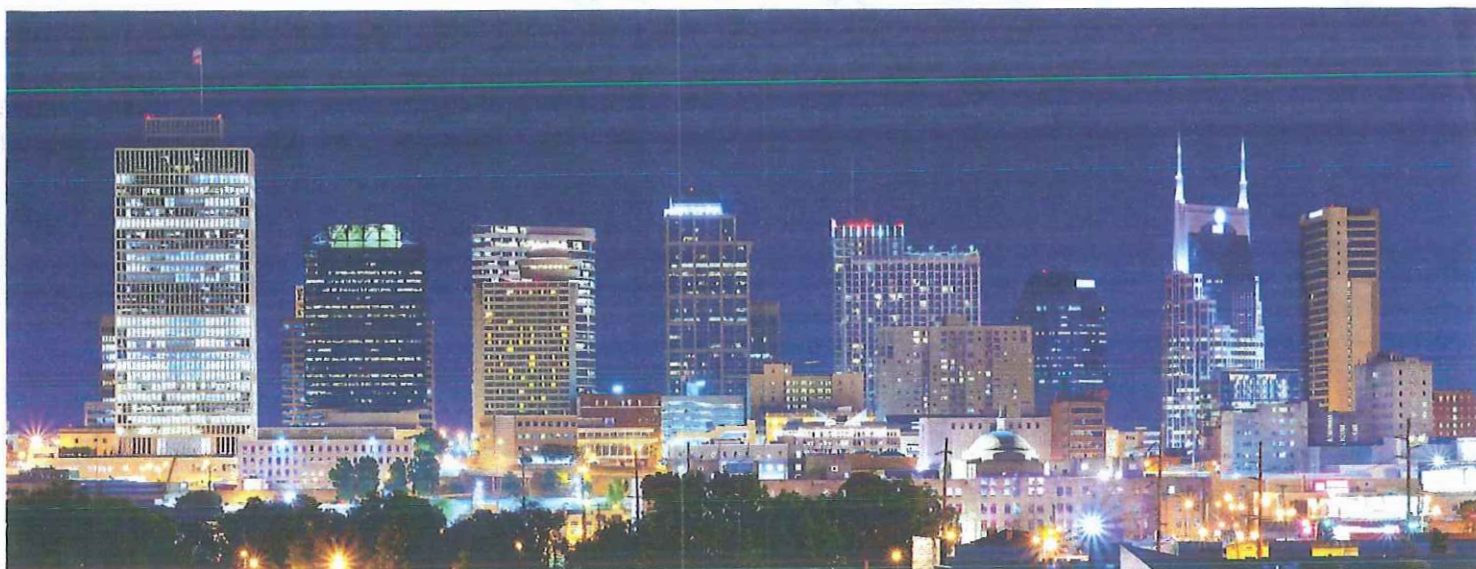
Lisa B. Booy

Lisa B. Booy
Director, Regulatory and Financial Affairs
Clinical Research Associates, Inc.
1500 Church St., Suite 100
Nashville, TN 37203
615-329-0197 (phone)

615-320-7883 (fax)

Lisa@CRAnashville.com

52 Condos | Studio, 1- and 2- Bedroom Options | All Qualify for Short-term Rental

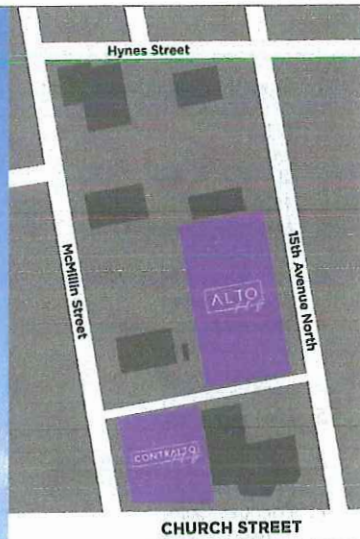


COMING 2020 TO 1506 CHURCH STREET IN NASHVILLE

AltoContralto.com

615.861.4164

MARKETED BY **VILLAGE**
615.383.6964



CONTRALTO
central city

Frank Stanton Developers, LLC**1506 Church St #130****Nashville, TN 37203****(615) 600.7862****2.26.19**

Re: Variance Request Case #2019-085

Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short- term rental condominium building. We are appealing to have the required parking requirement of 37 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. In support of our request, we have provided the following:

- A letter from a seasoned short-term rental management company
- A parking study used to secure a similar request a couple of blocks away
- Several pictures of nearby free and pay parking within 10-500 feet from the site
- Letters of Support from neighbors
- Letter from our Sales team

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas. Furthermore, this aligns with Metro's objective to promote the use of alternative means of transportation. Finally, urban planners are advising developers to plan for fewer drivers and even build garages so that can be converted to office or other uses. Especially in neighborhoods like Church Street.

We respectfully submit this appeal for your consideration.

Warm regards



Lee O. Molette, II

President



A Luxury Vacation Rental Management Company

806 Third Avenue South, Nashville, Tennessee 37210

Mr. Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

Dear Lee:

It was great speaking with you and discussing our experience with parking for vacation rentals in downtown Nashville. As you know we have managed properties in downtown for over five years. We believe that we understand the market.

After our discussion, I went back and confirmed our experience with downtown guests that stay in our properties. Approximately 30% of the visitors to our properties require parking for their stay. In one building on Second Avenue North, we have 15 units, and we offer parking for guests renting those units. However, we only secured 8 dedicated spaces for the 15 units. We also have additional spaces for the other guests that stay in other downtown properties. In three years of offering these parking options, we have not used all the spaces at one time.

Having nearby pay parking lots and some small percentage of dedicated spaces for guests to purchase would be my recommendation, based on our experience. Please let me know, if we can assist you further.

Sincerely,

A handwritten signature in black ink that reads "Alfonzo Alexander". The signature is fluid and cursive, with the first and last names clearly legible.

Alfonzo Alexander
Chief Executive Officer



Graduate Parking Demand



8/31/2017

Table
Project: Graduate
Description: Mixed-use Development

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: AUGUST - PEAK PERIOD: 9 PM WEEKEND

Land Use	Project Data Quantity Unit	Weekday					Weekend					Weekday			Weekend		
		Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Peak Hr 9 PM	Peak Mo Adj August	Estimated Parking Demand	Peak Hr 9 PM	Peak Mo Adj August	Estimated Parking Demand
Hotel/Leisure	200 Units	0.50	0.35	1.30	0.32	Rooms	1.00	0.35	1.00	0.35	Rooms	0.85	1.00	61	0.95	1.00	67
Restaurant/Lounge	5,800 sq ft GLA	18.00	0.50	0.50	3.00	Rest GLA	10.00	0.50	0.60	3.00	Rest GLA	0.67	0.69	12	0.67	0.59	12
Conference Ctr/Banquet (20 to 50 sq ft/ga)	7,500 sq ft GLA	30.00	0.50	0.25	3.75	Rest GLA	30.00	0.50	0.25	3.75	Rest GLA	1.00	1.00	28	1.00	1.00	28
Employee		0.25	0.50	1.00	0.13	Rooms	0.15	0.50	1.00	0.09	Rooms	0.20	1.00	5	0.25	1.00	10
												Customer Employee Reserved Total	107 5 0 105	Customer Employee Reserved Total	107 10 0 117		

ULI base data have been modified from default values.

Our review includes both the Nashville Code requirement for a project in the UZO district as well as the "market demand" as prepared by Hastings Architecture. Also, as a comparison of these two methods of determining parking demand, we have also prepared an estimate of the parking needed for the Graduate using the Urban Land Institute's Shared Parking Model. This model allows for using the ULI established baselines for parking demand but also incorporating the variables unique for each development. The variables to be used in the model include estimates of how many of the hotel guests will use alternative methods of transportation to arrive at the hotel (other than personal or rented automobile) and how many of the customers of the restaurant/ bar and meeting space will also be guests of the hotel and therefore not generate additional parking demand. My analysis (using the ULI model) projects the following peak parking demand for the Hotel:

- Hotel - 67 Spaces
 - Employee - 10 Spaces
 - Restaurant/Bar - 12 Spaces
 - Meeting - 28 Spaces
- TOTAL - 117 Spaces

Please note that the variables used in the calculations are based upon our own experience and empirical data of similar product hotels and also reflect the local conditions of this Nashville area.

Using the ULI model calculations and our experience the results are that the estimate for parking demand aligns with the market demand as prepared by Hastings Architecture and that building the requirement per the Nashville UZO code would result in excessive parking supply and the negative impact of wasted land resources, unnecessary maintenance and capital repair/replacement costs.

Please let me know if we can provide further information or clarification for our analysis.

Thanks,

Ryan

Ryan Hunt / COO - Partner / 615-554-7472 / ryan.hunt@premierparking.com

Premier Parking Office: 615-238-2250

421 Church Street / Nashville, TN 37219 / www.premierparking.com

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: HP Architecture APPEAL CASE 2017-272
 2000 West End Avenue
 Map: 92-16 Parcel: 4
 Zoning Classification: MUI-A

ORDER

This matter came to be heard in public hearing on 11/16/2017, before the Metropolitan Board of Zoning Appeals, upon application for a variance from parking requirements to reduce parking spaces from 202 to 117.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- 1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- 2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.
- 3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted.

UPON MOTION BY: David Ewing

Seconded by: Cynthia Chappell

Ayes: David Taylor, Richard King
 Nays: Christina Karpyneo, David Harper
 Abstaining:
 Absent: Alma Sanford

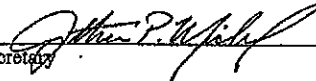
ENTERED THIS 20th DAY OF November, 2017

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary



Behind Contralto



Alto parking lot
Friday 10.12.18

After 5:00 pay parking ^{FRIDAY} 10-12-18 Across the Street +



Friday 10.12.18 McMillan STR 3 out of 10

Case # 2019-085



Friday 1.4.19 McMillan STR property

cont of 10



Friday 10-12-18 Mc Millan 2 out of 7



Friday 1.4.19 McMillan STR

2 out of 7



Friday 10.12.18 Across the Street directly 4 meters



Friday 1.4.19 Church St directly across from Conralto
4 meters + 20 more free spaces



Friday 10.12.18 Church Street 20+ spaces directly across the street



Friday 1.4.19 Church St across from Contralto 20+ spaces



Friday 10.12.18 McMillan adjacent to Contralto

Case # 2019-085



1.4.19 McMillan Street + parking



Cynthia Kinnard & family

Sweetbriar

Nashville, TN

February 13, 2019

Re: 1506 Church St parking appeal

Dear BZA commission members:

We are writing this letter of support for the above appeal because it is an excellent project for our neighborhood and its growth. In fact, we sought Lee Molette out and offered our support unsolicited. As we consider the new modes of transportation many visitors of the city use, we believe it only makes sense to reduce the number of parking spaces required. In addition, as significant landowners and former residents of nearby land since 1923, our family does not see a downside to the development.

Commission members, realizing there was concern from one or two of your members regrading parking during construction, we have offered use of our land for parking and staging during the process if necessary. We are excited to see a development of such high quality coming to our neighborhood and fully expect to reap benefits from it.

We urge you the commission to approve the appeal as applied for knowing that one of the families with nearly a 100 year legacy is supportive. Lastly, we are not planning to sell our land, and have turned down numerous lucrative offers.

Warm Regards



Cynthia H Kinnard & family

Landowners, neighbors & supporters

Shiv Investment Group
970 S Jefferson Avenue
Cookeville, TN 38501

February 22, 2019

Re: Appeal #2019-085

Dear BZA commission members:

Please consider this letter of support as you deliberate the appeal for a reduction of parking. As hoteliers with over 30 properties across the country. We have seen the use of our parking lots by guests reduced in recent years as a result of rideshare services. Therefore, we are comfortable with this project and do not see a negative impact for our neighborhood. In- fact a new development would be very beneficial. Lastly, we are willing to allow staging or parking for the development on our property if needed.

We own 216,218,220,222, & 224 15th Ave N. Also 215 & 217 14th Ave N. Please note as investors in this project, we have a vested interest in accommodating the needs of the development. We do not have any immediate plans for our property.

Respectfully


Neil Patel

Shiv Investment Group



February 27, 2019

Dear BZA,

Village is the sales team for the short-term rental community Contralto condominiums. As a firm that is heavily involved in the STR market, it is our experience that the development will need very little parking as most guests will use alternative modes of transportation.

With the addition of Publix, Whole Foods and all the restaurants, entertainment, and new office buildings in walking distance, this area is truly a walking community.

Our experience is no more than 30% of guests will need to park a vehicle.

Regards,

Mark Deutschmann
Founder & Chair Emeritus, Village
markd@villagetn.com
o: 615.383.6964 x113
d: 615.369.6151

villagetn.com

2206 21st Avenue South | Nashville, Tennessee 37212 | 615.383.6964

Board of Zoning Appeals

February 20, 2019

RE: Lee Molette Zoning Appeal Case # 2019-085

We respectfully submit our objections to the zoning variance mentioned above. The proposed project would be at the corner of Church and McMillin Streets. As provided below, our objection is based on statistical data for parking requirements, the physical limitations of parking on McMillin Street and Church Street and the disruption to the business of the existing establishments in the project area.

We operate a 15-unit short-term rental property (STRP) located at 321 McMillin Street. Our business, McMillin Court Vacation Rentals, has been in business for approximately 3 1/2 years. We have 26 on-site-private parking spaces available to our guests. Our data regarding the parking needs for operating a STRP complex is as follows:

- Our research shows a need of 1 ½ to 2 parking spots per rental unit. The number increases in higher tourist destinations such as Nashville.
- STRP's are often shared by multiple parties and require more than one parking space per unit.
- A high percentage of our guests bring their own vehicle to Nashville even though they may use riding services to get around town.
- Our 26 parking spaces are normally fully utilized when all 15 rental units have guests.
- STRP's also require parking for deliveries and cleaning crew.

Based on our experience and data, the proposed project would need a minimum of 1 ½ parking spaces per unit, or a total of 78 parking spaces for 52 units. This does not include the parking space required for the retail portion of the project.

McMillin Street has become a busy corridor between Charlotte and Church Streets. McMillin Street is not wide enough to accommodate side-street parking. The two "end" streets connected to McMillin Street (Church Street and Charlotte Ave.) both have heavy traffic flow. Any vehicles parked on McMillin Street resulting from an overflow from this project would obstruct the driver's ability to turn onto either Church Street or Charlotte Ave. and result in traffic congestion and potentially traffic accidents.

McMillin Street has approximately nine (9) retail businesses located on a street that is approximately ¼ mile long. The existing businesses have on-site private parking for their customers. There is not a surplus of parking available for anyone other than the customers of these establishments. The overflow

(continued)

of parked vehicles on McMillin Street from the project would interfere with the business of these established companies.

The area of Church Street surrounding the project is already adversely by other establishments operating without parking. Obviously, the parking problem on Church Street would be exacerbated by the lack of adequate parking by this project.

Sincerely,

Norton Smith

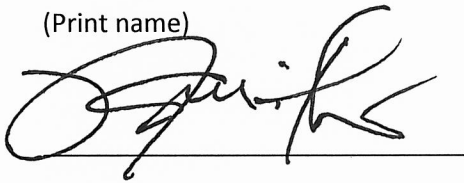
CFO

2/20/19

(Print name)

(title)

(date)



(signature)

Clay Louallen

Property Manager

2/20/19

(Print name)

(title)

(date)



(signature)

From: [Patrick Schipani](mailto:Patrick.Schipani)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Appeal Case Number 2019-085
Date: Thursday, February 28, 2019 2:33:40 PM

Sent from my iPhone

Begin forwarded message:

From: Patrick Schipani <phschipani@aol.com>
Date: February 28, 2019 at 2:03:34 PM CST
To: CRALMS@AOL.COM
Cc: phschipani@aol.com
Subject: Fwd: Appeal Case Number 2019-085

-----Original Message-----

From: Patrick Schipani <phschipani@aol.com>
To: BZA <BZA@nashville.gov>
Sent:
Subject: Appeal Case Number 2019-085

Jon Michael, Zoning Administrator

METRO BOARD OF ZONING APPEALS

My wife and I are Frank Moore Holdings, owners of the building at 1500 Church St. that is adjacent to this proposed project. We are opposed to any variance for parking as requested for 1506 Church St. All parking presently in the area is private except on street parking. The demand for this parking is already beyond capacity.

We are opposed to this variance as it will create illegal parking on our property and the surrounding neighbors.

We are not in the core business district that has many public parking garages available for those businesses.

There are no physical or unique characteristics associated with 1506 Church St. that we feel would justify the granting of this proposed variance. We see none listed on the application

nor are there any visible unique characteristics at the property.

The VRBO as requested is something like a private residence/hotel. This will bring many renters and their visitors into the area looking for parking even though some will use taxis or Uber/Lyft.

The retail will also attract customers along with the employees that will need parking. We need our parking for the employees and staff at 1500 Church.

We feel that if adequate parking is not required it will cause injury to our property and require constant monitoring of illegal parking. We all want to be neighborly.

Church St. is a busy road and the alley in the rear needs to remain open to traffic at all times as we all use it several times a day. I cannot imagine all the renters, customers, employees, repairmen, etc. converging onto 11 parking spaces.

Mr. Lee Molette is a good man and has been a good neighbor to us all. We are not against his project, just very much opposed to the parking variance and the injury it will cause to the neighborhood.

We are opposed to granting any variance as requested in: Appeal Case Number 2019-085.

Thank You

Patrick Schipani
Frank Moore Holdings
1500 Church St./221, 223 15th Ave North. 37203
615.969.0829

February 28, 2019

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

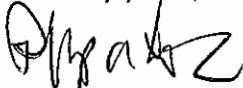
RE: Appeal Case #2019-085
1506 Church Street, Suite 100
Map parcel: 09212034000

To whom it may concern:

My business, Precision Autohaus, would be severely impacted by the proposed variance. We are located directly across an alley from the proposed development. The proposed reduction in parking spaces to accommodate a relatively large mixture of residential and commercial units is unrealistic. The area is already underserved by sufficient parking for a variety of business, including the Déjà vu Gentleman's Club which has zero onsite parking and Fit Factory which has limited parking. Our business and our neighbors, Clinical Research Associates, Inc. and E.S.S., Inc., have made the comment to secure sufficient parking for their employees and customers and we believe that the overflow from the proposed spaces will probably find its way to our parking areas.

In conclusion, I am strongly against this variance.

Sincerely yours,



Philip A. Crooke
Precision Autohaus
202 McMillin Street
Nashville, TN 37203
615-320-6551

February 21, 2019

VIA EMAIL (bza@nashville.gov)

Dear Board of Zoning Appeals Members:

Equitable Trust Company, Trustee of the J. M. Wilkerson, Jr. Trusts, is the owner of the parcels located at 1515, 1517, and 1519 Church Street. After reviewing the recording of the November 15th hearing, I am writing today to express our strong opposition to the parking variance request from 15th & Church Equity Investors at 1506 Church Street – BZA Case 2019-085. Here are our reasons:

OWNER HAS THE ABILITY TO SOLVE THIS REQUEST HIMSELF. Mr. Molette stated in the November 15th hearing that he owned property adjacent to this project's property on which he intended to build 74 condos. He stated that this project was required to have 70 spaces, and he was providing 105 spaces, for a gain of 35 spaces over code requirements.

It is my understanding that the property owner has the right to find parking at another location within a certain distance of his property to meet the parking requirements of this project. Based upon Mr. Molette's testimony, it would appear that he has the ability between these two projects to provide ample parking for both buildings and thus does not need a parking variance for the Church Street project. He should work this out with his investors and the Codes Department and not through the BZA.

NEARLY EVERY NEIGHBOR OPPOSED. It is my understanding that nearly every adjacent business to this project is now on record opposing this variance request. That should be a clear indication of the negative impact that this variance will have on his neighbors and the neighborhood.

It is my understanding that one of the requirements for the variance, in addition to proving a hardship, is "no injury to neighboring property." The property owner clearly shows our buildings in his example of "ample street parking," which means he clearly wants to use that street parking for *his* tenants. It is my belief that this will directly impact *our* tenants' businesses in a negative way.

PARKING REQUIREMENT ALREADY REDUCED. This project will have 52 units, which are required by Codes to have 53 spaces. That number has **ALREADY BEEN REDUCED** to a Code-required 37 spaces based on public access and transit reductions. Codes already allows for 30% of the units (16) in this building to NOT have a parking space. If the variance is granted, only 20%

Board of Zoning Appeals
November 30, 2018
Page Two

of the units would have a parking space with NO spaces at all for the retail space. We believe that this is excessive.

PRIVATE CONDOS / NOT A HOTEL. It was argued at the November 15th hearing that this would be similar to the Graduate Hotel parking variance that was given by the BZA in November 2017. However, it is my understanding that the Graduate Hotel variance asked to provide 57% of the required parking spaces (provide 117 of the 202 required) based on the fact that the hotel was only blocks away from a different zone that required fewer spaces AND sister hotel data showing actual parking needs that were less than what was required by codes in this zone.

The Church Street project at issue is asking to provide only 30% of the required spaces (11 of 37) and, to my knowledge, has provided no evidence that this project will be limited permanently to being short-term, hotel-like rentals. There are no known covenants that restrict an owner's use, and therefore the comparison to a hotel, in my opinion, is simply not accurate.

Even if the Board were to believe that the proposed short-term rental use will happen in perpetuity, the owner is asking for a far greater variance than was approved for the Graduate Hotel.

COMPLETE LACK OF HARDSHIP. The owner has not described a legitimate hardship that would warrant a parking variance, especially since he has a remedy in which he is in full control.

While we are generally pleased to support the development of this land, and wish Mr. Molette and his investors well in this project, we cannot support the request for less parking than required by Metro Codes. We urge you to vote "No" on this request.

Sincerely,

Equitable Trust Company, Trustee

By: 
W. Keith Keisling, Vice President & Trust Officer



CLINICAL RESEARCH ASSOCIATES, INC.

1500 CHURCH ST. • SUITE 100 • NASHVILLE, TN 37203 • 615-329-0197

FAX 615-320-7883 • www.ClinicalResearchAssociates.com

February 28, 2019

Via Email

Regarding: BZA Case 2019-085

Board of Zoning Appeals Members:

I am writing to respectfully voice my strong opposition to the variance requested by Mr. Lee Molette/15th & Church Equity Investors. I am the owner of the building and business adjacent and the parking lot running parallel to the proposed project.

For the past 10 years, Mr. Molette and I have had a handshake agreement to swap parking spaces as I own the ones closer to his office and likewise, his spaces are in close proximity to my office. On any given day, his building utilizes all of my spaces as well as over-flow into his parking lot. It is inconceivable with the same retail plus an additional 52 unit building could be served with only 11 parking spaces!! Even if every unit were filled with shared riders, as Mr. Molette suggested, there would not be enough parking for employees, customers, cleaning crews etc. Also, our handshake agreement will not be extended as construction begins. I will need all of my parking spaces for my employees and clients.

As stated in the **Standards For A Variance (Section 17.40.370)**, there has to be a hardship. The hardship cannot be self-imposed or solely for financial gain. Based

March 28, 2019

Board of Zoning Appeals

Via Email

Regarding: BZA Case 2019-085

Dear Board of Zoning Appeals Members:

We the owners of the businesses located in close proximity to the proposed project at 1506 Church Street, strongly oppose the parking variance requested by 15th & Church Equity Investors. Here are our reasons:

As stated in the Standards for A Variance (Section 17.40.370), there has to be a hardship. The hardship cannot be self-imposed or solely for financial gain nor inconvenience to the appellant. No legitimate hardship has been identified. There are no physical or unique characteristics at this property.

Parking requirements for this building should be 63 spaces and the variance request is for 14 spaces; current plans submitted has less than the 14 requested. The number has already been reduced to 40 adjusted for transit, pedestrian access and public parking. However, the closest bus stop is several blocks away with no stop conveniently located to this project. Codes have already allowed 30% of the units NOT to have a single parking space.

If granted, the variance will be injurious to our businesses. According to short-term rental property (STRP) rules and requirements, the maximum number of occupants permitted shall not exceed twice the number of sleeping rooms plus four. A one bedroom unit can have up to 6 adults and a 2 -bedroom up to 8 adults. Our established businesses have provided adequate parking for our customers/clients and employees. Street parking is very limited in our neighborhood. The entirety of McMillan Street is a no parking zone. There are no public parking garages and certainly none of us have surplus parking. The over-flow of parked vehicles on our properties will interfere with our businesses.

The first floor of this project will have two retail spaces. In prior meetings, the appellant stated the dentist office would require 7 parking spaces. The other business will be a barber shop with four barbers. There are no provisions for deliveries and cleaning crews. We believe the parking needs for this building is vastly underestimated.

Board of Zoning Appeals

March 28, 2019

Page 2

We are concerned about public safety. Our streets are already congested on McMillan and 15th.

Dean Foods has been in business since 1921. They operate large dairy trucks for 24 hour pickup and delivery service. Their drivers are experiencing difficulties maneuvering on 15th Avenue when vehicles are parked on both sides of the street and meeting oncoming cars and pedestrians. Emergency vehicles have limited access as a result of such. Our businesses and affiliates are at risk now and cannot absorb any additional burden.

The project will impose significant hardship upon the neighbors during construction. The appellant has described a necessary "painful transition" and the neighbors will be inconvenienced. The alleys adjacent will be closed during much of the construction. This will impair access to multiple businesses. We are established businesses and must have continuation of our businesses to survive.

This project is being advertised as condos and studios all qualifying for Short-term rentals. There is no evidence that this project will be limited permanently to STRP. In fact, two units have been sold as residences. The Graduate Hotel parking variance has been the "gold standard" by the appellant for his parking variance. There are several flaws in this premise. This project is a private condo NOT a hotel. The Graduate Hotel provides for 57% of required parking spaces and this requested variance provides for only 30%. Even if this project is used in perpetuity as a STRP, the owner is asking for a much greater variance than the Graduate.

We would urge you to support our established businesses and vote NO on this requested variance.

Sincerely,

Precision Autohaus

Company Name

Clinical Research Associates, Inc.

Company Name

Philip A Crooke ^{owner}

Printed Name and Title

Linda Moore Schipani, President/CEO

Printed Name and Title

Philip A Crooke

Signature

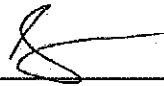
Linda Moore Schipani

Signature

Board of Zoning Appeals
March 28, 2019
Page 3

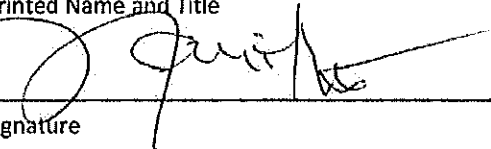
Coveg Kyser mD LLC
Company Name

Greg Kyser mD
Printed Name and Title


Signature

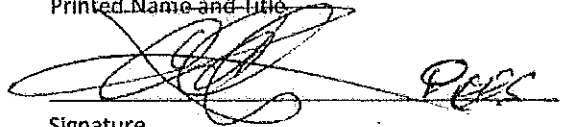
Jack Cawthon's BSEQ
Company Name

Norton Smith CFO
Printed Name and Title


Signature

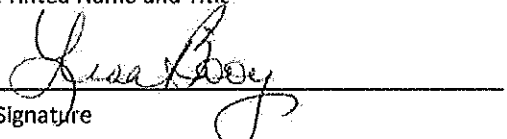
Williams Medical Supply
Company Name

CHARLENE CANTRELL
Printed Name and Title


Signature

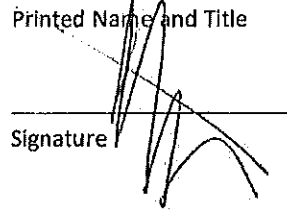
Integra Connect LLC
Company Name

Lisa Booy, CFO
Printed Name and Title


Signature


Nashville Funeral & Cremation
Company Name

CHRISTOPHER TAYLOR - MANAGER
Printed Name and Title


Signature

Wildor Motor & Equipment
Company Name

Jack Wilder, President
Printed Name and Title


Signature

Board of Zoning Appeals

March 28, 2019

Page 4

Hardwoods of Nashville
Company Name

Frank Moore Holdings, LLC
Company Name

Harold Johnson member
Printed Name and Title

Patrick Schipani, Owner
Printed Name and Title

[Signature]
Signature

Paul Schipani
Signature

McMillin Court
Company Name

Fit Factory Nashville LLC
Company Name

JAN C. LOVALLEN (MANAGER)
Printed Name and Title

Jonathan Daz Owner
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Medical Data Services
Company Name

202, 207, 209 McMillan St.
Company Name

Ron Wood Owner
Printed Name and Title

ANDREW KRYCH Owner
Printed Name and Title

Ron Wood
Signature

Andrew Krych
Signature

Board of Zoning Appeals

March 28, 2019

Page.5

Jack Morris Auto Glass

Company Name

Paul Morris, President

Printed Name and Title

Paul Morris

Signature

210 McMillin St Property

Company Name

Dwain Davenport, Owner

Printed Name and Title

Dwain Davenport

Signature

Company Name

Printed Name and Title

Signature

Company Name

Printed Name and Title

Signature

Company Name

Printed Name and Title

Signature

Company Name

Printed Name and Title

Signature

To the Board of Zoning Appeals

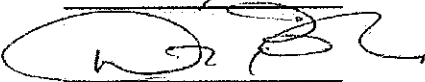
Via Email

Regarding: BZA Case 2019-085

Dear Board of Zoning Appeals Members:

I have read and am in full agreement with the letter dated March 28, 2019 to the BZA signed by business and/or property owners in close proximity to the proposed project at 1506 Church Street. For the reasons stated in the letter, I also strongly oppose the parking variance requested.

Sincerely,

Hynes Apartments
Danny Blackshear (MANAGER)
 4/10/19

To the Board of Zoning Appeals

Via Email

Regarding: BZA Case 2019-085

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Sincerely,

Bethlehem Centers of Nashville

Steve Fleming, Chief Executive Officer

Steve E. Fleming 4/10/19

To the Board of Zoning Appeals

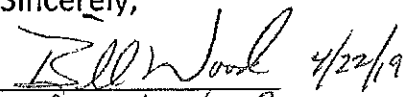
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Sincerely,


President of:
Dialysis Clinic, Inc.
1633 Church St., Ste 500
Nashville, TN 37203

To the Board of Zoning Appeals

Via Email

Regarding: BZA Case 2019-085

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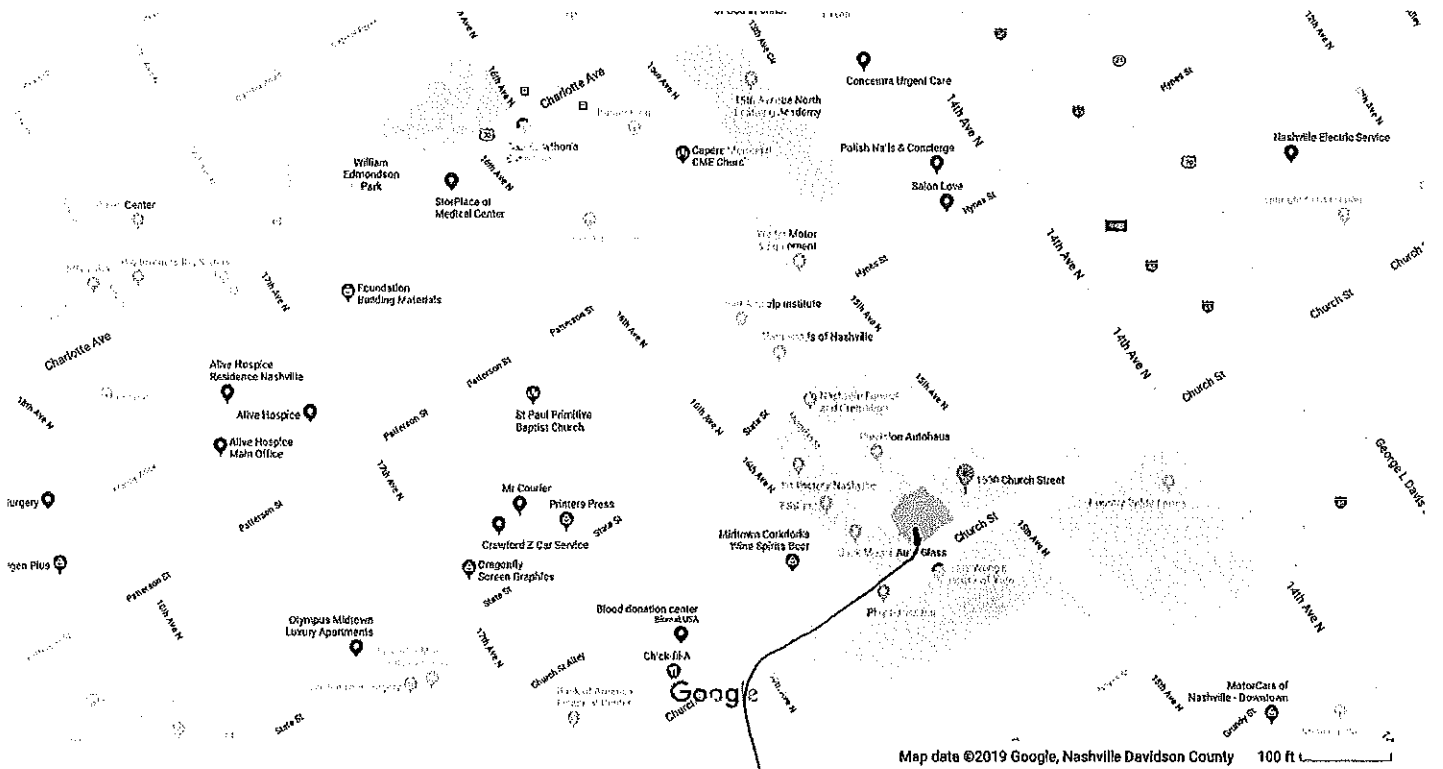
Sincerely,

Trust Building Services - 131 15th Ave N, Nashville, TN 37203

Helen J. Williams - Branch Manager

Helen J. Williams 4/25/19

Google Maps



1586 Church St.

March 28, 2019

Board of Zoning Appeals
Via Email

Regarding: BZA Case 2019-085

Dear Board of Zoning Appeals Members:

We the owners of the businesses located in close proximity to the proposed project at 1506 Church Street, strongly oppose the parking variance requested by 15th & Church Equity Investors. Here are our reasons:

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Board of Zoning Appeals

March 28, 2019

Page 2

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We would urge you to support our established businesses and vote NO on this requested variance.

Sincerely,

Precision Autohaus

Company Name

Philip A Crooke ^{Owner}

Printed Name and Title

Philip A Crooke

Signature

Clinical Research Associates, Inc.

Company Name

Linda Moore Shipani, Resident CEO

Printed Name and Title

Linda Moore Shipani

Signature

Board of Zoning Appeals

March 28, 2019

Page 3

Greg Kyser MD LLC
Company Name

Jack Cawthon's BESC
Company Name

Greg Kyser MD
Printed Name and Title

Northern Smith CFO
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Williams Medical Supply
Company Name

Integra Connect LLC
Company Name

CHRISTINA CARTER
Printed Name and Title

Lisa Booy CFO
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Nashville Funeral & Cremation
Company Name

Wilder Motor & Equipment
Company Name

CHRISTINA TAYLOR - MANAGER
Printed Name and Title

Jack Wilder, President
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Board of Zoning Appeals

March 28, 2019

Page 4

Hardwoods of Nashville
Company Name

Frank Moore Holdings, LLC
Company Name

Harold Johnson member
Printed Name and Title

Patrick Schipani, Owner
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

McMILLIN COURT
Company Name

Fit Factory Nashville LLC
Company Name

JAN C. LOVALLEN (MANAGER)
Printed Name and Title

Jonathan Diaz Owner
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Medical Data Services
Company Name

202, 207, 209 McMillan St.
Company Name

Ron Wood Owner
Printed Name and Title

ANDREW KRYCH Owner
Printed Name and Title

[Signature]
Signature

[Signature]
Signature

Board of Zoning Appeals

March 28, 2019

Page 5

Jack Morris Auto Glass

Company Name

210 McMillin St Property

Company Name

Paul Morris, President

Printed Name and Title

Dwain Davenport, Owner

Printed Name and Title

Paul Morris

Signature

Dwain Davenport

Signature

Company Name

Company Name

Printed Name and Title

Printed Name and Title

Signature

Signature

Company Name

Company Name

Printed Name and Title

Printed Name and Title

Signature

Signature

From: [Michael, Jon \(Codes\)](#)
To: [Lamb, Emily \(Codes\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: FW: Variance for Parking at 1506 Church St
Date: Thursday, March 7, 2019 12:53:52 PM

From: Lee Molette II [mailto:lee.fsdevelopers@gmail.com]
Sent: Thursday, March 07, 2019 12:56 PM
To: Michael, Jon (Codes)
Subject: Fwd: Variance for Parking at 1506 Church St

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

Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

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

From: **O'Connell, Freddie (Council Member)** <Freddie.OConnell@nashville.gov>
Date: Thu, Mar 7, 2019, 12:17 PM
Subject: Variance for Parking at 1506 Church St
To: Linda Schipani <cralms@aol.com>, Lee Molette <lee.fsdevelopers@gmail.com>

Linda and Lee,

Thanks again for the time yesterday.

After looking at the maps, driving through the area, and reviewing signage, I'm personally comfortable with a variance that allows for a parking reduction. I don't know whether the board will have a conversation about how much of a reduction is appropriate, but I think the geographic location, regardless of Lee's intended use for the project, put some pressure on the need for us to be more mindful of shared parking and whether our current parking minimums continue to be valid for midtown.

I do intend to inform the board of my opinion, acknowledging that there is clearly not consensus among area property owners.

I will also advise Midtown Hills of the board's decision from an enforcement perspective and work with Public Works on improvements to signage and striping in the area.

--

Freddie O'Connell
Metro Councilman, District 19

<http://readyforfreddie.com/>
<http://twitter.com/freddieoconnell>
<http://facebook.com/FreddieForNashville>

615-260-0005

From: [Justin W. Leach](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA Appeal Case No. 2019-085 / 15th & Church Equity Investors
Date: Monday, February 11, 2019 6:02:04 PM

To Whom It May Concern:

I'm a neighbor to the subject property owner. I own a historic home located at 227 15th Avenue North, and I support the appellant's request for a variance from parking requirements. This neighborhood needs more thoughtful development like that contemplated by the appellant.

Please feel free to contact me with any questions. Thank you.

Sincerely,
Justin Leach
615-403-4315



Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

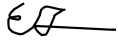
Dear Mr. Molette,

Thank you for your interest in Mint House and your inquiry regarding parking in Downtown Nashville. We are happy to provide data from our experience running multiple buildings within the market.

We would recommend about 0.40 parking spaces per bedroom in the building. Our downtown property, a mix of one and two bedrooms (mostly one bedrooms), usually sees 50-55% utilization of parking spots by guests (i.e., 5-6 out of ten guests bring a car).

Please let us know if we can be helpful in any other way.

Sincerely,

A handwritten signature in black ink, appearing to read 'EF', with a horizontal line extending to the right.

Eric Fifer
Principal
Mint House Inc.

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



Appellant: Jennifer Carr Date: 5-16-19
Property Owner: PEP Music Square LLC Case #: 2019-300
Representative: Joe Bucher Map & Parcel: 92-16-361

Council District 19

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

Purpose: To construct office Building to 129' including Parapet wall within build to zone.

Activity Type: New Construction - office

Location: 900 18th Ave. S.

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

Reason: Does not meet height requirement

Section(s): 17-12-020 (D)

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

JENNIFER T. CARR
Appellant Name (Please Print)

JOE BUCHER
Representative Name (Please Print)

222 2ND AVE SOUTH
Address

222 2ND AVE SOUTH
Address

NASHVILLE, TN 37201
City, State, Zip Code

NASHVILLE TN 37201
City, State, Zip Code

615.770.8124
Phone Number

615.770.8100
Phone Number

jennifer.carr@greshamsmith.com
Email

joe.bucher@greshamsmith.com
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3670858

ZONING BOARD APPEAL / CAAZ - 20190028959
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09216036100

APPLICATION DATE: 05/16/2019

SITE ADDRESS:

900 18TH AVE S NASHVILLE, TN 37212

LOTS 107 TH 111 O.B. HAYES 1ST ADDN

PARCEL OWNER: PEP MUSIC SQUARE, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting height variance to allow construction of 129' of building height including parapet wall within the build to zone.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

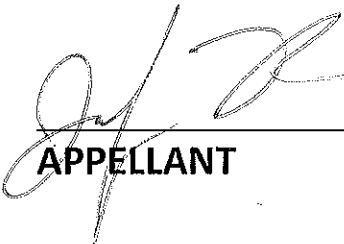
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

05/16/2019
DATE



May 16, 2019

Department of Codes Administration
 Board of Zoning Appeals
 800 2nd Avenue South Metro Office Building
 Nashville, TN 37212

Subject: Special Exception Request
 LPC/Pearlmark - 900 18th Avenue South Development
 900 18th Avenue South, Nashville TN 37212
 Gresham Smith Project No. 43849.01

To whom it may concern:

Gresham Smith, on behalf of LPC and Pearlmark, would like to request that the proposed office addition to the parking garage structure located at 900 18th Avenue South be considered for a "Special Exception" as outlined below:

Current Zoning: ORI-A

FAR:	3.0 (134,600 S.F.)
Max Height @ Build-to Zone:	65 Feet
Max Height:	105 Feet

Proposed Solution : ORI-A

FAR =	134,122
Max Height @ Build-to Zone:	50 Feet
Max Height	122 Feet max. roof height 129 Feet max. w/ parapet (*4'-0" parapet allowed)
	125 Feet average (20' Variance - 19 %)

*Off street parking required for the primary uses of the property are excluded from FAR calculations. Only the addition of office uses would be counted against the FAR limitations

Per the Metropolitan Zoning Ordinance Section 17.12.060, Paragraph F.1, "In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane as shown in Tables 17.12.020B and 17.12.020C, or the maximum height in the build to zone for thirty percent of the façade fronting each public street and/or the maximum heights in Table 17.12.020D, based on the review and approval of Special Exception by the board of zoning appeal.

We are requesting on behalf of the Owner that a special exception be granted for the average design height as indicated on the drawings. The proposed design does not

Genuine Ingenuity

222 Second Avenue South
 Suite 1400

Nashville, TN 37201

615.770.8100

GreshamSmith.com



create an adverse affect on the surrounding context. The addition of not only an active retail and lobby component on the ground level but also an office on the upper levels, transforms this existing parking garage from a utilitarian structure to one that supports an active street and contributes a strong pedestrian streetscape. It is also important to note that our site is located in the proposed "Music Row Core" area, classified as subdistrict 2a, which will allow for 8-12 stories and 168 Feet high in height (as indicated in the Music Row Community Meeting on 04.22.2019). We believe this further reinforces that this project meets the future vision and intent of this area.

The building design honors the minimum "Step-Back" requirements along Chet Atkins Place to allow for an outdoor amenity space that also contributes to the life and vitality of the area. A special exception is also being requested for the step-back along 18th Avenue South. The proposed building face matches the existing garage structure and therefore will not impact the existing building line.

Sincerely,

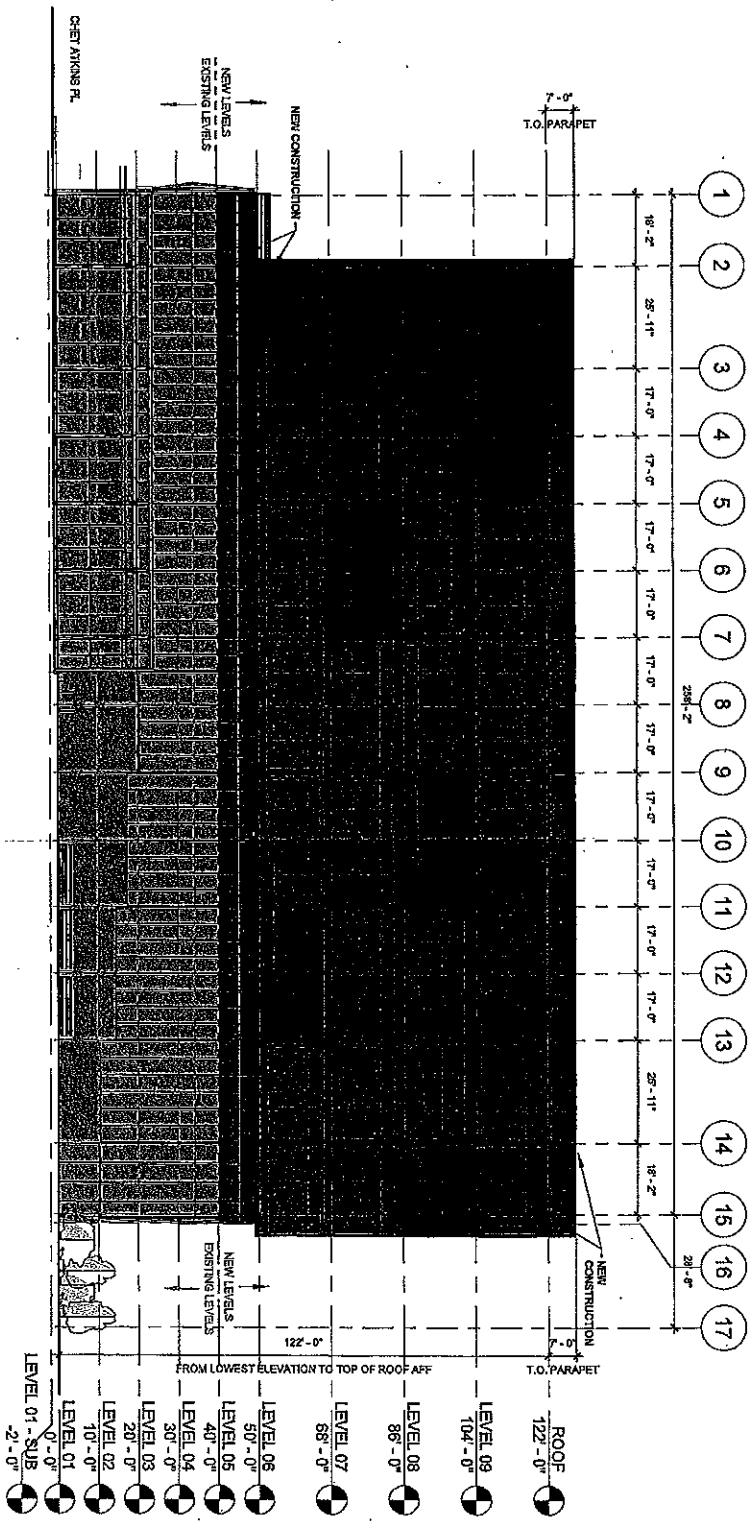
Jennifer T. Carr
AIA, LEED-AP

CJ

Attachments

Copy Adrienne Miles Ciuba - Gresham Smith
 Jennifer Carr - Gresham Smith
 Ben Dance - Gresham Smith
 Levi Sciara - Gresham Smith

1 900 18TH | WEST ELEVATION
 1" = 30'-0"



- FROM LOWEST ELEVATION TO TOP OF ROOF AFF
- LEVEL 09 104'-0"
 - LEVEL 08 86'-0"
 - LEVEL 07 68'-0"
 - LEVEL 06 50'-0"
 - LEVEL 05 40'-0"
 - LEVEL 04 30'-0"
 - LEVEL 03 20'-0"
 - LEVEL 02 10'-0"
 - LEVEL 01 0'-0"
 - LEVEL 01 - SUB -2'-0"

SQUARE FOOTAGES

Level	Existing Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (A)		1,651		1,651
Level 2 (S-2)	12,827			12,827
Level 3 (S-2)	22,296			22,296
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560



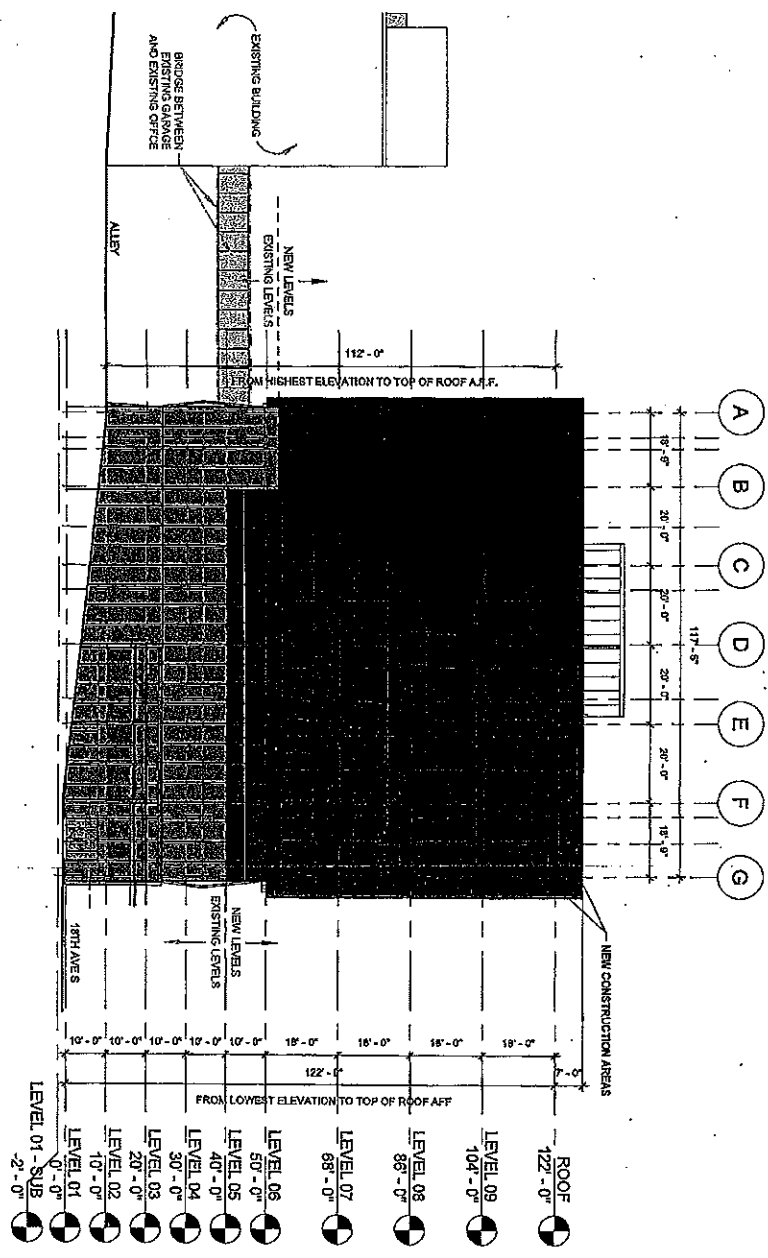
WEST ELEVATION
 49 MSW

GS PROJ. NO.
 45848.01
 02
 04.16.2019

1

900 18TH | NORTH ELEVATION

1" = 30'-0"

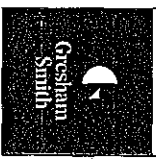


SQUARE FOOTAGES

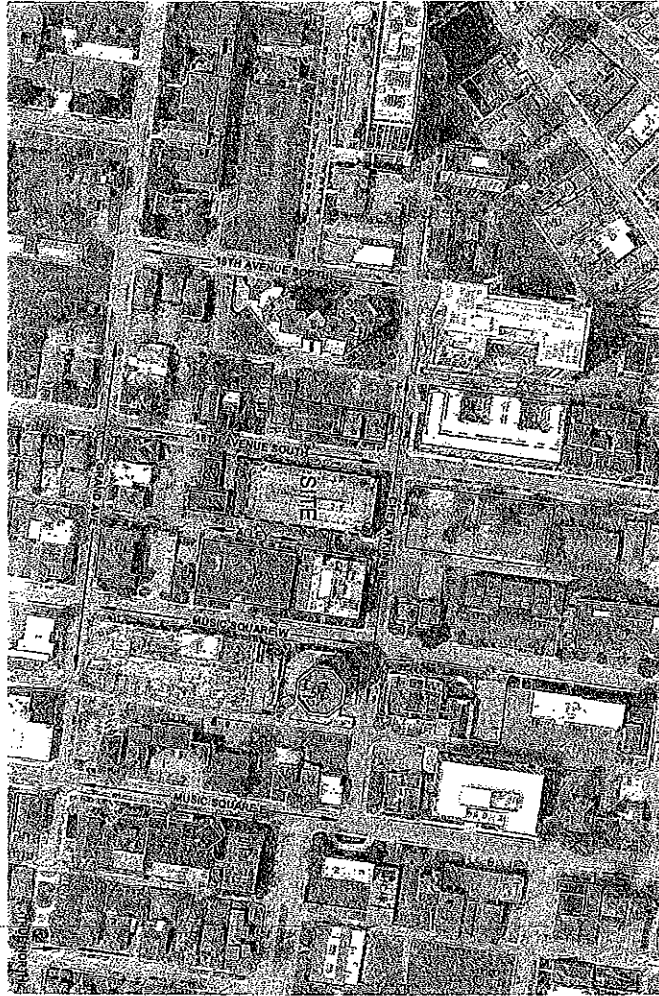
Level	Existing / Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (A)	12,827	1,851		14,678
Level 2 (S-2)	29,438			29,438
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	138,580	134,122	2,955	272,580

NORTH ELEVATION

49 MSW



GS PROJ. NO.
43846.01
03
04.18.2019



49 MSW | VICINITY MAP

	Existing/Retained	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)	12,827	1,651		14,478
Level 1 (S-2)	29,146			29,146
Level 2 (S-2)	31,502			31,502
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560

SQUARE FOOTAGES

VICINITY MAP
49 MSW



GS PROJ. NO.
49949.01
00
04.16.2019

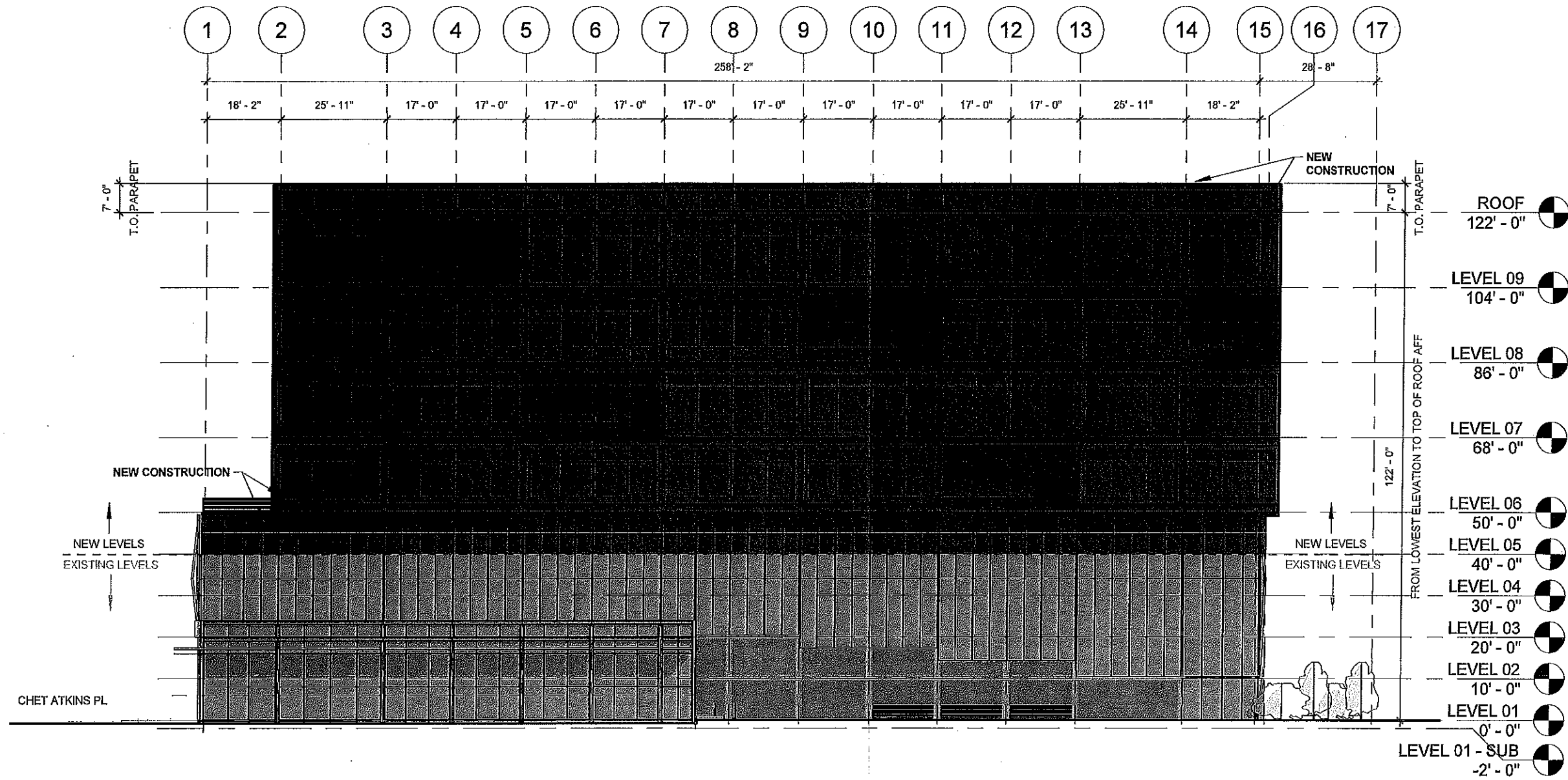
	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
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SQUARE FOOTAGES

GS PROJ. NO.
43849.01

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04.16.2019



WEST ELEVATION
49 MSW

1 900 18TH | WEST ELEVATION

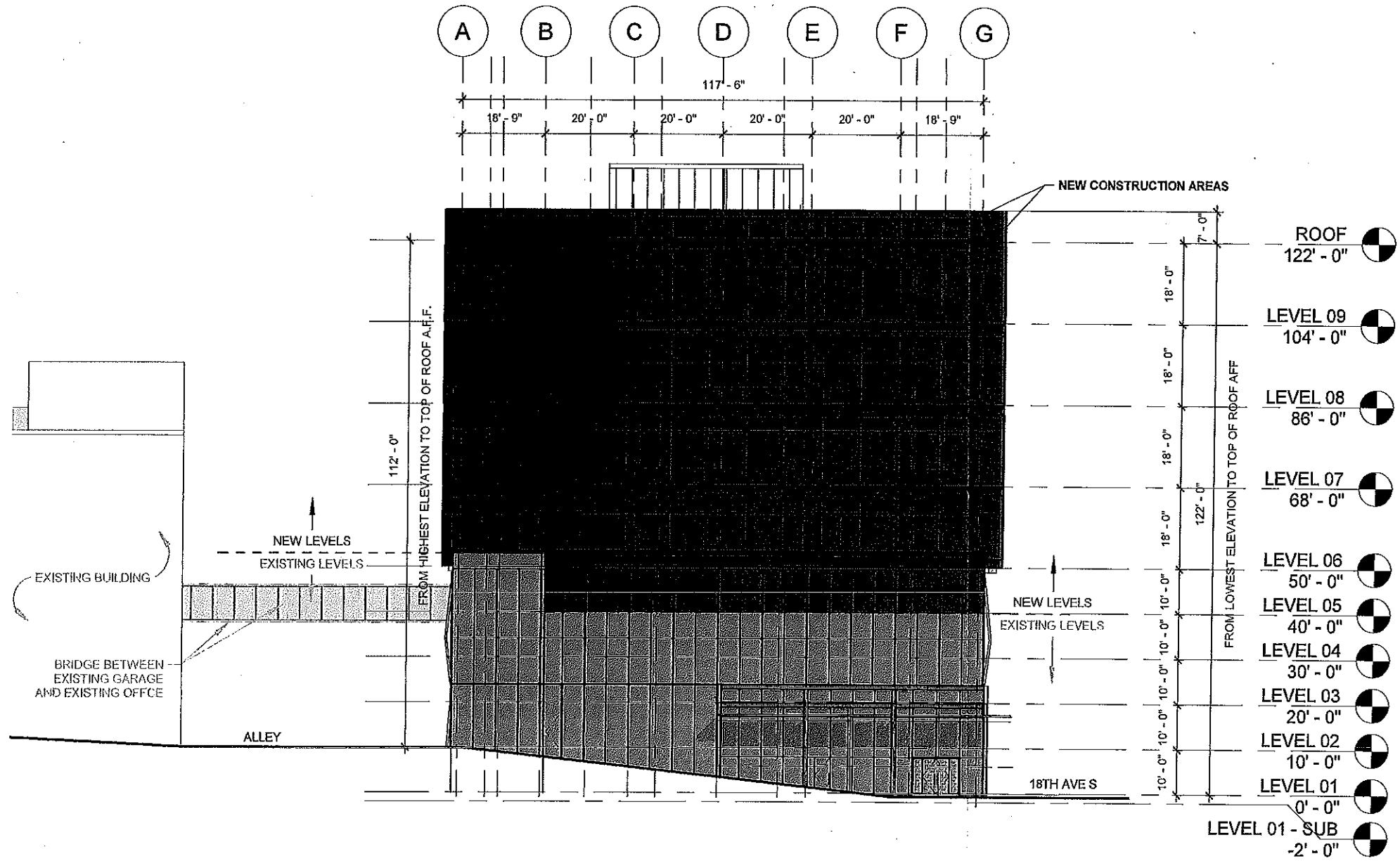
1" = 30'-0"

0' 15' 30' 60' 90'

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Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
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Total	136,960	134,122	2,955	272,560

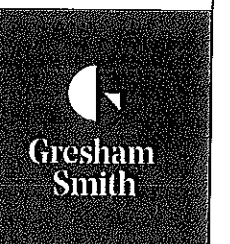
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04.16.2019

SQUARE FOOTAGES



NORTH ELEVATION
49 MSW

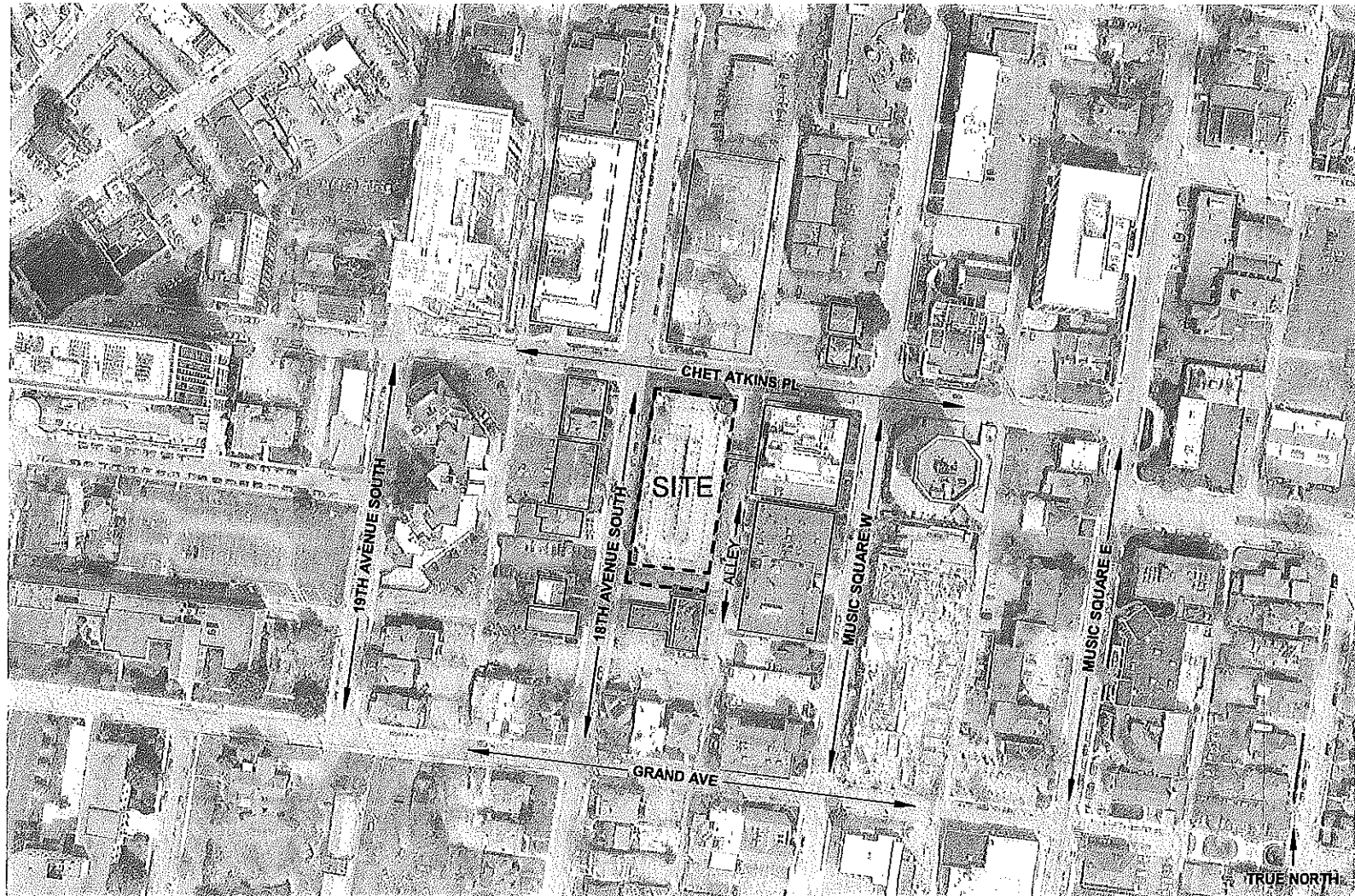
1 900 18TH | NORTH ELEVATION
1" = 30'-0"
0' 15' 30' 60' 90'



GS PROJ. NO.
43849.01

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04.16.2019



49 MSW | VICINITY MAP

	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560

SQUARE FOOTAGES

VICINITY MAP
49 MSW



900 18th Avenue South



	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
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Total	136,960	134,122	2,955	272,560

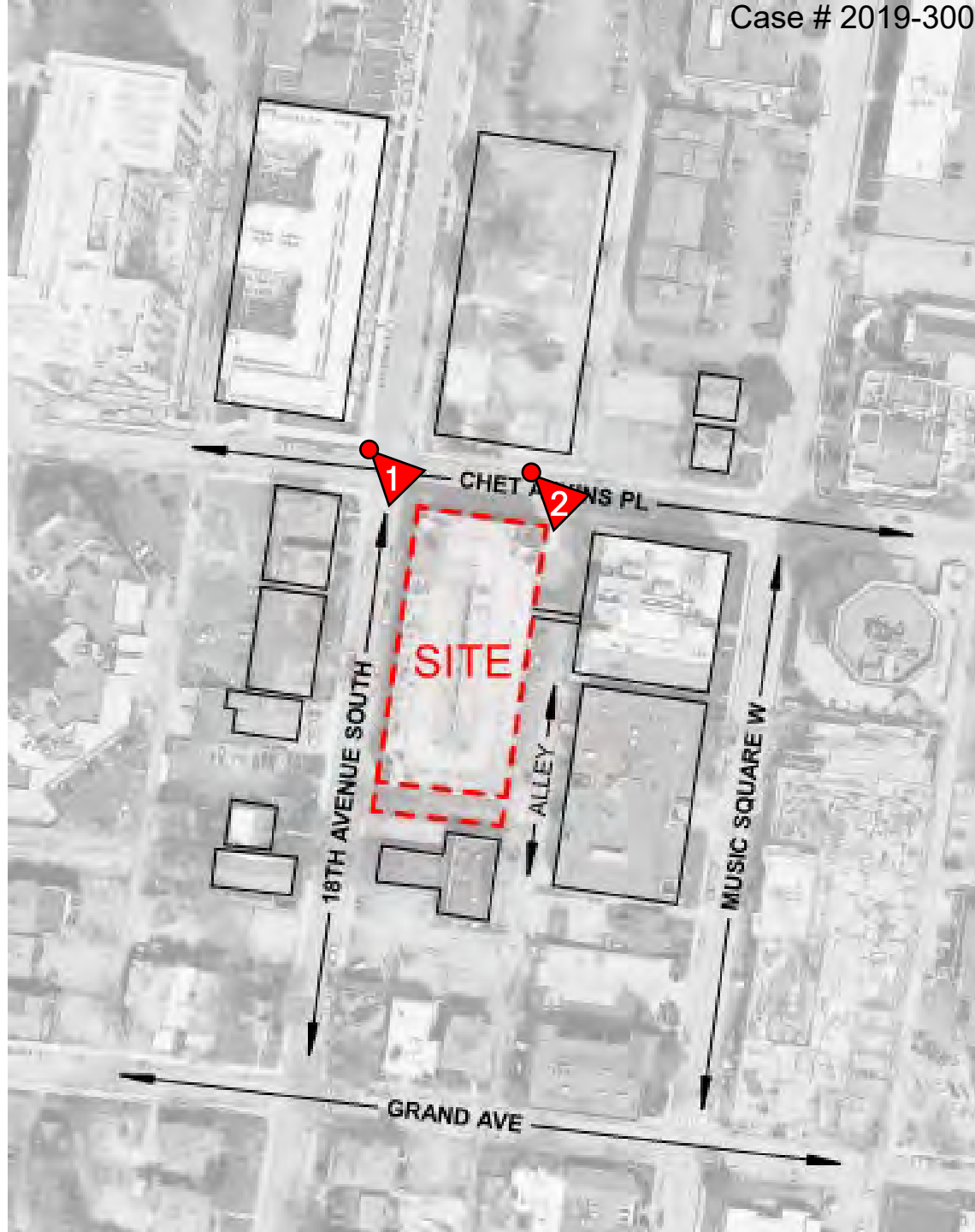
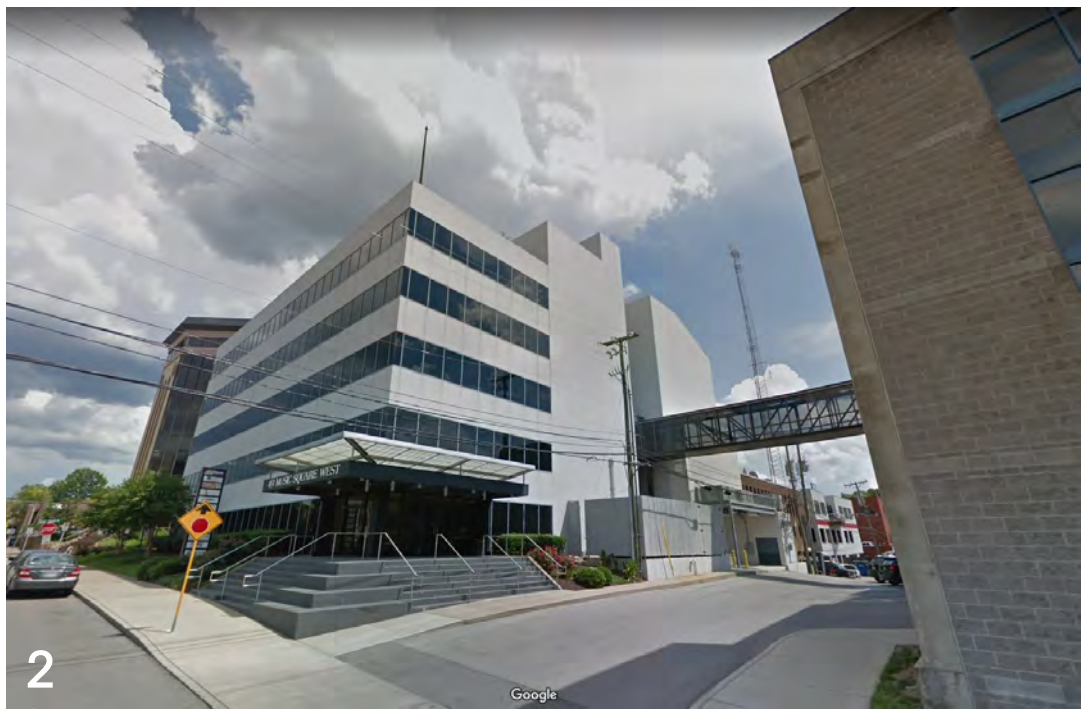
SQUARE FOOTAGES

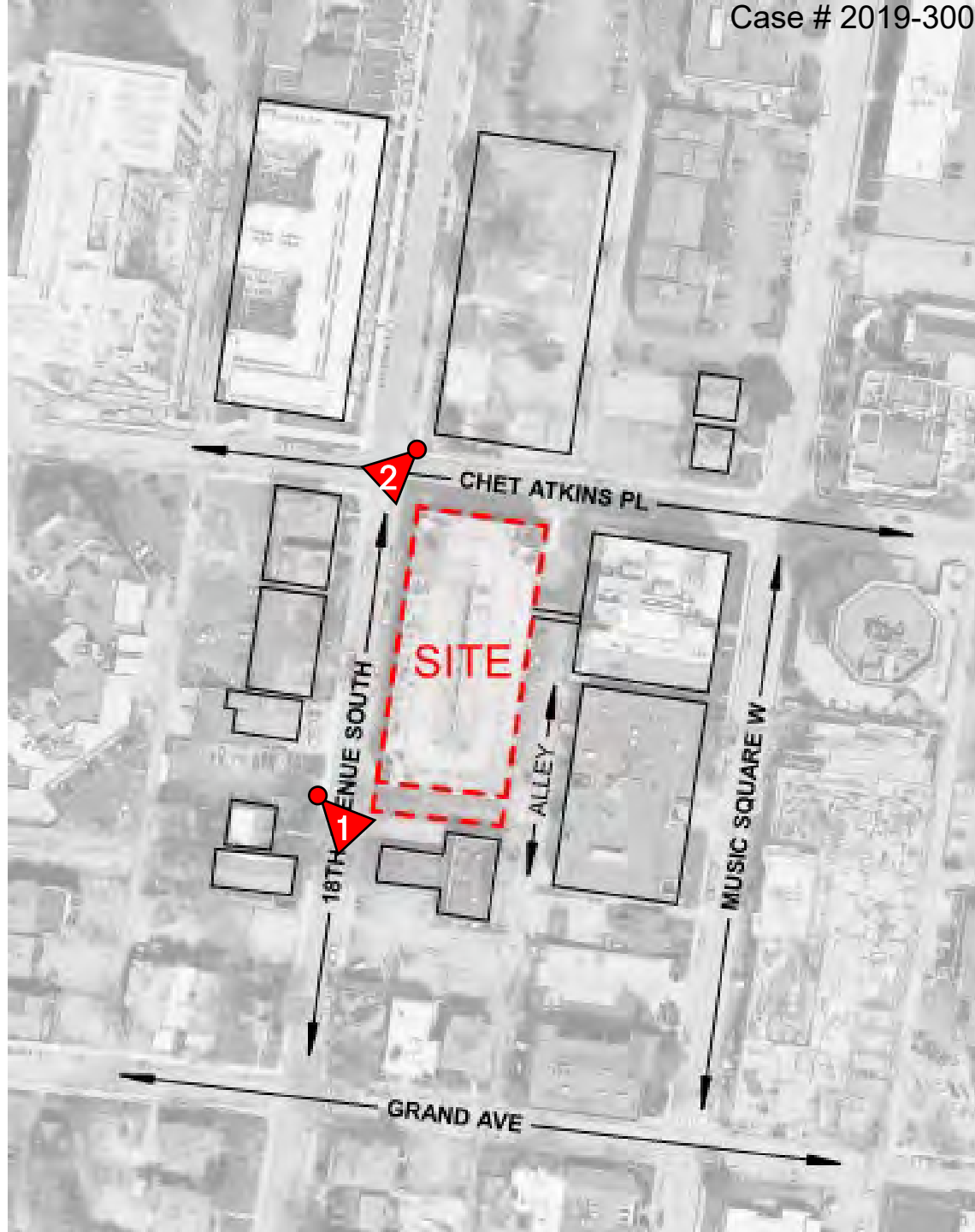


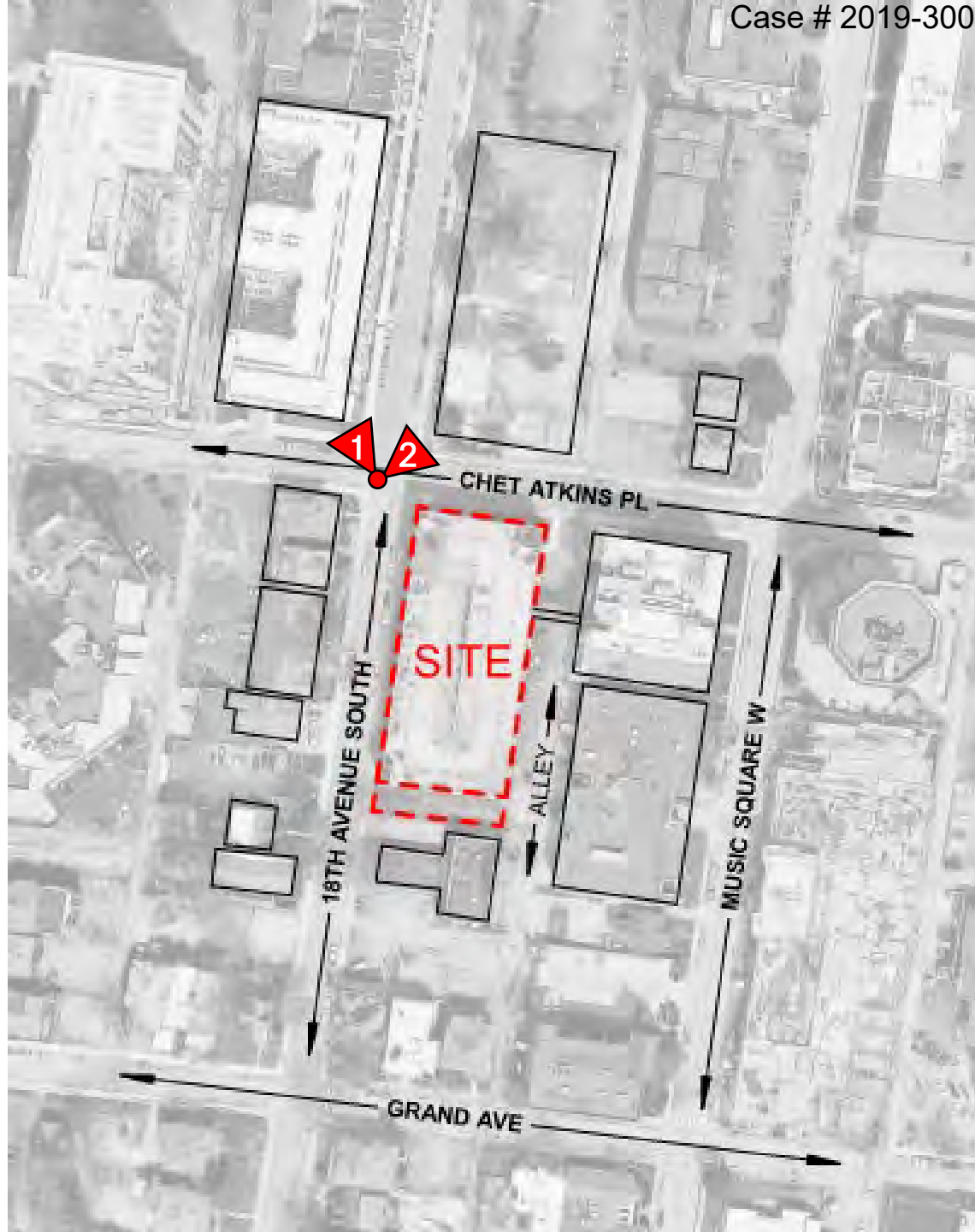
Vicinity Map

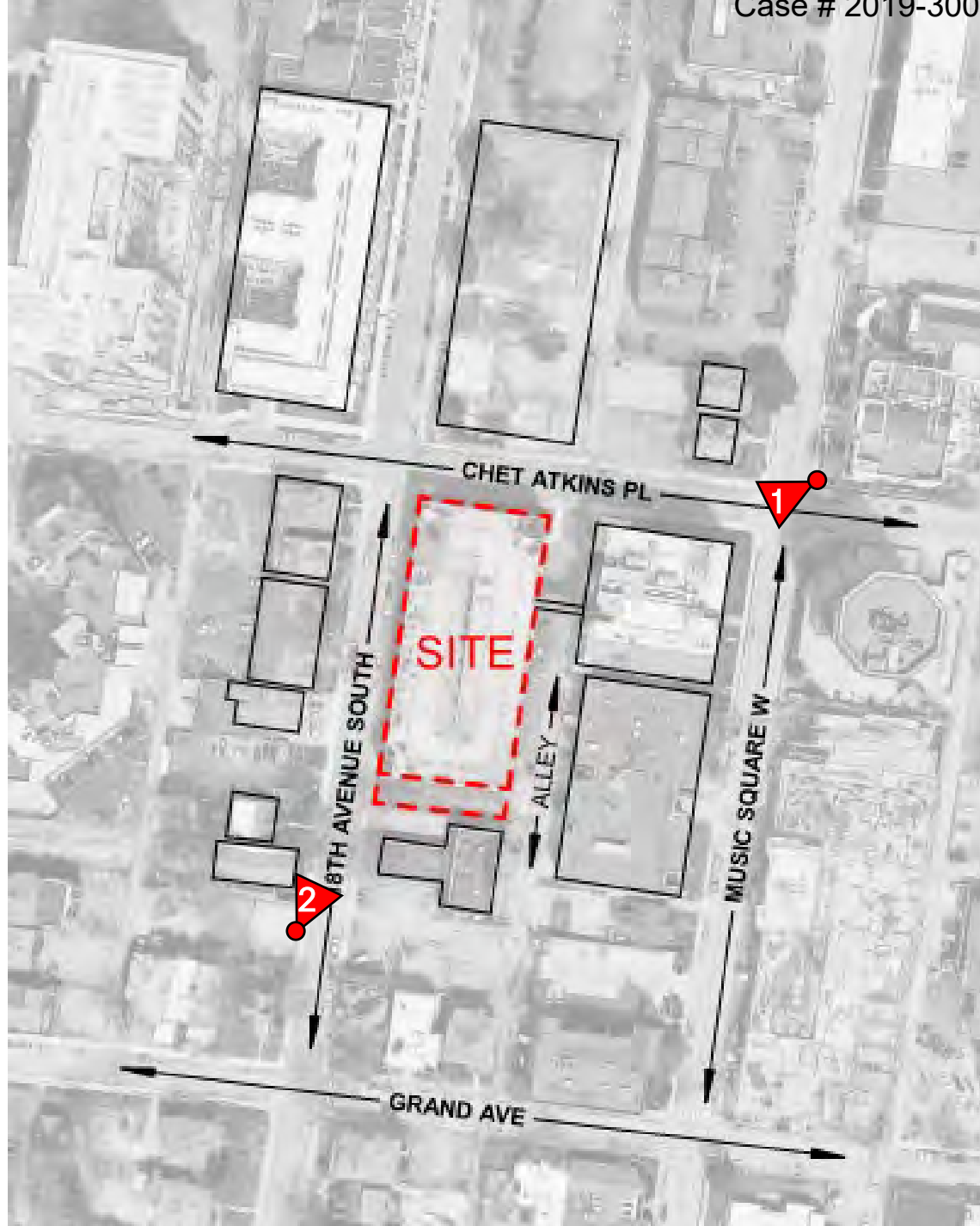
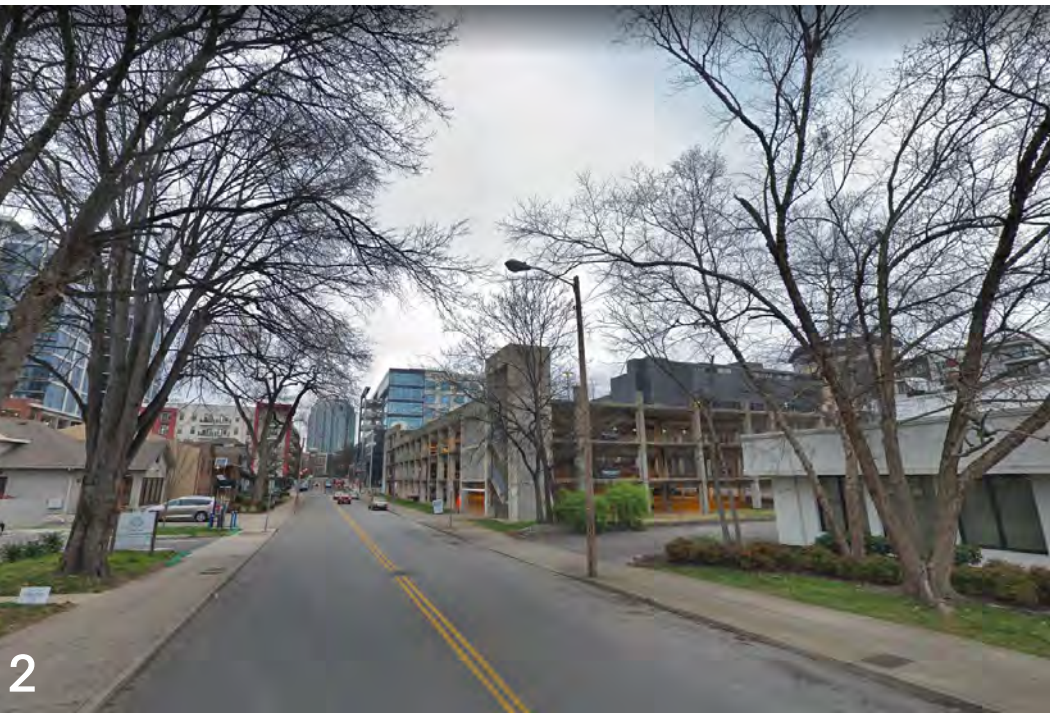
EXISTING PARKING DECK











125'

Average proposed

105'

Max Roof Height

65'

Max Height @ Build-to-Zone



32 Music Row Vision Plan

EXISTING ORI-A ZONING



8

Stories by Right

12

Stories with commitment to music uses

9

Stories proposed



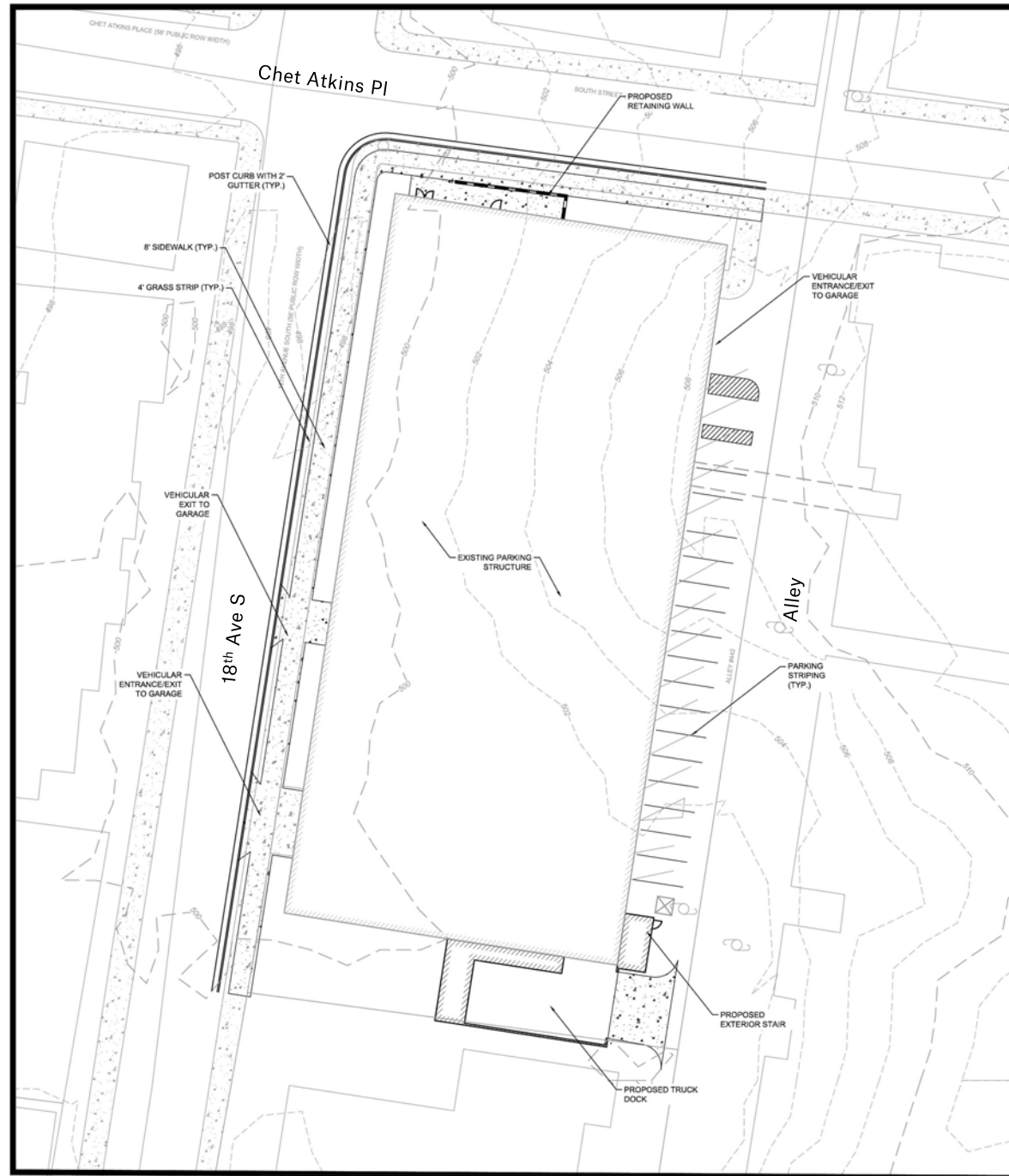
32 Music Row Vision Plan



“A variety of music-related office uses, especially Class A office space; Ground floor retail amenities are encouraged” – Music Row Vision Plan



SITE PLAN



FLOOR AREA RATIO

3.0 (134,600 SF)

Current Zoning FAR and subsequent Allowable SF

134,122 SF

Total Floor Area of Proposed Design
(Excludes off-street parking or loading berth SF)

	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
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Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560

SQUARE FOOTAGES



900 18th Ave S PARKING COUNTS

LEVEL	REGULAR	ADA	VAN	
LEVEL 01	22 SPACES	1	-	
LEVEL 02	80 SPACES	2	-	
LEVEL 03	104 SPACES	1	-	
LEVEL 04	104 SPACES	1	-	
LEVEL 05	102 SPACES	1	-	
ALLEY	17 SPACES	-	2	
STREET	24 SPACES	-	-	
TOTAL	453 SPACES	6	2	461 TOTAL

**PARKING
COUNT**

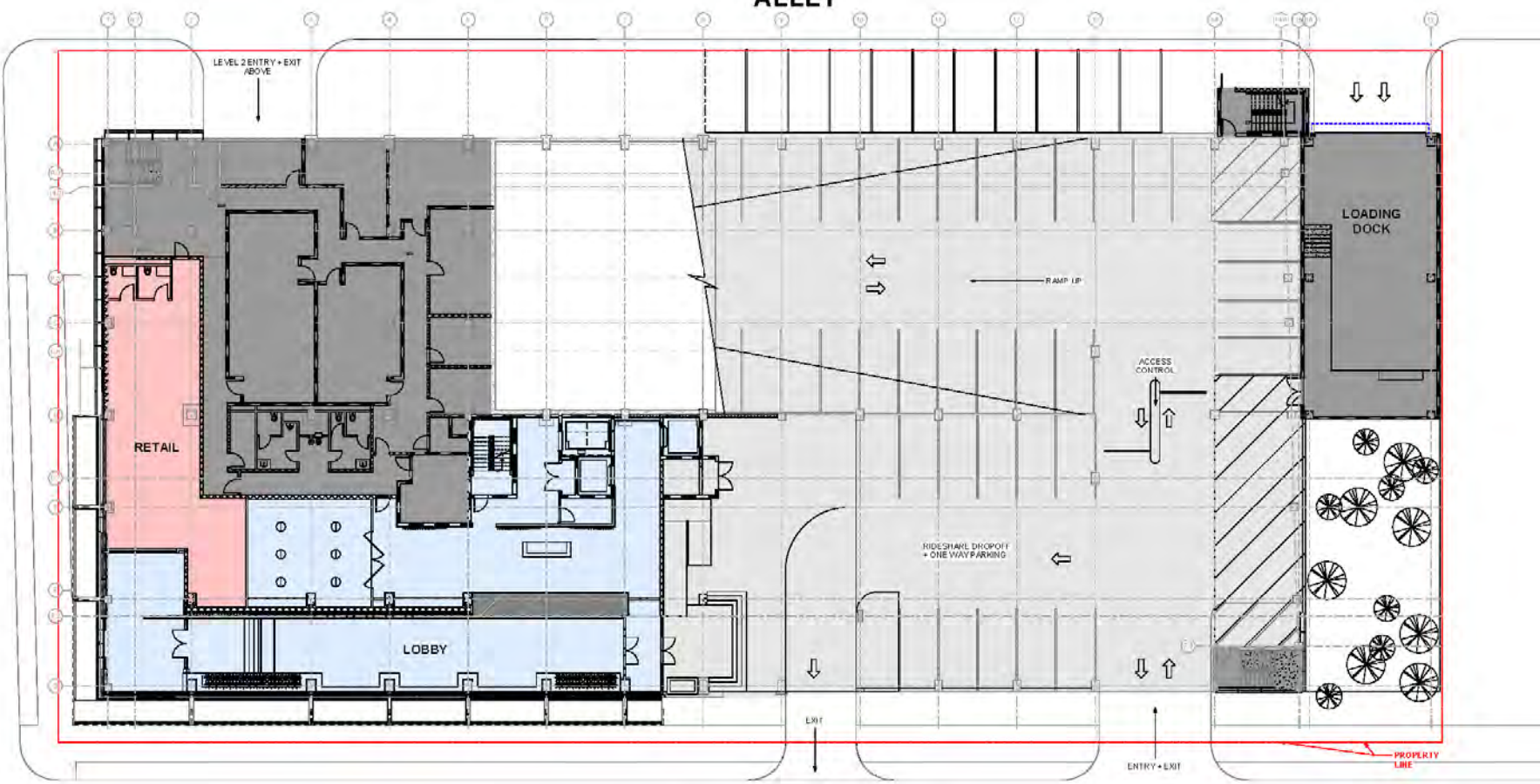


OFFICE BUILDING

OFFICE BUILDING

CHET ATKINS PL

ALLEY

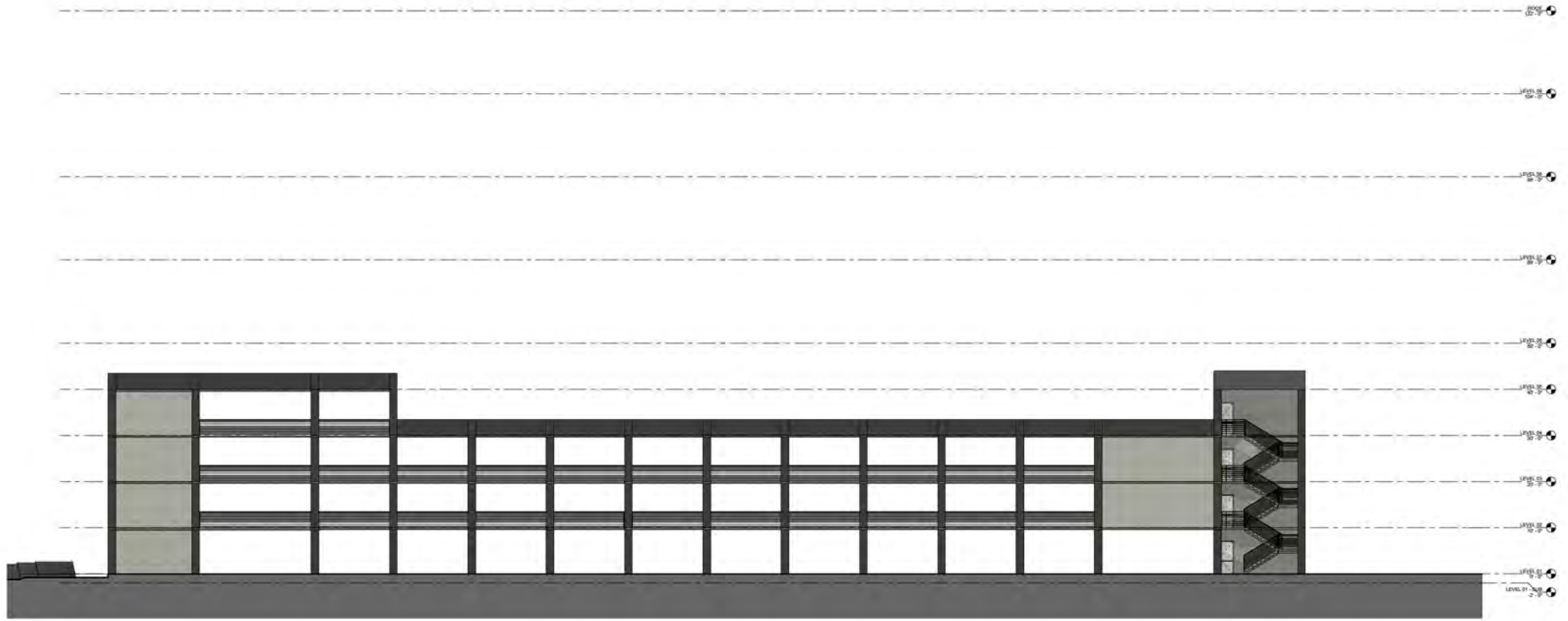


18TH AVENUE SOUTH

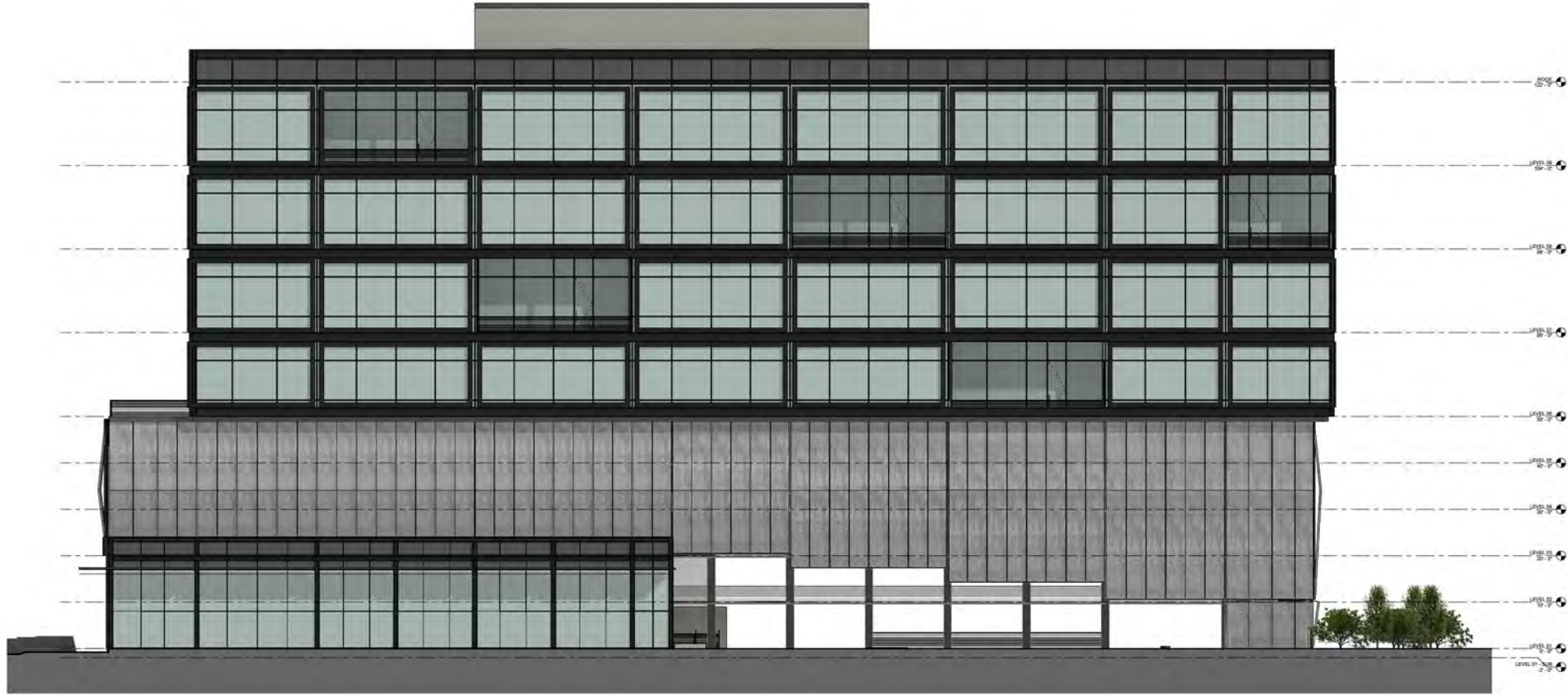
DESIGN

LEVEL 01 PLAN





WEST ELEVATION | EXSITING



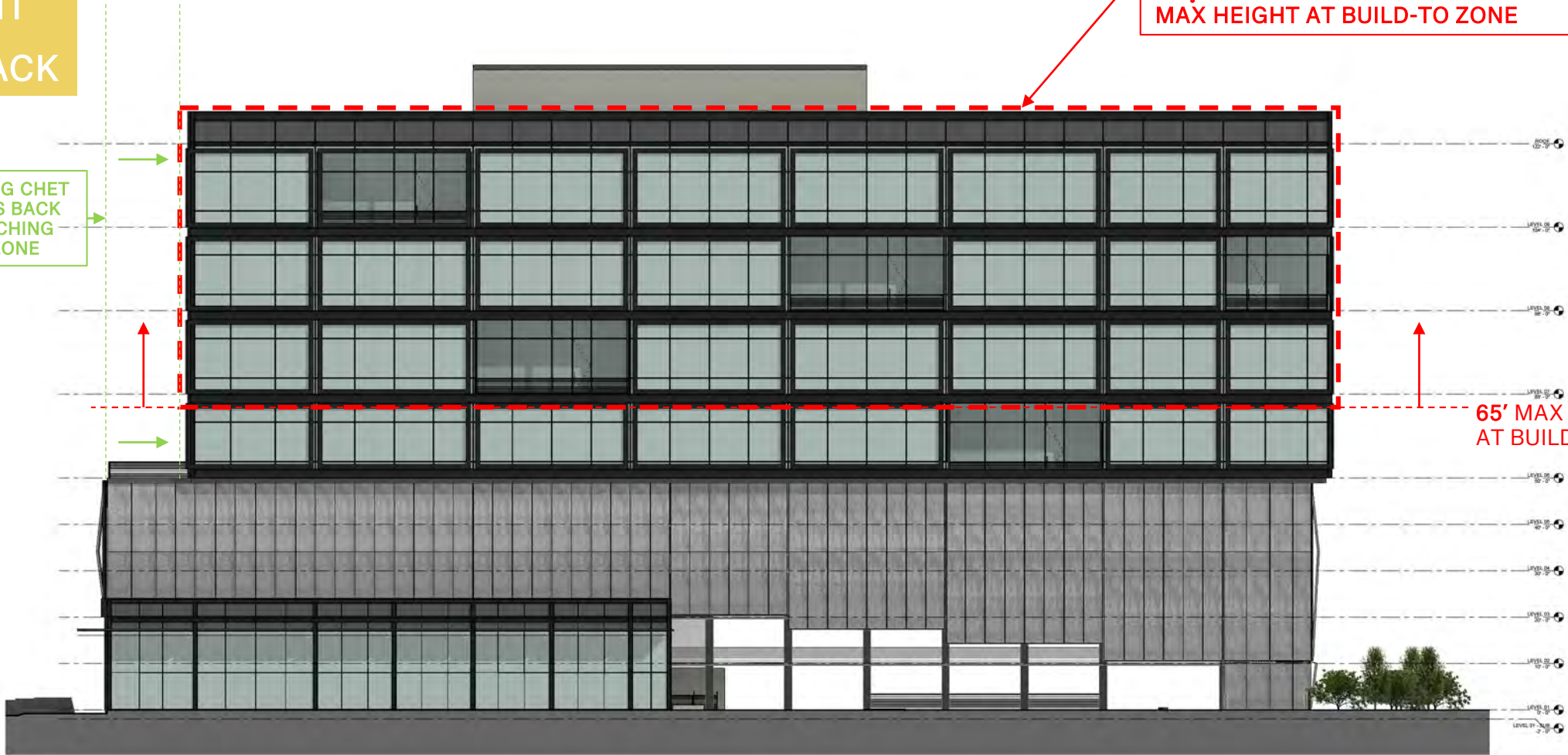
WEST ELEVATION | PROPOSED

SPECIAL EXCEPTION
REQUEST:
**HEIGHT
&
STEP BACK**

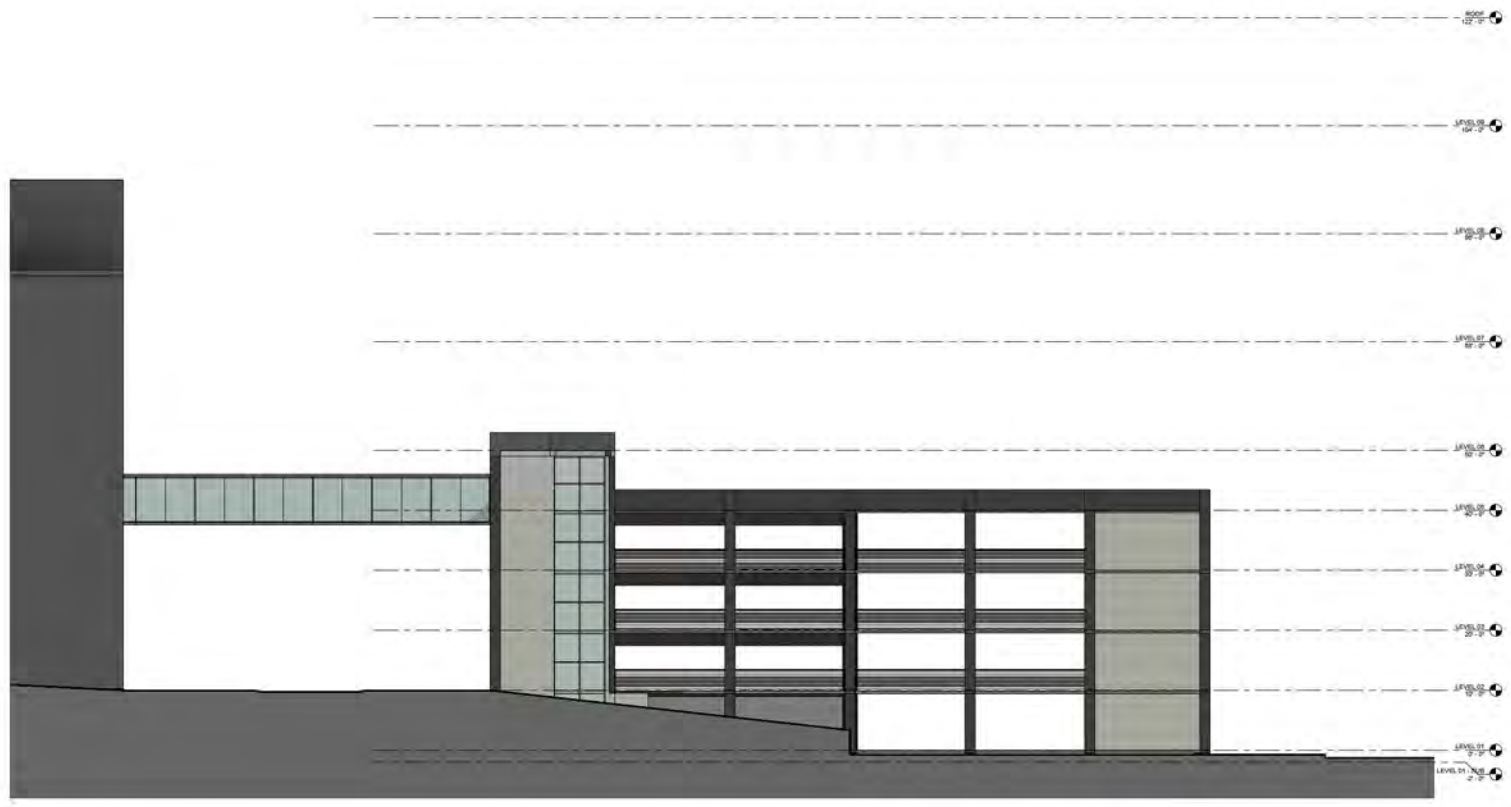
FAÇADE FACING CHET
ATKINS STEPS BACK
BEFORE REACHING
BUILD-TO-ZONE

FAÇADE WITHIN THIS AREA EXCEEDS
MAX HEIGHT AT BUILD-TO-ZONE

65' MAX HEIGHT
AT BUILD-TO-ZONE



WEST ELEVATION | PROPOSED

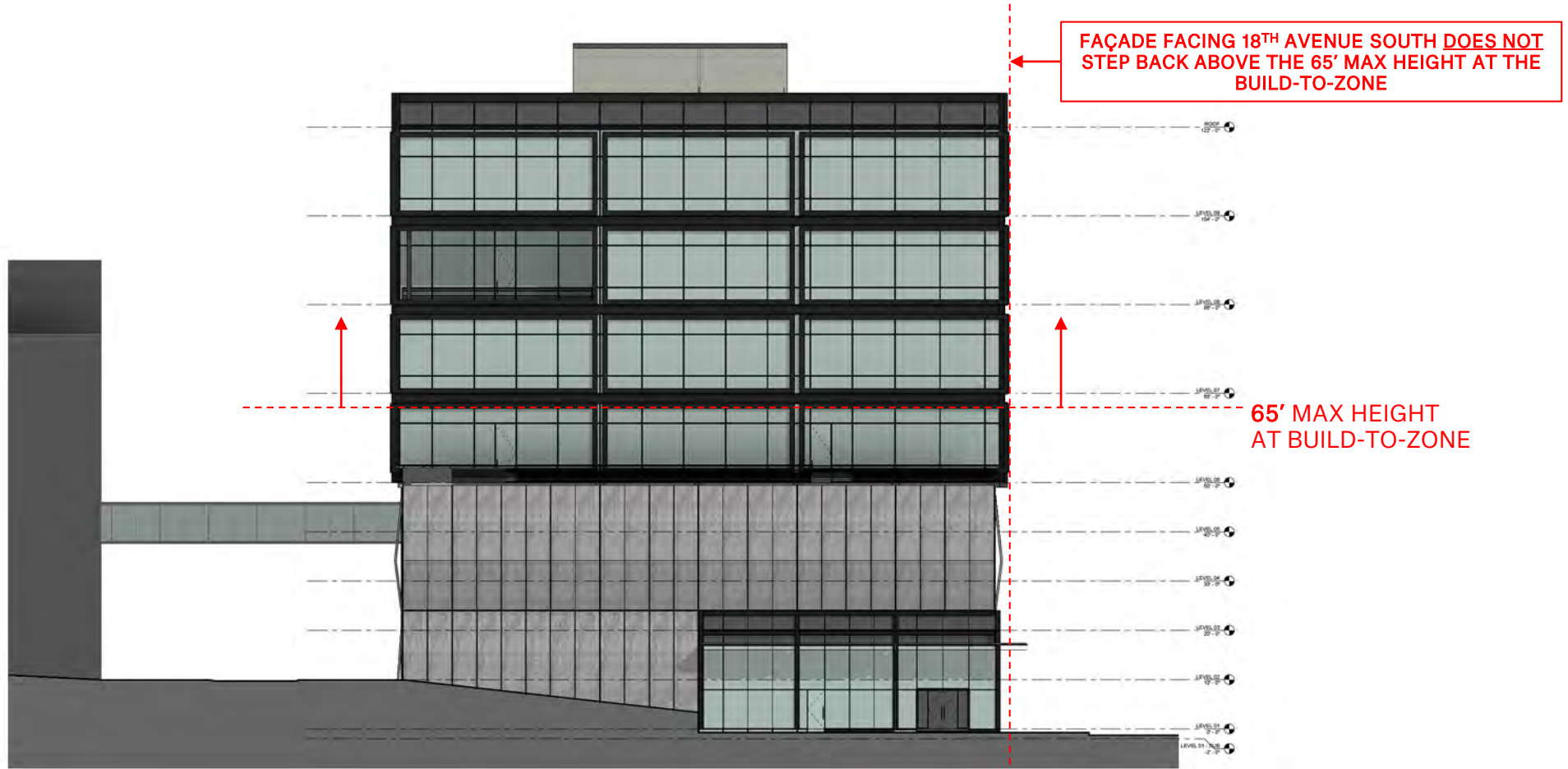


NORTH ELEVATION | EXSITING



NORTH ELEVATION | PROPOSED

SPECIAL EXCEPTION
REQUEST:
**HEIGHT
&
STEP BACK**



NORTH ELEVATION | PROPOSED

SPECIAL EXCEPTION
REQUEST:
**HEIGHT
&
STEP BACK**

125'

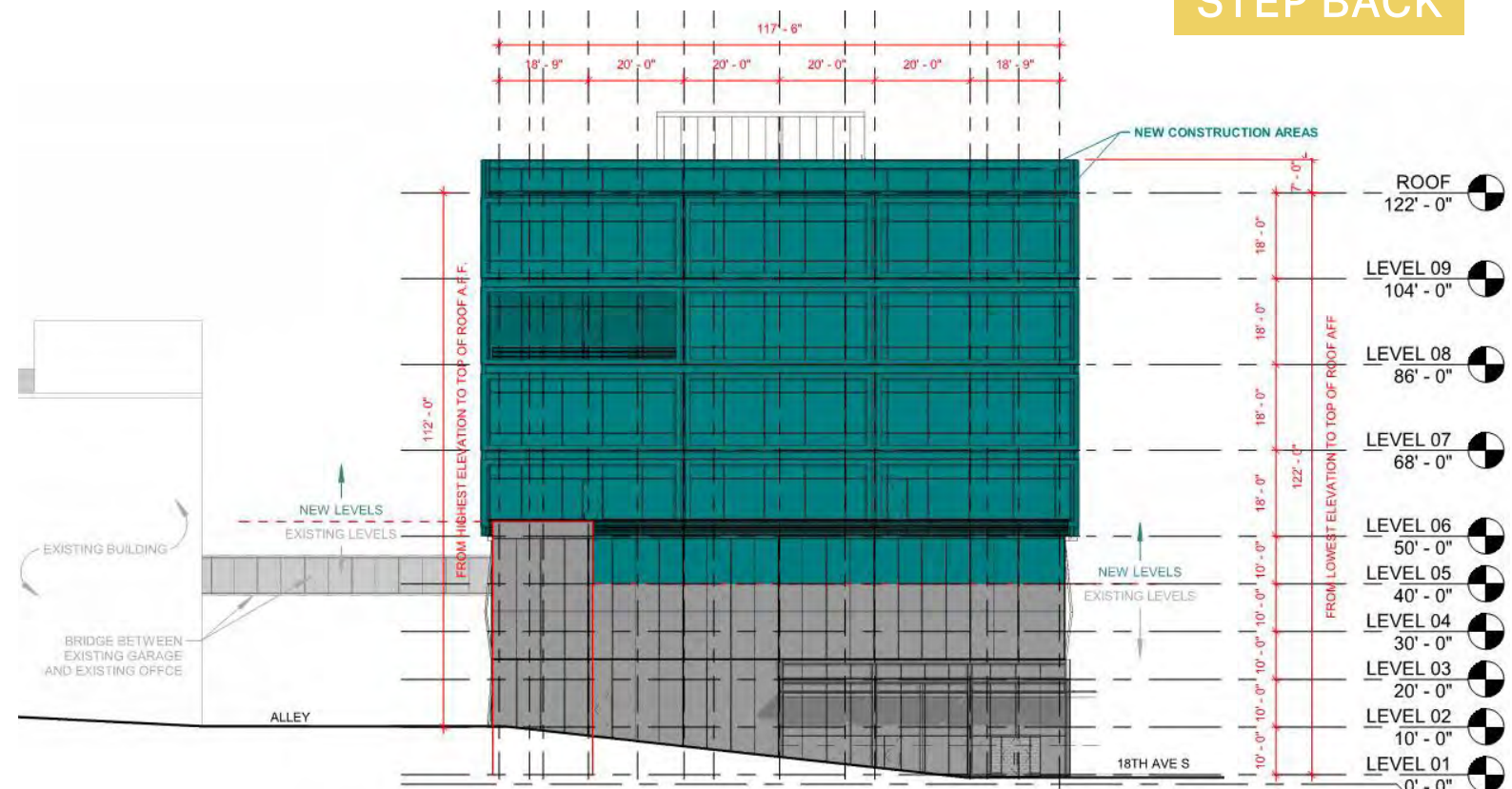
Average proposed

105'

Max Roof Height

65'

Max Height @ Build-to-Zone



NORTH ELEVATION | PROPOSED ELEVATION DIAGRAM

- PORTION OF ELEVATION OCCUPIED BY PROPOSED NEW CONSTRUCTION
- PORTION OF ELEVATION OCCUPIED BY EXISTING CONSTRUCTION

CURRENT ORI-A ZONING





View looking at corner of Chet Atkins and 18th



View looking North along 18th





View looking South along Chet Atkins

Active Spaces





Lobby View



QUESTIONS



From: Board of Zoning Appeals (Codes)
To: Powers, James
Subject: RE: Appeal Case # 2019-300

From: Powers, James <james.powers@vumc.org>
Sent: Tuesday, July 9, 2019 5:43 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Subject: Appeal Case # 2019-300

From: 807 18th Avenue South # 106

Nashville TN 37203

RE: Appeal Case # 2019-300

900 18th Ave. S. (Jennifer Carr, Appellant)

Map Parcel: 09216036100

Zoning Classification: OR1A

Council district: 19

Date: July 9, 2019

To: Metropolitan Board of Zoning Appeals

Thank you for the opportunity to express opposition to the appellant's request for variance from height requirements to permit construction of an office building at 900 18th Ave. S.

We are in full support of the Music Row Plan adopted by Metro Council to maintain the livability and preserve the historic integrity of Music Row. We have been active in community meetings and support the height restrictions intended to maintain a community environment in this mixed business-residential area of Nashville.

We oppose the request for a variance from height requirements as building height is one of the most significant factors that reduces the livability of a neighborhood. We have been residents of the area for over 10 years do not wish to see commercial growth take precedence in our neighborhood.

Please maintain the building height requirement as adopted by Metro Council.

Sincerely,

James S. Powers

Martha E. Wettemann

From: [Kenneth Graves](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [O'Connell, Freddie \(Council Member\)](#)
Subject: Case 2019-300 (900 18th Ave S)
Date: Sunday, July 28, 2019 11:54:24 PM

I live in the South Square Condos, directly across the street from the proposed project. Anything they do there is probably going to reduce the amount of light that reaches me. But while I'm willing to accept that some diminution is inevitable in our growing city, I want to preserve as much of my morning sunlight as reasonable. The current zoning is a balance achieved after multiple meetings and discussions. I am therefore **OPPOSED** to the requested change in allowed height, and **STRONGLY OPPOSED** to the elimination of the "step-back" along the 18th Avenue face.

18th is a fairly narrow local street. Please allow light, air, and a general sense of space to be preserved for my building and the neighboring one- and two-story buildings on the west side of the block.

Kenneth Graves
907 18th Ave S, Apt 204
Chairman, South Square HOA

From: 807 18th Avenue South # 106
Nashville TN 37203
RE: Appeal Case # 2019-300
900 18th Ave. S. (Jennifer Carr, Appellant)
Map Parcel: 09216036100
Zoning Classification: OR1A
Council district: 19
Date: July 9, 2019

To: Metropolitan Board of Zoning Appeals

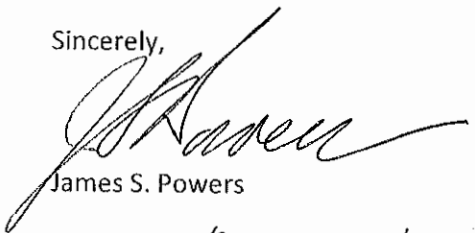
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We are in full support of the Music Row Plan adopted by Metro Council to maintain the livability and preserve the historic integrity of Music Row. We have been active in community meetings and support the height restrictions intended to maintain a community environment in this mixed business-residential area of Nashville.

We oppose the request for a variance from height requirements as building height is one of the most significant factors that reduces the livability of a neighborhood. We have been residents of the area for over 10 years ^{and} do not wish to see commercial growth take precedence in our neighborhood.

Please maintain the building height requirement as adopted by Metro Council.

Sincerely,



James S. Powers



Martha E. Wettemann

From: [Meera Wright](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Oppose office building at 900 18th Ave south
Date: Thursday, August 8, 2019 11:08:29 AM

Hello! I'm a homeowner at 807 18th Avenue south 37203 and strongly oppose building a tall office building at 900 18th Avenue south! The amount of construction our building has had to deal with over the past 10 years is out of control and we do not need another eye sore and inconsiderate construction agency in our neighborhood. This has been a mostly residential part of the street and we do not want an office building there. Please do not approve this building.

Dr. Meera Reddy Wright

From: [Scott Voelkerding](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Permit #20190028959 Zoning Appeal - OPPOSED
Date: Saturday, July 13, 2019 8:24:03 PM

Metropolitan Board of Zoning Appeals:

I am a resident of 807 18th Ave S and I received your letter dated June 11, 2019 regarding Appeal Case Number 2019-300 for the construction of an office building excess of the allowable height at 900 18th Ave S. I reviewed the case details at permits.nashville.gov. I will not be able to attend the hearing on August 1, but I am **OPPOSED** to granting this variance. The “Reason” stated in the permits system is “special exception to allow additional height within the build to zone.” This is not a reason or justification for constructing a building in excess of zoning laws and ordinances. The preservation of the Music Row neighborhood is critical. This is a residential neighborhood and, while it is also zoned for Group B (offices), most of the businesses in this neighborhood operate out of houses and homes that resemble residential occupancies. From a historical perspective, there is no other place like it in the world and it is being eroded and polluted with mid-rise and high-rise projects like this one. A new office building (18th and Chet) was recently constructed in the 800 block of 18th Ave S. It’s currently vacant and the enclosed parking lot on the first few stories is an eyesore for this neighborhood. Bobby’s Idle Hour and a small wedding chapel were recently run out of the neighborhood by a developer looking to make a profit through construction of a residential high rise at the expense of Music Row preservation. Many of the developers proposing these projects do not understand the history or significance of the Music Row neighborhood. The preservation is critical to the history of the country music industry, the residents and business associates who live work in the neighborhood, and Nashville tourism. The height restrictions are important for the preservation of the neighborhood. High rise buildings do not belong here. The Metropolitan Government of Nashville is one fo the few government bodies that can help preserve this neighborhood. Please deny this variance request.

Scott Voelkerding, PE
807 18th Ave S, Unit 104
scott.voelkerding@gmail.com

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



Appellant: Aziz Dhanani

Date: 5-31-19

Property Owner: Westfield Mall, LLC

Case #: 2019-315

Representative: Aziz Dhanani

Map & Parcel: 60-8-20

Council District 8

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: Commercial Addition - Retail

Location: 3041 Dickerson Pike

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

Reason: Requesting variance from sidewalk 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.

AZIZ DHANANI
Appellant Name (Please Print)

AZIZ DHANANI
Representative Name (Please Print)

319 HAMLETS END WAY
Address

319 HAMLETS END WAY
Address

FRANKLIN, TN -37067
City, State, Zip Code

FRANKLIN, TN -37067
City, State, Zip Code

615-739-3582
Phone Number

615-739-3582
Phone Number

DHANANI.AZIZ@GMAIL.COM
Email

DHANANI.AZIZ@GMAIL.COM
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3675432

**ZONING BOARD APPEAL / CAAZ - 20190031723
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 06008002000**APPLICATION DATE:** 05/31/2019**SITE ADDRESS:**

3041 DICKERSON PIKE NASHVILLE, TN 37207
PART OF LOT 6 LINDSEY SUB

PARCEL OWNER: WESTFIELD MALL, 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.

2019-315

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.

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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.

Henry M. Bates
APPELLANT

6/3/19
DATE

BATSON & Associates
615-424-4840
batsonengineering@comcast.net

Appeal # 20190031723

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.

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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.

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Sign easement or agreement

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.

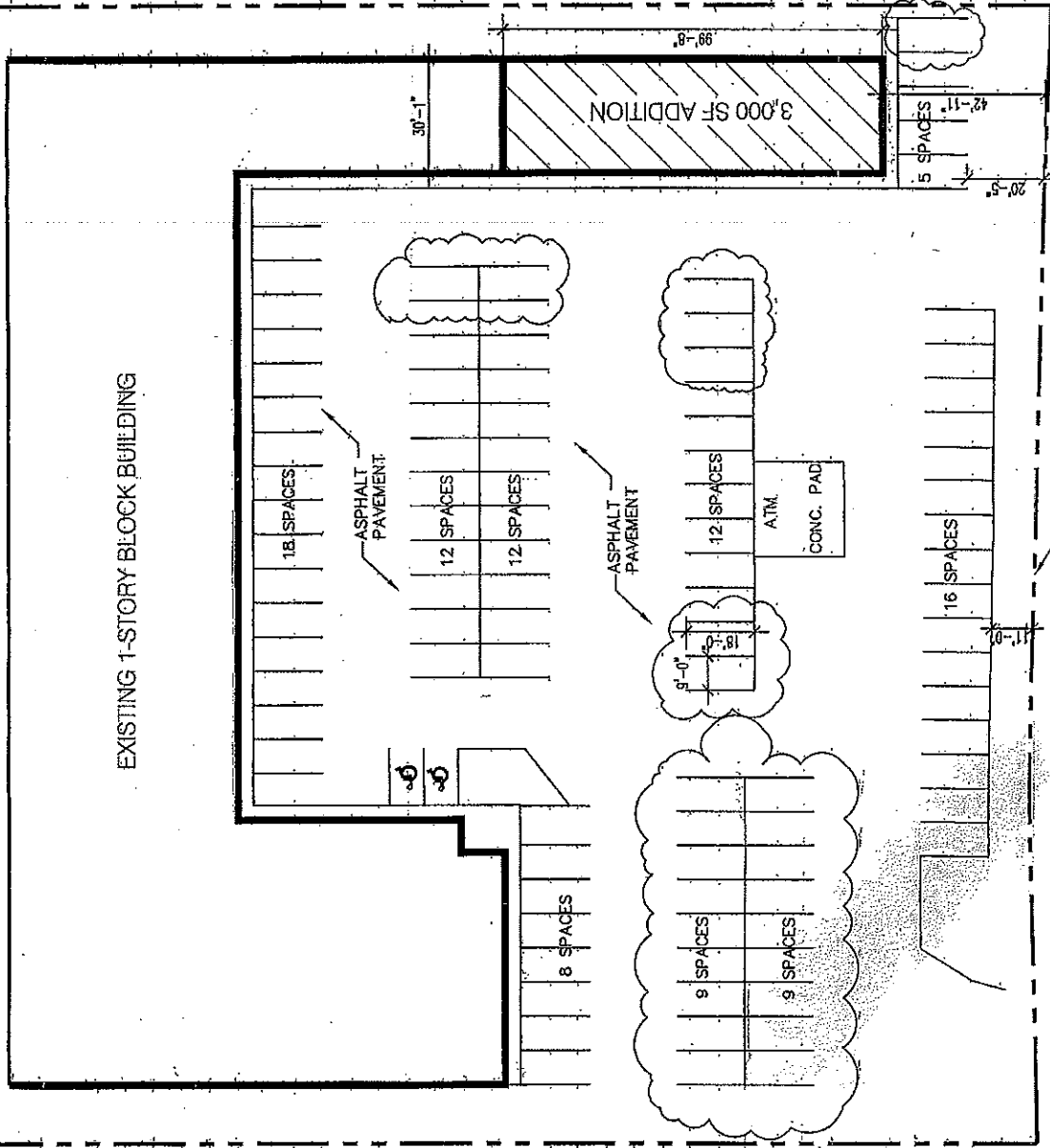
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

The topography of the site drops off behind the existing sidewalk. This drop of (topography) would require slopes into the existing parking (required parking). There are also existing signs (per sign agreements/easements) that are in the area.

The topography of the site drops off behind the existing parking

N 84th

S 84th



EXISTING SPACES	77
NEW SPACES	25
TOTAL PARKING	102

A = 2'58" 40"
 R = 5,770.00'
 T = 149.98'

APPLICATION FOR A VARIANCE REQUEST

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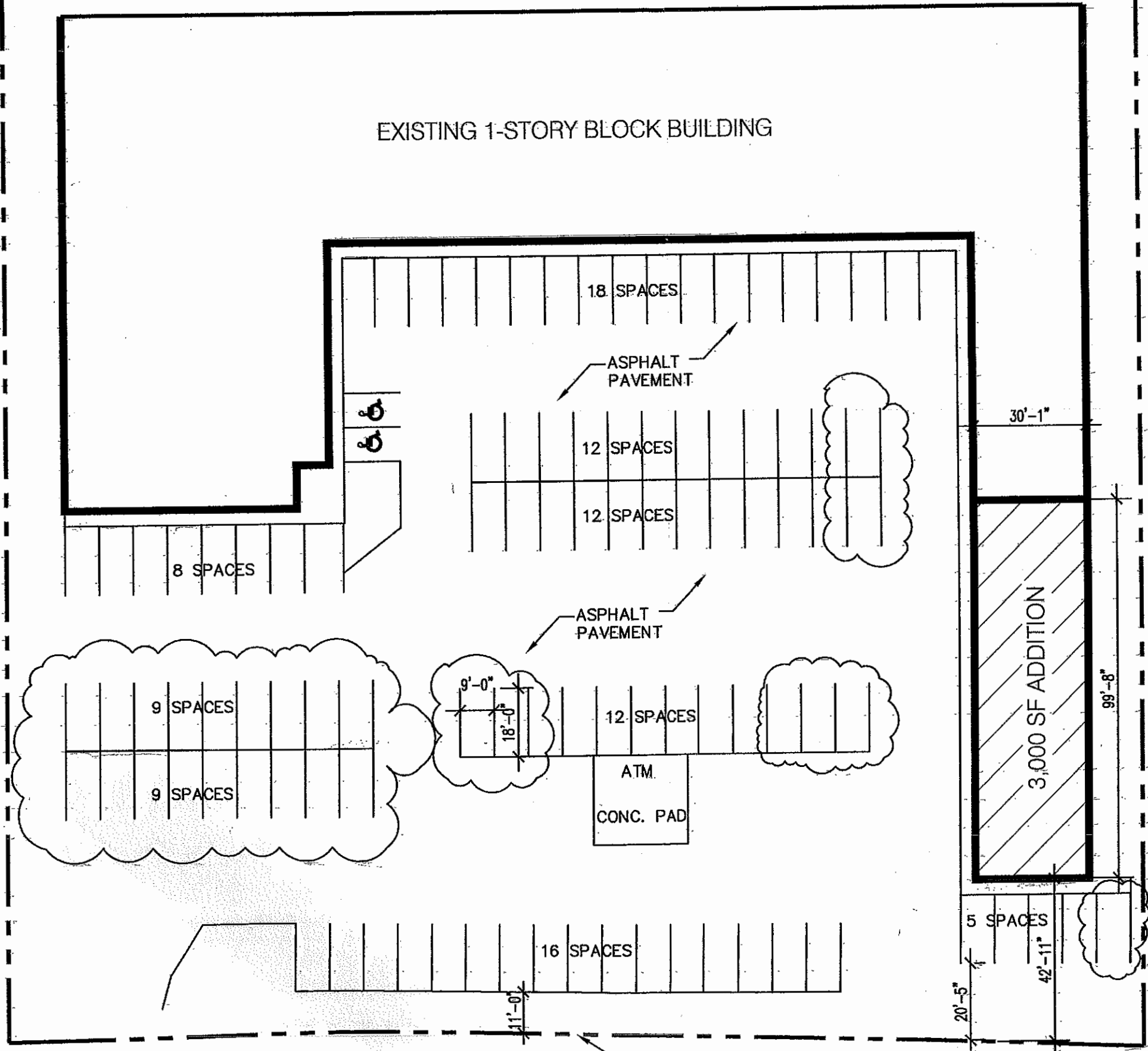
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*The Topography of The site drops off behind
The Existing Parking*

S 84° 4'

N 84° 2'



EXISTING 1-STORY BLOCK BUILDING

18 SPACES

ASPHALT PAVEMENT

12 SPACES

12 SPACES

30'-1"

8 SPACES

ASPHALT PAVEMENT

9 SPACES

12 SPACES

9 SPACES

ATM
CONC. PAD

3,000 SF ADDITION

99'-8"

16 SPACES

5 SPACES

11'-0"

42'-11"

20'-5"

BUBBLE REPRESENTS
NEW PARKING SPACES

DICKERSON PIKE

SITE PLAN

A = 2'58' 40"
R = 5,770.00'
T = 149.98'

EXISTING SPACES	77
NEW SPACES	25
TOTAL PARKING	102

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-315 (3041 Dickerson Pike)

Metro Standard:	4' grass strip, 10' sidewalk as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	T4-M-AB5-IM
Transit:	#43 – Hickory Hills; #23 – Dickerson Road; planned for future bus rapid transit per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct additions to an existing commercial building and requests a variance from constructing sidewalks along Dickerson Pike due to topography, and impacts to existing parking and signs. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk currently exists along the property frontage, which is consistent with properties to the north. This sidewalk was constructed in the early 2010s as part of a Metro stormwater improvement in the area.
- (2) Given the scope of the planned improvements, reconfiguring the site layout with this proposed addition will have a significant impact on the existing parking lot to address topography issues at the back of the existing sidewalk. Dedicating right-of-way, where feasible, will improve Metro's ability to widen sidewalks in the future with another major capital project since Dickerson Pike is planned for future bus rapid transit, increased density, and high pedestrian traffic.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall dedicate right-of-way along Dickerson Pike where not precluded by existing signs for future sidewalk construction.

From: [Michael, Jon \(Codes\)](#)
To: [Lamb, Emily \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: FW: BZA Letters and applications for meeting Thursday, September 19, 2019
Date: Thursday, September 12, 2019 3:37:51 PM

CM supports Planning's recommendation.

From: VanReece, Nancy (Council Member) <Nancy.VanReece@nashville.gov>
Sent: Thursday, September 12, 2019 11:45 AM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: Re: BZA Letters and applications for meeting Thursday, September 19, 2019

Thank you for the thorough review.

Go with with planning asked for with my support of their advice!

Nancy VanReece | Metro Nashville Councilmember, District 8

@nvr4district8 | www.nvr4district8.com | [www.fb.comm/nvr4district8](https://www.facebook.com/nvr4district8) | Metro Office 615-862-6780 | Non Emergency Services - Hub.Nashville.gov or dial 311 | NVR Voicemail and Text 931-297-4148

From: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Sent: Thursday, September 12, 2019 9:52:22 AM
To: VanReece, Nancy (Council Member) <Nancy.VanReece@nashville.gov>
Subject: RE: BZA Letters and applications for meeting Thursday, September 19, 2019

Apparently, they have an 8' sidewalk there, right up against the street. The current legal standard is 10' with a 4' planting strip separating the sidewalk from the street.

They made an argument as to topographic challenges. For whatever that's worth.

I've attached the Planning Department's recommendation with this email. They say keep what's there, fix it up where it's broken or damaged, get it ADA compliant, and then dedicate the needed right of way in case Metro ever comes through to expand it. They phrased it all more elegantly. But that's the idea of their recommendation.

Certainly, if you're looking for something different from that, your input to the BZA will be important. Just let me know if I can provide any other helpful information for you.

JM.

From: VanReece, Nancy (Council Member) <Nancy.VanReece@nashville.gov>
Sent: Wednesday, September 11, 2019 6:51 PM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: Re: BZA Letters and applications for meeting Thursday, September 19, 2019

First I've heard of this -- they did not reach out to me.

Please hold true for sidewalks. **This is Dickerson Pike.** That entire strip mall needs a sidewalk in front of it.

Let me know if you have a perspective that I should consider.

Nancy VanReece | Metro Nashville Councilmember, District 8

[@nvr4district8](#) | www.nvr4district8.com | [www.fb.com/nvr4district8](https://www.facebook.com/nvr4district8) | Metro Office 615-862-6780 | Non
Emergency Services - Hub.Nashville.gov 311 | NVR Voicemail and Text 931-297-4148

From: Fuqua, Barbara (Council Office) <barbara.fuqua@nashville.gov>
Sent: Wednesday, September 11, 2019 9:39 AM
To: VanReece, Nancy (Council Member) <Nancy.VanReece@nashville.gov>
Subject: BZA Letters and applications for meeting Thursday, September 19, 2019

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

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Paul Davidson

Date: 9/31/19

Property Owner: Brian Davidson

Case #: 2019- 317

Representative: Paul Davidson

Map & Parcel: 09105006500

Council District 20

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

Purpose:

PROPOSED CONSTRUCTION OF
A SINGLE FAMILY HOME ON
A SINGLE PARCEL (HFR)

Activity Type: RES. CONSTRUCTION

Location: 6211 CARMIE AVE

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

Reason:

STREET SETBACK VARIANCE
SIDEWALK REQUIREMENT VARIANCE

Section(s): 17.12.030 C3 AND 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.

Paul Davidson

Appellant Name (Please Print)

Representative Name (Please Print)

269 B 38th Ave N

Address

Nashville, TN 37209

City, State, Zip Code

(631) 885-1291

Phone Number

p.davidson@villageTN.com

Email

Email

Zoning Examiner: LB

Appeal Fee: _____

no hardship
not scanned



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



3675732

**ZONING BOARD APPEAL / CAAZ - 20190031906
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09105006500

APPLICATION DATE: 05/31/2019

SITE ADDRESS:

6211 LARAMIE AVE NASHVILLE, TN 37209
LOT 47 SEC 1 MOSS WOOD

PARCEL OWNER: DAVIDSON, BRIAN

CONTRACTOR:

APPLICANT:**PURPOSE:**

Proposed construction of 2 houses on one parcel. No permit applications started.

Street Setback and Sidewalk Variance:

Requesting a Variance from street setback along Laramie Avenue per 17.12.030 C3.....Laramie Avenue Contextual setback of 39.05 and Platted setback of 40 ft, minimum street setback along Laramie of 40 ft per Plat applies. Requesting 10 ft setback (30 ft reduction from Plat) along Laramie Avenue.

Requesting a Variance from Sidewalk requirements per 17.20.120. Eligible to build or contribute into Sidewalk Fund. Requesting to not build nor contribute into Sidewalk fund.

POC: Paul Davidson 631-885-1291

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

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Paul Davidson
APPELLANT

5/31/19
DATE

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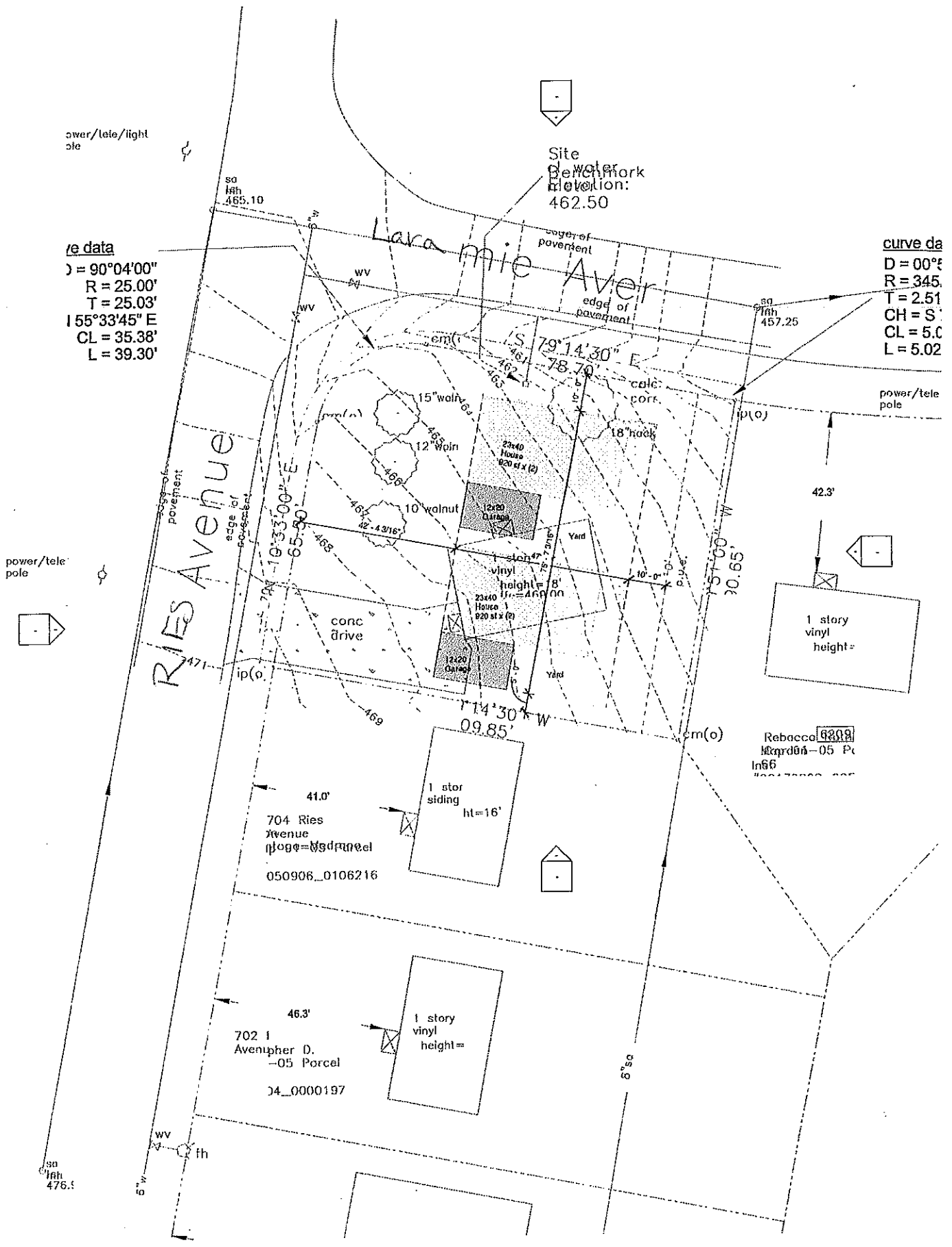
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See Attached letter

6211 Laramie Ave
Option 1



Rebecca [6208]
 [unclear] -05 Parcel
 In 66

704 Ries Avenue
 [unclear]
 050906_0106216

702 L
 Avenuper D.
 -05 Parcel
 34_0000197

6211 Laramie Ave
Option 2

power/tele/light pole



Site benchmark elevation: 462.50

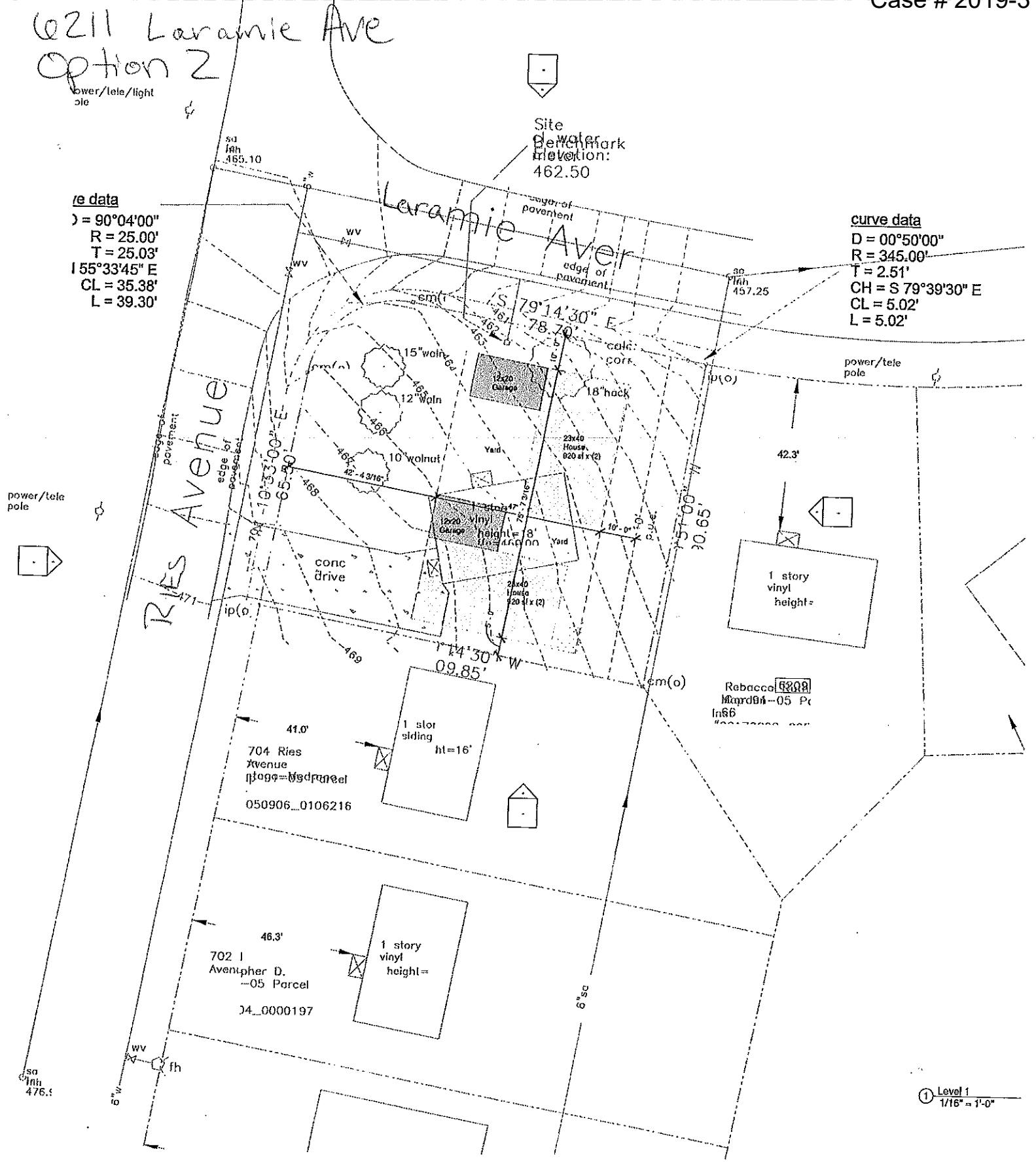
curve data
D = 90°04'00"
R = 25.00'
T = 25.03'
I 55°33'45" E
CL = 35.38'
L = 39.30'

curve data
D = 00°50'00"
R = 345.00'
T = 2.51'
CH = S 79°39'30" E
CL = 5.02'
L = 5.02'

power/tele pole



sa fh 476.5



Rebecca [6808] [6808] [6808] -05 Parcel In 86

Level 1
1/16" = 1'-0"

To the Board of Zoning Appeals,

Thank you for taking the time to hear our appeal for hardship regarding our property at 6211 Laramie Ave.

The main reason for our claimed hardship is that during our initial contracted due diligence period we had met with a metro zoning employee, Clint Harper, and were told that the front setback for the Laramie Ave side of our property was 10 ft. We were extremely thorough in our due diligence and it was based solely on this received information from the zoning official that we proceeded with our purchase of the property and concurrent development strategy. Our desire to develop the parcel by building two high-designed homes to what we feel will be a vast improvement upon what is currently in existence, would be severely impaired by the "new to us" setbacks. To build within these imposed setbacks would cause the necessary homes to be exceptionally narrow and both functionally and aesthetically inferior to what would be able to be built, based on what we were initially told.

The architect we've commissioned, Michael Goorevich, is an award winning architect based here in Nashville who is bringing an exceptional level of integrity to the project. We are expending a significantly higher level of resource in order to utilize his services. His fee is five times the amount of other architects we had interviewed. I state this to emphasize that we are not hyper-focused on our bottom line, though it is obviously a necessary consideration for a sustainable business. There have unfortunately been numerous examples of developers here in Nashville who's main (and possibly only) desire is to pad their pockets. That is not us. Our spending significant resource on Michael is because of the care he shares with us and clearly pours into every project. We care about Nashville. We care about the neighborhood and the prospective homeowners who will live in the homes we wish to build. Our hope is to create homes that will greatly improve upon both form and function of what would be considered typical of the existing homes in the area. Ultimately this will also increase the value of the surrounding homes as well as pave a path for other developers to follow suit.

Lastly, we ask for a variance from sidewalk requirements. We're requesting to not build nor contribute into the sidewalk fund based on there not being sidewalks built in any of the existing older & newly constructed homes on Laramie or Ries Ave. Secondly, there is already roughly ten feet of unbuildable "right of way" land in addition to the ten foot requested variance to accommodate for sidewalks. This effectively sets us back twenty visual feet from the street before any building structure. The proposed sidewalks would interfere with the pre-existing drainage and culverts on our parcel. Therefore, the sidewalks would need to be pushed even further onto our building envelope, unfairly infringing upon the livable space that we were initially told would be granted to the prospective homeowners. Thank you again for our time and we look forward to a long working partnership with you here in Nashville.

Sincerely,
Paul Davidson

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-317 (6211 Laramie Avenue)

Metro Standard:	Laramie Avenue – 4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
	Ries Avenue – 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:	R8
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Laramie Avenue – Local Street
	Ries Avenue – Local Street
Transit:	None existing; none planned
Bikeway:	Bike boulevard planned on Laramie Avenue per WalknBike

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a two-family dwelling and requests a variance due to the property being located on a corner lot with drainage ditches on both frontages. Planning evaluated the following factors for the variance request:

- (1) Sidewalks do not exist along either Laramie Avenue or Ries Avenue property frontage, which is consistent with adjacent properties to the east and south, respectively.
- (2) The applicant proposes to construct the two structures with a 40' setback from Ries Avenue, mirroring similar building placements established by neighboring homes. While a drainage ditch currently exists along the Ries Avenue property frontage, sidewalk construction is feasible through the use of a wider furnishing zone to accommodate the ditch or through the use of culvert/piping installation.
- (3) Additionally, the applicant requests a setback variance to build the northernmost dwelling unit approximately 10' from Laramie Avenue, to the rear of the existing drainage ditch. Should the Board of Zoning Appeals grant the associated setback variance request, a reduced 10' space limits the ability to accommodate the existing drainage ditch and sidewalk construction.

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

1. The applicant shall contribute in-lieu of construction for the Ries Avenue property frontage.
2. The applicant shall dedicate right-of-way along the Ries Avenue property frontage per the Metro Local Street Standard.

From: [Elizabeth Manning](#)
To: [Roberts, Mary Carolyn \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: Please deny case # 2019-317 to not build and also not pay into the in-lieu fee for sidewalks
Date: Friday, June 28, 2019 12:33:26 PM

Dear BZA members and Councilwoman Roberts,

Please deny case # 2019-317 at 6211 Laramie Ave. 37209 to not build and also not pay into the in-lieu fee for sidewalks. I live, walk, and bike in this neighborhood, and it's extremely important that we have the ability to walk safely outside.

Best,
Elizabeth Manning
522 Bellmore Place
Nashville, TN 37209

From: [Dorris, Stacy](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Roberts, Mary Carolyn \(Council Member\)](#)
Subject: RE: 2019-317 = please deny this sidewalk variance request to not pay and not build
Date: Tuesday, June 25, 2019 8:57:51 PM

Sorry, Just noticed I put the wrong ID # number in the header. This is a corrected email. Thank you.

From: Dorris, Stacy
Sent: Sunday, June 23, 2019 9:11 PM
To: 'bza@nashville.gov' <bza@nashville.gov>; marycarolyn.roberts@nashville.gov
Subject: 2019-250 = please deny this sidewalk variance request to not pay and not build

2019-317 – please deny

Dear BZA and CM Roberts,

I am writing to request that you deny Case # 2019-317 at 6211 LARAMIE 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 to have a sidewalk.

Since Nashville is significantly behind in sidewalks already, we have just 20% of our roadways sidewalked, we cannot miss any opportunity to build.

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 the sidewalk required by law.

Sincerely,
Stacy Dorris
801 Timber Ln
37215
The Sidewalk Foundation

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Randy Yard
Property Owner: Randy Yard
Representative: Randy Yard

Date: 6/20/2019
Case #: 2019-350
Map & Parcel: 41-5-1

Council District 3

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

Purpose: Request variance to allow a front setback of 32'. Maximum setback is 60' (street avg. 68.5') would be 28' reduction

Activity Type: New Construction - Single Family

Location: 4136 Creech Trail Dr

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

Reason: Does not meet setback

Section(s): 17.12.030(c)3

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

Randy Yard
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3456 Chandler Cove Way
Address

Address

Antioch, TN 37013
City, State, Zip Code

City, State, Zip Code

253-279-1625
Phone Number

Phone Number

coach0209@gmail.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**



3683311

**ZONING BOARD APPEAL / CAAZ - 20190036864
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 04105000100

APPLICATION DATE: 06/21/2019

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189

LOT 13 CREEK TRAIL SUB-REVISED

PARCEL OWNER: YARD, RANDY

CONTRACTOR:

APPLICANT:**PURPOSE:**

request variance to allow a front setback of 32'. street average is 68.5', this represents a 36.5' reduction.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

Randy Yard
APPELLANT

6/21/19
DATE

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

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

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

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

To meet neighborhood restrictions I need to move the front set back forward to 30' so my driveway does not exceed 15% slope

LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING THE SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED ON A SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS PROCESSED BY TENNESSEE DOT NETWORK BEARINGS ARE EXPRESSED SEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL) = NAD 83, VERTICAL = NAVD83, ZONE TN 4100, GRID MODEL AND TN SCROLL, GRS MODEL GRID GRS RECEIVER MK II (4+12), HORIZONTAL 14.0ppm AND VERTICAL ACCURACY (10mm+0.0ppm).

TRACT OF LAND LESS WITHIN ZONE X AS SAID TRACT IS ON PLAT MAP NUMBER 470370011H ON THE FLOOD MAPS FOR NASHVILLE AND DAVIDSON COUNTY, TENNESSEE FILED 5/2017.

PLATTEN INDICATED HEREON IS AS IDENTIFIED IN COUNTY

AS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE AT THE SITE PUBLIC RECORDS AND FOR MAPS PREPARED BY OTHER NAMES NO GUARANTEE THAT THE UNDERGROUND COMPRISE ALL SUCH UTILITIES IN THE AREA EITHER IN SERVICE THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED UNLESS SHOWN BY THE TYPE AND LOCATION OF ALL UTILITIES SHOULD BE DONE SO WITH THIS CIRCUMSTANCE TALED VERIFICATION OF EXISTENCE LOCATION AND DEPTH IS MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE COST OF SERVICE SHOULD BE CONSIDERED WITH THE UTILITY COMPANY.

IS A REQUIREMENT OF THE UNDERGROUND UTILITY DAMAGE THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY UNDERGROUND UTILITY OWNERS) NO LESS THAN THREE WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ANY HAZARD OR CONTACT. THE TENNESSEE ONE CALL SET IS 1-800-351-1111. UTILITIES WERE NOT CHECKED DURING THIS SURVEY.

AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CURRENT FORCE OF TITLE FOR THE SUBJECT TRACT OR ADJACENT AND SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY SUCH DOCUMENTS.

LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE SHOWN IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED WHEN TRAIL SUBDIVISION AS RECORDED IN PLAT BOOK R.O.D.C. TN, AND IS SUBJECT TO ALL RESTRICTIONS OF 1 TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

TRAIL DR
DAVIDSON COUNTY, TENNESSEE
K. TRAIL SUBDIVISION
R.O.D.C. NO. 1, R.O.D.C. TN
APPROXIMATE 7, 2019
01.00 PLAIN # 23.00 SET 50' LINE
OR L.T. 40'

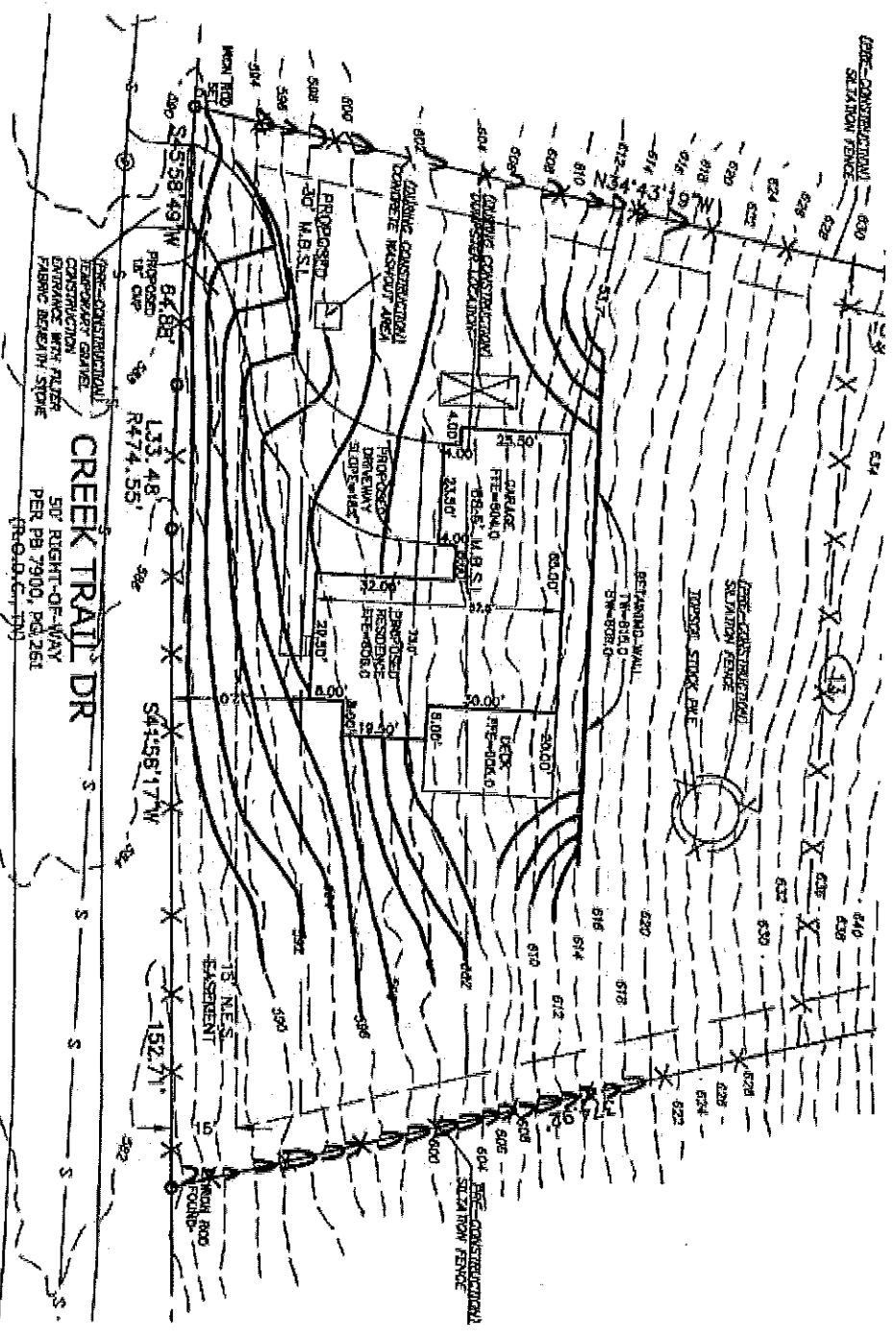
MINIMUM SET BACKS
FRONT YARD: SEE NOTE (A)
SIDE YARD: 5'
REAR YARD: 35'

2019 DOWN BY: ACB CKD BY: BCM

SCALE: 1" = 30'

30 60 90

THE CRITICAL LOT PLAN



NOTE: A. FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES CHAPTER 17-122.00, NOTE (C) PER ORDINANCE NO. 82,017-033

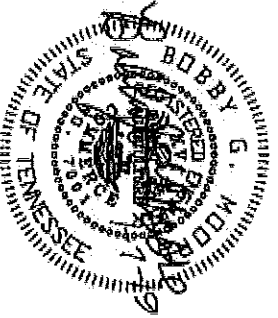
STREET SETBACK TABLE	ADDRESS	SETBACK
4414 CREEK TRAIL DR 21.1'		
4414 CREEK TRAIL DR 27.0'		
4415 CREEK TRAIL DR 11.4'		
4415 CREEK TRAIL DR 42.3'		
AVERAGE SETBACK = 61.5'		

RANDY YARD

LOT 13 - CREEK TRAIL SUBDIVISION
INSTRUMENT # 20180907-0069019, R.O.D.C., TN.

H & H LAND SURVEYING, INC.

612 A FITZTUGH BLVD.
SMYRNA, TENNESSEE 37167
PHONE (615) 831-0755

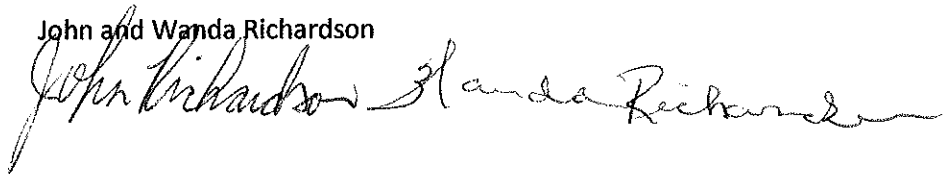


Board of Zoning Appeals,

We (John and Wanda Richardson) are asking for an extension date for the hearing on case number 2019-350 on 9/5/19. Due to the letter being dated July 24th 2019 but it was postmarked Aug 8, 2019 which means we did not receive it until Aug 10th. This is less than the 30 days allotted. Attached is a copy of the letter and envelope.

Thank you for your time and consideration in this matter.

John and Wanda Richardson

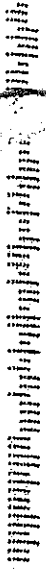
Handwritten signatures of John and Wanda Richardson in cursive script.

Notices mailed out on 8-7-19 From main office

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300
Case# 2019-350

RICHARDSON, JOHN & WANDA
4154 CREEK TRAIL DR
WHITES CREEK, TN 37189

37189-926754



MAILED
TN 3720
18 AUG 19
PM 5 L



DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

July 24, 2019

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

ZONING APPEAL; NOTICE TO NEIGHBORING OWNERS

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

RE: Appeal Case Number: 2019-350
 4136 CREEK TRAIL DR
 Map Parcel: 04105000100
 Zoning Classification: RS20
 Council District: 3

This is to inform you that Randy Yard filed an appeal for the property at the above referenced location. The appellant requested a variance from front setback requirements. Should this request be approved, it would allow the applicant to construct a single family residence.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 9/5/2019, beginning at 1:00 p.m. in the Midtown Hills Police Precinct, 1441 12th Ave S. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.

This letter is being sent to you because you are the owner of property located within 600' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at permits.nashville.gov and search by permit # 20190036864 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

August 27, 2019

Metropolitan Board of Zoning Appeals
P.O. Box 196350
Nashville, TN 37219-6300

Re: Appeal Care Number: 2019-350
4136 Creek Trail Drive

Dear Board of Zoning Appeals Members:

I am writing this letter in opposition to Mr. Yard receiving approval for a variance from front setback requirements for the property located at 4136 Creek Trail Dr.

My husband and I built our home on Creek Trail Drive and have been residents in this neighborhood for four years. We selected the Creek Trail area because of the location and aesthetics of the neighborhood. We worked hard and long to ensure our home met our family's needs, and the requirements as indicated in the Neighborhood Covenant. It took extra effort to excavate our land and select a house plan to meet the covenant, but we were willing to do so, because we did not find complying to the covenant unreasonable. The homes in our community were built in accordance to the covenant, because maintaining the attractiveness and appeal of our neighborhood is very important to us.

I have included pictures in this correspondence to show the length and grade of our driveway and some of the other neighbor's driveways close to Mr. Yard's property. As you can see, this area of Whites Creek is rocky and the lots in our neighborhood are steep. Due to this type of landscape, excavating is necessary and is an unavoidable step to construct a home in this community. Excavating the land to meet the front setback requirements is what we all have done, and we are only asking Mr. Yard to do the same.



4175 Creek Trail Dr.

The fact is, Mr. Yard's lot is not nearly as steep as some of the other lots in our neighborhood.



4154 Creek Trail Dr.

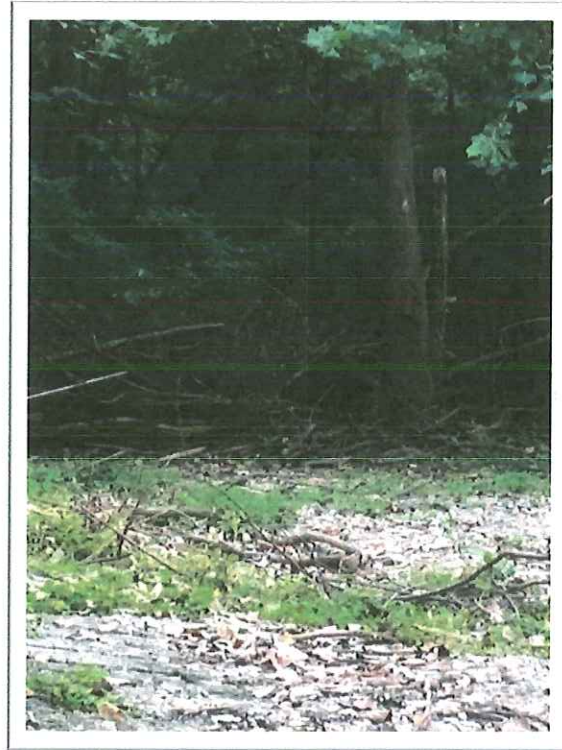


4150 Creek Trail Dr.



4144 and 4140
Creek Trail Dr

We welcome Mr. Yard to our community, as we have other homebuilders. While clearing his property, Mr. Yard drug the trees, rocks and mud down the entire street and dumped the trees and debris on a lot at the end of our cul-de-sac, instead of disposing of the debris properly or turning the trees into environmentally friendly mulch as many of us did. I do not know Mr. Yard, and I cannot pre-judge him on what type of neighbor he will be. However, this act alone does give the impression that he does not respect our community or the pride we have in maintaining our properties. By showing this type of behavior and ill-regard for one's neighbors, property and community, he raises doubt that he is operating in good faith and in the best interest of our neighborhood.



Therefore, I respectfully request that Mr. Yard not receive preferential treatment from the Board of Zoning Appeals and that his appeal for a variance to the front setback requirements be denied. My request is based on the facts that there are no extenuating circumstances that justify Mr. Yard's request for a variance; and the front setback requirements in the Neighborhood Covenant are not unreasonable or any different than what has been asked of all us who have built homes in this community.

Thank you for your time and consideration of this request.

Respectfully submitted,

Darlene M. Jenkins
4175 Creek Trail Dr.
Whites Creek, TN 37189

From: [Patti Gismoe](#)
To: [Oscar Miller](#)
Cc: [jgambleforcouncil@att.net](#); [Board of Zoning Appeals \(Codes\)](#); [theshawnlee@gmail.com](#); [nanaathome50@yahoo.com](#); [jrichardson@nespower.com](#); [Donzalerogers@comcast.net](#); [rlwright@comcast.net](#); [wright.associates@comcast.net](#); [bnjmnbrown@yahoo.com](#); [dp103090@aol.com](#); [kreaves_01@yahoo.com](#); [jhbthree@comcast.net](#); [staciembaker@yahoo.com](#); [awade@tnstate.edu](#); [rjenkin7@hotmail.com](#); [sswalt1@gmail.com](#); [dianne.rodgers@comcast.net](#); [rwilliams@franklinamerican.com](#); [mayes622@gmail.com](#); [vericac@comcast.net](#); [williamcolemanjr@comcast.net](#); [gp8688@aol.com](#); [mcitytk@aol.com](#); [baker.family.tn@gmail.com](#); [jrichardson43@comcast.net](#); [spalmer0554@gmail.com](#); [djbrown2@comcast.net](#)
Subject: Re: Creek Trail Subdivision--Opposition to Randy Yard's Board of Zoning Appeals Setback Variance Request
Date: Thursday, September 12, 2019 11:10:35 AM

Hi
 I will be there.....
 Patti

On Thu, Sep 12, 2019, 10:50 AM Oscar Miller <profom@aol.com> wrote:

All,

I first want to thank Councilwomen Gamble for her continued work on this matter.

Next, several community members have asked me why we need to meet with Mr. Yard to hear about his plans for a 3rd time. All I can say is that hope springs eternal and perhaps this time Mr. Yard will have documentation that his plans meet the Creek Trail Subdivision Restrictive Covenants. Since the minimum square footage of 2400 and garage doors that open to the side or back of the house are required in the Restrictive Covenants, they are non-negotiable, and everyone including Mr. Yard is aware of that fact. So I'm hoping he will bring a New Building Permit which shows that he intends to build a house with a minimum square footage of 2400 and an official building plan (not one with spaces penciled in to meet the minimum square footage). In any case, the BZA has already informed us that they cannot address Restrictive Covenant issues, but are limited to deciding Mr. Yard's application for a set back variance on the basis of a qualifying hardship that he must prove exists on his property.

So that is why I will attend the meeting and why I encourage all of you to attend (and reach out to our neighbors who may not have gotten word via email or the Nextdoor App). I want to see Mr. Yard's Building Permit and Official House Plan that complies with the Creek Trail Subdivision Restrictive Covenants. I also want to learn about the hardship he believes he has that prevents him from building without the required setback so that I know how to proceed regarding the BZA hearing that will occur 3 days after the meeting.

I look forward to seeing everyone.

Best,

Oscar Miller
 4144 Creek Trail Drive

-----Original Message-----

From: Jennifer Gamble <jgambleforcouncil@att.net>
 To: bza <bza@nashville.gov>; Oscar Miller <profom@aol.com>
 Cc: theshawnlee <theshawnlee@gmail.com>; nanaathome50 <nanaathome50@yahoo.com>; jrichardson <jrichardson@nespower.com>; Donzalerogers <Donzalerogers@comcast.net>; rlwright <rlwright@comcast.net>; wright.associates <wright.associates@comcast.net>; bnjmnbrown <bnjmnbrown@yahoo.com>; dp103090 <dp103090@aol.com>; kreaves_01 <kreaves_01@yahoo.com>; jhbthree <jhbthree@comcast.net>; staciembaker <staciembaker@yahoo.com>; awade <awade@tnstate.edu>; rjenkin7 <rjenkin7@hotmail.com>;

sswalt1 <sswalt1@gmail.com>; dianne.rodgers <dianne.rodgers@comcast.net>; rwilliams <rwilliams@franklinamerican.com>; gismoe59 <gismoe59@gmail.com>; mayes622 <mayes622@gmail.com>; vericac <vericac@comcast.net>; williamcolemanjr <williamcolemanjr@comcast.net>; gp8688 <gp8688@aol.com>; mcitytk <mcitytk@aol.com>; baker.family.tn <baker.family.tn@gmail.com>; jrichardson43 <jrichardson43@comcast.net>; spalmer0554 <spalmer0554@gmail.com>; djbrown2 <djbrown2@comcast.net>

Sent: Wed, Sep 11, 2019 7:51 pm

Subject: Re: Creek Trail Subdivision--Opposition to Randy Yard's Board of Zoning Appeals Setback Variance Request

All,

I have confirmed a date and location for the community meeting to review and discuss Randy Yard's new plan to address concerns regarding the development of his property on Creek Trail. The meeting will be held as follows.

Monday, Sept 16, 2019

6:00PM

Bass Street Missionary Baptist Church

3447 Brick Church Pike

Nashville, TN 37207

I look forward to seeing you there.

Thanks,

Jennifer Gamble

Councilwoman District 3

On Wednesday, September 4, 2019, 9:36:56 PM CDT, Oscar Miller <profom@aol.com> wrote:

Dear Councilwoman Gamble,

First let me congratulate you on being sworn in as our new Councilwoman! I look forward to your work on behalf of District 3. I also want to thank you for your quick and effective efforts to help build consensus among neighbors in the Creek Trail Subdivision, and for your plan to schedule a meeting for everyone to discuss Mr. Yard's new plans before the next hearing date.

Respectfully,

Oscar Miller

4144 Creek Trail Drive

-----Original Message-----

From: Jennifer Gamble <jgambleforcouncil@att.net>

To: profom@aol.com <profom@aol.com>; bza@nashville.gov <bza@nashville.gov>; bza@nashville.gov <bza@nashville.gov>

Cc: theshawnlee@gmail.com <theshawnlee@gmail.com>; gmerrimon@comcast.net <gmerrimon@comcast.net>; nanaathome50@yahoo.com <nanaathome50@yahoo.com>; jrichardson@nespower.com <jrichardson@nespower.com>; Donzalerogers@comcast.net <Donzalerogers@comcast.net>; rlwright@comcast.net <rlwright@comcast.net>;

wright.associates@comcast.net <wright.associates@comcast.net>; bnjmbrown@yahoo.com <bnjmbrown@yahoo.com>; dp103090@aol.com <dp103090@aol.com>; kreaves_01@yahoo.com <kreaves_01@yahoo.com>; jhbthree@comcast.net <jhbthree@comcast.net>; staciembaker@yahoo.com <staciembaker@yahoo.com>; awade@tnstate.edu <awade@tnstate.edu>; rjenkin7@hotmail.com <rjenkin7@hotmail.com>; sswalt1@gmail.com <sswalt1@gmail.com>; dianne.rodgers@comcast.net <dianne.rodgers@comcast.net>; rwilliams@franklinamerican.com <rwilliams@franklinamerican.com>; gismoe59@gmail.com <gismoe59@gmail.com>; mayer622@gmail.com <mayer622@gmail.com>; vericac@comcast.net <vericac@comcast.net>; williamcolemanjr@comcast.net <williamcolemanjr@comcast.net>; gp8688@aol.com <gp8688@aol.com>; mcitytk@aol.com <mcitytk@aol.com>; baker.family.tn@gmail.com <baker.family.tn@gmail.com>; RJenkin7@aol.com <RJenkin7@aol.com>; jrichardson43@comcast.net <jrichardson43@comcast.net>; spalmer0554@gmail.com <spalmer0554@gmail.com>; djbrown2@comcast.net <djbrown2@comcast.net>

Sent: Wed, Sep 4, 2019 8:54 pm

Subject: Re: Creek Trail Subdivision--Opposition to Randy Yard's Board of Zoning Appeals Setback Variance Request

I spoke to the BZA office earlier today and confirmed that the hearing regarding the development in Creek Trail subdivision has been deferred to the next meeting on Sept. 19th.

While the item is currently still on the agenda for the hearing tomorrow, an announcement about the deferment will be made at the hearing. For more information about the deferment, contact Emily Lamb at the BZA office at bza@nashville.gov.

In the meantime, I have spoken with Mr. Yard and discussed the neighbors' concerns about how his plan doesn't fit codes or the restrictive covenant. He informed me that he has redesigned the plans to address the neighbors' concerns including extending the set back variance to 35', increasing the sq footage to 2400, and moving the garage to the side.

I will work on scheduling a meeting for everyone to review and discuss the redesigned plan before the next hearing date. I will let you know as soon as I have a meeting date and location confirmed.

Thanks,
Councilwoman Jennifer Gamble

[Sent from Yahoo Mail on Android](#)

On Tue, Sep 3, 2019 at 10:53 PM, Oscar Miller <profom@aol.com> wrote:

Dear Councilwoman Elect Gamble,

Thank you for the welcome news about your plans to defer the hearing re: the new development in Creek Trail Subdivision so that you can better understand the matter. We welcome the opportunity to meet with you again to share any updates and information, and to clarify concerns. Please let us know your availability so that we may plan a follow-up meeting.

Just to be sure, are you certain that the hearing of this matter will be deferred to the next ZBA meeting, or should Creek Trail Subdivision residents stand ready to attend the meeting on 5 September 2019?

Thank you again for your concern and willingness to engage this issue.

Oscar Miller

4144 Creek Trail Drive

-----Original Message-----

From: Jennifer Gamble <nelsonprc@att.net>

To: Oscar Miller <profom@aol.com>; Jennifer Gamble <jgambleforcouncil@att.net>

Cc: theshawnlee@gmail.com <theshawnlee@gmail.com>; gmerrimon@comcast.net <gmerrimon@comcast.net>; nanaathome50@yahoo.com <nanaathome50@yahoo.com>; jrichardson@nespower.com <jrichardson@nespower.com>; Donzalerogers@comcast.net <Donzalerogers@comcast.net>; rlwright@comcast.net <rlwright@comcast.net>; wright.associates@comcast.net <wright.associates@comcast.net>; bnjmbrown@yahoo.com <bnjmbrown@yahoo.com>; dp103090@aol.com <dp103090@aol.com>; kreaves_01@yahoo.com <kreaves_01@yahoo.com>; jhbthree@comcast.net <jhbthree@comcast.net>; staciembaker@yahoo.com <staciembaker@yahoo.com>; awade@tnstate.edu <awade@tnstate.edu>; rjenkin7@hotmail.com <rjenkin7@hotmail.com>; sswalt1@gmail.com <sswalt1@gmail.com>; dianne.rodgers@comcast.net <dianne.rodgers@comcast.net>; rwilliams@franklinamerican.com <rwilliams@franklinamerican.com>; gismoe59@gmail.com <gismoe59@gmail.com>; mayer622@gmail.com <mayer622@gmail.com>; vericac@comcast.net <vericac@comcast.net>; williamcolemanjr@comcast.net <williamcolemanjr@comcast.net>; gp8688@aol.com <gp8688@aol.com>; mcitytk@aol.com <mcitytk@aol.com>; baker.family.tn@gmail.com <baker.family.tn@gmail.com>; RJenkin7@aol.com <RJenkin7@aol.com>; jrichardson43@comcast.net <jrichardson43@comcast.net>; spalmer0554@gmail.com <spalmer0554@gmail.com>; djbrown2@comcast.net <djbrown2@comcast.net>

Sent: Mon, Sep 2, 2019 1:00 pm

Subject: Re: Creek Trail Subdivision--Opposition to Randy Yard's Board of Zoning Appeals Setback Variance Request

Mr. Miller,

Thanks for your email. I appreciate the opportunity to meet with the Creek Trail neighbors and look forward to working with you all in preserving and improving the quality of life in our community.

Also, thanks for sending the letter outlining the specific concerns you have about the proposed development. This will be very helpful in my discussions with BZA and the developer going forward. I have spoken with the BZA and expressed my desire to defer the zoning appeals hearing on Sept 5 for one meeting to allow more time for me to get up to speed on all available information.

My plan is to officially defer the meeting immediately after my swearing in on Sept 4. I will notify you as soon as the meeting has been deferred with the new meeting date. I would also like to meet with your neighbors again before the new hearing date to discuss any updates and information.

Lastly, my Council email is not set up yet but please refer all council business to my campaign email and not my business email until further notice. My campaign email address is jgambleforcouncil@att.net.

Thank you all for your participation and support in helping keep our neighborhoods a great place to live.

Regards,

Jennifer Gamble
Councilwoman Elect

On Friday, August 30, 2019, 3:53:04 PM PDT, Oscar Miller <profom@aol.com> wrote:

Dear Councilwoman Gamble,

I want to thank you again for your recent visit to our community to meet with your constituents in the Creek Trail Subdivision. We were pleased to hear you speak about your concerns for community and learn about your work to give voice to communities facing zoning challenges that many believe would negatively impact their neighborhood.

As you know, we have such an issue coming before the Board of Zoning Appeals on Thursday, 5 September 2019, beginning at 1:00 p.m. in the Midtown Hills Police Precinct, 1441 12th Ave S. Please see attached objection, signed by 21 of the 24 families living in the subdivision (to our knowledge, none of the other 3 families in the subdivision support the variance request). The Zoning Board Members place a lot of weight on the opinion of the councilperson in these matters. We believe we clearly show, in the attached document, why the Zoning Board should reject Mr. Yard's request for a setback variance, and respectfully request that you attend the hearing to support our community so that our voices do not go unheard.

If you would like more details about this matter, please let me know.

Oscar Miller
4144 Creek Trail Drive

August 29, 2019

Metropolitan Government of Nashville and Davidson County
Board of Zoning Appeals
Metro Office Building-3rd Floor
800 Second Avenue, South
Nashville, TN 37210

Dear Members of the Metro. Board of Zoning Appeals:

We, residents of the Creek Trail Subdivision, submit this 9 page document in electronic format by email with 9 printed copies hand delivered in response to your invitation permitting us to object to Mr. Randy Yard's appeal for a setback variance (Zoning Appeal CASE # 2019-350). This document explains why we believe the topography of Mr. Yard's property is not exceptional nor unique and, therefore, does not present a hardship that would require the requested variance. We ask that the Board of Zoning Appeals deny Mr. Yard's request for a variance.

Creek Trail Subdivision contains 33 lots nestled along the sloping land on both sides of Creek Trail Drive, which ends in a cul-de-sac, and both sides of two additional cul-de-sacs, Aparna Ct and Meghana Dr, that each run for about 200-300 yards off Creek Trail Drive.

Property owners' compliance with the official setback requirements for this neighborhood has produced a picturesque community with greenspace between and in front of homes and views that neighbors have come to cherish. The last house built on Creek Trail Drive is directly across from Mr. Yard's property. That homeowner received a setback variance due to a clear hardship—a small track of land with a small creek running through the middle of the property. That house sits very close to the road, but no one challenged the variance request because the creek was a clear hardship. Mr. Yard has no such hardship and placing his house closer to the road directly across from the house already situated near the road would create a "bottle-neck" in the flowing landscape and limit views, especially for the nearest neighbors.

So to preserve the fairness, equity, and the green space and panoramic views created by the existing setback requirements, we ask the Zoning Board to reject Mr. Yard's request for a setback variance because his property does not contain the hardship the Board requires for approving his request, as illustrated by the following:

1. Mr. Yard's property has a slope similar to all but a couple of properties in the neighborhood. Twenty-four households were able to build their home on these attractive slopes. Mr. Yard's slope is not unique to his property and many examples exist in the neighborhood demonstrating that it is possible to build on these slopes without a setback variance. The property next to Mr. Yard's has a driveway with a slope calculated at 14%, the one next to that is calculated at 16%, and many others, upon visual inspection, have a significantly steeper slope.
2. Mr. Yard's proposed house is approximately 58' from front to back, and the slope of his property is essentially consistent throughout his property. Reducing the setback will not change the fact that his slope is consistently steep throughout his property. He simply needs to grade his property as other owners in the neighborhood have needed to grade their property before building. Again, it is totally possible for Mr. Yard to build his house on his property without a setback variance.
3. The "specific and unique circumstances (Hardship)" written in Mr. Yard's Application for Variance Request is "To meet neighborhood restrictions I need to move the front set back forward to 30' so my driveway does not exceed 15% slope." We are not aware of any such restriction in this neighborhood, and Mr. Yard's property does not present a hardship.
4. Mr. Yard submitted a Critical Lot Plan with his application to the Metro. Department of Codes and Building Safety for a permit to build an 1800 square foot house, which is significantly under the minimum allowable square footage for the Subdivision. We are aware that the Zoning Board and, apparently, the Department of Codes and Building Safety, may not take into consideration restrictive covenants. However, the plan Mr. Yard submitted to the Department of Codes and Building Safety to obtain his building permit depicts a house with a 60' setback and a proposed driveway slope of 14%. In that official document, Mr. Yard refutes the argument he is now trying to make to the Zoning Board in his Application for Variance Request. According to that document, Mr. Yard does not need the setback variance he is requesting from the Zoning Board to achieve what he is requesting in his appeal.

As this is Mr. Yard's second Application for Variance Request for this property, we would like the Zoning Board to add to this correspondence all the files we submitted in opposition to his first variance request (Zoning Board Case #2019-089).

Name: William Fleming
Address: 4100 Creek Trail Dr
8/27/19

Name: Patti Fincher
Address: 4140 Creek Trail Dr

Name: Keith Reaves
Address: 4164 Creek Trail Dr.
8/27/19

Name: ~~William E. Wade Sr~~
Address: ~~4155 Creek Trail Dr~~

Name: John Kucharski
Address: 4154 Creek Trail Dr
8/27/19

Name: Darlene M. Jenkins
Address: 4175 Creek Trail

Name: Chris Rex
Address: 212 Sparna Ct
8/27/19

Name: Kim Lee
Address: 4176 Creek Trail Dr

Name: Alvin E. Wade Sr
Address: 169 Meghana Dr.

Name: Rapha Brown
Address: 4174 Buck Church Pl

Name: David R. Moseley
Address: 108 Meghana Dr.

Name: Terica Coleman
Address: 209 Sparna Ct

Name: Andy Wright
Address: 101 MEGHANA DR.

Name: William Cherman
Address: Lot # 28

Name: Benjamin P. Brown
Address: 4104 Creek Trail Dr.

Name: Debbie Favel
Address: 4120 Creek Trail Dr.

Name: Diane Rodgers 8/28/19
Address: 4178 Buck Church Pl.

Name: Donna Royal
Address: 4187 Creek Trl Dr.

Name: Marilou Howard & Larivian Moore
Address: 4120 Creek Trail Drive

Name: John H. Baker
Address: 4171 Creek Trail

Name: Cal Owen
Address: 4150 Creek Trail Dr.

Name: _____
Address: _____

1. LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING A SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION LEOPOLD AND LOBEL POSINGING SYSTEM (GPS) UNIT AND AS BASED ON SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS PROCESSED BY TENNESSEE DOT NETWORK. BERINNAS ARE EXPRESSED IN STATE PLANE COORDINATE SYSTEM (HORIZONTAL) - NAD 83. VERTICAL - NAVD83 ZONE 14N. GRID HEIGHTS AND 11' SPACING. GPS MODEL: LEICA DISTANCE MEASUREMENT SYSTEM (L1-DGPS) AND VERTICAL ACCURACY: 10mm+10ppm.

2. THE TRACT OF LAND LIES WITHIN ZONE X AS SHOWN TRACT IS ON FEMA MAP NUMBER 41042010101 ON THE FLOOD MAPS FOR MASSVILLE AND DANBURY COUNTY, TENNESSEE FILE # 5, 2017A.

3. RATION INDICATED HEREON IS AS RECORDED IN COUNTY.

US NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM MOBILE AT THE SITE. PUBLIC RECORDS, AND/OR MAPS PREPARED BY RECTOR MAKES AND GARRETT THAT THE UNDERGROUND UTILITY LOCATIONS ARE NOT GUARANTEED TO BE ACCURATE. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. UTILITIES SHOULD BE DUNE SO WITH THIS CIRCUMSTANCE THE REVISION OF EXISTING LOCATION AND DEPTH MADE PRIOR TO ANY DECISION RELATIVE HEREIN IS MADE AT THE USER'S RISK. COST OF SERVICE SHOULD BE CONSIDERED WITH THE CITY COMPANY.

IS A REQUIREMENT OF THE UNDERGROUND UTILITY DAMAGE THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY THE PUBLIC RECORDS AND/OR MAPS PREPARED BY RECTOR MAKES AND GARRETT NO LESS THAN THREE WORKING DAYS PRIOR TO THE DATE OF THEIR AGENT TO EXCAVATE AND ANY HAZARD OR DAMAGE TO THE TENNESSEE ONE CALL SERVICE 1-800-357-7111. UTILITIES WERE NOT CHECKED DURING THIS SURVEY.

AND SURVEY WERE PREPARED WITHOUT BENEFIT OF CONSENT OF TITLE FOR THE SUBJECT TRACT OR ADJACENTS AND SUBJECT TO ANY STRAIGHTENING OF LINES REVEALED BY SUCH DOCUMENTS.

LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE IN THE CERTIFICATION AND DOES NOT EXTEND TO ANY OTHER MATTER.

SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED BEEN REALE SUBDIVISION AS RECORDED IN PLAT BOOK 800,000,000, AND IS SUBJECT TO ALL RESTRICTIONS OF TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

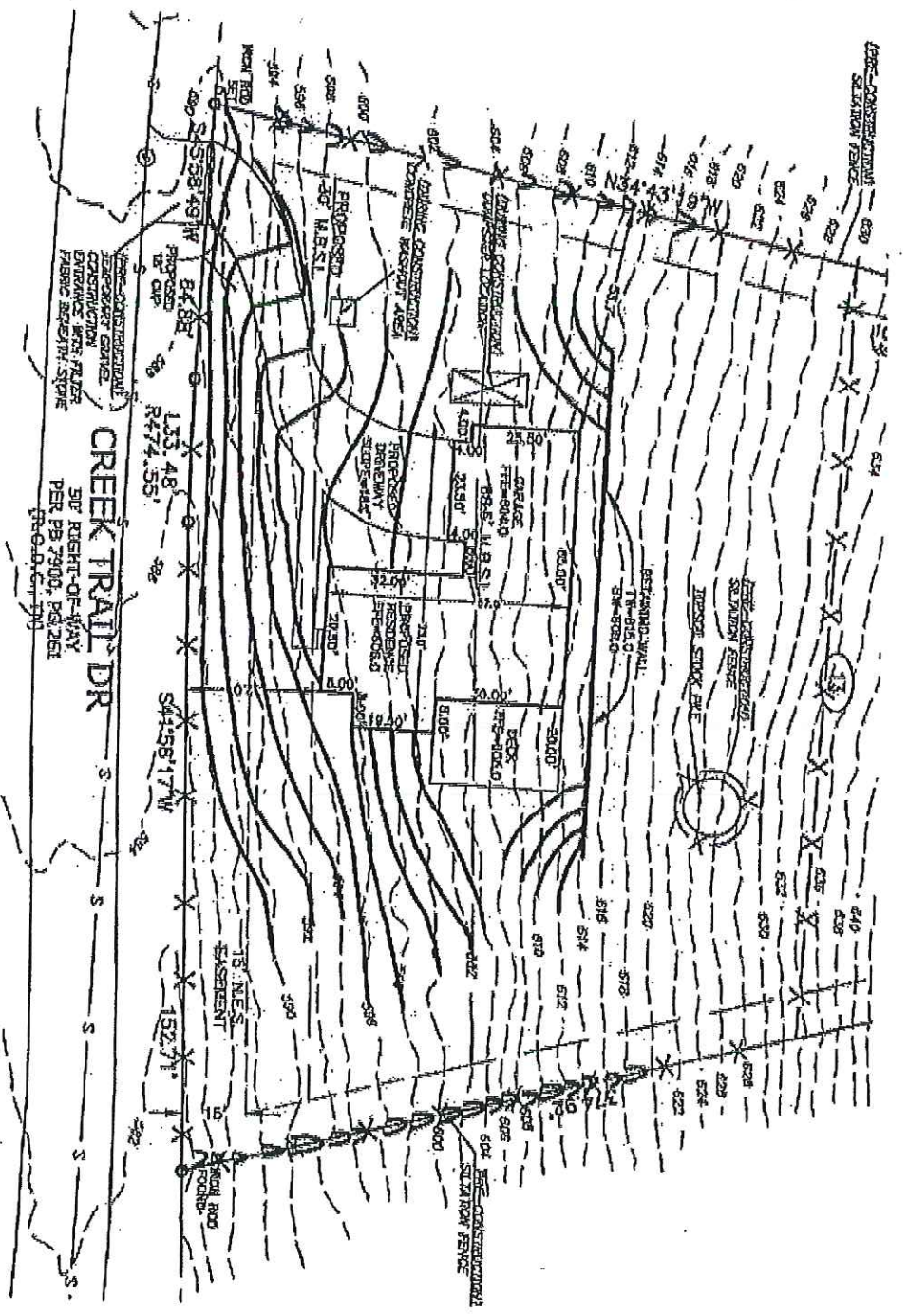
PLAN 20
 VICTOR COUNTY, TENNESSEE
 TRAIL SUBDIVISION
 24 PAGE 251, ROUTE 7W
 NOVEMBER 7, 2019
 2019 PLAT # 23000251, SHEET 28 OF 22 PAGES

LANDING SET BACKS
 FRONT YARD: SEE NOTE (A)
 SIDE YARD: 5'
 REAR YARD: 35'

SCALE: 1" = 30'
 30 60 90

DRAWN BY: ACB
 CHECKED BY: BOM

THIS CRITICAL LOT PLAN



NOTE A: FRONT/STREET SETBACK PER NACRO CONVENTIONS OF MASSVILLE MUNICIPAL CODES, CHAPTER 17.12.000, NOTE C(3) PER ORDINANCE NO. 81,2017-033

STREET SETBACK TABLE	ADDRESS	SETBACK
	44140 CREEK TRAIL DR EAST	17.12
	44150 CREEK TRAIL DR EAST	17.12
	44160 CREEK TRAIL DR EAST	17.12
	44170 CREEK TRAIL DR EAST	17.12
	44180 CREEK TRAIL DR EAST	17.12
	44190 CREEK TRAIL DR EAST	17.12
	44200 CREEK TRAIL DR EAST	17.12
	44210 CREEK TRAIL DR EAST	17.12
	44220 CREEK TRAIL DR EAST	17.12
	44230 CREEK TRAIL DR EAST	17.12
	44240 CREEK TRAIL DR EAST	17.12
	44250 CREEK TRAIL DR EAST	17.12
	44260 CREEK TRAIL DR EAST	17.12
	44270 CREEK TRAIL DR EAST	17.12
	44280 CREEK TRAIL DR EAST	17.12
	44290 CREEK TRAIL DR EAST	17.12
	44300 CREEK TRAIL DR EAST	17.12
	44310 CREEK TRAIL DR EAST	17.12
	44320 CREEK TRAIL DR EAST	17.12
	44330 CREEK TRAIL DR EAST	17.12
	44340 CREEK TRAIL DR EAST	17.12
	44350 CREEK TRAIL DR EAST	17.12
	44360 CREEK TRAIL DR EAST	17.12
	44370 CREEK TRAIL DR EAST	17.12
	44380 CREEK TRAIL DR EAST	17.12
	44390 CREEK TRAIL DR EAST	17.12
	44400 CREEK TRAIL DR EAST	17.12
	44410 CREEK TRAIL DR EAST	17.12
	44420 CREEK TRAIL DR EAST	17.12
	44430 CREEK TRAIL DR EAST	17.12
	44440 CREEK TRAIL DR EAST	17.12
	44450 CREEK TRAIL DR EAST	17.12
	44460 CREEK TRAIL DR EAST	17.12
	44470 CREEK TRAIL DR EAST	17.12
	44480 CREEK TRAIL DR EAST	17.12
	44490 CREEK TRAIL DR EAST	17.12
	44500 CREEK TRAIL DR EAST	17.12
	44510 CREEK TRAIL DR EAST	17.12
	44520 CREEK TRAIL DR EAST	17.12
	44530 CREEK TRAIL DR EAST	17.12
	44540 CREEK TRAIL DR EAST	17.12
	44550 CREEK TRAIL DR EAST	17.12
	44560 CREEK TRAIL DR EAST	17.12
	44570 CREEK TRAIL DR EAST	17.12
	44580 CREEK TRAIL DR EAST	17.12
	44590 CREEK TRAIL DR EAST	17.12
	44600 CREEK TRAIL DR EAST	17.12
	44610 CREEK TRAIL DR EAST	17.12
	44620 CREEK TRAIL DR EAST	17.12
	44630 CREEK TRAIL DR EAST	17.12
	44640 CREEK TRAIL DR EAST	17.12
	44650 CREEK TRAIL DR EAST	17.12
	44660 CREEK TRAIL DR EAST	17.12
	44670 CREEK TRAIL DR EAST	17.12
	44680 CREEK TRAIL DR EAST	17.12
	44690 CREEK TRAIL DR EAST	17.12
	44700 CREEK TRAIL DR EAST	17.12

RANDY YARD
 LOT 13 - CREEK TRAIL SUBDIVISION
 INSTRUMENT # 20180907-0089019, P.O.D.C., TN

H & H LAND SURVEYING, INC.
 512 A FITZBUGH BLVD
 SMYRNA, TENNESSEE 37867
 PHONE (615) 834-6755





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



BUILDING RESIDENTIAL - NEW / CARN - 2018069872

ISSUED ON: 11/20/2018

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

Approval (Where Required)

Date

SELF RESIDENTIAL

[Handwritten signature]

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189 LOT 13 CREEK TRAIL SUB-REVISED

PARCEL: 04105000100 Tax District: GSD Census Tr: 37010106

PARCEL OWNER:

PURPOSE:

To construct a single family residence with 1800 sf living area, 900 sf attached garage and 612 sf deck/porch areas. must comply with tree regulations one new two inch tree for every 30' road frontage. 60' min front s/b; 10' min side s/b; 20' min rear s/b. will be owners personal residence.

CONTRACTOR:

SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT INFORMATION) MCN00000 5555555555

APPLICANT:

SELF CONTRACTOR RESIDENTIAL (SEE SELF RESIDENTIAL

PERMIT DETAILS:

Estimated Value: \$270,250.56 Const Type: VB-100 VB-100 Sq Footage: 1800 1512 Parking Required: N Parking Provided: N Sprinklers? N Metro Water: Public Constr? N

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

ZONING ASSIGNMENTS:

RS20 SINGLE FAMILY 20,000 SQUARE FOOT LOT



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



3575716

BUILDING RESIDENTIAL - NEW / CARN - 2018069872

ISSUED ON: 11/20/2018

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

Approval (Where Required) _____ Date _____ SELF RESIDENTIAL _____ CARN _____

FEE / PAYMENT:

[2018/11/05] CA BUILDING ZONING EXAMINE FEE...	\$ 25.00	\$ 25.00
[2018/11/05] CA BUILDING VALUATION FEE - RESID...	\$ 1,127.09	\$ 1,127.09
[2018/11/20] CA - CONVENIENCE FEE...	\$ 26.50	\$ 26.50
PERMIT FEE/PAYMENT	\$ 1,178.59	\$ 1,178.59

Payment Detail:

11/20/2018 CREDIT 182005 **Pmt Total:** \$ 1178.59
Issue Date: 11/20/2018 **Issued By:** MPOTTER

A 2.30% convenience fee has been charged on this credit card transaction. This fee is collected by a third party processor and Metro does not receive any part of it. By tendering your card or card number you were charged the convenience fee as calculated above and you agree to pay this fee to the card issuer.



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



3575716

7

BUILDING RESIDENTIAL - NEW / CARN - T2018069872
Permit Tracking Checklist

PARCEL: 04105000100

APPLICATION DATE: 11/05/2018 PERMIT TRACKING #: 3575716

SITE ADDRESS:

4136 CREEK TRAIL DR WHITES CREEK, TN 37189

LOT 13 CREEK TRAIL SUB-REVISED

PARCEL OWNER: YARD, RANDY

CONTRACTOR:APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE AP
SELF RESIDENTIAL

SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT

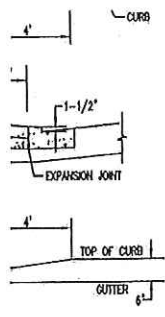
PURPOSE:

to construct a single family residence with 1800 sf living area, 900 sf attached garage and 612 sf deck/porch areas. must comply with tree regulations one new two inch tree for every 30' road frontage. 60' min front s/b; 10' min side s/b; 20' min rear s/b. will be owners personal residence.

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		MWS.DevelopmentServicesCenter@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	862-7225
[F] Address Review On Bldg App		MWS.DevelopmentServicesCenter@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-6500 Walter.Morgan@nashville.gov
[C] Flood Plain Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		(615) 862-6038 Logan.Bowman@nashville.gov
[F] Solid Waste Review On Bldg App		862-6038 logan.bowman@nashville.gov
		862-8782 PWPPermitsI@nashville.gov
		862-8782

SILT BARRIER/ SOIL EROSION FABRIC FENCE
RTK



CALCULATED HORIZONTAL,
RAMP

PLAN

FOR THE ISSUANCE OF A PERMIT TO COMPLETE WITH THE FINISHED FLOOR (SEE SITE IMPROVEMENTS) EXISTING IN INTERVAL OF TWO (2) FEET (CENT) LIMITS OF PRESERVED WITHIN OF PROTECTION

TO MINIMIZE BOTH THE AMOUNT OF LOT AS A BUILDING

THE TIME

PERMISSIBLE AS SILTATION BARRIERS.

IN THIS SURVEY WAS GATHERED USING WITH AN ELECTRONIC TOTAL STATION (GNSS) SYSTEM (GPS) UNIT AND IS BASED ON REAL-TIME KINEMATIC (RTK) GPS DOT NETWORK. BEARINGS ARE EXPRESSED IN DEGREES (HORIZONTAL) AND DISTANCES IN FEET (VERTICAL). THE GNSS RECEIVER R1K (L1+L2), HORIZONTAL ACCURACY=10mm+0.09ppm.

POINTS WITHIN ZONE X AS SAID TRACT 47037C0118H ON THE FLOOD MAP OF DAVIDSON COUNTY, TENNESSEE

AS IS AS IDENTIFIED IN COUNTY

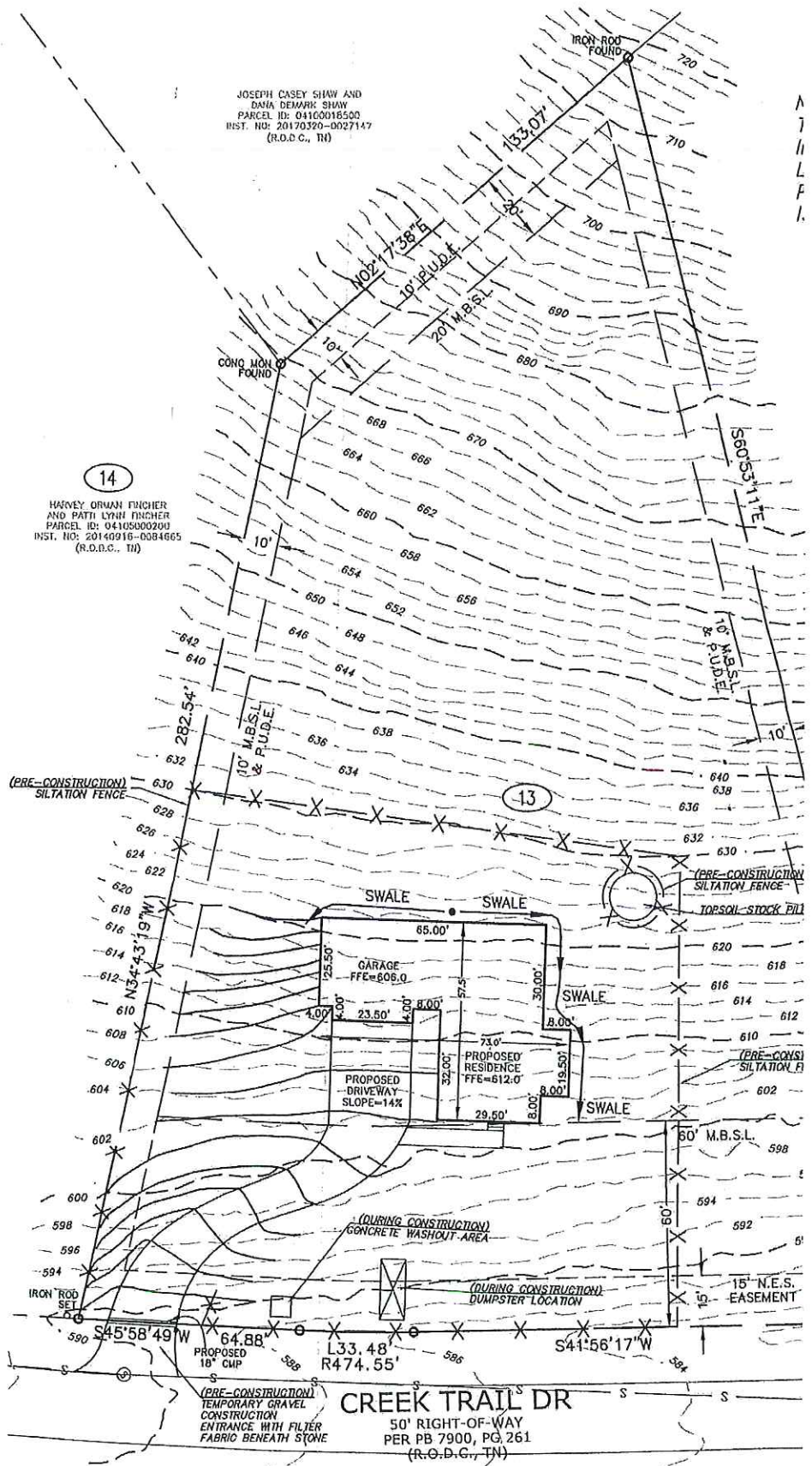
WE HAVE LOCATED ALL UNDERGROUND UTILITIES. THE UTILITIES SHOWN WERE TAKEN FROM VISIBLE RECORDS, AND/OR MAPS PREPARED BY OTHERS. WE ANTICIPATE THAT THE UNDERGROUND UTILITIES IN THE AREA, EITHER IN SERVICE OR NOT, DOES NOT WARRANT THAT THE EXACT LOCATION AS INDICATED. THEREFORE, WITH THIS CIRCUMSTANCE, THE EXISTENCE, LOCATION AND DEPTH OF UTILITIES RELATIVE THERETO IS MADE KNOWN AND SHOULD BE CONFIRMED WITH THE UTILITY OWNERS.

IF ANY "UNDERGROUND UTILITY DAMAGE OCCURS DURING EXCAVATION MUST NOTIFY THE UTILITY OWNERS (S) NO LESS THAN THREE (3) NOR MORE THAN FIVE (5) DAYS BEFORE THE DATE OF THEIR INTENT TO EXCAVATE. THE TENNESSEE ONE CALL SYSTEM (811) UTILITIES WERE NOT CHECKED DURING THIS SURVEY.

THE SURVEY WAS MADE WITHOUT BENEFIT OF CURRENT RECORDS SUBJECT TRACT OR ADJOINERS AND THE ACCURACY IS SUBJECT TO FACTS REVEALED BY THE SURVEY.

THE SURVEY SHALL BE LIMITED TO THOSE AREAS AND DOES NOT EXTEND TO ANY OTHER AREAS.

THE RIGHTS SET FORTH ON THE RECORDED PLAT AS RECORDED IN PLAT BOOK SUBJECT TO ALL RESTRICTIONS OF CONSTRUCTION ON THIS LOT.



JOSEPH CASEY SHAW AND DANIA DEMARK SHAW
PARCEL ID: 04160018500
INST. NO: 20170359-0027147
(R.O.D.C., TN)

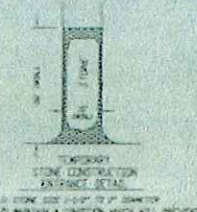
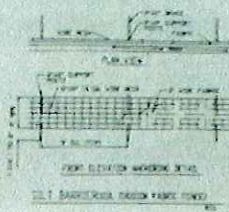
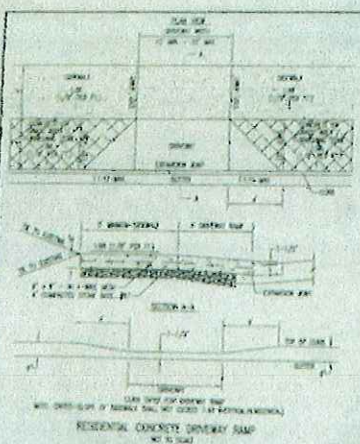
HARVEY ORMAN FINCHER AND PATI LYNN FINCHER
PARCEL ID: 04105002000
INST. NO: 20140016-0384865
(R.O.D.C., TN)

14

13

NOTE A: FRONT/STREET SETBACK PER METRO GOVERNMENT OF NASHVILLE MUNICIPAL CODES, CHAPTER 17.12.030. NOTE C(5)

CREEK TRAIL DR
50' RIGHT-OF-WAY
PER PB 7900, PG. 261
(R.O.D.C., TN)



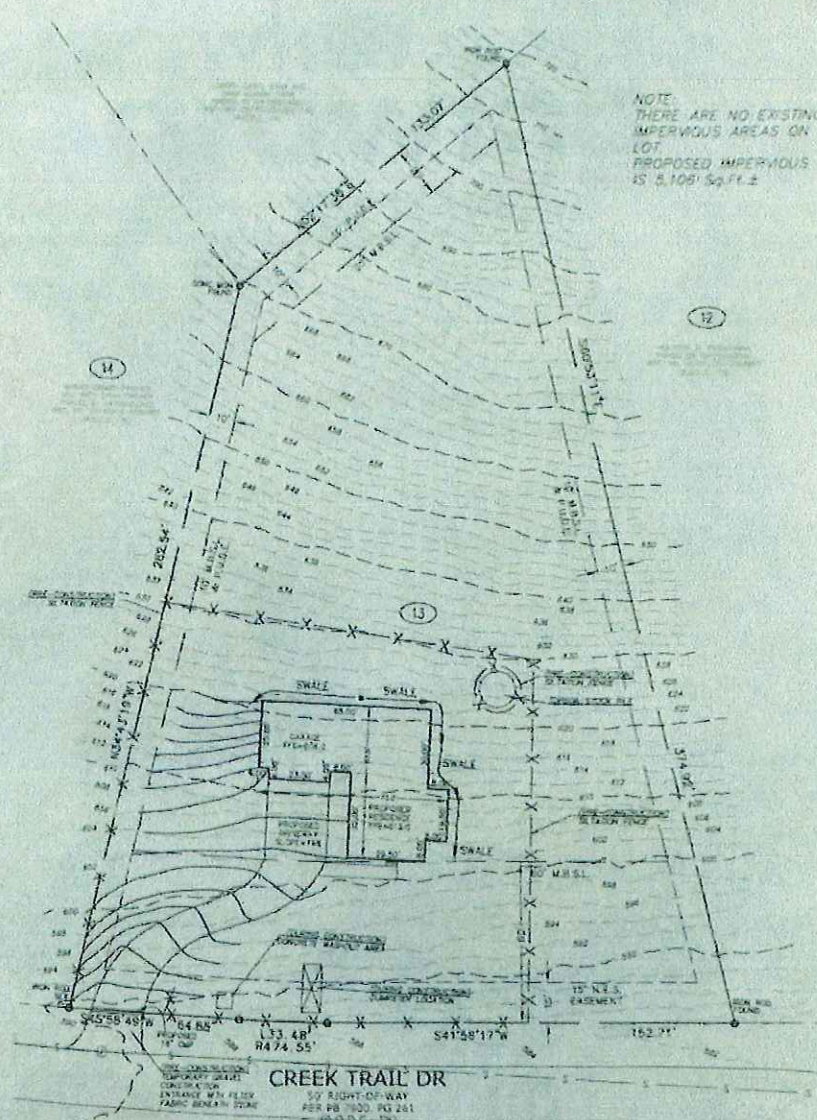
CRITICAL LOT PLAN

CRITICAL LOT PLAN
 THE LOT IS DESIGNATED CRITICAL PRIOR TO EXISTENCE OF A BUILDING PERMIT. A GRADING PLAN COMPLETE WITH THE FOLLOWING INFORMATION AT A SCALE OF 1" = 20'-0" SHALL BE SUBMITTED TO THE PLANNING COMMISSION STAFF FOR APPROVAL. BUILDING FOOTPRINTS AND FINISHED ELEVATIONS, EXISTING ELEVATIONS OF REMAINING NATURAL EXISTING TOP-GRADE ELEVATIONS OF REMAINING NATURAL EXISTING AND PROPOSED CONTOURS AT 4' MAXIMUM INTERVALS OF TWO FEET, EXISTING AND PROPOSED ELEVATIONS OF STAIRWAYS, GRADES, SLOPES GREATER THAN 33 PERCENT, LIMITS OF EXISTING AND PROPOSED TREES TO BE PRESERVED WITHIN THE LIMITS OF GRADING AND RETAINED BY PROTECTION DURING CONSTRUCTION.

APPROVAL WILL BE BASED UPON HARE TO MINIMIZE SOIL LOT AREAS SUBJECT TO GRADING AND THE AMOUNT OF CUT/FILL REQUIRED TO PREPARE THE LOT AS A BUILDING SITE.

NO CORNERS WERE SET OR RESET AT THE TIME OF THIS SURVEY.

NOTE: HAY OR STRAW BALES ARE NOT PERMISSIBLE AS SILTATION BARRIERS.



NOTE:
 THERE ARE NO EXISTING IMPERVIOUS AREAS ON THIS LOT.
 PROPOSED IMPERVIOUS AREA IS 5,108' Sq Ft ±

- STANDARD NOTES
- THE HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS OBTAINED USING STANDARD PACE SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION WITH DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) DATA AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC (RTK) DIFFERENTIAL CORRECTIONS PRODUCED BY TENNESSEE DOT NETWORK BEACONS ARE EXPRESSED IN THE TENNESSEE STATE PLANNING COMMISSION SYSTEM. HORIZONTAL AND VERTICAL ACCURACY IS APPROXIMATELY 1 CM IN 100,000. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING BOARD'S PRACTICE STANDARDS FOR SURVEYING (MSP REVISED APRIL 3, 2017).
 - THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN ZONE 14 AS SHOWN ON THE PLAT OF ZONE 14 FOR THE MARSHVILLE AND DANFORTH SQUARES, TENNESSEE (MSP REVISED APRIL 3, 2017).
 - CONVEYANCE INFORMATION INDICATED HEREON IS AS IDENTIFIED IN COUNTY RECORDS.
 - THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES ABOVE GROUND AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM PUBLIC RECORDS AND THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN CORRECTLY ALL SUCH UTILITIES IN THE AREA, OTHER THAN SERVICE OF REMAINDER OF SURVEYOR'S FUTURE DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE AT THE CORRECT LOCATION OR DEPTH THEREFORE REMAINS UPON THE PROP. OWN. AND LOCATION OF ALL UNDERGROUND UTILITIES SHOULD BE OBTAINED BY THE PROP. OWNER. A CONSIDERABLE DEGREE OF VERIFICATION OF EXISTING UTILITIES SHOULD BE MADE AVAILABLE AND STATE OF SERVICE SHOULD BE OBTAINED WITH THE APPROPRIATE UTILITY COMPANY.
 - IN TENNESSEE IT IS A REQUIREMENT OF THE "UNDERGROUND UTILITY DAMAGE PREVENTION ACT" THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS BY LETTER THREE (3) BUSINESS DAYS PRIOR TO ANY WORKING DATES PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO OBTAIN ANY NECESSARY CONSENTS. THE TENNESSEE ONE CALL NUMBER IS 1-800-485-1111. UTILITIES WERE NOT CHECKED DURING THE COURSE OF THIS SURVEY.
 - THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT REGARD TO EXISTENT EVIDENCE OF SERVICE OF TITLE FOR THE SUBJECT TRACT OR INTERESTS AND ARE THEREFORE SUBJECT TO ANY STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH RECORDS.
 - THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THOSE PARTIES IDENTIFIED IN THIS CERTIFICATION AND DOES NOT EXTEND TO ANY UNNAMED PARTY.
 - THIS PROPERTY IS SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED FINAL PLAT OF DRIVEWAY SUBDIVISION AS RECORDED IN PLAT BOOK 7800, PAGE 267 R.L.O.C. IN. AND IS SUBJECT TO ALL RESTRICTIONS OF RECORDS BELIEVED TO APPLY BEFORE CONSTRUCTION ON THIS LOT.

NOTE: A FRONT STREET SETBACK PER METRO GOVERNMENT OF MARSHVILLE MUNICIPAL CODES, CHAPTER 11.12 (A), NOTE (D) PER DISTANCE TO CURB - 40'

3" DIRT SETBACK - 40'
 ADDRESS - DRIVEWAY
 PLAT NO. DRIVEWAY TRAIL DR 571
 YEAR 2017



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Mojtaba Rabiei
Property Owner: Mojtaba Rabiei
Representative: Mojtaba Rabiei

Date: 7-15-19
Case #: 2019-351
Map & Parcel: 03413032900

Council District 10

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

Purpose:

TO CONSTRUCT A USED AUTO SALES AND SERVICE FACILITY.

Activity Type: COMMERCIAL CONSTRUCTION

Location: 1306 COLLATIN PIKE

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

Reason:

ITEM A APPEAL
ORDINANCE 2018-1183 ADDED CONDITIONS TO USE P.C.

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.

Mojtaba Rabiei
Appellant Name (Please Print)

Representative Name (Please Print)

9400 Addie Glen Cir
Address

Address

Brentwood TN 37027
City, State, Zip Code

City, State, Zip Code

615-480-1080
Phone Number

Phone Number

mjtbrb@yahoo.com
Email

Email

Zoning Examiner: _____

Appeal Fee: _____



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



3683363

ZONING BOARD APPEAL / CAAZ - 20190036899
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 03413032900

APPLICATION DATE: 06/21/2019

SITE ADDRESS:

1306 GALLATIN PIKE MADISON, TN 37115
LOTS 3-4-5 BLOCK C EASTLAWN

PARCEL OWNER: RABIEI, MOJTABA

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A Appeal to added conditions of BL2018-1183 for use Permitted with Conditions as Auto Repair and Used Auto Sales within CS Zoning.

Proposed New Construction of a Used Auto Sales and Service Facility

POC: Mojtaba Rabiei 615-480-1080

*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.

To whomever it may concern,

I bought this property back in February 2018 because I wanted to transform it into a car dealership. Before I bought it, the zoning Examiner sent me an email stating that this property is zoned in a Commercial Service District, which permits the use of a car dealership in this area. As of now I have spent a lot of time and money preparing the floor plan for this venture. Right now, everything is ready and I only require the proper permits for this property.

Mojtaba Rabiei

7/15/2019

A handwritten signature in black ink, appearing to read 'Mojtaba Rabiei', written in a cursive style.

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

6-21-19

DATE

ORDINANCE NO. BL2018-1183**An Ordinance amending Chapter 17.16 of the Metropolitan Zoning Code to add conditions to the uses of automobile repair and automobile sales, used. (Proposal No. 2018Z-003TX-001).**

WHEREAS, cities have authority to regulate the location and operation of businesses within their boundaries, particularly in the aftermath of the U.S. Supreme Court decision in *Village of Euclid, Ohio v. Ambler Realty Co.*, which established the general principle that zoning restrictions can legitimately be designed to protect public safety, health, and welfare of residents, specifically allowing the exclusion, separation, or limitation of particular types of land uses deemed harmful in some way to the local community; and

WHEREAS, Nashville, Tennessee has a high concentration of automobile repair and used automobile sales facilities along the major thoroughfares in the city; and

WHEREAS, automobile repair facilities and automobile services facilities deal with hazardous materials, emit harmful fumes, and produce hazardous waste, which are environmental and health concerns; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of automobile repair and used automobile sales facilities be further regulated through the Metropolitan Zoning Code.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.16.070, Commercial Uses, is hereby amended by adding the following to the end of subsection E.:

9. No automobile repair establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 2. That Section 17.16.070, Commercial uses, is hereby further amended by adding the following to the end of subsection F.:

9. No automobile sales, used establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another automobile repair establishment, automobile sales, used establishment, or automobile services establishment is located.

Section 3. If any provision of this Ordinance shall be declared unconstitutional or otherwise invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining provisions of the Ordinance.

Section 4. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Mike Freeman
Member of Council

MEGAN BARRY
MAYOR



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) 862-6511
www.nashville.gov/codes

August 24, 2017

Tennessee Motor Vehicle Commission
500 James Robertson Pkwy., 2nd Floor
Nashville, TN 37219

RE: 1306 Gallatin Pike

Parcel ID: 03413032900

To Whom It May Concern:

Based on the latest information available in our office, the above referenced property is currently zoned "CS", Commercial Service District, which permits the use as "Automobile Sale, Used" as long as the proper permits are pulled.

Should you have further questions, please call me at (615) 862-6510.

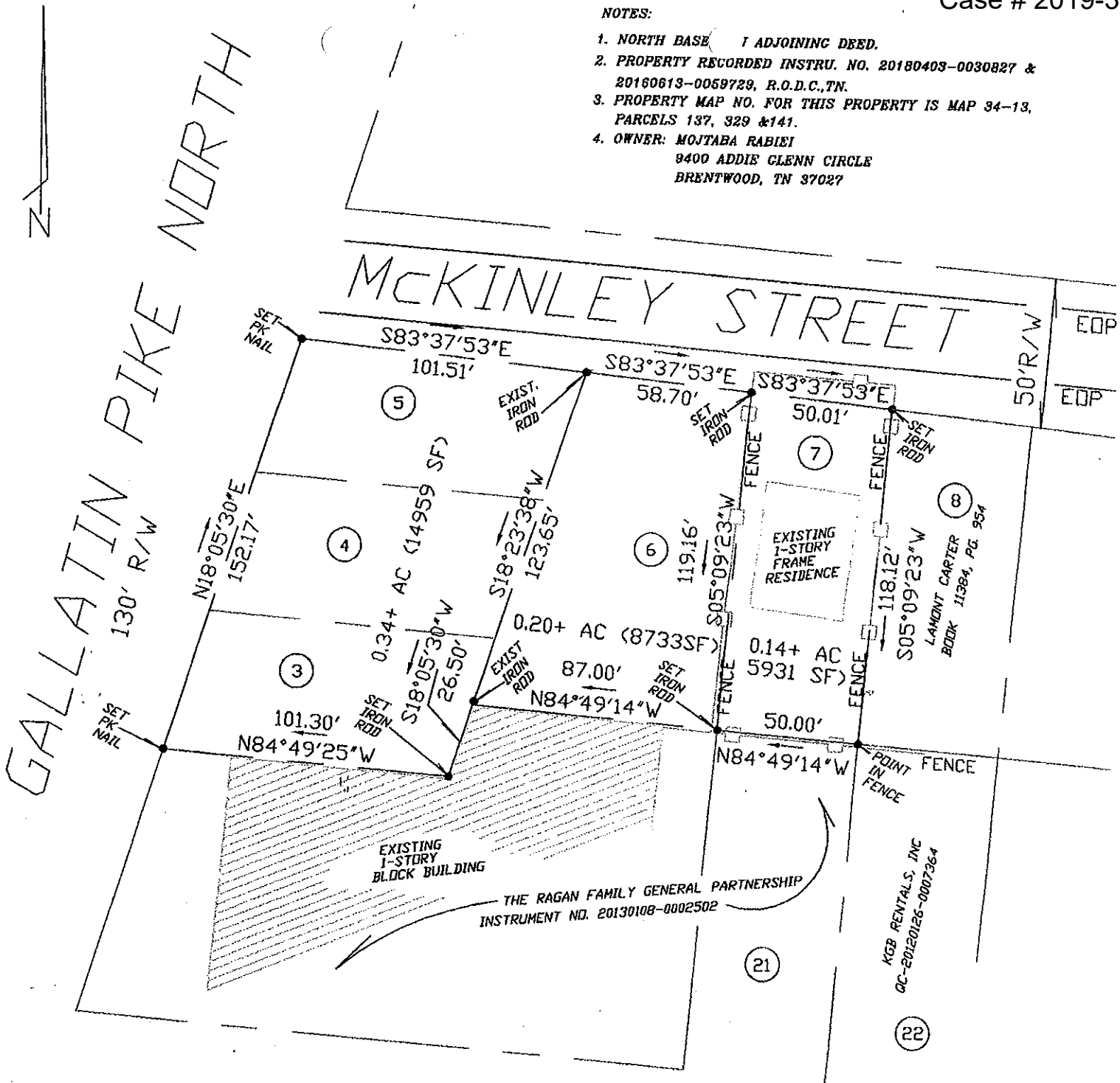
Sincerely,

Richard Thomopoulos
Zoning Examiner

dl

NOTES:

1. NORTH BASE 1 ADJOINING DEED.
2. PROPERTY RECORDED INSTRU. NO. 20180403-0030827 & 20160613-0059729, R.O.D.C., TN.
3. PROPERTY MAP NO. FOR THIS PROPERTY IS MAP 34-13, PARCELS 137, 329 & 141.
4. OWNER: MOJTABA RABIEI
9400 ADDIE GLENN CIRCLE
BRENTWOOD, TN 37027



BOUNDARY SURVEY
FOR
MOJTABA RABIEI

1306 GALLATIN PIKE NO. & 102 & 104 MCKINLEY ST.
10th COUNCILMANIC DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DATE: APRIL 2, 2018 SCALE: 1" = 50'

PREPARED BY: JAMES L. TERRY
2812 BRANWOOD DR
NASHVILLE, TENNESSEE 37214
615-405-7525

50 100



SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS IS A CATEGORY ONE SURVEY AND THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY IS 1 IN 10,000 AS SHOWN HEREON.



TENN. LAND SURVEYOR #563

PROPOSED SITE IMPROVEMENT PLAN
 AUTOMOBILE SALES LOT (USED)
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900



NEARBY MAP
 NOT TO SCALE

THE PURPOSE OF THIS SITE PLAN IS TO ADD A BUILDING & PARKING LOT FOR A USED AUTOMOBILE SALES FACILITY FOR CODE APPROVAL, & TO OBTAIN A PERMITS TO CONSTRUCT.
 THE SUBJECT VACANT PROPERTY IS ZONED 'CS' COMMERCIAL SERVICES WHERE THE INTENDED USE IS PERMITTED.

Development Summary	NO.	DESCRIPTION
Overall Project Name	1	USED AUTOMOBILE SALES LOT
Overall Project Address	1306 GALLATIN PIKE	
Overall Project City	MADISON, TN 37115	
Overall Project State	TN	
Overall Project County	DAVIESS COUNTY, TN	
Overall Project Parcel ID	03413032900	
Overall Project Zoning	CS	
Overall Project Submittal	1	PROPOSED SITE IMPROVEMENT PLAN
Overall Project Date	NOVEMBER 11, 2019	
Overall Project Designer	AZIMTECH ENGINEERING INC.	
Overall Project Designer Address	3360 SAWTELLE BLVD. #101	
Overall Project Designer City	LOS ANGELES, CA 90066	
Overall Project Designer State	CA	
Overall Project Designer County	LOS ANGELES COUNTY	
Overall Project Designer Parcel ID	03413032900	
Overall Project Designer Zoning	CS	
Overall Project Designer Submittal	1	PROPOSED SITE IMPROVEMENT PLAN
Overall Project Designer Date	NOVEMBER 11, 2019	
Overall Project Designer Designer	SAK	
Overall Project Designer Designer Address	3360 SAWTELLE BLVD. #101	
Overall Project Designer Designer City	LOS ANGELES, CA 90066	
Overall Project Designer Designer State	CA	
Overall Project Designer Designer County	LOS ANGELES COUNTY	
Overall Project Designer Designer Parcel ID	03413032900	
Overall Project Designer Designer Zoning	CS	
Overall Project Designer Designer Submittal	1	PROPOSED SITE IMPROVEMENT PLAN
Overall Project Designer Designer Date	NOVEMBER 11, 2019	
Overall Project Designer Designer Designer	SAK	

SHEET	DESCRIPTION
CV	COVER SHEET
C1.0	EXISTING CONDITION, EROSION CONTROL, & SEDIMENT PLAN
C1.1	PROPOSED SITE LAYOUT PLAN
C2	PROPOSED SITE GRADING PLAN
C3	SITE DETAILS
C4	SITE DETAILS (METRO)
L1	PROPOSED LANDSCAPING SITE PLAN
B1	BUILDING FLOOR PLAN & ENLARGED FACILITY PLAN
B2	BUILDING ELEVATIONS

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND ALL NECESSARY ADJACENT PROPERTY OWNERS.
2. ALL UTILITIES SHALL BE LOCATED AND DEPTH MARKED PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SPECIFIED.
4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS, SIDEWALKS, AND DRIVEWAYS UNLESS OTHERWISE SPECIFIED.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING UNLESS OTHERWISE SPECIFIED.
6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE SPECIFIED.
7. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES UNLESS OTHERWISE SPECIFIED.
8. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LIGHTING UNLESS OTHERWISE SPECIFIED.
9. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PAVEMENT UNLESS OTHERWISE SPECIFIED.
10. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SPECIFIED.
11. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING CURBS, SIDEWALKS, AND DRIVEWAYS UNLESS OTHERWISE SPECIFIED.
12. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPING UNLESS OTHERWISE SPECIFIED.
13. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING SIGNAGE UNLESS OTHERWISE SPECIFIED.
14. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING FENCES UNLESS OTHERWISE SPECIFIED.
15. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LIGHTING UNLESS OTHERWISE SPECIFIED.
16. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING PAVEMENT UNLESS OTHERWISE SPECIFIED.

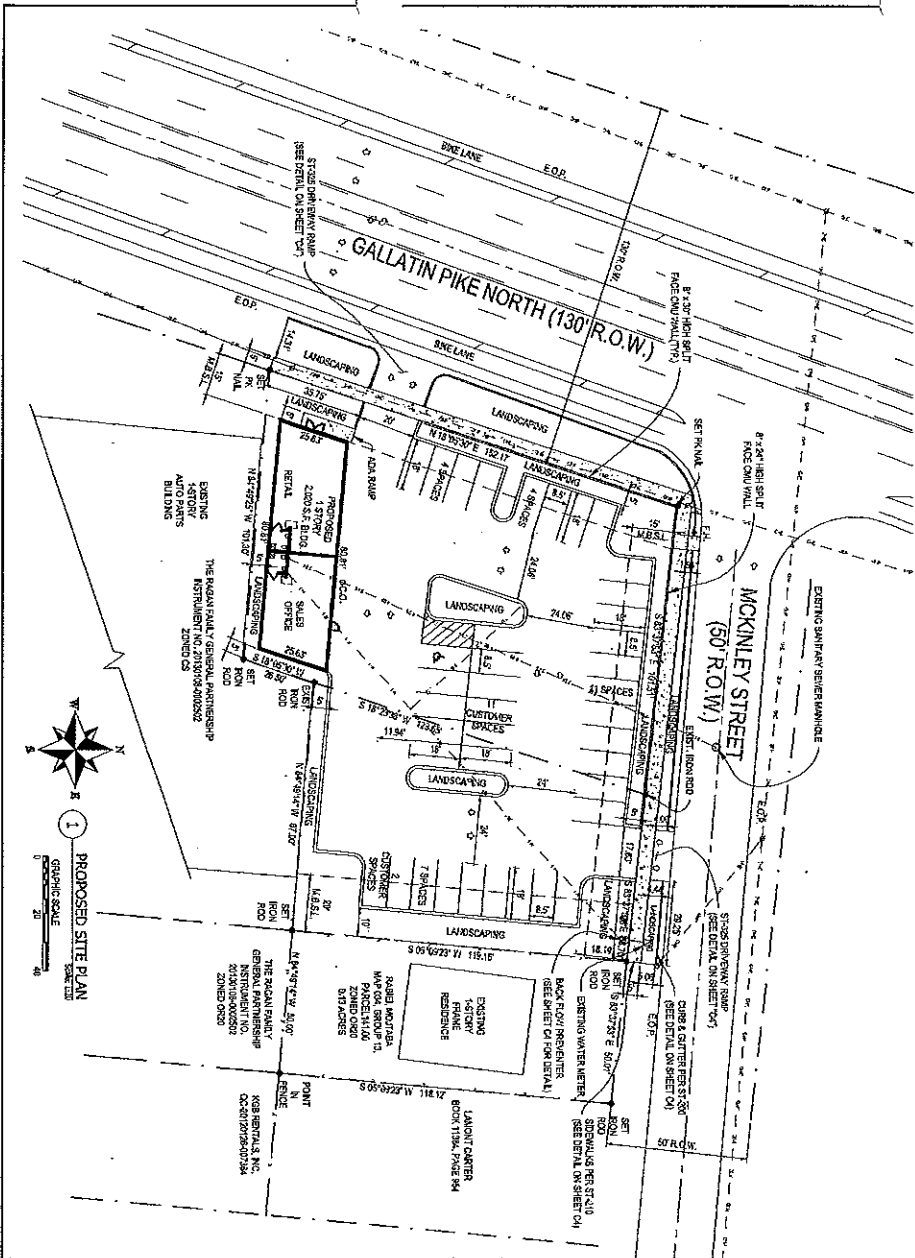
REVISIONS	BY

COVER SHEET
 AUTOMOBILE SALES USED
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

AZIMTECH ENGINEERING INC.
 3360 SAWTELLE BLVD. #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 347-7903 OFFICE: (615) 299-7388
 e-mail: azimtech_eng@gmail.com



DESIGNER
 SAK
 DATE
 NOV 11, 2019
 CHECKED
 SAK
 DATE
 NOV 11, 2019
 DRAWN
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 NOV 11, 2019
 NOT TO SCALE
 SHEET
 CV
 NUMBER 1 OF 4



PROPOSED SITE PLAN
 GRAPHIC SCALE
 0 25 50

David Green & Son, Inc.	
Project Name	Automobile Sales Used
Project Address	1306 Gallatin Pike North, Madison, TN 37115
Client Name	David Green & Son, Inc.
Client Address	1306 Gallatin Pike North, Madison, TN 37115
Project No.	19-001
Scale	AS SHOWN
Date	10/15/19
Author	D. Green
Checker	D. Green
Designer	D. Green
Engineer	D. Green
Professional Seal No.	19-001
Professional Seal Exp.	10/15/20
Professional Seal State	TN

- GENERAL NOTES**
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 19. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 20. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

REVISIONS

NO.	DATE	DESCRIPTION

LINE TYPE LEGEND

LINE TYPE	DESCRIPTION
---	Property Line
---	Setback Line
---	Lot Line
---	Right of Way Line
---	Other

C1.1

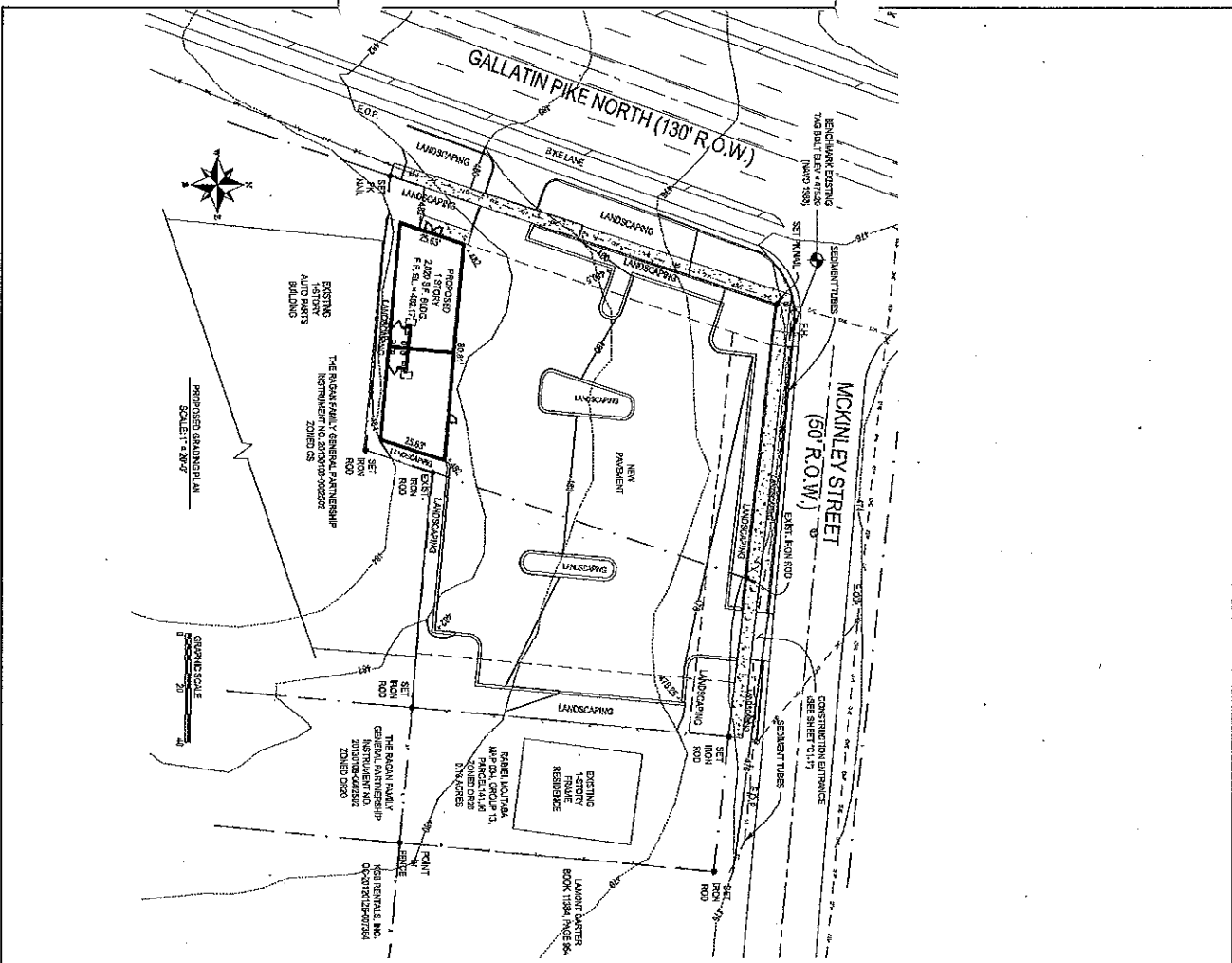
DATE: June 1, 2019
 SCALE: 1/4" = 1'-0"
 SHEET: 1 OF 1

AZIMTECH ENGINEERING INC.
 3360 SAWTELLE BLVD., #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 341-7903 OFFICE: (615) 299-7388
 e-mail: azimtech_eng@gmail.com

PROPOSED SITE PLAN
AUTOMOBILE SALES USED
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

REVISIONS

NO.	DATE	DESCRIPTION



STORM WATER POLLUTION PREVENTION NOTES (TENNESSEE)

1. THE OWNER AND THE CONTRACTOR ARE REQUIRED TO SUBMIT A NOTICE OF INTENT TO PRODUCE CONSTRUCTION ACTIVITY STORM WATER POLLUTION TO THE LOCAL TENNESSEE ENVIRONMENTAL AGENCY FOR REVIEW AND APPROVAL PRIOR TO BEGINNING CONSTRUCTION. THE CONSTRUCTION ACTIVITY APPROVED ON THIS PROJECT INCLUDES CLEARING, GRUBBING, GRADING, EXCAVATION AND ERECTION.
2. THE APPROXIMATE TOTAL AREA OF THE SITE IS 4.4 ACRES. THE APPROXIMATE TOTAL AREA OF GRUBBED AND EXCAVATED AREAS IS 1.2 ACRES.
3. THE APPROXIMATE TOTAL AREA OF THE SITE IS 4.4 ACRES. THE APPROXIMATE TOTAL AREA OF GRUBBED AND EXCAVATED AREAS IS 1.2 ACRES.
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15. THE APPROXIMATE TOTAL AREA OF THE SITE IS 4.4 ACRES. THE APPROXIMATE TOTAL AREA OF GRUBBED AND EXCAVATED AREAS IS 1.2 ACRES.

DATE: 8/17/19
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]

GRADING / EROSION CONTROL NOTES

1. CONTRACTOR IS RESPONSIBLE FOR REPAIRING ANY WITHIN TOLERABLE LIMITS OF SPRINKLING ON OTHER LOTS.
2. ALL CUT AND FILL AREAS SHALL HAVE A MINIMUM OF 5% SLOPE. SHALL BE REVEGETATED WITH PERMANENT GRASS OR SOFTWOOD SPECIES OR OTHER PERMANENT VEGETATION.
3. DISTURBED AREAS ARE TO BE REVEGETATED WITH PERMANENT VEGETATION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REVEGETATION AND MAINTENANCE OF DISTURBED AREAS.
5. CONTRACTOR IS RESPONSIBLE FOR DIVERTING ALL EROSION CONTROL DURING CONSTRUCTION.
6. ANY ACCESS ROAD TO THE SITE SHALL BE DIVERTED OR DISCONTINUED AS SOON AS POSSIBLE TO PREVENT EROSION.
7. THE EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
8. THE FILL MATERIALS TO BE USED FOR ROADS, SIDEWALKS, AND DRIVEWAYS SHALL BE COMPACTED TO A MINIMUM OF 95% STANDARD PROCTOR.
9. ALL WORK TO BE PERFORMED AND COMPLETED IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SET FORTH IN THE TENNESSEE COUNTY EROSION PREVENTION ORDINANCES.
10. CONTRACTOR SHALL USE ALL EROSION CONTROL MEASURES TO PREVENT EROSION AND TO MAINTAIN THE STABILITY OF THE SITE. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
11. CONTRACTOR SHALL USE ALL EROSION CONTROL MEASURES TO PREVENT EROSION AND TO MAINTAIN THE STABILITY OF THE SITE. ALL EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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GENERAL NOTES:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE RULES AND REGULATIONS AS SET FORTH IN THE TENNESSEE COUNTY EROSION PREVENTION ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL ENVIRONMENTAL AGENCY.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UTILITIES AND STRUCTURES.
 5. THE CONTRACTOR SHALL MAINTAIN THE STABILITY OF ALL EXISTING AND PROPOSED STRUCTURES.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.
 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.
 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING AND PROPOSED UTILITIES AND STRUCTURES.

LINE TYPE LEGEND

PROPERTY LINE	1/4" W	1/4" W
EXISTING	---	---
PROPOSED	---	---
EXISTING ELECTRIC	---	---
PROPOSED ELECTRIC	---	---
EXISTING WATER	---	---
PROPOSED WATER	---	---
EXISTING GAS	---	---
PROPOSED GAS	---	---
EXISTING SEWER	---	---
PROPOSED SEWER	---	---
EXISTING TELEPHONE	---	---
PROPOSED TELEPHONE	---	---
EXISTING CABLE	---	---
PROPOSED CABLE	---	---
EXISTING FENCE	---	---
PROPOSED FENCE	---	---
EXISTING DRIVEWAY	---	---
PROPOSED DRIVEWAY	---	---
EXISTING SIDEWALK	---	---
PROPOSED SIDEWALK	---	---
EXISTING CURB	---	---
PROPOSED CURB	---	---
EXISTING ROAD	---	---
PROPOSED ROAD	---	---

REVISIONS

NO.	DATE	DESCRIPTION
1	8/17/19	ISSUED FOR PERMIT
2	8/17/19	ISSUED FOR PERMIT
3	8/17/19	ISSUED FOR PERMIT
4	8/17/19	ISSUED FOR PERMIT
5	8/17/19	ISSUED FOR PERMIT

AZIMTECH ENGINEERING INC.
 3360 SAWTELLE BLVD., #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 347-7503 OFFICE: (615) 299-7388
 e-mail: azimtech_eng@gmail.com

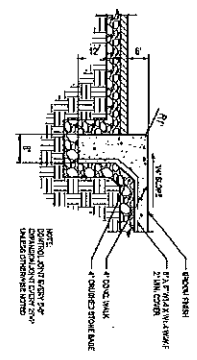
SITE GRADING PLAN
AUTOMOBILE SALES USED
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

REVISIONS

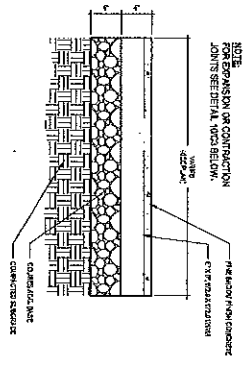
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REVISIONS

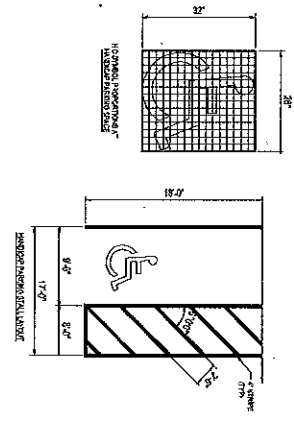
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2	8/17/19	ISSUED FOR PERMIT
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4	8/17/19	ISSUED FOR PERMIT
5	8/17/19	ISSUED FOR PERMIT



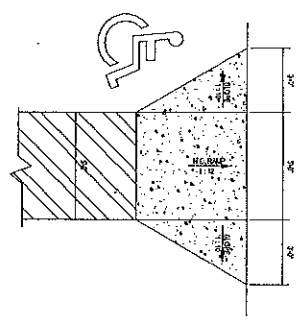
1 TURN DOWN CURB @ WALK
SCALE: 1/4\"/>



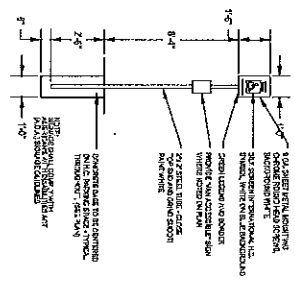
2 DETAIL @ TYP. CONCRETE WALK
SCALE: 1/4\"/>



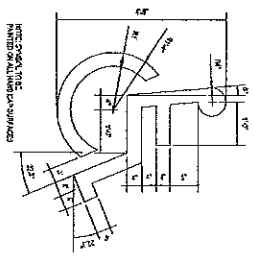
3 HANDICAP STALL PARKING
SCALE: 1/4\"/>



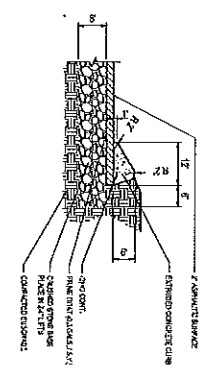
4 DETAIL @ HANDICAP RAMP
SCALE: 1/4\"/>



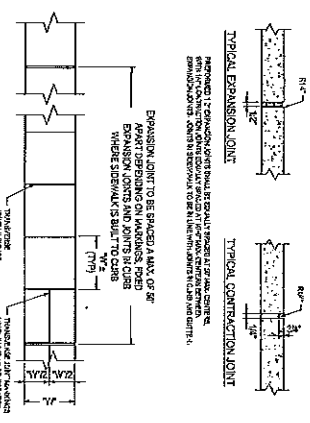
5 EXTERIOR HANDICAP SIGN
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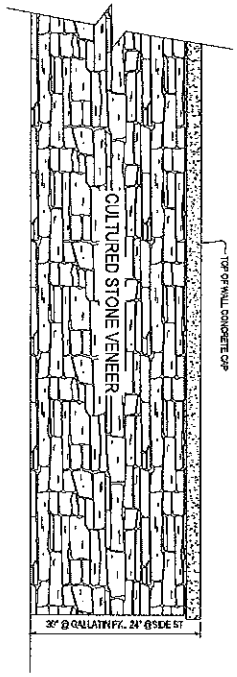
6 PAINTED HANDICAP SYMBOL
SCALE: 1/4\"/>



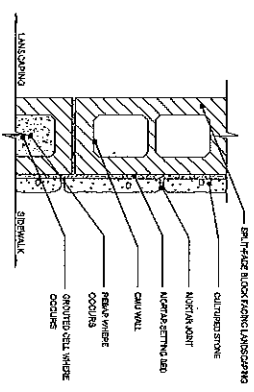
7 EXTRUDED CURB & LIGHT DUTY PAVEMENT DETAIL
SCALE: 1/4\"/>



8 SIDEWALK JOINT DETAILS
SCALE: 1/4\"/>



9 CULTURED STONE WALL DETAIL ELEVATION
SCALE: 1/4\"/>

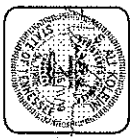


10 CULTURED STONE OVER CMU
SCALE: 1/4\"/>

REVISIONS	BY

SITE PLAN DETAILS
AUTOMOBILE SALES USED
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

AZIMTECH ENGINEERING INC.
 3360 SAWTELLE BLVD. #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 341-7903 OFFICE: (615) 299-7388
 e-mail: azimtech_eng@gmail.com



CS Version 1.0	SCALE AS SHOWN
DATE June 11, 2018	DESIGNED S.M.K.
DATE June 11, 2018	CHECKED S.M.K.
DATE June 11, 2018	APPROVED S.M.K.
DATE June 11, 2018	SCALE AS SHOWN
DATE June 11, 2018	DESIGNED S.M.K.
DATE June 11, 2018	CHECKED S.M.K.
DATE June 11, 2018	APPROVED S.M.K.

TYPICAL CROSS-SECTION

FRONT CURB

1. CURB, HEIGHT TO BE MAINTAINED AT MINIMUM OF 12" (SEE DETAIL) 2. TO BE CONCRETE TO THE TOP SURFACE. 3. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 4. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 5. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 6. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL)

NOT TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MEMPHIS
 DEPARTMENT OF PUBLIC WORKS
 DATE: 11/13/18
 DRAWING NO. ST-280
 SHEET NO. 02/27/18

PLAN VIEW

1. CURB, HEIGHT TO BE MAINTAINED AT MINIMUM OF 12" (SEE DETAIL) 2. TO BE CONCRETE TO THE TOP SURFACE. 3. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 4. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 5. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 6. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL)

NOT TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MEMPHIS
 DEPARTMENT OF PUBLIC WORKS
 DATE: 11/13/18
 DRAWING NO. ST-280
 SHEET NO. 02/27/18

SIDEWALK WITH CURB

SIDEWALK WITH CROSS-FLOOT (Lead Small)

SECTION A-A

1. CURB, HEIGHT TO BE MAINTAINED AT MINIMUM OF 12" (SEE DETAIL) 2. TO BE CONCRETE TO THE TOP SURFACE. 3. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 4. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 5. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 6. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL)

NOT TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MEMPHIS
 DEPARTMENT OF PUBLIC WORKS
 DATE: 11/13/18
 DRAWING NO. ST-280
 SHEET NO. 02/27/18

TYPICAL EXPANSION JOINT DETAIL

1. EXPANSION JOINT TO BE MAINTAINED AT MINIMUM OF 12" (SEE DETAIL) 2. TO BE CONCRETE TO THE TOP SURFACE. 3. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 4. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 5. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 6. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL)

NOT TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MEMPHIS
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 DATE: 11/13/18
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PLAN VIEW

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NOT TO SCALE

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SIDEWALK WITH CURB

SIDEWALK WITH CROSS-FLOOT (Lead Small)

SECTION A-A

1. CURB, HEIGHT TO BE MAINTAINED AT MINIMUM OF 12" (SEE DETAIL) 2. TO BE CONCRETE TO THE TOP SURFACE. 3. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 4. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 5. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL) 6. TO BE MAINTAINED AT MINIMUM OF 18" (SEE DETAIL)

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SIDEWALK WITH CURB

SIDEWALK WITH CROSS-FLOOT (Lead Small)

SECTION A-A

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NOT TO SCALE

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 DEPARTMENT OF PUBLIC WORKS
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SIDEWALK WITH CURB

SIDEWALK WITH CROSS-FLOOT (Lead Small)

SECTION A-A

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NOT TO SCALE

APPROVED FOR SUBMITTAL TO THE CITY OF MEMPHIS
 DEPARTMENT OF PUBLIC WORKS
 DATE: 11/13/18
 DRAWING NO. ST-280
 SHEET NO. 02/27/18

REVISIONS BY

DATE: 11/13/18
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

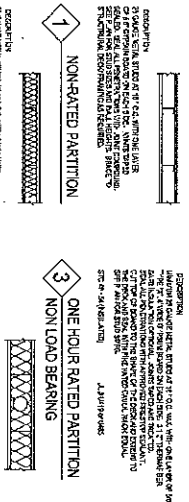


AZIMTECH ENGINEERING INC.
 3360 SAWTELLE BLVD. #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 347-7903 OFFICE: (615) 299-7388
 e-mail: azimtech_eng@gmail.com

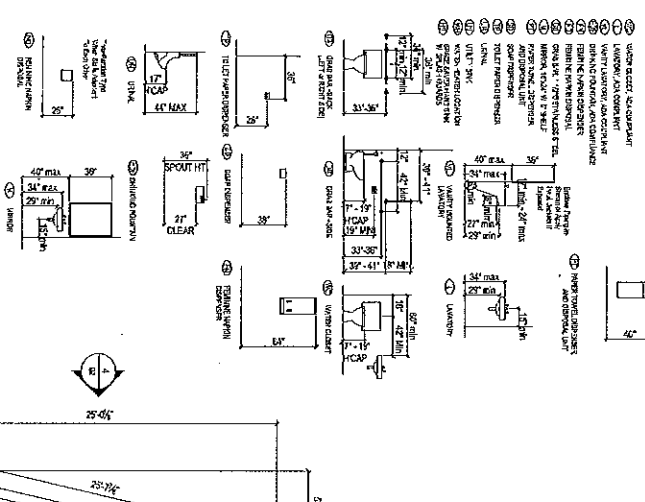
SITE PLAN DETAILS
AUTOMOBILE SALES USED
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

C4

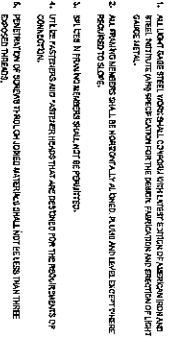
TYPICAL WALL ASSEMBLIES



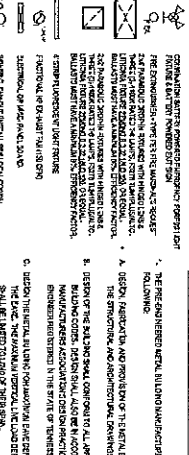
PLUMBING FIXTURES & ACCESSORIES LEGEND



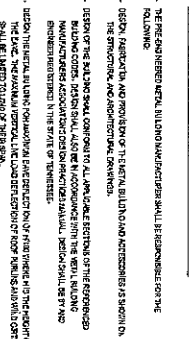
LIGHT GAUGE STEEL



LIFE & SAFETY SYMBOL LEGEND



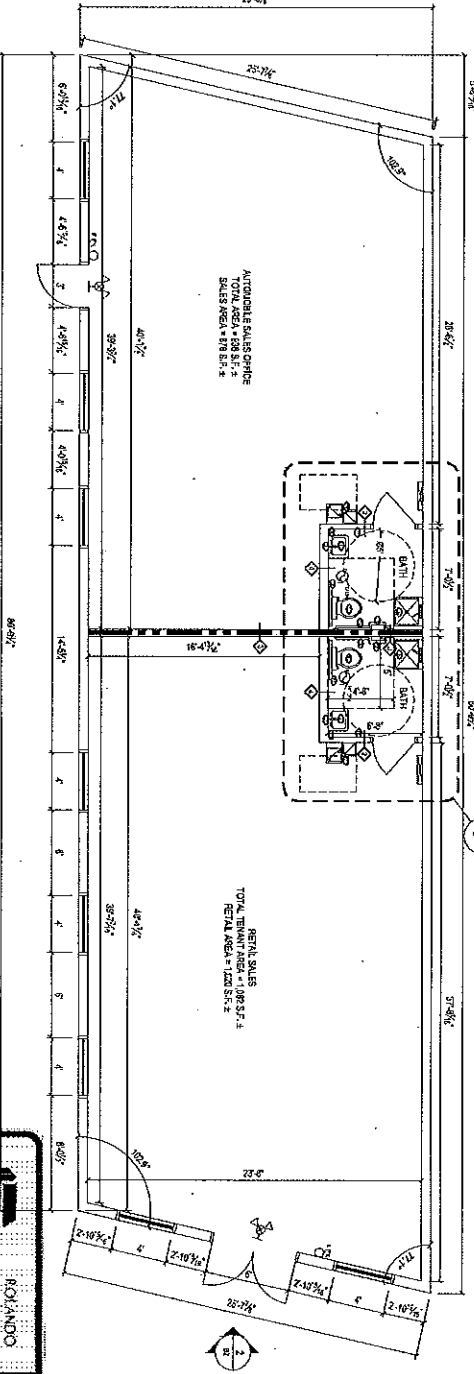
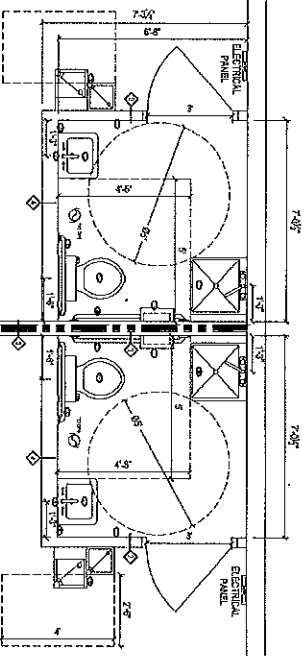
PRE-ENGINEERED METAL BUILDING



PLAN REVIEW DATA

APPROVAL CODE: []
DATE: []
REVISIONS: []

ENLARGE FACILITY LAYOUT PLAN



ROLANDO SANCOS ARCHITECT

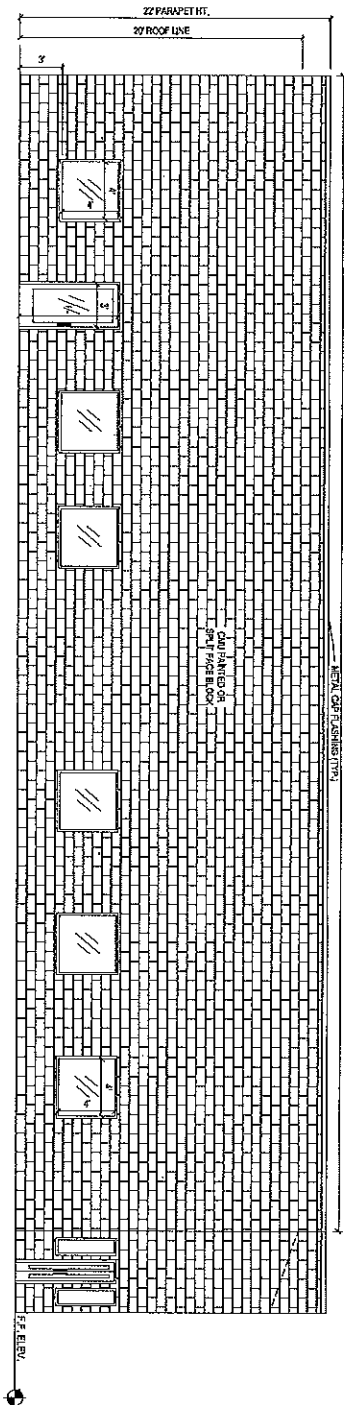
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AZIMTECH ENGINEERING INC.

**3360 SAWTELLE BLVD. #10
LOS ANGELES, CA 90066
PHONE: (615) 347-9903 OFFICE: (615) 269-4388
e-mail: azimtech.eng@gmail.com**

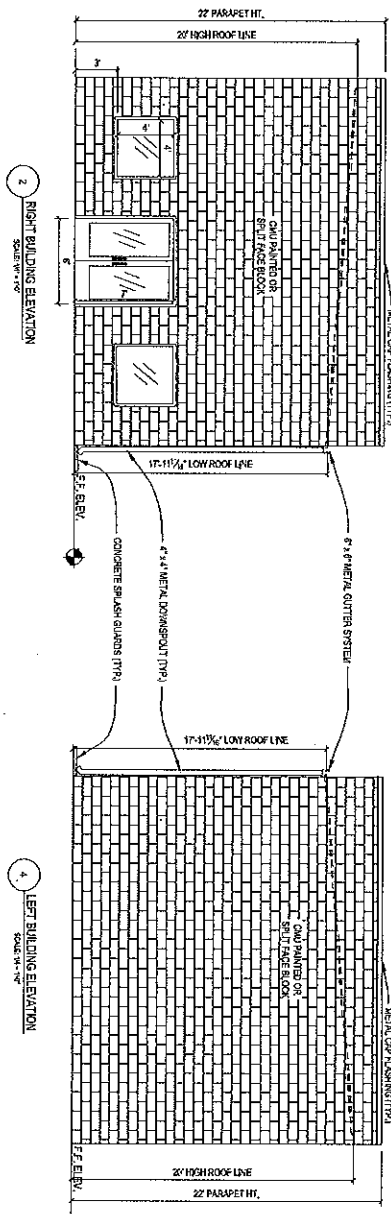
**PROPOSED BUILDING PLAN
AUTOMOBILE SALES USED & RETAIL STORE
1306 GALLATIN PIKE
MADISON, TENNESSEE 37115
PARCEL ID: 03413032900**

REVISIONS	BY



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

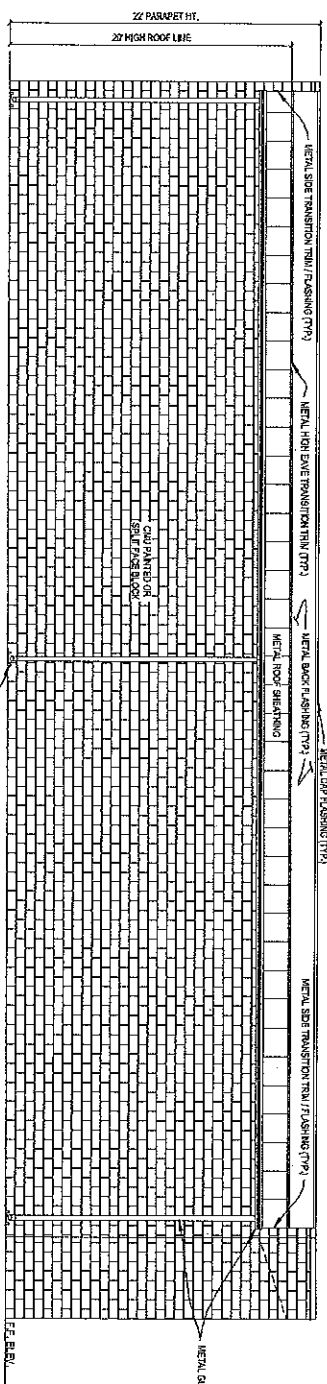
- GENERAL NOTES**
1. THE OWNER SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN LOADS INDICATED ON THE STRUCTURAL DRAWINGS AND THAT THESE LOADS ARE WITHIN THE DESIGN CAPACITY OF THE STRUCTURE.
 2. THE OWNER SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 3. THE OWNER SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 4. THE OWNER SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 5. THE OWNER SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.



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

4 LEFT BUILDING ELEVATION
SCALE: 1/4" = 1'-0"

- CONSTRUCTION NOTES**
1. THE CONTRACTOR SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 2. THE CONTRACTOR SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 3. THE CONTRACTOR SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.
 4. THE CONTRACTOR SHALL VERIFY THAT ALL CONSTRUCTION LOADS DO NOT EXCEED THE DESIGN CAPACITY OF THE STRUCTURE.



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

NO.	REVISIONS	BY

PROPOSED BUILDING ELEVATIONS
 AUTOMOBILE SALES USED & RETAIL STORE
 1306 GALLATIN PIKE
 MADISON, TENNESSEE 37115
 PARCEL ID: 03413032900

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 3360 SAWTELLE BLVD. #101
 LOS ANGELES, CA. 90066
 PHONE: (615) 341-7903 OFFICE: (615) 299-7388
 e-mail: azimtech.eng@gmail.com



B2	DRAWN	
	CHECKED	
DATE		
SCALE		
JOB NO.		
SHEET		

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: SOUTHEAST VENTURE Date: 7/12/19
Property Owner: DARRELL & LINDA BREAUX Case #: 2019-376
Representative: ~~XXXXXXXXXX~~ Map & Parcel: 09209037800
SAMANTHA O'LEARY
Council District 21-KINDALL

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

Purpose: RESIDENTIAL MULT-FAMILY CONSTRUCTION

Activity Type: MULTIFAMILY (RESIDENTIAL) NEW CONSTRUCTION
Location: 3214 CHARLOTTE AVENUE NASHVILLE, TN 37209

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: FRONT FACADE TO EXTEND BEYOND CONTROL PLANE
SEE PLAN

Section(s): 17.12.020C

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

SAMANTHA O'LEARY
Appellant Name (Please Print)
(SOUTHEAST VENTURE)
4011 ARMORY OAKS DR.
Address
NASHVILLE, TN 37203
City, State, Zip Code

Representative Name (Please Print)

Address

City, State, Zip Code

615-743-9382
Phone Number

Phone Number

sleary@seventure.com
Email

Email

Zoning Examiner: TC

Appeal Fee: \$100



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



3691285

**ZONING BOARD APPEAL / CAAZ - 20190041970
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09209037800

APPLICATION DATE: 07/16/2019

SITE ADDRESS:

3214 CHARLOTTE AVE NASHVILLE, TN 37209
LOT 16 PT OF LOT 17 WILCOX SUB & PT OF CL ALLEY

PARCEL OWNER: BREAUX, DARRELL & LINDA

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

NEW MULTI-FAMILY RESIDENTIAL CONSTRUCTION

PER 17.12.020C MAXIMUM HEIGHT AT SETBACK LINE IS 30'
PER 17.12.020C SLOPE OF HEIGHT CONTROL PLANE (V TO H) 1.5 TO 1

REQUEST A 10' UPPER FLOOR SETBACK AFTER 35' AT STREET SETBACK (SEE PLAN)

REQUEST TO CONSTRUCT FRONT FAÇADE BEYOND 1.5 TO 1 CONTROL PLANE (SEE PLAN)

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

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

APPELLANT

DATE

SPECIAL EXCEPTION REQUEST

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

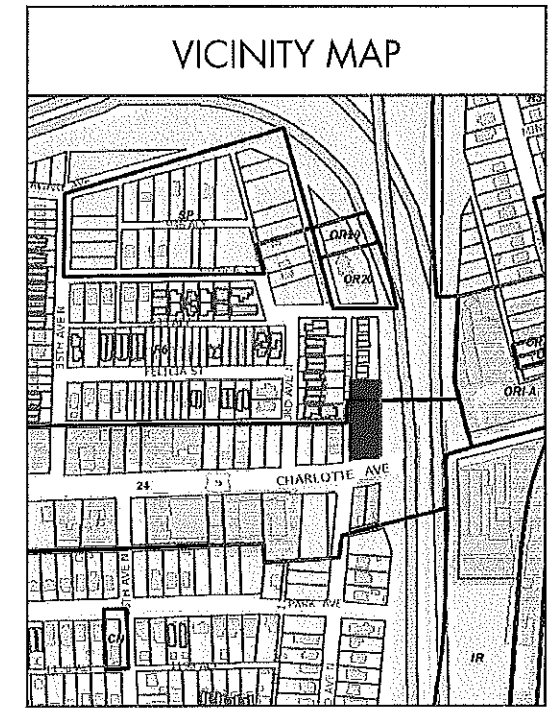
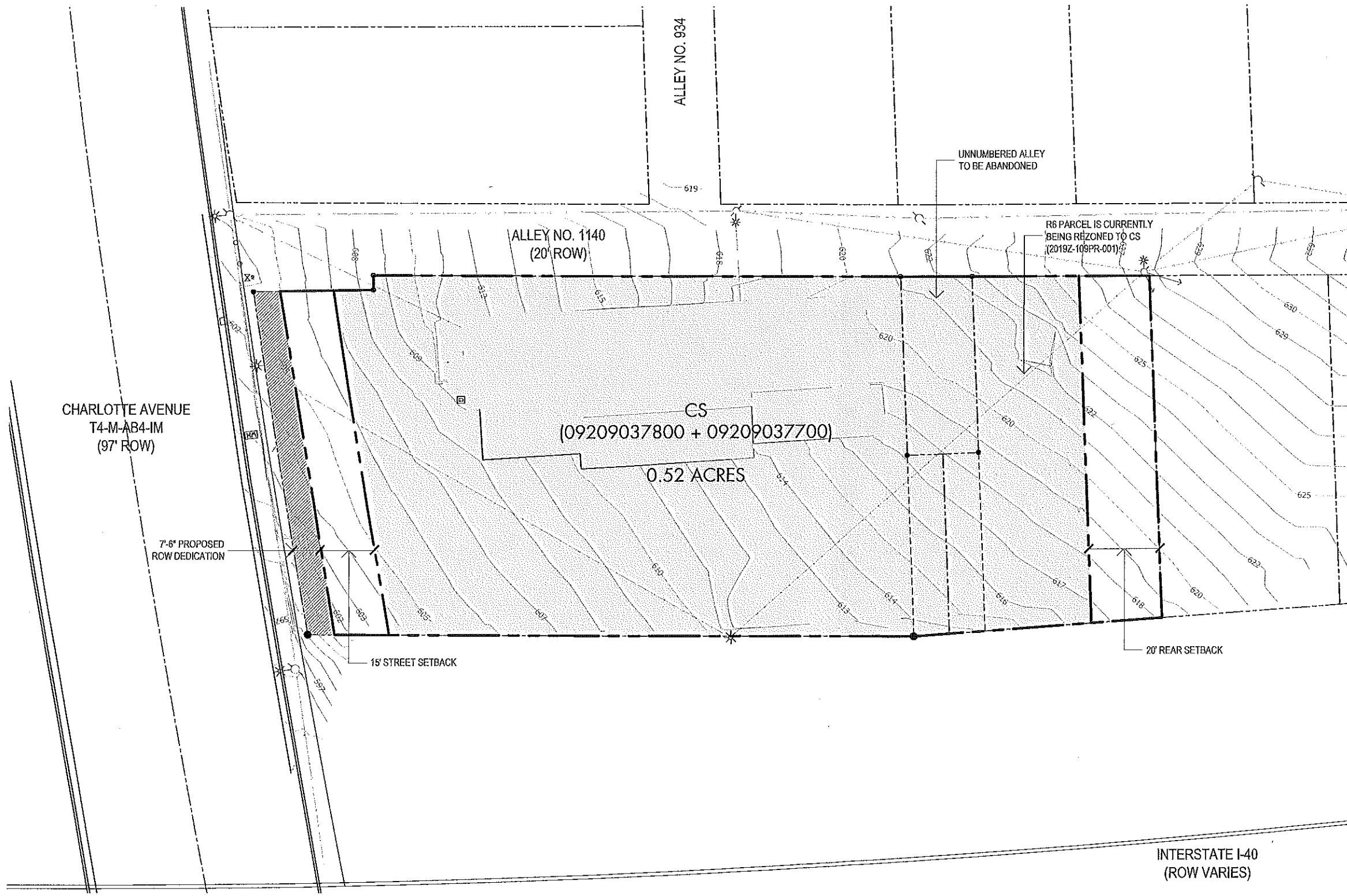
Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly.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

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

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

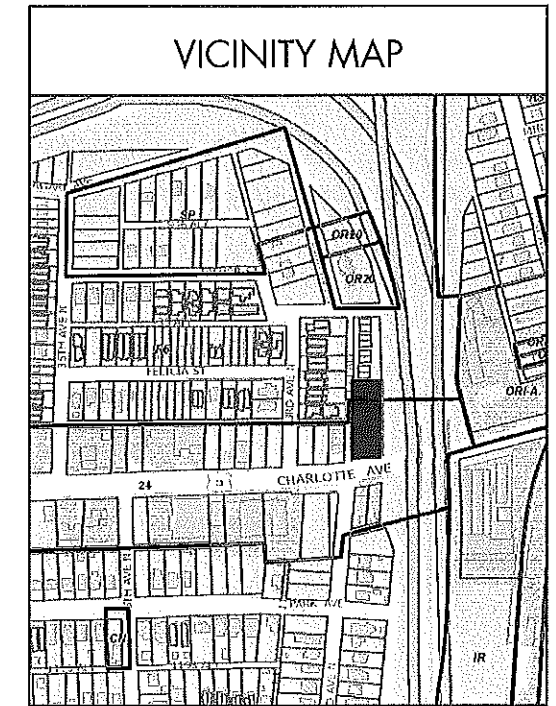
APPELLANT (OR REPRESENTATIVE)

DATE

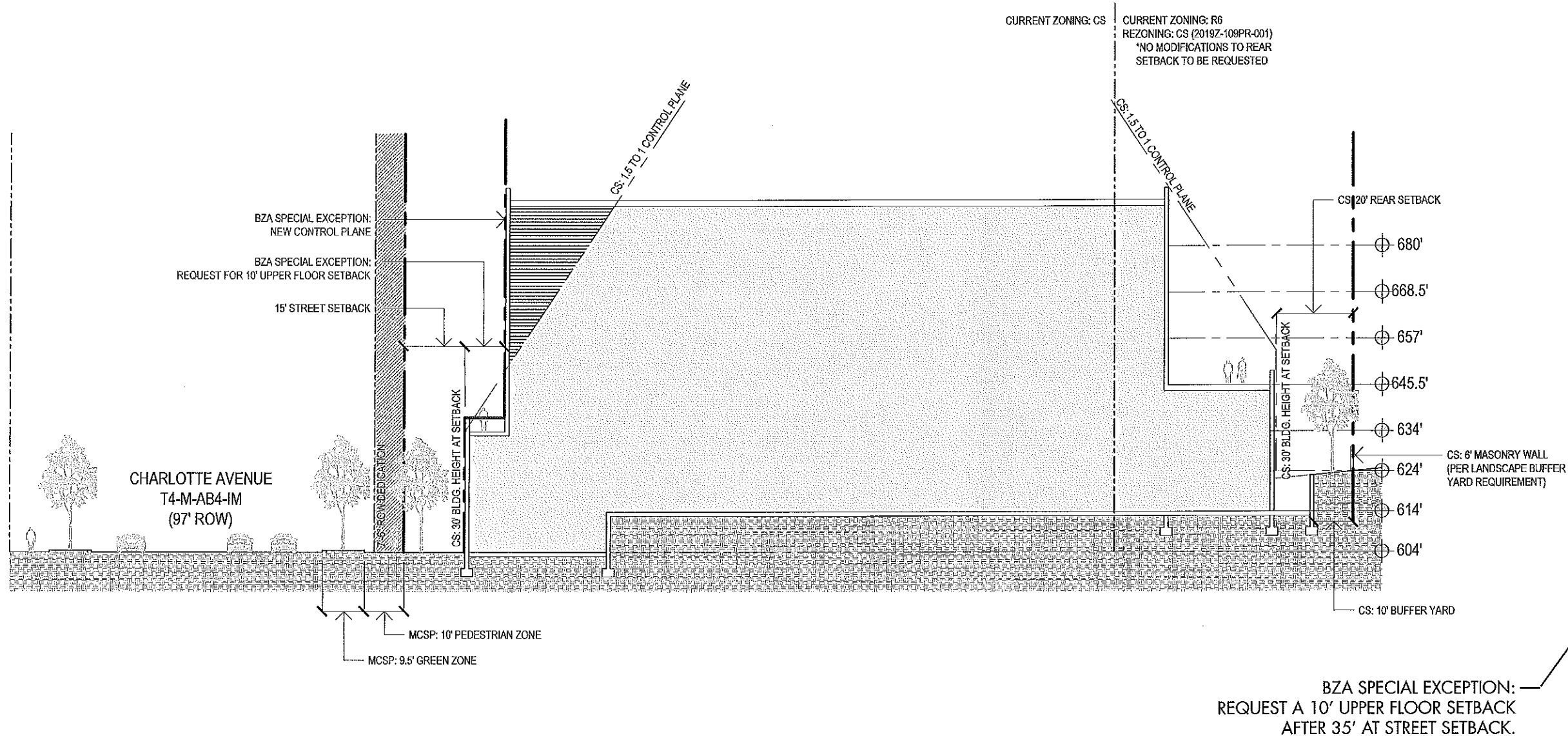


SITE & ZONING DATA	
AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
MAX. HEIGHT:	30' AT SETBACK
WITH A 1.5 TO 1 CONTROL PLANE	
STREET SETBACK:	15'
SIDE SETBACK:	NONE REQ.
REAR SETBACK:	20'
PARKING: 1 SPACE/BED UP TO 2 BEDS; 0.5 SPACES FOR EACH ADDITIONAL BEDROOM	
*UZO: STUDIO & ONE BED: 1 SPACE/UNIT TWO BED OR MORE: 1.5 SPACE/UNIT	

3214 CHARLOTTE AVENUE



SITE & ZONING DATA	
AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
MAX. HEIGHT:	30' AT SETBACK WITH A 1.5 TO 1 CONTROL PLANE
STREET SETBACK:	15'
SIDE SETBACK:	NONE REQ.
REAR SETBACK:	20'
PARKING: 1 SPACE/BED UP TO 2 BEDS; 0.5 SPACES FOR EACH ADDITIONAL BEDROOM	
*UZO: STUDIO & ONE BED: 1 SPACE/UNIT TWO BED OR MORE: 1.5 SPACE/UNIT	



BZA SPECIAL EXCEPTION:
REQUEST A 10' UPPER FLOOR SETBACK
AFTER 35' AT STREET SETBACK.

From: [Michael Fisher](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CASE 2019-376
Date: Thursday, September 5, 2019 9:49:59 AM

Dear Board Members,

I am unable to attend this hearing set for today at 1:00 p.m. Please allow this email to serve as my objection to any zoning changes or variances for this subject property. The proposed developers of this property plan to build a 5-story apartment complex in this lot and the adjacent lot (zoned R6, pending zoning change). The Charlotte Avenue Corridor Plan enacted last fall set the height for buildings in this area to no more than 4 stories. The developers of this property do not plan to follow this plan. Instead they are wanting to cram a giant building on this small lot and block the city view enjoyed by numerous single family homes in the area. This would by far the largest building along Charlotte in this area. Further, this lot does not have good and direct street access. Thus, the developer is attempting to direct a lot of traffic through a busy alley. Many in the Sylvan Summit neighborhood have voiced disapproval as to the proposed development. I ask that you deny their request for a variance from the setback and control plane requirements.

--

Michael P. Fisher, Esq.

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Holly Michael
Property Owner: Holly Michael
Representative: Holly Michael

Date: 7/15/2019
Case #: 2019-378
Map & Parcel: 141 15 00 195.00

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:

Activity Type: single family renovation (covering an existing deck)

Location: (RS 20 / Residential P.U.D.) 804 Onslow Way

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

Reason: Comparatively shallow lot requires rear setback variance

Section(s): MCL 7.12.020 (Table 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.

Holly Michael
Appellant Name (Please Print)

Representative Name (Please Print)

804 Onslow Way
Address

Address

Nashville, TN 37221
City, State, Zip Code

City, State, Zip Code

615-330-2376
Phone Number

Phone Number

hollymichael30@gmail.com
Email

Email

Zoning Examiner: CH

Appeal Fee: \$100



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



3691007

ZONING BOARD APPEAL / CAAZ - 20190041796
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 141150D19500CO**APPLICATION DATE:** 07/15/2019**SITE ADDRESS:**

804 ONSLOW WAY NASHVILLE, TN 37221

LOT 195 SHEFFIELD ON THE HARPETH PHASE 3-D

PARCEL OWNER: MICHAEL, HOLLY L. & JONATHAN P.**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting rear setback variance to allow construction to cover an existing rear deck.

*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.

Holley Michael
 APPELLANT by permission John P. W. Fisher

7/15/2019
 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 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.

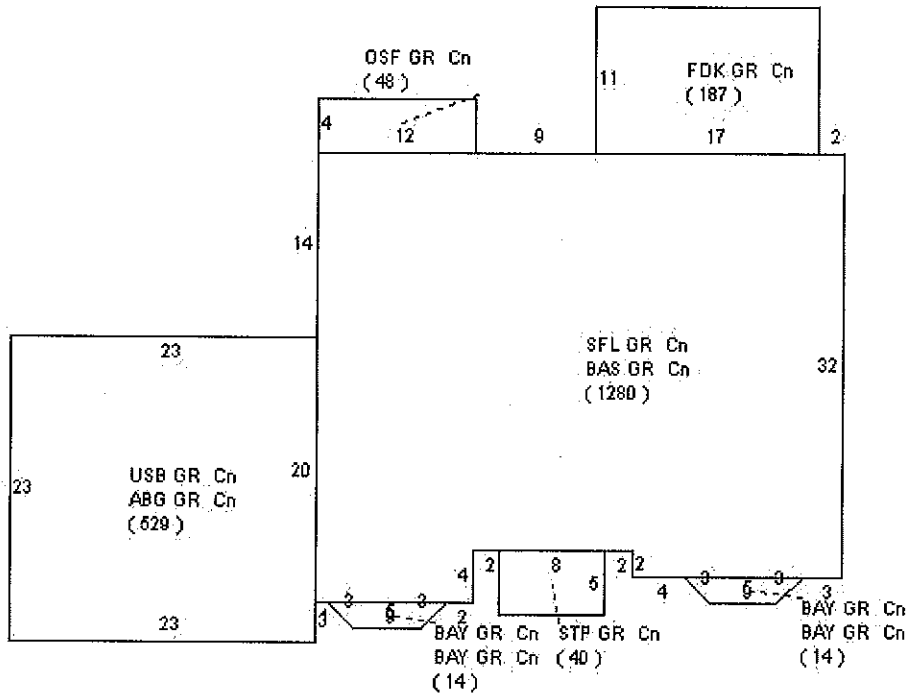
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

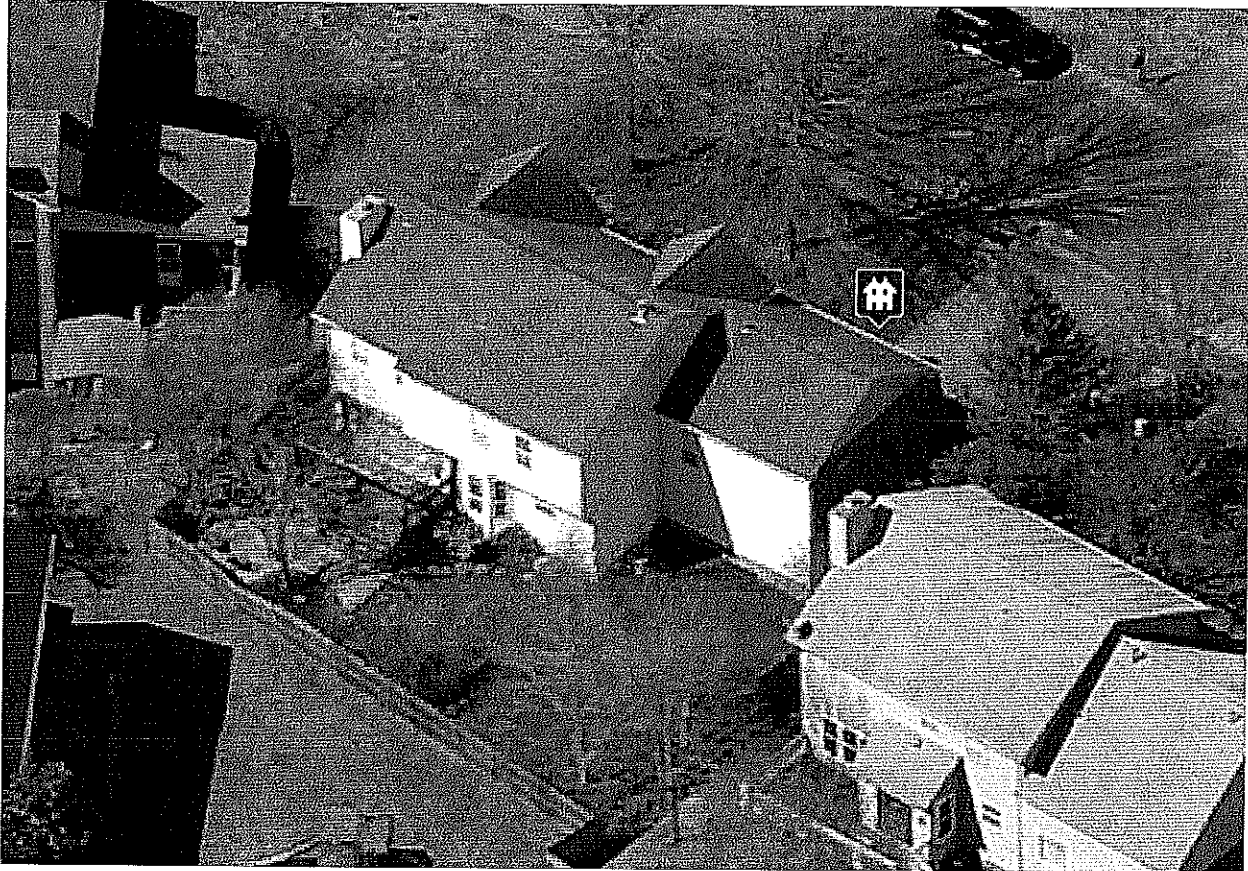
The comparatively shallow lot poses a hardship as contemplated under 17.40.370, which is not found with all the lots on this street. The existing deck has the same dimensions as the proposed screened-in porch. Thus, the variance would yield zero change in footprint relative to the status quo. However, covering the porch triggers the full 20' setback requirement. Fortunately, we are still well below the lot coverage restrictions, even if this variance is granted, and the porch then built.

804 Onslow Way – Rear Setback Variance Appeal



- This sketch of the original construction, as provided through the Assessor’s website, shows the 11x17 deck in the upper right-hand corner.
- The proposed covered porch would utilize very slightly less than the existing deck’s footprint at approximately 11x16.
- More pointedly, the covered porch would not be built any closer to the rear lot line than the existing deck is.

804 Onslow Way – Rear Setback Variance Appeal



- The existing deck is seen here with its simple pergola overhead.
- Approximate rear setback from that structure is 12' at the closest point.
- Because the zoning code allows decks to reduce the rear setback by half, this deck's measurement complies with the setback restriction.

From: [Rosenberg, Dave \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Support for 2019-378
Date: Thursday, August 29, 2019 2:11:43 PM

Good afternoon,

I'm writing to share my support for case 2019-378, 804 Onslow Way.

Thank you!
Dave

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Justin Belcher Date: 7-15-19
Property Owner: 365 Old Hickory LLC Case #: 2019-381
Representative: Justin Belcher Map & Parcel: 43-13-12
Council District 9

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 - Apartments

Location: 265 Old Hickory Blvd.

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

Reason: Stormwater management issues

Section(s): 12-20-120

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.

Justin Belcher
Appellant Name (Please Print)

265 E Old Hickory LLC
Representative Name (Please Print)

265 E. Old Hickory
Address

2400 Elliott Dr
Address

Madison TN 37115
City, State, Zip Code

Old Hickory, TN 37138
City, State, Zip Code

865-805-2413
Phone Number

865 805 2413
Phone Number

jwb@belcher@gmail.com
Email

jwb@belcher@gmail.com
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3690922

**ZONING BOARD APPEAL / CAAZ - 20190041763
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 04313001200

APPLICATION DATE: 07/15/2019

SITE ADDRESS:

265 OLD HICKORY BLVD E MADISON, TN 37115
N SIDE OLD HICKORY BLVD E OF VERA ST

PARCEL OWNER: 265 E OLD HICKORY, LLC

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.

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.

Justin Belder - 265 E Old

APPELLANT

Hickory LLC

7/10/19

DATE

In simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of 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

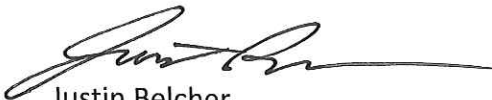
To Whom it May Concern,

My business partners and I are in the planning stages of a project located at 265 E. Old Hickory Blvd in Madison. The current sidewalk requirements, combined with the physical characteristics of this property, provide several unique hardships to further develop this property. Due to the nature of these hardships, we are asking the board for a variance to the current sidewalk requirements. The particular hardships and characteristics of the property are outlined below:

- Stormwater is publicly managed on this section of road via roadside ditches. There is an existing detention pond at the front of our site that Steve Mishu has said must continue to discharge to the existing roadside ditch. Since Public Works will not allow a cut-through in a public sidewalk, pond discharge would have to be re-routed to leave the site through a pipe. This would involve regrading the existing ditch on the adjacent property to the west to meet the pipe invert. This work would likely affect the existing stormwater outfalls from the neighboring property and be very tight considering the narrow width between the public ROW and the roadway shoulder. We were told the shoulder must maintain stability and cannot be regraded.
- There is a significant length of public sanitary line in this area that would require relocation due to the ditch regrade mentioned above.
- There is a public sidewalk immediately across the street from the subject property, which would serve pedestrian traffic to and from this site.

The variance we are requesting will allow further development of this property and enrichment of the entire neighborhood. This variance will in no way present any type of injury to neighboring properties, and will be in the greater good of the community by allowing us to develop additional housing opportunity in an area in need of such housing. We believe all of our goals are in line with the current master development plan for the area. We appreciate the boards time in reviewing this matter.

Sincerely,



Justin Belcher
265 E Old Hickory LLC

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-381 (265 East Old Hickory Boulevard)

Metro Standard:	East Old Hickory Boulevard – 4’ grass strip, 8’ sidewalk as defined by the Major and Collector Street Plan
	State Route 45 – 8’ grass strip, 12’ multi-use path as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks
Zoning:	RM20
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	East Old Hickory Boulevard – T4-M-CA3
	State Route 45 – T4-M-AP4-S-LM
Transit:	#36 – Madison Express; approximately 0.23 miles east of planned High Capacity Transit per nMotion
Bikeway:	12’ multi-use path planned along State Route 45 in-lieu of bicycle lanes

Planning Staff Recommendation: *Disapproval.*

Analysis: The applicant is proposing the renovation and addition of 9 dwelling units to an existing multifamily apartment complex and requests a variance to not construct sidewalks along either property frontage. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist on either property frontage with East Old Hickory Boulevard and State Route 45, which is consistent with adjacent properties to the east and west. However, this area is within a NashvilleNext Center for Madison with a nearby grocery store and several multi-family developments on both sides of State Route 45. It is anticipated that as the area transitions to a greater mix of housing and commercial services that pedestrian activity will increase in the area.
- (2) A drainage ditch currently runs parallel to the East Old Hickory Boulevard frontage which carries water to an existing detention pond and a public sewer line. Although the applicant asserts that these are hardships, Metro Water has indicated that constructing sidewalks and adequate stormwater facilities are not above and beyond what is typical of other multi-family developments.
- (3) The applicant should work with Metro Public Works and Metro Water to develop an alternate sidewalk design that might alleviate some of the applicant’s concerns and meet Metro’s overall objective to provide pedestrian infrastructure in the area.

Given the factors above, staff recommends **disapproval**.

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Renita Cheney
Property Owner: Guy & Renita Cheney
Representative: Renita Cheney

Date: 7-16-19
Case #: 2019-384
Map & Parcel: 82-8-106

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, from landscape buffer requirements (a buffer required for rear to RSS zoning), and required parking of 6 spaces

Activity Type: Commercial rehab: Restaurant

Location: 924 McFerrin Ave.

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

Reason: Does not meet sidewalk, parking, or landscape buffer requirement

Section(s): 17.20.030, 17.20.120, 17.24.230, 17.24.240(c)

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.

Renita Cheney
Appellant Name (Please Print)

Same
Representative Name (Please Print)

4709 Medalist Circle
Address

Address

Hermitage, TN 37076
City, State, Zip Code

City, State, Zip Code

225-772-0220
Phone Number

Phone Number

wendypcheney@gmail.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



3691277

ZONING BOARD APPEAL / CAAZ - 20190041964
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08208010600

APPLICATION DATE: 07/16/2019

SITE ADDRESS:

924 MCFERRIN AVE NASHVILLE, TN 37206
LOT 2 SUB PART RICHMOND

PARCEL OWNER: CHENEY, GUY & RENITA

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from sidewalk requirements, from landscape buffer requirements (C buffer required to the rear for RS5 zoning), and required parking of 6 spaces

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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.

Benita Cheney
APPELLANT

7/15/19
DATE

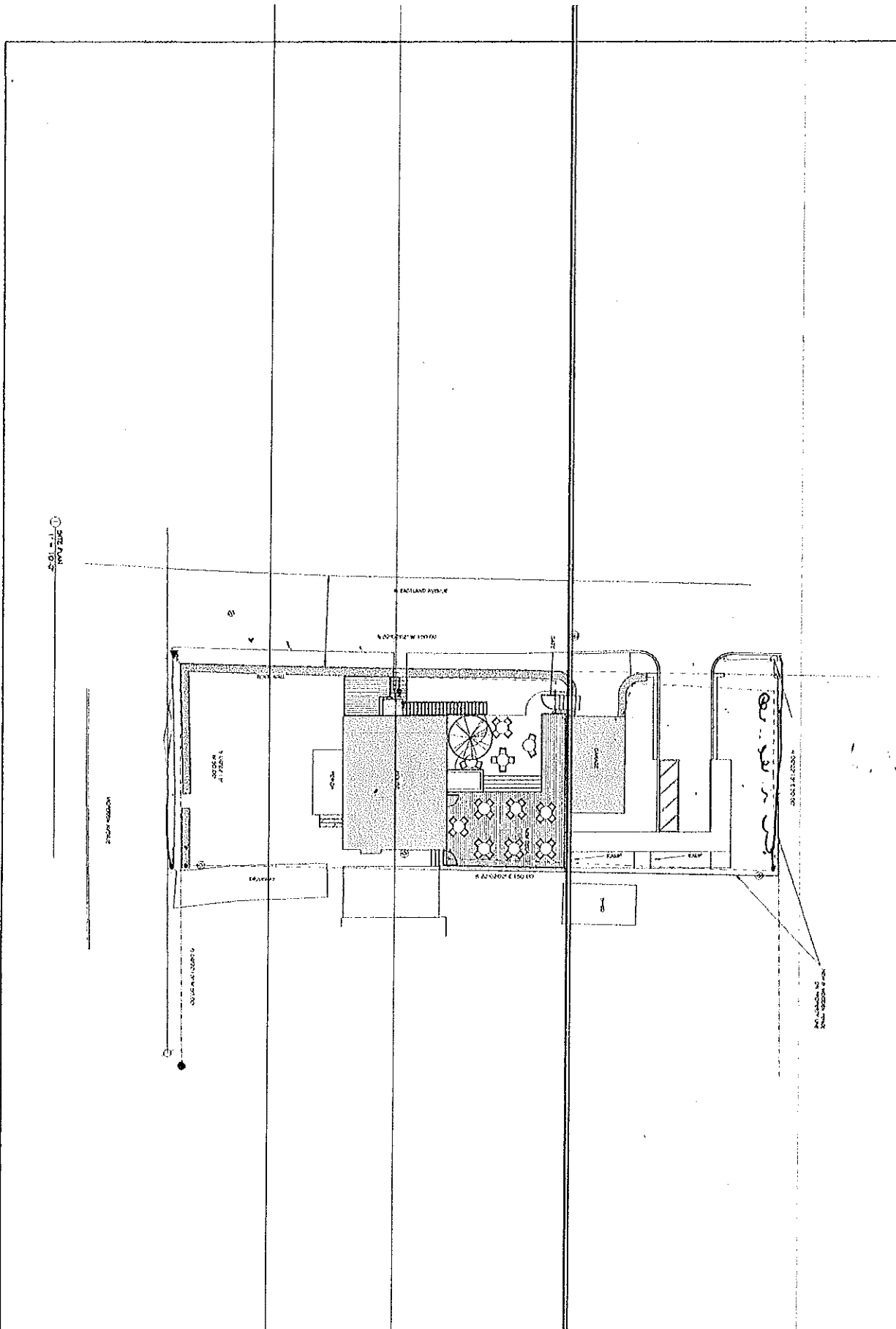
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

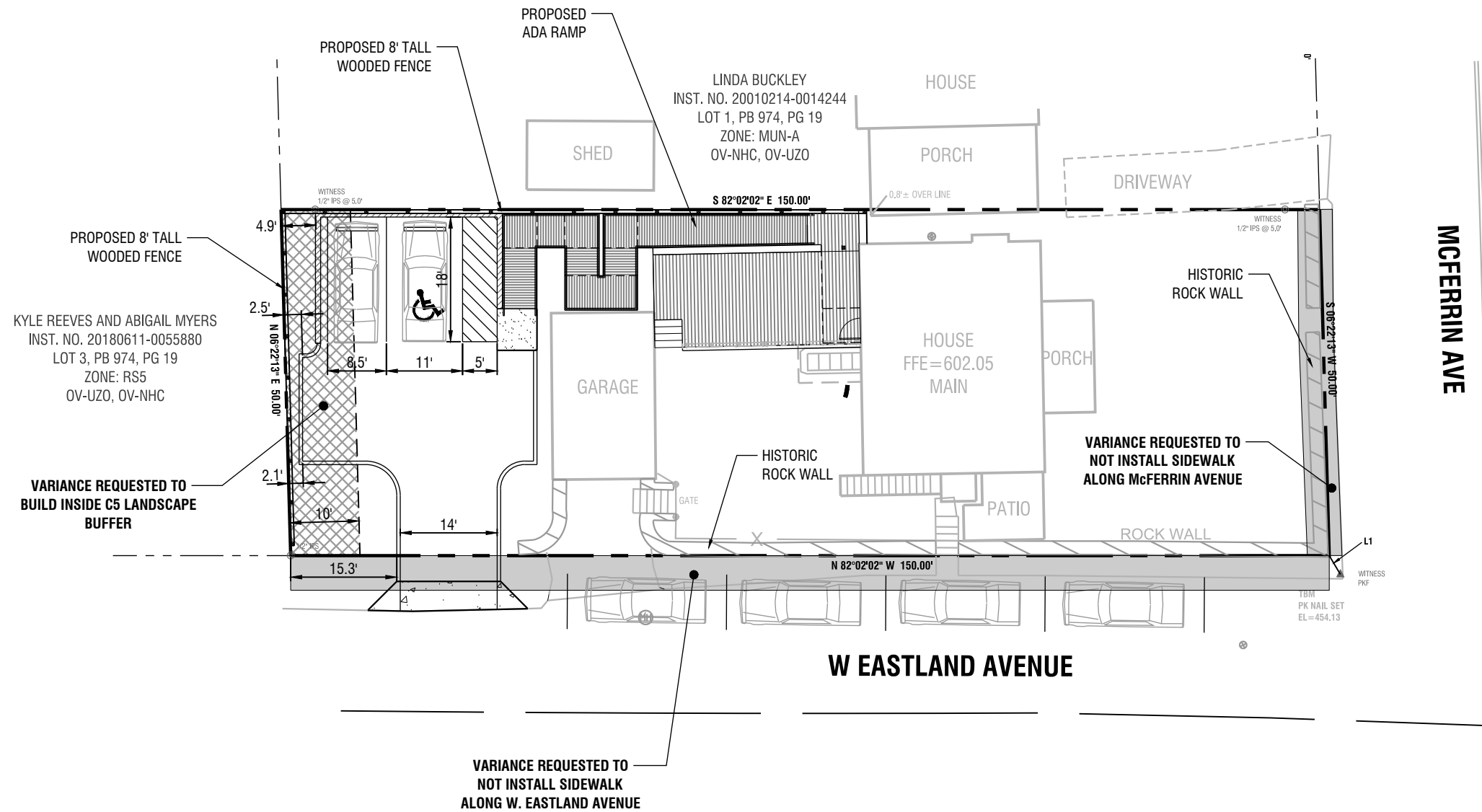
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Requesting variance for 3 issues which affect the usability of property at 924 McFerrin Ave. As the property is in an historic overlay, the stone wall running the width of the front of the lot, facing McFerrin, may not be altered nor removed. We are requesting that ① sidewalks NOT be required along the front as there appears to be insufficient room for installation. Additionally, we ask to not be required to install sidewalks along side of lot, Eastland St., as we hope to count the street parking in this area toward our required number of spaces. We are working to find an acceptable solution for the ADA spots, which is a challenge due to the grade and limited available space on the lot. We are asking that ② a variance be granted in that total number of spots be non-required or reduced, excepting the ADA. We are also asking ③ we not be held to the required 20 ft. landscape buffer because we feel certain it will impede the ability to get the proper ramps, sidewalks, etc. needed for ADA parking to building.



<p>A050</p> <p>DATE: 10/1/19 SCALE: AS SHOWN DRAWN BY: [Name] CHECKED BY: [Name]</p>	<p>SD</p>	<p>SPICY BOYS RESTAURANT NASHVILLE, TN</p>		<p>Architectural Firm Name 200 [Address] Nashville, TN [Zip]</p>	<p>SOZO ARCHITECTURE</p>
--	------------------	--	--	--	--

GENERAL INFORMATION:
ADDRESS: 924 McFERRIN AVENUE
ZONING: MUN-A
OVERLAY DISTRICTS: UZO & NHC
COUNCIL DISTRICT: 5th, SCOTT DAVIS



Prepared By:



4209 GALLATIN PIKE
 NASHVILLE, TENNESSEE 37216
 T: (615) 227-5863
 www.dmg-nashville.com

Prepared For:

RENITA & GUY CHENEY
 4709 MEDALIST CIRCLE
 HERMITAGE, TN 37076
 T: (225) 772-0220

COMMERCIAL RESTAURANT REHAB
 924 McFERRIN AVENUE
 NASHVILLE, TENNESSEE

SCALE:	1"=20'	BZA EXHIBIT
DATE:	08-22-19	
REV:	.	SP-01
DMG Project No:	19145	

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-384 (924 McFerrin Avenue)

Metro Standard:	McFerrin Avenue – 4’ grass strip and 8’ sidewalk, as defined by the Major and Collector Street Plan
	West Eastland Avenue - 4’ grass strip and 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	MUN-A
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	McFerrin Avenue – T4-M-CA2
	West Eastland Avenue – Local Street
Transit:	None existing; none planned
Bikeway:	Minor separated bikeway planned on McFerrin Avenue per WalknBike

Planning Staff Recommendation: *Disapprove*

Analysis: The applicant proposes repurposing an existing single family residence for a new restaurant and requests a variance from constructing sidewalks along the McFerrin Avenue and West Eastland Avenue property frontages. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along McFerrin Avenue, which is consistent with adjacent properties to the north. Along the same block face, a 4’ grass strip with a reduced width sidewalk of 5’ is under construction at 934 McFerrin Ave to mitigate impacts to the existing historic wall along its frontage (BZA Case No. 2018-335).
- (2) No sidewalk currently exists along the West Eastland Avenue frontage which is consistent with adjacent properties to the west. Currently, the width of the pavement along the Local Street is approximately 36’ from the curblines of the property to the south to the subject site, which exceeds Metro Public Works engineering detail ST-252b by 6’. The historic wall is inset approximately 2’ from the street. As such, an opportunity to construct a sidewalk along the frontage while providing for space for on-street parking and for the preservation of the stone wall exists.
- (3) While preserving historic features within the Greenwood Neighborhood Conservation district remains a priority, the provision of an alternate sidewalk design along both property frontages which preserves the stone walls is feasible.

Given the factors above, staff recommends **disapproval**. The applicant shall work with Public Works to develop an alternative sidewalk design that preserves the stone walls and provides a minimum 5’ wide sidewalk.

From: [Kivett, Stephan \(Codes\)](#)
To: [Lamb, Emily \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Cc: [Wyatt, Jonathan \(Codes\)](#)
Subject: The 2 buffer cases on Sept 19 docket
Date: Wednesday, September 11, 2019 8:35:06 AM

Case 2019-384 – McFerrin Ave

Have spoken with applicant. OK with variance being granted

Case 2019-409 – Robertson Ave

Have not spoken with applicant. Don't really see any hardship

I typically do not have issue with buffer variance requests, especially if no opposition shows up. These projects have to meet the Tree Density Unit requirement anyway, and as such, will have trees planted on-site.

Stephan Kivett
Urban Forester
Dept of Codes and Building Safety
(615) 862-6488

From: [Alecia Harrison](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: application for variance #2019-384
Date: Wednesday, September 4, 2019 2:40:18 PM

To whom it may concern,

I am writing to oppose the sidewalk variance applied for by home/restaurant at 924 McFerrin Ave. This intersection is so busy. We live at the bottom of McFerrin Ave. We see first hand that the pedestrian, parking and driving traffic through this section of our street is very unsafe for all patrons and neighbors. There is a desperate need for attention to be paid to this section of our neighborhood and sidewalks are just the beginning of the needs, especially if we are adding another restaurant.

Thank you for considering,

Alecia Harrison

From: [Claire Posey](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Public Comment Appeal Case 2019-384
Date: Friday, August 30, 2019 10:08:58 AM

Good morning,

I am writing to submit my comments on the appeal case 2019-384, the case concerning 924 McFerrin Avenue. I am a home owner in this neighborhood and I am in strong opposition against the 924 McFerrin property owner's requests to not put in sidewalks around their commercial property.

I frequently walk through this part of the neighborhood and it is simply untrue that there is not sufficient room for sidewalks. On the contrary, there is quite a wide space between their historic stone wall and the paved street on the McFerrin side.

Putting sidewalks in this area is a high priority for the Greenwood Neighborhood as this is a major pedestrian area, with many neighbors trying to walk safely from their homes to the businesses on the corner of McFerrin and Eastland (The Pharmacy, Mas Tacos, Lyra, etc) or further down McFerrin to the Ross school. This is also a booming destination for tourists, many of whom are pedestrians as well.

There is a sidewalk gap on this side of McFerrin that stretches between Petway and Eastland. It is our hope that this project and the other development projects currently underway (at Seymour and McFerrin, for example) will put in sidewalks so that this gap will be closed and our neighbors can safely walk on both sides of the street. The multiple new higher density housing projects in the neighborhood will only produce more pedestrians and further justify the need for sidewalks.

There is simply no justifiable reason for this property owner to avoid building sidewalks, as it is critical for the safety and vitality of the neighborhood and this commercial area and there is ample space to do so.

Thank you for adding my comment into the record.

Sincerely,

Claire Davis Posey
Greenwood Homeowner and Resident
808 Petway Avenue
Nashville, TN 37206

From: [David Posey](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Comment on case # 2019-384
Date: Wednesday, September 11, 2019 9:47:36 AM

I wish for these comments to be provided to the Board of Zoning Appeals regarding case 2019-384. This is for the property at 924 McFerrin Avenue.

I request that case 2019-384 not be placed on any consent agenda.

I live near 924 McFerrin Ave. and I am opposed to the Board granting the applicant's request to not build sidewalks. This is a busy commercial area, and the entire property is being converted into a restaurant, which will attract even more pedestrians.

There is plenty of room for sidewalks on both streets the property faces (McFerrin Ave. and W. Eastland Ave.), even considering the placement of the historic stone wall. Installing sidewalks may require reducing street parking, but that is acceptable. Providing safe passage for pedestrians is far more important than providing convenient parking for drivers.

It may be necessary to reduce the required dimensions of the sidewalk, or to reduce the required buffer between the sidewalk and the street. That is acceptable given the conditions.

Even if the Board chooses to allow the applicant to forego building sidewalks, they should still be required to pay into the sidewalk fund.

Sincerely,
David Posey
808 Petway Ave.
Nashville, TN 37206

From: [Mallory Hacker](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: application for variance # 2019-384
Date: Friday, August 30, 2019 3:06:50 PM
Attachments: [image.png](#)

Hello,

As a Greenwood neighborhood resident, I am writing to express my disapproval of [application for variance # 2019-384](#).

(1) That area is already a busy commercial corner (just drive by at 7pm on any Friday night). Adding another restaurant will only add to the pedestrian density. There are currently no sidewalks on that side of McFerrin, and it is very unsafe to have so many people forced into the street (particularly with street parking on both sides).

(2) There is plenty of room to include sidewalks on that property (924 McFerrin Ave).

Please disapprove this request and help keep residents and visitors of that area safe.

Mallory



From: [Nathan Pyle](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Vote NO Permit #20190041964 (924 McFerrin Avenue)
Date: Tuesday, September 3, 2019 8:22:13 PM

Hello Board of Zoning Appeals,

I'm writing to you in regards to Permit #20190041964 (924 McFerrin Avenue) appealing having to build sidewalks. It's been a request by Greenwood neighbors for many years to have a sidewalk installed on McFerrin Avenue (between W Eastland to Seymour) as this area has high pedestrian traffic due to the local businesses. In order to ensure the safety of the pedestrians and honor the request for the current neighbors, I ask that you vote NO on allowing to renovate the existing property without building sidewalks or paying into the sidewalk fund.

Unfortunately the public hearing falls in the middle of the work day and I'm unable to attend to voice my opposition in person. I do hope that you take into account this written email submission to serve in my place.

I support the added growth to the neighborhood, I believe in property rights, but I also believe that growth needs to help the footprint of the neighborhood. Even the new development on the corner of Seymour and McFerrin is being required, as it should be, to build a sidewalk due to the request of the neighborhood.

Again, I ask that you reject the appellant from being exempt from building a sidewalk.

--

Nathan Pyle
nathan.s.pyle@gmail.com

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



Appellant: Andy Raley Date: 7-16-19
Property Owner: Waste Management of TN. Case #: 2019-388
Representative: Peter Chimera Map & Parcel: 34-10-124

Council District 10

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 along Edenwald Dr. & Myatt Dr.

Activity Type: Commercial Renovation

Location: 630 Myatt Dr.

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: Does not meet sidewalk requirement

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.

ANDY RALEY
Appellant Name (Please Print)

PETER CHIMERA
Representative Name (Please Print)

2555 MERIDIAN BLDG. STE 200
Address

325 SEABOARD LN STE. 170
Address

FRANKLIN, TN 37067
City, State, Zip Code

FRANKLIN, TN 37067
City, State, Zip Code

615-764-9794
Phone Number

615-333-7797
Phone Number

RRALEY@WM.COM
Email

PCHIMERA@CELINC.COM
Email

Zoning Examiner: CH.

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**



3691604

**ZONING BOARD APPEAL / CAAZ - 20190042177
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 03410012400**APPLICATION DATE:** 07/16/2019**SITE ADDRESS:**

630 MYATT DR MADISON, TN 37115
W/S MYATT DR N OF EDENWOLD RD

PARCEL OWNER: WASTE MANAGEMENT, INC. OF TENNESSEE**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirements on Myatt Dr and Edenwold Dr.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR VARIANCE REQUESTS

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

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

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


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

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


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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT



 DATE

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 Sidewalk Waiver Request Letter for
detailed description. Sidewalk construction is not
warranted by Metro Planning documents.



Civil & Environmental Consultants, Inc.

July 15, 2019

Board of Zoning Appeals
Metropolitan Codes Department
800 2nd Avenue South
Nashville, TN 37210

Subject: Sidewalk Waiver Request Letter
Waste Management Rivergate Facility
630 Myatt Drive
Metropolitan Nashville, Davidson County, Tennessee
CEC Project No. 183-703

Board Members:

Please allow this letter to serve as a request for waiver from the Metropolitan Nashville sidewalk requirements listed in Section 17.20.120 of the Metropolitan Nashville Zoning Code, "Provision of Sidewalks," and Metro's requirement to bring adjacent public streets to Metro Public Works' standards. The purpose of this request is to eliminate sidewalk and roadway improvement requirements from Myatt Drive and Edenwold Road. A previous variance was awarded to this property (case #2019-053) eliminating the requirements from Edenwold Road. This variance was approved under the condition the sidewalk be installed on Myatt Drive. If this variance request is approved, it will waive the requirements for both Edenwold Road, and Myatt Drive.

The conditions supporting our request to remove sidewalk from Myatt Drive are explained below. Conditions supporting our request to remove sidewalk from Edenwold Road were stated in our previous variance request which was approved.

The project associated with this request involves interior and exterior improvements to the existing recycling facility.

Civil & Environmental Consultants, Inc., on behalf of our client Waste Management, have recently received approval of grading permit for the property. The current plans include sidewalk and a bike path along Myatt Drive. In order to provide these amenities, a closed drainage system has been proposed, utilizing a complicated network of shallow cover, low slope, and large diameter elliptical pipes. This system is an effective, but inefficient means of transporting stormwater. With the current configuration, pipes are placed at a slope of 0.65%. CEC is requesting this variance to remove the sidewalk and bike path in order to allow stormwater to be transmitted via a grass ditch instead of the current complicated, inefficient network of pipes. This will provide higher stormwater flow capacity, while allowing for increased infiltration and groundwater recharge.

Furthermore, there is little to no need for sidewalk on this section of Myatt Drive. Just south of the site on Myatt Drive there is approximately 1/8 of a mile of right-of-way not adjacent to privately owned land. This means that this area will only have sidewalk installed if Metro chooses to fund

Board of Zoning Appeals
Metro Nashville
Page 2
July 15, 2019

construction of the sidewalk. From review of the Metro WalknBike Plan, this will not likely happen. Additionally, south of this area, there is a bridge that is not wide enough to accommodate pedestrian traffic or a bike lane. The only property that this sidewalk would serve is the subject property, and without another section of sidewalk present on Myatt Drive for over 500 feet, it would receive little to no use.

Nashville's WalknBike Plan outlines the priority levels for sidewalk on Nashville's roadways. The plan describes the different need characteristics, and compiles them to give each road a priority score. Some of the factors for need, and the total priority, are listed below:

- The WalknBike Plan conducted a survey of Nashville residents and classified sidewalk and bike needs based on resident input. This was used to create the attached map, "Public Input: Pedestrian Needs." Myatt Drive is not listed as a "route that could be improved for pedestrians" or "barrier to walking."
- The WalknBike Plan reviewed Nashville's pedestrian and bike crash history, and generated a map indicating areas of low and high crash frequency for bikes and pedestrians. The attached maps, "Crash Analysis - Bike Crash Frequency," and "Crash Analysis - Pedestrian Crash Frequency," show pedestrian and bike crash rates of 0 for the area surrounding the site.
- The WalknBike Plan references the 2014 MPO Regional Bicycle and Pedestrian Study's Health Priority Area map. This map shows areas with a higher need for sidewalks based on poverty, unemployment, access to a vehicle, and aging populations. The attached map shows a health priority score of two. The plan calls for a focus on areas scoring three or above.
- The WalknBike Plan includes a map showing the Pedestrian Level of Service for pedestrians on various routes throughout Nashville. The plan shows Myatt Drive as LOS B north of Edenwold Road.
- The WalknBike Plan includes a Pedestrian Supply and Demand map that classifies the supply and demand for sidewalks as either low or high. The map shows Myatt Drive north of Edenwold Road. as "Low Demand and High Supply." Areas in this category are least in need of improvements.
- As step three in the process of prioritizing sidewalks, each road was assigned a priority level from 0-195. Myatt Drive scored between 46 and 109, as shown on the attached map. This is the third lowest of four priority categories.
- The WalknBike Plan concluded with the attached map, "Prioritized Sidewalk Network." The map does not show the portions of Myatt Drive near the site as priorities.

A major functional obstacle for sidewalk would be the need to install curb and gutter, and subsequently closed drainage. The road is located in a low lying flat area. Because of this, it would be very difficult to install a closed drainage system that could outfall to the existing drainage ditch further north on Myatt Drive.

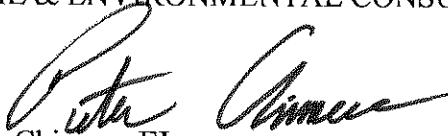
Board of Zoning Appeals
Metro Nashville
Page 3
July 15, 2019

In closing, we appreciate your attention to this waiver request. While Waste Management appreciates Nashville's efforts to promote a more walkable community, it is evident that incorporation of a sidewalk and bike lane along the property line will not provide the benefits for which the program is intended. We are hopeful that you will agree, and will waive the sidewalk requirement for this property.

If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 333-7797.

Sincerely,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

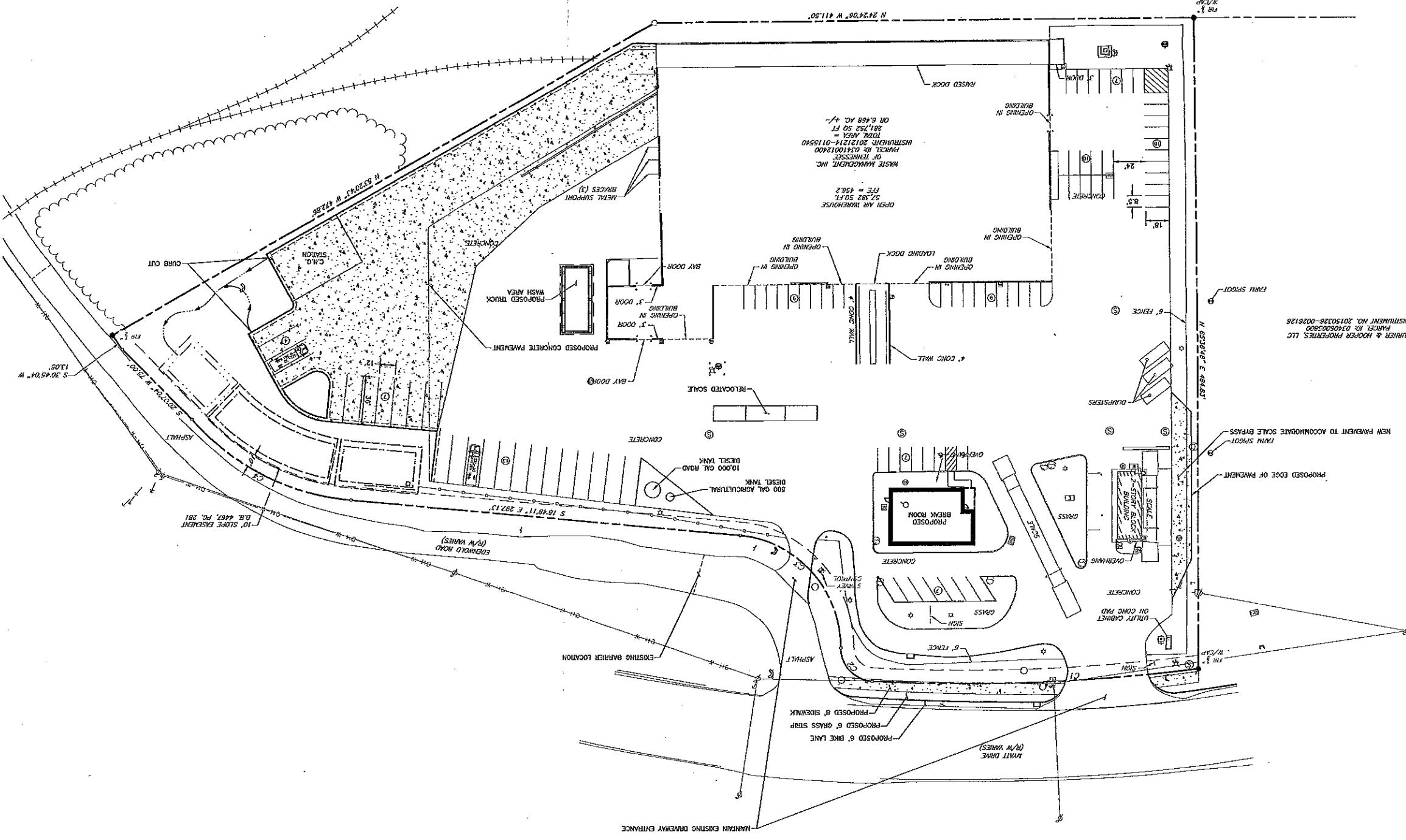
A handwritten signature in black ink, appearing to read "Peter Chimera". The signature is fluid and cursive, with a large initial "P" and "C".

Peter Chimera, EI
Assistant Project Manager

Attachments:
Site Layout Plan
WalkNBike Maps



NORTH



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

NOTE TO CONTRACTOR
THE CONTRACTOR SHALL REFER TO ALL PLANS WITH THIS PLAN SET. IT IS NOT THE ENGINEER'S INTENT THAT ANY SHOWN PLYM OR THIS SET OF DOCUMENTS FULLY DEFINE ALL WORK ASSOCIATED WITH THIS PROJECT.

APP IN (MADISON), LLC
PARCEL ID: 0341001900
INSTRUMENT NO. 20110428-002617

TURNER & HOPPER PROPERTIES, LLC
PARCEL ID: 0340809900
INSTRUMENT NO. 20130326-0026126

SITE DATA

PROJECT NAME: RIVERGATE FACILITY PARKING IMPROVEMENTS
ADDRESS: 630 MYATT DRIVE
CITY: NASHVILLE
COUNTY: DAVIDSON
STATE: TENNESSEE
COUNCIL DISTRICT: D049
COUNCIL MEMBER: DOUG PARKER
EXISTING ZONING: IR - INDUSTRIAL, RESTRICTIVE
EXISTING USE: INDUSTRIAL
AREA OF EXISTING SITE: 6.47 AC
SQ. FT. OF EXISTING SITE: 281,751.74 SF
GROSS SQUARE FOOTAGE OF BUILDINGS: 50,931.66 SF
PREVIOUS SURFACE PAVING: 0.71
FEMA FLOOD MAP NUMBER: 47027012H
THIS PROPERTY IS NOT LOCATED IN AN AREA DESIGNATED AS A SPECIAL FLOOD AREA
TOTAL DISTURBED AREA = 4.40 ACRES
PROPOSED IMPROVED AREA = 1.13 ACRES

SCALE IN FEET
0 20 40 80

SITE PLAN

DATE: DECEMBER 2018 DRAWN BY:
PROJECT NO.: AS SHOWN CHECKED BY:
APPROVED BY: DRAFT

WASTE MANAGEMENT, LLC.
RIVERGATE FACILITY
PARKING IMPROVEMENTS
630 MYATT DRIVE
NASHVILLE DAVIDSON COUNTY, TN

Civil & Environmental Consultants, Inc.
325 Seaboard Lane - Suite 170 - Franklin, TN 37067
615-333-7197 800-783-2326
www.ceci.com

NO.	DATE	DESCRIPTION

- LEGEND**
- - - - - EXISTING PROPERTY LINE
 - - - - - EXISTING ADJACENT PROPERTY LINE
 - - - - - EXISTING EASEMENT
 - - - - - EXISTING CHAINLINK FENCE
 - - - - - EXISTING STORM SEWER LINE
 - - - - - EXISTING OVERHEAD ELECTRIC
 - - - - - EXISTING RAILROAD TRACKS
 - - - - - BREAK IN BOUNDARY LINE
 - - - - - FOUND FROM ROAD (FR)
 - - - - - REBAR FROM PIN SET AND CAP
 - - - - - SKH
 - - - - - LIGHT STAND
 - - - - - AG UTILITY
 - - - - - BOLLARD
 - - - - - HANDBIKE PARKING STATION
 - - - - - STORM MANHOLE
 - - - - - CATCH BASIN (TRENCH)
 - - - - - ROOF DOWNSPOUT
 - - - - - SANITARY MANHOLE
 - - - - - CLEAN OUT
 - - - - - WATER BOX
 - - - - - FIRE HYDRANT
 - - - - - WATER METER
 - - - - - P.V. - POST INDICATOR VALVE
 - - - - - RAIN SPLOOT
 - - - - - BUSH SHRUB (SIZE)
 - - - - - POWER POLE
 - - - - - ELECTRIC METER
 - - - - - TRANSFORMER
 - - - - - CUY WIRE
 - - - - - TELEPHONE PEDESTAL
 - - - - - SURVEY CONTROL POINT
 - - - - - PROPOSED CURB & GUTTER
 - - - - - PROPOSED EDGE OF PAVED DRIVE
 - - - - - PROPOSED RETAINING WALL
 - - - - - PROPOSED PARKING STALL
 - - - - - PROPOSED PARKING COUNT
 - - - - - PROPOSED LIMITS OF PROTECTION
 - - - - - PROPOSED LIMITS OF PRE-TREATMENT
 - - - - - PROPOSED GRASS CHANNE

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-388 (630 Myatt Drive)

Metro Standard:	Myatt Drive – 6’ grass strip, 8’ sidewalk as defined by the Major and Collector Street Plan
	Edenwold Road – 4’ grass strip, 5’ sidewalk as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks along Edenwold Road
Zoning:	IR
Community Plan Policy:	D IN (District Industrial)
MCSP Street Designation:	Myatt Drive – T3-M-AB5
	Edenwold Road – Local Street
Transit:	None existing; none planned
Bikeway:	Existing bikeway for experienced cyclists on Myatt Drive

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is proposing interior and exterior renovations to the existing material recovery facility and requests a variance to not construct sidewalks along the Myatt Drive property frontage. The applicant was granted a variance by the Metro Board of Zoning Appeals to construct sidewalks along Edenwold Road on February 7, 2019. A condition of that variance was to construct sidewalks along Myatt Drive. The applicant is now requesting to not construct sidewalks along Myatt Drive. Planning evaluated the following factors for the variance request:

- (1) Myatt Drive is as an Arterial-Boulevard in the Major and Collector Street Plan. This street tends to have higher traffic speeds and volumes despite the nearby industrial uses. Additionally, office uses are mixed in with the surrounding industrial services with connectivity to Gallatin Pike for transit service.
- (2) Given that the applicant was granted a variance along one frontage with the condition to build sidewalks on Myatt Drive, additional discussion is needed with the applicant to develop an alternative sidewalk design along Myatt Drive.

Given the factors above, staff recommends **disapproval**. **In order to address the applicant’s concerns in a more expedient manner, the applicant may file a sidewalk waiver to resolve the technical issues of sidewalk installation, so an alternative sidewalk design with Public Works, Water, and Planning can be developed.**

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Joshua Malnofski
Property Owner: Tom Ashley
Representative: Joshua Malnofski

Date: 7/24/19
Case #: 2019-393
Map & Parcel: 17112007300

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:

Activity Type: HPR
Location: 4422 Scenic Drive Nashville, TN 37204

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: front setback 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.

Joshua Malnofski
Appellant Name (Please Print)

Joshua Malnofski
Representative Name (Please Print)

2017 B Garbrite
Address

2017 D Garbrite
Address

Nashville TN 37215
City, State, Zip Code

Nashville TN 37215
City, State, Zip Code

(615) 440-9102
Phone Number

(615) 440-9102
Phone Number

Jmalnofski@lincolnhome loans.com
Email

Jmalnofski@lincolnhome loans.com
Email

Zoning Examiner: WM

Appeal Fee: \$100

jmalnofski@lincolnhome loans.com

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.

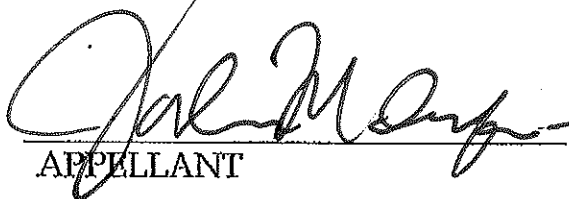
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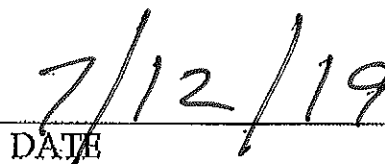
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT



 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?

*The Physical Characteristics of the Property.
We are requesting a 40 foot setback.*



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



3694521

ZONING BOARD APPEAL / CAAZ - 20190044049
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13112007300

APPLICATION DATE: 07/24/2019

SITE ADDRESS:

4422 SCENIC DR NASHVILLE, TN 37204

E SIDE SCENIC DR N OF BATTERY LANE

PARCEL OWNER: BENZ, NELSON P. & ARTHUR, GERALD Q. CONTRACTOR:

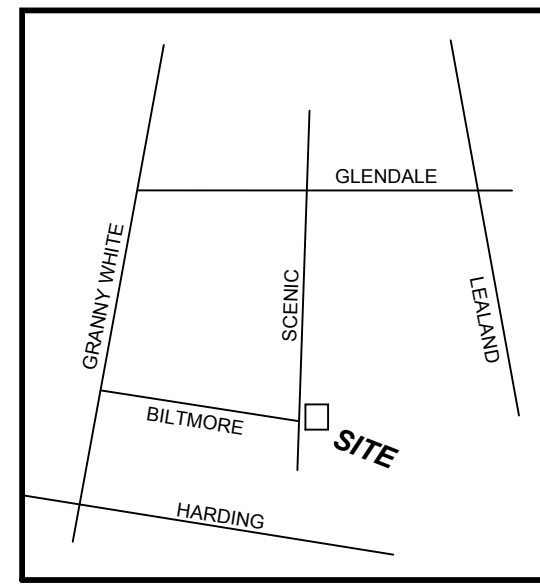
APPLICANT:**PURPOSE:**

Requesting an 87' front setback variance for proposed HPR development. 127' required proposing 40' for an 87' variance request. see METZO section 17.12.020 table A.

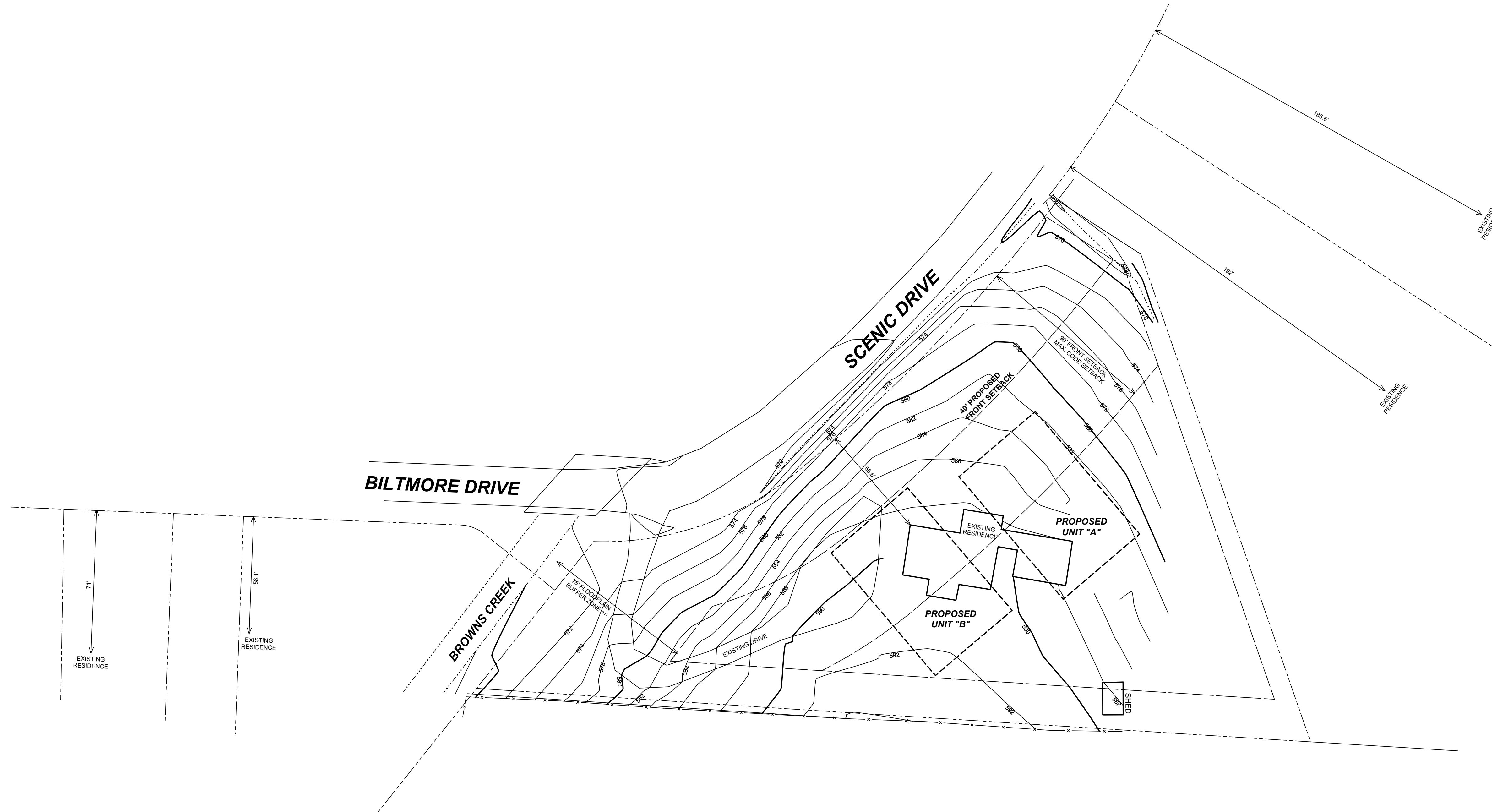
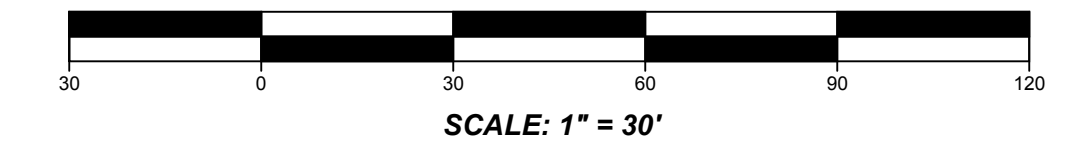
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

Inspection requirements may change due to changes during construction.



VICINTY MAP



JASON F. SMITH TN. RLS NO. 1961
SMITH LAND SURVEYING, LLC
7534 PINEWOOD ROAD PRISM SPRINGS, TN. 38476
TEL: (615) 668-3500
SMITHLANDSURVEYINGLLC@GMAIL.COM

FRONT SETBACK VARIANCE EXHIBIT

PRELIMINARY SURVEY
4422 SCENIC DRIVE
NASHVILLE, TENNESSEE
MAP 131-12 PARCEL 73.00
DATE: JULY 15, 2019

2019-393

Bob O'Dell



[Street Address] • [City], [State] [Postal Code] • Phone: [Your Phone] • Fax: [Your Fax]
E-Mail: [Your E-Mail] Web: [Web Address]

Date: 25 August 2019

Zoning Office
Metropolitan Government of Nashville and Davidson County
P.O. Box 196350
Nashville, TN 37219-6300

Dear Zoning Office:

This letter gives my opinion of Appeal Case Number 2019-393 re the setback of two single family residences at 4422 Scenic Drive, Nashville 37204. I am a nearby resident at 104 Braxton Hill Ct., which is part of a 6 unit condominium located on lots 4408 and 4410 Scenic Drive.

I believe that the proposed new setback of 87' instead of 127' is OK. This is based on the fact that the present house on that lot is about this distance from Scenic Drive and does not destroy the symmetry of this short street.

Sincerely,

C. R. O'Dell

From: [Cindy Rich](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Vote no on Setback variance appeal case 2019-393
Date: Monday, September 9, 2019 11:42:00 AM

I want to vote no on the setback variance appeal case 2019/393.
Cindy Rich 1108 a Nashville, TN 37204. CindyRich makeup@gmail.com
Thanks Cindy

From: [David Hansen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: lynne.king99@yahoo.com; kervin8448@aol.com; christinamshansen@comcast.net
Subject: Appeal case 2019-393 for Map Parcel 13112007300-vote NO
Date: Wednesday, September 11, 2019 8:35:29 PM
Attachments: [image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)
[image.png](#)

To Metropolitan Board of Zoning Appeals:

You will find below a petition that 35, so far, close neighbors to the property at 4422 Scenic Drive have signed. We request that the Board of Zoning deny the variance and enforce the current zoning requirements. Per zoning (17.12.030) - street setbacks are required to be the average of the four closest houses to the property facing the same side of the road or 3 times the minimum setback of 30 feet. The average setback is 200 feet and three times the minimum would be 90 feet.

Thank you for helping keep our neighborhoods beautiful.

Sincerely,

David Hansen

Petition to Deny Zoning Appeal Case 2019-393

Petition summary and background
 Joshua Malnofski, President and Owner of Lincoln Home Loans, has appealed for a setback variance of 87 feet from the required setback. 127 feet setback is required by the plat (recorded in Book 2083, page 8) and a change to a setback to only 40 feet is requested to allow for two homes to be built.

Action petitioned for
 We, the undersigned, are neighbors of 4422 Scenic Drive, and request that the Board of Zoning deny the variance and enforce the current zoning requirements. Per zoning (17.12.030) - street setbacks are required to be the average of the four closest houses to the property facing the same side of the road or 3 times the minimum setback of 30 feet. The average setback is 200 feet and three times the minimum would be 90 feet.

Printed Name	Signature	Address	Email Address	Date
Amy Charlton	<i>[Signature]</i>	1030 Battery Lane Nashville, TN 37200	amy.charlton@belmont.edu	9/7/19
Matthew Charlton	<i>[Signature]</i>	1030 Battery Lane Nashville, TN 37200	matthew-w.charlton@gmail.com	9/7/19
Mr. Sharp	<i>[Signature]</i>	1034 Battery Ln Nashville, TN 37200		9/7/19
Charline Sharp	<i>[Signature]</i>	1034 Battery Ln Nashville, TN 37200	Shourpe.117@comcast.net	9-7-19
Emily Burden	<i>[Signature]</i>	4413 Scenic Dr. Nashville, TN 37204	eburden81@gmail.com	9/7/19
Kathleen	<i>[Signature]</i>	4415 Scenic	Kevin8448@aol.com	9/7
Christina Hansen	<i>[Signature]</i>	4420 Scenic	ChristinaMSHansen@comcast.net	9/7

Petition to Deny Zoning Appeal Case 2019-393

Petition summary and background
 Joshua Malnofski, President and Owner of Lincoln Home Loans, has appealed for a setback variance of 87 feet from the required setback. 127 feet setback is required by the plat (recorded in Book 2083, page 8) and a change to a setback to only 40 feet is requested to allow for two homes to be built.

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Printed Name	Signature	Address	Email Address	Date
Claire Sheller		4411 Scenic Drive Unit B Nashville 37204	sheller.claire@gmail.com	9-7-19
Annaborn Hayes		4409 Scenic Dr. Apt B Nashville, TN 37204	annabornhayes@gmail.com	9-7-19
Ryan Dooley		4409 Scenic Dr Apt B Nashville TN 37204	R.dooley2@gmail.com	9-7-19
Brian Cunningham		4405 Scenic Dr Nashville, TN 37204	bucunning2@hotmail.com	9-7-19
KIM sheri:dan		4403 Scenic Dr 37204	Kc Sheridan @comcast.net	9/7/19
JJM Sheridan		" "		9/2/19
William Hunt		4411 Scenic Dr. Apt A. Nashville, TN 37204	wh12384@gmail.com	9/7/19

Petition to Deny Zoning Appeal Case 2019-393

<p>Petition summary and background</p>	<p>Joshua Malnofski, President and Owner of Lincoln Home Loans, has appealed for a setback variance of 87 feet from the required setback. 127 feet setback is required by the plat (recorded in Book 2083, page 8) and a change to a setback to only 40 feet is requested to allow for two homes to be built.</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are neighbors of 4422 Scenic Drive, and request that the Board of Zoning deny the variance and enforce the current zoning requirements. Per zoning (17.12.030) - street setbacks are required to be the average of the four closest houses to the property facing the same side of the road or 3 times the minimum setback of 30 feet. The average setback is 200 feet and three times the minimum would be 90 feet.</p>

Printed Name	Signature	Address	Email Address	Date
Deborah Evans	<i>Deborah Evans</i>	100 Braxton Hill Ct	deco.girl@gmail.com	9/7/19
Michael Evans	<i>Michael Evans</i>	100 Braxton Hill Ct	mike.evans@gmail.com	9/7/19
BETH BARNETT	<i>Beth Barnett</i>	103 Braxton Hill Ct.	drb@berryhillchris.com	9-8-19
LYNN REED	<i>Lynn Reed</i>	103 Braxton Hill Ct	lynnreed.golf@gmail.com	9-8-19
Donald Overby	<i>Donald Overby</i>	101 BRAXTON HILLS	pnc.dtro@comcast.net	9/5/19

Petition to Deny Zoning Appeal Case 2019-393

<p>Petition summary and background</p>	<p>Joshua Malnofski, President and Owner of Lincoln Home Loans, has appealed for a setback variance of 87 feet from the required setback. 127 feet setback is required by the plat (recorded in Book 2083, page 8) and a change to a setback to only 40 feet is requested to allow for two homes to be built.</p>
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Printed Name	Signature	Address	Email Address	Date
Margie Way-Kiani	<i>Margie Way-Kiani</i>	4418 Scenic Dr.	margiewaykiani@yahoo	9/7
Taylor O'Connor	<i>Taylor O'Connor</i>	4418 Scenic Dr	jtomusic@gmail.com	9/7
Rebecca Way	<i>Rebecca Way</i>	4418 Scenic Drive	rebway@comcast.net	Sept. 7 2019
Peter Sturdevant	<i>Peter Sturdevant</i>	4418 Scenic Dr	petesturdevant@gmail.com	9/7
Carter Hamric	<i>Carter Hamric</i>	1022 Battery Ln	Carter.Hamric@gmail.com	9/7
Lindsay Hamric	<i>Lindsay Hamric</i>	1022 Battery Ln	LindsayHamric@gmail.com	9/7
David Hansen	<i>David Hansen</i>	4420 Scenic Dr.	david.hansen@comcast.net	9/7/19

Petition to Deny Zoning Appeal Case 2019-393


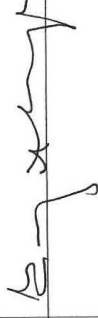
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Printed Name	Signature	Address	Email Address	Date
WALT CAIN	<i>Walt Cain</i>	1101 BILTMORE DR UNIT B	WALTCAIN@COMPAST.NET	9/7/19
Sheila Cain	<i>Sheila E Cain</i>	1101 BILTMORE UNIT B	SHEILA.E.CAIN@COMPAST.NET	9/7/19
Tanner Yancy	<i>Tanner Yancy</i>	1101 Biltmore Unit D	tanner.yancy.tx@gmail.com	9/7/19
Catherine McKay	<i>Catherine McKay</i>	1101 Biltmore Unit D	" "	9/7/19
COLIN PRICE	<i>Colin Price</i>	1102 B BILTMORE DR. SCENIC DRIVE	COLINPRICE@HOTMAIL.COM	9/7/19
LYNNE KING	<i>Lynne A King</i>	102 BRAXTON HILL CT	Lynne.King99@comcast.net	9/7/19
Vann Vann	<i>Vann Vann</i>	4411 Scenic Drive Unit B	vann.vann@mail.yahoo.com	

Nn Petition to Deny Zoning Appeal Case 2019-393

Petition summary and background	Joshua Malnofski, President and Owner of Lincoln Home Loans, has appealed for a setback variance of 87 feet from the required setback. 127 feet setback is required by the plat (recorded in Book 2083, page 8) and a change to a setback to only 40 feet is requested to allow for two homes to be built.
Action petitioned for	We, the undersigned, are neighbors of 4422 Scenic Drive, and request that the Board of Zoning deny the variance and enforce the current zoning requirements. Per zoning (17.12.030) - street setbacks are required to be the average of the four closest houses to the property facing the same side of the road or 3 times the minimum setback of 30 feet. The average setback is 200 feet and three times the minimum would be 90 feet.

Printed Name	Signature	Address	Email Address	Date
Preston Midden		4411 Scenic Dr. Nashville, TN 37204	Midden.preston@gmail.com	9/8/19
Greg Moyer		4414 Scenic Dr. Nashville, TN 37204	gregmoyer@gmail.com	9/8/19

From: [Lynne King](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Pulley, Russ \(Council Member\)](#)
Cc: [Kathleen Ervin](#); [Christina Hansen](#); [Deborah Evans](#)
Subject: Vote Against Appeal Case 2019-39 (Setback Variance) on September 19, 2019
Date: Thursday, September 12, 2019 10:01:43 AM

Dear BZA Members,

The Setback Variance (Appeal Case 2019-393) is scheduled to be heard by the Board of Zoning Appeals on 9/19/2019 at 1:00PM.

I am writing to give notice that the surrounding neighbors are against this variance request. Please vote against it.

Christine Hansen, I and other neighbors have collected signatures against this. You will receive a copy of these today in a separate email. We will be there in person for the hearing on September 19.

Thank you, in advance, for your responsiveness to us and our neighbors.

**Lynne King
102 Braxton Hill Court
37204**

From: [Walt Cain](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Vote no on setback variance(appeal case 2019-393) at board of zoning appeals on 9/19 at 1 PM
Date: Friday, September 6, 2019 9:21:05 PM

Hi - I oppose this due to the flood impact on Biltmore. Please vote no. Thanks

Walt Cain
1101 Biltmore Dr unit B
Nashville 37204

Sent from my iPhone

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: NEW BEGINNINGS DAY CARE Date: 7-29-2019

Property Owner: SOME Case #: 2019-397

Representative: MICHAEL HITE Map & Parcel: 08700003202

Council District 12

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

Purpose: to rehab office building
into a day care facility

Activity Type: Day Care

Location: 4201 Central Pike

This property is in the DR20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: a 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.

NEW BEGINNINGS DAY CARE
Appellant Name (Please Print)

MICHAEL HITE
Representative Name (Please Print)

4201 CENTRAL PIKE
Address

5428 CLARKSVILLE PIKE
Address

HERMITAGE, TN. 37076
City, State, Zip Code

WHITE'S CREEK, TN 37189
City, State, Zip Code

615-484-9806
Phone Number

615-484-9800
Phone Number

michael@carromike.com
Email

MICHAEL@CARRMIKE.COM
Email

Zoning Examiner: W. MORGAN

Appeal Fee: \$200



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



3695569

ZONING BOARD APPEAL / CAAZ - 20190044758
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08700003202

APPLICATION DATE: 07/29/2019

SITE ADDRESS:

4201 CENTRAL PIKE HERMITAGE, TN 37076
N/S CENTRAL PK & W OF NEW HOPE RD

PARCEL OWNER: NEW BEGINNINGS INTERNATIONAL MINI

CONTRACTOR:

APPLICANT:**PURPOSE:**

see application CACR T2019037931. Requesting a full sidewalk variance for proposed conversion of existing non-res building for a day care center per METZO section 17.20.120.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3684924

BUILDING COMMERCIAL - REHAB / CACR - T2019037931
Permit Tracking Checklist

PARCEL: 08700003202 **APPLICATION DATE:** 06/26/2019 **PERMIT TRACKING #:** 3684924

SITE ADDRESS:

4201 CENTRAL PIKE HERMITAGE, TN 37076
 N/S CENTRAL PK & W OF NEW HOPE RD

PARCEL OWNER: MIMS, WILLIAM EDWARD & SANDRA AU**CONTRACTOR:****APPLICANT:** CARRMICHAEL CONSTRUCTION, LLC

CARRMICHAEL CONSTRUCTION, LLC 65520 STBC

WHTIES CREEK, TN 37189

PURPOSE:

to rehab and convert former office building to a day care center for up to 29 children for NEW BEGINNINGS INTERNATIONAL MINISTRY. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: SIDEWALKS ARE PRESENT ON EXISTING STREET. THEREFORE, FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PUBLIC WORKS AND STORM WATER STAFFS ARE DIRECTED TO REVIEW APPLICATION ACCORDINGLY.

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

[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
[A] Site Plan Review		
PW - Public Works Sidewalk Capital Project Coordination Rev	NOTPLANNED	Kim.Patton@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6039 John.Tyler@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement	NO	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Life Safety Review On Bldg App	COND	615-862-5248 Joseph.Almon@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[G] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App	APPROVED	615-862-4590 joseph.welch@nashville.gov
BZA Hearing		615-862-6505 Debbie.Lifsey@nashville.gov
BZA Hearing on a BLDG Permit		
[D] Grading Plan Review For Bldg App	REJECTED	615-862-4276 Kimberly.Hayes@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
Kitchen Plans Review On Bldg App	IGNORE	615-340-5620 Steve.Crosier@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermits@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
CA - [B] Fire Review State on Building App		741-7190

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

7-29-2019
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

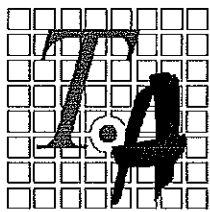
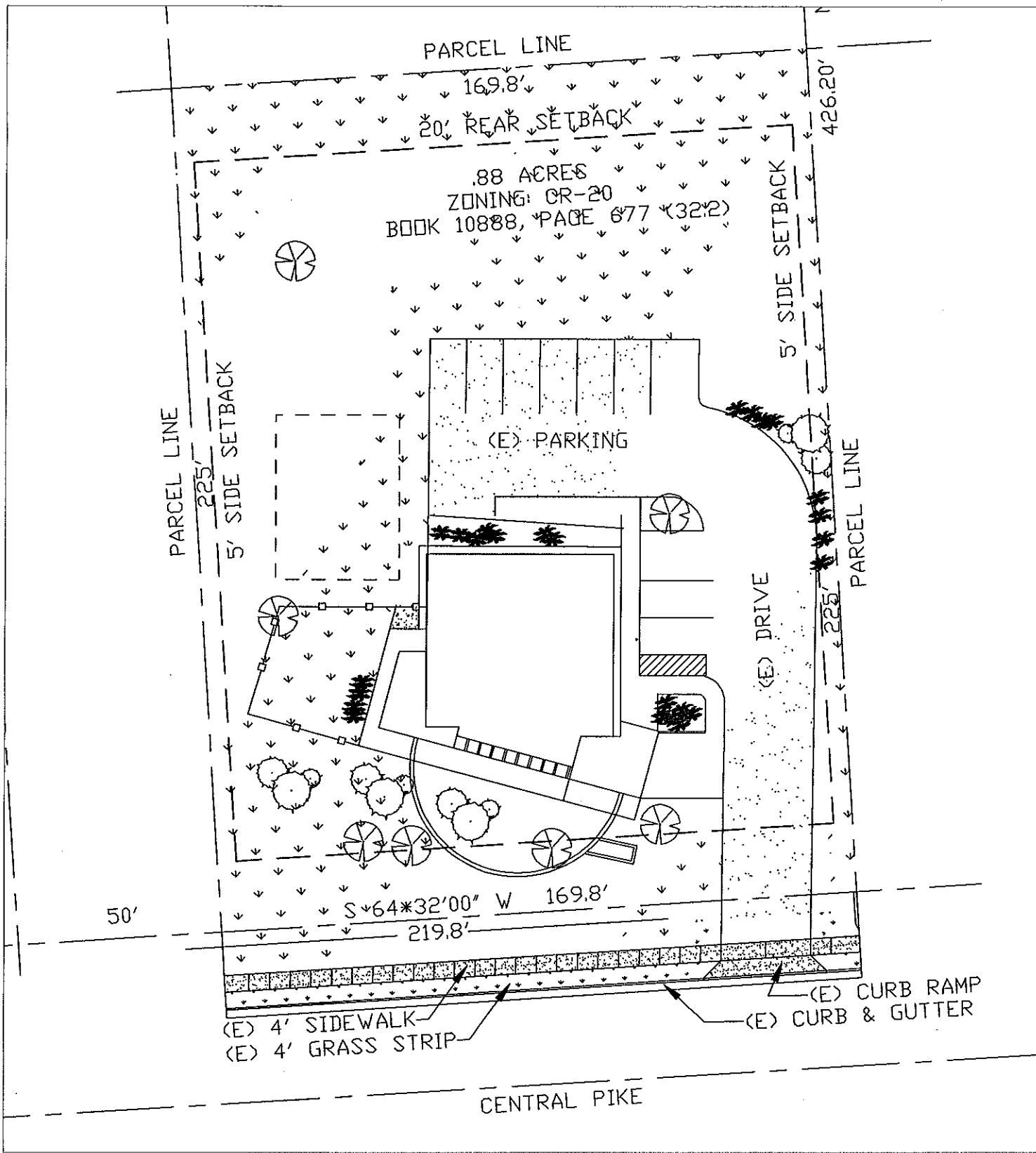
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

~~NO OTHER SIDEWALK~~

PROPERTY HAS AN EXISTING 4' SIDEWALK & 4' GRASSY STRIP, AND A CURB IN GUTTER THAT COMPLIES WITH ADA'S CODE STANDARDS AT THE TIME IT WAS PUT IN. CURRENT CODES CALLS FOR AN 8' SIDEWALK AND A SIX FOOT GRASS STRIP. NOTE THAT THERE ARE NO OTHER SIDEWALKS ON THE STREET OR THE INTERSECTING STREET FOR MILES IN ANY DIRECTION, SO THE EXISTING IS A SIDEWALK TO NOWHERE.

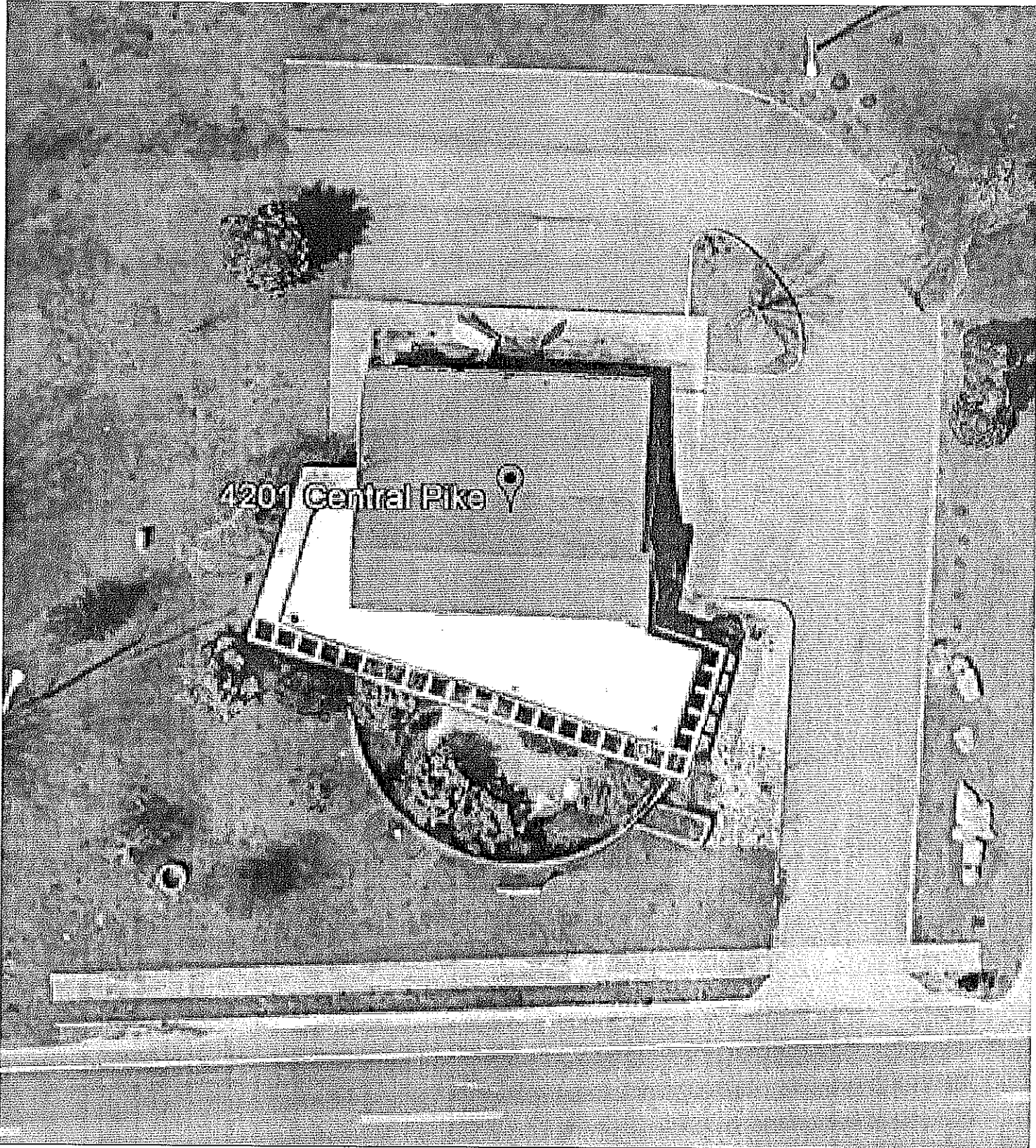


Harold Thompson Architects
architecture design consulting

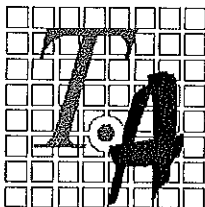
761 Old Hickory Blvd. Suite 203 Brentwood, TN 37027
 voice 615.969.7796 fax 615.333.1671
 harthom@comcast.net

New Beginnings Daycare
 4201 Central Pike, Hermitage, TN
 Date: April 24, 2019

SHEET NO.



4201 Central Pike 

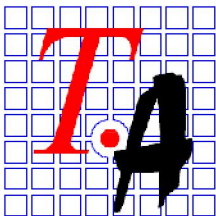
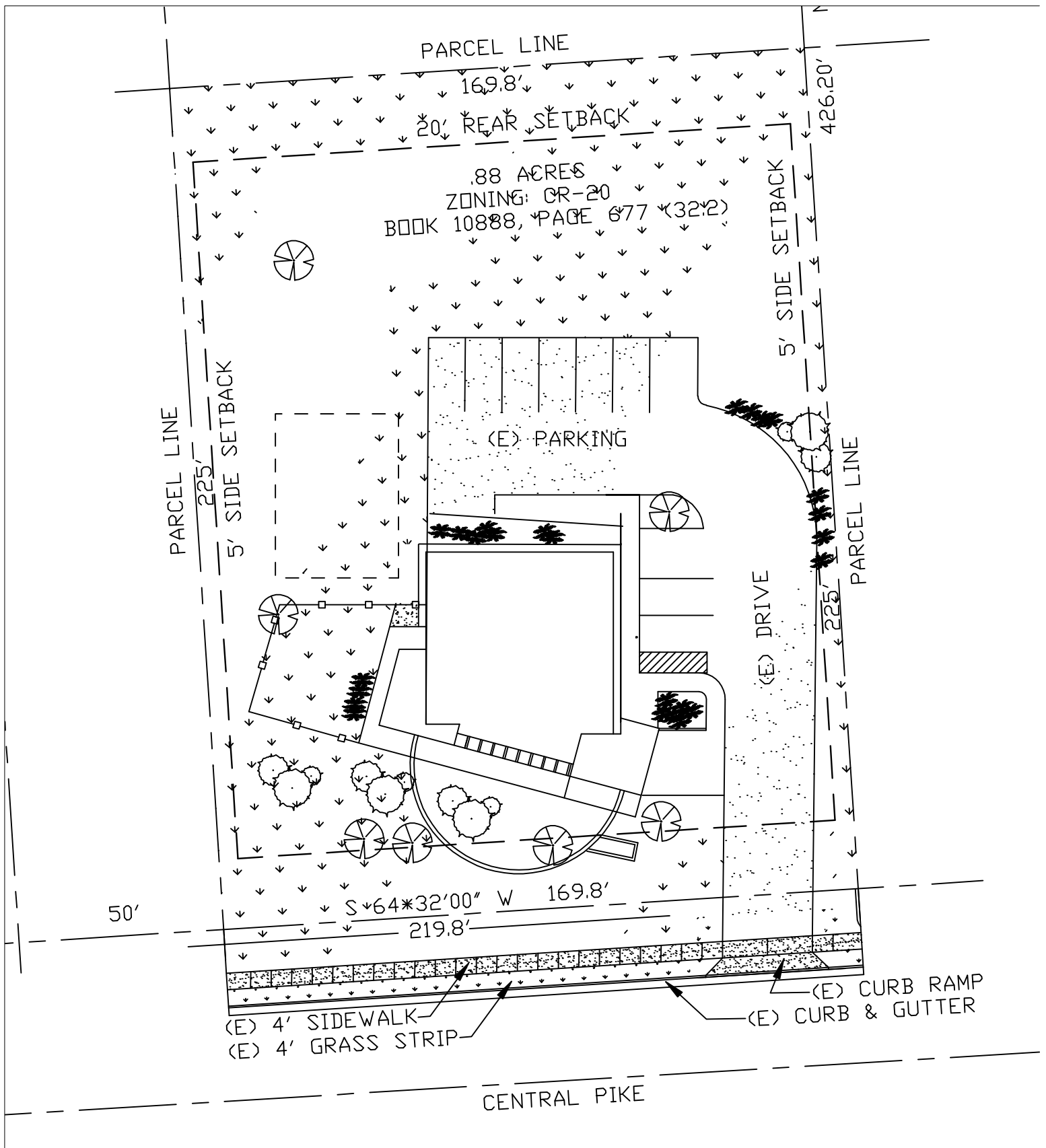


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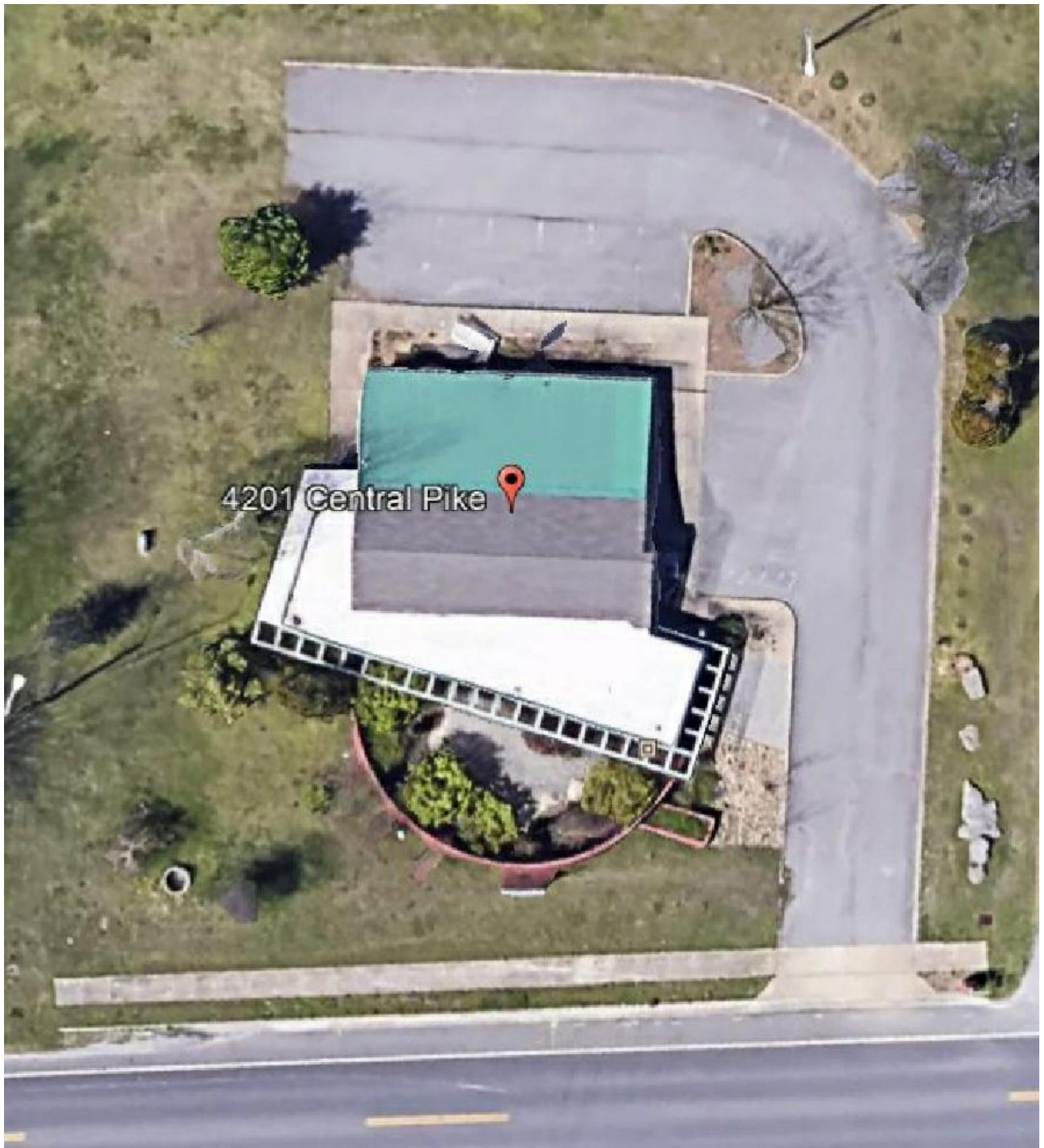


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architecture design consulting

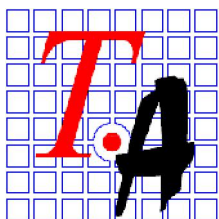
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voice 615.969.7796 fax 615.333.1671
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New Beginnings Daycare
4201 Central Pike, Hermitage, TN
Date: April 24, 2019

SHEET NO.



4201 Central Pike



Harold Thompson Architects
architecture design consulting

761 Old Hickory Blvd. Suite 203 Brentwood, TN 37027
 voice 615.969.7796 fax 615.333.1671
 harthom@comcast.net

New Beginnings Daycare
 4201 Central Pike, Hermitage, TN
 Date: April 24, 2019

SHEET NO.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-397 (4201 Central Pike)

Metro Standard:	6' grass strip and 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade existing sidewalk
Zoning:	OR20
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
MCSP Street Designation:	T3-M-AB5
Transit:	None existing; none planned
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve with conditions*

Analysis: The applicant proposes to repurpose an existing 38,250 square foot office building for a new daycare use and requests a variance from upgrading existing sidewalks along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) A 4' grass strip and 5' sidewalk exists along the property's frontage. No sidewalks are present along the property frontages of adjacent properties to the east and west along the block face.
- (2) Given the scale of the proposed rehab of the existing structure, expansion of sidewalks to meet the Major and Collector Street Plan standard is premature.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall dedicate right-of-way along the property frontage per the Major and Collector Street Plan standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Sean Roberge
Property Owner: Affordable Housing Resources
Representative: Sean Roberge

Date: 7/25-19
Case #: 2019-398
Map & Parcel: 81-11-252

Council District 21

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

Purpose: Requesting variance from sidewalk requirement

Activity Type: New Construction - Single Family

Location: 1704 A 17th Ave N

This property is in the B55 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Existing Sidewalks

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.

Same
Appellant Name (Please Print)
Address
City, State, Zip Code
Phone Number
Email
Zoning Examiner: C.H.

Sean Roberge
Representative Name (Please Print)
901 Woodland St.
Address
Nashville TN 37206
City, State, Zip Code
615-967-4787
Phone Number
Sean@RSC-build
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



ZONING BOARD APPEAL / CAAZ - 20190044403
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08111025200

APPLICATION DATE: 07/25/2019

SITE ADDRESS:

1704 A 17TH AVE N NASHVILLE, TN 37208
PT LOT 368 D T MCGAVOCK & OTHERS ADDN

PARCEL OWNER: AFFORABLE HOUSING RESOURCES, INC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from sidewalk requirements

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

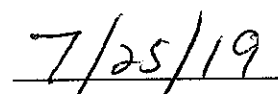
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



 APPELLANT



 DATE

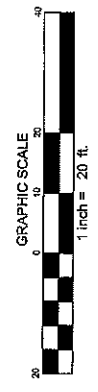
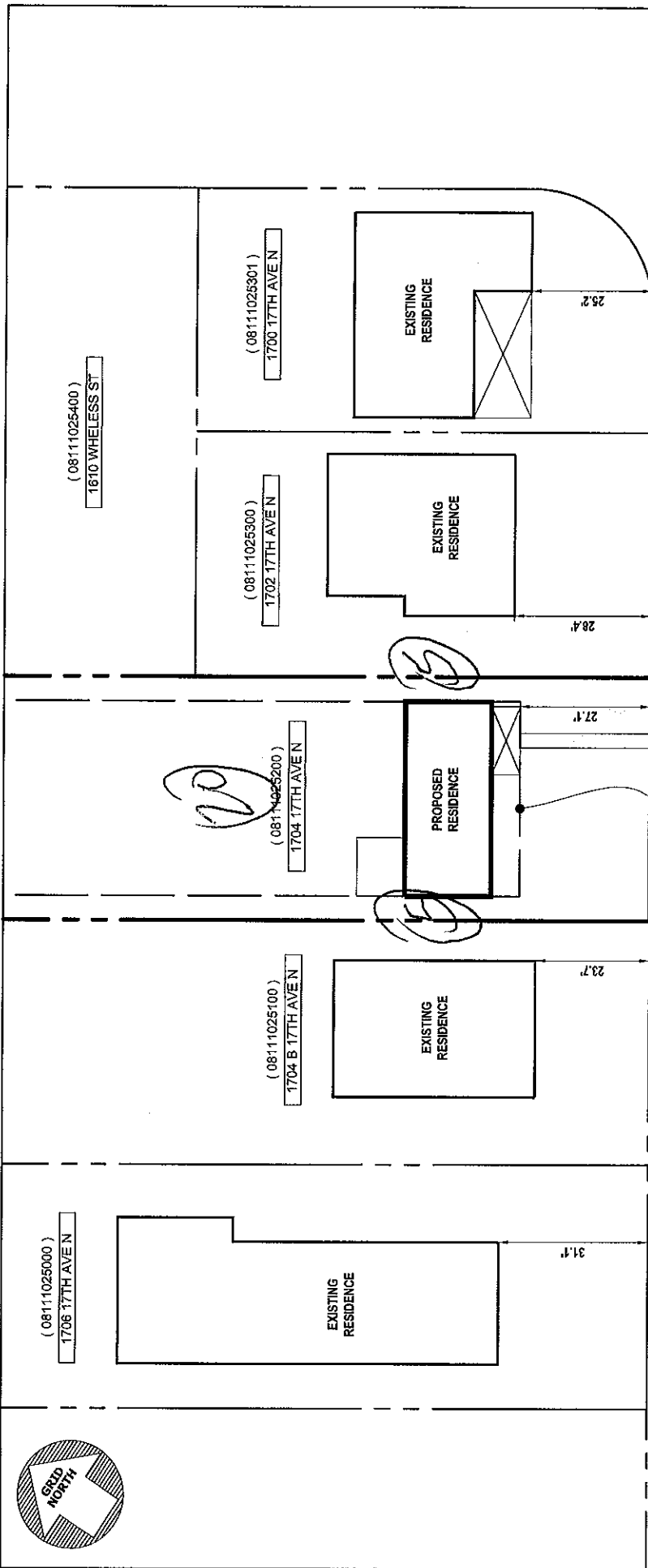
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

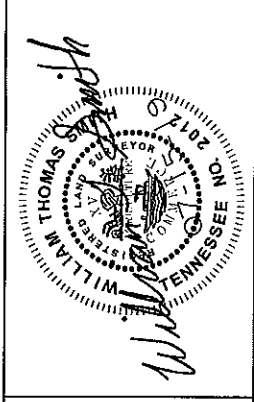
There is already an existing sidewalk in good condition.



27.1' M.B.S.L. (CONTEXTUAL AVERAGE)

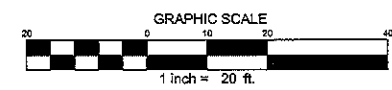
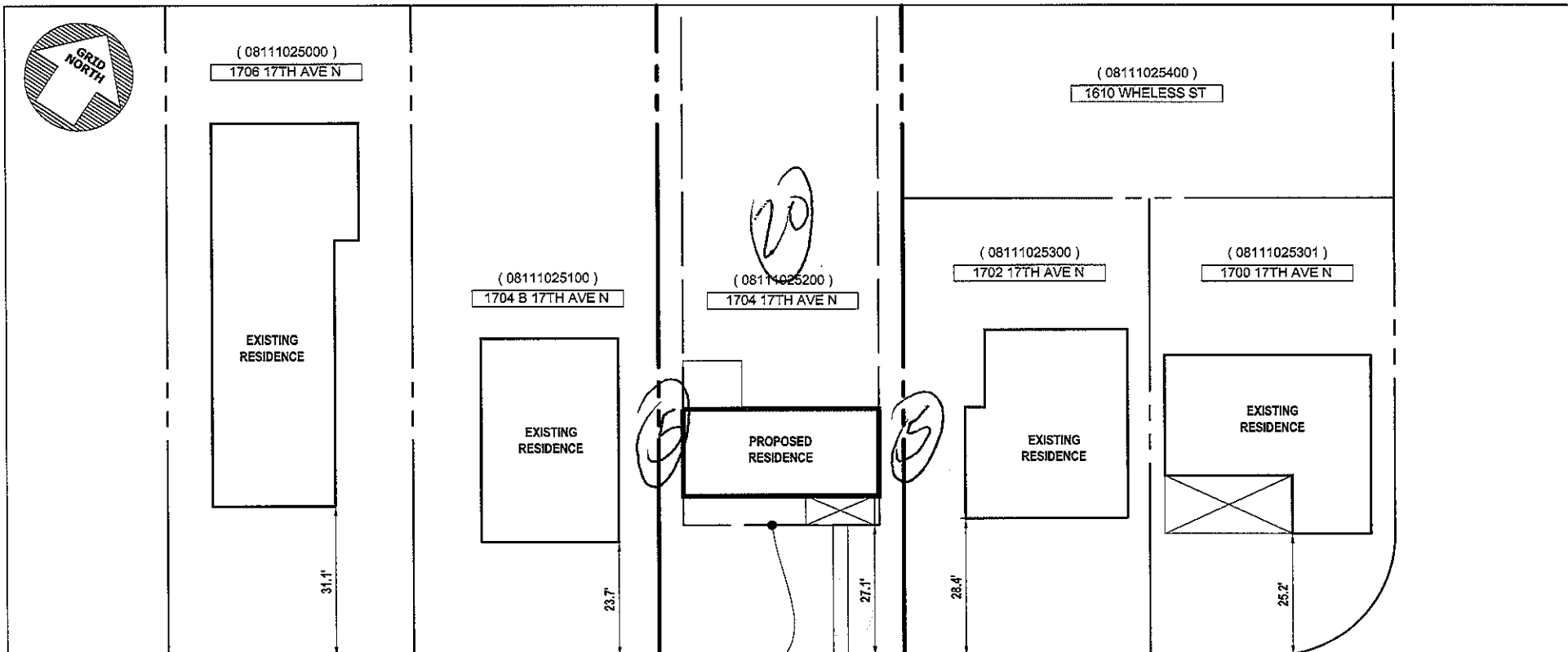
SHEET NO. **B-1.0**
REVISION

Building Setbacks
1704 17th Ave. N.
Nashville - Davidson Co., Tn.

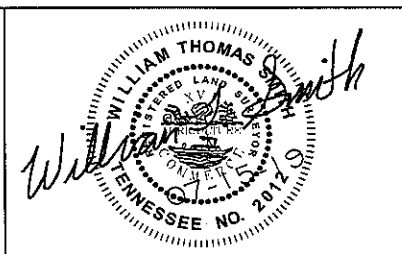


Prepared By:
W.T. Smith- Land Surveying
 4207 Lebanon Pike, Suite #200
 Hermitage, TN. 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

1440
 .84



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



Building Setbacks
 1704 17th Ave. N.
 Nashville - Davidson Co., Tn.

SHEET NO.
B-1.0
 REVISION

1440
 84

PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

BZA Case 2019-398 (1704A 17th Avenue North)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, not contribute (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	562' east of #21 – University Connector
Bikeway:	None existing, none planned

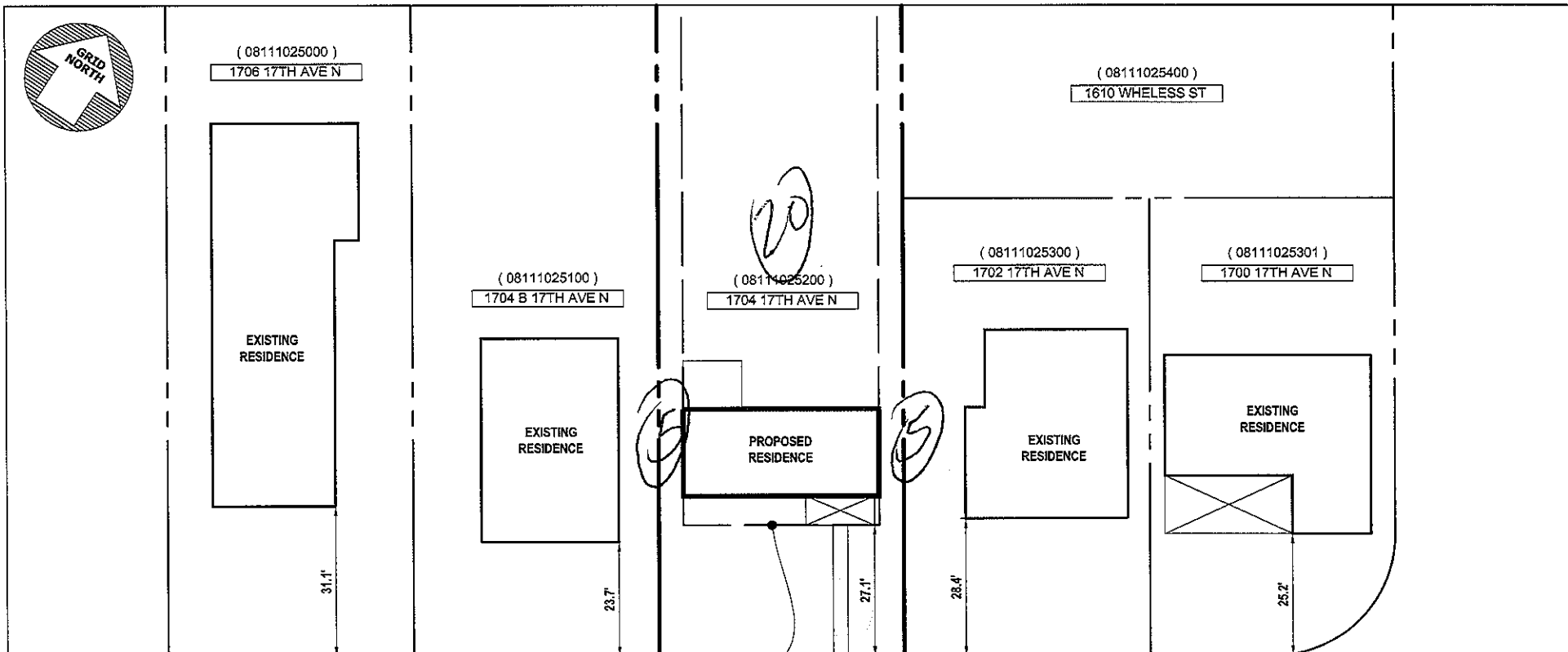
Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes proposing to construct a single family residence and requests not to upgrade the existing sidewalk along the 17th Avenue North frontage due to the presence of an existing sidewalk. Planning evaluated the following factors for the variance request:

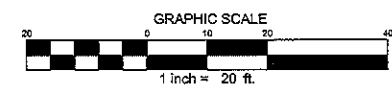
- (1) 17th Avenue North currently has a 5' sidewalk, which is consistent with properties to the north and south.
- (2) On-street parking is not restricted along this portion of 17th Avenue North. Since the existing sidewalk does not include a grass strip and is located along a Local Street, the existing sidewalk conditions with parking provides a safety buffer that a grass strip would fulfill.

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

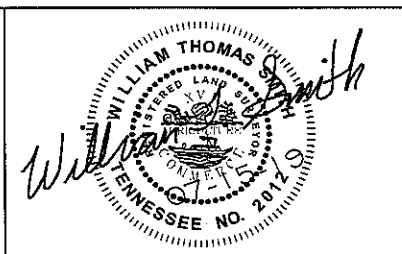
1. The applicant shall contribute in-lieu of construction for the 17th Avenue North property frontage.
2. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.



27.1' M.B.S.L. (CONTEXTUAL AVERAGE)



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



Building Setbacks
 1704 17th Ave. N.
 Nashville - Davidson Co., Tn.

SHEET NO.
B-1.0
 REVISION

1440
 84

PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

BZA Case 2019-398 (1704A 17th Avenue North)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, not contribute (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	562' east of #21 – University Connector
Bikeway:	None existing, none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes proposing to construct a single family residence and requests not to upgrade the existing sidewalk along the 17th Avenue North frontage due to the presence of an existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) 17th Avenue North currently has a 5' sidewalk, which is consistent with properties to the north and south.
- (2) On-street parking is not restricted along this portion of 17th Avenue North. Since the existing sidewalk does not include a grass strip and is located along a Local Street, the existing sidewalk conditions with parking provides a safety buffer that a grass strip would fulfill.

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

1. The applicant shall contribute in-lieu of construction for the 17th Avenue North property frontage.
2. 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: CHAD HARRIS
Property Owner: JOHN WILSON
Representative: JUSTIN CRANDALL

Date: 7/29/19
Case #: 2019- 799 / 20190043996
Map & Parcel: 08107400010000
08107400020000
0810740900000000 / common area

Council District 21

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

Purpose: to construct two single family residences

Activity Type: single family

Location: 1817 10th AVE N / 1816 OWEN ST

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

Reason: 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.

CHAD HARRIS
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

4705 ALABAMA AVE
Address

6 FAWN CREEK PASS
Address

NASHVILLE, TN, 37209
City, State, Zip Code

NASHVILLE, TN, 37214
City, State, Zip Code

615-891-9023
Phone Number

615-915-8288
Phone Number

chad@buildkg.com
Email

justin@builderassistllc.com
Email

Zoning Examiner: _____

Appeal Fee: _____



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



3694444

ZONING BOARD APPEAL / CAAZ - 20190043996
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081074Q00100CO

APPLICATION DATE: 07/24/2019

SITE ADDRESS:

1817 10TH AVE N NASHVILLE, TN 37208
UNIT A 1817 10TH AVENUE NORTH

PARCEL OWNER: WILSON, JOHN E

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting the option to pay in lieu of fee for proposed residence per METZO section 17.20.120. see application CARN T2019032261

*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.

MOVE POST PERMIT

NEED TO ADD OWNER

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

7/29/19

 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.

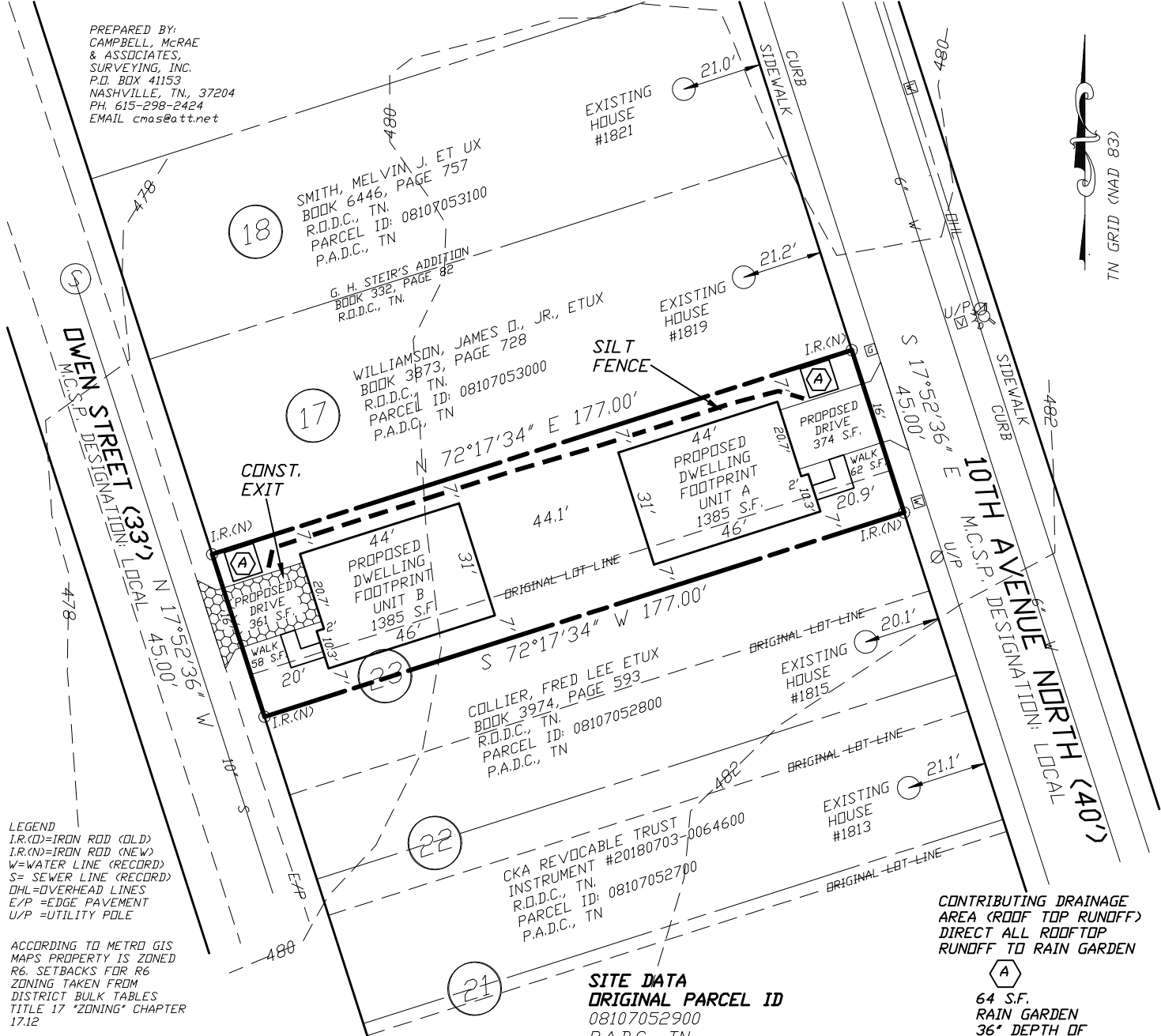
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

requesting not to have to pay into the "in lieu" of fee on the rear, off Owen, although it is listed as a street, it is treated like an alley, and looks like an alley. We are requesting to be allowed to pay the fee on the 10th Ave N. side, due to sidewalks already existing, demolishing and rebuilding would change sidewalk characteristics and eat up property frontage.

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



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

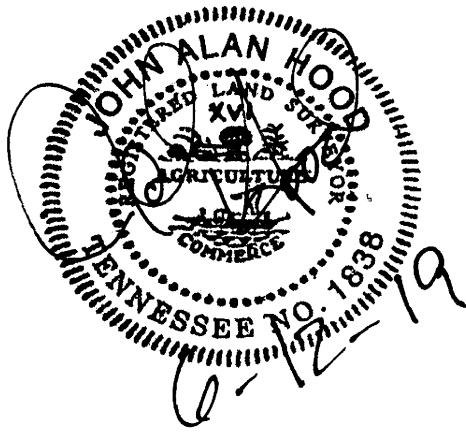
ACCORDING TO METRO GIS MAPS PROPERTY IS ZONED R6. SETBACKS FOR R6 ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 "ZONING" CHAPTER 17.12

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

BY GRAPHIC SCALING FROM THE LATEST F.E.M.A. / FLOOD INSURANCE RATE MAP THIS PROPERTY IS NOT LOCATED IN A F.E.M.A. / F.I.R.M. SPECIAL FLOOD HAZARD AREA. MAP# 470040 PANEL 0241 "H" EFFECTIVE DATE = 4-5-17

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

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



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

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

SITE DATA
ORIGINAL PARCEL ID
 08107052900
 P.A.D.C., TN
 7964.97
 S.F. OR
 0.18 ACRES±

EXISTING I.A.
 HOUSE FOOTPRINT
 = 1533 S.F.
 PATIO = 225 S.F.
 WALK = 75 S.F.
 GARAGE = 288 S.F.
TOTAL EXISTING I.A.
2121 S.F.

PROPOSED I.A.
 HOUSES = 2770 S.F.
 DRIVES = 735 S.F.
 WALKS = 120 S.F.
TOTAL PROPOSED I.A.
3625 S.F.

3625 - 2121 = 1504
NET NEW I.A. 1504 S.F.

CONTRIBUTING DRAINAGE AREA (ROOF TOP RUNOFF) DIRECT ALL ROOFTOP RUNOFF TO RAIN GARDEN

(A)
 64 S.F.
 RAIN GARDEN
 36" DEPTH OF
 AMENDED SOIL

SITE PLAN
 LOT 24 AND THE NORTHERLY 11-2/3 FEET OF LOT 23
 BOOK 57, PAGE 83
 R.O.D.C., TN.
PROPERTY LOCATED IN THE 21ST COUNCIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY TENNESSEE ON THE WESTERLY MARGIN OF 10TH AVENUE NORTH, SOUTH OF COFFEE STREET
PROPERTY ADDRESSES:
 1817 A & B 10TH AVENUE NORTH, NASHVILLE, TN, 37208

DEED REFERENCE:
 INSTRUMENT # 20190328-0028190
 R.O.D.C., TN.
ORIGINAL PARCEL ID:
 08107052900 P.A.D.C., TN.
 DATE : 6-12-19
 SCALE : 1"=40'
PREPARED FOR: CHAD HARRIS



PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-399 (1817 10th Avenue North & 1816 Owen Street)

Metro Standard:	10 th Avenue North – 4’ grass strip and 5’ sidewalk, as defined by the Metro Local Street standard
	Owen Street – 4’ grass strip and 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Contribute in-lieu for 10 th Avenue North frontage (not eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	10 th Avenue North – Local Street
	Owen Street – Local Street
Transit:	406’ north of #22 – Bordeaux; Rapid Bus planned per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a two-family dwelling and requests a variance to contribute in-lieu of upgrading sidewalks along the 10th Avenue North frontage due to the presence of existing sidewalks along the frontage of the site and from constructing or contributing in-lieu for the Owen Street frontage. Planning evaluated the following factors for the variance request:

- (1) A 7’ wide sidewalk without a grass strip exists along the property’s 10th Avenue North frontage, which is consistent with the adjacent properties to the north and south along the block face.
- (2) No sidewalk currently exists along the Owen Street property frontage, which is consistent with the adjacent properties to the north and south along the block face. Owen Street is oriented more like an alley in this area.

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

1. The applicant shall contribute in-lieu of construction for the 10th Avenue North property frontage.
2. The applicant shall dedicate right-of-way along the Owen Street property frontage to accommodate a future 5’ sidewalk.
3. 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: Brian Stringer
Property Owner: " "
Representative: " "

Date: 2-31-19
Case #: 2019-400
Map & Parcel: 133-2-14

Council District 16

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

Purpose: Requesting front setback variance to allow construction of front porch addition. Requesting 51' front setback, platted 60' minimum setback

Activity Type: Single family - addition

Location: 3313 Colby Dr.

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

Reason: Does not meet front setback

Section(s): 17.12.030(c)3

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

BRIAN STRINGER
Appellant Name (Please Print)

Same
Representative Name (Please Print)

3313 COLBY DRIVE
Address

Address

NASHVILLE, TN 37211
City, State, Zip Code

City, State, Zip Code

615.762.7489
Phone Number

Phone Number

BSTRINGER@TCLCO.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



3696857

ZONING BOARD APPEAL / CAAZ - 20190045571
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13307001400

APPLICATION DATE: 07/31/2019

SITE ADDRESS:

3313 COLBY DR NASHVILLE, TN 37211
LOT 8 SEC 2 PARMA HEIGHTS

PARCEL OWNER: STRINGER, BRIAN JACKSON

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting front setback variance to allow construction of front porch addition. requesting 51' front setback, platted 60 minimum setback.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

BRIAN STRINGER
APPELLANT

7/31/19
DATE

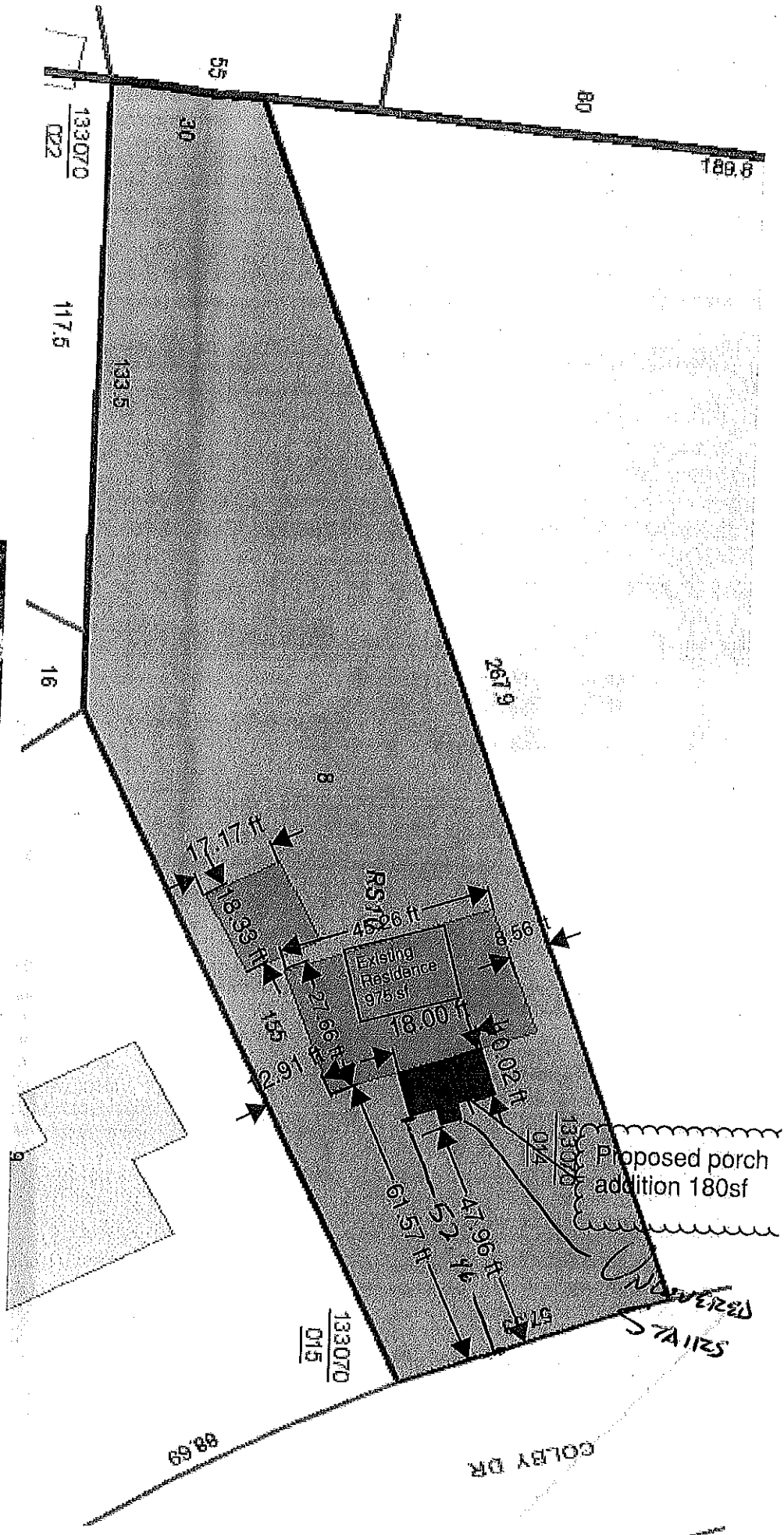
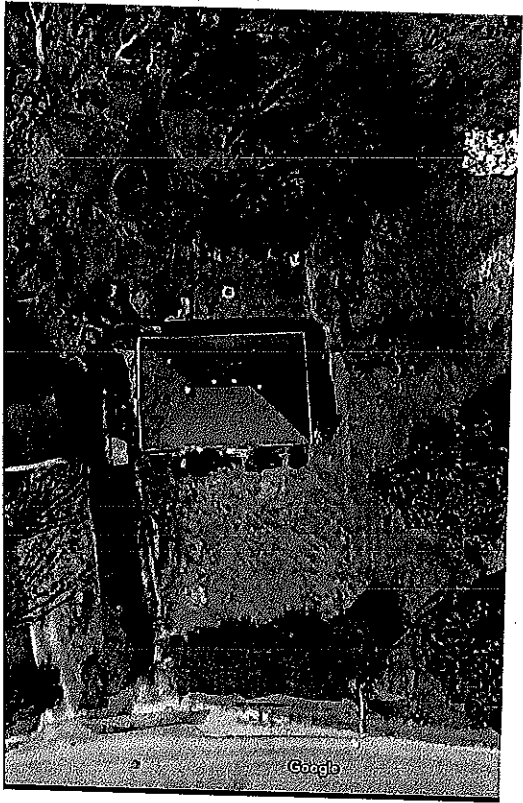
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

I Would Like to Add A Front Porch to My Home.
 My Current Setback is 60' & My House is Roughly 62'
 From My Property Line. My Front Porch Will Add 10'
 to the Front of My Home, - 52' From My Front
 Property Line. I Am Asking for a Variance in
 My Front Setback to Align with 17.12.030.3
 - The Average of the 4 Adjacent Houses is 50'



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Randy Arnold

Date: 8-1-19

Property Owner: Fishbach, Gary Dwyer

Case #: 2019-401

Representative: Randy Arnold

Map & Parcel: 105-92-J-1-CO
105-92-J-2-CO

Council District 17

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

Purpose: Requesting variance from sidewalk requirements.

Activity Type: New Construction - HPR

Location: 1016 C W. Grove 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: Existing Sidewalks

Section(s): 17.20.120

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

Arnold Homes LLC
Appellant Name (Please Print)

Randy Arnold
Representative Name (Please Print)

1612 Westgate Cr
Address

1612 Westgate Cr. Ste 222
Address

Brentwood TN 37027
City, State, Zip Code

Brentwood TN 37027
City, State, Zip Code

615-372-9279
Phone Number

615-372-9279
Phone Number

R Arnold @ arnoldhomesllc.com
Email

Same
Email

Zoning Examiner: CH

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**



3697383

**ZONING BOARD APPEAL / CAAZ - 20190045939
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105092J90000CO

APPLICATION DATE: 08/01/2019

SITE ADDRESS:

1016 C W GROVE AVE NASHVILLE, TN 37203
COMMON AREA 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 1016 WEST GROVE AVENUE TOWN

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk requirements. requesting to not construct sidewalks or pay in lieu fee.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3695236

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019044533
THIS IS NOT A PERMIT**

PARCEL: 105092J00100CO

APPLICATION DATE: 07/26/2019

SITE ADDRESS:

1016 B W GROVE AVE NASHVILLE, TN 37203
UNIT A 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

to construct 2457SF single family residence with 393SF garage and 247Sf porches. 5' min. side setback, 20' min. rear setback, front setback at ' per avg. unit 1 of 2. lot coverage is 1587SF of max 3654SF lot coverage. not to be over any easements. Max height 3 stories or 28'1".

PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.* 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		
[A] Zoning Review	APPROVED	clint.harper@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	clint.harper@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	clint.harper@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-566-3931 Wesley.Adkins@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	clint.harper@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov



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



3695232

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019044528
THIS IS NOT A PERMIT**

PARCEL: 105092J00200CO

APPLICATION DATE: 07/26/2019

SITE ADDRESS:

1016 A W GROVE AVE NASHVILLE, TN 37203
UNIT B 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

to construct 2457SF single family residence with 393SF garage and 247Sf porches. 5' min. side setback, 20' min. rear setback, front setback at ' per avg. unit 1 of 2. lot coverage is 1587SF of max 3654SF lot coverage. not to be over any easements. Max height 3 stories or 28'1".

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*Before a building permit can be issued for this project, the following approvals are required.
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[A] Zoning Review	APPROVED	clint.harper@nashville.gov
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[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
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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.


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

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

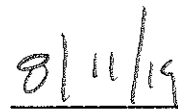
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



DATE

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

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

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

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

Keep existing sidewalk dimensions off street.
All current homes and sidewalks on both sides of West Grove Ave are matching 10'6" existing sidewalk.

1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY CLERK.

2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY CLERK.

3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY CLERK.

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7. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY CLERK.

1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY CLERK AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY CLERK.

NO.	NAME	ADDRESS
0001	STATE	STATE
0002	COUNTY	COUNTY
0003	CITY	CITY
0004	TOWNSHIP	TOWNSHIP
0005	RANGE	RANGE
0006	SECTION	SECTION
0007	QUARTER	QUARTER
0008	BLK	BLK
0009	LOT	LOT

PLANNING DATA

ZONING R-1 (RESIDENTIAL SINGLE-FAMILY)

PERMITS NONE

RECORDS NONE

ADDITIONAL DATA NONE

REMARKS NONE

DATE 10/10/2019

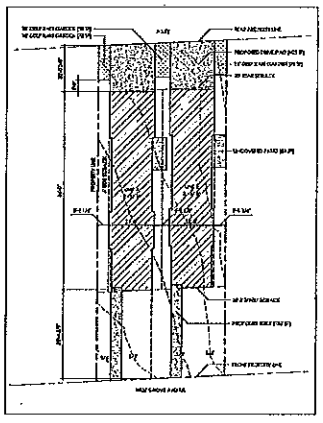
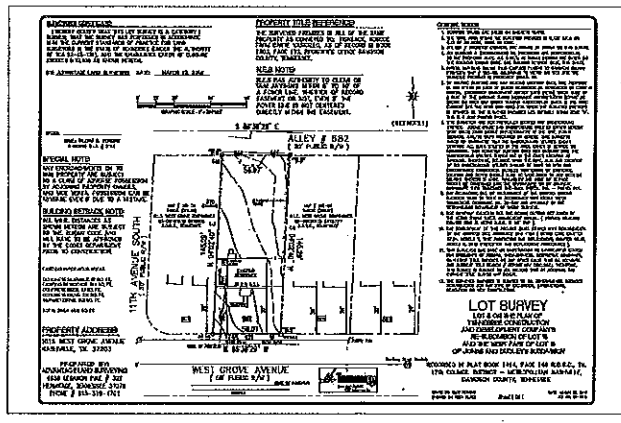
DRAWN BY J. SMITH

CHECKED BY J. SMITH

SCALE 1" = 40'



01 AERIAL MAP



DESIGNED FOR
SITING
CONSTRUCTION



WEST GROVE #11
1818 WEST GROVE AVE
MIDDLEBURG, MISSOURI

INDEX

3/10/20

- ALL WORK PERFORMED UNDER THIS CONTRACT SHALL MEET OR EXCEED ALL APPLICABLE CODES AND PROVISIONS OF THE LOCAL AUTHORITY HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY VIOLATION OF SUCH CODES AND SHALL MAKE ALL WORK ACCEPTABLE TO THE AUTHORITY HAVING JURISDICTION AT NO COST TO THE OWNER OR ARCHITECT.
- DRAWING SCALE: DO NOT SCALE DRAWINGS. USE ALL GIVEN DIMENSIONS ONLY. IF NOT SHOWN, VERIFY CORRECT DIMENSION(S) WITH JOSH JOHNSON ARCHITECTURE, PLLC.
 - DIMENSIONS: THE ARCHITECTURE IS ORDERED ABOUT A RELATIONSHIP OF EDGES AND CENTER LINES. UNLESS NOTED OTHERWISE, DIMENSIONS ARE PROVIDED FROM FACE OF STUD AND CENTER LINES. VERIFY WITH ARCHITECT ANY DIMENSIONS IN QUESTION.
 - FIELD CONDITIONS: WHEN NOTED "VERIFY IN FIELD" (VIF), CONTRACTOR TO CONFIRM FIELD CONDITIONS BEFORE COMMENCING CONSTRUCTION. CONTRACTOR TO COORDINATE WITH THE ARCHITECT ANY INCONSISTENCIES.
 - PRODUCTS & MATERIALS: ALL PRODUCTS SHALL BE INSTALLED PER THE MANUFACTURER'S WRITTEN RECOMMENDATION AND PER THE CODE REQUIREMENTS.
 - PRESSURE TREATED FRAMING: ALL WOOD FRAMING THAT COMES IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED (PT).

2 PROPOSED RAINFOREST GARDENS ARE CONCEPTUALLY SHOWN FOR STORMWATER MITIGATION. COORDINATE WITH CIVIL ENGINEER ON DESIGN GUIDELINES AND REQUIREMENTS FOR STORMWATER RETENTION.

PLUMBING & MECHANICAL FLOOR PLANS
ELECTRICAL ELEVATIONS
BUILDING & WALL SECTIONS

PROJECT TEAM

OWNER: GARY FISBACK
615-556-1972
GFISBACK28@COMCAST.NET

REALTOR: ASHLEY BROCK
615-727-4797
ASBROCKREALTOR@GMAIL.COM

ARCHITECT: JOSH JOHNSON ARCHITECTURE
615-601-0076
JOSH@11AAD.COM

BUILDER: <BUILDER>
<PHONE>
<EMAIL>

BUILDING DATA

ADDRESS: 1016 WEST GROVE AVENUE
NASHVILLE, TENNESSEE 37203

PARCEL ID: 10509030700

DESCRIPTION: TWO NEW DETACHED SINGLE-FAMILY TOWNHOMES IN THE ACKLEN/WESTGROVE NEIGHBORHOOD

LOT AREA: 0.19 ACRES (8,137 SF)

IMPERVIOUS SURFACE (EXISTING): 1,540 SF

EXISTING CONCRETE WALK - 77 SF
EXISTING ROSE TO BE REMOVED - 784 SF
EXISTING CONCRETE PATIO - 93 SF
EXISTING CONCRETE DRIVE - 221 SF
EXISTING ASPHALT DRIVE - 365 SF

IMPERVIOUS SURFACE (PROPOSED): 4,520 SF (2,260 SF EACH UNIT)

PROPOSED CONCRETE WALK - 187 SF
PROPOSED HOUSE FOOTPRINT - 1587 SF
PROPOSED CONCRETE PATIO - 83 SF
PROPOSED CONCRETE DRIVE - 403 SF

IMPERVIOUS SURFACE (INCREASE): 2,980 SF

BUILDING COVERAGE: 0.390

REAR SETBACK: 20'0"

SIDE SETBACK: 5'0"

STREET SETBACK: 38.5'

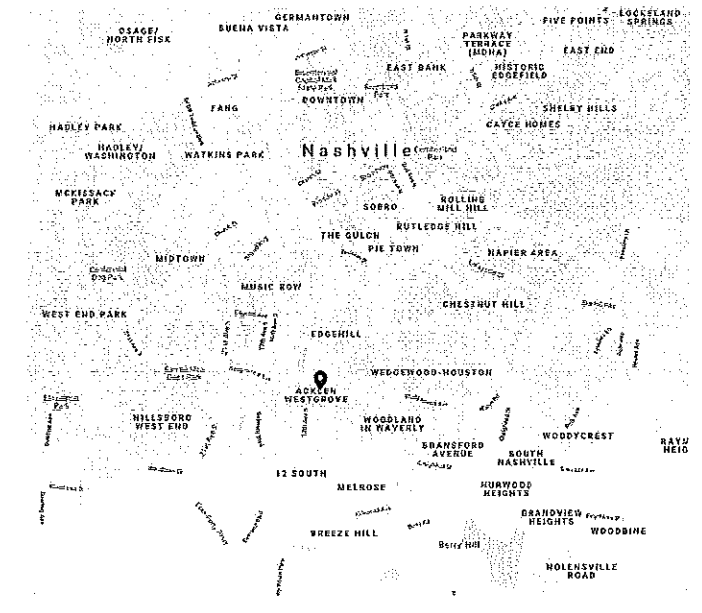
TOTAL CONDITIONED AREA: 2,457 SF (EACH UNIT)

MAJOR LEVEL - 899 SF
UPPER LEVEL - 1,536 SF

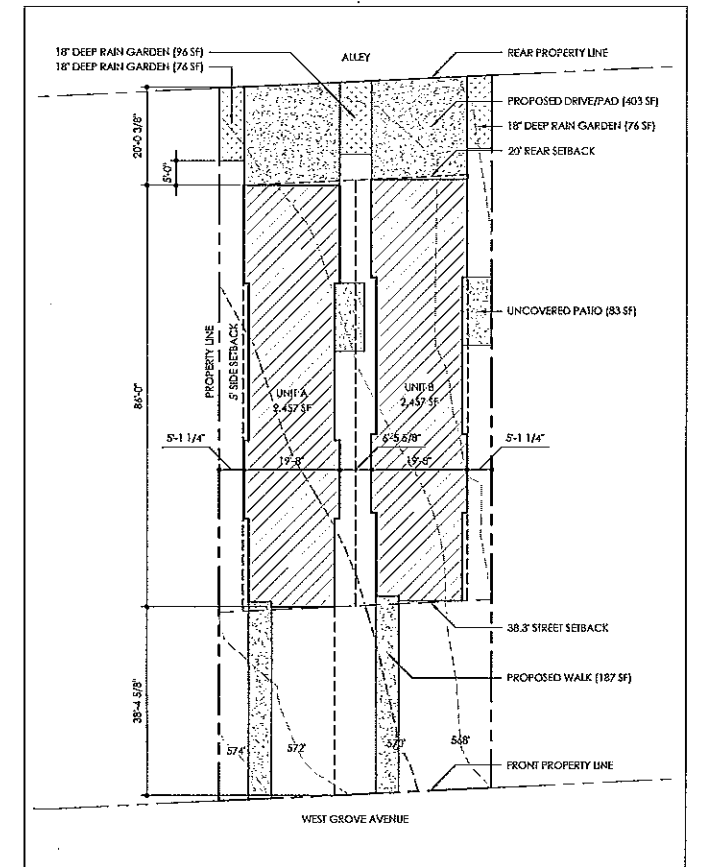
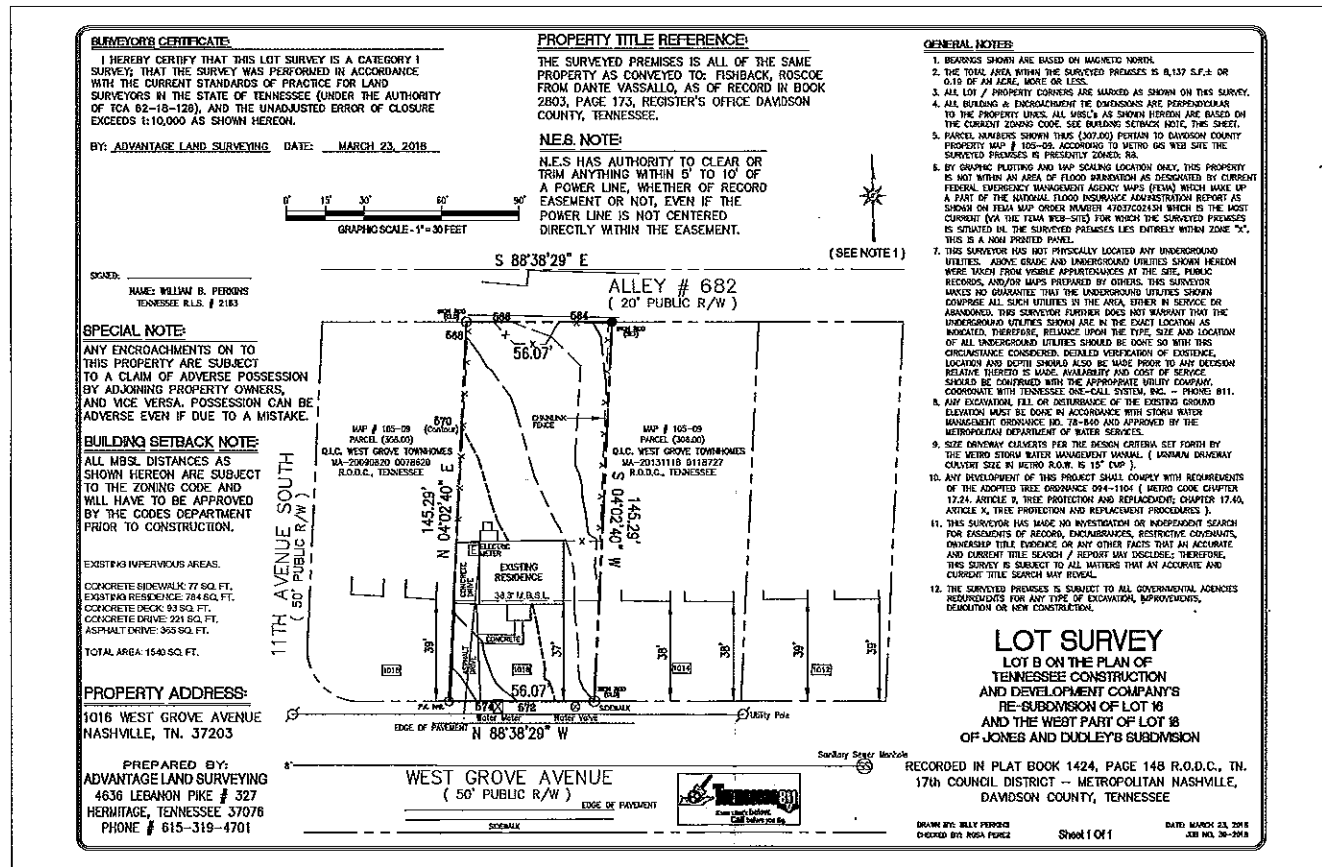
TOTAL UNCONDITIONED AREA: 640 SF (EACH LINE)

SCREEN PORCH - 247 SF
GARAGE - 393 SF

GRAND TOTAL UNDER ROOF: 3,097 SF (EACH UNIT)



01 VICINITY MAP
NTS



DRAWINGS FOR REVIEW
NOT FOR CONSTRUCTION

18014
WEST GROVE INFILL
1016 WEST GROVE AVE
NASHVILLE, TENNESSEE

REVISIONS

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Organized Neighbors of Edgehill Date: 7/31/19
Property Owner: Metro Nashville Schools MNPS Case #: 2019-403
Representative: _____ Map & Parcel: 10502017100

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: Proposed construction not permitted in zoning or under the special exception

Activity Type: Commercial Construction -

Location: 1025 9th Ave. S.

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

Reason: not permitted use

Section(s): 17.08-030

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.

Organized Neighbors of Edgehill
Appellant Name (Please Print)

Adam LaFever
Representative Name (Please Print)

513 3rd Ave. S.
Address

same
Address

Nashville, TN 37210
City, State, Zip Code

same
City, State, Zip Code

615-988-9911 *
Phone Number

same
Phone Number

adam@sobrolaw.com
Email

same
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3697128

**ZONING BOARD APPEAL / CAAZ - 20190045746
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10502017100**APPLICATION DATE:** 07/31/2019**SITE ADDRESS:**

1025 9TH AVE S NASHVILLE, TN 37203
W S 9TH AVENUE SOUTH S S OLYPIC STREET

PARCEL OWNER: METRO GOV'T S ROSE PARK**CONTRACTOR:****APPLICANT:****PURPOSE:**

item A appeal the building application T2019012290.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3616436

**APPLICATION FOR BUILDING COMMERCIAL - NEW / CACN - T2019012290
THIS IS NOT A PERMIT**

PARCEL: 10502017100

APPLICATION DATE: 03/01/2019

SITE ADDRESS:

910 EDGEHILL AVE NASHVILLE, TN 37203
W S 9TH AVENUE SOUTH S S OLYPIC STREET

PARCEL OWNER: METRO GOV'T S ROSE PARK

APPLICANT:**PURPOSE:**

Construction of 2 Story hitting/Clubhouse Facility for Metro Schools. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code. Sidewalks ARE required for this project because this parcel is within the USD. You are NOT eligible to contribute to the Pedestrian Benefit Zone

POC: Jason Yost 615-370-7964

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

[A] Site Plan Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
ADA, TITLE II REVIEW ON BLDG APP		862-8960 jerry.hall@nashville.gov
CA - [B] Fire Review State on Building App		741-7190
[B] Fire Life Safety Review On Bldg App	REJECTED	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[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		615-862-6611 Richard.Harris@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	COND	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-862-4045 Clay.Christain@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	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	COND	Kim.Patton@nashville.gov
[A] Bond & License Review On Bldg App		
[A] Noise Mitigation Bldg App Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov



July 31, 2019

Metropolitan Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37219

Re: Item A Appeal regarding Permit No. CACN T2019012290

Board of Zoning Appeals:

This firm represents the Organized Neighbors of Edgehill ("ONE"). Please accept this correspondence as the required "Letter detailing the basis for appeal" for an appeal of permit number CACN T2019012290 (the "Permit"). The Permit was issued for the construction of a:

"2 story hitting/Clubhouse Facility for Metro Schools Pursuant to #2006-1263 Metro Code of Laws".

This appeal is brought under 17.08.010, 17.08.020, 17.08.030 and 17.08.030180A alleging that the Zoning Administrator erred in the interpretation of the reference code sections.

ONE alleges that the Zoning Administrator erred in granting the Permit as the special exception zoning under which Belmont and Metro proceed does not permit the construction of the "2 story hitting/Clubhouse Facility for Metro Schools".

In 2007, the Metropolitan Government of Nashville and Davidson County ("Metro") entered into a Property Improvement and Lease Agreement (the "Lease") wherein Metro leased property at Rose Park to Belmont University ("Belmont"). The Lease permitted Belmont to construct "baseball, softball, soccer and track venues on the Property, as well as a building for concessions, storage and locker rooms and improvements to certain common areas, including parking lots, circulation infrastructure and site furnishings." The Lease did not permit the construction of a two (2) story 18,000 square foot structure to house a batting cage facility and private offices for Belmont staff. The Lease was controversial, and litigation related to the Lease proceeded to the Tennessee Court of Appeals.

In conjunction with the Lease, Belmont and Metro obtained a special exception for the construction of the above referenced fields and facilities. This Board granted the special exception under Case No. 2007-056. The Order granting the special exception stated:

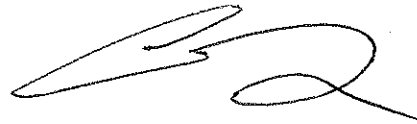
It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested special exception, subject to the following conditions: (1) agreement (attached) with the community and Belmont to be included as part of the approval by the Board (items 1-12); (2) fields not to be used for club/intramural sports; (3) no perimeter fencing to be placed around the

park and no parking lot entrances or fields to be gated; (4) seating limited to 750 for the baseball field, 300 for the track/soccer area and 250 for the softball field, any additional seating must be approved by the BZA; (5) retractable netting to be provided to protect the two schools as needed; (6) schematic master plan as presented in public hearing (attached); (7) no amplified sound during school hours; (8) no intercollegiate games to be scheduled to begin until at least 30 minutes after Carter Lawrence and Rose Park Schools are dismissed for the day; and (9) Metro schools to be given priority scheduling; (10) When Belmont activities overlap with the dismissal time for Carter Lawrence and Rose Park Schools, the planned connections between the Carter Lawrence School access drive on Edgehill Avenue and the proposed 70 space parking area, as well as, the Olympic Street parking area north of the school shall be restricted in order to minimize conflicts; (11) Active traffic management shall be provided at the entrance and exit to Carter Lawrence School on Edgehill Avenue during dismissal time when school dismissal overlaps with Belmont activities; (12) When more than one Belmont competitive activity is occurring or when any single Belmont activity is expected to draw in excess of 500 patrons, shuttle service to and from Belmont University shall be provided. An appropriate drop off and pick up area shall be provided in one of the Rose Park parking lots; (13) ball fields shall be constructed so as to be convertible for children's uses; and (14) Belmont will be responsible for ascertaining that all fields are clean after their use.

As evident by the language of the Order, this Board did not permit nor anticipate the construction of a two story 18,000 square foot facility, part of which would be reserved exclusively for Belmont offices.

ONE respectfully requests that this Board determine that the Zoning Administrator erred in granting the Permit. Should Metro and Belmont desire to proceed with the construction described in the Permit, Belmont and Metro should request an amendment to the previously granted special exception. An amendment proposal would permit the community and public at large to be heard and express concerns of public land being granted for the exclusive use of a private religious institution.

Sincerely,



Adam G. LaFevor
Counsel for the
Organized Neighbors of Edgehill

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 1,000 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.)

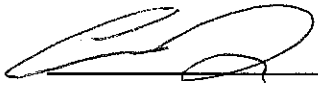
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In 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.

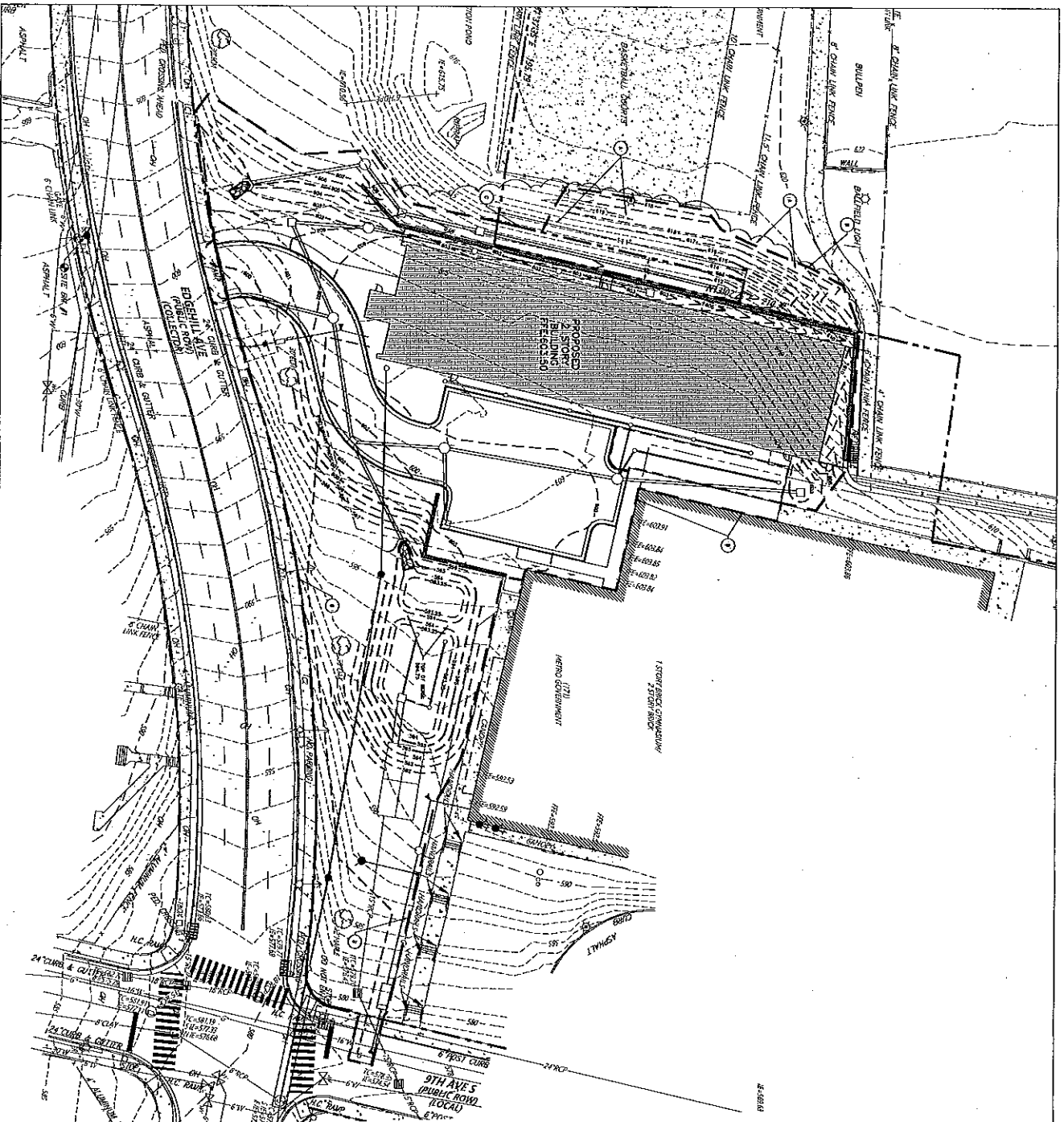
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to public hearing to be included in the record.

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


 APPELLANT / Attorney for
 Organized Neighbors of
 Edgehill

7/31/19
 DATE



GENERAL GRADING NOTES

1. REFER TO SPECIFICATIONS FOR FINISH GRADES, THE CONTRACTOR SHALL MAINTAIN EXISTING FINISH GRADES UNLESS OTHERWISE NOTED. THE FINISH GRADES SHALL BE MAINTAINED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE DRIVEWAY.
2. ALL SLOPES AND PAVED AREAS SHALL BE CONFORMANT WITH THE SPECIFICATIONS FOR FINISH GRADES. THE CONTRACTOR SHALL MAINTAIN EXISTING FINISH GRADES UNLESS OTHERWISE NOTED. THE FINISH GRADES SHALL BE MAINTAINED TO THE CENTERLINE OF THE ROAD OR TO THE CENTERLINE OF THE DRIVEWAY.
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Project Name	2019080105
Project No.	19080105
Client Name	BELMONT UNIVERSITY
Client Address	910 EDGEHILL AVENUE, NASHVILLE, TN 37203
Project Location	910 EDGEHILL AVENUE, NASHVILLE, TN 37203
Project Date	08/01/2019
Project Status	IN PROGRESS
Project Manager	[Signature]



Client Name	BELMONT UNIVERSITY
Client Address	910 EDGEHILL AVENUE, NASHVILLE, TN 37203
Project Name	ROSE PARK ATHLETICS FACILITY
Project No.	2019080105
Project Date	08/01/2019
Project Status	IN PROGRESS
Project Manager	[Signature]

BELMONT UNIVERSITY
ROSE PARK ATHLETICS FACILITY

910 Edgemoor Ave, Nashville, TN 37203



INGRAM CIVIL ENGINEERING GROUP

1810 BENTLEY AVENUE, SUITE 200
NASHVILLE, TN 37203
615.259.1234
www.ingramcivil.com

From: [James Snellen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: #20190045746
Date: Friday, August 23, 2019 3:46:52 PM

All,

I do not support the construction of a baseball batting cage/building/complex/etc.

J. Ryan Snellen, CFP®, CPFA, ChFC®
CERTIFIED FINANCIAL PLANNER™
Certified Plan Fiduciary Advisor

Bluegrass Financial Partners
270/312.7703
Ryan@Bluegrass-fp.com
www.letsmakeaplan.org
www.linkedin.com/in/ryansnellen/

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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson Date: 8.5.19
Property Owner: Rod Roudi & Helen Adelman Case #: 2019-405
Representative: Duane Cuthbertson Map & Parcel: 11801 158

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: Permit detached accessory dwelling unit/
a second dwelling on an R8 zoned lot

Activity Type: Residential (Detached Accessory Dwelling)

Location: 1104 Paris 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.

Duane Cuthbertson
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

1806 Allison Pl.
Address

Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

Email

Zoning Examiner: 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



3698469

ZONING BOARD APPEAL / CAAZ - 20190046605
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11801015800

APPLICATION DATE: 08/05/2019

SITE ADDRESS:

1104 PARIS AVE NASHVILLE, TN 37204
LOT 62 PLAN OF IDLEWILD

PARCEL OWNER: ROUDI, ROD & HELEN ADELMAN

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting lot size variance to allow addition and conversion of existing garage to a detached accessory dwelling. lot requires 8000SF, the lot is currently 7500Sf.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

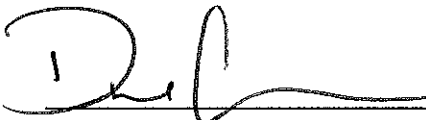
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT

8.5.19

DATE

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

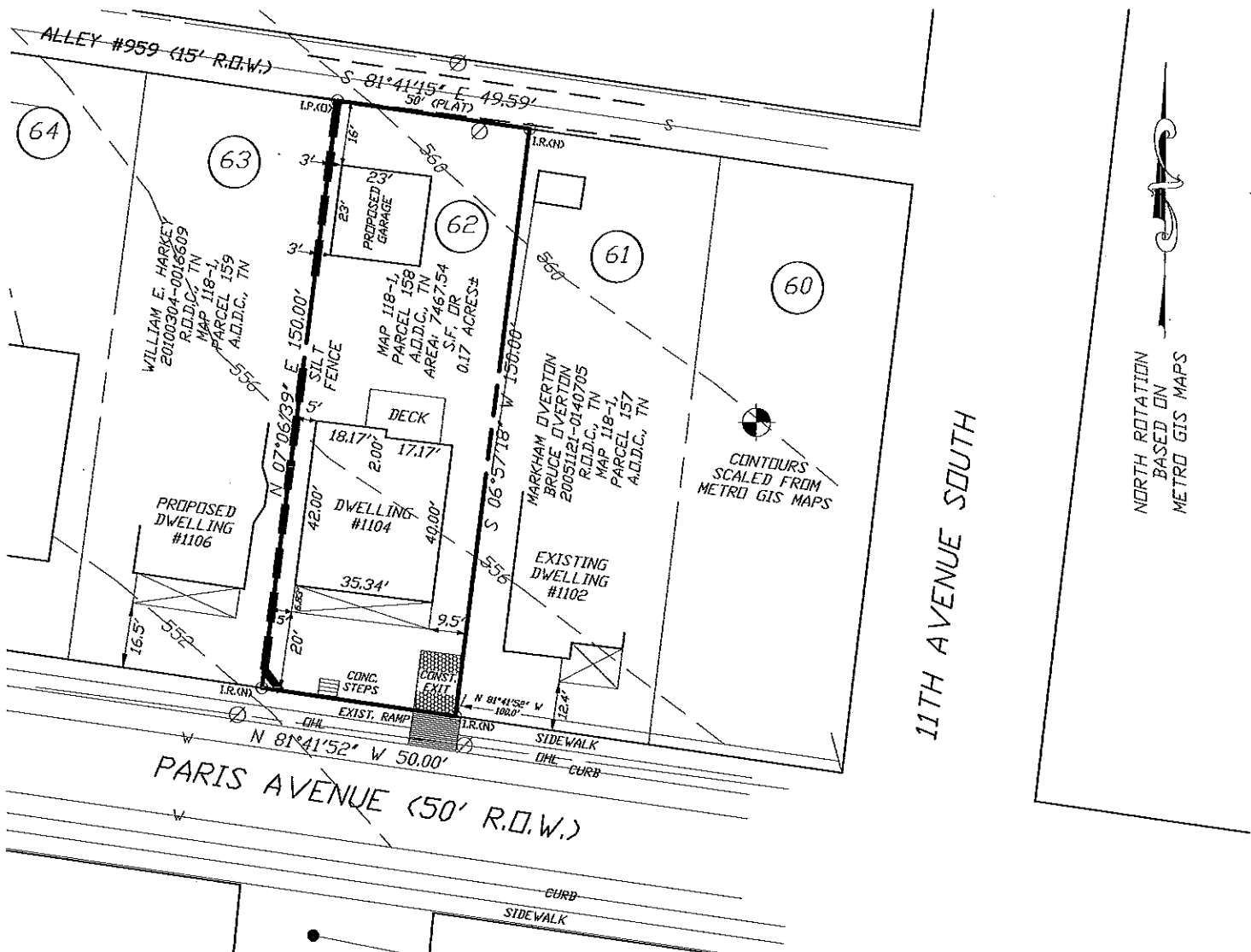
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

Property is located in an older neighborhood that contains a variety of housing types including many detached accessory dwelling units. As well, the neighborhood contains very many duplex eligible properties. The subject property is 6% short of the minimum required lot size needed to permit a second dwelling. Perceptively, the subject property is similar to those lots in the neighborhood that are duplex eligible.

Additional points of support are attached.



NORTH ROTATION
BASED ON
METRO GIS MAPS

11TH AVENUE SOUTH

PARIS AVENUE (50' R.D.W.)

11TH AVENUE SOUTH

ACCORDING TO METRO GIS MAPS AVAILABLE ON LINE AT WWW3.NASHVILLE.ORG PROPERTY IS ZONED R8 SETBACKS FOR R8 ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 "ZONING" CHAPTER 17.12

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

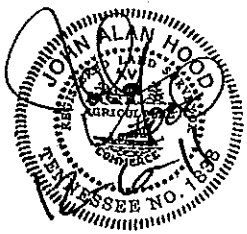
BY GRAPHIC SCALING FROM THE LATEST F.E.M.A. / FLOOD INSURANCE RATE MAP THIS PROPERTY IS NOT LOCATED IN A F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA PROPERTY IS LOCATED IN ZONE "X" UNSHADED MAP 470040 PANEL 0331 F EFFECTIVE DATE = 4-20-01

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

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

PREPARED BY:
CAMPBELL, McRAE & ASSOCIATES,
SURVEYING, INC.
2918 BERRY HILL DRIVE
NASHVILLE, TN, 37204
PH. 615-298-2424 FAX 615-297-2828
EMAIL cmas@att.net

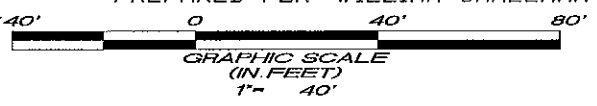
- LEGEND**
- I.R.(D) = IRON ROD (OLD)
 - I.R.(D) = 1/2" DIA. IRON ROD (NEW) WITH YELLOW CAP STAMPED TNH1838
 - C.M.(D) = CONCRETE MONUMENT (OLD)
 - I.P.(D) = IRON PIPE (OLD)
 - W — = WATER LINE (FROM RECORDS)
 - S — = SEWER LINE (FROM RECORDS)
 - G — = GAS LINE (FROM RECORDS)
 - WH = WATER METER
 - MH = MANHOLE
 - ⊙ UP = UTILITY POLE
 - FH = FIRE HYDRANT
 - E.P. — = EDGE OF PAVEMENT
 - F/C = FACE OF CURB
 - O.H.L. = OVERHEAD LINES
 - P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
 - M.B.S.L. = MINIMUM BLDG. SETBACK LINE



I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:18,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF 40' EXAMINERS FOR LAND SURVEYORS.

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

BOUNDARY SURVEY OF LOT 63 DR. L.G. NOEL'S SECOND SUBDIVISION OF IDLEWILD BOOK 332, PAGE 77 R.O.D.C., TN. PROPERTY LOCATED IN THE 17TH COUNCIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY TENNESSEE ON THE NORTHERLY MARGIN OF PARIS AVENUE, 100 FEET WEST OF 11TH AVENUE SOUTH PROPERTY ADDRESS: 1104 PARIS AVENUE, NASHVILLE, TN, 37204 DEED REFERENCE: INSTRUMENT# 20111025-0082988 R.O.D.C., TN. PROPERTY MAP 118-1 PARCEL 158 A.D.D.C., TN. DATE OF SURVEY 12-6-11 REVISED 4-24-12 ADDED GARAGE SCALE: 1"=40' ORDER # 302-24-7 PREPARED FOR: WILLIAM SMALLMAN



BZA Case No. 2019-405
1104 Paris Avenue
Variance to permit a Detached Accessory Dwelling Unit

Nashville Board of Zoning Appeals

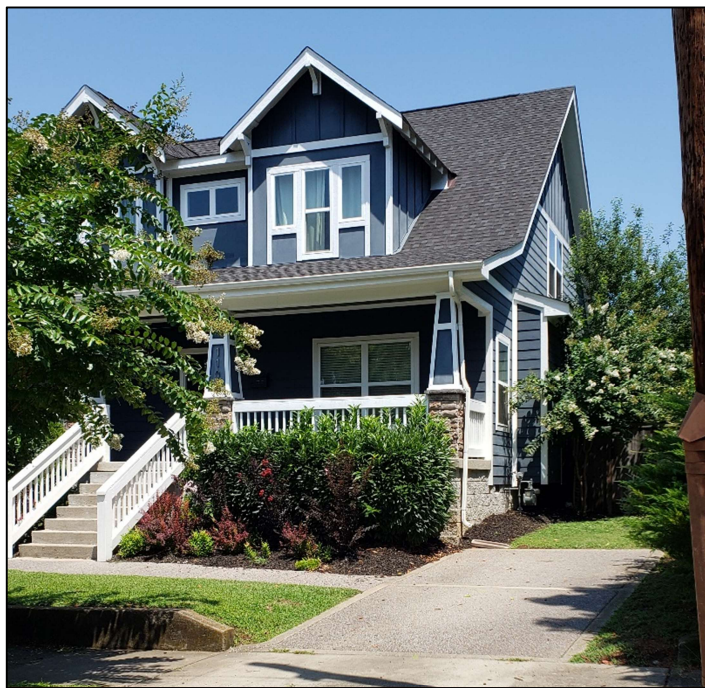
Agenda Date: September 19, 2019

Case No. 2019-405

Address: 1104 Paris Avenue

Request: Variance of the minimum lot area requirement in the R8 zoning district

Purpose: To permit a Detached Accessory Dwelling Unit (DADU) along the alley.



1104 Paris Avenue

The request for a Variance of the minimum lot size requirement in the R8 zoned district is made to permit one principal dwelling and one accessory dwelling (Not two principal dwellings).

The R8 zoning district can permit up to two principal dwellings on a lot containing 8,000 sq. ft. or more (and meeting other conditions of the zoning code). The subject property was platted in 1908 with only 7,500 sq. ft. of lot area. The subject property is **6.25% short** of the minimum requirement.

The applicant is requesting the Variance in order to permit a Detached Accessory Dwelling Unit (DADU) as an accessory to the existing principal dwelling. The DADU is proposed at the rear of the property along an alley where there currently exists a detached garage. The owner desires to expand the footprint and add a second story to the existing detached garage.



Views toward existing (blue) detached garage at rear of subject property.

The existing garage is proposed to be expanded to contain living space above the parking area (as is customary for an alley oriented DADU). The property is located within the Waverly Belmont Neighborhood Conservation Overlay. It is the owner's intentions to work with Metro Historic staff to provide a design consistent with the guidelines. Guidelines permit a two story detached garage (considers DADUs).

There are a number of two story detached garages (living quarters above) in the surrounding neighborhood.

The accessory building provides **two parking spaces** inside the garage for the occupants of the principal dwelling. A **third parking space will be provided** on the east side of the accessory building for an occupant of the second story space. Ample street parking is available for any extraordinary need. Access to the proposed space can be gained from the alley or through a gate in the fence.

BZA Case No. 2019-405
1104 Paris Avenue
Variance to permit a Detached Accessory Dwelling Unit

The proposed DADU will not be visible from the public street (Paris Avenue). The proposed DADU will not alter the physical character as experienced from the public streets.

The Lot was created in the 1908 with 6.25% less lot area than the current R8 zoning requires to permit two full sized principal dwellings. The request is only a variance to permit an accessory dwelling.

The lot, with the existing detached structure is well under the maximum permitted **building coverage** permitted in the R8 zoning district (**45% required – 28.6% existing**).

Unique Circumstances:

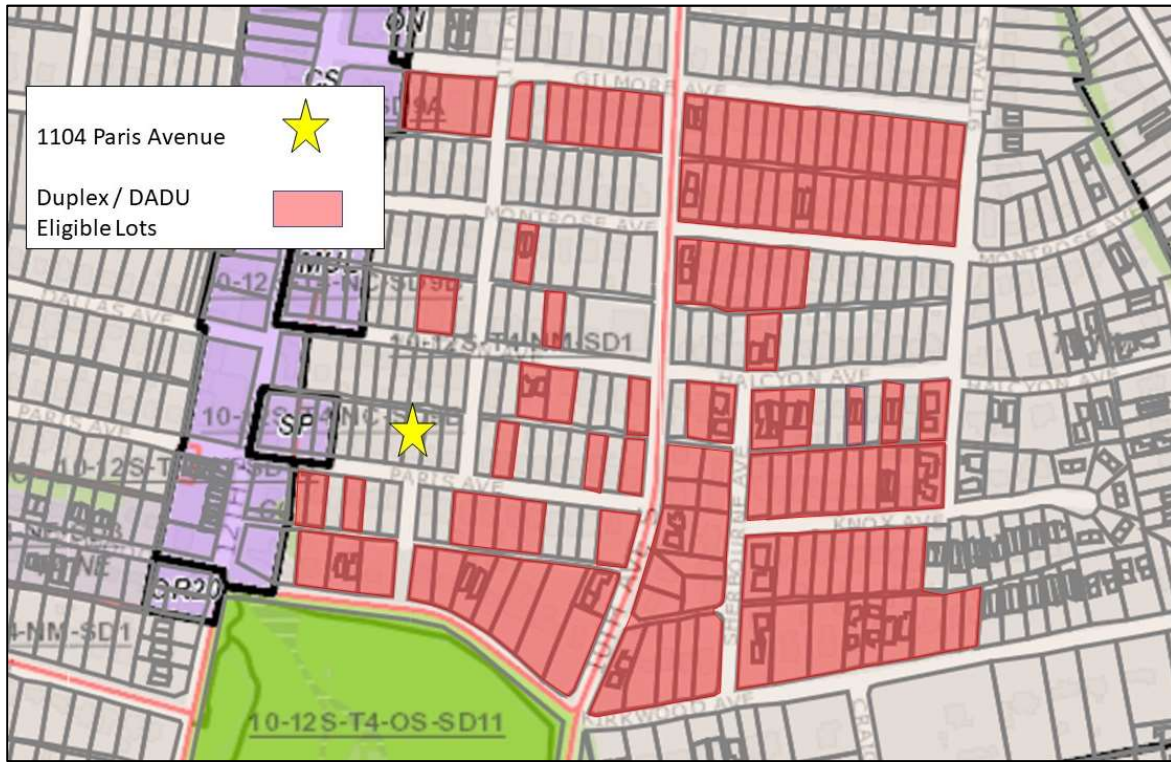
1. The subject property is limited to one dwelling although it is located in an older Nashville neighborhood containing a variety of housing types and surrounded by a significant number of two-family developments on similarly zoned property;
2. The property is located in a neighborhood and on a street containing DADUs;
3. The property is located on a block where other perceptively similar lots are permitted to contain two dwellings including a DADUs;
4. The lot was platted in 1908, prior to our current zoning restrictions.

The Detached Accessory Dwelling Unit (DADU) on the property will establish many **benefits** including:

1. The DADU will establish one additional housing type in a neighborhood with robust infrastructure in need of a variety of housing as it is close to (within walking, biking, transit distance) to recreation, commerce, education and employment.
2. The DADU incrementally mitigates impacts of sprawl (environmental and social) by enabling one additional dwelling within the urbanized area of Nashville.
3. The DADU will help increase the community's housing supply – positively impacting the neighborhood's affordability and diversity.
4. The DADU potentially provides an option for low to moderate-income residents to live in an otherwise increasingly out of reach neighborhood – close to many educational and employment opportunities.
5. The DADU potentially provides a flexible housing option for relatives, including children, siblings, and/or parents to live close-by without infringing on the privacy of the principal home-owner. The DADU allows a homeowner to provide care and support to family members without compromising independence.
6. The DADU benefits the homeowners, as well, by potentially providing extra income that can assist in mitigating increases in the cost of living.
7. The DADU will not alter the general Historic character of the neighborhood as it is placed in a secondary position on the lot and not visible from the primary public street.
8. The DADU will not adversely impact stormwater run-off as the building exists and was permitted, after review, by Metro's stormwater department.
9. The DADU will not adversely impact traffic patterns as it is intended as a small household that will generate little additional traffic demand – the site is also located in a neighborhood with an excellent traffic circulation system that allows traffic diffusion. The neighborhood also provides opportunities to walk to commerce and service as well as take alternative modes to nearby educational and employment.
10. The DADU will activate the alley by providing a continuous presence in the structure facing the alley – making the alley and neighborhood safer.

BZA Case No. 2019-405
1104 Paris Avenue
Variance to permit a Detached Accessory Dwelling Unit

Map showing subject property surrounded by duplex (or DADU) eligible lots.



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

Re; Agenda Date: _____
Case Number: 2019-_____
Address: 1104 Paris Ave

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 1104 Paris 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 and employment opportunities are nearby. It will provide an opportunity for a variety of individuals (student, family member, young/older adult, single parent) to live in a high demand neighborhood. The DADU will create a presence on an otherwise inactive alley in a building that compliments the surrounding neighborhood and is consistent with the Historic context.

Sincerely,



Scott Greenwood
1106 Paris Ave
Nashville, TN 37204

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

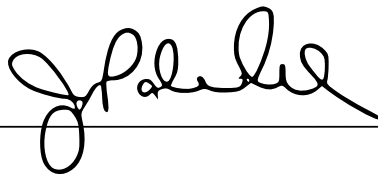
Re; Agenda Date: September 19, 2019
Case Number: 2019-_____
Address: 1104 Paris Ave

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Sincerely,



_____/Name

1014 Paris Ave
Nashville TN 37204

_____/Address

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Tune Entrekin & White, PC

Date: 8-1-19

Property Owner: Laminin Holdings - Tennessee, LLC

Case #: 2019-408

Representative: Shawn Henry

Map & Parcel: 11711004900

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:

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 1610 CORALBAR LN

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: STREET SETBACK VARIANCE

Section(s): 17.12.030A

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

Tune Entrekin & White, PC
Appellant Name (Please Print)

Shawn R. Henry
Representative Name (Please Print)

315 Deaderick St. Suite 1700
Address

315 Deaderick St. Suite 1700
Address

Nashville, TN 37238
City, State, Zip Code

Nashville, TN 37238
City, State, Zip Code

(615) 244-2770
Phone Number

(615) 244-2770
Phone Number

SHenry@TEWlawfirm.com
Email

SHenry@TEWlawfirm.com
Email

Zoning Examiner: Walter

Appeal Fee: _____



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



3698311

ZONING BOARD APPEAL / CAAZ - 20190046519
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11711004900

APPLICATION DATE: 08/05/2019

SITE ADDRESS:

1610 GRAYBAR LN NASHVILLE, TN 37215
LOT 59 NOELS WATKINS GROVE

PARCEL OWNER: LAMININ HOLDINGS-TENNESSEE, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

per METZO section 17.12.030 (A) requesting a front setback variance for proposed new single family residence. 120' min required front setback providing 90' front setback for a variance request of 30'

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

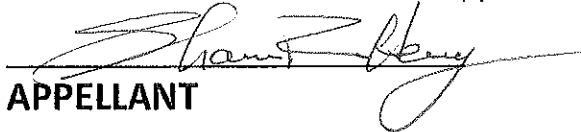
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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

TUNE, ESTERAN & WHITE, PC


APPELLANT

July 31, 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 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.

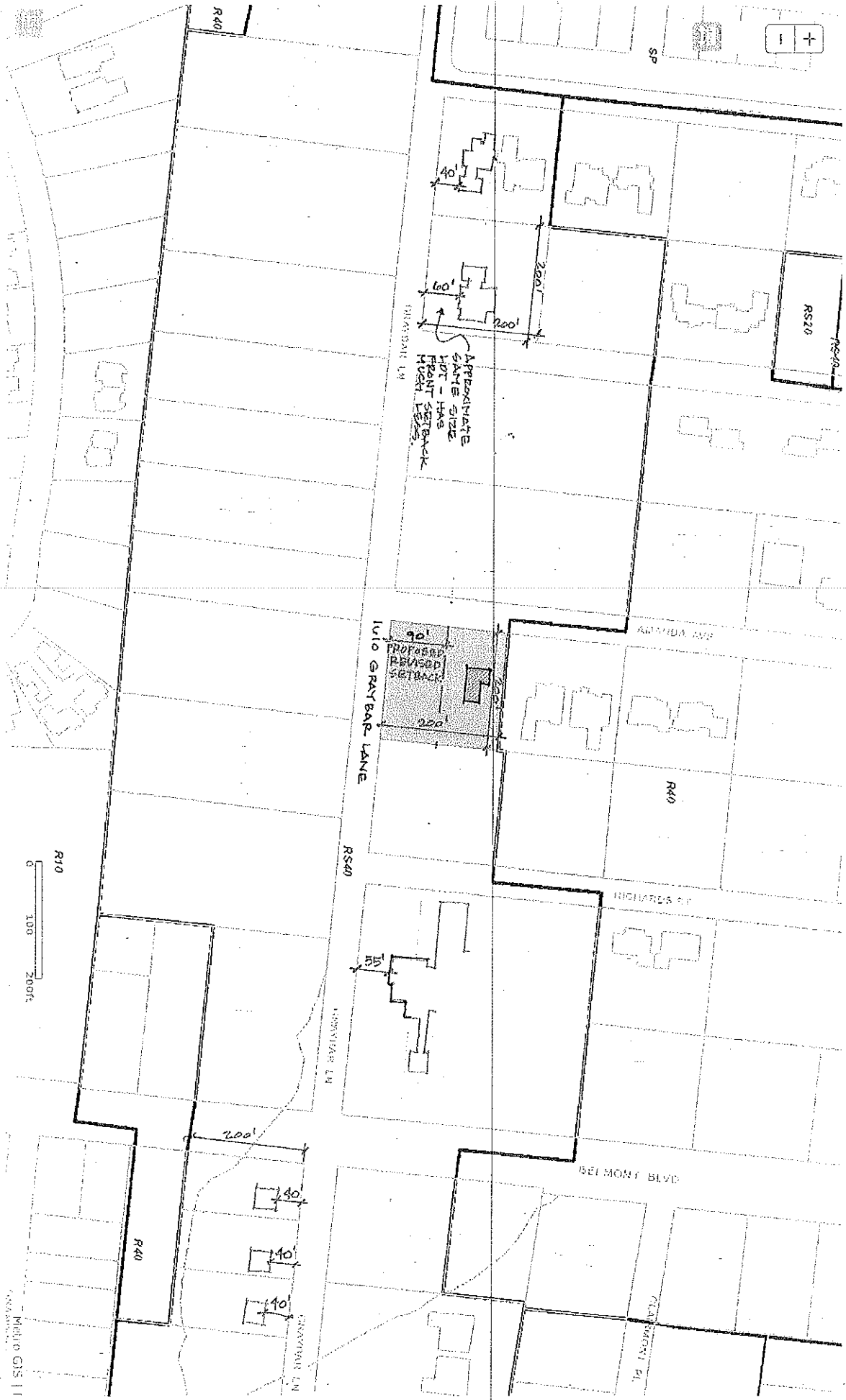
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

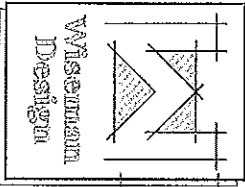
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

The average setback provision in MCL 17.12.030(c)(3) calculates the existing as-built front setbacks of 1608 Graybar Ln and 1610 Graybar Ln ("the subject property") to be approx 127'. However, the maximum setback is three times (3X) the RS40 District minimum of 40' = 120' max setback. Due to the shallowness of the subject lot relative to the depths of the adjacent lot (1608 Graybar Ln), the lot east of Richards St. (3507 Belmont Blvd) And the lots west of Amanda Ave. (1700 and 1706 Graybar Ln) the max setback of 120' unreasonably limits 60% of the front yard as unbuildable. A 30' Setback reduction (variance) is requested from 120' to 90', to allow a more reasonable building envelope for a modern single family home. The resulting 90' setback will remain deeper than the buildings at 3507 Belmont Blvd. (55'), 1708 Graybar Ln. (60'), and 1710 Graybar Ln. (40').

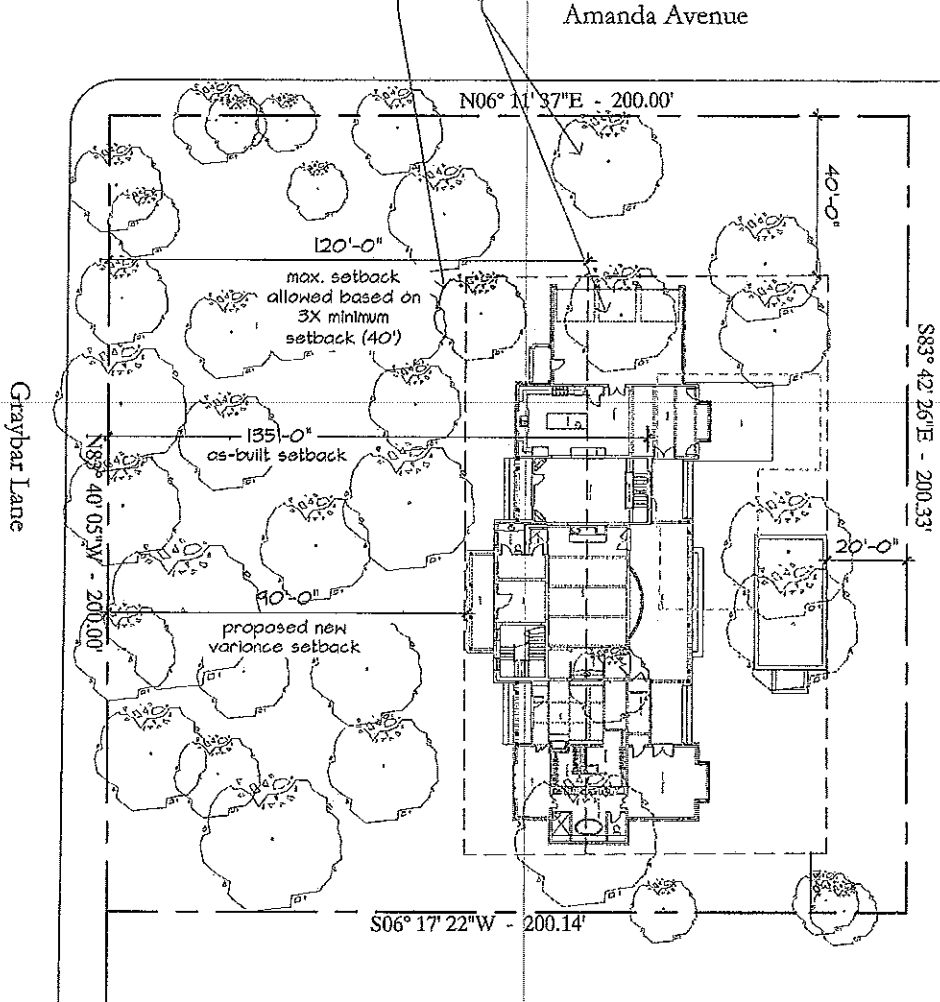
Consequently, a new home built on the subject property will be in context with nearby properties along the north side of the street.

PLANNING
DIVISION





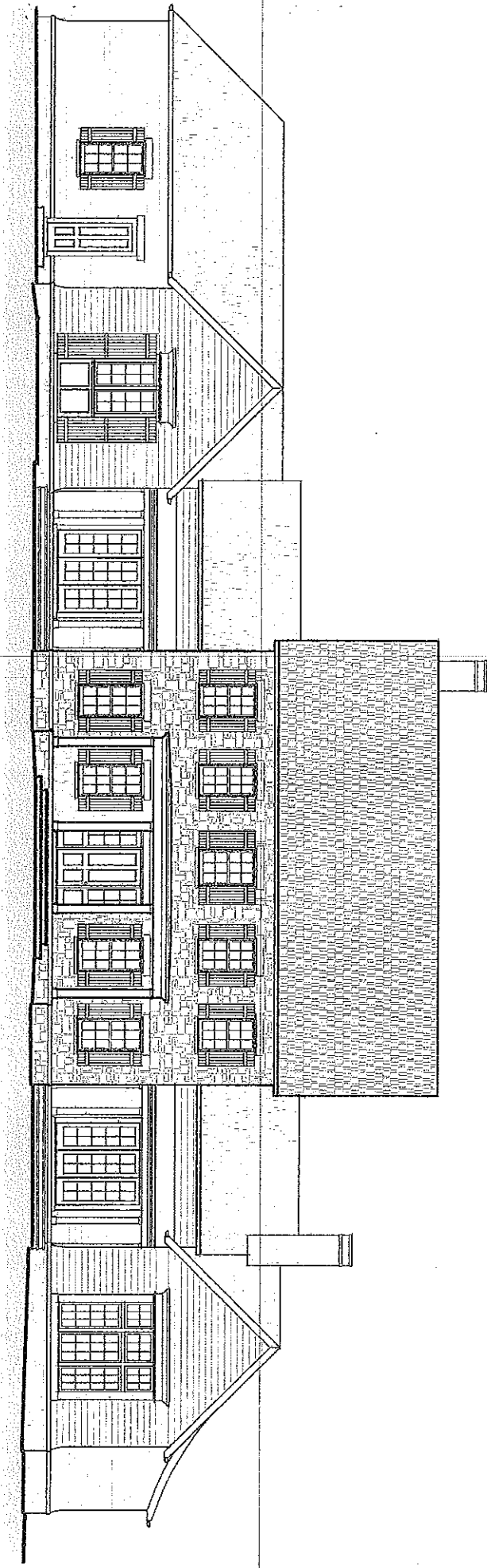
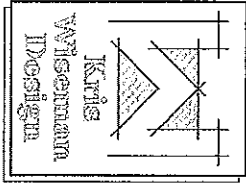
Several trees will be removed from the back of the property regardless of the setback and revision of the building envelope. Only one additional tree will be required to be removed if the proposed setback is granted



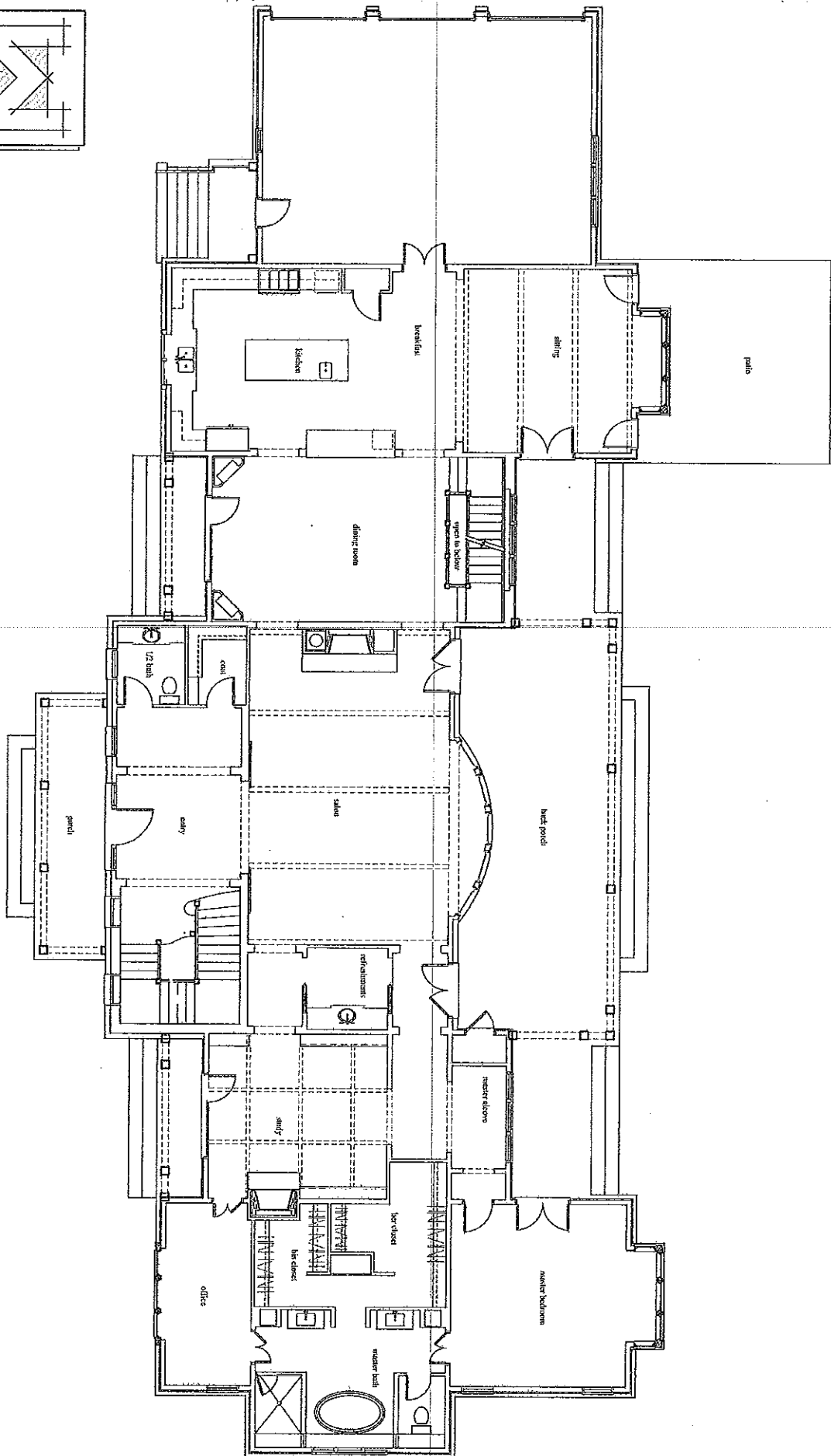
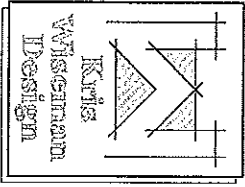
front of house
 As-Built Front Setback = 135'
 Minimum Front Setback = 40' (\$ 17,12,030(C)(1))
 Maximum Front Setback = 120' (\$ 17,12,030(C)(3))
 Average Front Setback = 131' (average of 1608 & 1610 Graybar Ln) (\$ 17,12,030(C)(3))
 Proposed Front Setback = 90'

site plan - setbacks
 1610 Graybar Lane

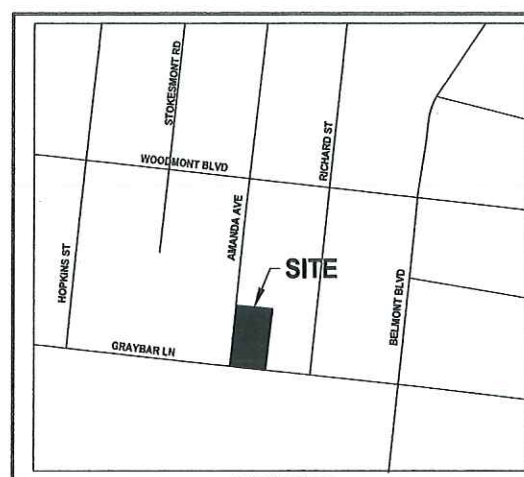
7-31-19
 scale: 1" = 30'-0"



Proposed inspirational elevation 7-29-19
1016 Grapher Lane



Proposed inspirational plan
 1016 Graybar Lane



VICINITY MAP (NOT TO SCALE)

SITE LEGEND

---	BOUNDARY LINE
- - -	ADJOINING BOUNDARY LINE
X X X	FENCE
G G G	UNDERGROUND GAS LINE
W W W	WATER LINE
P P P	OVERHEAD UTILITY LINE
SA SA SA	SANITARY SEWER LINE
ST ST ST	CULVERT PIPE
~~~~~	STREAM
~~~~~	TREE LINE

	WATER METER		BENCHMARK
	WATER VALVE		MAN HOLE
	SANITARY SEWER MANHOLE		CATCH BASIN
	STORM MANHOLE		GAS METER
	UTILITY POLE		TREE
	FIRE HYDRANT		
	CONCRETE		STRUCTURE

- MONUMENT FOUND (1/2" REBAR, UNLESS NOTED OTHERWISE)
 - MONUMENT SET (5/8" REBAR CAPPED "DBS & ASSOC.")
 - CONCRETE MONUMENT FOUND
- N.A.D.= NORTH AMERICAN DATUM
 N.A.V.D.= NORTH AMERICAN VERTICAL DATUM
 MBSL= MINIMUM BUILDING SETBACK LINE
 SA= SANITARY SEWER
 PUDE= PUBLIC UTILITY & DRAINAGE EASEMENT
 TYP= TYPICAL
 RCP= REINFORCED CONCRETE PIPE
 CMP= CORRUGATED METAL PIPE
 RODCT= REGISTER'S OFFICE OF DAVIDSON COUNTY TENNESSEE
 IP(N)= IRON PIN NEW
 IP(F)= IRON PIN FOUND
 PUAE= PUBLIC UTILITY ACCESS EASEMENT
 PUDE= PUBLIC UTILITY DRAINAGE EASEMENT
 CSBL= CONTEXTUAL SETBACK LINE
- TC= TOP OF CASTING
 IE= INVERT ELEVATION
 CONC= CONCRETE
 EOP= EDGE OF PAVEMENT
 SAS= SANITARY SEWER
 FOB= FACE OF BUILDING
 POB= POINT OF BEGINNING

SURVEYOR'S NOTES

A TITLE COMMITMENT/ SEARCH WAS NOT FURNISHED AT TIME OF SURVEY, THEREFORE THIS SURVEY IS SUBJECT TO AN ACCURATE TITLE COMMITMENT SEARCH.

BEARINGS AND DISTANCES TAKE PRECEDENCE OVER SCALE

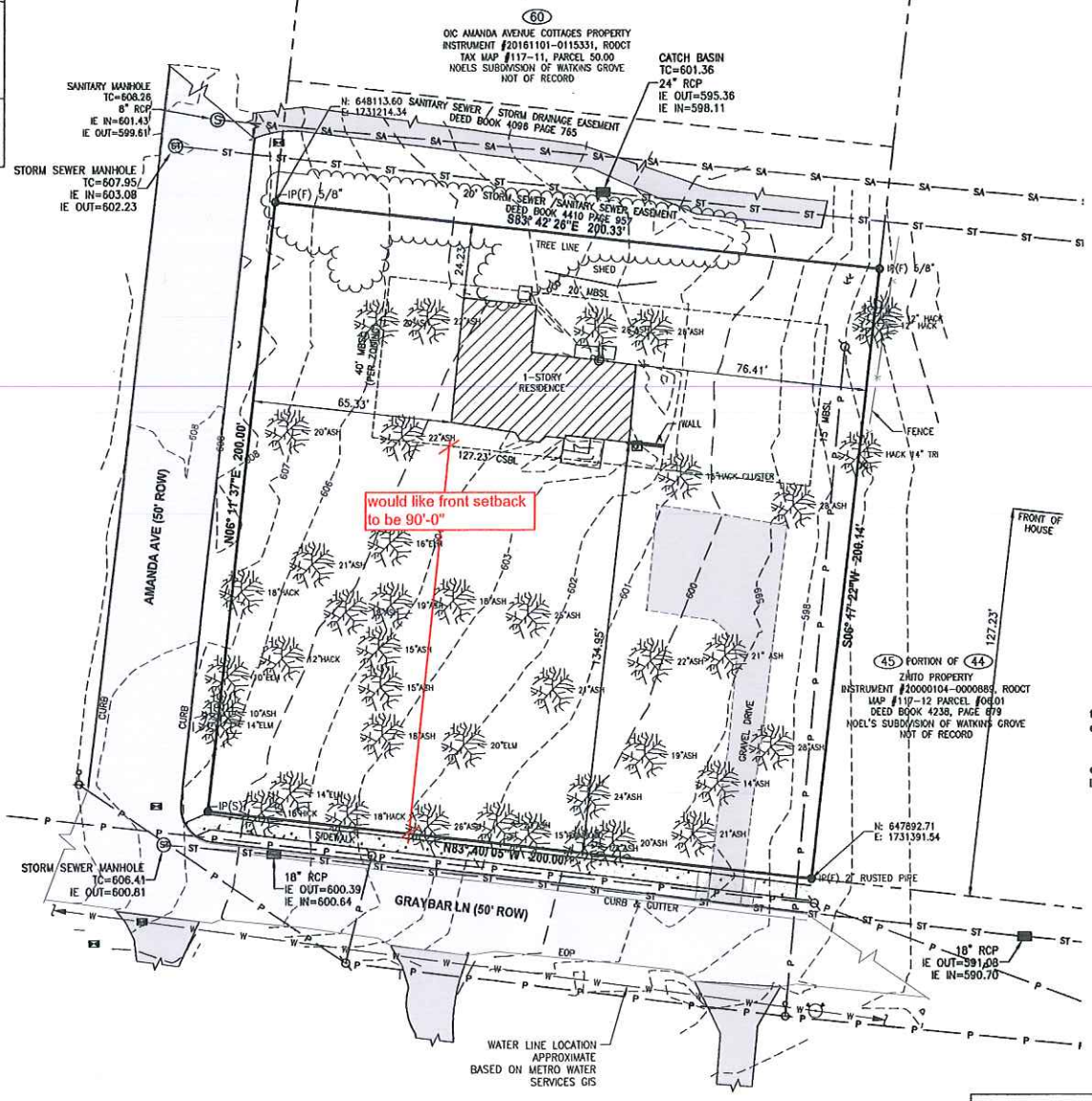
THIS TRACT DOES NOT LAY WITHIN A SPECIAL FLOOD HAZARD AREA OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY ACCORDING TO THE FLOOD INSURANCE RATE MAP (47037 C 0358 H ZONE X) OF THE CITY OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE, DATED: APRIL 4, 2017 UNLESS OTHERWISE NOTED ON SURVEY.

PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER, AND DOES NOT EXTEND TO ANY UNNAMED PERSONS OR ENTITIES WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS HEREON.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF WETLANDS AREAS.

BOUNDARY & TOPOGRAPHIC SURVEY
 OF THE
KENNETH J. LYONS, JR., PROPERTY
 1610 GRAYBAR LANE
 PARCEL ID #11711004900
 TAX MAP 117-11, PARCEL 49.00
 AS RECORDED IN DEED BOOK 6478, PAGE 513
 REGISTER'S OFFICE OF DAVIDSON COUNTY, TENNESSEE
 25TH CIVIL DISTRICT OF DAVIDSON COUNTY, TENNESSEE
 AREA = 40,047.023 SQUARE FEET OR 0.919 ACRES, MORE OR LESS
 ZONE:RS40 DATE: 7-16-18



The perimeter shown here is per a Survey made on the ground, there are no encroachments other than those shown, and the survey is correct to the best of my knowledge, belief and professional opinion.

I hereby certify that this is a Category-1 survey, and that the Closure of the Unadjusted Traverse is better than 1:10,000. This survey was done in compliance with current Tennessee minimum standards of practice.



DAVID B SMITH TN RLS # 1409
 DBS & ASSOCIATES ENGINEERING

DISCLAIMER

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THEREFORE, RELIANCE UPON THE TYPE, SIZE, AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION, AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT," THAT WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS. NO LESS THAN (3) THREE OR NO MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 1-800-351-1111.

2200 Rosa L. Parks Blvd.
 Nashville, TN 37228
 Phone (615) 244-2040
 Fax (615) 442-7135
 www.dbsengr.com

DBS & Associates
 Engineers • Surveyors • Planners

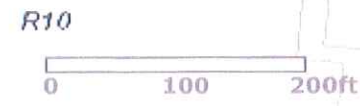
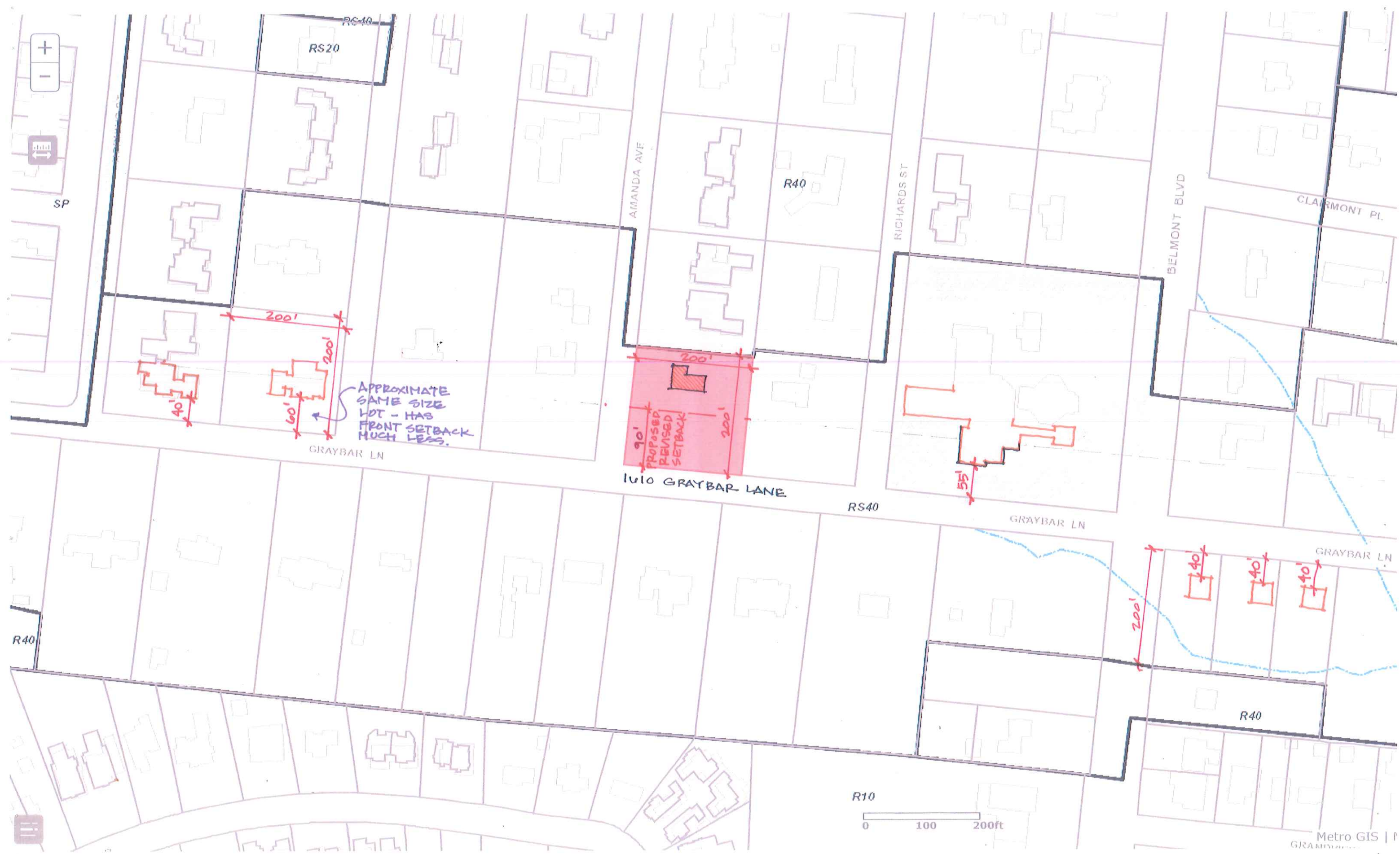
BOUNDARY & TOPOGRAPHIC SURVEY

OF THE
 KENNETH J. LYONS, JR., PROPERTY
 1610 GRAYBAR LANE
 NASHVILLE, TENNESSEE 37215
 7/16/2018

REVISIONS

FIELD CREW: T. PERKINS
DRAWN BY: WRW
CHECKED BY: NTH
SHEET 1 OF 1

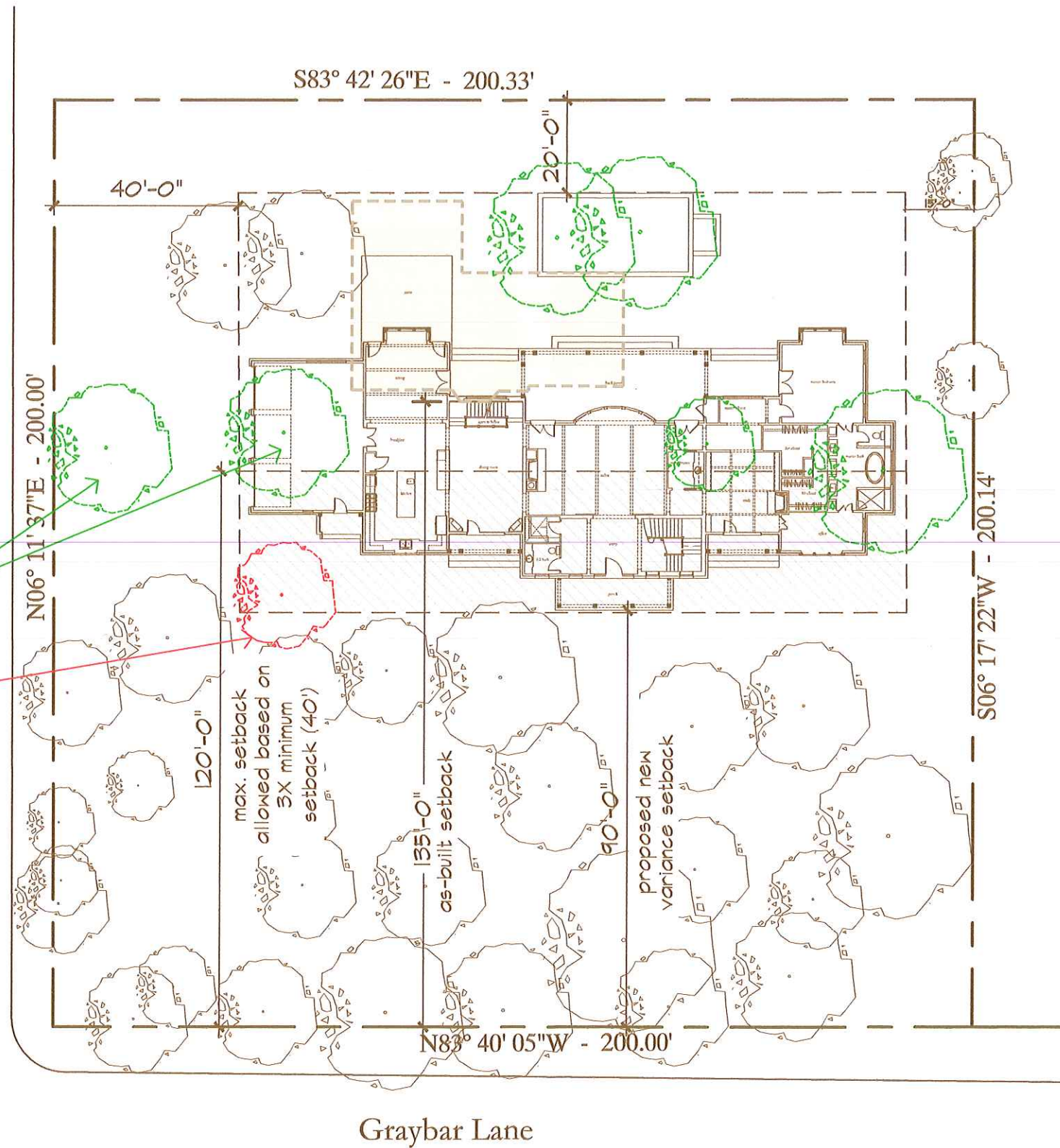
Palmer
Viewer



Several trees will be removed from the back of the property regardless of the setback and revision of the building envelope.

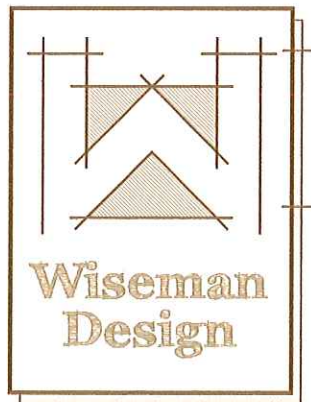
only one additional tree will be required to be removed if the proposed setback is granted

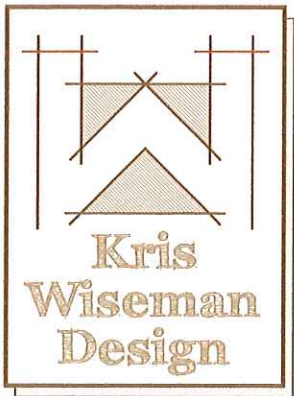
Amanda Avenue

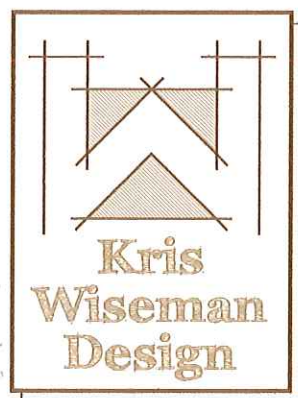
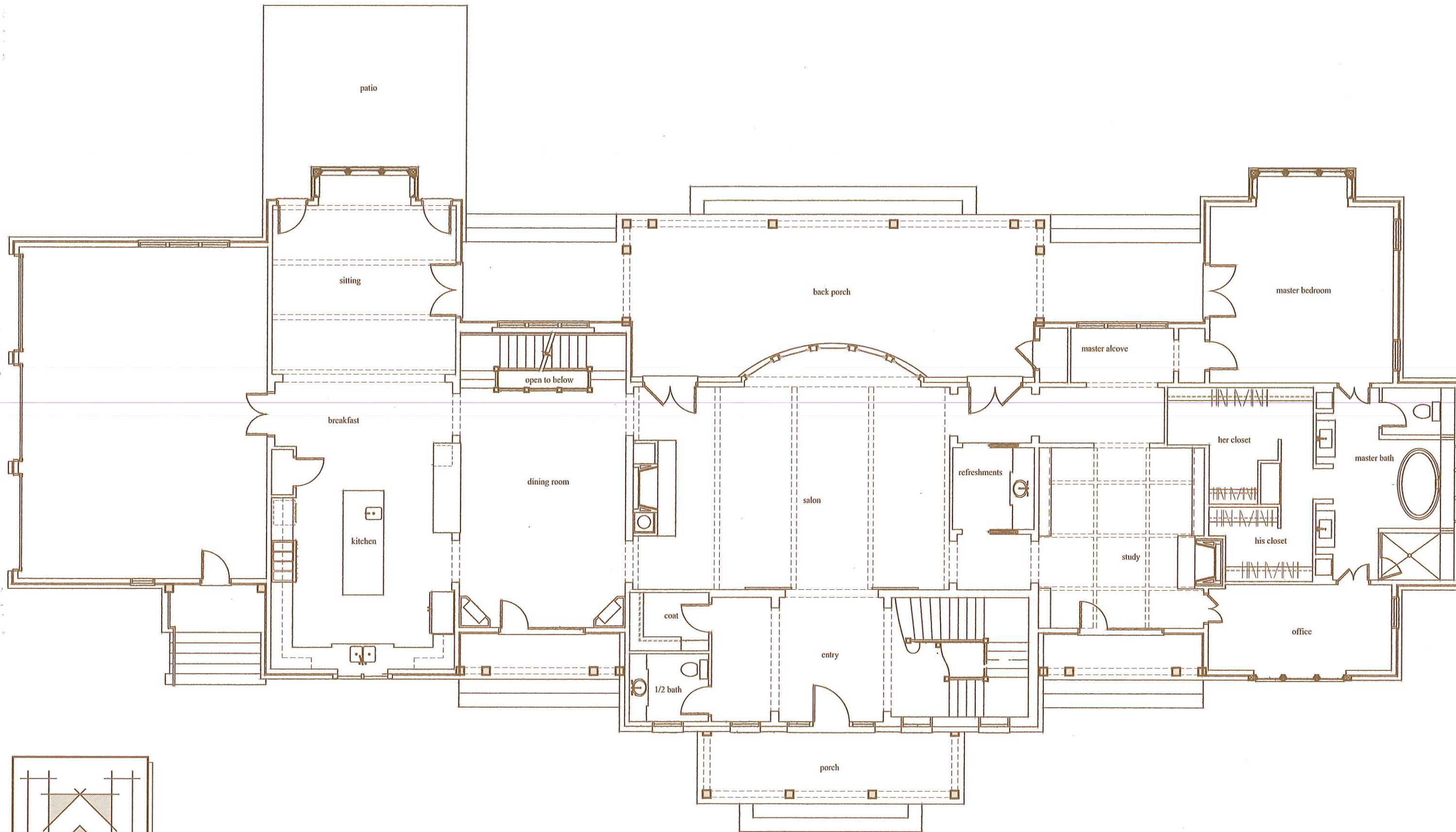


- front of house
- As-Built Front Setback = 135'
- Minimum Front Setback = 40' (§ 17.12.030(C)(1))
- Maximum Front Setback = 120' (§ 17.12.030(C)(3))
- Average Front Setback = 131' (average of 1608 & 1610 Graybar Ln) (§ 17.12.030(C)(3))
- Proposed Front Setback = 90'**

127'-2 1/2"
as-built
neighbor
setback







TUNE, ENTREKIN & WHITE, P.C.

THOMAS V. WHITE
 JOHN W. NELLEY, JR.
 THOMAS C. SCOTT
 PETER J. STRIANSE
 HUGH W. ENTREKIN
 JOHN P. WILLIAMS *
 ROBERT L. DELANEY
 GEORGE A. DEAN
 LESA HARTLEY SKONEY
 JOSEPH P. RUSNAK
 SHAWN R. HENRY
 T. CHAD WHITE
 BRANDT M. MCMILLAN *
 CHRISTOPHER B. FOWLER
 TIMOTHY N. O'CONNOR

ATTORNEYS AT LAW

SUITE 1700
 315 DEADERICK STREET
 NASHVILLE, TENNESSEE 37238

TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE
 1931-1983

ERVIN M. ENTREKIN
 1927-1990

*Rule 31 listed General Civil Mediator


August 23, 2019

MEETING INVITATION**RE: Board of Zoning Appeals Case No.: 2019-408 (1610 Graybar Lane)**

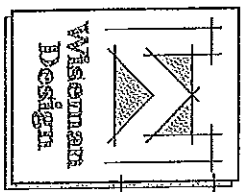
You are cordially invited to attend a meeting of neighbors to discuss a request to reduce the front setback to accommodate a new home. A site plan is attached. Additional drawings will be shared at the meeting. The meeting details are:

Date: Thursday, Sept. 5, 2019
Time: 6:30 P.M.
Place: Granny White Church of Christ
 Fellowship Hall
 3805 Granny White Pike

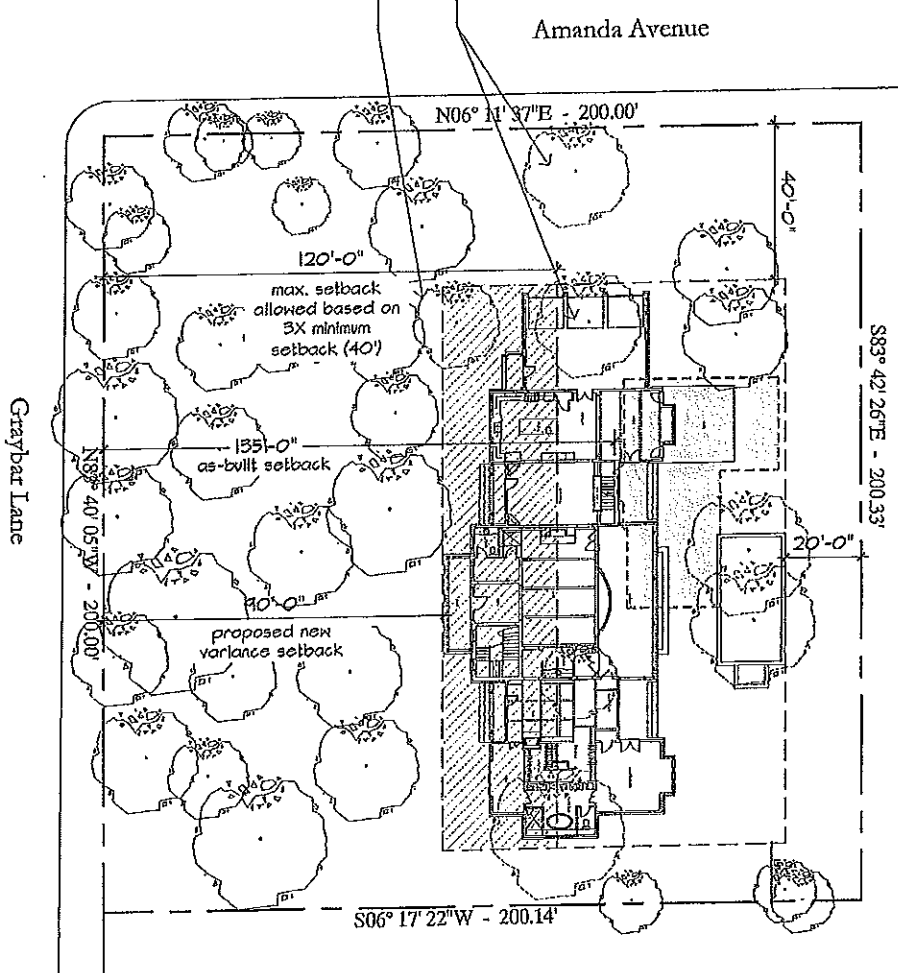
If you have any questions or concerns, please contact Shawn Henry at (615) 244-2770 or shenry@tewlawfirm.com.



cc: Honorable Russ Pulley, Councilman
 Metropolitan Council District 25



Several trees will be removed from the back of the property regardless of the setback and revision of the building envelope. Only one additional tree will be required to be removed if the proposed setback is granted



Amanda Avenue

Graybar Lane

127'-2 1/2"
as-built
neighbor
setback

Proposed Front Setback = 90'

Front of house

As-Built Front Setback = 135'

Minimum Front Setback = 40' (S 17.12.030(C)(1))

Maximum Front Setback = 120' (S 17.12.030(C)(3))

Average Front Setback = 131' (average of 1608 & 1610 Graybar Ln) (S 17.12.030(C)(3))

site plan - setbacks
1610 Graybar Lane

7-31-19
scale: 1" = 30'-0"



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: Duane Cuthbertson

Date: 8.5.19

Property Owner: 5915 Robertson, LLC

Case #: 2019-409

Representative: Duane Cuthbertson

Map & Parcel: 09109 011300

Council District 20

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

Purpose:

Landscape buffer A

Activity Type: Residential

Location: 5915 Robertson Avenue

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: Landscape buffer to be placed on property line

Section(s): 17.24.230

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

Duane Cuthbertson
Appellant Name (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

1806 Allison Pl.
Address

same
Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthbert@gmail.com
Email

Email

Zoning Examiner: C Harper

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**



3698499

**ZONING BOARD APPEAL / CAAZ - 20190046623
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09109011300**APPLICATION DATE:** 08/05/2019**SITE ADDRESS:**

5915 ROBERTSON AVE NASHVILLE, TN 37209
PT LOT 4 NALL SUB OF COCKRILL

PARCEL OWNER: 5915 ROBERTSON, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from landscape buffer A requirements.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



DATE

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

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

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

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

The R8 and CS zoned properties are owned in common. The strict application of the zoning code will not permit a unified development; one which incorporates shared infrastructure such as a shared driveway along the property line.

ROBERTSON AVE

NOTE: PARCEL 112 PROPOSED TO BE SUBDIVIDED

TM: 91-09
P: 112
+/- .68 AC
ZONED R8

SHARED ACCESS DRIVE

ZONED R8

ZONED R8

ED R8

LOT 1
+/- .23 AC
10,018 SQ.FT

LOT 2
+/- .23 AC
10,018 SQ.FT

LOT 3
+/- .26 AC
11,325 SQ.FT

ZONED R8

ZONED R8

ZONED R8

ZONED R8

APPEAL REQUIRED FOR "C" LANDSCAPE BUFFER FOR WEST AND SOUTH PROPERTY LINES OF PARCEL 113

5915/5917 ROBERTSON AVE
1"=40' (8.5 X 11)
#18020



Nashville Board of Zoning Appeals

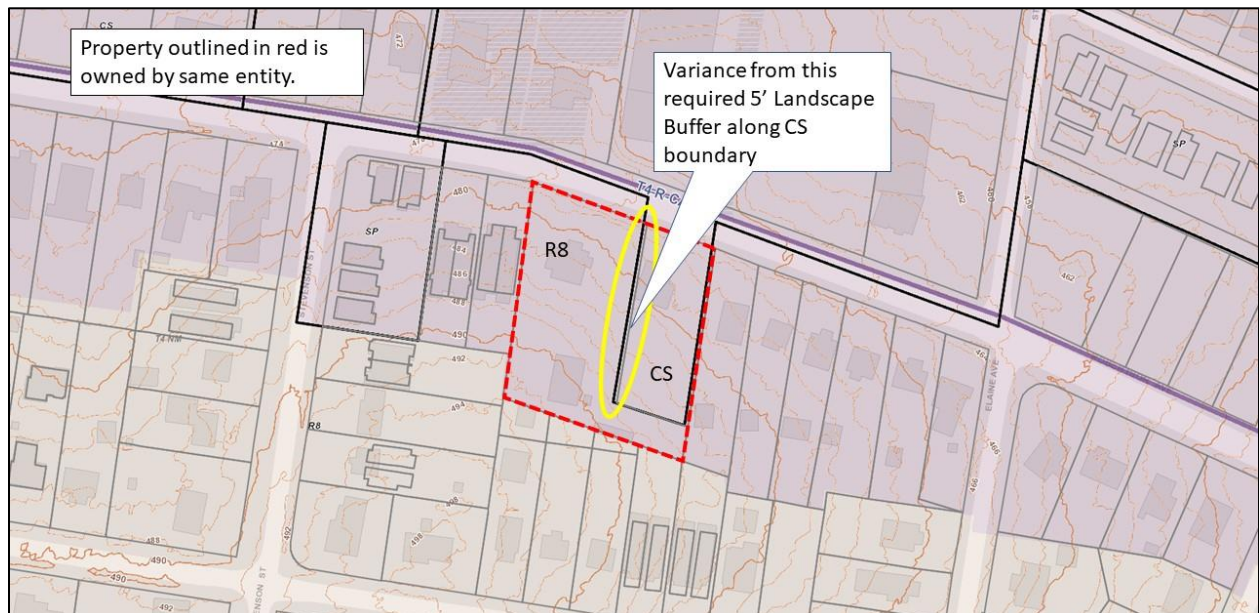
Agenda Date: September 19, 2019

Case No. 2019-409

Address: 5915 Robertson Avenue

Request: Variance of the 5' Landscape Buffer between CS and R zoned property.

Purpose: To permit a shared access drive (shared by the CS and R8 zoned property / 5915 and 5917 Robertson Avenue) along the common property line.



5915 / 5917 Robertson Avenue

The request for a Variance of the 5' Landscape Buffer requirement in the CS zoned district is made to permit a shared driveway to be located along the property line. The driveway will permit access to pending residential development on the R8 zoned lot. The shared driveway will also provide the sole access to the CS zoned lot.

Zoning Requirement / Intent: The Landscape Buffer is required between zoning districts of differing intensity in order to mitigate the supposed impacts – in this case, impacts of commercial development on adjacent residential development. As this property is located within the Urban Zoning Overlay, the Zoning Code allows the use of an 'A' Landscape Buffer – requiring a 5' wide strip planted with various trees and shrubs as well as construction of a screening wall/fence along the zoning boundary line.

Analysis:

The CS and R8 zoned properties subject to this request are owned and ultimately will be developed by the same entity. Due to the topography change along the Robertson Road frontage of these properties the owner desires to consolidate access for both properties to a single point. Placing the shared driveway entirely within the CS property will ensure that all 'commercial related traffic' is contained inside the commercial property. It will also leave room for the CS property to be adequately developed despite it being used for the consolidated access (taking into consideration - access, parking, building placement). Placement on the property line will ensure efficient access to the residential development within the R8 zoned property. The variance also allows a driveway to extend across the zoning boundary line.

Since the properties are commonly owned and will ultimately be developed by the same entity, the landscape buffer requirement is essentially protecting the ownership from itself. The owner ultimately intends to provide softening treatment in the form of landscaping (and likely a fence) between the driveway and future residential development on the R8 zoned property.

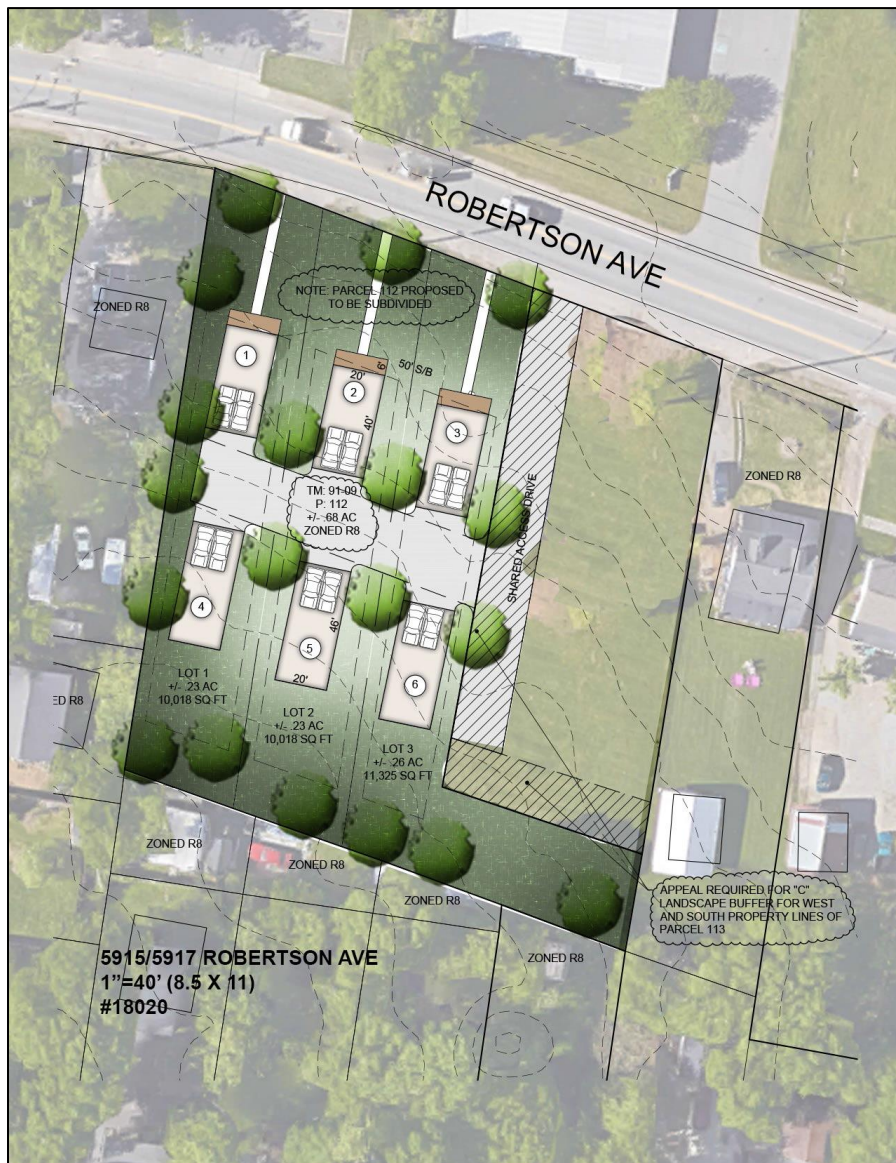
The CS zoned property is unique. Relative to CS zoning districts found throughout Davidson County this particular property is very small and narrow. As well, it is isolated within a residentially zoned block. The size of the property all but ensures the scale of future development will be limited (thereby limiting whatever impacts might be experienced between zoning districts).



The intent of the Code will be met as the properties are commonly owned and it's in the owner's interest to provide some sort of softening treatment between a common access drive (used for commercial and residential purposes) and residential dwellings. The Variance will not adversely impact the surrounding community as the impact is limited solely to the ownership of the commonly owned property. The greater community benefits from enabling consolidated access to the commonly owned property as it will limit points of conflict on Robertson Road to one as well it will allow for more frontage to be utilized for future sidewalk.

Unique Circumstances:

1. The CS and R8 zoned properties subject to this particular Landscape Buffer requirement are commonly owned;
2. The properties have topographical challenges along the Robertson Avenue frontage that urge for consolidated vehicular access;
3. The CS zoned property is small and narrow relative to other CS zoned districts in Davidson County;
4. The CS zoned property is isolated within an R zoned block.



From: [Kivett, Stephan \(Codes\)](#)
To: [Lamb, Emily \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Cc: [Wyatt, Jonathan \(Codes\)](#)
Subject: The 2 buffer cases on Sept 19 docket
Date: Wednesday, September 11, 2019 8:35:06 AM

Case 2019-384 – McFerrin Ave

Have spoken with applicant. OK with variance being granted

Case 2019-409 – Robertson Ave

Have not spoken with applicant. Don't really see any hardship

I typically do not have issue with buffer variance requests, especially if no opposition shows up. These projects have to meet the Tree Density Unit requirement anyway, and as such, will have trees planted on-site.

Stephan Kivett
Urban Forester
Dept of Codes and Building Safety
(615) 862-6488

From: [Lamb, Emily \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: FW: Case # 2019-409 at 5915 and 5917 Robertson
Date: Wednesday, September 4, 2019 11:21:51 AM

For the case file.


Emily Lamb
Metro Codes Department

From: Mary Carolyn Roberts <marycarolynroberts@gmail.com>
Sent: Wednesday, September 4, 2019 10:17 AM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>
Cc: Duane Cuthbertson <dcuthber@gmail.com>; Ned Michaels <nedmichaels360@gmail.com>
Subject: Case # 2019-409 at 5915 and 5917 Robertson

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

Good morning and thank yall for what you do!
I'm in 100%, full support of the project coming before you, Case # 2019-409 at 5915 and 5917 Robertson. We have had countless meetings for the project and tons of community input. The developers have worked with the community and with me to make this a win/win for all of us!

Thank you,


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

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[Contribute to Campaign](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Laura Wall
Property Owner: Laura Wall
Representative: Laura Wall

Date: 8/5/19
Case #: 2019- 410
Map & Parcel: 08307016400

Council District 04

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

Purpose: Proposed Addition to REAR
OF EXISTING SINGLE FAMILY RESIDENCE.
20 FT REAR SETBACK, REQUESTING 16 FT.
NO PERMIT APPLICATION ON FILE.

Activity Type: RES. CONSTRUCTION

Location: 709 Wilsonwood Pl.

* CONTEXTUAL
OVERLAY

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: SETBACK 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 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.

Laura Wall
Appellant Name (Please Print)

Same
Representative Name (Please Print)

709 Wilsonwood Pl
Address

Address

Nashville TN 37206
City, State, Zip Code

City, State, Zip Code

615-261-0296
Phone Number

Phone Number

laura@journashville.com
Email

Email

Zoning Examiner: Lisa

Appeal Fee: _____



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



3698279

**ZONING BOARD APPEAL / CAAZ - 20190046495
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08307016400

APPLICATION DATE: 08/05/2019

SITE ADDRESS:

709 WILSONWOOD PL NASHVILLE, TN 37206
LOT 24 ROLLING ACRES 2 SEC 2

PARCEL OWNER: WALL, LAURA A.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting Variance to Rear setback for proposed rear addition to existing single family residence. 20 ft minimum rear setback per 17.12.020A, requesting 16 ft rear setback (reduction of 4 ft).

No Permit Application started.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR 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

8/5/19

 DATE

STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

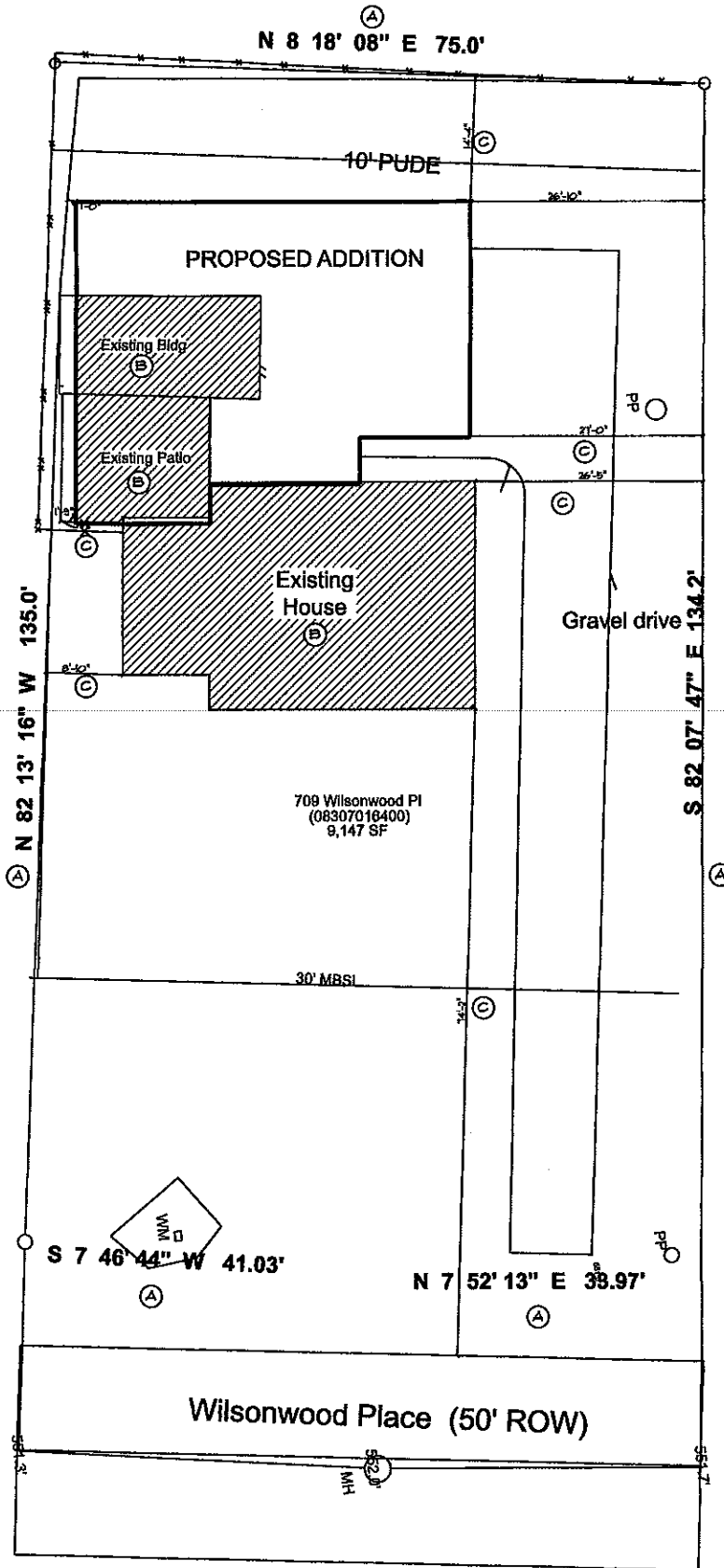
lot size hardship, large front yards / houses set back
far onto back of lot making the 20' setback
at rear difficult to maintain and add onto
the name.

708 C SKYVIEW DR
(083070Q9000CO)



707 WILSONWOOD PL
(08307016500)

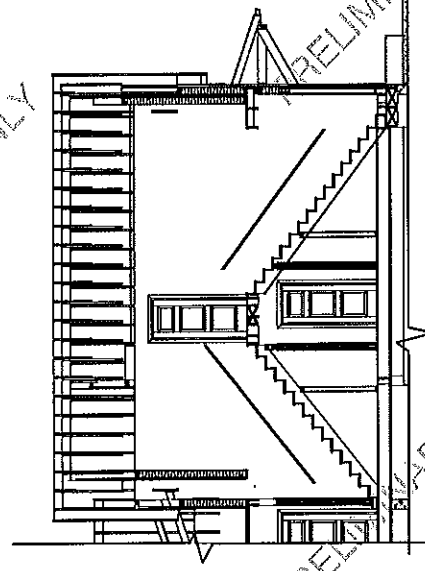
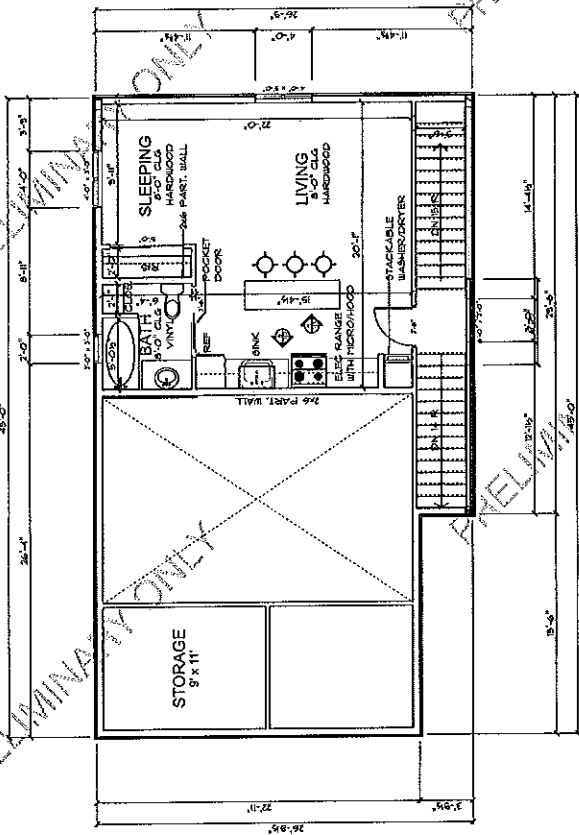
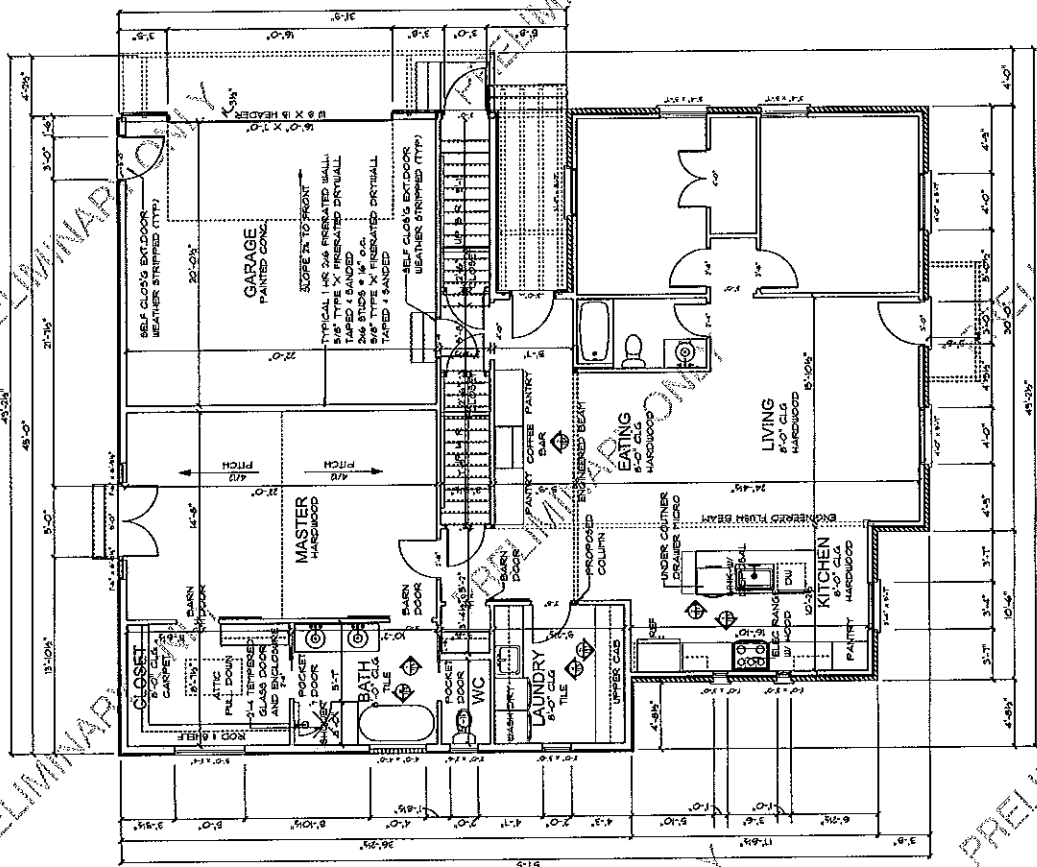
711 WILSONWOOD PL
(08307016300)



- A. INDICATE SITE DIMENSIONS
- B. INDICATE LOCATION AND SIZE OF EXISTING AND PROPOSED STRUCTURES
- C. INDICATE DISTANCE TO PROPERTY LINES ON ALL STRUCTURES BEING CONSTRUCTED OR ALTERED
- D. INDICATE DISTANCE BETWEEN NEW AND EXISTING STRUCTURES
- E. INDICATED LOCATION OF KNOWNS EASEMENTS
- F. INDICATE SCALE DRAWING MADE TO

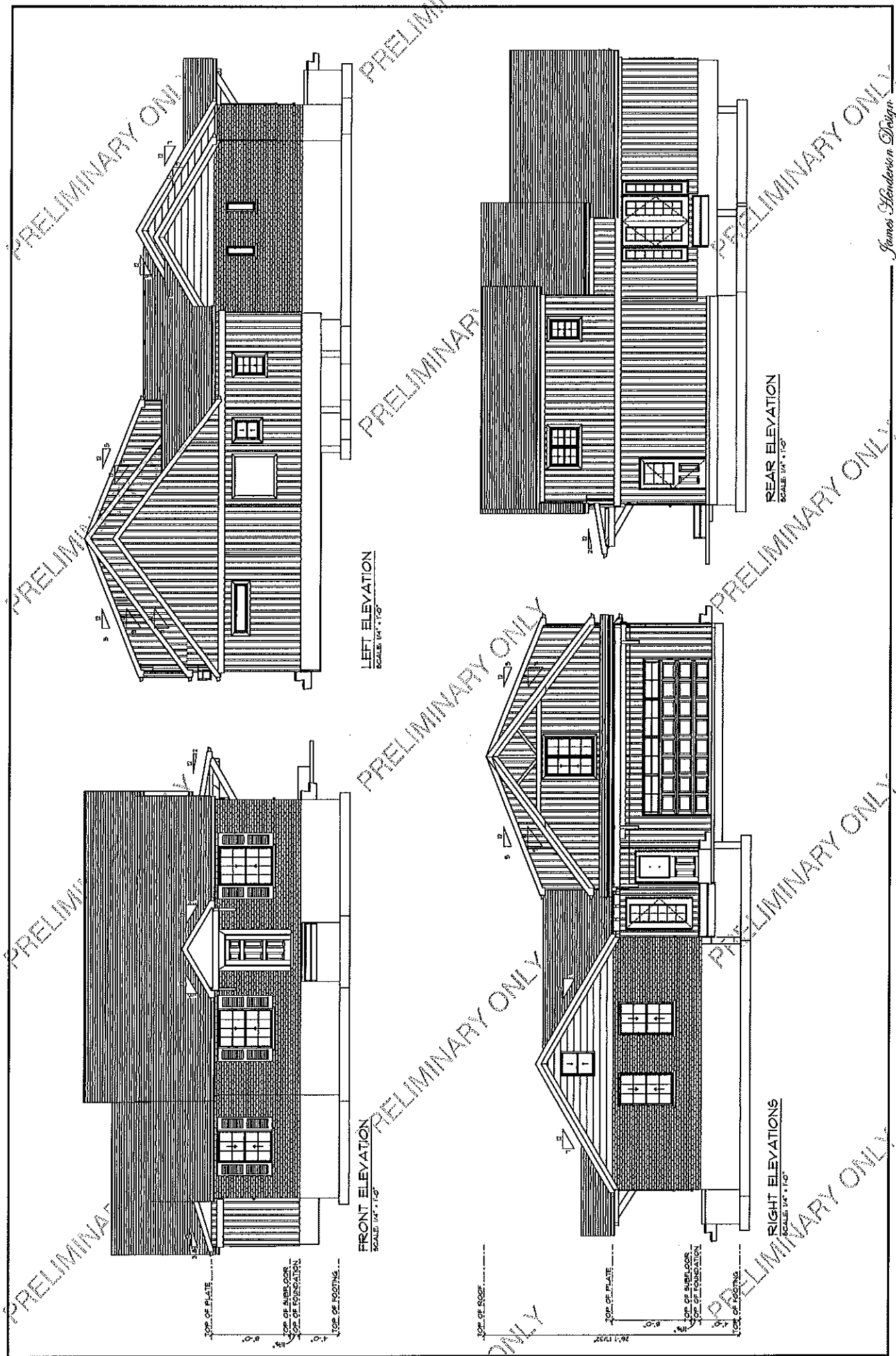
PRELIMINARY ONLY

PRELIMINARY ONLY



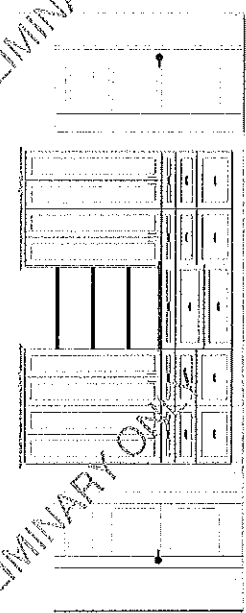
James Henderson Design

PRELIMINARY ONLY

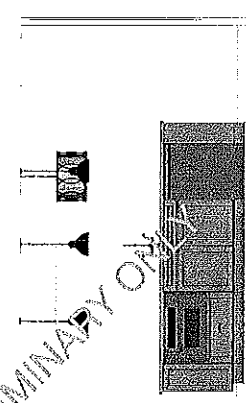


James Henderson Design

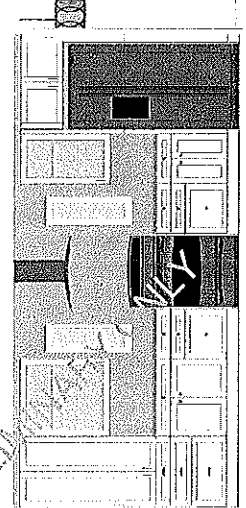
PRELIMINARY ONLY



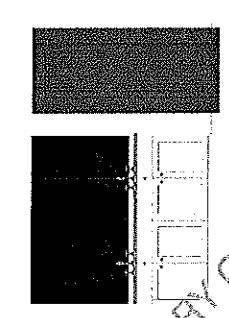
INTERIOR ELEVATION 3 WEST
SCALE: 1/8" = 1'-0"



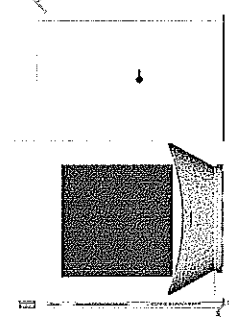
INTERIOR ELEVATION 2 NORTH
SCALE: 1/8" = 1'-0"



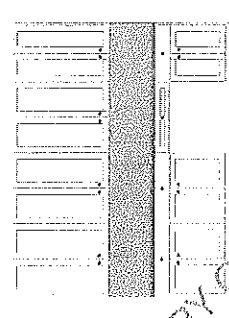
INTERIOR ELEVATION 1 SOUTH
SCALE: 1/8" = 1'-0"



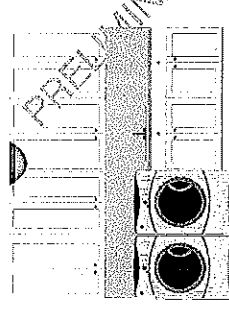
BATH NORTH
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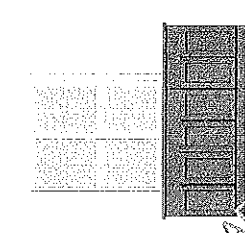
BATH SOUTH
SCALE: 1/8" = 1'-0"



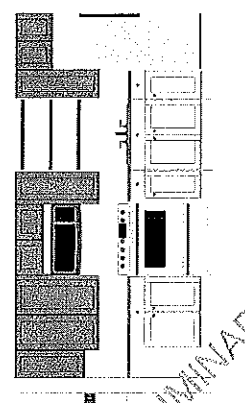
LAUNDRY EAST
SCALE: 1/8" = 1'-0"



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



INTERIOR ELEVATION 9 NORTH
SCALE: 1/8" = 1'-0"



INTERIOR ELEVATION 8 SOUTH
SCALE: 1/8" = 1'-0"

PRELIMINARY

PRELIMINARY ONLY

PRELIMINARY ONLY

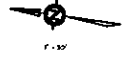
PRELIMINARY ONLY

PRELIMINARY ONLY

James Henderson Design

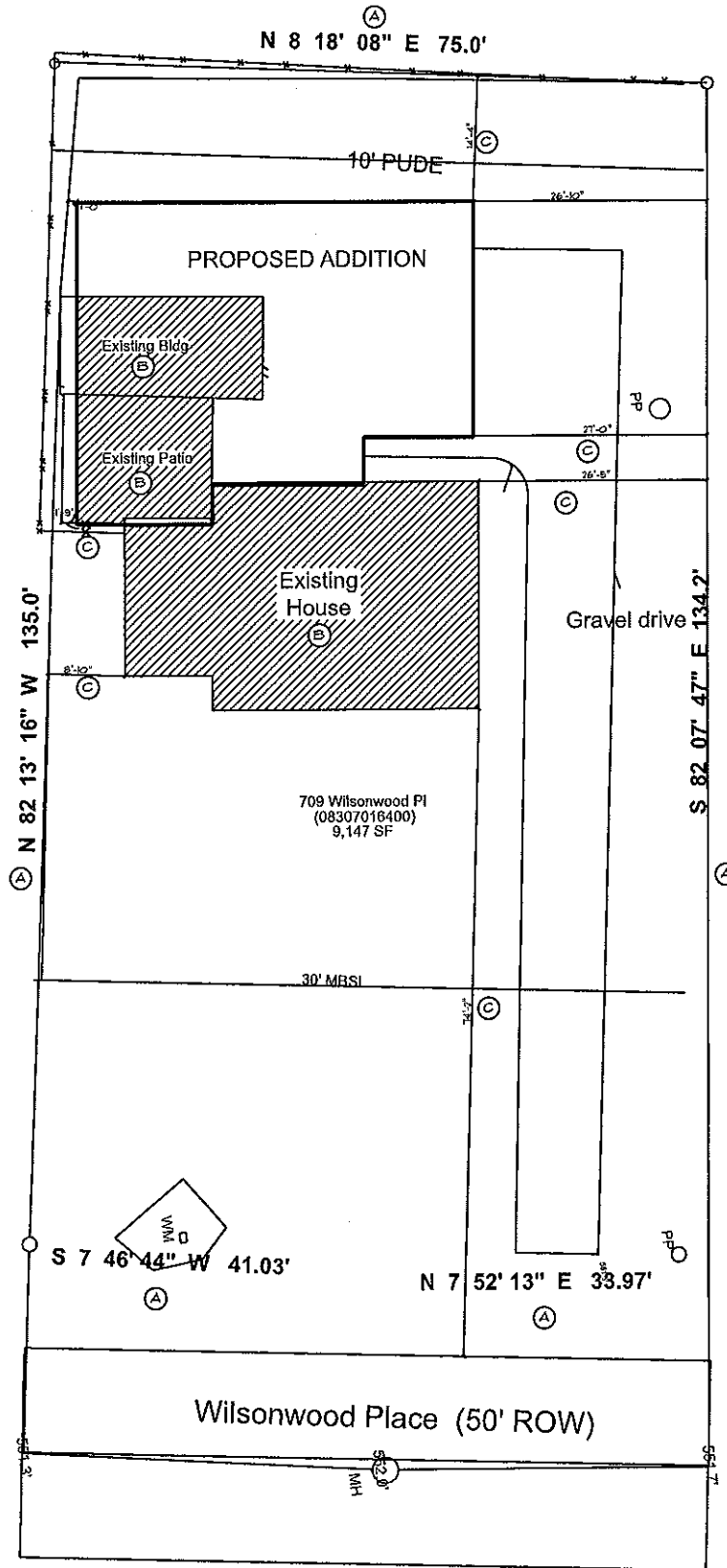
ONLY

708 C SKYVIEW DR
(083070Q90000CO)



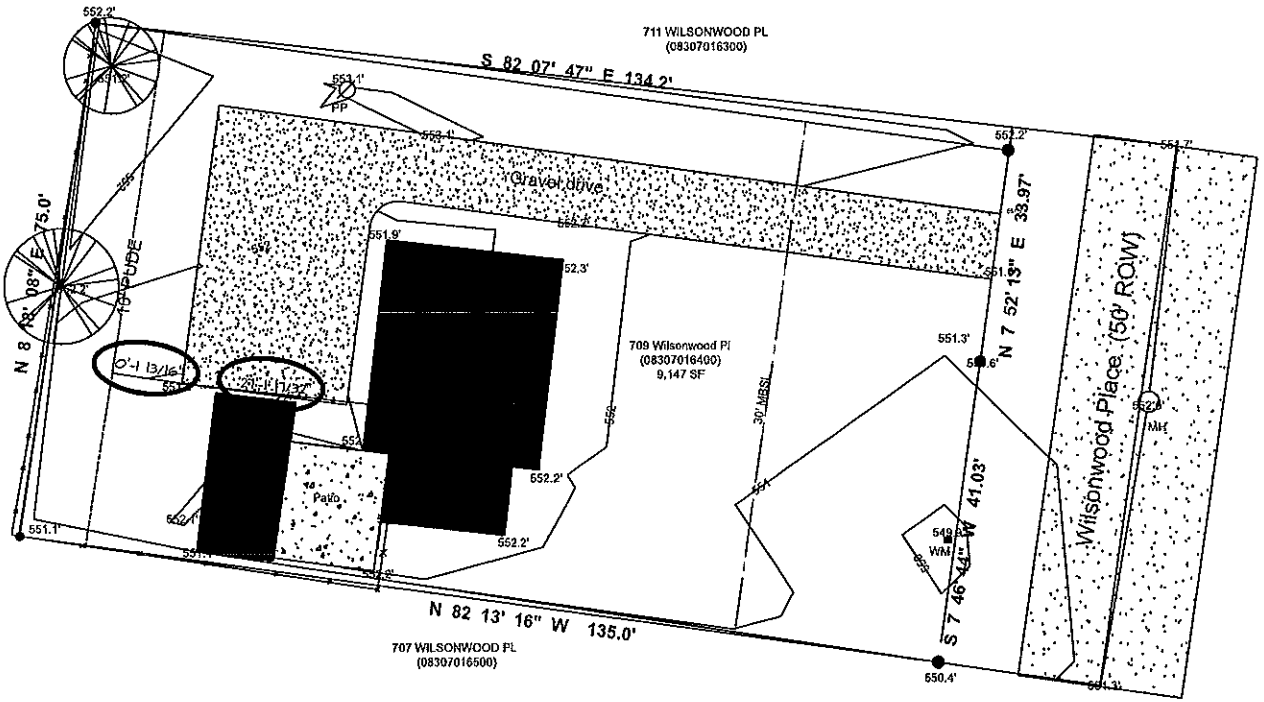
707 WILSONWOOD PL
(08307016500)

711 WILSONWOOD PL
(08307016300)

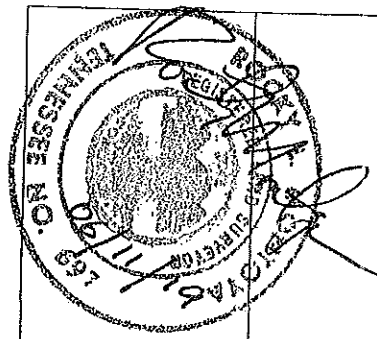


- A. INDICATE SITE DIMENSIONS
- B. INDICATE LOCATION AND SIZE OF EXISTING AND PROPOSED STRUCTURES
- C. INDICATE DISTANCE TO PROPERTY LINES ON ALL STRUCTURES BEING CONSTRUCTED OR ALTERED
- D. INDICATE DISTANCE BETWEEN NEW AND EXISTING STRUCTURES
- E. INDICATED LOCATION OF KNOWS EASEMENTS
- F. INDICATE SCALE DRAWING MADE TO

708 C SKYVIEW DR
(083070090000CO)



- General Notes:
1. Bearing Basis: Magnetic observation dated 5/01/19
 2. Map reference: Being parcel 164 as shown on Davidson County Property Map 083, R.O.D.C., Tn.
 3. Plat Reference: The Map of the Rolling Acres No.2 of record in Plat Book 4307, Page 434 R.O.D.C., Tn.
 4. Deed Reference: Instrument No. 20061117-0143045
 5. Address: 709 Wilsonwood Place TN 37206
 6. Area: Lot contains 9,147 sq. ft. or .21 acres.
 7. No title report was furnished to the surveyor
 8. Utilities: Existing visible utilities were field located as a part of the survey, other utilities, above and/or below ground may exist of which the survey is unaware. Call before you dig
 9. Datum Basis: Metro GIS Information
 10. Property Zoned CV-Cod



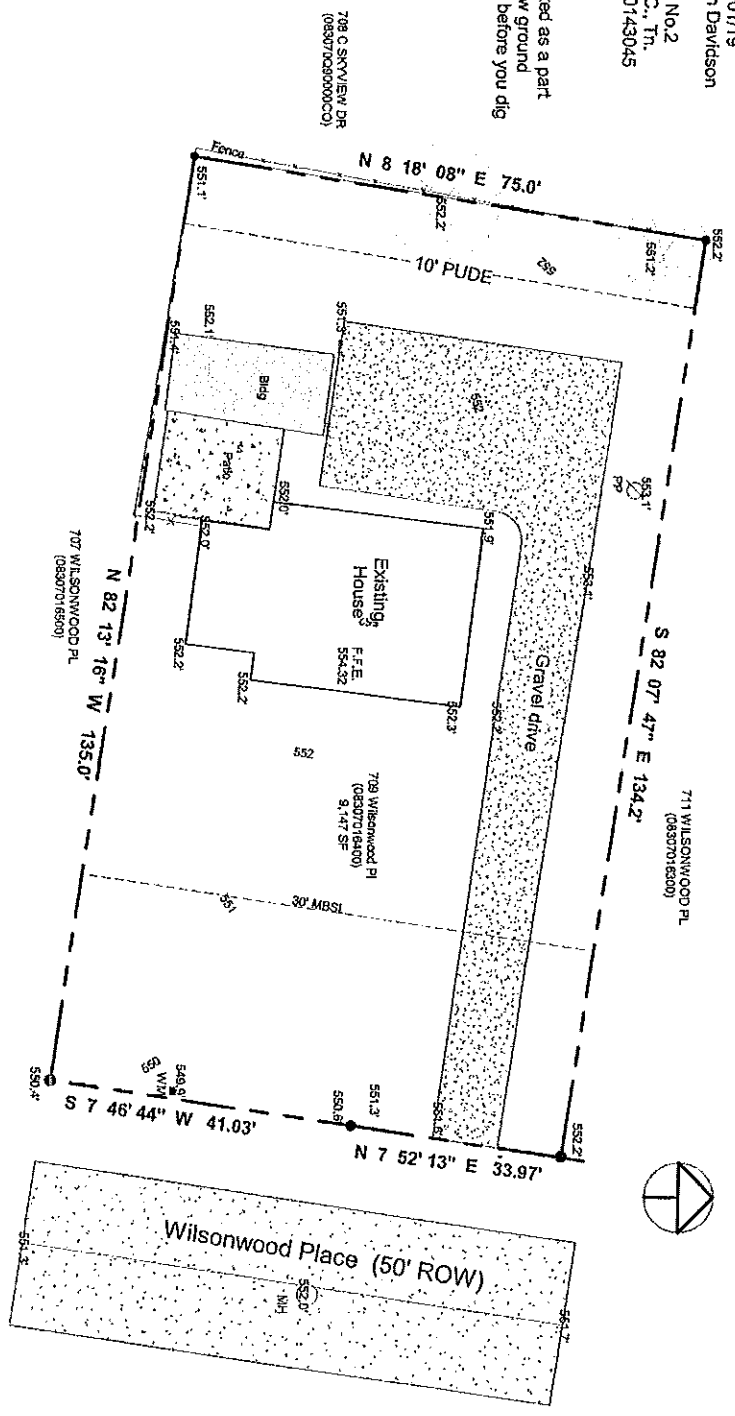
R.L. Montoya - Surveying
 1105 Dickerson pk
 Goodlettsville, TN 37072
 Phone: 615-347-1210
 Email: rocky_surveyor@gmail.com

709 Wilsonwood Place

Project Number	6/7/2019 1:46:21 AM
Date	Issue Date
Drawn by	Author
	Checker

Lot Survey

Checked by	Scale
	1" = 20'-0"



708 C SKYVIEW DR
 (08307003000000)

September 10, 2019

TO: Metro Nashville Board of Zoning Appeals
RE: Appeal Case Number 2019-410, 709 Wilsonwood PI 37206

Hello!

I am a resident and nearby neighbor to Laura Wall. I am writing to offer support of Laura Wall, owner of 709 Wilsonwood PI, in her application for a variance from the rear setback allowing her to construct an addition to her existing home.

Laura is a wonderful neighbor and very active in the neighborhood of Rolling Acres and community of East Nashville. Laura has shared her proposed plans, and I feel that they are in keeping with the neighborhood character. She has our full support.

Thank you,

Mckenzi and Suketu Pathak
719 Skyview Dr Unit B Nashville TN 37206
859-630-4417
mckenzipathak@gmail.com

From: [Alyssa Rayne](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: laura@yournashvillennative.com
Subject: BZA Case # 2019-410
Date: Tuesday, September 10, 2019 8:33:20 PM

Good evening,

I write to extend my support for my neighbor, Laura Wall. I live at 303B Urban Place around the corner from her house. She proposed a project that will build on to the back of her house. I've reviewed her plans. I think this project will not only fit with our community, but add to its charm.

Laura Wall is an exemplary neighbor. She always goes out of her way to make sure everyone feels welcome and part of the community. I hope you approve her proposal. Please let me know if I can be of further assistance.

Thank you,

Alyssa Rayne

Sent from [Mail](#) for Windows 10

September 3, 2019

TO: Metro Nashville Board of Zoning Appeals

RE: Appeal Case Number 2019-410, 709 Wilsonwood PI 37206

As a Rolling Acres Neighbors resident, I am writing to offer support of Laura Wall, owner of 709 Wilsonwood PI, in her application for a variance from the rear setback allowing her to construct an addition to her existing home.

Laura has shared her proposed plans, and I feel that they are in keeping with the neighborhood character. I furthermore support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville community. We have served on the Rolling Acres board together and she is a vibrant asset!

Kind regards,

Anna Flautt Myers

Anna Myers

(615) 977-8775

Anna.flautt@gmail.com

704 Groves Park Road

Nashville, TN 37206



ROLLING ACRES NEIGHBORS

542 SKYVIEW DRIVE
NASHVILLE, TN 37206

September 2, 2019

Metropolitan Board of Zoning Appeals
P O Box 196350
Nashville, TN 37219-6300

RE: Appeal Case No. 2019-410
709 Wilsonwood Place

The Board of Rolling Acres Neighbors, Inc. has reviewed the plans and request for a rear yard setback variance related to the improvements planned for 709 Wilsonwood Place. The Board recommends approval of the variance.

Members of the Board recommending approval are myself, Cecil Herrell at 542 Skyview Drive, Val Knust at 2214 Eastland Ave., Anna Flautt at 704 Groves Park Rd., and Sarah Lowe at 620 Skyview Drive. The fifth member of the Board is the applicant, Laura Wall, who recused herself.

Sincerely,

A handwritten signature in black ink, appearing to read "Cecil R. Herrell". The signature is fluid and cursive.

Cecil R. Herrell, AICP
Secretary-Treasurer, RAN

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [Laura Wall](#)
Subject: Letter of support for Case 2019-410 for property located at 709 Wilsonwood
Date: Wednesday, September 11, 2019 2:59:37 PM

Members of the Board of Zoning Appeals:

I am writing to lend my support for variance case 2019-410 for property located at 709 Wilsonwood in the Rolling Acres neighborhood in District 6. This is a lot-size hardship for a modest rear addition to a home. The pattern of development in this portion of the Rolling Acres neighborhood in the mid-Century was for modest houses situated on lots with deep front setbacks but shallow rear setbacks. The requested addition is a rear addition that will not affect the streetscape in the neighborhood. The applicant did present the case at a Rolling Acres Neighborhood Association meeting and it is my understanding that several of the adjacent neighbors including those who would be most impacted by a rear addition to this home have written letters in support. The Rolling Acres Neighborhood Association has also submitted a letter in support. I would request your favorable consideration of this appeal. Thank you for your service to our county.

Brett A. Withers

Metro Council, District 6

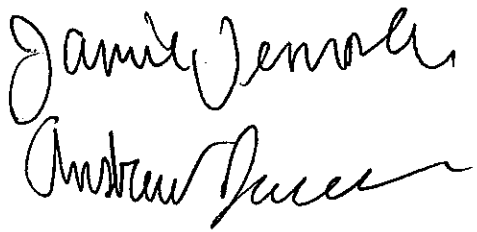
Mobile (615) 427-5946 | [facebook.com/Brett A. Withers](https://www.facebook.com/Brett.A.Withers) | [twitter.com @brettawithers](https://twitter.com/brettawithers)

2019-410

As Rolling Acres Neighbors residents, we are writing to offer our support of Laura Wall, the resident of 709 Wilsonwood Place, in her application for a variance from the rear setback allowing her to construct an addition to her home.

Laura has shared her proposed plans with us. We feel that the proposed construction are in keeping with the neighborhood character. Since we moved onto Wilsonwood Place in July of 2018, Laura has been an extremely kind and giving next door neighbor. All of her actions are always in the best interest of her neighbors and the community. We support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville Community.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is 'Jamie Templer' and the second is 'Andrew James'. Both are written in a cursive, flowing style.

Jamie Templer and Andrew James
864-423-4126
jlttempl@clemson.edu
711 Wilsonwood Place, Nashville, TN 37206

09/10/2019

TO: Metro Nashville Board of Zoning Appeals
RE: Appeal Case Number 2019-410, 709 Wilsonwood Pl 37206

As a Rolling Acres Neighbors resident, I am writing to offer support of Laura Wall, owner of 709 Wilsonwood Pl, in her application for a variance from the rear setback allowing her to construct an addition to her existing home. I live directly behind Laura and I support her new addition.

Laura has shared her proposed plans, and I feel that they are in keeping with the neighborhood character. I furthermore support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville community.

Kind regards,

A handwritten signature in black ink, appearing to read 'Landon Reef', written in a cursive style.

Landon Reef
765-543-1539
landonreef31@gmail.com
708A Skyview Drive
Nashville, TN 37206

From: [Leah Lipton](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: laura@yournashvillenative.com
Subject: Re: Subject: BZA Case #2019-410
Date: Monday, September 9, 2019 11:57:14 AM

Please note the corrected case number in the subject. And to be more clear, we live directly behind Ms. Wall.

Thank you,
Leah Lipton

636-485-1260

Leahdlipton@gmail.com

708B Skyview Dr

Nashville, TN 37206

On Sep 9, 2019, at 11:47 AM, Leah Lipton <leahdlipton@gmail.com> wrote:
September 9, 2019

TO: Metro Nashville Board of Zoning Appeals
RE: Appeal Case Number 2019-410, 709 Wilsonwood Pl 37206

As Rolling Acres Neighbors residents, we are writing to offer support of Laura Wall, owner of 709 Wilsonwood Pl, in her application for a variance from the rear setback allowing her to construct an addition to her existing home.

Laura has shared her proposed plans, and we feel that they are in keeping with the neighborhood character. We furthermore support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville community.

Kind regards,

Leah and Matthew Lipton

Leah Lipton
636-485-1260
Leahdlipton@gmail.com
708B Skyview Dr
Nashville, TN 37206

September 9, 2019

TO: Metro Nashville Board of Zoning Appeals

RE: Appeal Case Number 2019-410, 709 Wilsonwood PI 37206

As Rolling Acres Neighbors residents, we are writing to offer support of Laura Wall, owner of 709 Wilsonwood PI, in her application for a variance from the rear setback allowing her to construct an addition to her existing home.

Laura has shared her proposed plans, and we feel that they are in keeping with the neighborhood character. We furthermore support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville community.

Kind regards,

Michelle McRae

Michelle McRae

(609)203-2680

mdrimmer@hotmail.com

703A Skyview Drive

9/11/2019

TO: Metro Nashville Board of Zoning Appeals
RE: Appeal Case Number 2019-410, 709 Wilsonwood Pl 37206

As Rolling Acres Neighbors residents, we are writing to offer support of Laura Wall, owner of 709 Wilsonwood Pl, in her application for a variance from the rear setback allowing her to construct an addition to her existing home.

Laura has shared her proposed plans, and we feel that they are in keeping with the neighborhood character. We Also feel that the dual (tall/skinny) construction that has arisen to the rear of her property, dictates this rearward construction. The proposed addition will allow her to make use of the back yard which has had it's privacy and view compromised. We feel she and any homeowner deserves such consideration when redevelopment alters the usability of their investment. We furthermore support her desire to remain an active member in Rolling Acres Neighbors and the greater East Nashville community.

Kind regards,

Paul Korhnak
Ann Korhnak

*Paul Korhnak
Ann Korhnak
615-710-7300
pkor138@yahoo.com
2013 hackberry Ln.
Nashville , TN 37206*

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Bryan Veler
Property Owner: Patrick Michaels
Representative: Jasie Klaver

Date: 8/5/19
Case #: 2019-412
Map & Parcel: 06213009400

Council District 7

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

Purpose:

For Future Construction

Activity Type: Residential

Location: 4122 Moss Rose Rd

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: Variance from rear setbacks

Section(s): D. 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.

Bryan Veler
Appellant Name (Please Print)

1221 Preston Dr
Address

Nashville TN 37206
City, State, Zip Code

615-878-0543
Phone Number

bryan@veler.co (not com)
Email

Zoning Examiner: Walter

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee:



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



3698921

ZONING BOARD APPEAL / CAAZ - 20190046941
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06213009400

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

4122 MOSS ROSE DR NASHVILLE, TN 37216
LOT 27 WADDEYS RIVER BLUFF SUB

PARCEL OWNER: MICHAELS, PATRICK & KLAVER, JACQUEL

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a rear setback on a thru lot for a future I-shaped addition to side/rear of residence. required 20' providing 8' for a 12' variance request. see METZO section 17.12.020 (A).

*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

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.

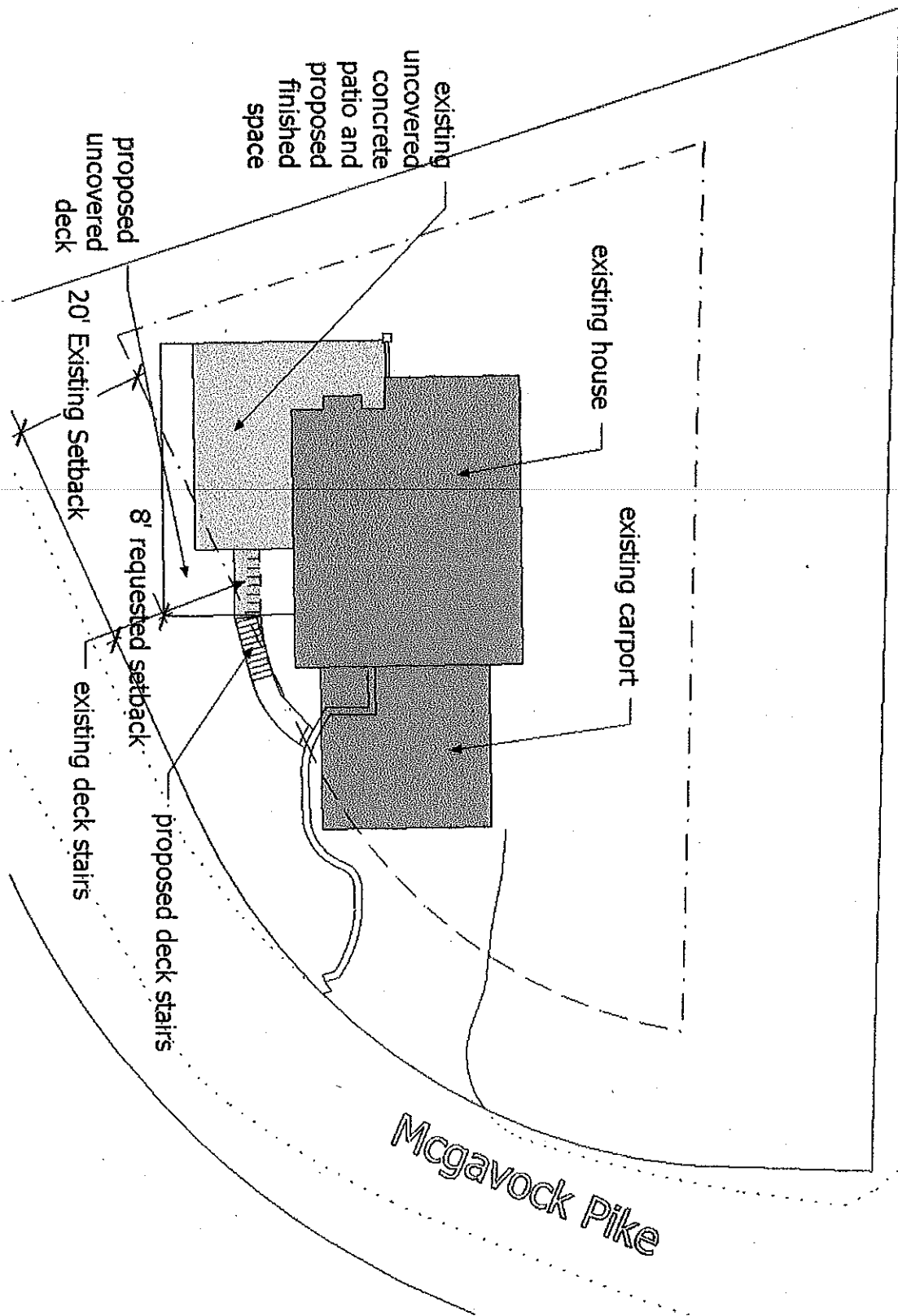
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

Existing patio encroaches on setback.

Would have to demo existing concrete patio structure if we cannot build finished space within existing footprint.

~~Proposed deck~~
The proposed deck would also encroach on the setback

Moss Rose Dr



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: TONY WOODHAM

Date: 8/6/19

Property Owner: WOODBINE COMMUNITY OLG.

Case #: 2019-413

Representative: JAMIE GILLISPIE

Map & Parcel: 106 01016800

Council District 19

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

Purpose:

TO construct a 71 unit apartment complex

Activity Type: apartments

Location: 825 Elm Hill Pike

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

Reason: Variance from sidewalk asking w/a to build or pay

Section(s): 17.20.120

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

TONY WOODHAM
Appellant Name (Please Print)

JAMIE GILLISPIE email
Representative Name (Please Print)

643 SPENCE LN
Address

ONE VANTAGE WAY, SUITE E-220
Address

NASHVILLE, TN 37217
City, State, Zip Code

NASHVILLE, TN 37228
City, State, Zip Code

615-833-9580
Phone Number

615-726-4848
Phone Number

TWOODHAM@WOODBINECOMMUNITY.ORG
Email

JAMIE.GILLISPIE@JAMESPLUSJ.NET
Email

Zoning Examiner: Walker

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



3699010

ZONING BOARD APPEAL / CAAZ - 20190046982
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10601016800

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

825 ELM HILL PIKE NASHVILLE, TN 37210
LOT 2 QUICK FUEL RESUB LOT 1

PARCEL OWNER: WCO ELM HILL FLATS, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

see building permit application CACN T2019041351. Requesting a full sidewalk variance without having to pay in lieu of fee for proposed multifamily affordable housing development through the Barnes fund per METZO SECTION 17.20.120

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3690253

**BUILDING COMMERCIAL - NEW / CACN - T2019041351
Permit Tracking Checklist**

PARCEL: 10601016800

APPLICATION DATE: 07/12/2019

PERMIT TRACKING #: 3690253

SITE ADDRESS:

825 ELM HILL PIKE NASHVILLE, TN 37210

LOT 2 QUICK FUEL RESUB LOT 1

PARCEL OWNER: LEWIS, BRADFORD JASON, 2011 PROPER

CONTRACTOR:

APPLICANT:**PURPOSE:**

construct 71 unit apartment complex for ELM HILL FLATS to include trash enclosure

POC ERIC DRAKE 615-259-1516

Sidewalks ARE required for this project because the frontage of this parcel is within a 1/4 mile of a Nashville Next Center.

You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is on a street in the Major and Collector Street Plan.

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.

[A] Site Plan Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordination Rev	NOTPLANNED	ben.york@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230 Barbara.Demonbeun@nashville.gov
[B] Fire Sprinkler Requirement		615-862-5230 Barbara.Demonbeun@nashville.gov
[B] Building Plans Received	E-PLANS	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review		615-862-6614 Michael.Plunk@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[E] Grease Control Review On Bldg App	IGNORE	615-862-4591 angela.colter@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	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPpermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov
[A] Noise Mitigation Bldg App Review		

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 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

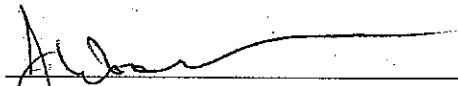
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

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

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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



APPELLANT

8/2/19

DATE

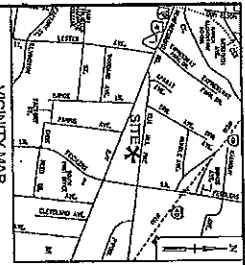
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

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

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

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

This Project is Being Developed By The Woodbine
Community Organization And Funded By The Metro Barnes
Housing Trust Fund To Provide Special Needs, Affordable
Housing For People Making 80% of Area Median Income.



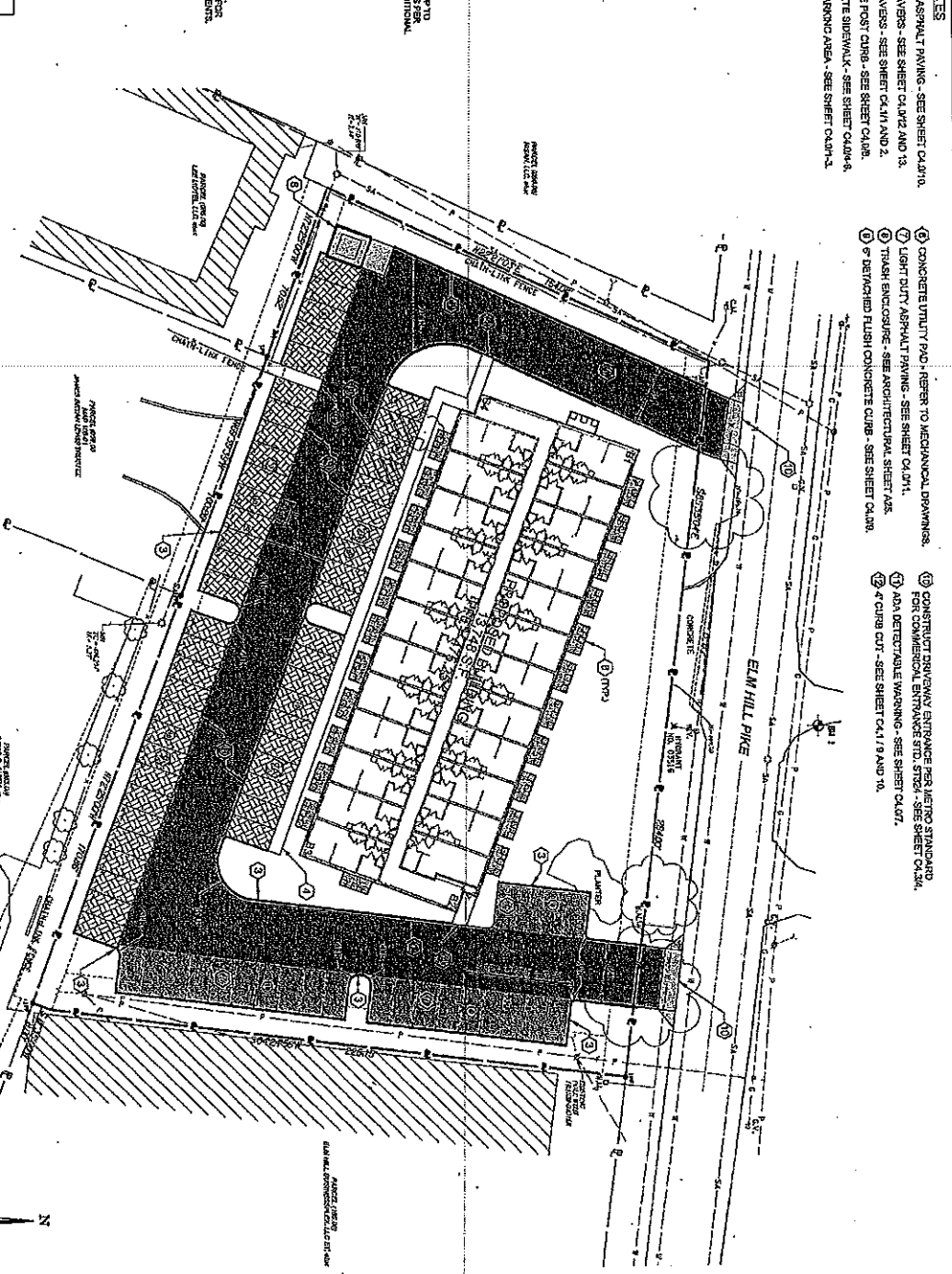
- SITE SPEC NOTES**
- 1. HEAVY DUTY ASPHALT PAVING - SEE SHEET C.0.110.
 - 2. PERVIOUS PAVEMENT - SEE SHEET C.0.111 AND 13.
 - 3. CONCRETE POST CURB - SEE SHEET C.0.112.
 - 4. 8" CONCRETE SIDEWALK - SEE SHEET C.0.113.
 - 5. HANDICAP PARKING AREA - SEE SHEET C.0.114.

- SITE DATA AND NOTES**
1. THE SITE DATA AND NOTES ARE FOR INFORMATION ONLY AND DO NOT CONSTITUTE A CONTRACT DOCUMENT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED HEREIN.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE SPECIFIED.
 4. CONTRACT INCORPORATION: SEE SHEET C.0.110.

LEGEND

- PROPERTY LINE
- STORM LINE
- SEWER LINE
- GAS LINE
- FENCE LINE
- U/G FIBER OPTIC
- U/G WATER
- U/G GAS
- U/G TEL
- U/G POWER
- U/G CLEAN-OUT

- LEGEND**
- ① CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
 - ② LIGHT DUTY ASPHALT PAVING - SEE SHEET C.0.111.
 - ③ TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET A-1.
 - ④ DETACHED FLUSH CONCRETE CURB - SEE SHEET C.0.112.
 - ⑤ CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCES STD. 2702 - SEE SHEET C.0.113.
 - ⑥ ADA DETECTABLE WARNING - SEE SHEET C.0.114.
 - ⑦ CURB CUT - SEE SHEET C.0.115 AND 16.



LEGEND

- LIGHT DUTY ASPHALT PAVING
- PERVIOUS PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB
- CONCRETE UTILITY PAD
- CONCRETE DETECTABLE WARNING
- CONCRETE DETACHED FLUSH CURB
- CONCRETE TRASH ENCLOSURE
- CONCRETE DRIVEWAY ENTRANCE
- ADA DETECTABLE WARNING
- TRASH ENCLOSURE
- LIGHT DUTY ASPHALT PAVING
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- CONCRETE SIDEWALK
- CONCRETE CURB
- CONCRETE UTILITY PAD
- CONCRETE DETECTABLE WARNING
- CONCRETE DETACHED FLUSH CURB
- CONCRETE TRASH ENCLOSURE
- CONCRETE DRIVEWAY ENTRANCE
- ADA DETECTABLE WARNING
- TRASH ENCLOSURE

BUILDING COMPONENTS

ITEM	DESCRIPTION	DATE
1	FOUNDATION	11/14/2013
2	WALLS	11/14/2013
3	ROOF	11/14/2013
4	MECHANICAL	11/14/2013
5	ELECTRICAL	11/14/2013
6	PLUMBING	11/14/2013
7	FINISHES	11/14/2013
8	LANDSCAPE	11/14/2013
9	EXTERIOR	11/14/2013
10	INTERIOR	11/14/2013

REVISIONS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	08/26/19
2	REVISED PER CITY COMMENTS	08/26/19
3	REVISED PER CITY COMMENTS	08/26/19
4	REVISED PER CITY COMMENTS	08/26/19
5	REVISED PER CITY COMMENTS	08/26/19
6	REVISED PER CITY COMMENTS	08/26/19
7	REVISED PER CITY COMMENTS	08/26/19
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9	REVISED PER CITY COMMENTS	08/26/19
10	REVISED PER CITY COMMENTS	08/26/19

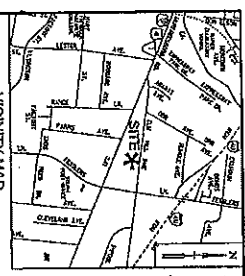
JAMES + ASSOCIATES, INC.
 1110 BENTLEY LANE, SUITE 200
 NASHVILLE, TN 37203
 TEL: 615-259-8800
 FAX: 615-259-8801
 WWW.JA-ASSOCIATES.COM

WOODBINE COMMUNITY ORGANIZATION
 825 ELM HILL PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

SITE PLAN

DATE	DESCRIPTION
08/26/19	ISSUED FOR PERMIT
08/26/19	REVISED PER CITY COMMENTS
08/26/19	REVISED PER CITY COMMENTS
08/26/19	REVISED PER CITY COMMENTS
08/26/19	REVISED PER CITY COMMENTS
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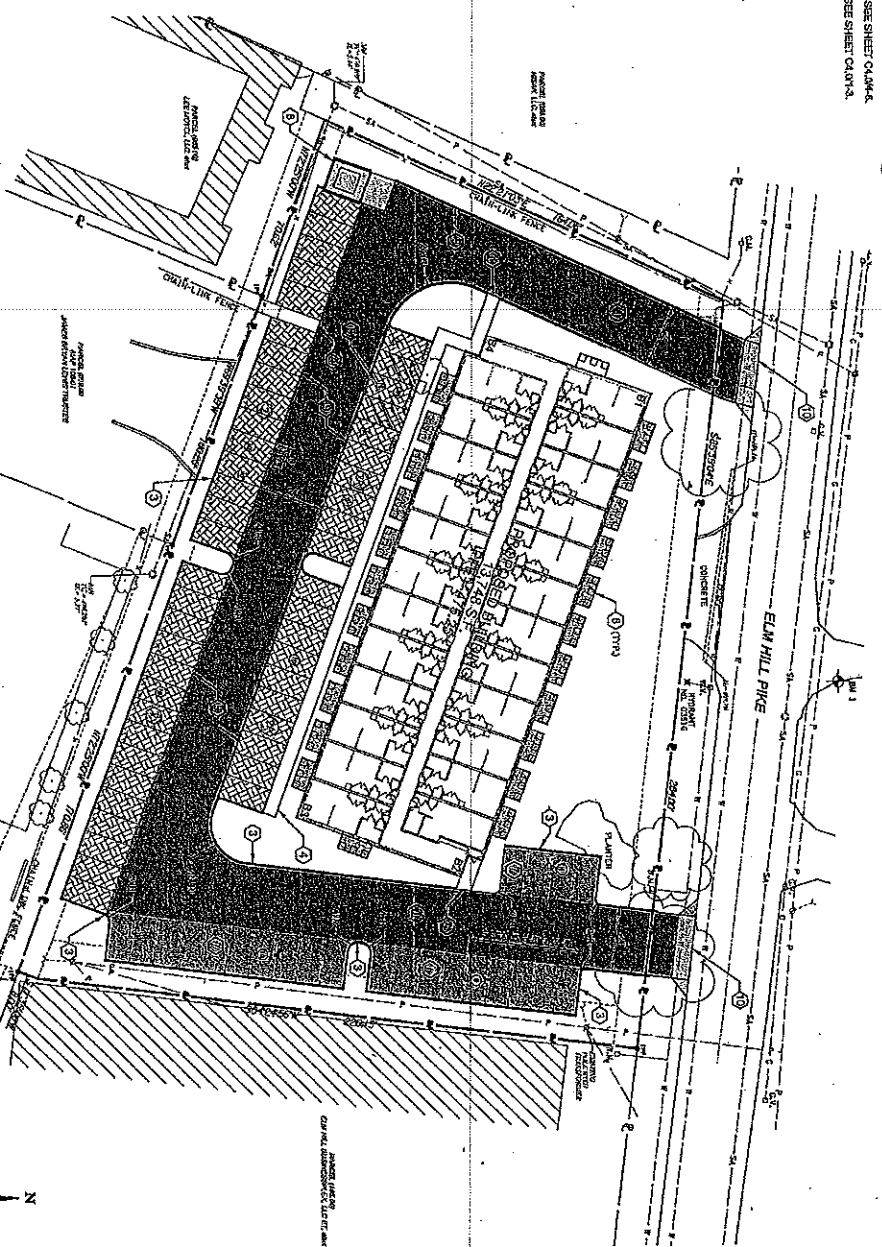
C1.1
 T2079041351
 SWGR# 2019040457



- SITE KEY NOTES**
- 1 HEAVY DUTY ASPHALT PAVING - SEE SHEET CA.0.A.10.
 - 2 PERIMETER PAVING - SEE SHEET CA.0.A.10 AND 13.
 - 3 PERIMETER PAVING - SEE SHEET CA.0.A.11 AND 2.
 - 4 CONCRETE POST CURB - SEE SHEET CA.0.A.11.
 - 5 8" CONCRETE SIDEWALK - SEE SHEET CA.0.A.11.
 - 6 HANDICAP PARKING AREA - SEE SHEET CA.0.A.11.

SITE DATA AND NOTES

1. THE SUBJECT PROPERTY IS PARCEL 186 OF 187 PARCELS IN THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. THE CURRENTLY LISTED ADDRESS IS 825 ELM HILL PIKE, NASHVILLE, TN 37218.
2. PARCEL 186 OF THE TAMA 11.000 UNPAVED INTERIOR NUMBER PROPERTY IS IN ZONE L. UNPAVED. SEE SHEET CA.0.A.11 FOR THE SUBJECT PROPERTY'S ZONE L.
3. THE PROPOSED CONSTRUCTION WILL CONSIST OF GUARANTEE, DRAINAGE, EROSION CONTROL, UTILITIES, AND HIGH BOUNDARY CONSTRUCTION.
4. DESIGNER: JAMES CALDWELL, P.E., 1000 VANDERBILT BLVD., NASHVILLE, TN 37203. PROJECT NO. 2019-413.
5. THE PROPOSED CONSTRUCTION WILL BE IN ACCORDANCE WITH THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. THE CURRENTLY LISTED ADDRESS IS 825 ELM HILL PIKE, NASHVILLE, TN 37218.
6. PARCEL 186 OF THE TAMA 11.000 UNPAVED INTERIOR NUMBER PROPERTY IS IN ZONE L. UNPAVED. SEE SHEET CA.0.A.11 FOR THE SUBJECT PROPERTY'S ZONE L.
7. THE PROPOSED CONSTRUCTION WILL CONSIST OF GUARANTEE, DRAINAGE, EROSION CONTROL, UTILITIES, AND HIGH BOUNDARY CONSTRUCTION.
8. DESIGNER: JAMES CALDWELL, P.E., 1000 VANDERBILT BLVD., NASHVILLE, TN 37203. PROJECT NO. 2019-413.
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10. THE PROPOSED CONSTRUCTION WILL CONSIST OF GUARANTEE, DRAINAGE, EROSION CONTROL, UTILITIES, AND HIGH BOUNDARY CONSTRUCTION.
11. THE PROPOSED CONSTRUCTION WILL BE IN ACCORDANCE WITH THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. THE CURRENTLY LISTED ADDRESS IS 825 ELM HILL PIKE, NASHVILLE, TN 37218.
12. THE PROPOSED CONSTRUCTION WILL CONSIST OF GUARANTEE, DRAINAGE, EROSION CONTROL, UTILITIES, AND HIGH BOUNDARY CONSTRUCTION.
13. THE PROPOSED CONSTRUCTION WILL BE IN ACCORDANCE WITH THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. THE CURRENTLY LISTED ADDRESS IS 825 ELM HILL PIKE, NASHVILLE, TN 37218.



- 7 CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
- 8 LIGHT DUTY ASPHALT PAVING - SEE SHEET CA.0.A.11.
- 9 TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET CA.0.
- 10 DEMOLISHED FLUSH CONCRETE CURB - SEE SHEET CA.0.A.11.
- 11 CONSTRUCT DETAIL DRIVEWAY ENTRANCE PER METRO STANDARDS FOR COMMERCIAL ENTRANCE - SEE SHEET CA.0.A.10.
- 12 ADA DETECTABLE WARNING - SEE SHEET CA.0.A.10.
- 13 4" CLIMB CUT - SEE SHEET CA.0.A.11 AND 10.

- LEGEND**
- PROPERTY LINE
 - STREET LINE
 - WATER LINE
 - SEWER LINE
 - GAS LINE
 - 1/2" RIBBON U/V RIBBON CURB
 - 1/4" RIBBON U/V RIBBON CURB
 - 2" RIBBON U/V RIBBON CURB
 - CONCRETE
 - IRON PIN SET
 - FIRE HYDRANT
 - POWER POLE
 - CONCRETE
 - FLAM PATH

- LEGEND**
- HEAVY DUTY ASPHALT PAVEMENT.
 - LIGHT DUTY ASPHALT PAVEMENT.
 - CONCRETE
 - PERIMETER PAVING
 - CONCRETE UTILITY PAD
 - CONCRETE UTILITY PAD
 - CONCRETE UTILITY PAD
 - CONCRETE UTILITY PAD

BUILDING CORNER	BEARING	DISTANCE
1	N	71.4626/67.0
2	N	80.0000/52.7
3	N	65.2821/101.7
4	N	65.2821/101.7
5	N	65.2821/101.7
6	N	65.2821/101.7
7	N	65.2821/101.7
8	N	65.2821/101.7
9	N	65.2821/101.7
10	N	65.2821/101.7
11	N	65.2821/101.7
12	N	65.2821/101.7
13	N	65.2821/101.7
14	N	65.2821/101.7
15	N	65.2821/101.7
16	N	65.2821/101.7
17	N	65.2821/101.7
18	N	65.2821/101.7
19	N	65.2821/101.7
20	N	65.2821/101.7
21	N	65.2821/101.7
22	N	65.2821/101.7
23	N	65.2821/101.7
24	N	65.2821/101.7
25	N	65.2821/101.7
26	N	65.2821/101.7
27	N	65.2821/101.7
28	N	65.2821/101.7
29	N	65.2821/101.7
30	N	65.2821/101.7

NOTE SEE SHEET CA.0.A.10 FOR THE REMAINING CORNERS OF THE PROPERTY.

JAMES CALDWELL, P.E.
 PROJECT NO. 2019-413
 JAMES + ASSOCIATES, INC.
 1000 VANDERBILT BLVD., NASHVILLE, TN 37203
 TEL: 615-259-1111 FAX: 615-259-1112
 www.jamesandassociates.com

T2019041351
 SW/GR# 2019040457

REVISIONS

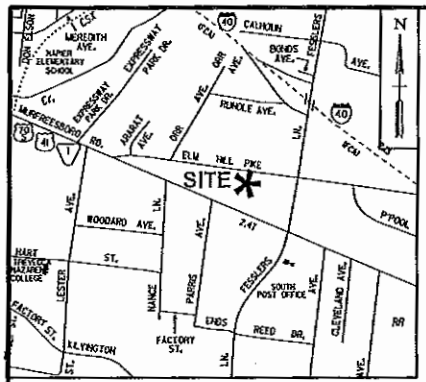
NO.	DATE	DESCRIPTION
1	04/25/19	ISSUED FOR PERMIT
2	05/15/19	REVISED PER PERMIT COMMENTS
3	05/22/19	REVISED PER PERMIT COMMENTS
4	06/12/19	REVISED PER PERMIT COMMENTS
5	06/20/19	REVISED PER PERMIT COMMENTS
6	06/27/19	REVISED PER PERMIT COMMENTS
7	07/04/19	REVISED PER PERMIT COMMENTS
8	07/11/19	REVISED PER PERMIT COMMENTS
9	07/18/19	REVISED PER PERMIT COMMENTS
10	07/25/19	REVISED PER PERMIT COMMENTS
11	08/01/19	REVISED PER PERMIT COMMENTS
12	08/08/19	REVISED PER PERMIT COMMENTS
13	08/15/19	REVISED PER PERMIT COMMENTS
14	08/22/19	REVISED PER PERMIT COMMENTS
15	08/29/19	REVISED PER PERMIT COMMENTS
16	09/05/19	REVISED PER PERMIT COMMENTS
17	09/12/19	REVISED PER PERMIT COMMENTS
18	09/19/19	REVISED PER PERMIT COMMENTS
19	09/26/19	REVISED PER PERMIT COMMENTS
20	10/03/19	REVISED PER PERMIT COMMENTS
21	10/10/19	REVISED PER PERMIT COMMENTS
22	10/17/19	REVISED PER PERMIT COMMENTS
23	10/24/19	REVISED PER PERMIT COMMENTS
24	11/01/19	REVISED PER PERMIT COMMENTS
25	11/08/19	REVISED PER PERMIT COMMENTS
26	11/15/19	REVISED PER PERMIT COMMENTS
27	11/22/19	REVISED PER PERMIT COMMENTS
28	11/29/19	REVISED PER PERMIT COMMENTS
29	12/06/19	REVISED PER PERMIT COMMENTS
30	12/13/19	REVISED PER PERMIT COMMENTS
31	12/20/19	REVISED PER PERMIT COMMENTS
32	12/27/19	REVISED PER PERMIT COMMENTS
33	01/03/20	REVISED PER PERMIT COMMENTS
34	01/10/20	REVISED PER PERMIT COMMENTS
35	01/17/20	REVISED PER PERMIT COMMENTS
36	01/24/20	REVISED PER PERMIT COMMENTS
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38	02/07/20	REVISED PER PERMIT COMMENTS
39	02/14/20	REVISED PER PERMIT COMMENTS
40	02/21/20	REVISED PER PERMIT COMMENTS
41	02/28/20	REVISED PER PERMIT COMMENTS
42	03/06/20	REVISED PER PERMIT COMMENTS
43	03/13/20	REVISED PER PERMIT COMMENTS
44	03/20/20	REVISED PER PERMIT COMMENTS
45	03/27/20	REVISED PER PERMIT COMMENTS
46	04/03/20	REVISED PER PERMIT COMMENTS
47	04/10/20	REVISED PER PERMIT COMMENTS
48	04/17/20	REVISED PER PERMIT COMMENTS
49	04/24/20	REVISED PER PERMIT COMMENTS
50	05/01/20	REVISED PER PERMIT COMMENTS

SITE PLAN

WOODBINE COMMUNITY ORGANIZATION
 ELM HILL FLATS
 825 ELM HILL PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE



JAMES + ASSOCIATES, INC.
 Engineers, Planners and Computer Applications



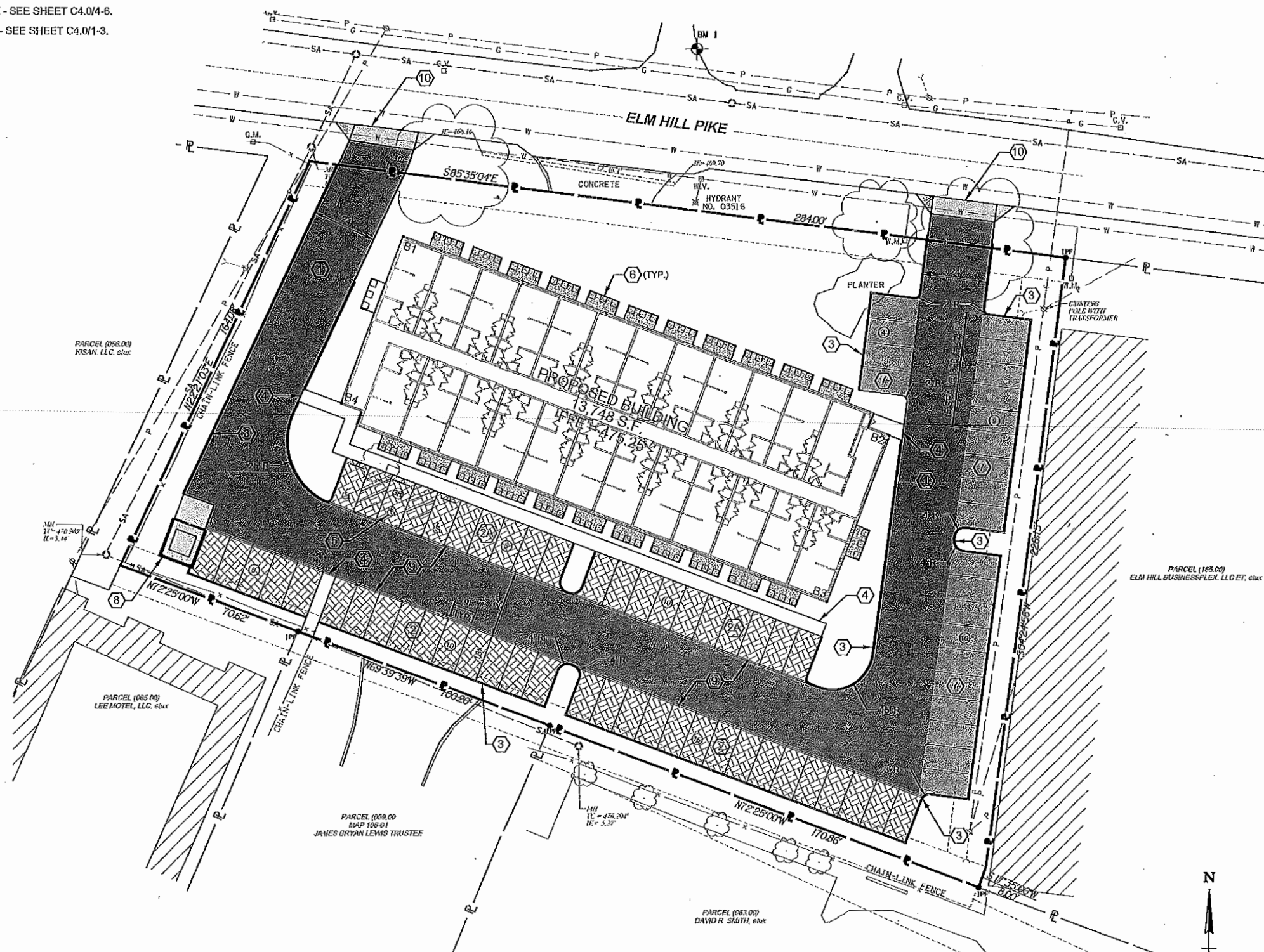
VICINITY MAP
NOT TO SCALE

SITE DATA AND NOTES:

- THE SUBJECT PROPERTY IS PARCEL 168 OF MAP 106-01 IN THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. IT IS CURRENTLY ZONED: CS (COMMERCIAL SERVICES). TOTAL SITE ACREAGE IS 1.37 (59,650 S.F.). SITE ADDRESS 825 ELM HILL PIKE.
- BASED ON REVIEW OF THE FEMA FLOOD INSURANCE RATE MAP NUMBER 47037C0263H, EFFECTIVE DATE APRIL 05, 2017, IT APPEARS THE SUBJECT PROPERTY IS IN ZONE X.
- THE PROPOSED CONSTRUCTION WILL CONSIST OF: GRADING, DRAINAGE, EROSION CONTROL, UTILITIES, AND NEW BUILDING CONSTRUCTION.
- CONTACT INFORMATION:
ENGINEER:
JAMIE GILLESPIE, P.E.
JAMES + ASSOCIATES, INC.
1 VANTAGE WAY, SUITE E-220
NASHVILLE, TN 37228
615-726-4848
JAMIE.GILLESPIE@JAMESPLUS.NET
- DIMENSIONS SHOWN ARE TO FACE OF CURB, EDGE OF CONCRETE AND CORNERS OF THE BUILDING UNLESS SHOWN OTHERWISE.
- PARKING SUMMARY:
REQUIRED: MULTI-FAMILY RESIDENTIAL: 1 SPACE PER BEDROOM UP TO 2 BEDROOMS; 0.5 SPACES PER BEDROOM FOR EACH ADDITIONAL BEDROOM
71 UNITS = 71 BEDROOMS
TOTAL REQUIRED = 37 SPACES
PROVIDED: PROPOSED
REGULAR PARKING - 68 SPACES
HANDICAP PARKING - 3 SPACES
TOTAL PARKING - 71 SPACES
- SITE DATA:
FIRST FLOOR FOOTPRINT 13,748 S.F.
TOTAL BUILDING AREA (3 STORY) 41,244 S.F.
IMPERVIOUS AREA: 38,606 S.F.
IMPERVIOUS SURFACE RATIO: 38,606/59,650 = 0.61
FLOOR AREA RATIO: 0.69
LANDSCAPE AREA PROVIDED: 17,859 S.F.
LIMITS OF DISTURBANCE: 60,984 S.F. (1.4 AC)
- REGULAR PARKING SPACES SHALL BE 9'x18' UNLESS SHOWN OTHERWISE. ALL PARKING STRIPING SHALL BE 4" WHITE PAINTED STRIPING. STRIPING FOR ADA ACCESSIBLE AREAS SHALL BE PER ADA GUIDELINES AND REQUIREMENTS. STRIPING FOR CHANNELIZATION AND ISLAND DELINEATION SHALL BE 4" YELLOW STRIPING.
- UTILITY INFORMATION SHOWN WAS DERIVED FROM VARIOUS SOURCES INCLUDING FIELD RUN SURVEY, MAPPING AND OWNER INFORMATION. THE CONTRACTOR SHALL BE REQUIRED TO LOCATE EXISTING UTILITIES PRIOR TO BEGINNING OPERATIONS.
- TENNESSEE STATE PLANE COORDINATE SYSTEM
NAD-83 HORIZONTAL
NAVD-88 VERTICAL
- BUILDING SETBACK:
FRONT - 15'
REAR - 20'
SIDE - 0'

SITE KEY NOTES

- HEAVY DUTY ASPHALT PAVING - SEE SHEET C4.0/10.
- PERVIOUS PAVERS - SEE SHEET C4.0/12 AND 13.
- PERVIOUS PAVERS - SEE SHEET C4.1/1 AND 2.
- 6" CONCRETE POST CURB - SEE SHEET C4.0/8.
- 5'-0" CONCRETE SIDEWALK - SEE SHEET C4.0/4-6.
- HANDICAP PARKING AREA - SEE SHEET C4.0/1-3.
- CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
- LIGHT DUTY ASPHALT PAVING - SEE SHEET C4.0/11.
- TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET A25.
- 6" DETACHED FLUSH CONCRETE CURB - SEE SHEET C4.0/9.
- CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCE STD. ST324 - SEE SHEET C4.3/4.
- ADA DETECTABLE WARNING - SEE SHEET C4.0/7.
- 4' CURB CUT - SEE SHEET C4.1/9 AND 10.



LEGEND

— PL —	PROPERTY LINE	* LP	LIGHT POLE
— ST —	STORM LINE	□ EB	ELECTRIC BOX
— S —	SEWER LINE	○ EM	ELECTRIC METER
— W —	WATER LINE	○ SS	SANITARY SEWER
— G —	GAS LINE	■ CB	CATCH BASIN
— X —	FENCE LINE	⊗ WV	WATER VALVE
— GHP/T —	POWER OR TELE.	□ WM	WATER METER
— U/G FOC —	U/G FIBER OPTIC	○ GV	GAS VALVE
— 589 —	CONTOUR LINE	○ GM	GAS METER
○ MON.	CONC. MONUMENT	—	SIGN
○ IPO	IRON PIN	○ TMH	TELE. MANHOLE
● IPS	IRON PIN SET	○ MB	MAILBOX
○ FH	FIRE HYDRANT	⊕ BM	BENCHMARK
○ PP	POWER POLE	○ CO	CLEAN-OUT
—	CONCRETE		
—	FLOW PATH		

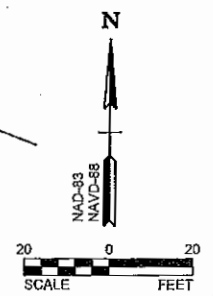
LEGEND

—	HEAVY DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 10
—	LIGHT DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 11
—	CONCRETE PAVEMENT, SEE SHEET C4.1 DETAIL 6
—	PERVIOUS PAVERS, SEE SHEET C4.0/12 AND C4.1/1
—	CONCRETE SIDEWALK, SEE SHEET C4.0 DETAILS 4 THRU 7
—	CONCRETE PAD, FOR MECHANICAL UNITS

BUILDING COORDINATES

	N	E
B1	660209.12	1748098.43
B2	980136.01	1748279.70
B3	660074.81	1748257.02
B4	660147.83	1748075.72

NOTE: CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS WITH THE ARCHITECTURAL PLANS PRIOR TO LAYING OUT THE BUILDING.



Engineers and Planners and Computer Applications
JAMES + ASSOCIATES, INC.

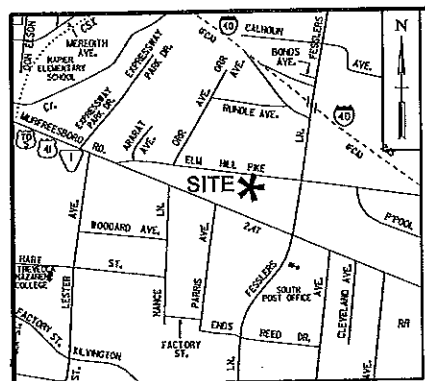
Professional Engineer Seal for Jamie Gillespie, State of Tennessee, No. 102290, dated 06-20-19.

SITE PLAN
WOODBINE COMMUNITY ORGANIZATION
ELM HILL FLATS
825 ELM HILL PIKE
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION
	BMS	06/20/19	GRADING PERMIT SUBMITTAL
	BMS	07/12/19	PUBLIC WORKS SUBMITTAL

T2019041351
SWGR# 2019040457

C1.1
FILE NO. 1819-01



VICINITY MAP
NOT TO SCALE

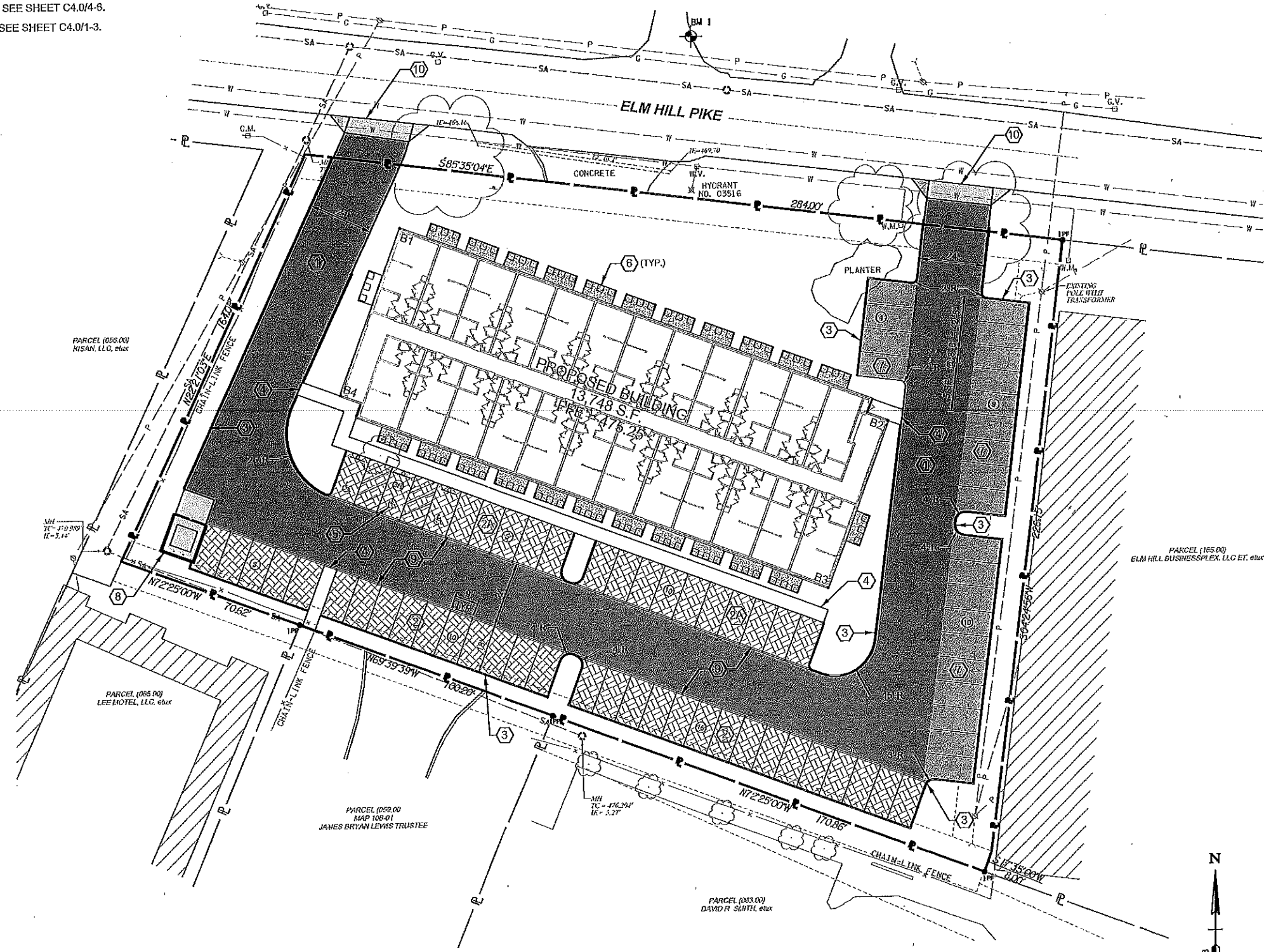
SITE KEY NOTES

- ① HEAVY DUTY ASPHALT PAVING - SEE SHEET C4.0/10.
- ② PERVIOUS PAVERS - SEE SHEET C4.0/12 AND 13.
- ②A PERVIOUS PAVERS - SEE SHEET C4.1/1 AND 2.
- ③ 6" CONCRETE POST CURB - SEE SHEET C4.0/8.
- ④ 5'-0" CONCRETE SIDEWALK - SEE SHEET C4.0/4-5.
- ⑤ HANDICAP PARKING AREA - SEE SHEET C4.0/1-3.

- ⑥ CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
- ⑦ LIGHT DUTY ASPHALT PAVING - SEE SHEET C4.0/11.
- ⑧ TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET A25.
- ⑨ 6" DETACHED FLUSH CONCRETE CURB - SEE SHEET C4.0/9.
- ⑩ CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCE STD. ST324 - SEE SHEET C4.3/4.
- ⑪ ADA DETECTABLE WARNING - SEE SHEET C4.0/7.
- ⑫ 4' CURB CUT - SEE SHEET C4.1/9 AND 10.

SITE DATA AND NOTES:

1. THE SUBJECT PROPERTY IS PARCEL 168 OF MAP 108-01 IN THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. IT IS CURRENTLY ZONED: C5 (COMMERCIAL SERVICES). TOTAL SITE ACREAGE IS 1.37 (69,860 S.F.). SITE ADDRESS 825 ELM HILL PIKE.
2. BASED ON REVIEW OF THE FEMA FLOOD INSURANCE RATE MAP NUMBER 47037C0263H, EFFECTIVE DATE APRIL 05, 2017, IT APPEARS THE SUBJECT PROPERTY IS IN ZONE X.
3. THE PROPOSED CONSTRUCTION WILL CONSIST OF: GRADING, DRAINAGE, EROSION CONTROL, UTILITIES, AND NEW BUILDING CONSTRUCTION.
4. CONTACT INFORMATION:
ENGINEER:
JAMIE GILLESPIE, P.E.
JAMES + ASSOCIATES, INC.
1 VANTAGE WAY, SUITE E-220
NASHVILLE, TN 37228
615-726-4848
JAMIE.GILLESPIE@JAMESPLUS.NET
5. DIMENSIONS SHOWN ARE TO FACE OF CURB, EDGE OF CONCRETE AND CORNERS OF THE BUILDING UNLESS SHOWN OTHERWISE.
6. PARKING SUMMARY:
REQUIRED: MULTI-FAMILY RESIDENTIAL: 1 SPACE PER BEDROOM UP TO 2 BEDROOMS; 0.5 SPACES PER BEDROOM FOR EACH ADDITIONAL BEDROOM
71 UNITS = 71 BEDROOMS
TOTAL REQUIRED = 37 SPACES
PROVIDED: PROPOSED
REGULAR PARKING - 68 SPACES
HANDICAP PARKING - 3 SPACES
TOTAL PARKING - 71 SPACES
7. SITE DATA:
FIRST FLOOR FOOTPRINT 13,748 S.F.
TOTAL BUILDING AREA (3 STORY) 41,244 S.F.
IMPERVIOUS AREA: 36,606 S.F.
IMPERVIOUS SURFACE RATIO: 36,606/69,860 = 0.81
FLOOR AREA RATIO: 0.69
LANDSCAPE AREA PROVIDED: 17,859 S.F.
LIMITS OF DISTURBANCE: 60,984 S.F. (1.4 AC)
8. REGULAR PARKING SPACES SHALL BE 9'x18' UNLESS SHOWN OTHERWISE. ALL PARKING STRIPING SHALL BE 4" WHITE PAINTED STRIPING. STRIPING FOR ADA ACCESSIBLE AREAS SHALL BE PER ADA GUIDELINES AND REQUIREMENTS. STRIPING FOR CHANNELIZATION AND ISLAND DELINEATION SHALL BE 4" YELLOW STRIPING.
9. UTILITY INFORMATION SHOWN WAS DERIVED FROM VARIOUS SOURCES INCLUDING FIELD RUN SURVEY, MAPPING AND OWNER INFORMATION. THE CONTRACTOR SHALL BE REQUIRED TO LOCATE EXISTING UTILITIES PRIOR TO BEGINNING OPERATIONS.
10. TENNESSEE STATE PLANE COORDINATE SYSTEM
NAD-83 HORIZONTAL
NAVD-88 VERTICAL
11. BUILDING SETBACK:
FRONT - 15'
REAR - 20'
SIDE - 0'



LEGEND

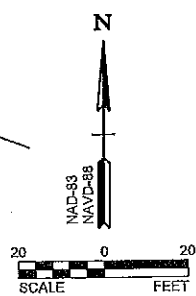
- PL — PROPERTY LINE
- ST — STORM LINE
- S — SEWER LINE
- W — WATER LINE
- G — GAS LINE
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- U/G FOC — U/G FIBER OPTIC
- 589 — CONTOUR LINE
- MON. — CONC. MONUMENT
- IPO — IRON PIN
- IPS — IRON PIN SET
- FH — FIRE HYDRANT
- PP — POWER POLE
- CONCRETE
- FLOW PATH
- * LP — LIGHT POLE
- EB — ELECTRIC BOX
- EM — ELECTRIC METER
- SS — SANITARY SEWER
- CB — CATCH BASIN
- ⊗ WV — WATER VALVE
- WM — WATER METER
- ⊗ GV — GAS VALVE
- GM — GAS METER
- SIGN
- TMH — TELE. MANHOLE
- MB — MAILBOX
- ⊕ BM — BENCHMARK
- CO — CLEAN-OUT

LEGEND

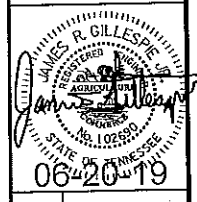
- HEAVY DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 10
- LIGHT DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 11
- CONCRETE PAVEMENT, SEE SHEET C4.1 DETAIL 6
- PERVIOUS PAVERS, SEE SHEET C4.0/12 AND C4.1/1
- CONCRETE SIDEWALK, SEE SHEET C4.0 DETAILS 4 THRU 7
- CONCRETE PAD, FOR MECHANICAL UNITS

BUILDING COORDINATES		
	N	E
B1	680209.12	1748098.43
B2	680136.01	1748278.70
B3	680074.81	1748257.02
B4	680147.83	1748075.72

NOTE: CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS WITH THE ARCHITECTURAL PLANS PRIOR TO LAYING OUT THE BUILDING.



1 Vantage Way, Suite E-220 • Nashville, Tennessee 37228 • 615-726-4848
JA Engineers Planners and Computer Applications
JAMES + ASSOCIATES, INC.

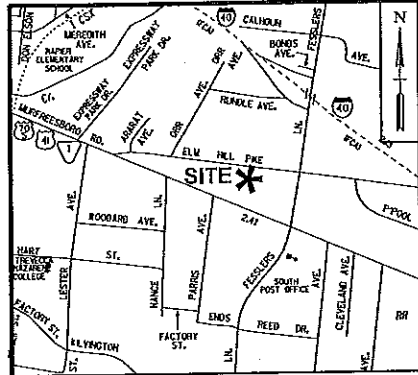


SITE PLAN
 WOODBINE COMMUNITY ORGANIZATION
 ELM HILL FLATS
 825 ELM HILL PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION
TEAM	BMS	06.20.19	GRADING PERMIT SUBMITTAL
TEAM	BMS	07.12.19	PUBLIC WORKS SUBMITTAL

T2019041351
 SWGR# 2019040457

C1.1
 FILE NO. 1819-01



VICINITY MAP
NOT TO SCALE

SITE KEY NOTES

- ① HEAVY DUTY ASPHALT PAVING - SEE SHEET C4.0/10.
- ② PERVIOUS PAVERS - SEE SHEET C4.0/12 AND 13.
- ②A PERVIOUS PAVERS - SEE SHEET C4.1/1 AND 2.
- ③ 6" CONCRETE POST CURB - SEE SHEET C4.0/8.
- ④ 5'-0" CONCRETE SIDEWALK - SEE SHEET C4.0/4-6.
- ⑤ HANDICAP PARKING AREA - SEE SHEET C4.0/1-3.

- ⑥ CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
- ⑦ LIGHT DUTY ASPHALT PAVING - SEE SHEET C4.0/11.
- ⑧ TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET A25.
- ⑨ 6" DETACHED FLUSH CONCRETE CURB - SEE SHEET C4.0/9.
- ⑩ CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCE STD. ST324 - SEE SHEET C4.3/4.
- ⑪ ADA DETECTABLE WARNING - SEE SHEET C4.0/7.
- ⑫ 4' CURB CUT - SEE SHEET C4.1/9 AND 10.

SITE DATA AND NOTES:

1. THE SUBJECT PROPERTY IS PARCEL 168 OF MAP 106-01 IN THE METRO DAVIDSON COUNTY TAX MAP SYSTEM. IT IS CURRENTLY ZONED: CS (COMMERCIAL SERVICES). TOTAL SITE ACREAGE IS 1.37 (59,650 S.F.). SITE ADDRESS 825 ELM HILL PIKE.
2. BASED ON REVIEW OF THE FEMA FLOOD INSURANCE RATE MAP NUMBER 47037C0263H, EFFECTIVE DATE APRIL 05, 2017, IT APPEARS THE SUBJECT PROPERTY IS IN ZONE X.
3. THE PROPOSED CONSTRUCTION WILL CONSIST OF: GRADING, DRAINAGE, EROSION CONTROL, UTILITIES, AND NEW BUILDING CONSTRUCTION.
4. CONTACT INFORMATION:
ENGINEER:
JAMIE GILLESPIE, P.E.
JAMES + ASSOCIATES, INC.
1 VANTAGE WAY, SUITE E-220
NASHVILLE, TN 37228
615-728-4848
JAMIE.GILLESPIE@JAMESPLUS.NET

5. DIMENSIONS SHOWN ARE TO FACE OF CURB, EDGE OF CONCRETE AND CORNERS OF THE BUILDING UNLESS SHOWN OTHERWISE.
6. PARKING SUMMARY:
REQUIRED: MULTI-FAMILY RESIDENTIAL: 1 SPACE PER BEDROOM UP TO 2 BEDROOMS; 0.5 SPACES PER BEDROOM FOR EACH ADDITIONAL BEDROOM
71 UNITS = 71 BEDROOMS
TOTAL REQUIRED = 37 SPACES
PROVIDED: PROPOSED REGULAR PARKING - 68 SPACES
HANDICAP PARKING - 3 SPACES
TOTAL PARKING - 71 SPACES

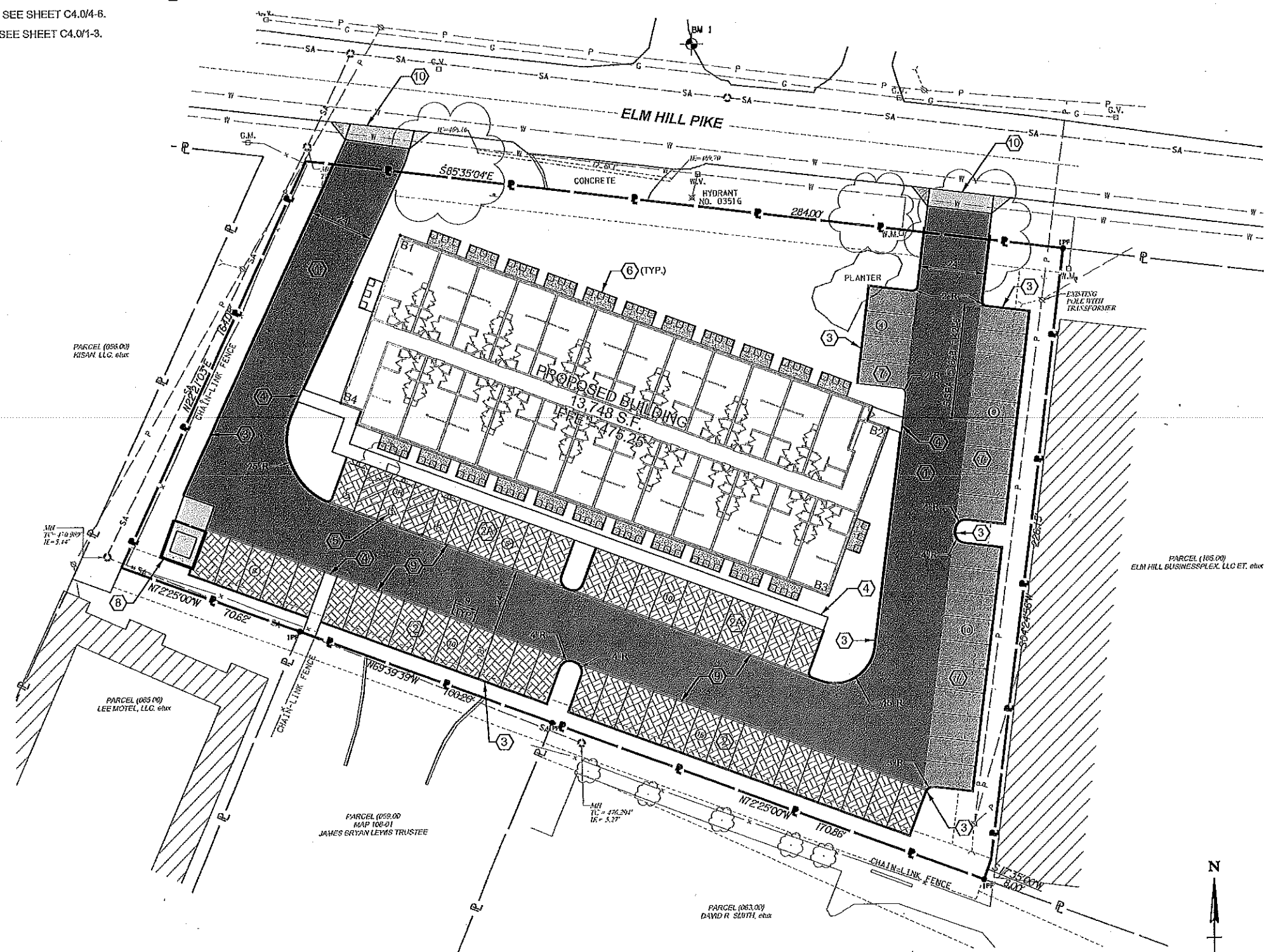
7. SITE DATA:
FIRST FLOOR FOOTPRINT 13,746 S.F.
TOTAL BUILDING AREA (3 STORY) 41,244 S.F.
IMPERVIOUS AREA: 36,606 S.F.
IMPERVIOUS SURFACE RATIO: 36,606/59,650 = 0.61
FLOOR AREA RATIO: 0.69
LANDSCAPE AREA PROVIDED: 17,859 S.F.
LIMITS OF DISTURBANCE: 60,984 S.F. (1.4 AC)

8. REGULAR PARKING SPACES SHALL BE 9x18' UNLESS SHOWN OTHERWISE. ALL PARKING STRIPING SHALL BE 4" WHITE PAINTED STRIPING. STRIPING FOR ADA ACCESSIBLE AREAS SHALL BE PER ADA GUIDELINES AND REQUIREMENTS. STRIPING FOR CHANNELIZATION AND ISLAND DELINEATION SHALL BE 4" YELLOW STRIPING.

9. UTILITY INFORMATION SHOWN WAS DERIVED FROM VARIOUS SOURCES INCLUDING FIELD RUN SURVEY, MAPPING AND OWNER INFORMATION. THE CONTRACTOR SHALL BE REQUIRED TO LOCATE EXISTING UTILITIES PRIOR TO BEGINNING OPERATIONS.

10. TENNESSEE STATE PLANE COORDINATE SYSTEM
NAD-83 HORIZONTAL
NAVD-88 VERTICAL

11. BUILDING SETBACK:
FRONT - 15'
REAR - 20'
SIDE - 0'



LEGEND

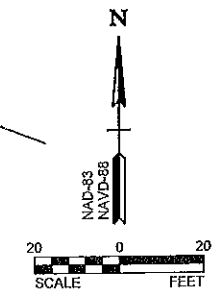
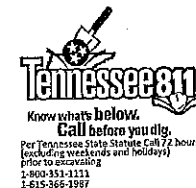
- PL — PROPERTY LINE
- ST — STORM LINE
- S — SEWER LINE
- W — WATER LINE
- G — GAS LINE
- X — FENCE LINE
- CHP/T — POWER OR TELE.
- U/G FOC — U/G FIBER OPTIC
- 589 — CONTOUR LINE
- ⊠ MOK. CONC. MONUMENT
- IPO IRON PIN
- IPS IRON PIN SET
- ⊕ FH FIRE HYDRANT
- ⊕ PP POWER POLE
- CONCRETE
- FLOW PATH
- * LP LIGHT POLE
- EB ELECTRIC BOX
- ⊙ EM ELECTRIC METER
- ⊙ SS SANITARY SEWER
- ⊠ CB CATCH BASIN
- ⊠ WV WATER VALVE
- ⊠ WM WATER METER
- ⊙ GV GAS VALVE
- ⊠ GM GAS METER
- SIGN
- ⊙ TMH TELE. MANHOLE
- ⊠ MB MAILBOX
- ⊕ BM BENCHMARK
- ⊙ CO CLEAN-OUT

LEGEND

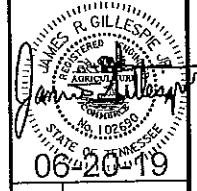
- HEAVY DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 10
- LIGHT DUTY ASPHALT PAVEMENT, SEE SHEET C4.0 DETAIL 11
- CONCRETE PAVEMENT, SEE SHEET C4.1 DETAIL 8
- PERVIOUS PAVERS, SEE SHEET C4.0/12 AND C4.1/1
- CONCRETE SIDEWALK, SEE SHEET C4.0 DETAILS 4 THRU 7
- CONCRETE PAD, FOR MECHANICAL UNITS

BUILDING COORDINATES		
	N	E
B1	660209.12	1748098.43
B2	660136.01	1748278.70
B3	660074.81	1748257.02
B4	660147.83	1748075.72

NOTE: CONTRACTOR TO VERIFY THE BUILDING DIMENSIONS WITH THE ARCHITECTURAL PLANS PRIOR TO LAYING OUT THE BUILDING.



One Vantage Way, Suite E-220 • Nashville, Tennessee 37228 • 615-728-4848
JA Engineers Planners and Computer Applications
JAMES + ASSOCIATES, INC.



SITE PLAN
 WOODBINE COMMUNITY ORGANIZATION
 ELM HILL FLATS
 825 ELM HILL PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION
TEAM	BMS	06.20.19	GRADING PERMIT SUBMITTAL
TEAM	BMS	07.12.19	PUBLIC WORKS SUBMITTAL

T2019041351
 SWGR# 2019040457

C1.1
 FILE NO. 1819-01

PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

BZA Case 2019-413 (825 Elm Hill Pike)

Metro Standard:	4' grass strip and 8' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Provide an alternative sidewalk connection/design to Murfreesboro Pike
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	T4-M-AB3
Transit:	#15 – Murfreesboro Local and #55 – Murfreesboro BRT Lite
Bikeway:	None existing, none planned

Planning Staff Recommendation: *Approve with conditions.*

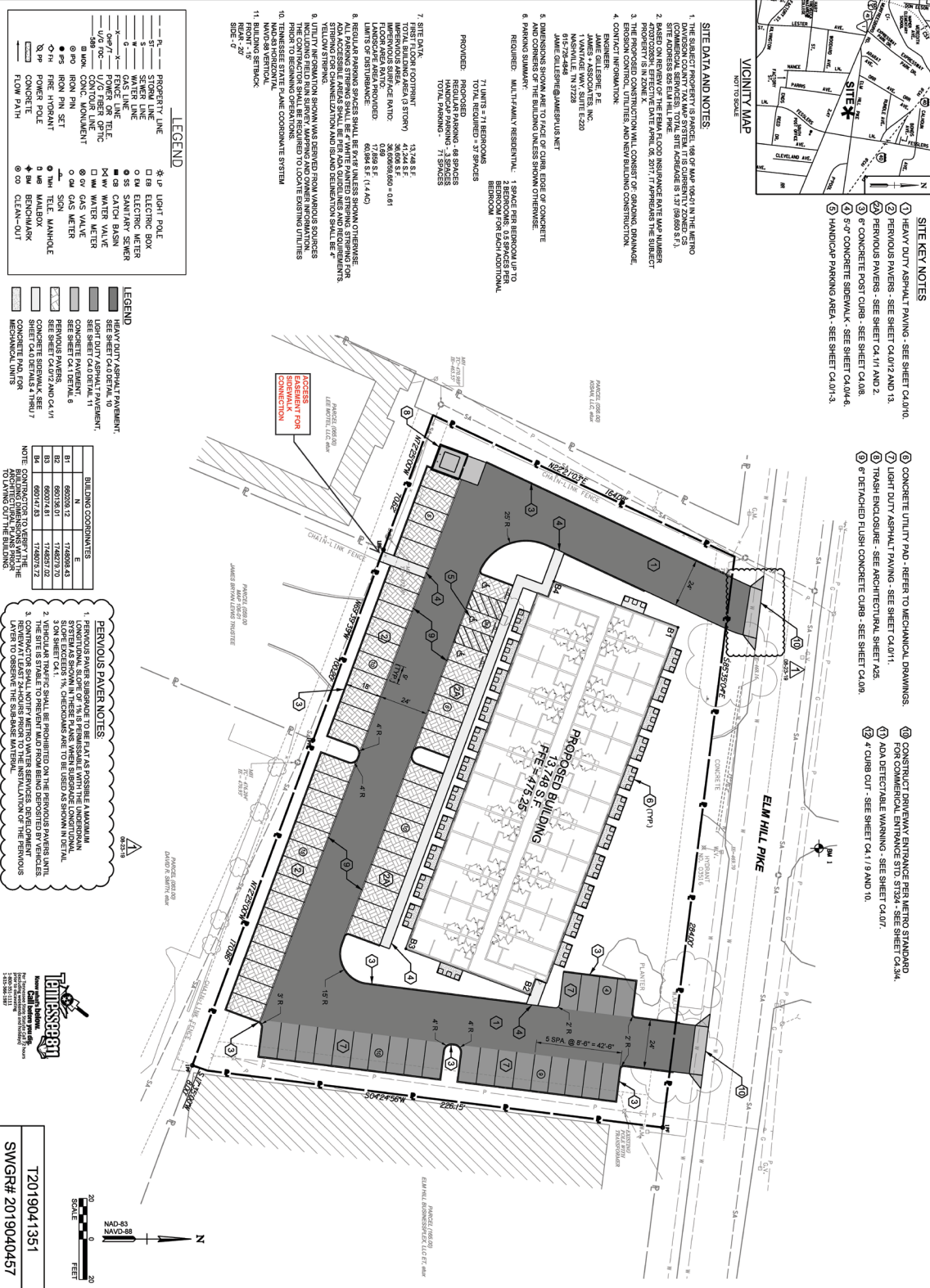
Analysis: The applicant proposes to construct a 71 unit apartment complex through the Barnes Housing Trust Fund, which helps to provide affordable housing in the city. Planning evaluated the following factors for the variance request:

- (1) The property is located within an Urban Mixed Use Corridor Policy Area of the South Nashville Community Plan Area. The intent of this policy is to promote housing in walkable developments near services along corridors with access to transit.
- (2) The Elm Hill Pike frontage poses significant challenges involving stormwater to constructing a sidewalk. Additionally, there are no sidewalks to the east and west along this block face on Elm Hill Pike connecting the broader transportation network.
- (3) The applicant has indicated a pedestrian access easement coordinated with the adjacent owner at 432 Murfreesboro Pike to provide direct connectivity to Murfreesboro Pike. The applicant has asserted that the easement is identified as part of deed restrictions with the property.

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

1. The applicant shall construct a sidewalk to 432 Murfreesboro Pike as indicated on the attached site plan.

825 Elm Hill Pike – Site Plan Depicting Sidewalk to 432 Murfreesboro Pike



- SITE DATA AND NOTES:**
- THE SUBJECT PROPERTY IS PARCEL 166 OF MAP 106-01 IN THE METRO GOVERNMENT JURISDICTION AND IS LOCATED IN A GENERAL RESIDENTIAL ZONE (S).
 - SITE ADDRESS IS 825 ELM HILL PIKE. 50% REQUIRED BY THE LAND USES APPROVED ON EFFECTIVE DATE APRIL 26, 2017 IF APPROVED THE SUBJECT PROPERTY IS IN ZONE X.
 - THE SUBJECT PROPERTY IS A MULTI-FAMILY RESIDENTIAL-1 (MFR-1) BUILDING CONSTRUCTION.
 - CONTRACT INFORMATION:
 - OWNER: JAMES + ASSOCIATES, INC. NASHVILLE, TN 37228
 - ARCHITECT: JAMES + ASSOCIATES, INC. NASHVILLE, TN 37228
 - PHONE: 615-726-4868
 - EMAIL: JAMES@JAMESUS.NET
 - DEPENDENCE SIGNAGE TO FACE OF CURB, EDGE OF CONCRETE AND CORNERS OF THE BUILDING UNLESS SHOWN OTHERWISE.
 - PARKING SUMMARY:
 - REQUIRED: MULTI-FAMILY RESIDENTIAL-1: 1 SPACE PER RESIDUAL UNIT
 - MINIMUM: 25 SPACES
 - RECOMMENDATION: 30 SPACES FOR EACH ADDITIONAL UNIT
 - LIMITS:
 - 7.1 LINTS * 71 BEDROOMS
 - TOTAL REQUIRED: 71 BEDROOMS
 - REGULATORY PARKING: 30 SPACES
 - HANDICAP PARKING: 3 SPACES
 - MINIMUM: 13 SPACES
 - 12% MINIMUM: 13 SPACES
 - SITE PLAN:
 - TOTAL BUILDING FOOTPRINT: 13,746 S.F.
 - TOTAL BUILDING AREA(S) STORY: 41,244 S.F.
 - PERVIOUS PAVEMENT: 26,006 SQ.YD = 0.81
 - FLOOR AREA RATIO: 0.19
 - PERVIOUS SURFACE: 36,006 SQ.YD = 1.14
 - LIMITS OF DISTURBANCE: 60,968 S.F. (1.4 A.C.)
 - REGULAR PARKING SPACES SHALL BE SET UNLESS SHOWN OTHERWISE FOR ACCESSIBLE PARKING. SEE ARCHITECTURAL SHEET 235. ADA ACCESSIBLE SPACES SHALL BE PER ADA GUIDELINES AND REQUIREMENTS. YELLOW STRIPING.
 - UTILITY INFORMATION SHOWN WAS DERIVED FROM VARIOUS SOURCES AND IS NOT GUARANTEED. THE CONTRACTOR SHALL BE REQUIRED TO LOCATE EXISTING UTILITIES PRIOR TO BEGINNING OPERATIONS.
 - MAJOR HORIZONTAL
 - MINOR HORIZONTAL
 - BLIND SPOT CHECK
 - FRONT: 'S'
 - SIDE: 'E'

- SITE KEY NOTES:**
- HEAVY DUTY ASPHALT PAVING - SEE SHEET CA-010.
 - PERVIOUS PAVERS - SEE SHEET CA-012 AND 13.
 - PERVIOUS PAVERS - SEE SHEET CA-11 AND 2.
 - 6" CONCRETE POST CURB - SEE SHEET CA-08.
 - 5'-0" CONCRETE SIDEWALK - SEE SHEET CA-04-6.
 - HANDICAP PARKING AREA - SEE SHEET CA-01-3.
 - CONCRETE UTILITY PAD - REFER TO MECHANICAL DRAWINGS.
 - LIGHT DUTY ASPHALT PAVING - SEE SHEET CA-011.
 - TRASH ENCLOSURE - SEE ARCHITECTURAL SHEET 235.
 - 6" CURB CUT - SEE SHEET CA-11.9 AND 10.
 - CONSTRUCT DRIVEWAY ENTRANCE PER METRO STANDARD FOR COMMERCIAL ENTRANCES STD. 318A - SEE SHEET CA-30A.
 - ADA DETECTABLE WARNING - SEE SHEET CA-097.
 - 4" CURB CUT - SEE SHEET CA-11.9 AND 10.

- PERVIOUS PAVEMENT NOTES:**
- PERVIOUS PAVERS SURFACE TO BE FLAT AS POSSIBLE. MAXIMUM CONTIGUOUS SLOPE OF 1% IS PERMISSIBLE WITH THE UNDERBANK SLOPE EXCEEDING 1%. CHECKS ARE TO BE USED AS SHOWN IN DETAIL.
 - CONTRACTOR SHALL VERIFY THE METRO WATER SERVICES DEVELOPMENT LAYER TO OBSERVE THE SUBBASE MATERIAL.

LEGEND

- PROPERTY LINE
- ELECTRIC POLE
- ELECTRIC BOX
- ELECTRIC SERVICE
- SEWER LINE
- SEWER MANHOLE
- SEWER CHECK VALVE
- CATCH BASIN
- WATER VALVE
- WATER METER
- GAS VALVE
- CONCRETE CURB
- CONCRETE SIDEWALK
- CONCRETE PAD
- CONCRETE DRIVEWAY
- CONCRETE DRIVEWAY AND CURB
- CONCRETE DRIVEWAY + FINISH
- CONCRETE DRIVEWAY + FINISH
- METALLIC UNITS
- METALLIC UNITS

LEGEND

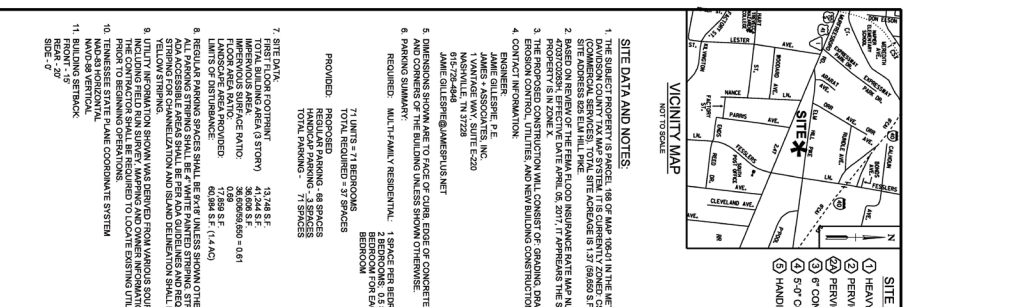
- HEAVY DUTY ASPHALT PAVING
- SEE SHEET CA-010
- SEE SHEET CA-012
- SEE SHEET CA-013
- SEE SHEET CA-011
- SEE SHEET CA-08
- SEE SHEET CA-04-6
- SEE SHEET CA-01-3
- SEE SHEET CA-30A
- SEE SHEET CA-097
- SEE SHEET CA-11.9 AND 10
- METALLIC UNITS

BUILDING COMPONENTS:

BL	N	E
82	82003612	17480643
83	82003617	17480647
84	82003621	17480651
85	82003625	17480655
86	82003629	17480659
87	82003633	17480663

PARCELS 608810

BL	N	E
82	82003612	17480643
83	82003617	17480647
84	82003621	17480651
85	82003625	17480655
86	82003629	17480659
87	82003633	17480663



DESCRIPTION

DR	CHK	DATE	DESCRIPTION
TEAM	BMS	08.20.19	GRADING PERMIT SUBMITTAL
TEAM	BMS	07.12.19	PUBLIC WORKS SUBMITTAL
TEAM	BMS	08.23.19	REVISION 1

SITE PLAN

WOODBINE COMMUNITY ORGANIZATION

ELM HILL FLATS

825 ELM HILL PIKE

NASHVILLE, DAVIDSON COUNTY, TENNESSEE

T2019041351

SWG/R# 2019040457

C1.1

FILE NO. 1519-01

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : BARGE CAUTHER'S ASSN Date: 0.6.19
Property Owner: T.C. SUMMEAS INC. Case #: 2019-414
Representative: JEFF HOOPER Map & Parcel: 100301013100

Council District 20

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

Purpose:

To make renovations to new restaurantActivity Type: CommercialLocation: 6400 Charlotte Pike

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

Reason:

Variance from side walk requesting not to build or paySection(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.

JEFF HOOPER
Appellant Name (Please Print)

AMIN ABDOU
Representative Name (Please Print)

6600 CHARLOTTE PIKE, SUITE 200
Address

5259 PEARL AVE.
Address

NASHVILLE TN 37209
City, State, Zip Code

MEMPHIS TN 38119
City, State, Zip Code

615-356-9911
Phone Number

901-685-9744
Phone Number

JEFF@BARGECAUTHER.COM
Email

AMIR@COCKYSB&B.COM
Email

Zoning Examiner: WALTER

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



3699042

ZONING BOARD APPEAL / CAAZ - 20190047007
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10301013100**APPLICATION DATE:** 08/06/2019**SITE ADDRESS:**

6400 CHARLOTTE PIKE NASHVILLE, TN 37209
LOT 2 CHARLOTTE PARK COMM. AREA SEC. 2

PARCEL OWNER: T. C. SUMMERS, INC.**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting a full sidewalk variance to allow applicant to pay in lieu of fee or an alternate sidewalk section per METZO SECTION 17.20.120. See building permit application T2019030755.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3673901

**BUILDING COMMERCIAL - ADDITION / CACA - T2019030755
Permit Tracking Checklist**

PARCEL: 10301013100**APPLICATION DATE:** 05/28/2019**PERMIT TRACKING #:** 3673901**SITE ADDRESS:**

6400 CHARLOTTE PIKE NASHVILLE, TN 37209
LOT 2 CHARLOTTE PARK COMM. AREA SEC. 2

PARCEL OWNER: T. C. SUMMERS, INC.**CONTRACTOR:****APPLICANT:****PURPOSE:**

3730 sq ft in total.

Renovations to existing restaurant for new Restaurant CORKYS RIBS & BBQ. 10 ft x 22 ft (220 sq ft) Addition to rear of building. Minimum 20 ft rear setbacks. Renovations to interior including new finishes.

18 parking spaces required, 35 spaces provided.

POC: Ross Moffitt 615-306-6622

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

[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
Kitchen Plans Review On Bldg App	APPROVED	615-340-5620 Steve.Crosier@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review		615-862-6611 Richard.Harris@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App	REJECTED	615-862-6612 Chanda.Williams@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		615-862-6612 Chanda.Williams@nashville.gov
[D] Grading Plan Review For Bldg App	COND	(615) 862-6038 Logan.Bowman@nashville.gov
[E] Cross Connect Review For Bldg App		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
[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
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

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

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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



 APPELLANT
 JEFF HOOPER, P.E.
 BARGE CAUTHEN & ASSOCIATES

 B-6-19

 DATE

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

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

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

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

SEE ATTACHED MEMORANDUM

MEMORANDUM

To: Members of Board of Zoning Appeals
Ms. Emily Lamb, Zoning Chief

From: Jeff Hooper, P.E., *Barge Cauthen & Associates*

Re: Corky's Ribs & BBQ
6400 Charlotte Pike
Parcel ID 100301013100

Date: August 6, 2019



6606 CHARLOTTE PIKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6737 F A X
WWW.BARGECAUTHEN.COM

OVERVIEW

Corky's Ribs & BBQ has filed for a building permit (T2019030755) to renovate an existing fast food restaurant (formally a Captain D's) and add 220 square feet to the building. The subject property fronts Charlotte Pike and American Road and sidewalks along the frontage of the property are non-existent. Metro Nashville's Major & Collector Street Plan (MCSP) indicate the required sidewalk pedestrian zone to be comprised of a six-foot wide grass strip and eight-foot wide sidewalk beginning at the back of curb, which creates several hardships to construct.

HARDSHIPS

Construction of sidewalks to meet the standards outlined in the MCSP and discussed above, presents many hardships which are summarized below. These hardships can be seen visually on Exhibit E1.0 and photographs of the property on Exhibit E3.0.

- **Utilities**
With the subject property being located along an arterial, there are many significant utilities that would conflict with the proposed sidewalk. Utility conflicts include three utility/power poles, two storm drains, one utility vault, and one private site light pole.
- **Topography**
There is three feet of elevation change from the private parking/drive aisles on the property to the public roadway curb/edge of pavement which would require retaining walls to be constructed for the installation of the proposed sidewalk.
- **Insufficient ROW**
To construct a fourteen-foot sidewalk pedestrian zone starting at the back of curb would require approximately one foot of ROW dedication

along Charlotte Pike and approximately eight feet of ROW dedication along American Road. In both instances the sidewalk would encroach within the existing parking spaces or drive aisle. The encroachment on the American Road side would result in a remaining drive lane of less than 10 feet, not allowing for vehicular circulation exiting the drive-thru lane.

PROPOSED SOLUTIONS

1. Provide relief by allowing payment into the in-lieu of sidewalk fund.
2. Provide relief by allowing an alternative sidewalk pedestrian zone comprised of a three-foot wide grass strip and a five-foot wide sidewalk along Charlotte Pike and a five sidewalk only along American Road. This scenario has been illustrated in Exhibit E2.0. This solution will require relocation of two utility pole guy wires and will also require a retaining wall be constructed along the frontage of American Road. Construction of the retaining wall will require demolition/reconstruction of portions of the existing parking areas to allow for installation of footings and forming of the retaining walls.

END OF MEMORANDUM

Corky's Ribs & BBQ

6400 CHARLOTTE PIKE
NASHVILLE, TENNESSEE



BOARD OF ZONING APPEAL

DR.	CHK.	DATE	DESCRIPTION

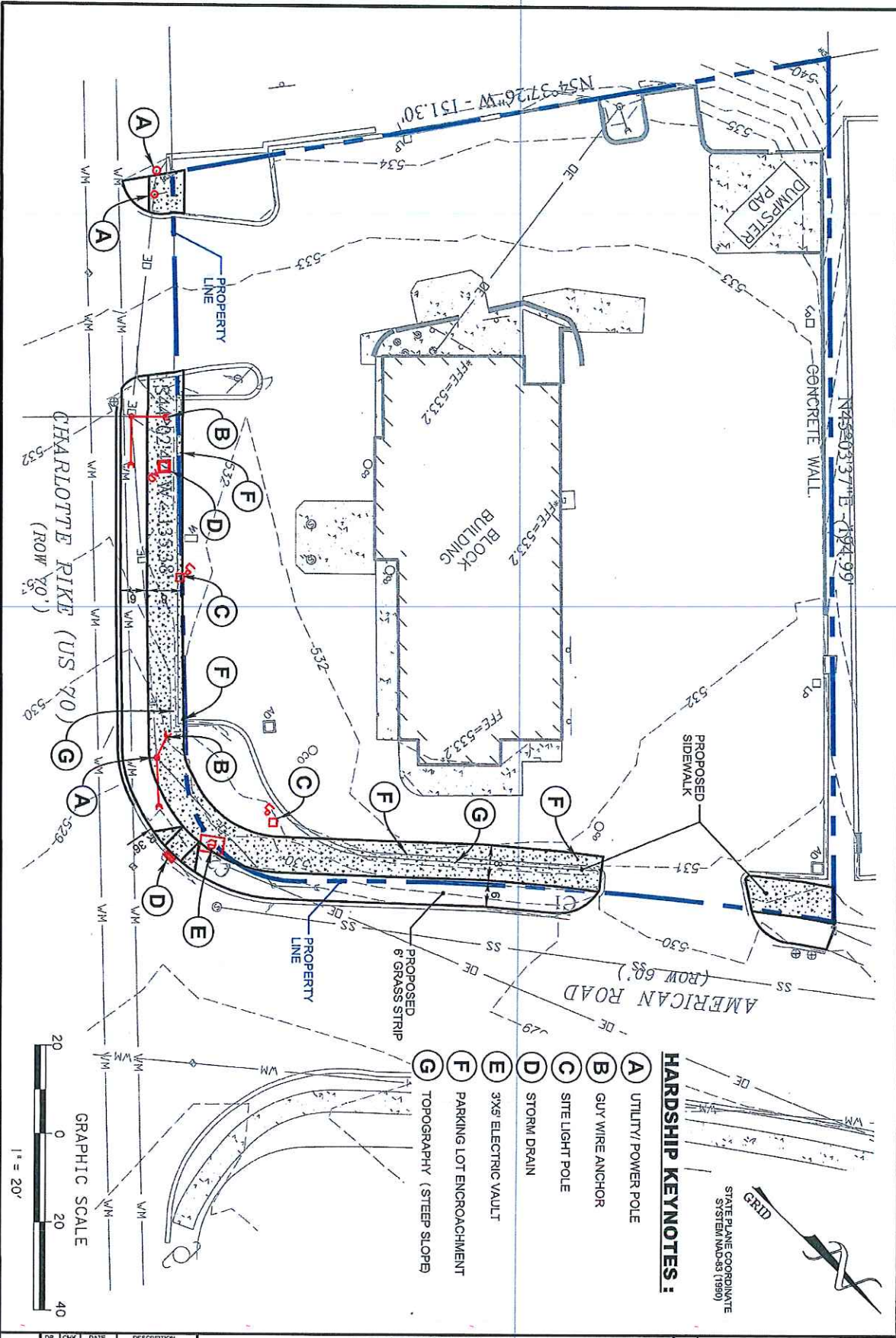
E0.0
FILE NO. 2852-01

COVER

CORKY'S RIBS & BBQ
6400 CHARLOTTE PIKE
NASHVILLE, DAVIDSON COUNTY, TENNESSEE



1 Civil Engineers 1
600 CHARLOTTE PIKE, SUITE 200
NASHVILLE, TENNESSEE 37203
615.255.9311 PHONE
615.292.4797 F A X



HARDSHIP KEYNOTES :

- A** UTILITY/ POWER POLE
- B** GUY WIRE ANCHOR
- C** SITE LIGHT POLE
- D** STORM DRAIN
- E** 3X5' ELECTRIC VAULT
- F** PARKING LOT ENCROACHMENT
- G** TOPOGRAPHY / STEEP SLOPE



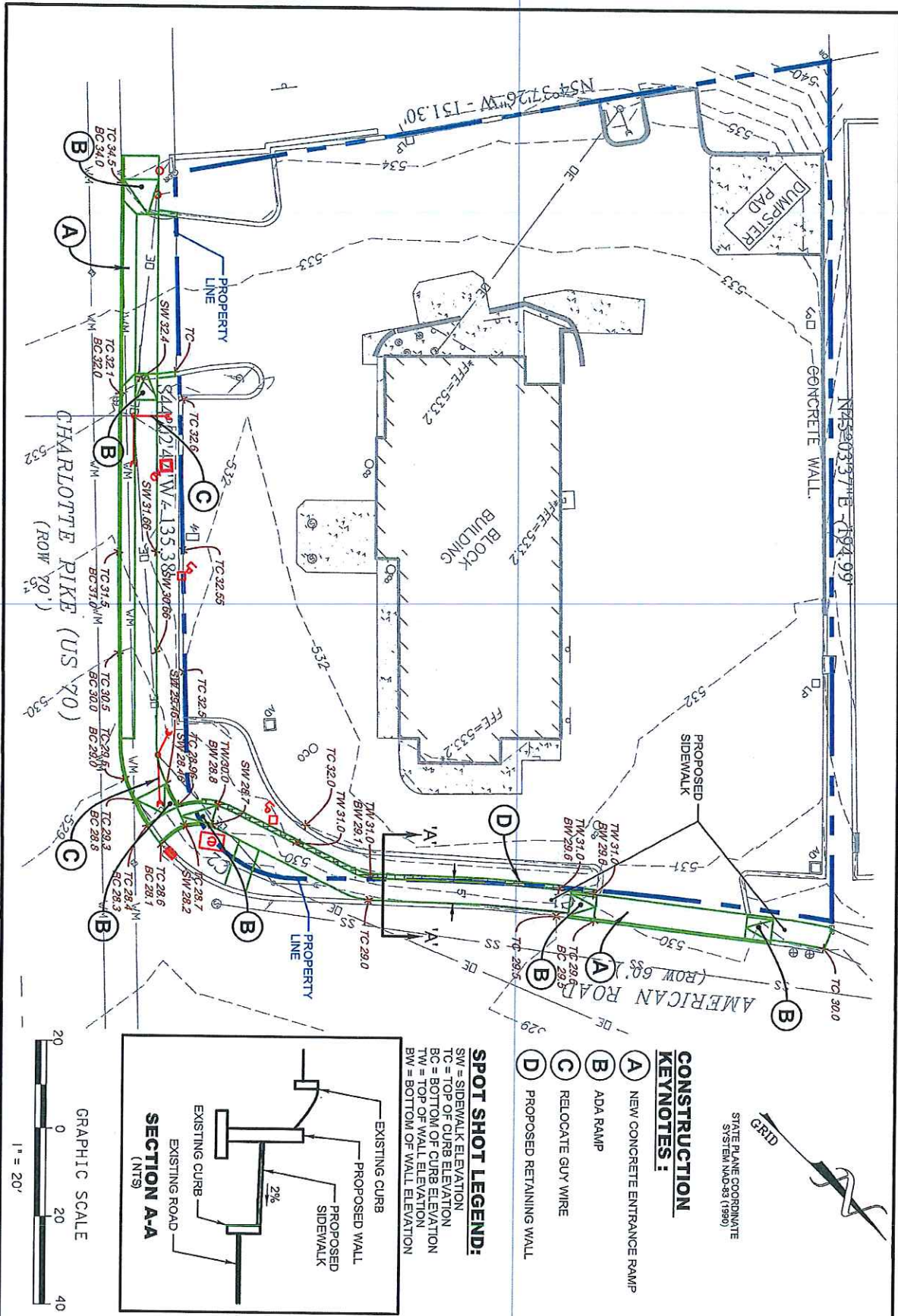
DR.	CRK.	DATE	DESCRIPTION

HARDSHIP PLAN
CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE


Barge Cauthen
 ASSOCIATES

CIVIL ENGINEERS
 6000 CHARLOTTE PIKE, STE 210
 NASHVILLE, TENNESSEE 37228
 615.356.3511 PHONE
 615.352.0127 FAX

E1.0
FILE NO. 2019-011



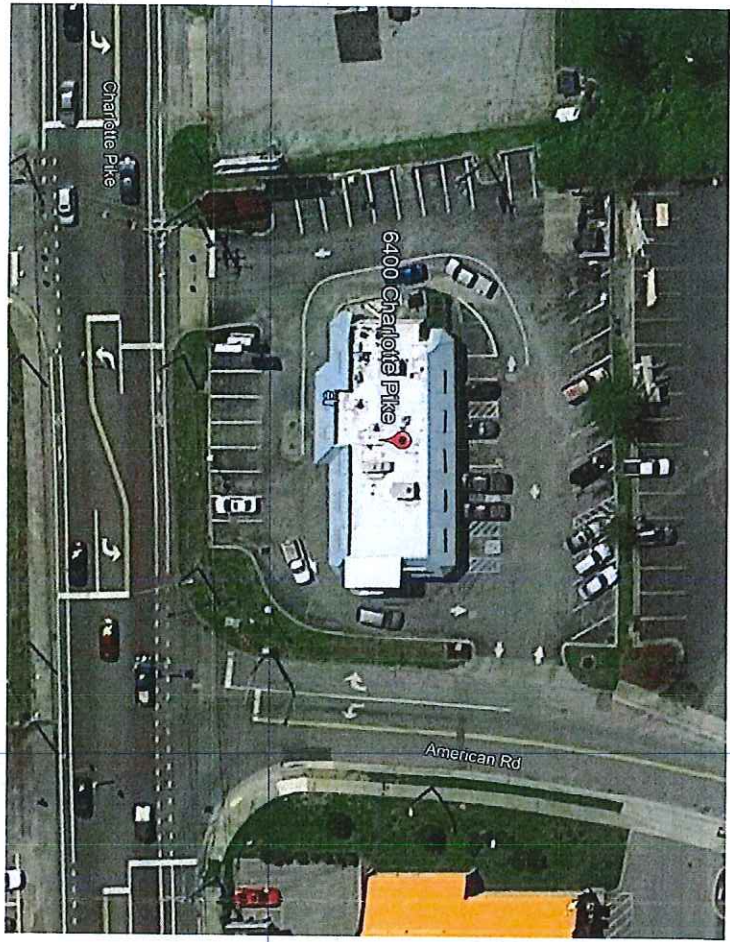
DR.	CHK.	DATE	DESCRIPTION

SITE PLAN WITH 5' SIDEWALK AND 3' BUFFER
CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

Barge Cauthen & ASSOCIATES

CIVIL ENGINEERS
 1000 CHARLOTTE PIKE, STE 210
 NASHVILLE, TENNESSEE 37241
 615.355.9211 PHONE
 615.355.4737 FAX

E2.0
 FILE NO. 28202-01



DR.	CHK.	DATE	DESCRIPTION

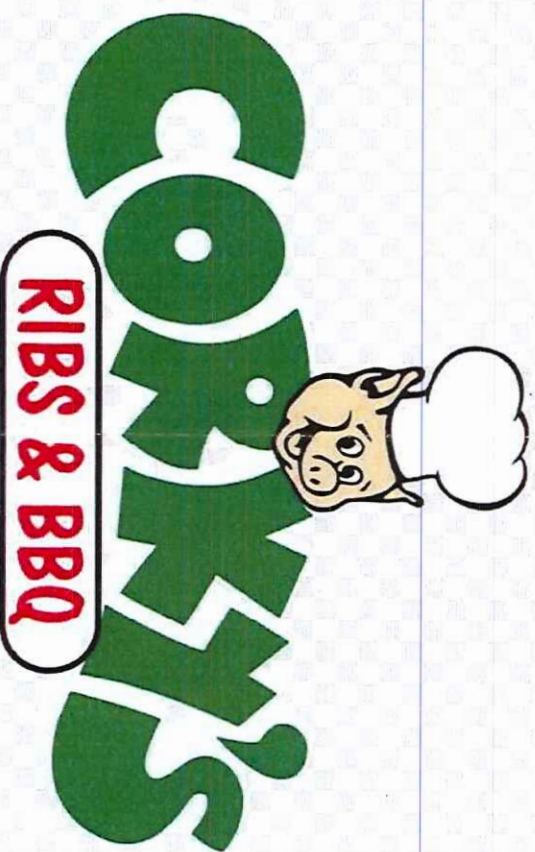
E3.0
FILE NO. 282501

PHOTOGRAPHS
CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

Barge Cauthen ASSOCIATES
 I Civil Engineers I
 800 CHARLOTTE PIKE, STE 210
 NASHVILLE, TENNESSEE 37203
 615.258.8911 PHONE
 615.252.6737 F A X

Corky's Ribs & BBQ

6400 CHARLOTTE PIKE
NASHVILLE, TENNESSEE



BOARD OF ZONING APPEAL

COVER

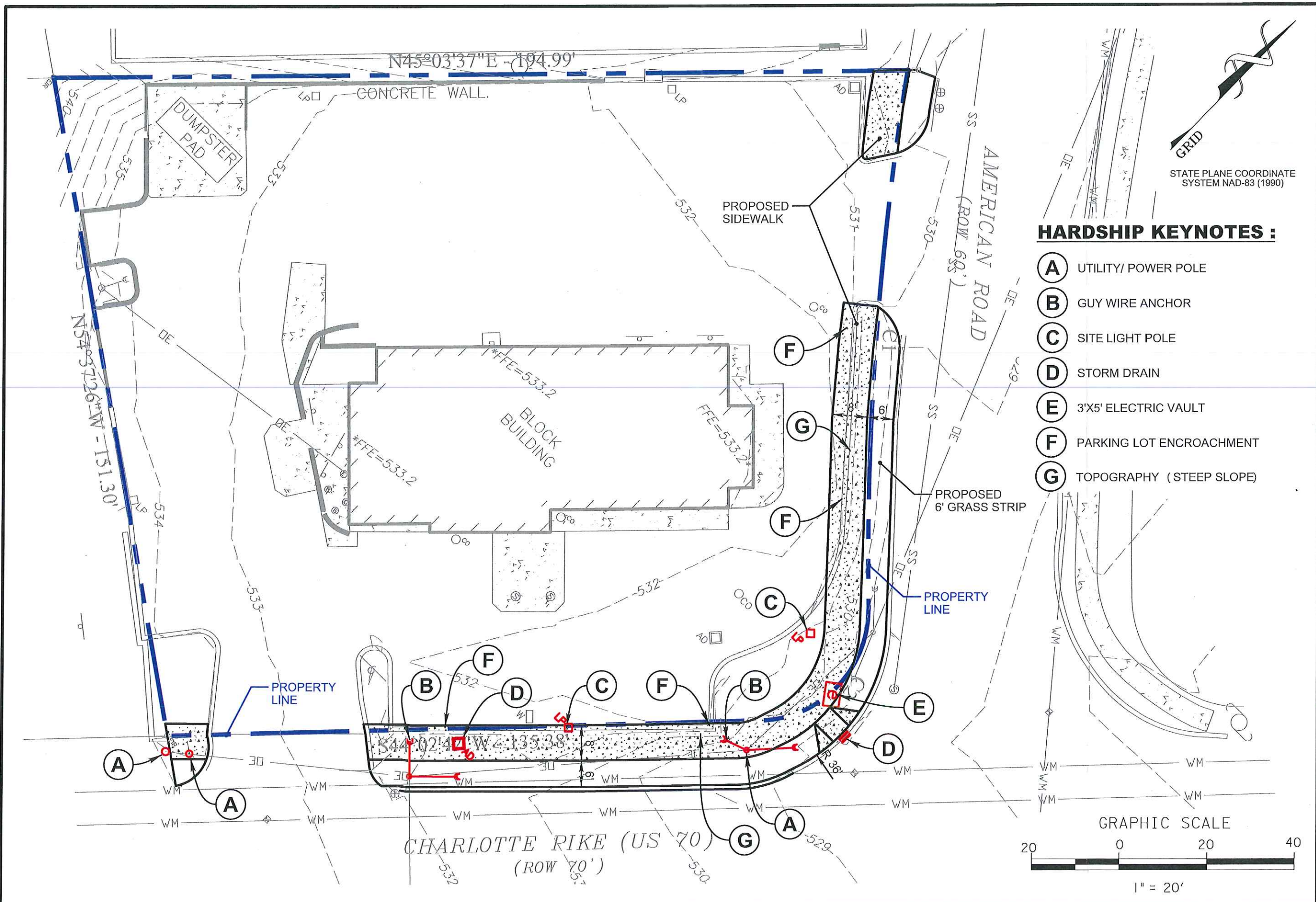
CORKY'S RIBS & BBQ
6400 CHARLOTTE PIKE
NASHVILLE, DAVIDSON COUNTY, TENNESSEE



Civil Engineers
6000 CHARLOTTE PIKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6737 F A X

DR.	CHK.	DATE	DESCRIPTION

E0.0
FILE NO. 2832-01



HARDSHIP KEYNOTES :

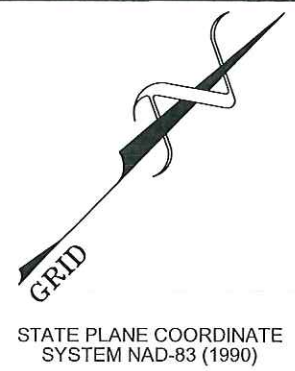
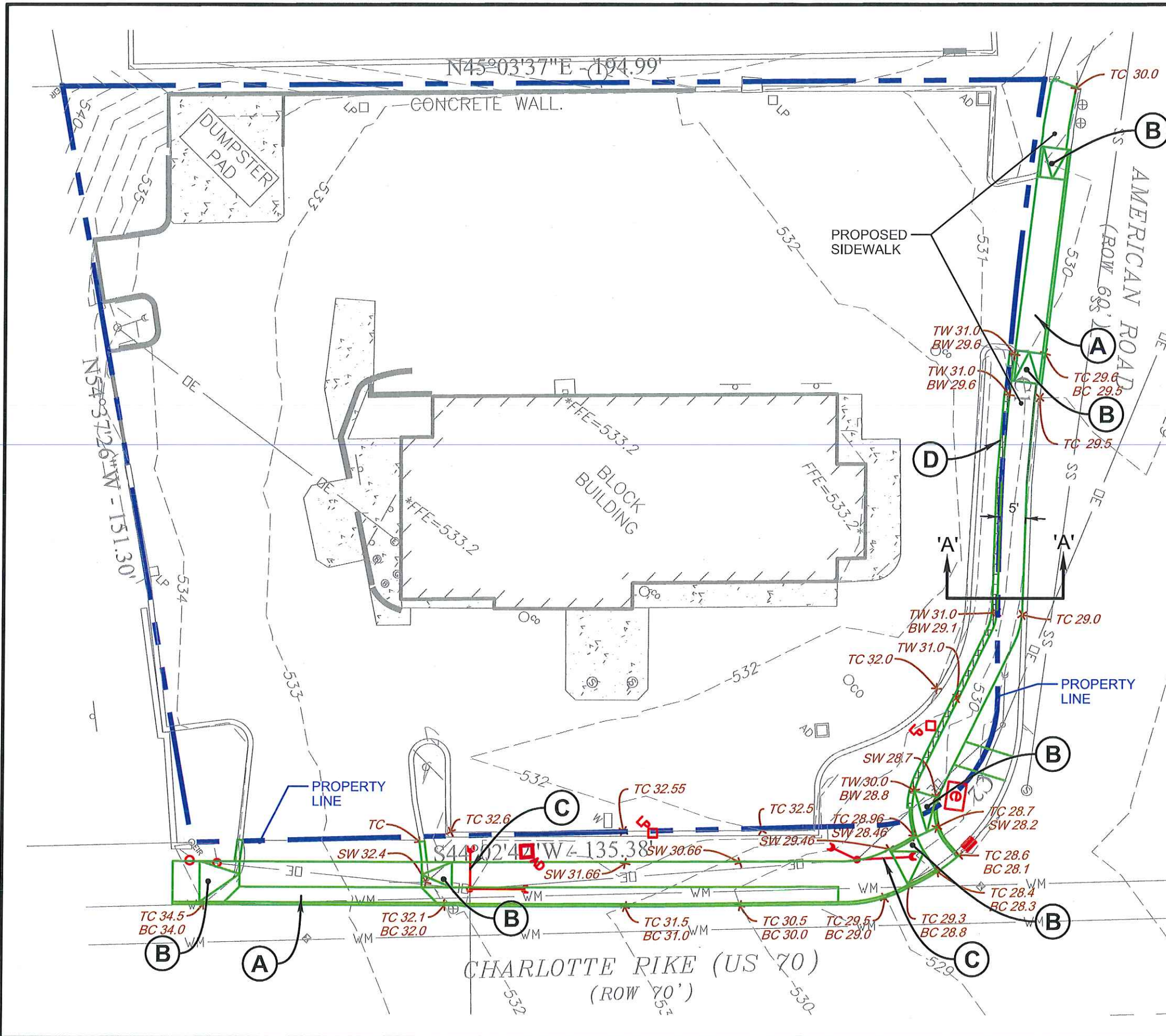
- (A)** UTILITY/ POWER POLE
- (B)** GUY WIRE ANCHOR
- (C)** SITE LIGHT POLE
- (D)** STORM DRAIN
- (E)** 3'X5' ELECTRIC VAULT
- (F)** PARKING LOT ENCROACHMENT
- (G)** TOPOGRAPHY (STEEP SLOPE)

Civil Engineers
Barge
Cauthen
 & ASSOCIATES
 6400 CHARLOTTE PIKE, SUITE 210
 NASHVILLE, TENNESSEE 37209
 615.368.9811 PHONE
 615.362.6737 F A X

HARDSHIP PLAN
CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION

E1.0
 FILE NO. 2932-01

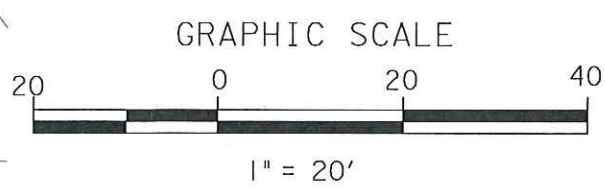
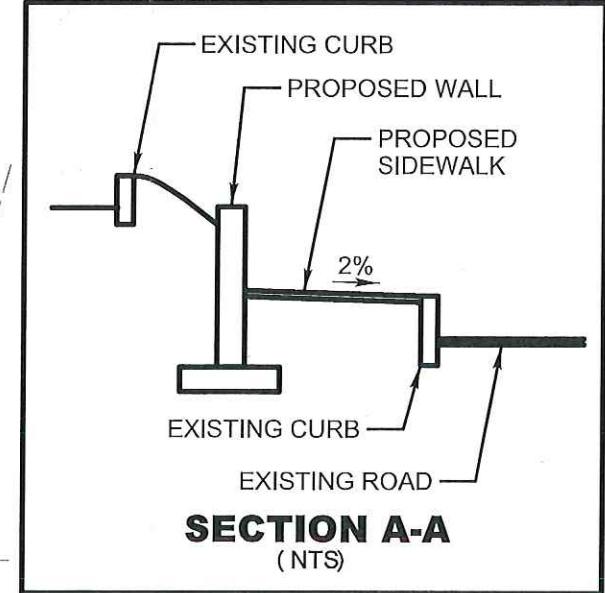


CONSTRUCTION KEYNOTES :

- (A) NEW CONCRETE ENTRANCE RAMP
- (B) ADA RAMP
- (C) RELOCATE GUY WIRE
- (D) PROPOSED RETAINING WALL

SPOT SHOT LEGEND:

SW = SIDEWALK ELEVATION
 TC = TOP OF CURB ELEVATION
 BC = BOTTOM OF CURB ELEVATION
 TW = TOP OF WALL ELEVATION
 BW = BOTTOM OF WALL ELEVATION



Civil Engineers
 6000 CHARLOTTE PIKE, STE 210
 NASHVILLE, TENNESSEE 37209
 615.356.9811 - PHONE
 615.352.6737 - F A X

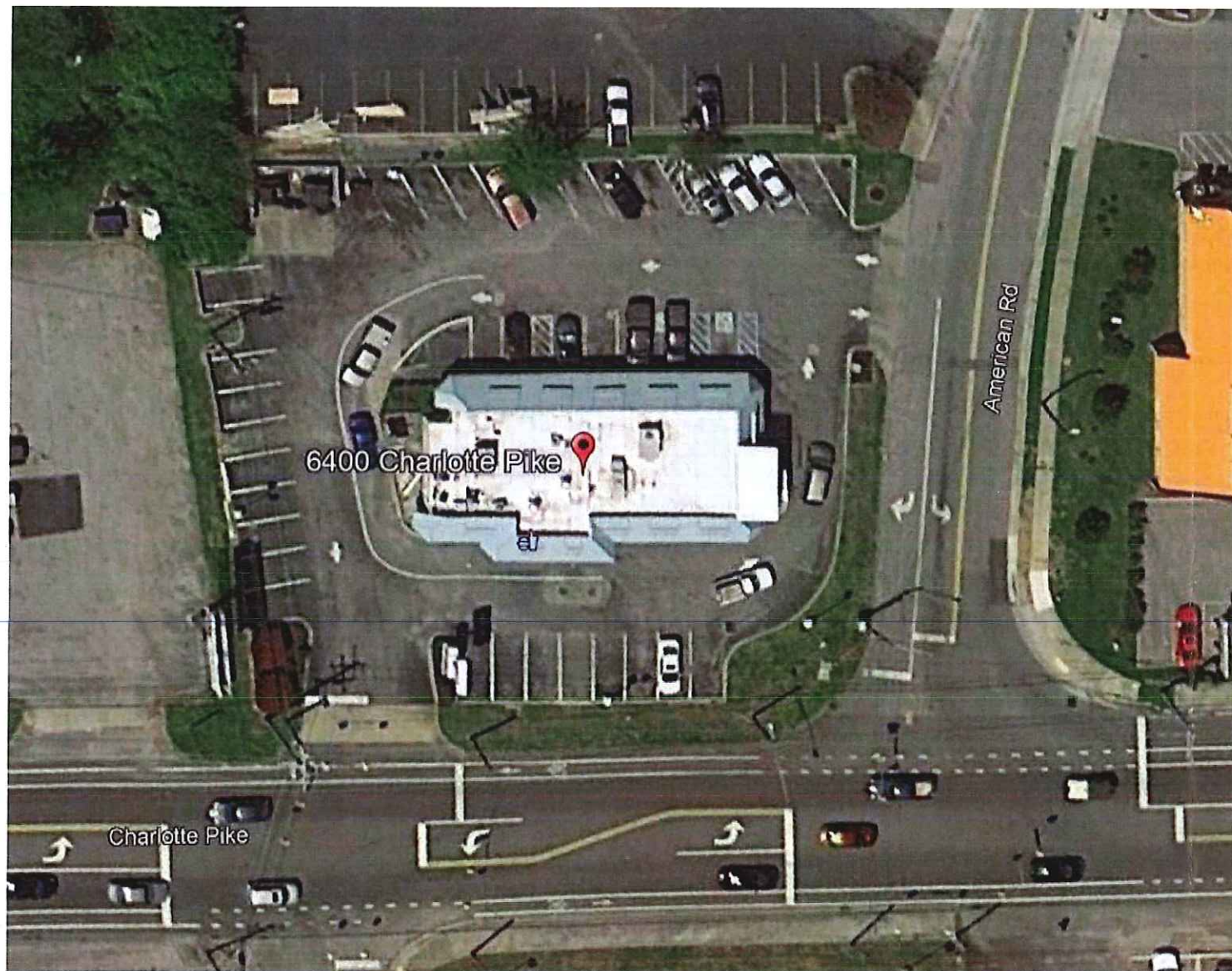


SITE PLAN WITH 5' SIDEWALK AND 3' BUFFER

CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR.	CHK.	DATE	DESCRIPTION

E2.0
 FILE NO. 2932-01



PHOTOGRAPHS

CORKY'S RIBS & BBQ
6400 CHARLOTTE PIKE
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DR. | CHK. | DATE | DESCRIPTION

E3.0
FILE NO. 2932-01

**Barge
Cauthen
& ASSOCIATES**
Civil Engineers
6000 CHARLOTTE PIKE, STE 210
NASHVILLE, TENNESSEE 37209
615.356.9911 PHONE
615.352.6797 FAX

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-414 (6400 Charlotte Pike)

Metro Standard:	Charlotte Pike – 6’ grass strip and 8’ sidewalk, as defined by the Major and Collector Street Plan
	American Road - 6’ grass strip and 8’ sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternate sidewalk designs for Charlotte Pike and American Road
Zoning:	CS
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
MCSP Street Designation:	Charlotte Pike – T3-M-AB5-LM
	American Road – T3-M-CA2
Transit:	#50 – Charlotte; High Capacity Transit planned per nMotion
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to repurpose an existing 25,680 sq. ft. building for a restaurant use and requests a variance to construct alternate sidewalk designs for the Charlotte Pike and American Road property frontages.

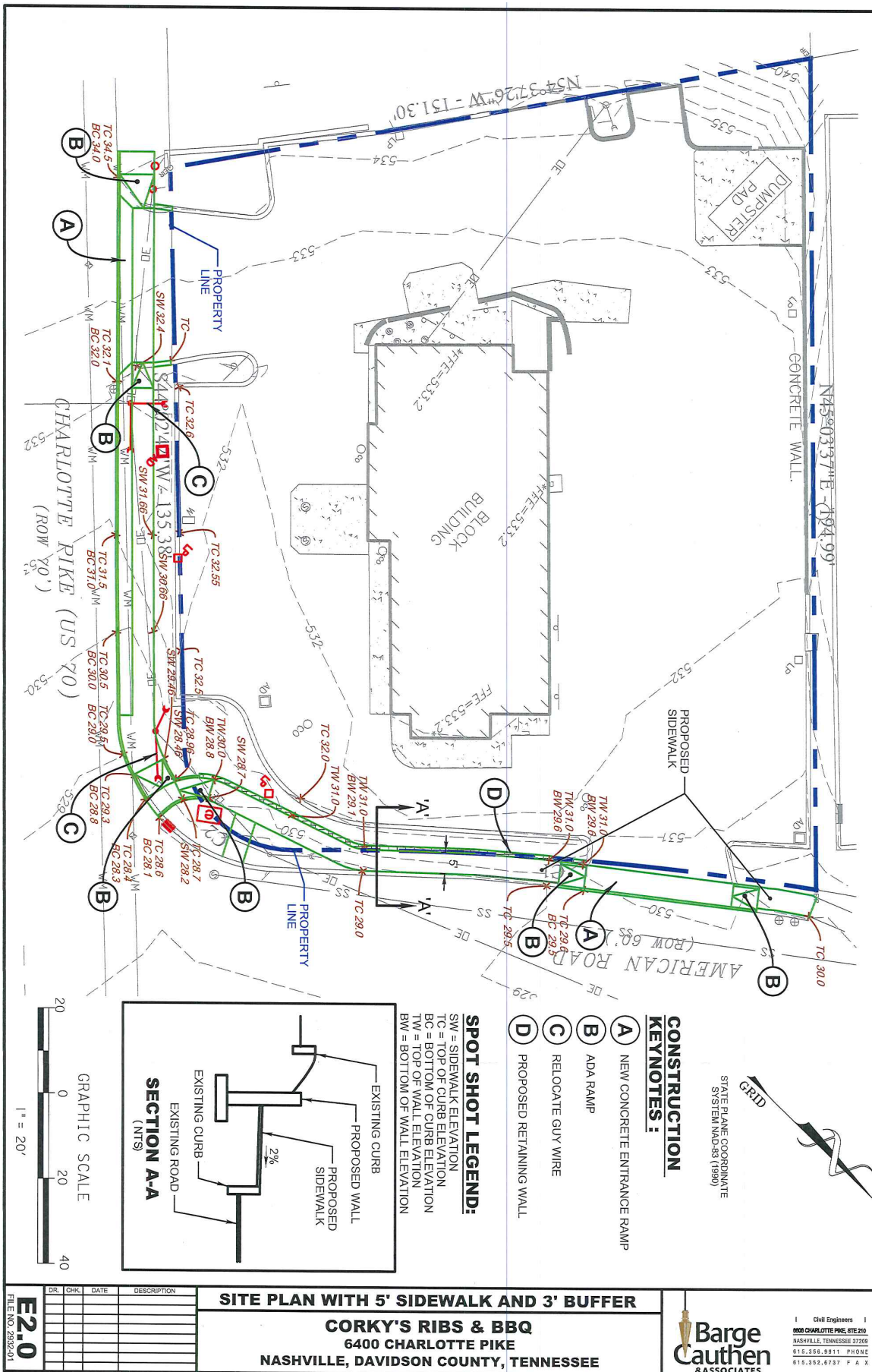
Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the Charlotte Pike property frontage, which is consistent with the adjacent properties to the west along the block face. The applicant proposes to construct a 3’ grass strip and 5’ sidewalk.
- (2) No sidewalk currently exists along the American Road property frontage. A 5’ sidewalk without a grass strip exists along the American Road frontage along the property directly north of the site. The applicant proposes to continue the 5’ sidewalk pattern due to the need to install a new retaining wall to avoid impacts to the existing internal drive aisle.

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

1. The applicant shall construct an alternative sidewalk design along the America Road and Charlotte Pike frontages as indicated on the attached site plan.

6400 Charlotte Pike – Site Plan Depicting Alternative Sidewalk Design

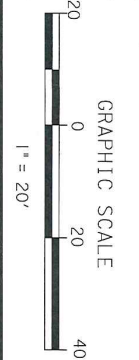
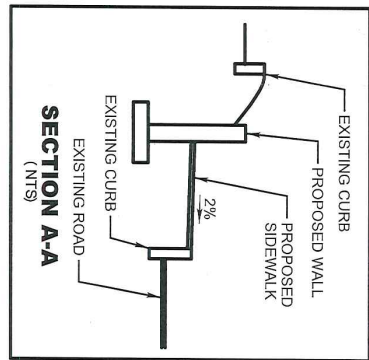


CONSTRUCTION KEYNOTES:

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DR.	CHK.	DATE	DESCRIPTION

SITE PLAN WITH 5' SIDEWALK AND 3' BUFFER
CORKY'S RIBS & BBQ
 6400 CHARLOTTE PIKE
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

Barge Cauthen & ASSOCIATES
 1 Civil Engineers 1
 888 CHARLOTTE PIKE, STE 200
 NASHVILLE, TENNESSEE 37203
 615.356.8111 PHONE
 615.356.6737 F A X

E2.0
 FILE NO. 2892-01

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Richard Ogura Date: 8-6-19
Property Owner: Anderson, Raymond & Joy Case #: 2019-416
Representative: Richard Ogura Map & Parcel: 43-16-16

Council District 9

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 allow animal daycare with overnight stay.

Activity Type: Kennel

Location: 105 Eagan Cir.

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: Special Exception Use

Section(s): 17.40.290

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

Richard Ogura Appellant Name (Please Print) Same Representative Name (Please Print)

105 Eagan Circle Address MADE Address

Madison TN 37115 City, State, Zip Code MADE City, State, Zip Code

941 228 4584 Phone Number MADE Phone Number

RichardOgura2@gmail.com Email MADE Email

Zoning Examiner: Charper 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



3699099

ZONING BOARD APPEAL / CAAZ - 20190047051
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 04316001600

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

105 EAGAN CIR MADISON, TN 37115
LOTS 45&46 PT 1TH6 B MYATT EAGAN SUB

PARCEL OWNER: ANDERSON, RAYMOND W., JR. & JOY C.

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting special exception to allow animal daycare with overnight stay.

*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

no-permit

Inspection requirements may change due to changes during construction.

Free To Run LLC
Letter of Intent
Special Exception Request
7/31/2019

To the Board of Zoning Appeals,

I am requesting special exception for the purpose of operating my Dog Daycare facility at 105 Eagan Circle, Madison TN, 37115, sitting in district 9. Given that the proposed site for my business is in a CS Zoned space, I believe my request is reasonable and fair. With our limited hours of use for the external area of the daycare, noise will not be a concern. Indoor noise will be contained, and individuals outside the building will not be disturbed. I will be happy to answer any questions that the Board may have. On July, 30th, I visited the Planning Department and spoke with Examiner Clint Harper. He informed me of the process of moving forward and requested that in this LOI, I include background information concerning my business and the day to day operations. As well as providing the Board with my business plan, I will include in the next paragraph how we will operate, and if the Board has any questions, they can ask me.

In the summer of 2019, plans for my business, Free To Run LLC, came under way and the execution process began. In July, commercial locations in Davidson County were surveyed. Ultimately, we chose the property at 105 Eagan Circle, Madison TN, 37115. The property sits in District 9. Free To Run LLC will be a dog daycare and overnight boarding facility. We will house boarding dogs overnight, seven days per week. Overnights, there will be a staff member onsite to supervise boarders. Our regular business hours will be Monday to Friday from 6AM-6PM. These are the hours in which our daycare services will take place. Our facility will be the only one of its type within an 8-mile radius.

Free To Run LLC will operate by placing dogs into four different groups based on temperament and size. We will begin admissions for daycare and boarding at 6AM. Internal space dedicated to dogs will be 5,600 square feet. We will also have an external area for dogs that is listed on property records as .91 acre. During the hours of 8AM and 5PM, dogs will have access to the external play area by way of a large dog door. After 5PM, we will close the door. Our capacity for dogs will be 75 at a time, giving each dog 75 square feet of area. By limiting hours of the

external area, noise will be contained during the evening hours. Dogs will be let out to relieve themselves in small groups and in a contained area, far from neighbors and other businesses, after 5PM. We will operate on a software that will assist us in treating each dog on an individual basis. Upon intake, we will ask owners about their pets, note the information, and review when needed. This will allow us to adhere to special requests from owners in an efficient manner. The daycare program will begin at 7AM. Dogs will be in our Great Room, and groups will be separated with barriers. Dogs will be supervised by members/a member of staff at all times. We will follow a schedule throughout the day. There will be morning mealtime and mealtime towards the end of daycare. We will do our best so that the dogs maintain a similar meal schedule to the one they have at their homes. All dogs will be required to pass a temperament test before being permitted to participate in daycare. This will help ensure a safe environment for our staff and our dogs. We will have a time out room to briefly place dogs in if they become too stimulated or unruly. We will also give our dogs nap time so they do not get agitated by the long periods of stimulation. We will monitor all dogs for aggressive behavior and note any incidences. Our main objective is a fun experience for all dogs and owners alike.

Given that this will be the only daycare and boarding facility in an 8-mile radius and there are over 100,000 people in this radius, this business will serve Madison TN in a positive and impactful way. We will provide convenience to close-by residents and a service that is becoming more and more imperative as years go by. The need for what we offer is growing, as Madison is growing. Daycares are filling up, some booked out for three months, and offering this service in the location it is in will greatly serve dog owners in Madison.

In conclusion, since measures will be taken to cut down noise and the proposed location is in a CS Zoned area with many thriving businesses, I believe that my business will thrive in the location that has been selected and will not cause any issues or inconvenience to the community. In fact, I believe the opposite. I believe that Free To Run LLC in its proposed location will prove a great benefit to our community.

Sincerely,

Richard Ogura, owner and operating member of Free To Run LLC

Email: Richard@FreeToRunLLC.com

Phone (Mobile + Text): (941) 226 4584

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

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

Richard Ogura

APPELLANT

8-6-2019

DATE

Free To Run LLC

Madison, Nashville TN

Business Plan

Executive Summary

I am opening a Dog Daycare and boarding facility in the neighborhood of Madison in Nashville TN. In a city such as Nashville, dog owners have hectic schedules. Just like a busy parent puts their child in daycare, so does the busy dog parent. In my competitive analysis, I discovered a dire need for this service, as my competitors had scarce openings and some were fully booked for three months. At Free To Run, we will be cage free, even in the boarding process, where we will place boarders into groups by size and temperament. We will be one of the only companies in Nashville to offer this unique cageless boarding service. We will form partnerships in the community and make a difference by being of service to animals in need. We will foster five dogs at a time and take donations for local animal control offices as well as low funded animal shelters. At Free To Run LLC, owners will be able to rest easy knowing that their dog is in our care. We will treat all visitors as members of our family. We will get to know each client on an individual basis and adhere to special requests, and not charge extra for this. Dogs will have 5600 square feet of area to roam free and socialize in, including an external play area with small pools, a hose and agility equipment that has yet to be build. My business has the potential to bring in revenues of \$80,000-\$100,00 upon success and at 80 percent capacity levels. Our objective is to win over the business of dog owners with hectic lives with our brand by showing a genuine love and concern for their pets.

Our Service

We will be offering a daycare service for dogs, so that their owners can rest easy as they go on with their busy lives. Our dogs will be separated in four temperament groups. Low Temperment/Small, Mid Level Temperment/Medium, High Temperment/Large, and The Gym, where high temperament, high energy breeds will be placed. The Gym is where a 6 month old Boxer Puppy or Malamute will be placed. Throughout the day, dogs will be in our Great Room, which is 3660 Sq Ft. The room will have a fence like structure, with four dividers for our groups. The dogs will be supervised by an attendant for the full duration of daycare. Rather than being confined to a crate while their owners work, our dogs will be playing and socializing, which is what dogs love to do best. Contingent on weather, dogs will be in our 2000 sq ft Indoor/Outdoor room which will have four giant dog doors allowing them access to our external play area, as well as a similar fencing system as the Great Room. Our external play area will have a hose,

small pools, agility equipment, and waterproof patio furniture that the dogs may lay on. We will offer baths for our dogs, at an extra cost. We will offer a cage free boarding service for dogs that are not used to crates. This service will be offered in Great Room. Boarding clients will be separated into the group which they fit best. Crates will be available for dogs that are used to being crated at night. All clients will be subject to a temperament test before being accepted for our programs. We will offer a Dog Taxi, which will be a pickup service for clients who are too busy to check their dog in and out. We will offer package deals at one week, two weeks, or one month of unlimited services.

Stage of Free To Run LLC

Free To Run LLC is currently in the execution stage. In June, 2019, plans were drafted and commercial locations were sampled. In July, a location was selected. We are currently in the process of securing the location selected at 105, Eagan Cir, Madison, Nashville TN.

Free To Run LLC was formed into an LLC on July 24th, 2019

Vendors for Logo Design, Signage, Interior Design and Construction are being selected.

We are in the process of getting approval from Davidson County to operate as a pet care facility in the selected location.

An investor has contributed \$185,000.00 of funding exclusively for the startup, and 6 months of working capital. \$2,000.00 has been spent on Equipment, Special Training, and Professional Services. All spending is on hold until the commercial location is secured.

Once the location is secured, vendors can be selected and paid to start their work, team building can begin (currently will operate the company with one other person) and promoting will begin as well. An opening date will be set. We currently have our opening date set for January 2020, but it is possible to launch as early as November of the current year.

Target Market, Statistics, and Market Size

Being that Daycare for dogs is a luxury and not a necessity, we will target the upper-class dog owners of Nashville TN, typically those who make above \$42,000 per year and up.

Our lifetime customer value is \$23,000.00 over three years of patronage. The average occupancy rate of a dog daycare facility in the US is 48%-60%. If these numbers are met, our monthly revenue will be \$43,200-\$54,000 and \$518,400-648,000 per year.

In 2018, doggy daycare and boarding expenditures were 5.9 billion. In particular, Free To Run LLC will reach 30,000 people per day, or 900,000 per month. These are the traffic statistics of

our selected 105 Eagan Circle location. In the five miles surrounding our selected location, the population is 106,431. Consumer spending in this 5-mile radius is \$1.1b. Average household income for this radius is \$63,809. There are 48,000 households, 30,720 of which are likely dog owners. Free To Run LLC will be the only competitor for 8 miles. We have the capacity to provide 3,000 daycare services per month. That's 10 percent of the dog owners in the five-mile radius that we will operate in. Achieving these numbers will bring Free To Run LLC's revenue to \$90,000 per month or \$1,800,000 per year.

For daycare, we will charge \$30.00 per service. It will cost us \$12 dollars to provide a service. Our profits will be \$18 per service, giving us a profit margin of 60%.

Marketing Plan

We have a marketing budget of \$1,000. Our current marketing plan is to set up booths at different pet related events. We will also pay an advertiser to mail our brochures to target markets. DogFest 2019 will be a great opportunity to set up a booth and promote Free To Run LLC. We will attempt to partner with the Humane Association and ask them to promote our brand in their facility, we will do the same with local non direct competitors. I have already contacted the head of the Humane Association and initiated this process. We will get a spot in the Nashville based dog magazine, Nashville Paw, to generate an interest in our grand opening. We will reach out to the Tennessean, and local radio stations. We will have ads made for Facebook and google. We will have our own website with a blog and regularly updated entertaining pictures of our fosters and clients. We will also promote our foster dogs on our website and our brochure, so that our loyal customers know that we are involved in community outreach. We will make YouTube tutorials on dog training, bathing, or entertaining and funny videos featuring our dogs, to promote our business. We will raise money to throw an Adopt-A-Thon at our Eagan Cir facility and ask the Humane Society to Sponsor the event. Our fosters will be at these events, and we will ask The Humane Society to bring their dogs.

Revenue Model

At Free To Run LLC will have four streams of revenue, with two additional streams if the budget calls for it. Our company will rely on transactional revenue. The first four revenue streams will be 1. Daycare 2. Boarding 3. Pickup Service. 4. Baths. The other two, contingent on room in the budget will be 5. Grooming 6. Small retail store in lobby. Contingent on success, all these streams of income will be implemented. We will have a monthly subscription-based revenue model where our customers can use daycare unlimitedly, on business days. This package will be

cheaper than if the customer were to pay for each day individually. We will focus on upselling our customers, encouraging them to take advantage of all the services we offer.

We project that our number one source of revenue will be from daycare. Statistics from similar operations show that 80% of our revenue will come from daycare.

Financials

At its current state, Free To Run LLC's current net worth is \$180,000. We have no liabilities.

We have \$66,800.00 set aside for one time startup costs, and an additional \$97,680 which will be set aside as our working capital. By August 10th, a bank account with 180,000 exist for the purpose of Free To Run LLC.

STARTUP BUDGET:

Commercial Lease Deposit: \$12,000

Building Fit Up: \$50,000

Signage: \$2,500

Website Development: \$1,000

Computer System: \$5,000

Grand Opening Marketing: \$1,000

Training Costs: \$1,300

Basic Equipment: \$2,000

TOTAL STARTUP COSTS: \$74,800

MONTHLY OVERHEAD

Rent: \$6,000

Maintenance + Upkeep: \$500

Utilities: \$2,000

Business Insurance: \$100

Advertising: \$1000

Payroll: \$6500

Bookkeeping: \$200

Misc Expenses (10%): \$1,480

Total: \$17,780

Current Team

Free To Run LLC is run and own by one sole operating member, Richard Ogura of Springfield TN. He will also act as operating manager. When volume increases to 25 dogs or over per day, an assistant manager will be added. At near or at full capacity, our team will comprise of Owner and operations manager, assistant manager, and six to seven attendants.

Competitive Analysis

A competitive analysis was preformed of fifteen competitors. They are all successful firms with loyal customer bases. In all but two, services were booked out for weeks or months. My competitors have strengths and themes of deficiency as well. Strengths in the field were well managed and theme centralized facility with a genuine love for their clients. Themes of deficiency were charges for extra attention or requests, such as treat administration. This gave off an impression of emotional exploitation of the customer. Overcrowding was another issue observed. Reviews on Yelp and Google backed up the overcrowding complaint. Certain facilities were not aesthetically pleasing and lacked a central theme. Other facilities had unnecessary features that do little or nothing for the well being and comfort of the dogs.

At Free To Run LLC, we will be structured as a theme park/play ground for our customers' dogs. We will maintain an aesthetically appealing, and clean appearance. We will adhere to special requests at no extra charge, because we understand how stressful an owner already is when dropping off their dog to a facility, we will not exploit their requests, but be compassionate and understanding about them. We will offer discounts to employees of Nissan, Vanderbilt, and HCA Holdings, and this is something that other facilities have not offered. We will send mail in rebates to our nearby customers, again, something that our competitors lacked.

Investors and Funding

Free To Run LLC currently has one investor, who has committed \$185,000 to the company. The investor oversees all spending and requests a 25% return in four years. This investor has no ownership in the company

Further Objectives

Now that funding for this operation has been secured, the steps of execution have begun. A commercial location has been selected and we are working on closing the deal. The Planning Department in Davidson County has been contacted and we are waiting for their approval to go forward. Vendors for logo design, website development, signage, and buildout have been contacted. Funding is on hold until the 105 Eagan Circle location is secured. The vendors are waiting to start their work, I have informed them that they will likely be able to start come the beginning of August. Contingent on securing the selected location, vendors will begin their work, advertising and promotion efforts will begin, licenses and insurance will be obtained, and an official launch date will be set.

OUT DOOR / INDOOR AREA

341' x 60' with 4 roll UP DOORS 10'x10'
& OPEN STORAGE MEZZANINE

NO HVAC

STAIRS
to UPPER
OFFICE

BR BR

SOLID WALL DOWN
WINDOWS UPPER
OFFICE

Note

UPPER OFFICE AREA
12x60 with VIEWING
WINDOW & HVAC
ONE ENCLOSED OFFICE
with WINDOWS

10'x10'
roll UP
DOOR

DOUBLE
GLASS DOORS

EACH WINDOW
3' INCL. FRAME

PAINTED FLOOR
THROUGHOUT

UPPER
OFFICE
STAIRS 16x10

WINDOWS
15'
AREA IS 6' (INTS)

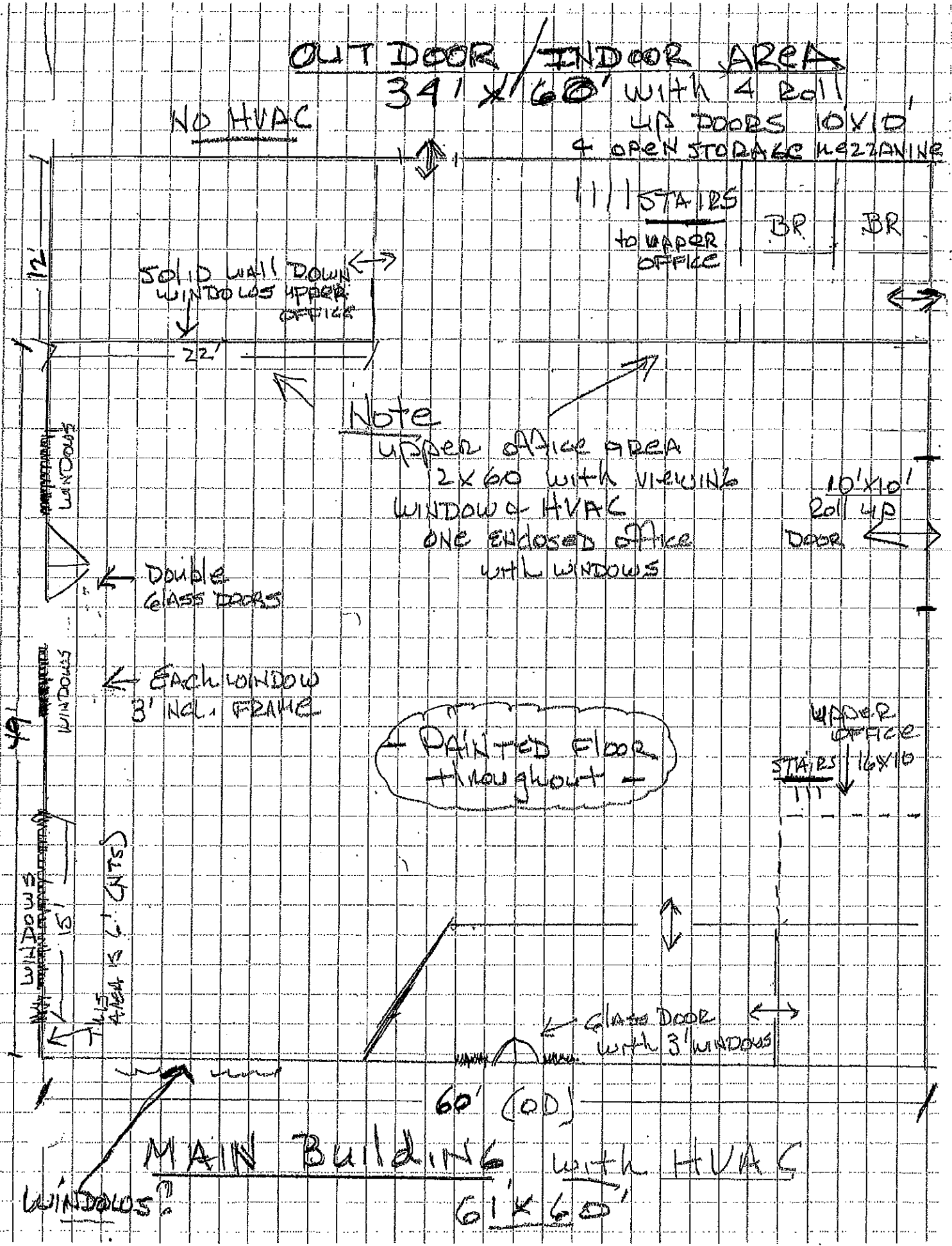
GLASS DOOR
with 3' WINDOWS

60' (OD)

MAIN BUILDING with HVAC

WINDOWS?

61x60'



From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)
Subject: BZA case 2019-416
Date: Thursday, September 5, 2019 9:31:00 AM

2019-416 105 Eagan Circle Allow Animal Daycare with Overnight Stay

Variance: 17.40.290

Response: Public Works takes no exception.

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

Christopher E. Gregory, E.I.T.

Metropolitan Government of Nashville

Department of Public Works

Engineering Division

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

METROPOLITAN 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: September 13, 2019
BZA Hearing Date: September 19, 2019
Re: Planning Department Recommendation for Special Exception Cases

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

Case 2019-416 (105 Eagan Circle) –Special Exception

Request: To permit a kennel.

Zoning: Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Land Use Policy: T3 Suburban Mixed Use Corridor (T3 CM) is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor. T3 CM areas are located along pedestrian friendly, prominent arterial-boulevard and collector-avenue corridors that are served by multiple modes of transportation and are designed and operated to enable safe, attractive, and comfortable access and travel for all users. T3 CM areas provide high access management and are served by highly connected street networks, sidewalks, and existing or planned mass transit.

Existing Context: The property is approximately 40,950 square feet (0.94 acres) and located at the northwest corner of Eagan Circle and State Road 45 in the Madison area of Nashville. The property has been developed with one large industrial/commercial building. The proposed development would use the existing structure. The proposal is to establish a kennel on site for no more than 75 dogs. The kennel would provide day time care services and overnight boarding. State Road 45 forms the southern property line for the site. The properties to the north and west are residential. The properties to the east across Eagan Circle are commercial and industrial.

Planning Department Analysis:

The applicant is requesting one exception:

- Special exception to permit a kennel.

The primary intention of the T3 CM policy is to place a mixture of residential and commercial land uses along existing corridors, with residential uses between. The site is large and is located with major road access and could likely support a commercial use. However, the T3 CM policy states that consideration should be given when transitioning from higher intensity uses along corridors to adjacent policy areas with less intensity. The policy immediately to the north is T3 NM, Suburban Neighborhood Maintenance. The T3 NM policy is intended to maintain existing suburban residential areas. There is an established neighborhood with one and two-family uses to the north and west of the proposed site. The potential impacts of a kennel on adjacent residential properties can be substantial. The potential impact is addressed in the standards for kennel special exceptions with a required setback of 200 feet between any part of the building which animals are housed and surrounding residences. The applicant has indicated that they will be using the existing structure on site. Per measurements provided by GIS, the distance between the closest wall of the residence located next to the site and the furthest point of the existing structure on site is approximately 130 feet. This would not meet the 200 foot setback requirement outlined in the special exception standards for a kennel. Given the one and two family residential character of the adjacent properties without a transition between the high intensity kennel use and low intensity residential development, staff recommends the disapproval of this request.

Planning Recommendation: Disapproval.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: KEVIN GREEN
Property Owner: KEVIN GREEN
Representative: JAMES TERRY

Date: 8-06-19
Case #: 2019-417
Map & Parcel: 091110Y00100C0
091110Y00200C0

Council District 20

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

Purpose: CONSTRUCTION OF 2 SINGLE FAMILY HOMES ON 1 PARCEL
1 PERMIT STARTED ON 905 54TH AVE N - 2019040822

Activity Type: RES. CONSTRUCTION

Location: 905 AND 907 54TH AVE N

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

Reason: VARIANCE FROM STREET SETBACK
33.8 FT PER AVERAGE, REQUESTING 20 FT

Section(s): 17.12.030 C3

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

KEVIN GREEN
Appellant Name (Please Print)

JAMES TERRY
Representative Name (Please Print)

9040 Lochmore Ct.
Address

2812 BRANWOOD DR
Address

BRENTWOOD, TN
City, State, Zip Code

NASH TN 37214
City, State, Zip Code

615-550-1270
Phone Number

615-405-7525
Phone Number

KGreew@chartwellhospitality.com
Email

larry.terry01@comcast.net
Email

Zoning Examiner: Lisa

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**



3699122

**ZONING BOARD APPEAL / CAAZ - 20190047064
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 091110Y00100CO

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

905 54TH AVE N NASHVILLE, TN 37209
UNIT 905A 905 54TH AVENUE

PARCEL OWNER: GREEN, KEVIN

CONTRACTOR:

APPLICANT:**PURPOSE:**

Setback variance request per 17.12.030 C3 required 33.8 ft average setback of adjacent existing house, requesting to apply 20 ft street setback per table 17.12.030A

Permit 2019040822 started for 905 54th Ave N Unit of HPR.

Permit Application for 2nd HPR Unit for 907 54th Ave N has not been 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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3689439

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019040822
THIS IS NOT A PERMIT**

PARCEL: 091110Y00100CO

APPLICATION DATE: 07/10/2019

SITE ADDRESS:

905 54TH AVE N NASHVILLE, TN 37209
UNIT 905A 905 54TH AVENUE

PARCEL OWNER: GREEN, KEVIN

APPLICANT:**PURPOSE:**

To construct 905 54th Ave N of new HPR/duplex family residence with 2027 sq ft of living space, 430 sq ft garage and 80 sq ft of porches and decks. Minimum 5 ft side setbacks, 30 ft minimum front setback per plat and 20 ft minimum rear setback. Minimum 6 ft between structures. Must conform to all easements on property. Maximum height of 1.5 to width ratio, not to exceed 45 ft from natural grade. Maximum building coverage on total parcel not to exceed 45%. Must conform with all easements on property. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; 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 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

[A] Zoning Review

CA - Zoning Sidewalk Requirement Review

[B] Fire Life Safety Review On Bldg App

862-5230

[E] Sewer Availability Review For Bldg

615-862-7225 mws.ds@nashville.gov

[E] Sewer Variance Approval For Bldg

615-862-7225 mws.ds@nashville.gov

[E] Water Availability Review For Bldg

615-862-7225 mws.ds@nashville.gov

[E] Water Variance Approval For Bldg

615-862-7225 mws.ds@nashville.gov

[G] Bond & License Review On Bldg App

[A] Noise Mitigation Bldg App Review

[F] Address Review On Bldg App

APPROVED

615-880-2427 Sara.Cain@nashville.gov

[D] Grading Plan Review For Bldg App

615-862-7225 mws.stormdr@nashville.gov

[C] Flood Plain Review On Bldg App

615-862-7225 mws.stormdr@nashville.gov

[F] Ramps & Curb Cuts Review For Bldg A

862-8782 PWPPermitsl@nashville.gov

[F] Solid Waste Review On Bldg App

862-8782

8-06-2019
KEVIN GREENE
9048 LOCHMERE CT.
BRENTWOOD, TENN 37027

TO: BOARD OF ZONING APPEALS

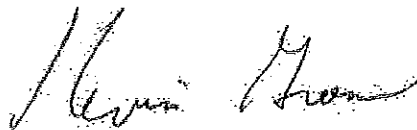
RE: BUILDING SETBACK FOR 905 54th AVENUE NORTH.

I WISH TO BUILD ON MY PROPERTY AT 905 54th AVENUE NORTH. PRESENTLY THE REQUIRED SETBACK FOR NEW CONSTRUCTION IS THE AVERAGE OF FOUR HOUSES NEXT TO MINE. THERE IS ONLY ONE OTHER HOUSE ON THIS BLOCK. THIS AVERAGE WOULD FORCE ME TO BUILD 33.8 FEET FROM 54th AVENUE NORTH. THE MINIMUM REQUIREMENT BY ZONING IS 20 FEET. THIS NEW REQUIREMENT WOULD BE A HARDSHIP FOR ME AS I HAVE AN IRREGULAR LOT. WITH THE 20 FOOT REAR YARD REQUIREMENT AND A 33.8 FOOT FRONT YARD, IT WILL REQUIRE ME TO BUILD A SMALLER HOUSE THAN THE REST OF THE NEIGHBORHOOD.

WE WISH TO BUILD AT THE ORIGINAL 20' SETBACK AS IT WOULD ENHANCE OUR HOUSE. THE NEIGHBOR ON MY LEFT SETS AT 33.8 FEET FROM THE RIGHT OF WAY AND THE NEIGHBOR ON THE RIGHT SETS ONLY 10.2 FEET FROM RIGHT OF WAY.

PLEASE CONSIDER OUR IRREGULAR LOT AND THE NEIGHBOR SETTING MUCH CLOSER TO THE ROAD THAN THE 20 FEET WE ARE ASKING FOR.

THANK YOU



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?

IRREGULAR SHAPED LOT MAKES IT
DIFFICULT TO BUILD COMPARABLE HOUSE
IF WE HAVE TO SETBACK BEYOND THE
MIN. 20' AS REQUIRED BY ZONING.

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

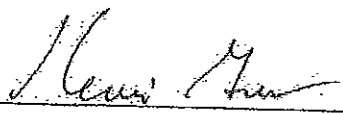
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being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

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

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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


APPELLANT

8-6-19
DATE

NOTES:
 1) BOUNDARY INFORMATION FROM PLAN OF LOTS 1301, 1302, 1305, 1307 AND 1309 OF BLOCK 195, EXTENSION OF PLAN 1, WEST NASHVILLE, AS RECORDED IN BK. 57, PG. 143, R.O.D.C., TN.

2) FRONT SETBACK CALCULATIONS
 ONLY TWO HOUSES THIS BLOCK FACE 54TH AV N
 5400 ILLINOIS AV 33.8'
 ONLY HOUSE ON BLOCK
 338' AVERAGE SETBACK
 PROPOSED SETBACK 338'

3) IMPERVIOUS CALCULATIONS
 PRE IMPERVIOUS 1200 SF
 POST IMPERVIOUS 3565 SF
 NET IMPERVIOUS 2365 SF

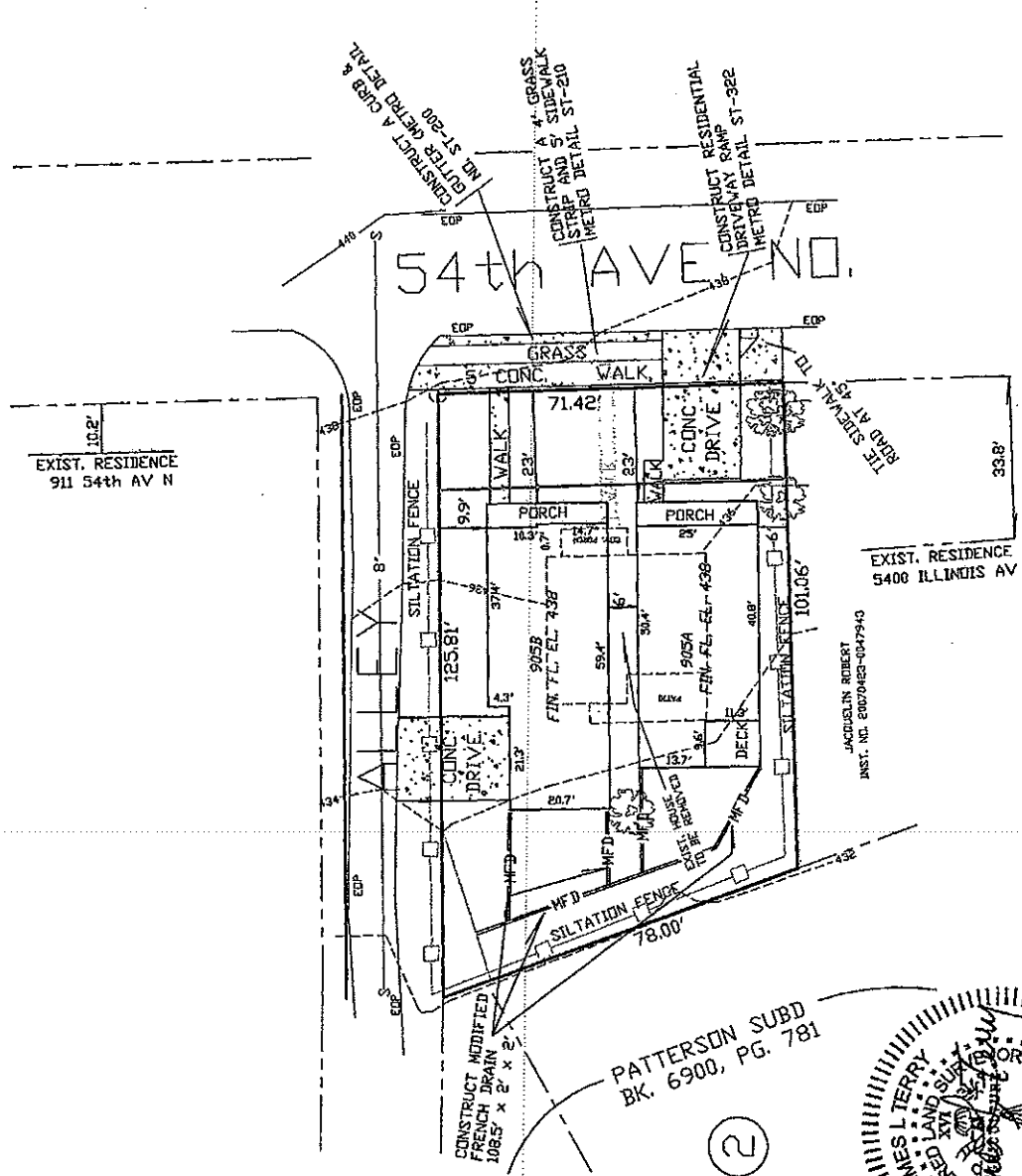
4) LOT AREA= 0.151 ACRE (4230 SF)
 5) METRO TAX MAP 0911019000000
 OWNER KEVIN GREENE
 9048 LICHNERS CT
 BREVARD, TN 37027

AS RECORDED IN INST. NO. 20000427-0041, R.O.D.C., TN.

SITE PLAN 905 54th AV. NO.

FOR
 KEVIN GREENE

DATE: 7/06/2019 SCALE: 1"=30'



PATTERSON SUBD
 BK. 6900, PG. 781



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

JACQUELIN ROBERTY
 INST. NO. E2000422-0047940

NOTES:
1) BOUNDARY INFORMATION FROM PLAN OF LOTS 1301, 1303, 1305, 1307 AND 1309 OF BLOCK 195, EXTENSION OF PLAN 1, WEST NASHVILLE, AS RECORDED IN BK. 57, PG. 143, R.O.D.C., TN.

2) FRONT SETBACK CALCULATIONS:
ONLY TWO HOUSES THIS BLOCK FACE 54TH AV N

5400 ILLINOIS AV 33.8'
ONLY HOUSE ON BLOCK

33.8' AVERAGE SETBACK
PROPOSED SETBACK 33.8'

3) IMPERVIOUS CALCULATIONS

PRE IMPERVIOUS	1280 SF
POST IMPERVIOUS	3565 SF
NET IMPERVIOUS	2285 SF

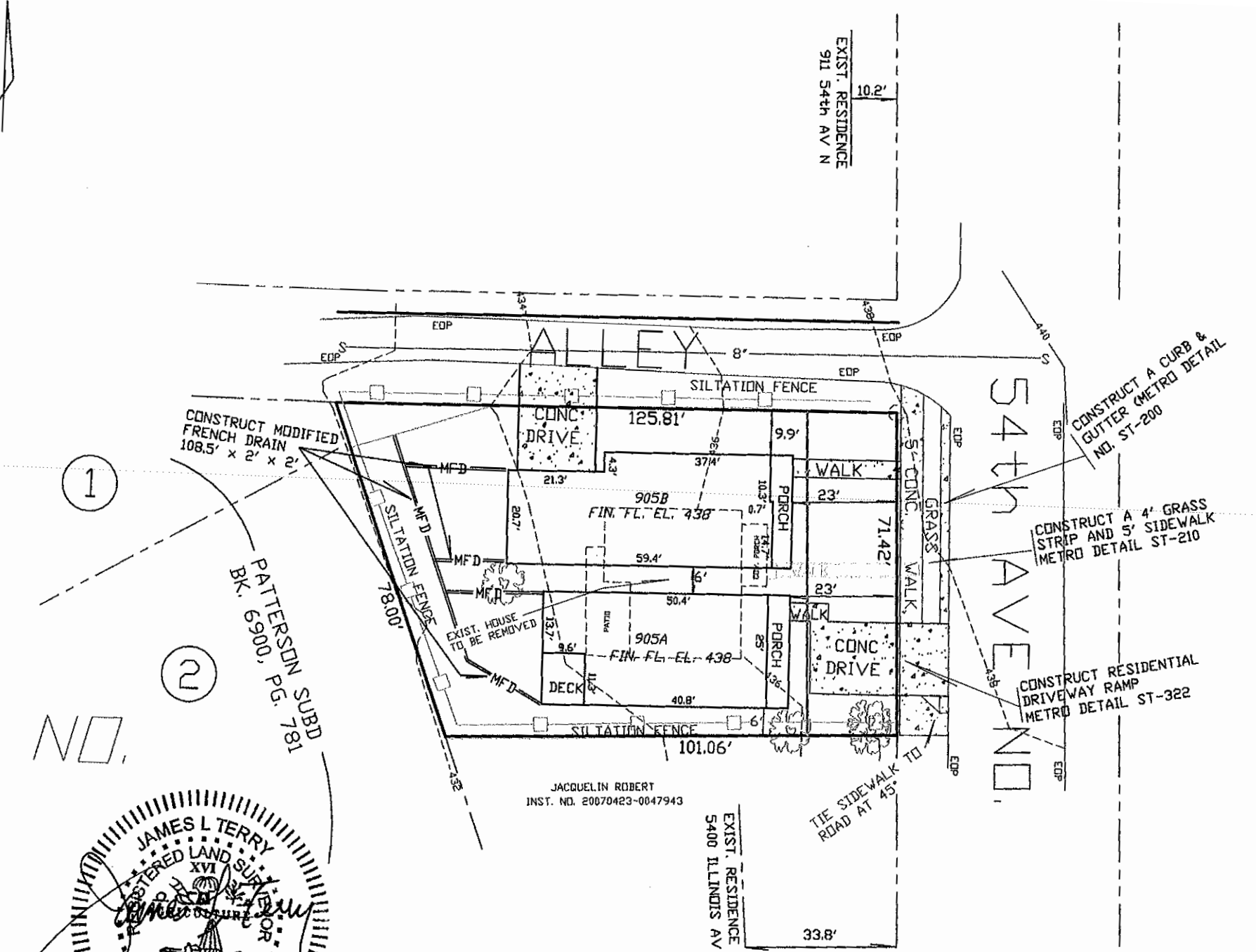
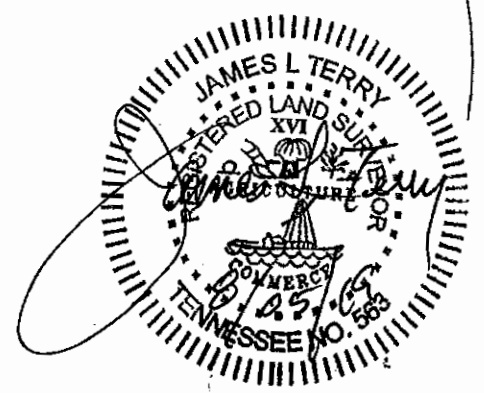
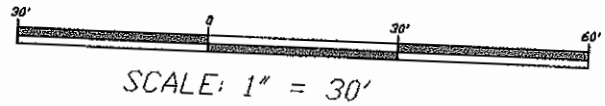
4) LOT AREA= 0.19± ACRE (8230 SF)

5) METRO TAX MAP 091110Y90000CD

OWNER: KEVIN GREENE
9048 LOCHMERE CT.
BRENTWOOD, TN 37027
AS RECORDED IN INST. NO. 20000427-0041, R.O.D.C., TN.

SITE PLAN 905 54th AV. NO. FOR KEVIN GREENE

DATE: 7/06/2019 SCALE: 1"=30'



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

JACQUELIN ROBERT
INST. NO. 20070423-0047943

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: ROB CUSHMAN
Property Owner: ROB CUSHMAN
Representative: JUSTIN CRANDALL

Date: 8/6/19
Case #: 2019-418-
Map & Parcel: 105112.H 90000CO

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: FOR proposed HPR

Activity Type: Single family (HPR)

Location: 151 A & B Rains Ave

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

Reason: Variance from sidewalk requirements asking to pay in lieu fee

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.

ROB CUSHMAN
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

639 EAST MAIN ST, STE B202
Address

6 FAWN CREEK PASS
Address

HENDERSONVILLE, TN, 37075
City, State, Zip Code

NASHVILLE, TN, 37214
City, State, Zip Code

615-559-2212
Phone Number

615-915-8288
Phone Number

rob@stratosdevelopment.com
Email

justin@builderassistllc.com
Email

Zoning Examiner: Walter m

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



3698984

ZONING BOARD APPEAL / CAAZ - 20190046967
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105112H90000CO

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

151 C RAINS AVE NASHVILLE, TN 37203

COMMON AREA 151 RAINS AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 151 RAINS AVENUE TOWNHOMES

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting a variance to pay in lieu of fee on sidewalks for proposed HPR per METZO SECTION 17.20.120

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**BUILDING RESIDENTIAL - NEW / CARN - 2019008437
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105112H00200CO

APPLICATION DATE: 02/11/2019

SITE ADDRESS:

151 B RAINS AVE NASHVILLE, TN 37203
UNIT B 151 RAINS AVENUE TOWNHOMES

PARCEL OWNER: MC2 GROUP, THE

CONTRACTOR:

APPLICANT: THE MC2 GROUP INC

THE MC2 GROUP INC

69942 STBC-A

HENDERSONVILLE, TN 37075
6159849492

PURPOSE:

parent parcel is map 105-11 parcel 30, is zoned R6-A, contains 9000 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit B of proposed horizontal property line regime duplex with 2136 sf living area and porch. units attached. max allowed height is 45' three floors max. R6-A zoning---all parking must be accessed from alley to rear of property. 32.9' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. must comply fully with metro council bills 2014-725 and 2014-770. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. PUBLIC WORKS STAFF PLEASE NOTE: SIDEWALKS ARE PRESENT ON STREET, THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2017-835 IS REQUIRED. PLEASE REVIEW ACCORDINGLY.

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

SWGR U&O Sign-off	615-862-7225 mws.stormdr@nashville.gov
Building Framing - Ceiling	Edward.Simpkins@nashville.gov
Building Floor Elevation	Edward.Simpkins@nashville.gov
U&O Sewer Availability Final Approval	615-862-7225 mws.ds@nashville.gov
WS Existing Service Cut and Capped	615-862-7225 mws.ds@nashville.gov
U&O Water Availability Final Approval	615-862-7225 mws.ds@nashville.gov
WS Existing Service Cut and Capped	615-862-7225 mws.ds@nashville.gov
Building Footing	Edward.Simpkins@nashville.gov
Building Foundation	Edward.Simpkins@nashville.gov
Building Framing	APPROVED Edward.Simpkins@nashville.gov
Building Framing - Wall	Edward.Simpkins@nashville.gov
CA Building Progress Inspection	Edward.Simpkins@nashville.gov
Building Slab	Edward.Simpkins@nashville.gov
Building Final	Edward.Simpkins@nashville.gov
Codes Tree U&O Final Inspection	
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov
[D] Grading Plan Review For Bldg App	615-862-7225 mws.stormdr@nashville.gov
[F] Sidewalk Review For Bldg App	862-8758 Benjamin.york@nashville.gov

Inspection requirements may change due to changes during construction.



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



**BUILDING RESIDENTIAL - NEW / CARN - 2019008424
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105112H00100CO

APPLICATION DATE: 02/11/2019

SITE ADDRESS:

151 A RAINS AVE NASHVILLE, TN 37203
UNIT A 151 RAINS AVENUE TOWNHOMES

PARCEL OWNER: MC2 GROUP, THE

CONTRACTOR:

APPLICANT: THE MC2 GROUP INC

THE MC2 GROUP INC

69942 STBC-A

HENDERSONVILLE, TN 37075
6159849492

PURPOSE:

parent parcel is map 105-11 parcel 30, is zoned R6-A, contains 9000 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit A of proposed horizontal property line regime duplex with 2087 sf living area and porch area. units attached. max allowed height is 45' three floors max. R6-A zoning---all parking must be accessed from alley to rear of property. 32.9' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. must comply fully with metro council bills 2014-725 and 2014-770. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bills 2017-835. PUBLIC WORKS STAFF PLEASE NOTE: SIDEWALKS ARE PRESENT ON STREET, THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW ACCORDINGLY.

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

Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

SWGR U&O Sign-off		615-862-7225 mws.stormdr@nashville.gov
Building Framing - Ceiling		Edward.Simpkins@nashville.gov
Building Floor Elevation		Edward.Simpkins@nashville.gov
U&O Sewer Availability Final Approval		615-862-7225 mws.ds@nashville.gov
WS Existing Service Cut and Capped		615-862-7225 mws.ds@nashville.gov
U&O Water Availability Final Approval		615-862-7225 mws.ds@nashville.gov
WS Existing Service Cut and Capped		615-862-7225 mws.ds@nashville.gov
Building Footing		Edward.Simpkins@nashville.gov
Building Foundation		Edward.Simpkins@nashville.gov
Building Framing	APPROVED	Edward.Simpkins@nashville.gov
Building Framing - Wall		Edward.Simpkins@nashville.gov
CA Building Progress Inspection		Edward.Simpkins@nashville.gov
Building Slab		Edward.Simpkins@nashville.gov
Building Final		Edward.Simpkins@nashville.gov
Codes Tree U&O Final Inspection		
U&O Letter		615-862-6527 tawanna.dalton@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov

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

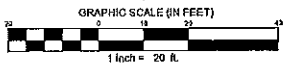
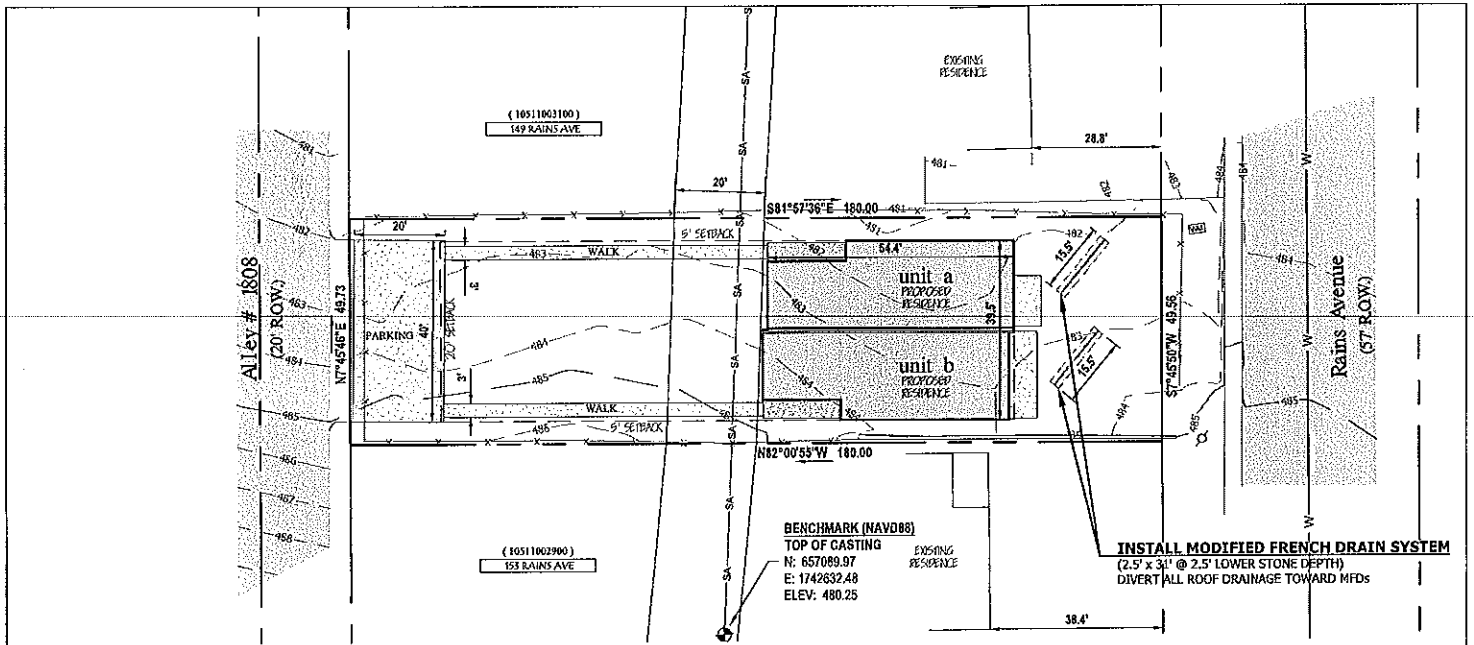
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

SIDENALK VARIANCE - NOT TO BUILD AND PAY
IN LIEU OF FEE



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

Site Plan
 151 Rains Avenue
 Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-418 (151 Rains Avenue)

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

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing two residential units on this parcel, and requests to contribute in-lieu of constructing sidewalks due to existing utility poles and storm water concerns. The Board of Zoning Appeals denied the applicant's original request to not construct sidewalks and not contribute in-lieu. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip currently exists along the property frontage which is consistent with adjacent parcels to the north and south.
- (2) Contributing 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 **approval with conditions:**

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

Jeffrey S. Curry
P O Box 733
Greenville, KY 42345

August 29, 2019

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

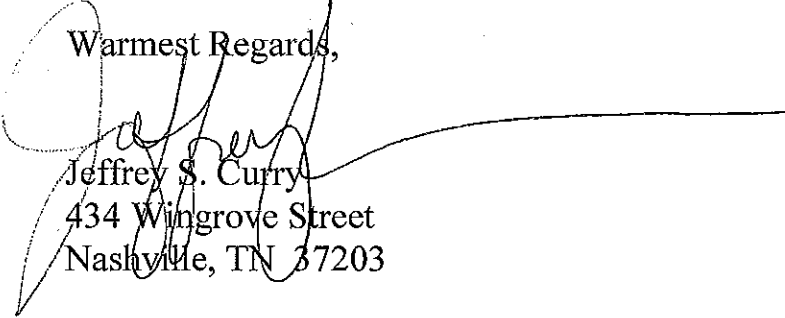
RE: Appeals Case 2019-418
Appeals Case 2019-419

Dear Board Members,

As a nearby property owner I welcome thoughtful, new development to our neighborhood near the Fairgrounds. However, developers must follow the established rules regarding sidewalks. I understand that the site may present challenges to the developer but it is Mr. Cushman's responsibility. In allowing developers to pay into a sidewalk fund will not guarantee that sidewalks will be installed on this site.

In light of the redevelopment of the Fairgrounds, sidewalks are a necessity. More, safe sidewalks will result in fewer cars needed to get neighbors to events at the Fairgrounds.

Warmest Regards,



Jeffrey S. Curry
434 Wingrove Street
Nashville, TN 37203

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: ROB CUSHMAN
Property Owner: ROB CUSHMAN
Representative: JUSTIN CRANDALL

Date: 8/6/19
Case #: 2019-419
Map & Parcel: 10511003100

Council District 17

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

Purpose:

To construct two single family residences

Activity Type: Single Family

Location: 149 RAINS AVE

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

Reason:

Variance to pay in lieu fee

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.

ROB CUSHMAN

Appellant Name (Please Print)

JUSTIN CRANDALL

Representative Name (Please Print)

639 EAST MAIN ST, STE B202

Address

6 FAWN CREEK PASS

Address

HENDERSONVILLE, TN, 37075

City, State, Zip Code

NASHVILLE, TN, 37214

City, State, Zip Code

615-559-2212

Phone Number

615-915-8288

Phone Number

rob@stratosdevelopment.com

Email

justin@builderassistllc.com

Email

Zoning Examiner: Walter M

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



3698987

ZONING BOARD APPEAL / CAAZ - 20190046969
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10511003100

APPLICATION DATE: 08/06/2019

SITE ADDRESS:

149 RAINS AVE NASHVILLE, TN 37203
PT LOT 1 J P WILLIAMS

PARCEL OWNER: WRIGHT, CLINT

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting a variance to pay in lieu of fee for proposed HPR on sidewalks per METZO SECTION 17.20.120.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

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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.

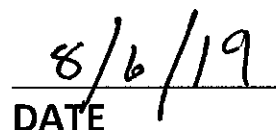
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

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

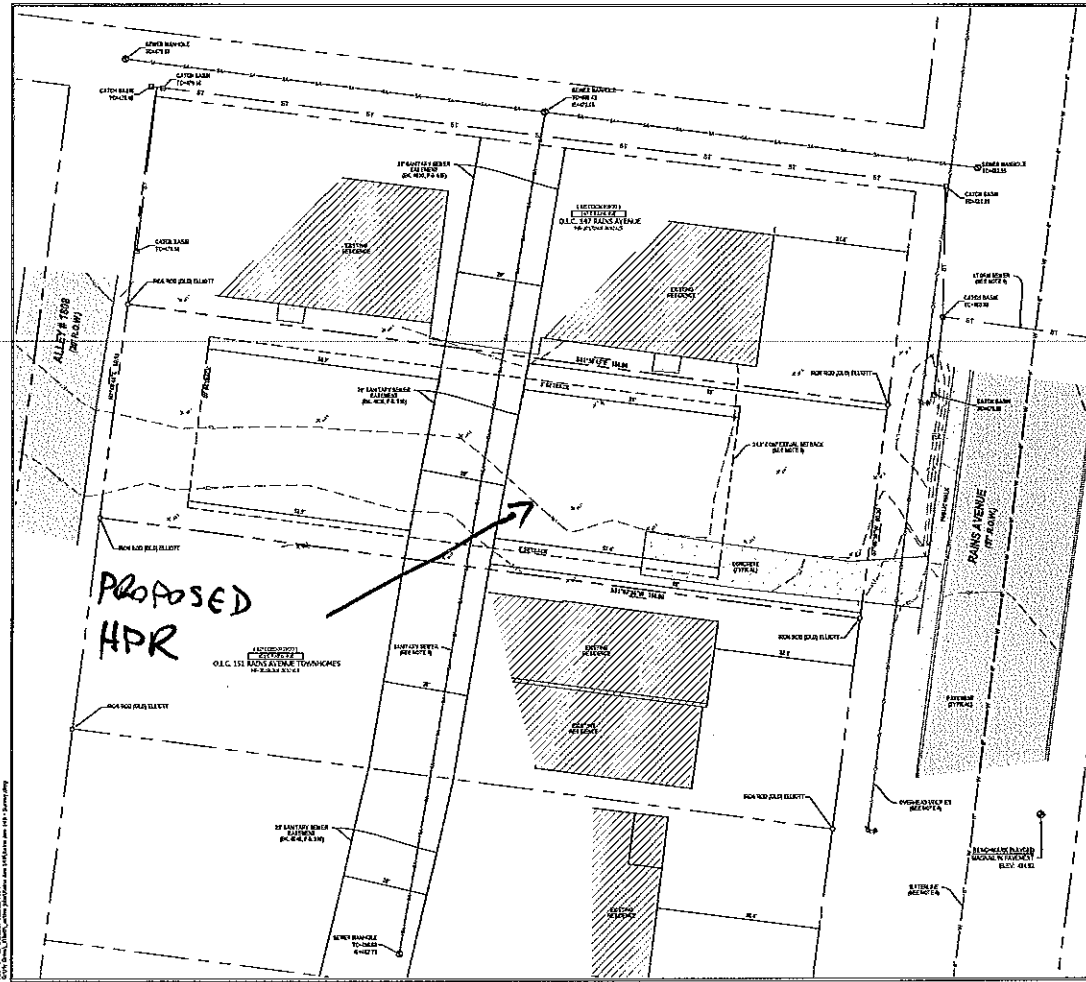
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

SIDEWALK VARIANCE - NOT TO BUILD AND TO
PAY IN LIEU OF FEE



TOTAL LOT AREA
9,245.87 OR ± 274 ACRES

MAP REFERENCE
Plat 81 to which property is 18781 N. 14th St. in Town of County, Tennessee

DEED REFERENCE
Deed 12,200, 12,212, et al. of 18781 N. 14th St. in Town of County, Tennessee

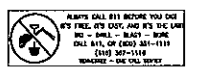
PLAT REFERENCE
Plat 81 to which property is 18781 N. 14th St. in Town of County, Tennessee

- SURVEYOR'S NOTES**
- The property is located in the City of Nashville, Davidson County, Tennessee.
 - The property is located in the City of Nashville, Davidson County, Tennessee.
 - Where shown, the survey is based on the ground surface and does not include the subsurface or any other rights or interests in the land.
 - The survey is not intended to be a part of the survey. The survey is subject to the rights of the owner of the land.
 - The survey is based on the ground surface and does not include the subsurface or any other rights or interests in the land.
 - The survey is not intended to be a part of the survey. The survey is subject to the rights of the owner of the land.
 - The survey is based on the ground surface and does not include the subsurface or any other rights or interests in the land.

SURVEYOR'S CERTIFICATE

I, the undersigned, being duly qualified and sworn as a Surveyor in and for the State of Tennessee, do hereby certify that the foregoing is a true and correct copy of the original survey as shown to me by the owner of the land and that the same is in accordance with the provisions of the laws of the State of Tennessee and the rules and regulations of the Board of Surveyors and the Department of Revenue of the State of Tennessee.

Given at Nashville, Tennessee, this 14th day of August, 2019.



Symbol Legend

Survey	18781 N. 14th St.
Boundary	18781 N. 14th St.
As-Built	18781 N. 14th St.
Proposed	18781 N. 14th St.
Utility	18781 N. 14th St.
Other	18781 N. 14th St.



ELLIOTT SURVEY
Boundary & Topographic Survey
149 Rains Avenue
Nashville, Davidson County, Tennessee 37203

Project No.	19-011
Client No.	19-011
Field Date	8/14/19
Scale	AS SHOWN
Date Plotted	8/14/19

Boundary & Topographic Survey
V-1.00

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-419 (149 Rains Avenue)

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

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing two residential units on this parcel, and requests to contribute in-lieu of constructing sidewalks due to existing utility poles and storm water concerns. The Board of Zoning Appeals denied the applicant's original request to not construct sidewalks and not contribute in-lieu. Planning evaluated the following factors for the variance request:

- (1) A 5' sidewalk without a grass strip currently exists along the property frontage which is consistent with adjacent parcels to the north and south.
- (2) Contributing 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 **approval with conditions:**

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

METROPOLITAN GOVERNMENT OF SHSHELL AND DAVIDSON COUNTY



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

Appellant: George Fanous Date: 6-4-19
 Property Owner: George Fanous Case #: 2019-319
 Representative: George Fanous Map & Parcel: 15007049100
 Council District: 33

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: 3425 Towne Village 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: 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: George Fanous Representative: _____
 Phone Number: 615 769-9528 Phone Number: _____
 Address: 3425 Towne Village Rd Address: _____
Antioch, TN 37013
 Email address: Nzaka2007@hotmail.com Email address: _____

Appeal Fee: \$100.00



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



3676979

**ZONING BOARD APPEAL / CAAZ - 20190032698
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 15007049100

APPLICATION DATE: 06/04/2019

SITE ADDRESS:

3425 TOWNE VILLAGE RD ANTIOCH, TN 37013
LOT 531 TOWNE VILLAGE OF THE COUNTRY SEC 5

PARCEL OWNER: FANOUS, GEORGE NAZIR

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.

Rental Unit Record

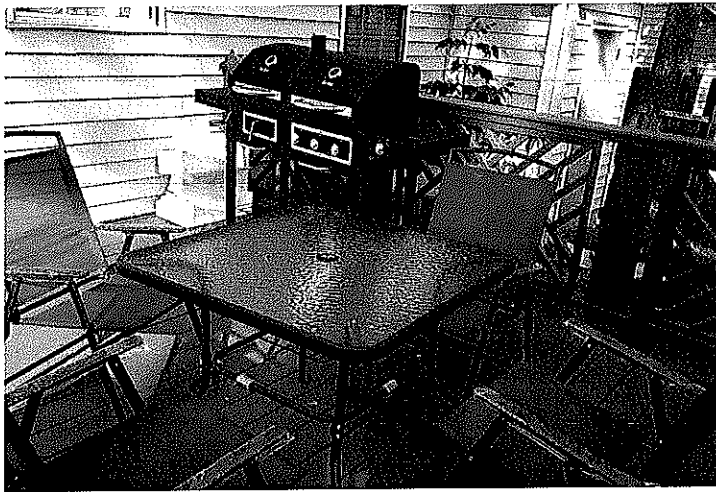
3425 Towne Village Rd, Antioch, TN 37013, USA

Removed X
Identified ✓
Compliant ✓

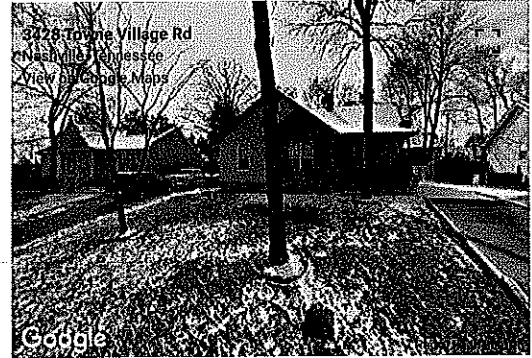
PRINT

Listing(s) Information

Airbnb - 24807925



Rental Unit Information



Identified Address

3425 Towne Village Rd, Antioch, TN 37013, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.074806, -86.600218

Parcel Number

15007049100

Owner Name

FANOUS, GEORGE NAZIR

Owner Address

3425 Towne Village Rd
Antioch, TN 37013, US

Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air24807925 Removed
May 30th, 2019

Matched Details

Analyst

VZTL

Explanation

Exterior of listing is visible on street view. The railing of the porch has been painted white, but otherwise, the house is identical to listing.

Listing Photos



Matching 3rd Party Sources



Front exteriors are identical.

Zip Code Match

Owner Name Match

City Name Match

6/4/2019

Matched property listing

Listing Details

Listing URL — <https://www.airbnb.com/rooms/24807925>
 Listing Status ● Inactive
 Host Compliance Listing ID — air24807925
 Listing Title — Cute and Cozy House about 10-12 mins to Downtown
 Property type — House
 Room type — Entire home/apt
 Listing Info Last Captured — May 26, 2019
 Screenshot Last Captured — May 18, 2019
 Price — \$170/night
 Cleaning Fee — \$65

- 📅 5 Documented Stays
May, 2019
- 📅 2 Documented Stays
April, 2019
- Listing air24807925 Reposted
April 14th, 2019
- ✕ Listing air24807925 Removed
April 13th, 2019
- ☹️ tip: 3425 Towne Village Rd , Antioch
March 30th, 2019
- 📅 8 Documented Stays
March, 2019
- 📅 5 Documented Stays
February, 2019
- 📅 2 Documented Stays
January, 2019
- 📅 3 Documented Stays
December, 2018

Information Provided on Listing

Contact Name — George
 Latitude, Longitude — 36.074520, -86.600870
 Minimum Stay (# of Nights) — 1
 Max Sleeping Capacity (# of People) — 6
 Max Number of People per Bedroom — 2
 Number of Reviews — 40
 Last Documented Stay — 05/2019

- Listing air24807925 Reposted
December 30th, 2018
- ✕ Listing air24807925 Removed
December 29th, 2018
- Listing air24807925 Reposted
December 28th, 2018
- ✕ Listing air24807925 Removed
December 19th, 2018
- Listing air24807925 Reposted
November 16th, 2018
- ✕ Listing air24807925 Removed
October 23rd, 2018
- 📅 3 Documented Stays
October, 2018
- Listing air24807925 Reposted
October 23rd, 2018
- ✔ First Warning - No STR or Tax: Delivered 📅
October 11th, 2018
- ✕ Listing air24807925 Removed
October 9th, 2018
- ☹️ tip: 3425 Towne Village Rd , Antioch
October 6th, 2018
- ✔ First Warning - No STR or Tax: Sent 📅
October 5th, 2018
- 📅 4 Documented Stays
September, 2018
- ✓ Listing air24807925 Identified
September 24th, 2018
- Listing air24807925 Reposted
September 11th, 2018
- ✕ Listing air24807925 Removed
September 6th, 2018
- 📅 4 Documented Stays
August, 2018

Listing Screenshot History

📷 View Latest Listing Screenshot

April 7

May 5

June 0

Matched property listing

- 📅 4 Documented Stays
July, 2018
- ✳ Listing air24807925 First Crawled
July 9th, 2018
- Listing air24807925 First Activity
July 6th, 2018

From: [Margaret Robinson](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case# 2019-319 - DEFINITELY OPPOSED
Date: Monday, September 2, 2019 3:11:22 PM
Attachments: [SKM_C45819082809420.pdf](#)

To whom it may concern:

We received the attached notification. Unfortunately, we are unable to attend the hearing. However, we wanted to be known that we are opposed to having short term rentals on our very neighborhood friendly street.

It is my understanding from one of the neighbors that the police have visited this address because of the late night disturbance.

Most of the families on our street have been here at least five year, and several of the children play together out of doors in our safe space. We would like to keep our street "as is".

Respectfully,
Margaret T. Robinson, MPA
3433 Towne Village Road
Antioch, TN 37013
615.999.5340

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Samuel B. Levine Date: 7-3-19
Property Owner: Samuel B. Levine Case #: 2019-361
Representative: Lisa K. Levine Map & Parcel: V512604300

Council District 23

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

Purpose: to reinstate permit # 201618064
the home changed ownership to a trust
after issuance!

Activity Type: Short Term Rental
Location: 6209 VOSSWOOD DR.

This property is in the R540 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal
Section(s): 17.1b.250.E

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.

Samuel B. Levine
Appellant Name (Please Print) Representative Name (Please Print)
6607 Ormond Dr.
Address Address
Nashville, TN
City, State, Zip Code 37205 City, State, Zip Code
615-330-6747
Phone Number Phone Number

sam@samlevinemusic.com
Email Email

Appeal Fee: \$100



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



3687314

**ZONING BOARD APPEAL / CAAZ - 20190039386
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11512004300

APPLICATION DATE: 07/03/2019

SITE ADDRESS:

6205 VOSSWOOD DR NASHVILLE, TN 37205
LOT 169 SEC G WEST MEADE FARMS

PARCEL OWNER: LEVINE, SAMUEL BILLET REVOCABLE LIV CONTRACTOR:

APPLICANT:**PURPOSE:**

Non-owner occupied permit issued May 9, 2016. Renewed twice. On July 19, 2018, owner quitclaimed from self to self as trustee. The law does not allow transfers of STRP permits, thus this permit was invalid since the change in ownership,

*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.

DAVID BRILEY
MAYOR



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

June 24, 2019

Levine, Samuel Billett Revocable Living Trust, The
6607 Ormond Dr
Nashville, TN 37205

RE: Permit CASR # 201618064
Permit Address 6205 Vosswood Dr

Dear Levine, Samuel Billett Revocable Living Trust:

Pursuant to Section 17.16.250.E of the Metropolitan Code of Laws, this letter serves as your formal notice that the above-referenced STRP permit is no longer valid.

This property changed ownership after the date of permit issuance. The law does not allow transfers of STRP permits, thus this permit has been invalid since the 7/19/2018 ownership change. An application for a new permit may be filed at the Codes Department; however, until a new permit is issued all short term rental activity, including advertising and operating, must cease immediately at this address. Any such activity at the subject address will be a violation of law and could subject you to court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Herring Lamb
Metro Codes



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
7/2/2019 2:15:20PM

Owner History

PAR:11512004300

ADDRESS

6205 VOSSWOOD DR ,NASHVILLE, TN 37205 - Property

Current Owner

LEVINE. SAMUEL BILLETT REVOCABLE LIVING TRUST, THE. 6607 ORMOND DR. NASHVILLE. (US)

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20180723 0071688
Valid Sale		Acquired	19-Jul-2018
Price		Historical	

Previous Owners

LEVINE. SAMUEL B.. 6607 ORMOND DR. NASHVILLE. (US) TN. 37205

Sale		Instrument	
Code	I	Type	Quit Claim Deed
Source	I	Number	QC-20121217 0115999
Valid Sale		Acquired	3-Nov-2012
Price	\$75,800.00	Historical	19-Jul-2018

LEVINE. SAMUEL B. ET UX. 6205 VOSSWOOD DR. NASHVILLE. (US) TN. 37205

Sale		Instrument	
Code	Q	Type	Deed
Source	I	Number	DB-00007524 0000923
Valid Sale		Acquired	14-Apr-1988
Price	\$162,500.00	Historical	03-Nov-2012

CRABTREE. STEPHEN E. ETUX. 6205 VOSSWOOD DR. NASHVILLE. (US) TN. 37205

Sale		Instrument	
Code	X	Type	Deed
Source	I	Number	DB-00005168 0000783
Valid Sale		Acquired	8-Jul-1977
Price	\$47,000.00	Historical	14-Apr-1988



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
7/2/2019 2:15:20PM

Owner History

PAR:11512004300

ADDRESS

6205 VOSSWOOD DR ,NASHVILLE, TN 37205 - Property

TYRRELL. LARRY JACK ETUX. 6205 VOSSWOOD DR.. NASHVILLE. (US) TN. 37205

Sale		Instrument	
Code		Type	Deed
Source		Number	DB-00004823 0000441
Valid Sale		Acquired	7-Jun-1974
Price	\$36,800.00	Historical	08-Jul-1977



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
02-Jul-19 2:13:35PM

Owner Change

Parcel: 11512004300

Parcel Acreage: 0.99

Parcel Created: 07-Jun-74

ADDRESS

6205 VOSSWOOD DR ,NASHVILLE, TN 37205 - Property

Current Owner

LEVINE, SAMUEL BILLET REVOCABLE LIVING TRUST, THE, 6607 ORMOND DR, NASHVILLE,
(US) TN, 37205

Sale		Instrument	
Code		Type	Quit Claim Deed
Source		Number	QC-20180723 0071688
Valid Sale		Acquired	19-Jul-18
Price		Historical	

Previous Owners

LEVINE, SAMUEL B., 6607 ORMOND DR, NASHVILLE, (US) TN, 37205

Sale		Instrument	
Code		Type	Quit Claim Deed
Source		Number	QC-20121217 0115999
Valid Sale		Acquired	3-Nov-12
Price	\$75,800.00	Historical	19-Jul-18

Appeal Information

July 3, 2019

On May 9, 2016 A short term rental permit was granted for the property at 6205 Vosswood Drive Nashville, TN. 37205.

The permit was renewed 2 additional times for 2017 & 2018, up to May 9, 2019.

The property has had no violations and has been in full compliance with all license and taxes paid timely.

In the first week of April received Renewal letter for permit CASR-201618064.

Documentation was notarized and mailed with check to Metro Codes address on 4/22.

Received letter on 6/7/19 @ 5:15 PM from Santa Ana, CA. - letter dated 5/30/19 violation of not having a permit. (does not conform to 15 day notice regulation)

Section cited was for Owner occupied property - we are non-owner occupied.

We believed the documentation had not been received and must be lost.

Monday, June 10th, 8:05 am we leave voice mail message for Robert Osborne requesting appointment. 8:45 receive email from Osborne to come in between 10:00-11:00 am.

Arrive Metro Codes office 9:50 for appointment with Osborne. He retrieves info on property address and after seeing check register and back-up for Bank notary he agrees it must be lost in mail. Mr. Osborne takes me to 1st floor and has me fill out new paperwork. Documents are notarized and submitted with check.

At this point I ask, "the property belongs to my husband and don't I need him to execute these documents for them to be valid? I want to make sure this is done right?" Osborne said "Oh you have moved your property into a trust and now you can't get a permit." He spoke to his supervisor and they will except new documents and send them to the legal department for determination. He gave permission to continue to operate until I get another letter. The next day, June 11, I asked for this permission in written form and Mr. Osborne sends to me via email.

My husband contacted the attorney, Rob Hazzard (Gullett, Sanford, Robinson & Martin PCCL), that did our estate planning and reminded him of the extensive conversation about us operating as a STRP and that it was our intent to continue to do that for up to 10 years, for our retirement. We reminded him he said "It is a lateral move."

Rob Hazzard said "He feels terrible about this" and he will help us. We took the professional advice of an attorney that knew our situation and we asked directly if putting the property in the trust would effect our permit in any way. We trusted bad advice.

The property continues to be current on all tax payments. Advertising the property was discontinued prior to receiving the letter that was dated on June 24 and received late afternoon on June 29th from Ms. Lamb.

As a good faith gesture and on the advice of our new attorney Shawn Henry, (Tune, Entrekin & White P.C.) we are moving the property back into Samuel B. Levine's name. Mr. Henry has directed us to file an appeal with the Board of Zoning Appeals.

Please see supporting documentation:

All relevant documents

Supporting letters from neighbors

Supporting letters from family & friends we have let stay at the property



115-12-43

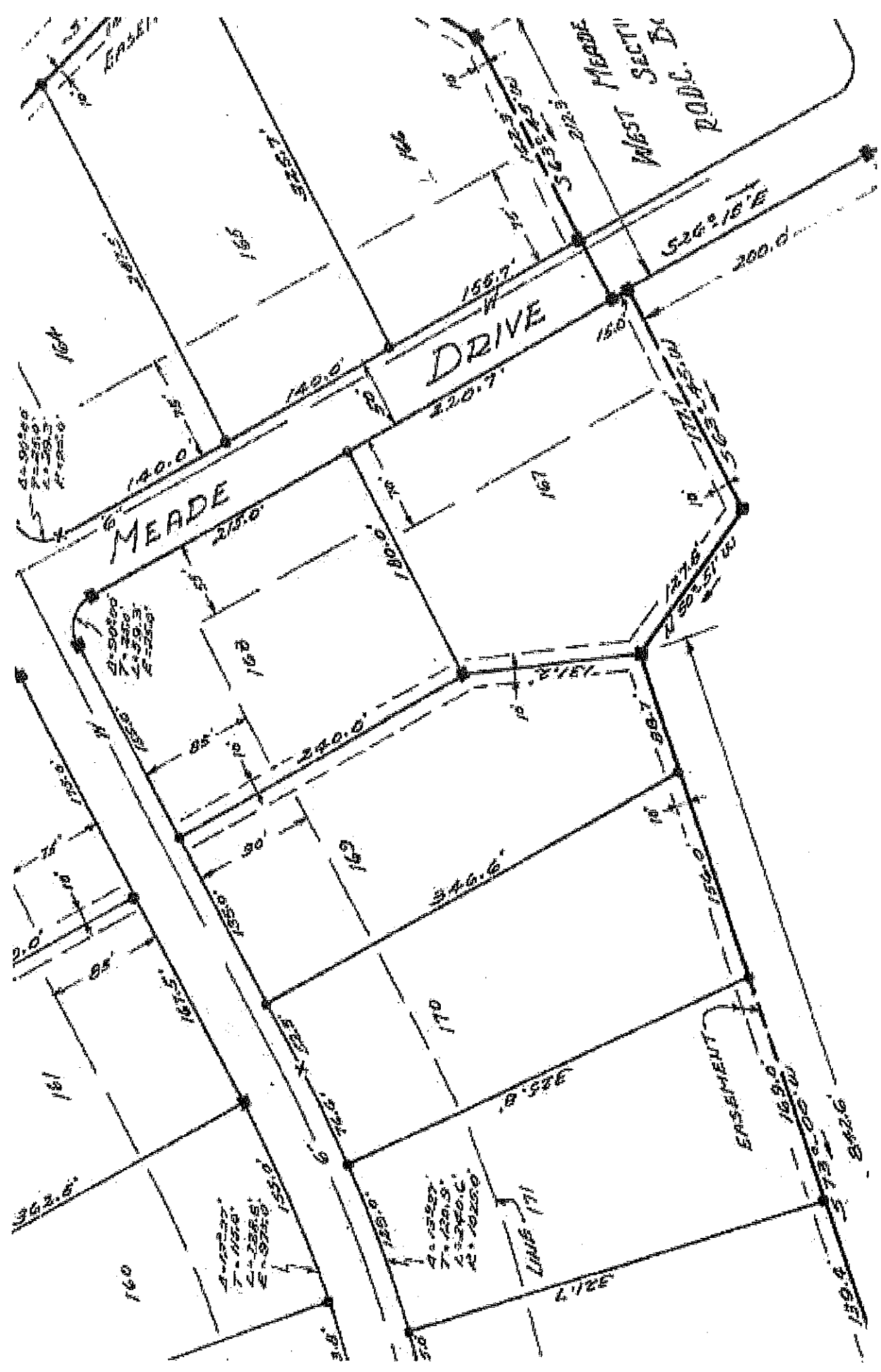
511/5281

lot 169



1 inch = 50 feet





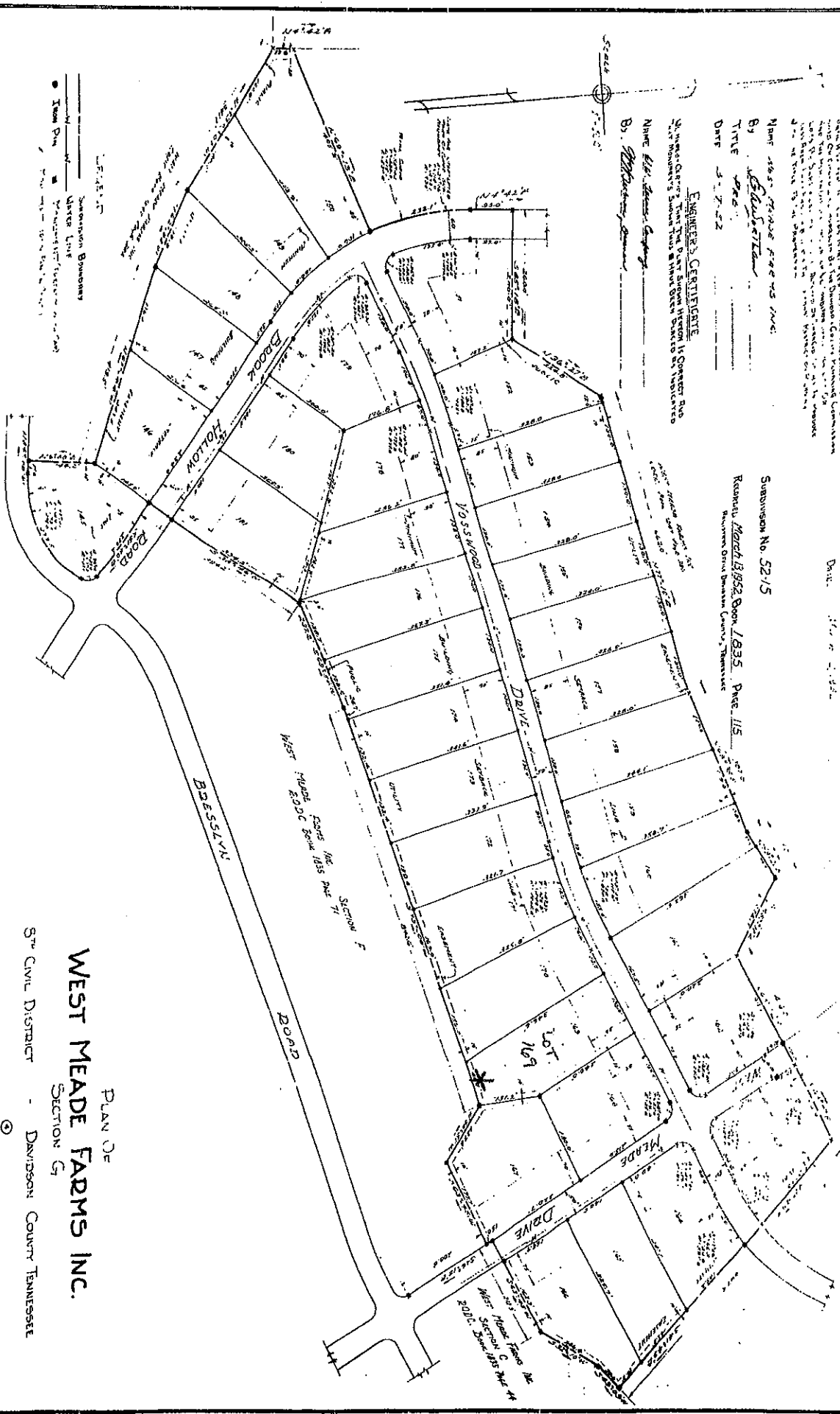
OWNER'S CERTIFICATE
 I, the undersigned, do hereby certify that the above described land is the property of the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein.

Name: *West Meade Farms Inc.*
 By: *W. C. ...*
 Title: *...*
 Date: *...*

ENGINEER'S CERTIFICATE
 I, the undersigned, do hereby certify that the above described land is the property of the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein.

Subdivision No. *52/15*
 Recorded *March 23, 1952, Book 1835, Page 115*
 Surveyor *David ...*

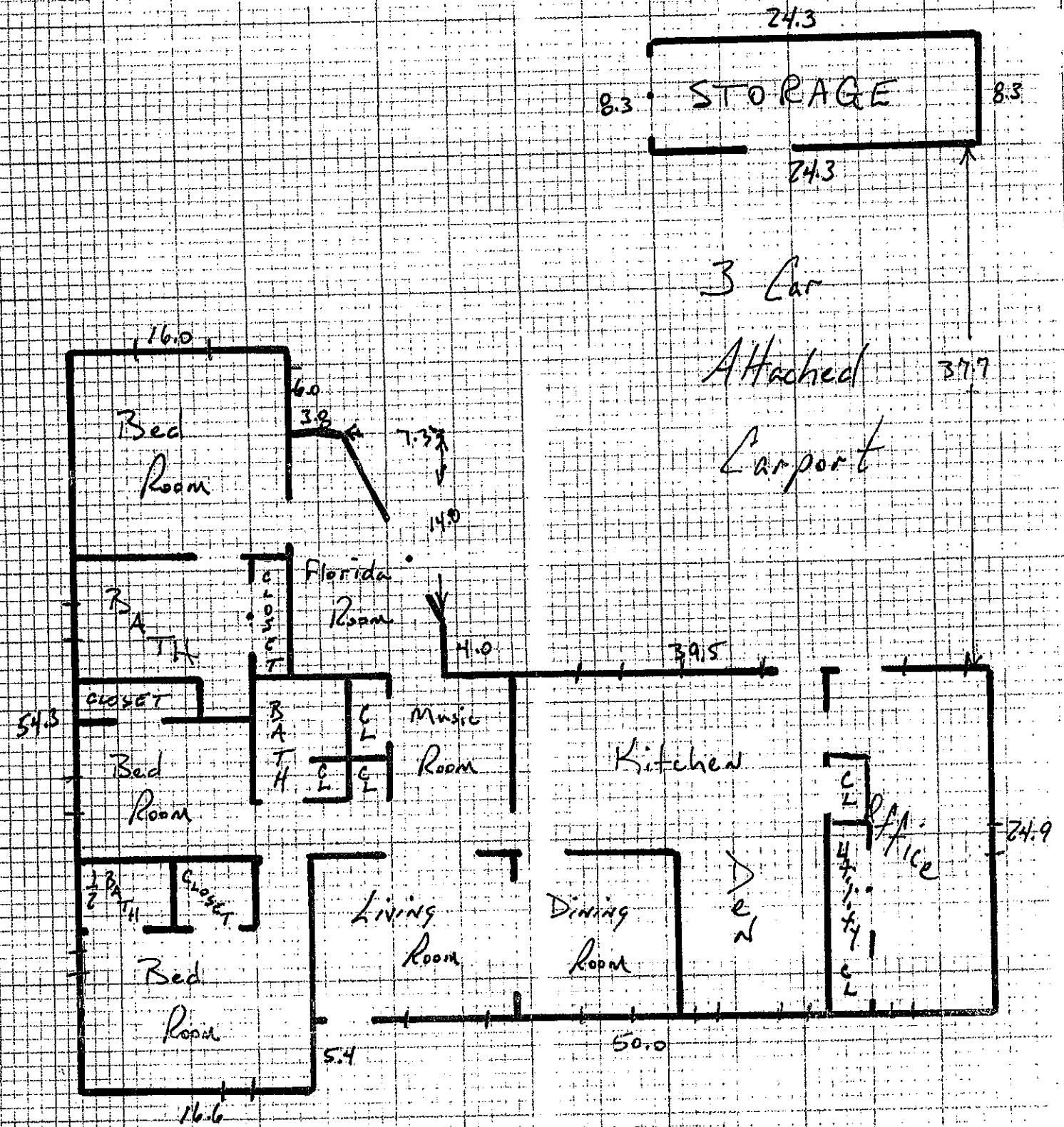
COMMISSION'S APPROVAL
 I, the undersigned, do hereby approve the above described land for sale or lease by the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein, and that the same is being offered for sale or lease by the person or persons named herein.



W. C. ...
 CIVIL ENGINEER
 NASHVILLE, TENNESSEE

PLAN OF WEST MEADE FARMS INC.
 SECTION 5
 5TH CIVIL DISTRICT - DAVIDSON COUNTY TENNESSEE

Back 1835 page 115





Metropolitan Government of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
 Metro Office Building - 1st Floor / 800 Second Ave S / Nashville TN 37210
 phone - (615) 862-6510 fax- (615) 862-6514

Short Term Rental Property ("STRP") Renewal Notice
 M.C.L. 6.28.030

Samuel B. Levine
 6607 ORMOND DRIVE
 NASHVILLE TN 37205

Your STRP Permit number **CASR-201618064** expires on **05/09/19**.
 You may renew your permit by returning the enclosed affidavit, fully
 completed and notorized along with a check for \$50.00 made payable
 to **The Metropolitan Government**. Your cancelled check is your
 receipt.

Mail to: Metro Department of Codes and Building Safety
 STRP Permit Renewal
 P.O. Box 196300
 Nashville TN 37219-6300

pd
 H22
 #1914

Failure to renew your STRP permit before the expiration date
 will result in cancellation of the permit. You are
 responsible for timely delivery of the completed affidavit and
 full payment.

Cash and credit card payments can only be made in person at
 Metro Codes' office. If you have multiple STRP permits, you
 must complete and return an affidavit for each permit and
 payment for each permit.

<u>Permit Address</u>	<u>Property Owner</u>	<u>Expiration Date</u>
6205 VOSSWOOD DR	LEVINE, SAMUEL BILLET REVOCABLE LIVING TRUST, THE	05/09/19

REVOCABLE TRUST AGREEMENT

THE SAMUEL BILLETT LEVINE REVOCABLE LIVING TRUST

I, Samuel Billett Levine (the "Grantor"), establish this revocable trust agreement ("Agreement" or "trust") with Samuel Billett Levine, as trustee (the "Trustee").

This trust shall be called The Samuel Billett Levine Revocable Living Trust. The effective date of this trust is July 19, 2018.

ITEM 1 BENEFICIARIES

1.A. **Grantor.** I, Samuel Billett Levine, am the sole beneficiary of this trust for my lifetime. Following my death, the beneficiaries are as set forth below.

1.B. **Spouse.** I am married to Lisa Kirk Levine (my "spouse").

1.C. **Children.** My children are Sybil Faustina Levine and Reed Elliott Levine (who are referred to in this Agreement individually as my "child" and collectively as my "children").

ITEM 2 TRUSTEE

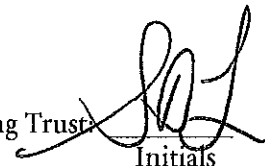
2.A. **Original Trustee.** I, Samuel Billett Levine, shall serve as the original Trustee.

2.B. **Successor Trustee.** Upon my death, resignation or incompetence, I appoint Lisa Kirk Levine to serve jointly as the successor Trustee with either Elliott Manice Levine or such corporate fiduciary as appointed in writing by Lisa Kirk Levine. If Lisa Kirk Levine survives me but is unable or unwilling to serve for any reason, then either Elliott Manice Levine or such corporate fiduciary as appointed to serve by my spouse shall serve alone. In no event shall Lisa Kirk Levine serve alone. If upon my death my spouse predeceases me, or if she survives me and is otherwise unable or unwilling to serve for any reason or appoint a fiduciary to serve as provided hereinabove, then Elliott Manice Levine shall serve alone as successor Trustee.

Any such appointments of a corporate fiduciary must be a financial institution having trust assets under management in a fiduciary capacity over \$500,000,000. Any such appointments shall not require the consent of any court or beneficiary hereunder.

ITEM 3 TRUST ESTATE

3.A. **Establishment of Trust.** I hereby establish this trust and reserve the right to fund it with transfers during my life or at my death.



Initials

REVOCABLE TRUST AGREEMENT
OF
SAMUEL BILLET'T LEVINE
ESTABLISHING
THE SAMUEL BILLET'T LEVINE REVOCABLE LIVING TRUST

PREPARED BY:

Robert J. Hazard, Esq.

GULLETT SANFORD

ROBINSON & MARTIN PLLC

150 THIRD AVENUE SOUTH, SUITE 1700 | NASHVILLE TN 37201

PHONE | 615.244.4994

EMAIL | RHAZARD@GSRM.COM

WEBSITE | GSRM.COM

6204
Vosswood
Kym
Casey

Vosswood Drive

Vosswood Drive

6205 VOSSWOOD DR
↓

6201
Vosswood
Alan Kim

West Meade Drive

6209
Vosswood
Tim & Nancy
Hoots

507
West Meade
Drive
Margaret
Gillum

Vosswood Drive

6205 VOSSWOOD DR
↓

West Wende Drive

6200
Brosslyn
Road
Eileen
Reed
Campbell

6206
Brosslyn
Road
Robert
Laura
Morgan

West Wende Drive

Nashville Board of Zoning Appeals

June 30, 2019

Dear Members of The Board,

My name is Sybil Levine and I am the daughter of Samuel Levine. I was born and grew up living at 6205 Vosswood Drive Nashville, TN. 37205. It is my Home! Over 3 years ago my Father & Lisa applied and received a permit to use my home as a short term rental property. They wanted to do this for several reasons. The important ones being for their retirement, to move back to the house when they get older and so our family could come home.

My brother and I, along with all my cousins stayed at the house for the week of my father's wedding, in 2016. Since then I have brought friends and my rugby team to stay on several occasions. This year when we came and I broke my foot I was able to stay in my home, for an extended period, to begin my recovery.

Our home is more than a business but having the business is what makes it possible for our family to be able to come and stay.

My Dad understood that putting the house in his trust would protect it for my brother's and my future. He relied on information, from an attorney, that this would not jeopardize their ability to renew their permit and responsibly continue to have the short term rental. Please do not penalize our family for an honest mistake.

Sybil Levine

*Thank you for your time,
Sybil Levine*



Date: June 30, 2019

To: The Nashville, Tennessee, Board of Zoning Appeals

From: Dr. John W. Semingson, Director of Music Ministries, Westminster Presbyterian Church—Nashville, TN

I am writing in support of 6205 Vosswood Drive, Nashville, TN, as a Short-Term Rental property. The Westminster Presbyterian Church Ministry of Music has used this property to hold meetings and several other important functions on several occasions. 6205 Vosswood is a regular property featured in our Choir Tour Silent Auction fundraisers. This Short-Term Rental property is a highly valuable item used for the good of our ministry.

I know the owners of this property well. They are highly conscientious property owners. They carefully evaluate potential renters for the upkeep of this property and for the good of the neighborhood. I hope you will continue to allow the owners, Lisa and Sam Levine, to maintain this lovely property as a Short-Term Rental.



John W. Semingson
Director of Music Ministries



Keith R. Cole
Group Tour Sales Consultant

175 Jefferson Square
Nashville, TN 37215
615.298.6606
keithc@wittetravel.com

Nashville Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Dear Nashville Board of Zoning Appeals,

30 June 2019

I am writing about the property at 6205 Vosswood Drive, Nashville, TN 37205 that has been operating as a Short-Term Rental. I want to support the owners in allowing them to maintain this property as a Short-Term Rental.

I am a member of Westminster Presbyterian Church and the owners have graciously allowed church meetings to occur at this property, have donated a week at the property for a fundraising event and are planning to do so again this February. I know of families who have rented the property to house members of a wedding party and personally, I had planned to use the property last Thanksgiving for my family to gather in, as my home is not large enough to host everyone. A sickness prevented the family gathering.

Lisa and Sam Levine are gracious, giving, generous and conscientious property owners. Lisa is meticulous in interviewing potential renters to make certain they are a good fit, both for the house and for the neighborhood.

Please allow the Levine's to maintain this property as a Short-Term Rental.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read "K. Cole".

Keith R Cole
175 Jefferson Square

CENTRAL OFFICE

3250 28th Street SE, Grand Rapids, MI 49512 | 616.957.8113 | 800 GO WITTE | wittetravel.com

Vosswood**From:** Lane Schlessel <laneaschlessel@gmail.com>**To:** li5k <li5k@aol.com>**Date:** Mon, Jul 1, 2019 6:26 am

Nashville Board of Zoning
Address: 6205 Vosswood, Nashville TN 37205

Lisa Good Morning,

Wow, what a few weeks I had in Nashville and it was wonderful seeing you and spending time together. The birth of my granddaughter and the time prior while waiting will always be engraved in mind.

That being said my family wants to thank you for opening your beautiful home for us to use while we waited for Sylvia Rose Schlessel to arrive to the our world. Your house became our home for this time and it was just like my home in CLE. Also, getting time to meet your great neighbors was wonderful and they even kept track on the birth with us as we sat outside and enjoyed the area. By the way with my kids now living in Nashville and establishing their lives I have encouraged them to look in this area to purchase a home when they are ready to leave downtown.

Anyway, Marla and I will look forward to seeing you and Sam when we return over Labor day weekend. Having family like the two of you and being so close to our kids is important to us.

All the best,
Lane

--
Lane A. Schlessel, MSW
1927 Bromton Drive
Lyndhurst, Ohio 44124
Home 440-449-2416
Cell 216-832-8059

Nashville Board of Zoning Appeals

Re: 6205 Vosswood Drive rental

We had the pleasure of staying in the Levine home on Vosswood Drive from March 10-13, 2019. We were attending the wedding of the son of close friends from Pennsylvania; and the groom's parents were staying with us as well.

We are family friends of Sam Levine and Lisa Kirk and had a most enjoyable stay in the beautiful Vosswood home.

Robert and Susan Storch

3457 Porter Road

Troy, Pa 16947

607-368-4876

Yes, Susan we can't wait for the Cramer Crew to come together. Keep me posted on possible dates. Between our house and the Vosswood house we will have enough space for all the cousins

--Original Message-----

From: susan lee <susanleeofcols@yahoo.com>

To: Li5k@aol.com <Li5k@aol.com>

Sent: Sun, Jun 30, 2019 1:13 pm

Subject: Cramer 2020 Reunion

Hi Lisa,

We are advancing with plans for a family get together in Nashville next year. April most likely, but I need to hear back from some of the cousins.

If everyone can attend we will need a minimum of 6 rooms so hoping your rental will be available to help out.

It's possible that some might want to include more extended family. We will see how that shapes up as I get some confirmations.

We look forward to a long overdue visit and getting some plans laid out for things to see and do. Please let me know if we are set with accommodations. Certainly we will nail down desired date options soon.

Thanks for your generosity!

Love,

Susan

To The Nashville Board of Zoning Appeals:

Lynn Reed + Eileen Campbell-Reed

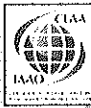
Our names are Reed & Eileen Campbell. We live at 6210 Bresslyn Road Nashville, TN. 37205. The back of our property touches 6205 Vosswood Drive.

We acknowledge that we are aware that the above listed property has been operating as a Short Term Rental. We have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors. I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: _____

Date: _____

6/30/19



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Page (</prc/property/122998/card/1>) Record Card (</prc/property/122998/print>) Improvement Details (</prc/property/122998/card/1/interior>)

Historical Data (</prc/property/122998/card/1/historical>) Review/Appeal (</prc/property/122998/card/1/review>) Google/Bing Maps (</prc/property/122998/card/1/map>)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

Map & Parcel: 115 12 0 059.00
 Location: 6210 BRESSLYN RD
 Current Owner: CAMPBELL-REED, EILEEN R. & REE

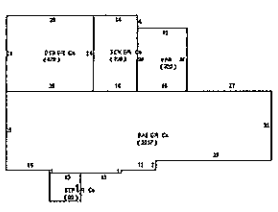
Card 1 of 1



(http://www.padctn.org/prc/Image_2019_May122000998001.jpg)

Click to Enlarge

(http://www.padctn.org/prc/Sketch_2019_May122000998001.jpg)



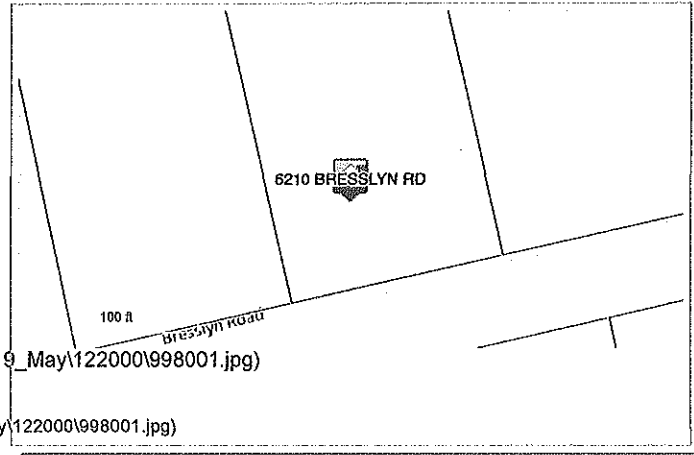
Click to Enlarge

(http://www.padctn.org/prc/Sketch_2019_May122000998001.jpg)

Sketch Details

(</prc/property/122998/card/1/interior>)

MAP TOOLS



Comper
 Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=11512005900>)

Pictometry
 Aerial Photos (<http://community.spatiallest.com/tn/davidson/pictometry.php?y=36.109050&x=-86.88295>)

Metro
 Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=11512005900>)

To view data for another property click in map to select

Mailing Address: 6210 BRESSLYN RD, NASHVILLE, TN 37205
 Legal Description: LOT 136 SEC F WEST MEADE FARMS
 Tax District: USD View Tax Record (https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)
 Assessment Classification*: RES
 Legal Reference: 20130828-0090909 View Deed (<https://www.davidsonportal.com/gis/file.php?file=201308280090909>)
 Sale Date: 08/15/2013
 Sale Price: \$415,000

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2019
 Last Reappraisal Year: 2017
 Improvement Value: \$259,300
 Land Value: \$220,000
 Total Appraisal Value: \$479,300
 Assessed Value: \$119,825
 Property Use: SINGLE FAMILY
 Zone: 2
 Neighborhood: 4429
 Land Area: 0.91 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM
 Year Built: 1952
 Square Footage: 2,709
 Exterior Wall: BRICK
 Story Height: ONE STY
 Building Condition: Average
 Foundation Type: CRAWL
 Number of Rooms: 7
 Number of Beds: 3
 Number of Baths: 3
 Number of Half Bath: 0
 Number of Fixtures: 12

To The Nashville Board of Zoning Appeals:

Our names are Robert & Laura Morgan. We live at 6206 Bresslyn Road Nashville, TN. 37205. The back of my property touches the back of 6205 Vosswood Drive.

We acknowledge that we are aware that the above listed property has been operating as a Short Term Rental. We have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors. I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: _____

Robert Guy Morgan

Date: _____

6/30/19



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[Record Card \(/prc/property/122999/print\)](#)
[Improvement Details \(/prc/property/122999/card/1/imterior\)](#)

[Historical Data \(/prc/property/122999/card/1/historical\)](#)
[Review/Appeal \(/prc/property/122999/card/1/review\)](#)
[Google/Bing Maps \(/prc/property/122999/card/1/map\)](#)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

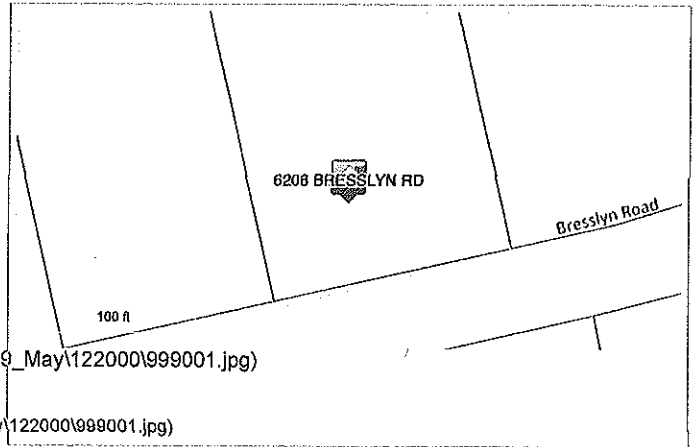
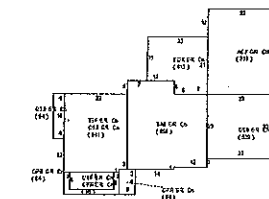
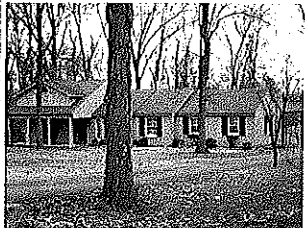
MAP TOOLS

Map & Parcel: 115 12 0 060.00

Location: 6206 BRESSLYN RD

Current Owner: MORGAN, ROBERT C, & LAURA C.

Card 1 of 1



(http://www.padctn.org/prc/Image_2019_May122000999001.jpg)

Click to Enlarge

Click to Enlarge

(http://www.padctn.org/prc/Image_2019_May122000999001.jpg)

Sketch Details

(/prc/property/122999/card/1/imterior)

Mailing Address: 6206 BRESSLYN RD, NASHVILLE, TN 37205

Legal Description: LOT 135 SEC F WEST MEADE FARMS

Tax District: USD [View Tax Record \(https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup\)](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)

Assessment Classification*: RES

Legal Reference: 20130429-0042042 [View Deed \(https://www.davidsonportal.com/gis/file.php?file=201304290042042\)](https://www.davidsonportal.com/gis/file.php?file=201304290042042)

Sale Date: 04/26/2013

Sale Price: \$423,000

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

Comper Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=11512006000>)

Pictometry Aerial Photos (<http://community.spatialtest.com/tn/davidson/pictometry.php?y=36.109124&x=-86.88255>)

Meiro Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=11512006000>)

To view data for another property click in map to select

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2019
 Last Reappraisal Year: 2017
 Improvement Value: \$298,300
 Land Value: \$220,000
 Total Appraisal Value: \$518,300
 Assessed Value: \$129,575
 Property Use: SINGLE FAMILY
 Zone: 2
 Neighborhood: 4429
 Land Area: 0.94 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM
 Year Built: 1952
 Square Footage: 2,827
 Exterior Wall: BRICK
 Story Height: ONE STY
 Building Condition: Average
 Foundation Type: CRAWL
 Number of Rooms: 10
 Number of Beds: 4
 Number of Baths: 3
 Number of Half Bath: 0
 Number of Fixtures: 13

To The Nashville Board of Zoning Appeals:

My name is Lynn Casey. I live at 6204 Vosswood Drive Nashville, TN. 37205. My property is directly across the street from 6205 Vosswood Drive.

I acknowledge that I am aware that the above listed property has been operating as a Short Term Rental. I have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors.

I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: _____

Lynn P Casey

Date: _____

7/1/19



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Page (</prc/property/122952/card/1>)

Record Card (</prc/property/122952/print>)

Improvement Details (</prc/property/122952/card/1/interior>)

Historical
Data (</prc/property/122952/card/1/historical>)

Review/
Appeal (</prc/property/122952/card/1/review>)

Google/
Bing Maps (</prc/property/122952/card/1/map>)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

Map & Parcel: 115 12 0 009.00
Location: 6204 VOSSWOOD DR
Current Owner: CASEY, LYNN P.

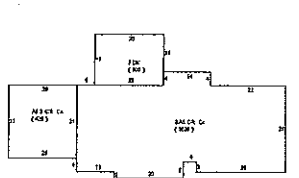
Card 1 of 1



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Click to Enlarge

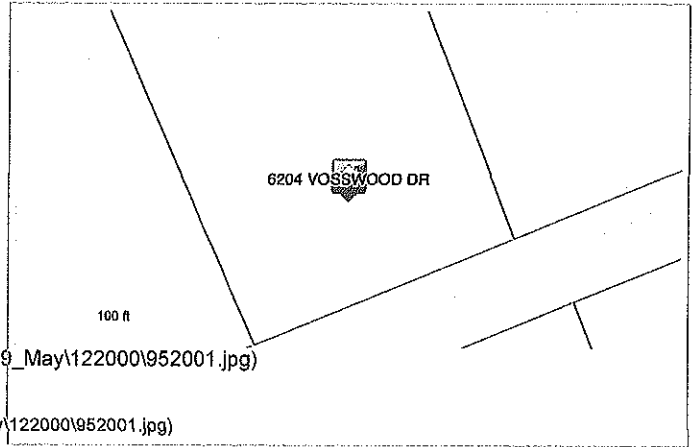
(http://www.padctn.org/prc/Image_2019_May\122000\952001.jpg)



Click to Enlarge

Sketch Details
(</prc/property/122952/card/1/interior>)

MAP TOOLS



Comper
Sales Search (<http://davidson-tn-citizen.com/per.info/template.aspx?propertyID=11512000900>)

Pictometry
Aerial Photos (<http://community.spatialast.com/tn/davidson/pictometry.php?y=36.110996&x=-86.88344>)

Metro
Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=11512000900>)

To view data for another property click in map to select

Mailing Address: 6204 VOSSWOOD DR, NASHVILLE, TN 37205

Legal Description: LOT 161 SEC G WEST MEADE FARMS

Tax District: USD [View Tax Record \(https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup\)](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)

Assessment Classification*: RES

Legal Reference: 00010355-0000719 [View Deed](https://www.davidsonportal.com/gis/file.php?book=00010355&page=0000719)

(<https://www.davidsonportal.com/gis/file.php?book=00010355&page=0000719>)

Sale Date: 02/19/1997

Sale Price: \$169,700

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2019
Last Reappraisal Year: 2017
Improvement Value: \$164,000
Land Value: \$220,000
Total Appraisal Value: \$384,000
Assessed Value: \$96,000
Property Use: SINGLE FAMILY
Zone: 2
Neighborhood: 4429
Land Area: 1.29 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM
Year Built: 1953
Square Footage: 1,609
Exterior Wall: BRICK/FRAME
Story Height: ONE STY
Building Condition: Average
Foundation Type: CRAWL
Number of Rooms: 7
Number of Beds: 3
Number of Baths: 2
Number of Half Bath: 0
Number of Fixtures: 8


To The Nashville Board of Zoning Appeals:

My name is Alan Kim. My wife and I live at 6201 Vosswood Drive Nashville, TN. 37205. Our property is directly beside 6205 Vosswood Drive.

We acknowledge that we have been aware that the above listed property has been operating as a Short Term Rental. I have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors.

I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: _____



Date: _____

July 02/2019



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WHO WE ARE: **WE ARE THE REAL PROPERTY PERSONAL PROPERTY INFORMATION SERVICES**
 (HTTP://WWW.PADCTN.ORG/PROPERTYSEARCH/PROPERTY/PROPERTY)

[Page \(/prc/property/122983/card/1\)](#)
[Record Card \(/prc/property/122983/print\)](#)
[Improvement Details \(/prc/property/122983/card/1/interior\)](#)

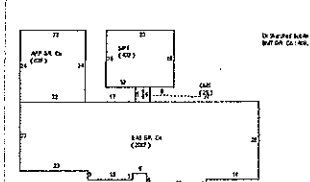
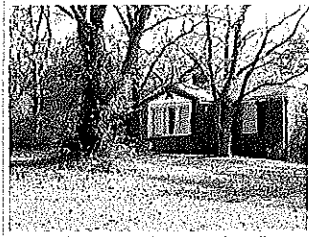
[Historical Data \(/prc/property/122983/card/1/historical\)](#)
[Review/ Appeal \(/prc/property/122983/card/1/review\)](#)
[Google/ Bing Maps \(/prc/property/122983/card/1/map\)](#)

To return to your search results click your browsers back button

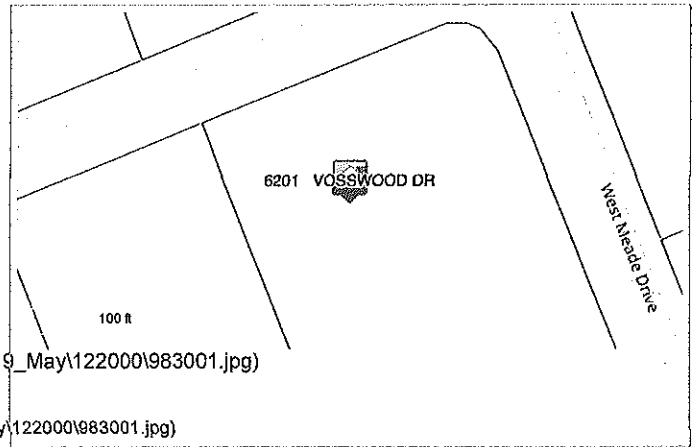
GENERAL PROPERTY INFORMATION

Map & Parcel: 115 12 0 044.00
 Location: 6201 VOSSWOOD DR
 Current Owner: KIM, ALAN S.

Card 1 of 1



MAP TOOLS



(http://www.padctn.org/prc/Image_2019_May_122000983001.jpg) (http://www.padctn.org/prc/Sketch_2019_May_122000983001.jpg)

Click to Enlarge

Click to Enlarge

(http://www.padctn.org/prc/Image_2019_May_122000983001.jpg) (http://www.padctn.org/prc/Sketch_2019_May_122000983001.jpg)

Sketch Details

(/prc/property/122983/card/1/interior)

Comper
 Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=11512004400>)

Pictometry
 Aerial Photos (<http://community.spatialtest.com/tn/davidson/pictometry.php?y=38.110703&x=-86.86268>)

Metro
 Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=11512004400>)

To view data for another property click in map to select

Mailing Address: 6201 VOSSWOOD DR, NASHVILLE, TN 37205
 Legal Description: LOT 168 SEC G WEST MEADE FARMS 155X240X1R
 Tax District: USD [View Tax Record \(https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup\)](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)
 Assessment Classification*: RES
 Legal Reference: 00010120-0000296 [View Deed \(https://www.davidsonportal.com/gis/file.php?book=00010120&page=0000296\)](https://www.davidsonportal.com/gis/file.php?book=00010120&page=0000296)
 Sale Date: 07/09/1996
 Sale Price: \$150,000

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2019
 Last Reappraisal Year: 2017
 Improvement Value: \$151,100
 Land Value: \$220,000
 Total Appraisal Value: \$371,100
 Assessed Value: \$92,775
 Property Use: SINGLE FAMILY
 Zone: 2
 Neighborhood: 4429
 Land Area: 0.96 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM
 Year Built: 1958
 Square Footage: 2,087
 Exterior Wall: BRICK
 Story Height: ONE STY
 Building Condition: Fair
 Foundation Type: PT BSMT

Number of Rooms: 8
 Number of Beds: 3
 Number of Baths: 2
 Number of Half Bath: 0
 Number of Fixtures: 8

To The Nashville Board of Zoning Appeals:

Our names are Tim & Nancy Hoots. We live with our children at 6209 Vosswood Drive Nashville, TN. 37205. We live right beside 6205 Vosswood Drive. We are their closest neighbors.

We acknowledge that we are aware that the above listed property has been operating as a Short Term Rental. We have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors. I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: _____

Date: _____

Hello, My name is Tim Hoots. I am happy to support the Levines in their efforts to continue using their property as a short-term rental. I have furthermore enjoyed many of their tenants over the years.

Thank you.

JTH



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Page (</prc/property/122981/card/1>) Record Card (</prc/property/122981/print>) Improvement Details (</prc/property/122981/card/1/interior>)

Historical Data (</prc/property/122981/card/1/historical>) Review/ Appeal (</prc/property/122981/card/1/review>) Google/ Bing Maps (</prc/property/122981/card/1/map>)

To return to your search results click your browsers back button

GENERAL PROPERTY INFORMATION

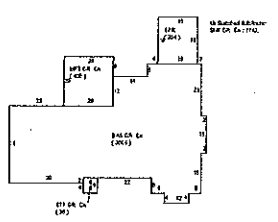
Map & Parcel: 115 12 0 042.00
Location: 6209 VOSSWOOD DR
Current Owner: HOOTS, JOHN T. & NANCY C.



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Click to Enlarge

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Click to Enlarge

(http://www.padctn.org/prc/Sketch_2019_May122000981001.jpg)

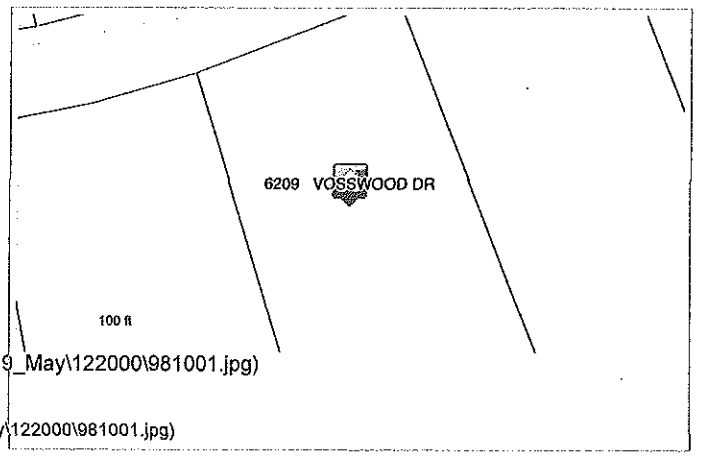
Sketch Details

(</prc/property/122981/card/1/interior>)

Mailing Address: 6209 VOSSWOOD DR, NASHVILLE, TN 37205
 Legal Description: LOT 170 SEC G WEST MEADE FARMS 129X347XIR
 Tax District: USD [View Tax Record](https://nashville-tn.mygovonline.com/mod.php?mod=propertytax&mode=public_lookup)
 Assessment Classification*: RES
 Legal Reference: 00011344-0000747 [View Deed](https://www.davidsonportal.com/gis/file.php?book=00011344&page=0000747)
 Sale Date: 02/12/1999
 Sale Price: \$187,100

*This classification is for assessment purposes only and is not a zoning designation, nor does it speak to the legality of the current use of the subject property.

MAP TOOLS



Comper
Sales Search (<http://davidson-tn-citizen.comper.info/template.aspx?propertyID=11512004200>)

Pictometry
Aerial Photos (<http://community.spatialtest.com/tn/davidson/pictometry.php?y=36.110352&x=-86.88350>)

Metro
Maps (<https://maps.nashville.gov/ParcelViewer/?parcelID=11512004200>)

To view data for another property click in map to select

TOTAL PROPERTY APPRAISAL / ASSESSMENT

Assessment Year: 2019
 Last Reappraisal Year: 2017
 Improvement Value: \$381,500
 Land Value: \$220,000
 Total Appraisal Value: \$601,500
 Assessed Value: \$150,375
 Property Use: SINGLE FAMILY
 Zone: 2
 Neighborhood: 4429
 Land Area: 1.04 Acres

GENERAL ATTRIBUTES - CARD 1

Property Type: SINGLE FAM
 Year Built: 1955
 Square Footage: 4,587
 Exterior Wall: BRICK
 Story Height: ONE STY
 Building Condition: Average
 Foundation Type: PT BSMT

Number of Rooms: 8
 Number of Beds: 4
 Number of Baths: 3
 Number of Half Bath: 0
 Number of Fixtures: 13

APPEAL CASE 2019-361: STRP TIMELINE
Samuel B. Levine, 6205 Vosswood Dr.

April 14, 1988	Levine acquired the property. Located in RS40 zoning district.
May 9, 2016	Levine received Non-Owner Occupied STRP permit (per §6.28.030).*
Feb. 24, 2017	Metro Council DELETED §6.28.030 (BL2017-492).
May 8, 2017	MWS Dept. classified property as “commercial.” SEE ATTACHMENT.
May 9, 2017	Levine renewed STRP permit (Metro still citing §6.28.030).
Feb. 2, 2018	Metro outlawed non-owner occupied STRPs in RS40 district, designated STRPs as “commercial use”, and relegated STRPs to commercial zoning districts (BL2017-608). <u>Levine’s STRP became a legal non-conforming commercial use; “grandfathered” by T.C.A. 13-7-208.</u>
March 5, 2018	Metro sent STRP Renewal Notice (still citing §6.28.030).
May 9, 2018	Levine renewed STRP permit for commercial use (check #1916 paid 4/22/18).
May 17, 2018	State enacted “Short Term Rental Unit Act.”
July 19, 2018	QCD from S. Levine to S. Levine, Trustee.
(March/April) 2019	Metro sent STRP Renewal Notice (Undated) to “Levine, Samuel Billett Revocable Living Trust, The”.
April 22, 2019	Levine filed renewal fee and Metro Affidavit form (still citing §6.28.030).
May 30, 2019	Metro Codes issued NOV to Levine for operating <u>owner-occupied</u> STRP citing §17.16.250.E – NOT APPLICABLE.
June 10, 2019	Levine filed Metro’s revised “STRP Renewal Affidavit” (properly citing §17.16.070(U)). Zoning Staff
June 24, 2019	Metro issued letter stating STRP permit is no longer valid because “This <u>property</u> changed ownership after the date of permit issuance.” Letter cites §17.16.250.E - NOT APPLICABLE.
July 3, 2019	Levine filed appeal case 2019-361.

* **“A STRP permit shall not be transferred....”**

MCL §6.28.030 (re-codified as §17.16.070(U)(4)(k) on Feb. 2, 2018).

TUNE, ENTREKIN & WHITE, P.C.

THOMAS V. WHITE
 JOHN W. NELLEY, JR.
 THOMAS C. SCOTT
 PETER J. STRIANSE
 HUGH W. ENTREKIN
 JOHN P. WILLIAMS *
 ROBERT L. DELANEY
 GEORGE A. DEAN
 LESA HARTLEY SKONEY
 JOSEPH P. RUSNAK
 SHAWN R. HENRY
 T. CHAD WHITE
 BRANDT M. MCMILLAN *
 CHRISTOPHER B. FOWLER
 TIMOTHY N. O'CONNOR

ATTORNEYS AT LAW

SUITE 1700
 315 DEADERICK STREET
 NASHVILLE, TENNESSEE 37238
 TEL (615) 244-2770 FAX (615) 244-2778

JOHN C. TUNE
 1931-1983

ERVIN M. ENTREKIN
 1927-1990

*Rule 31 listed General Civil Mediator

August 29, 2019

VIA HAND DELIVERY

Chairman David Taylor
 Metro Board of Zoning Appeals
 Dept. Codes and Building Safety
 P. O. Box 196300
 Nashville, TN 37219-6300

RE: BZA Case No. 2019-361 (6205 Vosswood Dr.)

Dear Chairman Taylor and Board Members:

On behalf of Mr. and Mrs. Samuel B. Levine, please consider the following information with exhibits. **In short, Mr. Levine has not transferred his STR *permit* and remains eligible to renew it in his name. Second, Mr. Levine's STR property has grandfather protection under state law by virtue of a change in zoning affecting the property by Metro's enactment of BL2017-608 or BL2017-1633.**

Mr. Levine purchased the property on April 14, 1988 as his personal residence. Mr. Levine married Lisa Kirk and they decided to reside at 6607 Ormond Drive. On May 9, 2016 Mr. Levine received the "Non-Owner Occupied" Residential Short Term Rental Property ("STRP") permit no. 201618064 from the Metropolitan Dept. of Codes ("Metro") pursuant to the law in effect at that time. (**Collective Exhibit 1**) In 2016, §6.28.030(P)¹ read:

A STRP *permit* shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a STRP on the property. Ordinance BL2014-951, emphasis added.

¹ On February 24, 2017 the Metro Council deleted MCL§6.28.030 in its entirety (BL2017-492). The text of §6.28.030(P) is now codified as §17.16.070(U)(4)(k).

I. At no time has Mr. Levine transferred the permit to another.

The permit was renewed in 2017 and 2018. On July 19, 2018 Mr. Levine executed a Revocable Trust Agreement for estate planning purposes designating himself as the sole trustee. His attorney explains that as the beneficiary of the trust Mr. Levine “is solely authorized to administer all trust property as though it is owned by him” and may revoke or amend the trust at any time. Mr. Levine’s social security number is used to identify the trust for federal and state tax purposes. His tax attorney states that the subject property would not have been transferred “to the trust for estate planning purposes if at such time it were known that such a transfer could affect Mr. Levine’s ability to operate said property as a short term rental property.” (**Collective Exhibit 2, Affidavit of Robert J. Hazard, Esq.**).

Irrespective of the quitclaim deed that transferred *the property*, but not the STRP permit, from Mr. Levine to Mr. Levine as trustee, his certified public accountant states that “the property is actually owned by him and rented. The mortgage, insurance and property taxes are paid by Mr. Levine. (**Collective Exhibit 3, Letter from Eddie Jackson, C.P.A.**) Additionally, the following utilities for the property are in the name of Mr. Levine: Metro Water Services, Piedmont Natural Gas, and Nashville Electric Service. *Id.* For all intent and purposes, Mr. Levine owns the trust that owns the property, and he owns the STRP permit.

II. The Zoning Administrator has erred in interpreting the transfer of property as meaning a transfer of the STRP permit.

The Metro website states that a change of property ownership will result in permit cancellation such as “changing from a person to a trust or LLC, or vice-versa, as a result of refinancing.” (**Collective Exhibit 4, emphasis added**). Mr. Levine has not refinanced. Another Metro information sheet states that “Existing permit holders in these [R or RS] zoned districts may be eligible to apply for renewals, but those permits are not transferable if the property is sold.” *Id.* Mr. Levine has not sold the property.

The ambiguity of the transfer provision, whether it means the permit, or the property or both is unconstitutionally vague.

A statute may be unconstitutionally vague if it includes “prohibitions [that] are not clearly defined.” “[T]he root of the vagueness doctrine is a rough idea of fairness.” (“Due Process requires that the law give sufficient warning so that people may avoid conduct which is forbidden.”). The doctrine mandates that a statute define the conduct prohibited “in a manner that does not encourage arbitrary and discriminatory enforcement.”

TUNE, ENTREKIN & WHITE, P.C.

An ambiguous civil statute may also be void for vagueness if it “provides the State with a procedure for depriving [an individual] of his liberty [or] property,”

A statute is void for vagueness only “if an “ordinary person exercising ordinary common sense” [cannot] sufficiently understand the law and comply with [it].” State of Tennessee Attorney General Opinion No 18-10, *Constitutionality of the Short Term Rental Unit Act*, March 14, 2018, citations omitted.

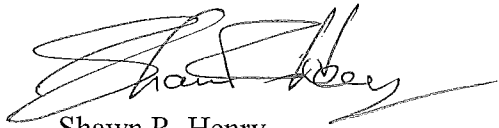
As interpreted and enforced by the Zoning Administrator, MCL §17.16.070(U) is unconstitutionally vague.

III. Mr. Levine is entitled to renew his STRP permit pursuant to T.C.A. §13-7-208.

On February 2, 2018 the Metro Council outlawed non-owner occupied STRPs in all RS zoning districts. (BL2017-608). BL2017-608 also changed “non-owner occupied” STRPs from residential uses to commercial uses in §17.08.030 (District land use tables). By doing so, Mr. Levine’s property became a legal non-conforming commercial use, triggering the “grand-father” protection of Tenn. Code Ann. §13-7-208. This point is further underscored in Section 11 of Second Substitute Ordinance No. BL2019-1633 (Aug. 23, 2019) by reference to “Commercial Use restrictions under Section 17.08.030 of the Metropolitan Code (District land use tables)...” However, §17.08.030 does not contain any restrictions; those are found in §17.16.070(U).

The communication from Metro has been anything but clear and unambiguous. **Collective Exhibit 5** contains a series of letters, notices and emails referring to MCL §6.28.030 (deleted from the code), §17.16.250E (not applicable to non-owner occupied STRPs), and §17.16.070U under which the renewal has now been denied. What has remained consistent and clear is that each correspondence from Metro has been addressed to Mr. Levine in his personal capacity, not as a trustee. Clearly Metro is ignoring the owner entity distinction that it now insists is the basis for not renewing the permit.

Sincerely,



Shawn R. Henry

SRH

Enclosure: Collective Exhibits 1 thru 5

COLLECTIVE EXHIBIT 1



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



2116898

RESIDENTIAL SHORT TERM RENTAL / CASR - 201618064

**PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO
[HTTP://STRP.NASHVILLE.GOV](http://STRP.NASHVILLE.GOV) FOR RENEWAL INSTRUCTIONS**

PARCEL: 11512004300

APPLICATION DATE: 04/20/2016

SITE ADDRESS:

ISSUED DATE: 05/09/2016

6205 VOSSWOOD DR NASHVILLE, TN 37205
LOT 169 SEC G WEST MEADE FARMS

PARCEL OWNER:

APPLICANT:

Samuel B. Levine
Samual or Lisa Levine
6607 ORMOND DRIVE
NASHVILLE, TN 37205
513-673-4856

CONTACT:

Samuel B. Levine
6607 ORMOND DRIVE
NASHVILLE, TN 37205
513-673-4856

PURPOSE:

Single family residence with 4 bedrooms 12 person maximum occupancy. By making this application for a Residential Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

U&O Life Safety Final Approval

APPROVED

615-862-5230 FMORrequest@nashville.gov

Renew Short Term Rental Permit

RENEWSR

615-862-6581 Teresa.Patterson@nashville.gov

Inspection requirements may change due to changes during construction.

Permit

[← Back To Search](#)

[Permit Summary](#)

[Parcel/Address](#)

[Contacts](#)

[Contractors](#)

[Related Permits](#)

[Reviews / Inspections](#)

[Quantity Group](#)

[Fees](#)

[Comments](#)


[Documents](#)

[Bonds & Surety Information](#)

[Condition](#)

[Flags](#)

Permit Summary

 Available Reports

Permit Number CASR 201618064

Type Residential Short Term Rental / Short Term Rental - Non-Owner Occupied

Status Cancelled

Scope of Work

1.8.1189.0

COLLECTIVE EXHIBIT 2



GULLETT SANFORD
ROBINSON & MARTIN PLLC

150 THIRD AVENUE SOUTH, SUITE 1700
NASHVILLE, TN 37201

M 615.244.4994
F 615.256.6339
W GSRM.COM

August 15, 2019

Mr. Shawn Henry, Esq.
315 Deaderick Street, Ste 1700
Nashville, TN 37238-1700

Re: Samuel B. Levine;
Affidavit

Dear Shawn:

Enclosed is the signed attorney affidavit. Do not hesitate to reach out if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "Rob Hazard", written over the word "Sincerely,".

Rob Hazard

Enclosure

AFFIDAVIT

Comes now Robert J. Hazard, Esq., who, having first been duly sworn according to law, deposes and says:

1. I am a licensed attorney at the law firm of Gullett, Sanford, Robinson & Martin, PLLC, whose principal office is at 150 Third Avenue South, Suite 1700, Nashville, TN 37201.

2. I previously represented Samuel Billett Levine ("Mr. Levine") for estate planning purposes and counseled him in establishing The Samuel Billett Levine Revocable Living Trust, dated July 19, 2018 (the "trust").

3. Mr. Levine is the grantor, trustee, and beneficiary of the trust.

4. The trust is revocable. Mr. Levine may revoke or amend the trust in any respect.

5. Mr. Levine is solely authorized to administer all trust property as though it is owned by him.

6. The trust is subject to Mr. Levine's creditors and does not in any way diminish a third party's rights against Mr. Levine.

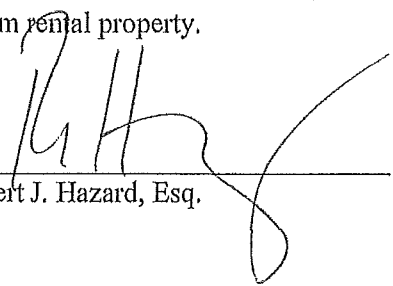
7. The trust is a disregarded entity for federal and state tax purposes. Mr. Levine's social security number is used to identify the trust.

8. The purpose of the trust is to direct the distribution of Mr. Levine's estate upon his death.

9. Through inadvertence and mistake, that certain real property commonly known as 6205 Vosswood Drive, Nashville, TN 37205 was transferred to the trust.

10. In no event would Mr. Levine have been counseled to transfer said real property to the trust for estate planning purposes if at such time it were known that such a transfer could affect Mr. Levine's ability to operate said property as a short term rental property.

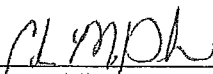
FURTHER AFFIANT SAITH NOT.



Robert J. Hazard, Esq.

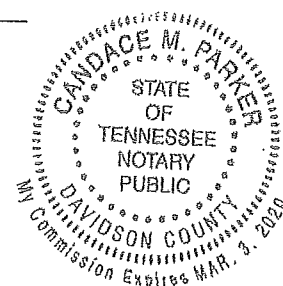
STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Worn to and subscribed before my hand on this day, August 15, 2019.



Notary Public

My Commission Expires: 3/03/2020



Bill Garrett Davidson County
 Batch# 119372 DEEDQC
 07/23/2018 03:06:30 PM 3 pgs
 Fees: \$17.00 Taxes: \$0.00
 20180723-0071688

<p>PREPARED BY:</p> <p><i>Robert J. Hazard, Esq.</i> GULLETT SANFORD ROBINSON & MARTIN PLLC 150 THIRD AVENUE SOUTH, STE. 1700 NASHVILLE, TN 37201 615.244.4994</p>	<p>STATE OF TENNESSEE) COUNTY OF DAVIDSON)</p> <p>The actual consideration for this transfer is -\$0-.</p> <p><i>Samuel B. Levine</i> _____ AFFIANT</p> <p>Subscribed and sworn to before me on this day, July 19, 2018.</p> <p><i>[Signature]</i> _____ TENNESSEE NOTARY DAVIDSON COUNTY My Commission Expires 03-2022</p>
---	---

New Owner Address:
 Samuel Billett Levine, Trustee
 6607 Ormond Dr.
 Nashville, TN 37205

Send Tax Bills To:
 Same

Map-Parcel Number
 115 12 0 043.00

QUITCLAIM DEED

Samuel B. Levine, married ("Grantor"), for consideration of \$10.00, hereby releases, remises, and quitclaims to Samuel Billett Levine, Trustee of The Samuel Billett Levine Revocable Living Trust, dated July 19, 2018 ("Grantee"), all right, title and interest of Grantor in and to that certain tract or parcel of land in Davidson County, Tennessee, more particularly described in Exhibit A.

Subject property is quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

<Signature page to follow.>

WITNESS my hand on this day, July 19, 2018.

Samuel B. Levine
 Samuel B. Levine
Lisa Kirk Levine
 Lisa Kirk Levine

STATE OF TENNESSEE)
 COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Samuel B. Levine and Lisa Kirk Levine with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that he executed the within instrument as his free act and deed and for the purposes therein contained.

WITNESS my hand and official seal on this day, July 19, 2018.

[Signature]

 Notary Public

My Commission Expires:

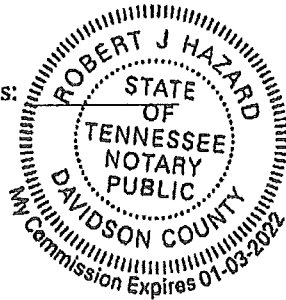


EXHIBIT A

Land in Davidson County, Tennessee, being Lot No. 169 on the Plan of West Meade Farms, Inc., section G, of record in Plan Book 1835, page 115, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a complete and accurate description.

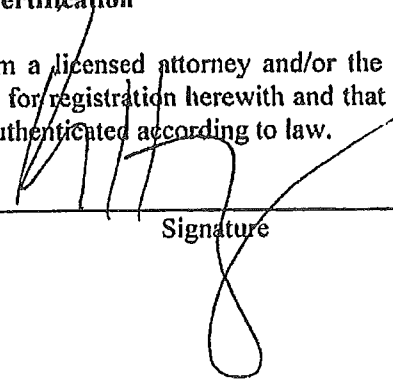
Being the same property conveyed to Samuel B. Levine, unmarried from Lee Carroll Levine, now known as Virginia Lee Levine, unmarried by quitclaim deed of record in Instrument No. 20121217-0115999, Register's Office for Davidson County, Tennessee.

This is not now, nor has it ever been, the primary residence of the Grantor's spouse.

This is improved property commonly known as 6205 Vosswood Dr., Nashville, TN 37205.

True Copy Certification

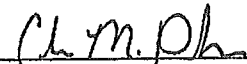
I, Robert J. Hazard, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.



Signature

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, Candace M. Parker, a notary public for this county and state, Robert J. Hazard who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.



Notary's Signature

My Commission Expires: 3/03/2020



COLLECTIVE EXHIBIT 3

EDDIE JACKSON, CPA, P.C.**CERTIFIED PUBLIC ACCOUNTANT**

1218 MURFREESBORO Pike
NASHVILLE, TENNESSEE 37217
OFFICE 615/360-8787
FAX 615/360-8795
email: eddiejacksoncpa@aol.com

August 26, 2019

To Whom It May Concern:

Samuel B. Levine's residence at 6205 Vosswood , Nashville, Tennessee 37205, was placed in a revocable trust owned by him. The property is actually owned by him and rented. The mortgage, insurance and property taxes are paid by Mr. Levine.

The federal income taxes are paid by Mr. Levine as evidenced by the attached Schedule E of Form 1040 representing the reporting for 2018.

If I can be of further assistance, please contact me.

Sincerely,

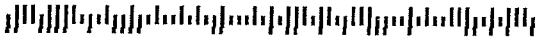



Eddie W. Jackson

EWJ/bj
enclosure

DO NOT SEND MAIL OR PAYMENTS TO THIS ADDRESS
 P.O. Box 619063 • Dallas, TX 75261-9063

7-811-07394-0082059-009-1-000-010-000-000



 SAMUEL B LEVINE
 6607 ORMOND DR
 NASHVILLE TN 37205-3957

Account Number	0578904095
Next Due Date	09/01/2019
Amount Due	\$1,445.97
<i>If payment is received after 09/16/2019, \$0.00 late fee may be assessed.</i>	

Phone: 866-317-2347
 Website: www.newrez.com

Explanation of Amount Due	
Principal	\$404.70
Interest	\$567.84
Escrow (Taxes and Insurance)	\$473.43
Regular Monthly Payment	\$1,445.97
Total Fees and Charges	\$0.00
Overdue Payment	\$0.00
Total Amount Due	\$1,445.97

Account Information	
Outstanding Principal	\$181,708.38
Interest Rate	3.7500%
Prepayment Penalty	None
Property Address:	6205 VOSSWOOD DRIVE NASHVILLE TN 37205
Contractual Due Date:	September 1, 2019
Current Escrow Balance:	\$2,740.28

Past Payments Breakdown		
	Paid Last Month	Paid Year to Date
Principal	\$403.44	\$3,192.55
Interest	\$569.10	\$4,587.77
Escrow	\$473.43	\$3,723.14
Fees/Late Charges	\$0.00	\$0.00
Total	\$1,445.97	\$11,503.46

Transaction Activity (07/04/2019 - 08/03/2019)			
Date	Description	Charges	Payments
08/01/2019	Regular Payment - (Due 8/1/2019)	\$0.00	\$1,445.97

Important Messages

***Partial Payments:** Any partial payments that you make are not applied to your mortgage, but instead are held in a separate suspense account according to applicable state law. If you pay the balance of a partial payment, the funds will be applied to your mortgage.

Additional Messages

Federal law requires us to tell you how we collect, share, and protect your personal information. Our Privacy Policy has not changed. You can review our policy and practices with respect to your personal information at www.newrez.com or request a copy to be mailed to you by calling us at 866-317-2347.

For questions regarding the servicing of your loan, please contact customer care at 866-317-2347.

For information about your payments, total amount due, and any additional payment history, see reverse side.



**FOREMOST BASICS™
DECLARATIONS PAGE**

POLICY NUMBER: 381-0091264957-04
RENEWAL OF: 000-0091264957-03
POLICY PERIOD BEGINNING 04/14/19 **ENDING** 04/14/20 12:01 A.M. STANDARD TIME

YOU AS NAMED INSURED AND YOUR ADDRESS

SAMUEL LEVINE
6607 ORMOND DR
NASHVILLE TN 37205-3957

YOUR POLICY IS SERVICED BY

PARKER & WATTS INSURANCE AGENCY INC
4825 TROUSDALE DR STE 224
NASHVILLE TN 37220-1357

AGENCY CODE:
410000132

TELEPHONE:
(615) 833-3300

COVERAGES: Coverage is provided only where an Amount of Insurance or a Limit of Liability is shown and a premium is stated for the Peril Insured Against. Detailed descriptions and any limitations will be found in your policy.

LOCATION # 1

IMPORTANT RATING INFORMATION

PREMISES DESCRIPTION:	6205 VOSSWOOD DR NASHVILLE TN 37205-3115		
CONSTRUCTION:	MASONRY VENEER	TERRITORY:	C
FAMILIES:	1	PROT. CLASS:	3
OCCUPANCY:	VACATION & SHORT TER	RESP. FIRE DEPT.:	NASHVILLE FS 7
HYDRANT:	WITHIN 1,000 FEET	COUNTY:	DAVIDSON
FIRE DEPT.:	WITHIN 5 MILES		
		YR. BUILT:	1954
		FORM:	DF3

MORTGAGEE #1

LOAN NO.: 0048240378
CENLAR
ISAOA ATIMA
PO BOX 202028
FLORENCE SC 29502-2028

SECTION I COVERAGES	AMOUNT OF INSURANCE	ADD'L/RETURN PREMIUM	ANNUAL PREMIUM
A. DWELLING	\$ 379,795		\$ 1,729.00
C. PERSONAL PROPERTY	\$ 20,000		INCLUDED
D. LOSS OF RENTS (1/12 PER MONTH)	\$ 37,980		INCLUDED

SECTION I LOSSES ARE SUBJECT TO A DEDUCTIBLE OF: \$2,500 ALL PERILS

SCHEDULE E
(Form 1040)

Supplemental Income and Loss

(From rental real estate, royalties, partnerships, S corporations, estates, trusts, REMICs, etc.)

OMB No. 1545-0074

2018

Attachment
Sequence No. **13**

Department of the Treasury
Internal Revenue Service (99)

▶ Attach to Form 1040, 1040NR, or Form 1041.

▶ Go to www.irs.gov/ScheduleE for instructions and the latest information.

Name(s) shown on return

Your social security number

SAMUEL B. AND LISA KIRK LEVINE

REDACTED

Part I **Income or Loss From Rental Real Estate and Royalties** Note: If you are in the business of renting personal property, use Schedule C or C-EZ (see instructions). If you are an individual, report farm rental income or loss from Form 4835 on page 2, line 40.

- A** Did you make any payments in 2018 that would require you to file Form(s) 1099? (see instructions) Yes No
B If "Yes," did you or will you file required Forms 1099? Yes No

1 a	Physical address of each property (street, city, state, ZIP code)
A	6205 VOSSWOOD, NASHVILLE, TN 37205
B	
C	

1 b	Type of Property (from list below)	2 For each rental real estate property listed above, report the number of fair rental and personal use days. Check the QJV box only if you meet the requirements to file as a qualified joint venture. See instructions.	Fair Rental Days	Personal Use Days	QJV
A	3		365		
B					
C					

Type of Property:

- 1 Single Family Residence 3 Vacation/Short-Term Rental 5 Land 7 Self-Rental
 2 Multi-Family Residence 4 Commercial 6 Royalties 8 Other (describe)

Income:	Properties:	A	B	C
3 Rents received.....	3	29,900.		
4 Royalties received.....	4			
Expenses:				
5 Advertising.....	5			
6 Auto and travel (see instructions).....	6			
7 Cleaning and maintenance.....	7			
8 Commissions.....	8			
9 Insurance.....	9	1,830.		
10 Legal and other professional fees.....	10			
11 Management fees.....	11			
12 Mortgage interest paid to banks, etc. (see instructions).....	12	7,029.		
13 Other interest.....	13			
14 Repairs.....	14	8,033.		
15 Supplies.....	15	5,295.		
16 Taxes.....	16	3,697.		
17 Utilities.....	17	5,677.		
18 Depreciation expense or depletion.....	18	7,357.		
19 Other (list) ▶ <u>SEE STM 5</u>	19	7,816.		
20 Total expenses. Add lines 5 through 19.....	20	46,734.		
21 Subtract line 20 from line 3 (rents) and/ or 4 (royalties). If result is a (loss), see instructions to find out if you must file Form 6198.....	21	-16,834.		
22 Deductible rental real estate loss after limitation, if any, on Form 8582 (see instructions).....	22	-16,834.		
23a Total of all amounts reported on line 3 for all rental properties.....	23a	29,900.		
b Total of all amounts reported on line 4 for all royalty properties.....	23b			
c Total of all amounts reported on line 12 for all properties.....	23c	7,029.		
d Total of all amounts reported on line 18 for all properties.....	23d	7,357.		
e Total of all amounts reported on line 20 for all properties.....	23e	46,734.		
24 Income. Add positive amounts shown on line 21. Do not include any losses.....	24			
25 Losses. Add royalty losses from line 21 and rental real estate losses from line 22. Enter total losses here....	25		-16,834.	
26 Total rental real estate and royalty income or (loss). Combine lines 24 and 25. Enter the result here. If Parts II, III, IV, and line 40 on page 2 do not apply to you, also enter this amount on Schedule 1 (Form 1040), line 17, or Form 1040NR, line 18. Otherwise, include this amount in the total on line 41 on page 2.....	26		-16,834.	



FOR CUSTOMER SERVICE:

Customer Service Center
1700 Third Avenue North
Nashville, TN 37208-2248

TEL (615) 862-4600
FAX (615) 862-4837
TDD (615) 862-4809

Customer Name: SAMUEL B LEVINE
BillingDate: 08/08/2019
AccountNumber: 0105113300

www.nashville.gov/water
Office Hours: Mon - Fri 8am - 5pm
For emergency assistance 24/7: (615) 862-4600

Thank you for consistently paying your bills on time.

THE STORMWATER FEE HAS BEEN MANDATED BY CONGRESS PURSUANT TO THE CLEAN WATER ACT OF 1977.

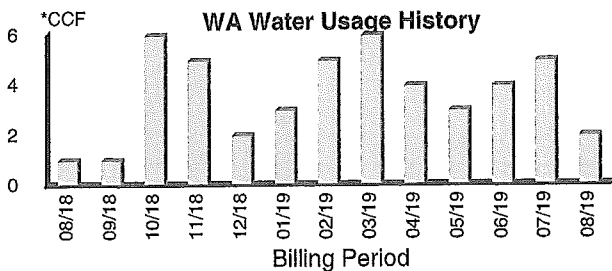
Current Account Information	
Account Summary as of August 08, 2019	
Current Charges	\$24.71
Prior Balance - Past Due	\$0.00
Total Amount Due Upon Receipt	\$24.71

Due Date: 08/28/2019

Service Address: 6205 VOSSWOOD DR

Class: COMMERCIAL

Account Detail



AUG 2018 - 1 CCF AUG 2019 - 2 CCF
* 1 CCF (100 cubic feet) = 748 Gallons

Service From 07/03/19 - 08/06/19	(34 Days)
WA Water Charges	\$3.98
SW Sewer Charges	8.51
ST Stormwater Charges	11.00
City Tax	0.09
State Tax	0.28
Sewer User Surcharge	0.85
	\$24.71

Average Cost Per Day \$0.73

pd 8/13/19 #

Service	Register	Meter	Size	Read Type	Meter Reading		Usage	
					From	To	CCF	Gallons
WA	0001	SNR25125557	5/8 INCH	READ	1292	1294	2	1496
SW							2	1496

If you disagree with the accuracy of your bill, please contact our office at (615) 862-4600

Commercial Status
Classification
Change - 5/4/2017

RE: status change to Metro Water Services Billing

From: Frye, Shannon (WS) <Shannon.Frye@nashville.gov>

To: 'Lisa Kirk' <li5k@aol.com>

Date: Fri, May 26, 2017 1:15 pm

Lisa,

At this time, the change in classification will remain. However, if anything does change we will reach out to you immediately.

Shannon

From: Lisa Kirk [mailto:li5k@aol.com]

Sent: Friday, May 26, 2017 11:39 AM

To: Frye, Shannon (WS)

Subject: Re: status change to Metro Water Services Billing

Thank you and I appreciate your efforts. Even my Insurance company and Comcast notifies me if there is a rate increase. I realize you, along with others are trying to put documents together. What I don't understand is how my bill is changed without all the agencies you are speaking of (not sure how many) not coordinating and not giving any notice? When the documentation is available and notice given then I could understand. As of now I have a bill coming due with a balance that does not reflect anything? I believe it is only fair that my current billing remain the usual rate until your agencies are able to put this official documentation together and give notice. Can we at least agree on that, for the time being?

Thank you,

Lisa

-----Original Message-----

From: Frye, Shannon (WS) <Shannon.Frye@nashville.gov>

To: 'Lisa Kirk' <li5k@aol.com>

Sent: Fri, May 26, 2017 10:14 am

Subject: RE: status change to Metro Water Services Billing

Several agencies within Metro including us are working on aligning documentation for this and other actions related to short term rentals and when it is finalized we will forward that to you. Also, if anything changes in the meantime, I will be sure to contact you.

From: Lisa Kirk [mailto:li5k@aol.com]

Sent: Friday, May 26, 2017 9:51 AM

To: Frye, Shannon (WS); Stevenson, Maxine (WS)

Cc: Palko, Tom (WS); Lindsey, Roger (WS)

Subject: Re: status change to Metro Water Services Billing

Ms. Frye,

I have asked for documentation that makes my property legally commercial. You are providing me your answer but no documentation or legislation to back that up. Whom ever has the power to make a change like this must surely understand that anyone else running a business, of any type from their home in a residential neighborhood then must also be treated the same or that would clearly be discrimination. Since when does Metro water services, who claims to know little or nothing on this mater and passes the buck to codes now seems by your statement to be the entity that has initiated this change? Who instructed codes to send their list? You reference "Our standard procedure" Whom exactly are you speaking? Please provide me with the documentation that I have asked for and who has changed the classification. I appreciate you giving me your interpretation but I believe you and those behind this change have a fiduciary duty to provide the documentation to back up this change. I will look forward to receiving this information.

Thank you,

Lisa Levine

-----Original Message-----

From: Frye, Shannon (WS) <Shannon.Frye@nashville.gov>

To: Stevenson, Maxine (WS) <Maxine.Stevenson@nashville.gov>

Cc: Palko, Tom (WS) <Tom.Palko@nashville.gov>; Lisa Kirk <li5k@aol.com>; Lindsey, Roger (WS) <Roger.Lindsey@nashville.gov>

Sent: Fri, May 26, 2017 9:37 am

Subject: RE: status change to Metro Water Services Billing

Hello,

Metro Water Services changed the classification of short term rentals beginning in April. We received a listing from Codes for all properties classified as short term rentals. Our standard operating procedures specify that locations used for short term rentals are no longer single family dwellings as they have the potential to generate revenue for the customer. Additionally, since there is not consistent residential occupancy, short term rentals do not have a true average that would allow for the automatic sprinkler credit to be issued during the summer months. Short term rentals are classified as small commercial and these locations will be reviewed yearly for any changes in their status.

Shannon Frye

From: Stevenson, Maxine (WS)
Sent: Friday, May 26, 2017 9:12 AM
To: Frye, Shannon (WS)
Cc: Palko, Tom (WS); Lisa Kirk; Lindsey, Roger (WS)
Subject: RE: status change to Metro Water Services Billing

Good Morning,

I am forwarding your e-mail to the manager of the Customer Service Department which includes the Billing Department. She would be able to answer any questions concerning your bill change.

If you ever have any questions concerning the Stormwater User fee please feel free to call or e-mail me.

Maxine Stevenson
Metro Water Services
Storm Water Division
615-862-4679 Office
800 2nd Ave South
P.O. Box 196300
Nashville, TN 37219-6300

From: Lisa Kirk [mailto:li5k@aol.com]
Sent: Thursday, May 25, 2017 6:58 PM
To: Stevenson, Maxine (WS)
Subject: status change to Metro Water Services Billing

Dear Maxine Stevenson,

My husband has owned the property at 6205 Vosswood Drive Nashville, Tn. 37205 for over 20 years.

The Metro Water Services billing account number is and has always been # 0105113300.

This property has always been classified as Residential and is located in the West Meade area of town.

Our billing has never been over the maximum except one time when we were having the house repiped and MWS was contacted in person and shown the plumbing billing concerning this instance.

The last billing I received actually had less usage than the prior month. This billing amount was \$26.75, not the amount of \$16.30 that it usually is.

After going through the itemized statement I realized it was now changed to classification COMMERCIAL.

Our property is permitted to be used as a short term rental. It is used in this way some of the time but is also used for immediate family members who stay there for short and long periods of time. Particularly our daughter, son, my father and several cousins. None of these people pay to stay in this property.

Not understanding this change to the bill, I went to the Metro Water Services office. I originally spoke to a girl at the desk who told me,

"I really don't know why you have been changed, you will need to talk to my superior."

I next spoke to Lisa Earls, who ask me to wait while she spoke to her superior. When she came back she said, "We don't know why but codes told us that anyone with a Short Term Rental is now commercial." I told her our property had been owned over 20 years and the zoning had not been changed. I keep up with the Metro Council legislation and although there has been quite a bit going on through them, there has been nothing that was purposed about a zoning change in status to STRP properties. I ask if they could please produce any documentation to show me why this change had been made? I was told they thought they had gotten a letter?

I was also told that no one knew where to find the letter.

I told them I am in contact with a great number of my fellow STRP owners and had only heard of one person saying this had happened to them very recently.

I mentioned that I felt that I was possibly being discriminated against as I had seen no legislative change and not all owners were being treated the same.

I asked if it had to do with me being a sole proprietor or being a woman? I also asked why I was being treated different than someone who rents their property for a month or for a longer term?

Lisa Earls took my bill and made a copy and told me she would try to find any correspondence that could back up this change. She took my phone number and email address and said she would contact me. This all took place one week ago today and I am yet to hear anything from MWS.

Today I came to the codes office in Howard school. I went to the desk and asked who I should speak to. I was taken to the very back of the office to what I was told was storm water. I signed in but the lady that took me back asked the girl in that section if she could help and she said, "you need to take her back with you and send her down the hall to Maxine." I was directed to the office area where Ms. Maxine Stevenson worked and asked the address of my property.

Ms. Stevenson came down and graciously spoke to me. She asked me if I could please state my experience, in this matter, in writing and forward to her.

I asked her if she could please provide me with any legislation that spoke to this matter? I also ask for any paperwork showing our property had been rezoned?

I am sending this email in hopes that I can receive documentation speaking to this matter. I am never late paying any of my bills and do not want to start. My MWS billing is due on 5/30/17.

I appreciate any assistance in this matter.

Sincerely,
Lisa Levine



piedmontng.com
1.800.752.7504



Account Number: 8003251120001

SAMUEL B LEVINE

Service Address:
6205 VOSSWOOD DR
NASHVILLE, TN 37205

Billing Date: 08/14/19

Net Amount Due By: 08/28/19

Rate Schedule*: 301 TN RESIDENTIAL RATE

*Rate schedule and calculation information is available on our website.

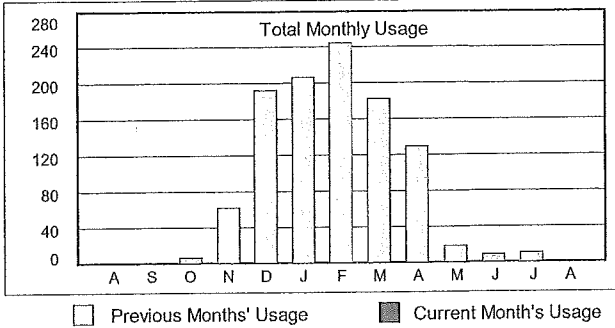
Message For SAMUEL B LEVINE

Don't get caught by summer storms

Weather the storm with a natural gas generator. Your home will stay cool and calm through power outages. Learn more at piedmontng.com

Gas Usage History

13-Month Usage (Total Therms)



	08/18	08/19
Therms	1	0
Days	31	29
Amount	\$15.21	\$14.26

Account Summary

Previous Bill Amount	\$22.48
Payment(s) Received through 8/13/19 - Thank you	\$22.48
Past Due Balance	\$0.00
Current Billing and Other Basic Charges	
Gas - Current Month Charges	\$13.45
Local Franchise Fee	\$0.81
Total Current Balance	\$14.26

Net Amount Due By 08/28/19 \$14.26

Gross Amount Due After 08/28/19	\$14.93
Purchase Gas Adjustment	.464390

All bills are payable by the due date. A late charge of 1.5% (.50 minimum) will be added to appropriate non-utility balances not paid by the due date.

Current Reading - based on actual read

Meter Number	Service Period		Meter Reading		Reading Difference	Meter Multiplier	Gas Used (CCF)	Heat Factor	Number of Therms Used
	From	To	Previous	Current					
T157908	07/08/19	08/06/19	8006	8006	0 X	1.000 =	0 X	1.06391 =	0
Total Therms Used									0
Number of Days									29

8/24 pd # 19/62

NES 1214 CHURCH STREET, NASHVILLE, TN 37246
 nespower.com

Customer Relations 615-736-6900
 Report an Outage 615-234-0000

Customer Name: LEVINE, SAMUEL B
 Service Address: 6205 VOSSWOOD DR
 Service Period: 07/08/19 - 08/06/19
 Rate Class: RESIDENTIAL
 Account Number: 0324147-0323114
 Meter Number: 199719
 District Number: 25

TOTAL BALANCE DUE:	\$131.62
---------------------------	-----------------

DUE DATE:	8/25/19
------------------	----------------

USAGE HISTORY

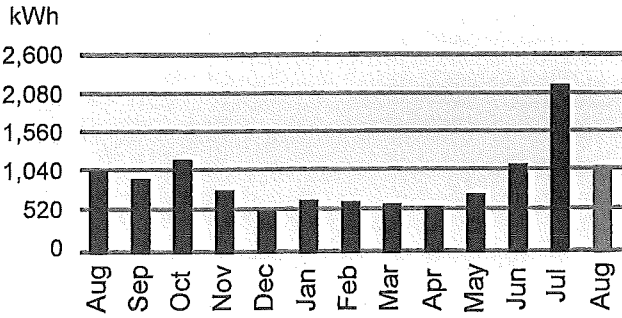
Current kWh Reading: 31509 read 08/06/19
 Previous kWh Reading: 30455 read 07/08/19

Next Scheduled Reading: 9/06/19

ACCOUNT BALANCE

Service Charge	18.90
TVA Grid Access Charge	6.66
Energy Charge 1,054 kWh @ \$ 0.10063	106.06
TOTAL BALANCE DUE 08/25/19	131.62

The TVA Fuel Cost Adjustment this month has decreased your bill by \$1.97.



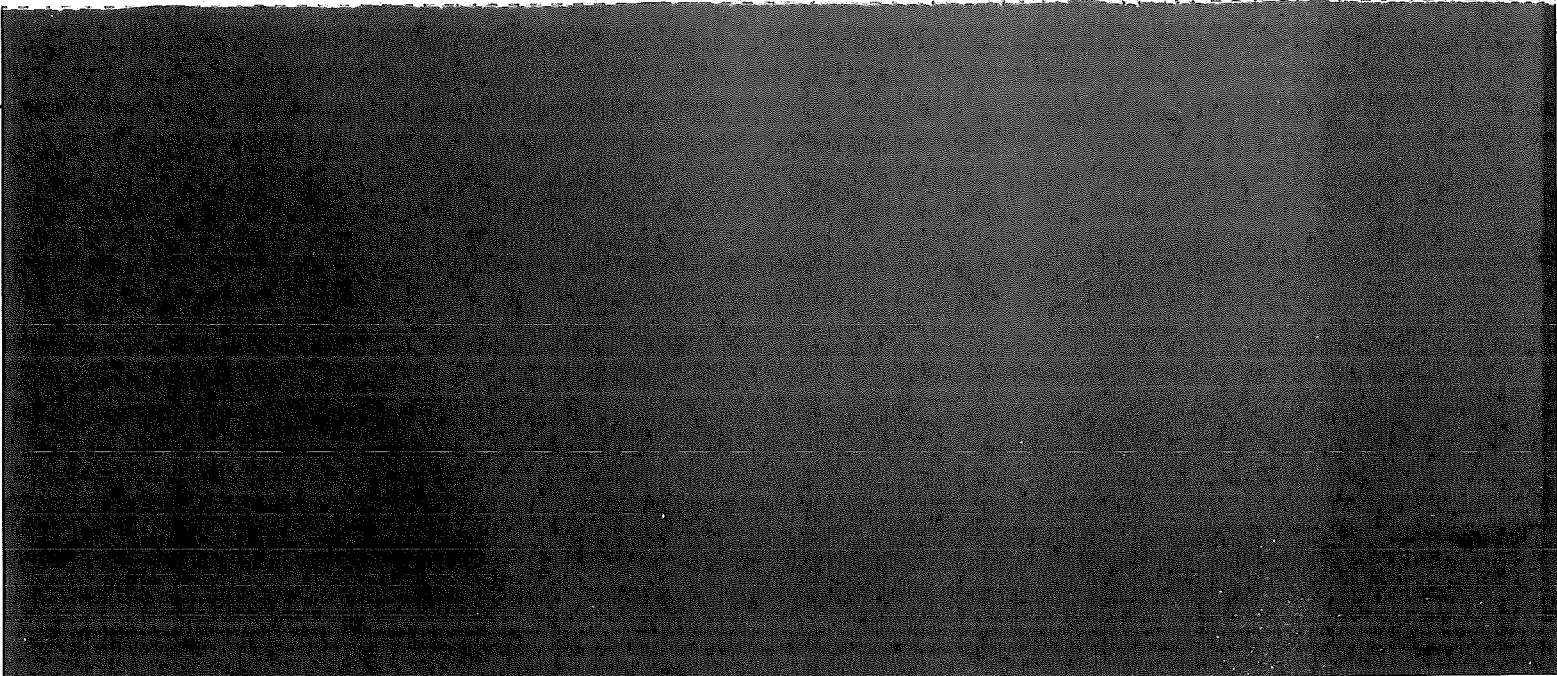
8/13/19
 #1959

Your Detailed Usage by Month

	This Month	Last Month	Last Year
kWh	1,054	2,049	1,011
Billing Days	29	32	32
Degree Days	469	429	513
Charges	\$131.62	\$235.64	\$123.33

IMPORTANT MESSAGES

Looking to lower your usage? NES has tips to help you beat the heat. Avoid using appliances that create heat and humidity. Now is the perfect time to line dry clothes. See the insert in this month's bill to learn more. You pay on time every month, and we thank you!



COLLECTIVE EXHIBIT 4

Short Term Rental Property Operation Rules and Requirements

Requirements for operating a Short Term Rental Property (STRP) include but are not limited to:

- Any signs on the property must be compliant with Title 17, Chapter 32 of the Metro Code related to sign regulations (MCO 17.32).
- All STRP occupants shall abide by all applicable noise restrictions contained in the Metropolitan Code and all applicable waste management provisions of the Metropolitan Code. The permit holder is responsible for the activity of STRP guests.
- The STRP shall maintain smoke alarms in all locations required by the Fire Marshal.
- No recreational vehicles, buses, or trailers shall be visible on the street or on the property in conjunction with the STRP use.
- No food shall be prepared for or served to the transient by the permit holder or manager.
- The principal renter of a STRP unit shall be at least 21 years of age.
- The maximum number of occupants permitted on a STRP property at any one time shall not exceed more than twice the number of permitted sleeping rooms plus four (maximum of 12).
- Simultaneous rental to more than one party under separate contracts shall not be allowed.
- The STRP owner shall not receive any compensation or remuneration to allow occupancy of an STRP for a period of less than 24 hours.
- The permit holder shall be responsible for collecting and remitting all applicable room, occupancy, and sales taxes required by state law or the Metropolitan Code.
- The name and telephone number of the local responsible party shall be conspicuously posted within the STRP unit. The responsible party shall answer calls twenty-four hours a day, seven days a week for the duration of each short term rental period to address problems associated with the STRP.
- An STRP permit shall not be transferred or assigned to another individual, person, entity, or address. Further, a permit does not authorize any person, other than the person named therein, to operate an STRP on the property.
- The STRP permit may be revoked, whether by a court of proper jurisdiction or by the Department of Codes Administration, upon determination of three violations of any ordinance or law of general application.
- A STRP permit shall expire three hundred sixty-five days after it is issued unless it is renewed prior to its expiration.
- Changes in the ownership of a property will result in the cancellation of a permit. This includes changing of ownership from a person to a trust or LLC, or vice-versa, as a result of refinancing.

What @
Management cos?

Copy made
2018

Short Term Rental Property Permit Types

Owners of Short-Term Rental Properties (STRPs), are required by the Metropolitan Government to obtain an operating permit.

Short term rental property (STRP) – Owner-Occupied

- Owner-occupied residence or on a lot with an owner-occupied residence.
- Includes the rental of an entire dwelling unit to a single party of individuals, or
- If only part of the unit, includes at a minimum one sleeping room and a bathroom, and is limited to a single party of individuals.
- Owner-occupied status must be confirmed by two documents showing that the owner in fact occupies this as their primary residence. Acceptable documents may include a Tennessee driver's license, State of Tennessee ID card, Davidson County voter registration card, pay stub, work ID or badge, IRS W2 form, or bank statement.
- Such documentation of primary residence address must match the deed as recorded with the Davidson County Clerk's office.
- To qualify for an owner-occupied permit, the owner of the property must permanently reside at the property and be a natural person or persons. LLCs, corporations, trusts, partnerships, joint ventures and other entities are ineligible for owner-occupied permits.
- Only one permit shall be issued per lot in single-family and two-family zoning districts.
- The property ownership of two-family units cannot be divided. They shall be owned by the same person and one of the two units shall be the primary residence of the owner. Two-family units can include detached duplexes divided under a Horizontal Property Regime (HPR).
- Permits for Specific Plan (SP) zoned properties or properties within a Planned Unit Development (PUD) will be issued only if allowed by the SP or PUD. Please contact the Metro Planning Commission for questions regarding the conditions of the SP or PUD, planningstaff@nashville.gov or 615-862-7190.

Short term rental property (STRP) – Not Owner-Occupied

- Are not owner-occupied or on a lot with an owner-occupied principal residence.
- Rentals are limited to a single party of individuals.
- Ownership information on the application must match the deed as recorded with the Davidson County Clerk's office.
- New not owner-occupied permits will only be issued as a use permitted with conditions (PC) in RM2 through RM20-A, RM40 through RM100-A, MUN and MUN-A, MUL and MUL-A, MUG and MUG-A, MUI and MUI-A, OG, OR20 through OR40-A, ORI and ORI-A, CN and CN-A, CL and CL-A, CS and CS-A, CA, CF, DTC North, DTC South, DTC-West, DTC Central, SCN, SCC and SCR zoning districts. UPDATE: Learn more about legislation being considered to amend where non-owner occupied permits are allowed.
- Permits for Specific Plan (SP) zoned properties or properties within a Planned Unit Development (PUD) will be issued only if allowed by the SP or PUD. Please contact the Metro Planning Commission for questions regarding the conditions of the SP or PUD, planningstaff@nashville.gov or 615-862-7190.
- New not owner-occupied permits are not permitted in R or RS zoned properties. Existing permit holders in these zoned districts may be eligible to apply for renewals, but those permits are not transferable if the property is sold.

COLLECTIVE EXHIBIT 5



Metropolitan Government of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
 Metro Office Building - 1st Floor / 800 Second Ave S / Nashville TN 37210
 phone - (615) 862-6510 fax- (615) 862-6514

Short Term Rental Property ("STRP") Renewal Notice
 M.C.L. 6.28.030
 03/05/18

Samuel B. Levine
 6607 ORMOND DRIVE
 NASHVILLE TN 37205

Your STRP Permit number CASR-201618064 expires on 05/09/18.
 You may renew your permit by returning the enclosed affidavit, fully
 completed and notarized along with a check for \$50.00 made payable
 to *The Metropolitan Government*. Your cancelled check is your
 receipt.

Mail to: Metro Department of Codes and Building Safety
 STRP Permit Renewal
 P.O. Box 196300
 Nashville TN 37219-6300

Failure to renew your STRP permit before the expiration date
 will result in cancellation of the permit. You are
 responsible for timely delivery of the completed affidavit and
 full payment.

Cash and credit card payments can only be made in person at
 Metro Codes' office. If you have multiple STRP permits, you
 must complete and return an affidavit for each permit and
 payment for each permit.

<u>Permit Address</u>	<u>Property Owner</u>	<u>Expiration Date</u>
6205 VOSSWOOD DR	LEVINE, SAMUEL B.	05/09/18

Turned in
 Friday 5/4 # 1777

AFFIDAVIT

Comes now affiant Samuel B. Levine, designated representative for Short Term Rental Property ("STRP") Permit #201618064 for the property located at 6205 VOSSWOOD DR and states as follows, based upon the affiant's personal knowledge:

- 1 That I am over the age of eighteen and competent to provide this Affidavit.
- 2 That I am the designated representative for STRP Permit #201618064.
- 3 That I wish to continue the permitted operation of an STRP at 6205 VOSSWOOD DR, pursuant to MCL 6.28.030.
- 4 That the floor plan at the permitted address has not changed since the prior STRP inspection and approval by the Metro Fire Marshal.
- 5 That I possess the ~~full~~ insurance coverage for the STRP, as required by MCL 6.28.030.
- 6 That I have paid all applicable taxes related to this permit and this land use.
- 7 That I have not violated the requirements for operation of a permitted STRP, pursuant to MCL 6.28.030.

FURTHER, AFFIANT SAITH NOT:

Samuel B. Levine

SIGNATURE

4/22/19

DATE

Affiant's PRINTED Name

SAMUEL B. LEVINE

Affiant's Address

6607 Drummond Dr. Nashville, TN 37205

Lisa K. LEVINE

Representative's Email

LISK@aol.com

Phone

513-673-4856

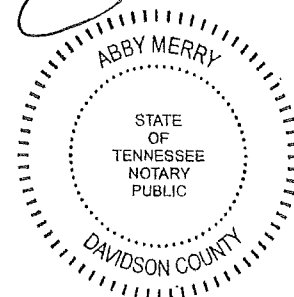
COUNTY OF DAVIDSON)
STATE OF TENNESSEE)

Before me, a notary public for said county and said state, appeared Samuel B. Levine, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he is the Representative for STRP Permit #201618064, and that in the capacity of Representative executed the foregoing Affidavit for the purposes therein contained.

This the 22nd day of April, 2019.

[Handwritten Signature]

My Commission Expires: 03-07-23



SAMUEL B LEVINE LISA K LEVINE VOSSWOOD HOUSE 6607 ORMOND DR. NASHVILLE, TN 37205-3957		87-5/640 Date <u>4/22/19</u>	1916
PAY TO THE ORDER OF <u>The Metropolitan Government</u>	<u>Fifty</u>	<u>50/100</u>	\$ <u>50.00</u>
usbank.		Memo <u>STRP permit renew</u>	<u>Lisa K. Leone</u>
*0640000591 1512093274371# 1916			

Received 6/7
US Mail 5:15pm

METRO GOV OF NASHVILLE & DAVIDSON CTY
DEPARTMENT OF CODES & BUILDING SAFETY
PO BOX 196300
NASHVILLE, TN 37219

Spoke in person to
Robert Osborn
Appt 10:00
Monday 6/10

LEVINE SAMUEL BILLETT REVOCABLE LIVING
6607 ORMOND DR
NASHVILLE, TN 37205-3957



Get in
writing
continue to
operate

May 30, 2019

**RE: Notice of Short Term Rental Property Violation at 6205 VOSSWOOD DR , Nashville, TN Zip, US
(Parcel # 11512004300)**

Dear LEVINE, SAMUEL BILLETT REVOCABLE LIVING TRUST, THE:

You are hereby notified as owner of the above-referenced property that the property is in violation of the Metropolitan Code of Laws Section 17.16.250.E – Short Term Rental Property.

Pursuant to MCL § 17.16.250.E, it is illegal to advertise and/or rent property in Nashville on a short term basis (fewer than 30 days) without first having obtained a short term rental permit from the Department of Codes Administration. Based on MCL § 17.16.250.E, you are ineligible to rent this property on a short term basis until you obtain a short term rental permit. Accordingly, effective immediately you must discontinue advertising and/or renting your property on a short term basis, cancel any existing reservations, and remove any advertisements pertaining to the short term rental of the property.

Please be advised that the penalty for violating MCL § 17.16.250.E is a fine of \$50 per day as well as a three year waiting period to become eligible for a permit if you continue to operate without a permit. In the event you fail to discontinue advertising and/or operating this short term rental without a permit, we intend to initiate court action to stop the advertisement and/or operation.

If you have any questions, please contact Robert Osborn at (615) 862-6590 or via email at robert.osborn@nashville.gov.

Respectfully,

Robert Osborn
Metro Codes, Property Standards Division

01014000010364



Latest Renewal Letter



Metropolitan Government of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety
 Metro Office Building - 1st Floor / 800 Second Ave S / Nashville TN 37210
 phone - (615) 862-6510 fax- (615) 862-6514

Short Term Rental Property ("STRP") Renewal Notice
 M.C.L. 6.28.030

Samuel B. Levine
 6607 ORMOND DRIVE
 NASHVILLE TN 37205

Your STRP Permit number CASR-201618064 expires on 05/09/19.
 You may renew your permit by returning the enclosed affidavit, fully completed and notorized along with a check for \$50.00 made payable to The Metropolitan Government. Your cancelled check is your receipt.

Mail to: Metro Department of Codes and Building Safety
 STRP Permit Renewal
 P.O. Box 196300
 Nashville TN 37219-6300

pd
 4/22
 #1914

Failure to renew your STRP permit before the expiration date will result in cancellation of the permit. You are responsible for timely delivery of the completed affidavit and full payment.

Cash and credit card payments can only be made in person at Metro Codes' office. If you have multiple STRP permits, you must complete and return an affidavit for each permit and payment for each permit.

<u>Permit Address</u>	<u>Property Owner</u>	<u>Expiration Date</u>
6205 VOSSWOOD DR	LEVINE, SAMUEL BILLET REVOCABLE LIVING TRUST, THE	05/09/19

STRP RENEWAL AFFIDAVIT

Comes now affiant Lisa Levine, designated representative for Short Term Rental Property ("STRP") Permit # CASR-201618064 for the property located at 6205 Vosswood Drive Nashville, TN. 37205 and states as follows, based upon the affiant's personal knowledge:

1. That I am over the age of eighteen and competent to provide this Affidavit.
2. That I am the designated representative for STRP Permit # CASR-201618064
3. That I wish to continue the permitted operation of an STRP at 6205 Vosswood Drive, pursuant to MCL 17.16.070U.
4. That the floor plan at the permitted address has not changed since the prior STRP inspection and approval by the Metro Fire Marshal.
5. That I possess the full insurance coverage for the STRP, as required by MCL 17.16.070U.
6. That I have paid all applicable taxes related to this permit and this land use.
7. That I have not violated the requirements for operation of a permitted STRP, pursuant to MCL 17.16.070U.

FURTHER, AFFIANT SAITH NOT:

Lisa Levine

SIGNATURE

6/10/19

DATE

Affiant's PRINTED Name

LISA LEVINE

Affiant's Address

6607 Ormond Drive
Nashville, TN. 37205

CONTACT INFORMATION FOR RESPONSIBLE PARTY WITHIN 25 MILE RADIUS OF THE SUBJECT PROPERTY

First/Last Name: Lisa Levine

Address: 6607 Ormond Drive

Phone: 513-673-4856

Email: L15K@aol.com

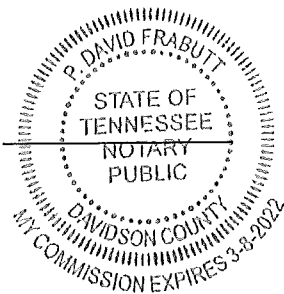
COUNTY OF DAVIDSON)
STATE OF TENNESSEE)

Before me, a notary public for said county and said state, appeared LISA LEVINE, with whom I am personally acquainted, or proved to me on the basis of satisfactory evidence, and who acknowledged that he is the Representative for STRP Permit # 201618064, and that in the capacity of Representative executed the foregoing Affidavit for the purposes therein contained.

This the 10TH day of JUNE, 2019.

P. David Frabutt

My Commission Expires:



SAMUEL B LEVINE
LISA K LEVINE
VOSSWOOD HOUSE
6607 ORMOND DR.
NASHVILLE, TN 37205-3957

87-5/640

1939

Date 6/10/19

PAY TO THE ORDER OF

Metro Code

\$ 50.00

Fifty

00/100

Dollars



Security Features



Memo 2019 Permit

Lisa Levine

MP

*0640000590 1512093274370 1939

Re: Request Appointment

From: Lisa Kirk <li5k@aol.com>

To: Robert.Osborn <Robert.Osborn@nashville.gov>

Date: Tue, Jun 18, 2019 2:32 pm

Mr. Osborne,

Thank you for the today's letter.

It is important to note that I mailed the original, notarized documents and payment on April 22 and we agreed on June 10th that these documents must have been lost in the mail. I did not receive the violation letter dated May 30 until 5:15 PM on June 7th. I began to remedy this issue on Saturday, June 8th by confirming the April 22nd bank notary and first thing Monday morning, June 10th, with you. We are seeking written acknowledgement of our timely efforts to renew our permit per the original renewal request and the circumstances that have followed, including your permission to continue to operate and advertise until we receive documentation from the review. Thank you for your diligence in this matter.

Lisa and Sam Levine

-----Original Message-----

From: Osborn, Robert (Codes) <Robert.Osborn@nashville.gov>

To: 'Lisa Kirk' <li5k@aol.com>

Sent: Tue, Jun 18, 2019 1:33 pm

Subject: RE: Request Appointment

Lisa,

Our website has the bills for short term rentals. <https://www.nashville.gov/Services/Frequently-Asked-Question-Center/FAQ-Details/ID/858/What-is-the-legislative-history-of-STRP-permits>

The permit expired on 5/9/19. Your renewal documents were taken on 6/10/19. There was not a 30 day grace period at that time. Also, there has been a change in ownership at the property. Metro Legal has decided to review all of our cancellation letters. I do not know how long it will take them to review your case. My supervisor has told me that you are fine to operate until you hear back from us.

I do anticipate that a letter stating the renewal will not be accepted due to the change in ownership will be sent, but we will wait on Legal's review. If you have any more questions feel free to send me an e-mail.

Best,

Robert Osborn
Zoning Examiner
Metro Office Building
800 2nd Ave S.
Nashville, TN 37210

From: Lisa Kirk [mailto:li5k@aol.com]

Sent: Tuesday, June 11, 2019 9:32 PM

To: Osborn, Robert (Codes)

Subject: Re: Request Appointment

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

Mr. Osborne,

It was very nice to have the opportunity to meet you. I want to thank you for your help in moving the process forward.

Also thank you for your trust and faith in me. I am a dedicated home host and I appreciate that you understand that.

Your job is not easy and I am happy to see someone knowledgeable and dedicated in your position.

Again, my thanks.

Lisa Levine

-----Original Message-----

From: Osborn, Robert (Codes) <Robert.Osborn@nashville.gov>

To: 'Lisa Kirk' <li5k@aol.com>

Sent: Mon, Jun 10, 2019 8:53 am

Subject: RE: Request Appointment

Documentation regarding?

Received
Sat 6/29
late afternoon

DAVID BRILEY
MAYOR



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

June 24, 2019

Levine, Samuel Billett Revocable Living Trust, The
6607 Ormond Dr
Nashville, TN 37205

RE: Permit CASR # 201618064
Permit Address 6205 Vosswood Dr

Dear Levine, Samuel Billett Revocable Living Trust:

Pursuant to Section 17.16.250.E of the Metropolitan Code of Laws, this letter serves as your formal notice that the above-referenced STRP permit is no longer valid.

This property changed ownership after the date of permit issuance. The law does not allow transfers of STRP permits, thus this permit has been invalid since the 7/19/2018 ownership change. An application for a new permit may be filed at the Codes Department; however, until a new permit is issued all short term rental activity, including advertising and operating, must cease immediately at this address. Any such activity at the subject address will be a violation of law and could subject you to court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Herring Lamb
Metro Codes

September 11, 2019

RE: BZA Case No. 2019-361 (6205 Vosswood Drive)

Dear Chairman Taylor and Board Members:

On behalf of myself, Samuel Levine, and my wife Lisa please consider the following new evidence.

On September 6, 2019 @ 12:10 am I sent an email to Ms. Emily Lamb to inform her that I was following through with my original intent to have my property deed back in my name. (See exhibit 1) I was never given the opportunity to speak in the Public Hearing and make known that we were not seeking to change the law or reinterpret it. We came to the hearing to seek forgiveness rather than permission and Mr. Henry never gave us the opportunity to say so. I am including a copy of the fully executed Quitclaim Deed of 9/6/2019 @ 1:28:21 pm, making me the rightful owner of the property.(See exhibit 2) I am also including a copy of our original intent to do so on July 2, 2019.(See exhibit 3)

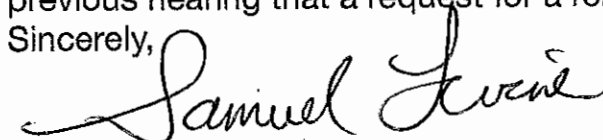
Mr. Hazzard of GSRM Law, who has actually been wrongly identified as a Real Estate attorney actually specializes in Estate Planning & Probate. He had originally offered to file this paperwork but for reasons I have never been able to have answered, Mr. Henry continued to say that we should wait and ask if this could cure the issue at the hearing. He did not do so.

I am including Mr. Hazzard's Affidavit. (See exhibit 4) Mr. Hazzard admits his negligence in #9 but this was also never pointed out.

Finally our Metro Council Representative Mina Johnson had stated in her letter to the BZA that she wanted to be able to come and speak in person on 9/5 but was unable. As our case was deferred to 9/19/19 Council Member Johnson has let us know she would like to attend the BZA meeting and make a statement. As Council Member and co-sponsor of BL2017-608 she has cited her intent in crafting the ordinance and would like to make this known. (See exhibit 5)

As Chairman Taylor was looking for a way forward and Ms. Karpynech stated, "I think it is worthy of the other two attorneys on the Board hear the case, if they so chose." I would request that these documents be reviewed and Council Member Johnson be able to make her statement. If this is not possible I would request that based on new evidence that could not have been presented at the previous hearing that a request for a rehearing be granted.

Sincerely,



Samuel Levine

Enclosure: Collective Exhibits 1-5

EXHIBIT 1

From: Sam Levine sam@samlevinmusic.com
Subject: Letter from Samuel B. Levine Concerning STRP for 6205 Vosswood Dr.
Date: September 6, 2019 at 12:10 PM
To: emily.lamb@nashville.gov

To the Board of Zoning Appeals,

The arguments of our attorney precluded the opportunity for me to speak in the Public Hearing. We are not seeking to change or reinterpret law here.

It was always our intent to change the property back to my individual ownership. As of today, September 6th, 2019, we are filing a Quit Claim Deed putting the property at 6205 Vosswood Dr. back in my name. We are seeking forgiveness rather than permission and are humbly giving ourselves over to the mercy of the Appeals Board.

Sincerely,

Samuel Levine
615-330-6747

EXHIBIT 2

Prepared By:
Lisa Levine
6607 Ormond Dr.
Nashville, TN. 37205

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

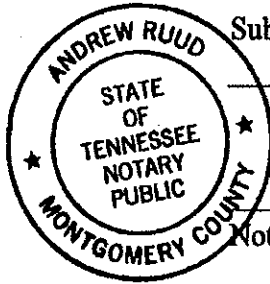
Karen Johnson Davidson County
Batch# 292164 DEEDQC
09/06/2019 01:28:21 PM 3 pgs
Fees: \$17.00 Taxes: \$0.00



20190906-0090217

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

Samuel Billett Levine
AFFIANT



Subscribed and swore before me on this day,

September 6, 2019

AR
Notary Public

My Commission expires June 16, 2020

Owner address:
Samuel Billett Levine
6205 Vosswood Dr
Nashville, TN 37205

Send tax bills to:
Same

Map-Parcel Number
115 12 0 043.00

QUITCLAIM DEED

Samuel Billett Levine ("Trustee") of **The Samuel Billett Levine Revocable Living Trust, dated July 9, 2018**, ("Grantor"), for consideration of \$10.00, hereby releases, remises, and quitclaims to Samuel Billett Levine ("Grantee"), all right, title and interest of Grantor in and to that certain tract or parcel of land in Davidson County, Tennessee, more particularly described in Exhibit A,

Subject property is quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

<Signature page to follow.>

WITNESS my hand on this day September 6, 2019.

Samuel Billett Levine (Trustee)

Samuel Billett Levine (Trustee)
of the Samuel Billet Levine Revocable Living Trust

STATE OF TENNESSEE)

COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Samuel Billett Levine (Trustee) of The Samuel Billet Levine Revocable Living Trust, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledges that he executed the within instrument as his free act and deed and for the purposes therein contained.

WITNESS my hand and official seal on this day September 6, 2019

Andrew Ruud

Notary Public

My Commission Expires: June 16, 2020

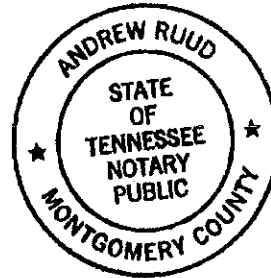


EXHIBIT A

Land in Davidson County, Tennessee, being Lot No. 169 on the Plan of West Meade Farms, Inc., section G, of record in Plan Book 1835, page 115, Register's Office for Davidson County, Tennessee, to which plan reference is hereby made for a complete and accurate description.

Being the same property conveyed to The Samuel Billett Levine Revocable Living Trust, by Samuel Billett Levine Trustee by quitclaim deed of record in Instrument No. 20180723-0071688, Register's Office for Davidson County, Tennessee.

This is improved property commonly known as 6205 Vosswood Drive, Nashville, TN. 37205.

EXHIBIT 3

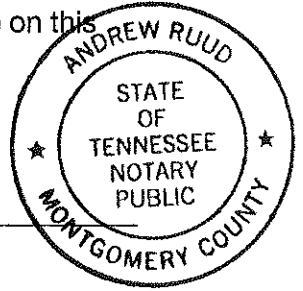
STATE OF TENNESSEE }
COUNTY OF DAVIDSON }

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

Samuel B. Levine
AFFIANT

Subscribed and sworn before me on this
day, July 2, 2019

Andrew Ruud
Notary Public



My Commission expires June 16, 2020

Owner Address:
Samuel Billett Levine
6607 Ormond Drive
Nashville, TN. 37205

Send Tax Bills to:
Same

Map-Parcel Number
115 12 0 043.00

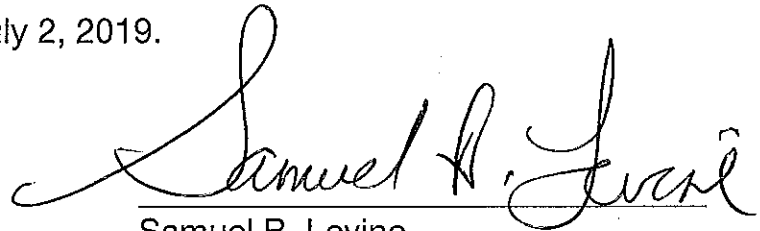
QUITCLAIM DEED

Samuel B. Levine ("Trustee") of The Samuel Billett Levine Revocable Living Trust, dated July 19, 2018, ("Grantor"), for consideration of \$10.00, hereby releases, remises, and quitclaims to Samuel B. Levine ("Grantee"), all right, title and interest of Grantor in and to that certain tract or parcel of land in Davidson County, Tennessee, more particularly described in Exhibit A.


Subject property is quitclaimed subject to such limitations, restrictions and encumbrances as may affect the premises.

<Signature page to follow.>

WITNESS my hand on this day, July 2, 2019.



Samuel B. Levine



Lisa Kirk Levine

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, **Samuel B. Levine** and **Lisa Kirk Levine** with whom I am personally acquainted (or prove to me on the basis of satisfactory evidence), and who acknowledge that he executed the within instrument as his free act and deed and for the purposes therein contained.

WITNESS my hand and official seal on this day, July 2, 2019.



Notary Public

My Commission Expires: June 16, 2020

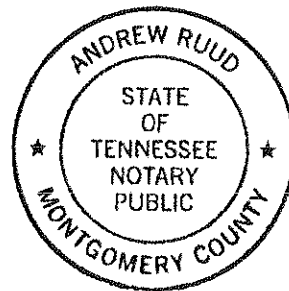


EXHIBIT 4

AFFIDAVIT

Comes now Robert J. Hazard, Esq., who, having first been duly sworn according to law, deposes and says:

1. I am a licensed attorney at the law firm of Gullett, Sanford, Robinson & Martin, PLLC, whose principal office is at 150 Third Avenue South, Suite 1700, Nashville, TN 37201.

2. I previously represented Samuel Billett Levine ("Mr. Levine") for estate planning purposes and counseled him in establishing The Samuel Billett Levine Revocable Living Trust, dated July 19, 2018 (the "trust").

3. Mr. Levine is the grantor, trustee, and beneficiary of the trust.

4. The trust is revocable. Mr. Levine may revoke or amend the trust in any respect.

5. Mr. Levine is solely authorized to administer all trust property as though it is owned by him.

6. The trust is subject to Mr. Levine's creditors and does not in any way diminish a third party's rights against Mr. Levine.

7. The trust is a disregarded entity for federal and state tax purposes. Mr. Levine's social security number is used to identify the trust.

8. The purpose of the trust is to direct the distribution of Mr. Levine's estate upon his death.

9. Through inadvertence and mistake, that certain real property commonly known as 6205 Vosswood Drive, Nashville, TN 37205 was transferred to the trust.

10. In no event would Mr. Levine have been counseled to transfer said real property to the trust for estate planning purposes if at such time it were known that such a transfer could affect Mr. Levine's ability to operate said property as a short term rental property.

FURTHER AFFIANT SAITH NOT.

Robert J. Hazard, Esq.

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Worn to and subscribed before my hand on this day, August 15, 2019.

Notary Public

My Commission Expires: 3/03/2020

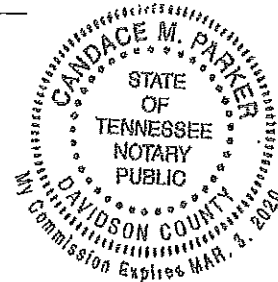


EXHIBIT 5

Case #2019-361**From:** Johnson, Mina (Council Member) <Mina.Johnson@nashville.gov>**To:** Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>**Cc:** Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>; li5k@aol.com <li5k@aol.com>; shenry@tewlawfirm.com <shenry@tewlawfirm.com>**Date:** Wed, Sep 4, 2019 3:41 pm

Emily & Board of Zoning Appeal Commissioners,

Please accept this e-mail as my support for my constituents, Sam Levin, applicant, and Lisa Levin, representative, on case #2019-361. Regrettably, I won't be able to speak in person at the September 5th BZA meeting due to another pressing issue.

I was one of the co-sponsors of the Short-Term Rental ordinance BL2017-608. As you know, some sections of the ordinance were pre-empted by the Short Term-Rental Units Act of Tennessee, that grandfathered in non-owner occupied STRs in good standings in residentially zoned area. My intention when I co-sponsored the bill was to restore quality of life in residential neighborhoods, but not to punish STR owners who follow the regulations and cause no harm to surrounding neighbors. Sam & Lisa have been an example of how a well-managed STR can be a good neighbor, as you can see from the support from their surrounding neighbors.

I believe Sam & Lisa are the victims of unusual circumstances caused by bad advice from the real-estate attorney. They are willing to do everything they can to make it right, and continue to follow the regulations as they have been doing for years. I believe their STR permit should be reinstated under the Short Term-Rental Units Act of Tennessee. I hope the Board of Zoning Appeal commissioners decide in favor of the Levins and reinstate their STR permit.

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

Sign up for District 23 Update <https://public.govdelivery.com/accounts/TNNASH/subscribe/new?topic_id=TNNASH_183>

From: [Lamb, Emily \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: FW: Case #2019-361
Date: Thursday, September 5, 2019 7:41:28 AM

For the case file. And can one of you please print it to hand out to the board members today?

Emily Lamb
Metro Codes Department

From: Johnson, Mina (Council Member) <Mina.Johnson@nashville.gov>
Sent: Wednesday, September 4, 2019 3:42 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Cc: Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>; li5k@aol.com; shenry@tewlawfirm.com
Subject: Case #2019-361

Emily & Board of Zoning Appeal Commissioners,

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

JOHN RAY CLEMMONS
STATE REPRESENTATIVE
DISTRICT 55



State of Tennessee
House of Representatives

September 5, 2019

COMMITTEES
AGRICULTURE & NATURAL RESOURCES
NAMING, DESIGNATING & PRIVATE ACTS

SUBCOMMITTEE
AGRICULTURE & NATURAL RESOURCES

CORDELL HULL BUILDING, SUITE 408
425 FIFTH AVENUE NORTH
NASHVILLE, TN 37243
(615) 741-4410
rep.john.ray.clemmons@capitol.tn.gov

Board of Zoning Appeals
Metropolitan Government of Nashville and Davidson County

SENT VIA EMAIL TO: BZA@NASHVILLE.GOV

RE: CASE 2019-361 (Council District - 23)
SAMUEL LEVINE, appellant and LEVINE, SAMUEL BILLET REVOCABLE LIVING TRUST, owner of the property located at 6205 VOSSWOOD DR, requesting an Item A appeal challenging the zoning administrator's cancellation of an STRP permit because of a change in ownership in the RS40 District - Map Parcel 1151200430

Dear Members:

I have been contacted by my constituent, Ms. Lisa Levine, regarding the above-referenced case and asked to draft this correspondence for your consideration. All facts known to me about this case are limited to those she has personally communicated. Those facts are as follows:

The Levine family owned the real property at issue. The owners held a Metro permit for the property's use as a short-term rental property. The owners have not been found in violation of any applicable local law with respect to the property. They consulted an attorney and conveyed the real property to a revocable living trust after enactment of Public Chapter No. 972. The owners are the trustees and sole beneficiaries of the trust.

Based on the information known to me, it would appear that the outcome of this case will be determined by the Board's ruling on the following question of law: *Whether the grandfather clause of T.C.A. 13-7-603 protects an owner of real property who sells or transfers real property to a trust created for the sole benefit of that owner and in which that owner is the trustee and sole beneficiary.*

Those of us who strongly opposed HB1020, the legislation creating this law, believe that the governance of short-term rental properties ("STRP") is inherently a local zoning issue and that STRP's should be governed predominantly, if not exclusively, by local governments. Proponents argued it as a property rights issue, while opponents like me focused on the jurisdictional issues, as well as the quality of life of neighborhood residents. Given that the state legislature once again overstepped and inserted itself into Metro's governance of STRP's, this Board is now tasked with deciphering the state's actions and intent.

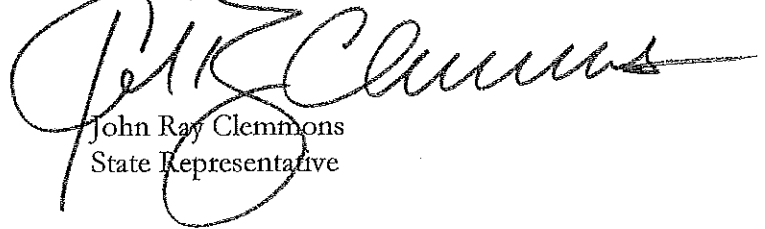
T.C.A. 13-7-603 states, in part:

The ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit *until the property is sold, transferred*, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by § 13-7-604. (*emphasis added*)

The plain language of this section appears to remove any STRP protections for real property once it is *sold or transferred*, as those terms are defined in the T.C.A. and commonly used with respect to the conveyance of real property. However, in the present case, if one were to determine that there is sufficient vagueness in the law such as to require examination of legislative intent, one could point to the dual purpose of the legislation, which was: a) the proponents' oft-stated intent to protect owners' property rights; and b) the clear intent to prohibit the conveyance of the original owners' property rights to subsequent purchasers in perpetuity. When viewed cumulatively, one could reasonably argue that the legislature did not intend to punish law-abiding owners or deprive them of their property rights when the owners effectively retain sole ownership of real property, as well as all benefits and responsibilities resulting therefrom, regardless of a change in legal ownership.

I sincerely appreciate your service to our city and know that you will provide this case thoughtful consideration. Please do not hesitate to contact me if I can be of any assistance on this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Ray Clemmons". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John Ray Clemmons
State Representative

August 9, 2019

Lynn Reed & Eileen Campbell-Reed
6210 Bresslyn Rd.
Nashville, TN 37205

Board of Zoning Appeals
PO Box 196350
Nashville, TN 37219-6300

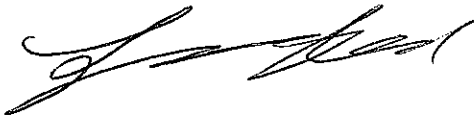
To whom it may concern:

This letter is to show support for reinstating STRP 201618064 for the property at 6205 Vosswood Dr. 37205. Having lived next to the property for several years while the permit was active, we have experienced no issues or disturbances as a result of this property being a short term rental.

We have spoken with the owners, are aware of how the "change of ownership" occurred during the establishment of a trust, and don't think that is a valid reason to cancel the permit.

Please feel free to contact us if you have any questions.

Best Regards,



Lynn E. Reed
615 319 0483



Eileen Campbell-Reed

To The Nashville Board of Zoning Appeals:

My name is Margaret Gillum. I live at 507 West Meade Drive Nashville, TN. 37205. The back of my property touches the back of 6205 Vosswood Drive.

I acknowledge that I am aware that the above listed property has been operating as a Short Term Rental. I have never filed any type of complaint and have had no reason to do so. The property is well kept and an asset to our community. Sam and Lisa Levine have always been concerned for and acted responsibly toward their neighbors.

I have no issues with them continuing to use the property, in the same responsible manner, as a Short Term Rental.

Signature: Margaret M. Gillum

Date: 6 July 2019

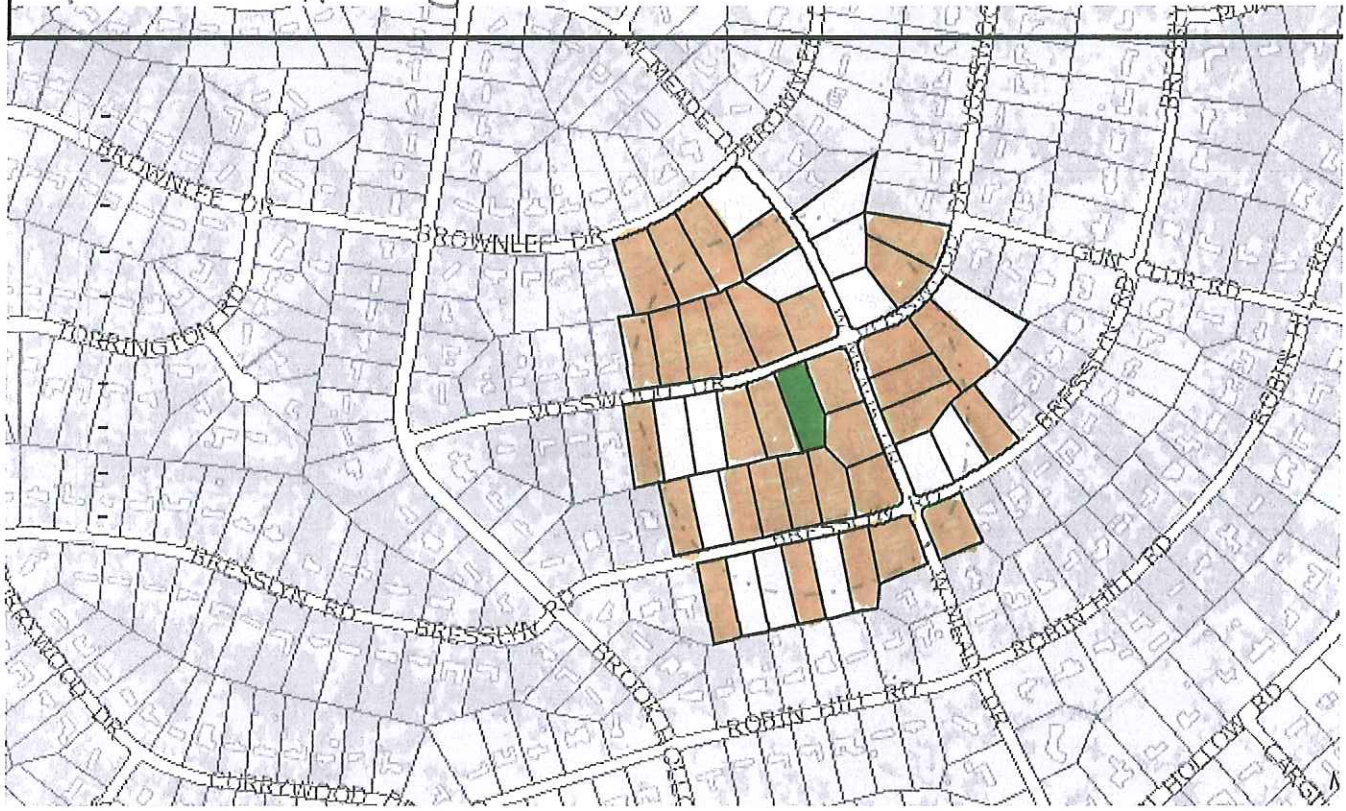


Create Mailing List

Select Parcels by:

- Parcel Number
- Address
- Shape

Green - Subject Property - 6205 VOSSWOOD DR - Samuel B. Levine
 Yellow - Supporting Neighbors as of 8/28/19



Export to Excel

48 Records Retrieved

ParcelID	Owner	Owner Addr	Owner City	Owner
11512004400	KIM, ALAN S.	6201 VOSSWOOD DR	NASHVILLE	TN
11512004700	SCHWABER, MITCHELL K. & ET AL	614 VOSSWOOD DR	NASHVILLE	TN
11515002500	REED, LUCIAN D. ETUX	6221 BRESSLYN RD	NASHVILLE	TN

MAP Supplied by Codes - determines neighbors w/ 600' of Property

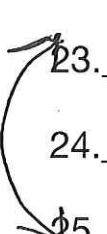
We acknowledge that Sam & Lisa Levine of 6205 Vosswood Drive has spoken with us to explain the letter we received and the signage in the yard. We understand that they are requesting they have their short term rental permit renewed. As their neighbors we are happy to support them.

Name	Address
1. DAVID + Margie PARLEY	6200 Vosswood DR
2. Carter + Debbie Crenshaw	600 Vosswood Dr.
3. Marilyn Syell	6207 Broward Ave
4. SIM + JESSICA FOLBER	6211 BROWNLEE DR
5. PASCHAL O'DWYER	510 WEST MEADE DR.
6. Dan Rudin	6201 BRESSLYN RD
7. Anne Brunette	6224 Bresslyn Rd.
8. D.M. K.	6218 Vosswood Dr.
9. Bro Gner	6222 Vosswood Dr.
10. Jessica Buenahua	6213 Vosswood Dr.
11. Rey Sochnik	6210 Vosswood Dr.
12. Mid Shin	6223 Vosswood Dr.
13. Alex + Carli Horton	506 W. Meade Dr.
14. Robert Kolarich	6200 Bresslyn Rd.
15. Jeff Murphy	6205 BRESSLYN RD.
16. Sam Levine	6205 Bresslyn Rd

We acknowledge that Sam & Lisa Levine of 6205 Vosswood Drive has spoken with us to explain the letter we received and the signage in the yard. We understand that they are requesting they have their short term rental permit renewed. As their neighbors we are happy to support them.

	Name	Address
17.	Kalmy Benmesra	611 W. Moade Dr
18.	Jay C. Dan	6216 Bresslyn Rd
19.	Steve Snow	6212 Bresslyn Rd.
20.	Anne Swift	6214 Vosswood Dr.
21.	Janice Sharlet	6215 Bresslyn Rd.
22.	SC Ashby	6229 Bresslyn Rd
23.	[Signature]	6137 Bresslyn Rd (Renter)
24.	Judy Sweeney	619 Vosswood Dr.
25.	[Signature]	6137 Bresslyn Rd (owner)
26.	Nestle & Burt	610 Vosswood Drive
27.	Tim Corbin	610 Vosswood Drive
28.	Brian Han, Han	6215 Brownlee Dr
29.		
30.		
31.		
32.		

Renter
owner



From: [Sam Levine](#)
To: [Lamb, Emily \(Codes\)](#)
Subject: Letter from Samuel B. Levine Concerning STRP for 6205 Vosswood Dr.
Date: Friday, September 6, 2019 12:10:06 PM

To the Board of Zoning Appeals,

The arguments of our attorney precluded the opportunity for me to speak in the Public Hearing. We are not seeking to change or reinterpret law here.

It was always our intent to change the property back to my individual ownership. As of today, September 6th, 2019, we are filing a Quit Claim Deed putting the property at 6205 Vosswood Dr. back in my name. We are seeking forgiveness rather than permission and are humbly giving ourselves over to the mercy of the Appeals Board.

Sincerely,

Samuel Levine
615-330-6747

L. G. Burnett, Jr.
Attorney at Law

302 42nd Avenue North
 Nashville, Tennessee 37209

(615) 279-0007
 FAX (615) 864-8419

E-mail lgburnettlaw@lgburnettlaw.com

August 26, 2019

Dept of Codes & Building Safety
 P.O. Box 196350
 Nashville, TN 37219-6300

Re: Appeal Case Number: 2019-361
 6205 Vosswood Drive
 Map Parcel: 11512004300
 Zoning Classification: RS40
 Council District: 23

Dear Sir:

This letter is in response to the referenced zoning appeal and to let the Board know I am very much opposed to the change.

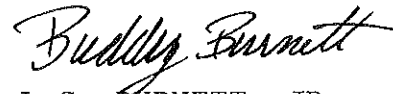
I reside at 607 West Meade Drive, which is within the 600-foot radius of 6205 Vosswood Drive. The property is no longer owner-occupied and apparently has not been in over a year. The last deed transfer dated July 19, 2018, states "this is not now, nor has it ever been, the primary residence of the Grantor's spouse" (Lisa Kirk Levine). Mrs. Levine came to my home on August 24th to solicit support for the appeal and stated she and her husband no longer reside at 6205 Vosswood Drive. She also stated, "their only purpose in continuing to own the house is for short term rental and to have a place for their adult children to stay when they come to Nashville."

Mr. Levine is requesting the Board to completely disregard the Metropolitan Government guidelines on short term rentals. The property at 6205 Vosswood Drive is no longer owned by a natural person and is ineligible for an owner-occupied permit. The property was transferred to the Samuel Billett Levine Living Revocable Trust on July 19, 2018. The owner of the property must permanently reside at the property and be a natural person or persons. LLCs, corporations, trusts, partnerships, joint ventures and other entities are ineligible for owner-occupied permits. New not owner-occupied permits are not permitted in R or RS zoned properties.

Zoning Appeal letter: page two

I grew up in the neighborhood and attended Brookmeade Elementary School and Hillwood High School. I believe short term rentals are a blight on neighborhoods, and I oppose any changes that would permit them in the West Meade and Hillwood area.

Yours truly,

A handwritten signature in cursive script that reads "Buddy Burnett".

L.G. BURNETT, JR.

LGB/bs



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

Appellant: Mohammed Abuqayas Date: 8-1-19
Property Owner: Mohammed Abuqayas Case #: 2019-402
Representative: Mohammed Abuqayas Map & Parcel: 08112018700

Council District: 21

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 1525 12th Ave N

This property is in the RS5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

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

Section: 17.16.250 E

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

Appellant Name: Mohammed Abuqayas Representative: _____
Phone Number: 615 397-9993 Phone Number: _____
Address: 1525 12th Ave N Address: _____
Nashville, TN 37208
Email address: mohammedabuqayas@gmail.com Email address: _____

Appeal Fee: \$100.00



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



3697446

**ZONING BOARD APPEAL / CAAZ - 20190045984
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08112018700**APPLICATION DATE:** 08/01/2019**SITE ADDRESS:**

1525 12TH AVE N NASHVILLE, TN 37208

S SIDE 12TH AVE NO E OF COCKRILL ST

PARCEL OWNER: ABUQAYAS, MOHAMMED**CONTRACTOR:****APPLICANT:****PURPOSE:**

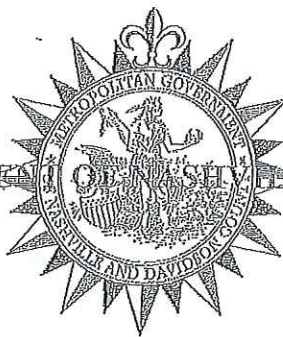
Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

NOTICE

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

8.1.19

Rental Unit Record

1525 12th Ave N, Nashville, TN 37208, USA

Active ●
Identified ✓
Compliant X

PRINT

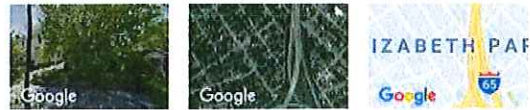
Listing(s) Information

HomeAway - 121.4940578.6117891

Airbnb - 24241524



Rental Unit Information



Identified Address

1525 12th Ave N, Nashville, TN 37208, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.175350, -86.802563

Parcel Number

08112018700

Owner Name

ABUQAYAS, MOHAMMED

Owner Address

620 Wheatfield Ct
Nashville, TN 37209, US

Timeline of Activity

View the series of events and documentation pertaining to this property

1 Documented Stay
May, 2019

Matched Details

Analyst

CIIE

Explanation

I was able to match the view from the property using Google 3D View. The location fits the description ("Minutes from Broadway Nashville and I-65"). The location and address were both verified on the tax assessor's website.

Listing Photos



Matching 3rd Party Sources



Same view, note the matching architecture on the houses across the street and landscaping.

8/1/2019

Matched property listing

Listing Details


Listing URL	— https://www.homeaway.com/vacation-rental/p4940578
Listing Status	● Active
Host Compliance Listing ID	— hma121.4940578.6117891
Listing Title	— luxury house only 5minuets to music city Nashville (broadway german town & more)
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Jul 29, 2019
Screenshot Last Captured	— Jul 30, 2019
Price	— \$711/night
Cleaning Fee	— \$450


Information Provided on Listing

Contact Name	— Not provided
Latitude, Longitude	— 36.175643, -86.799360
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 12
Max Number of People per Bedroom	— 2.4
Number of Reviews	— 8
Last Documented Stay	— 05/2019









Listing Screenshot History

 View Latest Listing Screenshot

 June 8

 July 9

 August 0

-  1 Documented Stay
April, 2019
-  1 Documented Stay
March, 2019
- Listing hma121.4940578.6117891 Reposted
February 2nd, 2019
- ✕ Listing hma121.4940578.6117891 Removed
January 29th, 2019
-  1 Documented Stay
October, 2018
-  1 Documented Stay
September, 2018
- Listing hma121.4940578.6117891 Reposted
September 27th, 2018
- ✕ Listing hma121.4940578.6117891 Removed
September 3rd, 2018
- Listing hma121.4940578.6117891 Reposted
August 29th, 2018
- ✕ Listing air24241524 Removed
August 10th, 2018
- ✕ Listing hma121.4940578.6117891 Removed
July 17th, 2018
-  1 Documented Stay
July, 2018
- Listing hma121.4940578.6117891 Reposted
July 13th, 2018
- ✕ Listing hma121.4940578.6117891 Removed
June 29th, 2018
- ✔ First Warning - No STR or Tax: Delivered 
June 9th, 2018
- ✔ First Warning - No STR or Tax: Sent 
June 1st, 2018
- ✔ Listing hma121.4940578.6117891 Identified
May 24th, 2018
- ✔ Listing air24241524 Identified
May 24th, 2018
-  2 Documented Stays
May, 2018
- Listing hma121.4940578.6117891 Reposted
April 24th, 2018
- ✕ Listing hma121.4940578.6117891 Removed
April 19th, 2018
- ✱ Listing air24241524 First Crawled
April 12th, 2018
- Listing air24241524 First Activity
April 11th, 2018
- ✱ Listing hma121.4940578.6117891 First
Crawled
April 3rd, 2018
- Listing hma121.4940578.6117891 Reposted
April 3rd, 2018
- ✕ Listing hma121.4940578.6117891 Removed

8/1/2019

Matched property listing

March 29th, 2018

📄 1 Documented Stay
March, 2018

● Listing hma121.4940578.6117891 First
Activity
March 27th, 2018

July 30, 2019 - 08:16AM America/Chicago

HomeAway

Trip Boards Login Help Feedback List your property

Where Nashville, TN, USA

Check In

Check Out

Check Availability

Jul 30, 2019 8:16am CT



View all 41 photos

\$711 avg/night
★★★★★ 8 Reviews
Good 3.8/5

Enter dates for accurate pricing

Check In Check Out

Guests

Check Availability

Owner
Ask Owner a Question

For booking assistance, call HomeAway at 888-829-7076
Property # 4940578

Overview Amenities Reviews Map Rates & Availability

luxury house only 5minuets to music city Nashville (broadway german town & more)

- House
- Sleeps: 12
- Bedrooms: 5
- Bathrooms: 3
- Half Baths: 1
- Min Stay: 1 - 2 nights



Hot Tub Air Conditioning No Smoking

New built 3490sqft house with hardwood floors, security system cameras and music system (speakers in each room. Electric-remoted gate on front entrance it also electric garage from the back entrance. Cast iron security gate on front and wooden fence all around for completely privacy. More specs:

Minutes from broadway Nashville and I-65

3490 sqft

3 and a half bathrooms

Travertine master bathroom

Granite countertops in kitchen and bathrooms

Spacious bedrooms

Recessed lighting

Two cars garage

Front and back entrance.

French doors to upstairs balcony

Big back yard spacious for a possible swimming pool.

[View less](#)

Bedrooms

Bedrooms: 5 Sleeps: 12

You might like these similar properties

[See more](#)



4BR • Sleeps 10
470 avg/night
★★★★★ (1)



8BR • Sleeps 16
378 avg/night
★★★★★ (7)



4BR • Sleeps 12
572 avg/night
★★★★★ (0)

Popular destinations in the area



Pigeon Forge, TN, USA



Gatlinburg, TN, USA



Nashville, TN, USA

Owner



Owner
Member Since 2018

[Ask Owner a Question](#)

Languages: English, Arabic

About Owner

My names is Mohammed (call me Moe) I live in Nashville Tn I have 2 kids, I own Italian restaurant (Roma Pizza And Pasta).

Owner purchased this House In 2018

Why Owner chose North Nashville

Can host up to 12 guests, quiet neighborhood, pretty close to broadway, private gated.

What makes this House unique

This house can host up to 12 guests and the price is affordable in the area.

[View less about Owner](#)

Amenities

Featured

Internet

Air Conditioning

Fireplace

TV

Washer & Dryer

Parking

Heater

 Hot Tub

 Washer & Dryer

Bathrooms

3 Bathrooms, 1 Half Bath

General

Air Conditioning

Fireplace

The password on the att box

Heating

Parking

Towels Provided

Washing Machine

Driveway and car port

Iron & Board

Clothes Dryer

Garage

Hair Dryer

Internet

Kitchen

Dishwasher

Grill

CONCO MAKER

Microwave

Coffee Maker

Dishes & Utensils

Dining

Dining Area

Entertainment

Television

Pool Table

POOL TABLE

Outside

Balcony

Deck / Patio

DECK / PATIO

Pool / Spa

Hot Tub

House Rules

Check-in: 3:30 PM

Check-out: 10:30 AM



Parties/events allowed



No smoking



No pets



Children not allowed

Max guests: 12

Late noise/loud music not allowed after 2 midnight on weekends and not allowed after 12 pm on week days.

Specific address and passcode to the house will be provided two hours before check in.

Cancellation Policy

Canceled bookings will not receive a refund

8 Reviews

★★★★☆ Good 3.8/5



1 - 6 of 8

**Great location minutes to downtown**

5/5 ★★★★★ Stayed May 2019

Paul H.

The house was perfect for us. I rented it for a group of 8 for my wife's 40th birthday. Plenty of room for everyone. Some of the reviews mentioned it being in a bad neighborhood. The neighborhood wasn't great, but it was an up and coming type area. You can see that money is being put into it. This is certainly the biggest house on the street but the neighbors were nice and we had no issues. Moe was quick to respond anytime I needed anything.

Published May 20, 2019

Nice Property; Unsatisfactory Service

2/5 ★★☆☆☆ Stayed Apr 2019

Jeff F.

Upon check-in we found the property to be unclean: used BandAids on countertops, toilets soiled, dirty floors, food residue in refrigerator, laundry unwashed, and dishes unwashed. We immediately contacted the property manager. Four hours later two cleaners arrived and made the situation much better. We requested a refund of the cleaning fee that was built into the "owners fees", but we were refused. All of this is a shame because the property was otherwise attractive and convenient.

Published Apr 25, 2019

Great house in a sketchy neighborhood.

3/5 ★★★★★ Stayed Mar 2019

JAMES B.

New very nice house. Neighborhood is rough. The house was filthy dirty. If you walked around in your socks or bare feet they were black on the bottom. Countertops, cupboards, appliances all dirty. Shower full of hair. Bathroom all nasty. House itself looks just like the pictures. Very nice just dirty as hell.

Published Apr 16, 2019

Really nice property. Good layout with lots of room, could use more furnishings. I would return

4/5 ★★★★★ Stayed Oct 2018

Richard F.

Really nice property

Published Nov 2, 2018

Very nice house! Neighborhood is still up and coming

4/5 ★★★★★ Stayed Sep 2018

Nate

The house is beautiful but the neighborhood is still in transition so do your diligence if you have safety questions. Very good communication with the owner leading up to the trip and decent responsiveness during the stay. Master bedroom on first floor has a great bathroom/closet. Overall we had a very good experience.

Published Oct 16, 2018

Owner's Response:
Thank you so much,

Beautiful home, could use work

4/5 ★★★★★ Stayed Jul 2018

Ashley A.

The home itself was large and beautiful. The inside of the home was stocked with complimentary necessities. The owner was also very informative and helpful. The only complaints I have about my stay are that 1) the house could have been cleaner, particularly the floors 2) one of the beds are not sturdy 3) the landscape could use work and 4) the house was not located in the best neighborhood. Other than these issues, the house really was impressive with a modern look. It is also very close to downtown Nashville.

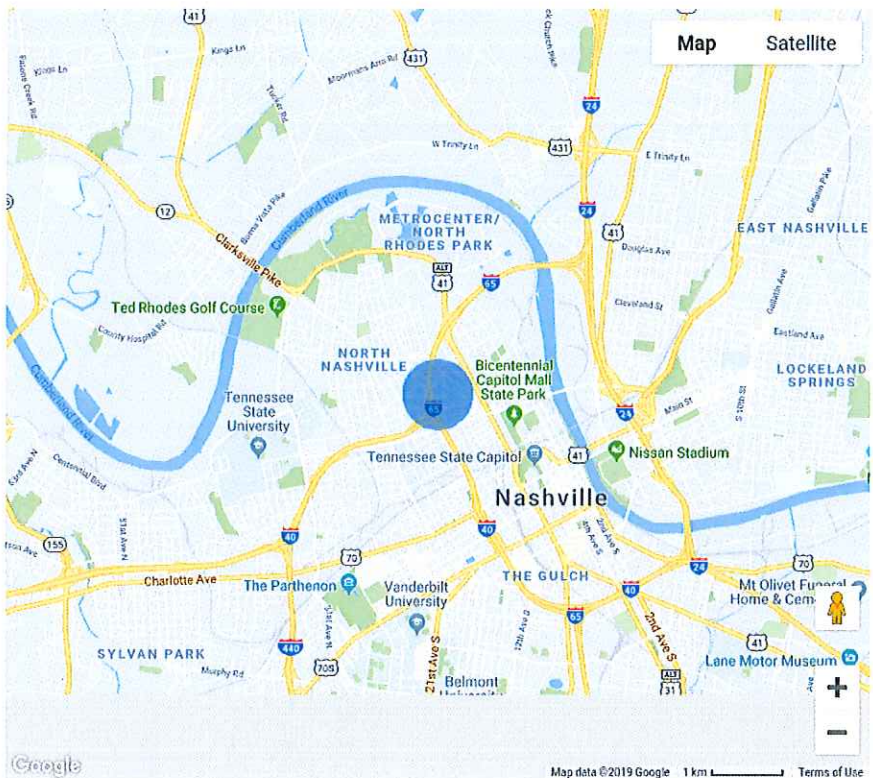
Published Aug 10, 2018

Owner's Response:

Thank you so much , I really appreciate you , I'm really sorry to hear that ,

1 - 6 of 8

Map



North Nashville, Nashville, TN, USA

Rates & Availability

July 2019							August 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1 750	2 750	3 750
7	8	9	10	11	12	13	4 750	5 750	6 750	7 750	8 750	9 750	10 750
14	15	16	17	18	19	20	11 750	12 750	13 750	14 750	15 750	16 750	17 750
21	22	23	24	25	26	27	18 750	19 750	20 750	21 750	22 750	23 750	24 750
28	29	30	31				25	26	27	28	29	30	31

Matched property listing

750 750 750 750 750 750 750 750

September 2019

October 2019

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1 750	2 750	3 750	4 750	5 750	6 750	7 750			1 750	2 750	3 750	4 750	5 750
8 750	9 750	10 750	11 750	12 750	13 750	14 750	6 750	7 750	8 750	9 750	10 750	11 750	12 750
15 750	16 750	17 750	18 750	19 750	20 750	21 750	13 750	14 750	15 750	16 750	17 750	18 750	19 750
22 750	23 750	24 750	25 750	26 750	27 750	28 750	20 750	21 750	22 750	23 750	24 750	25 750	26 750
29 750	30 750						27 750	28 750	29 750	30 750	31 750		

Taxes and fees are additional

Additional information about rental rates

Cleaning Fee	450
Pet Fee	300
Additional Guest Fee	50
Property Damage Insurance	99

Home > United States > Tennessee > Davidson County > Nashville-Davidson > Nashville > North Nashville

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