

DOCKET

10/3/2019

**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 2019-365 (Council District - 16)

PARMAN, PHILLIP & DEBORAH L., appellants and owners of the property located at **87 VADEN DR**, requesting a variance from maximum building coverage for an accessory structure in the RS10 District, to construct a detached garage. Referred to the Board under Section 17.12.050 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 13304003400

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 2019-354 (Council District - 16)

RABIEE, HAMID, appellant and owner of the property located at **2400 NOLENSVILLE PIKE**, requesting a variance from maximum fence height restrictions in the CS District to maintain an existing fence. Referred to the Board under Section 17.16.070 F.1.b. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Auto Sales

Map Parcel 11905001000

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 in the IR District, to conduct interior and exterior improvements to an existing facility without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Recycling Facility

Map Parcel 03410012400

RESULT -

CASE 2019-389 (Council District - 12)

TREY PALMER, appellant and **FLAVIN, SANDRA E. & WEBB, KIMLEY**, owners of the property located at **1924 WELSENBORO CIR**, requesting a variance from rear setback requirements in the RS15 District, to construct a covered deck. 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 08608007600

RESULT -

CASE 2019-393 (Council District - 25)

JOSHUA MALNOFSKI, appellant and **BENZ, NELSON P. & ARTHUR, GERALD Q.**, owner of the property located at **4422 SCENIC DR**, requesting a variance from front setback requirements in the R20 District, to construct two single family homes on one parcel. Referred to the Board under Section 17.12.020A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 13112007300

RESULT -

CASE 2019-396 (Council District - 17)

BUCK SNYDER, appellant and **RUFF, WILLIAM & DAWN**, owners of the property located at **1224 VILLA PL**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single-family residence without building sidewalks or paying into sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10505000500

RESULT -

CASE 2019-398 (Council District - 21)

SEAN ROBERGE, appellant and **AFFORABLE HOUSING RESOURCES, INC**, owner of the property located at **1704 A 17TH AVE N**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08111025200

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 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 2019-408 (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 2019-420 (Council District - 25)

STEPHANIE WOOD, appellant and **7-ELEVEN, INC**, owner of the property located at **3815 HILLSBORO PIKE**, requesting a variance from sidewalk requirements in the SCR District, to replace the existing tanks, lines and dispenser without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Rehab

Map Parcel 11714006400

RESULT -

CASE 2019-422 (Council District - 11)

BVC OAKWOOD COMMONS, LLC, appellant and owner of the property located at **4730 LEBANON PIKE**, requesting a variance from sidewalk requirements in the R10 District, to make interior renovations without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Rehab

Map Parcel 06416005900

RESULT -

CASE 2019-423 (Council District - 21)

DOREN JENKINS, appellant and **O.I.C. 19TH AVENUE NORTH ESTATES TOWNHOM**, owner of the property located at **816 E 19TH AVE N**, requesting a variance from sidewalk requirements in the MUL-A District, to construct four townhomes without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Townhomes

Map Parcel 092070H90000CO

RESULT -

CASE 2019-427 (Council District - 17)

EDDIE LATIMER, appellant and **METRO GOV'T BT BACK TAX SALE**, owner of the property located at **43 WHARF AVE**, requesting variances from side setback, parking and lot size requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A, 17.40.670 A, 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10503013200

RESULT -

CASE 2019-429 (Council District - 19)

JOSEPH MARTIN, appellant and **TTD BUILDERS, LLC**, owner of the property located at **82 FAIN ST**, requesting a variance from rear setback and sidewalk requirements in the R6-A District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.020 A & 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09316012100

RESULT -

CASE 2019-430 (Council District - 24)

L & L MARKET PLACE, LLC, appellant and owner of the property located at **3826 CHARLOTTE AVE**, requesting a variance from sidewalk requirements in the IR District, to make interior renovations to an existing restaurant without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant

Map Parcel 09209016300

RESULT -

CASE 2019-433 (Council District - 20)

BRIAN RICHARDSON, appellant and **O.I.C. HOMES AT 5213 ILLINOIS AVENUE**, owner of the property located at **5213 C ILLINOIS AVE**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family residences without building sidewalks, and instead paying into the sidewalk fund for a portion of the lot frontage. 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 091111C90000CO

RESULT -

CASE 2019-435 (Council District - 2)

BELL GROUP, LLC, appellant and owner of the property located at **430 HAYNIE AVE**, requesting a variance from sidewalk requirements in the IWD District, to construct a warehouse without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Warehouse

Map Parcel 06013003700

RESULT -

CASE 2019-437 (Council District - 24)

BOZEMAN SIGN COMPANY appellant and **WEST, LINDA DELLWEN SMITH**, owner of the property located at **5304 CHARLOTTE AVE**, requesting a variance from height requirements in the CS District, to extend a sign above the parapet. Referred to the Board under Section 17.32.070 D.3. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Sign

Map Parcel 09115000800

RESULT -

CASE 2019-438 (Council District - 17)

TOMMY & KRISTI MCDOUGAL, appellant and **WARNER, TREGLOWN PATTON**, owner of the property located at **901 12TH AVE S**, requesting a variance from sidewalk requirements in the CS District, to convert an existing building into a restaurant and to build sidewalks in compliance with the Planning Department's recommendation for this property on a previous BZA case 2019-191. 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 10501008900

RESULT -

CASE 2019-441 (Council District - 35)

BILLINGSLEY, CHANDRA D & ADAMS, JAMES J, appellants and owners of property located at **4483 HEATH RD**, requesting a special exception in the AR2A District, to operate a rural bed and breakfast homestay. Referred to the Board under Section 17.08.030 D & 17.16.160 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Rural Bed and Breakfast Homestay

Map Parcel 12600012700

RESULT -

CASE 2019-442 (Council District - 8)

ANDREW WOTHERS, appellant and **BATES, JOE W. & JANIE T.**, owners of the property located at **602 CREATIVE WAY**, requesting a variance from parking requirements in the RM20-A District, to construct a 184-unit apartment complex. Referred to the Board under Section. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Apartment Complex

Map Parcel 05100005900

RESULT -

CASE 2019-443 (Council District - 17)

CATALYST DESIGN GROUP, appellant and **LVH, LLC**, owner of the property located at **0 NOLENSVILLE PIKE**, requesting a special exception for height encroachment in the CS District, to construct a multifamily development. Referred to the Board under Section 17.12.060 F. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 10516017600

RESULT -

CASE 2019-444 (Council District - 24)

LAIRD, DAVID & HEEJUNG, appellants and owners of the property located at **101 48TH AVE N**, requesting variances from front and rear setback requirements and sidewalk requirements in the RS7.5 District, to construct a new single-family residence using the existing footprint and adding 900 square feet without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.020 A. & 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10303026300

RESULT -

CASE 2019-446 (Council District - 12)

CULBREATH, DANIEL & MELANIE, appellants and owners of the property located at **2804 LAKESIDE MEADOWS CIR**, requesting a variance from rear setback requirements in the RS15 District, to build a covered deck onto the rear of a residence. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 110030A12400CO

RESULT -

CASE 2019-448 (Council District - 20)

SEGAL, MATTHEW & TARA WORTHEY, appellants and owners of property located at **5501 A NEW YORK AVE**, requesting a special exception in the MUN District, to construct two additional residential units. Referred to the Board under Section 17.12.035 D.1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multifamily Residential

Map Parcel 09102029800

RESULT -

SHORT TERM RENTAL CASES

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 B.

Use-Short Term Rental

Map Parcel 08112018700

RESULT -

CASE 2019-428 (Council District - 7)

CRESSMAN, JONATHAN K., appellant and owner of the property located at **311 MCKENNEL DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired. in the R10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08304024700

RESULT -

CASE 2019-431 (Council District - 6)

JENKINS, JASON & NIEHOFF, MATTHEW, appellants and owners of the property located at **1403 RUSSELL ST**, requesting Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the R6 District. 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 08313027400

RESULT -

CASE 2019-434 (Council District - 5)

RYAN, AUTUMN N., appellant and owner of the property located at **998 MCFERRIN AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the R5 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Short Term Rental

Map Parcel 08204042100

RESULT -

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Phillip Parkman
Property Owner: Phillip Parkman
Representative: Phillip Parkman

Date: 7-9-19
Case #: 2019-365
Map & Parcel: 13304003400

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: TO CONSTRUCT A 28 FT X 42 FT (1178sq) DETACHED GARAGE

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 87 VADEN 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: VARIANCE TO ACCESSORY BUILDING FLOOR AREA

Section(s): 17.12.050 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.

Phillip Parkman
Appellant Name (Please Print)

Representative Name (Please Print)

87 Vaden Drive
Address

Address

Nashville, TN 37211
City, State, Zip Code

City, State, Zip Code

615 268-6547
Phone Number

Phone Number

DLparkman@comcast.net
Email

Email

Zoning Examiner: [Signature]

Appeal Fee: _____



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



3688766

ZONING BOARD APPEAL / CAAZ - 20190040352
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 13304003400

APPLICATION DATE: 07/09/2019

SITE ADDRESS:

87 VADEN DR NASHVILLE, TN 37211
LOT 213 SEC 2 GLENCOE ACRES

PARCEL OWNER: PARMAN, PHILLIP & DEBORAH L.

CONTRACTOR:

APPLICANT:**PURPOSE:**

BZA Appeal, requesting Variance to 17.12.050 A, 750 sq ft maximum building coverage for accessory structures. Proposed new detached garage is 24 ft x 42 ft (1178 sq ft) Using existing walls from pool in same location/same dimensions, to construct garage.

Permit Application 2019039911

*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**



3688092

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019039911
THIS IS NOT A PERMIT**

PARCEL: 13304003400

APPLICATION DATE: 07/08/2019

SITE ADDRESS:

87 B VADEN DR NASHVILLE, TN 37211
LOT 213 SEC 2 GLENCOE ACRES

PARCEL OWNER: PARMAN, PHILLIP & DEBORAH L.

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Phillip Parman 615-268-6547

PURPOSE:

BZA Appeal, exceeds 750 sq ft allowable per 17.12.050A, requesting variance to allow 1175 sq ft garage in addition to existing 576 sq ft garage on property. Self Permit. To construct a 24 ft x 42 ft (1178 sq ft) detached garage to rear of existing single residence. Started construction without a Permit, removed existing pool and constructing garage in same location using walls from pool for walls of garage. Minimum 5 ft side and 10 ft minimum rear setbacks. Must conform with easements. If attached to existing house, must have fully enclosed connection (walls and roof). Maximum height of 16 ft to ridge of garage. 1. Restrictive Covenant required for any trades. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit. 2. 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...3...Do not cover up anything until an inspector has had a chance to review..***SITE PLAN SENT TO FILE

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review		
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[G] Bond & License Review On Bldg App		
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

7-9-19

DATE

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

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

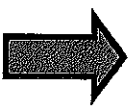
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

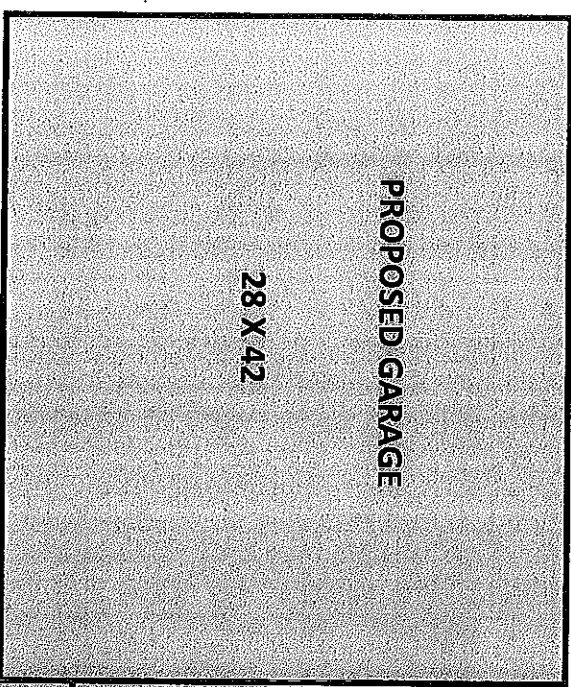
I am 64 years old and have never lived anywhere else. my Father left me antique cars and antique gas globes and gas pumps and I simply need a block storage building to keep them and pass them down to my children and grandchildren. I promised him I would never sell this house, so moving is not an option. my best friend had been storing them at his property, but is downsizing and moving. I need to bring my belongings home.

Thank you for any consideration given

20' TO PROPERTY LINE



Denotes roof line.



PATIO

HOT TUB
DECK

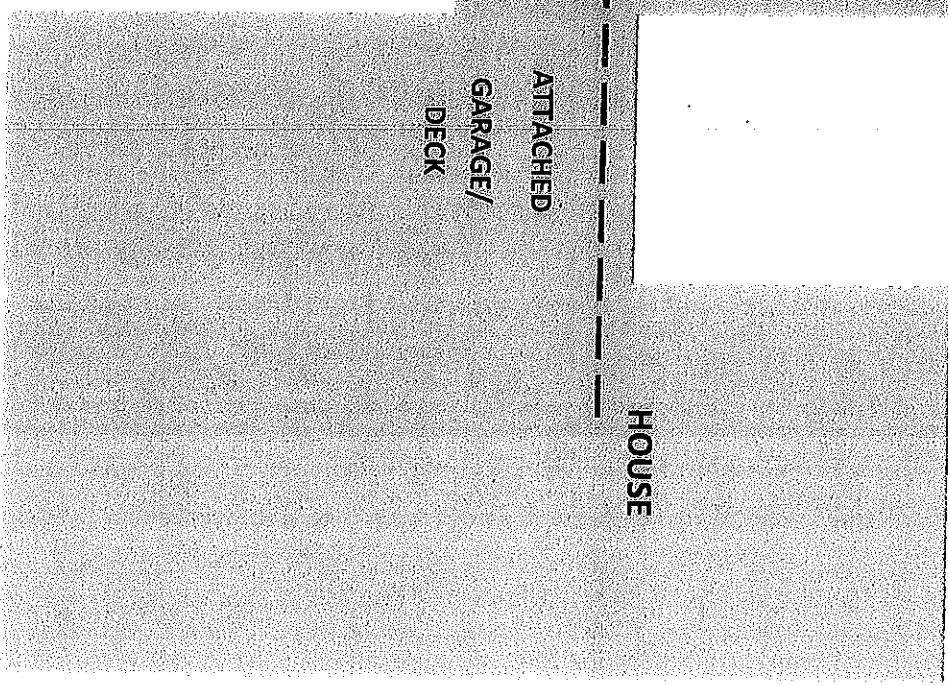
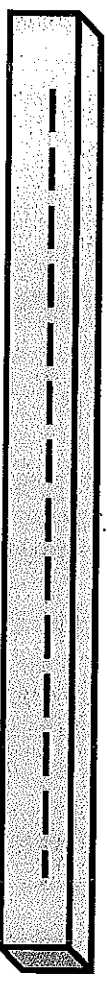
ATTACHED
GARAGE/
DECK

HOUSE

25' TO PROPERTY LINE



Proposed roofed breezeway from deck
roof line to garage.



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 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 AS STATE PLANE COORDINATE SYSTEM (HORIZONTAL) = NAD 83, VERTICAL = NAVD83, ZONE TN 4100, GRID MODEL AND TN SCROLL, GRS MODEL GRID GRS RECEIVER MK II-H12, HORIZONTAL 14.0ppm AND VERTICAL ACCURACY 14mm+1.0ppm.

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 ENGINEERS NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE AREA EITHER IN THE SERVICE THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THE SURVEYOR DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THE SURVEYOR DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED. THE SURVEYOR DOES NOT WARRANT THAT THE UTILITIES SHOWN ARE IN THE EXACT LOCATION AS INDICATED.

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 SERVICE 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 PLAT 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 2, 2019
01.00 PLAT # 21000257 SQ. FEET OR L.T. 434

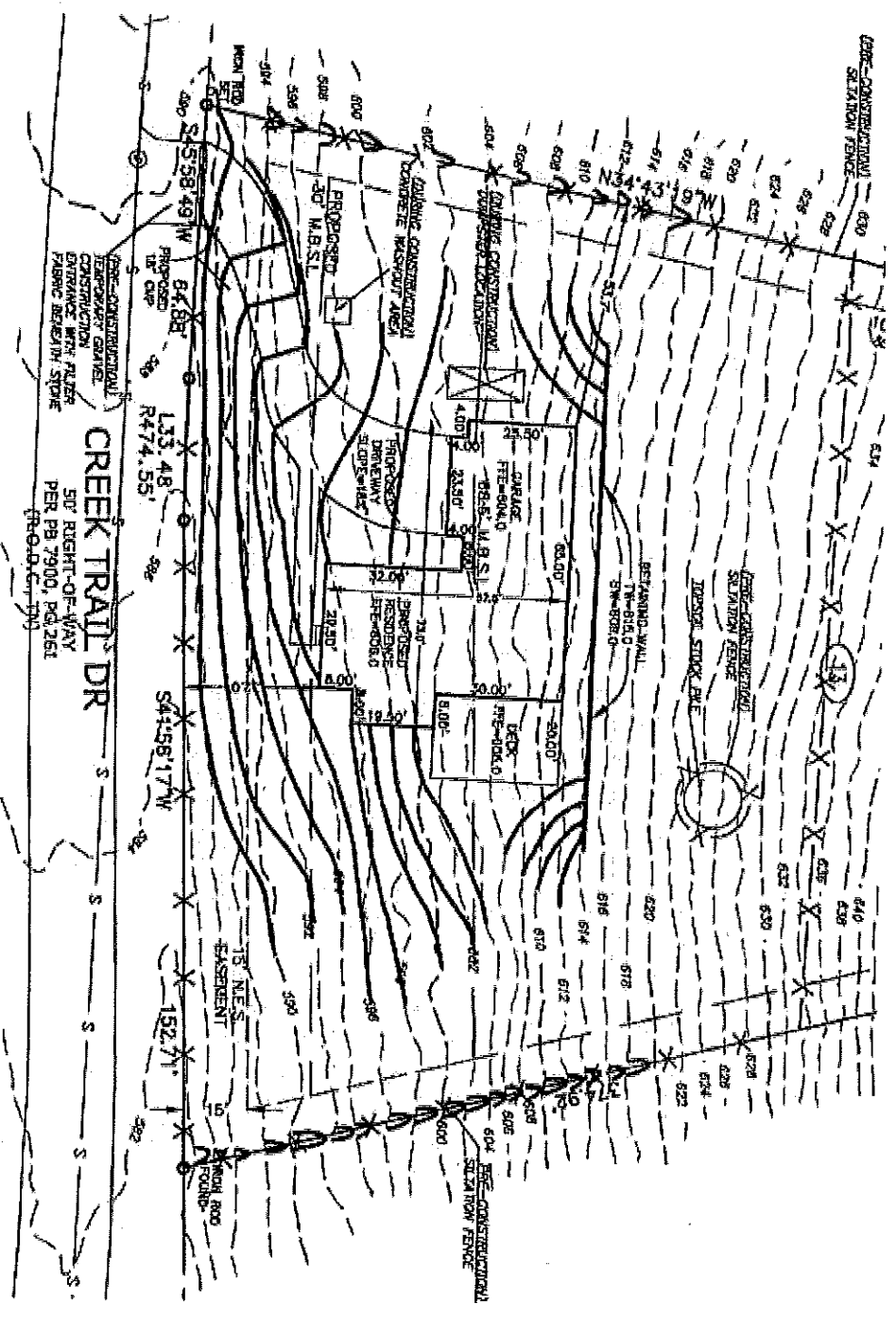
MINIMUM SET BACKS
FRONT YARD: SEE NOTE (A)
SIDE YARD: 5'
REAR YARD: 35'

2019 DOWN BY: ACB CKD BY: BCM

SCALE: 1" = 30'

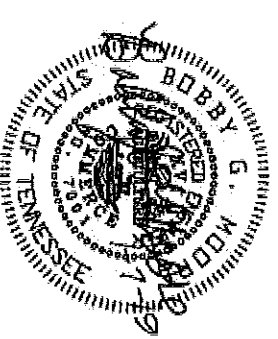
0 30 60 90

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
44140 CREEK TRAIL DR 21.1'		
44144 CREEK TRAIL DR 27.0'		
44150 CREEK TRAIL DR 11.4'		
44154 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.

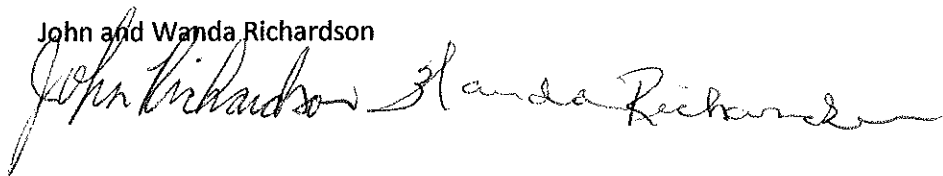
612 A FITZTUGH BLVD.
SMYRNA, TENNESSEE 37167
PHONE (615) 831-0755

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

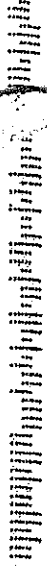
Handwritten signatures of John and Wanda Richardson in cursive script.

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 370
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.

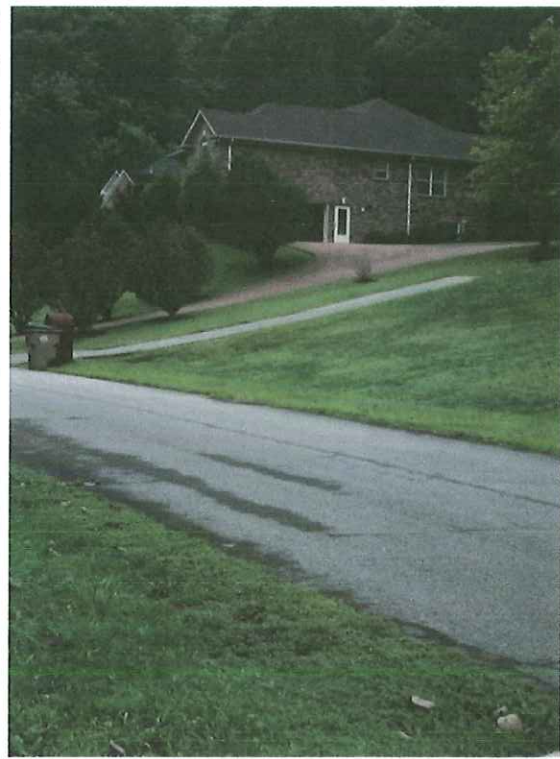
My husband and I built our home on Creek Trail Drive and have been residents in this neighborhood for four years. We selected the Creek Trail area because of the location and aesthetics of the neighborhood. We worked hard and long to ensure our home met our family's needs, and the requirements as indicated 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.

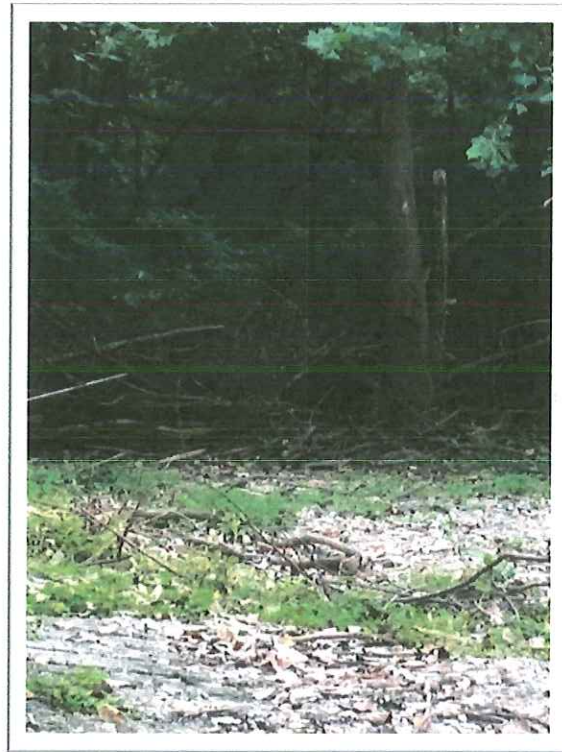


4150 Creek Trail Dr.



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 King M. B.

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

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

Name: Darlene M. Jenkins
Address: 4175 Creek Trail

Name: Chaks 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: Raphu Brown
Address: 4174 Buck Church Pl

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

Name: Terica Coleman
Address: 209 Sparna Ct

Name: Andy D 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 & Lariviva Moore
Address: 4120 Creek Trail Drive

Name: John H Baker
Address: 4171 Creek Trail

Name: Cal Owen
Address: 4150 Creek Trail Dr.

Name: _____
Address: _____

4

LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING A SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION LEOPOLD AND LOEFL POSITIVE SYSTEM (GPS) UNIT AND IS BASED ON A SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS PROCESSED BY TENNESSEE DOT NETWORK. BEARINGS ARE EXPRESSED AS STATE PLANE COORDINATE SYSTEM (AZIMUTHAL) - VERTICAL = NAD83 ZONE 14N (GEO. HEIGHTS) AND IN SOKKA GPS BLOCK 6022 GNS RECEIVER FIX (E-LEVA. HORIZONTAL 14-DEGREE AND VERTICAL ACCURACY=10mm+10ppm).

DENSE TRACT OF LAND LIES WITHIN ZONE X AS SAID TRACT IS ON BELM GAP NUMBER 40000000 ON THE FLOOD MAPS FOR MASSVILLE AND DANFORD COUNTY, TENNESSEE FILE 5, 2017).

PLATTEN INDICATED HEREON IS AS BEHELD BY COUNTY.

US NOT PHYSICALLY LOCATED ALL UNDERGROUND UTILITIES AT UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM MOBILE AT THE SITE PUBLIC RECORDS, AND/OR MAPS PREPARED BY REVEREND HANES AND COLLEAGUES THAT THE UNDERGROUND COVERAGE 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, BUT SHOULD BE DONE SO WITH THIS CIRCUMSTANCE. THE VERIFICATION OF EXISTING LOCATION AND DEPTH MADE PRIOR TO ANY DECISION RELATIVE HERETO IS MADE AT THE RISK OF THE USER. THE 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 REGARDING UTILITY OWNERS) NO LESS THAN THREE HOURS BEFORE ANY DRAINAGE TO THE DATE OF THEIR AGENT TO EXCAVATE AND ANY HAZARD OR CONFLICT. 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 FACTS REVEALED BY SUCH DOCUMENTS.

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

SUBJECT TO ALL MATTERS SET FORTH ON THE RECORDED BEEN REALE SUBDIVISION AS RECORDED IN PLAT BOOK R.D.O.C. TN, AND IS SUBJECT TO ALL RESTRICTIONS OF TO VERIFY BEFORE CONSTRUCTION ON THIS LOT.

DEAN PER
 VANCE COUNTY, TENNESSEE
 TITLE SURVEYOR
 2019
 2019
 2019

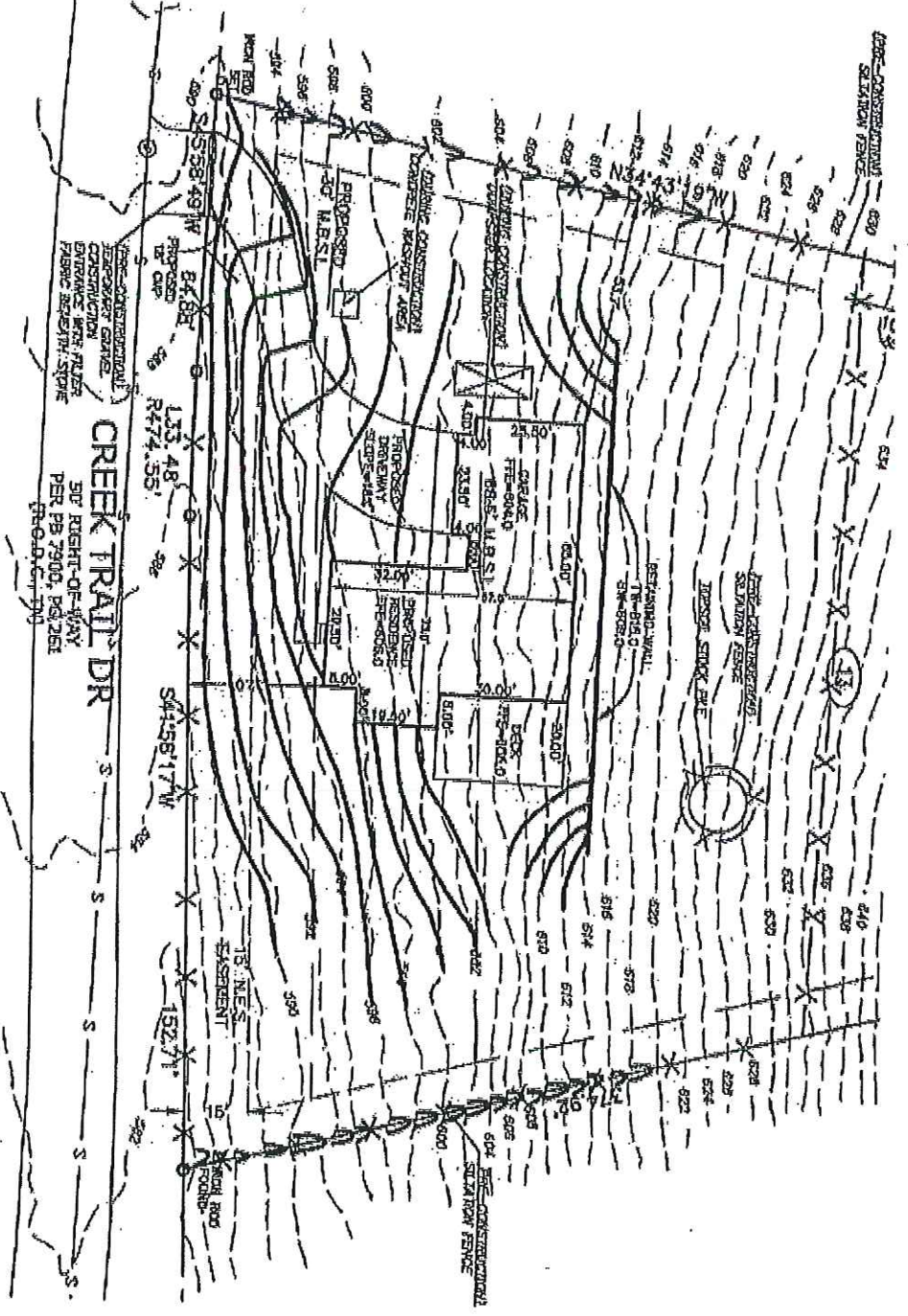
WARRANTY SET BACKS
 FRONT YARD: SEE NOTE (A)
 SIDE YARD: 5'
 REAR YARD: 35'

Scale: 1" = 30'

0 30 60 90

079 DOWN BY ACB 080 BY BOM

THE CRITICAL LOT PLAN



NOTE A: FRONT/STREET SETBACK PER NACRO CONVEYANCE OF MASSVILLE MUNICIPAL CODES, CHAPTER 17.12.02C, NOTE C(3) PER ORDINANCE NO. 61,2017-553

STREET SETBACK TABLE	ADDRESS	SETBACK
44140 CREEK TRAIL DR EAST		
44150 CREEK TRAIL DR WEST		
44150 CREEK TRAIL DR WEST		
AVERAGE SETBACK = 62.5		

RANDY YARD

LOT 13 - CREEK TRAIL SUBDIVISION
 INSTRUMENT # 20180907-0089019, R.D.O.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



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

[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

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

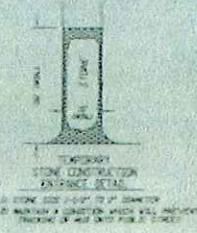
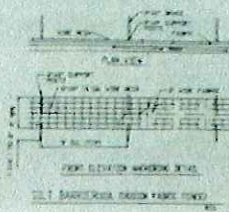
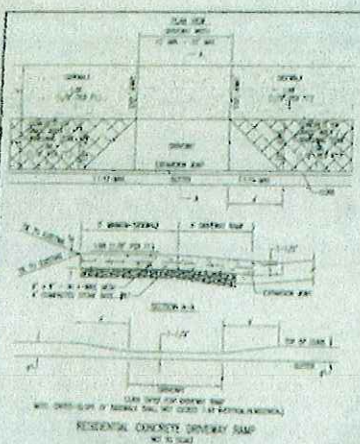
SELF CONTRACTOR RESIDENTIAL (SEE APPLICANT

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



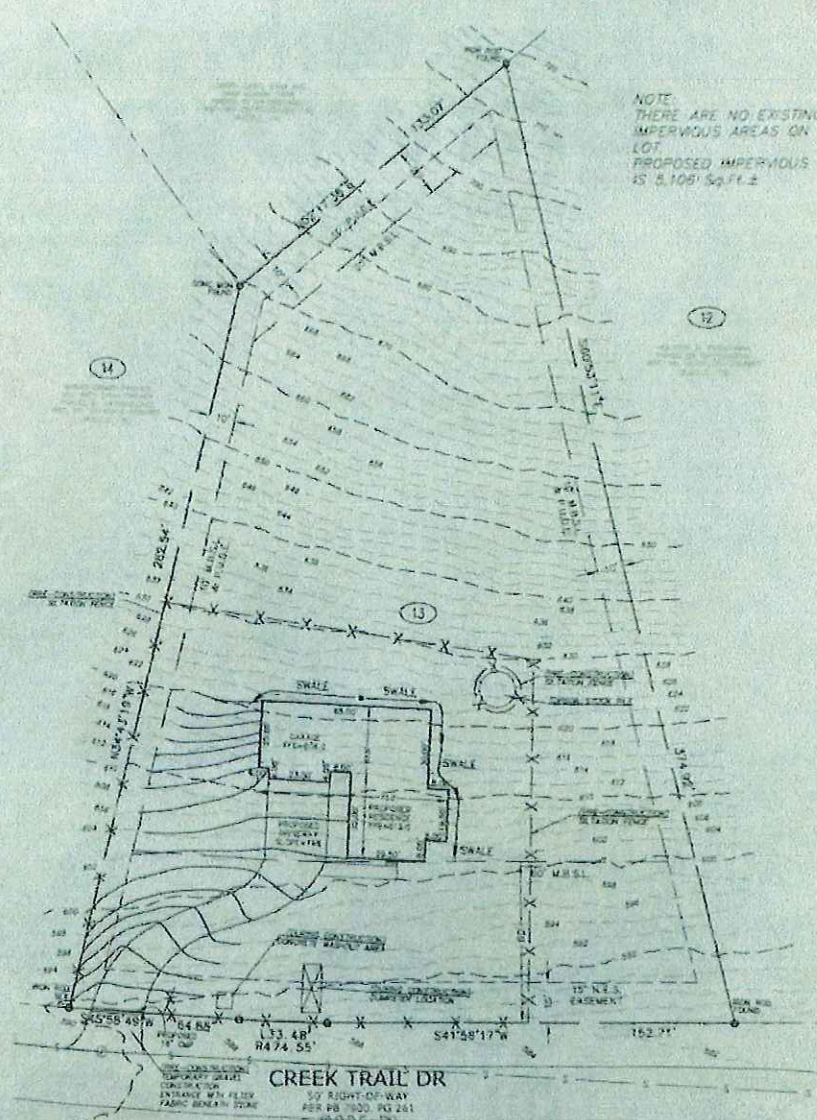
CRITICAL LOT PLAN

CRITICAL LOT PLAN. THE LOT IS DESIGNATED CRITICAL PRIOR TO EXERCISE OF A BUILDING PERMIT. A GRADING PLAN COMPLYING 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 SURFACE 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 SETBACK 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 SITUATION 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 BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM. HORIZONTAL AND VERTICAL ACCURACY IS APPROXIMATELY 1:100,000 IN HORIZONTAL AND 1:100,000 IN VERTICAL. USING SOURCE DATA FROM THE TENNESSEE DOT NETWORK HORIZONTAL ACCURACY IS APPROXIMATELY 1:100,000 AND VERTICAL ACCURACY IS APPROXIMATELY 1:100,000.
 - THE WITHIN DESCRIBED TRACT OF LAND LIES WITHIN ZONE 14 AS SHOWN ON THE PLAT OF ZONING FOR PLANNING AND ZONING BOARD, TENNESSEE (MAP 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 THE 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. CONSIDERABLE DEPENDS VERIFICATION OF EXISTING UTILITIES AND SERVICE SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE HERETO IS 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 (UDAP) AND ENACTED BY LEGISLATION (PUBLIC NOTICE) ALL KNOWN UNDERGROUND UTILITY OWNERS BY LESS THAN THREE HOURS MORE THAN TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO PROVIDE A WARNING OF CONFLICT. THE TENNESSEE ONE CALL TOLL-FREE NUMBER IS 1-800-481-7171. UTILITIES WERE NOT CHECKED DURING THE COURSE OF THIS SURVEY.
 - THE WITHIN PLAT AND SURVEY WERE PREPARED WITHOUT REGARD TO EXISTENT EASEMENTS OF RECORD OR TITLE FOR THE SUBJECT TRACT OR ADJACENTS 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 THE 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 NASHVILLE MUNICIPAL CODES, CHAPTER 11.12 (A), NOTE 031 PER DISTANCE TO: 10'-0" (11'-0")

MINIMUM SETBACKS:
FRONT YARD: SEE NOTE 11
SIDE YARD: 5'
REAR YARD: 11'

3 SHEET SETBACK TABLE:
ADDRESS: DRIVEWAY
PLAT: DRIVEWAY TRAIL DR 511
AREA: DRIVEWAY TRAIL DR 511
DATE: 08/20/2017



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Hamid Rabiee Date: 6-24-19
Property Owner: " " Case #: 2019-354
Representative: " " Map & Parcel: 119-5-10

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 variance for fence height on existing auto sales lot. Fence at 6', maximum height is 3'.

Activity Type: Auto Sales - Used

Location: 2400 Nolensville Rd.

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: Does not meet maximum fencing height

Section(s): 12.16.070(F)1(b)

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

Hamid Rabiee
Appellant Name (Please Print)

Representative Name (Please Print)

2400 Nolensville Pike
Address

Address

Nashville
City, State, Zip Code

TN 37211
City, State, Zip Code

815-642-4495
Phone Number

Phone Number

Hamidrab@yahoo.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



3683958

ZONING BOARD APPEAL / CAAZ - 20190037318
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11905001000

APPLICATION DATE: 06/24/2019

SITE ADDRESS:

2400 NOLENSVILLE PIKE NASHVILLE, TN 37211
LOT 2 PT 1 W.C. HALLS SUB

PARCEL OWNER: RABIEE, HAMID

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance for fence height on existing auto sales lot. fence currently at 6', maximum allowed is 3'.

*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.

H. Rabice
APPELLANT

6,24,2019
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.

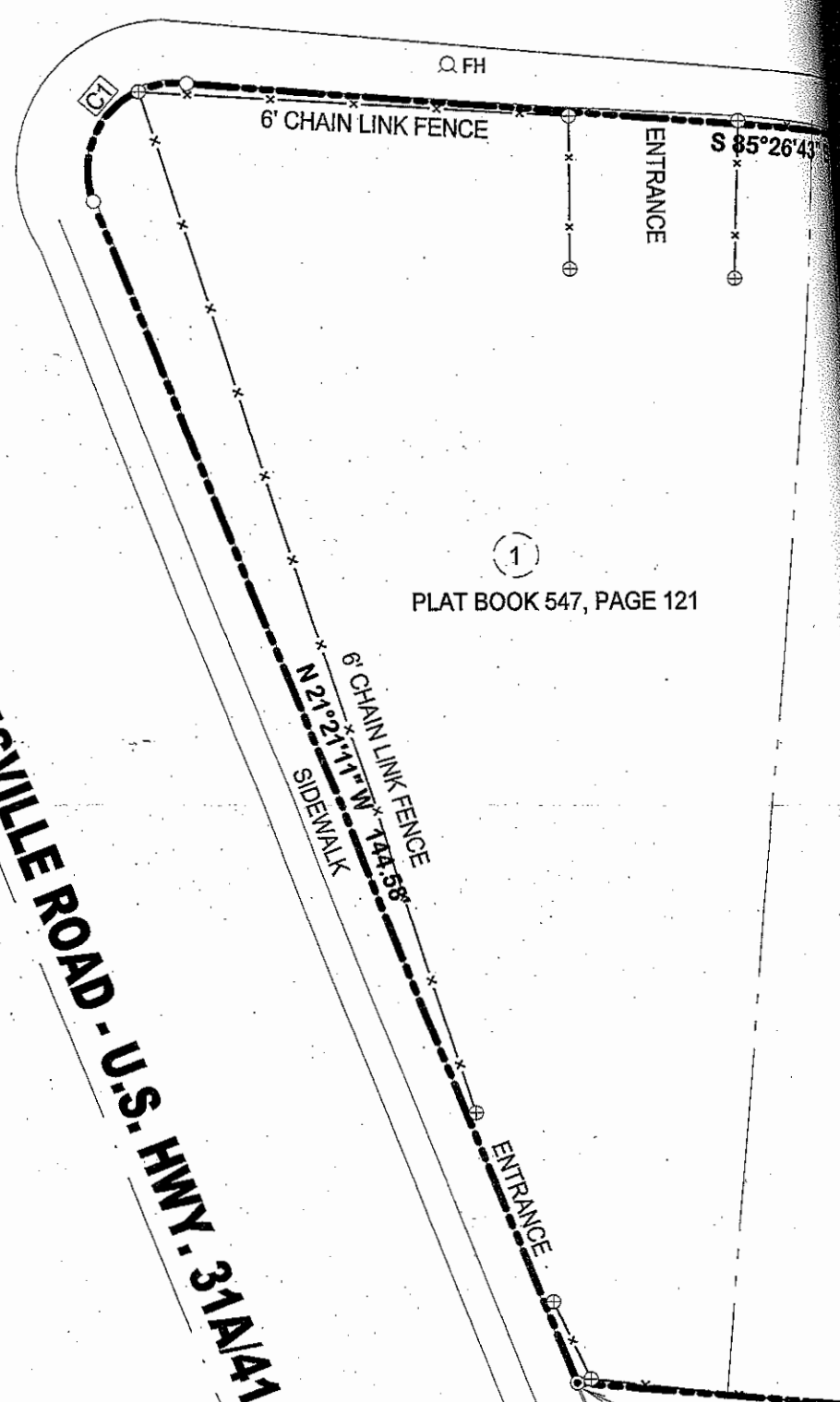
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

I installed 6' Iron fence to stop Burglary. shorter fence will not stop thieves to get in and steal cars, office supplies, car part.

2019-354

ELROSE AVE.

PEACHTREE



NOLENVILLE ROAD - U.S. HWY. 31A/41A - 80' R.O.W.

PLAT BOOK 547, PAGE 121

NOTES:

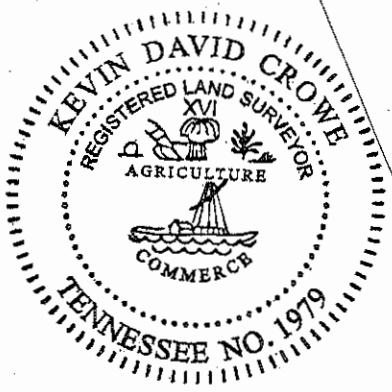
- SOURCE OF TITLE: INST. # 20171106-0113347
- THIS SURVEY IS SUBJECT TO ANY AND ALL FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
- THIS PLAT OF SURVEY IS NOT INTENDED IN ANY WAY WHATSOEVER TO INDICATE THE NON-EXISTENCE OF ANY EASEMENTS.
- ALL BEARINGS ARE BASED ON GEODETIC NORTH, AS OBTAINED BY GPS OBSERVATIONS DATED 05-31-2019.
- ALL SET IRON PINS ARE 5/8" REBAR WITH PLASTIC CAP STAMPED K. CROWE KY3375/TN1979.
- ANY EASEMENTS, CONDITIONS, OR RESTRICTIONS, WRITTEN OR UNWRITTEN THAT PREVIOUSLY APPLIES TO THIS PROPERTY SHALL REMAIN IN EFFECT AND APPLY TO THIS PLAT AS WELL.
- 100% OF THIS PROPERTY WAS SURVEYED BY RTK GPS, TOPCON TYPE R GGD DUAL FREQUENCY.
- ALL DATA IS REFERENCED TO NAD 83.
- ALL SURVEY DATA HAS A RELATIVE POSITIONAL ACCURACY OF $\pm 0.05' + 100 \text{ PPM}$.

SURVEYORS CERTIFICATE

FOR BOUNDARY AND TOPOGRAPHIC ASPECTS OF THIS SURVEY, RTK GPS POSITIONAL DATA WAS OBSERVED ON 01-10-2018 UTILIZING A SPECTRA PRECISION SP 80 DUAL FREQUENCY RECEIVER. THE GRID COORDINATES OF THE FIXED STATION SHOWN WERE DERIVED USING A VRS NETWORK OF CORS STATIONS REFERENCED TO NAD 83 (2011) (EPOCH 2010), GEOID 12B.

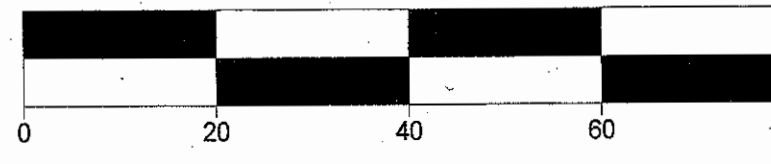
POSITIONAL ACCURACY OF GPS VECTORS DOES NOT EXCEED: H 0.07', V 0.07'

COMBINED GRID FACTOR: 0.00000099 CENTERED ON FIXED STATION 1 AS SHOWN HEREON.



Kevin David Crowe, RLPS #1979

GRAPHIC SCALE: 1" = 20'



AUSTIN AVE.

REET - 50' R.O.W.

SIDEWALK

6' CHAIN LINK FENCE

AT BOOK 547, PAGE 121

(2)

6' CHAIN LINK FENCE

PK NAIL SET
WASHER

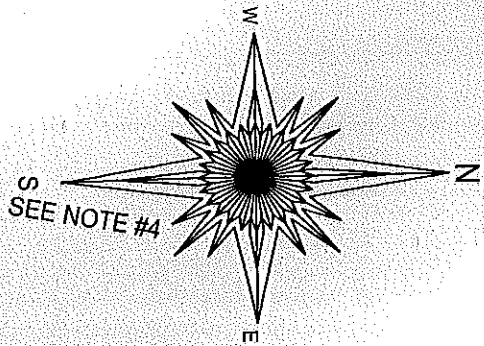
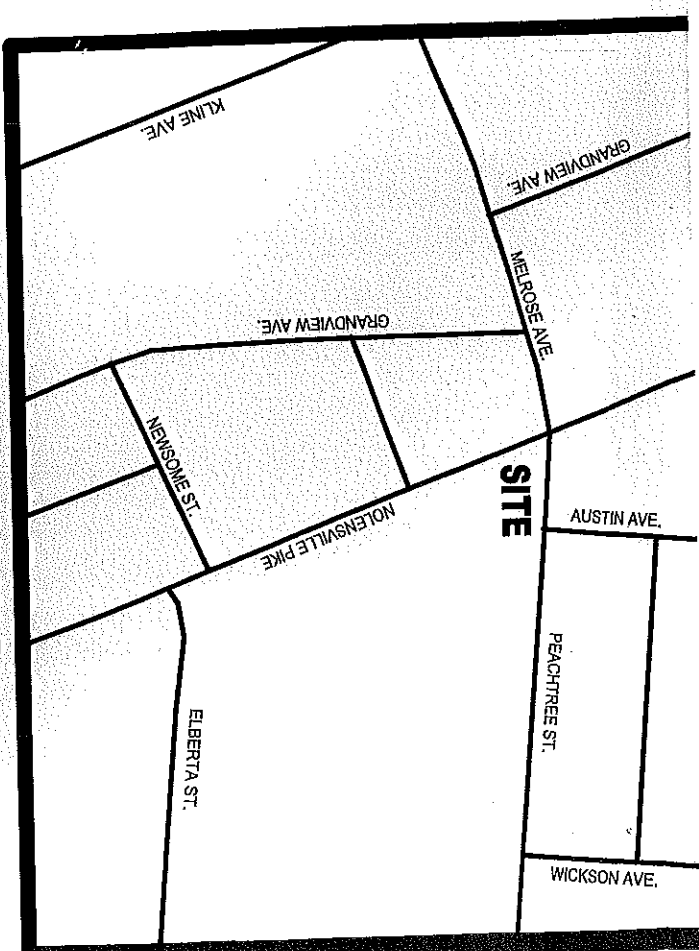
0.8'

W 145.08'

HASSAN ALSHOWEILY
INST. # 20190110-0002698
PLAT BOOK 547, PAGE 121
PARCEL # 119-05-0-011.00

(3)

(4)



From: [Angela Lascelle](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2019-354
Date: Thursday, August 22, 2019 5:42:40 PM
Attachments: [image001.png](#)



Hi,

I am a neighbor that lives down the street on Peachtree Street. I received this notice that a variance was requested after a fence had been erected.

The fence impedes your vision when turning from Peachtree.

I do not think that asking for forgiveness rather than permission should be tolerated!

That is why our part of the world looks the way it does.

Rules are put in place for everyone!!!

Thank you

Angela Lascelle
321 Peachtree Street
Nashville, TN 37210

Angela Lascelle | WME
Office Of Joey Lee
ALascelle@WMEAgency.com
615.963.3334

From: macdobes@aol.com
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: appeal hearing - case number 2019 - 354
Date: Thursday, August 22, 2019 7:19:58 PM

Re: case number 2019 - 354
parcel number 11905001000
2400 Nolensville Pike
hearing: Thursday, September 5, 2019

Dear Board Members~

As a lifelong resident of Nashville, I want to thank you for your service and commitment to our city! It appears, the various boards which have to deal with the city's growth have been overwhelmed by businesses and homeowners who proceed with renovations/improvements without following codes or zoning laws. At first, I thought maybe some of the issues were due to transplants not being familiar with local laws. As time passed, it became clear folks believed in moving forward without proper permits or following current codes; THEN, after-the-fact, asking for variances, appeals, whatever necessary to circumvent current laws on the books. This has got to end!

When the fence in question was constructed, I could not understand how it ever passed codes because it clearly obstructed the view of cars exiting Peachtree onto Nolensville Pike. I have to edge into oncoming Nolensville Pike traffic to see if the coast is clear, each and every time I exit Peachtree.

Please have the courage and wisdom to go against whatever argument the current owner might offer regarding 'why' he feels the need to keep the fence in place (e.g. cost, it's been there for a couple of years, etc.). What good does it do to have a city of laws and rules if only 'some' are required to abide by them?

Again, I thank you for your very difficult job and ALL it entails! I cannot imagine how hard it is and how much work your board does during a year.

Sincerely,
Anna McMillan
3100 Wingate Avenue
Nashville, TN 37211-2528

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, written over the printed name.

Peter Chimera, EI
Assistant Project Manager

Attachments:
Site Layout Plan
WalkNBike Maps



Call before you dig. Know what's below.

NOTE TO CONTRACTOR THE CONTRACTOR SHALL REFER TO ALL PLANS WITH THIS PLAN SET, IT IS NOT THE ENGINEER'S INTENT THAT ANY OTHER PLANS SHOWN IN THIS SET OF DOCUMENTS FULLY DEPEND ON ALL WORK ASSOCIATED WITH THIS PROJECT.

SCALE IN FEET
0 20 40 60

DRAWING NO.: C200
DATE: DECEMBER 2018
PROJECT NAME: AS SHOWN
PROJECT NO.: 183-203
APPROVED BY: [Signature]

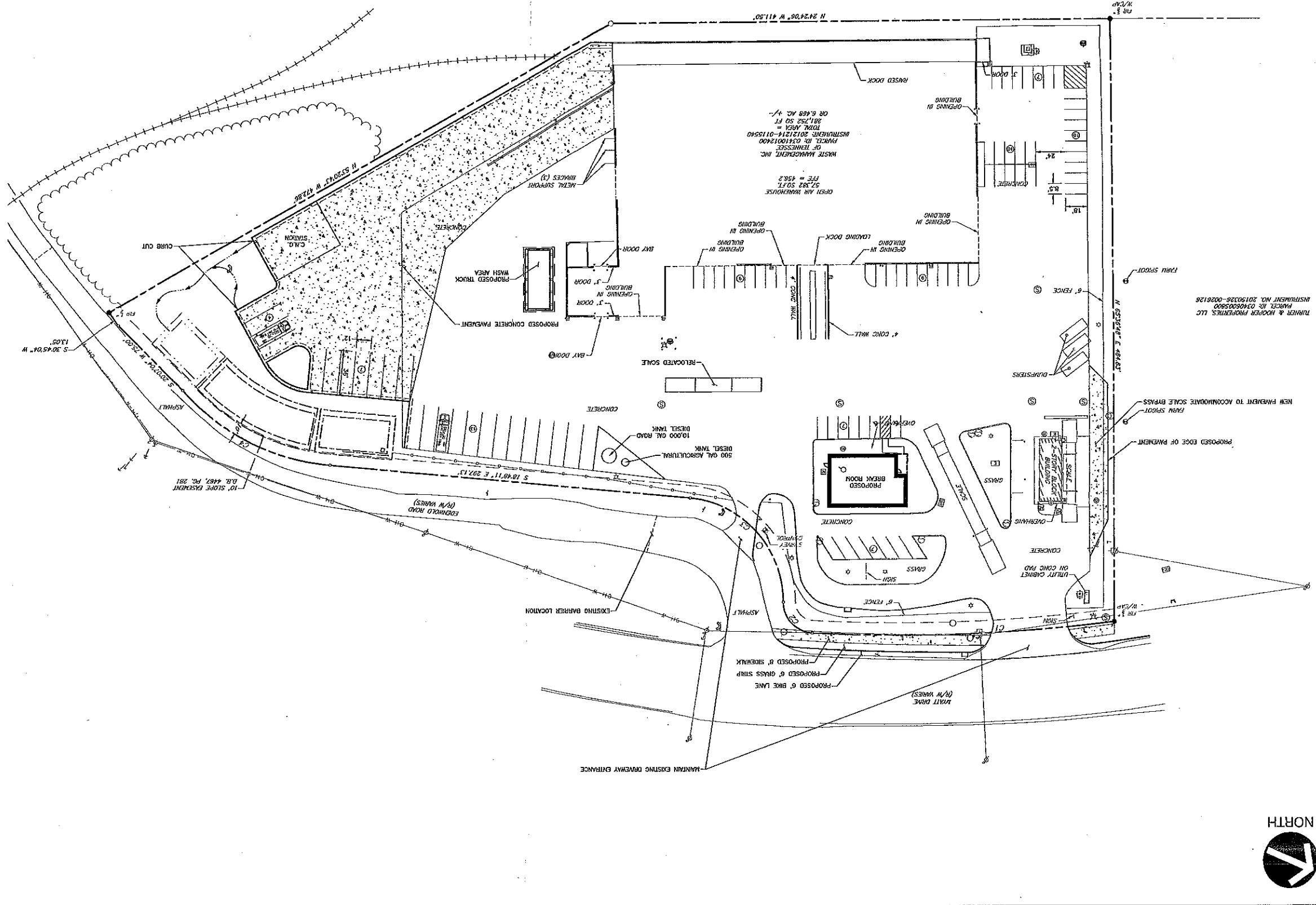
SITE PLAN
WASTE MANAGEMENT, LLC.
RIVERGATE FACILITY
PARKING IMPROVEMENTS
630 MYATT DRIVE
NASHVILLE DAVIDSON COUNTY, TN

Civil & Environmental Consultants, Inc.
325 Seaboard Lane - Suite 170 - Franklin, TN 37067
615-533-7197 - 800-783-2328
www.civilenv.com

REVISION RECORD table with columns for NO, DATE, and DESCRIPTION

SITE DATA
PROJECT NAME: RIVERGATE FACILITY PARKING IMPROVEMENTS
PARCEL ID: 0341001200
ADDRESS: 630 MYATT DRIVE
CITY: NASHVILLE
COUNTY: DAVIDSON
STATE: TENNESSEE
COUNCIL DISTRICT: 10
COUNCIL MEMBER: DOUG PARKUR
EXISTING ZONING: IR - INDUSTRIAL, RESTRICTIVE
PROPOSED USE: INDUSTRIAL
AREA OF EXISTING SITE: 6.47 AC
SQUARE FOOTAGE OF EXISTING SITE: 281,751.74 SF
GROSS SQUARE FOOTAGE OF BUILDINGS: 59,831.66 SF
IMPERVIOUS SURFACE RATIO: 0.71
FEMA FIRM MAP NUMBER: 47037C012H
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

LEGEND table listing symbols for property lines, easements, structures, and landscaping



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.**

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Troy Palmer Date: 7/17/19
Property Owner: Sandra Plank, Kimley-Horn & Webb Case #: 2019-389
Representative: Troy Palmer Map & Parcel: 086 08 007600

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 cover a deck.

Activity Type: Single Family
Location: 1924 Walsenboro Cir

This property is in the RS15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

PUD OVERLAY

Reason: a rear 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.

TROY PALMER
Appellant Name (Please Print)

Representative Name (Please Print)

255 Public Sq
Address

Address

Memphis TN 37130
City, State, Zip Code

City, State, Zip Code

615 349 0888
Phone Number

Phone Number

tpalmer@landcontractors.com
Email

Email

tpalmer@landcontractors.com

Appeal Fee: \$100

ZF: Walter Morgan



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



3691811

ZONING BOARD APPEAL / CAAZ - 20190042319
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08608007600

APPLICATION DATE: 07/17/2019

SITE ADDRESS:

1924 WELSENBORO CIR HERMITAGE, TN 37076
LOT 379 CAMDEN WOODS PHASE 1

PARCEL OWNER: FLAVIN, SANDRA E. & WEBB, KIMLEY

CONTRACTOR:

APPLICANT:

PURPOSE:

see building permit CARA 2018076770 which was issued without MPC Approval. requesting a rear yard variance per Zoning Administrator per 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.



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



3585390

**BUILDING RESIDENTIAL - ADDITION / CARA - 2018076770
Permit Tracking Checklist**

PARCEL: 08608007600

APPLICATION DATE: 12/10/2018 PERMIT TRACKING #: 3585390

SITE ADDRESS:

1924 WELSENORO CIR HERMITAGE, TN 37076
LOT 379 CAMDEN WOODS PHASE 1

PARCEL OWNER: FLAVIN, SANDRA E. & WEBB, KIMLEY

CONTRACTOR:

APPLICANT: L & L CONTRACTORS LLC

L & L CONTRACTORS LLC 66023 STBC-A

MURFREESBORO, TN 37130

PURPOSE:

TO CONSTRUCT 14'x14' COVERED DECK OFF REAR OF EXISTING RESIDENCE (SOUTHWEST CORNER)... 5' MINIMUM SIDE SETBACK... 20'
MINIMUM REAR SETBACK... MUST NOT BUILD OVER OR OBSTRUCT ANY EASEMENT... ..

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

Building Framing - Ceiling		Larry.Dennis@nashville.gov
Building Final	REJ-NOFEE	Larry.Dennis@nashville.gov
Building Final		Tim.Rowland@nashville.gov
Building Floor Elevation		Larry.Dennis@nashville.gov
Building Footing	APPROVED	Larry.Dennis@nashville.gov
Building Foundation		Larry.Dennis@nashville.gov
Building Framing	CANCEL	Larry.Dennis@nashville.gov
Building Framing	APPROVED	Tim.Rowland@nashville.gov
Building Framing - Wall		Larry.Dennis@nashville.gov
CA Building Progress Inspection		Larry.Dennis@nashville.gov
Building Slab		Larry.Dennis@nashville.gov
U&O Letter		615-862-6527 tawanna.dalton@nashville.gov

PRE

1958

PUDR

APPLICATION FOR A VARIANCE REQUEST

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

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

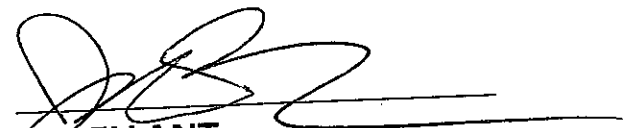
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We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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


APPELLANT

7/15/19
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.

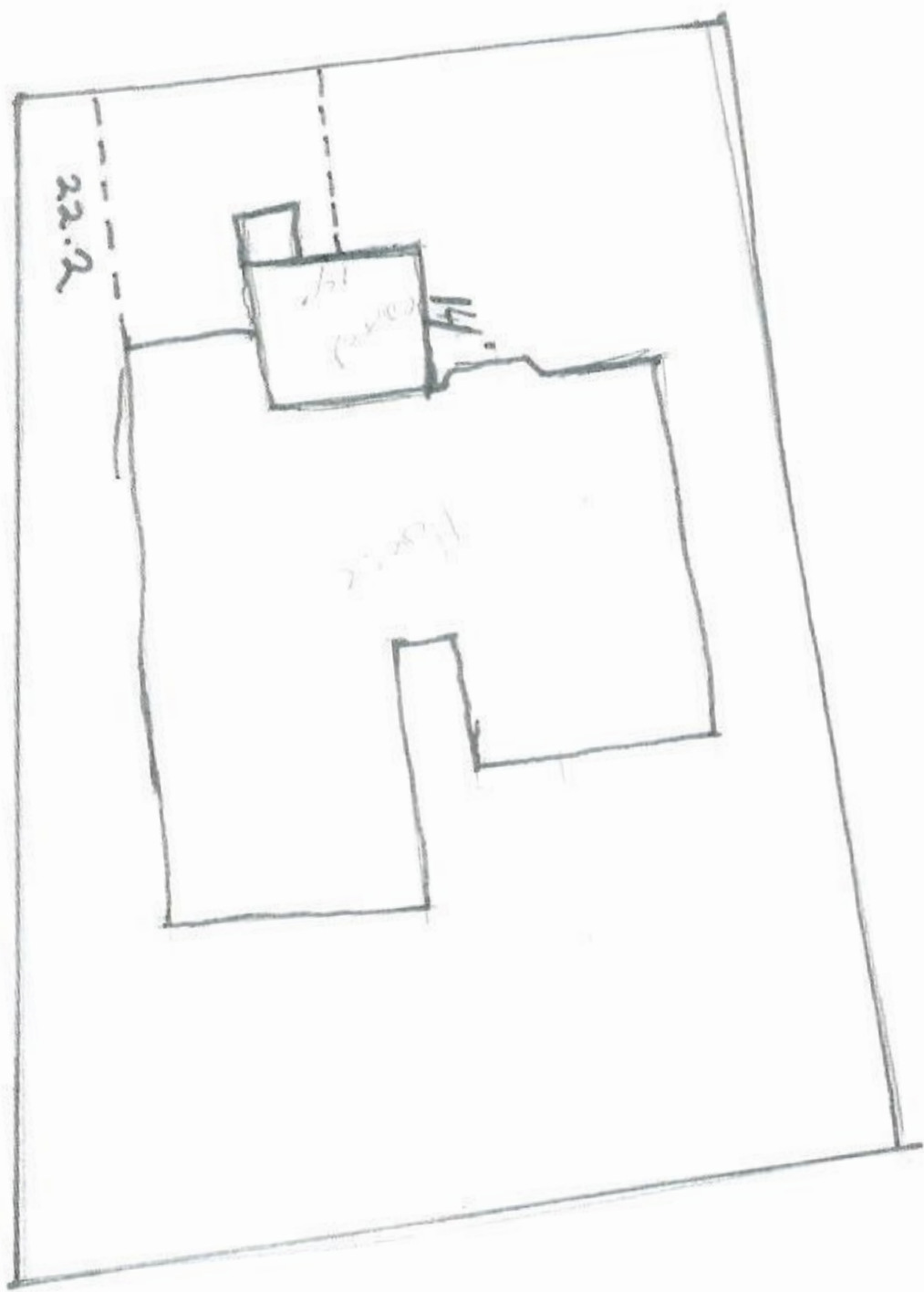
A Covered patio was erected. We permitted the structure after the home owner received documentation from her HOA OKing the project.

The lot size for the project appears to be shorter on the back side of the lot than surrounding backyard on the street. We ask for the variance to accommodate the existing structure.

Plot Drawn from site plan on file

50 SCALE
50 sca

2 = 10'



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 23, 2019
BZA Hearing Date: October 3, 2019
Re: Planning Department Recommendation for Variance within a PUD

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 2019-389 (1924 Welsenboro Circle) –Variance

Request: To reduce the required rear building setback from 20 feet to 7 feet.

Zoning: Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of Title 17. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

Land Use Policy: T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Existing Context: The property is approximately 7,084 square feet (0.18 acres) and located along Welsenboro Circle, approximately 500 feet north of Market Square, and located within a Planned Unit Development Overlay District (PUD). The property includes a single-family residential unit. The surrounding parcels, which are also located within the PUD, all contain single-family residential units.

Planning Department Analysis:

The applicant is requesting one variance:

- Reduce the required rear setback from 20 feet to 7 feet for an existing structure (covered deck).

The existing structure (covered deck) was constructed within the minimum rear setback of 20 feet. This site is located in the middle of an existing residential PUD that contains approximately 500 residential lots. The T3 Neighborhood Maintenance policy supports maintaining the general character of developed suburban residential neighborhoods. The request for a rear setback reduction does not compromise the established suburban character of this neighborhood or negatively impact public realm.

Planning Recommendation: Approve the reduced rear setback from 20 feet to 7 feet.

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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: 4PR
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.)

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.

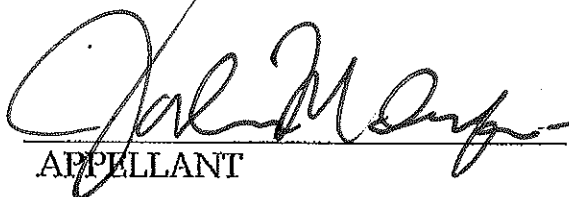
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

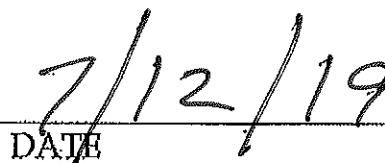
Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff..

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?

*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:

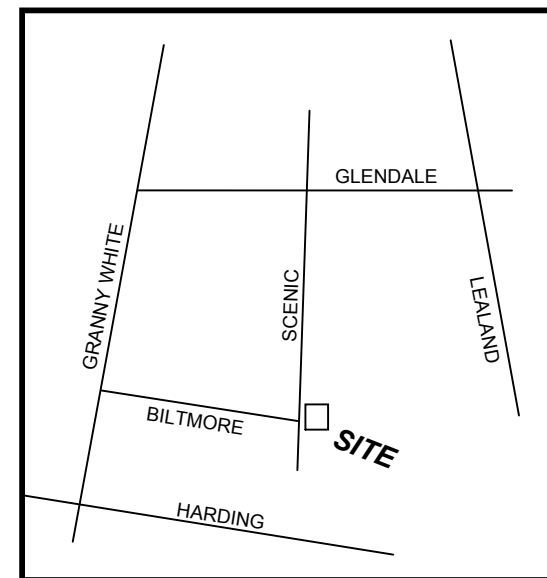
APPLICANT:**PURPOSE:**

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.

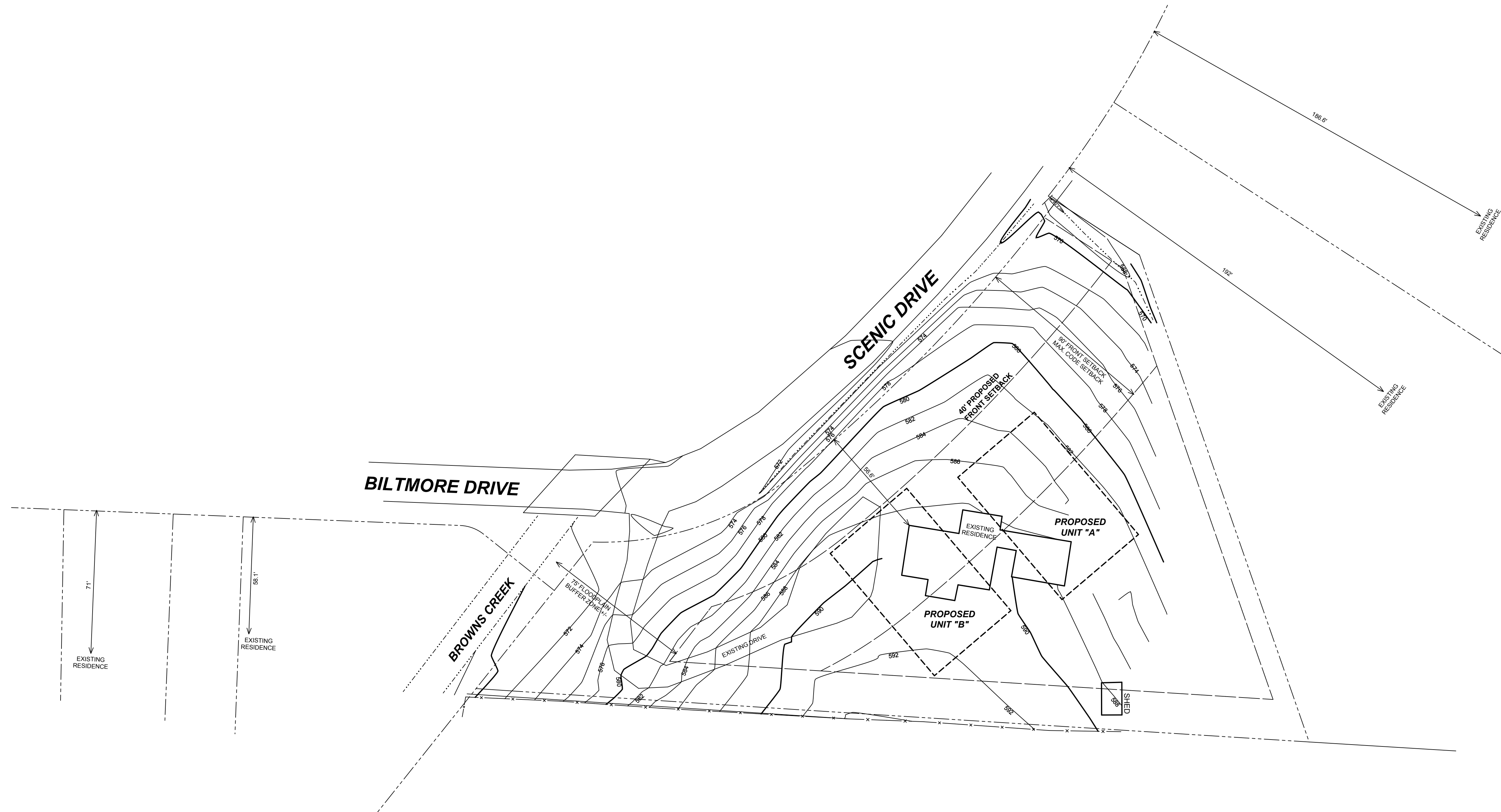
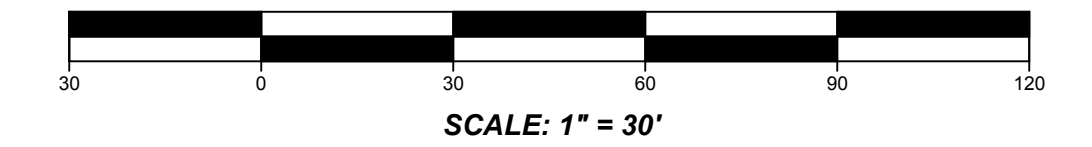
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

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: [Russ Pulley](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2019-393 and 2019-408
Date: Wednesday, September 18, 2019 11:25:40 AM

Commissioners,

I wanted to provide you my comments on the two caption cases set for hearing on September 19.

2019-393, 4422 Scenic Dr.

As you know, the applicant is seeking a variance from required setbacks in order to allow for the construction of two homes. I have not heard from the applicant.

There has been an expression of significant neighborhood opposition to this variance. I'm sure you have numerous emails opposing this from Neighbors.

In my examination of the application, I can find no hardship other than to create building in the lobes that will enable the construction of two homes. The neighborhood has gone through efforts to manage growth as best they can. A few years ago a contextual overlay was applied to that area.

I am opposed to the variance Requested by the applicant because I do not believe there is sufficient hardship demonstrated.

2019-408, 1610 Graybar Ln

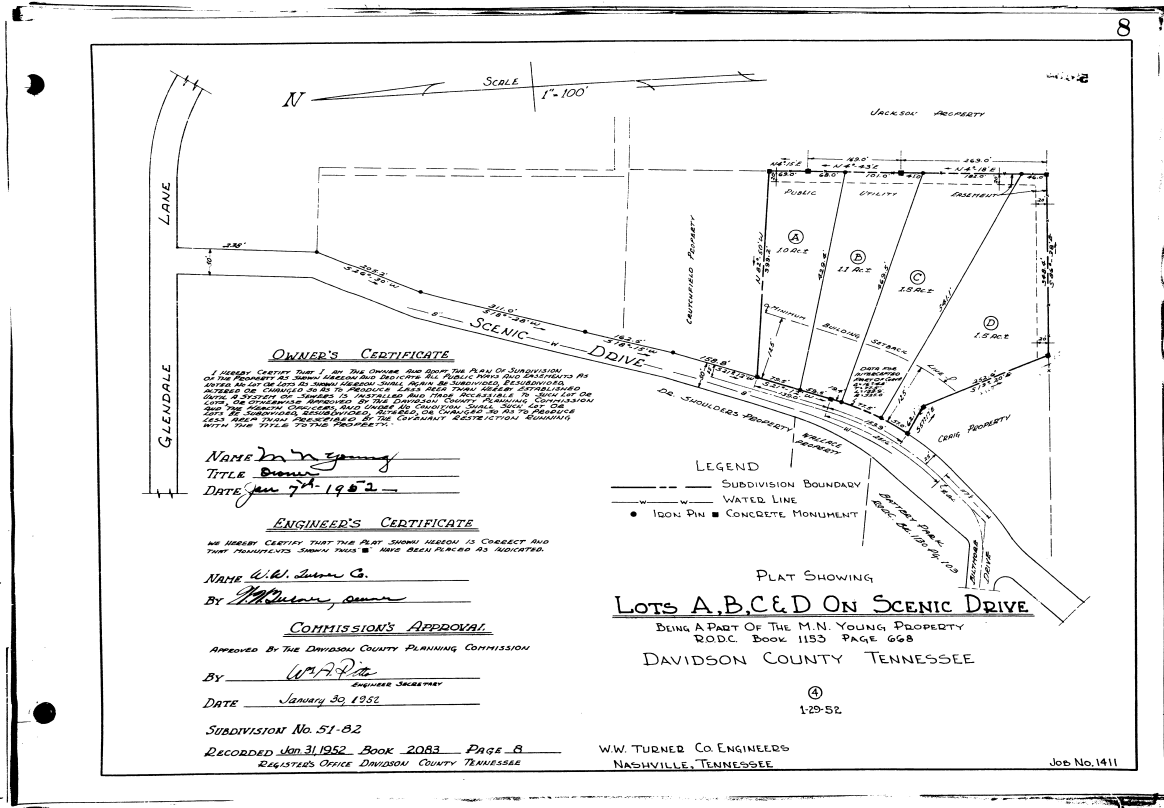
I was contacted by the applicant, who has requested a small setback variance. We held a community meeting in order to seek input from neighbors. To my knowledge, the neighbors were satisfied with the plan and there is no one in opposition to this.

In my examination of this, the block face is limited to the applicants parcel and one other house. If you examine the parcels on the same side of Graybar from Belmont Boulevard to Benham, which appears to me to be a more accurate representation of the contextual line, the applicant's request seems to be logical. Therefore, I wanted to note my support for this requested variance.

As always, I appreciate very much your service to our city.

Russ Pulley
Metro Council
District 25

Get [Outlook for iOS](#)



OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER AND OWNER THE PLAT OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME AND I AM SURE THAT THE MEASUREMENTS SHOWN HEREON ARE CORRECT AND TRUE AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME.

NAME M. N. Young
 TITLE Owner
 DATE Jan 7th 1952

ENGINEER'S CERTIFICATE

WE HEREBY CERTIFY THAT THIS PLAT SHOWS MEASUREMENTS AS CORRECT AND TRUE AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY AS SHOWN BY PUBLIC RECORDS AND EXAMINED BY ME.

NAME W. W. Turner Co.
 BY [Signature]

COMMISSION'S APPROVAL

APPROVED BY THE DAVIDSON COUNTY PLANNING COMMISSION
 BY [Signature]
 DATE January 30 1952

SUBDIVISION No. 51-02
 RECORDED Jan 31 1952 Book 2083 Page B
 REGISTER'S OFFICE DAVIDSON COUNTY TENNESSEE

- LEGEND
- SUBDIVISION BOUNDARY
 - - - WATER LINE
 - IRON PIN
 - CONCRETE MONUMENT

PLAT SHOWING
LOTS A, B, C & D ON SCENIC DRIVE
 BEING A PART OF THE M. N. YOUNG PROPERTY
 R.D.C. BOOK 1193 PAGE 668
 DAVIDSON COUNTY TENNESSEE

④
 1-29-52

W. W. TURNER CO ENGINEERS
 NASHVILLE, TENNESSEE

Job No. 1411

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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 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
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.dooley.21@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	wh1238@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


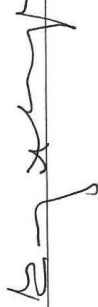
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Printed Name	Signature	Address	Email Address	Date
WALT CAIN	<i>Walt Cain</i>	1101 BILTMORE DR UNIT B	WALTCAIN@COMPAST.NET	9/7/19
Sheila Cain	<i>Sheila E Cain</i>	1101 BILTMORE UNIT B	SHEILA.E.CAIN@COMPAST.NET	9/7/19
Tanner Yancy	<i>Tanner Yancy</i>	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	SCENIC@SCENICDRIVE.COM	9/7/19
LYNNE KING	<i>Lynne A King</i>	102 BRAXTON HILL CT	Lynne.King99@gmail.com	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: [Deborah Evans](#)
To: [Lynne King](#)
Cc: [Board of Zoning Appeals \(Codes\)](#); [Pulley, Russ \(Council Member\)](#); [Kathleen Ervin](#); [Christina Hansen](#)
Subject: Re: Vote Against Appeal Case 2019-39 (Setback Variance) on September 19, 2019
Date: Monday, September 16, 2019 5:03:55 PM

Thanks for the update. I am sending my email this evening!:)

On Thu, Sep 12, 2019 at 10:01 AM Lynne King <lynne.king99@yahoo.com> wrote:

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: [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 : BUCK SNYDER
Property Owner: WILLIAM? DAWN RUFF
Representative: JUSTIN CRANDALL

Date: 7/26/19
Case #: 2019- 396
Map & Parcel: 10505000500

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 single family residence w/ detached garage

Activity Type: single family

Location: 1224 VILGA DR, NASHVILLE, TN

This property is in the PSS, NHZ 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): 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.

BUCK SNYDER
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

2610 WESTWOOD DR
Address

6 FAWN CREEK PASS
Address

NASHVILLE, TN, 37204
City, State, Zip Code

NASHVILLE, TN, 37214
City, State, Zip Code

615-473-4746
Phone Number

615-915-8288
Phone Number

buck@centralbuildersllc.com
Email

justin@builderassistllc.com
Email

Zoning Examiner: WM

Appeal Fee: \$100



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



3694434

ZONING BOARD APPEAL / CAAZ - 20190043986
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10505000500

APPLICATION DATE: 07/24/2019

SITE ADDRESS:

1224 VILLA PL NASHVILLE, TN 37212
PT LOT 1 SUB 37 HAYES ROKEBY

PARCEL OWNER: RUFF, WILLIAM & DAWN

CONTRACTOR:

APPLICANT:

PURPOSE:

Requesting the option to pay in lieu of fee for required sidewalks per METZO SECTION 17.20.120. SEE APPLICATION CARN T2019036989

*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

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

7/26/19

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.

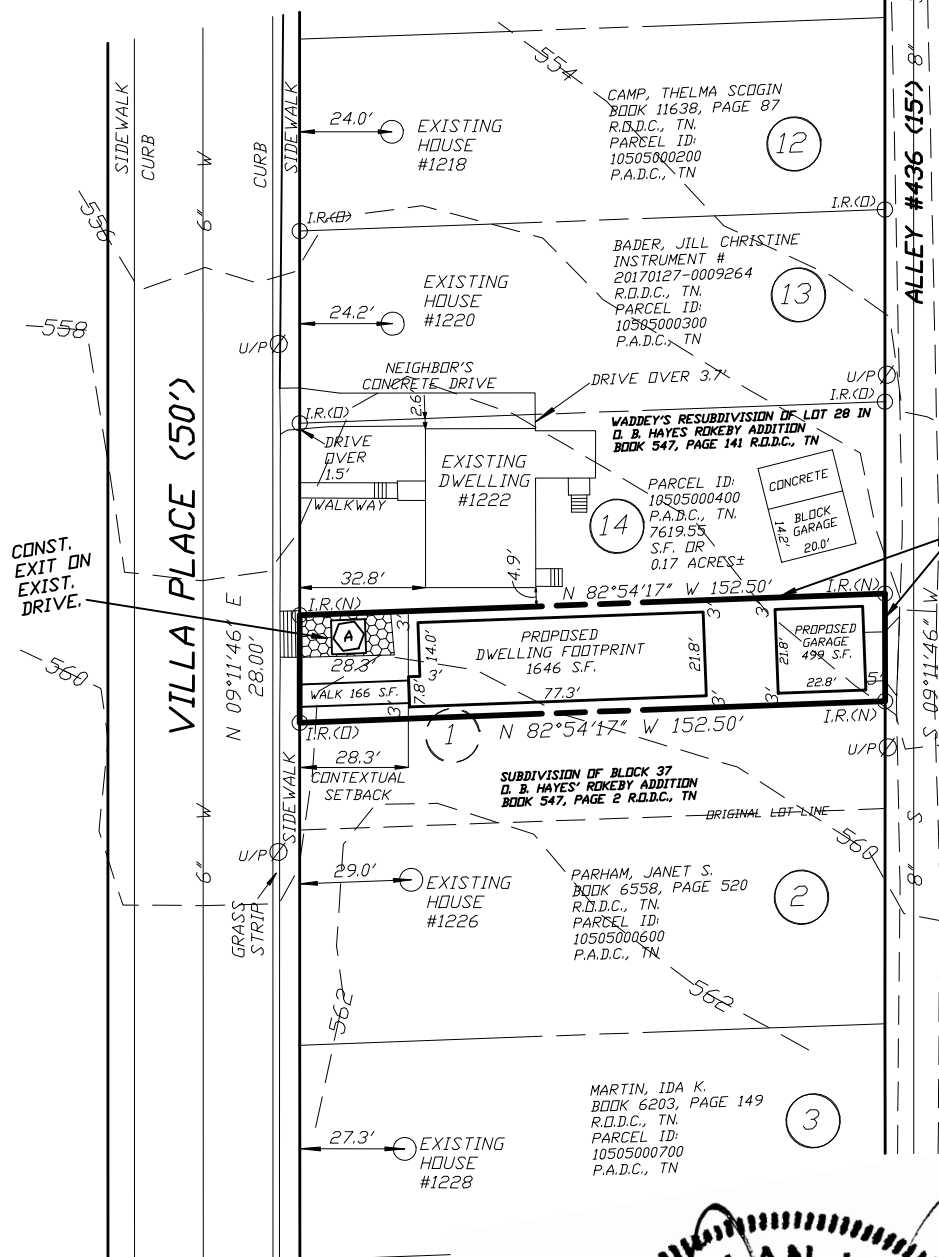
Financial gain not only bases-Financial gain is not the sole basis for granting the variance.

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.



CONTOURS SCALED FROM METRO GIS MAPS

SITE DATA

PARCEL ID
 10505000500
 P.A.D.C., TN

TOTAL LOT AREA
 4267.20 S.F. OR
 0.10 ACRES±

EXISTING I.A.
 DRIVE = 210 S.F.
TOTAL EXISTING I.A.
 210 S.F.

PROPOSED I.A.
 HOUSE FOOTPRINT = 1646 S.F.
 DRIVE = 68 S.F.
 WALK = 166 S.F.
 GARAGE = 499 S.F.
TOTAL PROPOSED I.A.
 2379 S.F.

2379 - 210 = 2169
NET NEW I.A.
 2169 S.F.

Ⓐ 78 S.F.
 RAIN GARDEN
 36" DEPTH OF
 AMENDED SOIL

SITE PLAN
 NORTHERLY PART OF LOT 1,
 BLOCK 37 ON THE PLAT OF A
 SUBDIVISION OF LOTS 37 AND 52,
 D. B. HAY'S ROKEYBY ADDITION,
 BOOK 547, PAGE 2 R.O.D.C., TN.
PROPERTY LOCATED IN THE 17TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE EASTERLY MARGIN OF
 VILLA PLACE, NORTH
 OF HORTON AVENUE
PROPERTY ADDRESS:
 1224 VILLA PLACE,
 NASHVILLE, TN, 37212

DEED REFERENCE:
 INSTRUMENT #20190327-0027729
 R.O.D.C., TN.
PARCEL ID: 10505000500
 P.A.D.C., TN.
DATE: 6-3-2019
SCALE: 1"=50'
PREPARED FOR: BUCK SNYDER

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED RS5
 SETBACKS FOR RS5 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17 "ZONING"
 CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'

**EXISTING NON-CONFORMING LOT ELIGIBLE
 FOR REDUCED SIDE SETBACK OF 3 FEET.**

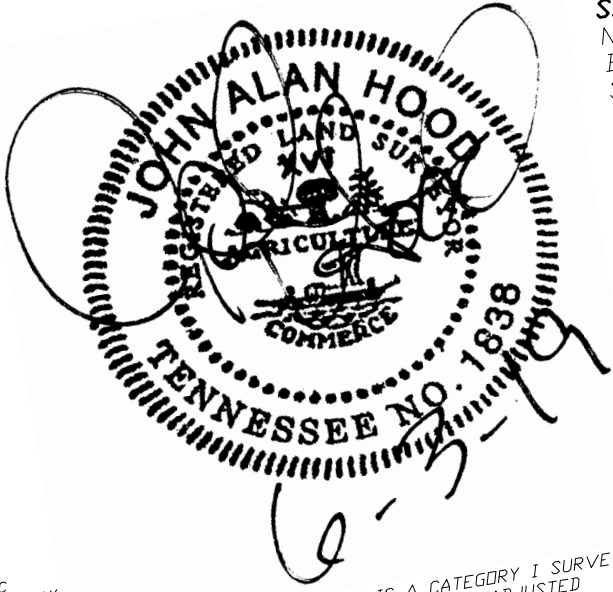
VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

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 0243 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 FURNISHED PRIOR TO
 THE SURVEY.

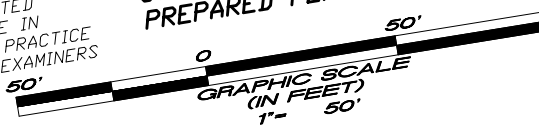
UTILITIES SHOWN WERE TAKEN FROM PUBLIC
 AS-BUILT RECORDS & FIELD LOCATION. THERE MAY
 BE UTILITIES OR EASEMENTS PRESENT THAT ARE
 NOT SHOWN ON THIS SURVEY.
 CONTACT THE TENNESSEE ONE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN, 37204
 615-252-2424



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



DAVID BRILEY

MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

September 12, 2019

Board of Zoning Appeals
c/o Jon Michael

RE: 1224 Villa Place

Dear BZA:

Metro Historic Zoning staff supports the request for the New Construction (Infill Structure) at 1224 Villa Place to continue the existing sidewalk dimensions in the existing location. Because our role is to review design, we are not taking a position on whether or not the applicant should pay in-lieu-of fees or whether or not the existing sidewalk should be repaired or replaced.

This lot is currently vacant and the majority of homes on this block are contributing buildings, which means there will be few projects that will trigger the new sidewalk dimensions anywhere else on this block-face.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sean Alexander".

Sean Alexander
MHZC Staff

cc: Robin Zeigler, Historic Zoning Administrator

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-396 (1224 Villa Place)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Contribute in-lieu of construction (not eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	631' south of #2 – Belmont
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct a single family dwelling and requests a variance to contribute in-lieu of upgrading the existing sidewalk along the Villa Place frontage. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk exists along the property frontage, which is consistent with adjacent properties to the north and south.
- (2) While the existing grass strip does not explicitly meet the Local Street standard, it accommodates mailboxes and utilities for a clear walking path.

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

1. The applicant shall contribute in-lieu of construction for the 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.

From: [Sledge, Colby \(Council Member\)](#)
To: [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: District 17 Positions for Oct 3 agenda
Date: Friday, September 27, 2019 12:52:26 PM

Hi all,

Here are my stances on D17 items on the agenda:

2019-396: **Strongly oppose** this request not to pay in-lieu fund

2019-403: **Oppose** this request, as I believe appeal refers to wrong property

2019-427: **Support** this request, as it is for affordable housing

2019-438: **Support** this request, as it maintains a previous BZA decision

2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: 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.

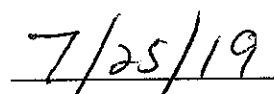
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

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

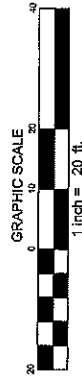
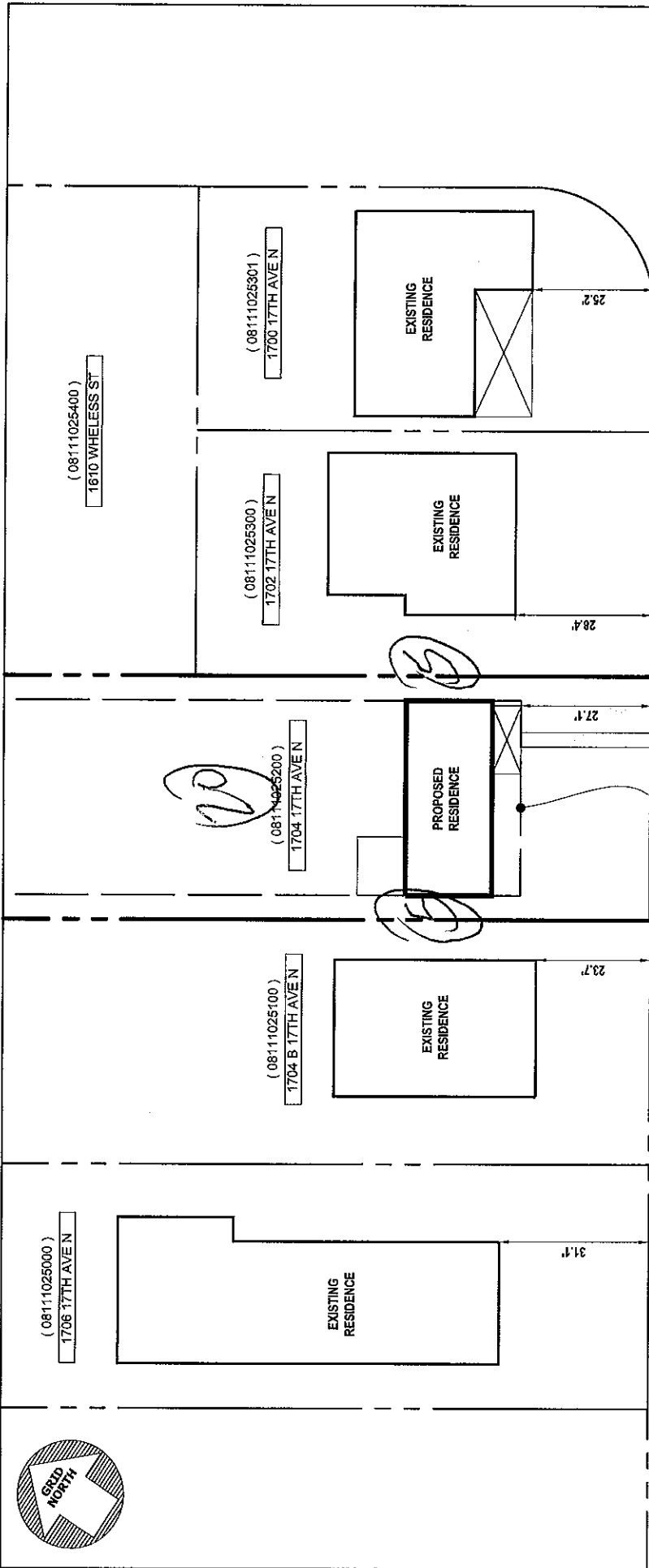
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

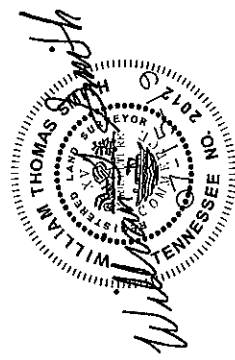
There is already an existing sidewalk in good condition.



27.1' M.B.S.L. (CONTEXTUAL AVERAGE)

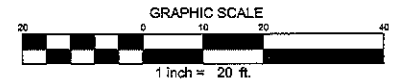
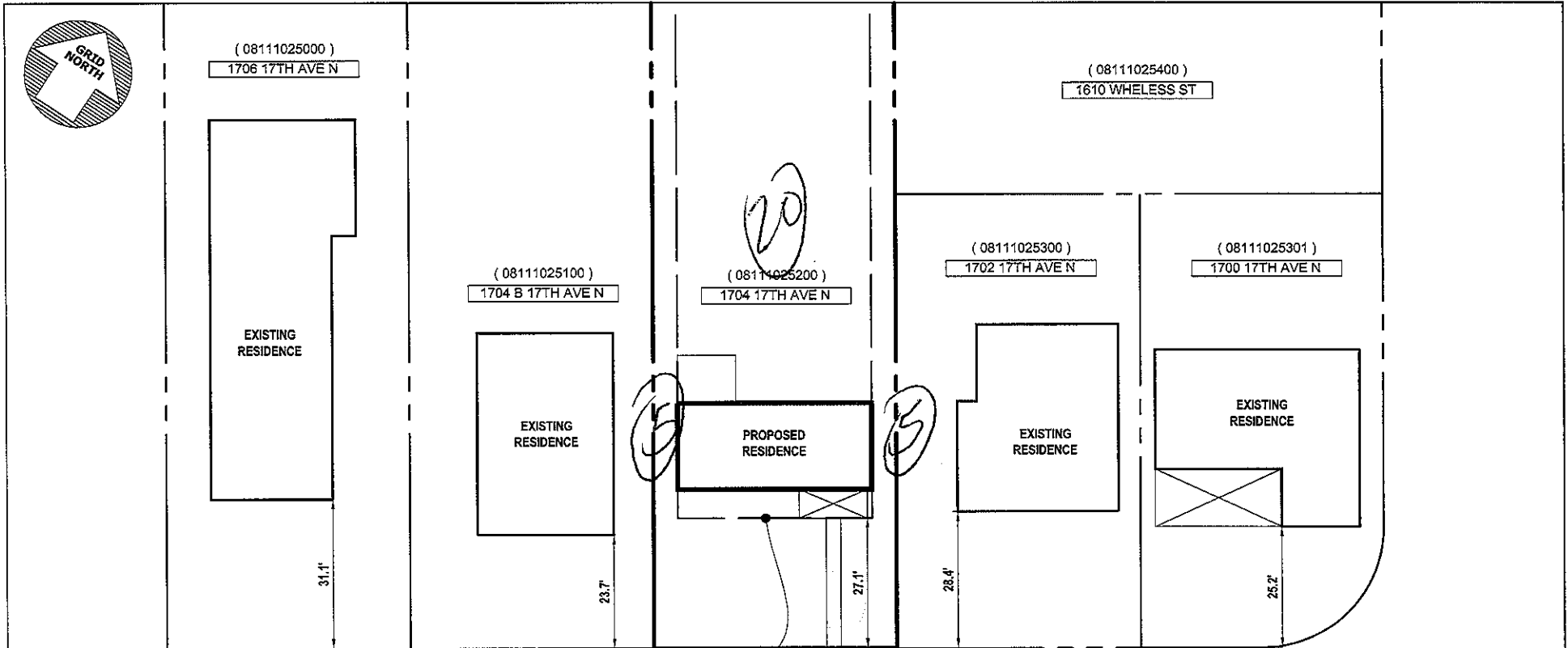
SHEET NO. **B-1.0**
REVISION

Building Setbacks
1704 17th Ave. N.
Nashville - Davidson Co., Tn.

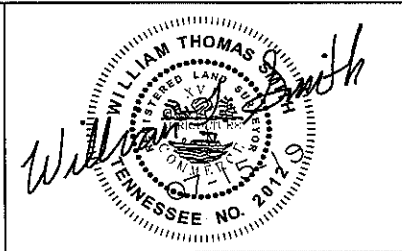


Prepared By:
W.T. Smith- Land Surveying
 4207 Lebanon Pike, Suite #200
 Hermitage, TN. 37076
 Phone: 615-712-6693
 Email: tommy@wtsmithsurvey.com

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.

Appeal Case Number: 2019-398

1704A 17th Ave N

Permit #20190044403

To whomever it may concern,

My name is Jaclyn Kole, and I am the property owner of 1703 17th Avenue North, and I OBJECT to the appeal filed by Sean Roberge of Affordable Housing Resources Inc.

Sean Roberge is attempting to disrupt the walkability/ pedestrian access of the neighborhood for his own GREED. He should not be allowed to bypass the current zoning requirements. It shouldn't even be an option for him to forgo building a sidewalk / or paying into the sidewalk fund. Why even have these zoning requirements, if greedy builders can simply appeal them?

As a property owner in this neighborhood, I OBJECT to this appeal.

Thank you for your time,

Jaclyn Kole

Property Owner:

1703 17th Ave. North

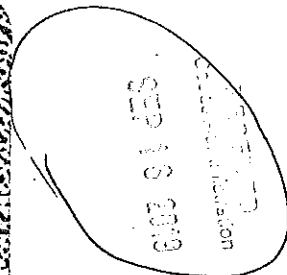
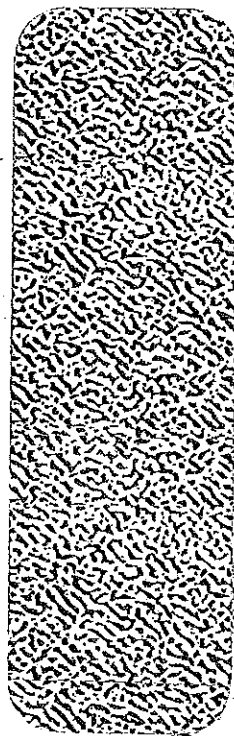
Nashville, TN 37208

*After
Deadline*



STANDARD MAIL PERMIT NO. 10000 NEW YORK, NY 10010

POSTAGE WILL BE PAID BY ADDRESSEE
NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



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 Adam LaFever
Appellant Name (Please Print) Representative Name (Please Print)

513 3rd Ave. S. same
Address Address

Nashville, TN 37210 same
City, State, Zip Code City, State, Zip Code

615-988-9911 same
Phone Number Phone Number

adam@sobrolaw.com same
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**



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:

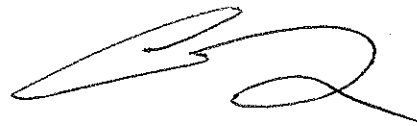
It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested special exception, subject to the following conditions: (1) agreement (attached) with the community and Belmont to be included as part of the approval by the Board (items 1-12); (2) fields 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.)

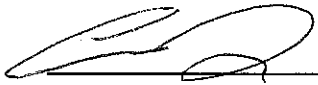
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In 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.

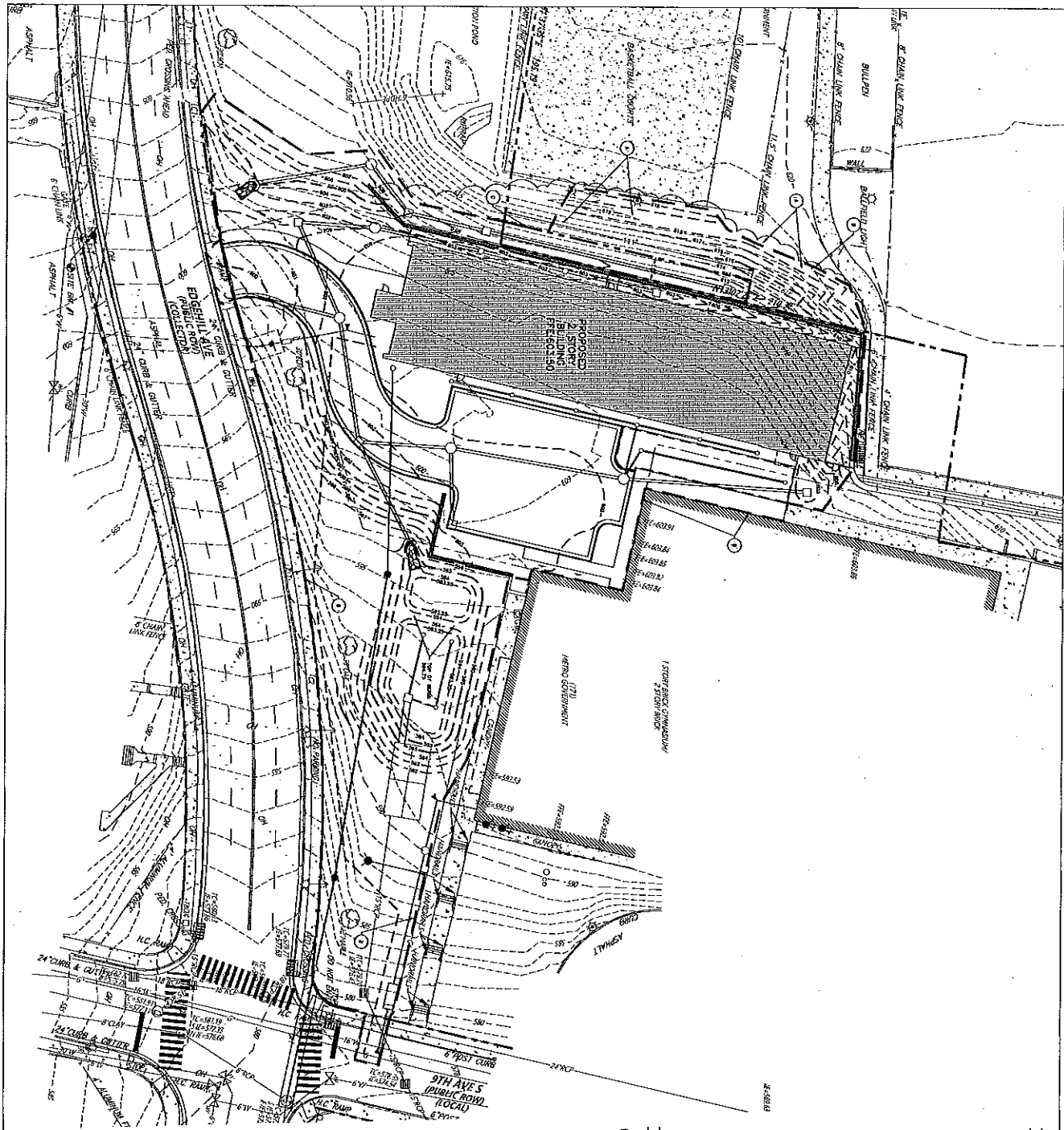
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NASHVILLE AND THE STATE OF TENNESSEE.
2. ALL EXISTING AND PROPOSED GRADING SHALL BE SHOWN AND NOTED ON THE GRADING PLAN. THE CONTRACTOR SHALL PROVIDE A GRADING PLAN TO THE OWNER FOR REVIEW AND APPROVAL PRIOR TO THE START OF CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NASHVILLE AND THE STATE OF TENNESSEE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF NASHVILLE AND THE STATE OF TENNESSEE.
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Project Name	2019080005
Project No.	1000000000
Scale	AS SHOWN
Date	08/27/2019
Drawn By	[Signature]
Checked By	[Signature]

GRADING PLAN



**BELMONT UNIVERSITY
ROSE PARK ATHLETICS FACILITY**

910 Edgehill Ave, Nashville, TN 37203



Client Name	Belmont University
Project Name	Rose Park Athletics Facility
Project No.	2019080005
Scale	AS SHOWN
Date	08/27/2019
Drawn By	[Signature]
Checked By	[Signature]



September 13, 2019

Ms. Cynthia Chappel Ms. Ashonti Davis Mr. Tom Lawless Mr. Ross Pepper
 Ms. Christina Karpynec Ms. Alma Sanford Mr. David Taylor

Re: Case No. 2019-403

Dear Members of the Board,

This firm represents the Organized Neighbors of Edgehill, Inc. ("Appellant") regarding the above referenced appeal. Both Appellant and I sincerely appreciate your time and attention to this matter.

Background

Appellant is a nonprofit organization comprised of various individuals living or working in the Edgehill area of Nashville. This appeal relates to a construction project located at 1025 9th Avenue South (the "School Property"). The Property is commonly known as Rose Park Middle School (the "School").

On November 7, 2007, the Metropolitan Government of Nashville and Davidson County ("Metro"), acting by and through the Department of Parks and Recreation ("Parks") entered into a Property Improvement and Lease Agreement with Belmont University (the "Lease"). The Lease was authorized by Council Bill BL2007-1544 and enabled Belmont University ("Belmont") to construct and use athletic fields and facilities on Metro Parks property at the 25 acre Rose Park¹ (the "Park"). The Lease and the use of the Park by Belmont was controversial in that Belmont only pays rent in the approximate amount of \$3,200 per month for its baseball, softball, soccer and concession stand facilities. Opposition to the Lease spawned litigation that reached the Tennessee Court of Appeals. At the present time, Appellant asserts that the terms and conditions of the Lease are not satisfied by Belmont.

This Board approved a special exception governing Belmont's use and development of the Park in furtherance of the Lease. The special exception required, among other items, that the gates to the athletic fields never be locked, assuring access to the fields for the Edgehill community. Appellant and third parties have complained that the terms of the Lease are continuously violated by Belmont and that Belmont's use of the Park is becoming more exclusive, see Exhibit A².

On May 8, 2017, Metro, Parks and Belmont entered into Amendment Two to Lease Between Parks and Belmont University (the "Amendment"). The Amendment permitted Belmont to further construct a 20,000 square foot "indoor batting facility, related training space, office and meeting room" (the "Facility") on the Park. The Amendment, as was the Lease, was controversial

¹ The athletic fields permitted by the Lease were constructed at Rose Park, not Rose Park Middle School.

² The photograph in Exhibit A depicts a poster stating "Belmont Employee Parking Only". The poster was taped over the sign designating Rose Park parking, an example of Belmont's attempt to exclusively control a public park.

and received strong opposition from Appellant, other organizations and citizens. Appellant, through counsel, submitted a letter to Metro, Parks and Belmont which expressed the strong opposition to the allocation of additional public park space to Belmont. Additionally, several councilpersons expressed opposition to the Amendment as written.

After the Amendment encountered opposition, Belmont and the Metro Nashville Public Schools ("MNPS") entered into an agreement wherein Belmont would be granted an easement (the "Easement") across the School Property for the construction of the Facility. Of note, the Easement and agreement (between Belmont and MNPS) was passed on the consent agenda at the November 2018 MNPS Board Meeting. Three (3) school board members advise that they had no knowledge of the Belmont plan to construct the Facility on the School Property. The school board members additionally were unaware that Belmont would only pay approximately \$3,200 per month for nearly 20,000 square feet of space. Further, the MOU also contained a provision which decreases the amount to \$1,666.00 per month in the event Metro allocates more funds to the community center at Rose Park. Additionally, MNPS and Belmont entered into a contractual agreement which purportedly defines the relationship between the parties regarding the use of the Facility. To date, Appellant has been unable to obtain a final copy of the agreement reached between Belmont and MNPS. However, attached as Exhibit B is the Memorandum of Understanding ("MOU") which details the purported terms of the agreement. Also attached as Exhibit C is the diagram of the proposed Facility which shows the close proximity of the Facility to the School, and the close proximity to the property line between the School Property and the Parks property.

Appellant alleges that the permit granted for the construction of the Facility was granted in error for two reasons:

- (i) the Property is not properly zoned for the Facility; and
- (ii) the Easement granted to Belmont for the construction of the Facility was not approved by Metro Council and the Mayor as required by Section 9.14 of the Metropolitan Code for Nashville and Davidson County (the "Code"). Therefore, MNPS did not have authority to consent to the grant of the Easement upon which construction of the Facility is planned.

The School Property is not Properly Zoned for the Construction of the Facility

The base zoning classification for the School Property is RM-20, which provides for medium to high density residential use, intended for multi-family dwellings at 20 units per acre. The proposed 20,000 square foot Facility clearly does not fall with the RM-20 zoning requirements. The Zoning Administrator is extremely busy with all of the growth and development in Nashville. If the Administrator or staff had referenced the zoning classification prior to the issuance of the permit, the Administrator would have noted that the School Property is not properly zoned for the Facility.

As the current RM-20 zoning clearly does not allow for the Facility to be constructed on the School Property. Appellant has been unable to ascertain a zoning mechanism that would allow

MNPS and Belmont attempt to proceed with the construction of the Facility. On information and belief, MNPS and Belmont attempt to proceed pursuant to an Accessory Use to the Community Education exception to the base zoning. Community Education is only available within RM-20 zone. The Code defines Accessory Use as “use of land or a building or portion thereof that is customarily incidental and subordinate to the principal use of the land or building and that is located on the same lot as the principal use.” Rose Park Middle School is primarily used as a Metropolitan Public School for the education of students within grades 5 through 8. The Facility, as evidenced by the MOU, will be under the control of Belmont, as Belmont would “be responsible for scheduling the use of the [Facility] by all parties...”. The construction of the Facility, especially the 9,000 square feet of private office space, and the proposed use on School Property is not customary, incidental or subordinate to the principal use of the land or building as a MNPS Middle School. Further, MNPS does not offer baseball for any middle school. The MOU does not guarantee the usage rights of any Edgehill resident or Rose Park student, and nothing contained within the MOU guarantees that any person other than Belmont baseball players and coaches will be granted access to the Facility, as Belmont would maintain control over all scheduling. It is evident by Belmont’s exclusive control in scheduling activities and granting access, that the Facility would not be under the control of the School or MNPS, and can therefore not be an Accessory Use for the School. Further, under the MOU, Belmont, a private religious institution, would be granted private office space within the Facility. The exclusive use of public property by a religious institution to the exclusion of the public presents constitutional issues as well.

Also of note, despite Belmont’s assurances that the School would benefit from the Facility, Metro Schools do not offer Middle School baseball programs.

This Board has previously held that MNPS is exempt from all zoning regulations. However, the supposition in this holding is that the structures constructed or improved on school property were for school and MNPS use. The Facility is not intended for school use as evidenced by the MOU and the simple fact that the school does not have a baseball team. Additionally, if this holding were interpreted to mean that MNPS could approve any structure without consideration of zoning regulations, MNPS could, in theory, grant a major hotel chain the authority to construct a hotel on school property.

The MOU also states that office space within the Facility would be shared with RBI Nashville, Inc. a not for profit corporation (“RBI”). It should be noted that the MNPS’ Chief Officer of Human Resources, Tony Majors, was in control of operations for RBI at the time of the Easement negotiation and MOU issuance. It is contemplated that Tony Major’s would occupy one of the private offices at the Facility. When Appellant raised the issue of a possible conflict of interest between Mr. Majors’ affiliation with RBI and MNPS, Mr. Majors resigned from RBI.

The Easement Upon Which the Facility is to be Constructed Was Not Approved by Council or
Approved by the Mayor

When the Lease was executed in 2007, Belmont and Metro Parks were required to obtain a special exception to the RM-20 zoning classification of the Park to permit the construction of the athletic fields and facilities. As previously mentioned, Belmont and Metro Parks attempted to amend the Lease to allow for the construction of the Facility on Rose Park property. After the

Amendment encountered strong opposition and it became clear that the Amendment would not be approved by Council, Metro and Belmont created a scheme to circumvent the legislative process and purportedly avoid the required consent of Council and the Mayor. To avoid the opposition to the Facility, MNPS granted the Easement to Belmont.

Section 9.14 of the Code provides the requirements for the acquisition and sale of metro schools property. Said Section reads as follows:

“All school property heretofore belonging to the Count of Davidson and all school property heretofore belonging to the City of Nashville shall belong to the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of education, and the title to all school property hereafter acquired shall be vested in the Metropolitan Government of Nashville and Davidson County for the use and benefit of the board of public education. The board of public education is hereby designated as the legal custodian of all school property; and when in the judgment of said board and property held by it is no longer suited or needed for school purposes, said board is hereby authorized, *with the approval of the council and mayor*, to sell such property and have the proceeds credited to the unappropriated school fund of the metropolitan government.

In acquiring or selling property, the board shall cooperate closely with the planning commission, whose recommendation shall be sought and carefully considered by the board.” [*emphasis added*]

As evidenced by the above cited Section, the School Property is owned by Metro. As Owner, Metro, not MNPS is the only party which can grant the Easement upon which Belmont attempts to construct the Facility. Metro did not approve the Easement, as MNPS circumvented Metro Council and the Mayor and purportedly granted an easement across property it did not own.

Appellant anticipates the MNPS and Belmont will argue that MNPS only granted an Easement, did not sell the School Property to Belmont and therefore the reference Section 9.14 is not controlling. However, MNPS and Belmont should not be permitted to avoid the legislative process and Section 9.14 by relying on the clear transfer of interest and exclusive use of land for value in an attempt to avoid the “sale” provision within Section 9.14. The intent of Section 9.14 is clear: any transfer of interest of land from a Metro School must be approved by Council and the Mayor. Further, as referenced herein, Belmont maintains exclusive scheduling authority of the Facility and there is no guarantee that any party, other than Belmont, could be scheduled for Facility use. It is quite clear that the 9,000 square feet of office and meeting space within the Facility is for the sole use and control of Belmont, not customary, incidental or subordinate to Rose Park Middle School. Because of the exclusivity and the ability of Belmont to exclude all parties, the Easement acts as a conveyance of the School Property and is governed by Section 9.14, requiring Council approval and Mayor signature.

Conclusion

Because the zoning of the School Property does not permit the Facility and because the Metropolitan Council and the Mayor did not approve the Easement upon which the Facility is scheduled to be constructed, Appellant respectfully requests that this Board hold that the Zoning Administrator erred in granting the building permit to MNPS and Belmont. As previously stated herein, if the Administrator had examined the zoning classification for the School Property prior to issuing the permit, the Administrator would have noted that neither RM20 of Accessory use of Rose Park Middle School allow for the Facility. If Belmont wishes to pursue construction of the facility, Belmont and MNPS should follow appropriate protocols and obtain Council and Mayor approval for the Easement and Facility construction and terms of its usage.

Respectfully submitted,



Adam LaFevor

*Attorney for the Organized Neighbors
of Edgehill, Inc.*

EXHIBIT A



EXHIBIT B

Memorandum of Understanding

This Memorandum of Understanding ("MOU") by and between The Metropolitan Government of Nashville and Davidson County through the Metropolitan Board of Public Schools ("MNPS") and Belmont University ("Belmont") is intended to outline the agreement of the parties as it relates to Rose Park Middle School.

- 1. Grant of Easement.** MNPS grants to Belmont an easement adjacent to Rose Park Magnet Math and Science Middle School as depicted in the survey and site plan and as described in the property description, each of which is to be attached to this Agreement as collective Exhibit A. The purpose of the easement shall be for the construction and operation of an indoor batting and locker/training facility with associated site improvements including a new driveway and parking spaces as depicted on Exhibit A ("Improvements").
- 2. Design and Construction.** The design and construction of the Improvements shall be fully funded by Belmont and approved by MNPS. In addition Belmont shall be responsible for securing all necessary licenses and permits required to authorize construction of the Improvements. MNPS shall assist in these efforts as appropriate.
- 3. Programming Space.** MNPS and Belmont shall work together to plan the use and programming of the Improvements.
- 4. Term and Termination.** The term of this Agreement shall be 50 years. If this Agreement is terminated by MNPS prior to expiration of the term for any reason other than Belmont's uncured material breach of its obligations under this Agreement, MNPS shall pay Belmont the fair market value of the Improvements. Such value shall be calculated based on two appraisals. MNPS and Belmont shall each select and compensate an appraiser to perform appraisals of the Improvements. If these appraised values are more than 10% apart, a third appraiser shall be jointly hired to conduct the determinative appraisal. If Belmont terminates this Agreement for its convenience, the Improvements shall become the property of MNPS without any payment owed by MNPS to Belmont.
- 5. Extended Learning Site.** MNPS shall operate an Extended Learning Site at Rose Park. Belmont and MNPS shall work together to recruit community groups to support the Extended Learning Site special interest activities in academics, athletics, and the arts.
- 6. Annual Grant.** Belmont shall pay MNPS an annual grant of \$35,000 to support MNPS' Extended Learning Site at Rose Park including Saturday operating hours at The Easley Center and to support Edgehill community baseball programs through RBI Nashville. If the Metropolitan Government of Nashville and Davidson County adopts an operating budget that includes funding for Saturday operating hours at one or more of Metro Park's neighborhood park community centers, the annual grant shall decrease to \$20,000. Such funds shall be used to support Edgehill community baseball programs through RBI Nashville.
- 7. Activities and Scheduling.** Belmont activities at the Improvements shall include tryouts, training, practices, recruiting, administrative activities, and sports camps associated with its

intercollegiate athletic programs in baseball, softball, and golf. MNPS and RBI activities shall include tryouts, training, practices, administrative activities and sports camps associated with their interscholastic and Edgehill-based community programs in baseball and softball.

Belmont shall be responsible for scheduling the use of the Improvements by all parties and shall provide a building supervisor to provide scheduled access by MNPS and RBI Nashville to the Improvements. MNPS and RBI Nashville shall provide appropriate coaching supervision to the players participating on MNPS and RBI teams while such players are using the Improvements. Belmont shall construct office space on first floor of the Improvements for the shared use by Belmont's building supervisor, MNPS and RBI.

8. **Signage.** Belmont may place signage on the building in a location approved by MNPS
9. **Naming Rights.** Belmont shall retain the naming rights to the Improvements.
10. **Maintenance and Repair.** The maintenance and repair of the Improvements shall be the sole responsibility of Belmont. If damage is caused by a third party, its agents, employees, or guests, MNPS shall assist in recovery of funds to pay for the damage caused by such parties.
11. **Utilities and Janitorial.** Belmont shall bear the cost of utilities as well as janitorial services incurred in operating the Improvements. MNPS shall bear the cost of grounds maintenance with the exception of any decorative landscaping which shall be installed and maintained by Belmont.
12. **Insurance.** Belmont shall maintain throughout the term of this Agreement insurance of the types and in the amounts described below.
 - a. Worker's Compensation Insurance as required by law and Employer's Liability Insurance with minimum limits of \$1,000,000.
 - b. General Liability Insurance with minimum limits of \$1,000,000 per occurrence per project.
 - c. Builder's Risk Insurance at the full insurable value of the entire work site.
13. **Indemnification.** Belmont agrees to be responsible for the conduct of its employees, agents, and students using the Improvements. Belmont agrees that if it uses the Rose Park Magnet Math and Science Middle School building, it will be used in accordance with the rules and regulations of MNPS.
Belmont agrees to indemnify and hold harmless MNPS and the Metropolitan Government of Nashville and Davidson County from:
 - a. Any claim, damages, costs, and attorney fees for injuries or damages arising, in part or in whole, from Belmont's use of the facility; and
 - b. Any claim, damages, penalties, costs and attorney fees arising from any failure of Belmont, its officers, employees, and/or agents, to observe applicable laws.
 Belmont further acknowledges that MNPS and the Metropolitan Government of Nashville and Davidson County make no warranties about the safety, maintenance, or inspection of the site before, during or after construction of the Improvements.

The parties hereto agree to work in good faith with each other to do all things necessary as it relates to this agreement.

THE METROPOLITAN GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY BY AND THROUGH THE
METROPOLITAN BOARD OF PUBLIC EDUCATION:

BELMONT UNIVERSITY

APPROVED:

DocuSigned by:
Dr. Sharon Gentry
0B7A018F4CDE45B...

MBPE Board Chair

RECOMMENDED:

DocuSigned by:
[Signature]
2534A180435F49A...

Executive Director of Facilities, Maintenance & Construction

DocuSigned by:
[Signature]
E7455D2A3FD74A4...

Chief Operating Officer

APPROVED:

DocuSigned by:
Robert Fisher
37162002A25F440...

Signature

Robert Fisher

Name

Robert C. Fisher

Title

12/13/2018 | 8:41 AM CST

Date

FILED IN THE OFFICE OF THE

METROPOLITAN CLERK:

DocuSigned by:
Elizabeth Waites
5AB6D267B7D34CD...

Metropolitan Clerk

12/14/2018 | 3:15 PM CST

Date

Legal Description

Beginning at a point along the southern boundary of the property described in Instrument Number DB-00003346-0000579 in the Register's office of Davidson County, Tennessee, said point also lying on the North Right-of-Way of Edgehill Avenue;

Thence, NORTH 13 DEGREES 40 MINUTES 24 SECONDS WEST, 53.65 Feet;

Thence, NORTH 13 DEGREES 2 MINUTES 25 SECONDS EAST, 247.54 Feet to a point along the western boundary of the same property;

Thence, SOUTH 87 DEGREES 16 MINUTES 12 SECONDS EAST, 69.88 Feet;

Thence, SOUTH 12 DEGREES 56 MINUTES 36 SECONDS WEST, 99.77 Feet;

Thence, SOUTH 77 DEGREES 27 MINUTES 40 SECONDS EAST, 65.63 Feet;

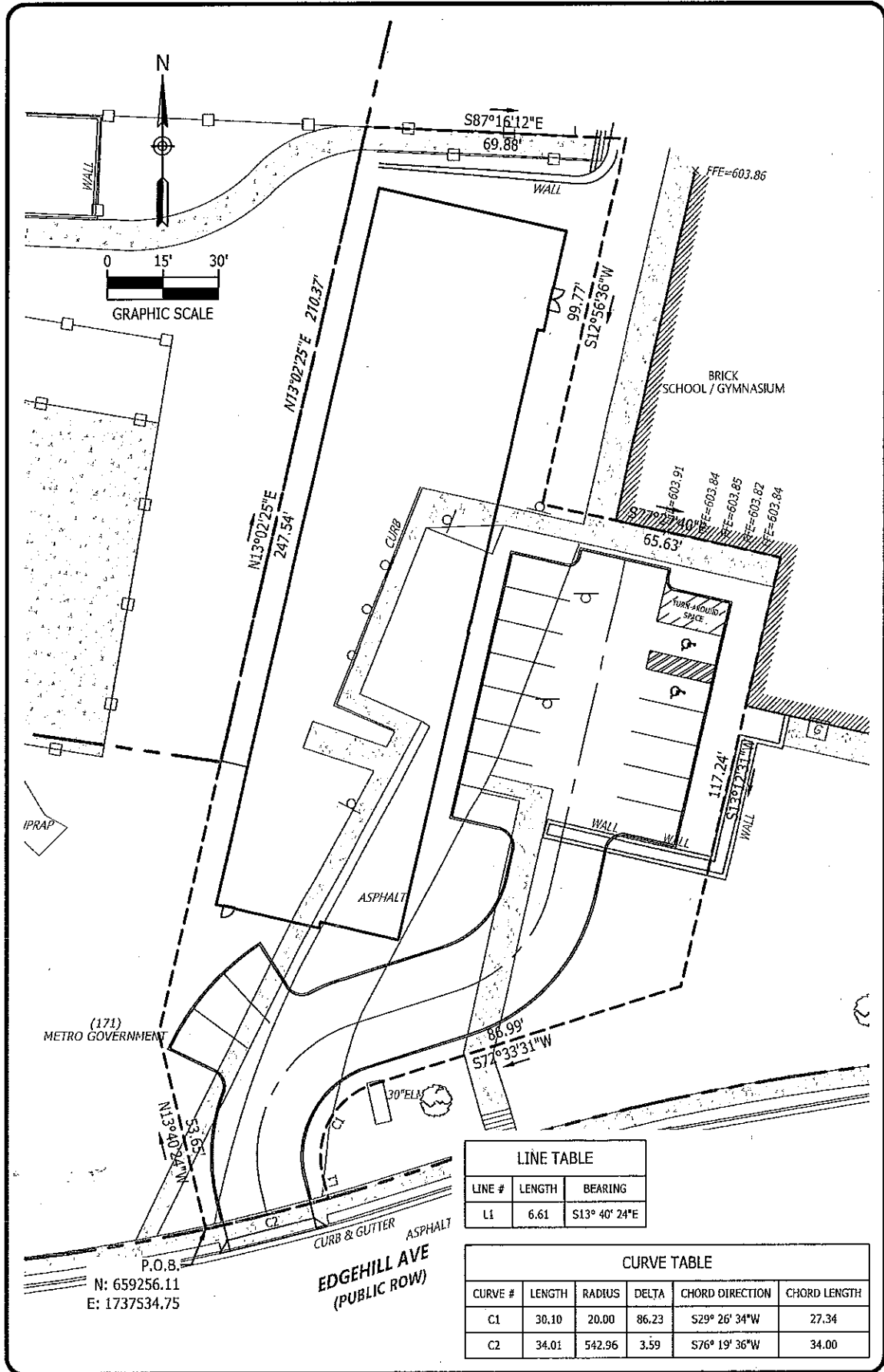
Thence, SOUTH 13 DEGREES 12 MINUTES 31 SECONDS WEST, 117.24 Feet;

Thence, SOUTH 72 DEGREES 33 MINUTES 31 SECONDS WEST, 86.99 Feet;

Thence, with a curve turning to the left with an arc length of 30.10 feet, with a radius of 20.00 feet, with a chord bearing of SOUTH 29 DEGREES 26 MINUTES 34 SECONDS WEST, with a chord length of 27.34 feet;

Thence, SOUTH 13 DEGREES 40 MINUTES 24 SECONDS EAST, 6.61 Feet to a point along the North Right-of-Way of Edgehill Avenue;

Thence, with a curve turning to the right with an arc length of 34.01 feet, with a radius of 542.96 feet, with a chord bearing of SOUTH 76 DEGREES 19 MINUTES 36 SECONDS, with a chord length of 34.00 feet, which is the point of beginning, having an area of 28,094 Square Feet.



LINE TABLE		
LINE #	LENGTH	BEARING
L1	6.61	S13° 40' 24\"E

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
C1	30.10	20.00	86.23	S29° 26' 34\"W	27.34
C2	34.01	542.96	3.59	S76° 19' 36\"W	34.00



5015 CENTENNIAL BLVD, SUITE 200, NASHVILLE, TN 37209
(615) 866-2410 | WWW.CATALYST-DG.COM

PROJECT:
Rose Park Batting Facility

Nashville, TN

TITLE:
Easement Exhibit

PROJ #	20180089	DWG. NO.	EXH
DATE:	12/11/2018		

Certificate Of Completion

Envelope Id: 0B1E9AC59B84458D9A19BA5C603E21C4	Status: Completed
Subject: Please DocuSign: MOU - Belmont & MNPS Rose Park	
PO Number:	
Source Envelope:	
Document Pages: 5	Signatures: 5
Certificate Pages: 3	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Facility Planning & Construction
Time Zone: (UTC-06:00) Central Time (US & Canada)	2601 Bransford Ave
	Nashville, TN 37204
	fpc@mnps.org
	IP Address: 184.216.144.207

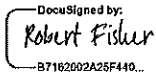
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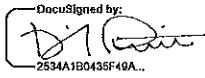
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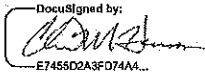
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Robert Fisher bob.fisher@belmont.edu Robert C. Fisher Security Level: Email, Account Authentication (None)	 <small>B7162092A25F440...</small>	Sent: 12/12/2018 9:03:03 AM Resent: 12/12/2018 12:39:52 PM Viewed: 12/12/2018 3:16:32 PM Signed: 12/13/2018 8:41:52 AM
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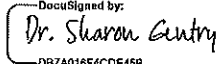
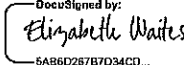
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David Proffitt David.Proffitt@mnps.org Security Level: Email, Account Authentication (None)	 <small>2534A1B0435F40A...</small>	Sent: 12/13/2018 8:41:54 AM Viewed: 12/13/2018 8:43:12 AM Signed: 12/13/2018 8:43:58 AM
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Chris Henson Chris.Henson@mnps.org CFO Security Level: Email, Account Authentication (None)	 <small>E7455D0A3F074AA...</small>	Sent: 12/13/2018 8:44:00 AM Viewed: 12/13/2018 8:45:29 AM Signed: 12/13/2018 8:45:40 AM
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Electronic Record and Signature Disclosure:
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Signer Events	Signature	Timestamp
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<p>Sally Palmer Sally.Palmer@nashville.gov Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p>Completed</p> <p>Using IP Address: 170.190.198.100</p>	<p>Sent: 12/14/2018 3:06:26 PM Viewed: 12/14/2018 3:09:38 PM Signed: 12/14/2018 3:12:16 PM</p>
<p>Elizabeth Waites Marlene.Fuller@nashville.gov Metropolitan clerk Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p>DocuSigned by:  5AB6D267B7D34CD...</p> <p>Signature Adoption: Pre-selected Style Using IP Address: 170.190.198.100</p>	<p>Sent: 12/14/2018 3:12:18 PM Viewed: 12/14/2018 3:15:15 PM Signed: 12/14/2018 3:15:25 PM</p>
<p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>		
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Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
<p>Jason Rogers jason.rogers@belmont.edu VP for administration Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p>COPIED</p>	<p>Sent: 12/12/2018 9:02:14 AM Viewed: 12/12/2018 9:02:55 AM</p>
<p>Judy Vokes judy.vokes@mnps.org Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p>COPIED</p>	<p>Sent: 12/13/2018 8:45:41 AM</p>
<p>Jason Rogers jason.rogers@belmont.edu VP for administration Security Level: Email, Account Authentication (None)</p> <p>Electronic Record and Signature Disclosure: Not Offered via DocuSign</p>	<p>COPIED</p>	<p>Sent: 12/14/2018 3:15:28 PM</p>

Carbon Copy Events	Status	Timestamp
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Not Offered via DocuSign

Tony Majors

Tony.Majors@mnps.org

Security Level: Email, Account Authentication
(None)

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

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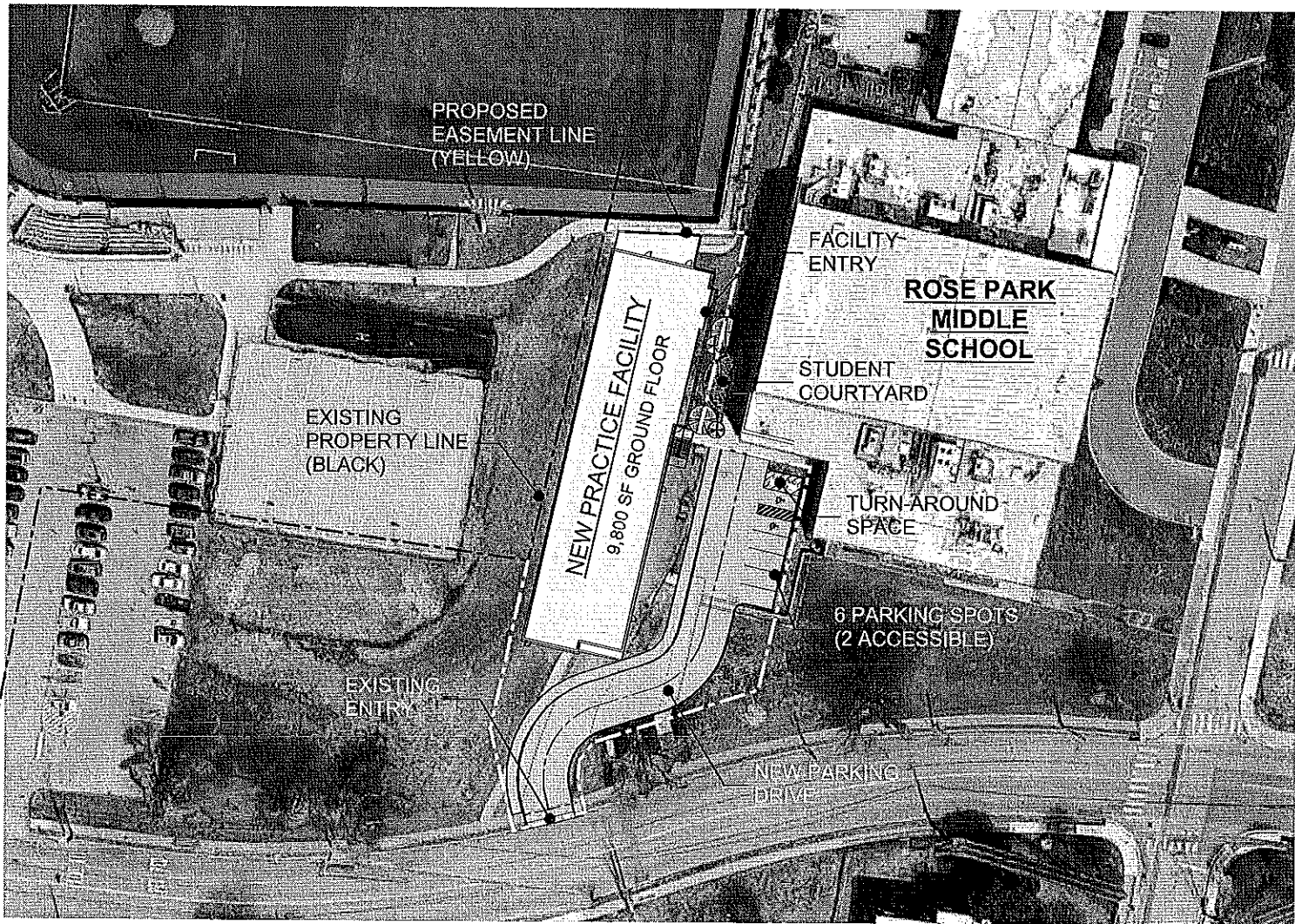
Notary Events	Signature	Timestamp
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Signing Complete	Security Checked	12/14/2018 3:15:29 PM
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Payment Events	Status	Timestamps
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EXHIBIT C



ESa | Rose Park Indoor Practice Facility
Nashville, TN - 11/19/2018

Proposed Site Plan

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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BONE
MCALLESTER
NORTON PLLC

J. Douglas Sloan III
(615) 238-6315 Phone
(615) 687-5783 Fax
dsloan@bonelaw.com

September 26, 2019

Board of Zoning Appeals
c/o Emily Lamb
700 Second Avenue South
Re: Case 2019-403

Dear Members of the Board of Zoning Appeals

This appeal challenging the issuance of a building permit for the development of facilities at Rose Park Middle School by the Metropolitan Nashville Public Schools (MNPS) is without merit. The facility at issue is a MNPS owned facility located on MNPS property zoned RM-20 with the stated purpose to offer community education to the children of Davidson County. As such, it is compliant with the Metropolitan Zoning Code of Davidson County as a use permitted with conditions pursuant to the Metropolitan Code of Laws §17.08.030.

MNPS has partnered with Belmont University to develop this facility on MNPS property to serve the children of Davidson County, and the Edgehill community in particular, as a source of community education. It is the hope of MNPS and Belmont that this partnership will be a model for partnerships between MNPS and other institutions of higher education to create learning opportunities for children throughout Davidson County. Placing coaches, trainers and student athletes from Belmont together with MNPS faculty and faculty from Reviving Baseball in Inner Cities (RBI) with the children in the community in a state of the art facility will provide unprecedented educational opportunities for everyone involved.

The facility is designed to educate and train students for the physical activities related to softball, baseball and golf. It will also house the locker rooms for the Belmont softball and baseball teams and offices for the administrative staff for the facility including MNPS staff, Belmont staff, and staff of RBI, an organization dedicated to increasing the participation and interest in baseball and softball among underserved youth in the inner city.

Like many other school athletic facilities throughout Davidson County, the offices included in the facility are there for the administration of the facility and to serve the children using the facility. The allocation of space dedicated to office use for MNPS, RBI and Belmont is approximately 5% of the total square footage of the building. There locker rooms dedicated to Belmont's softball and baseball teams. Locating these accommodations within the building will allow the student athletes from Belmont to prepare for events at the neighboring park and allow

September 26, 2019

Page 2

them to be more present for opportunities to mentor and work with the children, MNPS, and RBI through the interscholastic and community based programs.

The Metropolitan Nashville Board of Public Education approved the lease agreement with Belmont to use, maintain, and manage the facility and provide community educational opportunities to the children of the community. As stated above, this lease requires the dedication of office space for MNPS and RBI staff. An ordinance to approve this lease was filed by the Metropolitan Council and is set for the October 15, 2019 council meeting. This legislation seeks to approve the lease agreement between MNPS and Belmont and amend a previous agreement between Metro Parks and Belmont that would have placed the same facility on the neighboring park.

Attached is a copy of the Memorandum of Understanding between MNPS and Belmont regarding the lease of the facility. Some notable provision of the lease agreement include a termination clause that allows MNPS to terminate the lease agreement at any time, payments to MNPS from Belmont of \$35,000 annually, participation by Belmont in recruiting community groups to support the Extended Learning Site at Rose Park for educational opportunities in academics, athletics, and the arts, and the requirement that the uses of the property and improvements must comply fully with all MNPS policies. Specific activities within the agreement for the use of the facilities include tryouts, training, practices, administrative activities and sports camps associated with interscholastic and Edgehill-based community programs in baseball and softball.

The intended use, and the agreement memorializing the intended use of the facility, clearly show that the building is owned by MNPS, operated under the guidance of MNPS, for the purpose of promoting community education to children and creating partnerships with MNPS, RBI, Belmont, and community groups to instruct elementary, middle, and high school level students. This is an approved use from MNPS owned property zoned RM-20; therefore, the zoning administrator's decision to issue the building permit should be upheld.

Thank you for your service to the community.

Sincerely,

Bone McAllester Norton PLLC



J. Douglas Sloan III

JDS:

ORDINANCE NO. _____

An ordinance approving a ground lease between The Metropolitan Government of Nashville and Davidson County, acting by and through the Metropolitan Board of Public Education, and Belmont University for the construction and operation of an indoor batting and locker/training facility (Proposal No. 2019M-_____).

WHEREAS, The Metropolitan Government of Nashville and Davidson County (“Metro”) owns, and through the Department of Parks and Recreation (“Parks”) operates, Rose Park; and

WHEREAS, Metro and Belmont University (“Belmont”) are parties to the lease dated November 5, 2007, as authorized by BL2007-1544 and subsequently amended by Ordinance Nos. BL2016-458 and BL2017-662 (the “Parks Lease”); and

WHEREAS, Ordinance No. BL2017-662 approved amendment two to the Parks Lease to permit Belmont to construct a new indoor batting and locker/training facility abutting the baseball field; and

WHEREAS, Belmont subsequently negotiated an agreement with Metropolitan Nashville Public Schools (MNPS) for the construction and use, at Belmont’s sole expense, of the indoor batting and locker/training facility on a portion of the Rose Park Magnet Math and Science Middle School (the “School Lease”), attached hereto as Exhibit A, rather than being constructed on the Rose Park property; and

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that the School Lease be approved.

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

Section 1. The School Lease is hereby approved, and the Director of Public Property is authorized to execute the same.

Section 2. This ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO
AVAILABILITY OF FUNDS:

INTRODUCED BY:

Director of Finance

APPROVED AS TO
FORM AND LEGALITY:

Metropolitan Attorney

Members of Council

Lease Agreement and Memorandum of Understanding

This Lease Agreement and Memorandum of Understanding ("MOU") by and between The Metropolitan Government of Nashville and Davidson County through the Metropolitan Board of Public Schools ("Metro" or "MNPS") and Belmont University ("Belmont") is intended to outline the agreement of the parties as it relates to Rose Park Middle School and the construction and use of an indoor batting and locker/training facility (the "Improvements").

1. **Grant of Temporary Construction Right of Access.** MNPS grants to Belmont a temporary construction right of access adjacent to Rose Park Magnet Math and Science Middle School (the "Property") as depicted in the survey and site plan and as described in the property description, each of which is attached to this Agreement as collective Exhibit A. The purpose of the temporary access shall be for the construction of the Improvements. Metro shall grant for the benefit of Belmont, MNPS, and the community such utility easements and temporary construction easements as reasonably necessary to construct and utilize the Improvements or for any subsequent alterations or additions to the Improvements approved by MNPS.
2. **Design and Construction.** The design and construction of the Improvements shall be fully funded by Belmont and accepted by MNPS. No construction may begin without the written approval of the plans for the Improvements by MNPS. Once such plans are approved, Belmont shall promptly begin and diligently pursue the Improvements to completion. No material changes to the plans shall be made without the written approval of MNPS. In addition, Belmont shall be responsible for securing all necessary licenses, permits, and approvals required to authorize construction of the Improvements. MNPS shall assist in these efforts as appropriate.
3. **Improvements.** The Improvements shall include but may not be limited to an indoor batting and locker/training facility with associated site improvements including a new driveway and parking spaces as depicted on Exhibit A. Belmont warrants that all of the completed Improvements will fully comply with all Metropolitan Nashville Public Schools and Metropolitan Government of Nashville and Davidson County regulations, building and other applicable codes, rules, laws, ordinances and regulations, including, without limitation, the Americans With Disabilities Act.
4. **Use of Facility.** In consideration of the obligations assumed hereunder, Metro, by and through the Metropolitan Board of Education, hereby authorizes Belmont to have, hold, and use those portions of the Property on which Improvements are located for the contemplated use as set forth in this MOU. In connection therewith, Metro hereby further grants Belmont the right to nonexclusive ingress and egress by Belmont (or its contractors) through any portion of the Property for the purpose of taking any action necessary or convenient for construction, maintenance, repair, or alteration of the Improvements or as necessary for the enjoyment of the Improvements. No part of the Property or Improvements shall be used to secure any obligation of Belmont or Metro. In the event any lien of any kind shall be filed or asserted against the Property or Improvements as a result of the actions or inactions of Belmont, Belmont shall promptly cause an appropriate bond to be filed and said lien transferred to the bond.

5. **Activities and Scheduling.** Belmont's uses at the Improvements may include tryouts, training, practices, recruiting, administrative activities, and sports camps associated with its intercollegiate athletic programs in baseball, softball, and golf. MNPS and RBI activities shall include tryouts, training, practices, administrative activities and sports camps associated with their interscholastic and Edgehill-based community programs in baseball and softball.

Belmont shall be responsible for scheduling the use of the Improvements by all parties and shall provide a building supervisor to provide scheduled access by MNPS and RBI Nashville to the Improvements. Any time there is not a previously scheduled Belmont use for the facility or portion of the facility, MNPS and RBI shall be allowed access to the unused portions of the facility. MNPS and RBI Nashville shall provide appropriate coaching supervision to the players participating on MNPS and RBI teams while such players are using the Improvements. Belmont shall construct office space on first floor of the Improvements for the shared use by Belmont's building supervisor, MNPS and RBI. Notwithstanding any other provision of this memorandum, each week for the duration of the term, MNPS shall have reasonable opportunities and access to use the Improvements during daytime and evening hours.

Belmont warrants that its uses of the Property and Improvements shall comply in full with all MNPS policies of general applicability, as well as every applicable law, ordinance, statute, rule and regulation.

6. **Term and Termination.** Unless sooner terminated pursuant to this MOU, the Term shall expire on the fiftieth (50th) anniversary of the Commencement Date. Either party may terminate this Agreement for its convenience prior to expiration upon written notice delivered to the non-terminating party. Termination as contemplated by this paragraph shall take effect on the first anniversary of delivery of the notice ("Termination Date"). If this MOU is terminated by MNPS prior to expiration of the term for any reason other than Belmont's uncured material breach of its obligations under this Agreement, MNPS shall pay Belmont the fair market value of the Improvements. Such value shall be calculated based on two appraisals. MNPS and Belmont shall each select and compensate an appraiser to perform appraisals of the Improvements. If these appraised values are more than 10% apart, a third appraiser shall be jointly hired to conduct the determinative appraisal. If Belmont terminates this MOU for its convenience, no payment shall be owed by MNPS to Belmont.
7. **Removal of Property upon Termination.** Upon termination of Belmont's use under this MOU, Belmont shall be entitled to remove its personal property and shall vacate the Improvements within sixty (60) calendar days. The Improvements shall at all times belong solely to Metro. Unless stated otherwise in this MOU, all personal property and fixtures obtained by Belmont for use on the Property will remain the property of Belmont; provided, however, that fixtures that cannot be removed without material damage to the Improvements shall remain on the Property and become the sole property of Metro, unless Belmont agrees to promptly repair any damage caused by the removal of such fixtures.
8. **Performance and Payment Bond.** Until such time as the Improvements are completed, Belmont shall provide or cause to be provided and maintained in full force and effect a performance bond and a labor and material payment bond in the full amount of the lump sum or guaranteed maximum price payable for the work under any contract issued or executed by Belmont for construction of the Improvements. Such bonds shall be in form and substance and issued by a corporate surety satisfactory to Metro. Each bond shall be in favor of Metro and shall conform in all respects to all requirements imposed by applicable law. Belmont shall pay all premiums for such bonds.
9. **Programming Space.** MNPS and Belmont shall work together to plan the use and programming of the Improvements.

10. **Extended Learning Site.** MNPS shall operate an Extended Learning Site at Rose Park. Belmont and MNPS shall work together to recruit community groups to support the Extended Learning Site special interest activities in academics, athletics, and the arts.
11. **Annual Grant.** Belmont shall pay MNPS an annual grant of \$35,000 to support MNPS's Extended Learning Site at Rose Park including Saturday operating hours at The Easley Center and to support Edgehill community baseball programs through RBI Nashville. If the Metropolitan Government of Nashville and Davidson County adopts an operating budget that includes funding for Saturday operating hours at one or more of Metro Parks neighborhood park community centers, the annual grant shall decrease to \$20,000. Such funds shall be used to support Edgehill community baseball programs through RBI Nashville.
12. **Signage.** Belmont may place signage on the building in a location approved by MNPS. Such signage shall be reasonable in size and MNPS administration shall approve such signage, which approval shall not be unreasonably withheld.
13. **Maintenance and Repair.** Belmont shall keep the Improvements in good condition and repair throughout the term of this MOU. The maintenance and repair of the Improvements shall be the sole responsibility of Belmont. If damage is caused by a third party, its agents, employees, or guests, MNPS shall assist in recovery of funds to pay for the damage caused by such parties.
14. **Utilities and Janitorial.** Belmont shall bear the cost of utilities as well as janitorial services incurred in operating the Improvements. MNPS shall bear the cost of grounds maintenance with the exception of any decorative landscaping which shall be installed and maintained by Belmont.
15. **Insurance.** During the entire Term of this Agreement, Belmont shall provide and keep in force a policy of insurance covering builders risk and property damage at the full replacement value of the Improvements. Metro shall be named as an additional insured on the policy, which shall be issued by a corporation licensed to do business in Tennessee, financially sound and generally recognized, selected by Belmont and with the approval of Metro, not to be unreasonably withheld. Belmont shall maintain, and include Metro as an additional insured, throughout the term of this MOU, insurance of the types and in the amounts described below.
 - a. Worker's Compensation Insurance as required by law and Employer's Liability Insurance with minimum limits of \$1,000,000.
 - b. General Liability Insurance with minimum limits of \$1,000,000 per occurrence.
16. **Indemnification.** Belmont agrees to be responsible for the conduct of its employees, agents, and students using the Improvements. Belmont agrees that if it uses the Rose Park Magnet Math and Science Middle School building, it will be used in accordance with the rules and regulations of MNPS. Belmont agrees to indemnify and hold harmless MNPS and the Metropolitan Government of Nashville and Davidson County from:
 - a. Any claim, damages, costs, and attorney fees for injuries or damages arising, in part or in whole, from Belmont's use of the facility; and
 - b. Any claim, damages, penalties, costs and attorney fees arising from any failure of Belmont, its officers, employees, and/or agents, to observe applicable laws.Belmont further acknowledges that MNPS and the Metropolitan Government of Nashville and Davidson County make no warranties about the safety, maintenance, or inspection of the site before, during or after construction of the Improvements.
17. **Good Faith Effort.** The parties hereto agree to work in good faith with each other to do all things necessary as it relates to this agreement.

18. **Relationship of Parties.** Nothing in this MOU is intended or shall be interpreted to create a joint venture or partnership between Metro/MNPS and Belmont or make Metro/MNPS the partner of Belmont or constitute either the agent of the other, or make either party in any way responsible for the debts, losses, duties, obligations, responsibilities or liabilities of the other party. Without limiting the generality of the foregoing, Metro and Belmont agree that in respect to use and occupancy of the Property and Improvements by Belmont pursuant to this MOU, Belmont shall be acting as facility user and independent contractor on Metro/MNPS's behalf.

Legal Description

Beginning at a point along the southern boundary of the property described in Instrument Number DB-00003346-0000579 in the Register's office of Davidson County, Tennessee, said point also lying on the North Right-of-Way of Edgehill Avenue;

Thence, NORTH 13 DEGREES 40 MINUTES 24 SECONDS WEST, 53.65 Feet;

Thence, NORTH 13 DEGREES 2 MINUTES 25 SECONDS EAST, 247.54 Feet to a point along the western boundary of the same property;

Thence, SOUTH 87 DEGREES 16 MINUTES 12 SECONDS EAST, 69.88 Feet;

Thence, SOUTH 12 DEGREES 56 MINUTES 36 SECONDS WEST, 99.77 Feet;

Thence, SOUTH 77 DEGREES 27 MINUTES 40 SECONDS EAST, 65.63 Feet;

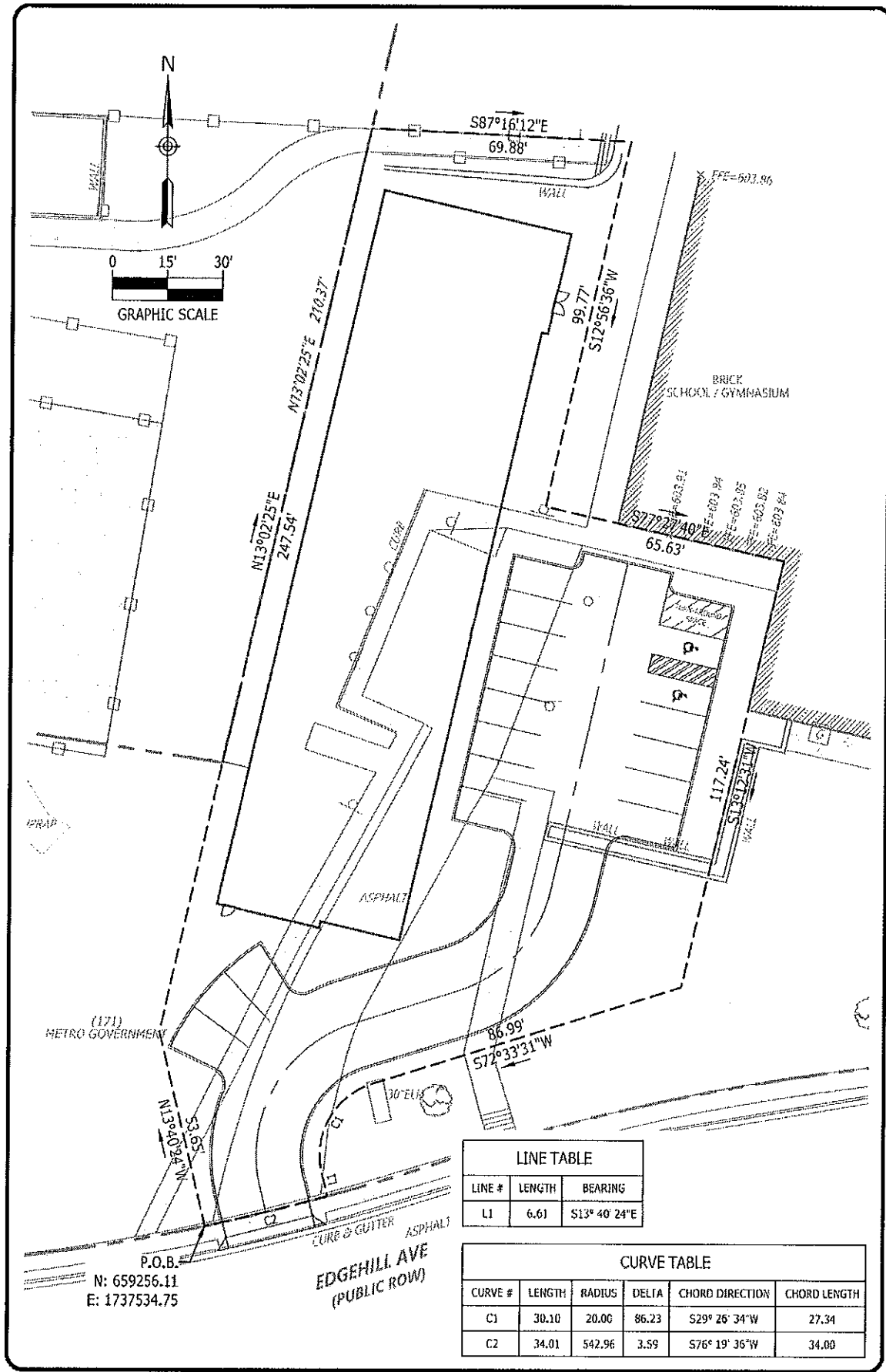
Thence, SOUTH 13 DEGREES 12 MINUTES 31 SECONDS WEST, 117.24 Feet;

Thence, SOUTH 72 DEGREES 33 MINUTES 31 SECONDS WEST, 86.99 Feet;

Thence, with a curve turning to the left with an arc length of 30.10 feet, with a radius of 20.00 feet, with a chord bearing of SOUTH 29 DEGREES 26 MINUTES 34 SECONDS WEST, with a chord length of 27.34 feet;

Thence, SOUTH 13 DEGREES 40 MINUTES 24 SECONDS EAST, 6.61 Feet to a point along the North Right-of-Way of Edgehill Avenue;

Thence, with a curve turning to the right with an arc length of 34.01 feet, with a radius of 542.96 feet, with a chord bearing of SOUTH 76 DEGREES 19 MINUTES 36 SECONDS, with a chord length of 34.00 feet, which is the point of beginning, having an area of 28,094 Square Feet.



Catalyst
DESIGN GROUP

3016 CLAYTON AVENUE, SUITE 400, NASHVILLE, TN 37203
(615) 856-2410 | WWW.CATALYST-DSG.COM

PROJECT:
Rose Park Batting Facility
Nashville, TN

TITLE:
Easement Exhibit

PROJ #	20180089	DWG. NO.	EXH
DATE:	12/11/2018		



1900 Belmont Boulevard
Nashville, TN 37212-3757

p 615.460.6793
f 615.460.5555

September 16, 2019

Board of Zoning Appeals
c/o Ms. Emily Lamb
700 Second Avenue North
Nashville, TN 37210

Dear Members of the Board of Zoning Appeals:

An Item A Appeal challenging the right of Metro Nashville Public Schools and Belmont University to build an indoor batting practice facility on the property of Rose Park Magnet Math and Science Middle School will be considered by the Board of Zoning Appeals at its meeting on September 19th. The facility will be owned by Metro Nashville Public Schools and shared by MNPS, nonprofit organization RBI, Inc., and Belmont University and will provide educational and mentoring opportunities for the children at Rose Park Middle School and other children in the Nashville community. As such, the use of this MNPS owned facility on MNPS owned property is consistent with community education uses for the children of Nashville.

For the past two and a half years Metro Nashville Public Schools, Belmont, and the Metro Nashville Parks and Recreation Department have been engaged in discussions about a batting facility at Rose Park. These discussions were prompted by Metro Parks' announcement in early 2017 that the batting practice facility constructed by Belmont in 2003 at Greer Stadium for use by Belmont and the Nashville Sounds would be torn down when the stadium was removed. The discussions included six meetings between Belmont representatives and a group representing concerned neighbors facilitated by council member Colby Sledge. In addition, Councilman Sledge hosted three community-wide meetings to provide information about a proposed new batting facility at Rose Park. Over the past two years, three different sites for the facility on Metro Parks' property within Rose Park have been discussed and in that time two different sites were approved by the Metro Parks Board. Yet, the concerns of a few vocal community members persisted and Belmont withheld beginning construction in a good faith attempt to address the concerns.

Last fall MNPS officials approached Belmont about locating the facility on Rose Park Middle School property rather than the E.S. Rose Park property and the opportunities such a facility would create for the students at Rose Park and the community. In late November, the Board of Public Education approved an agreement for the facility to be located adjacent to the school and grading work commenced on that site in late June, 2019. Belmont University is fully funding the construction of the building which will be the property of MNPS and will be operated by Belmont for the benefit of MNPS' teams and teams associated with MNPS' Extended Learning Site (after school enrichment program) at Rose Park as well as Belmont teams and Major League Baseball's RBI Program (a nonprofit dedicated to giving children who live in the inner city the opportunity to play baseball and softball). As the batting facility will be adjacent to E.S. Rose

Park, the baseball and softball venue that Metro Parks and the neighborhood share with Belmont, the location is ideal. Furthermore, MNPS desires a partnership with Belmont at this location so that it may implement MNPS sports programs at the facility to pilot a physical health component of its afterschool program.

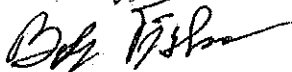
According to the agreement between MNPS and Belmont, scheduling staff and supervision of the batting facility will be provided by Belmont as well as shared office space for Belmont's building supervisor and RBI/MNPS staff. In addition, Belmont will provide funding to support this initiative in the amount of \$35,000 a year which will enable Metro Parks to meet the request of Edgehill neighbors to maintain Saturday operating hours for the Easley Center.

Over the past 12 years Belmont University has invested \$13,016,525 in the athletic facilities at E.S. Rose Park on Parks Board property. The investment includes the cost of the improvements, annual payments to the Parks Department and the Parent Teacher Organizations of Carter Lawrence Elementary and Rose Park Math and Science Academic Magnet Middle School, maintenance and operation of the improvements, and \$1,795,981 in Belmont University college scholarships to graduates of MNPS schools who live in the area. And just like the collaboration between Belmont University and the Metro Nashville Board of Parks and Recreation, the completion of the batting practice facility will benefit all parties involved: the community, MNPS, Belmont and most importantly the young people who attend our public schools. The students of both MNPS and Belmont will refine their skills in a facility that is unmatched anywhere in Metro and will learn from each other through the programs that bring them together. Belmont University looks forward to working with Metro Nashville Public Schools and the community to make the batting facility at Rose Park Middle School a success.

I am attaching, for your consideration and review, letters of support from key community partners. I hope that these documents will provide further confirmation that the agreement between Belmont and Metro Parks is a public/private collaboration that holds wonderful promise for student athletes of MNPS, Belmont and children living in the Edgehill community who are interested in developing their baseball and softball skills.

On Thursday the 19th, please vote to reject the Item A Appeal challenging zoning staff decision to approve a building permit for this facility.

Sincerely,



Robert C. Fisher
President



*Watson Grove Missionary Baptist Church
1415 Horton Avenue
Nashville, TN 37212
(615) 298-4045 Church
(615) 383-0121 Fax
Rev. Dr. John R. Falson Sr., Senior Pastor
www.thegrovenash.org*

September 9, 2019

Emily Lamb and the Board of Zoning Appeals
Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Dear Ladies and Gentlemen,

Watson Grove Baptist Church, which I have the privilege of serving, has 2,400 members. We are located adjacent to Edgehill Apartments and are a few blocks away from Metro Parks Easley Center and Rose Park Middle School. Many of our congregants live in the Edgehill area, and we are known for community activism and our connection to community.

Watson Grove has had a representative on a planning group for a much needed afterschool and Saturday enrichment program for our youth to include academic support, arts, STEAM, wellness, and sports activities. As a partner in the program, Metro Schools desired to place a batting facility on its property so that they offer the facility as a resource to Metro Schools' baseball and softball teams, youth sports teams, and Belmont University teams.

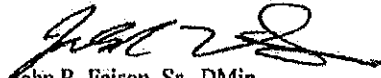
As I interact with families in our neighborhood, I try to understand their needs and work with them to find a way to address those needs. I am clear that we need to equip our children with skills to succeed. They need academic skills. They need to learn how to be healthy. They need to develop team building skills that allows them to thrive in a work environment as adults. Many families in this rapidly gentrifying can drive their children to more affluent places to play soccer, baseball and softball, but many of the children we serve are not exposed to opportunities because they lack transportation.

Having a first-class batting facility conveniently located at Rose Park School speaks volumes to our children without saying a word. It says that adults who control organizations and policy can come together to demonstrate that they care about our kids, that our kids will not be left behind, that we will provide the best facilities where our kids can put forth their best efforts to be their best in life. Metro Schools, Metro Parks, area non-profits, area churches, and Belmont have come together to support our children. Watson Grove is on the team, and I hope that you are too. Please vote to support the zoning staff's determination that a batting facility at Rose Park School is consistent with zoning. Such a vote will benefit schools, residents, community, and the

*We are a GROWING church for GROWING people whom Christ will use in
GROWING His Kingdom*

university in our neighborhood. Let our neighborhood be the model for working together. In the end, it all benefits Nashville.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Faison, Sr.", written in a cursive style.

John R. Faison, Sr., DMin.
Senior Pastor

*We are a GROWING church for GROWING people whom Christ will use in
GROWING His Kingdom*



September 10, 2019

Board of Zoning Appeals
c/o Ms. Emily Lamb
700 Second Avenue South
Nashville, TN 37210

Members of the Board of Zoning Appeals:

Salama Urban Ministries is a faith based youth development organization, focused on academics, performing arts and spiritual development. We have been a part of the Edgehill community for 34 years and we remain committed to partnerships which help to support the growth and development of our community's youth specifically, and the community as a whole, collectively. To that end, Salama has been meeting with Metro Nashville Public Schools, Metro Parks, Edgehill Apartments representatives, and Belmont University regarding the development of an enrichment program for children in the Edgehill community. Salama's contribution to this program will be teaching performing arts. The enrichment program, to include academic support, will also expose our children to sports: basketball, soccer, baseball, football, lacrosse, etc., at the Sports Complex at Rose Park.

Metro Nashville Public Schools is requesting that a batting facility be built on the Rose Park Middle School site so that students who are a part of the enrichment program, students in Metropolitan Nashville Public Schools baseball programs, Reviving Baseball Ball in Inner Cities, and Belmont University will share use of the facility. As we instruct kids enrolled in performing arts in developing and honing the craft, the children who choose baseball will also be learning the skills which help win games and helps the players to become more comfortable as they learn to bat.

As a part of the planning team for our enrichment program, I write to ask each of you for your vote to confirm that a batting facility for Rose Park School is consistent with zoning as already determined by the Board of Zoning Appeals staff.

Sincerely,

Dawana L. Wade
Chief Executive Officer

Carter-Lawrence Elementary Math and Science Magnet School

1118 12th Ave. South

Nashville, TN 37203

P: 615-291-7333 F:615-291-7323



September 10, 2019

Board of Zoning Appeals
c/o Ms. Emily Lamb
700 Second Avenue South
Nashville, TN 37210

Ms. Lamb and the Members of the Board of Zoning Appeals:

Carter Lawrence Elementary Magnet School is located on the corner of Edgehill Avenue and 12th Avenue South. Many of our students already participate in the afterschool program at Metro Parks and Recreation's Easley Center, the community center located in Rose Park. Because the park is adjacent to Carter Lawrence Elementary, we also utilize the sports complex at Rose Park as a part of our daily programming.

Children at Rose Park Elementary, as well as the children who are residents of Edgehill, will be offered the opportunity to be a part of the enrichment program being planned for our community by Metro Nashville Public Schools. Carter Lawrence, a partner in the program, is intended to be the place where dance will be taught to kids who choose that option. We have also planned for the children who choose baseball as their option for the enrichment component's health component to learn the rules of the game and have the opportunity to batting training at the batting facility, which we hope will be at Rose Park Middle School, also adjacent to the park.

We want our children to have use of the batting facility to be shared by Metro Schools, Metro Parks, non-profit baseball teams, and Belmont University. Thus, we urge you to vote to uphold the decision of the BZA staff that building the batting facility at Rose Park Middle Magnet School conforms to zoning regulations.

Cordially,

Dr. Sherleta Sanders

Sherleta Sanders, Ed. D.
Executive Principal and Chief Energy Officer
Carter Lawrence Elementary Magnet School



METRO
NASHVILLE
PUBLIC
SCHOOLS

September 10, 2019

Ms. Emily Lamb and Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Dear Board of Zoning Appeals:

I have been a part of the team, spearheaded by Metro Nashville Public Schools, planning an enrichment program for the Edgehill community.

We want a batting facility to be located on the Rose Park Middle Magnet School grounds. As principal of Rose Park Middle, I am excited about having the facility become a part of our campus and having MNPS teams use this facility along with Metro Parks and Recreation, non-profit youth baseball organizations, and Belmont University.

We envision that Rose Park Middle will be the site for a hot meal after school. After eating, youth in the enrichment program will go to Easley and Rose Park for academic skills before they attend their preference for physical activity -- sports, dance, theater, etc. We have all come together to plan for how all that is needed will be contained in the block including Carter Lawrence, Easley Center, Rose Park Athletic Facility, and Rose Park Middle School and be easily accessible to children and their parents. Having the batting facility conveniently located on our site and near the sports complex at Rose Park will help to facilitate success of our plan.

I implore you to vote to endorse the BZA staff's determination that the batting facility is consistent with zoning. The batting facility is essential for us to achieve our goal to improve academic skills for our children and have them learn now to live an active lifestyle.

Sincerely,

Rammie L. Vasser, Jr.
Executive Principal
Rose Park Magnet Middle School

September 12, 2019

Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Dear Members of the Board,


As president of the Resident Association for Edgehill Apartments, I am a tenant and elected to represent all of the families living in 380 public housing units. There have been at least four meetings for neighbors to discuss putting a batting facility in our community.

Our Association has discussed the facility and feel that it would directly benefit our children and grandchildren. While we like green space, we know that there is a greater need to have our kids productively occupied after school. While some children's parents in our gentrified community can get in a station wagon to go to Brentwood for their children to play baseball or soccer, it is more environmentally friendly for us to go across the street to Rose Park or Easley soccer where there is a well-kept, state-of-the-art sports facility. While some kids' parents can pay for their kids to be tutored or to take ACT prep classes, it is more beneficial and cost effective for our kids to get academic support from a Metro School run program right in their own neighborhood.

I have been a part of Metro Schools planning team to do an enrichment program in Edgehill. This comprehensive program includes hot meals for our kids, academic support, and a choice of arts and sports, one of which will be baseball. The batting facility, that has been under discussion for too long in our neighborhood, will mean our kids have the opportunity to practice and get better and better so that when they compete outside our neighborhood, they are not awed by a facility in another city or another part of the city because they have the best right in their own neighborhood. It is time to stop talking about this and build this facility at Rose Park School to give our children and other teams in Metro Schools a place where they can go to practice, be excellent, so that it improves their chances to get scholarships to go college.

Neighborhood churches, non-profits, Metro Parks, Metro Schools, and the Edgehill Apartments Residents Association are all on board. Let's do this. I hope you vote to say that plans for the batting facility at Rose Park School does indeed conform to zoning as your own staff already says it does.

Sincerely,



Brenda Morrow, President

MDHA Edgehill Apartments Residents Association

September 12, 2019

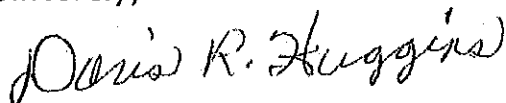
Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Members of the Board of Zoning Appeals:

I currently serve as the Co-Chair for Organized Neighbors of Edgehill and conducted our monthly meeting on July 16th when we were asked to distribute a letter to candidates for office to oppose building a batting facility at Rose Park Middle School. At the meeting, those present voted to not distribute such a letter. No board member had contacted me prior to our meeting or expressed verbally or in writing that they authorized another member to vote on their behalf since they would be unable to attend our meeting. It was several days later when those attending that July 16th meeting learned that the letter was sent to candidates running in the general election even though we had voted not to send the letter.

At our next meeting on August 20th, which I also conducted, the minutes of our previous meeting was approved. Again, there had been no requests for proxy voting. Our agenda did not include discussion of submitting an Item A Appeal to ask that a batting facility not be built at Rose Park School and we took no vote to submit an appeal to the Board of Zoning Appeals.

Sincerely,

A handwritten signature in cursive script that reads "Doris R. Huggins".

Doris Huggins, Co-Chair,
Organized Neighbors of Edgehill

September 6, 2019

Emily Lamb and Board of Zoning Appeals
Board of Zoning Appeals
700 Second Avenue South
Nashville, TN 37210

Dear Members of the Board of Zoning Appeals and Ms. Lamb,

This letter comes to support the partnership between Metro Nashville Public Schools and Belmont University to construct an indoor batting facility at Rose Park Middle Magnet School.

I sponsored the original agreement approved by the Metro Council in 2007 that provided for an athletic facility at Metro Parks' Rose Park that would be owned by Metro Parks and utilized by Carter Lawrence, Rose Park Middle, Metro Parks Easley Center, the community and Belmont University because I knew that our youth needed access to a state-of-the-art sports facility. This partnership has worked well and has proved successful.

Everyone can agree that "practice makes perfect". Currently, students playing on Metro Schools' baseball teams have no batting facility where they can perfect their batting skills. Putting a batting facility on property owned by MNPS maximizes use of a facility to be built by Belmont University, owned by MNPS, and utilized by teams at MNPS, Reviving Baseball in Inner Cities (the non-profit operating baseball and softball teams for underserved communities), and Belmont. This partnership with MNPS, Belmont, and Metro Parks will also allow MNPS to operate a one-of-a-kind afterschool enrichment program that includes academics and sports for the Edgehill community. This enrichment program can be replicated throughout Metro to address bettering our kids' learning skills while simultaneously promoting active, healthy lifestyles.

I urge you to vote to approve the batting facility sorely needed by Metro Schools to be put at Rose Park Middle School.

Sincerely,



Ludye N. Wallace
Former Metro 17th District Councilman

From: [Sledge, Colby \(Council Member\)](#)
To: [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: District 17 Positions for Oct 3 agenda
Date: Friday, September 27, 2019 12:52:26 PM

Hi all,

Here are my stances on D17 items on the agenda:

2019-396: **Strongly oppose** this request not to pay in-lieu fund

2019-403: **Oppose** this request, as I believe appeal refers to wrong property

2019-427: **Support** this request, as it is for affordable housing

2019-438: **Support** this request, as it maintains a previous BZA decision

2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)
Subject: D17 BZA stances
Date: Monday, September 16, 2019 4:27:40 PM

Hi all,

Here are my stances on D17 items on the Thurs. agenda:

2019-401: Oppose unless applicant agrees to pay into sidewalk fund

2019-403: Oppose, as I am fairly certain the appellant is referring to the wrong property

2019-405: Support

2019-418/419: Oppose, as developer should build sidewalks.

Thanks, as always,

Colby

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

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.**

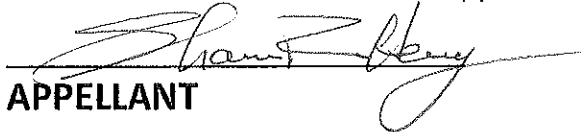
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

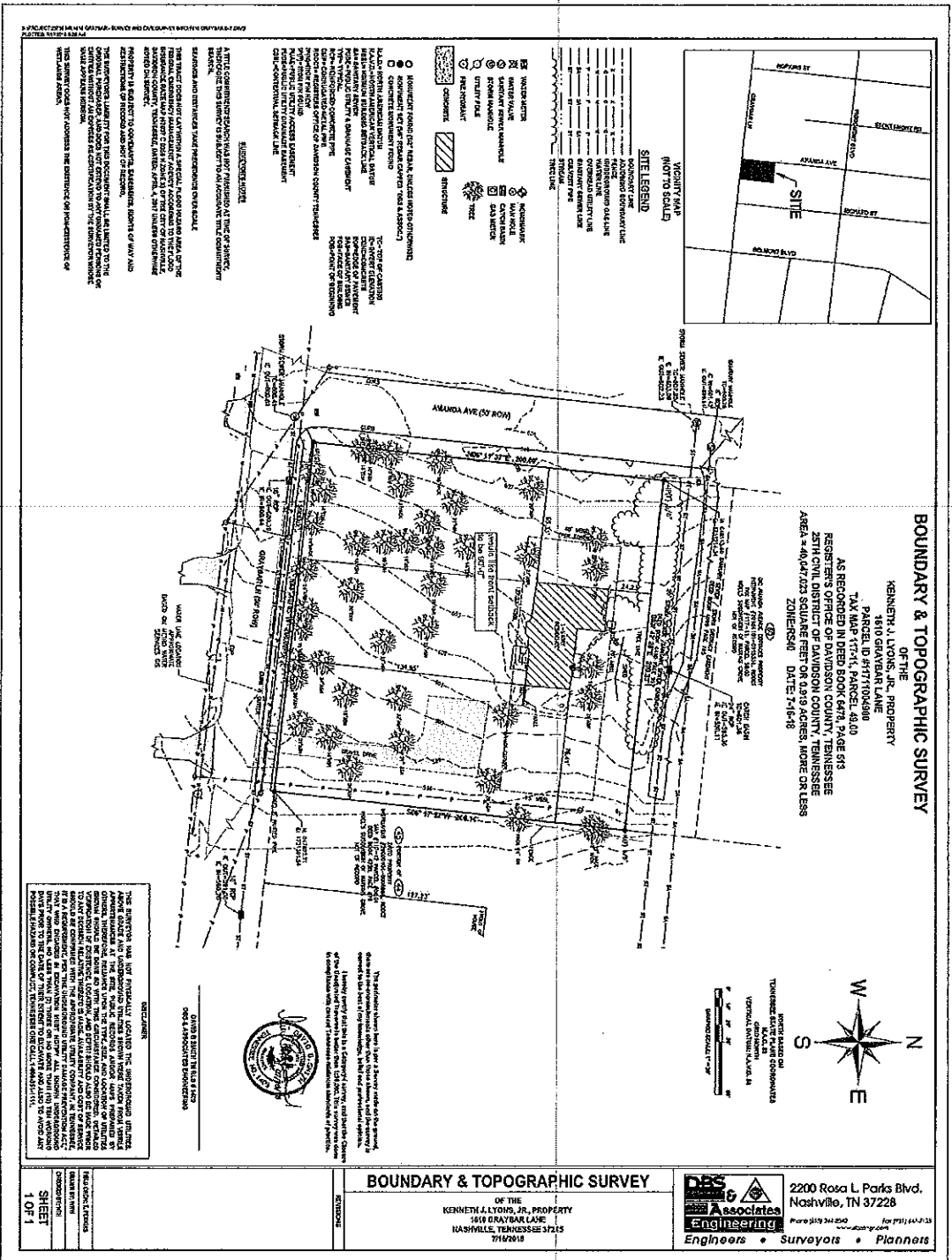
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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.



2200 Rosa L. Parks Blvd.
 Nashville, TN 37228

D&S Associates
Engineering
 Engineers • Surveyors • Planners

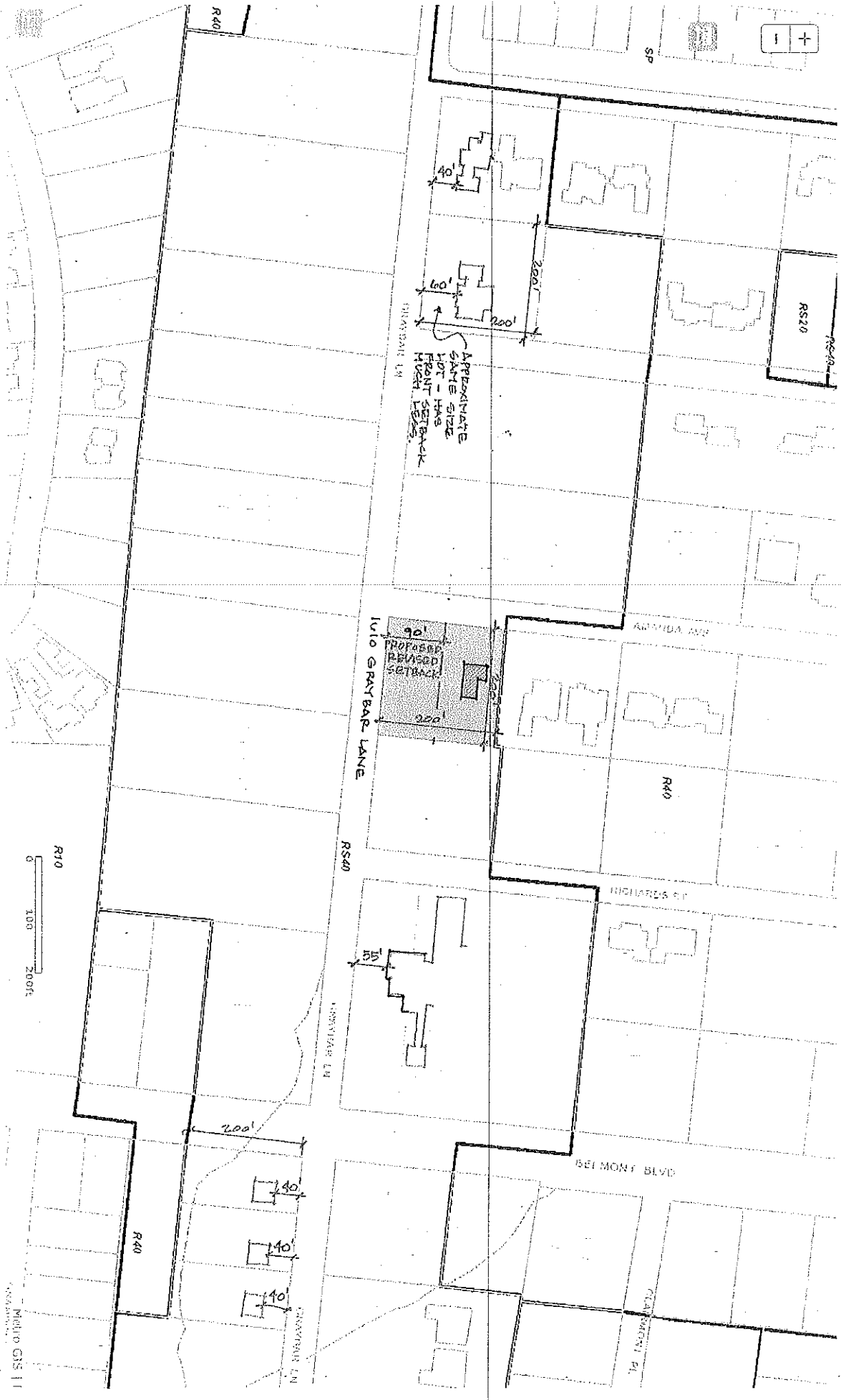
BOUNDARY & TOPOGRAPHIC SURVEY

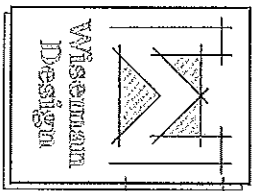
OF THE
KENNETH J. LYONS, JR., PROPERTY
 1810 GRAYBAR LANE
 NASHVILLE, TENNESSEE 37215

BOUNDARY & TOPOGRAPHIC SURVEY

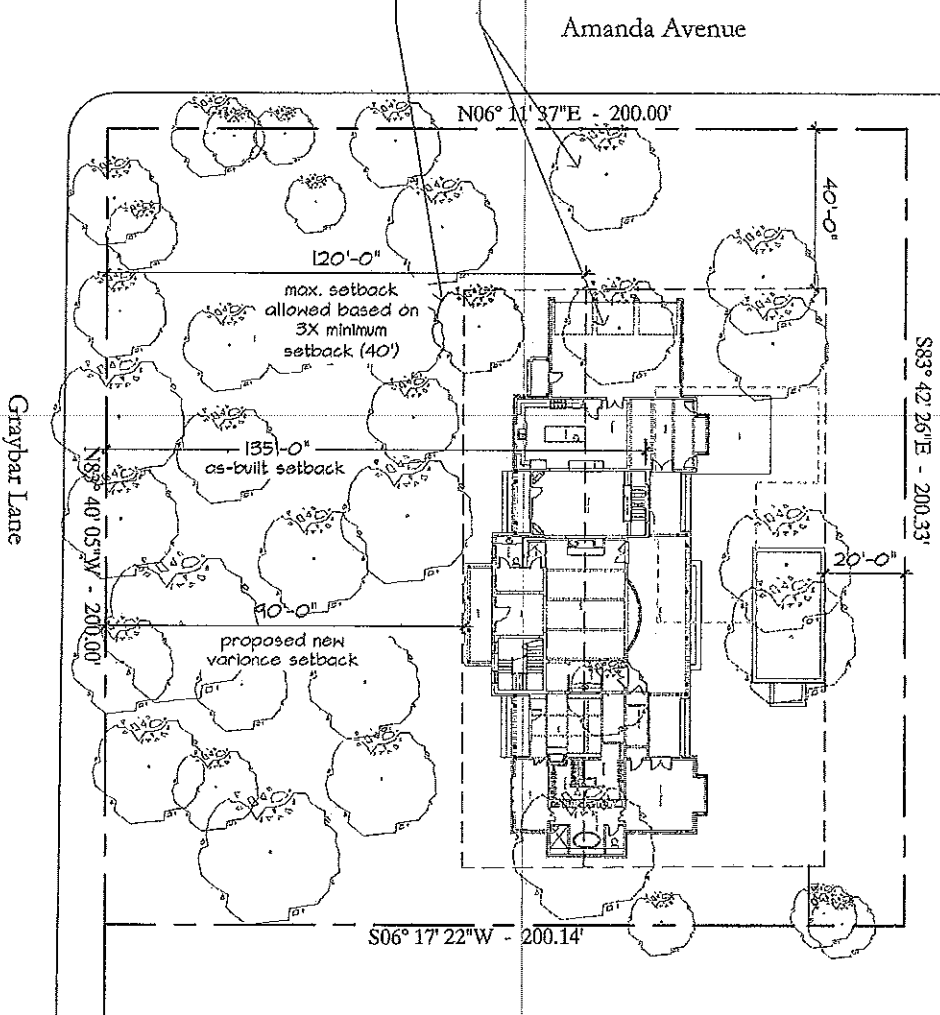
SHEET
 1 OF 1

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))

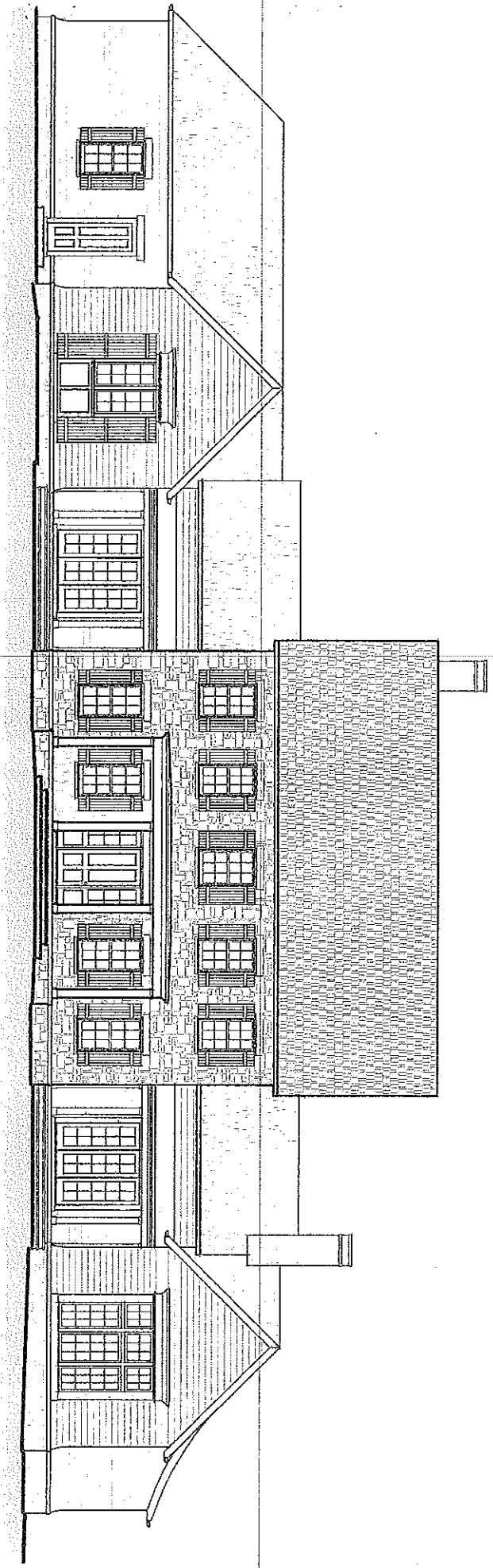
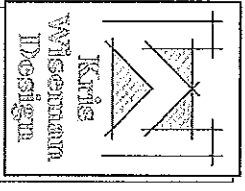
Maximum Front Setback = 120' (\$ 17,12,030(C)(3))

Average Front Setback = 131' (average of 1608 & 1610 Graybar Ln) (\$ 17,12,030(C)(3))

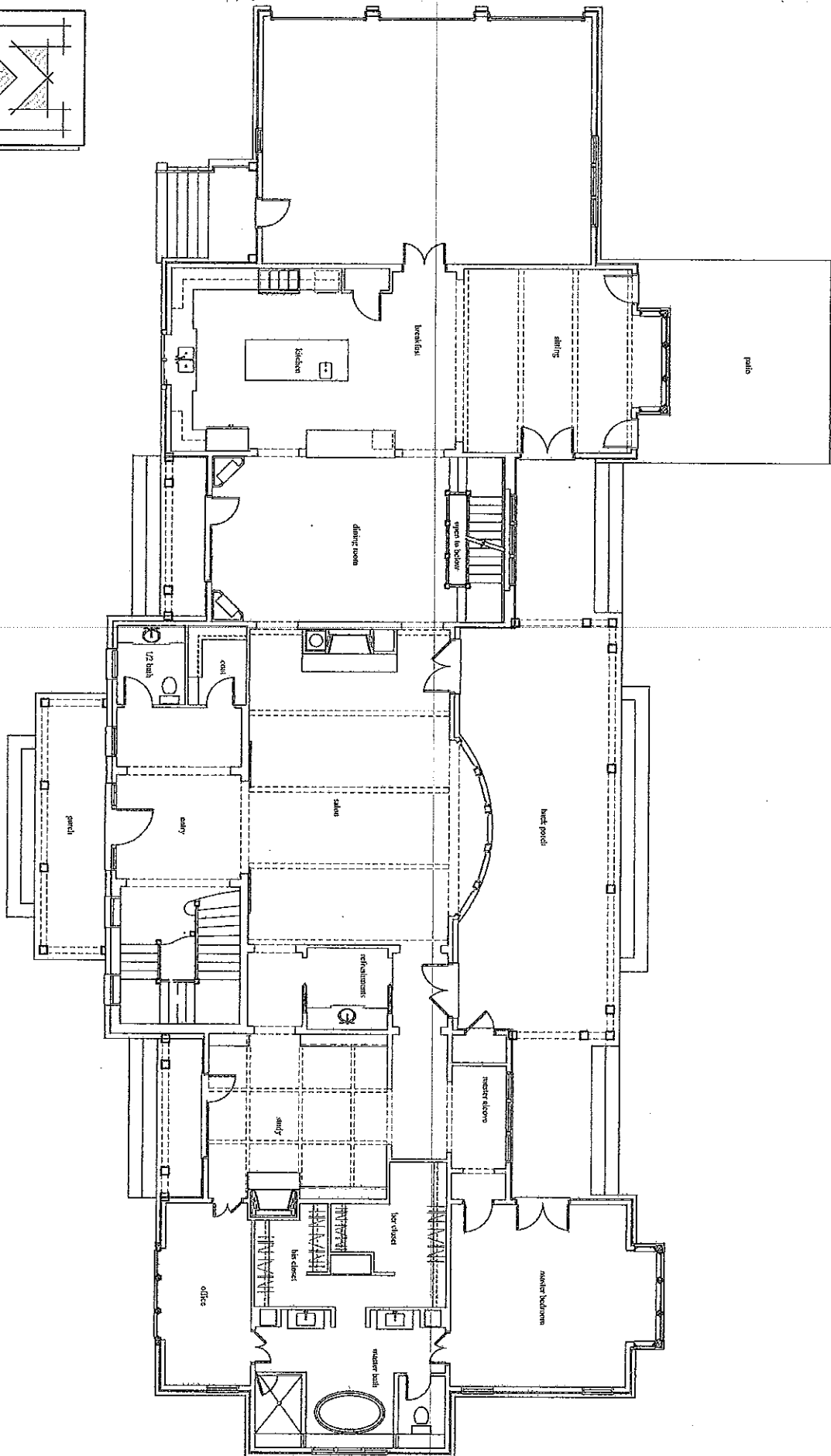
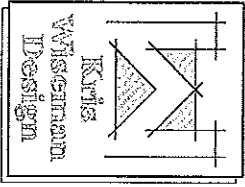
Proposed Front Setback = 90'

127'-2 1/2"
as-built neighbor setback

site plan - setbacks
1610 Graybar Lane



Proposed inspirational elevation
1016 Graphar Lane
7-29-19



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

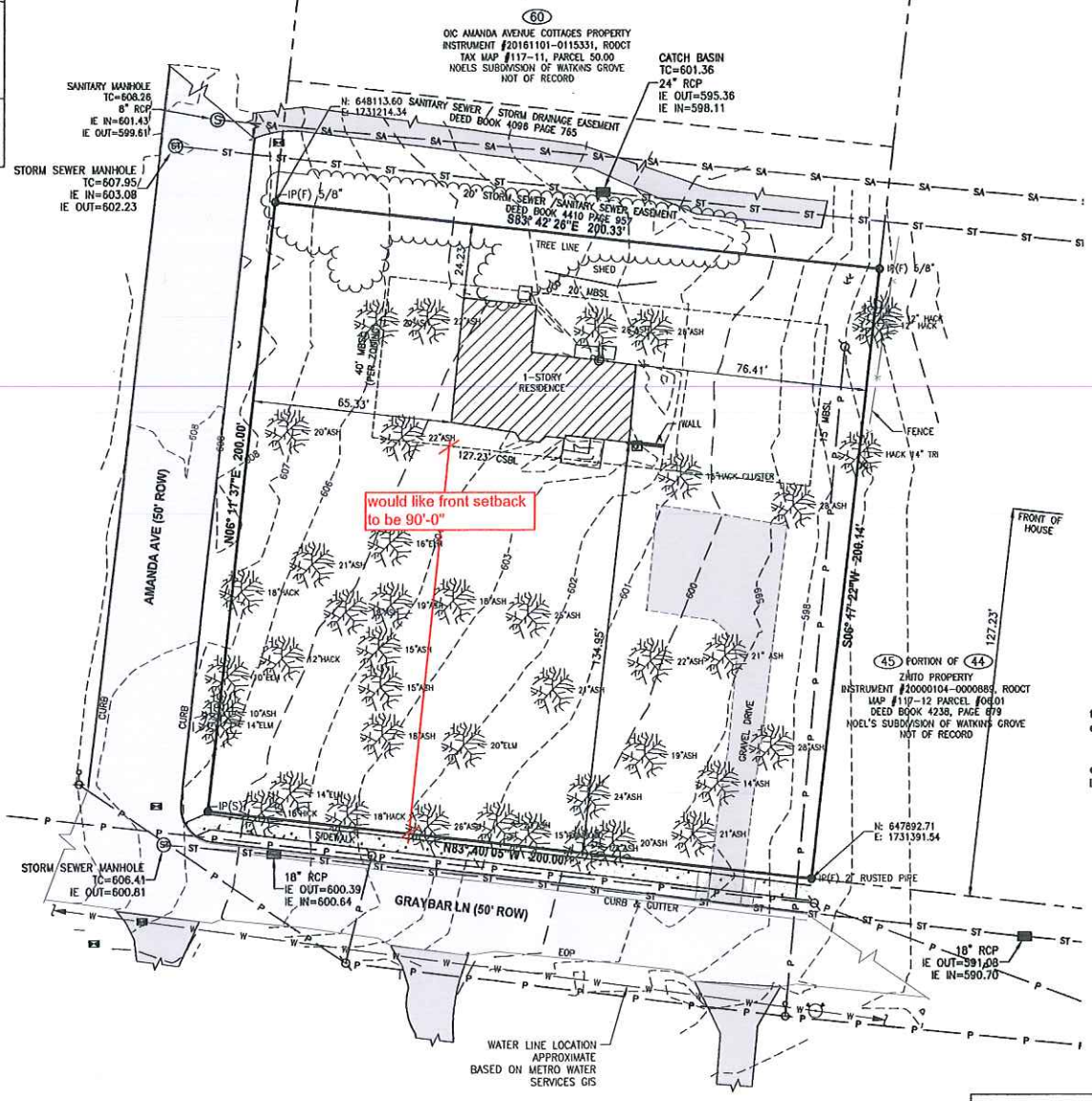
THIS TRACT DOES NOT LAY WITHIN A SPECIAL FLOOD HAZARD AREA OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY ACCORDING TO THE FLOOD INSURANCE RATE MAP (47037 C 0358 H ZONE X) OF THE CITY OF NASHVILLE, DAVIDSON COUNTY, TENNESSEE, DATED: APRIL 4, 2017 UNLESS OTHERWISE NOTED ON SURVEY.

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 Engineering**  
 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
<b>SHEET 1 OF 1</b>

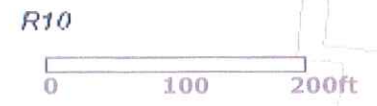
Palmer  
Viewer



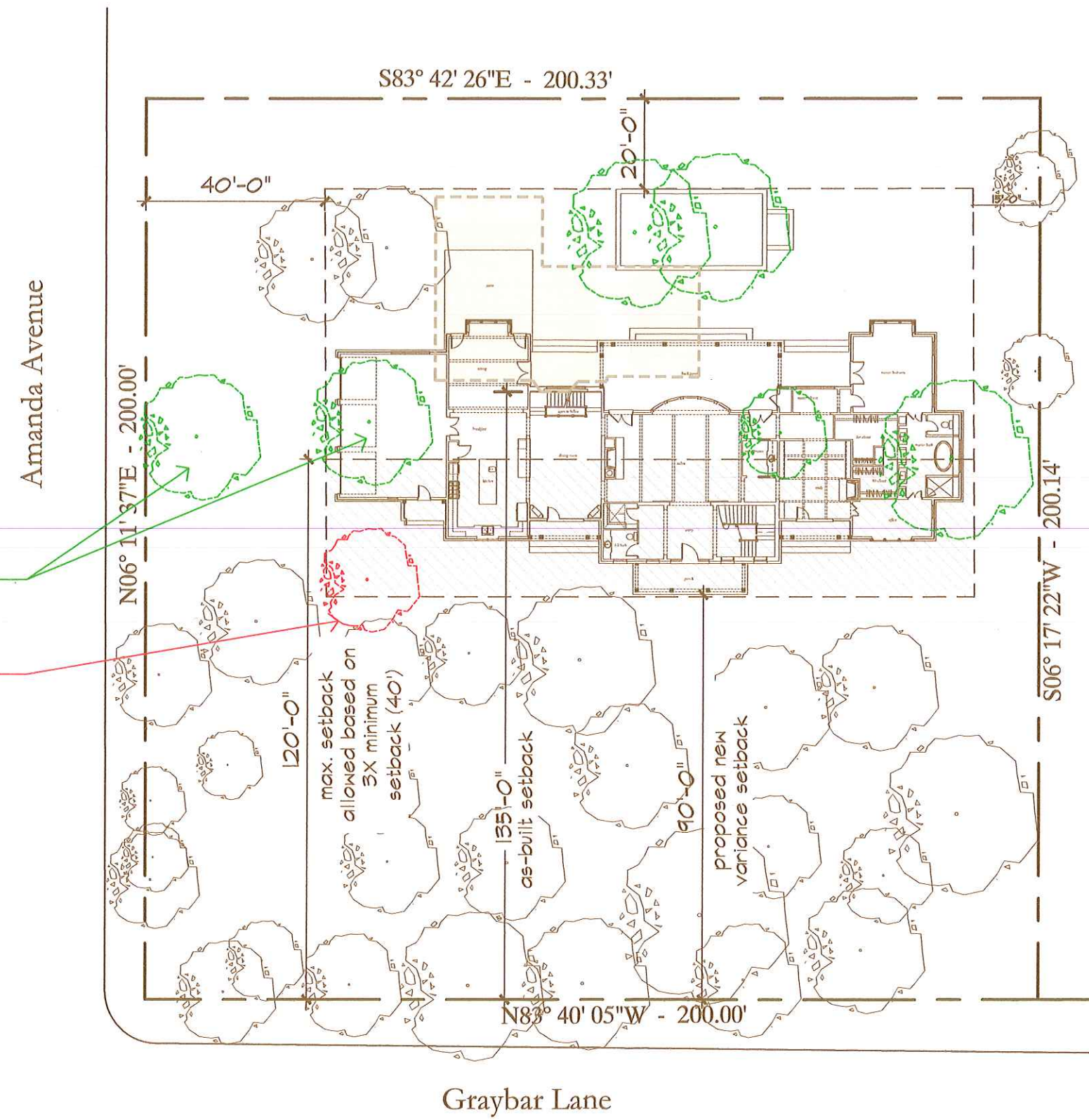
APPROXIMATE  
SAME SIZE  
LOT - HAS  
FRONT SETBACK  
MUCH LESS.

PROPOSED  
REUSED  
SETBACK

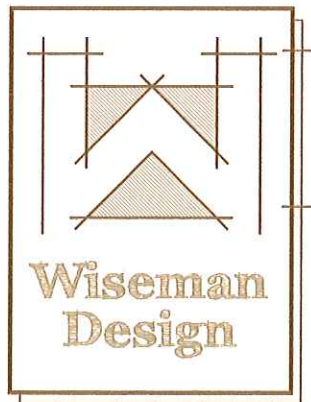
1010 GRAYBAR LANE

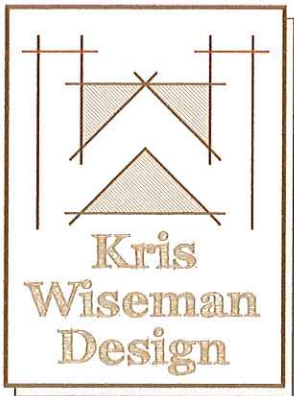


Several trees will be removed from the back of the property regardless of the setback and revision of the building envelope.  
only one additional tree will be required to be removed if the proposed setback is granted

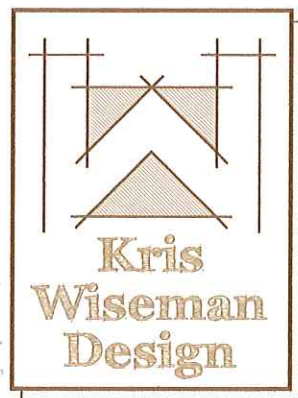
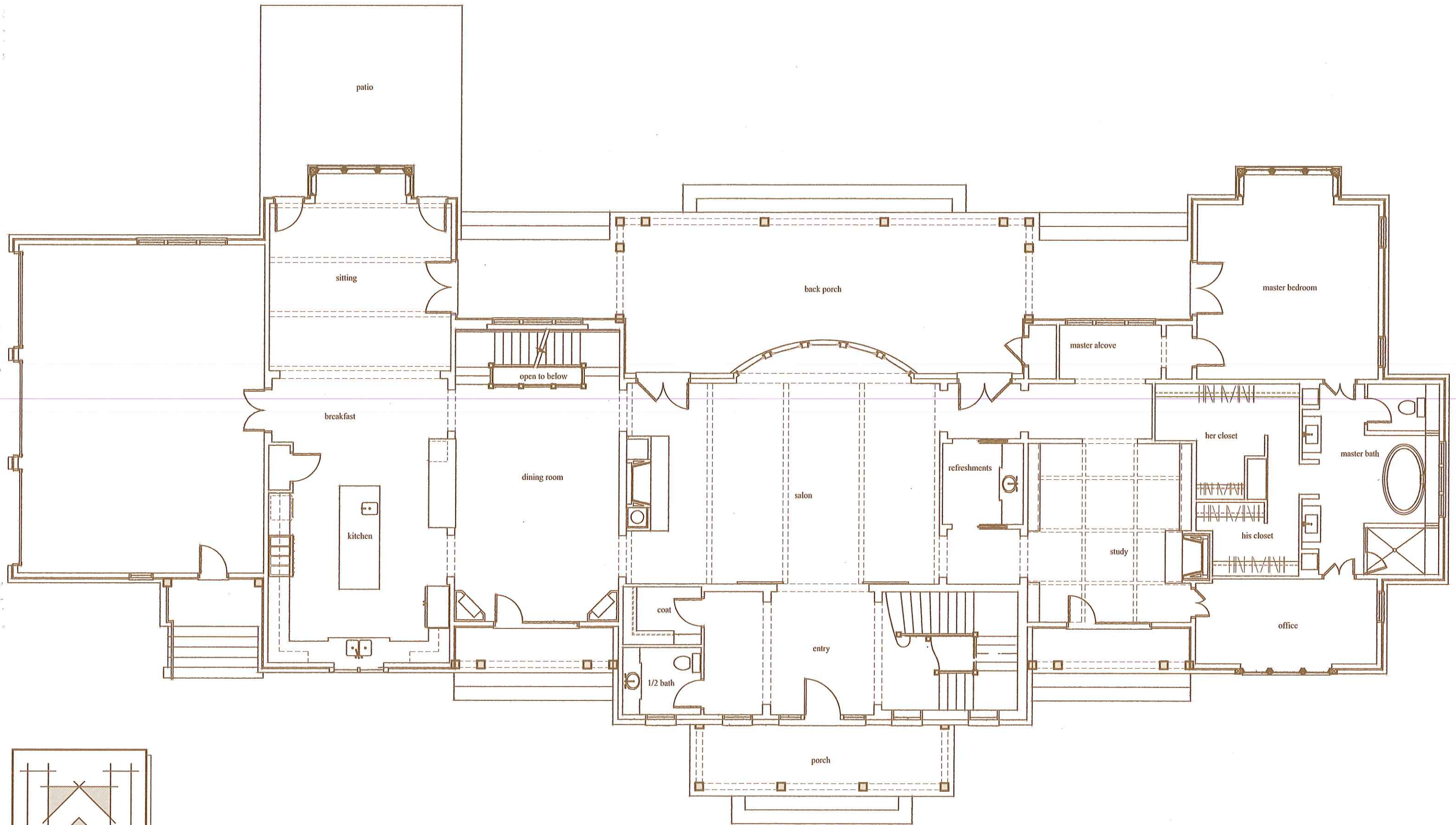


- front of house
- As-Built Front Setback = 135'
- Minimum Front Setback = 40' (§ 17.12.030(C)(1))
- Maximum Front Setback = 120' (§ 17.12.030(C)(3))
- Average Front Setback = 131' (average of 1608 & 1610 Graybar Ln) (§ 17.12.030(C)(3))
- Proposed Front Setback = 90'**
- 127'-2 1/2" as-built neighbor setback









**Shawn R. Henry**

2019-408

**From:** Tim Perkins <tim@perkinsmotorplex.com>  
**Sent:** Wednesday, September 18, 2019 2:23 PM  
**To:** Shawn R. Henry  
**Subject:** Letter

presented at  
hearing

Dear Soon-to-be neighbors,

Our names are Tim and Brenna Perkins and we purchased the property at 1610 Graybar Lane just over a year ago. Graybar had been our aspirational street to build our forever home on for a while and as luck should have it we were presented with an opportunity to purchase the property. We are thrilled to be able build our home and life there alongside all of you.

You'll be getting a letter soon (if you haven't already) stating that we are requesting a variance change. Unfortunately, they set the hearing date only a couple of days ago and we are both already scheduled to be out of town with separate work commitments so we won't be able to attend. We wanted to provide you with our contact info should you have any questions about what we are wanting to do.

In a nutshell, the home we purchased used to sit on a 2 acre lot instead of the current .96 which is why the existing home sits on the back portion of the lot. We want to get our setback changed to be more in line with the other homes on the street and we are requesting that our setback be moved forward 30 feet so we can build our home in such a way that allows us to have and enjoy a backyard.

If you have any questions or concerns please don't hesitate to reach out and we look forward to meeting you as neighbors as well. Our email addresses are:

tim@perkinsmotorplex.com  
brennamader@gmail.com  
or feel free to call 615-430-6257

Sent from my iPhone

**TUNE, ENTREKIN & WHITE, P.C.**

ATTORNEYS AT LAW

JOHN C. TUNE  
1931-1983SUITE 1700  
315 DEADERICK STREET  
NASHVILLE, TENNESSEE 37238ERVIN M. ENTREKIN  
1927-1990

TEL (615) 244-2770 FAX (615) 244-2778

**Rule 31 listed General Civil Mediator*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

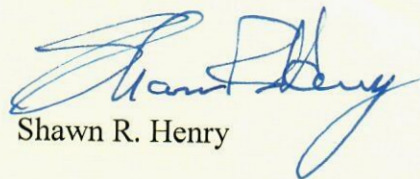
September 26, 2019

**Via Email: [bza@nashville.gov](mailto:bza@nashville.gov)**Mr. David Taylor, Chairman  
Metro Board of Zoning Appeals  
Dept. Codes and Building Safety  
P. O. Box 196300  
Nashville, TN 37219-6300**RE: BZA Case No. 2019-408 (1610 Graybar Lane)  
Map Parcel: #11711004900**

Dear Chairman Taylor and Board Members:

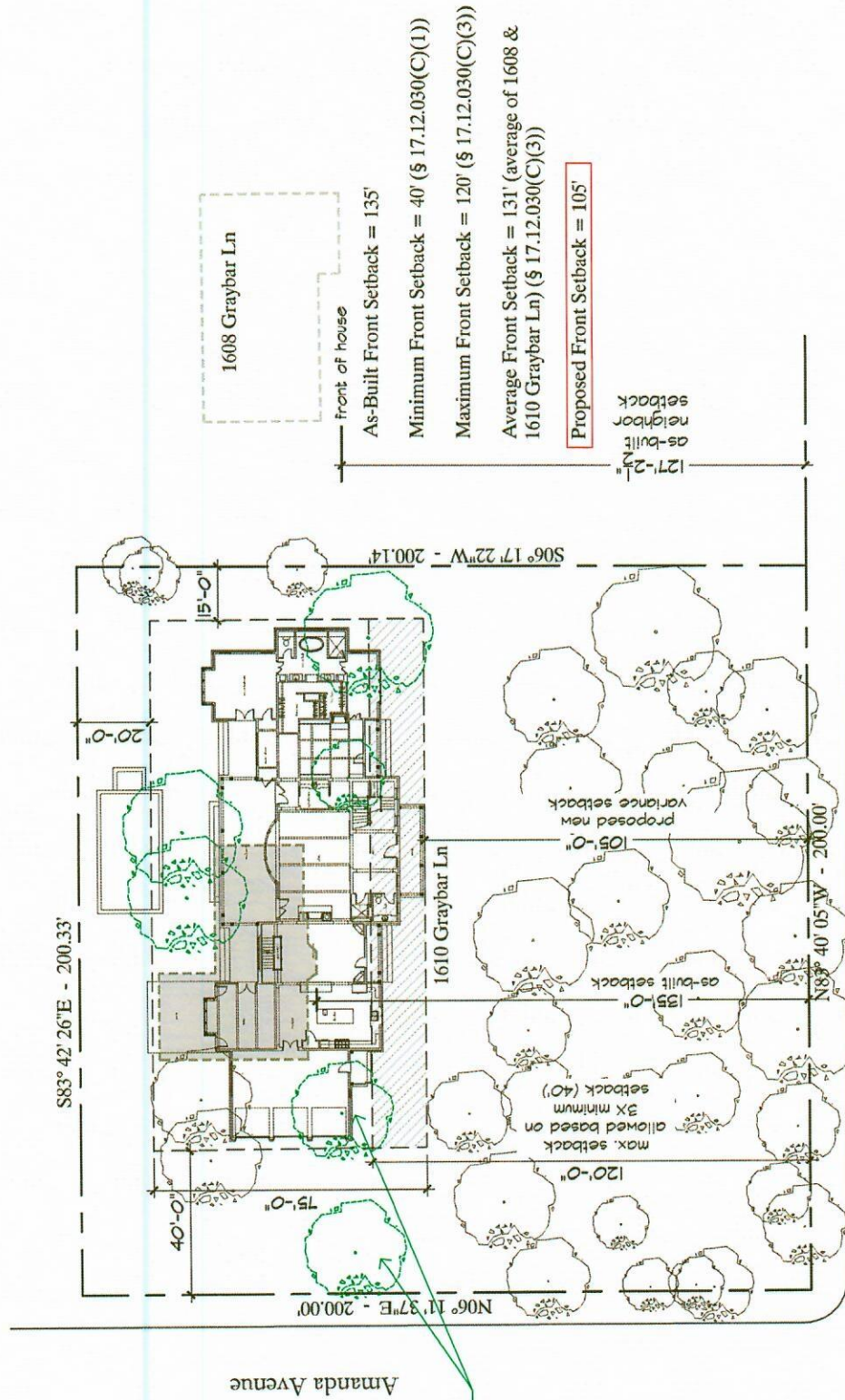
This letter will affirm my oral statement (made at the conclusion of the public hearing on September 19) that the property owner hereby amends the application to request a front setback of **105 feet (15' variance)** instead of the original request for 90 feet (30' variance). A variance of 15 feet equates to a reduction of 12.5% of the maximum required setback of 120 feet. Attached is a revised site plan depicting the amended variance request. Given the unique shape of this lot relative to surrounding properties and the shallow buildable area created by a 120' setback, the 15' setback variance is justified. This front setback reduction will allow a larger rear yard next to the side of the adjacent home (3508 Amanda Ave.). The variance meets the standards set forth in Zoning Code section 17.40.370. Thank you for your due consideration.

Respectfully,

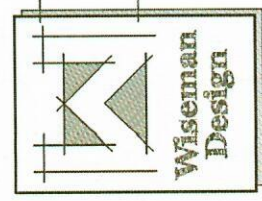


Shawn R. Henry

SRH/acr  
Enclosurecc: Councilman Russ Pulley  
District 25



Several trees will be removed from the back of the property regardless of the setback and revision of the building envelope.  
 No additional trees will be required to be removed if the proposed setback is granted



site plan - setbacks  
 1610 Graybar Lane

9-25-19  
 scale: 1" = 30'-0"

2019-408  
opposition  
presented at  
hearing

Hello neighbors,

I am writing this letter in response to the zoning hearing for 1610 Graybar Lane. They are requesting to move the setback of their home forward 30 feet, which will cut the size of their front yard in half. Graybar Lane is one of the few streets in the area that has been able to survive the building boom that Nashville is experiencing. Everywhere you look one house is being torn down and replaced with four, and homes are being built right on top of each other.

Graybar still has the feel of a true Lane. All the lots are large, people still have front yards, and the houses are all aligned with the same setbacks, ensuring that the street will continue to look nice and be set apart. These features also enhance the neighborhood's curb appeal and help maintain our property value.

My husband and I moved into our home one year ago after building at 1617 Graybar Lane. We can speak firsthand at how rare it is to find a street in the heart of Green Hills that is anything like Graybar. One of the reasons that we bought our property and built here is because of the special zoning that is in place for our street.

The zoning states that you can only have one home per acre of land. This is huge!! We knew that this would never be one of those streets with four or six houses squeezed onto one lot. We also knew that we were zoned with a deep setback from the street. This was also very appealing, because large beautiful lots are fleeting in this area.

We were aware of all of the setbacks and zoning laws when we bought our property. We respectfully built our home in accordance with the zoning codes and tried our best to build a wonderful home that would only add to the appeal of this great street.

I know better than anyone what it is to build your dream home, but if we let 1610 move their setback line, then where will it end? It is a seller's market and people are moving to Nashville in swarms. If we allow the setback to be moved, then who is to say that down the road other homes will not be rebuilt or renovated, and they could want rezoning as well. First it is the property setback and then it is building 2 or 3 houses on one lot. If we start down this slippery slope, who is to say where it will lead?

I plan to live and raise my children here forever. I want to keep the integrity of the amazing street to which we moved. This is why I will be going to the meeting on September 19th and presenting these issues in opposition to the zoning request. If any of you feel the same, please join me on the 19th at 1:00 pm in the Sonny West Conference Room, 700 2nd Avenue South. If anyone has strong feelings about this, but cannot make it to the meeting, please feel free to write a letter, sign it, and leave it in my mailbox to take with me to the appeal hearing.

Best,  
Jackie Wojtkiewicz  
[jacqueline.w@me.com](mailto:jacqueline.w@me.com)

I oppose the zoning appeal for 1610 Graybar Lane. The owners of this property can build a beautiful 7,000 sq ft home with the current zoning laws. They can keep with the average setback of the surrounding homes, build 40 feet from the property line on each side of the home, and still have their dream home with a small backyard and the potential for a beautiful side courtyard or garden.



If the home is move 30 feet forward, then it will not a line with the rest of the street



<b>Zone Code</b>	RS40
<b>Zone Description</b>	LOW DENSITY RESIDENTIAL, REQUIRING A MINIMUM 40,000 SQUARE FOOT LOT AND INTENDED FOR SINGLE-FAMILY DWELLINGS AT A DENSITY OF .93 DWELLING UNITS PER ACRE.
<b>Effective Date</b>	9/24/2005
<b>Ordinance</b>	<u>BL2005-742</u>
<b>Case Number</b>	2005Z-118U-10
<b>Status</b>	Current

From looking at the neighborhood, Graybar stands out as one of the only streets with large lots that have not yet been parceled out to build multiple houses.

If the property at 1610 Graybar Lane is allowed to move their setback forward 30 feet, then they have the potential to build a home up to 10,000 sq ft that will not line up with the current average setback for the street.





**From:** [Russ Pulley](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-393 and 2019-408  
**Date:** Wednesday, September 18, 2019 11:25:40 AM

---

Commissioners,

I wanted to provide you my comments on the two caption cases set for hearing on September 19.

2019-393, 4422 Scenic Dr.

As you know, the applicant is seeking a variance from required setbacks in order to allow for the construction of two homes. I have not heard from the applicant.

There has been an expression of significant neighborhood opposition to this variance. I'm sure you have numerous emails opposing this from Neighbors.

In my examination of the application, I can find no hardship other than to create building in the lobes that will enable the construction of two homes. The neighborhood has gone through efforts to manage growth as best they can. A few years ago a contextual overlay was applied to that area.

I am opposed to the variance Requested by the applicant because I do not believe there is sufficient hardship demonstrated.

2019-408, 1610 Graybar Ln

I was contacted by the applicant, who has requested a small setback variance. We held a community meeting in order to seek input from neighbors. To my knowledge, the neighbors were satisfied with the plan and there is no one in opposition to this.

In my examination of this, the block face is limited to the applicants parcel and one other house. If you examine the parcels on the same side of Graybar from Belmont Boulevard to Benham, which appears to me to be a more accurate representation of the contextual line, the applicant's request seems to be logical. Therefore, I wanted to note my support for this requested variance.

As always, I appreciate very much your service to our city.

Russ Pulley  
Metro Council  
District 25

Get [Outlook for iOS](#)

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Stephanie Wood  
Property Owner: 7-Eleven Inc.  
Representative: Stephanie Wood

Date: 8-8-19  
Case #: 2019-420  
Map & Parcel: 117-14-64

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: Requesting variance from sidewalk requirement

Activity Type: Commercial rehd

Location: 3815 Hillsboro Pike

This property is in the SCR 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 on site

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.

Stephanie Wood  
Appellant Name (Please Print)

SAME as Appellant  
Representative Name (Please Print)

1570 Alantony Dr.  
Address

Address

Centerton, AR 72719  
City, State, Zip Code

City, State, Zip Code

479.402.1031  
Phone Number

Phone Number

slawson@fi.companies.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



3699887

**ZONING BOARD APPEAL / CAAZ - 20190047603**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 11714006400

APPLICATION DATE: 08/08/2019

**SITE ADDRESS:**

3815 HILLSBORO PIKE NASHVILLE, TN 37215  
N/W CORNER ABBOTT MARTIN ROAD AND HILLSBORO PIKE

PARCEL OWNER: 7-ELEVEN, 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.



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



3619217

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019012708  
THIS IS NOT A PERMIT**

PARCEL: 11714006400

APPLICATION DATE: 03/04/2019

**SITE ADDRESS:**

3815 HILLSBORO PIKE NASHVILLE, TN 37215  
N/W CORNER ABBOTT MARTIN ROAD AND HILLSBORO PIKE

PARCEL OWNER: 7-ELEVEN, INC

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

replace existing tanks, lines, and dispenser for SEVEN ELEVEN

POC CHRISTY STRUSS 479-531-2383

Sidewalks ARE required for this project because the frontage of this parcel is within a 1/4 mile of a Nashville Next Center.

You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction because the parcel is on a street in the Major and Collector Street Plan

*Before a building permit can be issued for this project, the following approvals are required.*

*The Applicant is responsible for providing any plans or other information to the individual agencies*

**[A] Zoning Review**

CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic	NOTPLANNED	ben.york@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	clint.harper@nashville.gov
<b>[B] Building Plans Received</b>	E-PLANS	615-880-2649 Ronya.Sykes@nashville.gov
<b>[B] Building Plans Review</b>	APPROVED	615-862-6581 Teresa.Patterson@nashville.gov
<b>[B] Fire Life Safety Review On Bldg App</b>	APPROVED	615-862-5230 Barbara.Demonbeun@nashville.gov
<b>[B] Fire Sprinkler Requirement</b>	NO	615-862-5230 Barbara.Demonbeun@nashville.gov
<b>[E] Cross Connect Review For Bldg App</b>	IGNORE	615-862-4045 Clay.Christain@nashville.gov
<b>[A] Bond &amp; License Review On Bldg App</b>		
<b>[B] Plans Picked Up By Customer</b>		615-880-2649 Ronya.Sykes@nashville.gov
<b>[E] Grease Control Review On Bldg App</b>	APPROVED	615-862-4590 joseph.welch@nashville.gov
<b>[D] Grading Plan Review For Bldg App</b>	REJECTED	(615) 862-6038 Logan.Bowman@nashville.gov
<b>[D] Grading Plan Review For Bldg App</b>		(615) 862-6038 Logan.Bowman@nashville.gov
<b>[J] Planning Zoning Review - CA</b>	IGNORE	Deborah.Sullivan@nashville.gov
<b>Pollution Control Review On Bldg App</b>	APPROVED	Blake.McClain@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 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.)

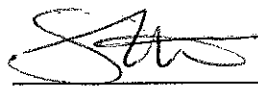
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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



_____  
APPELLANT

8/8/2019

_____  
DATE

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

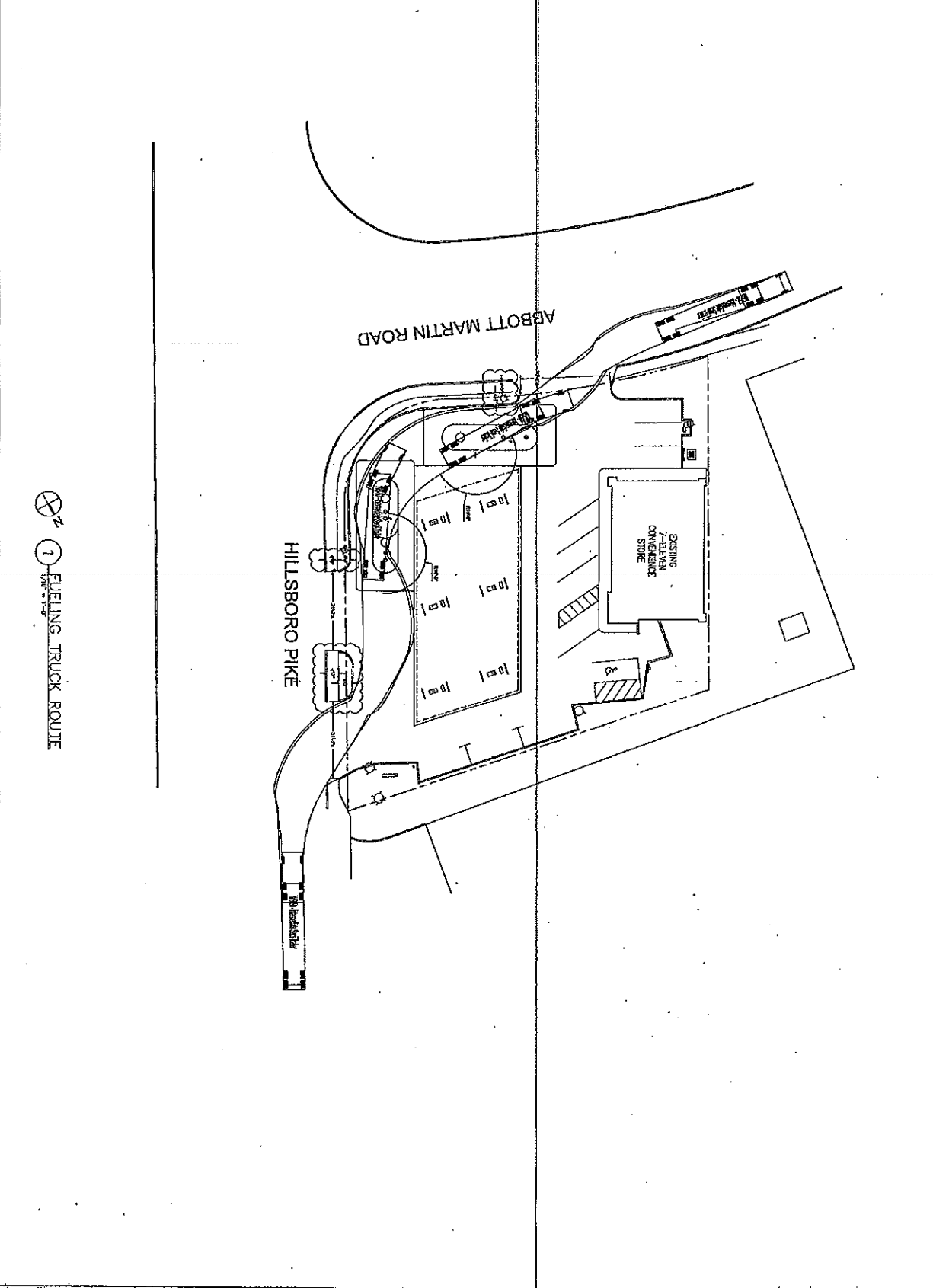
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

Existing fuel station to receive fuel system  
Maintenance only - No other improvements or developments  
are proposed. Fuel system to be updated per State DEEP  
requirements.

NOTED TO DRAWN  
 10/11/18 - 10/11/18 - 10/11/18 - 10/11/18

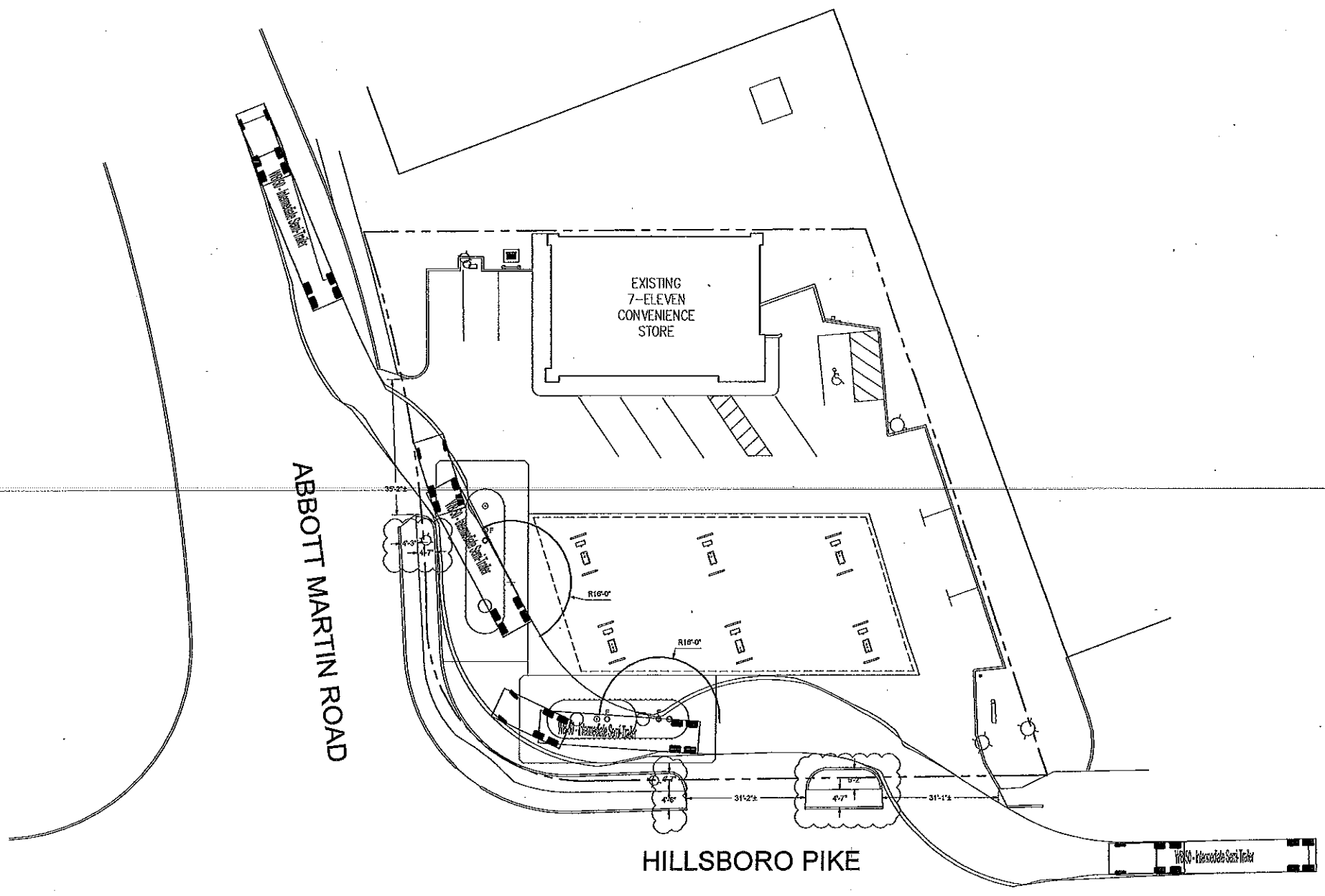


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 FUELING TRUCK ROUTE

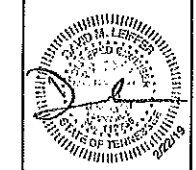
	Job#: SEI-25691 Scale: AS NOTED Date: 10/11/18 Drawn By: LOK Checked By: KMS			7-ELEVEN, INC. 3200 HACKBERRY ROAD, IRVING TEXAS 75063 7-ELEVEN #41069 3816 HILLSBORO PIKE NASHVILLE, TN 37215 FUELING TRUCK ROUTE	<table border="1"> <thead> <tr> <th>Rev. #</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	Rev. #	Date	Description												
	Rev. #	Date	Description																	
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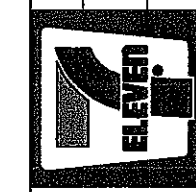
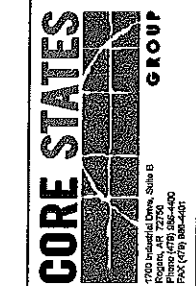
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 ① FUELING TRUCK ROUTE  
 1/16" = 1'-0"



SHEET:  
**G0.2**  
 FUELING - USA

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Job#: SEI-25699  
 Scale: AS NOTED  
 Date: 10/11/18  
 Drawn By: LXX  
 Checked By: KMS



7-ELEVEN, INC.  
 3200 HACKBERRY ROAD, IRVING TEXAS 75063  
 7-ELEVEN #41069  
 3915 HILLSBORO PIKE  
 NASHVILLE, TN 37215

Rev. #	Date	Description
Proto 11-05-18		FUELING TRUCK ROUTE/FUELING TRUCK ROUTE

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-420 (3815 Hillsboro Pike)

Metro Standard:	Hillsboro Pike – 4’ furnishing zone and 10’ sidewalk, as defined by the Major and Collector Street Plan
	Abbott Martin Road – 4’ furnishing zone and 8’ sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	SCR; Green Hills UDO
Community Plan Policy:	T5 RG (Regional Center)
MCSP Street Designation:	Hillsboro Pike – T5-M-AB5-IM Abbot Martin Road – T5-M-CA4
Transit:	#2 – Belmont and #7 – Hillsboro; future Rapid Bus planned per nMotion
Bikeway:	Existing bikeway for experienced cyclists along Hillsboro Pike; major separated bikeway planned along Abbot Martin Road per WalknBike

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

**Analysis:** The applicant proposes underground fuel tank improvements to an existing gas station and requests a variance from upgrading sidewalks or contributing in-lieu of construction due to physical constraints along both frontages of the site. Planning evaluated the following factors for the variance request:

- (1) A 5’ sidewalk without a grass strip exists along each property frontage. The property sits at the northwest corner of the Abbott Martin Road and Hillsboro Pike intersection, and is encircled by the Green Hills Mall property which connects to upgraded 4’ grass strips and 5’ sidewalks.
- (2) The property is located within a NashvilleNext Center with land use policies supporting denser development and a greater mixture of uses over time which are likely to generate more people walking to nearby services. Additionally, WeGo Public Transit has a bus route servicing the area along Hillsboro Pike.
- (3) Expansion of the sidewalks that meet the intent of the MCSP will require redesign of the site due to the location of the existing underground fuel pump, fuel lines, and utility poles. Given the scope of the applicant’s work and existing sidewalks along the property, a contribution in-lieu of upgrading the sidewalks at this location is an acceptable alternative to ensure sidewalks in the larger area can be connected to meet future walking needs of the Center.

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

1. The applicant shall contribute in-lieu of construction for the property frontages.
2. Coordinate with Metro Public Works with regards to installing a 5’ clear sidewalk around the existing NES power poles at the southeast corner of the property.
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.
4. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk which meets the Major and Collector Street Plan.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Appellant: BVC Oakwood Commons, LLC Date: 8/9/2019  
 Property Owner: BVC Oakwod Commons LLC Case #: 2019-422  
 Representative: Jake Tanner Map & Parcel: ~~06416002700~~ 06416005900  
 Council District: 11

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

Purpose: Dividing existing space into three future tenant spaces  
 Activity Type: Commercial Rehab  
 Location: 4730 Lebanon Pike

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

Reason: Sidewalk Variance requesting not build  
Not eligible to pay in-lieu

Section: 17.20.120

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

Appellant Name: BVC Oakwood Commons, LLC Representative: Brandon Lutz  
 Phone Number: (201)741-8441 Phone Number: (615)982-3635  
 Address: 162-5 North Main St Address: 9010 Overlook Blvd  
Florida, NY 10921 Brentwood, TN 37027  
 Email address: rob@lboxinvestments.com Email address: blutz@gbtrealty.com

Appeal Fee: _____



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



3700649

**ZONING BOARD APPEAL / CAAZ - 20190048092  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 06416005900

APPLICATION DATE: 08/09/2019

**SITE ADDRESS:**

4730 LEBANON PIKE HERMITAGE, TN 37076  
LOT B OAKWOOD COMMONS RESUB LOT 1

PARCEL OWNER: BVC OAKWOOD COMMONS, LLC

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

Not eligible to pay in-lieu fee asking for a sidewalk variance. 17.20.120  
to conduct interior renovations to existing non-res building; install two (2) demising walls to create three (3) new future  
tenant spaces. future tenants must obtain separate finish out/use permits. PUDC. POC SARAH HOWELL  
615-244-8170

*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**



3681189

**APPLICATION FOR BUILDING COMMERCIAL - SHELL / CACH - T2019035459  
THIS IS NOT A PERMIT**

**PARCEL:** 06416005900**APPLICATION DATE:** 06/14/2019**SITE ADDRESS:**

4730 LEBANON PIKE HERMITAGE, TN 37076  
LOT B OAKWOOD COMMONS RESUB LOT 1

**PARCEL OWNER:** BVC OAKWOOD COMMONS, LLC**APPLICANT:****PURPOSE:**

to conduct interior renovations to existing non-res building; install two (2) demising walls to create three (3) new future tenant spaces. future tenants must obtain separate finish out/use permits. PUDC. POC SARAH HOWELL  
615-244-8170

*Before a building permit can be issued for this project, the following approvals are required.*

*The Applicant is responsible for providing any plans or other information to the individual agencies*

[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6611 Richard.Harris@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5421 Patricia.Reynolds@nashville.gov
[B] Fire Sprinkler Requirement	NO	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Cross Connect Review For Bldg App	COND	862-7227, ext. robert.collier@nashville.gov
[G] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	615-566-3931 Wesley.Adkins@nashville.gov
[J] Planning Zoning Review - CA	IGNORE	615-862-7006 Karimeh.Sharp@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[F] Solid Waste Review On Bldg App	COND	ben.york@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-566-3931 Wesley.Adkins@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 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

  
 _____  
 APPELLANT

8/9/19  
 _____  
 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.*



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-422 (4730 Lebanon Pike)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Not construct sidewalks
Zoning:	R10, Comm. PUD
Community Plan Policy:	T3 CC (Suburban Community Center)
MCSP Street Designation:	T3-M-AB5
Transit:	Approximately 0.31 miles from #6 – Lebanon Pike
Bikeway:	None existing; none planned

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

**Analysis:** The applicant proposes to renovate an existing retail building for new tenant spaces and requests a variance from constructing sidewalks. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist along the property frontage along Lebanon Pike. A 5' sidewalk without a grass strip is located to the immediate west within the Oakwood Commons shopping center where the subject site is located in.
- (2) The property's internal drive aisle and parking to the front of the building is set on level elevation, approximately 12' – 24' from the back of curb at a slope difference of approximately 8'. While sidewalk construction is feasible through the construction of retaining walls and routing around existing utilities, construction of sidewalks is premature given the scale of the proposed redevelopment.

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

1. The applicant shall contribute in lieu of construction for the Lebanon Pike property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the Lebanon Pike property frontage to accommodate future sidewalks 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: DY Construction  
Property Owner: DY Construction  
Representative: DeRon Jenkins

Date: 8/13/19

Case #: 2019-423

Map & Parcel: 092070H00100C0  
092070H00200C0  
092070H00300C0  
092070H00400C0

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 - Townhomes

Location: 816 E 19th Ave. N.

This property is in the MDL-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: NES Guidepole

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.

DeRon Jenkins  
Appellant Name (Please Print)

Po Box 1283  
Address

Antioch TN 37011  
City, State, Zip Code

615-569-3699  
Phone Number

DYConstruction25@aol.com  
Email

Zoning Examiner: C.H.

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

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



3701517

**ZONING BOARD APPEAL / CAAZ - 20190048595**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 092070H90000CO

APPLICATION DATE: 08/13/2019

**SITE ADDRESS:**

816 E 19TH AVE N NASHVILLE, TN 37208

COMMON AREA 19TH AVENUE NORTH ESTATES TOWNHOMES

PARCEL OWNER: O.I.C. 19TH AVENUE NORTH ESTATES TO'

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.*

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 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.)

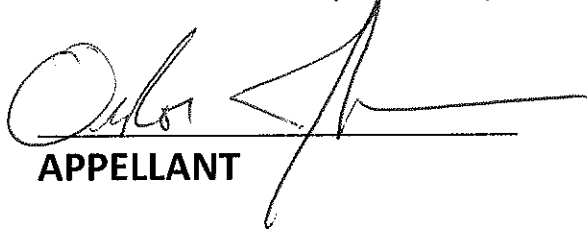
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

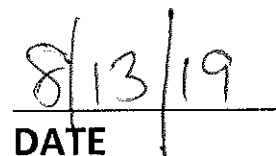
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

  
APPELLANT

  
DATE

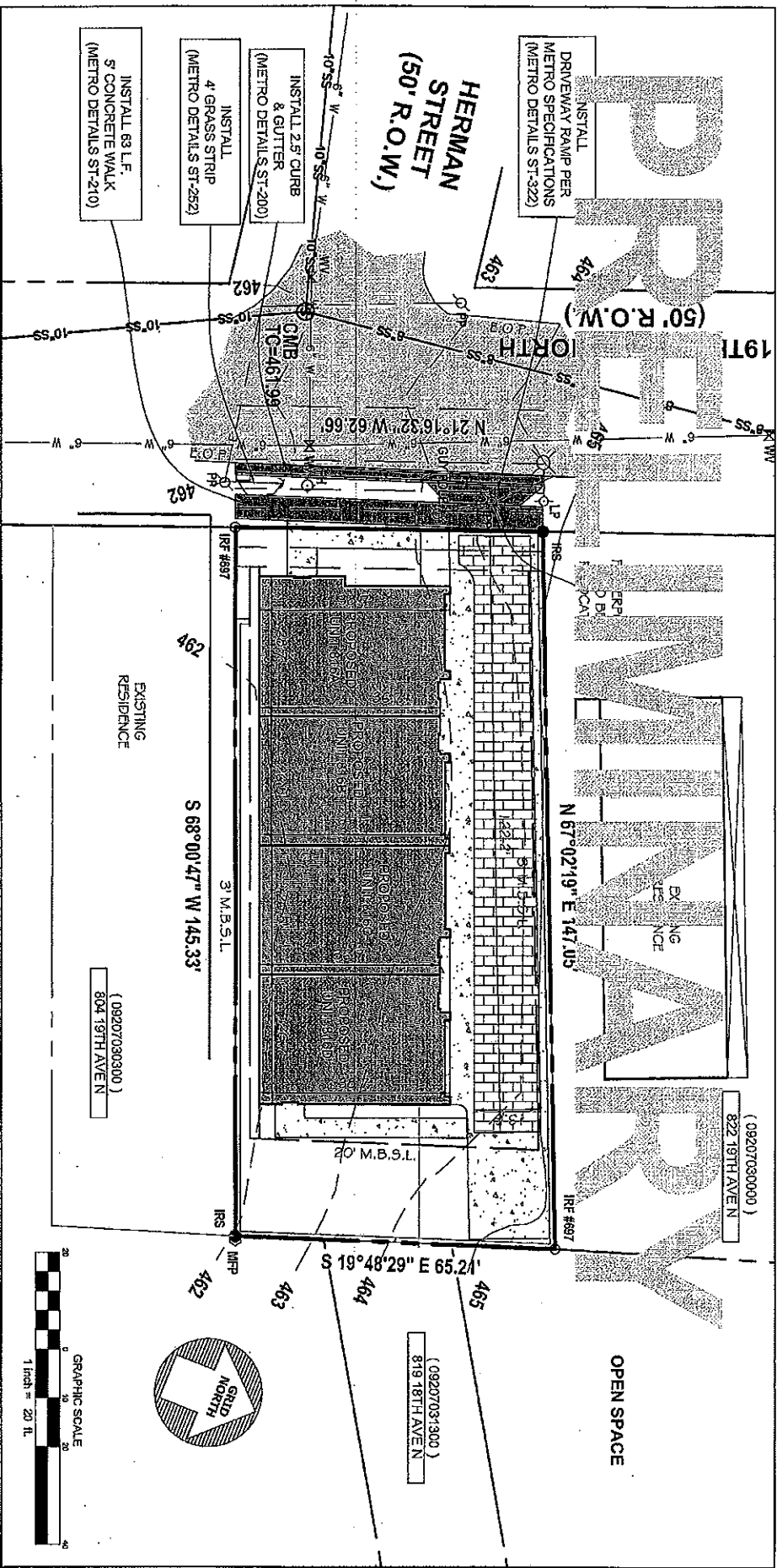
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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 Nes guide Pole Prohibits the ability to complete a standard Metro side walk & there also are no current sidewalks on the Street.

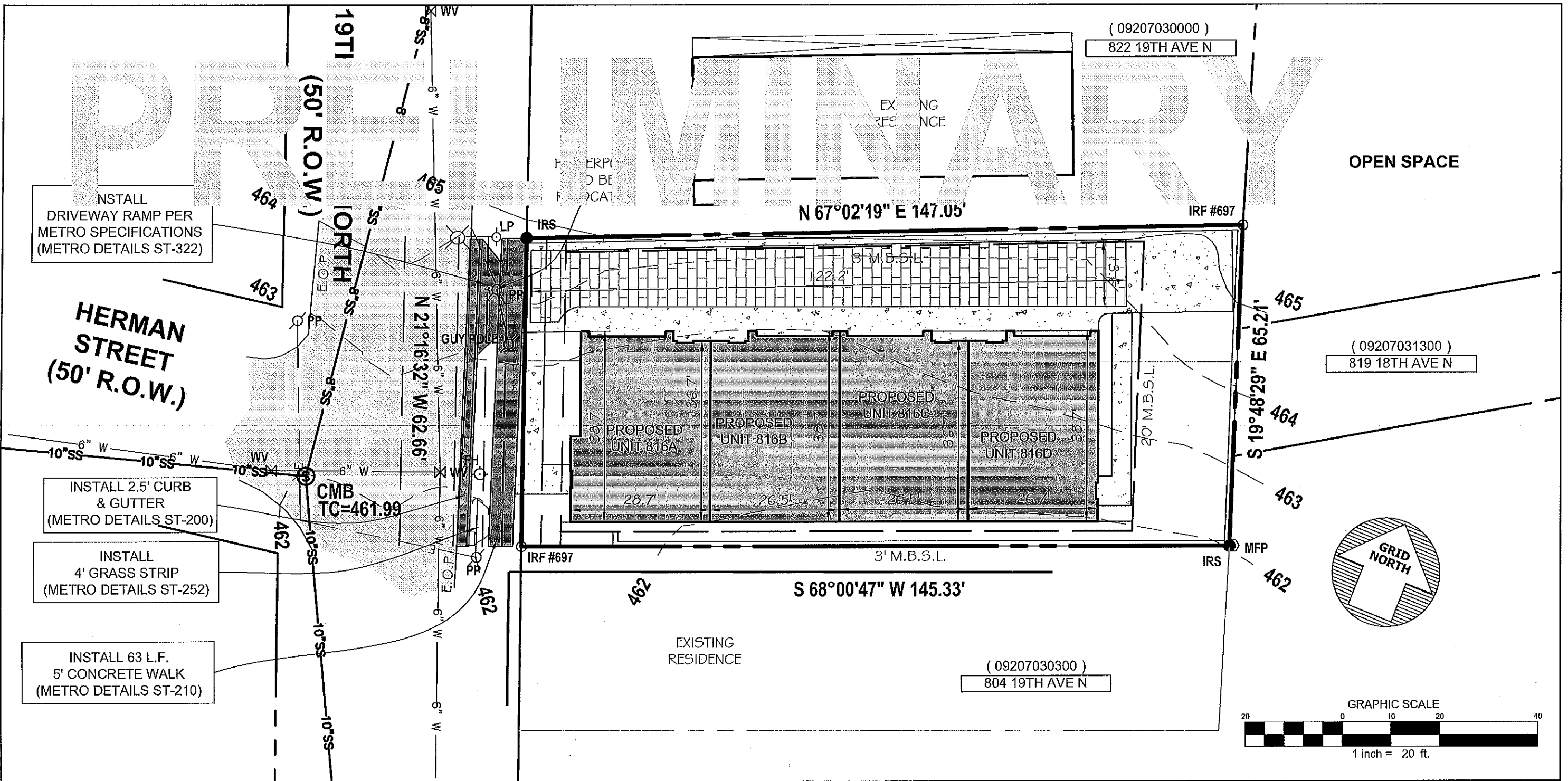


Prepared By:  
**W.T. Smith-Land Surveying**  
 P.O. Box 452 Hermitage, TN 37076  
 Phone: 615-712-6693  
 Email: tommy@wsmithsurvey.com

**Sidewalk Construction Plan**  
 816A,B,C,&D 19th Ave. North  
 Nashville - Davidson Co., Tn.

SHEET NO.  
**W-1.0**

PRELIMINARY



INSTALL DRIVEWAY RAMP PER METRO SPECIFICATIONS (METRO DETAILS ST-322)

HERMAN STREET (50' R.O.W.)

INSTALL 2.5' CURB & GUTTER (METRO DETAILS ST-200)

INSTALL 4' GRASS STRIP (METRO DETAILS ST-252)

INSTALL 63 L.F. 5' CONCRETE WALK (METRO DETAILS ST-210)

Prepared By:

**W.T. Smith- Land Surveying**

P.O. Box 452 Hermitage, TN 37076  
Phone: 615-712-6693  
Email: tommy@wtsmithsurvey.com

**Sidewalk  
Construction Plan  
816A,B,C,&D 19th Ave. North  
Nashville - Davidson Co., Tn.**

SHEET NO.

**W-1.0**

## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-423 (816 East 19th Avenue North)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks
Zoning:	MUL-A
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Local Street
Transit:	377' from #25 – Midtown, planned for rapid bus per nMotion
Bikeway:	None existing, none planned

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

**Analysis:** The applicant proposes to construct four townhomes and requests not to construct sidewalks along the 19th Avenue North frontage due to the presence of an existing utility pole and lack of sidewalks in the area. Planning evaluated the following factors for the variance request:

- (1) The property's 19th Avenue North frontage currently has no sidewalk, which is consistent with adjacent properties to the north and south. However, there are existing sidewalks on the north end of the block face, including intermittent sidewalks on the street and in the area.
- (2) There is a major utility pole across the street with a large support guidepost located in the area where sidewalks would be located along 19th Avenue North.

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

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



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Eddie Latimer  
Property Owner: Metro Gov't.  
Representative: Eddie Latimer

Date: 8-13-19  
Case #: 2019-427  
Map & Parcel: 105-3-132

Council District 17

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

Purpose:

Requesting lot size variance to construct 2  
units. lot is currently 4500 SF, requires 6000 SF.  
Requesting side setback reduction from 3' to 1'  
Requesting parking reduction from 8 to 6

Activity Type: New Construction - residential

Location: 43 Wharf Ave.

This property is in the RC6 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: under required lot size

Section(s): 17.12.020(A), 17.40.670(A), 17.20.030

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

Eddie Latimer (Affordable Housing Resources, Inc)  
Appellant Name (Please Print)

Dustin Scruggs (Gresham Smith)  
Representative Name (Please Print)

50 Vantage Way, Suite 107  
Address

222 Second Ave South  
Address

60 Nashville, TN 37228  
City, State, Zip Code

Nashville, TN ~~37204~~ 37201  
City, State, Zip Code

615 251 0025  
Phone Number

615 770 8100  
Phone Number

edlatimer@ahnhousing.org  
Email

Dustin.Scruggs@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



3701724

**ZONING BOARD APPEAL / CAAZ - 20190048708**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10503013200

APPLICATION DATE: 08/13/2019

**SITE ADDRESS:**

43 WHARF AVE NASHVILLE, TN 37210

PT LOTS 401 402 MAURY &amp; CLAIBORNE PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE

CONTRACTOR:

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

requesting lot size variance to allow 2 units. lots currently 4500SF, require 6000SF.

requesting side setback reduction from 3' to 1'

requesting parking reduction from 8 to 6.

*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.)

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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 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

*for Affordable  
Housing Resources*

8/13/19  
DATE

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

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

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

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

- Owner will own and operate 2 adjacent lots. Requesting a variance to reduce side setback on internal of each lot
- Based on location and nature of development, a request to reduce 2 parking space per unit to 1.5 spaces per unit
- Requesting 2 units per lot. allowed by ZO, but lots are noncompliant based on size. Believe the development is consistent with intent

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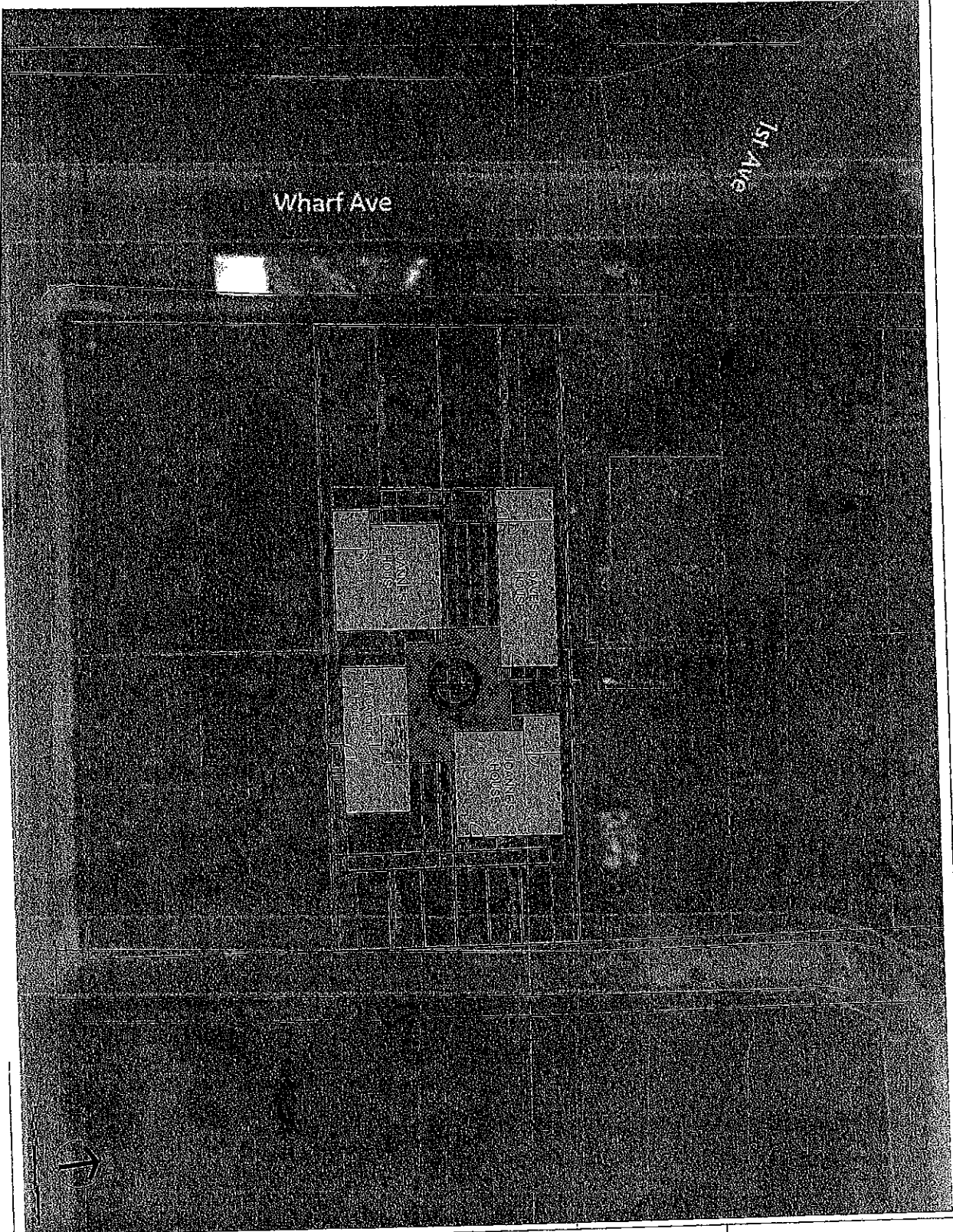
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No.	Date	Description

4143 WHARF AVE  
**C2.1**  
 4/13/20  
 07/21/2018

**WHARF AVENUE - AFFORDABLE HOUSING**  
 41-43 WHARF AVE  
 NASHVILLE, TN 37210

222 Second Avenue South  
 Suite 1400  
 Nashville, TN 37203  
 615.778.1000  
 GreshamSmith.com  
**Gresham Smith**



GreshamSmith.com

222 Second Avenue South  
Suite 1400  
Nashville, TN 37201  
615.770.8100

WHARF AVENUE -  
AFFORDABLE  
HOUSING  
41-43 WHARF AVE  
NASHVILLE, TN 37210

Revision		
No.	Date	Description

41-43 WHARF AVE

C2.1

44137.00  
07/31/2019



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**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** District 17 Positions for Oct 3 agenda  
**Date:** Friday, September 27, 2019 12:52:26 PM

---

Hi all,

Here are my stances on D17 items on the agenda:

- 2019-396: **Strongly oppose** this request not to pay in-lieu fund
- 2019-403: **Oppose** this request, as I believe appeal refers to wrong property
- 2019-427: **Support** this request, as it is for affordable housing
- 2019-438: **Support** this request, as it maintains a previous BZA decision
- 2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Joseph Martin Date: 8-14-19  
Property Owner: TTD Builders, LLC Case #: 2019-429  
Representative: Joseph Martin Map & Parcel: 09316012100

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 SINGLE FAMILY RESIDENCE  
PERMIT APP 249022337

Activity Type: RES. CONSTRUCTION

Location: 82 FAIR ST

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: REAR SETBACK VARIANCE & SIDEWALK VARIANCE

Section(s): 17.12.020A & 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.

Joseph Martin  
Appellant Name (Please Print)

_____  
Representative Name (Please Print)

146 Fair st  
Address

_____  
Address

Nashville, TN 37210  
City, State, Zip Code

_____  
City, State, Zip Code

(615) 415-9982  
Phone Number

_____  
Phone Number

TTDbuilders@yahoo.com  
Email

_____  
Email

Zoning Examiner: UB

Appeal Fee: _____





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



3701852

**ZONING BOARD APPEAL / CAAZ - 20190048784  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09316012100**APPLICATION DATE:** 08/14/2019**SITE ADDRESS:**

82 FAIN ST NASHVILLE, TN 37210  
PT LOTS 127 128 & 129, MAURY & CLAIBORNE ADDN

**PARCEL OWNER:** TTD BUILDERS, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting (1) Variance to rear setback per 17.12.020A required 20 ft, requesting a 7.2 ft rear setback (includes staircase) and

(2) Sidewalk Variance to 17.20.120 requiring the construction of new sidewalks, requesting to maintain existing sidewalks

*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**



3654734

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019022332  
THIS IS NOT A PERMIT**

PARCEL: 09316012100

APPLICATION DATE: 04/17/2019

**SITE ADDRESS:**

82 FAIN ST NASHVILLE, TN 37210  
PT LOTS 127 128 & 129, MAURY & CLAIBORNE ADDN

PARCEL OWNER: TTD BUILDERS, LLC

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE  
APPLICANT INFORMATION)  
Joseph Martin 615-415-9982

**PURPOSE:**

Requesting (1) Variance to rear setback per 17.12.020A required 20 ft, requesting a 7.2 ft rear setback (includes staircase) and  
(2) Sidewalk Variance to 17.20.120 requiring the construction of new sidewalks, requesting to maintain existing sidewalks

LLC owned need proof of ownership in LLC.

Rejected Site Plan, does not meet 20 ft rear setback or 20 ft attached garage door setback.

Self Permit, Personal Residence. Affidavit Sent to File.

To construct a two story single family residence with 2651 sq ft of living, 539 sq ft of garage and 250 sq ft of porches and decks. Minimum 20 ft front setback, 5 ft side setback and 20 ft rear setback. 20 ft minimum setback for Attached garage door on Alley. Must conform with all easements. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work. 2. Pursuant # 2006-1263 Metro code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste 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...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Do not cover up anything until an inspector has had a chance to review..***SITE PLAN SENT TO FILE

Sidewalks ARE required for this project because this parcel is within the UZO. You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg	COND	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-7170 Shawna.Rodriguez@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-7170 Shawna.Rodriguez@nashville.gov

## HARDSHIP LETTER

Our lot at 82 Fain St. is shorter than the typical lots in this neighborhood, which is why we are requesting a variance for the property. Given this preexisting hardship for this property size, we would request that we be able to place the external walls of the garage and the back side of the house at a minimal 10 feet each off the property line. We believe this to be a fair request as the variances would be of no inconvenience to any of the adjacent properties, as well as the entire neighborhood.

The variance on the left side that would provide entrance to the garage is located on an alleyway, and not an actual street and, therefore, would not inhibit the flow of traffic in any way.

The variance requested for the back side of the property would not affect any residents of the that particular adjacent property, as there is only a storage building on that part of the adjacent lot. This means that our variance request would not infringe upon their privacy or use of their lot.

In addition to the set-back requests, we would like to add a sidewalk variance to only rebuild the old driveway ramp & keep the rest of the sidewalk in front of our property as is, in order to maintain existing alignment with the rest of the connecting sidewalks on Fain Street.

We have contacted 2 of the owners of the adjoining properties and have obtained signed letters of their approval for our plan to build on the property. The 2 properties are located at 110 Lewis Street and 108 Lewis Street.

---


I, David DiMuzio, am a neighbor of the property at 82 Fain Street. Joseph Martin has presented his plan for the property, including variance requests to the north & west sides of his property. The added value to the neighborhood is worth the minor variance and does not present any negative ramifications to my property. I endorse approval for the variance he is requesting.

Signature:  Date: 7/17/19

Address of adjoining property: 110 Lewis St. / Nashville, TN 37210

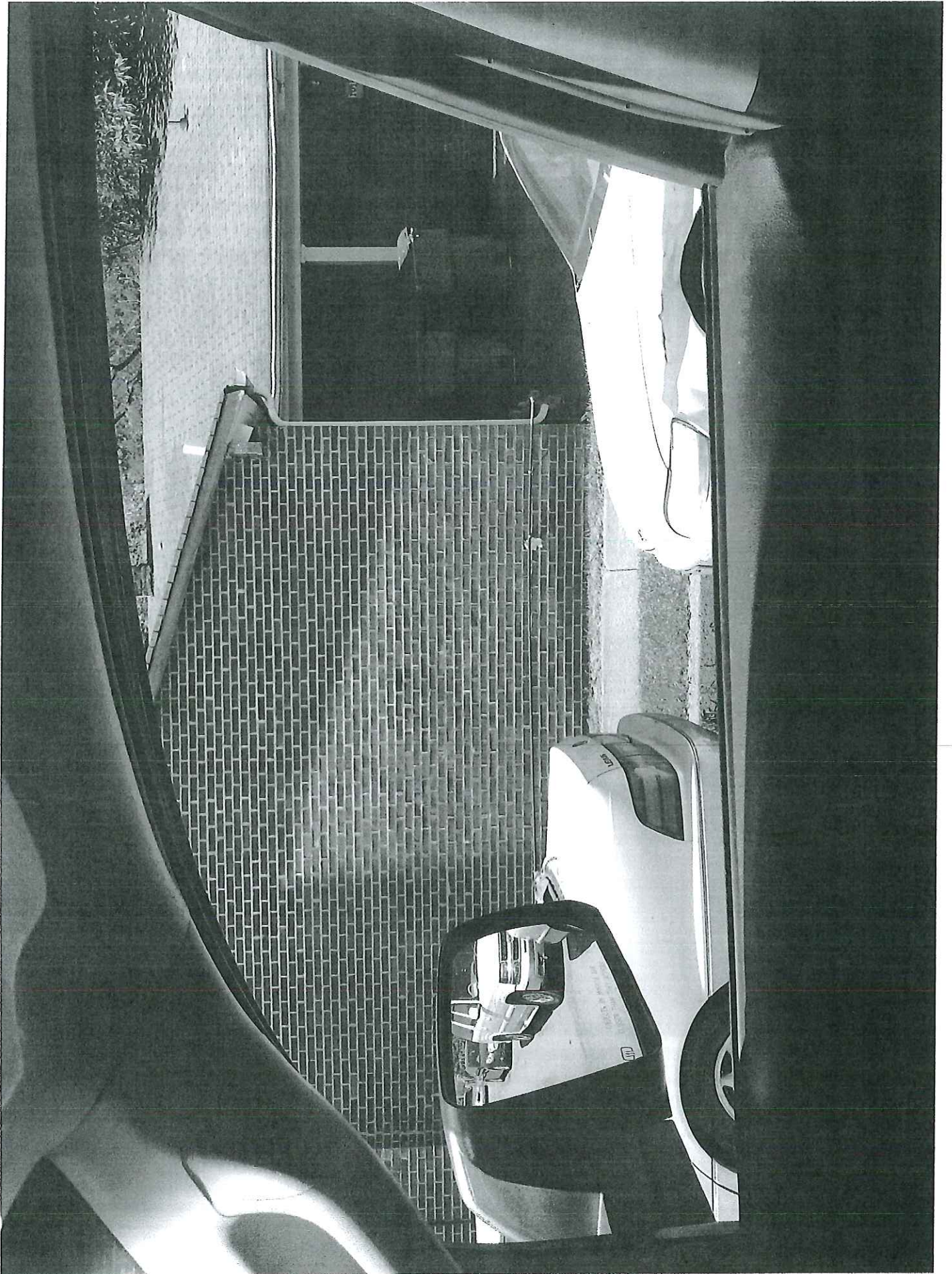
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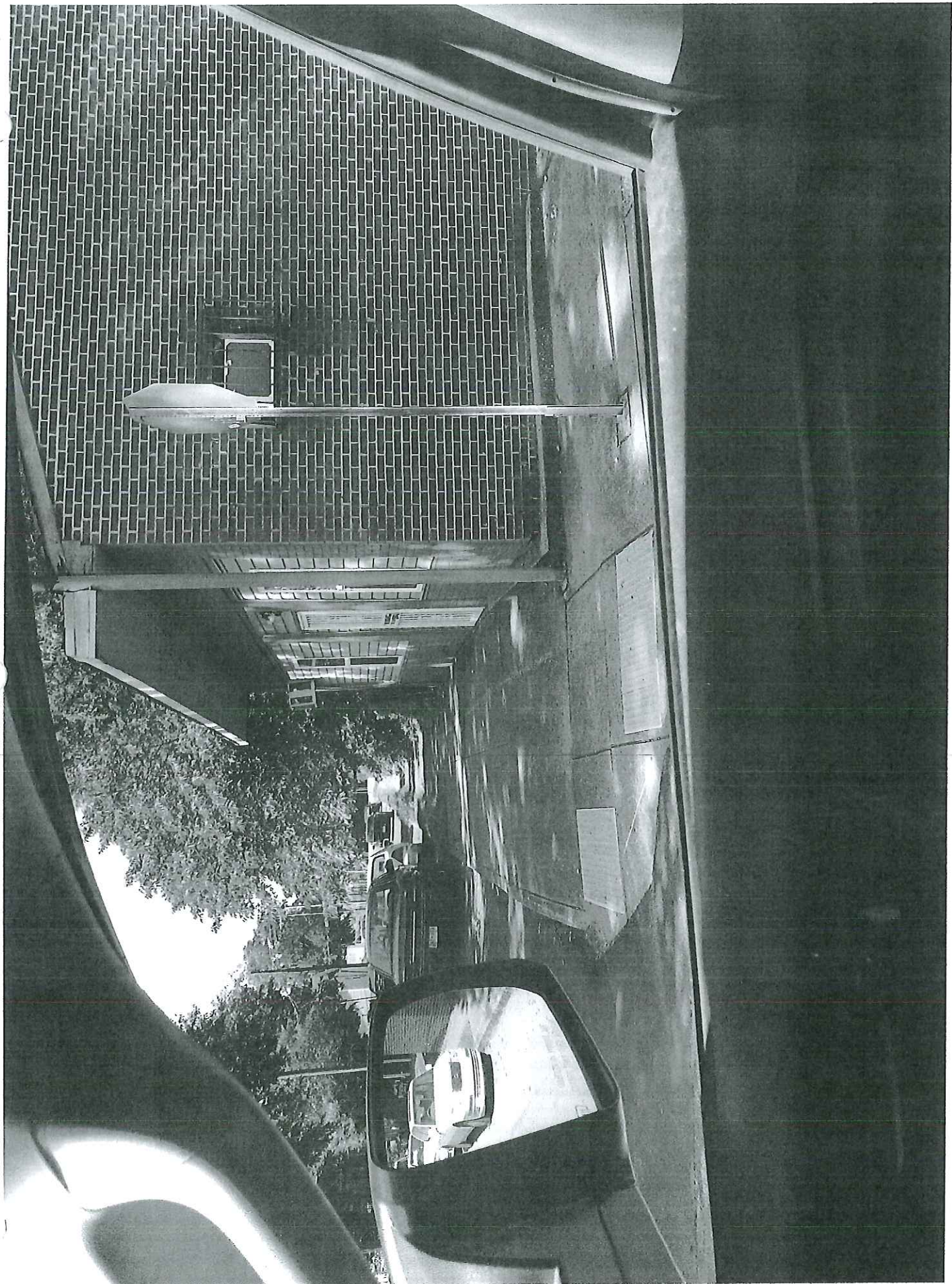
I, Meghan Keith-Hynes, am a neighbor of the property at 82 Fain Street, Joseph Martin has presented his plan for the property, including variance requests to the north & west sides of his property. The added value to the neighborhood is worth the minor variance and does not present any negative ramifications to my property. I endorse approval for the variance he is requesting.

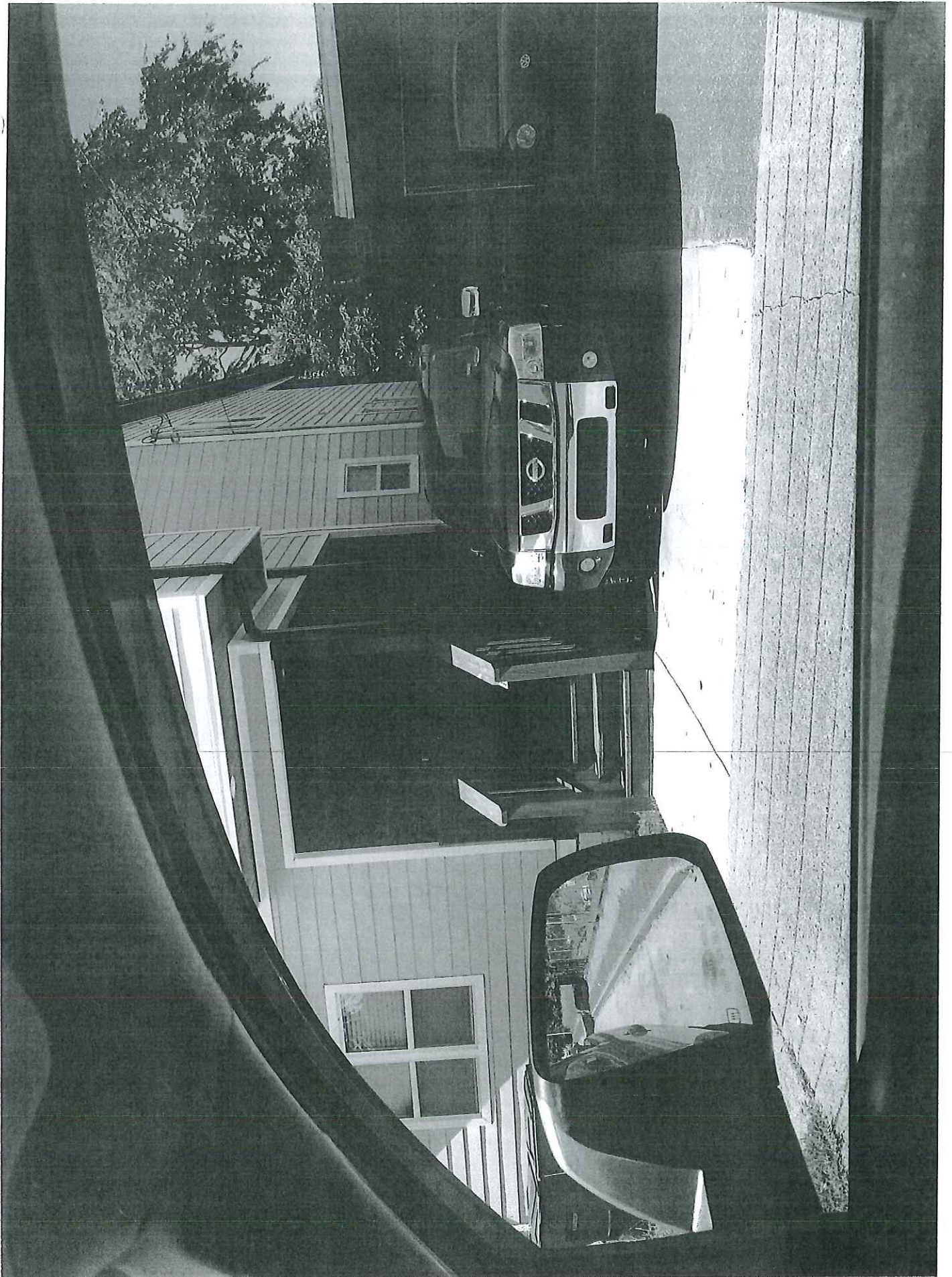
Signature:  Date: June 25, 2019

Address of adjoining property: 108 Lewis Street, Nashville, TN 37210

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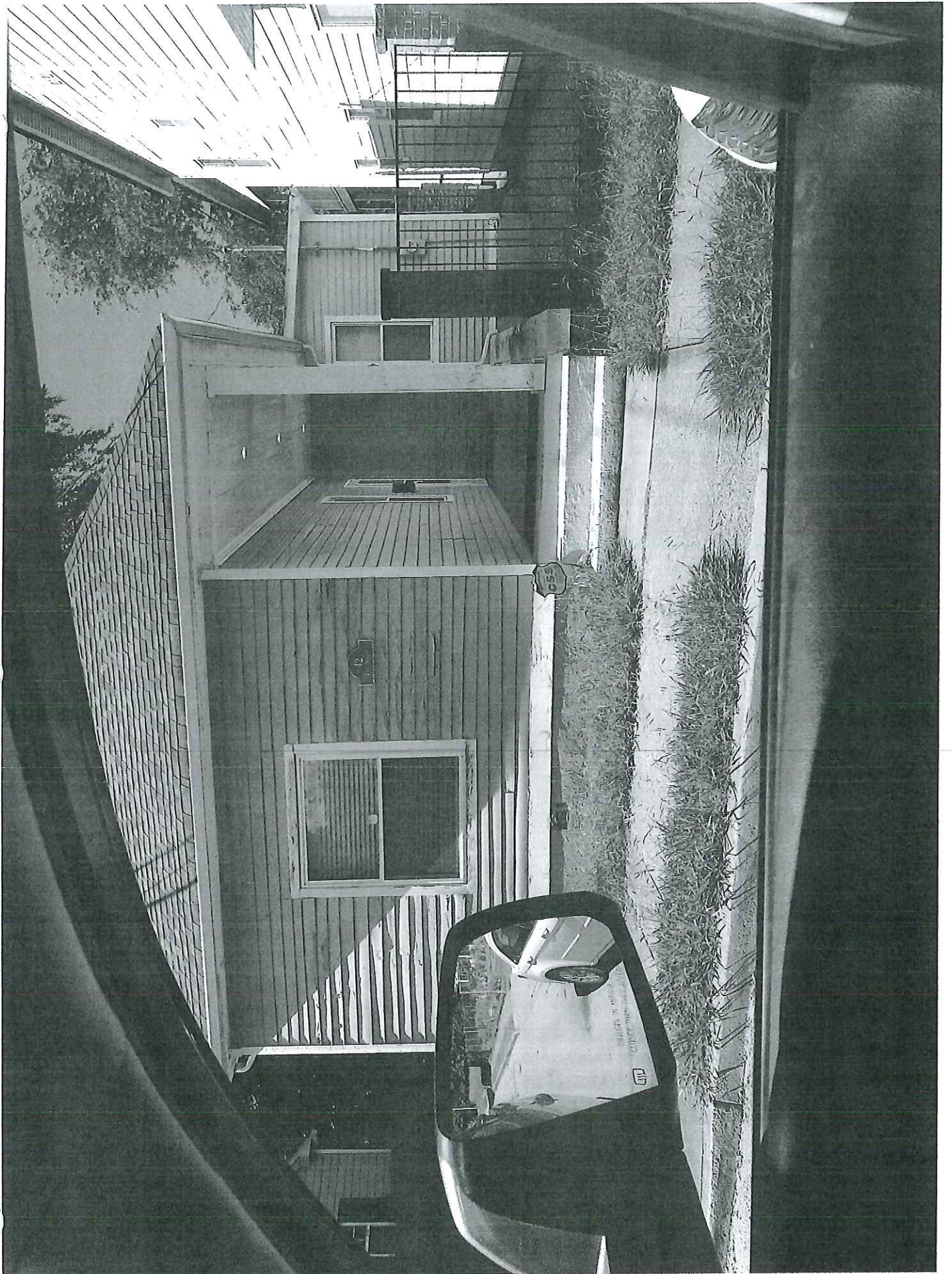




Image capture: Mar 2019 © 2019 Google

Nashville, Tennessee



Street View - Mar 2019

**PROPOSED IA SUMMARY**

ROOFTOPS 1,819.90 SQ. FT.  
 ASPHALT DRIVEWAY 270.43 SQ. FT.  
 TOTAL AI EXISTING = 2,090.33 SQ. FT.

**LOT AREA**

5,252.92 SQ. FEET  
 0.120 ACRES

1,819.90 Sq.Ft. - 1,525.34 Sq.Ft. (EX.) = 564.99 Sq.Ft.

NET IA = 564.99 Sq.Ft.  
 which must follow Tier II design

**DEVELOPER BMP OPTIONS**

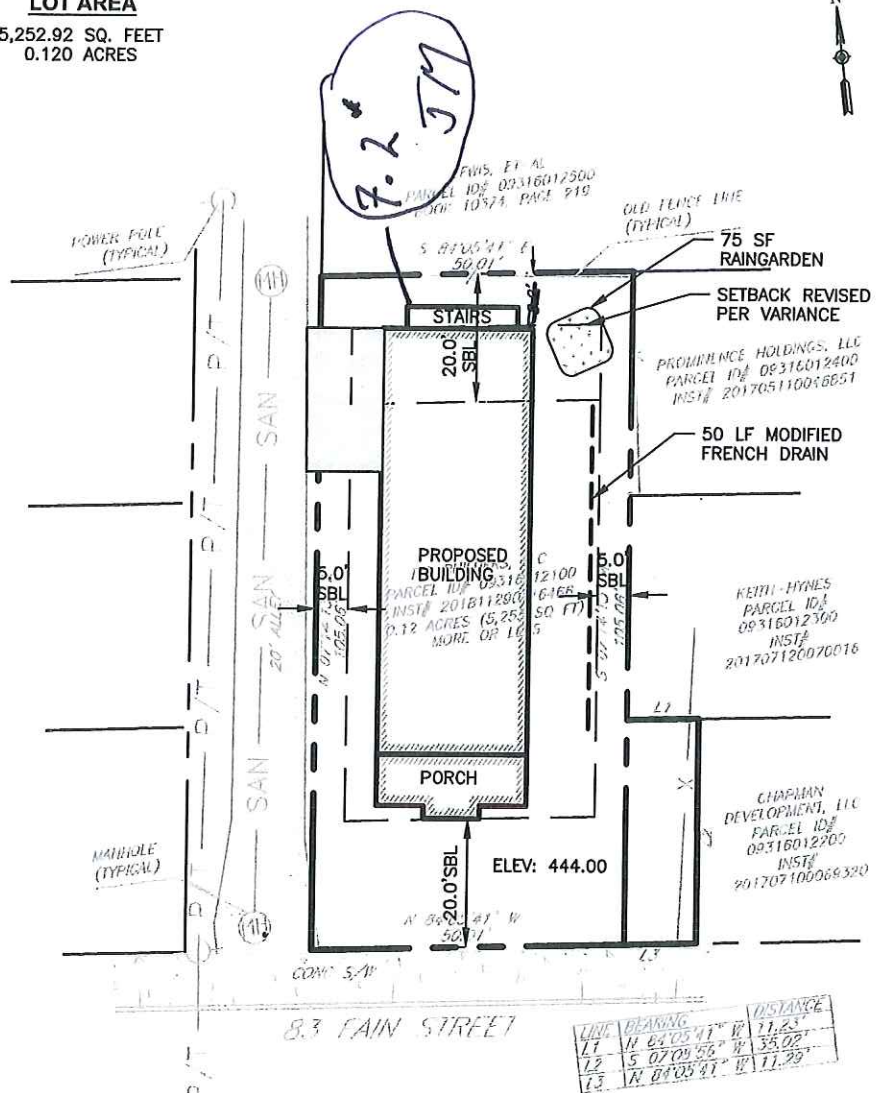
BMP	DESIGN	REQUIRED
Cisterns	Not Applicable	Not Applicable
Dry Well	Not Applicable	Not Applicable
Vegetated Filter Strip	Not Applicable	Not Applicable
Modified French Drain	See Table Based upon 1500 sf Contributing Area	50 lf @ 36" Depth
Permeable Pavement	Not Applicable	Not Applicable
Rain Gardens	See Table Based upon 1500 sf Contributing Area	75 SF Rain Garden w/ 30" Depth of Amended Soil

**SUMMARY OR RECOMMENDATION**

Client/Developer May Choose From Any of the Above Described BMPs. Engineer Recommends The Raingarden as Depicted Herein. It is of the Utmost Importance that the Builder/Contractor ensure all Rooftop Runoff be Directed to the BMP of Choice.



8/13/2019



ALTERATION OF THIS DRAWING, EXCEPT BY A LICENSED P.E. IS ILLEGAL. ANY ALTERATION BY A P.E. MUST BE INDICATED AND BEAR THE APPROPRIATE SEAL, SIGNATURE AND DATE OF ALTERATION.



**Hudson Valley Office:**  
 21 Fox Street, Poughkeepsie, NY 12601  
 Phone: (845) 454-3980  
**Capital District Office:**  
 547 River Street, Troy, NY 12180  
 Phone: (518) 273-0055  
**North Country Office:**  
 20 Elm Street, Glens Falls, NY 12801  
 Phone: (518) 812-0513  
**Westchester NY Office:**  
 1 North Broadway,  
 White Plains, NY 10601  
 Phone: (914) 997-8510  
**Tennessee Offices:**  
 2416 21st Ave S. Nashville, TN 37212  
 427 E. 5th St. Chattanooga, TN 37403

82 FAIN STREET

**INFILL DEVELOPMENT PLAN**

NASHVILLE, DAVIDSON COUNTY

drawn TCC	checked
date 8/13/19	scale 1"=30'
project no. 11957.00	
sheet no.	

C120

ALL RIGHTS RESERVED. COPY OR REPRODUCTION OF THIS PLAN OR ANY PORTION, THEREOF IS PROHIBITED WITHOUT THE WRITTEN PERMISSION OF THE DESIGN ENGINEER, SURVEYOR, OR ARCHITECT.

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-429 (82 Fain Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalk
Zoning:	R6-A
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
MCSP Street Designation:	Local Street
Transit:	#25 – Midtown
Bikeway:	None existing; none planned

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

**Analysis:** The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Metro Local Street standard due to the presence of an existing sidewalk along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) A 2' grass strip and 5' sidewalk currently exists along Fain Street for the entire block from Maury Street to Lewis Street.
- (2) While the existing grass strip does not meet the Local Street standard, there is a consistent sidewalk design with a grass strip that accommodates mailboxes and utilities with a clear walking path.

Given the factors above, staff recommends approval with conditions:

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



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

Appellant: L&L MARKET Date: 8-14-19  
 Property Owner: L&L MARKET PLACE, LLC Case #: 2019-430  
 Representative: CARLOS PRESTON Map & Parcel: 109209016300  
 Council District: 24

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

Purpose: TENANT FINISH OUT FOR PENNE PASTA  
 Activity Type: RESTURANT  
 Location: 3826 CHARLOTTE AVE

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

Reason: SIDEWALK VARIANCE

Section: 17.20.120

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

Appellant Name: L&L MARKET Representative: CARLOS PRESTON  
 Phone Number: (615)-642-4477 Phone Number: (615)642-4477  
 Address: 3826 CHARLOTTE AVE Address: 3508 HUNTLAND DRIVE  
Nashville, TN 37209 WHITES CREEK, TN 37189  
 Email address: ALLPROCMS@GMAIL.COM Email address: ALLPROCMS@GMAIL.COM

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**



**ZONING BOARD APPEAL / CAAZ - 20190048794  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09209016300

**APPLICATION DATE:** 08/14/2019

**SITE ADDRESS:**

3826 CHARLOTTE AVE NASHVILLE, TN 37209  
N OF CHARLOTTE AVE E OF 39TH AVE N

**PARCEL OWNER:** L & L MARKET PLACE, LLC

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

SIDEWALK VARIANCE REQUEST NOT TO BUILD OR PAY  
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**



3698677

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2019046747  
THIS IS NOT A PERMIT**

PARCEL: 09209016300

APPLICATION DATE: 08/06/2019

**SITE ADDRESS:**

3826 CHARLOTTE AVE NASHVILLE, TN 37209  
N OF CHARLOTTE AVE E OF 39TH AVE N

PARCEL OWNER: L &amp; L MARKET PLACE, LLC

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

CHANGE OF CONTRACTOR FORMER PERMIT 2019005193

tenant finish out for PENNE PASTA

SIDEWALK ARE REQUIRED BECAUSE THE PARCEL IS IN UDO NO ELEIGIBLE TO CONTRIBUTE

POC CARLOS PRESTON 615-642-4477

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

**[A] Zoning Review**

CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-862-4276 Kimberly.Hayes@nashville.gov
Kitchen Plans Review On Bldg App	APPROVED	615-340-5620 Steve.Crosier@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	COND	615-862-6519 Scott.Summerville@nashville.gov
[B] Fire Life Safety Review On Bldg App	COND	615-862-5248 Joseph.Almon@nashville.gov
[B] Fire Sprinkler Requirement	YES	615-862-5248 Joseph.Almon@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-862-4045 Clay.Christain@nashville.gov
[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		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	615-862-4276 Kimberly.Hayes@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 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.)

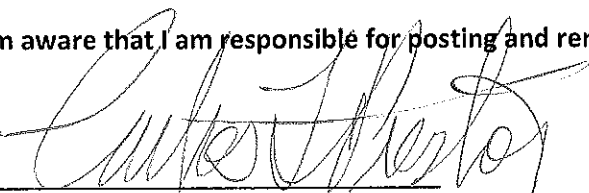
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

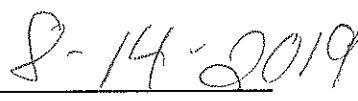
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

I am aware that I am responsible for posting and 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.

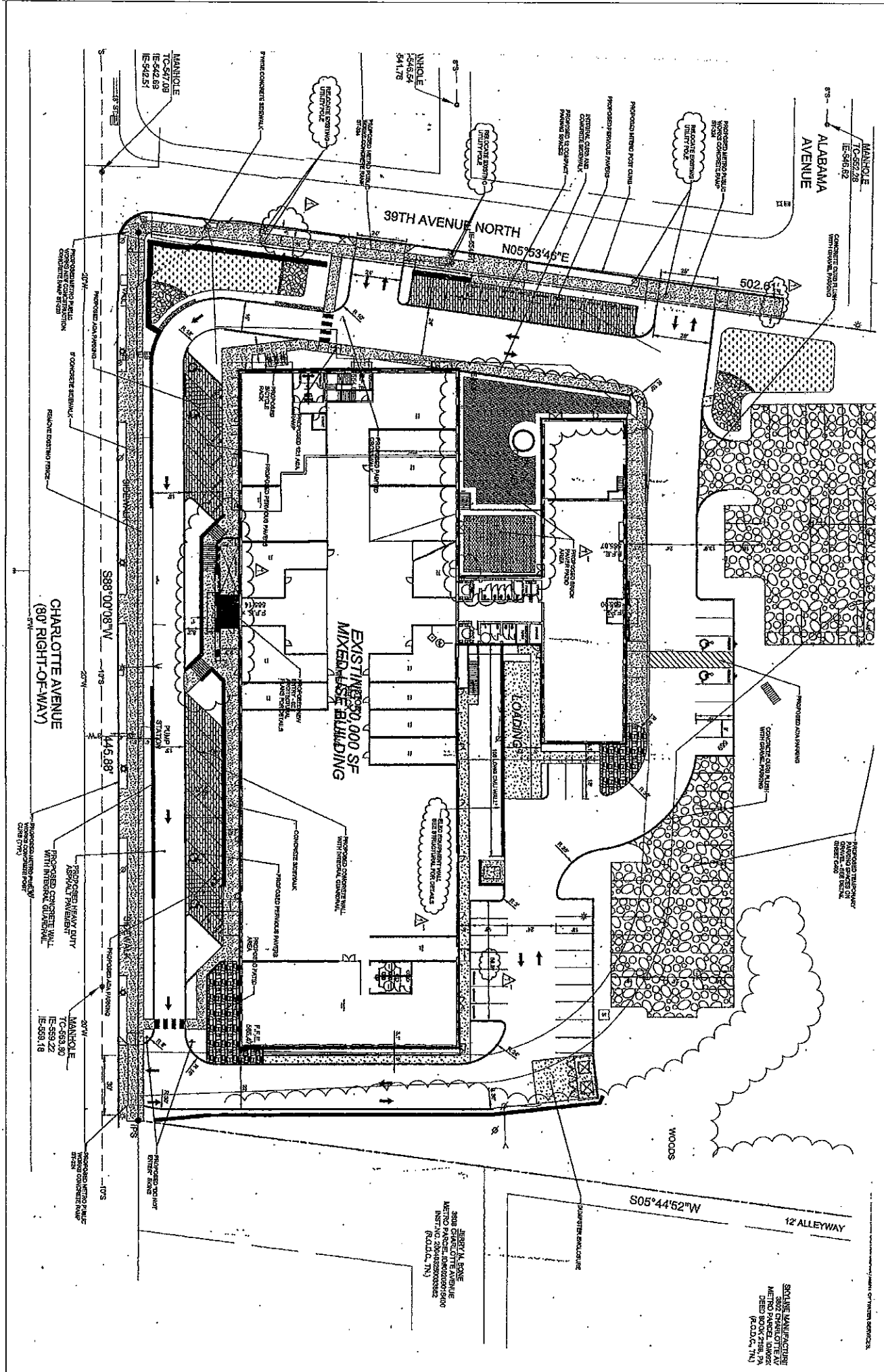
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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 A NEW  
SIDE WALK IN PLACE  
PLEASE SEE PICTURES.

THANK YOU  
Curt J. [Signature]



MANHOLE  
T.C. 547.09  
E. 542.89  
E. 542.51

CHARLOTTE AVENUE  
(90' RIGHT-OF-WAY)

MANHOLE  
T.C. 533.30  
E. 533.22  
E. 533.18

MANHOLE  
T.C. 533.30  
E. 533.22  
E. 533.18

EXISTING 30,000 SF  
MIXED-USE BUILDING

MANHOLE  
T.C. 552.28  
E. 546.62

12' ALLEYWAY

39TH AVENUE NORTH  
N05°53'46"E

S05°44'52"W

SCALE: MANUFACTURING  
METRO PARCEL, LOTS 1-10  
DEED BOOK 2758, PG.  
(P.O.D.C., TN)

3009 BERRY A. ERWE  
METRO PARCEL, LOTS 1-10  
DEED BOOK 2758, PG.  
(P.O.D.C., TN)

WOODS

39TH AVENUE NORTH

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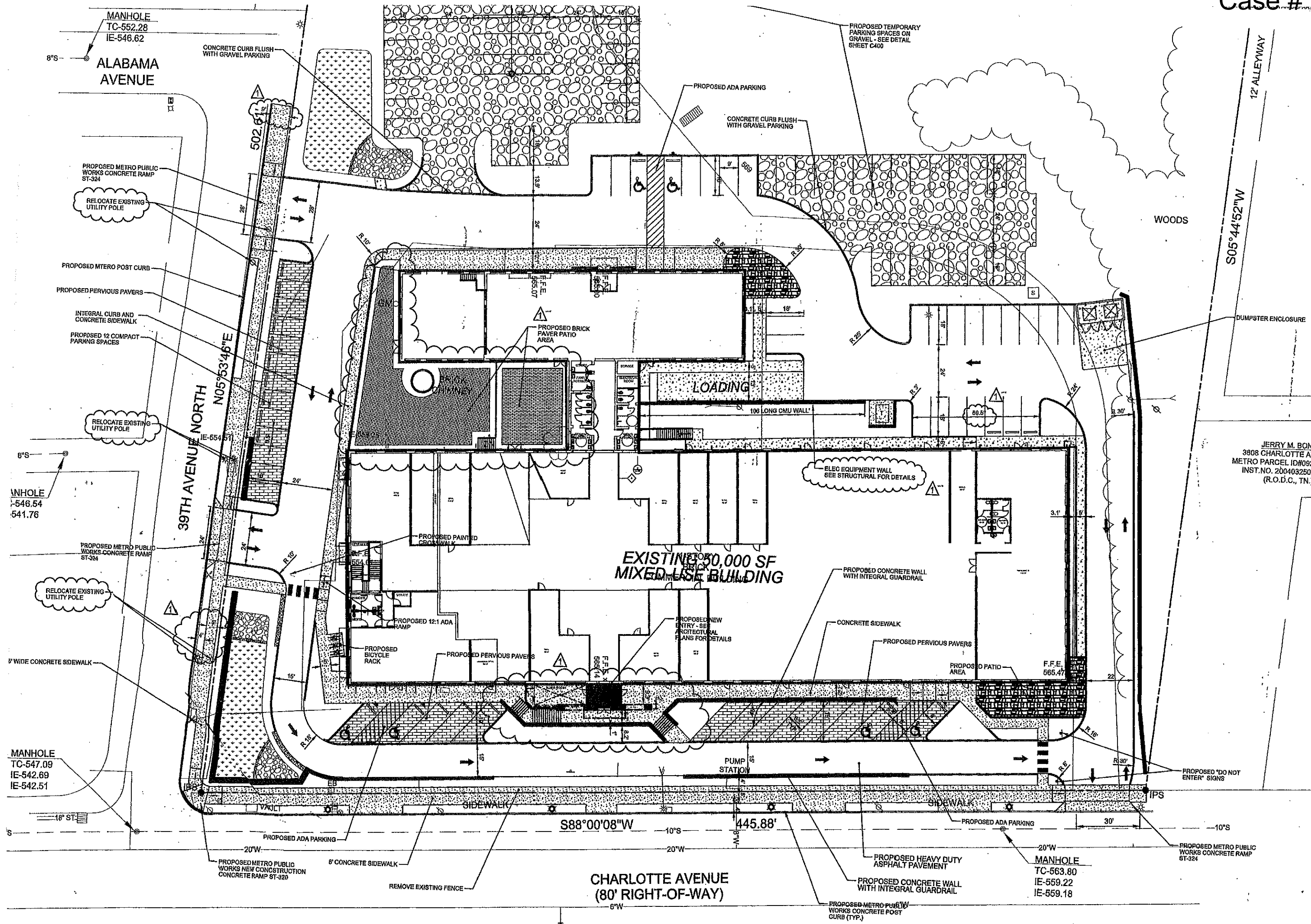
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39TH AVENUE NORTH

39TH AVENUE NORTH

SKYLINE MANUFACTURI  
3802 CHARLOTTE AV  
METRO PARCEL ID#0921  
DEED BOOK 2198, PA  
(R.O.D.C., TN.)

JERRY M. BONE  
3808 CHARLOTTE AVENUE  
METRO PARCEL ID#0920910400  
INST. NO. 200403250033862  
(R.O.D.C., TN.)



**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

September 26, 2019

**Via Email: [bza@nashville.gov](mailto:bza@nashville.gov)**

Mr. David Taylor, Chairman  
 Metro Board of Zoning Appeals  
 Dept. Codes and Building Safety  
 P. O. Box 196300  
 Nashville, TN 37219-6300

**RE: BZA Case No. 2019-430 (3826 Charlotte Ave.)  
 Map Parcel: #09209016300**

Dear Chairman Taylor and Board Members:

On behalf of the property owner L&L Market Place, LLC (“L&L Market”), please consider the following facts and applicable law as legal grounds to find 1) that a variance from the new sidewalk specification is justified, or 2) that no variance is necessary because the new sidewalk specification is pre-empted by “an approved development plan or building permit.” T.C.A. §13-4-310(g)(3).

**FACTS:** On May 11, 2017 Metro¹ issued Building Permit No. 2016050321 for construction at L&L Market aka the Factory (Collective Exh. 1). The permit was based on construction drawings for the Factory consisting of Overall Site Layout Plan, Site Layout Plan, Site Utilities Plan, Site Grading and Drainage Plan, and Civil Details (“**the Development Plans**”, Collective Exh. 2). The Metro Public Works engineers approved each of these drawings. The Site Layout Plan details a new 8’ concrete sidewalk with 4’ grass strip next to a new concrete street curb and driveway ramps. The Site Utilities Plan details the location of new street lighting, water valve and meter boxes, and other utilities. The Development Plans depict stormwater infrastructure and retaining walls along the street frontage. All of these features were designed, approved and installed pursuant to Metro standards and specifications in effect at that time of construction.

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¹ “Metro” means the Department of Codes and Building Safety for the Metropolitan Government of Nashville and Davidson County.

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**ARGUMENT I: A 2-foot variance is justified to allow the new 8' sidewalk to remain instead of the newer 10' sidewalk specification.**

The L&L Market site has extraordinary and unique physical conditions along the frontage of this historic property that create exceptional practical difficulties and an undue hardship upon the property owner to modify the site so as to strictly comply with a new sidewalk standard – an additional two feet (2') in width. According to Mr. John Gore, PE, the proximity of the pre-existing building to Charlotte Avenue, new improvements installed between the building and the street, the topographic condition along the frontage (signified by a retaining wall) effectively preclude the removal and installation of a wider sidewalk. (Collective Exh. 3, letter and photos).

The variance review standards are met. Mr. Gore's photos demonstrate the physical constraints to widening the sidewalk. This hardship is not self-imposed and these unique characteristics are not prevalent to other properties. Moreover, a new sidewalk was funded and installed pursuant to "spec", so there is no financial gain to the owner if the relief is granted. Finally, there is no injury to neighboring property and no harm to the general public. MCL §17.40.360.

**ARGUMENT II: The Development Plans and/or the Building Permit established a vested property right to complete the project in accordance with the development standards in effect on the date of approval.**

The Vested Property Rights Act of 2014 ("the Act") established certain time frames and conditions for when and how vesting may occur. The Act must be strictly construed.² It provides:

A vested property right shall be established with respect to any property upon the approval, by the local government in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. *During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the*

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² See *Neighbors of Old Hickory v. Metropolitan Gov't of Nashville & Davidson County*, No. M2016-01815-COA-R3-CV, 2017 WL 4842628, at *4 (Tenn. Ct. App. Oct. 25, 2017); See also *Mis-Shapes, Inc. v. Metropolitan Gov't of Nashville & Davidson County*, Chancery Court Case No. 17-0167-IV, Memorandum and Final Order, August 24, 2018 (proper owner attained a vested property right by virtue of receiving a building permit and is vested in the building plans filed with the permit application).

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*development standards applicable to that property or building during the vesting period.*

Tenn. Code Ann. § 13-4-310(b), emphasis added.

Pursuant to the Act, a local government may delineate what types of plans constitute the plans described in subsection (b). Metro adopted Resolution No. RS2014-1330 in December 2014 to define “final development plan.” That Resolution provides in pertinent part:

Section 4. The following types of applications shall be considered a Final Development Plan under the Act:

- (A) Subdivision Development Plan or Final Site Plan
- (B) Final Plat
- (C) *Final Site Plan required by Section 17.40.170*

Section 5. A Final Development Plan application shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and *the location of all existing and proposed infrastructure on the site, including water, sewer, stormwater, roads, and pedestrian walkways.*

Section 6. A Final Development Plan shall be approved by the adoption of minutes of the Planning Commission or *administrative approval by the Planning Department or Zoning Administrator.*

Metro Resolution RS2014-1330, emphasis added

In cases where vested rights are derived from a building permit, the Act confers upon the applicant the right to use the property under the terms and conditions of the Permit:

A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

Tenn. Code Ann. § 13-4-310(j).

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L&L Market received a building permit issued after Metro officials approved its site Development Plans that depict and reference a public sidewalk (“pedestrian walkway”) of 8’ wide. L&L Market reasonably relied upon the permit and materially changed its position by doing substantial construction based on it. Consequently, L&L Market has a vested right flowing from the issuance of the May 11, 2017 permit.

**CONCLUSION:** The property owner contends that it is entitled to a 2’ variance from the new sidewalk width. Alternatively, a variance is unnecessary because it has attained a vested property right in the 8’-wide sidewalk as approved, permitted and constructed.

Sincerely,



Shawn R. Henry

[shenry@teqlawfirm.com](mailto:shenry@teqlawfirm.com)

SRH/acr

Enclosures

cc: Council Lady Kathleen Murphy  
District 24

**Metropolitan Government of Nashville and Davidson County  
Department of Codes and Building Safety**

Site Address: 3820 CHARLOTTE AVE NASHVILLE, TN 37209

Permit #: 2016050321

# BUILDING PERMIT

Inclusive of Permits for New Construction, Additions, Renovations or Repairs

**Issue Date: May 11, 2017**

**Parcel: 09209016300**

**Contractor: DOWDLE CONSTRUCTION GROUP, LLC**

## NOTICE

No work may be done on any part of a building or structure beyond the point indicated by each of the required inspections. This permit card must be posted securely, be visible from the street, and protected from the weather. Removal, alteration, or mutilation of this sign until completion of such work is in violation of the law.

All inspections required by this permit must be completed prior to issuance of Use & Occupancy Certificate.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months after the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after its issuance provided that for cause: if work authorized by it is sufficiently under way and is being diligently pursued, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the Director.

**Keep Job Sites Clean and Safe.**

**COLLECTIVE  
EXH. 1**





## Permit Status Report



**Permit Tracking Number:** 3278338

**Permit:** CACR - 2016050321 Building Commercial - Rehab

**Parcel:** 09209016300

**Address:** 3820 CHARLOTTE AVE NASHVILLE TN 37209

**Owner:** L & L MARKET PLACE, LLC

**Professional:** DOWDLE CONSTRUCTION GROUP, LLC

**Permit Name:**

**Scope:** Retail, Department / Retail Stores to conduct white box shell work for existing non-res building. future tenants must obtain separate rehab/use permits.

Description	Initial Date	Result Date	Result	Completed By
<b>CACR - 2016050321 Building Commercial - ReI</b>	<b>DOWDLE CONSTRUCTION GROUP, LLC</b>			<b>Parent: NONE</b>
[B] Building Plans Review	10/26/2016	01/23/2017	APPROVED	Atwood, Jon
[D] Grading Plan Review For Bldg App	09/27/2016	02/22/2017	COND	Bowman, Logan
[B] Building Plans Received	09/21/2016	09/21/2016	PAPERPLANS	Sykes, Ronya
[B] Plans Picked Up By Customer	09/25/2016	05/11/2017	YES	Sykes, Ronya
[A] Bond & License Review On Bldg App	09/21/2016	09/20/2016	APPROVED	Morgan, Walter
[A] Zoning Review	09/21/2016	09/20/2016	APPROVED	Morgan, Walter
[B] Fire Life Safety Review On Bldg App	09/25/2016	10/19/2016	APPROVED	Reynolds, Patricia
[B] Fire Sprinkler Requirement	09/25/2016	10/19/2016	YES	Reynolds, Patricia
[F] Address Review On Bldg App	09/27/2016	01/03/2017	APPROVED	Crumb, Bonnie
[F] Ramps & Curb Cuts Review For Bldg A	09/27/2016	05/11/2017	COND	Howard, Meri
[F] Solid Waste Review On Bldg App	09/27/2016	05/11/2017	APPROVED	Howard, Meri
[C] Flood Plain Review On Blgd App	09/27/2016	09/20/2016	REJECTED	Hayes, Kimberly
[C] Flood Plain Review On Blgd App	09/27/2016	05/11/2017	IGNORE	Bowman, Logan
[D] Grading Plan Review For Bldg App	09/27/2016	09/20/2016	REJECTED	Bowman, Logan
[E] Cross Connect Review For Bldg App	09/25/2016	09/29/2016	COND	Bryant, Gloria
COA - Electrical Alarm Permit - CAAL	09/20/2016	01/05/2018	OPEN	Atwood, Jon
COA - Electrical Trade Permit - CAEL	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Electrical Sign Permit - CASN	09/20/2016		OPEN	
COA - Mech. Up to 750 BTUS - CAGA	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Mech. Up to 1500 BTUS - CAGH	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Gas Piping Permit - CAGJ	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Gas-Mechanical Permit - CAGM	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - G/M Replacement - CAGR	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Electrical HVAC - CAHV	09/20/2016	01/23/2017	OPEN	Atwood, Jon
COA - Elect Low Voltage - CALV	09/20/2016		OPEN	
COA - Plumbing Permit - CAPL	09/20/2016	01/23/2017	OPEN	Atwood, Jon
Building Payment Approval	05/11/2017	05/11/2017	OK TO PAY	
Permit Issued	05/11/2017	05/11/2017	ISSUED	Moore, Teresa
U&O Life Safety Final Approval	07/03/2019	07/15/2019	APPROVED	Joecken, Dorothy
U&O Life Safety Final Approval	05/15/2017	07/01/2019	TEMP	Joecken, Dorothy
CA - U&O Fire Sprinkler Final Approval	07/04/2018	09/06/2019	APPROVED	Hollis, Ken
[E] Sewer Availability Review For Bldg	05/18/2017	06/14/2018	COND	Bryant, Gloria
Commercial Building Final	07/02/2019	07/05/2019	APPROVED	Rowland, Tim



## Permit Status Report



Description	Initial Date	Result Date	Result	Completed By
Commercial Building Footing	11/28/2017	11/28/2017	APPROVED	Fortner, Charles
[E] Water Availability Review For Bldg	05/18/2017	06/14/2018	COND	Bryant, Gloria
Commercial Building Framing	05/15/2018	05/15/2018	APPROVED	Fortner, Charles
U&O Letter	05/12/2017	09/06/2019	DENIED	Dalton, Tawanna
Building Zoning Final		07/05/2019	APPROVED	Fortner, Charles
[B] Fire Sprinkler Review On Bldg App	05/18/2017	07/02/2018	APPROVED	McCallister, Michelang

**Southeast Venture DESIGN SERVICES**  
 4511 ALBERTY DRIVE  
 BIRMINGHAM, AL 35242  
 TEL: 205.833.1111 FAX: 205.833.1188  
 WWW.SOUTHEASTVENTUREDESIGN.COM

**3814 CHARLOTTE AVENUE, NASHVILLE, TN 37209**

**FACTORY**

**Barge Cauten**  
 ARCHITECTS  
 1111 BELL ST. #100  
 NASHVILLE, TN 37203  
 TEL: 615.259.1111 FAX: 615.259.1188  
 WWW.BARGECAUTEN.COM

**NO EXCEPTIONS**  
 THIS PLAN IS THE PROPERTY OF BARGE CAUTEN ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRINTED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF BARGE CAUTEN ARCHITECTS.

DATE	BY
DESIGNED	DATE
CHECKED	DATE
APPROVED	DATE
REVISION	DATE

**APPROVED SHEETS**  
 PUBLIC WORKS

**OVERALL SITE LAYOUT PLAN**  
**C100**

DATE: 10/24/19  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]

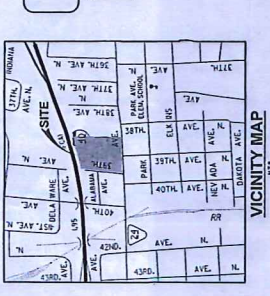
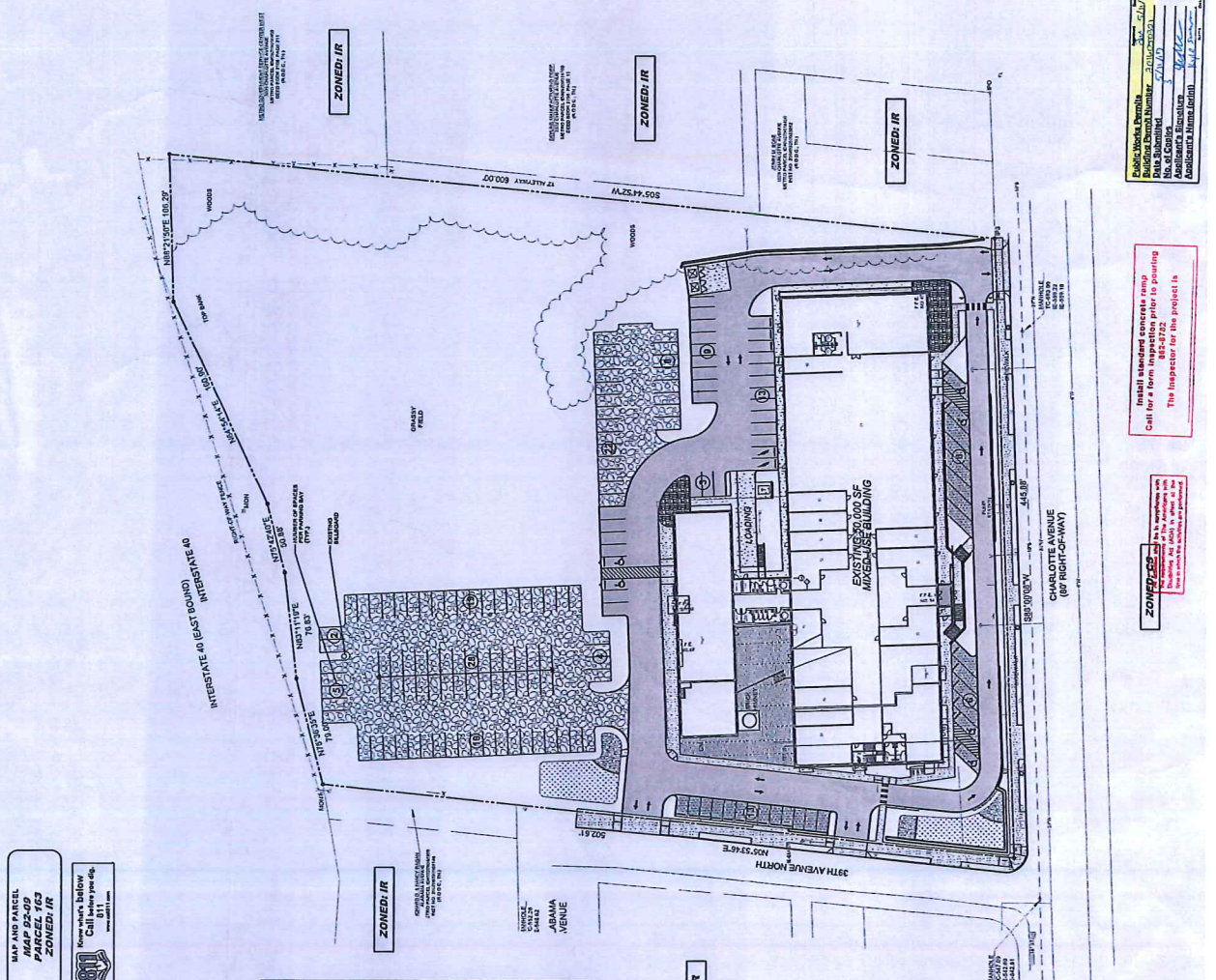
SCALE: 1" = 30'

GRAPHIC SCALE

MAP AND PARCEL MAP OF PARCELS 103 ZONED: IR

Where shown below  
 Call 811  
 www.call811.com

- GENERAL NOTES:**
1. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION AND SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.
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**ZONING REVIEW CHECKLIST**

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PROJECT NUMBER: [ ]

PROJECT ADDRESS: [ ]

PROJECT CONTACT: [ ]

PROJECT PHONE: [ ]

PROJECT FAX: [ ]

PROJECT EMAIL: [ ]

PROJECT WEBSITE: [ ]

PROJECT MAP NUMBER: [ ]

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PROJECT MAP AUTHOR: [ ]

**PARKING TABLE**

USE	REQUIREMENTS	PROVIDED
RESTAURANT	1 SPACE PER 50 SQ. FT. OF SEATING	25 SPACES
OFFICE	1 SPACE PER 100 SQ. FT. OF FLOOR AREA	30 SPACES
RETAIL	1 SPACE PER 150 SQ. FT. OF FLOOR AREA	10 SPACES
BAY TOTAL REQUIRED SPACES		100 SPACES
SPRINT TOTAL REQUIRED SPACES		100 SPACES
FINAL TOTAL OF REQUIRED SPACES		100 SPACES
SPACES PROVIDED		100 SPACES

**REAR YARD**  
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**WOODS**  
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**Southeast Venture  
DESIGN SERVICES**

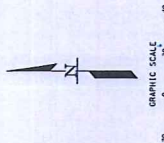
1601 ALABAMA AVENUE, SUITE 300  
NASHVILLE, TN 37203  
PHONE: 615-755-1100  
WWW.SOUTHEASTVENTURE.COM

3814 CHARLOTTE AVENUE, NASHVILLE, TN  
37209

**FACTORY**



REVISION	DATE
REVISED	DATE
REVISED	DATE
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REVISED	DATE

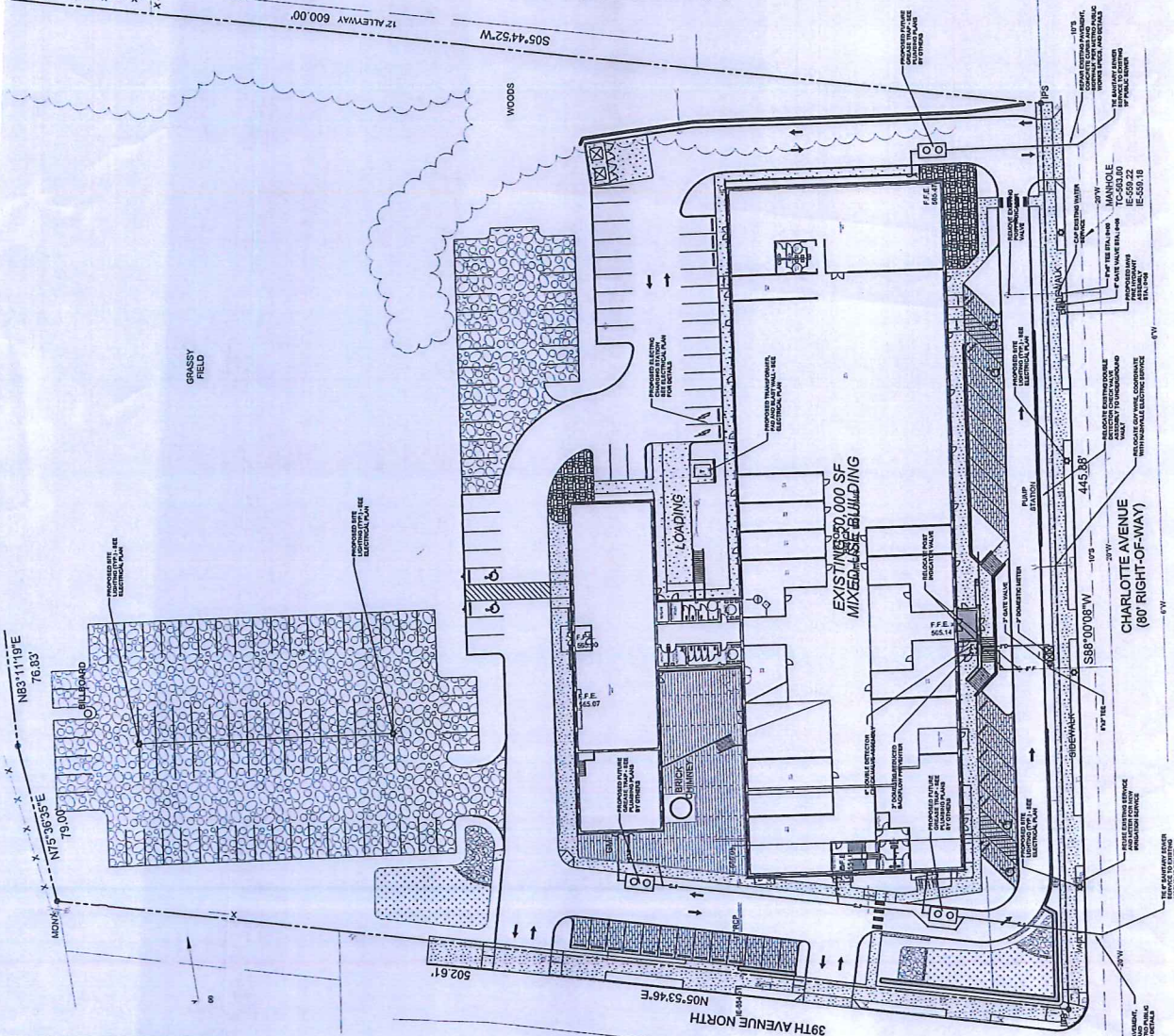


**UTILITIES PLAN**

**C102**

**APPROVED SHEET**

- UTILITIES NOTES:**
1. ALL UTILITIES SHALL BE LOCATED ON WATER MAINS, THE EXISTING... (text partially obscured)
  2. ALL UTILITIES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE... (text partially obscured)
  3. CONTRACTOR IS RESPONSIBLE FOR ALL HORIZONTAL AND VERTICAL... (text partially obscured)
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VICINITY MAP

MANHOLE  
TC-47-09  
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MANHOLE  
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MANHOLE  
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METRO STORMWATER SWAGER201006417



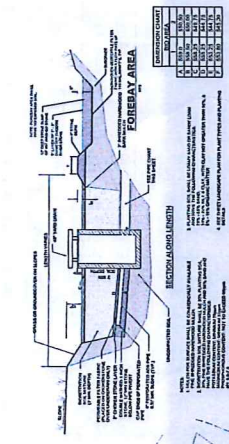
Southeast Venture  
DESIGN SERVICES  
3814 CHARLOTTE AVENUE, NASHVILLE, TN 37209

FACTORY  
3814 CHARLOTTE AVENUE, NASHVILLE, TN 37209



Table with 4 columns: REVISION, DATE, DESCRIPTION, and INITIALS. Includes handwritten notes: 'Approved Storm' and 'Public Notes'.

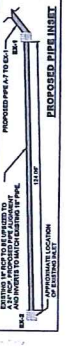
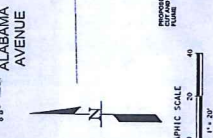
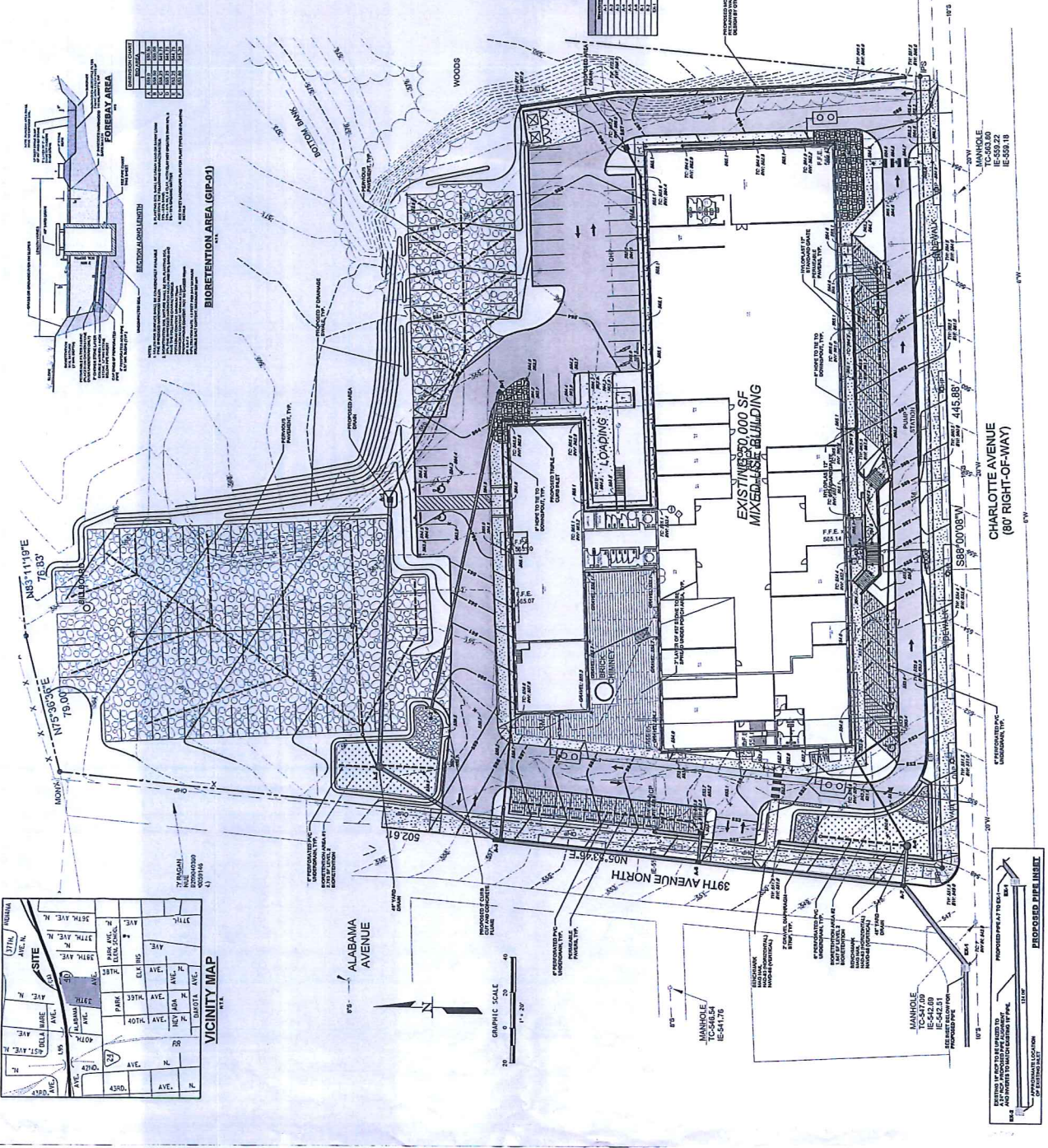
C200  
SITE AND PARCEL  
MAP 22-09  
SCALE 1/8"=1'-0"  
DATE 11/14/17



- GENERAL GRADING AND DRAINAGE NOTES:
1. ALL GRADES TO BE SHOWN AS UNLESS OTHERWISE NOTED.
2. FINISH GRADES SHALL BE SHOWN WITH DASHED LINES.
3. PROPOSED GRADES SHALL BE SHOWN WITH SOLID LINES.
4. EXISTING GRADES SHALL BE SHOWN WITH DOTTED LINES.
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19. GRADES SHALL BE SHOWN TO THE CENTERLINE OF THE ROAD OR TO THE FACE OF THE CURB, UNLESS OTHERWISE NOTED.

Table with 4 columns: AREA, PERCENT, VOLUME, and ELEVATION. Contains numerical data for site analysis.

ADULT NOTE:
THE CLIENT HAS BEEN ADVISED THAT THE PROPOSED GRADING AND DRAINAGE PLAN IS SUBJECT TO APPROVAL BY THE METRO STORMWATER DEPARTMENT. THE CLIENT IS RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE METRO STORMWATER DEPARTMENT AND ANY OTHER AFFECTED AGENCIES.



METRO STORMWATER SWORM2016000417

**Southeast Venture**  
 CIVIL ENGINEERS & ARCHITECTS  
 2011 HANCOCK CREEK DRIVE  
 NASHVILLE, TENNESSEE 37209  
 615.251.7777

3814 CHARLOTTE AVENUE, NASHVILLE, TN 37209

FACTORY

**Barge Cauteren**  
 ASSOCIATES  
 CIVIL ENGINEERS & ARCHITECTS  
 11115 LINDSEY DRIVE  
 NASHVILLE, TN 37217



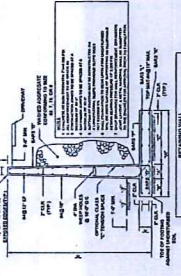
DATE	
DESIGNED	
CHECKED	
APPROVED	
DATE	

CIVIL DETAILS

C400

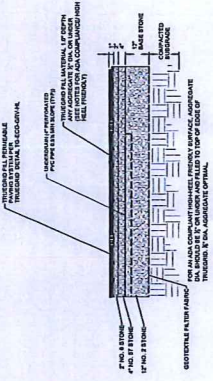
DATE	
PROJECT	
NO.	
REVISED	

*Public Works Approved Sketch*

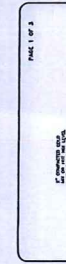


CONCRETE	REINFORCEMENT	FINISH
3" MIN. THICKNESS	NO. 4 @ 12" O.C.	SMOOTH
4" MIN. THICKNESS	NO. 5 @ 12" O.C.	SMOOTH
5" MIN. THICKNESS	NO. 6 @ 12" O.C.	SMOOTH
6" MIN. THICKNESS	NO. 7 @ 12" O.C.	SMOOTH
8" MIN. THICKNESS	NO. 8 @ 12" O.C.	SMOOTH
10" MIN. THICKNESS	NO. 10 @ 12" O.C.	SMOOTH
12" MIN. THICKNESS	NO. 12 @ 12" O.C.	SMOOTH

**PERVIOUS PARKING**



**ASPHALT PAVEMENT**



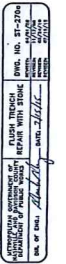
**CONCRETE SIDEWALK**



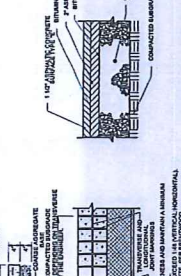
**PERMANENT PAVERS**



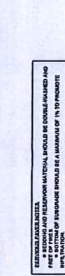
**DETECTABLE WARNING SURFACE**



**IN-LINE CONCRETE HANDICAP FRAME**



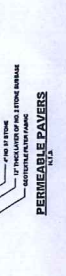
**INTEGRAL CONCRETE CURB & WALK**



**5" CONCRETE WHEEL STOP**



**CONCRETE PAVEMENT**



**INSPECTION CLEANOUT DETAIL**



**ACCESSIBLE HANDICAP PARKING SPACE**



**STABILIZATION**



**ACCESSIBLE HANDICAP PARKING SIGN**



September 26, 2019

Mr. Shawn Henry  
Tune Entrekin & White, PC  
315 Deaderick St, Suite 1700  
Nashville, Tennessee 37238-1700

Re: L & L Market – 3820 Charlotte Ave  
BC&A No. 2046-79

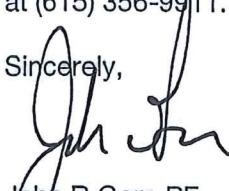
Dear Shawn:

This letter concerns the hardship involved with widening the newly constructed sidewalks along the L & L Market project at 3820 Charlotte Avenue. There are several hardships involved specific to this site:

1. Existing historic building – The existing L&L building which has been extensively renovated, sits 46' from the back of the current 8' sidewalk. This creates a very tight dimension including code required landscape strip, one-way drive aisle, angled parking, and sidewalk against the building. All of these improvements have been newly constructed in accordance with the current approved site plan, and leave no room for expansion.
2. Topography – the site is extremely challenging from a topographic standpoint. The frontage along Charlotte slopes 17' from east to west, and the existing historic building site 9' above Charlotte Pike requiring extensive slopes, ramps, and steps to reach the front door from Charlotte Pike.
3. Existing trees and utilities – there are existing code required trees, light poles, and water meters just north of the existing sidewalk that prohibit a widening. (see attached photos)
4. Existing retaining wall – at the south west corner of the site, there is an existing retaining wall immediate at the rear of the 8' sidewalk that prohibits a widening. (see attached photos)

If you have any questions or comments concerning these hardships, please call me at (615) 356-9911.

Sincerely,

  
John R Gore PE  
Enclosure(s)

P:\2046 SEV\2046-79 Factory on Charlotte\Corr\BZA Hardship 9 26 19.doc

 **Barge  
Cauthen**  
**& ASSOCIATES**  
CIVIL ENGINEERS

6606 CHARLOTTE PIKE, STE 210  
NASHVILLE, TENNESSEE 37209  
615.356.9911 PHONE  
615.352.6737 F A X  
WWW.BARGECAUTHEN.COM



COLLECTIVE  
EXH. 3





G  
LACROSSE

HERE

Wags & Whiskers  
FOOD TOTS  
DOG WASH

WISKEY  
WISKEY

Full Service  
Pet Services







## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-430 (3826 Charlotte Pike)

Metro Standard:	Charlotte Pike – 4’ grass strip and 10’ sidewalk, as defined by the Major and Collector Street Plan
	39 th Avenue North – 4’ grass strip and 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks
Zoning:	IR
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	Charlotte Pike – T4-M-AB5-IM
	39 th Avenue North – Local Street
Transit:	#50 – Charlotte Pike, planned for light rail per nMotion
Bikeway:	Bike lanes existing on corridor, missing along property frontage

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

**Analysis:** The applicant is conducting an internal renovation to an existing building for commercial and restaurant uses, and requests to not upgrade sidewalks or contribute in lieu of construction on both property frontages.

Planning evaluated the following factors for the variance request:

- (1) The applicant recently constructed sidewalks as part of the renovation project under the Major and Collector Street Plan standard that identified a 4’ grass strip and 8’ sidewalk along Charlotte Pike. Since the applicant started permits in 2017 under that standard, the Major and Collector Street Plan was updated by the Planning Commission to reflect future light rail per the nMotion Plan in late 2017. The new sidewalk standard identifies a 4’ grass strip and 10’ sidewalks. The applicant should be required to construct sidewalks under the Major and Collector Street Plan standards at the time of pulling the initial permits. The applicant has satisfied that previous sidewalk standard.
- (2) The property’s 39th Avenue North frontage currently has a 5’ sidewalk 4’ grass strip. No variance is needed for this frontage.

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

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Brian Richardson  
Property Owner: Red River Dev.  
Representative: Brian Richardson

Date: 8-15-19  
Case #: 2019-433  
Map & Parcel: 91-11-C-1-20  
91-11-C-2-20

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: Requesting variance from sidewalk requirement to pay fee for partial frontage.

Activity Type: New Construction - HPR

Location: 5213 A + B Illinois Ave.

This property is in the 26 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: Nes pole, unbuildable portion on lot

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection 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.

Brian Richardson  
Appellant Name (Please Print)

Ashley Becker  
Representative Name (Please Print)

814 Kirkwood Ave  
Address

814 Kirkwood Ave  
Address

Nashville TN 37204  
City, State, Zip Code

Nashville TN 37204  
City, State, Zip Code

615-339-8152  
Phone Number

615-670-5476  
Phone Number

brianrich15@gmail.com  
Email

abecker.0388@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



3702474

**ZONING BOARD APPEAL / CAAZ - 20190049222**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 091111C90000CO

APPLICATION DATE: 08/15/2019

**SITE ADDRESS:**

5213 C ILLINOIS AVE NASHVILLE, TN 37209

COMMON AREA HOMES AT 5213 ILLINOIS AVENUE

PARCEL OWNER: O.I.C. HOMES AT 5213 ILLINOIS AVENUE

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

requesting variance from sidewalk requirements. requesting the ability to pay for partial lot frontage.

*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 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.)

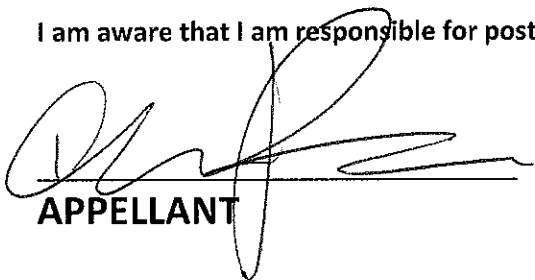
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

  
_____  
APPELLANT

8/15/19  
DATE



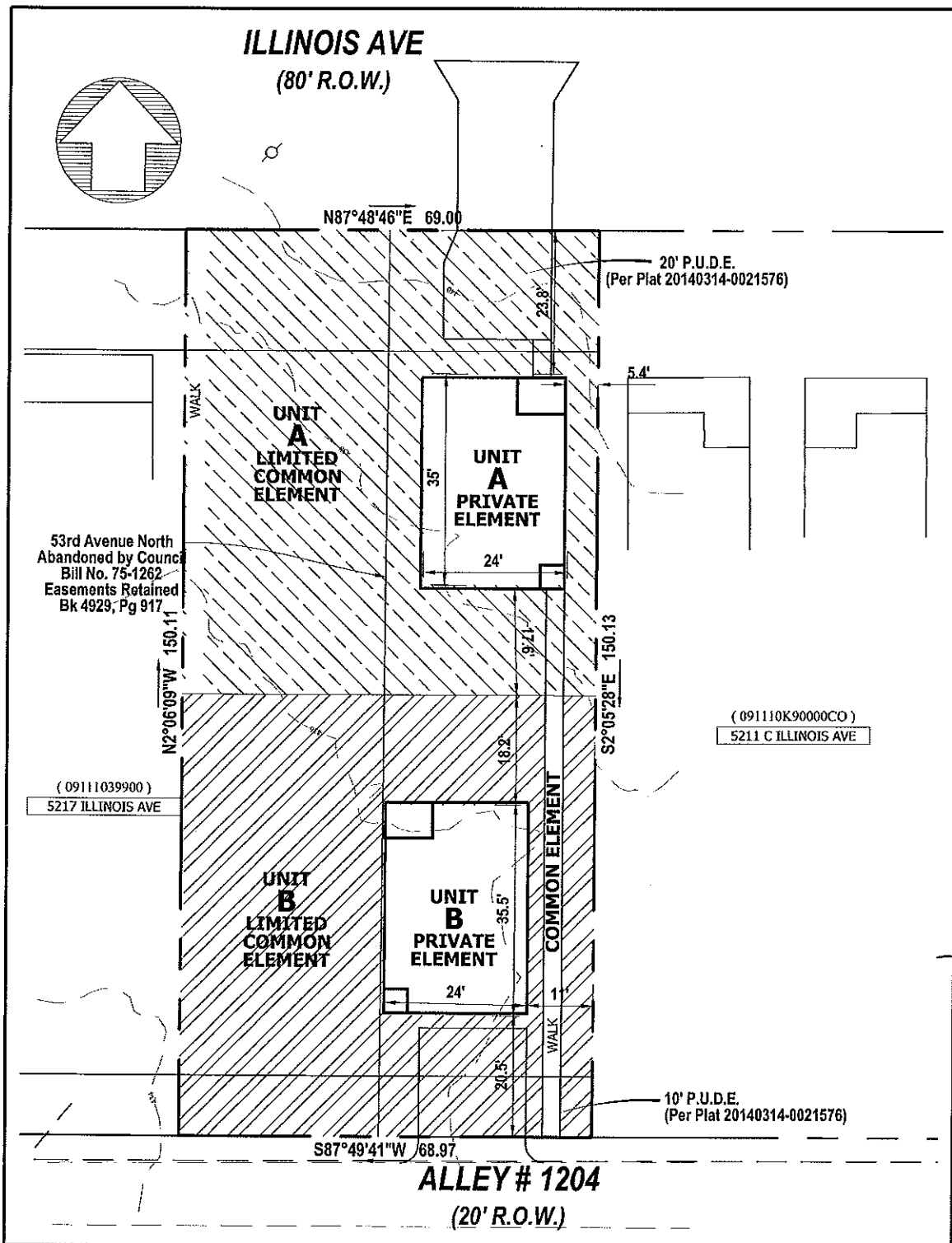
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

The property is 69 ft wide however only 34 ft of it can be used due to power lines running through the property. There is also a storm drain, fire hydrant, power line w/ guy anchor wires and an old 53rd Ave N easement on the property.



53rd Avenue North  
Abandoned by Council  
Bill No. 75-1262  
Easements Retained  
Bk 4929, Pg 917

(09111039900)  
5217 ILLINOIS AVE

(091110K90000CO)  
5211 C ILLINOIS AVE

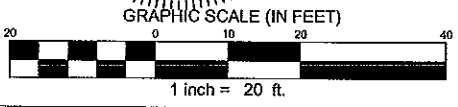
10' P.U.D.E.  
(Per Plat 20140314-0021576)

**ALLEY # 1204**  
(20' R.O.W.)

THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE WORK WAS FURNISHED TO THE SURVEYOR PRIOR TO THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.



**EXHIBIT 'B' - Units A & B**  
**5213 Illinois Avenue**  
NASHVILLE, TENNESSEE  
Metro Parcel ID: (09111040000)



**CLINT ELLIOTT SURVEY**

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

Drafted By: NH

*Stem  
Drain  
Fire  
Hydrant  
Power line  
with Guy  
Anchor Wires  
- An old  
SS Ave N  
Easement*

## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-433 (5213C Illinois Avenue)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not construct sidewalks, contribute in lieu for a portion of the property frontage (eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	625' from #19 – Herman
Bikeway:	None existing, none planned

### Planning Staff Recommendation: *Disapprove.*

**Analysis:** The applicant proposes to construct an HPR and requests to contribute in lieu of construction along a portion of the Illinois Avenue frontage due to the presence of an existing utility pole. Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

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



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

Appellant: Bell Group ,LLC Date: 8/19/2019  
 Property Owner: Bell Group, LLC Case #: 2019-435  
 Representative: Paula Hepp Map & Parcel: 060303700

Council District: 2

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

Purpose: Construct 15,000 warehouse  
 Activity Type: warehouse  
 Location: 430 Haynie Ave

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

Reason: Sidewalk variance

Section: 17.20.120

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

Appellant Name: Bell Group, LLC Representative: Paula Hepp  
 Phone Number: (615) 545-1014 Phone Number: (615)445-9421  
 Address: 5133 Harding Pike Ste B3 Address: 209 10th Ave.South  
Nashville, TN 37205 Nashville, TN 37203  
 Email address: derekbell@brentwoodblindcompany  
.com Email address: paula.hepp@ohm-advisors.com

Appeal Fee: _____



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



3703098

**ZONING BOARD APPEAL / CAAZ - 20190049627  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 06013003700

APPLICATION DATE: 08/19/2019

**SITE ADDRESS:**

430 HAYNIE AVE NASHVILLE, TN 37207  
LOTS 27 TH 33 HAYNIES DUDLEY BELL SUB

PARCEL OWNER: BELL GROUP, LLC

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

requesting to not build or pay in-lieu fee

to construct 15,000SF warehouse with 6 bay areas, each with a pull in loading area.

***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 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**



3632245

**BUILDING COMMERCIAL - NEW / CACN - 2019015808  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 06013003700

APPLICATION DATE: 03/19/2019

**SITE ADDRESS:**

430 HAYNIE AVE NASHVILLE, TN 37207  
LOTS 27 TH 33 HAYNIES DUDLEY BELL SUB

PARCEL OWNER: BELL GROUP, LLC

**CONTRACTOR:**

APPLICANT: GOODRUM CONSTRUCTION LLC

GOODRUM CONSTRUCTION LLC

56487 STBC

NASHVILLE, TN 37205 (615)207-7489

**PURPOSE:**

to construct 15,000SF warehouse with 6 bay areas, each with a pull in loading area.

***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 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.*

Commercial Building Framing -Ceiling	Ronald.Rider@nashville.gov
Commercial Building Final	Ronald.Rider@nashville.gov
Commercial Building Footing	Ronald.Rider@nashville.gov
Commercial Building Framing	Ronald.Rider@nashville.gov
Commercial Building Framing - Wall	Ronald.Rider@nashville.gov
Commercial Building Progress	Ronald.Rider@nashville.gov
Commercial Building Slab	Ronald.Rider@nashville.gov
Commercial Temporary Final	Ronald.Rider@nashville.gov
U&O Zoning Final	Ronald.Rider@nashville.gov
U&O Sewer Availability Final Approval	mws.ds@nashville.gov
U&O Water Availability Final Approval	mws.ds@nashville.gov
U&O Cross Connect Final Approval	mws.ds@nashville.gov
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov
U&O Life Safety Final Approval	615-862-5230 FMORrequest@nashville.gov
SWGR U&O Sign-off	615-862-7225 mws.stormdr@nashville.gov
U&O Cross Connect Final Approval	mws.ds@nashville.gov
U&O Landscaping & Tree Final Approval - CA	862-6488 stephan.kivett@nashville.gov
U&O Landscaping & Tree Final Approval - CA	862-6488 stephan.kivett@nashville.gov
U&O Sewer Availability Final Approval	mws.ds@nashville.gov
WS Existing Service Cut and Capped	615-862-7225 mws.ds@nashville.gov
U&O Water Availability Final Approval	mws.ds@nashville.gov
WS Existing Service Cut and Capped	615-862-7225 mws.ds@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

  
_____  
DATE



ARCHITECTS. ENGINEERS. PLANNERS.

August 19, 2019

Board of Zoning Appeals  
Metropolitan Nashville Government  
800 Second Avenue South  
Nashville, Tennessee

RE: Board of Zoning Appeals Variance Request  
Haynie Avenue Industrial Warehouse  
430 Haynie Avenue  
Nashville, Davidson County, Tennessee

Dear Board of Zoning Appeals Chairman and Members:

OHM Advisors (OHM) respectfully requests variance from fee-in-lieu of sidewalk construction as set forth in the Major and Collector Street Plan 2040 and ordinance BL2016-493 on behalf of Bell Group, LLC., a small business owner seeking to expand his business in Davidson County.

Haynie Avenue Industrial Warehouse property is situated within the IWD zoning district in an evolving industrial area along Brick Church Pike north of Trinity Lane. A discrepancy in the Sidewalk Requirement computer program has prompted the variance that is being requested. When the project began with due diligence and concept planning in August 2018, the Sidewalk requirement computer program indicated that sidewalks were not required for this property and a fee in lieu of construction was not required either. Owner's engineer confirmed the computer information with Development Services Planning counter and Codes/Zoning Department. All were in agreement that no sidewalks or fee was required.

Site plans and construction plans were completed and approved for this project and a grading plan was issued without sidewalks being designed. Bids were submitted for the work and bank financing was obtained for this project which did not include money to be paid to METRO for a fee in lieu of sidewalk construction.

When the contractor attempted to pull the Building permit from METRO at the beginning of August 2019, it was indicated that he needed to pay \$52,930.96 for the Fee in lieu of sidewalk construction. Contractor contacted OHM who doublechecked the sidewalk requirements on 8-5-2019 (See Figure 1) and it still indicated that no sidewalks were required. The contractor went to Development Services on 8-13-2019 (See Figure 2) to gain resolution and the computer program had been changed to read that sidewalks or Fee in Lieu was required. The pre-engineered building is scheduled to be delivered to the construction site in September with completion slated for December 2019.



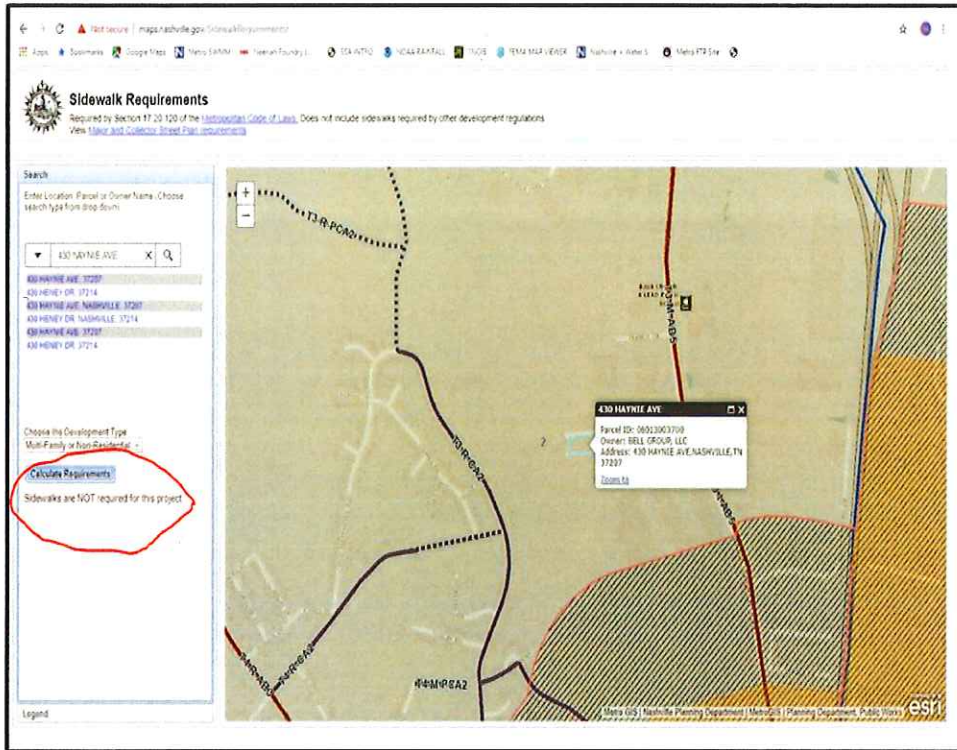


Figure 1: Snapshot of Sidewalk Requirement on August 5, 2019

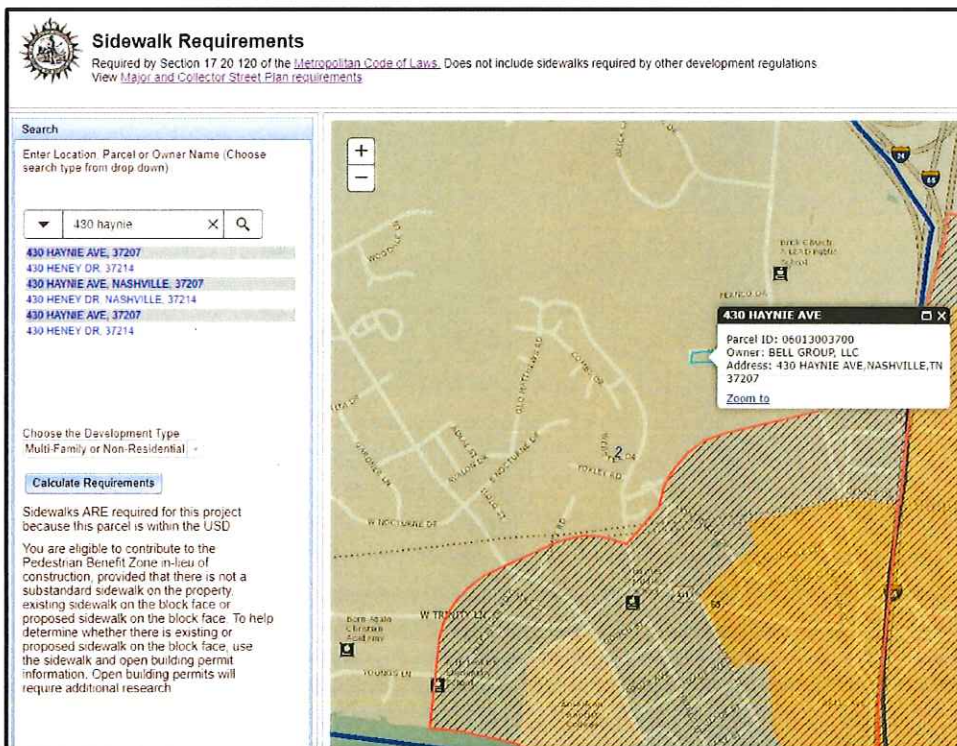


Figure 2: Snapshot of Sidewalk Requirement on August 13, 2019



Bell Group, LLC respectfully requests a variance from the Fee-in-lieu of Fund for the Pedestrian Benefit Zone.

## STANDARDS FOR A VARIANCE

### **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.*

Even if it would have been determined that sidewalks were required for this parcel during the due diligence process in 2018, the owner's engineer would have had difficulty designing sidewalk along the frontage due to three factors:

1. The slope from the edge of pavement to the property is severe at approximately 2:1.
2. A guardrail exists across a portion of the frontage to protect the pavement edge.
3. The existing pavement for Haynie Avenue is skewed to the south side of the ROW limiting area for sidewalk.

A fee in lieu of sidewalk construction would have been contemplated and accounted for in any bid contract amounts and subsequent loan financing. (See Exhibit A: Grading Plan)

### **Unique Characteristics**

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

The property is located at the far end of Haynie Avenue (a dead end street). Haynie Avenue does not have direct access to Brick Church Pike. Access has to come from Woodfolk Avenue and then to Haynie Avenue Crossover; all of which do not have sidewalks. The property borders the Tennessee Processing Center which is a highly secure, fenced, gated and guarded facility on Woodfolk Avenue. (See Exhibit B)

A contribution to the Pedestrian Benefit Zone (2) does not meet the spirit of the ordinance when you consider the vast area of Zone 2 and the limited area of industrial zoned property on the far east side of the zone. This small industrial section of Zone 2 is unlikely to benefit from contributions to this fund when compared to vast areas of residential neighborhoods to the west. (See Figure 3)

### **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.*

This hardship is not self imposed.

### **Financial Gain not only Basis**

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

Financial gain is not the sole basis in granting this variance.

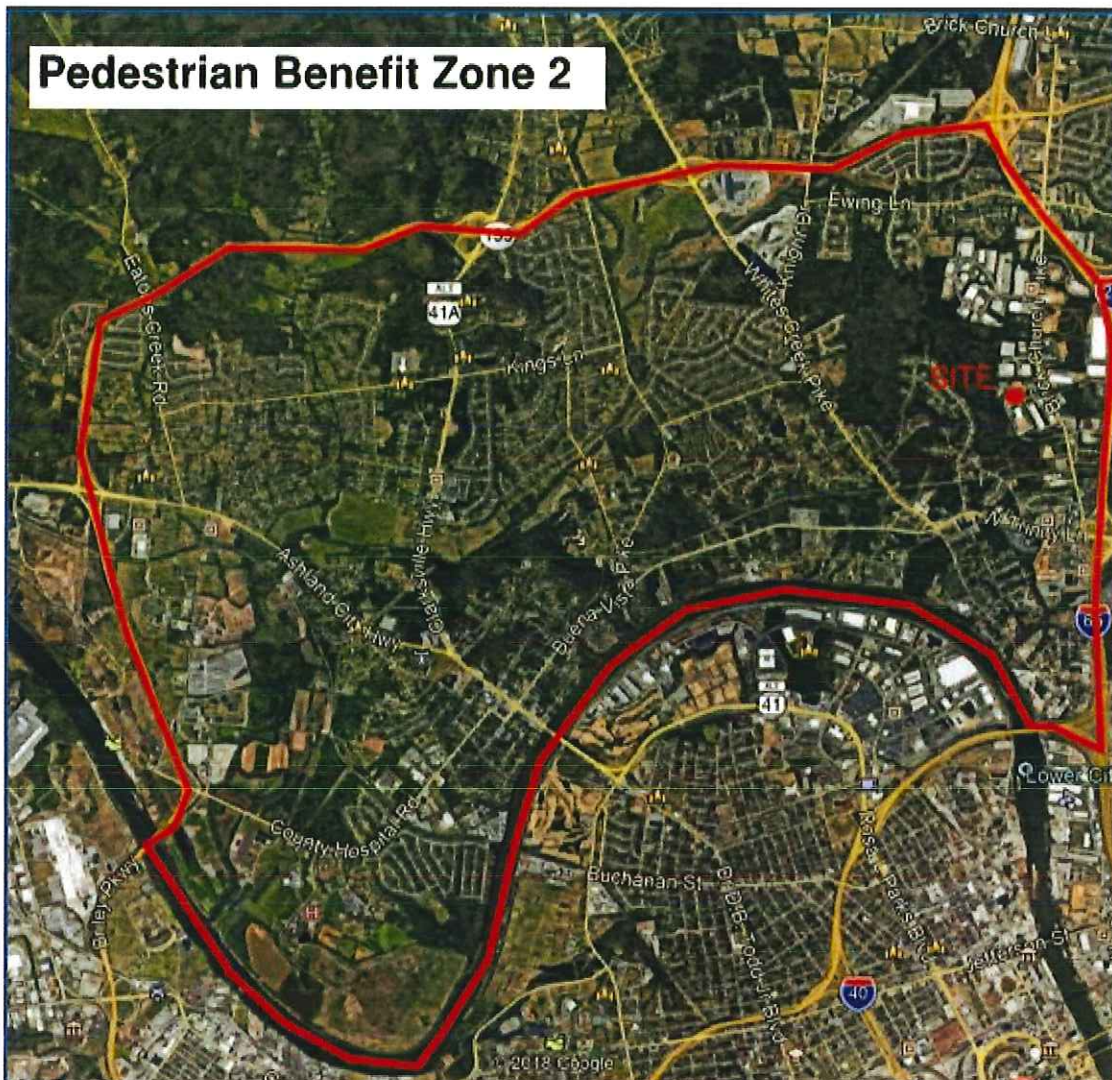


Figure 3: Pedestrian Benefit Zone 2

#### **No Injury to Neighboring Property**

*Granting a variance will not cause injury to adjacent properties.*

Haynie Avenue is a small secondary road with existing industrial properties surrounding it. The mostly vacant properties along Haynie are in a transition to industrial uses and new construction. This variance will not cause injury to adjacent property.

#### **No Harm to Public Welfare**

*Granting the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of the zoning code.*



The property is at the end of a small street within an industrial area without direct access to the main thoroughfare of Brick Church Pike. The public welfare will not be substantially impaired by not contributing to a fund for a pedestrian benefit zone.

OHM Advisors requests to be placed on the October 3, 2019 Board of Zoning Appeals agenda. If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 445-9421 or by email at [paula.hepp@ohm-advisors.com](mailto:paula.hepp@ohm-advisors.com).

Respectfully Submitted,

OHM Advisors

A handwritten signature in blue ink that reads "Paula K. Hepp". The signature is stylized and cursive.

Paula K. Hepp  
Project Manager



OHM  
 ARCHITECTS ENGINEERS PLANNERS  
 700 West 10th Street, Suite 110  
 Oklahoma City, Oklahoma 73101  
 P: (405) 442-2344  
 www.ohm-engineers.com

EXHIBIT A  
 GRADING PLAN  
 BELL GROUP, LLC  
 HAYNIE AVE. INDUSTRIAL WAREHOUSE  
 11/17/2018 DESIGN DATE: 11/17/2018  
 11/17/2018 DESIGN DATE: 11/17/2018  
 11/17/2018 DESIGN DATE: 11/17/2018  
 11/17/2018 DESIGN DATE: 11/17/2018

- NOTES:**
- THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS, ORDINANCES, AND RULES, AND SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
  - ALL UTILITIES SHOWN ON THIS PLAN ARE THE PROPERTY OF THE APPLICABLE UTILITIES COMPANY AND SHALL BE PROTECTED AT ALL TIMES.
  - ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED AT ALL TIMES.
  - ALL NEW UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
  - ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES.
  - ALL SLOPES SHALL BE CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
  - ALL GRADING SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
  - ALL DRAINAGE SHALL BE INSTALLED AND MAINTAINED AT ALL TIMES.
  - ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
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  - ALL CONSTRUCTION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
0+00	100.00	100.00	0.00
0+10	100.10	100.10	0.00
0+20	100.20	100.20	0.00
0+30	100.30	100.30	0.00
0+40	100.40	100.40	0.00
0+50	100.50	100.50	0.00
0+60	100.60	100.60	0.00
0+70	100.70	100.70	0.00
0+80	100.80	100.80	0.00
0+90	100.90	100.90	0.00
1+00	101.00	101.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
1+10	101.10	101.10	0.00
1+20	101.20	101.20	0.00
1+30	101.30	101.30	0.00
1+40	101.40	101.40	0.00
1+50	101.50	101.50	0.00
1+60	101.60	101.60	0.00
1+70	101.70	101.70	0.00
1+80	101.80	101.80	0.00
1+90	101.90	101.90	0.00
2+00	102.00	102.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
2+10	102.10	102.10	0.00
2+20	102.20	102.20	0.00
2+30	102.30	102.30	0.00
2+40	102.40	102.40	0.00
2+50	102.50	102.50	0.00
2+60	102.60	102.60	0.00
2+70	102.70	102.70	0.00
2+80	102.80	102.80	0.00
2+90	102.90	102.90	0.00
3+00	103.00	103.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
3+10	103.10	103.10	0.00
3+20	103.20	103.20	0.00
3+30	103.30	103.30	0.00
3+40	103.40	103.40	0.00
3+50	103.50	103.50	0.00
3+60	103.60	103.60	0.00
3+70	103.70	103.70	0.00
3+80	103.80	103.80	0.00
3+90	103.90	103.90	0.00
4+00	104.00	104.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
4+10	104.10	104.10	0.00
4+20	104.20	104.20	0.00
4+30	104.30	104.30	0.00
4+40	104.40	104.40	0.00
4+50	104.50	104.50	0.00
4+60	104.60	104.60	0.00
4+70	104.70	104.70	0.00
4+80	104.80	104.80	0.00
4+90	104.90	104.90	0.00
5+00	105.00	105.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
5+10	105.10	105.10	0.00
5+20	105.20	105.20	0.00
5+30	105.30	105.30	0.00
5+40	105.40	105.40	0.00
5+50	105.50	105.50	0.00
5+60	105.60	105.60	0.00
5+70	105.70	105.70	0.00
5+80	105.80	105.80	0.00
5+90	105.90	105.90	0.00
6+00	106.00	106.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
6+10	106.10	106.10	0.00
6+20	106.20	106.20	0.00
6+30	106.30	106.30	0.00
6+40	106.40	106.40	0.00
6+50	106.50	106.50	0.00
6+60	106.60	106.60	0.00
6+70	106.70	106.70	0.00
6+80	106.80	106.80	0.00
6+90	106.90	106.90	0.00
7+00	107.00	107.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
7+10	107.10	107.10	0.00
7+20	107.20	107.20	0.00
7+30	107.30	107.30	0.00
7+40	107.40	107.40	0.00
7+50	107.50	107.50	0.00
7+60	107.60	107.60	0.00
7+70	107.70	107.70	0.00
7+80	107.80	107.80	0.00
7+90	107.90	107.90	0.00
8+00	108.00	108.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
8+10	108.10	108.10	0.00
8+20	108.20	108.20	0.00
8+30	108.30	108.30	0.00
8+40	108.40	108.40	0.00
8+50	108.50	108.50	0.00
8+60	108.60	108.60	0.00
8+70	108.70	108.70	0.00
8+80	108.80	108.80	0.00
8+90	108.90	108.90	0.00
9+00	109.00	109.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
9+10	109.10	109.10	0.00
9+20	109.20	109.20	0.00
9+30	109.30	109.30	0.00
9+40	109.40	109.40	0.00
9+50	109.50	109.50	0.00
9+60	109.60	109.60	0.00
9+70	109.70	109.70	0.00
9+80	109.80	109.80	0.00
9+90	109.90	109.90	0.00
10+00	110.00	110.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
10+10	110.10	110.10	0.00
10+20	110.20	110.20	0.00
10+30	110.30	110.30	0.00
10+40	110.40	110.40	0.00
10+50	110.50	110.50	0.00
10+60	110.60	110.60	0.00
10+70	110.70	110.70	0.00
10+80	110.80	110.80	0.00
10+90	110.90	110.90	0.00
11+00	111.00	111.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
11+10	111.10	111.10	0.00
11+20	111.20	111.20	0.00
11+30	111.30	111.30	0.00
11+40	111.40	111.40	0.00
11+50	111.50	111.50	0.00
11+60	111.60	111.60	0.00
11+70	111.70	111.70	0.00
11+80	111.80	111.80	0.00
11+90	111.90	111.90	0.00
12+00	112.00	112.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
12+10	112.10	112.10	0.00
12+20	112.20	112.20	0.00
12+30	112.30	112.30	0.00
12+40	112.40	112.40	0.00
12+50	112.50	112.50	0.00
12+60	112.60	112.60	0.00
12+70	112.70	112.70	0.00
12+80	112.80	112.80	0.00
12+90	112.90	112.90	0.00
13+00	113.00	113.00	0.00

**PROPOSED GRADE DATA**

STATION	EXISTING ELEVATION	PROPOSED ELEVATION	GRADE CHANGE
13+10	113.10	113.10	0.00
13+20	113.20	113.20	0.00
13+30	113.30	113.30	0.00
13+40	113.40	113.40	0.00
13+50	113.50	113.50	0.00
13+60	113.60	113.60	0.00
13+70	113.70	113.70	0.00
13+80	113.80	113.80	0.00
13+90	113.90	113.90	0.00
14+00	114.00	114.00	0.00

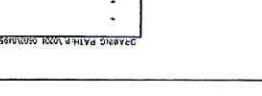
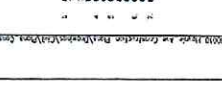
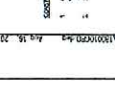
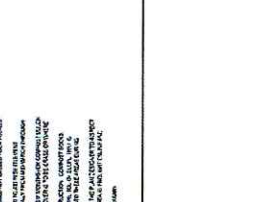
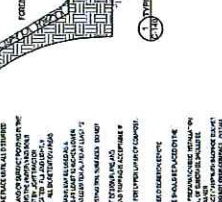
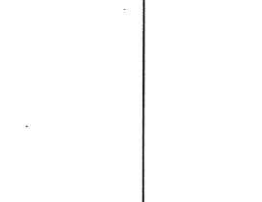
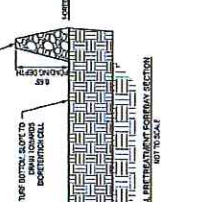
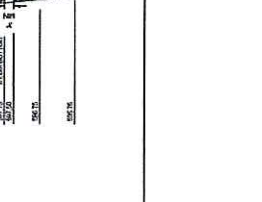
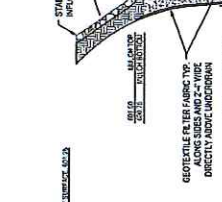
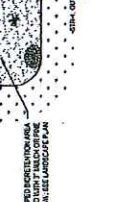
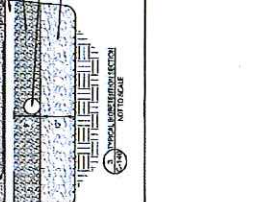
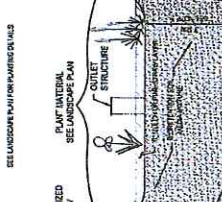
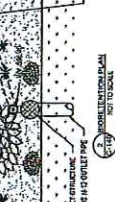
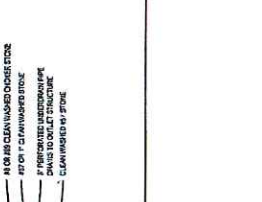
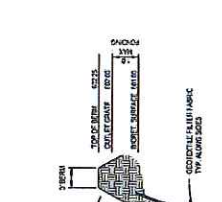
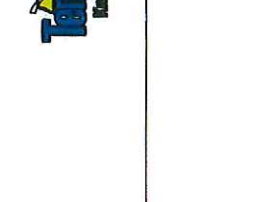
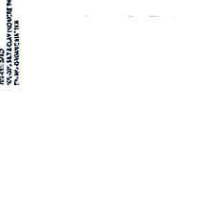
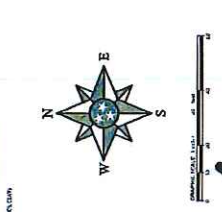
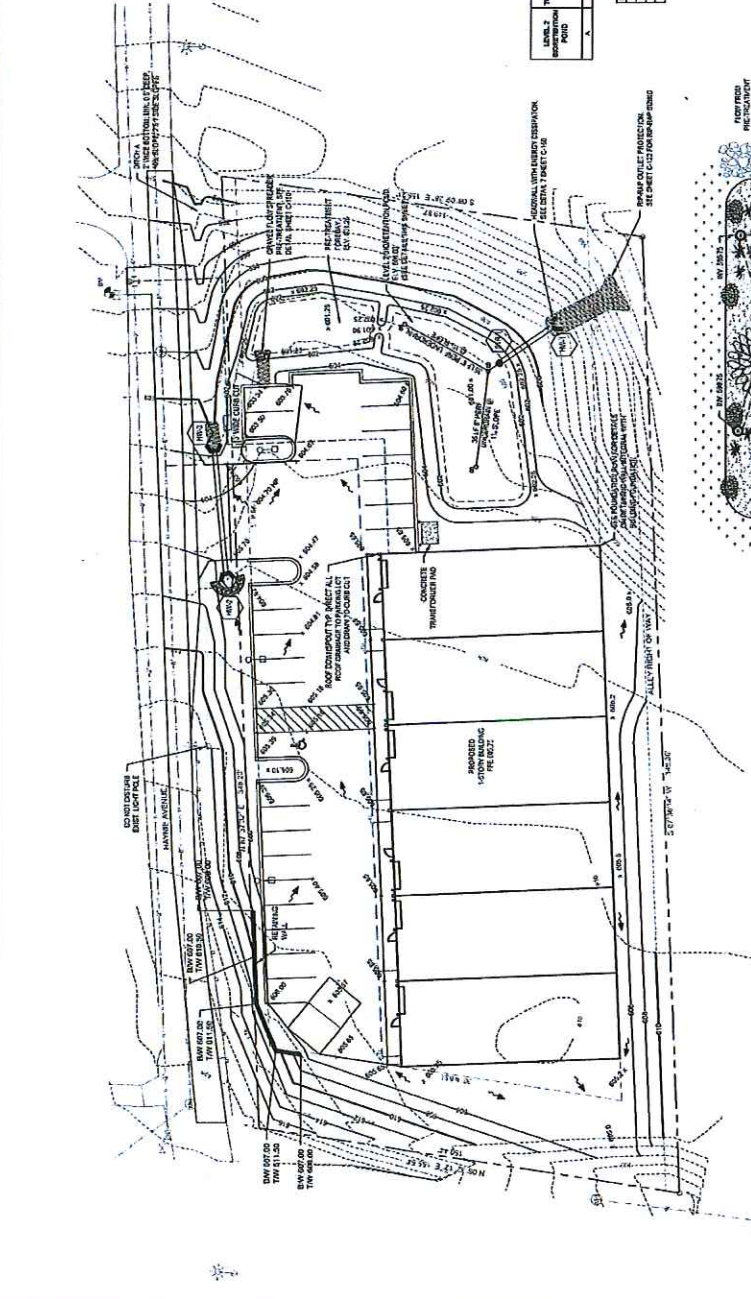


EXHIBIT B

BELL GROUP, LLC  
HAYNE AVE. INDUSTRIAL WAREHOUSE  
AERIAL EXHIBIT

**OHM**  
 ADDRESS CORRECTED THROUGH  
 200 1000 N. 10th St., Suite 110  
 Birmingham, TN 37620  
 P (615) 648-3384  
 OHM-PROPERTY.COM

**811**  
**Tennessee**  
 Never Start a Dig Without  
 Call before you dig



## 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.**

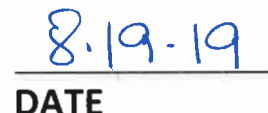
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

  
DATE



ARCHITECTS. ENGINEERS. PLANNERS.

August 19, 2019

Board of Zoning Appeals  
Metropolitan Nashville Government  
800 Second Avenue South  
Nashville, Tennessee

RE: Board of Zoning Appeals Variance Request  
Haynie Avenue Industrial Warehouse  
430 Haynie Avenue  
Nashville, Davidson County, Tennessee

Dear Board of Zoning Appeals Chairman and Members:

OHM Advisors (OHM) respectfully requests variance from fee-in-lieu of sidewalk construction as set forth in the Major and Collector Street Plan 2040 and ordinance BL2016-493 on behalf of Bell Group, LLC., a small business owner seeking to expand his business in Davidson County.

Haynie Avenue Industrial Warehouse property is situated within the IWD zoning district in an evolving industrial area along Brick Church Pike north of Trinity Lane. A discrepancy in the Sidewalk Requirement computer program has prompted the variance that is being requested. When the project began with due diligence and concept planning in August 2018, the Sidewalk requirement computer program indicated that sidewalks were not required for this property and a fee in lieu of construction was not required either. Owner's engineer confirmed the computer information with Development Services Planning counter and Codes/Zoning Department. All were in agreement that no sidewalks or fee was required.

Site plans and construction plans were completed and approved for this project and a grading plan was issued without sidewalks being designed. Bids were submitted for the work and bank financing was obtained for this project which did not include money to be paid to METRO for a fee in lieu of sidewalk construction.

When the contractor attempted to pull the Building permit from METRO at the beginning of August 2019, it was indicated that he needed to pay \$52,930.96 for the Fee in lieu of sidewalk construction. Contractor contacted OHM who doublechecked the sidewalk requirements on 8-5-2019 (See Figure 1) and it still indicated that no sidewalks were required. The contractor went to Development Services on 8-13-2019 (See Figure 2) to gain resolution and the computer program had been changed to read that sidewalks or Fee in Lieu was required. The pre-engineered building is scheduled to be delivered to the construction site in September with completion slated for December 2019.



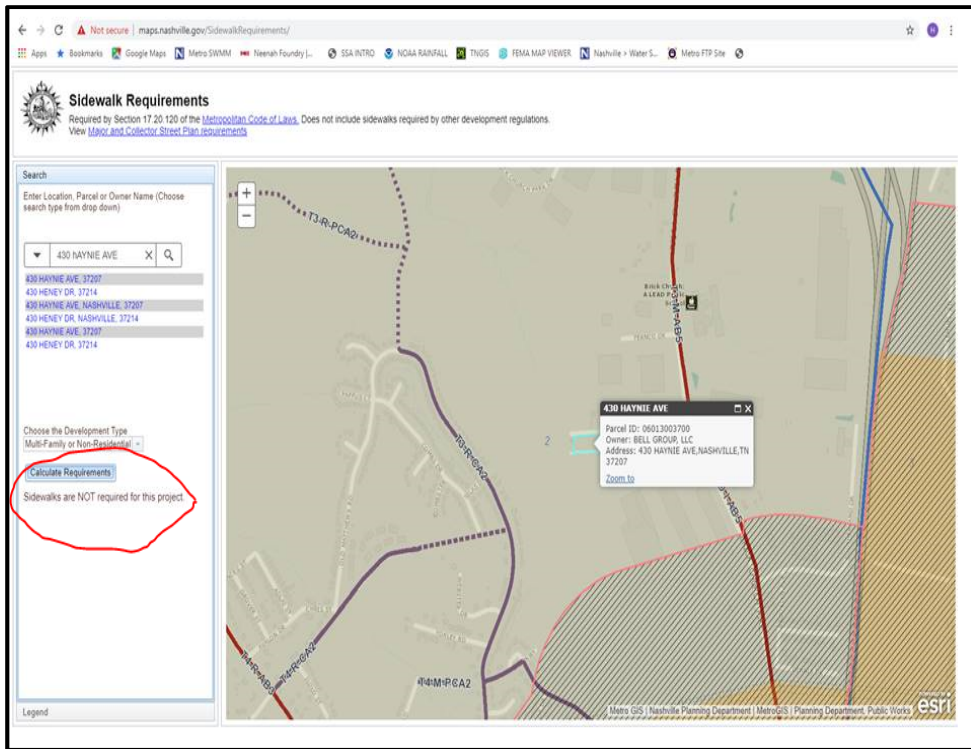


Figure 1: Snapshot of Sidewalk Requirement on August 5, 2019

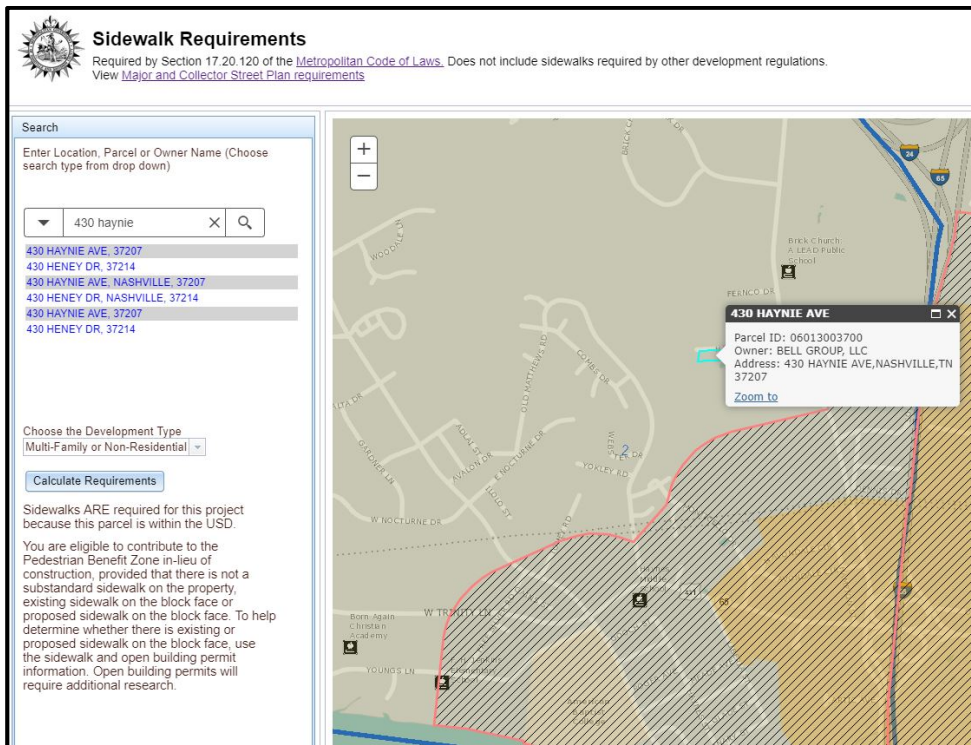


Figure 2: Snapshot of Sidewalk Requirement on August 13, 2019



Bell Group, LLC respectfully requests a variance from the Fee-in-lieu of Fund for the Pedestrian Benefit Zone.

## **STANDARDS FOR A VARIANCE**

### **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.*

Even if it would have been determined that sidewalks were required for this parcel during the due diligence process in 2018, the owner's engineer would have had difficulty designing sidewalk along the frontage due to three factors:

1. The slope from the edge of pavement to the property is severe at approximately 2:1.
2. A guardrail exists across a portion of the frontage to protect the pavement edge.
3. The existing pavement for Haynie Avenue is skewed to the south side of the ROW limiting area for sidewalk.

A fee in lieu of sidewalk construction would have been contemplated and accounted for in any bid contract amounts and subsequent loan financing. (See Exhibit A: Grading Plan)

### **Unique Characteristics**

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

The property is located at the far end of Haynie Avenue (a dead end street). Haynie Avenue does not have direct access to Brick Church Pike. Access has to come from Woodfolk Avenue and then to Haynie Avenue Crossover; all of which do not have sidewalks. The property borders the Tennessee Processing Center which is a highly secure, fenced, gated and guarded facility on Woodfolk Avenue. (See Exhibit B)

A contribution to the Pedestrian Benefit Zone (2) does not meet the spirit of the ordinance when you consider the vast area of Zone 2 and the limited area of industrial zoned property on the far east side of the zone. This small industrial section of Zone 2 is unlikely to benefit from contributions to this fund when compared to vast areas of residential neighborhoods to the west. (See Figure 3)

### **Hardship Not Self Imposed**

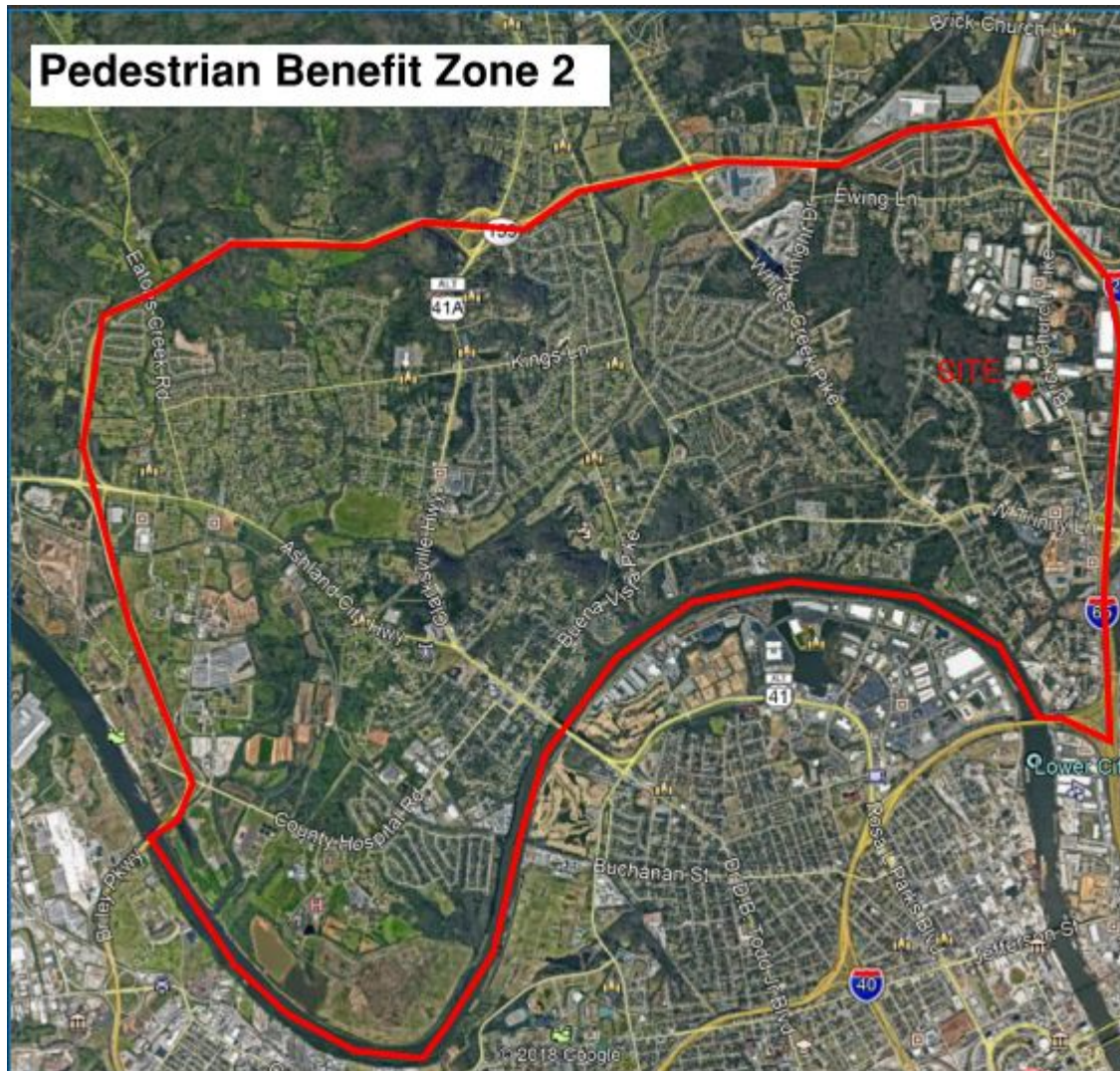
*The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of this Zoning Code.*

This hardship is not self imposed.

### **Financial Gain not only Basis**

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

Financial gain is not the sole basis in granting this variance.



**Figure 3: Pedestrian Benefit Zone 2**

### **No Injury to Neighboring Property**

*Granting a variance will not cause injury to adjacent properties.*

Haynie Avenue is a small secondary road with existing industrial properties surrounding it. The mostly vacant properties along Haynie are in a transition to industrial uses and new construction. This variance will not cause injury to adjacent property.

### **No Harm to Public Welfare**

*Granting the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of the zoning code.*



The property is at the end of a small street within an industrial area without direct access to the main thoroughfare of Brick Church Pike. The public welfare will not be substantially impaired by not contributing to a fund for a pedestrian benefit zone.

OHM Advisors requests to be placed on the October 3, 2019 Board of Zoning Appeals agenda. If you have any questions or require additional information, please do not hesitate to contact me by telephone at (615) 445-9421 or by email at [paula.hepp@ohm-advisors.com](mailto:paula.hepp@ohm-advisors.com).

Respectfully Submitted,

OHM Advisors

Paula K. Hepp  
Project Manager



ARCHITECTS ENGINEERS PLANNERS  
209 10th Ave South, Ste 116  
Nashville, TN 37203  
P (615) 649-5264  
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NOTES:

- THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL CODES, GIVE ALL NECESSARY NOTIFICATIONS, OBTAIN ALL PERMITS, AND PAY ALL FEES PRIOR TO BEGINNING GRADING AND DRAINAGE WORK.
- CONTRACTOR TO NOTIFY TENNESSEE ONE CALL (CALL 811) A MINIMUM OF 3 WORKING DAYS PRIOR TO EXCAVATION/UTILITY TRENCHING OPERATIONS.
- INSTALL TEMPORARY EROSION CONTROL AS SHOWN ON THE APPROVED EPC DRAWINGS PRIOR TO BEGINNING GRADING OPERATIONS.
- CONTRACTOR SHALL VERIFY EXISTING ELEVATIONS AND INVERTS PRIOR TO BEGINNING WORK. DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER. THE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES AND PROTECT UTILITIES TO REMAIN.
- TOPSOIL MAY BE STRIPPED FROM ALL CUT AND FILL AREAS. STOCKPILED AND REDISTRIBUTED OVER GRADED AREAS TO A MINIMUM DEPTH OF 3 INCHES. MAKE STOCKPILES FREE DRAINING AND PROVIDE EROSION AND SEDIMENTATION CONTROLS AROUND STOCKPILES, IF NECESSARY.
- TOP OF CASTING ELEVATIONS FOR INLETS ARE GIVEN TO THE CENTER OF THE INLETS. THE GRATES SHALL SLOPE LONGITUDINALLY WITH THE PAVEMENT GRADE.
- IN THE EVENT OF ANY DISCREPANCIES FOUND IN THE DRAWINGS OR UNFORESEEN CONDITIONS ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
- CONTOUR LINES AND SPOT ELEVATIONS ARE THE RESULT OF AN ENGINEERING GRADING DESIGN AND REFLECT A PLANNED INTENT WITH REGARD TO DRAINAGE. THE CONTRACTOR IS RESPONSIBLE FOR GRADING ALL AREAS TO POSITIVELY DRAIN. SHOULD THE CONTRACTOR HAVE ANY QUESTION OF THIS INTENT OR ANY PROBLEMS WITH CONTINUITY OF GRADES, THE ENGINEER SHALL BE CONTACTED PRIOR TO BEGINNING WORK.
- ALL PERMANENT CUT AND FILL SLOPES SHALL BE 2:1 MAXIMUM. TEMPORARY CUT SLOPES SHALL NOT EXCEED 2:1 MAXIMUM UNLESS TEMPORARY SHORING IS PROVIDED OR UNLESS DIRECTED OTHERWISE BY THE GEOTECHNICAL ENGINEER.
- CONTRACTOR SHALL DISPOSE OF EXCESS MATERIAL IN A LEGAL MANNER AT THEIR EXPENSE.
- ALL CURBS AND SIDEWALKS SHALL BE BACKFILLED FLUSH WITH TOPSOIL, WHICH SHALL BE SEEDED AND MULCHED.
- ALL PIPES UNDER PAVED AREAS SHALL BE BACKFILLED WITH CRUSHED STONE. ALL PIPES UNDER LAWN AREAS SHALL BE BACKFILLED WITH SATISFACTORY MATERIAL COMPACTED TO 95% OF MAXIMUM PER ASTM D698-STANDARD PROCTOR.
- ANY DISTURBED AREAS SHALL BE STABILIZED AND ENCIRCLED WITH SILT FENCE. DO NOT EXCAVATE IN ANY EASEMENT OR NEAR UTILITY LINES WITHOUT AUTHORIZATION.

STR-1	TOP OF CASTING = 602.00 INVERT IN = 596.35 INVERT OUT = 596.35	HW-1	INVERT OUT = 596.10
HW-2	INVERT IN = 603.00	HW-3	INVERT OUT = 600.75

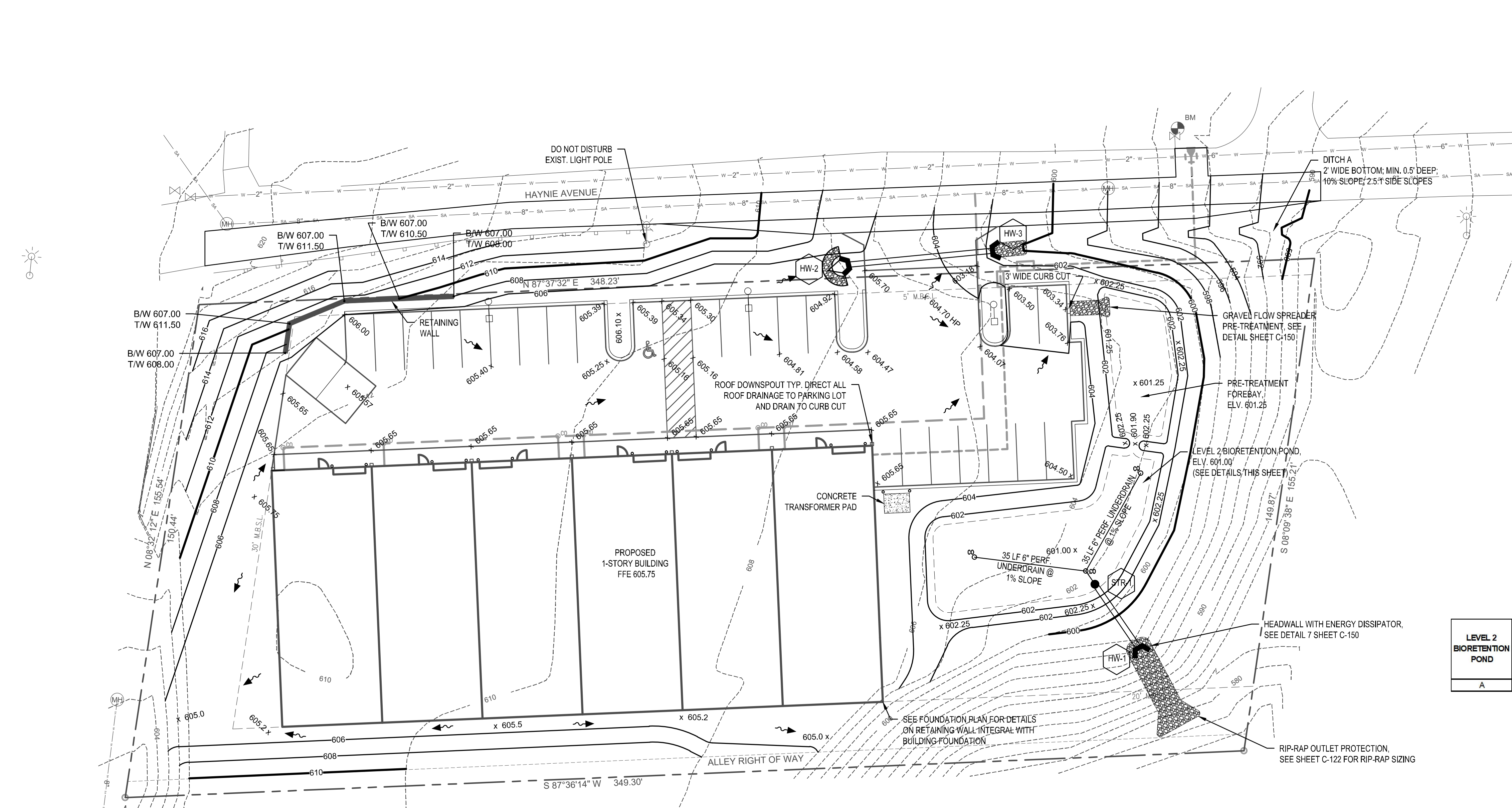
LEVEL 2 BIORETENTION POND	TOTAL REQ. (CFT)	TOTAL TYP. PROV. (CFT)	PERCENT TOTAL TYP. PROV. (CFT)	BIORET. TYP. REQ. (CFT)	BIORET. EFFECTIVE DEPTH, D _e (FT)	BIORET. SURF. AREA REQ. (SFT)	BIORET. SURF. AREA PROV. (SFT)	BIORET. TYP. PROV. (CFT)	FOREBAY VOL. REQ. (0.15" TYP. REQ.) (CFT)	FOREBAY TYP. PROV. (CFT)	BIORETENTION AREA TYP. SURFACE ELEVATION	FOREBAY AREA TYP. SURFACE ELEVATION
A	2858	5229	183%	2429	2.55	953	1838	4682	429	548	601.00	601.25

STRUCTURE	STRUCTURE TYPE	CASTING TYPE	TOP OF CASTING	INLET INV.	OUTLET INV.
STR-1	NYOPLAST 18" DRAIN BASIN	18" DROP-IN GRATE	602.00	596.35	596.35
HW-1	HEADWALL W/ ENERGY DISSIPATOR	N/A	N/A	596.10	596.10
HW-2	TYPICAL HEADWALL	N/A	N/A	603.00	N/A
HW-3	TYPICAL HEADWALL	N/A	N/A	N/A	600.75

FROM	TO	MATERIAL	UP-STREAM INVERT ELEV. (ft)	DOWN-STREAM INVERT ELEV. (ft)	PIPE LENGTH (ft)	PIPE SLOPE (%)	PIPE DIA. (in)
STR-1	HW-1	ADS-N12	596.35	596.10	24	1.04%	18
HW-2	HW-3	RCP	603.00	600.75	45	5.00%	15

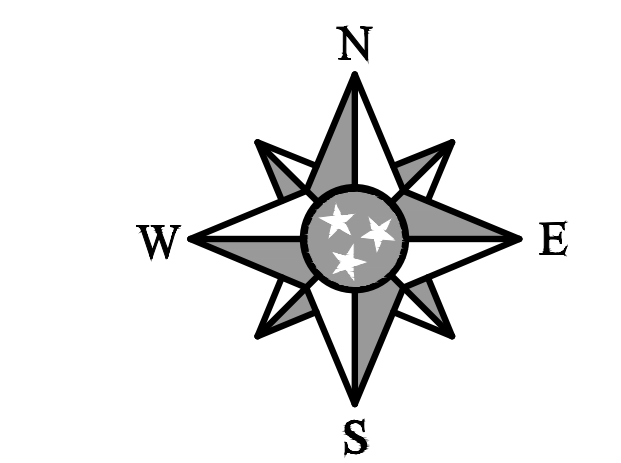
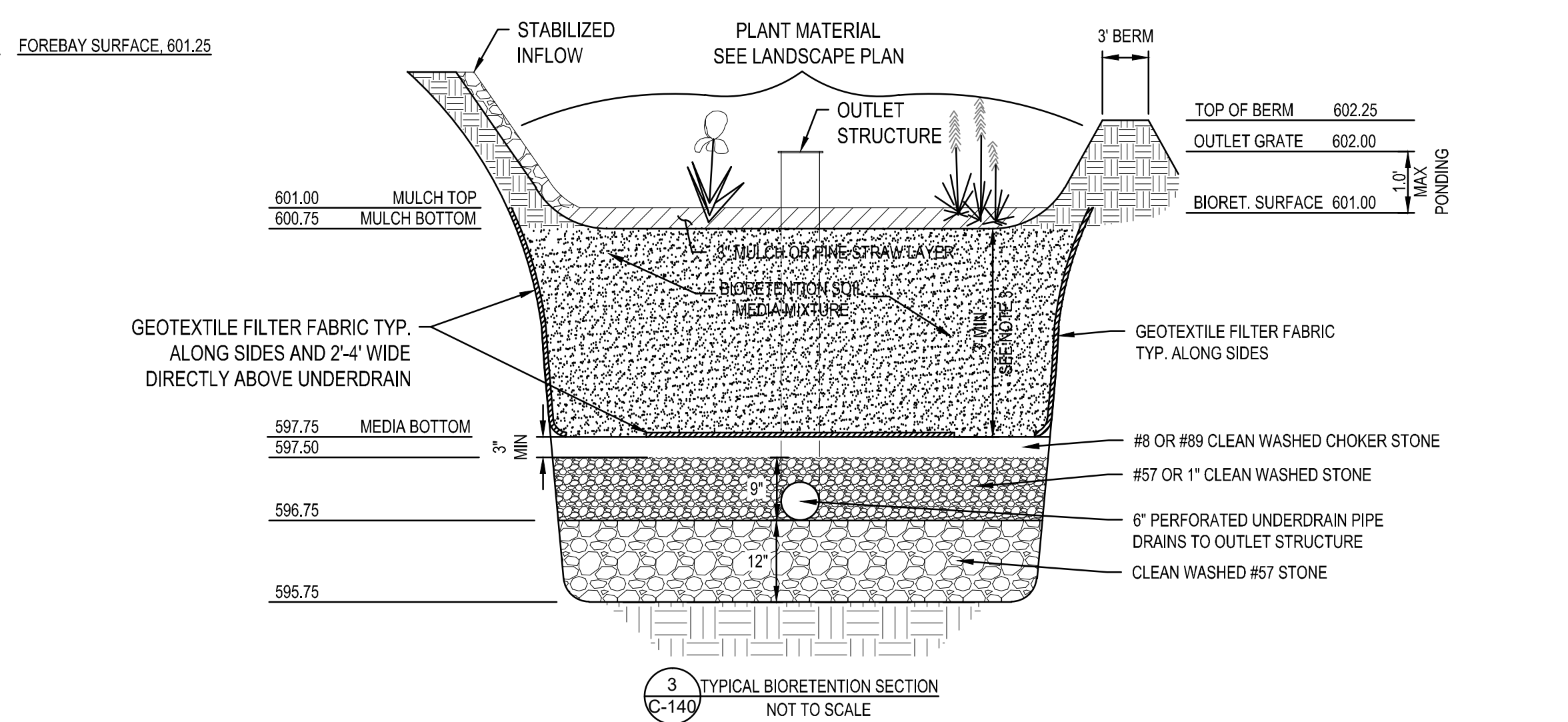
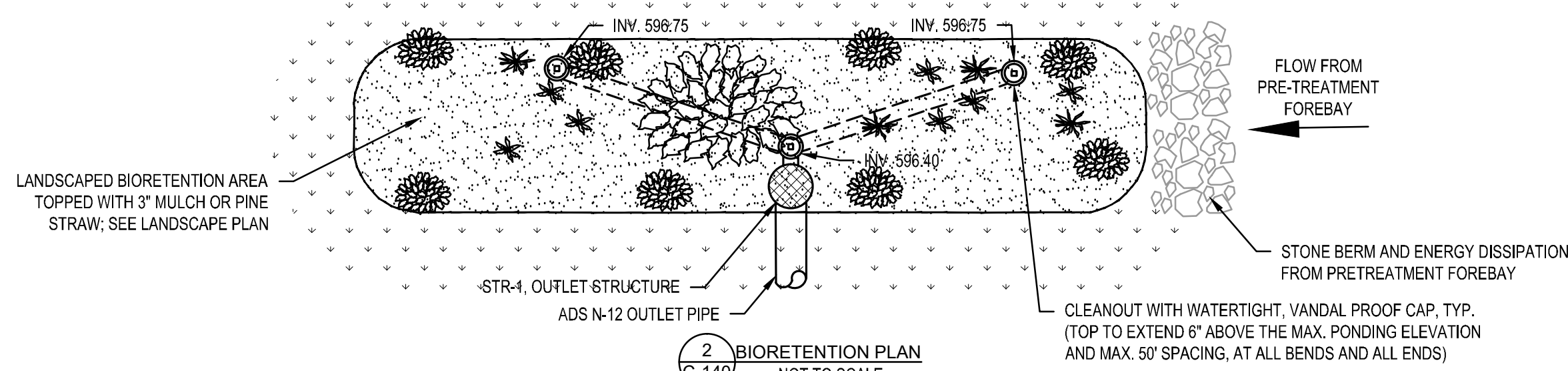
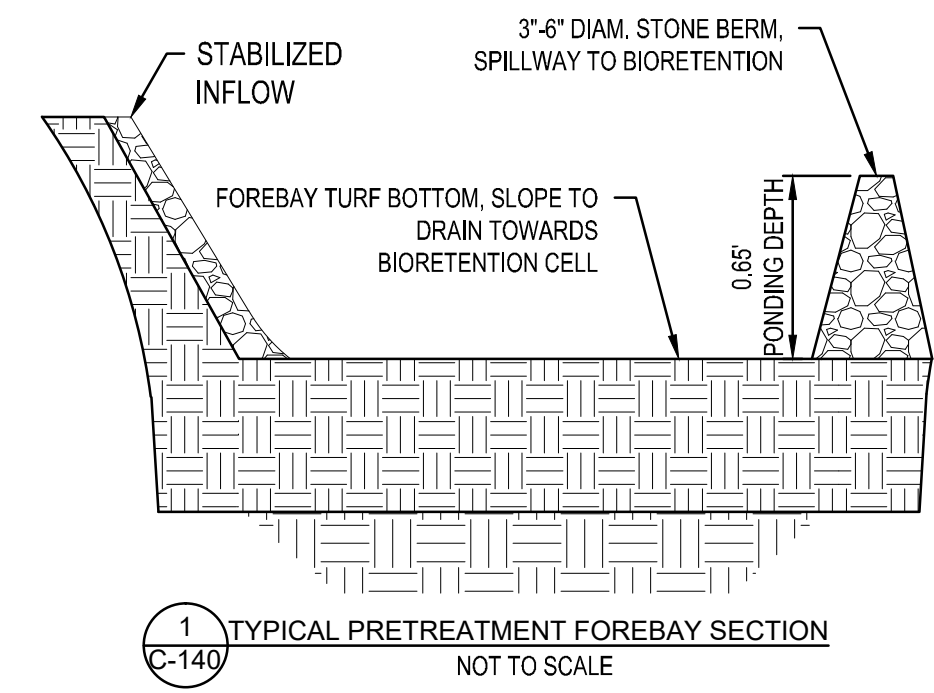
BIORETENTION NOTES:

- USE 6" CORRUGATED HDPE OR PVC PIPE WITH 3/8" PERFORATIONS AT 6" ON CENTER FOR UNDERDRAINS. POSITION EACH UNDERDRAIN ON A 1% OR 2% SLOPE LOCATED NO MORE THAN 20 FEET FROM THE NEXT PIPE.
- CONTRACTOR, ENGINEER, OR OWNER'S REPRESENTATIVE SHALL NOTIFY MWD'S DEVELOPMENT REVIEW AT LEAST 24 HOURS PRIOR TO THE INSTALLATION OF THE PLANTING SOIL FILTER BED. AT THE COMPLETION OF INSTALLATION, THE ABOVE REFERENCED PERSON WILL COLLECT ONE SAMPLE PER BIORETENTION BED FOR ANALYSIS AND CONFIRMATION OF THE SOIL CHARACTERISTICS AS DEFINED BY GP-01 FILTER MEDIA AND SURFACE COVER, SECTION 6.6, PAGE 20.
- THE BIORETENTION SOIL MEDIA MIXTURE SHALL CONSIST OF THE FOLLOWING:  
70%-85% SAND  
10%-20% SILT & CLAY (NO MORE THAN 10% CLAY)  
5%-10% ORGANIC MATTER



CONSTRUCTION SEQUENCE FOR BIORETENTION BASIN:

- COMPLETE SITE GRADING, MINIMIZING COMPACTION AS MUCH AS POSSIBLE. IF APPLICABLE, CONSTRUCT CURB CUTS OR OTHER INFLOW ENTRANCES. HOWEVER, PROVIDE PROTECTION SO STORMWATER RUNOFF IS PROHIBITED FROM ENTERING THE BIORETENTION BASIN DURING CONSTRUCTION.
- SUBGRADE PREPARATION
  - EXISTING SUBGRADE IN BIORETENTION BASIN SHOULD NOT BE COMPACTED OR SUBJECT TO EXCESSIVE CONSTRUCTION EQUIPMENT TRAFFIC. LOADS ON THE SUBGRADE SHOULD NOT EXCEED FOUR POUNDS PER SQUARE INCH.
  - INITIAL EXCAVATION CAN BE PERFORMED DURING ROUGH SITE GRADING, BUT SHOULD NOT BE CARRIED TO WITHIN ONE FOOT OF THE FINAL BOTTOM ELEVATION. FINAL EXCAVATION SHOULD NOT TAKE PLACE UNTIL ALL DISTURBED AREAS IN THE DRAINAGE AREA HAVE BEEN STABILIZED.
  - WHERE EROSION OF SUBGRADE HAS CAUSED ACCUMULATION OF FINE MATERIALS AND/OR SURFACE PONDING IN THE GRADED BOTTOM, THIS MATERIAL SHOULD BE REMOVED WITH LIGHT EQUIPMENT AND THE UNDERLYING SOILS SCARIFIED TO A MINIMUM DEPTH OF SIX INCHES WITH A YORK RAKE OR EQUIVALENT BY LIGHT TRACTOR.
  - BRING SUBGRADE OF BIORETENTION AREA TO LINE, GRADE, AND ELEVATIONS INDICATED. FILL AND LIGHTLY REGRADE ANY AREAS DAMAGED BY EROSION, PONDING, OR TRAFFIC COMPACTION. ALL BIORETENTION AREAS SHOULD BE LEVEL GRADE ON THE BOTTOM.
- STABILIZE THE GRADING EXCEPT WITHIN THE BIORETENTION BASIN. THE BIORETENTION BASIN MAY BE USED AS A TEMPORARY SEDIMENT TRAP PROVIDED THE PROPOSED FINISH ELEVATION OF THE BED IS AT LEAST 12 INCHES LOWER THAN THE BOTTOM ELEVATION OF THE SEDIMENT TRAP (IF USED AS SUCH, ALL ACCUMULATED MATERIAL AND AT LEAST 12 INCHES OF SOIL SHOULD BE REMOVED).
- EXCAVATE THE BIORETENTION BASIN TO PROPOSED INVERT DEPTH AND SCARIFY THE EXISTING SOIL SURFACES. DO NOT COMPACT SOILS.
- BACKFILL THE BIORETENTION BASIN WITH THE AMENDED SOIL MIXTURE AS SHOWN ON THE DESIGN PLANS AND SPECIFICATIONS. OVERLAPPING IS RECOMMENDED TO ACCOUNT FOR SETTLING. LIGHT HAND TAMPING IS ACCEPTABLE IF NECESSARY.
- COMPLETE FINAL GRADING TO ACHIEVE PROPOSED DESIGN ELEVATIONS, LEAVING SPACE FOR UPPER LAYER OF COMPOST, MULCH, OR TOPSOIL AS SPECIFIED ON PLANS.
- BIORETENTION BASIN INSTALLATION
  - UPON COMPLETING SUBGRADE WORK, NOTIFY THE ENGINEER TO INSPECT AT HIS/HER DISCRETION BEFORE PROCEEDING WITH BIORETENTION INSTALLATION.
  - FOR THE SUBSURFACE STORAGE/FILTRATION BED INSTALLATION, AMENDED SOILS SHOULD BE PLACED ON THE BOTTOM TO THE SPECIFIED DEPTH.
  - PLANTING SOIL SHOULD BE PLACED IMMEDIATELY AFTER APPROVAL OF SUBGRADE PREPARATION/BED INSTALLATION. ANY ACCUMULATION OF DEBRIS OR SEDIMENT THAT TAKES PLACE AFTER APPROVAL OF SUBGRADE SHOULD BE REMOVED PRIOR TO INSTALLATION OF PLANTING SOIL AT NO EXTRA COST TO THE OWNER.
  - INSTALL APPROVED PLANTING SOIL IN 18-INCH MAXIMUM LIFTS AND LIGHTLY COMPACT (TAMP WITH BACKHOE BUCKET OR BY HAND). KEEP EQUIPMENT MOVEMENT OVER PLANTING SOIL TO A MINIMUM. DO NOT OVER-COMPACT. INSTALL PLANTING SOIL TO GRADES INDICATED ON THE DRAWINGS. LOADS ON THE SOIL SHOULD NOT EXCEED FOUR POUNDS PER SQUARE INCH.
  - PRESOAK THE PLANTING SOIL AT LEAST 24 HOURS PRIOR TO PLANTING VEGETATION TO AID IN SETTLEMENT.
  - PLANT TREES AND SHRUBS ACCORDING TO SUPPLIER'S RECOMMENDATIONS AND ONLY FROM MID-MARCH THROUGH THE END OF JUNE OR FROM MID-SEPTEMBER THROUGH MID-NOVEMBER.
  - INSTALL TWO OR THREE INCHES OF SHREDED HARDWOOD MULCH OR MINIMUM AGE SIX MONTHS OR COMPOST MULCH EVENLY AS SHOWN ON PLANS. DO NOT APPLY MULCH IN AREAS WHERE GROUND COVER IS TO BE GRASS OR WHERE COVER WILL BE ESTABLISHED BY SEEDING.
  - PROTECT THE BIORETENTION BASIN FROM SEDIMENT AT ALL TIMES DURING CONSTRUCTION. COMPOST SOCKS, DIVERSION BERRMS AND/OR OTHER APPROPRIATE MEASURES SHOULD BE USED AT THE TOE OF SLOPE THAT IS ADJACENT TO THE BIORETENTION BASIN TO PREVENT SEDIMENT FROM WASHING INTO THESE AREAS DURING CONSTRUCTION.
  - WHEN THE SITE IS FULLY VEGETATED AND THE SOIL MANTEL IS STABILIZED, NOTIFY THE PLAN DESIGNER TO INSPECT THE BIORETENTION BASIN DRAINAGE AREA AT HIS/HER DISCRETION BEFORE THE AREA IS BROUGHT ONLINE AND SEDIMENT CONTROL DEVICES REMOVED.
  - MULCH AND INSTALL EROSION PROTECTION AT SURFACE FLOW ENTRANCES WHERE NECESSARY.




DRAWING PATH: P:\2020_05\00\1045150010_Hoynte_Ave_Construction_Plans\Drawings\Civil\Plans\Cons\1800\0500.dwg Aug 16, 2019 4:15pm

ISSUE: CONSTRUCTION DOCUMENTS REVISIONS: ORIGINAL ISSUE 02/05/2019 SECOND ISSUE 03/29/2019 THIRD ISSUE 04/30/2019

MUNICIPALITY: NASHVILLE COUNTY: DAVIDSON CAD: HPB PROJ. MGR: SC DATE: 04/30/2019 PROJ. NUMBER: 0485-18-0010 SC

SHEET

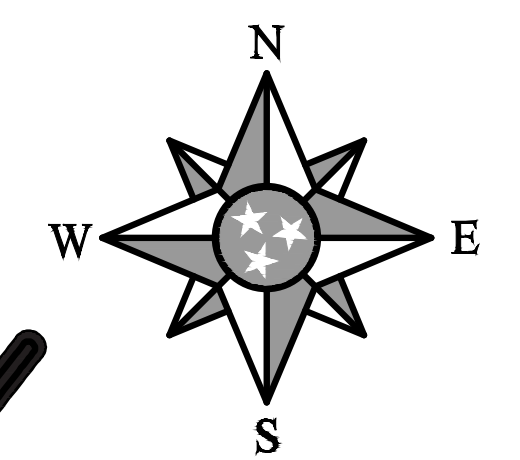
BELL GROUP, LLC  
HAYNIE AVE. INDUSTRIAL WAREHOUSE  
GRADING PLAN

EXHIBIT A

CONTRACTOR SHALL VERIFY ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE DUPLICATED, DISTRIBUTED, OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM



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ISSUE: CONSTRUCTION DOCUMENTS
REVISIONS:

DATE	PROJ NUMBER	ENG/ARCH	PROJ MGR	CADD	COUNTY	MUNICIPALITY
04/20/2019	0495-18-000	SC	SC	HPI	DAVIDSON	NASHVILLE
BELL GROUP, LLC						
HAYNIE AVE. INDUSTRIAL WAREHOUSE						
AERIAL EXHIBIT						

SHEET EXHIBIT B

CONSENT FOR OHM ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF OHM AND THE SAME MAY NOT BE DUPLICATED, DISTRIBUTED, OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT OF OHM



- NOTES**
- THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL CODES, OBTAIN ALL NECESSARY NOTIFICATIONS, OBTAIN ALL PERMITS AND PAY ALL FEES PRIOR TO BEGINNING GRADING AND DRAINAGE WORK.
  - CONTRACTOR TO NOTIFY TENNESSEE ONE CALL (CALL 811) A MINIMUM OF 3 WORKING DAYS PRIOR TO EXCAVATION/UTILITY TRENCHING OPERATIONS.
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  - IN THE EVENT OF ANY DISCREPANCIES FOUND IN THE DRAWINGS OR UNFORESEEN CONDITIONS ENCOUNTERED DURING CONSTRUCTION, THE CONTRACTOR SHALL NOTIFY THE ENGINEER BEFORE PROCEEDING WITH THE WORK.
  - CONTOUR LINES AND SPOT ELEVATIONS ARE THE RESULT OF AN ENGINEERING GRADING DESIGN AND REFLECT A PLANNED INTENT WITH REGARD TO DRAINAGE. THE CONTRACTOR IS RESPONSIBLE FOR GRADING ALL AREAS TO POSITIVELY DRAIN. SHOULD THE CONTRACTOR HAVE ANY QUESTION OF THIS INTENT OR ANY PROBLEMS WITH CONTINUITY OF GRADES, THE ENGINEER SHALL BE CONTACTED PRIOR TO BEGINNING WORK.
  - ALL PERMANENT CUT AND FILL SLOPES SHALL BE 2:1 MAXIMUM. TEMPORARY CUT SLOPES SHALL NOT EXCEED 2:1 MAXIMUM UNLESS TEMPORARY SHORING IS PROVIDED OR UNLESS DIRECTED OTHERWISE BY THE GEOTECHNICAL ENGINEER.
  - CONTRACTOR SHALL DISPOSE OF EXCESS MATERIAL IN A LEGAL MANNER AT THEIR EXPENSE.
  - ALL CURBS AND SIDEWALKS SHALL BE BACKFILLED FLUSH WITH TOPSOIL, WHICH SHALL BE SEEDDED AND MULCHED.
  - ALL PIPES UNDER PAVED AREAS SHALL BE BACKFILLED WITH CRUSHED STONE. ALL PIPES UNDER LAWN AREAS SHALL BE BACKFILLED WITH SATISFACTORY MATERIAL COMPACTED TO 95% OF MAXIMUM PER ASTM D698 STANDARD PROCTOR.
  - ANY DISTURBED AREAS SHALL BE STABILIZED AND ENCLOSED WITH SLT FENCE. DO NOT EXCAVATE IN ANY EASEMENT OR NEAR UTILITY LINES WITHOUT AUTHORIZATION.

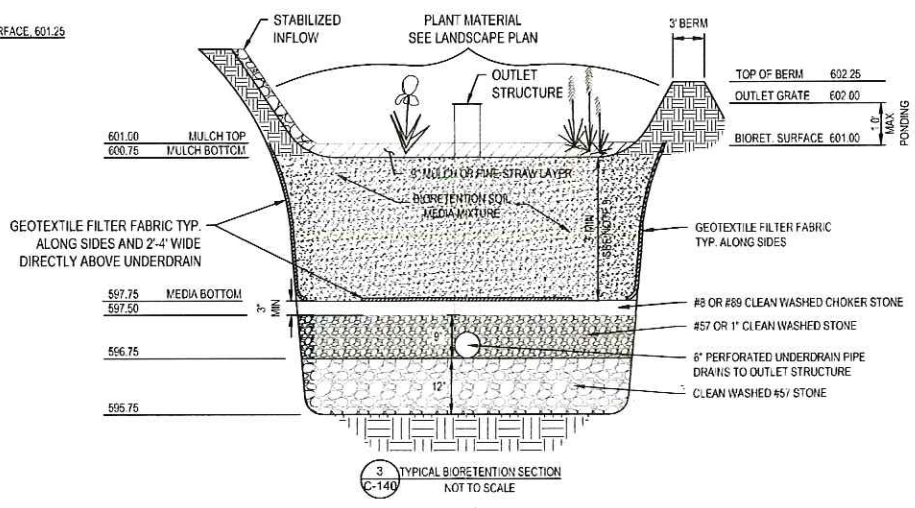
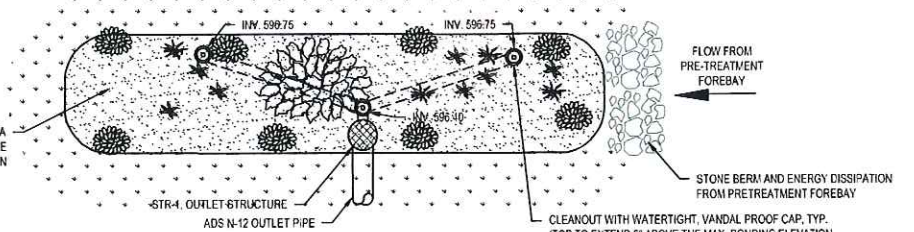
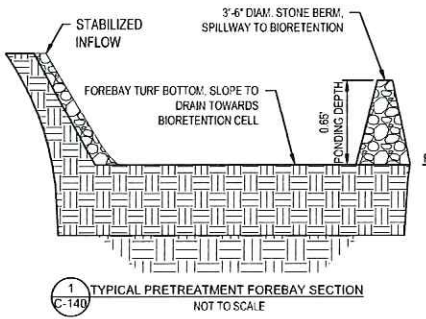
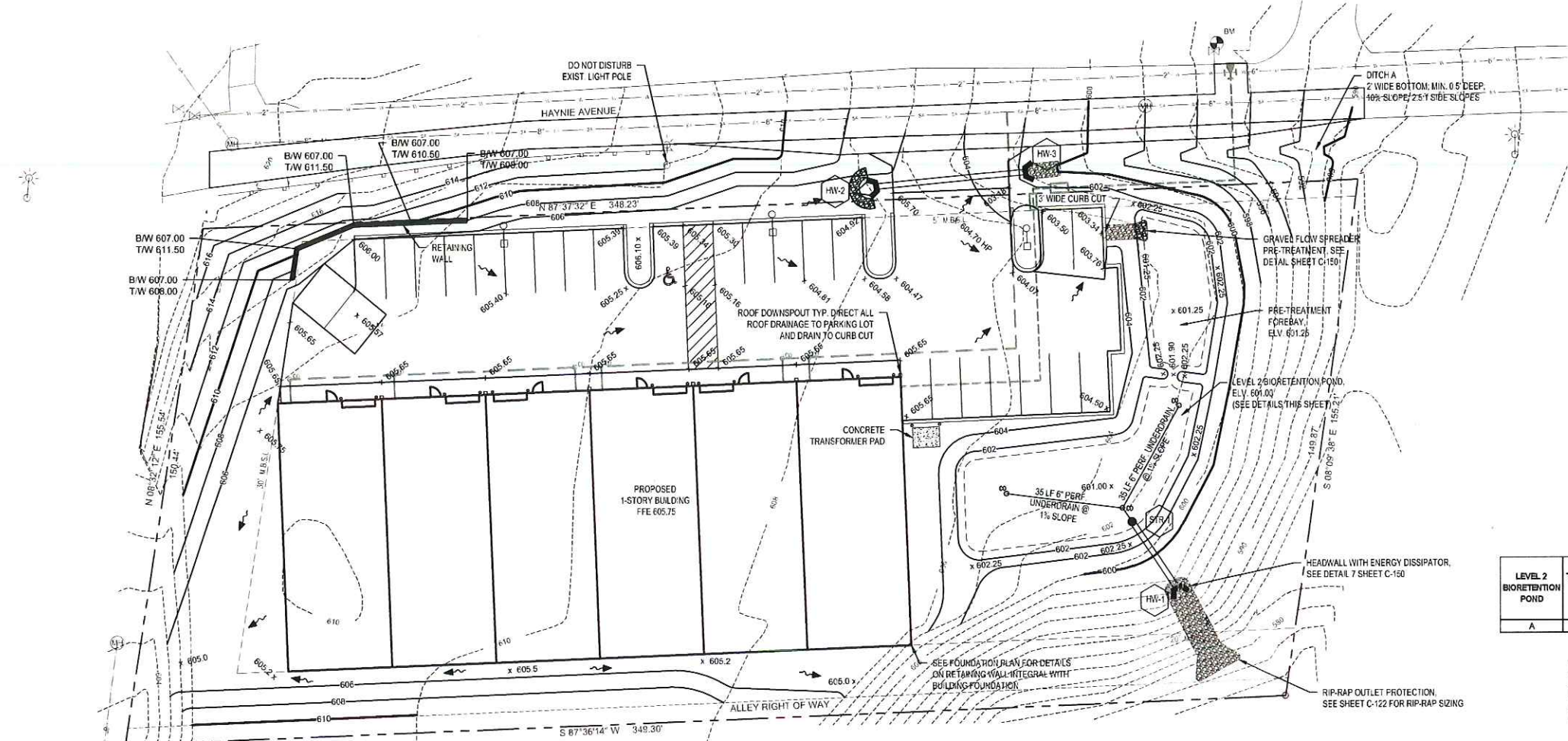
STR-1	TOP OF CASTING = 602.00 INVERT IN = 596.35 INVERT OUT = 596.35	HW-1	INVERT OUT = 596.10
HW-2	INVERT IN = 603.00	HW-3	INVERT OUT = 600.75

LEVEL 2 BIORETENTION POND	TOTAL T ₁ REQ. (CFT)	TOTAL T ₂ REQ. (CFT)	PERCENT TOTAL T ₁ PROV. (CFT)	BIORET. T ₁ REQ. (CFT)	BIORET. EFFECTIVE DEPTH, D _e (FT)	BIORET. SURF. AREA, A _s (SFT)	BIORET. T ₂ PROV. (CFT)	FOREBAY VOL. REQ. (0.15 T ₁ REQ.) (CFT)	FOREBAY T ₁ PROV. (CFT)	BIORETENTION AREA TYP. SURFACE ELEVATION	FOREBAY AREA TYP. SURFACE ELEVATION
A	2858	5229	183%	2429	2.55	953	1836	4682	548	601.00	601.25

STRUCTURE	STRUCTURE TYPE	CASTING TYPE	TOP OF CASTING	INLET INV.	OUTLET INV.
STR-1	HYDROPLAST 18" DRAIN BASIN	18" DROP-IN GRATE	602.00	596.35	596.35
HW-1	HEADWALL WITH ENERGY DISSIPATOR	N/A	N/A	596.10	596.10
HW-2	TYPICAL HEADWALL	N/A	N/A	603.00	N/A
HW-3	TYPICAL HEADWALL	N/A	N/A	N/A	600.75

FROM	TO	MATERIAL	UP-STREAM INVERT ELEV. (ft)	DOWN-STREAM INVERT ELEV. (ft)	PIPE LENGTH (ft)	PIPE SLOPE (%)	PIPE DIA. (in)
STR-1	HW-1	ADS-N12	596.35	596.10	24	1.04%	18
HW-2	HW-3	RCP	603.00	600.75	45	5.00%	18

- BIORETENTION NOTES**
- USE 4" CORRUGATED HOPE OF PVC PIPE WITH 3" PERFORATIONS AT 4" ON CENTER FOR UNDERDRAIN. POSITION EACH UNDERDRAIN ON A 1% OR 2% SLOPE LOCATED NO MORE THAN 20 FEET FROM THE NEXT PIPE. CONTRACTOR, ENGINEER, OR OWNER REPRESENTATIVE SHALL NOTIFY MHS DEVELOPMENT REVIEW AT LEAST 24 HOURS PRIOR TO THE INSTALLATION OF THE PLANTING SOIL FILTER BED. AT THE COMPLETION OF INSTALLATION, THE ABOVE REFERENCED PERSONNEL WILL COLLECT ONE SAMPLE PER BIORETENTION BED FOR ANALYSIS AND CONFIRMATION OF THE SOIL CHARACTERISTICS AS ASSESSED BY GP-01 FILTER MEDIA AND SURFACE COVER, SECTION 6.6, PAGE 23.
  - THE BIORETENTION SOIL MEDIA MIXTURE SHALL CONSIST OF THE FOLLOWING: 70% (45-50%) 10% 20% SILT & CLAY (NO MORE THAN 1% CLAY) 5% (10%) ORGANIC MATTER



- CONSTRUCTION REQUIREMENTS FOR BIORETENTION BASIN**
- COMPLETE SITE GRADING, MINIMIZING COMPACTION AS MUCH AS POSSIBLE. IF APPLICABLE, CONSTRUCT CURB CUTS OR OTHER IN-LOW ENTRANCES. HOWEVER, PROVIDE PROTECTION SO STORMWATER RUNOFF IS PROHIBITED FROM ENTERING THE BIORETENTION BASIN DURING CONSTRUCTION.
  - SUBGRADE PREPARATION
    - EXISTING SUBGRADE IN BIORETENTION BASIN SHOULD NOT BE COMPACTED OR SUBJECT TO EXCESSIVE CONSTRUCTION EQUIPMENT TRAFFIC LOADS ON THE SUBGRADE SHOULD NOT EXCEED FOUR POUNDS PER SQUARE INCH.
    - INITIAL EXCAVATION CAN BE PERFORMED DURING ROUGH SITE GRADING, BUT SHOULD NOT BE CARRIED TO WITHIN ONE FOOT OF THE FINAL BOTTOM ELEVATION. FINAL EXCAVATION SHOULD NOT TAKE PLACE UNTIL ALL DISTURBED AREAS IN THE DRAINAGE AREA HAVE BEEN STABILIZED.
    - WHERE EROSION OF SUBGRADE HAS OCCURRED ACCUMULATION OF FINE MATERIALS AND/OR SURFACE PONDING IN THE GRADED BOTTOM, THIS MATERIAL SHOULD BE REMOVED WITH LIGHT EQUIPMENT AND THE UNDERLYING SOILS SCARIFIED TO A MINIMUM DEPTH OF SIX INCHES WITH A YORK PAKE OR EQUIVALENT LIGHT TRACTOR.
    - FINAL SUBGRADE OF BIORETENTION AREA TO LINE, GRADE, AND ELEVATIONS INDICATED. FILL AND LIGHTLY REGRADE ANY AREAS DRAINAGED BY EROSION, PONDING, OR TRAFFIC CONCENTRATION. ALL BIORETENTION AREAS SHOULD BE LEVEL GRADE ON THE BOTTOM.
  - STABILIZE THE GRAD TO EXCEPT WITHIN THE BIORETENTION BASIN. THE BIORETENTION BASIN MAY BE USED AS A TEMPORARY SEDIMENT TRAP PROVIDED THE PROPOSED FINISH ELEVATION OF THE BED IS AT LEAST 12 INCHES LOWER THAN THE BOTTOM ELEVATION OF THE SEDIMENT TRAP. USED AS SUCH, ALL ACCUMULATED MATERIAL AND AT LEAST 12 INCHES OF SOIL SHOULD BE REMOVED.
  - EXCAVATE THE BIORETENTION BASIN TO PROPOSED INVERT DEPTH AND SCARIFY THE EXISTING SOIL SURFACES. DO NOT COMPACT SOILS.
  - FOR THE SUBSURFACE STORAGE AND PRETREATMENT BEHIND INSTALLATION, AMENDED SOILS SHOULD BE PLACED ON THE BOTTOM TO THE SPECIFIED DEPTH.
    - PLANTING SOIL SHOULD BE PLACED IMMEDIATELY AFTER APPROVAL OF SUBGRADE PREPARATION BEHIND INSTALLATION ON ANY ACCUMULATION OF DEBRIS OR SEDIMENT THAT TAKES PLACE AFTER APPROVAL OF SUBGRADE SHOULD BE REMOVED PRIOR TO INSTALLATION OF PLANTING SOIL AT NO EXTRA COST TO THE OWNER.
    - INSTALL APPROVED PLANTING SOIL IN 18-INCH MAXIMUM LIFTS AND LIGHTLY COMPACT (TAMP WITH BACKHOE BUCKET OR BY HAND). KEEP EQUIPMENT MOVEMENT OVER PLANTING SOIL TO A MINIMUM. DO NOT OVER COMPACT. INSTALL PLANTING SOIL TO GRADES INDICATED ON THE DRAWINGS. LOADS ON THE SOIL SHOULD NOT EXCEED FOUR POUNDS PER SQUARE INCH.
    - FRESHEN THE PLANTING SOIL AT LEAST 24 HOURS PRIOR TO PLANTING VEGETATION TO AID IN SETTLEMENT.
    - PLANT TREES AND SHRUBS ACCORDING TO SUPPLIER RECOMMENDATIONS ONLY FROM MID-MARCH THROUGH THE END OF JUNE OR FROM MID-SEPTEMBER THROUGH MID-OCTOBER.
    - INSTALL TWO OR THREE LAYERS OF SPECIFIED HIGH-DENSITY POLYETHYLENE (HDPE) LINER OR COMPOST MULCH EVENLY AS SHOWN ON PLANS. DO NOT APPLY MULCH IN AREAS WHERE GROUND COVER IS TO BE GRASS OR WHERE COVER WILL BE ESTABLISHED BY SEEDING.
    - PROTECT THE BIORETENTION BASIN FROM SEDIMENT AT ALL TIMES DURING CONSTRUCTION. COMPOST SOCKS, DIVERSION BERM AND OTHER APPROPRIATE MEASURES SHOULD BE USED AT THE TOP OF SLOPE. THIS IS ADJACENT TO THE BIORETENTION BASIN TO PREVENT SEDIMENT FROM WASHING INTO THESE AREAS DURING CONSTRUCTION.
    - WHEN THE SITE IS FULLY VEGETATED AND THE SOIL MANTELE IS STABILIZED, NOTIFY THE PLAN DEPARTMENT TO INSPECT THE BIORETENTION BASIN. DRAINAGE AREA AT HIGH-ER DIRECTION. BEFORE THE AREA IS FROD, GFT CHAIN AND SEDIMENT CONTROL DEVICES REMOVED.
    - MULCH AND INSTALL EROSION PROTECTION AT SURFACE FLOW ENTRANCES WHERE NECESSARY.

GRAPHIC SCALE 1 inch = 20 feet

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ORIGINAL ISSUE 02/05/2019  
SECOND ISSUE 03/29/2019  
THIRD ISSUE 04/30/2019

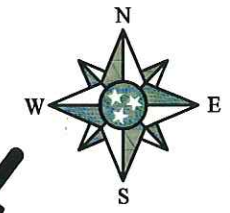
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GRADING PLAN

EXHIBIT A



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ISSUE: CONSTRUCTION DOCUMENTS
REVISION:

DATE: 04/20/2019	PROJ. NO.: 1905-18-000	PROJ. MGR.: SC	CADD: IPH	COUNTY: DAVIDSON	MUNICIPALITY: NASHVILLE
SHEET: BELL GROUP, LLC HAYNIE AVE. INDUSTRIAL WAREHOUSE AERIAL EXHIBIT					

EXHIBIT B

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## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-435 (430 Haynie Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	IWD
Community Plan Policy:	D IN (District Industrial)
MCSP Street Designation:	Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

### Planning Staff Recommendation: *Disapprove.*

**Analysis:** The applicant proposes to construct a 15,000 square foot warehouse and requests a variance from constructing sidewalks or contributing in-lieu of construction. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the Haynie Avenue property frontage, which is consistent with adjacent properties to the east and west.
- (2) Per the Zoning Ordinance, the applicant is eligible to contribute in-lieu of construction. Electing to make the contribution in-lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Bozeman Sign Company Date: 8/19/19  
Property Owner: _____ Case #: 2019-437  
Representative: Michael Durham Map & Parcel: 09115 000800

Council District 24

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

Purpose: SIGNAGE FOR Big Bad Breakfast  
EXTENDS ABOVE PARAPET BEYOND  
ALLOWABLE AREA PER 17.32.070 D3  
PERMIT APP 2019049700

Activity Type: SIGNAGE

Location: 5304 CHARLOTTE

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: HEIGHT VARIANCE

Section(s): 17.32.070 D3

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.

Bozeman Sign Company  
Appellant Name (Please Print)

Michael Durham  
Representative Name (Please Print)

862 Easthagan Dr  
Address

same  
Address

Nashville TN 37216  
City, State, Zip Code

_____  
City, State, Zip Code

615-331-0805  
Phone Number

same  
Phone Number

permits@bozemensigns.com  
Email

same  
Email

Zoning Examiner: B

Appeal Fee: _____



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



3703242

**ZONING BOARD APPEAL / CAAZ - 20190049718  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 09115000800

APPLICATION DATE: 08/19/2019

**SITE ADDRESS:**

5304 CHARLOTTE AVE NASHVILLE, TN 37209  
PT BLK 194 WEST NASHVILLE NO 1

PARCEL OWNER: WEST, LINDA DELLWEN SMITH

CONTRACTOR:

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

Proposed Signage to extend 2 ft above parapet and 66% of letter will extend above parapet.

BZA Appeal requesting Variance to 17.32.070 D3: SIGNS SHALL NOT EXTEND ABOVE THE TOP OF THE WALL OR PARPET MORE THAN FIFTY PERCENT (50%) OF THE HEIGHT OF THE LETTER FOR INDIVIDUAL MOUNTED LETTERS TO A MAXIMUM OF 18 INCHES.

Signage for BIG BAD BREAKFAST restaurant.

3 FT H x 30 FT W Logo and BIG BAD BREAKFAST lettering Individual Channel Letters to be installed on front and side facades of building extending 2 feet above roofline.

Permit App 2019049700

*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**



3703217

**APPLICATION FOR BUILDING SIGN PERMIT / CASN - T2019049700  
THIS IS NOT A PERMIT**

PARCEL: 09115000800

APPLICATION DATE: 08/19/2019

**SITE ADDRESS:**

5304 CHARLOTTE AVE NASHVILLE, TN 37209  
PT BLK 194 WEST NASHVILLE NO 1

PARCEL OWNER: WEST, LINDA DELLWEN SMITH

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

Rejected, does not comply with 17.32.070 D3: SIGNS SHALL NOT EXTEND ABOVE THE TOP OF THE WALL OR PARPET MORE THAN FIFTY PERCENT (50%) OF THE HEIGHT OF THE LETTER FOR INDIVIDUAL MOUNTED LETTERS TO A MAXIMUM OF 18 INCHES.

Signage for BIG BAD BREAKFAST restaurant.

3 FT H x 30 FT W Logo and BIG BAD BREAKFAST lettering Individual Channel Letters to be installed on front and side facades of building extending 2 feet above roofline.

BZA Appeal requesting Variance from 17.32.070D3

Proposed Signage to extend 2 ft above parapet and 66% of letter will extend above parapet.

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[G] Bond & License Review On Bldg App		

## 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 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

Michael Durham  
APPELLANT

8/19/19  
DATE

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

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

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

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

seeking a historical variance and for lack of visability to replace the existing signage approved under variance appeal case 2016-065 with new signage at the same size extending above the parapet. New signage will look similar to the existing signage and the original signage.

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Proposed Signage

36 in

# BIG BAD BREAKFAST

360 in



Big Bad Breakfast  
Job Number  
channel letters



862 Easthagan Drive  
Nashville, TN 37217  
615.331.0805  
www.bozmannsigns.com



DATE: 8-9-19 update 8-21  
CONTACT: ?  
DESIGN BY: T. Word  
FILE NAME: big bad breakfast

SHEET: 1/1

MEASUREMENTS ARE FOR LAYOUT PURPOSES ONLY. PLEASE VERIFY BEFORE APPLYING. THIS IS A COMPUTER GENERATED PROOF AND IT IS NOT COLOR ACCURATE. THE COLORS IN THIS PROOF ARE ONLY AS A GUIDE. THIS DESIGN REMAINS OUR EXCLUSIVE PROPERTY AND CANNOT BE DUPLICATED WITHOUT WRITTEN CONSENT OF BOZMAN SIGNS COMPANY, INC.



Big Bad Breakfast  
Job Number  
channel letters



862 Easthogan Drive  
Nashville, TN 37217  
615.331.0805  
www.bozemandesigns.com



DATE:  
8-9-19 update 8-21  
CONTACT:  
2

DESIGN BY:  
T. Word  
FILE NAME  
big bad breakfast

SHEET:  
1/1



*Existing signage to be replaced*



original  
signage



*Existing signage to be replaced.*



Proposed Signage



Big Bad Breakfast

Job Number

channel letters



862 Easthagan Drive  
 Nashville, TN 37217  
 615.331.0805  
 www.bozmansigns.com



DATE:

8-9-19 update 8-21

CONTACT:

?

DESIGN BY:

T. Word

FILE NAME

big bad breakfast

SHEET:

1/1



Big Bad Breakfast  
Job Number  
channel letters

360 in

36 in

# BIG BAD BREAKFAST



862 Easthagan Drive  
Nashville, TN 37217  
615.331.0805  
www.bozmansigns.com



DATE:  
8-9-19 update 8-21

CONTACT:  
?

DESIGN BY:  
T. Word

FILE NAME  
big bad breakfast



SHEET:

1/1

Existing Signage to be Replaced — West Elevation



Existing Signage to be Replaced — Front Elevation



Existing Signage to Remain— East Elevation





Original Signage



## Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Tommy & Kristi McDougalDate: 08/19/19Property Owner: Treglown Patton WarnerCase #: 2019 - 438Representative: S+H GroupMap & Parcel: Map-105-01 Parcel 089.00Council 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 remove the requirement for installation of the MCSP sidewalk standard along the South St. property frontage determined by street front setback for the property be determined by Substitute Ordinance No. BL2016-493 amending Chapters 17.04, 17.20 and 17.40 of the Metropolitan Code pertaining to sidewalks (Proposal No. 2016Z-024TX-001)

Activity Type: Commercial - RestaurantLocation: 901 12th Ave S - 37203

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:

To allow for an alternative sidewalk installation to permit required parking and vehicle maneuverability through the site

Reason: maneuverability through the siteSection(s): 17.04, 17.20 & 17.40

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.

Tommy & Kristi McDougal  
Appellant Name (Please Print)

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

2115 Belcourt Ave  
Address

2606 Eugenia Ave, Suite D  
Address

Nashville, TN, 37212  
City, State, Zip Code

Nashville, TN 37211  
City, State, Zip Code

615-383-3005  
Phone Number

615-647-8775 x102  
Phone Number

tommy@mcdougalschicken.com  
kristi4mcdougal@gmail.com  
Email

tripp@shgroupllc.com  
Email

Appeal Fee: \$200



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



3703276

**ZONING BOARD APPEAL / CAAZ - 20190049738  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10501008900**APPLICATION DATE:** 08/19/2019**SITE ADDRESS:**

901 12TH AVE S NASHVILLE, TN 37203

LOTS 6, 7 PT. LOT 1 BOYD ADDN SUB AMENT.

**PARCEL OWNER:** WARNER, TREGLOWN PATTON**CONTRACTOR:****APPLICANT:****PURPOSE:**

Sidewalk Variance 17.20.120 requiring replacement of Existing Sidewalks due to renovations to existing building for future tenant. Requesting to build to Planning Department Recommendations (BZA Case 2019-191) for previously submitted appeal which was withdrawn by former Applicant.

No Renovation 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.*

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***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.

Tommy & Kristi McDougal  
 _____  
 APPELLANT

8/19/2019  
 _____  
 DATE

### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

See attached letter and materials

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There are unique circumstances (hardships) that affect the property regarding the required sidewalk installation. The location of the existing building to be renovated, the existing constrained ROW of Porter Road and the MCSP requirements for total sidewalk ROW (including total bike lane, sidewalk, and furnishing and green zones) create a conflict which will not permit the required sidewalk standard to be installed along Porter Road. We have design concerns with transitioning an alternative sidewalk that would fit within the existing ROW of Porter Road to the required sidewalk standard per MCSP along Riverside Drive at the intersection of those streets given the inconsistent sidewalk and vegetation strip widths and the resulting appearance at that intersection. Further, while we understand this would not be considered a hardship, we feel it should be noted that the required sidewalk standard along Riverside Drive would conflict with the proposed addition of retail space along the existing building facade at the intersection, which is critical to the project provided the plan for a campus of non-profit businesses.



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

August 19, 2019

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

Re: 901 12th Avenue South  
Parcel No. 10501008900

To Whom It May Concern:

On behalf of our client, we are submitting the referenced project for a Variance Request from Third Substitute Ordinance No. BL2016-493 amending Chapters 17.04, 17.20 and 17.40 of the Metropolitan Code pertaining to sidewalks (Proposal No. 2016Z-024TX-001). Due to the unique circumstances of the property pertaining to the locations of existing structures on site and the inability to accommodate the prescribed sidewalk standard per the Major Collector and Street Plan ("MCSP"), we are requesting a variance from the required sidewalk and are proposing an alternative sidewalk plan for the project. Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstance (hardship) description below and enclosed the following:

1. Eight (8) copies of the Site Plan
2. Site GIS and Aerial Images
3. Planning Recommendation from previous BZA Variance Request Case No. 2019-191
4. Previous letter from BZA Variance Request Case No. 2019-191 discussing site hardship
5. Board of Zoning Appeals Checklist
6. Application for Variance Request
7. Check in the amount of \$200.00 to Board of Zoning

**Unique Circumstance (Hardship)**

As mentioned above, there are unique circumstances (hardships) that affect the property regarding the required sidewalk installation. The location of the existing building to be renovated, the existing intersection at 12th Ave. and South St. and the MCSP requirements for total sidewalk ROW (including sidewalk, and furnishing and green zones). These issues and the required sidewalk standard, particularly along South St. create a conflict with existing parking on the property and vehicle maneuverability through the site. Accordingly, an alternative sidewalk plan is being proposed to install the required MCSP standard sidewalk along 12th Ave. South, while continuing the existing sidewalk along South St. adjacent to and east of the property, which includes a 2-foot grass strip and a 5-foot sidewalk. This alternative sidewalk plan was previously reviewed and recommended for approval by the Planning Department per Variance Appeal Case No. 2019-191 on the property and will allow for parking along the existing South St. building facade, as well as greater vehicle maneuverability through the site. From conversations with Planning and Metro Public Works, the site plan also includes closing the curb cut and entrance along South St., nearest the intersection.



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

Due to the reasons cited above, we believe that a sidewalk variance and alternative sidewalk plan is appropriate based on the site meeting the requirements of hardship from a physical characteristic of the property, unique characteristics of the property, hardship not self-imposed, financial gain not only basis, no injury to neighboring property, and no harm to public welfare.

If you have any questions or concerns, please call or email me at 615-390-0139 or [tripp@shgrouppllc.com](mailto:tripp@shgrouppllc.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Frank (Tripp) P. Smith, III'.

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

cc: Chip Howorth, Principal



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-191 (901 12th Avenue South)

Metro Standard:	12 th Avenue South – 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
	South Street – 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks along South Street
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	12 th Avenue South – T4-M-AB4
	South Street – T4-M-CA2
Transit:	#2 – Belmont; #17 – 12 th Avenue South; #93 – Music City Star West End Shuttle; Future Rapid Bus per nMotion
Bikeway:	Major separated bikeway on 12 th Avenue South; existing low stress bikeway on South Street

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

**Analysis:** The applicant proposes to repurpose an existing 2,649 square foot building for a future restaurant use and requests a variance from upgrading sidewalks along the South Street property frontage. Planning evaluated the following factors for the variance request:

- (1) A 7' sidewalk without a grass strip exists along the 12th Avenue South property frontage which is consistent with adjacent properties to the south along the block face. The applicant proposes to construct a 4' grass strip and 8' sidewalk along 12th Avenue South, which meets the Major and Collector Street Plan standard.
- (2) A 7' sidewalk without a grass strip exists along the South Street property frontage. Along the property to the immediate west of the subject site and alley #428, a 2' grass strip and 5' sidewalk exists along the block face.
- (3) Two vehicular driveways are located along the South Street frontage. While the sidewalk design does not meet the Major and Collector Street Plan standard, closure of the driveway closest to the 12th Avenue South intersection and construction of a 2' grass strip and 5' sidewalk will provide adequate space for an existing utility pole and reduce additional vehicular conflicts at the signalized intersection. This design will also avoid further impacts to the applicant's existing parking lot.

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

1. The applicant shall construct 4' grass strip and 8' sidewalks along the 12th Avenue South property frontage, which meets the Major and Collector Street Plan standard.
2. Coordinate with Metro Public Works with regards to the closure of the northeast driveway along South Street to be replaced in-kind with MPW Detail ST-210 for a 2' grass strip and 5' sidewalk.

8/19/2019

IMG-1533.JPG

10501009000

Case # 2019-191

**From:** Gabe Scott  
**To:** Board of Zoning Appeals (Codes)  
**Subject:** 901 12th ave south  
**Date:** Friday, April 26, 2019 1:59:55 PM

---

Dear Board Members,

My name is Gabe Scott and I'll be presenting as part of the agenda for the upcoming May 2nd appeals meeting (**CASE 2019-191 (Council District - 17)**).

As next week approaches, I wanted to reach out and give you an update on progress concerning 901 12th ave as well as reiterate my position and compromise for the future of this property. I sent my proposal to Colby Sledge (district 17 council member) as well and he responded saying I have his full support. I'm hoping for yours as well.

**Speaking not as an owner but simply a potential lessee of this property:**

I'm a longtime musician/songwriter but currently in the process of trying to open an austin-style breakfast taco shop. We're calling it Ladybird Taco. My family and I live on S. Douglas ave just a mile from the above property. It was just sold by its longtime owner a few months back to the current landlord is a nice property with a really great green space including a few trees. It has a lot of potential.

**After speaking with multiple civil engineers, I learned that.....**

- pulling a permit to renovate this building for restaurant use will trigger Metro's sidewalk ordinance for the UZO 8' sidewalks and 5' grass strips
- if new sidewalks were built out to code as part of the major and collector street plan, we would then lose the right of way to 100% of the current parking on property (20 spaces)
- even with parking allowances for UZO transit route, we will still need at least 15 parking spaces to meet code
- this property isn't zoned for paying into the sidewalk fund.
  - it would most likely be too cost prohibitive for us to cover the entire amount even if allowed to contribute as we will already be spending a very large sum to improve the building

**So I got to work trying to find any reasonable solutions that would honor city planning and where Nashville is headed while still being a viable option for our startup business to operate.** A helpful meeting downtown with Elwyn Gonzalez (transportation planner) revealed the ideal scenario from the perspective of Public Works which was:

Build 12th ave sidewalks to code, Build South street sidewalks of 5' and grass strip of 2', build a barrier of some sort between sidewalk and parking, build curb up to close both entrance ramps to parking lot and have customers enter through the alley on the west side of parking lot.

I can see that this plan would be great for city planning, and it does have a small compromise with the 5' sidewalk, its just too many variables stacked against a small local business like mine.

This is cutting the property to a single entrance/exit through an alley. And the alley is a single lane. There is no ability for a pass-by lane for cars to enter and exit at the same time. I believe its a formula for congestion, confusion, and probably fender benders.

I also had a very helpful meeting with Jon Michael and Emily Lamb to get their thoughts and advice on the situation. We all agreed that paving over the existing green space to accommodate the parking requirement would be an unfortunate remedy for everyone. That would also make it a non-start for our particular concept, eliminating the possibility of any outdoor seating/green space.

**After much discussion/brainstorming, this is the proposal i see as most balanced and usable between the city, Ladybird, and the property. It's what I'll propose next thursday.**

- Building out new sidewalks & grass strip along the 12th ave side of the building and surrendering the 7 current parking spaces located on that side
- Getting a variance to leave the south street side as is with the sidewalks that are currently there (7' wide) which would salvage 13 parking spaces
- Sign a cross parking easement with owner of the neighboring lot for an additional 4 spaces. Getting us to 17 total (a couple more than the 15 required).
- Both properties have the same owner and he has agreed to granting this parking easement.
- Dedicating the right of way on South Street to the city for future sidewalk improvements

This plan results in an improvement of 12th ave sidewalks, as well as retaining the green space and trees in the back, getting us the parking we need to meet codes, makes entering the property more straight forward, and keeps the financials within the feasible/viable range for us to proceed.

This email is quite lengthy. Thank you for your time! I look forward to speaking with you next week.

Gabe



**THE CLIENT:**  
 MCDUGAL'S CHICKEN  
 100 TAYLOR STREET, SUITE A13  
 NASHVILLE, TN 37203

**DESIGNER:**  
 SW DESIGN GROUP  
 100 TAYLOR STREET, SUITE A13  
 NASHVILLE, TN 37203

**DATE:** 11/20/2019

**PROJECT:** MCDUGAL'S CHICKEN  
 100 TAYLOR STREET, SUITE A13  
 NASHVILLE, TN 37203

**SCALE:** 1" = 20'

**PROJECT NO.:** 19-001

**DATE:** 11/20/2019

**PROJECT NO.:** 19-001

C2.0

S+H

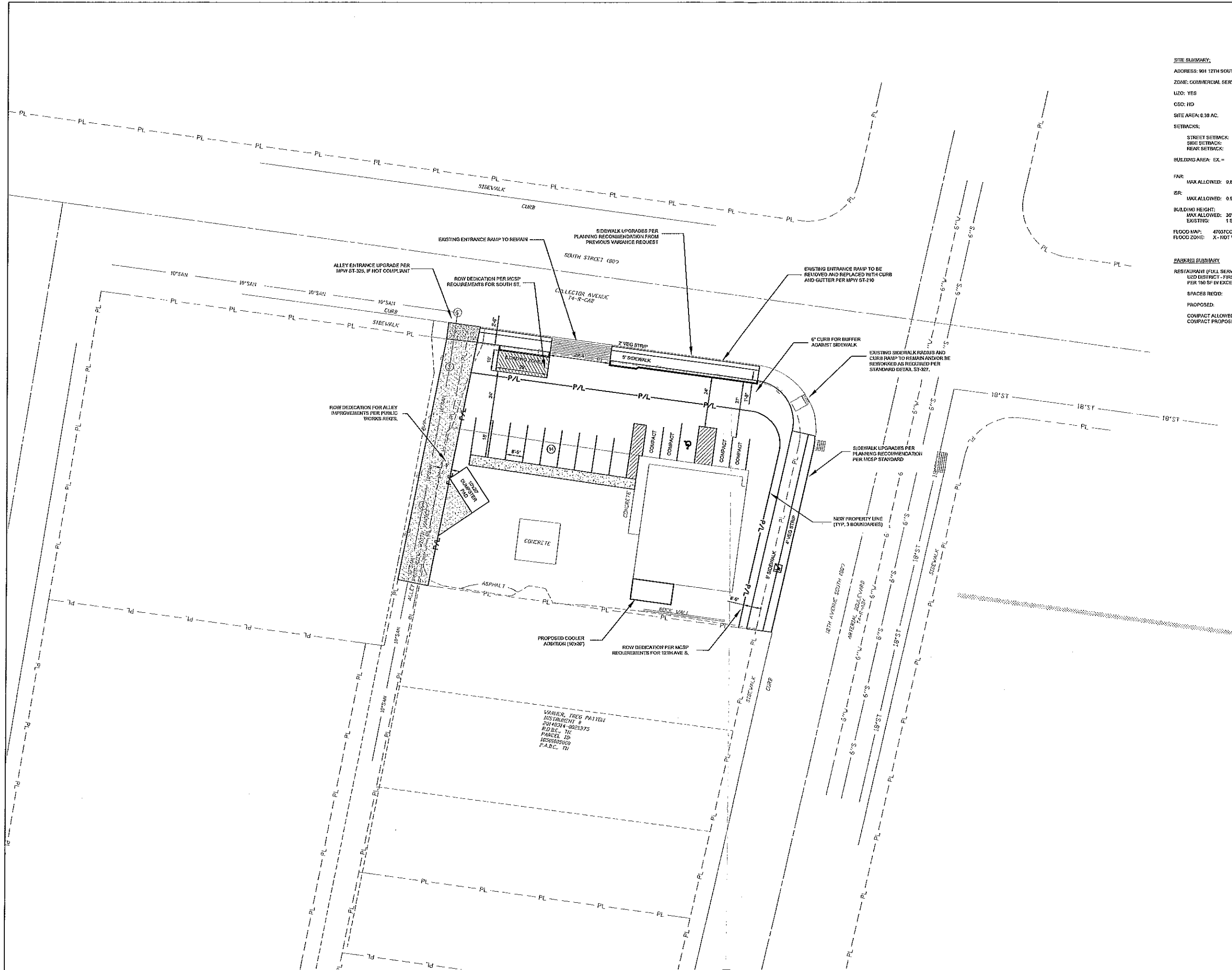
SOUTH HAVEN ARCHITECTURE

100 TAYLOR STREET, SUITE A13  
NASHVILLE, TN 37203

DATE	DESCRIPTION OF REVISION

**SW DESIGN GROUP**  
 100 TAYLOR STREET, SUITE A13  
 NASHVILLE, TN 37203

**McDOUGAL'S CHICKEN**  
**CONCEPT SITE PLAN**



**SITE SUMMARY:**  
 ADDRESS: 901 12TH SOUTH  
 ZONE: COMMERCIAL SERVICE (CS)  
 UZO: YES  
 CSO: NO  
 SITE AREA: 0.38 AC.  
**SETBACKS:**  
 STREET SETBACK: 15 FT  
 SIDE SETBACK: 0 FT  
 REAR SETBACK: 20 FT  
 BUILDING AREA: EX. = 2,719 SF (0.06 AC)  
**FAR:**  
 MAX ALLOWED: 0.60  
**ISR:**  
 MAX ALLOWED: 0.60  
**BUILDING HEIGHT:**  
 MAX ALLOWED: 32'  
 EXISTING: 1 STORY  
**FLOOD MAP:** 47037C0357H, DATED 04/05/2017  
**FLOOD ZONE:** X - NOT WITHIN A FLOOD HAZARD AREA  
**PARKING SUMMARY:**  
**RESTAURANT (FULL SERVICE):**  
 LZO DISTRICT - FIRST 1,000 SF EXEMPT; 1 SPACE PER 150 SF IN EXCESS OF 1,000 SF  
**SPACES REQD:** 12  
**PROPOSED:** 14  
**COMPACT ALLOWED:** 14 X 30% = 4.2  
**COMPACT PROPOSED:** 4

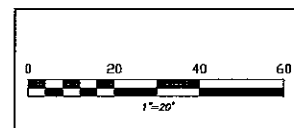
DATE	DESCRIPTION OF REVISION

SW DESIGN GROUP  
 100 TAYLOR STREET, SUITE 410  
 NASHVILLE, TN 37203  
 McDougal's Chicken  
 CONCEPT SITE PLAN

**S + H** ENGINEERING  
 CONSULTING  
 2008 EUGENIA AVENUE  
 NASHVILLE, TN 37203  
 TEL: 615.661.1100

Date: 05/08/19  
 Scale: 1" = 20'  
 Drawn by: JSN  
 Reviewed by:

Sheet Name: **C2.0**



VARNER, TRES PATTON  
 INSTRUMENTY &  
 20140314-021575  
 RELOC. TN  
 PARCEL ID:  
 10201005020  
 F.A.D.C. TN

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-438 (901 12th Avenue South)

Metro Standard:	12 th Avenue South – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
	South Street – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Construct alternate sidewalk design along South Street
Zoning:	CS
Community Plan Policy:	T4 CM (Urban Mixed Use Corridor)
MCSP Street Designation:	12 th Avenue South – T4-M-AB4
	South Street – T4-M-CA2
Transit:	#2 – Belmont; #17 – 12 th Avenue South; #93 – Music City Star West End Shuttle; Future Rapid Bus per nMotion
Bikeway:	Major separated bikeway on 12 th Avenue South; existing low stress bikeway on South Street

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

**Analysis:** The applicant proposes to repurpose an existing 2,649 square foot building for a future restaurant use and requests a variance to construct an alternative sidewalk design along the South Street property frontage, per the attached site plan. Planning evaluated the following factors for the variance request:

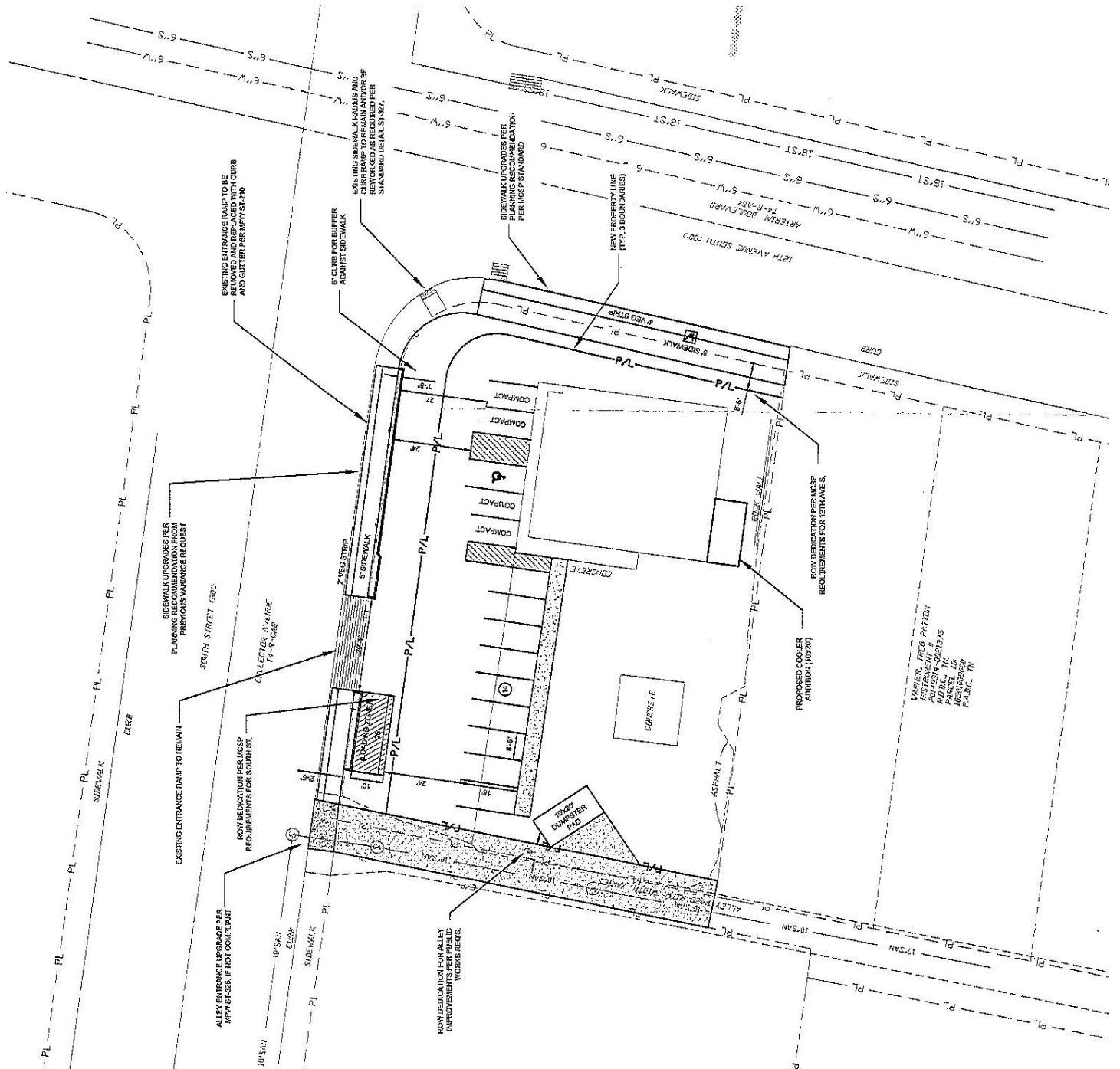
- (1) A 7’ sidewalk without a grass strip exists along the 12th Avenue South property frontage, which is consistent with adjacent properties to the south along the block face. The applicant proposes to construct a 4’ grass strip and 8’ sidewalk along 12th Avenue South, which meets the Major and Collector Street Plan standard.
- (2) A 7’ sidewalk without a grass strip exists along the South Street property frontage. Along the property to the immediate west of the subject site and alley #428, a 2’ grass strip and 5’ sidewalk exists along the block face.
- (3) Two vehicular driveways are located along the South Street frontage. While the sidewalk design does not meet the MCSP standard, closure of the driveway closest to the 12th Avenue South intersection and construction of a 2’ grass strip and 5’ sidewalk will provide adequate space for existing utilities and reduce additional vehicular conflicts at the signalized intersection. This design will also maintain consistency with adjacent properties to the west and avoid further impacts to the applicant’s existing off-street parking lot.

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

1. The applicant shall construct sidewalks per the attached site plan.
2. Prior to the issuance of building permits, dedicate right-of-way along the South Street property frontage to accommodate future sidewalks per the Collector-Avenue Standard.
3. Coordinate with Metro Public Works with regards to the closure of the northeast driveway along South Street to be replaced in-kind with MPW Detail ST-210 for a 2’ grass strip and 5’ sidewalk.



# 901 12th Avenue South – Site Plan



PREPARED BY: TREG PATTON  
 ARCHITECT & ENGINEERS  
 2010 S. 10TH AVENUE, SUITE 100  
 DENVER, CO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101



**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** District 17 Positions for Oct 3 agenda  
**Date:** Friday, September 27, 2019 12:52:26 PM

---

Hi all,

Here are my stances on D17 items on the agenda:

- 2019-396: **Strongly oppose** this request not to pay in-lieu fund
- 2019-403: **Oppose** this request, as I believe appeal refers to wrong property
- 2019-427: **Support** this request, as it is for affordable housing
- 2019-438: **Support** this request, as it maintains a previous BZA decision
- 2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : CHANDRA BILLINGSLEY ADAMS Date: 08/20/19  
Property Owner: SAME Case #: 2019- 441  
Representative: : SAME & JEFF ADAMS Map & Parcel: 126 00 0 127.00

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:

TO UTILIZE EXISTING SINGLE FAMILY DETACHED 5758 SQ. FT. RESIDENTIAL STRUCTURE ON 8.46 AC. ZONED ARZA FOR RURAL BED AND BREAKFAST HOMESTAY.

Activity Type: RURAL BED & BREAKFAST HOMESTAY BY SPECIAL EXCEPTION

Location: 4483 HEATH RD., 37221

This property is in the ARZA 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 APPROVAL IS REQUIRED PER ZONING

Section(s): 17.08.030(D) ; 17.16.160(A)(1-8)

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.

CHANDRA BILLINGSLEY ADAMS  
Appellant Name (Please Print)

CHANDRA BILLINGSLEY ADAMS  
Representative Name (Please Print)

4483 HEATH RD  
Address

SAME  
Address

NASHVILLE, TN 37221  
City, State, Zip Code

SAME  
City, State, Zip Code

731-616-1700  
Phone Number

SAME  
Phone Number

JJACDR333@gmail.com  
Email

SAME  
Email

Zoning Examiner: DAVID D-R

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**



3703614

**ZONING BOARD APPEAL / CAAZ - 20190049967  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 12600012700**APPLICATION DATE:** 08/20/2019**SITE ADDRESS:**

4483 HEATH RD NASHVILLE, TN 37221  
W/S HEATH RD N OF HWY 70-S

**PARCEL OWNER:** BILLINGSLEY, CHANDRA D & ADAMS, JAN**CONTRACTOR:****APPLICANT:****PURPOSE:**

To utilize existing single-family detached 5,258 sq. ft. residential structure on 8.48 acres zoned AR2A for a rural bed and breakfast homestay. Sections: 17.08.030(D) and 17.16.160(A)(1-8). Applicants do not intend to modify the structure. Accordingly, there is no related building permit request.

*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**

8/20/2019  
**DATE**

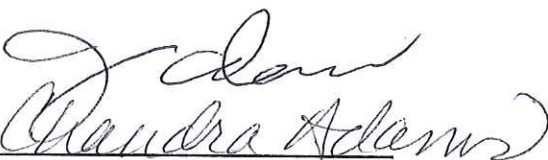
## SPECIAL EXCEPTION REQUEST

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 RESPONSIBILITIES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

  
Chandra Adams  
APPELLANT (OR REPRESENTATIVE)

8/20/2019  
DATE

August 18, 2019

Metro Government Nashville Davidson County  
Codes & Zoning Department

RE: Letter of Intent  
Rural Bed and Breakfast Homestay  
4483 Heath Road, Nashville, TN 37221 (Davidson County)

Dear Examiner:

We are the owners of a residential property located at the address listed above. Our home has raised three children that are now in college. As new empty-nesters, we desire to operate our residence as an owner-occupied rural bed and breakfast homestay for adults visiting the Nashville area. We love our city and would like to encourage those traveling into or through our area to tour Nashville while staying in the comfort of quiet, secluded home-setting. Our home consists of three unique bedrooms with their own baths. We will serve guests one hot breakfast with each night's stay.

For purposes of zoning and obtaining a permit to host guests, we provide the following:

1. A rural bed and breakfast homestay shall be any geographically definable area of one agriculturally zoned lot which contains five or more acres for the principal structure as determined by the board of zoning appeals.

***Our property meets this requirement as an established 30 year old home zoned AR2A consisting of 8.460 acres located in Davidson County.***

2. Owner-Occupied. The owner of the property must reside permanently in the home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the home.

***Our property meets this requirement as this is our sole permanent residence.***

3. No more than one off-street parking space shall be provided for each guest room. The board shall determine the appropriate location of these spaces and require fencing, screening and landscaping to buffer and protect surrounding residential properties from any adverse impact caused by the off-street parking of vehicles.

***Our property contains a residential driveway which provides one parking space 200 feet from the street for each guest room.***

4. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.

*No signage for advertisement has been obtained.*

5. The bulk regulations of the district for a residence shall apply.

*We intended to comply with all regulations of the district.*

6. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.

*We intend to maintain and make available to the zoning administrator a guest register for each calendar year.*

7. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.

*Meal service will be restricted to overnight guests only; no cooking facilities are available in any guest room.*

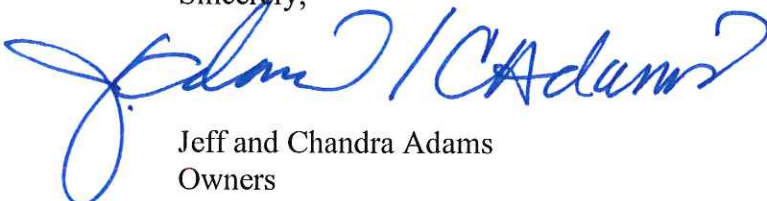
8. The metropolitan fire marshal shall approve the structure for safety.

*The metropolitan fire marshal has been contacted to set up an appointment for inspection of our residence.*

We are formally requesting that the June 13, 2019 *Title 17.16.160(A)* exception of the Metropolitan Code of Laws and Zoning Ordinances apply to our application for acquiring a Use and Occupancy Permit based on these compliances in establishing a rural bed and breakfast homestay at our property within Davidson County.

We appreciate your time and consideration.

Sincerely,



Jeff and Chandra Adams  
Owners

Attachments: Title 17.16.160 (A) Residential Special Exceptions  
Parcel Viewer photographs  
Floor plans

## 17.16.160 - Residential special exceptions.

## A. Rural Bed and Breakfast Homestay.

1. A rural bed and breakfast homestay shall be any geographically definable area of one agriculturally zoned lot which contains five or more acres for the principal structure as determined by the board of zoning appeals.
2. Owner-Occupied. The owner of the property must reside permanently in the home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the home.
3. No more than one off-street parking space shall be provided for each guest room. The board shall determine the appropriate location of these spaces and require fencing, screening and landscaping to buffer and protect surrounding residential properties from any adverse impact caused by the off-street parking of vehicles.
4. No signs shall be permitted for advertising. An accessory residential sign, not to exceed the dimensions of one square foot of area, displaying the name and/or address of the owner may be permitted.
5. The bulk regulations of the district for a residence shall apply.
6. The owner shall maintain and make available to the zoning administrator a guest register for each calendar year.
7. Meal service shall be restricted to overnight guests only; no cooking facilities shall be permitted in any guest room.
8. The metropolitan fire marshal shall approve the structure for safety.

## B. Historic Home Events.

1. Lot Size. The minimum bulk standard for the zone district shall apply.
2. Location. The events shall be within a historically significant structure, as determined by the historic zoning commission.
3. Parking. Where the minimum parking space standard requires additional parking area to be constructed, such area shall comply with the perimeter parking lot landscaping according to Chapter 17.24 of this code. In urban settings, the board of zoning appeals may consider on-street parking to satisfy the minimum parking standard, provided there is a finding of sufficient available public space.
4. Signs. Signs for advertising shall not be permitted.
5. Meals. Meal service shall be restricted to patrons of the special event only, and not



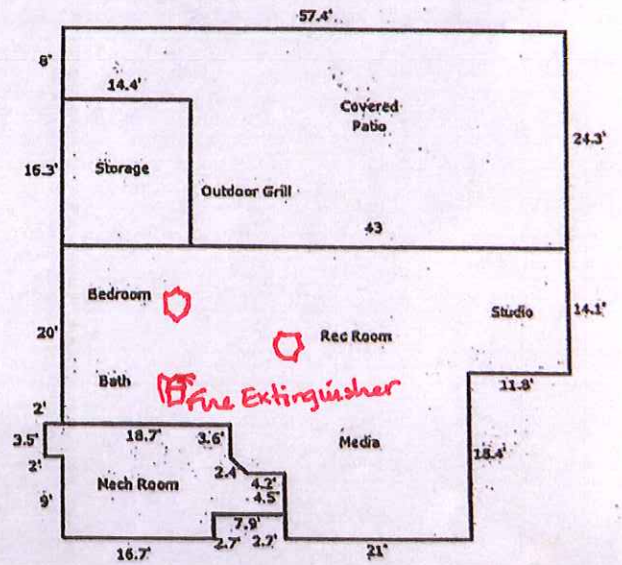
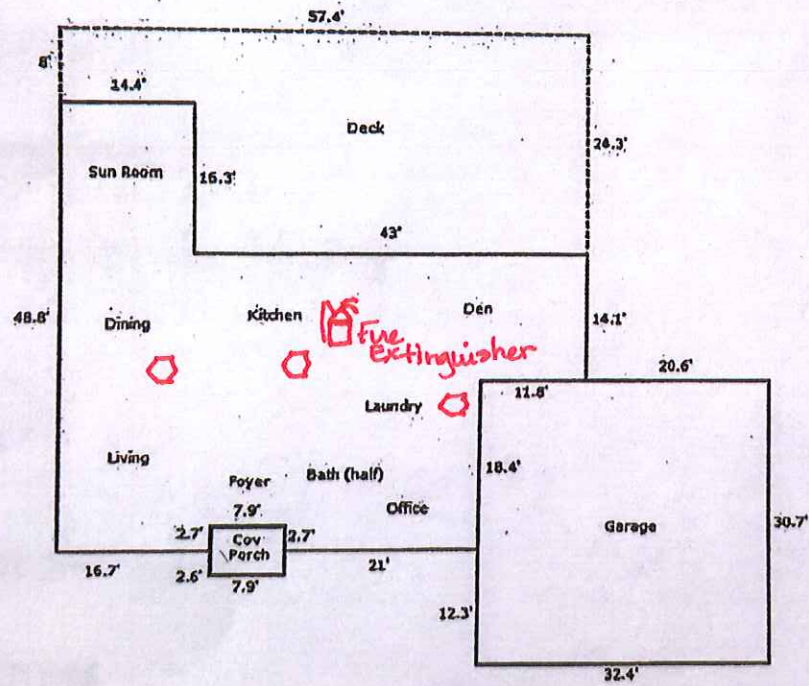
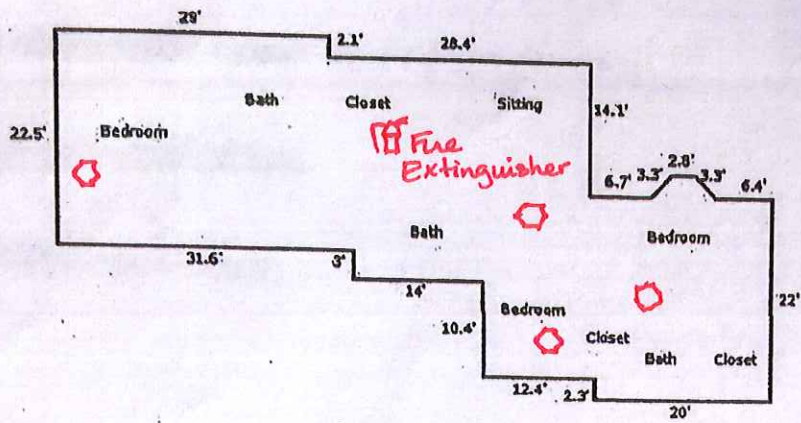
to the general public.

6. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding shares owned by any single individual or corporation, shall reside permanently in the historic home. If two or more persons own equal shares that represent the largest ownership, at least one of the persons shall reside permanently in the historic home.
7. Frequency of Events. The board of zoning appeals may limit the number and frequency of events to minimize disturbance to surrounding properties.

C. Multi-family.

1. A maximum of two units per lot shall be permitted as an accessory use to Manufacturing, Artisan use.
2. Residential uses are supported by the Community Plan, as determined by the planning department.
3. No hazardous materials or uses are located within an unsafe distance of the proposed residential use, as evidenced by the testimony presented to the board of zoning appeals.

(Ord. BL2015-1121 § 8, 2015; Ord. BL2005-701 § 1, 2005; Ord. BL2001-675 § 1 (part), 2001; Ord. 99-1616 § 1 (part), 1999; Ord. 96-555 § 4.3(B), 1997)



○  
Smoke  
detector



4483 Heath Road, Nashville, TN 37221. Two story residential home situated on 8.460 wooded acres in Davidson County, off Highway 70, approximately 1.5 miles from I-40 West at Exit 196 (Bellevue).



Neighbor

Neighbor

Wooded Area

Driveway

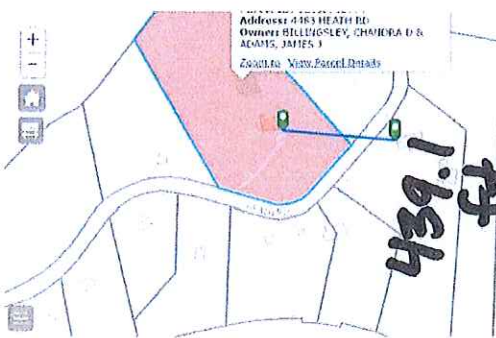
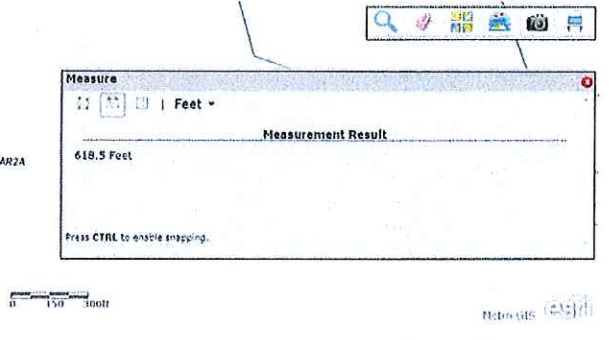
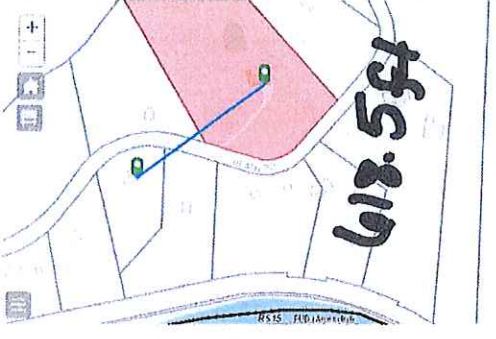
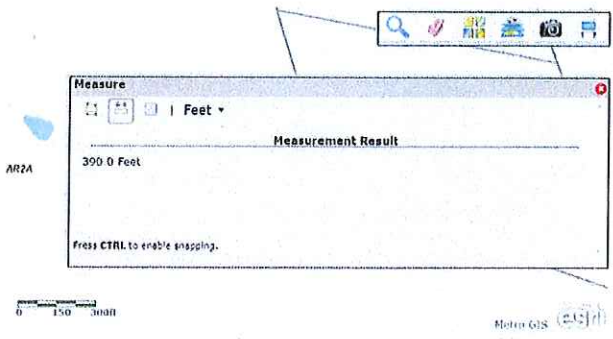
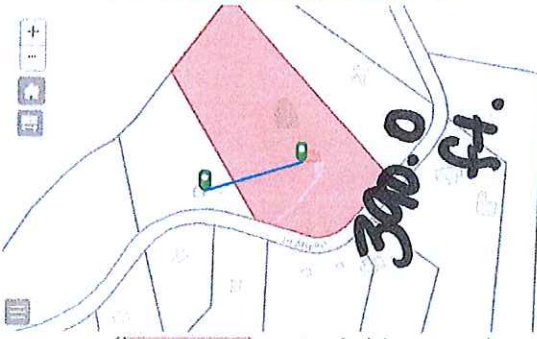
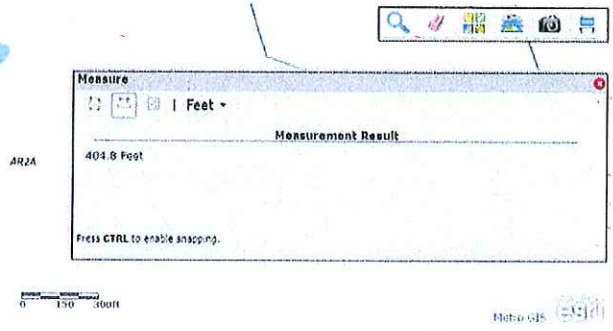
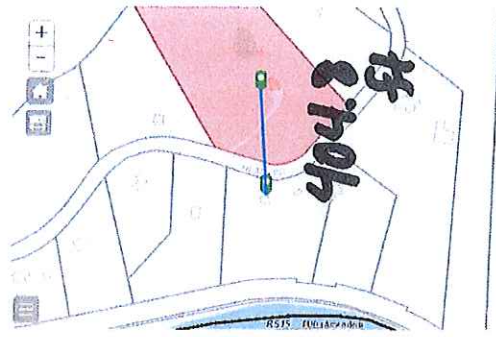
B+B

Wooded Area

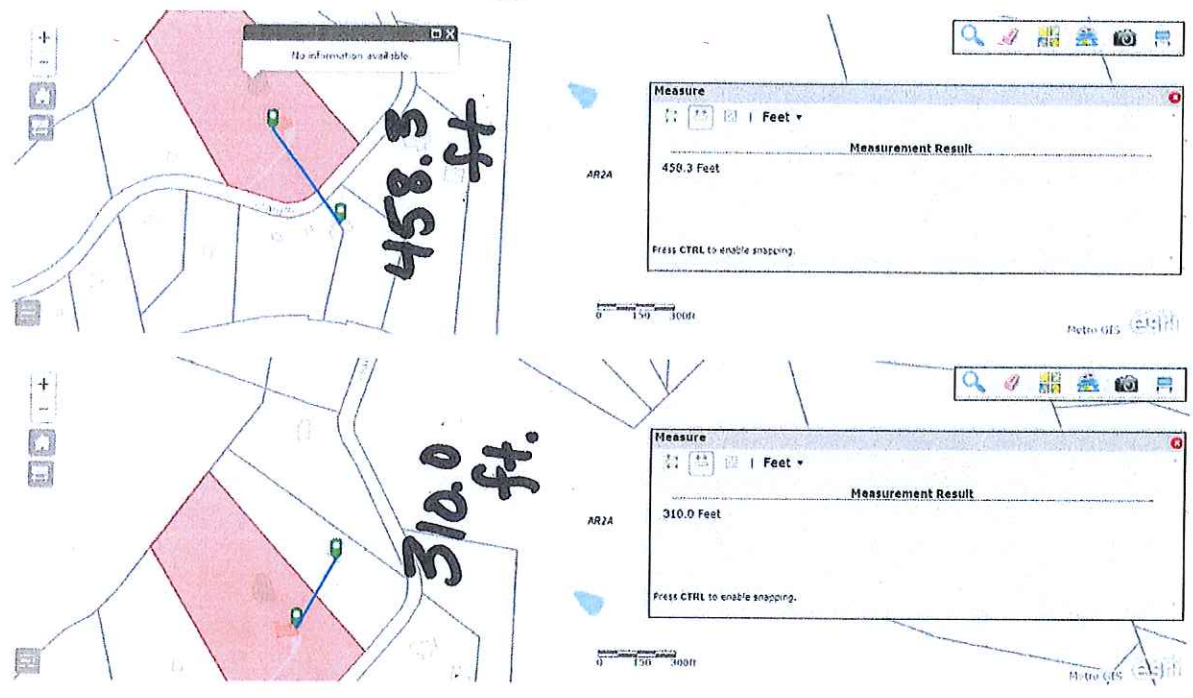
Neighbor

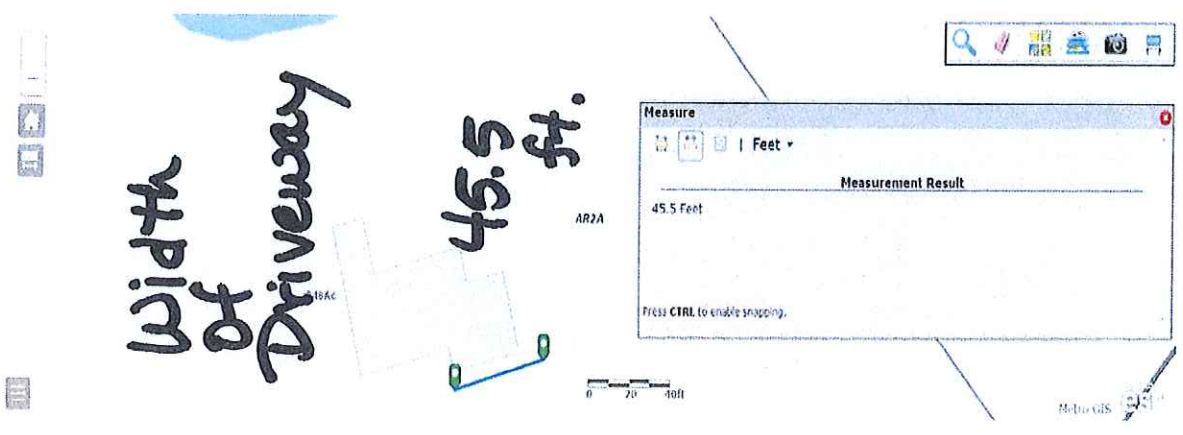
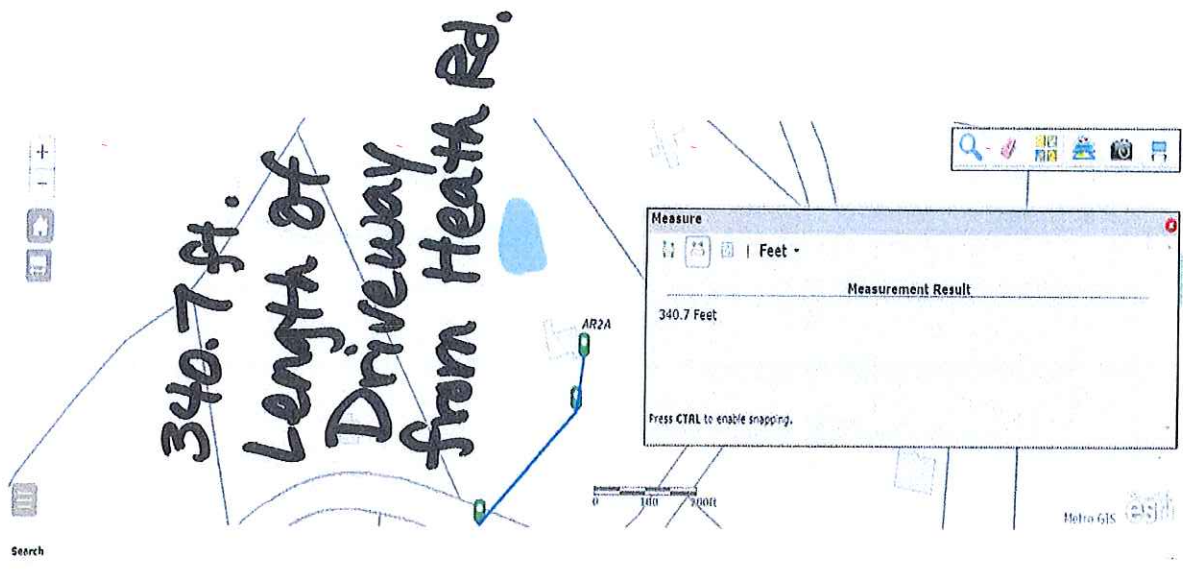
Google

# Neighbors Part 1 of 2



# Neighbors Part 2 of 2



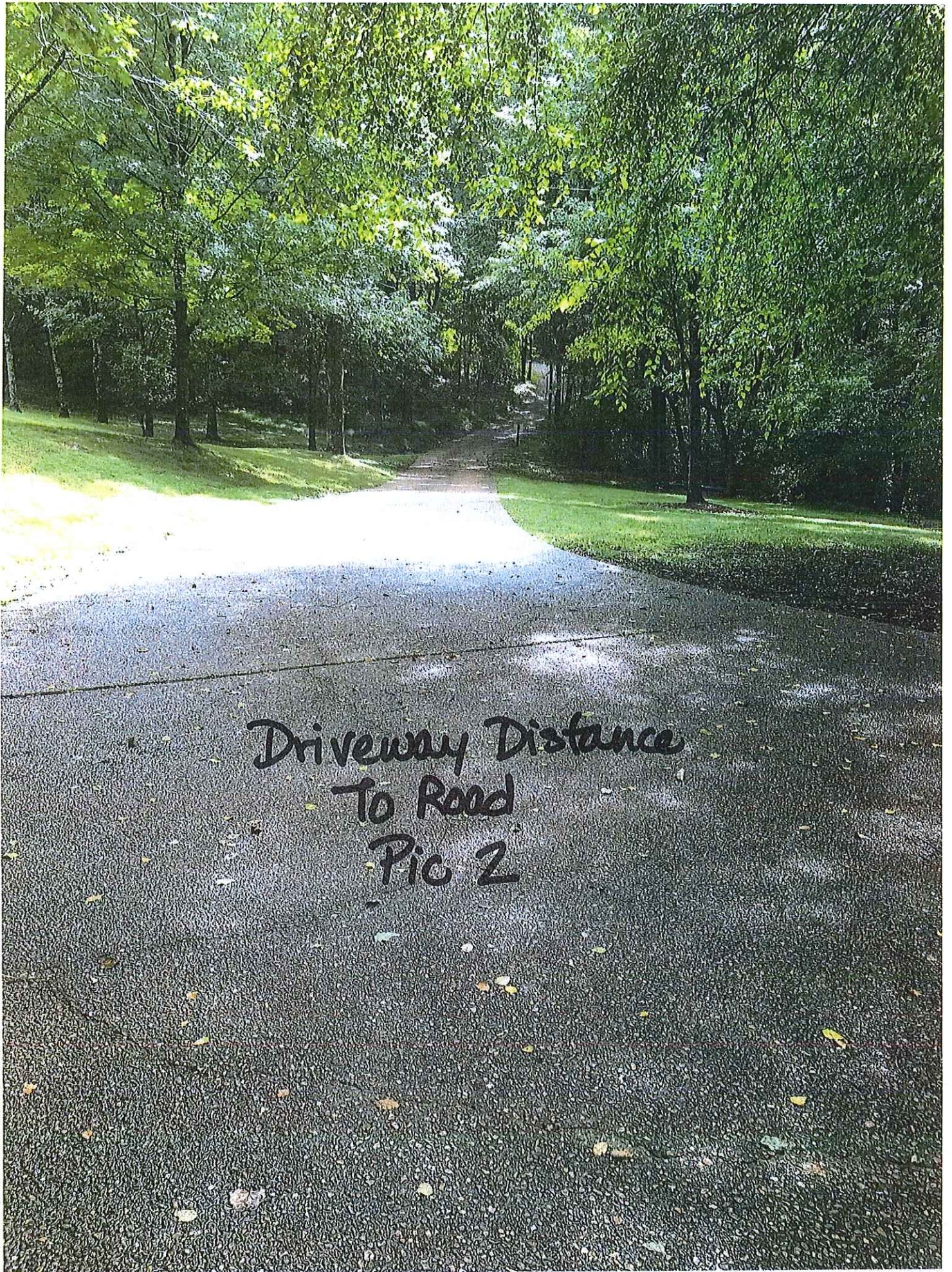








*Driveway Distance  
To Road Pic 1*



Driveway Distance  
To Road  
Pic 2

**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Cases 10-3-19 Hearing  
**Date:** Tuesday, September 17, 2019 2:58:48 PM

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Below are the cases requested for the 10-3-19 BZA hearing.

- **2019-425 7721 Whites Creek Pike Establish Camp Sites on Existing Farm**

Variance: 17.16.220A

Response: Public Works takes no exception with the condition that adequate parking is provided on site per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

- **2019-440 2461 Una Antioch Pike Use Existing Residence as a Church**

Variance: 17.16.170E

Response: Public Works takes no exception with the conditions that adequate parking is provided on site and confirmation that sight distance is adequate at driveway entrance.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

**2019-441 4483 Heath RD Use Existing Single Family Res. Structure for a Bed & Breakfast**

Variance: 17.08.030D , 17.16.160A(1-8)

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.

**2019-448 5501A New York Ave Build 2 Units On MUN Zoning within UZO**

Variance: 17.12.035D(1)

Response: Public Works takes no exception with the condition that a change in the setback will not prohibit sight distance at the entrance of the alley.

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

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# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** September 9, 2019  
**BZA Hearing Date:** October 3, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-441

---

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

## 1. Case 2019-441 Bed & Breakfast (4483 Heath Road)

**Request:** A Special Exception to operate a Rural Bed and Breakfast Homestay in an existing single-family home.

**Zoning:** Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

**Land Use Policy:** Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer

services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

**Planning Department Analysis:** The subject site is located on the north side of Heath Road, which is north of Charlotte Pike near the western limit of Davidson County. The 8.46 acre site contains a single-family residential building and a small body of water. The site slopes downward from Heath Road and contains several areas with slopes exceeding 25% as well as two stream buffers. The site is accessed via a driveway on Heath Road. The surrounding properties are also zoned AR2a and also contain significant slopes and stream buffers. The properties are larger rural pieces of land with single-family structures.

The request is to operate a Rural Bed and Breakfast Homestay in an existing single-family structure. The T2 Rural Maintenance policy intent is to maintain rural character and the proposal to reuse the existing structure would accomplish this. The majority of the site is designated as Conservation land use policy and this policy calls for low intensity development. The reuse of the existing structure would also limit the intensity of the proposed use. Also, the policy emphasizes the need for environmentally sensitive features such as stream buffers and steep slopes to be excluded from development. Currently, the access drive and existing structures are not located within the environmentally sensitive features of the site and would maintain the preservation of these features.

**Planning Recommendation: Approve**

**From:** [Rosenberg, Dave \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-441  
**Date:** Friday, September 27, 2019 2:07:16 PM

---

Good afternoon,

I'd like to share my support for case 2019-441 allowing a rural bed and breakfast on Heath Road. I had the opportunity to attend a community meeting and tour the property, and the owners discussed good intentions for the property that suggest compliance with the conditions for such a use. I came out feeling very positively and have not heard any concerns from neighbors other than ones that do not fall within the constraints of such a use. Thank you for your support of this application.

Best,  
Dave

2019-441

WELDON LARVY + JANE OLA WAKEFIELD  
5471 Highway 75 N.  
MADISONVILLE, TEXAS 77864

September 19, 2019

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

RE: Appeal Case Number: 2019-441  
4483 Heath Rd.  
Map Parcel: 12600012700  
Zoning Classification: AR2A  
Council District: 35

We would be highly opposed to any special exception at 4483 Heath Rd. for a rural bed and breakfast home stay.

When we purchased our property it was our understanding the zoning was for single family dwellings.

The future home site has been approved for the upper part of the property. Additional traffic would make this narrow road more dangerous. We would hate to see our property value decline due to any exception request.

Weldon Larvy Wakefield

Jane Ola Wakefield



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Catalyst Design Group

Date: 8-20-19

Property Owner: LDC Development

Case #: 2019-442

Representative: : Andrew Wolthers  
Catalyst

Map & Parcel: 05100005900

Council District 08

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

Purpose:

requesting a parking variance for proposed  
184 Unit Apartment complex.

Activity Type: Apartment complex

Location: 602 Creative way

This property is in the Rm20A 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: Parking variance

Section(s): 11.20.030

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

Andrew Wolthers  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

5016 Centennial Blvd. Suite 200  
Address

Address

Nashville, TN 37209  
City, State, Zip Code

City, State, Zip Code

615-483-3290  
Phone Number

Phone Number

awolthers@catalyst-dg.com  
Email

Email

Zoning Examiner: Walter Morgan

Appeal Fee: _____



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



3703665

**ZONING BOARD APPEAL / CAAZ - 20190049998  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 05100005900**APPLICATION DATE:** 08/20/2019**SITE ADDRESS:**

602 CREATIVE WAY MADISON, TN 37115  
N SIDE CHERON RD W OF BRIARVILLE RD

**PARCEL OWNER:** BATES, JOE W. & JANIE T.**CONTRACTOR:****APPLICANT:****PURPOSE:**

PER METZO SECTION TABLE 17.20.030, REQUESTING A PARKING VARIANCE FOR PROPOSED 184 UNIT APARTMENT COMPLEX 414 REQUIRED PARKING SPACES 385 SPACES PROVIDED FOR A VARIANCE OF 29 SPACES. POC ANDREW WOLTERS 615866-2410. COUNCIL DISTRICT 8.

*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 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

A. WOLTERS - Catalyst Design Group  
**APPELLANT**

8/20/19  
**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?**

Steep topography exists at the western edge of the property which makes adding the additional parking difficult. The intent of the alternate plan with reduced parking is to allow existing or new vegetation on the hillside.

The apartments are workforce housing and typically provide parking at a 1.5 space/bedroom ratio. The proposed plan with reduced parking still provides over 2 spaces per bedroom.

2019-442



CREATIVE WAY

**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92
3 BR:	92
TOTAL:	184
PARKING	
REQUIRED:	414
PROVIDED:	<b>385</b>
RATIO:	2.09 SP/DU

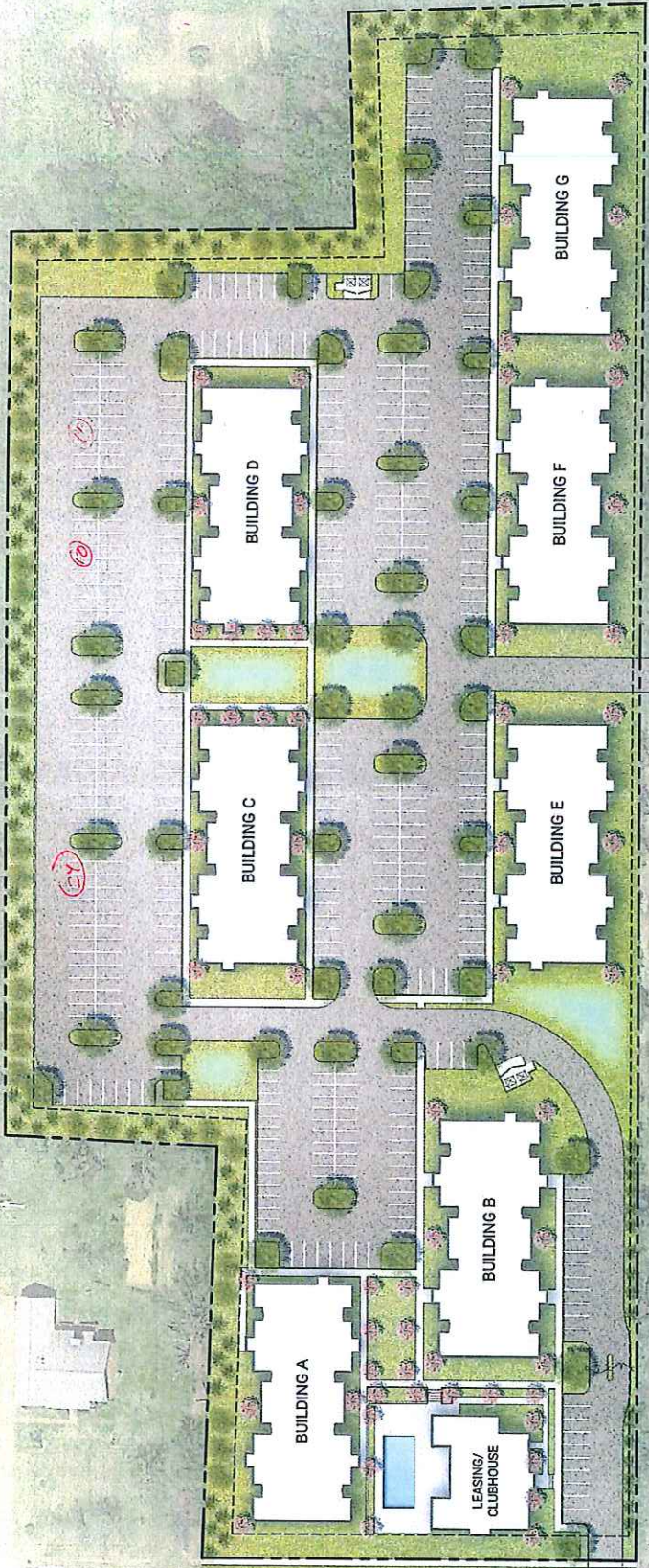
29 SPACE VARIANCE

05100005900



**CREATIVE WAY MULTIFAMILY | Conceptual Site Plan**

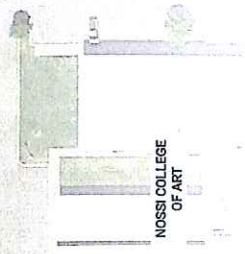
MADISON, TENNESSEE | AUGUST 2019



CREATIVE WAY

**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92
3 BR:	92
TOTAL:	184
PARKING	
REQUIRED:	414
PROVIDED:	420
RATIO:	2.28 SP/DU



**CREATIVE WAY MULTIFAMILY | BZA Alternative Site Plan (Code Compliant)**

MADISON, TENNESSEE | AUGUST 2019





**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92
3 BR:	92
TOTAL:	184
PARKING	
REQUIRED:	414
PROVIDED:	<del>414</del> 385
RATIO:	2.09 SP/DU

29 SPACE VARIANCE

05100005900





**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92
3 BR:	92
TOTAL:	184
PARKING	
REQUIRED:	414
PROVIDED:	420
RATIO:	2.28 SP/DU





September 19, 2019

Ms. Jessica Shepard  
Metro Codes  
800 2nd Ave. South  
Nashville, TN 37210

**Re: Creative Way Multifamily  
Nashville, TN**

Dear Ms. Shepard:

Please accept the attached updated BZA parking variance exhibits for Case # 2019-442. Our client on this project is LDG Development, one of the industry leaders in providing affordable workforce multifamily options for residents of Middle Tennessee. LDG Development has previously developed the Paddock at Grandview near Trinity Lane, and is currently constructing the Buffalo Trail Apartments along Dickerson Road. Additionally, they have two other projects which are tracking through various stages of Specific Plan rezoning.

The most recent project which LDG has approved through the SP rezoning process is the 808 at Skyline Ridge. **This project was approved with a parking at a ratio of 1.57 spaces per unit.** This parking ratio is similar to other projects which LDG has constructed both here in Tennessee and in other markets throughout the southeast. In their experience with their typical tenant base, a minimum ratio of 1.5 sp/unit is acceptable given that most of the families who live in their developments are single-car homes.

As a result, we would like to submit our request for a parking reduction to a ratio of 1.7 sp/unit. **This would allow for a reduction of 102 parking spaces below the code required amount – 414 required, 312 provided spaces.**

#### **Hardship**

The project site has a significant amount of topography moving from west to east at an average grade of 8-10%. As a result, providing the Code compliant amount of parking would require substantial earthwork throughout the site and would result in a significant loss of overall vegetation and tall retaining walls along the western and eastern property boundaries. However, a modified plan which allows for 312 parking spaces would retain a substantial amount of open space which can be planted for additional screening against neighboring properties and an overall enhancement in resident experience.

**We respectfully request that the Board review and approve the request for variance to allow a 102 space reduction in required parking, consistent with the attached Conceptual Site Plan.**

Regards,

**Catalyst Design Group**

A handwritten signature in blue ink, appearing to read "Andrew Wolthers".

Andrew Wolthers, PE  
Principal | Senior Project Manager



September 19, 2019

Ms. Jessica Shepard  
Metro Codes  
800 2nd Ave. South  
Nashville, TN 37210

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Regards,

**Catalyst Design Group**

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Andrew Wolthers, PE  
Principal | Senior Project Manager



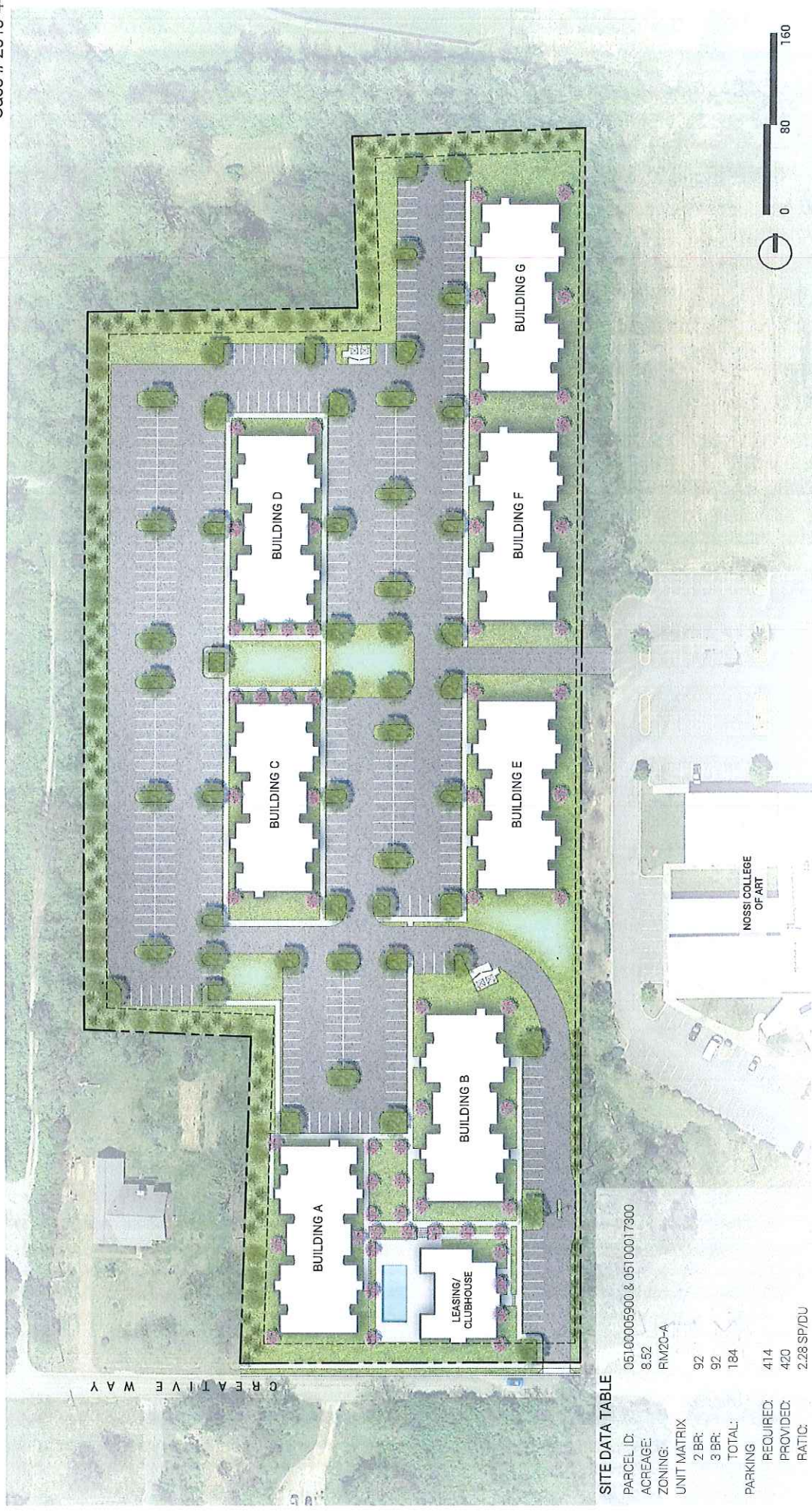
**SITE DATA TABLE**

PARCEL ID:	05100006900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92 UNITS
3 BR:	92 UNITS
TOTAL:	184 UNITS
PARKING	
REQUIRED:	414 SPACES
PROVIDED:	312 SPACES
RATIO:	1.70 SP/DU

**CREATIVE WAY MULTIFAMILY | Conceptual Site Plan**

MADISON, TENNESSEE | SEPTEMBER 2019





**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
ZONING:	RM20-A
UNIT MATRIX	
2 BR:	92
3 BR:	92
TOTAL:	184
PARKING	
REQUIRED:	414
PROVIDED:	420
RATIO:	2.28 SP/DU

**From:** [Michael, Jon \(Codes\)](#)  
**To:** [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)  
**Subject:** Fwd: Support of zoning variance for Creative Way Apartments 10/3 Meeting  
**Date:** Thursday, September 19, 2019 3:22:41 PM

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Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** "VanReece, Nancy (Council Member)" <Nancy.VanReece@nashville.gov>  
**Date:** 9/19/19 2:40 PM (GMT-06:00)  
**To:** "Michael, Jon (Codes)" <Jon.Michael@nashville.gov>  
**Cc:** Chase Cain <ccain@ldgdevelopment.com>  
**Subject:** Support of zoning variance for Creative Way Apartments 10/3 Meeting

John Micheal-- Please forward this to the Board and have placed on the record.

Dear Board of Zoning Appeals:

This letter is to recognize my support of a variance to reduce the number of parking spaces due to topographic hardship at the Creative Way property in District 8.

Creative Way Apartments will provide 184 new-construction workforce apartment units in Madison, TN. Moreover, granting this variance would also result in additional benefits such as the preservation of trees, provision of additional green space to the property, and a reduction in stormwater runoff.

Due to the steep topography at the western edge of the site, this parking deviation would reduce the parking spaces per dwelling unit from 414 (2.25 SP/DU) to 312 (1.70 SP/DU) to allow for more sustainable construction and groundwork practices, as well as preserving some of Nashville's valuable raw land and trees.

The developer of this property is experienced with developing workforce and affordable housing. They have developed over 12,000 units across the Southeast. They are building the much anticipated Buffalo Trail Apartments on Dickerson Pike now in D8.

Typically, the developer has noted that tenants do not have more than (2) vehicles, and a large percentage of the tenants use public transportation. I anticipate restoring a WeGo stop at Creative Way and BriarvilleRoad by the time these units are built. I am also working with Public Works on a Greenway connection to Walton that will allow walk/bike access from this property all the way to Gallatin Pike at Briley Parkway.

Thank you very much for your consideration to approve this variance for the Creative Way Apartments.

Sincerely,  
Hon. Nancy VanReece

Metro Councilmember, District 8

**Nancy VanReece | Metro Nashville Councilmember, District 8**

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : CATALYST DESIGN GROUP  
Property Owner: LVH, LLC  
Representative: ANDREW WOLTERS

Date: 8-20-19  
Case #: 2019-443  
Map & Parcel: 10516017600

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: Special exception for height encroachment for proposed multi-family development

Activity Type: Multi-family Development

Location: 0 Nolensville 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: Special exception

Section(s): 17.16.030 F.

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.

ANDREW WOLTERS  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

5016 CENTENNIAL BLVD. STE. 200  
Address

Address

NASHVILLE, TN 37209  
City, State, Zip Code

City, State, Zip Code

615-483-3290  
Phone Number

Phone Number

awolters@catalyst-dg.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



3703685

**ZONING BOARD APPEAL / CAAZ - 20190050012**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10516017600

APPLICATION DATE: 08/20/2019

## SITE ADDRESS:

0 NOLENSVILLE PIKE NASHVILLE, TN 37211

PT LOTS 1-3 &amp; 5-13 OF CORINNE PLACE &amp; PT CL ALLEY &amp; ST

PARCEL OWNER: LVH, LLC

CONTRACTOR:

## APPLICANT:

## PURPOSE:

PER METZO SECTION 17.16.030 (F), REQUESTING A SPECIAL EXCEPTION FOR HEIGHT ENCROACHMENT FOR PROPOSED MULTI FAMILY DEVELOPMENT. POC ANDREW WOLTERS 615-866-2410. COUNCIL DISTRICT 17.

*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 1,000 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 community 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.

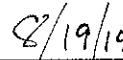
Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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



_____  
**APPELLANT**

CATALYST DESIGN GROUP



_____  
**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 1000 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. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

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

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

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



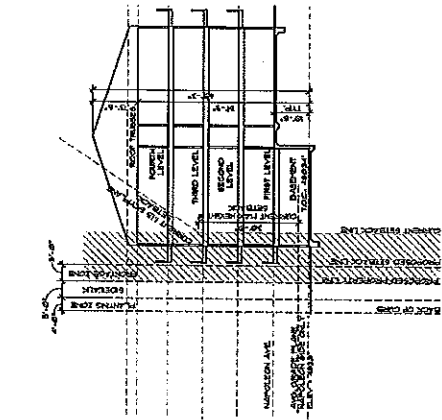
_____  
APPELLANT (OR REPRESENTATIVE)

CATALYST DESIGN GROUP

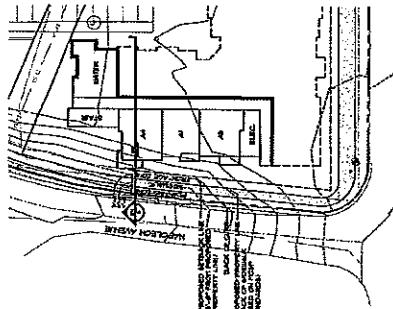
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DATE



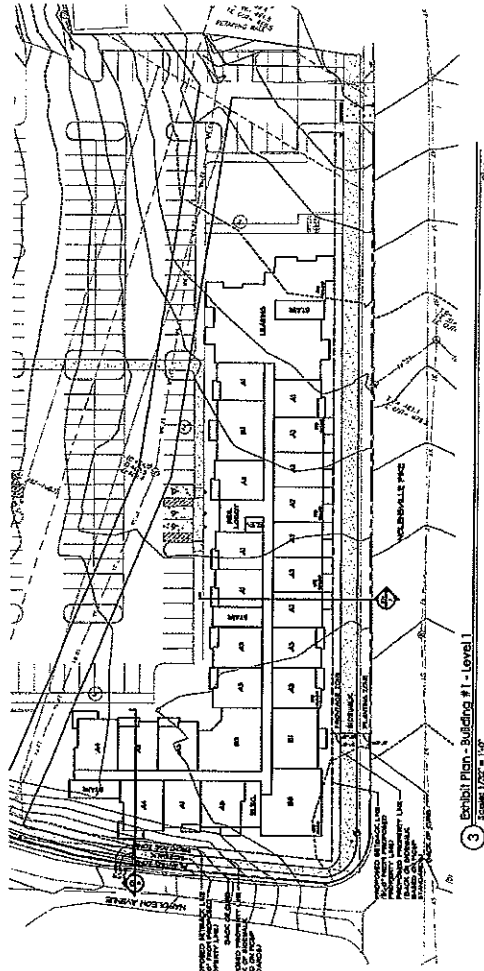
Westplan Investors, LLC



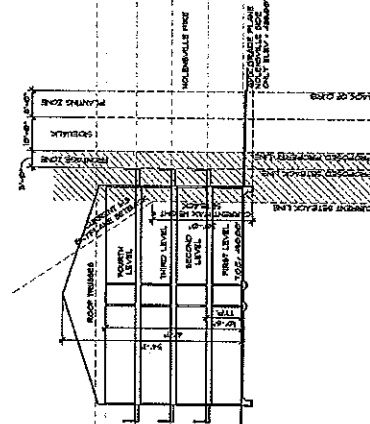
5 Napolson Ave.  
Scale: 1/32" = 1'-0"  
Plan



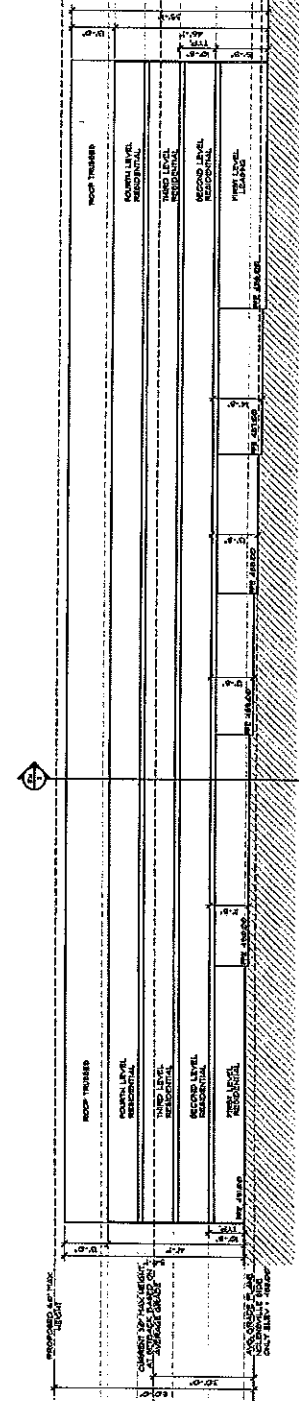
4 Exhibit Plan - Building #1 - Basement Level  
Scale: 1/32" = 1'-0"  
Plan



3 Exhibit Plan - Building #1 - Level 1  
Scale: 1/32" = 1'-0"  
Plan



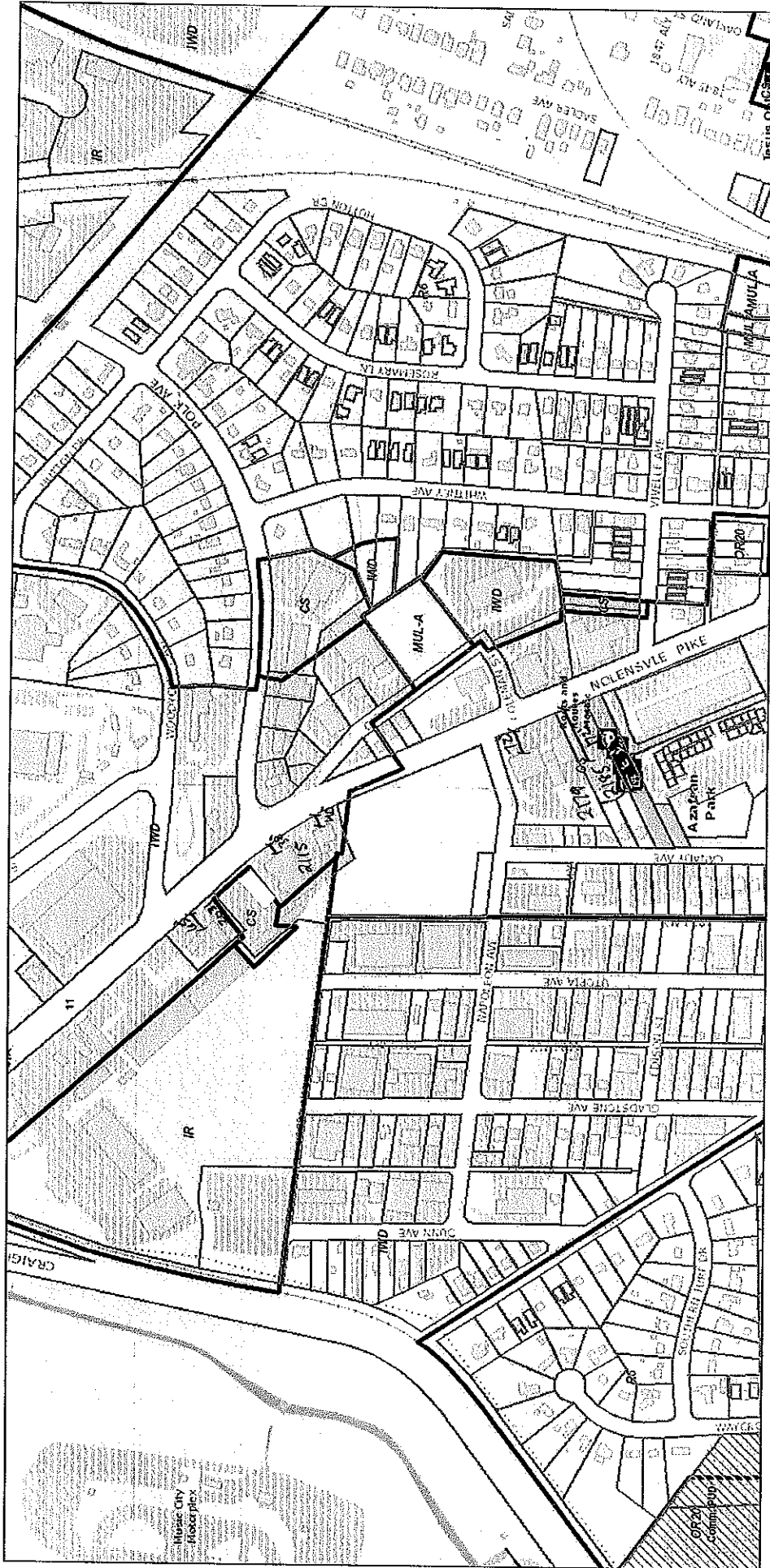
2 Nolanville Pike  
Scale: 1/32" = 1'-0"  
Plan



1 Napolson Ave.  
Scale: 1/32" = 1'-0"  
Plan



# Nashville / Davidson County Parcel Viewer



August 19, 2019

- Ownership Parcels
- Planned Unit Development
- Zoning

Metro GIS

Made by: Metro GIS



**SITE DATA TABLE**

PROPOSED UNITS:

1 BR:	191
2 BR:	45
TOTAL:	236

PARKING SUMMARY:

REQUIRED:	281 spaces
PROVIDED:	281 spaces

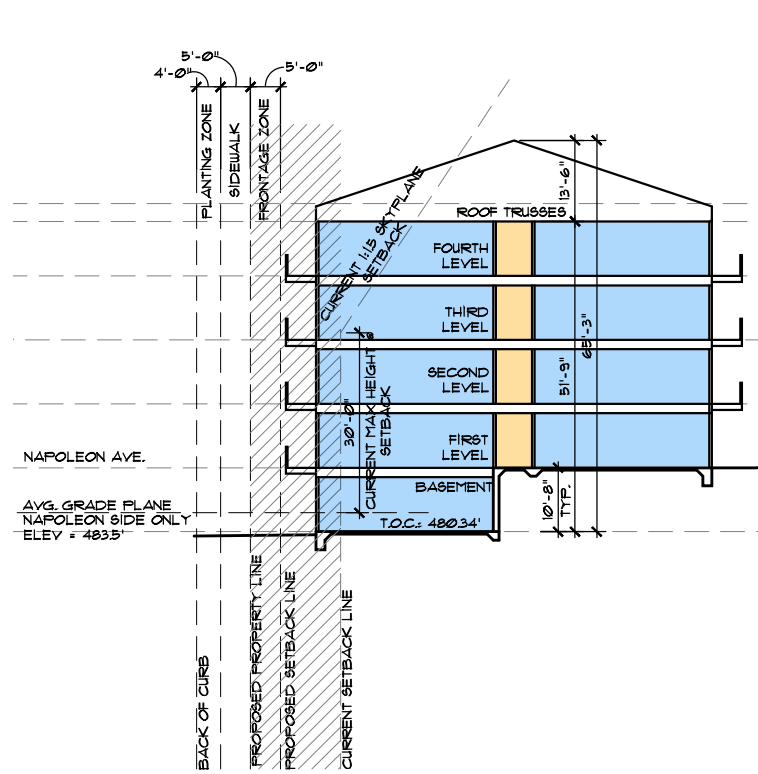
4' GRASS STRIP  
5' SIDEWALK  
5' SETBACK

8' GRASS STRIP  
10' SIDEWALK  
5' SETBACK  
(TYPICAL)

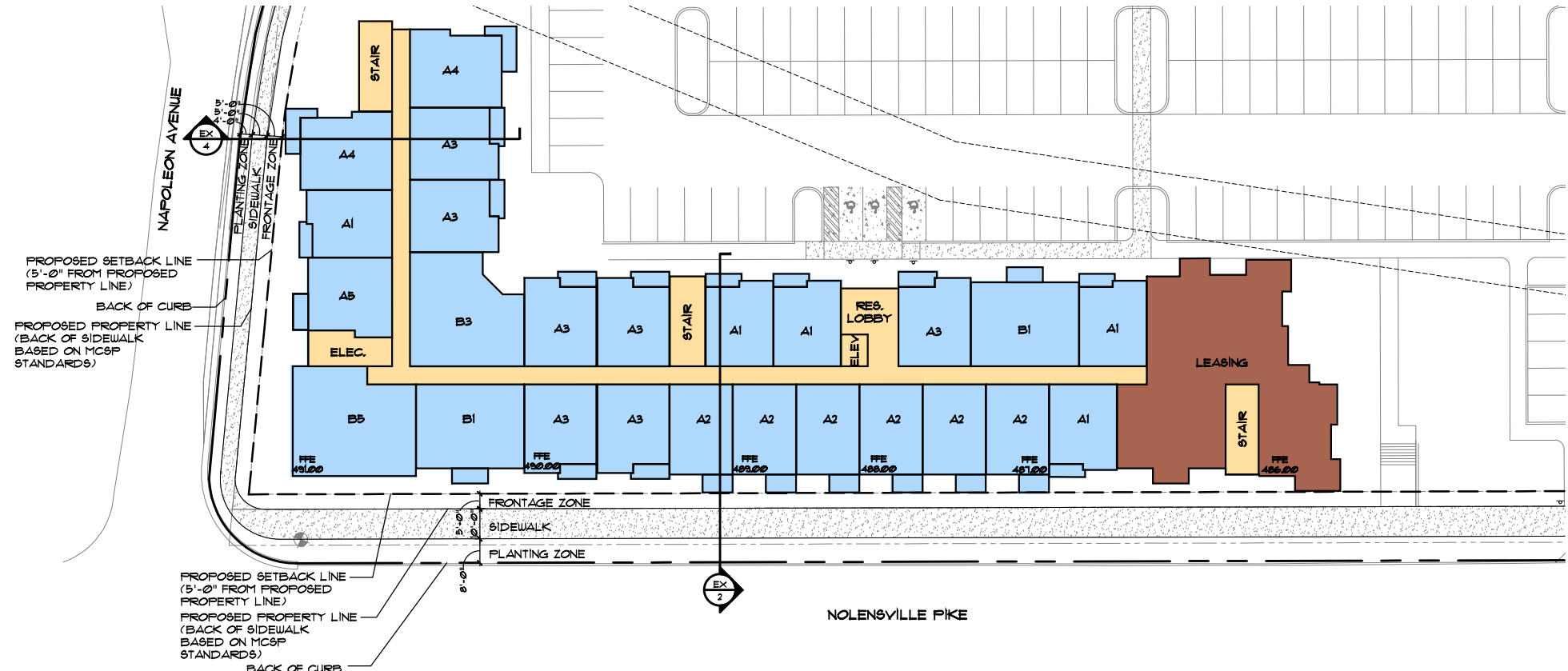


0 60 120

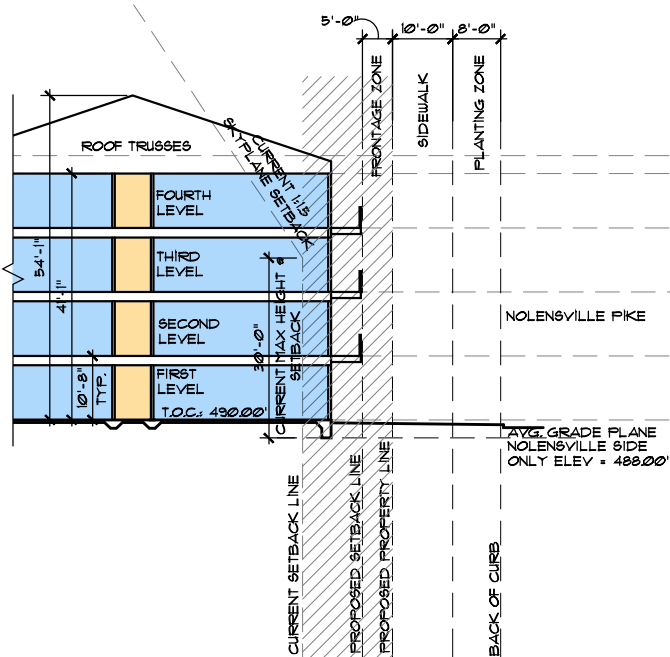
# Westplan Investors, LLC



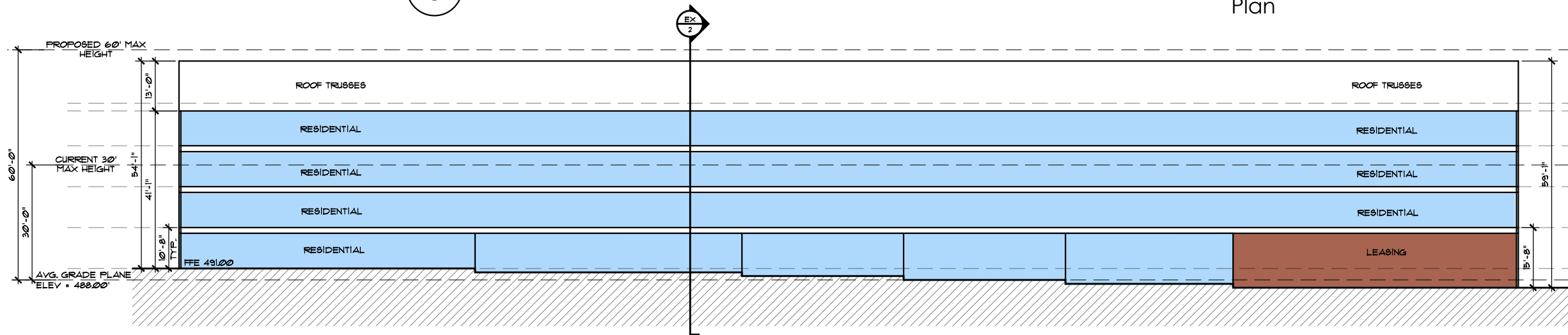
2 Napoleon Ave. Section



3 Exhibit Plan - Building #1 - Level 1 Plan



2 Nolensville Pike Section



1 Nolensville Pike Section

2165 Nolensville Pike

August 19, 2019





**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Case 2019-443  
**Date:** Monday, September 23, 2019 2:14:25 PM

---

**2019-443 0 Nolensville Pike Special exception for height encroachment**

Variance: 17.16.030F

Response: Public Works takes no exception. A traffic impact study will be required prior to permit approval.

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

---

**From:** Lifsey, Debbie (Codes)  
**Sent:** Monday, September 23, 2019 9:09 AM  
**To:** Gregory, Christopher (Public Works)  
**Subject:** 201908201249.pdf

Will need recommendation for this case Appeal 2019-443 Special Exception

Thank you,

Debbie Lifsey

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** District 17 Positions for Oct 3 agenda  
**Date:** Friday, September 27, 2019 12:52:26 PM

---

Hi all,

Here are my stances on D17 items on the agenda:

- 2019-396: **Strongly oppose** this request not to pay in-lieu fund
- 2019-403: **Oppose** this request, as I believe appeal refers to wrong property
- 2019-427: **Support** this request, as it is for affordable housing
- 2019-438: **Support** this request, as it maintains a previous BZA decision
- 2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : DAVID LAIRD  
Property Owner: DAVID LAIRD  
Representative: DAVID LAIRD

Date: 8/19/2019  
Case #: 2019-444  
Map & Parcel: 10303026300

Council District 24

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

Purpose: NEW CONSTRUCTION OF SINGLE FAMILY RESIDENCE, USING EXISTING FOOTPRINT AND ADDING 900+ SQ FT. INCLUDES COMPLETE INTERIOR DEMO + REBUILD OF INTERIOR OF EXISTING PORTION OF HOUSE.

Activity Type: RES. CONSTRUCTION

Location: 101 48TH AVE N

This property is in the RS7.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SETBACK VARIANCE (FRONT + REAR) + SIDEWALK VARIANCE

Section(s): 17.12.020A AND 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.

DAVID LAIRD  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

5209A LOUISIANA AVE  
Address

Address

NASHVILLE, TN 37209  
City, State, Zip Code

City, State, Zip Code

615.864.2118  
Phone Number

Phone Number

david.laird@vanderbilt.edu  
Email

Email

Tom Corcoran  
Zoning Examiner:

Appeal Fee: 100.00



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



3703775

**ZONING BOARD APPEAL / CAAZ - 20190050077**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10303026300

APPLICATION DATE: 08/20/2019

**SITE ADDRESS:**

101 48TH AVE N NASHVILLE, TN 37209  
LOT 7 BLK 20 SYLVAN PARK

PARCEL OWNER: LAIRD, DAVID &amp; HEEJUNG

CONTRACTOR:

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

REQUIRED 20' FRONT SETBACK (TABLE 17.12.020 A) ALONG 48TH AVE REQUIRED

REQUEST 10' FRONT SETBACK

REQUIRED 20' REAR SETBACK (TABLE 17.12.020 A)

REQUEST 5' REAR SETBACK

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED

REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE TO FUND

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

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 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 Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

DAVID LAIRD

_____  
APPELLANT

8/19/19

_____  
DATE



# AVERY DICKINS DE GIRON AND CARLOS GIRON

4711 Nebraska Avenue; Nashville, TN 37209 | 615-974-5226

**8/15/2019**

Metropolitan Board of Zoning Appeals  
Metro Howard Building  
800 Second Ave S.  
Nashville, TN 37210

**Dear Sir or Madam:**

I'm writing a letter in support of David and Heejung Laird's zoning appeal for their development of the property located at 101 48th Ave N. David and Heejung have shared with us their preliminary site plan and the rationale for their appeal for relief from setback requirements and the sidewalk improvements. As one of the three neighbors adjacent to the cul-de-sac on 48th street, we whole-heartedly support their appeal. We feel we understand their preliminary plans for the site and have no concerns at this time. Please feel free to reach out if more information is required.

Sincerely,



**Avery Dickins de Giron and Carlos Giron**

# DAVID COLDIRON

4801 Nebraska Avenue Nashville, TN 37209 | 615.579.1960 | coldiron9@gmail.com

**8/14/2019**

Metropolitan Board of Zoning Appeals  
Metro Howard Building  
800 Second Ave S.  
Nashville, TN 37210

**Dear Sir or Madam:**


I'm writing a letter in support of David and Heejung Laird's zoning appeal for their development of the property located at 101 48th Ave N. David and Heejung have shared with us their preliminary site plan and the rationale for their appeal for relief from setback requirements and the sidewalk improvements. As one of the three neighbors adjacent to the cul-de-sac on 48th street, we whole-heartedly support their appeal. We feel we understand their preliminary plans for the site and have no concerns at this time. Please feel free to reach out if more information is required.

Sincerely,

*David Coldiron*

**David Coldiron**



**From:** Laird, David Campbell david.laird@vanderbilt.edu   
**Subject:** Support for a zoning variance request  
**Date:** August 14, 2019 at 12:49 PM  
**To:** kathleen.murphy@nashville.gov  
**Cc:** Heejung Laird heejunglaird@gmail.com



Greetings Ms. Murphy,

My name is David Laird. My wife Heejung and I recently purchased a lot in Sylvan Park that we intend to turn into our dream home. We first moved to Nashville in the 90s then left for almost a decade and returned six years ago. We've recently sold our home in Hillwood and are renting in the Nations while we undertake this project. We are West Nashville folks.

We are writing to request your expertise and hopefully your support for a request for two zoning variances. The lot is located at 101 48th Ave N. We've engaged an architect to help us renovate the small home on the property and add an addition. I've attached a draft of our variance request for your review. I've also attached a draft of our preliminary site plan. I apologize for the hand-drawn addition. I'll pass along an updated version when I get it from the architect later this week. Unfortunately, we are rushing to submit our request by August 20th in order to have the hearing on October 3rd.

It is a really unique lot for Sylvan Park in that it has no other homes immediately adjacent. It is also very narrow. We are hoping to reduce the front and rear setbacks from 20' to 10'. We feel we have a pretty good argument based on the history of the lot, the lack of adjacent neighbors, and the present location of the existing structure.

Additionally, we were informed that if our project qualifies as *new construction* we will be responsible for improving the sidewalk. Our preliminary estimates for the sidewalk work are between \$50,000 and \$60,000. We feel this requirement is an unreasonable burden in that our project will likely only qualify as new construction because the existing home so is so small. We are trying to keep as much of the existing site as possible but increasing the square footage by only 50% would still leave us at less than 2,000 square feet. While we don't intend to build a giant home, we have enough kids and stuff that we hope to end up between 2,500 and 3,200 sq. ft. Further, the existing sidewalk is in really good shape, which can be seen on the street view of google maps. It is also quite likely that widening the sidewalk would require removing at least one mature tree.

We have been able to contact two of the three closest neighbors and expect to get letters of support for our request. We haven't yet heard from the third but are optimistic.

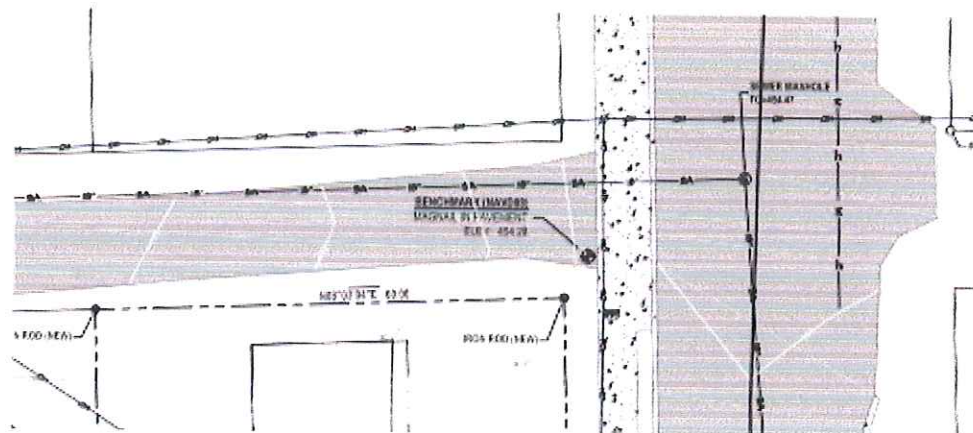
I also want to recognize that this is the first project of this sort that we have undertaken. Given the lengthy list of qualifications on your metro webpage, we would greatly appreciate any feedback, thoughts, or issues you might have about our request. We will do our best to address any concerns. If you believe our request is reasonable or could be made sufficiently reasonable, we would greatly appreciate a letter of support for our request.

Thanks so much for your time and attention in advance,

David & Heejung Laird



Laird-101 48th  
Ave Zo...tter.pdf



# DAVID LAIRD ED.D.

5204A Nashville, TN 37209 | 615.864.2118 | david.laird@vanderbilt.edu

**8/12/2019**

Metropolitan Board of Zoning Appeals  
Metro Howard Building  
800 Second Ave S.  
Nashville, TN 37210

**Dear Sir or Madam:**

This letter details two variance requests for a residential development project at 101 48th St North in Sylvan Park. My wife and I are long-time Nashville residents, presently living in the city, and are developing this property as our full-time residence.

We are requesting variances for setbacks and for sidewalk improvements.

## **Setbacks**

Our lot is irregularly shaped as a result of changes to Nashville roadways. The staff at the Metro Codes Administration confirmed that our lot was intended to open to a section of Colorado Ave that was removed or planned but never constructed. Nashville Electric Service identifies our lot as a Colorado Ave address. As a result of the change, the lot fronts 48th St., resulting in an extremely wide but shallow building envelope. Given the existing 20' front and rear setbacks, the envelope is only 20' deep.

We request the front setback be reduced to 10' and the rear setback be reduced to 5'.

The lot has unique features that limit the impact of this variance on our community. It's at the end of a dead-end street with no immediately adjacent homes. The property is bounded by 48th St., the Richland Park Greenway (2 sides), and an alley. Our neighbors are not significantly disadvantaged nor are driving sight-lines impacted.

An existing structure extends 7.5' into the rear and 4.5' into the front setback. For environmental and neighborhood-aesthetic considerations, we have engaged an architect to renovate the existing structure and add an attached addition. Our preliminary site plan is attached.

### **Sidewalks**

Our request for relief from sidewalk improvements has four parts. Photos are attached.

The existing sidewalk is in excellent shape, with no significant cracks or deformities, and differs modestly from the intended specifications. It is 5' wide with grass strip adjacent to the curb. The grass strip is simply 2' wide instead of the specified 4'.

We believe widening the sidewalk to accommodate the larger grass strip may require the removal of at least one mature tree near the South end of the lot and perhaps a few smaller species. See picture 1.

Being at the end of a two-block, dead-end street there is no through vehicle traffic. The risk to pedestrians posed by vehicles is significantly reduced.

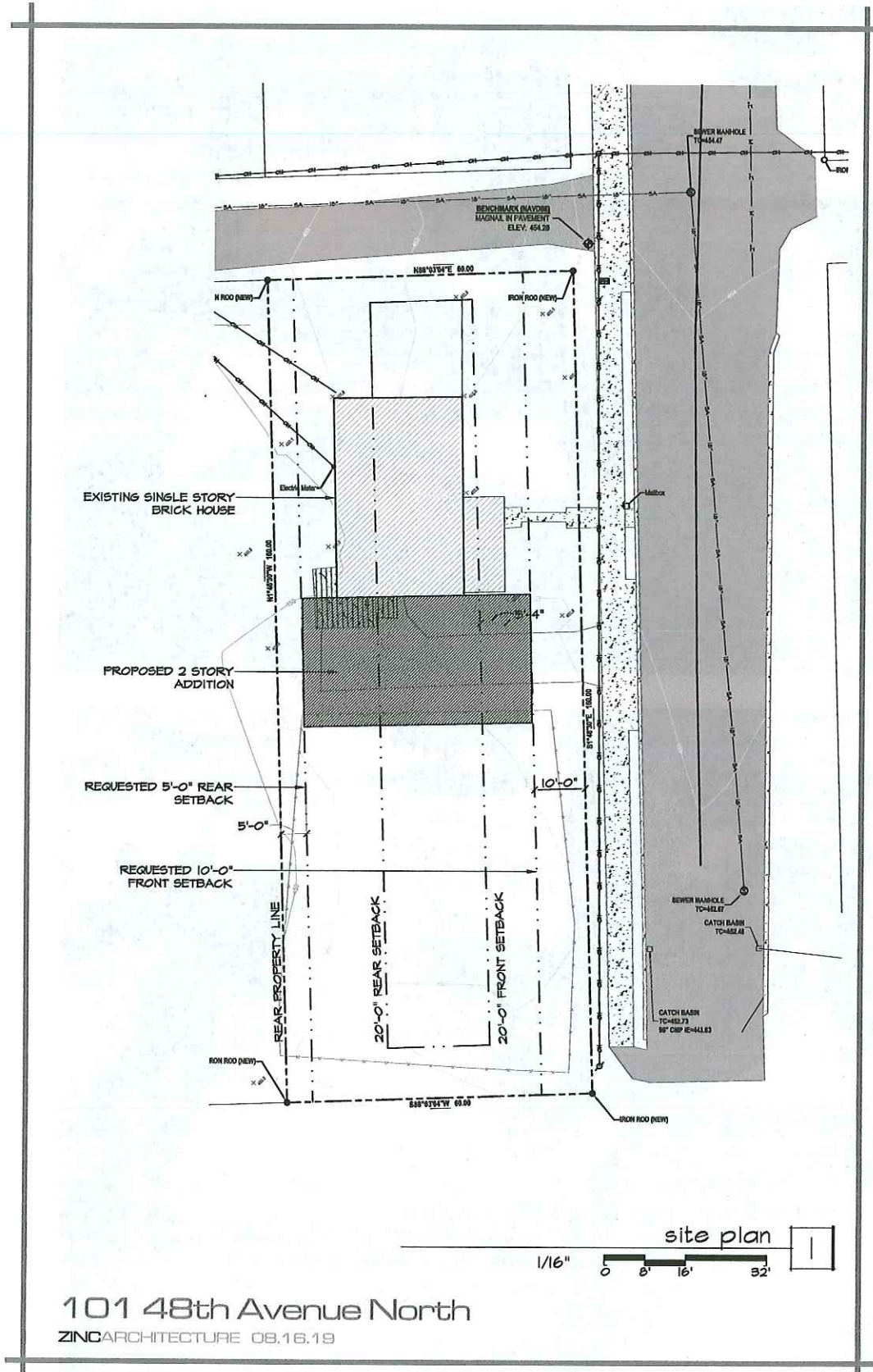
We feel our intent to repurpose the existing structure is also relevant. While our project is likely to qualify as new construction, it will do so largely as a result of the small size of the existing structure, relative to newer homes in the neighborhood. An addition that adds 49% of the square footage of the existing structure would result in less than 2,200 square feet in total. We feel our concerted effort to repurpose the existing layout bolsters our argument.

Sincerely,



**David Laird Ed.D. and Heejung Laird Ed.D.**

# Laird Zoning Appeal – Preliminary Site Plan



### Laird Zoning Appeal – Sidewalk Variance Photos



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-444 (101 48th Avenue North)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not upgrade sidewalk; not contribute in-lieu of construction (not eligible)
Zoning:	RS7.5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

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

**Analysis:** The applicant proposes constructing a single family dwelling and requests a variance from upgrading sidewalks to the Metro Local Street standard due to the presence of an existing sidewalk along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) There is currently a 2' grass strip and 5' sidewalk at this location and consistent with the block face.
- (2) While the existing grass strip does not meet the Local Street standard, there is a consistent sidewalk design with a grass strip that accommodates mailboxes and utilities with a clear walking path.

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

1. The applicant shall contribute in-lieu of construction for the 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.

**Planning, Zoning and Historical Committee**  
Member, Frm Vice Chair

**Rules, Confirmations, and Public Elections  
Committee**  
Member



**Parks, Library and Arts Committee**  
Member

**Personnel, Public Information, Human  
Relations and Housing Committee**  
Frm Member, Frm Chair

## **Councilwoman Kathleen Murphy**

September 30th, 2019

To Members of the BZA:

I have reviewed the application for BZA Case 2019-444, 101 48th Ave. While this lot is similarly shaped to other lots in Sylvan Park, there are physical characteristics created by Metro Parks and Stormwater that result in a hardship that justifies the granting of a variance to the front and rear setbacks for this property.

Metro Parks are situated on 2 sides of the property and the other 2 sides are the roadway and an alley, reducing the setbacks to allow this house to continue to face 48th Ave. is appropriate in this situation. Since the requested reduction in setbacks does not reduce them more than a typical side setback of 5 ft in this area, I do not see that allowing this variance will hurt surrounding properties.

Additionally, since there is an old, abandoned stormwater infrastructure crossing their property it is my understanding that best construction practices are to not build over that feature. Since Metro did abandon the feature but chose not to remove it, I do not think the property owner should be penalized by building around it and I agree that it too created a hardship that justifies this setback variance request.

Finally, I am in total agreement that the existing sidewalk is in relatively good shape and does not need to be torn up. There is an existing tree canopy that I think should be also taken into consideration. The property owner's representative has expressed to me that the corner trees will not be removed as part of construction. Since it is a reason to not require them to rebuild the sidewalk, I would appreciate it if that was cited in the BZA order.

As for paying into the sidewalk fund, I know you are all aware that I prefer everyone pay into the fund if they are not replacing or building a sidewalk, but in this case I will leave that up to the BZA's discretion.

Thank you for taking this into consideration.

A handwritten signature in blue ink, appearing to read "Kathleen Murphy", with a long horizontal flourish extending to the right.

Councilwoman Kathleen Murphy

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Daniel Culbreath Date: 8/20/2019  
Property Owner: Daniel Culbreath Case #: 2019-446  
Representative: Daniel Culbreath Map & Parcel: 11030A12400CO

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: requesting a rear setback for proposed covered deck addition to rear of residence

Activity Type: Single Family

Location: 2804 Lakeside Meadows Cir.

This property is in the RS15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: rear setback variance

Section(s): 17.12.020

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection 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.

Daniel Culbreath  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

2804 Lakeside Meadows Circle  
Address

Address

Mt. Juliet, TN 37122  
City, State, Zip Code

City, State, Zip Code

615-519-0936  
Phone Number

Phone Number

daniel.culbreath@gmail.com  
Email

Email

Zoning Examiner: Walter Morgan

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



3703947

**ZONING BOARD APPEAL / CAAZ - 20190050199**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 110030A12400CO

APPLICATION DATE: 08/20/2019

**SITE ADDRESS:**

2804 LAKESIDE MEADOWS CIR MOUNT JULIET, TN 37122

LOT 124 LAKESIDE MEADOWS PH 3

PARCEL OWNER: CULBREATH, DANIEL &amp; MELANIE

CONTRACTOR:

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

PER METZO SECTION 17.12.020 TABLE A REQUESTING A REAR YARD VARIANCE FOR PROPOSED COVERED DECK ADDITION TO REAR OF RESIDENCE. REQUIRED 20' PROVIDING 4' FOR A VARIANCE REQUEST OF 16'. POC DANIEL CULBREATH 615-519-0936. COUNCIL DISTRICT 12.

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

---

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

Inspection requirements may change due to changes during construction.

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

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

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

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

We purchased our home December, 2015. After receiving approval from HOA and neighbors to expand and cover our deck, our builder notified us that he was unable to receive the permit due to setback requirements. Our lot is exceptionally narrow on the left side based on how the house sits on the lot. This creates a hardship in covering and extending our deck due to setback regulations. Our property is bordered on the left and rear by green space/common areas that will never be built on. This assures our proposed covered deck expansion will not be detrimental to the public welfare even though it will enter the rear setback.

## 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.

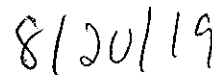
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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.



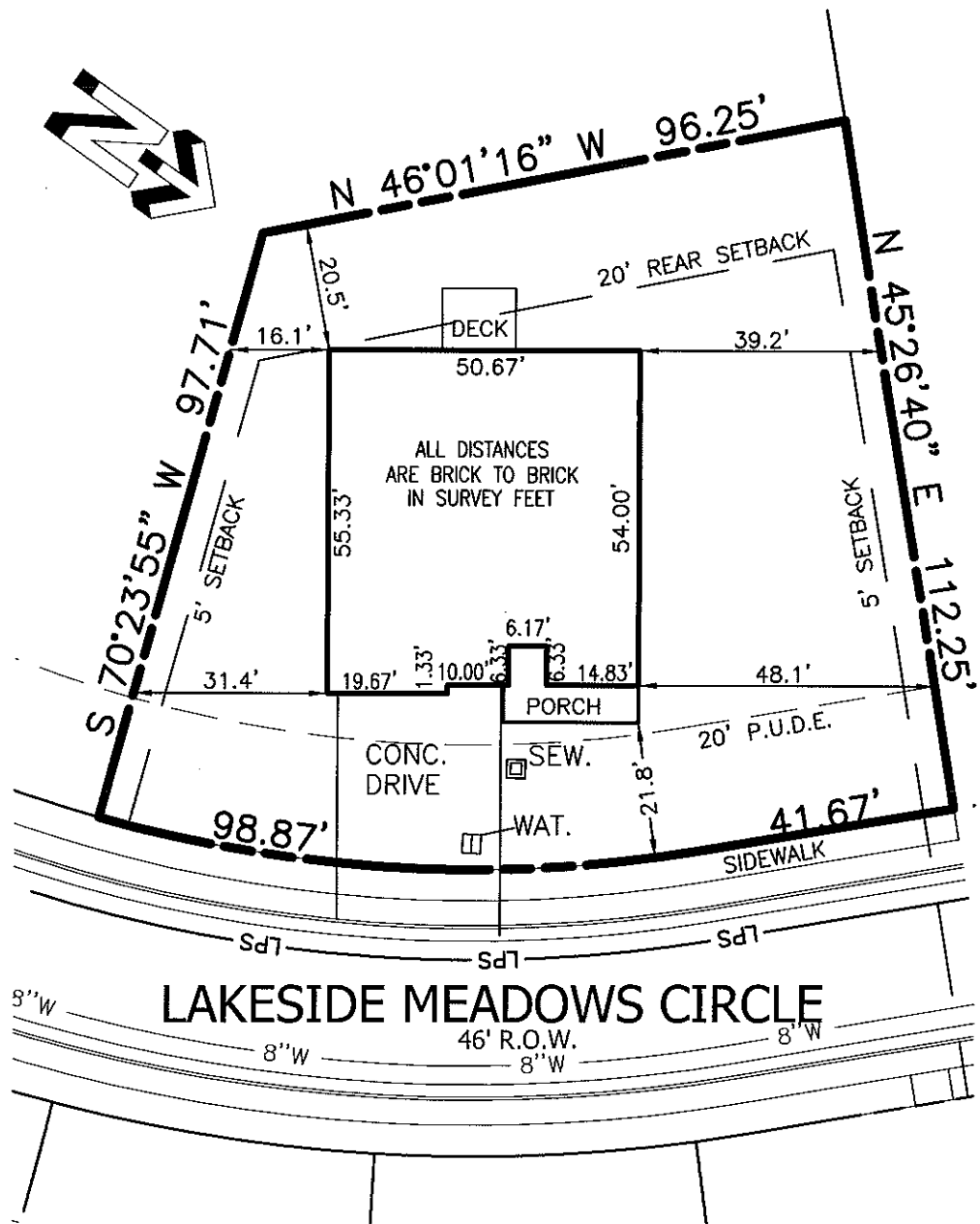
_____  
**APPELLANT**



_____  
**DATE**

# LOT 124

PROP. MAP 110-3-A  
PARCEL 124



NOTE: THIS PARCEL APPEARS TO BE LOCATED  
 IN A AREA DESIGNATED AS ZONES "X" ON FEMA MAP  
 COMMUNITY PANEL NO. 47037CO 275 F ,  
 DATED: 4 / 20 / 01 .

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Matthew Segal Date: 8/20/2019  
Property Owner: Segal, Matthew + Tara Worthey Segal Case #: 2019-448  
Representative: same Map & Parcel: 09102029800

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 2 additional residential units on MUN zoned parcel within the 4700 NO PERMIT APP. STARTED

Activity Type: Multifamily Residential

Location: 5501 A New York Ave.

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

Reason: SPECIAL EXCEPTION

Section(s): 17.12.035.D1

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.

Matthew Segal  
Appellant Name (Please Print)

_____  
Representative Name (Please Print)

5501A New York Ave  
Address

_____  
Address

_____  
City, State, Zip Code

_____  
City, State, Zip Code

802-310-3048  
Phone Number

_____  
Phone Number

5501ANEWYORK@GMAIL.COM  
Email

_____  
Email

[Signature]  
Zoning Examiner:

200.00  
Appeal Fee:



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



3703977

**ZONING BOARD APPEAL / CAAZ - 20190050211**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 09102029800

APPLICATION DATE: 08/20/2019

**SITE ADDRESS:**

5501 A NEW YORK AVE NASHVILLE, TN 37209  
LOT 1402 BLK 54 WEST NASH NO 2

PARCEL OWNER: SEGAL, MATTHEW &amp; TARA WORTHEY

CONTRACTOR:

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

Special Exception per 17.12.035D1 to allow for a 2 ft street setback along 55th Avenue N, contextual of 9'9" is existing ( requesting reduction of 7'9")

Proposed construction of 2 additional residential Units on MUN Zoned parcel within UZO.

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.

## 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 1,000 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 community 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 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. I am aware that I am required to conduct a community meeting.

  
_____  
APPELLANT

8/20/19  
_____  
DATE


## SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1000 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. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

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

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

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

  
_____  
APPELLANT (OR REPRESENTATIVE)

  
_____  
DATE







**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Cases 10-3-19 Hearing  
**Date:** Tuesday, September 17, 2019 2:58:48 PM

---

Below are the cases requested for the 10-3-19 BZA hearing.

-  
**2019-425 7721 Whites Creek Pike Establish Camp Sites on Existing Farm**

Variance: 17.16.220A

Response: Public Works takes no exception with the condition that adequate parking is provided on site per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

-  
**2019-440 2461 Una Antioch Pike Use Existing Residence as a Church**

Variance: 17.16.170E

Response: Public Works takes no exception with the conditions that adequate parking is provided on site and confirmation that sight distance is adequate at driveway entrance.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

**2019-441 4483 Heath RD Use Existing Single Family Res. Structure for a Bed & Breakfast**

Variance: 17.08.030D , 17.16.160A(1-8)

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.

**2019-448 5501A New York Ave Build 2 Units On MUN Zoning within UZO**

Variance: 17.12.035D(1)

Response: Public Works takes no exception with the condition that a change in the setback will not prohibit sight distance at the entrance of the alley.

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

**From:** [Lamb, Emily \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)  
**Cc:** [Michael, Jon \(Codes\)](#)  
**Subject:** FW: case 2019-448  
**Date:** Tuesday, September 24, 2019 10:34:45 AM

---

For the file. Thanks.


Emily Lamb  
Metro Codes Department

---

**From:** Mary Carolyn Roberts <marycarolynroberts@gmail.com>  
**Sent:** Tuesday, September 24, 2019 10:33 AM  
**To:** Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>  
**Subject:** case 2019-448

**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,  
I'm in full support of case number 2019-448, the request for special exception for side setback reduction coming before you.  
Thank you,

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

[Sign Up for Future Newsletters](#)

[Contribute to Campaign](#)

**From:** [Tim Brown](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case 2019-448 - no objection from neighborhood committee  
**Date:** Thursday, September 26, 2019 11:41:06 PM

---

Dear Members of the BZA,

I am writing to let you know that the Planning & Zoning Committee of Nations Neighborhood Association (NNA) has reviewed the applicant's request for a special exception at [5501 A New York Avenue](#) in the Nations.

The applicant met with our group and presented their plan on September 9, 2019. Our committee, as part of the NNA, voted unanimously to allow this request to move forward with "no objection."

**We believe the request is reasonable and the sidewalks in the plan will enhance a pedestrian-friendly environment.**

Thank you for your time,

Timothy R Brown  
5303A Kentucky Ave.  
Nashville, TN, 37209  
[timbrown21@me.com](mailto:timbrown21@me.com)  
847-437-6705

Nations Neighborhood Association  
Planning & Zoning Committee

Sent from my iPad



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](http://www.nashville.gov/codes)

NOTICE

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

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

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.

Timeline of Activity

View the series of events and documentation pertaining to this property

1 Documented Stay  
May, 2019

8/1/2019

Matched property listing

## Listing Details


Listing URL	— <a href="https://www.homeaway.com/vacation-rental/p4940578">https://www.homeaway.com/vacation-rental/p4940578</a>
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.

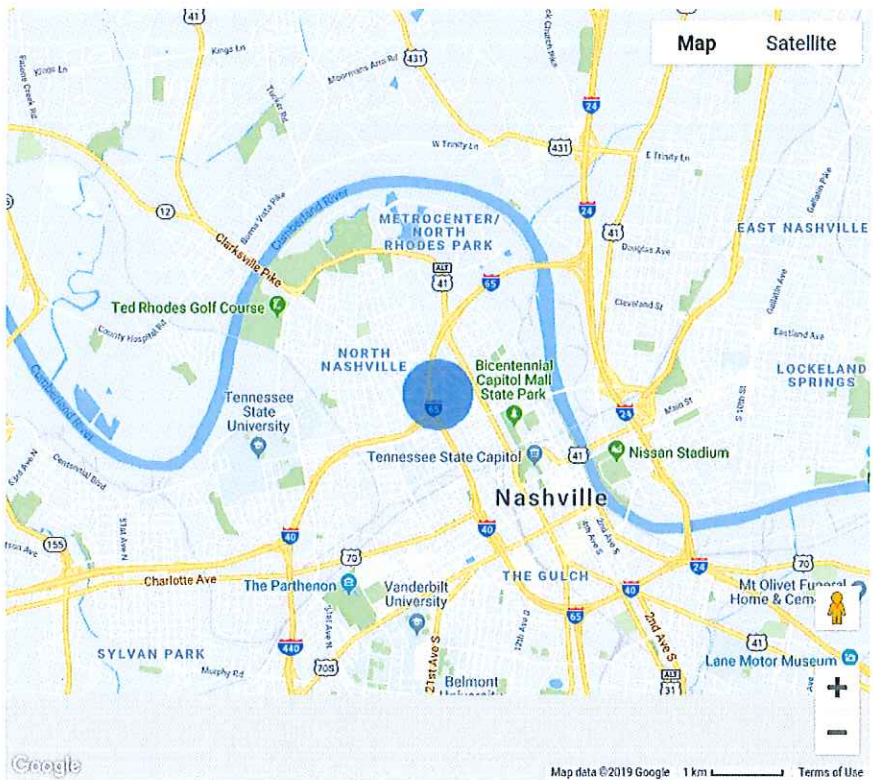
Published Aug 10, 2018

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	2	3
							4	5	6	7	8	9	10
							750	750	750	750	750	750	750
							11	12	13	14	15	16	17
							750	750	750	750	750	750	750
							18	19	20	21	22	23	24
							750	750	750	750	750	750	750
							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

More vacation ideas ^

Rental Ideas

Nashville apartments | Houses for rent in Nashville tn | Cabins in Nashville tn | Nashville resorts | The farm house Nashville | Luxury apartments Nashville | Townhomes for rent in Nashville tn | Studio apartments Nashville | Nashville mansions | River house Nashville | Nashville b&b | Nashville family vacation | Mountain cabins near Nashville tn | Guest house Nashville | Village west apartments Nashville | The mill Nashville | Houseboat rental Nashville | Nashville family resorts | Nashville vacation rentals with pool | Studio rental Nashville

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Top Filters

Chateau | Mill | Mountain | Houseboat | Apartments | House | Village | Cabin | Pets | Luxury | Pool | Resort | Lodge | Families | Lake | Bed & Breakfast | Farmhouse | Townhouse | Guest House | Studio



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- Homelidays.com
- Abritel.fr
- FeWo-direkt.de
- Bookabach.co.nz
- Stayz.com.au

Get our newsletter and stay current on vacation rental deals and specials.

Email Address

Get the HomeAway mobile app

+1  Your mobile phone number

Available for iOS and Android. Messaging

Update your browser for a better experience. We recommend [Chrome](#), [Firefox](#), [Safari](#), or [Microsoft Edge](#).



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

Appellant: Jonathan Cressman Date: 8-13-19  
Property Owner: Jonathan Cressman Case #: 2019-428  
Representative: Jonathan Cressman Map & Parcel: 08304024700

Council District: 07

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

Purpose: To obtain a STRP permit  
Activity Type: Short Term Rental  
Location: 311 McKennell Dr.

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

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

Section: 17.16.250 E

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

Appellant Name: Jonathan Cressman Representative: Same  
Phone Number: 719 243-0037 Phone Number: _____  
Address: 311 McKennell Dr. Address: _____  
Nashville, TN 37206  
Email address: jcrossma@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**



3701626

**ZONING BOARD APPEAL / CAAZ - 20190048652  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08304024700**APPLICATION DATE:** 08/13/2019**SITE ADDRESS:**

311 MCKENNEL DR NASHVILLE, TN 37206  
LOT 8 DELANEY SUBDIVISION SEC. 1

**PARCEL OWNER:** CRESSMAN, JONATHAN K.**CONTRACTOR:****APPLICANT:****PURPOSE:**

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

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

---

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

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

NOTICE

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

8-13-19

Rental Unit Record

311 Mckennell Dr, Nashville, TN 37206, USA

Active ●  
Identified ✓  
Compliant X

PRINT

Listing(s) Information

Airbnb - 36297604    Airbnb - 17746328    Airbnb - 29926111    ▼



Rental Unit Information



Identified Address

311 Mckennell Dr, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.191926, -86.721500

Parcel Number

08304024700

Owner Name

CRESSMAN, JONATHAN K.

Owner Address

311 McKennell Dr  
Nashville, TN 37206, US

Registration / Permit Number

502771

Matched Details

Analyst 95M3

Explanation

Tax record match on name, Zillow listing with identical kitchen cabinet layout and appliance positioning.

Listing Photos



Matching 3rd Party Sources



Identical Kitchen cabinet setup and appliance locations.

Zip Code Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

8/13/2019

Matched property listing


## Listing Details

Listing URL	— <a href="https://www.airbnb.com/rooms/36297604">https://www.airbnb.com/rooms/36297604</a>
Listing Status	● Active
Host Compliance Listing ID	— air36297604
Listing Title	— Large and Comfy East Nashville Home
Property type	— House
Room type	— Entire home/apt
Listing Info Last Captured	— Aug 12, 2019
Screenshot Last Captured	— Aug 12, 2019
Price	— \$141/night
Cleaning Fee	— \$100

## Information Provided on Listing

Contact Name	— Jon
Latitude, Longitude	— 36.192700, -86.720600
Minimum Stay (# of Nights)	— 3
Max Sleeping Capacity (# of People)	— 10
Max Number of People per Bedroom	— 2.5
Number of Reviews	— 4
Last Documented Stay	— 08/2019



## Listing Screenshot History

 View Latest Listing Screenshot

June 0

July 7

August 4

- ✔ First Warning - No STR Permit: Delivered August 10th, 2019 
- 📅 1 Documented Stay August, 2019
- ✔ First Warning - No STR Permit: Sent August 5th, 2019 
- ✳ Listing ppl357680 First Crawled July 30th, 2019
- Listing ppl357680 First Activity July 29th, 2019
- 📅 3 Documented Stays July, 2019
- ✔ Listing air36297604 Identified July 18th, 2019
- ✳ Listing air36297604 First Crawled July 9th, 2019
- Listing air36297604 First Activity July 9th, 2019
- ✘ Listing hma321.1483026.2041654 Removed February 25th, 2019
- ✘ Listing air29926111 Removed February 23rd, 2019
- ✘ Listing bkg2305966 Removed February 16th, 2019
- 📅 1 Documented Stay January, 2019
- 📅 1 Documented Stay December, 2018
- Listing bkg2305966 Reposted December 13th, 2018
- ✔ Listing air29926111 Identified November 27th, 2018
- ✳ Listing air29926111 First Crawled November 12th, 2018
- ✳ Listing hma321.1483026.2041654 First Crawled November 12th, 2018
- Listing air29926111 First Activity November 12th, 2018
- Listing hma321.1483026.2041654 First Activity November 12th, 2018
- ✘ Listing air17746328 Removed November 9th, 2018
- ✘ Listing bkg2305966 Removed November 9th, 2018
- ✘ Listing hma321.1035699.1583647 Removed November 9th, 2018
- 📅 2 Documented Stays October, 2018
- Listing air17746328 Reposted October 20th, 2018

8/13/2019

## Matched property listing

- ✘ Listing air17746328 Removed  
October 20th, 2018
- 📅 1 Documented Stay  
September, 2018
- 📅 3 Documented Stays  
August, 2018
- 📅 4 Documented Stays  
July, 2018
- 📅 4 Documented Stays  
June, 2018
- 📅 5 Documented Stays  
May, 2018
- 📅 2 Documented Stays  
April, 2018
- ✔ Airbnb Letter: Delivered 📅  
April 4th, 2018
- ✔ Airbnb Letter: Sent 📅  
March 29th, 2018
- 📅 3 Documented Stays  
March, 2018
- Listing hma321.1035699.1583647 Reposted  
February 26th, 2018

---

- ✘ Listing hma321.1035699.1583647 Removed  
February 21st, 2018
- 📅 1 Documented Stay  
February, 2018
- Listing air17746328 Reposted  
February 5th, 2018
- ✘ Listing air17746328 Removed  
January 31st, 2018
- 📅 1 Documented Stay  
January, 2018
- ✘ Listing fli8690519 Removed  
January 7th, 2018
- ✔ Listing bkg2305966 Identified  
December 3rd, 2017
- ✳ Listing bkg2305966 First Crawled  
December 3rd, 2017
- Listing bkg2305966 First Activity  
December 3rd, 2017
- 📅 1 Documented Stay  
November, 2017
- Listing fli8690519 Reposted  
October 29th, 2017
- 📅 3 Documented Stays  
October, 2017
- ✘ Listing fli8690519 Removed  
September 30th, 2017
- 📅 1 Documented Stay  
September, 2017
- ✔ Listing air17746328 Identified  
August 14th, 2017



- 📅 1 Documented Stay  
August, 2017
- ✓ Listing fli8690519 Identified  
August 2nd, 2017
- ✓ Listing hma321.1035699.1583647 Identified  
July 29th, 2017
- ✳ Listing fli8690519 First Crawled  
June 17th, 2017
- Listing fli8690519 First Activity  
June 17th, 2017
- 📅 1 Documented Stay  
May, 2017
- 📅 1 Documented Stay  
April, 2017
- ✳ Listing air17746328 First Crawled  
March 27th, 2017
- ✳ Listing hma321.1035699.1583647 First  
Crawled  
March 27th, 2017
- Listing air17746328 First Activity  
March 27th, 2017
- Listing hma321.1035699.1583647 First  
Activity  
March 22nd, 2017

August 12, 2019 - 11:51PM America/Chicago



Search

Become a host Help Sign up Log in

Aug 12, 2019 11:51pm CT



Share

Save

View Photos

# Large and Comfy East Nashville Home

Nashville



Jon

- Entire house**  
10 guests 4 bedrooms 5 beds 3 baths
- Self check-in**  
Check yourself in with the keypad.
- Sparkling clean**  
3 recent guests said this place was sparkling clean.
- Great location**  
100% of recent guests gave the location a 5-star rating.

\$141 per night  
★★★★★ 6

Dates  
08/14/2019 → Checkout

Guests  
1 guest

Reserve

You won't be charged yet

Report this listing

Stay and enjoy Nashville from the comfort of my home. I have a large two story house that is great for large groups of friends, bachelor/bachelorette parties and family gatherings. There is a large backyard with plenty of parking. There are many great bars, restaurants and breweries to visit on the Eastside very near my house. It is less than a 10 minute uber ride to Broadway for those who like the honkeytonks! Stay at my house and you will feel at home.

### The space

My house is a large private home in a great neighborhood with plenty of bars and restaurants to visit.

### Guest access

The whole house is yours to enjoy!

Hide ^

Contact host



## Amenities

### Basic

#### Wifi

Continuous access in the listing

Indoor fireplace

#### Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

TV

#### Dryer

In the building, free or for a fee

#### Washer

In the building, free or for a fee

#### Essentials

Towels, bed sheets, soap, and toilet paper

#### Heating

Central heating or a heater in the listing

Air conditioning

Hot water

### Facilities

Free parking on premises

### Dining

#### Kitchen

Space where guests can cook their own meals

### Guest access

#### Keypad

Check yourself into the home with a door code

#### Private entrance

Separate street or building entrance

### Bed and bath

Shampoo

### Safety features

Carbon monoxide detector

Smoke detector

### Not included

Hair dryer

Sleeping arrangements



Bedroom 1  
1 queen bed



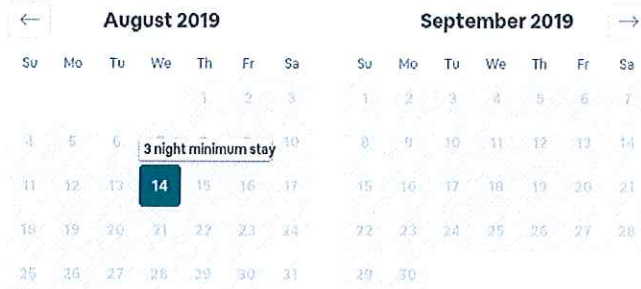
Bedroom 2  
1 queen bed



Bedroom 3  
1 queen bed

Availability

This host offers 21% off if you stay a week and a 49% monthly discount.



Clear dates

6 Reviews ★★★★★

Search reviews

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

Jamle  
August 2019

Great location, super clean very comfortable beds!

Najeeb  
August 2019

Great, spacious house with hotel-like amenities and comfort. Would recommend it to anyone who is looking for a peaceful house in Nashville, close to everything.

Earl  
July 2019

The host canceled this reservation 24 days before arrival. This is an automated posting.

Aryn  
July 2019

Great large space! Close to all of Nashville's popular attractions!

Kimberly  
July 2019

Great place to stay. Comfy beds. Plenty of room. Very clean. Coffee, tea and water. Area restaurant tips. Quiet neighborhood. Will stay here again when in Nashville.

Chase  
July 2019

Jon was amazing. Made my weekend perfect

### Hosted by Jon

Nashville, TN · Joined in February 2013



★ 6 Reviews   ✨ Verified

Hi I'm Jon! I host an Airbnb house in Nashville so I understand the importance of who you rent to. I am clean and respectful and look forward to enjoying the cities I travel to.

#### Interaction with guests

The front door has a keypad so I can easily send you the code. Call or text is perfectly acceptable to reach me.

Response rate: 100%

Response time: within an hour

Contact host

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

### The neighborhood

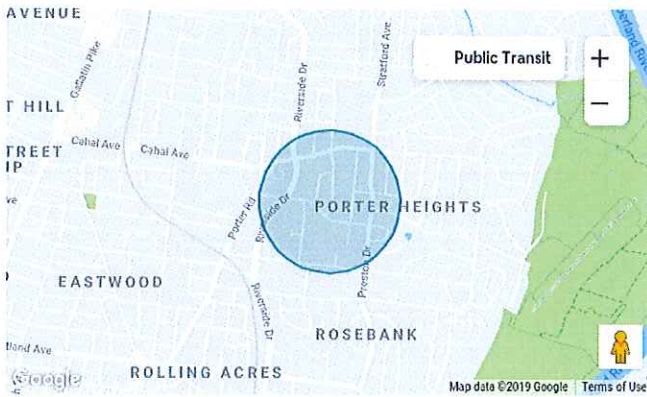
Jon's place is located in Nashville, Tennessee, United States.

I live in a great neighborhood. There are many bars and great restaurants nearby. Also, Shelby Bottoms park is just down the street where you can exercise or go to the river!

#### Getting around

The best way to get around Nashville is by rideshare. (Uber or Lyft)

Hide ^



Exact location information is provided after a booking is confirmed.

### Policies

#### House Rules

No pets

Check-in is anytime after 2PM and check out by 11AM

Self check-in with keypad

Smoking is allowed outside the home, please clean up your butts. Guests should do the dishes and leave the kitchen generally clean. Please pull bed sheets and leave in a pile in the basement by the washer/dryer. Remove trash and place in bins outside.

Hide rules ^

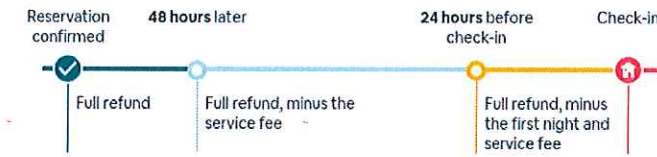
#### Cancellations

Flexible - Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the

### Matched property listing

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.



[Get full details](#)

[Hide policies](#)

### More places to stay

**ENTIRE LOFT - NASHVILLE**  
**2 STORY LOFT DOWNTOWN! FREE PARKING!**  
 \$113/night  
 ★★★★★ 258

**ENTIRE APARTMENT - NASHVILLE**  
**Apartment on Broadway!**  
 \$120/night  
 ★★★★★ 545

**PLUS VERIFIED - NASHVILLE**  
**Walk to Five Points from a Dreamy Attic Apartment**  
 \$118/night  
 ★★★★★ 256

### Things to do nearby

**WORKSHOP**  
**Hand Make A Guitar-String Ring**  
 From \$25/person  
 5.0★ (7)

**COCKTAIL TASTING**  
**Private Cocktail Experience At The Fox**  
 From \$75/person  
 4.96★ (103)

**GUIDED HIKE**  
**Hike a trail less traveled**  
 From \$60/person  
 5.0★ (30)

**TENNIS LESSON**  
**Tennis lesson at Downtown rooftop**  
 From \$45/person

### Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Nashville  
 Bankot  
 Stari Slankamen  
 Chessy  
 Vernon  
 Moss

Nelson  
 Polkovnik Serafimovo  
 Acquiolo  
 Kungshatt  
 Sauve  
 Oklahoma City

Villaggio Monte Busca  
 Fuentespalda  
 Petit-Landau  
 Virum  
 Bunaken Kepulauan  
 Baldwin

Airbnb

Discover

Hosting



Jon Cressman

Appeal Case Number: 2019-428

311 Mckennell Dr

Map Parcel: 08304024700

Zoning Classification: R10

Council District: 7

### **Brief Explanation of Permit Coverage Lapse**

The reason for the operation of the short term rental while my permit was expired was that I was unaware of the expiration date. Since April of 2017 I have had multiple property management companies that have overseen my property. The last company did a poor job and I canceled them in December of 2018. I then moved long term tenants into the home on a 6 month lease until June 2019. I moved back to Nashville July 1st and rapidly put the house back on Airbnb and began taking bookings. It was an oversight on my part not to check the status of my permit but it was an honest mistake. I received a letter from the codes department on August 12th informing me that my permit had expired. I immediately followed all the steps to renew my permit and was in the permit office to turn everything in the next day August 13th. Please let this show that there was no malicious intent or that there was anything I was trying to avoid; it was simply a lack of knowledge. I hope to have my permit reinstated as quickly as possible so that I may generate some extra income to help with the mortgage.

Sincerely,

Jon Kelly Cressman





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

Appellant: Matt Niehoff Date: 8-14-19  
 Property Owner: Matt Niehoff Case #: 2019-431  
 Representative: Matt Niehoff Map & Parcel: 08313027400

Council District: 06

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 1403 Russell 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:

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

Section: 17.16.250 E

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

Appellant Name: Matt Niehoff Representative: Same  
 Phone Number: 615 339-5031 Phone Number: _____  
 Address: 1403 Russell St. Address: _____  
Nashville, TN 37206 _____  
 Email address: Mattniehoff24@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



3702093

**ZONING BOARD APPEAL / CAAZ - 20190048951**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 08313027400**APPLICATION DATE:** 08/14/2019**SITE ADDRESS:**

1403 RUSSELL ST NASHVILLE, TN 37206  
LOT 43 BLK E LINDSLEY HOME PLACE

**PARCEL OWNER:** JENKINS, JASON & NIEHOFF, MATTHEW**CONTRACTOR:****APPLICANT:****PURPOSE:**

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

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

---

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

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

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TELEPHONE (615) 862-6500  
FACSIMILE (615) 862-6514  
[www.nashville.gov/codes](http://www.nashville.gov/codes)

NOTICE

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

*MSM 8/14/19*

Rental Unit Record

# 1403 Russell St, Nashville, TN 37206, USA

Active

Identified

Compliant

PRINT

### Listing(s) Information

Airbnb - 30252586

Airbnb - 3716723



### Rental Unit Information



#### Identified Address

1403 Russell St, Nashville, TN 37206, USA

#### Identified Unit Number

None

#### Identified Latitude, Longitude

36.174978, -86.745845

#### Parcel Number

08313027400

#### Owner Name

JENKINS, JASON & NIEHOFF, MATTHEW

#### Owner Address

1403 Russell St  
Nashville, TN 37206, US

#### Registration / Permit Number

501714

### Matched Details

#### Analyst

67JY

#### Explanation

The host's names are Matt and Jason. This property is owned by a Matthew Niehoff and Jason Jenkins. Matthew Niehoff's Facebook page shows the same two people seen in the host's profile image. It also shows bathroom seen in the listing image. It shows the kitchen as well.

#### Listing Photos



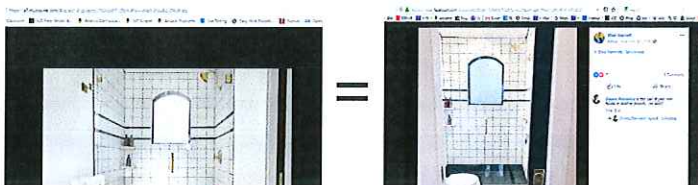
#### Matching 3rd Party Sources



Matthew Niehoff's Facebook page shows the same two people seen in the host's profile image.

#### Timeline of Activity

View the series of events and documentation pertaining to this property



It also shows bathroom seen in the listing image.



It shows the kitchen as well.

📍 Zip Code Match

📍 City Name Match

### Listing Details

Listing URL	— <a href="https://www.airbnb.com/rooms/30252586">https://www.airbnb.com/rooms/30252586</a>
Listing Status	● Active
Host Compliance Listing ID	— air30252586
Listing Title	— Carriage House Apartment in Hip and Historic East Nashville
Property type	— Guesthouse
Room type	— Entire home/apt
Listing Info Last Captured	— Aug 12, 2019
Screenshot Last Captured	— Aug 12, 2019
Price	— \$99/night
Cleaning Fee	— \$49

### Information Provided on Listing

Contact Name	— Matt
Latitude, Longitude	— 36.176140, -86.744920
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 4
Max Number of People per Bedroom	— 4
Number of Reviews	— 73
Last Documented Stay	— 08/2019

Listing Screenshot History

📷 View Latest Listing Screenshot

- 📅 4 Documented Stays  
August, 2019
- 📧 First Warning - No STR Permit: Delivered  
August 10th, 2019
- 📧 First Warning - No STR Permit: Sent  
August 5th, 2019
- 📅 13 Documented Stays  
July, 2019
- ✓ Listing air30252586 Identified  
July 2nd, 2019
- 📅 10 Documented Stays  
June, 2019
- 📅 10 Documented Stays  
May, 2019
- 📅 12 Documented Stays  
April, 2019
- 📅 7 Documented Stays  
March, 2019
- 📅 8 Documented Stays  
February, 2019
- 📅 5 Documented Stays  
January, 2019
- 📅 4 Documented Stays  
December, 2018
- ✳ Listing air30252586 First Crawled  
December 2nd, 2018
- ✗ Listing air3716723 Removed  
December 2nd, 2018
- Listing air30252586 First Activity  
December 1st, 2018
- 📅 5 Documented Stays  
November, 2018
- 📅 8 Documented Stays  
October, 2018
- Listing air3716723 Reposted  
October 22nd, 2018
- ✗ Listing air3716723 Removed  
October 20th, 2018
- 📅 12 Documented Stays  
September, 2018
- 📅 8 Documented Stays  
August, 2018
- 📅 10 Documented Stays  
July, 2018
- 📅 7 Documented Stays  
June, 2018
- 📅 14 Documented Stays  
May, 2018
- 📅 8 Documented Stays  
April, 2018
- 📧 Airbnb Letter: Delivered

April 4th, 2018

✍ Airbnb Letter: Sent March 29th, 2018

📅 8 Documented Stays March, 2018

📅 6 Documented Stays February, 2018

📅 3 Documented Stays January, 2018

📅 6 Documented Stays December, 2017

📅 8 Documented Stays November, 2017

📅 9 Documented Stays October, 2017

📅 12 Documented Stays September, 2017

📅 9 Documented Stays August, 2017

✓ Listing air3716723 Identified August 16th, 2017

📅 12 Documented Stays July, 2017

📅 7 Documented Stays June, 2017

📅 10 Documented Stays May, 2017

📅 7 Documented Stays April, 2017

📅 5 Documented Stays March, 2017

📅 5 Documented Stays February, 2017

📅 6 Documented Stays January, 2017

📅 6 Documented Stays December, 2016

📅 6 Documented Stays November, 2016

📅 10 Documented Stays October, 2016

📅 8 Documented Stays September, 2016

📅 10 Documented Stays August, 2016

📅 8 Documented Stays July, 2016

✳ Listing air3716723 First Crawled July 21st, 2016

📅 9 Documented Stays June, 2016

📅 5 Documented Stays

June 9

July 9

August 4

May, 2016

☒ 4 Documented Stays

April, 2016

☒ 4 Documented Stays

March, 2016

☒ 2 Documented Stays

February, 2016

☒ 2 Documented Stays

January, 2016

☒ 2 Documented Stays

December, 2015

☒ 4 Documented Stays

November, 2015

☒ 7 Documented Stays

October, 2015

☒ 6 Documented Stays

September, 2015

☒ 4 Documented Stays

August, 2015

☒ 5 Documented Stays

July, 2015

☒ 1 Documented Stay

March, 2015

☒ 4 Documented Stays

January, 2015

☒ 3 Documented Stays

December, 2014

☒ 1 Documented Stay

November, 2014

☒ 7 Documented Stays

October, 2014

☒ 5 Documented Stays

September, 2014

☒ 7 Documented Stays

August, 2014

● Listing air3716723 First Activity

August 9th, 2014

August 12, 2019 - 10:27PM America/Chicago

Search

Become a host Help Sign up Log  
Aug 12, 2019 10:27pm CT

plus

# Carriage House Apartment in Hip and Historic East Nashville



TAKE A TOUR

4 guests 1 bedroom 1 bed 1 bath

Begin an exciting day in Nashville in a roomy black-and-white tiled shower with brass fittings. Brew a cup of pod coffee in an elegant kitchenette and relax on a couch in an airy and open space with polished wood floors and a soaring white ceiling. A comfortable brand-new Room & Board pull out couch bed is available when the space is booked for 3 or 4 people.



"Our gorgeous, brand-new carriage house is the perfect respite for the most discerning of travelers."

Hosted by Matt

## Special to this guesthouse

This stay has these unique amenities.

## Tour this guesthouse



Living room

Self check-in

Free parking on premises

Full kitchen

Washer  
Bedroom - Queen bed

Dryer

Room-darkening shades



Kitchenette



Entry



Dining room

Entrance

Exterior



Explore all 21 photos

Heating



Air conditioning



Plus

### Everything you need

Places to stay that are as memorable as they are beautiful. This Airbnb Plus stay comes with these amenities.

Every Airbnb Plus host designs their rooms with a creative eye and thoughtful details that make their spaces feel special.

Learn more

TV



Bathroom essentials

Towels, soap, shampoo, and toilet paper



Bedroom comforts

Bed sheets, pillows, and hangers



Coffee maker



Hair dryer



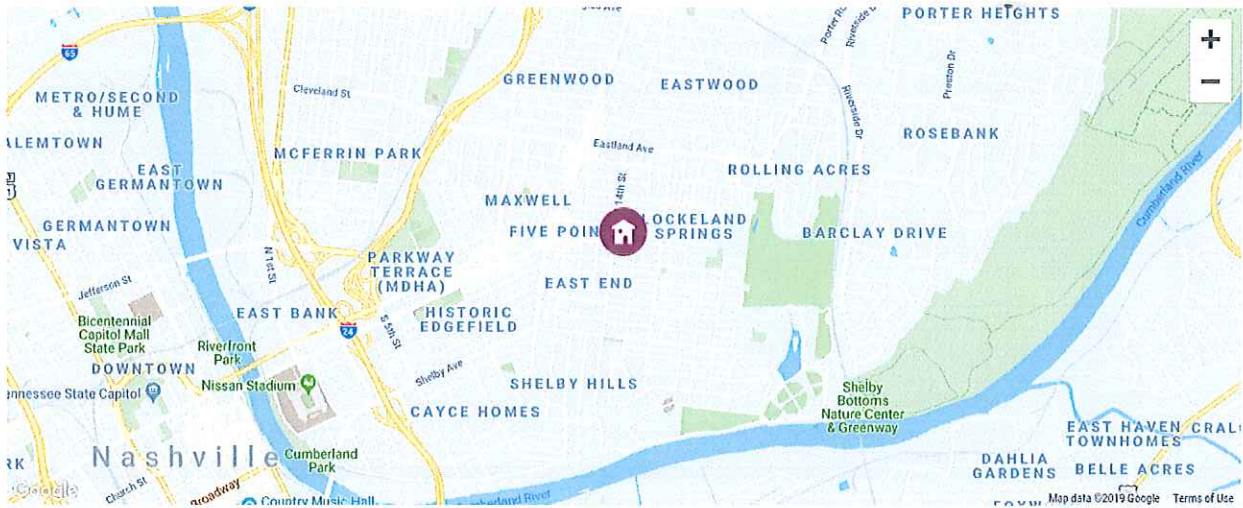
## Location

Nashville, Tennessee, United States

The carriage house is in Lockeland Springs, a desirable area of East Nashville with historic homes over 100 years old. The apartment is under 2 miles from Downtown Nashville, and is a few blocks from the Five Points neighborhood.

Distance from Nashville International Airport

12 mins by car without traffic



Exact location provided after booking

See guidebook

## Reviews



**Lauren**  
a day ago

Absolutely loved our stay! Not only was the space perfectly designed, it had everything we needed and more. It's also within walking distance of so many amazing restaurants. We can't wait to come back!



**McKenzie**  
2 days ago

Great location with a clean and trendy space! Better than any hotel we could have ever stayed at. The efficient responses to messages made the stay great and stress free!



**Colleen**  
4 days ago

I keep coming back. One of my favorite places to stay!



**Rachelle**  
7 days ago

Hip, trendy space close to all things East Nashville! comfortable, super clean, fun surprises in the fridge, munchies available. Smart space; we already miss Alexa.



**Megan**  
11 days ago

This spot is a gem! So comfy, so cute! The neighborhood is very walkable and charming. I would 100% come back and stay here again if I was in Nashville. Matt was so accommodating, always promptly answering my questions and giving me great tips on...[Read more](#)



**Andrew**  
12 days ago

Absolutely amazing! You will be entirely satisfied with staying here. It's such a cool space. It feels homey, the amenities are beyond what they should be, the location is fantastic, everything is clean and comfortable. The amount of thought these...[Read more](#)

[Read all 74 reviews](#)

## Meet your host



*Matt*

### Hi, I'm Matt

Hey! We're Matt and Jason! A few words that describe us: Casual, creative, open-minded, musically inclined, and world travelers. We...[read more](#)

### Interaction with guests

Your host will be on the property and available for anything you need during your stay.

Joined in December 2013  
Languages: English  
Response rate: 100%  
Response time: within an hour

[CONTACT](#)

## House Rules

The host has set some house rules, which you'll be asked to agree to when you book.

- Check-in: After 3PM
- Checkout: 11AM
- Self check-in with keypad

[Read all rules](#)

## Cancellation policy

Moderate · Free cancellation for 48 hours. After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

[Show policy](#)

### Other highly-rated places to stay



**PLUS** VERIFIED · NASHVILLE  
Remodeled 1928 Guesthouse with a Pool in Five Points  
\$130/night  
★★★★★ 124

Show more stays



**PLUS** VERIFIED · NASHVILLE  
Private Garden Cottage in Historic 5 Points Neighborhood  
\$125/night  
★★★★★ 36



**PLUS** VERIFIED · NASHVILLE  
Niido's Vintage Stunner at Nashville Highrise in Downtown  
\$169/night  
★★★★★ 33



**PLUS** VERIFIED · NASHVILLE  
Niido's 1970s Mod-Style Loft in Downtown  
\$179/night  
★★★★★ 39

### Things to do nearby



**WORKSHOP**  
Hand Make A Guitar-String Ring  
\$25 per person · 1 hour · Equipment included  
5.0★ (7)



**WELLNESS CLASS**  
Vibration Meditation & Margaritas  
\$30 per person · 1.5 hours · Food, Drinks, Equipment included  
4.92★ (36)



**FARM VISIT**  
Farm Tour- Get out of the City  
\$49 per person · 4.5 hours · Transportation included  
4.94★ (54)



**GUIDED HIKE**  
Hike a trail less traveled  
\$60 per person · 6 hours · Food, Drinks included  
5.0★ (30)

Show all experiences



ENTIRE GUESTHOUSE IN NASHVILLE  
★★★★★ 74

\$99 / night

Request to Book

**JAMIE R. HOLLIN**

*Attorney at law*  
1006 Fatherland Street, Suite 102B  
Nashville, Tennessee 37206  
(615) 870-4650  
j.hollin@icloud.com

September 26, 2019

**VIA ELECTRONIC DELIVERY**

Members of the Board of Zoning Appeals  
of the Metropolitan Government of  
Nashville & Davidson County

**Re: 1403 Russell Street—STRP Permit No. 201531102**

Dear Members of the Board:

On behalf of the appellants Jason Jenkins and Matthew Niehoff, I submit this letter in support of their appeal for property located at 1403 Russell Street, Nashville, Tennessee, 37206 (“Property”).

A timeline of events is necessary to understand the basis of why the appeal should be granted.

1. An owner-occupied short-term rental permit (“STRP”) was issued to Messrs. Jenkins and Niehoff on January 11, 2016. Consequently, and pursuant to Tenn. Code Ann. § 13-7-603(a);
2. The STRP was renewed on January 9, 2017 and again on January 22, 2018;
3. After the last renewal on January 22, 2018, the appellants began the process of having a detached accessory dwelling unit (“DADU”) constructed on the Property;
4. Nearing the completion of the DADU’s construction, the appellants initiated email discussions with Mr. David Frabutt of the Codes Department (*Exhibit No. 1*) to explore how to have the STRP transitioned to the DADU;
5. Once the appellants received a use and occupancy letter for the DADU, it was transmitted to Mr. Frabutt by email for confirmation around November 29, 2018; and
6. By reply email on November 29, 2018, Mr. Frabutt advised the appellants that they were allowed to begin using the DADU as the short-term rental and were prohibited from using the primary residence as a short-term rental.

Thereafter, the appellants began using the DADU as their owner-occupied short-term rental without complaint. It was understood by the appellants that once the DADU permitting had been complete, they had a new renewal date of November 29, 2019.

However, by letter dated August 5, 2019 from Mr. Robert Osborn, the appellants learned that their STRP had expired on January 22, 2019 yet were unaware that their

Board of Zoning Appeals  
September 26, 2019  
Page 2 of 2

renewal date didn't change when the permitted structure—from house to DADU—changed. Upon receipt of Mr. Osborn's letter, all STR-related activity at the DADU has ceased.

It is not unreasonable for the appellants to believe that their new renewal date would be 365 days after it was issued on November 29, 2018. Pursuant to BL2014-951, MCL § 6.28.030(N) states, in pertinent part, that “[a] STRP permit shall expire three hundred sixty-five (365) days after it is issued.” Further, transfer of permits is prohibited. Yet by email dated August 13, 2019, Mr. Frabutt stated that the permit had indeed been transferred [to the DADU from the primary residence]. (*Exhibit No. 2*).

It is respectfully requested that your discretion is used to reinstate the applicable permit as it is clear that this situation is one of honest mistake by one or more parties involved.


Sincerely,

A handwritten signature in black ink, appearing to read "JR Hollin". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Jamie R. Hollin

Cc: Council Member Brett Withers  
Via email at [brett.withers@nashville.gov](mailto:brett.withers@nashville.gov)

**Exhibit No. 1**

**From:** Jason Jenkins jason@25ent.com   
**Subject:** FW: STRP Transfer Question  
**Date:** September 10, 2019 at 10:10 AM  
**To:** Jamie Hollin j.hollin@me.com

JJ

---

**From:** Matt Niehoff <matt@experiencenash.com>  
**Date:** Thursday, November 29, 2018 at 8:32 AM  
**To:** Jason Jenkins <jason@25ent.com>  
**Subject:** Fwd: STRP Transfer Question

Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

Begin forwarded message:

**From:** "Frabutt, David (Codes)" <[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)>  
**Date:** November 29, 2018 at 7:15:57 AM CST  
**To:** 'Matt Niehoff' <[matt@experiencenash.com](mailto:matt@experiencenash.com)>  
**Subject:** RE: STRP Transfer Question

Hello Matt,

STRP permit has been updated, please see attached and make note that the main dwelling CANNOT be used for STRP activity.  
Let me know if you have any questions.

Thank you,

**David Frabutt**  
Zoning Examiner  
800 2nd Ave S.  
(615) 880-3245  
[david.frabutt@nashville.gov](mailto:david.frabutt@nashville.gov)

---

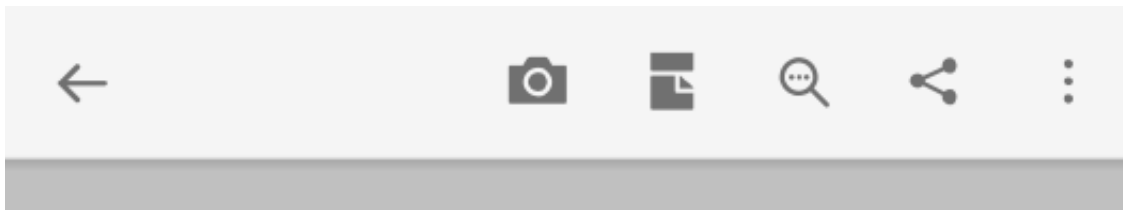
**From:** Matt Niehoff [<mailto:matt@experiencenash.com>]  
**Sent:** Friday, November 23, 2018 12:43 PM  
**To:** Frabutt, David (Codes)  
**Subject:** Re: STRP Transfer Question

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

Hi David,

Please find the certificate of occupancy attached. Will this suffice for the transfer?

Let me know if there's anything else you need on our end.



DAVID BRILEY  
MAYOR



3440154

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

November 16, 2018

DEPARTMENT OF CODES & BUILDING SAFETY

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

TANT COMPANIES LLC, THE  
NASHVILLE, TN 37209

MAILING ADDRESS  
POST OFFICE BOX 196308  
NASHVILLE, TENNESSEE 37219-6308  
TELEPHONE (615) 862-6500  
FACSIMILE (615) 862-6514  
[www.nashville.gov/codes](http://www.nashville.gov/codes)

RE: **FINAL USE AND OCCUPANCY**  
1403 RUSSELL ST, NASHVILLE, TN 37206  
Map / Par No: 08313027400  
Building Permit: 2018003631  
Issued: 11/16/2018

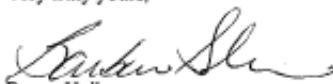
Gentlemen:

The Department of Codes and Building Safety and other required Metropolitan Departments have inspected Detached Accessory Dwelling Unit at the above location.

Through routine inspections and visual observations it has been determined that the work performed substantially complies with the applicable codes and ordinances of the Metropolitan Government of Nashville and Davidson County. Therefore, we hereby approve it for Final Use and Occupancy. However, Granting of the **Final Use and Occupancy** in no way relieves the **contractors of their** responsibility for any work performed not in accordance with applicable codes and ordinances.

Thank you for your cooperation.

Very truly yours,

  
Byron Hall  
Assistant Director  
Department of Codes Administration

BH: ls





Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

On Nov 6, 2018, at 1:39 PM, Frabutt, David (Codes) <[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)> wrote:

You may email.

---

**From:** Matt Niehoff [<mailto:matt@experiencenash.com>]

**Sent:** Monday, November 05, 2018 10:05 AM

**To:** Frabutt, David (Codes)

**Subject:** Re: STRP Transfer Question

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

Awesome, thanks for the response, David. Our final inspection is scheduled for today after which we will (hopefully) receive the certificate of occupancy.

Once received, should we come into the codes office or are we able to email?

Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

On Nov 5, 2018, at 7:06 AM, Frabutt, David (Codes) <[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)> wrote:

Hello Matt,

The first question is: Do you have a certificate of occupancy for the DADU? If so, then the permit can be changed to reflect STRP activity in the DADU only.

---

**From:** Matt Niehoff [<mailto:matt@experiencenash.com>]  
**Sent:** Monday, October 29, 2018 12:54 PM  
**To:** Frabutt, David (Codes)  
**Subject:** STRP Transfer Question

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

Hi David,

I currently own/operate an Airbnb out of my residence, permit # 201531102, and have been operating for several years. We have built a DADU on our property which is near completion -- and we would like to transfer the permit from our house to the DADU. Couple of questions for you:

- 1) Is transferring the permit possible and
- 2) What steps will we need to complete to do so?

Thanks in advance for your assistance.

**matt niehoff**  
founder | experience nashville  
[Blog](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)



1403 Russell  
STRP f...DU.pdf

**Exhibit No. 2**

**From:** Jason Jenkins <jason@25ent.com>  
**Subject:** FW: STRP Transfer Question  
**Date:** September 10, 2019 at 10:12 AM  
**To:** Jamie Hollin j.hollin@me.com



---

**From:** Matt Niehoff <matt@experiencenash.com>  
**Date:** Tuesday, August 13, 2019 at 9:03 AM  
**To:** Jason Jenkins <jason@25ent.com>  
**Cc:** "Frabutt, David (Codes)" <David.Frabutt@nashville.gov>, "Osborn, Robert (Codes)" <Robert.Osborn@nashville.gov>  
**Subject:** Re: STRP Transfer Question

This was an honest mistake on our part, and we apologize. As this is the first year of us not receiving any sort of renewal notice, plus the continued cashing of our taxes checks by the city, and the transferring of our permit all led us to believe we were still compliant. That said, we will do whatever it takes to make it right if you're not willing to make an exception for us.

What is a good time for you for me to come by and pick up the appeal paperwork?

Appreciate your help.

Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

On Aug 13, 2019, at 8:07 AM, Jason Jenkins <[jason@25ent.com](mailto:jason@25ent.com)> wrote:

Hi David

Can you explain why we never received a renewal notice this year (like we have every other year in the past)? Also, can you explain why there was never any late notice or letter of the sort? Odd that the permit was due in January and the very first notification we get is in August?

We have operated 100% legally since day one (for years) and have gotten all proper permitting, obeyed all codes, and paid all taxes. It's just a bit frustrating that we never got any sort of notice and now we're in this circumstance. How were we to know the transfer did not affect the renewal date when your office did not send paperwork for the January renewal date you mentioned? We get and open every single piece of mail so I can confirm we absolutely did not get any notices.

You're punishing the good guys here.

Jason

On Aug 13, 2019, at 7:36 AM, Frabutt, David (Codes) <[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)> wrote:

Matt,

The transfer of your permit from main dwelling to DADU had no effect on the renewal date of the permit. Your permit's annual expiration date is January 11th. You needed to renew the permit by January 11, 2019 and by not doing so, you have been operating illegally, hence the notice you received. Please stop operating and remove all advertising. You may come in and see me to generate paperwork that will allow you to appeal to the Board of Zoning Appeals to try and reduce the 1 year wait from the date of the notification.

Thank you,

**David Frabutt**

Zoning Examiner

800 2nd Ave S.

(615) 880-3245

[david.frabutt@nashville.gov](mailto:david.frabutt@nashville.gov)

---

**From:** Matt Niehoff <[matt@experiencenash.com](mailto:matt@experiencenash.com)>

**Sent:** Monday, August 12, 2019 3:50 PM

**To:** Frabutt, David (Codes) <[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)>;

Osborn, Robert (Codes) <[Robert.Osborn@nashville.gov](mailto:Robert.Osborn@nashville.gov)>

**Cc:** Jenkins, Jason <[jason@25ent.com](mailto:jason@25ent.com)>

**Subject:** Re: STRP Transfer Question

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

Hi David/Robert,

I wanted to reach out as we received a notice in the mail today that our short term rental property is in violation -- and I'm not certain as to why. David, just to refresh, you assisted us with transferring our permit from our main residence to a DADU last October and I believe all was squared away. From my understanding via our correspondence, we would have to renew the permit this upcoming fall as that is when the permit was transferred to our DADU. We have not received any sort of renewal notice otherwise. It is our top priority to be good stewards with our Airbnb, as we have closely followed and adhered to all the evolving processes and requirements throughout the 4+ years we have been doing it, without a single violation or complaint. I'm hoping you'll be able to assist us with getting this resolved. Thanks in advance.

Matt Niehoff

matt niehoff  
615-339-5031

**matt niehoff**  
founder | experience nashville  
[Blog](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

On Thu, Nov 29, 2018 at 9:30 AM Matt Niehoff  
<[matt@experiencenash.com](mailto:matt@experiencenash.com)> wrote:

Thanks for your help, David. Sincerely appreciated.

Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

On Nov 29, 2018, at 7:15 AM, Frabutt, David (Codes)  
<[David.Frabutt@nashville.gov](mailto:David.Frabutt@nashville.gov)> wrote:

Hello Matt,

STRP permit has been updated, please see attached and make note that the main dwelling CANNOT be used for STRP activity. Let me know if you have any questions.

Thank you,

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Zoning Examiner  
800 2nd Ave S.  
(615) 880-3245  
[david.frabutt@nashville.gov](mailto:david.frabutt@nashville.gov)

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Hi David,

Please find the certificate of occupancy attached. Will this suffice for the transfer?

Let me know if there's anything else you need on our end.

<image001.png>

Thanks,  
matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

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You may email.

---

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[<mailto:matt@experiencenash.com>]  
**Sent:** Monday, November 05, 2018 10:05 AM  
**To:** Frabutt, David (Codes)  
**Subject:** Re: STRP Transfer Question

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Once received, should we come into the codes office or are we able to email?

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matt niehoff  
founder | [experiencenash.com](http://experiencenash.com)

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The first question is: Do you have a certificate of occupancy for the DADU?

If so, then the permit can be changed to reflect STRP activity in the DADU only.

---

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**Sent:** Monday, October 29, 2018 12:54 PM

**To:** Frabutt, David (Codes)

**Subject:** STRP Transfer Question

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Hi David,

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- 1) Is transferring the permit possible and
- 2) What steps will we need to complete to do so?

Thanks in advance for your assistance.

**matt niehoff**  
founder | experience  
nashville  
[Blog](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#)



[Blog](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

<1403 Russell STRP for DADU.pdf>



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

Appellant: Autumn Ryan Date: 8-15-19  
 Property Owner: Autumn Ryan Case #: 2019-434  
 Representative: Autumn Ryan Map & Parcel: 08204042100

Council District: 05

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 998 McFerrin

This property is in the R5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:

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

Section: 17.16.250 E

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

Appellant Name: Autumn Ryan Representative: Same  
 Phone Number: 615 415-7356 Phone Number: _____  
 Address: 998 McFerrin Ave Address: _____  
Nashville, TN 37206 _____  
 Email address: aryan@aseptichealth.com Email address: _____

Appeal Fee: \$100.00

*A.R.F.*



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



3702453

**ZONING BOARD APPEAL / CAAZ - 20190049202**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 08204042100

APPLICATION DATE: 08/15/2019

**SITE ADDRESS:**

998 MCFERRIN AVE NASHVILLE, TN 37206  
LOT 1 ALEXANDER PETWAY AVE. SUB RESUB OF LT 1

PARCEL OWNER: RYAN, AUTUMN N.

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

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

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

---

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

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY


DEPARTMENT OF CODES & BUILDING SAFETY

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

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

## NOTICE

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

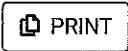


8.15.19

Rental Unit Record

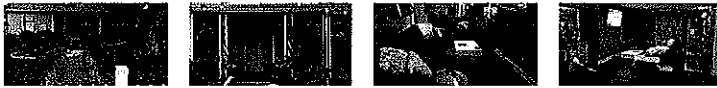
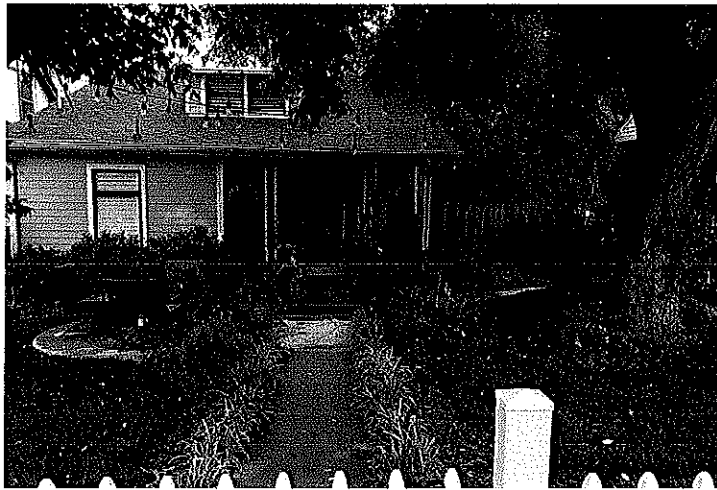
998 Mcferrin Ave, Nashville, TN 37206, USA

Active Identified Compliant

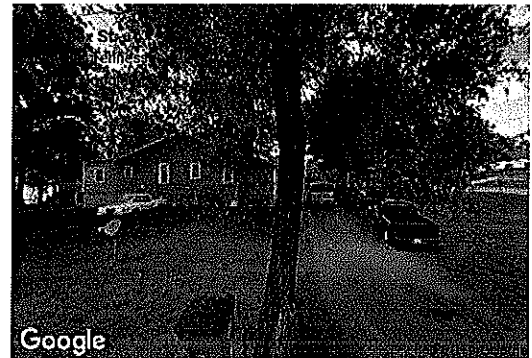


Listing(s) Information

Airbnb - 16237658



Rental Unit Information



Identified Address

998 Mcferrin Ave, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.187771, -86.754387

Parcel Number

08204042100

Owner Name

RYAN, AUTUMN N.

Owner Address

998 McFerrin Ave Nashville, TN 37206, US

Registration / Permit Number

503158

Matched Details

Analyst CDZT

Explanation

Exterior matches in street view. The house has been completely remodeled. New house has been built next door. The property map shows the new house construction next door. http://prntscr.com/g7atvl

The contact name, Autumn, matches the name of the owner, Ryan, Autumn N., on the property records, tax records, and the short-term rental permit records for this address.

The Nashville records and map confirm the location and address and show APN 08204042100. http://prntscr.com/g7atvl

Listing Photos



Matching 3rd Party Sources



Same house and same old trees. #998 is visible on the mailbox in street view.

Timeline of Activity

View the series of events and documentation pertaining to this property

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL - <https://www.airbnb.com/rooms/16237658>

Listing Status ● Active

Host Compliance Listing ID - air16237658

Listing Title - 1930 bungalow in ❤️ of East Nash!

Property type - House

Room type - Entire home/apt

Listing Info Last Captured - Aug 15, 2019

Screenshot Last Captured - Aug 13, 2019

Price - \$300/night

Cleaning Fee - \$125

Information Provided on Listing

Contact Name - Autumn

Latitude, Longitude - 36.186863, -86.753718

Minimum Stay (# of Nights) - 2

Max Sleeping Capacity (# of People) - 6

Max Number of People per Bedroom - 2

Number of Reviews - 49

Last Documented Stay - 08/2019

Listing Screenshot History

View Latest Listing Screenshot

June 9

July 9

August 4

- ✈ First Warning - No STR Permit: Delivered August 10th, 2019
- ✈ First Warning - No STR Permit: Sent August 5th, 2019
- 📅 1 Documented Stay August, 2019
- 📅 2 Documented Stays July, 2019
- 📅 2 Documented Stays June, 2019
- 📅 2 Documented Stays May, 2019
- 📅 3 Documented Stays April, 2019
- 📅 3 Documented Stays March, 2019
- Listing air16237658 Reposted February 15th, 2019
- ✘ Listing air16237658 Removed February 13th, 2019
- 📅 2 Documented Stays November, 2018
- 📅 3 Documented Stays October, 2018
- 📅 3 Documented Stays September, 2018
- 📅 2 Documented Stays August, 2018
- 📅 1 Documented Stay July, 2018
- 📅 1 Documented Stay June, 2018
- 📅 3 Documented Stays May, 2018
- 📅 3 Documented Stays April, 2018
- ✈ Airbnb Letter: Delivered April 8th, 2018
- ✈ Airbnb Letter: Sent March 29th, 2018
- 📅 1 Documented Stay March, 2018
- Listing air16237658 Reposted February 5th, 2018
- ✘ Listing air16237658 Removed January 31st, 2018
- 📅 1 Documented Stay January, 2018
- 📅 1 Documented Stay November, 2017
- ☹ tip: 998 Mcferrin Ave , Nashville November 6th, 2017

- 4 Documented Stays  
October, 2017
- 2 Documented Stays  
September, 2017
- 3 Documented Stays  
August, 2017
- Listing air16237658 Identified  
August 14th, 2017
- 1 Documented Stay  
July, 2017
- 1 Documented Stay  
June, 2017
- 3 Documented Stays  
May, 2017
- 1 Documented Stay  
April, 2017
- ✱ Listing air16237658 First Crawled  
April 22nd, 2017
- Listing air16237658 First Activity  
April 20th, 2017

August 13, 2019 - 09:39AM America/Chicago

saved | review | favorite | location | filter

1/1 | share | print | view

The neighborhood

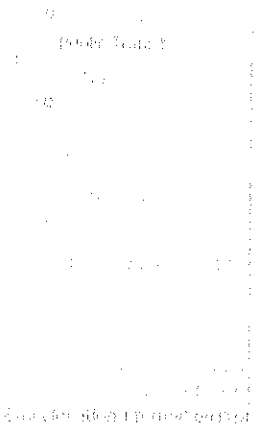
Aug 13, 2019 9:39 AM Page 01

3 photos | plan | details | save



What's nearby  
Public transit  
Schools  
Shopping around

See more nearby places on a map



Things to keep in mind

### Amenities

#### Basic

#### Wifi

Continuous access in the listing

#### Cable TV

#### Iron

#### Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

#### TV

#### Dryer

In the building, free or for a fee

#### Washer