

**DOCKET**

**10/17/2019**

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

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

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

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**PREVIOUSLY HEARD CASES REQUIRING BOARD ACTION**

**Case 403-** (1025 9<sup>th</sup> AVE. S.) Item A appeal challenging the issuance of permit 2019012290. Previously heard on 10/3/19, failed to receive four affirmative votes.

**Case 441-**(4483 HEATH RD.) Request for special exception to operate a rural bed and breakfast homestay. Previously heard on 10/3/19, failed to receive four affirmative votes.

**CASES DEFERRED HEARD FROM PREVIOUS MEETING  
DUE TO LOSS OF QUORUM**

**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 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Apartment Complex

Map Parcel 05100005900

**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 2019-448 (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 DEFERRED FROM PREVIOUS MEETING  
DUE TO LACK OF QUORUM**

**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 -**

**NEW CASES TO BE HEARD**

**CASE 2019-376 (Council District - 21)**

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

Use-Multi-Family

Map Parcel 09209037800

**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 2019-404 (Council District - 1)**

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

Use-Day Care

Map Parcel 05600002400

**RESULT -**

**CASE 2019-415 (Council District - 21)**

**JAY FULMER**, appellant and **1900 WARNER PARTNERS, LLC**, owner of the property located at **627 19TH AVE N**, requesting a variance from rear setback requirements to construct a medical office building in the IR District. Referred to the Board under Section 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Medical Office

Map Parcel 09207033400

**RESULT -**

**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 2019-449 (Council District - 20)**

**MERIDIAN CONSTRUCTION COMPANY, LLC**, appellant and owner of the property located at **705 RIES AVE**, requesting a variance from minimum lot size requirements in the R8 District, to construct two single family residences on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09105004000

**RESULT -**

**CASE 2019-451 (Council District - 21)**

**RUSSELL, CLAUDIA F. & MICHAEL A. SR & CHELSEA D**, appellants and owners of the property located at **2715 MORENA ST**, requesting an Item A appeal challenging the zoning administrator's denial of a permit for a duplex to convert a single-family residence into a two-family residence in the RS5 District. Referred to the Board under Section 17.16.030 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A

Use-Single Family

Map Parcel 09206013300

**RESULT -**

**CASE 2019-452 (Council District - 17)**

**MORSHEAD, ROBYN L**, appellant and owner of the property located at **811 HORNER AVE**, requesting a variance from minimum lot size requirements in the R10 District, to construct a two-family residence on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11802015600

**RESULT -**

**CASE 2019-455 (Council District - 2)**

**STRADER, MATTHEW**, appellant and owner of the property located at **1225 BRICK CHURCH PIKE**, requesting a special exception to construct an addition to an existing kennel in the CL District. Referred to the Board under Section 17.16.175 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Kennel

Map Parcel 07110015500

**RESULT -**

**CASE 2019-457 (Council District - 31)**

**PATSY CLAUDE**, appellant and **CLAUDE, PATSY SUE, TRUSTEE**, owner of the property located at **6210 NOLENSVILLE PIKE**, requesting an Item A appeal challenging the zoning administrator's denial of a permit to continue the use of an existing structure as a 4-unit apartment in the AR2A District. Referred to the Board under Section 17.40.520. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Multi-Family

Map Parcel 17300006300

**RESULT -**

**CASE 2019-458 (Council District - 5)**

**DUANE CUTHBERTSON**, appellant and **MARIANI, MARC**, owner of the property located at **915 RAMSEY ST**, requesting a variance from height plane restrictions in the RM20 District, to construct a multi-family unit. Referred to the Board under Section 17.12.020 B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 082120Y00300CO

**RESULT -**

**CASE 2019-459 (Council District - 24)**

**DUANE CUTHBERTSON**, appellant and **DORRIS, DAVID & STEWART, ANDREW**, owners of the property located at **4513 IDAHO AVE**, requesting a variance from side street setback requirements in the RS7.5 District, to construct two single-family residences. 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-Two-Family

Map Parcel 10304004100

**RESULT -**

**CASE 2019-460 (Council District - 28)**

**DUANE CUTHBERTSON**, appellant and **APPALACHIAN LAND & LEASING COMPANY, LLC**, owner of the property located at **335 HARDING PL**, requesting a variance from screening wall requirements in the CS District, to construct a car wash. Referred to the Board under Section 17.16.070 J.1.a. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Car Wash

Map Parcel 13414003700

**RESULT -**

**CASE 2019-462 (Council District - 33)**

**BAKER DONELSON**, appellant and **KIRKLAND FINANCIAL LLC**, owner of the property located at **2045 HAMILTON HILL DR**, requesting a variance from rear setback requirements in the SP District, to maintain an existing residence constructed under permit numbers 2018009627 and 201934133. 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 164030A05200CO

**RESULT -**

**CASE 2019-463 (Council District - 17)**

**MYRA FINLLEY**, appellant and **RISING SUN PROPERTIES, LLC**, owner of the property located at **1004 ACKLEN AVE**, requesting a variance from side setback requirements in the R8 District, to construct an attached deck to a single-family residence. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10509032200

**RESULT -**

**SHORT TERM RENTAL CASES**

**CASE 2019-450 (Council District - 17)**

**TARAL PATEL**, appellant and **S-SQUARED INVESTMENTS, LLC**, owner of the property located at **1008 11TH AVE S**, 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 RM20 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 105014A04400CO

**RESULT -**

**CASE 2019-454 (Council District - 6)**

**JACOBY, MATTHEW**, appellant and owner of the property located at **2657 BARCLAY 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 08316004500

**RESULT -**

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Organized Neighbors of Edgehill Date: 7/31/19  
Property Owner: Metro Nashville Schools MNPS Case #: 2019-403  
Representative: \_\_\_\_\_ Map & Parcel: 10502017100

Council District 17

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

Purpose: Proposed construction not permitted in zoning or under the special exception

Activity Type: Commercial Construction -

Location: 1025 9th Ave. S.

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

Reason: not permitted use

Section(s): 17.08-030

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

Organized Neighbors of Edgehill  
Appellant Name (Please Print)

Adam LaFever  
Representative Name (Please Print)

513 3rd Ave. S.  
Address

same  
Address

Nashville, TN 37210  
City, State, Zip Code

same  
City, State, Zip Code

615-988-9911 \*  
Phone Number

same  
Phone Number

adam@sobrolaw.com  
Email

same  
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00





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



3697128

**ZONING BOARD APPEAL / CAAZ - 20190045746  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10502017100**APPLICATION DATE:** 07/31/2019**SITE ADDRESS:**

1025 9TH AVE S NASHVILLE, TN 37203  
W S 9TH AVENUE SOUTH S S OLYPIC STREET

**PARCEL OWNER:** METRO GOV'T S ROSE PARK**CONTRACTOR:****APPLICANT:****PURPOSE:**

item A appeal the building application T2019012290.

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

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***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 2<sup>nd</sup> 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:

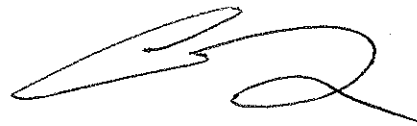
It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested special exception, subject to the following conditions: (1) agreement (attached) with the community and Belmont to be included as part of the approval by the Board (items 1-12); (2) fields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

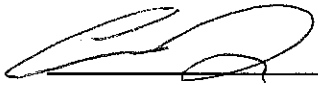
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In 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. ALL GRADING SHALL BE ACCORDING TO THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS APPLICABLE TO THE PROJECT.
2. ALL GRADING SHALL BE ACCORDING TO THE SPECIFICATIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION, AS APPLICABLE TO THE PROJECT.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE CITY OF NASHVILLE, TENNESSEE.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE CITY OF NASHVILLE, TENNESSEE.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE CITY OF NASHVILLE, TENNESSEE.

**GRADING NOTES**

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE CITY OF NASHVILLE, TENNESSEE.
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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES OF THE CITY OF NASHVILLE, TENNESSEE.

APPROVED FOR CONSTRUCTION  
 DATE: 08/02/2019  
 PROJECT: BELMONT UNIVERSITY ROSE PARK ATHLETICS FACILITY  
 DRAWING NO.: C300  
 SHEET NO.: 15 OF 15

**GRADING PLAN**



**BELMONT UNIVERSITY  
 ROSE PARK ATHLETICS FACILITY**

910 Edgemoor Ave, Nashville, TN 37203



**INGRAM CIVIL  
 ENGINEERING  
 GROUP**

1510 Thompson Lane, Suite 100  
 Nashville, TN 37203  
 (615) 251-1510  
 www.ingramcivil.com

**C300**

**GRADING PLAN**

SWGT: 228138333  
 DATE: 08/02/2019

Scale: 1/8" = 1'-0"

Sheet: 15 of 15

Project: BELMONT UNIVERSITY ROSE PARK ATHLETICS FACILITY

Drawn by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

Date: 08/02/2019

Scale: 1/8" = 1'-0"

Sheet: 15 of 15

Project: BELMONT UNIVERSITY ROSE PARK ATHLETICS FACILITY

Drawn by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

Date: 08/02/2019

Scale: 1/8" = 1'-0"

Sheet: 15 of 15

Project: BELMONT UNIVERSITY ROSE PARK ATHLETICS FACILITY

Drawn by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

Date: 08/02/2019

Scale: 1/8" = 1'-0"

Sheet: 15 of 15

Project: BELMONT UNIVERSITY ROSE PARK ATHLETICS FACILITY



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 9<sup>th</sup> 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 Park<sup>1</sup> (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 A<sup>2</sup>.

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

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

<sup>2</sup> 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,

A handwritten signature in black ink, appearing to read 'Adam LaFevor', with a large, stylized flourish at the end.

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

APPROVED:

DocuSigned by:  
*Robert Fisher*  
37162002A25F440...

Signature

Robert Fisher

Name

Robert C. Fisher

Title

12/13/2018 | 8:41 AM CST

Date

RECOMMENDED:

DocuSigned by:  
*[Signature]*  
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Executive Director of Facilities, Maintenance & Construction

DocuSigned by:  
*[Signature]*  
E7435D2A3FD74A4...

Chief Operating Officer

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;

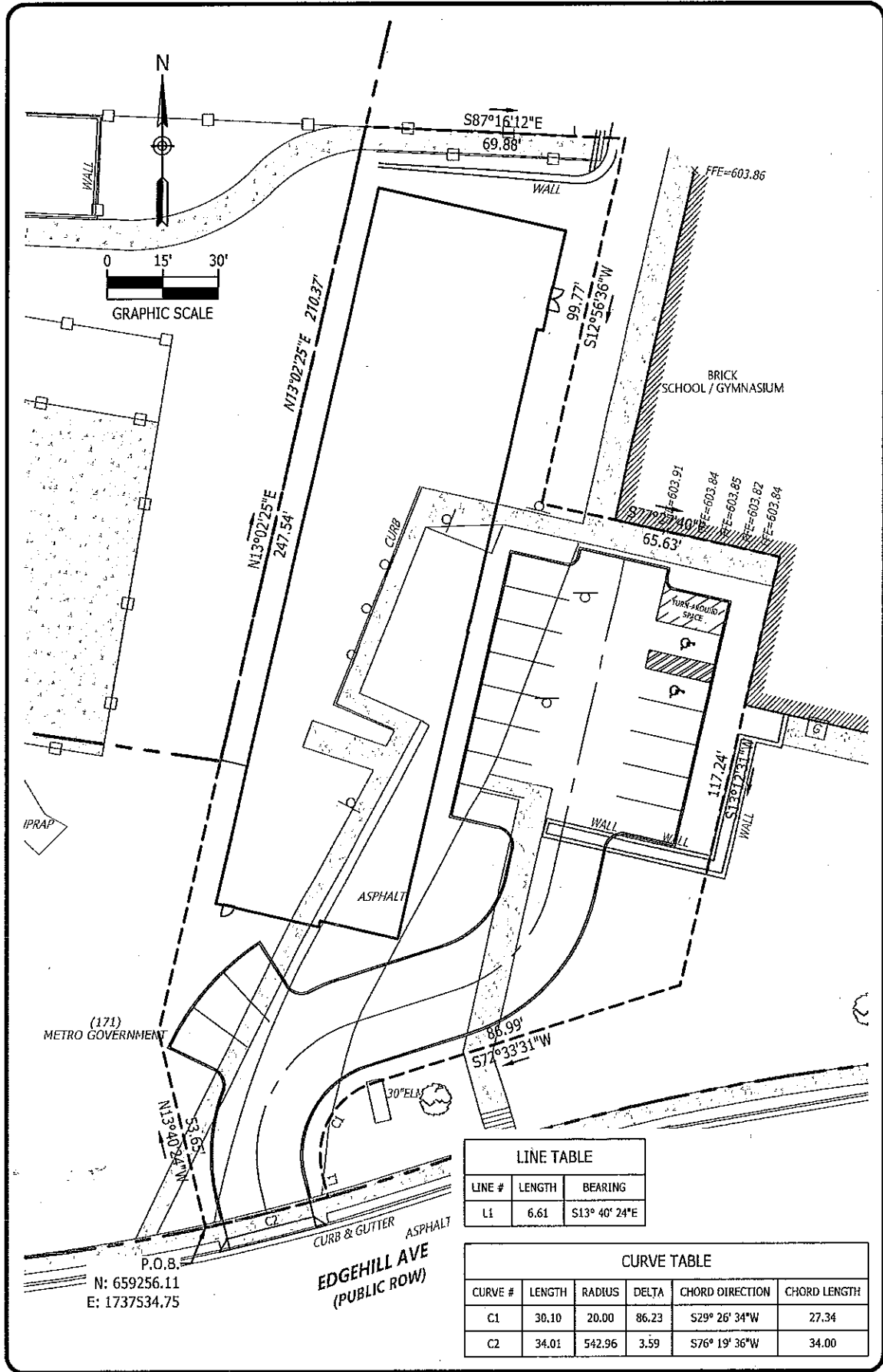
Thence, SOUTH 13 DEGREES 12 MINUTES 31 SECONDS WEST, 117.24 Feet;

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.



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CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD LENGTH
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C2	34.01	542.96	3.59	S76° 19' 36"W	34.00

**Catalyst**  
DESIGN GROUP

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

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PO Number:	
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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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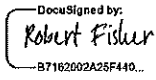
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Robert Fisher  
bob.fisher@belmont.edu  
Robert C. Fisher  
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David Proffitt  
David.Proffitt@mnps.org  
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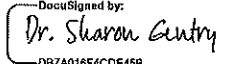
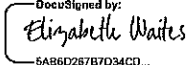
Chris Henson  
Chris.Henson@mnps.org  
CFO  
Security Level: Email, Account Authentication (None)

  
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**Electronic Record and Signature Disclosure:**  
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Signer Events	Signature	Timestamp
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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
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<p>Judy Vokes  judy.vokes@mnps.org  Security Level: Email, Account Authentication (None)</p> <p><b>Electronic Record and Signature Disclosure:</b>  Not Offered via DocuSign</p>	<p><b>COPIED</b></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><b>Electronic Record and Signature Disclosure:</b>  Not Offered via DocuSign</p>	<p><b>COPIED</b></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

**COPIED**

Sent: 12/14/2018 3:15:29 PM

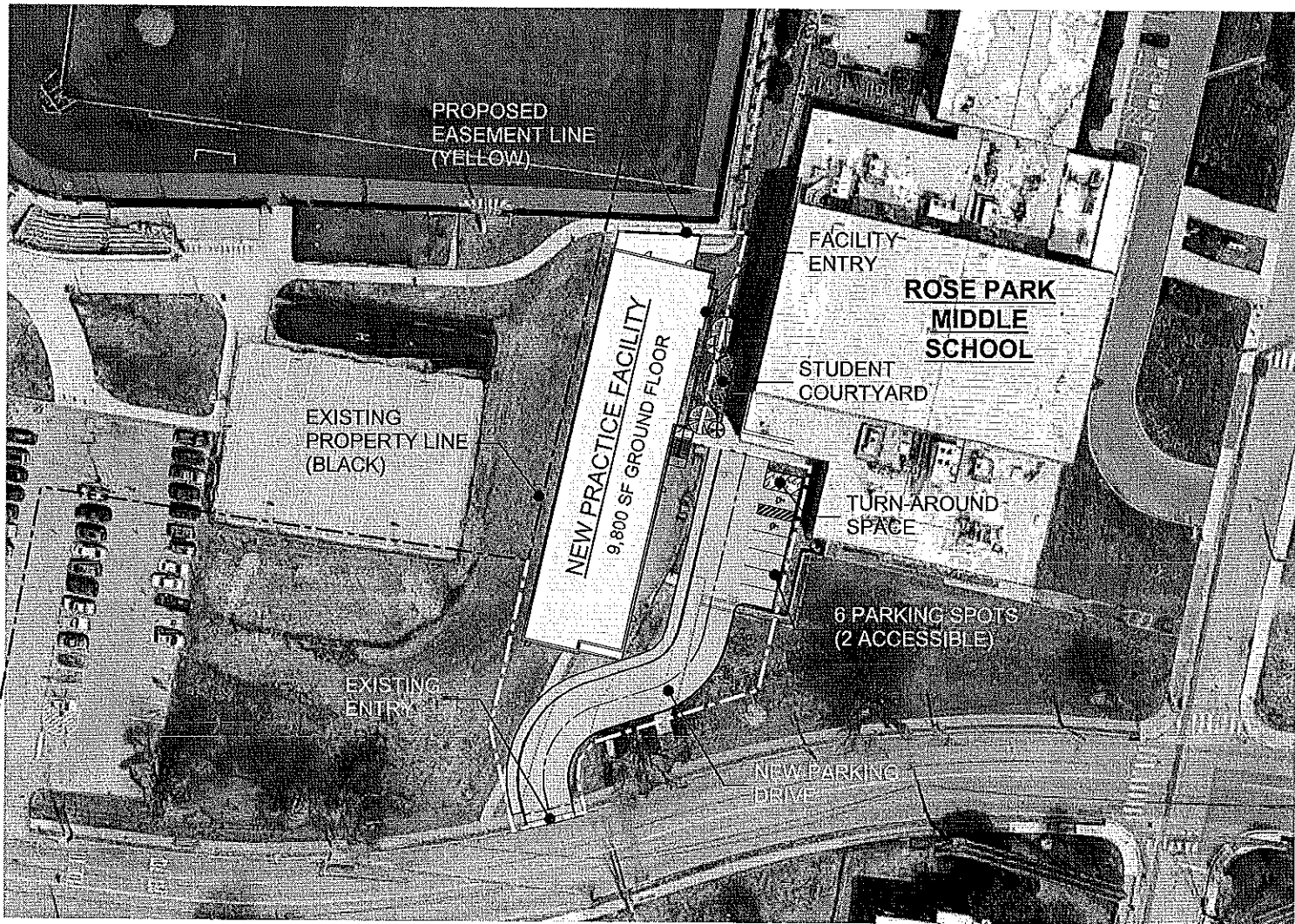
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Completed	Security Checked	12/14/2018 3:15:29 PM

Payment Events	Status	Timestamps
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# EXHIBIT C



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

**Proposed Site Plan**



2019-403

## 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.

**Comment [EB1]:** The improvements and all subsequent alterations must be approved by MNPS.

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.

**Comment [EB2]:** MNPS and RBI uses.

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.

**Comment [EB3]:** MNPS will have opportunities to use the facility every week, both daytime and evenings. MNPS and RBI will provide coaching supervision for players participating on MNPS and RBI teams while using the facility.

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.

Belmont must provide shared office space for MNPS and RBI to assist in accomplishing this goal.

6. **Term and Termination.** Unless sooner terminated pursuant to this MOU, the Term shall expire on the fiftieth (50<sup>th</sup>) 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.

**Comment [EB4]:** Belmont must comply with all MNPS policies.

**Comment [EB5]:** MNPS may terminate the agreement for its convenience.

**Comment [EB6]:** MNPS and Belmont must work together to plan the use and programming of the facility.

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.

**Comment [EB7]:** MNPS and Belmont will work together to recruit community groups to support the Extended Learning Site operated by MNPS at Rose Park.

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.

**Comment [EB8]:** Belmont is required to pay MNPS \$35,000 to support MNPS's Extended Learning Site at Rose Park including Saturday operating hours at The Easley Center and the Edgehill community baseball program through RBI.

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.

**Comment [EB9]:** All maintenance and repairs are the sole responsibility of Belmont.

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.

**Comment [EB10]:** Belmont is responsible for the costs of utilities and janitorial services.

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.

**Comment [EB11]:** Belmont must maintain insurance for the property, including \$1 million in General Liability Insurance.

- 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.



1900 Belmont Boulevard  
Nashville, TN 37212-3757

p 615.460.6611  
f 615.460.6492

A new indoor batting facility is currently under construction at Rose Park Magnet Math and Science Middle School. It is located on MNPS property in an unused area behind the school building. 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 MNPS Extended Learning Site at Rose Park's teams, as well 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. The Rose Park Middle School site was selected because it is adjacent to E.S. Rose Park, the venue where Belmont University teams play baseball and softball, and Belmont needs a location for batting practice. The facility will also include a golf training area accessible for Belmont and MNPS students/golf teams. MNPS entered into an agreement with Belmont University for the new facility because of MNPS's desire to pilot a physical health component for a Metro afterschool program and to utilize the space for MNPS sports programs. In addition to the direct benefits associated with MNPS baseball, softball and golf teams, this collaboration also provides infrastructure for expanded services through the MNPS Extended Learning Office, Metro Parks, and Major League Baseball's RBI program.

Under the terms of the agreement between MNPS and Belmont as approved by the Board of Education last December, the batting facility will be shared exclusively by Belmont and MNPS baseball, softball and golf programs and RBI. Belmont will allocate staff for scheduling and facility supervision as well as shared office space for Belmont's building supervisor and RBI/MNPS staff including Dr. Tony Majors who currently oversees MLB's RBI Nashville program and also serves as the Chief Officer of Human Resources for MNPS.

RBI is being expanded in Nashville to provide youth access to affordable baseball and softball programs in underserved communities. The program's expansion directly impacts MNPS as the school district currently does not offer middle school baseball and softball. RBI's goal is to provide community-based programs for youth 12 and under, develop middle school baseball/softball programs in partnership with our local schools by quadrant and/or cluster, and provide high school age summer programs/teams. Students attending Carter Lawrence, Rose Park, Fall Hamilton, and JC Napier will be eligible to participate in the RBI Program at Rose Park. MNPS students playing on MNPS teams will be able to have year-round access to indoor batting training opportunities at no cost. Belmont University and Metro Parks have also agreed to provide free field access to the RBI affiliated teams created in the Edgehill community.

The vision behind this collaboration goes beyond just baseball and softball training. The MNPS Extended Learning Office is currently developing an afterschool and summer STEAM program for Rose Park School and Metro Parks' Easley Community Center in collaboration with Belmont University. As part of the agreement between Belmont and MNPS, Belmont will provide funding to support this initiative in the amount of \$35,000 a year which will enable Metro Parks to maintain Saturday operating hours for the Easley Center. The Extended Learning Program will provide students in the Edgehill community access to structured academic and recreational programs year-round.

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.

DAVID BRILEY, MAYOR

**METROPOLITAN BOARD OF PARKS AND RECREATION**

Centennial Park Office  
Park Plaza at Oman Street  
Nashville, TN 37201

(615) 862-8400  
Fax (615) 862-8414  
[www.nashville.gov/parks](http://www.nashville.gov/parks)

Monique N. Odom, Director

August 7, 2019

Metropolitan Nashville Public Schools  
Mr. David Proffitt  
Executive Director of Facilities, Maintenance and Construction  
2601 Bransford Avenue  
Nashville, TN 37204

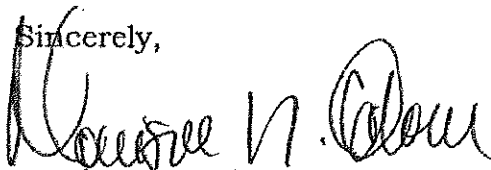
Dear Mr. Proffitt:

As you are aware the Metro Parks Board, at its meeting held Tuesday, August 6, 2019, granted approval to the following requests submitted on behalf of the Metropolitan Nashville Public Schools:

- Approval of an agreement between Metro Parks and Metropolitan Nashville Public Schools for dedication of a 10' drainage easement in E.S Rose Park.
- Approval of a Dedication of Easement for Temporary Grading and Sloping between Metro Parks and Metro Nashville Public Schools in E.S. Rose Park for the purpose of construction by Belmont University of a new building to be jointly used by Belmont University, Metropolitan Nashville Public Schools and/or a local nonprofit organization.

If additional information regarding this project is needed, please feel free to contact me at 862-8400. We are happy to assist you in this request and look forward to the continuation of a successful working relationship with the Metropolitan Public School System.

Sincerely,



Monique N. Odom, Director  
and Secretary to the Board

:jf

c: Cindy Harrison

*It is the mission of Metro Parks and Recreation to sustainably and equitably provide everyone in Nashville with an inviting network of parks and greenways that offer health, wellness and quality of life through recreation, conservation and community.*



FOR ADA ACCOMMODATIONS, PLEASE CONTACT 615-862-8400

WE ARE AN EQUAL OPPORTUNITY EMPLOYER

**Rose Park Batting Facility Timeline**

- February 28, 2017: Belmont receives draft amendment to the Rose Park Lease Agreement prepared by Metro Parks concerning the proposed relocation of the indoor batting facility from Greer Stadium to Rose Park.
- March 6, 2017: Jason Rogers and Scott Corley meet with Tommy Lynch to discuss draft amendment.
- March 9, 2017: Belmont offers proposed edits to draft amendment.
- April 4, 2017: Draft amendment approved by Metro Parks Board.
- April 4, 2017: Amendment to lease approved by Metro Council on First Reading.**
- April 18, 2017: Amendment to lease approved by Metro Council on Second Reading.**
- May 2, 2017: Amendment to lease approved by Metro Council on Third Reading.**
- May 9, 2017: Mayor Barry signs ordinance amending Rose Park lease authorizing construction of indoor batting facility north of the Olympic Street Parking Lot.**
- May 15, 2017: Archer Street neighbors express concern to Colby Sledge and Belmont about batting facility.
- June 22, 2017: Colby Sledge hosts community meeting to discuss batting facility.
- July 25, 2017: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- November 28, 2017: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- February 13, 2018: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- May 3, 2018: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- May 21, 2018: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- June 26, 2018: Metro Board of Public Education approves easement authorizing relocation of outdoor basketball courts partially on MNPS property.**
- July 10, 2018: Parks Board defers approval of lease amendment locating batting facility on south end of Rose Park.**
- July 31, 2018: Working Group Meetings (Parks, Metro Council, Neighbor Reps, Belmont)
- August 7, 2018: Parks Board defers approval of lease amendment locating batting facility on south end of Rose Park.**
- September 4, 2018: Parks Board Public Hearing and action approving new amendment to Rose Park Lease locating batting facility on south end of Rose Park.**
- September 17, 2018: Group Planning Meeting: MNPS, Metro Parks, Belmont, RBI and Edgehill Church and Nonprofit Reps, and Edgehill Residents Assn Rep.



- September 19, 2018: Colby Sledge hosts community meeting about new site on south side.
- October 13, 2018: Colby Sledge hosts community meeting about new site on south side.
- October 30, 2018: Group Planning Meeting: MNPS, Metro Parks, Belmont, RBI and Edgehill Church and Nonprofit Reps, and Edgehill Residents Assn. rep.
- November 27, 2018: Metro Board of Public Education approves MOU granting easement for construction of indoor batting facility on Rose Park Middle School property.**
- March 5, 2019: Group Planning Meeting: MNPS, Metro Parks, Belmont, Nonprofit reps and Edgehill Residents Assn rep
- July 2, 2019: Parks Board defers approval of construction and grading easements to facilitate construction of batting facility on MNPS property.**
- August 6, 2019: Parks Board approves granting construction and grading easements to facilitate construction of batting facility on MNPS property.**
- August 14, 2019: Belmont receives notice of Item A appeal to BZA by Organized Neighbors of Edgehill. Hearing scheduled for September 19.
- September 16, 2019: BZA Hearing deferred by batting facility opponents until October 3, 2019.
- September 20, 2019: Bill filed with Metro Council to approve MNPS/Belmont Agreement and withdraw May 2017 amendment to Rose Park Lease Agreement.

## Edgehill Extended Learning Program Plan

The purpose of the Edgehill Extended Learning Program will be to improve academic performance, social and emotional learning, wellness, character development for students in the Edgehill and South Nashville area for the student enrolled in the program. Though Metro currently provides afterschool programming, this program would be the first to include a health component involving physical health and recreation.

### Plans include:

- Program administration from MNPS
- Afterschool and Saturday programming
- Hot meal at Rose Park Middle
- MNPS teachers lead sessions to improve academic skills
- After academic sessions, participants go to enrichment choice areas for:
  - STEM/STEAM
  - Learning about sports and participation in (baseball, softball, basketball, soccer, football, track, lacrosse)
  - Performing Arts
  - Visual Arts
  - Rich history of Edgehill ( including Negro League Players)
- Volunteers (churches' senior educators, college students, and millennials)
- Belmont Dept. of Education engagement
- Programming for parents and older youth, 16-24 (possibly from Nashville Career Advancement Center)

### Partners

MNPS Central Office

### Role

Program Administration, Hiring of teachers  
Provide training relative to intervention strategies and Read to Be Ready strategies

Metro Parks

Use of Athletic Fields  
House Academic Support Component at Easley Center

Reviving Baseball in Inner Cities

Youth baseball and softball

Edgehill Residents Association  
Edgehill Family Resource Center

Recruit program participants  
Recruit adult mentors

Salama Urban Ministries

Teach performing arts

Rose Park Magnet Middle	House space for hot meals House large A/V space for sports Site of batting facility including practice area, shared office space, storage and restrooms
Carter Lawrence Elementary	House space for performing arts
The BOYZ (former Edgehill residents and youth baseball players)	Act as mentors, assist in coaching, and share Edgehill history
Belmont Church Greater Bethel A.M.E. Kayne Avenue Baptist Watson Grove Baptist	Provide program assistants and mentors Provide program assistants and mentors Provide program assistants and mentors Provide program assistants and mentors
Belmont University	Provide student tutors to support academic performance goals and assist MNPS certified teachers to provide support to students  Assist with sports component implementation

**Funding**

Belmont provides annual grant of \$35,000.

MNPS to apply to U.S. Department of Education for balance of funding.

**BELMONT EDGEHILL COMMUNITY INVOLVEMENT  
2011-2019**

**Health**

Flu shots  
Walking Club  
Dispensary of Hope – free medicine to eligible seniors  
Workshop on self-care  
Workshop on access to care  
Connect residents to specialty services (mental health, etc.)  
Pick and delivery of medications from Belmont's pharmacy  
Blood pressure checks at Edgehill events

**Education**

Annual Literacy Day  
Tutors for Easley Center  
Invention Convention  
Rose Park Scholars  
BU students raise 10K for personal computers for Rose Park scholarship recipients  
Poetry contests  
Journalism Club at Rose Park Middle (produces neighborhood paper)  
Summer enrichment programs at Kayne Ave and Watson Grove  
Afterschool ACT prep for neighborhood high schoolers  
Summer and Saturday on-campus academic program in partnership with churches  
Summer middle school leadership program (Common Core skills, problem-solving, developing personal style)  
Music volunteers at Rose Park  
Donate school supplies to surrounding neighborhood schools and Salama  
Math/STEM program  
STEM drones  
Judge science competitions  
Helped to fund Rose Park Middle School to attend national STEM competition  
Raised reading scores of student at Salama  
Saturday kids movies and discussion to encourage critical thinking  
Ballet performances at Easley, exposure and participation – attend ballet at Belmont  
Youth summer field trips  
Spoken Word  
Art classes  
Kids Science Workshops

**Zip lining**

Helped with girls program at Edgehill UMC

Sponsor Les Gemmes girls group (includes Edgehill youth)

Computer classes

Salama afterschool self-awareness program with Black Student Assn

Supply speakers for schools

**Sports**

Soccer Clinic

Annual Community Day (Free dinner, games for kids, and basketball game tickets)

Field Days for Carter Lawrence and Rose Park

Sports Camps at Rose Park

Funds used to renovate & buy equipment for weight room

Pay youth basketball fees

Helped to enroll youth at Carter Lawrence & Rose Park in baseball program

Intramural equipment purchased

Campus Security donated bikes by to Edgehill Bike Club

Campus Security participates in Edgehill Bike rodeo

Student help at Edgehill United Methodist Church

**Housing**

Renovated exteriors of 5 elderly homes with neighborhood churches.

Help produce materials for pastors to educate parishioners on keeping their homes and rights as renters

**Recreation/Entertainment**

Annual Halloween event

Easter Egg hunts

Edgehill Christmas – toys for kids in Edgehill Apts.

Did movie night at Midtown Precinct for neighbors

Little Brother film premier to discuss violence against young black males

Host Black Film Festival & invite neighborhood

Seniors Valentine's parties

Dance classes and Zumba

Family trips to Kentucky Kingdom and Chattanooga Aquarium

Students work in Edgehill Garden

**Marketing**

Conducted surveys and focus groups on Easley Center

Developed plan for marketing of Easley

Produce Easley newsletter with calendar and interest stories

Produced outreach manual for Metro Parks

Work study student assigned to Easley Center to work with teens to market Easley

**Other Community**

Brought in internationally acclaimed artist Edgar Arceneaux to work with neighborhood and local artists for utilitarian art project at Edgehill Garden, Edgehill Library, and for mobile Edgehill Bike unit

Annual "Night Out Against Crime" participation

Helped to found South Nashville Fellowship CDC with neighborhood churches

Funds used to add staff at Easley

Legal Clinic

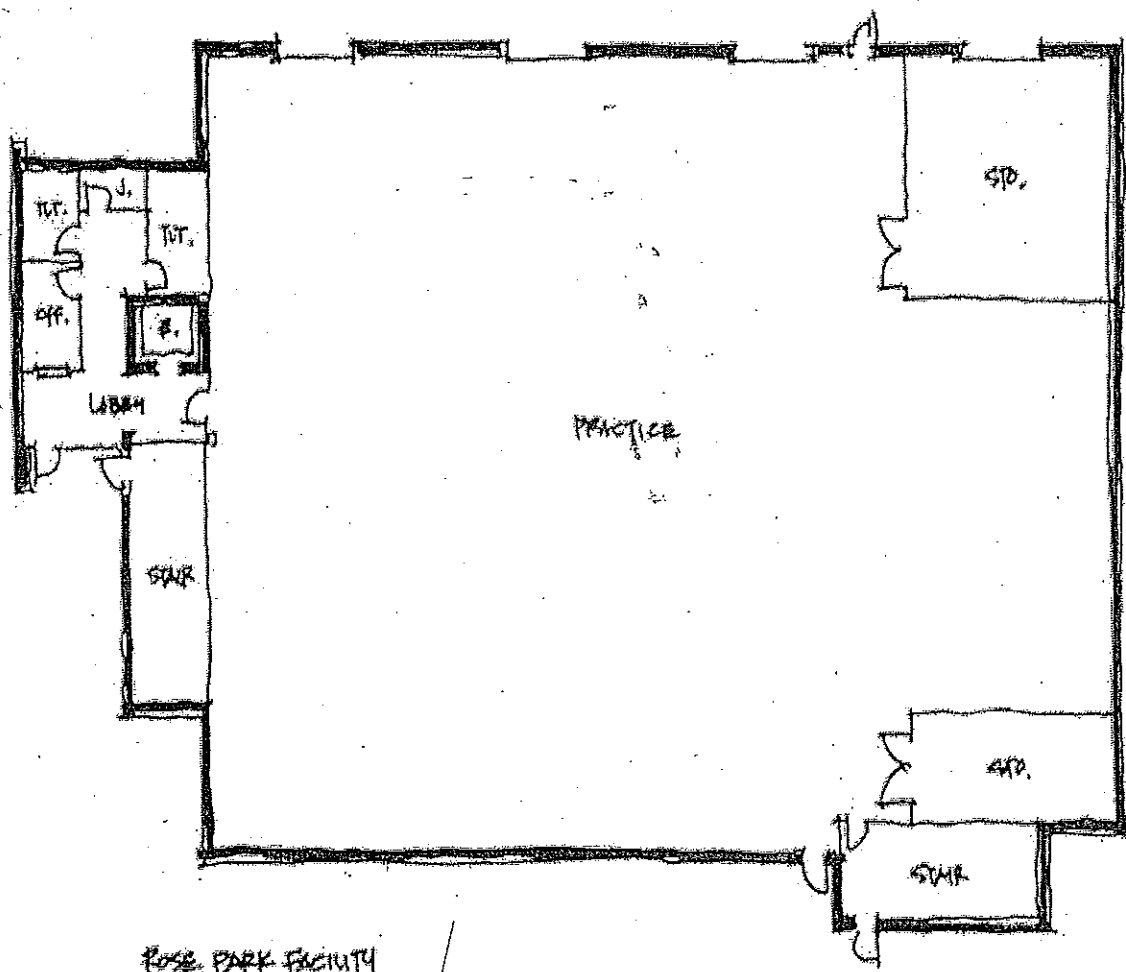
Students painted mural on Midtown Police Precinct wall

Won Mayor Dean's Award for most community involved in workplace challenge

Won TN Recreation and Parks Association award for Rose Park Athletics facilities & partnership with Metro Parks

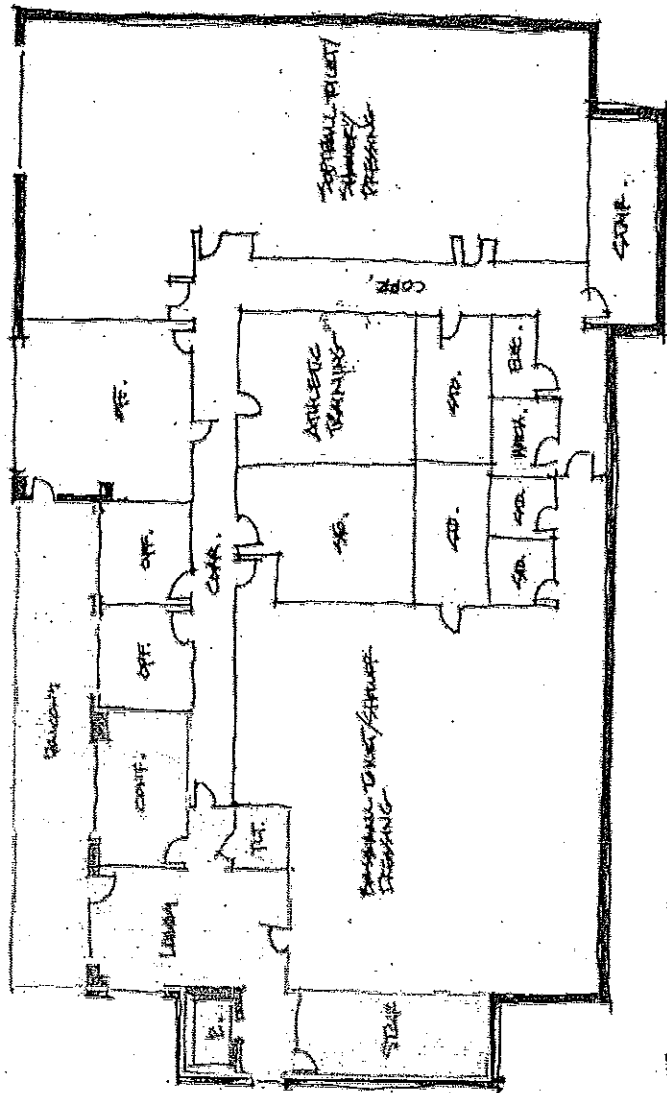
**Belmont University**  
**Rose Park Usage...June 2018 – May 31, 2019**

	Baseball	Softball	Soccer	Track
June (510)	55	0	55	0
July (527)	80	0	130	0
August (527)	0	0	144.5	0
September (510)	66.5	80	187.5	69.5
October (527)	116.5	50	215.5	80.5
November (510)	62.5	59	27	67
December (527)	0	0	19.5	0
January (527)	43.5	44	73	30
February (476)	95	72	153.5	65
March (527)	119	84	167	87.5
April (510)	88	82	167	88
May (527)	69	42	9	52
Totals: (6205 hours)	795	513	1348	539.5
Percentage Usage:	12.8%	8.3%	21.7%	8.7%
% from 2017 – 2018	13.5%	10.8%	23.2%	8.5%
% from 2016 - 2017	14.40%	10.7%	22.8%	8.9%
% from 2015 - 2016:	16.9%	11.2%	19.1%	8.7%



ROSE PARK FACILITY  
1<sup>ST</sup> FLOOR PLAN





Personnel Facility  
Floor Plan

**From:** [James Snellen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** #20190045746  
**Date:** Friday, August 23, 2019 3:46:52 PM

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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  
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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 (50<sup>th</sup>) 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;

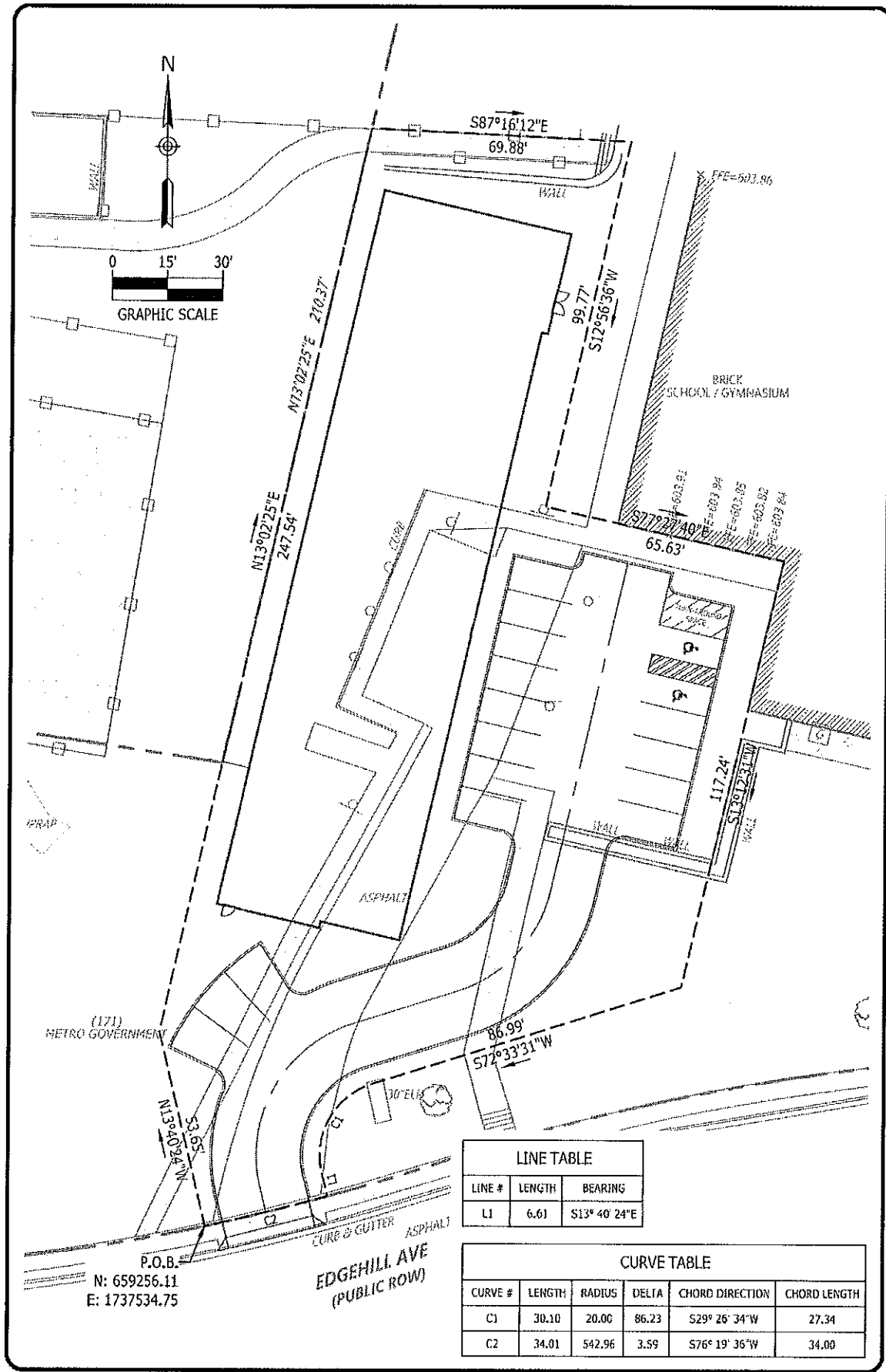
Thence, SOUTH 13 DEGREES 12 MINUTES 31 SECONDS WEST, 117.24 Feet;

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.



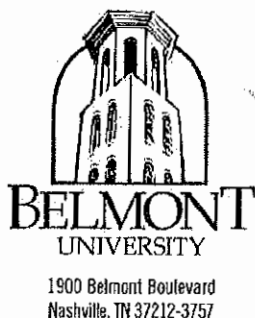
**Catalyst**  
DESIGN GROUP

3016 LEECH AVENUE, SUITE 400, NASHVILLE, TN 37209  
(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		



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.

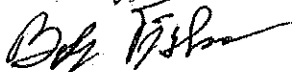
According to the agreement between MNPS and Belmont, scheduling staff and supervision of the batting facility will be provided by Belmont as well as shared office space for Belmont's building supervisor and RBI/MNPS staff. In addition, Belmont will provide funding to support this initiative in the amount 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.

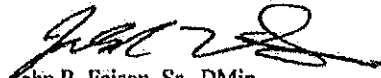
As I interact with families in our neighborhood, I try to understand their needs and work with them to find a way to address those needs. I am clear that we need to equip our children with skills to succeed. They need academic skills. They need to learn how to be healthy. They need to develop team building 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,



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 12<sup>th</sup> 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 12<sup>th</sup> 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,

A handwritten signature in black ink, appearing to read 'Rammie L. Vasser, Jr.'.

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

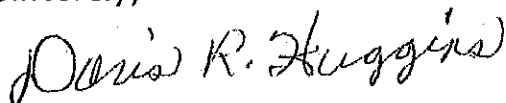
Board of Zoning Appeals  
700 Second Avenue South  
Nashville, TN 37210

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 16<sup>th</sup> 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 16<sup>th</sup> 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 20<sup>th</sup>, 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,



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 17<sup>th</sup> 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](http://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](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

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-B

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**



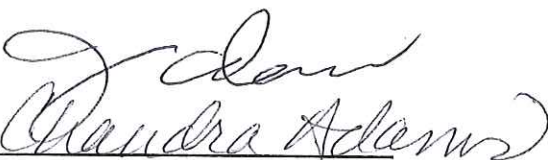
## SPECIAL EXCEPTION REQUEST

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

  
APPELLANT (OR REPRESENTATIVE)

  
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.*

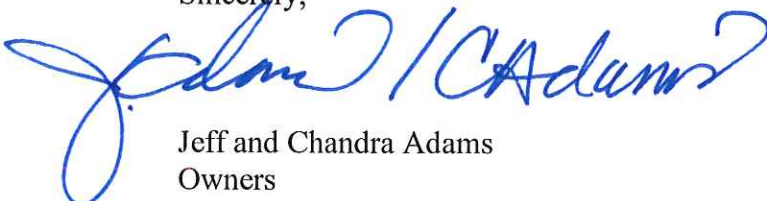
8. The metropolitan fire marshal shall approve the structure for safety.

*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.

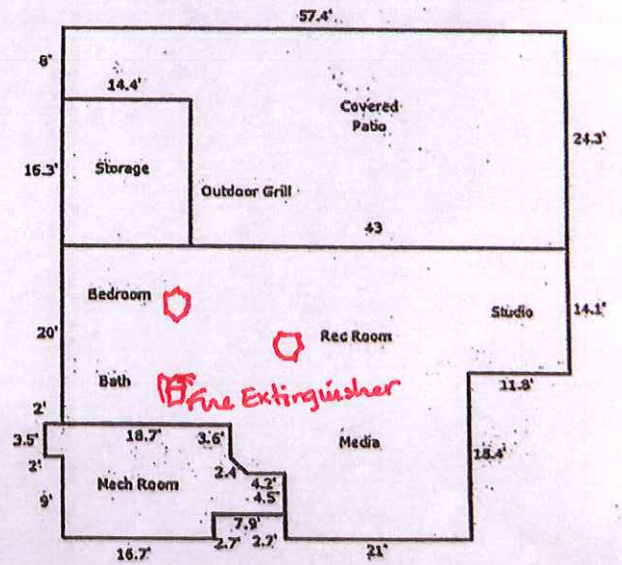
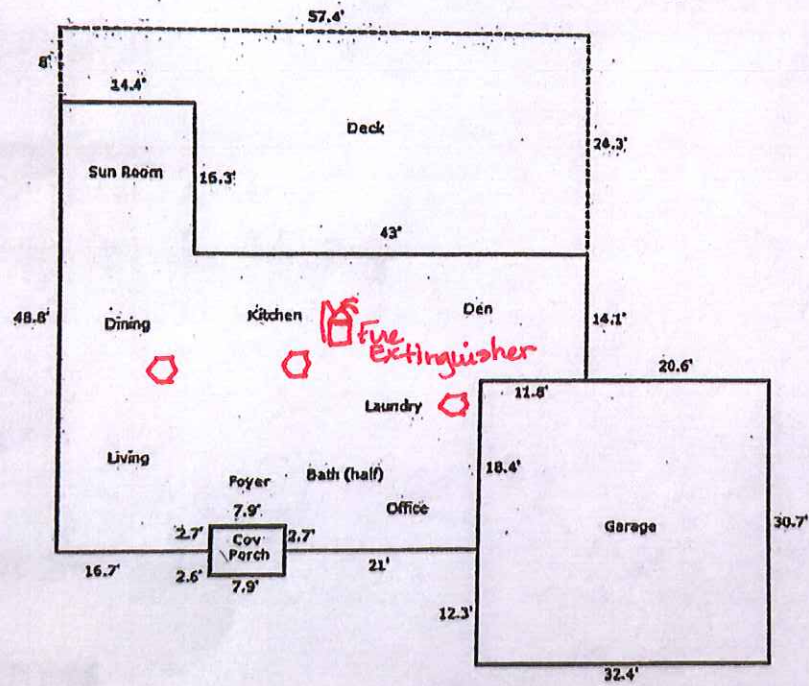
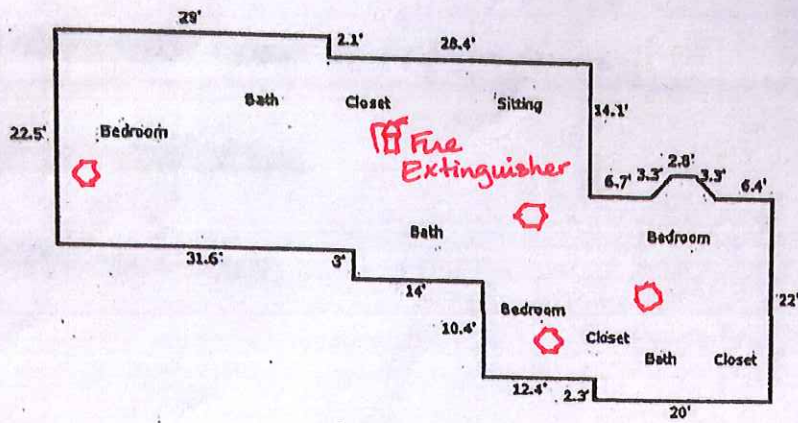
6. Owner-Occupied. The owner of the property must reside permanently in the historic home. Where there is more than one owner of the home, or where an estate, corporation, limited partnership or similar entity is the owner, a person with controlling interest, or possessing the largest number of outstanding 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

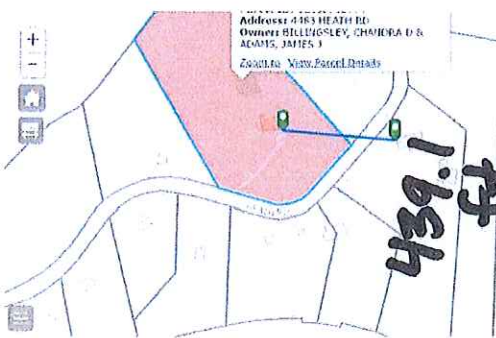
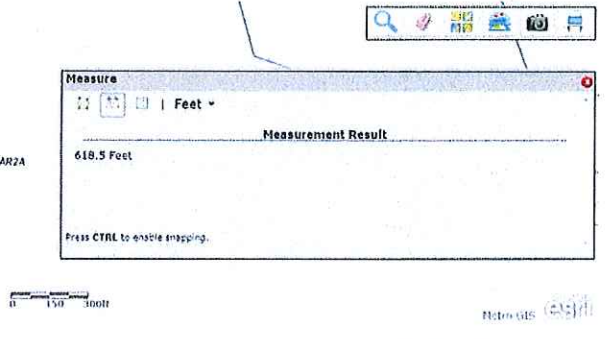
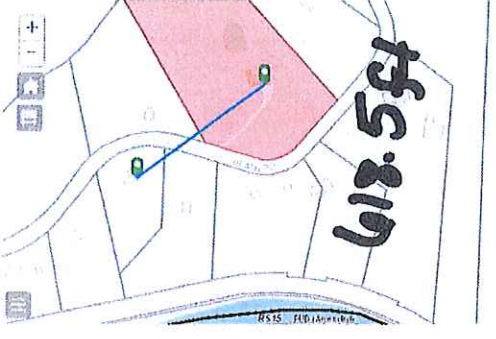
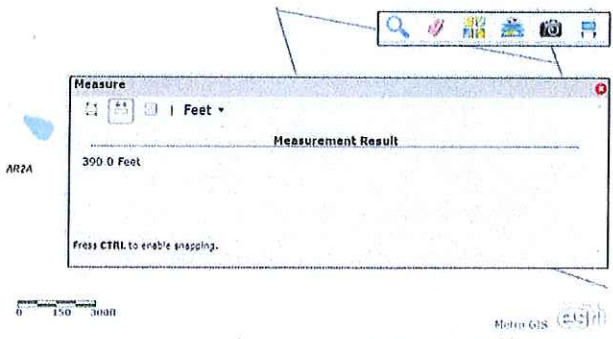
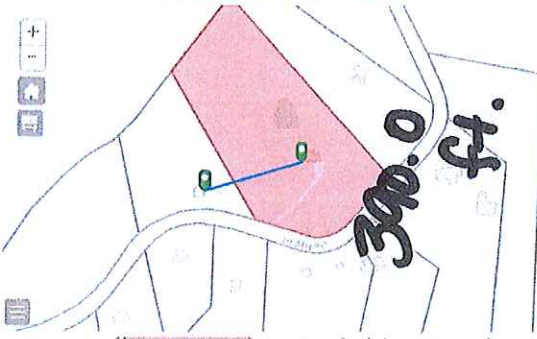
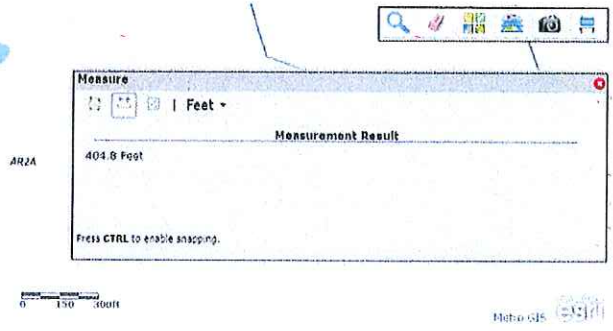
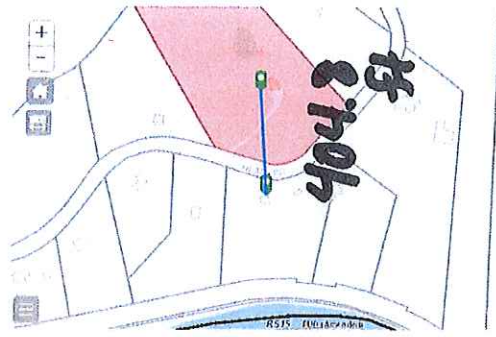
Wooded Area

Neighbor

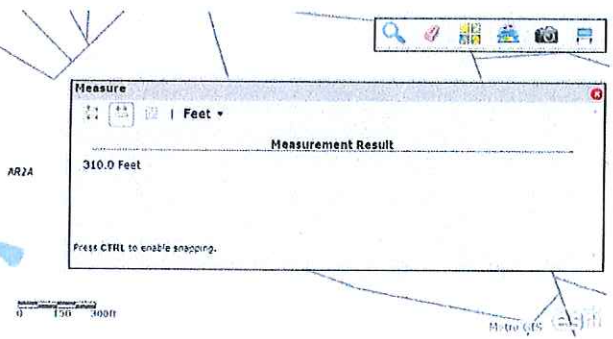
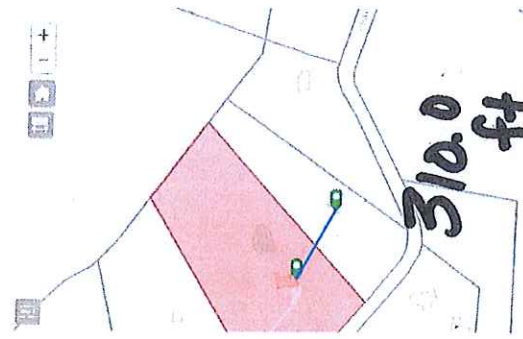
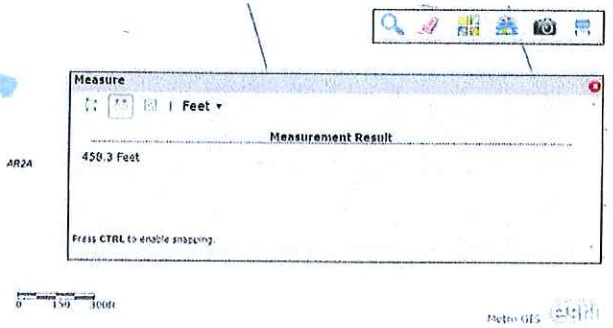
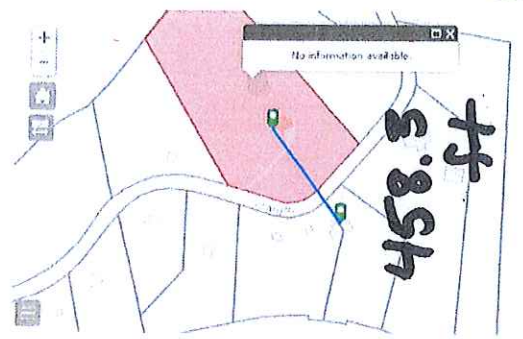
Google

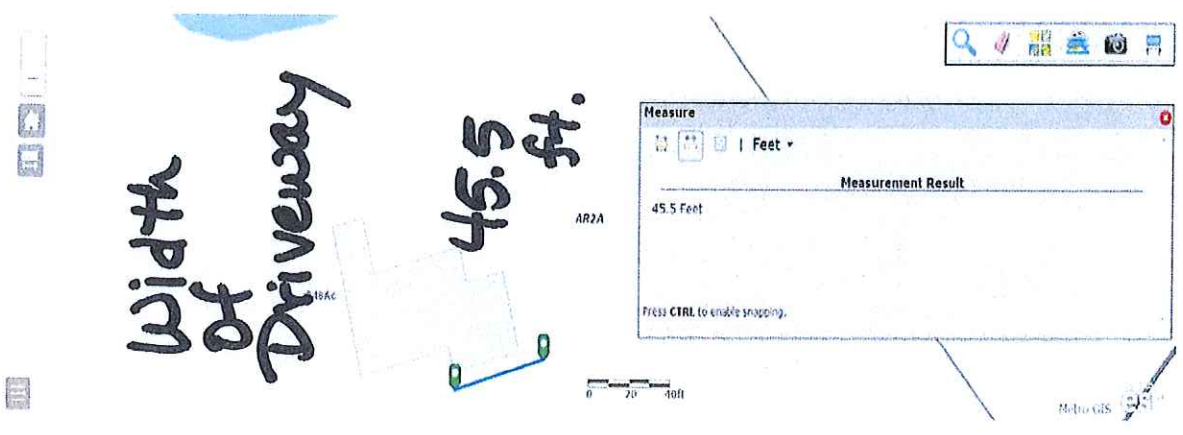
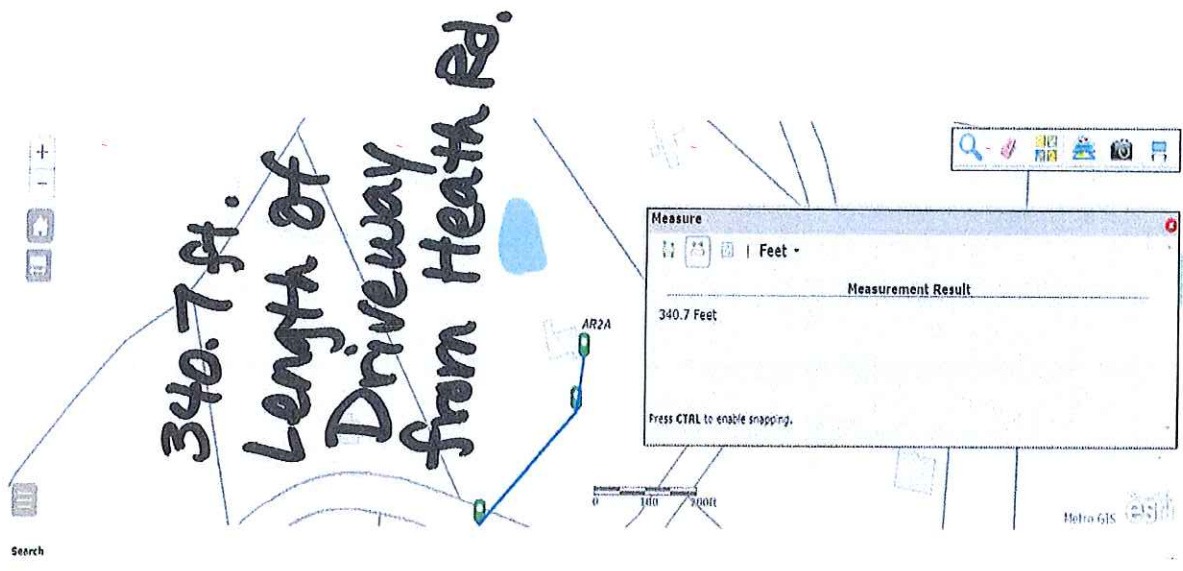


# Neighbors Part 1 of 2



# Neighbors Part 2 of 2







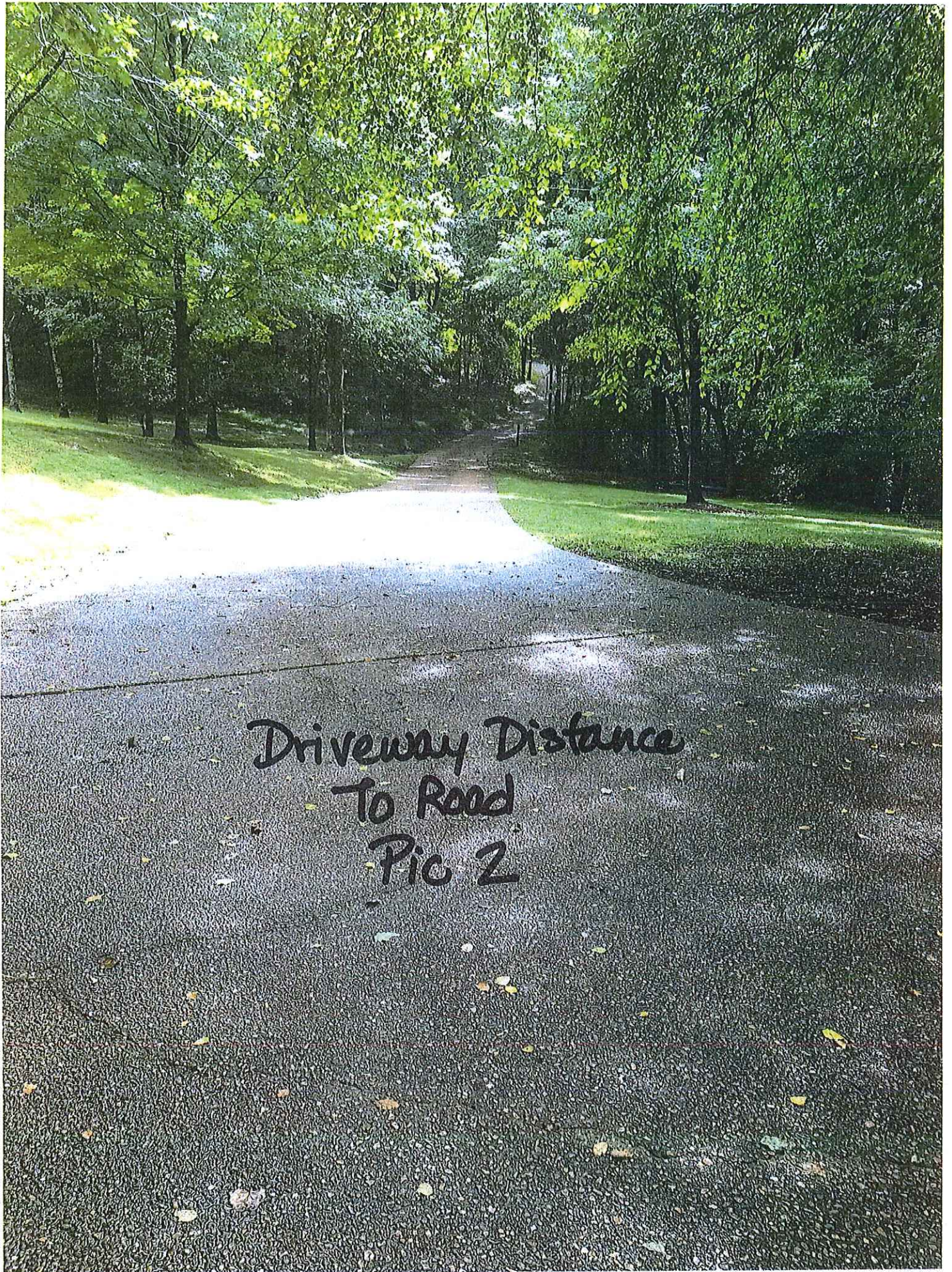






*Driveway Distance  
To Road Pic 1*





Driveway Distance  
To Road  
Pic 2



**FIRE HYDRANT CAP AND BONNET COLOR CODES  
FOR  
THE HARPETH VALLEY UTILITIES DISTRICT  
SERVICE AREA**

<b>HVUD SERVING DAVIDSON &amp; CHEATHAM COUNTIES</b>	
Orange Caps & Bonnet	1000 gpm and greater
Green Caps & Bonnet	500 gpm to 1000 gpm
Red Caps & Bonnet	0 to 499 gpm
<p><b>All regular hydrants: red barrel - caps and bonnets are color coded as above</b>  <b>All hydrants at line ends: white barrel with color coded caps and bonnets</b>  <b>All blow-off hydrants: white or black barrel but not both</b>  <b>Any hydrant that does not have enough flow for fire protection</b>  <b>(i.e. hydrants with flows less than 500 gpm and/or supply pressure less than 20 psi)</b>  <b>will have a red barrel with a red bonnet and red caps.</b>  <b>If hydrant is entirely black, it is a dry hydrant</b>  <b>(used for bypass fire flow pumping) or it is out of service.</b></p>	

<b>HVUD SERVING WILLIAMSON COUNTY (DOES NOT INCLUDE BRENTWOOD &amp; FAIRVIEW)</b>	
<i>All hydrants painted entirely yellow except for the following:</i>	
Red Bonnet	< 500 gpm and/or pressure < 20 psi
Black Bonnet	Out of service

<b>CITY OF BRENTWOOD</b>	
Blue Caps	> 1500 gpm
Green Caps	1000 - 1499 gpm
Orange Caps	500 - 999 gpm
Red Bonnet & Red Caps	< 500 gpm and/or pressure < 20 psi
Black Bonnet	Out of service

*Harpeth Valley Policy*

**FIRE HYDRANT CAP AND BONNET COLOR CODES  
FOR  
THE HARPETH VALLEY UTILITIES DISTRICT  
SERVICE AREA**

<b>HVUD SERVING DAVIDSON &amp; CHEATHAM COUNTIES</b>	
Orange Caps & Bonnet	1000 gpm and greater
Green Caps & Bonnet	500 gpm to 1000 gpm
Red Caps & Bonnet	0 to 499 gpm
<p><b>All regular hydrants: red barrel – caps and bonnets are color coded as above</b>  <b>All hydrants at line ends: white barrel with color coded caps and bonnets</b>  <b>All blow-off hydrants: white or black barrel but not both</b>  <b>Any hydrant that does not have enough flow for fire protection (i.e. hydrants with flows less than 500 gpm and/or supply pressure less than 20 psi) will have a red barrel with a red bonnet and red caps.</b>  <b>If hydrant is entirely black, it is a dry hydrant (used for bypass fire flow pumping) or it is out of service.</b></p>	

<b>HVUD Serving Williamson County (does not include Brentwood &amp; Fairview)</b>	
<b>All hydrants painted entirely yellow except for the following:</b>	
Red Bonnet	< 500 gpm and/or pressure < 20 psi
<b>Black Bonnet</b>	<b>Out of service</b>

<b>City of Brentwood</b>	
Blue Caps	> 1500 gpm
Green Caps	1000 – 1499 gpm
Orange Caps	500 – 999 gpm
Red Bonnet & Red Caps	< 500 gpm and/or pressure < 20 psi
<b>Black Bonnet</b>	<b>Out of service</b>



**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

---

# 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

**From:** [Tracy White](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 4483 Heath rd, case 2019-441  
**Date:** Wednesday, October 2, 2019 5:23:59 PM

---

To whom it may concern I am writing this letter and concerns for the bed-and-breakfast that is being proposed and our residential neighborhood. We have lived here for 20 years and have raised our family here and are now raising our grandchild here. This is a very quiet tranquil neighborhood all of our residents are very friendly and we all know each other and we would like to keep it that way and not allow a business to open up in our neighborhood. Our concerns are strangers on our hill, everybody knows everybody here and to allow a business to open with strangers coming in and out frequently is not something that we want for our neighborhood. We feel secure and safe here and we want to keep it that way, opening the doors to a business in a residential neighborhood is not what we want.

Thank you Tracey White

4664 Heath rd.

Nashville TN 37221

Sent from my iPhone

2019-441

WELDON LARRY + 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 Larry Wakefield

Jane Ola Wakefield

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Catalyst Design Group  
Property Owner: LDC Development  
Representative: Andrew Wolthers  
Catalyst

Date: 8-20-19  
Case #: 2019-442  
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): 17.20.030

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:	<del>414</del> 385
RATIO:	2.09 SP/DU

29 SPACE VARIANCE

05100005900







**SITE DATA TABLE**

PARCEL ID:	05100005900 & 05100017300
ACREAGE:	8.52
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UNIT MATRIX	
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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**

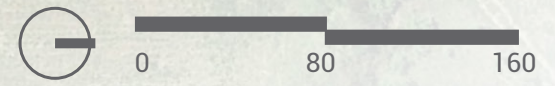
PARCEL ID:	05100005900 & 05100017300
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REQUIRED:	414 SPACES
PROVIDED:	312 SPACES
RATIO:	1.70 SP/DU





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PROVIDED:	420
RATIO:	2.28 SP/DU







September 19, 2019

Ms. Jessica Shepard  
Metro Codes  
800 2<sup>nd</sup> 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 2<sup>nd</sup> Ave. South  
Nashville, TN 37210

**Re: Creative Way Multifamily  
Nashville, TN**

Dear Ms. Shepard:

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Regards,

**Catalyst Design Group**

A handwritten signature in blue ink that reads "Andrew Wolthers".

Andrew Wolthers, PE  
Principal | Senior Project Manager





**SITE DATA TABLE**

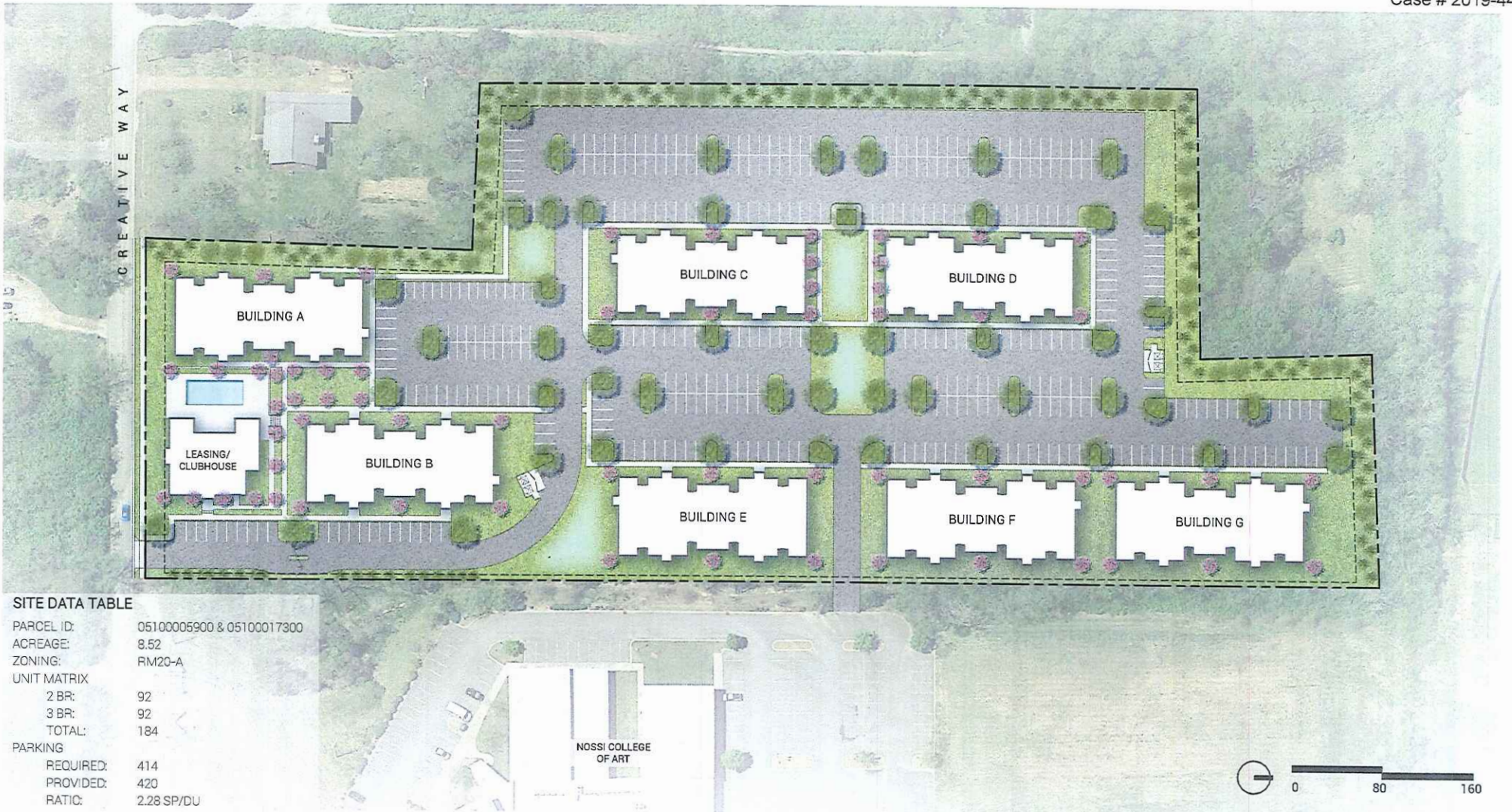
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**CREATIVE WAY MULTIFAMILY | Conceptual Site Plan**

MADISON, TENNESSEE | SEPTEMBER 2019





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PARCEL ID:	05100005900 & 05100017300
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RATIC:	2.28 SP/DU

**CREATIVE WAY MULTIFAMILY | BZA Alternative Site Plan (Code Compliant)**

MADISON, TENNESSEE | SEPTEMBER 2019





**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 : 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:

100.00  
Appeal Fee:



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.**

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

**Any correspondence to the Board must be submitted to our office by noon, the 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 48<sup>th</sup> 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 48<sup>th</sup> 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 48<sup>th</sup> 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 48<sup>th</sup> 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.

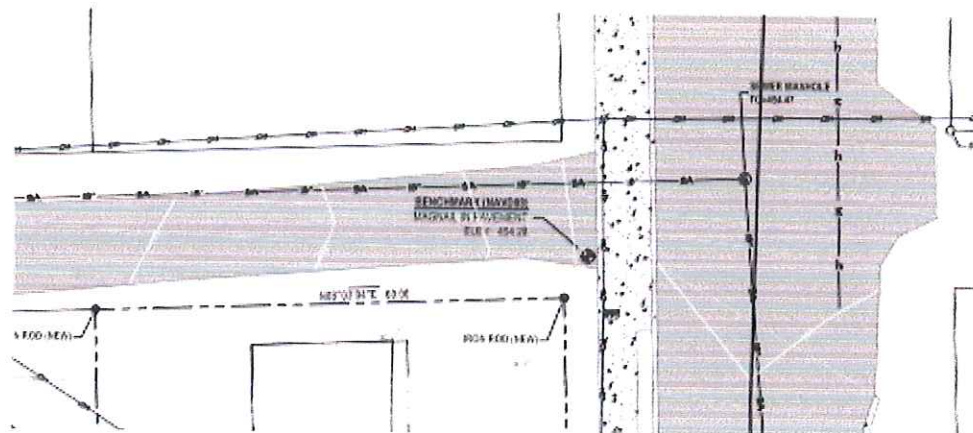
I also want to recognize that this is the first project of this sort that we have undertaken. Given the lengthy list of qualifications on your metro webpage, we would greatly appreciate any feedback, thoughts, or issues you might have about our request. We will do our best to address any concerns. If 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 48<sup>th</sup> 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 48<sup>th</sup> 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 48<sup>th</sup> 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.

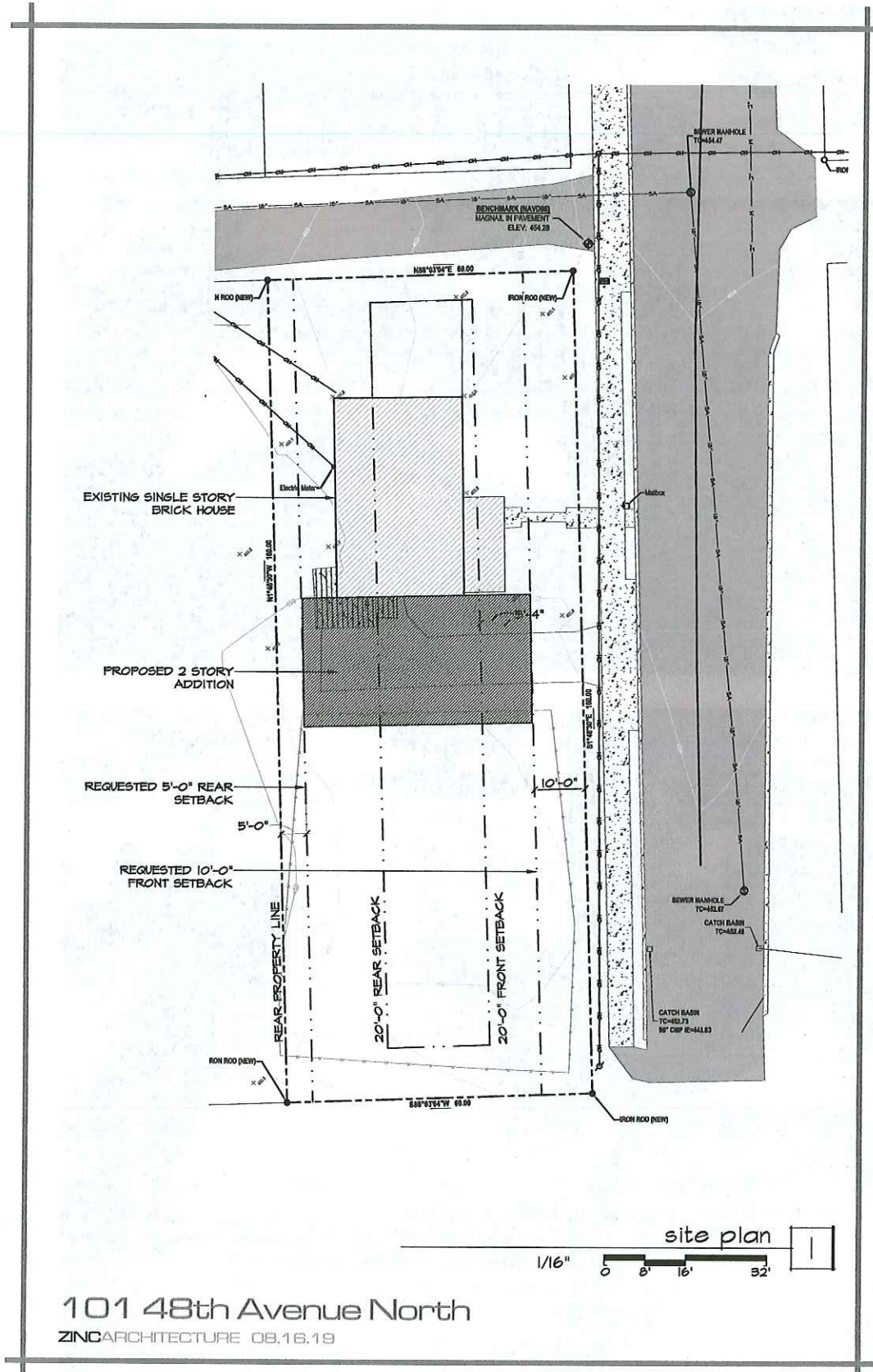
Sincerely,



**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 48<sup>th</sup> 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 30<sup>th</sup>, 2019

To Members of the BZA:

I have reviewed the application for BZA Case 2019-444, 101 48<sup>th</sup> 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 48<sup>th</sup> 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, sweeping flourish extending to the right.

Councilwoman Kathleen Murphy

**From:** [Jaime Raybin](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case 2019-444 - neighbor opposition to zoning appeal  
**Date:** Sunday, September 29, 2019 7:02:24 PM

---

Dear Board of Zoning Appeals,

I live diagonally across from 101 48th Ave N, which is requesting variances that include adding 900 square feet to the size of the house that is currently there.

This property is directly next to a peewee baseball field, and expanding the house would encroach upon the community park atmosphere.

I've lived at 4805 Nebraska Ave since 2009, and watched many of my immediate neighbors sell their houses to developers who built significantly larger houses in their place. The new houses are undergoing constant renovation, with carriage houses, landscaping, and privacy fences being added on an ongoing basis. Construction trucks consistently park in the alley, and have blocked our recycling from being picked up four times. The trucks also knocked down the metal fence that was intended to protect small children at the baseball field from running into the alley.

We've also been experiencing an abnormally high amount of electrical brown outs in the last three years. I think this is because the new giant houses are overloading the electrical grid, which was not designed to support so much large construction.

At the very least, the new owners should have to pay into the sidewalk fund. The sidewalk fund exists for a reason, and if the community is going to be inconvenienced by another large house, we should at least get money towards sidewalks out of it.

Thank you for your consideration,  
Jaime Raybin  
4805 Nebraska Ave  
Nashville, TN 37209

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

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 3, 2019  
**BZA Hearing Date:** October 3, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-448

---

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 2019-448 (5501 A New York Ave)

**Request:** A special exception to allow for a two foot setback along 55<sup>th</sup> Avenue N.

**Zoning:** Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses.

**Land Use Policy:** T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

**Planning Department Analysis:** The site is located at 5501 A New York Ave, at the corner of New York Avenue and 55<sup>th</sup> Avenue, and contains 0.12 acres. Both 55<sup>th</sup> Avenue North and New York Ave are identified as local streets within the MCSP. The site abuts an alley. The surrounding land use is single-family and two-family residential.

The T4 NM policy is intended to maintain the existing character and support the consistency of the existing neighborhood. The proposed setback is not contextually consistent with the surrounding buildings to the west, therefore the proposed two foot building setback is not

congruent with the goals of the policy. Additionally, since the existing zoning is not supported by the T4 NM policy, a special exception to allow anything outside of the existing zoning regulations would be too intense for this area. It may be possible to build two additional units on this site; however they will likely have to be smaller units. Metro codes identifies that MUN zoning has a maximum FAR of 0.6, contrary to the site plan submitted stating that FAR is non-applicable.

**Planning Recommendation: Disapprove.**



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 3, 2019  
**BZA Hearing Date:** October 3, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-448

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congruent with the goals of the policy. Additionally, since the existing zoning is not supported by the T4 NM policy, a special exception to allow anything outside of the existing zoning regulations would be too intense for this area. It may be possible to build two additional units on this site; however they will likely have to be smaller units. Metro codes identifies that MUN zoning has a maximum FAR of 0.6, contrary to the site plan submitted stating that FAR is non-applicable.

**Planning Recommendation: Disapprove.**

**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

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[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 12<sup>th</sup> 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 12<sup>th</sup> 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

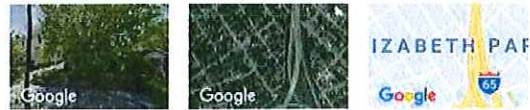
Listing(s) Information

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

Timeline of Activity

View the series of events and documentation pertaining to this property

1 Documented Stay  
May, 2019

Matched Details

Analyst

CIIE

Explanation

I was able to match the view from the property using Google 3D View. The location fits the description ("Minutes from Broadway Nashville and I-65"). The location and address were both verified on the tax assessor's website.

Listing Photos



Matching 3rd Party Sources



Same view, note the matching architecture on the houses across the street and landscaping.



8/1/2019

Matched property listing

**Listing Details**

Listing URL	- <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



\$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  
Driveway and car port

Towels Provided

Washing Machine

Garage

Iron & Board

Clothes Dryer

Internet

Hair Dryer

**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.

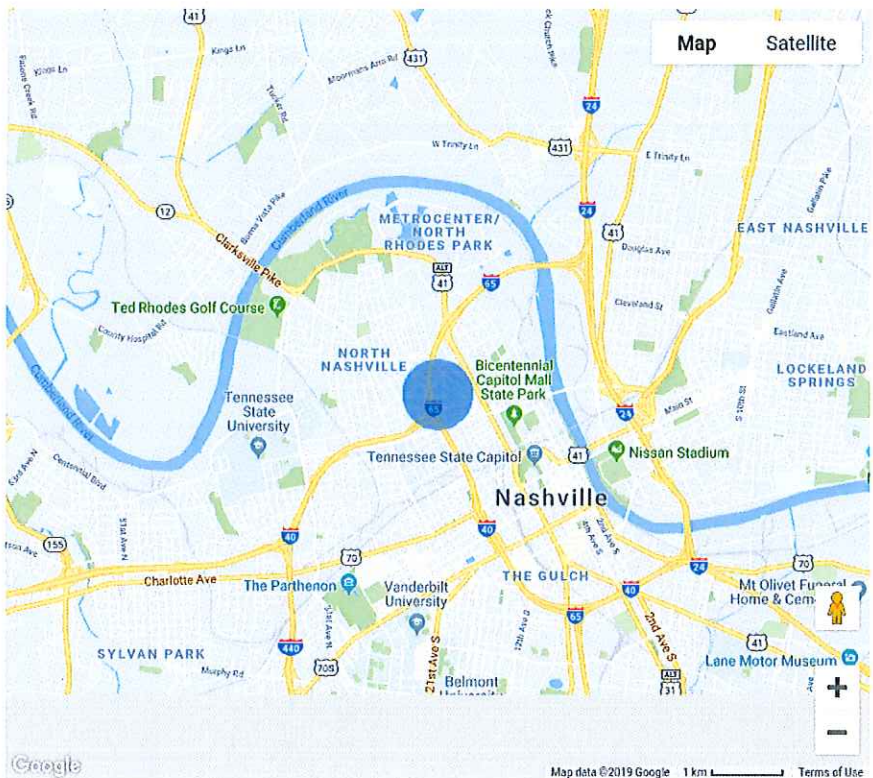
Published Aug 10, 2018

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
											750	750	750
7	8	9	10	11	12	13	4	5	6	7	8	9	10
							750	750	750	750	750	750	750
14	15	16	17	18	19	20	11	12	13	14	15	16	17
							750	750	750	750	750	750	750
21	22	23	24	25	26	27	18	19	20	21	22	23	24
							750	750	750	750	750	750	750
28	29	30	31				25	26	27	28	29	30	31



Matched property listing

750 750 750 750 750 750 750 750

September 2019

October 2019

Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1 750	2 750	3 750	4 750	5 750	6 750	7 750			1 750	2 750	3 750	4 750	5 750
8 750	9 750	10 750	11 750	12 750	13 750	14 750	6 750	7 750	8 750	9 750	10 750	11 750	12 750
15 750	16 750	17 750	18 750	19 750	20 750	21 750	13 750	14 750	15 750	16 750	17 750	18 750	19 750
22 750	23 750	24 750	25 750	26 750	27 750	28 750	20 750	21 750	22 750	23 750	24 750	25 750	26 750
29 750	30 750						27 750	28 750	29 750	30 750	31 750		

Taxes and fees are additional

Additional information about rental rates

Cleaning Fee	450
Pet Fee	300
Additional Guest Fee	50
Property Damage Insurance	99

Home > United States > Tennessee > Davidson County > Nashville-Davidson > Nashville > North Nashville

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

People also search for

New Orleans | Panama City Beach | Gatlinburg | Downtown | Franklin | Gulf Shores | Pigeon Forge | Asheville | Myrtle Beach | Music Row | East Nashville | Tennessee | Chattanooga | Charleston | Memphis | Brentwood | Conestoga | 12 South | United States | Destin

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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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  
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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



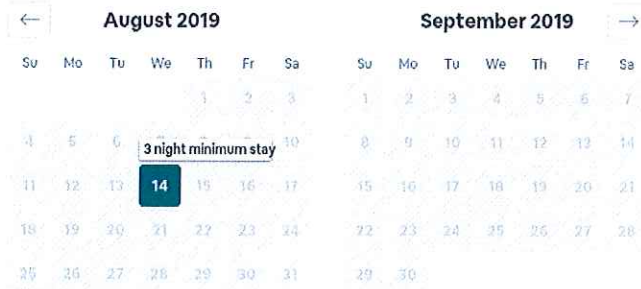
Bedroom 2  
1 queen bed



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

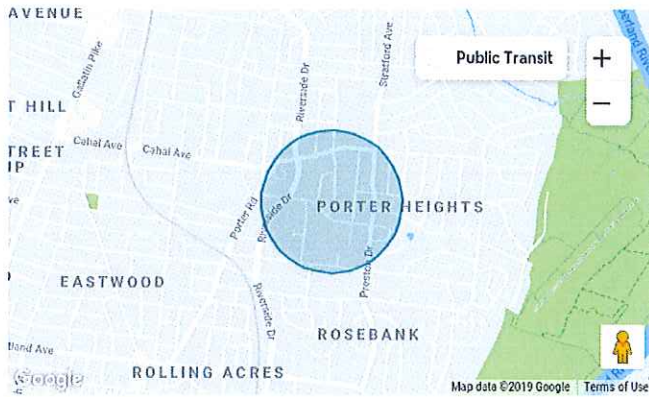
Jon's place is located in Nashville, Tennessee, United States.

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 ^

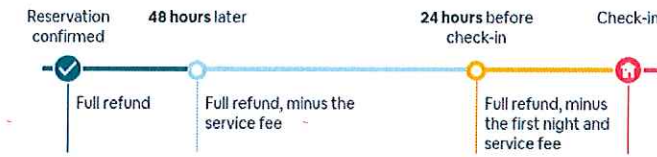
#### Cancellations

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

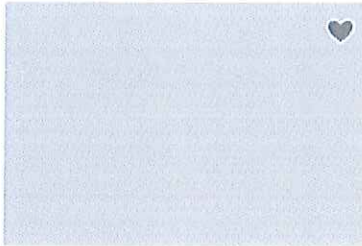
After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.



[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  
 Acquaiolo  
 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 1<sup>st</sup> 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 12<sup>th</sup> 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 13<sup>th</sup>. 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

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.

*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



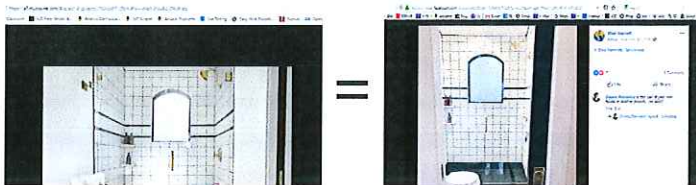
### Matching 3rd Party Sources



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

June 9

July 9

August 4

📅 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



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



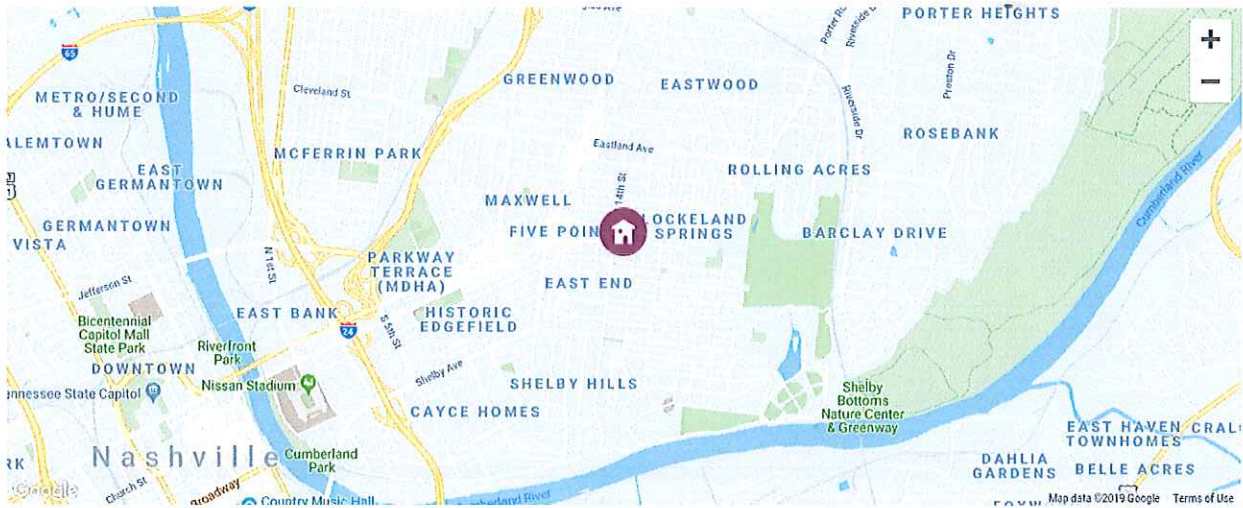
## Location

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)

---

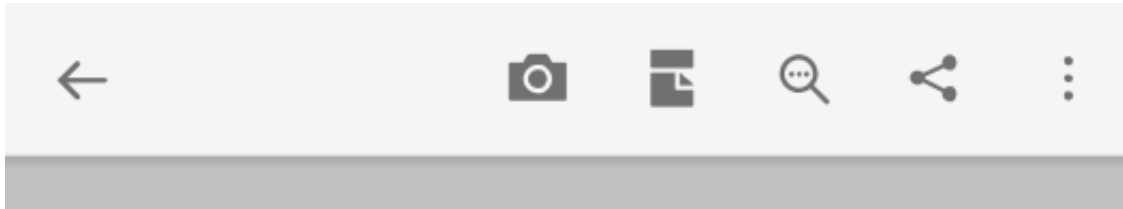
**From:** Matt Niehoff [<mailto:matt@experiencenash.com>]  
**Sent:** Friday, November 23, 2018 12:43 PM  
**To:** Frabutt, David (Codes)  
**Subject:** Re: STRP Transfer Question

**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

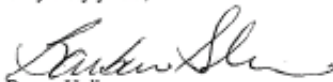
Gentlemen:

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 11<sup>th</sup>. 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,

**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.

<image001.png>

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.

---

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[<mailto:matt@experiencenash.com>]  
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**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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founder | [experiencenash.com](http://experiencenash.com)

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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@experienash.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](#)

[Blog](#) | [LinkedIn](#) | [Facebook](#) | [Twitter](#) | [Instagram](#)

<1403 Russell STRP for DADU.pdf>

**From:** [Withers, Brett \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [j.hollin@me.com](mailto:j.hollin@me.com)  
**Subject:** Letter in support of appeal case 2019-431 for property located at 1403 Russell Street in District 6  
**Date:** Tuesday, October 1, 2019 10:02:23 AM

---

Members of the Board of Zoning Appeals:

Thank you for your service to our county. I am writing to lend my support to the appeal case 2019-431 for an STR permit for property located at 1403 Russell Street in the Lockeland Springs neighborhood in District 6.

I have received and reviewed the file submitted by attorney Jamie Hollin regarding this case. I also reviewed my previous constituent correspondence with the property owners, Matt Niehoff and Jason Jenkins, regarding this case. I am aware that this property is owner occupied and am satisfied that there appears to have been some confusion about changing the original STR permit from the principal dwelling unit to the detached accessory dwelling unit that was constructed after the initial STR permit had already been issued. I consider this to be a change of permit from the principal dwelling unit to the detached accessory dwelling unit on the same R6 parcel rather than a transfer of a STR permit between owners. The property owners had contacted me over the summer regarding the notification that they received that their permit had not been renewed, and I believe that confusion about the permit renewal date under these circumstances is understandable whether it occurred on the part of the owners or of the Codes Department staff, who work very hard to process a large amount of paperwork.

I consider this case to arise from an honest mistake or oversight and I believe that the Board will reach the same conclusion. I also will note for the Board that I do not have constituent correspondence on file expressing concerns or complaints arising from this STR permit. Accordingly, I encourage the Board to consider reinstating or granting the new STR permit for these homeowners without delay. I do ask that everyone involved confirm what the renewal date will be going forward so that this issue does not arise again.

Thank you again for your service and consideration.

**Brett A. Withers**

Metro Council, District 6

Mobile (615) 427-5946 | [facebook.com/Brett A. Withers](https://www.facebook.com/Brett.A.Withers) | [twitter.com @brettawithers](https://twitter.com/brettawithers)



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



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

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

Purpose: RESIDENTIAL MULT-FAMILY CONSTRUCTION

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

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

Reason: FRONT FACADE TO EXTEND BEYOND CONTROL PLANE  
SEE PLAN

Section(s): 17.12.020C

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

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

\_\_\_\_\_  
Representative Name (Please Print)  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
City, State, Zip Code

615-743-9382  
Phone Number

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

sleary@seventure.com  
Email

\_\_\_\_\_  
Email

Zoning Examiner: TC

Appeal Fee: \$100



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



3691285

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

PARCEL: 09209037800

APPLICATION DATE: 07/16/2019

**SITE ADDRESS:**

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

PARCEL OWNER: BREAUX, DARRELL &amp; LINDA

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

NEW MULTI-FAMILY RESIDENTIAL CONSTRUCTION

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

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

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

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

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

Inspection requirements may change due to changes during construction.

## **APPLICATION FOR SPECIAL EXCEPTION REQUESTS**

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

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

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

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

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

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

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

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

---

**APPELLANT**

---

**DATE**

## SPECIAL EXCEPTION REQUEST

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

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

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

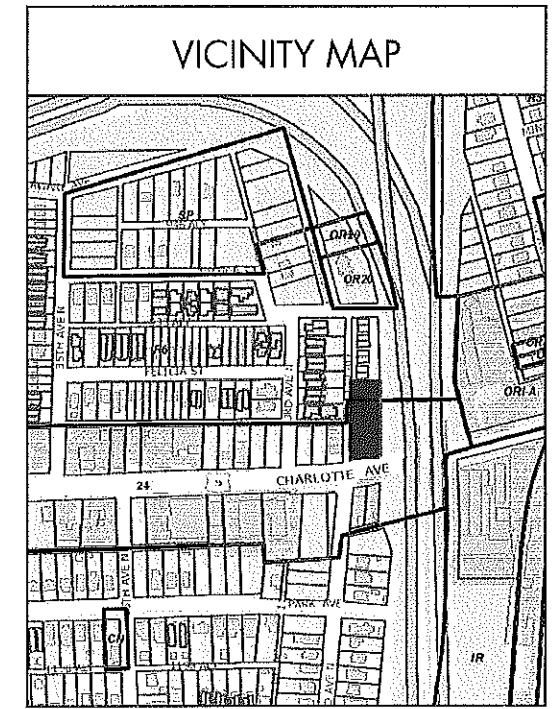
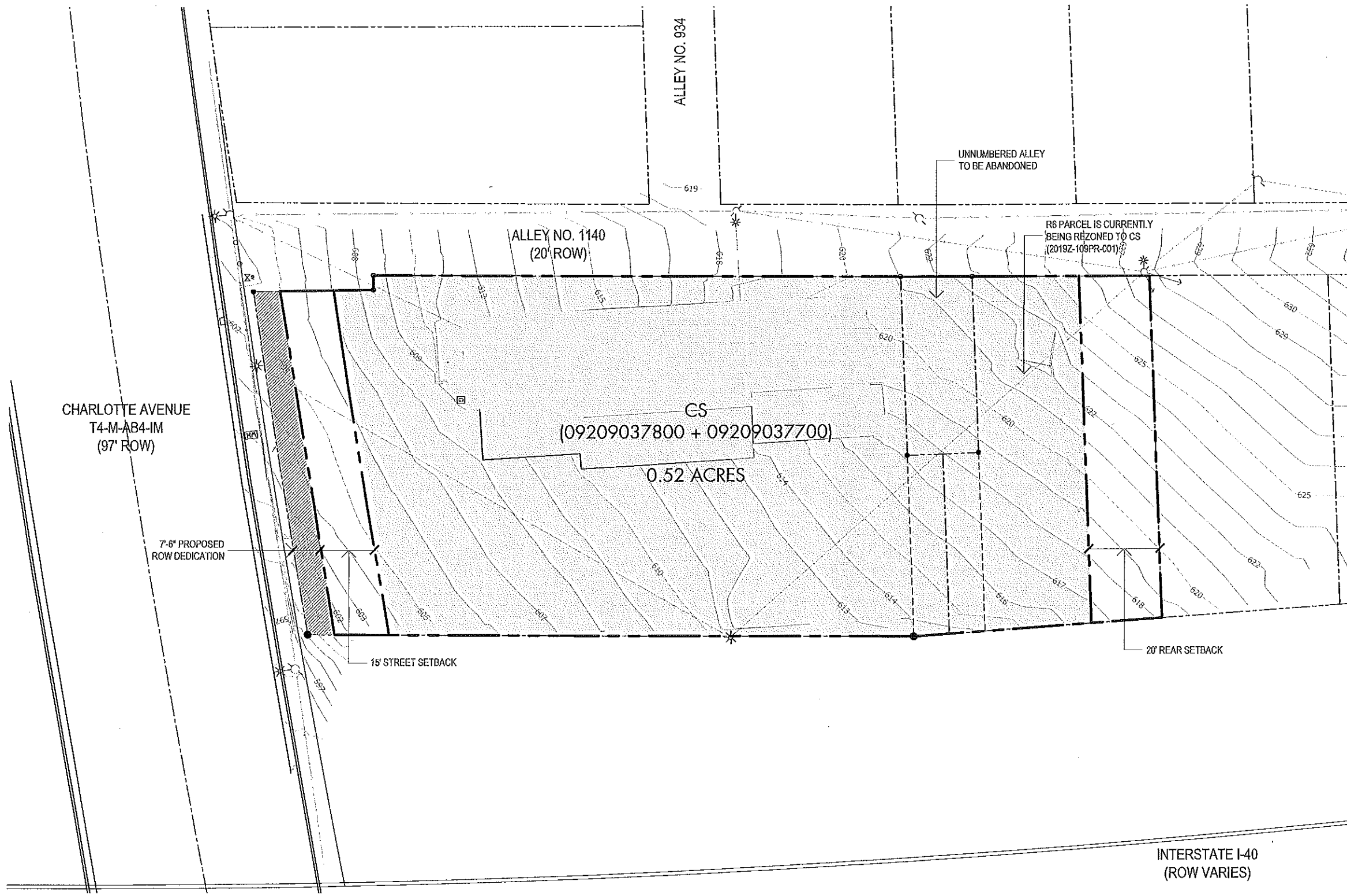
I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

\_\_\_\_\_  
APPELLANT (OR REPRESENTATIVE)

\_\_\_\_\_  
DATE

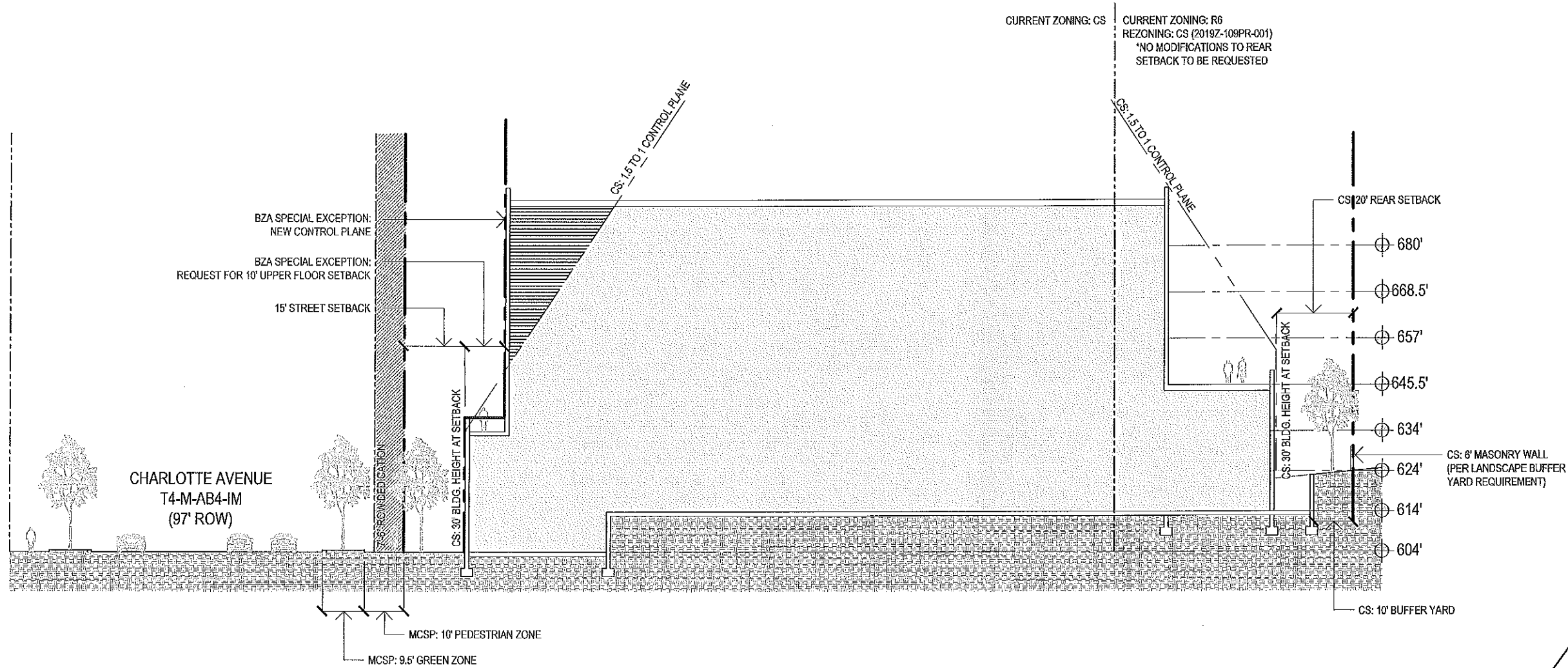


3214 CHARLOTTE AVENUE

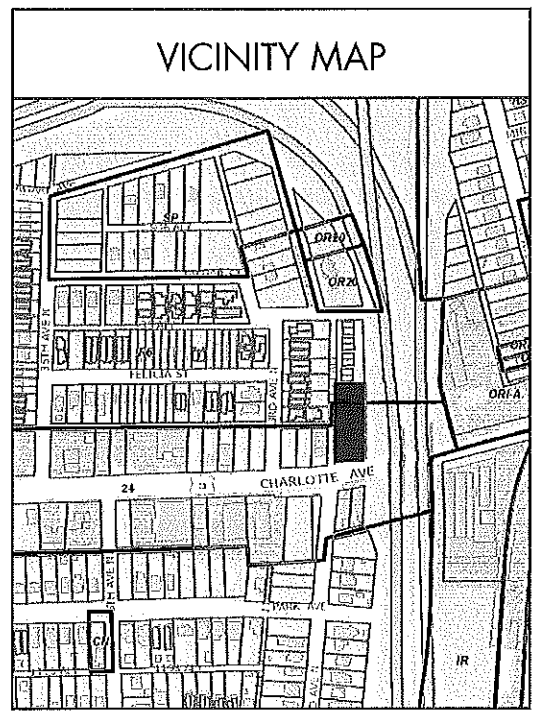


SITE & ZONING DATA	
AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
MAX. HEIGHT:	30' AT SETBACK WITH A 1.5 TO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

3214 CHARLOTTE AVENUE



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



SITE & ZONING DATA	
AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
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STREET SETBACK:	15'
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PARKING: 1 SPACE/BED UP TO 2 BEDS; 0.5 SPACES FOR EACH ADDITIONAL BEDROOM	
*UZO: STUDIO & ONE BED: 1 SPACE/UNIT TWO BED OR MORE: 1.5 SPACE/UNIT	

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 16, 2019  
**BZA Hearing Date:** September 19, 2019  
**Re:** Planning Department Recommendation for Special Exception Cases

---

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

## **Case 2019-376 (3214 Charlotte Avenue) –Special Exception**

**Request:** Special exception for maximum height at setback line and to penetrate height control plane.

**Zoning:**

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots.

**Land Use Policy:** T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

**Supplemental Policy – Charlotte Pike Corridor – Subdistrict 6 (I-440 Gateway)** is a mixed use subdistrict encouraging an urban form with a maximum height of four stories.

**Existing Context:** The entire site indicated on the site plan includes 2 parcels totaling 0.52 acres. The large parcel, 3214 Charlotte Avenue, has frontage along Charlotte Avenue and is currently

developed with a single-story commercial building. The smaller parcel is located to the rear of the site and is accessed via Alley 1140. The smaller parcel is currently zoned R6 (one and two-family residential) and is at the southern edge of an established one and two-family neighborhood.

**Planning Department Analysis:**

The applicant is requesting two exceptions:

- Special exception for maximum height at setback line
- Special exception to penetrate the height control plane

The proposal is to permit a height of 35 feet at the setback line, where 30 is the maximum permitted. Additionally, the applicant proposes to penetrate the height control plane along Charlotte Avenue after a 10 foot step-back. The proposed form is consistent with the urban character envisioned by the Charlotte Pike Corridor Study and encourages a pedestrian scale development along the street frontage.

It should be noted that the plan as presented on the site plan, is contingent upon a rezoning of the smaller back parcel that has not been introduced at council at this time. The plan as presented cannot be constructed under the existing zoning entitlements. Should the zoning not move forward, adjustments to the plan would be necessary to address rear setback, required buffers, and other elements as determined by the Zoning Administrator.

**Planning Recommendation:** Approve the special exception as requested only for 3214 Charlotte Avenue.



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

---

Dear Board Members,

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

--

**Michael P. Fisher, Esq.**

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.

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Civil &amp; Environmental Consultants, Inc.

July 15, 2019

Board of Zoning Appeals  
Metropolitan Codes Department  
800 2<sup>nd</sup> 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.

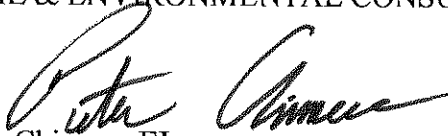
Board of Zoning Appeals  
Metro Nashville  
Page 3  
July 15, 2019

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.



Peter Chimera, EI  
Assistant Project Manager

Attachments:  
Site Layout Plan  
WalkNBike Maps





## 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; Contribute in-lieu of sidewalk construction along Myatt Drive
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: *Approve with conditions.*

**Analysis:** The applicant proposes interior and exterior renovations to the existing material recovery facility and requests a variance to contribute in-lieu of constructing sidewalks along the Myatt Drive property frontage. The applicant was granted a variance by the Metro Board of Zoning Appeals to not 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, and upon further conversations with the applicant, they request to contribute in-lieu. 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) The applicant was granted a variance to not construct sidewalks along Edenwold Road with the condition to build sidewalks on Myatt Drive. The applicant has met with Planning and Public Works to discuss an alternative sidewalk design since there are challenges in addressing adequate drainage facilities and a large overhead utility transmission line. Given these factors, a contribution in-lieu of construction at this location is an acceptable alternative until further redevelopment occurs on the site.

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

1. The applicant shall contribute in-lieu of construction for the Myatt Drive property frontage.
2. The applicant shall dedicate right-of-way per the Major and Collector Street Plan along the Myatt Drive property frontage.
3. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Helene Harvey  
Property Owner: Helene Harvey  
Representative: Helene Harvey

Date: 7/31/19  
Case #: 2019-404  
Map & Parcel: 05600002400

Council District 01

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

Purpose: Seeking a special exception to offer day care services to families of children ages 2.5 to 5 years and up to age 12.

Activity Type: Day care center

Location: 4341 Pecan Valley Road 37218

This property is in the ~~AR2A~~ 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: DAY CARE CENTER A SPECIAL EXCEPTION

Section(s): 17.16.035(A)

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.

Helene Harvey  
Appellant Name (Please Print)

S/A  
Representative Name (Please Print)

4341 Pecan Valley Rd.  
Address

Address

Nashville TN 37218  
City, State, Zip Code

City, State, Zip Code

615-565-9790  
Phone Number

Phone Number

elle@anewleafnashville.org  
Email

Email

Zoning Examiner: T.C.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Helene Harvey Date: 7/31/19  
Property Owner: Helene Harvey Case #: 2019-404  
Representative: Helene Harvey Map & Parcel: \_\_\_\_\_

Council District 01

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

Purpose: COMMUNITY EDUCATION (K-2)  
Request to use existing structure  
as a school classrooms

Activity Type: community Education  
Location: 4341 Pecan Valley Rd

This property is in the AR2A 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: OPERATE WITHIN EXISTING STRUCTURE

Section(s): 17.16.040A.8A.

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

Helene Harvey Appellant Name (Please Print) S/A Representative Name (Please Print)

4341 Pecan Valley Rd. Address

Nashville TN 37218 City, State, Zip Code

615-585-9790 Phone Number

elle@anewleafnashville.org Email

Zoning Examiner: T.C. Appeal Fee: \_\_\_\_\_





Dear Pecan Valley owners,

I am Helene Harvey, your new neighbor at 4341 Pecan Valley Road. I am sending you this information for a zoning appeal that I will present to the Board of Zoning Appeals on September 19<sup>th</sup> 2019 at 1pm. The case number is 2019-404.

I have two requests for the board. The first is a special exception (17.16.040) to use the residence for a day care center for children ages 2.5 to 5. The second is a variance (17.16.035 variance 8 adaptive reuse) to use the same existing structure (the residence) for community education for elementary children. These are not zoning changes. We are planning to use the house for our programs, create gardens in the front yard, and enjoy learning among the trees in the back of the property. We hope to enroll 24 children.

I am the director of A New Leaf currently located at 7520 Charlotte Pike. We are very excited to provide a Reggio inspired and nature focused early childhood education for Nashville's youngest citizens. Several Bells Bend residents have expressed their strong interest for a local quality education for their children. Some of them have already used our programs over the past 15 years.

To learn more about us, please visit our web site [anewleafnashville.org](http://anewleafnashville.org) and do come to our open house for a neighborhood meeting on Sunday September 8<sup>th</sup> 2019 from 3 to 5pm at 4341 Pecan Valley Road. We would like to show you our vision and educational philosophy as well as answer your questions.

Please give me a call or text 615-585-9790 if you have immediate questions. We are looking forward to meeting you!

Sincerely,

Elle

A handwritten signature in blue ink that reads 'Elle'. The signature is written in a cursive, flowing style.



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



3697138

**ZONING BOARD APPEAL / CAAZ - 20190045754  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 05600002400

APPLICATION DATE: 07/31/2019

**SITE ADDRESS:**

4341 PECAN VALLEY RD NASHVILLE, TN 37218  
N. S. PECAN VALLEY ROAD W. OF OLD HICKORY BLVD.

PARCEL OWNER: BROWN, KENNETH M. &amp; KAREN R.

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

REQUIRED PER METRO SECTION 17.16.040 (A)

8. ADAPTIVE REUSE. COMMUNITY EDUCATION FACILITIES SHALL BE PERMITTED TO OPERATE WITHIN AN EXISTING STRUCTURE, REGARDLESS OF LOT SIZE, SUBJECT TO THE FOLLOWING CONDITIONS:

A. A VALID USE AND OCCUPANCY PERMIT WAS ISSUED FOR THE STRUCTURE FOR USE AS A COMMUNITY EDUCATION FACILITY OR A RELIGIOUS INSTITUTION AT ANY POINT WITHIN THE PREVIOUS FIVE YEAR PERIOD.

REQUEST TO OPERATE WITHIN AN EXISTING STRUCTURE WITH NO PREVIOUS USE AND OCCUPANCY PERMIT FOR USE AS A COMMUNITY EDUCATION FACILITY OR A RELIGIOUS INSTITUTION

*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



3697125

ZONING BOARD APPEAL / [REDACTED]  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification

PARCEL: 05600002400

APPLICATION DATE: 07/31/2019

## SITE ADDRESS:

4341 PECAN VALLEY RD NASHVILLE, TN 37218  
N. S. PECAN VALLEY ROAD W. OF OLD HICKORY BLVD.

PARCEL OWNER: BROWN, KENNETH M. &amp; KAREN R.

CONTRACTOR:

## APPLICANT:

## PURPOSE:

REQUEST FOR NEW LEAF SCHOOL...A CLASS ONE DAY CARE CENTER

SPECIAL EXCEPTION REQUIRED PER METRO SECTION 17.16.035 (A).

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

*There are currently no required inspections*

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

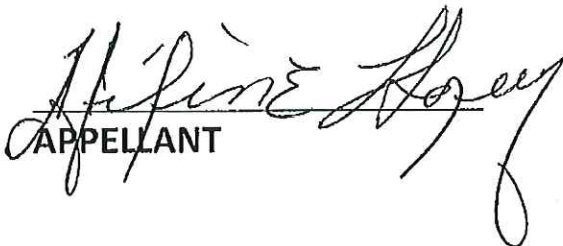
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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

7/31/19  
DATE



## Standards for a Variance

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

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

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

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

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

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

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

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

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

In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship ls. 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?**

*Utilize farmhouse as classrooms for a school without changing the landscape*

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## 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.

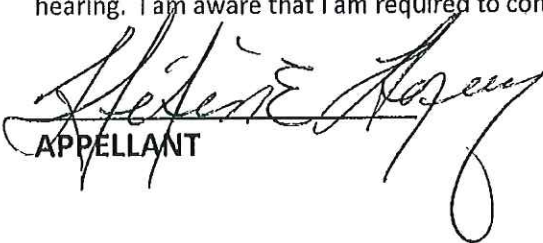
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

7/31/19  
DATE



## SPECIAL EXCEPTION REQUEST

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

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

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

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

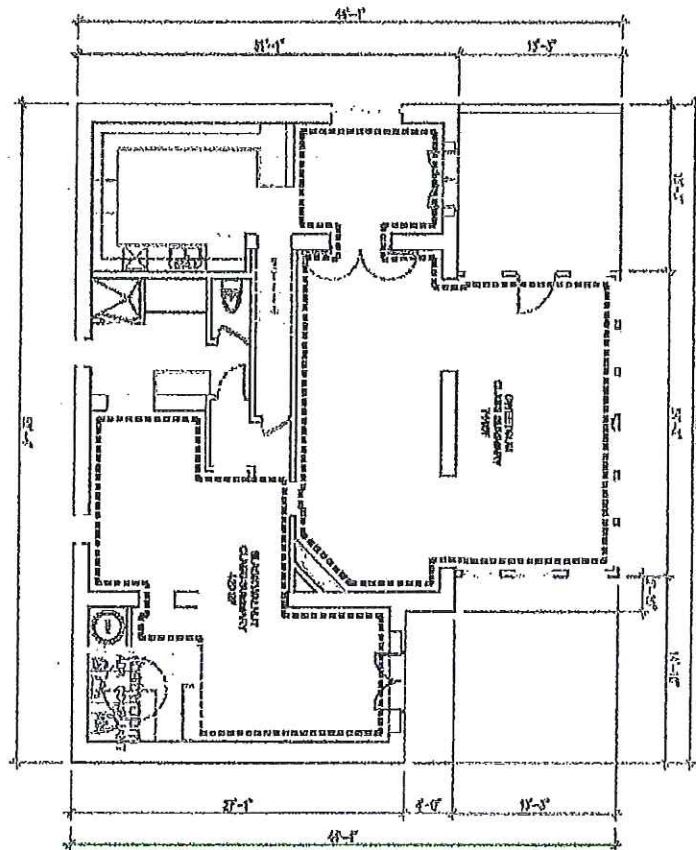
\_\_\_\_\_  
APPELLANT (OR REPRESENTATIVE)

\_\_\_\_\_  
DATE



## OCCUPANCY REVIEW - NEW LEAF SCHOOL RESPONSE NOTES

4341Pecan Valley Road, Nashville, TN 37218



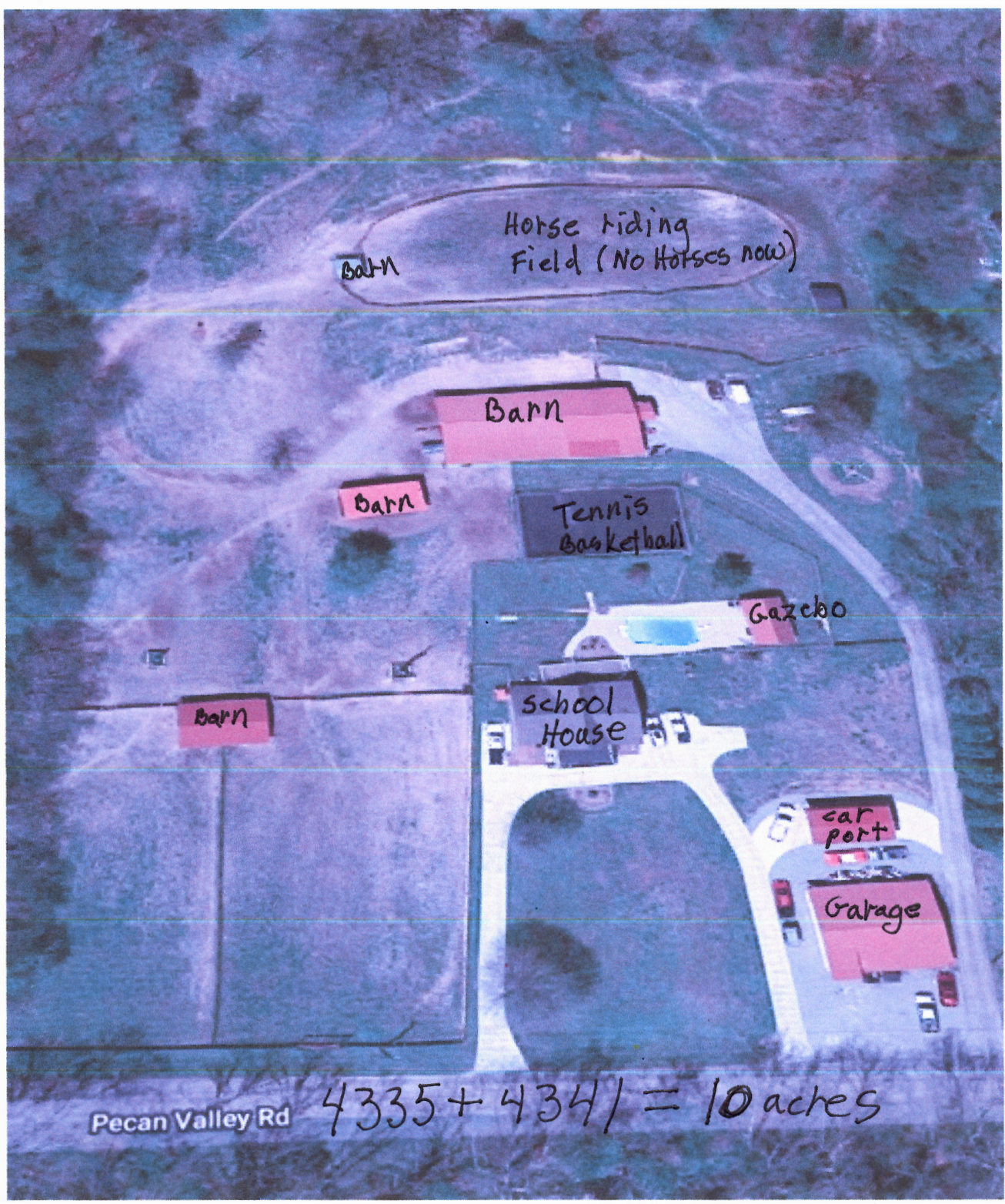
OCCUPANCY LOADS REQUESTED @30sf/student is LIMITED to 24 STUDENTS

Occupancy Load Plan – not to scale

SWEETGUM classroom suite = 744 SF total and can accommodate 24 students

BLACK WALNUT classroom suite = 420 SF total and can accommodate 14 students

# New Leaf Nature school







Dear Pecan Valley owners,

I am Helene Harvey, your new neighbor at 4341 Pecan Valley Road. I am sending you this information for a zoning appeal that I will present to the Board of Zoning Appeals on September 19<sup>th</sup> 2019 at 1pm. The case number is 2019-404.

I have two requests for the board. The first is a special exception (17.16.040) to use the residence for a day care center for children ages 2.5 to 5. The second is a variance (17.16.035 variance 8 adaptive reuse) to use the same existing structure (the residence) for community education for elementary children. These are not zoning changes. We are planning to use the house for our programs, create gardens in the front yard, and enjoy learning among the trees in the back of the property. We hope to enroll 24 children.

I am the director of A New Leaf currently located at 7520 Charlotte Pike. We are very excited to provide a Reggio inspired and nature focused early childhood education for Nashville's youngest citizens. Several Bells Bend residents have expressed their strong interest for a local quality education for their children. Some of them have already used our programs over the past 15 years.

To learn more about us, please visit our web site [anewleafnashville.org](http://anewleafnashville.org) and do come to our open house for a neighborhood meeting on Sunday September 8<sup>th</sup> 2019 from 3 to 5pm at 4341 Pecan Valley Road. We would like to show you our vision and educational philosophy as well as answer your questions.

Please give me a call or text 615-585-9790 if you have immediate questions. We are looking forward to meeting you!

Sincerely,

Elle



A NEW LEAF

WHERE YOUNG ARTISTS MEET BUDDING SCIENTISTS



4341 Pecan Valley Road  
 Nashville, TN 37218  
 (615) 585-9790  
[www.anewleafnashville.org](http://www.anewleafnashville.org)

Sign-in sheet : Open House for Community Meeting

Special Exception and Variance Requests for using an existing residence for a day care center and elementary education.

Board of Zoning Appeals Case 2019-404

my

yt  
or

Name	Signature	Address	Phone	E-mail
CAAL DOCLARHIDE	<i>Carl Dolclark</i>	4309 Pecan Valley	615 579-4275	N/A
Brenda Butke	<i>Brenda Butke</i>	5188 Old Hickory	615- 289-6186	brenda.butke@gmail.com
Nathan Stone Shannon Tompson	<i>[Signature]</i>	4870 Old Hickory	615-601-2082	NathanStone@aol.com
Barbara Wieg	<i>Barbara Wieg</i>	4327 Pecan Valley Rd	615-337-7943	
Melissa Spurlock Bella "	<i>Melissa Spurlock</i>	4327 Pecan Valley Rd	(615) 689-1608	mspurlock3612@gmail.com



**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Case 2019-404  
**Date:** Thursday, September 5, 2019 9:27:45 AM

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**2019-404 4341 Pecan Valley Rd Community education (k-2)**

Variance: 17.16.040A 8a, 17.16.035A

Response: Public Works takes no exception with condition to provide adequate parking and queuing space on site

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:** August 21, 2019  
**BZA Hearing Date:** September 19, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-404

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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 2019-404 Day Care Center (4341 Pecan Valley Road)**

**Request:** A Special Exception to operate a children's daycare facility in an existing single-family residential structure.

**Zoning:** Agricultural District (AR2a) requires a minimum lot size of two-acres and allows for a density of 0.5units per acre.

**Land Use Policy:** 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 Pecan Valley Road, which is north and west of the intersection of Old Hickory Boulevard and Ashland City Highway. The site has multiple structures and access points to Pecan Valley Road. The site is zoned AR2A, Agricultural Zoning, and is surrounded by Single-Family and Farm uses.

The request is to operate a day care center in an existing single-family structure. The T2-RM policy intent is to maintain the rural character and the proposal to reuse an existing structure would accomplish this. The reuse of the existing house would also limit to the operation of the daycare to a low level of intensity. The general characteristics of the T2 RM policy include institutional land uses, which is how day care center is classified, as an appropriate development pattern and consistent with the policy.

**Planning Recommendation: Approve.**

**From:** [Barry Sulkin](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [realmasonry\\_844@yahoo.com](mailto:realmasonry_844@yahoo.com); [elle@anewleafnashville.org](mailto:elle@anewleafnashville.org)  
**Subject:** Case 2019-404  
**Date:** Tuesday, September 10, 2019 8:27:36 AM

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Dear BZA,

I'm writing in support of proposal for 4341 Pecan Valley Rd by the new owner for use as a school. I suggest this allowance be limited to current owner and plan. I have lived in the area since 1978 and think this is an appropriate fit with the community.

Sincerely,

Barry Sulkin  
4443 Pecan Valley Road  
Nashville, TN 37218

Cc: Councilman Hall, Elle Harvey

Sent from my iPad



**From:** [Brenda Butka](#)  
**To:** [Board of Zoning Appeals \(Codes\): johnathan.hall@nashville.gov](#)  
**Subject:** zoning variance 2019-404  
**Date:** Tuesday, September 10, 2019 4:15:05 PM

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This is to note our support for New Leaf School at 4341 Pecan Valley Road. This small school is exactly in line with our vision for our neighborhood. Many of us remember when we had a school in the area and look forward to this one, although, of course it is quite different. The children will be spending a lot of time outside, exploring dirt and grass and bugs--just like we all did, and wish more children did today.

We don't think that the traffic for 24 students will be onerous--we lived on Pecan Valley, just two doors down from this address, for three years, and this small increase in traffic should not pose a problem.

Currently we live at 5188 Old Hickory Blvd, around the corner. Incidentally, we had a playgroup on our property when our children were small, with six children and several adults--a bit smaller than New Leaf, but the same idea.

Perfect for our area!

Brenda Butka  
Tom John

4341 Pecan Valley Rd.  
Nashville, TN 37218

September 10, 2019

Metropolitan Board of Zoning Appeals  
P O BOX 196300  
Metro Office Building  
Nashville, TN 37219

To the Board of Zoning Appeals:

We are writing to express our support for case # 2019-404, a special exception to the existing residence at 4341 Pecan Valley Rd. to be utilized to serve the community to provide high-quality early learning experiences for children as an extension of A New Leaf of Nashville.

A New Leaf of Nashville has been serving Nashville residents for their early learning needs for over 15 years. Two new teachers who wish to serve at the Pecan Valley site are Nashville natives who hold master's degrees in early childhood education from East Tennessee State University. We look forward to meeting our neighbors and treating them as friends.

In our careers, we have witnessed the benefits and satisfaction of the wider community when a small, family centered learning center is in their area. We see a demand for more opportunities for children gain knowledge and skills that many in this generation of children have lost-- aptitude with daily chores and gardening, confidence, and resilience in the face of challenge and calculated risk. We hope to gently guide the children through these experiences and frame their academic experiences while scaffolding their learning through this nature-based lens.

Early childhood education spans the ages from birth to 8, and there is a growing body of research that supports the value of small, nature-based educational programs for children in this critical developmental phase. In our many combined years of experience teaching in nature preschools and camps, we have seen this model of education meet and exceed benchmarks set forth by the Tennessee Early Learning Developmental Standards (TNELDS) and those set forth by the National Association for the Education of Young Children (NAEYC), which is widely regarded as the standard of best practices in the field of early childhood education.

We seek to be a program that welcomes all members of the community from all walks of life. It is in this spirit that we anticipate being excellent neighbors to the long-time residents of Pecan Valley Rd. The paradigm in which we work is inspired by the Reggio-Emilia philosophy from Italy, where the school program reflects the values of the immediate environment in which it exists, and in turn reflects a positive image of the world to the child, and vice versa. We believe that a partnership between children, families, the learning environment and the community is the strongest approach to raising well-rounded students who are equipped to excel in all aspects of their future academic career, and beyond.

We sincerely look forward to being your neighbors.

Yours,

Liz Meeks, MA

Catherine Borman, MA

**From:** [Nathan Stone](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [realmasonry\\_844@yahoo.com](mailto:realmasonry_844@yahoo.com)  
**Subject:** 2019-404, 4341 Pecan Valley road  
**Date:** Thursday, September 12, 2019 6:44:08 AM

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Dear Board of Zoning Appeals,

I'm writing on behalf of the proposed day care / pre school going in on Pecan Valley Rd. A New Leaf is already a reputable, successful school located in Davidson Co. Bringing it to our area of the county would do nothing but positive things for our community. We haven't had a school in Scottsboro since the Wade School closed nearly 30 years. This location would be an amazing space for children to learn and grow.

I strongly encourage you to strongly consider this proposal.

Thanks

Nathan Stone  
4870 Old Hickory Blvd  
Nashville TN 37218

—  
Nathan Stone  
[\(615\) 601-2082](tel:6156012082) Cell  
[\(615\) 436-3031](tel:6154363031) Office  
[\(615\) 690-8797](tel:6156908797) eFax

Sent from my iPhone

**From:** [RANDY WARD](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal Case # 2019-404, 4341 Pecan Valley Road, Nashville, TN  
**Date:** Wednesday, September 11, 2019 9:31:13 PM

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We are Randy and Barbara Ward at 4327 Pecan Valley Road adjacent to the subject property address 4341 Pecan Valley Road. We have owned our property for almost 34 years, raised three children there and, now our daughter lives there with her family.

My wife and daughter went to the open house on Sunday Sept. 8 and met Helene Harvey and the teachers. They toured the building and asked questions about the proposed school. This is a great place for what she plans to do and, we see no problem with it being there.

Sincerely,

Randy D. Ward



**From:** [Shannon Tompson](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Hall, Jonathan \(Council Member\)](#)  
**Subject:** Case # 2019-404 at 4341 Pecan Valley road  
**Date:** Wednesday, September 11, 2019 5:35:28 PM

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I am in full support of the preschool on Pecan Valley. Their open house on Saturday showcased a lovely space for children to learn and grow. The last school in this community closed almost 30 years ago— it is now The Old School farm to table restaurant. It will be nice to have a small preschool in the area.

Shannon Tompson  
4870 Old Hickory Blvd  
Nashville TN 37218

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'CONNORWriter's E-Mail Address: [twhite@tewlawfirm.com](mailto:twhite@tewlawfirm.com)

September 12, 2019

Emily Lamb, Secretary  
Metro Board of Zoning Appeals  
800 Second Avenue South  
Nashville, TN 37210Re: Opposition to Variance & Special Exception  
Community Education & Day Care Center  
MetZo §§17.16.164(A)(8), 17.16.170(C) & 17.40.370  
4341 Pecan Valley Road; Map & Parcel: 05600002400  
Zoning: AR2a

Dear Ms. Secretary:

This letter is submitted in opposition to the request made by 4341 Pecan Valley Road, LLC, for a variance and a special exception relating to a proposed community education facility and daycare center. Our clients, neighbors in the immediate proximity to the subject property, are opposed to both uses and the variance requested inasmuch as there is no physical feature of the property which justifies the issuance of a variance.

**The Variance Request**

The application submitted by the property owner requests permits to have both a school (community education facility) and a day care on the property at 4341 Pecan Valley Road. Ordinarily, a permit for a school may be issued by the Zoning Administrator without the necessity of coming to this board inasmuch as schools are often permitted with conditions<sup>1</sup> requiring only review by the staff. However, in

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<sup>1</sup> The Metro Zoning Ordinance (MetZo) allows uses as permitted, permitted with conditions, and special exceptions. Uses which may be permitted with conditions are reviewed by the Zoning Administrator and usually require no action from the board. Special Exceptions require the approval of the zoning board before issuance.

## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb, Secretary MBZA

September 12, 2019

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this case, one of the conditions, MetZo §17.16.040 (A) (8), is as follows:

Community education facilities shall be permitted to operate within an existing structure, regardless of lot size, subject to the following conditions:

- a. A valid use and occupancy permit was issued for the structure for use as a community education facility or a religious institution at any point within the previous five year period; and
- b. The property upon which the structure is located has not been subdivided since the cessation of the previous use as a community education facility or religious institution in such a manner as to reduce the lot size below the minimum lot size for community education facilities provided in this section.

The difficulty for the applicant is the first proviso above. There was no valid use and occupancy permit issued for the structure which the applicant intends to use as a school at any time within the last five years. As a result, the applicant has appealed to the board for a variance in order essentially to get a waiver from this requirement.

As the board is aware, a variance is a special relaxation of the applicable requirements so as to ensure that the property owner can use his or her property in the same manner as neighboring properties. But, variances in Tennessee are very restrictive pursuant to the state statutory authority. The statute, Tenn. Code Ann. § 13-7-207 (3), reads as follows:

Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this part and part 3 of this chapter would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property, authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship; provided, that such relief may be granted without substantial detriment to the public good and without substantially



## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb, Scretary MBZA  
September 12, 2019  
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impairing the intent and purpose of the zone plan and zoning ordinance.

Similarly, MetZo § 17.40.370 provides:

In accordance with Tennessee Code Annotated Section 13-7-207, the board shall not grant a variance without an affirmative finding of fact on each of the following standards based on evidence presented by the applicant.

- A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.
- B. Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.
- C. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.
- D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.
- E. No Injury to Neighboring Property. The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.
- F. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare and will not



## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb, Secretary MBZA

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substantially impair the intent and purpose of this Zoning Code.

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

By way of a quick summary, both the statute and the ordinance require that the applicant demonstrate that there is some exceptional physical feature of the subject property justifying relief, a physical feature not created by the property owner, and not based solely on financial gain; and further, that there is no harm to the neighboring properties or the public welfare. A copy of the Metro Parcel Map is attached hereto as Exhibit One.

It is perfectly clear in this case that there is no exceptional physical feature justifying relief. This is a rectangular piece of property with no topographic issues that are not present on the surrounding properties. It is not unusually narrow, shallow, or of any unusual shape. There is simply no exceptional physical feature related to this particular tract of land.

Further, since there is no exceptional physical feature of the property, the only other reason to request this variance is for financial gain. Certainly, a piece of agricultural property that did not have any prior religious or educational use on it is cheaper to buy and cheaper to operate. But that is not a basis for a variance. The applicant should instead, find an appropriate property which meets the conditions rather than asking for a variance.

Finally, the surrounding neighbors are strongly opposed to the variance because of the increase in traffic, the potential impairment of property values in the area, and the additional noise that will almost certainly accompany of the establishment of a day care center/school at this location. Thus, the neighboring properties will be adversely affected as well as the public welfare.

In short, the variance must be denied because it does not meet the requirements of either the state statute or the local zoning regulations.

## TUNE, ENTREKIN &amp; WHITE, P.C.

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## The Special Exception: Specific Requirements

As the board knows, a special exception is “a use specifically provided for in the ordinance as one to be permitted where the conditions legislatively prescribed are found, no exception to the ordinances being made. The use permitted by approval of the board of adjustment ... contingent on meeting the standards and conditions set forth in the ordinance, is more correctly termed a ‘conditional use.’” *Wright v City of Shelbyville*, 2012 WL 530 78267 (Tenn. App. October 31, 2012).

Customarily, in Tennessee, there are both specific and general standards relating to conditional uses. This particular application is subject not only to the general conditions, which we will address in a moment, but also to the particular requirements of MetZo §17.16.170(C)(1) which are as follows:

- C. Day Care Center. Day care centers shall be classified according to the ranges below. For existing facilities in residential zone districts, a special exception permit shall be required for any proposed increase which upgrades the classification.
  - 1. Class I—Thirteen to Twenty-Five Individuals.
    - a. Lot Size. The minimum lot size shall be one-half acre.
    - b. Street Standard. Driveways shall have access on any street, except on minor local streets driveway access shall only be permitted where the lot is located at the intersection of the minor local street and an arterial or collector street.
    - c. Landscape Buffer Yard. Where the outdoor play area abuts any portion of a residential zone district or district permitting residential use, screening in the form of landscape buffer yard Standard A shall be provided.

This lot is 5 acres in size which obviously meets the first requirement. But as to the other two specific requirements, this application appears to be deficient.



## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb, Secretary MBZA  
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First, as to the required street standard, while the driveway may have access on any street including a minor local street, even on a minor street, access is only permitted where the lot is located at the intersection of the minor local street and an arterial or collector street. Attached as Exhibit Two is a part of the Community Transportation Plan, which includes the Major and Collector Street Plan for Metro Nashville. There is a marker indicating the location of this property, and as can easily be seen, Pecan Valley Road is a minor local street, but it is not located at the intersection of that minor local street and an arterial or collector street. There is a collector at either end of Pecan Valley Road,<sup>2</sup> but inasmuch as this property is not situated at the intersection of either of those roads, it does not comply with the street standard requirement.

Furthermore, the landscape buffer yard is required where the outdoor play area abuts any portion of a residential zone district. On the two sides and at the rear of this property are residentially zoned tracts of land. That means that the landscape buffer yard must be placed so as to protect those surrounding residential properties. The Landscape Buffer Yard A is fully described at MetZo §17.24.240, and a copy of the relevant illustration is attached to this letter as Exhibit Three. Suffice it to say, that the width of the Standard A buffer yard ranges from 5 to 15 feet in width, and must have between 1.2 and 2.4 large trees, between .4 and .8 understory trees, and between four and eight shrubs per 100 feet of linear distance. There does not appear to be a diagram demonstrating compliance with this requirement attached to the application. In any event, given the length of the side yards, this requirement would appear to be relatively expensive.

#### The Special Exception: General Requirements

In addition there are general standards, applicable to all special exceptions, which of course also apply here and provide:

A. Burden of Proof. A special exception permit shall not be considered an entitlement, and shall be granted by the board of zoning appeals only after the applicant has demonstrated to the satisfaction of the board that all of the required standards are met.

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<sup>2</sup> Pecan Valley Road runs between the Ashland City Highway and Old Hickory Boulevard.

## TUNE, ENTREKIN &amp; WHITE, P.C.

Letter to Emily Lamb, Secretary MBZA  
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B. Ordinance Compliance. The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use set forth in this title, unless circumstances qualify the special exception for a variance in accordance with Chapter 17.40, Article VIII. Any accessory use to a special exception must receive express authorization from the board of zoning appeals.

C. Integrity of Adjacent Areas. A special exception use permit shall be granted provided that the board finds that the use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. The board shall determine from its review that adequate public facilities are available to accommodate the proposed use, and that approval of the permit will not adversely affect other property in the area to the extent that it will impair the reasonable long-term use of those properties. The board may request a report from the metropolitan planning commission regarding long-range plans for land use development.

D. Design and Architectural Compatibility. The operational and physical characteristics of the special exception shall not adversely impact abutting properties, including those located across street frontages. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access and circulation, building style and height, bulk, scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.

E. Natural Features. Special exception uses in residential zone districts must comply with the nonresidential tree protection regulations and other natural site features shall be preserved to the greatest extent possible so as to minimize the intrusion of nonresidential structures and parking areas.

F. Historic Preservation. Features of historical significance shall not be adversely affected by the granting of any special exception. The metropolitan historic zoning commission shall be consulted regarding those features essential to preserve the historical integrity of a building or site of historical significance.



## TUNE, ENTREKIN &amp; WHITE, P.C.

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G. Traffic Impact. The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area. The board of zoning appeals may require a traffic impact study for any special exception land use.

H. Repealed.

I. Hazard Protection. The proposed use shall reasonably protect persons and property from erosion, flooding, fire, noise, glare or similar hazards.

J. Special Conditions. Notwithstanding a finding by the board of zoning appeals that a special exception application satisfies the minimum development standards of this article, the board may restrict the hours of operation, establish permit expiration dates, require extraordinary setbacks and impose other reasonable conditions necessary to protect the public health, safety and welfare.

## MetZo §17.16.150

Subsection A makes clear that the burden of proving each and every requirement is on the applicant. Subsection B requires that the applicant met all of the applicable regulations including the specific standards set out for this special exception. As demonstrated above, this applicant does not meet those special requirements, particularly the requirement that the property be located at the intersection of a minor Street and arterial or collector street.

Subsection C requires that the applicant demonstrate that approval of the permit will not adversely affect other land uses in the surrounding vicinity. Most of those surrounding land uses are residential in nature and granting this special exception will have a substantial adverse effect on those properties. Traffic will undoubtedly increase, the long-term value of the properties will decrease, and by virtue of the daycare facilities and school, the general noise in the area will no doubt increase. In addition, there is concern for dropping off children and picking them up, creating traffic hazards as the cars pull into and out of the facility onto the minor local street.

While subsections D (architectural compatibility), E (natural features), & F (historic preservation), do not appear to be a problem, subsection G requires that

## TUNE, ENTREKIN &amp; WHITE, P.C.

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the applicant demonstrate that traffic will not be a difficulty as a result of approval of the permit. But that is the very reason that the specific conditions require that on a minor local street, that the day care must be at the intersection of a collector or arterial. Otherwise, traffic conditions would be more difficult along the minor local street. Therefore, it is simply impossible for the applicant to demonstrate compliance with subsection G, because the ordinance itself precludes the location of this activity at this site because of the nature of the road it fronts on.

Finally, subsection I requires that the applicant protect against hazards and one of those might be ingress and egress and traffic issues with regard to access to the property. Once again, this element is missing from the application and the requirement cannot be met.

#### Conclusion

Accordingly, the request for this variance/special exception fails to meet the requirements of MetZo, and as a result the zoning board should deny the application. This is not an appropriate location for either a school or a daycare. It fails to meet the required conditions and must be denied.

Sincerely,

TUNE, ENTREKIN, & WHITE, PC

Thomas V. White (by GAD)

Thomas V. White

GAD:dns

#### Attachments:

1. Metro Parcel View Map
2. Community Transportation Plans
3. Landscape Upper Yard Standard A

# Exhibit One





## Exhibit Two

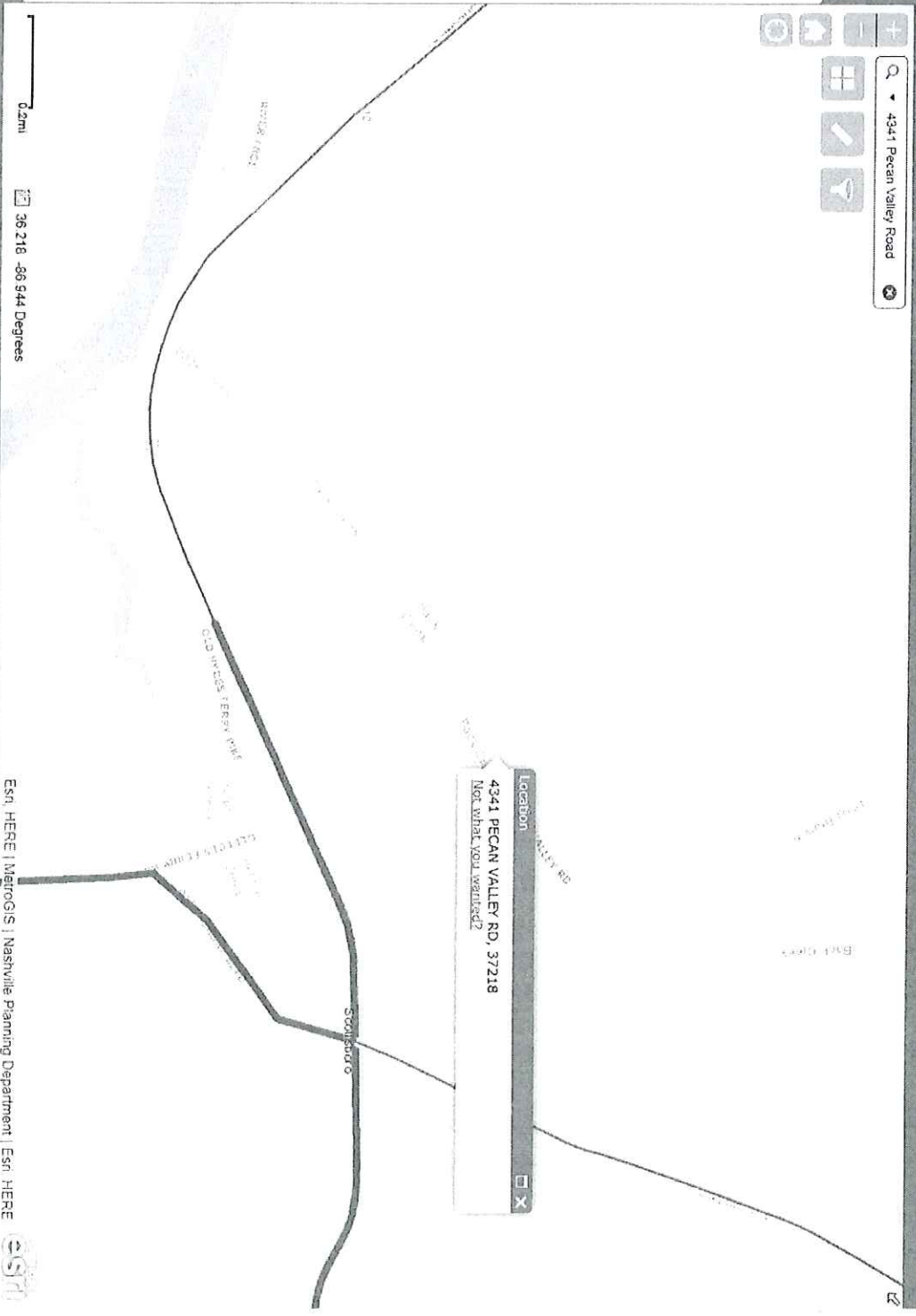
# Community Transportation Plans

Nashville Planning Department

MGSP Certified Document

## Major and Collector Street Plan

- Major and Collector Street Plan
- Arterial-Parikway Scenic
- Arterial-Boulevard Scenic
- Planned Arterial-Boulevard Scenic
- Arterial-Boulevard
- Planned Arterial Boulevard
- Collector-Avenue
- Planned Collector Avenue
- Local Streets, Alleys and Freeways
- Planned Multimodal Freeway Corridor
- Local Street
- Planned Local Street
- Downtown Local Street
- Planned Downtown Local Street
- Planned Local Alley
- Freeway or Expressway
- Ramp
- Planned Ramp



## Exhibit Three

Figure 17.24.240A  
STANDARD A—LANDSCAPE BUFFER YARDS

WIDTH

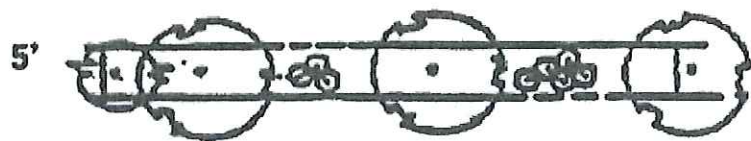
**A-1**  
**1.2 CANOPY**  
**.4 UNDERSTORY**  
**4 SHRUBS**



**A-2**  
**1.8 CANOPY**  
**.6 UNDERSTORY**  
**6 SHRUBS**



**A-3**  
**2.4 CANOPY**  
**.8 UNDERSTORY**  
**8 SHRUBS**



WITH OPAQUE FENCE

**A-4**  
**REPEALED**

Note: All examples are per 100 linear feet.



To Coucilman Jonathon Hall

District One,

It is of great concern that we submit this petition to you. There is a request for a zoning change on September 19, 2019 at the zoning appeal board at 1:00 p.m. The case number is 2019-404. The request is for a special exception to use existing residence at 4341 Pecan Valley Road, Nashville, TN 37218 as a Day Care center and Elementary School.

This is a rural area with a dangerous narrow road with no fire hydrants, and all residents are on a septic system. We, the residence of this area do not feel like this street is conducive to a school and are very much opposed to this request.

This area is also very popular for deer hunting September through January which could pose a danger since high power rifles are used for this sport.

The under signed residents of the area are extremely opposed to this request.

We would greatly appreciate your help in getting this request denied.

Respectively concerned citizens.

James A Lewis	John Page
Lynda M Lewis	<del>Michael Clark</del>
<del>Michael Clark</del>	Michael O'Leary
George Kufnager	Ben R. B. B.
Carl Palladino	Andy J. Baker
Ed Palladino	Barry L. Baker
Shirley A. Johnson	
Marjorie Gamm	
Ryan Gamm	
John W. Brown	
LANA BROWN	
John W. Brown	
John Brown	
Lana Brown	
Dylan B. Brown	
Adam Kottler	
William B. Young	
WANDA N. COOPER	
Caleb Cantrell	
EDMUND CROWDER	
Neil J. Lewis	
Rebecca Lewis	
Jonathan Miller	
Sadye Lewis	
David Babel	
Andrea Babel	
Shirley Friedberg	Kenneth W. Friedberg

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JAY Fulmer - Fulmer ENGINEERING Date: 8/6/19  
Property Owner: 1900 WARREN PARTNERS Case #: 2019-415  
Representative: JAY Fulmer Map & Parcel: 09207033400

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 REDUCE THE REAR SETBACK ALONG THE ALLEY FROM 20' TO 10' TO CONSTRUCT A MEDICAL OFFICE BUILDING. SITE CURRENTLY HAS 0' SETBACK BUT IS BEING REZONED. IT IS CURRENTLY

Activity Type: NEW CONSTRUCTION

Location: 627 19th Ave. N.

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: REZONING TO MCL-A CANNOTS 20' REAR SETBACK

Section(s): 17.12.020D

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.

JAY Fulmer - Fulmer ENGINEERING  
Appellant Name (Please Print)

JAY Fulmer  
Representative Name (Please Print)

2002 RICHARD JONES RD  
Address SITE C304

2002 RICHARD JONES RD C304  
Address

NASHVILLE, TN 37215  
City, State, Zip Code

NASHVILLE, TN 37215  
City, State, Zip Code

615-345-3771  
Phone Number

615-345-3771  
Phone Number

JAY@FULMENEING.COM  
Email

JAY@FULMENEING.COM  
Email

Examiner: C. Harper

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**



3699065

**ZONING BOARD APPEAL / CAAZ - 20190047019  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 09207033400

APPLICATION DATE: 08/06/2019

**SITE ADDRESS:**

627 19TH AVE N NASHVILLE, TN 37203

LOT 2 JOHNNY-REB CORPORATION PROPERTY

PARCEL OWNER: 1900 WARNER PARTNERS, LLC

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

requesting variance to reduce the rear setback from 20' to 10'/

*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.)

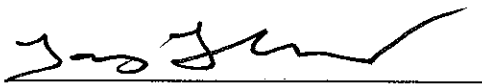
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

  
\_\_\_\_\_  
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?**

DUAL ROAD FRONTAGE WITH SIGNIFICANT TOPOGRAPHY CONSTRAINTS LIMIT LAYOUT AND FUNCTIONALITY. THE USE REQUIRES BUILDING WING ORIENTATIONS FOR PATIENT VISIBILITY AND TRAVEL DISTANCE. WITH INDUSTRIAL ZONING, THERE IS 0' SETBACK. THE PROPERTY IS BEING REZONED TO ALLOW THE USE, BUT THE NEW ZONING HAS 20' REAR SETBACK.

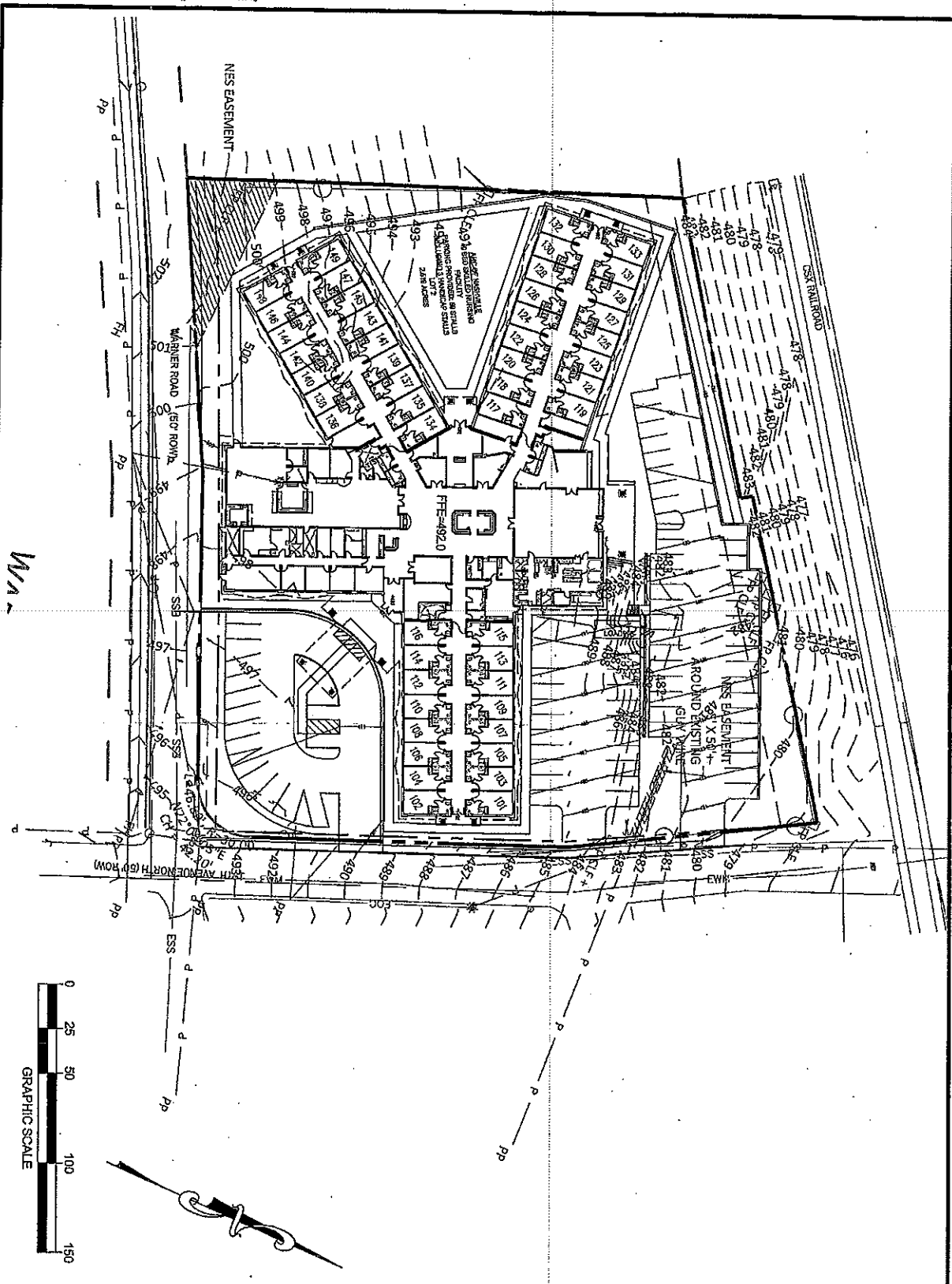
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Tuesday, August 6, 2018  
Z:\1110\_Towny\16 - Warner S/CAD\Sheets\110-16\_Site Plan - 11x17.dwg



<b>EXH</b>	<b>CONCEPTUAL SITE PLAN</b>	 <b>FULMER</b> ENGINEERING 2002 RICHARD JONES RD - SUITE C304 NASHVILLE, TENNESSEE 37215 INFO@FULMERENG.COM - (615) 345-3770
	EXHIBIT FOR: <b>WARNER STREET</b> CITY, COUNTY, STATE ZIP	

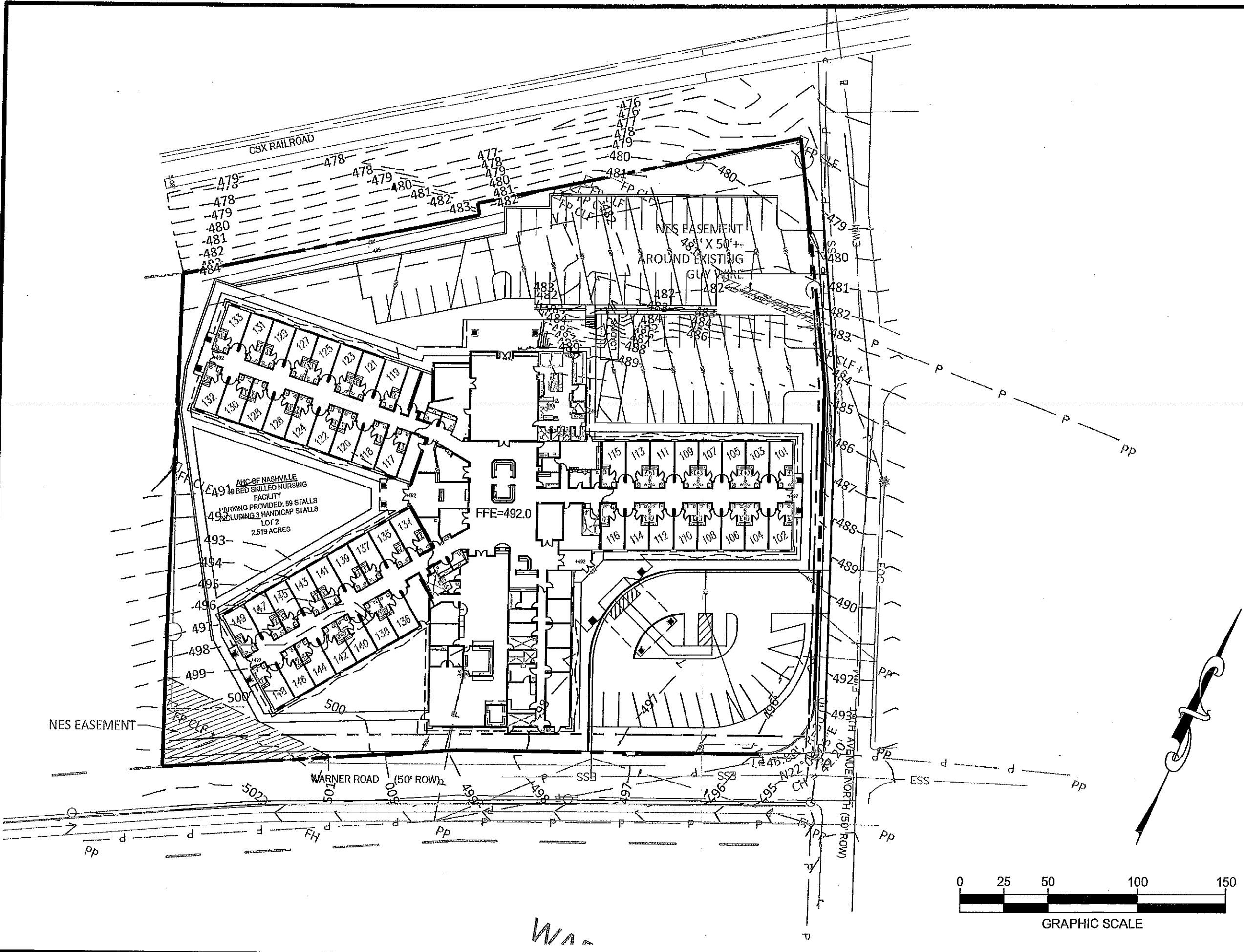


2002 RICHARD JONES RD - SUITE C304  
NASHVILLE, TENNESSEE 37215  
INFO@FULMERENG.COM - (615) 345-3770

CONCEPTUAL SITE PLAN

EXHIBIT FOR:  
**WARNER STREET**  
CITY, COUNTY, STATE ZIP

EXH



Tuesday, August 6, 2019  
Z:\1110\_Tovey\18 - Warner S/CAD\Sheets\1110-18\_Site Plan - 11x17.dwg



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:** October 7, 2019  
**BZA Hearing Date:** October 17, 2019  
**Re:** Planning Department Recommendation for Special Exception Cases

---

Pursuant to Section 17.40.340 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following special exception case:

## **Case 2019-415 (627 19<sup>th</sup> Avenue North) - Special Exception**

**Request:** To approve a special exception from the required rear yard setback requirement.

**Zoning:** Commercial Service-Alternative is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**Land Use Policy:** D Industrial (D IN) is intended to maintain, enhance, and create industrial districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

**Existing Context:** The property is approximately 2.52 acres and is located at the northwest corner of Warner Street and 19<sup>th</sup> Avenue North. The rear of the site abuts a railroad track along the northern property line. The surrounding area has primarily developed with industrial and institutional uses, and some vacant parcels.

### **Planning Department Analysis:**

The applicant is requesting a special exception:

- To allow for a reduction in the rear yard setback from 20 feet to 10 feet.

This site was recently rezoned from Industrial Restrictive (IR) to Commercial Service- Alternative (CS-A) zoning. The development standards of CS-A zoning require a 20 foot rear setback. The requested special exception is to allow a reduction in the required rear yard setback to 10 feet.

The District Industrial (D-IN) policy supports a variety of setbacks based on location, proximity to less intense policy areas, access, etc. The policy to the east, north and west of the site is District Industrial (D-IN). The policy to the south is Civic (CI) policy. The primary intent of Civic policy is to preserve and enhance existing publically owned properties that are used for civic purposes so that they can continue to serve public purposes over time.

The request to reduce the rear setback is consistent with the D-IN policy as setbacks in this policy vary based on a variety of factors. The request would not likely have a negative impact on the surrounding properties to the north, given that this property abuts a railroad track along the northern property line.

**Planning Recommendation:** Approve.



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 Oakwood 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@lbxinvestments.com Email address: blutz@gbtreatly.com

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

NO site plan OK  
Per Emily



**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**

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?**

THERE IS NO ACCESSED VALUE TO DETERMINE IF THE SIDEWALK  
WOULD BE REQUIRED

## 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 where not precluded by parking or other development features 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



Appellant: Shane Teeters

Date: 8-23-19

Property Owner: Meridian Con. Co.

Case #: 2019-449

Representative: Shane Teeters

Map & Parcel: 91-5-40

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 lot size variance of 700 SF to allow for HPR construction. Zoning requires 8,000 SF and lot has only 7,300 SF

Activity Type: New Construction - HPR

Location: 205 Rios Ave.

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

Reason: Does not meet minimum lot size

Section(s): 12.12.020 (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.

Meridian Construction  
Appellant Name (Please Print)

D. Shane Teeter  
Representative Name (Please Print)

224 Marcia Ave  
Address

224 Marcia Ave  
Address

Nashville TN 37209  
City, State, Zip Code

Nashville TN 37209  
City, State, Zip Code

615-477-3794  
Phone Number

615-477-3794  
Phone Number

Shane t@mcc tn.net  
Email

Shanet@mcc tn.net  
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**



3705090

**ZONING BOARD APPEAL / CAAZ - 20190050956  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09105004000**APPLICATION DATE:** 08/23/2019**SITE ADDRESS:**

705 RIES AVE NASHVILLE, TN 37209

LOT 53 SEC 1 MOSS WOOD

**PARCEL OWNER:** MERIDIAN CONSTRUCTION COMPANY, LI**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting lot size variance to allow for HPR construction. 8000Sf required and lot is currently 7300SF, will be a 700SF variance.

*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.)

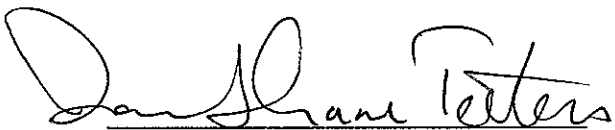
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

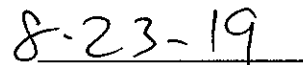
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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**



**DATE**



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

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

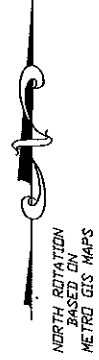
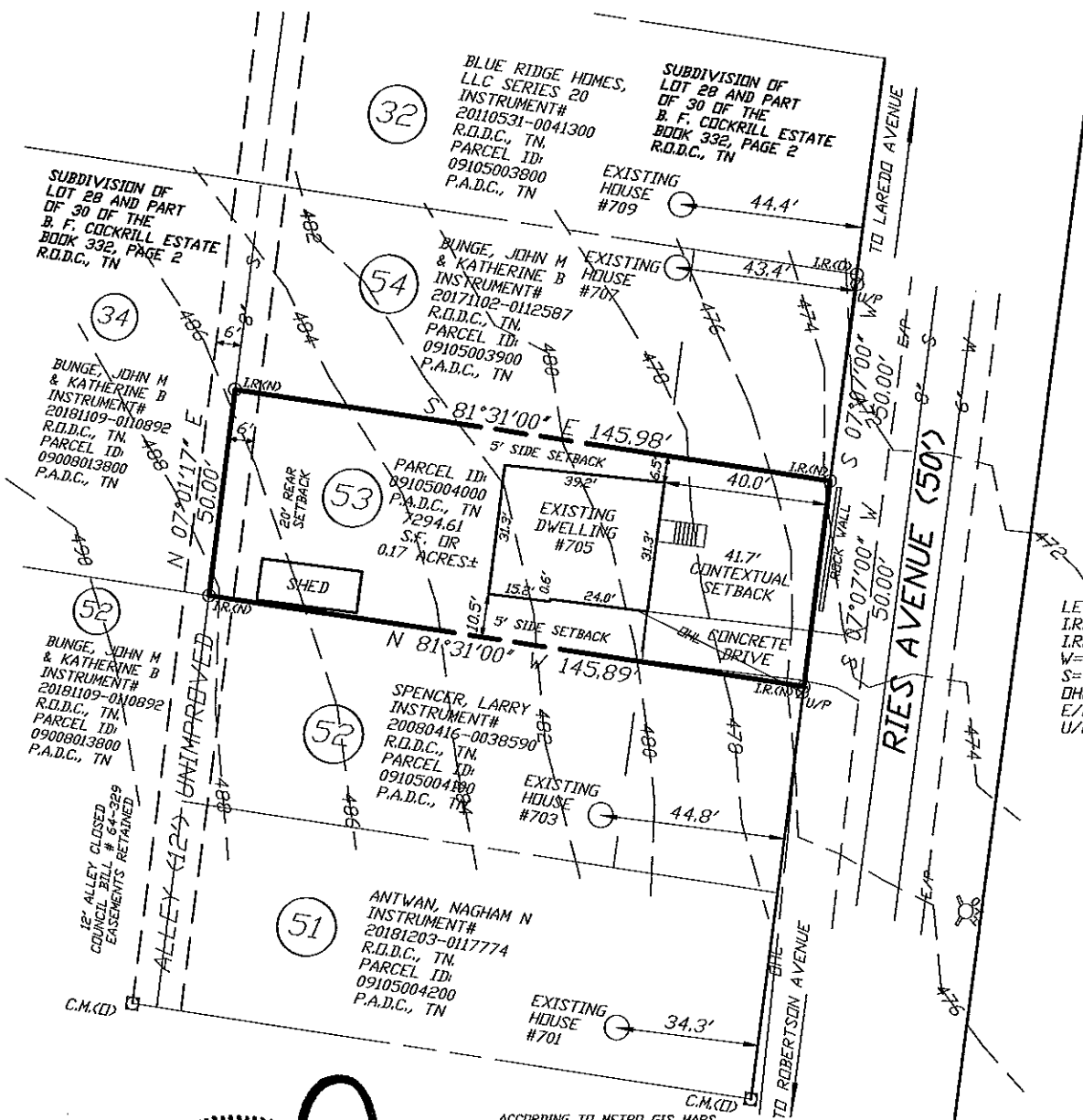
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

This Parcel # 09105004000 is zoned R-8  
the SQ FT is 7294.61 SF

This STREET And ADJacent streets  
are being revitalized by tearing down  
and building 1 or 2 units per building lot.

This lot is approximately 700 SQ FT  
less than the 8000 SQ FT Minimum  
or 8000. We request a variance  
to Build an attached -2 unit Building.  
 (Duplex).



**LEGEND**  
 I.R.(C/D)=IRON ROD (OLD)  
 I.R.(N)=IRON ROD (NEW)  
 W=WATER LINE (RECORD)  
 S=SEWER LINE (RECORD)  
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 E/P=EDGE PAVEMENT  
 U/P=UTILITY POLE

**JOHN ALAN HOOD**  
 LAND SURVEYOR  
 TENNESSEE NO. 1838  
 3-20-19

ACCORDING TO METRO GIS MAPS  
 PROPERTY IS ZONED R8  
 SETBACKS FOR R8 ZONING TAKEN FROM  
 DISTRICT BULK TABLES TITLE 17 'ZONING'  
 CHAPTER 17.12

FRONT = STREET AVERAGE  
 SIDES = 5'  
 REAR = 20'  
 VERIFY SETBACKS WITH CODES BEFORE  
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 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 0236 H  
 EFFECTIVE DATE = 4-5-17

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 CONTACT THE TENNESSEE DINE CALL SYSTEM  
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PREPARED BY:  
 CAMPBELL, McRAE  
 & ASSOCIATES,  
 SURVEYING, INC.  
 P.O. BOX 41153  
 NASHVILLE, TN, 37204  
 PH. 615-298-2424  
 EMAIL cmas@att.net

**BOUNDARY SURVEY**  
 LOT 53, MISS WOOD SUBDIVISION  
 BOOK 2663, PAGE 102 R.O.D.C., TN.  
 PROPERTY LOCATED IN THE 20TH  
 COUNCIL DISTRICT OF NASHVILLE,  
 DAVIDSON COUNTY TENNESSEE  
 ON THE WESTERLY MARGIN OF  
 RIES AVENUE, SOUTH  
 OF LAREDDO AVENUE  
**PROPERTY ADDRESS:**  
 705 RIES AVENUE,  
 NASHVILLE, TN, 37209  
**DEED REFERENCE:**  
 INSTRUMENT #20080812-0082893  
 R.O.D.C., TN.  
**PARCEL ID:**  
 09105004000 P.A.D.C., TN.  
 DATE : 3-20-19  
 SCALE : 1"=40'  
**PREPARED FOR:** SHANE TEETERS

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  
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 EXAMINERS FOR LAND SURVEYORS.

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





705 R 705 Ries Ave  
Nashville, TN 37209  
36.16°N, 86.87°W



705 Ries Ave

Google

2D  
+ -



705 R 705 Ries Ave  
Nashville, TN 37209  
36.16°N, 86.87°W



Google

2D  
+ -  
[Navigation icons: person, compass, globe]



Appellant- Shane Teeters owner–

Address 705 Ries Ave. Nashville, 37209

Date 9-12-19

Requesting variance from minimum lot size requirement in the R8 District to construct one structure duplex serving as unit A and unit B on one parcel.

To whom it may concern,

I understand that the lot in question, #53 of Moss wood subdivision addressed as 705 Ries Ave, is a non- conforming lot falling short of 8000 sq. ft. My compiling argument is that as you consider all the newly built homes on this street since 2016, the pattern has been to tear down original home and build back 2 new homes. This has been very positive not only for the neighborhood, but also for Nashville in providing much needed affordable housing. Currently this lot has the original house (built in 1962) and detached large garage. The existing building footprint of combined structures is 4765 sq. ft. My proposed footprint for new structure is 2942 sq ft which is a net decrease of 1823 sq. ft. I will honor all setbacks and sidewalk requirements as well as provide a landscaped backyard with 8 or more 2inch caliber mature trees. In the past, I have worked with organizations like Nashville Housing Fund to provide high quality affordable housing. I am excited to see this scenario being done currently on Ries Ave. I thank you for your consideration.

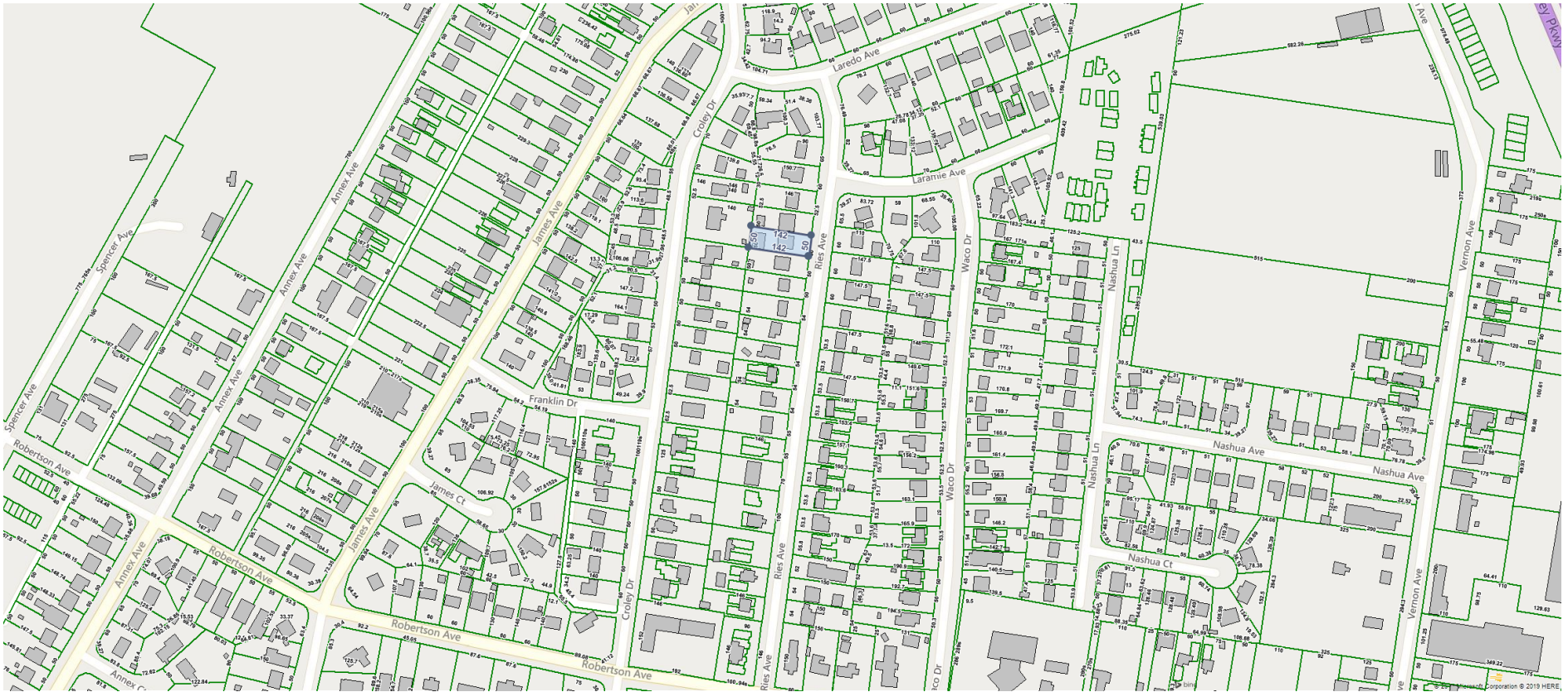
Sincerely,

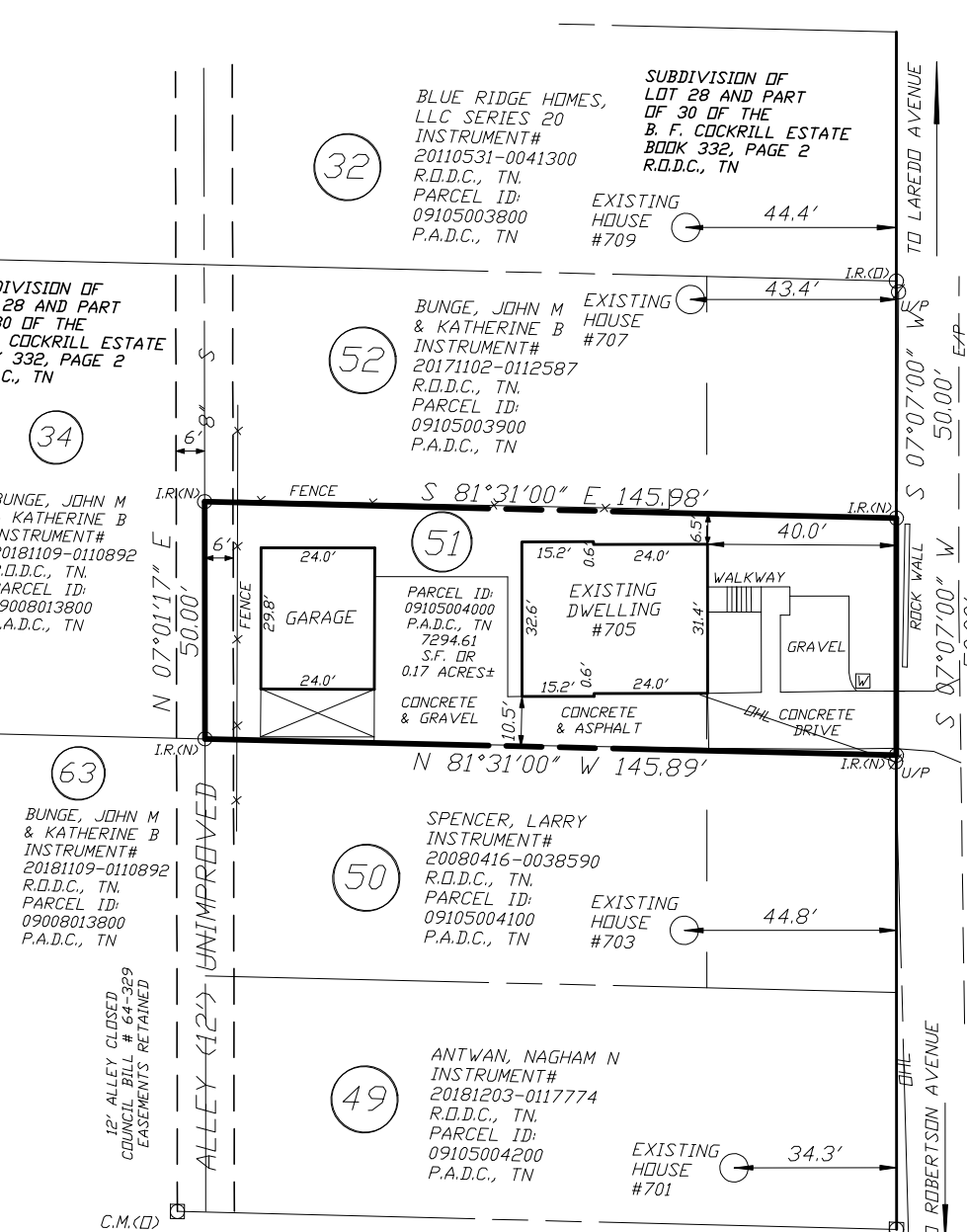
Shane Teeters – Meridian construction



# GREEN IS NEW BUILDS

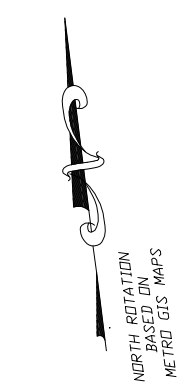
Map for Parcel Address: 705 Ries Ave Nashville, TN 37209-1226 Parcel ID: 091-05-0-040.00





**SITE DATA**  
 ORIGINAL  
 PARCEL ID  
 09105004000  
 P.A.D.C., TN  
 7294.61  
 S.F. OR  
 0.17 ACRES±

**EXISTING I.A.**  
 HOUSE = 1249 S.F.  
 GARAGE = 954 S.F.  
 DRIVE &  
 WALKWAY = 2562 S.F.  
**TOTAL EXISTING I.A.**  
**4765 S.F.**



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**BOUNDARY SURVEY**  
 LOT 53, MOSS WOOD SUBDIVISION  
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 OF LAREDD AVENUE  
**PROPERTY ADDRESS:**  
 705 RIES AVENUE,  
 NASHVILLE, TN., 37209  
**DEED REFERENCE:**  
 INSTRUMENT #20190520-0047208  
 R.O.D.C., TN.  
**PARCEL ID:**  
 09105004000 P.A.D.C., TN.  
 DATE : 3-20-19  
 SCALE : 1"=40'  
**PREPARED FOR:**  
 MERIDIAN CONSTRUCTION  
 COMPANY, LLC



I HEREBY CERTIFY THAT THIS IS  
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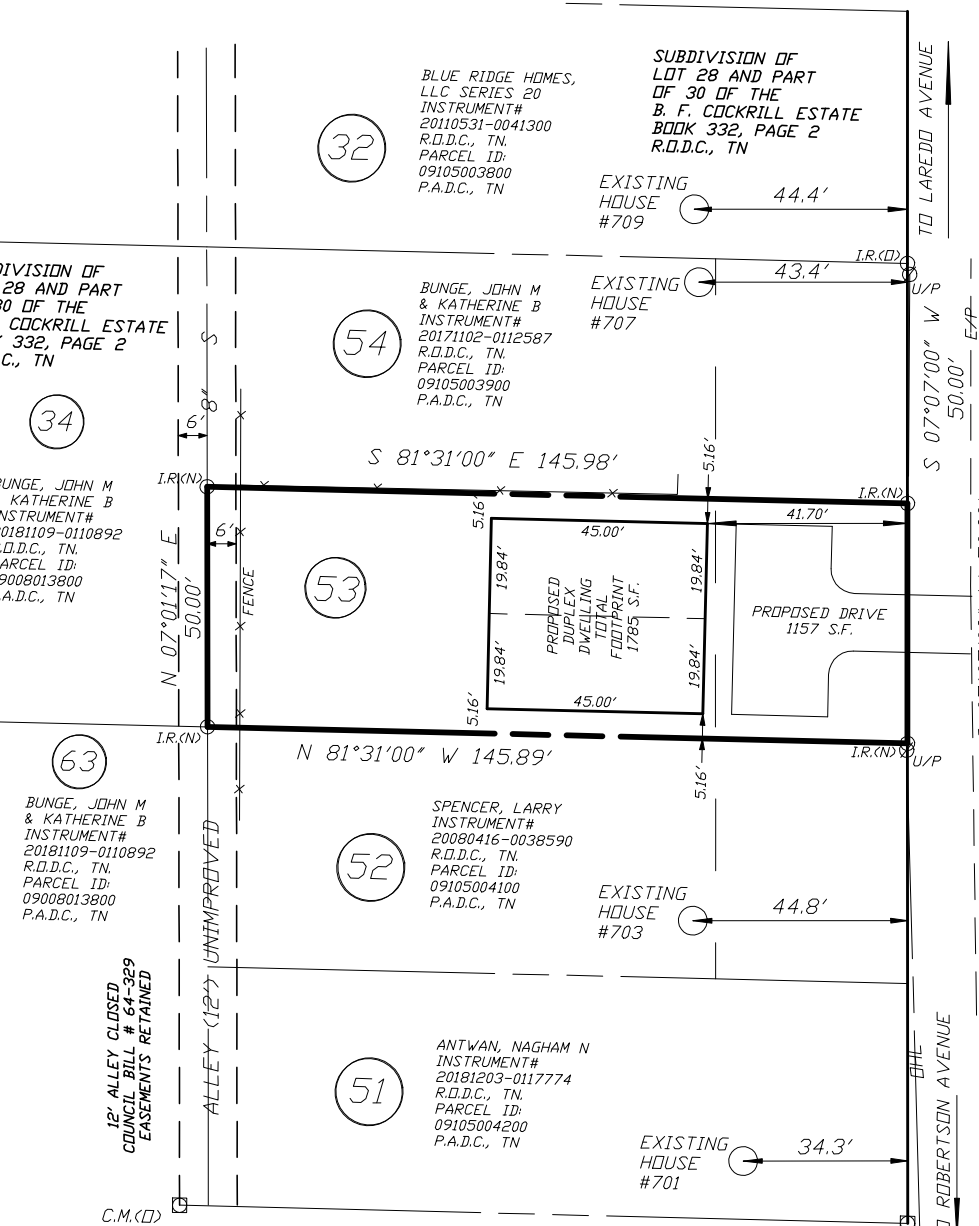
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PREPARED BY:  
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 & ASSOCIATES,  
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 P.O. BOX 41153  
 NASHVILLE, TN., 37204  
 PH. 615-298-2424  
 EMAIL cmas@att.net



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 7294.61  
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**TOTAL EXISTING I.A.**  
**4765 S.F.**

**PROPOSED I.A.**  
 HOUSE 1785 S.F.  
 DRIVE 1157 S.F.  
**TOTAL PROPOSED I.A.**  
**2942 S.F.**

4765-2942=1823  
**NET I.A. DECREASE**  
**1823 S.F.**

**SITE PLAN**

LOT 53, MOSS WOOD SUBDIVISION  
 BOOK 2663, PAGE 102 R.O.D.C., TN.  
 PROPERTY LOCATED IN THE 20TH  
 COUNCIL DISTRICT OF NASHVILLE,  
 DAVIDSON COUNTY TENNESSEE  
 ON THE WESTERLY MARGIN OF  
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**PROPERTY ADDRESS:**  
 705 RIES AVENUE,  
 NASHVILLE, TN., 37209

**DEED REFERENCE:**  
 INSTRUMENT #20190520-0047208  
 R.O.D.C., TN.

**PARCEL ID:**  
 09105004000 P.A.D.C., TN.

**DATE:** 3-20-19

**SCALE:** 1"=40'

**PREPARED FOR:**  
 MERIDIAN CONSTRUCTION  
 COMPANY, LLC



ACCORDING TO METRO GIS MAPS  
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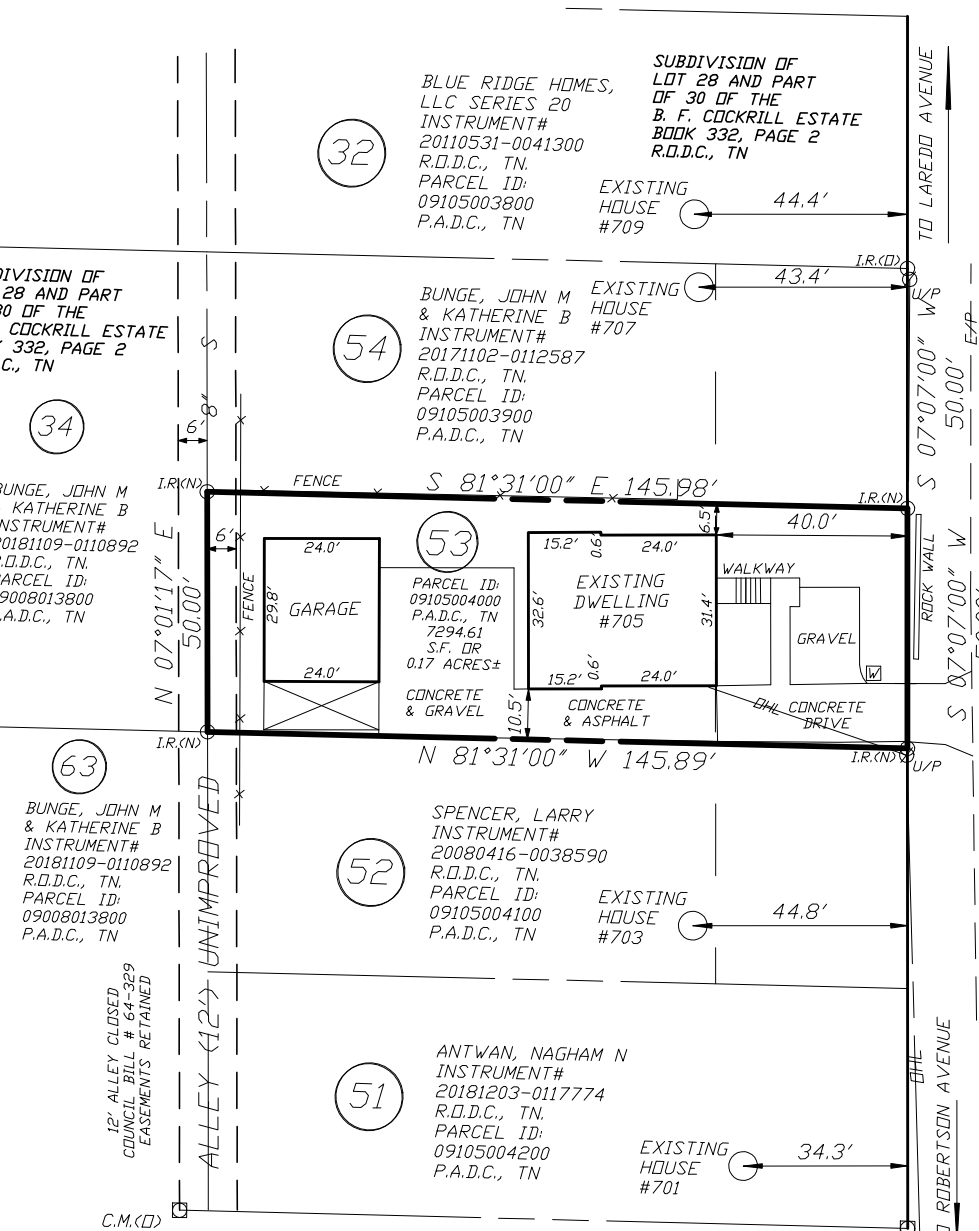
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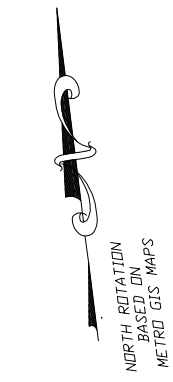
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ALAN HOOD



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Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Claudia Russell

Date: 8/28/19

Property Owner: Claudia Russell

Case #: 2019- 451

Representative: Claudia Russell  
Michael Russell

Map & Parcel: 0920401330

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 convert single family  
RESIDENCE BACK INTO A DUPLEX.  
INTERIOR RENOVATIONS

Activity Type: BES. RENOVATION

Location: 2715 MORGANA

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

Reason: ITEM A -

Section(s): 17.40.180

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

Claudia Russell  
Appellant Name (Please Print)

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

2715 Morgana St  
Address

\_\_\_\_\_  
Address

Nash, TN 37208  
City, State, Zip Code

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

615-268-0364  
Phone Number

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

drwallace2002@yahoo.com  
Email

\_\_\_\_\_  
Email

BS  
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



3706636

**ZONING BOARD APPEAL / CAAZ - 20190051912**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 09206013300

APPLICATION DATE: 08/28/2019

**SITE ADDRESS:**

2715 MORENA ST NASHVILLE, TN 37208  
PT. LOT 353 BLK. 22 HEFFERMAN PLACE

PARCEL OWNER: RUSSELL, CLAUDIA F. &amp; MICHAEL A. SR. &amp;

CONTRACTOR:

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

Item A Appeal per 17.40.180. For Interpretation Against The Zoning Administrator and Non-Complying/Non Conforming Use.

Requesting to convert existing single family residence back into a Duplex for use by 2 adult siblings. Property was rezoned to RS5 in January, 2006. No NES meter records, lease agreements or documentation submitted to review use as a Duplex.

No application started

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

---

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

Inspection requirements may change due to changes during construction.

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

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of our request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of the property within 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.**

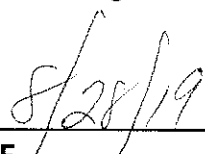
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Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

  
 \_\_\_\_\_  
 DATE



**Butler, Lisa (Codes)**

---

**From:** C. Wallace <drwallace2002@yahoo.com>  
**Sent:** Wednesday, August 28, 2019 10:03 AM  
**To:** Butler, Lisa (Codes)  
**Subject:** The original structure was build as a duplex and I would like the...

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

The original structure was build as a duplex 2715 Morena Street Nashville Tn. and I would like the structure to return to its original floor plan. It has two of everything including kitchens. We would like to change it back without rezoning so we my brother and I can live separately in the structure. No exterior structural changes are needed.

Claudia Russell  
Micheal Russell

August 28, 2019

Sent from my iPhone



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



Appellant: Robyn L. Morshead  
Property Owner: v  
Representative: u

Date: 8-28-2019  
Case #: 2019-452  
Map & Parcel: 118-2-156

Council District 17

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

Purpose: Requesting lot size variance to allow for duplex construction. Lot does not meet minimum lot size. (Lot legally created via plat dated Nov 1940.)

Activity Type: New Construction

Location: 811 Horner Ave

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

Reason: Does not meet minimum lot size

Section(s): 17.12.020 (A)

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

Robyn L. Morshead  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

811 Horner Ave  
Address

Address

Nashville, TN 37204  
City, State, Zip Code

City, State, Zip Code

(615) 668-0169  
Phone Number

Phone Number

robyn.morshead@gmail.com  
Email

Email

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**



3706653

**ZONING BOARD APPEAL / CAAZ - 20190051924  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 11802015600

APPLICATION DATE: 08/28/2019

## SITE ADDRESS:

811 HORNER AVE NASHVILLE, TN 37204  
LOT 48 KIRKWOOD HGTS

PARCEL OWNER: MORSHEAD, ROBYN L

CONTRACTOR:

## APPLICANT:

## PURPOSE:

REQUEST TO BUILD DUPLEX ON PARCEL WITH 9,420 SQUARE FEET OF AREA.

REJECTED: PER 17.12.020A MINIMUM LOT AREA IS 10,000 SQUARE FEET.

*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.

RIA Woodhead  
**APPELLANT**

8/28/2019.  
**DATE**

## Standards for a Variance

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

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

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

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

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

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

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

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

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



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

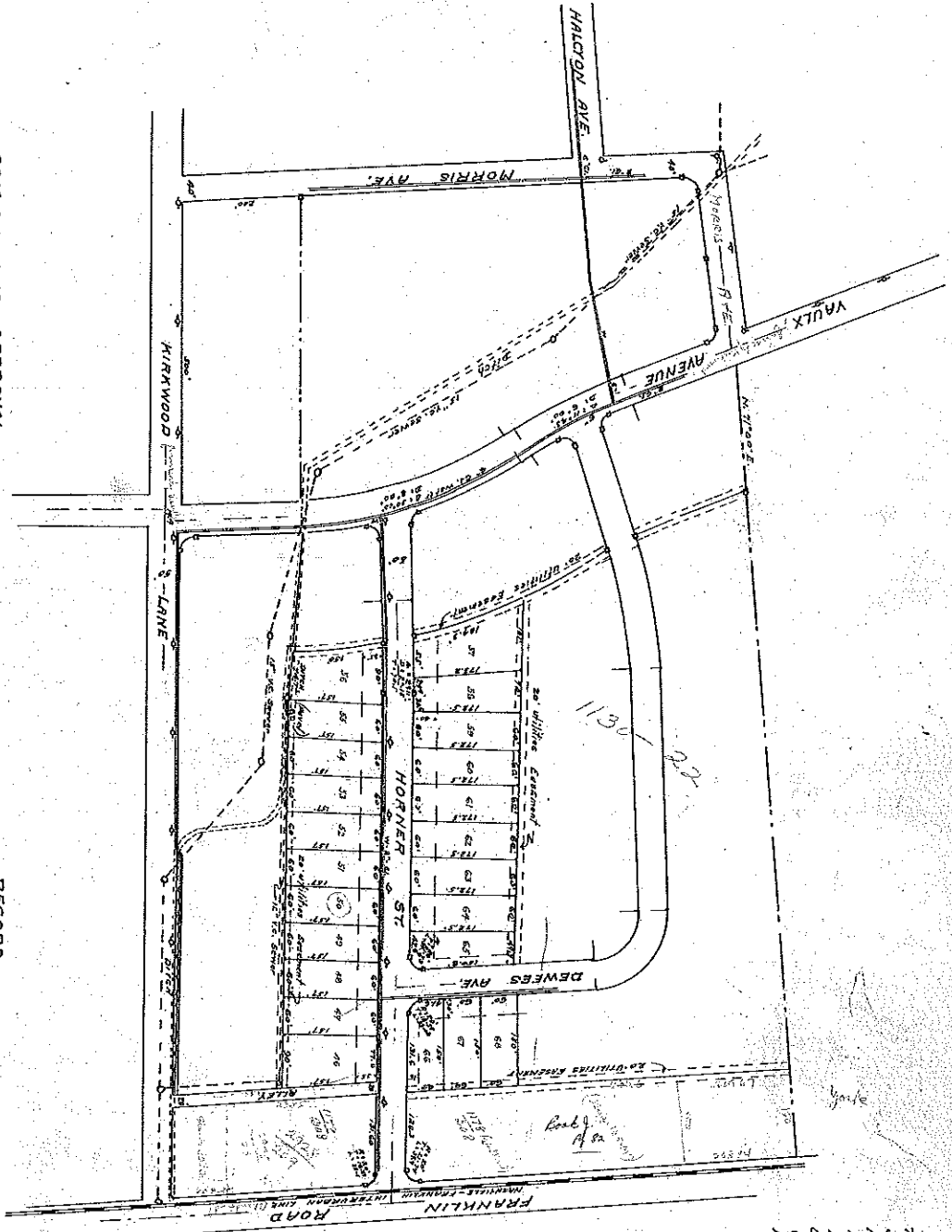
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

My lot is short the required square footage  
but zoned properly to build a duplex.

My property (1Dt) was legally created via  
plat dated Nov 1940. prior to existing zoning



- LEGEND**
- Tract Boundary ————
  - Street Lines ————
  - Interior Lot Lines ————
  - Building Lines ————
  - Iron Stake Corner ————
  - Concrete Monument ————
  - Contour Lines ————
  - Easement Lines ————
  - Water ————
  - 6" x 8" ————
  - 8" x 8" ————
  - 10" x 10" ————
  - Power ————
  - Telephone ————
  - Shed ————
  - Shed ————
  - Shed ————

**COMMISSIONS APPROVAL**  
 Approved by the Davidson County Planning Commission by resolution dated: Nov. 7, 1920.  
 By: *W. H. Hinkle*  
 Engineer Secretary

**OWNER'S CERTIFICATE**  
 I hereby certify that I am the owner and adopt the plan of subdivision of the property as shown herein and declare all public ways and easements as indicated.  
 Name: Home Mortgage Co.  
 Address: 500 W. 10th St.  
 By: G. P. Feldman

**RECORD**  
 Recorded Nov. 8, 1920. Book 1130, page 18, of the Register's Office of Davidson County, Tennessee.  
 We hereby certify that the plat shown herein is correct and that approved measurements shown have been placed as indicated.  
 Name: Blanchard & Parrish, Engrs.  
 Address: Nashville, Tenn.

Received for Record Nov. 8, 1920. at 10:28 o'clock am

**MAP OF**  
**KIRKWOOD HEIGHTS**  
**THE W. T. BERRY ESTATE**  
**SECTION NO. 4**  
**HONE MEAT GRASS COMPANY, INC.**

SCALE: 1" = 100'

BLANCHARD & PARRISH ENGINEERS  
 NASHVILLE, TENNESSEE  
 DRAWN BY: DATE: NOV. 17, 1920  
 CHECKED BY: V. G. A. NOV. 2, 1920, FILE

1130-18

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** District 17 positions for Oct. 17 meeting  
**Date:** Wednesday, October 9, 2019 9:15:33 AM

---

Good morning,

Below are my positions on D17 appeals for the Oct. 17 meeting:

2019-450: **Strongly oppose** this STRP appeal

2019-452: **Support** this variance request, as the lot is barely shy of the minimum lot size requirement

2019-463: **Neutral** on this setback reduction request

Thanks,

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 : Matthew Strader  
Property Owner: " "  
Representative: " "

Date: 8-29-19  
Case #: 2019-455  
Map & Parcel: 21-10-155

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: Special Exception to construct addition to existing Kennel.

Activity Type: Commercial - Addition

Location: 1285 Brick Church Pike

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

Reason: Special Exception for Kennel

Section(s): 17.16.175 (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.

Matthew Steaser  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

1108 Fern Ave.  
Address

Same  
Address

Nashville, TN  
City, State, Zip Code

Same  
City, State, Zip Code

615 491-4243  
Phone Number

Same  
Phone Number

Matthew@redartsinc.com  
Email

Same  
Email

Zoning Examiner: CH

Appeal Fee: \$200.00





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



3707310

**ZONING BOARD APPEAL / CAAZ - 20190052395**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 07110015500

APPLICATION DATE: 08/29/2019

**SITE ADDRESS:**

1225 BRICK CHURCH PIKE NASHVILLE, TN 37207  
PT LOTS 16 17 18 19 & 20 EAST VIEW SUB

PARCEL OWNER: STRADER, MATTHEW

CONTRACTOR:

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

requesting special exception to construct addition to existing kennel.

*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 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 Friday prior to the public hearing to be included in the record. You must provide eight (8) copy of your information to staff.

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

  
\_\_\_\_\_  
APPELLANT

  
\_\_\_\_\_  
DATE

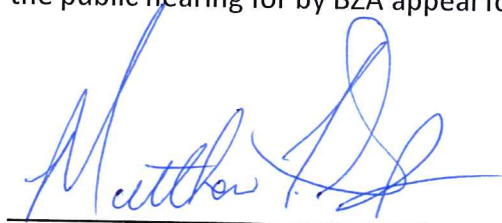
## SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1,000 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

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

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

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



**APPELLANT (OR REPRESENTATIVE)**



**DATE**

Peace-Love-Paws Nashville  
1221 Brick Church Pike  
Nashville, TN 37207  
615 491-4243

Metropolitan Board of Zoning Appeals,

We come before you to ask for a "Special Exemption" for property located at 1225 Brick Church Pike. This property is zoned CL, and we are asking to be permitted to build an addition to an existing Kennel located at 1221 Brick Church Pike. This addition is permitted on CL zoned property by "Special Exemption". (Section 17.08.030 Land Use Table)

Since our opening of the Kennel named Peace-Love-Paws Nashville at 1221 Brick Church Pike a year ago, we have had overwhelming support from the Community, and find ourselves operating at full capacity. The need for more space, to support the demand from the Community, is why we are requesting a "Special Exemption".

We are incredibly glad and thankful that our services have been so well received in our Community, and wish to create more kennel space to further service the Community.

Sincerely,  
Matthew Strader  
Property Owner  
615 491-4243

Enclosures:  
Letter to BZA  
Land Use Table  
Site Plan





**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Cases 10-17-19 Hearing  
**Date:** Thursday, September 19, 2019 9:28:16 AM

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Below are the cases requested for the 10-17-19 BZA hearing.

**2019-455 1225 Brick Church Construct Additional Kennel Space**

Variance: 17.16.175A

Response: Public Works takes no exception with 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.

**2019-457 6210 Nolensville Pike Use Existing Structure as a 4 Unit Apartment**

Variance: 17.40.180

Response: Public Works takes no exception with 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.

**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:** October 5, 2019  
**BZA Hearing Date:** October 17, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-455

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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 2019-455 Kennel (1225 Brick Church Pike)**

**Request:** A Special Exception to expand a dog kennel use onto an undeveloped parcel by constructing a 2,880 square foot addition onto an existing building.

**Zoning:** Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

**Land Use Policy:** T4 Urban Mixed Use Neighborhood (T4 MU) is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

**Supplemental Policy:** This site is located within the Haynes Trinity Small Area Plan area of the Bordeaux-Whites Creek - Haynes Trinity Community Plan area. The intent of the supplemental policy is intended to create and enhance neighborhoods with greater housing choice, improved connectivity, and more creative, innovative, and environmentally sensitive development techniques. The policy calls for improvement of the existing street, sidewalk, bikeway, and stormwater infrastructure to T4 Urban Transect standards through new private-sector development.

**Planning Department Analysis:** The subject site is located on the east side of Brick Church Pike, near its intersection with Fern Ave. The site is located adjacent to Interstate 24/65 and is undeveloped. The parking for the building is in front of the building, adjacent to the street. The surrounding sites are zoned for Commercial Neighborhood (CN), Commercial Limited (CL), Commercial Service (CS), and Specific Plan. The surrounding uses are industrial in nature.

The request is to construct an addition to the existing commercial building. The existing kennel use is located on an adjacent property zoned SP. The proposal is to extend the building on the parcel to the north zoned CL. The land use policy for this area is T4 Urban Mixed Use Neighborhood and encourages a mixture of uses, including commercial. The expansion of the existing kennel use is consistent with the land use policy's intent to have commercial services that serve the surrounding neighborhood.

**Planning Recommendation: Approve.**



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF METRO AND DAVIDSON COUNTY



Appellant: Patsy S Claude  
Property Owner: Patsy S Claude  
Representative: JACQUELINE KELLY

Date: 9/3/19  
Case #: 2019-457  
Map & Parcel: 17300006800

Council District 31

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

Purpose: To continue use of existing structure on front of property as a 4 unit apartment efficiencies. No construction permit for current use

Activity Type: Commercial Use - NOT ALLOWED in ARZA

Location: 6210 Nolensville Pike

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: Item A

Section(s): 17.40.180

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

Patsy Claude  
Appellant Name (Please Print)

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

6210 Nolensville PK  
Address

\_\_\_\_\_  
Address

Nash TN 37211  
City, State, Zip Code

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

615 710 0522  
Phone Number

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

JKELLY220@COMCAST.NET  
Email

\_\_\_\_\_  
Email

Zoning Examiner: JB

Appeal Fee: \$200

\* (CDO)  
CORRIDOR  
DESIGN  
OVERLAY

**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** BZA Cases 10-17-19 Hearing  
**Date:** Thursday, September 19, 2019 9:28:16 AM

---

Below are the cases requested for the 10-17-19 BZA hearing.

**2019-455 1225 Brick Church Construct Additional Kennel Space**

Variance: 17.16.175A

Response: Public Works takes no exception with 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.

**2019-457 6210 Nolensville Pike Use Existing Structure as a 4 Unit Apartment**

Variance: 17.40.180

Response: Public Works takes no exception with 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.

**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:** [George Bell](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case # 2019-457  
**Date:** Thursday, September 26, 2019 10:22:37 AM

---

I support Ms. Claude's appeal.

Thanks

George Bell  
8045 Bienville DR. Y4  
Nashville, TN 37211

James & Lori Newman  
7860 Heaton Way  
Nashville, TN 37211

September 24, 2019

Attention: Board of Zoning  
Metro Office Building  
PO Box 196300  
Nashville, TN 37219-6300

Case #: 2019-457  
Address: 6210 Nolensville Pike  
Map Parcel #: 17300006300  
Zoning Classification: AR2A  
Council District: 31  
Public Hearing Date: Thursday, 10/17/19

To whom it may concern:

I received the attached Zoning letter sent to neighboring owners regarding map parcel #17300006300. As a homeowner near this property, we DO NOT support Patsy Claude's appeal and stand with the Zoning Administrator's decision for denial of four existing permits that would allow for an existing structure on her property to be used as 4-unit apartment.

We have personally reported noise complaints on this property to Metro Davidson Police Department in the past (loud music blaring from outside speakers as early as 5:30 am). At that time, we had no knowledge of the mixed use of tenants on this property, only that it was a nuisance being heard inside our home and then officially reported after multiple instances. To date, loud music still continues at times without consideration for nearby neighbors.

You are doing a service to our Lenox Village community by DENYING this appeal.

Sincerely,



Lori Newman



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Land Development Solutions Date: 9.3.19  
Property Owner: \_\_\_\_\_ Case #: 2019-458  
Representative: Duane Cuthbertson Map & Parcel: 082120490000C0

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: Variance of building height  
at building setback and within  
small portion of height-plane

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

Location: 915 Ramsey Street

This property is in the RM10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: building too tall for topography

Section(s): 17.12.20.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.

Duane Cuthbertson  
Appellant Name (Please Print)

1806 Allison Pl.  
Address

Nashville, TN 37203  
City, State, Zip Code

615.924.9618  
Phone Number

dcuthber@gmail.com  
Email

Zoning Examiner: CH

Same  
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: \$260.<sup>00</sup>



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



3708342

**ZONING BOARD APPEAL / CAAZ - 20190053025  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 082120Y00300CO**APPLICATION DATE:** 09/03/2019**SITE ADDRESS:**

915 RAMSEY ST NASHVILLE, TN 37206  
UNIT C HOMES AT 915 RAMSEY STREET

**PARCEL OWNER:** MARIANI, MARC**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting height plane variance to allow 3' encroachment into height plane.

*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.**

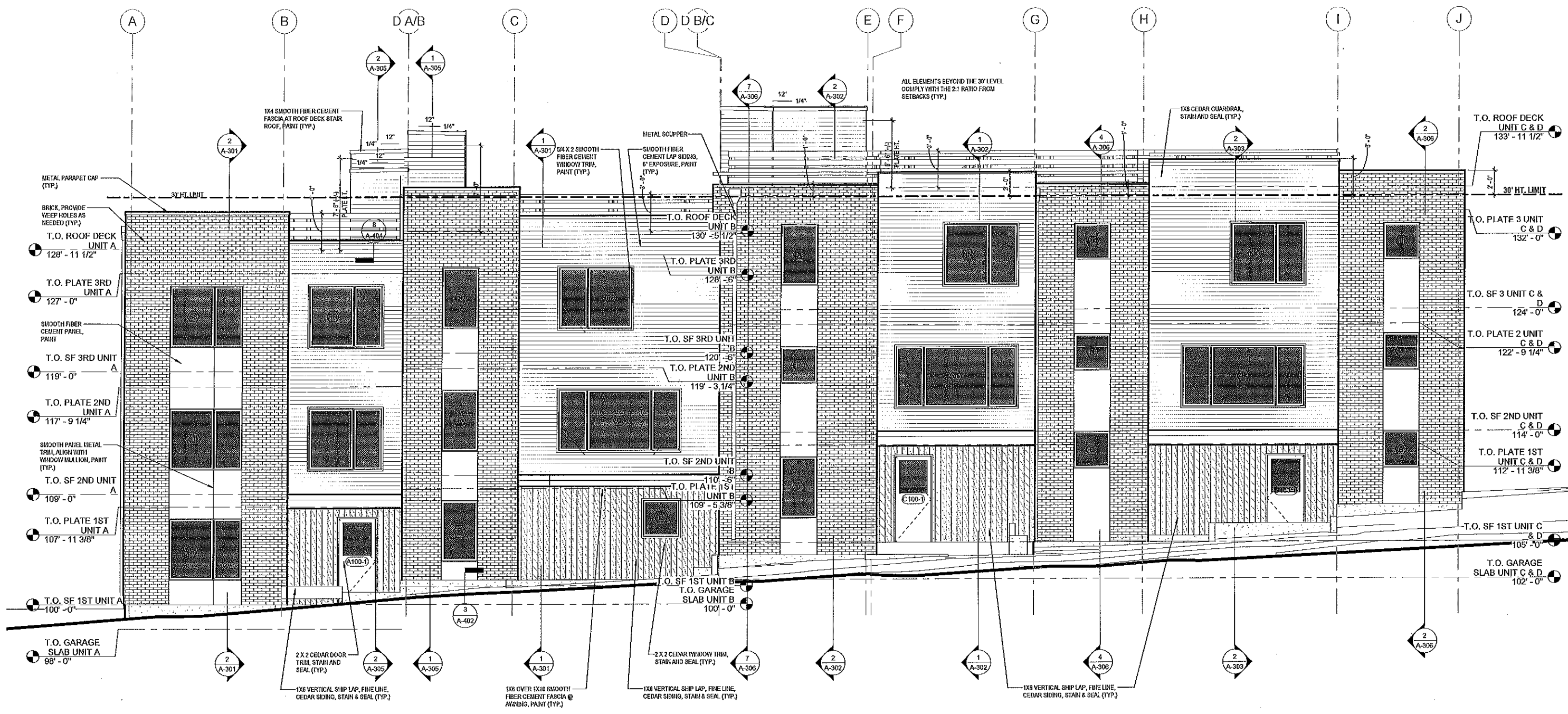
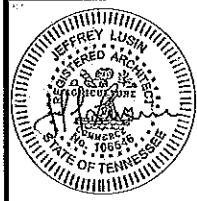
I am aware that I am responsible for posting and removing the sign(s) after the public hearing.

  
 \_\_\_\_\_  
 APPELLANT

9.3.19  
 \_\_\_\_\_  
 DATE







**1 SOUTH ELEVATION**  
1/4" = 1'-0"

**NOTES:**  
 -FIELD VERIFY PARAPET HEIGHT NOT TO EXCEED 30' TOTAL BUILDING HEIGHT.  
 -CONTRACTOR AND CIVIL ENGINEER IS RESPONSIBLE FOR ALL DRAINAGE AND SITE GRADING.  
 -GRIDLINE D LETTER/LETTER - CENTERLINE OF DEMISING WALL, UNIT/UNIT  
 -CONTRACTOR TO FIELD VERIFY ALL FOUNDATION AND FOOTING HEIGHTS.  
 -CONTRACTOR TO COORDINATE ALL SITE DRAINAGE.  
 -ALL STRUCTURAL ELEMENTS ARE TO BE REVIEWED BY A LICENSED STRUCTURAL ENGINEER.  
 -SSD = SEE STRUCTURAL DESIGN.  
 -ALL DOOR ARE 4 1/2" AWAY FROM STUD OR CENTERLINE OF WALL, UNLESS SPECIFICALLY DIMENSIONED.  
 -CONTRACTOR TO COORDINATE ALL HVAC. COORDINATE WITH ARCHITECT FOR ANY FLOOR PLAN CHANGES.  
 -CONTRACTOR TO COORDINATE ALL ELECTRICAL REQUIREMENTS.  
 -CONTRACTOR TO COORDINATE ALL STRUCTURAL SHEAR REQUIREMENTS WITH A LICENSED STRUCTURAL ENGINEER.  
 -UNTAGGED INTERIOR WALLS = WALL TYPE 1, INTERIOR PARTITION 2X4 (SSD).  
 -ALL INTERIOR PARTITION WALLS TO HAVE SOUND INSULATION.  
 -COORDINATE T.O. FOUNDATION WALL AND FINISH FLOORING WITH NEW GRADE.

**SIDING LEGEND**

	MASONRY BRICK
	1X6 VERTICAL SHIP LAP, VERTICAL, FINE LINE CEDAR SIDING
	HORIZONTAL, FIBER CEMENT, LAP SIDING, 5" EXPOSURE, PAINT
	FIBER CEMENT, PANEL SIDING, PAINT
	CONCRETE

1	DESCRIPTION	DATE
Issued		10/27
Project Number		08-13-19

Copyright  
 ALL DRAWING AND WRITTEN INFORMATION APPEARING SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF 45 ARCHITECTURE

Sheet Name  
**EXTERIOR ELEVATIONS**

Nashville Board of Zoning Appeals

Agenda Date: October 17, 2019

Case No. 2019-458

Address: 915 Ramsey Street

**Request:** Variance of the RM20 maximum 30' building height at the setback.

**Purpose:** To permit 4 dwellings in a consistent 3 story building perspective across the site.



915 Ramsey Street



**Zoning Requirement / Intent:** The Zoning Code requires a maximum 30' building height in the RM20 zoning district at the building setbacks. The Code then allows a 2:1 sky plane behind the building setback (for every one foot of setback the building can extend two feet in height).

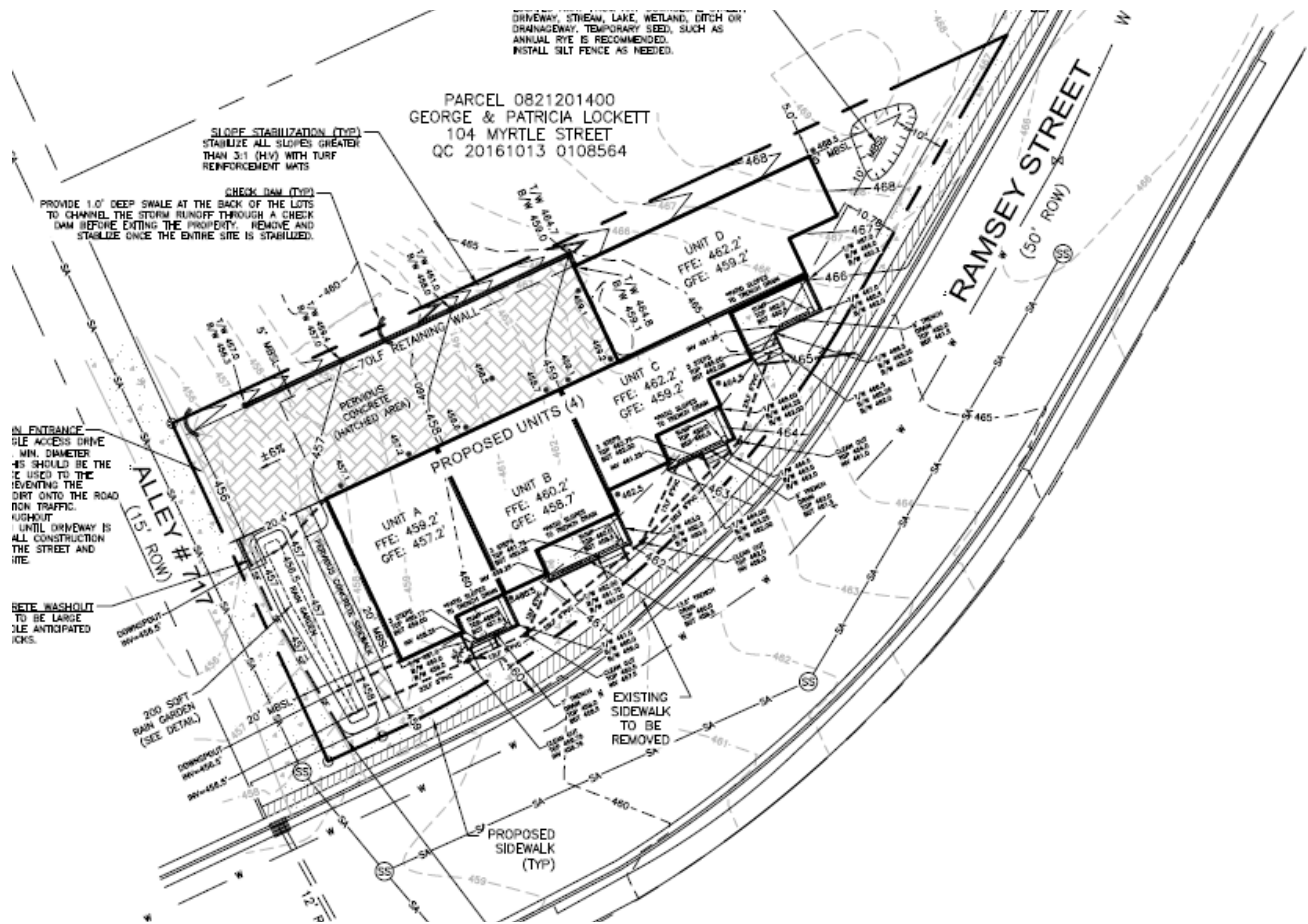
The zoning requirement was established to limit the scale and intensity of buildings in the multi-family zoning district at the setback.

**Analysis:**

The owner is constructing four dwelling units on this RM20 zoned site. The owner is attempting to work with the grade and uniquely shaped lot in order to achieve a uniform aesthetic. The site narrows to a point at the eastern end while it slopes steadily up roughly 10' from west to east. The combination of shape and slope challenge the building envelope of this site.



The requested variance is minor and only applies to the eastern portion of the proposed building. At the eastern extreme of the building the request is only for a 3' variance.



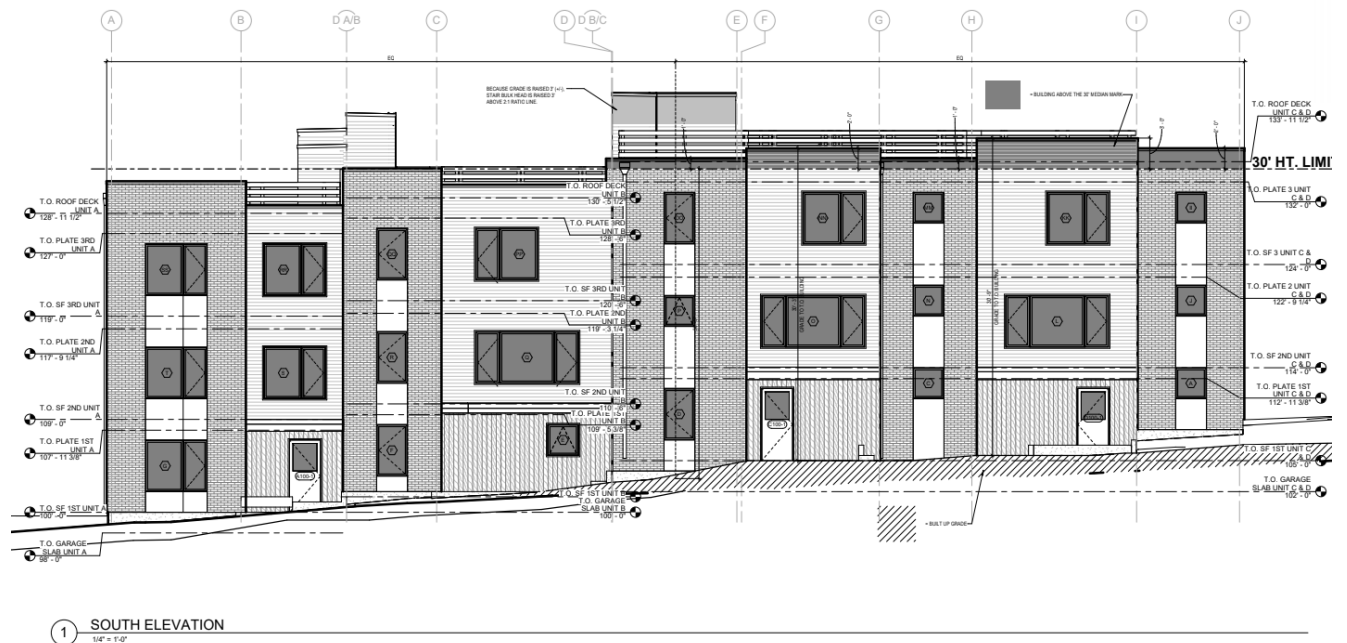
The site is uniquely shaped. If the site were a standard 50' wide lot the architect could easily shift the entire third floor back 2 feet in order to achieve the desired building height.

The slope is also challenging the site. Building height is measured from average grade of the site. Due to the sloping nature of the site the proposed building would have to sink the finished floor of the eastern end into the site in order to maintain the zoning requirement. The owner desires to have the finished floor level with the adjoining sidewalk.



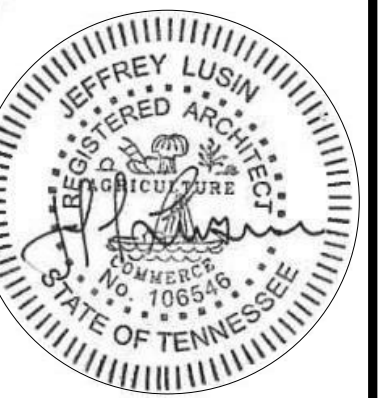
Site's surrounding the subject property all have standard lot widths and would appear to be able to accommodate buildings taller than the proposed building on this site by utilizing the 2:1 sky plane.

The owner is merely attempting to achieve architectural uniformity on this site and maintain a reasonable relationship between finished floor and the adjacent sidewalk on Ramsey.



**Unique Circumstances:**

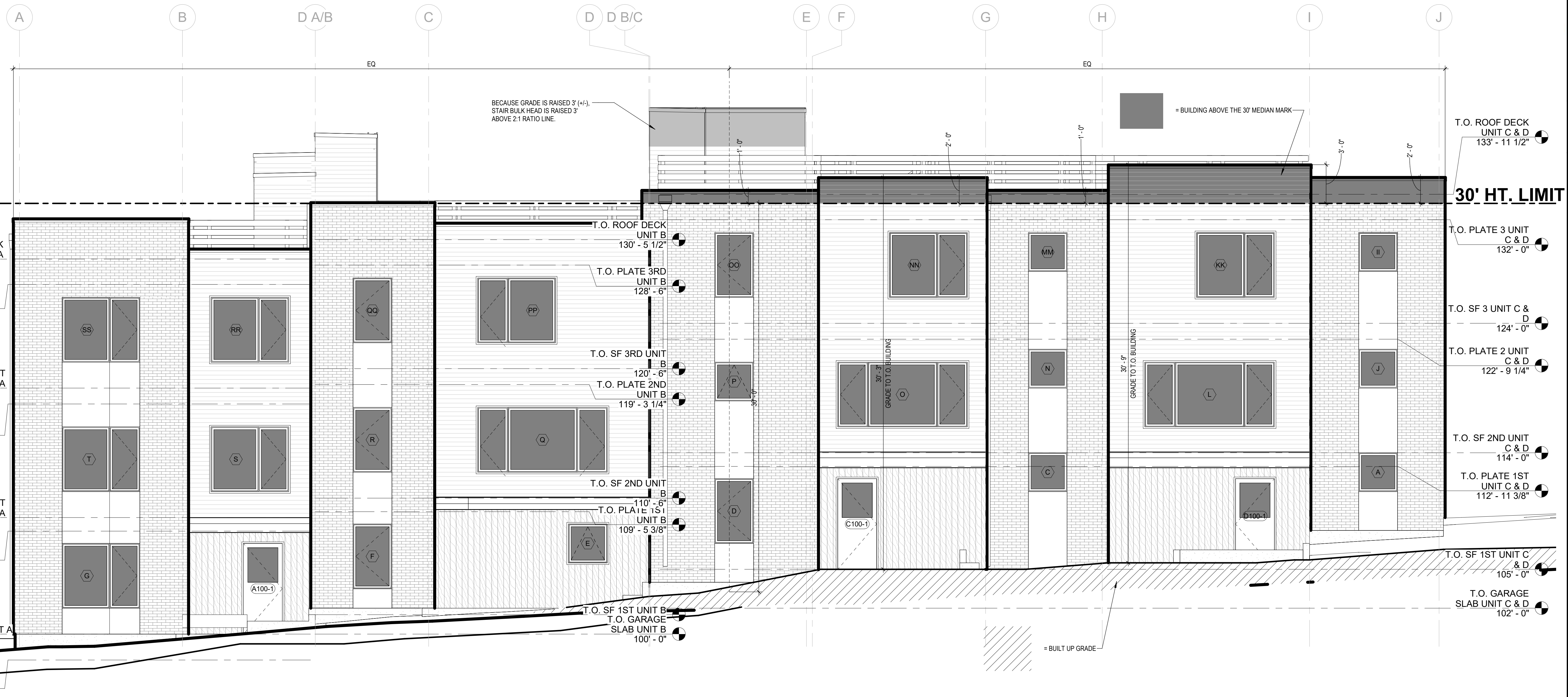
1. The subject property is uniquely shaped in that it narrows to a point at the eastern end. The narrowness significantly limits an ability to utilize the 2:1 sky plane for building height increases;
2. The site slopes approximately 10' from west to east but drops significantly on the west side thereby skewing the average grade and limiting the building height on the east side of the site.



1	DESCRIPTION	DATE
Issued		
Project Number	19027	
Date	08-27-19	

Copyright:  
ALL DRAWN AND WRITTEN INFORMATION  
APPEARING SHALL NOT BE DUPLICATED,  
DISCLOSED OR OTHERWISE USED  
WITHOUT THE WRITTEN CONSENT OF  
45 ARCHITECTURE

Sheet Name  
**EXTERIOR  
ELEVATIONS**

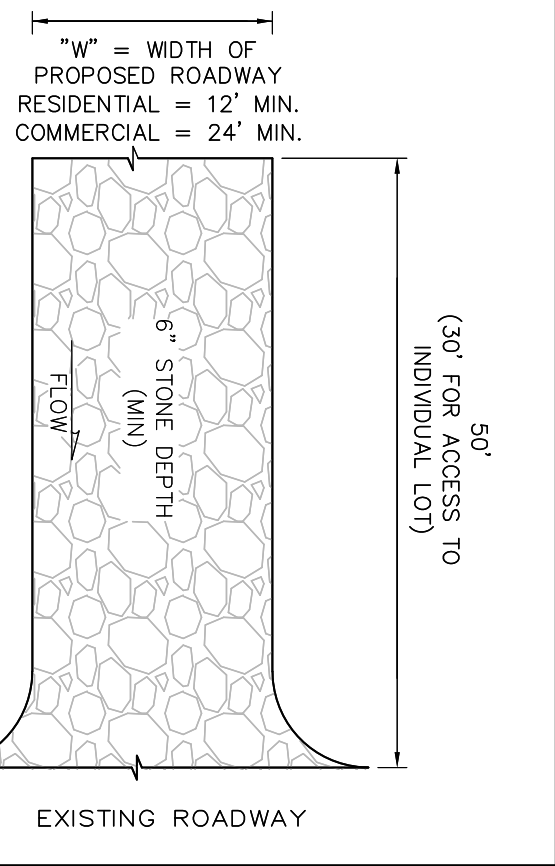
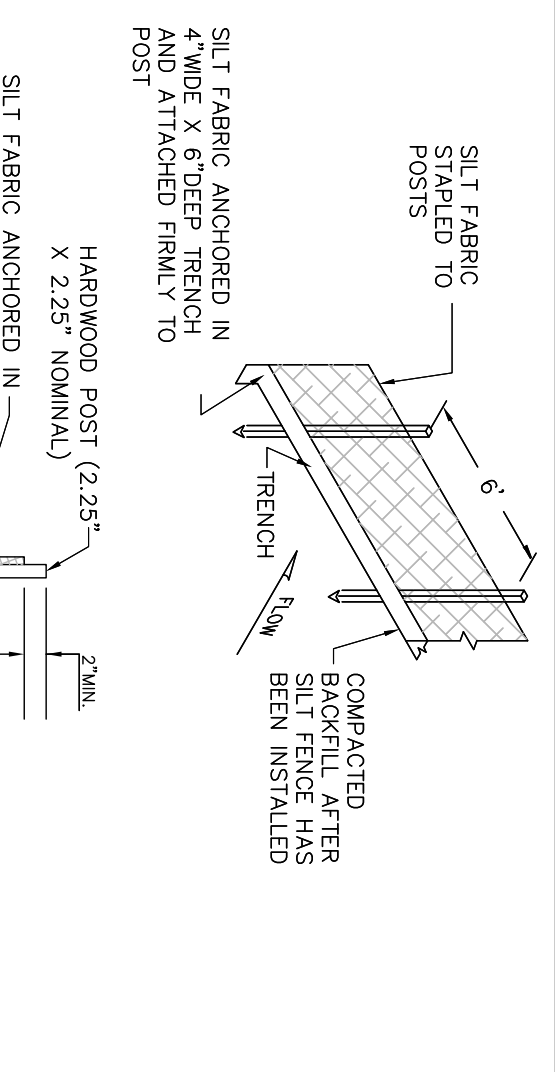
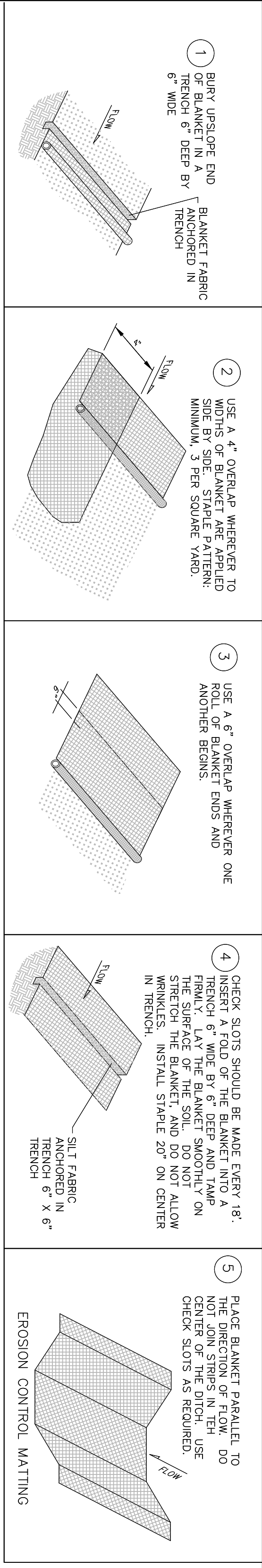


**1 SOUTH ELEVATION**  
1/4" = 1'-0"

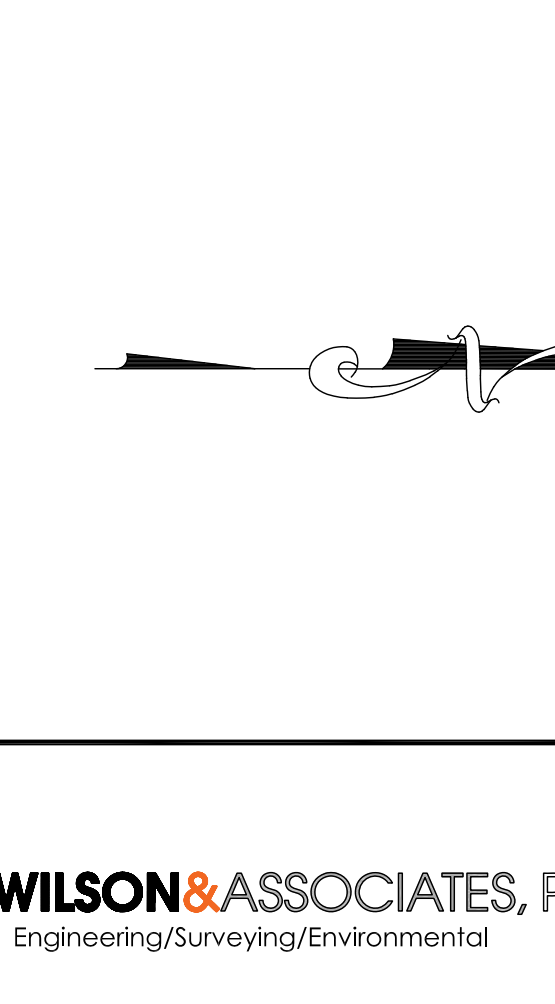
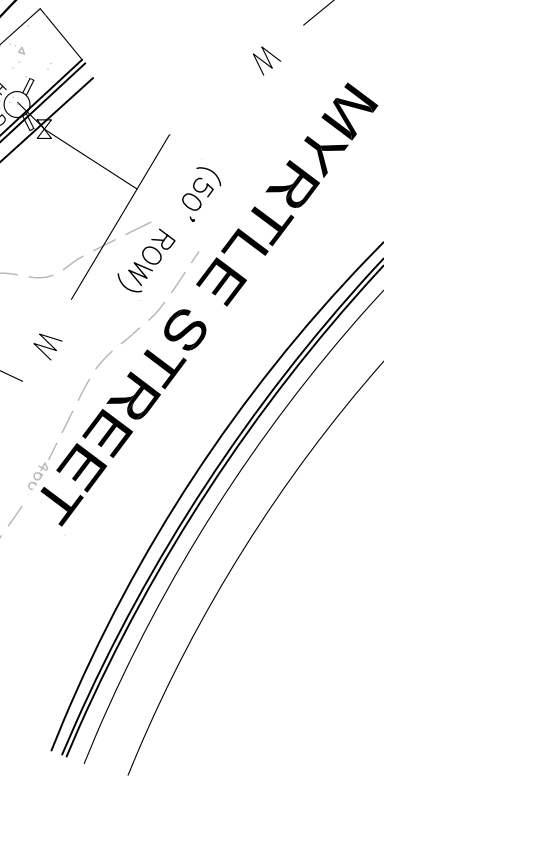
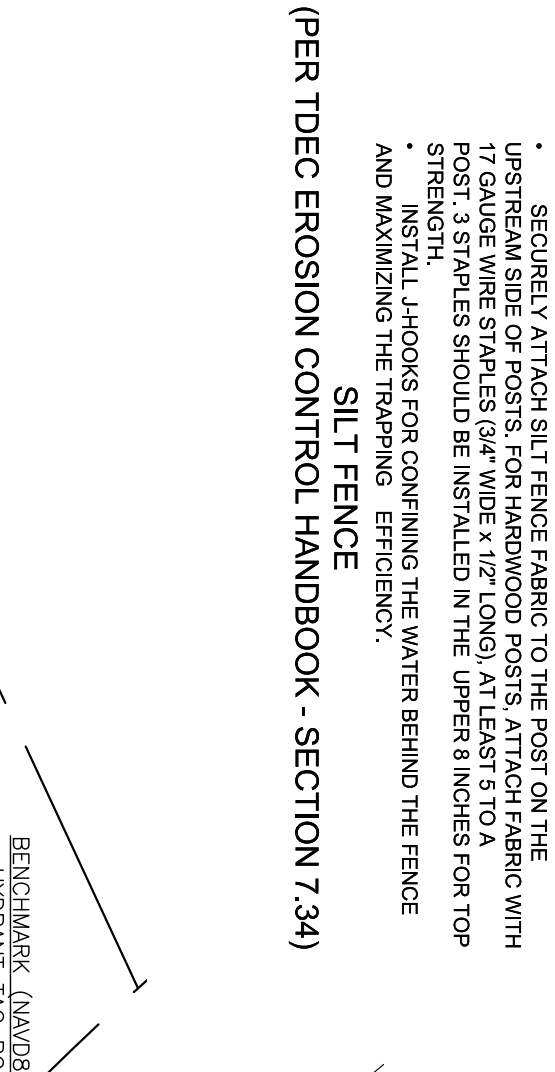
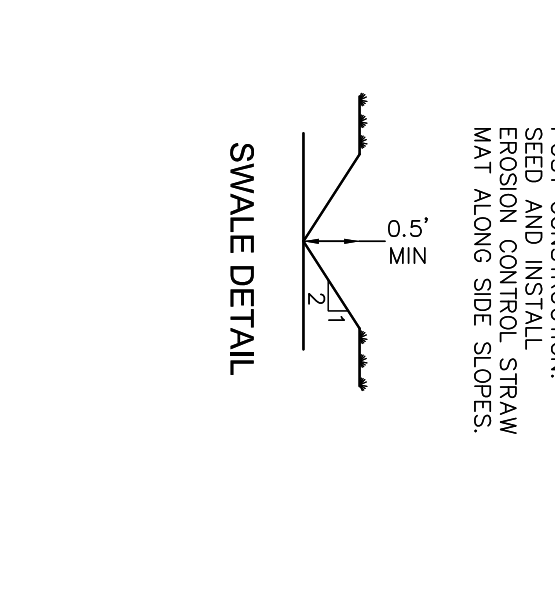
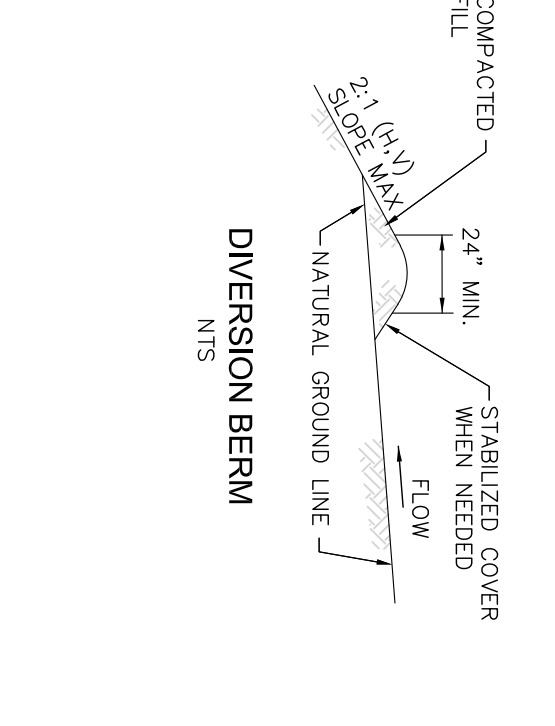
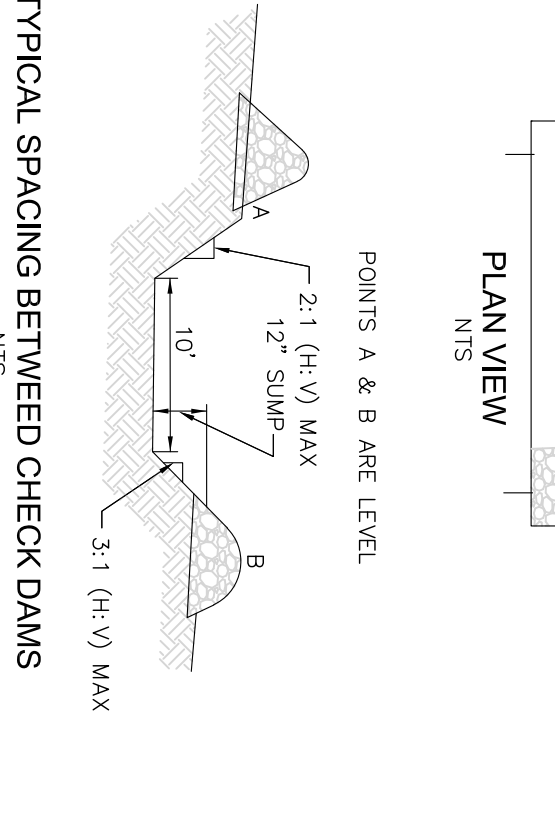
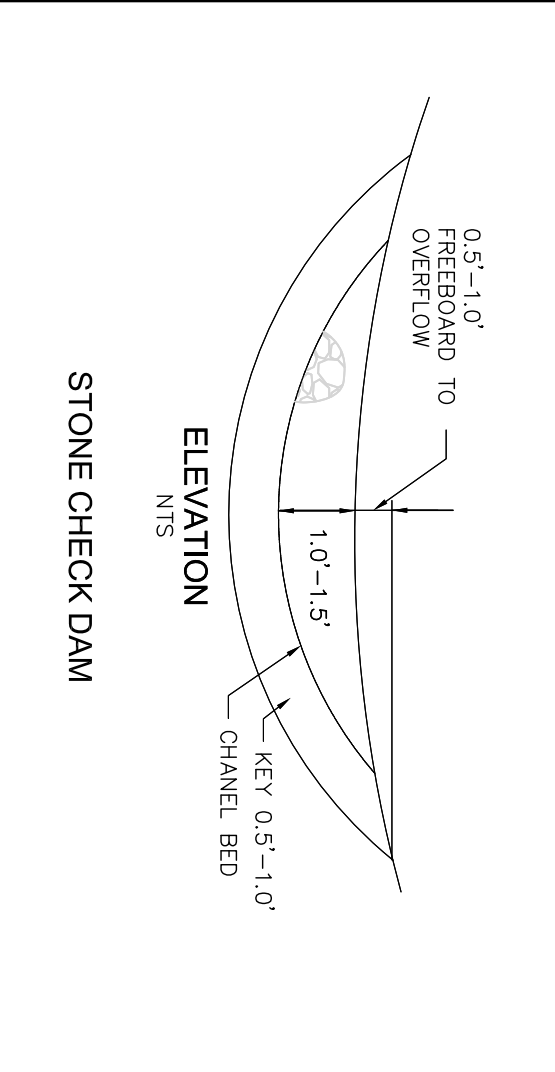
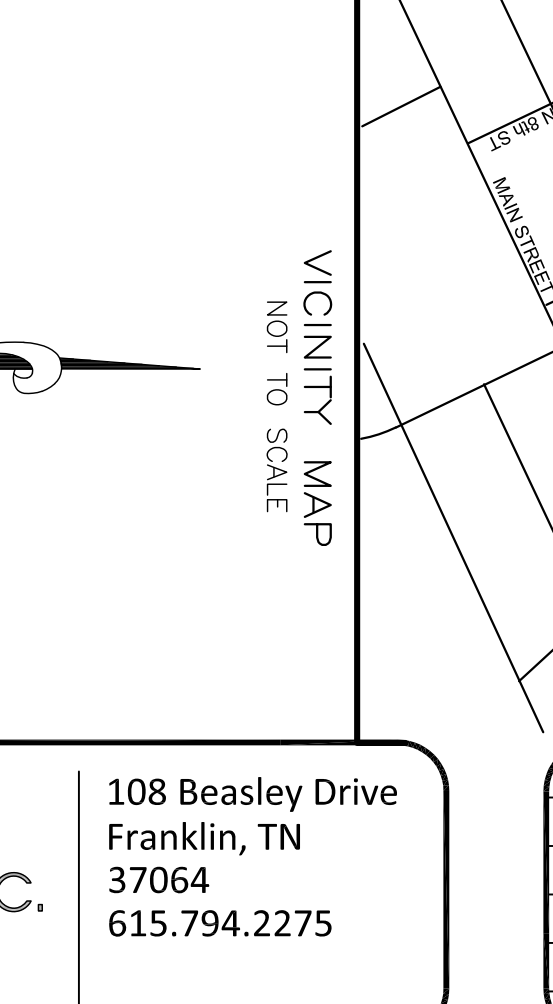
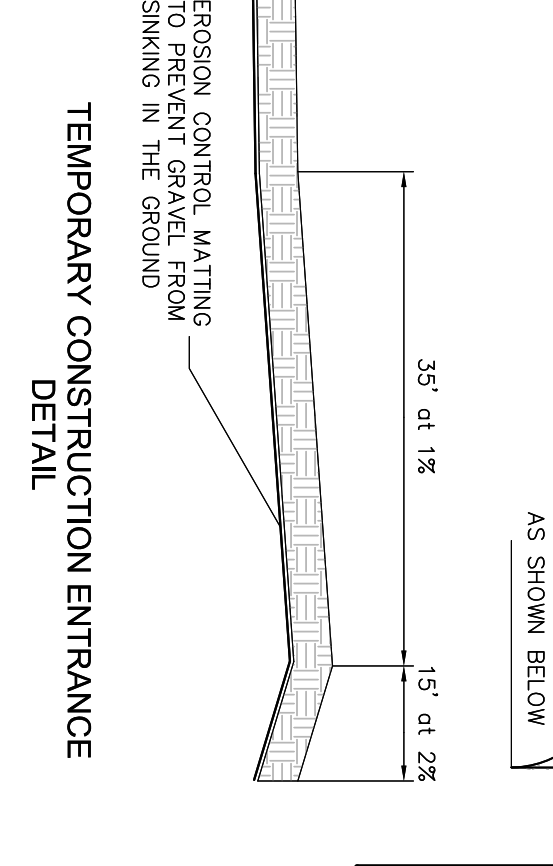
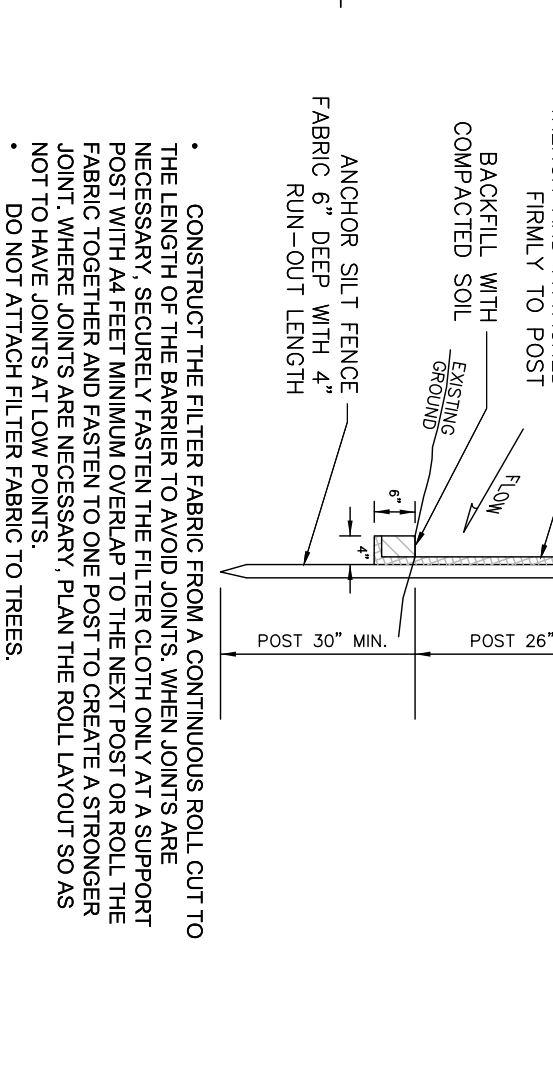
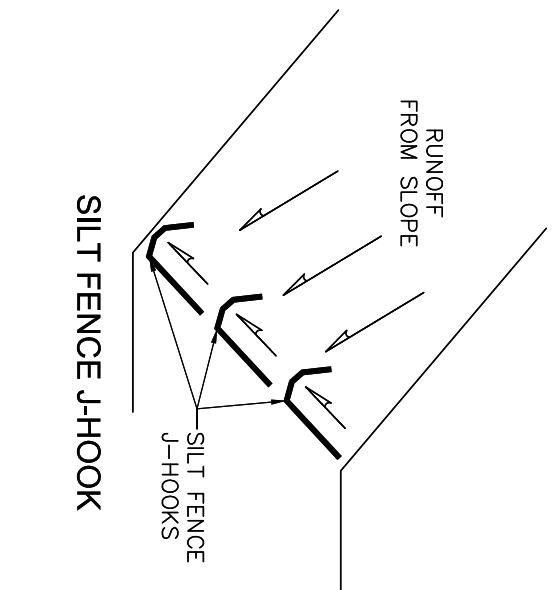
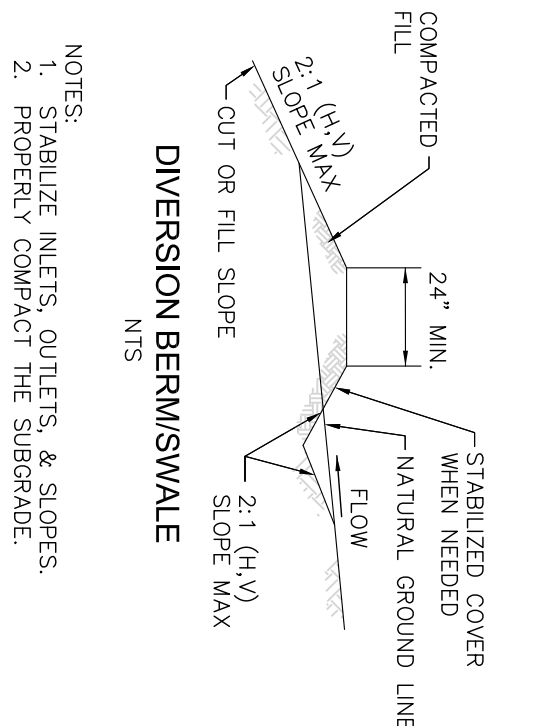
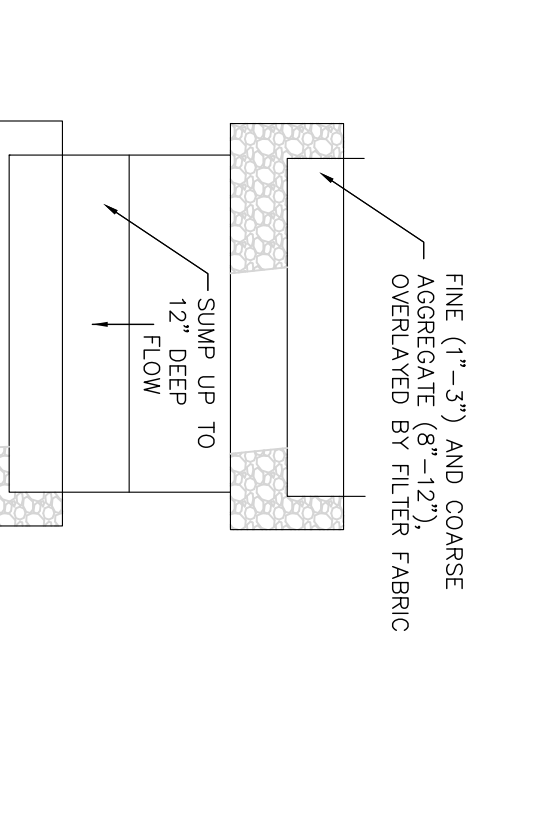
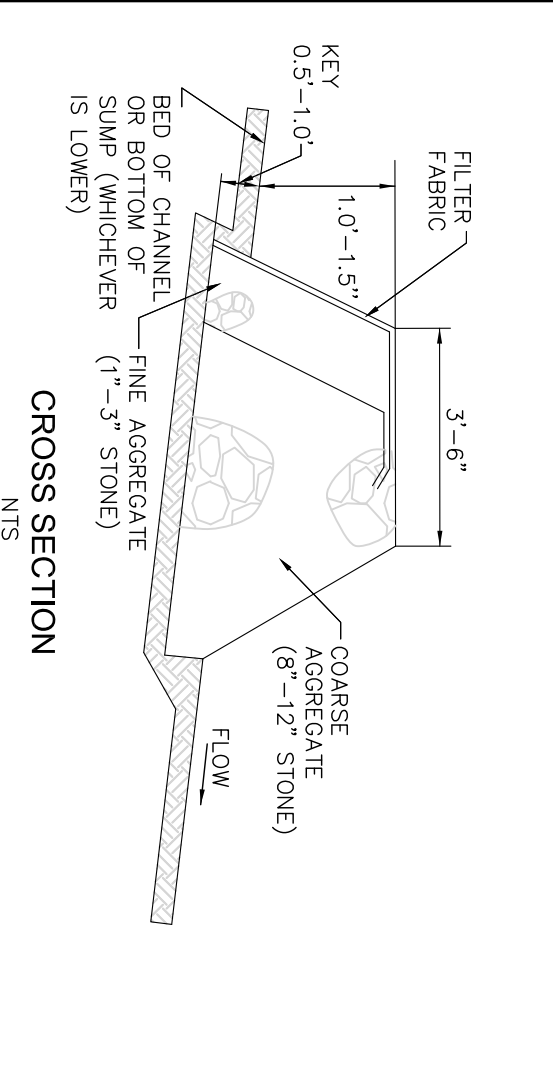
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	HORIZONTAL, FIBER CEMENT, LAP SIDING, 5" EXPOSURE, PAINT
	FIBER CEMENT, PANEL SIDING, PAINT
	CONCRETE





NO.	DATE	COMMENT



**EROSION AND SEDIMENT CONTROL NOTES**

THE FOLLOWING PRE-CONSTRUCTION EROSION PREVENTION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPs) MUST BE CORRECTLY INSTALLED PRIOR TO THE INITIATION OF THE DISTURBANCE ACTIVITIES.

- A STABILIZED CONSTRUCTION ACCESS, SUCH AS A TEMPORARY STONE ACCESS, MUST BE INSTALLED TO PREVENT OFFSITE TRACKING.
- SILT FENCE OR OTHER SEDIMENT BARRIERS MUST BE INSTALLED ALONG TOPOGRAPHICAL CONTOURS DOWNSLOPE OF THE AREA
- WHERE APPLICABLE, INLET PROTECTION FOR NEARBY STORM SEWER CURB AND DRAIN INLETS MUST BE INSTALLED.

THE FOLLOWING EROSION AND SEDIMENT CONTROL BMPs MUST BE PERFORMED UNTIL THE PROJECT IS COMPLETED:

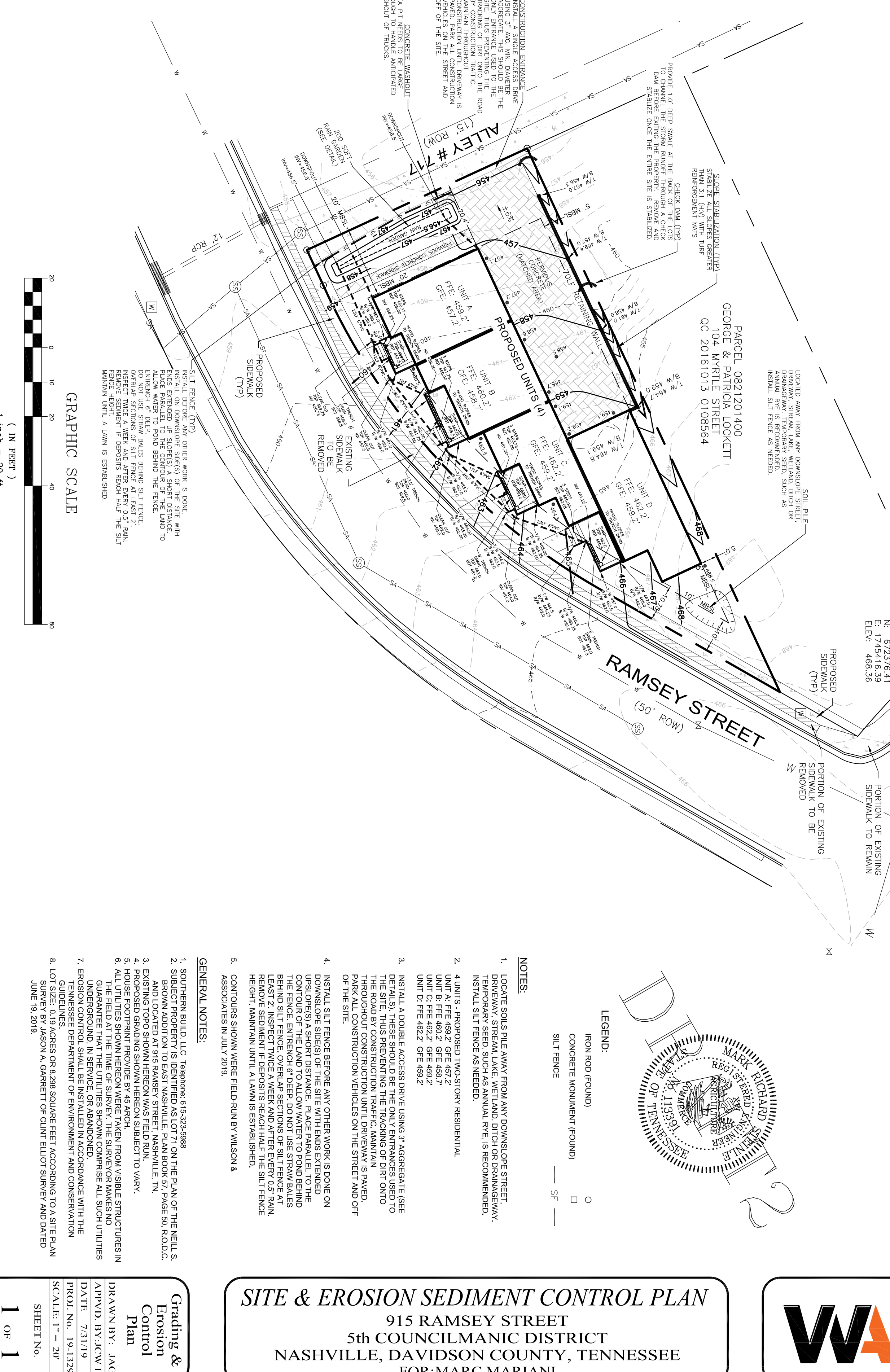
- EROSION AND SEDIMENT CONTROLS SHOULD BE INSTALLED, INSPECTED, AND MAINTAINED IN ACCORDANCE WITH THE WILLIAMSON COUNTY STORM WATER MANAGEMENT MANUAL.
- INSPECTIONS OF THE CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BY A QUALIFIED INDIVIDUAL AT LEAST TWICE EVERY CALENDAR WEEK AT LEAST 72 HOURS APART. INSPECTIONS SHOULD BE DOCUMENTED AND AVAILABLE IF REQUESTED.
- BASED ON THE RESULTS OF INSPECTIONS, ANY MARGINAL CONTROL MEASURES OR CONTROL MEASURES IN DISREPAIR MUST BE REPLACED OR MODIFIED OR REPAIRED AS NECESSARY BEFORE THE NEXT RAIN EVENT, BUT IN NO CASE MORE THAN 7 DAYS AFTER THE NEED IS IDENTIFIED.
- SEDIMENT SHOULD BE REMOVED FROM SEDIMENT TRAPS, SILT FENCES, SEDIMENTATION PONS, AND OTHER SEDIMENT CONTROLS AS NECESSARY, AND MUST BE REPAIRED WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 90%.
- SEDIMENT THAT HAS ESCAPED THE CONSTRUCTION SITE AND HAS COLLECTED IN REMOVED OR DIVERTED STRUCTURES MUST IMMEDIATELY BE PHYSICALLY REMOVED.
- STABILIZATION MEASURES SHOULD BE INITIATED AS SOON AS POSSIBLE ON PERMANENTLY CEASED, TEMPORARY OR PERMANENT SOIL STABILIZATION AT THE CONSTRUCTION SITE (OR A PHASE OF THE PROJECT MUST BE COMPLETED NOT LATER THAN 72 HOURS AFTER THE END OF CONSTRUCTION). STABILIZATION PRACTICES INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, MATING, AND SOIL STABILIZATION.
- SOIL DOWNPOURTS MUST DISCHARGE ONTO SPLASH BLOCKS TO PREVENT EROSION. IF DOWNPOURTS ARE ROUTED THROUGH DRAIN LINES, THE SYSTEM MUST NOT DISCHARGE DIRECTLY INTO THE STREET OR DRAINAGE SYSTEM.
- RESTROOM FACILITIES FOR CONSTRUCTION EMPLOYEES MUST BE MADE AVAILABLE.
- BUILDING AND WASTE MATERIALS, AND NON-STORED WATER DISCHARGES SUCH AS CONCRETE OR PAINT WASTEWATER, MUST BE MANAGED TO PREVENT THEM FROM ENTERING THE STORM WATER SYSTEM OR NEARBY WATERBODY.
- ALL DAMAGE TO EXISTING PAVEMENT, DRAINAGE STRUCTURES AND CURBS RESULTING FROM NEW CONSTRUCTION MUST BE REPAIRED OR REPLACED BY LIKE MATERIALS AT THE BUILDERS EXPENSE.

**CONSTRUCTION STEPS:**

- where downspouts or driveway runoff can enter garden, having away from home. Locate at least 10 feet from foundations, not near the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
- surface area from the table on the next page and your approved recordation depth.
- Outdoors, perform infiltration test according to Section B. If the rate is less than 0.25in/hr, an underdrain will be required. If the rate is more than 0.50in/hr, the size above 0.50in/hr.
- Measure elevations and stake out the garden to the required dimensions including positive flow into garden, the overflow elevation allows for six inches of ponding, and gentle slope a berm at least two feet wide can be constructed on the downhill side and/or the garden can be dug into the hillside taking greater care for erosion control at the garden inlet(s), vegetation in the area of the rain garden. Escalate garden being careful not to compact soil in bottom of the garden. Level bottom of garden as much as possible to maximize infiltration.
- Mix compost, topsoil, and some of the excavated subsoil together to make the "garden soil". The soil mix should be 3 compost, 3 native soil (topsoil and subsoil combined).
- Fill the rain garden with the generated soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" mulch.
- Build a berm at the downhill edge and the sides of the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding.
- Place the rain garden using a selection of plants from elsewhere in this manual.
- Mulch the surface of the rain garden with two to three inches of non-floding organic mulch. The best choice is finely shredded hardwood mulch. Pine straw is also on.
- Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be needed to establish plants during the first growing season.
- During construction, the soil and plants are exposed to a type of soil compaction or other disturbance. The soil should be aerated and the plants should be watered. The rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of water from the source to the garden.
- Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

**TYPICAL RAIN GARDEN DETAIL**  
(METRO NASHVILLE DEPT. OF WATER SERVICES- APPENDIX H)

CONTRIBUTING DRAINAGE AREA: RAIN GARDEN = 3,987 SQ FT  
AREA OF RAIN GARDEN = 200 SQ FT



Grading & Erosion Control Plan	
DRAWN BY: JAG	DATE: 7/31/19
PROJ. NO.: 19-1329	SCALE: 1" = 20'
SHEET NO.:	1 OF 1

**SITE & EROSION SEDIMENT CONTROL PLAN**  
915 RAMSEY STREET  
5th COUNCILMANIC DISTRICT  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
FOR: MARC MARIANI

**WILSON & ASSOCIATES, P.C.**  
Engineering/Surveying/Environmental  
108 Beasley Drive  
Franklin, TN  
37064  
615.794.2275



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Land Development Solutions Date: 9.3.19  
Property Owner: David Dorris & Andrew Stewart  
Representative: Duane Cuthbertson Case #: 2019-459  
Map & Parcel: 10304-041

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: Reduce side street setback from 20' required to 10'

Activity Type: TWO-Family residential

Location: 4513 Idaho Av.

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

Reason: shallow street setback on 46<sup>th</sup> Av.

Section(s): 17.12.030.A

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

Duane Cuthbertson  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

1806 Allison Pl.  
Address

Address

Nashville, TN 37203  
City, State, Zip Code

City, State, Zip Code

615.924.9618  
Phone Number

Phone Number

dcuthber@gmail.com  
Email

Email

Zoning Examiner: 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



3708329

**ZONING BOARD APPEAL / CAAZ - 20190053021****Inspection Checklist for Use and Occupancy****This is not a Use and Occupancy Notification**

PARCEL: 10304004100

APPLICATION DATE: 09/03/2019

**SITE ADDRESS:**

4513 IDAHO AVE NASHVILLE, TN 37209  
LOT 412 BLK 22 CHARLOTTE PARK 1ST ADDN

PARCEL OWNER: DORRIS, DAVID &amp; STEWART, ANDREW

CONTRACTOR:

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

requesting side setback reduction from required 20' to 10' along 46th Ave N. for HPR construction

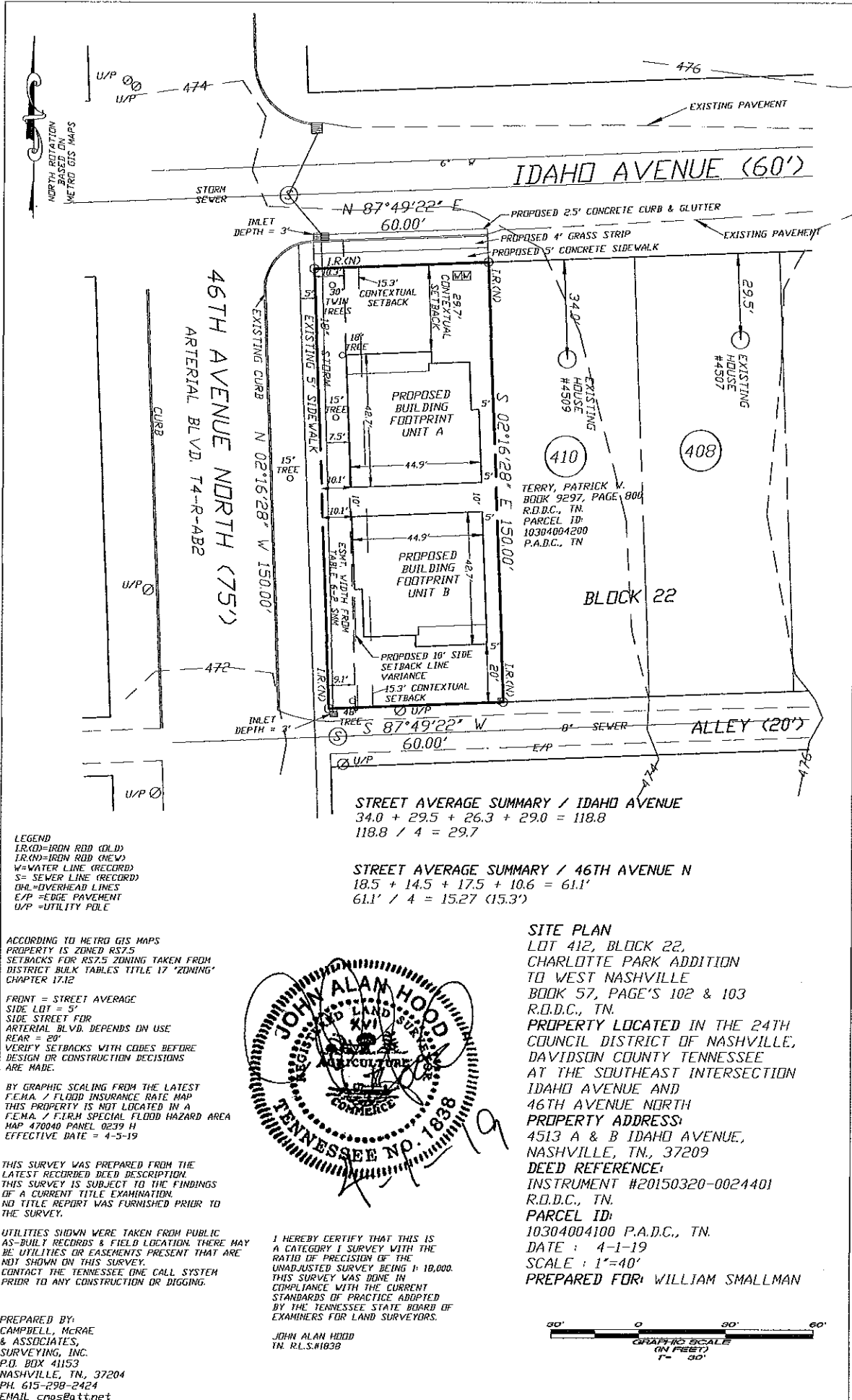
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.  
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

---

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

Inspection requirements may change due to changes during construction.





**STREET AVERAGE SUMMARY / IDAHO AVENUE**  
 $34.0 + 29.5 + 26.3 + 29.0 = 118.8$   
 $118.8 / 4 = 29.7$

**STREET AVERAGE SUMMARY / 46TH AVENUE NORTH**  
 $18.5 + 14.5 + 17.5 + 10.6 = 61.1$   
 $61.1 / 4 = 15.27 (15.3)$

**LEGEND**  
 I.R.(O)=IRON ROD (OLD)  
 I.R.(N)=IRON ROD (NEW)  
 W=WATER LINE (RECORD)  
 S=SEWER LINE (RECORD)  
 OHL=OVERHEAD LINES  
 E/P =EDGE PAVEMENT  
 U/P =UTILITY POLE

ACCORDING TO METRO GIS MAPS  
 PROPERTY IS ZONED RS7.5  
 SETBACKS FOR RS7.5 ZONING TAKEN FROM  
 DISTRICT BULK TABLES TITLE 17 'ZONING'  
 CHAPTER 17.12

FRONT = STREET AVERAGE  
 SIDE LOT = 5'  
 SIDE STREET FOR  
 ARTERIAL BLVD. DEPENDS ON USE  
 REAR = 20'  
 VERIFY SETBACKS WITH COBES 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 0239 H  
 EFFECTIVE DATE = 4-5-19

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.

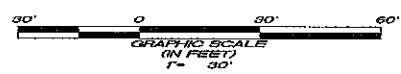
UTILITIES SHOWN WERE TAKEN FROM PUBLIC  
 AS-BUILT RECORDS & FIELD LOCATION. THERE MAY  
 BE UTILITIES OR EASEMENTS PRESENT THAT ARE  
 NOT SHOWN ON THIS SURVEY.  
 CONTACT THE TENNESSEE ONE CALL SYSTEM  
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:  
 CAMPBELL, McRAE  
 & ASSOCIATES,  
 SURVEYING, INC.  
 P.O. BOX 41153  
 NASHVILLE, TN, 37204  
 PH. 615-298-2424  
 EMAIL cmas@att.net

I HEREBY CERTIFY THAT THIS IS  
 A CATEGORY 1 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  
 IN. R.L.S.#1838

**SITE PLAN**  
 LOT 412, BLOCK 22,  
 CHARLOTTE PARK ADDITION  
 TO WEST NASHVILLE  
 BOOK 57, PAGE'S 102 & 103  
 R.O.D.C., TN.  
 PROPERTY LOCATED IN THE 24TH  
 COUNCIL DISTRICT OF NASHVILLE,  
 DAVIDSON COUNTY TENNESSEE  
 AT THE SOUTHEAST INTERSECTION  
 IDAHO AVENUE AND  
 46TH AVENUE NORTH  
 PROPERTY ADDRESS:  
 4513 A & B IDAHO AVENUE,  
 NASHVILLE, TN, 37209  
 DEED REFERENCE:  
 INSTRUMENT #20150320-0024401  
 R.O.D.C., TN.  
 PARCEL ID:  
 10304004100 P.A.D.C., TN.  
 DATE : 4-1-19  
 SCALE : 1"=40'  
 PREPARED FOR: WILLIAM SMALLMAN



## 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

9.3.19  
 \_\_\_\_\_  
 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?**

Subject property is located in an urban neighborhood predominantly built out prior to current zoning requirement. Requested setbacks is more consistent with pattern along 46<sup>th</sup> Ave N.

Requested setback reduction enables reduced bldg height (2 stories) compatible with existing and emerging built environment.

Nashville Board of Zoning Appeals

Agenda Date: October 17, 2019

Case No. 2019-459

Address: 4513 Idaho Avenue

**Request:** Variance of the side (major) street setback from 20' to 10'.

**Purpose:** To permit two dwellings closer to 46<sup>th</sup> Avenue South to allow for better parking location, two story homes, alignment with an existing street pattern and compliment a pedestrian friendly streetscape.

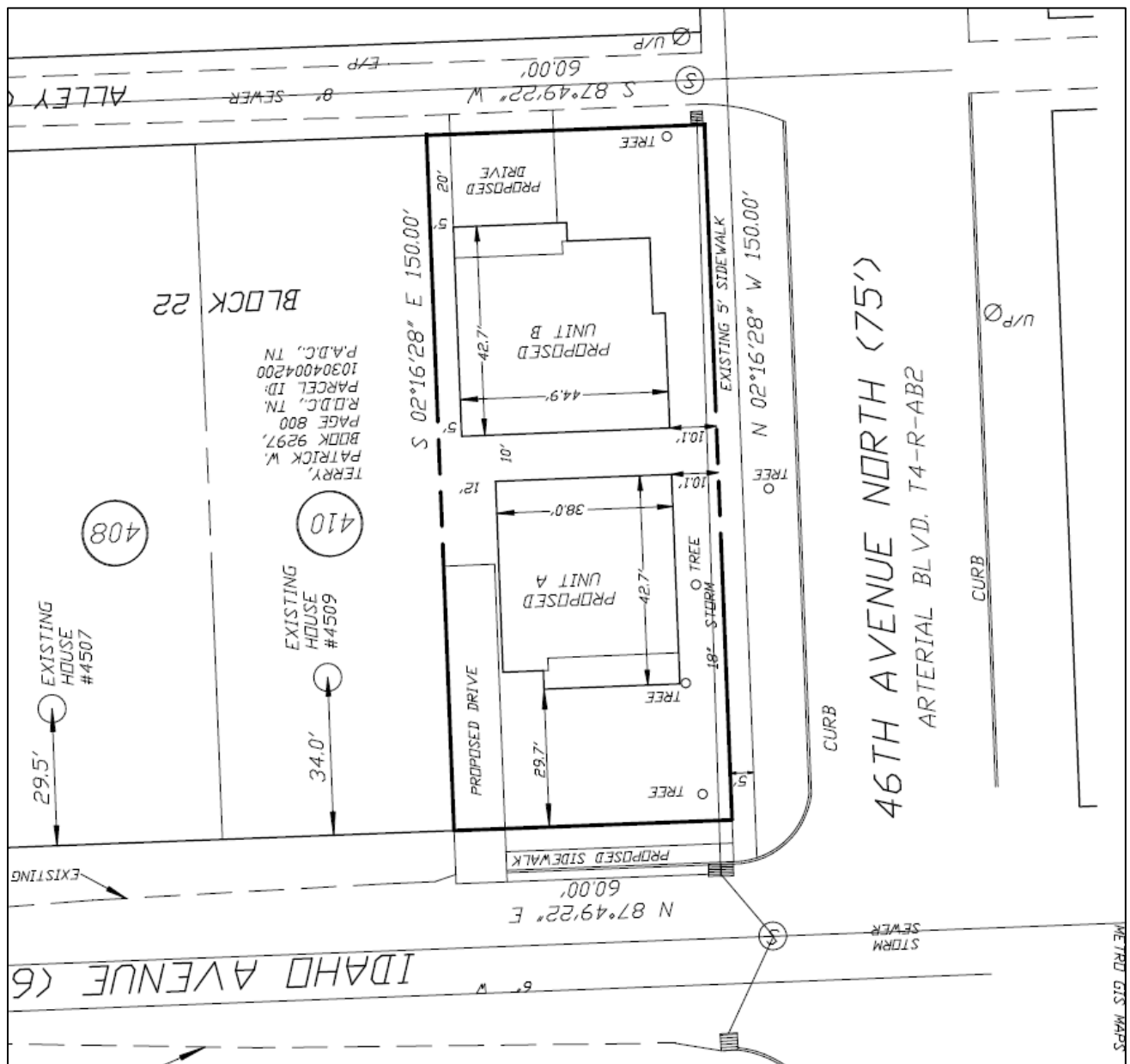


4516 Idaho Avenue

The request for a Variance of the 20' side street setback requirement in the RS7.5 zoning district is made to permit two dwellings 10' from the oversized ROW of 46<sup>th</sup> Avenue South. The request will permit homes such that parking can be located as far away as possible from the intersection with 46<sup>th</sup> (in the alley and Idaho Av) as well the reduced setback will enable homes commensurate with others being constructed in the neighborhood to be contained within two story buildings.



Additionally, the request is made in order create a strong relationship with the 46<sup>th</sup> Avenue streetscape providing a sense of presence upon the pedestrian realm by placing windows and doors of the new homes within closer proximity. The proposed homes with the reduced setback will complement a setback established by older buildings to the north (Elkins Av) and new construction to the north (Utah Av).



**Zoning Requirement / Intent:** The 20' side street setback is applicable only on corner lots that abut a major street on their side property line. 46<sup>th</sup> Avenue is labeled/considered a Major Street.

The zoning requirement was established with consideration to current subdivision practices in which corner lots can have two street frontages that extend over to abutting lots which have deeper street setbacks. The Code requirement is intended to provide a smoother transition from a side street setback and abutting primary street setback. The zoning requirement is also applicable to corner lots that abut major streets such as Charlotte Pk, Gallatin Pk, Hillsboro Pk...etc.

**Analysis:**

The subject property is located in an older neighborhood that has a tighter development pattern than is present in new residential subdivisions. While 46<sup>th</sup> Avenue is a major street with a wider ROW it acts for many of it's abutting properties as a neighborhood street. There are a large number of homes abutting 46<sup>th</sup> Avenue with setbacks tighter than 20'.

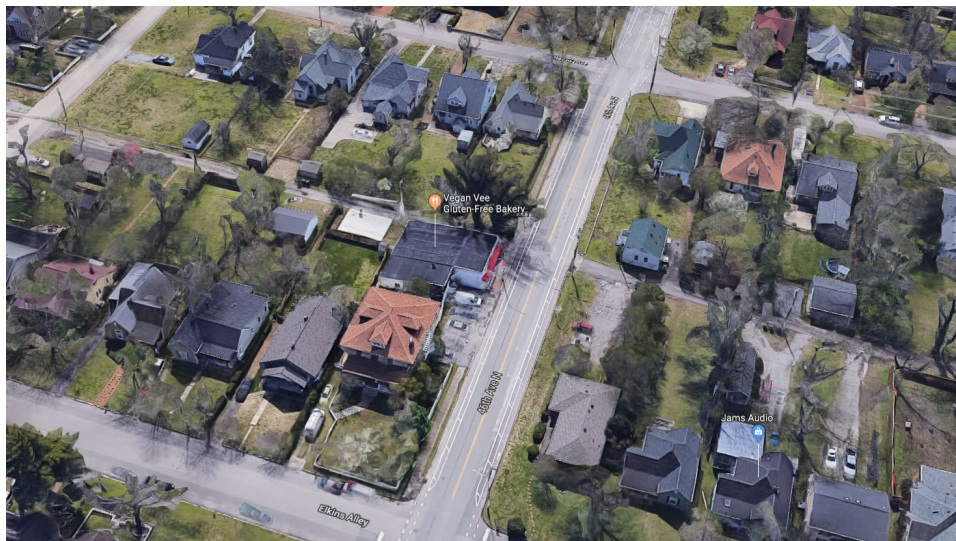
Of note, the side street setback on the large majority of corner lots in this same neighborhood is only 10'.

The existing duplex is at 14'-7" from 46<sup>th</sup> Avenue.

There are homes north and south on 46<sup>th</sup> Avenue that have similarly shallow setbacks within the 20' requirement. There are two prominent blocks that have setbacks at and less than 10'. We are proposing to match and compliment the building pattern established particularly at the southeast corner of 46<sup>th</sup> Avenue and Utah Avenue.



Image of development at corner of 46<sup>th</sup> and Idaho: shallow side street setbacks we are requesting to match.



East side of 46<sup>th</sup> (left in image) between Elkins and Nevada with shallow setbacks on 46<sup>th</sup>.

The intent of the Code is to provide a smooth transition around the corners of blocks within contemporary residential subdivisions. The subject property is located on an older block. The abutting lot to the north also provides a side street setback to 46<sup>th</sup> (not a primary street setback). It's side street setback is less than 20'.

The requested side street setback will enable a more pedestrian friendly interface between proposed homes and the sidewalk and street. The requested setback will help give improved form to the street.

To that end the owner's are willing to commit to conditions of approval if the Board is so inclined:

**Conditions of Approval:**

- Limit homes to 2 stories in height in 26' measured to the bottom of the eave. (Code allows 3 stories in 45');
- Parking and driveways will be a minimum of 35' from 46<sup>th</sup> Avenue (measured to the property line);
- A minimum of 25% fenestration on building facades facing a public street;
- A primary entrance on the southern house shall be placed on the façade facing 46<sup>th</sup> Avenue;
- A primary entrance on the northern house shall be placed with 15' of the corner of the building closest to the intersection of 46<sup>th</sup>/Idaho;
- EIFS, Untreated Wood, Vinyl siding shall be prohibited;
- A raised foundation of 18" – 36" shall be provided on both homes;
- A commitment to retain all mature trees located with the reduced side street setback as well as those located in the front street setback.



**Unique Circumstances:**

1. The subject property is located in an older neighborhood with an older lot and block pattern;
2. The subject corner lot is relatively shallow, only providing 60' of width, compared to contemporary corner lots;
3. There are many dwellings along 46<sup>th</sup> Avenue that provide less than 20' as a side street setback – some appear to provide 10' or less.
4. 46<sup>th</sup> Avenue is not a contemporary 'major' street. It is a tighter traditional neighborhood thoroughfare typically experiencing tighter building setbacks throughout Davidson County.

**From:** [Clark, Ryan N.](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Public Comment on Appeal 2019-459  
**Date:** Thursday, October 3, 2019 10:22:47 AM

---

Dear Members of the Board of Zoning Appeals,

I write to provide some additional neighborhood perspective on the request for a variance to the setback requirements at 4513 Idaho Avenue. While most if not all of the policy reasons that underlie setback requirements in general militate against approval of the requested variance, there are two issues specific to the site at issue in this appeal that deserve your attention.

First, there are four mature trees that are well clear of a construction footprint of a home with 20-foot side setback but are near or in the construction footprint of a home with a 10-foot side setback. Other nearby residential developments that do not have 20-foot side setbacks, such as the homes at the southwest corner of Utah Avenue and 46<sup>th</sup> Avenue North, preserved few or none of the existing trees. Granting the requested setback would likely result in the destruction of trees that, while literally private property, are more properly considered a public asset.

Second, the requested setback reduction abuts one of the few appropriately sized and located sidewalks that we have in Sylvan Park. Moving construction activities closer to that sidewalk will likely result in obstruction or closure of a sidewalk used by dozens if not hundreds of neighbors every day, including children traveling to and from Sylvan Park Elementary. While this is likely only a short-term (during construction) problem, pedestrian safety is a significant concern in Sylvan Park and the Board should not take actions that could undermine pedestrian safety even in the short term.

Against this backdrop, the Board must consider the alleged benefits of the requested variance. I can think of no benefit other than the applicants' pecuniary gain. But plenty of examples of successful, presumably profitable, new construction that complies with the setback rules exist within blocks of the site. For instance, the home at 4509 Nevada (also a corner lot on 46<sup>th</sup> Avenue North) was constructed in 2017 and 2018 and complies with the setback rules. It is likely true that the applicants can make more money if the Board grants their variance request, but that is not and cannot be the criterion for granting variances.

Thank you for your consideration,

Ryan Clark  
4306 Utah Avenue



**Ryan Clark** Attorney at Law  
**Lewis, Thomason, King, Krieg & Waldrop, P.C.**  
424 Church St., Suite 2500 | P.O. Box 198615 | Nashville, TN 37219  
Tel: 615-259-1350 | Fax: 615-259-1389  
[Web Page](#) | [My Bio](#)

**From:** [Jennifer Loftis](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal Case #:2019-459 10/17/19  
**Date:** Thursday, October 3, 2019 4:39:50 PM

---

Re: Appeal Case #: 2019-459  
4513 Idaho Ave  
Map Parcel: 10304004100

Dear Members of the Metropolitan Board of Zoning Appeals,

I am writing in opposition to the above referenced zoning appeal requesting a variance from the side street setback requirement from 20' to 10' to allow for the construction of two single-family residences. I believe this would deteriorate the neighborhood. We have to stop allowing the destruction of one home and the building of two to preserve our neighborhoods. Sylvan Park has a historic charm and if this setback variance is allowed, it will only set future precedence.

Please do not vote in favor of this appeal.

Thank you,

Jennifer Loftis  
4411 Utah Ave

**From:** [Anthony P. Snyder](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal 2019-459 (4513 Idaho Ave.)  
**Date:** Thursday, October 3, 2019 4:02:15 PM

---

Dear BZA Board Members,

I am opposing the request to reduce the setback on 46th Avenue:

This is a busy road with a heavily used sidewalk. No need to reduce the openness of the traveled way with a 2-3 story building.

Reducing the setback so that a tall building can be built will negatively affect the aesthetic value of the neighborhood.

If you allow this setback reduction, what are you going to do for the next 4 or 5 property owners along 46th that will ask for their variance?

There are plenty of ways to build a nice, connected duplex on that lot without reducing the setback.

Please deny this request.

Thanks,

Tony Snyder  
4603 Dakota Avenue  
Nashville, TN 37209  
615-418-4578



2019-459

oppose oppose oppose  
building two single family  
houses on this lot.

The Dugges Trust  
Sept 30, 2019.

PUB 96402-37209

Appeal Case # 2019-459  
Map Parcel: 10304004100  
4513 IDAHO AVE

October 6, 2019

Board of Zoning Appeals  
Metro Government of Nashville and Davidson County, TN

We the undersigned oppose the zoning variance request for 4513 Idaho Ave., Nashville, TN 37209. While the setback variance is listed as the side street, the "side street" for this property (46<sup>th</sup> Ave. N.) would likely be the front side of new construction if two houses are built on this lot. We oppose the decreased setback for two reasons: 1) it would project a building closer to the street than surrounding houses thus bringing down the property values of nearby lots; and 2) it would greatly affect rainwater flow for the street and surrounding properties. Without a sufficient setback, rainwater from the new construction would likely flow down into the street affecting pedestrian and vehicle traffic and possibly flooding basements and crawl spaces of other buildings along 46<sup>th</sup> Ave. N. as well as immediately adjacent side streets such as Idaho and Wyoming Ave.

Signature: Anna L. Means 615-269-4969

Printed name: Anna L. Means

Address: 4605 Wyoming Ave Nashville

Signature: John Wetzel 615-289-8667

Printed name: John Wetzel

Address: 149 46th Ave N Nashville

Signature: Melanie Shelley (917) 407-5107

Printed name: Melanie Shelley

Address: 147 46<sup>th</sup> AVE N. NASHVILLE

Signature: Jennifer Rigney

Printed name: Jennifer Rigney

Address: 139 46<sup>th</sup> Ave. N. Nashville, TN 37209

Signature: Jasen Rigney

Printed name: Jasen Rigney

Address: 139 46<sup>th</sup> Ave N

Signature: Darri Clark

Printed name: Darri Clark

Address: 149 46<sup>th</sup> Ave N., Nashville TN 37209

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



Appellant: Land Development Solutions  
Property Owner: Appalachian Land  
Representative: Duane Cuthbertson

Date: 9.3.19  
Case #: 2019- 460  
Map & Parcel: 13414 - 037

Council District 28

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

Purpose: Variance of screening wall adjacent to public right-of-way

Activity Type: Car Wash

Location: 335 Harding Place

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: Alternative screening method

Section(s): 17.16.070.J.Aa.

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

Duane Cuthbertson  
Appellant Name (Please Print)

1806 Allison Pl.  
Address

Nashville, TN 37203  
City, State, Zip Code

615.924.9618  
Phone Number

dcuthbert@gmail.com  
Email

Zoning Examiner: CH

Same  
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**



3708313

**ZONING BOARD APPEAL / CAAZ - 20190053009  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 13414003700

APPLICATION DATE: 09/03/2019

**SITE ADDRESS:**

335 HARDING PL NASHVILLE, TN 37211  
PT LOT 3 SOUTH PERIMETER PARK SEC 5 2ND REVISION

PARCEL OWNER: APPALACHIAN LAND &amp; LEASING COMPAI      CONTRACTOR:

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

requesting variance from 18" - 36" wall separating parking area from public right of way.

*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.

Variance of wall requirement

Camel Carwash  
335 Harding Place  
BRING PARCEL 37 ON TAX MAP 13-14  
NASHVILLE, DAVENPORT COUNTY, TENNESSEE  
Codes Tracking # T2018

DATE & ASSOCIATES  
Landscape Architecture  
335 Harding Place  
Nashville, Tennessee 37203  
813.729.1336  
L1.0

Material	Quantity	Remarks
6\"	5.4'	# clear trunk, washed
8\"	4.8'	# clear trunk, washed
8\"	4.8'	# clear trunk, washed
8\"	4.8'	# clear trunk, washed
8\"	4.8'	# clear trunk, washed

Item	Quantity	Remarks
1' Caliper post, 20\"	10	
1' 1/2\"	10	
1\"	10	

**Landscape Notes**

- The landscape contractor shall coordinate all construction with the utility, the landscape contractor shall verify the exact location of all utilities and have provisions to prevent damage to the utility.
- Plant materials and shrubs indicated for removal shall be removed and disposed of by the contractor. Barely living shrubs with light flow of stems shall be removed. Barely living trees with light flow of stems shall be removed.
- All existing trees shall be inspected with 12\"

Material	Quantity	Remarks
1' Caliper post, 20\"	10	
1' 1/2\"	10	
1\"	10	

**Landscape Requirements**

Plant 3\" on the Map 13-14  
Property Zone: C3

1. All deciduous trees shall be planted with but as indicated on the materials schedule.

2. All deciduous trees, whether evergreen or deciduous, shall be planted in a trench 4\"

3. The landscape contractor shall provide a one-year warranty on all plant materials and materials shall be substituted without substitution by Date &

4. No plant materials shall be substituted without substitution by Date &

5. All plant materials shall be substituted without substitution by Date &

6. All plant materials shall be substituted without substitution by Date &

7. All plant materials shall be substituted without substitution by Date &

8. All plant materials shall be substituted without substitution by Date &

9. All plant materials shall be substituted without substitution by Date &

10. All plant materials shall be substituted without substitution by Date &

11. All plant materials shall be substituted without substitution by Date &

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13. All plant materials shall be substituted without substitution by Date &

14. All plant materials shall be substituted without substitution by Date &

15. All plant materials shall be substituted without substitution by Date &

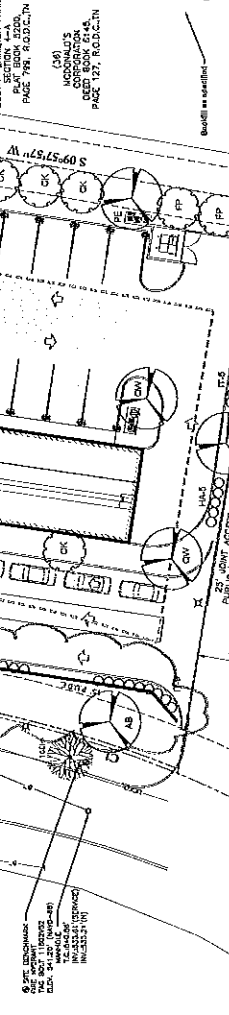
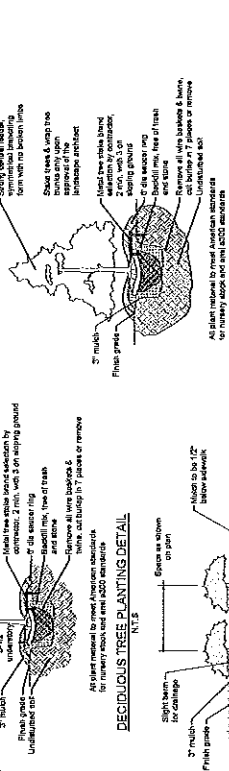
16. All plant materials shall be substituted without substitution by Date &

17. All plant materials shall be substituted without substitution by Date &

18. All plant materials shall be substituted without substitution by Date &

19. All plant materials shall be substituted without substitution by Date &

20. All plant materials shall be substituted without substitution by Date &



EVERGREEN TREE PLANTING DETAIL  
N.T.S.

SHRUBS / GROUNDCOVER PLANTING DETAIL  
N.T.S.

Scale 1" = 20'  
TOTAL AREA = 48,893.2 S.F.  
Codes Tracking Number T2018  
Landscape Plan

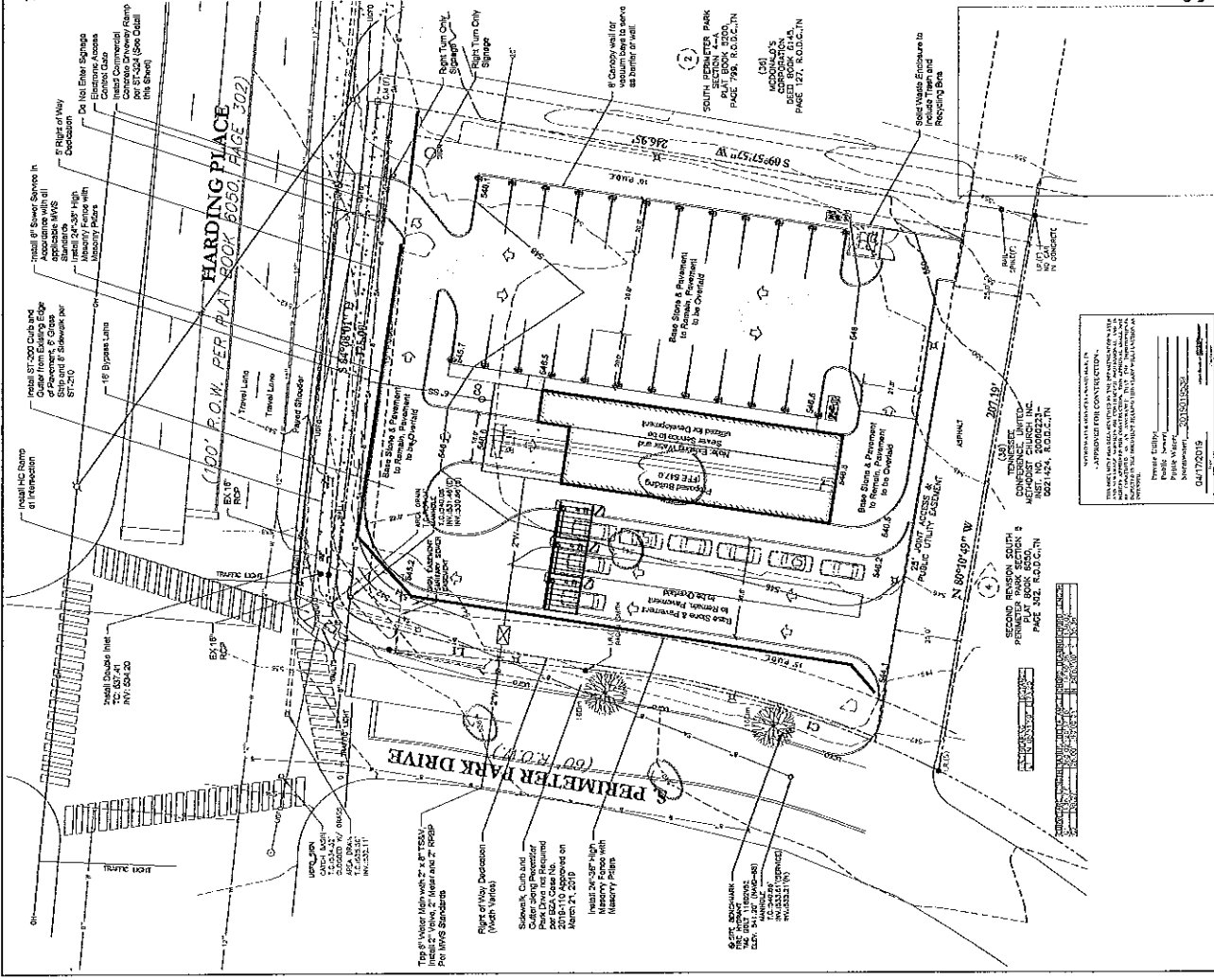
DATE & ASSOCIATES  
Landscape Architecture  
335 Harding Place  
Nashville, Tennessee 37203  
813.729.1336

S. PERIMETER PARK DRIVE  
PUBLIC UTILITY, GAS, ELECTRIC, WATER, SEWER, AND CABLE  
100' R.O.W. PER PLAT BOOK 6030, PAGE 302  
207' R.O.W. PUBLIC UTILITY, GAS, ELECTRIC, WATER, SEWER, AND CABLE

PROFESSIONAL SEAL OF A LANDSCAPE ARCHITECT  
DATE & ASSOCIATES  
Landscape Architecture  
335 Harding Place  
Nashville, Tennessee 37203  
813.729.1336  
04-17-2019



Elevation exhibit (7-9 ft. difference)



**Public Works Notes**

- All work within the public right of way requires an excavation permit from the department of public works.
- Excavation of the site is subject to the requirements of the excavation permit from the department of public works.
- The excavation permit from the department of public works is required for all excavation work within the public right of way.
- Excavation work shall be completed within the time frame specified in the excavation permit.
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**Water and Sewer Notes**

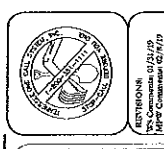
- The contractor is responsible for maintaining the meter water service to the site of installation.
- The contractor is to provide and maintain the construction installation sign for the project.
- All connections to existing water and sewer lines shall be made in accordance with the applicable code.
- Approved meter water service (MWS) shall be provided for all connections to the water main.
- All water meters shall be a minimum of 2" and shall be installed in accordance with the applicable code.
- Pressure regulating devices are required on all lines to the water main where pressure is regulated.
- The contractor shall be responsible for the proper installation and maintenance of the water service.

**Grading, Erosion Control, and Sedimentation Notes (Reference: Volume 1, Section 3.3)**

- Fill material must be placed in lifts not exceeding 18 inches and compacted to a minimum of 95% relative compaction.
- Grading shall be completed in accordance with the approved grading plan.
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**PROVISION**

7. The Commission shall have the authority to suspend or annul the license of any engineer who is found to be incompetent or who is guilty of any act which constitutes a breach of the public trust.

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**PROVISION**

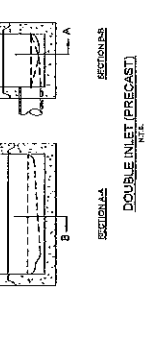
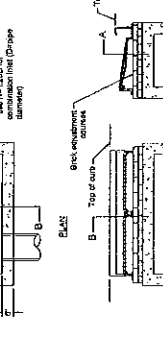
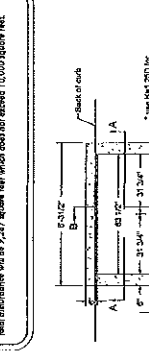
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**APPLICATION SET**

**PROJECT NAME:** Camel Car Wash

**DATE:** 06/24/2019

**DESIGNER:** James O. Williams

**CHECKED BY:** [Name]

**APPROVED BY:** [Name]

**OWNER:** Camel Car Wash

**PROJECT ADDRESS:** 335 Harding Place

**CITY:** Nashville, TN

**STATE:** Tennessee

**ZIP:** 37203

**DATE:** 06/24/2019

**SCALE:** 1" = 20'

**TOTAL AREA:** 46,899.2 S.F.

**PROJECT NUMBER:** 201907127

**LANDSCAPING STANDARDS - CHAPTER 17.24**

**SECTION 17.24.01:** General Standards

**SECTION 17.24.02:** Planting Standards

**SECTION 17.24.03:** Maintenance Standards

**Micro Water Services - Nashville, TN**

**Approved For Construction**

**Meter Backflow/Sanitary Sewer**

**Permit Tracking Number: 201907127**

**By: J. Christy**

**Validates (if applicable):** 06/24/2019

**Codes Tracking Number T2018**

**DATE & DD ASSOCIATES**

**LAND GRADING & ZONING**

**CONCRETE ENGINEERING**

**335 Harding Place**

**Nashville, TN 37203**

**Phone: (615) 259-1100**

**Website: www.dateanddd.com**

## 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.)

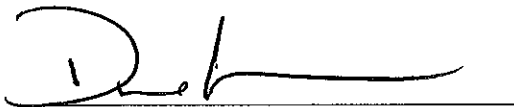
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

9.3.19

**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?**

Existing wall / screening element at the intersection of Harding & Perimeter.  
There's a change of elevation between the right-of-way and the sight - that in combination w/ landscape screening will serve the purpose.

## Nashville Board of Zoning Appeals

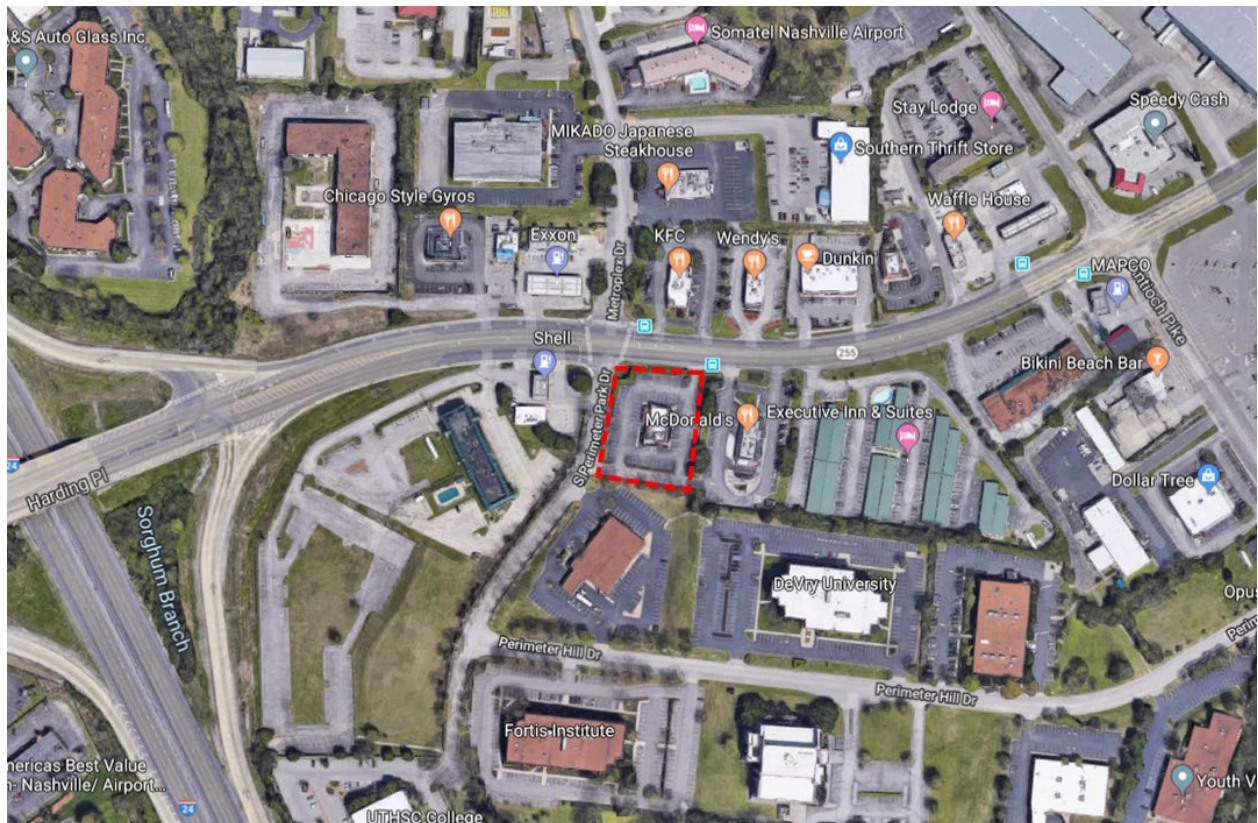
Agenda Date: October 17, 2019

Case No. 2019-460

Address: 335 Harding Pl.

**Request:** Variance of the perimeter street screening requirement.

**Purpose:** To permit a combination of screening elements including an existing wall and vegetation at the intersection of Harding and Perimeter as well as a combination of elevation change and a proposed continuous evergreen hedgerow to satisfy the screening requirement.



335 Harding Pl.





**Zoning Requirement / Intent:** The Zoning Code requires a minimum 36” masonry wall at the street perimeter (specifically for car wash uses in the CS district).

The zoning requirement was established to provide visual separation between the use and adjoining public streets.

**Analysis:**

The subject property is located at the intersection of Harding Place and Perimeter Park Dr. A significantly sized ‘gateway’ wall and monument are already located at the intersection and already provide a screening element.



South along Perimeter Park Dr. the site is elevation from the ROW by 4' – 6' which effectively provides the same level of visual separation between the ROW and the site.

East along Harding Place similar elevation (though slightly less so) change separates the site from the ROW.

The applicant proposes to plant a continuous row of evergreen hedges which will be irrigated as a greener and softer substitute in-lieu of constructing the masonry wall. The evergreen row will be a minimum of 36" in height and will provide visual separation on top of the elevation change along the frontages. Additionally, trees along the street frontage will be maintained where existing or planted as shown in the plan above to reinforce the visual separation.





**Unique Circumstances:**

1. The subject property is elevated above both adjoining ROWs such that visual separation exists;
2. A masonry wall exists at the intersection.



# Meads Chapel Church of Christ

1251 Antioch Pike • Nashville, Tennessee 37211 • Phone 833-9645

Board of Zoning Appeals  
Post Office Box 196300  
Nashville, Tennessee  
37219

Friday  
September Twenty Seven  
Two Thousand Nineteen

To Whom it May Concern,

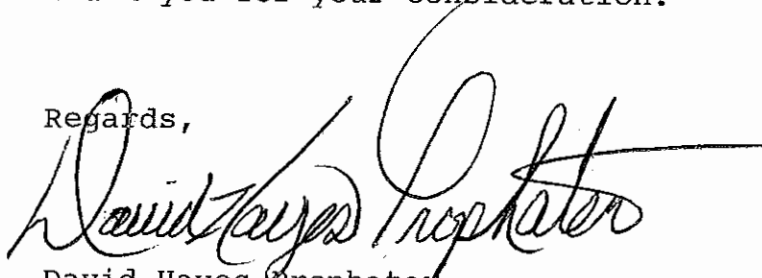
Thank you for your letter of September Eleven regarding the variance requested by Mr. Cuthbertson, and regarding screening wall requirements.

I must admit that I do not really know of a certainty what a screening wall is. Also, My observation is that the car wash being built at 335 Harding Place appears to be nearing completion.

With all that considered, I do not suppose I can offer any reasonably based objection to the requested variance, and will probably become a customer of the car wash.

Thank you for your consideration.

Regards,



David Hayes Prophater  
Pulpit Minister  
Mead's Chapel Church of Christ  
Nashville, Tennessee

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Baker Donelson

Date: 9-3-19

Property Owner: Kirkland Financial

Case #: 2019-462

Representative: Joey Hargis

Map & Parcel: 164-3-A-05200

Council District 33

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

Purpose: To allow for legal use of the residence  
constructed under permit 2018-009627-1 2018-34133

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

Location: 2045 Hamilton Hill Dr.

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

Reason: Variance in rear setbacks

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 D Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Joey Hargis  
Appellant Name (Please Print)

Jame  
Representative Name (Please Print)

211 Commerce St Ste 800  
Address

\_\_\_\_\_  
Address

Nashville, TN 37201  
City, State, Zip Code

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

615-726-7391  
Phone Number

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

jhargis@bakerdonelson.com  
Email

\_\_\_\_\_  
Email

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



3708142

**ZONING BOARD APPEAL / CAAZ - 20190052900**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 164030A05200CO

APPLICATION DATE: 09/03/2019

**SITE ADDRESS:**

2045 HAMILTON HILL DR ANTIOCH, TN 37013  
LOT 52 ROLLING HILLS

PARCEL OWNER: KIRKLAND FINANCIAL LLC

CONTRACTOR:

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

REQUEST TO ALLOW FOR LEGAL USE OF RESIDENCE CONSTRUCTED UNDER PERMIT 2018009627 AND 201934133

REQUEST VARIANCE IN REAR SETBACK PER 17.12.020

*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**



3448229

**BUILDING RESIDENTIAL - NEW / CARN - 2018009627  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 164030A05200CO

APPLICATION DATE: 02/20/2018

**SITE ADDRESS:**

2045 HAMILTON HILL DR ANTIOCH, TN 37013  
LOT 52 ROLLING HILLS

PARCEL OWNER: KIRKLAND FINANCIAL LLC

**CONTRACTOR:**

APPLICANT: BGT CONSTRUCTION LLC

BGT CONSTRUCTION LLC

67177 STBC-A

ARLINGTON, TN 38002 9017302125

**PURPOSE:**

SP. Planning to review/approve prior to permit issuance (setbacks, sidewalks, overall height, lot coverage).  
Permit to construct a single family residence with 2140 sq ft, 438 sq ft attached garage and 128 sq ft of porches and decks..... Must conform with all easements on property.\*\*\* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the urban forestry approved tree list shall be planted on the subject property.  
\*\*\*Pursuant to ordinance no. 2006-1263 of the metropolitan code of laws, I (the holder on this permit) hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction and demolition waste shall be stored on the property in violation of any provision of the metropolitan code\*\*-----Sidewalk requirements to be determined by Planning Review.

*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.*

U&O Sewer Availability Final Approval	mws.ds@nashville.gov
U&O Water Availability Final Approval	mws.ds@nashville.gov
U&O PW Sidewalk FA - CA Final Approval	615-862-8758 Benjamin.york@nashville.gov
Building Framing - Ceiling	Sid.Hinkle@nashville.gov
Building Floor Elevation	Sid.Hinkle@nashville.gov
Building Footing	Sid.Hinkle@nashville.gov
Building Foundation	Sid.Hinkle@nashville.gov
Building Framing	Sid.Hinkle@nashville.gov
Building Framing - Wall	Sid.Hinkle@nashville.gov
Codes Tree U&O Final Inspection	
CA Building Progress Inspection	Sid.Hinkle@nashville.gov
Building Slab	Sid.Hinkle@nashville.gov
Building Final	Sid.Hinkle@nashville.gov
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov

Inspection requirements may change due to changes during construction.



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



3679178

**BUILDING RESIDENTIAL - CHANGE CONTRACTOR / CARP - 2019034133  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 164030A05200CO

APPLICATION DATE: 06/10/2019

**SITE ADDRESS:**

2045 HAMILTON HILL DR ANTIOCH, TN 37013  
LOT 52 ROLLING HILLS

PARCEL OWNER: KIRKLAND FINANCIAL LLC

**CONTRACTOR:**

APPLICANT: UNCLE CHEDS ENTERPRISES LLC`

UNCLE CHEDS ENTERPRISES LLC 69960 STBC-A

HENDERSONVILLE, TN 37075  
5612390527

**PURPOSE:**

PERMIT TO COMPLETE WORK STARTED UNDER PERMIT NO. CARN-2018009627...WORK 60% COMPLETED... ..

\*\*\*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.*

Building Framing - Ceiling	Sid.Hinkle@nashville.gov
Building Final	Sid.Hinkle@nashville.gov
Building Floor Elevation	Sid.Hinkle@nashville.gov
Building Footing	Sid.Hinkle@nashville.gov
Building Framing - Wall	Sid.Hinkle@nashville.gov
CA Building Progress Inspection	Sid.Hinkle@nashville.gov
Building Foundation	Sid.Hinkle@nashville.gov
Building Slab	Sid.Hinkle@nashville.gov
Building Framing	Sid.Hinkle@nashville.gov
U&O Letter	615-862-6527 tawanna.dalton@nashville.gov

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

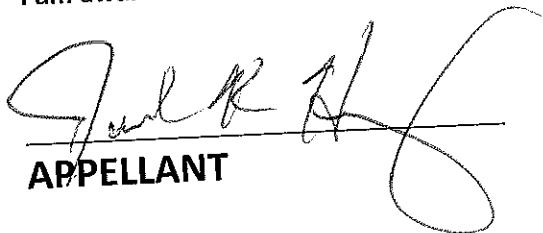
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

9.3.19  
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.

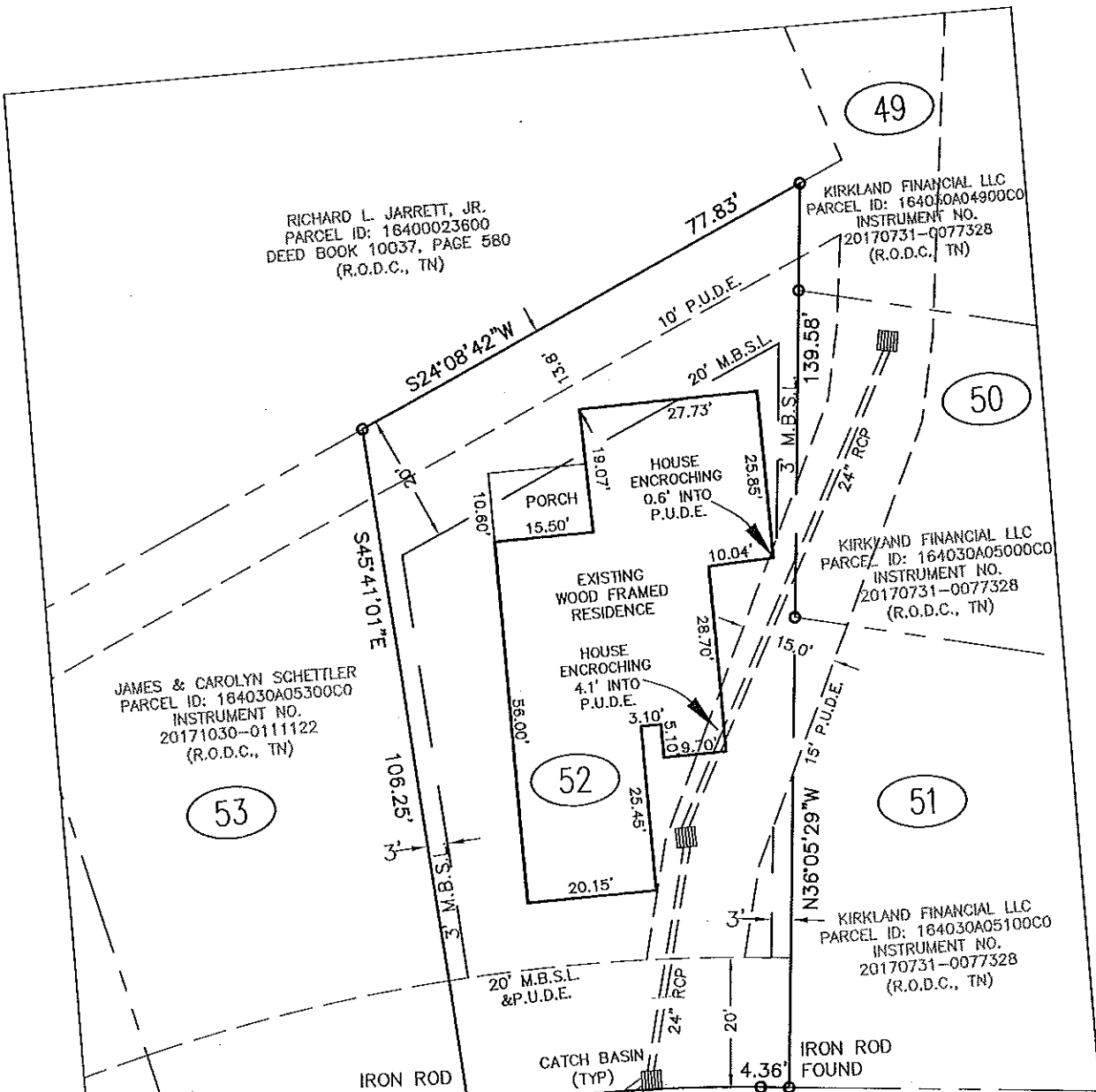
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

The irregular shape of the property a sewer easement along with the circumstances of the home being constructed by prior contractor in violation of setback.

Contractor has fled the job a property owner files this appeal to correct errors





**AS CONSTRUCTED SURVEY**

- 1.) THE HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION WITH DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS OBSERVATIONS PROCESSED BY THE TENNESSEE DOT NETWORK. BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = NAD83-C.O.R.S.; VERTICAL = NAVD88; ZONE TN 4100, GEOID MODEL MID TN 25012A), USING SOKKIA GPS MODEL GRX2 GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=5mm+.05ppm AND VERTICAL ACCURACY=10mm+.08ppm.
- 2.) SUBJECT PROPERTY IS LOT 52 AS SHOWN ON THE FINAL PLAT OF ROLLING HILLS SUBDIVISION, OF RECORD IN INSTRUMENT NO. 20161109-0118395, R.O.D.C., TN.
- 3.) PROPERTY CURRENTLY ZONED SP (SPECIFIC PLAN)
- 4.) NO TITLE REPORT FURNISHED TO THIS SURVEYOR.
- 5.) THE SUBJECT TRACT IS SHOWN ON DAVIDSON COUNTY TAX MAP 164-03, AS PARCEL 52.00
- 6.) AREA: 7,323 SQ FT. OR 0.17 ACRES

OWNER: KIRKLAND FINANCIAL LLC  
 ADDRESS: 2045 HAMILTON HILL DR  
 CITY: ANTIOCH, DAVIDSON COUNTY, TENNESSEE  
 INSTRUMENT NO. 20170731-0077328  
 SCALE: 1"=20' DATE: JUNE 26, 2019

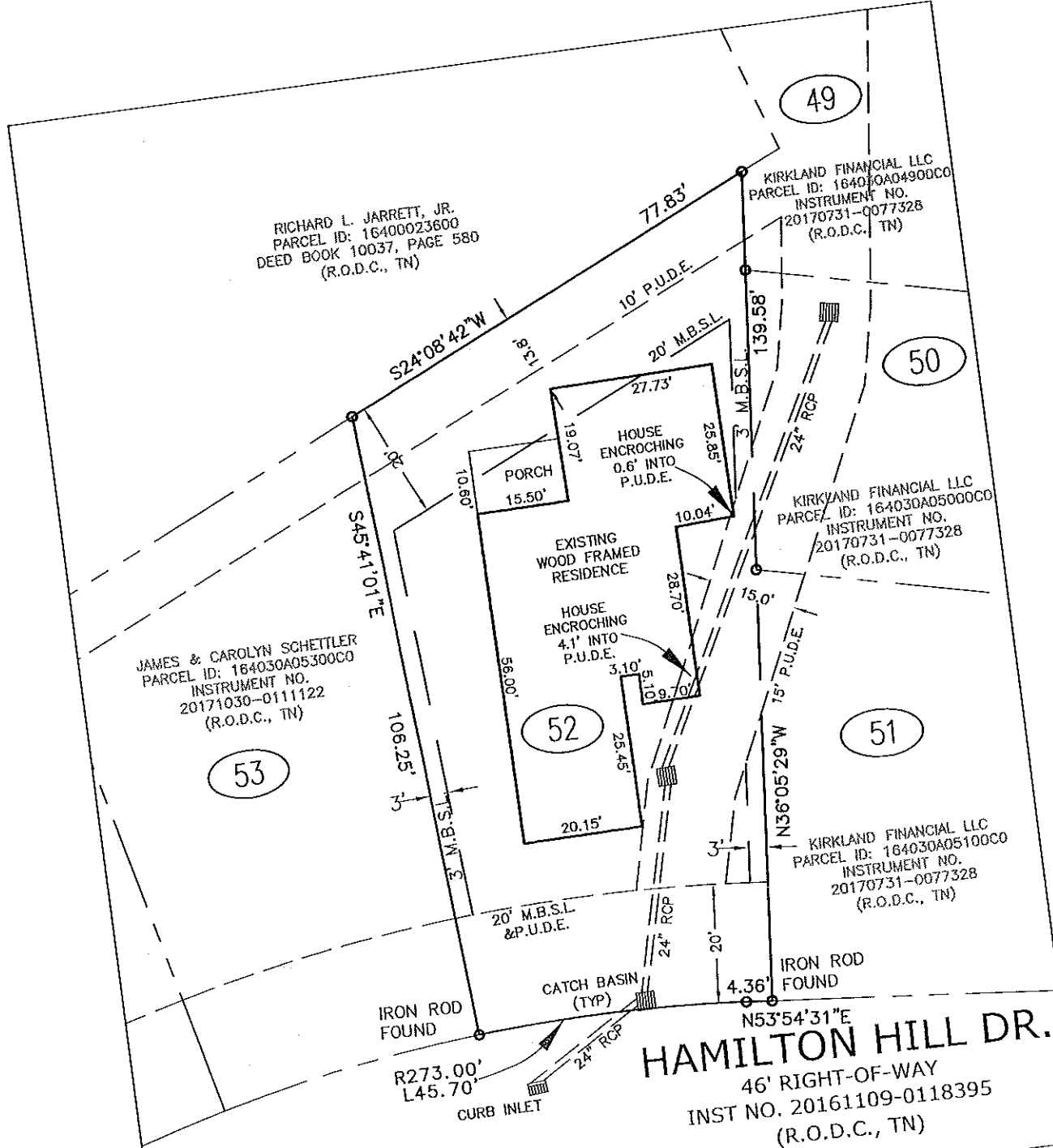
**CERTIFICATE OF SURVEY**  
 TO: KIRKLAND FINANCIAL LLC

I HEREBY CERTIFY THAT THE SURVEY DEPICTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF TENNESSEE. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JUNE 20, 2019

**WILLIAM B. PERKINS**  
 RLS NUMBER 2163  
 JUNE 21, 2019

**H & H LAND SURVEYING INC.**  
 612 A FITZHUGH BLVD  
 SMYRNA, TENNESSEE 37167  
 PHONE # 615-831-0756  
 JOB # 2019-0285





### AS CONSTRUCTED SURVEY

- 1.) THE HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION WITH DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS OBSERVATIONS PROCESSED BY TENNESSEE DOT NETWORK. BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = NAD83-C.O.R.S.; VERTICAL = NAVD88; ZONE TN 4100, GEOD MODEL MID TN 25012A), USING SOKKIA GPS MODEL GRX2 GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=5mm+.05ppm AND VERTICAL ACCURACY=10mm+.08ppm.
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- 4.) NO TITLE REPORT FURNISHED TO THIS SURVEYOR.
- 5.) THE SUBJECT TRACT IS SHOWN ON DAVIDSON COUNTY TAX MAP 164-03, AS PARCEL 52.00
- 6.) AREA: 7,323 SQ. FT. OR 0.17 ACRES

OWNER: KIRKLAND FINANCIAL LLC  
 ADDRESS: 2045 HAMILTON HILL DR  
 CITY: ANTIOCH, DAVIDSON COUNTY, TENNESSEE  
 INSTRUMENT NO. 20170731-0077328  
 SCALE: 1"=20' DATE: JUNE 26, 2019

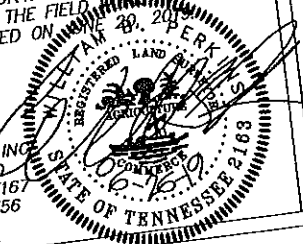
#### CERTIFICATE OF SURVEY

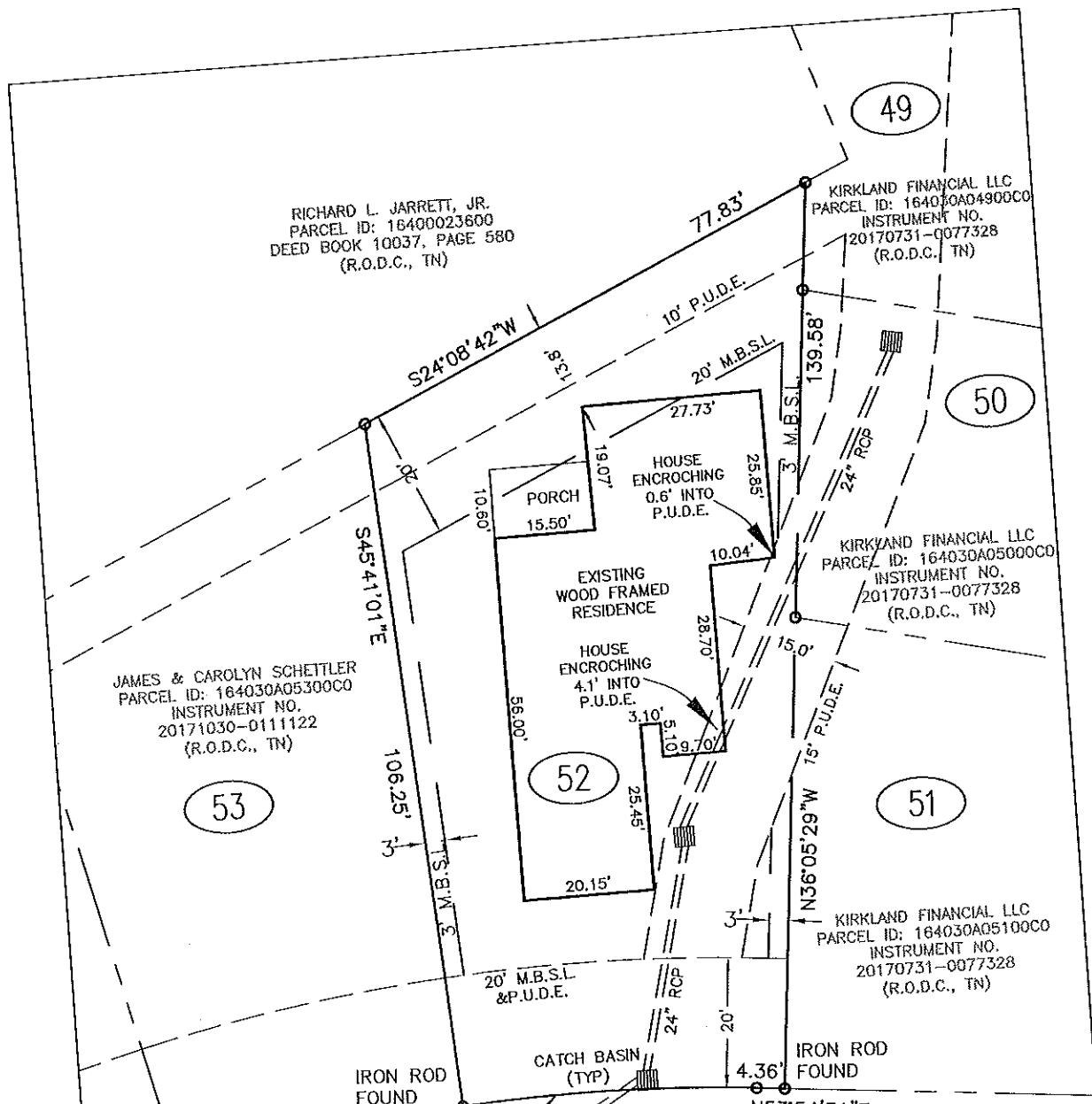
TO: KIRKLAND FINANCIAL LLC.

I HEREBY CERTIFY THAT THE SURVEY DEPICTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF TENNESSEE. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JUN 28, 2019.

WILLIAM B. PERKINS  
 RLS NUMBER 2163  
 JUNE 21, 2019

H & H LAND SURVEYING INC.  
 612 A FITZHUGH BLVD  
 SMYRNA, TENNESSEE 37167  
 PHONE # 615-831-0756  
 JOB # 2019-0285





**HAMILTON HILL DR.**  
 46' RIGHT-OF-WAY  
 INST NO. 20161109-0118395  
 (R.O.D.C., TN)

**AS CONSTRUCTED SURVEY**

- 1.) THE HORIZONTAL LOCATION DATA SHOWN ON THIS SURVEY WAS GATHERED USING STANDARD RADIAL SURVEYING TECHNIQUES WITH AN ELECTRONIC TOTAL STATION WITH DATA COLLECTOR AND GLOBAL POSITIONING SYSTEM (GPS) UNIT AND IS BASED UPON A POSITIONAL SOLUTION DERIVED FROM REAL-TIME KINEMATIC GPS OBSERVATIONS PROCESSED BY THE TENNESSEE DOT NETWORK. BEARINGS ARE EXPRESSED IN THE TENNESSEE STATE PLANE COORDINATE SYSTEM (HORIZONTAL = NAD83-C.O.R.S.; VERTICAL = NAVD88; ZONE TN 4100, GEOD MODEL MID TN 25012A), USING SOKKIA GPS MODEL GRX2 GNSS RECEIVER RTK (L1+L2), HORIZONTAL ACCURACY=5mm+.05ppm AND VERTICAL ACCURACY=10mm+.08ppm.
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- 6.) AREA: 7,323 SQ. FT. OR 0.17 ACRES

OWNER: KIRKLAND FINANCIAL LLC  
 ADDRESS: 2045 HAMILTON HILL DR  
 CITY: ANTIOCH, DAVIDSON COUNTY, TENNESSEE  
 INSTRUMENT NO. 20170731-0077328  
 SCALE: 1"=20' DATE: JUNE 26, 2019

**CERTIFICATE OF SURVEY**  
 TO: KIRKLAND FINANCIAL LLC.

I HEREBY CERTIFY THAT THE SURVEY DEPICTED HEREON IS TRUE AND CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF AS A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF TENNESSEE. THE FIELD WORK FOR THIS SURVEY WAS COMPLETED ON JUN 20, 2019

WILLIAM B. PERKINS  
 RLS NUMBER 2163  
 JUNE 21, 2019

H & H LAND SURVEYING INC.  
 612 A FITZHUGH BLVD  
 SMYRNA, TENNESSEE 37167  
 PHONE # 615-831-0756  
 JOB # 2019-0285



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:** October 3, 2019  
**BZA Hearing Date:** October 17, 2019  
**Re:** Planning Department Recommendation for Variance Cases

---

Pursuant to Section 17.40.340 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following Variance case:

## **Case 2019-462 (2045 Hamilton Hill Dr.) – Variance**

**Request:** To approve a variance from the required rear yard setback requirement for a property in a SP Zoning District.

**Zoning: Specific Plan-Residential (SP-R)** is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes single-family and townhome units.

**Existing Context:** The property is approximately 7,323 square feet (0.17 acres) and located on the south side of Hamilton Hill Ride, just east of the intersection of Hamilton Hill Drive and Brookshine Port. This property is within the Rolling Village (Amendment) SP, approved under Council Ordinance Number BL2014-803. This SP permitted a mix of single-family and multi-family residential units.

The subject site has been developed with a detached single-family structure. The surrounding properties to the north along Hamilton Hill Drive and to the south along Brookshine Port are located within the SP. These properties are also detached single-family structures. The properties to the east are zoned Agricultural/Residential (AR2A) and are primarily single-family detached homes on lots larger than 2 acres.

### **Planning Department Analysis:**

The applicant is requesting a variance:

- To allow for a reduction in the rear yard setback from 20 feet to 13 feet.

The development standards, including setbacks, are established by the previously approved specific plan. The requested variance is to allow a reduction in the required rear yard setback to 13 feet. The required rear yard setback is 20 feet. The survey shows the existing conditions of the property, including the location of the already constructed home. The house is approximately 13.8 feet from the rear property line and the porch approximately 15 feet from the rear property line. The other setbacks are met.

The request to reduce the setback would not likely have a negative impact on the surrounding properties to the north and south. The property to the east is the most likely to be negatively impacted by the reduced setback. This property is not located within the SP and is zoned Agricultural/Residential (AR2A). This adjacent 5 acre parcel has been developed with one detached single family house, over 200 feet from the rear property line of the subject site. Given that the subject site meets the front and side yard setbacks, and the distance between the existing structure and the structure to the east, the requested reduced setback will not likely have a negative impact on the adjacent properties.

**Planning Recommendation:** Approve.



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Myra Finley  
Property Owner: Rising Sun Prop.  
Representative: Myra Finley

Date: 9-4-19  
Case #: 2019- 463  
Map & Parcel: 105-9-322

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 reduction of side setback from 5' to 0' to allow construction of a Deck

Activity Type: Single family - addition

Location: 1004 Ackles Ave

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

Reason: Cannot build to the rear

Section(s): 12.12.020(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.

Myra Finley  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

1403 Villa Place  
Address

Address

Nashville, TN 37212  
City, State, Zip Code

City, State, Zip Code

615-498-8051 (C)  
615-269-9465 (A)  
Phone Number

Phone Number

myra.d.finley@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



3708626

**ZONING BOARD APPEAL / CAAZ - 20190053233**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 10509032200

APPLICATION DATE: 09/04/2019

## SITE ADDRESS:

1004 ACKLEN AVE NASHVILLE, TN 37203  
LOT 3 HARRIS & EVES SUB 19 JONES & DUDLEY

PARCEL OWNER: RISING SUN PROPERTIES, LLC

CONTRACTOR:

## APPLICANT:

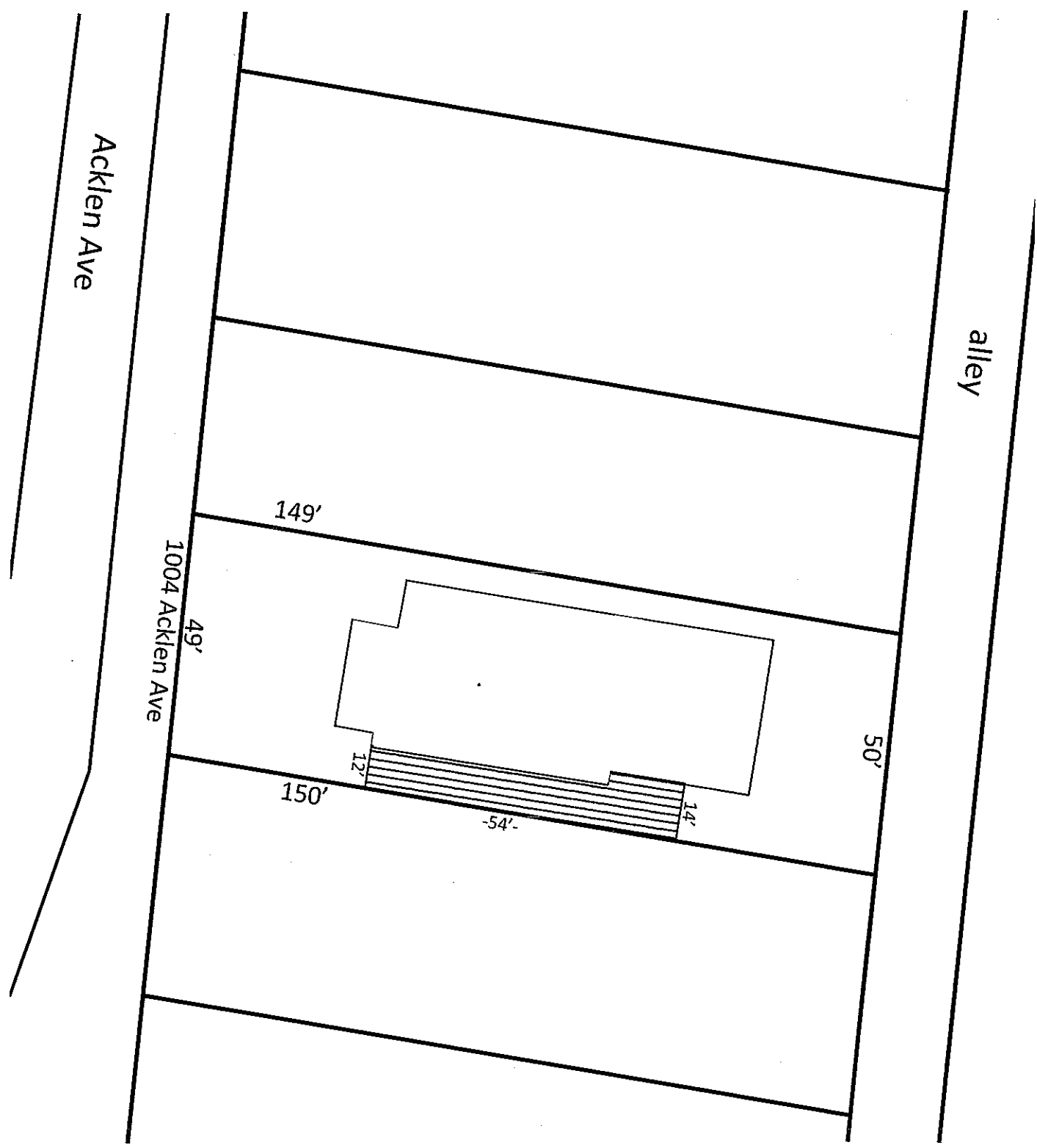
## PURPOSE:

requesting variance to reduce side setback from 5' to 0' to build attached deck.

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

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

Inspection requirements may change due to changes during construction.



## APPLICATION FOR A VARIANCE REQUEST

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

*Neena Smiley*  
*Rising Sun Properties, LLC*  
**APPELLANT**

9-3-19  
**DATE**

Property Owner:

Rising Sun Properties, LLC

Property Address:

1004 Acklen Avenue  
Nashville, TN. 37203

Contact Person:

Myra Finley

[myra.finley@risingsunpropertiesllc.com](mailto:myra.finley@risingsunpropertiesllc.com)



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 have invested in this house to bring it to a high standard while maintaining the classic exterior look, in our desire to invest in this Community, which we have lived in for a long time. We worked closely with the historic commission to make improvements solely within their guidelines. Due to keeping the front of the house unchanged, we placed an attached garage at the back of the house, with alley access. That has made the original driveway, which came off of Acklen Ave, and ran along the right side of the house no longer needed to be used as a driveway. With this addition to the house, it does mean that there is no space at the back of the house to put a deck. The only option we have, at this point, is to place a deck on the right side of the house, when facing Acklen, where the old driveway ran along the side of the house. We have put a fence around this area and the proposed deck would be completely behind the fence. Due to the narrowness of this area and the lack of capacity to put a deck at the back of the house, where it would block access to the garage off the alley, we are requesting a variance to allow the deck to utilize the full width of the space between the house and fence, 14', which would take the deck to the fenced property line.*

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** District 17 positions for Oct. 17 meeting  
**Date:** Wednesday, October 9, 2019 9:15:33 AM

---

Good morning,

Below are my positions on D17 appeals for the Oct. 17 meeting:

2019-450: **Strongly oppose** this STRP appeal

2019-452: **Support** this variance request, as the lot is barely shy of the minimum lot size requirement

2019-463: **Neutral** on this setback reduction request

Thanks,

Colby

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

**From:** [Ted Chapin](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal Case 2019-463  
**Date:** Wednesday, October 9, 2019 8:16:41 PM

---

I am the owner of the property at 1000 Acklen Avenue just 2 doors down from the property in question. I purchased my house on Acklen Avenue in 1998 and lived there for 15 years. I currently live at 1820 11<sup>th</sup> Ave N. I have been making improvements at 1000 Acklen Ave over the last 2 years, and I was a candidate for Metro Council in District 21 in the 2019 election. I am very familiar with zoning, codes, and the requirements for making improvements in the conservation overlay.

I am writing in opposition to Myra Finley's appeal regarding side setback requirements. Mrs. Finley has already built a very large (3 story) addition on the house, and a very tall fence along the property line between 1004 and 1002 Acklen. The rear setback for Mrs. Finley's addition to 1004 Acklen meets the minimum requirements leaving very little outdoor recreation space. I do not know exactly what she intends to add to the house but can assume this variance request may be in order to add a wrap around deck based on a conversation that I had with one of her contractors. Mrs. Finley had the opportunity to include a deck in the plans for the enormous addition she has already made to the house. It appears that she chose to add the maximum allowable square footage to the house instead. The house has been vacant and listed for sale for quite some time. I see no compelling reason to allow this variance request. I am asking the board of zoning appeals to deny Mrs. Finley's variance request.

Thank you for your time, attention to my concerns, and your service on the Board of Zoning Appeals.

Sincerely,

Ted Chapin

1820 11<sup>th</sup> Ave N

Nashville, TN 37208

(615)473-4212

chapin.ted@gmail.com



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

Appellant: Taral Patel Date: 8-27-19  
 Property Owner: Taral Patel Case #: 2019- 450  
 Representative: Taral Patel Map & Parcel: 105014A04400CO

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 obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 1008 11<sup>th</sup> 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:

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: Taral Patel Representative: Same  
 Phone Number: 615 339-8924 Phone Number: \_\_\_\_\_  
 Address: 1008 11<sup>th</sup> Ave S Address: \_\_\_\_\_  
Nashville, TN 37203 \_\_\_\_\_  
 Email address: atlas.redstone@gmail.com Email address: \_\_\_\_\_

Appeal Fee: \$100.00

*P.O.F.*



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



3706047

**ZONING BOARD APPEAL / CAAZ - 20190051535**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 105014A04400CO

APPLICATION DATE: 08/27/2019

**SITE ADDRESS:**

1008 11TH AVE S NASHVILLE, TN 37203  
UNIT 44 ARCHER AT 12TH HOMES AMENDED

PARCEL OWNER: S-SQUARED INVESTMENTS, LLC

CONTRACTOR:

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

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

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

---

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

Inspection requirements may change due to changes during construction.



## 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.)

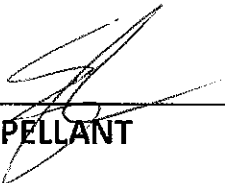
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In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

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

  
\_\_\_\_\_  
APPELLANT

8/27/19  
\_\_\_\_\_  
DATE



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.

*[Handwritten Signature]*  
8/27/19

**From:** [Patel Taral](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 1008 11th Avenue South, Nashville, TN 37203  
**Date:** Saturday, September 21, 2019 11:29:30 PM

---

RE: Zoning Appeal Case #2019-450

To Whom it May Concern:

I am writing this to outline the basis for my Item A appeal. I am challenging the zoning administrator's denial of a short term rental permit. There was a short term rental permit obtained on the property by Turnkey, Inc in 2018. They managed the property for several months, however I changed managers for the property. Unfortunately Turnkey, Inc neglected to inform me that the permit had to be renewed. I did receive a letter informing me of this oversight and the property was removed from all rental websites since that time. I certainly admit my error and oversight and have done my best to rectify it by removing the property. I have since become more educated regarding the regulations of short term rental properties and permits. I am respectfully asking that the time to allow me to re-apply for a short term rental permit be shortened and that from this point forward I will be in compliance with regulation and permitting. Thank you very much for your time and understanding in this matter.

Sincerely,

Taral Patel MD

**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** District 17 positions for Oct. 17 meeting  
**Date:** Wednesday, October 9, 2019 9:15:33 AM

---

Good morning,

Below are my positions on D17 appeals for the Oct. 17 meeting:

2019-450: **Strongly oppose** this STRP appeal

2019-452: **Support** this variance request, as the lot is barely shy of the minimum lot size requirement

2019-463: **Neutral** on this setback reduction request

Thanks,

Colby

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

**From:** [James Snellen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** #20190051535  
**Date:** Friday, October 4, 2019 3:44:12 PM

---

Dear Board,

I've received the notice of Taral Patel challenging your standing decision of the denied STRP previously issued or applied for.

I'd like to submit my request for denial as the area is currently littered with units that are being rented out as weekend party houses. I understand the RM20 is properly zoned for a STRP but I trust there was a valid reason for the Board's initial denial and ask that the denial be upheld for us residents who live nearby.

Thanks for your time and acknowledgement to my request.

J. Ryan Snellen, CFP®, CPFA, ChFC®  
CERTIFIED FINANCIAL PLANNER™  
Certified Plan Fiduciary Advisor

Bluegrass Financial Partners  
270/312.7703  
Ryan@Bluegrass-fp.com  
www.letsmakeaplan.org  
www.linkedin.com/in/ryansnellen/

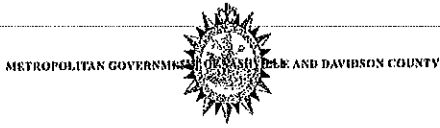
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Metropolitan Board of Zoning Appeals  
Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

Appellant: Matthew Jacoby Date: 8-29-19  
Property Owner: Matthew Jacoby Case #: 2019- 454  
Representative: Matthew Jacoby Map & Parcel: 08316004500

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: 2657 Barclay 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 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: Matthew Jacoby Representative: Same  
Phone Number: 716 218-8834 Phone Number: \_\_\_\_\_  
Address: 2657 Barclay Dr. Address: \_\_\_\_\_  
Nashville, TN 37206  
Email address: Jacobymatt@gmail.com Email address: \_\_\_\_\_

Appeal Fee: \$100.00

*P.D.K.*



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



3707013

**ZONING BOARD APPEAL / CAAZ - 20190052165  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08316004500**APPLICATION DATE:** 08/29/2019**SITE ADDRESS:**

2657 BARCLAY DR NASHVILLE, TN 37206  
LOT 241 SEC. 3 ADDN. 1. FORTLAND PARK

**PARCEL OWNER:** JACOBY, 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.  
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---

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

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METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS  
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*Matt J. [Signature]* 8/29/19

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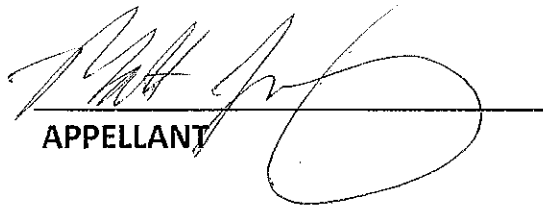
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APPELLANT

8/29/19  
DATE

Rental Unit Record

# 2657 Barclay Dr, Nashville, TN 37206, USA

Active

Identified

Compliant

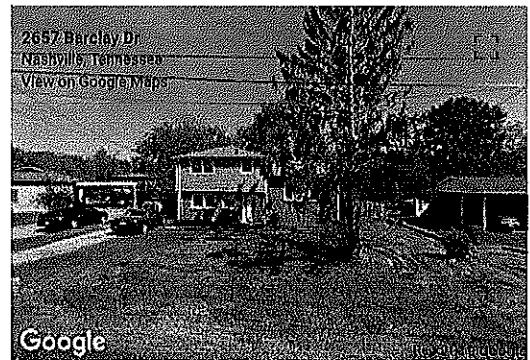
PRINT

## Listing(s) Information

Airbnb - 15055564



## Rental Unit Information



### Identified Address

2657 Barclay Dr, Nashville, TN 37206, USA

### Identified Unit Number

None

### Identified Latitude, Longitude

36.174044, -86.719452

### Parcel Number

08316004500

### Owner Name

JACOBY, MATTHEW

### Owner Address

2657 BARCLAY DR  
NASHVILLE, TN 37206, US

### Registration / Permit Number

505119

## Matched Details

Analyst LYY3

### Explanation

Matched street view to listing photo. Matched name (Matt) to parcel records (owner #1: JACOBY, MATTHEW).

### Listing Photos



### Matching 3rd Party Sources



Same exterior.

Zip Code Match

City Name Match

### Timeline of Activity

View the series of events and documentation pertaining to this property

## Listing Details




Listing URL	- https://www.airbnb.com/rooms/15055564
Listing Status	● Active
Host Compliance Listing ID	- air15055564
Listing Title	- East Nashville Greenway Getaway
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Aug 28, 2019
Screenshot Last Captured	- Aug 26, 2019
Price	- \$150/night
Cleaning Fee	- \$60

Information Provided on Listing

Contact Name	- Matt
Latitude, Longitude	- 36.173573, -86.720096
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 6
Max Number of People per Bedroom	- 3
Number of Reviews	- 55
Last Documented Stay	- 08/2019

































Listing Screenshot History

 [View Latest Listing Screenshot](#)

June 9

July 9

August 8

-  3 Documented Stays  
August, 2019
-  1 Documented Stay  
June, 2019
-  2 Documented Stays  
May, 2019
-  4 Documented Stays  
April, 2019
-  4 Documented Stays  
March, 2019
-  1 Documented Stay  
February, 2019
-  2 Documented Stays  
January, 2019
-  First Warning - No STR Permit: Delivered  
January 18th, 2019 
-  First Warning - No STR Permit: Sent  
January 11th, 2019 
-  1 Documented Stay  
December, 2018
-  3 Documented Stays  
November, 2018
-  4 Documented Stays  
October, 2018
-  3 Documented Stays  
September, 2018
-  3 Documented Stays  
July, 2018
-  3 Documented Stays  
May, 2018
-  2 Documented Stays  
April, 2018
-  Airbnb Letter: Delivered  
April 8th, 2018 
-  Airbnb Letter: Sent  
March 29th, 2018 
-  1 Documented Stay  
March, 2018
-  1 Documented Stay  
December, 2017
-  First Warning - No Tax Reg: Delivered  
December 8th, 2017 
-  First Warning - No Tax Reg: Sent  
December 1st, 2017 
-  3 Documented Stays  
October, 2017
-  2 Documented Stays  
September, 2017
-  Listing air15055564 Identified  
August 2nd, 2017
-  2 Documented Stays  
July, 2017

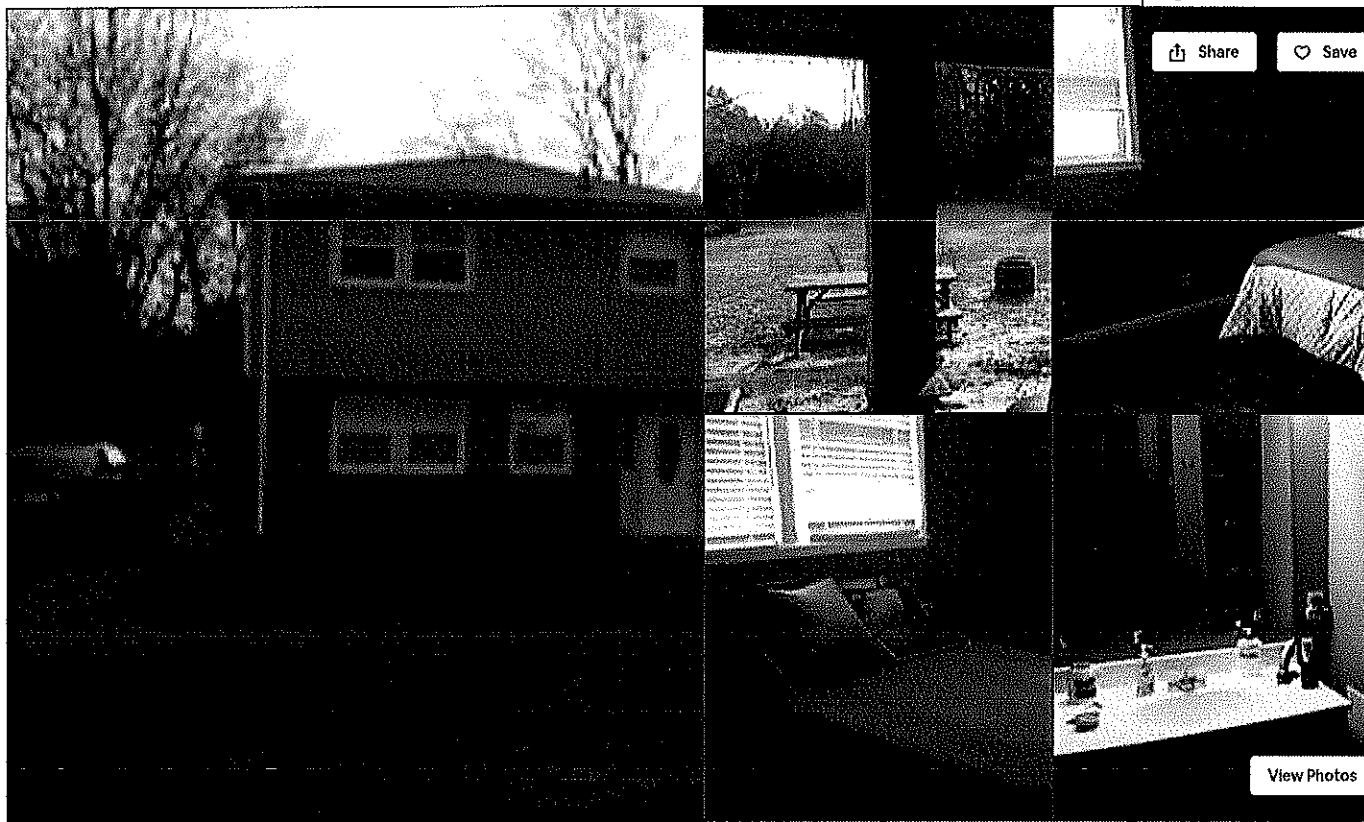
- 📅 1 Documented Stay  
June, 2017
- 📅 2 Documented Stays  
May, 2017
- 📅 3 Documented Stays  
April, 2017
- 📅 1 Documented Stay  
February, 2017
- 📅 1 Documented Stay  
January, 2017
- ✳ Listing air15055564 First Crawled  
January 1st, 2017
- 📅 2 Documented Stays  
December, 2016
- Listing air15055564 First Activity  
December 24th, 2016

August 26, 2019 - 04:54AM America/Chicago

Search

Become a host Help Sign up Log i

Aug 26, 2019 4:54am CT



Share

Save

[View Photos](#)

## East Nashville Greenway Getaway

Nashville



Matt

**Entire house**  
6 guests 2 bedrooms 3 beds 1.5 baths

**Great check-in experience**  
100% of recent guests gave the check-in process a 5-star rating.

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

**Great location**  
95% of recent guests gave the location a 5-star rating.

**\$150** per night  
★★★★★ 55

Dates  
08/27/2019 → Checkout

Guests  
1 guest

**Reserve**

You won't be charged yet

Report this listing

A comfy 2 bedroom, 1.5 bathroom home. Non-smoking. Full backyard and open layout, great for entertaining or just relaxing. Close to 5 Points shopping, bars, and adjacent to Shelby Bottoms Park and Greenway. Ideal for couples, business travelers, families (with kids), large groups, and furry friends (pets require an additional \$100 fee)

Contact host



### 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

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

### Family features

Bathtub

Game console

### Facilities

Free parking on premises

Free street parking

### Dining

Kitchen

Space where guests can cook their own meals

Dishes and silverware

Microwave

### Guest access

Keypad

Check yourself into the home with a door code

Private entrance

Separate street or building entrance

### Bed and bath

Hangers

Hair dryer

Shampoo

**Safety features**

Fire extinguisher

Smoke detector

First aid kit

**Not included**

Carbon monoxide detector

The host hasn't reported a carbon monoxide detector on the property.

**Sleeping arrangements**



**Bedroom 1**  
1 queen bed



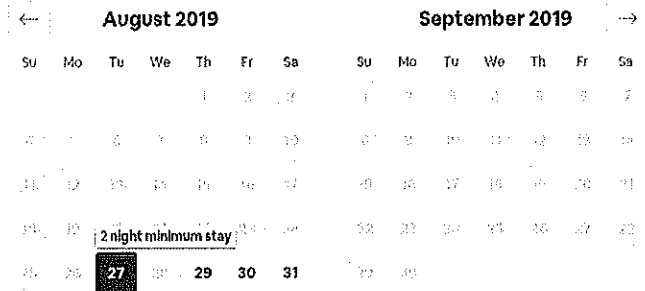
**Bedroom 2**  
1 queen bed



**Common spaces**  
1 couch

**Availability**

This host offers 10% off if you stay a week and a 20% monthly discount.




Clear dates


**55 Reviews** ★★★★★

Search reviews


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

 **Autumn**  
August 2019

Very spacious and cozy! Hospitality was amazing

 **Mark**  
August 2019

Great, roomy place on a quiet street, yet close to everything.

 **Savannah**  
August 2019

Awesome place to stay in east Nashville. Took my dogs and they absolutely loved it. and the huge fenced in yard!





Danica  
June 2019

Traveled with our two pups, Siri and Lulu who are Samoyeds. They loved sitting in the yard looking for squirrels. Perfectly located for walks in the park down the block. Just up the street we watched 4 wild turkeys leisurely cross the road. Neighbors were friendly. With...Read more



Matt  
May 2019

Excellent house for a group gathering with some friends.



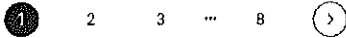
John  
May 2019

A coworker and I stayed at Matt's place for a work trip. The dining room table worked well as a desk for my laptop and external monitor and the wireless was reliable and cell coverage good. The beds were comfortable and the shower had great water pressure. The area was a short...Read more



Kimberley  
April 2019

Matt's place was perfect for my family and I. The spacious yard and back porch were a plus, along with the quick access to downtown and Shelby Park. I would highly recommend his place if you want to see Nashville but don't want to be in the thick of all the hustle and bustle.



### Hosted by Matt

Nashville, TN · Joined in November 2015



★ 55 Reviews ✪ Verified

Matt supports the Living Wage Pledge

People who clean this host's listing are paid a living wage. [Learn more](#)

Response rate: 90%

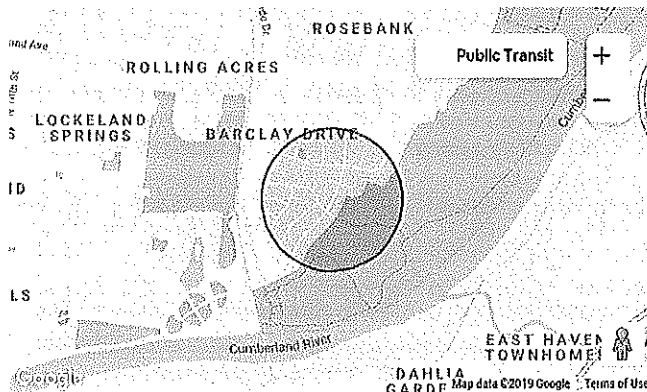
Response time: within an hour

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

Matt's place is located in Nashville, Tennessee, United States.



Exact location information is provided after a booking is confirmed.

### Things to keep in mind

Check-in: Flexible  
Checkout: 12PM (noon)

Self check-in with keypad

#### House Rules

- No smoking
- Pets are allowed
- Parties and events are allowed

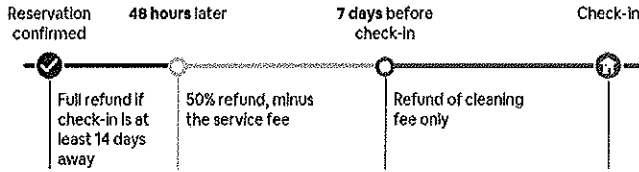
#### You must also acknowledge

- Must climb stairs - Split level house
- Security Deposit - If you damage the home, you may be charged up to \$100

Hide rules ^

#### Cancellations

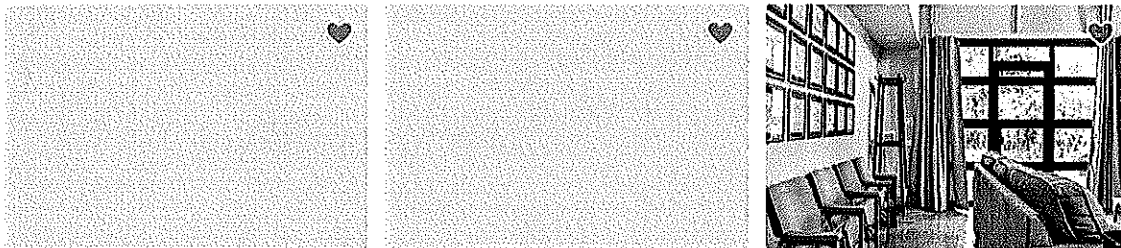
Strict - Free cancellation for 48 hours  
After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.



Get full details

Hide policies ^

### More places to stay

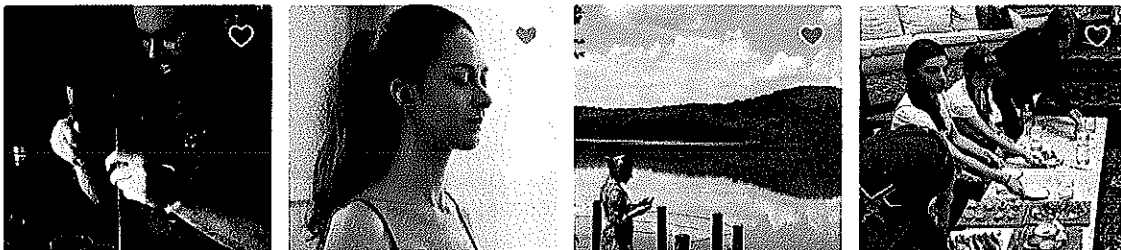


ENTIRE GUEST SUITE - MADISON  
**Cozy Haven in resort-like estate nr Nashville!**  
 \$120/night  
 ★★★★★162

ENTIRE HOUSE - NASHVILLE  
**East Nashville Cozy Cottage**  
 \$125/night  
 ★★★★★154

**PLUS** VERIFIED - NASHVILLE  
**Cozy, Loft-Style Getaway in 12 South**  
 \$153/night  
 ★★★★★153

### Things to do nearby

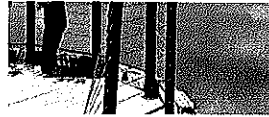




**COCKTAIL TASTING**  
**Private Cocktail Experience At The Fox**  
From \$75/person  
4.96 ★ (104)



**WELLNESS CLASS**  
**Romantic Tantra Workshop for Couples**  
From \$60/person



**GUIDED HIKE**  
**Amazing Hike Just Minutes From Broadway**  
From \$18/person  
Try it first, get 25% off for a limited time



**FOOD WALK**  
**Music City walking food tour**  
From \$59/person  
4.85 ★ (182)

### Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Bed and breakfasts · Lofts · Villas · Condominiums

Nashville  
Kisdorf  
Golfo Pevero  
Candler  
Mouliherne  
Rebais

Las Palmas  
Lukovany  
Frouzins  
Cervinia - Breull  
WV  
Manchester

Athol  
Kincasslagh  
Faha  
Airewas  
Ballinlough  
Fennell Bay

**Alphab**

**Discover**

**Hostina**