

**D O C K E T**

**11/7/2019**

**1:00 P.M.**

**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 458 (915 RAMSEY ST)** variance from height plane restrictions in the RM20 District to construct a multi-family unit. Previously head on 10/17/19, failed to receive four affirmative votes.

**Results-**

**CASE 2019-300 (Council District - 19)**

**JENNIFER CARR**, appellant and **PEP MUSIC SQUARE, LLC**, owner of the property located at **900 18TH AVE S**, requesting a special exception to allow additional height within the build to zone to construct an office building in the ORI-A District. Referred to the Board under Section 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09216036100

**RESULT – Deferred Indefinitely**

**CASE 2019-312 (Council District - 21)**

**WALREENS INC.**, appellant and **BULL, MAURICE P., III & DONALD L.**, owners of the property located at **309 22ND AVE N**, requesting a special exception from sidewalk requirements in the MUG-A District, to renovate the interior of an existing retail store without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Retail

Map Parcel 09211026000

**Results-**

**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 has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 09209037800

**Results-**

**CASE 2019-391 (Council District - 17)**

**JAY MIKOLINSKI**, appellant and **D & M DEVELOPMENT, LLC**, owner of the property located at **1001 & 1003 SOUTH ST**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family residences on one parcel with an alternative sidewalk plan. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 105011P00100CO

**Results-**

Map Parcel 105011P00200CO

**CASE 2019-394 (Council District - 17)**

**BRITT DEVELOPMENT**, appellant and **O.I.C. HOMES AT 928 MONTROSE AVENUE**, owner of the property located at **928 B MONTROSE AVE**, requesting a variance from sidewalk requirements in the R8 District, to construct two single-family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 118012H90000CO

**Results-**

**CASE 2019-395 (Council District - 17)**

**BRITT DEVELOPMENT**, appellant and **O.I.C. HOMES AT 929 MONTROSE AVENUE**, owner of the property located at **2602 B 10TH AVE S**, requesting a variance from sidewalk requirements in the R8 District, to construct two single-family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 118012I90000CO

**Results-**

**CASE 2019-401 (Council District - 17)**

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

Use-HPR

Map Parcel 105092J90000CO

**Results-**

**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 special exception to reduce the rear setback requirements as well as a variance from the parking location and front façade requirements in the CS-A District, to construct a medical office building. Referred to the Board under Sections 17.12.035 D, 17.12.020 D Note 3.d, and 17.12.020 D Note 3.h. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B and C.

Use-Medical Office

Map Parcel 09207033400

**Results-**

**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 has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Rehab

Map Parcel 06416005900

**Results-**

**CASE 2019-426 (Council District - 17)**

**EDDIE LATIMER**, appellant and **METRO GOV'T BT BACK TAX SALE**, owner of the property located at **41 WHARF AVE**, requesting variances from parking, side setback and lot size requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A, 17.40.670 A, and 17.20.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential

Map Parcel 10503013300

**Results-**

**CASE 2019-427 (Council District - 17)**

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

Use-Single Family

Map Parcel 10503013200

**Results-**

**CASE 2019-439 (Council District - 19)**

**JASON LINCOLN**, appellant and **MEHTA, ANMOL P.**, owner of the property located at **1004 14TH AVE S**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family residences without building sidewalks but instead paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 105011000100CO

**Results-**

**CASE 2019-445 (Council District - 30)**

**JUSTIN PRITCHETT**, appellant and **PARK, ILL H. & NA, KEUM S.**, owner of the property located at **4736 NOLENSVILLE PIKE**, requesting a variance from sidewalk requirements in the CS District, to renovate a restaurant without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant

Map Parcel 14712008400

**Results-**

**CASE 2019-448 (Council District - 20)**

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

Use-Multifamily Residential

Map Parcel 09102029800

**Results-**

**CASE 2019-461 (Council District - 20)**

**DUANE CUTHERBERTSON**, appellant and **CANNONBALL PROPERTY, LLC**, owner of the property located at **5101 KENTUCKY AVE**, requesting a Special Exception and a variance from distance requirements in the CS District, to obtain a permit for a kennel. Referred to the Board under Section 17.16.175. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Kennel

Map Parcel 09107022800

**Results-**

**CASE 2019-469 (Council District - 7)**

**Bruce Little**, appellant and **O.I.C. HOMES AT LITTON AVENUE**, owner of the property located at **1301 C LITTON AVE**, requesting a variance from sidewalk requirements in the R6 District, to permit two single family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 072102I90000CO

**Results-**

**CASE 2019-470 (Council District - 30)**

**KASM KEP**, appellant and **NIANG, CIANG L**, owner of the property located at **248 TUSCULUM RD**, requesting a Special Exception in the R10 District, to convert an existing residence into a religious institution. Referred to the Board under Section 17.16.170 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution

Map Parcel 16200000200

**Results-**

**CASE 2019-473 (Council District - 6)**

**GROSCH, KEVIN & JESSICA**, appellant and owner of the property located at **1006 OZARK ST**, requesting a variance from front setback requirements in the RS District, to construct an addition to a single-family residence. Referred to the Board under Section 17.12.030 C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09308004900

**Results-**

**CASE 2019-474 (Council District - 20)**

**BAKER DONELSON**, appellant and **5916 MORROW HOLDING CO., LLC**, owner of the property located at **1200 60TH AVE N 101**, requesting a variance from landscape buffer requirements in the MUN-A District, to construct a mixed-use building. Referred to the Board under Section 17.24.240 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use

Map Parcel 09106002300

**Results-**

**CASE 2019-475 (Council District - 2)**

**GAMBLE DESIGN COLLABORATIVE**, appellant and **ATHENS WAY NASHVILLE, LLC**, owner of the property located at **101 ATHENS WAY**, requesting a variance from landscape buffer requirements in the MUG District, to construct a multi-family development. Referred to the Board under Section 17.24.240 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use

Map Parcel 07012001100

**Results-**

**SHORT TERM RENTAL CASES**

**CASE 2019-392 (Council District - 18)**

**SUAREZ, ASHLEIGH MARIE**, appellant and owner of the property located at **1512 PARIS AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit in the R8 District. Appellant operated after the issued STRP permit expired. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 11704040900

**Results-**

**CASE 2019-434 (Council District - 5)**

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

Use-Short Term Rental

Map Parcel 08204042100

**Results-**



**CASE 2019-467 (Council District - 19)**

**COAKER TRAVELS**, appellant and **SUDEKUM, L.P.**, owner of the property located at **4141 WOODLAWN DR #44**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit in the RM6 District. Appellant operated after the issued STRP permit expired. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 10315003700

Results-

**CASE 2019-468 (Council District - 25)**

**OCCHIPINTI, T. J. & WIGLE, ANNE E.**, appellants and owners of the property located at **3420 HOPKINS ST**, requesting an Item A appeal challenging the zoning administrator's denial of a short-term rental permit in the R20 District. The appellant operated after the permit expired. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board will have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 11707011500

Results-

**CASE 2019-471 (Council District - 19)**

**SHERYL MARSELLA**, appellant and owner of the property located at **1812 B 6<sup>th</sup> Ave N**, requesting an Item A appeal challenging the zoning administrator's denial of a short term rental permit in the R6-A District. The appellant operated after the permit expired. Referred to the Board under Section 17.16.250. E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 081082T00200CO

Results-

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: \_\_\_\_\_ 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.*

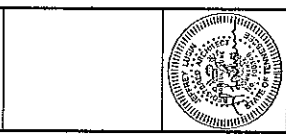
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***There are currently no required inspections***

Inspection requirements may change due to changes during construction.

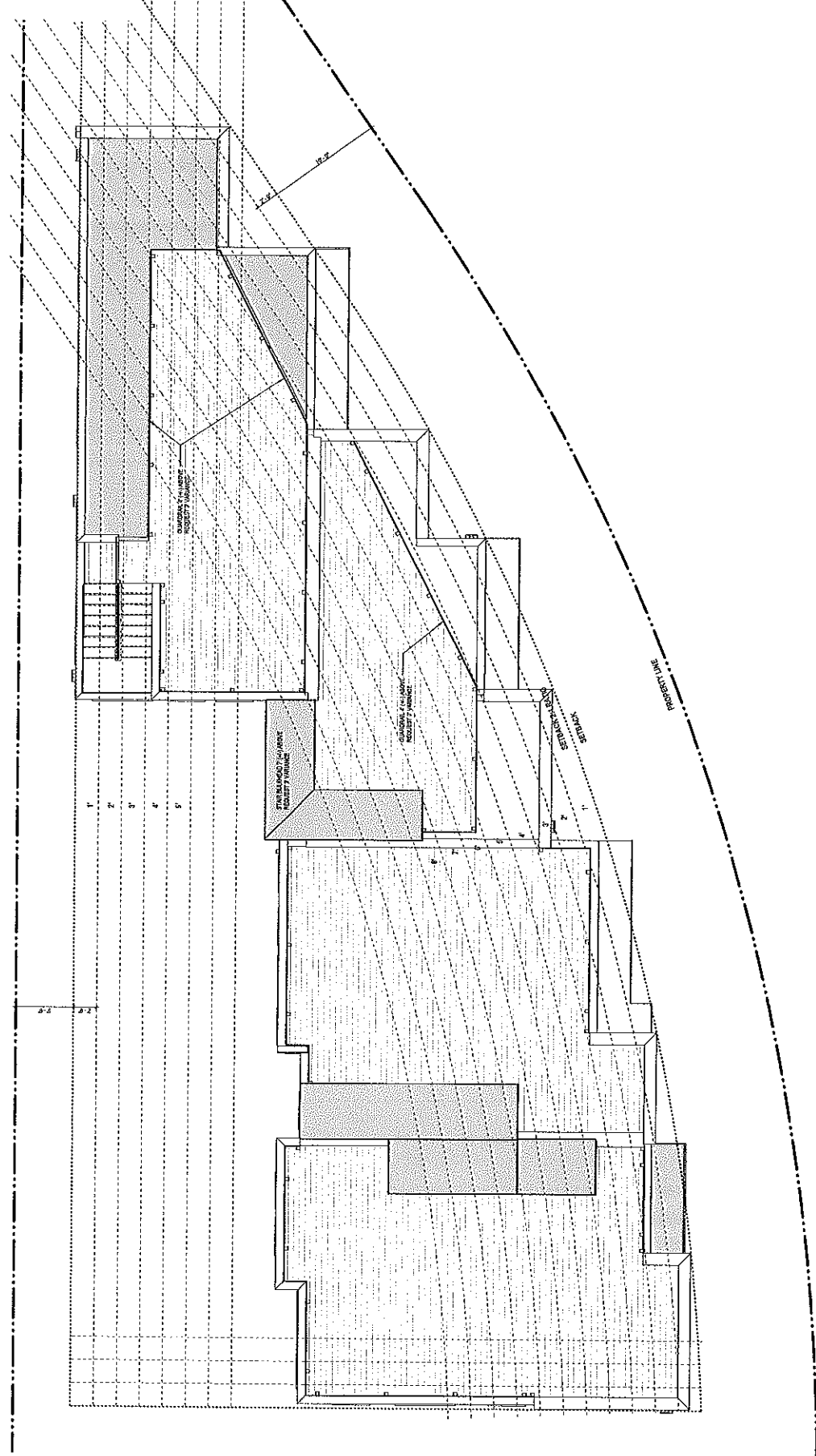
**45**  
**ARCHITECTURE**  
 228 W. Duane Street, Suite D  
 Nashville, TN 37206  
 615.259.1234  
 www.45arch.com

**RAMSEY STREET TOWNHOMES**  
 916 RAMSEY ST, NASHVILLE, TN 37206



Scale	AS SHOWN
Date	9/27/19
Project Name	RAMSEY STREET TOWNHOMES
Sheet Name	ROOF PLAN

**A-120**



**1** ROOF PLAN  
 1/4" = 1'-0"

## 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



BZA Case No. 2019-458  
915 Ramsey Street  
Variance of Building Height

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.

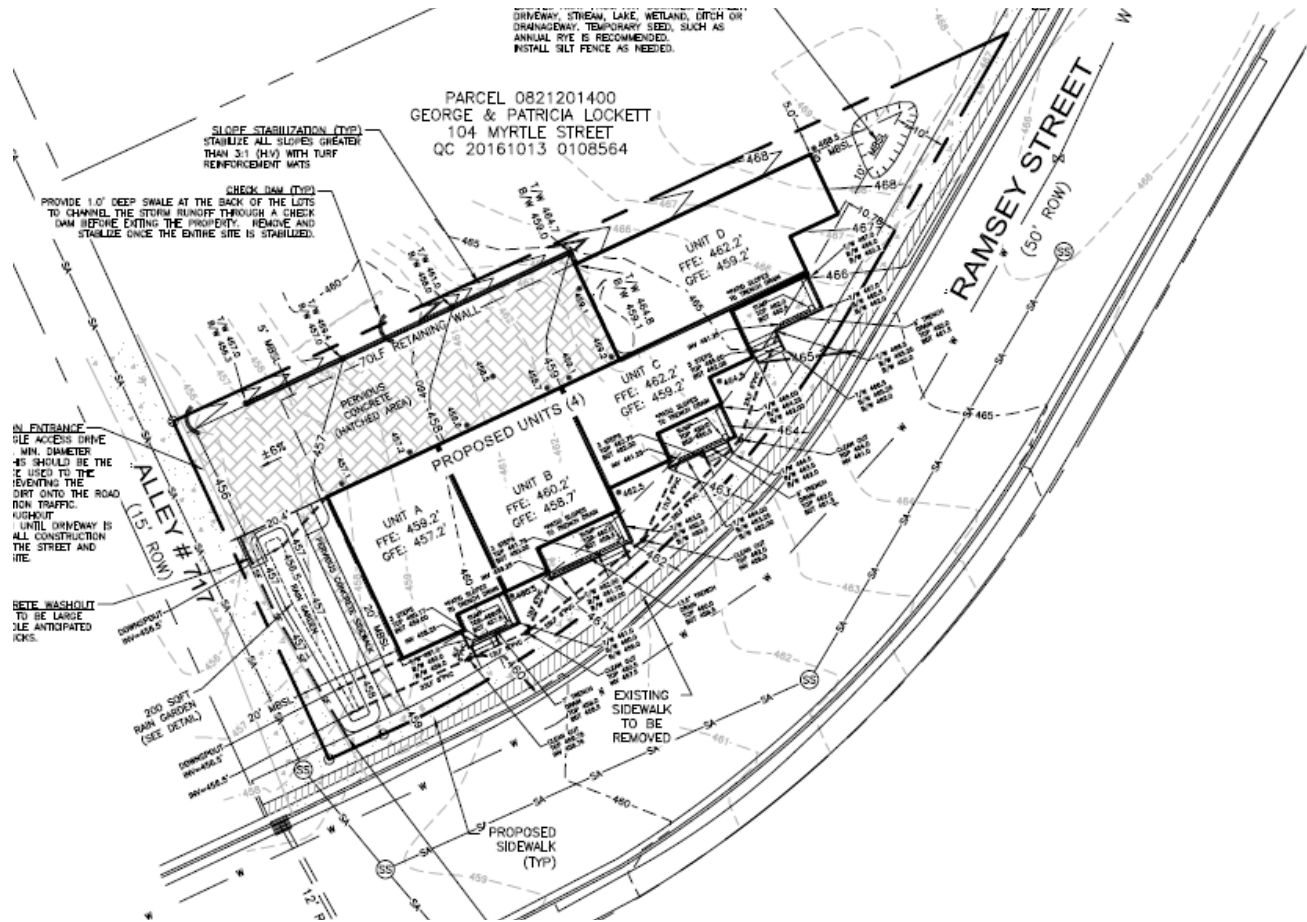
**Analysis:**

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.

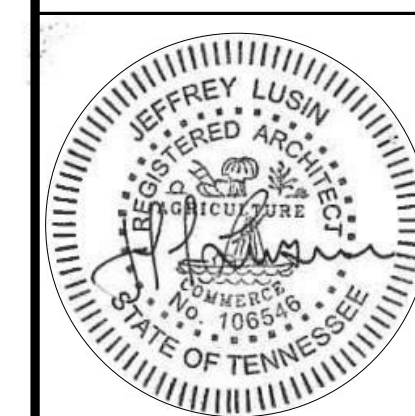


### Unique Circumstances:

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.

## RAMSEY STREET TOWNHOMES

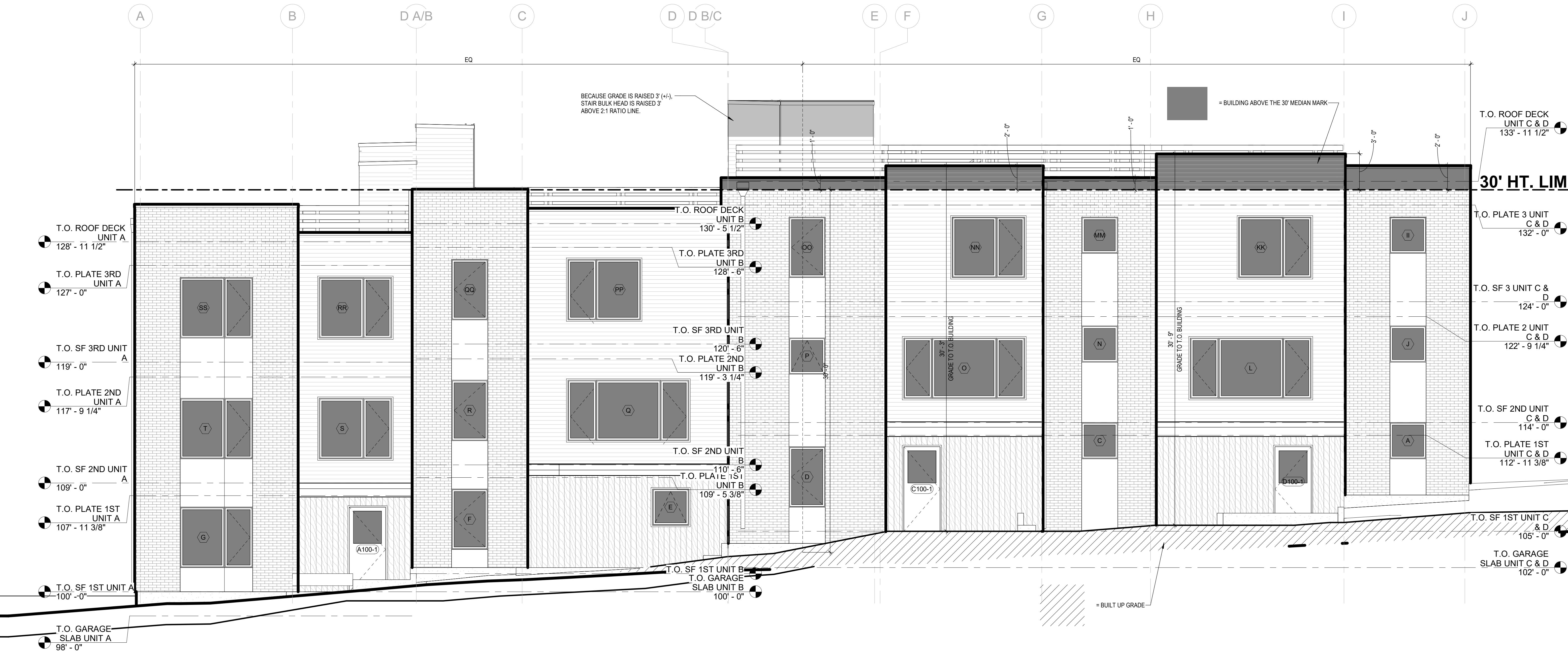
915 RAMSEY ST. NASHVILLE, TN 37206



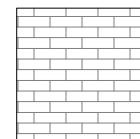
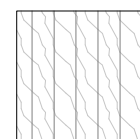
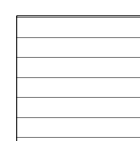
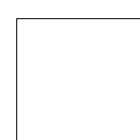
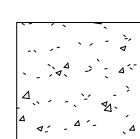
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Issued		
Project Number	19027	
Date	08-27-19	

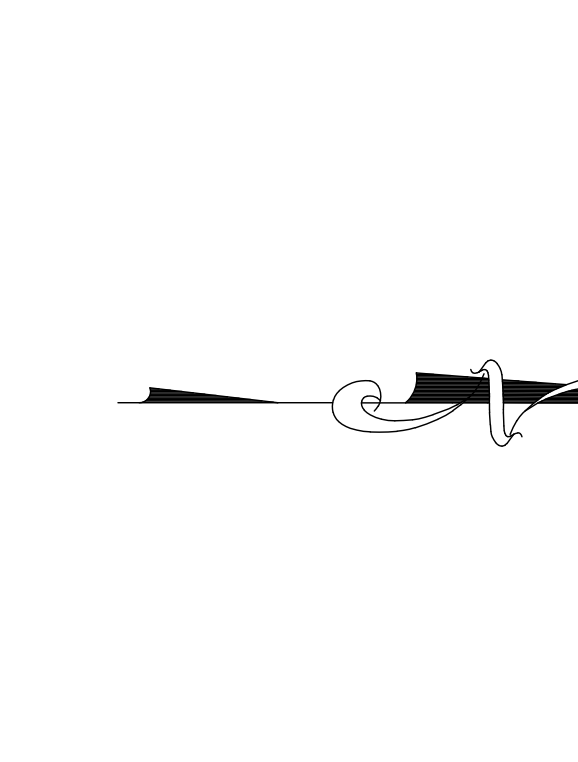
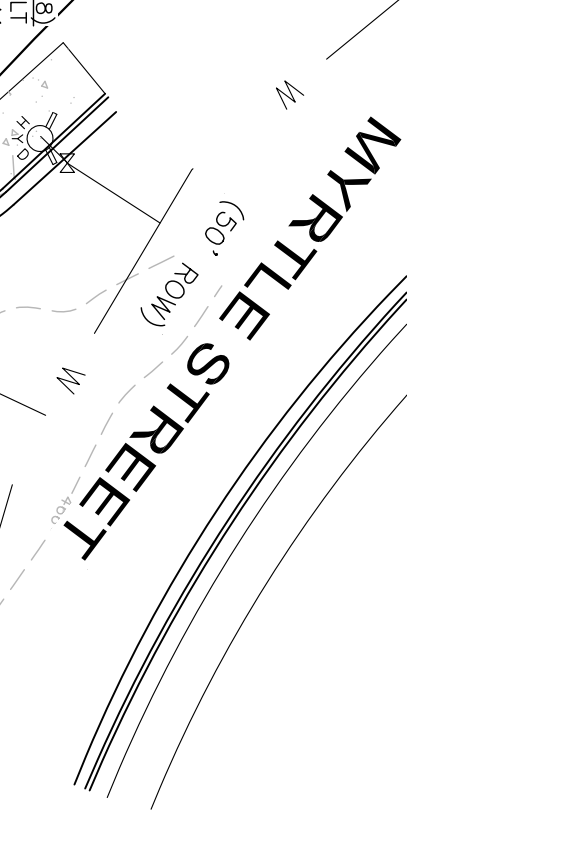
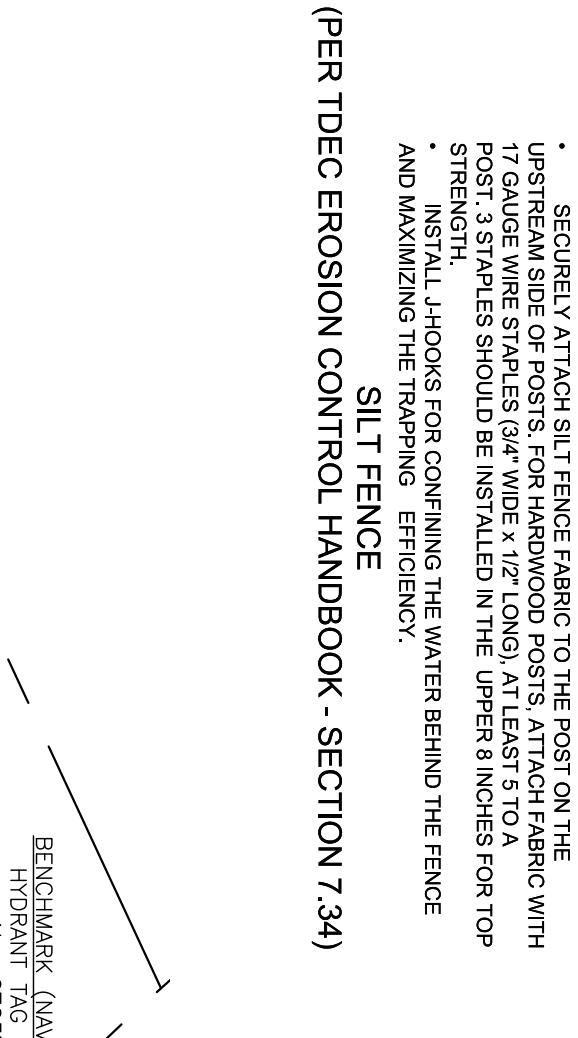
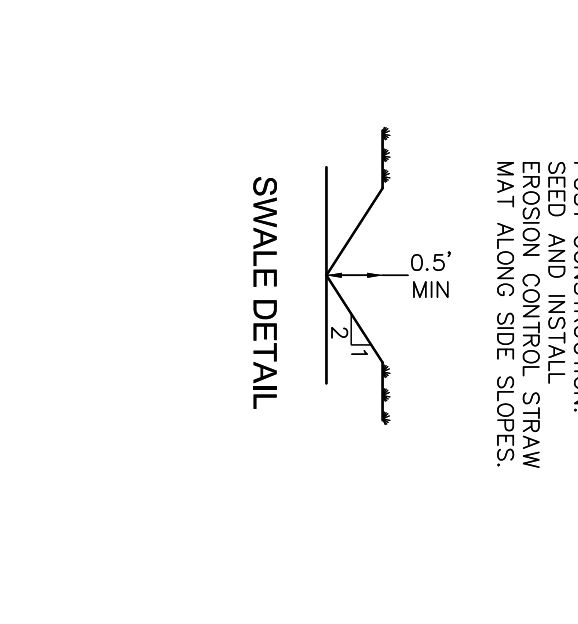
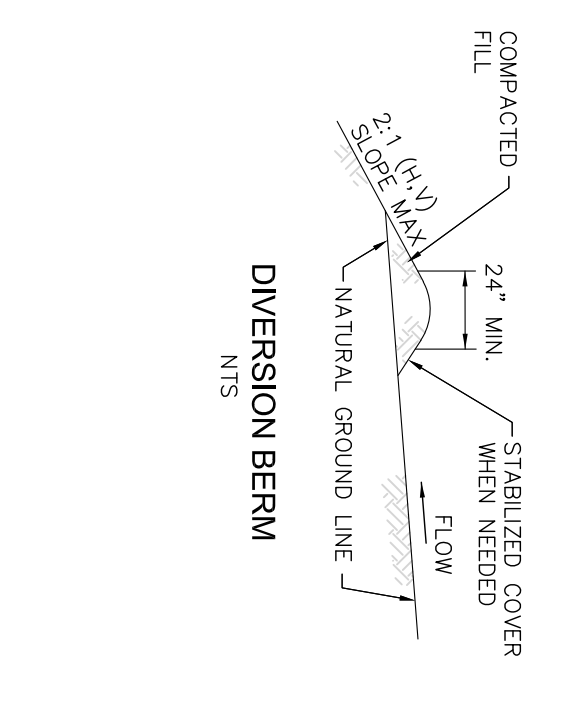
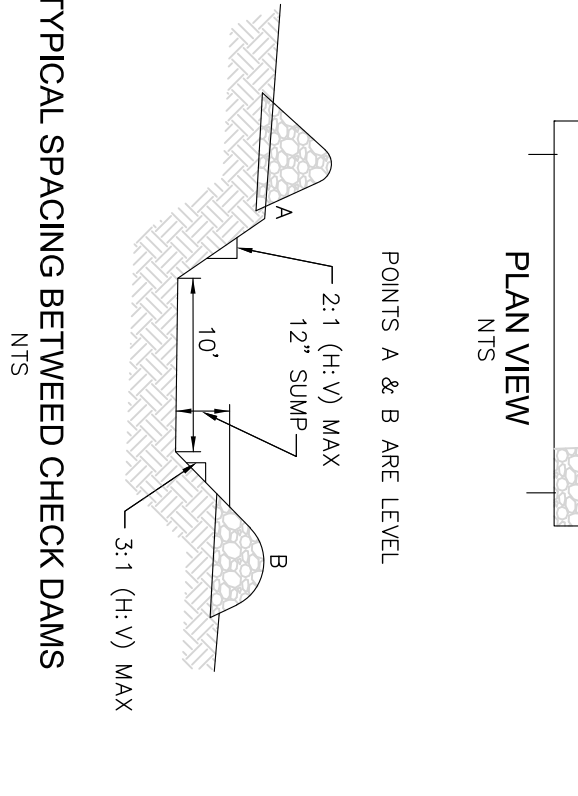
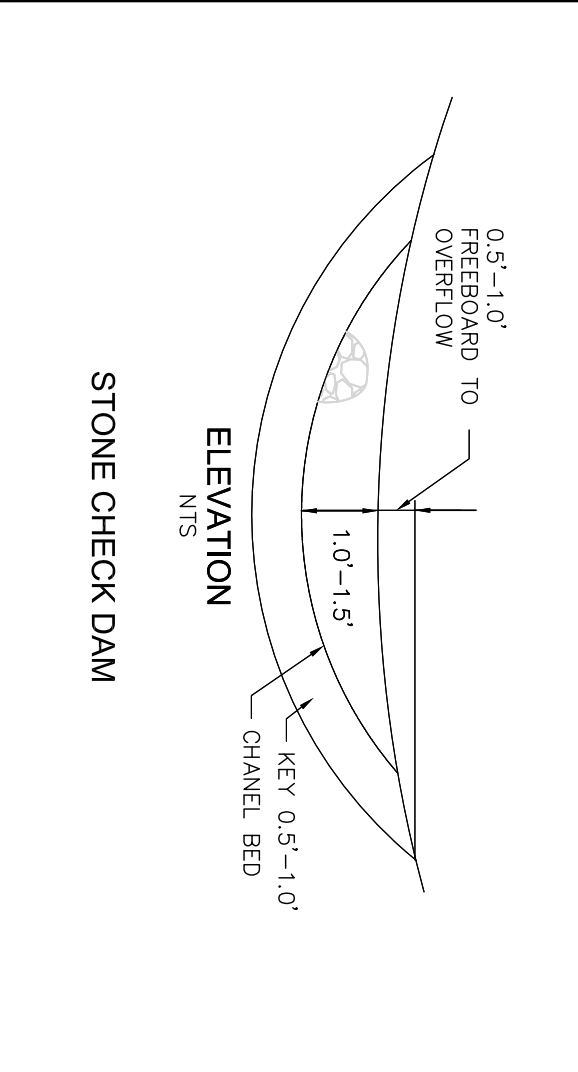
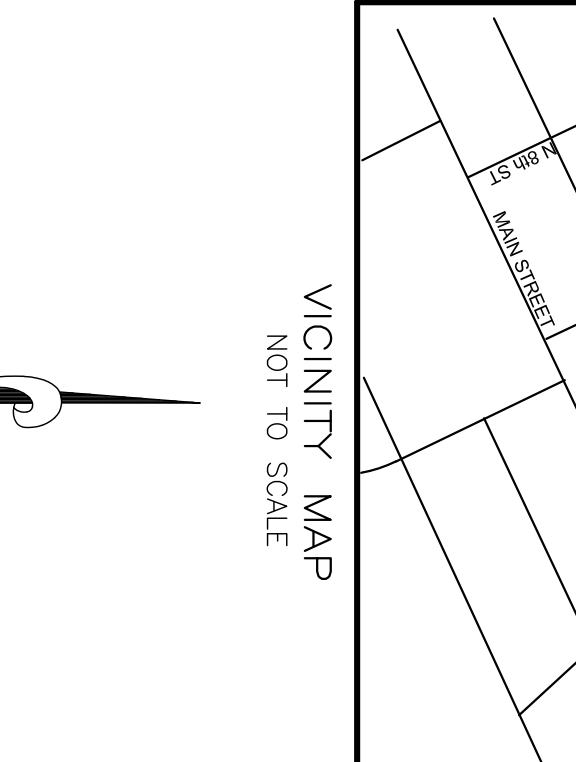
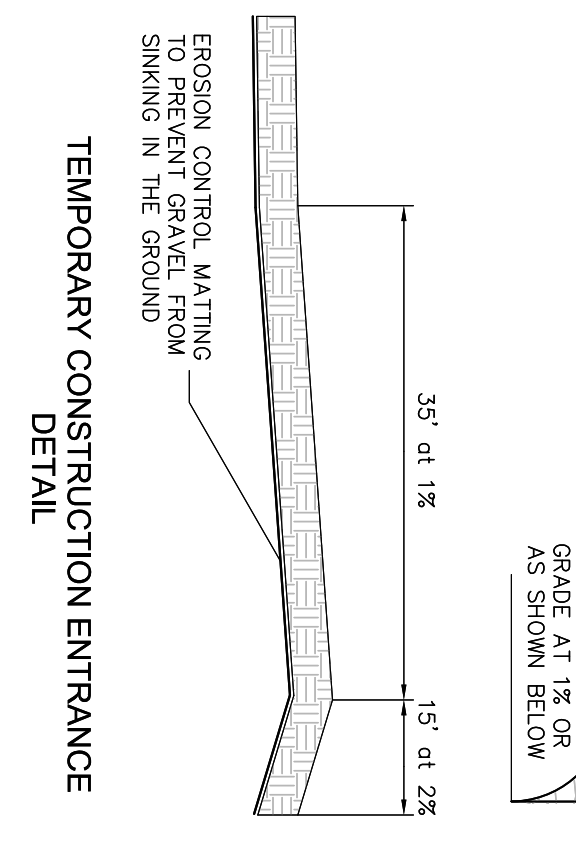
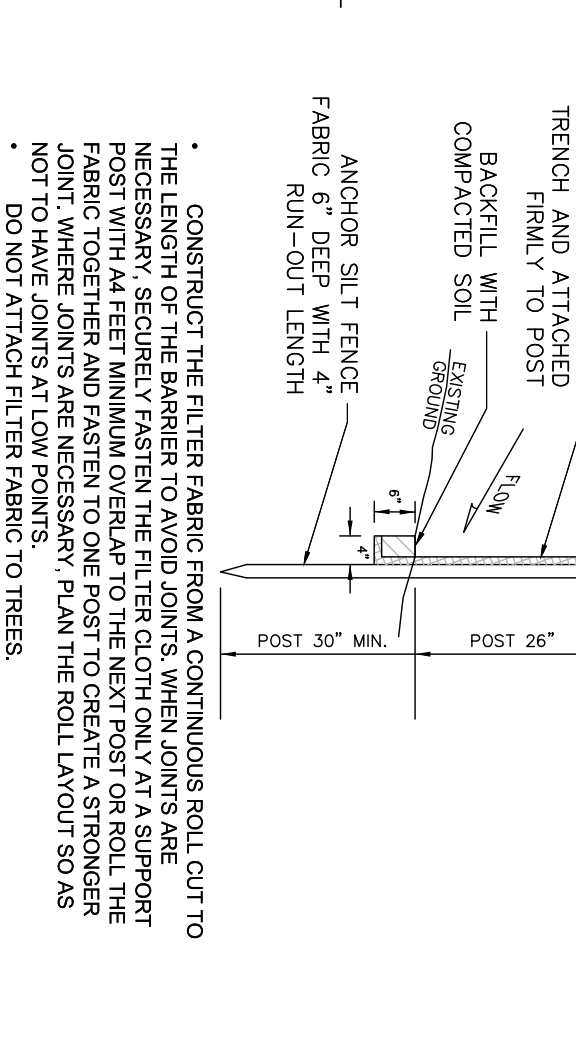
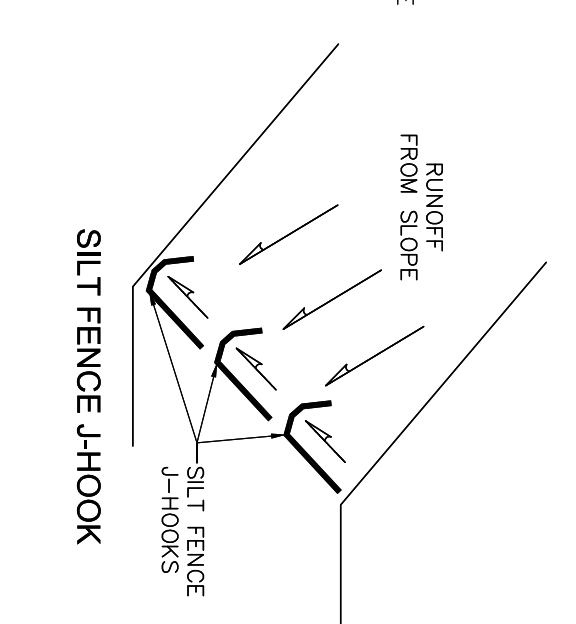
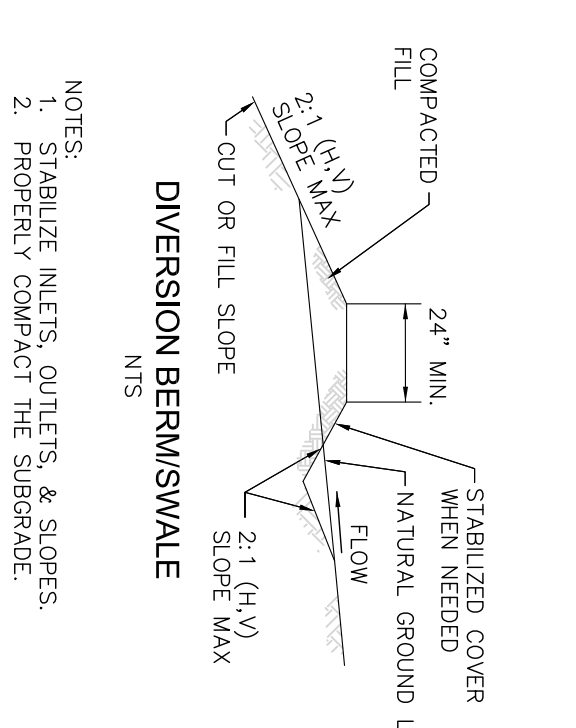
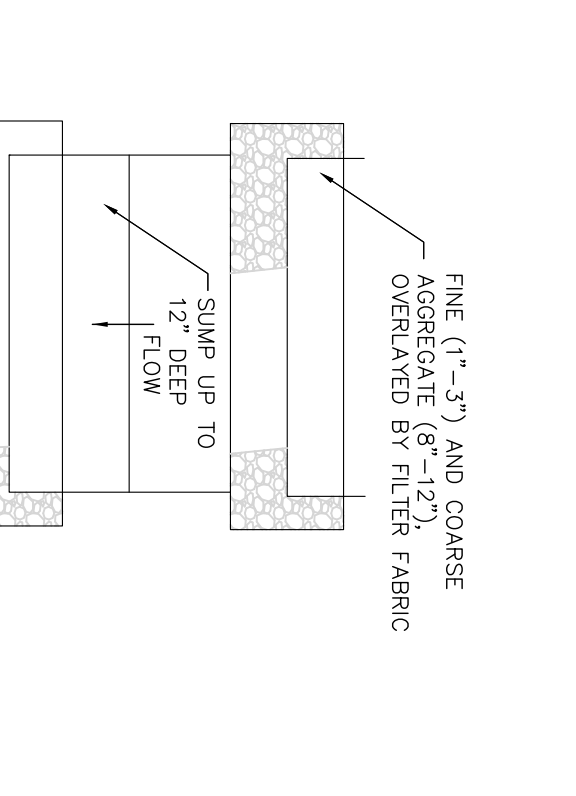
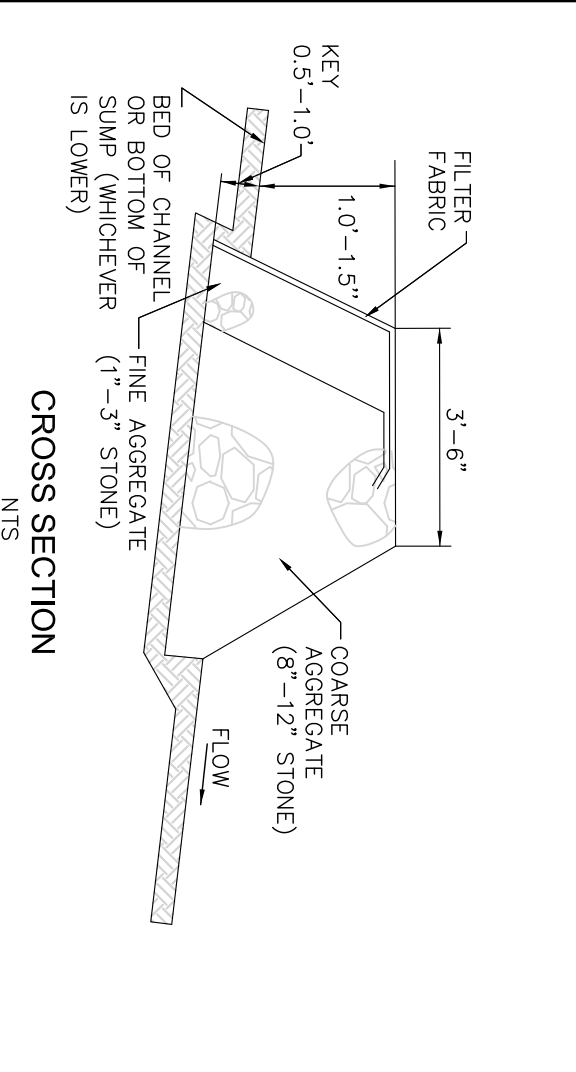
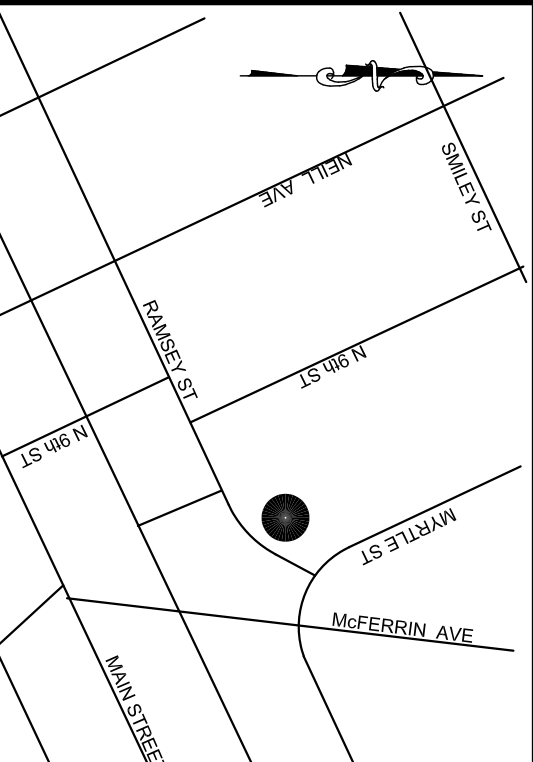
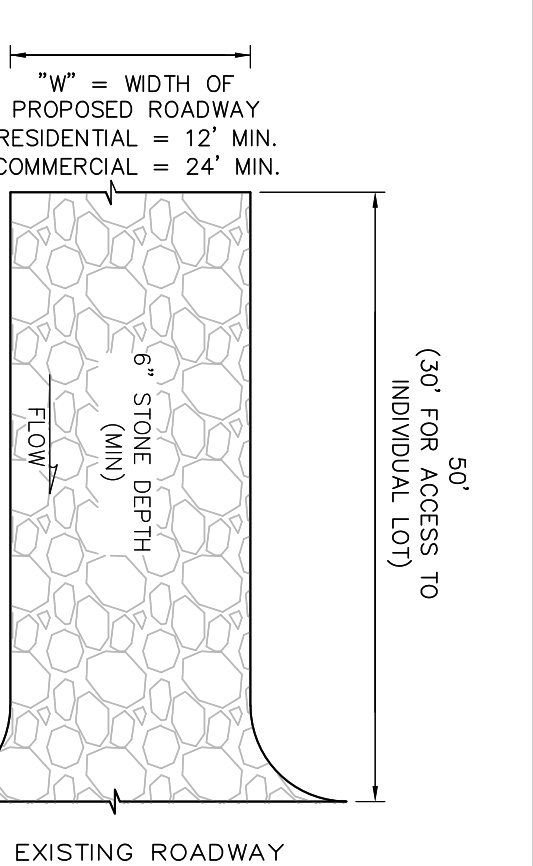
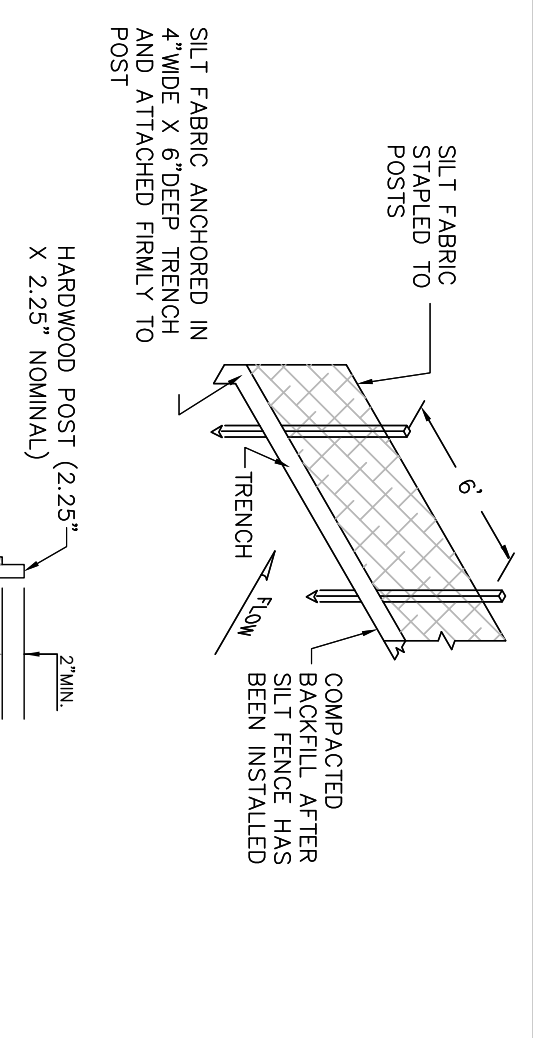
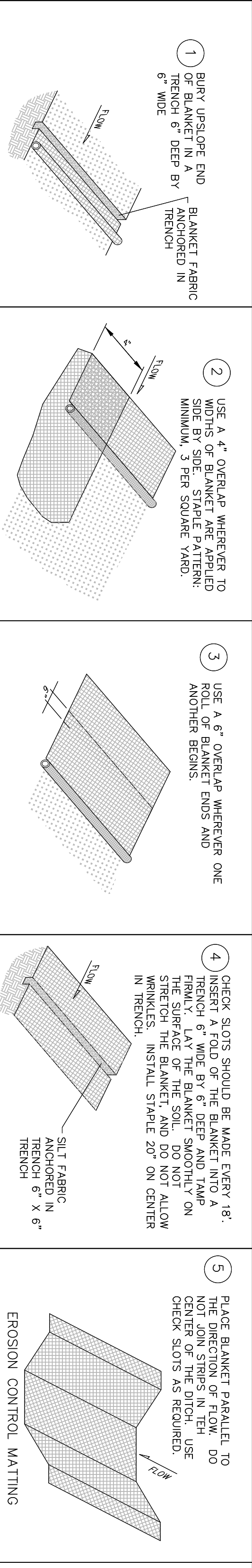
Copyright:  
ALL DRAWN AND WRITTEN INFORMATION  
APPEARING SHALL NOT BE DUPLICATED,  
DISCLOSED OR OTHERWISE USED  
WITHOUT THE WRITTEN CONSENT OF  
45 ARCHITECTURE

Sheet Name  
**EXTERIOR ELEVATIONS**



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

- 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



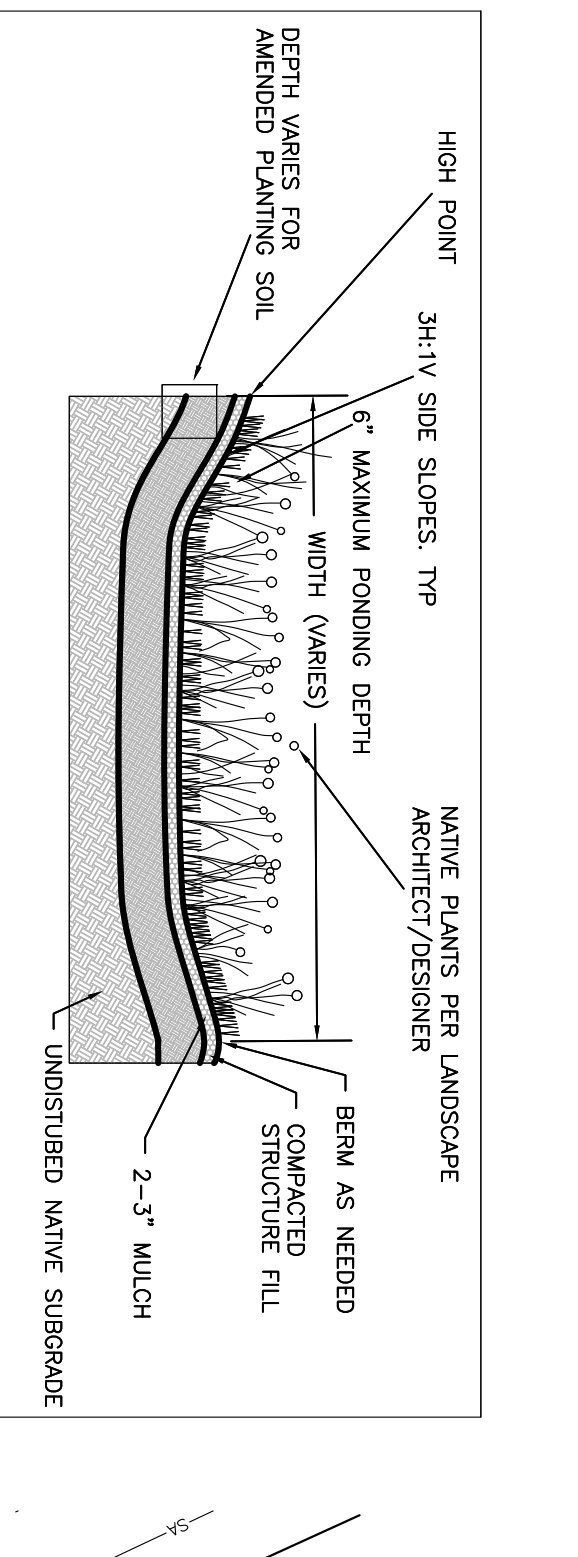
**EROSION AND SEDIMENT CONTROL NOTES**

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 14 DAYS 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 within the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
- Use a shovel to dig a hole in the soil to determine the soil type and the water table. The surface area from the table on the next page and your approved excavation depth.
- Optionally, 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 inches of 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 a fine mesh geotextile fabric on the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration.
- 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.
- Plant native plants and shrubs that are suitable for the soil type and climate. Avoid plants with roots 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.

**CONSTRUCTION APPROVALS:**

CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL EXISTING UTILITY LINES AND PROVIDE TO THE ENGINEER A COPY OF THE UTILITY LOCATIONS AND DEPTHS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND UTILITIES.

**CONCRETE MONUMENT:**

CONCRETE MONUMENT SHALL BE INSTALLED AT THE CORNER OF THE LOT. THE MONUMENT SHALL BE 18 INCHES HIGH AND 18 INCHES SQUARE. THE MONUMENT SHALL BE INSTALLED WITHIN 10 FEET OF THE CORNER OF THE LOT.

**NOTES:**

- LOCATE SLOTTED PIPE AWAY FROM ANY DOWNSLOPE STREET, DRIVEWAY, STREET LAINE, WETLAND, DITCH OR DRAINAGEWAY. INSTALL SILT FENCE AS NEEDED.
- LANDING: PROPOSED TWO-STORY RESIDENTIAL UNIT B, FFE 4602, GFE 4587, UNIT C, FFE 4622, GFE 4592.
- INSTALL A DOUBLE ACCESS DRIVE USING 3" AGGREGATE (SEE DETAIL). THESE SHALL BE THE ONLY ENTRANCES TO THE ROAD BY CONSTRUCTION TRAFFIC. MAINTAIN THROUGHOUT CONSTRUCTION UNTIL DRIVEWAY IS PAVED.
- INSTALL SILT FENCE BEFORE ANY OTHER WORK IS DONE ON UP-SLOPE(S) A SHORT DISTANCE. PLACE PARALLEL TO THE CONTOUR OF THE LAND TO ALLOW WATER TO POND BEHIND BEHIND SILT FENCE. OVERLAP SECTIONS OF SILT FENCE AT LEAST 2'. INSPECT TWICE A WEEK AND AFTER EVERY 0.5" RAIN. REMOVE SEDIMENT THEROINS REACH HALF THE SILT FENCE HEIGHT; MAINTAIN UNTIL A RAIN IS OBSERVED.
- CONTOURS SHOWN WERE FIELD-RUN BY WILSON & ASSOCIATES IN JULY 2019.

**LEGEND:**

- IRON ROD (FOUND)
- CONCRETE MONUMENT (FOUND)
- SILT FENCE

**ADDITIONAL NOTES:**

- EROSION OR SEDIMENTATION, OR TRANSPORT OF OTHER POLLUTANTS OR FORMS OF POLLUTION, DUE TO VARIOUS LAND DEVELOPMENT ACTIVITIES MUST BE CONTROLLED.
- THE OWNER/OPERATOR SHOULD PERFORM INSPECTIONS TO ENSURE THAT VEGETATION, EROSION AND SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE MEASURES DEFINED IN THE SITE PLAN ARE KEPT AND EFFECTIVE OPERATING CONDITION.
- NO LAND DISTURBANCE ACTIVITIES, WHETHER BY PRIVATE OR PUBLIC ACTION, SHALL BE PERMITTED IN ANY DISTURBED AREA UNTIL THE DISTURBED AREA IS FULLY RESTORED TO ORIGINAL OR BETTER CONDITION. RESTORATION SHALL BE PERFORMED BY THE WILLIAMSON COUNTY ENGINEERING DEPARTMENT.
- WITHIN ANY WATERWAY MATERIAL AREAS, THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS PERMITTED BY THE WILLIAMSON COUNTY ENGINEERING DEPARTMENT.
- PRIOR TO THE FINAL INSPECTION, ALL DISTURBED AREAS SHOULD BE ADEQUATELY STABILIZED ACCORDING TO THE WILLIAMSON COUNTY SUBSOIL REGULATIONS, COUNTY HIGHWAY DEPARTMENT REGULATIONS AND/OR AS SPECIFIED BY THE RECORDED PLAN.

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

**AREA OF RAIN GARDEN = 200 SQ FT**

**(METRO NASHVILLE DEPT. OF WATER SERVICES- APPENDIX H)**

**SITE DATA - PRE-DEVELOPMENT**

Lot	8,298	Lot	8,298
Buildings	1,446	Buildings	2,906
Conc. Paving, Walks, Drives, Etc.	126	Conc. Paving, Walks, Drives, Etc.	2,653
<b>TOTAL IMPERVIOUS</b>	<b>1,572</b>	<b>TOTAL IMPERVIOUS</b>	<b>5,559</b>
<b>PERCENT IMPERVIOUS</b>	<b>18.9%</b>	<b>PERCENT IMPERVIOUS</b>	<b>67.0%</b>

**SITE DATA - POST-DEVELOPMENT**

Lot	8,298	Lot	8,298
Buildings	1,446	Buildings	2,906
Conc. Paving, Walks, Drives, Etc.	126	Conc. Paving, Walks, Drives, Etc.	2,653
<b>TOTAL IMPERVIOUS</b>	<b>1,572</b>	<b>TOTAL IMPERVIOUS</b>	<b>5,559</b>
<b>PERCENT IMPERVIOUS</b>	<b>18.9%</b>	<b>PERCENT IMPERVIOUS</b>	<b>67.0%</b>

**GRAPHIC SCALE**

( IN FEET )

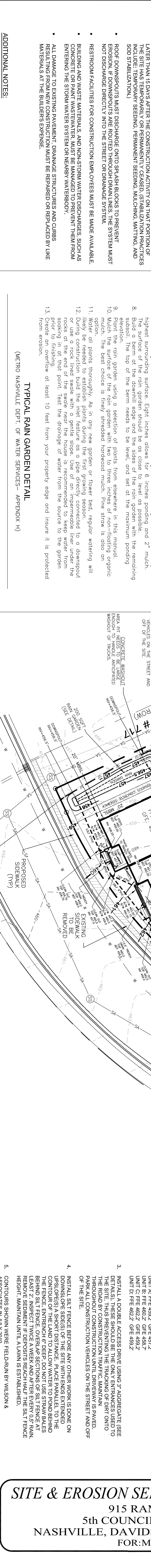
1 inch = 20 ft

**GENERAL NOTES:**

- SOUTHERN BUILD, LLC, Tractone 0152323696, HAS BEEN APPROVED FOR THE PLAN OF THE WELL'S BROWN ADDITION TO EAST NASHVILLE, PLAN BOOK 67, PAGE 59, RECORD 1, AND LOCATED AT 915 RAMSEY STREET, NASHVILLE, TN.
- PROPOSED GRADING SHOWN HEREON SUBJECT TO VARY.
- ALL UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE STRUCTURES IN GUARANTEE THAT THE UTILITIES SHOWN COMPREHEND ALL SUCH UTILITIES UNDERGROUND, IN SERVICE OR ABANDONED.
- EROSION CONTROL MEASURES SHALL BE INSTALLED ACCORDANCE WITH THE GUIDELINES.
- LOT SIZE: 0.18 ACRES OR 8298 SQUARE FEET ACCORDING TO SAID PLAN JUNE 19, 2019.

**Grading & Erosion Control Plan**

DRAWN BY: JAG  
 DATE: 7/31/19  
 PROJ. NO.: 19-1329  
 SHEET NO.: 1 OF 1



**108 Beasley Drive**  
Franklin, TN  
37064  
615.794.2275

**WILSON & ASSOCIATES, P.C.**  
Engineering/Surveying/Environmental

**NO. DATE COMMENT**

--	--	--

**SITE & EROSION SEDIMENT CONTROL PLAN**

915 RAMSEY STREET  
 5th COUNCILMANIC DISTRICT  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
 FOR: MARC MARIANI



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



Appellant: WALGREENS, Inc.  
Property Owner: MAURICE BILL  
Representative: BRUCE QUISNO

Date: 5-28-19  
Case #: 2019-312  
Map & Parcel: 09211026000

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:

PERMIT APP 2018064980

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

Location: 309 22ND AVE. NORTH, NASHVILLE, TN. 37203

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

Reason: SIDEWALK VARIANCE

Section(s): 17.20.120

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

WALGREENS, INC.  
Appellant Name (Please Print)

BRUCE R. QUISNO  
Representative Name (Please Print)

106 WILMOT ROAD  
Address

600 VINE STREET, SUITE 2210  
Address

DOVERFIELD, IL 60015  
City, State, Zip Code

CINCINNATI, OHIO 45202  
City, State, Zip Code

(613) 702-7364  
Phone Number

(513) 702-7364  
Phone Number

b.quisno@cr-architects.com  
Email

SAME  
Email

Zoning Examiner: PONYA SYKES

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

## 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

Bruce P. Quisno

052819  
 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.*

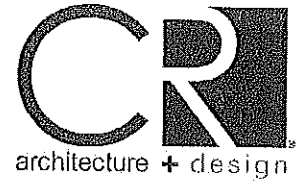
**No harm to public welfare**- *The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.*

**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.*







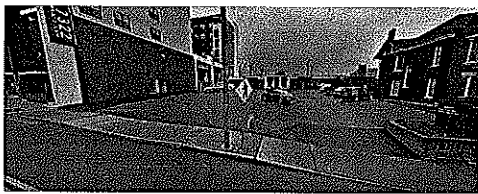
### Specific and Unique Circumstances

Our request is for a reconsideration of the enforcement of the latest Zoning Ordinance dealing with sidewalks. Along the front 100' of the property, there is an existing roughly 8'-6" concrete sidewalk in good shape which we would propose leaving in place. It runs from property line to property line and abuts existing walks on either side that are 10' in width from the back of curb. To make our sidewalk compliant to the current zoning, we would have to tear out the existing walk, existing retaining wall and lose 4 parking pots. It would be the only walk on either side of the street that would have a "jog" in it to accommodate the 4' green space and 10'-0" walk required by the new ordinance. The re-direction would just make it a nuisance to the general public and possibly create unnecessary work.

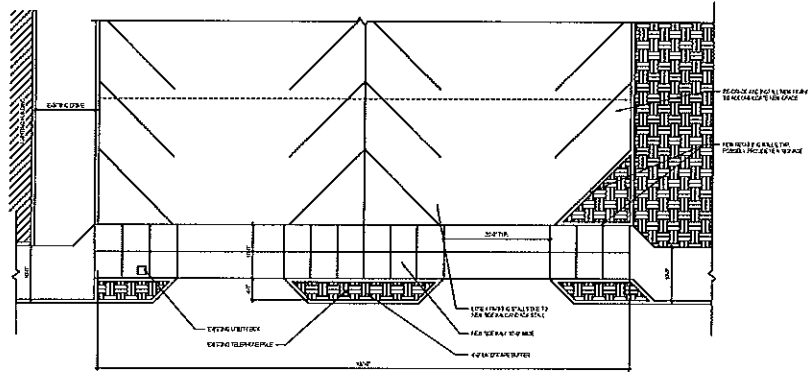
600 Vine Street Suite 2210 Cincinnati, OH 45202 P 513.721.8080 TF 800.469.4949 F 513.721.8181  
creating extraordinary places

CINCINNATI  
DALLAS  
DENVER  
MINNEAPOLIS  
SEATTLE

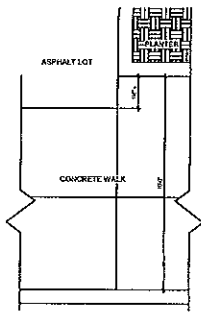
[www.cr-architects.com](http://www.cr-architects.com)



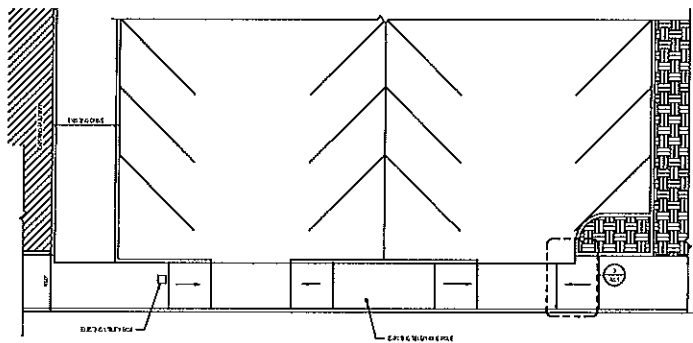
EXISTING CONDITIONS PHOTO



SITE PLAN - PROPOSED DESIGN  
SCALE: 1/8" = 1'-0"



PLAN DETAIL  
SCALE: 1/4" = 1'-0"



SITE PLAN - EXISTING CONDITION  
SCALE: 1/8" = 1'-0"

  
 Walgreens  
 Commercial  
 Development &  
 Construction  
 Department, 2019-1-10-100

  
 CR  
 CIVIL ENGINEERING & ARCHITECTURE

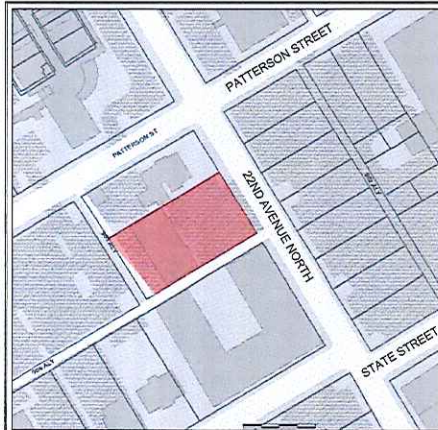
NO.	DATE	BY	REVISIONS

SITE PLAN  
 STORE #2715  
 WALGREENS  
 NABYSVILLE DR.  
 NABYSVILLE, OH

DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 DATE: [Date]  
 PROJECT: [Project Name]

A1.1





VICINITY MAP  
(NOT TO SCALE)

**SITE LEGEND**

	ADJOINING BOUNDARY LINE
	BOUNDARY LINE
	CONTOUR LINE INDEX
	CONTOUR LINE INTERVAL
	CULVERT PIPE
	CURB LINE
	OVERHEAD UTILITY LINE
	SANITARY SEWER LINE
	UNDERGROUND GAS LINE
	WATER LINE

	AIR CONDITIONING UNIT		SANITARY SEWER MANHOLE
	BENCHMARK		STORM MANHOLE
	CATCH BASIN		UTILITY POLE
	ELECTRIC METER		UTILITY POLE W/ LIGHT
	ELECTRIC TRANSFORMER		WATER METER
	FIRE HYDRANT		WATER VALVE

	BUILDING		CONCRETE		EASEMENT
	PAVEMENT		TREE		CITY ANGLE ANCHOR

○ MONUMENT FOUND (1/2" REBAR, UNLESS NOTED OTHERWISE)  
 ○ MONUMENT SET (1/2" REBAR CAPPED 'DBS & ASSOC')  
 □ CONCRETE MONUMENT FOUND

CSB = CONTEXTUAL SETBACK LINE  
 FFE = FINISHED FLOOR ELEVATION  
 GIS = GEOGRAPHICAL INFORMATION SYSTEM  
 IE = INVERT ELEVATION  
 MBL = MINIMUM BUILDING SETBACK LINE  
 N.A.D. = NORTH AMERICAN DATUM  
 N.A.V.D. = NORTH AMERICAN VERTICAL DATUM  
 PU = PUBLIC UTILITY & DRAINAGE EASEMENT  
 RODC = REGISTER'S OFFICE OF DAVIDSON COUNTY TENNESSEE  
 SA = SANITARY SEWER  
 TC = TOP OF CASTING  
 TYP = TERMINUS NOT FOUND  
 TYP = TYPICAL  
 RW = RETAINING WALL

**NOTES :**

CONTRACTOR TO BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK AS PER METRO PUBLIC WORKS DETAILS AND ADA REQUIREMENTS.

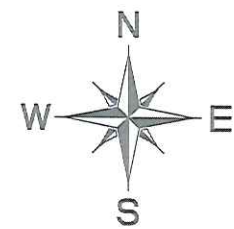
NEW SIDEWALK, CURB & GUTTER TO MEET EXISTING PAVEMENT ELEVATIONS.

**DISCLAIMER**

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THEREFORE, RELIANCE UPON THE TYPE, SIZE, AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION, AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THEREIN IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN AND UNKNOWN UTILITY OWNERS, NO LESS THAN (3) THREE OR NO MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL (888)251-1111.

**SIDEWALK PLAN**

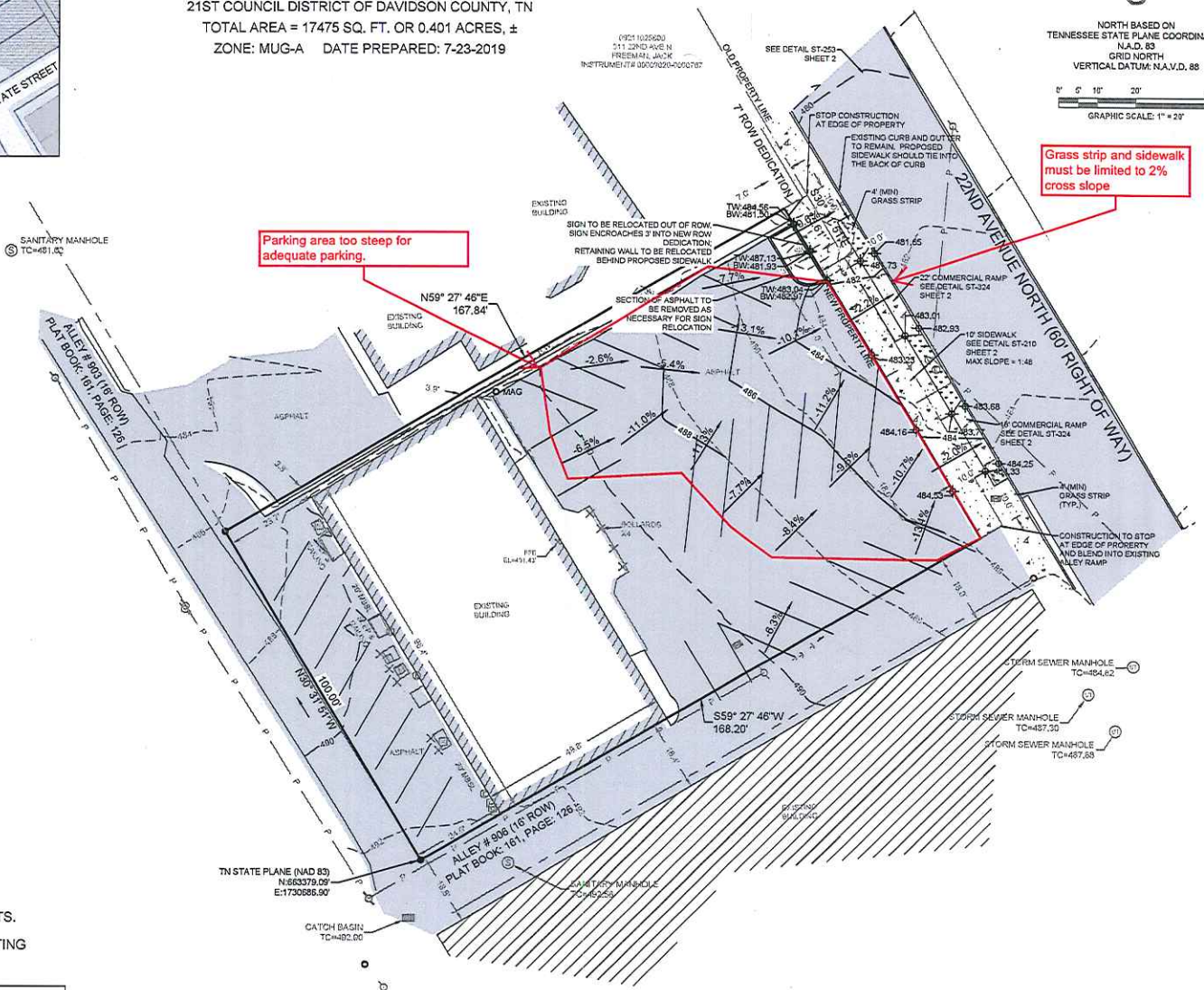
OF THE  
MAURICE P. BULL, III AND DONALD L. BULL PROPERTY  
METRO PARCEL IDENTIFICATION #09211026000  
309 22ND AVE NORTH, NASHVILLE, TN 37203  
INSTRUMENT 20080602-0055512  
LOTS #13 AND 14 OF BLOCK NO. 4  
ON THE PLAN OF THE MURPHY LAND COMPANY'S DIVISION "B"  
AS RECORDED IN PLAT BOOK 161, P.126  
REGISTER'S OFFICE OF DAVIDSON COUNTY, TN  
21ST COUNCIL DISTRICT OF DAVIDSON COUNTY, TN  
TOTAL AREA = 17475 SQ. FT. OR 0.401 ACRES, ±  
ZONE: MUG-A DATE PREPARED: 7-23-2019



NORTH BASED ON  
TENNESSEE STATE PLANE COORDINATES  
N.A.D. 83  
GRID NORTH  
VERTICAL DATUM: N.A.V.D. 88

0' 5' 10' 20' 40'

GRAPHIC SCALE: 1" = 20'



**DBS & Associates Engineering**  
2200 Rosa L. Parks Blvd.  
Nashville, TN 37228  
P: (615) 244-7000  
F: (615) 647-7135  
www.dbseng.com  
Engineers • Surveyors • Planners

**SIDEWALK PLAN**

METRO PARCEL IDENTIFICATION # 09211026000  
309 22ND AVE NORTH, NASHVILLE, TN 37203  
DATE: 7-23-2019

REVISIONS
FIELD CREW: TSP
DRAWN BY: WLM
CHECKED BY: NTH
<b>SHEET</b> 1 OF 2

PLOTTED: 11/12/2019 8:09 AM BY: CHELSEA HANNAN  
 ALZADRES031003 102 22ND AVE N - SURVEY/PLAN/09 22ND AVE NORTH - 0507462141.DWG



## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-312 (309 22<sup>nd</sup> Avenue North)

Metro Standard:	4' furnishing zone, 10' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	MUG-A
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	T5-M-CA2
Transit:	#10 – Charlotte
Bikeway:	Existing bikeway for experienced cyclists

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

**Analysis:** The applicant proposes to repurpose an existing 18,073 commercial building for a new pharmacy and requests a variance from upgrading sidewalks along 22<sup>nd</sup> Avenue North. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk without a furnishing zone currently exists along the 22<sup>nd</sup> Avenue North frontage. The adjacent property to the north has a 10' sidewalk without a furnishing zone, while the property to the south has 7' wide sidewalks with 3' furnishing zone with tree wells.
- (2) The property has approximately 25 surface parking spaces between the existing structure and sidewalk, and 7 parking spaces to the rear of the building along alley #903. The surface parking area is needed for the reuse of the building and its related program functions. Dedication of right-of-way along this frontage is not feasible given these parking needs.

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

1. The applicant shall contribute in-lieu of construction for the 22<sup>nd</sup> Avenue North 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.
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 which meets the Major and Collector Street Plan.

**From:** [Michelle Walther](#)  
**To:** [Kindall, Ed \(Council Member\); Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case # 2019-220, Case # 2019-320, Case # 2019-312  
**Date:** Wednesday, June 26, 2019 9:15:15 AM

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I am writing as a Nashville resident to express my concern about the request to avoid sidewalks in the above appeals cases. Sidewalks are vital to our growing city for the safety of pedestrians and vehicles. It should be an expected and known cost of building. Please deny these request to not build and also not pay into the in-lieu fee for sidewalks.

Thank you,  
Michelle Walther MD  
4712 Benton Smith Rd  
37215



**From:** [Dorris, Stacy](#)  
**To:** [Board of Zoning Appeals \(Codes\); Kindall, Ed \(Council Member\)](#)  
**Subject:** RE: 2019-312 - please deny this variance request  
**Date:** Tuesday, June 25, 2019 9:10:45 PM

---

Dear BZA and CM Kindall,

I am writing to request that you deny the sidewalk variance request Case # 2019-312, by BULL, MAURICE P., III & DONALD L., at 309 22ND AVE N 37203. This is a planned Walgreen's rehab – requesting to not build the sidewalk required despite building being in a pedestrian benefit zone with the UZO. These are exactly the kind of businesses that could benefit the community if you could get there safely on foot. As you are aware, new sidewalks are intimately linked with development. If the opportunity is missed, the community waits literally decades for another chance. In this case, the employees of the building will also miss the opportunity to be able to walk to nearby businesses and will instead need to get into a car, increasing traffic. Since Nashville is significantly behind in sidewalks already, we have just 20% of our roadways sidewalked, we just cannot miss any opportunity.

The sidewalk is a gift to our city for development and it is a known cost of doing business for any building group or business. Please deny this and any request such as this one to not build sidewalks. It is a safety & a health issue for all Nashvillians.

Sincerely,  
Stacy Dorris  
801 Timber Ln  
37215  
The Sidewalk Foundation

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: 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.

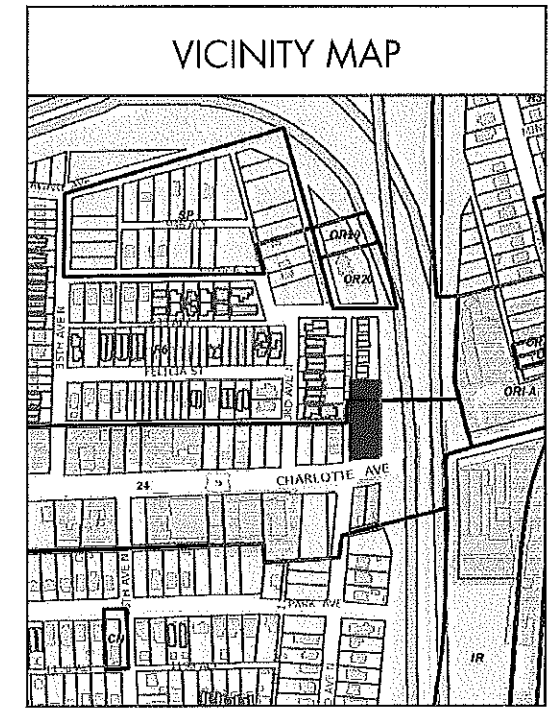
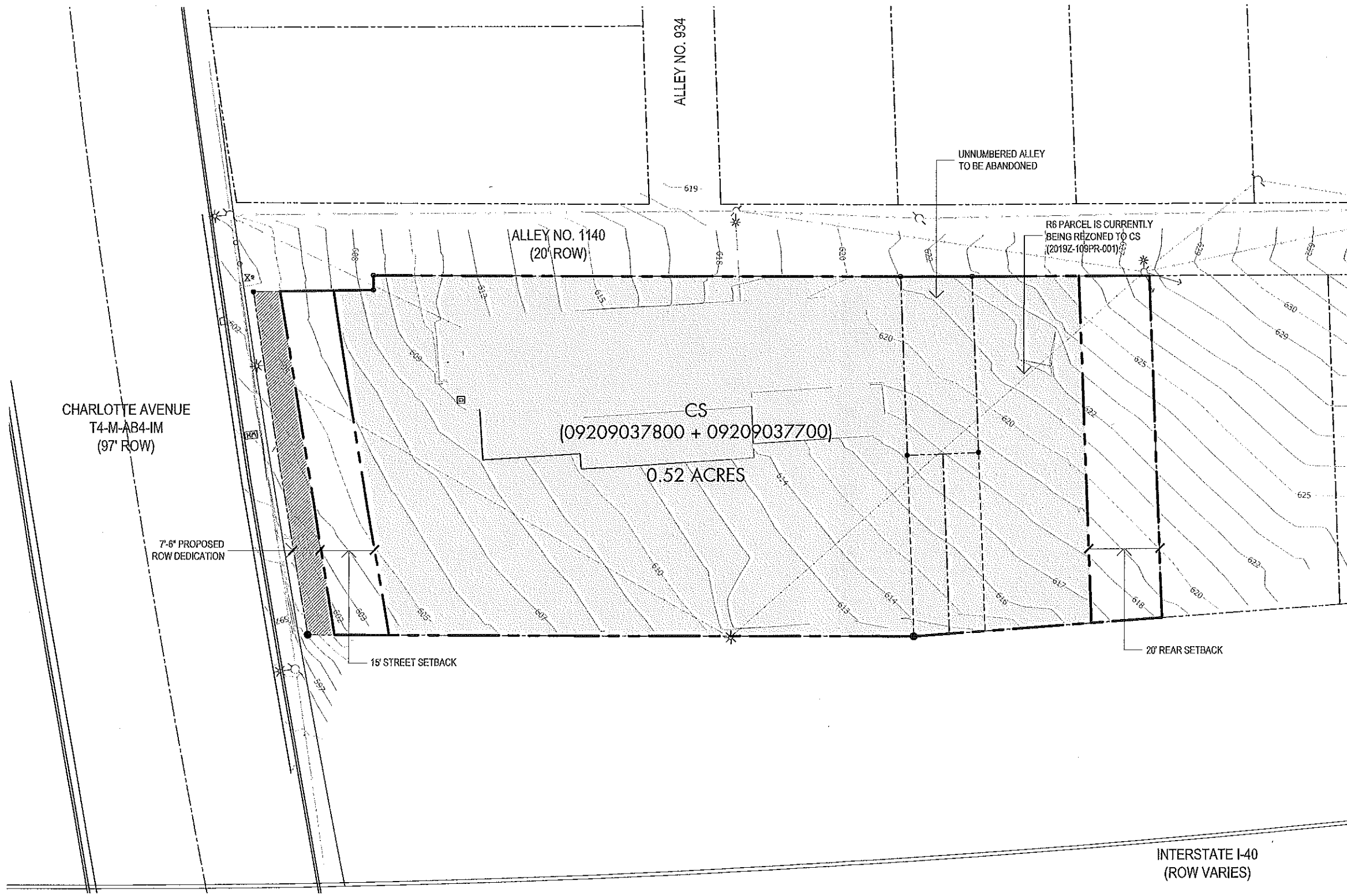
I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

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**APPELLANT (OR REPRESENTATIVE)**

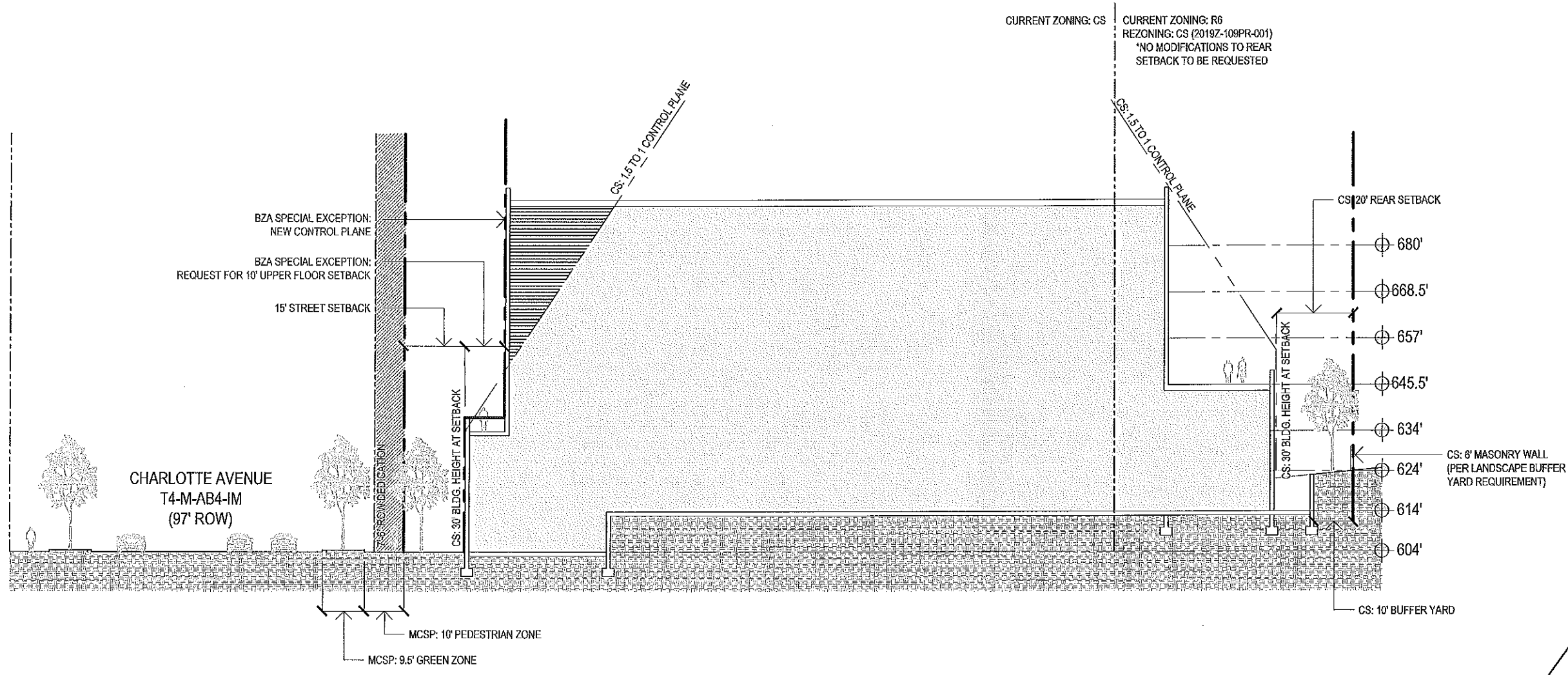
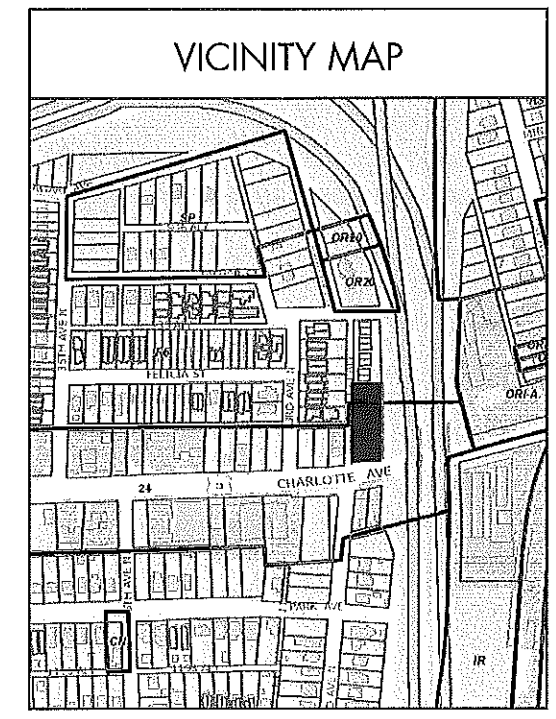
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**DATE**



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

3214 CHARLOTTE AVENUE



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

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

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

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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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JAY Mikołowski

Date: 7/19/19

Property Owner: DTM Development

Case #: 2019-391

Representative: Jay Mikołowski

Map & Parcel: 105011P00100000  
105011P00200000

Council District 17

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

Purpose:

To construct 2 single family  
RESIDENCE ON 2 PARCELS  
2019040597 & 2019040593

Activity Type: RES. CONSTRUCTION

Location: 1001 AND 1003 SOUTH ST

This property is in the R4 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, REQUIRED TO BUILD  
SIDEWALKS, REQ TO BUILD ON SOUTHSIDE AVE AND KEEP

Section(s): 17.20.120 EXISTING SIDEWALKS ALONG  
SOUTH ST.

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 Mikołowski  
Appellant Name (Please Print)

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

1001 South Street  
Address

\_\_\_\_\_  
Address

Nashville TN  
City, State, Zip Code

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

615-708-7485  
Phone Number

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

Jay@DTMLandDev.com  
Email

\_\_\_\_\_  
Email

Zoning Examiner: [Signature]

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



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



3692832

**ZONING BOARD APPEAL / CAAZ - 20190042970**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 105011P00100CO

APPLICATION DATE: 07/19/2019

**SITE ADDRESS:**

1001 SOUTH ST NASHVILLE, TN 37203  
UNIT A HOMES AT 1001-1003 SOUTH STREET

PARCEL OWNER: D &amp; M DEVELOPMENT, LLC

CONTRACTOR:

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

BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.  
2 houses on one parcel (1001 and 1003 South Street).

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

---

*There are currently no required inspections*

*There are currently no required inspections*

Inspection requirements may change due to changes during construction.

## 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**

7-19-2019  
**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?**

There is AN Existing sidewalk 8' feet wide with H/C Ramp. I'm the Last House to Build on this side of South Street and it's a corner lot.  
I believe it will be much better to leave the existing walk in front AS IS.



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



3689111

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019040593  
THIS IS NOT A PERMIT**

PARCEL: 105011P00100CO

APPLICATION DATE: 07/09/2019

**SITE ADDRESS:**

1001 SOUTH ST NASHVILLE, TN 37203  
UNIT A HOMES AT 1001-1003 SOUTH STREET

PARCEL OWNER: D &amp; M DEVELOPMENT, LLC

APPLICANT: D &amp; M DEVELOPMENT, LLC

NASHVILLE, TN 37203 6157087485

**PURPOSE:**

BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.

To construct 1001 South Street of new attached HPR/duplex family residence with 2900 sq ft of living space, 430 sq ft of garage, 600 sq ft unfinished basement and 500 sq ft of porches and decks. Minimum 5 ft side setback, 15 ft platted side setback along Southside Ave. 31 ft minimum front setback per average and 20 ft minimum rear setback. Must conform to all easements on property. Maximum height of 3 stories within 45 ft from natural grade. Maximum building coverage on total parcel not to exceed 50%. . Must conform with all easements on property. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property. 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. Sidewalks ARE required for this project because this parcel is within the UZO. You are not eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

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

[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-862-6978 David.Johnson@nashville.gov





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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019040597  
THIS IS NOT A PERMIT**

**PARCEL:** 105011P00200CO

**APPLICATION DATE:** 07/09/2019

**SITE ADDRESS:**

1003 SOUTH ST NASHVILLE, TN 37203  
UNIT B HOMES AT 1001-1003 SOUTH STREET

**PARCEL OWNER:** D & M DEVELOPMENT, LLC

**APPLICANT:** D & M DEVELOPMENT, LLC

NASHVILLE, TN 37203 6157087485

**PURPOSE:**

BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.

To construct 1003 South Street of new attached HPR/duplex family residence with 2900 sq ft of living space, 430 sq ft of garage, 600 sq ft unfinished basement and 500 sq ft of porches and decks. Minimum 5 ft side setback, 15 ft platted side setback along Southside Ave. 31 ft minimum front setback per average and 20 ft minimum rear setback. Must conform to all easements on property. Maximum height of 3 stories within 45 ft from natural grade. Maximum building coverage on total parcel not to exceed 50%. . Must conform with all easements on property. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property. 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. Sidewalks ARE required for this project because this parcel is within the UZO. You are not eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

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

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

[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-862-6978 David.Johnson@nashville.gov





## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-391 (1001/1003 South Street)

Metro Standard:	South Street – 4’ grass strip and 8’ sidewalk, as defined by the Major and Collector Street Plan
	Southside Avenue - 4’ grass strip and 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct sidewalk on Southside Avenue
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	South Street – T4-M-CA2
	Southside Avenue – Local Street
Transit:	853’ east of #2 – Belmont, #17 – 12 <sup>th</sup> Avenue South; future Rapid Bus per nMotion
Bikeway:	Existing low stress bikeway on South Street

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

**Analysis:** The applicant proposes to construct a two-family dwelling and requests a variance to construct a sidewalk along the Southside Avenue frontage while maintaining the existing sidewalk along South Street. Planning evaluated the following factors for the variance request:

- (1) An 8’ sidewalk without a grass strip exists along the South Street property frontage, which is consistent with adjacent properties to the west.
- (2) No sidewalk currently exists along the Southside Avenue frontage. The adjacent property to the south has an existing 4’ grass strip and 5’ sidewalk. The applicant proposes to construct a 4’ grass strip and 5’ sidewalk, which meet the Metro Local Street standard.

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

1. The applicant shall contribute in-lieu of construction for the South Street property frontage.
2. The applicant shall construct a 4’ grass strip and 5’ sidewalk along Southside Avenue.

15 October 2019

Re: Zoning Appeal Notice Case Number 2019-391

1001 South St and 1003 South St

Map Parcel: 105011P00100CO and 105011P00200CO

Variance from sidewalk requirements – building at the above parcels without sidewalks

To Metropolitan Board of Zoning Appeals:

We stand strongly opposed to the requested sidewalk variance for the addresses/parcels listed above.

The builder is proposing pedestrians be forced to enter the neighborhood by walking in the street.

Unlike the builder, we are resident owners in this neighborhood (with direct line-of-sight to the corner of South St and Southside Ave). We are acutely aware of the volume of both vehicular and pedestrian traffic flows into the Gulch View neighborhood. Continued growth in this neighborhood will exacerbate the current safety issues, compounded by the variance requested.

These parcels border the corner of South St and Southside Ave. The South St / Southside Ave intersection is the primary point of pedestrian and vehicular ingress – egress from Gulch View.

The residence directly behind these parcels, at the corner of Southside and Southside Pl, has sidewalks-which also was built by this builder. The homes on the opposite side of Southside Ave also all have sidewalks.

In recent months, there have been several traffic accidents in this area:

- At the corner of South St and Southside Ave
- Along Southside Ave
- And at the corner of Southside Ave and Southside Pl

We witness near-hits / near-misses on virtually a daily basis. During rush hour these streets and intersections are used as cut-throughs to, and for avoiding traffic on, 8<sup>th</sup> Ave S and 12<sup>th</sup> Ave S.

Making matters more dangerous, there are no marked crosswalks at any of the intersections noted above.

**The builder is proposing that pedestrians enter this neighborhood—on his side of this precarious, high-traffic entry corridor—by being forced to walk in the street on Southside Ave around his property.**

We strenuously oppose the sidewalk variance for the addresses/parcels noted in the request.

The Board is welcome to contact us regarding the variance request and our firm opposition.

Submitted to the Metropolitan Board of Zoning Appeals via USPS 15 October 2019.

Barbara and Bryan Eckert  
915 Southside Pl  
Nashville, TN 37203  
C 331-203-0137

15 October 2019

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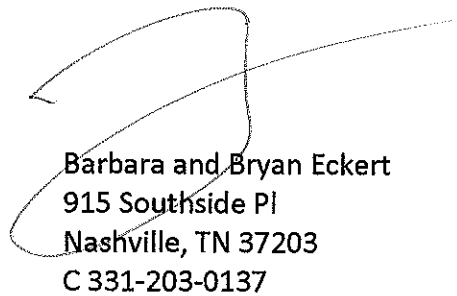
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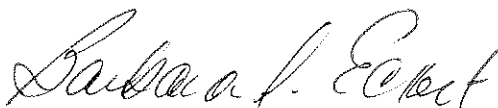
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Barbara and Bryan Eckert  
915 Southside Pl  
Nashville, TN 37203  
C 331-203-0137





Darlene Yazbak  
927 South St.  
Nashville, TN 37203

October 18, 2019

Metropolitan Government of Nashville and Davidson County  
P.O. Box 196300  
Nashville, TN 37210

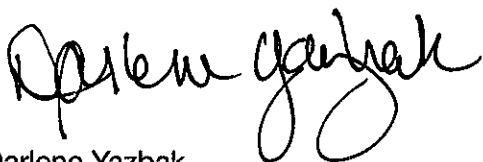
Re: Appeal Case Number 2019-391  
1001 South St. and 1003 South St.  
Map Parcel: 105011P00100CO, 105011P00200CO  
Zoning Classification: R6  
Council District: 17

To Members of the Board of Zoning Appeals:

Please allow this communication to register my opposition to the above residences to be constructed without building sidewalks or paying into the sidewalk fund. I believe sidewalks to be instrumental to the safety of pedestrians along South Street and that all residents/contractors be required to pay their fair share in this civic responsibility.

Please keep me informed of the status of this appeal.

Thank you,



Darlene Yazbak  
920.427.1900 (Please leave message if contacting via phone as unknown calls are silenced.)

**From:** [negletdet@gmail.com](mailto:negletdet@gmail.com)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** ["Bill Telgen"](#)  
**Subject:** comment on appeal 20190042970  
**Date:** Monday, October 14, 2019 9:34:45 AM

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Hello,

We received notice of zoning appeal 20190042970, a variance in requiring a sidewalk at 1001 and 1003 South St. We are homeowners and full-time residents in the neighborhood and would like to register our opposition to this variance. As people who frequently walk to and from this neighborhood, we notice there are already too many barriers or missing pieces of sidewalk for pedestrians. This location is at the corner of Southside Ave and South St, the main entrance into the neighborhood. Beside residents, there are many visitors who frequent the Air BnBs in the neighborhood and walk out into the Gulch. At times I observe these people walking down the middle of Southside Ave because there is no sidewalk on one side. This is dangerous, because this neighborhood gets more traffic than you would expect, because of visitors using rideshares and taxis.

We need more sidewalks for pedestrians in this area, not fewer! If we need to send a snail mail letter to register our opposition, please let us know to whom we should address it. Thank you.

Diane Telgen  
William Telgen  
1004B Southside Ave  
Nashville 37203

**From:** [James Snellen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Opposing Permit# 20190042970  
**Date:** Monday, October 28, 2019 10:03:02 AM

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Regarding Jay Mikolinski's request to bypass constructing and/or funding the sidewalk fund for properties he will substantially & financially benefit from should be absolutely out of the question and immediately denied. This community is booming with young and mature families alike using the sidewalks daily. For Jay to neglect contributing to the neighbourhood by not continuing the existing sidewalk is a shameful shock.

I request you deny this grant on my understanding that the existing sidewalk will not be maintained or improved upon. If the existing sidewalk will be improved and/or rebuilt, please make sure he is held accountable.

James Snellen  
924 Archer St.

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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Bluegrass Financial Partners and Cambridge are not affiliated.

**From:** [Justin Rosen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case #: 2019-391 - 1001/1003 South Street  
**Date:** Friday, October 18, 2019 2:59:38 PM

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Hi,

I opposed the neighbor's request to not construct sidewalks. There absolutely should be a sidewalk along Southside for connectivity between the two existing sidewalks.

Please let me know if this submission is adequate or if I need to mail in a letter.

Thanks,

Justin Rosen

**From:** [Ilex Pounders](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** zoning appeal for permit #20190042970  
**Date:** Friday, October 25, 2019 5:02:47 PM

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Hi

I am writing today because I received notice via mail of this zoning appeal because I live within 1,000 feet of this property. I request that you please deny this request. The sidewalks should be updated/redone in this area. The current sidewalks are old and are currently having construction vehicles trample all over them. Thank you!

permit #20190042970

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**Ilex Pounders**  
501.827.1745

**From:** [Roy Worthen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case #: 2019-391 - 1001/1003 South Street  
**Date:** Friday, October 11, 2019 9:43:57 AM

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Hi,

I opposed the neighbor's request to not construct sidewalks. There absolutely should be a sidewalk along Southside for connectivity between the two existing sidewalks.

Please let me know if this submission is adequate or if I need to mail in a letter.

Thanks,  
Roy

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: BRITT DEVELOPMENT Date: 7/26/19  
Property Owner: MONTROSE TRUST Case #: 2019-394  
Representative: MADDIE WYATT Map & Parcel: 118012H900000 CO

Council District 17

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

Purpose: HPR; RESIDENTIAL CONSTRUCTION  
HISTORIC OVERLAY / ~~RES~~ HISTORIC APPROVED  
Activity Type: RES. CONSTRUCTION

Location: 2508 10TH AVE S

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: REQUEST NOT TO INSTALL OR CONTRIBUTE FOR SIDEWALKS

Section(s): 17.20120

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. COV-NHC

BRITT DEVELOPMENT  
Appellant Name (Please Print)

MADDIE WYATT  
Representative Name (Please Print)

1109 GREENWOOD AVE  
Address

2825 TWIN LAWN DR  
Address

NASHVILLE, TN  
City, State, Zip Code

NASHVILLE TN 37214  
City, State, Zip Code

615-850-9527  
Phone Number

615-243-2699  
Phone Number

BRIAN@BRITTEVELOPMENT.COM  
Email

MADDIE@WYATTDDESIGNBUILD.COM  
Email

Zoning Examiner: TOM

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





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



3695256

**ZONING BOARD APPEAL / CAAZ - 20190044551  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 118012H90000CO

APPLICATION DATE: 07/26/2019

**SITE ADDRESS:**

928 B MONTROSE AVE NASHVILLE, TN 37204  
COMMON AREA HOMES AT 928 MONTROSE AVENUE

PARCEL OWNER: O.I.C. HOMES AT 928 MONTROSE AVENUE

CONTRACTOR:

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

RESIDENTIAL HPR  
2508 10TH AVE S (118012H00200CO)  
LOCATED WITHIN OV-NHC

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED

REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

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

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

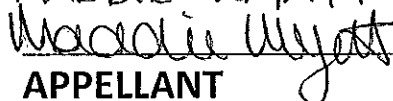
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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.

MADDIE WYATT  
  
 APPELLANT

7/26/19  
 DATE

FOR: BRITT DEVELOPMENT

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

BIKE LANE, HISTORIC NEIGHBORHOOD, NEIGHBORING LOTS  
AND WALKABLE NEIGHBORHOOD. THE NEW  
UPDATED SIDEWALKS WILL MAKE ALL OF  
THE ABOVE ~~AND~~ NOT FUNCTIONAL OR CONSISTANT.

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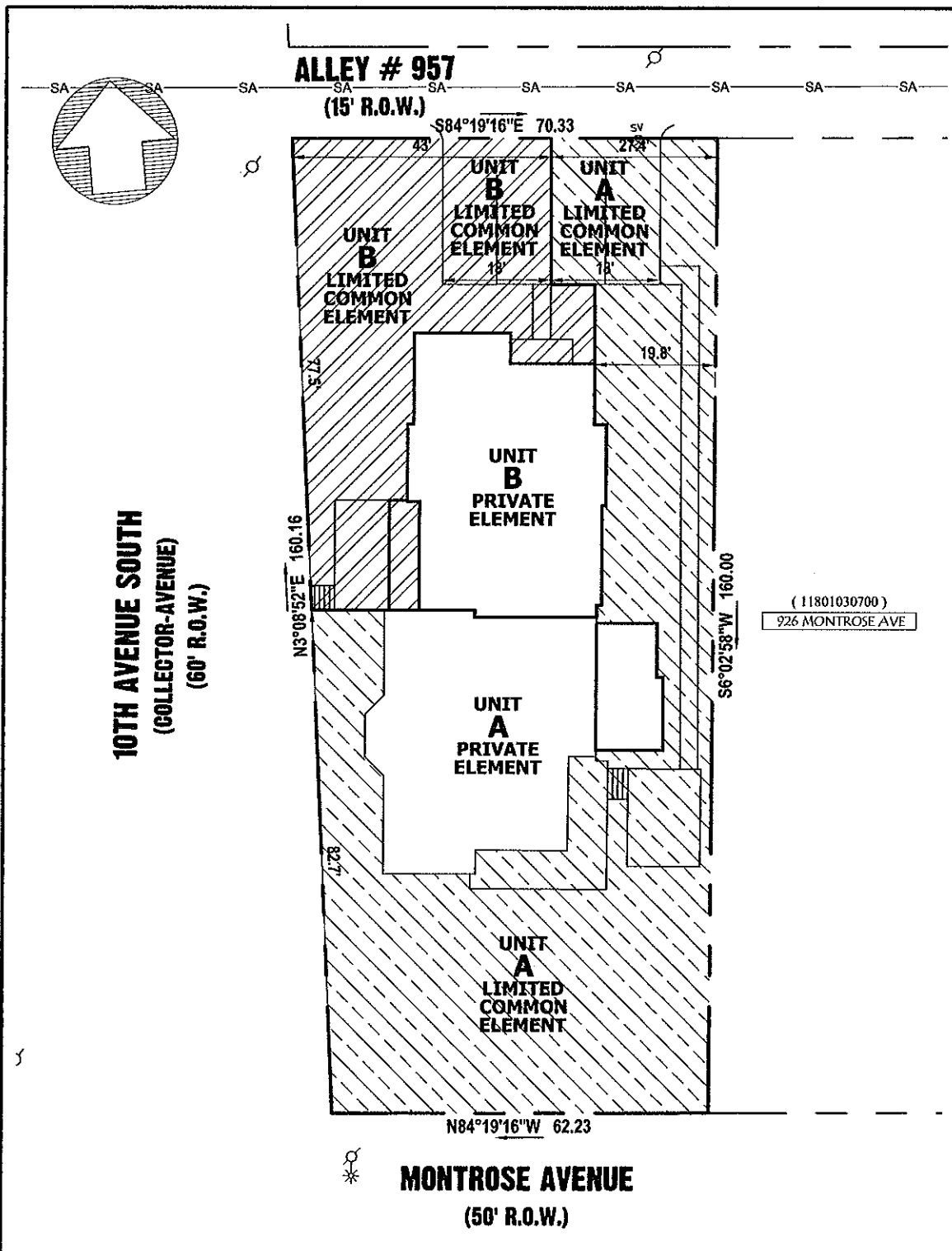
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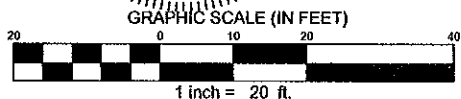
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THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS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

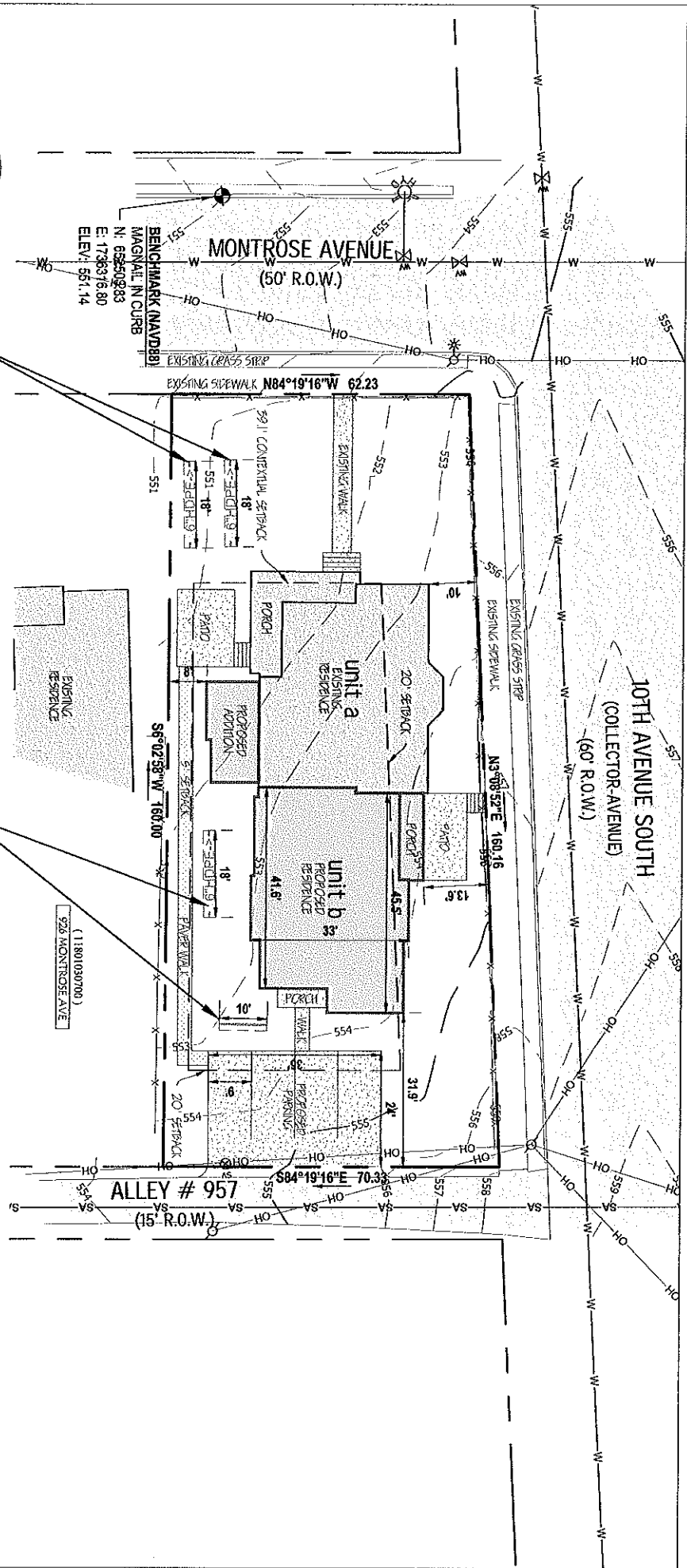


**EXHIBIT 'B' - Units A & B**  
**928 MONTROSE AVE**  
 NASHVILLE, TENNESSEE  
 Metro Parcel ID: ( 11801030800 )

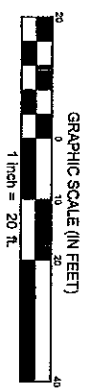


**CLINT ELLIOTT SURVEY**

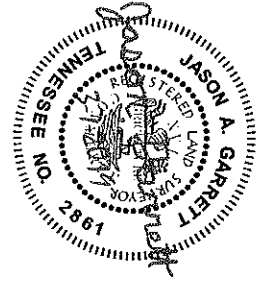
1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotsurvey.com  
 (615) 490-3236



**INSTALL MODIFIED FRENCH DRAIN SYSTEM**  
 (2.5" x 64" @ 30" LOWER STONE DEPTH)  
 DIVERT UNIT B AND UNIT A ADDITION ROOF DRAINAGE TOWARD MFDS

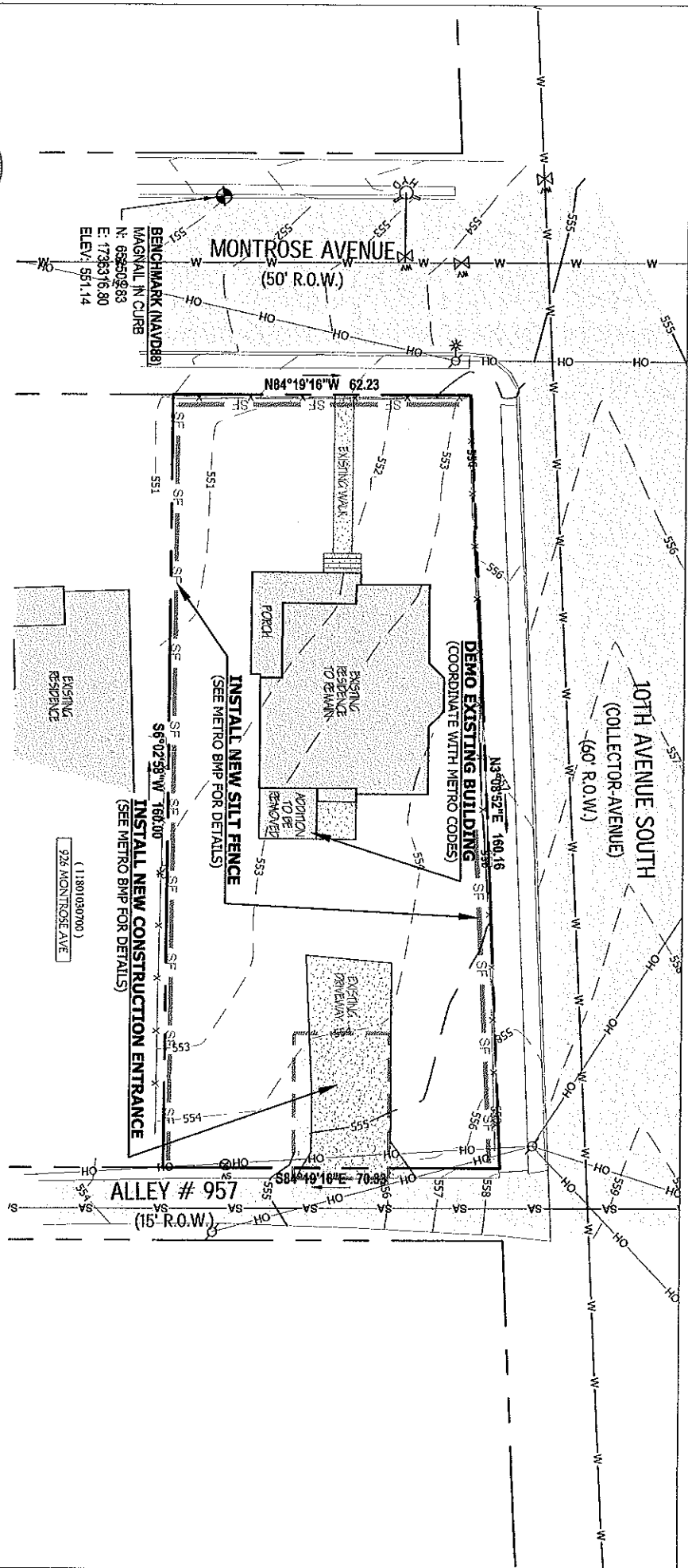


**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotsurvey.com  
 (615) 490-3236

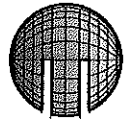


**Site Plan**  
 928 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.1**

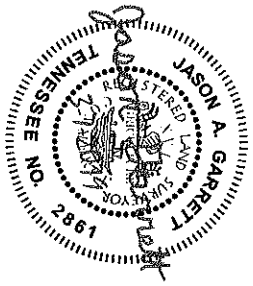


GRAPHIC SCALE (IN FEET)  
1 inch = 20 ft.



**CLINT ELLIOTT SURVEY**

1714 Hayes Street  
Nashville, TN 37203  
clintelliotsurvey.com  
(615) 490-3236



**EPSC Plan**  
928 Montrose Avenue  
Nashville, Davidson County, Tennessee

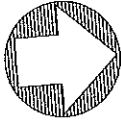
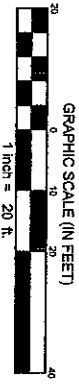
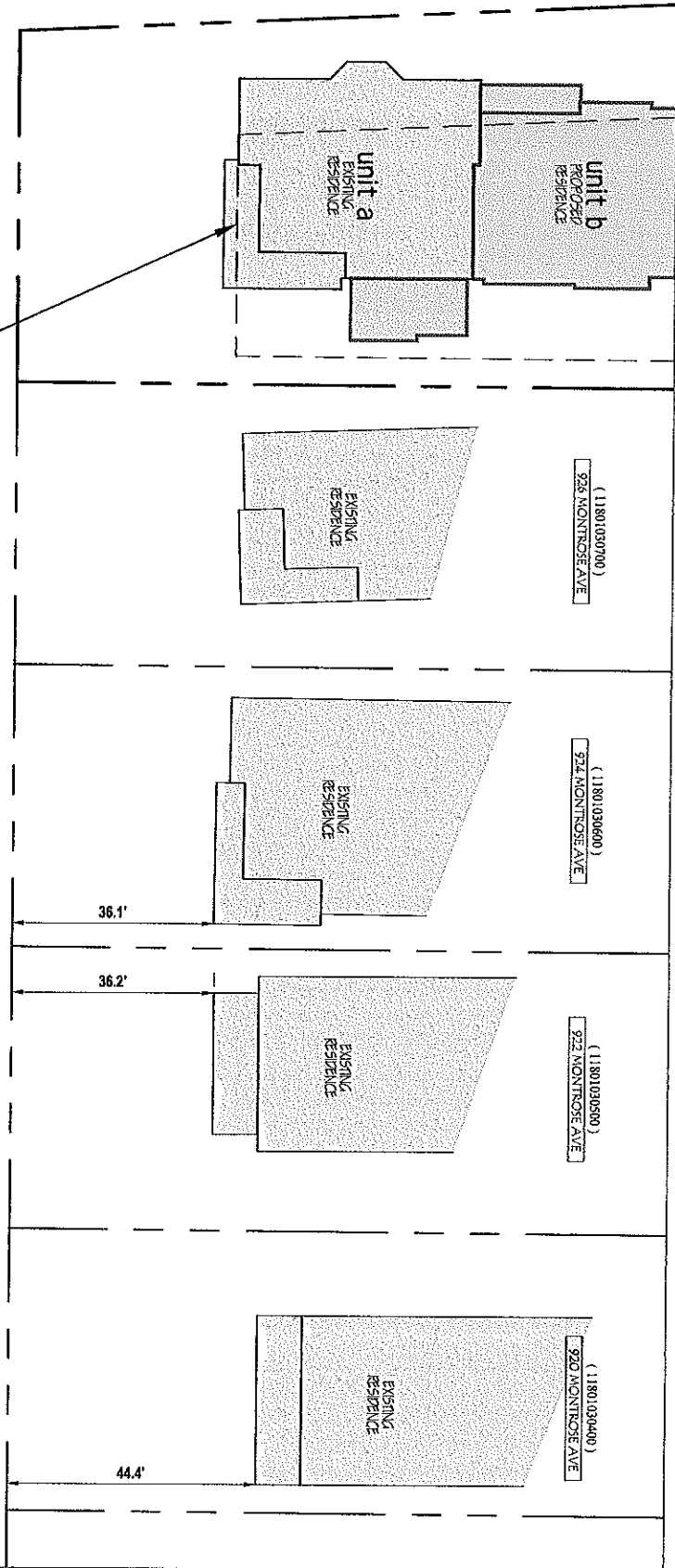
Sheet No.

**V-2.2**

10TH AVENUE SOUTH  
(COLLECTOR-AVENUE)  
(60' R.O.W.)

39.1' FRONT SETBACK  
(CONTEXTUAL AVERAGE)

MONTROSE AVENUE  
(50' R.O.W.)



**CLINT ELLIOTT SURVEY**  
1711 Hayes Street  
Nashville, TN 37203  
clintelliotsurvey.com  
(615) 496-3235



**Building Setbacks**  
928 Montrose Avenue  
Nashville, Davidson County, Tennessee

Sheet No.

V-2.3



**SITE DATA: PRE-DEVELOPMENT**

Total Site Area 10,605 SF  
**PRE-DEVELOPMENT IMPERVIOUS: 2,800 SF**  
 Buildings 1,775 SF  
 Parking/Drives 798 SF  
 Walks/Misc Pads 227 SF

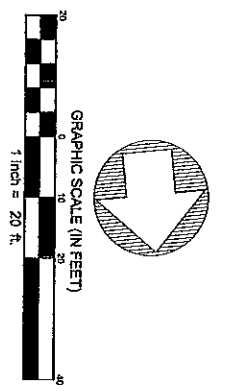
**SITE DATA: POST-DEVELOPMENT**

Total Site Area 10,605 SF  
**POST-DEVELOPMENT IMPERVIOUS: 4,781 SF (45.1%)**  
 Buildings 3,299 SF  
 Parking/Drives 864 SF  
 Walks/Misc Pads 618 SF

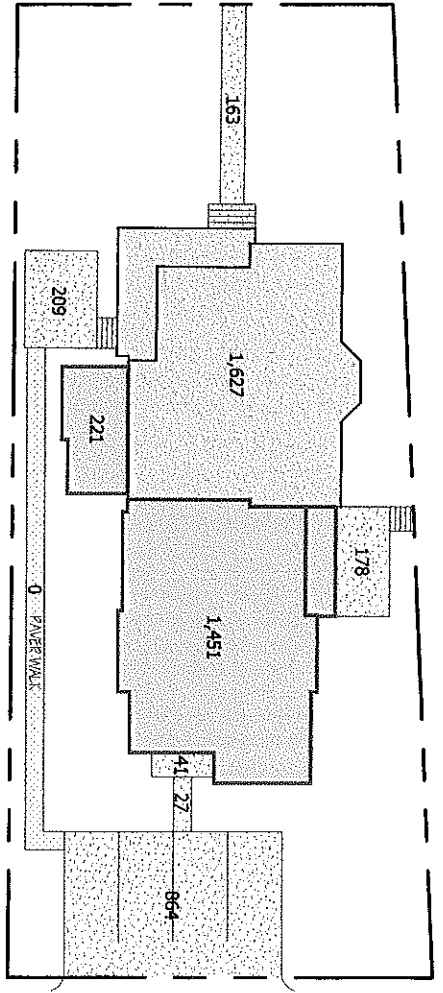
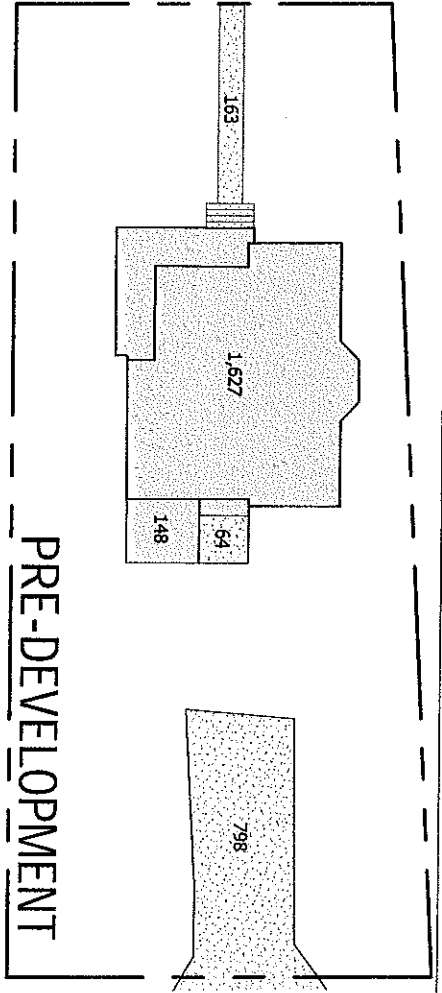
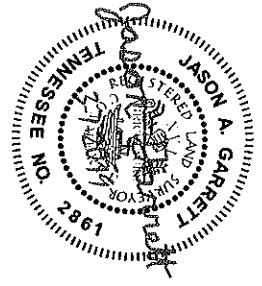
**POST- IMPERVIOUS NET GAIN: 1,981 SF ( TIER I )**

**STORMWATER NET GAIN TREATMENT**

Total Site Area 10,605 SF  
**POST-DEVELOPMENT STORMWATER TREATMENT: 1,981 SF**  
 MODIFIED FRENCH DRAIN Required: 2.5' x 64' @ 30" Lower Stone Depth

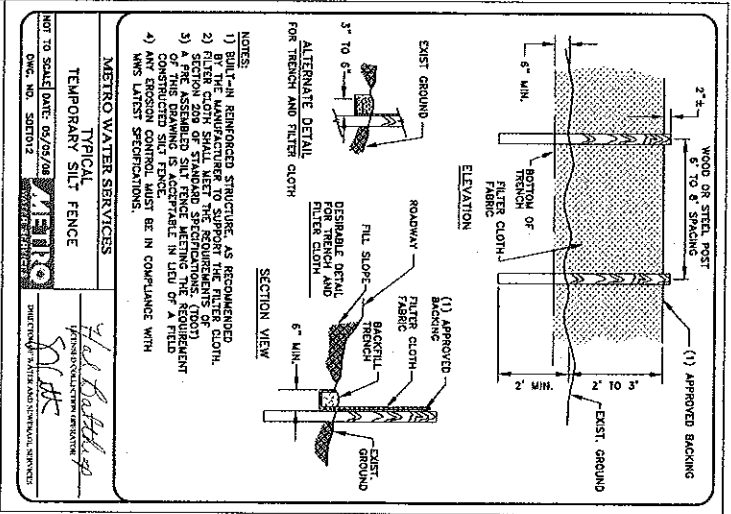


**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotts@survey.com  
 (615) 490-3235



**Impervious Areas**  
 928 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.4**

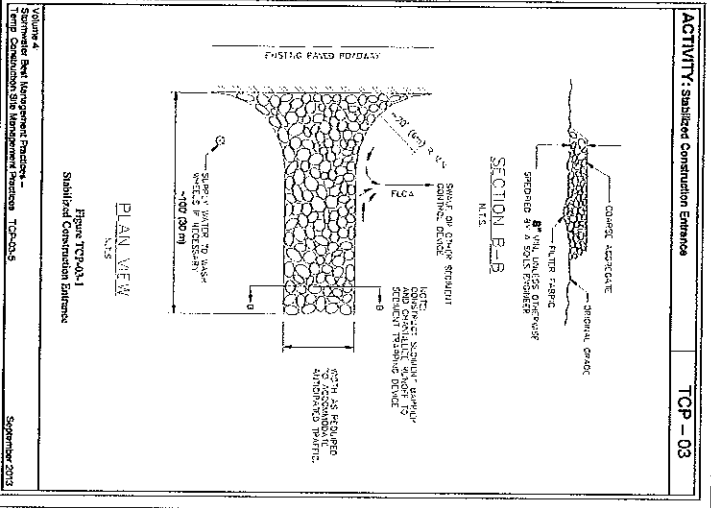
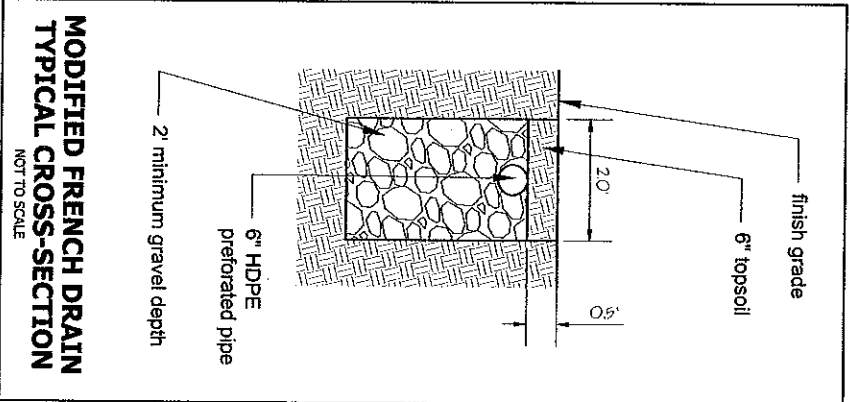


**SITE GRADING & EROSION CONTROL NOTES**

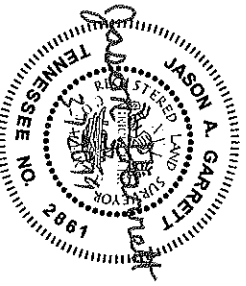
1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT. SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNERS REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.



IF YOU DIG IN TENNESSEE...  
 CALL US FIRST!  
 1-800-351-1111  
 1-615-366-1987  
 TENNESSEE ONE CALL  
 IT'S THE LAW



**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotts@survey.com  
 (615) 490-3236



**Site Details**  
 928 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.5**

SKETCH LAYOUT  
 PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

Modified French Drain

SIZING CALCULATION:

Roof Top Area (square feet)	Depth of Gravel From Top of Pipe (Inches)	Required Linear Feet of MFD
100	18	24
500	30	30
1000	45	40
2000	90	75
3000	135	140
4000	180	185
5000	225	235

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA = 1981 SQ FT  
 DEPTH OF STONE MEDIA = 30 INCHES  
 WIDTH OF TRENCH = 30 INCHES  
 LENGTH OF MFD = 63.4 FT

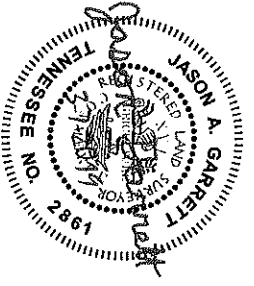
MAINTENANCE:

1. INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S), IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION, REMOVE ACCUMULATED TRASH AND DEBRIS.
2. INSPECT MFD FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.

METRO NASHVILLE  
 DEPARTMENT OF  
 WATER SERVICES

ATTACHED THIS TWO-PAGE  
 SPECIFICATION TO HOUSE  
 PLAN SUBMITTAL

MODIFIED FRENCH DRAIN  
 SPECIFICATIONS  
 PAGE 2 OF 2



CLINT  
**ELLIOTT**  
 SURVEY

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

**Stormwater Details**  
 928 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.6**



## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-394 (2508 10<sup>th</sup> Avenue South)

Metro Standard:	10 <sup>th</sup> Avenue South – 6’ grass strip and 6’ sidewalk, as defined by the Major and Collector Street Plan
	Montrose Avenue – 4’ grass strip and 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, not contribute (not eligible)
Zoning:	R8
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	10 <sup>th</sup> Avenue South – T4-R-CA2
	Montrose Avenue – Local Street
Transit:	951’ east of #17 – 12 <sup>th</sup> Avenue South
Bikeway:	Protected bike lane existing

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

**Analysis:** The applicant proposes proposing to construct an HPR and requests not to upgrade a sidewalk along the 10<sup>th</sup> Avenue South frontage due to the presence of an existing sidewalk, grass strip, and protected bike lane, and concerns about the continuity of the streetscape. Planning evaluated the following factors for the variance request:

- (1) Montrose Avenue currently has a 6’ sidewalk and 3’ grass strip, effectively satisfying the Local Street standard and requiring no variance.
- (2) 10<sup>th</sup> Avenue South currently has a 5’ sidewalk and 3’ grass strip, which is consistent with properties on the entire block face.
- (3) This portion of 10<sup>th</sup> Avenue South was recently redesigned to accommodate protected bike lanes, on street parking, and street trees in the grass strip. Staff sees no hardship for upgrading the sidewalk to the MCSP requirement, but believe that this street and neighborhood would be better served by a contribution in lieu.

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

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

**From:** [Amy Booth](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** sidewalk variance request 2019-394 at 928 B Montrose Av.  
**Date:** Wednesday, October 16, 2019 9:33:30 AM

---

Dear CM Sledge and the BZA,

I would like to add my voice to those asking you to deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av.

The text below was offered by someone else in my neighborhood and, while I have not edited it, I agree entirely with their position. Sidewalks are critical to walkability and safety!

Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Best wishes,  
Amy Booth  
3415A Benham Ave

**From:** [Caroline Duley](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Please deny 928B Montrose Ave request to not install sidewalk  
**Date:** Sunday, October 20, 2019 1:22:22 AM

---

To whom it may concern,

I strongly oppose the applicant's request to not install sidewalks or pay into the sidewalk fund at 928B Montrose Ave. This property is located on a busy corner of 12South with a high level of pedestrian traffic daily. I'm shocked that the developer would even request this.

Nashville is already seriously lacking sidewalks on major streets throughout the city. Please do not allow this situation to worsen by allowing this developer to not install a much needed sidewalk.

Caroline Duley  
900 Waldkirch Ave.  
Nashville, TN 37204

**From:** [Claire Armbruster](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Colby](#)  
**Subject:** Appeal Case # 2019-394; Permit #20190044551  
**Date:** Thursday, October 24, 2019 9:52:02 AM

---

Dear Metro Board of Zoning Appeals,  
We are not in favor of the request not to provide a sidewalk at 928B Montrose Avenue. Sidewalks are a primary feature of the Waverly Belmont (12South) neighborhood. They enhance the quality of life in this walkable neighborhood.

Thank you,  
Claire Armbruster  
Jeff Koontz  
1004 Montrose Ave, Nashville, TN 37204

**Claire Armbruster**  
**Planning Stages**  
*Plan > Prepare > Present*  
PO Box 41182  
Nashville, TN 37204  
615.509.9797  
[planningstages.net](http://planningstages.net)





**From:** [Conrad Cox](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Fwd: 2019-394  
**Date:** Friday, October 18, 2019 9:04:54 AM

---

We oppose the variance request. Sidewalks are needed in our neighborhoods.

Conrad B Cox  
Rebecca R Cox

2038 Elliott Ave  
Nashville, TN 37204

--

Conrad B. Cox  
[ConradBCox@gmail.com](mailto:ConradBCox@gmail.com)  
(423) 737-3030

**From:** [Debra Dickey](#)  
**To:** [Sledge, Colby \(Council Member\): Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose  
**Date:** Tuesday, October 15, 2019 10:40:26 AM  
**Attachments:** [variance request 2019-394 928 B Montrose Av 37204.PNG](#)

---

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,

Debra Dickey

2813 Sherbourne Ave.

Nashville, TN 37204

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY  
OFFICE ADDRESS  
METRO OFFICE BUILDING-3rd FLOOR  
80 SECOND AVENUE, SOUTH  
NASHVILLE, TENNESSEE 37203  
MAILING ADDRESS  
POST BOX 10000  
NASHVILLE, TENNESSEE 37208-4300  
TELEPHONE (615) 862-6000  
FACSIMILE (615) 862-6014  
www.nashville.gov/codes

September 23, 2019

**ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS**

RE: Appeal Case Number: 2019-394  
928B MONTROSE AVE 118012H90000CO  
Map Parcel: R8  
Zoning Classification: 17  
Council District:

This is to inform you that Britt Development filed an appeal for the property at the above referenced location. The appellant requested a variance from sidewalk requirements. Should this request be approved, it would allow the applicant to construct two single family residence without building sidewalks or paying into the sidewalk fund.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 11/7/2019, beginning at 1:00 P.M. in the Scany West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.

*This letter is being sent to you because you are the owner of property located within 1000' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.*

Should you have questions or require special accommodations (handicap accessibility), you may email us at [BZA@nashville.gov](mailto:BZA@nashville.gov). You can view this case at [epermits.nashville.gov](http://epermits.nashville.gov) and search by permit # 20190044551 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

## BZA Tracker



Metro Codes Administration  
 800 2nd Ave S  
 P.O. Box 196300  
 Nashville, TN 37219-6300

[www.nashville.gov/Codes-Administration.aspx](http://www.nashville.gov/Codes-Administration.aspx)  
[bza@nashville.gov](mailto:bza@nashville.gov)



## Case Information

Application Submittal	7/26/2019
Case #	2019-394
Property Address / Location	928 B MONTROSE AVE 37204
Parcel ID	118012H90000CO
Council District / Member	<a href="#">17 (Colby Sledge)</a>
Property Owner	O.I.C. HOMES AT 928 MONTROSE AVENUE
Appellant	O.I.C. HOMES AT 928 MONTROSE AVENUE
BZA Hearing Date	11/7/2019
Deferred From Date	
Application Scope	RESIDENTIAL HPR2508 10TH AVE S (118012H00200CO)LOCATED WITHIN OV-NHCREQUIRED: PER 17.20.120 SIDEWALKS REQUIREDREQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE
Reason	A VARIANCE FROM SIDEWALK REQUIREMENTS
Purpose	TO CONSTRUCT TWO SINGLE FAMILY RESIDENCE WITHOUT BUILDING SIDEWALKS OR PAYING INTO THE SIDEWALK FUND
Deny Section	17.20.120
Use	TWO-FAMILY
In UZO?	No
Zoning District	R8
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	<a href="#">View Scanned Documents</a>

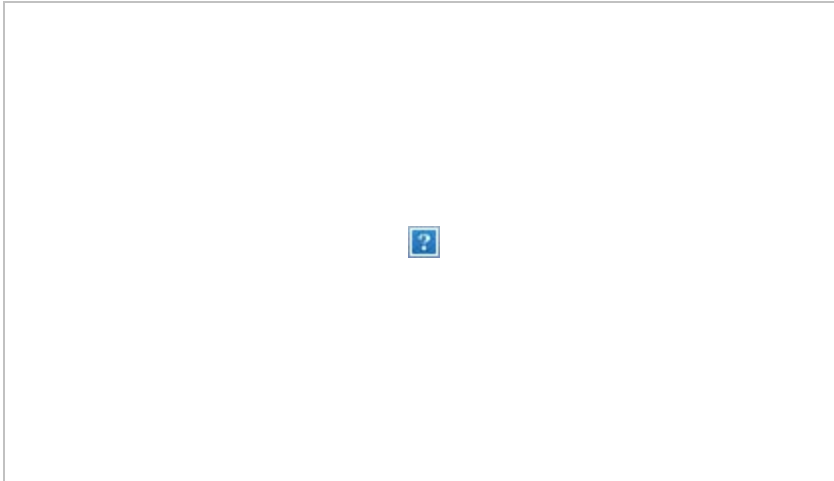


**From:** [Diana Giles](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** 928B Montrose I oppose their exemption request  
**Date:** Thursday, October 17, 2019 9:14:21 AM

---

The developer for 928B Montrose is asking to avoid paying into the sidewalk fund; I vehemently oppose this for them or any other developers because they are making a profit and should contribute- I don't think there is ever a reason to allow them to not pay. What's the point of the law if we allow them to get away with not paying their fair share?

Thanks.



This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected by law from unauthorized disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

**From:** [Ellen Wolfe](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Zoning Appeals: 2019-394 and 2019-395  
**Date:** Friday, October 11, 2019 5:30:36 PM

---

To The Metropolitan Board of Zoning Appeals,

I received two letters regarding zoning appeals hearings for case numbers: 2019-394 and 2019-395. They are scheduled for Nov. 7. I will be out of town that day and unable to attend the hearing. I want you to know that I strongly oppose Britt Development's attempt to exempt themselves from repairing and improving the sidewalks in front of and to the side of the properties they are rehabbing and further strongly oppose their attempt to not pay into the sidewalk fund. 12 South is a very walkable neighborhood because of its sidewalks. Britt development has torn up and/or damaged the sidewalks in front of the two properties they are renovating. Part of the sidewalk on the north side of Montrose is completely blocked and we have to walk in the street to get around it. Additionally, Britt Development has removed the fencing around the house on the north side of Montrose – street #928 (case number: 2019-395). There is a steep drop off, approximately 3 feet, from the sidewalk to the yard along 10<sup>th</sup> Ave. S. The previous homeowner had a fence that protected people from falling off the sidewalk into the yard. Also, there have been plans to add a sidewalk on the east side 10<sup>th</sup> Ave. S along the east side of 929 Montrose which is the other house Britt Development has a zoning appeal for. It seems reasonable to require Britt Development to add that sidewalk (10<sup>th</sup> Ave. S, east side between Montrose and the alley south of Montrose).

Sincerely,

Ellen  
915 Montrose Ave.

**From:** [Erica Zuhr](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalk Variance  
**Date:** Saturday, October 19, 2019 7:31:13 PM

---

To whom it may concern,

As a nearby resident, I would like to oppose the the request for zoning variance in Case # 2019-394 for 928 Montrose.

I am unsure of the exact reason for the request (to avoid changing the existing sidewalk, or to avoid adding a sidewalk, or both as it as a corner lot) but even if it is a request to not change an existing sidewalk that would not match adjacent sidewalks due to new regulations, I still believe local developers flipping homes solely for profit should contribute to the sidewalk fund in order to make our neighborhoods, and city, more walkable.

Thank you for your time,  
Erica Zuhr  
1808 Hillside Ave, Nashville, TN 37203



**From:** [Erin OHara Block](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose  
**Date:** Thursday, October 17, 2019 1:37:49 PM  
**Attachments:** [variance request 2019-394 928 B Montrose Av 37204.PNG](#)

---

Dear Board Members,

I am a resident at 908 Halcyon Ave. I would like to request that you deny this variance at 928B Montrose Ave.

Please see below.

Thanks so much  
Erin Block

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

**From:** **Erin OHara Block** <[eoblock@gmail.com](mailto:eoblock@gmail.com)>  
**Date:** Tue, Oct 15, 2019 at 12:26 PM  
**Subject:** Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose  
**To:** Colby Sledge, Metro Council District 17 <[colby.sledge@nashville.gov](mailto:colby.sledge@nashville.gov)>

Hi Colby,

I just wanted to register my request that you don't support this variance request. While I am generally in favor of helping our neighbors out when they need a variance on something, this is a developer, and not a resident requesting the variance. I believe that Britt Development can make it work to contribute to the neighborhood more broadly by creating a sidewalk where there isn't a sidewalk.

This is a great opportunity to increase walkability in the neighborhood. Currently, there is no sidewalk on this side of the street from Sevier Park until Montrose. Connecting to Halcyon would be a huge addition to the neighborhood as there are a number of streets (Halcyon, Knox, Sherbourne, West Kirkwood, Vaultx) where neighbors could use Halcyon to access 10th in a more contiguous pattern of sidewalks.

Thanks  
Erin

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY  
OFFICE ADDRESS  
METRO OFFICE BUILDING-3rd FLOOR  
80 SECOND AVENUE, SOUTH  
NASHVILLE, TENNESSEE 37203  
MAILING ADDRESS  
POST BOX 10000  
NASHVILLE, TENNESSEE 37208-4300  
TELEPHONE (615) 862-6000  
FACSIMILE (615) 862-6014  
www.nashville.gov/codes

September 23, 2019

**ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS**

RE: Appeal Case Number: 2019-394  
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Zoning Classification: 17  
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METROPOLITAN BOARD OF ZONING APPEALS

## BZA Tracker



Metro Codes Administration  
 800 2nd Ave S  
 P.O. Box 196300  
 Nashville, TN 37219-6300

[www.nashville.gov/Codes-Administration.aspx](http://www.nashville.gov/Codes-Administration.aspx)  
[bza@nashville.gov](mailto:bza@nashville.gov)



## Case Information

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Parcel ID	118012H90000CO
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Appellant	O.I.C. HOMES AT 928 MONTROSE AVENUE
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Deferred From Date	
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Deny Section	17.20.120
Use	TWO-FAMILY
In UZO?	No
Zoning District	R8
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	<a href="#">View Scanned Documents</a>

**Lifsey, Debbie (Codes)**

---

**From:** Small-r <graziano@small-r.com>  
**Sent:** Wednesday, October 16, 2019 12:39 AM  
**To:** Board of Zoning Appeals (Codes)  
**Subject:** Sidewalk Variances

I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting a variance On a lot where they plan to build 2 single family residences. As you know, with development comes the opportunity for sidewalk creation. If it is not done by developers during construction, with our current budget, it can take decades for the chance to place a sidewalk to come around again. walkability is key to traffic mitigation and the general livability of a city. Sidewalks are (or should be) a cost of doing business. If this developer can not afford to add them, there will be someone else that can. Please do not miss this opportunity to add safe walkability in this rapidly developing area.

Sent from my iPhone

**Lifsey, Debbie (Codes)**

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**From:** Heather Andrews <heatherandr@gmail.com>  
**Sent:** Tuesday, October 15, 2019 9:31 PM  
**To:** Board of Zoning Appeals (Codes); Sledge, Colby (Council Member)  
**Subject:** Sidewalk fund

Please ensure that Britt Development either builds a sidewalk or pays into the sidewalk fund (10th and Montrose properties). I received the two letters, and live within a block, and these sidewalks are sorely needed. Don't let them get away with this, I am surprised they have the audacity to ask, especially as they will be making a bundle of money on these properties.

Sincerely,

Heather Andrews, Will Barrow, Levon and Willie  
1008 Halcyon Avenue  
Nashville, TN 37204  
615-337-9377

Sent from my iPhone

**From:** [hmtilden@gmail.com](mailto:hmtilden@gmail.com)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-394 and 395 Sidewalk Exemption request on Montrose Ave  
**Date:** Wednesday, October 23, 2019 9:04:04 PM

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Hello,

I live a few blocks away from 10th and Montrose where a local developer is currently requesting a sidewalk exemption.

I am opposed to this exemption as it will negatively impact children's ability to walk safely to school. This developer is also building multiple million dollar homes in our neighborhood. The least they could do to help combat gentrification is contribute to the sidewalk fund if they don't just build the sidewalk themselves.

Thank you.

Holly Tilden  
906 Knox Ave  
Nashville, TN 37204  
C: 615-521-1016

**From:** [holly@wilford.com](mailto:holly@wilford.com)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Variance 2019-394, please deny!  
**Date:** Wednesday, October 16, 2019 3:30:24 PM

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Greetings!

I hope this email finds you well.

As a homeowner and therefore a tax payer in Nashville, I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Ave and any new build in the Nashville area.

The developer is requesting this variance on a property where they plan to build 2 single family residences.

As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all.

**Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.**

Respectfully,

Holly Wilford

**Lifsey, Debbie (Codes)**

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**From:** James Cole <James@antiochumc.net>  
**Sent:** Tuesday, October 15, 2019 3:43 PM  
**To:** Board of Zoning Appeals (Codes)  
**Subject:** Sidewalk Variance Denial

Dear BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone. Respectfully, Rev. James Cole



**From:** [Janet Davies](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** sidewalk variation  
**Date:** Wednesday, October 16, 2019 8:04:25 AM

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I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

**From:** [Joe Hendrick](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalk Variance  
**Date:** Tuesday, October 15, 2019 12:50:26 PM

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Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Thank You

Joe Hendrick

**From:** [Jonathan Marx](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** OPPOSITION to zoning appeal - case no. 2019-394 / 928B Montrose Ave \*and\* case no. 2019-395 / 2602 B 10th Ave S  
**Date:** Sunday, October 27, 2019 8:46:23 AM

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Hello,

I am the owner and resident at 921 Montrose Ave., which is in extremely close proximity to two properties currently being developed by Britt Development / Sarah Britt.

I'm writing to voice my STRONG OPPOSITION to a zoning appeal filed for these properties, which are listed as follows:

928 B Montrose Ave.  
Appeal Case Number: 2019-394  
APN: 118012I90000CO  
Permit Number: CAAZ 20190044551

2602 B 10th Ave. S.  
Appeal Case Number: 2019-395  
Permit Number: CAAZ 20190044513  
APN: 118012H90000CO

In both cases, the developer is seeking a variance from sidewalk requirements to construct a two single-family residence without building sidewalks or paying into the sidewalk fund.

This appeal should be DENIED on the basis that consistent sidewalk construction is essential to the safety and walkability of our neighborhood. These properties have sufficient square footage to accommodate construction of sidewalks. As a pedestrian and as a transit rider, I rely on our sidewalks daily. As a family, we have had to make accommodations for the existing lack of sidewalk at 2602 B 10th Ave. S. for more than 15 years. This developer, who seeks to profit from the properties at both of these addresses, should not be allowed to elude their obligation to pay into a system that makes our neighborhood and our community safe, walkable and livable for everyone.

Thank you,

Jonathan Marx  
921 Montrose Ave.  
Nashville, TN 37204  
615.294.5453

**From:** [Joy Tempkins](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalks  
**Date:** Thursday, October 17, 2019 2:46:04 PM

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I originally sent an email to Colby Sledge opposing the request to not install sidewalks on Montrose Ave. I am totally opposed to any exception to the requirement to put in sidewalks when new construction happens unless the area in question is in a non-pedestrian area. Places like Montrose Ave would not fit that criteria and adding sidewalks to heavily populated, in this case, the builders are creating density.

When I receive a response from Colby it said the builder was neither putting in a sidewalk nor wanting to pay into the in-lieu of fund. At minimum they should pay into the fund but moreover, why is there an in-lieu of fund at all? Builders are reshaping neighborhoods all over Nashville, sanctioned by the board. Although I'd prefer more thoughtful expansion that maintains a neighborhood's character and increases density that can be supported by the infrastructure, it is little to ask of those cannibalizing the neighborhood to give back through making the neighborhood walkable. Sidewalks do that and it should be an ironclad requirement.

--

Joy

**Lifsey, Debbie (Codes)**

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**From:** Katherine Rogers <katherine.rogers@me.com>  
**Sent:** Tuesday, October 15, 2019 7:52 PM  
**To:** Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)  
**Subject:** 2019-394 at 928 B Montrose Ave.

Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Please do not let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

***ON A PERSONAL NOTE...Why is the city permitting developers to opt out of paying the sidewalk fund? Doesn't it defeat the point of having a rule in place if all you have to do to get out of it is request a variance? I would love an actual answer from someone on this topic as it is an ongoing issue...***

Thank you,  
Katherine Rogers

**From:** [Kathrine Guthrie](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Variance opposition  
**Date:** Tuesday, October 29, 2019 11:01:02 PM

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Dear Board of Zoning Appeals and Colby Sledge,

My name is Kathrine Guthrie, I live at 2502 9th Ave S, Nashville TN 37204, basically at the intersection of Montrose and 9th Ave S, so a block East of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers [2019-394](#) and [2019-395](#) respectively.

I write to you to STRONGLY OPPOSE the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should DENY both of Appellant's variance requests.

My family, including 3 children ages 2-6, walk Montrose Ave and 10th Ave multiple times a week on our way to Frothy Monkey, 12th S Taproom, Las Paletas, Sevier Park, etc. Those sidewalks need to be safe and to codes and we even need more sidewalk on the east side of 10th Ave in this area. Please deny these variances and future requests in our small walkable neighborhood, if builders want to build in the neighborhood, they need to comply with the rules and respect the neighbors. And please add sidewalks to the rest of 10th Ave with said sidewalk building fund money.

Kathrine Guthrie

**From:** [Kenneth Sands](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Fwd: Please do not grant sidewalk variance  
**Date:** Thursday, October 17, 2019 2:55:56 PM

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Sent from my iPhone

Begin forwarded message:

**From:** Kenneth Sands <[kefsands@gmail.com](mailto:kefsands@gmail.com)>  
**Date:** October 16, 2019 at 6:19:08 PM CDT  
**To:** [colby.sledge@nashville.gov](mailto:colby.sledge@nashville.gov)  
**Subject: Please do not grant sidewalk variance**

I live in the same neighborhood as montrose ave and I understand there is a current petition to grant a sidewalk variance. Please do not grant this. This is a neighborhood with many pedestrians and really needs a sidewalk on montrose. Nashville needs to commit to the vision of a walking friendly city and not grant these variances.

Thank you  
Kenneth sands  
Forrest park ave

Sent from my iPhone

**From:** [Kerry Conley](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)  
**Subject:** Please vote NO on sidewalk variance request 928B Montrose appeal #2019-394  
**Date:** Monday, October 14, 2019 7:09:47 PM

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Hello,

Please do not allow a variance from sidewalk requirements. This property would continue the sidewalk in our neighborhood where it is much needed as many residents walk everywhere in our neighborhood, but most importantly to Waverly Belmont Elementary Schools on 10th Ave South. Literally blocks from this home. It is a corner lot to access 10th. This needs to be required as sidewalks exist up to this property and would connect to sidewalks on 10th.

Please vote NO.

Thank you from a 15 year resident at 2405 10th Ave South.

Thank you,  
Kerry



**From:** [LUCY HARRINGTON](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalk Variance, DENY  
**Date:** Wednesday, October 16, 2019 11:37:17 AM

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Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,  
Lucy Harrington  
3905 Kimpalong

Sent from my iPhone

**From:** [Collin Brown](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)  
**Subject:** Zoning Appeals: 2019-394 and 2019-395  
**Date:** Tuesday, October 22, 2019 4:07:37 PM

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Dear Board of Zoning Appeals:

My name is Collin Brown. I currently own the property located at 905 Gilmore Ave, Nashville, TN 37204, which is one block directly north of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to **STRONGLY OPPOSE** the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should **DENY** both of Appellant's variance requests.

**928B Montrose Ave.** The prior residence located at 928 Montrose Ave did have sidewalks located in the south-facing property frontage and west side of the property. However, the Appellant tore down the fence connected to the sidewalk on the west side of the property exposing pedestrians, including small children walking each day to elementary school each day, to a sudden drop off of over four feet between the eastern edge of the west-facing sidewalk and the yard. Without any regard for the welfare of the nearby residents, the Appellant has allowed this dangerous sidewalk drop off condition to continue for many months. Most recently, the Appellant has destroyed significant portions of the frontage sidewalk. Metro should require the Appellant to build compliant sidewalks to the front and west side of this property. These sidewalks connect to the sidewalks connecting Gilmore Ave, 10th Ave and Montrose Ave. Furthermore, the Appellant should be required to build a fence (replacing the fence torn down by the Appellant) directly connecting the eastern edge of the west-facing sidewalk to the fence, for reasons of pedestrian safety.

**2602B 10th Ave S.** This property does not have a sidewalk. In fact, this property contains the only sidewalk gap between Halcyon Ave, 10th Ave and Montrose Ave. This Board should require the Appellant to build a sidewalk on its 10th Ave frontage connecting the Halcyon Ave sidewalk to the Montrose Ave sidewalk as required by Metro Code Section 17.20.120.

It is a shame that Metro even allowed the Appellant to build two homes on each of these small lots pursuant to a horizontal property regime. Recently, on the Nextdoor.com website, the Appellant has commented that each of these properties is selling for at least \$800,000. That's two \$800,000 properties per lot for a total of \$3,200,000 for both lots. The Appellant calls this "affordable housing". It's an outrage that Appellant would seek to make such large profits, while not even being willing to build sidewalks in our neighborhood and contribute to the sidewalk fund! It is imperative that the Board support Nashville neighborhood and follow the Metro Code. I am not opposed to profit, but greedy developers like the Appellant are making millions all across Nashville, especially in the 12 South neighborhood, and yet they cry "poor me!" when it comes to investing in sidewalk infrastructure and paying into the sidewalk fund. The Board must not allow or tolerate this type of developer bad behavior!

There are four possible grounds to appeal and obtain a sidewalk variance. I will discuss each:

1. ***Physician characteristic of the property.*** There is plenty of room for sidewalks both on the west-and south sides of the 928B Montrose lot and the west side of the 2602 B 10th Ave S lot. There is nothing about the property or condition of land that would prevent the construction of sidewalks as required by Metro Code.

2. **Unique Characteristics.** There is nothing unique about these lots that would prevent the Appellant from constructing sidewalks as required by Metro Code. Furthermore, there is no undue hardship on the Appellant that has not been self-imposed by the Appellant because she decided to create two horizontal property regimes and squeeze two houses onto two small lots both designed for one house per lot.

3. **No Harm to Public Welfare.** The public will absolutely be harmed if the Appellant does not construct sidewalks on these properties. This is heavy foot-traffic walking neighborhood. We walk our sidewalks every single day. There are just no reasonable grounds for any developer in this neighborhood to avoid building sidewalks. In fact, 2602B 10th Ave S is one of the very few places along 10th Ave in the neighborhood that does not currently contain a sidewalk. The whole point of Metro Code 17.20.120 is to make sure sidewalks get built across this City where they are currently lacking!

4. **Integrity of Master Development Plan.** Failure to build sidewalks and contribute to the sidewalk fund will compromise the walk-ability of this neighborhood and will negatively impact the neighbors of these properties.

Please understand that the neighbors of 928B Montrose Ave and 2602B 10th Ave S adamantly **OPPOSE** the variances the Appellant is seeking.

I respectfully request that this Board **DENY** these variance requests by the Appellant.

I look forward to attending the hearing on November 7, 2019.

Best Regards,

M. Collin Brown

Cc: Colby Sledge

**From:** [Maggie Thomson DeVier](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalk Variance request 2019-394 - Please Deny  
**Date:** Saturday, October 19, 2019 11:02:08 AM

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Good morning,

I wanted to reach out regarding the sidewalk variance request for 928 Montrose Ave. I oppose this request (and any request from a developer to avoid this responsibility our neighborhoods that are supposed to be walkable, for that matter), for a couple of reasons.

First, I live in the area and love to take walks on our streets with my young children. It's important to have well-maintained sidewalks, and I'm sure our developers can afford to place them, whereas the city cannot as easily do so. Second, this is the street that leads to my family's place of business. Our patrons' safety in walking to it is important to us.

Thank you for your consideration.


Maggie DeVier  
Acklen Ave

**Lifsey, Debbie (Codes)**

**From:** Stevens, Mary C <mary.c.stevens@Vanderbilt.Edu>  
**Sent:** Tuesday, October 15, 2019 8:32 PM  
**To:** burkley allen; Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)  
**Subject:** sidewalks

Dear Burkley, CM Sledge, and the BZA,

I'm writing to ask you to deny sidewalk variance request 2019-394 at 928 B Montrose Av. From what I understand, Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.


  
 METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
 DEPARTMENT OF CODES & ZONING SAFETY  
 OFFICE ADDRESS  
 1000 MARKET STREET, 2ND FLOOR  
 NASHVILLE, TN 37203-1000  
 TEL: 615-259-3000  
 WWW.NASHVILLE.GOV

September 23, 2019  
**ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS**

**RE:** Appeal Case Number: 2019-394  
 928B MONTROSE AVE  
 Map Parcel: 118012H9900CO  
 Zoning Classification: R8  
 Council District: 17

This is to inform you that Britt Development filed an appeal for the property at the above referenced location. The appellant requested a variance from sidewalk requirements. Should this request be approved, it would allow the applicant to construct two single family residence without building sidewalks or paying into the sidewalk fund.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY, 11/07/2019, beginning at 1:00 pm, in the Sunny West Conference Center of the Howard O. Miller Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written comments to the Board prior to the scheduled board meeting date. We suggest requesting written comments to be a part of the record unless it is noted otherwise at the time the Board meets.

This letter is being posted to these addresses (you are the owner of property located within 1000' of the subject location). This notice is only for the property at the above location. We are required by law to notify you of your neighbor wishes to do on their property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at [permits.nashville.gov](http://permits.nashville.gov) and search by permit # 20190044547 or search by site address.

METROPOLITAN BOARD OF ZONING APPEALS  
 1000 MARKET STREET, 2ND FLOOR, NASHVILLE, TN 37203-1000

Many thanks!  
Mary C. Stevens

**Lifsey, Debbie (Codes)**

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**From:** Mathew J. Joseph <mjoseph@tnonc.com>  
**Sent:** Tuesday, October 15, 2019 3:30 PM  
**To:** Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)  
**Subject:** Variance

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sent from my iPhone

This email message and any attachments are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify the sender and destroy all copies of the original message and any attachments.

**From:** [Nell Adams](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#); [Murphy, Kathleen \(Council Member\)](#)  
**Subject:** Sidewalk variance  
**Date:** Wednesday, October 16, 2019 8:18:13 AM

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Dear Dear Board of Zoning appeals,

I am writing to request that you deny variance request to not build/not pay into the in-lieu contribution for sidewalks at both 928 B Montrose Ave (Variance 2019-394) and 101 48th Ave N (Variance 2019-444).

As you are well aware, with development, comes opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes again.

Building a sidewalk is a cost of development. It is cheaper for the developer to put in a sidewalk now, while they have the equipment there for a drive, than for the city to do it years later. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing city go undone.

Thanking you for your consideration of these issues,  
Nell Adams

**From:** [Nicki P. Wood](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** please deny sidewalk variance  
**Date:** Wednesday, October 16, 2019 9:46:53 PM

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Please deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. Metro did a great thing when it opened the way for developers to build sidewalks with their properties. So we can get a sidewalk! Right now! Allowing the in-lieu-of could be delay the sidewalk for decades. We're creating a dense city that needs sidewalks, and this opportunity won't come around again. Walkability is a key issue in reducing congestion and in building a workable city for all. If this developer can not afford it, let's wait for one that can. Builders who come in, build fast, and don't follow the rules create neighborhoods we don't want.

We Nashvillians have been asked to give up so much, and we can't have nice things anymore in the name of unrestrained development. We've been acting like a small town, just giving away our streets. Building a sidewalk is a cost of doing business. It's a law on the books already, and I'm asking you to require builders to help us all pull a wagon that is, so far, pulled mostly by residents who pay rather than builders who benefit.

Nicki P. Wood  
[nicki@the-wood-family.org](mailto:nicki@the-wood-family.org)  
Food writing and mammography, no, really



**From:** [Brad.D.Jones@dell.com](mailto:Brad.D.Jones@dell.com)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** please deny sidewalk variance request 2019-394 at 928 B Montrose Av.  
**Date:** Tuesday, October 15, 2019 1:27:57 PM  
**Attachments:** [image001.png](#)

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Dell Customer Communication - Confidential

Requesting please deny sidewalk variance request 2019-394 at 928 B Montrose Av.

Thanks,  
Brad  
Brad Jones  
Large Corporate Account Manager  
Dell EMC | Large Comercial Southeast  
office +1 512 513 8534 , fax +1 512 283 0123

Customer feedback | How am I doing? Please contact my manager [Marie\\_Rowell@Dell.com](mailto:Marie_Rowell@Dell.com)



[Order Status Support](#) | [Request a Copy of Your Invoice](#) | [Technical Support](#) | [Request a Return](#)

**From:** [Philip Betbeze](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Sidewalk variance  
**Date:** Tuesday, October 15, 2019 2:33:35 PM

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Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Philip Betbeze  
318 Fairfax ave.

**From:** [Cherry, Sidney](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** RE: Case # 2019-394  
**Date:** Friday, October 18, 2019 9:03:20 AM

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I believe a builder is asking to not replace sidewalks at 2602 B 10<sup>th</sup> Ave S. This is unacceptable! Sidewalk are so important in our neighborhood. The builders are the ones who tore up the sidewalk that was there originally. They should be required to replace it. Please do not grant this variance request!!!!

Thank you.

---

Sidney Cherry  
VP of Tax  
Ryman Hospitality Properties, Inc.  
O: 615-316-6152  
C: 615-479-6386

**From:** [Sondra Lawrence](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Developers sidewalk variance requests  
**Date:** Thursday, October 24, 2019 4:41:09 PM

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I oppose all sidewalk variance requests by Britt Developers on Montrose Avenue in 12 South, as well as the developer sidewalk variance request for West Kirkwood Avenue.

Resident  
Sondra Lawrence  
900 Knox Avenue  
Nashville, Tn  
37204

[Sent from Yahoo Mail on Android](#)

[Sent from Yahoo Mail on Android](#)

**From:** [Dorris, Stacy](#)  
**To:** [Sledge, Colby \(Council Member\)](#)  
**Cc:** [Board of Zoning Appeals \(Codes\)](#); [Kerry Conley](#)  
**Subject:** Please deny - Sidewalk Variance request 2019-394  
**Date:** Tuesday, October 15, 2019 8:55:01 AM  
**Attachments:** [variance request 2019-394 928 B Montrose Av 37204.PNG](#)

---

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,  
Stacy Dorris  
801 Timber Ln  
The Sidewalk Foundation

**Lifsey, Debbie (Codes)**

---

**From:** Tasha Rijke-Epstein <tasharijke@gmail.com>  
**Sent:** Wednesday, October 16, 2019 4:59 AM  
**To:** Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)  
**Subject:** Please deny sidewalk variance request

Dear CM Sledge and the BZA, I hope this email finds you well. **I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av.** Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Best regards,  
Tasha Rijke-Epstein  
1715 Cedar Lane

**From:** [Zaruhi Sahakyan](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Deny sidewalk variance request 2019-394 at 928 B Montrose Av.  
**Date:** Tuesday, October 15, 2019 9:16:10 AM

---

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Thank you,  
Zaruhi Sahakyan  
1773 Hillmont Drive  
Nashville, TN 37215

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: BRITT DEVELOPMENT Date: 7/26/19  
Property Owner: MONTROSE TRUST Case #: 2019-395  
Representative: MADDIE WYATT Map & Parcel: 118012I9000000

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:

HPR; RESIDENTIAL CONSTRUCTION

HISTORIC OVERLAY / HISTORIC APPROVED

Activity Type: RES. CONSTRUCTION

Location: 2402 10TH AVE S.

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

Reason:

REQUEST NOT TO INSTALL OR CONTRIBUTE FOR SIDEWALKS

Section(s): 17.20.120

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

BRITT DEVELOPMENT  
Appellant Name (Please Print)

MADDIE WYATT  
Representative Name (Please Print)

1109 GLENWOOD AVE  
Address

2825 TWIN LAWN DR.  
Address

NASHVILLE, TN  
City, State, Zip Code

NASHVILLE, TN 37214  
City, State, Zip Code

615-850-9527  
Phone Number

615-243-2099  
Phone Number

BRIAN@BRITIDEVELOPMENT.COM  
Email

MADDIE@WYATTDESIGNBUILD.COM  
Email

Zoning Examiner: TOM

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





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



3695214

**ZONING BOARD APPEAL / CAAZ - 20190044513**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 118012I90000CO

APPLICATION DATE: 07/26/2019

**SITE ADDRESS:**

2602 B 10TH AVE S NASHVILLE, TN 37204  
COMMON AREA HOMES AT 929 MONTROSE AVENUE

PARCEL OWNER: O.I.C. HOMES AT 929 MONTROSE AVENUE

CONTRACTOR:

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

RESIDENTIAL HPR  
2602 10TH AVE S (118012I00200CO)  
LOCATED WITHIN OV-NHC

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED

REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

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

---

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

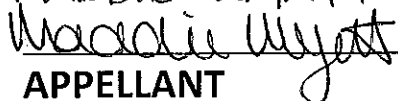
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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.

MADDIE WYATT  
  
 APPELLANT

7/26/19  
 DATE

FOR: BRITT DEVELOPMENT

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

BIKE LANE, HISTORIC NEIGHBORHOOD, NEIGHBORING LOTS  
AND WALKABLE NEIGHBORHOOD. THE NEW  
UPDATED SIDEWALKS WILL MAKE ALL OF  
THE ABOVE ~~NOT~~ NOT FUNCTIONAL OR CONSISTANT.

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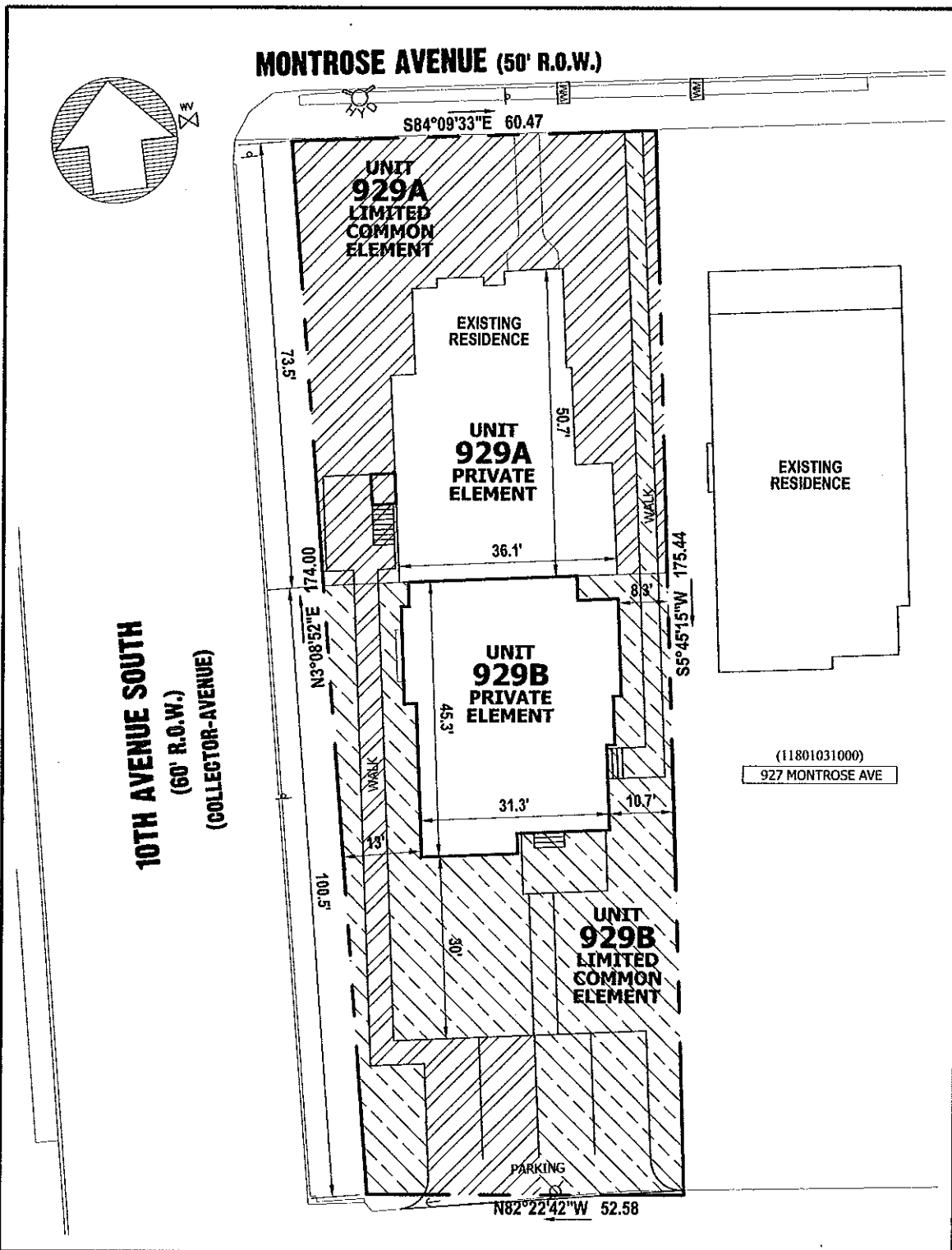
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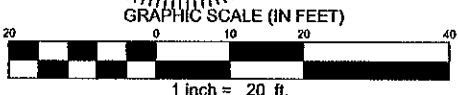
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THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS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



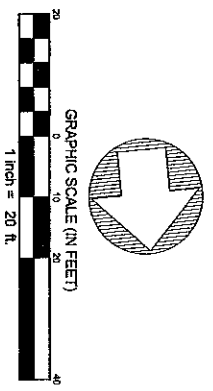
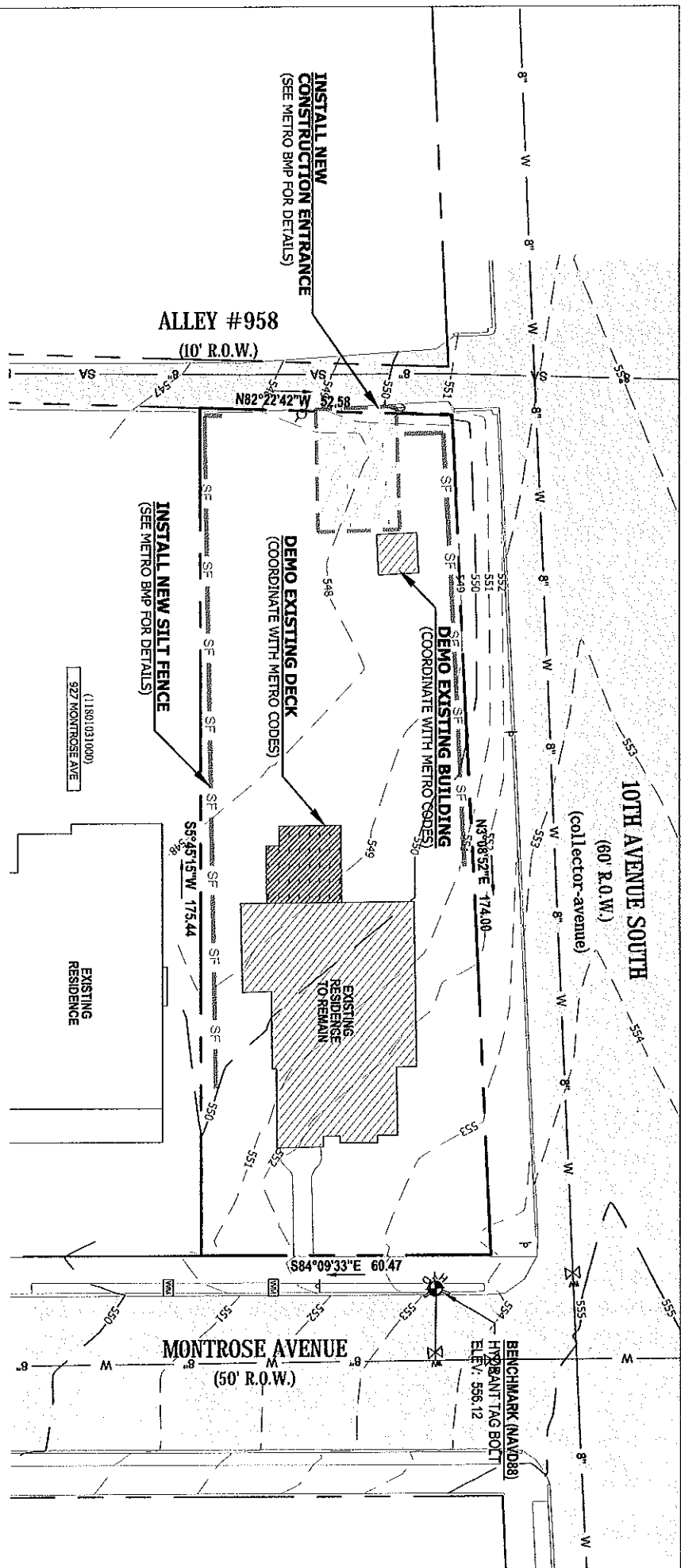
**EXHIBIT 'B' - Units A & B**  
**929 Montrose Avenue**  
 NASHVILLE, TENNESSEE  
 Metro Parcel ID: (11801030900)



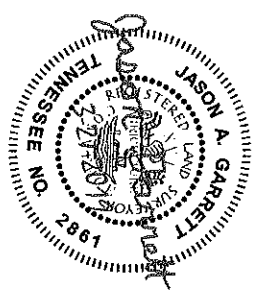
**CLINT ELLIOTT SURVEY**

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





**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 cll@elliotsurvey.com  
 (615) 490-3236



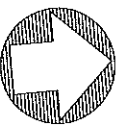
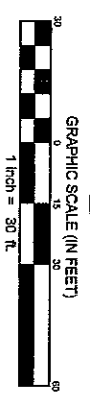
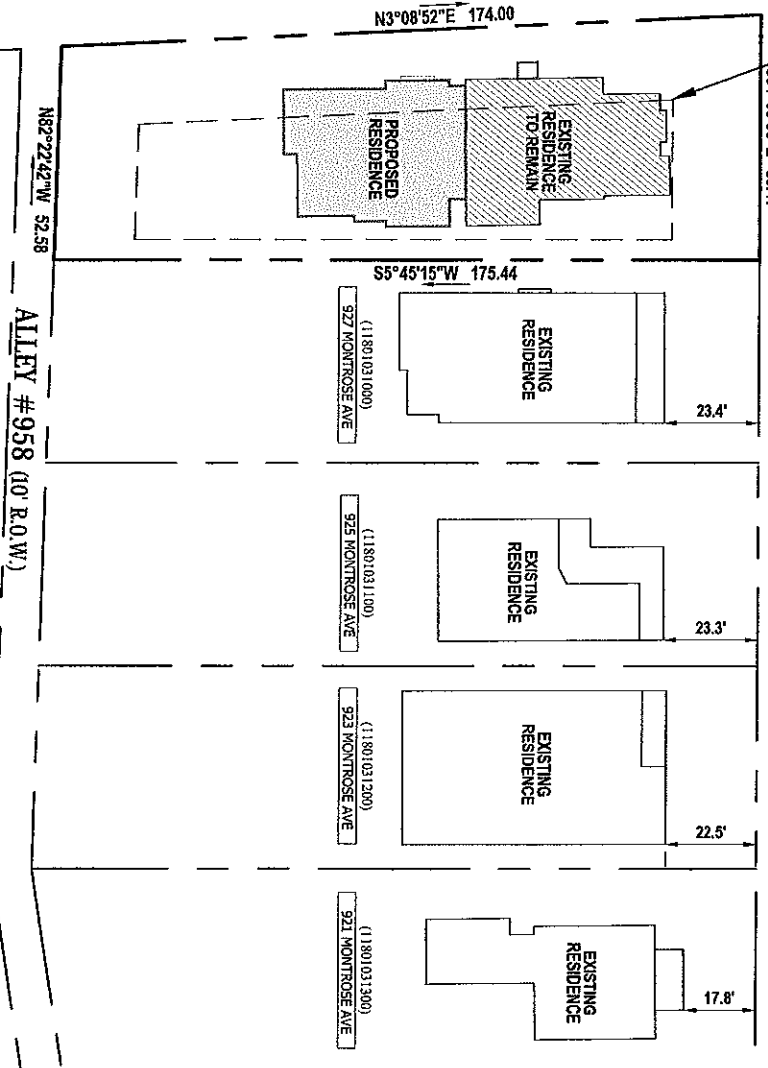
**EPSC Plan**  
 929 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.2**

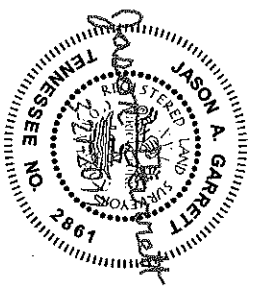
21.8' FRONT SETBACK  
(CONTEXTUAL AVERAGE)

10TH AVENUE SOUTH  
(60' R.O.W.)  
(collector-avenue)

MONTROSE AVENUE (60' R.O.W.)



1711 Hayes Street  
Nashville, TN 37203  
clintelliotts@survey.com  
(615) 490-3236



**Building Setbacks**  
929 Montrose Avenue  
Nashville, Davidson County, Tennessee

Sheet No.

V-2.3



**SITE DATA: PRE-DEVELOPMENT**

Total Site Area 9865 SF  
**PRE-DEVELOPMENT IMPERVIOUS: 1835 SF**  
 Buildings 1596 SF  
 Parking/Drives 0 SF  
 Walks/Misc Pads 239 SF

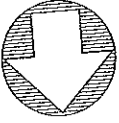
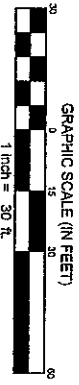
**SITE DATA: POST-DEVELOPMENT**

Total Site Area 9865 SF  
**POST-DEVELOPMENT IMPERVIOUS: 5096 SF (51.7%)**  
 Buildings 2567 SF  
 Parking/Drives 979 SF  
 Walks/Misc Pads 1150 SF

**POST- IMPERVIOUS NET GAIN: 3261 SF (TIER II )**

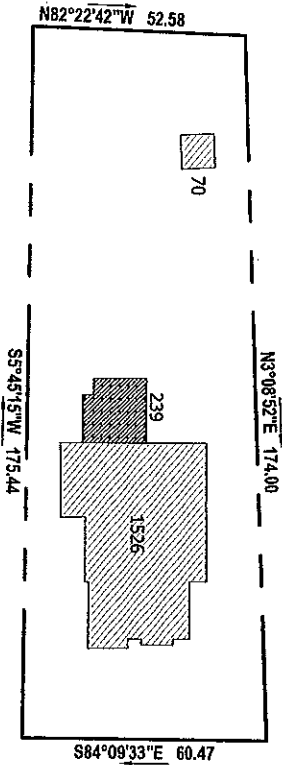
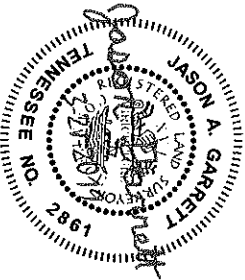
**STORMWATER NET GAIN TREATMENT**

Total Site Area 9865 SF  
**POST-DEVELOPMENT STORMWATER TREATMENT: 3261 SF**  
 RAINGARDEN Required: 109 SF @ 2' lower storage depth  
 MODIFIED RIBRICH DRAIN Required: 2' x 65' @ 2' Lower Stone Depth

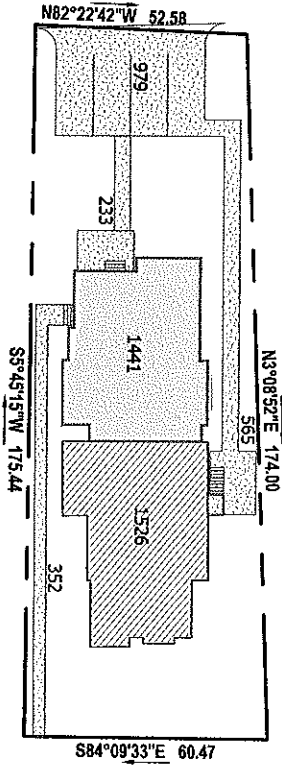


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**PRE-DEVELOPMENT**

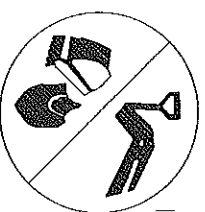
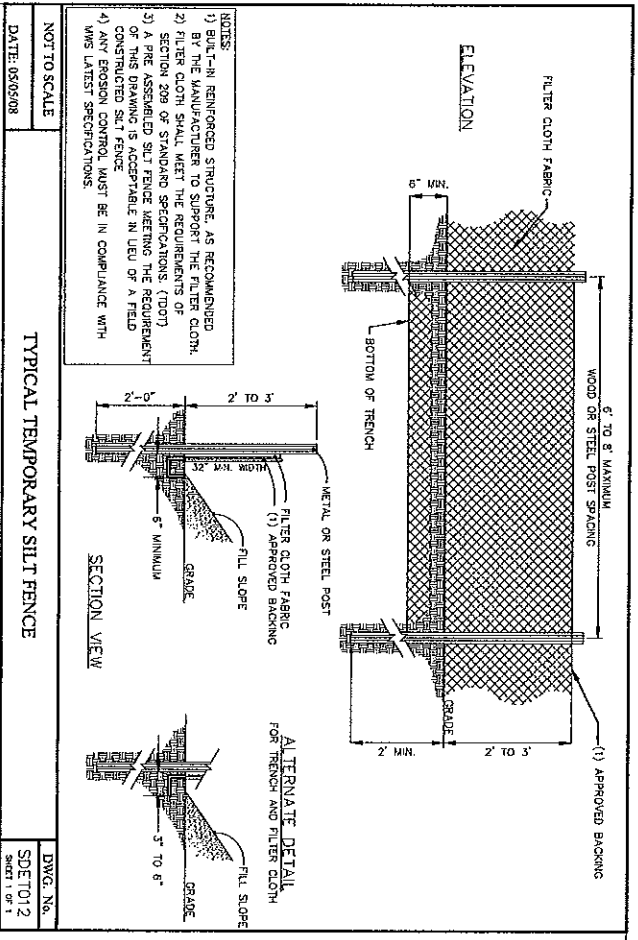


**POST-DEVELOPMENT**

**Impervious Areas**  
 929 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.

**V-2.4**

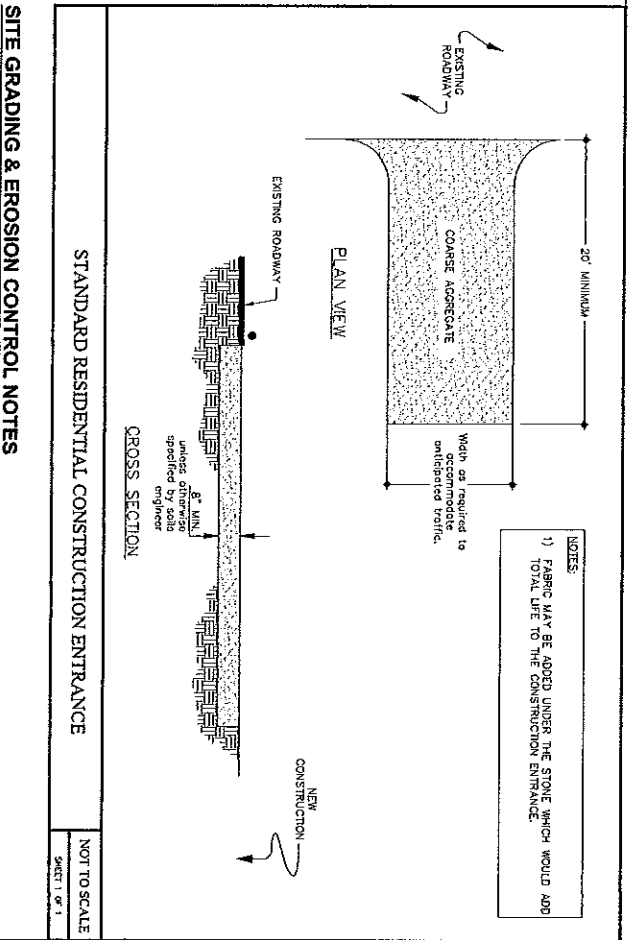
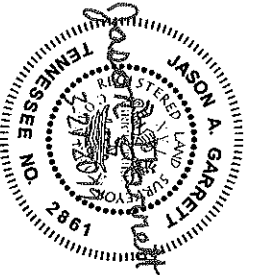


IF YOU DIG IN TENNESSEE...  
 CALL US FIRST!  
 1-800-351-1111  
 1-615-366-1987  
 TENNESSEE ONE CALL  
 IT'S THE LAW



**CLINT ELLIOTT SURVEY**

1714 Hayes Street  
 Nashville, TN 37203  
 clintelliotts@survey.com  
 (615) 490-3235



**SITE GRADING & EROSION CONTROL NOTES**

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT. SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.

**Site Details**  
 929 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.5**



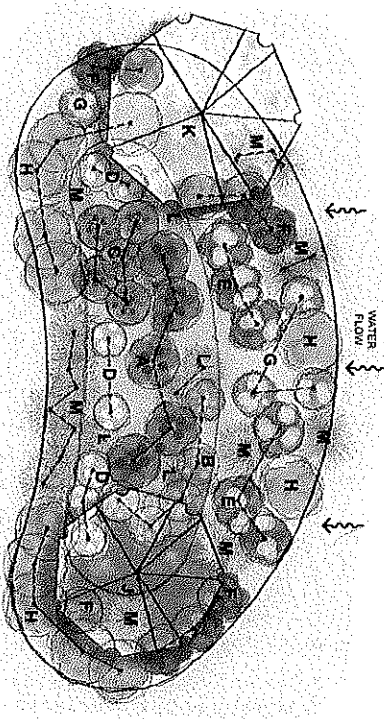
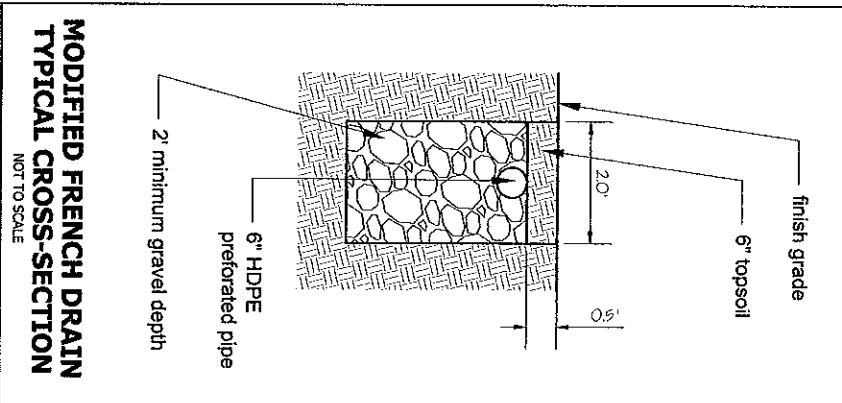
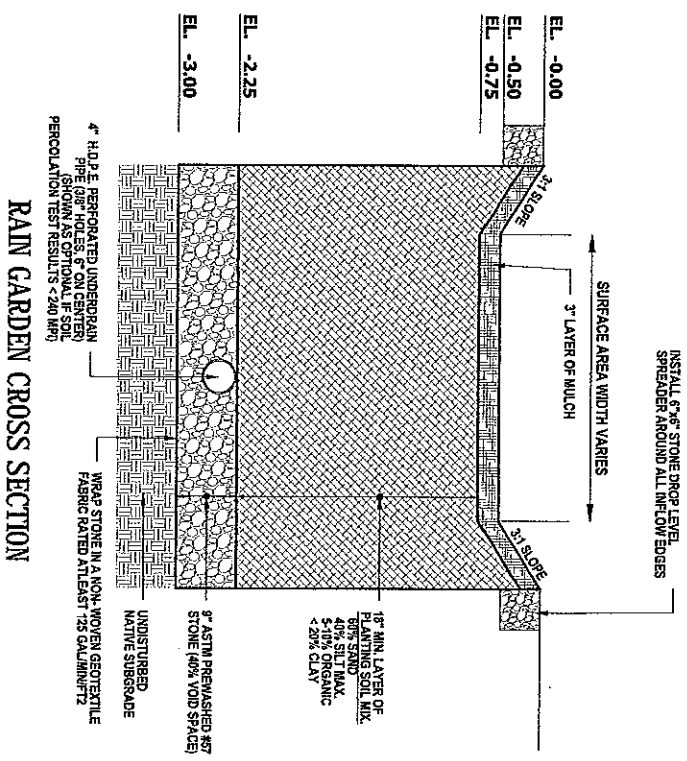
**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotsurvey.com  
 (615) 490-3236



# Stormwater Details

929 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.6**



RAIN GARDEN in HILL SEN	
A	Cardinal flower - Hibiscus
B	Blue vervain - Swamp milkweed
C	Ironweed - Tall sunflower
D	Green-headed coneflower - Blazing star
E	Thin-leaved sunflower - Oxeye
F	Brown-eyed Susan - Helen's flower
G	Great blue lobelia - Wild senna
	White Beardtongue - Virginia bluebells
	Cliver's root - Purple bergamot
	Bee balm - Mountain mint
H	Rough-stemmed goldenrod - Basil balm
J	Butterflyweed - Perennial phlox
K	Tupelo - Burdock - Winterberry
L	Grey dogwood - Common elderberry
M	Dogwood - Ninerbark - Red maple
	Shrubby St. Johnswort - Wild hydrangea
	Switchgrass - Violet grass - Wild stonecrop
	Big bluestem - Riverbank wild rye
	Starry campion - Blue-eyed grass
	Virginia wild rye - American dog violet
	Botchegrass

**RAIN GARDEN TYPICAL PLANTING SCHEDULE**

SKETCH LAYOUT  
 PROVIDE PLAN VIEWS OF RAIN GARDEN AND HOUSE SHOWING DRAINAGE AREA DIRECTED TO RAIN GARDEN AND KEY DIMENSIONS AND OVERFLOW AREA RELATIVE TO PROPERTY LINE.

**RAIN GARDEN**

**SIZING CALCULATION:**

Contributing Drainage Area (square feet)	Depth of Amended Soil (inches)			
	18	24	30	36
100	6.6	5.7	5.1	4.6
500	35	30	26	23
1000	65	60	50	45
2000	125	115	100	90
3000	200	170	150	140
4000	280	230	200	185
5000	330	290	255	230

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= **1820** SQ FT  
 DEPTH OF SOIL MEDIA= **24** INCHES  
 AREA OF RAIN GARDEN= **109** SQ FT

METRO NASHVILLE DEPARTMENT OF WATER SERVICES  
 ATTACHED THIS TWO-PAGE SPECIFICATION TO HOUSE PLAN SUBMITTAL

RAIN GARDEN SPECIFICATIONS PAGE 2 OF 2

**MAINTENANCE:**

1. IRRIGATE VEGETATION AS NEEDED IN FIRST SEASON
2. REMOVE WEEDS
3. REPLACE UNSUCCESSFUL PLANTINGS
4. REPLENISH MULCH
5. REPAIR ERODED AREAS
6. RAKE CLOGGED SURFACE TO RESTORE INFILTRATION
7. MONITOR RAIN GARDEN FOR APPROPRIATE DRAINAGE TIMES IF GARDEN DOES NOT DRAIN AN UNDERDRAIN MAY BE NECESSARY

SKETCH LAYOUT  
 PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

**Modified French Drain**

**SIZING CALCULATION:**

Roofstop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= **1441** SQ FT  
 DEPTH OF STONE MEDIA= **24** INCHES  
 WIDTH OF TRENCH= **24** INCHES  
 LENGTH OF MFD= **65** FT

METRO NASHVILLE DEPARTMENT OF WATER SERVICES  
 ATTACHED THIS TWO-PAGE SPECIFICATION TO HOUSE PLAN SUBMITTAL

MODIFIED FRENCH DRAIN SPECIFICATIONS PAGE 2 OF 2

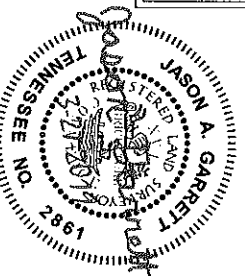
**MAINTENANCE:**

1. INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S).
2. IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION, REMOVE ACCUMULATED TRASH AND DEBRIS.
3. INSPECT MFD FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.



**CLINT ELLIOTT SURVEY**

1711 Hayes Street  
 Nashville, TN 37203  
 clintelliotts@survey.com  
 (615) 990-3235



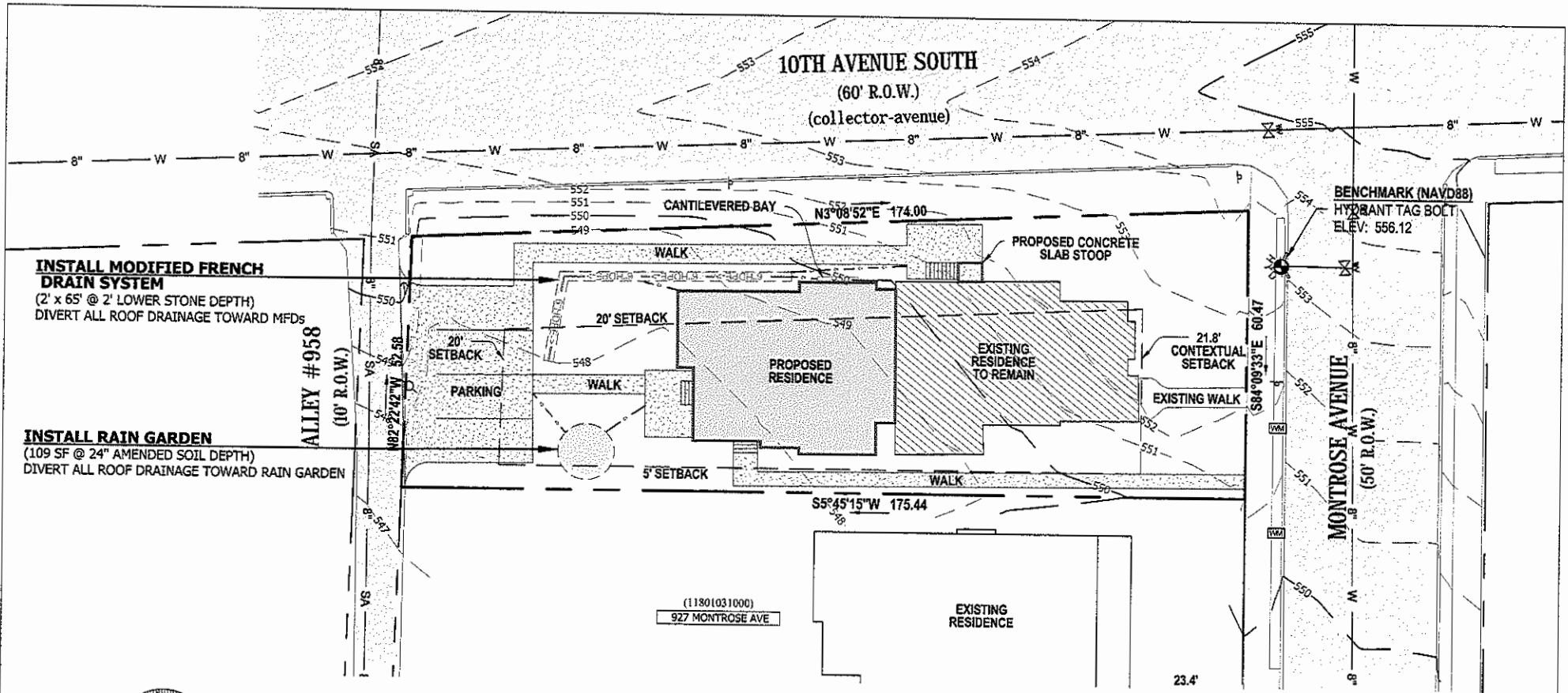
Nashville, Davidson County, Tennessee

**Stormwater Details**

929 Montrose Avenue

Sheet No.

V-2.7



**INSTALL MODIFIED FRENCH DRAIN SYSTEM**  
 (2' x 65' @ 2' LOWER STONE DEPTH)  
 DIVERT ALL ROOF DRAINAGE TOWARD MFDs

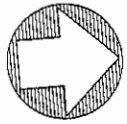
**INSTALL RAIN GARDEN**  
 (109 SF @ 24" AMENDED SOIL DEPTH)  
 DIVERT ALL ROOF DRAINAGE TOWARD RAIN GARDEN

ALLEY #958  
 (10' R.O.W.)

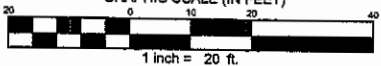
(11801031000)  
 929 MONTROSE AVE

BENCHMARK (NAVD88)  
 HYDRANT TAG BOLT  
 ELEV: 556.12

MONTROSE AVENUE  
 (50' R.O.W.)



GRAPHIC SCALE (IN FEET)



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

**Site Plan**  
 929 Montrose Avenue  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.1**

## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-395 (2602 10th Avenue South)

Metro Standard:	10 <sup>th</sup> Avenue South – 6’ grass strip and 6’ sidewalk, as defined by the Major and Collector Street Plan
	Montrose Avenue – 4’ grass strip and 5’ sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, not contribute (not eligible)
Zoning:	R8
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	10 <sup>th</sup> Avenue South – T4-R-CA2
	Montrose Avenue – Local Street
Transit:	951’ east of #17 – 12 <sup>th</sup> Avenue South
Bikeway:	Protected bike lane existing

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

**Analysis:** The applicant proposes constructing two units on one lot and requests not to construct a sidewalk on the 10<sup>th</sup> Avenue South frontage due to the recent installation of new street striping including a protected bike lane, or upgrade the sidewalk along the Montrose Avenue frontage due to the presence of an existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) Montrose Avenue currently has a 5’ sidewalk and 2’ grass strip, which is consistent with properties to the east and west. Staff is comfortable recommending approval of this variance for the property’s Montrose Avenue frontage.
- (2) No sidewalk currently exists on the property’s 10<sup>th</sup> Avenue South frontage, which is consistent with properties on the entire block face. This portion of 10<sup>th</sup> Avenue South was recently redesigned to accommodate protected bike lanes, but is one of the few blocks without existing sidewalks, and was envisioned to be updated as properties redevelop.
- (3) There are some mature trees along the 10<sup>th</sup> Avenue frontage. An alternative sidewalk design may be able to address these concerns.

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

1. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
2. The applicant shall coordinate with Planning and Public Works to construct an alternative sidewalk design along the 10<sup>th</sup> Avenue South frontage. If it is determined that the applicant cannot construct an alternative sidewalk design because of impacts to mature trees, then the applicant shall contribute in-lieu of construction for the property frontage.

**From:** [Claire Armbruster](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Appeal Case #2019-395; Permit #20190044513  
**Date:** Thursday, October 24, 2019 10:00:59 AM

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Dear Metro Board of Zoning Appeals,  
We are not in favor of the request not to provide a sidewalk at 2602B 10th Ave S. Sidewalks are a primary feature of the Waverly Belmont (12South) neighborhood. They enhance the quality of life in this walkable neighborhood.

Thank you,  
Claire Armbruster  
Jeff Koontz  
1004 Montrose Ave, Nashville, TN 37204

**Claire Armbruster**  
**Planning Stages**  
*Plan > Prepare > Present*  
PO Box 41182  
Nashville, TN 37204  
615.509.9797  
[planningstages.net](http://planningstages.net)



**From:** [Ellen Wolfe](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Zoning Appeals: 2019-394 and 2019-395  
**Date:** Friday, October 11, 2019 5:30:36 PM

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To The Metropolitan Board of Zoning Appeals,

I received two letters regarding zoning appeals hearings for case numbers: 2019-394 and 2019-395. They are scheduled for Nov. 7. I will be out of town that day and unable to attend the hearing. I want you to know that I strongly oppose Britt Development's attempt to exempt themselves from repairing and improving the sidewalks in front of and to the side of the properties they are rehabbing and further strongly oppose their attempt to not pay into the sidewalk fund. 12 South is a very walkable neighborhood because of its sidewalks. Britt development has torn up and/or damaged the sidewalks in front of the two properties they are renovating. Part of the sidewalk on the north side of Montrose is completely blocked and we have to walk in the street to get around it. Additionally, Britt Development has removed the fencing around the house on the north side of Montrose – street #928 (case number: 2019-395). There is a steep drop off, approximately 3 feet, from the sidewalk to the yard along 10<sup>th</sup> Ave. S. The previous homeowner had a fence that protected people from falling off the sidewalk into the yard. Also, there have been plans to add a sidewalk on the east side 10<sup>th</sup> Ave. S along the east side of 929 Montrose which is the other house Britt Development has a zoning appeal for. It seems reasonable to require Britt Development to add that sidewalk (10<sup>th</sup> Ave. S, east side between Montrose and the alley south of Montrose).

Sincerely,

Ellen  
915 Montrose Ave.



**From:** [Ginger VandeWater](#)  
**To:** [Sledge, Colby \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Grant VandeWater](#)  
**Subject:** Montrose Ave sidewalks  
**Date:** Friday, October 18, 2019 9:09:39 AM

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Good morning,

I am hoping to attend the zoning hearing but wanted to also voice our opposition and concerns via email regarding the new construction on the corners of Montrose and 10th avenue South. My understanding is that the builder has applied to be allowed to not replace the sidewalks that were destroyed during construction. My husband and I live at 1012 Halcyon and walk with our child and dog in the neighborhood all the time, and we strongly oppose a developer being allowed to not replace sidewalks. There are many, many children who walk to Waverly-Belmont elementary just a few blocks from this area, and to not have sidewalks available for their use is dangerous.

Thanks for your time, and please let us know if there is anything further we can do.

Sincerely,  
Grant & Ginger VandeWater

**From:** [hmtilden@gmail.com](mailto:hmtilden@gmail.com)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-394 and 395 Sidewalk Exemption request on Montrose Ave  
**Date:** Wednesday, October 23, 2019 9:04:04 PM

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Hello,

I live a few blocks away from 10th and Montrose where a local developer is currently requesting a sidewalk exemption.

I am opposed to this exemption as it will negatively impact children's ability to walk safely to school. This developer is also building multiple million dollar homes in our neighborhood. The least they could do to help combat gentrification is contribute to the sidewalk fund if they don't just build the sidewalk themselves.

Thank you.

Holly Tilden  
906 Knox Ave  
Nashville, TN 37204  
C: 615-521-1016

**From:** [John Allen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Oppose Montrose side walk variance  
**Date:** Friday, October 18, 2019 11:52:35 AM

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Please require the developer to support our side walk efforts and oppose their variance request.

Thank you - John Allen  
906 Halcyon Ave since 2006

**From:** [Jonathan Marx](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** OPPOSITION to zoning appeal - case no. 2019-394 / 928B Montrose Ave \*and\* case no. 2019-395 / 2602 B 10th Ave S  
**Date:** Sunday, October 27, 2019 8:46:23 AM

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Hello,

I am the owner and resident at 921 Montrose Ave., which is in extremely close proximity to two properties currently being developed by Britt Development / Sarah Britt.

I'm writing to voice my STRONG OPPOSITION to a zoning appeal filed for these properties, which are listed as follows:

928 B Montrose Ave.  
Appeal Case Number: 2019-394  
APN: 118012I90000CO  
Permit Number: CAAZ 20190044551

2602 B 10th Ave. S.  
Appeal Case Number: 2019-395  
Permit Number: CAAZ 20190044513  
APN: 118012H90000CO

In both cases, the developer is seeking a variance from sidewalk requirements to construct a two single-family residence without building sidewalks or paying into the sidewalk fund.

This appeal should be DENIED on the basis that consistent sidewalk construction is essential to the safety and walkability of our neighborhood. These properties have sufficient square footage to accommodate construction of sidewalks. As a pedestrian and as a transit rider, I rely on our sidewalks daily. As a family, we have had to make accommodations for the existing lack of sidewalk at 2602 B 10th Ave. S. for more than 15 years. This developer, who seeks to profit from the properties at both of these addresses, should not be allowed to elude their obligation to pay into a system that makes our neighborhood and our community safe, walkable and livable for everyone.

Thank you,

Jonathan Marx  
921 Montrose Ave.  
Nashville, TN 37204  
615.294.5453

**From:** [Kathrine Guthrie](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Variance opposition  
**Date:** Tuesday, October 29, 2019 11:01:02 PM

---

Dear Board of Zoning Appeals and Colby Sledge,

My name is Kathrine Guthrie, I live at 2502 9th Ave S, Nashville TN 37204, basically at the intersection of Montrose and 9th Ave S, so a block East of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers [2019-394](#) and [2019-395](#) respectively.

I write to you to STRONGLY OPPOSE the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should DENY both of Appellant's variance requests.

My family, including 3 children ages 2-6, walk Montrose Ave and 10th Ave multiple times a week on our way to Frothy Monkey, 12th S Taproom, Las Paletas, Sevier Park, etc. Those sidewalks need to be safe and to codes and we even need more sidewalk on the east side of 10th Ave in this area. Please deny these variances and future requests in our small walkable neighborhood, if builders want to build in the neighborhood, they need to comply with the rules and respect the neighbors. And please add sidewalks to the rest of 10th Ave with said sidewalk building fund money.

Kathrine Guthrie

**From:** [Lesley Patterson-Marx](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Jonathan Marx](#)  
**Subject:** Appeal Case 2019-395 Opposition  
**Date:** Sunday, October 27, 2019 8:58:32 PM

---

To Whom It May Concern at MetroBoard of Zoning Appeals,

I am writing to ask that you deny the requested appeal from Britt Development for 2602 B 10th Ave S. Britt Development requested a variance from sidewalk requirements. I am a neighbor at 921 Montrose Ave and believe that they should not be allowed to construct a two single family residence without building sidewalks or paying into the sidewalk fund. The intersection at 10th and Montrose is a very dangerous one. I have seen many accidents, and even once saw a runner hit by a car as she was crossing the street. A sidewalk in front of 2602 B 10th Ave S. would greatly improve the safety of families and children in our neighborhood. 10th and Montrose is not a safe place to cross the street as a pedestrian. If the sidewalk were added, neighbors could walk down to Halcyon and cross more safely at the four way stop. We have so many children in our neighborhood, and their safety should be a priority by requiring Britt Development to provide a sidewalk.

Thank you,

Lesley Patterson-Marx  
921 Montrose Ave

Lesley Patterson-Marx  
Artist and Educator  
[lesleypattersonmarx.com](http://lesleypattersonmarx.com)

**From:** [Collin Brown](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)  
**Subject:** Zoning Appeals: 2019-394 and 2019-395  
**Date:** Tuesday, October 22, 2019 4:07:37 PM

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Dear Board of Zoning Appeals:

My name is Collin Brown. I currently own the property located at 905 Gilmore Ave, Nashville, TN 37204, which is one block directly north of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to **STRONGLY OPPOSE** the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should **DENY** both of Appellant's variance requests.

**928B Montrose Ave.** The prior residence located at 928 Montrose Ave did have sidewalks located in the south-facing property frontage and west side of the property. However, the Appellant tore down the fence connected to the sidewalk on the west side of the property exposing pedestrians, including small children walking each day to elementary school each day, to a sudden drop off of over four feet between the eastern edge of the west-facing sidewalk and the yard. Without any regard for the welfare of the nearby residents, the Appellant has allowed this dangerous sidewalk drop off condition to continue for many months. Most recently, the Appellant has destroyed significant portions of the frontage sidewalk. Metro should require the Appellant to build compliant sidewalks to the front and west side of this property. These sidewalks connect to the sidewalks connecting Gilmore Ave, 10th Ave and Montrose Ave. Furthermore, the Appellant should be required to build a fence (replacing the fence torn down by the Appellant) directly connecting the eastern edge of the west-facing sidewalk to the fence, for reasons of pedestrian safety.

**2602B 10th Ave S.** This property does not have a sidewalk. In fact, this property contains the only sidewalk gap between Halcyon Ave, 10th Ave and Montrose Ave. This Board should require the Appellant to build a sidewalk on its 10th Ave frontage connecting the Halcyon Ave sidewalk to the Montrose Ave sidewalk as required by Metro Code Section 17.20.120.

It is a shame that Metro even allowed the Appellant to build two homes on each of these small lots pursuant to a horizontal property regime. Recently, on the Nextdoor.com website, the Appellant has commented that each of these properties is selling for at least \$800,000. That's two \$800,000 properties per lot for a total of \$3,200,000 for both lots. The Appellant calls this "affordable housing". It's an outrage that Appellant would seek to make such large profits, while not even being willing to build sidewalks in our neighborhood and contribute to the sidewalk fund! It is imperative that the Board support Nashville neighborhood and follow the Metro Code. I am not opposed to profit, but greedy developers like the Appellant are making millions all across Nashville, especially in the 12 South neighborhood, and yet they cry "poor me!" when it comes to investing in sidewalk infrastructure and paying into the sidewalk fund. The Board must not allow or tolerate this type of developer bad behavior!

There are four possible grounds to appeal and obtain a sidewalk variance. I will discuss each:

1. ***Physician characteristic of the property.*** There is plenty of room for sidewalks both on the west-and south sides of the 928B Montrose lot and the west side of the 2602 B 10th Ave S lot. There is nothing about the property or condition of land that would prevent the construction of sidewalks as required by Metro Code.

2. **Unique Characteristics.** There is nothing unique about these lots that would prevent the Appellant from constructing sidewalks as required by Metro Code. Furthermore, there is no undue hardship on the Appellant that has not been self-imposed by the Appellant because she decided to create two horizontal property regimes and squeeze two houses onto two small lots both designed for one house per lot.

3. **No Harm to Public Welfare.** The public will absolutely be harmed if the Appellant does not construct sidewalks on these properties. This is heavy foot-traffic walking neighborhood. We walk our sidewalks every single day. There are just no reasonable grounds for any developer in this neighborhood to avoid building sidewalks. In fact, 2602B 10th Ave S is one of the very few places along 10th Ave in the neighborhood that does not currently contain a sidewalk. The whole point of Metro Code 17.20.120 is to make sure sidewalks get built across this City where they are currently lacking!

4. **Integrity of Master Development Plan.** Failure to build sidewalks and contribute to the sidewalk fund will compromise the walk-ability of this neighborhood and will negatively impact the neighbors of these properties.

Please understand that the neighbors of 928B Montrose Ave and 2602B 10th Ave S adamantly **OPPOSE** the variances the Appellant is seeking.

I respectfully request that this Board **DENY** these variance requests by the Appellant.

I look forward to attending the hearing on November 7, 2019.

Best Regards,

M. Collin Brown

Cc: Colby Sledge



**From:** [Abkowitz, Mark](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Sledge, Colby \(Council Member\)](#)  
**Subject:** Sidewalk variance: Permits 20190044513 and 20190044551  
**Date:** Sunday, October 13, 2019 9:17:08 AM

---

My wife and I are writing in reference to the aforementioned permits for which a variance is being requested from sidewalk requirements.

Both of these properties are located in the 12 South area, where a concerted effort has been made to create a walkable neighborhood. For that reason, it is imperative that a sidewalk exist on the perimeter of both properties that abut city streets. There should be no exception for this requirement, both in complying with the regulation and in setting a dangerous precedent if the zoning board does not adhere to this policy. Furthermore, by doing so we continue to encourage/enforce new builds and renovations to expand the repair and maintenance of the sidewalk network throughout our city.

Regards,

Mark & Susan Abkowitz  
922 Gilmore Avenue

**From:** [Cherry, Sidney](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case # 2019-395  
**Date:** Friday, October 18, 2019 8:57:35 AM

---

I believe a builder is asking to not replace sidewalks at 928 Montrose Ave. This is unacceptable! Sidewalk are so important in our neighborhood. The builders are the ones who tore up the sidewalk that was there originally. They should be required to replace it. Please do not grant this variance request!!!!

Thank you.

---

Sidney Cherry  
VP of Tax  
Ryman Hospitality Properties, Inc.  
O: 615-316-6152  
C: 615-479-6386

**From:** [Sondra Lawrence](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Developers sidewalk variance requests  
**Date:** Thursday, October 24, 2019 4:41:09 PM

---

I oppose all sidewalk variance requests by Britt Developers on Montrose Avenue in 12 South, as well as the developer sidewalk variance request for West Kirkwood Avenue.

Resident  
Sondra Lawrence  
900 Knox Avenue  
Nashville, Tn  
37204

[Sent from Yahoo Mail on Android](#)

[Sent from Yahoo Mail on Android](#)

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 JK 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 CHANGES 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.)

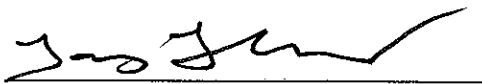
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

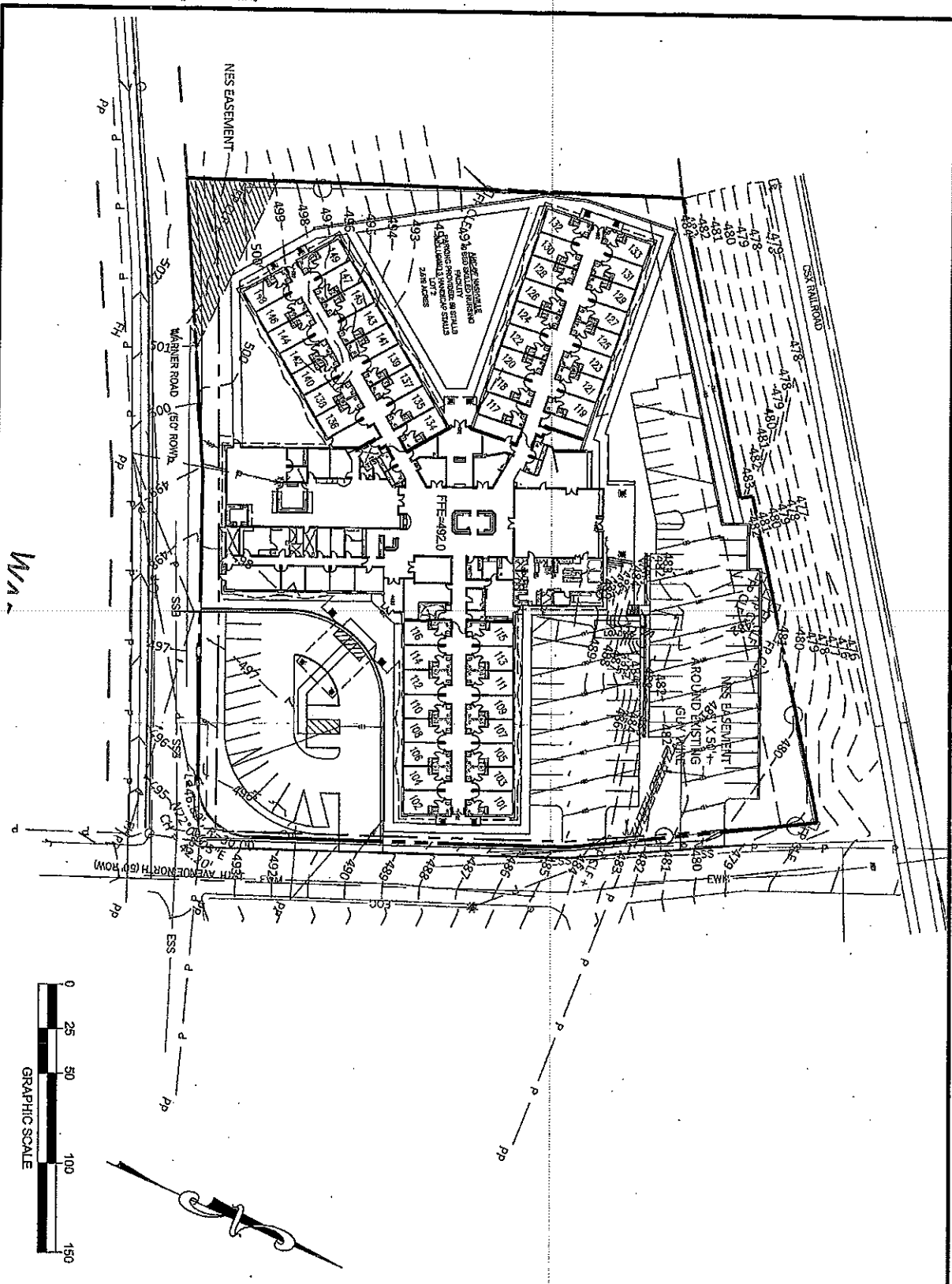
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

Tuesday, August 6, 2018  
Z:\1110\_Towny\16 - Warner S/CAD\Sheets\110-18\_Site Plan - 11x17.dwg



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



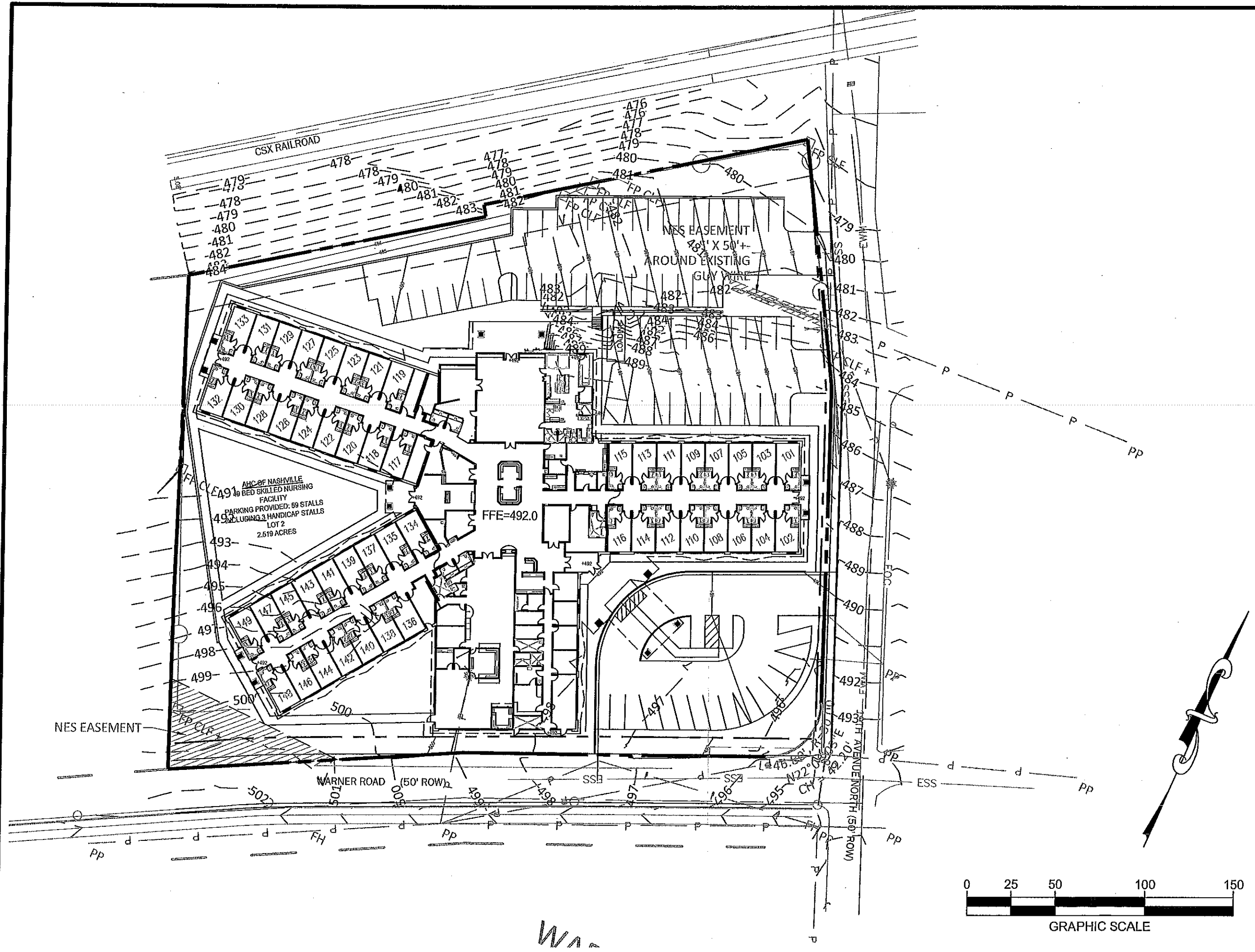


2002 RICHARD JONES RD - SUITE C304  
NASHVILLE, TENNESSEE 37215  
INFO@FULMERENG.COM - (615) 345-3770

# CONCEPTUAL SITE PLAN

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

# EXH



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



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.*

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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**



3681189

**APPLICATION FOR BUILDING COMMERCIAL - SHELL / CACH - T2019035459**

**THIS IS NOT A PERMIT**

**PARCEL:** 06416005900

**APPLICATION DATE:** 06/14/2019

**SITE ADDRESS:**

4730 LEBANON PIKE HERMITAGE, TN 37076

LOT B OAKWOOD COMMONS RESUB LOT 1

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

**APPLICANT:**

**PURPOSE:**

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

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

[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6611 Richard.Harris@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5421 Patricia.Reynolds@nashville.gov
[B] Fire Sprinkler Requirement	NO	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Cross Connect Review For Bldg App	COND	862-7227, ext. robert.collier@nashville.gov
[G] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	615-566-3931 Wesley.Adkins@nashville.gov
[J] Planning Zoning Review - CA	IGNORE	615-862-7006 Karimeh.Sharp@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[F] Solid Waste Review On Bldg App	COND	ben.york@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-566-3931 Wesley.Adkins@nashville.gov

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

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

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

**Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

  
 \_\_\_\_\_  
**APPELLANT**

8/9/19  
 \_\_\_\_\_  
**DATE**



## Standards for a Variance

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

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

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

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

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

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

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

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

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

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

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

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

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

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

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

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

1. The applicant shall contribute in lieu of construction for the Lebanon Pike property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way 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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Date: 8-13-19  
Case #: 2019-426  
Map & Parcel: 105-3-133

Council District 17

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

Purpose:

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

Activity Type: New Construction - residential

Location: 41 Wharf Ave.

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

Reason: under required lot size

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

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

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

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

50 Vantage Way, Suite 107  
Address

222 Second Ave South  
Address

60 Nashville, TN 37228  
City, State, Zip Code

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

615 251 0025  
Phone Number

615 778 8100  
Phone Number

edlatimer@ahrhousing.org  
Email

Dustin.Scruggs@GreshamSmith.com  
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3701715

**ZONING BOARD APPEAL / CAAZ - 20190048705  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10503013300**APPLICATION DATE:** 08/13/2019**SITE ADDRESS:**

41 WHARF AVE NASHVILLE, TN 37210  
PT LOTS 402 405 MAURY & CLAIBORNE PLAN

**PARCEL OWNER:** METRO GOV'T BT BACK TAX SALE**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting lot size variance to allow 2 units. lots currently 4500SF, require 6000SF.  
requesting side setback reduction from 3' to 1'  
requesting parking reduction from 8 to 6.

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

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

*8/13/19*  
**DATE**

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

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

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

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

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

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Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Eddie Latimer

Date: 8-13-19

Property Owner: Metro Gov't.

Case #: 2019-427

Representative: Eddie Latimer

Map & Parcel: 105-3-132

Council District 17

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

Purpose:

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

Activity Type: New Construction - residential

Location: 43 Wharf Ave.

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

Reason: under required lot size

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

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

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

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

50 Vantage Way, Suite 107  
Address

222 Second Ave South  
Address

00 Nashville, TN 37228  
City, State, Zip Code

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

615 251 0025  
Phone Number

615 770 8100  
Phone Number

edlatimer@ahnhousing.org  
Email

Dustin.Scroggs@GreshamSmith.com  
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3701724

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

PARCEL: 10503013200

APPLICATION DATE: 08/13/2019

**SITE ADDRESS:**

43 WHARF AVE NASHVILLE, TN 37210  
PT LOTS 401 402 MAURY & CLAIBORNE PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE

CONTRACTOR:

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

requesting lot size variance to allow 2 units. lots currently 4500SF, require 6000SF.  
requesting side setback reduction from 3' to 1'  
requesting parking reduction from 8 to 6.

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.*

*Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

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

Inspection requirements may change due to changes during construction.



## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. **You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number.** Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

*for Affordable  
Housing Resources*

8/13/19  
DATE

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

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

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

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

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

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

---

Hi all,

Here are my stances on D17 items on the agenda:

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

Colby

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

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: JASON LINCOLN  
Property Owner: ANMOL MEHTA  
Representative: JUSTIN CRANDALL

Date: 8/16/19  
Case #: 2019-439  
Map & Parcel: 10501100010000/00200000

Council District 19

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

Purpose: to construct 2 single family homes

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

Location: 1004/1006 14th AVE S., NASHVILLE, TN

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

Reason: sidewalk variance

Section(s): 17.20.120

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

JASON LINCOLN  
Appellant Name (Please Print)

JUSTIN CRANDALL  
Representative Name (Please Print)

3167 BRIMSTEAD DR  
Address

6 FAWN CREEK PASS  
Address

FRANKLIN, TN, 37064  
City, State, Zip Code

NASHVILLE, TN, 37214  
City, State, Zip Code

845-901-6997  
Phone Number

615-915-8288  
Phone Number

jlincoln533@gmail.com  
Email

justin@boilderassistllc.com  
Email

Zoning Examiner: Walter Morgan

Appeal Fee: 200



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



3701687

**ZONING BOARD APPEAL / CAAZ - 20190048692**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 105011000200CO

APPLICATION DATE: 08/13/2019

**SITE ADDRESS:**

1006 14TH AVE S NASHVILLE, TN 37212  
UNIT 2 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

CONTRACTOR:

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

Requesting the option to pay in lieu of fee for required sidewalks per METZO SECTION 17.20.120 for proposed HPR. for 1004 & 1006 14th Ave S.

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

---

*There are currently no required inspections*

*There are currently no required inspections*

Inspection requirements may change due to changes during construction.



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



3698449

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019046595  
THIS IS NOT A PERMIT**

PARCEL: 105011000200CO

APPLICATION DATE: 08/05/2019

**SITE ADDRESS:**

1006 14TH AVE S NASHVILLE, TN 37212  
UNIT 2 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

**PURPOSE:**

parent parcel is map 105-1 parcel 590, is zoned R6-A, contains 6900 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit B of proposed horizontal property line regime duplex with 2842 sf living area, 380 sf attached garage and 532 sf deck/porch areas. units attached. max allowed height is 45' three floors max. R6-A zoning requires all parking to be to the rear of residence. 32.7' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: SIDEWALKS ARE PRESENT ON EXISTING STREET BLOCK FACE. THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW APPLICATION ACCORDINGLY.

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5230 Barbara.Demonbeun@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov





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



3698434

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019046584  
THIS IS NOT A PERMIT**

PARCEL: 105011000100CO

APPLICATION DATE: 08/05/2019

**SITE ADDRESS:**

1004 14TH AVE S NASHVILLE, TN 37212  
UNIT 1 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

**PURPOSE:**

parent parcel is map 105-1 parcel 590, is zoned R6-A, contains 6900 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit B of proposed horizontal property line regime duplex with 2842 sf living area, 380 sf attached garage and 532 sf deck/porch areas. units attached. max allowed height is 45' three floors max. for R6-A zoning, all parking must be to rear of residence. 32.7' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: SIDEWALKS ARE PRESENT ON EXISTING STREET BLOCK. THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW APPLICATION ACCORDINGLY.

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5230 Barbara.Demonbeun@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

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

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

**Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

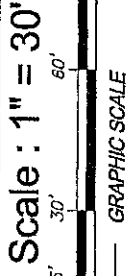
I am aware that I am responsible for posting and removing the sign(s) after the public hearing.

  
APPELLANT

  
DATE



2019-439



**Alley # 426**  
(20' Public Right-of-Way)

**SITE PLAN**  
**LMI DEVELOPMENT GROUP, LLC**  
1004 14TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212

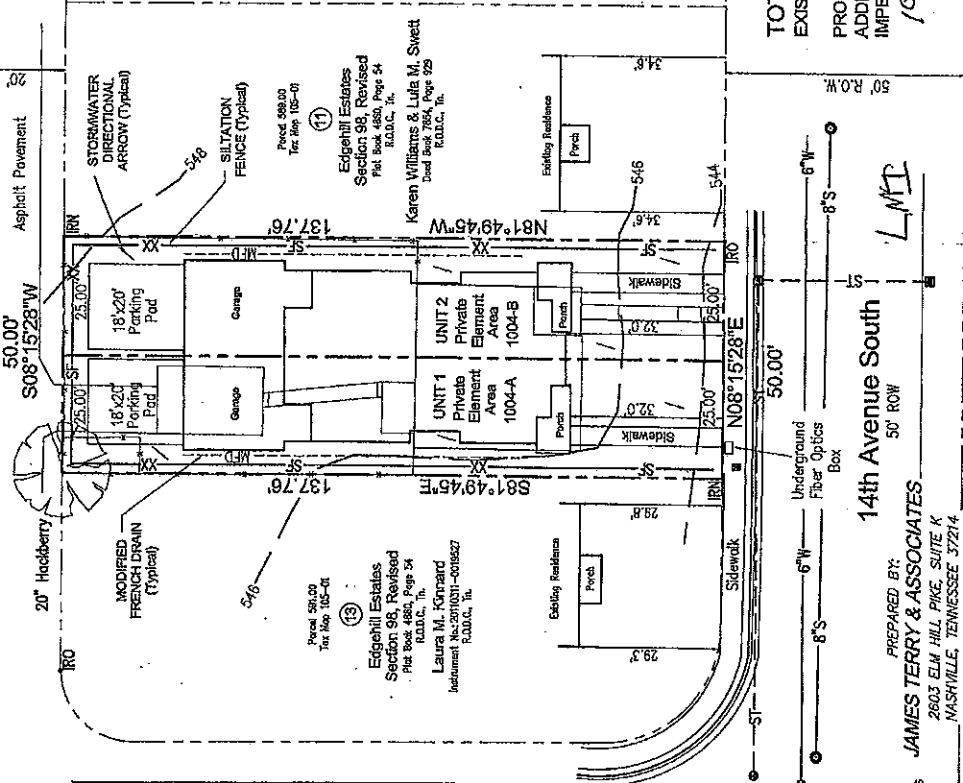
**GRID NORTH**

**PLAT REFERENCE**  
Land in Davidson County, Tennessee, being Lot No. 12 on the Plat of Revised Edgemoor Estates, Section 98, as of record in Plat Book 4860, Page 54, Register's Office for Davidson County, Tennessee.

**DEED REFERENCE**  
Being the same property conveyed to LMI Development Group, LLC by Warranty Deed from John L. Sneed and wife, Charanabyn B. Sneed as of record in Instrument No. 2018004-0053081, Register's Office for Davidson County, Tennessee.

**GENERAL NOTES**

1. Bearings shown hereon are referenced to Tennessee State Plane Coordinates System (NAD 83).
2. Subject property is shown as Parcel 590.00 on Davidson County Tax Map No. 105-01.
3. Subject property is currently zoned: R6-A.
4. This surveyor has not physically located all underground utilities. Above grade and underground utilities shown hereon were taken from visible appearances at the site, public records and/or maps prepared by others. This surveyor makes no guarantee that the location as indicated. Therefore, reliance upon the type, size and location of all underground utilities should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of services should be confirmed with the appropriate utility company. Tennessee One Call 1-800-351-4111 or 1-615-366-1987.
5. By graphic plotting and scaled map location only, this property is NOT within an area of flood inundation as designated by current Federal Emergency Management Agency Maps which make up a part of the National Flood Insurance Administration Report as shown on F.E.M.A. Map Number 47037C 0243 H (Panel Not Printed).
6. This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.



Parcel 592.00  
Tax Map 105-01

Edgemoor Estates  
Section 98, Revised  
Plat Book 4860, Page 54  
R.O.D.C., TN.

The Cottages at 1016  
14th Avenue South  
Instrument No. 2018004-0125194  
R.O.D.C., TN.

Parcel 598.00  
Tax Map 105-01

Edgemoor Estates  
Section 98, Revised  
Plat Book 4860, Page 54  
R.O.D.C., TN.

Ruben D. C. & Mattie Stone  
Deed Book 594, Page 599  
R.O.D.C., TN.

Parcel 488.00  
Tax Map 105-01

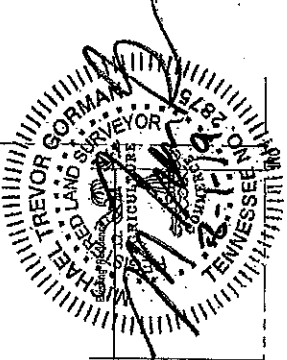
Edgemoor Estates  
Section 98, Revised  
Plat Book 4860, Page 54  
R.O.D.C., TN.

Karen Williams & Lita M. Sweet  
Deed Book 786, Page 929  
R.O.D.C., TN.

Parcel 590.00  
Tax Map 105-01

Edgemoor Estates  
Section 98, Revised  
Plat Book 4860, Page 54  
R.O.D.C., TN.

Laura M. Kennard  
Instrument No. 2018004-005827  
R.O.D.C., TN.



TOTAL AREA: 6,888 S. F. OR 0.16 ACRES ±  
EXISTING IMPERVIOUS AREAS: 1,946 S.F.  
PROPOSED IMPERVIOUS AREAS: 3,923 S.F.  
ADDITIONAL IMPERVIOUS AREAS: 1,977 S.F.  
IMPERVIOUS AREA TO LOT AREA RATIO: 57%  
155011200010000

PARENT  
105-1/590  
R6A/6700/ PRE  
1984

Prepared by:  
**JAMES TERRY & ASSOCIATES**  
2603 ELM HILL PIKE, SUITE K  
NASHVILLE, TENNESSEE 37214  
PHONE: (615) 490-6920

SS:Drawings\2016-Surveys\2018-SS8 (1004-14TH Avenue South Boundary)\dwg

Scale : 1" = 30'

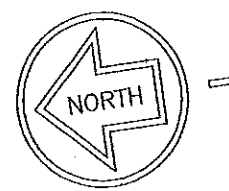


GRAPHIC SCALE

# SITE PLAN

## LMI DEVELOPMENT GROUP, LLC

1004 14TH AVENUE SOUTH  
NASHVILLE, TENNESSEE 37212



GRID NORTH

### PLAT REFERENCE

Land in Davidson County, Tennessee, being Lot No. 12 on the Plat of Revised Edgehill Estates, Section 98, as of record in Plat Book 4860, Page 54, Register's Office for Davidson County, Tennessee.

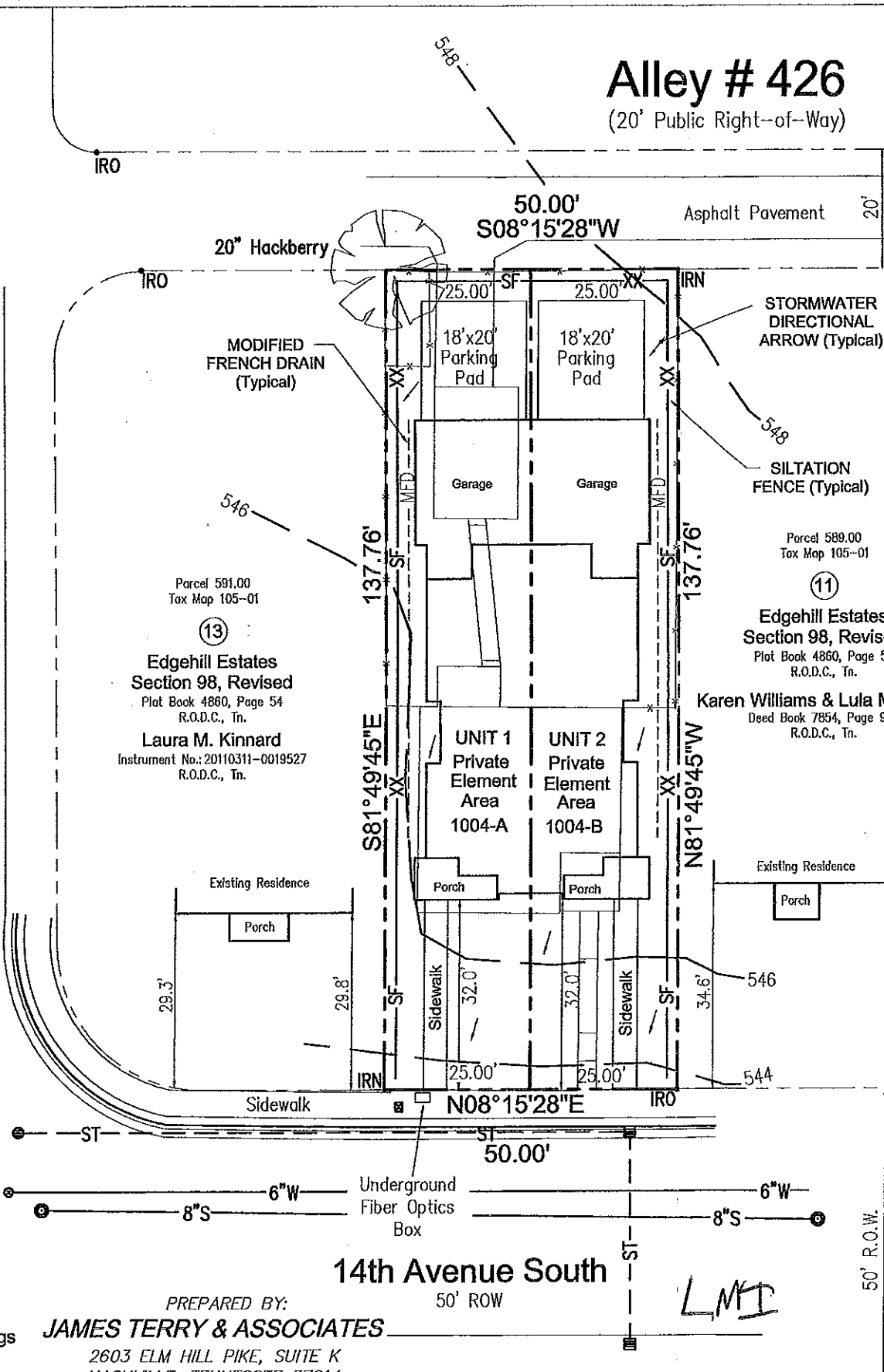
### DEED REFERENCE

Being the same property conveyed to LMI Development Group, LLC by Warranty Deed from John L. Sneed and wife, Gwendolyn B. Sneed as of record in Instrument No. 20180604-0053081, Register's Office for Davidson County, Tennessee.

### GENERAL NOTES

- Bearings shown hereon are referenced to Tennessee State Plane Coordinate System (NAD 83).
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- This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.

Grand Avenue



PREPARED BY:  
**JAMES TERRY & ASSOCIATES**  
 2603 ELM HILL PIKE, SUITE K  
 NASHVILLE, TENNESSEE 37214  
 PHONE: (615) 490-6920

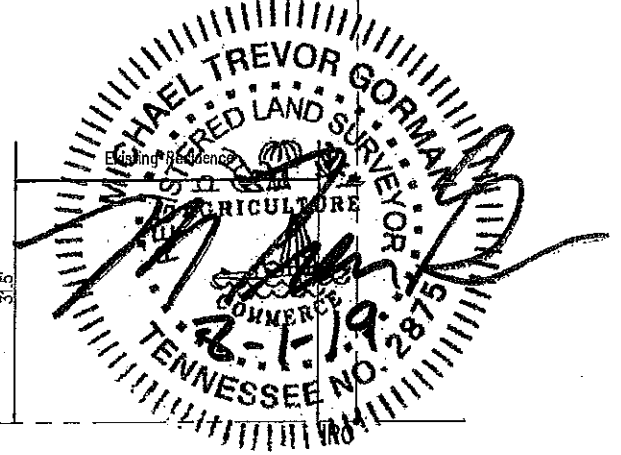
LMI

TOTAL AREA: 6,888 S. F. OR 0.16 ACRES ±  
 EXISTING IMPERVIOUS AREAS: 1,946 S.F.

PROPOSED IMPERVIOUS AREAS: 3,923 S.F.  
 ADDITIONAL IMPERVIOUS AREAS: 1,977 S.F.  
 IMPERVIOUS AREA TO LOT AREA RATIO: 57%

10501100010000

PARENT  
 105-1/590  
 R6-A/6700/PRE  
 1984



2842  
 G. 380  
 P. 532

## PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

### BZA Case 2019-439 (1006 14<sup>th</sup> Avenue South)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, contribute in lieu (not eligible)
Zoning:	R6-A
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 to construct two townhomes and requests to contribute in lieu of construction along the 14<sup>th</sup> Avenue South frontage due to the presence of an existing sidewalk. 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:**

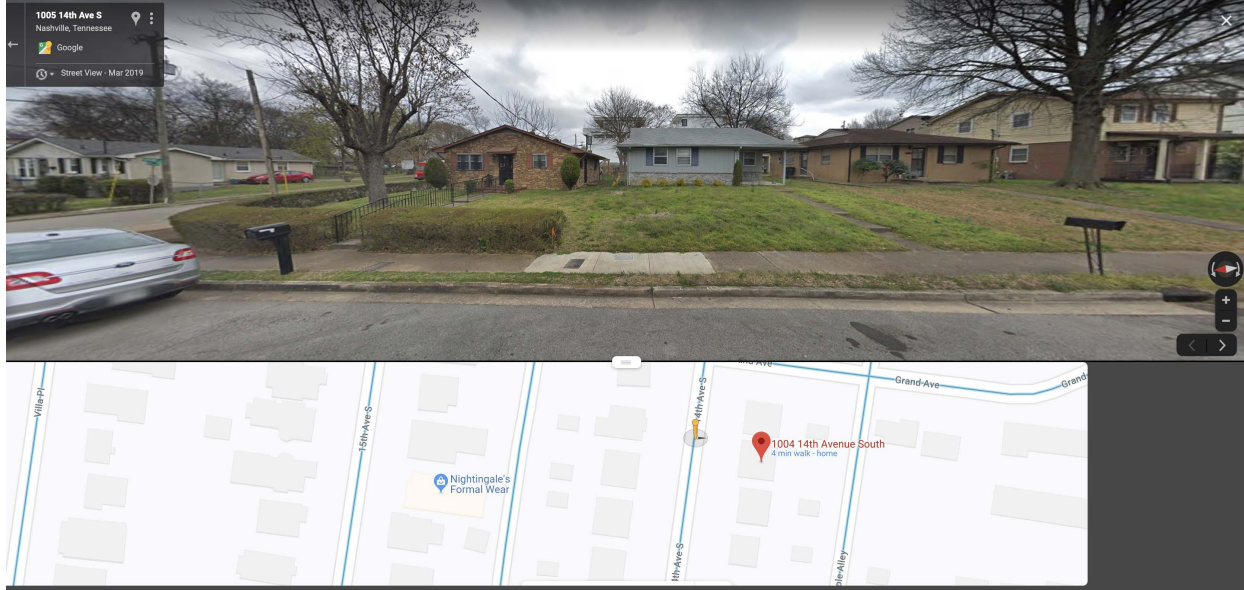
1. The applicant shall contribute in-lieu of construction for the property frontage.
2. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced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

From: [Thomas Palmeri](#)  
To: [Board of Zoning Appeals \(Codes\)](#)  
Subject: Appeal Case 2019-439  
Date: Monday, October 28, 2019 7:14:39 PM

Today, I received a Zoning Appeal Notice for 1004 14th Ave South. I live nearby at 1410 South Street.

I don't quite understand the nature of this appeal from the sidewalk requirement. On google maps it looks like there's a sidewalk on the property now. So I don't know why there would be a sidewalk appeal. I certainly wouldn't want the sidewalk removed.

Thomas Palmeri  
1410 South Street  
Nashville, TN 37212



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



Appellant: JUSTIN DAVIS PRITCHETT Date: 8/20/19  
Property Owner: KEON NA Case #: 2019-445  
Representative: JUSTIN CRANDALL Map & Parcel: 147-12-84

Council District 30

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

Purpose: Requesting variance from sidewalk requirement

Activity Type: Commercial rehab- Retail/Restaurant

Location: 4736 Nolensville Pike

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

Reason: No sidewalks on blockface

Section(s): 17.20.120

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

JUSTIN DAVIS PRITCHETT  
Appellant Name (Please Print)

JUSTIN CRANDALL  
Representative Name (Please Print)

1004 GREENLAND DR  
Address

6 FAWN CREEK PASS  
Address

FRANKLIN, TN, 37069  
City, State, Zip Code

NASHVILLE, TN, 37214  
City, State, Zip Code

615-406-2363  
Phone Number

615-915-8288  
Phone Number

lsmith.bbq@gmail.com  
Email

justin@builderassistllc.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



3703734

**ZONING BOARD APPEAL / CAAZ - 20190050047**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 14712008400**APPLICATION DATE:** 08/20/2019**SITE ADDRESS:**

4736 NOLENSVILLE PIKE NASHVILLE, TN 37211  
LOT 4 T.C. LAMB SUB. SEC. 4

**PARCEL OWNER:** PARK, ILL H. & NA, KEUM S.**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirement

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

---

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

Inspection requirements may change due to changes during construction.

## 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





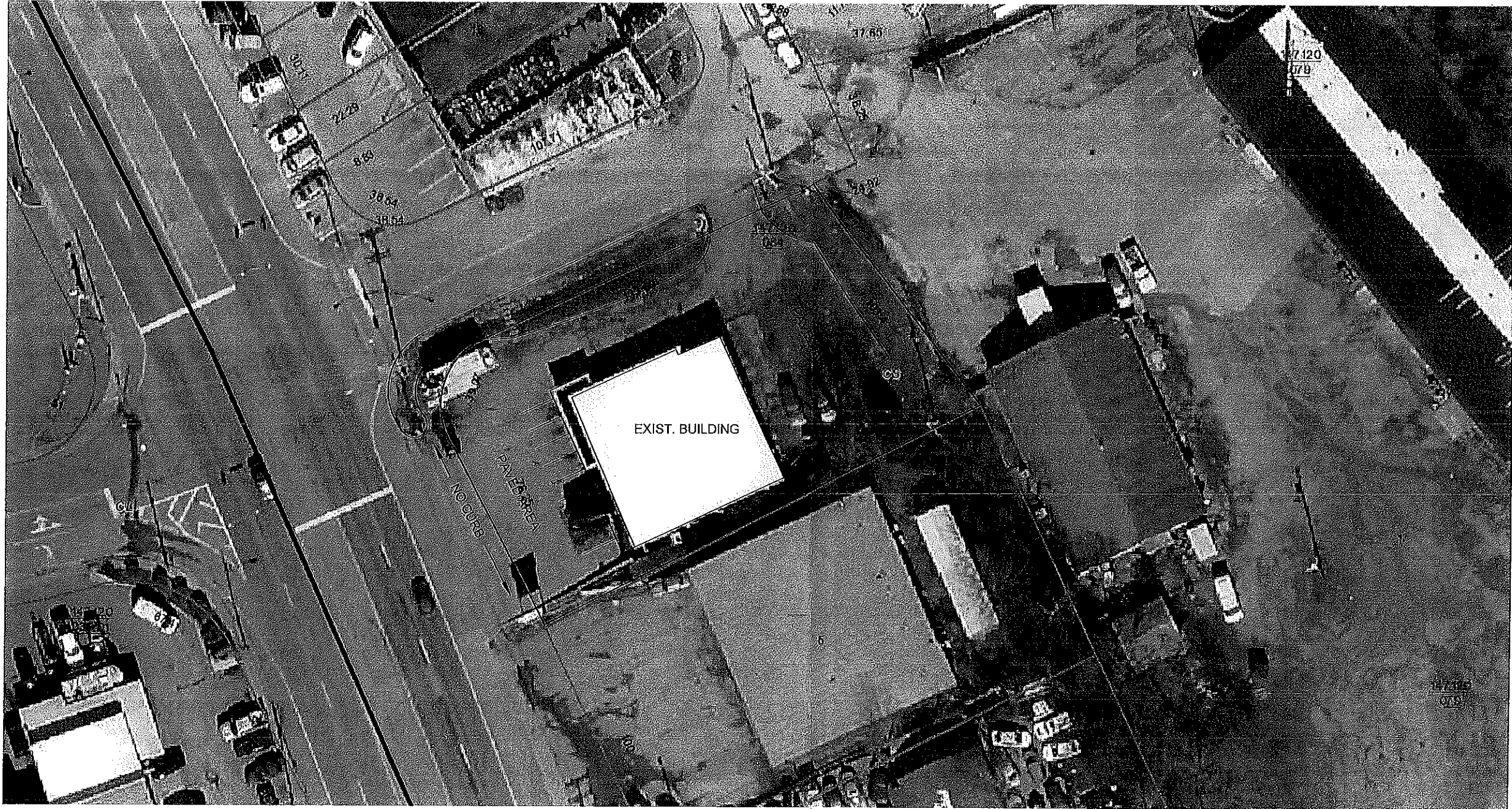
SITE

1

TAPATIO SUPER MERCADO TI

SITE PLAN

130330  
08/19/13



SITE

1

TAPATIO SUPER MERCADO TI

SITE PLAN

19050  
08/19/19

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-445 (4736 Nolensville Pike)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Contribute in-lieu of construction (not eligible)
Zoning:	CS
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
MCSP Street Designation:	T3-M-AB5-LM
Transit:	#52 – Nolensville Pike BRT Lite; future high capacity transit per nMotion
Bikeway:	None existing; none planned

### Planning Staff Recommendation: *Disapprove.*

**Analysis:** The applicant proposes renovations to an existing 17,900 square foot retail building and requests to contribute in-lieu of construction of sidewalks along Nolensville Pike. Planning evaluated the following factors for the variance request:

- (1) No sidewalk exists along the Nolensville Pike property frontage, which is consistent with adjacent properties to the south.
- (2) The property is located 2/3 mile south of the Southeast – Nolensville Pike/Harding Place first tier Nashville Next Center. Establishing a comprehensive sidewalk network in anticipation of future development that is accessed by high capacity transit is critical. Staff finds no unique hardships.

Given the factors above, staff recommends **disapproval**. **The applicant shall coordinate with Metro Public Works to either construct a 6' grass strip and 8' sidewalk which meets the Arterial-Boulevard standard or to construct an alternative sidewalk design solution.**

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Matthew Segal Date: 8/20/2019  
Property Owner: Segal, Matthew + Tara Worthey Segal Case #: 2019-448  
Representative: same Map & Parcel: 09102029800

Council District 20

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

Purpose: Proposed construction of 2 additional residential units on MUN zoned parcel within the 4700 NO PERMIT APP. STARTED

Activity Type: Multifamily Residential

Location: 5501 A New York Ave.

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

Reason: SPECIAL EXCEPTION

Section(s): 17.12.035.D1

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

Matthew Segal  
Appellant Name (Please Print)

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

5501A New York Ave  
Address

\_\_\_\_\_  
Address

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

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

802-310-3048  
Phone Number

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

5501ANEWYORK@GMAIL.COM  
Email

\_\_\_\_\_  
Email

[Signature]  
Zoning Examiner:

200.00  
Appeal Fee:



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



3703977

ZONING BOARD APPEAL / CAAZ - 20190050211  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification

PARCEL: 09102029800

APPLICATION DATE: 08/20/2019

## SITE ADDRESS:

5501 A NEW YORK AVE NASHVILLE, TN 37209  
LOT 1402 BLK 54 WEST NASH NO 2

PARCEL OWNER: SEGAL, MATTHEW &amp; TARA WORTHEY

CONTRACTOR:

## APPLICANT:

## PURPOSE:

Special Exception per 17.12.035D1 to allow for a 2 ft street setback along 55th Avenue N, contextual of 9'9" is existing (requesting reduction of 7'9")

Proposed construction of 2 additional residential Units on MUN Zoned parcel within UZO.

No Permit application started.

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

---

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

Inspection requirements may change due to changes during construction.



## APPLICATION FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board Members so they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.) Finally, BZA Rules require that you conduct a community meeting regarding the special exception request before the BZA hearing date.

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

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

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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

  
\_\_\_\_\_  
APPELLANT

8/20/19  
\_\_\_\_\_  
DATE


## SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1000 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

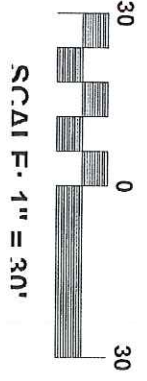
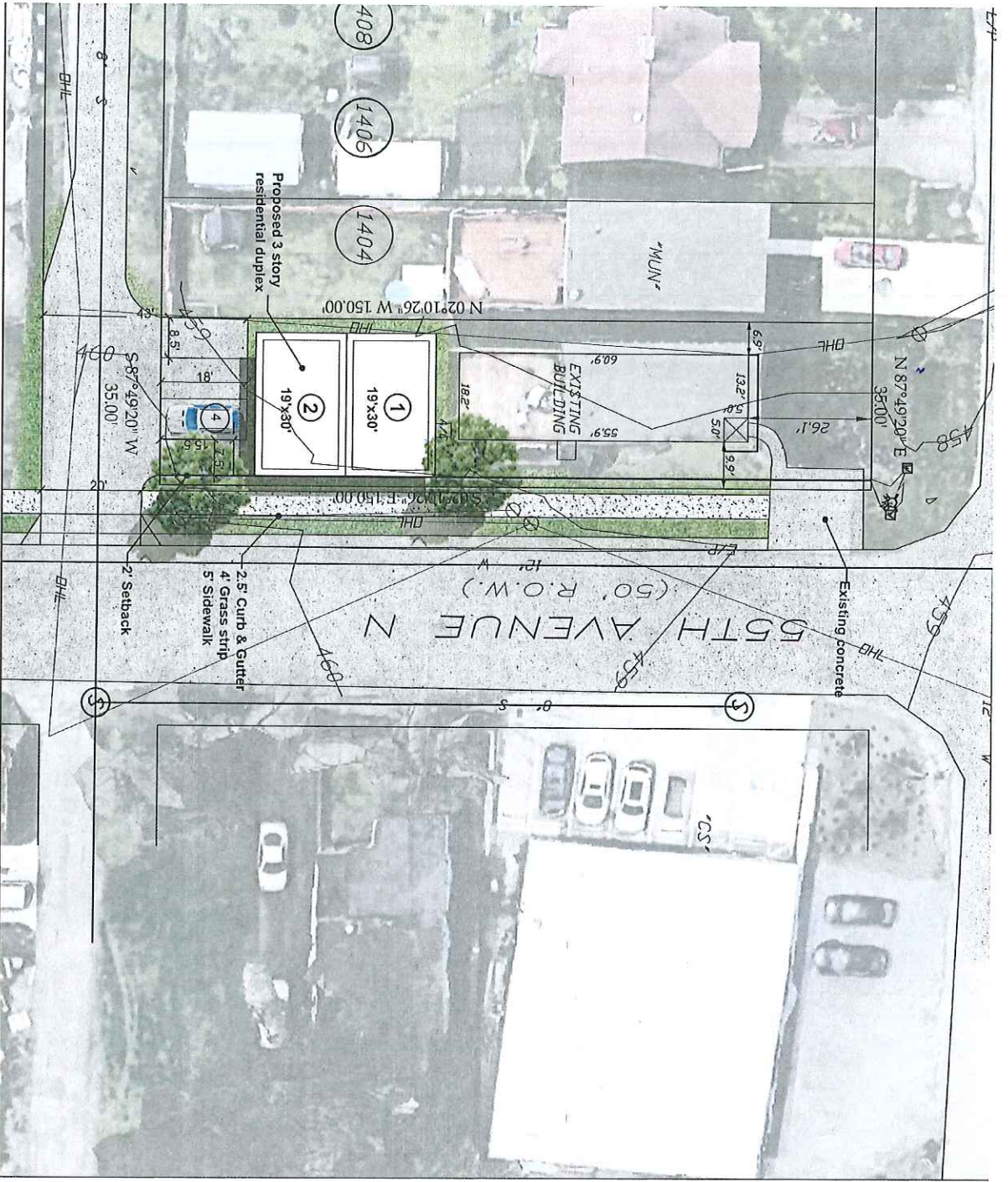
Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly.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

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

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

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

  
\_\_\_\_\_  
DATE



Property zoning	MUN
Owner(s)	UNO
Use date: (P, PG, SE, A)	P Residential
<b>Site Criteria (bulk standards based upon MUN zoning)</b>	
Minimum lot size	None
FAR	N/A
ISR	0.80 max / 0.85 proposed
Street Setbacks	2' from Right-of-Way
Side yard	None
Rear yard	20 feet
Height standards	3 Stories
<b>Parking and Access - Chapter 17.20</b>	
Ramp Location and Number	Alley Loaded
Distance to nearest existing ramp (Min. 30')	50' Minor
	155 Ardena Street
	100' Collector
	250' Controlled access ramp
	3 stalls (2 Res., 2 2BR)
	3 stalls, 1 compact
Required Parking Based on Use	N/A
Required Landings based on Uses	N/A
Required over a stairs (1,750 sq ft)	N/A
Stairs: steps, Aisle Widths, Angle Data	N/A
Over 10 escapes, 20 minutes at exit	N/A
Number of compact spaces / %	N/A
Number of accessible spaces	N/A
Stairwells required	Provided
<b>Landscape, Buffering, and Tree Replacement - Chapter 17.24</b>	
Required Bufferings	N/A
Buffering adjustment	Provided
Perimeter Landscaping	Provided
Site lines adjacent to parking areas 5 min. w/ trees	Provided
Interior (2.25' with tree barriers)	Provided
Opaque fence side set back to rear lateral parking area	Provided
Screening around dumpsters (No chain link fence permitted)	N/A
Tree Density	See Landscape Plan (1.0) for full details

**Vicinity**



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 55th 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.**

**From:** [De Vries Andrew](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [matthew.g.segal@gmail.com](mailto:matthew.g.segal@gmail.com)  
**Subject:** Support for Case 2019-448  
**Date:** Thursday, October 31, 2019 1:36:09 PM

---

Dear Members of the BZA,

I own the property at 5501B New York Ave, which directly abuts the applicant's property at 5501 A. I support the special exception request to reduce the side street setback on 55th Ave as I believe it would have no adverse impact on my adjacent property.

Thank you,

**Andrew De Vries – LEED AP** | Senior Manager, Strategic Sourcing  
HealthTrust / CoreTrust | 1100 Dr. Martin L. King Jr. Boulevard, Suite 1100 | Nashville, TN 37203  
o: 615.344.3038 | f: 855.442.1936 | e: [andrew.devries@healthtrustpg.com](mailto:andrew.devries@healthtrustpg.com) |  
[www.healthtrustpg.com](http://www.healthtrustpg.com)

*This message and any attachments are for the intended recipient(s) only and may contain privileged, confidential and/or proprietary information. If you received this message by mistake, please notify the sender by reply e-mail and delete the message and attachments.*

**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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**Applicant Letter for Special Exception Case 2019-448**

October 12, 2019

Dear Members of the Board,

We are the applicant/owners for Case 2019-448, a special exception request to reduce the side street setback at 5501 A New York Avenue. Please see the below letter for an explanation of why our request meets the standards laid out in the code.

In addition, we enjoy the “full support” of our Council Member, Mary Carolyn Roberts, as well as the endorsement of Nations Neighborhood Association committee (Planning & Zoning) that oversees these matters on behalf of the neighborhood.

**A. APPLICABLE STANDARDS**

Per the Metro Code, Sec. 17.12.035, this request may be made by Special Exception at the Board of Zoning Appeals. Unlike a variance, no “hardship” standard applies. Rather, the applicant must meet the following standards, quoted from the relevant code in part (emphasis added):

17.12.035 D. Special Setback Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District:

1. In all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020B, 17.12.020C, and 17.12.030B based on the review and approval of a Special Exception by the Board of Zoning Appeals.
2. An applicant shall provide evidence to the board as provided in Section 17.12.060.F.3 that **the proposed building setbacks shall not create an adverse impact on adjacent properties nor detract from a strong pedestrian-friendly environment.**

(For reference on 17.12.060 F. 3, please see “For Reference: Height Regulations” in the latter portion of this document.)

**STANDARD 1:**

**“[T]he proposed building setbacks shall not create an adverse impact on adjacent properties”**

We affirm that the proposed building setbacks will not have an adverse impact on adjacent properties. We posit that this Special Exception request actually goes a step further: it has a positive impact on the contiguous adjacent property, 5501 B New York Avenue (also zoned MUN).

By right, two additional residential units could be built to a ‘zero foot’ setback at the neighboring side lot line. In other words, the structure could be directly abutting our

neighbor’s property with no buffer in-between. This Special Exception, if approved, would enable our proposed residential structure to be shifted away from the neighboring property and toward the side street, 55th Avenue North.

Table 17.12.020C  
MIXED-USE AND NONRESIDENTIAL DISTRICTS

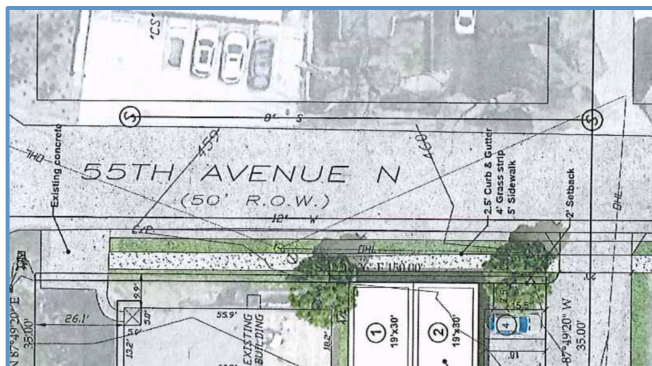
Zoning District	Min. Lot Area	Max. FAR	Max. ISR	Min. Rear Setback (in ft.)	Min. Side Setback (in ft.)	Max. Height at Setback Line (in ft. or stories)	Slope of Height Control Plane (V to H)
SP	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
MUN	None	0.60 See Note 2	0.80	20	None req.	3 stories to a maximum of 45 ft.	3 stories max.
MUL	None	1.00 See Note 2	0.90	20	None req.	3 stories to a maximum of 45 ft.	1.5 to 1
MUG	None	3.00 See Note 2	0.90	20	None req.	5 stories to a maximum of 75 ft.	1.5 to 1

**STANDARD 2:**

**“...nor detract from a strong pedestrian-friendly environment.”**

We also affirm that the proposed building setbacks will not detract from a strong pedestrian-friendly environment.

In fact, we once again contend that this Special Exception request *goes a step further*: by constructing these new units, we will build approximately 150 feet of new sidewalk. This will create new connectivity with several commercially-zoned properties that surround our subject property, including a to-be-built sidewalk along the other side of 55th Avenue. Walkable within 500 feet are new commercial or mixed use developments including Flats at Silo Bend, Silo Park/Silo House, the “Boomerang” building, Silo Studios, Ugly Mug Coffee, The Burger Joint and more (all completed in 2019 or now under construction).



### For Reference: Height Regulations

The standard set out in Sec. 17.12.035 D.2 references the below height regulations:

17.12.060 F. Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District

3. An applicant shall provide evidence to the board that the proposed building height shall not create an adverse impact on air, light, shadow, or wind velocity patterns due to the configuration of the building relative to the maximum permitted height standards (including height control plane) and its juxtaposition to, and with, existing structures in the vicinity, or approved, but not yet built structures. In addition, the applicant shall demonstrate that the proposed building height contributes to, and does not detract from, a strong pedestrian-friendly streetscape.

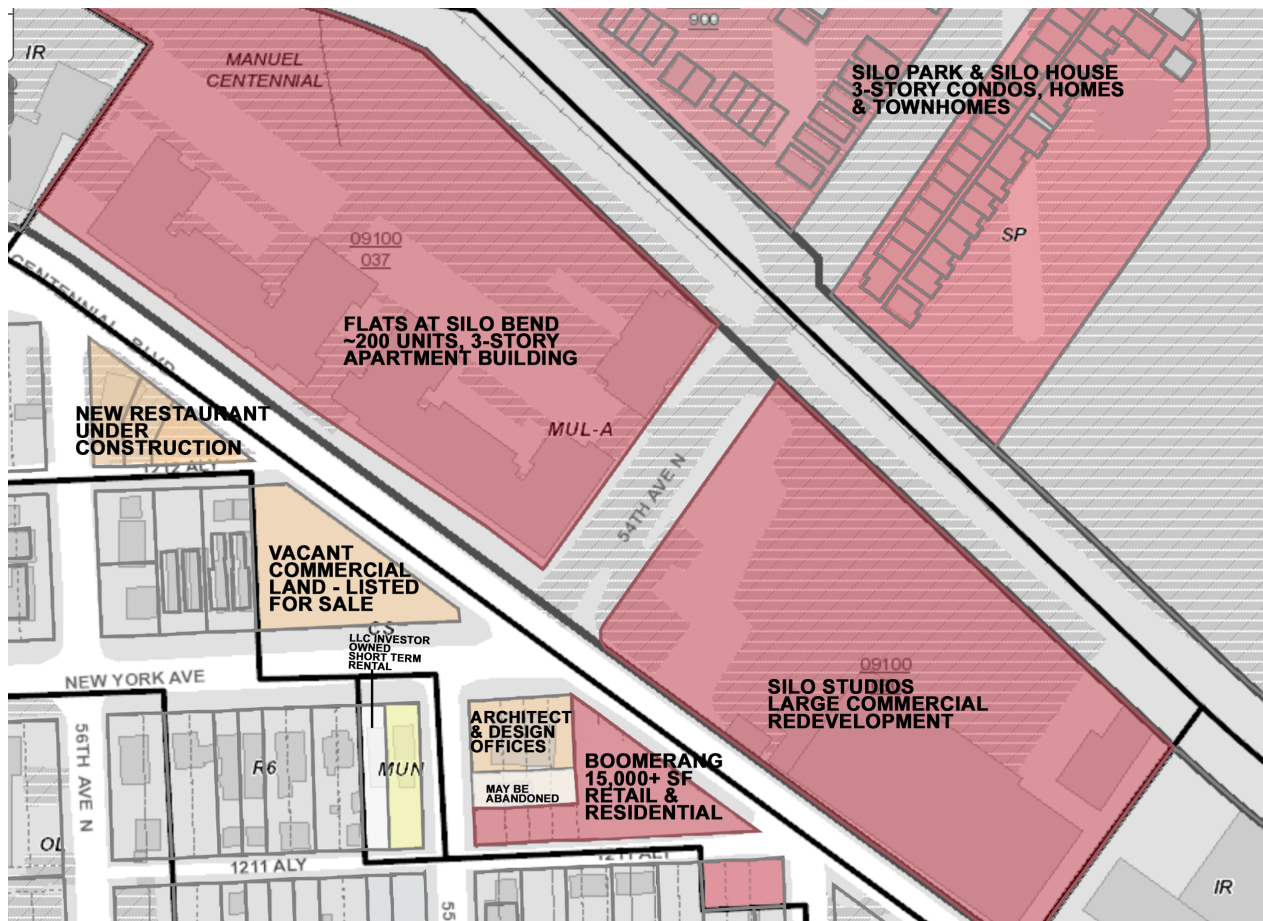
### Response on Height Regulations

Please note that we are not seeking a special exception to modify the allowable height. Per the Metro Zoning Code (table shown in *Standards*, above), the proposed use on the subject property allows a maximum of three stories, not to exceed 45 feet, rather than utilizing a height control plane ratio.

Moving the structure approximately 7' 9" closer to the side street may have a nominal impact on the light/shadow angle from across the right-of-way (nearest distance to a structure in that direction is about 80 feet). However, with the Special Exception, we would be enabled to construct a "standard" 3 story residential structure, approximately 30-33 feet to the roof truss line, rather up to the allowable 45 feet at the current setback line.

On the west side, with our neighbor at 5501 B New York Avenue, we once again contend that if approved, this structure would have a *positive* impact when compared with the by-right building area prescribed by the Metro Codes — allowing us to move the height and massing away from the shared property line and toward the side street.

Moreover, when compared to the context of existing and under-construction structures in the area, the below map highlights large three or more story commercial developments that are adjacent or nearly adjacent (colored in red).



## B. CONTEXT

While we have been told that the underlying land use policy recommends neighborhood maintenance, the on-the-ground reality is that the most of the area surrounding our property is a multi-family, commercial and mixed-use center.

In the long-term, we have approached our Council Member about potentially updating the underlying land use policy so that it is more consistent with the zoning and the surrounding context; however, the simpler approach here is to permit our plans by Special Exception, to which she has given her “full support” in an email to the Board dated September 24, 2019.

### 1. Surroundings

Our neighbors directly to the west have our same mixed use (MUN) zoning, and we’re bounded by commercial (CS) zoning on the north and east sides. We have two-family residential to the south. Therefore, in total, of the 370 linear feet of our property line, only 35 feet abut residential zoning.

Our property is exposed “catty corner” to Centennial Blvd, where we face the Silo Bend developments that have built-to-street ground floor retail and hundreds of new apartment and housing units. Partially abutting our property on the east side of 55th is a new retail, office and residential mixed-use development called “Boomerang” – the top two stories of which are visible from all locations on our the property.

Nearly this entire new surrounding context is built quite close to the sidewalk and the right-of-way. We believe our request is reasonably seen as in-step with the vast majority of our surrounding environment.

## **2. Contextual Setbacks**

The zoning examiner reviewing this case confirmed that the only contextual 55th Avenue setback on the block face is the one on our property. We clearly have no objection a modified setback. Going beyond our block, the north neighboring property is an unusual curved triangle shape that does not align with our block. The property that does align with our side street setback is to our south, across the alleyway and fronting California Avenue. We met with the owner in person and received his support.

## **C. NEIGHBORHOOD AND COMMUNITY SUPPORT**

### **1. Community Meeting & Neighborhood Association Endorsement**

On September 9, 2019, we presented at a community meeting of the Nations Neighborhood Association's Planning & Zoning Committee. The meeting was advertised the NNA's social media channels and standing email listserv. The meeting also had higher attendance because it occurred at the time and place of the group's regular monthly meeting. It was attended and our plan was reviewed by approximately 12 neighbors and residents.

At the conclusion of the meeting, the NNA Committee unanimously voted to endorse our request with "No Objection." Such a finding was emailed to the Board on September 26, 2019.

### **2. Direct Outreach**

We knocked on all neighboring doors (or made phone calls, were owner wasn't available) and did not receive any reactions that were unfavorable. Most were quite supportive and understood the context of the neighborhood, especially given that our property faces Centennial and several higher intensity newer developments. We will continue outreach until for as-yet-unreachable property owners.

### **3. Council Member Support**

Lastly, and perhaps most critically, our Council Member has provided her "full support" for our Special Exception in writing to the Board.

## **D. ACCEPTABLE CONDITIONS**

If the side setback reduction is approved as applied, we would be amenable to the following conditions to be set by the Board to ensure that we meet the standards in the Code:

### **To ensure no adverse impact on adjacent property:**

1. Height, as typically defined by the Metro Code, to not exceed 33 feet.
2. Structure to constructed a minimum of 3 feet from neighboring side property line (i.e. lot line shared with 5501 B New York Avenue)

### **To ensure strong pedestrian environment:**

3. Sidewalks to be constructed; not eligible for in-lieu-of fee without additional BZA approval.

Thank you for your time regarding this case.

Matthew & Tara Segal  
5501 A New York Avenue

**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: Land Development Solutions Date: 9.3.19  
Property Owner: Cannonball Property Case #: 2019- 461  
Representative: Duane Cuthbertson Map & Parcel: 09107-228

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: Special Exception to permit kennel use;  
Variance of separation requirement for  
building and outdoor area from residence.

Activity Type: Kennel

Location: 5101 Kentucky Ave.

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: Building and proposed outdoor area too close to R.

Section(s): 17.16.175.A.1 ? 17.40. +80290

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: \_\_\_\_\_

Same  
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

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





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



3708344

**ZONING BOARD APPEAL / CAAZ - 20190053028**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 09107022800

APPLICATION DATE: 09/03/2019

**SITE ADDRESS:**

5101 KENTUCKY AVE NASHVILLE, TN 37209  
LOTS 1002-1004-1006-1008 BLK 171 WEST NASHVILLE 1

PARCEL OWNER: CANNONBALL PROPERTY, LLC

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

special exception to allow animal kennel and variance from distance requirement from residential structures from 200' to 32' and from 100' to 10' for the run.

*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**

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?**

Urban location, utilize existing building on smaller lot in a dense neighbourhood where demand for such services exist.

## 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

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

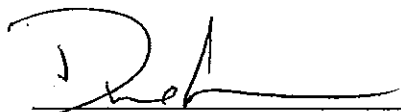
## SPECIAL EXCEPTION REQUEST

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 appellants 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.

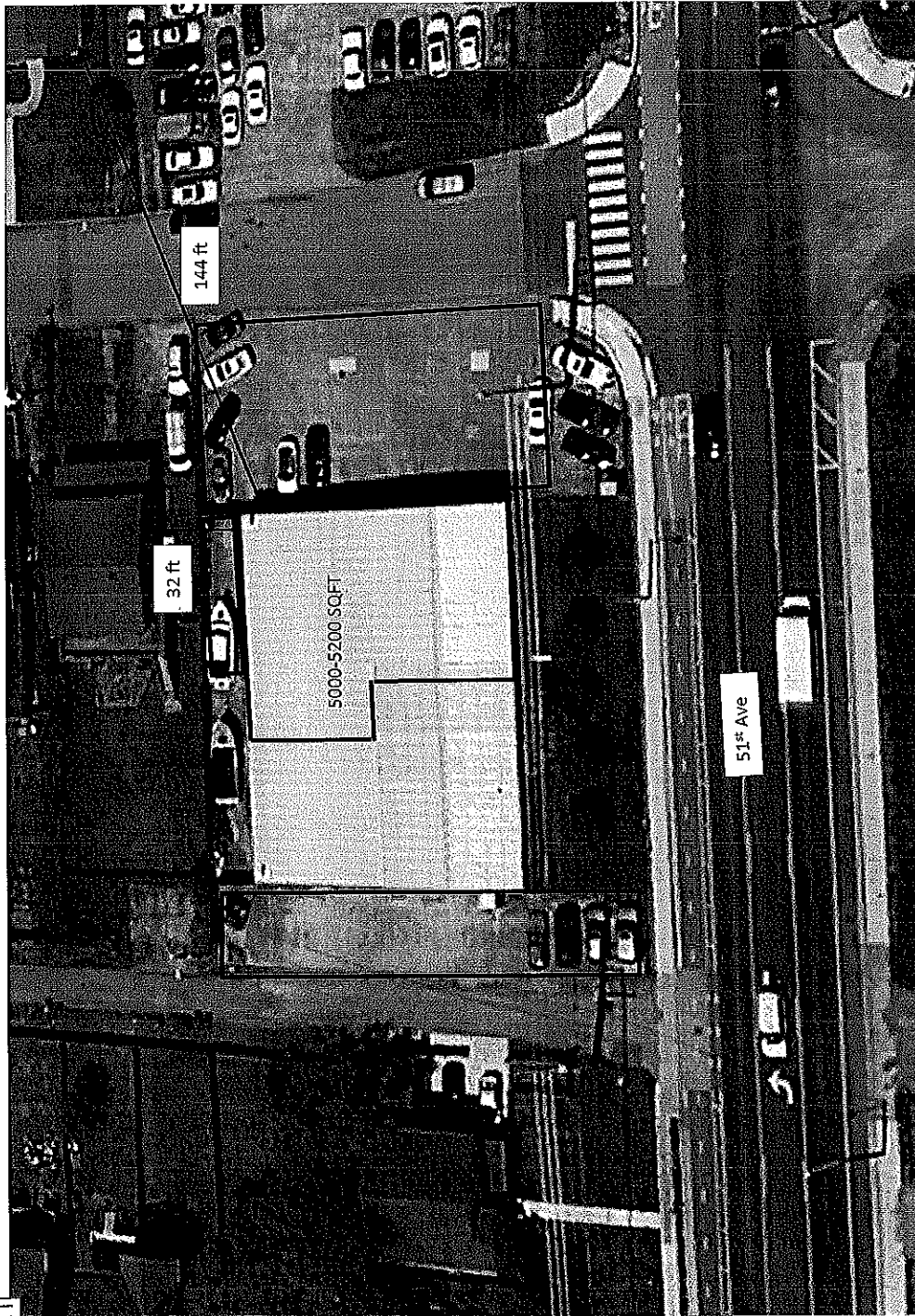
I ACKNOWLEDGE MY RESPONSIBILITIES regarding the neighborhood meeting preceding the public hearing for my BZA appeal for a special exception



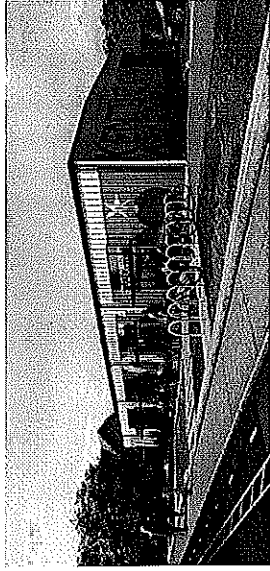
APPELLANT (OR REPRESENTATIVE)

9.3.19

DATE



Exterior Renderings



Exterior Renderings



Possible Outdoor

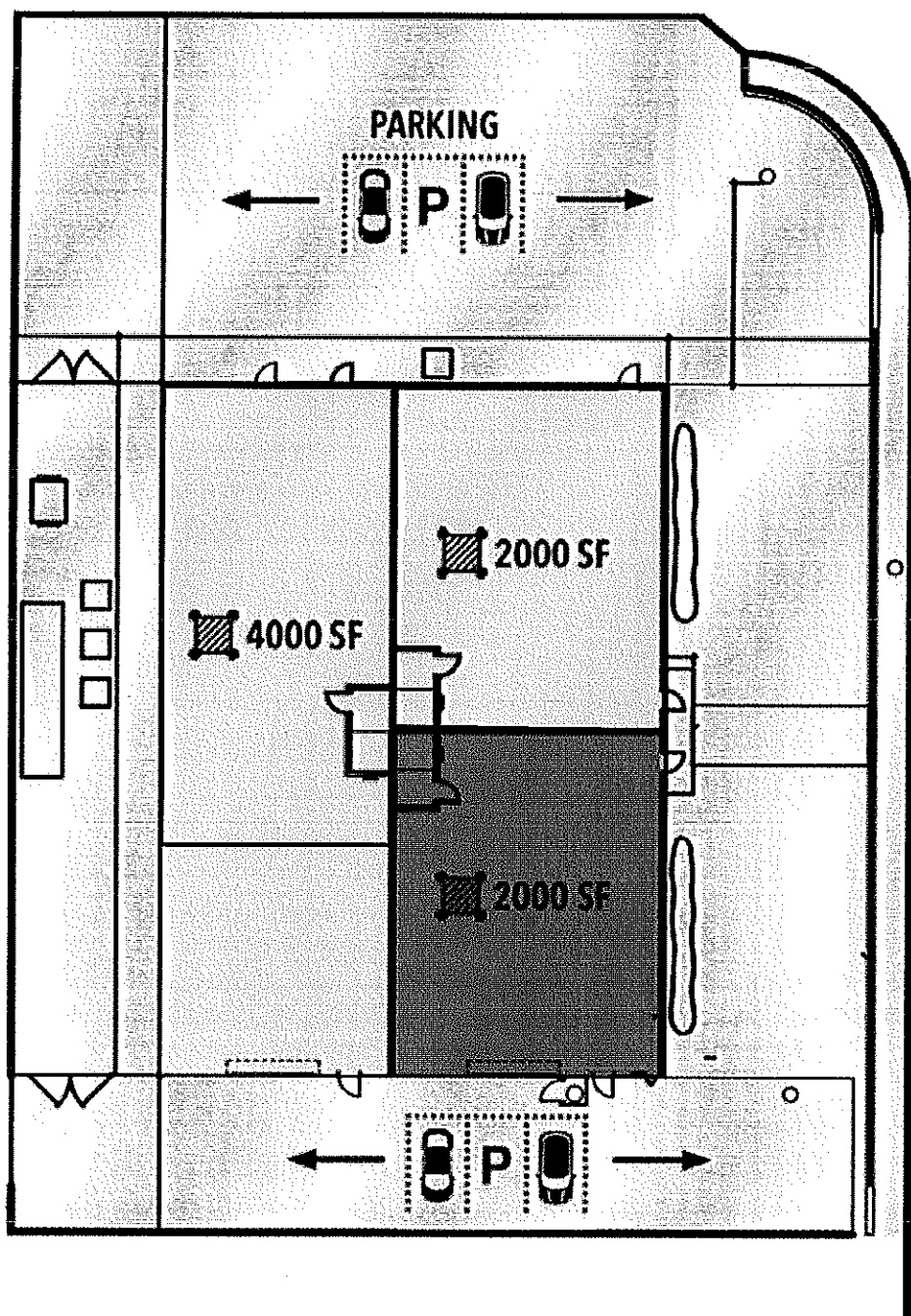
Approx Lease Space

Parking

Slide 1

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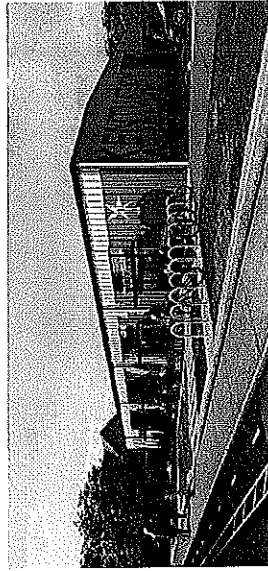
LC1 Liz Craig/USA, 8/29/2019







Exterior Renderings



Exterior Renderings



Possible Outdoor

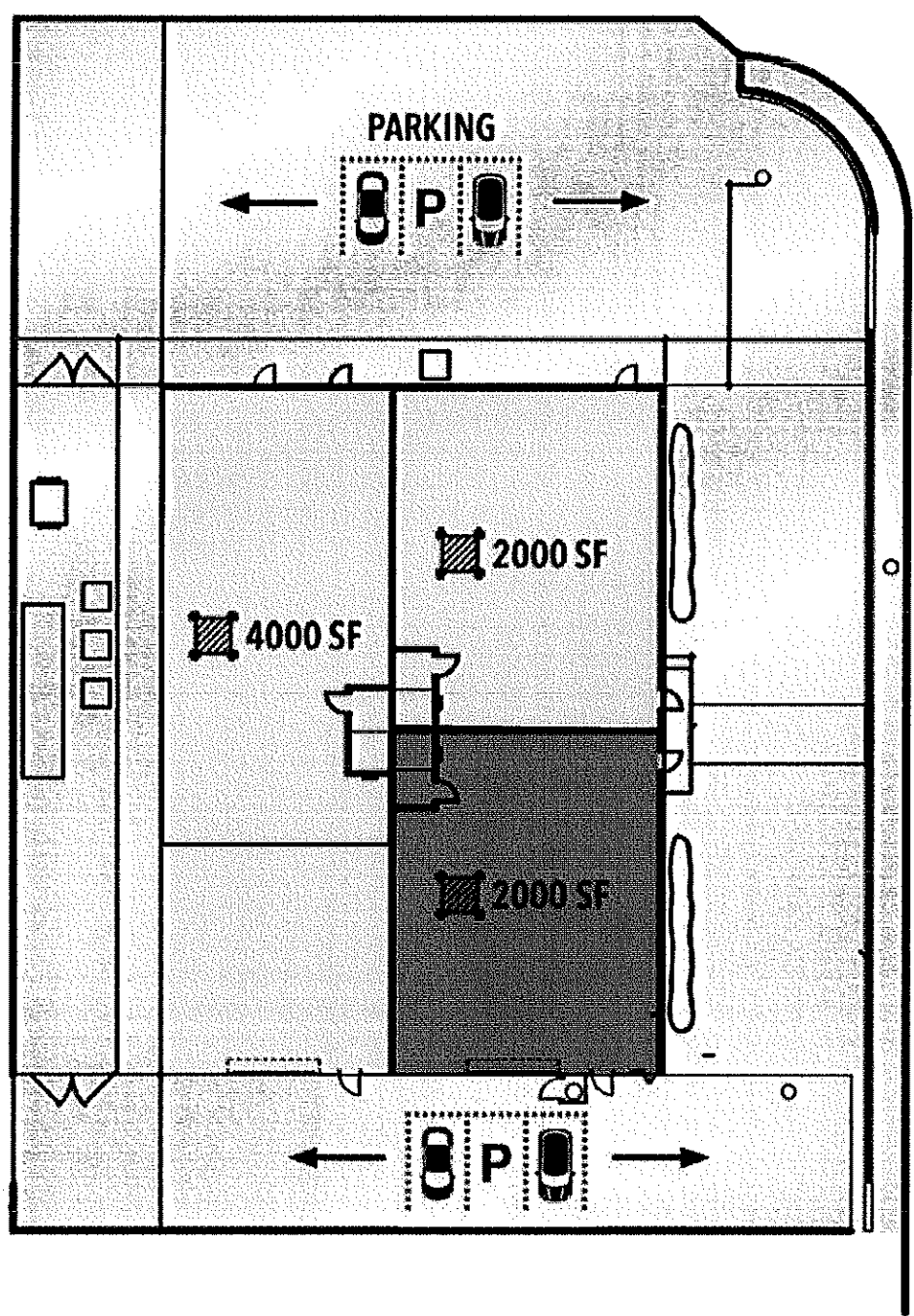
Approx Lease Space

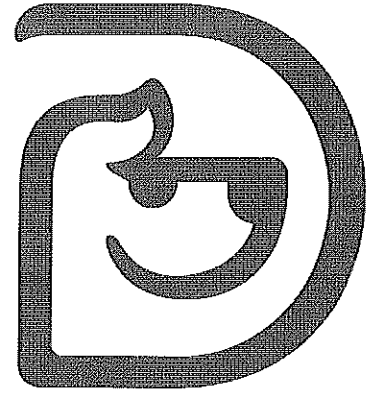
Parking

**Slide 1**

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**LC1** Liz Craig/USA, 8/29/2019





## Waste Management Plan

Prepared By:

Loraine Rhoads, Environmental Biologist

April 2018



-NOTICE-

Trusted Authority, LLC DBA Dogtopia, LLC hereby claims any and all Trademark rights under 15 U.S.C. 1125 of the Lanham Act to the following Waste Management Plan materials. Any of the disclosed Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the disclosed franchise materials that distinguish the Dogtopia franchise are further protected under relevant Trade Dress Law. Any unauthorized copying of the various Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the Dogtopia franchise is strictly prohibited.

Trusted Authority, LLC DBA Dogtopia LLC further claims copyright to any and all original works of Authorship of the Waste Management Plan materials as defined by the Copyright Act of 1976 as amended. All copyright rights are reserved.

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**Table 1. Waste types and waste management practices**

Waste Types	Waste Form	Waste Stream	Waste Destination
Paper waste	Solid	Landfill (soiled) or Recycling	Waste transfer station
Plastic waste	Solid	Re-use or Recycling	Recycle depot
Cardboard packaging	Solid	Recycling	Recycle depot
Towels or rags	Solid	Re-use (towels can be cut into rags) or Landfill	Re-Use or Waste transfer station
Organic waste (Dog waste or uneaten food)	Solid	Landfill	Waste transfer station
Grey and Black water	Liquid	Municipal Wastewater (non-point source)	Water and Sewer Division of South Elgin

Waste materials fall into four categories\* for management, which include:

- Re-Use
- Recycle
- Solid Garbage - Landfill
- Liquid - Wastewater

\*The fifth category, Hazardous Waste, is not applicable at Dogtopia locations

### 1 Introduction

The purpose of the Waste Management Plan is to describe the principles, procedures and management of the waste generated by a Dogtopia franchise location. The franchisee has developed this plan to ensure wastes are reduced, reused, recycled and do not create offending odor.

In accordance with Illinois EPA regulatory requirements, the Waste Management Plan outlines measures to manage and mitigate waste generation and resource consumption during the operation of the Dogtopia. The Plan includes details on the following:

- The types and quantities of waste generated during operation
- Procedures to collect and dispose of waste
- Measures that Dogtopia implements to minimize waste generation
- Monitoring protocol to ensure effectiveness of these measures

The Waste Management Plan is designed to support an ecological based management approach with the focus on environmental best practices where Dogtopia is an asset to neighboring tenants.



Surplus or waste materials arise from either the materials imported to our dog daycare center or from those generated on the site. Imported materials are those which are brought to Dogtopia as part of operational practices. Generated materials are those that occur during the daily operations i.e. trash and wastewater.

## **2 Waste Types**

The operations of Dogtopia will generate wastes such as Re-Use, Recycle, Solid Garbage (Landfill) and Liquid (Wastewater).

### **2.1.1 Re-Use**

If surplus materials can be used in the future operations, they are classified as materials which can be re-used, i.e. older towels can be cut into cleaning rags. Materials that can be reused in their present form are surplus to operational needs and will be removed from site to a storage facility. The surplus supplies will be labelled and stored for future use.

### **2.1.2 Recycling**

If surplus materials cannot be reused in their present form but could be used in a different form, they will be sent to recycling through a waste management service provider. Current acceptable recyclable materials include:

#### **Paper**

Newspapers, including inserts  
 Magazines/Catalogs  
 Telephone Directories  
 Office/School Paper  
 Advertising/Junk Mail  
 Kraft Brown Paper Bags  
 Corrugated Cardboard (includes paper towel and toilet paper rolls)  
 Paperboard/Chipboard (cereal boxes, pasta boxes, tissue boxes etc.)

#### **Plastic beverage and food containers**

Milk, water and juice bottles  
 Liquid detergent, fabric softener, bleach, shampoo, yogurt cups, vegetable oil bottles  
 Metal

#### **Aluminum Cans**

#### **Steel or Tin Cans**



## **Glass**

Bottles and Jars only

Brown, Green and Clear Glass

### **2.1.3 Solid Garbage (Landfill)**

If solid waste cannot be classified as re-useable or recyclable, then the only alternative is to send surplus materials to the landfill through a waste management service provider. Under no circumstances will Dogtopia create any waste that is classified as Hazardous Waste according to Federal Regulations Title 40 (Protection of Environment) PART 261 Identification and Listing of Hazardous Waste. Under no circumstances will Dogtopia create any waste that is classified as Special Waste according Illinois Environmental Protection Act and Title 35 of the Illinois Administrative Code of Regulations (See Section 7 Nonspecial Waste Certification.)

### **2.1.4 Liquid (Wastewater)**

Liquid waste is classified as either greywater or blackwater. Greywater is a product of washing food, dishes, laundry and cleaning duties such as mopping the floor or cleaning equipment. Blackwater is defined as the waste from flushing toilets.

## **3 Waste Collection and Disposal**

### **3.2 Re-Use**

Re-useable materials that can be reused in their present form are surplus to operational needs and will be removed from site to a storage facility. The surplus supplies will be labelled and stored for future use. Dogtopia remains committed as an international brand to environmentally friendly practices to reduce waste where ever possible.

### **3.2 Recycle**

Weekly collection of recycle material will occur on the same schedule as solid garbage collection. All recycled materials will be collected and sent to a recycle depot or sorting center through a waste management service provider.

### **3.3 Solid Garbage (Landfill)**

All solid waste materials that are not re-useable or recyclable will be collected using trash receptacles lined with trash bags. Office and kitchen waste is normal and usual for any type of business and will be collected inside the store daily and removed to the covered dumpster.

Dogtopia's protocol for solid animal waste management is:

- Pick up solid waste immediately using plastic bag





- Securely tie the plastic bag
- Place in a tightly lidded bin lined with plastic trash liner
- Empty the trash bin at the end of each day, making sure to tie the double bagged waste
- Place the double bagged animal waste in a small deep freezer that is labeled 'Animal Waste'
- Once a week, on the day of dumpster collection, empty the animal waste freezer into the location's dumpster

Quarterly, or more frequently if needed the dumpster will be sanitized with a cleaning product called Super Citrus Dumpster Wash. The application of this product will clean and neutralize any odors and works well on all dumpster surfaces including the secure cover. This product also contains citronella to deter flying insects. Dumpster Wash is non-toxic, biodegradable and environmentally friendly.

### **3.3.1 Like-business Research**

Research was conducted at neighboring veterinary and boarding business to assess waste management practices. Animal Care Clinic of South Elgin uses standard dumpsters to dispose of all business and animal waste. In a review of their dumpster, there was no noticeable smell. They do have the dumpster area isolated behind a brick wall and gated, next to a small outdoor play area. They take their boarding dogs to an outdoor play area each day.

Gateway Veterinary Clinic in St. Charles offers boarding for dogs with medical needs. Sam Parker, office manager reports they use standard, lockable dumpsters. Their current practice is only to single-bag waste and place in the dumpster daily. Any biomedical waste from veterinary procedures, including sharps and surgery waste is removed weekly with a special biomedical waste disposal company.

At Gateway Veterinary Clinic, their dumpsters are less than 50' from an apartment complex. When asked about resident concerns with dumpster smells, he indicated it has never happened and he frequently notices residents walking dogs and children playing in the green space behind and beside their parking lot/dumpsters without issue.

### **3.4 Liquid (Wastewater)**

All Sanitary, Grey and Blackwater wastes will be sent properly through the sanitary sewer system of South Elgin, Fox River Water Reclamation District. Under no circumstances will Dogtopia crate liquid wastes that include forbidden material such as:

- Cooking grease
- Garbage Disposal byproducts
- Feminine hygiene products
- Disposable diapers

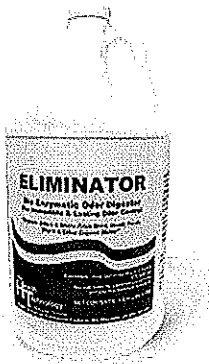


Figure 1. Eliminator is a safe bio-enzymatic cleaner formulated to consume odor-causing bacteria.

- Other paper and plastic products

Dogtopia's protocol for liquid animal waste management is:

- Fill one mop bucket with plain water and use a red mop wringer insert
- Fill a different mop bucket with the approved cleaner (Eliminator for spot cleaning during open play)
- Dip mop in approved cleaner and wring out thoroughly
- Soak up liquid waste with the mop, ensuring

not to spread around the floor

- Rinse out contaminated mop in water bucket with red liner

- Ready the mop for next use by returning it to the mop bucket with approved cleaner

- When the mop water has become dirty or at the end of the shift, empty mop buckets and rinse out into mop sink
- Twice daily perform a sanitation of the playroom floor using

Triple Two

- Midday – use Triple Two in the mop buckets
- End of day – use Triple Two in autoscrubber

#### 4 Pet Safe Cleaning Program – Odor Control

Our Pet Safe Cleaning Program provides each location with detailed cleaning protocols for every job necessary in our stores in addition to details on which cleaners to use and when. Dogtopia is the first in the dog daycare business to address the need to clean using certified SAFE chemicals while at the same time effectively killing canine contagious germs. Extensive research has gone into creating our cleaning protocols that will guarantee dogs will not come into contact with a cleaning chemical that is not safe for contact, ingestion or inhalation.

Dogtopia's pet-safe cleaning program was exclusively designed by Health Technology Professional Products, specializing in the animal care industry since 1989. The program contains training videos, employee quizzes and regular inspections to ensure we are maintaining the cleanest environment both inside and outside our facilities.

Odor Control begins with immediately removing the source of odor by physically removing solid waste with a double bag process and using a mop system to remove liquid waste.

Our bio-enzymatic cleaner, Eliminator, is used when dogs are in open play and is a powerful tool for controlling odor. The great benefit in using a bio-enzymatic cleaner is the safety of this solution for people, dogs and the municipal sewer system. Eliminator is used on floor surfaces,



Figure 2. Autoscrubber is used for interior floor sanitation.



crates, playground equipment and artificial turf to completely eliminate the odor causing bacteria.

Daily cleaning happens twice a day with a disinfectant, Triple Two, when dogs are crated for rest. By using an autoscrubber with the disinfect chemical we are effectively killing germs but also recovering the dirty solution for safe disposal in the sanitary sewer system. Triple Two solution is strong enough to kill bacteria and viruses but safe for municipal sewer system. Triple Two is used extensively across the country in dog daycares, veterinary hospitals, animal rescue facilities and kennels.



Artificial grass is cleaned properly in a similar fashion to the interior floors using a turf cleaning machine. This machine is designed for use with the Eliminator bio-enzymatic cleaner for odor control and effectively eliminates all waste.

*Figure 3. Turf cleaning machine recovers solution and maintains odor-free outdoor space.*

## 5 Waste Minimization

Wastes generated from Dogtopia do not have the potential to have a negative impact on the environment. The Waste Management Plan has been developed to communicate the principles, procedures and management of all types of waste generated during operations of Dogtopia.

The franchisee will implement all possible waste minimization procedures and therefore will reduce the amount of waste to be removed from his Dogtopia business location. All Dogtopian owners and staff will be encouraged to look at ways to minimize the amount of generated waste. Industry best practices include:

- Waste materials will be reduced, re-used and recycled where possible
- Leased items like dumpsters or delivery pallets will be kept in good usable quality and returned for processing when necessary
- General solid waste will be double bagged to eliminate odor and placed in a covered and sealed dumpster
- All liquid waste will be disposed properly in sanitary sewer system

Dogtopia Owner and General Manager (or appointed delegate) will be responsible for ensuring the instruction of all staff members on implementation of our waste management policy and procedures.

Regular staff meetings will include discussion of waste management procedures and updates on how to minimize waste.



The monitoring of wastes generated will provide an opportunity to review the wastes being generated and ways in which they can be reduced (See Section 6 Monitoring.)

## 6 Monitoring

The franchisee is committed to minimizing the risks associated with the generation of wastes in the operation of Dogtopia. The monitoring of the quantity and the types of wastes being generated by Dogtopia operations will be tracked and monitored.

All waste receptacles will be inspected weekly to ensure that they are maintained in a condition appropriate for their use and containment of specific waste.

The Waste Management Plan and its importance will be communicated to the whole team regularly. Business wide updates including improved recycling amounts will be communicated and discussed at staff meetings. Dogtopia Owner and General Manager will monitor and analyze waste management plan to produce best practice solutions throughout Dogtopia operations.

## 7 Nonspecial Waste Certification

Owner/Operator  
telephone:  
Dogtopia

4-4-2018

I certify that cleaning chemicals and waste produced from my dog daycare, spa and boarding services are not hazardous, not liquid, do not contain PCBs or asbestos, are not formerly hazardous, are not shredded recyclable metals, and are not special wastes. I determined that my wastes are not special wastes by looking at my SDS. I also certify that double bagged dog waste and drainage from cleaning protocols are classified as hazardous and do not pose contamination risk. SDS for cleaning chemicals used in our Pet Safe Cleaning Program are attached.

Owner



## 8 Consultations

Sam Parker, Office Manager, Gateway Veterinary Clinic  
 Three veterinarians on staff with medical overnight boarding services for domestic pets  
 3225 W Main Street  
 Saint Charles, IL 60175  
630-377-6660  
info@gatewayvetclinic.com

Animal Care Clinic South Elgin  
 Veterinary services and boarding for domestic pets  
 477 Briargate Drive  
 South Elgin, IL 60177  
 847-742-5700  
 myanimalcareclinic.com

## 9 References

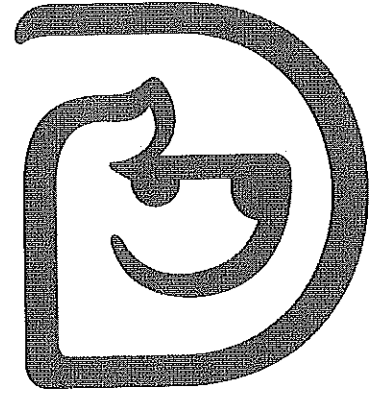
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"Public Works." *Village of South Elgin, Illinois*, <http://www.southelgin.com/publicworks>.



## Noise Control Plan

Prepared By:

Aaron Mueller, LEED AP BD+C  
Director of Design and Construction

April 2018



## **-NOTICE-**

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## **1 Introduction**

No two Dogtopia footprints are the same and each require a unique design that is engineered around its environment. Noise control is one of the primary focuses when programming a space. With more than 15 years of experience in the dog daycare industry, Dogtopia has refined the design to provide maximum sound containment, utilizing standard construction materials and practices. Analysis of the existing structure, neighboring tenants as well as their locations, are all taken into consideration during the design process to provide a dog daycare that is welcome in any environment. This document provides details on the strategy and materials used when constructing a new daycare.

## **2 Wall Categories**

Walls are broken down into three categories (Dog Space, People Space, and Exterior Walls) based on how critical sound mitigation is for that particular wall assembly in the daycare. Dog Space are the areas in which dogs will be kept for any period of time and barking may occur. People space is the areas in the daycare that isn't Dog Space (e.g. restrooms, breakroom, reception, etc.). Exterior Walls are considered the perimeter walls of the daycare including walls abutting adjacent building tenants.

### **2.1 Dog Space**

Dog Space typically consist of the playrooms, utility rooms, evaluation rooms, spa & grooming, and suites. Dogtopia's standard design for walls around the Dog Space at the interior of the daycare are 6" thick, fully insulated, full-height, metal stud walls with type X-5/8" gypsum board on each side. The wall is full-height in that it spans from the floor to the roof deck (not just above the ceiling) and is filled with acoustical insulation. This wall is continuous and prevents any substantial amount of sound or smell from escaping the Dog Space. Any windows in this wall assembly are frameless preventing the transfer of sound.

### **2.2 People Space**

People Space typically consist of restrooms, reception, hallways, office, laundry/storage, and a breakroom. Sound coming from these areas is minimal and designed with a standard 3 5/8" metal stud wall that spans from the floor to 6" above the suspended ceiling, with type X-5/8" gypsum board on each side. This wall type is insulated only when surrounding the office or restrooms. The wall type may also be used within the Dog Space as sound transmission within the Dog Space isn't of concern.



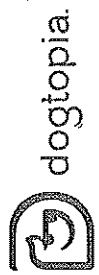
### 2.3 Exterior Walls

Dogtopia utilizes two approaches when designing exterior wall assemblies depending on what the wall is separating the daycare from. When Dog Space is abutting a neighboring tenant, a two-wall system with an air gap is applied. Typically, an insulated demising wall of 3 5/8" or wider that spans from the floor to roof deck between the daycare and neighboring tenant exists. If there is no existing demising wall, one is constructed. One inch from the new/existing demising wall an additional wall is constructed on the daycare side. This additional wall is a 6", fully insulated, full-height metal stud wall with two sheets of type X-5/8" gypsum board on the daycare side. Acoustical sealant is provided at the perimeter of the wall and any penetrations. This assembly provides an STC rating of ~70 depending on the construction of the existing demising wall. This assembly may also be utilized when sound mitigation to the building exterior is critical. Daycares located near residential neighborhoods may utilize this system to prevent any disruption to residents surrounding the location.

If an Exterior Wall separates People Space from the exterior, whether it divides a neighboring tenant or at the exterior of the building, the existing construction/wall assembly may be utilized. The noise generated in this area will rarely be from dogs and does not require sound attenuation. The air gap/space between the wall prevents sound transmission. So, as long as the Dog Space has the 6" wall assembly between the demising wall and Dog Space, and is at least 1" away from the demising wall, existing assemblies will typically suffice.

### 3. Ceiling Construction

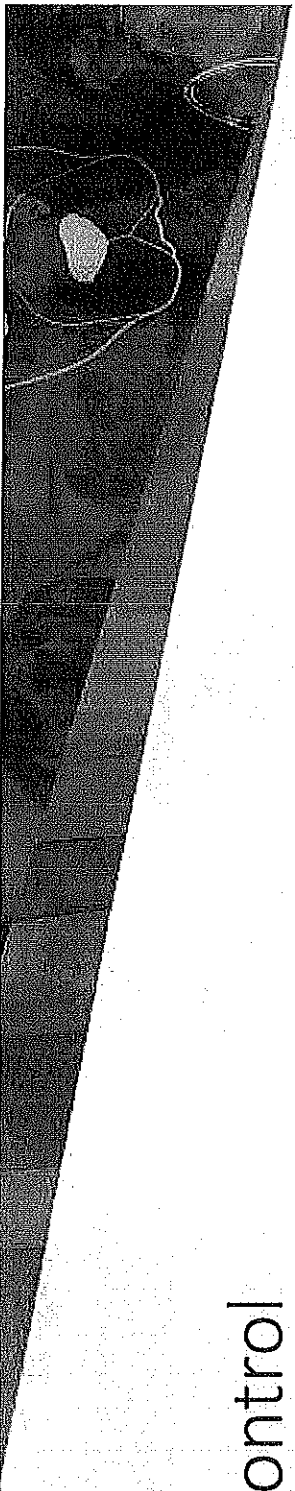
Dogtopia's standard ceiling is a suspended ceiling system fitted with School Zone® lay in acoustical tiles used to absorb and prevent sound from escaping the room(s). The tiles have a noise reduction coefficient of .70 and a ceiling attenuation class of up to 40. These tiles are often used in schools and libraries where sound absorption and reduction are critical. The suspended ceiling is consistent throughout the daycare and typically no higher than 12'. Above the suspend ceiling is the existing building roof system and typically an R-30 insulation.

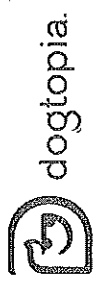


# Odor Control

## Requirements for Odor Reduction

- Playrooms on Separate HVAC Systems. Each System has an Outside Air Exhaust Requirement
- Steril-Aire UV Emitters Installed on each HVAC System
- HVAC System Installed with Economizers and Dehumidification
- Temp design / relative humidity requirement:
  - Playroom / Spa
  - 75-78 Degrees in Summer
  - 68-70 Degrees in Winter
  - 30%-60% Relative Humidity
  - Rest of the Daycare:
  - 72-75 Degrees in Summer
  - 70-72 Degrees in Winter
  - 30%-60% Relative Humidity
- Walls Extend to the Deck to Avoid Smell and Sound Transfer Between Rooms
- Rooms Cleaned Three Times per Day
- ScentAir System Installed
- HVAC Air Filters Replaced Quarterly Versus Annually
- Complete cycle/air change in all dogspaces (playrooms, evals, and suites) every 11-12 minutes.

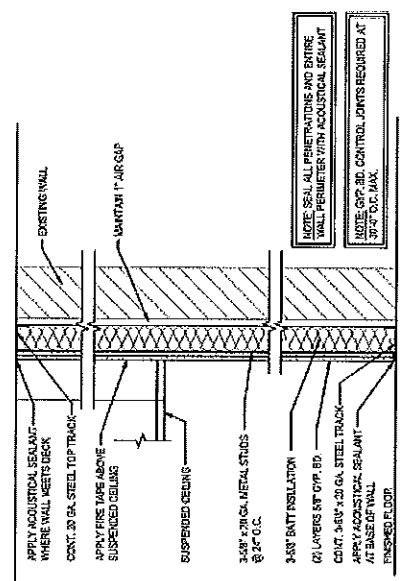




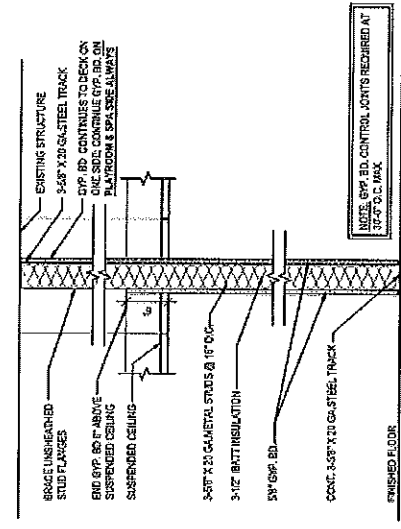
# Sound Control

## Requirements for Sound Reduction

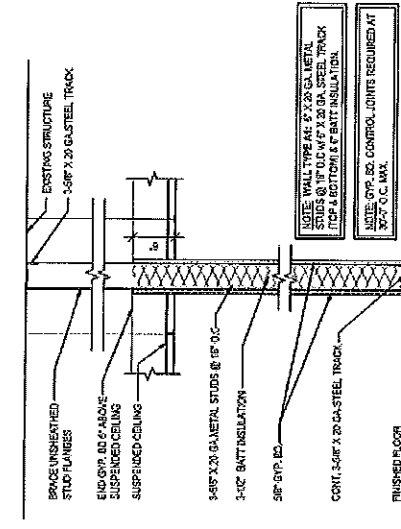
- Special Wall Type at Demising Walls(s) that Extend to Roof Deck
- Special Wall Type Around all Playrooms Spaces
- Air Gap at the Demising Wall
- Studs May Increase in Size if Roof Deck is Over 17'-6" Above Finished Floor (A.F.F.)
- Type A: Typical Wall (See Exceptions Below)
- Type A1: Plumbing Walls.
- Type B: Walls Surrounding Playrooms
- Type C: Demising Walls (Adjacent / Shared Walls with Neighboring Tenant(s))



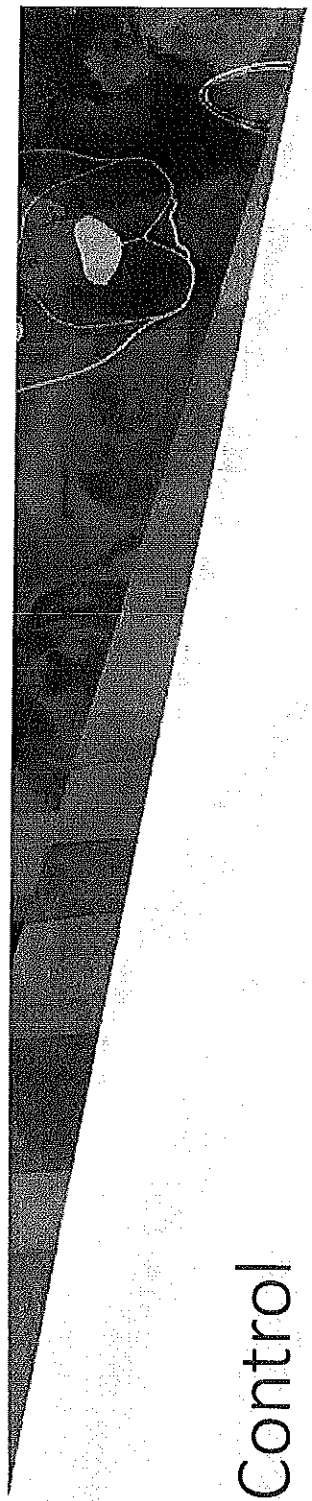
C

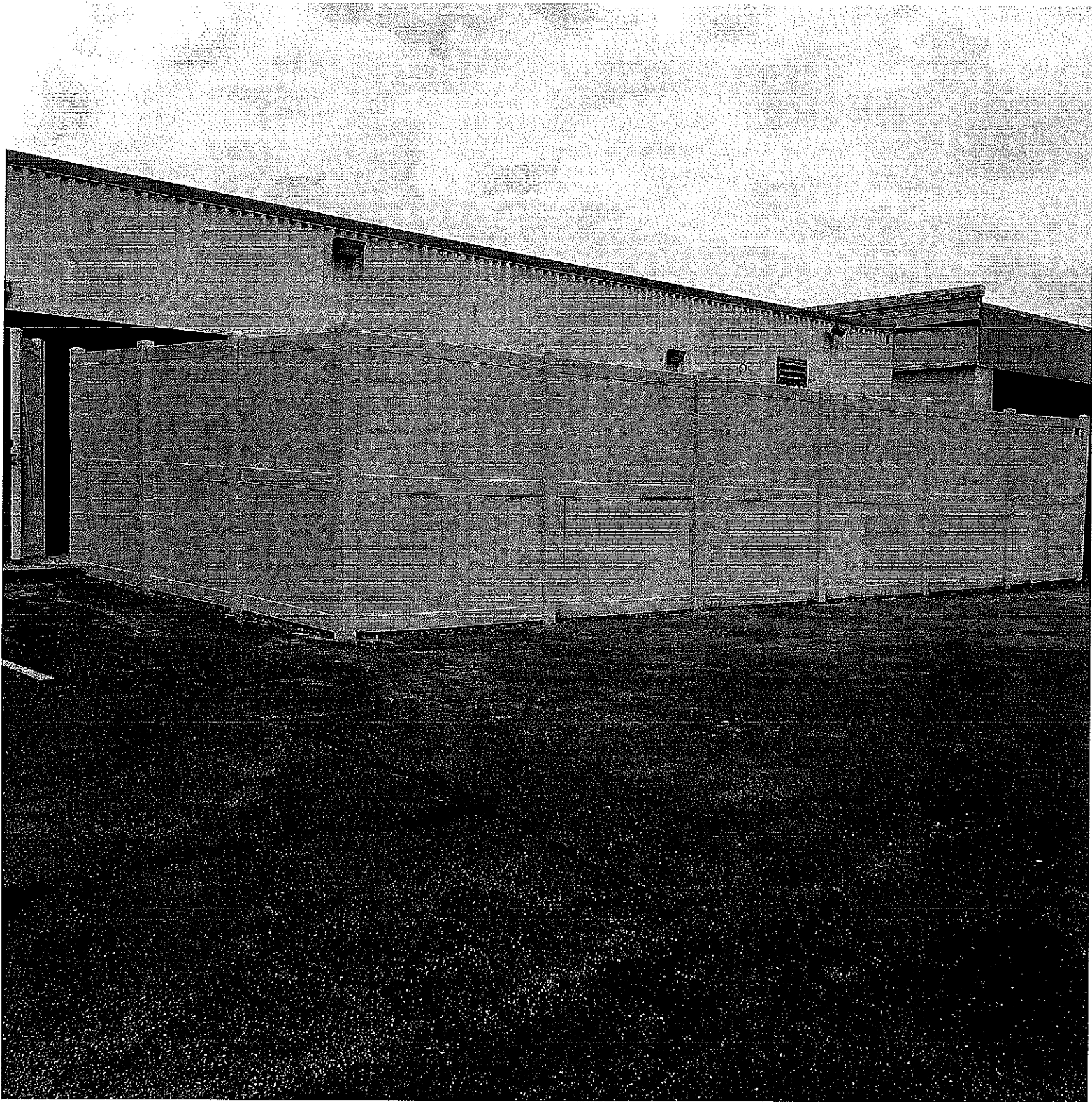


B



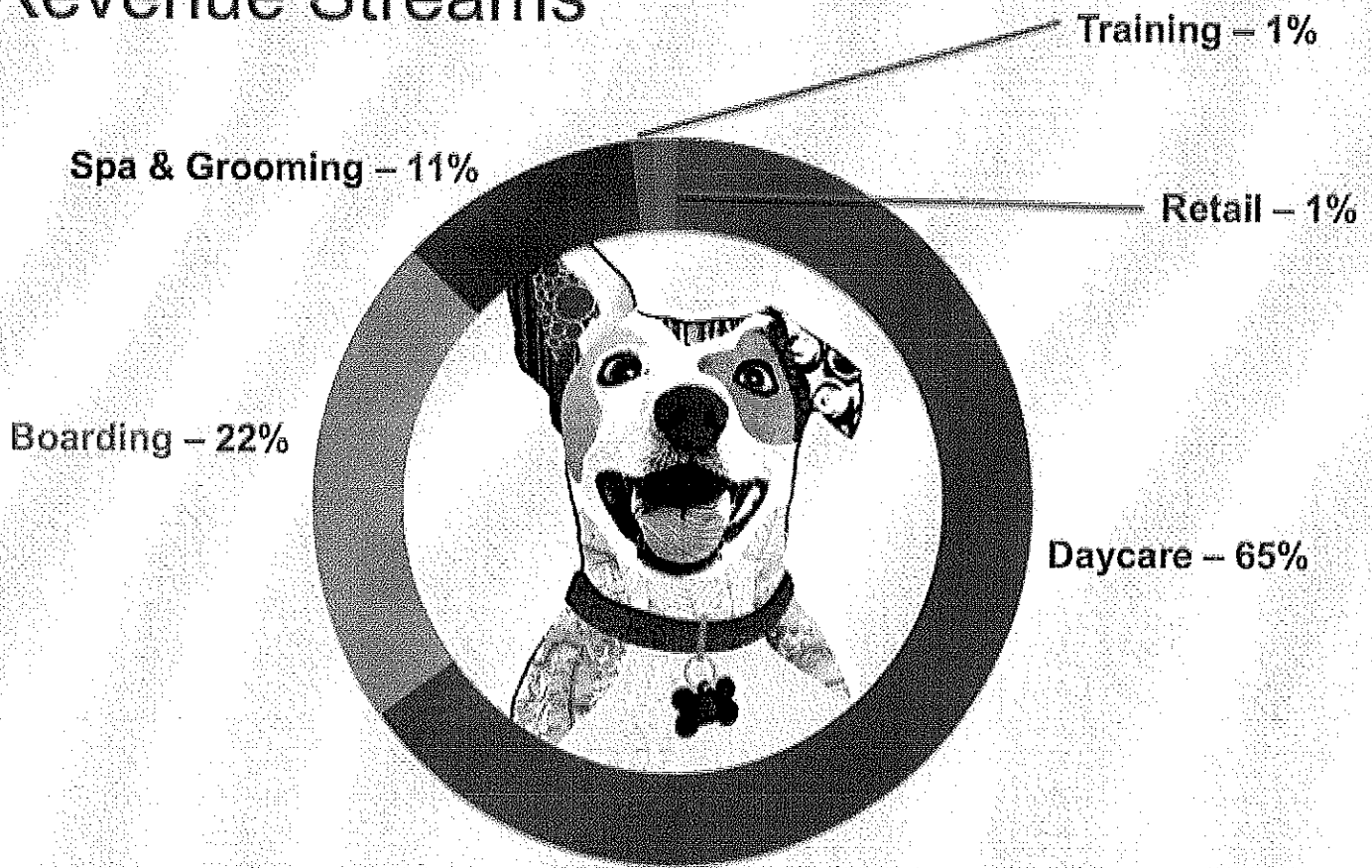
A, A1

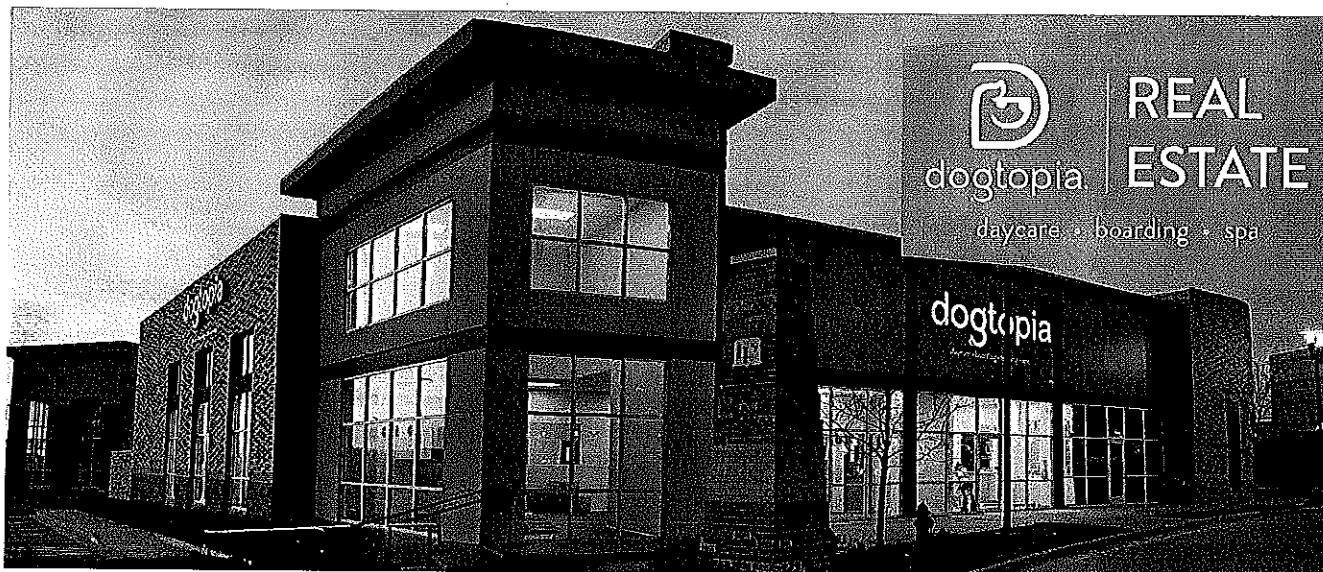






# Revenue Streams





## OUR DAYCARE CENTERS

- **INTERNET RESILIENT**

- **TRAFFIC GENERATION**

daily, morning and evening

- **LESS PARKING INTENSIVE,**

minimal accommodation for drop-off and pick-up

### 90+ DAYCARE CENTERS

in US and Canada  
(Franchise + Corporate)

### 50 STORES

to open in 2019

### 200+ SOLD

& in development

### 400+ STORES

by 2023

## SITE CRITERIA

- 5,000 square feet
- Higher income areas, \$90k+
- Dense urban and suburban markets, 100k+ population within 5-mile radius
- Major retail preferred, or industrial, mixed use, residential podium

## OUR BRAND

- Dogs are the new babies
- Millennials, our core customer, are the largest group of dog owners
- Highest safety standards in the industry
- Noise and odor control programs and building features incorporated into all daycare centers

## THE PET INDUSTRY

- \$72 billion industry
- \$117 billion industry by 2021
- 9.8% year over year growth in pet services spending
- 11% projected job growth (2015-2024)

## 3D TOUR

Step inside our Dogtopia of Oro Valley daycare:

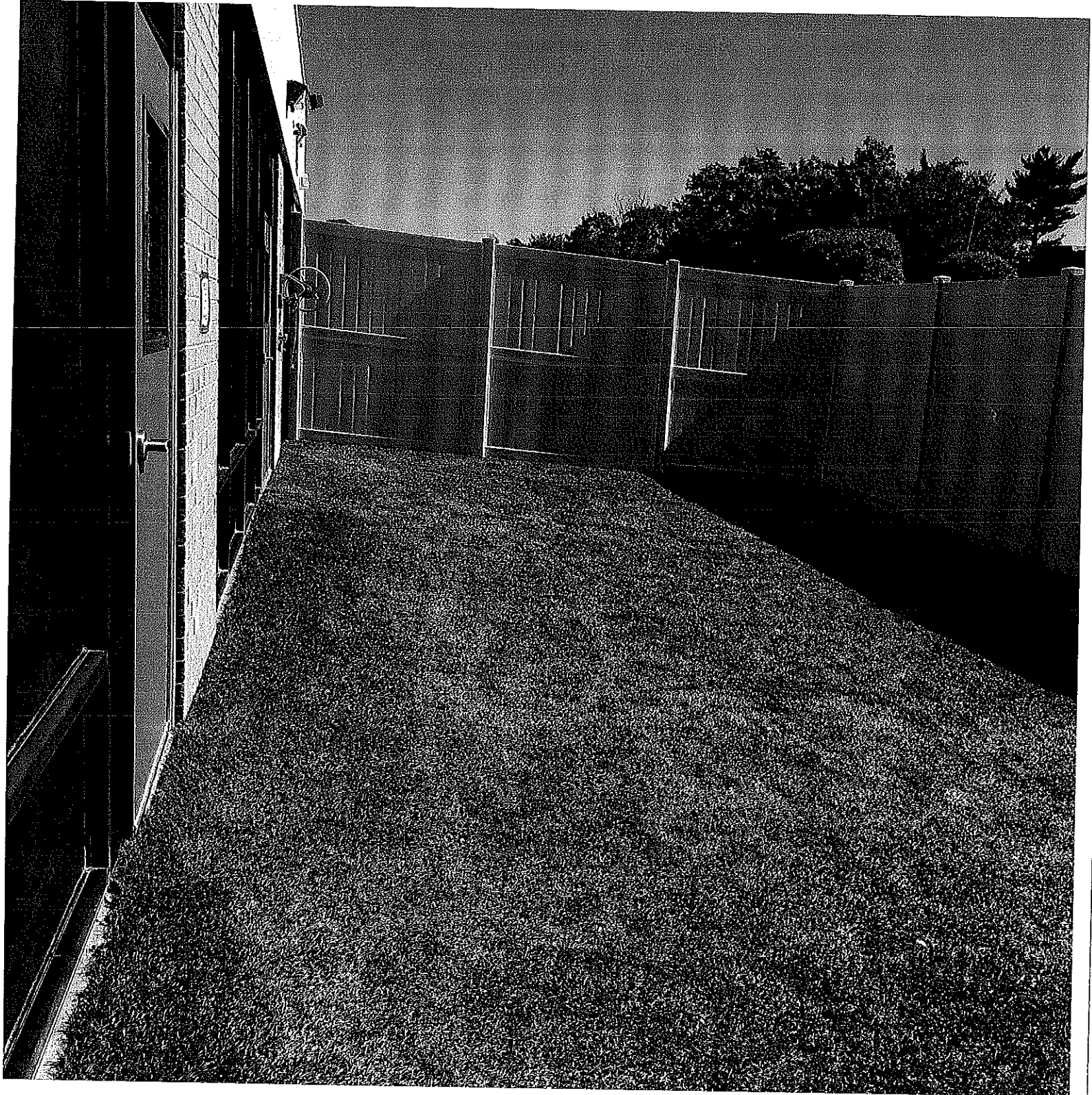
[dogtopia.com/3Dtour](http://dogtopia.com/3Dtour)



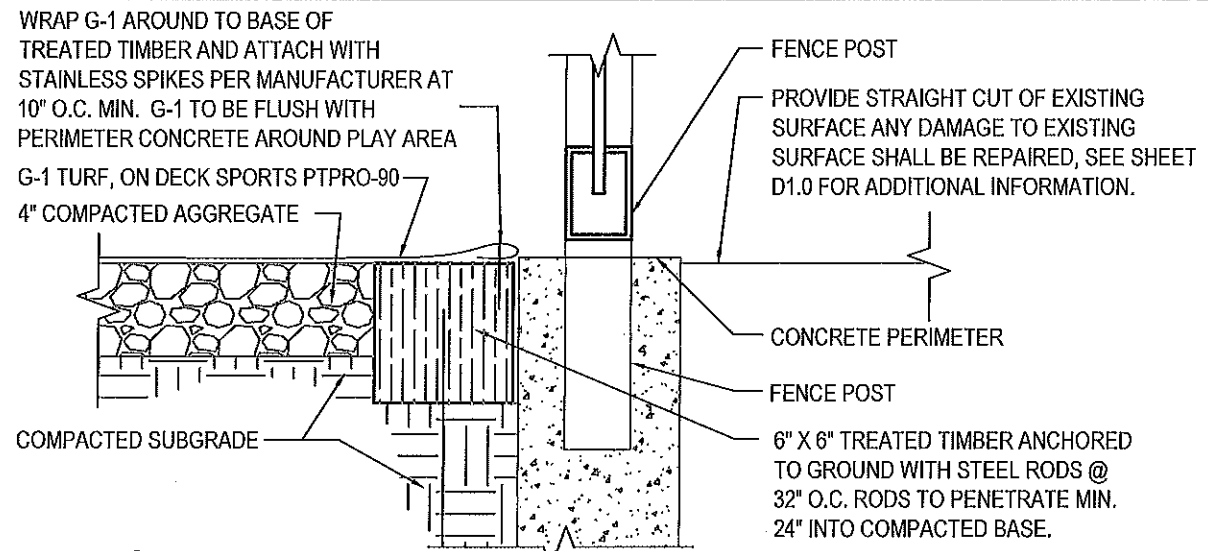
**CUSHMAN &  
WAKEFIELD**

National Brokerage

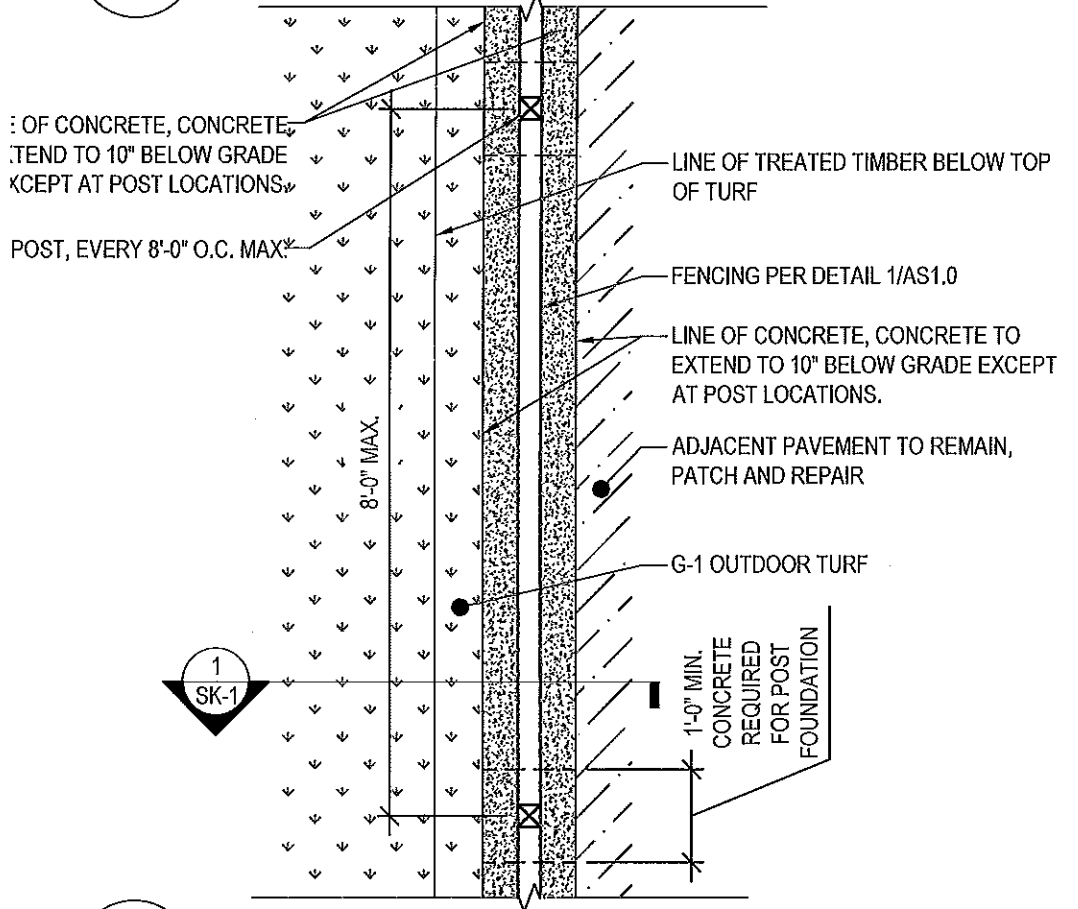
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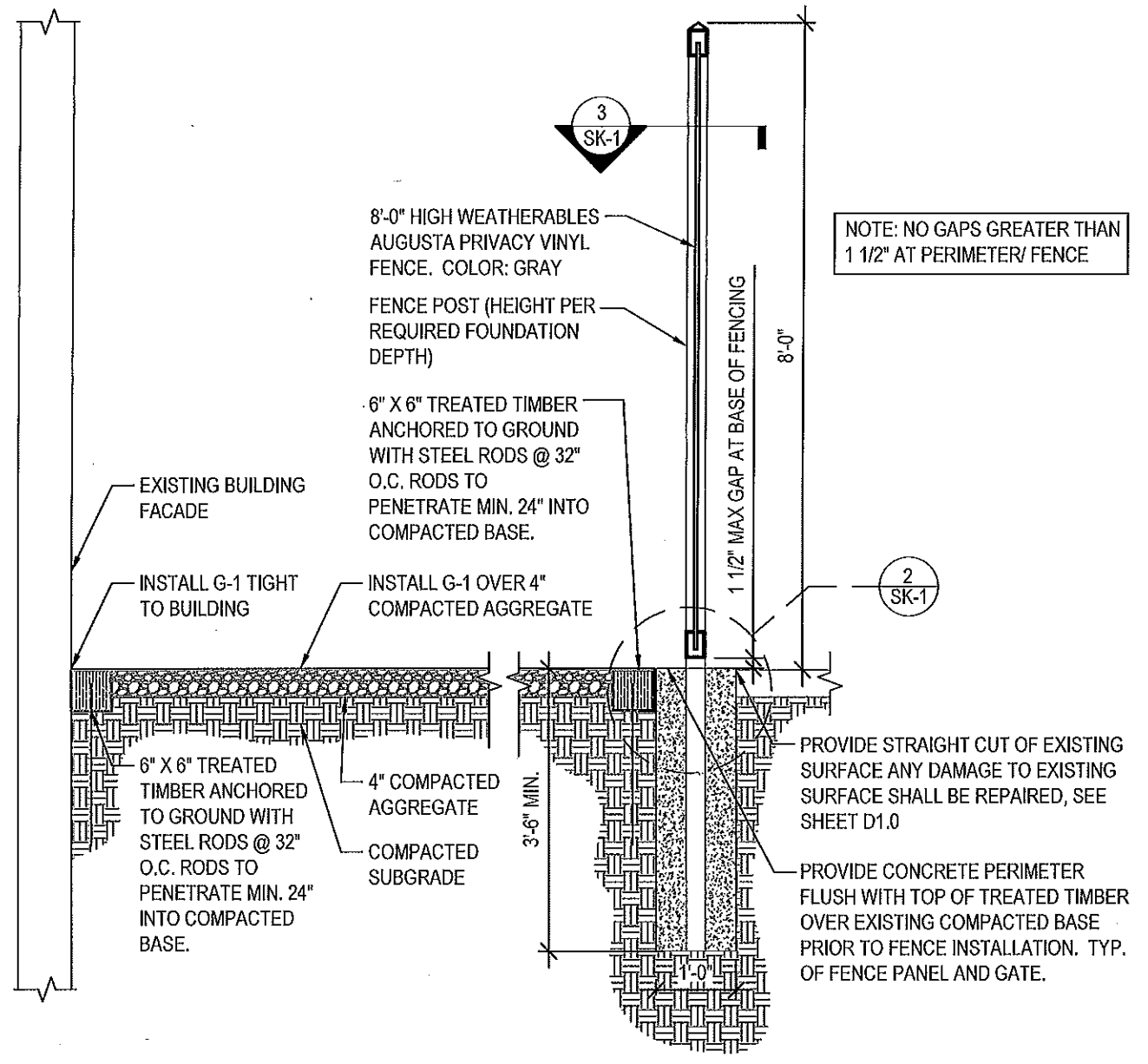


**2 TURF PERIMETER DETAIL**  
 SK-1 SCALE: 1-1/2" = 1'-0"



**3 PLAY AREA FENCE PLAN**  
 SK-1 SCALE: 1/4" = 1'-0"

**NOTE: THIS DRAWING IS NOT FOR CONSTRUCTION. SKETCH IS INTENDED TO ACT AS AN EXAMPLE / EXHIBIT. ACTUAL SITE CONDITIONS WILL VARY.**



**1 PLAY AREA FENCE SECTION**  
 SK-1 SCALE: 1/4" = 1'-0"



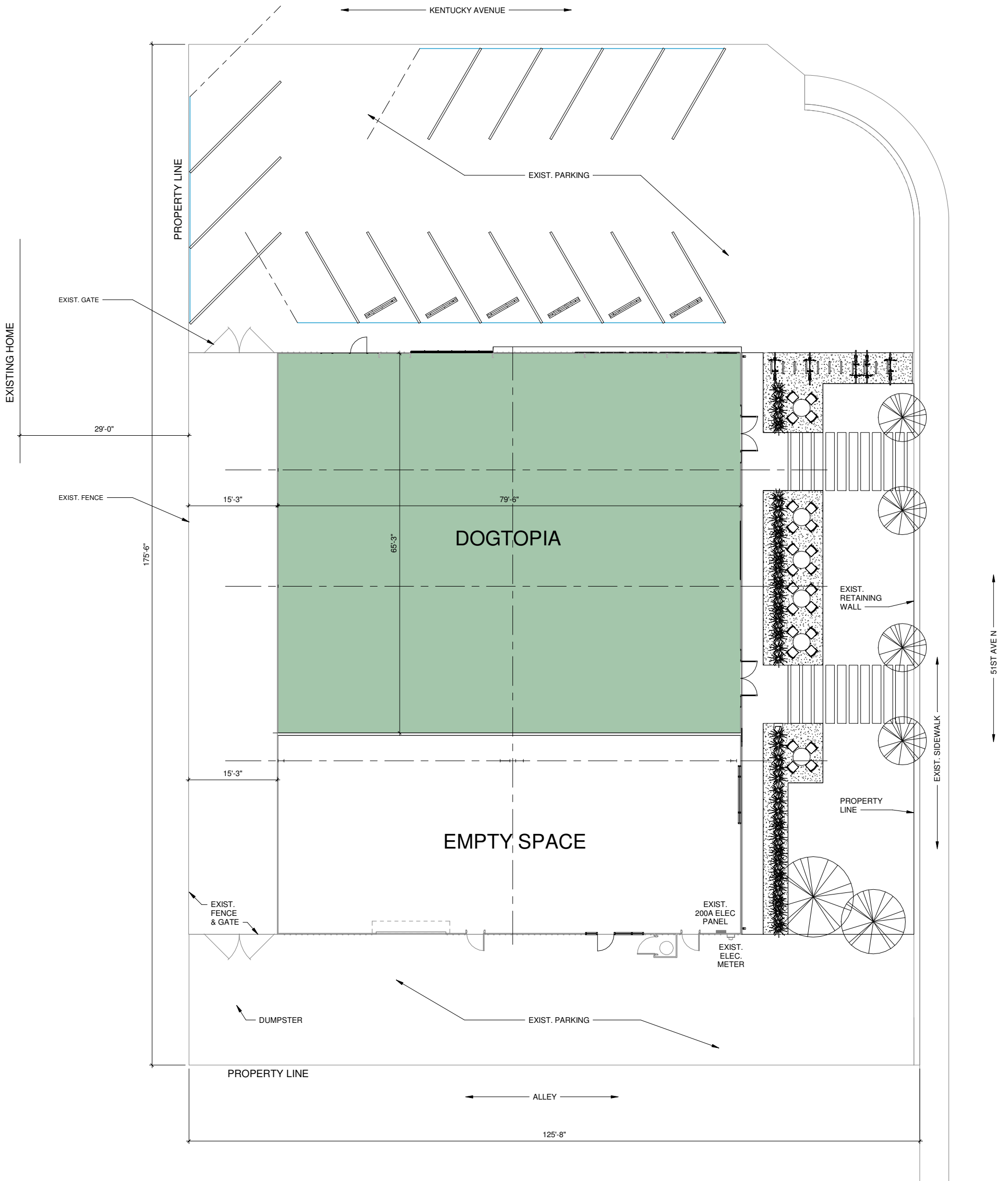
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**DOGTOPIA**  
 LOCATION: ANYWHERE, USA  
 ADA JOB NO.: 18380  
 FRANCHISEE: DOGTOPIA  
 DATE: 2/26/19

SK-1

BZA 2019-461 - 5101 Kentucky Avenue

Special Exception to permit a kennel (doggy daycare) in a CS zoning district and a Variance of the separation of a building containing the use from an existing residence.  
Request for outdoor run withdrawn.



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:** October 28, 2019  
**BZA Hearing Date:** November 7, 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 2019-461 (5101 Kentucky Ave.) –Special Exception**

**Request:** To permit a kennel as the use on the property and to permit the reduction of the setback requirements from 200 feet to 32 feet.

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

**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.

**Existing Context:** The property is approximately 16,117 square feet (0.37 acres) and located at the southwest corner of Kentucky Avenue and 51<sup>st</sup> Avenue North. Alley 1206 abuts the southern property line. The property has been developed with one large commercial building. The proposal is to establish a kennel within the existing structure. The kennel would provide daytime care services and overnight boarding. The properties to the north along 51<sup>st</sup> Avenue North are commercial. The other surrounding properties to the east, west and south are residential.

### **Planning Department Analysis:**

The applicant is requesting two exceptions:

- Special exception to permit a kennel.

- Special exception to reduce the distance required between a kennel and a residential use from 200 feet to 32 feet.

T4 Urban Mixed Use Corridors (T4-CM) prioritize higher-intensity mixed use and commercial uses at intersections with preference given to residential uses between intersections. The site is located at an intersection and along an arterial street and could likely support a more intense commercial use with substantial parking and vehicular access. The T4 CM policy states that consideration should be given when transitioning from higher intensity uses along corridors to adjacent policy areas with less intensity. The policy immediately to the west is T4 Urban Neighborhood Maintenance (NM). The T4 NM policy is intended to maintain existing residential areas. There is an existing neighborhood with one and two-family uses to the west and south of the site.

The potential impacts of a kennel on adjacent residential properties can be substantial. The potential impact is addressed in the standards for kennel special exceptions with a required setback of 200 feet between any part of the building which animals are housed and surrounding residences. The existing structure would not meet this standard and is requesting that the existing distance of 32 feet of separation be permitted. Given the existing residential character of the surrounding properties and residential policy area adjacent to the site, in conjunction with the significantly reduced setback between the proposed use and existing residential development, staff recommends the disapproval of the requested special exceptions.

**Planning Recommendation:** Disapproval.

**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** RE: Appeal 2019-461  
**Date:** Tuesday, October 22, 2019 3:17:59 PM

---

**2019-461 5101 Kentucky Ave. To Permit Kennel Use Next to Residential Zoning**

Variance: 17.16.175A.1 and 17.40.290

Response: Public Works takes no exception with condition that adequate parking is provided on site per code and 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.

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

***Metropolitan Government of Nashville***

*Department of Public Works*

*Engineering Division*

720 South Fifth Street

Nashville, TN 37206

Ph: (615) 880-1678

---

**From:** Lifsey, Debbie (Codes)  
**Sent:** Tuesday, October 22, 2019 1:54 PM  
**To:** Gregory, Christopher (Public Works)  
**Subject:** Appeal 2019-461

Gregory,

I do not think this case was sent to you to review. It will be on our agenda for 11/7/19 (Special Exception) Appeal 2019-461 5101 Kentucky Avenue

Thank you,

Debbie Lifsey  
Administrative Services Officer III  
800 2<sup>nd</sup> Avenue South 1<sup>st</sup> Floor  
Nashville, TN 37210  
(615) 862-6505

**From:** [Duane Cuthbertson](#)  
**To:** [Lamb, Emily \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)  
**Cc:** [Roberts, Mary Carolyn \(Council Member\)](#); [Michael, Jon \(Codes\)](#); [Liz Craig/USA](#); [Patricia Behmand \(patricia.behmand@dogtopia.com\)](#); [Ramin Behmand \(ramin.behmand@dogtopia.com\)](#)  
**Subject:** 2019-461 - Dogtopia (5101 Kentucky Avenue) - modification of request  
**Date:** Saturday, October 26, 2019 6:34:18 PM

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

Emily, Debbie, Jessica -

Please accept this email as our request to modify our application (Case No. 2019-461) related to the kennel use in the CS zoning district at 5101 Kentucky Avenue.

We would like to **withdraw** our request for a **variance of the separation requirement for an outdoor run**. We are modifying our proposal and eliminating the outdoor run from consideration.

As such, two requests remain for consideration by the Board of Zoning Appeals. We are requesting (1) a Special Exception to permit the kennel use in a CS zoning district and (2) a Variance of the separation requirement for a building containing the use from an existing residence.

Our modification comes as a result of communication with immediate neighbors and various members of the community. Much of the concern expressed to us since making the application seems related to activities associated with the proposed outdoor run.

We hope the community and ultimately the Board will receive our requests favorably, finding the use to be a necessary and appropriate neighborhood scaled service as well determine the shallow depth of the lots composing the neighborhood's commercial spine create a hardship for such neighborhood oriented uses. We also hope the Board will find the separation requirement, while appropriate for large scale kennels and stables (horses) should not apply to reasonably scaled and neighborhood oriented uses such as the kennel (doggy daycare) we propose in this application.

We are installing measures that address and effectively eliminate typical concerns related the proposed kennel use.

Dogtopia will install additional insulation between our proposed space and outdoor walls as well as additional insulation between our space and future tenants in the building. Dogtopia will also utilize insulated panels in the ceiling. The insulation installation should effectively eliminate typical noise associated with the proposed use from travelling beyond the interior space.

Dogtopia will have strict protocol related to sanitization and odor - instituting a practice of maintaining clean spaces for the dogs and a strict protocol for discarding waste on a daily basis (in double sealed bags).

Dogtopia will comply fully with all other associated use conditions.

Again, we hope with the elimination of the outdoor run the community and Board will support the notion that the kennel (doggy daycare) use will be a good fit as a neighborhood service and find a Variance to allow the use on the exceptionally shallow lots that make up the

neighborhood's commercial spine (51st Ave) as appropriate.

Please let me know if I can provide additional information.

--

Duane Cuthbertson  
615.924.9618

**From:** [Brooke Coplon](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-461  
**Date:** Thursday, October 10, 2019 11:46:16 AM

---

I am writing to voice my opposition to Dogtopia's request to put in a kennel at 5101 Kentucky Ave. I am a homeowner that lives at 5205B Kentucky Ave. My understanding is that Dogtopia has requested to put in dog runs at a significant variance at what is required under the city zoning laws. This would put the dog run almost next to the closest residence. I anticipate a significant amount of noise coming from the dog run. Hearing dogs barking would likely make the dogs that live around the dog run bark more, which would significantly disturb me and other neighbors-- even though I live almost a block away. Dogtopia has not presented any description to the surrounding neighbors or the Board to describe what technology they would use to limit noise. The plans they have filed with the Board are form franchise plans from Dogtopia that just list the types of noise prevention technologies Dogtopia has available to it-- not the type of technology they will use in this building. In addition, the franchisee information does not describe how close Dogtopia is to other properties when they claim their neighbors cannot hear the noise. Properties in the Nations are so close together that we frequently hear almost anything happening in a one block radius. It is difficult for me to comprehend how I would not hear dogs in Dogtopia's kennel.

These variances also exist in to limit the smell from dog waste in kennels. Dogtopia again has only told the Board the options available to it to limit smell-- not the option it will use for this building. I also am guessing Dogtopia's normal neighbors are further away from the building than 32 feet-- a very small area to have a dumpster full of dog waste that supposedly will not smell.

I am a dog owner and love dogs. However, this location is not an appropriate place for a kennel. The majority of kennels in Nashville are in commercial areas for a reason-- largely due to noise and a lower risk of disturbing dogs and people in the surrounding area. There is no reason Dogtopia cannot find a location for their kennel that does not require such a significant variance from codes. A kennel in this specific location would be incredibly disruptive and would likely lower surrounding home values, including my own. Cannonball Covers applied for this permit and will not suffer any significant hardship if it is denied-- they can merely lease the space to another, more appropriate tenant. They have failed to show any reason why they should be granted this variance and have failed to comply with the notice requirements from the Board of Zoning Appeals. In large part, they have:

- Failed to describe specific noise prevention measures to be used at this location.
- Failed to describe specific waste containment measure to be used at this location.
- Failed to show a significant hardship that would allow them to receive a special variance.
- Failed to comply with the notice requirements of this department-- They failed to tell anyone this was going to be a Dogtopia before 10/8/19, only two days before the comment period ended. The letter neighbors received several weeks ago did not describe the nature of the business.
- Failed to hold a community meeting in a timely manner--- The community meeting for this property is on October 16, 2019, after the comment period and less than 24 hours before the hearing.



I urge you to deny Dogtopia's request to open a kennel at 5101 Kentucky Ave.

Sincerely,  
Brooke Coplon

Homeowner at 5205B Kentucky Ave

**From:** [Brooke Coplon](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-461  
**Date:** Thursday, October 17, 2019 9:35:01 AM

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To Whom It May Concern:

I am writing to supplement my original email regarding my opposition to a Dogtopia opening at 5101 Kentucky Ave.

I attended a community meeting last night and am now even more against this than before. Dogtopia routinely dismissed and belittled the concerns of the neighbors at the meeting. Dogtopia continues to make unverified promises about the noise level of the facility. Dogtopia also has engaged in false marketing by referring to itself as a doggie daycare-- when they are also boarding dogs over night. For example:

- When asked about the noise level from the building itself, Dogtopia kept telling us there would be no noise. However, they have not had anyone look at the building yet, so they do not know what it will take to actually make the building sound proof. In addition, if they are wrong about the noise level, the neighborhood really will have no recourse against them if they are allowed to get a permit to operate a kennel in this location.
- Dogtopia maintains that the majority of the noise will be from its outside dog run-- which will only have dogs in it from 7 pm to 7 am. They do not feel like this is a disturbance because it is not at night. However, a large number of people that live on our street either work from home or work night shifts and sleep during the day. This dog run will be extremely disruptive to them.
- Dogtopia maintains that the dogs will get worn out at daycare, so they will not be awake/making noise at night. However, Dogtopia has capacity for 104 dogs. Dogtopia plans on putting the dogs out in small groups from 7 am to noon, and then from 2 pm to 7 pm. This is only about an hour of play time for dogs throughout the day. High energy dogs require 1.5 hours of play time a day, which they would not be getting at Dogtopia.
- Dogtopia has routinely represented itself as a doggie daycare, not a boarding facility, which is extremely misleading to residents. Many residents have indicated that they are open minded about a doggie daycare but opposed to a kennel. Dogtopia keeps telling neighbors it is a doggie daycare, which is extremely misleading.
- Residents have no method of recourse if Dogtopia doesn't live up to its promises about noise. Once this permit is acquired, residents have no way to force them to keep the noise level down.
- Dogtopia has not looked at other properties in the neighborhood. There is no reason why they cannot open in a space that is not 9 ft from the property next door.
- Dogtopia routinely points to their location on 8th Ave as a model for this facility and their request for a variance. However, that location is still 137 ft from the next property, not 9 ft.
- If Dogtopia is granted this variance, the variance on this property changes forever. Dogtopia seems more responsible than most kennel owners. However, if their business is unsuccessful, another kennel, that is significantly less responsible would be able to move into the property without any community meetings because the facility's variance would be changed forever.
- Dogtopia was routinely unsympathetic to the concerns of property owners that the kennel would devalue their property.

I urge you to deny Dogtopia's request. They have no undue hardship if this is denied, and they can easily find a property in this area that would not require them to seek such a huge change to the variance requirements for a kennel. Dogtopia has routinely misrepresented the facts about its business to community members as well, and accordingly, their request should be denied.

Best,  
Brooke Coplon  
5205B Kentucky Ave

**From:** [Tarter, Chad](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Mary C. Roberts](#)  
**Subject:** Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.  
**Date:** Wednesday, October 16, 2019 9:42:12 AM

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My name is Chad Tarter I currently own the property at 5107 Kentucky Ave. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I currently rent this property. Within the next 2-3 years I was planning on tearing down and rebuilding a house for myself. I am not excited about building a new house 2 doors down from a kennel with all its associated smells and noises. I was really excited about bars and restaurants like 51<sup>st</sup> Tap Room and Corner Pub that are in the neighborhood. I Feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7<sup>th</sup>.

Sincerely  
Chad Tarter  
(615) 390-2597

**From:** [Mary Carolyn Roberts](#)  
**To:** [Tarter, Chad](#)  
**Cc:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Re: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.  
**Date:** Thursday, October 17, 2019 2:30:11 PM

---

Hey Chad,

Thanks for your email. This goes in front of the BZA. I have no power to deny it because that is up to the board. Were you able to go to the meeting last night?

Thank you,



MaryCarolyn Roberts  
Village Real Estate  
615-977-9262 (c)  
615-383-6964 (w)  
Metro Council, District 20

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On Wed, Oct 16, 2019 at 9:42 AM Tarter, Chad <[cctarter@trane.com](mailto:cctarter@trane.com)> wrote:

My name is Chad Tarter I currently own the property at 5107 Kentucky Ave. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I currently rent this property. Within the next 2-3 years I was planning on tearing down and rebuilding a house for myself. I am not excited about building a new house 2 doors down from a kennel with all its associated smells and noises. I was really excited about bars and restaurants like 51<sup>st</sup> Tap Room and Corner Pub that are in the neighborhood. I Feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7<sup>th</sup>.

Sincerely

Chad Tarter

(615) 390-2597

**From:** [Erik Schaffer](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Opposition to Kennel on 51st ave N (2019-461)  
**Date:** Tuesday, October 8, 2019 10:23:50 PM

---

Hello,

I am writing to voice my opposition to the proposed zoning variances that would allow for the operation of a dog kennel at the corner of 51st Ave N and Kentucky Ave. in The Nations (case 2019-461). The zoning laws are in place to protect residents from the sounds and smells related to a kennel, and I see no reason why they should be circumvented here. Because of its very close proximity to residential housing, this is a bad place for a kennel. Please protect our right to peace and quiet in our homes and deny this variance request.

Thank you,  
Erik Schaffer  
4813 Illinois Ave

**From:** [Erin Holm](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-461 Oppose  
**Date:** Wednesday, October 9, 2019 4:35:02 PM

---

To whom it may concern,

I vehemently oppose the proposed dog kennel on 51st.

Sincerely,  
Erin Collar



**From:** [gail wales](#)  
**To:** [Roberts, Mary Carolyn \(Council Member\)](#)  
**Cc:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal 2019-461, 5101 Kentucky Ave.  
**Date:** Wednesday, October 30, 2019 2:59:30 PM

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I am writing this letter because I strongly oppose a dog kennel located right next door to residences. We own the duplex right next door to this location and our tenants are wonderful people with children. Even though Dogtopia is showing all of these documents about how quiet they are, if they go out of business another kennel could come in and do whatever they want since it will already be approved. A dog kennel with all of the smells and noise that it will bring needs to be located in a commercial area where there is appropriate zoning for this type of business which is away from residential homes such as the one located within a mile on Alabama Ave., the Dogspot.

It seems like Liz Craig of Cushman & Wakefield is doing everything in her power to get her commission on this transaction including informing people that the Dogspot on Alabama is closed or overcrowded which it is not! I have many friends from the area that take their dogs there and are extremely happy. Also, she lives blocks away from this location and she is soliciting her neighbors who will not be affected at all by any negatives for Dogtopia to go in.

I have 100% faith that the BZA will not approve this variance just so someone can have a location that they want for their kennel and put the neighbors closest to this in jeopardy of a loss of their quality of life. The neighbors that are 3 or 4 blocks away that are for this have nothing to lose. There are lots of other types of businesses that would be welcomed in this location and would not require a zoning change.

Lastly, there are proven health impacts on exposing people to this kinds of noise. Barkingdogs.net has so much information on the medical side effects of this.

Gail Wales  
5105 Kentucky Ave.

Sent from my iPad

**From:** [Jeff Gebhardt](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Roberts, Mary Carolyn \(Council Member\)](#)  
**Subject:** BZA - Case # 2019-461 5101 Kentucky Ave.  
**Date:** Tuesday, October 22, 2019 7:44:20 PM

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Dear BZA Members,

I am writing to request that you DENY the variance requested in this case.

Locating a dog kennel/boarding facility 10-30' from a residence, I believe, is not reasonable.

It is my understanding that current separation requirements for this usage are in place for very good reason. I would not want a kennel that close to my home.

Additionally, there is a similar facility less than half a mile from this location.

Again, I request that you deny this request for variance.

Thank you for your consideration.

Jeff Gebhardt  
6102B Pennsylvania Ave.  
Nashville, TN 37209

**From:** [Jennifer Phillips](#)  
**To:** [Michael Allison](#)  
**Cc:** [Mary C. Roberts](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Re: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.  
**Date:** Thursday, October 24, 2019 10:33:43 AM

---

I agree with Michael about the kennel, and I live at 5006B Michigan Ave.

~Jennifer Phillips

On Oct 24, 2019, at 9:48 AM, Michael Allison <mallison311@gmail.com> wrote:

My name is Michael Allison and I currently live at 5301 Illinois Avenue. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I live a few blocks away, and I am concerned with extra noise and smell in the neighborhood. I was really excited about bars and restaurants like 51<sup>st</sup> Tap Room and Corner Pub that are in the neighborhood. I feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7<sup>th</sup>.

Sincerely  
Michael Allison  
615-812-9250

**From:** [Jonathan Coplon](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** 2019-461  
**Date:** Wednesday, October 16, 2019 8:12:37 PM

---

To whom it may concern,

I am writing to **oppose** the proposed variances to open a dog kennel (Dogtopia) at 5101 Kentucky Ave, Nashville, TN 37209 (Case No. 2019-461).

After hearing discussion at a community meeting held this evening (8/16) I do not feel this is an appropriate use of this space due to its location. The variances they are asking for are too large. Neighboring residential spaces would be significantly negatively affected. Concerns of the community (and myself) ranged from damages to property value, decreased quality of life due to noise, as well as safety and sanitation concerns.

The prospective owners of the business provided offers of noise insulation and methods of waste disposal relying on outdoor dumpsters collected by Nashville Public Works. However, their proposals are largely unverifiable and unenforceable.

Major concerns of noise generated from a proposed outdoor dog run would pose a great nuisance to surrounding homes. Under no circumstances should this dog run be allowed in any proposal.

As a potential customer, the neighborhood does need and would embrace their services, however the location they have chosen is simply not appropriate and requires too great of a variance. I urge you to deny this request and urge the prospective business owners to seek another location in the neighborhood better suited for their business.

Jonathan Coplon  
5205B Kentucky Ave  
Nashville, TN 37209  
678-982-6969  
[coplonj@gmail.com](mailto:coplonj@gmail.com)

--

Jonathan Coplon  
E: [coplonj@gmail.com](mailto:coplonj@gmail.com)  
P: 678-982-6969

**From:** [Karen Brown](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Opposition to Dogtopia Kennel on 51st Ave - 2019-461  
**Date:** Tuesday, October 8, 2019 9:08:29 PM

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> We live on the 5300 block of Kentucky Ave and oppose the multiple setback variance requests for a dog kennel facility right on top of a residential neighborhood. Setbacks are created for a reason and there's only a financial hardship -which isn't a actually considered a hardship - in this case.

>

> We are also very concerned about noise and smell from this type of business so close to our home and our friends' homes.

>

> Please do not approve these setback variance requests.

>

> Karen and Tim Brown

> 5303A Kentucky Ave.

> Nashville, TN 37209

**From:** [Max Abrams](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case 2019-461  
**Date:** Friday, October 18, 2019 2:46:03 PM

---

To whom it may concern,

I am emailing as a resident of the Nations neighborhood to voice my opposition to the request for variance at [5101 Kentucky Ave.](#) (case #[2019-461](#)).

I do not believe the requested variance is reasonable or in the best interest of community residents.

Max Abrams  
[5213 Kentucky Ave.](#)  
[Nashville, TN 37209](#)

**From:** [Michael Allison](#)  
**To:** [Mary C. Roberts](#); [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.  
**Date:** Thursday, October 24, 2019 9:48:49 AM

---

My name is Michael Allison and I currently live at 5301 Illinois Avenue. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I live a few blocks away, and I am concerned with extra noise and smell in the neighborhood. I was really excited about bars and restaurants like 51<sup>st</sup> Tap Room and Corner Pub that are in the neighborhood. I feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7<sup>th</sup>.

Sincerely  
Michael Allison  
615-812-9250

**From:** [Kelli T](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Roberts, Mary Carolyn \(Council Member\)](#)  
**Subject:** 2019-461  
**Date:** Wednesday, October 9, 2019 7:24:53 AM

---

I am writing to express opposition to the rezoning request for the proposed Dogtopia project at 5101 Kentucky Avenue in the Nations. This entity is requesting a variance from current zoning laws of 200 feet to 32 feet, which makes sense given that the nearest residence to this building is 31 feet. This is an unacceptable distance for a commercial business housing dogs to operate within the heart of a residential neighborhood. The expected noise and smell will be atrocious for residents to be subjected to. I understand Dogtopia claims that they have no outdoor dog space and that their building is soundproof. However, trusting that they will soundproof their building after they obtain their variance is naive, and this still doesn't solve the problem that many dogs will be coming and going (and barking) outside all day every day. There are countless other commercial businesses that would more appropriately occupy this space and would benefit the neighborhood, and this business could more appropriately operate somewhere that it is not surrounded by and disrupting the lives of residents (much like the Dog Spot does on Alabama Avenue, also in the Nations and not surrounded by homes). Please do not grant this variance request!

Kelli Taylor  
Nations Resident



**From:** [Nikki Filkins](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Claim 2019-461 Feedback  
**Date:** Thursday, October 17, 2019 12:04:08 PM

---

Hello,

To whom this may concern. I am **strongly opposed** to changing the zoning variance of 5101 Kentucky Avenue to allow a dog kennel. The property is too close to residences and would not only be a nuisance to the community surrounding the property but is not the highest and best use for the property. Please consider looking at an aerial view of the property and taking into consideration the limited distance between the proposed outdoor dog run and the neighboring houses where residents live. The demographic of the Nations is young professionals starting to have families. Many of the residents work nights at the hospital or work from home or even have infants and young children to care for. I am not opposed to adding a kennel option other than the Dogspot in the Nations but do not agree that this location is correct choice due to the limited space between the proposed kennel and residential houses.

Please also be aware/take into consideration that the few neighboring properties that have previously stated support for the proposed kennel and own the property close to the site operate as a short term rental and do not actually live in the neighborhood.

I have attended the community meeting and heard from the owners of the business and owners of the property. I have done my due diligence and also work as a commercial real estate broker here in Nashville and am **STRONGLY OPPOSED** to changing the zoning to allow a dog kennel.

Please let me know if you have any follow up questions.

I will see you at the meeting.

Thank you for your consideration,

Nicole Filkins  
5110 B Illinois Avenue  
Nashville, TN 37209  
615-418-5763

**From:** [Rachel Brannon](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Roberts, Mary Carolyn \(Council Member\)](#)  
**Subject:** Case #2019-461- 5101 Kentucky Ave  
**Date:** Tuesday, October 8, 2019 6:16:35 PM

---

To whom it may concern,

I own 1010 52nd Ave (shared alley) and 5111 Kentucky Ave (shared street) to the property at 5101 Kentucky. I am very opposed to the proposal to allow a dog kennel in this space.

While I am a dog lover (and owner) myself, I feel that this business will disrupt the peace for those that live in close proximity. There are so many better uses for this space than something loud and disruptive. Additionally, this business will negatively impact property values for both of my investments.

I beg you to please reconsider allowing this business to move into this space.

Best,

Rachel Brannon  
6154170831

Sent from my iPhone

Please excuse brevity and type errors.

**From:** [Shayna](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Case# 2019-461  
**Date:** Friday, October 18, 2019 2:41:17 PM

---

To whom it may concern,

I am emailing as a resident of the Nations neighborhood to voice my opposition to the request for variance at 5101 Kentucky Ave. (case #2019-461).

I do not believe the requested variance is reasonable or in the best interest of community residents.

Shayna Hansen  
5213 Kentucky Ave.  
Nashville, TN 37209

October 1, 2019

Metropolitan Government of Nashville and Davidson County  
800 Second Avenue, South  
Nashville, TN 37210

RE: Zoning Appeal Case Numbeerr 2019-461 – 501 Kentucky Avenue

To Whom it May Concern:

We wish to express our opposition to the request by Mr. Cuthbertson to have a kennel at his property located at 5101 Kentucky Avenue. We believe this type of operation will create significant noise in the neighborhood and have a detrimental impact on property values for homes in the neighborhood.

Sincerely,

A handwritten signature in black ink that reads "Wendell Bontrager". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Wendell Bontrager  
Bontrager Real Estate, LLC  
5206 Louisiana Ave.

**From:** [cscencer](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [mary.carolyn.roberts@nashville.gov](mailto:mary.carolyn.roberts@nashville.gov)  
**Subject:** Case #2019-461 5102 Kentucky Ave.  
**Date:** Tuesday, October 8, 2019 3:56:59 PM

---

Hello,

As a resident of Kentucky Ave, I do NOT support the addition of a dog kennel practically next door to my home. A number of families on this street have dogs already that would bark and be aggravated by a kennel of dogs next door. Other than disturbing our peaceful neighborhood, the addition of this kennel would exacerbate the parking problem that already exists on the end of our street due to the car repair shops. We barely have enough space for our own vehicles let alone customers of a doggy daycare. Mailboxes would continue to be blocked, making the job of the USPS mail service difficult. A number of residents on this and surrounding streets have resorted to putting signs on their mailboxes stating no parking within 5 ft due to limited parking space on our street. Please consider how you would feel if a building full of barking dogs was placed right next to your home, which is supposed to be a place of relaxation and refuge after a long day of work. If this business were to be placed at the Cannonball commercial building, residents will complain and WILL move out.

Sincerely,

A Kentucky Ave resident

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: BRUCE LITTLE

Date: 09/13/19

Property Owner: ICG INVESTMENTS, LLC

Case #: 2019-469

Representative: BRUCE LITTLE

Map & Parcel: 072102I9000000

Council District 7

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

Purpose:

VARIANCE REQUEST TO NOT BE REQUIRED TO CONSTRUCT SIDE WALK OR MAKE IN LIEU PAYMENT PER 17.12.120(A)(2), RELATED! RESULTING FROM NEW CONSTRUCTION PERMITS FOR HPR PARCELS 072102I0010000; 072102I0070000.

Activity Type: VARIANCE REQUEST

Location: 1301 LITTON AVE, HPR, COMMON SPACE

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

Reason: APPLICANT'S REQUEST TO NOT INSTALL SIDEWALK OR MAKE IN LIEU PAYMENT

Section(s): 17.12.120(A)(2)

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.

BRUCE LITTLE  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

SOMERSET  
1144 SOMMER SPRINGS DR.  
Address

\_\_\_\_\_  
Address

SPRINGHILL, TN 37174  
City, State, Zip Code

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

707-672-2186  
Phone Number

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

CONTACT @ LITTLE CONSULTANT.COM  
Email

\_\_\_\_\_  
Email

Zoning Examiner: DAVID D-B

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



3712214

**ZONING BOARD APPEAL / CAAZ - 20190055736**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

**PARCEL:** 072102190000CO**APPLICATION DATE:** 09/13/2019**SITE ADDRESS:**

1301 C LITTON AVE NASHVILLE, TN 37216  
COMMON AREA HOMES AT LITTON AVENUE

**PARCEL OWNER:** O.I.C. HOMES AT LITTON AVENUE**CONTRACTOR:****APPLICANT:****PURPOSE:**

Variance request to not be required to construct a sidewalk or make an in lieu payment resulting from new residential construction permits for the construction of single-family dwellings on related HPR parcels 072102100100CO and 072102100200CO.

*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.

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

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

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

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

At property 1301 A+B Litton Ave, there is a AT&T Pole in the middle of where I am to put a sidewalk. Not only is a pole there, but guy wires are also a problem. AT&T are requiring a hefty payment to mitigate this issue. This cost and process is a hardship for me and the success stability of the construction build completion. I have pictures and emails from AT&T.

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## APPLICATION FOR A VARIANCE REQUEST

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

9-13-19  
 \_\_\_\_\_  
**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.*

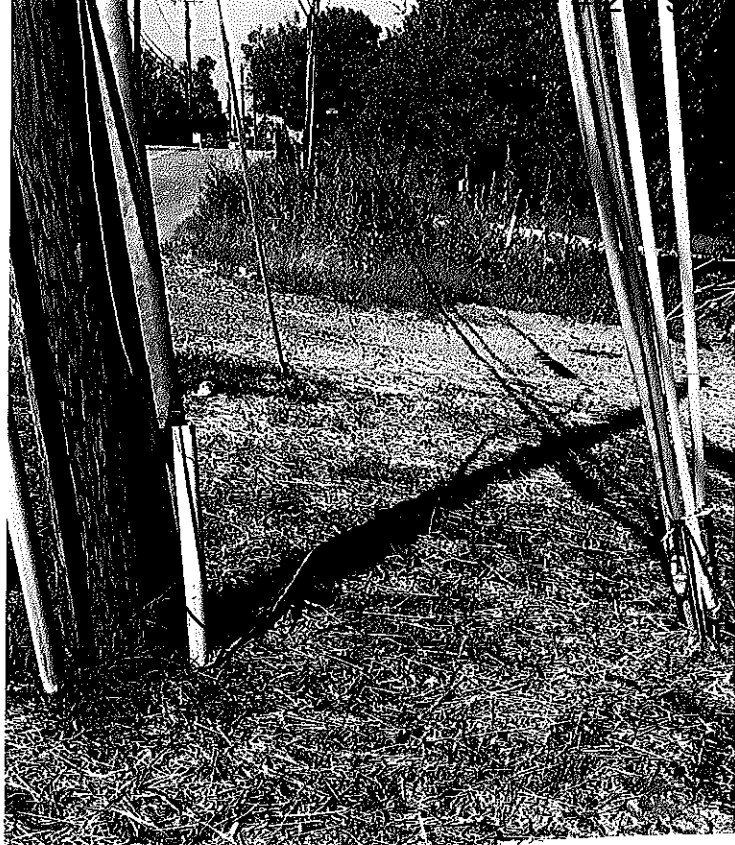
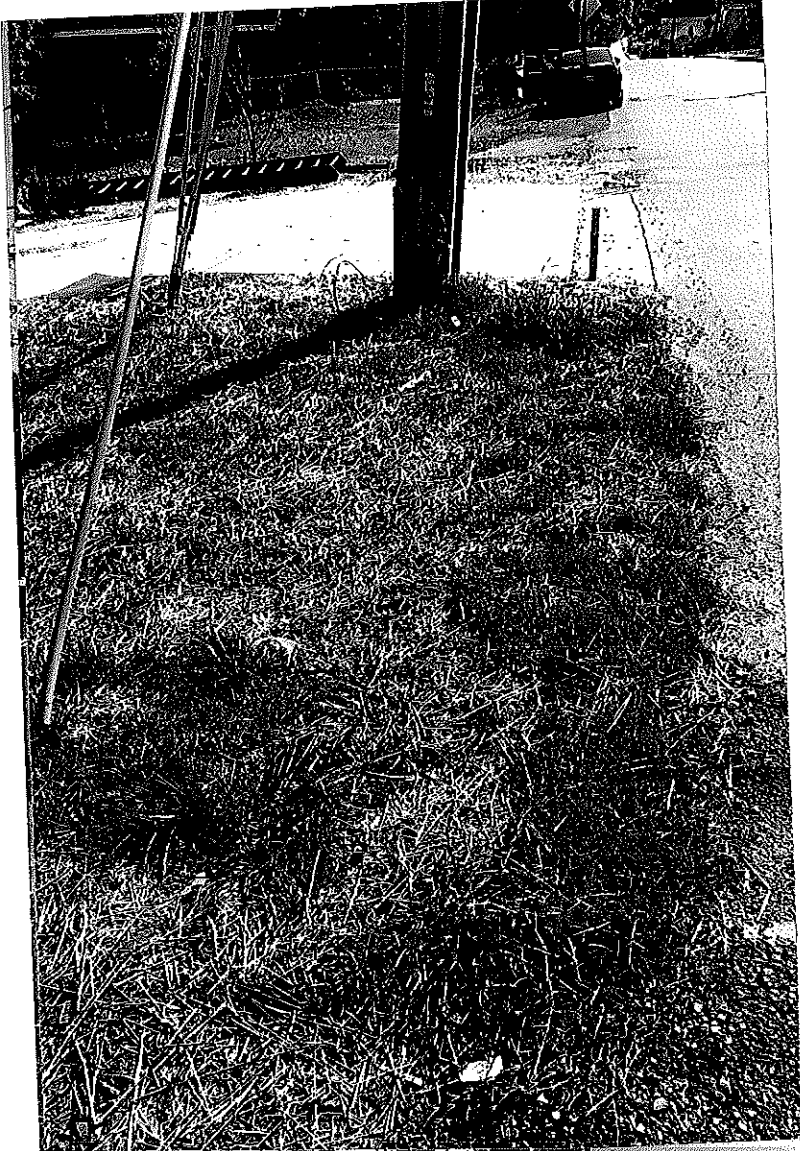
*Financial gain not only bases-* *Financial gain is not the sole basis for granting the variance.*

*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.*





**Diaz-Barriga, David (Codes)**

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**From:** Little Consultant, LLC <contact@littleconsultant.com>  
**Sent:** Friday, September 13, 2019 12:34 PM  
**To:** Diaz-Barriga, David (Codes)  
**Subject:** Fwd: AT&T pole at 1301 Litton Av

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

Bruce Little  
707-672-2186

Begin forwarded message:

**From:** "HASLER, TIM" <th4200@att.com>  
**Date:** August 14, 2019 at 3:44:07 PM CDT  
**To:** "Little Consultant, LLC" <contact@littleconsultant.com>  
**Cc:** "bestbuilt.inc@comcast.net" <bestbuilt.inc@comcast.net>  
**Subject:** RE: AT&T pole at 1301 Litton Av

Bruce,

We have one anchor and guy wire perpendicular to the street. There are other anchors and guy wires that belong to various other providers as well- I believe Comcast and NES. There is also a guy wire and anchor that run parallel with the street that belongs to another carrier, but I am unsure of who that is.

Does the anchor need to be moved or just the guy wire changed out to a sidewalk guy?

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**From:** Little Consultant, LLC <contact@littleconsultant.com>  
**Sent:** Friday, August 09, 2019 9:57 AM  
**To:** HASLER, TIM <th4200@att.com>  
**Cc:** [bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)  
**Subject:** Re: AT&T pole at 1301 Litton Av

Tim,  
Good morning. I'm following up with yesterday's email for communication about 1301 Litton Ave. where there is pole on my property that has guard wires anchored low. I need them anchor on a rod as in such

where pedestrians can walk underneath. Per metro codes, I'm required to put in a side walk. I cannot be in compliance without your assistance.

Thanks,

Bruce Little  
707-672-2186

On Aug 8, 2019, at 2:16 PM, Little Consultant, LLC <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)> wrote:

Tim,

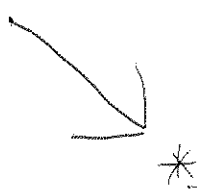
Good afternoon. Hey I'm contacting you about the pole at 1301 Litton Ave. The guard wires we went over on site several months ago need to be move and placed on a rod, so that people can walk underneath. We can not put in sidewalks the way the guard wires are currently. Please advise.

Thanks,

Bruce Little  
707-672-2186

On Feb 20, 2019, at 8:47 AM, HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)> wrote:

Bruce,



I have reviewed the pole and associated fiber facilities that are located within the right of way in front of 1301 Litton Av. The pole has fiber optic cable, provided by 3 different carriers, that dips down into the underground conduit run system and serves the hut between your property and the railroad. In order to relocate the pole the fibers would have to be service cut and it will get very costly and time consuming. My estimate for the AT&T work (relocating the pole, service cutting fiber dips, and reworking the underground conduit runs) would start at \$10,000. I would not be able to give you an accurate quote without beginning the full design process and preparing engineering drawings. Also, I could not tell you what the other communications companies would charge to service cut their fibers to move to the new pole location.

Please let me know if you would like to begin the process for designing the drawings to relocate the pole. As stated, this will be excessively costly and time consuming, so please plan accordingly and keep me informed as soon as possible to avoid delaying your build progress.

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**Diaz-Barriga, David (Codes)**

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**From:** Little Consultant, LLC <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Sent:** Friday, September 13, 2019 12:35 PM  
**To:** Diaz-Barriga, David (Codes)  
**Subject:** Fwd: AT&T pole at 1301 Litton Av  
**Attachments:** design fee.pdf; ATT00001.htm

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

Bruce Little  
707-672-2186

Begin forwarded message:

**From:** "HASLER, TIM" <[th4200@att.com](mailto:th4200@att.com)>  
**Date:** August 22, 2019 at 9:51:52 AM CDT  
**To:** "Little Consultant, LLC" <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Cc:** "[bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)" <[bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)>  
**Subject:** RE: AT&T pole at 1301 Litton Av

Bruce,

See attached PDF.

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**From:** Little Consultant, LLC <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Sent:** Wednesday, August 21, 2019 3:48 PM  
**To:** HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)>  
**Cc:** [bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)  
**Subject:** Re: AT&T pole at 1301 Litton Av

ICG Investments LLC  
750 Old Hickory Blvd  
Bldg 2 Ste 150  
Brentwood TN 37027

Bruce Little/owner  
707-672-2186

On Aug 21, 2019, at 2:54 PM, HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)> wrote:

Bruce,

Please send me your contact info/company title/info to add to the project.

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**From:** Little Consultant, LLC <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Sent:** Monday, August 19, 2019 2:12 PM  
**To:** HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)>  
**Cc:** [bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)  
**Subject:** Re: AT&T pole at 1301 Litton Av

Ok 1pm.

Thanks,

Bruce Little  
707-672-2186

On Aug 19, 2019, at 12:56 PM, HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)> wrote:

I have a meeting around lunch, so lets say 1pm?

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**From:** Little Consultant, LLC <[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Sent:** Monday, August 19, 2019 12:55 PM  
**To:** HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)>  
**Cc:** [bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)  
**Subject:** Re: AT&T pole at 1301 Litton Av



Wednesday afternoon is fine. What's a good time?

Bruce Little  
707-672-2186

On Aug 19, 2019, at 12:53 PM, HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)> wrote:

Yes I can come by tomorrow or Wed afternoon. Which would be best for you?

**Tim Hasler**  
Mgr Osp Plng & Engrg Design  
SE Construction & Engineering

**AT&T**  
333 Commerce St, Nashville, TN 37201  
m 615.585.3206 | [th4200@att.com](mailto:th4200@att.com)

MOBILIZING YOUR WORLD

**From:** Little Consultant, LLC  
<[contact@littleconsultant.com](mailto:contact@littleconsultant.com)>  
**Sent:** Monday, August 19, 2019 9:38 AM  
**To:** HASLER, TIM <[th4200@att.com](mailto:th4200@att.com)>  
**Cc:** [bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)  
**Subject:** Re: AT&T pole at 1301 Litton Av

Tim,  
Good morning. I'm following up with you for help with this situation. I want to get together for a site visit. Metro codes require sidewalks. We are unable to pass our final without mitigating the wire issue.

Thanks,

Bruce Little  
707-672-2186

On Aug 15, 2019, at 3:11 PM, Best Built  
<[bestbuilt.inc@comcast.net](mailto:bestbuilt.inc@comcast.net)> wrote:

Yes let me know when thanks

Sent from my iPhone

On Aug 15, 2019, at 10:58 AM, Little  
Consultant, LLC  
<[contact@littleconsultant.com](mailto:contact@littleconsultant.com)> wrote:

Tim,  
Can we schedule a site  
visit?

## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2019-469 (1301 Litton Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu (eligible)
Zoning:	R6
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Approximately 0.24 miles east of #56 – Gallatin Pike BRT Lite; future high capacity transit planned per nMotion
Bikeway:	Neighborway planned per WalknBike

### Planning Staff Recommendation: *Disapprove.*

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

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

**From:** [Benedict, Emily \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Fw: BZA application and letter for Thursday, November 7, 2019 Mtg.  
**Date:** Wednesday, October 30, 2019 9:31:28 PM  
**Attachments:** [2019-469 application.pdf](#)  
[2019-469 neighboring letter 11-7.pdf](#)

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To: Board of Zoning Appeals

I have spoken with a number of neighbors as well as to the owner, Bruce Little, of 1301 Litton Ave. Although the attached request states that Mr. Little would like the in lieu contribution waived, he stated clearly to me on the phone that he is absolutely willing to pay the fee. The hardship he described was with regard to moving the utility pole.

Mr. Little and I discussed the next door neighbor's property, an HPR that was recently built (prior to my position on Council). He told me that the frontage is very similar and that owner was able to pay an in lieu fee for the frontage on either side of the shared driveway (I was unable to verify this but hope that you have record of it). Mr. Little stated that his driveway will be 20' of the 59' frontage, so he is seeking the lieu fee for 39'.

The concerns of the neighbors were twofold: first, they want to ensure sidewalks are built or that the fee is collected, and second, there is concern that without a sidewalk, there will be more stormwater issues, beyond what the topography may already be causing. I have invited Metro Water Services to come review the area to see if improvements could be made. With regard to the owner of 1301 Litton building a sidewalk, as you know, he would not be required do any stormwater management. The best solution for the stormwater issue is to have MWS come out to review it, which is in process now.

My conclusion is that I support the owner of 1301 Litton to give 39' of contribution in lieu of constructing the sidewalk.

If you have any questions, please let me know. Unfortunately, I will not be able to come to the meeting on November 7.

Thank you,  
Emily

Emily Benedict  
District 7 Councilwoman  
emily.benedict@nashville.gov  
615-589-4855

Check out [hub.nashville.gov](http://hub.nashville.gov) for assistance!

Derrick K. Hudson  
2315 Northview Avenue  
Nashville, TN 37216

October 24, 2019

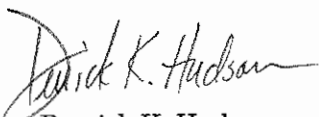
RE: Appeal Case Number: 2019-469

1301C Litton Avenue  
Map Parcel: 072102I90000CO  
Zoning Classification: R6  
Council District: 7

To Whom It May Concern,

My name is Derrick K. Hudson and I reside at 2315 Northview Avenue Nashville, TN 37216. I am submitting this letter in writing due to a work scheduling issue which does not allow me to attend the hearing personally. My property is located across the street from 1301C Litton Ave and I recently received the notice concerning Mr. Little's request for a variance from the sidewalk requirements. As I have reviewed the appeal submitted online, it appears Mr. Little has a "variance request to not be required to construct a sidewalk or make an in lieu payment resulting from new residential construction" related to HPR parcels 072102I00100CO and 072101I00200CO. Realizing that our neighborhood is growing and in the process of revitalization, I find it appropriate that we do everything we can to continue to make the area more accessible to foot and bike traffic. With that being said I am opposed to granting Mr. Little the exemption for the sidewalk requirement. The only way I might waiver from this opinion is if it can be proven through a Civil Engineering survey that building a sidewalk along the property line would have a negative impact on the surrounding homes. If this can be proven, I am in favor of him making the full "in lieu" payment to the Metropolitan Government to be used for sidewalk or storm water drainage construction as long as it can be designated for this neighborhood. As I mentioned earlier, there have been great strides taken recently to improve the walkability of the area and to make our little section of Nashville more pedestrian friendly. I appreciate the efforts Mr. Little has taken to build two lovely homes in our community, but I cannot recommend he be granted an exception to a rule other builders are required to adhere too. Thank you for taking the time to review my letter and to take my opinion into consideration as you make your decision.

Thank You,



Derrick K. Hudson

**From:** [DJ](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Davis, Anthony \(Council Member\)](#); [Benedict, Emily \(Council Member\)](#)  
**Subject:** Permit # 20190055736  
**Date:** Sunday, October 20, 2019 8:27:19 AM

---

I am AGAINST the appeal.

I am a Homeowner at 2220 Scott Ave, 37216.

This builder should contribute to the sidewalk fund or build sidewalks.

It's annoying they're still allowed to make these appeals with no legitimate reason stated. I thought the bar had been raised so zoning didn't have to deal with nonsense appeals like this one? Has that new law with higher appeal standards not yet gone into effect or am I wrong that there was a regulation change on that? Myself and the BZA Should not have to waste our time saying NO to greedy developers.

Thanks,

DJ Sullivan

Sent from my iPhone

October 22, 2019

Department of Codes & Building Safety,

I am writing to oppose Appeal Case Number: 2019-469 on 1301C Litton ave.

I have lived in East Nashville for almost 10 years. I bought a house in South Inglewood on a neglected but charming street on February 2010. The houses were old, but my neighbors were welcoming and friendly. A few neighbors are still around, but many have moved and where their single house once stood, several houses now stand.

I have always been a proponent of the outdoors and being a part of the bigger community beyond my front door. I love that Nashville is active in creating more greenspaces for people to enjoy. I also love that Nashville sees the value in creating greenways for pedestrians to safely walk, run, bike, etc. I often ride my bike from my house to Shelby Bottoms and I try to walk to local restaurants when I can.

In this day in age, and with so many people moving to East Nashville, all streets should have sidewalks for the community safely get where it needs to be for work or leisure. A developer should NOT be able to take a community's safe passageway away for monetary and personal gain. If a developer decides to build, it should not disrupt a community's basic need to get from point A to point B.

Bruce Little should not be able to build two houses without also building sidewalks and contributing to the sidewalk fund. He's not being a good neighbor nor a good Nashvillian by neglecting to contribute to the community's ability to safely walk.

Sincerely,

A handwritten signature in black ink, appearing to read 'KB', with a large, stylized flourish extending to the right.

Karri Bishop  
2302 Northview Ave  
Nashville, TN 37216

Department of Codes & Building Safety  
Metro Office Building 3<sup>rd</sup> Floor  
800 Second Ave, SO  
Nashville, TN 37210

RE: Appeal Care Number 2019-469  
1301C Litton Ave  
Council District 7

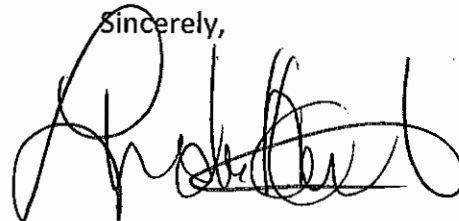
October 24, 2019

Dear Sirs/Madam

I wish to voice my disapproval of the requested variance from sidewalk requirements for the above property. I have lived in this neighborhood for 5 years and see homes being built left and right and NO SIDEWALKS! If you continue to grant variances in opposition to the law to have more sidewalks you will continue to ensure that our communities are not "pedestrian friendly" and we will never achieve the goal for which the ordinance was created. If the Contractors have the money to come into our community and build these houses they need fork up the cash for the sidewalks.

The fact that you are allowing these variances to be approved is a disservice to the residents. I would ask that you do your job and not approve this variance or any others. We need sidewalks!

Sincerely,

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

Linda Martin

**From:** [Kevin Michelsen](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Comment on Appeal Case# 2019-469  
**Date:** Tuesday, October 22, 2019 12:52:43 PM

---

Hello,

I would like to make a comment on appeal case# 2019-469 (Permit# 20190055736):

There aren't any existing sidewalks on that side of the street so I understand why the applicant feels that they shouldn't have to put in a sidewalk in front of their house. I do however believe that this shouldn't excuse them from needing to contribute to the sidewalk fund as well. This housing project is adding density to the neighborhood and it is highly likely that the eventual occupants will be utilizing the sidewalks near them.

Thank you,  
Kevin Michelsen  
1118 Litton Ave, Apt 208, 37216



**From:** [susan buck](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Zoning Appeal  
**Date:** Wednesday, October 23, 2019 9:01:13 PM

---

I received notice from the codes dept. regarding an appeal 2019-469. Scheduled 11/7/2019. I will not be attending the meeting. I DO want the developer to contribute to the sidewalk fund. And I would like all development in the future to contribute to ALL infrastructure funds. I understand the rapid growth found the city unprepared to represent the neighborhoods more effectively in the past but it is time for that to come to an end and to require those profiting from the growth to contribute generously. Thank you, Susan Buck 1306 Litton Ave 37216

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



X Appellant: Kam K. Kap Date: 9/13/19  
X Property Owner: Claire L. Niag Case #: 2019-470  
X Representative: Kam K. Kap Map & Parcel: 16200000200

Council District 30

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

Purpose: to convert existing residence to a religious institution with 49 seats and 16 paved parking spaces provided.

Activity Type: Religious Institution

X Location: 248 Tusculum Rd, Nashville TN 37211

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: Special exception

Section(s): 17.16.120.F

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.

X Kam Khan Kap  
Appellant Name (Please Print) Representative Name (Please Print)  
6467 Thunderbird Dr  
Address Address  
Nashville, TN 37209  
City, State, Zip Code City, State, Zip Code  
615 752 6697  
Phone Number Phone Number  
V Kap67@netzero.net  
Email Email  
Appeal Fee: \_\_\_\_\_



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



3712302

**ZONING BOARD APPEAL / CAAZ - 20190055796**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 16200000200

APPLICATION DATE: 09/13/2019

## SITE ADDRESS:

248 TUSCULUM RD ANTIOCH, TN 37013  
N SIDE TUSCULUM RD E OF PACKARD DR

PARCEL OWNER: NIANG, CIANG L

CONTRACTOR:

## APPLICANT:

## PURPOSE:

PER 17.16.170.E: REQUEST SPECIAL EXCEPTION TO CONVERT EXISTING RESIDENCE TO A RELIGIOUS INSTITUTION WITH 49 SEATS AND 16 PAVED PARKING SPACES PROVIDED...

*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.

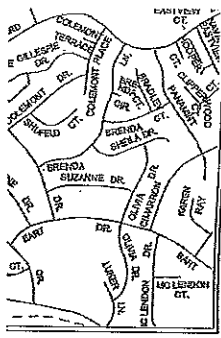
Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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.

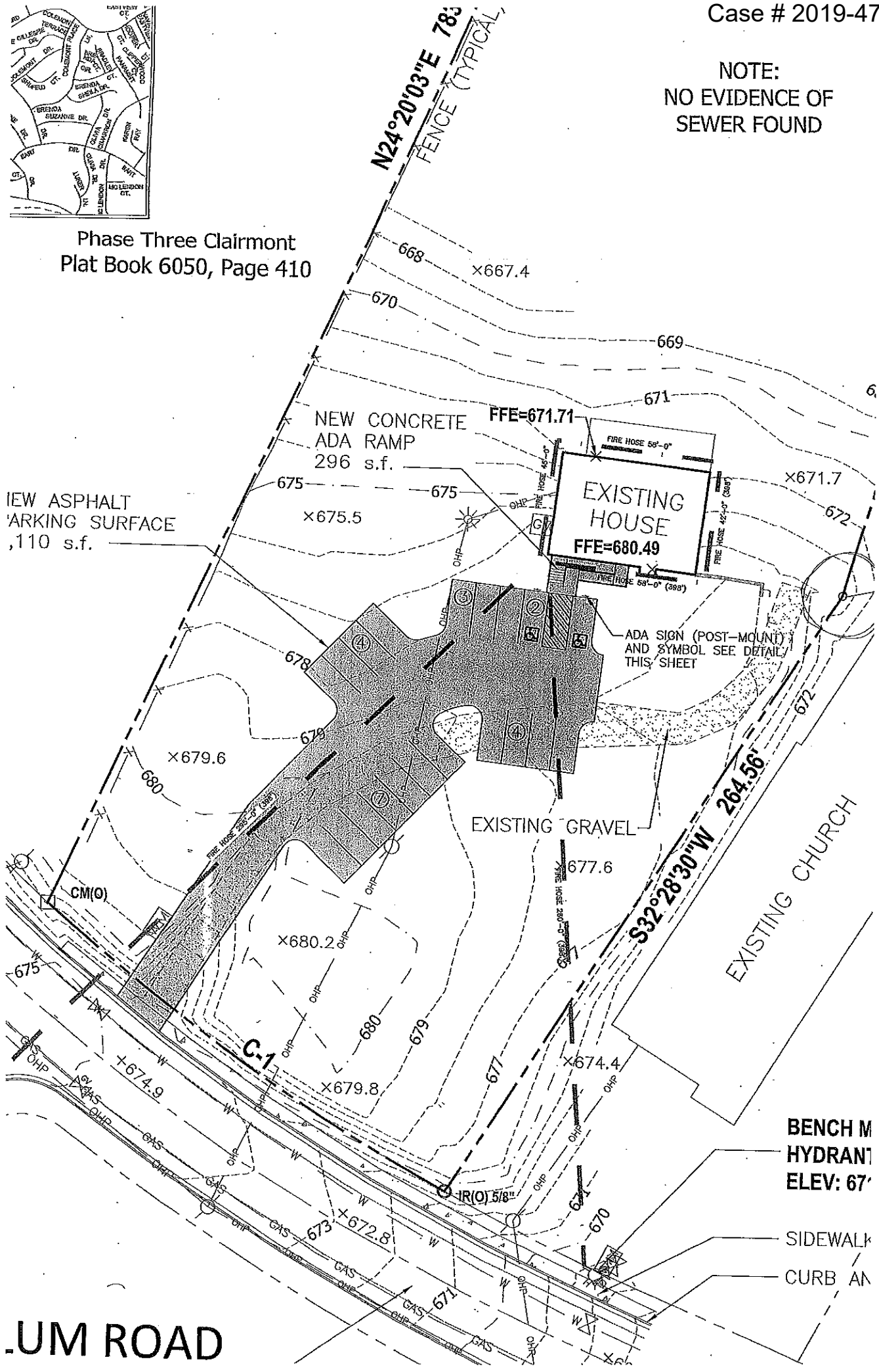
Kep  
 \_\_\_\_\_  
 APPELLANT

9/13/19  
 \_\_\_\_\_  
 DATE

NOTE:  
NO EVIDENCE OF  
SEWER FOUND



Phase Three Clairmont  
Plat Book 6050, Page 410



NEW ASPHALT  
PARKING SURFACE  
110 s.f.

NEW CONCRETE  
ADA RAMP  
296 s.f.  
FFE=671.71

EXISTING HOUSE  
FFE=680.49

ADA SIGN (POST-MOUNT)  
AND SYMBOL SEE DETAIL  
THIS SHEET

EXISTING GRAVEL

EXISTING CHURCH

BENCH M  
HYDRANT  
ELEV: 67'

SIDEWALK  
CURB AND

UM ROAD

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 14, 2019  
**BZA Hearing Date:** November 7, 2019  
**Re:** Planning Department Recommendation for a Special Exception, Case 2019-470

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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 2019-470 (248 Tusculum Road)- Special Exception**

**Request:** A special exception to permit a religious institution within an existing two-family residence.

**Zoning:** One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

**Land Use Policy:** T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

**Planning Department Analysis:** The site is approximately 3.38 acres and is located along Tusculum Road at the intersection of Tusculum Road and Brewer Drive. The property is zoned One and Two-Family Residential (R10) and contains a two-family residence. The site is surrounded by R10 zoning to the north, east, and south, and Planned Unit Development Overlay District to the west. Property to the south, across the street from the subject parcel, is zoned Single-Family Residential (RS10). Tusculum Road is classified as an arterial street on the Major and Collector Street Plan. The surrounding land use is multi-family residential to the west, Community/Institutional to the north and east, and single family residential to the south.

This request proposes to use an existing residence for a religious institution with 49 seats and 20 paved parking spaces. According to the applicant, only one unit within the two-family residential building will be used as a religious institution use. The remaining unit will be used as a residence.

Staff recommends approval with conditions as the proposed special exception to permit a religious institution is consistent with the T3-Sururban Neighborhood Evolving land use policy at this location. The site is located at the intersection of on an arterial-boulevard and a collector-a avenue street. These roads serve longer trips within and between different communities. The increase in intensity for a religious institution use is appropriate at this location given the location and infrastructure.

**Planning Recommendation: Approve with conditions.**

**Conditions**

1. Parking shall meet the requirements the Metro Zoning Code.



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Grosch, Kevin

Date: 9-16-19

Property Owner: " "

Case #: 2019-473

Representative: " "

Map & Parcel: 93-8-49

Council District 6

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

Purpose:

Requesting variance of front setback to allow a 26'2" front setback. A reduction of at least 18'6"

Activity Type: Single family addition

Location: 1006 Ozark St.

This property is in the R55 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Lot Topography

Section(s): 12.12.030(c)3

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

Kevin Grosch  
Appellant Name (Please Print)

Kevin Grosch  
Representative Name (Please Print)

1006 Ozark St  
Address

1006 Ozark St  
Address

Nashville TN 37206  
City, State, Zip Code

Nashville TN 37206  
City, State, Zip Code

314-482-6114  
Phone Number

314-482-6114  
Phone Number

Kevin@madeinnetwork.com  
Email

Kevin@madeinnetwork.com  
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



3712816

**ZONING BOARD APPEAL / CAAZ - 20190056147**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 09308004900

APPLICATION DATE: 09/16/2019

## SITE ADDRESS:

1006 OZARK ST NASHVILLE, TN 37206  
LOT 56 HAYNIE CENTRAL PARK

PARCEL OWNER: GROSCH, KEVIN &amp; JESSICA

CONTRACTOR:

## APPLICANT:

## PURPOSE:

requesting variance from front setback to allow a front setback of 26'2". This represents a reduction of at least 18' 6" from 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.*

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better idea of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

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

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

**Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.**

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

Kevin Grosch  
**APPELLANT**

9/16/19  
**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?**

*Outlined on next page.*

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## WRITTEN APPLICATION

I am requesting a variance to the setback requirements for my home at 1006 Ozark Street in order to accommodate a small addition to my home. The addition would offer necessary storage space that our current home lacks, as well as a small in-law suite for out-of-town family members. It would be designed to blend in with the rest of our home and increase its visual appeal as well as that of our neighborhood.

Because of the prohibitive expense and structural challenges with building up from our current home, and the close proximity to our neighbors off of our alley in the back, we have no alternatives for an addition, other than to build off the front of the current home. The requested variance is minor, and the addition we are proposing would be practically in line with the house to our left and substantially further set back from Ozark than the current units just a few lots to our right. The addition would still leave a significant setback from the street.

The neighborhood on Ozark, close to an industrial area along the river, is evolving, with a number of empty or vacant lots. The west side of the street has no buildings, but is wooded, with a steep slope downward, prohibiting construction. The relatively small number of existing homes are set back irregularly to the east of Ozark because of the varying lot grades and construction ages of those homes.

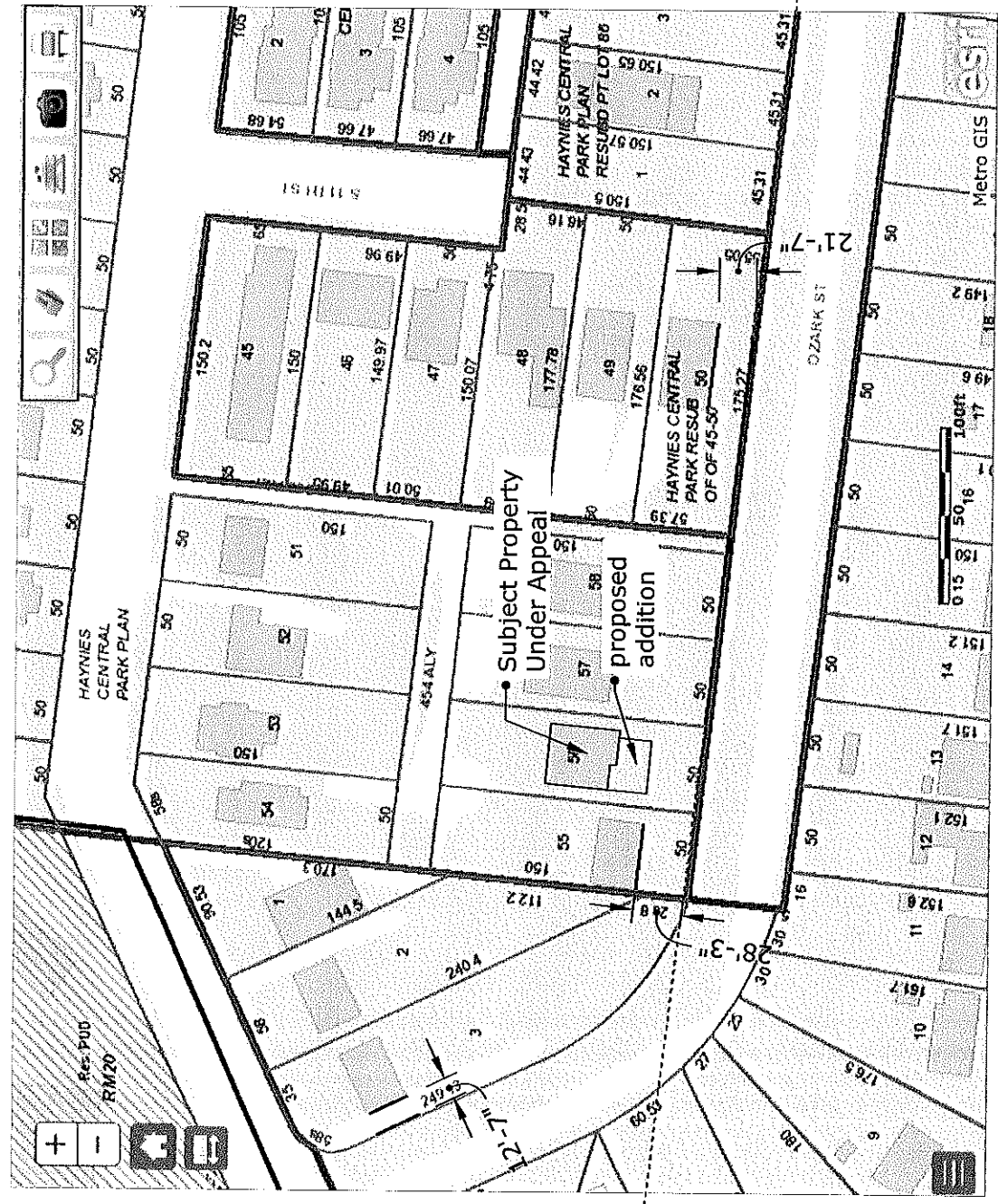
The homes on either side of our five year old home (which the setback requirement is based off of) are vastly different from one another. The older house to our left, which is placed a number of feet to the front of ours, has been vacant for well over a year and may be torn down. The older house to our right is a multi family unit and has no street facing entrance on Ozark. Its main entrance is oriented towards the alley behind our home, which effectively serves as the front of the multi-family unit.

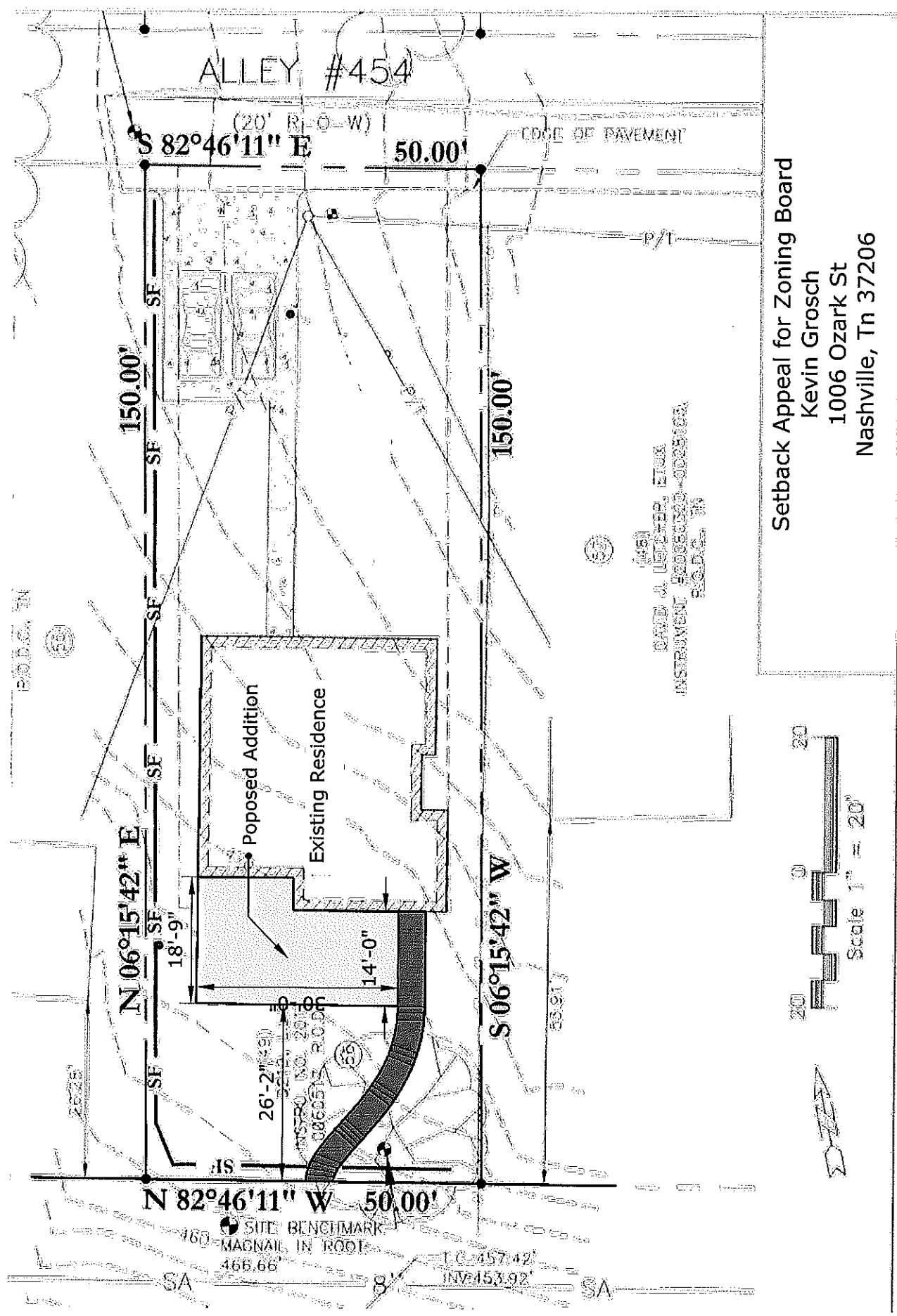
Just two lots to the right of ours is another older multi-family unit, but it sits only a few feet from the curb along Ozark. New homes further up the street, towards South 12<sup>th</sup> Street, are set on top of the Ozark Street ridge in order to afford them better views of the river, while the land below the house to our left is wooded, with no buildings. There simply is no uniform line of setback, and the variations in grade, home design and home placement do not provide any sense of symmetry or consistency along Ozark. Consequently, the proposed variance would not cause any negative impact on the current streetscape.

The proposed addition, with the minimal variance we are requesting, would not negatively impact the neighborhood's look, character, or any sense of uniform setback or design, but would likely increase property values because of our home's increased curb appeal, particularly at our less developed end of Ozark Street. Our neighbors have been supportive of our proposal.

Setback Appeal for Zoning Board  
Kevin Grosch  
1006 Ozark St  
Nashville, Tn 37206

Scale 1" = 100'





Setback Appeal for Zoning Board  
 Kevin Grosch  
 1006 Ozark St  
 Nashville, Tn 37206

OWNER:  
D219, LLC

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ADDRESS: 1006 OZARK ST

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NASHVILLE, DAVIDSON CO, TN 37206

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LOT 56 HAYNIE CENTRAL PARK

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(DB-20130613 0060517)

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TAX MAP 93-08, PARCEL 49

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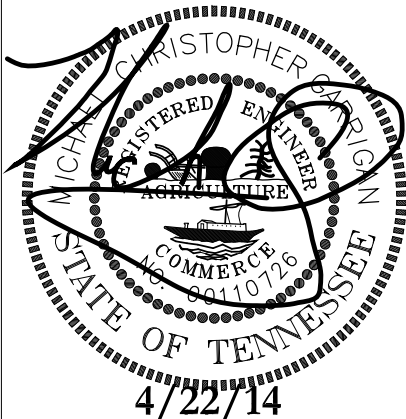
DATE: 4-22-2014

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DA JOB NUMBER: 13162-5

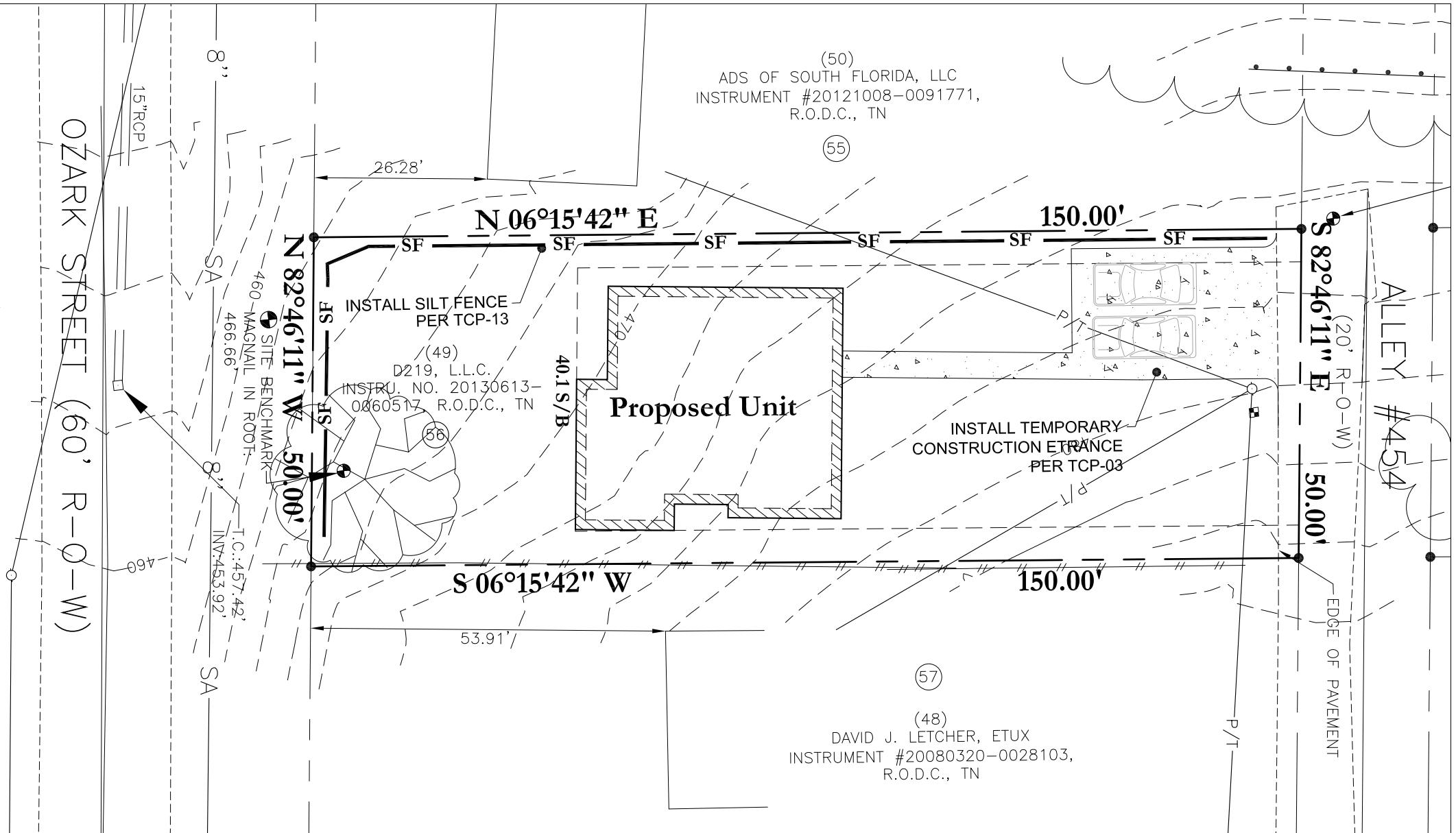
THIS DRAWING SHOULD NOT BE REPRESENTED TO BE A LAND SURVEY. IT SHOULD NOT BE RELIED UPON FOR THE CONSTRUCTION OF FENCES OR ESTABLISHING THE EXACT LOCATION OF PROPERTY LINES.

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



SITE AREA: 7499.087 SF  
DISTURBED AREA: 7499.087 SF

# EROSION PLAN



## Dale & Associates

Consulting Civil Engineering/Land Planning & Zoning  
Landscape Architecture/Surveying

516 Heather Place Nashville, Tn 37204 (615) 297-5166



OWNER:  
D219, LLC

ADDRESS: 1006 OZARK ST

NASHVILLE, DAVIDSON CO, TN 37206

LOT 56 HAYNIE CENTRAL PARK

(DB-20130613 0060517)

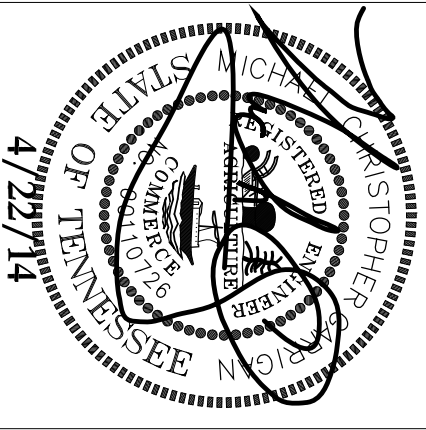
TAX MAP 93-08, PARCEL 49

DATE: 4-22-2014

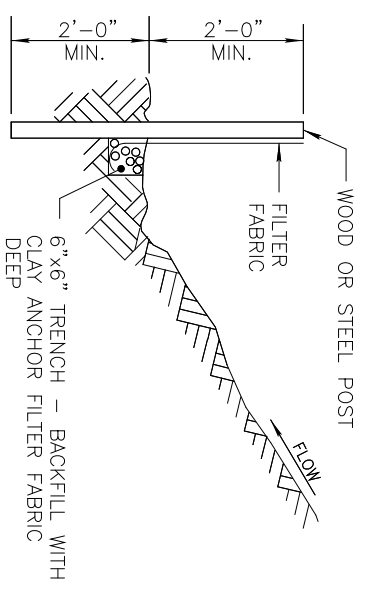
DA JOB NUMBER: 13162-5

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

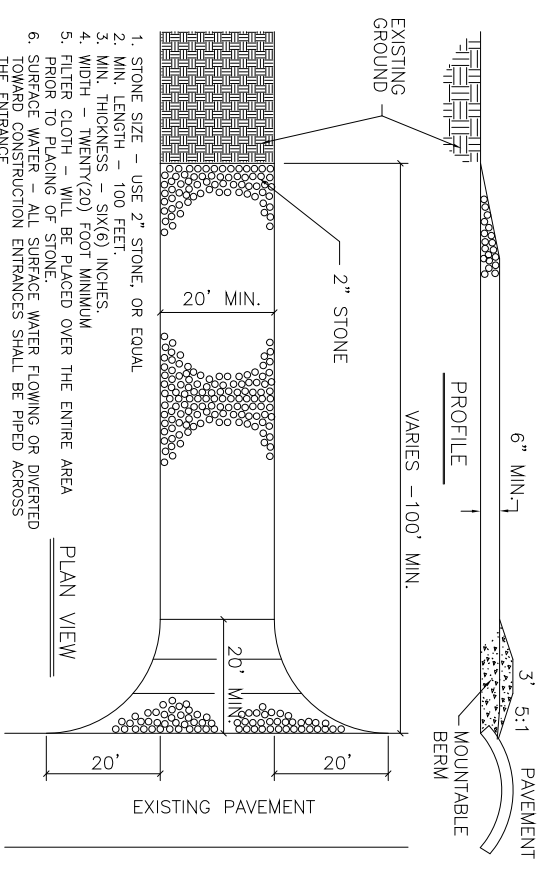


# EROSION PLAN



- MAINTENANCE NOTES:
1. INSPECT WEEKLY AND AFTER EACH RAINFALL
  2. REPAIR WHEREVER FENCE IS DAMAGED.
  3. REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE
  4. INSPECT SILT FENCE WHEN RAIN IS FORECAST. PERFORM REQUIRED MAINTENANCE BEFORE THE STORM EVENT.
  5. REMOVE SILT FENCE WHEN NO LONGER NEEDED. FILL AND COMPACT PAST HOLES AND ANCHOR TRENCH REMOVE SEDIMENT ACCUMULATION, AND GRADE ALIGNMENT TO BLEND WITH ADJACENT GROUND.

- NOTES:
1. FILTER FABRIC FENCE TO BE PLACED PRIOR TO START OF ROUGH GRADING.
  2. STEEL POSTS SHALL BE APPROVED BY OWNER PRIOR TO USE.
  3. WOOD POSTS SHALL BE 2" x 2" MIN., OAK OR SIMILAR HARDWOOD.
  4. POSTS SHALL BE SPACED AT 6' INTERVALS.
  5. FILTER FABRIC SHALL BE SECURELY BOUND TO POSTS WITH EITHER STAPLES OR WIRE TIES.
  6. FILTER FABRIC SHALL BE POLYPROPYLENE FABRIC BY CORPS OF ENGINEERS GUIDE SPEC. CW 02215, WITH EQUIVALENT OPENING SIZE (EOS) OF NO.100 SIEVE MIN., NO.40 SIEVE MAX., AS DETERMINED
- SILT FENCE DETAIL  
REFER TO METRO DETAIL TCP-13



1. STONE SIZE - USE 2" STONE, OR EQUAL
2. MIN. LENGTH - 100 FEET.
3. MIN. THICKNESS - SIX(6) INCHES
4. WIDTH - TWENTY(20) FOOT MINIMUM
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.

**TEMPORARY CONSTRUCTION ENTRANCE**

SEE METRO STORMWATER MANAGEMENT MANUAL  
VOLUME 4 SECTION TCP-03  
NOT TO SCALE

**Dale & Associates**

Consulting Civil Engineering/Land Planning & Zoning  
Landscape Architecture/Surveying

516 Heather Place Nashville, Tn 37204 (615) 297-5166

**From:** [Withers, Brett \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Kevin Grosch](#); [Braisted, Sean \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)  
**Subject:** Letter of support for BZA Case 2019-473 for property located at 1006 Ozark Street  
**Date:** Thursday, October 31, 2019 5:19:00 PM

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Members of the Board of Zoning Appeals:

I am writing to offer my support for the setback variance appeal case 2019-473 for property located at 1006 Ozark Street. The Ozark Street area features steeply sloping topography and has not featured a regular pattern of development prior to recent infill development in the last few years. The property owners have proposed a solution that will allow them to add on to their home within the topographical hardship of the site while being in line with a neighboring property. The property owners have contact me as well as their surrounding neighbors and I have heard support for but no opposition to this appeal from those neighbors. I recommend approval of this variance request. Thank you for your service to our county.

**Brett A. Withers**

Metro Council, District 6

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

**Case Number 2019-473/ Variance request for 1006 Ozark St.**

Hello my name is Kevin Grosch and my wife, my daughter Leona and I live at 1006 Ozark St. We have lived in our East Nashville home for over five years, and we love the area, our neighbors, our proximity to our both of our offices and Shelby Park. We really like our home and would like to stay in it long term. We recently gave birth to a baby girl and with both of our families living out of state, an addition to our home would give them the ability to visit more frequently and to stay for longer periods of time when they are here. We are requesting a variance of the front setback requirement to accommodate a small in-law suit as an addition.

We looked into building the addition in the backyard but it was impractical in some ways and impossible in others. First of all our back yard is relatively small and doesn't provide enough space nor is it feasible with our current home layout. In the space we do have in the back we have an in-ground propane tank, water lines, electric lines to our house and our neighbors house, and very prominent, mature trees and their root systems that construction would destroy. Most importantly however, is that construction off the back of our home would be a massive inconvenience to our neighbors. Most of the homes surrounding us are oriented off of the alley and construction would limit their access to their homes and it would negatively impact the area where we have the strongest neighborhood feel.

Building in the front is really our only option.

Ozark Street, where our home is located, is a very atypical street for East Nashville. It is a very short street that runs up a big hill between Crutcher Street and South 12th Street. **(See Photo #1)**

The west side of Ozark, closest to the river, is all brush with no homes or other developments, as the land steeply slopes down to the homes below. **(See Photo #2)**

The relatively few homes on Ozark Street, including ours, are built on the east side of the street. They vary in height, age, and design, and are separated by steep and varied grades, as well as some remaining wooded areas. **(See Photos #3-#6)**

As you can see, the neighborhood on Ozark is itself evolving, with many of the lots empty or vacant, and the existing homes placed very irregularly. Because of those variations in grade, the homes have been built where it was most feasible rather than with an intent to stay in line with other homes on the street. While these elements all contribute to the uniqueness of the street, they definitely do not provide any uniform line of setback or any sense of symmetry or consistency between the homes on Ozark. **(See Photo #1)**

The homes to either side of us (which the setback requirement is based off of) are vastly different from one another. The house to our left, which sits in front of ours, has been vacant for well over a year. **(See Photo #7)**

The house to our right is a multi family unit that is set extremely far back from the street, so much so in fact, that there isn't a street facing entrance. It's main entrance is oriented towards the alley, which effectively serves as the front of the home. **(See Photo #8)**

Specifically in regards to our house, our current setback requirement is just over 40ft but there is an additional 28ft of public right of way, which in totality, places our home right around 68ft from the street. **(See Photo #9-#10)**

Regardless of the setback, this wide public right of way ensures a big front yard.

We are requesting that our setback requirement be adjusted to 20ft which is a variance of 20ft. Along with the public right of way, this would still place our home 48ft back from the street. **(See Photo #11)**

It is also important to note the proposed setback would still place our home almost exactly in line with our next door neighbors house, which would keep the homes visually consistent. **(See Photo #12-#13)**

Lastly, we have discussed our proposed plan with our neighbors and everyone we have talked to has very much been in favor.

In summary, because of highly varied grade of the properties on our street, the large setback and public right of way, and our inability to build in our back yard, we are requesting a variance to our front setback requirement. The variance would not impact the neighborhood's look, character, or any sense of uniform setback or design. We do not believe the variance would be detrimental to our neighbors, but would, instead, increase their property values because of our home's increased curb appeal, particularly at the less developed end of Ozark Street. The addition would also highlight the desirability of our neighborhood and the value of increased investment in our homes. Accordingly, I respectfully request a grant of this variance so that we can make our home fit our needs as new parents, and allow us to remain in the home we love.

**PHOTO #1 (aerial view of Ozark sourced from Google Earth)**



**PHOTO #2 (photo of West side of Ozark St at my home highlight the brush and lack of homes)**



**PHOTO #3 (street view of home on Ozark)**



**PHOTO #4 (street view of home on Ozark)**



**PHOTO #5 (street view of undeveloped properties on Ozark)**





**PHOTO #6 (street view of home on Ozark)**



**PHOTO #7 (photo of home to the left of my home)**



**PHOTO #8 (photo of home to the right of my home)**



**PHOTO #9 (photo looking out from our front door down to Ozark. This is a distance of 68ft)**



PHOTO #10 (photo looking up at our home from Ozark. This is a distance of 68ft)



**PHOTO #11 (photo looking up at our home from Ozark. The yellow stake (and my dad) are at the line of the proposed adjusted setback. From the street to that line would be 48ft.)**



**PHOTO #12 (photo of the requested adjusted setback line showcasing it being in line with the neighbor house)**



**PHOTO #13 (wider angle of photo of the requested adjusted setback line showcasing it being in line with the neighbor house)**





**From:** [Rag Tag Rebellion](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** "Case Number 2019-473"  
**Date:** Monday, October 28, 2019 7:48:10 AM

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We're writing to show our support the variance request being made for 1006 Ozark St. Nashville TN 37206! It completely makes sense with the way the street looks and flows. Thanks!

Terry and Piper Fritsch

**Lifsey, Debbie (Codes)**

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**From:** william.worrall@yahoo.com  
**Sent:** Tuesday, October 15, 2019 9:09 PM  
**To:** Board of Zoning Appeals (Codes)  
**Cc:** Withers, Brett (Council Member); Kevin Grosch  
**Subject:** Neighbor Support for BZA Case No. 2019-473 - 1006 Ozark Street

Dear BZA Members,

As a neighbor to this property, I support the subject case number, for the property located at 1006 Ozark Street in Nashville. Please approve this request by Mr. Grosch.

Below are some reasons why I support this appeal:

1. Mr. and Mrs. Grosch are great neighbors, whom have discussed their proposal with adjacent neighbors.
2. The subject property has topographical constraints, which lend to an appeal.
3. The proposal would help save several large, mature cedar trees along the property boundary in the back yard, which have large root systems through the property's back yard. The Grosch's are intent on preserving these trees and the proposed house addition in the front would help protect these trees in the back yard for future generations.
4. The property is located in a "Neighborhood Evolving" zone, has a mishmash of setbacks and housing types on Ozark Street.
5. The proposal would result in improved aesthetics as viewed from Ozark Street.
6. The public right of way is wide along Ozark Street, thus big front yards are already provided.

Thank you for considering Mr. Grosch's request for appeal. I ask for your support with this case.

Respectfully,  
William E. Worrall, P.E.  
1000 Glenview Drive

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Baker Donelson  
Property Owner: 5916 Morrow Holding  
Representative: Joey Hargis

Date: 9-17-19  
Case #: 2019- 474  
Map & Parcel: 91-6-23

Council District 20

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

Purpose: To construct a new mixed use building w/ 4 units & Commercial space

Activity Type: Mixed use

Location: 1200 60th Ave N.

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

Reason: variance in landscape buffer details

Section(s): 17.24.24D

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

Joey Hargis  
Appellant Name (Please Print)

211 Commerce St Ste 800  
Address

Nashville TN 37201  
City, State, Zip Code

615-726-7391  
Phone Number

jhargis@bakerdonelson.com  
Email

Zoning Examiner: WM

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: \$200

## 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.**

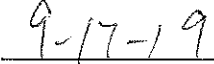
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

## 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?**

*Narrowness & shallowness of the property*

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



3713031

**ZONING BOARD APPEAL / CAAZ - 20190056297  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09106002300**APPLICATION DATE:** 09/17/2019**SITE ADDRESS:**

1200 60TH AVE N 101 NASHVILLE, TN 37209  
N E CORNER OF MORROW RD & 60TH AVENUE

**PARCEL OWNER:** 5916 MORROW HOLDING CO., LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting a landscape buffer variance fence in lieu of the required landscape buffer yard per METZO 17.24.240 (B) FOR PROPOSED RES UNITS AND ONE COMMERCIAL SPACE MU8N-A ZONING. POC JOEY HARGIS 615-726-7391. COUNCIL DISTRICT 20.

*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.

2019-474

**Erosion Control and Grading Notes**

- Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
- All cut/fill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 6-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
- Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management manual, volume four, section top-14.
- Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
- The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
- Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
- The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 6" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
- The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.
- The contractor shall locate and stake the layout of the site in the field for inspection by the engineer. The contractor shall check the grades and final dimensions on the ground, and report any discrepancies to the engineer immediately for a decision.
- Surplus excavation of topsoil shall be placed on the site as approved by the owner for the purpose of future landscape use.
- The contractor shall furnish and install all necessary temporary works for the protection of the public and employees, including warning signs and lights.
- The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
- All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinance or regulations relating to portions of work which he is to perform.
- All erosion control measures shall remain in place until site is stabilized & construction is complete.
- Contractor to provide an area for concrete wash down and equipment firing in accordance with metro sp-10 and sp-13, respectively. Contractor to coordinate exact location with npses department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, litter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the epsc plan.
- The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.

**Public Works Notes**

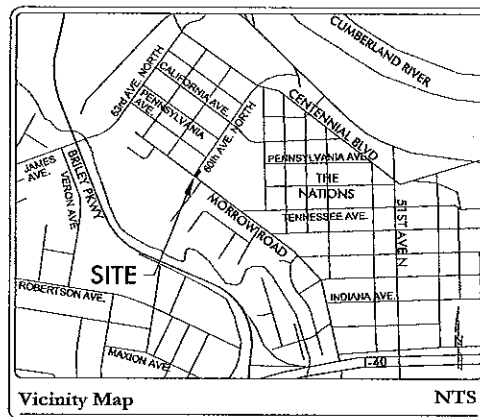
- All work within the public right of way requires an excavation permit from the department of public works.
- Proof-rolling of all street subgrades is required in the presence of the public works inspector. Inspection of the binder course is required prior to final paving in the presence of the public works inspector. These requests are to be made 24 hours in advance.
- Stop signs are to be 30 inch by 30 inch.
- Street signs to have six inch white letters on a nine inch green aluminum blade, high intensity reflective.
- All pavement marking are to be thermoplastic.

**Water and Sewer Notes:**

- All water and sewer construction shall be in accordance with specifications and standard details of the Metro Water Services.
- The contractor is responsible for reimbursing the Metro Water Services the cost of inspection.
- The contractor is to provide and maintain the construction identification sign for private development approved.
- After completion of the sanitary sewer, the developer is responsible for the televising of the lines prior to final acceptance. The videotaping must be coordinated with the Metro Water Services Inspection Section. All costs will be borne by the developer.
- All connections to existing manholes shall be by coring and resilient connector method.
- Reduced Pressure Backflow Prevention Devices (RPBP) or dual check valve will be required on all test and fill lines (surge) needed for water main construction and must be approved by the Metro Water Services.
- All water meters shall be a minimum of 24" not to exceed a maximum of 28" below finished grade.
- Upon completion of construction of water and/or sewer, the engineer shall provide the department with a complete set of as-built plans on moist erasable mylars in reverse and in digital (.dwg) format. Sewer plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include actual field angles between lines, all actual service lines and tee locations, the distance of the end of the service line to property corners and lines and/or station and offset from sewer centerline to end of service line, the depth to the top of the end of the service line, and shall reflect all alignment and grade changes. Water line plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include offset distance from the roadway centerline, or property line right of way, line depth, locations of hydrants, valves, reducers, tees and pressure reducing devices where applicable. All drawings must be completed and submitted prior to acceptance of the sewers or water mains into the public system and any connections being made.
- Pressure regulating devices will be required on the customer side of the meter when pressures exceed 100 psi.
- Pressure regulating devices will be required on the street side of the meter when pressures exceed 150 psi.
- All water mains must be located within the paved area including all blow-off assemblies.

**Landscape Notes**

- The landscape contractor shall coordinate all construction with the appropriate utility company and shall be responsible for and damage to utilities. The landscape contractor shall verify the exact location of all utilities and take precautions to prevent damage to the utilities.
- All planting and mulch beds shall be sprayed with round-up (contractor's option) prior to the installation of mulch.
- Plant materials and stumps indicated for removal shall be removed and disposed off-site by the contractor. Backfill holes with topsoil free of roots and rocks.
- The landscape contractor shall be responsible for the fine grading of all planting areas.
- All planting areas shall be fertilized with 12W/1000 s.f. of 6-12-12 fertilizer.
- All planting beds shall have a minimum of 3" depth of shredded hardwood bark mulch.
- The landscape contractor shall verify all material quantities. In the event of a discrepancy, the quantities shown on the plan will take precedence.
- The landscape contractor shall provide the owner with written instructions on the proper care of all specified plant materials prior to final payment.
- Existing trees to remain shall be protected from construction damage. Selectively prune dead wood.
- All disturbed areas shall be planted with turf as indicated on the materials schedule.
- All deciduous trees, existing and proposed shall be pruned to provide 4' minimum clear trunk unless otherwise noted.
- The landscape contractor shall provide a one year warranty on all plant materials and replace any dead or dying material within that time period.
- No plant materials should be substituted without authorization by Dale & Associates. Plant sizes shown are minimums required by the local municipality and materials shown have been selected specifically for this project.
- All wire baskets shall be completely removed and disposed of, burlap should be removed or punctured in at least 5 places. Remove all twine from burlapped materials.
- Guying is not allowed unless required by municipality or site conditions. The landscape contractor shall remove wires after a one year period.
- No canopy tree shall be located within 15' of an overhead utility. No tree shall be located within a public utility easement. Locating plant materials within a drainage easement is acceptable, but only if installed as not to disturb existing drainage flow. In such instances, the materials shall be located no closer than 5' from the centerline of drainage.
- Lighting plan to be coordinated with proposed planting plan. No light poles to be located in tree islands. See lighting plan for proposed light locations.



**Property Information**  
 5916 Morrow Road  
 Metro Tax Map 91-06, Parcel 23 & Part of 1900CO  
 10,687 SQ. FT. or 0.245 Acres  
 Council District 20 (Mary Carolyn Roberts)

**Owners of Record/Developer**  
 IKERD Consulting, LLC  
 2505 A Valux Ln  
 Nashville, Tennessee 37204

**Civil Engineer**  
 Dale & Associates (Michael Garrigan, PE)  
 516 Heather Place  
 Nashville, Tennessee 37204  
 615.297.5166

**Survey Provided by**  
 Dale & Associates (Steve Matthews, RLS)  
 516 Heather Place  
 Nashville, Tennessee 37204  
 615.297.5166

**Floodnote**  
 This property is located on a Panel not Printed on the current Flood Insurance Rate Map (FIRM) Number 4700400211F. Dated April 20, 2001.

**Electric Service**  
 Nashville Electric Service (NES)  
 1214 Church Street  
 Nashville, Tennessee 37246  
 615.747.6807

**Gas Service**  
 Nashville Gas (Piedmont)  
 615.734.0734

**Water Service**  
 Metro Water Service  
 1600 2nd Avenue North  
 Nashville, Tennessee 37208  
 615.862.4598

**Sewer Service**  
 Metro Water Services  
 1600 2nd Avenue North  
 Nashville, Tennessee 37208  
 615.862.4598

**Telephone Service**  
 Bellsouth  
 866.620.6000

**Utility Location**  
 Tennessee One-Call  
 800.351.1111

APPLICATION #: T2015 PROJECT NAME: 60th & Morrow

MAP/PARCEL: Map 91-06, Parcel 23 & Part 1900 EXAMINER:

**USE - CHAPTER 17.08 & 17.16**

DETERMINE THE USE	Mixed Use (4 Residential Units and Commercial)		
PROPERTY ZONING	MUN-A	OVERLAY(s) UZO	SURROUNDING ZONING CS & R6
USE CHARTS: P, FC, SE, A	PERMITTED		
<b>SITE CRITERIA (Bulk Standards based upon MUN-A Zoning)</b>			
SUBDIVISION PLAT:	N/A		
MINIMUM LOT SIZE	NONE		
FAR	0.60 MAX		
ISR - Adjustments / Slopes over 15%	0.80 MAX, 0.69 Proposed		
STREET SETBACKS:	5'-15' Build to Zone (Satisfied)		
SIDE YARD	None Required		
REAR YARD	20' Rear Setback		
HEIGHT STANDARDS	3 Stories in 45'		

**PARKING AND ACCESS - CHAPTER 17.20**

RAMP LOCATION AND NUMBER	One access of 60th Ave North
DISTANCE TO NEAREST EXISTING RAMP (MINIMUM 30')	30' + to the North along 60th Ave North
DISTANCE TO INTERSECTION	140' ± to the South to Morrow Road

REQUIRED PARKING BASED ON USES	50' MINOR STREET COLLECTOR	185' ARTERIAL STREET	250' CONTROLLED ACCESS RAMP
		4 Units @ 2.5 Stalls per Unit = 10 Req'd	1,750 sq Retail = 0 Req'd (Exempt)
		10% Reduction for Pedestrian Connection	10% Reduction for Bus Transit
		= 8 Req'd/11 Proposed*	

REQUIRED LOADING BASED ON USES	None Required
SURFACING OVER 5 SPACES 1,750 SQ. FT.	Provided
SPACE SIZES, AISLE WIDTHS, ANGLE DATA	Varies (See Sheet C3.0)
QUEUING LANES	None
OVER 10 SPACES 20' QUEUING AT EXIT	Per MPW, Not Required
NUMBER OF COMPACT SPACES / %	4 or 29%
NUMBER OF ACCESSIBLE SPACES	1 Proposed
SIDEWALKS REQUIRED	Public Sidewalk exists Morrow and Proposed along 60th

**LANDSCAPING STANDARDS - CHAPTER 17.24**

REQUIRED BUFFERYARDS	10' Buffer
PERMEABLE LANDSCAPING	Provided
SIDE LINES ADJACENT TO PARKING AREAS 5' MINIMUM WITH TREES-2.5' WITH TREE ISLANDS	Provided
INTERIOR LANDSCAPING MINIMUM 8% AREA	Provided
SCREENING AROUND DUMPSTERS (NO CHAIN LINK FENCE PERMITTED)	Provided
TREE DENSITY	Provided

**SHEET SCHEDULE**

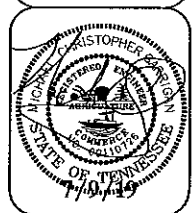
- 1 C0.0 NOTES AND PROJECT STANDARDS
- 2 C1.0 EXISTING CONDITIONS AND EROSION CONTROL PLAN
- 3 C2.0 INTERMEDIATE & FINAL EPSC PLAN
- 4 C3.0 LAYOUT AND UTILITY PLAN
- 5 C4.0 SITE GRADING AND DRAINAGE PLAN
- 6 L1.0 BIORETENTION PLANTING PLAN

Codes Tracking # T2019  
 Stormwater SWGR # T2019036419  
 Notes and Project Standards



REVISIONS:  
 Preparation Date: April 2019

**60th & Morrow**  
 Mixed Use Development  
 Site Plan  
 Being Parcel 23 & Portion of Parcel 1900CO on Tax Map 91-06  
 Nashville, Davidson County, Tennessee



**Dale & Associates**  
 Consulting Civil Engineering  
 Land Planning & Zoning  
 Surveying

PROJECT # 1402  
 60th & Morrow  
 Mixed Use Development  
**C0.0**  
 Sheet 1 of 6

516 Heather Place  
 Nashville, Tennessee 37204  
 (615) 297-5166





REVISIONS:

Preparation Date: April 2019

**60th & Morrow**  
Mixed Use Development  
Site Plan  
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06  
Nashville, Davidson County, Tennessee



**Dale & Associates**  
Consulting Civil Engineering  
Land Planning & Zoning  
Surveying

PROJECT # 1402  
60th & Morrow  
Mixed Use Development  
**C1.0**  
Sheet 2 of 6

516 Heather Place  
Nashville, Tennessee 37204  
(615) 297-5166

**McB (MAURY), HYDROLOGICAL SOIL GROUP "B"**

**Erosion Control and Grading Notes**

- Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
- All cut/fill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 6-12-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
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- Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 6" thick.
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- The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
- All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinance or regulations relating to portions of work which he is to perform.
- All erosion control measures shall remain in place until site is stabilized & construction is complete.
- Contractor to provide an area for concrete wash down and equipment fueling in accordance with metro cp-10 and cp-13, respectively. Contractor to coordinate exact location with npses department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, filter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the spec plan.
- The buffer along waterway will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.

**STABILIZATION OF DISTURBED SOILS**

a. Soil stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days.

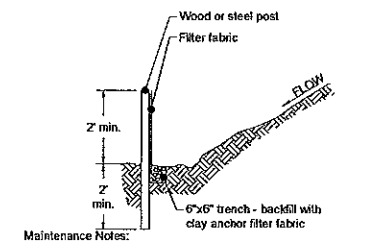
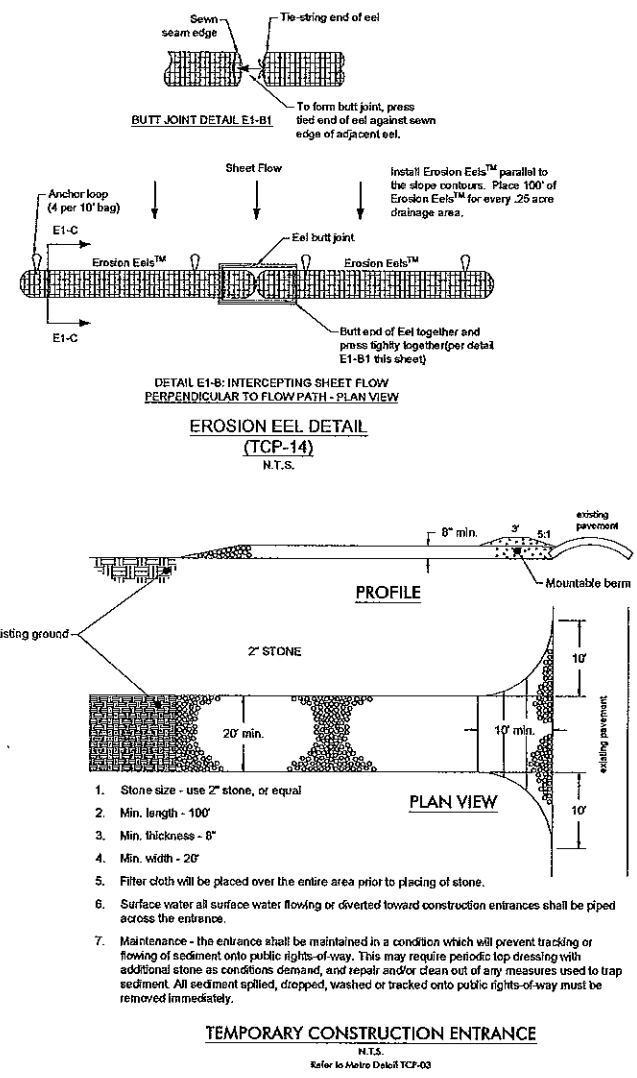
As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method.

b. The areas to be seeded will be uniform and will conform to the finished grade and cross section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.

c. The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

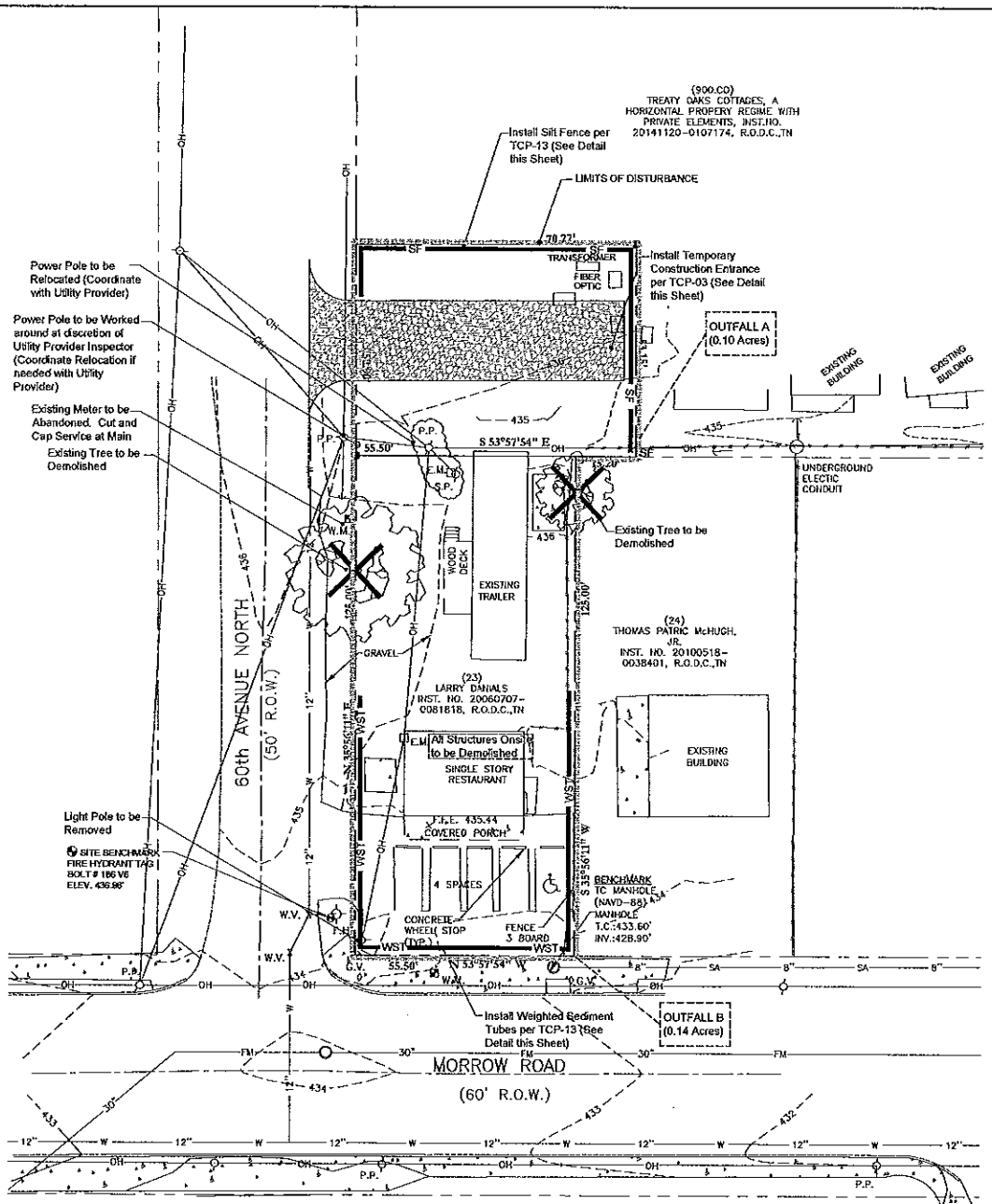
**TDEC Notes**

- Sediment to be removed from all Controls at or before 50% of Design Capacity. Remove sediment as needed to prevent failure of Sediment Control Structures including silt fence, check dams and all other Controls shown on this plan.
- All EPSC Measures to be installed prior to moving any material to or from the site as well as on-site.



- Maintenance Notes:**
- Inspect weekly and after each rainfall.
  - Repair wherever fence is damaged.
  - Remove sediment when it reaches 1/3 the height of the fence.
  - Inspect silt fence when rain is forecast. Perform required maintenance before the storm event.
  - Remove silt fence when no longer needed. Fill and compact past holes and anchor trench remove sediment accumulation, and grade alignment to blend with adjacent ground.
- Notes:**
- Filter fabric fence to be placed prior to start of rough grading.
  - Steel posts shall be approved by owner prior to use.
  - Wood posts shall be 2x2 min., oak or similar hardwood.
  - Posts shall be spaced at 6' intervals.
  - Filter fabric shall be securely bound to posts with either staples or wire ties.
  - Filter fabric shall be polypropylene fabric by Corps of Engineers guide spec. CW 02215. With equivalent opening size (eos) of no.100 sieve min., no.40 sieve max., as determined.

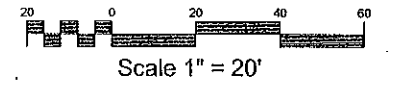
**SILT FENCE DETAIL**  
REFER TO METRO DETAIL TCP-13



*[Signature]*  
EROSION CONTROL SPECIALIST FOR THIS SITE, HAVE REVIEWED AND APPROVED THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S OF THIS PLAN ON 8/10/16 DATE

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I DO HEREBY CERTIFY THAT THIS DEVELOPMENT WILL DISTURB LESS THAN (1) ONE ACRE.

*[Signature]*  
ENGINEER DATE 8/10/16

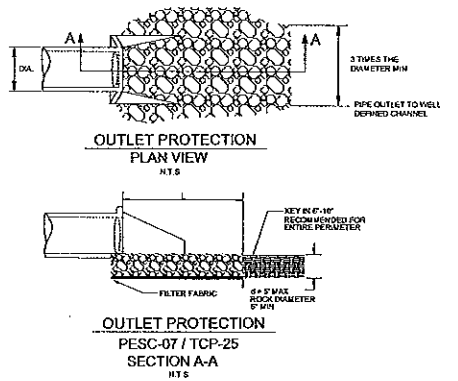


TOTAL AREA = 10,687.68 S.F. = 0.245 ACRES  
DISTURBED AREA = 11,055.23 S.F. = 0.254 ACRES

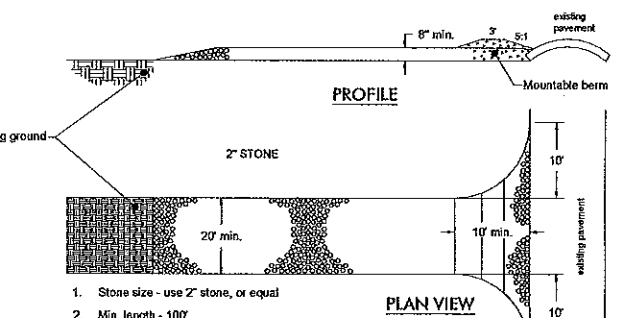
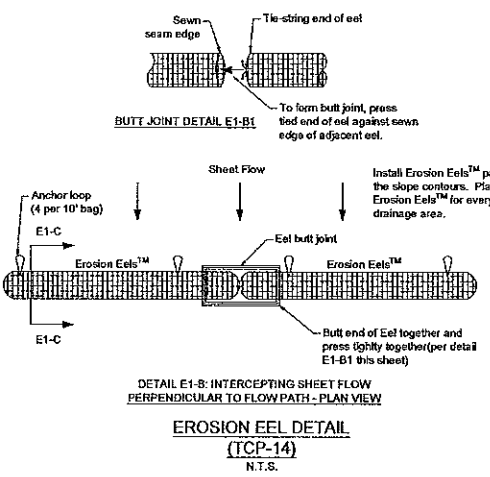
Codes Tracking # T2019  
Stormwater SWGR # T2019036419  
**Existing Conditions and Erosion Control Plan**

**Erosion Control and Grading Notes**

- Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
- All outfall areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 8-12-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fertilizer used per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
- Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management manual, volume four, section cp-14.
- Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
- The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
- Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
- The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
- The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.
- The contractor shall locate and stake the layout of the site in the field for inspection by the engineer. The contractor shall check the grades and final dimensions on the ground, and report any discrepancies to the engineer immediately for a decision.
- Surplus excavation of topsoil shall be placed on the site as approved by the owner for the purpose of future landscape use.
- The contractor shall furnish and install all necessary temporary works for the protection of the public and employees, including warning signs and lights.
- The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
- All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinances or regulations relating to portions of work which he is to perform.
- All erosion control measures shall remain in place until site is stabilized & construction is complete.
- Contractor to provide an area for concrete wash down and equipment fueling in accordance with metro cp-10 and cp-13, respectively. Contractor to coordinate exact location with rpdcs department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, litter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the epsc plan.
- The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.



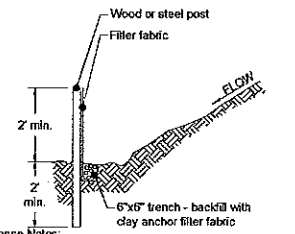
PIPE DIAMETER (in)	DISCHARGE (ft./s)	APRON LENGTH (ft)	RIP-RAP D. DIAMETER MIN (in)
15"	4.9	10	4
	9.89	13	6
	18"	9.89	10
24"	20.13	16	8
	30.01	23	12
	39.90	26	16
	30.01	16	8
24"	39.90	26	8
	50.14	26	12
	60.03	30	16



- Stone size - use 2" stone, or equal
- Min. length - 100'
- Min. thickness - 8"
- Min. width - 20'
- Filter cloth will be placed over the entire area prior to placing of stone.
- Surface water all surface water flowing or diverted toward construction entrances shall be piped across the entrance.
- Maintenance - the entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.

**STABILIZATION OF DISTURBED SOILS**

- Soil stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days. As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method.
- The areas to be seeded will be uniform and will conform to the finished grade and cross section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.
- The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before application of lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

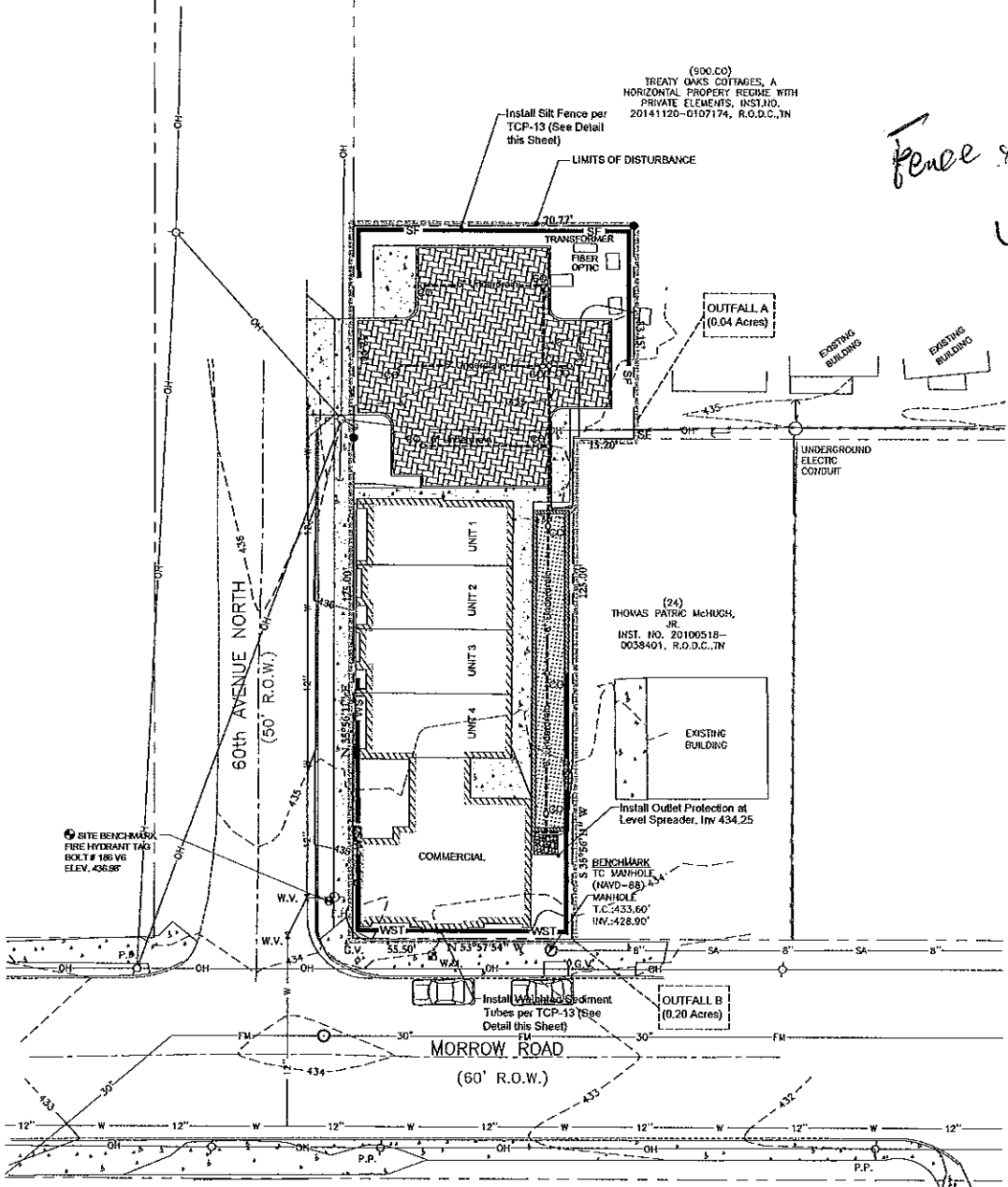


- Maintenance Notes:**
- Inspect weekly and after each rainfall.
  - Repair wherever fence is damaged.
  - Remove sediment when it reaches 1/3 the height of the fence.
  - Inspect silt fence when rain is forecast. Perform required maintenance before the storm event.
  - Remove silt fence when no longer needed. Fill and compact past holes and anchor trench remove sediment accumulation, and grade alignment to blend with adjacent ground.

- Notes:**
- Filter fabric fence to be placed prior to start of rough grading.
  - Steel posts shall be approved by owner prior to use.
  - Wood posts shall be 2"x2" min., oak or similar hardwood.
  - Posts shall be spaced at 6' intervals.
  - Filter fabric shall be securely bound to posts with either staples or wire ties.
  - Filter fabric shall be polypropylene fabric by Corps of Engineers guide spec. CW 02215. With equivalent opening size (eos) of no.100 sieve min., no.40 sieve max., as determined.

**SILT FENCE DETAIL**  
REFER TO METRO DETAIL TCP-13

**TEMPORARY CONSTRUCTION ENTRANCE**  
N.T.S.  
Refer to Metro Detail TCP-03



**TDEC Notes**

- Sediment to be removed from all Controls at or before 50% of Design Capacity. Remove sediment as needed to prevent failure of Sediment Control Structures including silt fence, check dams and all other Controls shown on this plan.
- All EPSC Measures to be installed prior to moving any material to or from the site as well as onsite.

*[Signature]* AS THE "CERTIFIED" EROSION CONTROL SPECIALIST FOR THIS SITE, HAVE REVIEWED AND APPROVED THE EROSION PREVENTION AND SEDIMENT CONTROL BMP'S OF THIS PLAN ON  
8/10/16  
DATE

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I DO HEREBY CERTIFY THAT THIS DEVELOPMENT WILL DISTURB LESS THAN (1) ONE ACRE.  
*[Signature]* 8/10/16  
ENGINEER DATE

Scale 1" = 20'

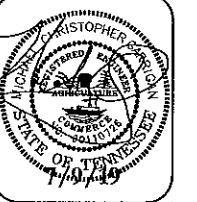
TOTAL AREA = 10,687.68 S.F. = 0.245 ACRES  
DISTURBED AREA = 11,055.23 S.F. = 0.254 ACRES

Codes Tracking # T2019  
Stormwater SWGR # T2019036419  
**Intermediate & Final EPSC Plan**



REVISIONS:  
  
Preparation Date April 2019

**60th & Morrow**  
Mixed Use Development  
**Site Plan**  
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06  
Nashville, Davidson County, Tennessee



**Dale & Associates**  
Consulting Civil Engineering  
Land Planning & Zoning  
Surveying

PROJECT # 1402  
**60th & Morrow**  
Mixed Use Development  
**C2.0**  
Sheet 3 of 6

516 Heather Place  
Nashville, Tennessee 37204  
(615) 297-5166



REVISIONS:

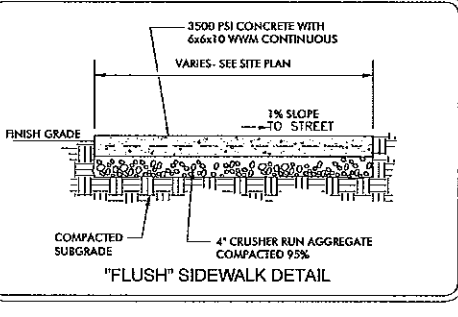
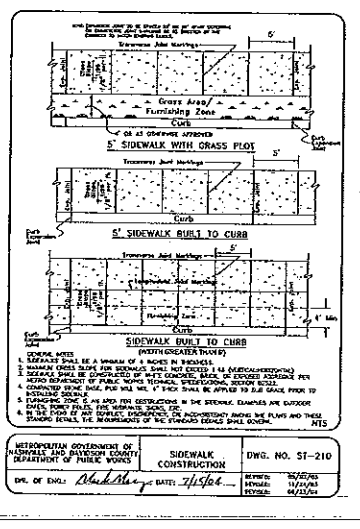
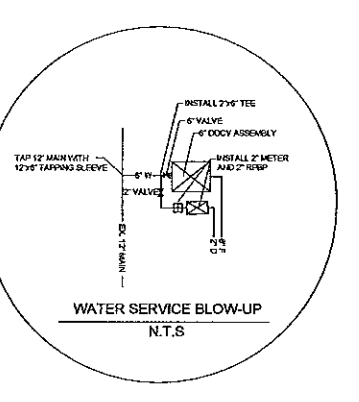
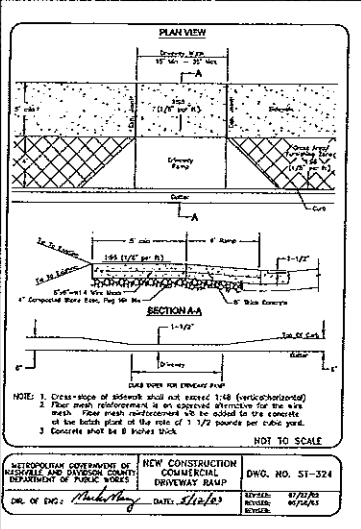
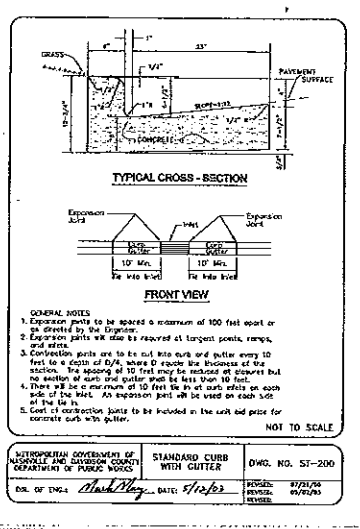
Preparation Date: April 2019

**60th & Morrow**  
Mixed Use Development  
**Site Plan**  
Being Parcel 23 & Portion of Parcel L1900CO on Tax Map 91-06  
Nashville, Davidson County, Tennessee



**Dale & DD**  
**Associates**  
Consulting Civil Engineering  
Land Planning & Zoning  
Surveying

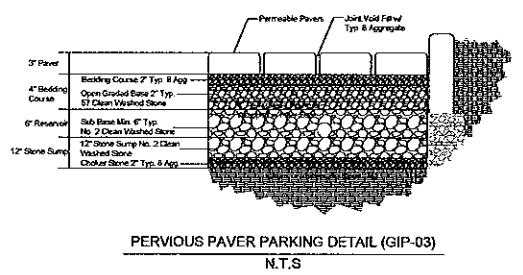
PROJECT # 1802  
60th & Morrow  
Mixed Use Development  
**C3.0**  
Sheet 4 of 6



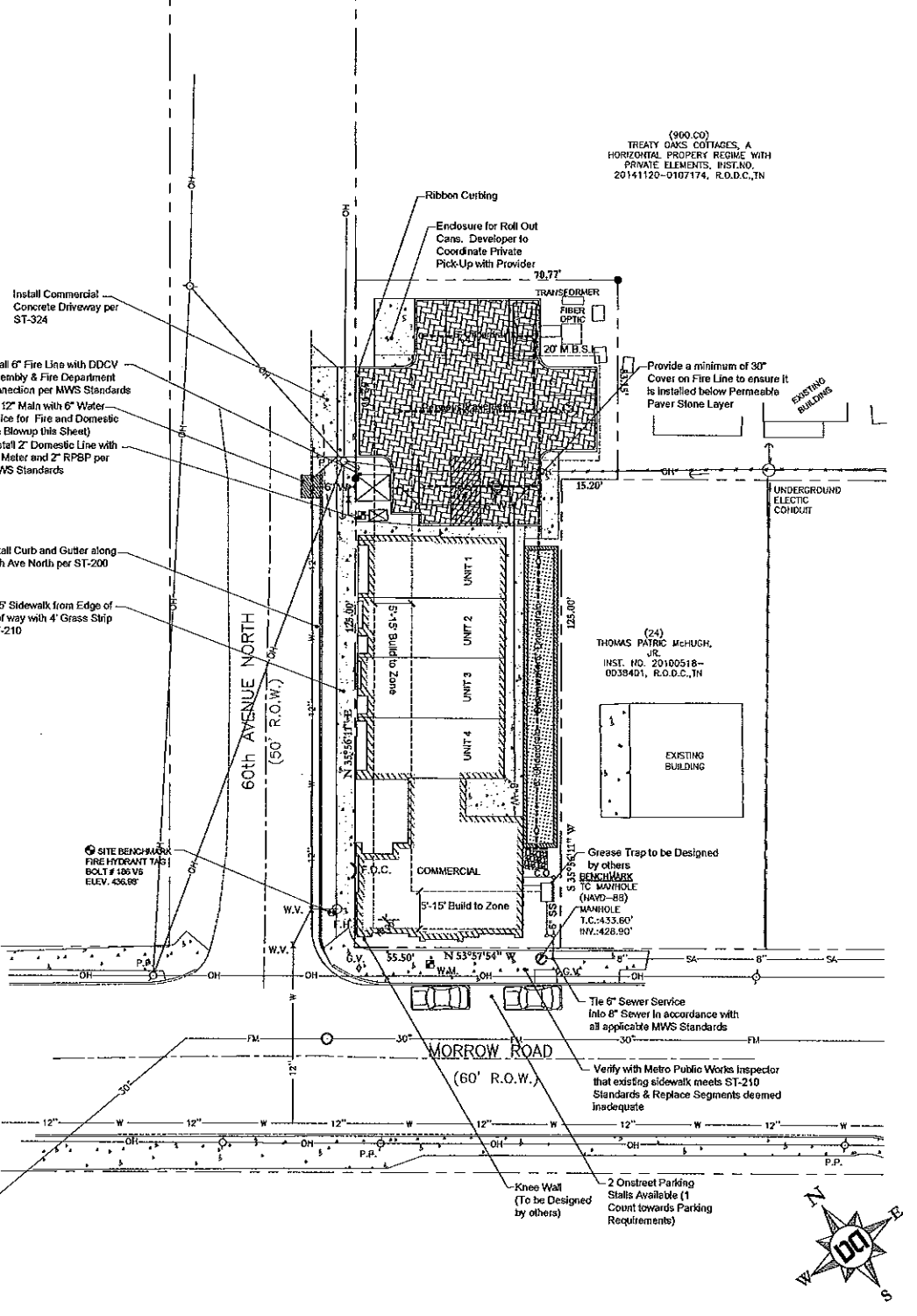
**Sewer Service Note:**  
All Private Sewer shall be Class 45 PVC & Slaped @ 1.0% Minimum with Cleanouts 60" O.C. & A Minimum Corner of 30°, Unless Otherwise Noted

**Water and Sewer Service Notes**

- All water and/or sewer services, along with appurtenances, shall be installed in accordance with specifications and standard details of the Metro Water Services.
- All connections to existing manholes shall be by coying and resilient connector method.
- Vertical Double Check Valve Assemblies that are located in interior rooms can only be used for fire services.
- All water meters shall be a minimum of 24" not to exceed a maximum of 28" below finished grade.
- Irrigation line shall be copper from the meter to the backflow preventer.
- The minimum fees outlined in the copy letter must be paid before commercial construction plans can be reviewed.
- All sewer services shall be 6 inches in diameter from connection at the main until the first cleanout assembly.
- Backflow device to remain accessible at all times.
- Plan site shall be 24"x36" and shall show contours around the meter boxes.



NOTE: CONTRACTOR, ENGINEER, OWNERS REP SHALL NOTIFY MWS DEVELOPMENT REVIEW AT LEAST 24 HRS PRIOR TO THE INSTALLATION OF THE PERVIOUS LAYER TO OBSERVE THE SUB BASE MATERIAL. VEHICULAR TRAFFIC SHALL BE PROHIBITED ON THE PERVIOUS PAVEMENT UNTIL THE SITE IS STABLE TO PREVENT MUD FROM BEING DEPOSITED BY VEHICLES.



Codes Tracking # T2019  
Stormwater SWGR # T2019036419  
**Layout and Utility Plan**

516 Heather Place  
Nashville, Tennessee 37204  
(615) 297-5166

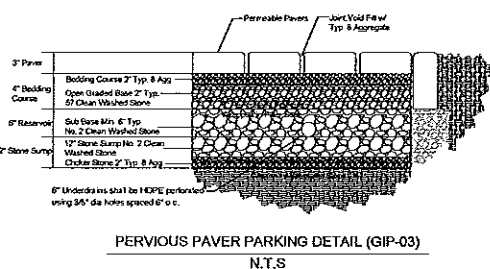
- In accordance with the Metro Stormwater Manual, Volume 1, Section 3.9, as-built certifications, MWS stormwater division must approve the following as-builts prior to issuance of the use & occupancy permit:
- underground detention
  - above ground detention
  - water quality infrastructure
  - public storm sewer infrastructure
  - cut & fill in the floodplain
  - sink hole alterations
  - bioretention areas
  - permeable pavement
- a) A certification letter from TN registered P.E. stating that the site has been inspected and that the stormwater management systems and stormwater control measures (both structural and non-structural) are complete and functional in accordance with the plans approved by MWS.
- b) Hydrologic and hydraulic calculations for as-built conditions, as required.
- c) As-built drawings showing the final topographic features of all these facilities. This shall include invert elevations of outlet control structures.
- d) Any deviations from the approved plans shall be noted on as-built drawings submitted.
- e) Copy of as-built plan in CAD file on a CD and should be registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83). Data should be placed in separate layers and should be labeled in a way that is easy to identify.
- f) Cut and Fill balance certification for floodplain and sinkhole alterations.
- g) Water Quality Buffers shall be surveyed and included with the as-built submittal.
- h) Any public (to become the responsibility of Metro to maintain) stormwater infrastructure shall be video-inspected to verify proper installation with video recording and any associated inspection report submitted as part of as-built record.
- i) Additional testing may be required as warranted by video inspection.

The engineer shall contact stormwater development review staff for submittal requirements.

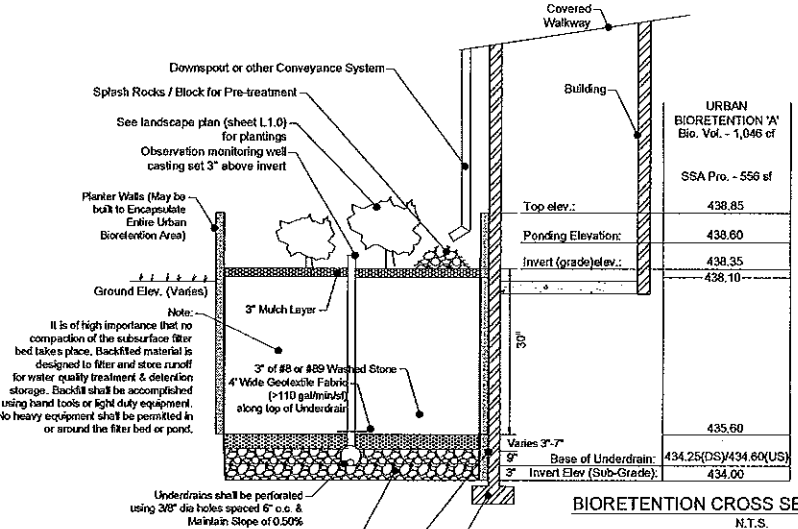
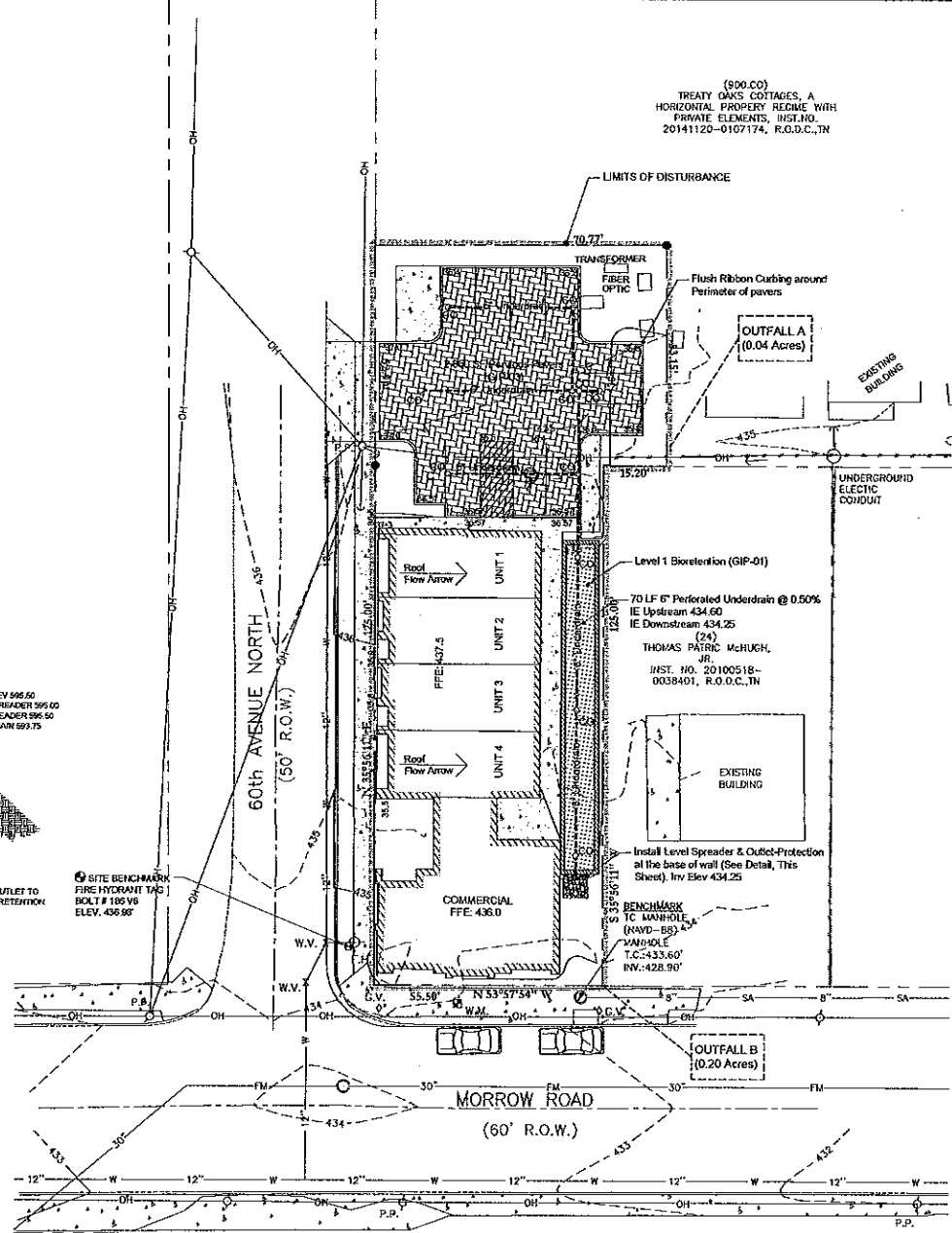
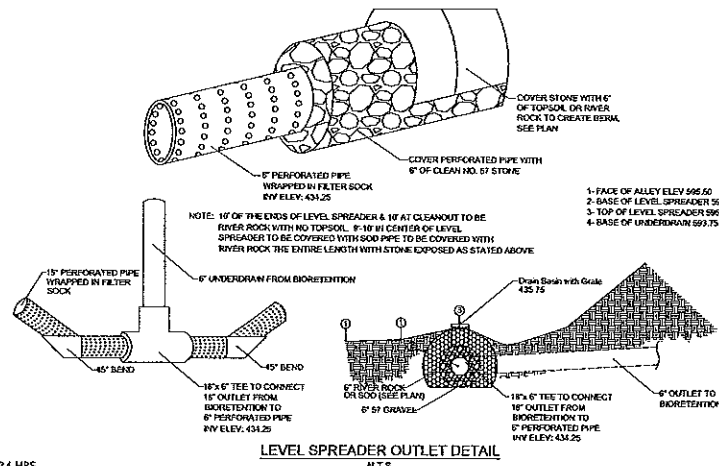
**STABILIZATION OF DISTURBED SOILS**

- a. Soil stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days.
- As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method.
- b. The areas to be seeded will be uniform and will conform to the finished grade and cross section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earthmoving operations.
- c. The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

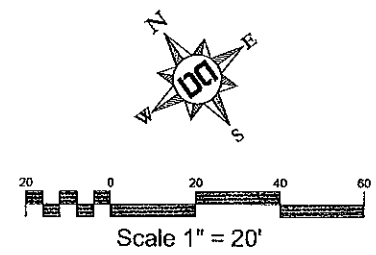
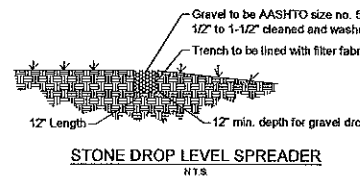
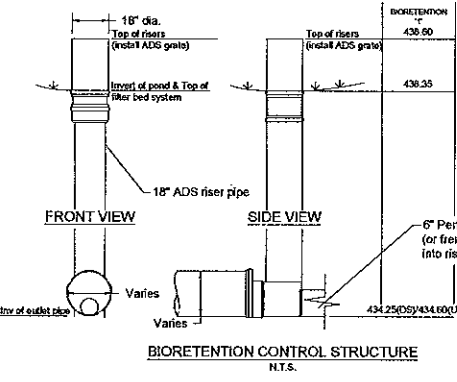
**STABILIZATION NOTE**  
 ALL SLOPES 3:1 OR GREATER TO BE STABILIZED WITH TYPE II EROSION CONTROL MATTING OR EQUIVALENT WITHIN 7 DAYS OF DISTURBANCE. ALL OTHER SLOPES TO BE STABILIZED IN 14 DAYS.



NOTE: CONTRACTOR, ENGINEER, OWNERS REP SHALL NOTIFY MWS DEVELOPMENT REVIEW AT LEAST 24 HRS PRIOR TO THE INSTALLATION OF THE PERVIOUS LAYER TO OBSERVE THE SUB-BASE MATERIAL. VEHICULAR TRAFFIC SHALL BE PROHIBITED ON THE PERVIOUS PAVEMENT UNTIL THE SITE IS STABLE TO PREVENT MUD FROM BEING DEPOSITED BY VEHICLES.



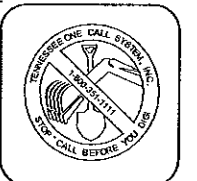
- BIORETENTION NOTES:**
1. bioreta to consist of:  
 70%-85% sand  
 5-10% organic matter  
 10-20% silt/clay by volume, clay<10%
  2. No heavy machinery shall be used during installation of rain gardens.
  3. Backfilled material must remain uncompacted to ensure adequate void space for storage.
  4. Contractor, engineer or owner shall notify MWS-development review at least 24 hours prior to the installation of the planting soil & filter bed/bioretina.
  5. At the completion of installation, the contractor shall collect one sample per bioretention bed for analysis & confirmation of the soil characteristics as defined by GIP-01, filter media and surface cover, section 6.6, page 18.



TOTAL AREA = 10,687.68 S.F. = 0.245 ACRES  
 DISTURBED AREA = 11,055.23 S.F. = 0.254 ACRES

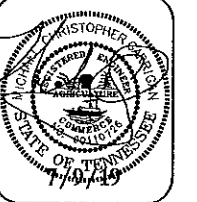
Contractor, engineer, or owners representative shall notify MWS-Development review at least 24 hrs prior to the installation of the planting soil filter bed. At the completion of installation, the above referenced person will collect one sample per bio-retention bed for analysis and confirmation of the soil characteristics as defined by GIP-01, filter media and surface cover, section 6.6, page 20.

Codes Tracking # T2019  
 Stormwater SWGR # T2019036419  
**Site Grading and Drainage Plan**



REVISIONS:  
 Preparation Date: April 2019

**60th & Morrow**  
 Mixed Use Development  
**Site Plan**  
 Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06  
 Nashville, Davidson County, Tennessee



**Dale & Associates**  
 Consulting Civil Engineering  
 Land Planning & Zoning  
 Surveying

PROJECT # 1402  
 60th & Morrow  
 Mixed Use Development

**C4.0**  
 Sheet 5 of 6

516 Heather Place  
 Nashville, Tennessee 37204  
 (615) 297-5166

**PLANT SCHEDULE**

TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE
	2	Oklahoma Redbud / <i>Cercis canadensis</i> 'Oklahoma' 4" Clear Single Trunk, Evenly Branched, Full Symmetrical Crown. See Tree Specifications.	B & B	2" Cal	10'-12' HT
	2	Willow Oak / <i>Quercus phellos</i> 5" Clear Trunk, Single, Straight Central Leader, Evenly Branched, Full Symmetrical Crown, Street Tree Quality. See Tree Specifications.	B & B	2" Cal	12'-14' HT
BIORETENTION TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE
	3	American Holly / <i>Ilex opaca</i> Single Stem, 3" Clear Trunk, Full Dense Form. See Tree Specifications.	B & B	2" Cal	8' HT
	2	Sweet Bay / <i>Magnolia virginiana</i> 'Henry Hicks' 3" Clear Trunk, Single Stem, Full Rounded Head. See Tree Specifications.	B & B	2" Cal	10'-12' HT
	1	Wildfire Tupelo / <i>Nyssa sylvatica</i> 'Wildfire' 5" Clear Trunk, Evenly Branched, Full Symmetrical Crown. See Tree Specifications.	B & B	2" Cal	12'-14' HT
SHRUBS	QTY	COMMON / BOTANICAL NAME	CONT	WIDTH	
	6	Nellie Stevens Holly / <i>Ilex x 'Nellie R. Stevens'</i> Full To Base, Full Dense Form. See Tree Specifications.	5' HT		
	7	Virginia Sweetspire / <i>Itea virginica</i> 'Little Henry' TM Full, Dense Form; Well Rooted	#3 Container		
	30	Dense Yew / <i>Taxus x media</i> 'Densiformis' Full, Dense Form	18' HT		
BIORETENTION PLANTS	QTY	COMMON / BOTANICAL NAME	CONT	WIDTH	
	18	Shamrock Inkberry / <i>Ilex glabra</i> 'Shamrock' Full, Dense; Well Rooted	18' HT		
BIORETENTION PLANTS	QTY	COMMON / BOTANICAL NAME	CONT		
	34	Lanceleaf Tickseed / <i>Coreopsis lanceolata</i> 'Early Sunrise' Full, Well Rooted Containers Install in Single Rows 18" O.C.	1 Quart		
	64	Prairie Dropseed / <i>Sporobolus heterolepis</i> Full, Well Rooted Containers Install Single Rows 24" O.C.	#1 Container		

**PLAN NOTES:**

- ALL LANDSCAPE BEDS SHALL BE NEATLY TRENCHED WITH A BED EDGE AND HAVE 3" MINIMUM DEPTH OF DOUBLE SHREDDED HARDWOOD MULCH.
- MULCH PACHYSANDRA BED WITH FINE STRAW MULCH
- ALL AREAS OF DISTURBANCE NOT IN LANDSCAPE BED SHALL BE SOEDED WITH REBELL III FESCUE SOE

**SUBSTITUTION NOTE:**

- Requirements shown are as per City Zoning Ordinance.
- Substitutions are not allowed unless approved by Heibert+Ball Land Design.
- After installation, the landscape will be maintained by the owner.
- Additional screening may be required if the inspection for the release of the performance bond reveals that the screening is not effective.

**TO AVOID OVERHEAD UTILITY CONFLICTS:**

In the event proposed canopy trees are in conflict (within 25') with proposed or existing overhead utility locations, the landscape contractor shall stop work and contact Heibert+Ball Land Design immediately for coordination and field adjustment.

**PLANT STANDARDS**

The standards set forth in "American Standard for Nursery Stock" represent general guideline specifications only and will constitute minimum quality requirements for plant material. All plants must meet minimum size noted at the materials schedule. And meet the characteristics stated on this drawing. All material installed on the site MUST meet or exceed these specifications. Any trees or shrubs not meeting these standards can be rejected at time of inspection.

**TREE SPECIFICATIONS: ALL TREES SHALL HAVE THE FOLLOWING CHARACTERISTICS:**

- Deciduous trees shall have one dominant single straight trunk with the top of the leader on the main trunk left intact and the terminal bud on the central leader is at the highest point on the tree.
- Trees with forked trunks are acceptable if all the following conditions are met:
  - The fork occurs in the upper 1/3 of the tree.
  - One fork is less than 2/3 the diameter of the dominant fork.
  - The top 1/3 of the smaller fork is removed at the time of planting.
- No branch is greater than 25% the diameter of the trunk directly above the branch.
- The trunk and/or major branches shall not touch.
- Several branches are larger in diameter and obviously more dominant.
- Branching habit is more horizontal than vertical, and no branches are oriented nearly vertical to the trunk.
- Branches are evenly distributed around the trunk with no more than one major branch located directly above another and the crown is full of foliage evenly distributed around the tree.
- Crown spread shall look proportional to the tree.
- NO bush cuts or open trunk wounds or other bark injury.
- Root ball meets all ANSI standards and is appropriately sized.

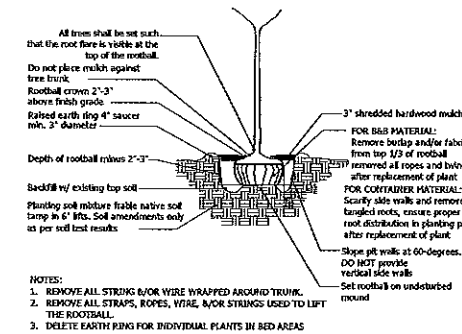
**DEFICIENCIES NOT ACCEPTED:**

- Tip dieback on 5% of branches
- Crown thin/sparsely foliated
- Included bark
- Major branches touching
- Asymmetrical branching

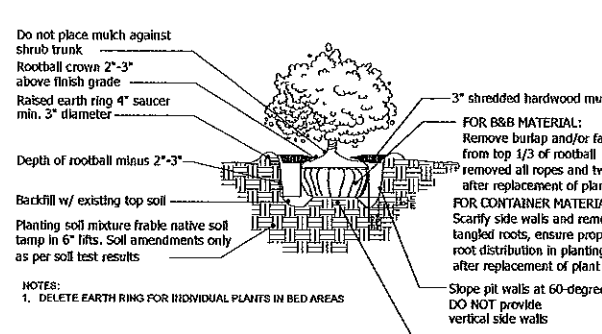
LANDSCAPE SHALL NOT OBSTRUCT VISIBILITY OR ACCESS TO FIRE PROTECTION EQUIPMENT INCLUDING, BUT NOT LIMITED TO, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS

**PLANTING NOTES:**

- Refer to all written specifications; adhere to Plans and Specifications for all phases of work.
- Verify all utility locations in the field before work begins. Repair damaged utilities to owners satisfaction at no additional cost.
- Verify all material quantities on the drawing during bidding and pricing. In the event of a discrepancy, the quantities drawn on the plan will take precedence over the material schedule.
- All materials are subject to the approval of the Landscape Architect and Owner.
- Once unloaded from truck, immediately stand all trees up. DO NOT lie the trees down. This will reduce the risk of sunscald.
- Plants shall meet specifications. Root balls shall meet or exceed size standards as set forth by "American Standards for Nursery Stock". Main leaders of all trees shall remain intact.
- Mark plant pits and planting beds with specified mulch to the depth indicated on drawings.
- Prepare all topsoil used in tree, shrub, and seed mixes in accordance with the specifications.
- Discard any material which turns brown or decomposes within 5 days after planting. Replace immediately with approved specified material at no additional cost.
- Maintain all plant material and lawns until project is accepted in full by the Landscape Architect, unless otherwise specified.
- Guarantee all workmanship and materials for a period of 1 calendar year.
- Install all plant material in accordance with all local codes and ordinances. Obtain any required permits necessary to complete the work.
- Provide 6" of topsoil for lawn areas (12" min. over rock), min. 24" of topsoil for shrub zones, and min. 48" deep for tree pits. Refer to specific root ball sizes for the min. diameter tree pit. If tree are staked, the tree stakes and guys shall be regularly monitored to ensure there are no detrimental effects to the tree. All the stakes and guys shall be removed no later than one growing season after planting.
- Trees shall be first quality representatives of their species and shall meet all requirements otherwise stipulated. The Landscape Architect reserves the right to reject plant materials in the field, at the growing location, or at the job site at any time during the project.
- Test all tree pits for drainage. Any tree pit that holds water for more than 24 hours shall be installed using filter fabric wrapped perforated drainage tube (sloped to low point) and a washed pea gravel pit wall drain.



**3 TREE PLANTING**



**2 SHRUB PLANTING**

**60th AVE AND MARROW**

PART OF M/P: 0910L90000CO  
ZONING:CS (UZO OVERLAY)

CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS  
METRO ORD # 094-1104  
INTERIOR GREEN SPACE - NA

AREA OF LOT: 0.10 ACRES  
BUILDING COVERAGE: 0.00 ACRES  
AREA OF REQUIRED COMPLIANCE: 0.10 ACRES

REQUIRED TREE DENSITY UNITS: 1.40

PROPOSED NEW TREES: 3 x 0.5 = 1.5  
CREDIT FOR NEW TREES: 1.5

PROVIDED TREE DENSITY UNITS: 1.5

-IRRIGATION TO BE PROVIDED BY AUTOMATIC IRRIGATION SYSTEM  
-TREE CUT PERMIT REQUIRED PRIOR TO ISSUANCE OF GRADING PERMIT

**60th AVE AND MARROW**

5916 MARROW ROAD  
ZONING:MUN-A (UZO OVERLAY)

M/P: 09109002300  
CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS  
METRO ORD # 094-1104

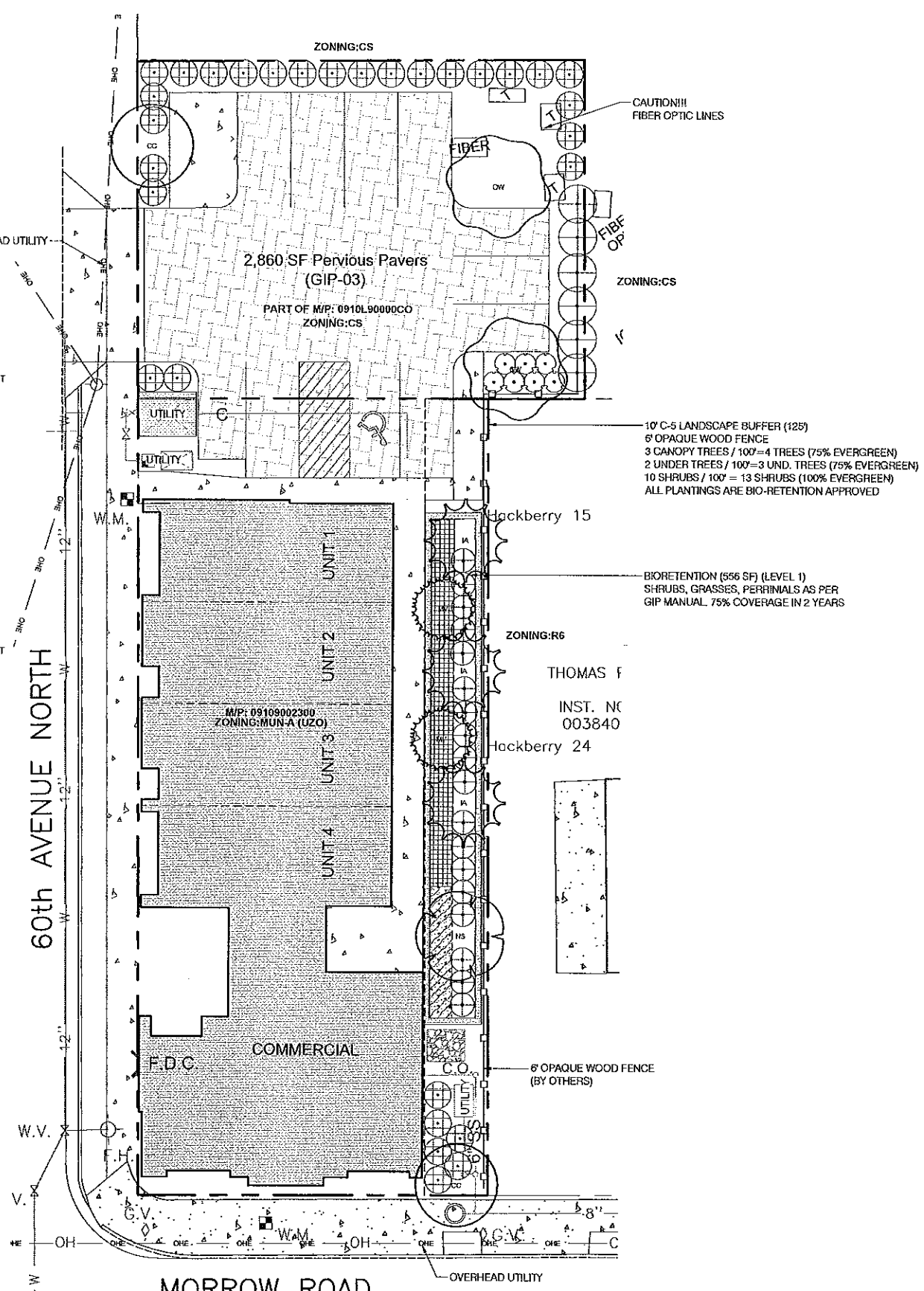
INTERIOR GREEN SPACE - NA  
AREA OF LOT: 0.16 ACRES  
BUILDING COVERAGE: 0.09 ACRES  
AREA OF REQUIRED COMPLIANCE: 0.07 ACRES

REQUIRED TREE DENSITY UNITS: 0.98

PROPOSED NEW TREES: 7 x 0.5 = 3.5  
CREDIT FOR NEW TREES: 3.5

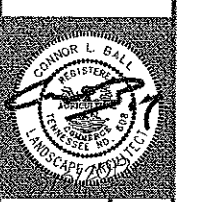
PROVIDED TREE DENSITY UNITS: 3.5

-IRRIGATION TO BE PROVIDED BY AUTOMATIC IRRIGATION SYSTEM  
-TREE CUT PERMIT REQUIRED PRIOR TO ISSUANCE OF GRADING PERMIT



**Heibert+Ball LAND DESIGN**  
1894 Gen. Geo. Patton Dr.  
Suite 400  
Franklin, TN 37067  
Tel: 615.376.2421  
www.hblanddesign.com

PROPOSED SITE FOR:  
**60th & Marrow**  
NASHVILLE, DAVIDSON CO., TENNESSEE



RELEASE DATE: 06/06/00  
REV: 1

L1.0

LANDSCAPE PLAN

**From:** [Kivett, Stephan \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)  
**Subject:** RE: landscape  
**Date:** Thursday, October 31, 2019 10:16:24 AM

---

Like most buffer variance requests, I don't have a problem with them going forward assuming there is no opposition  
Let me know if you or the board has any specific questions, and I will be there to enlighten

Stephan Kivett  
Urban Forester

---

**Subject:** landscape

Appeal 2019-474 & 475 landscape buffer

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Gamble Design Collab Date: 9/17/2019  
Property Owner: Embrey Case #: 2019- 475  
Representative: : Jeffrey Kosiak Map & Parcel: 07012.001100

Council District 02

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

Purpose: Multi-family Residential / ~~SA~~

Activity Type: Mixed- USE

Location: 101 Athens Way

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

Reason: landscape Buffer

Section(s): 17.24.240.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.

Jeffrey Kosiak  
Appellant Name (Please Print)

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

324 Liberty Pike Suite 145  
Address

\_\_\_\_\_  
Address

Franklin, TN 37064  
City, State, Zip Code

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

615.545.4121  
Phone Number

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

jeff@gdc-tn.com  
Email

\_\_\_\_\_  
Email

Zoning Examiner: WM

Appeal Fee: \$ 200



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



3713086

**ZONING BOARD APPEAL / CAAZ - 20190056339  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 07012001100**APPLICATION DATE:** 09/17/2019**SITE ADDRESS:**

101 ATHENS WAY NASHVILLE, TN 37228

LOT 18A METROCENTER RESUB LOTS 36 &amp; 18A

**PARCEL OWNER:** ATHENS WAY NASHVILLE, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting a landscape variance per METZO section table 17.24.240 (B). see master permit 2018045159. BZA staff please note: applicant has discussed this case with Stephan Kivett, Urban Forrester. Council District #2. POC Jeffrey Rosiak 615-545-4121.

*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.





September 17, 2019

Metropolitan Board of Zoning Appeals  
Department of Codes and Administration  
Metro Office Building  
700 2nd Avenue South, Nashville, TN

**Regarding: 0 Athens Way, Landscape Variance Request**

This letter provides a summary of conditions related to a Landscape Variance Request for a landscape buffer reduction for the multifamily development at 0 Athens Way (Metro Master Permit Number: T2018045159).

The basis for appeal is that the buffer requirements under which the previous landscape plans and buffers were approved are no longer applicable. At the time of site plan submittal, a Type B buffer was required between the project parcel (metro parcel 07012001100 with MUG zoning) and the adjacent parcel to the south (metro parcel 07016003000 zoned IWD). Nashville has since deemed buffer requirements from less intense uses to more intense uses (as is the case between MUG and IWD zoning) to be an undue hardship and has adopted a new landscape ordinance which eliminates this requirement. As shown in attached plans and exhibits, this request does not seek to reduce landscape materials, but only seeks to reduce the buffer width in an area where, if site plans were submitted today, no buffer would be required at all. The developer would also introduce a wood privacy fence in this area and would re-arrange plant materials to provide evergreen screening of the fences and buildings from the south.

Because this buffer would not be required if submitted today, we hope you will consider the approval of a variance to reduce the landscape buffer width for this project. In support of this request, find the following attached:

- Cover letter and description of hardship (this page),
- Application for Variance Request,
- Exhibit of proposed buffer and landscape plan revisions,
- Excerpt from revised landscape ordinance illustrating buffer requirements.

Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey A. Rosiak', is written over a large, light blue circular scribble.

Jeffrey A. Rosiak, RLA  
Gamble Design Collaborative  
615.545.4121  
[jeff@gdc-tn.com](mailto:jeff@gdc-tn.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 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**

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

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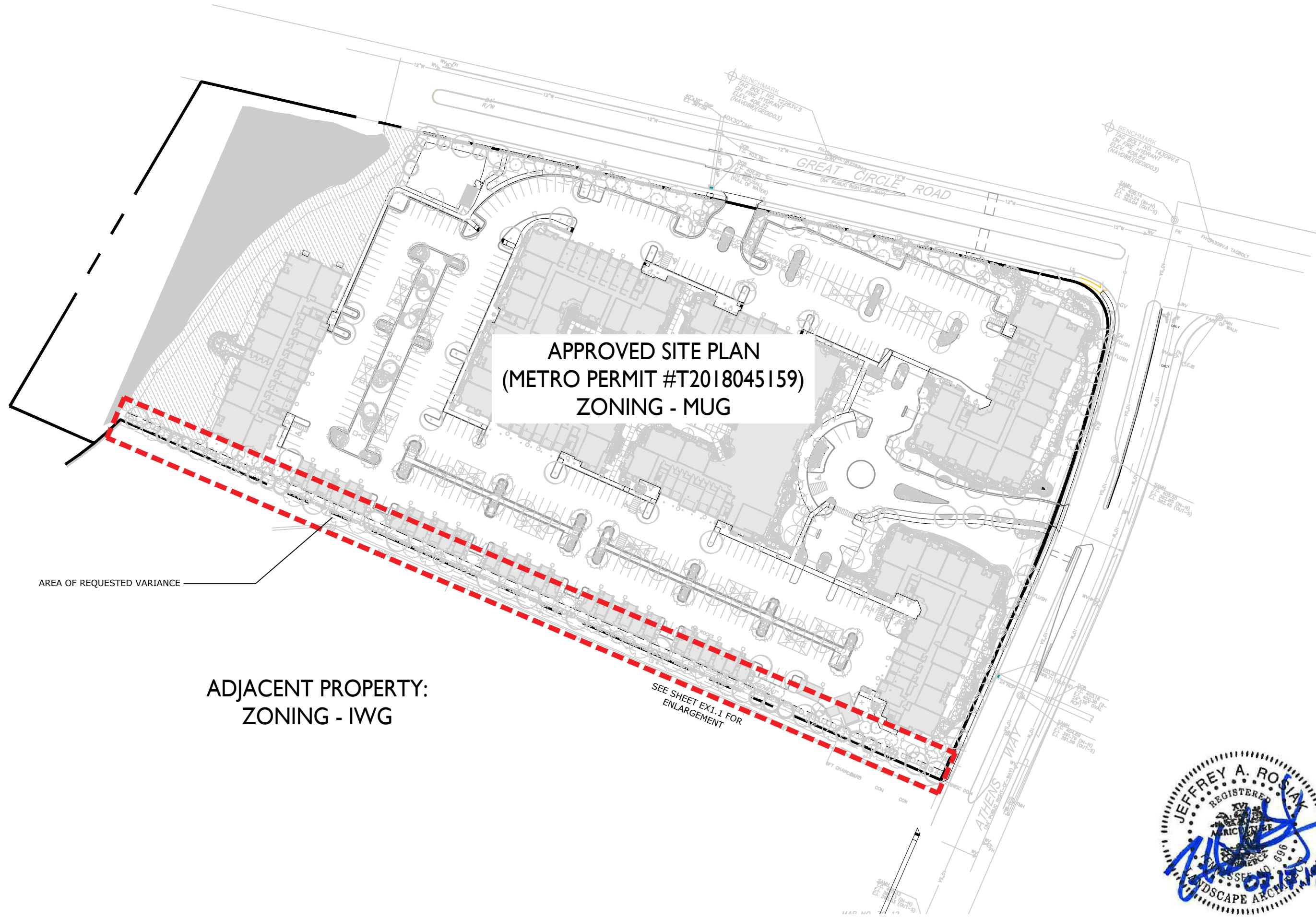
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**APPROVED SITE PLAN  
(METRO PERMIT #T2018045159)  
ZONING - MUG**

AREA OF REQUESTED VARIANCE

**ADJACENT PROPERTY:  
ZONING - IWG**

SEE SHEET EX1.1 FOR  
ENLARGEMENT

**EMBREY - ATHENS WAY**

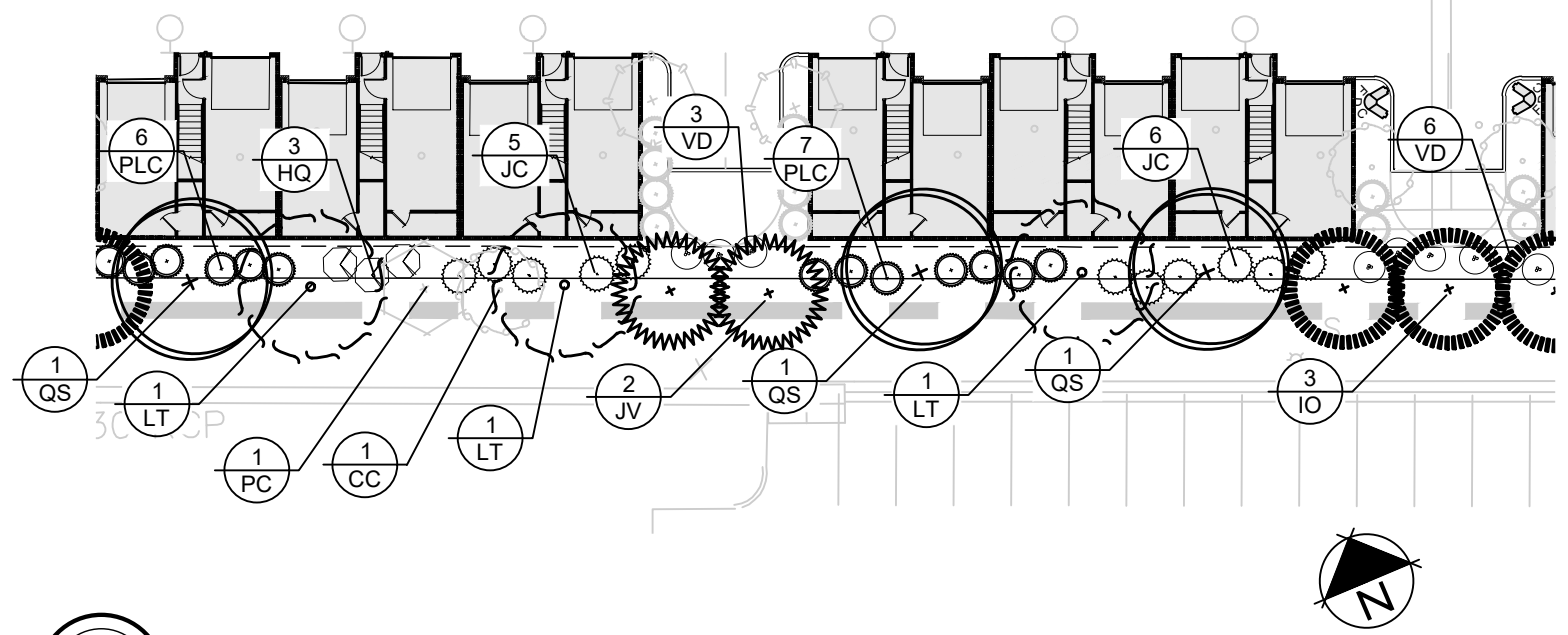
Nashville, Davidson County, Tennessee



Revision	Date
△	_____
△	_____
△	_____
△	_____

BZA REQUEST

**EX1.0**



**1** SAMPLE SECTION OF APPROVED BUFFER (TYPICAL)  
EX1.1 PLAN

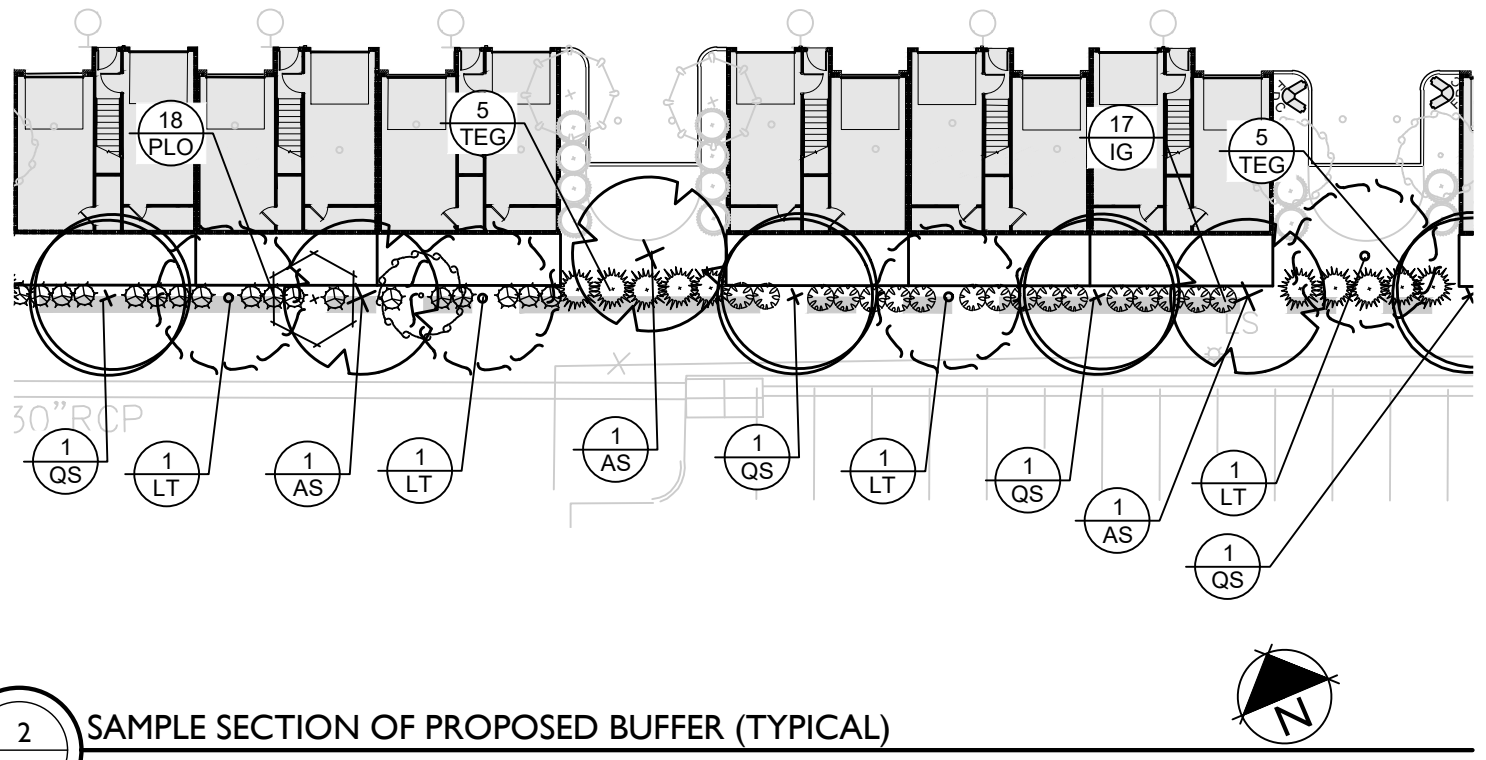
LF TYPE 'B' BUFFER LENGTH: 972.6 LF  
CANOPY TREES REQUIRED (4.5 / 100 LF): 43.77  
UNDERSTORY TREES REQUIRED (1.8 / 100 LF): 17.51  
SHRUBS REQUIRED (13 / 100 LF): 126.44

**APPROVED LANDSCAPE SCHEDULE FOR OVERALL BUFFER**

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	LEAF	SPACING	NOTES
<b>CANOPY TREES</b>								
6	AS	ACER SACCHARUM	SUGAR MAPLE	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
6	LT	LIRIODENDRON TULIPIFERA	TULIP POPLAR	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
10	QS	QUERCUS SHUMARDII	SHUMARD OAK	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
11	JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
11	IO	ILEX OPACA	AMERICAN HOLLY	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
<b>UNDERSTORY TREES</b>								
5	CC	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" CAL, B/B	8'-10'	DECIDUOUS	AS SHOWN	BALANCED CANOPY
9	PC	PRUNUS CAROLINIANA	CHERRY LAUREL	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING; TREE FORM
4	MV	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
<b>SHRUBS</b>								
45	JC	JUNIPERUS CHINENSIS	CHINESE JUNIPER	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
45	PLS	PRUNUS LAUROCERASUS 'SCHIPKAENENSIS'	SCHIP LAUREL	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
18	VD	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM		30" MIN	DECIDUOUS	AS SHOWN	
40	HQ	HYDRANGEA QUERCIFOLIA	OAKLEAF HYDRANGEA		30" MIN	DECIDUOUS	AS SHOWN	

**PROPOSED LANDSCAPE SCHEDULE FOR OVERALL BUFFER**

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	LEAF	SPACING	NOTES
<b>CANOPY TREES</b>								
10	AS	ACER SACCHARUM	SUGAR MAPLE	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
9	LT	LIRIODENDRON TULIPIFERA	TULIP POPLAR	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
13	QS	QUERCUS SHUMARDII	SHUMARD OAK	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
9	JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
3	IO	ILEX OPACA	AMERICAN HOLLY	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
<b>UNDERSTORY TREES</b>								
5	CC	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" CAL, B/B	8'-10'	DECIDUOUS	AS SHOWN	BALANCED CANOPY
9	PC	PRUNUS CAROLINIANA	CHERRY LAUREL	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING; TREE FORM
4	MV	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
<b>SHRUBS</b>								
17	IG	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	3 GAL	30" MIN	EVERGREEN	AS SHOWN	
20	JC	JUNIPERUS CHINENSIS	CHINESE JUNIPER	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
36	PLO	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	3 GAL	30" MIN	EVERGREEN	AS SHOWN	
16	PLS	PRUNUS LAUROCERASUS 'SCHIPKAENENSIS'	SCHIP LAUREL	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
21	TEG	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	B&B	5'-6"	EVERGREEN	AS SHOWN	
38	TM	TAXUS X MEDIA 'DENSIFORMIS'	DENSE YEW		30" MIN	EVERGREEN	36" O.C.	
29	VD	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM		30" MIN	DECIDUOUS	AS SHOWN	



**2** SAMPLE SECTION OF PROPOSED BUFFER (TYPICAL)  
EX1.1 PLAN

EMBREY - ATHENS WAY  
Nashville, Davidson County, Tennessee



Revision Date

△	_____
△	_____
△	_____
△	_____

BAZ REQUEST  
**EX1.1**

Section 12. That Section 17.24.230 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting Table 17.24.230, Table of Landscape Buffer Yard Requirements, and substituting therefore the following:

Table 17.24.230 TABLE OF LANDSCAPE BUFFER YARD REQUIREMENTS

ABUTTING ZONING DISTRICT	ZONING DISTRICT PROVIDING BUFFER YARD						
	1	2	3	4	5	6	7
1 AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	R8, R8-A, RS7.5, RS7.5-A, R6, R6-A, RS5, RS5-A, RS3.75, RS3.75-A, RM6, RM6-A, RM9, RM9-A	RM15, RM15-A, RM20, RM20-A, RM40, RM40-A, RM60, RM60-A, RM80-A, RM80-A, MHP	ON, CN, CN-A, MUN, MUN-A, SCN, OL, OR20, OR20-A, OR40, OR40-A	CL, CL-A, CS, CS-A, MUL, MUL-A, SCC	CA, CF, SCR, MUG, MUG-A, MUI, MUI-A, ORI, ORI-A, OG	IWD, IR, IG
2 R8, R8-A, RS7.5, RS7.5-A, R6, R6-A, RS5, RS5-A, RS3.75, RS3.75-A, RM6, RM6-A, RM9, RM9-A	B	-	B	C	C	D	D
3 RM15, RM15-A, RM20, RM20-A, RM40, RM40-A, RM60, RM60-A, RM80-A, RM80-A, MHP	-	-	-	B	B	C	D
4 ON, CN, CN-A, MUN, MUN-A, SCN, OL, OR20, OR20-A, OR40, OR40-A	-	-	-	-	A	B	C
5 CL, CL-A, CS, CS-A, MUL, MUL-A, SCC	-	-	-	-	-	A	B
6 CA, CF, SCR, MUG, MUG-A, MUI, MUI-A, ORI, ORI-A, OG	-	-	-	-	-	-	B
7 IWD, IR, IG	-	-	-	-	-	-	-

MUG Buffer to IWD no longer required

Note 1: The zoning administrator may allow a necessary adjustment to the landscape buffer yard located along a rear property line to provide for necessary building area after determining an adjustment to a required build-to zone is necessary as permitted by Table 17.12.020.D. The zoning administrator may allow a necessary adjustment to the landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department.

**From:** [Kivett, Stephan \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)  
**Subject:** RE: landscape  
**Date:** Thursday, October 31, 2019 10:16:24 AM

---

Like most buffer variance requests, I don't have a problem with them going forward assuming there is no opposition  
Let me know if you or the board has any specific questions, and I will be there to enlighten

Stephan Kivett  
Urban Forester

---

**Subject:** landscape

Appeal 2019-474 & 475 landscape buffer





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

Appellant: Ashleigh Suarez Date: 7-24-19  
Property Owner: Ashleigh Suarez Case #: 2019-392  
Representative: Ashleigh Suarez Map & Parcel: 11704040900

Council District: 18

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

Purpose: To obtain a STRP permit  
Activity Type: Short Term Rental  
Location: 1512 Paris Ave.

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

Reason: 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: Ashleigh Suarez Representative: \_\_\_\_\_  
Phone Number: 615 545-3284 Phone Number: \_\_\_\_\_  
Address: 1512 Paris Ave Address: \_\_\_\_\_  
Nashville, TN 37212  
Email address: ashleighsuarez3@gmail.com Email address: \_\_\_\_\_

Appeal Fee: \$100.00



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 196800  
NASHVILLE, TENNESSEE 37219-6800  
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.



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



3694535

**ZONING BOARD APPEAL / CAAZ - 20190044057**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 11704040900

APPLICATION DATE: 07/24/2019

**SITE ADDRESS:**

1512 PARIS AVE NASHVILLE, TN 37212  
PT. LOT 53 VICTORIA PLACE

PARCEL OWNER: SUAREZ, ASHLEIGH MARIE

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.

Rental Unit Record

# 1512 Paris Ave, Nashville, TN 37212, USA

Active ●  
Identified ✓  
Compliant ✓

PRINT

### Listing(s) Information

Alrbnb - 34319404

Alrbnb - 11097839



### Rental Unit Information



#### Identified Address

1512 Paris Ave, Nashville, TN 37212, USA

#### Identified Unit Number

None

#### Identified Latitude, Longitude

36.122435, -86.793516

#### Parcel Number

11704040900

#### Owner Name

SMALLMAN, WILLIAM H.

#### Owner Address

PO Box 158444  
Nashville, TN 37215, US

#### Registration / Permit Number

2016028212, 501320

### Matched Details

#### Analyst

CHN6

#### Explanation

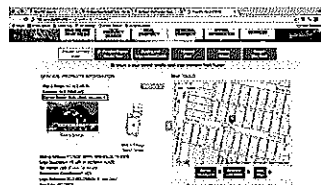
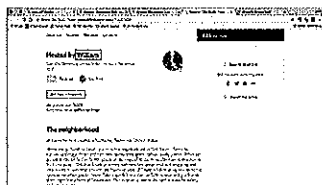
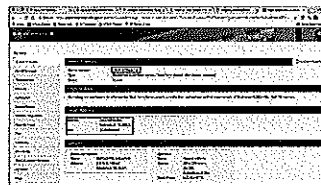
Listing Image contains permit that links to located address. Owner of record matches owner on listing.

#### Listing Photos



Permit identifies located address.

#### Matching 3rd Party Sources



#### Timeline of Activity

View the series of events and documentation pertaining to this property

Owner of record matches owner on listing.

Zip Code Match

Owner Name Match

City Name Match

**Listing Details**

Listing URL	- <a href="https://www.airbnb.com/rooms/11097839">https://www.airbnb.com/rooms/11097839</a>
Listing Status	● Inactive
Host Compliance Listing ID	- air11097839
Listing Title	- Heart of 12th South: 1 bed cottage
Property type	- Guesthouse
Room type	- Entire home/apt
Listing Info Last Captured	- Jun 02, 2019
Screenshot Last Captured	- May 31, 2019
Price	- \$97/night
Cleaning Fee	- \$79

**Information Provided on Listing**

Contact Name	- William
Latitude, Longitude	- 36.123156, -86.793828
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 3
Max Number of People per Bedroom	- 3
Number of Reviews	- 245
Last Documented Stay	- 05/2019

**Listing Screenshot History**

View Latest Listing Screenshot

May 9

June 0

July 0

- 1 Documented Stay  
July, 2019
- 2 Documented Stays  
June, 2019
- ✓ Listing air34319404 Identified  
June 14th, 2019
- ✳ Listing air34319404 First Crawled  
June 6th, 2019
- ✗ Listing air11097839 Removed  
June 6th, 2019
- Listing air34319404 First Activity  
June 6th, 2019
- 4 Documented Stays  
May, 2019
- 7 Documented Stays  
April, 2019
- 5 Documented Stays  
March, 2019
- 4 Documented Stays  
February, 2019
- Listing air11097839 Reposted  
February 26th, 2019
- ✗ Listing air11097839 Removed  
February 25th, 2019
- Listing air11097839 Reposted  
February 13th, 2019
- ✗ Listing air11097839 Removed  
February 13th, 2019
- 4 Documented Stays  
January, 2019
- 5 Documented Stays  
December, 2018
- 4 Documented Stays  
November, 2018
- 8 Documented Stays  
October, 2018
- 8 Documented Stays  
September, 2018
- 5 Documented Stays  
August, 2018
- 6 Documented Stays  
July, 2018
- ✓ First Warning - No STR Permit: Delivered  
July 11th, 2018
- ✓ First Warning - No STR Permit: Sent  
July 4th, 2018
- 7 Documented Stays  
June, 2018
- Listing air11097839 Reposted  
June 23rd, 2018
- ✗ Listing air11097839 Removed  
June 22nd, 2018

- 📅 9 Documented Stays  
May, 2018
- 📅 5 Documented Stays  
April, 2018
- ✈️ Airbnb Letter: Delivered 📅  
April 8th, 2018
- ✈️ Airbnb Letter: Sent 📅  
April 3rd, 2018
- 📅 7 Documented Stays  
March, 2018
- 📅 3 Documented Stays  
February, 2018
- Listing air11097839 Reposted  
February 4th, 2018
- ✖ Listing air11097839 Removed  
January 31st, 2018
- 📅 5 Documented Stays  
January, 2018
- 📅 4 Documented Stays  
December, 2017
- 📅 8 Documented Stays  
November, 2017
- 📅 11 Documented Stays  
October, 2017
- 📅 7 Documented Stays  
September, 2017
- 📅 7 Documented Stays  
August, 2017
- ✓ Listing air11097839 Identified  
August 2nd, 2017
- 📅 9 Documented Stays  
July, 2017
- 📅 6 Documented Stays  
June, 2017
- 📅 7 Documented Stays  
May, 2017
- 📅 9 Documented Stays  
April, 2017
- 📅 7 Documented Stays  
March, 2017
- 📅 4 Documented Stays  
February, 2017
- 📅 4 Documented Stays  
January, 2017
- 📅 5 Documented Stays  
December, 2016
- 📅 6 Documented Stays  
November, 2016
- 📅 7 Documented Stays  
October, 2016
- 📅 9 Documented Stays  
September, 2016

Matched property listing

- 📅 6 Documented Stays  
August, 2016
- 📅 7 Documented Stays  
July, 2016
- ✳ Listing air11097839 First Crawled  
July 21st, 2016
- 📅 9 Documented Stays  
June, 2016
- 📅 6 Documented Stays  
May, 2016
- 📅 6 Documented Stays  
April, 2016
- 📅 5 Documented Stays  
March, 2016
- Listing air11097839 First Activity  
March 5th, 2016

May 31, 2019 - 03:29AM America/Chicago



Search

Become a host Help Sign up Log in

May 31, 2019 3:29am CT



### Heart of 12th South: 1 bed cottage

Nashville



William

Entire guesthouse  
3 guests 1 bedroom 1 bed 1 bath

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

Sparkling clean  
14 recent guests said this place was sparkling clean.

Self check-in  
Check yourself in with the keypad.

\$97 per night  
\*\*\*\*\* 245

Dates  
06/01/2019 → Checkout

Guests  
1 guest

Request to Book

You won't be charged yet

Report this listing

Located in the heart of Nashville's most hip neighborhood, 12th South, our guest cottage is around the corner from some of the best restaurants and shops in town. Walk to the coffeeshops and boutiques along 12th South, Belmont or Hillsboro Village.

#### The space

So you're looking for the perfect place to stay in Nashville? Centrally and conveniently located in the heart of 12th South, you can easily walk to many shops, coffee houses and restaurants, many of which have been featured in magazines like Garden&Gun, Southern Living, and even US magazine ;)

With Sevier park only one block away, you can experience 12th South like we Nashvillian's do! Our guest cottage is just around the corner from the best burgers in Nashville (Burger Up), Reese Witherspoons flagship store, "Draper James", several awesome coffee shops, Bar Taco, Epice and Edley's BBQ and much more. So, if you are car-less, arrive late, or just feel like having an excuse to walk in the morning, it's a great location.

Downtown is a just a quick Uber, taxi, scooter or city bike away (which can be picked up just 1 block away at Sevier Park...a park that on a pretty day quickly becomes the place to be).



YOUR SPACE: one bedroom (with Queen Bed) one bathroom with a shower, WIFI, efficiency kitchenette (no stove or oven but trust me, with proximity to all the restaurants, you won't need one), open living/dining area, TV (No cable, just Netflix on Apple TV), easy access street parking, plenty of closet space and all the basic amenities.

My place is perfect for a couple, or a couple of friends. - I always like to leave something to make your stay more authentic. You will be comfortable with helpful appliances and lots of clean linens.

The cottage does not have a full kitchen (no stove or oven) but it is well-stocked with a toaster, microwave, wine opener, utensils, assorted dishware, and a Craft Beer growler from The Filling Station (a one-of-a-kind craft beer dispensary located just around the corner which we highly recommend visiting), condiments like coffee, sugar, and more! Can I provide something else? Help me improve the Nashville experience by letting me know!

Convenient Interstate access for quick trips to the airport, Opryland, East Nashville, etc. We hope you find our place comfy, cozy, and convenient. We certainly do.

**Guest access**

You have access to the entire guest cottage from a private entrance.

**Interaction with guests**

I've met so many lovely people through Airbnb and hope to meet you. However, you have lots of privacy, peace and quiet here and I will only check in to see that you have everything you need. If I'm traveling during your stay, I am always available via cell.

**Other things to note**

My street is right in the heart of a vibrant historic neighborhood. It's quiet a quite at cozy carriage house (apartment above a detached garage). Within walking distance are a couple of really great Nashville landmarks like Frothy Monkey, Five Daughters Bakery, many hip local restaurants, tons of shopping, Sevier Park, and Belmont (Website hidden by Airbnb) a fun area to explore and again, couldn't be more conveniently located to the rest of Nashville.

-Everything is pretty self-explanatory, though I understand visiting a brand new place can be tough to navigate. So I'll send you detailed driving directions for your arrival and helpful tips to make your stay seamless.

-Keep in mind, if you're a lonnger! There is a TV for connecting a laptop via HDMI for watching iTunes or streaming online. There is no cable TV for basic channel but an Apple TV is provided.

Hide ^

**Contact host**



**Amenities**

**Basic**

**Wifi**

Continuous access in the listing

**Iron**

**Laptop friendly workspace**

A table or desk with space for a laptop and a chair that's comfortable to work in

**TV**

**Essentials**

Towels, bed sheets, soap, and toilet paper

**Heating**

Central heating or a heater in the listing

Air conditioning

Hot water

**Facilities**

Free street parking

**Guest access**

Keypad

Check yourself into the home with a door code

**Bed and bath**

Hangers

Hair dryer

Shampoo

**Safety features**

Fire extinguisher

Carbon monoxide detector

Smoke detector

First aid kit

**Not included**

Kitchen

Washer

Private entrance

**Sleeping arrangements**



**Bedroom 1**  
1 queen bed



**Common spaces**  
1 couch

**House Rules**

Not suitable for children and infants

No smoking

No pets

No parties or events

Check-in is anytime after 3PM

Check out by 11AM

Self check-in with keypad

-We aren't prudes but this is a cottage house and we live in the main home. Nashville is amazing city and we want our guests to have a good time, but please keep the noise to a minimum and be respectful of our family and our neighbors.

- Please keep the party to your party - and only the people in your party.
- NO smoking inside or out.
- Shoes off when you're in...(mainly for cleanliness...but it's more comfortable right?)

**You must also acknowledge**

Must climb stairs

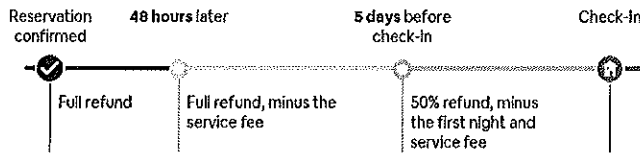
Security Deposit - if you damage the home, you may be charged up to \$150

Hide rules ^

**Cancellations**

**Moderate - Free cancellation for 48 hours**

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.



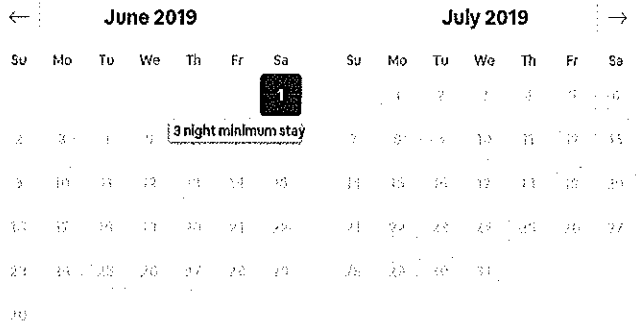
Get full details

Hide policies ^

**Availability**

3 night minimum stay

Clear dates



**245 Reviews ★★★★★**

Q Search reviews

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



**Brenda & Barbara**  
May 2019

Very nice place; great location!



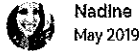
**Grace Anne**  
May 2019

It was great!



**Cameron**  
May 2019

This place was fantastic. I would highly recommend it to anyone looking to stay in the 12 South neighborhood. It came recommended to us after some family members stayed there and we are so glad they told us about it. Loved all of the personal touches and the space was clean and...Read more



Nadine  
May 2019

Very nice but needs more then two towels



Zoë  
April 2019

A perfect place to stay for a long weekend. Close to everything!



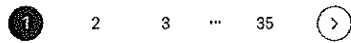
Amber  
April 2019

Great place to stay! We really enjoyed it!



Kathy  
April 2019

This is a very enjoyable and unique experience. It's close enough to downtown to enjoy everything Nashville has to offer yet in an area that has a personality all its own.



### Hosted by William



Nashville, TN · Joined in November 2015

★ 248 Reviews Verified

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

William supports the Living Wage Pledge  
People who clean this host's listing are paid a living wage. [Learn more](#)

Response rate: 100%

Response time: within an hour

[Contact host](#)

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

### About the home

When you stay in an Airbnb, you're staying in someone's home.

This is William's place.

Ashleigh helps host.



### The neighborhood

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

Welcome to the neighborhood of 12th South - home to numerous shops, cool restaurants, great coffee, and fun murals. The main destination is 1/2 block away from our cottage...12th Ave South, booming with fun: great food, shopping and cool events to welcome you to Nashville. Although 12th South could keep you occupied all day, take a quick 2 mile ride up 12th Avenue and you'll plop down right in the heart of Downtown. This location is one of the best in town for safety and accessibility.

More about the area: At the corner of 12th and Paris, you are so close to all the

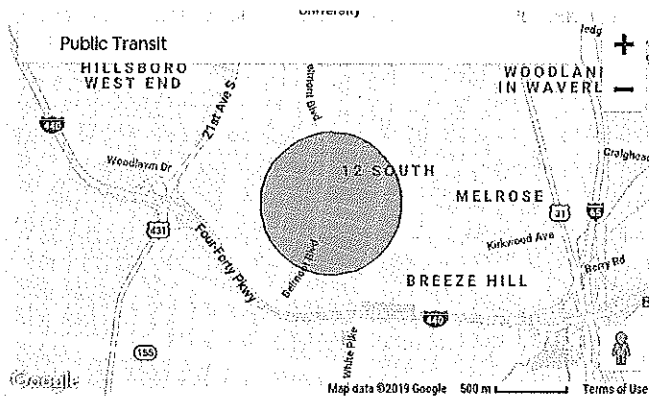
music venues, food & coffee 12th South offers. 8th south, Midtown and Music Row are only a few minutes away! Stuff I love: Frothy Monkey coffee right around the corner! Other great 12th Ave S spots: Bar TacoTaqueria del Sol Mexican, Maflaozas, 12 South Taproom, Epice, and especially The Filling Station. Please see my House Manual on Airbnb to get a full map of personal recommendations!

Getting around

I also recommend Uber, the taxi smartphone app. Since everything is conveniently close, the cost to get around Nashville is incredibly low, better than the old taxi service. Try it! You'll thank me.

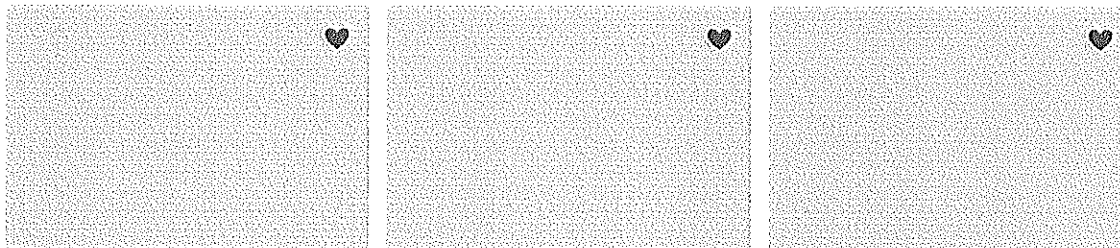
Hide ^

See guidebook



Exact location information is provided after a booking is confirmed.

More homes you may like



ENTIRE GUEST SUITE · NASHVILLE  
**Private Vaulted Suite King, Wet Bar, Bath/5 min DT!**  
 \$80 per night  
 ★★★★★ 671

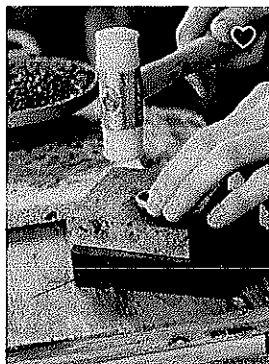
ENTIRE APARTMENT · NASHVILLE  
**Vandy/Belmont/10 mins to Broadway - Sunny 800 sqft**  
 \$75 per night  
 ★★★★★ 546

ENTIRE APARTMENT · NASHVILLE  
**Modern Condo & Pool, Downtown Close!**  
 \$75 per night  
 ★★★★★ 509

Things to do near this home



PHOTO SHOOT  
**Instagram Photowalk Tour of the Gulch**  
 \$45 per person  
 4.97★ (214)



WORKSHOP  
**Smith up to 10 Silver and Brass Rings**  
 \$75 per person  
 4.95★ (153)



PHOTO SHOOT  
**Photo Tour of Famous Nashville Murals**  
 \$45 per person  
 4.88★ (89)



MUSIC LESSON  
**Attend a Nashville recording session**  
 \$92 per person  
 4.91★ (22) · All languages welcome

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Houses · Bed and breakfasts · Lofts · Villas

Nashville  
Laurens  
La Granja  
Saint-Maurice-de-Gourdans  
Villa Rica  
Basin View

Vetralla  
Duingt  
Sketty  
Dellfeld  
Walton-le-Dale  
Saint Madoes

Heringsdorf  
Osceola  
Orxeta  
Rognano  
Waver  
Guame

**Airbnb**

**Discover**

**Hotels**

David Branson  
1522 B Kirkwood Ave  
Nashville, TN 37212

Metropolitan Government of Nashville and Davidson County  
Planning Department, Metro Office Building  
800 Second Avenue South  
PO Box 196300  
Nashville, TN 37219-6300

Dear Department of Codes & Building Safety,

This letter is to show my opposition to my neighbors request for rezoning to application. My family lives near this property and our streets are already a congested, with cars on the street. Kirkwood Avenue & Paris already have numerous short-term rentals (Airbnb) full time properties on our street. I'm concerned about the safety of having large groups of tourist & visitors on our street. **Please deny their request.**

**Appeal Case Number: 2019-392**  
**1512 Paris Ave**  
Map Parcel: 11704040900  
Council District: 18

Sincerely,

David Branson

From: [Will Hughes](#)  
 To: [Board of Zoning Appeals \(Codes\)](#)  
 Subject: Appeal Case # 2019-392  
 Date: Monday, October 14, 2019 1:36:49 PM


Metro Board of Zoning Appeals-

Please accept this message as evidence of my strong opposition to the STRP permit at 1512 Paris Ave. As a close neighbor to this property, I do not approve of the transient renters and general lack of oversight from an Airbnb. We have many families (with young children) in the neighborhood and STRP permits allow for constant, unknown traffic patterns. In turn, this causes stress and introduces possible safety issues. Lastly, as evidenced by this appeal, it's clear that the owner of this property has violated a contractual agreement to keep & maintain a STRP permit.

Sincerely-

Will & Katye Hughes

DAVID BRISLEY  
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
 DEPARTMENT OF CODES & BUILDING SAFETY

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

MAILING ADDRESS  
 POST OFFICE BOX 106300  
 NASHVILLE, TENNESSEE 37219-0300  
 TELEPHONE (615) 862-6500  
 FACSIMILE (615) 862-6514  
[www.nashville.gov/codes](http://www.nashville.gov/codes)

**ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS**

RE: Appeal Case Number: 2019-392  
 1512 PARIS AVE  
 Map Parcel: 11704040900  
 Zoning Classification: R8  
 Council District: 18

This is to inform you that Ashleigh Suarez filed an appeal for the property at the above referenced location. The appellant requested an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired. Should this request be approved, it would allow the applicant to obtain a STRP permit.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 11/7/2019, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.

*This letter is being sent to you because you are the owner of property located within 1000' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.*

Should you have questions or require special accommodations (handicap accessibility), you may mail us at [BZA@nashville.gov](mailto:BZA@nashville.gov). You can view this case at [epermits.nashville.gov](http://epermits.nashville.gov) and search by permit # 20190044057 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS







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

Appellant: Autumn Ryan Date: 8-15-19  
Property Owner: Autumn Ryan Case #: 2019-434  
Representative: Autumn Ryan Map & Parcel: 08204042100

Council District: 05

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

Purpose: To obtain a STRP permit  
Activity Type: Short Term Rental  
Location: 998 McFerrin

This property is in the R5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

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

Section: 17.16.250 E

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

Appellant Name: Autumn Ryan Representative: Same  
Phone Number: 615 415-7356 Phone Number: \_\_\_\_\_  
Address: 998 McFerrin Ave Address: \_\_\_\_\_  
Nashville, TN 37206  
Email address: aryan@aseptichealth.com Email address: \_\_\_\_\_

Appeal Fee: \$100.00



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



3702453

**ZONING BOARD APPEAL / CAAZ - 20190049202**  
**Inspection Checklist for Use and Occupancy**  
**This is not a Use and Occupancy Notification**

PARCEL: 08204042100

APPLICATION DATE: 08/15/2019

## SITE ADDRESS:

998 MCFERRIN AVE NASHVILLE, TN 37206  
LOT 1 ALEXANDER PETWAY AVE. SUB RESUB OF LT 1

PARCEL OWNER: RYAN, AUTUMN N.

CONTRACTOR:

## APPLICANT:

## PURPOSE:

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

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

---

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

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY


DEPARTMENT OF CODES &amp; BUILDING SAFETY

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

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

## NOTICE

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

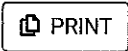


8.15.19

Rental Unit Record

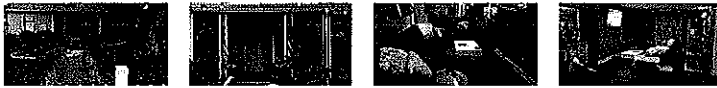
998 Mcferrin Ave, Nashville, TN 37206, USA

Active Identified Compliant

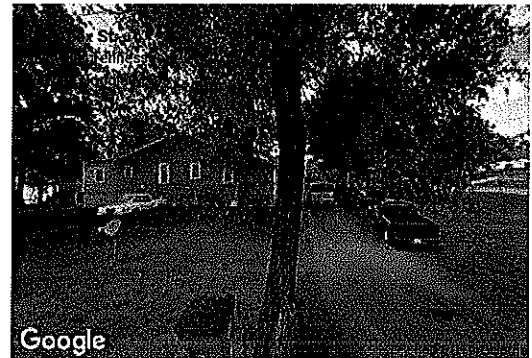


Listing(s) Information

Airbnb - 16237658



Rental Unit Information



Identified Address

998 Mcferrin Ave, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.187771, -86.754387

Parcel Number

08204042100

Owner Name

RYAN, AUTUMN N.

Owner Address

998 McFerrin Ave Nashville, TN 37206, US

Registration / Permit Number

503158

Matched Details

Analyst CDZT

Explanation

Exterior matches in street view. The house has been completely remodeled. New house has been built next door. The property map shows the new house construction next door. http://prntscr.com/g7atvl

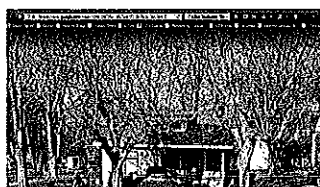
The contact name, Autumn, matches the name of the owner, Ryan, Autumn N., on the property records, tax records, and the short-term rental permit records for this address.

The Nashville records and map confirm the location and address and show APN 08204042100. http://prntscr.com/g7atvl

Listing Photos



Matching 3rd Party Sources



Same house and same old trees. #998 is visible on the mailbox in street view.

Timeline of Activity

View the series of events and documentation pertaining to this property

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL - <https://www.airbnb.com/rooms/16237658>

Listing Status ● Active

Host Compliance Listing ID - air16237658

Listing Title - 1930 bungalow in ❤️ of East Nash!

Property type - House

Room type - Entire home/apt

Listing Info Last Captured - Aug 15, 2019

Screenshot Last Captured - Aug 13, 2019

Price - \$300/night

Cleaning Fee - \$125

Information Provided on Listing

Contact Name - Autumn

Latitude, Longitude - 36.186863, -86.753718

Minimum Stay (# of Nights) - 2

Max Sleeping Capacity (# of People) - 6

Max Number of People per Bedroom - 2

Number of Reviews - 49

Last Documented Stay - 08/2019

Listing Screenshot History

View Latest Listing Screenshot

June 9

July 9

August 4

- ✈ First Warning - No STR Permit: Delivered August 10th, 2019
- ✈ First Warning - No STR Permit: Sent August 5th, 2019
- 📅 1 Documented Stay August, 2019
- 📅 2 Documented Stays July, 2019
- 📅 2 Documented Stays June, 2019
- 📅 2 Documented Stays May, 2019
- 📅 3 Documented Stays April, 2019
- 📅 3 Documented Stays March, 2019
- Listing air16237658 Reposted February 15th, 2019
- ✘ Listing air16237658 Removed February 13th, 2019
- 📅 2 Documented Stays November, 2018
- 📅 3 Documented Stays October, 2018
- 📅 3 Documented Stays September, 2018
- 📅 2 Documented Stays August, 2018
- 📅 1 Documented Stay July, 2018
- 📅 1 Documented Stay June, 2018
- 📅 3 Documented Stays May, 2018
- 📅 3 Documented Stays April, 2018
- ✈ Airbnb Letter: Delivered April 8th, 2018
- ✈ Airbnb Letter: Sent March 29th, 2018
- 📅 1 Documented Stay March, 2018
- Listing air16237658 Reposted February 5th, 2018
- ✘ Listing air16237658 Removed January 31st, 2018
- 📅 1 Documented Stay January, 2018
- 📅 1 Documented Stay November, 2017
- ☹ tip: 998 Mcferrin Ave , Nashville November 6th, 2017

- 4 Documented Stays  
October, 2017
- 2 Documented Stays  
September, 2017
- 3 Documented Stays  
August, 2017
- Listing air16237658 Identified  
August 14th, 2017
- 1 Documented Stay  
July, 2017
- 1 Documented Stay  
June, 2017
- 3 Documented Stays  
May, 2017
- 1 Documented Stay  
April, 2017
- \* Listing air16237658 First Crawled  
April 22nd, 2017
- Listing air16237658 First Activity  
April 20th, 2017

August 13, 2019 - 09:39AM America/Chicago

saved | review | favorite | location | filter

1/1 | share | print | save

The neighborhood

Aug 13, 2019 9:39 AM Page 01

3 photos | plan | details | save



Map | nearby | save | view | details | save

scrolling around

map | zoom | street view | location

list

power | location

map

location

location

location

location

location

location

Things to keep in mind

### Amenities

#### Basic

#### Wifi

Continuous access in the listing

#### Cable TV

#### Iron

#### Laptop friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

#### TV

#### Dryer

In the building, free or for a fee

#### Washer





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

Appellant: Coaker Travels Date: 9-9-19  
 Property Owner: L.P. Sudekum Case #: 2019- 467  
 Representative: Amanda Coaker Map & Parcel: 092160H10500CO

Council District: 19

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 4141 Woodlawn Dr. Apt. #44

This property is in the RM6 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: Amanda Coaker Representative: Same  
 Phone Number: 615 627-6301 Phone Number: \_\_\_\_\_  
 Address: PO Box 1911 Address: \_\_\_\_\_  
Nashville, TN 37116  
 Email address: amanda@coakertravels.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**



3710427

**ZONING BOARD APPEAL / CAAZ - 20190054470  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10315003700**APPLICATION DATE:** 09/09/2019**SITE ADDRESS:**

4141 WOODLAWN DR 44 NASHVILLE, TN 37205  
LOT 2 SUDEKUM SUB.

**PARCEL OWNER:** SUDEKUM, L.P.**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.)

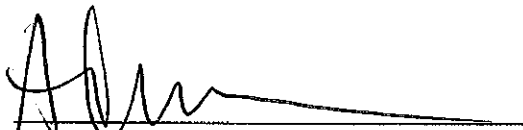
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In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

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

9/9/19  
DATE



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING -- 8th 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.

Rental Unit Record

# 4141 Woodlawn Dr, Nashville, TN 37205, USA

Active ●  
 Identified ✓  
 Compliant X

PRINT  
 SEND ALERT

### Listing(s) Information

Booking - 4884902    Airbnb - 34416983



### Rental Unit Information



#### Identified Address

4141 Woodlawn Dr, Nashville, TN 37205, USA

#### Identified Unit Number

44

#### Identified Latitude, Longitude

36.125945, -86.843225

#### Parcel Number

10315003700

#### Owner Name

SUDEKUM, L.P.

#### Owner Address

2002 RICHARD JONES RD STE 200 A  
NASHVILLE, TN 37215, US

#### Registration / Permit Number

504207

#### Timeline of Activity

View the series of events and documentation pertaining to this property

### Matched Details

Analyst 9TIP

Explanation  
Address provided on listing

### Listing Details

Listing URL — <https://www.booking.com/hotel/us/the-southern-belle-suite-belle-meade.en-gb.html>

Listing Status ● Active

Host Compliance Listing ID — bkg4884902

Listing Title — The Southern Belle Suite - Belle Meade

Property type — holiday home

9/10/2019

Matched property listing

Room type — Entire home/apt  
 Listing Info Last Captured — Sep 08, 2019  
 Screenshot Last Captured — Sep 04, 2019

Information Provided on Listing








Contact Name — Not provided  
 Last Documented Stay —

Listing Screenshot History  View Latest Listing Screenshot

July 9

August 9

September 2

- Listing bkg4884902 Reposted September 8th, 2019
- ✕ Listing air34416983 Removed August 28th, 2019
- ✔ First Warning - No STR Permit: In Transit  August 17th, 2019
-  1 Documented Stay August, 2019
- ✔ First Warning - No STR Permit: Sent  August 5th, 2019
-  1 Documented Stay July, 2019
- ✕ Listing bkg4884902 Removed July 9th, 2019
-  2 Documented Stays June, 2019
- ✔ Listing air34416983 Identified June 14th, 2019
- ✔ Listing bkg4884902 Identified May 17th, 2019
- ✱ Listing bkg4884902 First Crawled May 17th, 2019
- Listing bkg4884902 First Activity May 17th, 2019
-  1 Documented Stay May, 2019
- ✱ Listing air34416983 First Crawled May 8th, 2019
- Listing air34416983 First Activity May 8th, 2019
-  tip: 4141 Woodlawn Dr 44, Nashville July 5th, 2018

September 04, 2019 - 06:16PM America/Chicago

**Booking.com** US\$ [List your property](#) [Register](#) [Sign in](#)

[Accommodation](#) [Flights](#) [Flight + Hotel](#) [Car rentals](#) [Tours & Activities](#)

Home > USA > Tennessee > Nashville > Holiday rentals > Holiday homes > The Southern Belle Suite - Belle Meade

Welcome back! It's always a pleasure to see you. [Sign in](#) to see deals of up to 50% off and get Genius Week benefits, too.

[Sign in](#)

Get a more personalised search

Home > USA > Tennessee > Nashville > Holiday rentals > Holiday homes > The Southern Belle Suite - Belle Meade

**We Price Match**

**Search**

Destination/property name:  
Nashville

Check-in date:  
+ Check-in date

Check-out date:  
+ Check-out date

2 adults

No children | 1 room

I'm travelling for work

**Search**

179 people are currently looking for a place in Nashville

[Show on map](#)

Google Map data ©2019

Like this one, but not quite sure yet?

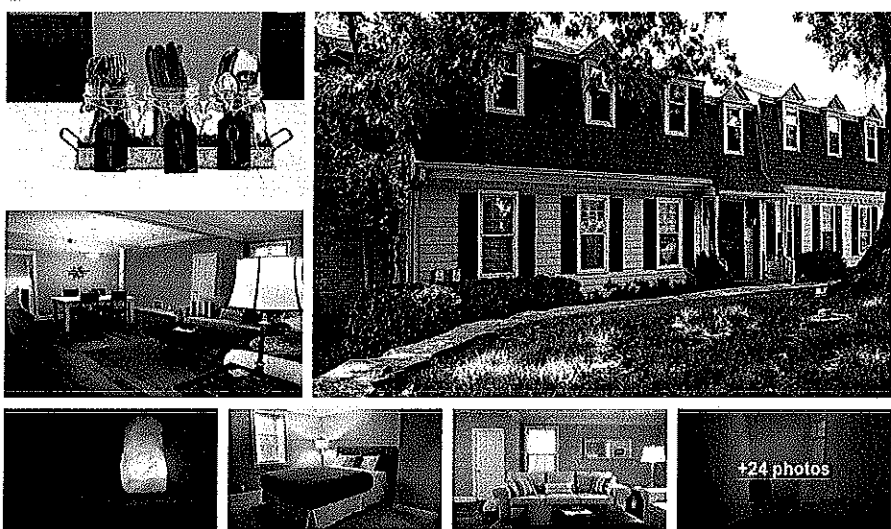
[Show similar properties](#)

**Holiday home info & price** **Facilities** **Ho**

**1** We're sorry, but this property isn't taking reservations on our site right now. Don't worry, you can find tons of other nearby properties [right here](#).

**Holiday home** **The Southern Belle Suite - Belle Meade** [Great for two travellers](#)

Nashville, 37205, USA - [Show map](#)



The Southern Belle Suite - Belle Meade is situated in the Green Hills district of Nashville, 3.1 miles from Vanderbilt University, 4.3 miles from Bridgestone Arena and 4.3 miles from Ryman Auditorium. Featuring private parking, the holiday home is 2.7 miles from The Parthenon.

This air-conditioned holiday home features 3 bedrooms, a satellite TV, a dining area, and a kitchen with a dishwasher and a microwave.

**Guests love...**

**P** Private parking available

[Show me more](#)

- Most popular facilities**
- Parking
  - Private parking

**Lock in a great price for your upcoming stay**

Get instant confirmation with **FREE** cancellation on most rooms!

**Availability** **We Price Match**

When would you like to stay at The Southern Belle Suite - Belle Meade?

Check-in date:  Check-out date:

Check-in date  Check-out date [Check availability](#)

Rooms  Adults  Children

**Property surroundings**

[Show map](#)

**Closest airports \***

Nashville International Airport 9.7 miles

\* All distances are measured in straight lines. Actual travel distances may vary.

Are you missing any information about this area? Yes / No

### Facilities of The Southern Belle Suite - Belle Meade

#### Most popular facilities

Parking Private parking

#### Parking

Private parking is possible at a location nearby (reservation is needed) and costs USD 100 per hour.

#### Internet

Wired internet is available in public areas and charges are applicable.

#### Kitchen

Freedom to eat when you want

- ✓ Coffee machine
- ✓ Stovetop
- ✓ Oven
- ✓ Tumble dryer
- ✓ Kitchenware
- ✓ Dishwasher
- ✓ Microwave
- ✓ Refrigerator

#### Media & Technology

Fun for everyone under one roof

- ✓ Satellite Channels
- ✓ TV

#### Room Amenities

Extra comfort

- ✓ Air conditioning
- ✓ Heating
- ✓ Ironing Facilities

#### Bathroom

- ✓ Hairdryer

#### Living Area

Space for everyone to be together

- ✓ Dining area

#### Pets

Pets are not allowed.

Missing some information? Yes / No

### House rules

The Southern Belle Suite - Belle Meade takes special requests - add in the next step

Check-in 12:00

From 12:00 hours

Guests are required to show a photo identification and credit card upon check-in. You'll need to let the property know in advance what time you'll arrive.

Check-out 11:00

Until 11:00 hours

Cancellation/prepayment Cancellation and prepayment policies vary according to accommodation type. Please [enter the dates of your stay](#) and check the conditions of your required room.

Children and beds Children of any age are welcome. To see correct prices and occupancy information, please add the number of children in your group and their ages to your search. There is no capacity for cots at this property. There is no capacity for extra beds at this property.

Cards accepted at this property

The Southern Belle Suite - Belle Meade accepts these cards and reserves the right to temporarily hold an amount prior to arrival.

Pets Pets are not allowed.

### The fine print

Guests will receive a rental agreement which must be signed and returned to the property prior to arrival. If the agreement is not received, the guest should contact the property management company at the number on the booking confirmation. Guests must be 21 years of age or older to check-in.

Guests are required to show a photo identification and credit card upon check-in. Please note that all Special Requests are subject to availability and additional charges may apply.

Please inform The Southern Belle Suite - Belle Meade in advance of your expected arrival time. You can use the Special Requests box when booking, or contact the property directly with the contact details provided in your confirmation.



Matched property listing

Please note that the full amount of the reservation is due before arrival. Coaker Travels will send a confirmation with detailed payment information. After full payment is taken, the property's details, including the address and where to collect keys, will be emailed to you.

License number: GE-019-129-3440-01

Didn't find the right property?

Continue search

Save time, save money!

Sign up and we'll send the best deals to you

Your email

Subscribe

Send me a link to get the FREE Booking.com app!

Invite hosts

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Extranet login

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Booking.com priceline.com KAYAK agoda.com Rentalcars.com OpenTable

*Terry and Bernie Rosenblum*  
4215 Harding Pike, Apt. 1112  
Nashville, Tennessee 37205

October 14, 2019

Metropolitan Board of Zoning Appeals  
P.O. Box 196300  
Nashville, TN 37219-6300

Re: Appeal Case Number: 2019-467  
4141 Woodlawn Drive 44  
Map Parcel: 10315003700  
Zoning Classification: RM6  
Council District: 19

Dear Board Members:

We are native Nashvillians. We are opposed to the appellant's challenge to the zoning administrator's denial of a short term rental permit. We do not want to see a short term permit issued to the appellant. Further, if we understand correctly that the appellant continued to operate after the issued STRP permit expired, then we believe the appellant should be sanctioned for doing so – certainly not rewarded.

Our neighborhood is an old, established, stable, primarily owner-occupied neighborhood, and we do not want to see its wonderful character destroyed by short-term rentals.

Please take our position into consideration when you decide this matter.

Thank you.



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellants: Anne Wigle Occhipinti & Thomas Occhipinti  
Date: 9/13/19  
Property Owner: Anne Wigle Occhipinti  
Representative: Self/Anne Wigle Occhipinti & husband Thomas Occhipinti  
Case #: 2019-468  
Map & Parcel: 11707011500

Council District 25

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

Purpose: To obtain a short term rental permit

Activity Type: Short Term Rental

Location: 3420 Hopkins St.

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

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

Section(s): 17.16.250 E

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

Anne Wigle-Occhipinti  
Appellant Name (Please Print)  
3420 Hopkins St  
Address  
Nashville, TN 37215  
City, State, Zip Code  
615-948-1832  
Phone Number

Thomas Occhipinti  
Representative Name (Please Print)  
same  
Address  
same  
City, State, Zip Code  
615-948-1834  
Phone Number

amgrace@comcast.net  
Email

Paintedeyes1@hotmail.com  
Email

Zoning Examiner: RAB

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

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

September 3, 2019

Occhipinti, T.J., & Wigle, Anne E.  
3420 Hopkins St  
Nashville, TN 37215

RE: Permit CASR #2017022514  
3420 Hopkins St

Dear Mr. Occhipinti:

The enclosed short term rental renewal documentation was provided on August 12, 2019, which was past the expiration date of May 11, 2019. The permit is, therefore, expired and you must apply for a new permit. Accordingly, enclosed please find the renewal check that you recently submitted.

All short term rental activity, including advertising and operating, must immediately cease at this address. Any such activity at the subject address will be a violation of law and could subject you to further court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Lamb  
Metro Codes

**Lifsey, Debbie (Codes)**

---

**From:** ANNE WIGLE-OCCHIPINTI <amgrace@comcast.net>  
**Sent:** Thursday, September 12, 2019 1:56 PM  
**To:** Lamb, Emily (Codes); Lifsey, Debbie (Codes); paintedeyes1  
**Subject:** Reply-RE: Please advise-moving foreword- re:Permit CASR#2017022514 3420 Hopkins St.,

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

Ms. Lamb,

Thank you for your advise-

I have made arrangements to arrive before 7:30 tomorrow morning to meet with a Zoning Examiner to file an appeal with the Board of Zoning Appeals as we would like to operate our STRP in the future.

Best,

Anne Wigle-Occhipinti

On September 12, 2019 at 1:09 PM "Lamb, Emily (Codes)" <Emily.Lamb@nashville.gov> wrote:

Ms. Wigle-Occhipinti,

While I am certainly sympathetic to your situation, as I said in my email yesterday Codes is unfortunately legally prohibited from renewing or issuing a permit on this property, and you will need to meet with a zoning examiner to file an appeal with the Board of Zoning Appeals if you would like to operate your STRP in the future. That board has the authority to allow you to re-apply for your permit. Zoning Examiners see customers Monday through Friday from 7:30 am to 4:00 pm. I would encourage you to arrive as close to 7:30 as possible, if not earlier, as we often fill up for the day early in the morning.

Best,

Emily Lamb

Metro Codes Department

**From:** ANNE WIGLE-OCCHIPINTI <amgrace@comcast.net>  
**Sent:** Wednesday, September 11, 2019 1:19 PM  
**To:** Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>; paintedeyes1 <paintedeyes1@hotmail.com>  
**Subject:** Please advise-moving foreword- re:Permit CASR#2017022514 3420 Hopkins St.,

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

Ms. Emily Lamb re:Permit CASR#2017022514

3420 Hopkins St.,

My husband Tom and I have worked tirelessly to build our small business to supplement our income as public school educators. We run an AirB@B in the front part of the house where our children's bedrooms used to be. It takes a lot of time and energy to make the space represent both us and Nashville as being comfortable, kind, and affordable (95\$ per night). We pride ourselves on being clean and put fresh flowers from our home garden in vases in each of the 2 bedrooms. Our rating with AirB&B is 5 Stars/Superhosts - a result of a lot of hard work.

As I believe has been explained, there has been a mistake made, and as a result, our Metro STRP permit is no longer ...and our business has halted.

Question-

\*How exactly do we move forward so that we can operate our AirB&B?

\*Please advise.

Sincerely,

Anne Wigle-Occhipinti and husband Tom Occhipinti

P.S. As soon as we became aware of our not currently being permitted we contacted guests cancelling their stays-

\*We have lost this income- they must find other accommodations.

\*Not only have we lost income, but we have been fined by Airbnb for the cancellations. We are working now with Airbnb to permanently deactivate the web page...as the reservation cancellations we have made triggered a deactivated page process.

\*Our 5 Star Super-host rating will have most likely dropped once we begin again.

-----

\*We hope to move forward in a positive way as quickly as possible- for us- this is devastating.

\*Please advise-

On September 10, 2019 at 10:20 AM ANNE WIGLE-OCCHIPINTI  
<[amgrace@comcast.net](mailto:amgrace@comcast.net)> wrote:

Ms. Lamb-

I am not able meet with you at 1:00 today as Ms. Lifsey had arranged with you when I was at the Metro Codes Office yesterday regarding Permit CASR#2017022514 3420 Hopkins St.

I will phone Ms. Lifsey to reschedule.

Sent from my iPhone

9/8/2019

Mail - Thomas Occhipinti - Outlook

Zoning Examiner  
615-862-6621

**From:** Thomas Occhipinti <paintedeyes1@hotmail.com>  
**Sent:** Thursday, August 08, 2019 5:32 PM  
**To:** Harper, Clint (Codes) <clint.harper@nashville.gov>  
**Subject:** Re: AIRB&B Permit

1st email 8-08-2019  
Sent to Mr. Harper

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

Mr. Harper,

We have not received our renewal information for operating our Short Term Rental. We continue to make our hotel and tax payments each month of operation.

Two questions:

Has the fee been increased as we have heard proposed by Mayor Briley?

Will we receive renewal info by mail?

Tom Occhipinti

---

**From:** Harper, Clint (Codes) <clint.harper@nashville.gov>  
**Sent:** Thursday, May 4, 2017 7:30 AM  
**To:** 'Thomas Occhipinti' <paintedeyes1@hotmail.com>  
**Subject:** RE: AIRB&B Permit

If he has passed you then you just need to come in to pay.

Clint Harper  
Zoning Examiner  
615-862-6621

---

**From:** Thomas Occhipinti [mailto:paintedeyes1@hotmail.com]  
**Sent:** Wednesday, May 03, 2017 2:53 PM  
**To:** Harper, Clint (Codes)  
**Cc:** anne wgle-occhipinti  
**Subject:** Re: AIRB&B Permit

Dear Clint,

Firemarshall Patrick Williams passed us on his first inspection of our home at 3420 Hopkins St., this morning. He said it would be a few days for his paperwork to reach you.

Please advise us how to purchase our permit as a final step. Do we need to make another appointment? Do we just show up and pay for it?



Re: AIRB&B Permit

Thomas Occhipinti

Tue 8/13/2019 3:43 PM

To: Harper, Clint (Codes) <clint.harper@nashville.gov>

Cc: Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov  
<robert.osborn@nashville.gov>; anne wigle-occhipinti <amgrace@comcast.net>

Dear Clint,

Thank you again for your recent help. My wife and I completed the paperwork your emailed last week and notarized as directed. Instead of mailing the paperwork and \$313.00 permit renewal fee, we had planned on hand delivering it to you this week.

(See our original email of August 8th and your response August 9th below..)

This afternoon, my wife and I received a notification in the mail from a Robert Osborne, that we were in violation of operating our STRP due to not having a STRP permit.

My wife, Anne, will promptly deliver the check and required renewal paperwork tomorrow to your office.

Hopefully, this will clear up the matter, which arose from our not understanding that it is up to the STRP permit holders, to renew their permits each year, without awaiting notification.

Please accept our apologies for not understanding initially that it was our responsibility to renew the paperwork, and we look forward to this matter being cleared up ASAP.

Tom Occhipinti & Anne Wigle-Occhipinti  
615-948-1834

CC: Councilman Russ Pulley  
Robert Osborn

---

**From:** Harper, Clint (Codes) <clint.harper@nashville.gov>  
**Sent:** Friday, August 9, 2019 7:49 AM  
**To:** 'Thomas Occhipinti' <paintedeeyes1@hotmail.com>  
**Subject:** RE: AIRB&B Permit

Renewal info is sent as a courtesy only, you are still responsible to have all documents in by the required date. I have attached a blank renewal form.

The renewal and permit fee is \$313.00

Clint Harper

2nd Email Sent  
to Mr. HARPER  
8-13-2019

email  
1st Response  
from Mr. HARPER  
8-09-2019

**Fw: AIRB&B Permit**

Thomas Occhipinti

Wed 8/14/2019 2:13 PM

**To:** Harper, Clint (Codes) <clint.harper@nashville.gov>**Cc:** Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov <robert.osborn@nashville.gov>; anne wige-occhipinti <amgrace@comcast.net>

Dear Mr. Harper,

Thank you for helping my wife this morning as she provided you our STRP renewal notarized documents and payment of \$313.00, in person.

We consider the matter successfully resolved from when we first contacted you last Thursday, August 8th, unless we hear otherwise.

Thank you again for your kindness and help.

Tom Occhipinti  
3420 Hopkins St.  
Nashville, TN. 37215

---

**From:** Thomas Occhipinti <paintedeeyes1@hotmail.com>**Sent:** Tuesday, August 13, 2019 3:43 PM**To:** Harper, Clint (Codes) <clint.harper@nashville.gov>**Cc:** Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov <robert.osborn@nashville.gov>; anne wige-occhipinti <amgrace@comcast.net>**Subject:** Re: AIRB&B Permit

Dear Clint,

Thank you again for your recent help. My wife and I completed the paperwork your emailed last week and notarized as directed. Instead of mailing the paperwork and \$313.00 permit renewal fee, we had planned on hand delivering it to you this week.

(See our original email of August 8th and your response August 9th below..)

This afternoon, my wife and I received a notification in the mail from a Robert Osborne, that we were in violation of operating our STRP due to not having a STRP permit.

My wife, Anne, will promptly deliver the check and required renewal paperwork tomorrow to your office.

Hopefully, this will clear up the matter, which arose from our not understanding that it is up to the STRP permit holders, to renew their permits each year, without awaiting notification.

3rd email to  
Mr. Harper  
8-14-2019

**Lifsey, Debbie (Codes)**

---

**Subject:** Cancelled STRP  
**Location:** In your office  
  
**Start:** Tue 9/10/2019 1:00 PM  
**End:** Tue 9/10/2019 1:30 PM  
  
**Recurrence:** (none)  
  
**Organizer:** Lamb, Emily (Codes)

3420 Hopkins permit canceled due to renewal was turned in to Metro 2 months late.

Anne 615-948-1832 or 615-948-1834

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

September 3, 2019

Occhipinti, T.J., & Wigle, Anne E.  
3420 Hopkins St  
Nashville, TN 37215

RE: Permit CASR #2017022514  
3420 Hopkins St

Dear Mr. Occhipinti:

The enclosed short term rental renewal documentation was provided on August 12, 2019, which was past the expiration date of May 11, 2019. The permit is, therefore, expired and you must apply for a new permit. Accordingly, enclosed please find the renewal check that you recently submitted.

All short term rental activity, including advertising and operating, must immediately cease at this address. Any such activity at the subject address will be a violation of law and could subject you to further court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Lamb  
Metro Codes

Date: Sept. 12<sup>th</sup>, 2019

To Metro Zoning Examiner:

To Whom It May Concern-Letter detailing the basis for the appeal-specifically addressing the error in interpretation.

My husband, Tom, and I (Anne) have worked tirelessly to build our small business to supplement our income as current and recently retired MNPS school educators. We have legally operated an owner occupied AirB@B in the front part of the house, where our children's bedrooms used to be, since May 2017. It takes a lot of time and energy to make the space represent both us and Nashville as being comfortable, kind, and affordable (95\$ per night). We pride ourselves on the suite being clean and put fresh flowers from our home garden in vases in each of the 2 bedrooms. Our rating with AirB&B is 5 Stars/Superhosts - a result of a lot of hard work. We have always faithfully operated our STRP within Metro guidelines, to the best of our knowledge, and have promptly paid hotel occupancy tax each month, and local and state taxes (paid by AirBNB on our behalf), with no complaints from neighbors. We have had zero problems from our guests. Many of our guests are parents and grandparents of local university students or first time visitors to Nashville. We have always acted proudly as ambassadors to our city and community.

A mistake has been made by us as a result of an error of interpretation. We own the mistake. I think if you read closely what follows, you will come to understand how miscommunication from Metro Codes contributed to it. We would like to move forward and continue legally renting our AirB&B, and not be penalized further with a year suspension. Please read the detailed explanation below and advise us as to how we can move forward.

\*\*\*Section specifically addressing the error in interpretation\*\*\*

\*We had the impression that we would get a renewal notification in the mail as we had the previous year-May 2018. My husband kept saying, "I wonder when we will get our Renewal Notice in the mail?" He even included a note with our May Hotel Occupancy payment, but never received a response back.

\*We were also aware of the proposed increase of 600% for permits and Tom made an appointment and spoke publicly at Metro Council meeting at the end of May, about how such an increase feels punitive for folks on a budget with in home AirB&B's such as ours.

\*Therefore, we thought the renewal notice had possibly been postponed as a result of the pending fee increase. We were wrong to make that assumption.

\*When the fee increase bill passed in late June...we still did not get a renewal in July.

\*We continued to operate and pay our monthly Hotel tax occupancy in July and August.

\*After not hearing back by the beginning of August, Tom emailed Mr. Clint Harper with Metro Codes on Thursday, August 8, 2019, inquiring about the missing renewal notice.

\*Friday, August 9<sup>th</sup>, Tom also spoke with Mr. Harper on the phone to confirm Mr. Harper's email. Mr. Harper clearly explained that **Codes only sent renewal notices as a courtesy after the first year.** Tom apologized for not knowing and asked if we would have to reapply and be inspected again? Mr. Harper assured Tom on the phone that day, that since nothing had changed with our property listing, we would not have to reapply and go through the process. Mr. Harper referred Tom to his earlier email to us, which directed us to download and complete the attached renewal documents, complete the forms, have the forms notarized, and pay the new amount by check of **\$313.00.** To repeat, Mr. Harper twice clearly communicated his directive in a written email on August 8<sup>th</sup>, and again orally by phone, August 9<sup>th</sup>, and led us to believe we would then be in compliance with Metro Codes.

\*Monday, August 12<sup>th</sup> we completed the necessary paperwork at our bank in order to notarize the material.

\*Tuesday, August 13<sup>th</sup> we received a letter from a codes worker, Robert Osborne, informing us we were in violation of STRP because we did not have a registered permit to operate. Tom sent email to Mr. Harper (see attached) and explained the letter contents.

\*Wednesday, August 14<sup>th</sup> I (Anne) hand delivered the notarized materials and check to Mr. Harper and asked him to review to make sure all was in order and that everything required was present. Mr. Harper reviewed the materials while I/Anne stood in front of him and he said, that all was correct as required- leading me to believe all was well.

\*Wednesday, August 14<sup>th</sup> Tom emailed Mr. Harper thanking him and that we considered the matter closed unless we heard otherwise.

\*On September 7<sup>th</sup>, nearly one month later, we received a lengthy formal letter by mail from Ms. Emily Lamb, that our renewal paperwork provided by Mr. Clint Harper, was rejected. All of the paperwork and check I had hand delivered were enclosed.

\*We were perplexed by the letter since we were clearly led to believe earlier by Mr. Harper by email and phone to us, that we were to download papers, complete the renewal application, have the papers notarized, and return those materials with a check for \$313.00 -and we followed his directive in a timely manner.

**To recap:**

- Once we contacted Metro Codes and learned that Metro Codes did not send out renewal notices after the first renewal year, (which was only done as a "courtesy,") we complied with the renewal application and instructions as provided by Mr. Harper.
- We have always faithfully operated our STRP within Metro guidelines, to the best of our knowledge, and have promptly paid hotel occupancy tax each month, and local and state taxes (paid by AirBNB on our behalf).
- Further, as soon as we became aware of our not currently being permitted to operate, we complied with Ms Lamb's letter, and we delisted our AirBNB Web site. Additionally, we cancelled 9 guests booked for weekends for the next two months-
- As a result, We have lost over \$1000.00 income- the guests must find other accommodations.
- Our 5 Star Superhost rating is gone.
- We were fined \$250 by AIRBNB for cancellations.

We hope to move forward in a positive way as quickly as possible-

**\*Question-**

\*How exactly do we move forward to appeal this initial ruling, so that we can receive permission to continue to operate our Airbnb, as part of our monthly earnings which supplement my MNPS & State Teacher retirement earnings?

We hope you will help us successfully resolve this unfortunate error in interpretation.

Sincerely,

Anne Wigle-Occhipinti and husband Tom Occhipinti (615-948-1834)

3420 Hopkins St.  
Nashville, TN. 37215

October 7, 2019

Richard Glaze  
208 Stokesboro Ct  
Nashville, TN 37215

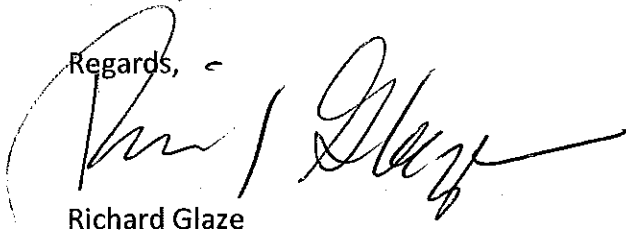
Metropolitan Government of Nashville  
Department of Codes and Building Safety  
800 Second Ave South  
Nashville, TN 37210

RE: Appeal Case Number: 2019-468

Dear Sirs:

I am opposed to short term rentals in my neighborhood which includes the proposed one at 3420 Hopkins Street.

Regards,



Richard Glaze

Metropolitan Government of Nashville  
Department of Codes and Building Safety  
800 Second Ave South  
Nashville, TN 37210





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

Appellant: Sheryl Marsella Date: 9/16/2019  
 Property Owner: Sheryl Marsella Case #: 2019- 471  
 Representative: Sheryl Marsella Map & Parcel: 081082T00200CO  
 Council District: 19

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 1812 6th Ave N B

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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: Sherly Marsella Representative: Same  
 Phone Number: (847)867-6400 Phone Number: \_\_\_\_\_  
 Address: 1812 6th Ave N B Address: \_\_\_\_\_  
Nashville, TN 37208  
 Email address: sherylmarsella@gmail.com Email address: \_\_\_\_\_

dannmclendon@icloud.com

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

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

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of 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 noon, the Monday prior to public hearing to be included in the record. You must provide eight (1) copy of you information to staff.

**I am aware that I am responsible for removing the Sign(s) after the public hearing.**

  
 \_\_\_\_\_  
 APPELLANT

9/16/19  
 \_\_\_\_\_  
 DATE



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



3485905

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394**

**PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO  
[HTTP://STRP.NASHVILLE.GOV](http://STRP.NASHVILLE.GOV) FOR RENEWAL INSTRUCTIONS**

**PARCEL:** 081082T00200CO      **APPLICATION DATE:** 04/20/2018

**SITE ADDRESS:**      **ISSUED DATE:** 05/03/2018

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL OWNER:** Sheryl Marsella

**APPLICANT:** Sheryl Marsella  
1812 B 6th Ave. N  
Nashville, TN 37208  
847 867-6400

**CONTACT:** Jonny Lee  
210 12th Ave. S  
Nashville, TN 37203  
615 429-3032

**PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

Renew Short Term Rental Permit

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**



3712462

**ZONING BOARD APPEAL / CAAZ - 20190055907  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 081082T00200CO**APPLICATION DATE:** 09/16/2019**SITE ADDRESS:**

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL OWNER:** SHERYL MARSELLA**CONTRACTOR:****APPLICANT:****PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

*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**



3712462

**ZONING BOARD APPEAL / CAAZ - 20190055907**

**ISSUED ON:**

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

Approval (Where Required)

Date

**SITE ADDRESS:**

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL:** 081082T00200CO**Tax District:** USD**Census Tr:** 37019400**PARCEL OWNER:****PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

**PERMIT DETAILS:**

Estimated Value:

Number of Floors:

Const Type:

Sewer or Septic:

Sq Footage:

Total # Buildings:

Parking Required: N

Total # Units:

Parking Provided: N

Garage: N

Sprinklers? N

Number of Bedrooms: \*

Metro Water:

Number of Kitchens:

Public Constr? N

**ZONING ASSIGNMENTS:**

OV-UZO URBAN ZONING OVERLAY  
R6-A ONE&TWO FAMILY 6,000 SQUARE FOOT LOT



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



3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

**ISSUED ON:**

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

Approval (Where Required) \_\_\_\_\_ Date \_\_\_\_\_ CAAZ \_\_\_\_\_

**FEE / PAYMENT:**

[2019/09/16] CA ZONING APPEAL...	\$ 250.00	\$ -
PERMIT FEE/PAYMENT.....	\$ 250.00	\$ -

**Payment Detail:**

Issue Date: **This Permit Has NOT Been Issued**

**Pmt Total:**

**Issued By:**

**BEFORE THE  
METROPOLITAN BOARD OF ZONING APPEALS**

<b>IN RE:</b>	)	
	)	
<b>SHERYL MARSELLA</b>	)	<b>APPEAL CASE NO. 2019-471</b>
<b>1812B 6<sup>th</sup> AVE. NORTH</b>	)	<b>(STRP PERMIT DENIAL APPEAL)</b>
<b>MAP PARCEL: 081082T00200CO</b>	)	
<b>ZONING CLASSIFICATION: R6-A</b>	)	
<b>COUNCIL DISTRICT: 19</b>	)	

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**KAREN AND JEREMY LIGHT'S OPPOSITION TO  
APPELLANT SHERYL MARSELLA'S SEEKING ISSUANCE OF STRP PERMIT**

---

Karen and Jeremy Light ("the Lights") are interested parties in the above-styled appeal for issuance of a Short-Term Rental Property (STRP) permit, by virtue of the fact that they are the owners and reside in the townhome located at 1812A 6<sup>th</sup> Avenue North, Nashville, TN. The Lights' townhome and Appellant Marsella's townhome occupy a Horizontal Property Regime (HPR), 1812 6<sup>th</sup> Avenue North Townhomes, a planned unit development. *See* Karen Light and Jeremy Light's Affidavits, attached hereto as **Exhibit 4 (Karen Light)** and **Exhibit 5 (Jeremy Light)**. The Lights, by and through counsel, oppose the issuance of a STRP permit to Appellant Marsella for the reasons set forth below.

Ms. Marsella is illegally operating a Short-Term Rental Property in violations of STRP ordinances for the following reasons:

1. Appellant Marsella's STRP permit expired in May, 2019, yet Appellant Marsella continued to operate the STRP.
2. Appellant Marsella did not apply for another STRP permit by the "grace period" permit application deadline of June 28, 2019.

3. Appellant Marsella has continued to operate her townhome at 1812B 6<sup>th</sup> Avenue North without a permit until the present time, in violation of the Metropolitan Code of Ordinances ("the Code") §17.16.250, and subsections, as amended.

4. Ms. Marsella first applied for a STRP permit on May 3, 2018. *See* attached Permit Summary, **Exhibit 1**. Ms. Marsella incorrectly stated on the STRP permit application that the subject STRP property is not in violation of a Homeowners' Association. (Discussed in detail, below.)

5. Appellant Marsella applied for the current STRP permit which is the subject of the appeal before this Board, on September 16, 2019. *See* **Collective Exhibit 2, attached hereto**. The Zoning Administrator denied Appellant Marsella application for a STRP permit pursuant to Metro Codes Department §17.16.250 and subsections, as amended. **Collective Exhibit 2, attached**.

6. Thereafter Ms. Marsella appealed to the Board of Zoning Appeals. **Collective Exhibit 2, attached**.

7. Despite the lack of a STRP permit, Appellant Marsella has continued to operate her townhome at 1812B 6<sup>th</sup> Avenue North as a STRP. Further, Appellant Marsella continued operations of her STRP even after being issued a "stop work" notice by the Metro Codes Department on or about September 13, 2019, to cease STRP operations, in violation of Code §17.16.250 and subsections, as amended.

8. On September 23, 2019 an Environmental Civil Warrant was sworn out against Appellant Marsella by the Metro Codes Department for advertising and operating a STRP without a permit, and for failing to stop work when a "stop work" notice was posted at the address. *See* Environmental Court Warrant, attached hereto as **Exhibit 3**.



9. Appellant Marsella or someone on her behalf removed the "stop work" notice placed on her door by the Codes Department, despite instructions to leave the notices on display. **See Karen Light and Jeremy Light Affidavits**, attached to this Opposition Statement respectively as **Exhibits 4 and 5**.

10. From Appellant Marsella's initiation of STRP operations, she has operated her STRP illegally in violation of Code §17.16.250 and subsections, as amended, because the Lights' townhome and Appellant Marsella's townhome both occupy the same parcel of land and are designated a Horizontal Property Regime (HPR) in the properties' respective deeds. Ms. Marsella cannot legally operate a STRP on HPR property unless she owns the adjacent townhome on the property and resides in the adjacent townhome, which Ms. Marsella does not. **See Collective Exhibit 6**, attached. **See also, Site Plans for 1812 6<sup>th</sup> Avenue North Townhomes**, attached to **Exhibit 4, Karen Light's Affidavit (Exhibit A), and Exhibit 5, Jeremy Light's Affidavit (Exhibit A)**.

11. Appellant Marsella has continuously operated her STRP illegally in violation of Code §17.16.250 and subsections, as amended. The Homeowners Association's "Covenants, Conditions, and Restrictions" for the Lights' and the Appellant's townhomes specifically prohibit the operation of STRP's by the owners. Ms. Marsella purchased her townhome unit by Warranty Deed. Ms. Marsella a real estate agent herself, had closing attorneys, and received the "Declaration of Covenants, Conditions, and Restrictions for 1812 6<sup>th</sup> Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development)" attached as an Exhibit to Appellant Marsella's Warranty Deed. **Collective Exhibit 6**, attached.

12. The townhome at 1812B 6<sup>th</sup> Avenue North was first deeded to the Sheryl B. Marsella Living Trust (Warranty Deed Recorded April 9, 2018, #20180409-0033309). After

apparently discovering that a Trust could not own and operate a STRP, Ms. Marsella quitclaimed the HPR unit to herself on April 20, 2018 (Quitclaim Deed recorded with Register of Deeds Office on 4/20/2018, #20180409-0033309). Certified Copies of Appellant Marsella's Warranty Deed, the Exhibit to the Deed the "Declaration of Covenants, Conditions, and Restrictions for 1812 6<sup>th</sup> Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development)." The certified copies of the "Declaration of Covenants, Conditions, and Restrictions" for the subject property, along with certified copies of Appellant's Deeds are attached as **Collective Exhibit 6**.

13. Appellant Marsella has completed two (2) STRP permit applications in which she has incorrectly represented that there is no Homeowners' Association Covenants or By-laws which restrict STRP operations, in violation of Code §17.16.250 and subsections, as amended. *See Ms. Marsella's STRP Permit Summary, attached as **Collective Exhibit 1 and Collective Exhibit 2**.*

14. The Appellant's and the Lights' Homeowners Association's "Covenants, Conditions, and Restrictions" clearly state, in relevant part:

No unit may be offered by its owner to the public at large for temporary transient accommodations.

*See ¶18, page 13, **Collective Exhibit 6, "Declaration of Covenants, Conditions, and Restrictions"** attached as an Exhibit to Warranty Deed.*

15. Appellant Marsella's advertisements for her STRP on the internet did not comply with Code §17.16.250 and subsections, as amended, the which requires (a) a prominent display of the permit number for the STRP unit; or (b) an image of the permit, or a link to the permit. *See **Karen Light Affidavit, Exhibit 4**.*

16. Despite the lack of a permit, and despite Appellant's receipt of at least one "stop work" notice, Ms. Marsella's advertisements reflected online bookings for her STRP through

November 2019, with almost every weekend booked through October, 2019. Marsella's Online booking calendars showing Ms. Marsella's STRP booked from the present through November 2019. Marsella's Online STRP Bookings Calendar attached to **Karen Light Affidavit**, attached hereto as **Exhibit 4**, and **Jeremy Light Affidavit, Exhibit 5**. Specifically, Marsella rented out her STRP for the following dates despite the fact that she did not possess a STRP permit: August 22, 23, 24, 30, 31; September 12, 13, 14, 19, 20, 21; October 4, 5, 6, 12, 13, 17, 18, 19, 20, 24, 25,26; November 8, 9,10.

17. Regularly, Appellant Marsella has rented her townhome to STRP renters who come as visitors to Nashville to "party." The renters generally come in large groups who are boisterous, noisy, inebriated, and uninhibited. The Lights have had to endure loud music, people shouting and laughing outside during hours most people are asleep, loud singing outside, loud rowdy games of "corn hole", "touch football", and "beer can toss", etc. *See a sampling of videos* attached via e-mail to BZA@nashville.gov. The Lights have been awakened during the night to Ms. Marsella's STRP inebriated clients screaming and laughing about bringing "bitches" to the party; shouting offensive language; and on two separate occasions Ms. Marsella's STRP clients were so inebriated that they tried to enter the Lights' residence, believing it to be the STRP they had rented from Ms. Marsella. On one occasion, a client of Marsella's came over to the Lights' home and destroyed their property. **Karen Light Affidavit, Exhibit 4, and Jeremy Light Affidavit, Exhibit 5**.

18. Ms. Marsella's STRP clients are renting her unit almost every weekend. The two townhomes are on common property and have very little space between the townhomes. See true and correct Google Earth photograph of the properties, attached hereto as **Exhibit 7**.

19. Appellant's STRP clients regularly violate the "nuisance" provisions contained in the Codes STRP ordinances. *See Code §17.16.250, and subsections, as amended*. Appellant's

illegal operation of her STRP disturbs the Lights' quiet enjoyment of their home. **Karen Light Affidavit, Exhibit 4, and Jeremy Light Affidavit, Exhibit 5.**

For all the above reasons, Karen and Jeremy Light oppose the Board of Zoning Appeals granting Appellant Marsella's request to issue Ms. Marsella the STRP permit which the Codes Department has rightfully denied.

**Respectfully submitted,**

*/s/Joyce Grimes Safley*

---

**Joyce Grimes Safley BPR# 13809  
SAFLEY LAW  
8161 Highway 100 P.O. Box 233  
Nashville, TN 37221  
Telephone: (615) 500-4570  
Email: joyce@safleylaw.com**

*Attorney for Karen and Jeremy Light*

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing motions have been served upon:

the Metropolitan Board of Zoning Appeals *via email at*  
BZA@nashville.gov

Mr. Dana McClendon, Attorney for Appellant Marsella *via email at*  
danamclendon@icloud.com

on this **25<sup>th</sup>** day of October, 2019.

*/s/Joyce Grimes Safley*

---

Joyce Grimes Safley



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

Case # 2019-471  
3485905

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394**

**ISSUED ON: 5/3/2018**

**EXPIRES ON: 05/03/2019**

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided.

Approval (Where Required)

Date

Sheryl Marsella

**SITE ADDRESS:**

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL:** 081082T00200CO

**Tax District:** USD

**Census Tr:** 37019400

**Parcel Owner:** Sheryl Marsella

**PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

**APPLICANT:**

Sheryl Marsella  
1812 B 6th Ave. N  
Nashville, TN 37208

**CONTACT:**

Jonny Lee  
210 12th Ave. S  
Nashville, TN 37203

**PERMIT DETAILS**

Maximum Occupancy: 10

Maximum Bedrooms:

Unit Number:

**ZONING ASSIGNMENTS:**

OV-UZO      URBAN ZONING OVERLAY  
R6-A         ONE&TWO FAMILY 6,000 SQUARE FOOT LOT





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

Case # 2019-471  
  
3485905

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394**

**ISSUED ON: 5/3/2018**

**EXPIRES ON: 05/03/2019**

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided.

Approval (Where Required)

Date

Sheryl Marsella

CASR

**FEE / PAYMENT:**

[2018/04/20] SHORT TERM RENTAL PERMIT FEE...	\$ 50.00	\$ 50.00
PERMIT FEE/PAYMENT.....	\$ 50.00	\$ 50.00

**Payment Detail:**

05/03/2018	CASH	<b>Pmt Total:</b>	\$ 50.00
<b>Issue Date:</b>	5/3/2018	<b>Issued By:</b>	MPOTTER



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

Case # 2019-471  
3485905

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394**

**PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO  
[HTTP://STRP.NASHVILLE.GOV](http://STRP.NASHVILLE.GOV) FOR RENEWAL INSTRUCTIONS**

**PARCEL:** 081082T00200CO      **APPLICATION DATE:** 04/20/2018  
**SITE ADDRESS:**      **ISSUED DATE:** 05/03/2018

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL OWNER:** Sheryl Marsella

**APPLICANT:** Sheryl Marsella  
1812 B 6th Ave. N  
Nashville, TN 37208  
847 867-6400

**CONTACT:** Jonny Lee  
210 12th Ave. S  
Nashville, TN 37203  
615 429-3032

**PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*  
Renew Short Term Rental Permit

Inspection requirements may change due to changes during construction.

**Metropolitan Government of Nashville and Davidson County**

**Department of Codes and Building Safety**

**Site Address: 1812 B 6TH AVE N NASHVILLE, TN 37208**

**Permit #: 2018022394**

**SHORT TERM  
RENTAL PERMIT**

**Issue Date: May 3, 2018**

**Applicant: Sheryl Marsella**

**Contact: Jonny Lee**

**Expiration Date: May 03, 2019**

**Parcel: 081082T00200CO**

**Number of Bedrooms:**

**Maximum Occupancy: 10**

**NOTICE**

**Permit Expires Annually Unless Renewed**





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

Appellant: Sheryl Marsella Date: 9/16/2019  
 Property Owner: Sheryl Marsella Case #: 2019- 471  
 Representative: Sheryl Marsella Map & Parcel: 081082T00200CO  
 Council District: 19

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

Purpose: To obtain a STRP permit  
 Activity Type: Short Term Rental  
 Location: 1812 6th Ave N B

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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: Sheryl Marsella Representative: Same  
 Phone Number: (847)867-6400 Phone Number: \_\_\_\_\_  
 Address: 1812 6th Ave N B Address: \_\_\_\_\_  
Nashville, TN 37208  
 Email address: sherylmarsella@gmail.com Email address: \_\_\_\_\_  
dannmclendon@icloud.com

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



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

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of 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 noon, the Monday prior to public hearing to be included in the record. You must provide eight (8) copy of you information to staff.

**I am aware that I am responsible for removing the Sign(s) after the public hearing.**

  
APPELLANT

  
DATE

# Metro Codes Administration - BZA Tracker

Wed Oct 23 2019 08:37:56 GMT-0500 (Central Daylight Time)



## Case Information

<b>Application Submittal</b>	9/16/2019
<b>Case #</b>	2019-471
<b>Property Address / Location</b>	1812 B 6TH AVE N 37208
<b>Parcel ID</b>	081082T00200CO
<b>Council District / Member</b>	<a href="#">19 (Freddie O'Connell)</a>
<b>Property Owner</b>	SHERYL MARSELLA
<b>Appellant</b>	SHERYL MARSELLA
<b>BZA Hearing Date</b>	11/7/2019
<b>Deferred From Date</b>	
<b>Application Scope</b>	BY MAKING THIS APPLICATION FOR A RESIDENTIAL SHORT TERM RENTAL PERMIT, I CERTIFY THAT I WILL COMPLY WITH ALL REQUIREMENTS OF ORDINANCE BL2014-951.PROPERTY IS OWNER OCCUPIED, 3 SLEEPING ROOMS, 10 PERSON MAXIMUM OCCUPANCY.PROOF OF RESIDENCE HAS BEEN VERIFIED.OWNER COMPLIANCE LETTER VERIFIED.FLOOR PLAN AND SMOKE DETECTORS VERIFIED.NOTIFICATION TO ADJACENT RESIDENCES CONFIRMED.*APPLICANT HAS CONFIRMED THAT SUBJECT PROPERTY IS NOT IN VIOLATION OF A HOMEOWNERS ASSOCIATION*
<b>Reason</b>	AN ITEM A APPEAL CHALLENGING THE ZONING ADMINISTRATOR'S DENIAL OF A SHORT TERM RENTAL PERMIT. THE APPELLANT OPERATED AFTER THE PREVIOUSLY ISSUED PERMIT EXPIRED
<b>Purpose</b>	TO OBTAIN A PERMIT
<b>Deny Section</b>	17.16.250.E
<b>Use</b>	SHORT TERM RENTAL
<b>In UZO?</b>	No
<b>Zoning District</b>	R6-A
<b>Item A Appeal?</b>	Yes
<b>Item B Appeal?</b>	No
<b>Item C Appeal?</b>	No
<b>Item D Appeal?</b>	No
<b>BZA Action</b>	
<b>BZA Results</b>	
<b>View Permit</b>	<a href="#">View Scanned Documents</a>



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



3712462

**ZONING BOARD APPEAL / CAAZ - 20190055907  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 081082T00200CO

APPLICATION DATE: 09/16/2019

**SITE ADDRESS:**

1812 B 6TH AVE N NASHVILLE, TN 37208

UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL OWNER: SHERYL MARSELLA

CONTRACTOR:

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

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

*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



3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

ISSUED ON:

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

Approval (Where Required)

Date

CAAZ

FEE / PAYMENT:

[2019/09/16] CA ZONING APPEAL...	\$ 250.00	\$ -
PERMIT FEE/PAYMENT.....	\$ 250.00	\$ -

Payment Detail:

Issue Date:

This Permit Has NOT Been Issued

Pmt Total:

Issued By:



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



3712462

**ZONING BOARD APPEAL / CAAZ - 20190055907**

**ISSUED ON:**

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

Approval (Where Required)

Date

**SITE ADDRESS:**

1812 B 6TH AVE N NASHVILLE, TN 37208  
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

**PARCEL:** 081082T00200CO**Tax District:** USD**Census Tr:** 37019400**PARCEL OWNER:****PURPOSE:**

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.

Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Proof of residence has been verified.

Owner compliance letter verified.

Floor Plan and smoke detectors verified.

Notification to adjacent residences confirmed.

\*Applicant has confirmed that subject property is not in violation of a Homeowners Association\*

**PERMIT DETAILS:**

Estimated Value:

Number of Floors:

Const Type:

Sewer or Septic:

Sq Footage:

Total # Buildings:

Parking Required: N

Total # Units:

Parking Provided: N

Garage: N

Sprinklers? N

Number of Bedrooms: \*

Metro Water:

Number of Kitchens:

Public Constr? N

**ZONING ASSIGNMENTS:**

OV-UZO URBAN ZONING OVERLAY  
R6-A ONE&TWO FAMILY 6,000 SQUARE FOOT LOT

Copy

STATE OF TENNESSEE, COUNTY OF DAVIDSON

FILED

To Any Lawful Officer to Execute and Return:

Summon SHERYL MARSELLA 081082T00200CO

To appear before the Metropolitan General Sessions Court of Davidson County, Tennessee, to be held in Courtroom 1A, Justice A. A. Birch Building, 408 Second Avenue North, Nashville, Tennessee, on the

23rd day of October, 2019 at 1:00 p.m., then and there to answer in civil action brought by the Plaintiff(s)

SEPTEMBER 13, 2019, VIOLATION OF METRO NASHVILLE CODE SECTION 17-16.250.E.1.a, or 17.16.070.U.1.a- ADVERTISING AND/OR OPERATING A SHORT TERM RENTAL PROPERTY WITHOUT A PERMIT AND FAILURE TO STOP SAME AT ADDRESS 1812 B 6TH AVE N. NASHVILLE TN 37208. Metro seeks an Order to remedy violations. Bonell McBroom III (615-862-6590)

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION/WARRANT CAN RESULT IN: THE COURT ORDERING YOU TO PAY A CIVIL FINE/PENALTY, COURT COSTS AND LITIGATION TAXES TO THE METROPOLITAN GOVERNMENT; THE ISSUANCE OF AN EXECUTION AND GARNISHMENT TO COLLECT THE FINE/PENALTY, COSTS AND TAXES; AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT, WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO TEN DOLLARS (\$10.00). IN ADDITION, YOU MAY BE SUBJECT TO OTHER CIVIL REMEDIES INCLUDING MANDATORY INJUNCTION.

JUDGMENT

[ ]

Judgment for Plaintiff against Defendant(s) for \$ \_\_\_\_\_ and Cost,

[ ]

Dismissed with cost taxed to Plaintiff,

[ ]

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

Entered: \_\_\_\_\_ 20 \_\_\_\_\_



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

Judge/Referee Division IV, Metropolitan General Sessions Court



COURTROOM 1A

No. 19GC 19099

ENVIRONMENTAL COURT

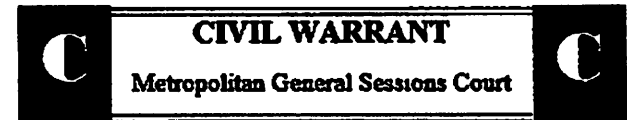
Plaintiff(s) Metropolitan Government of Nashville & Davidson County (405) vs.

Defendant SHERYL MARSELLA

Address 1812 6TH AVE UNIT B NASHVILLE, TN 37208

Defendant

Address



Issued 9-23 2019

Richard Rooker

By: [Signature]

Deputy Clerk

Day of the week Wednesday

Set for 1:00 p.m. on 23rd day of October, 2019

Courtroom 1A

Justice A. A. Birch Building 408 Second Avenue North P.O. box 188304 Nashville, Tennessee

Reset for:

Came to hand same day issued and executed as commanded on

Served \_\_\_\_\_ 20 \_\_\_\_\_

Sheriff/Process Server

Quantavious Poole (#32314)



**BEFORE THE  
METROPOLITAN BOARD OF ZONING APPEALS**

<b>IN RE:</b>	)
	)
<b>SHERYL MARSELLA</b>	) <b>APPEAL CASE NO. 2019-471</b>
<b>1812B 6<sup>th</sup> AVE. NORTH</b>	) <b>STRP PERMIT DENIAL APPEAL</b>
<b>MAP PARCEL: 081082T00200CO</b>	)
<b>ZONING CLASSIFICATION: R6-A</b>	)
<b>COUNCIL DISTRICT: 19</b>	)

**County of Davidson )**  
**State of Tennessee )**

**AFFIDAVIT OF KAREN LIGHT**

Affiant after being duly sworn according to law, based upon my personal knowledge, would state as follows:

1. I am a resident of Nashville, Davidson County, Tennessee and am over eighteen (18) years of age.
2. I am married to Jeremy Light. Our residence is located at 1812A 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208.
3. My husband and I purchased our home, a townhouse in a Horizontal Property Regime (HPR) on April 2, 2015. A true and accurate copy of the site plans for our home is attached to this Affidavit as **Collective Exhibit A**.
4. The site plans attached as **Collective Exhibit A**, A1.1, show both our home and the adjacent townhome, 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208.
5. It should be noted that 1812A 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 (our townhouse) and 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 (currently Sheryl Marsella's townhouse) sit on common property as an HPR. *As the site plans depict, our respective townhomes are a mere 6 feet apart. See Exhibit A, (Site Plans), and (Exhibit B),* a true and accurate Google Earth photograph of the adjacent townhomes, attached to this Affidavit.
6. The person who originally purchased 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 was a delightful next-door neighbor. While he would occasionally entertain or have friends over, there were never any problems with excessive noise or any acts by him which interfered with our enjoyment of our home.





7. Around March, 2018, Sheryl Marsella bought the townhome at 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 from our previous neighbor.

8. Around May or June, 2018, Ms. Marsella began operating her townhome as a Short-Term Rental Unit.

9. There seemed to be STRP renters or clients at Ms. Marsella's townhome almost every weekend. Large groups of people from out of town would come, stay at Ms. Marsella's townhome, and "party." The problems with parking, the noise from Ms. Marsella's STRP clients, and frankly the loud, drunken partying was very annoying and upsetting. Candidly, we could not go out on our rooftop terraces in the evenings or on the weekends when STRP renters were present and enjoy our home.

10. One evening in early Fall of 2018, my husband and I had another couple over for dinner on a weekend. We were sitting out on our rooftop terrace having a nice dinner. We mentioned that our next-door neighbor was operating a STRP, and we had experienced noise issues from her short term renters.

11. One of our dinner guests was an attorney. She immediately stated that she did not believe Ms. Marsella could legally operate a STRP on our HRP property. She also opined that Marsella's STRP clients were violating nuisance ordinances. She advised us to get an attorney to try to put a stop to the "loud parties" by STRP clients, and to check into whether or not Ms. Marsella could legally operate an STRP in her townhome.

12. We consulted an attorney, and attempted to get Ms. Marsella to exert some control over her clients for disturbing the peace.

13. At the same time, we talked to employees at the Codes Department who opined that Ms. Marsella could not operate her STRP unless she was actually a "resident" of Nashville and lived at the STRP (townhome.)

14. The situation did not improve. The loud "partying", offensive language, drunken behavior, etc. by Ms. Marsella's STRP clients has continued almost every weekend until the present time.

15. Metro Codes took action against Ms. Marsella on the basis that she was not a "resident" and did not actually live in her townhome. There was a proceeding in Environmental Court, and a proceeding in General Sessions Court.

16. Thereafter, we asked our attorney to research and determine if Ms. Marsella was violating any other Codes sections.

17. We knew that Ms. Marsella's permit expired in May, 2019.

18. We also knew that Ms. Marsella did not apply for a new permit by the June 28, 2019 deadline.

19. STRP clients continued to come in large groups almost every weekend, often for "long weekends." The noise, the parties, the parking problems, the inconvenience, etc., continued. On one occasion, a client of Marsella's came over to our home and destroyed their property. On two occasions, STRP clients who appeared inebriated tried to enter our home believing it was Ms. Marsella's townhome. The STRP clients ruined our enjoyment of our home almost every weekend.

20. At the advice of our attorney, we documented STRP clients' stays. We had security cameras installed prior to Ms. Marsella's purchase of her adjacent townhome for safety and security reasons. The security cameras captured STRP clients coming and going.

21. Long after Ms. Marsella's STRP expired in May, 2019, Ms. Marsella continued to operate her STRP.

22. Ms. Marsella advertised her STRP online through Airbnb. I looked up the listing, which did not have the required STRP permit information on it.

23. I also looked up Ms. Marsella's STRP's "online bookings."

24. Ms. Marsella's "online booking" from her Airbnb advertisement showed bookings almost every weekend. See a true and correct copy of the bookings for August, September, October, and November, 2019 attached as **Collective Exhibit C** to this Affidavit.

25. On the advice of our attorney, my husband and I began reporting Ms. Marsella's continued operations of her STRP to the Codes Department.

26. A Codes Inspector came to Ms. Marsella's townhome at 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208, talked to the STRP clients, took photographs, and verified that Ms. Marsella was operating her STRP without a permit.

27. On one occasion, a Codes Inspector placed "stop work" notices on Ms. Marsella's townhome's front door. Ms. Marsella took the "stop work" notice down, and continued her STRP online bookings, along with continuing to operate her STRP.

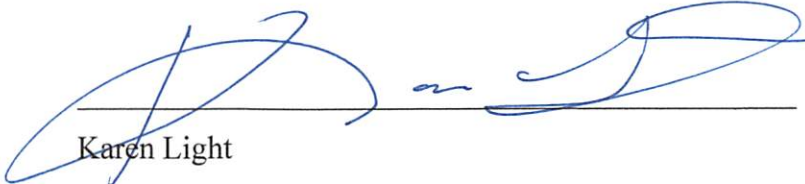
28. My husband and I were amazed that Ms. Marsella continued to operate her STRP when she had received a "stop work" notice from the Codes Department for operating a STRP without a permit.

29. We later learned that the Codes Department had sworn out a warrant in Environmental Court against Ms. Marsella.

30. Jeremy and I have reviewed the "Opposition Statement" prepared by our attorney. The facts stated in the "Opposition Statement" are true and correct.

31. We supplied our attorney with several videos taken of STRP clients. Our security cameras captured Marsella's STRP clients' coming and going, or presence near our home. The copies of the videos attached via email to the BZA filing are true and correct, and were recorded on our security cameras.

Further Affiant Saith Not.

  
\_\_\_\_\_  
Karen Light

Sworn to and subscribed before me  
this 24<sup>th</sup> day of October, 2019.

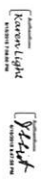
  
\_\_\_\_\_  
Joyce Grimes Safley, Notary

My Commission Expires: 05-03-21



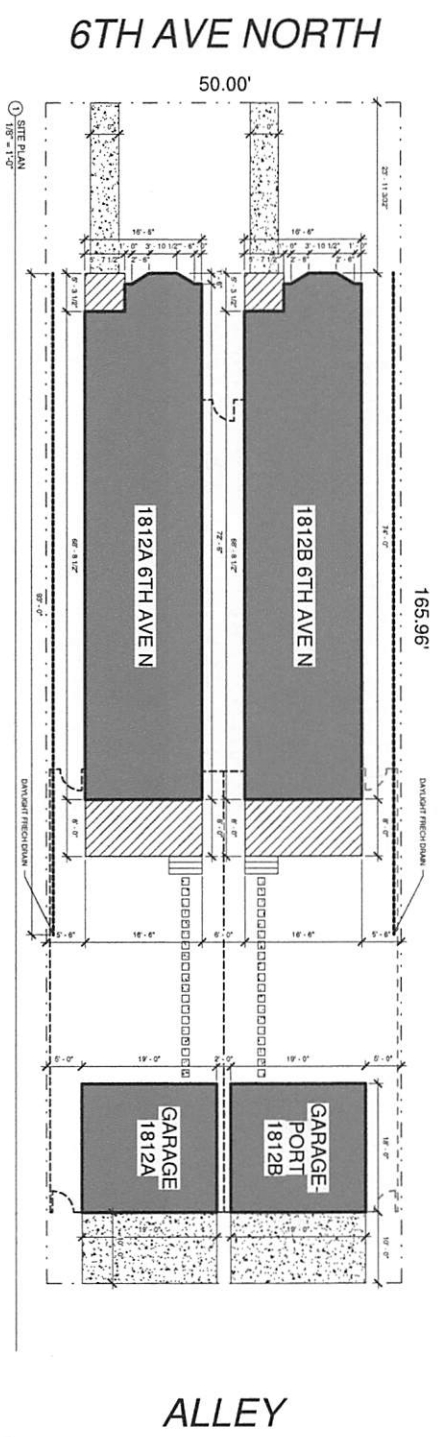
6/12/2015 10:41:40 AM

**GENERAL NOTES:**  
 SUBCONTRACTORS ARE RESPONSIBLE FOR VERIFYING SITE CONDITIONS IN FIELD FOR  
 REMOVAL OF EXISTING FENCES, TREES, ETC.  
 VERIFY THAT ALL UTILITIES WILL COMPLY WITH CODES AVAILABLE FOR THIS  
 PROJECT (E.G. GAS, ELECTRIC, WATER, SEWER).



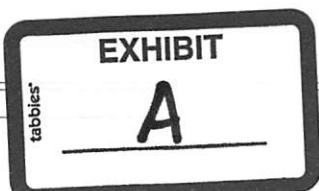
**LEGEND**

- BUILDING FOOTPRINT
- DECK FOOTPRINT
- CONCRETE FOOTPRINT
- UPGRADED 6" TALL PRIVACY FENCE
- INCLUDED 6" TALL PRIVACY FENCE
- PROPERTY LINE
- MODIFIED FRENCH DRAIN (1/4" DEEP) - SEE APPENDIX FOR  
STORMWATER RESOLUTION RESPECTING TALL WALL SUBMITTALS
- DECORATIVE PAVERS



1812A 6TH AVE N  
 SITE PLAN  
 PLAN NAME: EARL FINNAN  
 DRAWN BY: GREGG KIS  
 CHECKED BY: ML  
 DATE: 6/12/2015  
 SCALE: A1.1  
 AS INDICATED

**AERIAL**  
 DEVELOPMENT GROUP  
<http://www.aerialdevelopmentgroup.com/>

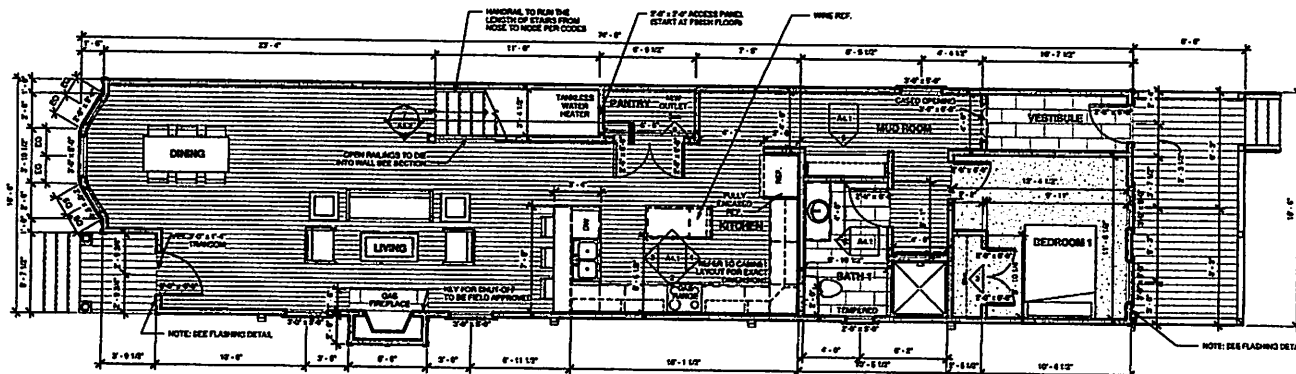


**GENERAL NOTES:**

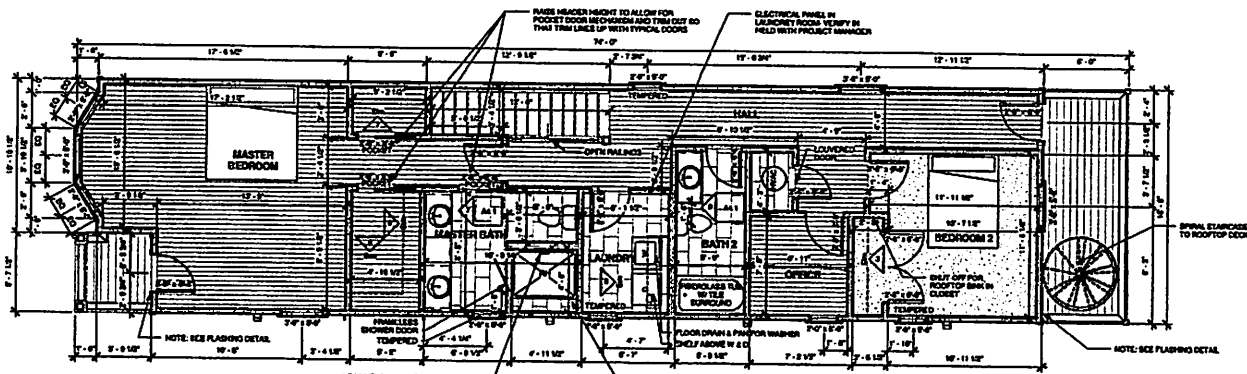
- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING

**SPECIAL NOTES / BUYER UPGRADES:**

- CAT 6 CABLE / ETHERNET - TERMINATE IN LAUNDRY ROOM (APPROVED UPGRADE)
- FLOOR OUTLET IN LIVING ROOM
- KITCHEN CABINET UPPERS TO CEILING WITH CROWN (APPROVED UPGRADE)
- 2-CAR GARAGE INCLUDED - NEED A WALL OUTLET
- 6' TALL PRIVACY FENCE (INCLUDED)
- ADD SINGLE BOWL SINK TO ROOFTOP KITCHENETTE
- SEE WINDOW & DOOR SCHEDULE FOR SPECIAL INSTRUCTIONS FOR THIS JOB



1 FIRST FLOOR PLAN  
1/4" = 1'-0"



2 SECOND FLOOR PLAN  
1/4" = 1'-0"

**AERIAL**  
DEVELOPMENT GROUP

<http://aerialdevelopmentgroup.com/>

**Floor Finish Schedule**

Room Name	Finish
BEDROOM 1	CARPET
MUD ROOM	HARDWOOD
BATH 1	TILE
KITCHEN	HARDWOOD
PANTRY	HARDWOOD
LIVING	HARDWOOD
BEDROOM 2	CARPET
OFFICE	HARDWOOD
HALL	HARDWOOD
BATH 2	TILE
LAUNDRY	TILE
MASTER BATH	TILE
MASTER BEDROOM	HARDWOOD
DINING	HARDWOOD
VESTIBULE	TILE

**1812A 6TH AVE N  
FLOOR PLANS**

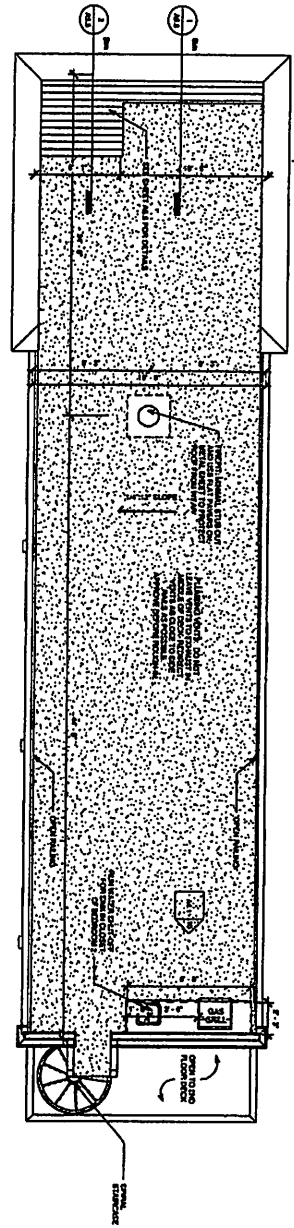
PLAN NAME: EARL FRANKLIN  
 Date: 08/07/18  
 Drawn by: ML  
 Checked by:

**A2.1**

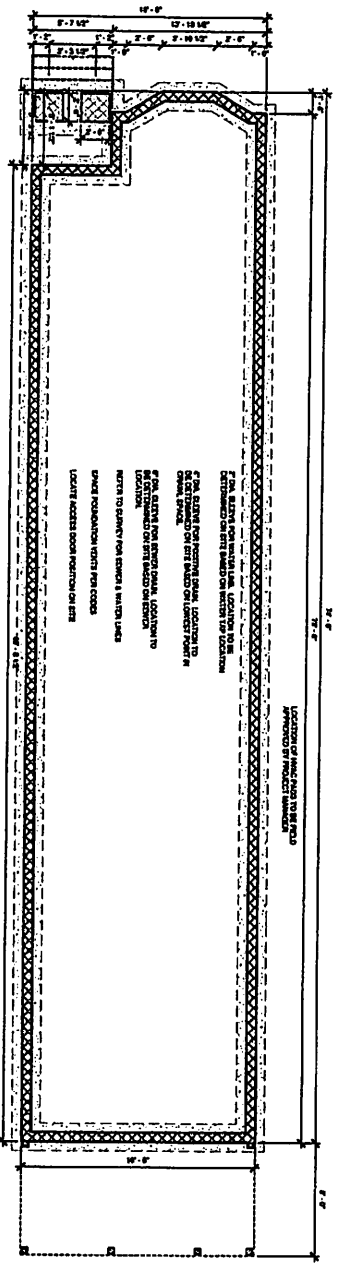
Scale: 1/4" = 1'-0"

08/07/18 11:17 AM

**GENERAL NOTES:**  
 -DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TRAPED PRIOR TO INSTALLATION  
 -ELECTRICAL, PULBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION  
 -ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER  
 -USE 4" THICK TRIM  
 -FLAGGING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL  
 -ALL DECKING BOARDS TO BE CROWN UP  
 -FRAMERS ARE RESPONSIBLE FOR PROVIDING TURN DOWN FOR PULBING



1. ROOF TOP DECK PLAN



2. FOUNDATION PLAN

**AERIAL**  
 DEVELOPMENT GROUP  
<http://www.aerialdevelopmentgroup.com>

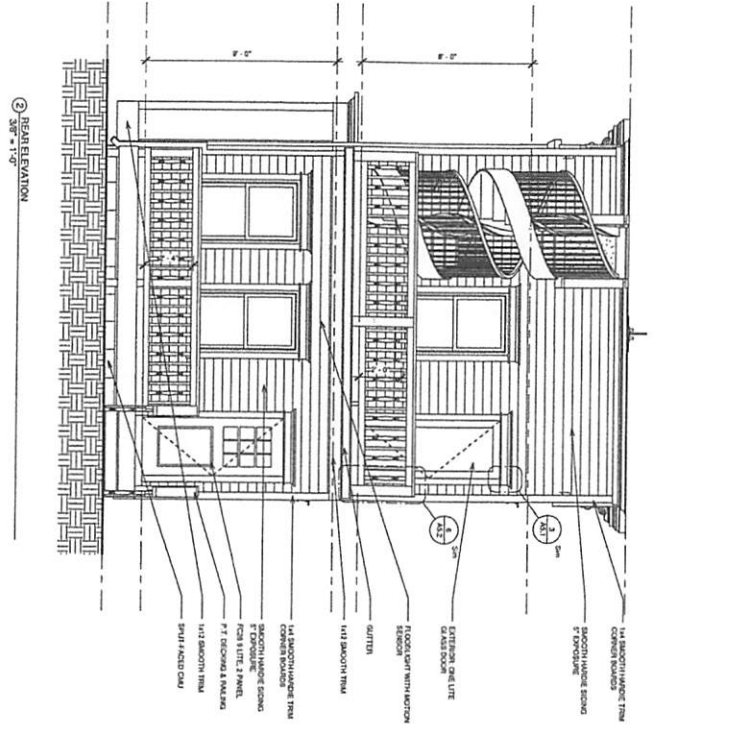
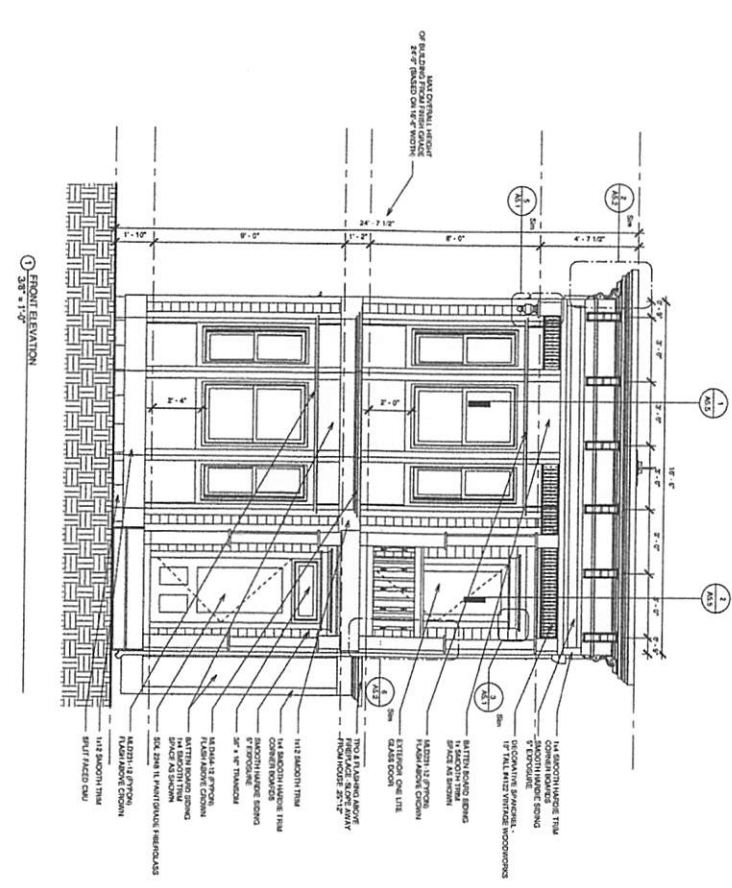
1812A 6TH AVE N  
 FLOOR PLANS

DATE: 08/28/2019  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT NO: [Number]

A2.2

Aerial Development Group

**GENERAL NOTES:**  
 - DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TYPED PRIOR TO INSTALLATION  
 - ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION  
 - ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER  
 - USE 5/4" THICK TRIM  
 - FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL  
 - ALL DECKING BOARDS TO BE CROWN UP  
 - FRAMERS ARE RESPONSIBLE FOR PROVIDING FURN DOWNNS FOR PLUMBING



**AERIAL**  
DEVELOPMENT GROUP

<http://www.aerialdevelopmentgroup.com/>

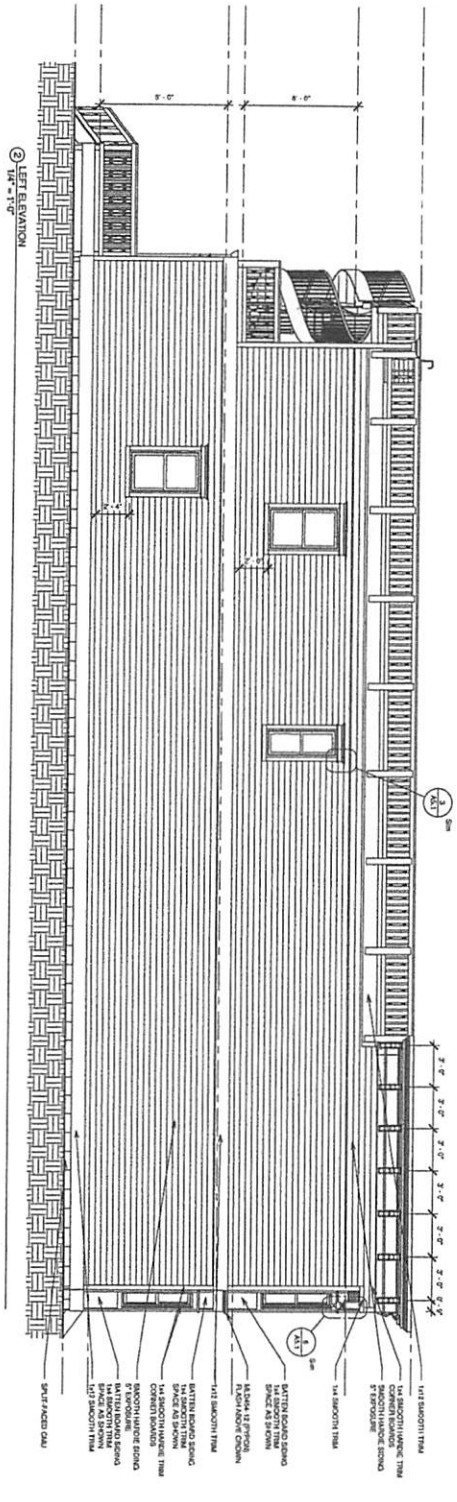
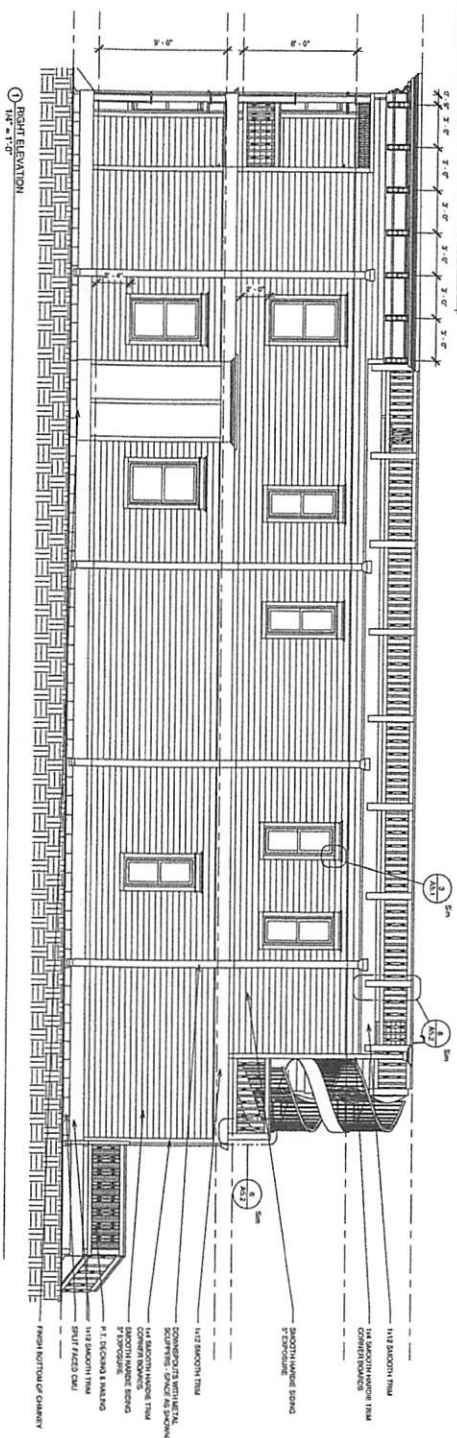
**1812A 6TH AVE N**  
ELEVATIONS

DATE: EARL THORNTON  
 DRAWN BY: GORDON M.  
 CHECKED BY: M.  
 SCALE: 3/8" = 1'-0"

**A3.1**

**GENERAL NOTES:**

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TYPED PRIOR TO INSTALLATION
- ELECTRICAL PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANUAL
- USE 6" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECORATIVE BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FLOOR DOWNS FOR PLUMBING



**AERIAL**  
DEVELOPMENT GROUP

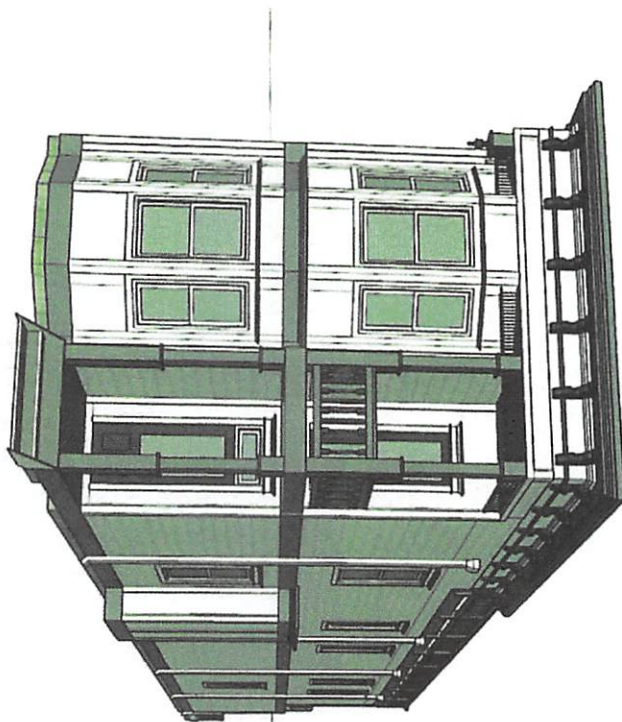
<http://aerialdevelopmentgroup.com/>

**1812A 6TH AVE N**  
**ELEVATIONS**

DATE: _____	DRAWN BY: _____
DESIGNED BY: _____	CHECKED BY: _____
<b>A3.2</b>	
1/4" = 1'-0"	







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*Relist*  
6/15/2015 8:48:00 PM

Authentigon  
*Karen Light*  
6/15/2015 7:08:02 PM

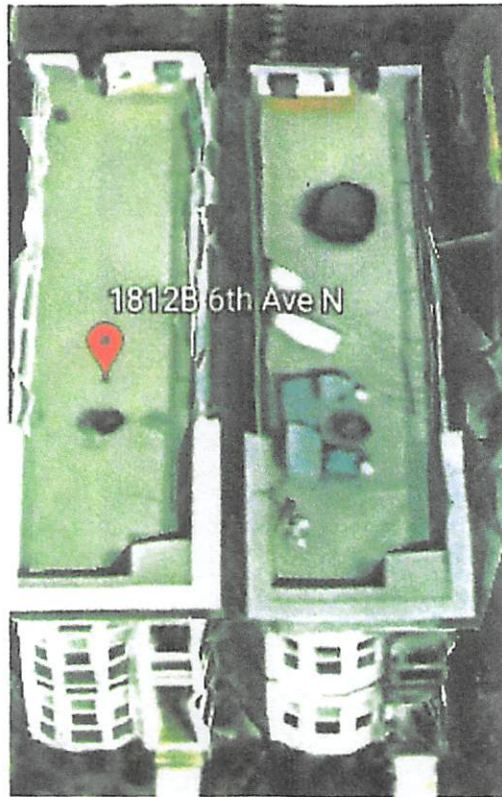


EXHIBIT  
B

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**\$395 / night**

★★★★★14

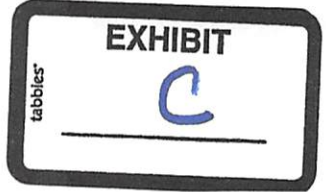
Dates

→

← **August 2019** →

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11	12	13	14	15	<b>16</b>	<b>17</b>
<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	22	23	24
<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	30	31

Updated today





**\$395 / night**

★★★★★14

Dates

Check-in → Checkout



**September 2019**



Su	Mo	Tu	We	Th	Fr	Sa
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8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Updated today



**\$395 / night**

★★★★★14

**Dates**

Check-in → Checkout

←		<b>October 2019</b>					→	
Su	Mo	Tu	We	Th	Fr	Sa		
		1	2	3	4	5		
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20	21	22	23	24	25	26		
27	28	29	30	31				

Updated today

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**\$395 / night**

★★★★★14

Dates

Check-in → Checkout

November 2019						
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					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Updated today

**BEFORE THE  
METROPOLITAN BOARD OF ZONING APPEALS**

**IN RE:** )  
)  
**SHERYL MARSELLA** )  
**1812B 6<sup>th</sup> AVE. NORTH** )  
**MAP PARCEL: 081082T00200CO** )  
**ZONING CLASSIFICATION: R6-A** )  
**COUNCIL DISTRICT: 19** )

**APPEAL CASE NO. 2019-471  
(STRP PERMIT DENIAL APPEAL)**

**County of Davidson )  
State of Tennessee )**

**AFFIDAVIT OF JEREMY LIGHT**

Affiant after being duly sworn according to law, based upon my personal knowledge, would state as follows:

1. I am a resident of Nashville, Davidson County, Tennessee and am over eighteen (18) years of age.
2. I am married to Karen Light. Our residence is located at 1812A 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208.
3. My wife and I purchased our home, a townhouse in a Horizontal Property Regime (HPR) on April 2, 2015. A true and accurate copy of the site plans for our home is attached to this Affidavit as **Exhibit A**.
4. The site plans attached as **Collective Exhibit A** show both our home and the adjacent townhome, 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208. The two townhomes have a distance of six (6) feet between them, as demonstrated by the site plans.
5. It should be noted that 1812A 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 (our townhouse) and 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 (currently Sheryl Marsella's townhouse) sits on common property as an HPR. As the site plans depict, our respective townhomes are a mere 6 feet apart. See **Collective Exhibit A**, p. A1.1 and **Exhibit B**, a true and accurate Google Earth photograph of the adjacent townhomes.
6. The person who originally purchased 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 was a delightful next-door neighbor. While he would occasionally entertain or have friends over, there were never any problems with excessive noise or any acts by him which interfered with our enjoyment of our home.





7. Around March, 2018, Sheryl Marsella bought the townhome at 812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208 from our previous neighbor.

8. Around May or June, 2018, Ms. Marsella began operating her townhome as a Short-Term Rental Unit.

9. The remaining paragraphs of this Affidavit are identical to my wife, Karen Light's Affidavit. I am in agreement and confirm the facts set forth in Karen Light's Affidavit.

10. There seemed to be STRP renters or clients at Ms. Marsella's townhome almost every weekend. Large groups of people from out of town would come, stay at Ms. Marsella's townhome, and "party." The problems with parking, the noise from Ms. Marsella's STRP clients, and frankly the loud, drunken partying was very annoying and upsetting. Candidly, we could not go out on our rooftop terraces in the evenings or on the weekends when STRP renters were present and enjoy our home.

11. One evening in early Fall of 2018, my wife and I had another couple over for dinner on a weekend. We were sitting out on our rooftop terrace having a nice dinner. We mentioned that our next-door neighbor was operating a STRP, and we had experienced noise issues from her short-term renters.

12. One of our dinner guests was an attorney. She immediately stated that she did not believe Ms. Marsella could legally operate a STRP on our HRP property. She also opined that Marsella's STRP clients were violating nuisance ordinances. She advised us to get an attorney to try to put a stop to the "loud parties" by STRP clients, and to check into whether or not Ms. Marsella could legally operate an STRP in her townhome.

13. We consulted an attorney, and attempted to get Ms. Marsella to exert some control over her clients for disturbing the peace.

14. At the same time, we talked to employees at the Codes Department who opined that Ms. Marsella could not operate her STRP unless she was actually a "resident" of Nashville and lived at the STRP (townhome.)

15. The situation did not improve. The loud "partying", offensive language, drunken behavior, etc. by Ms. Marsella's STRP clients has continued almost every weekend until the present time.

16. Metro Codes took action against Ms. Marsella on the basis that she was not a "resident" and did not actually live in her townhome. There was a proceeding in Environmental Court, and a proceeding in General Sessions Court.

17. Thereafter, we asked our attorney to research and determine if Ms. Marsella was violating any other Codes sections.

18. We knew that Ms. Marsella's permit expired in May, 2019.

19 We also knew that Ms. Marsella did not apply for a new permit by the June 28, 2019 deadline.

20. STRP clients continued to come in large groups almost every weekend, often for "long weekends." The noise, the parties, the parking problems, the inconvenience, etc., continued. On one occasion, a client of Marsella's came over to our home and destroyed their property. On two occasions, STRP clients who appeared inebriated tried to enter our home believing it was Ms. Marsella's townhome. The STRP clients ruined our enjoyment of our home almost every weekend.

21. At the advice of our attorney, we documented STRP clients' stays. We had security cameras installed prior to Ms. Marsella's purchase of her adjacent townhome for safety and security reasons. The security cameras captured STRP clients coming and going.

22. Long after Ms. Marsella's STRP expired in May, 2019, Ms. Marsella continued to operate her STRP.

23. Ms. Marsella advertised her STRP online through Airbnb.

24. I looked at Ms. Marsella's STRP's "online booking." Ms. Marsella's "online booking" from her Airbnb advertisement showed bookings almost every weekend. See a true and correct copy of the bookings for August, September, October, and November, 2019 attached as **Collective Exhibit C** to this Affidavit.

25. On the advice of our attorney, my wife and I began reporting Ms. Marsella's continued operations of her STRP to the Codes Department.

26. A Codes Inspector came to Ms. Marsella's townhome at 1812B 6<sup>th</sup> Avenue North, Nashville, Tennessee 37208, several times, talked to the STRP clients, took photographs, and verified that Ms. Marsella was operating her STRP without a permit.

27. On at least one occasion, a Codes Inspector placed a "stop work" notice on Ms. Marsella's townhome's front door. Ms. Marsella or someone on her behalf took the "stop work" notice down, and continued her STRP online bookings, along with continuing to operate her STRP.

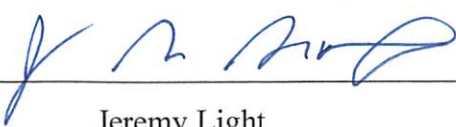
28. My wife and I were amazed that Ms. Marsella continued to operate her STRP when she had received a "stop work" notice from the Codes Department for operating a STRP without a permit.

29. We later learned that the Codes Department had sworn out a warrant in Environmental Court against Ms. Marsella.

30. Karen and I have reviewed the "Opposition Statement" prepared by our attorney. The facts stated in the "Opposition Statement" are true and correct.

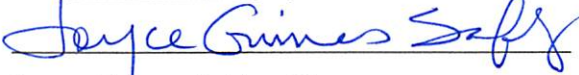
31. We supplied our attorney with several videos taken of STRP clients. Our security cameras captured Marsella's STRP clients' coming and going, or presence near our home. The copies of the videos attached via email to the BZA filing are true and correct, and were recorded on our security cameras.

Further Affiant Saith Not.

  
\_\_\_\_\_  
Jeremy Light

Sworn to and subscribed before me

this 24<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
Joyce Grimes Safley, Notary

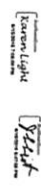
Joyce Grimes Safley, Notary

My Commission Expires: 05-03-2021



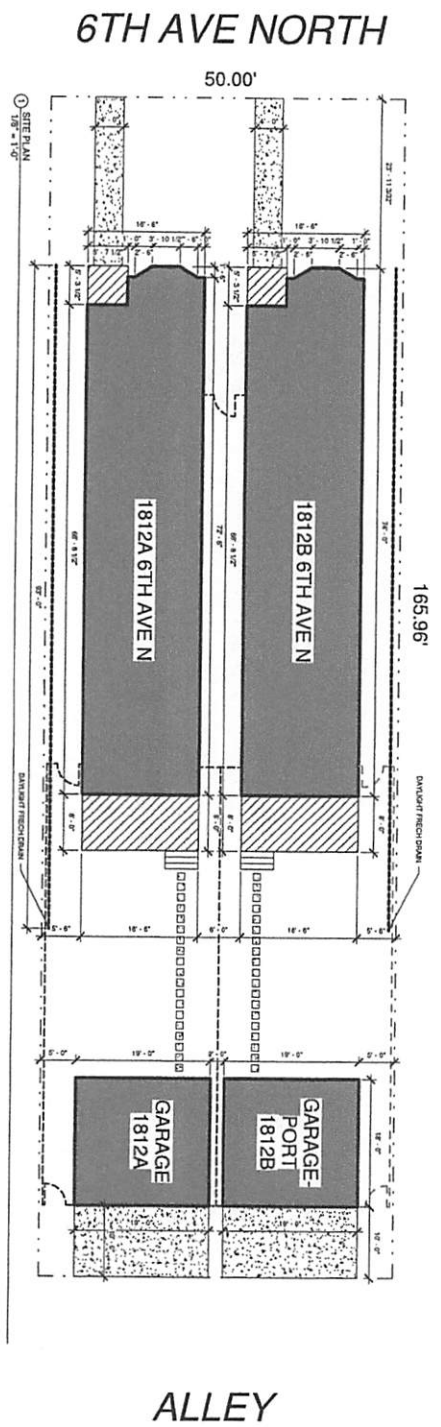
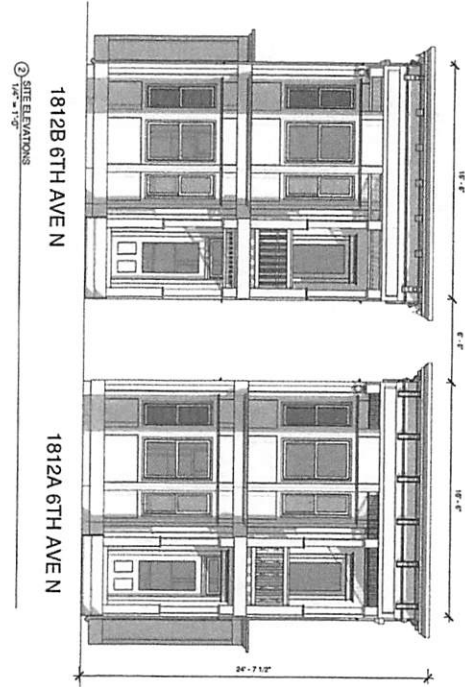
18122A19 10:41:40 AM  
 © 12/2019 10:41:40 AM

**GENERAL NOTES:**  
 SUBCONTRACTORS ARE RESPONSIBLE FOR VERIFYING SITE CONDITIONS IN FIELD FOR  
 REMOVAL OF EXISTING FENCES, TREES, ETC.  
 VERIFY THAT ALL UTILITIES (WALL, CONCRETE, ETC.) CAN BE AVAILABLE FOR THIS  
 PROPERTY. I.E. GAS, ELECTRIC, WATER, SEWER



**LEGEND**

- BUILDING FOOTPRINT
- DECK FOOTPRINT
- CONCRETE FOOTPRINT
- IMPROVED 6" TALL PRIVACY FENCE
- INCLUDED 6" TALL PRIVACY FENCE
- PROPERTY LINE
- ASPHALT DRIVEWAY (10' DEEP) - SEE APPENDIX FOR STORMWATER MANAGEMENT AND SENSITIVE SOIL CONSIDERATIONS
- PAVERS



1812A 6TH AVE N	
SITE PLAN	
DATE: 12/19/19	DESIGNER: EARL FRANKLIN
DRAWN BY: GOSWAMI, M.	CHECKED BY: M.
SCALE: AS SHOWN	
A1.1	

**AERIAL**  
 DEVELOPMENT GROUP  
<http://aerialdevelopmentgroup.com/>

**EXHIBIT**

**A**

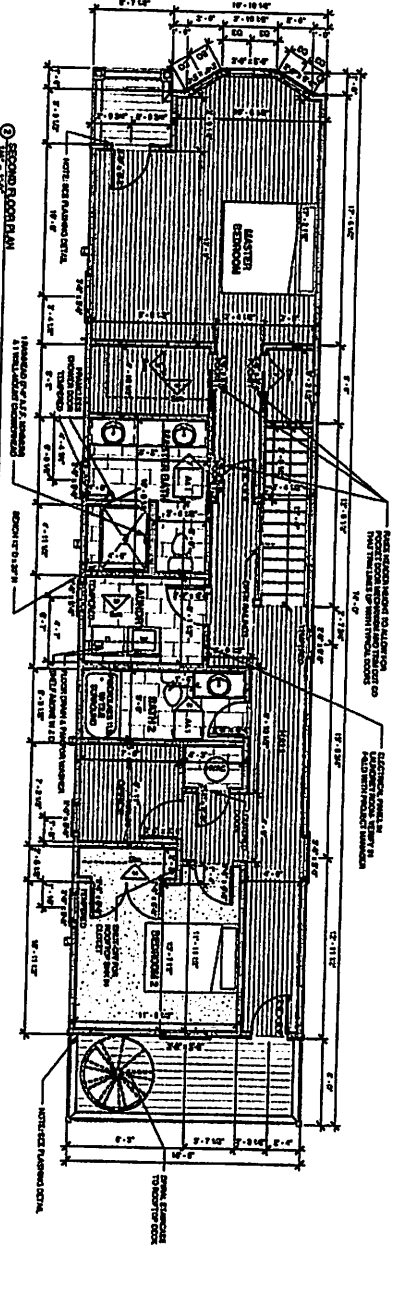
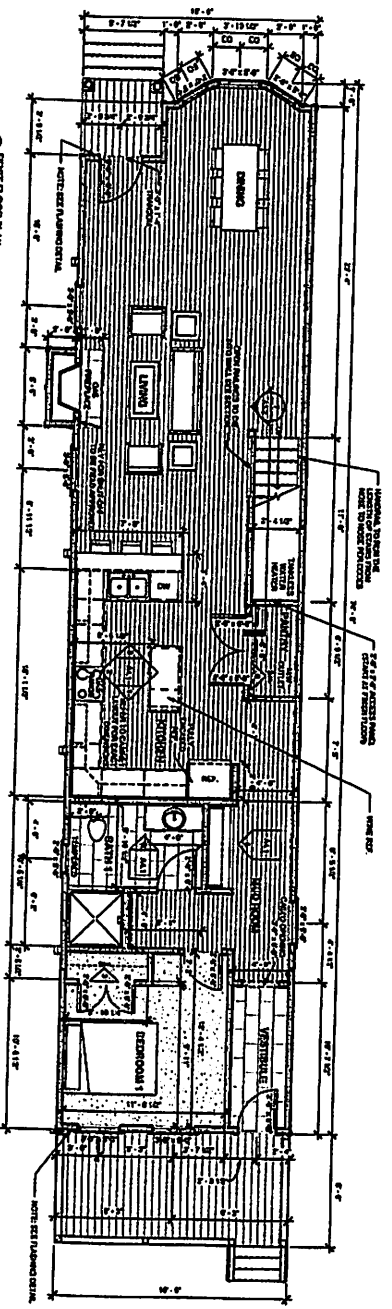
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**GENERAL NOTES:**

- CONCRETE TO BE INSTALLED UNDER ALL EXTERIOR ROOMS & TERRACE FROM TO EXTERIOR FINISH
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROVIDED BY OTHERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - USE 6" TRUCK TRAIL
- FLASHING ABOVE ALL WINDOW & DOOR THRESHOLD DETAIL
- ALL EXTERIOR DOORS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PROVIDING TURN DOWNS FOR PLUMBING

**SPECIAL NOTES / BUYER UPGRADES:**

- LATH & GYPSUM / STENCILING - TERMINATE IN LAUNDRY ROOM APPROVED UPGRADE
- FLOOR OUTLET IN LAUNDRY ROOM
- KITCHEN CABINET UPSETS TO CEILING WITH CROWN APPROVED UPGRADE
- 4-CAN GUARDE INCLUDED - NEED A WALL OUTLET
- 4-TALL PRIVACY FENCE (INCLUDED)
- 4-DO SMALL BOWL SINK TO ROOF TOP KITCHENETTE
- SEE WINDOW & DOOR SCHEDULE FOR SPECIAL INSTRUCTIONS FOR THIS JOB



**Room Finish Schedule**

Room Name	Finish
BATHROOM 1	CERAMIC
BATHROOM 2	CERAMIC
BED ROOM 1	CARPET
BED ROOM 2	CARPET
BED ROOM 3	CARPET
BED ROOM 4	CARPET
BED ROOM 5	CARPET
BED ROOM 6	CARPET
BED ROOM 7	CARPET
BED ROOM 8	CARPET
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BED ROOM 99	CARPET
BED ROOM 100	CARPET

**1812A 6TH AVENUE**  
**FLOOR PLANS**

DATE: 01/15/2020  
 DRAWN BY: E.A.R. FRANKLIN  
 CHECKED BY: G.R. BROWN  
 SCALE: 1/8" = 1'-0"

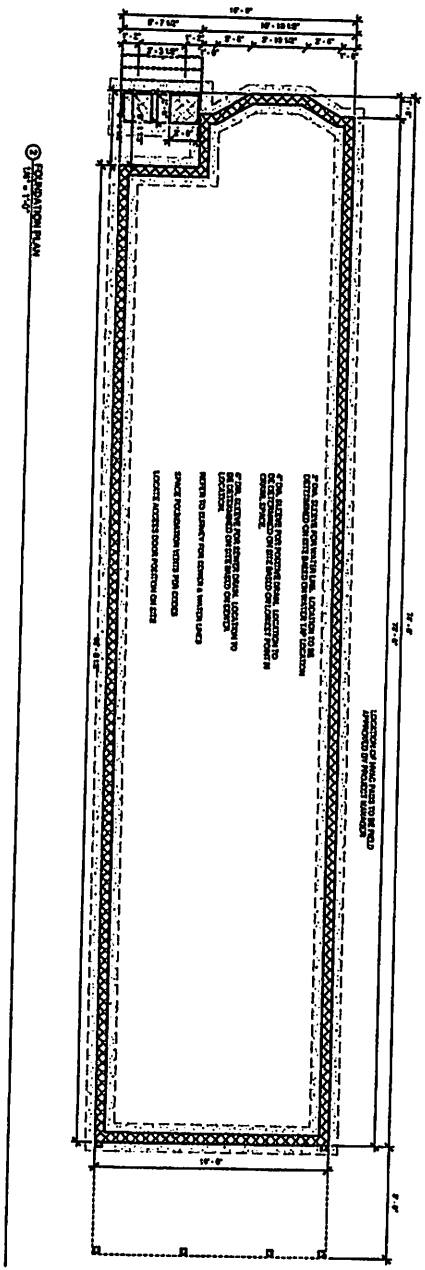
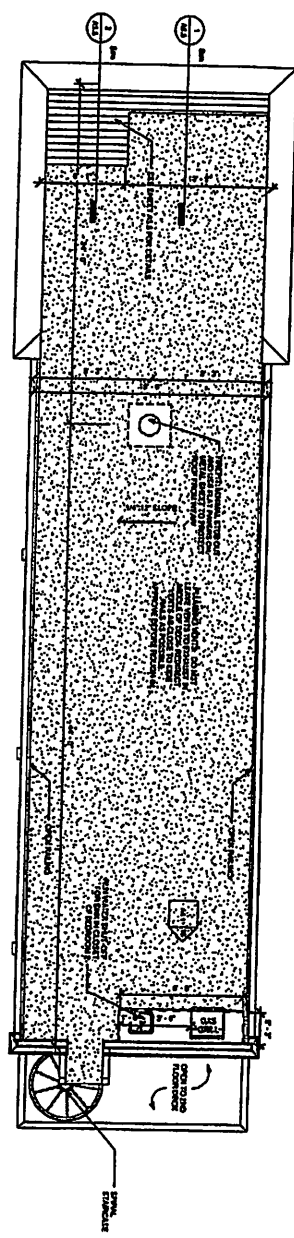
**A2.1**

**AERIAL**  
 DEVELOPMENT GROUP

1812A 6TH AVENUE, AUSTIN, TX 78704  
 TEL: 512.452.1234  
 WWW.AERIALDEV.COM

**GENERAL NOTES:**

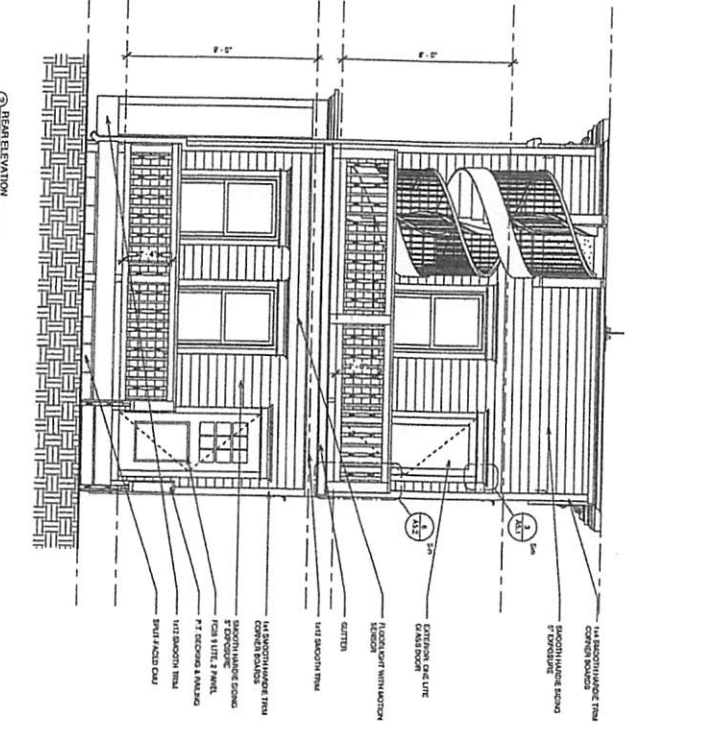
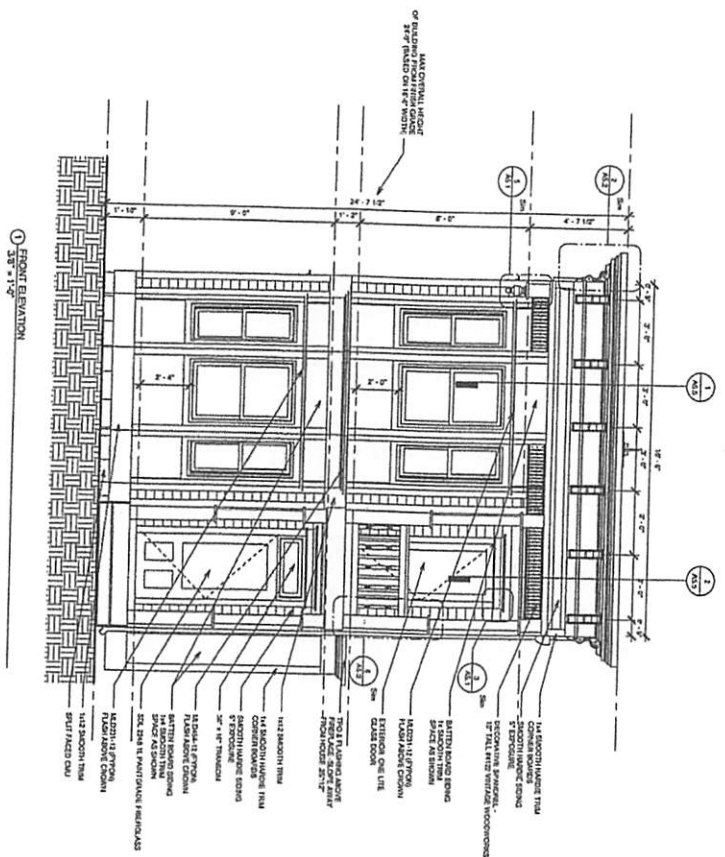
- DOOR SHALL TO BE INSTALLED UNDER ALL EXTERIOR DOORS & YARD FROM TO REINSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO REINSTALLATION
- AS GENERAL NOTES & DISCONNECT BOX LOCATIONS TO BE OBTAINED IN THE FIELD.
- SEE PROJECT SPECIFICATIONS
- USE 3/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM/PRIOR PERMIT
- ALL DECOR BOARDS TO BE GROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRECISE FLUOR DOWN FOR FUTURE



<p><b>AERIAL</b> DEVELOPMENT GROUP</p> <p><a href="http://aerialdevelopmentgroup.com/">http://aerialdevelopmentgroup.com/</a></p>	<p>1812A 6TH AVE N FLOOR PLANS</p> <p>DESIGN: JEREMY DATE: 08/2019 DRAWN BY: [Name]</p> <p style="font-size: 2em; font-weight: bold;">A2.2</p> <p style="font-size: 0.8em;">DATE: 08/2019</p>	
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**GENERAL NOTES:**

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TYPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL, PAINT, & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD. SEE PROJECT MANAGER
- USE 6M" THICK TRIM
- FLASHING ABOVE ALL WINDOWS & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE GROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING PIRNS DOWN FOR PLUMBING



1812A 6TH AVE N  
ELEVATIONS

DATE: EARL FINNAN  
DRAWN BY: GREGG/S  
CHECKED BY: M.E.

A3.1

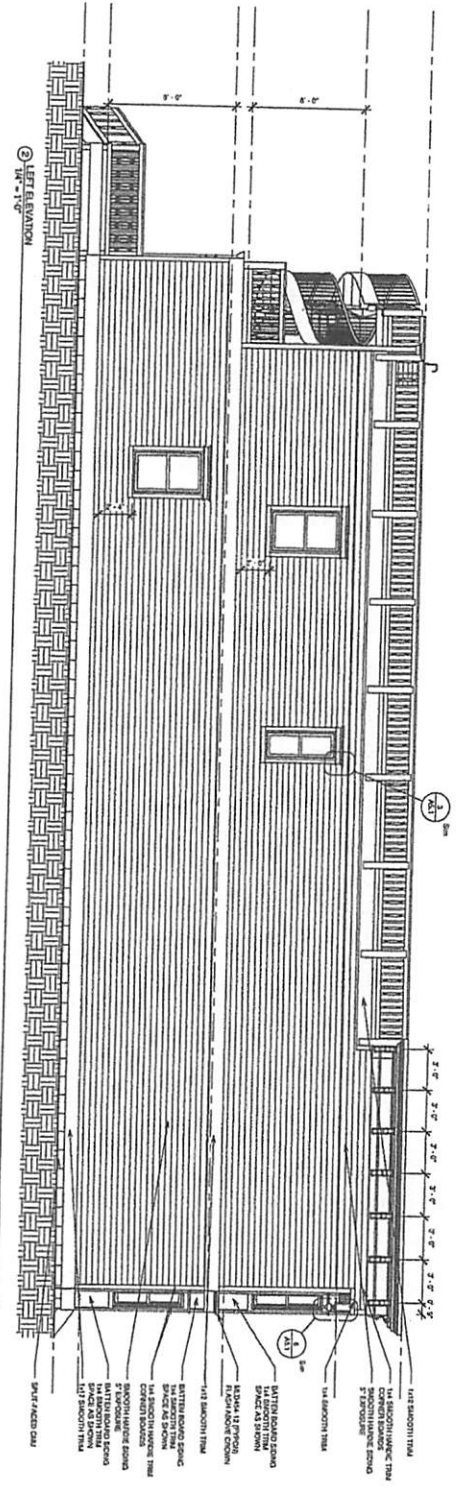
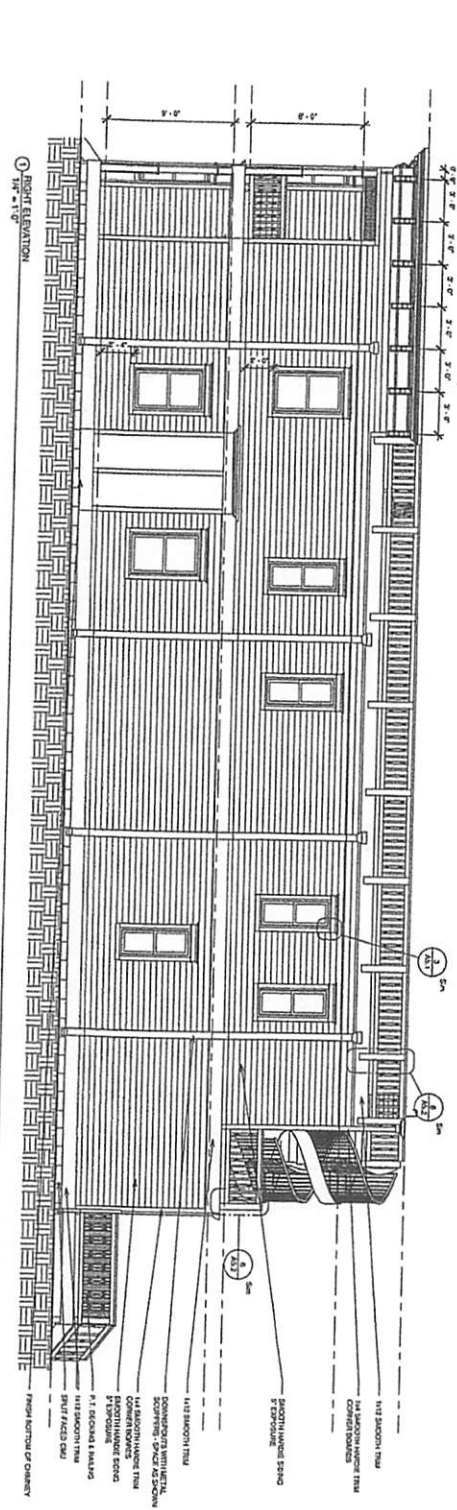
3/27/15 1:07

**AERIAL**  
DEVELOPMENT GROUP

<http://aerialdevelopmentgroup.com/>

**GENERAL NOTES:**

- DOOR FRAMS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TYPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/8" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECORATIVE BOARDS TO BE GROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FINISH DOWN FOR RULING



**AERIAL**  
DEVELOPMENT GROUP

<http://www.aerialdevelopmentgroup.com/>

DATE: EARLY FRANKLIN  
DRAWN BY: GREGORY S  
CHECKED BY: JAL

1812A 6TH AVE N  
ELEVATIONS

A3.2

1/8" = 1'-0"





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6/15/2015 8:48:00 PM

Authentisign  
*Karen Light*  
6/15/2015 7:08:02 PM

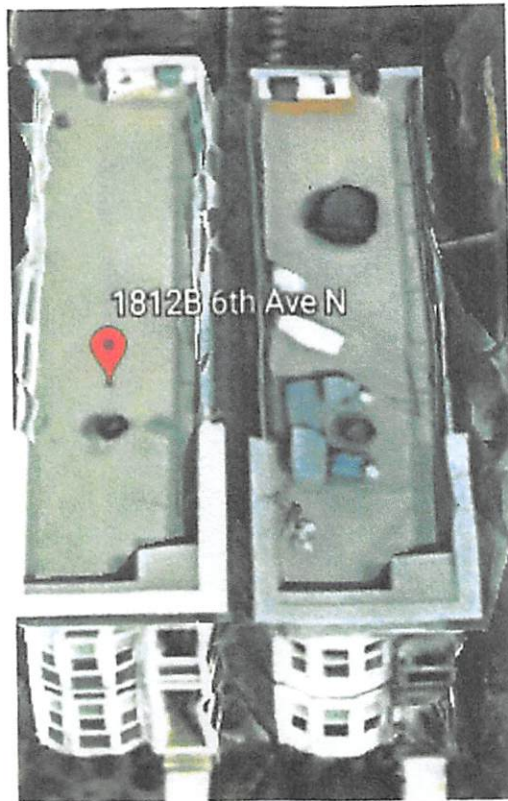


EXHIBIT  
tabbles® B



**\$395 / night**

★★★★★ 14

Dates

Check-in → Checkout

← **August 2019** →

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

Updated today





**\$395 / night**

★★★★★14

**Dates**

Check-in → Checkout

← **September 2019** →

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

Updated today



**\$395 / night**

★★★★★14

Dates

Check-in → Checkout

October 2019						
Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Updated today



**\$395 / night**

★★★★★ 14

Dates

Check-in → Checkout

← **November 2019** →

Su	Mo	Tu	We	Th	Fr	Sa
					1	2
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10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

Updated today

**COLLECTIVE EXHIBIT 6**

**Certified Copies of Appellant Marsella's Warranty Deed, the Exhibit to the Deed the "Declaration of Covenants, Conditions, and Restrictions for 1812 6<sup>th</sup> Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), and Appellant Marsella's Quitclaim Deed recorded with Register of Deeds Office on 4/20/2018, #20180409-0033309**

Due to the size of the attachment, Collective Exhibit B is attached separately to the email filing with the BZA via email.







**Certified copies of the "Declaration of Covenants, Conditions, and Restrictions" for the subject property, along with certified copies of Appellant's Warranty and Quitclaim Deeds.  
Collective Exhibit 6.**

**NEW OWNER:**  
Sheryl Marsella  
1812 6th Avenue  
Nashville, TN 37208

**THIS INSTRUMENT PREPARED BY:**  
TRESSLER & ASSOCIATES, PLLC  
Attorneys at Law  
212 North Castle Heights Avenue  
Lebanon, TN 37087

**SEND TAX BILLS TO:**  
New Owner

**FILE NO:** 18-0147 MJ

Map 081 Group 082-T Parcel 002.00

Space for Recorder's Stamp	
Bill Garrett	Davidson County
Batch# 77432	DEEDWARR
04/09/2018 01:43:44 PM	3 pgs
Fees: \$18.00	Taxes: \$2,127.50
 20180409-0033309	


**WARRANTY DEED**

FOR AND IN CONSIDERATION of the sum of Five Hundred Seventy-Five Thousand and 00/100 Dollars (\$575,000.00) cash in hand paid, the receipt of which is hereby acknowledged, ROBERT W. CORY("Grantor") has this day bargained and sold and by these presents does hereby transfer and convey unto SHERYL B. MARSELLA AS TRUSTEE OF SHERYL B. MARSELLA LIVING TRUST DATED 10/07/97, AMENDED 12/23/98, TRUST, ("Grantee"), her successors and assigns, forever, the following tract or parcel of land, situated and lying in Davidson County, Tennessee, bound and described as follows, to-wit:

Land in Davidson County, Tennessee, Being Unit No. B on The Plan of 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements ( a Planned Unit Development), as shown in Exhibit "A" of 1812 6<sup>th</sup> Avenue North Townhomes, of record in Instrument No. 20160318-0025758, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

BEING the same property conveyed to Robert W. Cory, by Warranty Deed from Alpha One, LLC, dated March 10, 2016, and of record in Instrument No. 20160318-0025758, Register's Office for Davidson County, Tennessee.

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as Instrument # 201804090033309.  
KAREN JOHNSON, Register of Deeds

  
\_\_\_\_\_  
Register/Deputy Register                      Jul 22, 2019



This is IMPROVED property known as 1812 6th Avenue, Nashville, Tennessee 37208.

TO HAVE AND TO HOLD said property, together with any and all appurtenances and improvements thereunto, belonging to the said Grantee, his heirs and assigns, in fee simple, forever.

GRANTOR covenants with said Grantee that Grantor is lawfully seized and possessed of said property; that Grantor has a good and lawful right to make this conveyance; that the same is free, clear and unencumbered, except as noted herein; and Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THIS CONVEYANCE is made subject to all visible easements, rights-of-way, and any and all restrictions, existing roadways, easements and rights-of-way of record.

POSSESSION shall be given with deed.

PROPERTY TAXES for the current year shall be prorated.

IN WITNESS WHEREOF, Grantor has executed or caused this instrument to be executed by its duly authorized representative, this 22nd day of March, 2018.

X [Signature]  
ROBERT W. CORY

STATE OF TENNESSEE  
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned authority, a notary public in and for the state and county aforesaid, ROBERT W. CORY, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 22nd day of March, 2018.

[Signature]  
NOTARY PUBLIC

My commission expires: 10/26/21





THIS INSTRUMENT PREPARED BY:  
 Mid-State Title & Escrow, Inc.  
 128 Holiday Court, Suite 125  
 Franklin, TN 37067  
 File No. 2014-0946.

Davidson County	DEEDMAST
Recvd: 06/23/15 13:49	40 pgs
Fees:202.00	Taxes:0.00
20150623-0060106	

**DECLARATION OF COVENANTS, CONDITIONS AND  
 RESTRICTIONS FOR  
 1812 6th AVENUE NORTH TOWNHOMES, A HORIZONTAL PROPERTY REGIME  
 WITH PRIVATE ELEMENTS (a Planned Unit Development)**

THIS DECLARATION, made and entered into by ALPHA ONE, LLC, hereinafter referred to as the "Developer".

**WITNESSETH:**

**WHEREAS**, the Developer is the record owner and holder of the legal title of a tract or parcel of real property located in Davidson County, Tennessee, and more particularly described on Exhibit "B" attached and made a part hereto (hereinafter referred hereto as the "Property"); and,

**WHEREAS**, the Developer desires to submit the Property described on Exhibit "B" together with all buildings, structures, improvements, and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anyway pertaining thereto, to the provisions of the Horizontal Property Act of the State of Tennessee as the same may be amended from time to time for the express purpose of establishing thereon a horizontal property regime with private elements to be known as **1812 6th AVENUE NORTH Townhomes**; and,

**WHEREAS**, the Developer further desires to establish for their own benefit and for the mutual benefit of all future owners and/or occupants of the Property or any part thereof, certain rights, easements, and privileges in, over and upon the said premises and certain mutually

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as Instrument # 201506230060106.  
**KAREN JOHNSON**, Register of Deeds

  
 Register/Deputy Register

Jul 22, 2019



beneficial restrictions and obligations with respect to the proper use, conduct and maintenance thereof, for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Property.

**NOW, THEREFORE,** the Developer declares as follows:

1. **Definitions.** As used herein, unless the context otherwise requires:

- (a) "Act" means the Horizontal Property Act of the State of Tennessee, Tennessee Code Annotated, Section 66-27-101, et seq., as the same may be amended from time to time.
- (b) "Association" means 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation.
- (c) "Board" means the Board of Directors of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation.
- (d) "Buildings" mean the buildings located on the parcel and forming a part of the property and containing the Units. The buildings are delineated on the Plat.
- (e) "By-Laws" mean the By-Laws of the 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. attached hereto as Exhibit "C" and made a part hereof, as amended from time to time. For purposes of the Act, all provisions contained in the body of this Declaration dealing with the administration and maintenance of the property shall be deemed to be part of the By-Laws.
- (f) "Common Elements" shall mean and include General Common Elements and Limited Common Elements as those terms are as defined herein.
- (g) "General Common elements" shall mean all of the property, except the units and private elements.
- (h) "Limited Common Elements" shall mean those portions of the General Common Elements designated herein for the exclusive use of the one (1) unit to which it is assigned.
- (g) "Private Elements" shall mean and include the lot area upon which the unit is located. Exclusive ownership in fee simple and use of the Private Elements for each Unit is reserved to such Unit. The area of the Private elements for each Unit is shown on the Plat. Lots, as referenced on the Plat, shall be deemed to refer to the Private Elements.

- (h) "Developer" shall refer to Alpha One, LLC, its successors, heirs and assigns.
- (i) "Majority" or "majority of the Unit Owners" mean at least fifty-one (51%) percent of the Owners of the Units.
- (j) "Declaration" means this instrument as amended from time to time.
- (k) "Occupant" means a person or persons in possession of a Unit, regardless of whether said person is a Unit Owner.
- (l) "Parcel" means the parcel(s) or tract(s) of real estate described on Exhibit "B" attached to this Declaration and submitted hereby to the provisions of the Act.
- (m) "Person" means a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property.
- (n) "Plat" means the Plat, Plats of survey or site plans of the Parcel or Parcels submitted to the provisions of the Act showing the number of each Unit and the exterior boundary of its private elements and other data necessary for identification, said Plat or Plats being attached hereto as Exhibit "A".
- (o) "Property" means all the land, property and space comprising the Parcel as defined in Item (n) above, and all improvements and structures erected, constructed or contained therein or thereon, including the Buildings and all easements, rights and appurtenances belonging thereto, and all furniture, furnishings, fixtures, and equipment intended for the mutual use, benefit or enjoyment of Unit Owners, submitted to the provisions of the Act.
- (p) "Record" or "Recording" refers to the record or recording in the Register's Office for Davidson County, Tennessee.
- (q) "Rules and regulations" refer to the rules and regulations concerning the use of the Units and the Common Elements, as adopted from time to time by the Board in accordance with the Declaration and By-Laws.
- (r) "Unit" shall mean a portion of the Property as shown and designated in the Plat for separate ownership and shall include the Private elements and the residence and improvements now and hereafter located hereon. The Units are identified by an alphabetic letter on the Plat and may be held and conveyed by reference to such letter. Conveyance of a Unit shall automatically convey the undivided membership of each Unit Owner in the Association. Each Unit is assigned a letter as shown on the Plat. Any Unit may be jointly or commonly owned in any state recognized under applicable law. For



purposes herein, the term "Unit" shall equate to the same meaning as the term "apartment" in the Horizontal Property Act.

- (s) "Unit Owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple ownership of a Unit, its respective Private Elements, and of the undivided interest in the Common Elements appurtenant thereto, and shall be deemed the same as "co-owner" under the Act. Unless specifically provided otherwise herein, Developer shall be deemed a Unit Owner so long as he is the legal title holder of any Unit.
2. **Submission of Property to the Act.** The Developer does hereby submit and subject the parcel and the property to the provisions of the Horizontal Property Act of the State of Tennessee as amended from time to time and does hereby establish a Horizontal Property Regime to be known as 1812 6th AVENUE NORTH Townhomes.
  3. **Plat.** The Plats or site plan sets forth the numbers and location of each Unit and other data as required by the Act.
  4. **Units.** The legal description of each Unit shall consist of the identifying letter of each Unit as shown on the Plat. Every deed, lease, mortgage, deed of trust, or other instrument shall legally describe a Unit by its identifying number as shown on the Plat and every such description by number shall be deemed good and sufficient for all purposes, as provided in the Act. Except as provided by the Act, no Unit Owner shall, by deed, plat, court decree or otherwise, subdivide or in any other manner cause his Unit to be separated into tracts or parcels different from the whole Unit as shown on the Plat.
  5. (a) **Association of Unit Owners and Administration and Operation of the Property.** There has been formed an Association having the name 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation, which Association shall be the governing body for all Unit owners, and shall be operated to provide guidelines for the maintenance, repair, replacement, administration, and operation of the property, as provided in the Act, this Declaration and the By-Laws. The Unit Owners shall be members of the Association, with each Unit holding an undivided membership interest appurtenant to a Unit being in an equal share, subject to the provisions concerning voting hereinafter set forth. The By-Laws for the Association shall be the By-Laws attached to this Declaration as Exhibit "C" and made a part hereof. The Board of Directors of the Association shall be elected and serve in accordance with the provisions of the By-Laws.

The fiscal year of the Association shall be determined by the Board, and may be changed from time to time as the Board deems advisable. The Association shall not be deemed to be conducting a business of any kind. All activities undertaken by the Association shall be for the sole benefit of the Unit Owners, and any funds received by the Association shall be held and applied by it for the use and benefit of Unit Owners, in accordance with the provisions of this declaration and By-Laws. A Unit Owner's membership shall automatically terminate when he ceases to be a Unit Owner. Upon the conveyance or transfer of a Unit Owner's ownership interest to a new Unit Owner, the new Unit Owner shall simultaneously succeed to the former Unit Owner's membership in the Association. The aggregate number of votes for all members of the Association shall be divided among the respective Unit Owners with one (1) vote granted to each Unit (except that the Developer shall have three (3) votes per Unit as provided below).

**(b) Voting Membership**

**Class A.** Class A members shall be all Unit Owners, with the exception of the Developer, and shall be entitled to one (1) vote for each Unit owned. When more than one person holds any interest in any Unit, all such persons shall be members. The vote for such Unit shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any unit.

**Class B.** The Class B member shall be the developer and shall be entitled to three (3) votes for each Unit owned. The class B membership shall cease the earlier of (i) when 100% of the Units are sold or three years from the date of the first Unit sold.

**(c) Management of the Property.** The Board shall have the authority to engage the services of an agent (the "Managing Agent") to maintain, repair, replace, administer and operate the property, or any part thereof, to the extent deemed advisable by the Board, subject to the provisions of subparagraph (d) below. Said agent shall be required to maintain fidelity bond coverage on its employees handling Association Funds. The cost of said services shall be a common expense.

**(d) Initial Management Contract.** First Board, appointed as provided herein, shall ratify and approve the Management Agreement between the Developer (if applicable) on behalf of the Association, and a management corporation, to act as

Managing Agent for the Property, for a term as approved by the First Board, but not to exceed one year.

- (e) **Use by the Builder.** During the period of sale by the Developer (and or any builders of any units), the Developer and/or any such builder or their agents, employees, contractors, etc. shall be entitled to access, ingress, egress from the buildings and property as may be required for purposes of sale of the Units.
  - (f) **Non-Liability of the Directors, Board, Officer and Developer.** To the extent permitted by law, neither the directors nor officers of the Association shall be personally liable to Unit Owners for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors or officers, except for any acts or omissions found by a court to constitute gross negligence or fraud. Unit Owners shall indemnify and hold harmless each of the directors or officers and their respective heirs, executors, administrators, successors and assigns in accordance with the Charter of the Association and By-Laws.
  - (g) **Interests of association in Common Elements.** Ownership of the Common Elements shall be vested in the Association.
6. **Board's Determination Binding.** In the event of any dispute or disagreement between any Unit Owners relating to the property, or any questions of interpretation or application of the provisions of this Declaration or By-Laws, the determination thereof by the Board shall be final and binding on all Unit Owners.
7. **Ownership of the Common Elements.** Subject to the provisions concerning voting rights herein above contained, each Unit is hereby allocated an equal percentage ownership in the Association. The percentage of ownership interests shall remain constant unless hereafter changed by recorded amendment to the Declaration consented to in writing by the Unit Owners, in accordance with the requirements hereafter contained. Said ownership interest shall be undivided interest, and the undivided interests in the Association shall be owned by the Unit Owners as Tenants in Common accordance with their respective percentages of ownership. The ownership of a Unit shall not be conveyed separate from the undivided ownership in the Common Elements appurtenant to such Unit. The undivided interest in the Common Elements appurtenant to any Unit shall be deemed conveyed or encumbered with

that Unit, even though the legal description in the instrument conveying or encumbering such Unit may refer only to the fee title to that Unit.

8. **Use of the Common Elements.** Each Unit Owner shall have the right to use the Common Elements in common with all other Unit Owners, as may be required for the purposes of access, ingress to, egress from, use, occupancy and enjoyment of the respective Unit owned by such Unit Owner. Such right to use the Common Elements shall extend not only to each Unit Owner, but also to his agent, servants, tenants, family members, customers, invitees, and licenses. However, each Unit Owner shall have the right to the exclusive use and possession of the Private Elements and Limited Common Elements, and shall be used by each respective Unit Owner, and shall be used by such Unit Owner(s) subject to the Rules and Regulations of the Association. .
9. **Ingress/Egress Easement and Parking Spaces.** Except as otherwise specified on the site plan attached hereto as Exhibit "A", parking areas and/or driveways on the property shall be part of the Limited Common Elements, Parking shall be allowed only on the designated parking areas as specified on Exhibit "A". There shall be an ingress and egress easement which shall benefit both Unit Owners. Said easement is delineated on Exhibit A and inures to the benefit of each Unit Owner. In no event shall either Unit Owner or their guests park in said easement area. Parking areas shall be used by such Unit Owner (s) subject to the Rules and Regulations of the Association.
10. (a) **Common Expenses and Enforcement.** Each Unit Owner shall be responsible for paying his equal proportionate share of the expenses of the administration and operation of the Common Elements and of any other expenses incurred in conformance with this Declaration and By-Laws (which expenses are herein sometimes referred to as "common expenses"), including, but not limited to, the maintenance and repair of the property and any and all replacements and additions thereto. Except for its responsibilities as a Unit Owner, as provided herein, Developer shall not have any responsibility for the maintenance, repair or replacement of any part of the Common Elements after the date this Declaration is recorded. Each Unit Owner shall be responsible for paying an equal share of the common expenses. The payment of common expenses shall be in such amounts and shall be payable at such times as determined in the manner provided in the By-Laws. No Unit Owner shall be exempt from payment of his equal share of the common expenses by waiver or nonuse of enjoyment of the Common or Limited Common Elements or by abandonment of his Unit. If any Unit

Owner shall fail to make such payment for common expenses when due, the remaining Unit Owner may pay said payment and the amount thereof together with interest at the rate of Ten (10%) percent per annum, after said payments become due and payable shall be subject to a lien on the Unit against which benefit the payment is made on behalf of the remaining Unit Owners. Each Unit Owner shall be personally liable for his portion of payments due while he is the owner of a Unit; however, said personal obligation shall not pass to successors in title unless assumed by them or as required by Tennessee Code Annotated, Section 66-27-101, *et seq.*

**Common Expense Liability – Unit A and Unit B may be responsible for the following Common Expense Liabilities: (i) Annual Cost to Secretary of State for the homeowner’s association annual report; (ii) homeowner’s association liability insurance for common area (if applicable); (iii) annual property taxes for the common area (if applicable); and (iv) cost payable to Register Agent to bill the above fees and taxes.**

(b) **Mortgage and Deed of Trust Protection.** The lien against a Unit Owner shall be subordinate to the lien of a recorded first Mortgage or Deed of Trust on the interest of such Unit Owner, except for the amount of the proportionate share of common expenses which become due and payable from and after the date on which the Mortgagee or Beneficiary thereunder either takes possession of the Unit encumbered thereby, accepts a conveyance of any interest therein (other than as security) or forecloses its Mortgage or Deed of Trust. This subparagraph shall not be amended, changed, modified, or rescinded without the prior written consent of all Mortgagees and Beneficiaries of records.

11. **Mortgages and Deeds of Trust.** Each Unit Owner shall have the right, subject to the provisions herein, to mortgage his Unit together with his respective ownership interest in the Common Elements. No Unit Owner shall have the right or authority to mortgage or place a lien on the property or any part thereof, except to the extent of his own Unit and its appurtenant interest in the Common Elements.
12. **Separate Real Estate Taxes.** Real estate taxes shall be separately taxed to each Unit Owner for his Unit, its Private Elements, Limited Common Elements, and its appurtenant interest in the Common Elements, as provided in the Act. In the event that such taxes for any year are not separately taxed to each Unit Owner, but rather are taxed on the property as a whole, then each Unit Owner shall pay its proportionate share thereof in accordance with such unit owners respective percentage of ownership of the entire development, calculated using each

respective unit square footage, of the total tax obligation, and, in said event, such taxes shall be deemed a common expense.

13. **Insurance.** The Board may obtain insurance for the Common Elements against loss or damage by fire, vandalism, malicious mischief and such other hazards as are covered under standard extended coverage provisions, for the full insurable replacement cost of the Common Elements, and against such other hazards and for such amounts as the Board may deem advisable. Insurable replacement cost shall be deemed the cost of restoring the Common Elements, or any part thereof, to substantially the same condition in which they existed prior to damage or destruction. Such insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to, the Board, as the Trustee for the Unit Owner in proportion to the Unit Owners' respective percentages of ownership in the Common Elements, as set forth in this Declaration, and for the holders of mortgages on the Units, if any. The policy of insurance should also contain, if possible, a waiver of subrogation rights by the insurer against the Unit Owners. The premiums for such insurance shall be a common expense; however, premiums for such insurance shall be separately billed equally to Unit Owners.

In the event of damage to or destruction of any Common Elements as a result of fire or other casualty covered by insurance proceeds (unless more than two-thirds (2/3) of all buildings require reconstruction), the Board shall, in its sole and absolute discretion, determine and without intervention of any Unit Owner arrange for the prompt repair and restoration of the damaged portions of all Common Elements substantially in accordance with the original plans and specifications therefore. Where the insurance indemnity is insufficient to cover the cost of such repairs and restoration, the deficit shall be paid by all Unit Owners with each Unit Owner to bear an equal proportion thereof. The Board shall not be responsible for the repair, replacement or restoration of any Unit or Private Elements for which the responsibility of maintenance and repair is that of a Unit Owner, or for furniture, furnishings, fixtures, appliances, or equipment installed in the Unit by a Unit Owner or occupant.

The Board shall also obtain comprehensive public liability insurance, in such amounts as it deems desirable, and workmen's compensation insurance and other liability insurance in such amounts as it deems desirable, insuring each Unit Owner, mortgagee of record, the Association,

its officers, directors, and employees, Owner, and the Managing Agent, if any, from liability in connection with the property. The premiums for such insurance shall be common expenses; however, premiums for such insurance shall be separately billed equally to each Unit Owner.

The Board may also obtain Fidelity Coverage covering officers, directors and employees who hand or are responsible for handling Association funds. Such bonds shall be in such amounts as the Board may determine, but in no event less than one hundred fifty percent (150%) of the monthly operating expenses of the Association, and shall contain waivers of any defense based upon the exclusion of persons serving without compensation.

The Board may also obtain such other insurance as it deems desirable, in such amounts, from such sources and in such forms as it deems desirable, insuring the property and each member of the Board and officer of the Association, and each member of any committee appointed pursuant to the By-Laws of the Association, from liability arising from the fact that said person is or was a director or officer of the Association, or a member of such a committee.

In the event the Board does not maintain hazard insurance, each Unit Owner shall be responsible for obtaining hazard insurance which includes liability coverage on his Unit, contents of his Unit and Private Elements, and the Limited Common Elements serving his Unit, as well as his additions and improvements thereto, and those parts of the Unit for which the responsibility of maintenance and repair is that of the Unit Owner, and for decorations, furnishings, and personal property therein, and personal property stored elsewhere on the property, if any. **Each Unit Owner shall be required to list the Association as an additional insured on said Unit's hazard insurance policy.**

14. **Maintenance, Repairs, Replacements and Easements.** Each Unit Owner, at his own expense, shall furnish and be responsible for all maintenance of, repairs to and replacements within and to the exterior of his Unit and its private elements. Except to the extent hereinafter set forth, maintenance of, repairs to and replacements within the Common Elements shall be the responsibility of and shall be furnished by the Association, and the cost thereof shall be part of the common expenses, subject to Item No. 10 (a) herein and further subject to the By-Laws, and Rules and Regulations of the Association. The expenses for the

maintenance, repair or replacement of a Unit's water heater, furnace, air conditioner, heating, and air conditioning ducts, and plumbing and electrical wiring and other items including, but not limited to the Limited Common Elements, serving only such Unit, shall be borne by the Owner of the Unit to which such Limited Common Elements are appurtenant. The Board shall direct Unit Owners who stand to be benefited by maintenance of, repairs to, and replacements to the exterior of said Unit, its private elements and/or within the Limited Common Elements to arrange for such maintenance, repairs and replacements in the name and for the account of such benefited Unit Owners, pay the cost thereof with their own funds, and procure and deliver to the Board such lien waivers and contractor's and subcontractor's sworn statements as may be required to protect the property from all mechanic's or materialmen's lien claims that maintain, repair, or replace the electrical wiring, plumbing, or other utilities of a Unit. Should the benefited Unit Owner fail or refuse to maintain, repair and/or replace, as directed by the Board, the exterior of the benefited Unit, its private elements, and/or within its Limited Common Elements, the Board or any other Unit Owner (or Owners) may cause said maintenance of, repairs to and/or replacements be made to the exterior of said Unit, its Private Elements and/or within its Limited Common Elements, and perfect remedies as recited in Article No. 19 hereinafter recited.

If, due to the act or neglect of a Unit Owner, or of his agent, servant, tenant, family member, invitee, licensee or household pet, damage shall be caused to the Private Elements owned by others, or if general maintenance of utility lines, etc are required and such repair or damage is on another unit owner's private elements, then the Unit Owner to which said utility services shall pay for such damage or such maintenance, repairs and replacements.

An easement hereby exists for any installation, maintenance, repair and replacement of any and all pipes, wires, conduits, or other utility lines running through or around any unit's private elements or common elements, if applicable. An easement exists for ingress and egress and maintenance in favor of any public utility providing utility services to the apartments and the units.

The authorized representatives of the Association, Board, or of the Managing Agent with approval of the Board, shall be entitled to reasonable access to the Private Elements as may be



required in connection with the preservation of any individual Unit or Limited Common Elements in the event of an emergency, or in connection with maintenance of, repairs to, or replacements within the Common Elements, Limited Common Elements, Private Elements or any equipment, facilities or fixtures affecting or serving other Units, its Private Elements, Common Elements and Limited Common Elements, or to make any alteration required by any governmental authority.

15. **Alterations, Additions or Improvements.** Except as provided in paragraph No. 16 herein, no alteration of any Common Elements, or any additions or improvements thereto, shall be made by any Unit Owner without the prior written approval of the Board. The Board may authorize alterations, additions and improvements of the Common Elements as provided in the By-Laws. Any Unit Owner may make alterations, additions or improvements within his Unit without the prior written approval of the Board, but such Unit Owner shall be responsible for any damage to other Units, the Common Elements, the Property, or any part thereof, resulting from such alterations, additions or improvements. Any alteration and/or maintenance made by a Unit Owner to the exterior of his Unit shall be in strict conformity to the architectural design and scheme of the Unit as of the date of this instrument unless modified by the unanimous agreement of the Unit Owners.
16. **Decorating.** Each Unit Owner, at his own expense, shall furnish and be responsible for all decorating within his Unit and Limited Common Elements serving his Unit, as may be required from time to time, including painting, wallpapering, washing, cleaning, paneling, floor covering, draperies, window shades, curtains, lighting, and other furnishings and decorating. Each Unit Owner shall be entitled to the exclusive use of the interior surfaces of the perimeter walls, floors and ceilings of his Unit, and such Unit Owner shall maintain said interior surfaces in good conditions at his sole expense, as may be required from time to time. Said maintenance and use of interior surfaces shall be subject to the rules and regulations of the Association, but each Unit Owner shall have the right to decorate such interior surfaces from time to time as he may see fit and at his sole expense. All windows and screens of a Unit shall be cleaned and washed, and any damage thereto repaired, at the expense of the Unit Owner of that Unit.
17. **Encroachments.** If any portions of the Common Elements shall actually encroach upon any Unit or its Private or Limited Common Elements, or if any Unit or its Private or Limited

Common Elements shall actually encroach upon any portions of the Common Elements, there shall be deemed to be mutual easements in favor of the owners of the Common Elements and the respective Unit Owners involved, to the extent of such encroachments, so long as the same shall exist.

18. **Use and Occupancy Restrictions.** Subject to the provisions of the By-Laws, no part of the property may be used for purposes other than housing and the related common purposes for which the property was designed and as allowed by zoning laws. Each Unit shall be used as one single family residence or such other use permitted by this Declaration, and for no other purpose, except that professional and quasi-professional people may use their residence (not in violation of municipal zoning laws) as an ancillary or secondary facility to an office established elsewhere. No unit may be offered by its owner to the public at large for temporary transient accommodations; however, nothing in this Section shall prohibit Unit Owners from leasing their Units to others to be used as a residence. The foregoing restrictions as to residence shall not, however, be construed in such manner as to prohibit a Unit Owner from: (a) maintaining his personal professional library; (b) keeping his personal business or profession records or accounts; or (c) handling his personal business or professional telephone calls or correspondence. Such uses are expressly declared customarily incident to the principal residential use and not in violation of said restrictions.

The Common Elements, if applicable shall be used only by Unit Owners and their agents, servants, tenants, family members, customers, invitees, and licensees for access, ingress to, and egress from the respective Units and for such other purposes incidental to use of the Units. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonably interfered with by any Unit Owner.

19. **Remedies.** In the event of any violation of the provisions of the Act, this Declaration, By-Laws, or rules and regulations of the Association by any Unit Owner (either by his own conduct or by the conduct of any Occupant of his Unit), the Association, or its successors or assigns, shall have each and all of the rights and remedies which may be provided for in the Act, this Declaration, By-Laws, or said rules and regulations, or which may be available at law or in equity, and may prosecute an action or other proceedings against such defaulting Unit Owner and/or others for enforcement of any lien and the appointment of a receiver for

the Unit and ownership interest of such Unit Owner, or for damages or injunction or specific performance, or for judgment for payment of money and collection thereof, or the right to take possession of the Unit and to sell the same as provided hereinafter in this Paragraph No. 19, or for any combination of remedies, or for any other relief. All expenses in connection with any such actions or proceedings, including court costs and attorney's fees and other fees and expenses and all damages, liquidated or otherwise, together with interest thereon at the rate of Fifteen (15%) percent per annum or such other uniform lawful rate as the Board shall determine, until paid, shall be charged to and assessed against such defaulting Unit Owner, and shall be added to and deemed part of his respective share of the common expenses, and the Board or Paying Unit Owner shall have a lien for all of the same, as well as for nonpayment of common expenses, upon the Unit, and its appurtenant interest in the Common Elements of such defaulting Unit Owner and upon all of his additions and improvements thereto and upon all of his personal property in his Unit or located elsewhere on the property; provided, however, that such lien shall be subordinate to the lien of a recorded first mortgage or deed of trust on the Unit, to the extent herein set forth in Paragraph No. 10 (b) hereof. In the event of any such default by a Unit Owner, the Board and/or Paying Unit Owner, shall have the authority to correct such default, and to do whatever may be necessary for such purpose and all expenses in connection therewith shall be charged to and assessed against such defaulting Unit Owner. Any and all such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Board. This Paragraph shall not be amended, changed, modified or rescinded without the prior consent of all holders of record of mortgage and deed of trust liens against the Units.

The violation of any restriction or condition or regulation adopted by the Board or the breach of any covenant or provision herein contained, shall give the Board the right, in addition to any other rights provided for in this Declaration: (a) to enter (either peaceably or forcibly without liability to such Unit Owner for such entry) upon the Unit, or any portion of the property upon which or as to which such violation or breach exists, and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions hereof, and the Board, or its employees or agents, shall not thereby be deemed guilty in any manner of trespass; or (b) to enjoin, abate or

remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach; or (c) to take possession (either peaceably or forcibly without liability to such Unit Owner for such entry) of such Unit Owner's interest in the property and to maintain an action for possession of such Unit in the manner provided by law.

If any Unit Owner (either by his own conduct or by the conduct of any other Occupant of his Unit) shall violate the Act, or any of the covenants or restrictions or provisions of this Declaration, the By-Laws, or the regulations adopted by the Board, and if such default or violation shall continue for ten (10) days after notice to the Unit Owner in writing from the Board or Paying Unit Owner, or shall occur repeatedly during any ten (10) day period after such written notice or request to cure such violation from the Board, then the Board shall have the power to issue to said defaulting Owner a notice in writing terminating the rights of said defaulting Owner to continue as a Unit Owner and to continue to occupy, use, or control his Unit, and thereupon an action in equity may be filed by the Board against said defaulting Owner for a decree of mandatory injunction against such defaulting Owner or Occupant, or in the alternative, for a decree declaring the termination of said defaulting Owner's right to occupy, use, or control the Unit owned by him on account of said violation, and ordering that all the right, title and interest of said defaulting Owner in the property shall be sold (subject to the lien of any existing deed of trust or mortgage) at a judicial sale upon such notice and terms as the court shall determine, except that the court shall enjoin and restrain the said defaulting Owner from reacquiring his interest at such judicial sale. The proceeds of any such judicial sale shall first be paid to discharge court costs, court reporter charges, reasonable attorney's fees, and all other expenses of the proceeding and sale, and all such items shall be taxes against said defaulting Unit Owner in said decree. Any balance of proceeds, after satisfaction of such charges and any unpaid assessments hereunder, or any liens, shall be paid to said defaulting Unit Owner. Upon the confirmation of such sale, the purchaser shall thereupon be entitled to a deed to the Unit and the Unit Owner's corresponding percentage of ownership in the Common Elements, and to immediate possession of the Unit sold and may apply to the court for a writ of assistance for the purpose of acquiring such possession, and it shall be a condition of any such sale, and the decree shall so provide, that the purchaser shall take the interest in the Unit Ownership sold subject to this Declaration.

**20. Amendments.**

**(a) Amendments Annexing Additional Phases.** The Developer may on its own (without the necessity of the consent or agreement of any Unit Owner or other person), but shall not be obligated to, incorporate additional area into additional phases of the horizontal property regime governed by this Declaration. The annexation of such additional phases shall be accomplished by the unilateral execution by the Developer, and recording, of an amendment to this instrument setting forth the additional real property to be brought within the provisions of this Declaration and reciting that it shall be held and conveyed subject to the provisions hereof as an additional phase or phases of 1812 6th AVENUE NORTH Townhomes. Upon the addition of additional Units to the 1812 6th AVENUE NORTH Townhomes, horizontal property regime, then the percentage ownership in the Association of the Unit Owners shall be automatically adjusted so that each Unit Owner owns an equal undivided interest in the Association.

**(b) Other Amendments.** The provisions of this Declaration may be amended by an instrument in writing, setting forth such amendment, signed by sixty-seven (67%) percent of the Unit Owners; provided, however, that all lien holders or record have been notified by certified mail of such amendment, and an affidavit by the Secretary of the Association certifying to such mailing is made a part of such instrument.

However, if the Act, this Declaration or the By-Laws require the consent or agreement of all Unit Owners or of all lien holders for any action specified in the Act or in this Declaration, then any instrument amending any provision of this Declaration with respect to such action shall be signed by all Unit Owners and/or all lien holders or both as required by the Act or this Declaration. Any amendment shall be effective upon the recording of such instrument in the Office of the Register of Davidson County, Tennessee; provided, however, that no provisions in this Declaration may be amended so as to conflict with the provisions of the Act.

Notwithstanding the above, the Developer shall have the right to make and record any necessary amendment to this instrument for the express purpose of completion of development or correction of clerical errors, or as may be required to obtain FHA/VA, FNMA and/or FHLMC approval for the horizontal property regime.

21. **Perpetuities and Restraints on Alienation.** If any of the options, privileges, covenants, or rights created by this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, when such provision shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of the Governor of Tennessee holding office as of the date of this Declaration.
22. **Rights and Obligations.** Each Grantee of Developer, by the acceptance of a deed of conveyance, accepts the same subject to all restrictions, conditions, covenants, reservations, liens, and charges, and the jurisdiction, rights, and powers created or reserved by this Declaration. All future Unit Owners and Occupants shall be subject to and shall comply with the provisions of this Declaration. Any restrictions or rules in the By-Laws which are more than administrative in nature such as, but not limited to, reservations and future rights of Developer are hereby incorporated into and made a part of this Declaration by reference. All rights, benefits and privileges hereby imposed shall be deemed and taken to be covenants running with the land, and shall bind any person having at any time any interest or estate in said land, and shall inure to the benefit of such grantee in like manner as though the provisions of this Declaration were recited and stipulated at length in each and every deed of conveyance or contract for conveyance.

All present and future Unit Owners and Occupants of a Unit shall be subject to, and shall comply with the provisions of the By-Laws appended hereto and recorded herewith, pursuant to Tennessee Code Annotated, Section 66-27-111, as they may be amended from time to time. The acceptance of a deed of conveyance, devise, or lease to a Unit, or the entering into occupancy of any Unit shall constitute an agreement that the provisions of the By-Laws, and any Rules and Regulations promulgated thereunder, as they may be amended from time to time, are assumed, accepted and ratified by such Unit Owner or Occupant, and all of such provisions shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited and stipulated at length in each and every deed, conveyance or lease thereof.

The terms and conditions of the Declaration, By-Laws, and rules and regulations of the Association may be incorporated by reference in, and become part of, the agreement between

any first mortgagee and any present or future Unit Owner who enters into such an agreement with a first mortgagee. When so incorporated, any default in the terms and conditions of this Declaration, By-Laws, and rules and regulations may be considered by the first mortgagee as a default, whereupon said first mortgagee, after exercising its option to declare a default, shall then have all of the rights and privileges arising as a result of a default under its agreement with said Unit Owner.

23. **Condemnation.** In the event of a taking of part of the Common Elements in condemnation or by eminent domain, the award made for such taking shall be payable to the Association. If a majority of the Board in their sole and absolute discretion approves the repair and restoration of such Common Elements, the Board shall arrange for the repair and restoration of such Common Elements, and the Board shall disburse the proceeds of such award to the contractors engaged in such repair and restoration in appropriate progress payments. In the event the Board does not approve the repair and commence restoration of such Common Elements within one hundred twenty (120) days after taking by the public or private authority, the Board shall disburse the net proceeds of such award on the basis of such Unit's percentage of ownership in the Common Elements.
24. **Rights Reserved.** Unit Owner's right of enjoyment in the Common Elements shall be subject to:
- (a) The right of the Association, as provided in its By-Laws or rules and regulations, to suspend the enjoyment rights of any member for any period during which any assessment remains unpaid, and for such period as it considers appropriate for any infraction of its published rules and regulations;
  - (b) The right of the Association to charge reasonable fees for the use of any part or parts of the Common Elements;
  - (c) The right of the Association to diminish in any way or to dedicate or transfer all or any part of the Common Elements to any public agency or authority for such purposes and subject to such conditions as may be agreed to by the members entitled to vote thereon, provided that no such diminution or dedication or transfer or determination as to the purposes or as to the conditions thereof, shall be effective unless both members of the Association have agreed to such dedication, transfer, purpose, or condition;

- (d) The right of the Association to grant such easements and rights-of-way to such utility companies or public agencies or authorities as it shall deem necessary for the proper servicing and maintenance of the Common Elements and the Units.

**25. Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Regulations.** Notwithstanding anything to the contrary contained in this Declaration or in the By-Laws of the Association, all terms, conditions, regulations, and requirements which are now existing, or which may be amended from time to time by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, pertaining to Planned Unit Developments or condominiums, if applicable, are hereby incorporated as terms and conditions of this Declaration and By-Laws and such shall be governing upon the Property, Developer, and the Association, so long as such terms or conditions are not inconsistent with the laws of the State of Tennessee as found in T.C.A., Section 66-27-101, et seq., as amended.

Specifically, without limitation upon the foregoing, the following declarations shall be controlling over any terms of this Declaration or By-Laws which are in conflict therewith. Any portions of this Declaration or By-Laws which are in conflict with this paragraph, or any portion of the regulations of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, pertaining to apartments, are hereby deleted and the following rights of mortgagees are itemized as follows:

- (a) A first mortgagee of a Unit at his request is entitled to written notification from the Association of any default by the mortgagor of such Unit in the performance of such mortgagor's obligations under this Declaration, By-Laws, or any of the condominium documents, which is not cured within thirty (30) days.
- (b) Any first mortgagee of a Unit who comes into possession of the Unit pursuant to the remedies provided in the mortgage, or deed of trust, or by foreclosure of the mortgage or deed of trust, or by deed in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against the mortgaged Unit which accrue prior to the time such holder comes into possession of the Unit (except for claims for a pro rata share of such assessments or charges resulting from a pro rata real location of such assessments or charges to all Units including the mortgaged Unit).



- (c) Unless all of the first mortgagees (based upon one (1) vote for each mortgage owned) of Units have given their prior written approval, the Association shall not be entitled to:
- (i) Change the pro rata interest or obligations of any Unit for (a) purposes of levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, and for (b) determining the pro rata share of each Unit in appurtenant real estate and any improvements thereon, which are owned by Unit Owners in undivided pro rata interests (Common Elements);
  - (ii) Use hazard insurance proceeds for losses to the Common Elements for other than the repair, replacement or reconstruction of such improvements, except as provided by T.C.A. Section 66-27-118, in case of substantial loss to the Common Elements.
- (d) First mortgagees shall have the right to examine the books and records of the Association.
- (e) An adequate reserve fund for the replacement of the Common Elements will be established and funded by regular monthly payments rather than by special assessments.
- (f) As set forth in T.C.A., Section 66-27-120, all taxes, assessments, and charges which may become liens prior to the first mortgage under the laws of the State of Tennessee shall relate only to the Unit and not to the property as a whole.
- (g) No Unit Owner, or any other party, shall have priority over any rights of the first mortgagees of Units in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units and/or Common Elements.
- (h) Any agreement for professional management of the property, whether it be by Owner, her successors and assigns, or any other person or entity, may be terminated on ninety (90) days' written notice, and the terms of any such contract shall so provide and shall not be of a duration in excess of three (3) years.
- (i) The Association shall give to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, or any lending institution servicing such mortgages as are acquired or insured by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, notice in writing of any loss to or the taking of Common Elements if such loss or taking exceeds Ten Thousand (\$10,000.00) Dollars. The Association may rely upon the information contained in the book entitled "Mortgage of Units" as must be established pursuant to the By-Laws, for a list of mortgagees to be notified hereby.

- (j) The interest of a first mortgagee in a mortgaged Unit shall be superior to the interests of any person, group, partnership, corporation, or entity of any kind, including any interest the Association, Developer, or any Unit Owner may have in any portion of the property, regardless of the nature of the interest or the manner in which it is acquired.
- (k) Notwithstanding the above, any first mortgagee shall have all of the rights granted to a first mortgagee herein, and in addition shall have all of the rights granted to an institutional first mortgagee under its deed of trust, and under the laws of the State of Tennessee.

26. Trustee as Unit Owner. In the event title to any Unit is conveyed to a land title-holding trust, under the terms of which all powers of management, operation, and control of the Unit remain vested in the trust beneficiary or beneficiaries, then the beneficiaries thereunder shall be considered Unit Owners for all purposes and they shall be responsible for payment of all obligations, liens or indebtedness and for the performance of all agreements, covenants and undertakings chargeable or created under this declaration against such Unit. No claim shall be made against any such title-holding trustee personally for payment of any lien or obligation hereunder created, and the trustee shall not be obligated to sequester funds or trust property to apply in whole or in part against such lien or obligation. The amount of any such lien or obligation shall continue to be a charge or lien upon the Unit and the beneficiaries of such trust, notwithstanding any transfers of the beneficial interest of any such trust or any transfer of title to such Unit.

27. Notices. Notices provided for in the Act, Declaration or By-Laws shall be in writing and shall be addressed to the Association or any Unit Owner, as the case may be, at 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., or at such other address as hereinafter provided. The Association may designate a different address or addresses for notices to it by giving written notice of such change of address to all Unit Owners. Any Unit Owner may designate a different address for notices to him by giving written notice to the Association. Notices addressed as above shall be deemed delivered when mailed by United States registered or certified mail, or when delivered in person with written acknowledgement of the receipt thereof.

Upon written request to the Board, the holder of any recorded mortgage or trust deed encumbering any Unit shall be given a copy of all notices permitted or required by this

Declaration to be given to the Owner or Owners whose Unit is subject to such mortgage or trust deed.

28. **Severability.** If any provision of this Declaration or By-Laws, or any section, sentence, clause, phrase, word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of this Declaration and the By-Laws and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby, and the remainder of this Declaration of the By-Laws shall be construed as if such invalid part was never included therein.
29. **Common Open Space.** Any Common Open Space established by an adopted final master development plan for apartments shall be subject to the following:
- (a) The Metropolitan Planning Commission and the Metropolitan County Council may require that the landowner provide for and establish an organization for the ownership and maintenance of any Common Open Space, and such organization shall not be dissolved nor shall it dispose of any Common Open Space, by sale or otherwise (except to an organization conceived and established to own and maintain the Common Open Space), without first offering to dedicate the same to the Metropolitan Government of Nashville and Davidson County and the said dedication be approved by the Metropolitan Planning Commission. However, the conditions of any transfer shall conform to the adopted final master development plan.
  - (b) In the event that the organization established to own and maintain Common Open Space, or any successor organization, shall at any time after the establishment of the Condominium fail to maintain the Common Open Space in reasonable order and condition in accordance with the adopted master development plan, the zoning administrator may serve written notice upon such organization and/or the owners or residents of the Condominium and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the zoning administrator shall call upon any public or private agency to maintain the Common Open Space for a period of one (1) year. When the zoning administrator determines that the organization is not prepared for the maintenance for the Common Open Space such agency shall continue maintenance for yearly periods.

- (c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Condominium development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties.
30. **Captions.** The captions herein are inserted only as a matter of convenience, and in no way define, limit or describe the scope of these provisions or the intent of any provision hereof.
31. **Gender.** The use of the masculine gender in this Declaration and in the By-Laws shall be deemed to include the feminine gender and the use of the singular shall be deemed to include the plural whenever the context so requires.
32. **Attorney's Certificate.** The attorney's opinion as required under the terms of the TCA, Section 66-27-103 is attached hereto as Exhibit "D" and made a part hereof.
33. **Fences.** Except as to existing fencing in place at the filing of this document, fencing shall be made of wood, aluminum, steel or iron and shall not exceed 8 feet in height.
34. **Party Walls.** If applicable, each wall built as a part of the original construction of a structure upon the Private Elements and placed on the dividing line between two Units shall constitute a party wall and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.
- The following provisions shall apply to all party walls constructed in the Property:
- (i) The cost of reasonable repair and maintenance of a party wall shall be shared by the Unit Owners who make use of the wall in proportion to such use. (ii) If a party wall is destroyed or damaged by fire or other casualty, any Unit Owner who has used the wall may restore it. If other Unit Owners make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use; subject, however, to the right of any Unit Owners to call for a larger contribution from the others under any rule of law regarding liability for negligence or willful acts or omissions. (iii) The Unit Owner may construct or reconstruct a party wall subject to and within the limitations of architectural control and other limitations of this Declaration with the right to go upon the adjoining Lot to the extent reasonably necessary to perform the construction. The construction shall be done expeditiously. Upon completion of the construction, the Unit Owner shall restore, as is reasonably practicable, the adjoining Unit to as near the same condition, which prevailed on or before the commencement of the construction. (iv) The right of any Unit Owner to contribution from any other Unit Owner under this Section shall be appurtenant to the land and shall pass to the

Unit Owner's successors in title. (v) If any Unit Owner desires to sell his Unit, he may, in order to assure a prospective purchaser that no adjoining Unit Owner(s) has a right of contribution as provided in this Article, request that the adjoining Unit Owner(s) provide a certification that no right of contribution exist. It shall be the duty of each adjoining Unit Owner to make a certification as to whether there is any pending claim of contribution immediately upon request and without charge.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this 23<sup>rd</sup> day of June, 2015.

DEVELOPER:

Alpha One, LLC

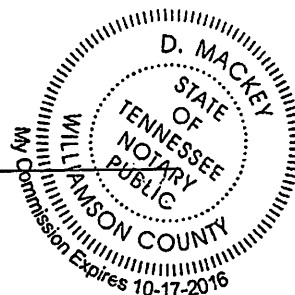
By: [Signature]  
Title: AGENT

STATE OF TENNESSEE  
COUNTY OF Williamson

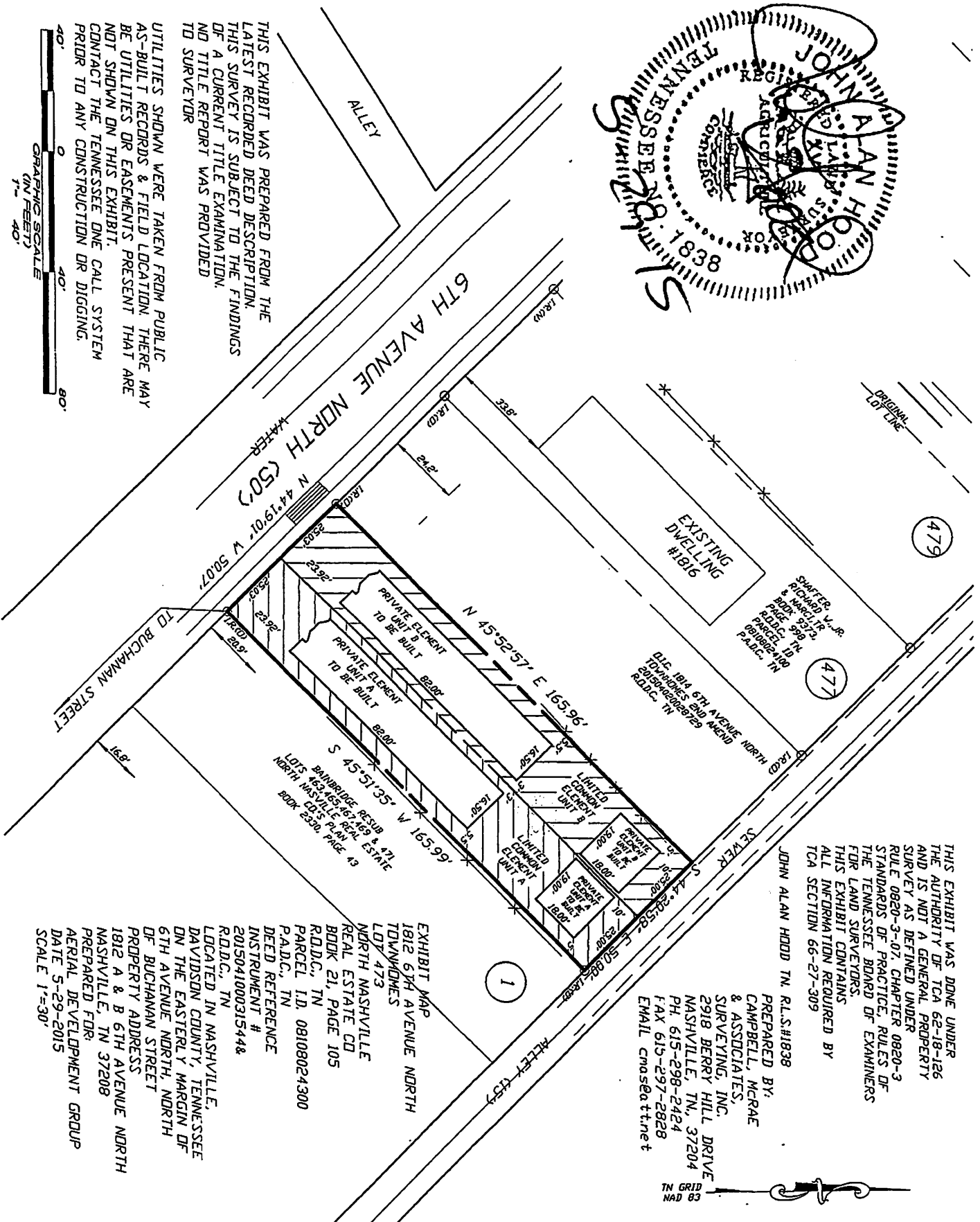
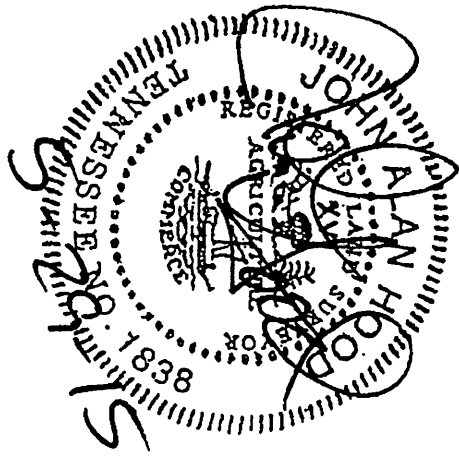
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Monte Poe, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing instrument are true of his/her own knowledge, and who, upon oath, acknowledged himself/herself to be an authorized signer of the maker, and that s/he, acting in such capacity, and authorized so to do, executed the foregoing instrument in behalf of the maker, for the purposes therein contained.

Witness my hand and seal this 23<sup>rd</sup> day of June, 2015.

[Signature]  
Notary Public



My Commission Expires: 10/17/16



THIS EXHIBIT WAS PREPARED FROM THE LATEST RECORDED DEED DESCRIPTION. THIS SURVEY IS SUBJECT TO THE FINDINGS OF A CURRENT TITLE EXAMINATION. NO TITLE REPORT WAS PROVIDED TO SURVEYOR

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



THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07, CHAPTER 0820-3 STANDARDS OF PRACTICE, RULES OF THE TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS. THIS EXHIBIT CONTAINS ALL INFORMATION REQUIRED BY TCA SECTION 66-27-309

PREPARED BY:  
 CAMPBELL, MCRAE & ASSOCIATES, SURVEYING, INC.  
 2918 BERRY HILL DRIVE  
 NASHVILLE, TN, 37204  
 PH 615-298-2424  
 FAX 615-297-2828  
 EMAIL cmc@caat.net

EXHIBIT MAP  
 1812 6TH AVENUE NORTH  
 TOWNHOMES  
 LOT/ 473  
 NORTH NASHVILLE  
 REAL ESTATE CD  
 BOOK 21, PAGE 105  
 R.D.D.C., TN  
 PARCEL I.D. 08108024300  
 P.A.D.C., TN  
 DEED REFERENCE  
 INSTRUMENT #  
 2015041000315448  
 R.D.D.C., TN  
 LOCATED IN NASHVILLE,  
 DAVIDSON COUNTY, TENNESSEE  
 ON THE EASTERLY MARGIN OF  
 6TH AVENUE NORTH, NORTH  
 OF BUCHANAN STREET  
 PROPERTY ADDRESS  
 1812 A & B 6TH AVENUE NORTH  
 NASHVILLE, TN 37208  
 PREPARED FOR:  
 AERIAL DEVELOPMENT GROUP  
 DATE 5-29-2015  
 SCALE 1"=30'

ORIGINAL LOT LINE

479

477

1

TN GRID  
 NAD 83

## EXHIBIT B

Land in Davidson County, Tennessee, being Lot No. 473 on the Plan of North Nashville of record in Plat Book 21, Page 105, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Said Lot No. 473 fronts 50 feet on the easterly margin of Sixth Avenue North, formerly High Street, and extends back between parallel lines 166 feet to an alley in the rear.

Being the same property conveyed to Alpha One, LLC, a Tennessee Limited Liability Company, by Special Warranty deed of Mid South Environmental Company, Inc., of Middle Tennessee, of record in Instrument number 20150519-0046165, Register's Office of Davidson County, TN.

THIS INSTRUMENT PREPARED BY:  
Mid-State Title & Escrow, Inc.  
128 Holiday Court, Suite 125  
Franklin, TN 37067

## EXHIBIT " C "

### BY-LAWS OF

### 1812 6th AVENUE NORTH Townhomes Owners Association, Inc.

#### ARTICLE I

##### Members (Unit Owners)

**Section 1. Eligibility.** The members of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation, shall consist of the Unit Owners of the property know as 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. located at Nashville, Davidson County, Tennessee (the "property"). If a Unit Owner is a trust, then the member shall be a beneficiary of such trust, and if a Unit Owner or such a beneficiary is a corporation or partnership, the member may be an officer, partner or employee of such Unit Owner or beneficiary.

**Section 2. Secession.** The membership of each Unit Owner shall terminate when he ceases to be a Unit Owner, and upon the sale, transfer, or other disposition of his ownership interest in the property, his membership in the Association shall automatically be transferred to the new Unit Owner succeeding to such ownership interest.

**Section 3. Regular Meetings.** The first regular meeting of the Unit Owners (the "First Meeting") may be held, subject to the terms hereof on any date, at the option of the Board. All such meetings of Unit Owners shall be held at such place in Davidson County, Tennessee, and at such time as specified in the written notice of such meeting which shall be delivered to all Unit Owners at least ten (10) days prior to the date of such meeting.



**Section 4. Special Meetings.** Special meeting of Unit Owners may be called by a majority of the Unit Owner. Special meetings shall be called by delivering written notice to all Unit Owners not less than ten (10) days prior to the date of the meeting, stating the date, time and place of the special meeting and the matters to be considered.

**Section 5. Delivery of Notice of Meetings.** Notices of meetings shall be delivered either personally or by mail to Unit Owners at the addresses given to the Board by Unit Owners for such purpose, or to a Unit Owner's unit if no separate address for such purpose has been given to the Board.

**Section 6. Voting.** Each Unit shall have one (1) vote. If any Unit Owner consists of more than one (1) person, the voting rights of such Unit Owner shall not be divided, but shall be exercised as if the Unit Owner consisted of only one (1) person in accordance with the proxy or other designation made by the persons constituting such Unit Owner.

No Unit Owner who is in default in the payment of his assessments hereunder shall be entitled to exercise his right to vote until he has cured such default. A Unit Owner shall be deemed to be in default if he has not paid his assessments to the Board, its agent, or a paying Unit Owner within fifteen (15) days after the due date thereof. A Unit Owner may protest the amount of the assessment, but it still must be paid during the pendency of his protest to the Board.

**Section 7. Quorum.** A quorum of Unit Owners for any meeting shall be constituted by Unit Owners represented in person or by proxy and holding a majority of the votes entitled to be cast at such meeting.

## ARTICLE II

### Board of Directors

**Section 1. Number, Election and Term of Office.** The Board of Directors of the Association (referred to in the Horizontal Property Act of the State of Tennessee as the "board of administrators" and sometimes referred to herein as the "Board") shall consist of three (3) members (hereinafter referred to as "Directors"). Every Director, except for members of the

First Board, shall hold office for the term of three (3) years and until his successor shall be elected and qualified.

**Section 2. Qualification.** The three (3) person serving on the Board of Directors shall be Owners in 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. unless members of the First Board.

**Section 3. Vacancies.** Any vacancy occurring in the board shall be filled by majority vote of the remaining members thereof. Any Director so elected or appointed to fill a vacancy shall hold office for a term equal to the unexpired term of the Director whom he succeeds.

**Section 4. Meetings.** A regular annual meeting of the Board shall be held following the regular annual meeting of Unit Owners, Special meetings of the Board shall be held upon call by the President or by a majority of the Board on not less than forty-eight (48) hours' notice in writing to each Director, delivered personally or by mail or telegram. Any Director may waive notice of a meeting, or consent to the holding of a meeting without notice, or consent to any action proposed to be taken by the Board without a meeting. A Directors attendance at a meeting shall constitute his waiver of notice of said meeting.

**Section 5. Removal.** Any non-Unit Owner Director may be removed from office with or without cause by the vote of a majority of the Unit Owners.

**Section 6. Compensation.** Directors shall receive no compensation for their services as Directors, unless expressly provided for in resolutions duly adopted by Unit Owners.

**Section 7. Quorum.** A simple majority of Directors shall constitute a quorum.

**Section 8. Powers and Duties.** The Board shall have the following powers and duties:

- a) To elect and remove the officers of the Association;
- b) To administer the affairs of the Association and the property;

- c) To engage the services of an agent (hereinafter sometimes called the "Managing Agent") to maintain, repair, replace, administer, and operate the property or any part thereof for all Unit Owners, upon such terms and for such compensation and with such authority as the Board may approve;
- d) To formulate policies for the administration, management and operation of the property and the Common Elements;
- e) To adopt rules and regulations, with written notice thereof to all Unit Owners, governing the administration, management, operation and use of the property and the Common Elements, and to amend such rules and regulations from time to time and to establish reasonable financial assessments for infractions thereof;
- f) To provide for the maintenance, repair and replacement of the Common Elements and payments therefore, and to approve payment vouchers or to delegate such approval to the officers or the manager or Managing Agent;
- g) To provide for the designation, hiring and removal of employees and other personnel, including accountants and attorneys, and to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement, administration, management, and operation of the property and the Common Elements, and to delegate any such powers to the Managing Agent (and any such employees or other personnel who may be the employees of a Managing Agent);
- h) To appoint committees of the board and to delegate to such committees the Board's authority to carry out certain duties of the Board;
- i) To determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;
- j) To fix the estimated annual budget, and to provide the manner of assessing and collecting from Unit Owners their respective shares of such estimated expenses, as hereinafter provided;
- k) To borrow money for the purpose of repair or restoration of Common Elements without the approval of the members of the Association;
- l) To secure insurance policies as required by the Declaration, and in this regard, annually to review the amounts of coverage afforded by such policies;

- m) Unless otherwise provided herein or in the Declaration, to comply with the instructions of a majority of Unit Owners as expressed in resolutions duly adopted at any annual or special meeting of Unit Owners;
- n) To be responsible for and maintain all streets, roads, utilities, and any other services of a public nature that are classified as Common Elements in the Declaration.
- o) To exercise all other powers and duties of Unit Owners as a group referred to in the Horizontal Property Act of the State of Tennessee or in the Declaration or these By-Laws.

**Section 9. Power to Take Any Action.** Whenever in these By-Laws the Association is given the power to take any action, it is the intention of these By-Laws that the Board shall act for the Association in all cases, except and to the extent that it is expressly provided that action be taken upon vote of the Unit Owners.

**Section 10. Non-Delegation.** Nothing in these By-Laws shall be considered to grant to the Board, the Association, or to the officers of the Association, any powers or duties which, by law, have been delegated to Unit Owners.

### ARTICLE III

#### Officers

**Section 1. Designation.** At each regular annual meeting of the Board, the Directors present at such meeting shall elect the following officers of the Association by a majority vote:

- a) A President, who shall be a Director, who shall preside over meetings of the Board and of Unit Owners, and who shall be the chief executive officer of the Association;
- b) A Secretary/Treasurer, who shall keep the minutes of all meetings of the Board and of Unit Owners, financial records, and who shall, in general, perform all the duties incident to the office of Secretary/Treasurer;
- c) Such additional officers as the Board shall see fit to elect.

**Section 2. Powers.** The respective officers shall have the general powers usually vested in such officers; provided that the Board may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board may see fit.

**Section 3. Term of Office.** Each officer shall hold office for the term of one (1) year and until his successor shall have been appointed or elected and qualified.

**Section 4. Vacancies.** Vacancies in any office shall be filled by the Board by a majority vote of the remaining members thereof at a special meeting of said Board. Any Director so elected to fill a vacancy shall hold office for a term equal to the unexpired term of the officer he succeeds. Any officer may be removed for cause at any time by vote of two-thirds (2/3) of the total membership of the Board at a special meeting thereof.

**Section 5. Compensation.** The officers shall receive no compensation for their services as officers, unless expressly provided for in a resolution duly adopted by Unit Owners.

#### ARTICLE IV

##### Assessments

**Section 1. Annual Budget.** The Board shall establish an annual budget to provide for the needs of the units. Such budget shall take into account the estimated common expenses and cash requirements for the year, including, but not limited to, salaries, wages, payroll taxes, legal and accounting fees, working capital fund, supplies, materials, parts, services, maintenance, repairs, replacements, landscaping, insurance, fuel, power, and all other common expenses.

**Section 2. Lien.** It shall be the duty of every Unit Owner to pay his equal share of the expenses as provided in the Declaration, and as assessed in the manner provided.

If any Unit Owner shall fail or refuse to make any such payment when due, such delinquent payment shall be subject to a late charge in an amount established by the Board, and such delinquent payment shall also bear interest at the highest permissible rate of interest

allowed in the State of Tennessee. Such delinquent payment, together with penalty and interest, shall constitute a lien, as provided in the Act and Declaration, enforceable by the Board and/or Paying Unit Owner, on the interest of such Unit Owner in the property.

The Association, acting through the Board or its agents, shall have the right to maintain a suit to foreclose any such lien, and there shall be added to the amount due the costs of said suit and other fees and expenses, together with legal interest and reasonable attorney's fees to be fixed by the court. Furthermore, if any Unit Owner shall fail or refuse to pay when due his proportionate share of the expenses, the Association, acting through its Board, shall have the authority to exercise and enforce any and all rights and remedies as provided for in the Horizontal Property Act, the Declaration, or these By-Laws, or as are otherwise available at law or in equity, for the collection of all unpaid assessments.

**Section 3. Records and Statement of Account.** The Board shall cause to be kept detailed and accurate records in chronological order of expenditures affecting the Common Elements, specifying and itemizing the common expenses incurred.

**Section 4. Discharge of Liens.** The Board may cause the Association to discharge any mechanic's lien or other encumbrances which in the opinion of the Board may constitute a lien against the property or the Common Elements, rather than a lien against only a particular Unit. When less than all the Unit Owners are responsible for the existence of any such lien, the Unit Owners responsible shall be jointly and severally liable for the amount necessary to discharge the same and for all costs and expenses, including attorney's fees, incurred by reason of such lien.

#### ARTICLE V

##### Use and Occupancy Restrictions

**Section 1. General.** No unlawful, noxious or offensive activities shall be carried on in any Unit or elsewhere on the property, nor shall anything be done therein or thereon which shall constitute a nuisance or which shall in the judgment of the Board cause unreasonable noise or disturbance to others.

Each Unit Owner shall maintain his Unit, Limited Common Elements and its Private Elements in good condition and in good order and repair, at his own expense, and shall not do or allow anything to be done which may increase the cost or cause the cancellation of insurance on other Units or on the Common Elements.

**Section 2. Trash.** Trash, garbage and other waste shall be kept only in sanitary containers, and shall be disposed of in a clean and sanitary manner.

**Section 3. Storage.** Articles of personal property belonging to any Unit Owner, such as baby carriages, bicycles, wagons, toys, furniture, clothing, and other articles, shall not be stored or kept in the General Common Elements, if any.

**Section 4. Single Family Residence.** Each unit shall be used as one single family residence only.

**Section 5. Rules and Regulations.** Unit Owners shall be subject to such further restrictions as may be contained rules and regulations of the Association concerning the use of Units and the Common Elements which may be enacted from time to time by the Board. Such rules and regulations shall be binding rules and regulations of the Association and copies of such rules and regulations and any amendments or additions thereto shall be furnished to all Unit Owners upon request.

#### ARTICLE VI

##### Contractual Powers

No contract or other transaction between this Association and one (1) or more of its Directors, or between the Association and any corporation, firm or association in which one (1) or more of the Directors of the Association are Directors, or are financially interested, is void or voidable because such Director or Directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because his or their votes are counted, if the circumstances specified in either of the following subparagraphs exists:

- a) The fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such Director or Directors; or
- b) The contract or transaction is just and reasonable as to the Association at the time it is authorized or approved.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies a contract or transaction.

#### ARTICLE VII

##### Amendments

These By-Laws may be amended or modified from time to time by action or approval of a majority of the Unit Owners. Such amendments shall be recorded in the Office of the Register's Office of Davidson County, Tennessee.

#### ARTICLE VIII

##### Indemnification

**Section 1. General.** To the extent permitted by law, the Association shall indemnify and hold harmless each of its Directors and officers, each member of any committee appointed pursuant to these By-Laws, against all contractual and other liabilities to others arising out of contracts made by, or other acts of such Directors, officers, or committee members on behalf of Unit Owners, or arising out of their status as Directors, officers, or committee members, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense of any claim, action, suit, or proceeding, whether civil, criminal, administrative or otherwise, in which any such Director, officer or committee member may be involved by virtue of such person's being or having been such Director, officer, or committee member, provided, however, that such indemnity shall not be operative with respect to (1) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member, or (b) any matter settled or compromised, unless, in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such person's being adjudged liable for gross negligence or fraud in the performance of his duties as such Director, officer or committee member.



**Section 2. Success on Merits.** To the extent that a member of the board, or an officer of the Association, or a member of any committee appointed pursuant to these By-Laws has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 1, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorney's fees) actually and reasonable incurred by him in connection therewith.

**Section 3. Advance Payment.** Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board in the specific case upon receipt of an undertaking by or on behalf of the persons or entity seeking such indemnification or payment in advance to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in this Article VIII.

**Section 4. Miscellaneous.** The Association and the Board shall have the power to raise and the responsibility for raising, by special assessment or otherwise, any sums required to discharge its obligations under this Article; provided, however, that the liability of any Unit Owner arising out of any contract made by or other acts of the Directors, officers, or members of such committees, or out of the aforesaid indemnity in favor of the Directors, officers, or members of such committees, shall be limited to such proportion of the total liability hereunder as said Unit Owner's percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. Every agreement made by the Directors, officers, or members of such committees, or by the Managing Agent on behalf of Unit Owners shall provide that the Directors, officers, members of such committees, or the Managing Agent, as the case may be, are acting only as agents for Unit Owners and shall have no personal liability thereunder (except as Unit Owners), and that each Unit Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of members of the Association, or disinterested members of the Board or

otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be a member of the Board, officer of the Association, or a member of such committee, and shall inure to the benefit of their heirs, executors, administrators, successors, and assigns of such person or entity.

#### ARTICLE IX

##### Mortgages

**Section 1. Notice to Board.** A Unit Owner who mortgages his Unit shall notify the Board of the name and address of his mortgagee and shall file a conformed copy of the note and deed of trust or mortgage with the Board; and the Board shall maintain such information in a book entitled "Mortgages of Units".

**Section 2. Notice of Unpaid Charges.** The Board, whenever so requested in writing by a mortgagee of a Unit, shall promptly report any then unpaid charges due from, or any other default by, the owner of the mortgaged Unit.

**Section 3. Notice of Default.** The Board, when giving notice to a Unit Owner of a default in paying charges or other default, shall send a copy of such notice to each holder of a mortgage covering such Unit whose name and address has therefore been furnished to the Board.

**Section 4. Examination of Books.** Each Unit Owner and each mortgagee of a Unit shall be permitted to examine the books of account of the Association at reasonable times, on business days, but not more often than once a month.

**Section 5. Interest of Valid First Mortgagee.** The interest of valid first mortgagee shall be superior to the interest of the Board in the event of a default, and nothing in this instrument shall be construed to the contrary. If the first mortgagee has incorporated the terms of these By-Laws, the Declaration and the contract in its deed of trust, then said first mortgagee may at its option declare a default in its deed of trust by reason of any default hereunder, and may proceed to enforce its rights according to the terms of the deed of trust notwithstanding any enforcement instituted by the Board.

**ARTICLE X****Definition of Terms**

The terms used in these By-Laws, to the extent they are defined therein, shall have the same meaning as set forth in the Declaration for 1812 6th AVENUE NORTH Townhomes Association, Inc., of record in the Office of the Register of Deeds for Davidson County, Tennessee.

The term "member", as used in these By-Laws, means "Unit Owner" as defined in the Declaration.

**ARTICLE XI****Conflicts**

These By-Laws are set forth to comply with the requirements of Chapter 27 of Title 66, Tennessee Code Annotated, as it may be amended from time to time, and to allow the By-Laws to control in specific situations where such law allows. In the event any of the By-Laws conflict with the provisions of said statute or of the Declaration, the provisions of said statute or of the Declaration, as the case may be, shall control.

**EXHIBIT "D "**

**TO**

**1812 6th AVENUE NORTH Townhomes**

**A HORIZONTAL PROPERTY REGIME**

**WITH PRIVATE ELEMENTS**

**ATTORNEY'S CERTIFICATE**

This document is intended to serve as the attorney's opinion which is required under the terms of Tennessee Code Annotated, Section 67-27-103. The undersigned, an attorney licensed to practice law in the State of Tennessee, hereby declares that the engineer for construction of the homes shown on the plan for 1812 6th AVENUE NORTH Townhomes is John Allen Hood, a licensed surveyor in the State of Tennessee (No. 1838). As certified by John Allen Hood, all improvements are/or will be in substantial compliance with local building codes and that upon proper recording of this certificate and the following additional documents, all legal requirements for the creation of a Planned Unit Development under the terms of the Tennessee Horizontal Property Act, Tennessee Code Annotated, Section 66-27-103(b) et seq., have been met:

- 1.) The Declaration of Covenants, Conditions and Restriction for 1812 6th AVENUE NORTH Townhomes, a Horizontal Property Regime with Private Elements.
- 2.) By-laws of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. Owners Association, Inc.
- 3.) The plan for 1812 6th AVENUE NORTH Townhomes, a Horizontal Property Regime, which plat shows private elements.
- 4.) The Charter of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc.

Witness my hand this 23<sup>rd</sup> day of June, 2015.

  
\_\_\_\_\_  
Yvette Meldrum

Bill Garrett Davidson County  
Batch# 83173 DEEDQC  
04/20/2018 11:29:30 AM 3 pgs  
Fees: \$17.00 Taxes: \$0.00  
20180420-0037421

Prepared By and Return To:  
Sheryl Marsella  
1812 6th Ave, Unit B  
Nashville TN  
37208

State of Tennessee  
County of Williamson

The actual consideration of true  
value whichever is greater is  
\$ 0.00

THIS INSTRUMENT HAS BEEN  
PREPARED FROM INFORMATION  
FURNISHED BY THE PARTIES  
WITHOUT THE BENEFIT OF A TITLE  
EXAMINATION.

[Signature]  
Affiant

Subscribed and sworn to before  
me this 20th day of April, 2018.

[Signature]  
Notary  
Commission Expires: 1/19/22



### QUITCLAIM DEED

**OWNER**  
Sheryl Marsella  
1812 6<sup>th</sup> Avenue, Unit B  
Nashville, TN 37208

**SEND TAX BILLS TO:**  
  
**NEW OWNER**

**MAP & PARCEL**  
  
Map 081 Group 082-T  
Parcel 002.00

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HERINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDEGED, **SHERYL B. MARSELLA AS TRUSTEE OF THE SHERYL B. MARSELLA LIVING TRUST DATED 10/07/97, AMENDED 12/23/98, TRUST,** HERINAFTER CALLED THE GRANTORS, DOES HEREBY QUITCLAIM, TRANSFER, AND CONVEY ALL THEIR RIGHT, TITLE, AND INTEREST UNTO, **SHERYL MARSELLA,** HERINAFTER CALLED THE GRANTEE, HER HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN **DAVIDSON** COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Davidson County, Tennessee, being Unit No. B of The Plan of 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), as shown on Exhibit "A" of 1812 6th Avenue North Townhomes, of record in Instrument No. 20150623-0060106 Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate legal description.

201804200037421

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as Instrument # 201804200037421.  
**KAREN JOHNSON,** Register of Deeds

[Signature]  
Register/Deputy Register  
Jul 22, 2019



Being the same property conveyed to Robert W. Cory by Warranty deed from Alpha One, LLC of record in Instrument No. 20160318-0025758 Register's Office for Davidson County, Tennessee, dated March 14, 2016 and recorded on March 18, 2016. (Value of consideration shown in aforementioned deed \$519,900.00.)

Being the same property conveyed to Sheryl B. Marsella as Trustee of Sheryl B. Marsella Living Trust Dated 10/07/97, Amended 12/23/98, Trust, by Warranty Deed from Robert W. Cory dated 3/22/2018 and recorded 4/0/2018 in Instrument No. 20180409-0033309 in the Register's Office of Davidson County, Tennessee.

This is improved (X) unimproved ( ) property, known as 1812 6<sup>th</sup> Avenue, Unit B, Nashville, Tennessee 37208.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

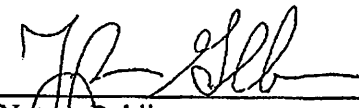
Witness my hand this 20 day of April, 2018.

  
\_\_\_\_\_  
Sheryl B. Marsella, Trustee

STATE OF TENNESSEE  
COUNTY OF Williamson

Personally appeared before me, a Notary Public of said County and State, **Sheryl B. Marsella, Trustee** the within named bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that, as the Trustee, she executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this 20~~th~~ day of April, 2018.

  
\_\_\_\_\_  
Notary Public

Commission Expires: 1/19/2022



**True Copy Certification**

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

Marjorie Kaup Haines  
Signature

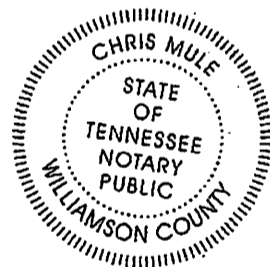
State of TN

County of Williamson

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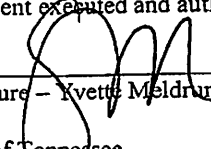
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Notary's Signature

My Commission Expires: 1/13/2020  
Notary' Seal (if on paper)



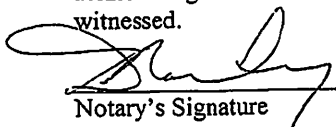
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I, Yvette Meldrum, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed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

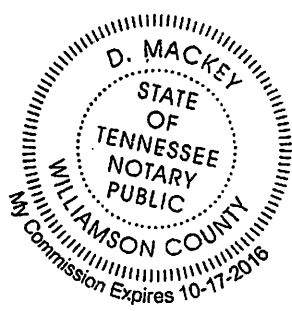
  
\_\_\_\_\_  
Signature – Yvette Meldrum

State of Tennessee  
County of Williamson

Personally appeared before me, the undersigned, a notary public for this county and state, Yvette Meldrum who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

  
\_\_\_\_\_  
Notary's Signature

My Commission Expires: 10/17/16





**BEFORE THE  
METROPOLITAN BOARD OF ZONING APPEALS**

<b>IN RE:</b>  <b>SHERYL MARSELLA</b> <b>1812B 6<sup>th</sup> AVE. NORTH</b> <b>MAP PARCEL: 081082T00200CO</b> <b>ZONING CLASSIFICATION: R6-A</b> <b>COUNCIL DISTRICT: 19</b>	) ) ) ) ) ) )	<b>APPEAL CASE NO. 2019-471</b> <b>(STRP PERMIT DENIAL APPEAL)</b>
---	---------------------------------	---

**KAREN AND JEREMY LIGHT'S RESPONSE TO  
APPELLANT "SHERYL MARSELLA'S POSITION"**

Karen and Jeremy Light, interested parties and Horizontal Property Regime (HPR) owners of common property with Appellant Sheryl Marsella, respond to "Sheryl Marsella's Position" as follows:

1. This appeal regards the denial of a STRP permit to Ms. Marsella. Ms. Marsella has the burden of proof before this Honorable Board to show that she fulfills the lawful criteria for issuance of a STRP from the Metropolitan Government. The **only** issue presented to this Board is whether Appellant Marsella meets the applicable Code requirements for STRP permit issuance. As set forth in the Lights' "Opposition Statement" filed with the Board of Zoning Appeals on October 25, 2019
2. The **only** relevant and material documents filed with the Board of Zoning Appeals, along with testimony before the Board, address whether or not Ms. Marsella meets the STRP permit ordinance requirements set forth in the Metropolitan Code.
3. In an "apples" and "oranges" argument, Ms. Marsella's "Position" references an earlier, and totally irrelevant matter originating in the Environmental Court before the Honorable Renard Hirsh. The **only** issue in an earlier matter was whether or not Appellant Marsella met STRP **Residency** requirements, which is not the issue before the Board of Zoning Appeals in Ms. Marsella's instant appeal.<sup>1</sup>

<sup>1</sup> Briefly, in the earlier matter, the Metropolitan Codes Department had facts that lead it to believe that Ms. Marsella did not meet the "residency" requirement to operate a STRP in Nashville, Davidson County, Tennessee.

4. Respectfully, Appellant Marsella's allegation in her "Position", Page 1, ¶2, that the "Lights did not know about the Covenants and Restrictions" in the Lights' and Ms. Marsella's respective warranty deeds is dead wrong. Mr. and Ms. Light have always known about the covenants and restrictions in the exhibit to their Warranty Deed, and will testify to the same. However, because the only issue before Judge Walker was whether or not Ms. Marsella was a resident of Nashville, TN, counsel for Metro elected not to utilize the deeds, restrictions and covenants in a hearing before Judge Walker that addressed only the "residency requirement."

5. Notwithstanding the above, it is totally immaterial and doesn't matter when the *Lights* knew about the covenants and restrictions applying to their Townhome. The Lights are not the ones who have incorrectly stated twice on STRP applications that there were no HOA covenants or restrictions forbidding short term rental applications, nor are the Lights the ones who have been illegally operating a STRP in violation of the covenants and restrictions restricting them from doing so.

6. Ms. Marsella's "Position" that "she didn't know" there were any restrictions or covenants forbidding the operations of a STRP" on the property that is the subject of this appeal, 1812B 6<sup>th</sup> Ave. North, Nashville, Tennessee is simply unbelievable Ms. Marsella is a successful, licensed Real Estate

---

The earlier action or hearing before Referee Hirsh was in response to a warrant issued by the Metropolitan Government of Nashville and Davidson County (hereinafter "Metro") seeking an order from the Environmental Court for Ms. Marsella to cease and desist operations of her STRP as a non-resident. Referee Hirsh found that Ms. Marsella was a resident of Chicago, Illinois, and ruled in Metro's favor. Ms. Marsella appealed the ruling to General Sessions Court. While the Honorable Allegra Walker ultimately found in Ms. Marsella's favor *solely on the residency requirement*, Judge Walker ruled: "there is contradictory evidence in this case." Judge Walker also ruled that: "Ms. Marsella is entitled to maintain her short term rental permit *provided she maintain compliance with applicable regulations.*" (*Emphasis added*, Order issued June 11, 2019, p. 2, ¶ 1).

Metro appealed Judge Walker's ruling to Circuit Court solely on the issue of whether Ms. Marsella met *the STRP residency requirements*. There was no hearing on the merits in Circuit Court, nor was there any findings of fact or conclusions of law entered by the judge presiding over the appeal. For unknown reasons, whether for strategic reasons or due to the sheer number of STRP rental appeals to Circuit Court, Metro decided not to pursue the appeal, and entered an agreed order of dismissal on July 26, 2019.

Managing Broker who is extremely knowledgeable about real property law. *See* a true and correct copy of a public document available on the ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION, attached hereto as **Exhibit A**. It is inconceivable that a licensed Real estate agent managing broker would not examine the deed and an exhibit to the deed for property she was purchasing. Further, Ms. Marsella had "closing attorneys" who were obligated to review the deed and any attachments, including her Deed's Exhibit A - Covenants and Restrictions, with Ms. Marsella at the closing of her purchase of 1812B 6<sup>th</sup> Avenue North, Nashville, TN. *See* Certified copies of Appellant Marsella's Deeds and "Declaration of Covenants, Conditions, and Restrictions for 1812 6<sup>th</sup> Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development)" attached as **Collective Exhibit 6**, to **Karen and Jeremy Light's Opposition to Appellant Sheryl Marsella's Seeking Issuance of STRP Permit**, filed with this Board on October 25, 2019.

8. Additionally, Appellant Marsella holds herself out as someone who holds herself out as a real estate agent for "40 years" on her online advertisement with Zillow, attached hereto as **Exhibit B**, and as a SFR, CDPE, Broker -Re/Max for more than 38 years on her Facebook site. *See* **Collective Exhibit C**, **attached**.

9. Any suggestion that Ms. Marsella did not know about the subject deeds and attached covenants and restrictions is disingenuous at best.

10. Assuming *arguendo* that Ms. Marsella failed and neglected to review or examine her deeds or the restrictive covenants for her property, that still does not excuse Ms. Marsella from complying with such.

11. The Appellant is before this Board seeking to have a STRP issued. Clearly, any information that the Board may receive from Codes, the Lights, or other interested parties with regard to whether Ms. Marsella meets the Metropolitan Code of Ordinances' requirements for issuance of a STRP permit is relevant and should be considered by the Board.

12. Appellant attempts to cast the Lights as "bad actors" with an "ongoing campaign" to deny Ms. Marsella her "property rights." *That assertion is simply and emphatically not true.* Granted, the Lights are upset over the continued disturbances from Ms. Marsella's operation of an illegal STRP. Whether the Lights are upset or not, *does not negate Ms. Marsella's illegally operating a STRP and not meeting the requirements for a STRP permit.* Under the law, Mr. and Ms. Light are entitled to the peaceful and quiet enjoyment of their home. The Board of Zoning Appeals is asked to take official notice of the recent amendments by the Metro Council to STRP Ordinances specifically to address illegal STRP operations that interfere with their neighbors' undisturbed use and enjoyment of their homes.

For all the above reasons, Karen and Jeremy Light respectfully request that the Board of Zoning Appeals deny Appellant's issuance of a STRP permit.

**Respectfully submitted,**

*/s/Joyce Grimes Safley*

---

**Joyce Grimes Safley BPR# 13809**  
**SAFLEY LAW**  
**8161 Highway 100 P.O. Box 233**  
**Nashville, TN 37221**  
**Telephone: (615) 500-4570**  
**Email: joyce@safleylaw.com**

*Attorney for Karen and Jeremy Light*

**Certificate of Service**

I hereby certify that a true and correct copy of the foregoing motions have been served upon:

the Metropolitan Board of Zoning Appeals *via email at*  
 BZA@nashville.gov

Mr. Dana McClendon, Attorney for Appellant Marsella *via email at*  
 danamclendon@icloud.com

on this **31st** day of October, 2019.

*/s/Joyce Grimes Safley*

---

Joyce Grimes Safley



Illinois Department of Financial and Professional  
Regulation

## Lookup Detail View

### Contact

#### Contact Information

Name	City/State/Zip	DBA
SHERYL B MARSELLA	BARRINGTON, IL 60010	

### Primary Credential

#### Primary Credential Information

License Number	Description	Status	First Effective Date	Effective Date	Expiration Date	Managing Broker	Ever Disciplined
471000147	Licensed Real Estate Managing Broker	ACTIVE	05/09/2011	03/28/2019	04/30/2021	PAUL J WELLS	N

### Superior Credential

#### Superior Credential Information

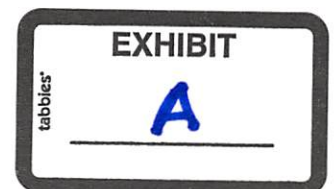
License Number	Description	Status	First Effective Date	Effective Date	Expiration Date	Supervisor	Relationship Status	Ever Disciplined
478010170	Licensed Real Estate Broker Corporation	ACTIVE	04/12/2002	10/19/2018	10/31/2020	THE BUSINESS PLAN INC	Active	N

### Other Licenses

#### Other Licenses

License Number	Description	Status	First Effective Date	Effective Date	Expiration Date	Ever Disciplined
475103161	Licensed Real Estate Broker	CANCELLED	09/20/1999	04/09/2010	04/30/2012	N
476348420	Licensed Real Estate Salesperson	CANCELLED	12/06/1994	12/06/1994	04/30/2001	N

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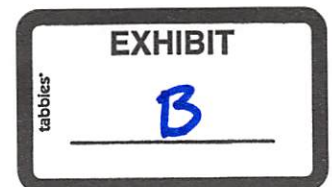
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managed rental properties and have rehabbed and flipped a many many properties as well. I have a full-time professional staff that allows me to offer top notch real estate service to all my clients.

I have been in real estate for 37+ years. I hold a Managing brokers license in the state of Illinois and the state of Florida. I am currently working on obtaining my license in California.

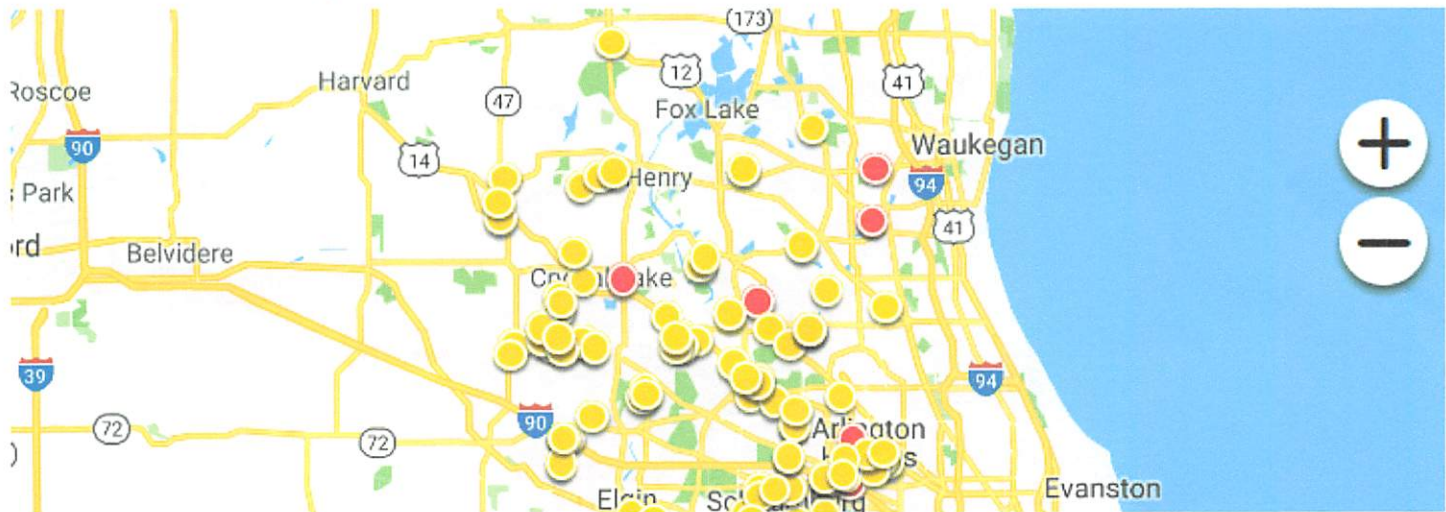
Please allow me to help you have a positive real estate experience, whether buying or selling a home. I want my buyers and sellers to have the best possible sales transaction they can have. Let me make that happen...please give me a call, I'd love the opportunity to work with you.

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Sheryl

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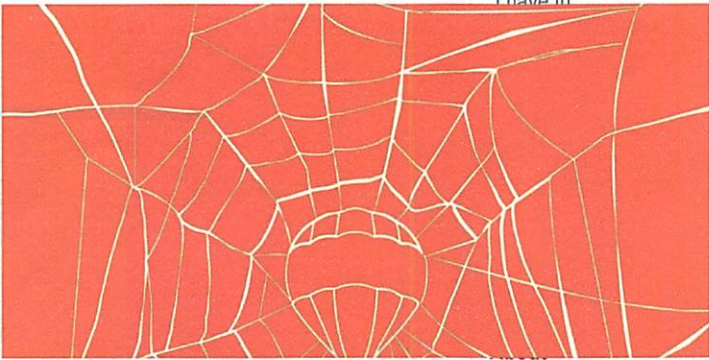
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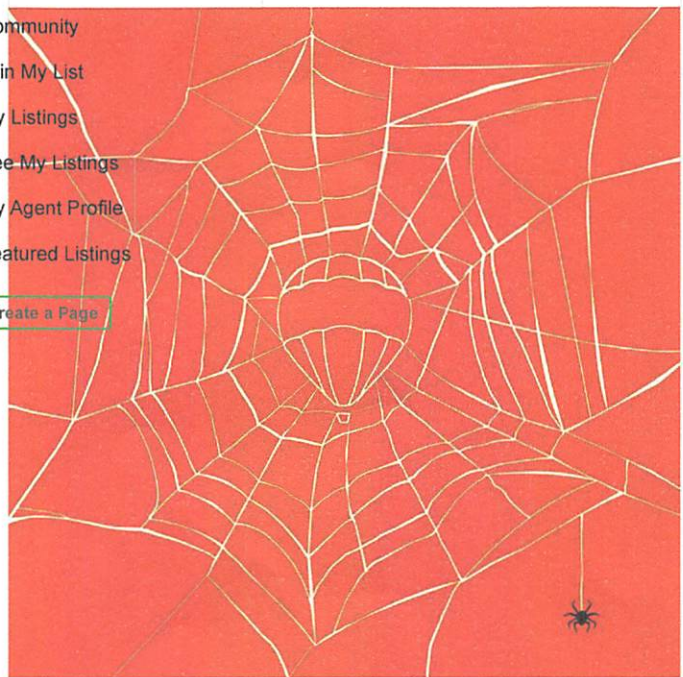
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**Sheryl Marsella**  
Broker Associate

**RE/MAX of Barrington**  
Full Office & Independent Broker and Operator

Office: 847.381.8800  
Fax: 847.516.9436

"I'm House Trained"

Cell: 847.867.6400  
SherylMarsella@remax.net

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## BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

IN RE

SHERYL MARSELLA  
1812B 6<sup>th</sup> Avenue North  
Nashville, TN

Appeal No. 2019-471

## SHERYL MARSELLA'S POSITION

Sheryl Marsella has appealed the administrative denial of her STRP per it denial because the Metropolitan government mistakenly did not process her timely filed renewal application. As is clear from the attached documents, Ms. Marsella submitted her check, dated April 15, 2019, to Metro which, for reasons that are entirely unclear, returned the check with the explanation that Metro was uncertain why she submitted the check. The attached affidavit demonstrates Ms Marsella executed the renewal application contemporaneously with the check, and Ms Marsella's testimony will be that she tendered the check and application by mail in a timely fashion, in the same envelope. It appears that a Metro employee made a clerical/administrative error by allowing the check and the renewal application to be separated rather than properly processed. This Board should renew the permit as that is the just and proper way to remedy the error made by Metro in the first place.

As to the allegations made by the Lights, most of them are irrelevant in this forum, and inaccurate in many respects. First, Ms Marsella never knew of any covenants and restrictions on her property before the Lights intervened in this process. Neither, apparently, did the Lights know of them until recently because the Lights have had two opportunities in General Sessions Court to present the covenants and restrictions but did not do so. See attached orders of Metro courts dismissing Metro's petitions to revoke Ms Marsella's STRP permit. One would think if the Lights had known of the covenants and restrictions, they would have brought them to the previous court hearings. Also, the Lights did not form the entity contemplated by the covenants and restrictions until earlier this year, and they have done nothing whatsoever to include Ms Marsella in the creation or governance of the entity. The Lights have conveniently and in a self-serving way grasped the reins of power to accomplish here what they could not in two prior court appearances.



Further, the Lights are simply wrong about Ms Marsella's use of the property, as they have been from the beginning. Ms Marsella is retired and has many family members who have come to visit her in her home, or who have used her home free of charge. Frankly, it's none of the Light's business who Ms Marsella has a houseguest, but the videos the Lights have submitted as "proof" of something include Ms Marsella's family and friends.

The Lights have presented to this Board issues that are not properly resolved by this body. This represents the Light's ongoing campaign to deny Ms Marsella her rights as a property owner by any means available to them. Many of the Lights' complaints either were resolved or could have been addressed in the prior litigation. This Board should stick to the issue at hand and find that Metro should have, but did not, issue an STRP permit renewal to Ms Marsella and then issue or direct the issuance of said renewal.



---

Dana C. McLendon III (#16214)  
2020 Fieldstone Parkway #900-217  
Franklin TN 37069  
615-310-3195 P  
615-807-3790 F  
danamclendon@icloud.com

The foregoing has been served on counsel for Mr and Mrs Light by electronic delivery on 31 October 2019.



---

Copy

IN THE GENERAL SESSIONS COURT OF  
DAVIDSON COUNTY TENNESSEE

**FILED**

2019 JUN 11 AM 11 23

RICHARD R. BROOKER, CLERK

*S. Mural* J.C.

THE METROPOLITAN  
GOVERNMENT OF NASHVILLE  
AND DAVIDSON COUNTY,

Plaintiff,

**APPEALED**

v.

#18GC15615

Environmental Court

SHERYL MARSELLA,

Defendant

ORDER

This cause came before the Honorable Allegra Walker on May 21, 2019 upon the timely-filed request for a rehearing filed by Sheryl Marsella following a hearing in Environmental Court on 18 November 2018. The parties were present with counsel.

The issue to be decided was this: Is Ms. Marsella a permanent resident of 1812B Sixth Avenue North, Nashville, Tennessee? If so, she has a proper short term rental permit for the property and is entitled to maintain that permit so long as she maintains compliance with applicable regulations. If not, she is not entitled to maintain the short term rental permit for the property.

The court heard the testimony of Robert Osborn, Zoning Examiner of the Metro Codes Department, as well as the testimony of Jeremy Light, a neighbor of Ms. Marsella's, and Ms. Marsella. The court received various exhibits into evidence and heard the argument of counsel.

The court is of the opinion that, while there is contradictory evidence in this case, the petitioner has failed to prove by a preponderance of the evidence that Mrs. Marsella is not a permanent resident of 1812B 6<sup>th</sup> Avenue North, Nashville,

Copy

Tennessee. The court is satisfied that Ms. Marsella is, indeed, a permanent resident of 1812B Sixth Avenue North, Nashville, Tennessee. As such, Ms. Marsella is entitled to maintain her short term rental permit provided she maintains compliance with applicable regulations.

The complaint filed by the plaintiff is dismissed, with prejudice, with costs taxed to the plaintiff for which execution shall issue if necessary.

It is so ORDERED this 11 day of June, 2019.

Allegra Walker

Allegra Walker, Judge

Submitted for Entry:

**APPEALED**

Dan Clendon

Dana C. McLendon III (#16214)  
2020 Fieldstone Parkway #900-217  
Franklin TN 37069  
615-310-3195 P  
615-807-3790 F  
danamclendon@icloud.com

Certificate of Service

The undersigned certifies that the foregoing has been served by United States mail on May 23, 2019 upon

Quan Poole  
Assistant Metropolitan Attorney  
Metro Legal Department  
Metropolitan Courthouse Suite 108  
PO BOX 196300  
Nashville TN 37219

Dan Clendon

**IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE**

CLERK OF THE  
FIFTH CIRCUIT COURT  
OF NASHVILLE  
& DAVIDSON CO.  
2019 JUL 25 AM 8:31  
METRO DEPT. OF LAW

**METROPOLITAN GOVERNMENT OF  
NASHVILLE & DAVIDSON COUNTY,**

**Plaintiff,**

**v.**

**SHERYL MARSELLA**

**Defendant.**

)  
)  
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)  
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)  
)  
)  
)

**Docket No. 19C1403**

**NON-JURY TRIAL**

**AGREED ORDER OF DISMISSAL**

As evidenced by the signatures of counsel below, Plaintiff and Defendant hereby agree to the dismissal, *with prejudice*, of the claims brought by Plaintiff in the civil warrant used to initiate this cause of action.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

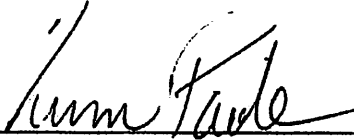
- 1. The claims asserted by Plaintiff in the July 18, 2018 civil warrant are hereby dismissed with prejudice;
- 2. Each party shall bear its own discretionary costs allowable under Rule 54.04 of the Tennessee Rules of Civil Procedure, if any; and
- 3. Upon assessment, the Metropolitan Government shall pay the bill of costs prepared by the clerk of the court, for which execution may issue, if necessary.

Entered this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
JUDGE JOSEPH BINKLEY, JR.

APPROVED FOR ENTRY:

DEPARTMENT OF LAW OF THE  
METROPOLITAN GOVERNMENT OF  
NASHVILLE AND DAVIDSON COUNTY  
JON COOPER, #23571  
Director of Law



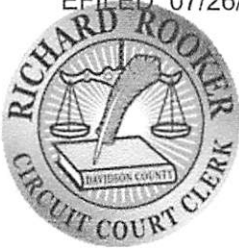
---

Quantavius Poole, #32314  
Assistant Metropolitan Attorney  
Metropolitan Courthouse, Suite 108  
P.O. Box 196300  
Nashville, Tennessee 37219



---

Dana C. McLendon, #16214  
2020 Fieldstone Parkway #900-217  
Franklin, Tennessee 37069  
*Attorney for Defendant*



**Case Title:** METRO CODES DEPARTMENT(ROBERT OSBORN) V  
MARSELLA  
**Case Number:** 19C1403  
**Type:** AGREED ORDER

So Ordered

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

DEPARTMENT OF CODES & BUILDING SAFETY

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

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

September 3, 2019

ALM Enterprises, Inc.  
S. Marsella  
1519 Shire  
Inverness, FL 60067

Dear ALM Enterprises, Inc.:

We received this check today in the amount of \$50, but there was nothing to indicate what this payment was for. Please provide more information along with the check so your payment may be applied correctly.

If you have any questions, please contact me at 615-862-6598.

Thank you,

Julie Welch  
Administrative Services Officer III

jw:

Encl.:

ALM ENTERPRISES INC

70-2546719

DATE April 15, 2019 1357

*Pay to the order of*  
Fifty dollars 00/100

\$ 50.00/xx

Village Bank & Trust

DOLLARS

MEMORANDUM



*[Signature]*

AUTOMATIC SIGNATURE


MP

⑆001357⑆ ⑆071925460⑆ ⑆1142529254⑆

Security features included. Details on back.



PAYCHECK DESIGN IS A CERTIFICATION MARK OF THE CHECK  
 PAYMENT SYSTEMS ASSOCIATION



Warning:  
 Absence of the following Security Features may indicate alteration

FEDERAL RESERVE BOARD OF GOVERNORS REG. CO.

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE

ENDORSE HERE  
 082700200000

Lisa Moeller  
Notary Public

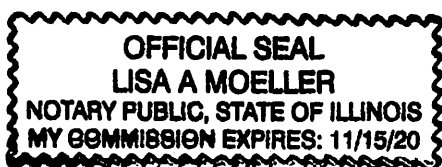
27 August 2019

To Whom It May Concern:

I, Lisa Moeller, being a notary public in McHenry County, Illinois, notarized a document for Sheryl Marsella on April 5, 2019.

This document is regarding renewal permit for a property Sheryl Marsella owns in Nashville, Tennessee.

My commission expires November 2020 (see below):



Lisa Moeller

A handwritten signature in black ink, appearing to read "Lisa Moeller", followed by a horizontal line extending to the right.



**\$575,000 \$253/sqft - Sold -**

(Last List \$579,000 - \$255/sqft)

**1812B 6th Ave**

**Nashville, TN 37208**

**3 Beds, 3 Full Baths, 2274 SqFt**

**Directions:** North on Rosa Parks Blvd, Right on Garfield St, Left on 7th Ave N, Home is on the Right.

Status:	Closed 3/22/18
Year Built:	2016 Existing
Area:	3 - Davidson
Subdivision:	Salemtown
Class - Type:	Residential - Site Built
Annual Taxes:	\$3,500   081-08-2T-002.00-CO
Days On Market:	3

**Public Remarks:** Barely lived in recent build, move in ready. Completed first of 2016, single owner, great layout, nice fenced yard, detached two car carport, roof top living space, exceptional master with his/her closets and private sitting terrace. Must see if Germantown/Salemtown is on your radar.

**Private Remarks:** Sellers moving south! Can close quick, barely lived in, great finishes, great layout. Walk to the Sounds game, downtown, restaurants/shops in Germantown. Washer/dryer do not remain. Call Ryan with questions - 615.517.0232.

**General Information**

**Acres:** Less than 0.25

**Basement:** None / Crawl

**Construction:** Frame / Hardboard

**Floors:** Carpet / Finished Wood / Tile

**Listing Detail:** Exclusive Right To Sell - Standard

**Lot:** 50x175 / Level

**Parking (Garage):** 2 / Attached - REAR

**Parking (Open):** / Concrete

**Roof:** Membrane

**Stories:** 2

**Style:** Traditional

**Rooms and Dimensions**

Living Room:	21x16 / Fireplace
Kitchen:	18x13 / Eat-In
Master Bath:	Shower Only / Double Vanities
Bed 1:	16x14 / Master Bedroom Up
Bed 2:	12x11 / Bath
Bed 3:	12x11 / Bath

Dining Room:	14x10
Hobby Room:	7x6 / Other

**Room Totals and Square Footage**

Main Floor:	1 Bed	1 FB	0 HB	1137 SF
Second Floor:	2 Beds	2 FB		1137 SF
Total:	3 Beds	3 Full Bath	0 Half Bath	2274 SqFt / Other

**Utilities**

City Water / Sewer  
Electric Central Cooling  
Gas/Electric Central Heat

**Appliances**

Electric Stove  
Electric Single Oven  
Disposal / Grill / Microwave / Refrigerator / Dishwasher

**Interior Features**

1 Fireplace

**Exterior Features**

Privacy Fence  
Garage Door Opener  
Gas Grill  
Deck

**Schools**

Elementary 1:	Buena Vista Enhanced Option
Elementary 2:	Harpeth Valley Elementary
Middle/JR:	John Early Paideia Magnet
High:	Pearl Cohn Magnet High School

**Miscellaneous**

**Office and Showing Information**

Showing Info:	Call Showing Center
Showing Phone:	(615) 327-0101
List Agent:	Ryan Miller / (615) 517-0232
List Office:	PARKS / (615) 383-6600
Co-List Agent:	
Co-List Office:	

Subagency:	0
Buyer Broker:	3
Facilitator:	0
Owner Name:	

**Contract Information**

Sales Agent:	Ryan Turbeville
Sales Office:	The Ashton Real Estate Group of RE/MAX Advantage
Co-Sales Agent:	
Co-Sales Office:	
Terms:	Conventional
Possession:	Date of Deed
List Date:	2/17/18
Available for Showing Date:	

Under Contract Date:	2/20/18
Closing Date:	3/22/18
Contract to Closed Days:	30
Sales Price:	\$575,000
Seller Paid Closing Costs:	
New Construction PreSale:	No
Original List Price:	\$579,000



Sheryl Marsella &lt;sherylmarsella@gmail.com&gt;

---

**Fwd: Metro v. Marsella**

1 message

---

**Dana McLendon** <danamclendon@icloud.com>  
To: Sheryl Marsella <sherylmarsella@gmail.com>

Fri, Jul 19, 2019 at 12:15 PM

Dana McLendon  
615-310-3195 voice/text

Begin forwarded message:

**From:** "Poole, Quan (Legal)" <Quan.Poole@nashville.gov>  
**Subject:** RE: Metro v. Marsella  
**Date:** July 19, 2019 at 12:14:29 PM CDT  
**To:** 'Dana McLendon' <danamclendon@icloud.com>

Correct—no need to file a response. Good luck with the move.

**Quan M. Poole**  
Assistant Metropolitan Attorney  
P:615.880.3767

---

**From:** Dana McLendon [<mailto:danamclendon@icloud.com>]  
**Sent:** Friday, July 19, 2019 12:12 PM  
**To:** Poole, Quan (Legal)  
**Subject:** Re: Metro v. Marsella**Attention:** This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Understood. Can I count on not having to file a response by Monday, then? I'm trying to get my wife and kid out the door for a two day drive to move him to Denver, then I'm flying out to catch up with them after a few appearances next week.

Dana McLendon  
615-310-3195 voice/textOn Jul 19, 2019, at 11:45 AM, Poole, Quan (Legal) <[Quan.Poole@nashville.gov](mailto:Quan.Poole@nashville.gov)> wrote:

Hi Dana,

There's still a chance this case won't move forward. Similar to me filing the notice of appeal to preserve Metro's right, I was approaching the 45 day time limit and had to file the motion to set. I will know prior to the hearing whether the litigation team will pursue the case. (will likely have a final answer by the middle of next week.)

If the case does move forward, we can certainly enter an agreed order or just move the motion date.

Thanks,

Quan M. Poole

Assistant Metropolitan Attorney

P:615.880.3767

---

**From:** Dana McLendon [<mailto:danamclendon@icloud.com>]

**Sent:** Thursday, July 18, 2019 11:29 AM

**To:** Poole, Quan (Legal)

**Subject:** Metro v. Marsella

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

Quan,

I received your motion to set.

I remain baffled that Metro continues to press this case against Mrs. Marsella when the proof is what we know it to be.

Notwithstanding, I don't oppose your motion to set as long as we allow ample time for discovery. Also, I will be out of town next Thursday so if we can do an agreed order or reset your motion that would be great.

Dana McLendon

615-310-3195 phone/text

[Danamclendon@icloud.com](mailto:Danamclendon@icloud.com)

### Metro Codes

Thank you for your payment.

A 2.30% convenience fee has been added to your transaction. By signing this receipt, you agree to pay this fee. This fee is charged by a third party and no part of it goes to Metro.

Please keep a copy of this receipt for your records.

User ID : drobinson

Payment Type	Reference Number	Payment Amount
caaz	20190055907	\$100.00
		<b>Payment Amount: \$100.00</b>
		<b>Convenience Fee: \$2.30</b>
		<b>Total Payment Amount: \$102.30</b>

Receipt Number: 3765804104

Transaction Date: 09/16/2019 08:35:49 AM

Payment Type:



Account Number: \*1003

x \_\_\_\_\_

Cardholder signature

Flags CACODES : CODES FLAG [FLAG].....

Summary	Main	Address <input checked="" type="checkbox"/>	People	DataGroup	Workflow	Fees
Payment	<b>Notes</b>	Rel Docs				

Type/SubType: CASR - CAZ10A001      Number: **2018022394**      Status: EXPIRED

Notes					
<input type="checkbox"/>	<input type="checkbox"/>	Code ^	Notes	Created	Modified
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		permit cancelled due to court order for operatin...	12/10/2018	5/22/2019

Size: 10    Go    Found: 1    Displaying: 1 to 1

**Edit Notes**

» Submit Query

**Comment Code:**

**Notes:**

permit cancelled due to court order for operating a non-owner occupied strp with an owner occupied permit. on 5-21-19 judge walker ruled in favor of Ms. Marsella. Permit changed back to issued. It is not known if Metro will appeal at this time. -RSO

**Print On Case:**

**Created By:** ROSBORN

**Date Created:** 12/10/2018 10:24:55 AM

**Modified By:** ROSBORN

**Date Modified:** 5/22/2019 8:10:40 AM

*Permit  
expired 5-3  
now back to  
issue*

owner: James Ellis 615 522 4943

Sheryl Marsella 847 867 6400

Will file an appeal

4 months Late

Will apply for a new permit.



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

Appellant: Sheryl Marsella Date: 9/16/2019  
Property Owner: Sheryl Marsella Case #: 2019-  
Representative: Sheryl Marsella Map & Parcel: 081082T00200CO  
Council District: 19

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

Purpose: To obtain a STRP permit  
Activity Type: Short Term Rental  
Location: 1010 B Caldwell Ave.

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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: Sherly Marsella Representative: Same  
Phone Number: (847)867-6400 Phone Number: \_\_\_\_\_  
Address: 1812 6th Ave N B Address: \_\_\_\_\_  
Nashville, TN 37208  
Email address: sherylmarsella@gmail.com Email address: \_\_\_\_\_

*dannmclendon@icloud.com*

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





# Metropolitan Government of Nashville & Davidson County

## PERMIT RECEIPT

PERMIT#: CAAZ 20190055907

APN: 081082T00200CO  
 DATE ISSUED: 9/16/2019  
 PERMIT: CAAZ 20190055907  
 SCOPE: Zoning Board Appeal  
 SITE ADDRESS: 1812 6TH AVE  
 SUBDIVISION:  
 CITY: NASHVILLE TN, 37208

PARCEL OWNER: SHERYL MARSELLA  
 ADDRESS: 1812 6TH AVE UNIT B  
 CITY/STATE/ZIP: NASHVILLE, TN 37208  
 PERMIT OWNER:  
 ADDRESS:  
 CITY/STATE/ZIP:

<u>Contractor</u>	<u>Company</u>	<u>Role</u>
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<u>Fee Date</u>	<u>Fee Code</u>	<u>Description</u>	<u>Paid to Date</u>	<u>This Receipt</u>	<u>Balance Due</u>
16-Sep-19	CACONVFEE	CA - Convenience Fee	\$0.00	\$2.30	\$0.00
16-Sep-19	CAZAPPEAL	CA ZONING APPEAL	\$0.00	\$100.00	\$0.00
				<u>\$102.30</u>	<u>\$0.00</u>

<u>Payment Type</u>	<u>Ref #</u>	<u>Receipt</u>	<u>Date</u>	<u>Amount</u>
CREDIT	1003	1820825	2019-09-16	\$102.30

Tendered:	<u>\$102.30</u>
Balance Due:	<u>\$0.00</u>

11/7  
 Starts at 1<sup>00</sup>  
 ween 9/24 receive an  
 Email Justice

A 2.3% convenience fee is charged on all debit and credit card transactions. This fee is collected by a third-party processor and Metro does not receive any part of it. When making a debit or credit card payment, you acknowledged that you understood that the convenience fee would be charged and agreed to pay it.



# Metropolitan Government of Nashville & Davidson County

## PERMIT RECEIPT

Page 2 of 2

PERMIT#: CAAZ 20190055907

APN: 081082T00200CO  
 DATE ISSUED: 9/16/2019  
 PERMIT: CAAZ 20190055907  
 SCOPE: Zoning Board Appeal  
 SITE ADDRESS: 1812 6TH AVE  
 SUBDIVISION:  
 CITY: NASHVILLE TN, 37208

PARCEL OWNER: SHERYL MARSELLA  
 ADDRESS: 1812 6TH AVE UNIT B  
 CITY/STATE/ZIP: NASHVILLE, TN 37208  
 PERMIT OWNER:  
 ADDRESS:  
 CITY/STATE/ZIP:

ContractorCompanyRole**Deposit Slip:**

<u>Category</u>	<u>Description</u>	<u>Check Number</u>	<u>AMOUNT</u>
CREDIT	Credit Card	1003	\$102.30

A 2.3% convenience fee is charged on all debit and credit card transactions. This fee is collected by a third-party processor and Metro does not receive any part of it. When making a debit or credit card payment, you acknowledged that you understood that the convenience fee would be charged and agreed to pay it.

001024404: Nonprofit Corporation - Domestic

Printer Friendly Version

Name: 1812 6TH AVENUE NORTH TOWNHOMES

Status: Active

Initial Filing Date: 04/21/2019

Formed in: TENNESSEE

Delayed Effective Date:

Fiscal Year Close: December

AR Due Date: 04/01/2020

Term of Duration: Perpetual

Inactive Date:

Principal Office: KAREN M LIGHT  
1812A 6TH AVE N  
NASHVILLE, TN 37208-1602 USA

Mailing Address: KAREN M LIGHT  
1812A 6TH AVE N  
NASHVILLE, TN 37208-1602 USA

AR Exempt: No

Obligated Member Entity: No

Mutual Benefit Corporation: Yes

Assumed Names

History

Registered Agent

Name	Status	Expires
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No Assumed Names Found...



## PURCHASE AND SALE AGREEMENT

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

3 Sheryl Marsella ("Buyer") agrees to buy and the  
4 undersigned seller Robert Cory ("Seller")  
5 agrees to sell all that tract or parcel of land, with such improvements as are located thereon, described as follows:

6 All that tract of land known as: 1812 6th Ave  
7 (Address) Nashville (City), Tennessee, 37208 (Zip), as recorded in  
8 Davidson County County Register of Deeds Office, \_\_\_\_\_ deed book(s), \_\_\_\_\_ page(s),  
9 and/or \_\_\_\_\_ instrument number and as further described as:

10 \_\_\_\_\_ together with all  
11 fixtures, landscaping, improvements, and appurtenances, all being hereinafter collectively referred to as the "Property."

12 **A. INCLUDED** as part of the Property (if present): all attached light fixtures and bulbs including ceiling fans;  
13 permanently attached plate glass mirrors; heating, cooling, and plumbing fixtures and equipment; all doors, storm  
14 doors and windows; all window treatments (e.g., shutters, blinds, shades, curtains, draperies) and hardware; all wall-  
15 to-wall carpet; range; all built-in kitchen appliances; all bathroom fixtures and bathroom mirrors; all gas logs,  
16 fireplace doors and attached screens; all security system components and controls; garage door opener and all (at  
17 least 1) remote controls; an entry key; swimming pool and its equipment; awnings; permanently installed  
18 outdoor cooking grills; all landscaping and all outdoor lighting; mailbox(es); attached basketball goals and  
19 backboards; TV mounting brackets (but excluding flat screen TVs); antennae and satellite dishes (excluding  
20 components); and central vacuum systems and attachments.

21 **B. Other items that REMAIN** with the Property at no additional cost to Buyer:

22 **Refrigerator**

23  
24  
25  
26 **C. Items that WILL NOT REMAIN** with the Property:

27 **Washer/Dryer**

28  
29 **D. LEASED ITEMS:** Leased items that remain with the Property: (e.g., security systems, water softener systems, fuel  
30 tank, etc.): \_\_\_\_\_.

31 Buyer shall assume any and all lease payments as of Closing. If leases are not assumable, the balance shall be paid  
32 in full by Seller at or before Closing.

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

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

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

38 **2. Purchase Price, Method of Payment and Closing Expenses.** Buyer warrants that, except as may be otherwise  
39 provided herein, Buyer will at Closing have sufficient cash to complete the purchase of the Property under the terms of  
40 this Purchase and Sale Agreement (hereinafter "Agreement"). The purchase price to be paid is:

41 \$ 575,000.00, Five Hundred Seventy-Five Thousand U.S. Dollars,  
42 ("Purchase Price") which shall be disbursed to Seller or Seller's Closing Agency by one of the following methods:

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

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

49 herein based upon Lender's customary and standard underwriting criteria. In consideration of Buyer, having acted  
 50 in good faith and in accordance with the terms below, being unable to obtain financing by the Closing Date, the  
 51 sufficiency of such consideration being hereby acknowledged, Buyer may terminate this Agreement by providing  
 52 written notice via the Notification form or equivalent written notice. Seller shall have the right to request any  
 53 supporting documentation regarding loan denial. Upon termination, Buyer is entitled to a refund of the Earnest  
 54 Money/Trust Money. Lender is defined herein as the financial institution funding the loan.

55 The loan shall be of the type selected below (Select the appropriate boxes. Unselected items will not be part of  
 56 this Agreement):

- 57  Conventional Loan  FHA Loan; attach addendum  
 58  VA Loan; attach addendum  Other \_\_\_\_\_

59 Buyer may apply for a loan with different terms and conditions and also Close the transaction provided all other  
 60 terms and conditions of this Agreement are fulfilled, and the new loan does not increase any costs charged to Seller.  
 61 Buyer shall be obligated to Close this transaction if Buyer has the ability to obtain a loan with terms as described  
 62 herein and/or any other loan for which Buyer has applied and been approved.

63 **Loan Obligations: *The Buyer agrees and/or certifies as follows:***

- 64 (1) Within three (3) days after the Binding Agreement Date, Buyer shall make application for the loan and  
 65 shall pay for credit report. Buyer shall immediately notify Seller or Seller's representative of having  
 66 applied for the loan and provide Lender's name and contact information, and that Buyer has instructed  
 67 Lender to order credit report. Such certifications shall be made via the Notification form or equivalent  
 68 written notice;
- 69 (2) Within fourteen (14) days after the Binding Agreement Date, Buyer shall warrant and represent to Seller  
 70 via the Notification form or equivalent written notice that:
- 71 a. Buyer has secured evidence of hazard insurance which will be effective at Closing and Buyer shall  
 72 notify Seller of the name of the hazard insurance company;
- 73 b. Buyer has notified Lender of an Intent to Proceed and has available funds to Close per the signed  
 74 Loan Estimate; and
- 75 c. Buyer has requested that the appraisal be ordered and affirms that the appraisal fee has been paid.
- 76 (3) Buyer shall pursue qualification for and approval of the loan diligently and in good faith;
- 77 (4) Buyer shall continually and immediately provide requested documentation to Lender and/or loan  
 78 originator;
- 79 (5) Unless otherwise stated in this Agreement, Buyer represents that this loan is not contingent upon the lease  
 80 or sale of any other real property and the same shall not be used as the basis for loan denial; and
- 81 (6) Buyer shall not intentionally make any material changes in Buyer's financial condition which would  
 82 adversely affect Buyer's ability to obtain the Primary Loan or any other loan referenced herein.

83 Should Buyer fail to timely comply with section 2.A.(1) and/or 2.A.(2) above and provide notice as required, Seller  
 84 may make written demand for compliance via the Notification form or equivalent written notice. If Buyer does not  
 85 furnish Seller the requested documentation within two (2) days after such demand for compliance, Buyer shall be  
 86 considered in default and Seller's obligation to sell is terminated.

87  **B. Financing Contingency Waived (THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT.)**  
 88 (e.g. "All Cash", etc.): Buyer's obligation to close shall not be subject to any financial contingency. Buyer reserves  
 89 the right to obtain a loan. Buyer will furnish proof of available funds to close in the following manner:  
 90 \_\_\_\_\_ (e.g. bank statement, Lender's commitment letter) within five (5)  
 91 days after Binding Agreement Date. Should Buyer fail to do so, Seller may make written demand for compliance  
 92 via the Notification form or equivalent written notice. If Buyer does not furnish Seller with the requested notice  
 93 within two (2) days after such demand for compliance, Buyer shall be considered in default and Seller's obligation  
 94 to sell is terminated. Failure to Close due to lack of funds shall be considered default by Buyer.

95 In the event this Agreement is contingent upon an appraisal (See Paragraph 2.C. below), Buyer must order the  
 96 appraisal and provide Seller with the name and telephone number of the appraisal company and proof that appraisal  
 97 was ordered within five (5) days of the Binding Agreement Date. Should Buyer fail to do so, Seller may make  
 98 written demand for compliance via the Notification form or equivalent written notice. If Buyer does not furnish  
 99 Seller with the requested notice within two (2) days after such demand for compliance, Buyer shall be considered in  
 100 default and Seller's obligation to sell is terminated.

101 **C. Appraisal (Select either 1 or 2 below. The sections not checked are not a part of this Agreement).**

- 102  1. This Agreement IS NOT contingent upon the appraised value either equaling or exceeding the agreed upon  
 103 Purchase Price.

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- ✕ 2. This Agreement IS CONTINGENT upon the appraised value either equaling or exceeding the agreed upon Purchase Price. If the appraised value is equal to or exceeds Purchase Price, this contingency is satisfied. In consideration of Buyer having conducted an appraisal, the sufficiency of such consideration being hereby acknowledged, if the appraised value of the Property does not equal or exceed the Purchase Price, Buyer shall promptly notify the Seller via the notification form or written equivalent notice. Buyer shall then have 3 days to either:
  - 1. waive the appraisal contingency via the notification form or equivalent written notice
  - OR
  - 2. terminate the agreement by giving notice to seller via the notification form or equivalent written notice. Upon timely termination, Buyer is entitled to a refund of the Earnest money.

In the event buyer fails to either waive the appraisal or terminate the agreement as set forth above, this contingency shall be deemed satisfied. Thereafter, failure to appraise shall not be used as the basis for loan denial or termination of contract. Seller shall have the right to request any supporting documentation showing appraised value did not equal or exceed the agreed upon purchase price.

**D. Closing Expenses.**

- 1. **Seller Expenses.** Seller shall pay all existing loans and/or liens affecting the Property, including all penalties, release preparation costs, and applicable recording costs; any accrued and/or outstanding association dues or fees; fee (if any) to obtain lien payoff/estoppel letters/statement of accounts from any and all associations, property management companies, mortgage holders or other liens affecting the Property; Seller's closing fee, document preparation fee and/or attorney's fees; fee for preparation of deed; notary fee on deed; and financial institution (Bank, Credit Union, etc.) wire transfer fee or commercial courier service fee related to the disbursement of any lien payoff(s). Seller additionally agrees to permit any withholdings and/or to pay any additional sum due as is required under the Foreign Investment in Real Property Tax Act. Failure to do so will constitute a default by Seller.

In the event Seller is subject to Tax Withholding as required by the Foreign Investment in Real Property Tax Act, (hereinafter "FIRPTA"), Seller additionally agrees that such Tax Withholding must be collected from Seller by Buyer's Closing Agent at the time of Closing. In the event Seller is not subject to FIRPTA, Seller shall be required as a condition of Closing to sign appropriate affidavits certifying that Seller is not subject to FIRPTA. It is Seller's responsibility to seek independent tax advice or counsel prior to the Closing Date regarding such tax matters.

- 2. **Buyer Expenses.** Buyer shall pay all transfer taxes and recording fees on deed of conveyance and deed of trust; Buyer's closing fee, document preparation fee and/or attorney's fees; preparation of note, deed of trust, and other loan documents; mortgage loan inspection or boundary line survey; credit report; required premiums for private mortgage, hazard and flood insurance; required reserved deposits for insurance premiums and taxes; prepaid interest; re-inspection fees pursuant to appraisal; insured Closing Protection Letter; association fees as stated within paragraph 4.E.; and any costs incident to obtaining and closing a loan, including but not limited to: appraisal, origination, discount points, application, commitment, underwriting, document review, courier, assignment, photo, tax service, notary fees, and any wire fee or other charge imposed for the disbursement of the Seller's proceeds according to the terms of this Agreement.
- 3. **Title Expenses.** Cost of title search, mortgagee's policy and owner's policy (rates to be as filed with the Tennessee Department of Commerce and Insurance) shall be paid as follows:

Seller to Pay

Simultaneous issue rates shall apply.

Not all of the above items (Seller Expenses, Buyer Expenses and Title Expenses) are applicable to every transaction and may be modified as follows:

Closing Agency for Buyer: Tennessee Title Services

Closing Agency for Seller: Tressler & Associates - Todd Tressler - 615.444.2345

- 3. **Earnest Money/Trust Money.** Buyer has paid or will pay within 5 days after the Binding Agreement Date to RE/MAX Advantage (name of Holder) ("Holder") located at 210 12th Ave S, Suite 201, Nashville TN 37203 (address of Holder), a Earnest Money/Trust Money deposit of \$ 5000 by check (OR \_\_\_\_\_) ("Earnest Money/Trust Money").

- A. **Failure to Receive Earnest Money/Trust Money.** In the event Earnest Money/Trust Money (if applicable) is not timely received by Holder or Earnest Money/Trust Money check or other instrument is not honored for any reason

160 by the bank upon which it is drawn, Holder shall promptly notify Buyer and Seller of the Buyer's failure to deposit  
 161 the agreed upon Earnest Money/Trust Money. Buyer shall then have one (1) day to deliver Earnest Money/Trust  
 162 Money in immediately available funds to Holder. In the event Buyer does not deliver such funds, Buyer is in default  
 163 and Seller shall have the right to terminate this Agreement by delivering to Buyer or Buyer's representative written  
 164 notice via the Notification form or equivalent written notice. In the event Buyer delivers the Earnest Money/Trust  
 165 Money in immediately available funds to Holder before Seller elects to terminate, Seller shall be deemed to have  
 166 waived his right to terminate, and the Agreement shall remain in full force and effect.

167 **B. Handling of Earnest Money/Trust Money upon Receipt by Holder.** Earnest Money/Trust Money (if applicable)  
 168 is to be deposited promptly after the Binding Agreement Date or the agreed upon delivery date in this Earnest  
 169 Money/Trust Money paragraph or as specified in the Special Stipulations paragraph contained at paragraph 19  
 170 herein. Holder shall disburse Earnest Money/Trust Money only as follows:

- 171 (a) at Closing to be applied as a credit toward Buyer's Purchase Price;  
 172 (b) upon a written agreement signed by all parties having an interest in the funds;  
 173 (c) upon order of a court or arbitrator having jurisdiction over any dispute involving the Earnest  
 174 Money/Trust Money;  
 175 (d) upon a reasonable interpretation of the Agreement; or  
 176 (e) upon the filing of an interpleader action with payment to be made to the clerk of the court having  
 177 jurisdiction over the matter.

178 Holder shall be reimbursed for, and may deduct from any funds interpleaded, its costs and expenses, including  
 179 reasonable attorney's fees. The prevailing party in the interpleader action shall be entitled to collect from the other  
 180 party the costs and expenses reimbursed to Holder. No party shall seek damages from Holder (nor shall Holder be  
 181 liable for the same) for any matter arising out of or related to the performance of Holder's duties under this Earnest  
 182 Money/Trust Money paragraph. Earnest Money/Trust Money shall not be disbursed prior to fourteen (14) days after  
 183 deposit unless written evidence of clearance by bank is provided.

184 **4. Closing, Prorations, Special Assessments and Warranties Transfer.**

185 **A. Closing Date.** This transaction shall be closed ("Closed") (evidenced by delivery of warranty deed and payment of  
 186 Purchase Price, the "Closing"), and this Agreement shall expire, at 11:59 p.m. local time on the 21st day of  
 187 March, 2018 ("Closing Date"), or on such earlier date as may be agreed to by the  
 188 parties in writing. Such expiration does not extinguish a party's right to pursue remedies in the event of default.  
 189 Any extension of this date must be agreed to by the parties in writing via the Closing Date/Possession Date  
 190 Amendment or equivalent written agreement.

191 **1. Possession.** Possession of the Property is to be given (Select the appropriate boxes below. Unselected items  
 192 will not be part of this Agreement):

193  at Closing as evidenced by delivery of warranty deed and payment of Purchase Price;

194 **OR**

195  as agreed in the attached and incorporated Temporary Occupancy Agreement;

196 **B. Prorations.** Real estate taxes, rents, dues, maintenance fees, and association fees on said Property for the calendar  
 197 year in which the sale is Closed shall be prorated as of the Closing Date. In the event of a change or reassessment of  
 198 taxes for the calendar year after Closing, the parties agree to pay their recalculated share. Real estate taxes, rents,  
 199 dues, maintenance fees, and association fees for prior years and roll back taxes, if any, will be paid by Seller.

200 **C. Special Assessments.** Special assessments approved or levied prior to the Closing Date shall be paid by the Seller  
 201 at or prior to Closing unless otherwise agreed as follows:

202 \_\_\_\_\_  
 203 **D. Warranties Transfer.** Seller, at the option of Buyer and at Buyer's cost, agrees to transfer Seller's interest in any  
 204 manufacturer's warranties, service contracts, termite bond or treatment guarantee and/or similar warranties which by  
 205 their terms may be transferable to Buyer.

206 **E. Association Fees.** Buyer shall be responsible for all homeowner or condominium association transfer fees, related  
 207 administration fees (not including statement of accounts), capital expenditures/contributions incurred due to the  
 208 transfer of Property and/or like expenses which are required by the association, property management company  
 209 and/or the bylaws, declarations or covenants for the Property (unless otherwise specifically addressed herein and/or  
 210 unless specifically chargeable to Seller under applicable bylaws, declarations, and/or neighborhood covenants).

211 **5. Title and Conveyance.**

212 **A. Seller warrants that at the time of Closing, Seller will convey or cause to be conveyed to Buyer or Buyer's assign(s)**  
 213 **good and marketable title to said Property by general warranty deed, subject only to:**

214 (1) zoning;

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269 The inspection shall include each dwelling, garage, and other permanent structure on the Property excluding  
270 \_\_\_\_\_ None \_\_\_\_\_ for evidence of active infestation and/or damage.

271 Buyer shall cause such Report to be delivered to Seller simultaneously with any repairs requested by the Buyer or  
272 the end of the Inspection Period, whichever is earlier. If the Report indicates evidence of active infestation, Seller  
273 agrees to treat infestation at Seller’s expense and provide documentation of the treatment to Buyer prior to Closing.  
274 Requests for repair of damage, if any, should be addressed in the Buyer’s request for repairs pursuant to  
275 Subparagraph 8.D., Buyer’s Inspection and Resolution below.

276 **D. Buyer’s Inspection and Resolution.** Within 10 days after the Binding Agreement Date (“Inspection  
277 Period”), Buyer shall cause to be conducted any inspection provided for herein, including but not limited to the  
278 Wood Destroying Insect Infestation Inspection Report AND shall provide written notice of such to Seller as  
279 described below. *In the event Buyer fails to timely make such inspections and respond within said timeframe as*  
280 *described herein, the Buyer shall have forfeited any rights provided under this Section 7, and in such case shall*  
281 *accept the Property in its current condition, normal wear and tear excepted.*

282 **In said notice Buyer shall either:**

283 (1) In consideration of Buyer having conducted Buyer’s good faith inspections as provided for herein, the  
284 sufficiency of such consideration being hereby acknowledged, Buyer shall furnish Seller with a list of  
285 written specified objections and immediately terminate this Agreement via the Notification form or  
286 equivalent written notice. All Earnest Money/Trust Money shall be returned to Buyer upon termination.

287 **OR**

288 (2) accept the Property in its present “AS IS” condition with any and all faults and no warranties expressed or  
289 implied via the Notification form or equivalent written notice. Seller has no obligation to make repairs.

290 **OR**

291 (3) furnish Seller a written list of items which Buyer requires to be repaired and/or replaced with like quality or  
292 value in a professional and workmanlike manner. Seller shall have the right to request any supporting  
293 documentation that substantiates any item listed.

294 a. Resolution Period. Seller and Buyer shall then have a period of 4 days following receipt of  
295 the above stated written list (“Resolution Period”) to reach a mutual agreement as to the items to  
296 be repaired or replaced with like quality or value by Seller, which shall be evidenced by the  
297 Repair / Replacement Amendment or written equivalent(s). *The parties agree to negotiate repairs*  
298 *in good faith during the Resolution Period.* In the event Seller and Buyer do not reach a mutual  
299 written resolution during such Resolution Period or a mutually agreeable written extension thereof  
300 as evidenced in an Amendment to this Agreement signed by both parties within said period of  
301 time, this Agreement is hereby terminated. If terminated, Buyer is entitled to a refund of the  
302 Earnest Money/Trust Money.

303  **E. Waiver of All Inspections. THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT.**

304 **Buyer, having been advised of the benefits of inspections, waives any and all Inspection Rights under this**  
305 **Section 7 (including but not limited to the Wood Destroying Insect Infestation Inspection Report).**

306 **8. Final Inspection.** Buyer and/or his inspectors/representatives shall have the right to conduct a final inspection of  
307 Property on the Closing Date or within 2 day(s) prior to the Closing Date only to confirm Property is in the same or  
308 better condition as it was on the Binding Agreement Date, normal wear and tear excepted, and to determine that all  
309 repairs/replacements agreed to during the Resolution Period, if any, have been completed. Property shall remain in such  
310 condition until Closing at Seller’s expense. Closing of this sale constitutes acceptance of Property in its condition as of  
311 the time of Closing, unless otherwise noted in writing.

312 **9. Buyer’s Additional Due Diligence Options.** If any of the matters below are of concern to Buyer, Buyer should address  
313 the concern by specific contingency in the Special Stipulations Paragraph of this Agreement.

314 **A. Survey and Flood Certification.** Survey Work and Flood Certifications are the best means of identifying boundary  
315 lines and/or encroachments and easements or flood zone classifications. Buyer may obtain a Mortgage Inspection or  
316 Boundary Line Survey and Flood Zone Certifications.

317 **B. Insurability.** Many different issues can affect the insurability and the rates of insurance for property. These include  
318 factors such as changes in the Flood Zone Certifications, changes to the earthquake zones maps, the insurability of  
319 the buyer, and previous claims made on the Property. It is the right and responsibility of Buyer to determine the  
320 insurability, coverage and the cost of insuring the Property. It is also the responsibility of Buyer to determine  
321 whether any exclusions will apply to the insurability of said Property.

- 322 **C. Water Supply.** The system may or may not meet state and local requirements. It is the right and responsibility of  
 323 Buyer to determine the compliance of the system with state and local requirements. [For additional information on  
 324 this subject, request the "Water Supply and Waste Disposal Notification" form.]
- 325 **D. Waste Disposal.** The system may or may not meet state and local requirements. It is the right and responsibility of  
 326 Buyer to determine the compliance of the system with state and local requirements. In addition, Buyer may, for a  
 327 fee, obtain a septic system inspection letter from the Tennessee Department of Environment and Conservation,  
 328 Division of Ground Water Protection. [For additional information on this subject, request the "Water Supply and  
 329 Waste Disposal Notification" form.]
- 330 **E. Title Exceptions.** At Closing, the general warranty deed will be subject to subdivision and/or condominium  
 331 declarations, covenants, restrictions and easements of record, which may impose obligations and may limit the use  
 332 of the Property by Buyer.
- 333 **10. Disclaimer.** It is understood and agreed that the real estate firms and real estate licensee(s) representing or assisting  
 334 Seller and/or Buyer and their brokers (collectively referred to as "Brokers") are not parties to this Agreement and do not  
 335 have or assume liability for the performance or nonperformance of Seller or Buyer. Buyer and Seller agree that Brokers  
 336 shall not be responsible for any of the following, including but not limited to, those matters which could have been  
 337 revealed through a survey, flood certification, title search or inspection of the Property; the insurability of the Property or  
 338 cost to insure the Property; for the condition of the Property, any portion thereof, or any item therein; for any geological  
 339 issues present on the Property; for any issues arising out of the failure to physically inspect Property prior to entering  
 340 into this Agreement and/or Closing; for the necessity or cost of any repairs to the Property; for hazardous or toxic  
 341 materials; for the tax or legal consequences of this transaction; for the availability, capability, and/or cost of utility,  
 342 sewer, septic, or community amenities; for any proposed or pending condemnation actions involving Property; for  
 343 applicable boundaries of school districts or other school information; for the appraised or future value of the Property;  
 344 for square footage or acreage of the Property; for any condition(s) existing off the Property which may affect the  
 345 Property; for the terms, conditions, and availability of financing; and/or for the uses and zoning of the Property whether  
 346 permitted or proposed. Buyer and Seller acknowledge that Brokers are not experts with respect to the above matters and  
 347 that they have not relied upon any advice, representations or statements of Brokers (including their firms and affiliated  
 348 licensees) and waive and shall not assert any claims against Brokers (including their firms and affiliated licensees)  
 349 involving same. Buyer and Seller understand that it has been strongly recommended that if any of these or any other  
 350 matters concerning the Property are of concern to them, that they secure the services of appropriately credentialed  
 351 experts and professionals of Buyer's or Seller's choice for the independent expert advice and counsel relative thereto.
- 352 **11. Brokerage.** As specified by separate agreement, Seller agrees to pay Listing Broker at Closing the agreed upon  
 353 compensation. The Listing Broker will direct the closing agency to pay the Selling Broker, from the compensation  
 354 received, an amount in accordance with the terms and provisions specified by separate agreement. The parties agree and  
 355 acknowledge that the Brokers involved in this transaction may receive compensation from more than one party. All  
 356 parties to this Agreement agree and acknowledge that any real estate firm involved in this transaction shall be deemed a  
 357 third party beneficiary only for the purposes of enforcing their commission rights, and as such, shall have the right to  
 358 maintain an action on this Agreement for any and all compensations due and any reasonable attorney's fees and court  
 359 costs.
- 360 **12. Default.** Should Buyer default hereunder, the Earnest Money/Trust Money shall be forfeited as damages to Seller and  
 361 shall be applied as a credit against Seller's damages. Seller may elect to sue, in contract or tort, for additional damages  
 362 or specific performance of the Agreement, or both. Should Seller default, Buyer's Earnest Money/Trust Money shall be  
 363 refunded to Buyer. In addition, Buyer may elect to sue, in contract or tort, for damages or specific performance of this  
 364 Agreement, or both. In the event that any party hereto shall file suit for breach or enforcement of this Agreement  
 365 (including suits filed after Closing which are based on or related to the Agreement), the prevailing party shall be entitled  
 366 to recover all costs of such enforcement, including reasonable attorney's fees. In the event that any party exercises its  
 367 right to terminate due to the default of the other pursuant to the terms of this Agreement, the terminating party retains the  
 368 right to pursue any and all legal rights and remedies against the defaulting party following termination. The parties  
 369 hereby agree that all remedies are fair and equitable and neither party will assert the lack of mutuality of remedies, rights  
 370 and/or obligations as a defense in the event of a dispute.
- 371 **13. Home Protection Plan.** This is not a substitution for Home Inspection. Exclusions to coverage may apply. (Select the  
 372 appropriate box below. Items not selected are not part of this Agreement).
- 373  **Home Protection Plan.** \_\_\_\_\_ to pay \$ \_\_\_\_\_ for the purchase of a limited home  
 374 protection plan to be funded at Closing. Plan Provider: \_\_\_\_\_  
 375 Ordered by: \_\_\_\_\_ (Real Estate Company)

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427 event that the contract fails due to the severed provisions, then the offending language shall be amended to be in  
428 conformity with state and federal law.

429 **K. Contract Construction.** This Agreement or any uncertainty or ambiguity herein shall not be construed against any  
430 party but shall be construed as if all parties to this Agreement jointly prepared this Agreement.

431 **L. Section Headings.** The Section Headings as used herein are for reference only and shall not be deemed to vary the  
432 content of this Agreement or limit the scope of any Section.

433 **15. Seller's Additional Obligations.** If Seller has any knowledge of an exterior injection well, a sinkhole as defined  
434 pursuant to Tenn. Code Ann. § 66-5-212(c), and/or a percolation test or soil absorption rate on the Property, Seller shall  
435 be obligated to counter this offer by disclosure of the existence of the above including any tests and reports unless  
436 disclosure has already been received and acknowledged in writing by Buyer. Seller shall also disclose in the same  
437 manner whether any single family residence located on the Property has been moved from an existing foundation to  
438 another foundation where such information is known to the Seller. Seller shall also be obligated to counter this offer to  
439 disclose if the Property is located in a Planned Unit Development (PUD) as defined pursuant to Tenn. Code Ann. § 66-5-  
440 213 unless said disclosure has already been received in writing and acknowledged by Buyer. If the Property is in a PUD,  
441 Seller agrees to make available copies of the development's restrictive covenants, homeowner bylaws, and master deed  
442 to Buyer upon request.

443 **16. Method of Execution.** The parties agree that signatures and initials transmitted by facsimile, other photocopy  
444 transmittal, or by transmittal of digital signature as defined by the applicable State or Federal law will be acceptable and  
445 may be treated as originals and that the final Purchase and Sale Agreement containing all signatures and initials may be  
446 executed partially by original signature and partially on facsimile, other photocopy documents, or by digital signature as  
447 defined by the applicable State or Federal law.

448 **17. Exhibits and Addenda.** All exhibits and/or addenda attached hereto, listed below, or referenced herein are made a part  
449 of this Agreement:

450  
451  
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453

454 **18. Special Stipulations.** The following Special Stipulations, if conflicting with any preceding paragraph, shall control:

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479 19. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not  
480 countered or accepted by 10:00 o'clock  a.m./  p.m.; on the 20th day of February, 2018.

481 LEGAL DOCUMENTS: This is an important legal document creating valuable rights and obligations. If you have  
482 any questions about it, you should review it with your attorney. Neither the Broker nor any Agent or Facilitator is  
483 authorized or qualified to give you any advice about the advisability or legal effect of its provisions.

484 NOTE: Any provisions of this Agreement which are preceded by a box "□" must be marked to be a part of this  
485 Agreement. By affixing your signature below, you also acknowledge that you have reviewed each page and have  
486 received a copy of this Agreement.

487 IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts  
488 and sending emails with fake wiring instructions. These emails are convincing and sophisticated.  
489 Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone  
490 number. Never wire money without double-checking that the wiring instructions are correct.

491 Buyer hereby makes this offer.

492  Sheryl Marsella

493 BUYER Sheryl Marsella BUYER

494 \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm


495 Offer Date Offer Date

496 Seller hereby:

497  ACCEPTS – accepts this offer.

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

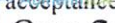
499  REJECTS this offer and makes no counter offer.

500  Robert Wade Cory

501 SELLER Robert Cory SELLER

502 \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm

503 Date Date

504 Binding Agreement Date. This instrument shall become a "Binding Agreement" on the date ("Binding Agreement Date")  
505 the last offeror, or licensee of the offeror, receives notice of offeree's acceptance.  
506 Notice of acceptance of the final offer was received by Ryan Turbeville on  
507 \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm  Ryan Turbeville  
508 \_\_\_\_\_ 2/19/2018 9:22:42 PM CST

**For Information Purposes Only:**

Listing Company: PARKS

Listing Firm Address: 4025 Hillsboro Pk.

Firm License No.: \_\_\_\_\_

Firm Telephone No.: 615-383-6600

Listing Licensee: Ryan Miller

Licensee License Number: 0

Licensee Email: ryanmillerrealestate@gmail.com

Home Owner's / Condominium Association ("HOA/COA"): \_\_\_\_\_

Selling Company: The Ashton Real Estate Group of RE/MAX Advantage

Selling Firm Address: 210 12th Ave South

Firm License No.: 263106

Firm Telephone No.: 615-301-1650

Selling Licensee: Ryan Turbeville

Licensee License Number: 332054

Licensee Email: ryan.turbeville@nashvillerealestate.com

HOA / COA Phone: \_\_\_\_\_ HOA/COA Email: \_\_\_\_\_

Property Management Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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ADDENDUM 1  
TO THE PURCHASE AND SALE AGREEMENT


1 Property Address: 1812 6th Ave Nashville TN 37208  
2 Buyer: Sheryl Marsella  
3 Seller: Robert Cory

4 This ADDENDUM (hereinafter "Addendum"), between the undersigned Seller and Buyer is entered into and is effective as  
5 of the Offer Date provided in the Purchase and Sale Agreement for the purpose of changing, deleting, supplementing or  
6 adding terms to said Purchase and Sale Agreement. In consideration of mutual covenants herein and other good and valuable  
7 consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 8 - The following furnishings included with sale of property:
- 9 - Downstairs guest Bedroom + furnishings + electronics (mattress
- 10 included)
- 11 - Upstairs guest Bedroom + furnishings + electronics (mattress
- 12 included)
- 13 - Dining Table + Chairs
- 14 - Master Bedroom - Bed + Mattress and Mirror
- 15 - All 4 TVs. TV in downstairs living room and master bedroom custom
- 16 mounted to wall.
- 17 - Small Table + 2 outdoor chairs on downstairs back deck
- 18 - Kitchen Hutch
- 19 - Small Highboy table in kitchen
- 20 - Entryway table with Wine rack

24 This Addendum is made a part of the Purchase and Sale Agreement as if quoted therein verbatim. Should the terms of this  
25 Addendum conflict with the terms of the Purchase and Sale Agreement or other documents executed prior to or simultaneous  
26 to the execution of this Addendum, the terms of this Addendum shall control, and the conflicting terms are hereby considered  
27 deleted and expressly waived by both Seller and Buyer. In all other respects, the Purchase and Sale Agreement shall remain  
28 in full force and effect.

29 The party(ies) below have signed and acknowledge receipt of a copy.


30  Sheryl Marsella

31 BUYER Sheryl Marsella BUYER

32 \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm

33 Date Date

34 The party(ies) below have signed and acknowledge receipt of a copy.

35  Robert Wade Cory

36 SELLER Robert Cory SELLER

37 \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm \_\_\_\_\_ at \_\_\_\_\_ o'clock  am/  pm

38 Date Date

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Bonnie O'Shea

1809b 6<sup>th</sup> Ave N

Nashville, TN 37208

October 29, 2019

Metropolitan Board of Zoning Appeals  
PO Box 196300  
Nashville, TN 37219-6300

RE: Appeal Case Number 2019-471  
1812B 6<sup>th</sup> Ave N  
Map Parcel: 081082T00200CO  
Zoning Classification: R6-A  
Council District: 19

VIA EMAIL to BZA@nashville.gov

Dear Sir/Madam:

I was notified that Sheryl Marsella has filed an appeal for the above referenced location. The appellant is challenging the administrator's denial of a short term rental permit. I urge the Board to uphold that decision and continue to deny a short term rental permit at this location.

Ms. Marsella has shown a disregard for Nashville's zoning codes. Despite claims and certifications to the contrary, she does not live in the home. I have only observed Ms. Marsella in Nashville on dates that coincide with court appearances regarding the short term rental permit for the home.

Despite claims that she lives in Nashville, Ms. Marsella continues to work as a real estate agent in the greater Chicago area. She registered as a real estate agent in Nashville on May 1, 2018. To date, I have not seen any listing in the Nashville area in her name, however, she continues to have many active listings in the greater Chicago area.

While I have not kept a log of dates that the property has been rented, I know for certain it has been rented a number of weekends since the short term rental permit expired in May of this year. Two weekends do stand out to me. The first was the weekend of September 13-15, 2019. The property was rented and I observed what appeared to be a Metro codes worker placing a Stop Work Order on the front door.

The second weekend I recall the property being rented was the weekend of October 5-6, 2019. The Bills were in Nashville playing the Titans.

Metro has done a great job working with the short term rental permits to maintain neighborhoods that are pleasant to live in, which allow tourists to experience that same thing. When a permit holder does not adhere to the rules, their permit should be revoked, or if expired, not renewed.

Thank you for your consideration,



Bonnie O'Shea

**From:** [Joyce Safley](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Karen Light](#); [Jeremy Light](#)  
**Cc:** [Poole, Quan \(Legal\)](#)  
**Subject:** TRP Appeal Case Number 2019 1812B 6th Ave. North Map Parcel 081082T00200CO  
**Date:** Monday, September 30, 2019 10:41:20 AM

---

*Appellant: Sheryl Marsella Owner of 1812B 6th Ave. North  
My clients (Neighboring Owners): Jeremy and Karen Light Owners and residents of 1812A 6th Ave. North*

Please be advised that I represent Jeremy and Karen Light. They have received a "Zoning Appeal: Notice to Neighboring Owners" for the above referenced matter. As neighboring owners, Mr. and Ms. Light have standing to appear at the Zoning Appeal Hearing scheduled for 11/7/2019 and contest Ms. Marsella's appeal.

It appears from the Notice that Ms. Marsella, the appellant, is appealing the denial of a STRP permit. Despite a thorough search, I am unable to find any application at the Codes site online that reflects that Ms. Marsella has applied for a new STRP permit. The online site appears to be current as of September 19, 2019.

There are currently two warrants pending that have been issued against Ms. Marsella for operating her property as a STRP without a permit. I have contacted Mr. Quan Poole at the Metro Department of Law to determine when those two actions will be held in Environmental Court.

If Ms. Marsella has applied for a new permit, I would appreciate your forwarding it to me. If she has not applied for a new permit, I will be filing a motion on behalf of the Lights with the Board of Zoning Appeals to dismiss this appeal for lack of standing.

Thank you very much for your assistance.

Sincerely,  
*Joyce Grimes Safley*



**Joyce Grimes Safley, J.D., M.S.N.**  
**Attorney at Law**  
**8161 Highway 100 P.O. Box 233**  
**Nashville, TN 37221**  
**Telephone: 615-500-4570**  
**Email: [Joyce@safleylaw.com](mailto:Joyce@safleylaw.com)**  
**[www.safleylaw.com](http://www.safleylaw.com)**

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*relationship.*

October 29, 2019

Metropolitan Government of Nashville and Davidson County  
Department of Codes and Building Safety  
Post Office Box 196300  
Nashville, TN 37219-6300

RE: Appeal Case Number 2019-471  
1812B 6<sup>th</sup> Ave. N.  
Map Parcel: 081082T00200CO  
Zoning Classification: R6-A  
Council District: 19

Dear Metro Board of Zoning Appeals:

In regard to the above-referenced property, my husband and I wish to voice our strong **opposition** to this zoning appeal. We are homeowners at 1807 7<sup>th</sup> Avenue North, just one block over from 1812B 6<sup>th</sup> Ave. N. Over the past four years, we have seen significant growth and change in the landscape of our Salemtown community and not all of it has been positive. This growth and change has brought a significant increase in traffic, reduced parking for homeowners, and increased late night disturbances due to the many tourists who are renting through AirBNB and VRBO in our neighborhoods. Where previously one home was built on a lot, most have torn down the original structure and built at least 2 (if not more) structures to replace the original home. This has put actual homeowners who live here at a disadvantage for street parking close to our homes, not to mention the increased traffic and noise.

Traffic is particularly bad on the weekends when carloads of tourists in groups of 6-8 (bridal parties) come and go 24 hours a day. Sixth Ave. is not a wide street when you factor in homeowners that park on both sides of the street. Ms. Marsella continues to rent this property out as a short-term rental. The weekend of October 18-20 was particularly bad at 1812B 6<sup>th</sup> Ave. N. when a large Nashville Party Barge vehicle blocked the street for several minutes while trying to parallel park (3 car lengths) in front of this property. On my way home from the grocery store, I was stuck on 6<sup>th</sup> behind the oversized vehicle trying to park, wait for his customers to come out of 1812B 6<sup>th</sup> Ave., plus an Uber driver who stopped in the middle of 6<sup>th</sup> and put his flashers on while he waited for his customer next door. There was no open lane for traffic to move so all I could go do was just sit and wait. This is not safe and it is a real nuisance. The noise on many weekend nights is so loud, we have had to call police at 2:00- 3:00 am to ask them to patrol our streets and ask these party-goers to quiet down. We wake to find empty beer cans and all sorts of trash strewn about the street and our front yards.

Salemtown does not need any more of these short-term rental properties! Actual homeowners want real neighbors – folks that plan to live in the home they are purchasing and who take a sense of pride in their property and our community.

Thank you for your consideration and we urge the board to not approve this zoning appeal – please.

William and Yvonne Snyder  
1807 7<sup>th</sup> Ave. N.  
Nashville, TN 37208

