# D O C K E T 12/19/2019

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

MS. CYNTHIA CHAPPELL

MS. ASHONTI DAVIS

MS. CHRISTINA KARPYNEC

MR. ROSS PEPPER, Vice-Chair

MS. ALMA SANFORD

MR. DAVID TAYLOR, Chairman

MR. TOM LAWLESS

# **CASE 2019-478 (Council District - 1)**

**COCHRUM, ROBERT G**, appellant and owner of the property located at **650 Putnam Dr**, requesting a variance from front street setback requirements in the RS15 District to construct a porch on an existing 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 05811019500

# **CASE 2019-486 (Council District - 27)**

**BRENT MACDONALD**, appellant and **COTTAGE COVE CO.**, owner of the property located at **4908 AQUATIC RD** to consider conditions previously imposed by the board when granting the Special Exception for a religious charity to operate at this property. Conditions to be considered are a traffic plan related to children's safety in getting to and from this property and a final determination as to the maximum number of children allowed on the site. Referred to the Board under Section 17.16.170 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 D.

Use-Religious Institution

Map Parcel 14716002100

Results-

# **CASE 2019-501 (Council District - 20)**

**JAY FULMER**, appellant and **4901 CENTENNIAL PARTNERS**, **LLC**, owner of the property located at **4901 CENTENNIAL BLVD**, requesting a variance from parking requirements in the IR District, to construct a restaurant. Referred to the Board under Section 17.20.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

**Use-Restaurant** 

Map Parcel 09100004400

Results-

# CASE 2019-505 (Council District - 6)

**GENNADI KABOULOV**, appellant and **CYGNUS CONSTRUCTION**, **LLC**, owner of the property located at **1203 C LILLIAN ST**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

**Use-Single Family** 

Map Parcel 083131B00200CO

# **CASE 2019-506 (Council District - 25)**

MICHAEL SHEARS, appellant and KMS PROPERTIES, LLC, owner of the property located at **2048 CASTLEMAN DR**, requesting a variance from front setback requirements in the R15 District, to construct 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 13102015300

Results-

# **CASE 2019-507 (Council District - 2)**

WEST NASHVILLE LAW GROUP, PLLC, appellant and BLUE RIDGE HOMES, LLC, SERIES 7, owner of the property located at 2436 & 2440 24TH AVE N, requesting variances from setback and building envelope requirements in the R6 District, to construct two single-family residences. Referred to the Board under Section 17.16.030 D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family Map Parcel 08102003400

Results- Map Parcel 08102022000

# **CASE 2019-508 (Council District - 19)**

CHRISTMON, HATTIE(LE) & CARRETHERS, ALISHA ETAL, appellants and owners of property located at 1314 HAWKINS ST, requesting a variance from minimum lot size requirements in the R6-A District, to construct two single-family residences. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

**Use-Single Family** 

Map Parcel 09313054000

# **CASE 2019-509 (Council District - 21)**

**JAMES TERRY**, appellant and **CHERRY**, **JAMES R. & ANN M. & TAYLOR**, **ZACHARY L.**, owners of the property located at **0 31ST AVE N**, requesting a variance from setback requirements in the RS5 District, to construct a single-family residence. Referred to the Board under Section 17.20.030 C.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Single Family

Map Parcel 09206070700

Results-

# **CASE 2019-510 (Council District - 21)**

**11TH AVENUE PARTNERS, LLC**, appellant and owner of the property located at **2610 & 2612 BOOKER ST**, requesting a variance from setback requirements in the RS5 District, to construct a duplex. Referred to the Board under Section 17.12.030 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two- Family

Map Parcel 092060J00100CO

Results-

Map Parcel 092060J00200CO

# **CASE 2019-511 (Council District - 5)**

**FRANK NEAL**, appellant and **ITH**, **LP**, owner of the property located at **1220 N 5TH ST**, requesting a variance from setback requirements in the RM20-A District, to construct a multi-family development. Referred to the Board under Section 17.12.020 D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi Family

Map Parcel 07116017700

# **CASE 2019-512 (Council District - 19)**

**VANDERBILT UNIVERSITY**, appellant and owner of the property located at **115 LYLE AVE**, requesting variances from glazing, front facade length, and primary entrance location requirements in the MUI-A District, to construct a dormitory for graduate student housing. Referred to the Board under Section 17.12.020 note 3. The appellant has alleged the Board would have jurisdiction under Sections 17.40.180 B.

**Use-Dormitory** 

Map Parcel 09216013800

Results-

# **CASE 2019-513 (Council District - 15)**

**BARRY CLEVELAND**, appellant and **AMERICAN LEGION POST 88**, owner of the property located at **2717 MCCAMPBELL AVE**, requesting a variance from sidewalk requirements in the CL District, to construct an American Legion hall 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-Club

Map Parcel 09605018800

Results-

# **CASE 2019-515 (Council District - 19)**

**JOHN HOOD**, appellant and **DURANI**, **HAMIDULLAH**, owner of the property located at **933 WARREN ST**, requesting a variance from side street setback requirements in the RS 3.75 District, to construct two single-family residences. Referred to the Board under Section 17.12.030 C.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

**Use-Two Family** 

Map Parcel 08116070200

# **CASE 2019-516 (Council District - 21)**

**JEFF HEINZE**, appellant and **O.I.C. AXIS27**, owner of the property located at **516 B 27TH AVE N**, requesting a variance from building footprint requirements in the RM20-A District, to construct a multi-family development. Referred to the Board under Section 17.12.020 D. note 3.b. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 092100M90100CO

Results-

# **SHORT TERM RENTAL CASES**

# **CASE 2019-481 (Council District - 6)**

MCCARTHY, CORNELIUS P IV & CORNELIUS P III & GAIL, appellants and owners of the property located at **2609 TIFFANY DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated prior to obtaining the legally required short term rental permit in the R10 District. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

**Use-Short Term Rental** 

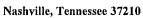
Map Parcel 08405002200

# Metropolitan Board of Zoning Appeals

Metro Howard Building

The state of the s

800 Second Avenue South





<u> 500</u>

Appellant: ROB COCHRUM	Date: 09/27/19
Property Owner: ROBERT COCHEUM	Case #: 2019- 478
Representative: : ROB (OUTROW)	Map & Parcel: 05811619
Council Dist	
The undersigned hereby appeals from the deci wherein a Zoning Permit/Certificate of Zoning	
Purpose:  VARIANCE REQUEST FROM COUEST  SETBAGIL TO LOCATE A COUEST	ENTERIOR STREET FRONT
Activity Type: VARIANGE	
Location: FRONT OF EXISTING S	INGUE-FAMILY STRUTURE
This property is in the RS(5 Zone District and all data heretofore filed with the Zoning A and made a part of this appeal. Said Zoning Powas denied for the reason:	dministrator, all of which are attached
Reason: PROPOSED ADDITION LIKELY I	
Section(s): (7.12.030 (c)(3)	
Based on powers and jurisdiction of the Board 17.40.180 SubsectionOf the Metropol Special Exception, or Modification to Non-Correquested in the above requirement as applied	litan Zoning Ordinance, a Variance, aforming uses or structures is here by
ROBBIE COCH RUM Appellant Name (Please Print)	Representative Name (Please Print)
650 PURAM DR Address	Address
City, State, Zip Code	City, State, Zip Code
615-495-3105 Phone Number	Phone Number
R_(OCHRUME YAYOO.COM Email	Email
Zoning Examiner: PAVID D-B	Appeal Fee: Floo. oa



# Metropolitan Government of Nashville and Davidson County, Tennessee Department of Codes and Building Safety



800 Second Avenue South, Nashville, TN 37210

# ZONING BOARD APPEAL / CAAZ - 20190059090 Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 05811019500

**APPLICATION DATE:** 09/27/2019

SITE ADDRESS:

650 PUTNAM DR NASHVILLE, TN 37218 LOT 0187 SECT 0003 ROYAL HILLS

PARCEL OWNER: COCHRUM, ROBERT G

**CONTRACTOR:** 

APPLICANT: PURPOSE:

Applicant seeks to construct 8' x 15' (120 sq. ft.) front porch to existing single-family residential structure. Variance request from 17.12.030(C)(3) contextual street/front setback.

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

### There are currently no required inspections

Inspection requirements may change due to changes during construction.



# 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 - ADDITION / CARA - T2019059054 THIS IS NOT A PERMIT

PARCEL: 05811019500

**APPLICATION DATE:** 09/27/2019

SITE ADDRESS:

650 PUTNAM DR NASHVILLE, TN 37218 LOT 0187 SECT 0003 ROYAL HILLS

PARCEL OWNER: COCHRUM, ROBERT G

APPLICANT:

SELF CONTRACTOR RESIDENTIAL (SEE

APPLICANT INFORMATION)

Robbie Cochrum , 615-495-3105

#### **PURPOSE:**

Construct 8'x 15' covered front porch addition to existing single-family structure. Will include porch light. Required front/street setback TO BE DETERMINED based on contextual or variance, if granted. POC: Robbie Cochrum, 615-495-3105. Applicant applied for a self-permit and will act as his/her own general contractor with full responsibility for code compliance, for hiring and employing individuals and subcontractors, and with ultimate responsibility for his/her own work and for the work of others. Acting as his/her general contractor, applicant may forfeit certain protections which might be available to him/her through the State of Tennessee general contractor's licensing process. Applicant, as a self-build permit holder, is further responsible for requesting all required inspections and completing all authorized work in compliance with applicable adopted codes. Separate permits are required for any electrical, plumbing and gas/mechanical work and are not part of the building permit. No construction and demolition waste will be stored on the property and such waste shall be disposed of in a clean and sanitary manner by placing it in approved containers and having such waste discarded at an approved landfill. Signage must be posted pursuant to M.C.L. 16.28.230, including project information signs, which shall be posted in English and Spanish with one double-sided 24" (vertical) × 36" (horizontal) sign posted for every fifty feet of site frontage, with no more than three signs required per street frontage.

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

PENDING	615-862-6510
SWNOTREQD	615-862-6510
	615-862-5230
	615-862-5230
	615-862-7225 mws.stormdr@nashville.gov
	615-862-7225 mws.stormdr@nashville.gov

# **APPLICATION FOR A VARIANCE REQUEST**

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

7-27-19 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:

<u>Physical Characteristics of the property</u>- 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.

<u>Unique characteristics</u>- 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.

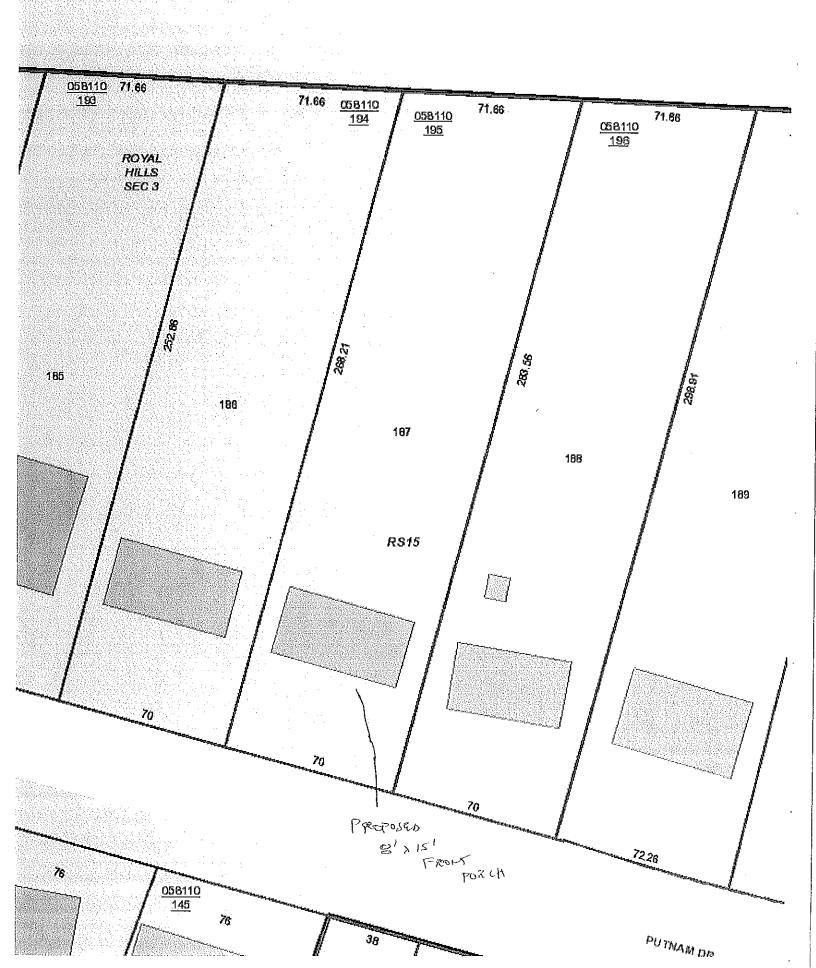
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

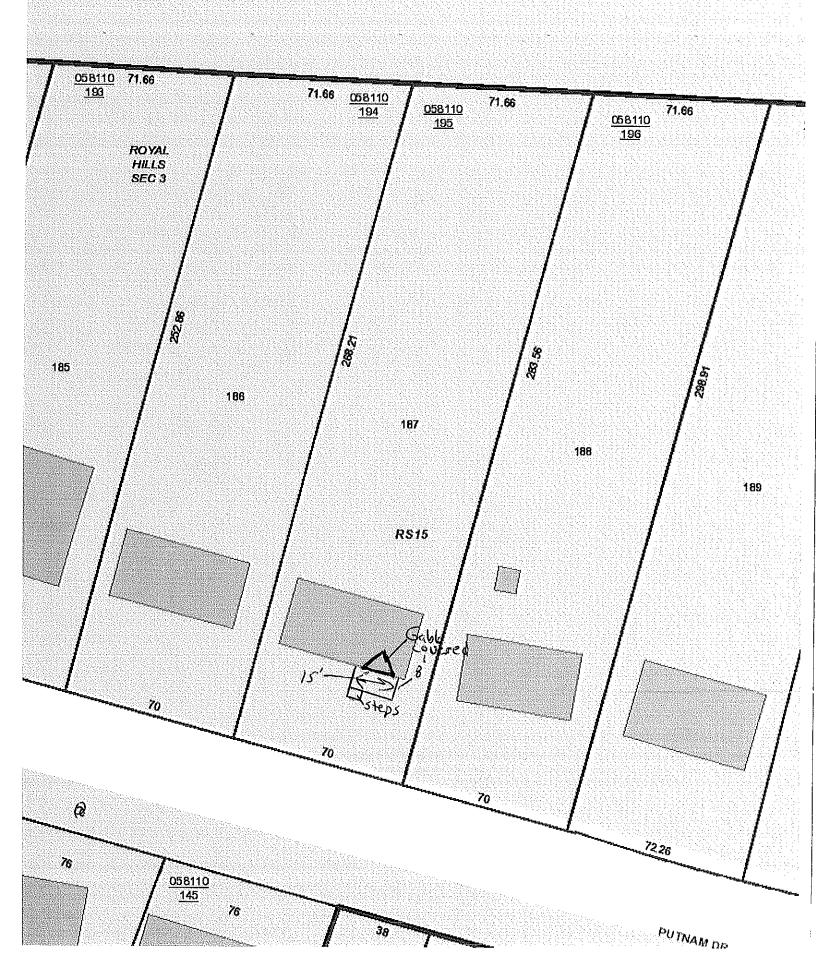
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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 <u>HARDSHIP</u> 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?

1) s a new /First-time homelonger, I was not aware building codes necessary for adding to or renovating a home. I bought the home fully expecting to be able to make changes and certain additions, It appears the Front set back does not allow for me to build a Dorch on the front of the home. However, others have built porches in the same neighborhood being more amenable bitrary in some ways and wa my home. Overall, the addition I want to build ( porch) to the neighborhood, and only exceed the set back by a few teet. My neighbors are olday withis addition and verification of this. Further, a contractor has already been commissioned and matrials bought that cannot be returned. A previous addition was har already been torn down in anticipation there would be No issues w/ this addition. Again, it will complement the home and neighbor hood and provide no burden, adistinct safety concern, or dramatically different design than already exists within the Neighborhood, Essendially, It appears I cannot build due to the irregular shops and topography of my property, rather than any major aesthetic, safety, or societal concern.





### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: Cottage Cove  Property Owner:  Representative: Brent Mac Dona	Date: 10/1/19 Case #: 2019- 486 Map & Parcel: 147/6002/00	
Council Distri	ict 27	
The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:		
Purpose: Special Except	<u> </u>	
Activity Type: foliaions Institute Location: 4908 fog vant	hutian co Rd	
This property is in the LSO Zone District, and all data heretofore filed with the Zoning Ad and made a part of this appeal. Said Zoning Perwas denied for the reason:	ministrator, all of which are attached	
Reason:		
Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 SubsectionOf 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.		
Cottage Cove Appellant Name (Please Print)	Brent MacDonald Representative Name (Please Print)	
Address	430 Benton AVC	
City, State, Zip Code	Nashville TN 37204 City, State, Zip Code	
Phone Number	615-292-2303 Phone Number	
	brent @ Cottage cove. org Binail debbie @ Cottage cove. org	
	debbie @ cottagecore. Org	

Appeal Fec:\_



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



ZONING BOARD APPEAL / CAAZ - 20190059989 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 14716002100

**APPLICATION DATE: 10/01/2019** 

SITE ADDRESS:

4908 AQUATIC RD NASHVILLE, TN 37211

LOT 3 SEC 5 WHISPERING HILLS

PARCEL OWNER: COTTAGE COVE CO.

CONTRACTOR:

**APPLICANT: PURPOSE:** 

REQUESTING A SPECIAL EXCEPTION PERMIT PER METZO SECTION 17.16.170 (E) FOR COTTAGE COVE URBAN MINISTRIES. BUSINEESS OPERATES UNDER TCA CODE 71-3-503. POC BRENT MCDONALD 615-292-2303.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



# Metropolitan Government of Nashville and Davidson County, Tennessee Department of Codes and Building Safety



800 Second Avenue South, Nashville, TN 37210

# BUILDING USE & OCCUPANCY / CAUO - T2019059983 Permit Tracking Checklist

PARCEL: 14716002100 APPLICATION DATE: 10/01/2019 PERMIT TRACKING #: 3718200

**SITE ADDRESS:** 

4908 AQUATIC RD NASHVILLE, TN 37211

LOT 3 SEC 5 WHISPERING HILLS

PARCEL OWNER: COTTAGE COVE CO. CONTRACTOR:

**APPLICANT:** 

#### **PURPOSE:**

Applicant states there will be no construction. this permit to use existing former residence for COTTAGE COVE URBAN MINISTRIES. this ministry operates under TCA code 71-3-503. POC BRENT MCDONALD 615-292-2303. SPECIAL EXCEPTION REQUIRED PER METZO SECTION 17.16.170 (E).

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

Before a Building Permit can be issued for this project, the following approvals are required.		
[A] Site Plan Review		
[A] Zoning Review		
[B] Building Plans Received	615-862-6614 teresa.patterson@nashville.gov	
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov	
[B] Building Plans Review	615-862-6581 Teresa. Patterson@nashville.gov	
[B] Fire Life Safety Review On Bldg App	615-862-5230	
[B] Fire Sprinkler Requirement	615-862-5230	
[B] Fire Sprinkler Review On Bldg App	615-862-5230	
[B] Fire Alarm Requirement	862-5230	
[D] Grading Plan Review For Bldg App	615-862-7225 mws.stormdr@nashville.gov	
[E] Cross Connect Review For Bldg App	615-862-7225 mws.ds@nashville.gov	
Grease Control Review On Bldg App	615-862-4590 ECO@nashville.gov	
[E] Sewer Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov	
[E] Sewer Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov	
[E] Water Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov	
[E] Water Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov	
[F] Address Review On Bldg App	615-862-8781 bonnie.crumby@nashville.gov	
[F] Ramps & Curb Cuts Review For Bldg A	615-862-8782 PWPermitsl@nashville.gov	
[F] Solid Waste Review On Bldg App	615-862-8782	
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review	615-862-6488 stephan.kivett@nashville.gov	
BZA Hearing	615-862-6505 Debbie.Lifsey@nashville.gov	

# **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 rewarding 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. Jam aware that I am required to conduct a community meeting.

APPELLANT

DATE

ept 29/19

# **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 RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

APPELLANT (OR REPRESENTATIVE)

DATE



September 30, 2019

Bill Herbert, Zoning Administrator Metro Government of Nashville and Davidson County Department of Codes and Building Safety 800 2<sup>nd</sup> Ave. South Nashville, TN 37210

Dear Mr. Herbert,

We are seeking a permit to utilize our property at 4908 Aquatic Road in Nashville as an additional location for our religious charity to hold small group classes for mostly school-age children and youth. To provide easy access for the at-risk children we help it is necessary to geographically position ourselves close to the schools from which we draw these students after classes. This Aquatic Road property, though in a residential neighborhood, is a short walk from Tusculum Elementary School, where 95% of the children are classed low-income and a majority are visible minorities (52% Hispanic, 17% Asian, 13% Black).

Cottage Cove Urban Ministries exists to provide educational opportunities including Bible Study and academic assistance, life skills instruction, and training in the arts, through the power and in the name of Jesus Christ. As a Christian organization our staff and volunteers (representing many Christian denominations) provide free daily after school programs where we can share the love of Jesus and help the precious children and youth to not merely survive but rather to thrive. Cottage Cove is presently celebrating 25 years of ministry, helping the "little ones" and "the least of these (Matthew 10:42; 25:31-46)." Our present locations are in the Vine Hill and Madison areas of Nashville. Cottage Cove functions under the leadership and guidance of an independent board of directors, men and women, each committed to our Christian purpose and ministry. We are a 501(c)3 religious organization.

The location at 4908 Aquatic Road includes a large house including, relative to properties in the area, a large surrounding and fenced yard. The house and already fenced yard are ideal for our out-of-school programs. Our programs are easily accommodated in a residential area as they aren't disruptive and are of short duration daily. Per the Tennessee Department of Human Services, we operate our religious educational programs under Tennessee Code Annotated § 71-3-503, with our children and youth programs operating less than three hours each day. As already mentioned, the property is a short walking distance from the nearest school with lower-traffic streets providing accessibility (and keeping the children away from Nolensville Road). The property already includes paved and lined parking for 12 vehicles, more than enough for current regulations, though we would rarely utilize anywhere near that as the children and youth we serve don't drive.

We are seeking to begin offering programs in this new location, at the latest, as the school year begins in August of 2020. We believe that our presence in the neighborhood will be a blessing and positive addition. Our twenty-five years of experience shows that intervening in children's lives at a young age

makes a great difference both spiritually and academically, both which will have a positive impact on this city and county. Our out-of-school classes are a proven life-changing program providing a safe and caring alternative for children being left at-home alone and at-risk for criminal behaviors including gang activity.

If you would like to see more about the programs Cottage Cove offers, please see our website: www.CottageCove.org.

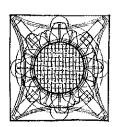
We are looking forward to a positive response from Metro Department of Codes and Building Safety.

Sincerely,

Brent MacDonald, Executive Director

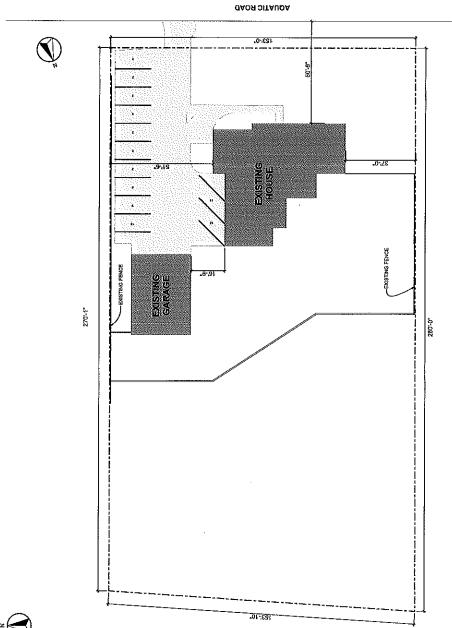
Cottage Cove Urban Ministries

4908 Aquatic Rd NASHVILLE TENNESSEE



# ARCHITECT, LLC SCOTT WILSON

317 Main Street, Suite 202 Franklin, TN 37064 (615) 377-9131 office www.scottwilsonarchitect.com



 $\frac{\text{SITE PLAN}}{1"=30'}$ 



**LOCATION MAP** 

4908 Aquatic Road Nashville, TN 37211

#### BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE:

Brent MacDonald

4908 AQUATIC RD

Appeal Case 2019-486

Map Parcel:

14716002100

Zoning Classification:

RS10

#### ORDER

This matter came to be heard in public hearing on 11/21/2019, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to occupy an existing space for a religious charity.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 D of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150 and 17.16.170 E.

It is, therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions: 1. The appellant must comply with parking requirements as set forth in the Metro Code and there shall be no on-street parking. 2. Signage is restricted to that which is allowed by the Metro Code. 3. Outside activities are limited to the backyard. 4. If in the future the use expands beyond a religious-based after-school program and summer program or if the scope of those programs change, the appellant must re-apply for a special exception. 5. The appellant may temporarily have up to 25 children on site at any given time. The appellant must work with the Councilmember to develop a proposal for a cap on the number of children allowed on site at any one time on a permanent basis. 6. The appellant must provide a traffic plan describing how children will get to and from the site and how their safety will be protected. 7. The appellant must present the proposal agreed to with the Councilmember as well as the traffic plan to the board on 12/19/19 at which point a final determination as to maximum number of children allowed will be made.

UPON MOTION BY: David Taylor

Ayes: Ashonti Davis, Cynthia Chappell, Alma Sanford Nays:

Abstaining:

Absent: Christina Karpynec

ENTERED THIS 24 DAY OF November

METROPOLITAN BOARD OF ZONING APPEALS

Seconded By: Ross Pepper



### **METROPOLITAN COUNCIL**

Member of Council

# Robert Nash Councilmember, District 27 508 Ashley Drive • Nashville, TN 37211 Bob.Nash@nashville.gov

December 12, 2019

Chairman David Taylor and Members Metropolitan Board of Zoning Appeals Metro Office Building Post Office Box 196300 Nashville, Tennessee 37219-6300

RE: Appeal Case Number 2019-486, Request for a special exemption permit for Cottage

Cove Urban Ministries in regard to the property at 4908 Aquatic Drive.

Dear Chairman Taylor and BZA Board Members,

At the BZA meeting of November 21, 2019, the Board asked that Mr. Brent McDonald, the executive director of Cottage Cove, and I attempt to come to an agreement regarding two items; 1) a traffic plan and 2) an agreement on maximum occupancy. Mr. McDonald and I met on Monday, November 25, 2019 and discussed those two issues. I suggested that Mr. McDonald would ease neighbors' concerns greatly if he could be more definitive in the scope of his program and his transportation and student attendance needs. Mr. McDonald seems to prefer a much less structured approach and firm commitments; I assume because he does not want to limit his options. I suggested that he might put some language together such that he could state target numbers for attendance and offer to adjust his enrollment if Cottage Cove exceeded those numbers a certain number of times within a given window period. I also suggested to Mr. McDonald that if needed the option to walk children to his facility that he be clear about safety measures and supervision. I offered to let Mr. McDonald present the first written offer on these two outstanding conditions.

On December 3<sup>rd</sup>, I received an email from Mr. McDonald with his proposals. I forwarded those proposals to the neighborhood group for their consideration. The neighbors were unanimous in their opinion that the attendance figure of 32 students, and on occasion as many as 36 students, was too many children and would subject the neighborhood to unacceptable levels of traffic and would create safety concerns. Mr. McDonald was also very general in his traffic plan. There was only a vague statement on the use of the Cottage Cove multi-passenger vehicle and a vague statement about the rules regarding supervision and escort of children walking to the facility.

On December 9<sup>th</sup>, I sent Mr. McDonald a counter-proposal, with tighter language that I felt would be acceptable to the neighbors and to Mr. McDonald.

Office: 615/862-6780

December 12, 2019 Page 2

These are the proposals:

#### **Traffic Plan**

Mr. McDonald proposes, "Notwithstanding the use of Cottage Cove's multi-passenger vehicles as a primary means of this transportation, Cottage Cove may find need to walk these students from TES – again in a well supervised manner commensurate with the number of students being escorted."

# The neighborhood would like a much more definitive statement such as:

Cottage Cove shall make its multi-passenger vehicles the primary means of transportation both to and from Tusculum Elementary School, or similar facility, that allows appropriate, safe and efficient ingress and egress for children attending its program.

A firm commitment by Cottage Cove to using your multi-passenger vehicles to pick up and drop off children at a nearby facility with better parking and better ingress and egress for traffic greatly reduces the neighborhood's concerns about traffic congestion issues and children walking in unsafe areas.

2) Also, the neighborhood would like to see a more detailed policy regarding what is meant by "a well supervised manner commensurate with the number of students being escorted."

### The neighborhood would propose the following:

- a) No child under 13 will be allowed to walk to Cottage Cove unless accompanied by a responsible person age 18, or older.
- b) In the event children will be walking from Tusculum Elementary School, or other similar location, there will be one responsible person age 18, or older, to escort no more than two of the children.

See the enclosed pictures. These proposals are based on there being very little shoulder on Whispering Hills Drive. Children will either be forced to walk in the road in or in someone's yard.

#### Attendance

Cottage Cove is proposing a total enrollment of 48 students. However, Cottage Cove still will not commit to a program structure that will define what that means for daily attendance. You state, "Such enrollment results in maximum typical daily attendance of 34 students. Statistically, a few days per year this could spike by a few students. Therefore, Cottage Cove is willing to limit our maximum capacity to 36 students in the facility at any time." The neighborhood finds

December 12, 2019 Page 3

this number of students unacceptable. This is especially true since you will not commit to using your multi-passenger vehicles in transporting students. In our conversations, you have mentioned that student parents often carpool. Even if parents transported 3 students each (a highly optimistic premise) that means Cottage Cove would have at least 12 vehicles trying to access Cottage Cove at the start or end of the given day. One would also assume that such attendance would require 4 to 6 staff members and their vehicles would also have to be accommodated. With only 13 parking spaces, the neighbors feel it highly likely to cause traffic congestion. There is only one driveway in and out of the Aquatic Drive facility. This also would add to the difficulties in a well-organized flow of traffic in and out of the facility.

Although Cottage Cove is not designated a day care, the neighborhood believes that Cottage Cove's mission mirrors a day care in many aspects of its ministry. Consequently, the neighbors believe the day care attendance regulations can be used to inform this discussion. These rules are based on sound experience and safety considerations.

### Therefore, the neighborhood proposes the following:

- 1) The maximum daily attendance for any given day will be no more than 25 students.
- 2) If Cottage Cove should exceed the maximum attendance of 25 more than 5 days in any given 4-week period, it shall reduce its total enrollment to prevent such excessive attendance.

On December 10<sup>th</sup>, I received a second email from Mr. McDonald in which he in essence said that we were at impasse.

Therefore, I submit the bolded proposals above to the Board for your consideration as reasonable conditions for the Cottage Cove. I thank you for your attention to this matter.

Respectfully submitted,

Robert Nash

Council Member, District 27

John Duch

Enclosures: Photos of Whispering Hills Drive and Millerwood Drive and emails between

Mr. McDonald and Council Member Nash

### Nash, Bob (Council Member)

From:

brent@cottagecove.org

Sent:

Tuesday, December 10, 2019 9:31 AM

To:

Nash, Bob (Council Member)

Subject:

RE: 4908 Aquatic Road

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

#### Counselor Nash,

Thank you for taking the time to meet with me last week. I looked forward to coming to a reasonable understanding on the issues of transportation and attendance. But, it seems, that your group is not willing to negotiate in good faith and would only be satisfied in setting terms that would negatively hinder ministry at this location (trying to use this as an end-run to keep us from operating here though the special exemption was granted. Even the one neighbor that accompanied you only wanted to revisit the originally granted exemption rather than consider reasonably going forward. Their continuing to display signs opposing the already granted special exemption further proves this point).

Even as we spoke, you gave indication that my providing a fixed reasonable value of students would be valuable and seriously considered. I, at the time, even stated that my feeling was that no matter what number I gave, these opposing neighbors would want lower. You suggested I give a (still too low) value of 30. So, hoping that level heads could prevail, I did give the smallest number we could justify for a viable ministry model, 36. Obviously, you were unable to even have them move to, or toward, your originally suggested 30 in a counterproposal. Plus, your letter then mocked our proposal by saying "Cottage Cove still will not commit to a program structure that will define what that means for daily attendance," though we did... 36. I didn't hedge this; I unequivocally stated a "maximum capacity" of "36 students in the facility at any time." We were willing to move downward from the full 48 I first mentioned in our meeting; these opposing neighbors only appear willing to move downward from the already too restricted and non-viable 25.

Further, without examining the many misconceptions in the returned travel plan, the opposing neighborhood's demand that Cottage Cove have a 2 to 1 walk ratio fully displays the absurdity of this proposal. This ratio isn't maintained by the neighbors walking their own children in the neighborhood, nor is there an anywhere-close-to-this ratio imposed or maintained on normal school age children by commercial, educational, church, or non-profit organizations anywhere in the city or state. The unreasonableness of such a proposal proves we have nowhere to continue negotiating. (In fact, I'm sure if we said we'd implement this unheard-of 2 to 1 ratio their next statement would be that this added supervision guarantees we wouldn't have enough parking, so we should have less children. Circular no-win reasoning has been part of their opposition from the beginning).

To continue any discussion, I would need some indication that your opposing neighbors' sub-group would be willing to negotiate in good faith. Speaking with you and hearing possibility of compromise, only to have it subsequently overruled by the intractable opposing neighbors is wasting your time and mine. We feel it will be better use of my time to appeal to the common sense and legal underpinnings of the BZA on these issues, or – if necessary – to appeal them in a court of law. Maintaining a viable ministry model is necessary or there will be no ministry (and viable must be anchored in fact and not based on other's opinions). Sadly, "no ministry" appears to be all these opposing neighbors would be satisfied with.

Sincerely,

Rev. Brent MacDonald

**Executive Director** 



brent@cottagecove.org 615-292-2303 Ext 101 www.CottageCove.org

From: Nash, Bob (Council Member) < Bob. Nash@nashville.gov>

Sent: Monday, December 9, 2019 7:55 AM

To: brent@cottagecove.org
Subject: RE: 4908 Aquatic Road

Mr. McDonald,

Again, thank you for your timely response as we try to come to agreement on a traffic plan and maximum number of students at you Aquatic Drive property. I promised to get back with you after conferring with the neighbors in the Aquatic Drive area.

Although your proposal offers more transparency than our past discussions, there is still a lack of specificity that troubles your neighbors. Let me share some examples and offer some counter-proposals:

#### Traffic Plan

1) You state, "Notwithstanding the use of Cottage Cove's multi-passenger vehicles as a primary means of this transportation, Cottage Cove may find need to walk these students from TES – again in a well supervised manner commensurate with the number of students being escorted."

The neighborhood would like a much more definitive statement such as:

Cottage Cove shall make its multi-passenger vehicles the primary means of transportation both to and from Tusculum Elementary School, or similar facility that allows appropriate, safe and efficient ingress and egress for children attending its program.

A firm commitment by Cottage Cove to using your multi-passenger vehicles to pick up and drop off children at a nearby facility with better parking and better ingress and egress for traffic greatly reduces the neighborhood's concerns about traffic congestion issues and children walking in unsafe areas.

2) Also, the neighborhood would like to see a more detailed policy regarding what is meant by "a well supervised manner commensurate with the number of students being escorted."

The neighborhood would propose the following:

- a) No child under 13 will be allowed to walk to Cottage Cove unless accompanied by a responsible person age 18, or older.
- b) In the event children will be walking from Tusculum Elementary School, or other similar location, there will be one responsible person age 18, or older, to escort no more than two of the children.

I will provide you with pictures soon. These proposals are based on there being very little shoulder on Whispering Hills Drive. Children will either be forced to walk in the road in or in someone's yard.

#### **Attendance**

Cottage Cove is proposing a total enrollment of 48 students. However, Cottage Cove still will not commit to a program structure that will define what that means for daily attendance. You state, "Such enrollment results in maximum typical daily attendance of 34 students. Statistically, a few days per year this could spike by a few students. Therefore, Cottage Cove is willing to limit our maximum capacity to 36 students in the facility at any time." The neighborhood finds this number of students unacceptable. This is especially true since you will not commit to using your multi-passenger vehicles in transporting students. In our conversations, you have mentioned that student parents often carpool. Even if parents transported 3 students each (a highly optimistic premise) that means Cottage Cove would have at least 12 vehicles trying to access Cottage Cove at the start or end of the given day. One would also assume that such attendance would require 4 to 6 staff members and their vehicles would also have to be accommodated. With only 13 parking spaces, the neighbors feel it highly likely to cause traffic congestion. There is only one driveway in and out of the Aquatic Drive facility. This also would add to the difficulties in a well-organized flow of traffic in and out of the facility.

Although Cottage Cove is not designated a day care, the neighborhood believes that Cottage Cove's mission mirrors a day care in many aspects of its ministry. Consequently, the neighbors believe the day care attendance regulations can be used to inform this discussion. These rules are based on sound experience and safety considerations.

Therefore, the neighborhood proposes the following:

- 1) The maximum daily attendance for any given day will be no more than 25 students.
- 2) If Cottage Cove should exceed the maximum attendance of 25 more than 5 days in any given 4-week period, it shall reduce its total enrollment to prevent such excessive attendance.

The neighborhood believes that is a reasonable condition. It provides for 4 groups of 6. It will reduce traffic congestion and safety concerns.

I pray you will give these proposals your serious consideration.

Sincerely yours,

Robert Nash

From: brent@cottagecove.org <br/> brent@cottagecove.org>

Sent: Tuesday, December 3, 2019 3:34 PM

To: Nash, Bob (Council Member) < Bob. Nash@nashville.gov>

Subject: 4908 Aquatic Road

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

Bob,

Here's what we feel are very reasonable provisions for traffic, transportation, and attendance for Cottage Cove at 4908 Aquatic Road (see below).

**Brent** 

Brent MacDonald Executive Director



Cottage Cove Urban Ministries 630 Benton Ave. Nashville, TN 37204

brent@cottagecove.org 615-292-2303 Ext 101 www.CottageCove.org

#### Transportation

Cottage Cove has safely transferred children from their elementary school to Cottage Cove's facilities for 25 years – all without incident – both in areas with and without sidewalks, including portions along high traffic main streets. In similar manner, with sufficient mature supervision, Cottage Cove's staff and volunteers will safely escort any children given to our custody at Tusculum Elementary School (TES). Notwithstanding the use of Cottage Cove's multi-passenger vehicles as a primary means of this transportation, Cottage Cove may find need to walk these students from TES – again in a well supervised manner commensurate with the number of students being escorted.

For the record, Cottage Cove students are taught how to walk properly along roadways. Unlike schools or day cares, attendance in our program is a revocable privilege. Parents and students are aware that a child misbehaving during walking, potentially placing themselves or others in harm's way will result in their suspension or possible termination from our program.

We determine and continually adjust required supervision levels based on three factors:

- #1. The number of students walking
- #2. The ages and experience of the students walking (for example, a new kindergartner in our program requires more immediate supervision than a child in grade four that has been attending for 4 or 5 years. This is also why we highly limit how many kindergartners are eligible to be in our program annually).

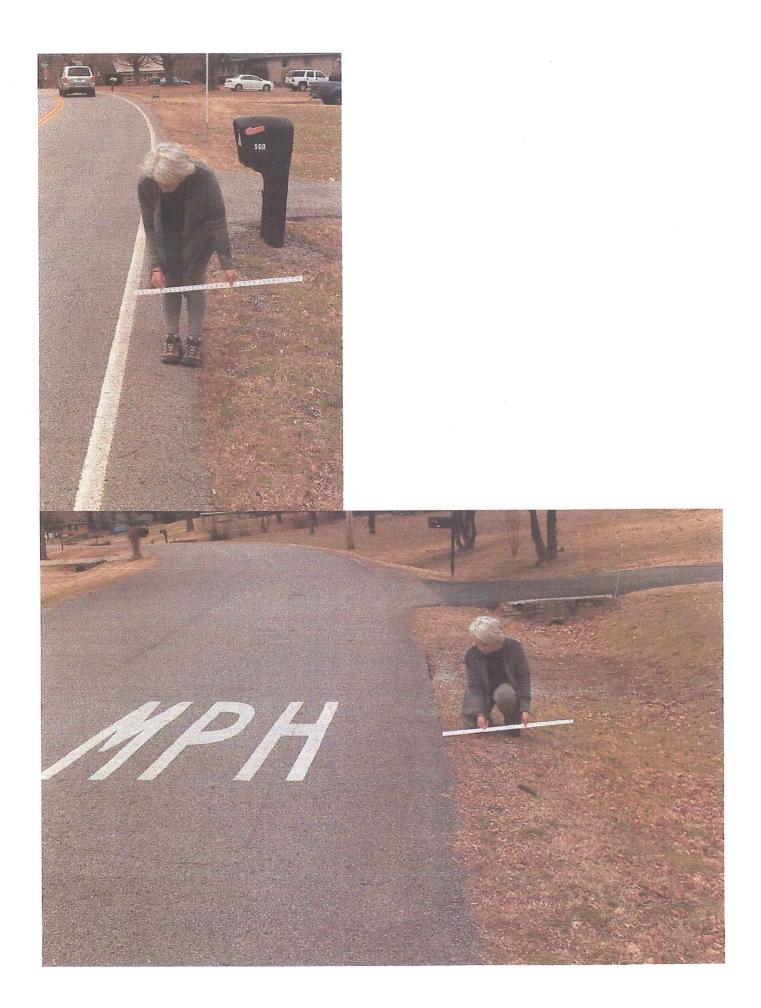
#3. The behavioral consistency of the students walking (for example, a student known to be erratic or inconstant in their behavior may need an adult as their designated walk partner).

Our maintaining safety is paramount to our program – if we didn't, parents wouldn't want their children in our programs and Cottage Cove would be open to liability claims.

#### Attendance, parking and traffic flow

Cottage Cove's daily attendance fluctuates continually due to factors outside our control. This ranges from school activities and extracurricular activities to illness, medical appointments, or undefined absences. Enrolled elementary students have a minimum three days per week attendance requirement and middle school students maintain two days per week. Our planned maximum enrollment for this location, across all ages, is 48 students – something that will take perhaps a few years to attain (as we start with a small number and develop a positive peer group over time. Plus, this distributes our attendance across a broader range of ages). Such enrollment results in a maximum typical daily attendance of 34 students. Statistically, a few days per year this could spike by a few students. Therefore, Cottage Cove is willing to limit our maximum capacity to 36 students in the facility at any time. Such a capacity limit will still allow us to optimally utilize this 3,000 square foot facility and volunteers coming to assist in program options (4 groups of 9 – also typically meaning 9 students are the most that would be on the playground at any time).

In assuring the neighborhood that our parking is sufficient for parental pickup, without parking along the street (as presently prohibited), our years of experience show that most parents are picking up multiple students, whether siblings, cousins, or neighbors. Our 13 lined parking spots will be ample for those picking up the students in our program. Cottage Cove will monitor this carefully and if parking becomes problematic, we will adjust or limit our program's attendance to assure program dismissal doesn't present a parking and traffic problem for the neighborhood.





From: Marcia Karg

To: <u>Board of Zoning Appeals (Codes)</u>

Subject: #2019-486

**Date:** Thursday, December 12, 2019 12:15:48 PM

As the process continues and the subsequent meeting with Mr. Brent MacDonald approaches regarding transitioning 4908 Aquatic Drive to an after school program through a religious exemption I would like my thoughts and concerns noted.

My husband and I live at 4905 Millerwood Drive. We view the property in question from our front door. While it is undeniable that Cottage Cove will take up operation in this residential area, we feel the zoning board needs to consider Mr. MacDonald's request.

It seems that the total number of students desired to be served in this program continues to rise in count. If 35 students utilize this program from Tusculum Elementary, then a caravan of single file students will be walking a dangerous path from the corner of McMurry/Whispering Hills to Millerwood Drive. There are no sidewalks and the berm of the road is very narrow with the road to the right and drainage easement to the left of walkers. This is a dangerous path for adults to walk on this particular stretch of road let alone children who you cannot be expected to make good judgement calls. Of course, following the rules of walking toward on-coming traffic means that the children will also have to cross Whispering Hills at Millerwood to walk to Cottage Cove. There is no crosswalk and the traffic is often exceeding the speed limit. When 30+ youngsters are crossing at this point who will guarantee that oncoming traffic is prepared to meet this event. The road does not offer good visual preparation to oncoming drivers. Safety should be a priority. And walking from TE to CC is not in the best interest of anyone. (The students, supervisors, drivers, or residents)

Mr. MacDonald offers a program of benefit to many. But the decision to place this program at 4908 Aquatic does not seem to be logical. It might be logical in what that building has to offer, but it is not logistically a sound decision. And what happens when the program day is over and 30 plus children are being picked up? Must our neighborhood be inconvenienced by traffic jams?

With respect - please consider the safety of all.

Marcia Y. Karg 4905 Millerwood Drive Nashville, TN 37211 615-500-6470

#### 4908 Aquatic Road- Case 2019-486

I am writing this email in response to the October meeting where the special exemption for Cottage Cove to run an after school program at 4908 Aquatic Road, Case 2019-486, was approved but the board expressed a desire for the neighborhood and Cottage Cove to reach, or work towards, and agreement for number of students and a transportation plan. Our council rep, Bob Nash, and Mr. McDonald sat down for a meeting around 12/2. At that meeting Mr. MacDonald and Mr. Nash were unable to agree, therefore Mr. Nash asked Mr. MacDonald to submit his full plans for the property in writing. We received this plan on 12/3. This plan indicated that they had determined that the property can hold 48 students which would result in a daily attendance of around 34 students, which might spike on occasion. He indicated that he could limit the daily attendance to 36. He indicated that he would run 4 smaller groups of 9. Furthermore, he stated "notwithstanding the use of Cottage Cove's multi-passenger vehicles as a primary means of this transportation, Cottage Cove may find a need to walk these students from TES- again in a well supervised manner commensurate with the number of students being escorted."

Based on this proposal the neighbors of Millerwood, Aquatic, and Purnell discussed and determined that based on the fact that he will not commit to only use his vans to transport we are not able to agree to the increase of children. At the past meeting it was asked where our number 15 came from, but we were not able to speak to explain our reasoning due the expiration of time. Our number has been set at 25 since the BZA meeting as we, like you, believe that Cottage Coves program mirrors a daycare and that the number or students should fall within those guidelines. 25 is also a compromise for us as we were originally at 15. The number 15 came from our meetings with Cottage Cove. During a lunch at our neighbor Barry's house with Niki Boston (future Niki Olsen) and Shelley Armstrong present Mr. MacDonald stated 6-7 children (he admitted this to Nash during this sit down meeting but indicated he MEANT to say to start, a statement he failed to say). When we held the community wide meeting at Tusculum elementary MacDonald indicated he would target "20 kindergarten students ideally" (now he is saying his limits his kindergarten enrollment due to walking concerns.) The 15 was our halfway number, higher than the 6 or 7 he started with but lower than the 20 5 year olds he said at one point. After the bza meeting we felt that 25 was a compromise and a fair number, a number the state has already stated is appropriate for daycare, which Cottage Cove mirrors. Now we learn that he originally planned to have 48 students on the site. Personally, I have a hard time understanding how that number can safely walk to that property with approximately 5 adults (he has stated approximately 4 groups of 9 and I am assuming at least one paid staff will be on site) or purposefully utilize the house. I have worked in MNPS schools for 15 years and have been at Tusculum for the past 11, so I know this population well. If we attempted to take 48 students on a field trip we would have more than 5 adults, and never would we walk on a street with no sidewalk, like Whispering Hills (see attached pics). When I ask teachers what ratio they aim for on field trips with elementary students the state one adult for every 4 or 5 kids. In addition, Mr. MacDonald will not elaborate, as asked, for the type of volunteers who will be walking with the students. He has often stated he utilizes high school students and that they can received volunteer credit hours there. We have asked that he clarify that if they are walked that there will be multiple people over the age of 18 with the group and to elaborate on the number of kids who will walk per adult. Due to the fact his unwilling to elaborate past his first proposal, the community is asking that the board consider asking him to commit to driving the students from Tusculum (of McMurray) to avoid the dangers of walking young children on Whispering Hills and to remove the chance of the children making bad decisions and messing with the property of the neighborhood. It is our opinion that once something bad happens (injury or worse) we can not go back and change the requirements, so we must

#### 4908 Aquatic Road- Case 2019-486

make sure to do what we can prior to the finalization to ensure this is safe for the children and the neighbors. Finally, while the students capped at 25 seems the most logical based on the daycare rules, If asked to only drive the students than I could be persuaded to raise the number to 30 students. Again, the number of 30 logically makes sense as he has mentioned his vans hold 15 students, so this would allow him to get all students in one trip if he utilizes both of the vans at the same time. Tusculum has many programs that pick up students, and none that walk. Furthermore, the neighborhood asks that middle school students not be allowed to walk alone as 5-8th graders can get into a lot of trouble when they are not escorted. He has often indicated that middle school students would not be escorted by adults and this concerns the neighborhood. We understand that if students of Creve Hall who live in Northcrest Commons, the planned urban development of townhomes at the end of Aquatic on Northcrest, choose to walk we would be ok with that. I will say that during our last meeting Mr. MacDonald referred to them as apartments; however, they are a planned urban development and they limit renting to less than 13 units in the whole development. Furthermore, their HOA indicates they are currently below that limit of 13 units rented. Finally, those townhomes are selling for 235,000 -237,000, while not a lot in today's market it is a far cry from the parameters of at risk set by cottage cove (renters, low ses, visible minorities, and single mother households). Finally, they have a strict no soliciting policy so he will not be able to go door to door as he has in the past.

In summary, we have not been able to reach an agreement with Cottage Cove at this time. While his newest proposal is more transparent, we are asking that the board require him to drive the students from the school due to safety concerns. While there may a day where walking is necessary, ie the buses are broken down, it should not be more than a day here or day there. His current proposal leaves to much ambiguity in regards to walking. He often indicates that what volunteers do or don't show up influences what he has available, which concerns us as if they are walking they could be understaffed if someone is running late. Families from Northcrest Commons may walk, it is the large groups coming from Tusculum and McMurray and going down Whispering Hills that are our main concern. Furthermore, while the neighborhood believes strongly that 25, the daycare regulation, makes the most logical sense and is a number the community could be in agreement. From a personal opinion if the requirement to utilize the multipurpose vans as the sole means of accessing the property (minus walking from Northcrest Commons and possibly a day when the van is broken down) I could be persuaded to support the number increase to 30 students. Many more than that does not logically make sense, as the groups will be so large that there will be no possible increased academic outcomes and the house will surely feel crowded. I hope the board the will seriously consider the safety concern of those who will be the most affected by this special exemption.

Thanks,
Jennifer Polk
4908 Millerwood Drive
Nashville, TN 37211

# 4908 Aquatic Road- Case 2019-486

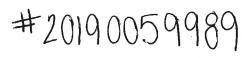


# 4908 Aquatic Road- Case 2019-486



# 4908 Aquatic Road- Case 2019-486





To Whom It May Concern,

My fiancé and I live at 4900 Aquatic Rd. 2 doors down from Cottage Cove. Neither one of us are in agreement with their proposal. We have been in talks to negotiate with Cottage Cove via Bob Nash with many other neighbors. Unfortunately, we cannot attend the meeting on December 19<sup>th</sup> as we will be in Charleston South Carolina to get married. But I stand behind my neighbors who will be in attendance.

When we first moved in to 4900 we were invited by a fellow neighbor to a simple lunch to get to know the neighborhood. At this lunch, Cottage Cove was in attendance. We had no idea what was going on and this was the first time we learned of any rezoning for our neighborhood. At that meeting Mr. Mcdonald told us that there would only be about 7 kids at the home and his hopes would be in the long-term years to *possibly* be able to grow it to 24-25. Reading his proposal of 36 kids (which might spike at times) infuriates me as I feel I am being lied to over and over again.

#### 1)Parking.

He has previously submitted documents of having 12 paved parking spots (which were NOT in existence when my fiancé and I moved into our home). Those parking spots and the additional concrete were added after Cottage Cove bought the house, and before any rezoning took place. He has mentioned to Bob Nash in his letter that there are 13 paved parking spots and in Bob Nash's response the number is grew to 14. Again, infuriating as we cannot get a straight answer. If you look at his proposal of 36 kids plus 4 volunteers his math of the traffic and parking does not add up. My understanding of the take away from the meeting on the 21st was that the board limited Cottage Cove to a maximum of 25 people in the house. If and only if he could give verified reasons and a specific flow of traffic/transportation plan would they approve more. The neighborhood has stood by the boards decision. I feel 25 is a very generous offer as if he were a licensed care home, he would be limited to 7 and if he did a Group Home Care, he could have 15 maximum. From his proposed plan he has done neither and I hope the board keeps their word. Our quiet residential street should not be forced to succumb to 36 kids (which he says could spike periodically), plus volunteers on a daily basis. Not only is this a huge burden to the neighbors, sewer, power gird and waste system but it is also putting an additional burden on our already stressed traffic area.

#### 2. Transportation.

There are many reasons why we are not zoned for Tusculum Elementary. One of which is the fact that is was deemed unsafe for our children to walk to and from the school from our neighborhood homes safely. Mr. McDonald repeatedly says "But the neighbors walk around daily." Yes, this is correct. We walk up and down Aquatic and the loop of Millerwood, Purnell, Aquatic. We do not walk Whispering Hills or Northcrest because it's not safe with traffic. The roads of Whispering Hills and Northcrest are the roads these children would have to walk down to get to 4908 Aquatic. This is why we, and our surrounding neighbors including the condo neighborhood across the street have parents walking their kids to the bus stop to get on and off the bus for Crieve Hall Elementary. I drive down the roads these kids would be walking from Tusculum to 4908 Aquatic Rd and it terrifies me. We have no sidewalks. The roads are windy and they have additionally been deemed by metro a top priority for their traffic calming project singling them out as the most congested and unsafe for pedestrians in Davidson County. If Metro has already deemed it unsafe, who is Cottage Cove to defy them and put those children at risk.

With the transportation, I contacted the Child Care Hotline and spoke to Mary Cruz to get more information. She told me that it is very rare and extremely difficult to run an afterschool program that is exempt from being licensed for operating under 3 hours a day. This is because the time starts the

minute the kids reach the vehicle. I believe this is why Mr. McDonald is fighting the use of the vans he has and wants the kids to walk with other "school aged" children. If they walk how he proposes, the time doesn't start until kids reach the house. He is not worrying about the safety of the children, rather worrying about having to become a licensed operation because he can't run in his program in the allotted time slot.

I have additional questions that come up with as I've been researching. To be exempt from being a licensed child care provider, (under the law Mr. McDonald has stated), the TN law states:

Every program claiming to be exempt under Tenn. Code Ann. § 71-3-503(a) must continually meet the criteria in the exempt category. If your program was granted a previous exemption that has expired, or there have been any changes to the program since it was approved as exempt, you must submit an updated request. Exemptions are valid only at the program address to which they were granted. If your program relocates, you must also submit a new exemption request. Please submit requests and supporting documentation at least sixty (60) days prior to operation to allow time for TDHS review. <a href="https://www.tn.gov/humanservices/for-families/child-care-services/how-to-become-a-licensed-child-care-provider/procedures-for-requesting-an-exemption-from-licensure.html">https://www.tn.gov/humanservices/for-families/child-care-services/how-to-become-a-licensed-child-care-provider/procedures-for-requesting-an-exemption-from-licensure.html</a>

I would like to know if Mr. McDonald has filed this. It also states you cannot be exempt simply because you operate on a part time basis:

(2) No program or activity shall be exempt from licensing solely for the reason that the care and supervision of children that constitutes child care is offered only on a part-time or periodic basis

And Furthermore, it also states that:

(3) The primary purpose of the program or activity is not routinely available or could not be made routinely available in the typical child care settings regulated by the department;

#### And

(d) (1) The department shall not be required to grant exemptions to programs or activities that offer otherwise exempt opportunities or services as a mere component of a program or activity that the department determines primarily constitutes substitute child care.

Speaking to the (3) as I look at Tusculum Elementary's website, there are a multitude of programs that are already "routinely available" for the children: <a href="https://schools.mnps.org/tusculum-elementary-school/">https://schools.mnps.org/tusculum-elementary-school/</a>

Family Involvement & Support Services

- Before and aftercare
   YMCA Fun Company
   615-259-3418 Ext 72525
   McMurray Middle School
   Ms. Deborah Mayberry
   615-333-5126
- Family Resource Center

- Food Bank
- English Language classes
- Clothing Closet
- Parent training classes
- Social and Emotional Learning
- Citizenship Classes
- Communities in Schools

# Extracurricular Activities

- Girl Scouts
- 4th Grade Basketball/Cheerleading
- Marathon Runners
- Disney Musicals

#### Community Partners

- Catholic Charities
- Centerstone
- Christ Church YMCA
- The Church at Antioch
- Faith Reformed Church\*
- FSNB (Fort Sills National Bank)\*
- Grace Fellowship Church\*
- Hillcrest United Methodist Church\*
- Matthew Walker Health Center
- Metro Health Department, Dental Clinic
- Mid Cumberland Childcare Resource and Referral
- MNPS Reading Clinic
- Nashville Adult Literacy Council
- Nashville International Center for Empowerment
- Nashville Public Library
- Office of English Second Language, Translator Services

- PENCIL Foundation Reading and Math Partners
- Second Harvest Food Bank
- South End United Methodist Church
- St Mary's Episcopal Church
- Tennessee Foreign Language Institute
- Thrift Smart
- Tusculum Cumberland Presbyterian Church\*
- Tusculum Hills Baptist Church
- World Relief Refugee Resettlement

I believe Mr. McDonald does not want to become licensed as then he would have to adhere to the limitations it sets on the number of children he can have in the residential home (7-15). We I have emailed and contacted several people on this permit list, and everyone has said I need to talk to zoning. I am strongly against having more children in the home. My personal belief is that he should be limited to a maximum of 15 as stated by the Group Home Child Care law. I think the board and the neighbors are being extremely generous with allowing 25 people.

nikki jo Boston Matthew Olsen 1900 Aquatic Rol

<sup>\*</sup>Denotes PENCIL Partners

Hi Bob,

With everything my fiancé, Nikki Jo Boston listed,

I would also ask and request that Cottage Cove DO NOT cut down any of the large trees in the back yard and change the tree line that is separating our neighborhood from the sound of Nolensville Pike. I request this because Mr. McDonald said he was going to "clean up the trees so the kids can play" and by his continued lies since day 1 I can see him knocking down the trees and changing the landscape and look of our neighborhood. He doesn't live there so what does he care.

Another this is, I request he does not make a gate entry at the dead end. I can see him cutting an open in the fence or making an entry without any approval from anyone on it.

He's going to continue to give gray answers and do whatever he wants because he is above the law since he's using the religious loop hole to benefit his business. And yes it is a BUSINESS. I don't care what he says. If he/they really only cared about the kids then there is plenty of commercial space, spaces at local churches and space at the school for his after school program.

Thanks for all your help!

Matt Olsen

4900 Aquatic Rd

From: MET

To: Board of Zoning Appeals (Codes)

**Subject:** CASE #2019-486

Date: Thursday, December 12, 2019 6:47:18 PM

Good evening. My name is Megan Eyre Terwilliger, and I live at 4900 Millerwood Drive Nashville, TN 37211. My home is directly across the street from 4908 Aquatic Road. As a neighbor to this property, I do not approve the number of 36 children being on that property. That is too many. Furthermore, the owner's plan for transporting a large group of children by walking is not safe in any way. Please do not approve their plans.

Thank you for your time.

Sincerely, Megan Eyre Terwilliger 425.210.2884 From: <u>Nikki Boston</u>

To: Board of Zoning Appeals (Codes)

Cc: <u>Matt Olsen</u>
Subject: CASE #2019-486

**Date:** Thursday, December 12, 2019 8:59:15 AM

Hello,

My fiancé, Matt Olsen, and I live at 4900 Aquatic Rd. 2 doors down from Cottage Cove. Neither one of us are in agreement with their proposal. We have been in talks to negotiate with Cottage Cove via Bob Nash with many other neighbors regarding the number of program attendees and transportation. Unfortunately, we cannot attend the meeting on December 19<sup>th</sup> as we will be in Charleston South Carolina to get married. But I stand behind my neighbors who will be in attendance.

When we first moved in to 4900 we were invited by a fellow neighbor to a simple lunch to get to know the neighborhood. At this lunch, Cottage Cove was in attendance. We had no idea what was going on and this was the first time we learned of any rezoning for our neighborhood. At that meeting Mr. Macdonald told us that there would only be about 7 kids at the home and his hopes would be in the long-term years to *possibly* be able to grow it to 24-25. Reading his proposal of 36-48 kids (which might spike at times) infuriates me as I feel I am being lied to over and over again.

#### 1)Parking.

He has previously submitted documents of having 12 paved parking spots (which were NOT in existence when my fiancé and I moved into our home). Those parking spots and the additional concrete were added after Cottage Cove bought the house, and before any rezoning took place. He has mentioned to Bob Nash in his letter that there are 13 paved parking spots and in Bob Nash's response the number is grew to 14. Again, infuriating as we cannot get a straight answer. If you look at his proposal of 36 kids plus 4 volunteers his math of the traffic and parking does not add up. My understanding of the take away from the meeting on the 21st was that the board limited Cottage Cove to a maximum of 25 people in the house. If and only if he could give verified reasons and a specific flow of traffic/transportation plan would they approve more. The neighborhood has stood by the boards decision. I feel 25 is a very generous offer as if he were a licensed care home, he would be limited to 7 and if he did a Group Home Care, he could have 15 maximum. From his proposed plan he hasn't dont anything to bring clarity to the program and I hope the board keeps their word. Our quiet residential street should not be forced to succumb to 36-48 kids (which he says could spike periodically), plus volunteers on a daily basis. Not only is this a huge burden to the neighbors, sewer, power gird and waste system but it is also putting an additional burden on our already stressed traffic area.

#### 2. Transportation.

There are many reasons why we are not zoned for Tusculum Elementary. One of which is the fact that is was deemed unsafe for our children to walk to and from the school from our neighborhood homes safely. Mr. MacDonald repeatedly says "But the neighbors walk around daily." Yes, this is correct. We walk up and down the dead end street of Aquatic and the loop of Millerwood, Purnell, Aquatic. We do not walk Whispering Hills or Northcrest because it's not safe with traffic. The roads

of Whispering Hills and Northcrest are the roads these children would have to walk down to get to 4908 Aquatic. This is why we, and our surrounding neighbors including the condo neighborhood across the street have parents walking their kids to the bus stop to get on and off the bus for Crieve Hall Elementary. I drive down the roads these kids would be walking from Tusculum to 4908 Aquatic Rd and it terrifies me. We have no sidewalks. The roads are windy and they have additionally been deemed by metro a top priority for their traffic calming project singling them out as the most congested and unsafe for pedestrians in Davidson County. If Metro has already deemed it unsafe, who is Cottage Cove to defy them and put those children at risk.

Again, my fiance and I are STRONGLY against Mr. MacDonalds proposal of additional kids and having them walk to the home from school each day. I believe Mr. MacDonald is flying under the radar as a non licensed care home and does not want to become licensed as then he would have to adhere to the limitations it sets on the number of children he can have in the residential home (7-15). We I have emailed and contacted several people on this permit list, and everyone has said I need to talk to zoning. I am strongly against having more children in the home. My personal belief is that he should be limited to a maximum of 15 as stated by the Group Home Child Care law. I think the board and the neighbors are being extremely generous with allowing 25 people.

Nikki Boston and Matt Olsen 4900 Aquatic Rd From: R. Joe Reich

To: Board of Zoning Appeals (Codes)

**Subject**: #2019-486

**Date:** Thursday, December 12, 2019 1:58:20 PM

As a neighbor of 4908 Aquatic Dr. I urge you to not approve of a plan to allow a daycare of 36 or more children at that location.

Additionally, I sincerely question the wisdom of allowing children to walk or to be walked from Tusculum Elementary School to 4908 Aquatic Dr. There are no sidewalks along that route and Whispering Hills is so heavily trafficked from 3:00 - 7:00pm that MNPS already addressed the issue by zoning our neighborhood as Crieve Hall Elementary School to alleviate that risk.

Regards,

R. Joe Reich (615) 714-5111 arjo.reich@gmail.com 221 Northcrest Commons Cir, Nashville, TN 37211 From: ROY BLACK

To: Board of Zoning Appeals (Codes)
Subject: case #2019-486, 4908 Aquatic RD.
Date: Thursday, December 12, 2019 9:06:18 AM

I live at 501 Purnell DR., been here since 1962, I would like to know why one person can rule over all the tax payers in section 5 Whispering Hills subdivision, Seems like the codes could rule having up to 48 children at one time (he has expressed wanting that many) Can you imagine the noise level, the extra traffic, walking kids to and from. Something is wrong here. Help

Thanks
Roy Black
blackroy@bellsouth.net

### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: FUCHER ENGINEERUN	Date: 10/21/20/9
Property Owner: 4901 / ONTENIMAL PA	mons - 2018-501
Representative: : Tay Furner	_
•	Map & Parcel: <u>0910000 44</u> 00
Council Distri	ict <u>20</u>
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning	
Purpose: Required - spaces. D	from parking requirements,
Activity Type: RESTAURANT	
Location: 4901 CONTENNIA	
This property is in theZone District, is and all data heretofore filed with the Zoning Adand made a part of this appeal. Said Zoning Persuas denied for the reason:	ministrator, all of which are attached
	ARLT SHAPED WITH 3 FRONTS.
Section(s): 17.20.030	
Based on powers and jurisdiction of the Board of 17.40.180 SubsectionOf the Metropolita Special Exception, or Modification to Non-Conforcequested in the above requirement as applied to	an Zoning Ordinance, a Variance, orming uses or structures is here by
JAY FULMEN FULMEN ENGINEER Appellant Name (Please Print)	Representative Name (Please Print)
2007 RICHARD JONES RD Address C304	SAME
NASHVULE, TW 37215 City, State, Zip Code	City, State, Zip Code
615-345-3771 Phone Number	Phone Number
JAY® Fulmenens, com	Email
<b>C</b> 11	
CH ring Examiner	Appeal Fee: \$\\\\ \frac{\omega}{200}\cdot \cdot



# Metropolitan Government of Nashville and Davidson County, Tennessee Department of Codes and Building Safety



800 Second Avenue South, Nashville, TN 37210

ZONING BOARD APPEAL / CAAZ - 20190064597 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 09100004400

**APPLICATION DATE: 10/22/2019** 

SITE ADDRESS:

4901 CENTENNIAL BLVD NASHVILLE, TN 37209

S W COR OF JOHN A. MERRITT BV AND 49TH AVENUE NORTH

PARCEL OWNER: 4901 CENTENNIAL PARTNERS, LLC

CONTRACTOR:

APPLICANT: PURPOSE:

requesting variance from parking requirements. 59 spaces required, 0 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 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.

**APPFII ANT** 

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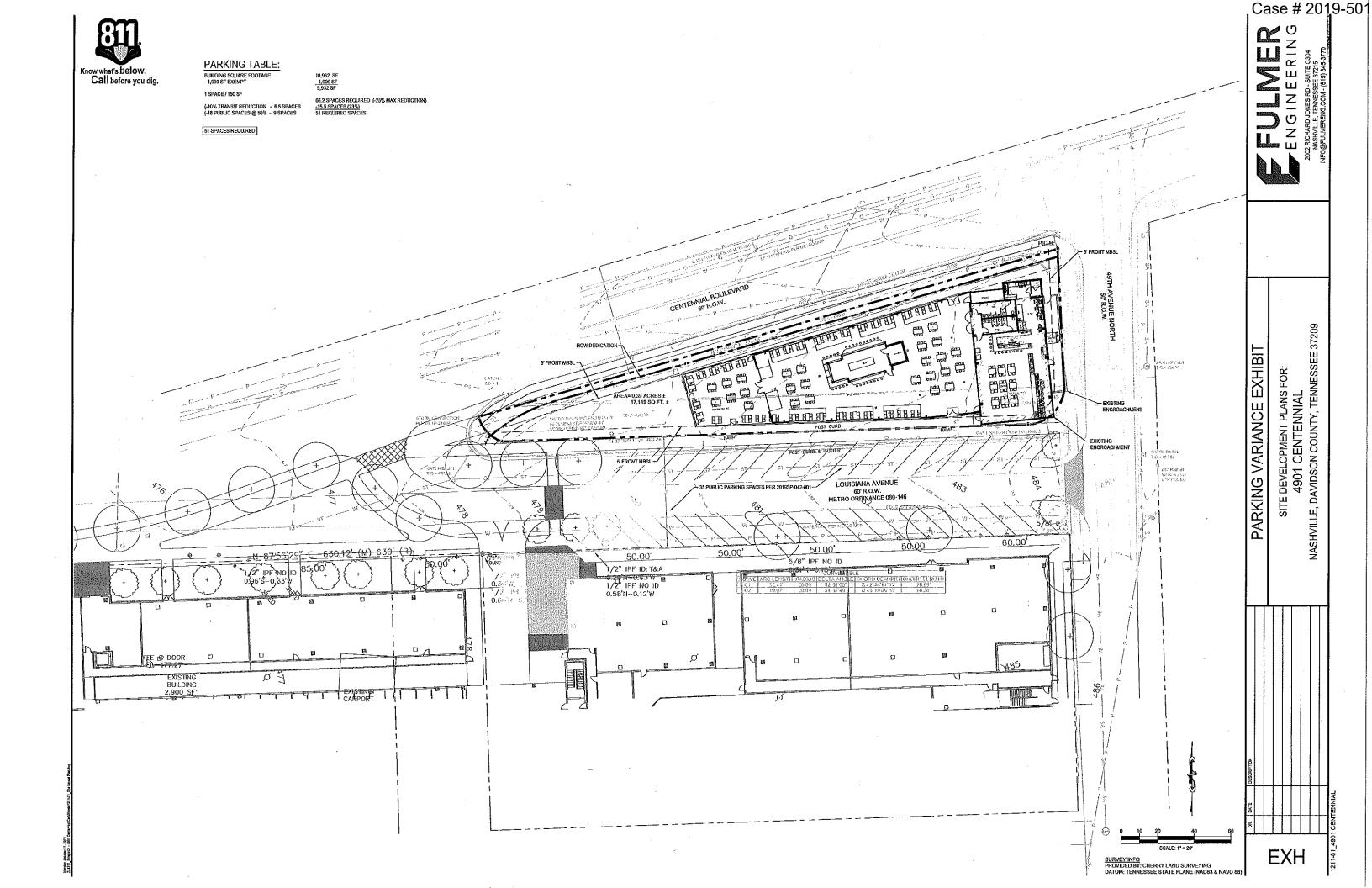
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

PROPERTY HAS IRREWLAR SHAPE WHICH PREVEW	77
AN ADEQUATE PARKING FIELD, NETGHBORING	سـ
LOUISIANA AVE IS BEING RECONSTRUCTED TO HOD	
ANGLED PARKING.	
	,



From: <u>Miriam Drennan</u>

To: Board of Zoning Appeals (Codes)
Subject: Opposed: CASE 2019-501

Date: Wednesday, December 4, 2019 7:47:18 PM

Please do not grant this variance; there is no hardship here, nor regard for long-term effects on the neighborhood. They are relying on a property (that has been sold) remaining empty for a short period of time instead of meeting Metro's conservative parking requirement. Once the empty property has been developed, patrons and guests will use 49th Avenue, a narrow street, to park. This variance will ultimately be very disruptive to the neighborhood.

Again, there is no hardship with regard to this case.

Thank you,

Miriam Drennan 4810 Michigan Avenue Barry Yoeckel Lifestyle Communities 1313 Adams Street Nashville TN 37208

October 22, 2019

Letter of Support for Parking Variance for 4901 Centennial Avenue

To Whom it May Concern:

My Name is Barry Yoeckel and I'm the Nashville Development Director for Lifestyle Communities. Lifestyle Communities has an executed purchase contract and Preliminary SP Approval on the 3.82 property consisting of 14 parcels directly to the south of the subject property of 4901 Centennial Avenue. Our site is bordered by Louisiana Avenue and Centennial Boulevard to the north, 51st Avenue North to the west, Tennessee Avenue to the South and 49th Avenue to the east. We fully support a variance allowing the owners of 4901 Centennial to have 100% off-site parking for their site. We are familiar with their plan and excited about the synergy it will create with the neighboring projects and our own development to transform this area of the Nations into a true destination.

Thank you for your help.

Barry Goeckel

Sincerely,

BARRY YOECKEL | DIRECTOR OF DEVELOPMENT

(615) 417-3399 | byoeckel@lifestylecommunities.com



October 23, 2019

Carey Bringle Peg Leg Porker 903 Gleaves Street Nashville, TN 37203 615-481-6023

RE: Letter of Support: 4901 Centennial Parking

Dear Carey:

I fully support a variance allowing the owners of 4901 Centennial to have 100% off site parking for their site. I am familiar with your most recent parking plan. I am excited about your team taking a property that has been a blight and making it a new, attractive, neighborhood dining spot.

We look forward to you delivering a very high quality restaurant for the neighborhood.

If you have any questions regarding this Letter of Support, please feel free to contact us.

Sincerely,

Darek

Darek Bell, LEED AP

Partner

Bell & Associates Construction, LP

Tel: 615.373.4343 Cell: 615.351.9442

balp.com

"An Equal Opportunity Employer"

# NATHAN LYONS STOCKING 51

5016 Centennial Blvd | 615-483-8771 | nathan@vintagesouthdevelopment.com

October 21, 2019

#### To Whom it May Concern:

My name is Nathan Lyons, and I'm the property owner of the following properties:

- 5016 Centennial Blvd.
- 4900 Centennial Blvd.
- 1410 51st Avenue

With the new parking plan for Louisiana Avenue, we fully support a variance allowing the owners of 4901 Centennial to have 100% off site parking for their site. We are familiar with their plan and are excited about them taking a property that has been a blight and making it a new, attractive, neighborhood dining spot. We had the opportunity to re-create existing building across the street, and believe its greatly benefited the neighborhood. We feel his plan will do the same.

Thank you for your help.

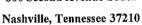
Sincerel

Nathan Lyons Stocking 51

#### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





Appellant: Genned: Kilodor	Date: 10-31-19		
Property Owner: Caret	Case #: 2019- 505		
Representative: : Genad. Kabulas	Map & Parcel: 83-13-8-0-0		
Council Distric	<del></del>		
The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:			
Purpose: Reguesting variance for	son idewalk requirement		
Activity Type: New Construction, Sin	igle family		
Location: 1703 C Lillion St.			
This property is in the Zone District, is and all data heretofore filed with the Zoning Adand made a part of this appeal. Said Zoning Perwas denied for the reason:	ministrator, all of which are attached		
Reason: Lot Topography			
Section(s): 17. 20.120			
Based on powers and jurisdiction of the Board of 17.40.180 Subsection Of the Metropolit Special Exception, or Modification to Non-Conference in the above requirement as applied to	an Zoning Ordinance, a Variance, orming uses or structures is here by		
Appellant Name (Please Print)	GENNADI KABOULOV Representative Name (Please Print)		
2139 A Wtopia Ave	2139 A Utopia Ave		
Nashville, TN 37211 City, State, Zip Code	Nashville IN 37211 City, State, Zip Code		
615-210-8227 Phone Number	615-579-2455 Phone Number		
ashley@cygnusconstructionllc.com	gena@ cygnusconstruction (10.com Email		
Zoning Examiner: CH	Appeal Fee:		



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



ZONING BOARD APPEAL / CAAZ - 20190066957
Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 083131B00200CO

**APPLICATION DATE: 10/31/2019** 

SITE ADDRESS:

1203 C LILLIAN ST NASHVILLE, TN 37206 UNIT 2 HOMES AT FATHERLAND AND LILLIAN

PARCEL OWNER: CYGNUS CONSTRUCTION, LLC

CONTRACTOR:

APPLICANT: PURPOSE:

requesting variance to not require sidewalks

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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?

1. Cygnus Construction is performing work (new residential
construction at 1203 C Lillian St. Since this is an HPR
that shares a lot with 1202 Fatherland St., Cygnus was
that shares a lot with 1202 Fatherland St., Cygnus was required to show a sidewalk on Fatherland However, there is no work associated with the existing residence on Fatherland, and Cygnus seeks
associated with the existing residence on Fatherland, and Cygnus seeks
a variance to remove the requirement of building a sidewalk on Fatherland
2. Cygnus seeks avariance to remove the sidwalk requirement on the lillian St side as well, due to topographical challenges, as well as no existing sidewalks in the
on the lillian St side as well, due to topographical
challenges, as well as no existing sidewalks in the
vicinity.
$\checkmark$

#### **APPLICATION FOR A VARIANCE REQUEST**

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

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

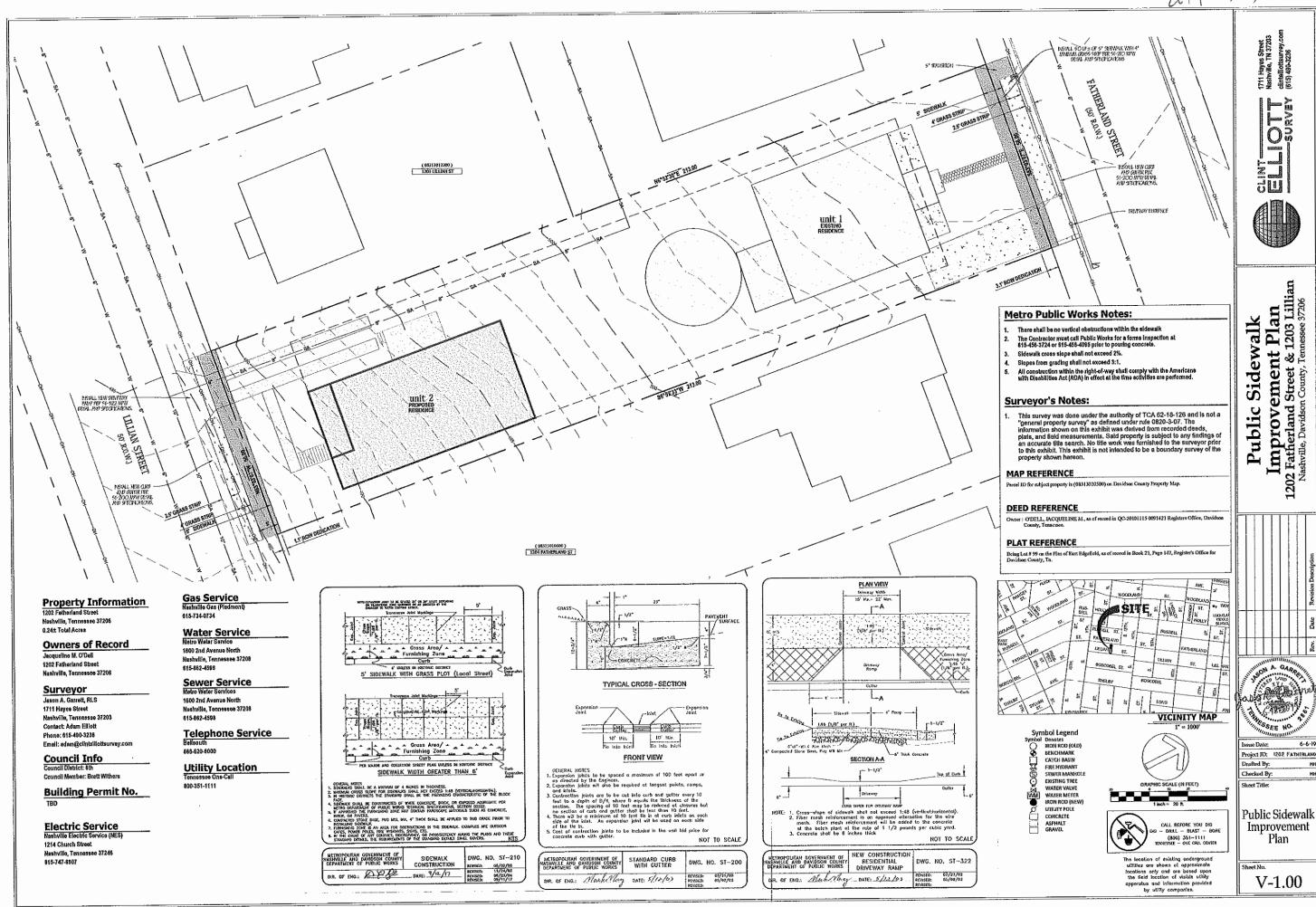
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

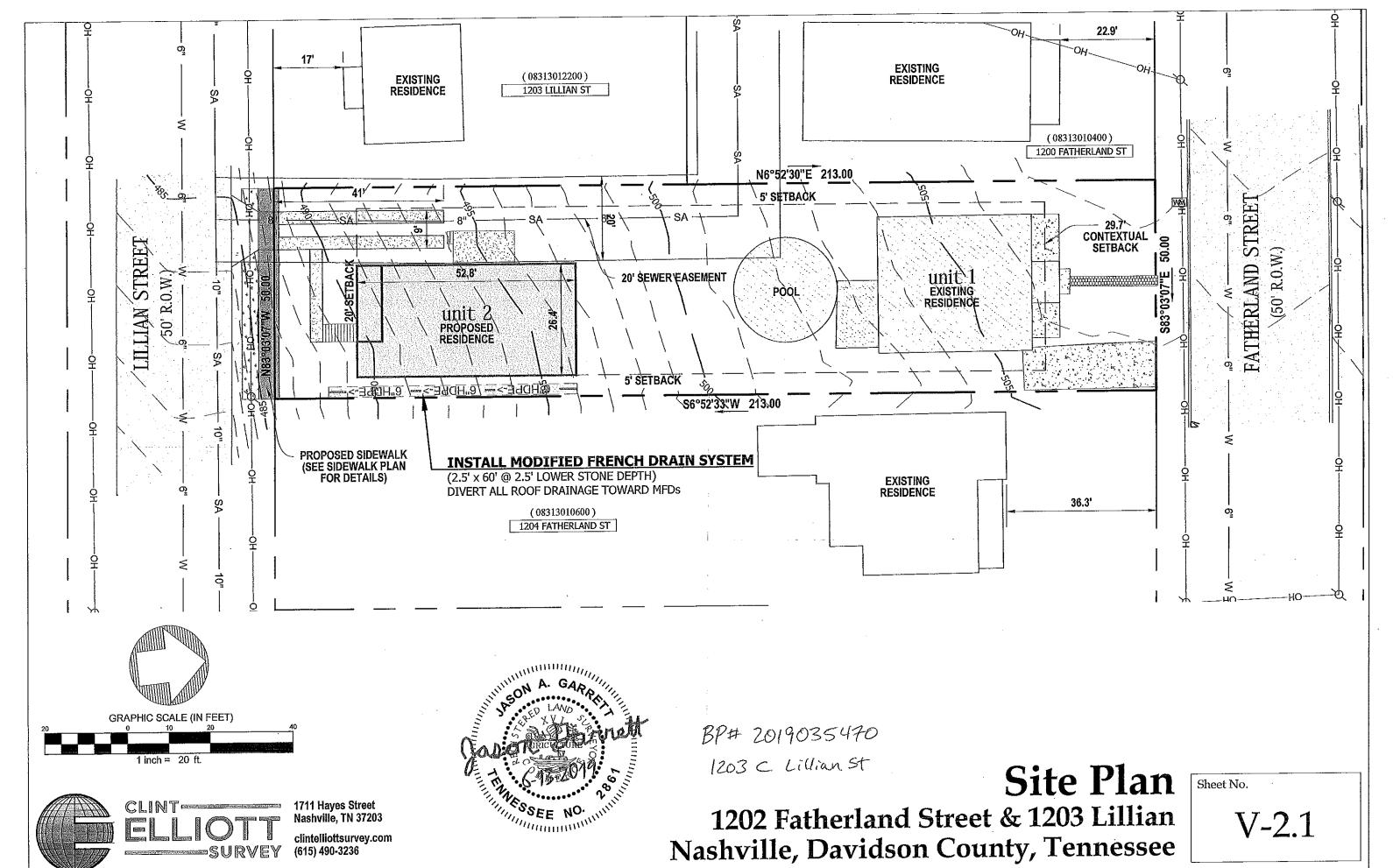
Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

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

APPELLANT

DATE





#### PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

#### BZA Case 2019-505 (1203 C Lillian Street)

Metro Standard: Lillian Street – 4' grass strip and 5' sidewalk, as defined by the Metro Local Street

standard

Requested Variance: Not construct sidewalks or contribute in-lieu of construction (eligible)

Zoning: R6

Community Plan Policy: T4 NM (Urban Neighborhood Maintenance)

MCSP Street Designation: Local Street

Transit: 0.24 miles north of #4 – Shelby; High Capacity Transit planned along Main Street

per nMotion

Bike boulevard planned per WalknBike

#### Planning Staff Recommendation: Disapprove.

Analysis: The applicant is constructing a new single family residence and requests a variance from constructing sidewalks along Lillian Street or contributing in-lieu of construction. Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction for the property frontage. 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 for the property frontage with Lillian Street. The applicant shall also dedicate right-of-way for future sidewalk construction.

From: <u>Alyce Scrivner</u>

To: Withers, Brett (Council Member); Board of Zoning Appeals (Codes)

Subject: Appeal Case Number 2019-505, 1203C Lillian St Date: Wednesday, December 4, 2019 4:15:11 PM

#### Councilman Withers and BZA,

I am writing to express my deep concern about variance requests that ask to not build sidewalks and not contribute into the sidewalk fund as Appeal Case Number 2019-505 does. Nashville is growing at a fast pace and yet, we don't have funding to sidewalk the roadways that are currently lacking this infrastructure. A Bill has been put in to place to help us make progress on this exact issue for the health and safety of all Nashvillians. Please help to enforce this Bill.

Please do not accept the appeal that has been requested for our neighborhood.

Thank you, Alyce Scrivner 1115 Fatherland St From: Withers, Brett (Council Member)
To: Board of Zoning Appeals (Codes)

Cc: Lamb, Emily (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes); Richard McCoy; Mark Sanders

Subject: Case 2019-505 1203C Lillian Street

Date: Wednesday, December 11, 2019 9:31:31 AM

#### Members of the Board of Zoning Appeals:

I am writing to express my opposition to sidewalk variance appeal case 2019-505 for property located at 1203C Lillian Street. This is a new-construction project to build a second house on a lot as part of a Horizontal Property Regime (HPR). This is a double-frontage lot with an existing house on the Fatherland frontage of the lot and with the new house being constructed facing the Lillian frontage of the lot. I agree with the applicant that there are topographical hardships that prevent constructing sidewalks along Lillian Street; however, I urge the Board to require that the applicant pay the in-lieu contribution to the sidewalk fund for the pedestrian benefit zone as part of this building permit. Thank you.

From: <u>Kev Erreger</u>

 To:
 Board of Zoning Appeals (Codes)

 Subject:
 #20190066957 / 1203 Lillian St

 Date:
 Friday, November 29, 2019 2:51:49 PM

As a close neighbor I received notice that 1203 Lillian was requesting to not build a sidewalk and not contribute to the sidewalk fund. Frankly speaking, I don't understand why this is even possible to consider in the absence of any existing sidewalk. For myself and my young children sidewalks in our neighborhood are important to our mobility and safety. This is a location that is definitely in need of a sidewalk.

Best, Kevin Erreger 1106 Fatherland St From: Windle Morgan

To: Board of Zoning Appeals (Codes)

Subject: Regarding permit #20190066957 1203C Lillian St.

Date: Thursday, November 28, 2019 2:18:07 PM

I received notice of a hearing on 12/19/19 regarding request to not be required to provide sidewalk in front of new home construction. Please do not grant them the waiver. Sidewalks are important and we must all abide by the code. Thank you,

Windle H. Morgan James W. Dunn 1408B Boscobel St. Nashville, TN 37206

### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





Appellant: MKS Development bbC	Date: Nov 1,20	19
Property Owner: KMS Projecties	Case #: 2019- 506	Г
Representative: : Michael Shears	Map & Parcel: 131027	 <u>ప15</u> కె.బ
Council District	92	
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning Co	=	
Purpose: Proposed RESIL	モルファイ	
Construction. No Application (s) STA	PERMIT	•
Activity Type: RES. CONSTRU		
Location: 2048 CASTLE		
This property is in the ZIS Zone District, in and all data heretofore filed with the Zoning Admi and made a part of this appeal. Said Zoning Permi was denied for the reason:	accordance with plans, application inistrator, all of which are attached	
Reason: Front SETBACK VA 90 FT REQUIRED E Section(s): 17.12.030 C	EIRNCE.	seduction
Section(s):		1026.4
Based on powers and jurisdiction of the Board of 2 17.40.180 Subsection Of the Metropolitan Special Exception, or Modification to Non-Confort requested in the above requirement as applied to t	Zoning Ordinance, a Variance, ming uses or structures is here by	
MKS Newlopment LLC Appellant Name (Please Print)	Michael Shear 5 Representative Name (Please Print)	
5825 Old Hourding DK Address Neishwille TN 37205	Su m< Address	
Neishwille Tw 37205 City, State, Zip Code	City, State, Zip Code	
	Phone Number	
Michaele waillo.com Email	Email	
Zoning Examiner:	Appeal Fee:	



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



ZONING BOARD APPEAL / CAAZ - 20190067096 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 13102015300

**APPLICATION DATE: 11/01/2019** 

SITE ADDRESS:

2048 CASTLEMAN DR NASHVILLE, TN 37215

PT LOTS 92 93 HOLLYWOOD PLACE

PARCEL OWNER: KMS PROPERTIES, LLC

CONTRACTOR:

APPLICANT:

Michael Shears

615-533-4428

**PURPOSE:** 

Requesting Variance to front setback per 17.12.030 C3. Contextual setback required is 90 ft (triple table 17.12.030A). requesting 13'3" reduction to 56'9" front setback which is the current setback for existing structure. Current house to be demolished, requesting setback for new construction.

POC: Michael Shears 615-533-4428

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.

## **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:

<u>Physical Characteristics of the property</u>- 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.

<u>Unique characteristics-</u> 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.

Department of Codes Administration 800 2nd Avenue South Metro Office Building 11/1/2019

Dear BZA,

My name is Michael Shears, Partner in MKS Development LLC. We have a client who would like to demo the current structure and re-build at 2048 Castleman Dr. Currently the existing home that is there, (and has been there for most likely 60+ years) sits 56'9" from the property line. This is closer than the neighbor to the East sits, but due to the curve in the road, the homes line up perfectly. Under the current guidelines, for someone to build new there, the new front setback would be 90' in the front and 30' on the side. This shoves the envelope to the back right corner of the property. In order to fit within the shape of this new envelope, the home at 2048 Castleman would be all the way behind the neighbor, so the front of the structure would be looking into the rear of the neighbor's home. We feel that this is an unintended consequence of the current setback rules and would like to be allowed to build back where the current home has been sitting all this time. That would give my client a 59' setback in the front and a 25' setback down the side. This would allow for a structure or structures to be placed more in the center of the lot, and not shoved to the rear right hand corner. Please feel free to call me with any questions and thank you for your consideration.

Sincerely,

Michael K. Shears

MKS Development LLC

615-533-4428

### 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 Michael Wacla. com 615-533-4428

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

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

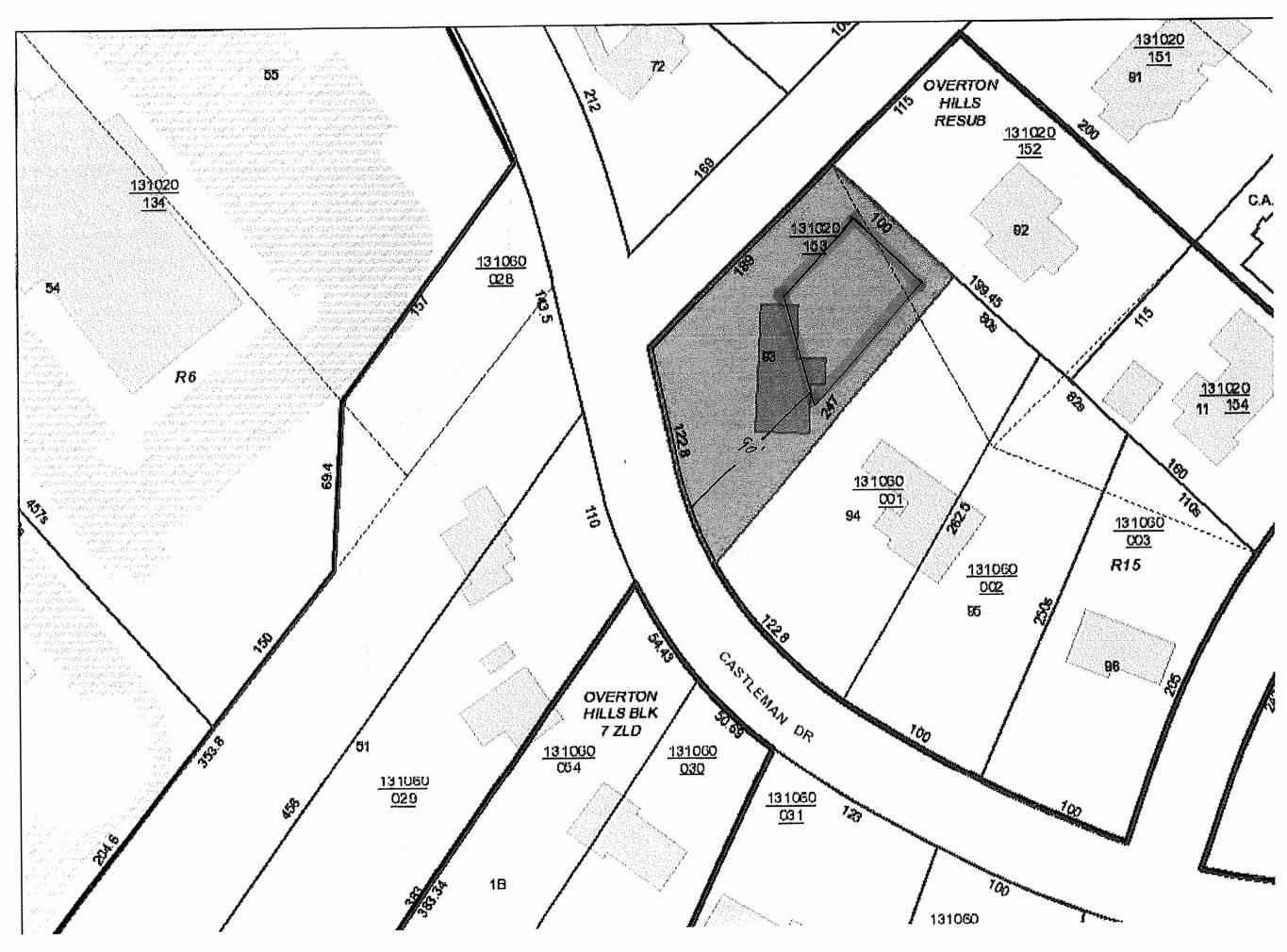
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

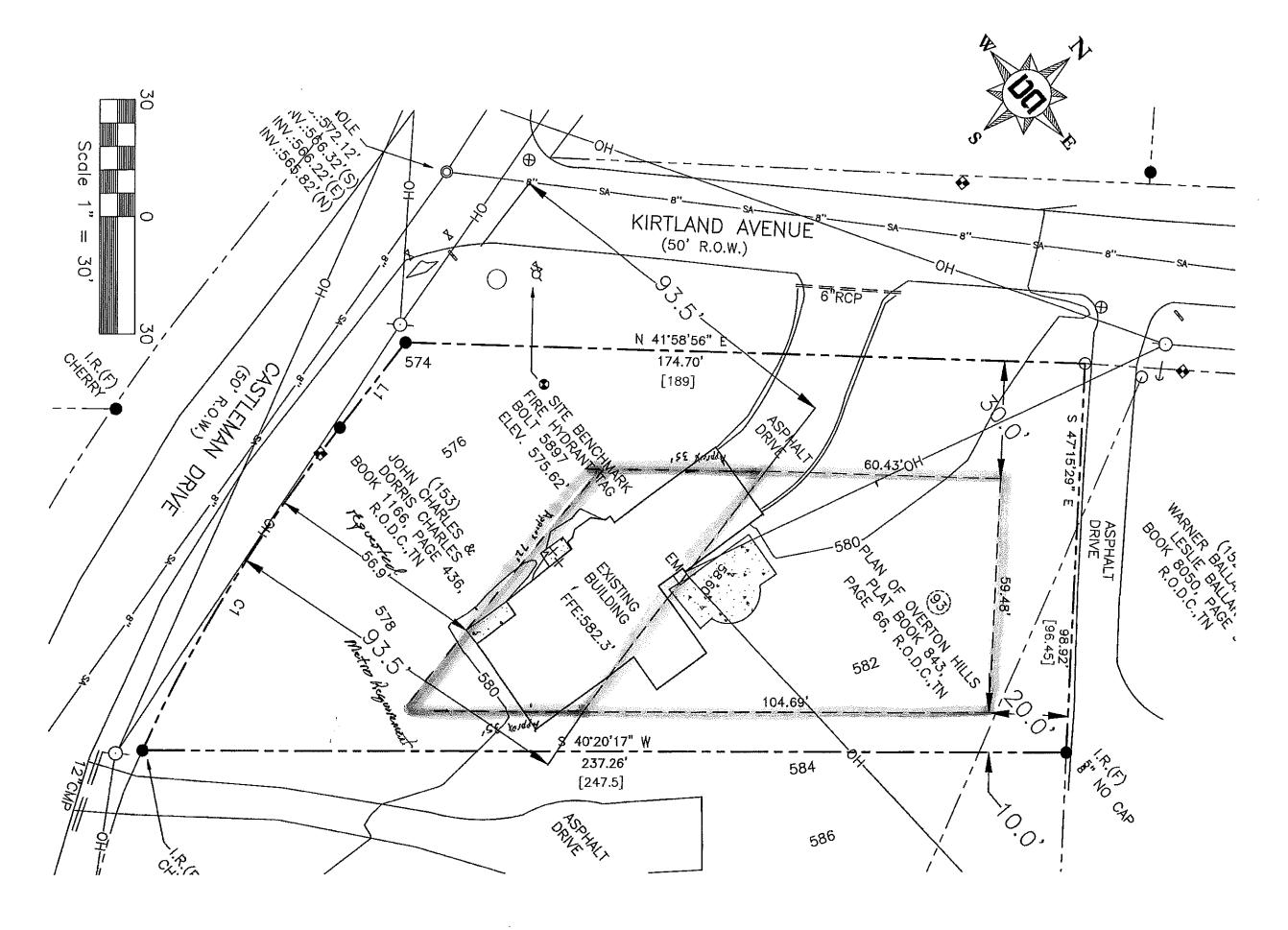
# WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

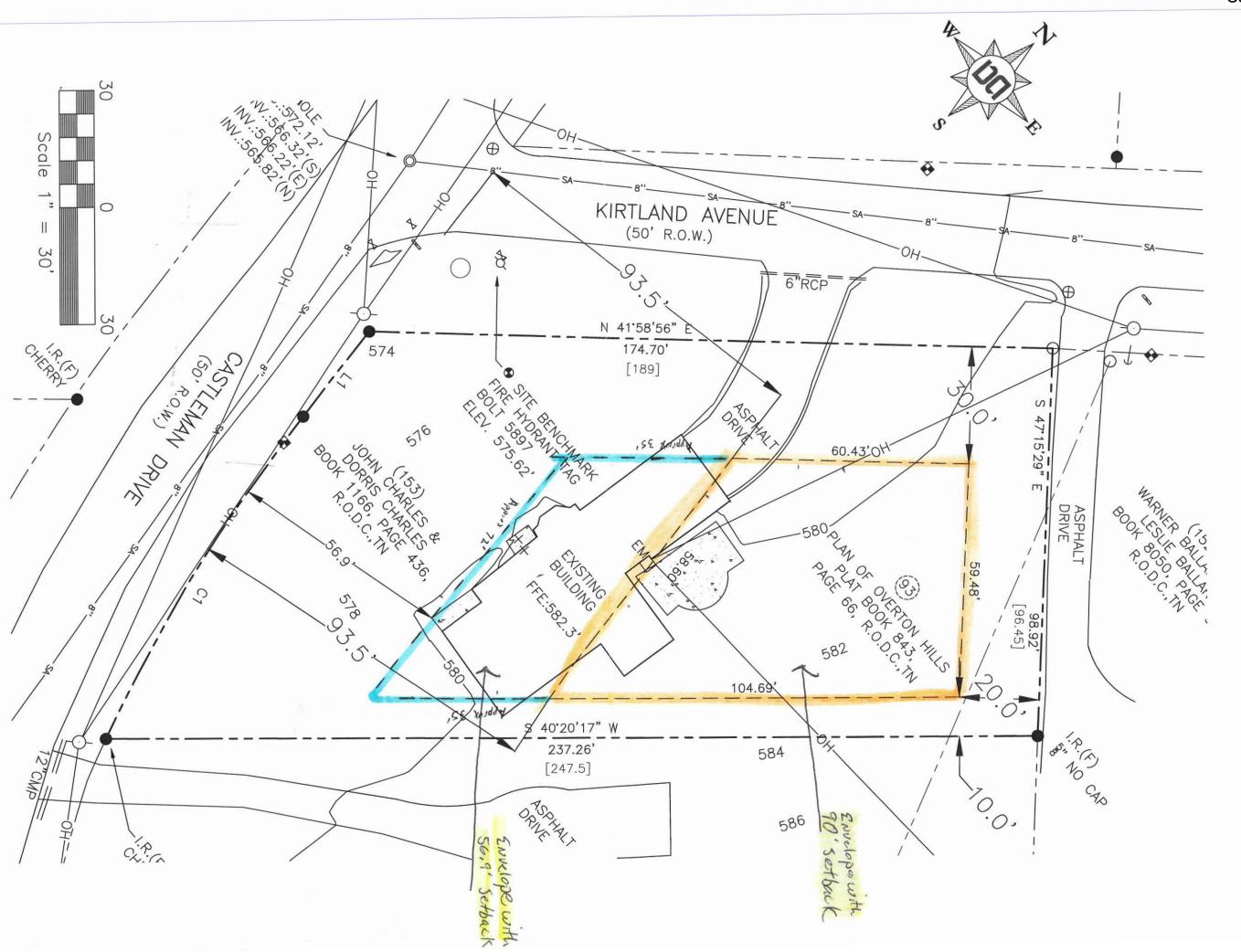
My name is Michael Shears, Partner in MKS Development LLC, and we have a client that would like to build at 2048 Castleman Dr. Under current conditions, once the existing house is demoed, the new front setback would be 90', and 30' on the side.

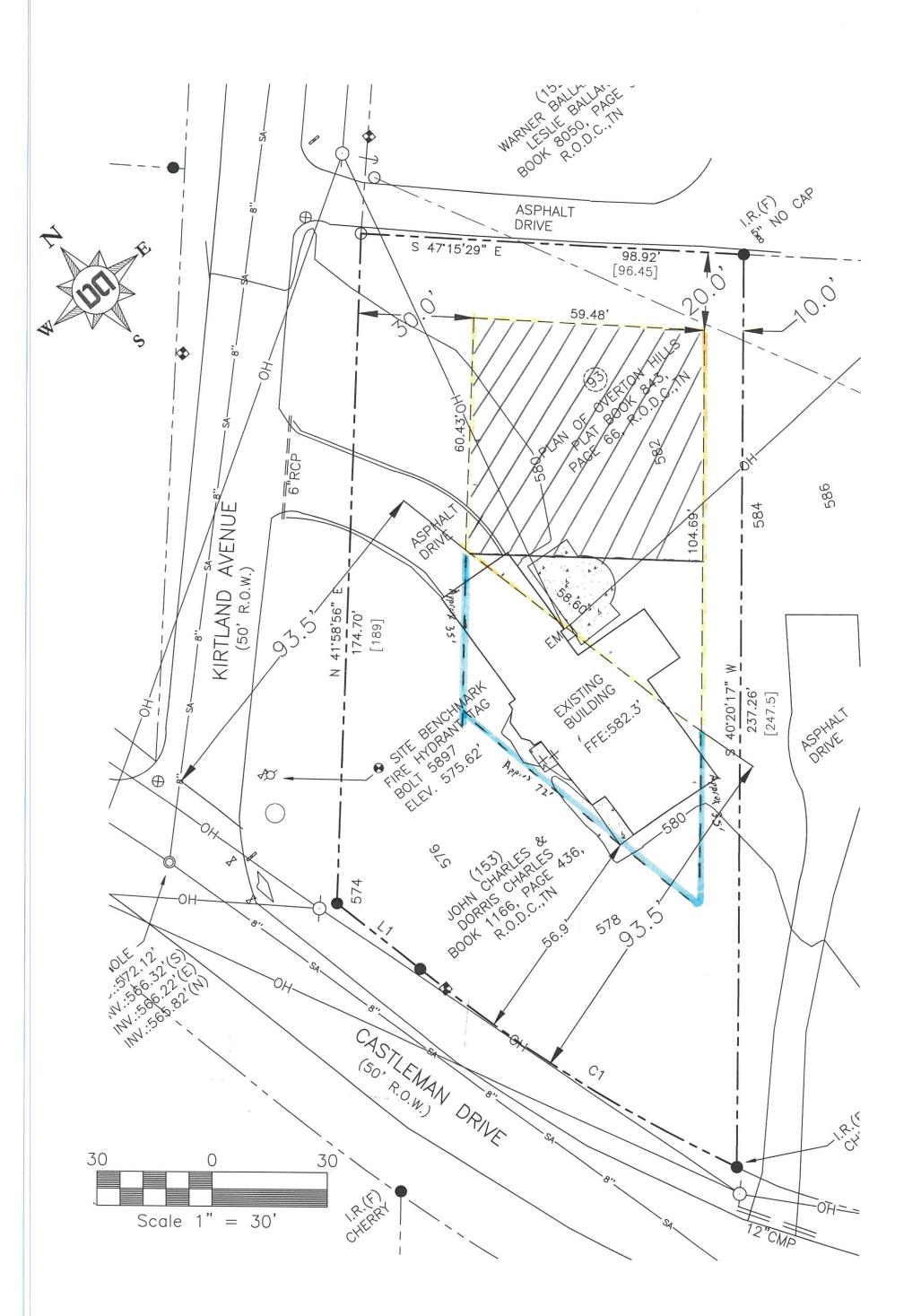
This would shove the building envelope back 33' from the current home and move the envelope to the back Eastern corner of the property. This would put the front of a new structure or structures behind the immediate neighbor, and most likely force someone to build all the way to the back setback to have enough room to build.

My client would like to build right back where the existing house is, which would be at 56'9" in and a side setback of 25'. This would allow them to stay in line with the neighbors and keep them form being pushed to the back corner of the property.

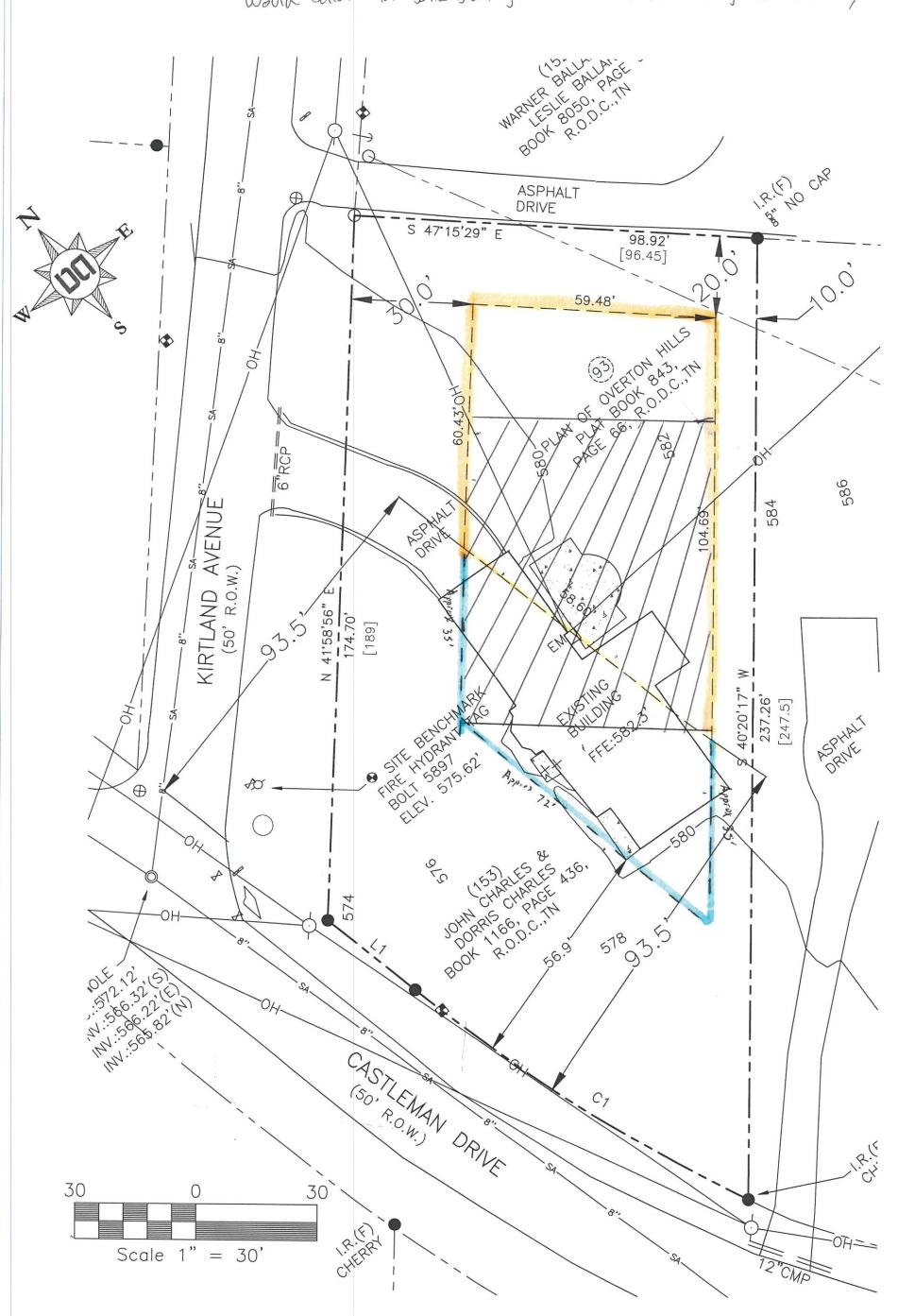


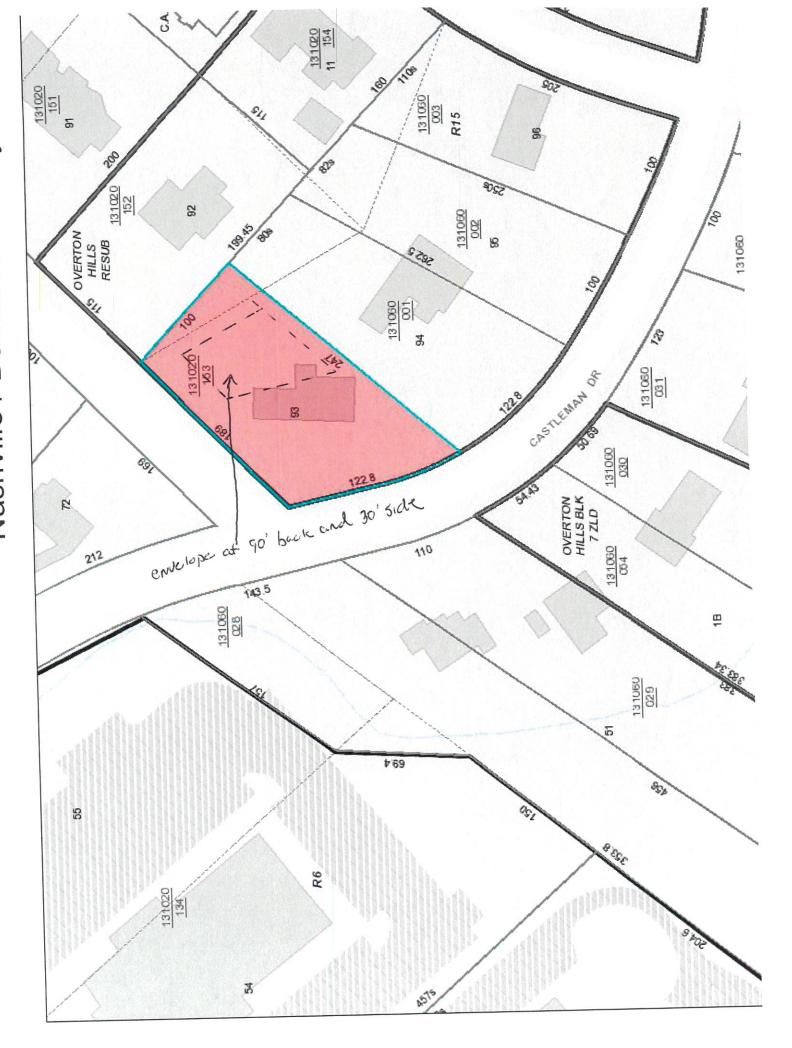






House placement at current 56.9' setback.
Would how p with reighbor + not be in his backgard
Would allow for some backyard and not have to go all the way to setback





### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



, and the second second			
Appellant: West Nashville Law Group, PLI	C Date:		
Property Owner: Blue Ridge Homes, LLC	Case #: 2019- 507		
Representative: : Cleveland D. Bain, Esq.	Map & Parcel: 081-02-0-034.00		
	081-02-0-220.00		
Council District			
Council District			
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning Co			
Purpose:			
Owner wishes to build a two- family dwe			
and requests a variance from a condition, from setback and building envelope requi			
from setback and building envelope requi	rements.		
Activity Type: New Residential Construct	ion		
Location: 24th Avenue, North, Tennesse	e 37208		
This property is in the R6 Zone District, in	accordance with plans, application		
and all data heretofore filed with the Zoning Adm			
and made a part of this appeal. Said Zoning Perm			
was denied for the reason:			
Reason: Part of the proposed site plan is local	ated on lot platted after 1984		
Section(s): 17.16.030 (D)	***************************************		
Based on powers and jurisdiction of the Board of 2	Zoning Appeals as set out in Section		
17.40.180 Subsection B Of the Metropolitan			
Special Exception, or Modification to Non-Confor requested in the above requirement as applied to t			
The state of the s			
Blue Ridge Homes, LLC	Cleveland D. Bain, Esq.		
Appellant Name (Please Print)	Representative Name (Please Print)		
700 51st Avenue North	4800 Charlotte Avenue		
Address	Address		
Nashville, TN 37209	Nashville, TN 37209		
Clty, State, Zip Code	City, State, Zip Code		
(615) 218-8354	(615) 942-6812		
Phone Number	Phone Number		
mark@westnashvilleliving.com	cleveland@westnashvillelaw.com		
Email	Email		
Tarley Francisco	Anneal Fee: 5 105		
Zoning Examiner:	Appeal Fee:		

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

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

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

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

There is currently a duplex that is encrocning on Applicant's property
approximately seventeen (17) feet. This encroachment is preventing the Applicar
from constructing his two proposed residential units.

### **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.

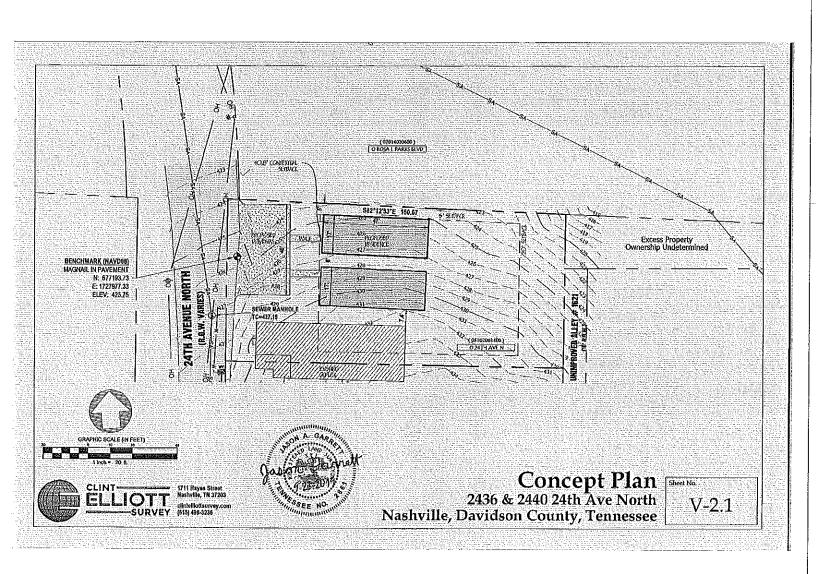
Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

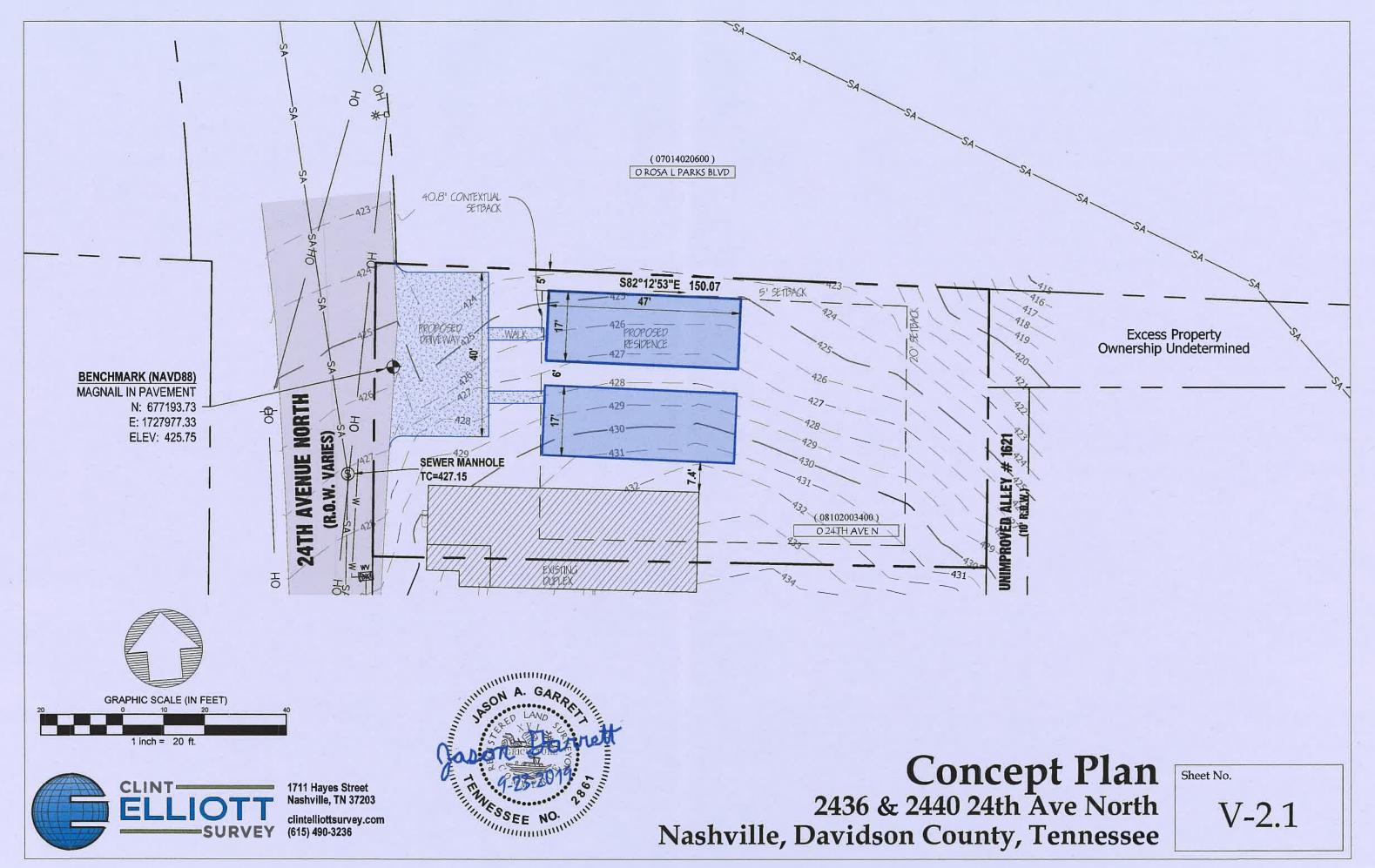
am aware that I am responsible for posting and also removing the sign(s) after the public hearing.

APPELLAN'

10/9/2019

DATE





### Metropolitan Board of Zoning Appeals

Metro Howard Building



METROPOLITAN GOVERNME 800 Second Avenue South Nashville, Tennessee 37210 Appellant: KPN + **Property Owner:** verners Case #: 2019-Representative: Council District The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused: Purpose: **Activity Type:** 1314 HAWKING Location: This property is in the **LL-A** Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason: Reason: 17.12.0204 Section(s): 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. Nashville, TN 3 7203 Nashville, TN City, State, Zip Code (615) 516-5872 (615) 516-5872

(615) 516 -5872 Phone Number

acarrethers eginal.com acarrethers agmail.com

Email

Zoning Examiner:

Appeal Fee:



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



ZONING BOARD APPEAL / CAAZ - 20190067346 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 09313054000

**APPLICATION DATE: 11/04/2019** 

SITE ADDRESS:

1314 HAWKINS ST NASHVILLE, TN 37203 LOT 3 RE-SUB LOT 1. SEC. 17 EDGEHILL EST.

PARCEL OWNER: CHRISTMON, HATTIE(LE) & CARRETHERS,

**CONTRACTOR:** 

**APPLICANT: PURPOSE:** 

Requesting a Variance to Lot size requirements for R6-A duplex eligibility per 17.12.020A.

6,000 sq ft minimum lot area required, requesting 170 sq ft variance. Will provide survey showing 5830 sq ft.

Lot created by Subdivision 70-136-U via Metro Planning Commission Decemebr 1971.

No Permit Application(s) requesting land use variance only at this time.

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 Alishar Kurtethan

1/3/19 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?

1314 Hawkins Street ("Lot 3"), with its irregular plat shape, was inaccurately measured 48 years ago during re-subdivision, resulting in it being slightly less than 6,000 square feet - by only 170 square feet. Because of that inaccurate measurement, the owners of 1314 Hawkins Street are not able to enjoy reasonable use of their property established by R6-A zone designation, as the neighboring property owners with the same zone designation are able to do. The inaccurate measurement during the re-subdivision created a hardship, because the owners are unreasonably restricted from the use that is provided by an R6-A zoning.

The problem that resulted in Lot 3 being 170 square feet less than required by the R6-A zoning was not created or self-imposed by the owners of Lot 3.

The granting of this variance will not be injurious to other property or improvement in the area, impair an adequate supply of light and air to the adjacent property, or substantially diminish or impair property values within the area. The granting of a variance will not harm to the public welfare and will not substantially impair the intent and purpose of the zoning code. The resulting variance will not alter the essential character of the neighborhood.

November 5, 2019

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

Re: 1314 Hawkins Street, Nashville, TN - Request for Variance

**Dear Board of Zoning Appeals:** 

1314 Hawkins Street ("Lot 3") is zoned R6-A. The size of its lot is slightly less than 6,000 square feet, that being 5,830 as calculated by surveyor Bob Seigenthaler based upon the recorded plat of December 15<sup>th</sup> 1971, Book 4470 page 129, identifying the re-subdivision of Lot 1 in Section 17 of Edgehill Estates (pertaining to property map 93-13) where the Lot 3 is located (see Exhibit A documents).

We believe that the re-subdivision of Lot 1 in Section 17 of Edgehill Estates, 48 years ago, intended to create 4 separate lots, each with at least 6,000 square feet in accordance with zoning requirements. Lots 1, 2, and 4 of that re-subdivision were measured to be 6,000 square feet or more in size. However, Lot 3, with its irregular shape, appears to have been mistakenly measured resulting in it being slightly less than 6,000 square feet - by only 170 square feet. Because of that mistake, the owners of Lot 3 are not able to enjoy the reasonable use of their property established by the R6-A zoning.

The problem that resulted in Lot 3 being 170 square feet less than required by the R6-A zoning code (medium density, one-and two-family dwellings) was not created or self-imposed by the owners of Lot 3. Other properties in the area enjoy the usage of both one- and two-family dwellings (see Exhibit B).

The owners of Lot 3 cannot reasonably enjoy the rights of R6-A zoning, if strict conformance with the zoning code is applied. A variance is therefore necessary to enable reasonable use of the property, as other owners in the area enjoy. Because of such, the owners respectfully request that Lot 3 be granted a variance to establish that it has the rights of an R6-A zone designation in compliance with Metro codes specifications.

The granting of this variance will not be injurious to other property or improvement in the area, impair an adequate supply of light and air to the adjacent property, or substantially diminish or impair property values within the area. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of the zoning code or alter the essential character of the neighborhood. By granting the variance, we believe that the spirit of the zoning code is observed.

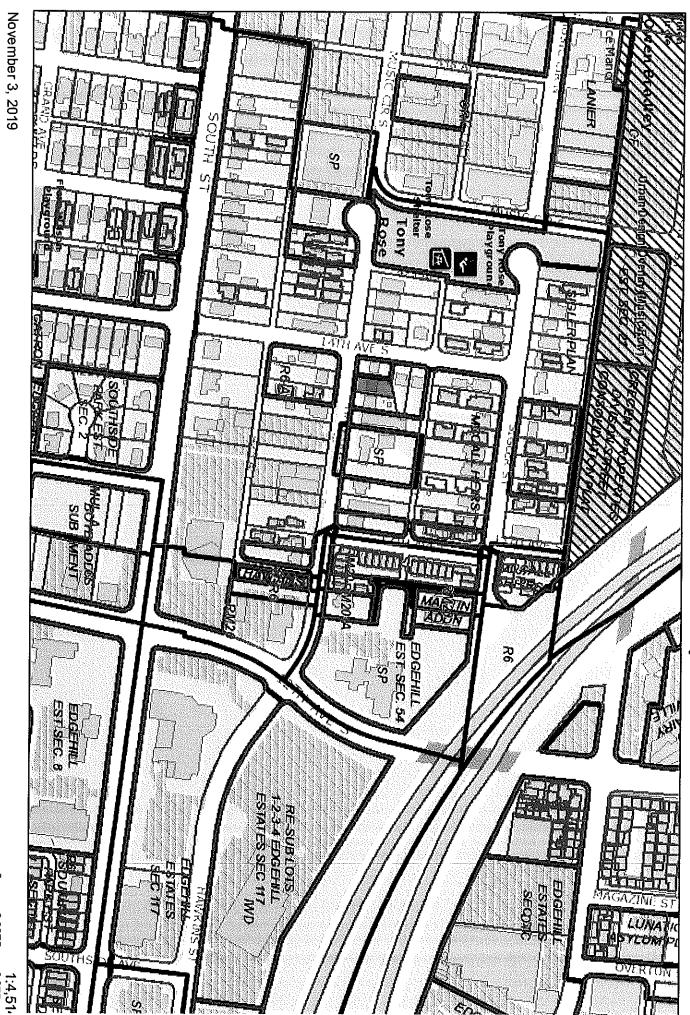
Sincerely,

Alisha Carrethers and Kenitha Reed

The Owners of 1314 Hawkins Street, Nashville, Tn 37203

NATION B

# Nashville / Davidson County Parcel Viewer



November 3, 2019

polygonLayer

Override 1

 $\square$ 

Planned Unit Development

**Urban Design Overlay District** 

Metro GIS

0.05

0.1

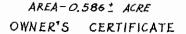
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0.075

# EXHIBITA







I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS EVIDENCED IN BOOK 4551 PAGE 309 R.D. D.C., TENNESSEE AND ADOPT THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC WAYS AND EASEMENTS AS HOTED. NO LOT OR LOTS AS SHOWN HEREON SHALL AGAIN BIL SUBDIVIDED, RESIMBILIDED, ALTERED OR CHANGED SO AS TO PRODUCE LESS AREA THAN HEREBY ESTABLISHED UNTIL OTHERWISE APPROVED BY THE METROPOLITAN PLANKING COMMISSION AND UNDER NO CONDITION SHALL SUCH LOT OR LOTS BE MADE TO PRODUCE LESS AREA THAN PRESCRIBED BY THE RESTRICTIVE COVENANT AS OF RECORD IN R.O.D.C. TENN., RUNNING WITH THE TITLE TO THE PROPERTY.

### SURVEYOR'S CERTIFICATE

HEREBY CURTIFY TRAT THE SUBDIVISION PLAT SHOWN HEREON 15 CORRECT AND THAT APPROVED MONUMENTS SHOWN THUS -- HAVE BEEN PLACED AS INDICATED. ALL SIDE LOT LINES ARE AT RIGHT ANGLES OR RADIAL TO A STREET, UNLESS OTHERWISE HOTED.

SURVEYOR - # 157

### COMMISSION'S APPROVAL

APPROVED BY THE METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAVIDSON COUNTY TENNESSEE

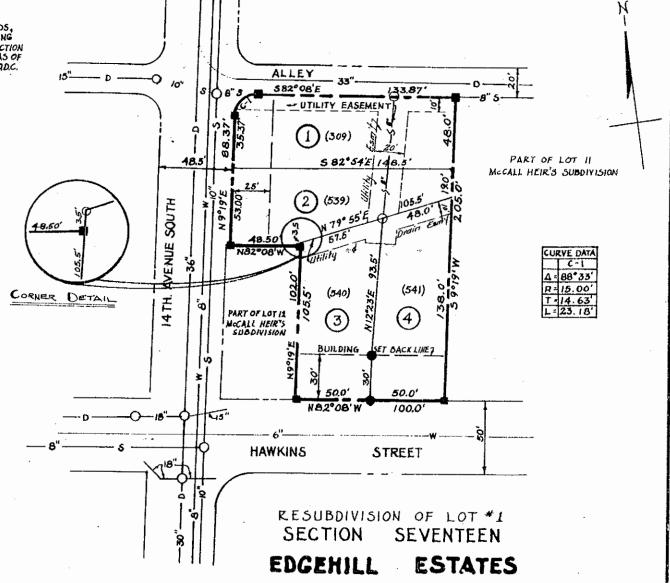
SUBDIVISION NO. 70-136-U

-- RECORD ---

RECORDED Dec. 15# 1971 BOOK 4470 REGISTER'S OFFICE OF DAVIDSON COUNTY TENNESSEE

### NOTE:

THE RECORDING OF THIS PLAT VOIDS, VACATES, SUPERSEDE THE RECORDING OF LOT 1 ON THE PLAN OF SECTION SEVENTEEN EDGEHILL ESTATES AS OF RECORD IN BOOK 4350, PAGE 125 RADC.



NASHVILLE - DAVIDSON - COUNTY - TENNESSEE

SCALE 1"= 50'

PARCEL NUMBERS SHOWN THUS(00) PERTAIN TO PROPERTY MAP 93-13

ABSOBAG

### AREA-0.586 ACRES OWNER'S CERTIFICATE

THE NASHVILLE HOUSING AUTHORITY

### SURVEYOR'S CERTIFICATE

BANGE, WAGGONER & SUMNER ENGINEERS Nashville. Termessee

### COMMISSION'S APPROVAL

SUBDIVISION NO. 10-136-U

- RECORD --

### NOTE:

THE RECORDING OF THIS PLAT VOIDS, VACATES, SUPERSEDE THE RECORDING OF PART OF LOTS !! AND !2, ON THE PLAN OF MoCALL HEIR'S SUBDIVISION AS OF RECORD IN BOOK !GI, PAGE 6!, R.O.D.C.

800K PAGE 4259 208 4238 242 4239 390

NOTE:

DEDICATION FOR WIDENING OF 14th AVE.SO.

ALLEY 42 423 135.37 UTILITY EASEMENT PART OF LOT II McCALL HEIR'S SUBDIVISION 304 SOUTH (309)CURVE DATA A=88°33 R= 15.00 T= |4.63 PART OF LOT 12 MCCALL HEIR'S SUBDIVISION BUILDING SETBACK LINE N82006'W 100.00 **HAWKINS** STREET SECTION SEVENTEEN **EDGEHILL ESTATES** BEING A RESUBDIVISION OF PART OF LOTS 11AND 12, ON THE PLAN OF McCALL HEIR'S SUBDIVISION AS OF RECORD IN BOOK 161, PAGE 61, RO.D.C. NASHVILLE -- DAVIDSON -- COUNTY -- TENNESSEE REVISED 6/5/70 REVISED 5/7/70 FOR THE NASHVILLE HOUSING AUTHORITY

Pertein to property map 93-13)

SCA'LE: 1"= 50"

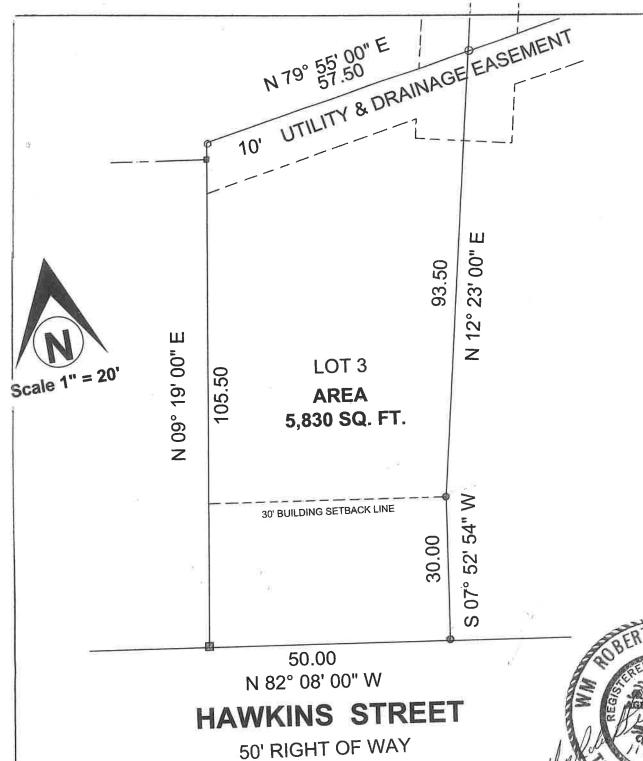
Area Summary
Tuesday, 10/29/19 02:22 pm

Fax

Phone

	Description						
	Desci	Start					Start
	East	5,000.0000	5,017.0795	5,073.6914	5,053.6402	5,049.5295	5,000.0000 Start
	North	5,000.0000	5,104.1083	5,114.1754	5,022.8507	4,993.1566	5,000.0000
ARCA	Distance	105,500	57 500	93.500	30.000	50.000	20.00
LOT 3 5,830 SQ. FT. AREA	Bearing	NE 9.1900	NF 79 5500	SW 12 2300	SW 7 5254	NW 82 0800	0000
LOT 3	Point	_	7	က	4	2	_

Total Area: 5,830.589 SF or 0.13385 Acres +/-



## LOT 3

### SECTION SEVENTEEN **EDGEHILL ESTATES**

PLAT BOOK 4470 PAGE 129 REGISTER'S OFFICE FOR DAVIDSON COUNTY, TN.

# CERTIFICATION OF AREA

I HEREBY CERTIFY THAT THE AREA OF LOT 3 AS SHOWN ON THE PLAT OF EDGEHILL ESTATES, SECTION 17, OF RECORD IN PLAT BOOK 4470, PAGE 129, REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE HAS BEEN MATHEMATICALY COMPUTED BY THE UNDERSIGNED, AND THAT THE AREA OF SAID LOT 3 IS EQUAL TO 5,830 SQUARE FEET.

lov: 8,2019

ROBERT SEIGENTHALER

TENN. REGISTERED LAND SURVEYOR NO. 177

1496 WOODMONT BLVD.

NASHVILLE, TN. 37215 615-292-9235 seigenthalerbob@gmail.com

Phone Fax

# Area Summary Tuesday, 10/29/19 02:22 pm

LOT 3 5,830 SQ. FT. A 2 = A

Point	Bearing	Distance	North	East	Description
1			5,000.0000	5,000.0000	Start
2	NE 9.1900	105.500	5,104.1083	5,017.0795	
_	NE 79.5500	57.500	0,104.1000	0,017.0700	
3	014/40.0000	00.500	5,114.1754	5,073.6914	
4	SW 12.2300	93.500	5,022.8507	5,053.6402	
•	SW 7.5254	29.977	0,022.0001	0,000.0102	
5	NN44 00 0000	50.000	4,993.1566	5,049.5295	
1	NW 82.0800	50.000	5,000.0000	5,000.0000	Start

Total Area: 5,830.589 SF or 0.13385 Acres +/-

### CERTIFICATION OF AREA CALCULATIONS

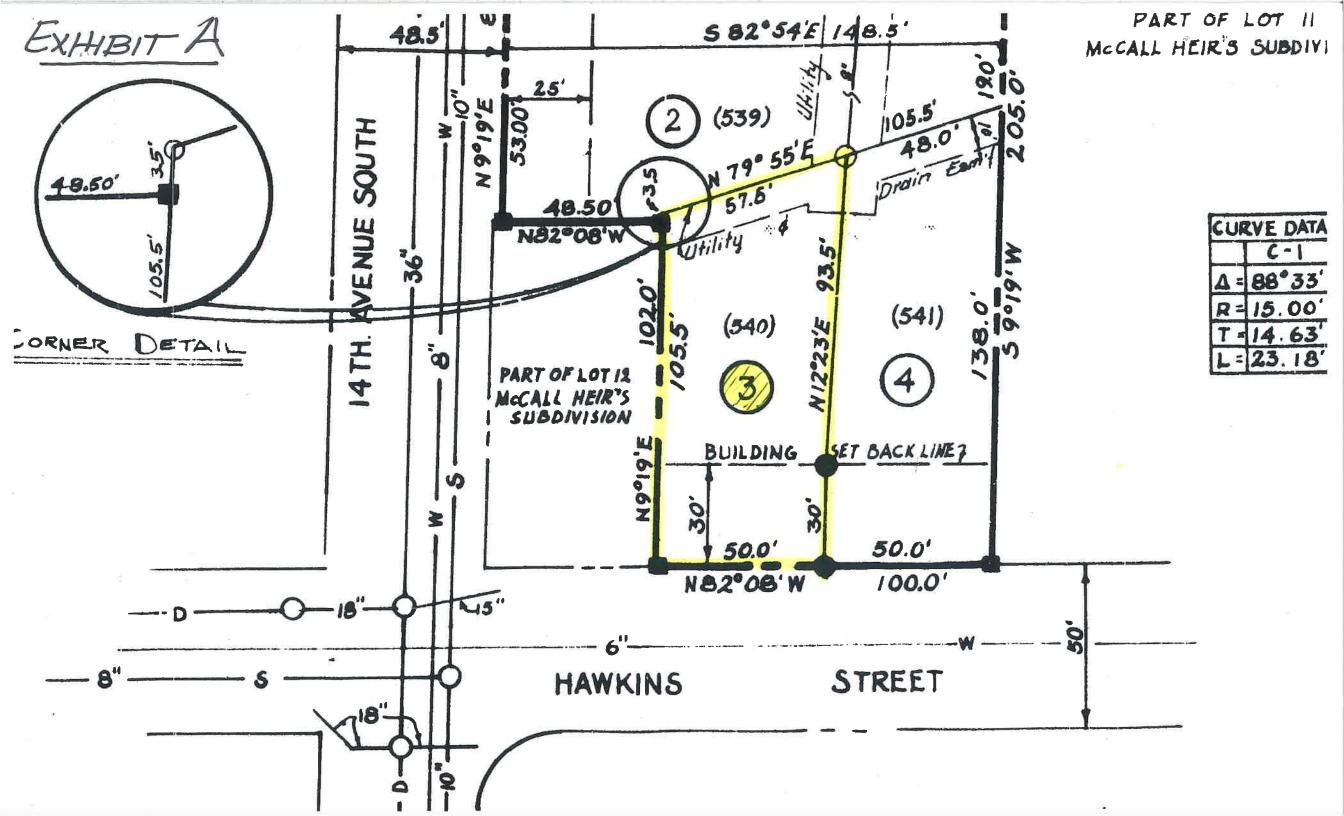
I hereby certify that the calculations shown hereon accurately represent the area for Lot 3, Section 17, Edgehill Estates as shown and recorded in Plat Book 4470, Page 129, Registers Office for Davidson County, Tennessee

By M. Robert Jergenthales

Date: 12-12-2019

Wm. Robert Seigenthaler







# AREA-0.586 ACRE OWNER'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT I AM ("F ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS EVIDENCED IN BOOK 4951 PAGE 309 R.O. D.C., TENNESSER AND ADOPT THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEBICATE ALL PUBLIC WAYS AND EASEMENTS AS NOTED. NO LOT OR LOTS AS SHOWN HEREON SHALL AGAIN BE SUBDIVIDED, RESIDEDIVIDED, ALTERED OR CHANGED SO AS TO PRODUCE LESS AREA THAN HEREBY ESTABLISHED UNTIL OTHERWISE APPROVED BY THE METEOPOLITAN PLANWING COMMISSION AND UNDER NO CONDITION SHALL SUCH LOT OR LOTS BE MADE TO PRODUCE LESS AREA THAN PRESCRIBED BY THE RESTRICTIVE COVENANT AS OF RECORD IN BOOK.

PAGE, ROD.C. TENN., EUNNING WITH THE

Howele Mi Jano Botte: 1.3

### SURVEYOR'S CERTIFICATE

> 6 meet Davis 8-16-71 SURVEYOR - = 157

### COMMISSION'S APPROVAL

APPROVED BY THE METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAYIDSON COUNTY TENNESSEE

Farris a. Dael DATE: 12-15-7

SUBDIVISION NO. 70-136-U

-RECORD-

RECORDED OCC. 15 4 1971 BOOK 4470 PAGE 129
REGISTER'S OFFICE OF DAYIDSON COUNTY TENNESSEE



582°08'E 133.87 - UTILITY EASEMENT (309) PART OF LOT II 5 82°54'E 148 48.5 MCCALL HEIR'S SUBDIVISION SOUTH 48.50 /ENDE CURVE DATA N82"08" C-1 A = 88°33' R=15.00 T-14.63 CORNER DETAIL = 23.18 PART OF LOT 12 19 (4)McCALL HEIR'S BUILDING SET BACK LINE ? HAWKINS STREET RESUBDIVISION OF LOT #1 SECTION SEVENTEEN **ESTATES** EDGEHILL

NASHVILLE - DAVIDSON - COUNTY - TENNESSEE

SCALE 1"= 50"

PARCEL NUMBERS SHOWN THUS(00) PERTAIN TO PROPERTY MAP 93-13



1 131+ HANKINS R-G-A

24











































#### Metropolitan Board of Zoning Appeals

Metro Howard Building



800 Second Avenue South Nashville, Tennessee 37210

Appellant: James Terry	Date:
Property Owner: Cherry James.	Case #: 2019- 509
Representative: : James Terry	Map & Parcel: 92-6-709
Council Distric	at <u>21</u>
The undersigned hereby appeals from the decisio wherein a Zoning Permit/Certificate of Zoning C	on of the Zoning Administrator, compliance was refused:
Purpose:  Requesting reduction of  3' from 10' requirement.	side setboch to
Activity Type: New Construction - S	
Location: $O 31^{8\pm}$ Ave. $N$	
This property is in the $\frac{RSS}{}$ Zone District, in and all data heretofore filed with the Zoning Adn and made a part of this appeal. Said Zoning Pern was denied for the reason:	ninistrator, all of which are attached
Reason: Does not meet setting	h requirement
Section(s): 17.12-036 (c) 2	
Based on powers and jurisdiction of the Board of 17.40.180 SubsectionOf the Metropolita Special Exception, or Modification to Non-Conforequested in the above requirement as applied to	nn Zoning Ordinance, a Variance, orming uses or structures is here by
Appellant Name (Please Print)	TAMES L. TENNY Representative Name (Please Print)
Address	28(2 BRAN WOOD DA
City, State, Zin Code	NAST TN 37214 City, State, Zip Code
Phone Number	Phone Number  Larry terry ole com cast, net
Email	larry terry ole comcost, net
Zoning Framinary	Appeal Fee:



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



ZONING BOARD APPEAL / CAAZ - 20190067595
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09206070700

APPLICATION DATE: 11/04/2019

SITE ADDRESS:

0 31ST AVE N NASHVILLE, TN 37209 LOT 7 BLK 15, FISK UNIVERSITY PLACE

PARCEL OWNER: CHERRY, JAMES R. & ANN M. & TAYLOR,

**CONTRACTOR:** 

APPLICANT: PURPOSE:

requesting side street setback variance to allow 3' setback from side street. 10' required.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

## **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

11-04-2019 JAMES TERRY 2812 BRANWOOD DR NASHVILLE, TENN

TO: BOARD OF ZONING APPEALS

RE: SIDEYARD SETBACK FOR 0 31st AVENUE NORTH

THE OWNER WISHS TO BUILD ON PROPERTY AT 0 31st AVENUE NORTH, BUT PRESENTLY THE REQUIRED SIDEYARD SETBACK FOR NEW CONSTRUCTION FOR THE SIDEYARD ABUTTING A PUBLIC ROAD IS ONE-HALF OF THE ZONING MINIMUM OF 20 FOOT WHICH WOULD BE 10 FOOT. THIS 10 FOOT SIDEYARD PLUS THE 3 FOOT MINIMUM FOR THE OTHER LOT LINE WOULD ONLY LEAVE US A 12 FOOT BUILDING AREA. SINCE THIS LOT IS ONLY 25 FOOT WIDE, THIS WOULD MAKE THE LOT UNBUILDABLE. THIS REQUIREMENT WOULD BE A HARDSHIP FOR US AS WE HAVE AN IRREGULAR LOT AND COULD NOT BUILD UNDER THIS SETBACK.

WE WISH TO BUILD AT A SIDEYARD SETBACK ABUTTING THE ROAD AT 3' WHICH WOULD ALLOW US TO BUILD A 19 FOOT WIDE RESIDENCE. THIS IS THE REQUIRED SETBACK FOR THE ADJOINING LOTS IN THE AREA.

PLEASE CONSIDER THE IRREGULAR LOT AND THE LOTS ADJOINING US WHEN CONSIDERING THE REVISED SETBACK WE ARE ASKING FOR.

THANK YOU

From: <u>kevin thomas</u>

To: <u>Board of Zoning Appeals (Codes)</u>
Subject: zoning appeal case# 2019-509

Date: Thursday, December 5, 2019 9:59:59 AM

I am sending this email as I will not be able to attend the public hearing scheduled for December 19, 2019.

Regarding case# 2019-509 for the parcel at 0 31st Ave N, Map parcel 09206070700, I am **opposed** to a zoning variance that would effect the setback requirements and/or sidewalk and/or allow the applicant to build a residence without sidewalks or pay into the sidewalk fund. This requested variance is not consistent with the rest of the neighborhood, unfair to those of us that complied with zoning, and would have a negative effect on the neighborhood.

Please kindly confirm receipt of this email letter.

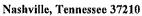
Respectfully, Kevin Thomas 916B 32nd Ave N - Nashville, LLC 512-775-5578

#### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South







Appellant: 11th Avenue Portners, LCC	Date: 1/5/14
Property Owner: 11th Ave Partners, LL	Case #: 2019- 510
Representative: : Joes Hargis	Map & Parcel: 09206050010006
	0920602002006
Council Distric	
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning C	
Purpose:	. 1
To construct i	
LEGALLY NON-CONFORMING	for 2 UNITS
Activity Type: CON	25.20
Location: ZUID RO	
This property is in the Zone District, in and all data heretofore filed with the Zoning Adn and made a part of this appeal. Said Zoning Pern was denied for the reason:	ninistrator, all of which are attached
Reason:  FRONT SETBACK VA  33FT REQUIRED PR  Section(s): 17.12.030 C	eralle requesting along
Based on powers and jurisdiction of the Board of 17.40.180 SubsectionOf the Metropolita Special Exception, or Modification to Non-Conforequested in the above requirement as applied to	n Zoning Ordinance, a Variance, rming uses or structures is here by
Appellant Name (Please Print)	Toey Ha(3)5 Representative Name (Please Print)
943 Oak Valley LA	211 Commerce St, Ste 8 60 Address
Nashville, TN 37220 City, State, Zip Code	Nashville TN 3720   City, State, Zip Code
<u>615584-3566</u> Phone Number	La 15 406-3559 Phone Number
Israel. Kirklogzmail, com	Thargis@bakerdonelson.com Email
Zoning Examiner:	Appeal Fee:



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



ZONING BOARD APPEAL / CAAZ - 20190067672
Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 092060J00100CO

**APPLICATION DATE: 11/05/2019** 

**SITE ADDRESS:** 

2610 BOOKER ST NASHVILLE, TN 37208

**UNIT 2610 A 2610 BOOKER STREET TOWNHOMES** 

PARCEL OWNER: 11TH AVENUE PARTNERS, LLC

**CONTRACTOR:** 

APPLICANT: PURPOSE:

Requesting front setback Variance per 17.12.030C. Required 33 ft front setback per contextual Average, requesting 26 ft front setback, reduction of 7 ft.

Proposed construction of an attached hpr/duplex.

BASED ON THE ZONE CHANGE OF THE PROPERTY EFFECTIVE 1/1/2006, THIS PROPERTY IS A LEGALLY NON-CONFORMING DUPLEX PER NES RECORDS SUBMITTED AND SENT TO FILE 6/11/2019. WMORGAN (06-11-2019 01:01PM)

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 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.

11th Avenue Partners, LLC	11/4/19
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?

Due to the exceptional narrowness and shallowness of our lot located at
2610 Booker St 37208, with lot dimensions being 36 ' x 106' We are requesting
a 7ft variance that would allow a front setback of 26 '.
Parcel ID: 092060J90000CO











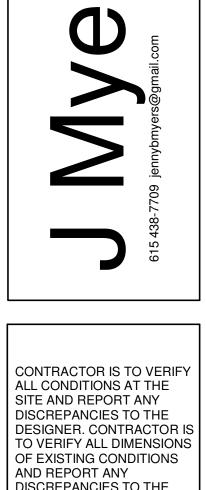












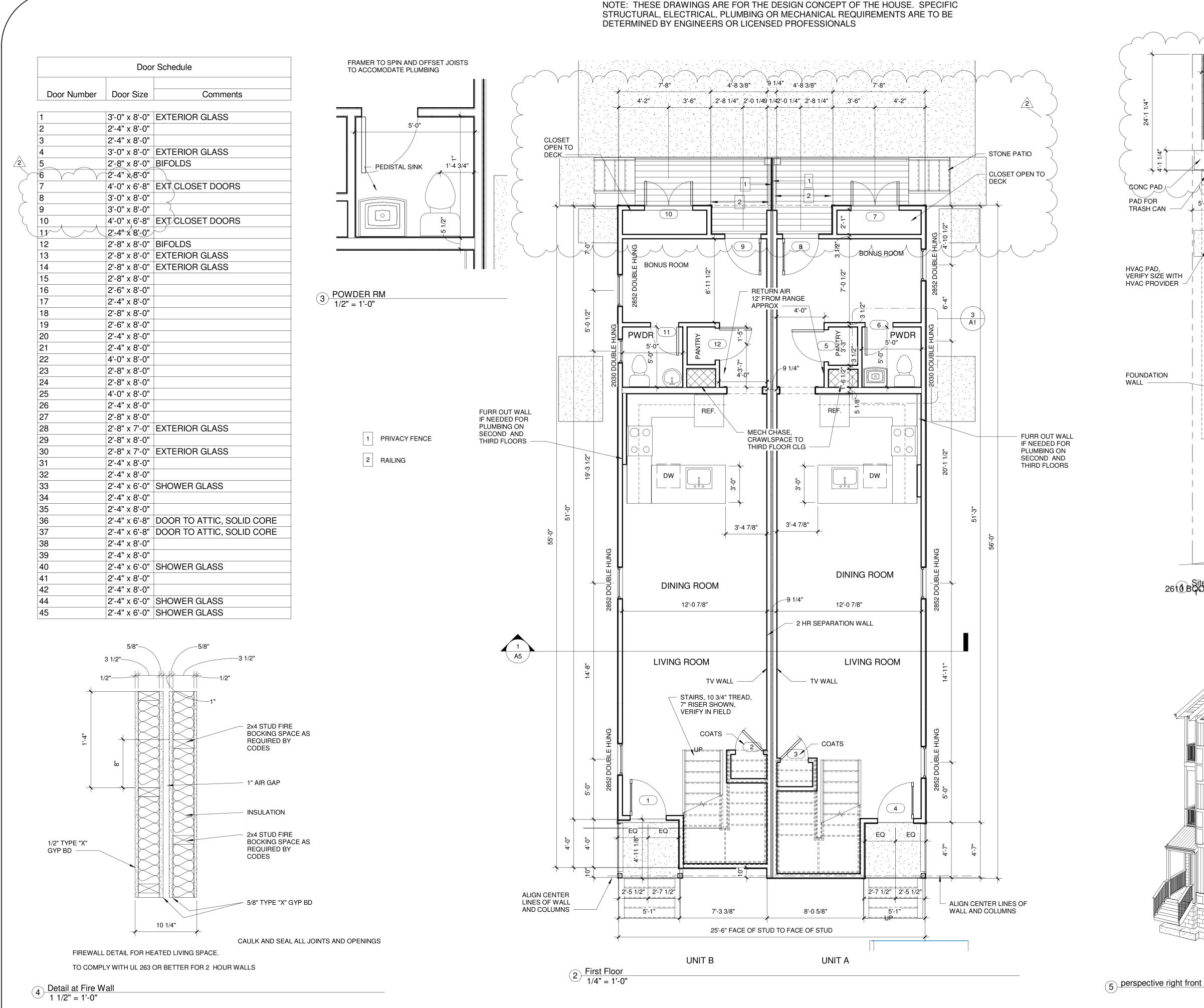
AND REPORT ANY DISCREPANCIES TO THE DESIGNER. CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ERRORS NOT REPORTED.

> BOOKE NASHVILL 26

Drawn by 10/1/19 **Revision Dates:** 11/2/19

**A**1

1ST FLOOR UNIT B 656 SF 2ND FLOOR UNIT B 567 SF 3RD FLOOR UNIT B 464 SF TOTAL UNIT B -1687 SF SECOND AND THRID FLOOR AREAS DO NOT INCLUDE THE STAIRWELLS





ALLEY

11'-4 5/8"

11'-4 5/8"

UNIT A

33'-0" WIDE X 18-0" DEEP PARKING AREA

<u>/2</u>\\

- STOOP

TRASH CAN

VERIFY SIZE WITH

HVAC PROVIDER

DOUBLE

FOUNDATION WALL FOR 2 HR

RATED TENANT

SEPARATION

FOUNDATION

SETBACK

PROVIDE SILT FENCE AROUND CONSTRUCTION

TO PROTECT NEIGHBORS AND WATER ELEMENTS

LINES

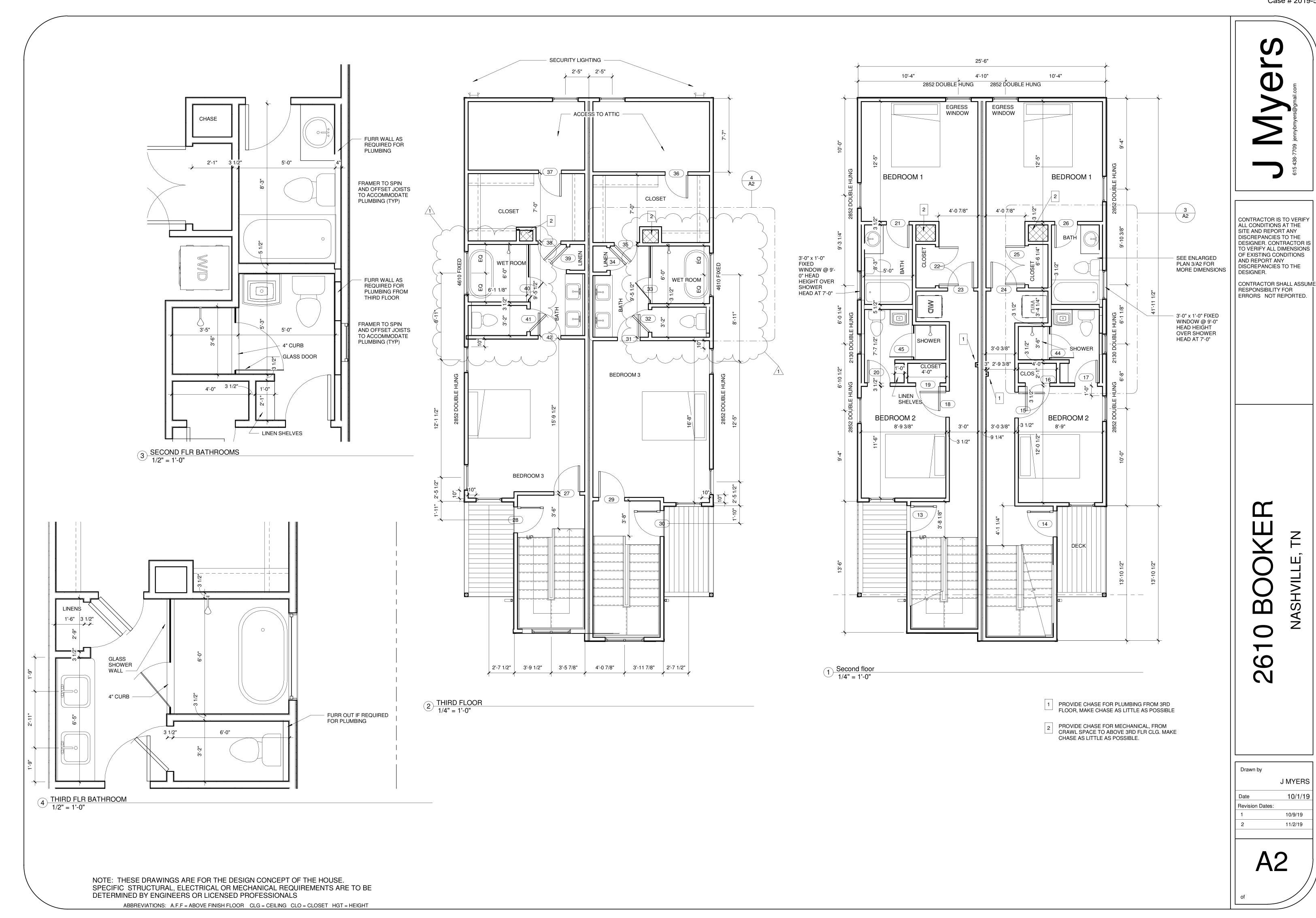
**AREAS** 

1ST FLOOR UNIT A 662 SF 2ND FLOOR UNIT A 567 SF 3RD FLOOR UNIT A 468 SF

TOTAL UNIT A - 1697 SF

FIRST FLOOR AREAS DO NOT INCLUDE EXTERIOR CLOSET

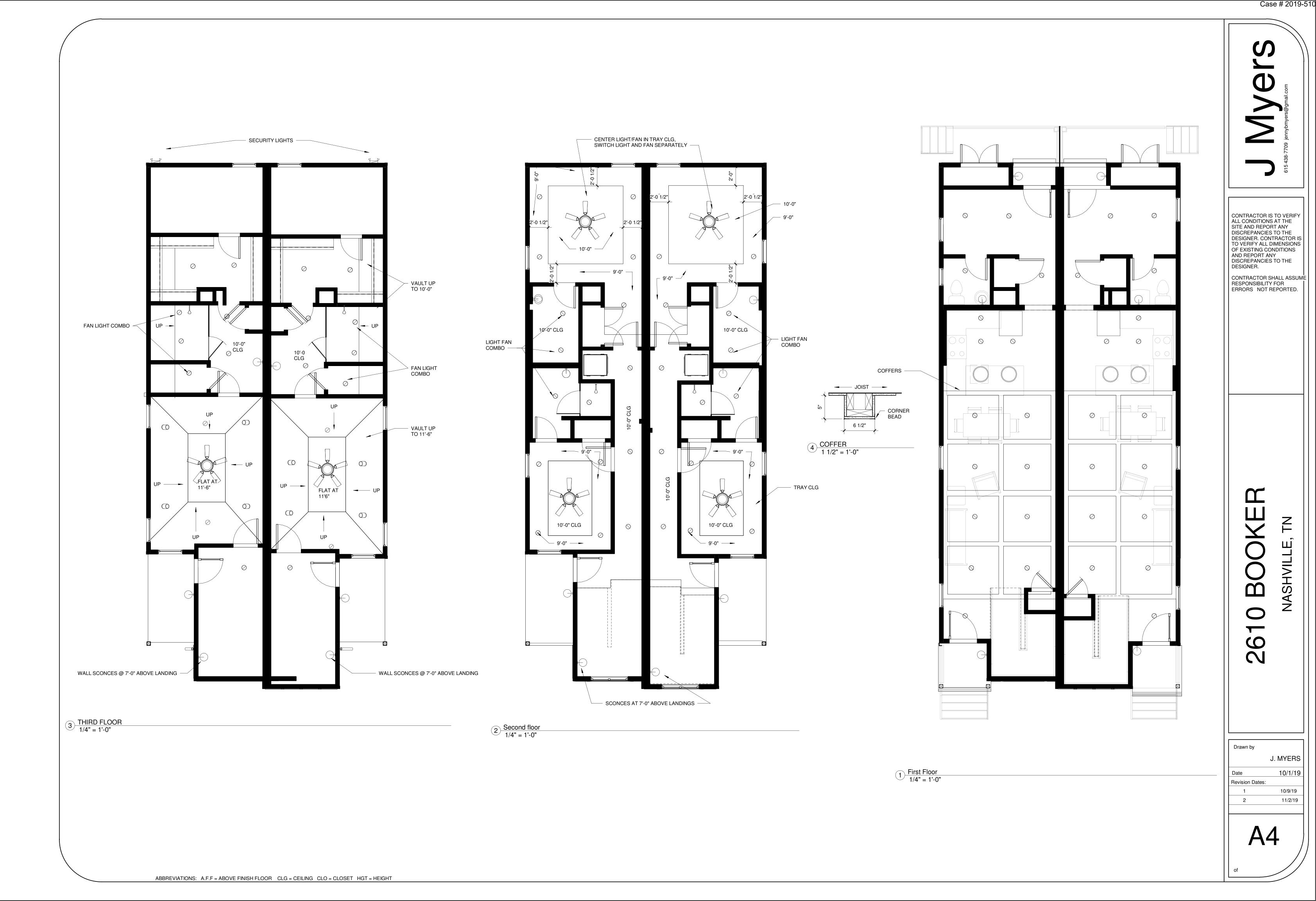
ABBREVIATIONS: A.F.F = ABOVE FINISH FLOOR CLG = CEILING CLO = CLOSET HGT = HEIGHT



Case # 2019-510

J MYERS 10/1/19 10/9/19 11/2/19





CONTRACTOR IS TO VERIFY ALL CONDITIONS AT THE SITE AND REPORT ANY DISCREPANCIES TO THE DESIGNER. CONTRACTOR IS TO VERIFY ALL DIMENSIONS OF EXISTING CONDITIONS AND REPORT ANY DISCREPANCIES TO THE DESIGNER.

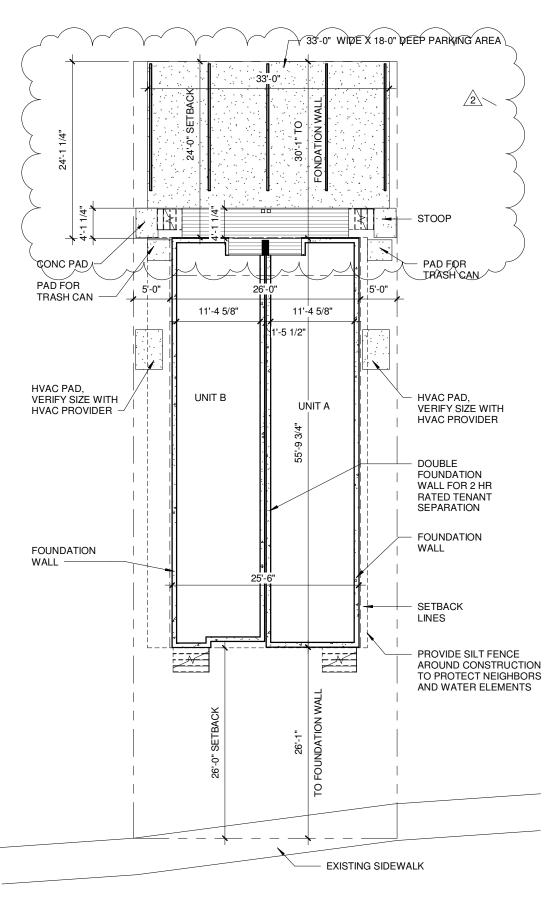
CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR ERRORS NOT REPORTED.

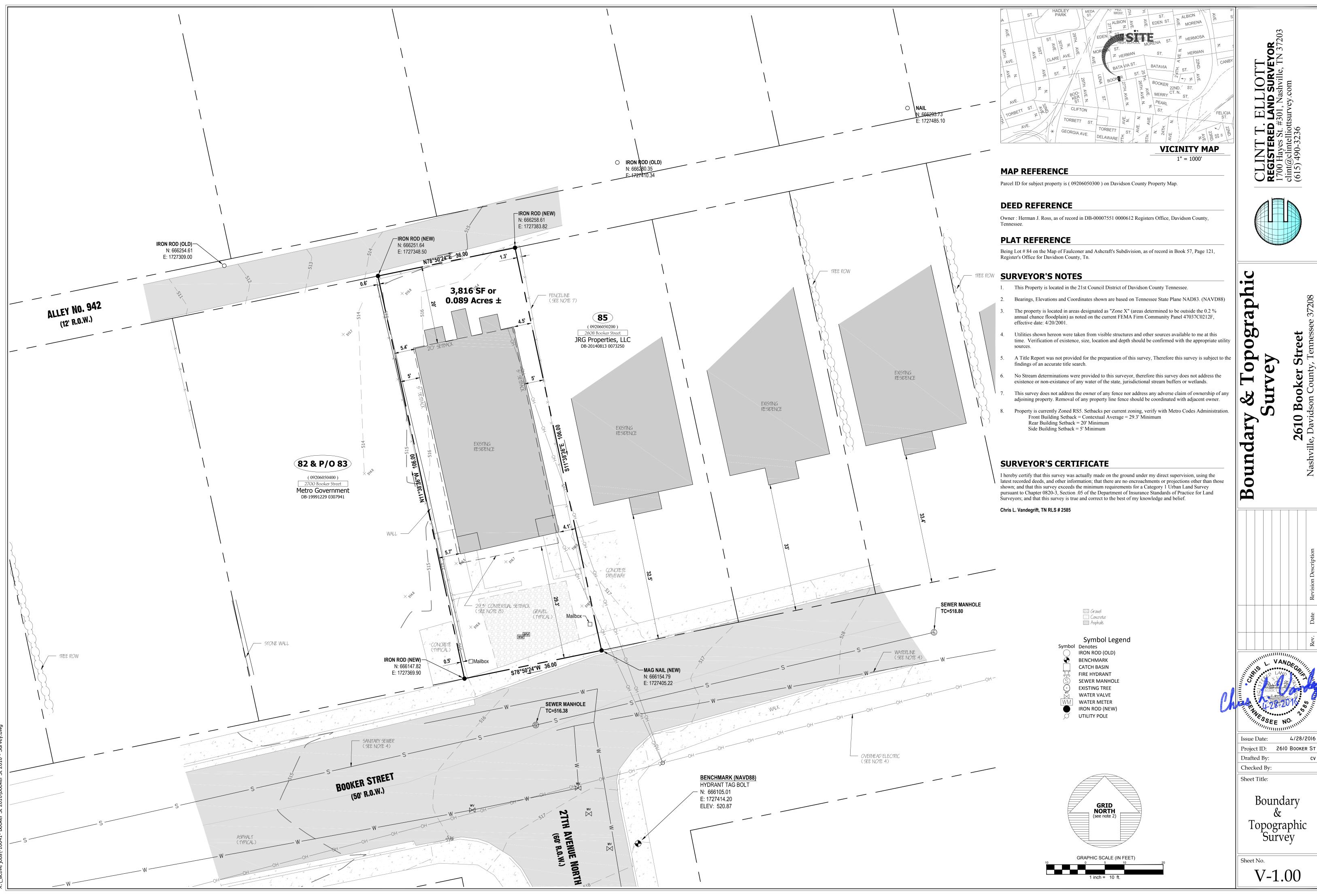
Case # 2019-510

Drawn by Revision Dates:

VAULT CLG TO 11'-6" FAKE VAULT,MIRROR OFOTHER SIDE FAKE VAULT
MIRROR OF
OTHER SIDE VAULT CLG TO 11'-6" — THIRD FLOOR 21'-6" 2ND FLR CLG 20'-6" 1st floor clg 9'-6" First Floor 0'-0" 1 Section LATERAL 1/4" = 1'-0"

### **ALLEY**





### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





Appellant: Frank Weal Date: 11/4/19 Case #: 2019- 511
Map & Parcel: 07114017700 Property Owner: 1TH, LP Representative: : Mark Wallace Council District The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused: Purpose: Activity Type: Location: This property is in the RM20 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: 60. FI. FI Section(s): 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. Frank Weel
Appellant Name (Please Print) Mark Wallace Representative Name (Please Print) 1033 Demonbreun St. 115 Lynwood Ter Nashville, TW 37207 City, State, Zin Code Nashvine, TN 37203 615-804-6154 Phone Number 615-952-8573 Phone Number bbubis 68@gmail.com mark wall ace DC @yahoo.com Email Email

Appeal Fee: \_\_\_

Zoning Examiner:

### **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.)

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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.

Prank Neal
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?

Irregular Lot Boundaries (Ru	120a ; 0.2307 Ac.; 10,051 ft.
Irregular Lot Boundaries (Ru - addressed on N.5th as the	he "front",
- Zoning interprets year set	back 20' as the southern
property line (33% of the	property)

### 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.

<u>Unique characteristics-</u> 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.

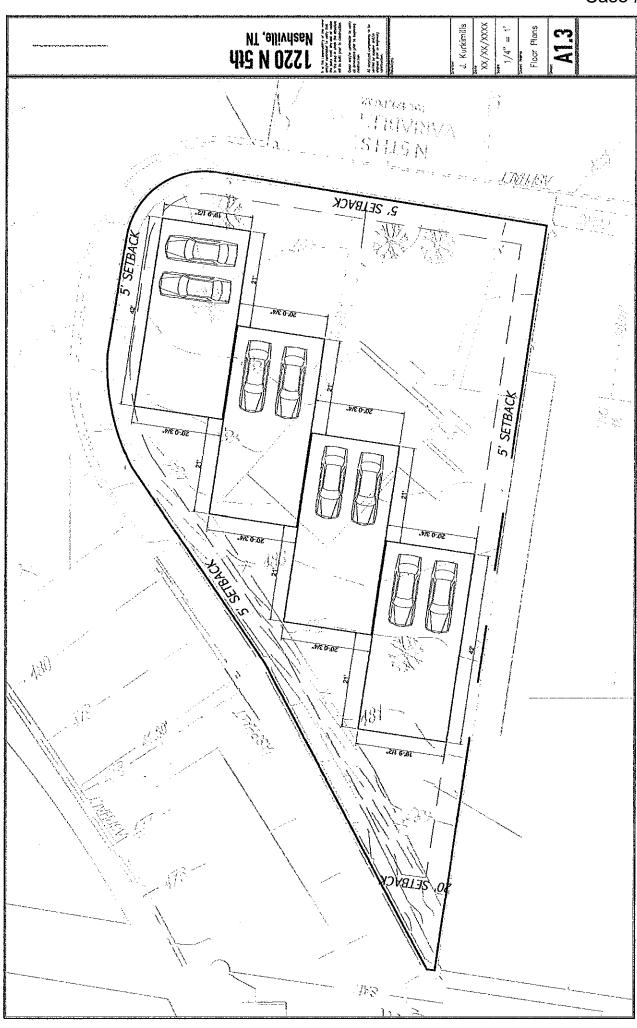
Financial gain not only bases-Financial gain is not the sole basis for granting the variance.

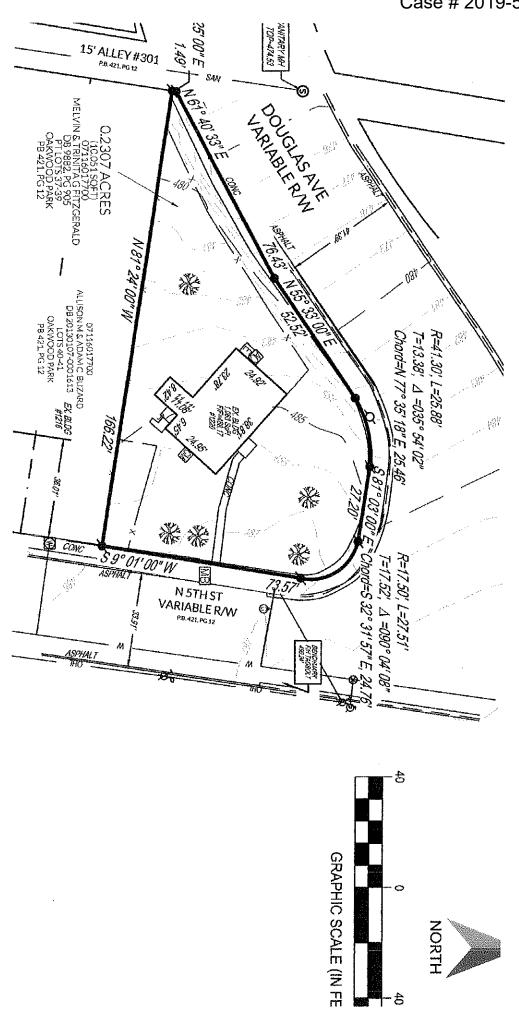
No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

**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.









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



ZONING BOARD APPEAL / CAAZ - 20190067897 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 07116017700

**APPLICATION DATE: 11/05/2019** 

SITE ADDRESS:

1220 N 5TH ST NASHVILLE, TN 37207

PT. LOT 26 RICHARDSON ADD. PT. LOTS 37, 38, 39 OAKWOOD PARK

PARCEL OWNER: ITH, LP

CONTRACTOR:

**APPLICANT: PURPOSE:** 

Requesting Variance to 17.12.020D required 20 ft rear setback. Requesting to utilize a 5 ft rear setback (15 ft reduction) for proposed 4 Unit multi family development.

No construction permit application on file.

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.

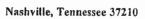
There are currently no required inspections

Inspection requirements may change due to changes during construction.

### Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





Appellant: Vanderbilt/LENDLE	ASE Date: 11/5/2019			
Property Owner: VAndarbill				
Representative: : Most Garrett	Case #: 2019- 512			
	Map & Parcel: <u>692/6013800</u>			
Council Distric	ct <u>19</u>			
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning Control of Cont	on of the Zoning Administrator, Compliance was refused:			
Purpose: to construct a dormitary				
	<del></del>			
	The state of the s			
Activity Type: Dormitory				
Activity Type: Dormitory  Location: 115 We Ave				
This property is in the Zone District, in and all data heretofore filed with the Zoning Adm and made a part of this appeal. Said Zoning Pern was denied for the recent.	ninistrator, all of which are attached nit/Certificate of Zoning Compliance			
Reason: A Variance from	build to zone requirements			
Section(s):	build to zone requirements			
Based on powers and jurisdiction of the Board of 17.40.180 Subsection Of the Metropolita Special Exception, or Modification to Non-Confo requested in the above requirement as applied to	Zoning Appeals as set out in Section n Zoning Ordinance, a Variance, rming uses or structures is here by			
UPNOLFARE	ž.			
Appellant Name (Please Print)	Representative Name (Please Print)			
Address	1201 Demembreau Suite 800			
City, State, Zip Code	Nastville ITN 37203 City, State, Zip Code			
Phone Number	615 -772-5182 Phone Number			
Email	MAHLW. GUNTEHO lendlease com			
	Appeal Fee: 5 2 60			
	removes newton P. land lease com			



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

Case # 2019-512

ZONING BOARD APPEAL / CAAZ - 20190067865
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09216013800

**APPLICATION DATE: 11/05/2019** 

**SITE ADDRESS:** 

115 LYLE AVE NASHVILLE, TN 37203

LOTS 20 21 JOHN H WILLIAMS & PT CLSD ALLEY

PARCEL OWNER: VANDERBILT UNIVERSITY CONTRACTOR:

APPLICANT: PURPOSE:

see permit application CACF T2019067298 started by Ronya Sykes. Requesting variances per METZO section 17.12.020 (D) for MUI-A ZONING FOR HEIGHT 30' ALLOWED PROPOSING 44'. ALSO REQUESTING TO GO 28' FROM 20TH AVENUE S/B INSTEAD OF BUILD TO REQUIREMENTS AND GLAZING REQUIREMENTS.

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

### There are currently no required inspections

Inspection requirements may change due to changes during construction.



November 5, 2019

Vanderbilt University Graduate & Professional Housing Case No. 2015SP-016-002
MUI-A Zoning Variance Request

The Vanderbilt Graduate & Professional Housing project is a partnership between Vanderbilt University and Lendlease Communities, LLC whereby Lendlease will develop, finance, operate, and maintain a below-market rent, 616 bed mixed-use residential and retail development through a 50yr ground lease with the University. All land and improvements revert to University ownership at the conclusion of the ground lease.

The combined parcels are split between SP and MUI-A zoning and the project has been designed as the northeastern terminus of the Vanderbilt campus. The attached application seeks three zoning variances within the MUI-A portion of the project:

- MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3h, ii
  In the UZO: "ii. A parcel that is sixty feet wide or greater shall have the front façade of the building extend
  across at least sixty percent of the parcel's frontage."
  Current Façade Length: 44'-0" along the build-to-zone (+/- 30%)
- 2. MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3c "Note 3: Alternative zoning districts shall have the following standards apply to the location of a building and its associated parking: c. A primary entrance to the building shall be located along the building façade within the build-to-zone."
  Current Primary Entrance on 20th Avenue is located 28'-0" feet from the build-to-zone within a publicly accessible plaza.
- 3. MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3g "Note 3: Alternative zoning districts shall have the following standards apply to the location of a building and its associated parking: g. Glazing on the first floor an any public street frontage shall be a minimum of forty percent for nonresidential uses and a minimum of twenty-five percent for residential uses. Glazing on the upper floors of any public street frontage shall be a minimum of twenty-five percent." Current ground-level glazing % in MUI-A zone on Lyle: 2% due to location of NES vault and mech. rooms.

Any questions related to this variance application can be directed to the undersigned at (615) 772-5182 or <a href="matthew.garrett@lendlease.com">matthew.garrett@lendlease.com</a>. Thank you for your consideration.

Sincerely,

Matthew Garrett

Project Director, Vanderbilt GPH

Lendlease Communities

### **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.

Property Owner - Vanderbilt University//Developer - Lendlease

11/5/2019

**APPELLANT** 

DATE

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

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

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

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

The subject properties (Parcel IDs: 09216014600, 09216014500, 09216014300, 09216014100, and 09216013900) are being developed by Lendlease in partnership with Vanderbilt University to house graduate and professional students. The combined parcels form the NE edge of campus, and subject to Vanderbilt's own plans, is designed as the terminus of a pedestrian greenway that connects to campus. As such, limiting the building frontage on 20th Ave. (in lieu of the required 60% frontage) enables the project to maintain accessibility to the balance of the 20th Ave. frontage via a 21,760 square foot public plaza, providing a pedestrian connection from campus through the property to Lyle Ave. Vanderbilt will continue to own the underlying land, while Lendlease will develop and own the associated improvements through a 50yr ground lease. Similarly, the main building entrance on 20th Ave. is set back within the plaza to improve pedestrian flow and preserve maximum accessibility and visibility into the plaza by the public. Additionally, the location of electrical vault and mechanical rooms on Lyle Ave. prevent the project from meeting the 40% first floor glazing requirement in the MUI-A portion of the building on Lyle Ave.

### **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.

<u>Unique characteristics</u>- 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.



December 12, 2019

Nashville Board of Zoning Appeals 800 Second Avenue South Nashville, TN 37210

> Re: Zoning Appeal, Case Number 2019-512 Vanderbilt Graduate Housing, Variance Request

Dear Members of the Board:

Lendlease is acting as the Developer and contemplated Owner of the building associated with the above-referenced project. I am filing this letter requesting a variance to reduce the building frontage along 20<sup>th</sup> Avenue to allow for a public plaza in accordance with our design plans. In addition, we request the primary student entrance to the building be set back off the build-to-zone to allow for retail café exterior seating and entry; therefore, working to activate 20<sup>th</sup> Avenue with retail and student uses. Our design team has worked with the property owner, Vanderbilt University, to establish pedestrian connections to the Vanderbilt campus with great sensitivity to neighborhood place making and street activation. We propose the design plans will enhance the neighborhood, particularly 20<sup>th</sup> and Lyle Avenue serving on the eastern edge of campus. Lastly, we request reducing the glazing on the northeastern MUI-A portion of the site along Lyle. The team has worked with NES and the Metro Fire Marshal's office to establish location of incoming utility services. Because certain rooms affected by the glazing house sensitive mechanical, electrical, and plumbing infrastructure, the building cannot be glazed to the percentage otherwise required by code. Our variance requests have the support of Freddie O'Connell, the District Councilperson.

### Variance Request 1

The requirement is stated in the MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3h, ii.

The UZO requests that the building extend across sixty percent of the parcel frontage. Our current façade length is 44'-0" along the build-to-zone (+/- 30%). The public plaza frontage makes up the remainder of the façade length. **Exhibit A** and **Exhibit B** is attached for your reference.

A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.

Variance Justification: As Vanderbilt-owned property, the proposed development is located on the northeastern edge of campus. The project was conceived and designed as the terminus of a pedestrian greenway connecting to the University's central campus. As such, limiting building frontage along 20<sup>th</sup> Avenue enables the balance of frontage to remain a publicly accessible 21,760 square foot plaza with a pedestrian connection through the property to Lyle Ave. In the coming years, Vanderbilt will develop the parcels opposite this project on 20<sup>th</sup> Ave., which will strive to maintain and compliment the concept of activated greenway and pedestrian movement throughout this part of campus. **Exhibit C** is attached for your reference.



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

Variance Justification: In addition to the unique characteristics imposed via its relationship to Vanderbilt University and becoming an extension of campus, the project site is split by two different zoning types. The southern "half" of the site is with an SP zone while the northern "half" sits within an MUI-A zone. The project has been designed to comply with FAR, height, use, and other requirements of each underlying zone while achieving the overall goals of the University related to affordability, green space, and pedestrian activation. Additionally, the project provides 21,760 square ft. of public space which is in very short supply within the Midtown neighborhood. Providing a welcoming public plaza which connects to future public and pedestrian-friendly development on the other side of 20<sup>th</sup> Ave. in lieu of additional building frontage benefits Nashville and the Midtown neighborhood.

C. Hardship Not Self-Imposed. The alleged difficulty or hardship will not be created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

Variance Justification: Hardship will not be created by previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

Variance Justification: Seeking this variance actually harms the ability of the project to maximize financial gain. By requesting a variance from building frontage requirements, the project is trading revenue-generating square footage along 20<sup>th</sup> for non-revenue generating public space to the benefit the University, Nashville, and the Midtown neighborhood.

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

Variance Justification: The introduction of publicly accessible open space with trees and seating should improve property values within the area.

F. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.

Variance Justification: The variance should improve the public welfare and complies with the intent of this Zoning Code which is presumably to ensure active use along major street frontages.

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

Variance Justification: While not within a PUD, the variance allows the project to contribute to and enhance Vanderbilt University's master plan. This public plaza will serve as frontage to Vanderbilt's Phase II across 20<sup>th</sup> Ave., connecting to the larger network of public spaces designed specifically to enhance the pedestrian experience.



### Variance Request 2

### MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3c

The UZO requests that a primary entrance to the building shall be located along the building façade within the build-to-zone. Current Primary Entrance on 20<sup>th</sup> Avenue is located 28'-0" feet from the build-to-zone.

A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.

Variance Justification: As Vanderbilt-owned property, the proposed development is located on the northeastern edge of campus. While a mixed-use project, the primary use is as student housing for Vanderbilt University's graduate and professional student population. The project was conceived and designed as the terminus of a pedestrian greenway connecting to the University's central campus. As such, limiting building frontage along 20<sup>th</sup> Ave. enables the balance of frontage to remain publicly accessible park/plaza with a pedestrian connection through the property to Lyle Ave. Current 20<sup>th</sup> Ave. frontage within the MUI-A zone is dedicated to retail use in which a coffee shop is currently envisioned. Entry to that space is within feet of the build-to line on 20<sup>th</sup> Ave. Residential entry is set back and is accessible via the public plaza. Placing the entry here draws building residents into the courtyard, further activating this space. **Exhibit D** is attached for your reference.

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

Variance Justification: This project's most unique characteristic is that it will be populated exclusively by graduate and professional students enrolled at Vanderbilt University. Given the sizeable resident population (616 beds) travelling between this building and the Vanderbilt campus daily, the main resident entry was set back within the plaza to improve pedestrian traffic flow and to avoid overcrowded sidewalks adjacent to a busy 20<sup>th</sup> Ave. In addition to the unique characteristics imposed via its relationship to Vanderbilt University and becoming an extension of campus, the project site is split by two different zoning types. The southern "half" of the site is with an SP zone while the northern "half" sits within an MUI-A zone. The project is designed to comply with FAR, height, use, and other requirements of each underlying zone while achieving the overall goals of the University related to affordability, green space, and pedestrian activation.

C. Hardship Not Self-Imposed. The alleged difficulty or hardship will not be created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

Variance Justification: Hardship will not be created by previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

Variance Justification: There is no financial gain to the University or Developer if granted this variance.



- E. No Injury to Neighboring Property. The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.
  - Variance Justification: The granting of this variance will not injure other property owners or improvements in the area.
- F. 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.
  - Variance Justification: The granting of the variance will not be detrimental to the public welfare and will not impair the intent and purpose of this Zoning Code.
- G. Integrity of Master Development Plan. The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved planned unit development.

Variance Justification: While not within a PUD, the variance allows the project to contribute to and enhance Vanderbilt University's master plan.

### **Variance Request 3**

### MUI-A Zoning Chapter 17.12 District Bulk Regulations: Table 17.12.020D, Note 3q

BZA requests glazing on the first floor an any public street frontage shall be a minimum of forty percent for nonresidential uses and a minimum of twenty-five percent for residential uses.

- A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property will result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title.
  - Variance Justification: This project is replacing and dramatically upgrading two current public alleys internal to the site. The new, wider alley will connect Lyle and 20<sup>th</sup> Avenues along the northern boundary of the project site. To keep the retail loading dock, retail parking garage entrance, and any curb cuts off the perimeter streets (20<sup>th</sup> Ave., Lyle Ave. and Broadway), these building program elements will move to the north of the property entering and exiting in the alley. Additionally, NES and Fire Department feedback drove building electrical and mechanical rooms to the ground floor of the MUI-A portion of Lyle Ave. Because these rooms house sensitive mechanical, electrical, and plumbing infrastructure, it cannot be glazed to the percentage otherwise required by code. **Exhibit E** is attached for your reference.
- B. Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.
  - Variance Justification: As stated above, the project extends curb-to-curb (with generous pedestrian infrastructure) along 20<sup>th</sup> Ave., Broadway, and Lyle Ave. Moving the parking entrance and retail loading dock into the alley left of Lyle Ave. as the only logical building façade elevation



in which to locate mechanical, electrical, and plumbing rooms. The project is also burying overhead power in Lyle Ave. in order to satisfy the Metro Fire Marshall's request for roof access along Lyle Ave. This underground power will connect to the electrical closets along the MUI-A frontage of Lyle Ave.

C. Hardship Not Self-Imposed. The alleged difficulty or hardship is not created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

Variance Justification: Hardship is not created by previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.

D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.

Variance Justification: There is no financial gain to the University or Developer if granted this variance.

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

Variance Justification: The granting of this variance will not injure other property owners or improvements in the area.

F. 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.

Variance Justification: The granting of the variance will not be detrimental to the public welfare and will not impair the intent and purpose of this Zoning Code. The parcel immediately adjacent is the back-of-house parking lot for the Hampton Inn and across the street is a restaurant parking lot so there will be no discernable change in use along this portion of Lyle Ave.

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

Variance Justification: While not within a PUD, the variance allows the project to contribute to and enhance Vanderbilt University's master plan.

For all of the above reasons, we are asking for approval of these variance requests and will be happy to address any additional questions of concerns.

Sincerely,

Matt Garrison

Wan Down



Attachments

Exhibit A: Current Site Plan





**Exhibit B:** Rendering from 20<sup>th</sup> Avenue of the Public Plaza



**Exhibit C:** Proposed masterplan of the Graduate Village, the current project noted as Phase 1 below.

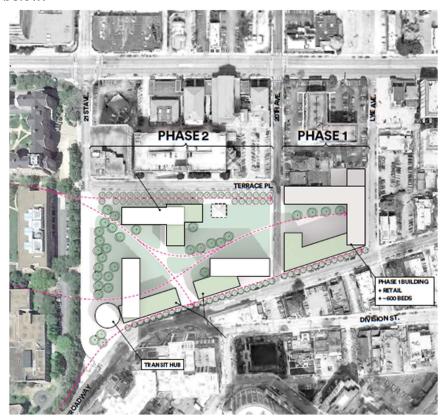




Exhibit D: Building Entry on 20th Ave.

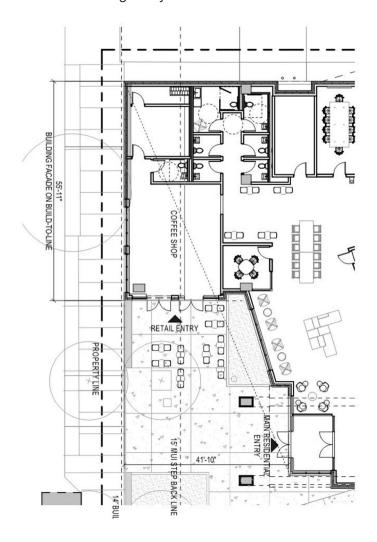
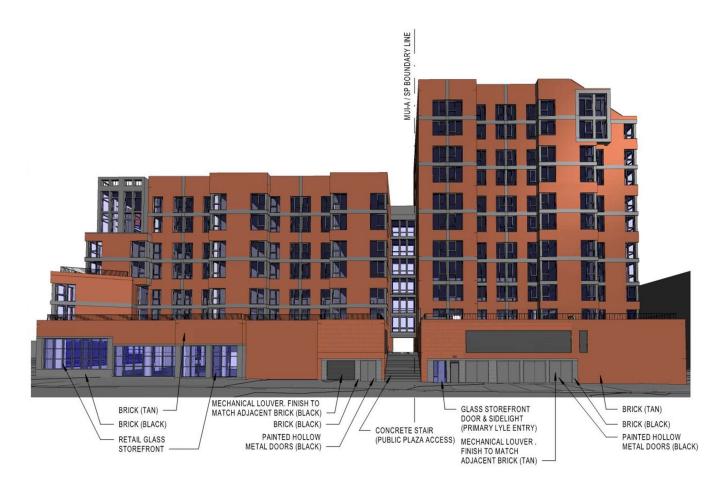
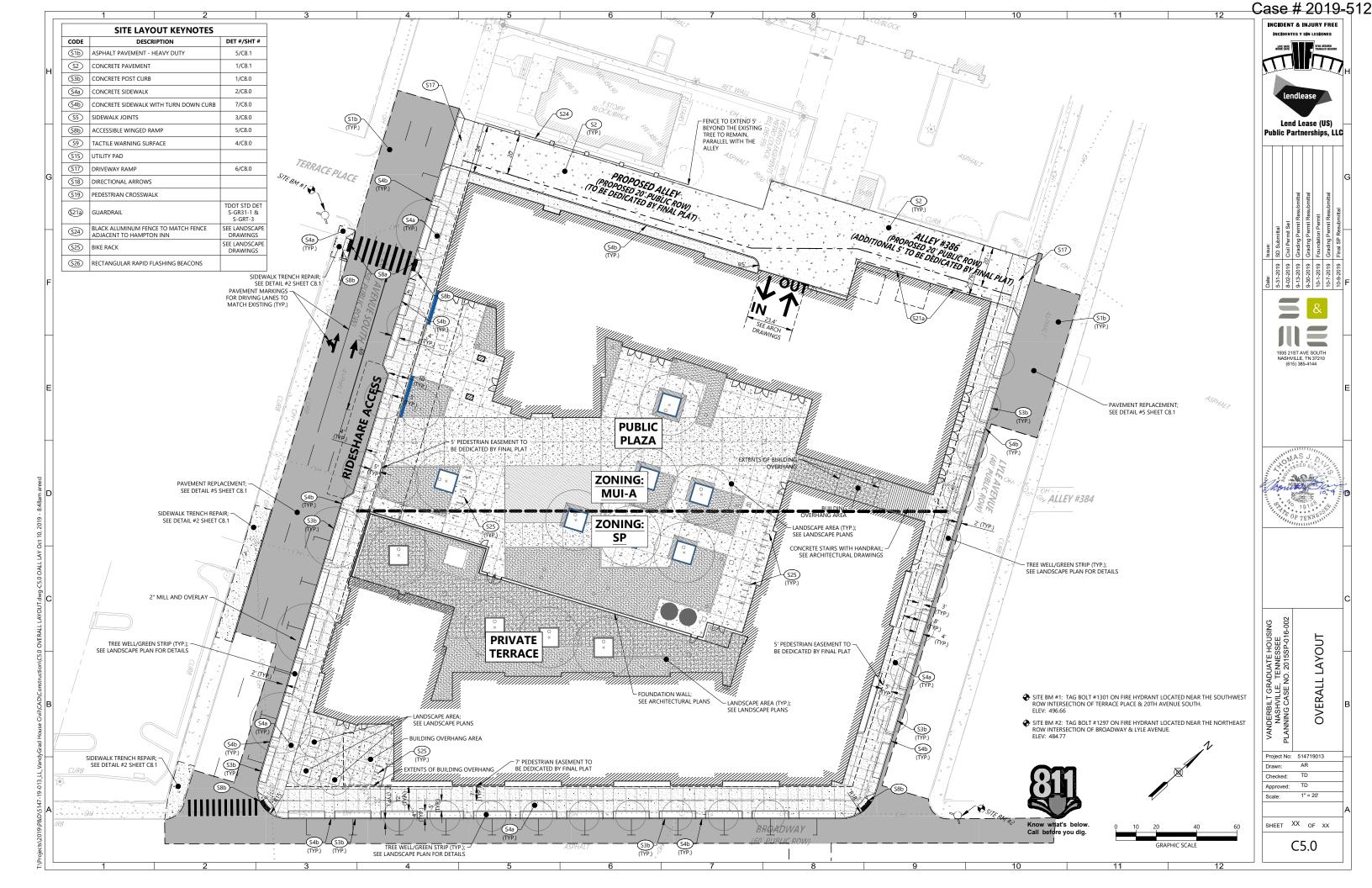




Exhibit E: Building Elevation along Lyle







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

Appellant:	Barry Cleveland	Date:	11-5-2019		
Property Owner:	American Legion Post 88	Case #:	2019- 517		
Representative:	Barry Cleveland	Map & Parcel:	09605018800		
Council District:	15				
The undersigned Zoning Complian		ne Zoning Admin	strator, wherein a Zoning Permit/Certificate of		
Purpose:	Construct 7330 sq.ft. American legion	hall			
Activity Type:	assembly				
Location:	2717 McCampbell Ave				
Zoning Administr Compliance was of Reason: SID			plication and all data heretofore filed with the appeal. Said Zoning Permit/Certificate of Zoning		
KE	QUESTING NOT TO BUILD OR PAY				
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:	Barry Cleveland	Representative:	Same		
Phone Number:	(615)244-2040	Phone Number:			
Address:	2200 Rosa Parks Blvd				
	Nashville, TN 37228				
Email address:	bcleveland@dbsengr.com	Email address:			
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 1,000 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

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

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

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

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

APPELLANT

DATE

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

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

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

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

If sidewalks are built as required Utility poles will obstruct the
Sidewalks, As a solution, a le Sidewalk and a 5' grass strip
is being proposed. Metro Planning Sidewalks, Mr. Poter Bird &
Mr. Elwyn Gonzalez has stated they would support on
atternate design from the require 8' wide sidewalk to
omit the utility pole conflict. Councilman Jeff Spracuse
bas also stated he is supportive of the alternative layout

### **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.

<u>Unique characteristics</u>- 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.



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



### **BUILDING COMMERCIAL - NEW / CACN - 2018069572**

800 Second Avenue South, Nashville, TN 37210

**Inspection Checklist for Use and Occupancy** This is not a Use and Occupancy Notification

PARCEL: 09605018800

**APPLICATION DATE: 11/02/2018** 

SITE ADDRESS:

2717 MCCAMPBELL AVE NASHVILLE, TN 37214 N OF MCCAMPBELL AVE E OF DONELSON PIKE

PARCEL OWNER: AMERICAN LEGION POST 88

**CONTRACTOR:** 

APPLICANT:

WELLSPRING BUILDERS INC

WELLSPRING BUILDERS INC

54495 STBC

HERMITAGE, TN 37076 (615)834-7373

#### **PURPOSE:**

TO CONSTRUCT A NEW ONE STORY 22' TALL 7330 SQFT AMERICAN LEGION HALL.

1.....SIDEWALKS REQUIRED ...AND...NOT ALLOWED TO CONTRIBUTE.

2....PARKING TO BE UNDER THE TVA EASEMENT....NEED LETTER FROM TVA AUTHORIZING LOCATION UNDER TVA

EASEMENT....615-781-4777; 781-4782; 615-351-8336...SEE ATTACHED.

POC: WILLIAM JENNER 615-669-0755...

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.

	pourea, Framing = D	before covering wall and after rough-in inspections.
U&O PW Sidewalk FA - CA Final Approval		615-862-8758 Benjamin.york@nashville.gov
U&O Life Safety Final Approval		615-862-5230 FMORequest@nashville.gov
[B] Fire Sprinkler Review On Bldg App	APPROVED	Michelangelo.Mccallister@nashville.gov
CA - U&O Fire Sprinkler Final Approval		615-862-5230 FMORequest@nashville.gov
SWGR U&O Sign-off		615-862-7225 mws.stormdr@nashville.gov
U&O Cross Connect Final Approval		mws.ds@nashville.gov
U&O Landscaping & Tree Final Approval - CA		615-862-6488 stephan.kivett@nashville.gov
Commercial Building Framing -Ceiling		Tim.Rowland@nashville.gov
U&O Sewer Availability Final Approval		mws.ds@nashville.gov
WS Existing Service Cut and Capped		615-862-7225 mws.ds@nashville.gov
U&O Water Availability Final Approval		mws.ds@nashville.gov
WS Existing Service Cut and Capped		615-862-7225 mws.ds@nashville.gov
Commercial Building Final		Tim.Rowland@nashville.gov
Commercial Building Footing	APPROVED	Sid.Hinkle@nashville.gov
Commercial Building Framing	APPROVED	Tim.Rowland@nashville.gov
Commercial Building Framing - Wall		Tim.Rowland@nashville.gov
Commercial Building Progress		Tim.Rowland@nashville.gov
Commercial Building Slab	APPROVED	Tim.Rowland@nashville.gov
Commercial Temporary Final		Tim.Rowland@nashville.gov
U&O Zoning Final		Tim.Rowland@nashville.gov
U&O Sewer Availability Final Approval		mws.ds@nashville.gov
U&O Water Availability Final Approval		mws.ds@nashville.gov
U&O Cross Connect Final Approval		mws.ds@nashville.gov
U&O Letter		615-862-6527 tawanna.dalton@nashville.gov
U&O Grease Control Final Approval - CA		615-862-4590 ECO@nashville.gov

### Sykes, Ronya (Codes)

From:

Chelsea Hannan < channan@dbsengr.com>

Sent:

Tuesday, November 05, 2019 8:05 AM

To:

Sykes, Ronya (Codes)

Subject:

Fwd: 2717 McCampbell Avenue Sidewalk Alternate Design

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

Chelsea Hannan, P.E.

Begin forwarded message:

From: Barry Cleveland <a href="mailto:BCleveland@dbsengr.com">BCleveland@dbsengr.com</a>
<a href="mailto:Date: November 4">Date: November 4</a>, 2019 at 11:30:17 AM CST

To: Chelsea Hannan < channan@dbsengr.com>

Subject: FW: 2717 McCampbell Avenue Sidewalk Alternate Design

See below about the sidewalk variance request. Ask codes if this can be approved by Codes at the time of the variance request. Take this email with you to show Planning will support the request.

Sincerely, Barry Cleveland

DBS & Associates Engineering, Inc. 2200 Rosa L. Parks Blvd Nashville, Tennessee 37228

Office (615) 244-2040 cell (615) 390-5025 bcleveland@dbsengr.com

From: Gonzalez, Elwyn (Planning) <Elwyn.Gonzalez@nashville.gov>

Sent: Monday, November 4, 2019 11:05 AM

To: Barry Cleveland <BCleveland@dbsengr.com>

Subject: RE: 2717 McCampbell Avenue Sidewalk Alternate Design

I would ask Codes when you apply for the variance to see if it qualifies for the waiver process, it would ultimately be their call.

Thanks, Elwyn

From: Barry Cleveland < <a href="mailto:BCleveland@dbsengr.com">BCleveland@dbsengr.com</a> Sent: Monday, November 04, 2019 10:57 AM

**To:** Gonzalez, Elwyn (Planning) < <u>Elwyn.Gonzalez@nashville.gov</u>> **Subject:** RE: 2717 McCampbell Avenue Sidewalk Alternate Design

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

Elwyn,

We would be proposing a 6 feet wide sidewalk with a 6 feet wide grass strip for the alternate design to get us out of the utility poles. It is my understanding this would have to go before the BZA since the permit was pulled prior to September 1, 2019. Please confirm.

Thanks.

Sincerely, Barry Cleveland

DBS & Associates Engineering, Inc. 2200 Rosa L. Parks Blvd Nashville, Tennessee 37228

Office (615) 244-2040 cell (615) 390-5025 bcleveland@dbsengr.com

From: Gonzalez, Elwyn (Planning) < <a href="mailto:Elwyn.Gonzalez@nashville.gov">Elwyn.Gonzalez@nashville.gov</a>>

**Sent:** Monday, November 4, 2019 10:52 AM **To:** Barry Cleveland < <u>BCleveland@dbsengr.com</u>>

Subject: RE: 2717 McCampbell Avenue Sidewalk Alternate Design

Hey Barry,

It is preferable that there are no obstacles such as power poles in the middle of a new sidewalk. Does this mean that there would be a 6' grass strip and 6' sidewalk then?

If that's the case, Planning may be supportive however it would need to be approved by the BZA or through our new waiver process. I'm not sure if you know but Metro has a new sidewalk waiver process that allows staff to administratively review projects with ultimate approval from Metro Codes: <a href="https://www.nashville.gov/Planning-Department/Transportation/Sidewalks.aspx">https://www.nashville.gov/Planning-Department/Transportation/Sidewalks.aspx</a>. There have been instances where we would look at alternate sidewalk designs, such as what your client is proposing along McCampbell Ave.

Let me know if you have any other questions, thanks!

#### Elwyn Gonzalez, AICP

Transportation Planner, Multimodal Transportation Planning Metropolitan Nashville Planning Department 800 2nd Avenue South, PO Box 196300 Nashville, TN 37219-6300

(o) 615-862-7163

e-mail: elwyn.gonzalez@nashville.gov

From: Barry Cleveland < <a href="mailto:BCleveland@dbsengr.com">BCleveland@dbsengr.com</a>>

Sent: Friday, November 01, 2019 2:31 PM

To: Gonzalez, Elwyn (Planning) < <a href="mailto:Elwyn.Gonzalez@nashville.gov">Elwyn.Gonzalez@nashville.gov</a> > Subject: 2717 McCampbell Avenue Sidewalk Alternate Design

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

Good Afternoon Elwyn,

Our Client has requested us to see if you would support a six feet sidewalk instead of an 8 feet wide sidewalk due to power poles being within the sidewalk between 6 and 8 feet width of the proposed sidewalk. There is a six foot wide sidewalk per the sidewalk calculator just west of the site. There currently is no sidewalk along this street at this time.

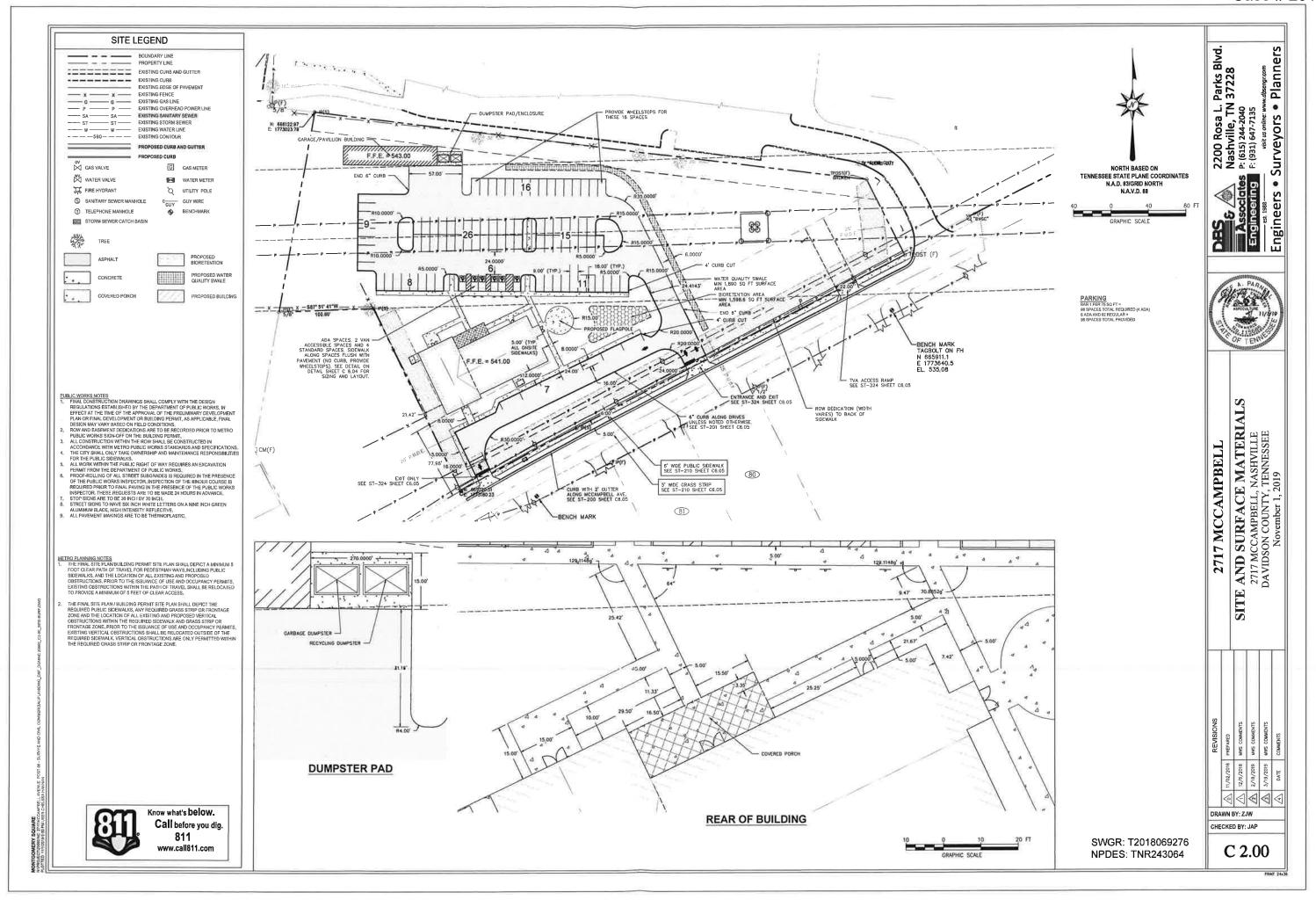
The building is almost complete. If we must request this through a formal BZA variance request, I need to submit to Codes before November 5<sup>th</sup>.

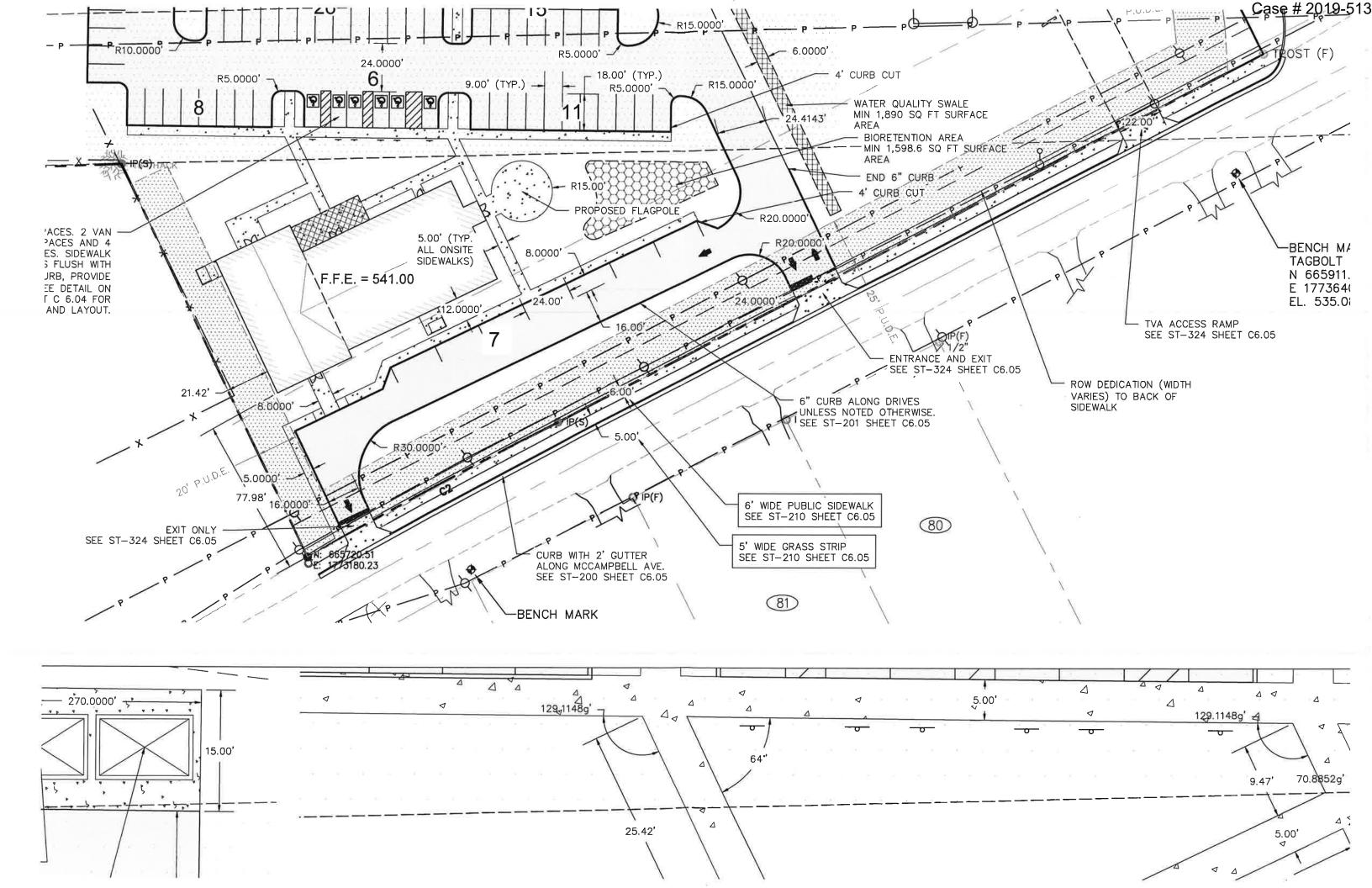
Let me know your thoughts. Thanks.

Sincerely, Barry Cleveland

DBS & Associates Engineering, Inc. 2200 Rosa L. Parks Blvd Nashville, Tennessee 37228

Office (615) 244-2040 cell (615) 390-5025 bcleveland@dbsengr.com





# PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

# BZA Case 2019-513 (2717 McCampbell Avenue)

Metro Standard: 6' grass strip and 8' sidewalk, as defined by the Major and Collector Street Plan

Requested Variance: Construct alternate sidewalk design

Zoning: CL

Community Plan Policy: T3 CM (Suburban Mixed Use Corridor)

MCSP Street Designation: T3-M-CA2

Transit: None existing, none planned

Bikeway: None existing, none planned

# Planning Staff Recommendation: Approve with conditions.

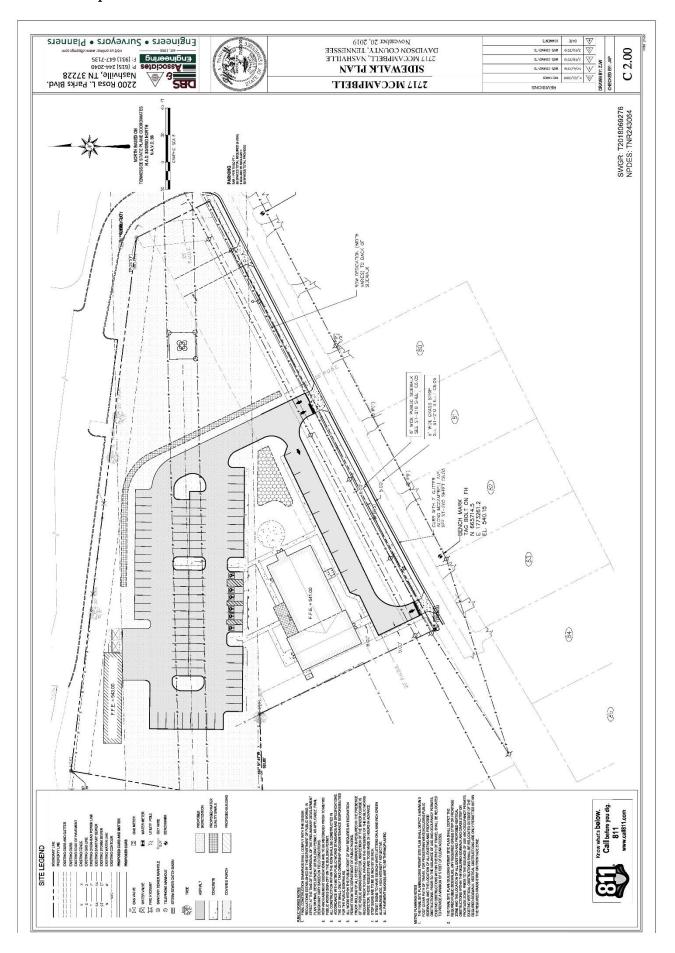
**Analysis**: The applicant proposes to construct a 7,330 square foot community assembly hall, and requests to construct an alternative sidewalk design along the McCampbell Avenue frontage due to the presence of existing utility pole conflicts. Planning evaluated the following factors for the variance request:

- (1) The property's McCampbell Avenue frontage currently has no sidewalk, which is consistent with properties to the immediate west. However, a 4' grass strip and 5' sidewalk currently exists along the frontage of the property approximately 80' to the east of the subject site.
- (2) As indicated within the applicant's submitted application and associated site plan, utility poles are currently located along the property frontage, with power lines running parallel to the Collector-Avenue. Construction of an alternate sidewalk design which meets the intent of the Major and Collector Street Plan standard and which avoids potential conflicts with the utility poles is optimal to ensure a clear path of travel for people walking.

Given the factors above, staff recommends approval with conditions:

1. The applicant shall construct a 5' grass strip, 6' sidewalk along the property frontage, as indicated on the attached site plan.

# 2717 McCampbell Avenue – Site Plan



# Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





	Appellant: Wohn Hood	Date:			
	Property Owner: Hamid Duvani	Case #: 2019- 515			
	Representative: : Oohn Hood	Map & Parcel: 081160702-07)			
	Council District				
	The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning Co	_			
	Purpose:				
	7 SILVE FAMILY				
	NO PERMIT APP.				
	Activity Type:	STRUCTION			
	Location: 933 Wars	TZ UR			
PJ PJ Overlay	This property is in the <b>PS3.75</b> Zone District, in and all data heretofore filed with the Zoning Adm and made a part of this appeal. Said Zoning Perm was denied for the reason:	inistrator, all of which are attached			
	Reason:  VARIANCE TO SIDE STREET  NOT ELIGIBLE FOR REED  Section(s): 17.12.030 C2				
	Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 SubsectionOf 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 (Please Print)	Representative Name (Please Print)			
	1401- Littonaue	Address			
	Nachville Tn. 37216 City, State, Zip Code	City, State, Zip Code			
	615 - 400 - 4550 Phone Number	Phone Number			
	cookieeubcookie@hotmail				
24	Email	Email			
	Zoning Examiner:	Appeal Fee:			
	2019-013 GRAN	THE DUPIEX Slisibility			
RS A	CASE 2019-137 DENI	ED - PE-APPEAL OF SAME CASE			

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?

Applicant seeking relief from 17.12.030 in order to construct residential
dwelling 10 feet from the Southerly R.O.W. of Jackson Street due to the
extraordinary and exceptional condition of the nearby houses on the same side
of Jackson Street being an average of 8 feet from the R.O.W.
BZA appeals were granted for setback variance at 1105 Jackson Street Case No. 2006-099
and 1107 Jackson Street Case No. 2006-068



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



ZONING BOARD APPEAL / CAAZ - 20190068050 Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 08116070200

**APPLICATION DATE: 11/05/2019** 

SITE ADDRESS:

933 WARREN ST NASHVILLE, TN 37208 LOT 13 & PT LT 14 C M HOLT PLAN

PARCEL OWNER: DURANI, HAMIDULLAH

**CONTRACTOR:** 

APPLICANT: PURPOSE:

Second BZA Appeal requesting Variance to 17.12.030 C2 20 ft required side street setback, requesting 10 ft setback. Not eligible for reduction because rear setback of this corner lot is not orientated to rear setback of neighboring lot.

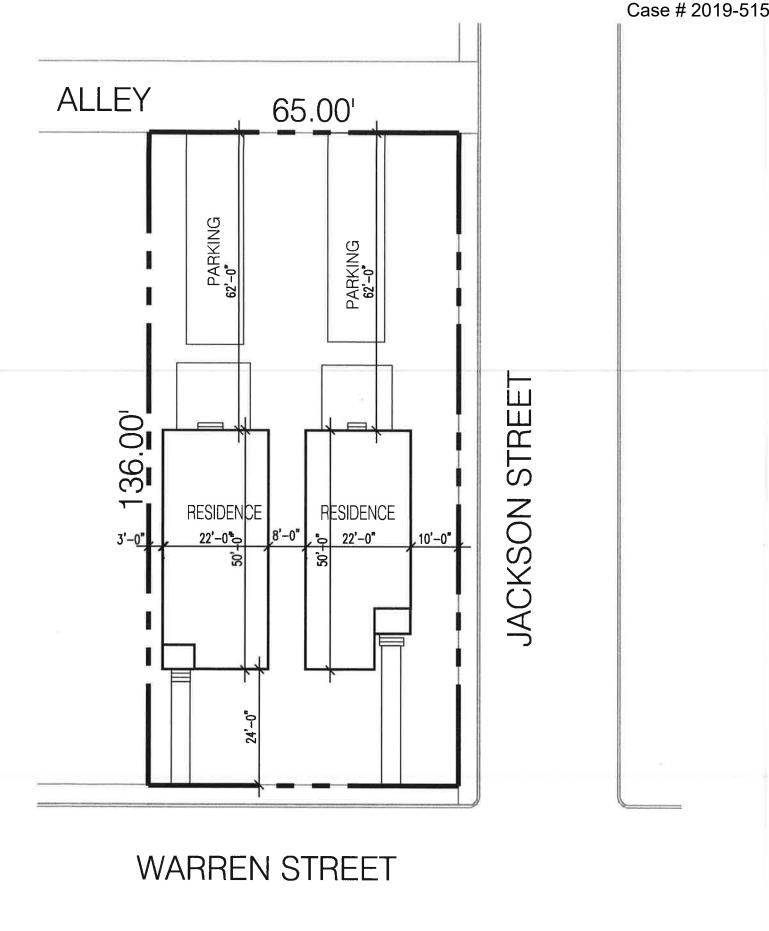
Prior BZA CASE 2019-137 Denied Additional prior BZA CASE 2019-013 Granted duplex eligibility. Sidewalks are required.

No Permit Applications on file.

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.



SITE PLAN



# BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

Anthony Eubanks RE

933 WARREN ST

Appeal Case 2019-137

RS3.75, MDHA 08116070200

Zoning Classification: Map Parcel:

# ORDER

This matter came to be beard in public hearing on 5/16/2019, before the Metropolitan Board of Zoning Appeals, upon application for a variance from setback requirements to construct two single family houses.

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

- Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan
- (3) The appellant HAS NOT satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is, therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DENIED by operation of law due to the failure of the request to receive four affirmative votes within 30 days of the initial public hearing.

UPON MOTION BY:

Seconded By:

Ayes:

Result:

Navs: Abstaining:

Absent

Mass DAY OF ENTERED THIS 23

METROPOLITAN BOARD OF ZONING APPEALS

# Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South





Appellant: Huthony Eubants	Date: 415/19	
Property Owner: Hamidulah Du	Vani Case #: 2019- 127	IK
Representative: : Anthony Eukants	Map & Parcel: 08 11 60 702	00
Council Distric	19	
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning Communication of Zoning Communication (Communication).		
	single family	
RESIDENCE ON A SIN		S
NO PERMIT STARTED FOR		
<b>b</b> :	STIAL CONSTRUCTION	KEGUESTN
Location: 933 WARREN		SETBACK.
DS 7.7E		
This property is in the Zone District, in and all data heretofore filed with the Zoning Adn and made a part of this appeal. Said Zoning Perm was denied for the reason:	ninistrator, all of which are attached	
Reason: STREET SETENCK	VARLANCE.	
Section(s): 17.12.030		*
Based on powers and jurisdiction of the Board of 17.40.180 SubsectionOf the Metropolital Special Exception, or Modification to Non-Conforcequested in the above requirement as applied to	n Zoning Ordinance, a Variance, rming uses or structures is here by	
111 11 11	Gi	
Appellant Name (Please Print)	Representative Name (Please Print)	
1401-Litton ave	Address	v =
Nashville Tn. 37216 City, State, Zip Code	City, State, Zip Code	
615-400-4550 Phone Number	Phoue Number	
ocookieeubcookie@hotme	ail.com	
Email	Email	
Zoning Examiner:	Appeal Fee: \$100	

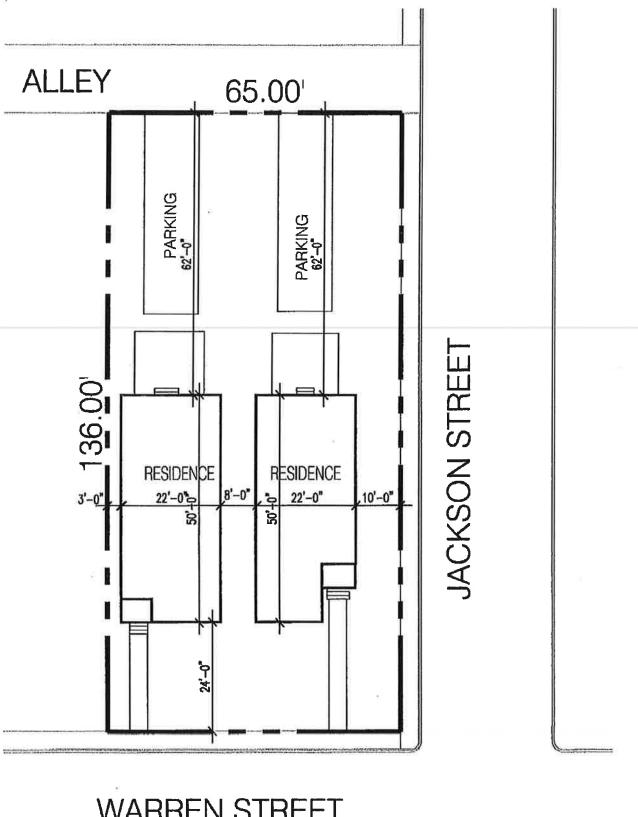
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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 <u>HARDSHIP</u> as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

My name is Anthony E. Enbanks T hive a 1401hitton are Nashville. Th. 37216. I am requesting a Side Setback relaction at the property located at 933-Warren St. Nashville. Th. 37208 due to the board approval to allow two (2) Single family homes to be built at 933-Warren St. Nashville, Th. 37208. The existing Side Setbacks, On the Southside is three foot (3') and the North side is twenty foot (20'). I am asking that the South side Setback remain three foot (3') and the Northside setback be reset at Tenfoot (0')



WARREN STREET

SITE PLAN

# BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE:

**Anthony Eubanks** 

Appeal Case 2019-137

933 WARREN ST Map Parcel:

08116070200

Zoning Classification:

**RS3.75, MDHA** 

#### ORDER

This matter came to be heard in public hearing on 4/4/2019, before the Metropolitan Board of Zoning Appeals, upon application for a variance from setback requirements to construct two single family houses.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.

It is ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to 4/18/19.

UPON MOTION BY: Ashonti Davis

Seconded By: Alma Sanford

Result:

Ayes: David Taylor, Ross Pepper, Christina Karpynec, Cynthia Chappell

Nays: Abstaining:

Absent;

ENTERED THIS \_\_\_\_\_\_ DAY OF

METROPOLITAN BOARD OF ZONING APPEALS

# Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210



Appellant: Left Heinze	Date: 19/5/2019					
Property Owner: Response	Case #: 2019- 516					
Representative:	Map & Parcel: 092100M90100C					
Council Distric	t <u>Z(</u>					
The undersigned hereby appeals from the decision wherein a Zoning Permit/Certificate of Zoning C	•					
	8 TOWNHOME UNIT 13 PART OF DEVELOPMENT PARCE LACCROSS STREET					
Location: 5 16 13 2774 A	WE N (OMMON ELEMENT)					
This property is in the RMZO-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:						
Reason:  VARIANCE TO BUILDING FOOTPRINT  TRECOUREMENTS - MUST OCCUPY CORNER OF PACE  Section(s): 17.12.020D NOTE 3-b  Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section  17.40.180 SubsectionOf the Metropolitan Zoning Ordinance, a Variance,						
Special Exception, or Modification to Non-Conformation requested in the above requirement as applied to	•					
Appellant Name (Please Print)	Representative Name (Please Print)					
5016 Centennial Elud Le 200 Address  Haranille IN. 37200	Address					
City, State, Zip Code	City, State, Zip Code					
65-330-150Z Phone Number	Phone Number					
heinzeecaturt-do.com	Email					
	Annal Fan & Mil					

MASTER PERMIT 2018073016



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



ZONING BOARD APPEAL / CAAZ - 20190068133

Inspection Checklist for Use and Occupancy

This is not a Use and Occupancy Notification

PARCEL: 092100M90100CO

**APPLICATION DATE: 11/06/2019** 

SITE ADDRESS:

516 B 27TH AVE N NASHVILLE, TN 37209

**COMMON AREA AXIS27** 

PARCEL OWNER: O.I.C. AXIS27

**CONTRACTOR:** 

**APPLICANT: PURPOSE:** 

11/5/2019: BZA APPEAL FILED REQUESTING VARIANCE FROM 17.12.020D NOTE 3b, requires building occupy corner when parcel is located at the intersection of two public streets. Requesting to not have a Unit occupy the corner due to Storm Water basin per SWGR Permit 2018060343. Master Permit 2018073016 Conditionally approved for 8 Townhome Units.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

In Simple terms, for the Board to 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?

Regulating a variance to Section 17-12.020

of the Coming continuous of the Society to building

17.12.020 D, note 3-6 requiring that a building

occupy the corner of the Society that is burned

on the two intersecting pulatic streets. An

exception can be example for an examination where

the corner the partie of the partie of a communication of the continuous to the continuous that the continuous the continuous that the continuous the continuous to the continuous that the continuous that the continuous the continuous that the continuous t

# **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.

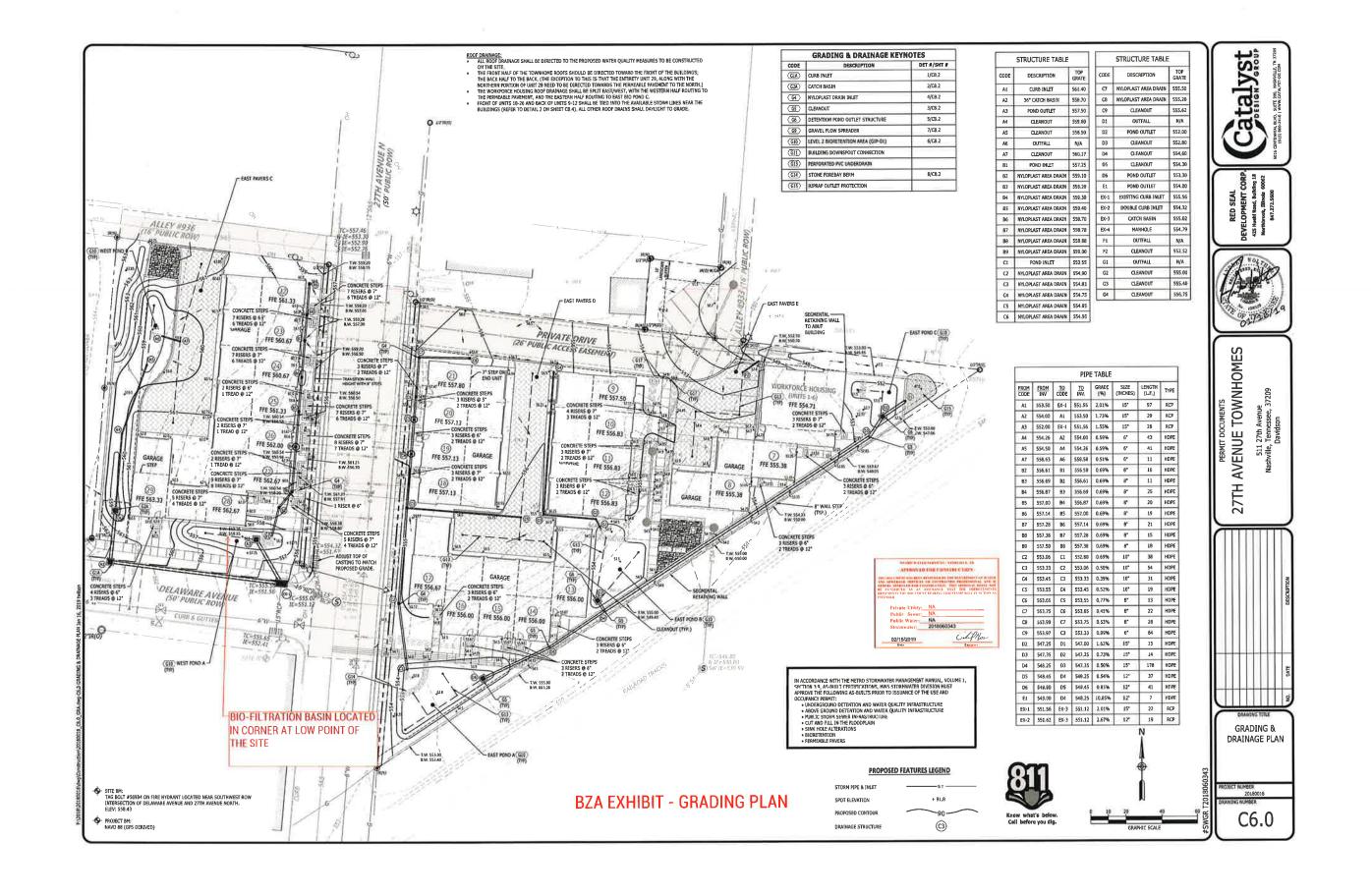
APPELLANT

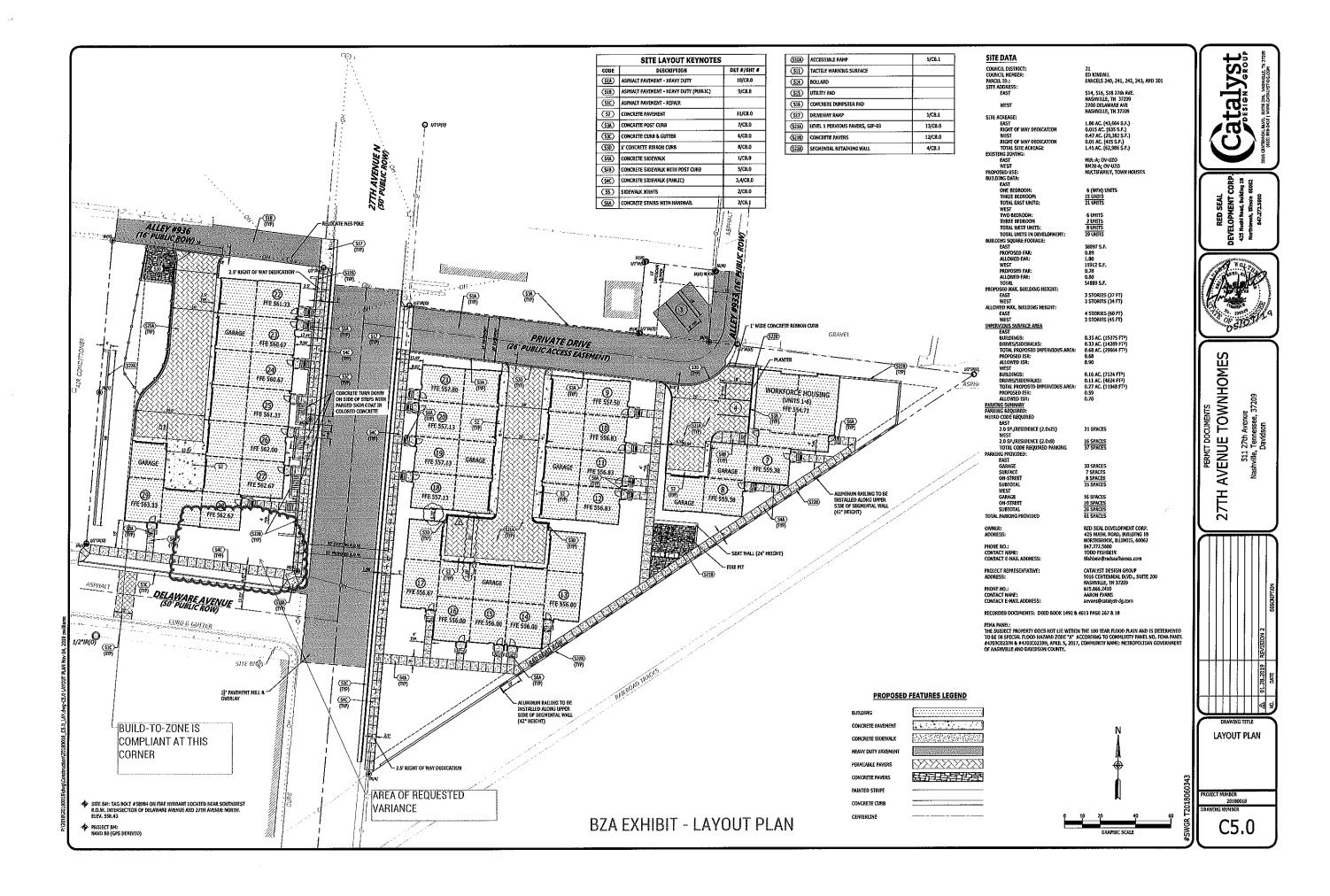
ntaryer Design Group

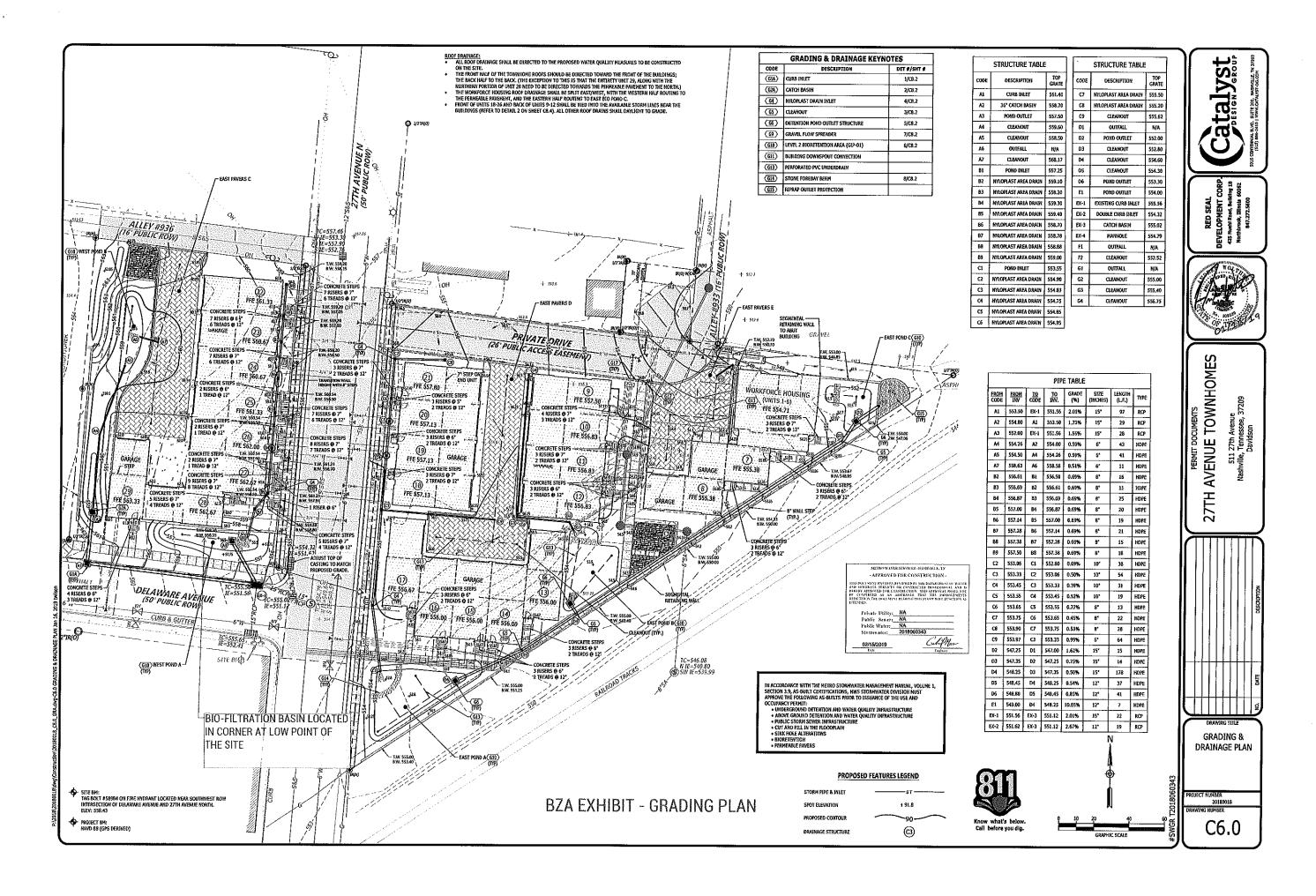
DATE













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

Appellant:	Cornelius McCarthy	Date: _	9-30-19			
Property Owner:	Cornelius McCarthy	Case #:	201 <del>9</del> - (	181		
Representative:	Cornelius McCarthy	Map & Parcel: _0	0840500	2200		
Council District:	06					
The undersigned Zoning Complian	l hereby appeals from the decision of t ace was refused:	he Zoning Adminis	trator, w	herein a Zoning Permit/Certificate of		
Purpose:	To obtain a STRP permit					
Activity Type:	Short Term Rental					
Location:	2609 Tiffany Dr.					
Zoning Administ	in the <u>R10</u> Zone District, in accordarator, all of which are attached and madenied for the reason:					
Reason:	m A appeal, challenging the Zoning	Administrator's o	lenial of	a short term rental permit,		
Aŗ	opellant operated prior to obtaining	he legally require	d short	term rental permit.		
Section: 17	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:	Cornelius McCarthy	Representative: _S	Same			
Phone Number:	610 731-8365	Phone Number: _				
Address:	2609 Tiffany Dr.	Address: _				
	Nashville, TN 37206			•		
Email address:	cmac2415@aim.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



ZONING BOARD APPEAL / CAAZ - 20190059405 Inspection Checklist for Use and Occupancy This is not a Use and Occupancy Notification

PARCEL: 08405002200

APPLICATION DATE: 09/30/2019

SITE ADDRESS:

2609 TIFFANY DR NASHVILLE, TN 37206

**LOT 4 TIFFANY TERRACE** 

PARCEL OWNER: MCCARTHY, CORNELIUS P IV & CORNELIU

**CONTRACTOR:** 

APPLICANT: **PURPOSE:** 

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

# 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.

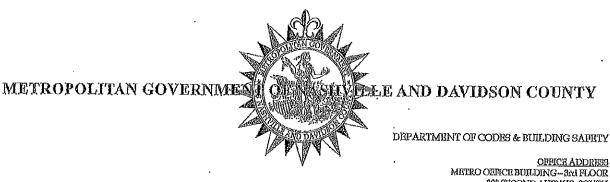
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

DATE



800 SECOND AVENUE, SOUTH NASHVILLE, TENNESSER 37210 <u>MAILING ADDRESS</u> POST OFFICE BOX 196000

MAILING ADDRESS
POST OFFICE BOX 196200
NASHVILLE, TBNNESSRS 37219-6300
TELEPTIONE (515) 862-6500
PACSIMILE (616) 862-6544
www.dashville.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.

Cornelius P. Maarturtt

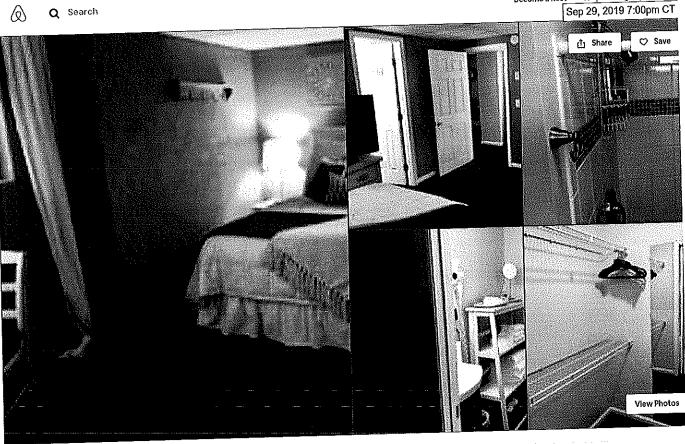
Help Sign up

Become a host

September 29, 2019 - 07:00PM America/Chicago



Q Search

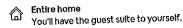


# **Private Apartment in Cozy East Nash Home**



Nashville

1 bedroom 1 bed 1 bath 3 guests



- Self check-in Check yourself in with the lockbox.
- Sparkling clean 12 recent guests said this place was sparkling clean.
- Great check-in experience 100% of recent guests gave the check-in process a 5-star rating.

Newly Updated private apartment in Cozy East Nash Home!

Enjoy your very own East Nashville getaway. This newly updated apartment can sleep three, with an incredibly comfy queen bedroom plus a sofa chair that converts into a single bed.

Fully equipped kitchenette and a full bathroom with luxury soaps, shampoos and conditioners

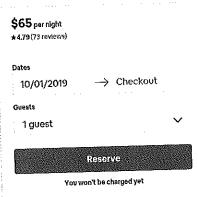
Close to Shelby Park, 5 Points, and cool vintage shops and music venues. Easy Access to highways for getting around town!

Contact if you have any questions :)

#### Other things to note

We have a recording studio out in the backyard in our 1970's barn! The space is completely soundproofed so you'll never hear a peep from it. If you're interested

dcgegyhl Jc8P6Llelfy?geoid=05000US47037&key=393855#



P Report this listing

Matched	property	listing
---------	----------	---------

in recording some music please let me know and i'd be nappy to arrange it with you!:)

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

ΤV

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

Central heating or a heater in the listing

Air conditioning

## **Facilitles**

Free parking on premises

#### Dining

Kitchen

Space where guests can cook their own meals

Breakfast

Breakfast is provided

# Guest access

Lockbox

Private entrance

Separate street or building entrance

## Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure

#### Bed and bath

Hangers

Hair dryer

9/30/2019

Shampoo

# Safety features

Fire extinguisher

Carbon monoxide detector

Smoke detector

# Not included

<del>Washer</del>

# Sleeping arrangements







Bedroom 1 1 queen bed, 1 alr mattress

Common spaces 1 sofa bed

# Availability

This host offers a 10% weekly discount.

Ithoric		-						N.	oven	nber	2019	)	>
<	•	Octo	ber 2	2019							Th		Sa
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			•				24	365	30	27	23	3/9	59
81	£10	20	30	3.5									

Clear dates

# Reviews

★ 4.79 73 reviews

Q Search reviews

Accuracy

4.9

Check-in

**--** 4.9

Communication Location

Cleanliness

Value

- 4.8 - 4.8

Allison September 2019

Nice and quiet place to stay in East Nashville.



Eric September 2019

Great location in a fun areal Having never visited Nashville before, we found this place to be just right, and a great value! Would definitely stay there again.



Erln September 2019

Easy check-in, good communication with host, cute space!





September 2019

This was a very nice place to crash after a concert. We didn't get to stay long, but it was very clean and roomy, close to east Nashville and our concert venue.



Kendall September 2019

Conor's place was cute and small right outside of the city. It was an easy 15minute drive to Broadway St. It was a perfect stay for two people!



Kim

September 2019

The location is great if you want to be close to the city but in a quieter neighborhood. The space was clean and looked exactly like the pictures, but it did have a very strong smell that took a while to get used to every time you entered the room.



Hi Kiml So glad you enjoyed your stay. Summer in Nashville has been hot and humid so it's slightly musty during these conditions, not really anything we can do about that around here especially in a lower level apartment:)

September 2019



Savannah

September 2019 This place was great! It is a basement apartment so you could hear people walking above you at some points, but overall it was a great experiencel





# Hosted by Conor

Nashville, TN · Joined in October 2016



★ 73 Reviews ❖ Verified Hil I'm a musician and producer based in Nashville, Tennessee. I love East Nashville and have been living here for years. I play in many bands, produce local artists and record my own music. Love to travel and often use AirBnB to explore the country and elsewherel

lilive right upstairs, so if you need anything just let me knowl

Languages: English

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 this place

When you stay in an Airbnb, you're staying at someone's place.

This is Conor's place.

Melissa helps host.





# The neighborhood

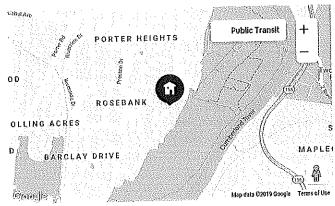
CONVES PRACE IS NOCALED IN MASHMAND, TELLIPOSEE, OLINERA STATES.

East Nashville is filled with incredible local food, the hippest bars in town, some of the city's best music venues, loads of vintage stores, and morel I love East Nash because it's 10 minutes to downtown, yet you still get a feeling of being in a suburb. Our apartment is right by the Shelby Bottoms and Shelby Park, a beautiful place for a bike yard or hike. They do a Farmer's Market in the park every Wednesday Spring thru Falll

#### Getting around

Uber and Lyft if your best bet in Nashville. Usually about \$8 to downtown from our apartment!

Hide ^



The map shows this place's specific location.

# **Policies**

#### House rules

#### No pets

No smoking, parties, or events

Check-in time is 3PM - 12AM (midnight) and check out by 11AM Self check-in with lockbox

## You must also acknowledge

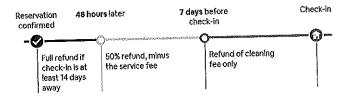
Pet(s) live on property - we have a very friendly dog! He is always fenced in our front yard and will never access to your living space or parking.

Hide rules ^

#### Cancellations

#### Strict · Free cancellation for 48 hours

After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.



#### Get full details

Hide policies ^

# More homes you may like



## Matched property listing

ENTIRE GUEST SUITE - NASHVILLE High Point Farm (Private Suite w/ outside entry) \$59/night

**\*4.93(242)** 

ENTIRE GUEST SUITE - NASHVILLE Modern. Minimalist. King Bed. Super Easy Parking.

\$70/night **★ 4.95 (227)** 

PRIVATE ROOM - NASHVILLE Private Entrance near Airport in Safe neighborhood \$60/night **★4.95**(382)

# Things to do near this home



WELLNESS CLASS Romantic Tantra Workshop for Couples From \$60/person



CARRIDE **Hunter's Celebrity Home Tours** From \$125/person 5.0 \* (2)



рното ѕноот Instagram Photowalk Tour of the Gulch From \$45/person 4.96 \* (334)



BIKE RIDE Fat Bikes in Music City From \$99/person 4.8 \* (10)

# Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Houses · Bed and breakfasts · Lofts · Villas

Nashville Chahal Knebworth Xiamen Mount Crosby Pietracamela

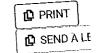
Ramdevra Armoy Empel Chillicothe Neerim Saporito

Tiptree Cecil Hills Vimont Pinos Altos Zahara de los Atunes Comfrey

Dashboard

# 2609 Tiffany Dr, Nashville, TN 37206, USA

Active Identified Compliant X

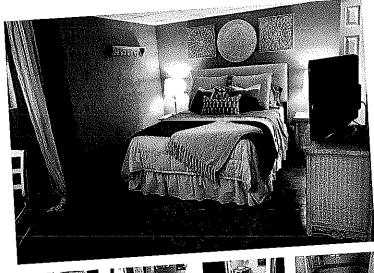


# Listing(s) Information

Airbnb - 29218046

Airbnb - 8185331

Airbnb - 1049057





# Matched Details

#### Analyst

2FQ9

The Airbnb Listing shows a photo of the front of the house. There are five small trees Explanation on the left side of the door which look similar to the small trees found on the Zillow Listing photo. The larger tree to the right looks similar in appearance and location. There is a photo of the bathroom with some unique pieces such as the curved front sink, the white bookcase but filled with towels, and the location of the hair dryer with the long curly cord. These items are similar to the bathroom photo found on Zillow-The front curved sink is shown including the curly cord for the dryer. The brown bookcase must have been painted in the Airbnb Listing.

## **Listing Photos**



# Matching 3rd Party Sources



The Airbnb Listing shows a photo of the front of the house. There are five small trees on the left side of the door which look similar to the small trees found on the Zillow Listing photo. The larger tree to the right looks similar in appearance and location.

# Rental Unit Information









# Identified Address

2609 Tiffany Dr., Nashville, TN 37206.

# Identified Unit Number

None

# Identified Latitude, Longitude

36,184053, -86,709798

# Parcel Number

08405002200

# Owner Name

MCCARTHY, CORNELIUS P IV & CORNELIUS P III & GAIL

# Owner Address

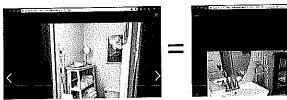
2609 TIFFANY DR NASHVILLE, TN 37206, US

# Timeline of Activity

View the series of events and documentation pertaining to this property

> **8** Documented Stays September, 2019

## Matched property listing



There is a photo of the bathroom with some unique pieces such as the curved front sink, the white bookcase but filled with towels, and the location of the hair dryer with the long curly cord. These items are similar to the bathroom photo found on Zillow-The front curved sink is shown including the curly cord for the dryer. The brown bookcase must have been painted in the Airbnb Listing.

💋 Zip Code Match	City Name Match				
Listing Details					
Listing URL	- https://www.airbnb.com/rooms/29218046				
Listing Status	Active				
Host Compliance Listing ID	- air29218046				
Listing Title	- Private Apartment in Cozy East Nash Home				
Property type	- Guest suite				
Room type	- Entire home/apt				
Listing Info Last Captured	- Sep 28, 2019				
Screenshot Last Captured	- Sep 29, 2019				
Price	\$65/night				
Cleaning Fee	<b>-</b> \$25				

# Information Provided on Listing

Contact Name	- Conor
Latitude, Longitude	<b>-</b> 36.183139, -86.710272
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	<b>-</b> 3
Max Number of People per Bedroom	<del></del> 3
Number of Reviews	<b>-</b> 72
Last Documented Stay	- 09/2019
Listing Screenshot History	View Latest Listing Screenshot

- - 5 Documented Stays
    August, 2019
  - 9 Documented Stays July, 2019
  - 6 Documented Stays June, 2019
  - 9 Documented Stays May, 2019
  - 8 Documented Stays April, 2019
  - 10 Documented Stays March, 2019
  - 3 Documented Stays February, 2019
  - 4 Documented Stays January, 2019
  - 2 Documented Stays December, 2018
  - 5 Documented Stays November, 2018
  - Listing air29218046 Identified
     November 10th, 2018
  - 3 Documented Stays October, 2018
  - Listing air29218046 Reposted October 20th, 2018
  - ★ Listing air29218046 Removed October 20th, 2018
  - Listing air29218046 First Crawled October 15th, 2018
  - Listing air29218046 First Activity October 15th, 2018
  - ★ Listing air1049057 Removed September 22nd, 2018
  - ★ Listing air8185331 Removed September 22nd, 2018
  - 5 Documented Stays August, 2018
  - 5 Documented Stays July, 2018
  - 8 Documented Stays June, 2018
  - 6 Documented Stays May, 2018
  - 7 Documented Stays April, 2018
  - Airbnb Letter: Delivered
     April 4th, 2018

₿

July (10)

August (9)

September 7

- 6 Documented Stays March, 2018
- ✓ Airbnb Letter: Sent March 29th, 2018
- 3
- 5 Documented Stays February, 2018
- 5 Documented Stays January, 2018
- 2 Documented Stays December, 2017
- 3 Documented Stays November, 2017
- First Warning No STR Permit: Delivered November 4th, 2017
- 7 Documented Stays October, 2017
- ∀ First Warning No STR Permit: Sent □
   October 27th, 2017
- 9 Documented Stays September, 2017
- ✓ Listing air8185331 Identified September 19th, 2017
- Listing air1049057 Identified August 22nd, 2017
- 4 Documented Stays August, 2017
- 5 Documented Stays July, 2017
- 7 Documented Stays June, 2017
- 9 Documented Stays May, 2017
- 9 Documented Stays April, 2017
- 9 Documented Stays March, 2017
- 2 Documented Stays February, 2017
- 4 Documented Stays January, 2017
- 3 Documented Stays December, 2016
- 6 Documented Stays October, 2016
- 4 Documented Stays September, 2016
- 7 Documented Stays August, 2016
- 6 Documented Stays July, 2016
- Listing air8185331 First Crawled July 21st, 2016

- Listing air1049057 First Crawled July 21st, 2016
- 4 Documented Stays June, 2016
- 10 Documented Stays May, 2016
- 6 Documented Stays April, 2016
- 6 Documented Stays March, 2016
- 3 Documented Stays February, 2016
- 4 Documented Stays January, 2016
- 4 Documented Stays December, 2015
- 3 Documented Stays November, 2015
- 3 Documented Stays October, 2015
- Listing air8185331 First Activity October 14th, 2015
- ∃ Documented Stays May, 2015
- 4 Documented Stays
  April, 2015
- 2 Documented Stays March, 2015
- 2 Documented Stays January, 2015
- 1 Documented Stay November, 2014
- 1 Documented Stay October, 2014
- 1 Documented Stay September, 2014
- 2 Documented Stays July, 2014
- 3 Documented Stays June, 2014
- 4 Documented Stays May, 2014
- 4 Documented Stays April, 2014
- 4 Documented Stays March, 2014
- 2 Documented Stays February, 2014
- 1 Documented Stay January, 2014
- 1 Documented Stay November, 2013

Matched property listing

- 2 Documented Stays October, 2013
- 4 Documented Stays September, 2013
- 1 Documented Stay August, 2013
- 3 Documented Stays July, 2013
- 3 Documented Stays June, 2013
- Listing air1049057 First Activity June 4th, 2013

From: <u>Anderson Williams</u>

To: Board of Zoning Appeals (Codes)

Subject: Case 2019-481 - Please DENY Appeal

Date: Sunday, December 1, 2019 4:11:47 PM

# Members of the BZA,

Thank you for your service to the Nashville community. I know it's an often thankless job with untold hours.

Please stand with your initial denial of the short term rental application at 2609 Tiffany Drive - case 2019-481.

Thanks for your consideration.

Anderson Williams 2604 Himes Drive