



# **METROPOLITAN BOARD OF ZONING APPEALS**

**The 4/2/20 meeting will be held telephonically at 1:00 p.m.  
pursuant to Governor Lee's Executive Order No. 16.**

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

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## **Public Input to the Board**

Comments on any case can be emailed to the Board of Zoning Appeals at [bza@nashville.gov](mailto:bza@nashville.gov). Comments received by 12:00 noon on Wednesday, April 1, 2020, will be included in the board's packet for their review. Any comments received after that time will be read into the record at the meeting. We urge you to make comments electronically. However, a remote station will be set up at the Sonny West Conference Center (700 2<sup>nd</sup> Avenue South) for anyone who is unable to submit their comments electronically and wishes to make comments via telephone. Social distance recommendations will be implemented at the remote station.

## **Consent Agenda**

The BZA utilizes a consent agenda for its meetings. One board member reviews the record for each case prior to the hearing and identifies those cases which meet the criteria for the requested action by the appellant. If the reviewing board member determines that testimony in the case would not alter the material facts in any substantial way, the case is recommended to the board for approval. The following items are proposed for the consent agenda on the 4/2/20 docket. If anyone opposes one of these cases they should email [bza@nashville.gov](mailto:bza@nashville.gov) and state their opposition for the board's review.

2020-052 (1009 Dickerson Pike) – requesting a special exception from height requirements to construct a mixed-use building. The application would be approved with the condition that the appellant must work with Metro Public Works to construct a parking bump out that will remain until Metro reclaims the use for any proposed future mass transit. If, however, MDHA, Public Works, or the State of Tennessee does not allow the parking to be built, the BZA approval would remain.

2020-070 (1005 Southside Ave) – requesting a 9 square foot lot size variance to construct two single family homes.

2020-074 (4100 B Kimbark Dr) – requesting a setback variance to construct a covered patio.

2020-077 (42 Shepard St) – requesting a sidewalk variance to construct two single family residences. The application would be approved with the condition that the applicant build a sidewalk on the Shepard St. frontage.

2020-084 (1128 3<sup>rd</sup> Ave S) – requesting a variance from floor area ratio restrictions and a change to a legally non-conforming structure. The approval would expire one year from the date of the entry of the order

## **D O C K E T**

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

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

Use-Commercial

Map Parcel 09216036100

**Results-**



**CASE 2020-038 (Council District - 19)**

**SCOTT MORTON**, appellant and **14TH AVENUE NORTH, LLC**, owner of the property located at **806 16TH AVE N**, requesting special exceptions from height and step-back requirements in the MUL-A, UZO District, to construct a multi-family unit. Referred to the Board under Section 17.12.020 D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-family

Map Parcel 09204031800

**Results- Deferred 4/16/20**

**CASE 2020-049 (Council District - 19)**

**JAMES CROCKETT II**, appellant and **BASILE, KENT T.**, owner of the property located at **908 CHEATHAM PL**, requesting a variance from garage door orientation requirements in the R6-A District, to construct a single-family residence. Referred to the Board under Section 17.12.020.B.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08112030800

**Results-**

**CASE 2020-052 (Council District - 5)**

**DUANE CUTHBERTSON**, appellant and **PATEL, NANU T & MANJU**, owners of the property located at **1009 DICKERSON PIKE**, requesting a special exception from height requirements in the CL District, to construct a mixed-use building. Referred to the Board under Section 17.12.060.F. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Mixed-Use

Map Parcel 08202005800

**Results-**

**CASE 2020-057 (Council District - 25)**

**JOHN NELSON**, appellant and **WHITE, BARRY B II**, owner of the property located at **1762 HILLMONT DR**, requesting a variance from sidewalk requirements in the R10 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-Singe Family

Map Parcel 11711007600

**Results- Withdrawn**

**CASE 2020-058 (Council District - 25)**

**JOHN NELSON**, appellant and **WHITE, BARRY B II**, owner of the property located at **1760 HILLMONT DR**, requesting a variance from sidewalk requirements in the R10 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 11711011500

**Results- Withdrawn**

**CASE 2020-061 (Council District - 21)**

**JAY PATEL**, appellant and **ELLISTON HOSPITALITY, LLC**, owner of the property located at **2221 ELLISTON PL**, requesting a variance from parking requirements in the ORI District, to construct a hotel. 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-Hotel

Map Parcel 09215016800

**Results- Deferred 4/16/20**

**CASE 2020-066 (Council District - 25)**

**ADAM CRUNK**, appellant and **BASKIN, TREVOR SCOTT**, owner of the property located at **3502 STOKESMONT RD**, requesting a variance from sidewalk requirements in the R40 District, to construct a single-family residence without building sidewalks but instead paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 117110Q00200CO

**Results-**

**CASE 2020-070 (Council District - 17)**

**JOSH RANDOLPH**, appellant and **HILL, JAMES**, owner of the property located at **1005 SOUTHSIDE AVE**, requesting a variance from minimum lot size requirements in the R6 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-Two-Family

Map Parcel 10501057300

**Results-**

**CASE 2020-071 (Council District - 24)**

**COLLINS LEGAL, PLC**, appellant and **KNIGHT, JAMES L. SR.**, owner of the property located at **411 ACKLEN PARK DR**, requesting a variance from sidewalk requirements in the UZO 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 10401038500

**Results-Deferred 5/21/20**

**CASE 2020-072 (Council District - 19)**

**JARED GRAY**, appellant and **JACKSON STREET CHURCH OF CHRIST, TRS.**, owner of the property located at **1015, 1017, 1021, 1023 14TH AVE N, and 1308 Jackson St.** requesting a special exception in the RM20, UZO District, to provide off-site parking for a religious institution. Referred to the Board under Section 17.08.030 and 17.16.170.E.2. The appellant has alleged the Board would have jurisdiction under Sections 17.40.180 C and D.

Use-Religious Institution

**RESULT - Deferred 4/16/20**

Map Parcel 09204002800  
Map Parcel 09204002600  
Map Parcel 09204002500  
Map Parcel 09204011600  
Map Parcel 09204006200

**CASE 2020-073 (Council District - 4)**

**WADE HYATT**, appellant and **BRENTWOOD MEDICAL TRADING, LLC**, owner of the property located at **5429 EDMONDSON PIKE**, requesting variances from parking and landscape buffer requirements in the OL District, to use an existing space for a medical office. Referred to the Board under Section 17.20.030 and 17.24.230. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Medical Office

Map Parcel 16109015500

**Results-**

**CASE 2020-074 (Council District - 25)**

**DANIEL HELLER**, appellant and **O.I.C. 4102 KIMBARK DRIVE COTTAGES**, owner of the property located at **4100 B KIMBARK DR**, requesting a variance from setback requirements in the R10 District, to construct a covered patio. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 131021E90000CO

**Results-**

**CASE 2020-075 (Council District - 34)**

**BETHEL CHAPEL**, appellant and **BB PROPERTY TRUST**, owner of the property located at **5670 GRANNY WHITE PIKE**, requesting a variance from sign requirements in the R10 District, to install an LED sign. Referred to the Board under Section 17.32.050. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Religious Institution

Map Parcel 15900026400

**Results- Deferred 5/7/20**

**CASE 2020-077 (Council District - 17)**

**BRIAN MUSSER**, appellant and **BM BUILDERS LIMITED LIABILITY CO**, owner of the property located at **42 SHEPARD ST**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family residence without building sidewalks along Thomas Street. 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 10504011500

**Results-**

**CASE 2020-079 (Council District - 24)**

**PHILLIP PIERCY**, appellant and **HARVEST PLACE, LLC**, owner of the property located at **3320 CHARLOTTE AVE**, requesting a special exception from height and setback requirements in the CS District, to construct multi-family development. Referred to the Board under Section 17.12.030.B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 09209035300

**Results- Deferred 4/16/20**

**CASE 2020-082 (Council District - 16)**

**ROB CUSHMAN** appellant and **HURST, BRUCE A OPERATING & IRRE. INVEST. SERV. TRUST**, owner of the property located at **421 VERITAS ST**, requesting a variance from sidewalk requirements in the OR20 District, to construct three single-family residences without building sidewalks but instead paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 13305005600

**Results-**

**CASE 2020-084 (Council District - 17)**

**ARON LEVINE PRODUCTIONS, LLC**, appellant and **LAYMAN1128, LLC**, owner of the property located at **1128 3RD AVE S**, requesting a variance from floor area ratio restrictions and an Item D appeal to change a legally non-conforming structure in the MUN-A, OV-UZO District, to temporarily place three trailers on the property to be used as studio space. Referred to the Board under Sections 17.12.020.D and 17.40.660. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Media Production

Map Parcel 10503007600

**Results-**

**CASE 2020-087 (Council District - 21)**

**HALEY FREY**, appellant and **PENDLETON, CORA**, owner of the property located at **1903 CEPHAS ST**, requesting a variance from lot size requirements in the R6, UZO District, to construct a second single-family residence on the lot. Referred to the Board under Sections 17.12.020 A and 17.40.670. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 08107038800

**Results-**

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



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

Council District 19

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

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

Activity Type: New Construction - office

Location: 900 18<sup>th</sup> Ave. S.

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

Reason: Does not meet height requirement

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

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

JENNIFER T. CARR  
Appellant Name (Please Print)

JOE BUCHER  
Representative Name (Please Print)

222 2<sup>ND</sup> AVE SOUTH  
Address

222 2<sup>ND</sup> AVE SOUTH  
Address

NASHVILLE, TN 37201  
City, State, Zip Code

NASHVILLE TN 37201  
City, State, Zip Code

615.770.8124  
Phone Number

615.770.8100  
Phone Number

jennifer.carr@greshamsmith.com  
Email

joe.bucher@greshamsmith.com  
Email

Zoning Examiner: C.H.

Appeal Fee: \$200.00



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



3670858

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

**PARCEL:** 09216036100**APPLICATION DATE:** 05/16/2019**SITE ADDRESS:**

900 18TH AVE S NASHVILLE, TN 37212

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

**PARCEL OWNER:** PEP MUSIC SQUARE, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

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

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

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

Inspection requirements may change due to changes during construction.



## APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

**METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510**

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

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

05/16/2019  
**DATE**



May 16, 2019

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

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

To whom it may concern:

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

Current Zoning: ORI-A

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

Proposed Solution : ORI-A

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

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

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

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

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 Suite 1400

Nashville, TN 37201

615.770.8100

GreshamSmith.com



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

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

Sincerely,

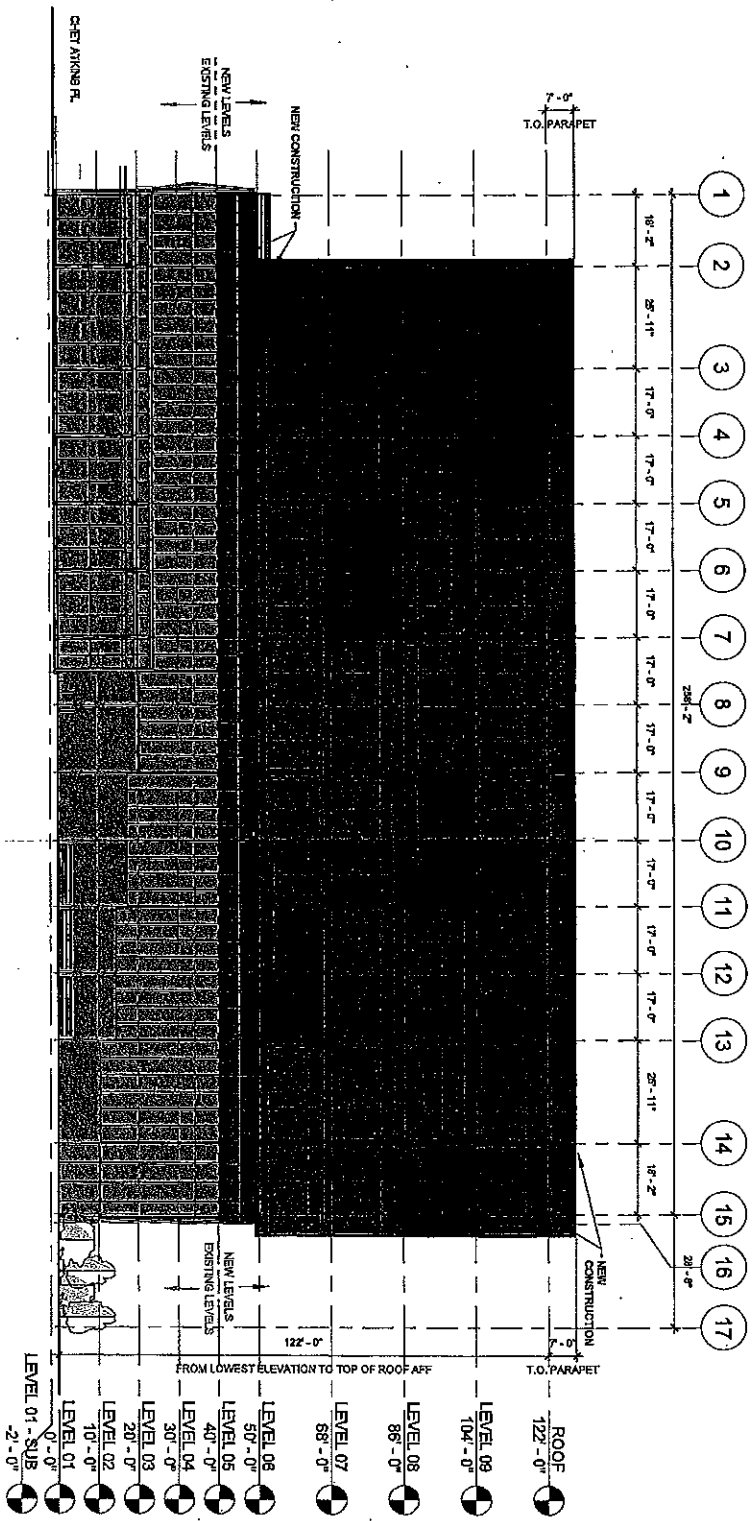
Jennifer T. Carr  
AIA, LEED-AP

CJ

Attachments

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

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



- FROM LOWEST ELEVATION TO TOP OF ROOF AFF
- LEVEL 09 104'-0"
  - LEVEL 08 86'-0"
  - LEVEL 07 68'-0"
  - LEVEL 06 50'-0"
  - LEVEL 05 40'-0"
  - LEVEL 04 30'-0"
  - LEVEL 03 20'-0"
  - LEVEL 02 10'-0"
  - LEVEL 01 0'-0"
  - LEVEL 01 - SUB -2'-0"
  - ROOF 122'-0"

SQUARE FOOTAGES

Level	Existing Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (A)		1,651		1,651
Level 2 (S-2)	12,827			12,827
Level 3 (S-2)	22,296			22,296
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	33,370
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560



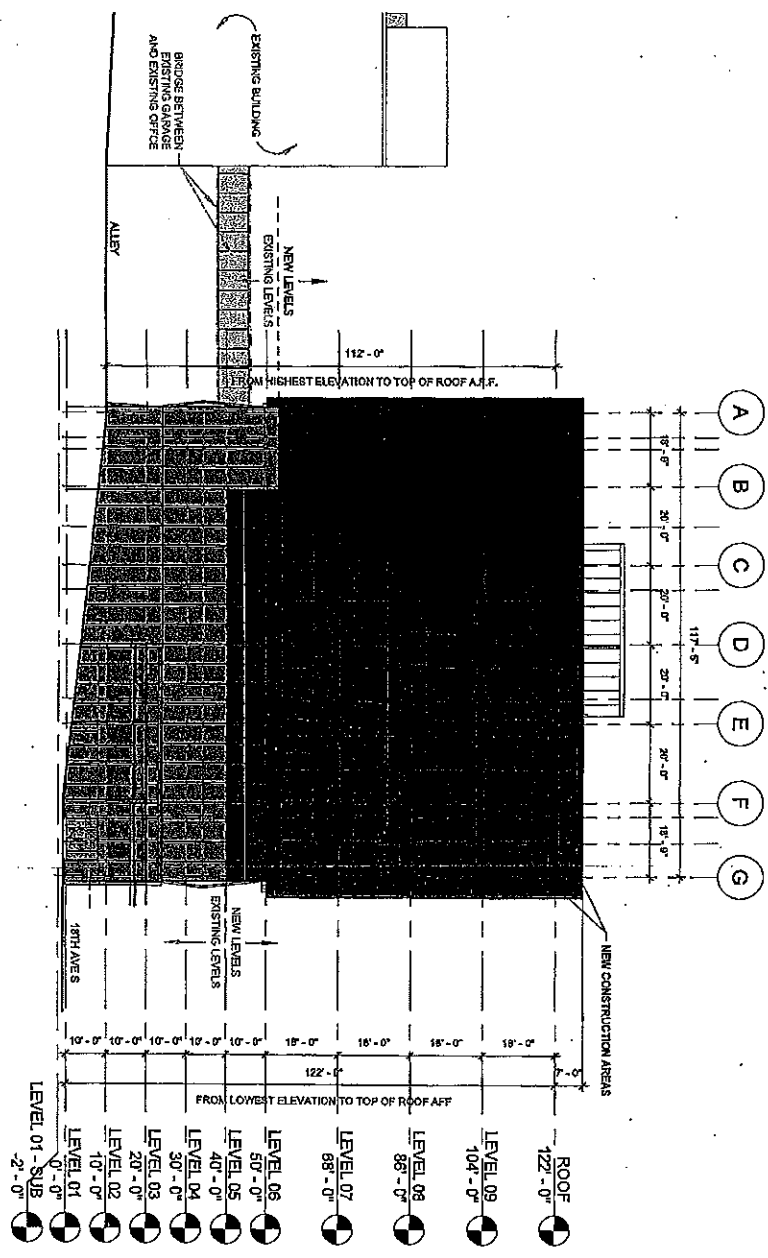
WEST ELEVATION  
 49 MSW

GS PROJ. NO.  
 43848.01  
 02  
 04.16.2018

1

# 900 18TH | NORTH ELEVATION

1" = 30'-0"



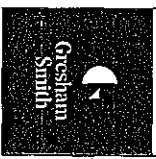
**SQUARE FOOTAGES**

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

- ROOF 122'-0"
- LEVEL 09 104'-0"
- LEVEL 08 88'-0"
- LEVEL 07 88'-0"
- LEVEL 06 50'-0"
- LEVEL 05 40'-0"
- LEVEL 04 30'-0"
- LEVEL 03 20'-0"
- LEVEL 02 10'-0"
- LEVEL 01 0'-0"
- LEVEL 01 - SUB -2'-0"

## NORTH ELEVATION

49 MSW



GS PROJ. NO.  
43446.01  
**03**  
04.18.2019



49 MSW VICINITY MAP

Level	Existing/Parted	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)	12,827	1,651		14,478
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415		30,415
Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560

SQUARE FOOTAGES

CS PROJ. NO.  
49949.M  
**00**  
04.16.2019

VICINITY MAP  
49 MSW





February 14, 2020

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

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

To whom it may concern:

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

**Current Zoning: ORI-A**

FAR:	3.0 (134,600 S.F.)
Max Height @ Build-to Zone:	65'-0"
Max Height:	109'-0" (105'-0" from grade to roof with 4'-0" allowable parapet)

**Proposed Solution : ORI-A**

FAR:	2.778 (124,331 S.F.)*
Max Height @ Build-to Zone:	89'-6" Feet with Allowance of 30% of the façade per section Metro Zoning section 17.12.060, F 1**
Max Height:**	111'-6" Average roof height 118'-6" Feet average w/ parapet (4'-0" max. parapet per 17.12.060 D 6) 9'-6" Average Variance (118'-6" – 109'-0)**

\*Off street parking required for the primary uses of the property are excluded from FAR calculations.

Only the addition of office uses would be counted against the FAR limitations.

\*\*See drawings for calculations per each façade.

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

We are requesting on behalf of the Owner that a special exception be granted for the average design height as indicated on the drawings. The proposed design does not create an adverse effect on the surrounding context. The addition of not only an active

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retail and lobby component on the ground level but also an office on the upper levels, transforms this existing parking garage from a utilitarian structure to one that supports an active street and contributes a strong pedestrian streetscape. It is also important to note that our site is located in the proposed "Music Row Core" area, classified as subdistrict 2a, which will allow for 8-12 stories and 168 Feet high in height (as indicated in the Music Row Community Meeting on 04.22.2019). We believe this further reinforces that this project meets the future vision and intent of this area.

The building design honors the minimum "Step-Back" requirements along Chet Atkins Place to allow for an outdoor amenity space that also contributes to the life and vitality of the area. A "Step-Back" has been created along 18<sup>th</sup> Avenue South, 19% of the façade is over the 65' height allowance as indicated in the attached drawings and under the 30% allowable per Section 17.12.060 F1

Sincerely,

Jennifer T. Carr  
AIA, LEED-AP

CJ

Attachments

Copy      Adrienne Miles Ciuba – Gresham Smith  
              Jennifer Carr – Gresham Smith  
              Torie Buche – Gresham Smith  
              Levi Sciara – Gresham Smith





July 25, 2019

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

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

To whom it may concern:

In response to the questions raised via email to Gresham Smith, on behalf of LPC and Pearlmark, regarding our Special Exception Request for the property located at 900 18<sup>th</sup> Avenue South please see the following questions and responses:

- Provide clear site plan
  - See attached presentation
- Provide readable elevations
  - See attached presentation
- Provide clarification on step-backs. How far is the new portion of the building extending over the existing building along 18<sup>th</sup> Avenue?
  - Design has been modified to eliminate the overhang along 18<sup>th</sup> Avenue.
- Build-to zone – A principle structure may exceed the maximum height in the build-to zone for 30% of the façade fronting each public street. Depict and label the 30% of the façade that exceeds the maximum height in the build-to zone.
  - See presentation for depiction of the façade that exceeds the maximum height in the build-to-zone. Please note that the existing parking structure to remain and used to support the proposed expansion is dictating the face of the façade along 18<sup>th</sup> Avenue South.
- Provide proposed uses and parking calculations.
  - Proposed uses at ground level is Lobby space, shared conferencing space and retail (tenant to be determined at later date).
  - Parking calculations have been provided in the attached presentation.
- Verify all parking not used in FAR calculations.
  - Parking has not been used in FAR calculations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JTC', written over a light blue horizontal line.

Jennifer T. Carr  
AIA, LEED-AP

CJ

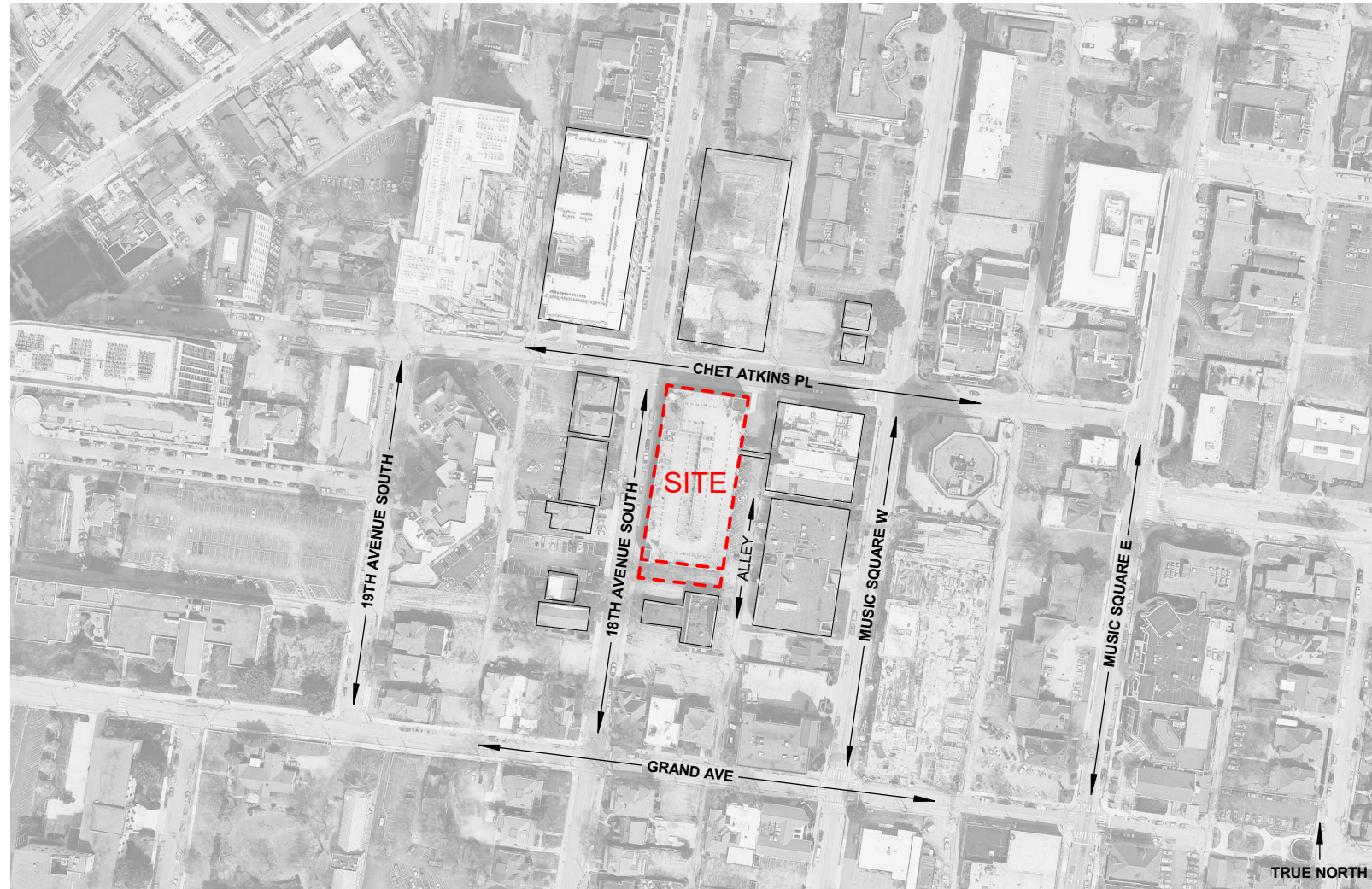
Attachments

**Genuine Ingenuity**

222 Second Avenue South  
Suite 1400  
Nashville, TN 37201  
615.770.8100  
GreshamSmith.com



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



49 MSW | VICINITY MAP

**TOTAL BUILDING AREA + FAR CALCULATION**

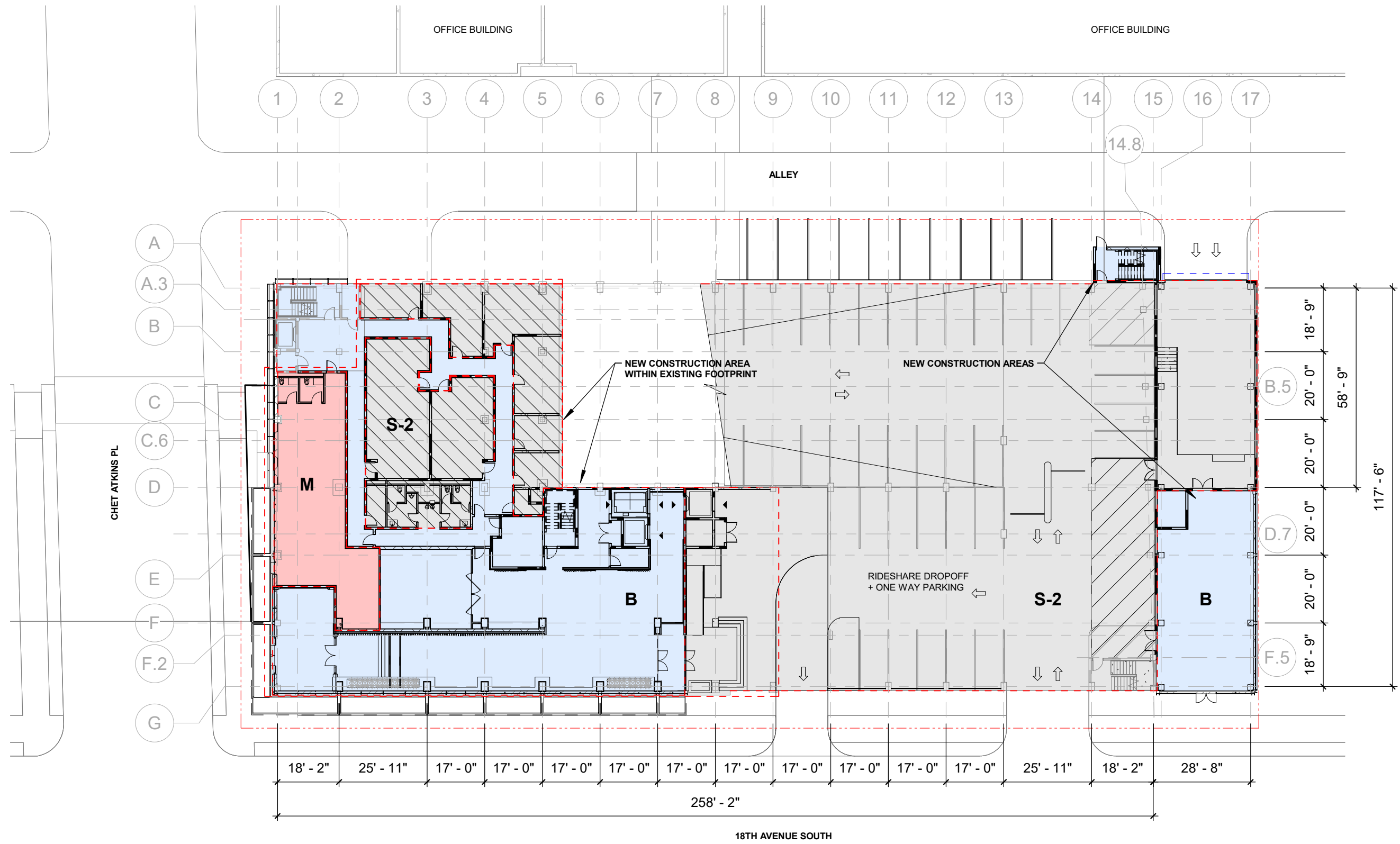
LEVEL	MERCANTILE	BUSINESS	S-2 EXISTING STORAGE	S-2 EXISTING PARKING* (NOT INCLUDED IN FAR AREA)	BALCONIES/ TERRACES EXTERIOR OF MAIN WALLS (NOT INCLUDED IN FAR AREA)	TOTAL AREA
LEVEL 09		21,874			7,926	29,800
LEVEL 08		25,557			4,243	29,800
LEVEL 07		28,813			987	29,800
LEVEL 06		29,328			2,694	32,022
LEVEL 05	531			31,280		31,811
LEVEL 04	196			31,229		31,425
LEVEL 03	3,789			31,054		34,843
LEVEL 02	196			28,552		28,748
LEVEL 01	1,620	9,094	3,333	20,881		34,928
<b>TOTALS</b>	<b>6,332</b>	<b>114,666</b>	<b>3,333</b>	<b>142,996</b>	<b>15,850</b>	<b>783,177</b>

\*Existing S-2 Parking excluded from FAR calculation per 17.12.070 - Special floor area ratio (FAR) provisions

TOTAL FAR AREA	124,331
LOT AREA	44757
FAR CALCULATION	
ALLOWED FAR RATIO	3.00
ALLOWED SF	134271
CURRENT FAR RATIO	2.778
CURRENT SF	124331

**VICINITY MAP**  
49 MSW



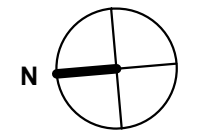


**SITE PLAN**  
49 MSW

1

**900 18TH LEVEL 01 SITE PLAN**

1" = 30'-0"  
0' 15' 30' 60' 90'





**Current Zoning: ORI-A**  
 FAR = 3.0 (134,600 SF)  
 Max Height @ Build-to Zone: 65'-0"  
 Max Height: 109'-0" (105'-0" from grade to roof with 4'-0" allowable parapet)

**Proposed Solution : ORI-A**  
 FAR: 2.778 (124,331 S.F.)  
 Max Height @ Build-to Zone: 89'-6" with Allowance of 30% of the façade per section 17.12.060 F 1. See Sheet 02 for diagram.  
 Max Height of Building: 111'-6" Average roof height  
 118'-6" Average w/ parapet (4'-0" max. parapet per 17.12.060 D 6)  
**9'-6" Average Variance (118'-6" - 109'-0")**

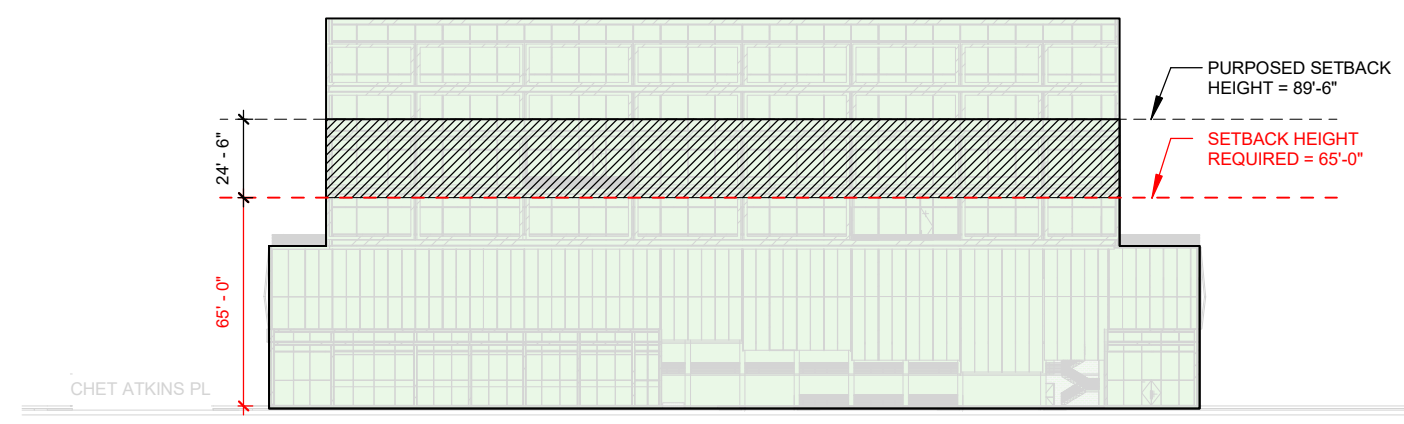
Max Height Calculation:  
Average Height along Chet Atkins PL:  
 Alley Height: 104'-0" + 7'-0" = 111'-0"  
 18th Ave Height: 114'-0" + 7'-0" = 121'-0"  
 Average Height:  $(111'-0" + 121'-0") / 2 = 116'-0"$

Average Height along 18th Ave:  
 Average Height:  $114'0 + 7'-0" = 121'-0"$

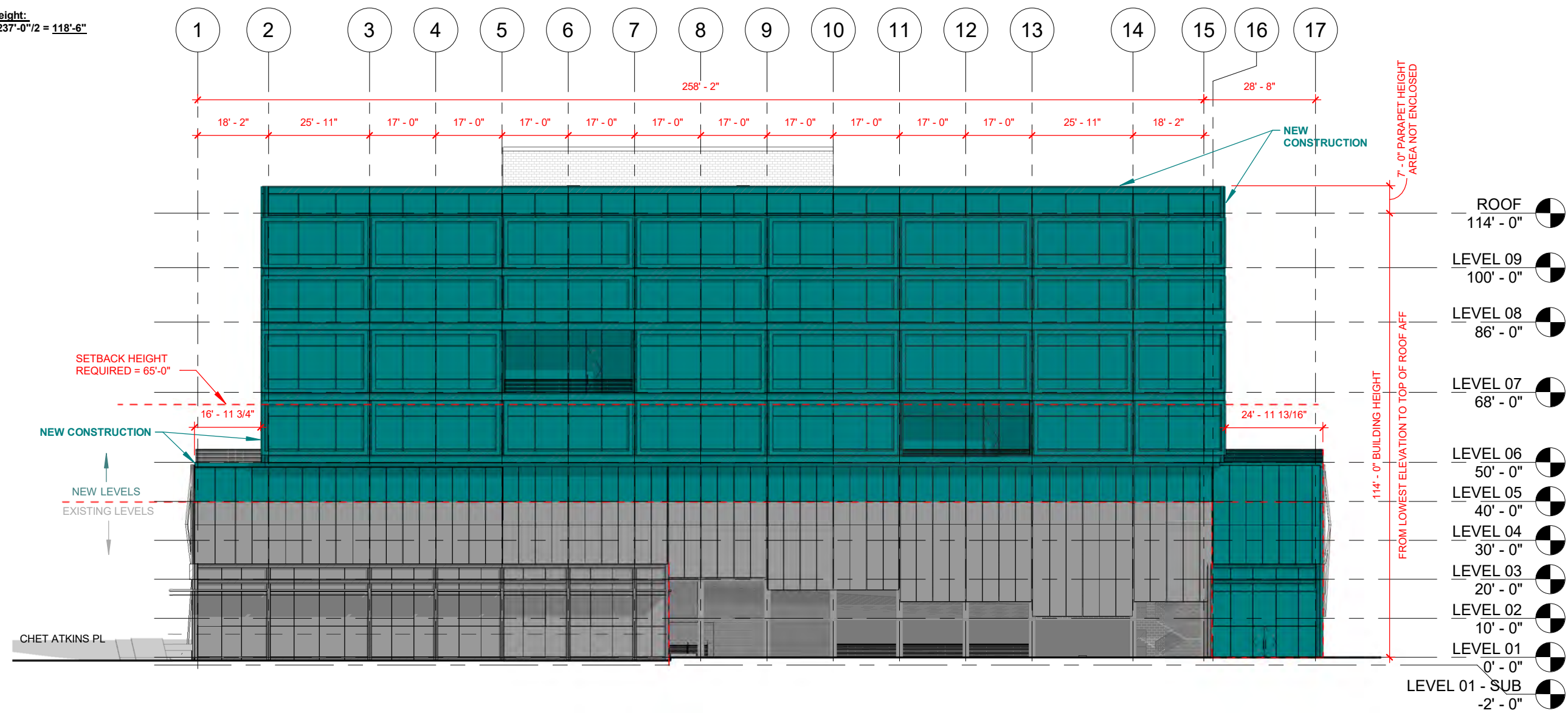
Average Building Height:  
 $121'-0" + 116'-0" = 237'-0" / 2 = 118'-6"$

PER SECTION 17.12.060 F 1, SETBACK EXCEEDS MAXIMUM HEIGHT AS SHOWN IN TABLE 17.12.020B (65'-0") FOR 19% OF THE FACADE FRONTING EACH PUBLIC STREET.

TOTAL FACADE AREA =	32,310 SF (100%)
ALLOWED SETBACK AREA EXCEEDING 65'-0"=	9,695 SF (30%)
PROPOSED SETBACK AREA EXCEEDING 65'-0"=	6,606 SF (19%)



**MAX HEIGHT AT BUILD-TO ZONE DIAGRAM**



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

GS PROJ. NO. 43849.01  
**02**  
 04.16.2019

**WEST ELEVATION**  
 49 MSW



**Current Zoning: ORI-A**  
 FAR = 3.0 (134,600 SF)  
 Max Height @ Build-to Zone: 65'-0"  
 Max Height: 109'-0" (105'-0" from grade to roof with 4'-0" allowable parapet)

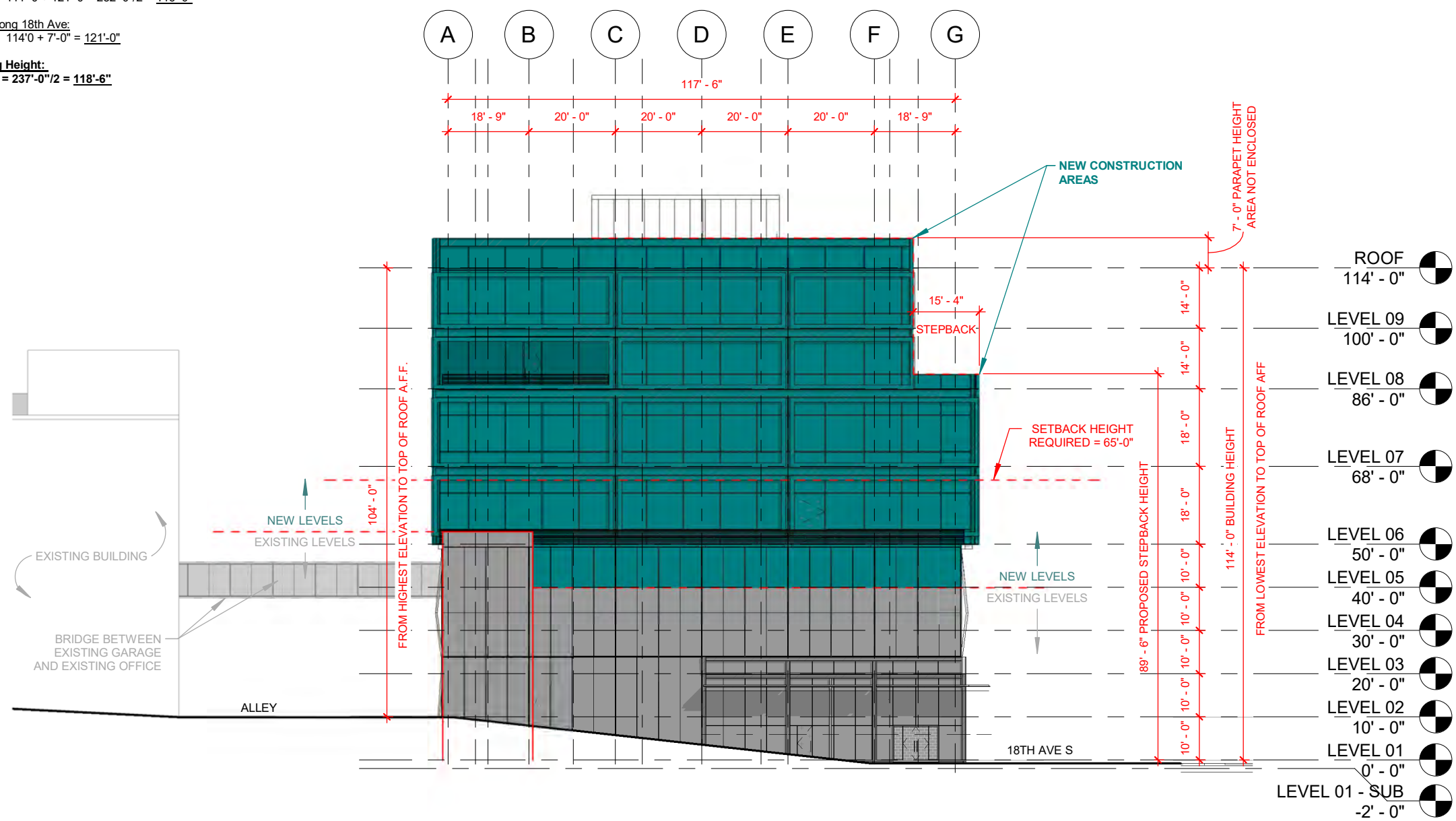
**Proposed Solution : ORI-A**  
 FAR: 2.778 (124,331 S.F.)  
 Max Height @ Build-to Zone: 89'-6" with Allowance of 30% of the façade per section 17.12.060 F 1. See Sheet 02 for diagram.  
 Max Height of Building:  
 111'-6" Average roof height  
 118'-6" Average w/ parapet (4'-0" max. parapet per 17.12.060 D 6)  
**9'-6" Average Variance (118'-6" - 109'-0)**

Max Height Calculation:

**Average Height along Chet Atkins PL:**  
 Alley Height: 104'-0" + 7'-0 = 111'-0"  
 18th Ave Height: 114'-0 + 7'-0 = 121'-0"  
 Average Height: 111'-0 + 121'-0 = 232'-0"/2 = 116'-0"

**Average Height along 18th Ave:**  
 Average Height: 114'-0 + 7'-0" = 121'-0"

**Average Building Height:**  
 121'-0" + 116'-0" = 237'-0"/2 = 118'-6"



GS PROJ. NO.  
 43849.01  
**03**  
 04.16.2019

**NORTH ELEVATION**  
 49 MSW

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





GS PROJ. NO.  
43849.01  
**04**  
04.16.2019

**RENDERING PERSPECTIVE**  
49 MSW

VIEW FROM 18TH AND CHET LOOKING SOUTHEAST





GS PROJ. NO.  
43849.01  
**05**  
04.16.2019

**RENDERING PERSPECTIVE**

49 MSW



**VIEW FROM 18TH AVENUE SOUTH LOOKING NORTHEAST**



GS PROJ. NO.  
43849.01  
**06**  
04.16.2019



**RENDERING PERSPECTIVE**  
49 MSW

**VIEW ALONG 18TH AVENUE SOUTH**

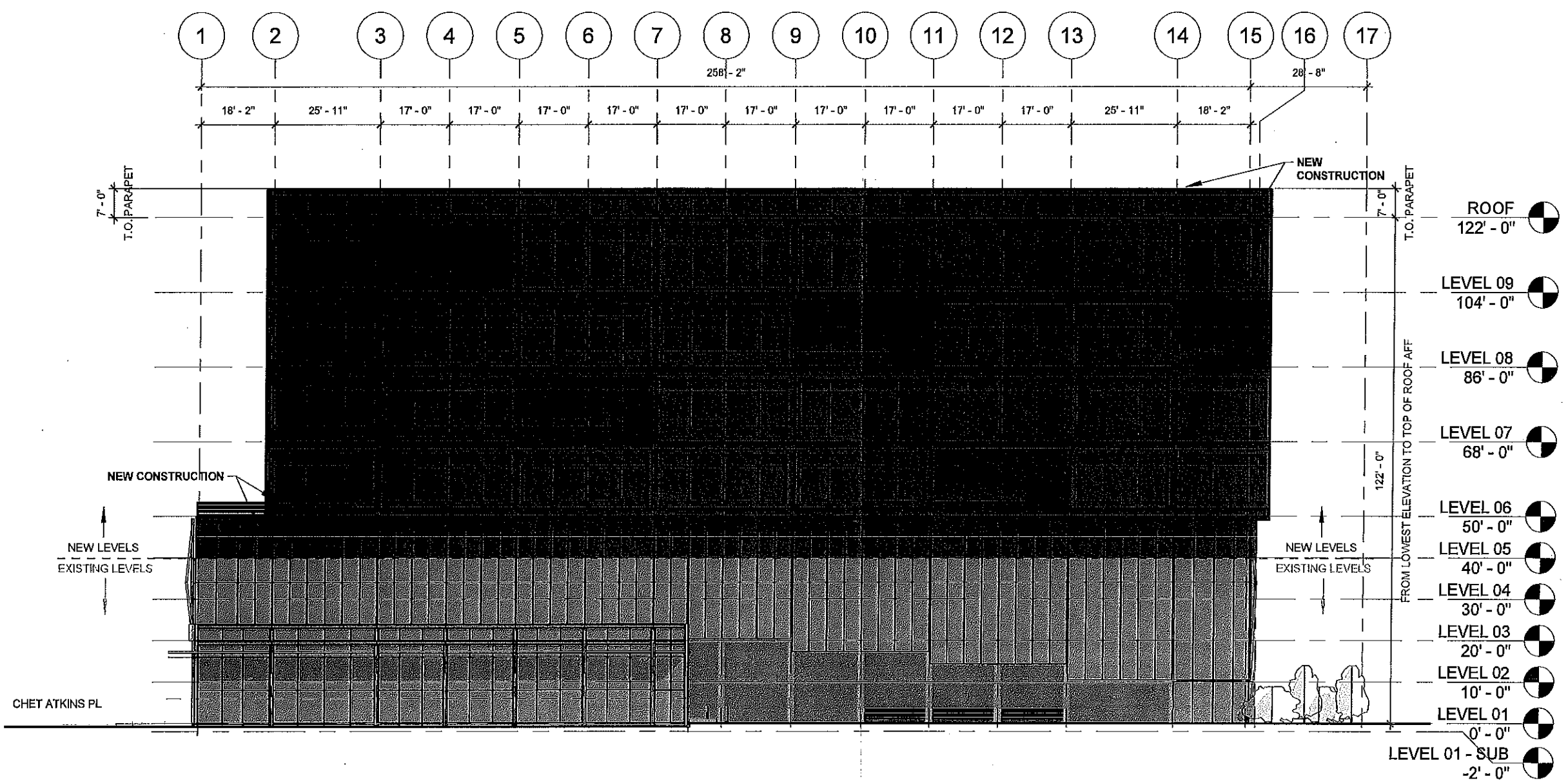




	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
Level 3 (S-2)	31,502			31,502
Level 4 (S-2)	31,502			31,502
Level 5 (S-2, B)	31,981			31,981
Level 6 (B)		30,415	2,955	31,893
Level 7 (B)		30,415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

SQUARE FOOTAGES

GS PROJ. NO.  
43849.01  
**02**  
04.16.2019



**WEST ELEVATION**  
49 MSW

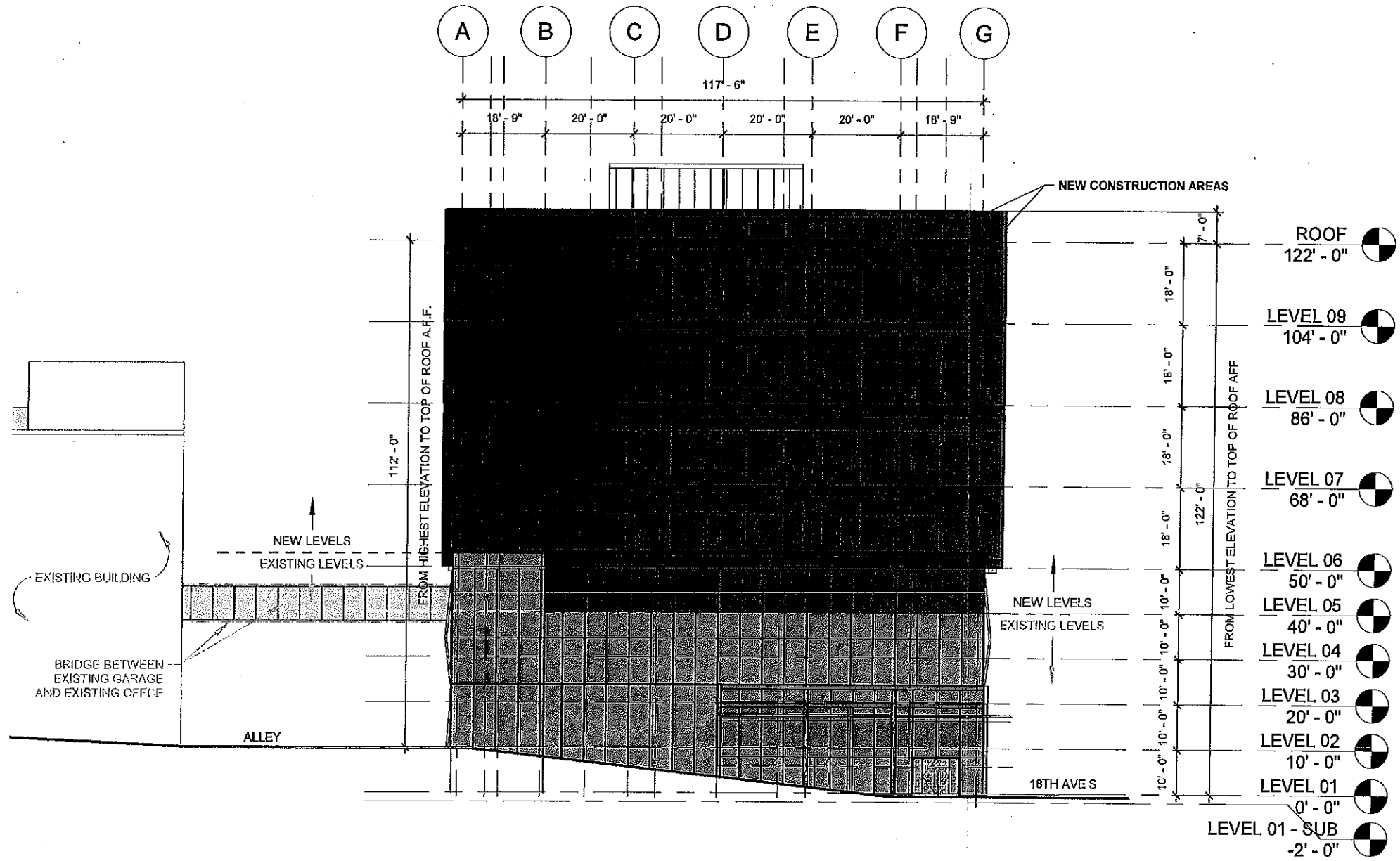
**1** 900 18TH | WEST ELEVATION  
1" = 30'-0"  
0' 15' 30' 60' 90'



	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
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GS PROJ. NO.  
43849.01  
**03**  
04.16.2019

SQUARE FOOTAGES



NORTH ELEVATION  
49 MSW

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



GS PROJ. NO.  
43849.01

**00**

04.16.2019



49 MSW | VICINITY MAP

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

SQUARE FOOTAGES

**VICINITY MAP**  
49 MSW



900 18<sup>th</sup> Avenue South





	Existing/ Parking	Proposed New	Exterior	Total
Level 1 (B)		10,811		10,811
Level 1 (M)		1,651		1,651
Level 1 (S-2)	12,827			12,827
Level 2 (S-2)	29,148			29,148
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Level 8 (B)		30,415		30,415
Level 9 (B)		30,415		30,415
Total	136,960	134,122	2,955	272,560

SQUARE FOOTAGES



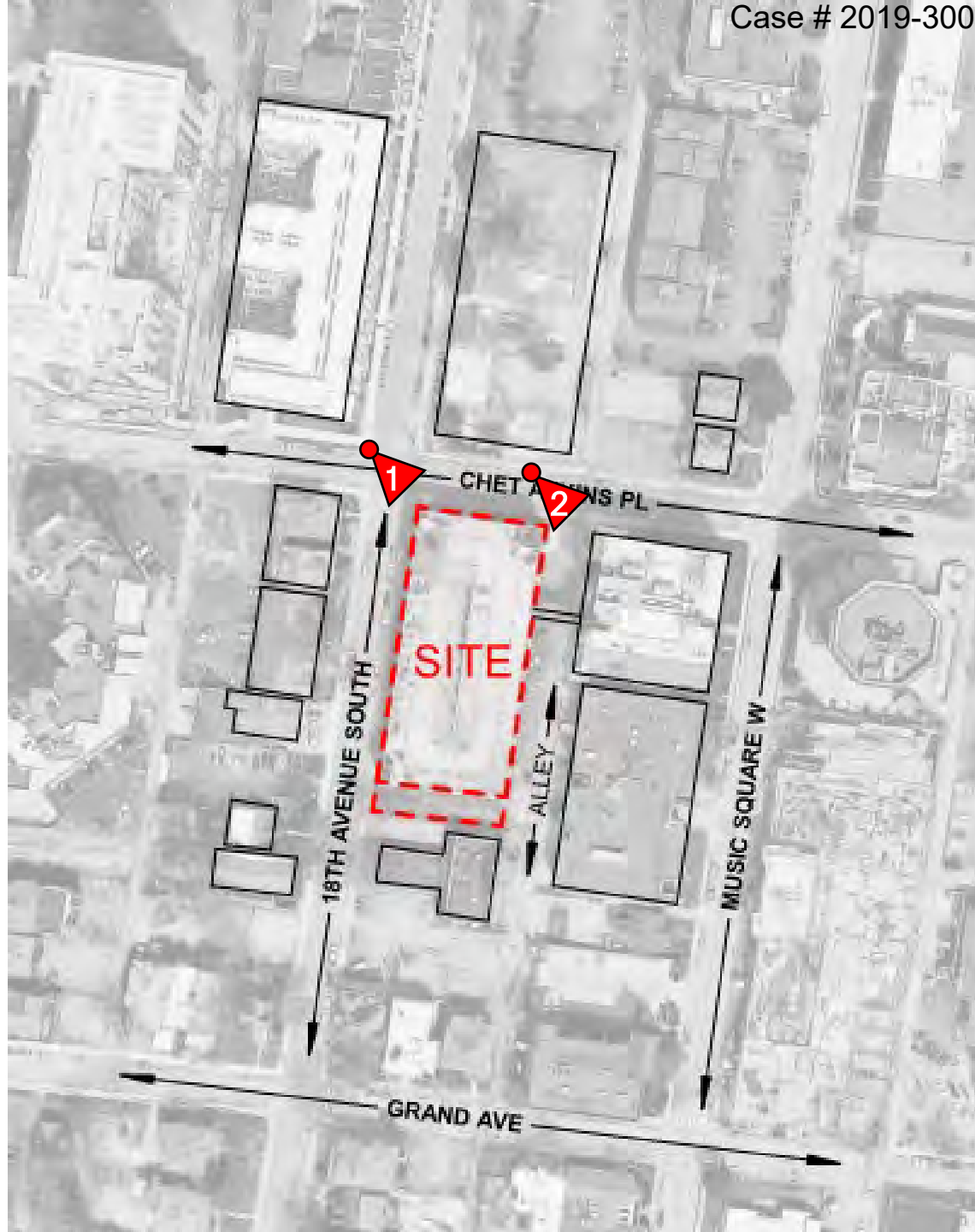
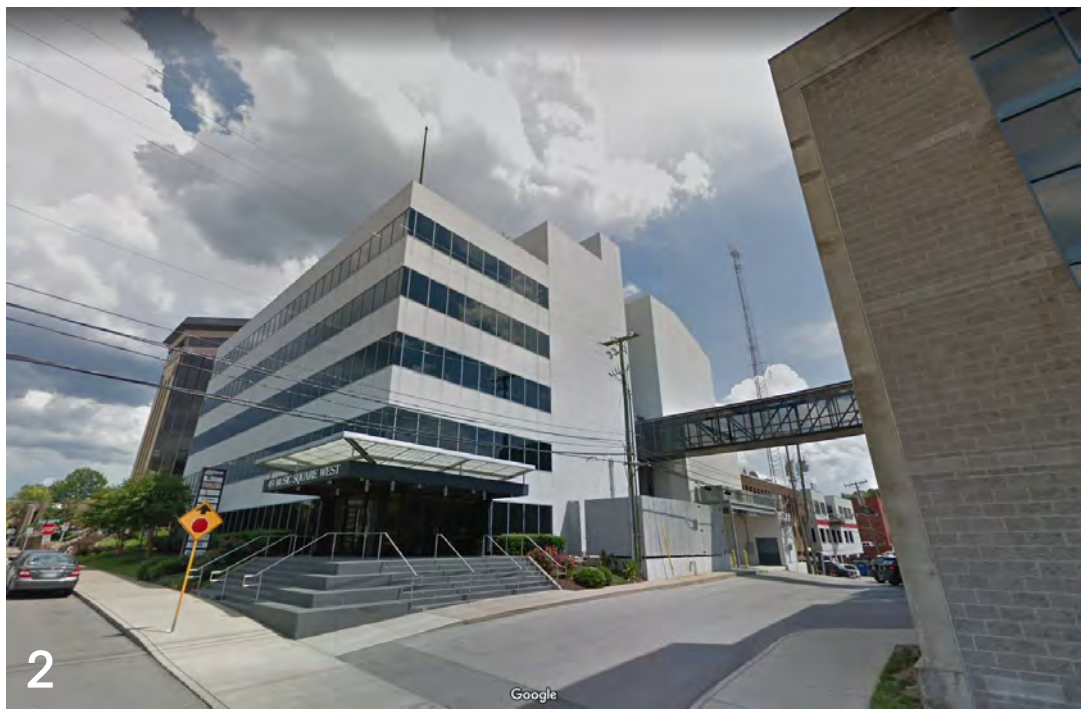
Vicinity Map



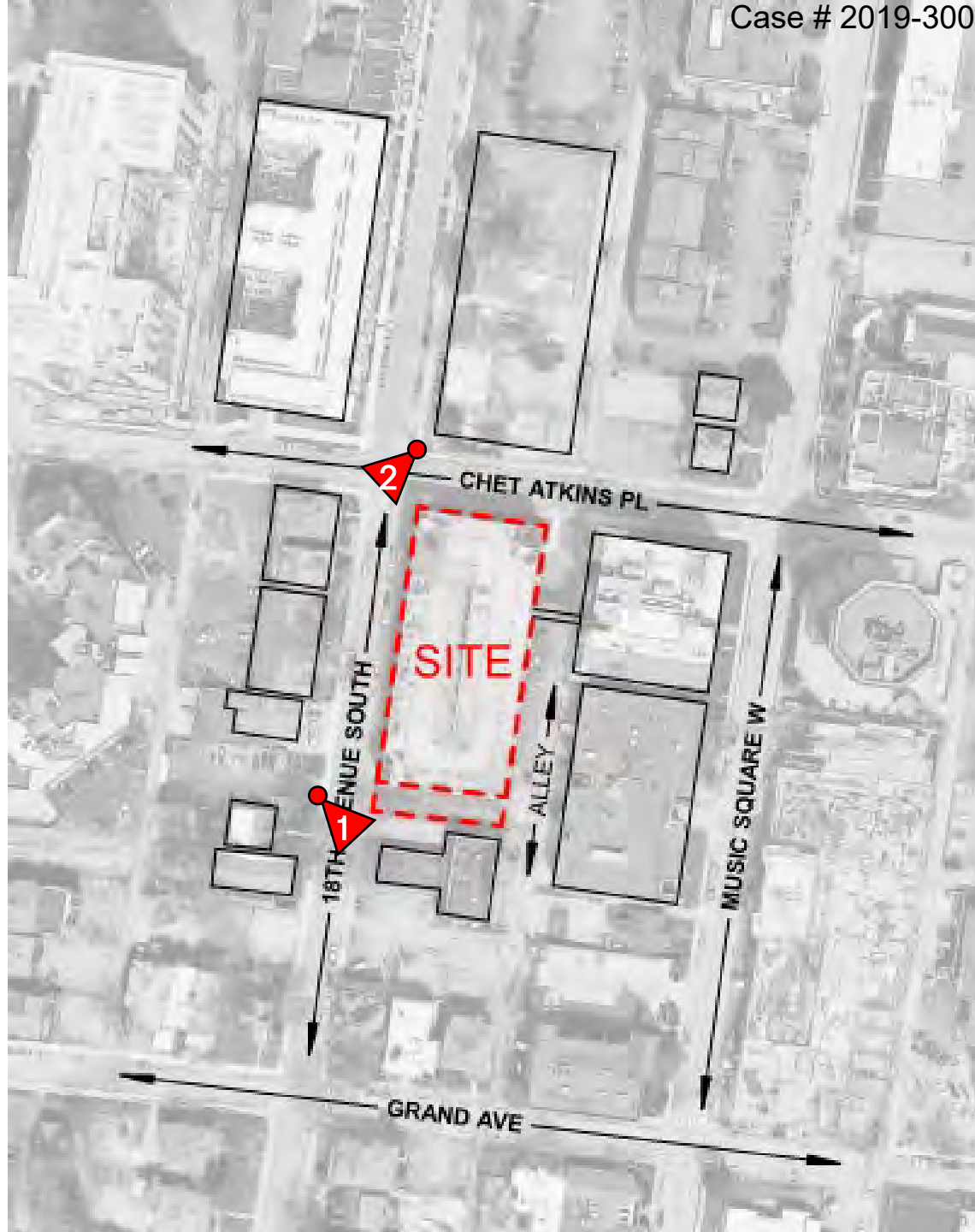
# EXISTING PARKING DECK



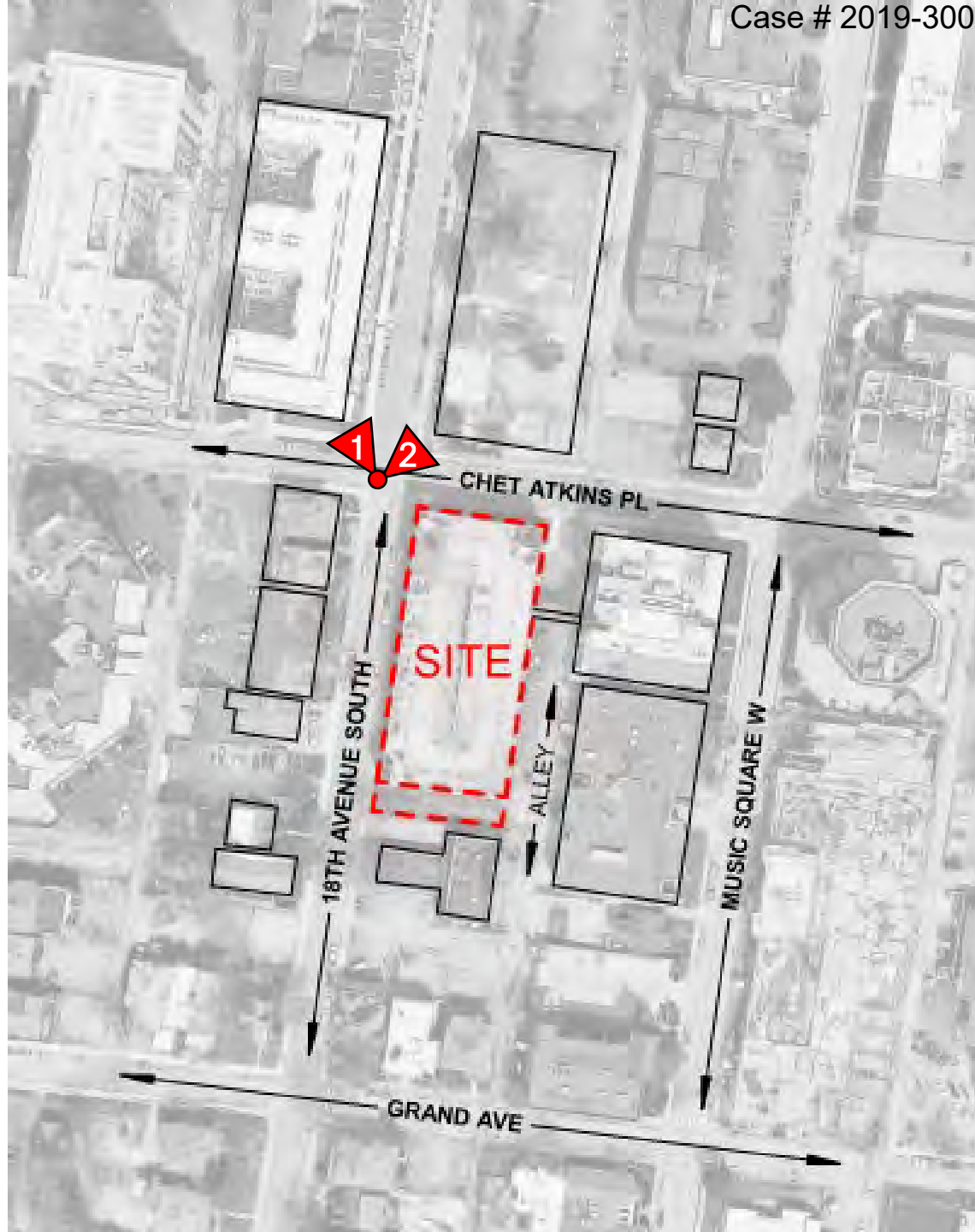




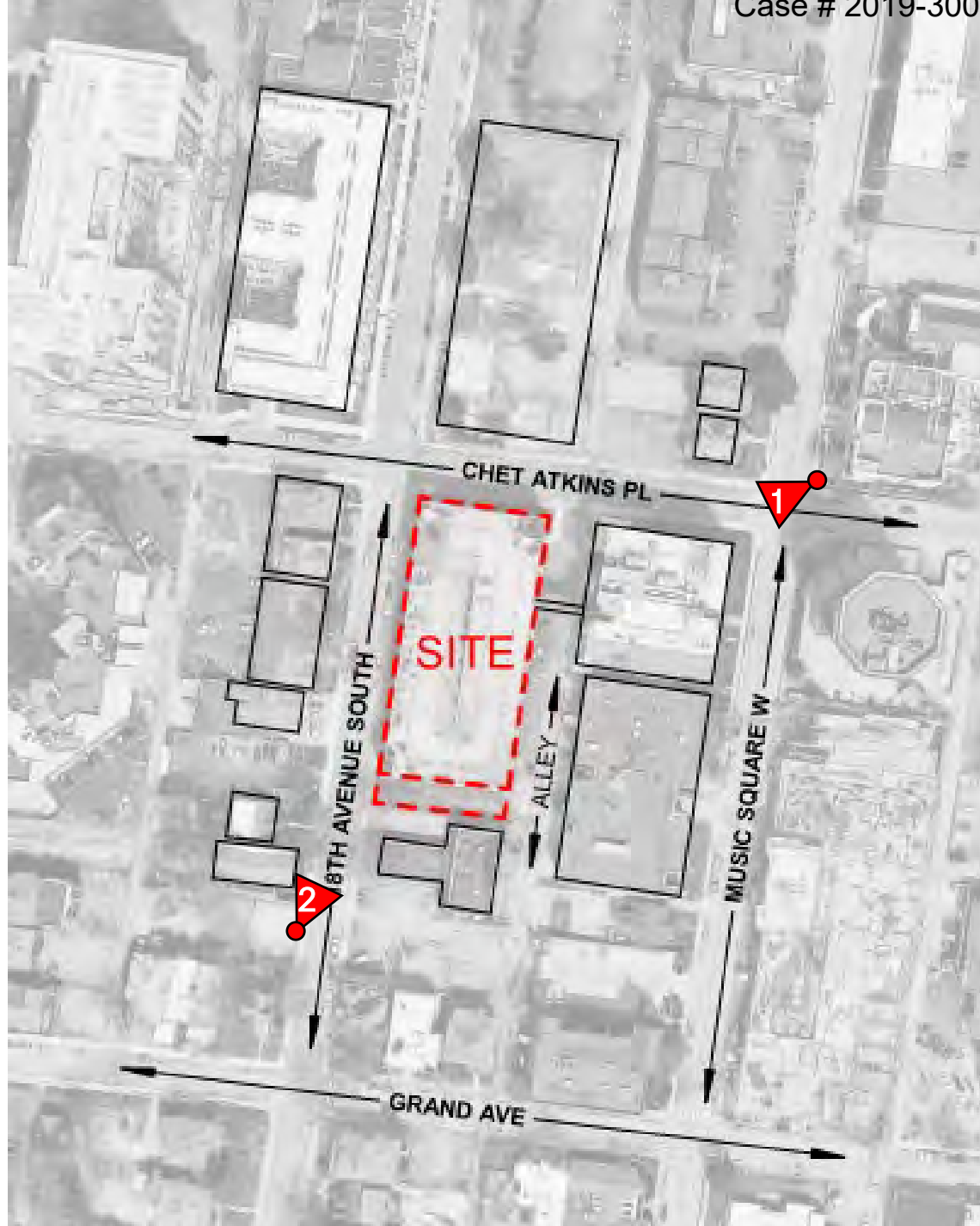
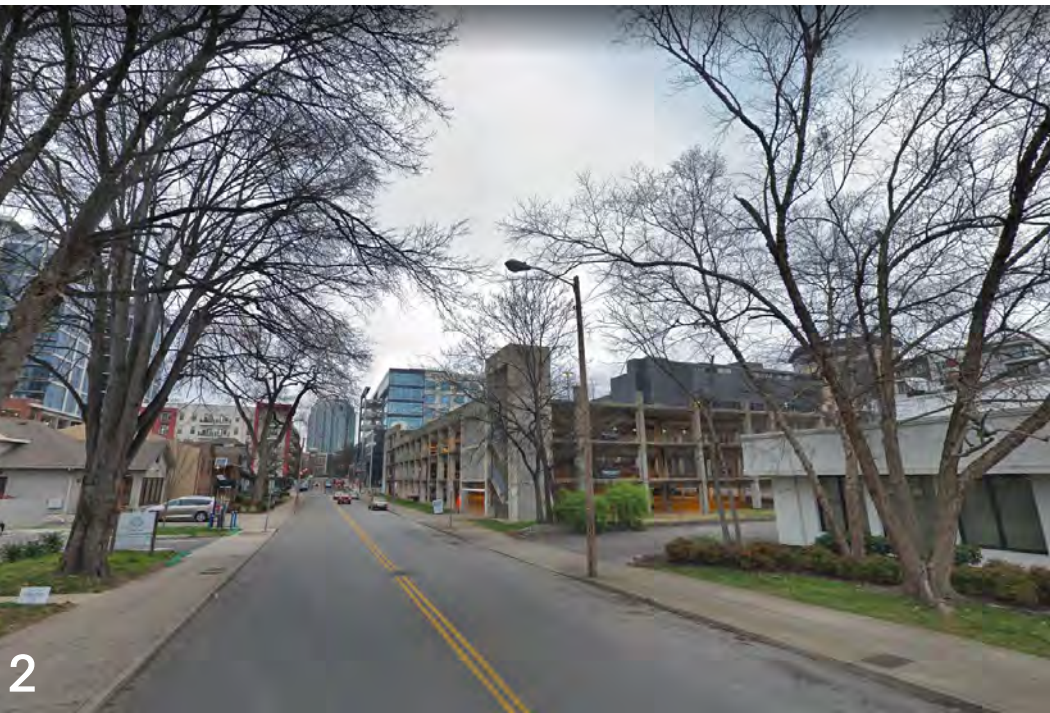












125'

Average proposed

105'

Max Roof Height

65'

Max Height @ Build-to-Zone



32 Music Row Vision Plan

EXISTING ORI-A ZONING





8

Stories by Right

12

Stories with commitment to music uses

9

Stories proposed



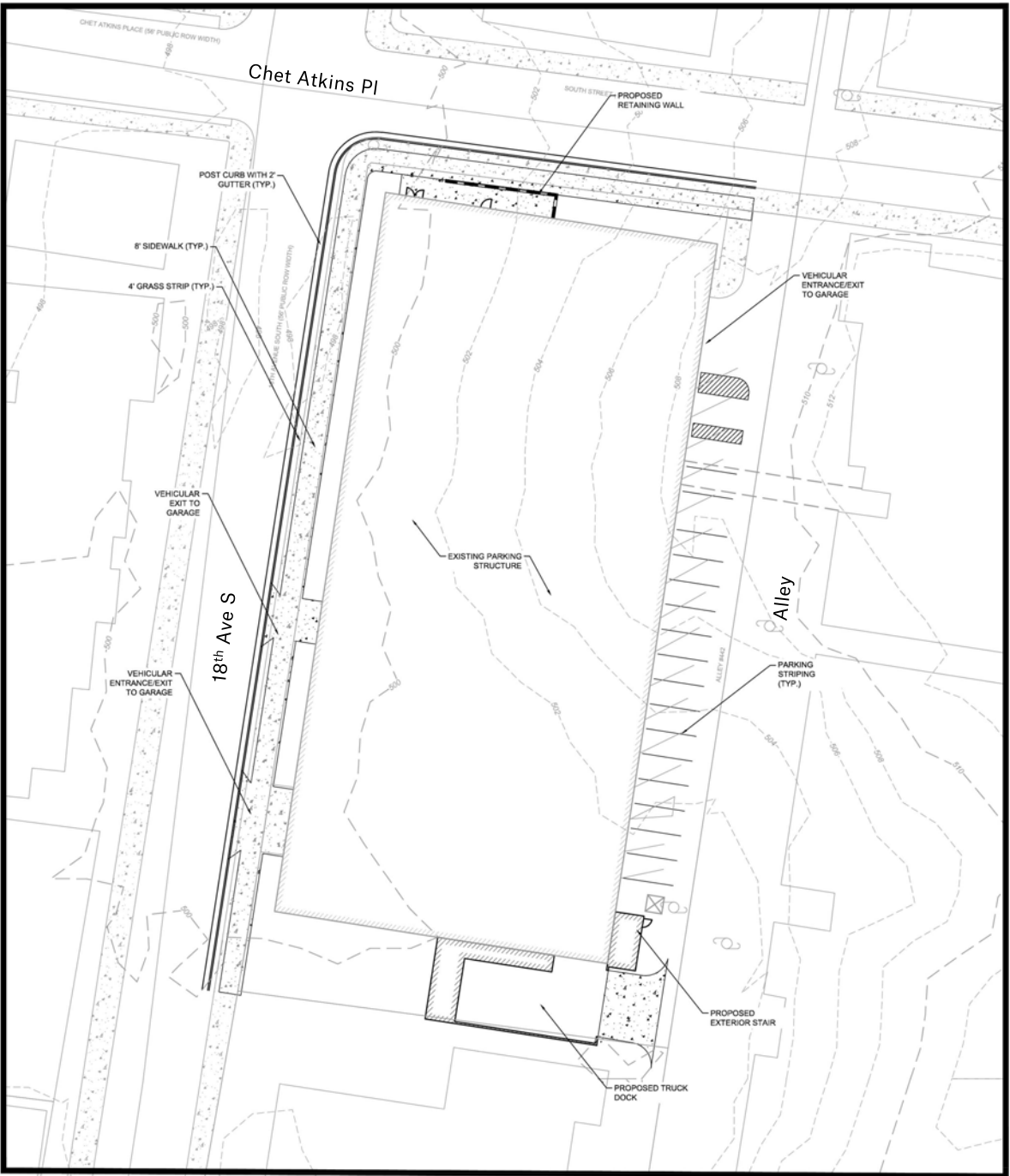
32 Music Row Vision Plan



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



# SITE PLAN



# FLOOR AREA RATIO

## 3.0 (134,600 SF)

Current Zoning FAR and subsequent Allowable SF

## 134,122 SF

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

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

SQUARE FOOTAGES





**900 18th Ave S PARKING COUNTS**

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

**PARKING  
COUNT**

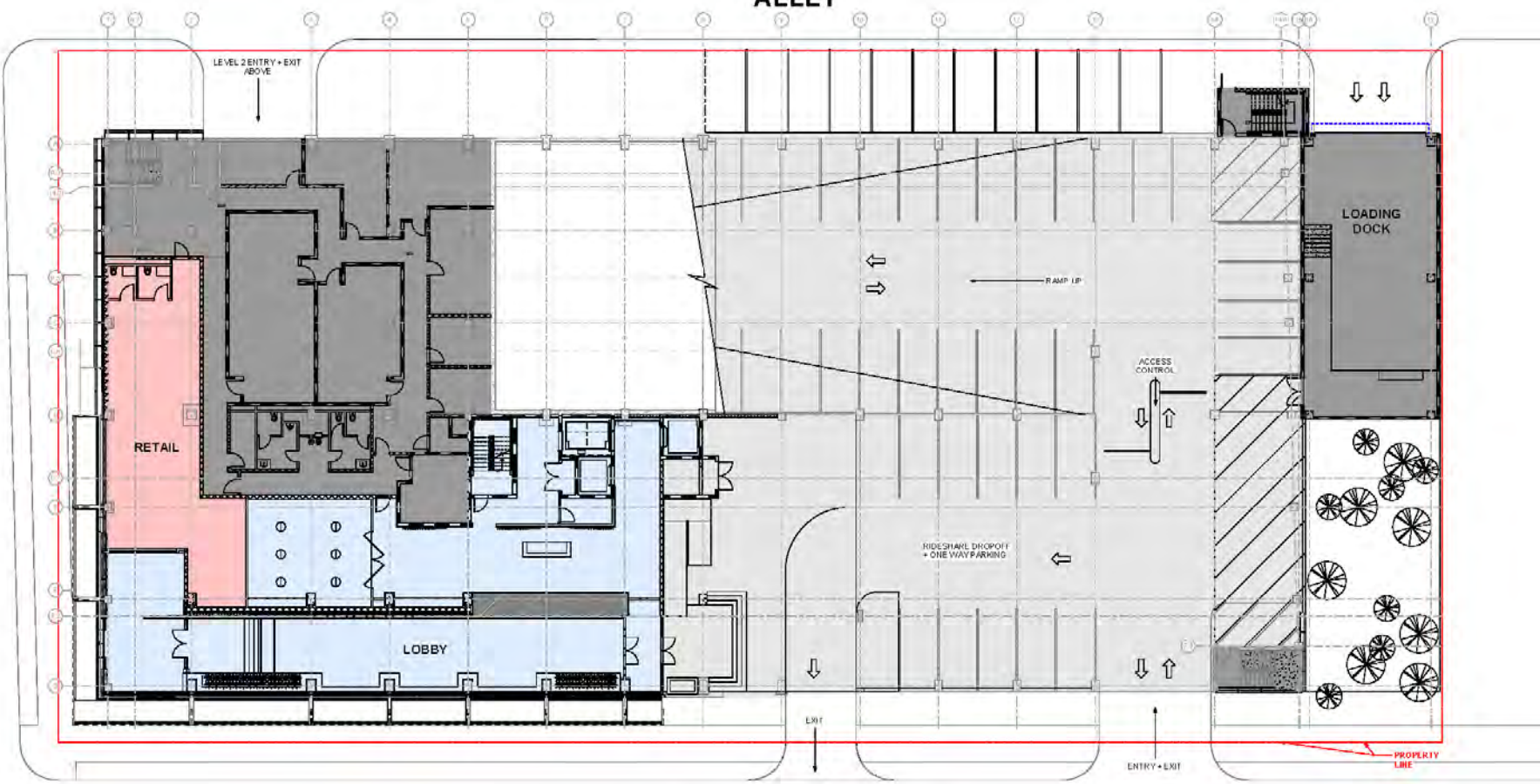


OFFICE BUILDING

OFFICE BUILDING

CHET ATKINS PL

ALLEY

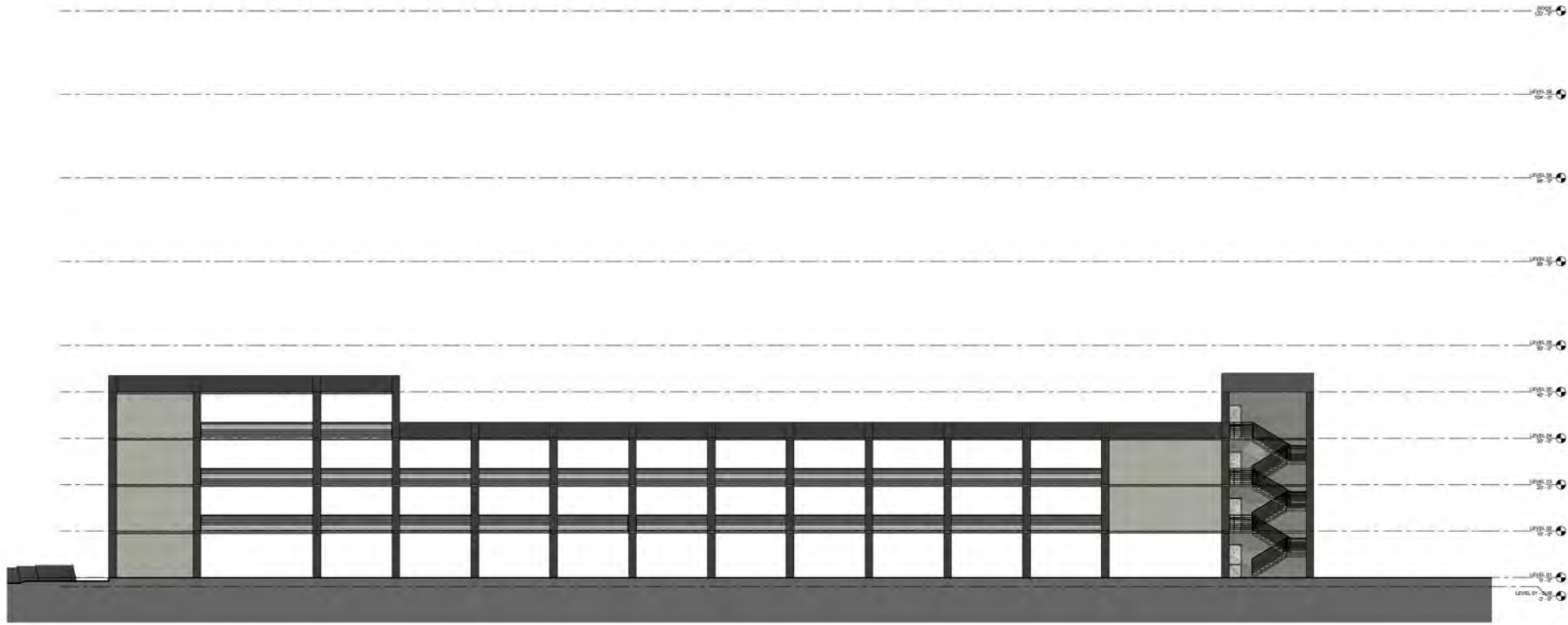


# DESIGN

18TH AVENUE SOUTH

LEVEL 01 PLAN





WEST ELEVATION | EXSITING



WEST ELEVATION | PROPOSED

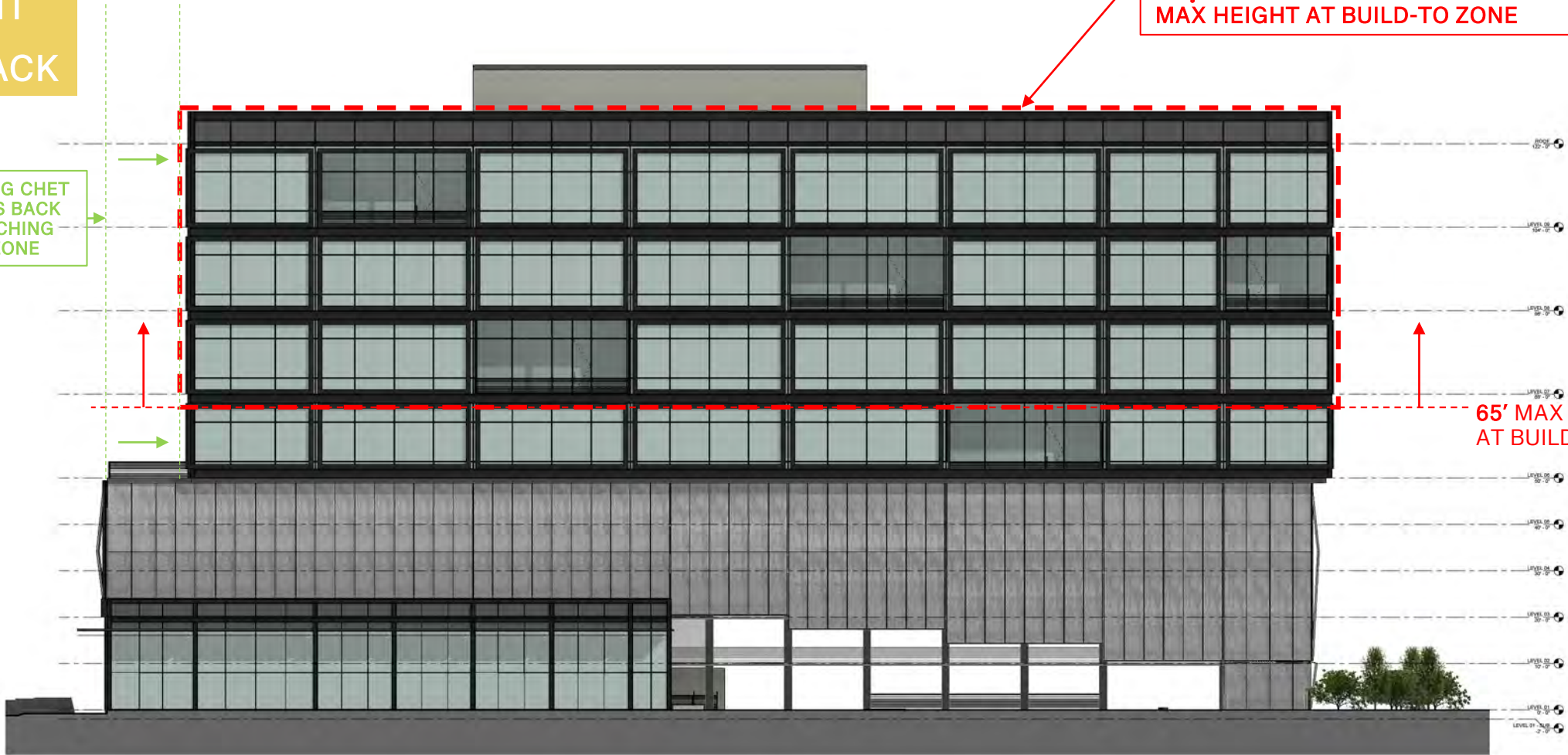


SPECIAL EXCEPTION  
REQUEST:  
**HEIGHT  
&  
STEP BACK**

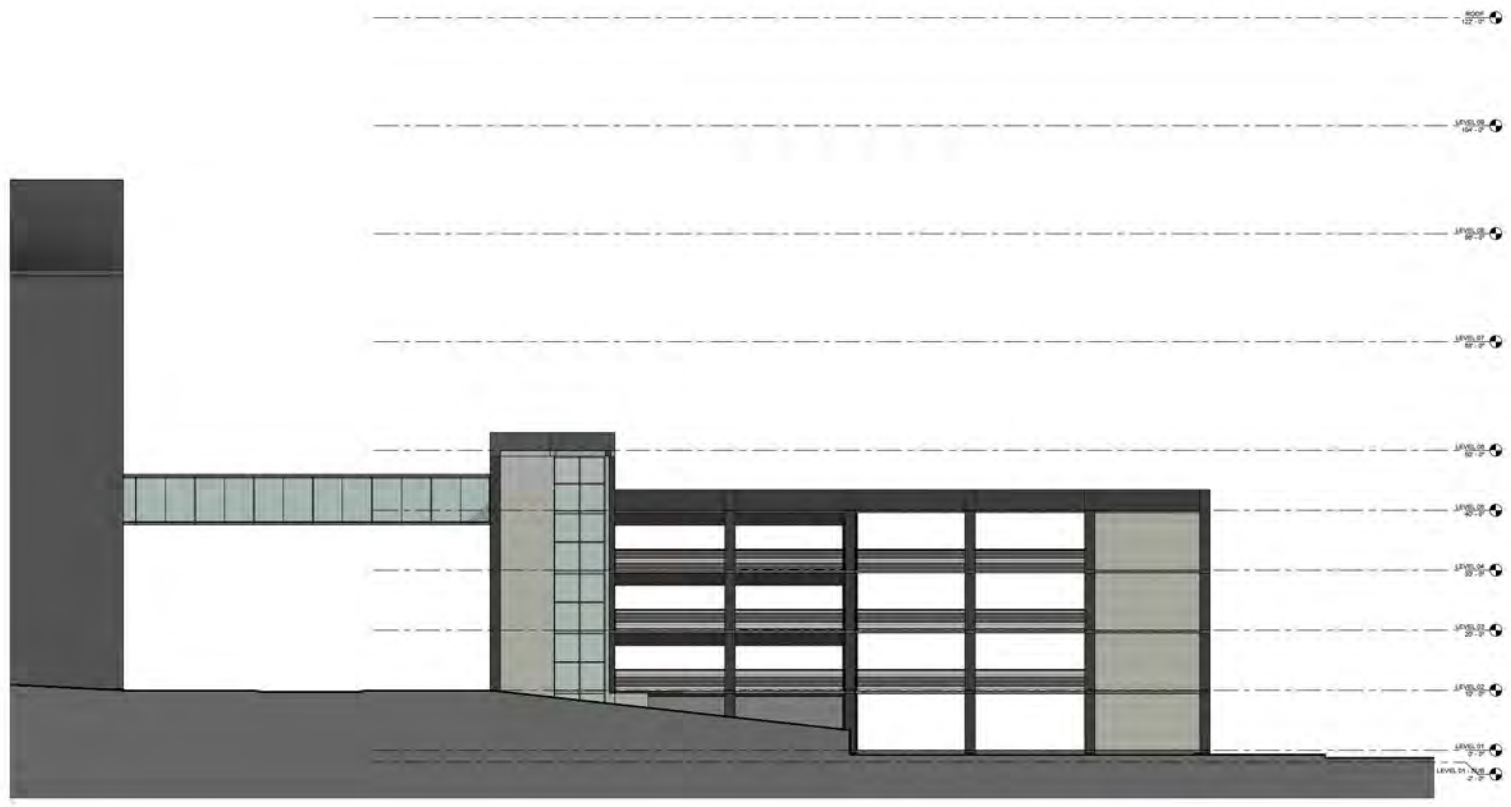
FAÇADE FACING CHET  
ATKINS STEPS BACK  
BEFORE REACHING  
BUILD-TO-ZONE

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

65' MAX HEIGHT  
AT BUILD-TO-ZONE



WEST ELEVATION | PROPOSED

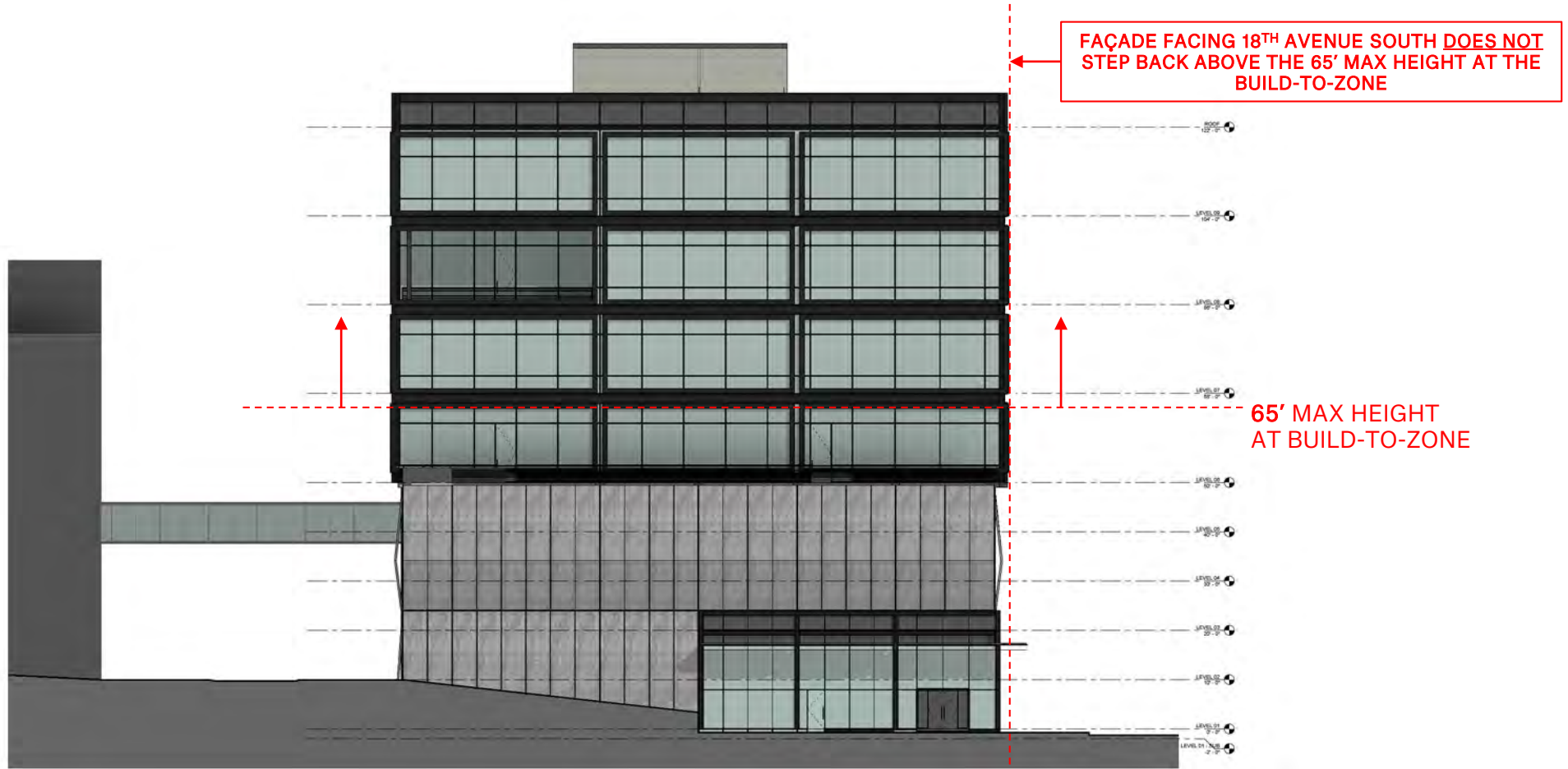


NORTH ELEVATION | EXSITING



NORTH ELEVATION | PROPOSED

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



NORTH ELEVATION | PROPOSED



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

**125'**

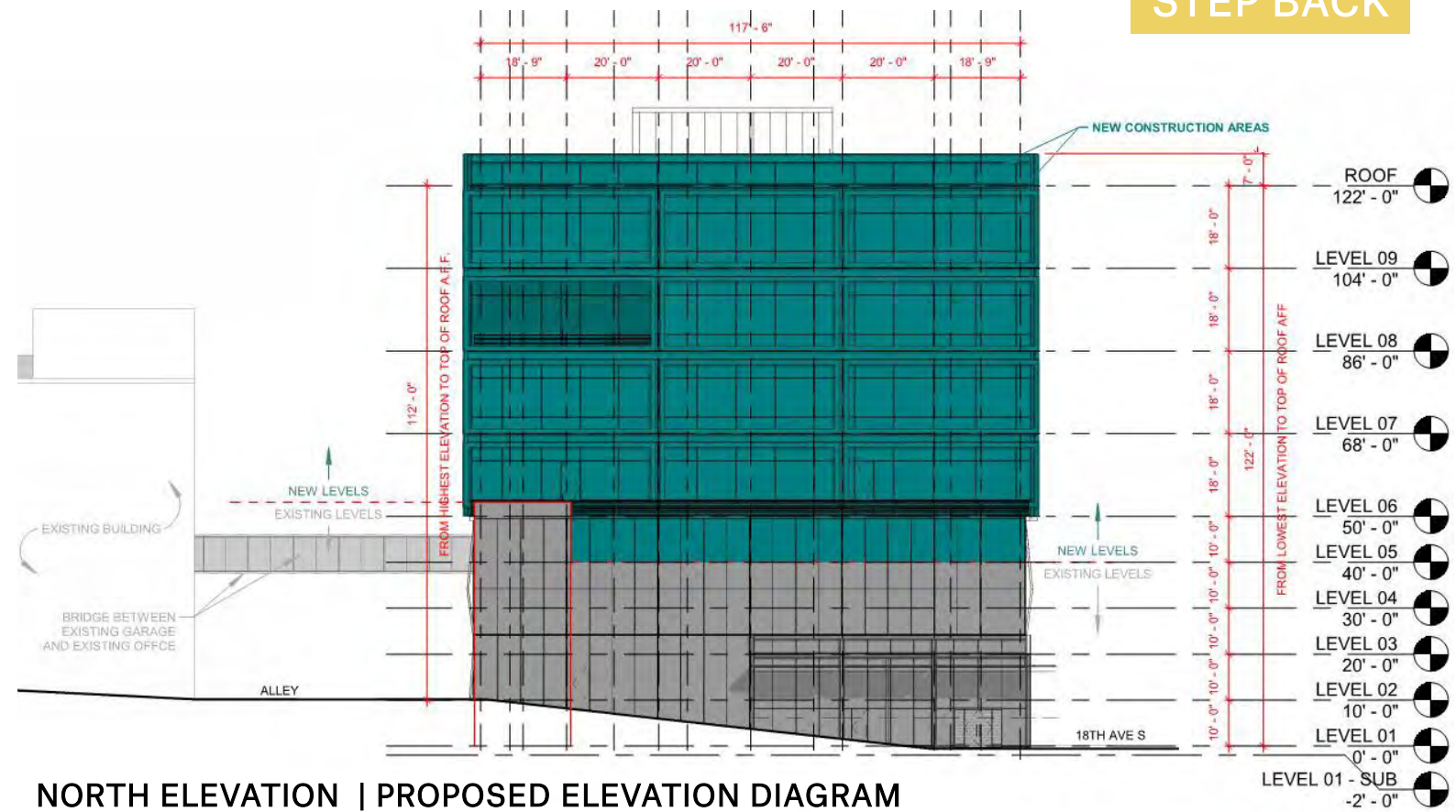
Average proposed

**105'**

Max Roof Height

**65'**

Max Height @ Build-to-Zone



**NORTH ELEVATION | PROPOSED ELEVATION DIAGRAM**

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

**CURRENT ORI-A ZONING**







View looking at corner of Chet Atkins and 18<sup>th</sup>





View looking North along 18<sup>th</sup>







View looking South along Chet Atkins



# Active Spaces







Lobby View





**QUESTIONS**







PARKING PERMIT ONLY  
NO PARKING  
NO STANDING  
NO LOADING  
NO UNLOADING









PARKING OR  
PERMIT ONLY  
NO  
OVERHUNG  
LOADS













METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

---

# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** August 23, 2019  
**BZA Hearing Date:** September 5, 2019  
**Re:** Planning Department Recommendation for Special Exception Cases

---

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

**Case 2019-300 (900 18<sup>th</sup> Avenue South) – Height and Stepback Special Exceptions**

**Planning Recommendation:** Defer at the request of the applicant.

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

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

From: 807 18<sup>th</sup> Avenue South # 106

Nashville TN 37203

RE: Appeal Case # 2019-300

900 18<sup>th</sup> Ave. S. (Jennifer Carr, Appellant)

Map Parcel: 09216036100

Zoning Classification: OR1A

Council district: 19

Date: July 9, 2019

To: Metropolitan Board of Zoning Appeals

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

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

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

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

Sincerely,

James S. Powers

Martha E. Wettemann

**From:** [Powers, James](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Re: Case # 2019-300  
**Date:** Monday, March 16, 2020 5:53:07 AM

---

From: 807 18<sup>th</sup> Avenue South # 106  
Nashville TN 37203  
RE: Appeal Case # 2019-300  
900 18<sup>th</sup> Ave. S. (Jennifer Carr, Appellant)  
Map Parcel: 09216036100  
Zoning Classification: OR1A  
Council district: 19  
Date: March 16, 2020  
  
To: Metropolitan Board of Zoning Appeals

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

We remain opposed to increased height for nearby buildings. The height of structures has a direct negative effect on the quality of life in the neighborhood. Please enforce the height restrictions for our district as adopted by city council.

Sincerely,

James S. Powers  
Martha E. Wettemann

From: 807 18<sup>th</sup> Avenue South # 106  
Nashville TN 37203  
RE: Appeal Case # 2019-300  
900 18<sup>th</sup> Ave. S. (Jennifer Carr, Appellant)  
Map Parcel: 09216036100  
Zoning Classification: OR1A  
Council district: 19  
Date: March 16, 2020

To: Metropolitan Board of Zoning Appeals

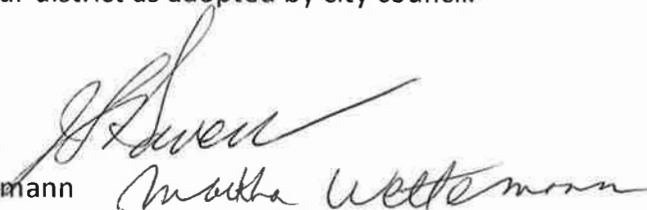
Thank you for the opportunity to express an opinion on the appellant's request for variance from height requirements to permit construction of an office building at 900 18<sup>th</sup> Ave. S.

We remain opposed to increased height for nearby buildings. The height of structures has a direct negative effect on the quality of life in the neighborhood. Please enforce the height restrictions for our district as adopted by city council.

Sincerely,

James S. Powers

Martha E. Wettemann

Handwritten signatures of James S. Powers and Martha E. Wettemann. The signature of James S. Powers is written in dark ink and is highly stylized, appearing as a series of loops and curves. The signature of Martha E. Wettemann is also in dark ink and is more legible, showing the first letters of each name clearly.



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

---

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

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

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



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

To: Metropolitan Board of Zoning Appeals

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

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

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

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

Sincerely,



James S. Powers



Martha E. Wettemann



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

---

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

Dr. Meera Reddy Wright



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

---

### Metropolitan Board of Zoning Appeals:

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

Scott Voelkerding, PE  
807 18th Ave S, Unit 104  
[scott.voelkerding@gmail.com](mailto:scott.voelkerding@gmail.com)



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: James Crockett II Date: 1/7/2020  
Property Owner: Dr. Jarel Jackson Case #: 2020-049  
Representative: James Crockett Map & Parcel: 68112030800

Council District 19

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

Purpose: To construct a single family RESIDENCE PERMIT 2019061452

Activity Type: RES. CONSTRUCTION  
Location: 908 CHEATHAM PL

This property is in the RL-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 side/rear facing garage door orientation

Section(s): 17.12.020b2

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.

James Crockett II  
Appellant Name (Please Print)  
PO Box 194  
Address  
Nolensville TN 37135  
City, State, Zip Code  
615-566-1906  
Phone Number  
JACinvest.net  
Email  
Signature: JCS

James Crockett II  
Representative Name (Please Print)  
PO Box 194  
Address  
Nolensville TN 37135  
City, State, Zip Code  
615-566-1906  
Phone Number  
JAC@JACinvest.net  
Email  
Appeal Fee: \_\_\_\_\_

TO BUILD ON BZA CASE 2019-492 GRANTED - UNDERSIZED LOT





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



3720440

**ZONING BOARD APPEAL / CAAZ - 20190061466  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 08112030800

APPLICATION DATE: 10/08/2019

**SITE ADDRESS:**

908 CHEATHAM PL NASHVILLE, TN 37208  
PT LOTS 249 250 MCGAVOCKS TOWN NO NASH.

PARCEL OWNER: BASILE, KENT T.

CONTRACTOR:

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

BZA Appeal requesting to construct single family residence on undersized lot and to NOT build to the required 3 ft Requesting a 74 sq ft variance to lot area and to omit the required 3 ft side setback for at least 25% of structure beginning at front setback.

Rejected due to undersized lot area of 3676 sq ft per survey. Minimum 3,750 sq ft per Code Section 17.40.670. Required 3 ft side setback for at least 25% of structure beginning at front setback.

POC: Kent Basile 865-242-4767  
kentbasil@gmail.com

*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**



3720420

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019061452  
THIS IS NOT A PERMIT**

PARCEL: 08112030800

APPLICATION DATE: 10/08/2019

**SITE ADDRESS:**

908 CHEATHAM PL NASHVILLE, TN 37208  
PT LOTS 249 250 MCGAVOCKS TOWN NO NASH.

PARCEL OWNER: BASILE, KENT T.

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

BZA Appeal requesting to construct single family residence on undersized lot and to NOT build to the required 3 ft side setback per 17.40.670.

Rejected due to undersized lot area of 3676 sq ft per survey. Minimum 3,750 sq ft per Code Section 17.40.670.  
Required 3 ft side setback for at least 25% of structure beginning at front setback of structure.

To construct a single family residence with 2122 sq ft of living, 444 sq ft garage, and 437 sq ft of porches and decks.  
Maximum height of 2 stories within 35 ft. Sidewalks ARE required for this project because this parcel is within the UZO.  
You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
BZA Hearing on a BLDG Permit		
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[G] Bond & License Review On Bldg App		
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		615-862-8782 PWPermitsl@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 firstclass 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 Las 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 Change 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 you would have to re-file your request with the board.

Once your request is filed, the staff will review your application 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 the office **by noon, the Friday prior to the public hearing to be included in the record.** You must provide **eight (8) copy of your information to staff.**

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

  
**APPELLANT**

11/7/2020  
**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?**

Small lot size and no alley access is preventing rear and side parking or garage access.



## Standards for a Variance

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

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

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

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

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

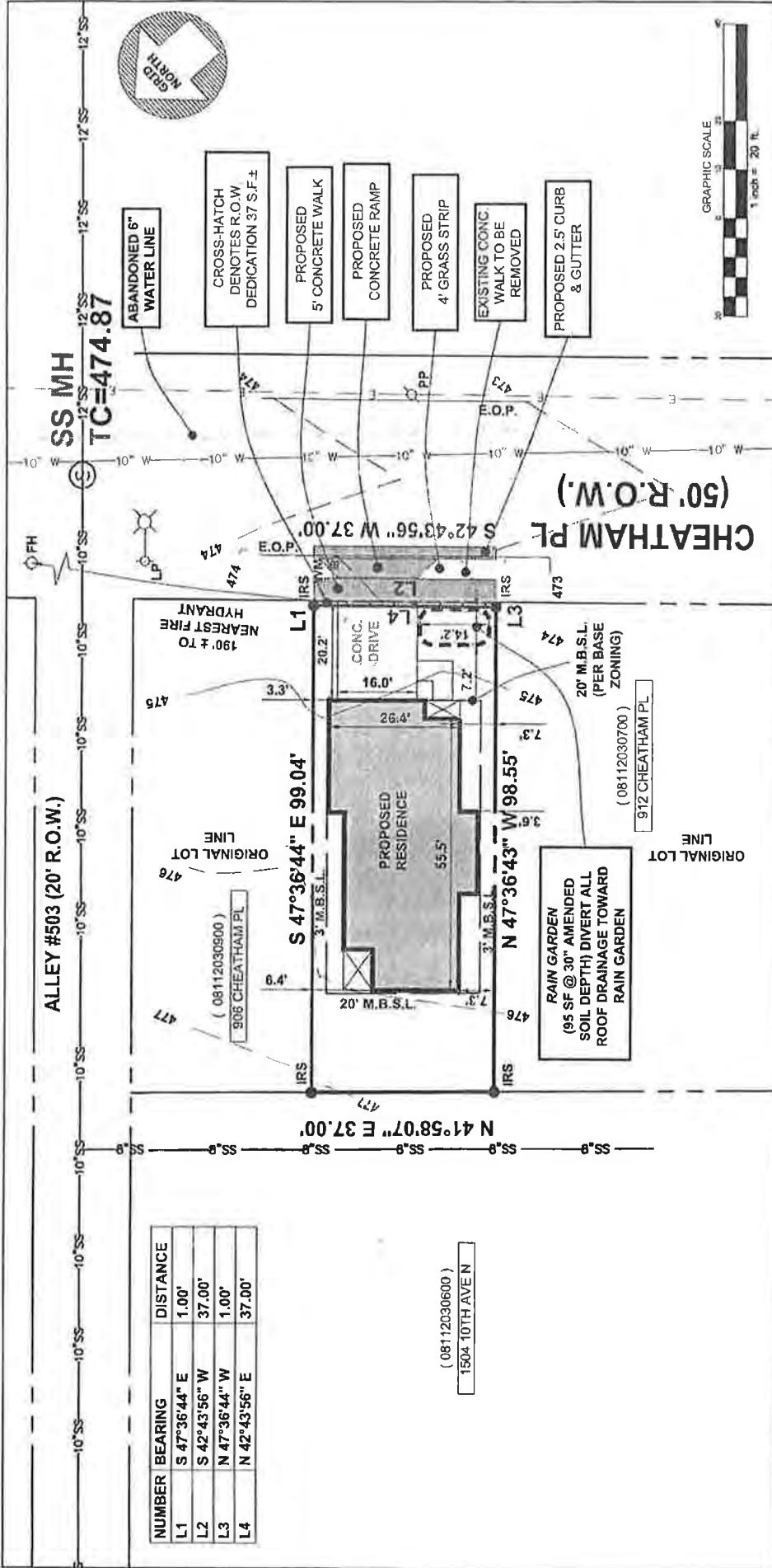
*No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.*

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

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

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





NUMBER	BEARING	DISTANCE
L1	S 47°36'44" E	1.00'
L2	S 42°43'56" W	37.00'
L3	N 47°36'44" W	1.00'
L4	N 42°43'56" E	37.00'

( 08112030600 )  
1504 10TH AVENUE

Prepared By:

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

4207 Lebanon Pike, Suite #200  
Hermitage, TN. 37076  
Phone: 615-712-6693  
Email: [tommy@wtsmithsurvey.com](mailto:tommy@wtsmithsurvey.com)



*William Thomas Smith*

**Site Plan**

**908 Cheatham Place**

**Nashville - Davidson Co., Tn.**

SHEET NO.

**S-1.0**

REVISION



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson  
Property Owner: Patel  
Representative: Same as App.

Date: 1-6-20  
Case #: 2020- 152 updated  
Map & Parcel: 08202005800  
08202009100

Council District 5

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

Purpose: a special exception building height requirement in CL district.

Activity Type: Mixed Use

Location: 1009 + 1013 Dickerson Pike

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

Reason: Proposed mixed use building at 50'-2" maximum height.

Section(s): 17.12.020C (Note 6)

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

Duane Cuthbertson  
Appellant Name (Please Print)

Same as Appellant  
Representative Name (Please Print)

1806 A Allison Pl.  
Address

Address

Nashville, TN 37203  
City, State, Zip Code

City, State, Zip Code

615.924.9618  
Phone Number

Phone Number

dcuthber@gmail.com  
Email

Email

Zoning Examiner: CH

Appeal Fee: \$200





**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 - 2020000804  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08202005800

**APPLICATION DATE:** 01/06/2020

**SITE ADDRESS:**

1009 DICKERSON PIKE NASHVILLE, TN 37207  
LOTS 3 & 4 H H BROWN SUB

**PARCEL OWNER:** PATEL, NANU T & MANJU

**CONTRACTOR:**

**APPLICANT:** Duane Cuthbertson  
1806 A Allison Place  
Nashville, TN 37203 615-924-9618

**PURPOSE:**

requesting variance for height. Requesting to building 50'2" at setback. 30' at setback is the current maximum.

*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

1.6.20  
\_\_\_\_\_  
DATE



## Standards for a Variance

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

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

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

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



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

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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?**

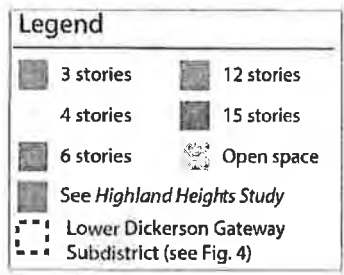
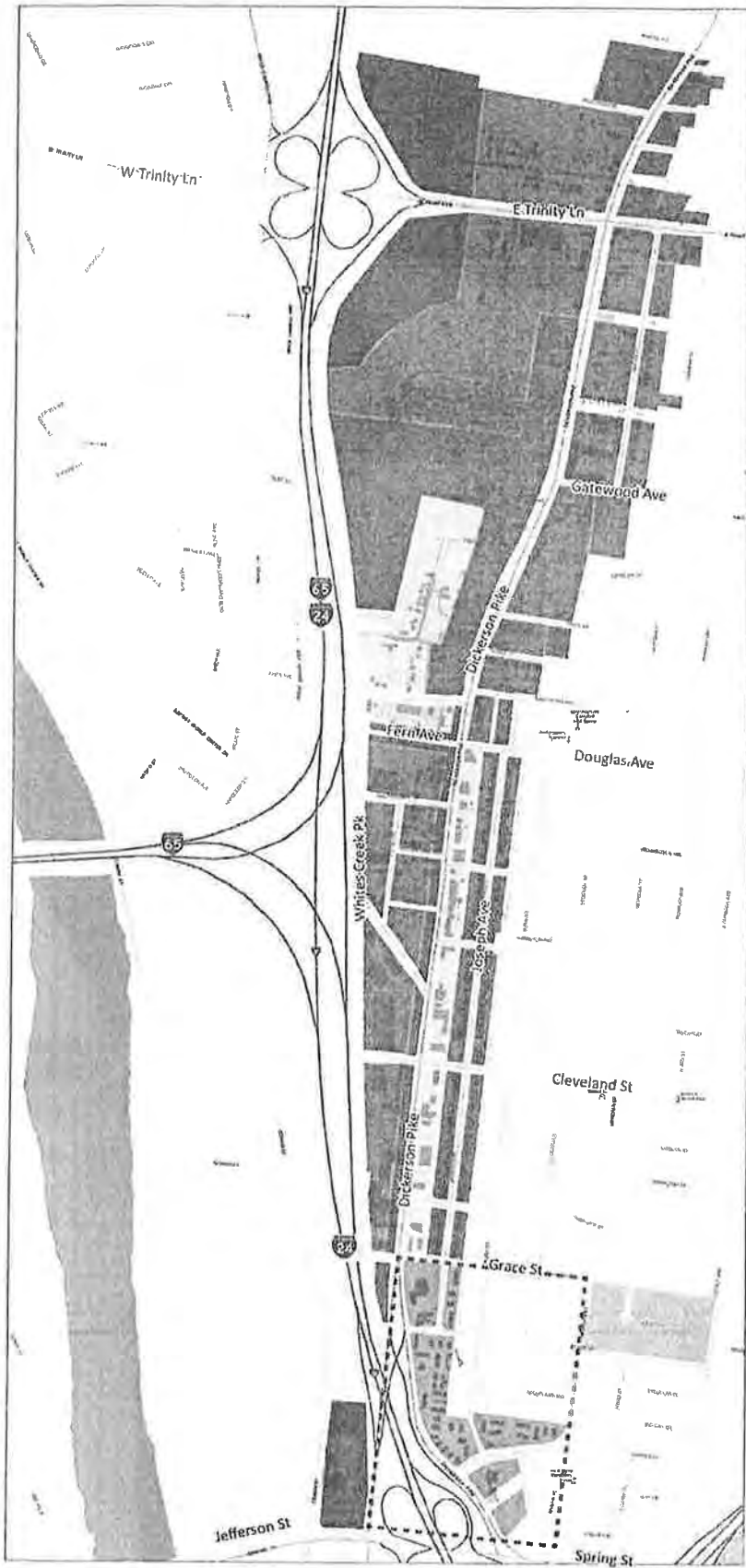
Lots are considerably shallow provided factors including:

- Dickerson Pike South Plan encouragement for transit supportive density; (including 4 story bldgs)
- Significant ROW dedications; Street and alley
- Site development requirements resulting in MDHA approved layout including parking, stormwater & landscaping.

Property is located in MDHA Redevelopment district that encourages revitalizing and transit supportive intensity in appropriately designed form.

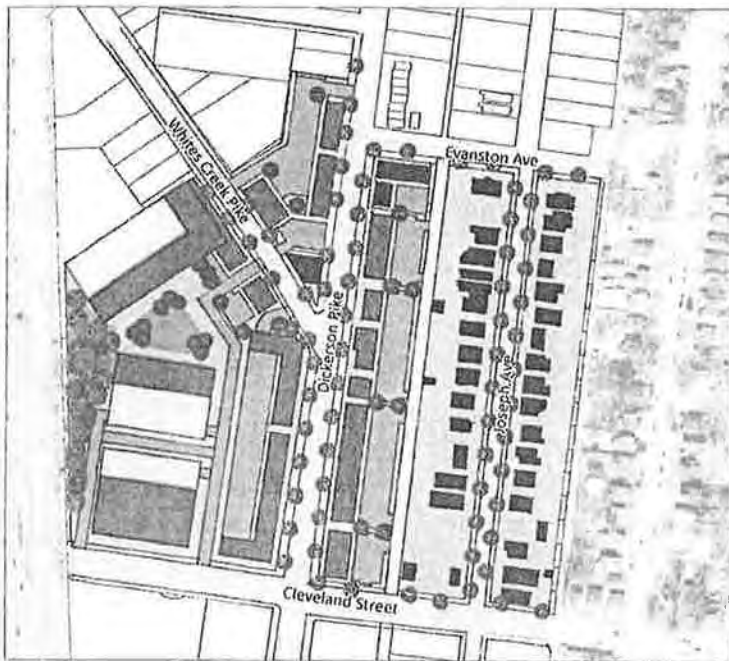
MDHA will review proposed building's design - including Building Height for appropriateness.





**Fig. 3: Supplemental Policy Building Height Subdistricts**

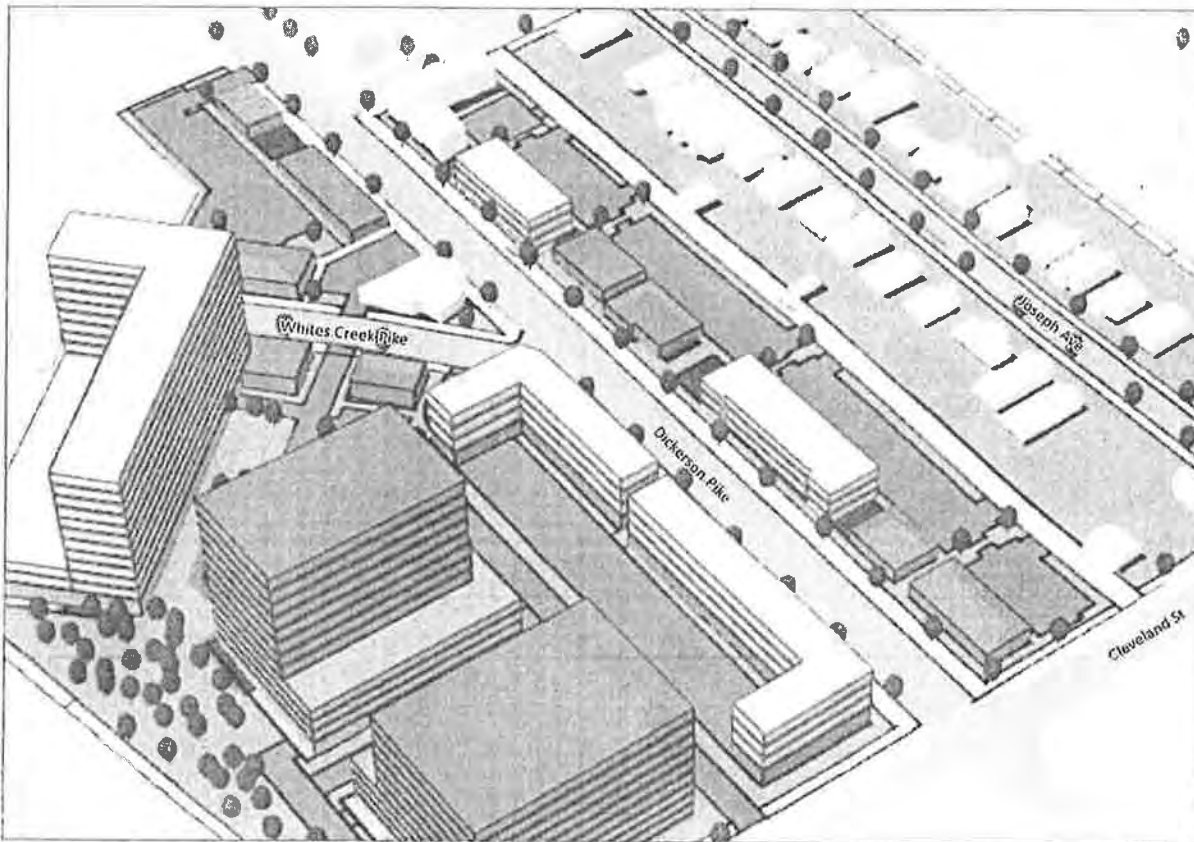




### Cleveland/Whites Creek

The Cleveland/Whites Creek scenario envisions a commercial node at the intersection of Dickerson Pike and Whites Creek Pike. Buildings along Dickerson Pike range in height between one and four stories on the east side of Dickerson and one to six stories on the west side. Development adjacent to the interstate accommodates taller buildings with larger footprints. Development on the east side of Dickerson Pike relates to the neighborhood in terms of scale and height. Cleveland Street connects to River North west of the interstate and development responds accordingly to the design of the street.

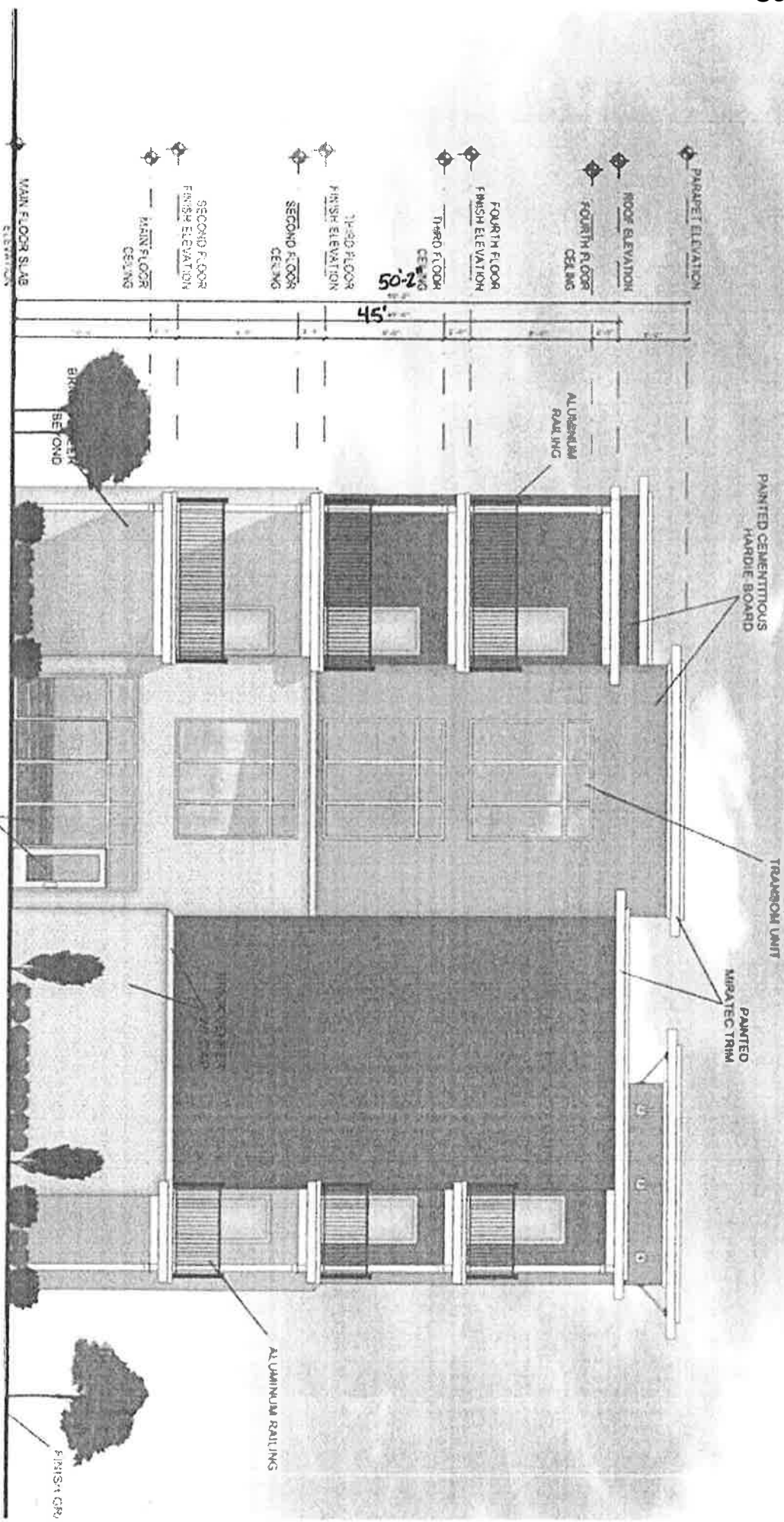
Cleveland/Whites Creek plan view (above) and perspective view (below)







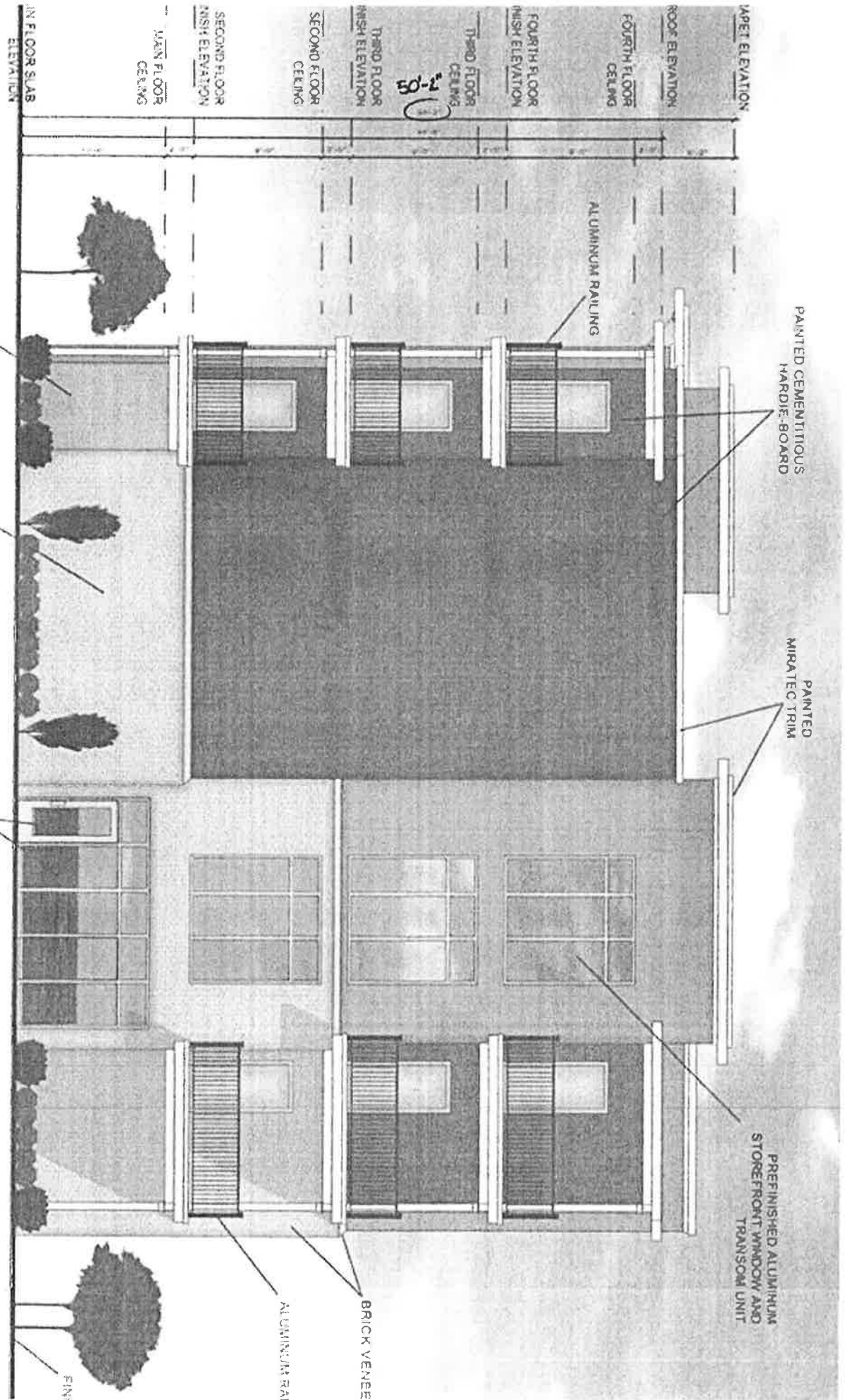




# LEFT ELEVATION

SCALE: 3/16" = 1'-0"

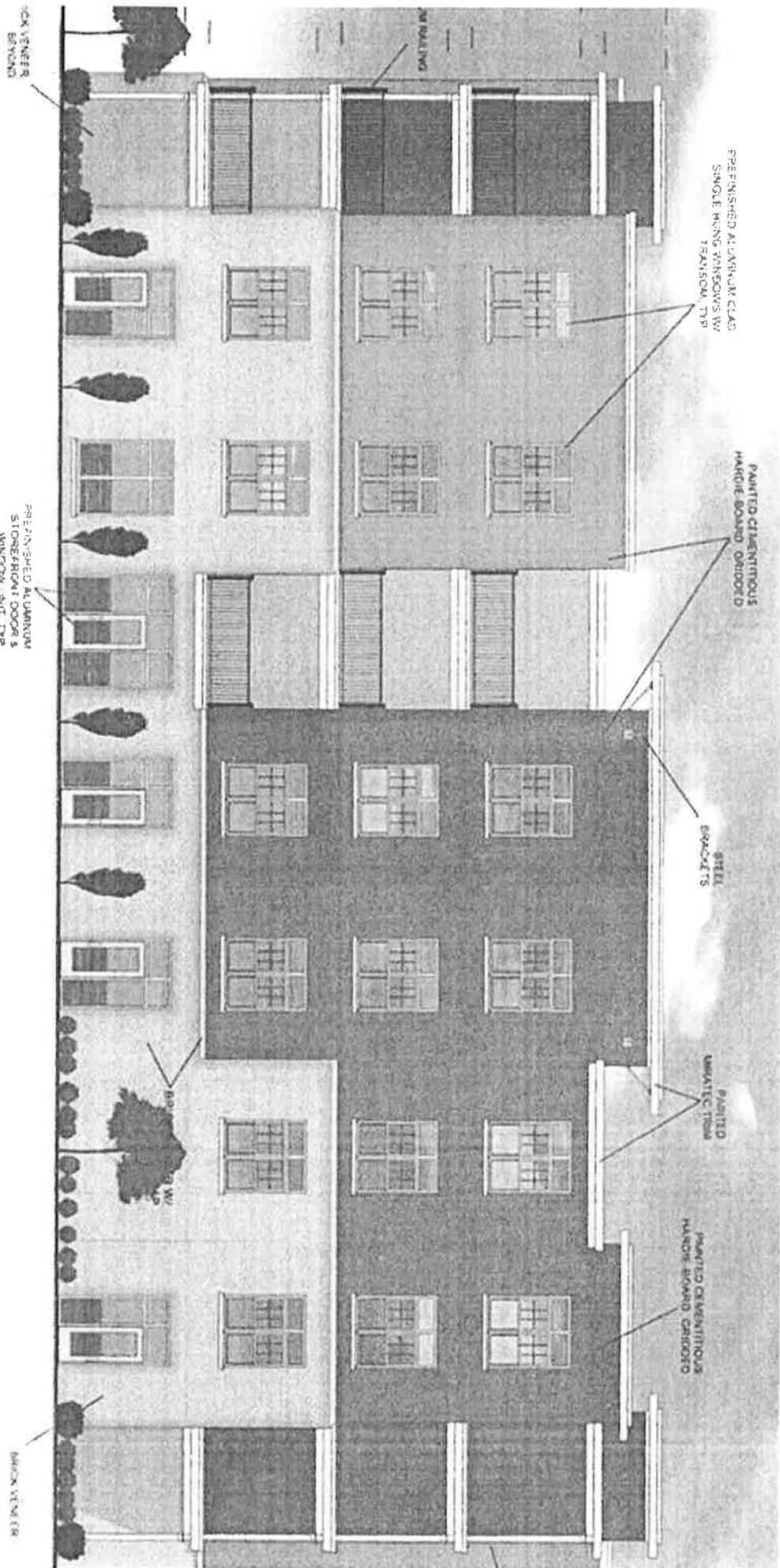




# RIGHT ELEVATION

SCALE: 3/16" = 1'-0"





# REAR ELEVATION

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







Nashville Board of Zoning Appeals

Agenda Date: February 20, 2020

Case No. 2020-052

Address: 1009 / 1013 Dickerson Pike



1009 / 1013 Dickerson Pike

**Request:** Special Exception to increase the building height at the street setback.

**Purpose:** To allow a four story building in 52' to be constructed at the street setback along Dickerson Pike.

The Special Exception will allow for a new building to be constructed up to the 15' street setback at a total of four stories in 52'. The four occupiable floors will rise up to 45' however architectural and mechanical enclosures at the top of the building will bring the total height to 52' at the building façade.



The building is proposed as a mixed use building containing a mix of commercial and office uses along the ground floor and up to 21 residential dwellings on the floors above.

The site plan and elevation presented to the BZA meet all other zoning requirements.

The site is located in an **MDHA Redevelopment District** and will require site plan approval, after the BZA hearing. Any approval by the BZA should be conditioned with MDHA Design Review approval and should allow for deviations as directed by the MDHA Design Review Committee.

**Zoning Requirement / Intent:** The subject property is zoned CL (Commercial Limited). That zoning district permits a range of commercial, office and residential uses.

The zoning code limits building height in the CL zoning district to a maximum of 30' at the street setback and then allows a height plane ratio of 1.5' (vertical) for every 1' (horizontal). For example, a building may rise an additional 15 feet if that portion of the building is setback an additional 10 feet from the street setback.

The zoning code provides for exceptions to the building height maximum in the CL zoning district; recognizing that in some cases additional building height at the street setback may be appropriate. The Board of Zoning Appeals is the entity capable of determining when/ where additional height is appropriate.

The intent of the zoning code is to ensure that commercial buildings are at appropriate heights given the surrounding context. Factors including the width of the commercial street (to allow sufficient light and air into the corridor) and proximity to potentially sensitive uses such as single-family homes typically determine the appropriateness of the scale of development along a commercial corridor. For example, it may not be appropriate for a building to rise more than 30' at the street setback if that street is particularly narrow and leads into a lower intensity residential neighborhood...i.e. Douglas Avenue to the north.



**Analysis:**

The subject property is located along an intense commercial corridor on which Metro is attempting to encourage intense redevelopment.

The Dickerson Pike Right-of-Way (ROW) is relatively wide in front of the subject property – currently containing 60’ of ROW. The proposed development will dedicate an additional 13’ of ROW bringing the total to 73’. If and when properties on the other side of Dickerson redevelop they will be required to dedicate 13’ of additional ROW as well bringing the total ROW to 86’.

The proposed building, at four stories in a total of 52’ will not impose oppressive conditions on the corridor such as excessive shadows and inconsistent scale. On the contrary, from an urban design perspective, the proposed building will complement the width of the street by creating a proportional edge.

Further, the proposal to establish commercial uses on the ground floor will activate the sidewalk and contribute positively to the experience for all though particularly for those not in automobiles.



The building is proposed to be positioned up to the 15’ street setback. The intent is to maximize the use of the property while keeping the massing of the structure as far as possible from the residential neighborhood to the east. Sufficient surface



parking and landscaping are proposed in between the building and the neighborhood.

Additionally, the proposed development is intended to considerably improve conditions along the Dickerson Pike corridor by eliminating existing curb cuts and extending a wide sidewalk along the entirety of the frontage.



Site Plan for 1009 / 1013 Dickerson Pike



The proposed height exception will allow for a small portion of the proposed building to exceed the height plane ratio. At a proposed 52' total the Code would require the building to be setback an additional 14.6'.

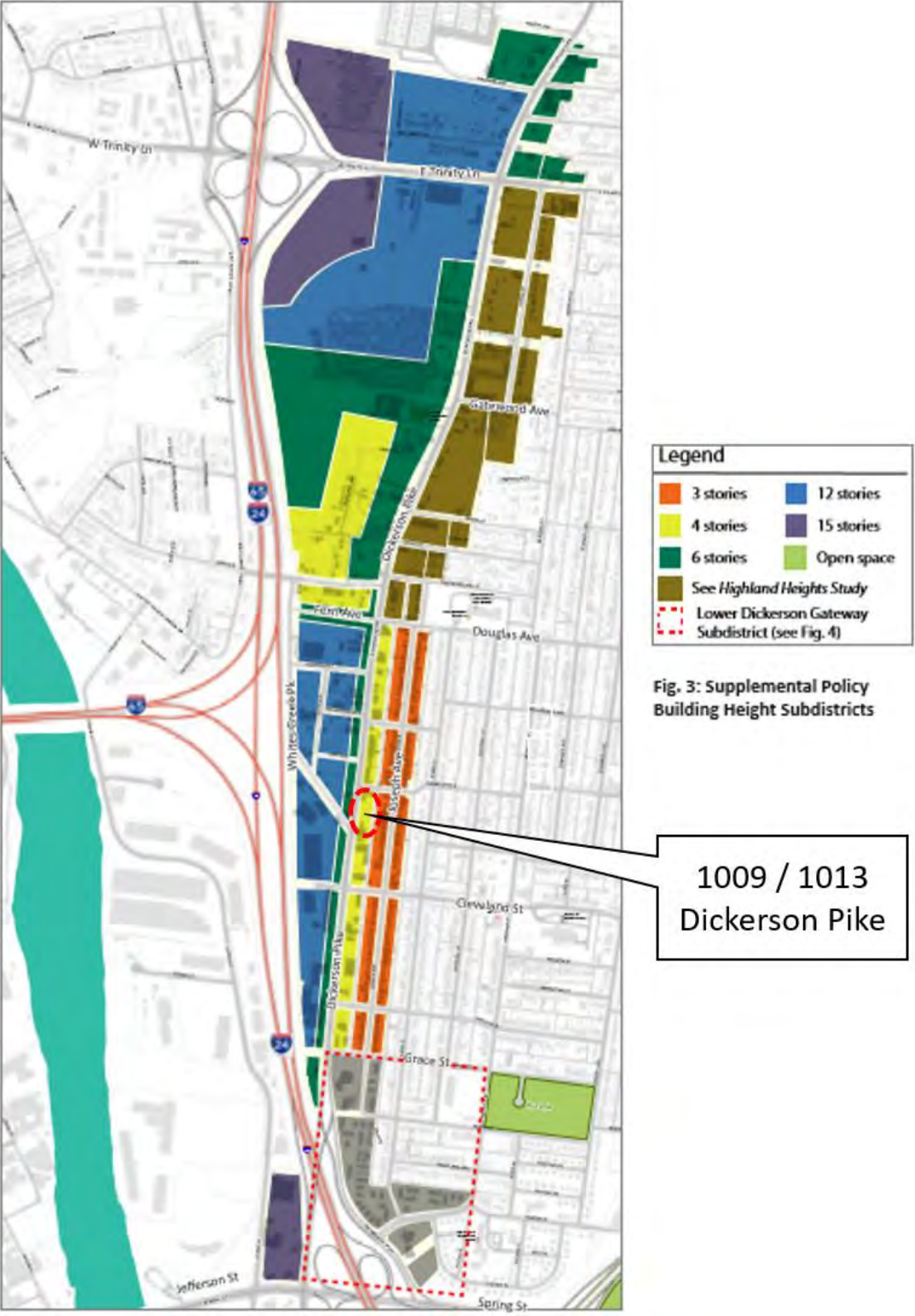
The proposed building floor area could be constructed within that building envelope however it would be pushed back into the site closer to the residential neighborhood to the east.



The site is located within the Dickerson South Corridor Study area. The study was a very recent public effort conducted by the Planning Department to consider community efforts and standards to improve the corridor.

The Study specifically provides for an 'appropriate building height' schedule. The subject property is located within a subdistrict that considers a full four stories as appropriate. **The Special Exception request and the proposed mixed use building are consistent with the Dickerson South Corridor Study.**





**Considerations:**



1. The site is located on an intense redeveloping corridor;
2. The Dickerson Pike Corridor contains a relatively wide Right-of-Way (Street width) in front of the subject property;
3. The redevelopment of the site will increase the ROW width by 13 feet;
4. The area of the building subject to the special exception and exceeding the height plane ratio is relatively small;
5. The Special Exception will allow for the entirety of the proposed building to remain sufficiently separated from the residential district to the east;
6. The proposed 4 story building is supported by recent public Planning efforts (Dickerson Pike Corridor South study);
7. The proposed building height will improve and compliment the form of the Dickerson Pike corridor by creating proportional shape at the edge.

**Conditions:**

As the site is located within a MDHA Redevelopment District the proposed building and site plan are subject to Design Review Committee approval. Any approval by the BZA should allow for minor deviations as directed by MDHA's Design Review Committee.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

---

# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** February 10, 2020  
**BZA Hearing Date:** February 20, 2020  
**Re:** Planning Department Recommendation for Special Exception Cases

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

## **Case 2020-052 (1009 & 1013 Dickerson Pike) – Special Exception**

**Request:** To approve a special exception to allow for the increase in height from 30 feet at the building setback to 50 feet and 2 inches.

**Zoning: Commercial Limited (CL)** is intended for retail, consumer service, financial, restaurant, and office uses. This property is located within the Urban Zoning Overlay (UZO), Skyline Redevelopment District, and the Dickerson Pike Sign Urban Design Overlay (UDO).

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

**Small Area Plan: Dickerson South Corridor Study.** Corridor studies are developed through a participatory process that involves Planning Department staff working with stakeholders to establish a clear vision and provide detailed information and solutions to guide the future physical and regulatory characteristics for particular corridors of the city. The Dickerson South Corridor Study was adopted in June of 2019.



**Existing Context:** The 0.55 acre site is located on the east side of Dickerson Pike, south of the intersection of Evanston Avenue and Dickerson Pike. Alley 309 is adjacent to the eastern property line.

The subject site is currently vacant. The surrounding properties to the north, west, and south are zoned CS (Commercial Services) and CL (Commercial Limited). There are two Specific Plan – Residential (SP-R) zoning districts for the properties to the east of the site across Alley 309. The larger of two SP zoning districts, which generally applies to the Cleveland and McFerrin Park Neighborhoods, permits all uses of Single Family Residential (RS5) with Detached Accessory Dwelling Units (DADUs). The one lot SP, directly to the east of the site at 1008 Joseph Avenue permits two detached dwelling units.

**Planning Department Analysis:**

The applicant is requesting one special exception:

- To allow for an increase in height from 30 feet at the setback to 50 feet and 2 inches at the setback.

The existing CL zoning permits a maximum height of 30 feet at the setback line, with a slope of height control plane regulating height beyond the building setback line.

The Dickerson Height Corridor Study examined the corridor and surrounding blocks and provides guidance on height and building forms. The site is in an area intended for development of one to four stories. The Supplemental Policy envisions lower height along the east side of Dickerson Pike than on the west, as the properties along the east side abut primarily one and two-family residential uses.

The information provided by the applicant shows a proposed four-story building with a maximum height of 50 feet and 2” at the building setback line and maintaining the height as the building extends back towards the alley. The first floor would have office and retail uses and floors two through four would be residential uses. This is following the general policy guidance for four stories as called for in the Supplemental Policy. Given the supplemental policy guidance and surrounding context, the increased height from 30’ to 50’ 2” stories is appropriate.

**Planning Recommendation:** Approve the increase in height from 30 feet to 50 feet 2 inches with the following conditions:

1. Building should be limited to a maximum of four stories within the proposed height of 50 feet 2 inches.



**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)  
**Cc:** [Ammarell, Beverly \(Public Works\)](#); [Milligan, Lisa \(Planning\)](#); [Sewell, Marty \(Planning\)](#); [Birkeland, Latisha \(Planning\)](#)  
**Subject:** BZA Case 2020-052  
**Date:** Thursday, February 13, 2020 11:27:17 AM

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**2020-052 1009 Dickerson Pike Special Exception for Building Height on Mixed-Use Building**

Variance: 17.12.020 C

Response: Public Works takes no exception on condition that adequate parking is provided on site per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process. Prior to permit approval, a traffic study may be required for this development.

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

From: Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>  
Sent: Monday, February 10, 2020 8:18 AM  
To: Milligan, Lisa (Planning) <Lisa.Milligan@nashville.gov>; Sewell, Marty (Planning) <Marty.Sewell@nashville.gov>; Birkeland, Latisha (Planning) <Latisha.Birkeland@nashville.gov>  
Cc: Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>  
Subject: Emailing: 2020-052 application updated

2020-052 special exception on our docket for 2/20/20



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Adam Crunk  
Property Owner: Trevor Boskin  
Representative: Adam Crunk

Date: 1/22/2020  
Case #: 2020-066  
Map & Parcel: 11711000020002

Council District 25

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

Purpose: To construct single family RESIDENCE  
CACN - 201904728 / CACN 2015 24356 EXPIRED  
CAZW - 20190054476

Activity Type: RES. CONSTRUCTION

Location: 3502 STOKESMONT RD

This property is in the R40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SIDEWALK VARIANCE on Woodmont and *Alternative sidewalk*  
Section(s): 17.20.120 *Pay in-lieu on Stokesmont.*

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.

Adam Crunk  
Appellant Name (Please Print)

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

7112 Crossroads Blvd.  
Address

\_\_\_\_\_  
Address

Brentwood, TN 37027  
City, State, Zip Code

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

615-873-1795  
Phone Number

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

adam@crunkeng.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**



3752467

**ZONING BOARD APPEAL / CAAZ - 20200004714  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 117110Q00200CO

APPLICATION DATE: 01/22/2020

**SITE ADDRESS:**

3502 STOKESMONT RD NASHVILLE, TN 37215  
UNIT B 1717 WOODMONT COTTAGES

PARCEL OWNER: BASKIN, TREVOR SCOTT

CONTRACTOR:

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

1/22/2020 filed BZA Variance request per 17.20.120 requesting to construct an Alternative Sidewalk plan of 5 ft planting strip and 6 ft sidewalk instead of required 8 ft planting strip and 6 ft sidewalk along Woodmont Blvd and contribute in lieu of constructing sidewalks along Stokesmont Rd. per Sidewalk Waver 20190054476 decision due to existing wall along Woodmont Blvd.

see original permit CACN 201524356 which has expired.

foundation has been installed. this permit to complete work for proposed unit B of proposed horizontal property line regime duplex with 4806 sf living area and 552 sf garage and porch areas. units detached. min required distance between structures is 6' min with no bump outs. must comply with tree regulations one new two inch tree for every 30 road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: APPLICANT CHOOSES TO INSTALL SIDEWALKS IN COMPLIANCE WITH METRO COUNCIL BILL 2016-493. PLEASE REVIEW APPLICATION ACCORDINGLY.

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

***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.**

Adam Crank  
**APPELLANT**

01-22-2020  
**DATE**



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

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

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

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

There is an existing wall along Woodmont Blvd that would be obstructing the sidewalk given the current MCSP guidelines of 8' greenspace and 6' sidewalk. We request that the greenspace be reduced to roughly 5' to allow for the wall to remain, as well as the construction of the sidewalk. We request to keep contribution in-lieu of construction for the Stokesmont property frontage from waiver request CAZW-2019054476, and we seek an alternate as stated above for the Woodmont frontage.



## **Standards for a Variance**

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

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

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

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

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

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

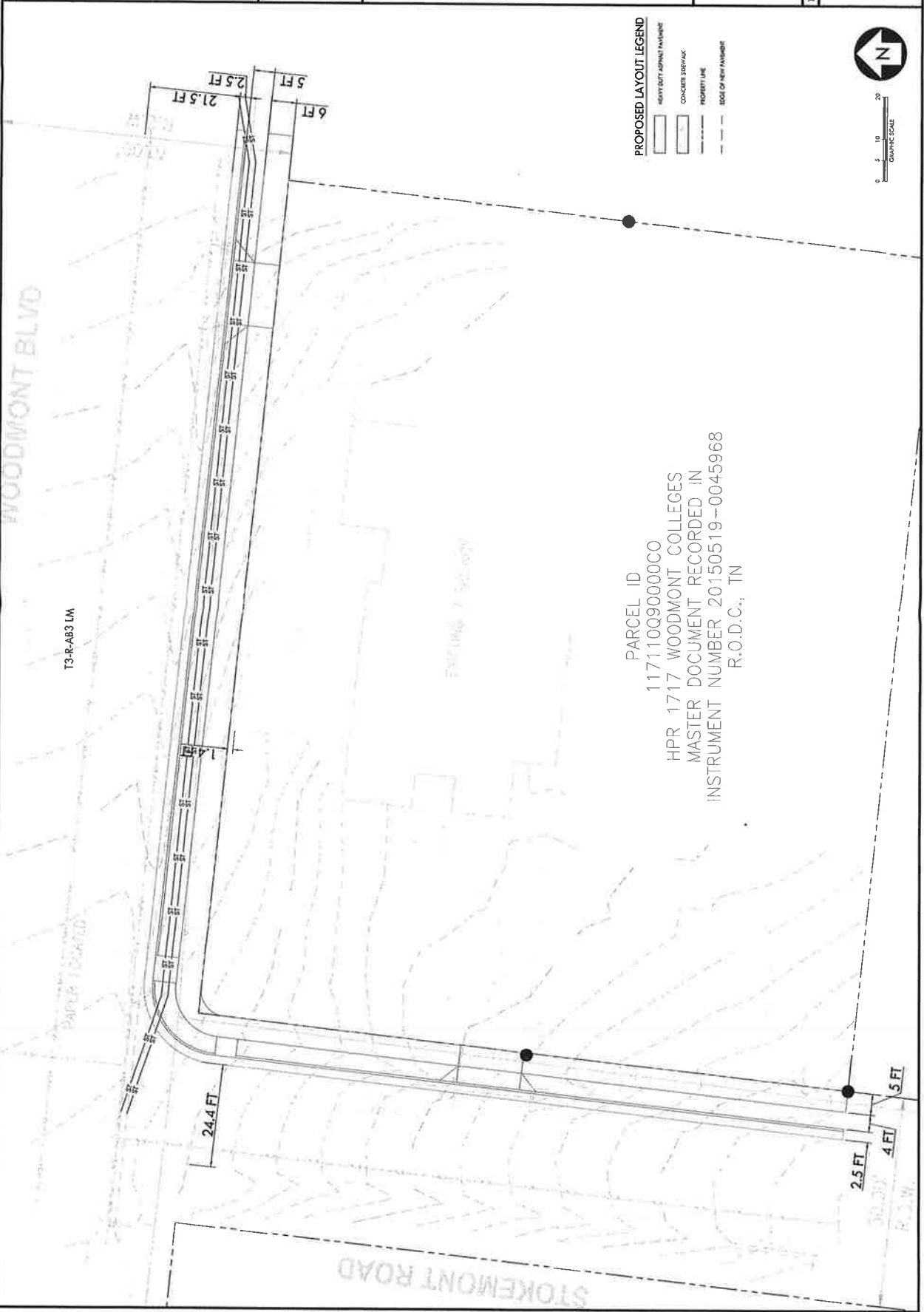
**No harm to public welfare**- *The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.*

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

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



<b>CRUNK ENGINEERING LLC</b> 7112 CROSSROADS BOULEVARD SUITE 201 BIRMINGHAM, TN 37207 (615) 873-1745 WWW.CRUNKENG.COM		<b>CRUNK ENGINEERING</b>		<b>3502 STOKESMONT BLVD.</b> NASHVILLE, TN 37215		REVISIONS No. DATE		12/16/19 19100	<b>C1.0</b> LAYOUT
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## Metropolitan Codes Administration CASE SUMMARY

CAZW - 20190054476

**DONE**

Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...

**ADDRESSES****PROPERTY**

117110Q00200CO  
3502 STOKESMONT RD  
NASHVILLE, TN 37215

**PEOPLE****Property Owner**

BASKIN, TREVOR SCOTT  
3500 STOKESMONT RD

NASHVILLE, TN 37215

**Permit/License Applicant**

BOULEVARD BUILDING GROUP LLC

2721 FAIRVIEW BLVD.  
2721 FAIRVIEW BLVD.  
FAIRVIEW, TN 37062

**Appellant**

Candice Tedesco

**DATA GROUP****Permit Information****Project Scope**

see original permit CACN 201524356 which has expired. foundation has been installed. this permit to complete work for proposed unit B of proposed horizontal property line regime duplex with 4806 sf living area and 552 sf garage and porch areas. units detached. min required distance between structures is 6' min with no bump outs. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: APPLICANT CHOOSES TO INSTALL SIDEWALKS IN COMPLIANCE WITH METRO COUNCIL BILL 2016-493. PLEASE REVIEW APPLICATION ACCORDINGLY.

**Sidewalk Waiver Request****Metro Planning  
Recommendation**

Disapprove as requested. Approve with the following three conditions: 1. The applicant shall construct sidewalk per the Major and Collector Street Plan standard along Woodmont Boulevard. 2. The applicant shall contribute in-lieu of construction for the Stokesmont property frontage. 3. The applicant shall dedicate right-of-way per the Local Street standard across the Stokesmont property frontage.

**Waiver Circumstance**

g. R/RS Corner Lot





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



3699409

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019047280  
THIS IS NOT A PERMIT**

PARCEL: 117110Q00200CO

APPLICATION DATE: 08/07/2019

**SITE ADDRESS:**

3502 STOKESMONT RD NASHVILLE, TN 37215  
UNIT B 1717 WOODMONT COTTAGES

PARCEL OWNER: BASKIN, TREVOR SCOTT

APPLICANT: BOULEVARD BUILDING GROUP LLC

2721 FAIRVIEW BLVD.  
FAIRVIEW, TN 37062 6154876976

**PURPOSE:**

see original permit CACN 201524356 which has expired. foundation has been installed. this permit to complete work for proposed unit B of proposed horizontal property line regime duplex with 4806 sf living area and 552 sf garage and porch areas. units detached. min required distance between structures is 6' min with no bump outs. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: APPLICANT CHOOSES TO INSTALL SIDEWALKS IN COMPLIANCE WITH METRO COUNCIL BILL 2016-493. PLEASE REVIEW APPLICATION ACCORDINGLY.

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

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-4129 Sarah.Brunton@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-4129 Sarah.Brunton@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-4129 Sarah.Brunton@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-4129 Sarah.Brunton@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	(615) 862-4770 Condra.Stephens@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App	REJECTED	615-862-4276 Kimberly.Hayes@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-862-4276 Kimberly.Hayes@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-862-4276 Kimberly.Hayes@nashville.gov
CA - Zoning Sidewalk Requirement Review	WAIVER	clint.harper@nashville.gov
Zoning Waiver Decision	ALTERNATIV	615-862-6505 Debbie.Lifsey@nashville.gov
Zoning Waiver Decision	INLIEU	615-862-6505 Debbie.Lifsey@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Sidewalk Payment In Lieu Decision		615-862-6558 Jonathan.Honeycutt@nashville.gov
[F] Right-Of-Way Review For Bldg App		Rory.Rowan@nashville.gov
PW - Sidewalk Payment In Lieu Decision		615-862-6558 Jonathan.Honeycutt@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		615-862-8782 PWPermitsI@nashville.gov





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



2050121

**BUILDING RESIDENTIAL - NEW / CARN - 201524356  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

EXPIRED

PARCEL: 117110Q00200CO

APPLICATION DATE: 06/12/2015

**SITE ADDRESS:**

3502 STOKESMONT RD NASHVILLE, TN 37215  
UNIT B 1717 WOODMONT COTTAGES

**PARCEL OWNER:**

**APPLICANT:** Baskin Company Llc, The  
  
1612 WESTGATE CIRCLE  
BRENTWOOD, TN 37027

**CONTRACTOR:**

BASKIN COMPANY LLC, THE 56057 STBC

**PURPOSE:**

Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code:

For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 4806 SQFT WITH ATTACHED GARAGE AT 552 SQFT WITH PORCHES AND DECKS.....THIS IS ONE OF TWO SINGLE FAMILY HOUSES ON THIS PROPERTY...MIN 6' BETWEEN HOUSES...SEE NES RECORDS FOR DUPLEX.....FRONT FACADE TO FACE STOKEMONT....FRONT SETBACK MIN 53.9'...SIDE STREET- -WOODMONT; SETBACK MIN 20'...REAR MIN 20'....INTERIOR LOT LINE SETBACK MIN 15'...MAX HT AT 42'...WIDE AT 50'....SEE PLAN...SPLIT FROM 117-11-44.01

*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.*

BUIDING FRAMING - CEILING		Charles.Hayes@nashville.gov
Building Floor Elevation		Charles.Hayes@nashville.gov
Building Footing		Charles.Hayes@nashville.gov
Building Foundation	APPROVED	Charles.Hayes@nashville.gov
Building Framing		Charles.Hayes@nashville.gov
Building Framing - Wall		Charles.Hayes@nashville.gov
CA PROGRESS CHECK		Charles.Hayes@nashville.gov
Building Slab		Charles.Hayes@nashville.gov
Building Final		Charles.Hayes@nashville.gov
SWGR U&O Sign-off		615-862-7225 mws.stormdr@nashville.gov
U&O Sewer Availability Final Approval		mws.ds@nashville.gov
U&O Water Availability Final Approval		mws.ds@nashville.gov

Inspection requirements may change due to changes during construction.











**QUIRK DESIGNS**  
 1111 WOODMONT BLVD  
 NASHVILLE, TN 37215  
 TEL: 615-259-1111  
 WWW.QUIRKDESIGNS.COM



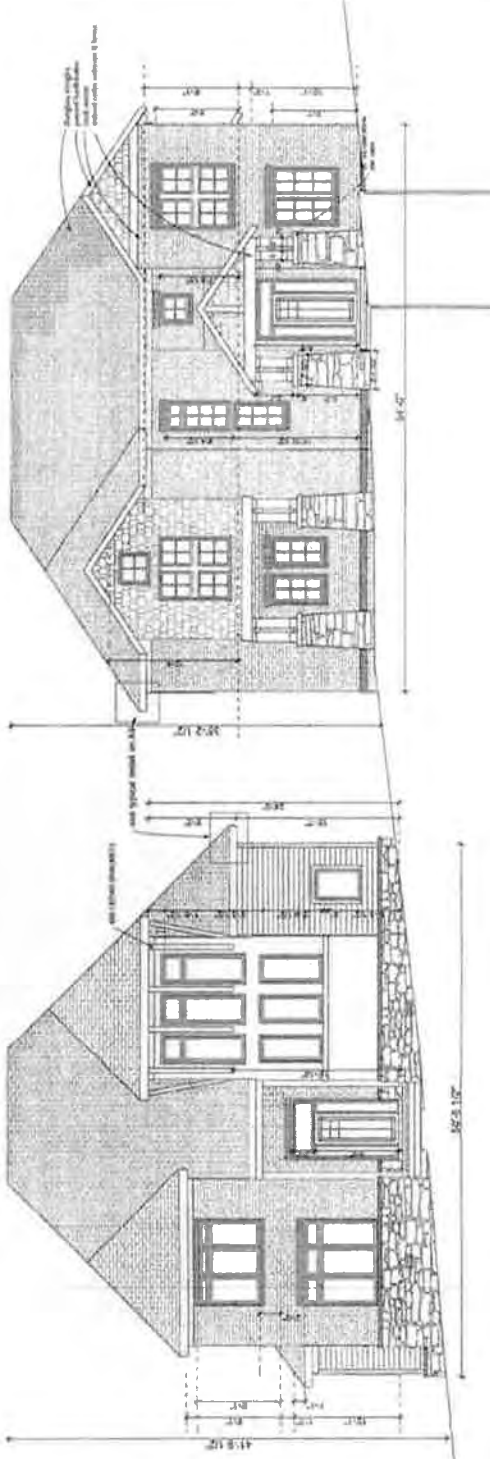
**Custom Residences**  
 Roger Baskin  
 1717 Woodmont Blvd.  
 Nashville, TN 37215

DATE	NOVIT	REVISION

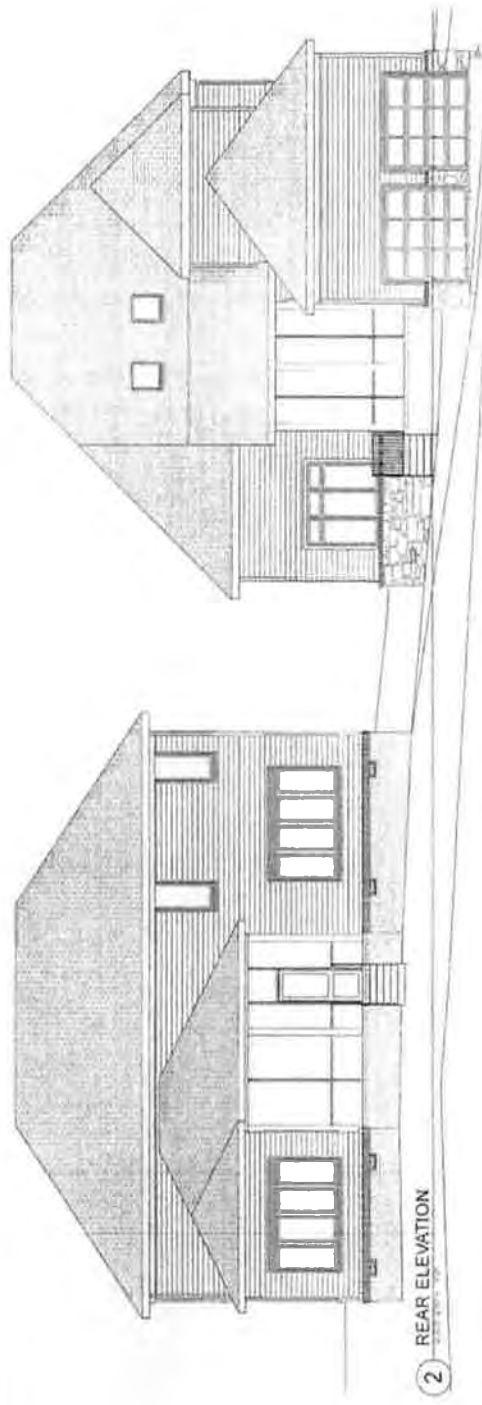
PROJECT NO. 14161  
 CONCEPT ART  
 CHECKED BY: [Signature]

ELEVATIONS - F.R.

A6  
 SHEET 7



1 FRONT ELEVATION



2 REAR ELEVATION









615-599-7778





3500

STOP

3500





218611

How's My Driving  
Call 311









## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2020-066 (3502 Stokesmont Road)

Metro Standard:	Woodmont Boulevard: 8' grass strip and 6' sidewalk, as defined by the Major and Collector Street Plan
	Stokesmont Road: 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 (not eligible)
Zoning:	R40
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Woodmont Boulevard: T3-AB4-LM
	Stokesmont Road: Local Street
Transit:	0.35 miles east of #7 – Hillsboro; High Capacity Transit planned per nMotion
Bikeway:	Woodmont Boulevard: Bike lane planned
	Stokesmont Road: None existing; none planned

### Planning Staff Recommendation: *Disapprove*.

**Analysis:** The applicant is proposing to construct a single-family residence and requests not to construct sidewalks due to a lack of existing sidewalks along the block face. The subject request is an appeal to a sidewalk waiver request which was denied and completed on January 15, 2020 (**Permit number 20190066923**). Planning evaluated the following factors for the variance request:

- (1) No sidewalks currently exist along either property frontage, which is consistent with adjacent properties to the east and west.
- (2) Stokesmont Road is a Local Street without major needs for pedestrian connectivity.
- (3) Woodmont Boulevard is a major arterial that connects between neighborhoods, to transit, and to major commercial centers. While there are not currently sidewalks on this street, it will be an increasingly important connection for people walking to transit and other destinations, and needs sidewalks.

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

1. The applicant shall construct sidewalk per the Major and Collector Street Plan standard along Woodmont Boulevard.
2. The applicant shall contribute in-lieu of construction for the Stokesmont property frontage.
3. The applicant shall dedicate right-of-way per the Local Street standard across the Stokesmont property frontage.



**From:** [Dorris, Stacy](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Pulley, Russ \(Council Member\)](#)  
**Subject:** RE: Please deny - Sidewalk Variance request 2020-066  
**Date:** Friday, March 20, 2020 9:54:51 AM

---

2020-066

3502 STOKESMONT RD 37215

Dear BZA and CM Pulley,

As a citizen who walks often, and during these times of COVID 19 where the emphasis on walking is heightened, please make walking infrastructure in Nashville optimal. Do not allow for a reduction in sidewalk size or dimensions on Woodmont. As you are aware, Woodmont is 40mph, therefore a wide green buffer allows for safety and comfort of pedestrians. These dimensions were well studied and should not be altered in any way. Once an alternate foot print for a sidewalk goes in, it would alter the remainder of the street which is woefully underdeveloped in regards to sidewalk and yet so close to so many walking destinations.

Please have developer build the 'REQUIRED 8 FT PLANTING STRIP AND 6 FT SIDEWALK ALONG WOODMONT BLVD' per protocol. Building a sidewalk is a cost of development. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,  
Stacy Dorris  
801 Timber Ln  
The Sidewalk Foundation



**Andrew Goldner  
4029 Graybar Court  
Nashville, TN 37215**

February 28, 2020

Metropolitan Board of Zoning Appeals  
P.O. Box 196350  
Nashville, TN 37219-6350

**RE: ZONING APPEAL CASE NUMBER 2020-066, MAP PARCEL 117110Q00200CO**

To whom it may concern:

Thank you for the opportunity to include our voice in this important conversation. My family strongly opposes this appeal for a variance from the sidewalk requirements.

Sidewalks are critical for safety, mobility, and a healthier and happier community.

According to the federal highway administrations, roads without sidewalks are more than twice as likely to have pedestrian crashes as sites with sidewalks on both sides of the street.

Sidewalks mean walkability and walkability means less congestion and improved health and wellness.

Thank you,

A handwritten signature in black ink that reads "Andrew Goldner". The signature is written in a cursive, flowing style.



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: JOSH RANDOLPH  
Property Owner: JAMES HILL  
Representative: JOSH RANDOLPH

Date: 01/30/2020  
Case #: 2020-070  
Map & Parcel: 10501057300

Council District 17

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

Purpose:

DEVELOP THE PROPERTY AS TWO SINGLE-FAMILY STRUCTURES  
10000% required actual 5991.45 sq. ft  
#

Activity Type: HPR FOR NEW CONSTRUCTION RESIDENTIAL

Location: 1005 SOUTHSIDE AVE

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: LOT DOES NOT

Section(s): 17.020 17.12.020(A) & TABLE 17.12.020A

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

JOSH RANDOLPH  
Appellant Name (Please Print)

←  
Representative Name (Please Print)

807 S 17TH ST  
Address

—  
Address

NASHVILLE, TN 37206  
City, State, Zip Code

←  
City, State, Zip Code

317 294 9828  
Phone Number

←  
Phone Number

JOSHUA.L.RANDOLPH@GMAIL.COM  
Email

—  
Email

Zoning Examiner: DACH D.B.

Appeal Fee: \$ 100.00





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



**ZONING BOARD APPEAL / CAAZ - 20200006553  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10501057300

**APPLICATION DATE:** 01/30/2020

**SITE ADDRESS:**

1005 SOUTHSIDE AVE NASHVILLE, TN 37203  
LOT 0062 SECT 0100 EDGEHILL EST.

**PARCEL OWNER:** HILL, JAMES

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

Applicant seeks to develop the property as two single-family structures. Parcel does not contain required square footage. POC: Josh Randolph, 317-294-9828.

*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.*

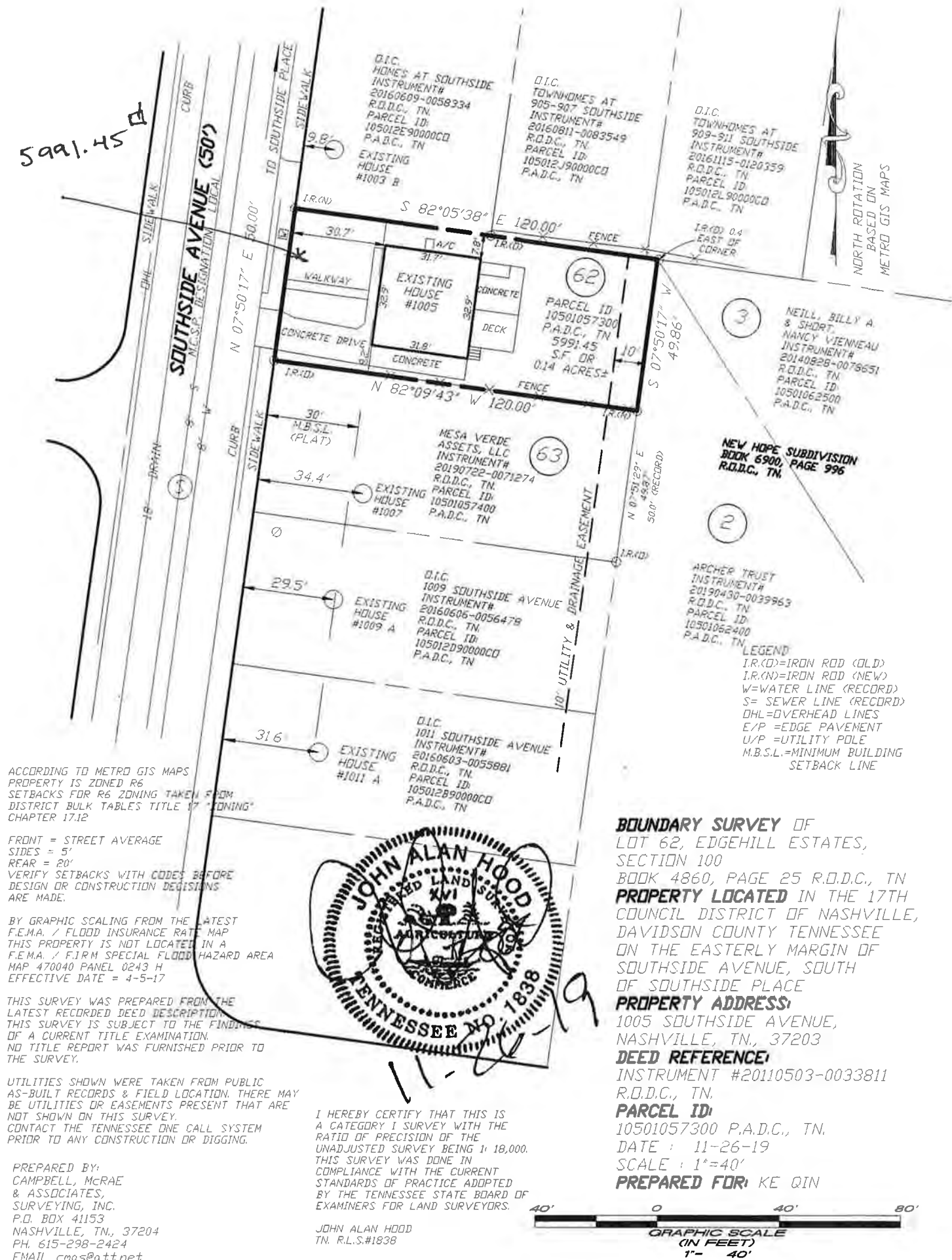
---

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

Inspection requirements may change due to changes during construction.



5991.45



ACCORDING TO METRO GIS MAPS PROPERTY IS ZONED R6 SETBACKS FOR R6 ZONING TAKEN FROM DISTRICT BULK TABLES TITLE 17 "ZONING" CHAPTER 17.12

FRONT = STREET AVERAGE SIDES = 5' REAR = 20' VERIFY SETBACKS WITH CODES BEFORE DESIGN OR CONSTRUCTION DECISIONS ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST F.E.M.A. / FLOOD INSURANCE RATE MAP THIS PROPERTY IS NOT LOCATED IN A F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA MAP 470040 PANEL 0243 H EFFECTIVE DATE = 4-5-17

THIS SURVEY WAS PREPARED FROM THE LATEST RECORDED DEED DESCRIPTION THIS SURVEY IS SUBJECT TO THE FINDINGS OF A CURRENT TITLE EXAMINATION. NO TITLE REPORT WAS FURNISHED PRIOR TO THE SURVEY.

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

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

I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY WITH THE RATIO OF PRECISION OF THE UNADJUSTED SURVEY BEING 1:10,000. THIS SURVEY WAS DONE IN COMPLIANCE WITH THE CURRENT STANDARDS OF PRACTICE ADOPTED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS.

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

**BOUNDARY SURVEY OF**  
LOT 62, EDGEHILL ESTATES,  
SECTION 10  
BOOK 4860, PAGE 25 R.D.C., TN  
**PROPERTY LOCATED** IN THE 17TH  
COUNCIL DISTRICT OF NASHVILLE,  
DAVIDSON COUNTY TENNESSEE  
ON THE EASTERLY MARGIN OF  
SOUTHSIDE AVENUE, SOUTH  
OF SOUTHSIDE PLACE  
**PROPERTY ADDRESS:**  
1005 SOUTHSIDE AVENUE,  
NASHVILLE, TN., 37203  
**DEED REFERENCE:**  
INSTRUMENT #20110503-0033811  
R.D.C., TN.  
**PARCEL ID:**  
10501057300 P.A.D.C., TN.  
DATE : 11-26-19  
SCALE : 1"=40'  
**PREPARED FOR: KE QIN**



D.I.C. HOMES AT SOUTHSIDE INSTRUMENT# 20160609-0058334 R.D.C., TN. PARCEL ID: 1050129000000 P.A.D.C., TN. EXISTING HOUSE #1003 B

D.I.C. TOWNHOMES AT 905-907 SOUTHSIDE INSTRUMENT# 20160811-0083549 R.D.C., TN. PARCEL ID: 1050129000000 P.A.D.C., TN.

D.I.C. TOWNHOMES AT 909-911 SOUTHSIDE INSTRUMENT# 20161115-0120359 R.D.C., TN. PARCEL ID: 1050129000000 P.A.D.C., TN.

NEILL, BILLY A & SHORT, NANCY VIENNEAU INSTRUMENT# 20140828-0078651 R.D.C., TN. PARCEL ID: 10501062500 P.A.D.C., TN.

ARCHER TRUET INSTRUMENT# 20190430-0039963 R.D.C., TN. PARCEL ID: 10501062400 P.A.D.C., TN.

LEGEND  
I.R.(O)=IRON ROD (OLD)  
I.R.(N)=IRON ROD (NEW)  
W=WATER LINE (RECORD)  
S= SEWER LINE (RECORD)  
DHL=OVERHEAD LINES  
E/P =EDGE PAVEMENT  
U/P =UTILITY POLE  
M.B.S.L.=MINIMUM BUILDING SETBACK LINE

NEW HOPE SUBDIVISION  
BOOK 6900, PAGE 996  
R.D.C., TN.

NORTH ROTATION  
BASED ON  
METRO GIS MAPS



# Nashville / Davidson County Parcel Viewer



January 21, 2020

polygonLayer

Override 1

Ownership Parcels

Planned Unit Development

Urban Design Overlay District

Zoning



Metro GIS



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

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

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

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

Requesting a variance from minimum lot size requirements in the  
 R6 District to construct two single family residences on one parcel.  
 Seeking relief from 17.12.020.A  
 Hardship is due to the shape & Unique characteristics of the subject property.  
 Subject property is one of two legally created lots in the nearest 135 platted lots  
 that does not have at least 6000 s.f.  
 Subject property contains 5991.45 s.f. which is less than 1% short of the 6000 s.f. minimum.  
 Appellant prays that Consideration can be given to the characteristics  
 of the neighborhood and the way it is developed and allow for this lot to be  
 developed in a similar fashion



## 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

JOSH RANDOLPH

1-30-2020  
DATE







**AREA 12, 862.1 ACRES**  
**OWNER'S CERTIFICATE**

I (We) Heavily Certify That I Am  
The Owner Of The Property Shown Herein And  
That The Same Is Being Offered For Sale  
Under The Authority Of The Metropolitan  
Planning Commission. No Lot Or Lots At Shown Herein Shall Be  
Be Subdivided, Resubdivided, Altered Or Changed In Any  
Manner Without The Approval Of The Metropolitan Planning Com-  
mission And Under No Condition Shall Lot Or Lots  
Be Subdivided, Resubdivided, Altered Or Changed In Any  
Manner Without The Approval Of The Metropolitan Planning Com-  
mission. Commission As Of Record In Book 3222.  
Page 223, R.O.C.C., Having With The Time To The  
Property

*Signature*  
Date 12-12-74



**SURVEYOR'S CERTIFICATE**

I (We) Heavily Certify That The Subdivision Map  
Shown Therein Is Correctly Prepared And That  
The Same Has Been Prepared As Indicated, All Side  
Lot Lines Are At Right Angles Or Parallel To A Street,  
Unless Otherwise Indicated.  
By *Signature* Date 12-26-74  
Barbe, Waggoner, Sumner & Cannon Engineers  
Memphis, Tennessee

**COMMISSION'S APPROVAL**

Approved By The Metropolitan Planning Commission  
Of Nashville and Davidson County, Tennessee.  
By *Signature* Date 12-12-74

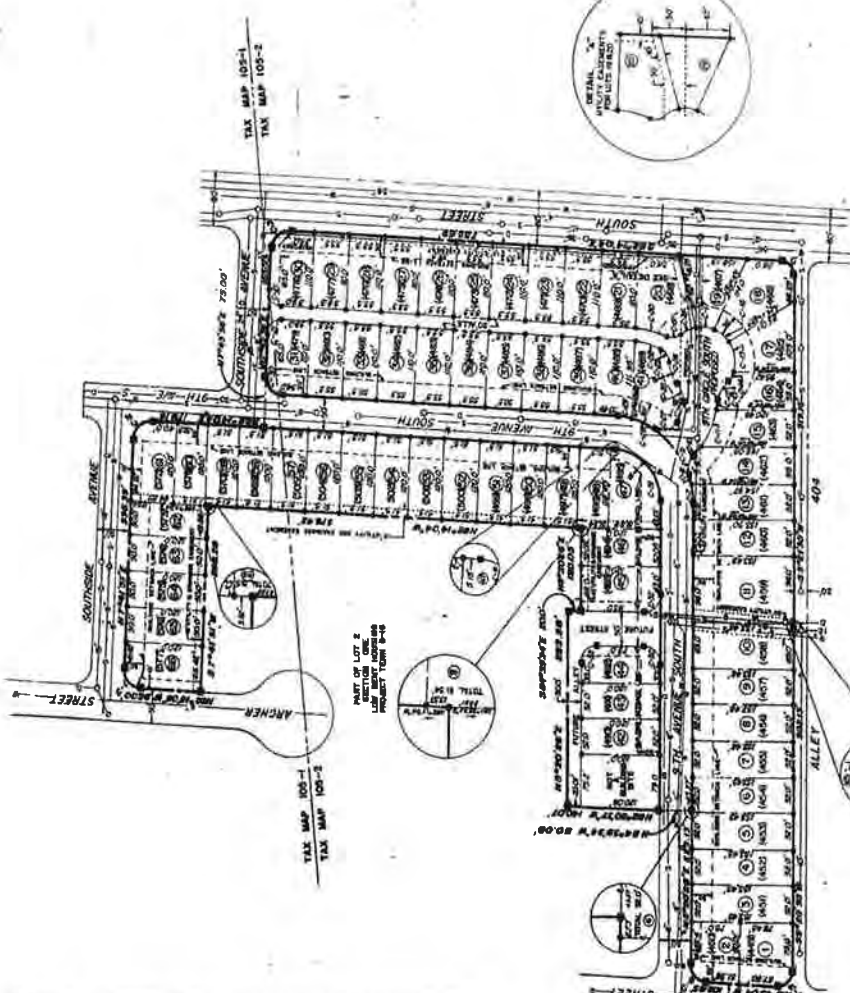
SUBDIVISION NO. 74-264-V  
Part Of Former Plot Number 24-14-11

RECORD  
Recorded April 2, 1975 Book 4665 Page 62  
Of The Register's Office Of Davidson County, Tennessee.

**LEGEND**

- PROPERTY OWNER'S BOUNDARY
- LOT LINE
- EXISTING SETBACK LINE
- NEW MONUMENT
- EXISTING MONUMENT
- IRON PIN
- PROPERTY MAP PARCEL NUMBER

CURVE	R	Δ	T	L
C-1	300'	75.00'	28.00'	93.37'
C-2	300'	75.00'	28.00'	93.37'
C-3	300'	75.00'	28.00'	93.37'
C-4	300'	75.00'	28.00'	93.37'
C-5	300'	75.00'	28.00'	93.37'
C-6	300'	75.00'	28.00'	93.37'
C-7	300'	75.00'	28.00'	93.37'
C-8	300'	75.00'	28.00'	93.37'
C-9	300'	75.00'	28.00'	93.37'
C-10	300'	75.00'	28.00'	93.37'
C-11	300'	75.00'	28.00'	93.37'
C-12	300'	75.00'	28.00'	93.37'
C-13	300'	75.00'	28.00'	93.37'
C-14	300'	75.00'	28.00'	93.37'
C-15	300'	75.00'	28.00'	93.37'
C-16	300'	75.00'	28.00'	93.37'
C-17	300'	75.00'	28.00'	93.37'
C-18	300'	75.00'	28.00'	93.37'
C-19	300'	75.00'	28.00'	93.37'
C-20	300'	75.00'	28.00'	93.37'
C-21	300'	75.00'	28.00'	93.37'
C-22	300'	75.00'	28.00'	93.37'
C-23	300'	75.00'	28.00'	93.37'
C-24	300'	75.00'	28.00'	93.37'
C-25	300'	75.00'	28.00'	93.37'
C-26	300'	75.00'	28.00'	93.37'
C-27	300'	75.00'	28.00'	93.37'
C-28	300'	75.00'	28.00'	93.37'
C-29	300'	75.00'	28.00'	93.37'
C-30	300'	75.00'	28.00'	93.37'
C-31	300'	75.00'	28.00'	93.37'
C-32	300'	75.00'	28.00'	93.37'
C-33	300'	75.00'	28.00'	93.37'
C-34	300'	75.00'	28.00'	93.37'
C-35	300'	75.00'	28.00'	93.37'
C-36	300'	75.00'	28.00'	93.37'
C-37	300'	75.00'	28.00'	93.37'
C-38	300'	75.00'	28.00'	93.37'
C-39	300'	75.00'	28.00'	93.37'
C-40	300'	75.00'	28.00'	93.37'
C-41	300'	75.00'	28.00'	93.37'
C-42	300'	75.00'	28.00'	93.37'
C-43	300'	75.00'	28.00'	93.37'
C-44	300'	75.00'	28.00'	93.37'
C-45	300'	75.00'	28.00'	93.37'
C-46	300'	75.00'	28.00'	93.37'
C-47	300'	75.00'	28.00'	93.37'
C-48	300'	75.00'	28.00'	93.37'
C-49	300'	75.00'	28.00'	93.37'
C-50	300'	75.00'	28.00'	93.37'



**SECTION ONE HUNDRED**  
**EDGEHILL ESTATES**  
IN PART OF PROJECT 74-141  
NASHVILLE DAVIDSON COUNTY-TENNESSEE  
FOR THE METROPOLITAN PLANNING AND REGIONAL AGENCY  
SCALE: 1"=60'

NOTE:  
THE DIMENSIONS OF THIS PLAT SHOW, METERS AND  
MILLIMETERS, THE DIMENSIONS OF LOT 1 AND PART  
OF LOT 2 OF THIS MAP ARE THE METRIC DIMENSIONS  
AS SHOWN IN BOOK 4480, PAGE 87, R.O.C.C. PLAN.

















ING





1004B

1004A

1002B





**From:** [Sledge, Colby \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Michael, Jon \(Codes\)](#); [Cathey, Eben \(Planning\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** D17 BZA Item  
**Date:** Tuesday, March 10, 2020 9:43:50 AM

---

Good morning, all,

There's one District 17 item on the agenda for next week: 2020-070. Given the property in question is nine sq ft short of a standard lot size, I **support** this request.

Thanks,

Colby

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



03/10/2020 TUE 8:25 FAX

Zoning Appeal  
C. Weston Pope  
1003 Southside Avenue  
Nashville, TN 37203

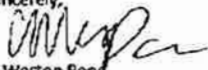
Metro Office Building- 3<sup>rd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37210

RE: Appeal Case Number: 2020-70  
1005 Southside Ave  
Map Parcel: 10501057300  
Zoning Classification: R6  
Council District: 17

To whom it may concern:

As the property/home owner adjacent to this property, I request that the Board of Zoning Appeals uphold the required setback distance along all parameters, specifically the side by side distance of the proposed construction for 1005 Southside Avenue.

Sincerely,



C. Weston Pope

0001/001



**From:** [Ilex Pounders](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Subject:** Zoning Appeal for Permit Number 20200006553  
**Date:** Monday, March 9, 2020 4:33:29 PM

---

Hi

I am a neighbor of the property for permit 20200006553. I would like to ask that you do not approve this change request. Changing the required lot size would negatively affect this neighborhood. There is no alley for this property so all additional cars for multiple houses would be added to the streets. There is already a lack of street parking with the current amount of residences on this street. Additionally, we need to keep as much yard space as possible within the neighborhood. Allowing for more houses on a smaller lot would only decrease the number of trees, shrubs and grass located in the neighborhood.

Thank you in advance for not approving the request of a lot size variance.

--

**Ilex Pounders**  
501.827.1745



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JARED GRAY

Date: 02/03/2020

Property Owner: JACKSON ST. CHURCH OF CHRIST

Case #: 2020-072

Representative: JARED GRAY

Map & Parcel: 092 040 06200 5

092 040 02800 1 PARCELS 025.00, 026.00, 116.00

Council District 19

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

Purpose:

SPECIAL EXCEPTION APPROVAL REQUIRED FOR OFF-SITE PARKING FOR PREVIOUS INSTITUTION USE.

Activity Type: OFF SITE PARKING FOR CHURCH

Location: 1015, 1017, 1021, 1023 14TH AVENUE N. 1/2, 1303 JACKSON ST

This property is in the RM20 U20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: SPECIAL EXCEPTION REQUIRED

Section(s): 17.08.030 TABLE, 17.16.170 (E)(2)

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

JARED GRAY  
Appellant Name (Please Print)

[Signature]  
Representative Name (Please Print)

8170 COLEMAN DAVIS RD  
Address

[Signature]  
Address

NASHVILLE, TN 37221  
City, State, Zip Code

[Signature]  
City, State, Zip Code

615 638-8207  
Phone Number

[Signature]  
Phone Number

JARED@CWMILCONSULTANTS.NET  
Email

[Signature]  
Email

Zoning Examiner: DAVID D'S

Appeal Fee: \$250.00





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



3756331

**ZONING BOARD APPEAL / CAAZ - 20200007379  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09204006200**APPLICATION DATE:** 02/03/2020**SITE ADDRESS:**

1015 14TH AVE N NASHVILLE, TN 37208

LOTS 182-183-184 HARDING 2ND ADDN

**PARCEL OWNER:** JACKSON STREET CHURCH OF CHRIST, TR**CONTRACTOR:****APPLICANT:****PURPOSE:**

Applicant seeks special exception for church parking (not leased or parking for fee or structures) on five parcels: 09204006200, 09204002800, 09204002600, 09204002500, 09204011600. Applicant intends to combine by deed: 09204002800, 09204002600, 09204002500 if approved for parking by special exception.

*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.



**Owner Affidavit**

As owner(s) of the property designated as instrument ID 09204007400 and located at 1408 Jackson Street within the jurisdiction of Metro Nashville Davidson County, Tennessee, I (we) do hereby grant Civil Design Consultants, LLC the right to submit plans and supporting documents to metro departments for approval as indicated by my signature(s).

Signed: Richard Southall  
for Jackson Street Church of Christ

Printed Name: Richard Southall

Date: August 14, 2019



## APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

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

*2-3-2020*  
 \_\_\_\_\_  
**DATE**



## SPECIAL EXCEPTION REQUEST

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

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

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

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

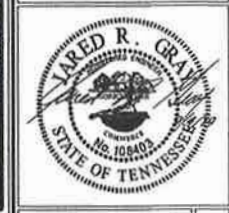
  
APPELLANT (OR REPRESENTATIVE)

  
DATE





CIVIL DESIGN CONSULTANTS, LLC  
CIVIL ENGINEERS - LAND PLANNERS  
CIVIL ENGINEER - CORRECTIONAL INSTITUTIONS  
LICENSE NO. 191-277-0001 - DAVIDSON COUNTY, TENNESSEE

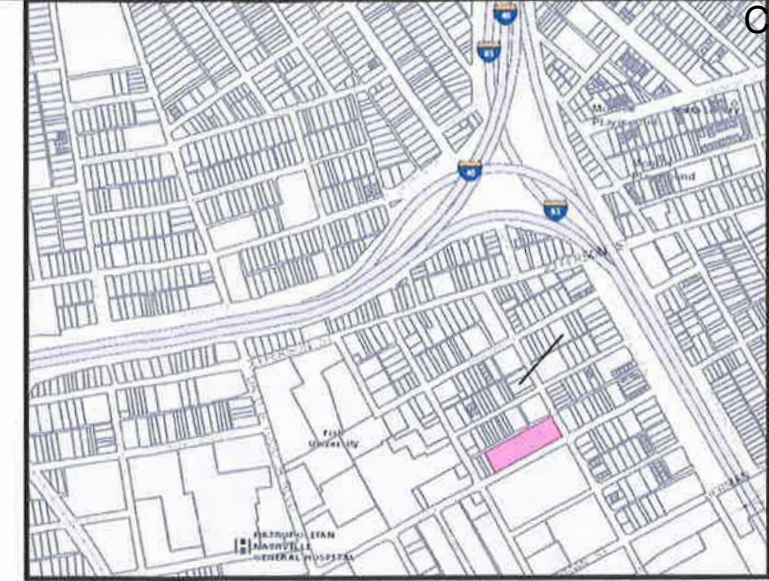
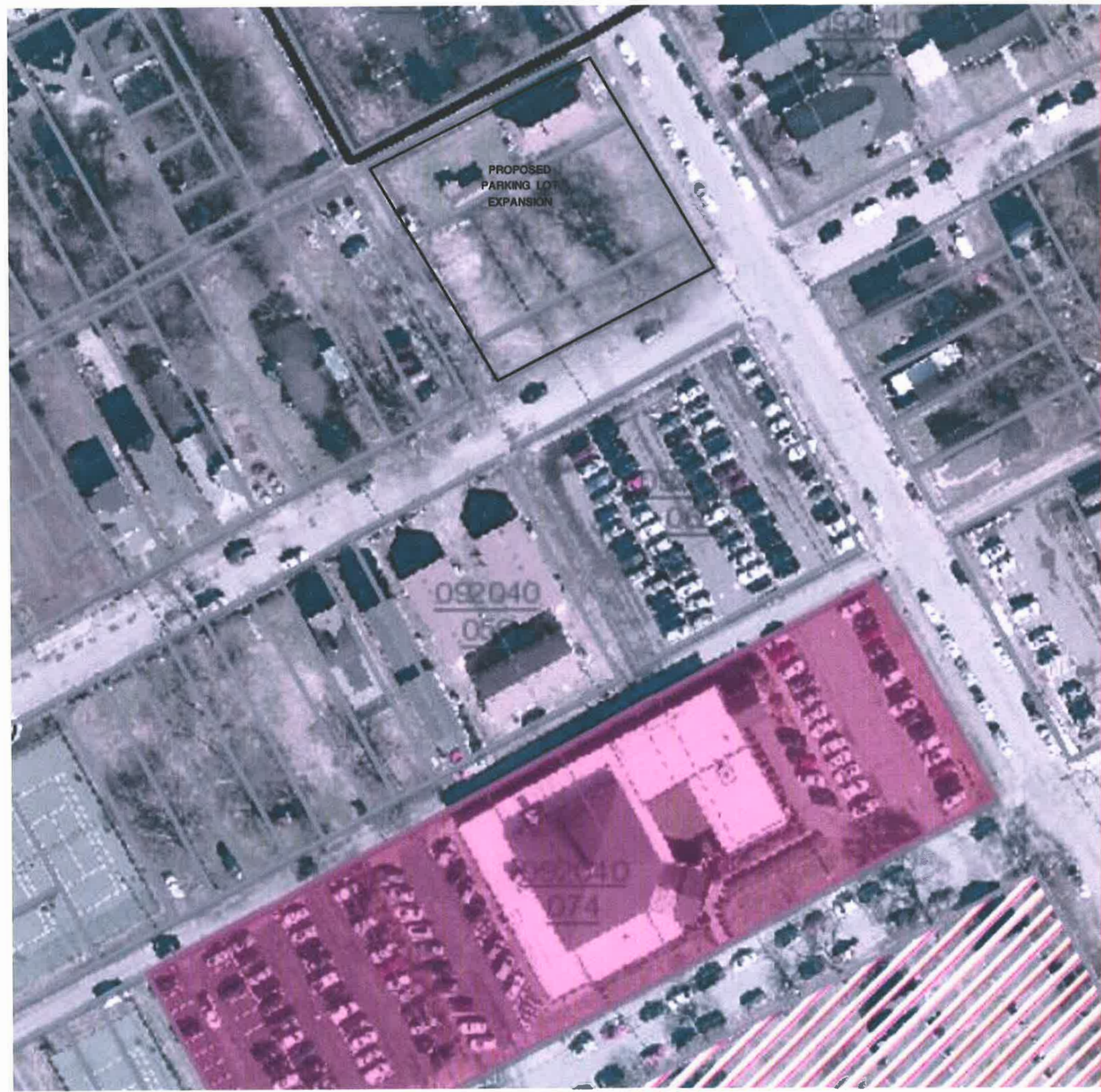


# JACKSON STREET CHURCH OF CHRIST

## PARKING LOT EXPANSION PLAN

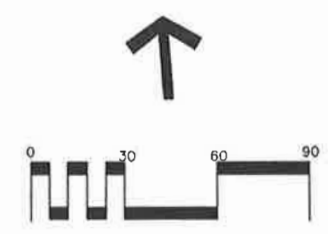
METRO NASHVILLE DAVIDSON COUNTY TENNESSEE

OVERALL LAYOUT, GRADING, AND EROSION CONTROL PLAN



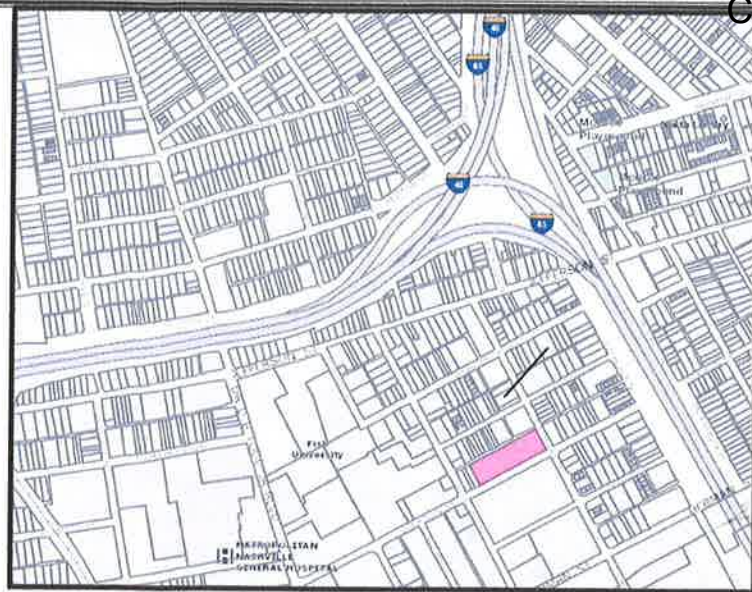
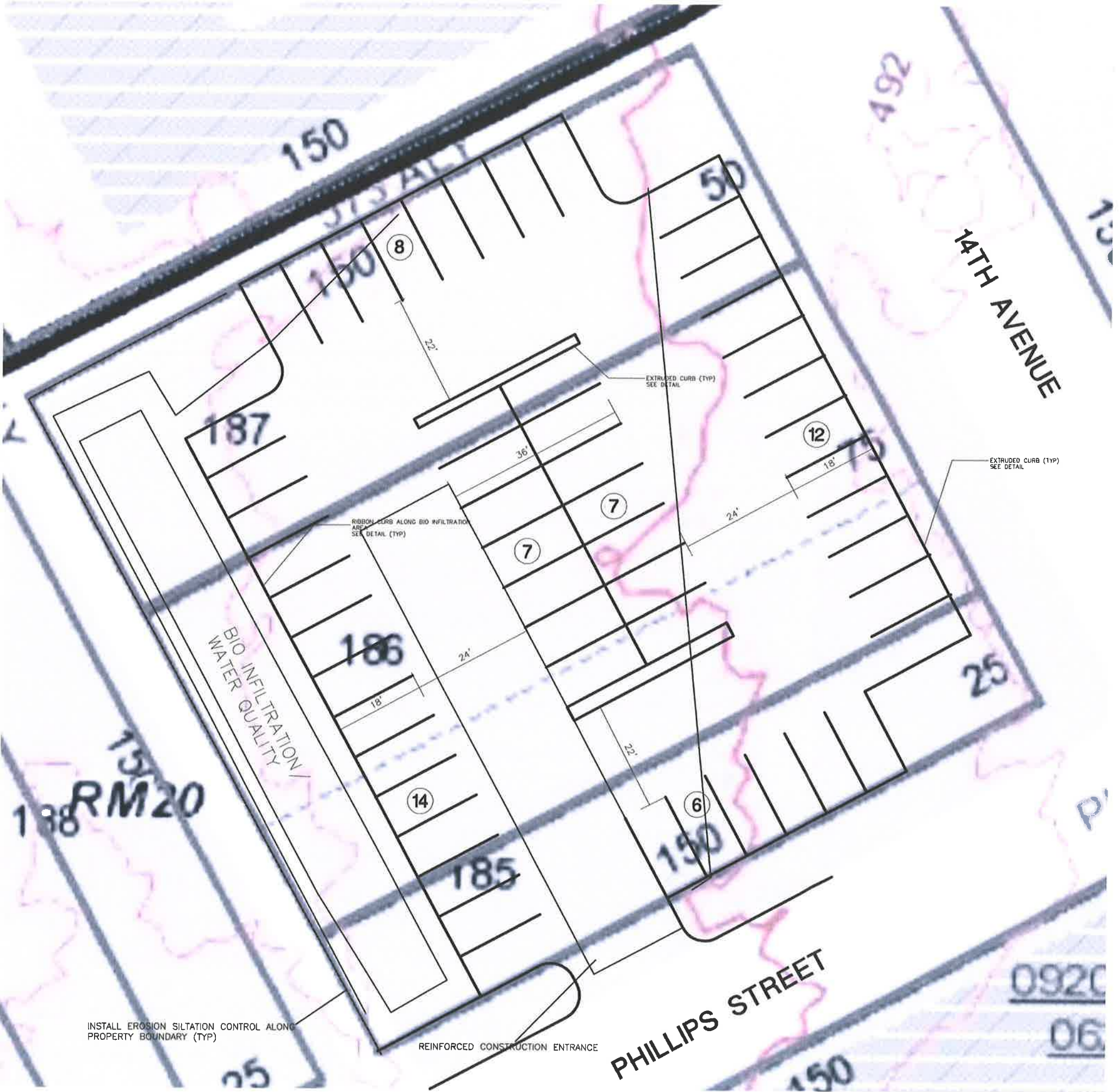
LOCATION MAP - NTS

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

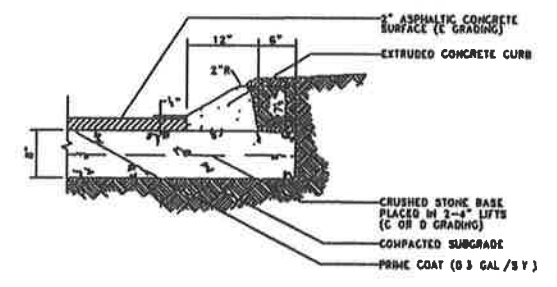


REVISIONS
DESIGNED BY: J. GRAY
DRAWN BY: J. GRAY
APPROVED BY: J. GRAY
SCALE: AS NOTED
DATE: SEPTEMBER 4, 2019
JOB NO. WK. ORDER
19-016 001
SHEET NO.

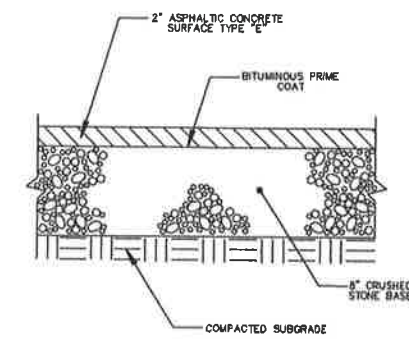




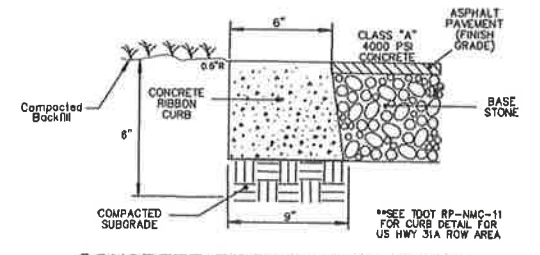
LOCATION MAP - NTS



EXTRUDED CURB DETAIL  
 NOT TO SCALE



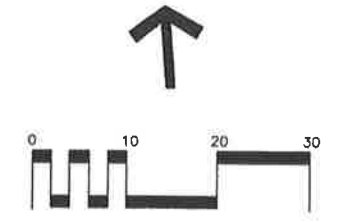
LIGHT DUTY ASPHALT DETAIL  
 NOT TO SCALE



CONCRETE RIBBON CURB DETAIL  
 NOT TO SCALE

**LEGEND**

- (X) 9'X18' PARKING SPACE
- 54 PARKING SPACES PROPOSED



INSTALL EROSION SILTATION CONTROL ALONG PROPERTY BOUNDARY (TYP)

REINFORCED CONSTRUCTION ENTRANCE

REVISIONS	
DESIGNED BY:	J. GRAY
DRAWN BY:	J. GRAY
APPROVED BY:	J. GRAY
SCALE:	AS NOTED
DATE:	SEPTEMBER 4, 2019
JOB NO.	WK. ORDER
19-016	001
SHEET NO.	
C2	



**ZONING APPEAL HEARING**  
Case # 2020-072 Date 03/19/2020 1:00 pm  
Requesting a special exception to allow for off-site parking  
Sonny West Conference Room, 700 2nd Ave. South  
<http://baa.nashville.gov/BZATracker>







NO PARKING  
TO CORNER  
←

CLAIM CAR  
FOR PROTECTION BY  
THE 462-3800





 **METRO**  
Nashville & Davidson Co.  
For Official Use Only

HYBRID





1014



**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Shepherd, Jessica \(Codes\)](#)  
**Cc:** [Ammarell, Beverly \(Public Works\)](#); [Lifsey, Debbie \(Codes\)](#)  
**Subject:** RE: Appeal 2020-072  
**Date:** Wednesday, February 5, 2020 3:33:27 PM

---

**2020-072 1017 14<sup>th</sup> Ave N Special Exception for Offsite Parking in RM20 for Religious Inst.**

Variance: 17.08.030, 17.16.170 E.2

Response: Public Works takes no exception that adequate parking is provided for per code.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

**Christopher E. Gregory, E.I.T.**  
***Metropolitan Government of Nashville***

*Department of Public Works*  
*Engineering Division*  
720 South Fifth Street  
Nashville, TN 37206  
Ph: (615) 880-1678

---

**From:** Shepherd, Jessica (Codes) <[Jessica.Shepherd@nashville.gov](mailto:Jessica.Shepherd@nashville.gov)>  
**Sent:** Wednesday, February 5, 2020 8:57 AM  
**To:** Ammarell, Beverly (Public Works) <[Beverly.Ammarell@nashville.gov](mailto:Beverly.Ammarell@nashville.gov)>; Gregory, Christopher (Public Works) <[Christopher.Gregory@nashville.gov](mailto:Christopher.Gregory@nashville.gov)>  
**Subject:** Appeal 2020-072

Appeal 2020-072 on agenda for 3/19/2020

**From:** [MOBKDMFP01@nashville.gov](mailto:MOBKDMFP01@nashville.gov) <[MOBKDMFP01@nashville.gov](mailto:MOBKDMFP01@nashville.gov)>  
**Sent:** Wednesday, February 5, 2020 8:42 AM  
**To:** Shepherd, Jessica (Codes) <[Jessica.Shepherd@nashville.gov](mailto:Jessica.Shepherd@nashville.gov)>  
**Subject:** Attached Image



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201  
615.862.7150  
615.862.7209

---

# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** March 4, 2020  
**BZA Hearing Date:** March 19, 2020  
**Re:** Planning Department Recommendation for a Special Exception, Case 2020-072

---

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

**1. Case 2020-072 Jackson Street Church of Christ (1015, 1017, 1021, 1023, 14<sup>th</sup> Ave N. and 1308 Jackson Street)**

**Request:** A Special Exception to permit offsite parking for a religious institution.

**Zoning:** Multi-family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**Overlay District:** Urban Zoning Overlay District

**Land Use Policy:** T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods need to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

**Planning Department Analysis:** The site is located at 1015, 1017, 1021, 1023, 14<sup>th</sup> Ave N. and 1308 Jackson Street. Existing conditions are parking areas, vacant, and Institutional. Surrounding



zoning districts include Multi-family Residential (RM20), and a Residential Planned Unit Development (PUD). This site is located within a large area of Multi-family Residential (RM20) zoning. Land uses near the site include single-family residential, two-family residential, and multi-family residential.

The applicant seeks special exception for off-site parking for a religious institution parking on five parcels along 14<sup>th</sup> Avenue surrounding the religious institution.

Existing religious institutions are identified as appropriate within T4 Urban Neighborhood Evolving (T4 NE) land use policy and can use offsite parking with the approval of a Special Exception by the Board of Zoning Appeals. The location and continued use of the property for a religious institution is consistent with the T4 NE policy. The proposed off-site parking does not significantly change the character of the surrounding neighborhood given that two of the parcels are already developed as a parking area, and the other parcels are mostly surrounded by existing parking. The proposed off-site parking is close enough to the subject property to support the parking needs of the land use.

**Planning Recommendation: Approve**



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Wade Hyatt Date: 2/4/2020  
Property Owner: Brentwood Medical Trading, LLC  
Representative: Chip Howorth Case #: 2020- 073  
Map & Parcel: 16109015500

Council District 04

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

**Purpose:**

To allow a reduction in the number of required parking spaces as established in section 17.20.030 and to allow a reduction in the required landscape buffer as established in section 17.24.230.

Activity Type: Medical Office

Location: 5429 Edmondson Pike

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

To allow the ability to use the general office classification when calculation in establishing

Reason: minimum parking spaces, and to allow the use of the 5' "A" standard landscape buffer

Section(s): 17.20.030 & 17.24.230

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

Wade Hyatt  
Appellant Name (Please Print)

5505 Edmondson Pike, Ste. 101  
Address

Nashville, TN, 37211  
City, State, Zip Code

615-496-3433  
Phone Number

cwhyatt@me.com  
Email

S+H Group, LLC (Chip Howorth)  
Representative Name (Please Print)

2606 Eugenia Ave, Suite D  
Address

Nashville, TN 37211  
City, State, Zip Code

615-647-8775  
Phone Number

chip@shgroupllc.com  
Email

Appeal Fee: \$200



## APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

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

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

Wade Hyatt  
APPELLANT

2/4/2020

DATE



### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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



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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

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See attached letter.

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2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · www.shgroupllc.com

February 4, 2020

Board of Zoning Appeals  
800 2nd Ave S  
Nashville, TN 37210

Re: 5429 Edmondson Pike  
Nashville, TN 37211  
Parcel 16109015500  
CACN T2020004386

To Whom It May Concern:

On behalf of our client, S+H Group (S+H) is submitting the referenced property located at 5429 Edmondson Pike, Nashville, TN 37211 (the “property”) for a Variance Request from Section 17.20.030 and 17.24.230 of the Metropolitan Code pertaining to minimum parking requirements and landscape buffer requirements, respectively. Due to the property’s primary use and location in relation to the floodway, we are requesting that the number of minimum parking spaces be either determined by the calculation used for general office building requirements as dictated by Section 17.20.030 of the Code or reduced by reduced by approximately 20% or four (4) total spaces. In addition to the parking variance we are requesting that the landscape buffer requirement be reduced to an “A” standard buffer of 5-foot width with a 6-foot masonry wall. Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstances (hardships) described below and the following documents enclosed:

1. Eight (8) copies of the Site Plan
2. Eight (8) copies of the FEMA FIRM Map
3. Exhibit - Urban Zoning District Map
4. Board of Zoning Appeals Checklist
5. Application for Variance Request
6. Check in the amount of \$200.00 to Board of Zoning

**Unique Circumstance (Hardship)**

The unique circumstance (hardship) that affects the property is the location of the adjacent floodway and associated zone 1 and zone 2 water quality buffers. Accordingly, this constricts the available building and parking areas on site. With the request of reduction in parking and landscape buffer the site is more developable for the proposed use while considering protection and mitigation of the stream water quality buffers.

**Variance Request - Reduction in Parking Requirement/Parking Spaces**

Per Section 17.20.030 and Table 17.20.030 of the Code, the minimum required parking spaces for a medical office development outside the UZO district is 1 space per 200 square feet (SF) of office or 24 total spaces. For general office the requirement is 1 space per 300 SF of office. This would reduce the required amount of parking required for the proposed construction to 15 spaces. Currently 20 spaces are provided on the attached site plan.





2606 Eugenia Ave, Suite D · Nashville, TN 37211 · 615.647.8775 · [www.shgroupllc.com](http://www.shgroupllc.com)

**Variance Request - Reduction in Landscape Buffer Requirement**

Per Section 17.24.230 of the Code, the minimum required landscape buffer for OL zoning adjoining R10 zoning is a “C” standard buffer. If a “C” standard buffer was implemented, access to the property via Edmondson Pike would further reduce the amount of parking spaces provided and making the request of general office parking achievable. Additionally, the majority of the buffer width would be located in an existing sanitary sewer easement, which per 17.24.210.D is not permitted in utility or drainage easements unless approved by the affected utility or Metro Water Services. By allowing for a 5-foot “A” standard buffer with a 6’ masonry wall, additional parking spaces are provided above the minimum request of the general office classification, but still unable to meet the amount of spaces required per medical office classification.

If you have any questions or concerns, please call or email me at 615-647-8775 ext. 101 and [chip@shgroupllc.com](mailto:chip@shgroupllc.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Howorth', written over a light blue circular stamp.

Chip Howorth  
Principal





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



3752021

**APPLICATION FOR BUILDING COMMERCIAL - NEW / CACN - T2020004386  
THIS IS NOT A PERMIT**

PARCEL: 16109015500

APPLICATION DATE: 01/21/2020

**SITE ADDRESS:**

5429 EDMONDSON PIKE NASHVILLE, TN 37211  
LOT 2 CARDEN SUBDIVISION

PARCEL OWNER: BRENTWOOD MEDICAL TRADING, LLC

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

construct 4500 sq.ft. medical office for NASHVILLE EYE GROUP Sidewalks ARE required for this project because this parcel fronts on a street in the Major and Collector Street Plan.

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

POC CHIP HOWORTH 615-419-4150

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

[A] Site Plan Review	REJECTED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[B] Fire Alarm Requirement		862-5230
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
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	APPROVED	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



# National Flood Hazard Layer FIRMette



36°31.62'N

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

## Legend

**SPECIAL FLOOD HAZARD AREAS**

Without Base Flood Elevation (BFE)  
Zone A, V, A99  
With BFE or Depth Zone AE, AO, AH, VE, AR  
Regulatory Floodway

0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile (Zone X)

Future Conditions 1% Annual Chance Flood Hazard (Zone X)  
Area with Reduced Flood Risk due to Levee. See Notes, Zone X  
Area with Flood Risk due to Levee (Zone D)

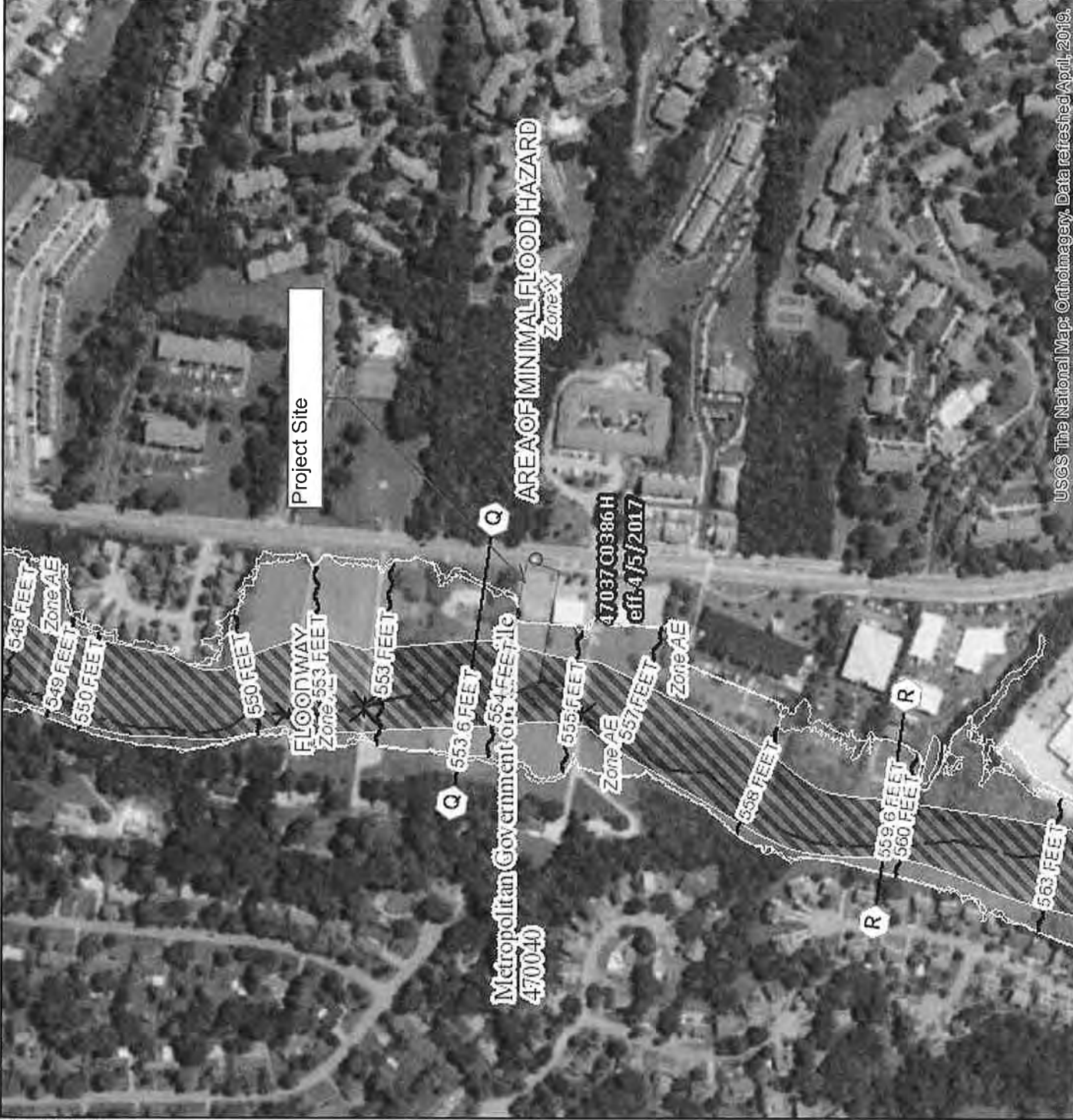
**OTHER AREAS OF FLOOD HAZARD**

**OTHER AREAS**

**GENERAL STRUCTURES**

**OTHER FEATURES**

**MAP PANELS**



USGS The National Map: Orthoimagery, Data refreshed April, 2019, 36°32.52'N

1:6,000

Feet



86°44'19.22'W

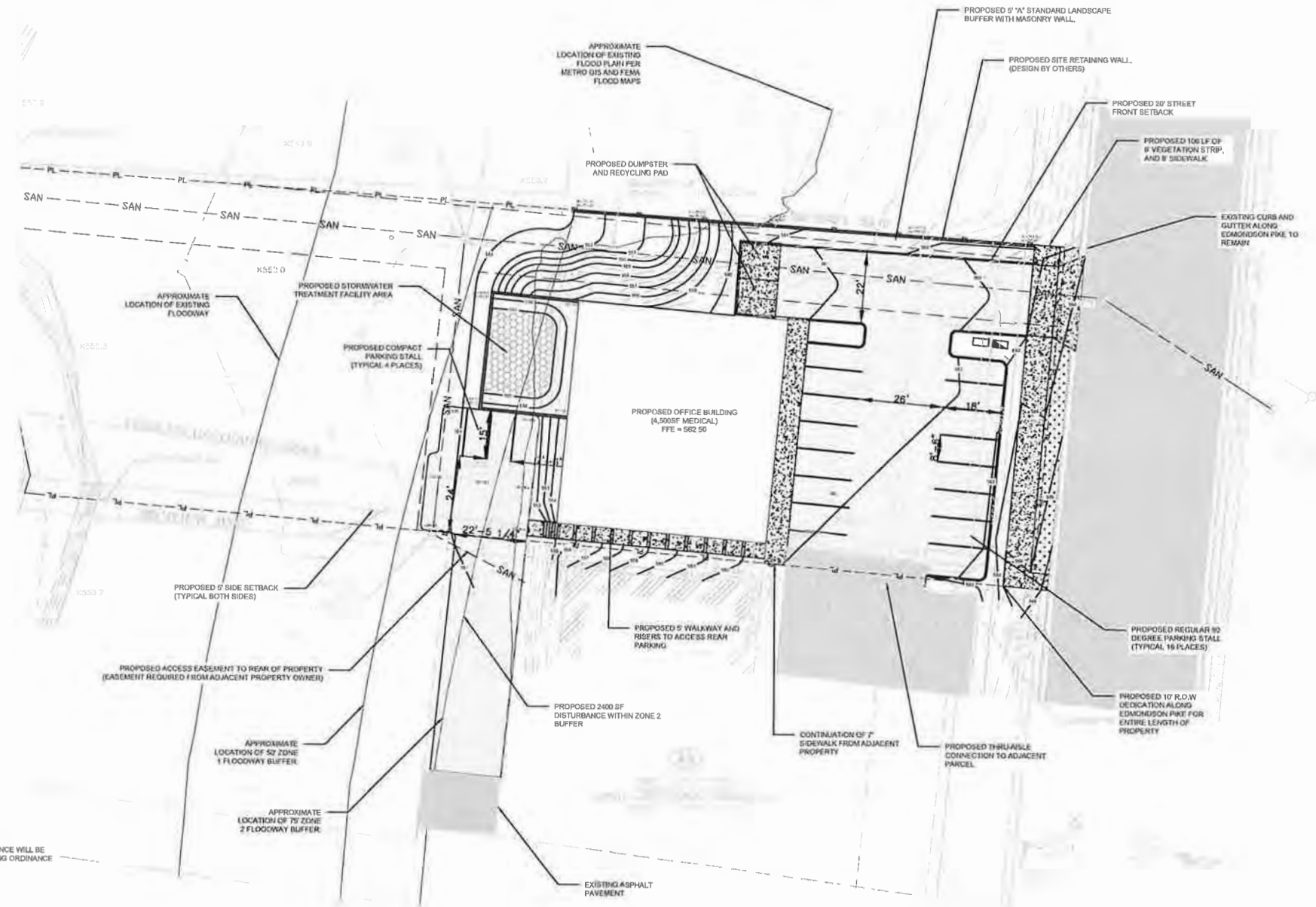
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 1/28/2020 at 10:48:00 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.





- GENERAL NOTES:**
1. SURVEY INFORMATION PROVIDED BY CLINT ELLIOT SURVEY, DATED 11/28/2019.
  2. LANDSCAPE BUFFER SHOWN AS 5' X 1' STANDARD ALONG NORTH PROPERTY BOUNDARY. VARIANCE WILL BE REQUIRED TO VOID THE 20' X 1' STANDARD BUFFER REQUIRED BY THE METRO NASHVILLE ZONING ORDINANCE.
  3. PARKING
    - 3.1. REQUIRED = 1 SPACE PER 200 SF MEDICAL OFFICE = 4,900 / 200 = 23.5 SPOTS REQUIRED MEDICAL OFFICE
    - 16 REGULAR (18x8.5) SPOTS PROVIDED
    - 4 COMPACT (15x7.5) SPOTS PROVIDED
    - 20 TOTAL SPOTS PROVIDED (PARKING VARIANCE REQUIRED)
  4. SIDEWALKS ARE REQUIRED FOR THIS PROJECT BECAUSE THE FRONTAGE OF THE PARCEL IS WITHIN 1/4 MILE OF A NASHVILLE NEXT CENTER. THE OWNER IS NOT ELIGIBLE TO CONTRIBUTE TO THE PEDESTRIAN BENEFIT ZONE IN-LU-FUND.
  5. ANY EXCAVATION, FILL, OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH THE CURRENT STORMWATER MANAGEMENT MANUAL AS AUTHORIZED BY ORDINANCE NO. 78-840 AND ANY APPLICABLE METRO CODE PROVISIONS AND BE APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
  6. THIS PRELIMINARY STORMWATER MANAGEMENT PLAN IS FOR ILLUSTRATION PURPOSES TO INDICATE THE BASIC PREMISE OF THE DEVELOPMENT. THE DETAILS OF THE PLAN SHALL BE GOVERNED BY THE APPROPRIATE REGULATIONS AT THE TIME OF FINAL APPLICATION.



**TENNESSEE811**  
KNOW WHAT'S BELOW  
CALL BEFORE YOU DIG

0 20 40 60  
1"=20'

DATE	DESCRIPTION OF REVISION

WADE HYATT  
5505 EDMONDSON PIKE, STE. 101  
NASHVILLE, TN 37211

NASHVILLE EYE GROUP  
5429 EDMONDSON PIKE

PRELIMINARY SITE UTILITY PLAN

S + H ENGINEERING  
208 RUGGIERA AVENUE  
NASHVILLE, TN 37211  
TEL: 615.843.1900

DATE	FEBRUARY 5, 2020
SCALE	1" = 20'
DRAWN BY	J. JACOBY
REVIEWED BY	F. SMITH
SHEET NAME	

**FIG. 1**



MONDSON PIKE  
FAMILY PRACTICE







AHEAD

PEDESTRIAN CROSSING  
AHEAD











ELMCROFT  
SENESCILLING



**From:** [Kivett, Stephan \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** RE: buffer-BZA 3-19  
**Date:** Friday, March 6, 2020 11:54:25 AM

---

I would be against the granting of the buffer variance, UNLESS the neighbor to the north has absolutely no problem

They would still need to install a side perimeter strip (tree @ 50ft intervals in a 5 ft wide strip), if the buffer were to magically go away.

Stephan Kivett

---

**From:** Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>  
**Sent:** Friday, March 06, 2020 10:16 AM  
**To:** Kivett, Stephan (Codes) <Stephan.Kivett@nashville.gov>  
**Subject:** landscape buffer case to be heard on 3-19

**CASE 2020-073 (Council District - 4)**

WADE HYATT, appellant and BRENTWOOD MEDINCAL TRADING, LLC, owner of the property located at 5429 EDMONDSON PIKE, requesting variances from parking and landscape buffer requirements in the OL District, to use existing space for a medical office. Referred to the Board under Section 17.20.030 and 17.24.230. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.







## 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.



George A. Dean  
Attorney for the Applicant  
Tune, Entekin & White, PC  
Suite 1700, 315 Deaderick Street  
Nashville, TN 37238  
615-244-2770  
gdean@tewlawfirm.com

February 3, 2020



## Standards for a Variance

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

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

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

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

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

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

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

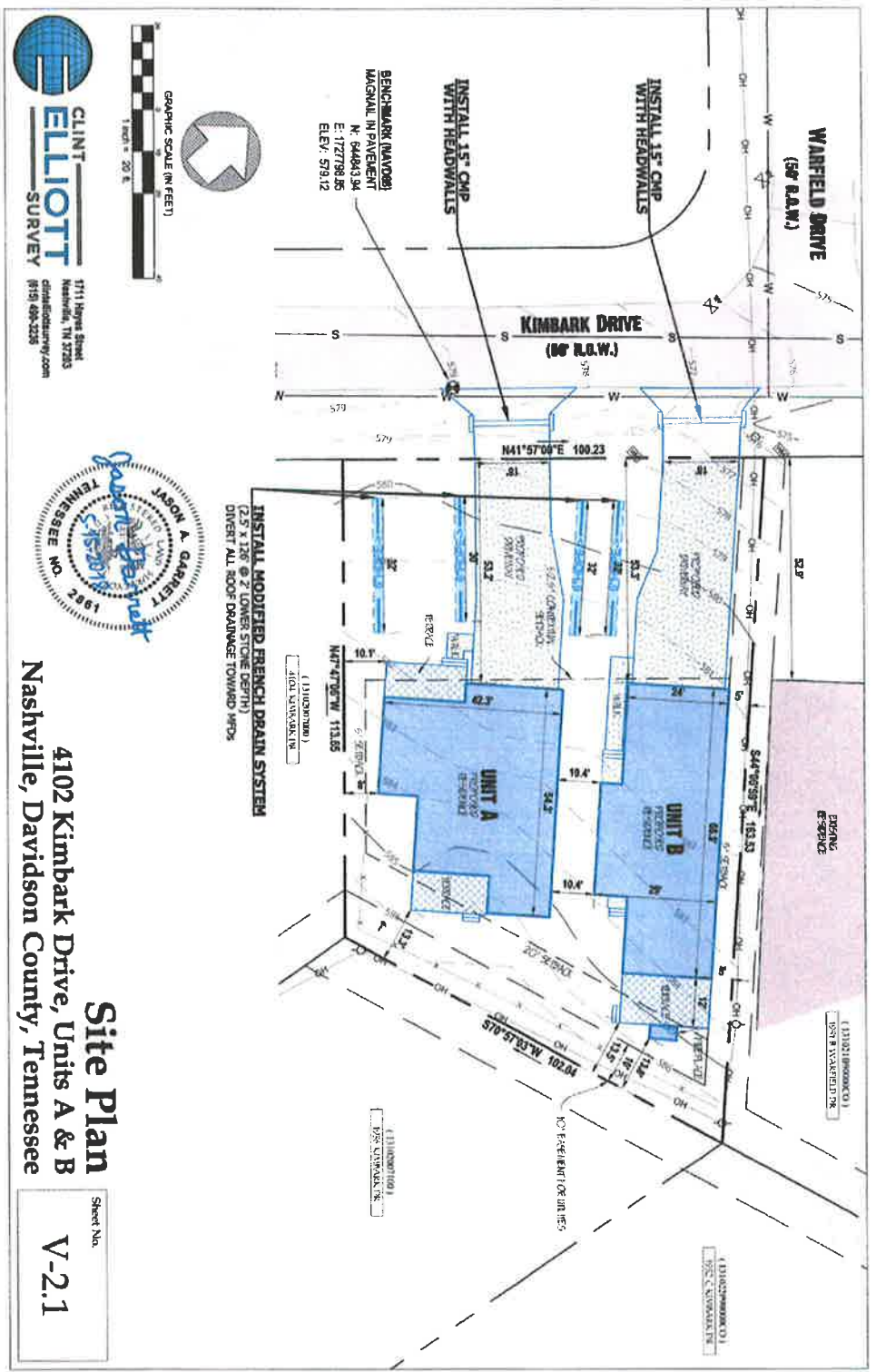
**Integrity of Master Development Plan-** *The granting of a variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.*

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









**CLINT ELLIOTT SURVEY**  
 1711 Hays Street  
 Nashville, TN 37203  
 celliott@clintelliott.com  
 615.406.5259

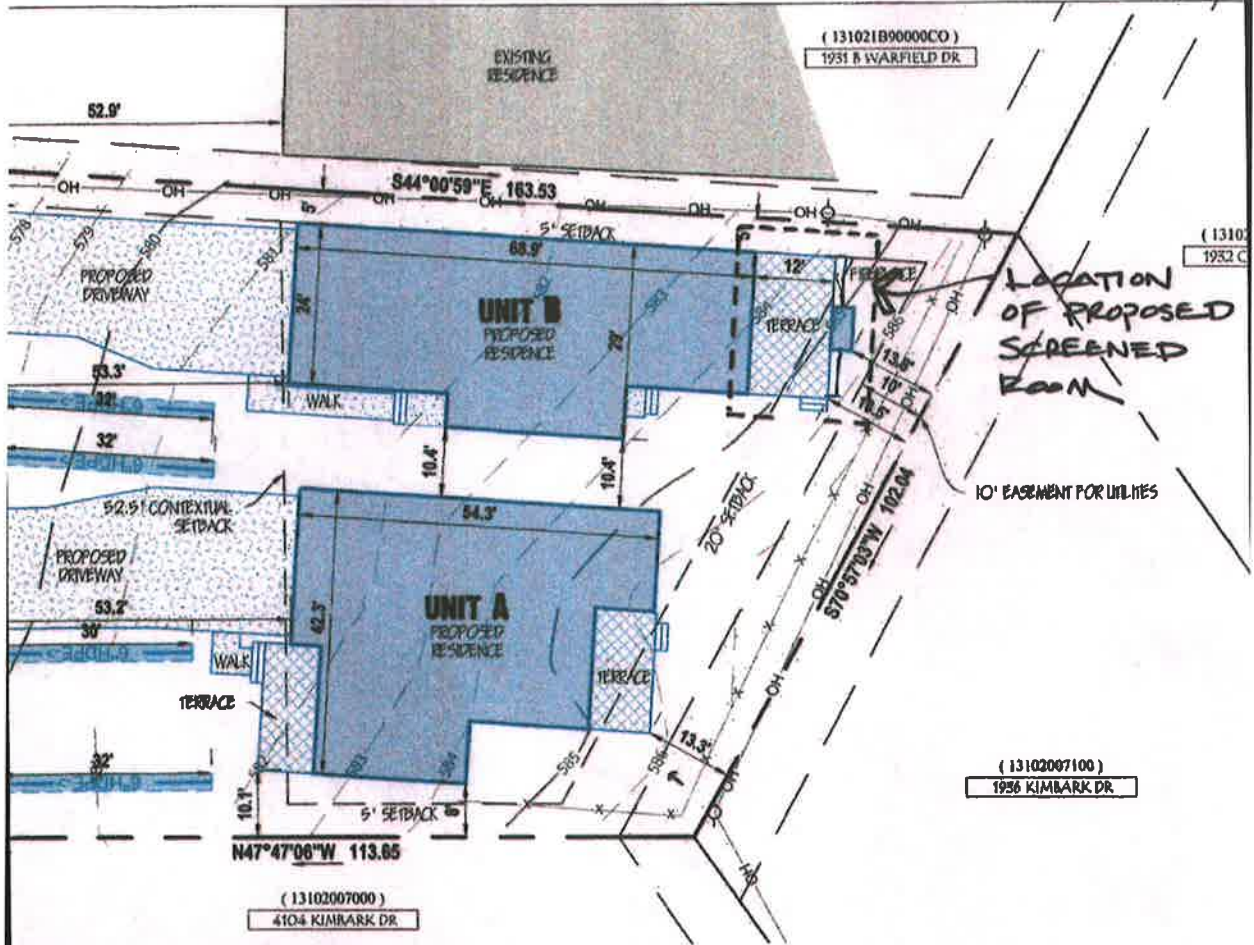
GRAPHIC SCALE (IN FEET)  
 1 inch = 20 feet



**Site Plan**  
 4102 Kimbark Drive, Units A & B  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.1**





**INSTALL MODIFIED FRENCH DRAIN SYSTEM**  
 (2.5' x 126' @ 2' LOWER STONE DEPTH)  
 DIVERT ALL ROOF DRAINAGE TOWARD MFDs



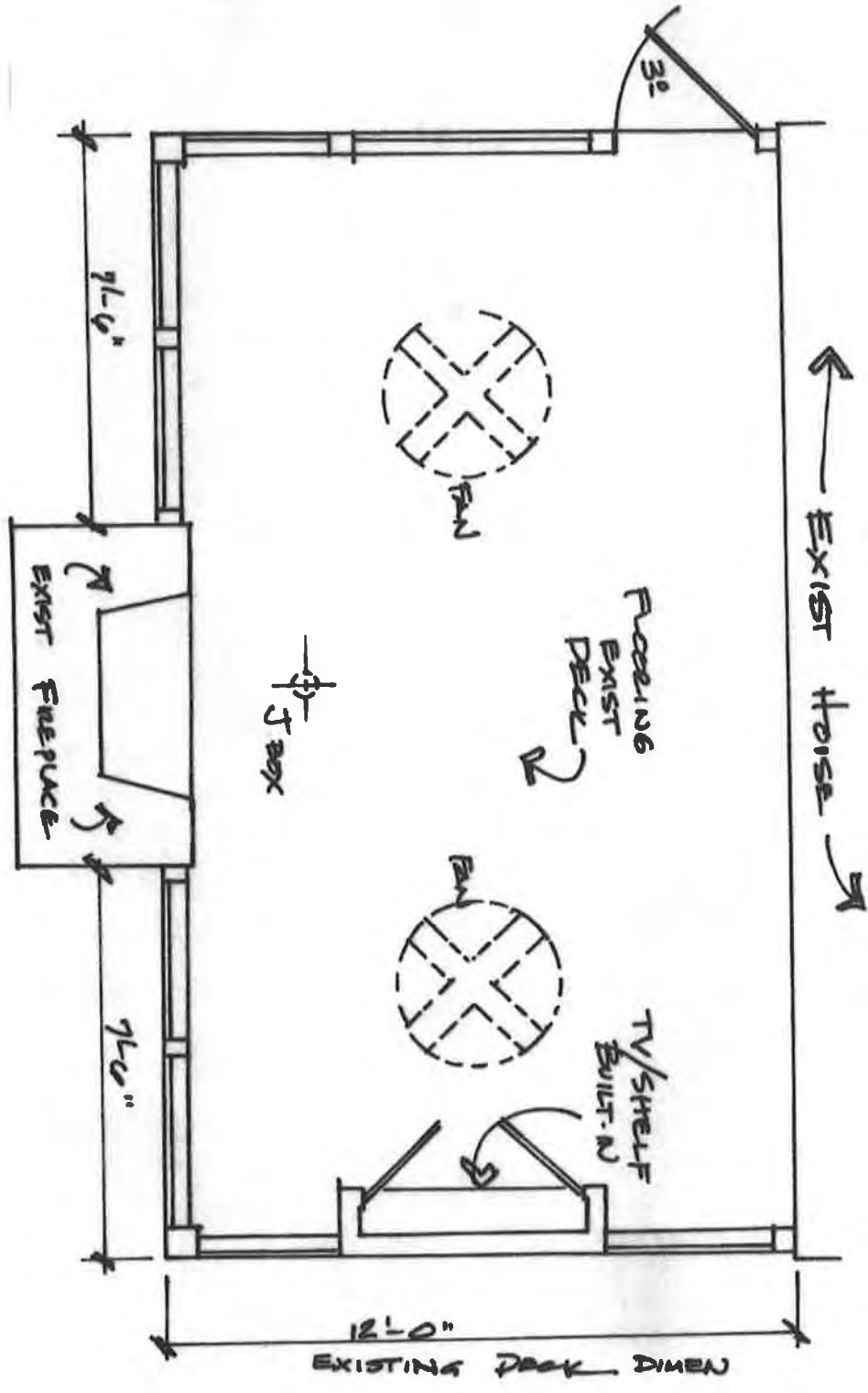
**Site Plan**  
**4102 Kimbark Drive, Units A & B**  
**Nashville, Davidson County, Tennessee**

Sheet No.

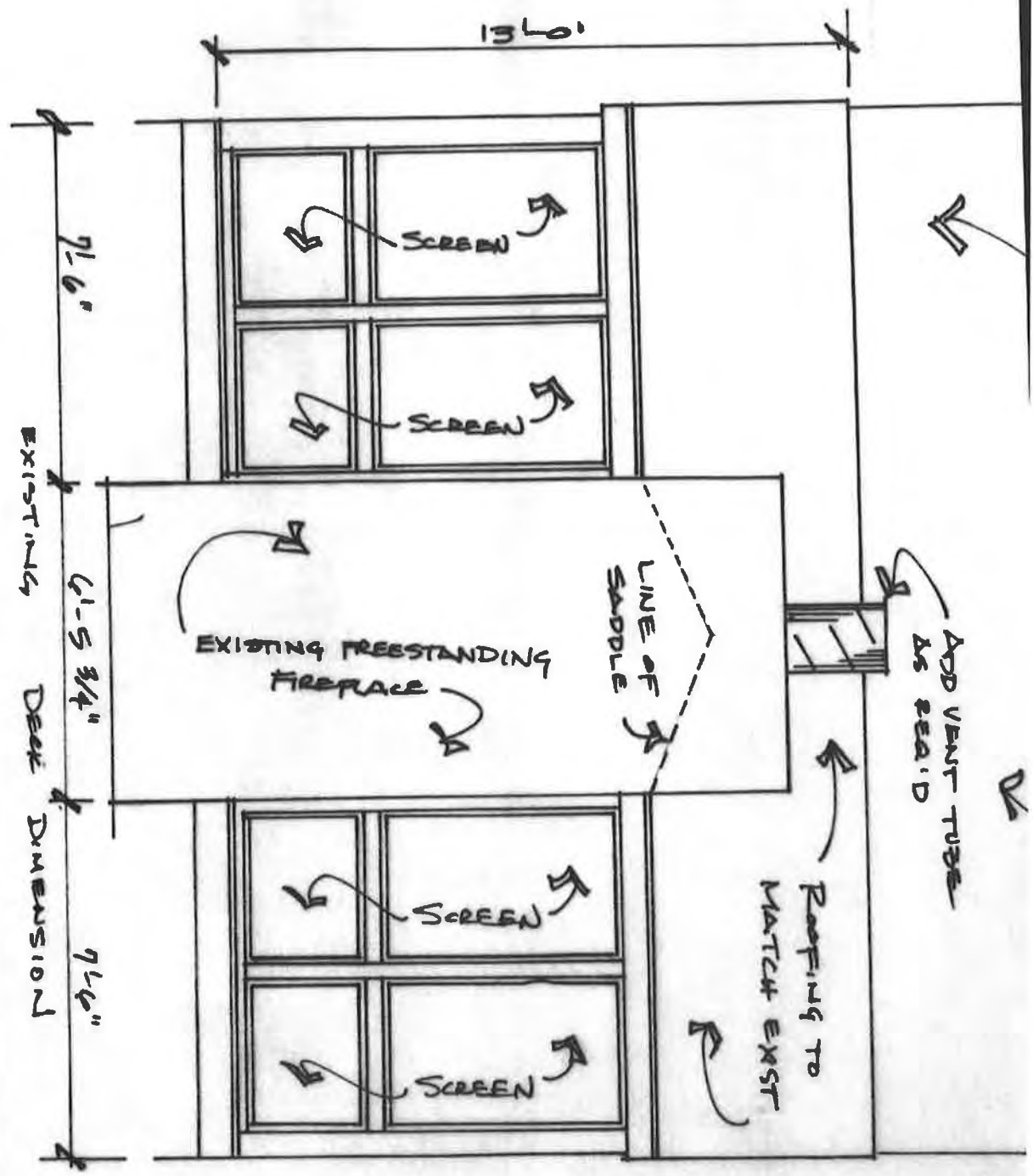
V-2



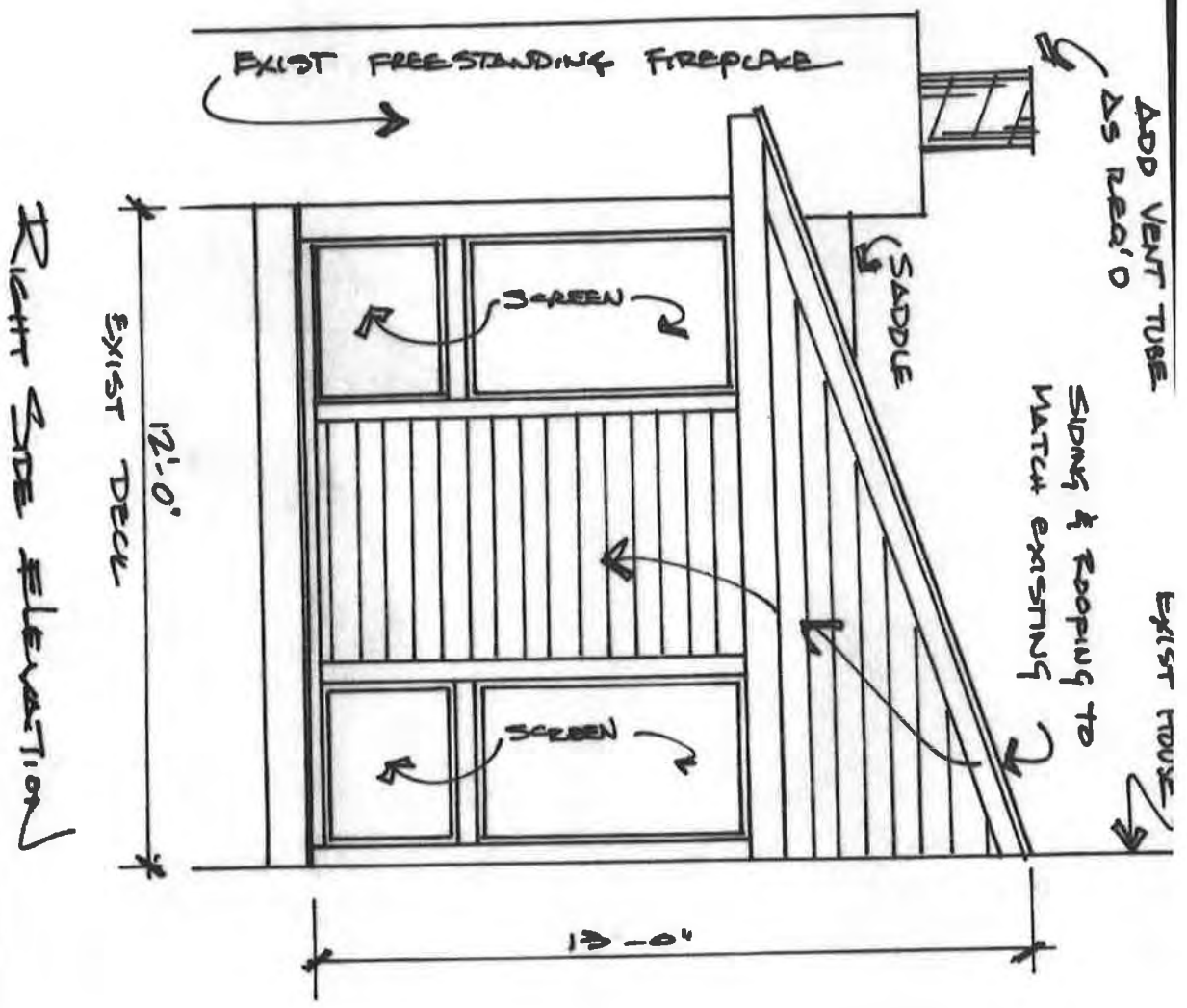
# PLAN - SCREENED ROOM



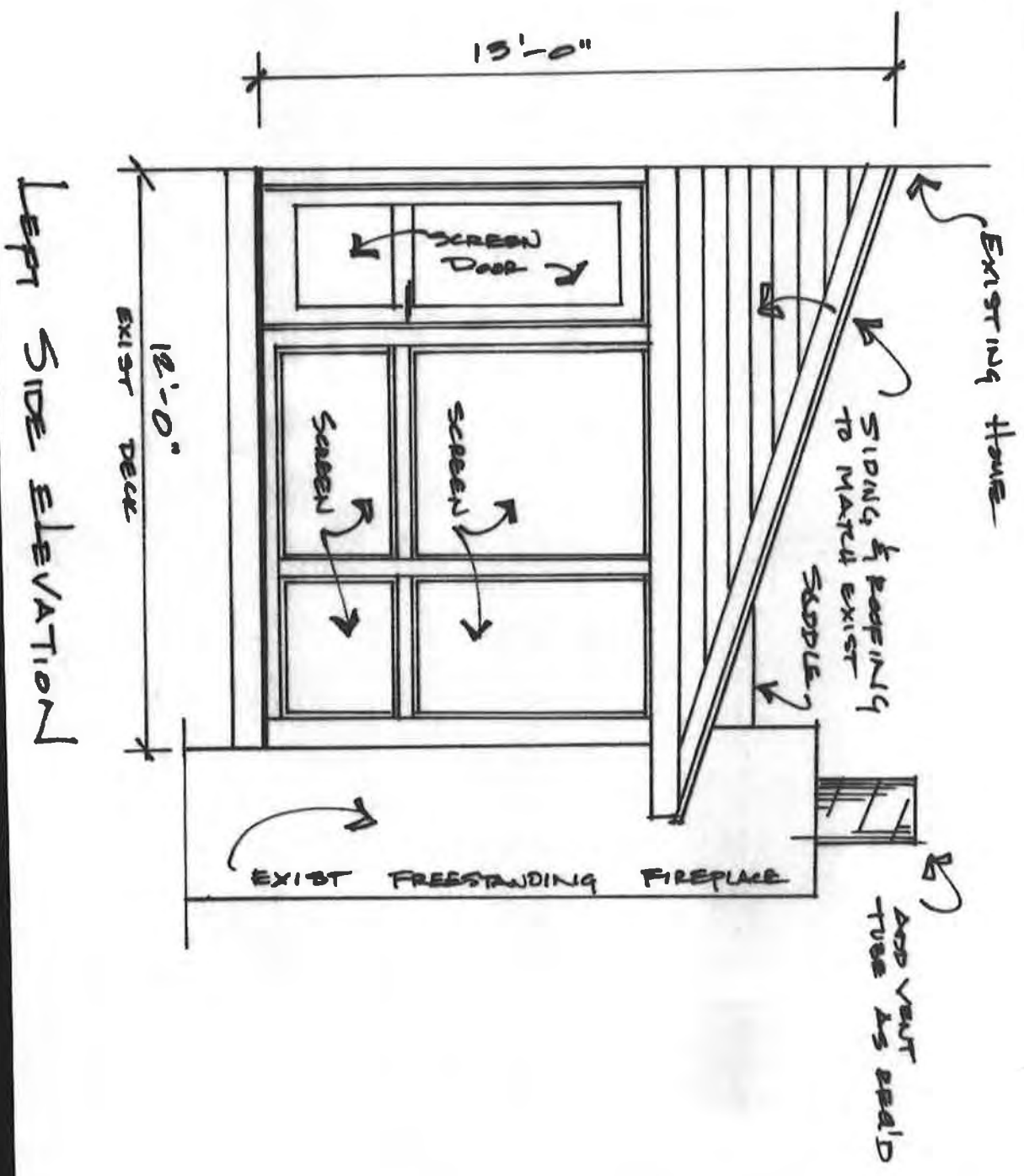
























METRO

4100

42

15 MPH

TRAFFIC PRO

65-521-5557



**For Sale**

COMPASS RE

Jonathan Heard & Lacey Newman  
Real Estate Professionals  
jr. 615.880.7078 | cr. 615.475.5605  
moderncollectiongreenhills.com  
buildwithus.com

HEARD NEWMAN **BUILD** Nashville

MODERN COLLECTION GREEN HILLS



MID-TN  
615-966-9669



GENESIS DIAMOND



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Brian Musser  
Property Owner: Brian Musser  
Representative: \_\_\_\_\_

Date: 2/13/2020  
Case #: 2020-077  
Map & Parcel: 10504011500

Council District 17

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

Purpose: To request variance from sidewalk ordinance. See following pages

Activity Type: single family

Location: 42 Shepard St

This property is in the R6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Sidewalk variance

Section(s): 17.20.120

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

Brian Musser  
Appellant Name (Please Print)

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

72a Maury St  
Address

\_\_\_\_\_  
Address

Nashville TN 37210  
City, State, Zip Code

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

774 571 9256  
Phone Number

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

Musser1873@hotmail.com  
Email

\_\_\_\_\_  
Email

\_\_\_\_\_  
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 of the property at issue in the case. The envelopes must include the return address for the BZA and case number.** Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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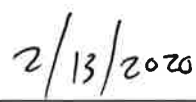
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

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

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

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

  
 \_\_\_\_\_  
**DATE**



## Standards for a Variance

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

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

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

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

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

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

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

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

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



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

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

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

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

Background: 42 Shepard Street is a corner lot. Currently, Metro is requiring that I pay into the in-lieu-of-fee for both the front and side of the property. This amounts to approx 153 feet of sidewalk.

The front sidewalk is old and crumbling and will be replaced with the new code-compliant sidewalk by the owner during construction of a single family residence anyway.

The sidewalk along Thomas Street was built by Metro in 2017. I have requests through Public Works to determine the exact date. The sidewalk ordinance BL2016-493 was introduced on April 18, 2017, amending Title 17 pertaining to sidewalks, and that the ordinance took effect July 1st, 2017. The google street view below shows that these sidewalks were not built until after the picture was taken in June 2017. Public Works should have waited to build the sidewalks on Thomas St until after the ordinance was changed. I should not be responsible for paying into the fund due for Thomas St due to the fact that they were not built to the new code to begin with. There is no injury to neighboring properties. The current Thomas St sidewalk is ADA compliant.

Request to BZA: I respectfully request to build the sidewalks in the front of the house and not pay into the in-lieu-of-fee for either the front or side of the house.



# Metropolitan Codes Administration

## CASE SUMMARY

CAZW - 20190079274

**DONE**

Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...

**ADDRESSES****PROPERTY**

10504011500  
42 SHEPARD ST  
NASHVILLE, TN 37210

**PEOPLE****Property Owner**

BM BUILDERS LIMITED LIABILITY CO  
72 A MAURY ST  
NASHVILLE, TN 37210

**DATA GROUP****Permit Information****Project Scope**

TO CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH 2573 SQFT LIVING AREA AND 838 SQFT OF PORCH AREAS... ..

BRIAN MUSSER  
774-571-9256  
MUSSER1873@HOTMAIL.COM

**Sidewalk Waiver Request****Metro Planning Recommendation**

Disapprove as submitted: The applicant shall contribute in-lieu of constructing sidewalks per Code.

**Waiver Circumstance**

g. R/RS Corner Lot

**WORKFLOW**

Task:	Inspector:	Result:	Due/Scheduled:	Completed
Type of Waiver Requested	TCORCORAN	FULLWAIVER	01/01/20	12/31/19
Metro Planning Recommendation	MSEWELL	INREVIEW	01/06/20	01/31/20
Zoning Administrator Decision	JMICHAEL	APPROVCOND	03/02/20	01/31/20
<b>Comment:</b> Disapprove as submitted: The applicant shall contribute in-lieu of constructing sidewalks per Code.				

**CONDITIONS**

Code:	Desc:	Date Applied:	Date Completed:
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**VIOLATIONS**

<b>Violation:</b>	<b>Desc:</b>	<b>Date Issued:</b>	<b>Date Completed:</b>
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**FEES**

<b>Code:</b>	<b>Desc:</b>	<b>Amount:</b>	<b>Paid:</b>
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**PAYMENTS**

<b>Tender:</b>	<b>Reference:</b>	<b>Fee Code:</b>	<b>Date:</b>	<b>Paid:</b>
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**REL DOCS**

<b>Location:</b>	<b>File Name:</b>	<b>Comments:</b>
------------------	-------------------	------------------



# Request for sidewalk variance

42 Shepard Street,  
Nashville TN 37210

Background: 42 Shepard Street is a corner lot. Currently, Metro is requiring that I pay into the in-lieu-of-fee for both the front and side of the property. This amounts to approx 153 feet of sidewalk.

The front sidewalk is old and crumbling and will be replaced with the new code-compliant sidewalk by the owner during construction of a single family residence anyway.

The sidewalk along Thomas Street was built by Metro in 2017. I have requests through Public Works to determine the exact date. The sidewalk ordinance BL2016-493 was introduced on April 18, 2017, amending Title 17 pertaining to sidewalks, and that the ordinance took effect July 1st, 2017. The google street view below shows that these sidewalks were not built until after the picture was taken in June 2017. Public Works should have waited to build the sidewalks on Thomas St until after the ordinance was changed. I should not be responsible for the fact that they were not built to code to begin with.

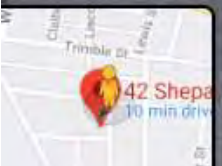
Request to BZA: I respectfully request to build the sidewalks in the front of the house and not pay into the in-lieu-of-fee for either the front or side of the house.



36 N Hill St  
Nashville, Tennessee

Street View - Jun 2017

This image from google streetview shows that the sidewalk was not installed as of June 2017







**IMPERVIOUS AREA CALCULATIONS**

HOUSE: 1000 SQ.FT ±  
 GARAGE: 360 SQ.FT ±  
 DRIVE: 405 SQ.FT ±  
 LEADWALK: 80 SQ.FT ±  
**TOTAL : 1845 SQ.FT ±**  
 COVERAGE = 57%

**STORMWATER MANAGEMENT**  
**IMPERVIOUS AREA (IA) BREAKDOWN**

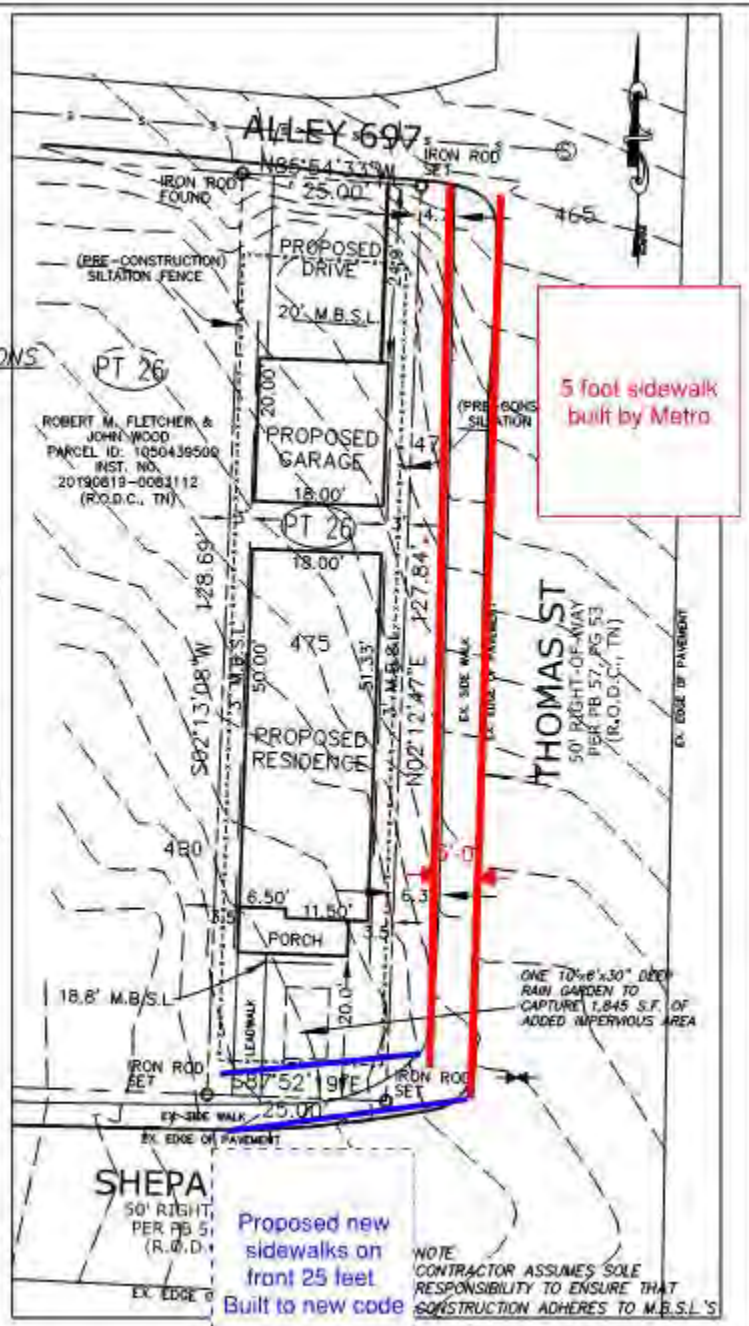
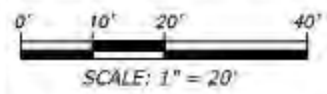
 = EXISTING IA (VACANT LOT)  
 = PROPOSED IA = 1845 SQ.FT ±

\*\*TO BE TREATED WITH A 10'x6'x30" DEEP RAIN GARDEN PER METRO STORMWATER MANUAL

**SETBACKS**

FRONT/STREET: 18.8'  
 SIDE: 3'  
 REAR: 20'

STREET SETBACK TABLE	
ADDRESS	SETBACK
#40 SHEPARD ST.	20.9'
#30 SHEPARD ST.	12.5'
#28 SHEPARD ST.	17.6'
#20 SHEPARD ST.	24.3'
AVERAGE SETBACK = 18.8'	



5 foot sidewalk built by Metro

Proposed new sidewalks on front 25 feet Built to new code

NOTE CONTRACTOR ASSUMES SOLE RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ADHERES TO M.B.S.L.'S





Shepard

Thomas









Thomas

Shepard





Shepard

Thomas





BM Builders



3 Beds, 3.5 Bath  
2595 SF  
\$599,900

 RONNIE LEE BOOTH III  
615-838-4125

 doorbell  
REAL ESTATE  
888-388-DOOR









RL3  
615.



THOMAS ST  
SHEPARD ST

STOP



SHEPARD HILL  
33-37 Shepard Street





## PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

### BZA Case 2020-077 (42 Shepard Street)

Metro Standard:	Shepard Street – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
	Thomas Street – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Community Plan Policy:	T4 NE (Urban Neighborhood Evolving)
Zoning:	R6
MCSP Street Designation:	Shepard Street – Local Street
	Thomas Street – Local Street
Transit:	0.33 miles from #52 – Nolensville Pike; future High Capacity Transit planned per nMotion
Bikeway:	None existing; none planned

### Planning Staff Recommendation: *Disapprove*

**Analysis:** The applicant is proposing to construct a single-family residence and requests not to construct sidewalks or contribute in-lieu of construction due to the presence of existing sidewalks along both property frontages. The subject request is an appeal to a sidewalk waiver request which was denied and completed on January 31, 2020 (**Permit number 20190070455**). Per the Zoning Ordinance, the applicant is eligible to contribute in-lieu of construction. Electing to make the contribution in-lieu of construction supplements Metro’s annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro’s sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

Given the factors above, staff recommends **disapproval as the applicant has the option to contribute in-lieu of construction.**



**From:** [Jon Sewell](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Sledge, Colby \(Council Member\)](#)  
**Subject:** Case #2020-077  
**Date:** Saturday, March 14, 2020 3:55:23 PM

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To whom it may concern:

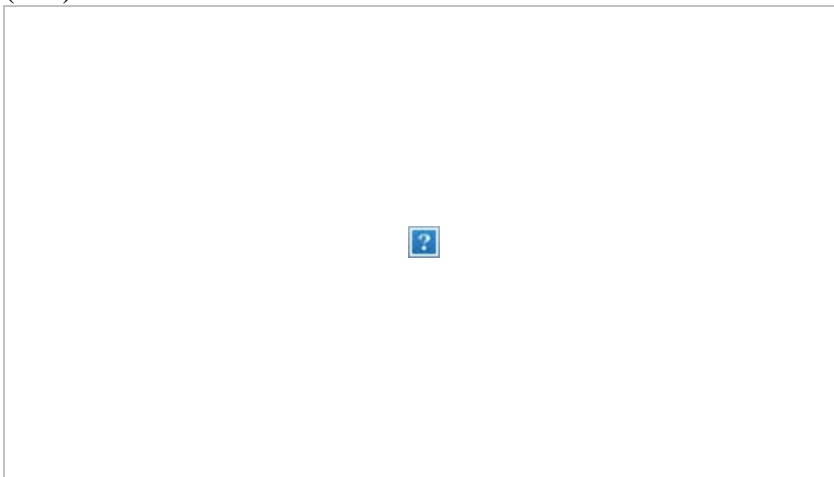
I am writing to ask the board to DENY the request for a variance from the sidewalk requirement.

Sidewalks are an integral part of this neighborhood in particular and frequently used by neighbors- any development should embrace the opportunity to help provide basic amenities.

--

Thank you.

Jon Sewell  
(615) 948 6514





Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Rob Cushman

Date: 7/18/2020

Property Owner: \_\_\_\_\_

Case #: 2020-082

Representative: Rob Cushman

Map & Parcel: 13305005600

Council District 16

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

Purpose:

To construct 3 single family condo units

Activity Type: Multi Family

Location: 421 Veritas St, Nashville

This property is in the 0220/020 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Sidewalk Variance

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection 6 Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Rob Cushman  
Appellant Name (Please Print)

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

639 E Main St, Ste B202  
Address

\_\_\_\_\_  
Address

Hendersonville, TN 37075  
City, State, Zip Code

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

615-559-2212  
Phone Number

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

rob@stratosdevelopment.com  
Email

\_\_\_\_\_  
Email

Appeal Fee: 100



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



APPELLANT

2-18-2020

DATE



# Metropolitan Codes Administration

## CASE SUMMARY

CAZW - 20200004235

**DONE**

Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...

### ADDRESSES

**PROPERTY**

13204001000  
3040 SIDCO DR  
NASHVILLE, TN 37204

### PEOPLE

**Property Owner**

3040 SIDCO DRIVE, LP  
750 E MAIN ST STE 820

STAMFORD, CT 06902

**Appellant**

JAMES NYQUIST

### DATA GROUP

**Permit Information**

**Project Scope**

**\*\*REQUESTING ALTERNATIVE SIDEWALK\*\***

interior reno of existing warehouse and parking deck addition 68,609 sq.ft. providing 712 spaces

POC SEAN FOOTE 615-301-1952

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

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

**Sidewalk Waiver Request**

**Metro Planning Recommendation**

Approve with condition: Construct alternate sidewalk design as specified in submitted site plan.

**Waiver Circumstance**

a. Hardship

### WORKFLOW

Task:	Inspector:	Result:	Due/Scheduled:	Completed
Type of Waiver Requested	DLIFSEY	ALTERNATIV	01/22/20	01/21/20
Metro Planning Recommendation	MSEWELL	INREVIEW	01/27/20	02/10/20
Zoning Administrator Decision	JMICHAEL	APPROVCOND	03/12/20	02/18/20

**Comment:** Approve with condition: Applicant shall construct alternate sidewalk design as specified in the submitted site plan.

### CONDITIONS

Code:	Desc:	Date Applied:	Date Completed:
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## Standards for a Variance

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

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

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

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

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

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

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

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

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



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

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

The Board cannot grant a varlance 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?**

NES Infrastructure and Metro Storm infrastructure  
that is existing makes sidewalks too expensive to  
make the project viable. Requesting to pay in-lieu  
and not construct sidewalks.

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# Metropolitan Codes Administration

## CASE SUMMARY

CAZW - 20190077331

**DONE**

Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code...

### ADDRESSES

**PROPERTY**

13305005600  
421 VERITAS ST  
NASHVILLE, TN 37211

### PEOPLE

**Property Owner**

HURST, BRUCE A OPERATING & IRRE. INVEST. SERV.  
TRUST  
421 VERITAS ST

NASHVILLE, TN 37211

### DATA GROUP

**Permit Information****Project Scope**

SHELL PERMIT ONLY... 3 STORY BUILDING... 2,191 SQFT FOOTPRINT... MULTIFAMIL'  
(3 UNITS) ... UNIT BUILD OUT, USE AND OCCUPANCY TO BE COMPLETED UNDER  
SEPERATE PERMITS...

ROB CUSHMAN  
615-559-2212  
ROB@STRATOSDEVELOPMENT.COM

**Sidewalk Waiver Request****Metro Planning  
Recommendation**

Disapprove: construct to the Local Street standard

**Waiver Circumstance**

a. Hardship

### WORKFLOW

Task:	Inspector:	Result:	Due/Scheduled:	Completed
Type of Waiver Requested	TCORCORAN	INLIEU	12/19/19	12/18/19
Metro Planning Recommendation	MSEWELL	INREVIEW	12/24/19	01/07/20
Zoning Administrator Decision	JMICHAEL	DENIED_ZW	02/07/20	01/15/20
Comment: Disapprove: construct to the Local Street standard.				

### CONDITIONS

Code:	Desc:	Date Applied:	Date Completed:
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**VIOLATIONS**

<b>Violation:</b>	<b>Desc:</b>	<b>Date Issued:</b>	<b>Date Completed:</b>
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**FEEES**

<b>Code:</b>	<b>Desc:</b>	<b>Amount:</b>	<b>Paid:</b>
--------------	--------------	----------------	--------------

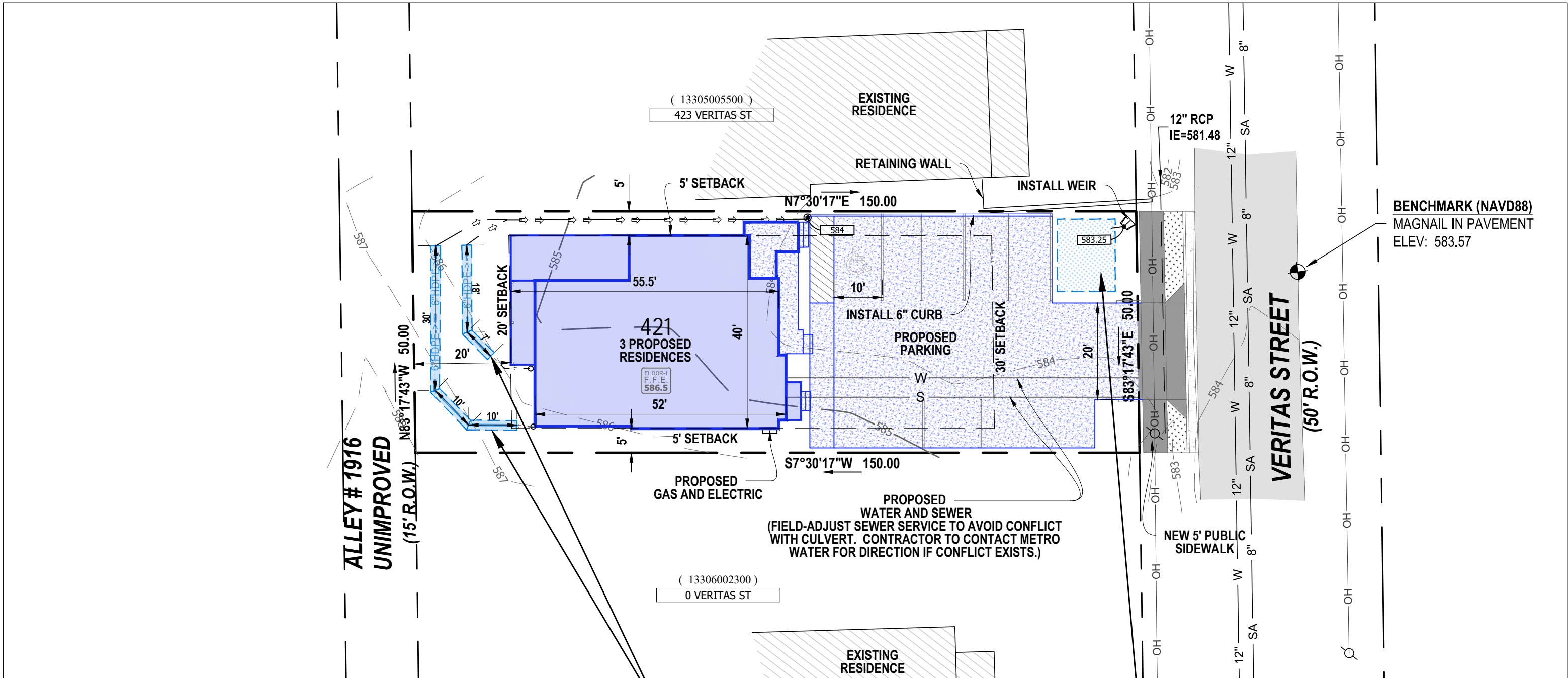
**PAYMENTS**

<b>Tender:</b>	<b>Reference:</b>	<b>Fee Code:</b>	<b>Date:</b>	<b>Paid:</b>
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**REL DOCS**

<b>Location:</b>	<b>File Name:</b>	<b>Comments:</b>
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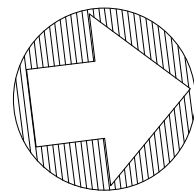




**BENCHMARK (NAVD88)**  
MAGNAIL IN PAVEMENT  
ELEV: 583.57

**INSTALL MODIFIED FRENCH DRAIN SYSTEM**  
(2' x 75' @ 3' LOWER STONE DEPTH)  
DIVERT ALL ROOF DRAINAGE TOWARD MFDs

**INSTALL RAIN GARDEN**  
(180 SF @ 24" AMENDED SOIL DEPTH)  
DRIVEWAY DRAINAGE TO SHEET FLOW TOWARD RAIN GARDEN



GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.



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



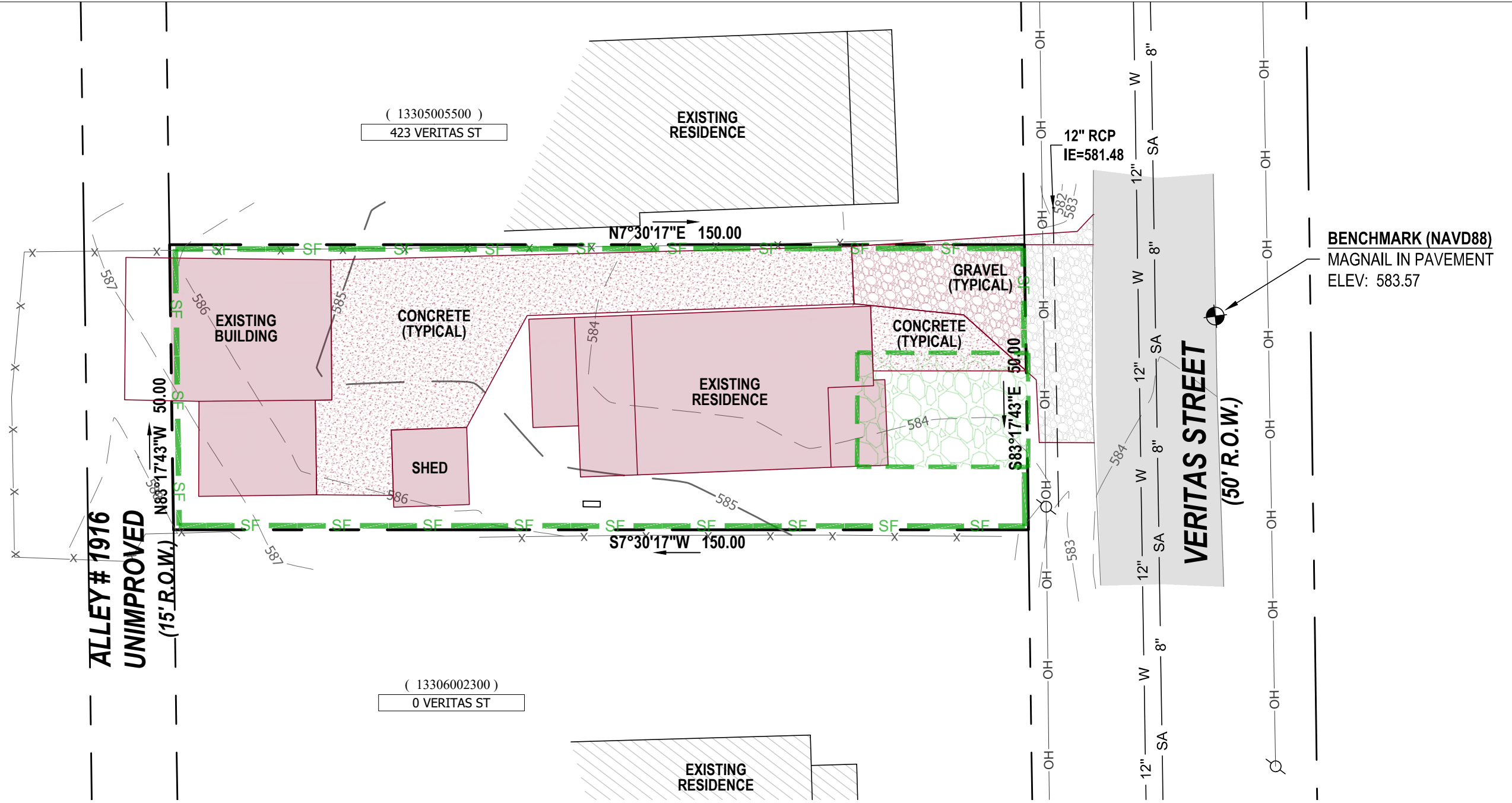
**Site Plan**  
**421 Veritas Street**  
**Nashville, Davidson County, Tennessee**

Drafted By: CM

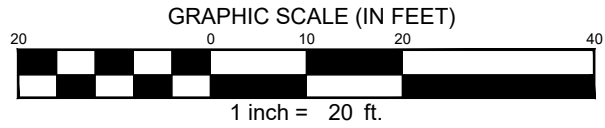
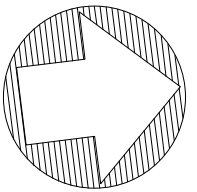
Sheet No.

**V-2.1**





**BENCHMARK (NAVD88)**  
 MAGNAIL IN PAVEMENT  
 ELEV: 583.57



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

**EPSC Plan**  
**421 Veritas Street**  
**Nashville, Davidson County, Tennessee**

Sheet No.  
**V-2.2**



**SITE DATA: PRE-DEVELOPMENT**

Total Site Area 7,499 SF  
**PRE-DEVELOPMENT IMPERVIOUS: 5,178 SF**  
 Buildings 2,859 SF  
 Parking/Drives 2,093 SF  
 Walks/Misc Pads 226 SF

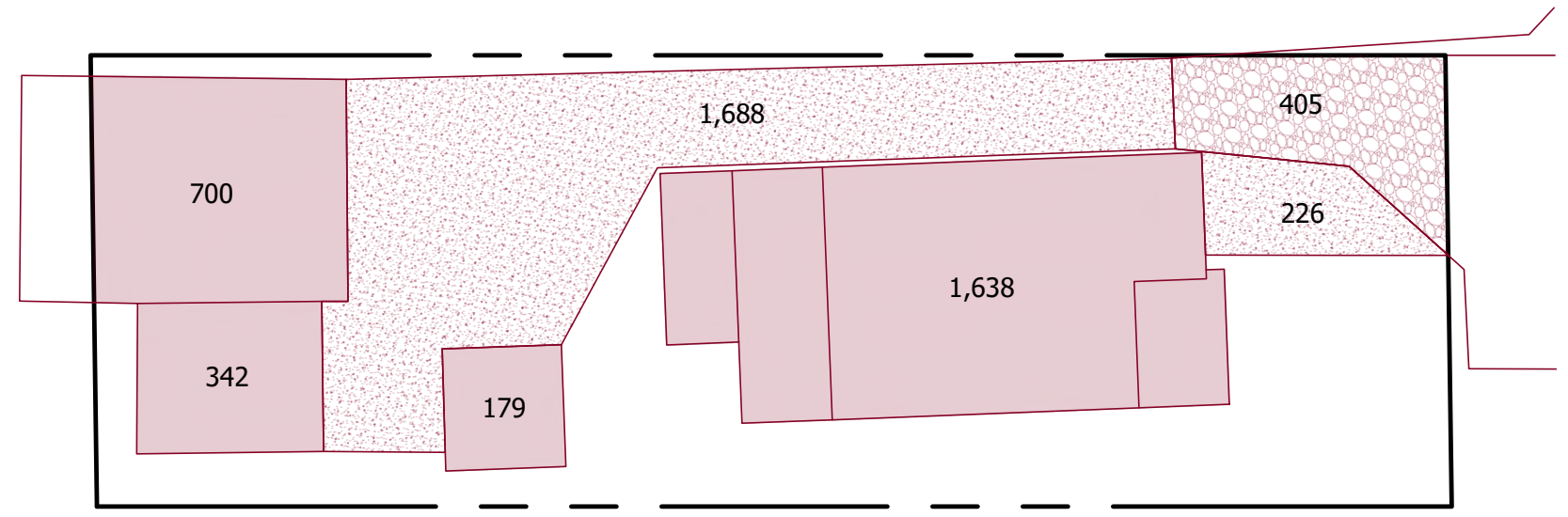
**SITE DATA: POST-DEVELOPMENT**

Total Site Area 7,499 SF  
**POST-DEVELOPMENT IMPERVIOUS: 5,085 SF ( 67.8% )**  
 Buildings 2,134 SF  
 Parking/Drives 2,763 SF  
 Walks/Misc Pads 188 SF

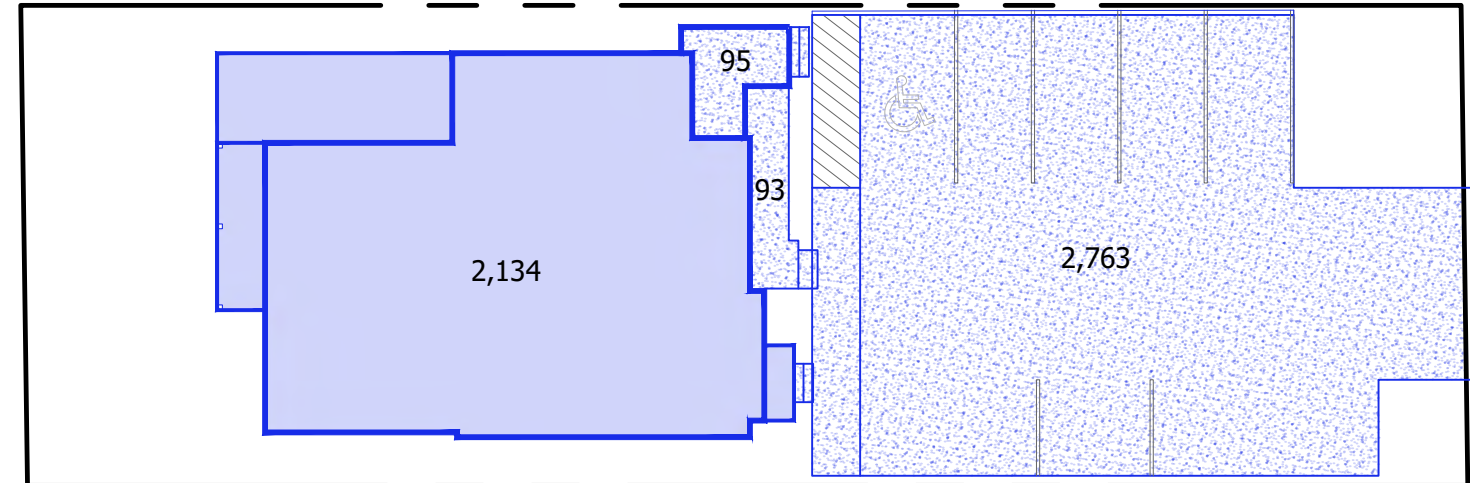
**POST- IMPERVIOUS NET GAIN: 0 SF**

**STORMWATER NET GAIN TREATMENT**

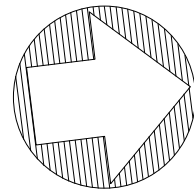
Total Site Area 7,499 SF  
**POST-DEVELOPMENT STORMWATER TREATMENT: 3,041 SF**  
 RAINGARDEN Required: 180 SF @ 24" Lower Storage Depth  
 MODIFIED FRENCH DRAINS Required: 2' x 75' @ 3' Lower Stone Depth



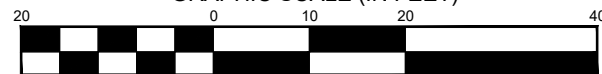
**PRE-DEVELOPMENT**



**POST-DEVELOPMENT**



GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.

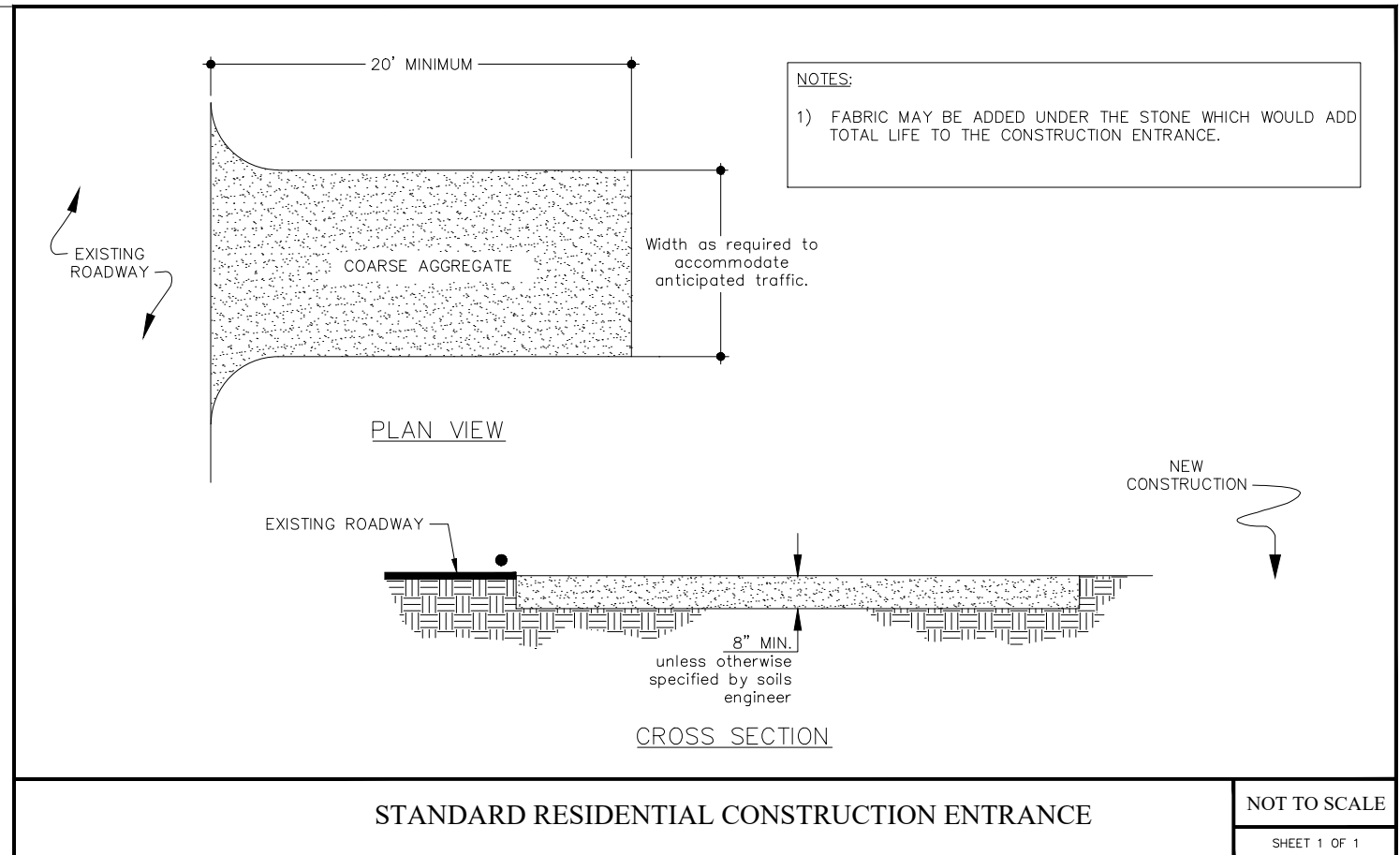
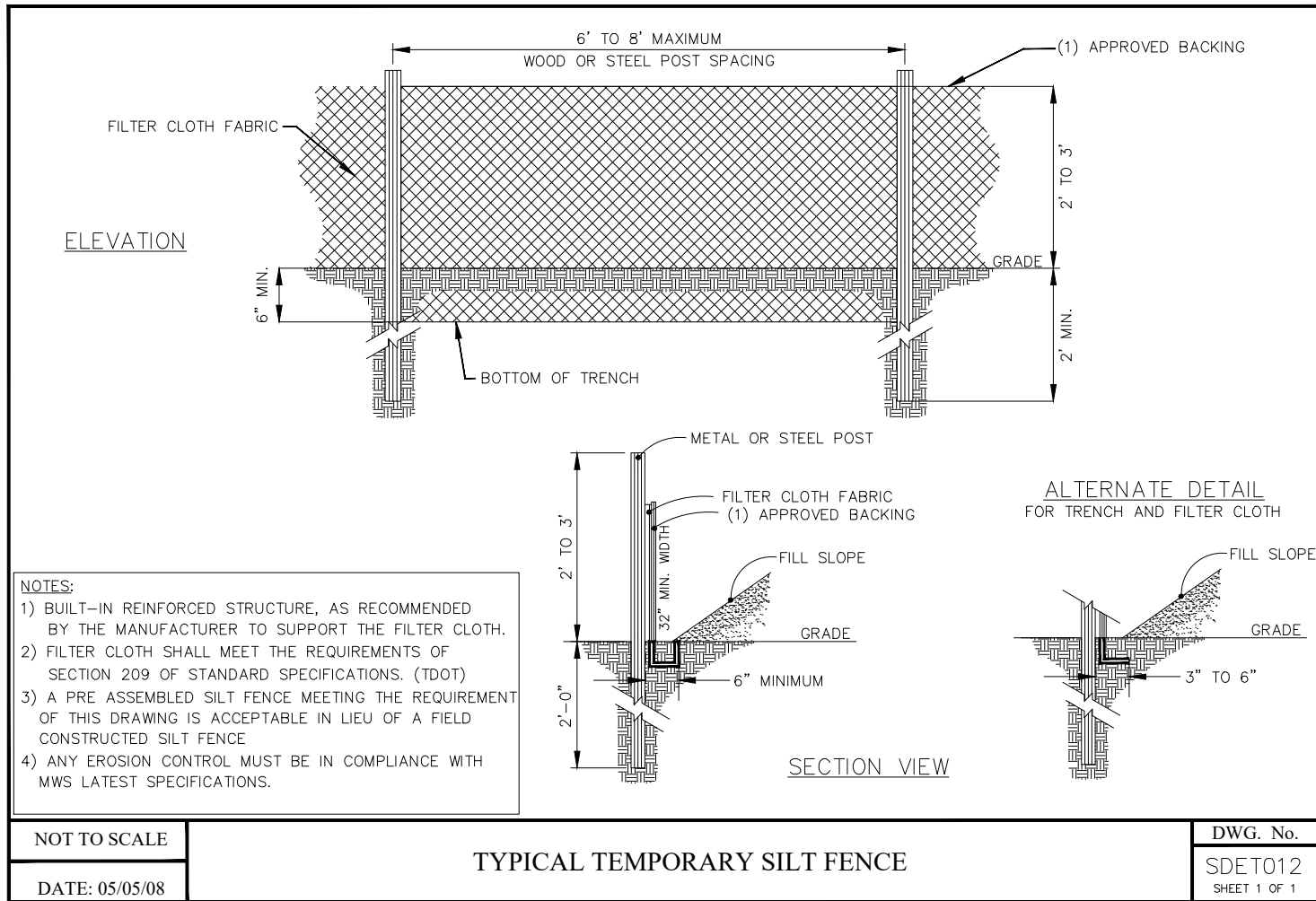
**CLINT ELLIOTT SURVEY**  
 1711 Hayes Street  
 Nashville, TN 37203  
 clintelliottsvey.com  
 (615) 490-3236



**Impervious Areas**  
 421 Veritas Street  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.3**





**SITE GRADING & EROSION CONTROL NOTES**

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



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

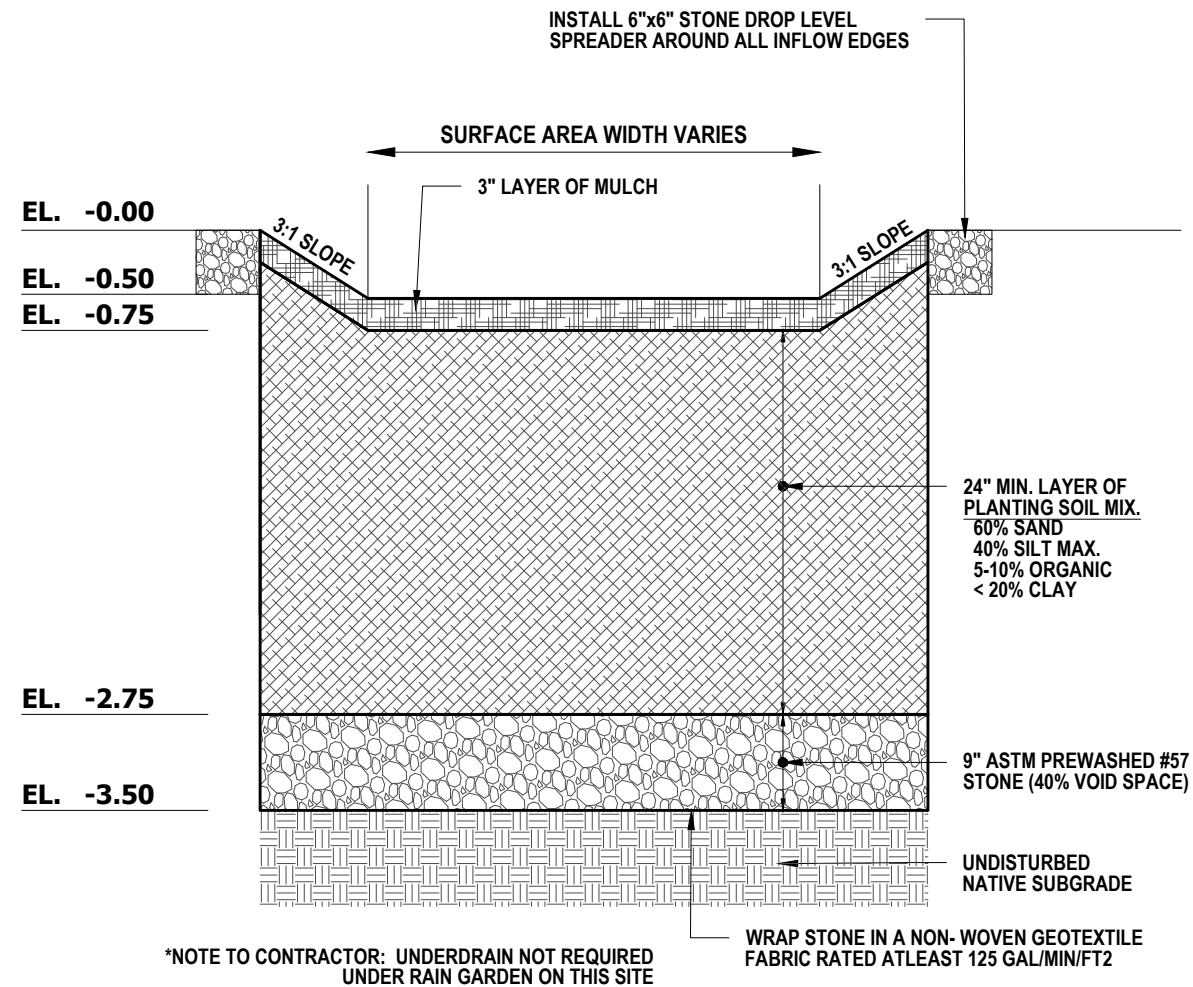


**CLINT ELLIOTT SURVEY**  
1711 Hayes Street  
Nashville, TN 37203  
clintelliottsvey.com  
(615) 490-3236

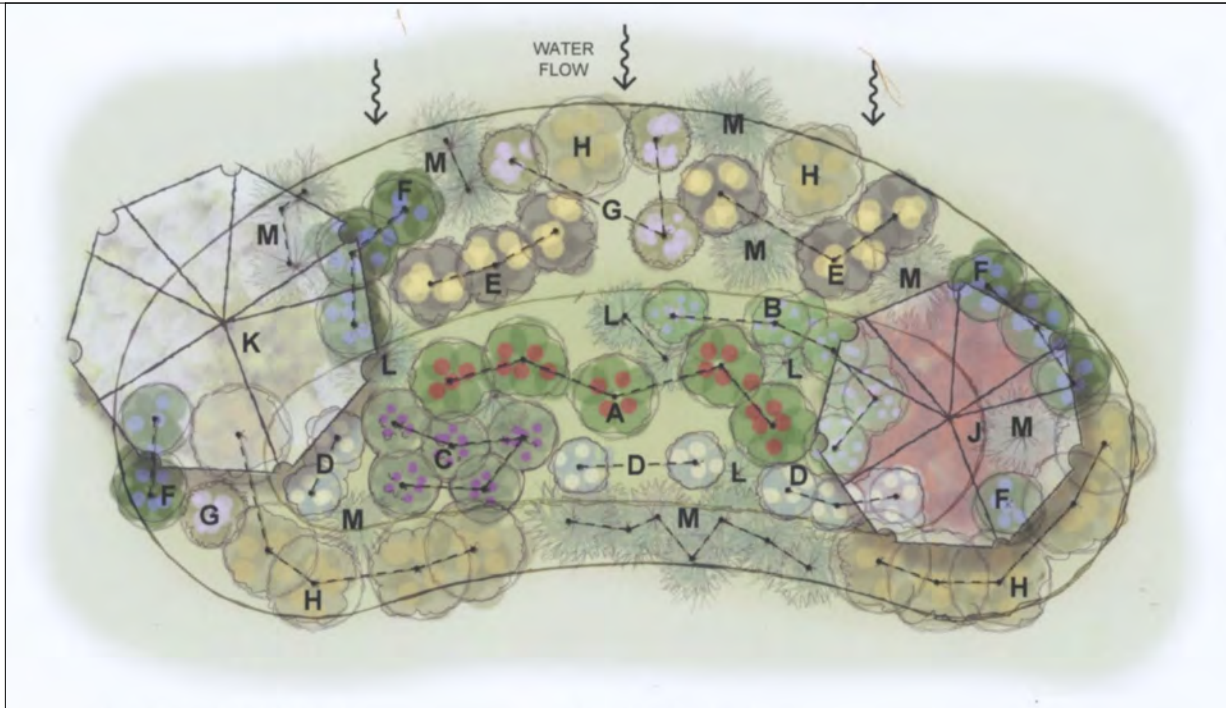
**Site Details**  
421 Veritas Street  
Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.4**



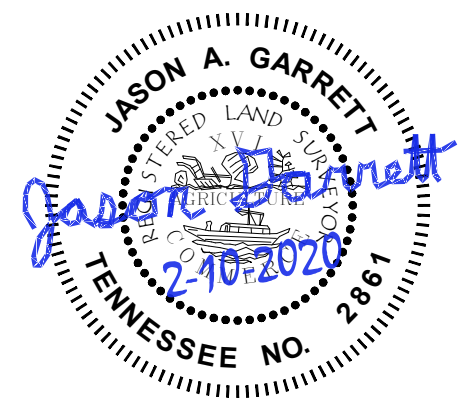


RAIN GARDEN CROSS SECTION



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

RAIN GARDEN TYPICAL PLANTING SCHEDULE



CLINT ELLIOTT SURVEY

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

**Stormwater Details**  
421 Veritas Street  
Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.5**



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

RAIN GARDEN

SIZING CALCULATION:

Contributing Drainage Area (square feet)	Depth of Amended Soil (inches)			
	18	24	30	36
	Area of Ran Garden (square feet)			
100	6.6	5.7	5.1	4.6
500	35	30	25	23
1000	65	60	50	45
2000	135	115	100	90
3000	200	170	150	140
4000	260	230	200	185
5000	330	290	255	230

MAINTENANCE:

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

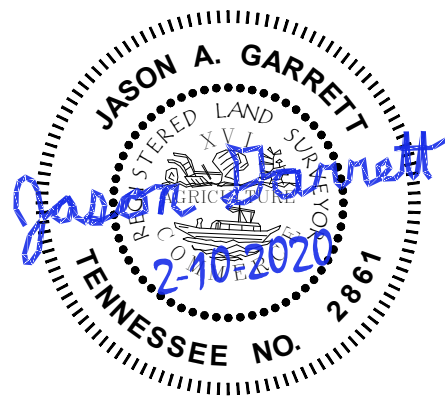
MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 2,792 SQ FT  
 DEPTH OF SOIL MEDIA= 24 INCHES  
 AREA OF RAIN GARDEN= 167.5 SQ FT

METRO NASHVILLE  
 DEPARTMENT OF  
 WATER SERVICES

ATTACHED THIS TWO-PAGE  
 SPECIFICATION TO HOUSE  
 PLAN SUBMITTAL

RAIN GARDEN  
 SPECIFICATIONS  
 PAGE 2 OF 2



# Stormwater Details

421 Veritas Street  
 Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.6**



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

### Modified French Drain

**SIZING CALCULATION:**

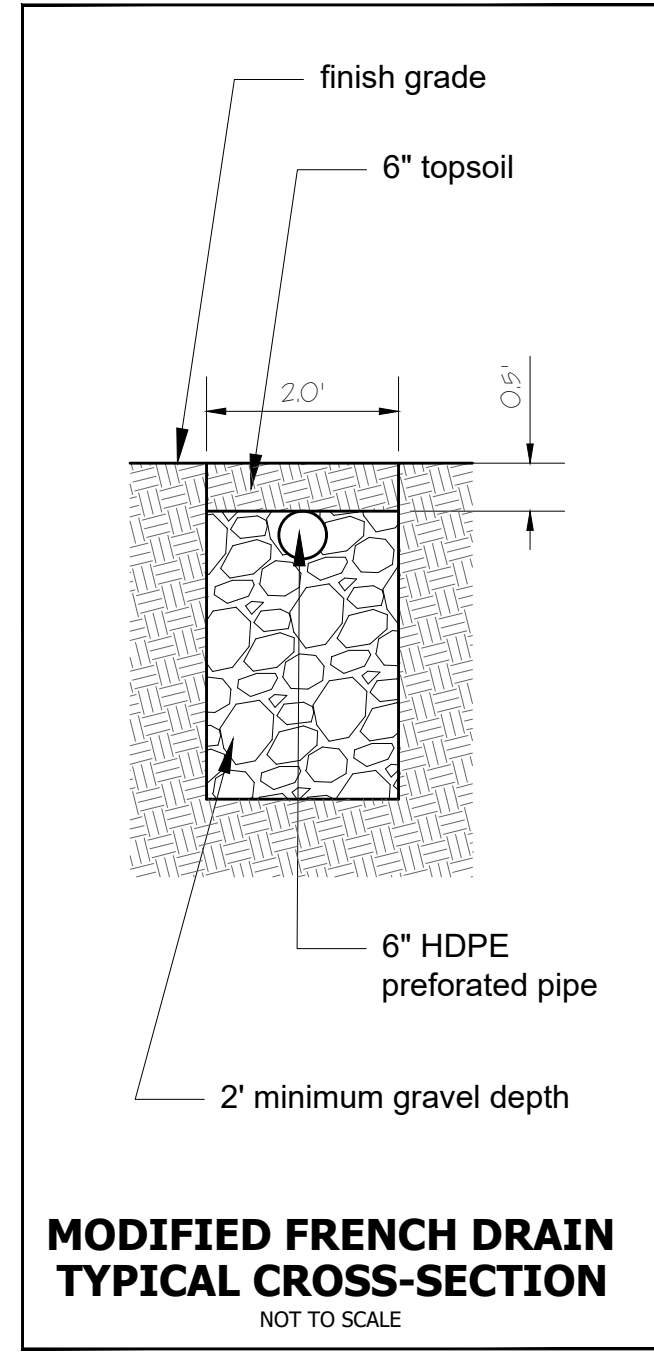
Rooftop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
	Required Linear Feet of MFD =			
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

**MAINTENANCE:**

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

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

CONTRIBUTING DRAINAGE AREA= 2,115 SQ FT  
 DEPTH OF STONE MEDIA= 36 INCHES  
 WIDTH OF TRENCH= 24 INCHES  
 LENGTH OF MFD= 74 FT



**MODIFIED FRENCH DRAIN  
 TYPICAL CROSS-SECTION**  
 NOT TO SCALE

METRO NASHVILLE  
 DEPARTMENT OF  
 WATER SERVICES

ATTACHED THIS TWO-PAGE  
 SPECIFICATION TO HOUSE  
 PLAN SUBMITTAL

MODIFIED FRENCH DRAIN  
 SPECIFICATIONS  
 PAGE 2 OF 2







METRO

CAMRY

How's My  
Call















# PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

## BZA Case 2020-082 (421 Veritas Street)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street Standard
Requested Variance:	Not construct sidewalks or contribute in-lieu of construction (not eligible)
Zoning:	OR20
Community Plan Policy:	T4 NM TR (Urban Transition)
MCSP Street Designation:	Local Street
Transit:	0.16 miles west of #52 – Nolensville Pike; Light Rail planned per nMotion
Bikeway:	None existing; none planned

### Planning Staff Recommendation: *Disapprove.*

**Analysis:** The applicant is proposing to construct a three-story multifamily building and requests not to construct sidewalks due to an existing drainage ditch along the property frontage. There are existing sidewalks on the blockface, making the property ineligible to contribute in lieu. The subject request is an appeal to a sidewalk waiver request which was denied and completed on January 15, 2020 (**Permit number 20190077331**). Planning evaluated the following factors for the variance request:

- (1) No sidewalks currently exist along the property frontage, which is consistent with adjacent properties to the east and west.
- (2) The existing drainage ditch is typical for residential areas, and Metro Water Services sees no reason for it to prohibit sidewalk construction.
- (3) The property is less than a quarter mile from Nolensville Pike, which currently has bus rapid transit, but is planned for future light rail, per nMotion. Pedestrian connectivity in this area is important currently, and will continue to be more important as development happens and transit service expands.

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

1. The applicant shall construct sidewalk per the Local Street standard along Veritas Street.



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : ARON LEVINE PRODUCTIONS, LLC Date: 02/18/20  
 Property Owner: LAMMANN 1128, LLC Case #: 2020- 084  
 Representative: VICTOR O'ROURKE Map & Parcel: 10503007600

Council District 17

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

Purpose: FOR PERMIT TO TEMPORARILY LOCATE 3 STUDIO TRAILERS  
(APPROX. 6 MONTHS) TO REAR OF EXISTING STRUCTURE,  
EACH TRAILER 160 FT, TOTAL 480 FT, LOCATED AS ACCESSORY  
STRUCTURES PER ZA.

Activity Type: MULTI MEDIA PRODUCTION

Location: 1128 3RD AVE S, NASHVILLE, 37210

This property is in the MUN-A 0V-U20 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: PRIMARY STRUCTURE EXCEEDS FAR 0.60 (AT 0.70) APPLICANT SEEM TO INCREASE  
 Section(s): TABLE 17.12.020D, 17.40.660 (MAY APPLY) THE NON CONFORMITY  
TO 0.80

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.

ARON LEVINE PRODUCTIONS, LLC  
Appellant Name (Please Print)

VICTOR O'ROURKE  
Representative Name (Please Print)

4111 W. ALAMEDA AVE SUITE 501  
Address  
BURBANK  
BURBANK CA, 91505  
City, State, Zip Code

120 S. 5TH ST. APT 415  
Address  
NASHVILLE, TN 37206  
City, State, Zip Code

323-810-9200  
Phone Number

615-970-9862  
Phone Number

ARON@ALPWW.COM  
Email

VEOROURKE@GMAIL.COM  
Email

Zoning Examiner: DJJB

Appeal Fee: \$200.00





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



3760867

**ZONING BOARD APPEAL / CAAZ - 20200010673  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 10503007600**APPLICATION DATE:** 02/18/2020**SITE ADDRESS:**

1128 3RD AVE S NASHVILLE, TN 37210  
PT LOT 20 PLAN OF JOHN NELSON ADDN

**PARCEL OWNER:** LAYMAN1128, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Locate 3 studio trailers, 160 sq. ft. each, 480 sq. ft. total, as accessory structures to the rear of the primary structure as a temporary use (approximately 6 months).

*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.**

Aron Levine Productions, LLC  
APPELLANT

2/18/2020  
DATE



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

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

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

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

These are temporary construction trailers being used for a ~~four~~ six to eight month term, for use as temporary extra studio space. These trailers are not being used for any public facing operation and are located inside a fenced and protected back patio.

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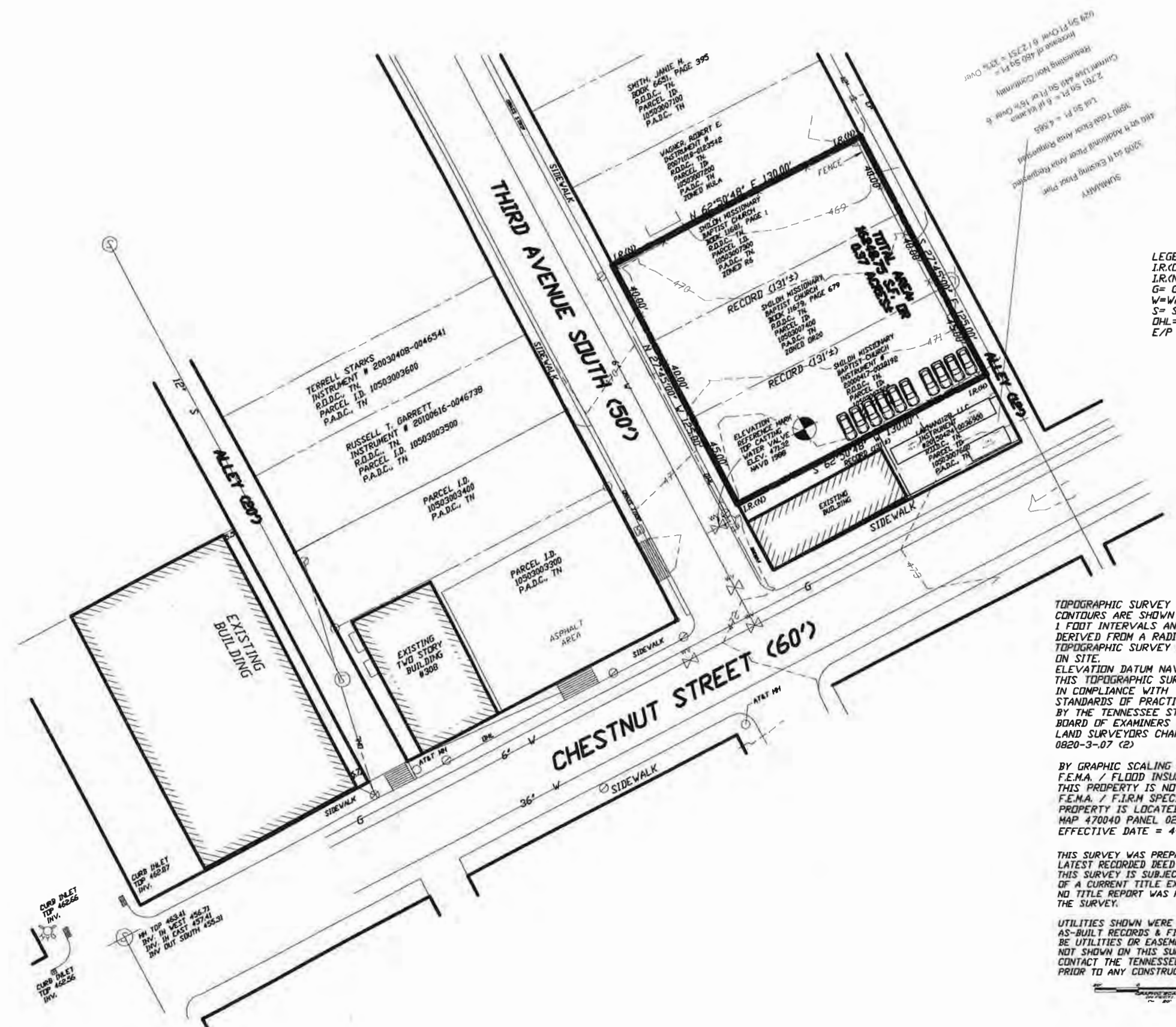
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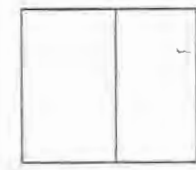
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PREPARED BY:  
 CAMPBELL, McRAE  
 & ASSOCIATES,  
 SURVEYING, INC.  
 2918 BERRY HILL DR.  
 NASHVILLE, TN.,  
 37204  
 PH. 615-298-2424  
 FAX 615-297-2828  
 EMAIL cmas@att.net

LEGEND  
 I.R.(D)=IRON ROD (OLD)  
 I.R.(N)=IRON ROD (NEW)  
 G= GAS LINE  
 W=WATER LINE (RECORD)  
 S= SEWER LINE (RECORD)  
 DHL=OVERHEAD LINES  
 E/P =EDGE PAVEMENT



I HEREBY CERTIFY THAT THIS IS  
 A CATEGORY 1 SURVEY WITH THE  
 RATIO OF PRECISION OF THE  
 UNADJUSTED SURVEY BEING 1:10,000.  
 THIS SURVEY WAS DONE IN  
 COMPLIANCE WITH THE CURRENT  
 STANDARDS OF PRACTICE ADOPTED  
 BY THE TENNESSEE STATE BOARD OF  
 EXAMINERS FOR LAND SURVEYORS.  
 JOHN ALAN MOOD  
 TN R.L.S.#1838

BOUNDARY 7 TOPOGRAPHIC  
 SURVEY OF  
 PART OF LOT 19 AND PART  
 OF LOT 20 ON THE  
 MAP OF JOHN NELSON'S  
 ADDITION TO NASHVILLE  
 PLAN BOOK 2, PAGE 182  
 R.D.D.C., TN.

PROPERTY LOCATED  
 IN THE 17TH  
 COUNCIL DISTRICT  
 OF NASHVILLE,  
 DAVIDSON COUNTY  
 TENNESSEE  
 ON THE EASTERLY MARGIN  
 OF THIRD AVENUE SOUTH  
 NORTH OF  
 CHESTNUT STREET

PROPERTY ADDRESS:  
 1122 3RD AVENUE SOUTH,  
 NASHVILLE, TN. 37210

DEED REFERENCE:  
 BOOK 11681, PAGE 1  
 BOOK 11679, PAGE 659  
 BOOK 11681, PAGE 121  
 R.D.D.C., TN.

PARCEL I.D.  
 10503007300  
 10503007400  
 10503007500  
 P.A.D.C., TN.

DATE OF SURVEY  
 6-10-16  
 SCALE : 1"=20'

TOPOGRAPHIC SURVEY NOTES  
 CONTOURS ARE SHOWN AT  
 1 FOOT INTERVALS AND WERE  
 DERIVED FROM A RADIAL  
 TOPOGRAPHIC SURVEY PERFORMED  
 ON SITE.  
 ELEVATION DATUM NAVD 1988  
 THIS TOPOGRAPHIC SURVEY WAS DONE  
 IN COMPLIANCE WITH THE CURRENT  
 STANDARDS OF PRACTICE ADOPTED  
 BY THE TENNESSEE STATE  
 BOARD OF EXAMINERS FOR  
 LAND SURVEYORS CHAPTER  
 0820-3-07 (2)

BY GRAPHIC SCALING FROM THE LATEST  
 F.E.M.A. / FLOOD INSURANCE RATE MAP  
 THIS PROPERTY IS NOT LOCATED IN A  
 F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA  
 PROPERTY IS LOCATED IN ZONE "X" UNSHADED  
 MAP 470040 PANEL 0219 F  
 EFFECTIVE DATE = 4-20-01

THIS SURVEY WAS PREPARED FROM THE  
 LATEST RECORDED DEED DESCRIPTION.  
 THIS SURVEY IS SUBJECT TO THE FINDINGS  
 OF A CURRENT TITLE EXAMINATION.  
 NO TITLE REPORT WAS FURNISHED PRIOR TO  
 THE SURVEY.

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

1 temporary trailer plan @ Layman  
 Scale: 1:800





A two-story brick building with a green-painted ground floor. The second floor features three tall, narrow, multi-paned windows. The ground floor has a large display window and a central entrance door, both framed in green. The base of the ground floor is decorated with a black and white checkered pattern. A green sign with a logo is mounted on the corner of the building.

A green sign with a white logo featuring a stylized figure or character, possibly a mascot, with the text "KUMON" and "KID CO." below it.

A tall utility pole with a street light at the top and several power lines extending across the scene.

A red fire hydrant located on the sidewalk in front of the building.

A grassy area to the left of the building, partially enclosed by a chain-link fence. A yellow pole is leaning against the fence.

A green directional sign with white text that reads "2nd Ave S Airport" and an arrow pointing left.

A white speed limit sign with black text that reads "SPEED LIMIT 15".

A modern, multi-story building with a mix of brick and wood siding, located on the street to the right of the main building.





**PLANNING APPEAL HEARING**  
20-084 Date 04/02/2020 5:00 P.M.  
variance from area ratio restrictions  
at an Item D appeal  
Room, 700 2<sup>nd</sup> Avenue South  
ville.gov/323/Calendar









**FORK'S**  
DRUM CLOSET

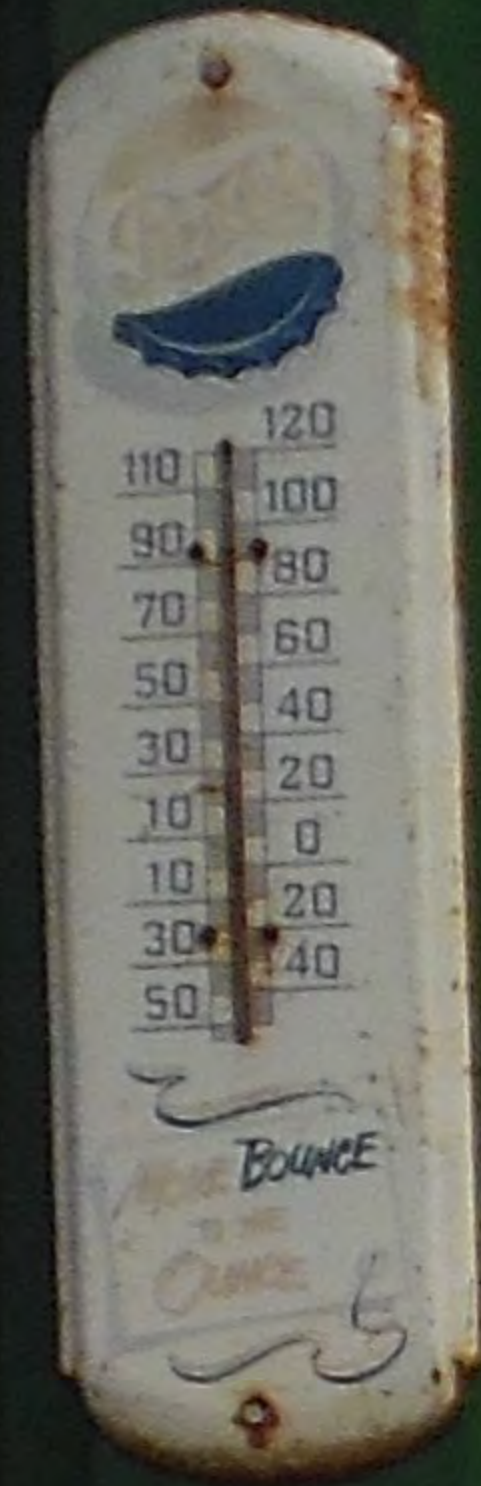
3RD AVE S

STOP

SPEED LIMIT  
30

METRO





2nd Ave S  
Airport  
To  
40  
←

JOHNSON









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



3760916

**ZONING BOARD APPEAL / CAAZ - 20200010705  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08107038800**APPLICATION DATE:** 02/18/2020**SITE ADDRESS:**

1903 CEPHAS ST NASHVILLE, TN 37208  
LOT 38 CEPHAS WOODARD SUB

**PARCEL OWNER:** PENDLETON, CORA**CONTRACTOR:****APPLICANT:****PURPOSE:**

Applicant seeks to construct a second dwelling on the parcel. The parcel does not contain the requisite square footage. Approximately 240 sq. ft. deficient. Zoned R6, UZO.

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

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

Inspection requirements may change due to changes during construction.



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

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

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

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

We are seeking a variance for 1903 Cephas Street. The normal variance falls around 10% and we are seeking for only 4%. The property is not irregularly shaped, nor is it narrow, but it is shallow by 240 sqft. We would like to be granted the variance as we are trying to maximize on space and density of the city. We look forward to bettering the ~~Urban~~ Bushman Art district, and know that others in the area feel the same way.

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## APPLICATION FOR A VARIANCE REQUEST

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


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

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

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

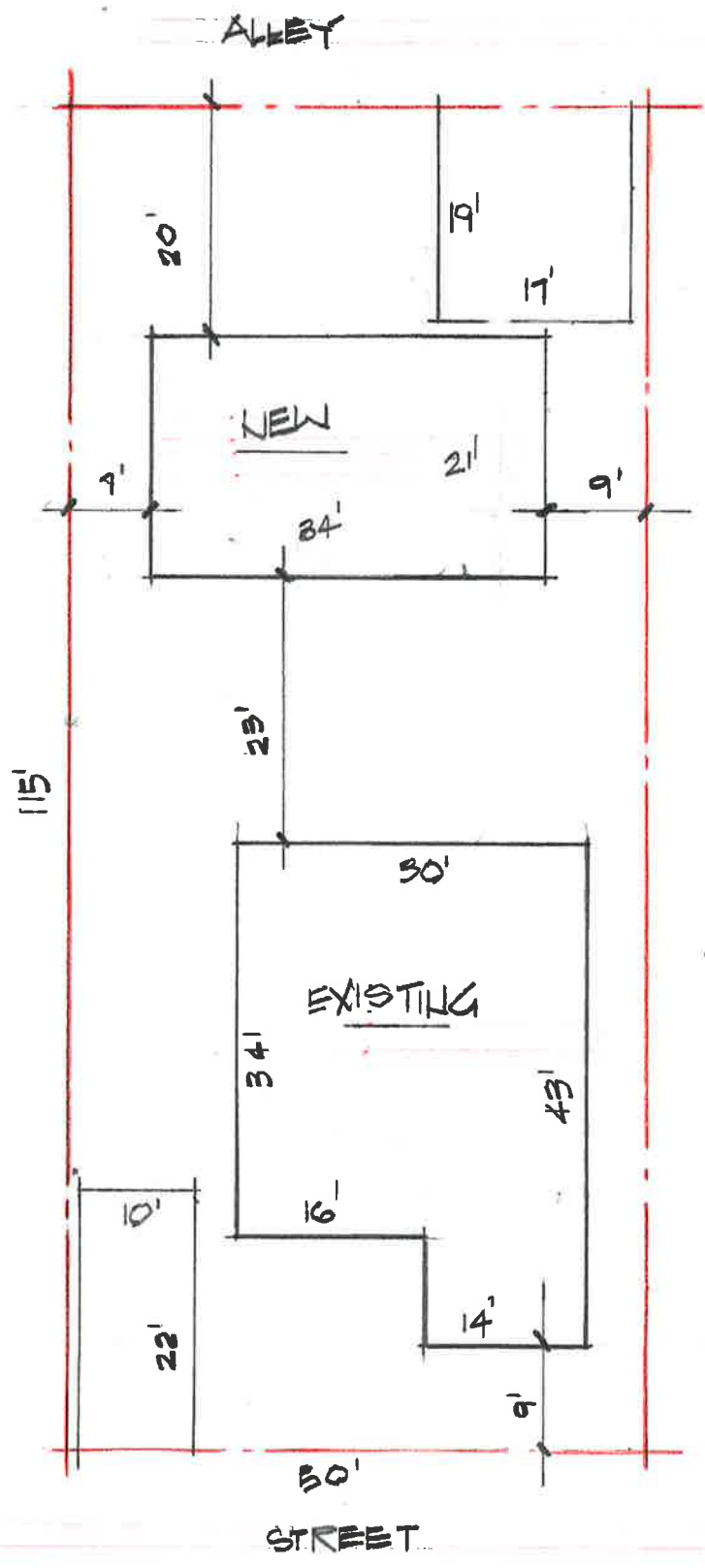
**Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

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

  
APPELLANT

  
DATE



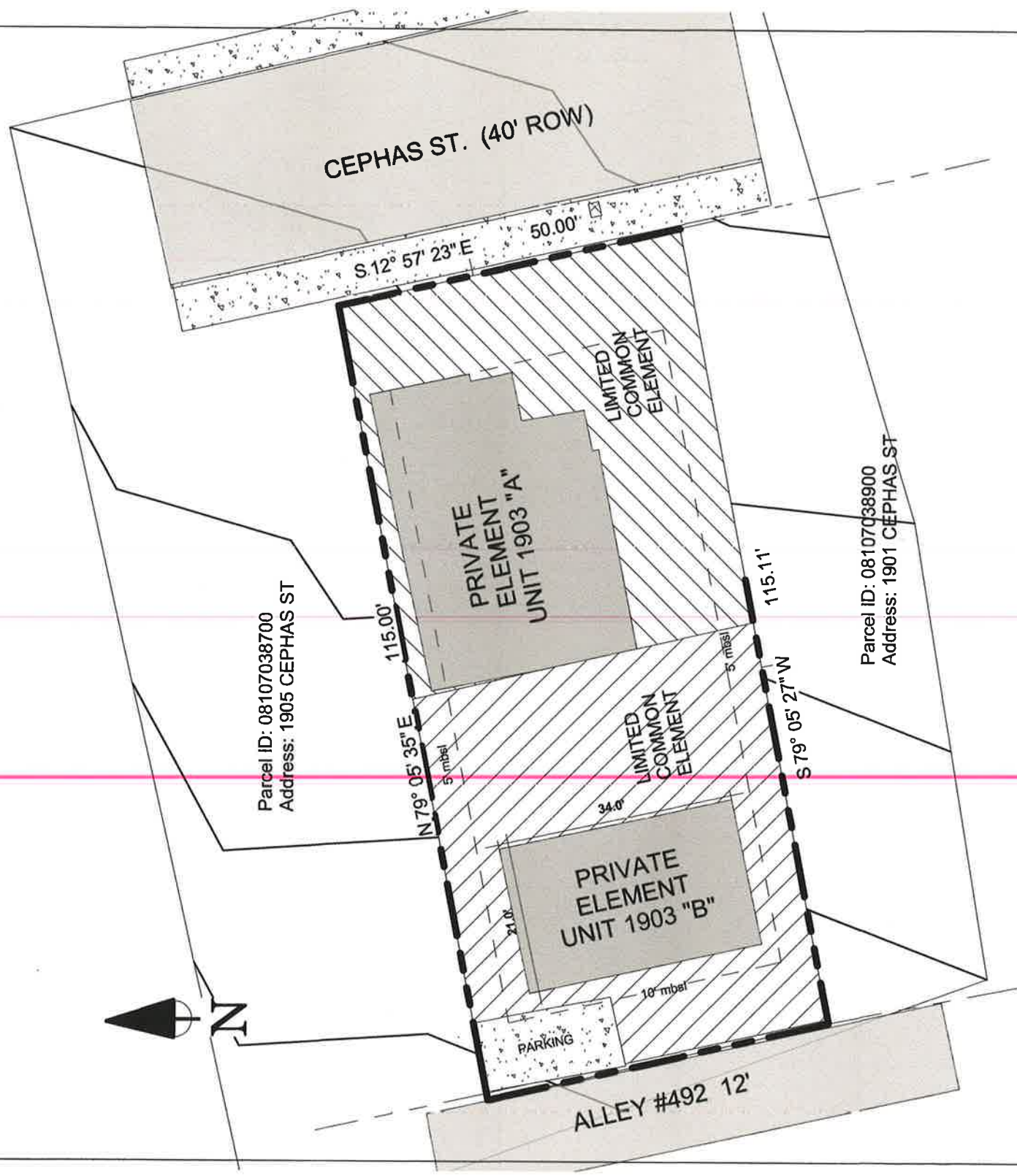


SITE PLAN  
SCALE 1/16" = 1'-0" 2/18/2010



2020-087

Note: The information shown on this exhibit was derived from field measurement made and the latest deed(s) and/or plat(s) of record and is subject to any findings of an accurate title search may disclose. No title work was furnished to the surveyor prior to this exhibit. This exhibit is not intended to represent a general property/boundary line survey.



### 1903 Cephas St

r.l. montoya - Surveying  
 1105 Old Dickerson pk  
 Goodlettsville, TN 37072  
 Phone: 615-347-1210  
 Email: rocky.surveyor@gmail.com

### EXHIBIT "B"

1 Exhibit B  
 1" = 20'-0"

Project Number	
Date	Issue Date
Drawn by D. Johnson	Author
Checked by <i>RM</i>	Checker
Scale 1" = 20'-0"	



**General Notes:**

1. Bearing Basis: Magnetic observation dated 5/01/19
2. Map reference: Being parcel 388 as shown on Davidson County Property Map 081, R.O.D.C., Tn.
3. Plat Reference: The Map of the Cephas Woodard Subd. of record in Plat Book 161, Page 174 R.O.D.C., Tn.
4. Deed Reference: Instrument No. 20001215-0123284
5. Address: 1903 Cephas St Nashville, TN 37208
6. Area: Lot contains 5,749 sq. ft. or .13 acres.
7. No title report was furnished to the surveyor
8. Utilities: Existing visible utilities were field located as a part of the survey, other utilities, above and/or below ground may exist of which the survey is unaware. Call before you dig
9. Datum Basis: Metro GIS Information
10. Property Zoned R6

**Stormwater:**

All work to be done in accordance with Metro regulation-appendix H regulated Infill guidance.

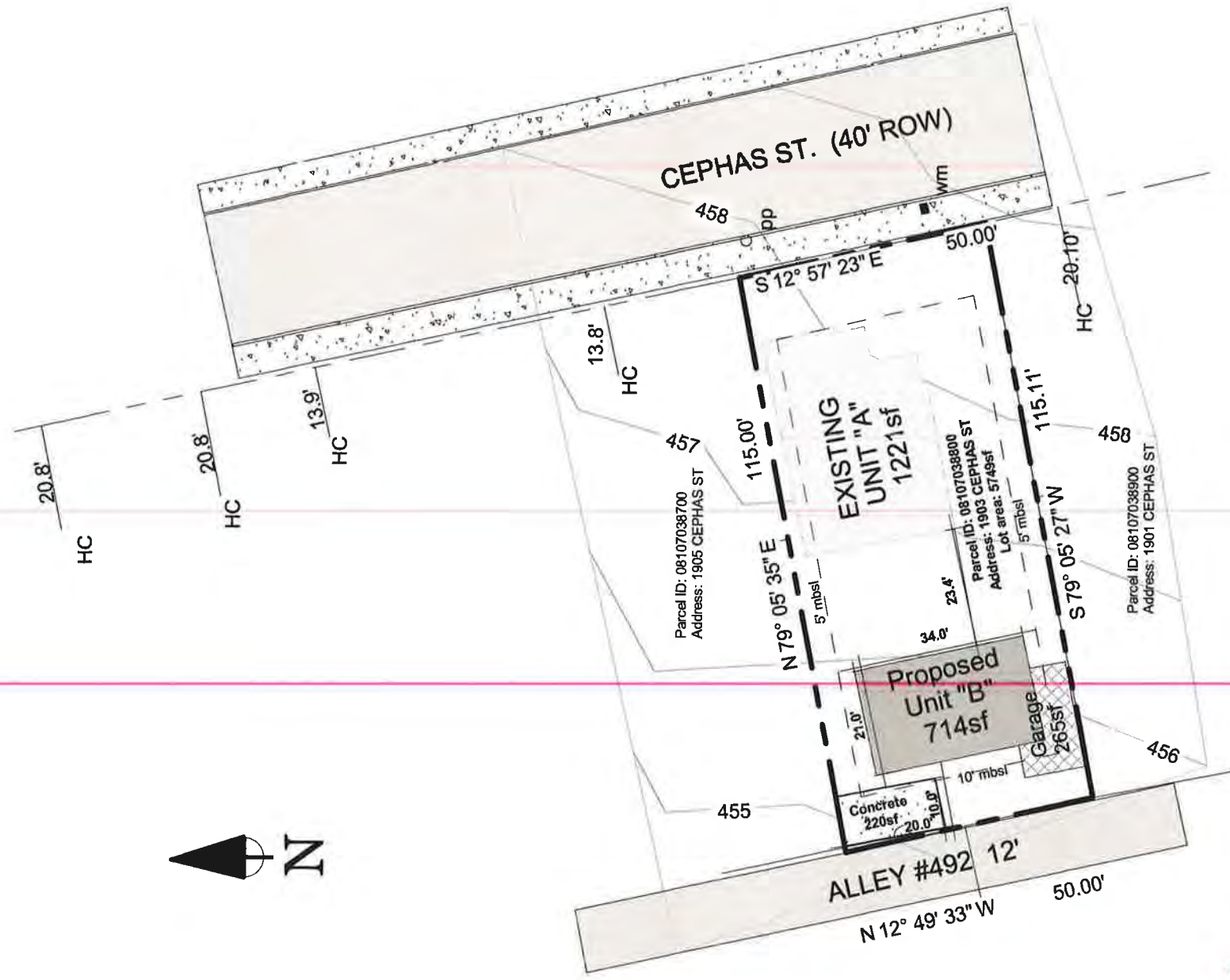
Lot Area 5,749SF

Pre-Impervious 1486 SF

Post Impervious 2420- 265= 2155 (37%)  
Added Unit - 714  
Drive- 220

**Total Net IA- 669sf**

EXEMPT from GICP



1903 Cephas St	Site Plan	1	1" = 30'-0"
	Project Number		
r.l. montoya- Surveying 1105 Old Dickerson pk Goodlettsville, TN 37072 Phone: 615-347-1210 Email: rocky.surveyor@gmail.com		Date	Issue Date
		Drawn by	D. Johnson Author Checker
		Checked by	RJM Scale 1" = 30'-0"



















