

## **METROPOLITAN BOARD OF ZONING APPEALS**

**The 4/16/20 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 15, 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 4/16/20 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.

2020-088 (1311, 1313, & 1315 2<sup>nd</sup> Ave N) – requesting a variance from landscape buffer requirements to construct an addition to a building to be used as an event space.

2020-099 (805 40<sup>th</sup> Ave N) – requesting a variance from front setback requirements to construct a two-family dwelling.

**Previously Heard Case Requiring Board Action**

**Case 2020-082 (421 Veritas St)** - previously heard on 4/2/20. Failed to get four affirmative votes on sidewalk variance.

**New Cases To Be Heard**

**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 5/21/20**

**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 2020-061 (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 5/21/20**



**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- Deferred 5/7/20**

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

**JARED GRAY**, appellant and **JACKSON STREET CHURCH OF CHRIST, TRS.**, owner of the properties located at **1015, 1017, 1021, 1023 14TH AVE N, & 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 Section 17.40.180 C.

Use-Religious Institution

**RESULT -**

Map Parcel 09204002800

Map Parcel 09204002600

Map Parcel 09204002500

Map Parcel 09204011600

Map Parcel 09204006200

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

**PHIPPIP 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 – Withdrawn**

**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. Referred to the Board under Section 17.12.020 A, 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-**

**CASE 2020-088 (Council District - 19)**

**KELSEY BRIGHT**, appellant and **BASKIN, STEFAN**, owner of the properties located at **1311, 1313 & 1315 2ND AVE N**, requesting a variance from landscape buffer requirements in the IR District, to construct an addition to a building to be used as an event space. Referred to the Board under Section 17.24.230. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Event

Map Parcel 08209022400

Map Parcel 08209022600

Map Parcel 08209022500

**Results-**

**CASE 2020-096 (Council District - 19)**

**NATHAN OLIVER**, appellant and **HAYES STREET REALTY, LLC**, owner of the properties located at **1525 CHURCH ST, 112 & 116 16TH AVE N, 1500, 1502, 1504, 1506, 1511, 1512, 1516, 1518, & 1530 BROADWAY, 1500, 1501, 1502, 1508, 1509, 1511, 1512, 1514, 1515, 1516, 1518, 1519, 1520, 1521, & 1523 HAYES ST**, requesting a special exception from height at the setback and within the slope control plane in the CF District, to construct a mixed-use development. 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 Development

Map Parcels 09212036600, 09212044400, 09212044500, 09212044600, 09309002900, 09309003100, 09309003000, 09309002400, 09309002700, 09309002600, 09309002500, 09212044600, 09309002000, 09309002100, 09309001900, 0930901700, 09309002300, 09309002400, 09212043700, 09212043600, 09212043900, 09212043500, 09212043400, 09212043700, 09212043600, 09212043900, 09212043500, 09212043400, 09212044100, 09212043300, 09212044200, 09212044300

**Results-**

**CASE 2020-099 (Council District - 21)**

**JONATHAN KINGHAM**, appellant and owner of the property located at **805 40TH AVE N**, requesting a variance from front setback requirements in the R6A District, to construct a two-family dwelling. Referred to the Board under Section 17.12.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 103040R00200CO

**Results-**

**CASE 2020-100 (Council District - 24)**

**YOUNGERMAN, RYAN & THOMAS, ELLYN**, appellants and owners of the property located at **202 43RD AVE N**, requesting a variance from rear setback requirements in the RS7.5 District, to construct a screened in porch on the rear of a residence. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 103040R00200CO

**Results-**

**CASE 2020-106 (Council District - 24)**

**RON FARRIS**, appellant and **FERRE, STEVE**, owner of the property located at **6 PEACH BLOSSOM SQ**, requesting a variance from rear setback requirements in the R8 District, to construct a rear addition to a single-family residence. Referred to the Board under Section 17.12.020.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10413025000

**Results-**

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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.*

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

Inspection requirements may change due to changes during construction.



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



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 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 the office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

  
APPELLANT

1/7/2020  
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.

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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.*

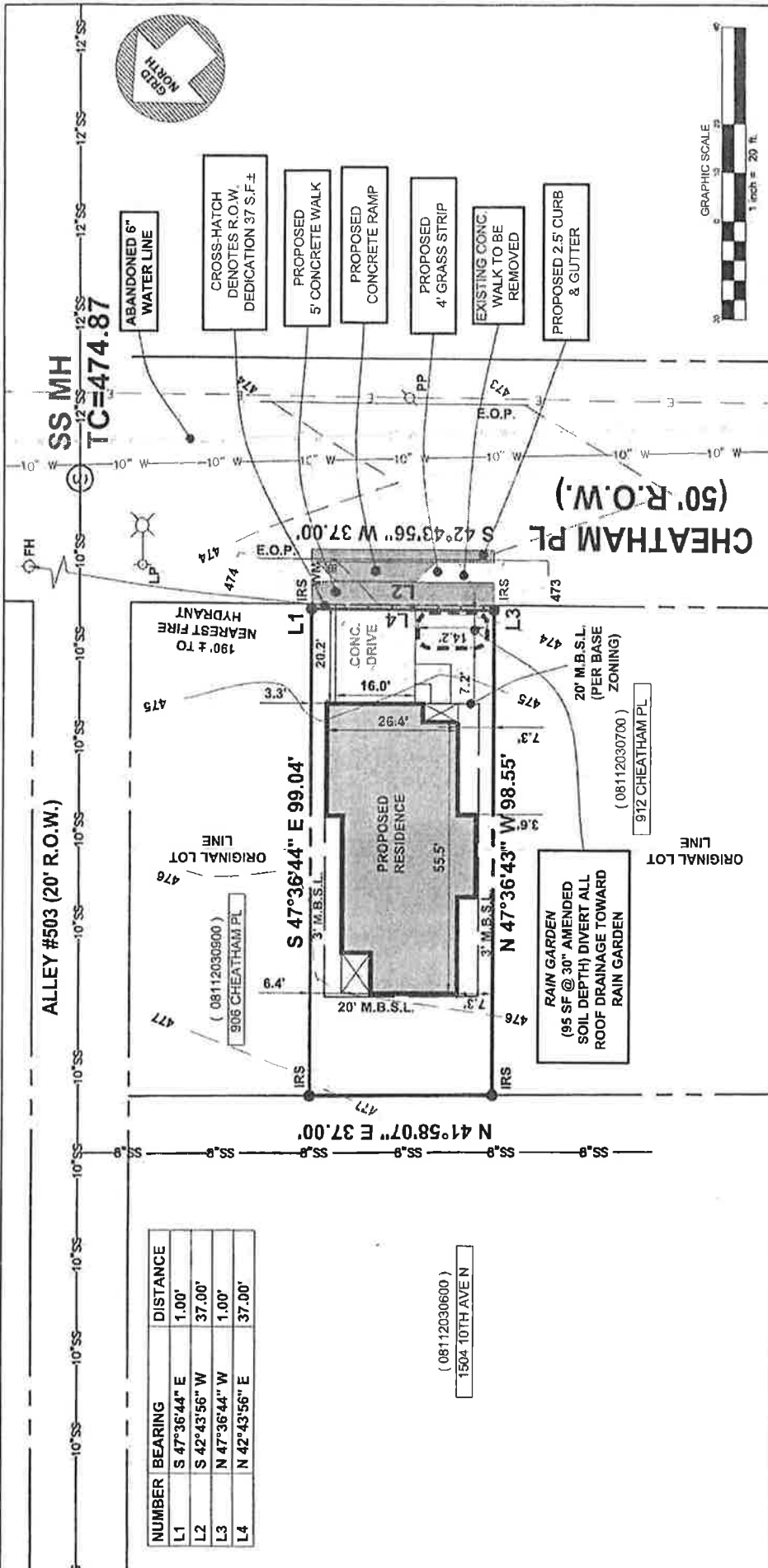
*Financial gain not only bases-Financial gain is not the sole basis for granting the variance.*

*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.*



SHEET NO.  
**S-1.0**

REVISION

**Site Plan**  
**908 Cheatham Place**  
**Nashville - Davidson Co., Tn.**



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

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 AVEN

RAIN GARDEN  
(95 SF @ 30" AMENDED  
SOIL DEPTH) DIVERT ALL  
ROOF DRAINAGE TOWARD  
RAIN GARDEN

( 08112030700 )  
912 CHEATHAM PL

- ABANDONED 6" WATER LINE
- CROSS-HATCH DENOTES R.O.W. DEDICATION 37 S.F. ±
- PROPOSED 5' CONCRETE WALK
- PROPOSED CONCRETE RAMP
- PROPOSED 4' GRASS STRIP
- EXISTING CONC WALK TO BE REMOVED
- PROPOSED 2.5' CURB & GUTTER

**From:** [O'Connell, Freddie \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Jennifer Coffin](#)  
**Subject:** Case 2020-049  
**Date:** Wednesday, April 15, 2020 10:32:54 AM

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Members,

I'd prefer deferral of this item, as I've worked over several years with the Historic Buena Vista neighborhood to preserve sidewalk integrity.

I recognize that this parcel is unusually situated within the block, but I'd recommend more work to incorporate 906 Cheatham PI into a redevelopment plan.

As of today's meeting, I have not heard that the developer has worked with the community to secure a favorable recommendation, so I cannot justifiably offer my own.

Thank you for your service.

--

Freddie O'Connell  
Metro Council, District 19

<http://www.readyforfreddie.com>

<http://www.facebook.com/FreddieForNashville>

<http://twitter.com/freddieoconnell>

615-260-0005

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 RELIGIOUS INSTITUTION USE.

Activity Type: OFF SITE PARKING FOR CHURCH

Location: 1015, 1017, 1021, 1023 14TH AVENUE N. 1, 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.*

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***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.

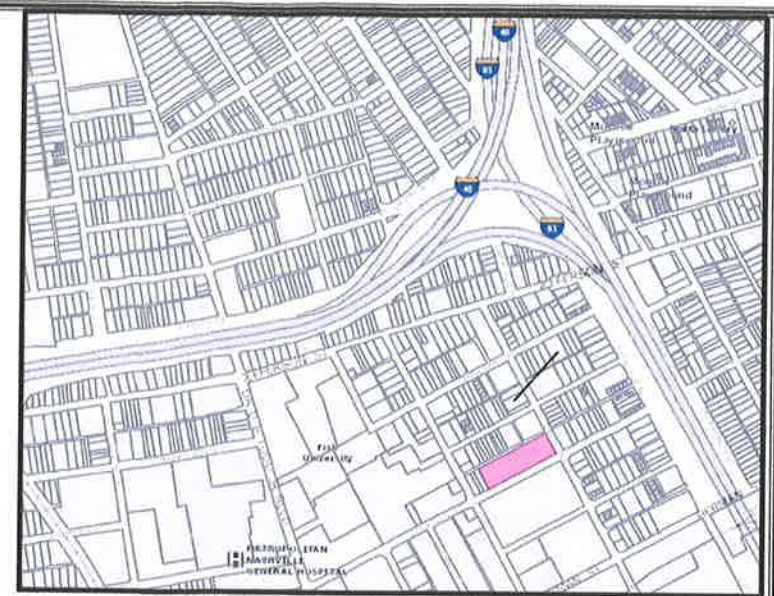
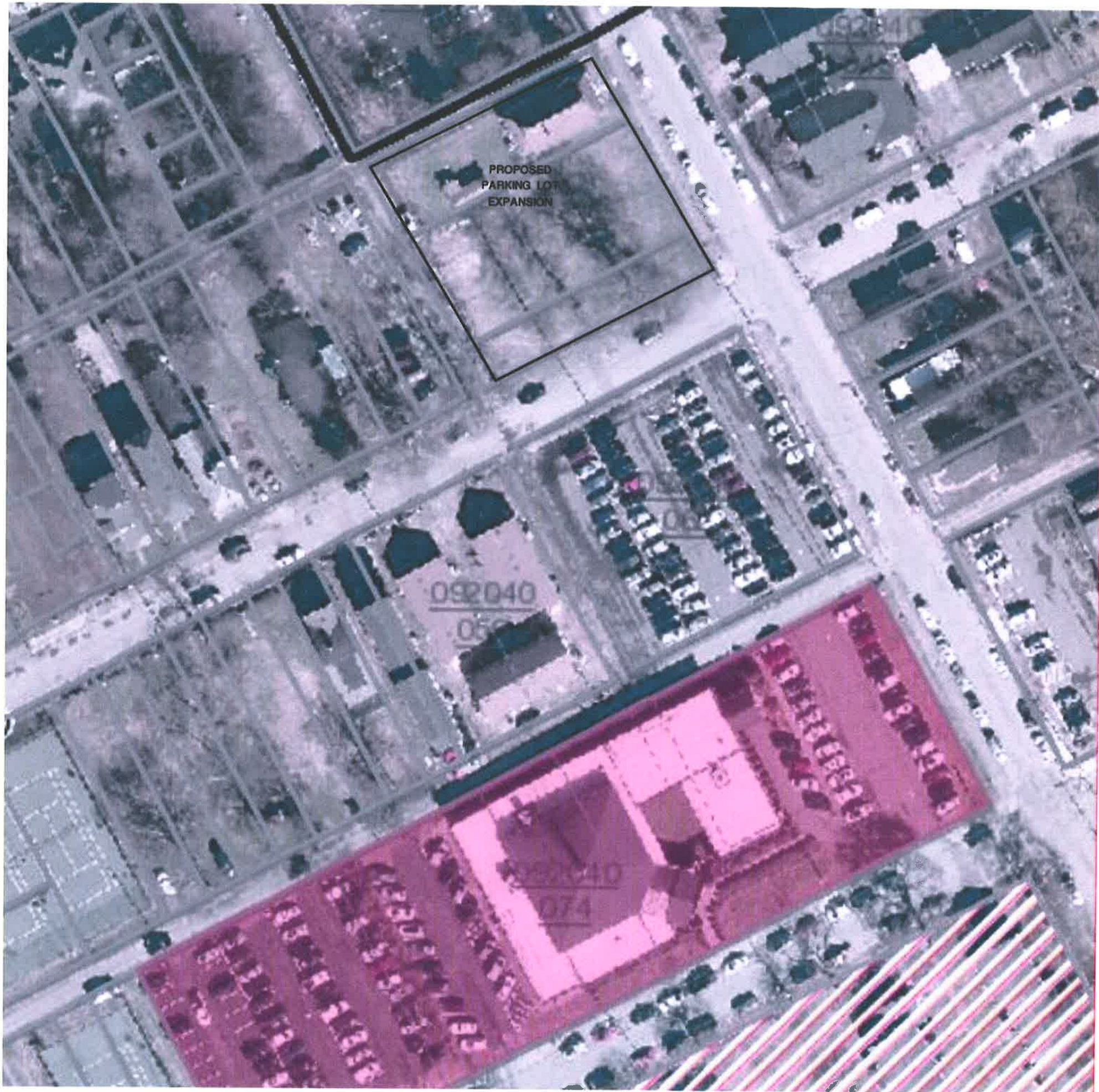
You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

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

  
APPELLANT (OR REPRESENTATIVE)

2-3-2020  
DATE





LOCATION MAP - NTS



CIVIL DESIGN CONSULTANTS, LLC  
 CIVIL ENGINEERS - LAND PLANNERS  
 1915 2007 Ave. #1000  
 Nashville, TN 37217  
 Phone: (615) 211-7700 Fax: (615) 211-7701



**JACKSON STREET CHURCH OF CHRIST**

PARKING LOT EXPANSION PLAN

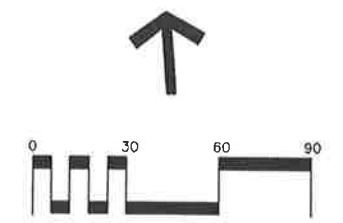
METRO NASHVILLE DAVIDSON COUNTY TENNESSEE

OVERALL LAYOUT, GRADING, AND EROSION CONTROL PLAN

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.	

C1









**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>  
**Sent:** Wednesday, February 5, 2020 8:57 AM  
**To:** Ammarell, Beverly (Public Works) <Beverly.Ammarell@nashville.gov>; Gregory, Christopher (Public Works) <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: 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 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.

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.)


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**

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
<b>Comment:</b> 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**

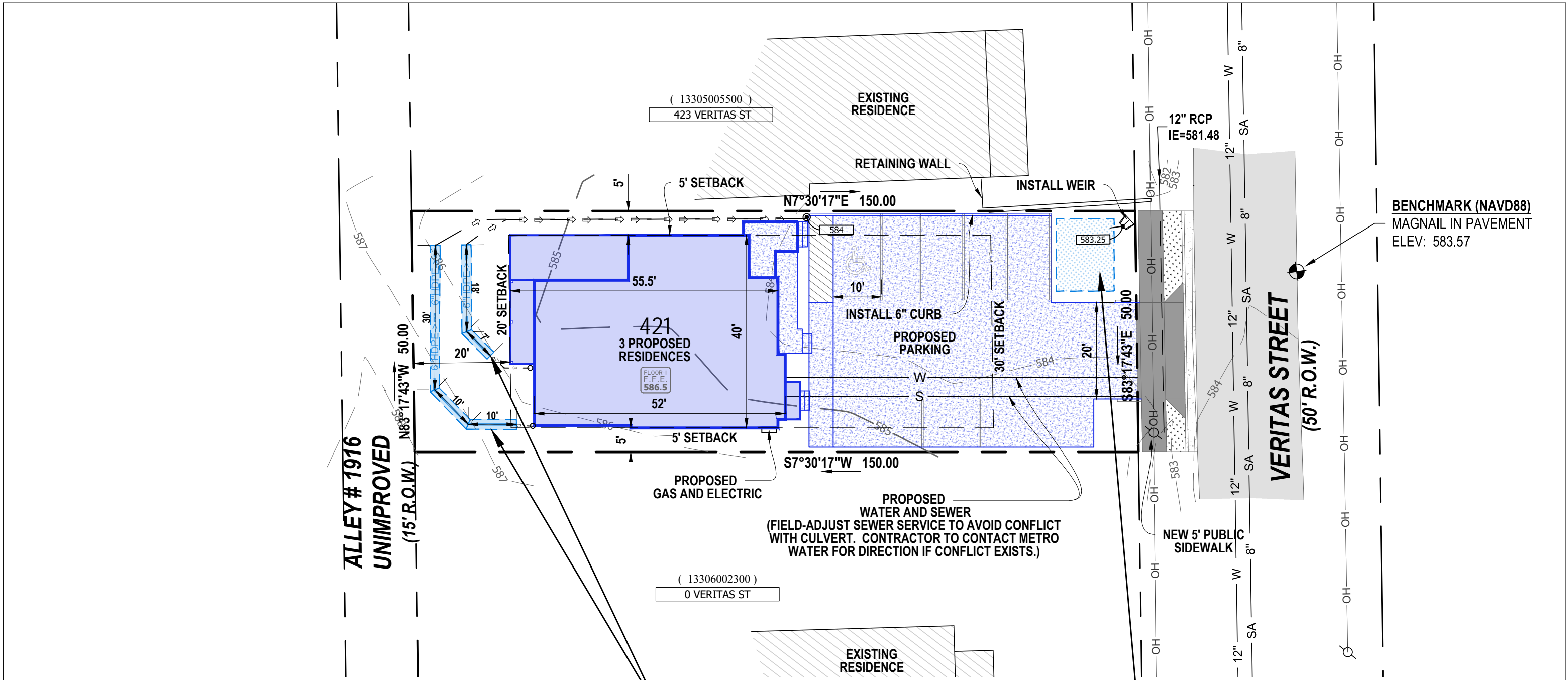
<b>Code:</b>	<b>Desc:</b>	<b>Amount:</b>	<b>Paid:</b>
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**PAYMENTS**

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

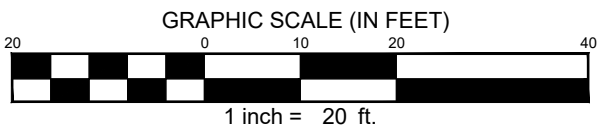
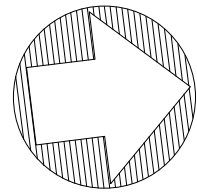
<b>Location:</b>	<b>File Name:</b>	<b>Comments:</b>
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**BENCHMARK (NAVD88)**  
MAGNAIL IN PAVEMENT  
ELEV: 583.57

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

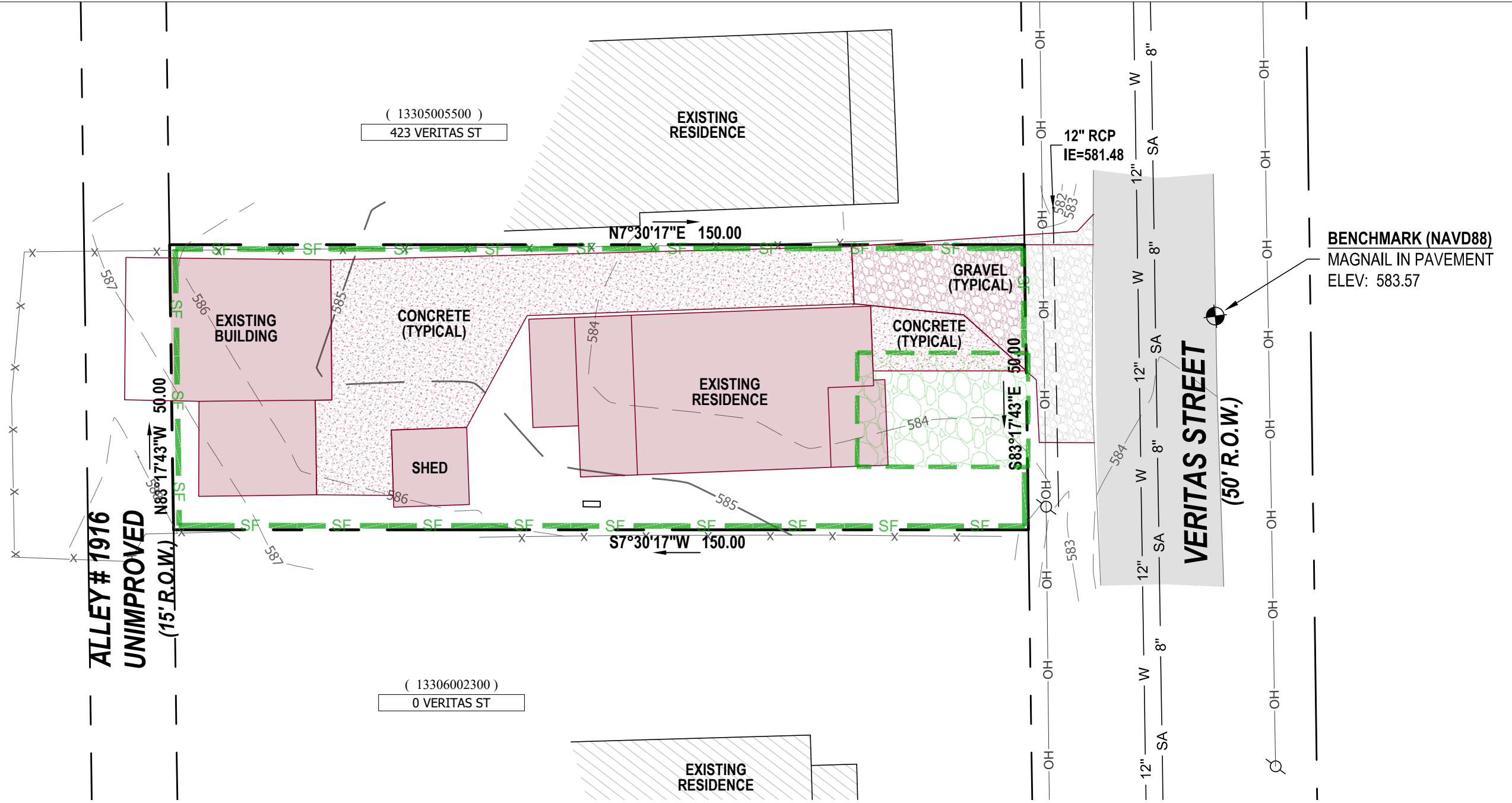
**INSTALL RAIN GARDEN**  
(180 SF @ 24" AMENDED SOIL DEPTH)  
DRIVEWAY DRAINAGE TO SHEET FLOW TOWARD RAIN GARDEN



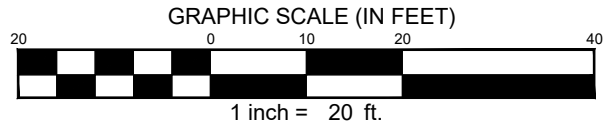
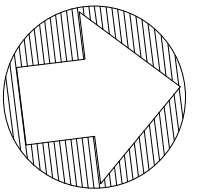
**CLINT ELLIOTT SURVEY**  
1711 Hayes Street  
Nashville, TN 37203  
clintelliottsvey.com  
(615) 490-3236

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

Drafted By: CM
Sheet No.
<b>V-2.1</b>



BENCHMARK (NAVD88)  
MAGNAIL IN PAVEMENT  
ELEV: 583.57



**CLINT ELLIOTT SURVEY**  
1711 Hayes Street  
Nashville, TN 37203  
clintelliottsvey.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**

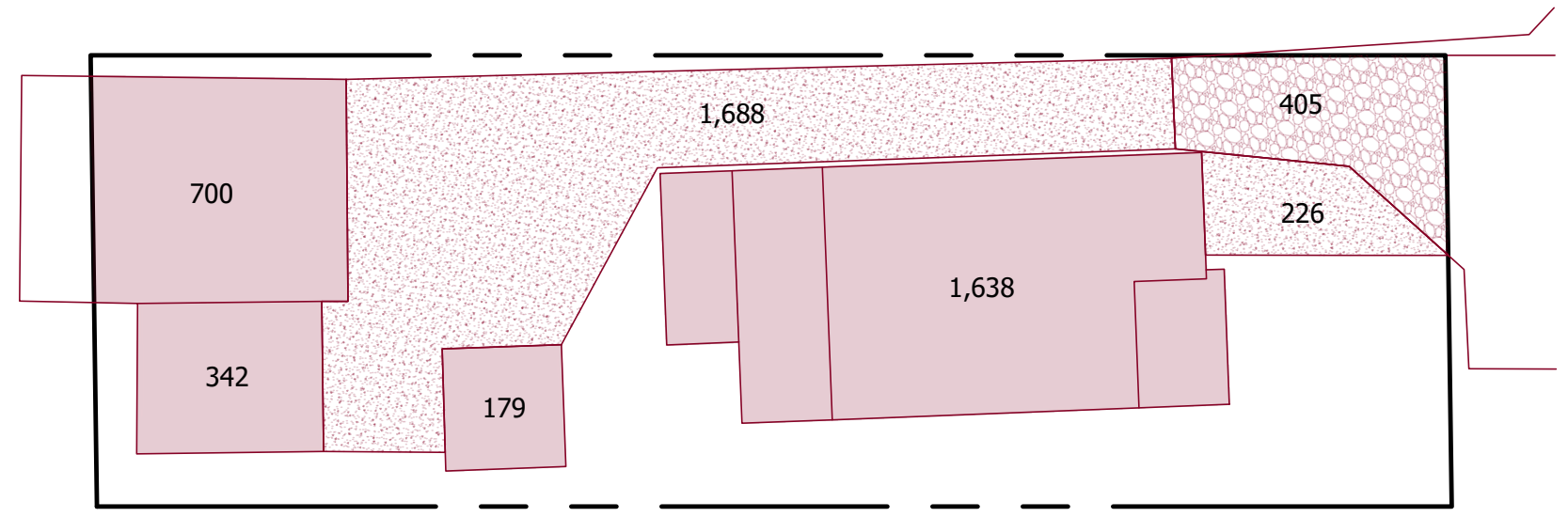
**STORMWATER NET GAIN TREATMENT**

Total Site Area 7,499 SF

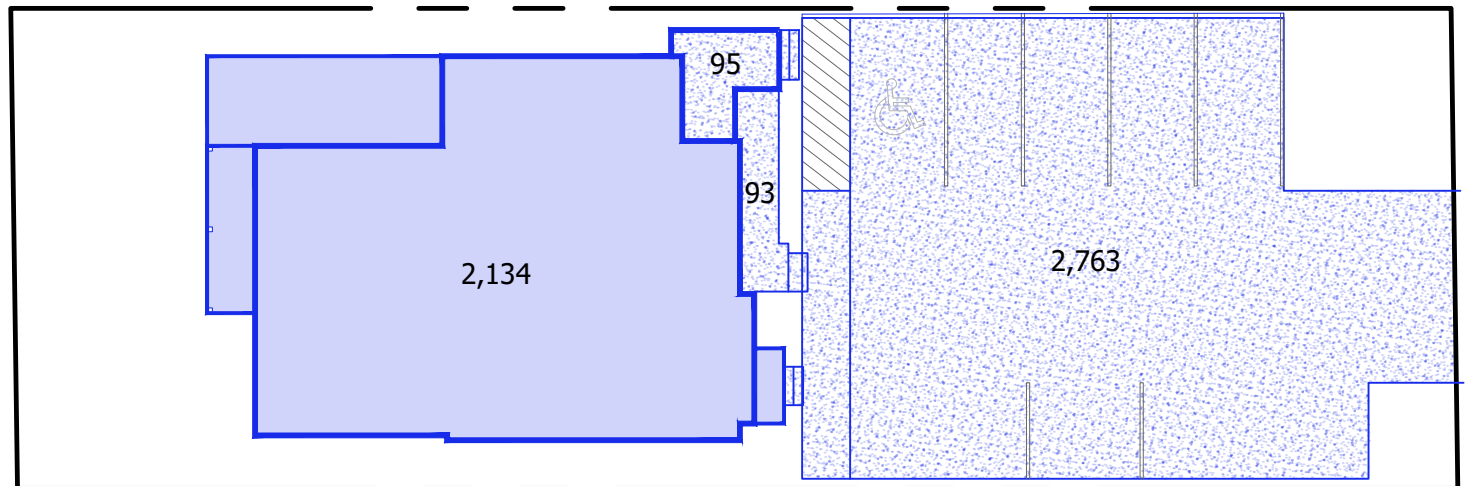
**POST-DEVELOPMENT STORMWATER TREATMENT: 3,041 SF**

RAINGARDEN Required: 180 SF @ 24" Lower Storage Depth

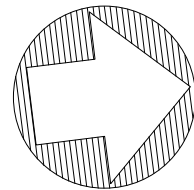
MODIFIED FRENCH DRAINS Required: 2' x 75' @ 3' Lower Stone Depth



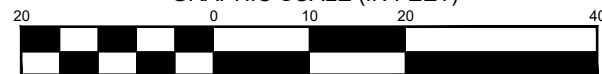
PRE-DEVELOPMENT



POST-DEVELOPMENT



GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.



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



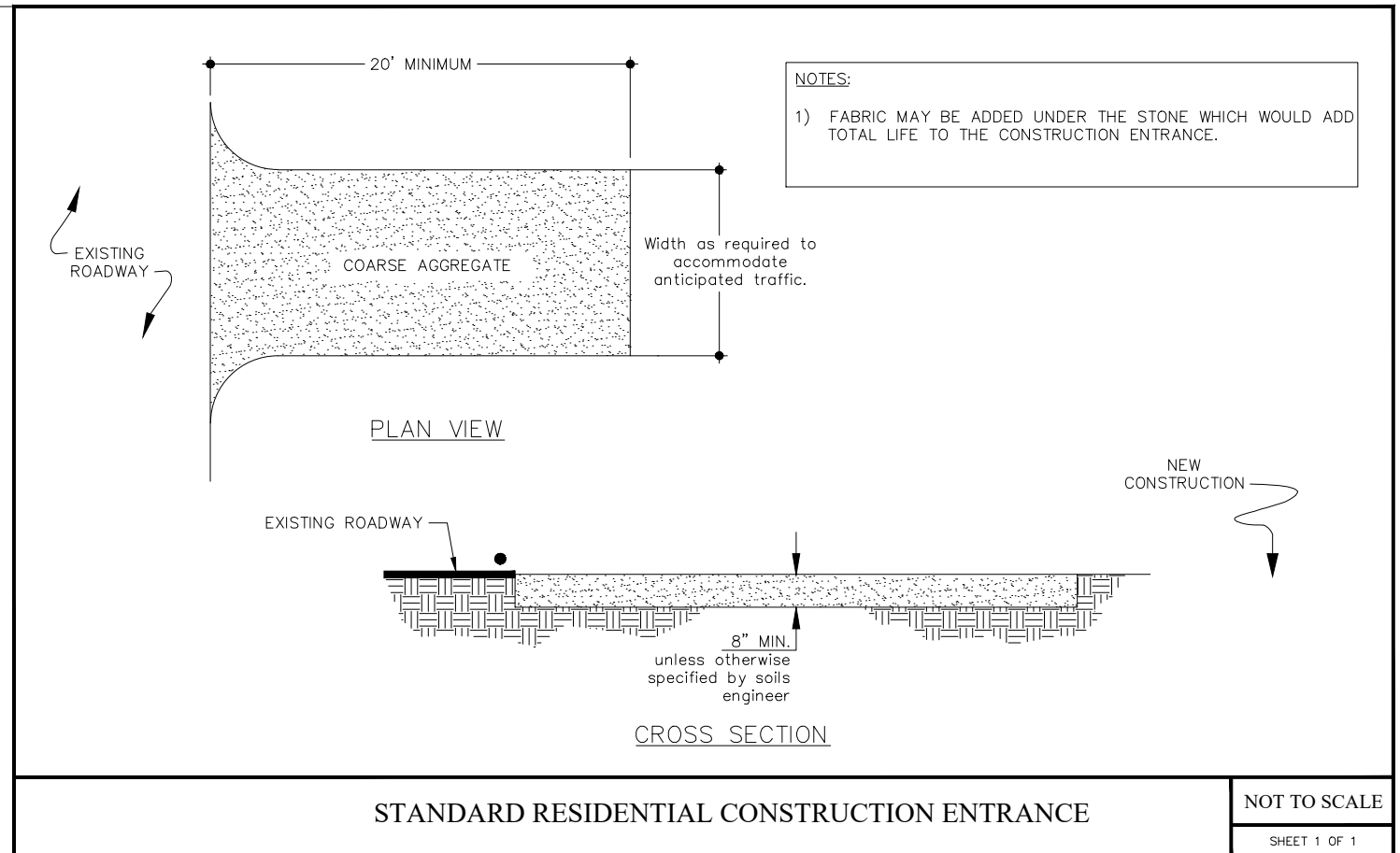
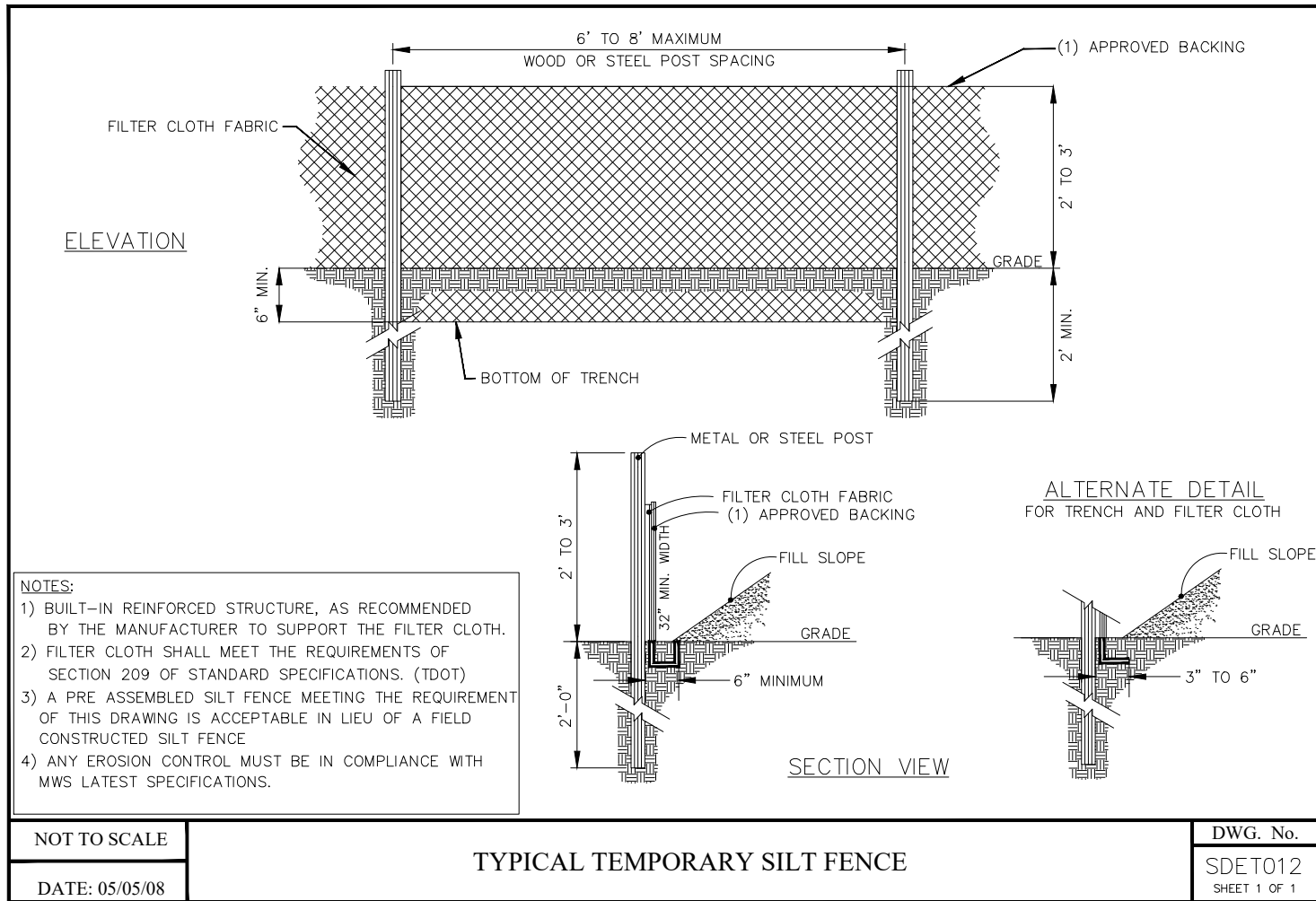
**Impervious Areas**

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

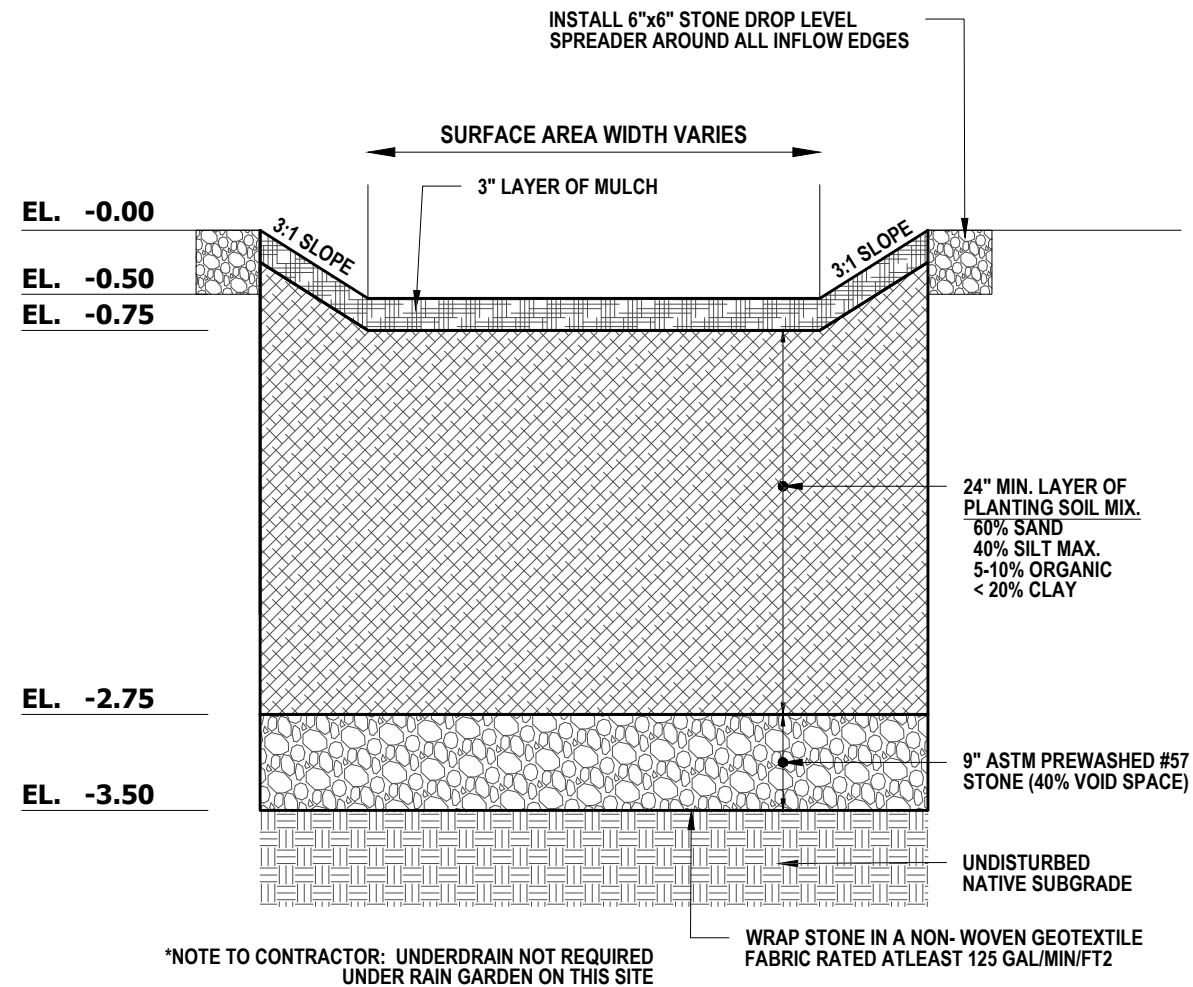


**CLINT ELLIOTT SURVEY**  
1711 Hayes Street  
Nashville, TN 37203  
clintelliottsvey.com  
(615) 490-3236

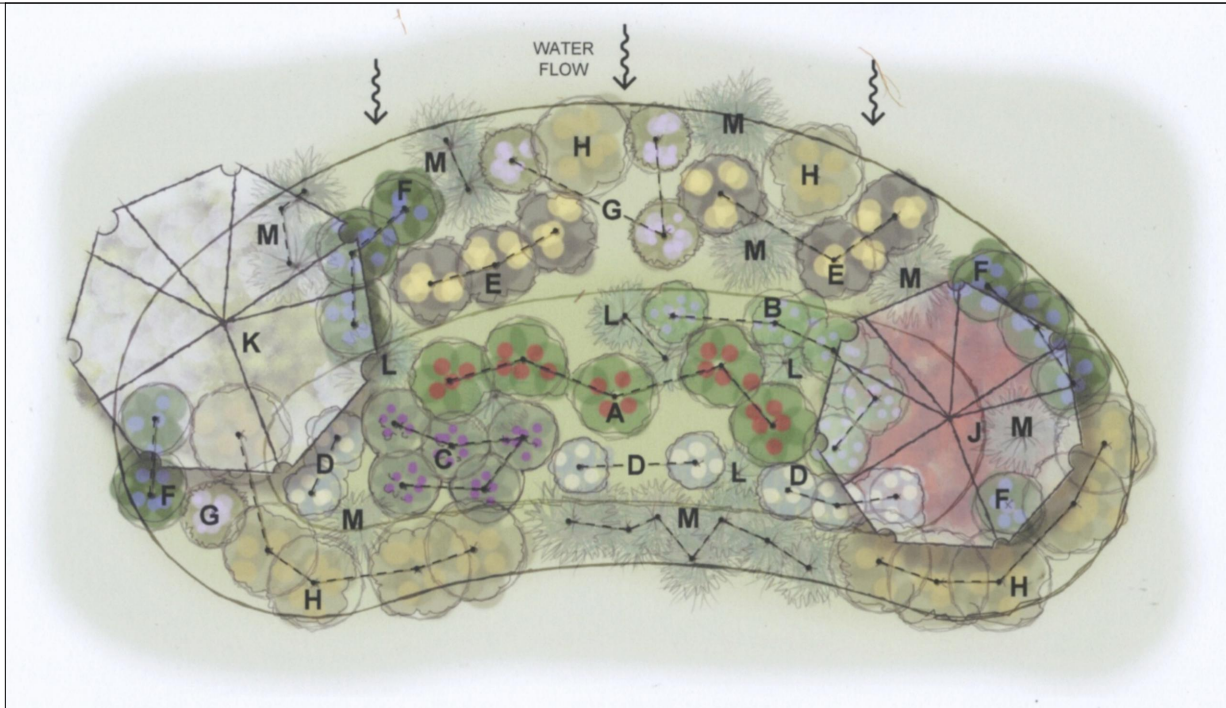
**Site Details**  
421 Veritas Street  
Nashville, Davidson County, Tennessee

Sheet No.  
**V-2.4**



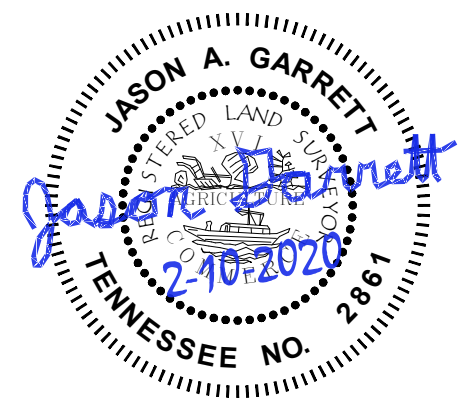


RAIN GARDEN CROSS SECTION



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 Rain 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

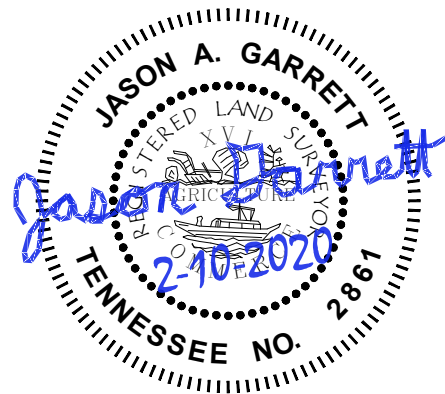
MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

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





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:**

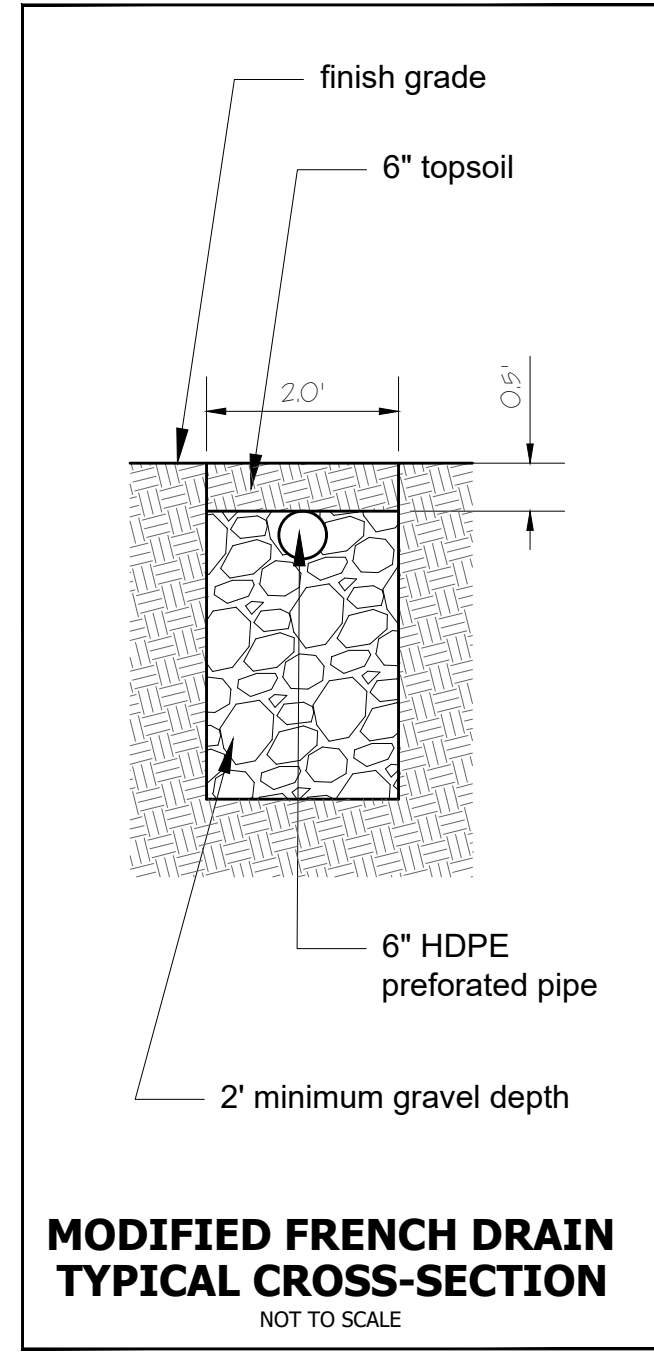
Rooftop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
	Required Linear Feet of MFD =			
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

**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



## 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 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.*

---

***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 ~~Roman~~ 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.

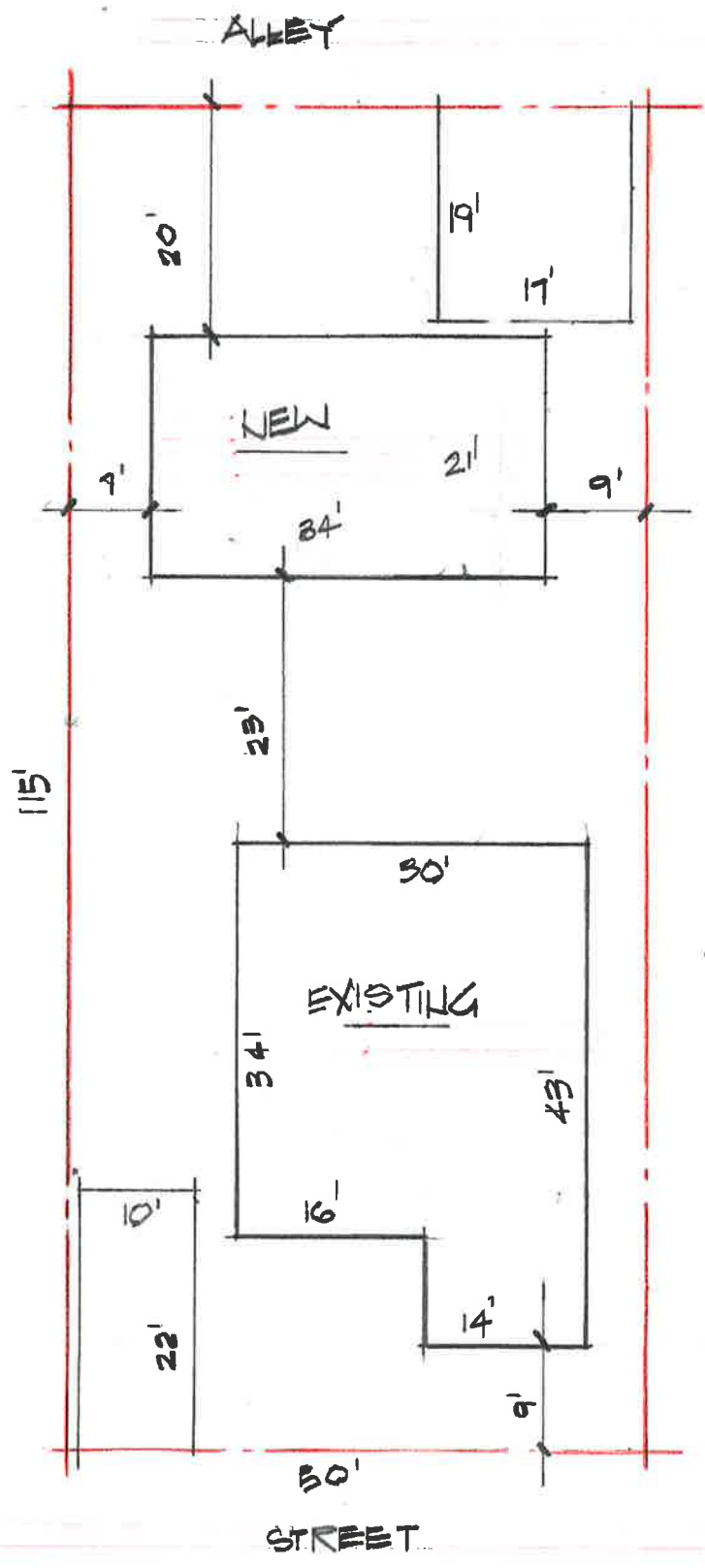
**Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.**

**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



## METROPOLITAN COUNCIL

Member of Metro Council

**Brandon Taylor**  
**Councilmember, District 21**Email: [brandon.taylor@nashville.gov](mailto:brandon.taylor@nashville.gov) - phone # 615.432.1321

April 1, 2020

Chairman David Taylor and Members of the  
Metropolitan Board of Zoning Appeals  
Metro Office Building  
800 Second Avenue South  
Nashville, TN 37219-6300

**Re: CASE 2020-087**

Dear Chair Taylor and Members,

I respectfully request that the Board of Zoning Appeals disapprove the above appeal Case 2020-087 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.

I have received several calls and have talked with my constituents and they are not in favor of this request. Therefore, I cannot support this variance.

Thank you for your service to the city of Nashville and thank you for your consideration in opposing this case.

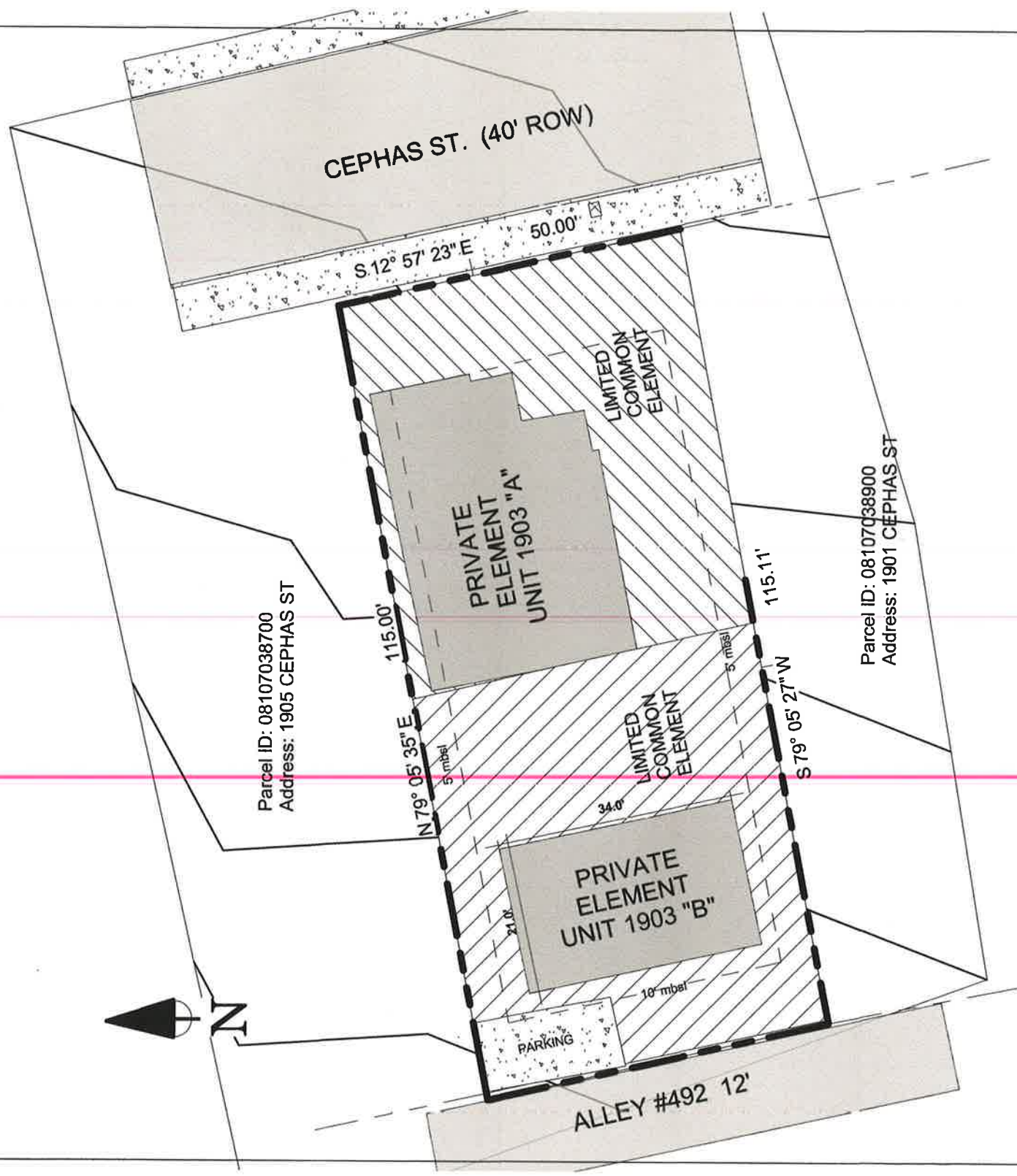
Sincerely,

Councilmember Brandon Taylor  
District 21

BT:dc

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	EXHIBIT "B" ① Exhibit B 1" = 20'-0"
r.l. montoya- Surveying 1105 Old Dickerson pk Goodlettsville, TN 37072 Phone: 615-347-1210 Email: rocky.surveyor@gmail.com	Project Number
	Date
	Issue Date
	Drawn by D. Johnson Author Checker
	Checked by <i>RM</i> 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-appendex H regulated Infill guidance.

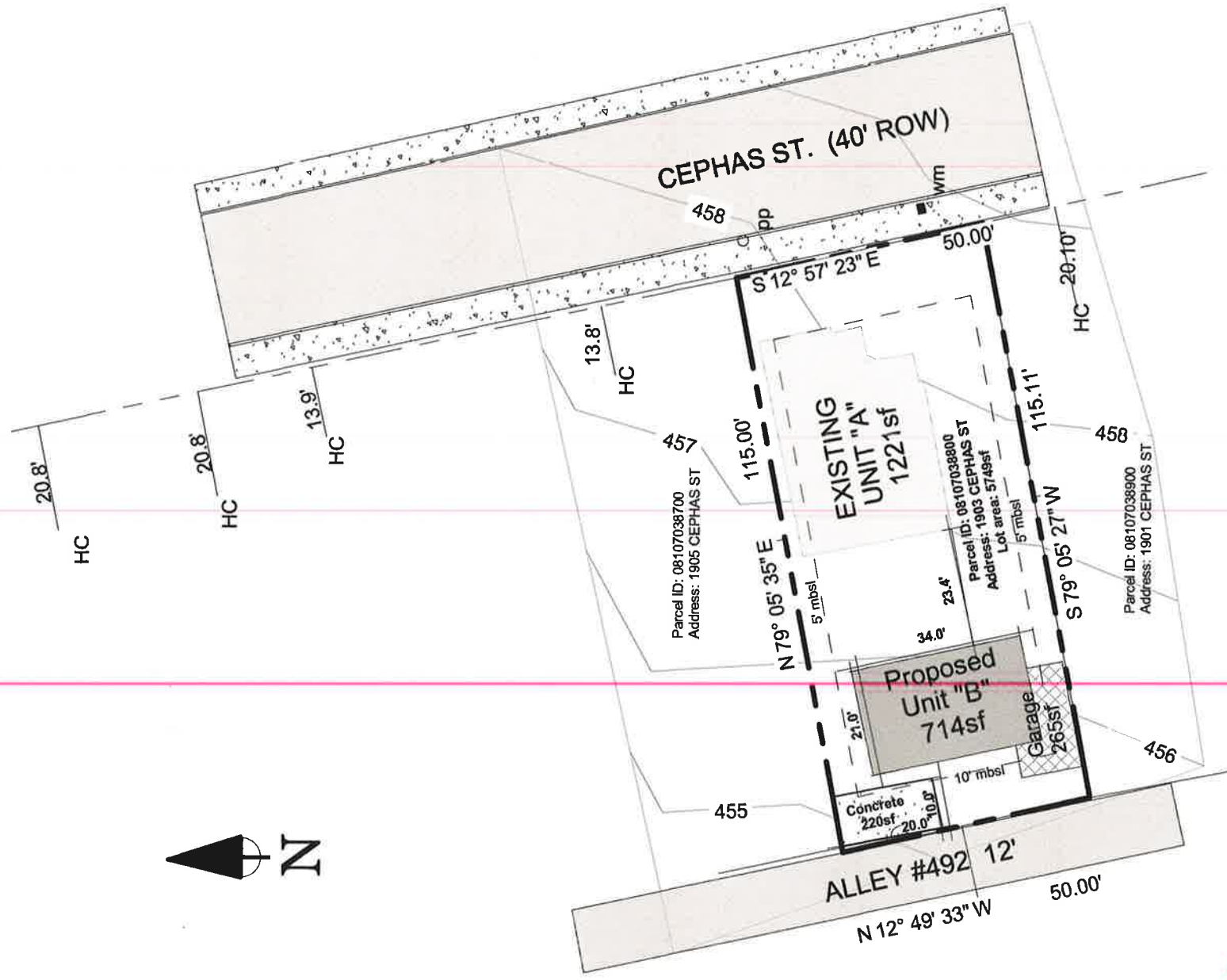
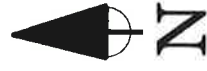
Lot Area 5,749SF

Pre-Impervious 1486 SF

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

**Total Net IA- 669sf**

EXEMPT from GICP

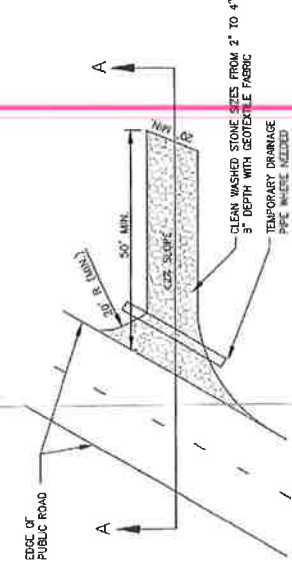


**1903 Cephas St**

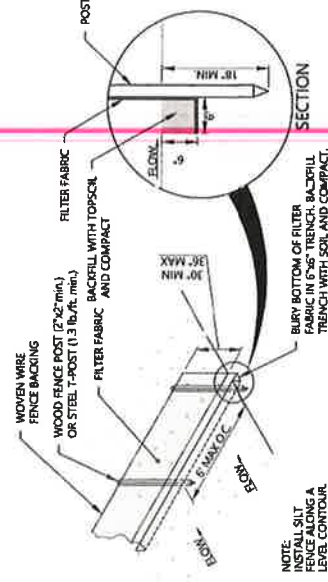
**r.i. montoya- Surveying**  
1105 Old Dickerson pk  
Goodlettsville, TN 37072  
Phone: 615-347-1210  
Email: rocky.surveyor@gmail.com

**Site Plan** ① **1" = 30'-0"**

Project Number	
Date	Issue Date
Drawn by	D. Johnson
Author	Checker
Checked by	<i>RIM</i>
Scale 1" = 30'-0"	

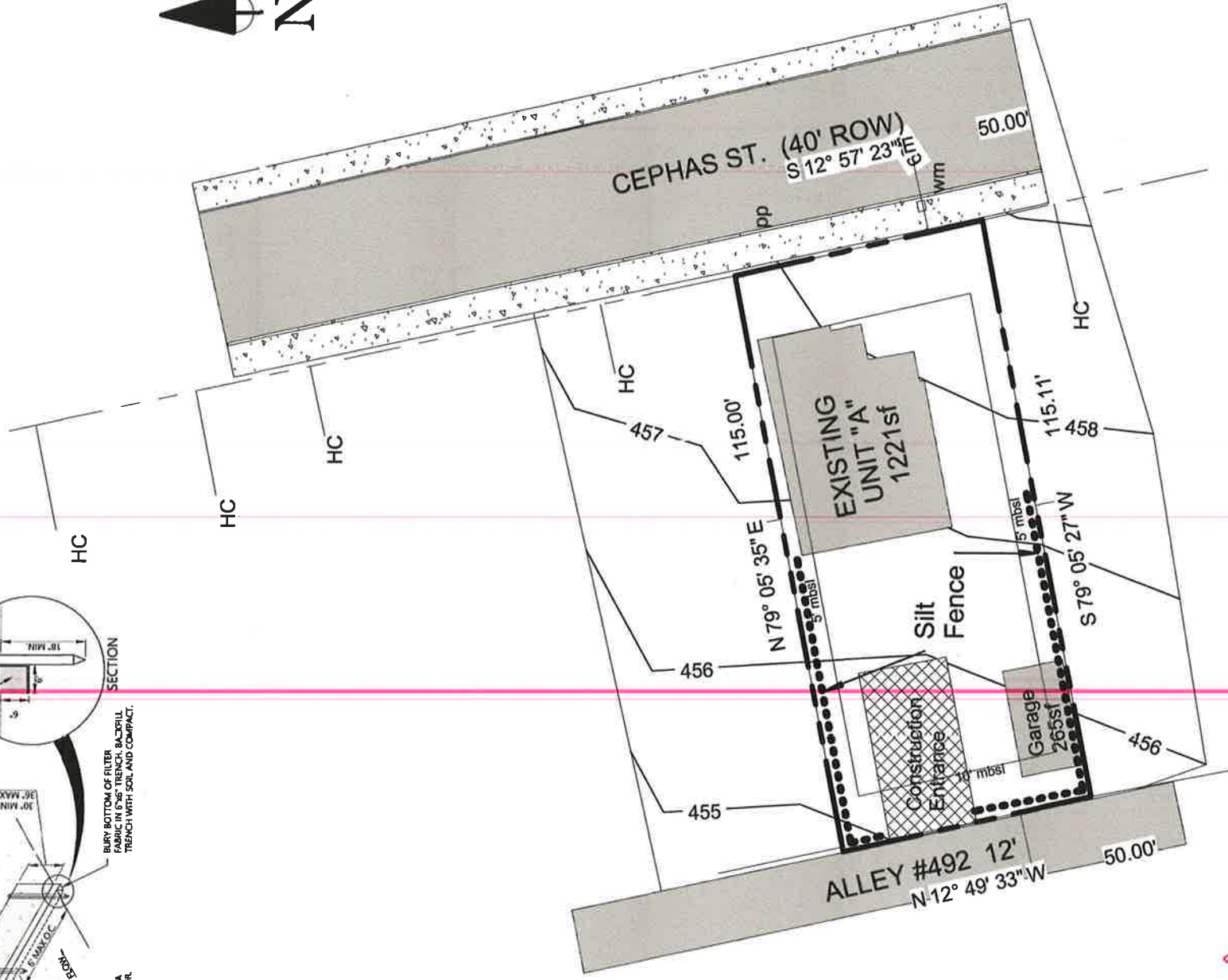


PLAN VIEW OF TEMPORARY CONSTRUCTION ROAD



**Erosion Control and Grading Notes**

1. Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
2. All cut/fill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 10-10-10 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
3. Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management: manual, volume four, section TCP-14.
4. Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
5. The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
6. Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
7. The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
8. The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.



1903 Cephas St

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

EPSC

① EPSC  
1" = 30'-0"

Project Number

Date Issue Date

Drawn by D. Johnson Author Checker

Checked by *rfm* Scale 1" = 30'-0"



# Appeal Request: Case 2020-087

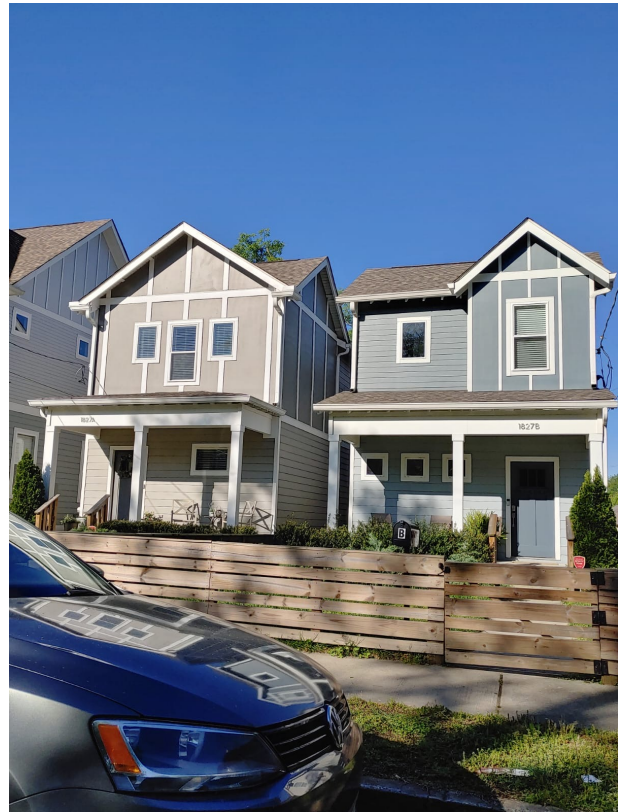
## 1903 Cephas St, Nashville, TN 37208

*Thank you for hearing out our case. I look forward to talking to you all on April 16th.*

- Below are just a few of the 2 dwelling properties in a 2 street radius from the property in question.
- The first example shows 2 homes in the way that we would be positioning ours, one in the back and one in the front. Both will have access to the main road.
- With your help we are looking to create more density and regrow the economy to even better than what it was before the tornado and Covid-19.
- Example 5 shows the number of houses on market in the last 3 months. The green shows the houses that are active, the yellow shows the houses under contract and the red shows the number of houses sold. The demand for this area is growing even during this pandemic and it has turned to a sellers market.



Example: 1



Example: 2



Example: 3



Example: 4

Example: 5

*I look forward to speaking with you and bringing our case to light.  
Thank you again for your consideration.*



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Kelsey Bright  
Property Owner: Stefan Baskin  
Representative: James Nyquist

Date: 2-19-2020  
Case #: 2020-088  
Map & Parcel: 68209022400  
082090 225.00  
082090 226.00

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: Addition to two existing building for  
USE AS WEDDING EVENT SPACE.  
PERMIT APP 2020010893

\* HISTORIC  
\* MDHA

Activity Type: Commercial  
Location: 1311, 1313 & 1315 2ND AVE N

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

Reason: VARIANCE TO LANDSCAPER BUFFER  
Section(s): 17.24.230

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.

Kelsey Bright  
Appellant Name (Please Print)

James Nyquist  
Representative Name (Please Print)

2606 Eugenia Ave Ste D  
Address

2606 Eugenia Ave Ste D  
Address

Nashville, TN 37211  
City, State, Zip Code

Nashville, TN 37211  
City, State, Zip Code

484-686-9560  
Phone Number

256-708-1118  
Phone Number

kelsey@shgroupllc.com  
Email

james@shgroupllc.com  
Email

Zoning Examiner: VB

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





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

Case # 2020-088  
3761171

**ZONING BOARD APPEAL / CAAZ - 20200010907  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 08209022400

**APPLICATION DATE:** 02/19/2020

**SITE ADDRESS:**

1311 2ND AVE N NASHVILLE, TN 37208  
PT LOT 23 H MCGAVOCK ADDN

**PARCEL OWNER:** BASKIN, STEFAN

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

BZA Variance request to 17.24.230 Landscape "B5" Buffer Requirement along adjacent property 1307 2nd Ave N. Requesting to apply the B5 Buffer along property line excluding the 35 ft adjacent to alley (see plans)

Historic and MDHA to review/approve prior to Permit Issuance. IR Zoning.

1311, 1313 & 1315 2nd Avenue N. parcels must be combined prior to Issuing Building Permit.

Renovations and addition for future use as Wedding Event space ( former use as 2 single family homes).

To construct a 2862 sq ft addition to rear of two existing buildings on property for use as Indoor Commercial Amusement. Total of 4881 sq ft to be used for Wedding Event Use requires 19 parking spaces (24 parking spaces with 20% parking reduction for transit & pedestrian access), 19 spaces provided. No food prep on site, catered food only.

POC: Kelsey Bright 484-686-9560

POC2: James Nyquist 256-708-1118

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

---

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

Inspection requirements may change due to changes during construction.



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



**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2020010893  
THIS IS NOT A PERMIT**

**PARCEL:** 08209022400

**APPLICATION DATE:** 02/19/2020

**SITE ADDRESS:**

1311 2ND AVE N NASHVILLE, TN 37208  
PT LOT 23 H MCGAVOCK ADDN

**PARCEL OWNER:** BASKIN, STEFAN

**APPLICANT:**

**PURPOSE:**

BZA Variance request to 17.24.230 Landscape "B5" Buffer Requirement along adjacent property 1307 2nd Ave N. Requesting to apply the B5 Buffer along property line excluding the 35 ft adjacent to alley (see plans)

Historic and MDHA to review/approve prior to Permit Issuance. IR Zoning.  
1311, 1313 & 1315 2nd Avenue N. parcels must be combined prior to Issuing Building Permit.

Renovations and addition for future use as Wedding Event space ( former use as 2 single family homes). To construct a 2862 sq ft addition to rear of two existing buildings on property for use as Indoor Commercial Amusement. Total of 4881 sq ft to be used for Wedding Event Use requires 19 parking spaces (24 parking spaces with 20% parking reduction for transit & pedestrian access), 19 spaces provided. No food prep on site, catered food only.

POC: Kelsey Bright 484-686-9560  
POC2: James Nyquist 256-708-1118

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

---

[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Site Plan Review		
[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
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[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
[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
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		615-862-6488 stephan.kivett@nashville.gov
[F] Address Review On Bldg App		615-862-8781 bonnie.crumby@nashville.gov
[F] Solid Waste Review On Bldg App		615-862-8782
[A] Noise Mitigation Bldg App Review		
Grease Control Review On Bldg App		615-862-4590 ECO@nashville.gov

**THIS IS NOT A PERMIT**

**PARCEL:** 08209022400

**APPLICATION DATE:** 02/19/2020

**SITE ADDRESS:**

1311 2ND AVE N NASHVILLE, TN 37208

PT LOT 23 H MCGAVOCK ADDN

**PARCEL OWNER:** BASKIN, STEFAN

**APPLICANT:**

**PURPOSE:**

BZA Variance request to 17.24.230 Landscape "B5" Buffer Requirement along adjacent property 1307 2nd Ave N. Requesting to apply the B5 Buffer along property line excluding the 35 ft adjacent to alley (see plans)

Historic and MDHA to review/approve prior to Permit Issuance. IR Zoning.  
1311, 1313 & 1315 2nd Avenue N. parcels must be combined prior to Issuing Building Permit.

Renovations and addition for future use as Wedding Event space ( former use as 2 single family homes). To construct a 2862 sq ft addition to rear of two existing buildings on property for use as Indoor Commercial Amusement. Total of 4881 sq ft to be used for Wedding Event Use requires 19 parking spaces (24 parking spaces with 20% parking reduction for transit & pedestrian access), 19 spaces provided. No food prep on site, catered food only.

POC: Kelsey Bright 484-686-9560  
POC2: James Nyquist 256-708-1118

*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*

---

[E] Sewer Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
BZA Hearing on a BLDG Permit	
[H] Historic Zoning Review - CA	615-862-7970 histlap1@nashville.gov
M.D.H.A REVIEW ON BLDG APP	615-252-3750 pbrown@nashville-mdha.org

February 17, 2020

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

Re: 1311/1313/1315 2nd Ave. N  
Parcel No. 08209022400

To Whom It May Concern:

On behalf of our client, we are submitting the referenced project for a Variance Request from Chapter 17.24 of the Metropolitan Code pertaining to landscaping, buffering and tree replacement. Due to the hardships related to minimum parking requirements and the small property size, we are requesting a modified version of Standard "B-5" Landscape Buffer be considered and accepted in lieu of the required Standard "B-5". Please consider this letter and the enclosed documents as our Variance Application. Please find our unique circumstance (hardship) description below and enclosed the following:

1. Eight (8) copies of the Site Plan
2. Board of Zoning Appeals Checklist
3. Application for Variance Request
4. Check in the amount of \$200.00 to Board of Zoning

**Unique Circumstance (Hardship)**

The unique circumstance (hardships) that affects the property is the minimum standard and ADA parking requirements for the proposed property use. The proposed 16,400 SF property is a combination of three adjoining lots: 1311, 1313, and 1315 2nd Ave N, with all three lots currently zoned IR. The adjacent property to the south is zoned MUL-A, which requires a Standard B landscape buffer. The proposed construction includes a building addition to the two existing residences for a new event space, and a building pad for a future office building. The proposed parking is able to meet the minimum parking requirements despite the small property size. The property is able to achieve the B-5 landscape buffer requirement along the approximately 127-foot southern edge of the property with the exception of the 20-foot portion of asphalt parking area next to the alley. The need for a minimum 8-foot access aisle next to the proposed handicap parking space requires the parking area to encroach on the landscape buffer.

For the reasons presented above and our understanding of the circumstances and resulting hardship, we are requesting to waive the landscape buffer requirement for the 20-foot portion of parking area where the required ADA parking space access lane is located next to the alley. The Standard B-5 Landscape Buffer requirement will be met for the remainder of the 127-foot southern property line.

If you have any questions or concerns, you may reach me by phone at 615-645-1552 or by email at [kelsey@shgroupllc.com](mailto:kelsey@shgroupllc.com).

Sincerely,



Kelsey Bright  
Project Engineer

cc: Chip Howorth, Principal  
James Nyquist, PE, Project Manager

## 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**

2/19/2020  
**DATE**



## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

See attached letter.

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**From:** [Kivett, Stephan \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Michael, Jon \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** RE: landscape buffer  
**Date:** Monday, April 6, 2020 12:14:50 PM

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Assuming there is no opposition, I'm OK with this variance

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**From:** Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>  
**Sent:** Monday, April 06, 2020 12:04 PM  
**To:** Kivett, Stephan (Codes) <Stephan.Kivett@nashville.gov>  
**Subject:** landscape buffer

I only see one case for this upcoming meeting that you need to look at.

**CASE 2020-088 (Council District - 19)**

**KELSEY BRIGHT**, appellant and **BASKIN, STEFAN**, owner of the property located at  
**1311, 1313 & 1315 2ND AVE N**, requesting a variance from landscape buffer requirements  
 in the IR District, to construct an addition to an existing building to be used for use as an event  
 space. Referred to the Board under Section 17.24.230. The appellant has alleged the Board  
 would have jurisdiction under Section 17.40.180 B.

Use-Commercial Event  
 08209022400

Map Parcel

Map Parcel 08209022600

Map Parcel 08209022500

**Results-**

Debbie Lifsey  
 Administrative Services Officer III  
 800 2<sup>nd</sup> Avenue South 1<sup>st</sup> Floor  
 Nashville, TN 37210  
 (615) 862-6505

Landscape Notes:

1. All work shall be performed by fully qualified Plantmen. Use good Horticultural practices to keep all plants and plant material installed in a living, healthy condition up to the date of termination of the contractor's responsibility for care.
2. The Landscape Contractor shall be responsible for examining fully both the site and the bid documents. Discrepancies in the documents or the actual site conditions shall be reported to the Landscape Architect in writing at the time of bidding or discovery. No account shall be made after contract completion for failure to report such condition, or for errors on the part of the Landscape Contractor at the time of bidding.
3. The Landscape Contractor is responsible for locating all underground utilities and shall avoid damage to utilities during the course of the work. The Landscape Contractor is responsible for repairing any damage to utilities, site structures, etc., resulting from landscape construction.
4. The Landscape Contractor shall be responsible for securing all necessary applicable permits and licenses to perform the work set forth on this plan set and the specifications.
5. The Landscape Contractor shall verify all material quantities. In the event of a discrepancy, the quantities shown on the plan will take precedence.
6. No material shall be planted before grading has been completed.
7. The plants delivered to the project site shall be planted as soon as the conditions permit. Take care in scheduling plant deliveries and the size of the deliveries to that long periods of storage are avoided. Adequately protect plants placed in temporary storage from the sun and wind; water plants so as to maintain their appearance and health. Plants that have not been properly maintained during temporary storage may be rejected by the Landscape Architect.
8. Should the Contractor encounter unsatisfactory surface or other subsurface drainage conditions, soil depth, latest soils, hard pans, stems of utility lines or other conditions that will jeopardize the health and vigor of the plants, he must advise the Owner's Representative in writing of the conditions prior to installing the plants. Otherwise the Contractor warrants that the planting areas are suitable for proper growth and development of the plant material to be installed and contractor shall take responsibility for the cost of any revision.
9. It is the responsibility of the Contractor to verify that each excavated tree or shrub pit will percolate (drain) prior to adding topsoil of planting mix and installing trees or shrubs. The Contractor shall fill the bottom of selected holes with six inches of water. This water should percolate out within a 24-hour period. If the soil at a given area does not drain properly, a PVC drain or gravel sump shall be installed or the planting relocated to an area approved by the Owner's Representative.
10. Prior to installation of plant materials, the width and length of all parking lot landscape island and median areas are to be excavated to a depth of 24 inches below the proposed top of pavement elevation. Excavated material is to be removed from the landscape areas and disposed of off site or in an area approved by the Project Engineer. No asphalt, construction trash and/or materials are to be left in the topsoil and planting mix backfill and/or subgrade of any proposed parking area islands and/or planting medians and strips. Parking lot islands and medians are to be backfilled with silted topsoil as per project specifications and to the elevations indicated on the grading plans.
11. All shrub and ground cover beds not in parking lot islands or median strips are to be excavated to a depth of 12 inches and disposed of off site or in an area approved by the Project Engineer. Trees in these bed areas shall be installed per the tree planting detail. The bed area is to be backfilled with silted topsoil to the elevations indicated on the grading plans as per the specifications.
12. The optimum time for planting is from October 1 to April 1. Scheduling for planting at other times must be approved in writing by the Landscape Architect.
13. Existing trees to remain shall be protected from construction damage. Selectively prune dead wood.
14. New tree plantings are to be staked per planting details. Trees that are not staked according to detail will be rejected.
15. All deciduous trees, existing and proposed shall be pruned to provide a minimum clear trunk unless otherwise noted.
16. The Landscape Contractor shall stake or mark all plant material locations prior to installation. The Landscape Contractor shall have the Owner's Representative approve all staking prior to installation.
17. All plant material which dies, turns brown, or defoliates (prior to total acceptance of the work) shall be promptly removed from the site and replaced with material of the same species, quantity and size and meeting all plant list specifications.
18. The Landscape Contractor shall grade planting beds, as required, to provide positive drainage and promote optimum plant growth.
19. Chemical Weed Control (pre-emergent, i.e. Treflan) shall be applied to all landscape areas prior to any plant installation.
20. All planting areas shall receive a 3" layer of the mulch as specified in the materials schedule, which is to be watered in after installation.
21. All plants shall be vigorous, healthy material, free of pests and disease.
22. All plants and trees must meet all requirements specified in the plant list, details, and specifications.
23. The standards set forth in "American Standard for Nursery Stock" represent general guideline specifications only and will constitute minimum quality requirements for plant material. All plants must meet minimum size noted at the materials schedule. Trees shall be No. 1 grade specimen and shrubs shall be heavy well shaped specimen as well.
24. All disturbed areas shall be planted with turf as indicated on the materials schedule.
25. Existing sod shall be removed as necessary to accommodate new plantings.
26. Any existing sod areas that are unnecessarily disturbed during the landscape installation shall be resodded to match existing.
27. The Landscape Contractor is responsible for completely maintaining the work (including but not limited to watering, mulching, spraying, fertilizing, of all planting areas and lawns per project specifications until total acceptance of the work by the owner.
28. The Landscape Contractor shall completely guarantee all work for a period of one year beginning at the date of total acceptance.
29. The Landscape Contractor shall provide the owner with written instructions on the proper care of all specified plant materials prior to final payment.
30. The Landscape Contractor will be responsible for the collection, removal, and proper disposal of any and all debris generated during the installation of this project.
31. ATTENTION OWNER/INSTALLER:  
This landscape plan has been designed to meet the minimum requirements of the City of Nashville zoning ordinance, the approval of the planning commission, and planning department policy. Relocating, substituting, resizing, reducing or deleting material may cause the site to no longer conform to the requirements. Thus problems may arise with releasing the performance/maintenance bond for landscaping. Deviations from the approved landscape plan shall not be made without first consulting Greenspace Design and then obtaining approval from either the planning commission or the planning department.

CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS METRO ORD # 094-1104

ADDRESS # 1311 - 1315 2ND AVENUE  
PROPERTY ZONE: IR

AREA OF LOT:	0.38 ACRES
BUILDING COVERAGE:	0.11 ACRES
AREA OF REQUIRED COMPLIANCE:	0.27 ACRES
REQUIRED TREE DENSITY UNITS:	5.9

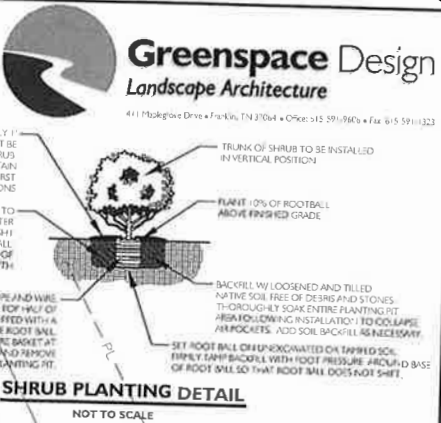
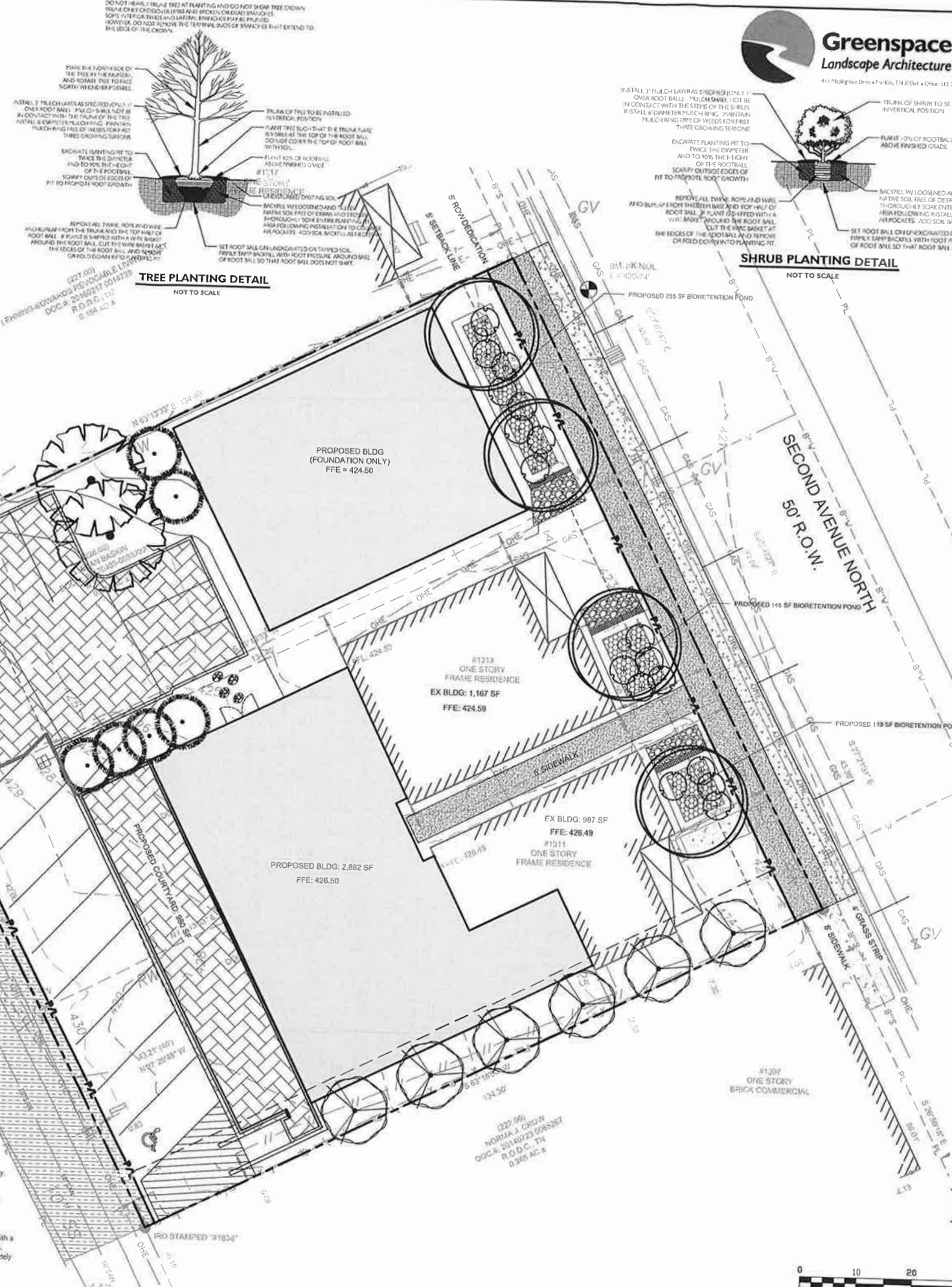
NO EXISTING TREES TO REMAIN  
CREDIT FOR TREES TO REMAIN: 0.0

PROPOSED CANOPY TREES:  
2" CAL @ 0.5      6 x 0.5 = 3.0  
CREDIT FOR NEW TREES: 3.0

PROPOSED UNDERSTORY TREES:  
2" CAL @ 0.25      12 x 0.25 = 3.0  
CREDIT FOR NEW TREES: 3.0

TOTAL TREE DENSITY UNITS PROVIDED: 6.0

IRRIGATION WILL BE PROVIDED BY YARD HYDRANTS  
THIS PROPERTY IS NOT A PLANNED UNIT DEVELOPMENT.



PLANT SCHEDULE

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	TRUNK	REMARKS
	1	Acer rubrum 'October Glory' TM	'October Glory' Maple	12'-14'	6'-7'	2"	5" Clear Trunk
	2	Ulmus parvifolia 'Bosque'	Bosque Elm	12'-14'	6'-7'	2"	5" Clear Trunk
	4	Liriodendron tulipifera	Tulip Poplar	12'-14'	6'-7'	2"	5" Clear Trunk
	6	Cornus florida 'Cloud Nine'	Cloud Nine Eastern Dogwood	8'-10'	4'-5'	2"	4" Clear Trunk
	6	Ilex x 'Nellie R Stevens'	Nellie Stevens Holly	6'-8'	3'-4'	2"	F.T.B.
SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	TRUNK	REMARKS
	17	Ilex glabra	Inkberry Holly	18'-24'	12'-18'	F.T.B.	

**Tree Quality Notes:**  
1. Unless specifically noted, all trees shall be of specimen quality, exceptionally heavy symmetrical, and so trained or favored in development and appearance as to be unquestionably and outstandingly superior in form, compactness, and symmetry. They shall be sound, healthy, vigorous well branched, and densely foliated when in full, free of disease and insects; and shall have healthy, well-developed root systems. They shall be free from physical damage or other conditions that would prevent vigorous growth.  
2. Trees with co-dominant leaders and/or included bark shall be rejected. Trees with a damaged or crooked leader, girdled trunk, bark abrasions, sunscald, defoliating insect damage, sheared crown, cuts of limbs over 3/4" diameter that are not completely closed shall be rejected.

**BASKIN CAPITAL**  
715 BRADFORD AVE  
NASHVILLE, TN 37204

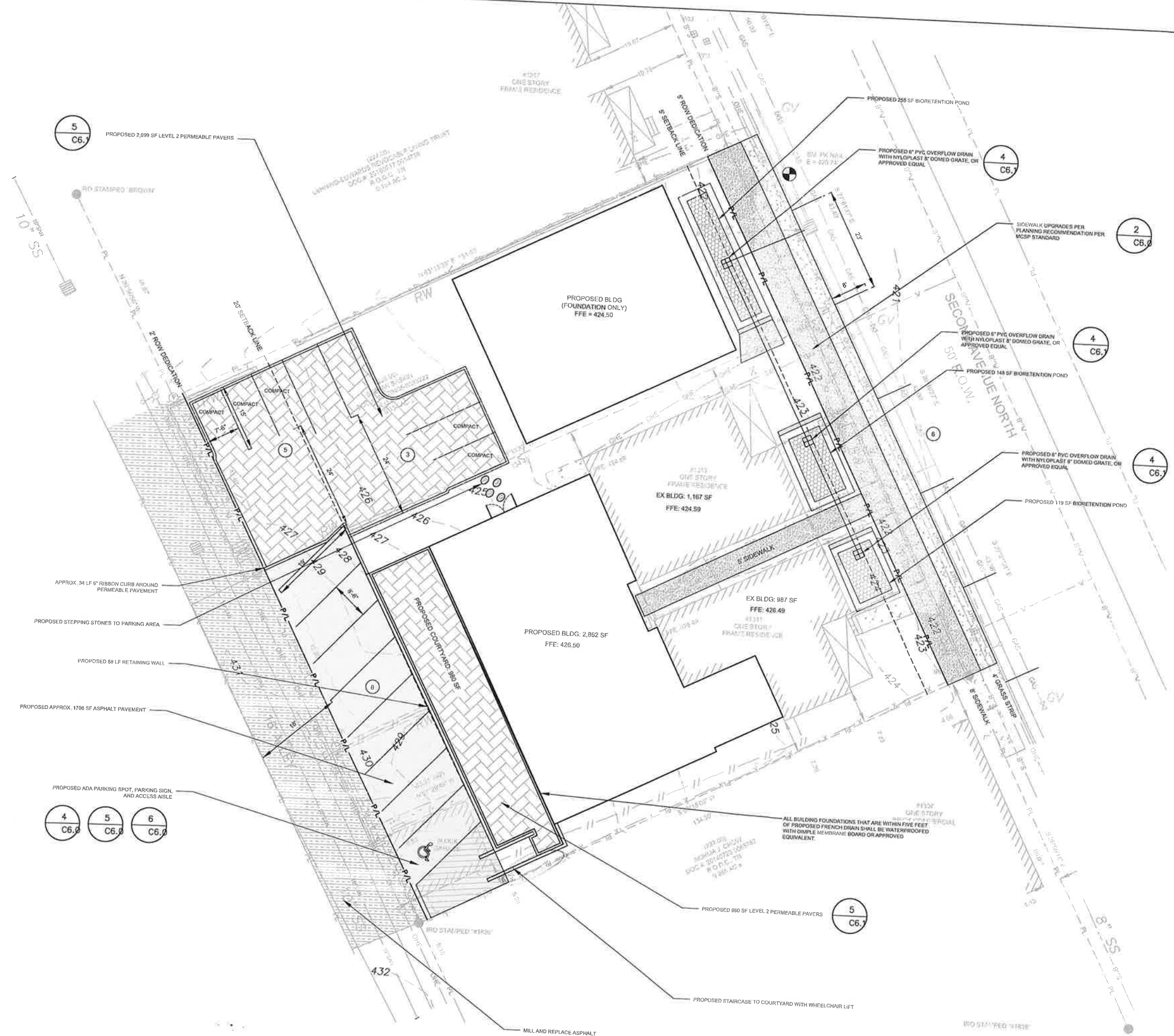
**1311-1315 2ND AVENUE N.**  
LANDSCAPE PLAN

**Greenspace Design Landscape Architecture**  
411 Mulholland Drive # 400, Nashville, TN 37204 • Office: 615.991.9800 • Fax: 615.991.9223

**S + H** ENGINEERING DESIGN CONSULTING  
206 KENNEDY AVENUE  
NASHVILLE TN 37211 STATE D  
TEL: 615.465.1500

Date: 02/07/2020  
Scale: 1" = 10'  
Drawn: JBH  
Reviewed: JBH  
Sheet Name: L1.0





**SITE SUMMARY:**  
 ADDRESS: 1311 - 1315 2ND AVE  
 ZONE: INDUSTRIAL RESTRICTIVE (IR)  
 UZO: YES  
 MDHA OVERLAY: PHILLIP JACKSON  
 CSO: YES - VAN BUREN  
 SETBACKS:  
 FRONT: 5' (USING CONTEXTUAL: 17'-9")  
 SIDE: 0'  
 REAR: 20'  
 EX. SITE AREA: 17,294 SF = 0.40 AC.  
 NEW SITE AREA: 16,470 SF = 0.38 AC.  
 EX. BUILDING AREA: 2,154 SF  
 DEMO: 193 SF  
 PROP. BUILDING: 2,920 SF  
 TOTAL BUILDING: 4,881 SF  
 FAR:  
 MAX ALLOWED: 0.60  
 PROPOSED: 0.30  
 ISR:  
 MAX ALLOWED: 0.90  
 PROPOSED: 0.79  
 BUILDING HEIGHT:  
 MAX ALLOWED: 45'

**PARKING SUMMARY:**  
 EXISTING BUILDING AREA = 2,154 SF  
 DEMO AREA = 193 SF  
 PROPOSED BUILDING AREA = 2,920 SF  
 TOTAL BUILDING AREA = 4,881 SF  
 COMMERCIAL AMUSEMENT (INSIDE): 1 SPACE PER 200 SF = 4,881 / 200 = 24.4 SPACES  
 10% REDUCTION - TRANSIT  
 10% REDUCTION - PEDESTRIAN ACCESS  
 20% PARKING REDUCTION = 24.4 \* 80% = 19.5  
 REQUIRED: 19.5 SPACES  
 PROPOSED ON SITE PARKING = 16 SPACES  
 PROPOSED STREET PARKING (0.5 PARKING CREDIT EACH) = 6 / 2 = 3 SPACES  
 PROVIDED: 19 SPACES  
 COMPACT PARKING SPACE CALCULATION: 19 \* 30% = 5.7 (5 SPACES PROVIDED)  
**LANDSCAPING SUMMARY:**  
 IR > MUL-(SE BOUNDARY): LANDSCAPE BUFFER '8' - 10'

DATE	DESCRIPTION OF REVISION

BASKIN CAPITAL  
 715 BRADFORD AVE  
 NASHVILLE, TN 37204

1311-1315 2ND AVENUE N.  
 PRELIMINARY SITE PLAN

**S+H** ENGINEERING  
 DESIGN  
 CONSULTING  
 2008 HICKMAN BLVD  
 NASHVILLE, TN 37203  
 TEL: 615.885.1500

Date: 1/24/2020  
 Scale: 1" = 10'  
 Designer: JSN & KMB  
 Reviewer:  
 Sheet Name:

C3.0





**From:** [Board of Zoning Appeals \(Codes\)](#)  
**To:** [Shepherd, Jessica \(Codes\)](#)  
**Subject:** FW: permit #20200010907  
**Date:** Friday, April 10, 2020 8:04:44 AM

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

From: Heather Edwards <heatheredw73@icloud.com>  
Sent: Thursday, April 9, 2020 6:13 PM  
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>  
Cc: Alexander, Sean (Historical Commission) <Sean.Alexander@nashville.gov>  
Subject: permit #20200010907

Hello,

I am writing in response to a zoning appeal of a property adjacent to my property (permit #20200010907, appeal case #2020-088). I, with my husband, own 1317 2nd Avenue North. The zoning notice was for 1315, 1313 & 1311 getting combined for an event space and some buffer change requests (08209022400, 08209022500, 08209022600). I have gone on to [epermits.nashville.gov](http://epermits.nashville.gov) and looked up the permit. But, I cannot find a link to the current plans to review. Last one I see at Historic's site is on May 19, 2019. Are these the most current plans (see link below)? I wouldn't think so because it doesn't include 1315, the one next door to us. I have searched everywhere on the web and at [nashville.gov](http://nashville.gov) and specifically under Metropolitan Historic Zoning Commission but can't find anything that also includes 1315. If these are not the most current plans can you please send me a link to the most current ones? Many thanks!

[https://www.nashville.gov/Portals/0/SiteContent/MHZC/docs/2019%20Meetings/05\\_15\\_19/SR%201311%20and%201313%202nd%20Avenue%20North%20v2.pdf](https://www.nashville.gov/Portals/0/SiteContent/MHZC/docs/2019%20Meetings/05_15_19/SR%201311%20and%201313%202nd%20Avenue%20North%20v2.pdf)

Here are my current concerns:

- 1) Are they following the historic guidelines in regards to the North side of the 1315 building. I would not be ok with any exceptions of letting it get closer to my property than is what is deemed historically appropriate (we are in a historic home in the overlay).
- 2) That the building will project out closer to the street than our building. It should also follow the historic guidelines and be equal to our building in distance from the front of the building to the street (or further back).
- 3) Has their been a traffic study done on this? Where is valet going? Does the parking account for the amount of guests they will be having? I only see 19 spaces. And if not, what is their plan for overflow?
- 4) I do not want to see the alley being blocked by valet or a line of cars at any time or trucks delivering items for the event. We should always have full access to leave our property either heading North or South into the alley with no blockage.
- 5) Noise concerns of having a wedding event space right next to us (this zoning appeal was the first time I heard it was going to be an event space). What are the restrictions since they are adjacent to houses - not only ours right next door but on the other side of the alley, several residences are there?
- 6) Want to confirm this buffer variance is only for the side of the 1311 building and not 1315.

I will not be attending the meeting as I am social distancing and not comfortable coming into an environment I am not sure how it is set up. So, if you can email me back, that would be greatly appreciated.

Many thanks,

Heather Edwards  
615.400.0862

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : NATHAN OLIVER  
Property Owner: VARIOUS, see attached  
Representative: : KIM HAWKINS

Date: MARCH 2, 2020  
Case #: 2020-096  
Map & Parcel: various, see attached  
092120366.00

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 of height at setback and within the slope control plane

Activity Type: Commercial  
Location: 27 PARCELS (1525 CHURCH ST)

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

Reason: SPECIAL EXCEPTION  
Section(s): 17.12.060F

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.

Nathan Oliver  
Appellant Name (Please Print)

Kim Hawkins  
Representative Name (Please Print)

110 S. 10th St.  
Address

110 S. 10th St.  
Address

Nashville, TN 37206  
City, State, Zip Code

Nashville, TN 37206  
City, State, Zip Code

615.255.5218  
Phone Number

615.255.5218  
Phone Number

n.oliver@hawkinspartners.com  
Email

k.hawkins@hawkinspartners.com  
Email

Zoning Examiner: \_\_\_\_\_

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



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



3770638

**ZONING BOARD APPEAL / CAAZ - 20200013529  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 09212036600**APPLICATION DATE:** 03/02/2020**SITE ADDRESS:**

1525 CHURCH ST NASHVILLE, TN 37203

LOTS 8 9 10 11 PT 7 BOYD HOME, TRACT &amp; PART OF CLOSED ALLEY

**PARCEL OWNER:** HAYES STREET REALTY, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

Requesting Special Exception of height at setback and within the slope control plane per 17.12.060 F.  
Proposed Mixed Use Development to include 27 parcels which will be combined by Plat.

No Permit Application started, for proposed future project.

*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.

March 2, 2020



Emily Lamb  
 Department of Codes Administration  
 Board of Zoning Appeals  
 800 2<sup>nd</sup> Avenue South, Metro Office Building  
 Nashville 37202

RE: **REED Site / Midtown: Multiple Parcels**  
 BZA Special Exception Application

Dear Emily:

Please accept this application provided by Kim Hawkins, Hawkins Partners, Inc. on behalf of the parcel owners for a Special Exception of ***height at setback and within the slope control plane per 17.12.060. F in the zoning code.***

**Vicinity Map:**



**PARCELS:**

<u>Address</u>	<u>Parcel</u>	<u>Acreage</u>	<u>Owner</u>
1525 Church St	09212036600	0.95	Hayes Street Realty, LLC
1520 Hayes St	09212043300	0.75	Hayes Street Realty, LLC
1518 Hayes St	09212043400	0.19	Hayes Street Realty, LLC
1516 Hayes St	09212043500	0.19	Hayes Street Realty, LLC

1514 Hayes St	09212043600	0.19	Hayes Street Realty, LLC
1512 Hayes St	09212043700	0.19	Good Horse, LLC
1508 Hayes St	09309001700	0.19	Good Horse, LLC
1502 Hayes St	09309001900	0.19	Good Horse, LLC
1500 Hayes St	09309002000	0.16	Good Horse, LLC
1501 Hayes St	09309002100	0.73	Broadway Realty Company
1509 Hayes St	09309002300	0.51	Broadway Realty Company
1511 Hayes St	09309002400	0.5	Broadway Realty Company
1515 Hayes St	09212043900	0.45	Broadway Realty Company
1519 Hayes St	09212044100	0.18	Broadway Realty Company
1521 Hayes St	09212044200	0.15	Broadway Realty Company
1523 Hayes St	09212044300	0.27	Broadway Realty Company
116 16 <sup>th</sup> Ave S	09212044400	0.25	Broadway Realty Company
112 16 <sup>th</sup> Ave S	09212044500	0.42	Broadway Realty Company
1530 Broadway	09212044600	0.41	Broadway Realty Company
1518 Broadway	09309002500	0.38	Broadway Realty Company
1516 Broadway	09309002600	0.22	Broadway Realty Company
1512 Broadway	09309002700	0.44	Broadway Realty Company
1510 Broadway	09309002800	0.25	Broadway Realty Company
1506 Broadway	09309002900	0.56	Broadway Realty Company
1504 Broadway	09309003000	0.31	Broadway Realty Company
1502 Broadway	09309003100	0.29	Broadway Realty Company
1500 Broadway	09309003200	0.32	Broadway Realty Company

**CURRENT ZONING:**

All site parcels identified are currently zoned **Core Frame District (CF)** and have been zoned under this designation for over 46 years, since 1974. The development will meet the bulk regulations of CF with the exceptions of a) maximum height at setback and b) height allowed within the within the height control plane.

CF Zoning has the following bulk regulations which will remain in place:

- Min. lot area                      None
- Max FAR                              5.00
- Max ISR                              1.00
- Min rear setback                  N/A
- Min side setback                  N/A

These are the two items in the CF Bulk Regulations for which we are asking for Special Exception.

- Max height at setback            65'
- Slope of height control plane    1.5 to 1

NOTE THAT CF ZONING DOES NOT STIPULATE A MAXIMUM HEIGHT OR STORIES WITHIN ANY REGULATIONS OR REQUIREMENTS, rather under CF zoning, height is regulated by the FAR allowance of 5.0 as a default.

All current land uses within CF zoning remain in place.

**SPECIAL EXCEPTION REQUEST:**

The BZA special exception is made for a variance to height at setback and slope control plane per 17.12.060. F Building Height Controls.

*F. Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District, but not including the DTC district:*



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 specified in Table 17.12.020D, based on the review and approval of a Special Exception by the board of zoning appeals\**.

2. *Not applicable\**

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

4. *Not applicable\**

*\*Items indicated in italics do not apply to this specific Special Exception request.*

**CURRENT POLICY AND SPECIAL POLICIES RELATED TO HEIGHT:**

These parcels are within the Community Policy T5 MU (Center Mixed Use) and within two Midtown Special Policy Areas which has more specialized policy implications.

**Special policy 10-MT-T5-MU-01** (T5 Center Mixed Use Area 1) applies to the parcels between **Hayes Street and south to Broadway**. This policy allows for a Building Form which indicates that "Buildings may rise 20 stories and above".

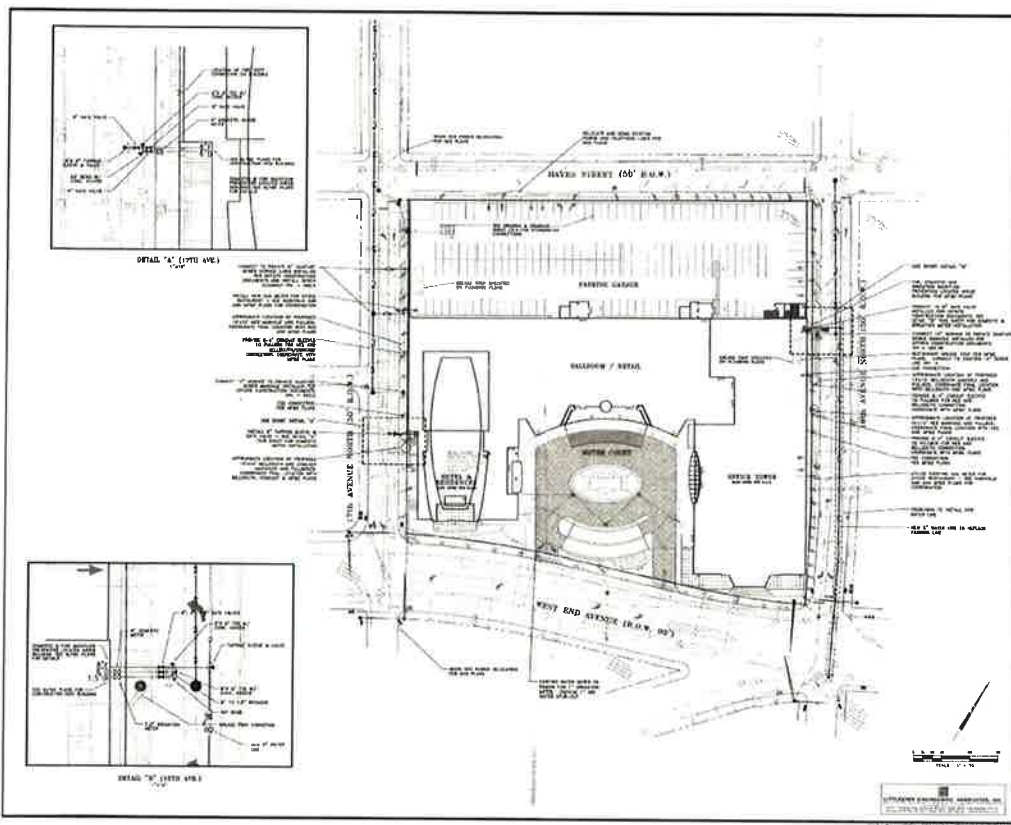
**Special policy 10-MT-T5-MU-02** (T5 Center Mixed Use Area 2) applies to the parcels between **Hayes Street and north to Church Street**. This policy relates to Density and Intensity within this policy area and indicates that "Lower building heights and masses are intended in this area than in the 10-MT-T5-MU-01 because of the area's structural constraints to development. Maximum building heights of up to 20 stories are most appropriate in the area. Punctuation of greater height may be appropriate at prominent locations within the area, provided that the site and building design meet the policy."

**Summary:** While the CF Zoning does not stipulate height maximums or maximum number of stories, this proposed development **will comply with all of the Community Policy and related Special policies indicated.**

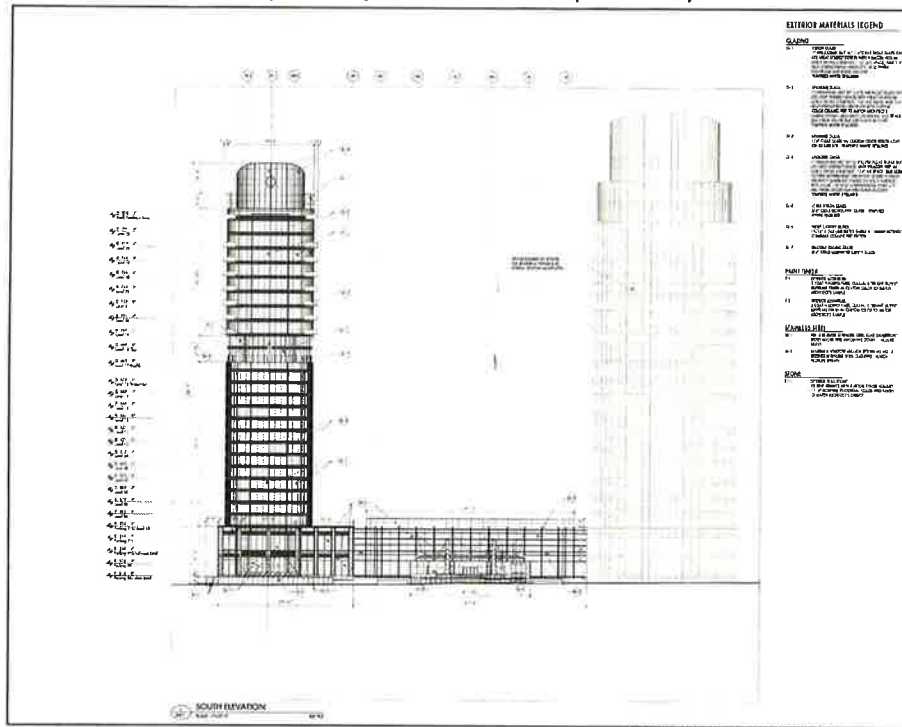
**NO INJURY TO ADJACENT PROPERTIES:**

The building massing is planned in such a way to continue to allow light and air both within this property area and onto adjacent properties and streets to avoid a canyon affect, yet provide a defined public realm along the streetscape.

The adjacent parcel to the east is currently under development as a Specific Plan (SP BL2007-1426) with bulk regulations of 5.0 FAR and 1.0 ISR and a 400' maximum height per the SP plan all of which are consistent with the Community Plan and Special Policies noted above. See below for excerpt from the approved SP:



BL2007-1426 Plan View (parcel adjacent to this development site)



BL2007-1426 Broadway Elevation (parcel adjacent to this development site)

BZA Special Exception / Reed Site

March 2, 2020

Page 5 of 5

Other adjacent properties on each side of these parcels have the same community plan policy, special policies and very similar zoning including **CF** (identical to these parcels) and **MUI-A** which would allow for a build-to zone at the property line and identical Floor Area Ratio (FAR) of 5.0 and Impervious Surface Ratio (ISR) of 1.0 as the CF zoning. Bulk regulations of MUI-A are indicated below for reference:

Min. lot area	None
○ Max Density	N/A
○ Max FAR	5.00
○ Max ISR	1.00
○ Min rear setback	N/A
○ Min side setback	N/A
○ Max height in build-to zone	7 stories in 105'
○ Min step-back	15'
○ Max height	15 stories in 150'
○ Build-to zone	0-15'

The allowance of the Special Exception will allow the development of this site under the existing zoning with a similar relationship to the street as the area context.

#### COMMUNITY BENEFIT

The existing uses on site are primarily surface parking in support of the long-term automobile sales and service use for this site.

The placement of the proposed mix of uses at the setback line provides a relationship to the streets which promotes active uses at the street front and walkable public realm. The development will provide an active retail on the ground floor and entry lobbies for upper floor uses and enhanced streetscape experience to further improve the pedestrian experience.

All adjacent streets and related streetscape will meet or exceed the Major Collector Street Plan providing a vast improvement to the current pedestrian experience.

Respectfully submitted,  
HAWKINS PARTNERS, INC.



Kim Hartley Hawkins, ASLA

Cc: Anne Walker Harrison, representing Reed family

March 2, 2020

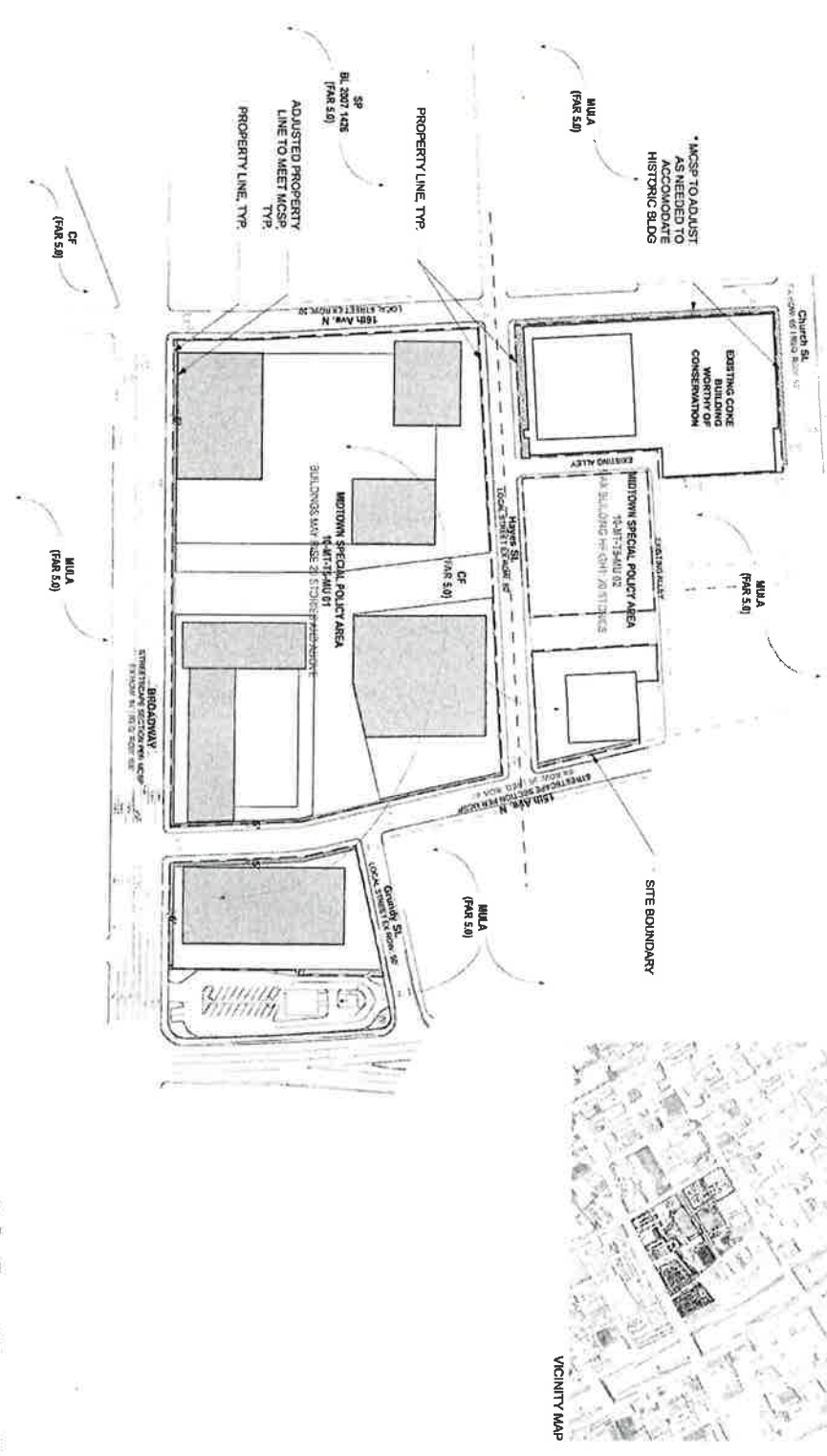
REED Site  
BZA Special Exception

Submitted by Kim Hawkins, HAWKINS PARTNERS, INC.

Parcels and Property Owners

**PARCELS:**

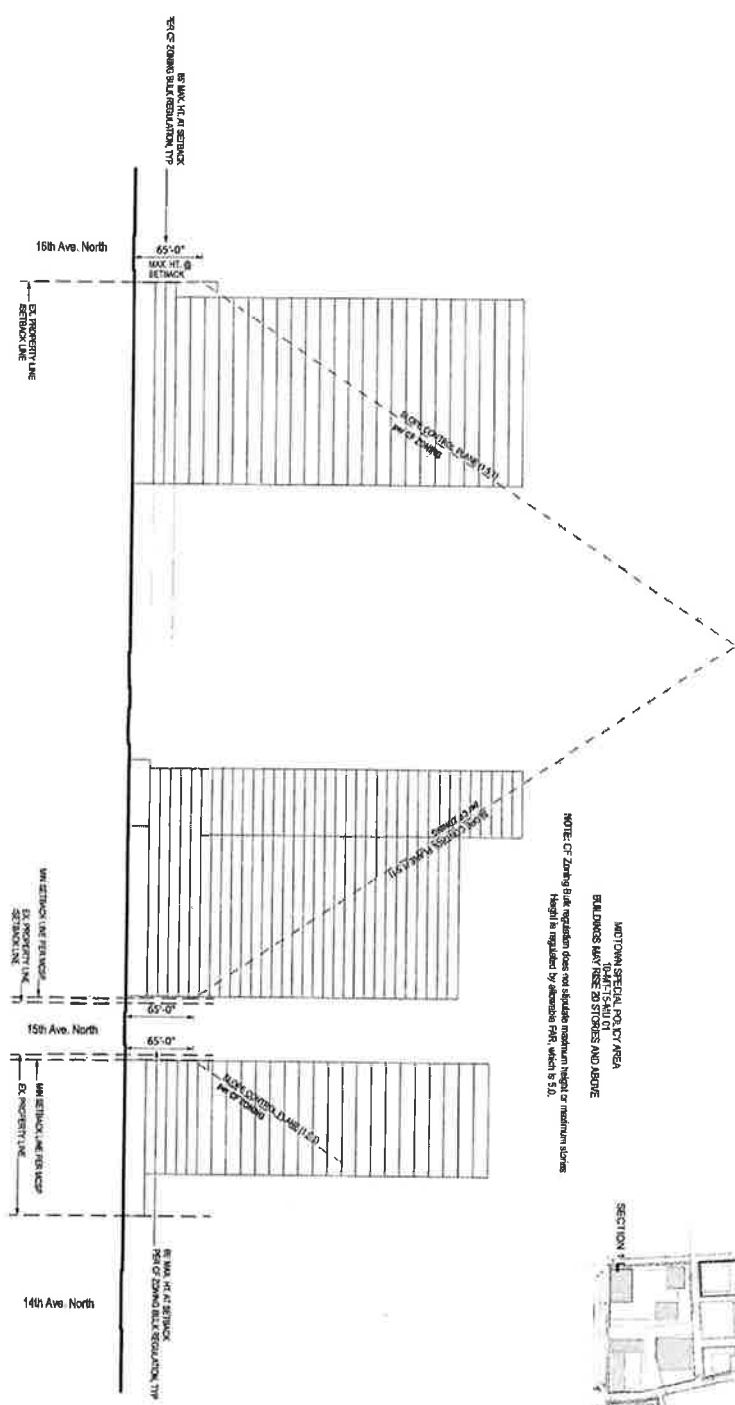
<u>Address</u>	<u>Parcel</u>	<u>Acreage</u>	<u>Owner</u>
1525 Church St	09212036600	0.95	Hayes Street Realty, LLC
1520 Hayes St	09212043300	0.75	Hayes Street Realty, LLC
1518 Hayes St	09212043400	0.19	Hayes Street Realty, LLC
1516 Hayes St	09212043500	0.19	Hayes Street Realty, LLC
1514 Hayes St	09212043600	0.19	Hayes Street Realty, LLC
1512 Hayes St	09212043700	0.19	Good Horse, LLC
1508 Hayes St	09309001700	0.19	Good Horse, LLC
1502 Hayes St	09309001900	0.19	Good Horse, LLC
1500 Hayes St	09309002000	0.16	Good Horse, LLC
1501 Hayes St	09309002100	0.73	Broadway Realty Company
1509 Hayes St	09309002300	0.51	Broadway Realty Company
1511 Hayes St	09309002400	0.5	Broadway Realty Company
1515 Hayes St	09212043900	0.45	Broadway Realty Company
1519 Hayes St	09212044100	0.18	Broadway Realty Company
1521 Hayes St	09212044200	0.15	Broadway Realty Company
1523 Hayes St	09212044300	0.27	Broadway Realty Company
116 16 <sup>th</sup> Ave S	09212044400	0.25	Broadway Realty Company
112 16 <sup>th</sup> Ave S	09212044500	0.42	Broadway Realty Company
1530 Broadway	09212044600	0.41	Broadway Realty Company
1518 Broadway	09309002500	0.38	Broadway Realty Company
1516 Broadway	09309002600	0.22	Broadway Realty Company
1512 Broadway	09309002700	0.44	Broadway Realty Company
1510 Broadway	09309002800	0.25	Broadway Realty Company
1506 Broadway	09309002900	0.56	Broadway Realty Company
1504 Broadway	09309003000	0.31	Broadway Realty Company
1502 Broadway	09309003100	0.29	Broadway Realty Company
1500 Broadway	09309003200	0.32	Broadway Realty Company



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



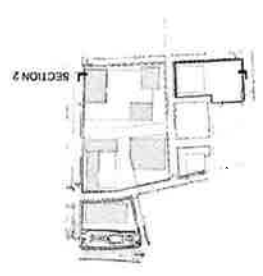




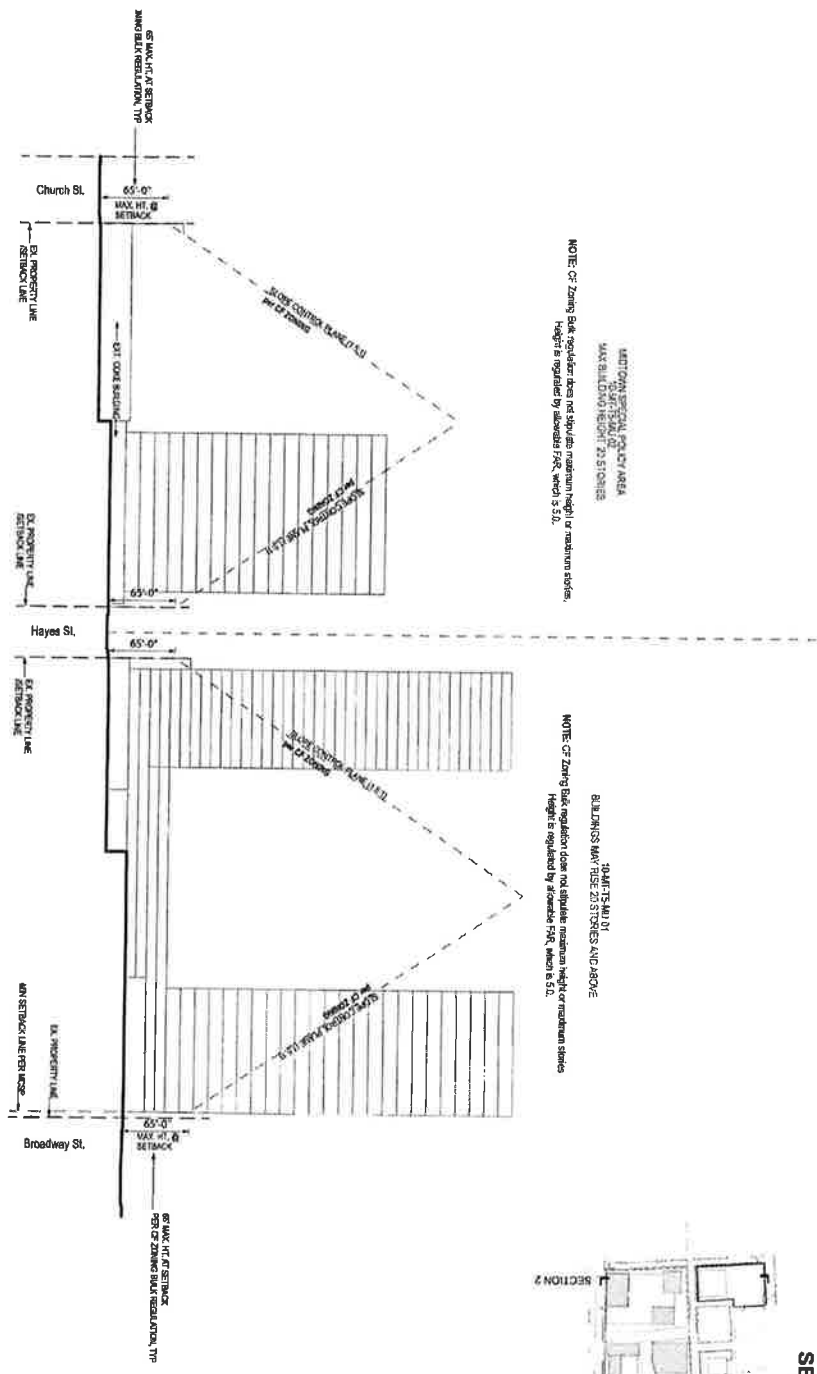
SECTION 1

\* BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



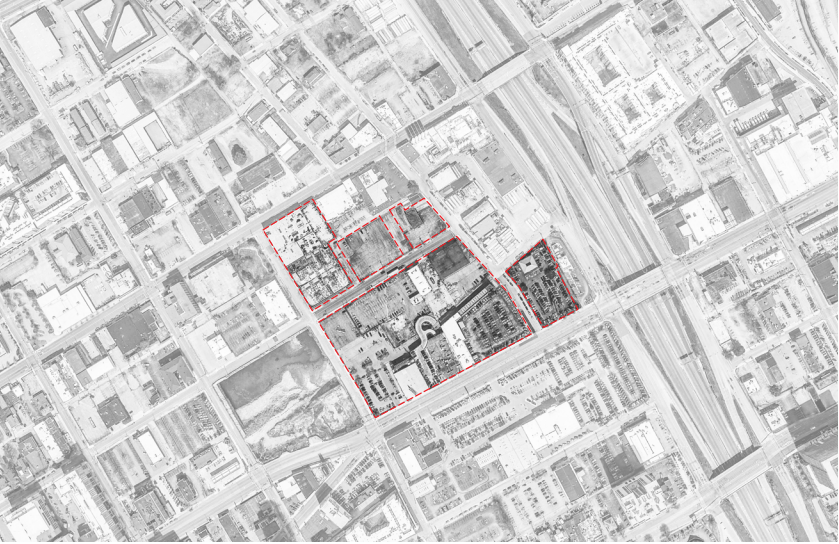
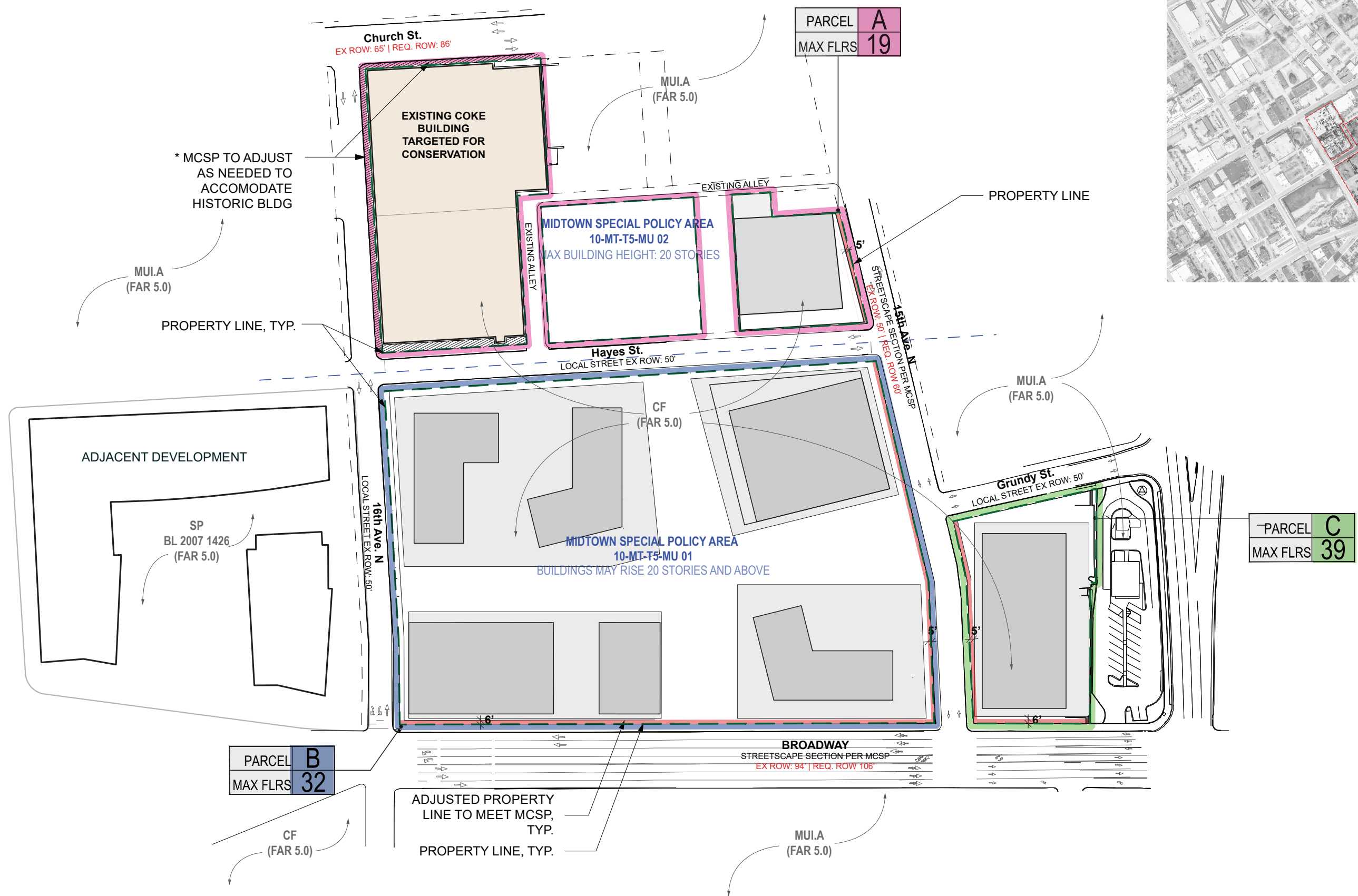


SECTION 2



\* BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



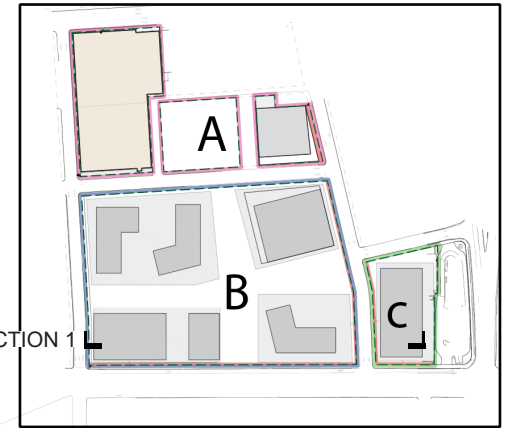


VICINITY MAP



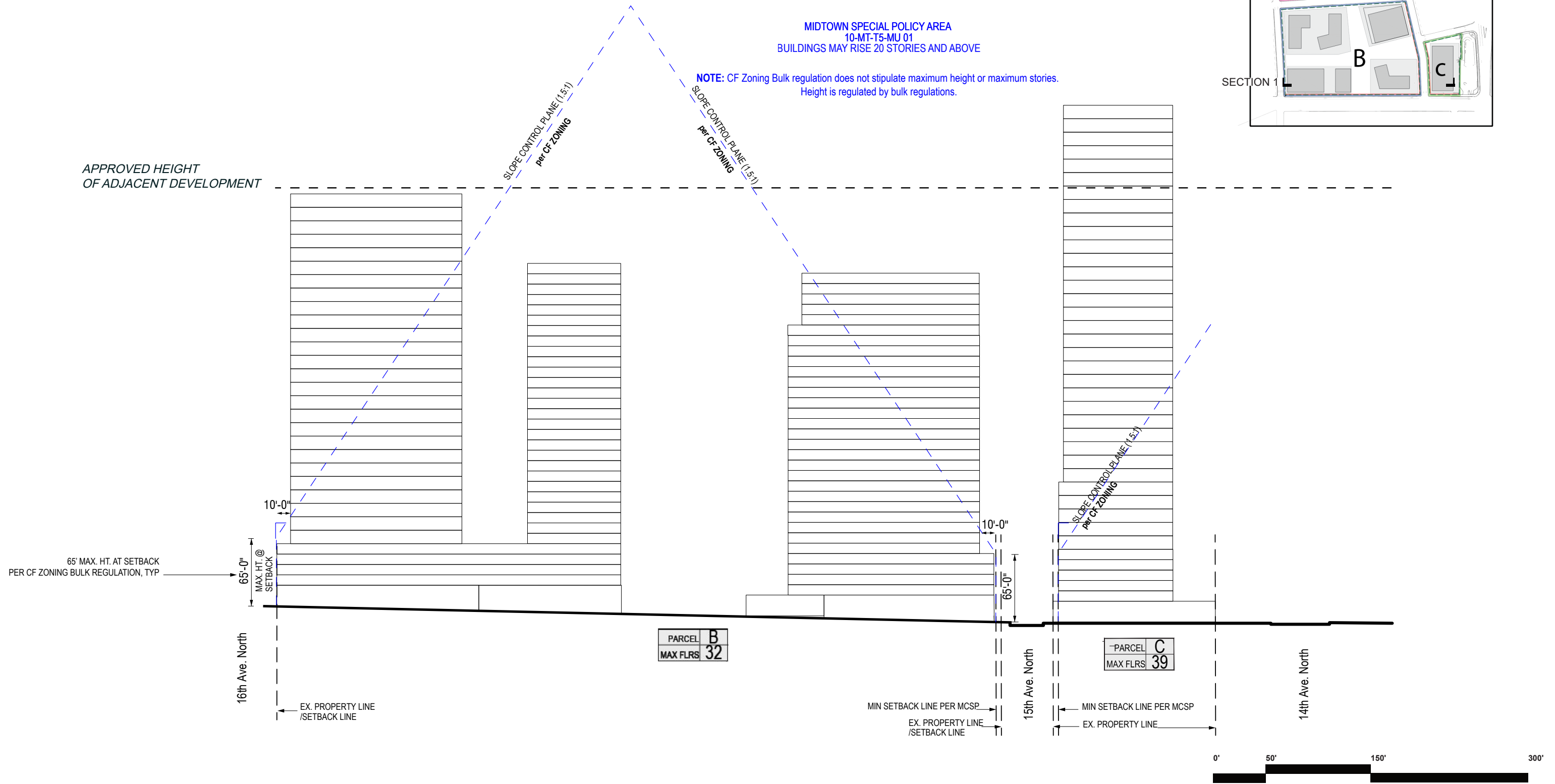
\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE

**SECTION 1**



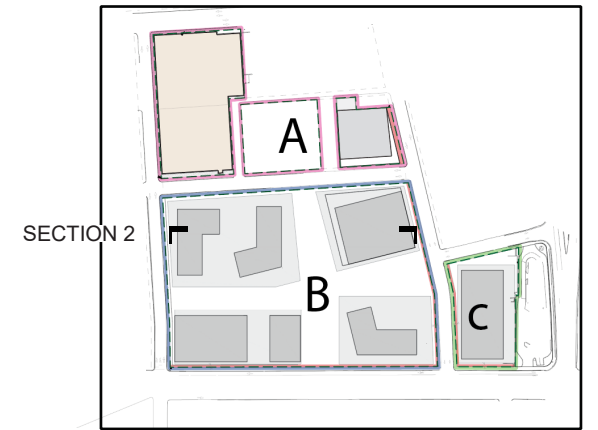
MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

**NOTE:** CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

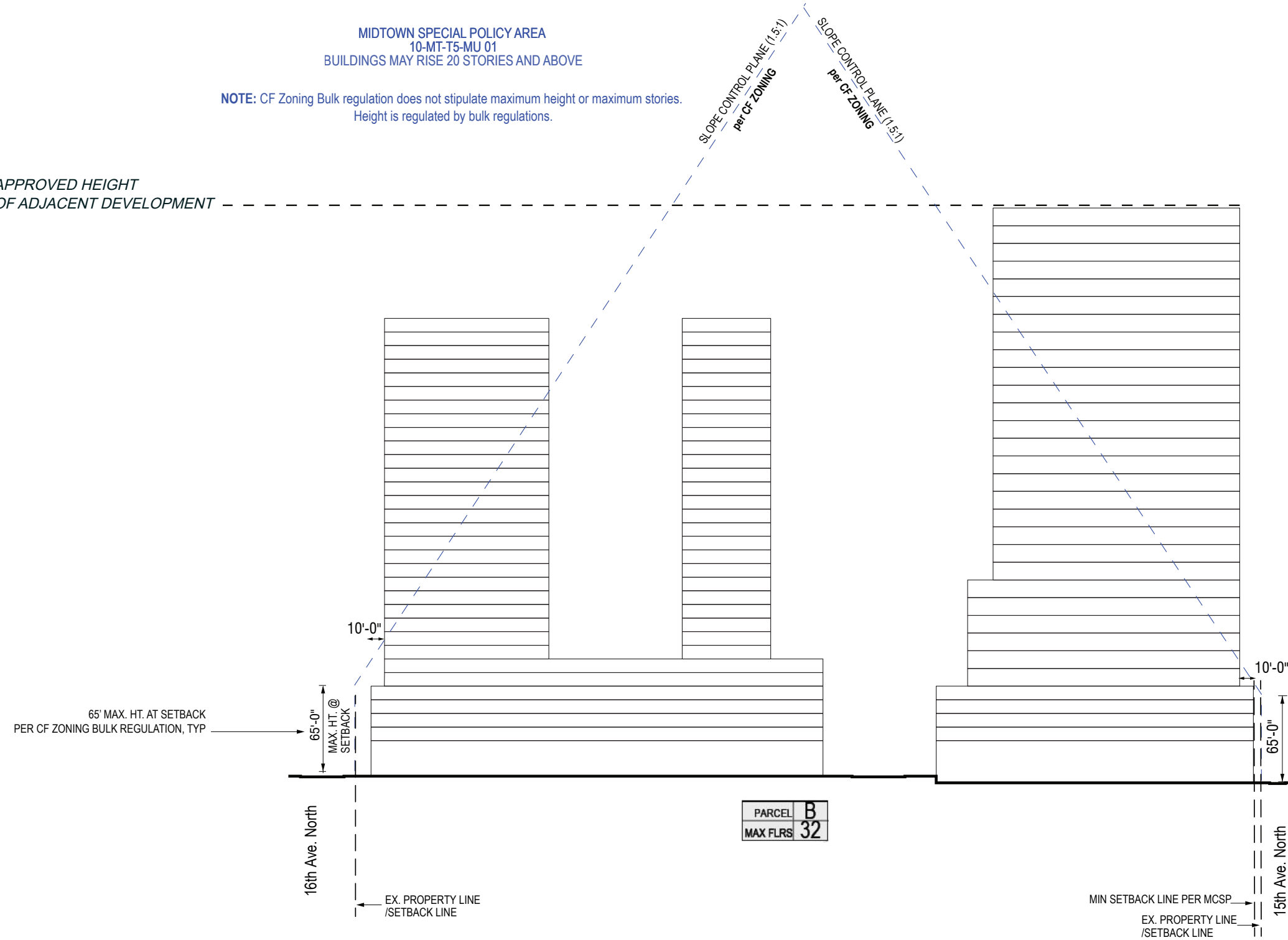
**SECTION 2**



MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

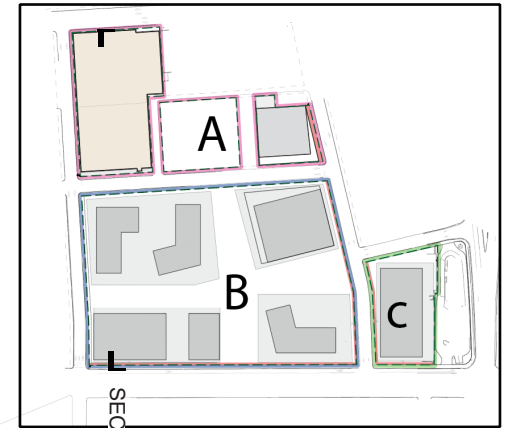
APPROVED HEIGHT  
OF ADJACENT DEVELOPMENT



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)



# SECTION 3



SECTION 3

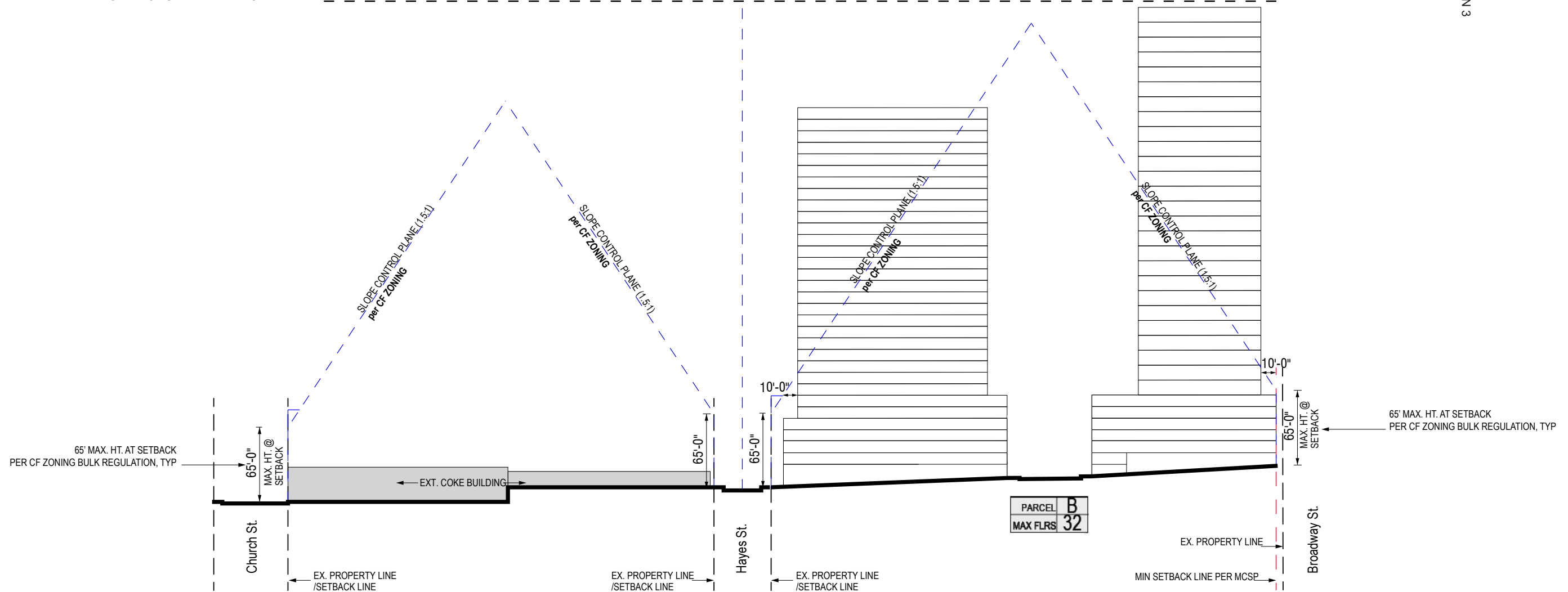
MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 02  
MAX BUILDING HEIGHT: 20 STORIES

NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

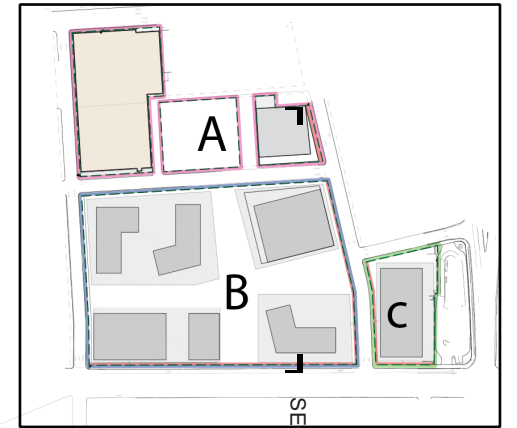
NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

APPROVED HEIGHT  
OF ADJACENT DEVELOPMENT



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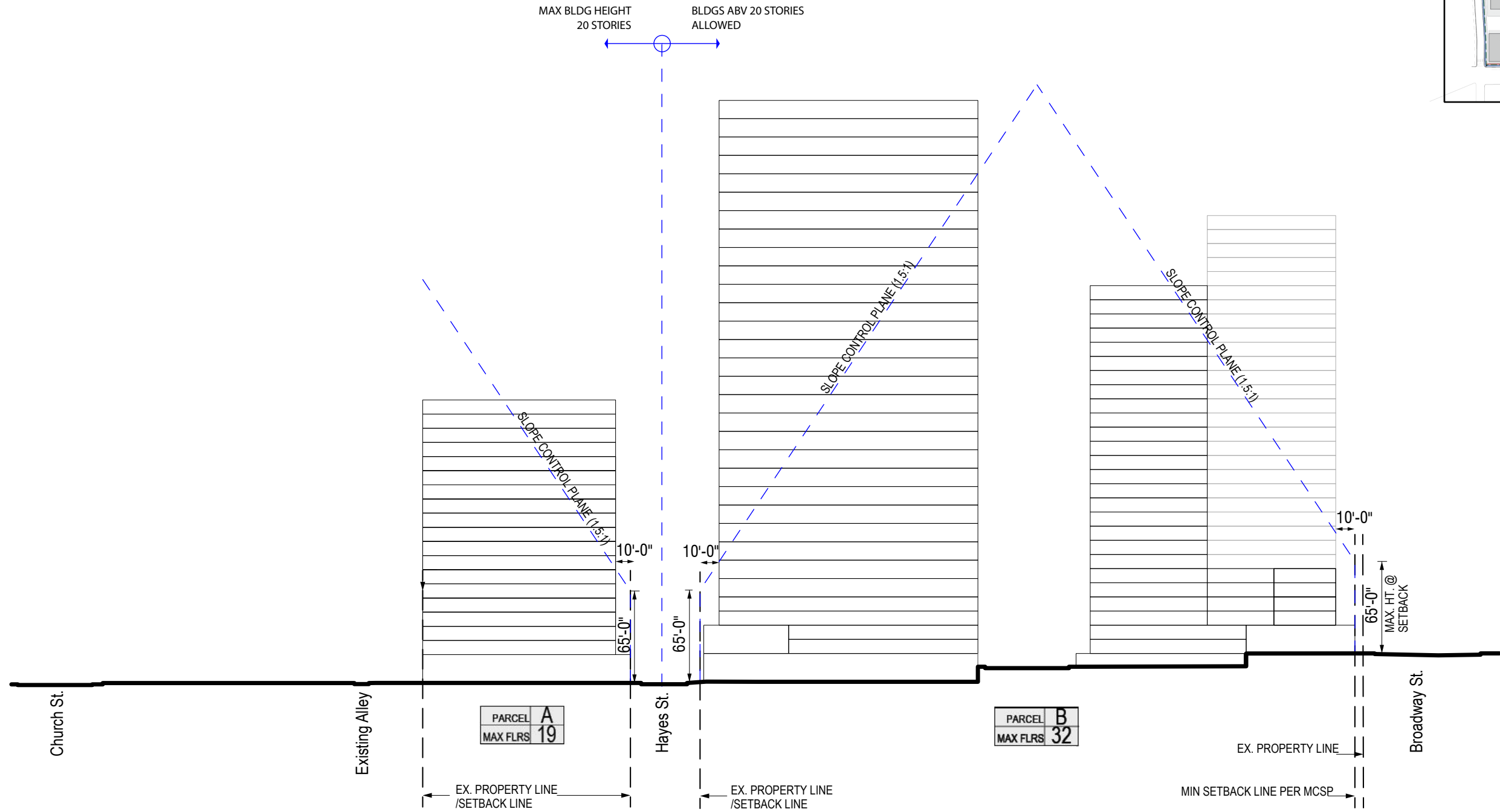
# SECTION 4



SECTION 4

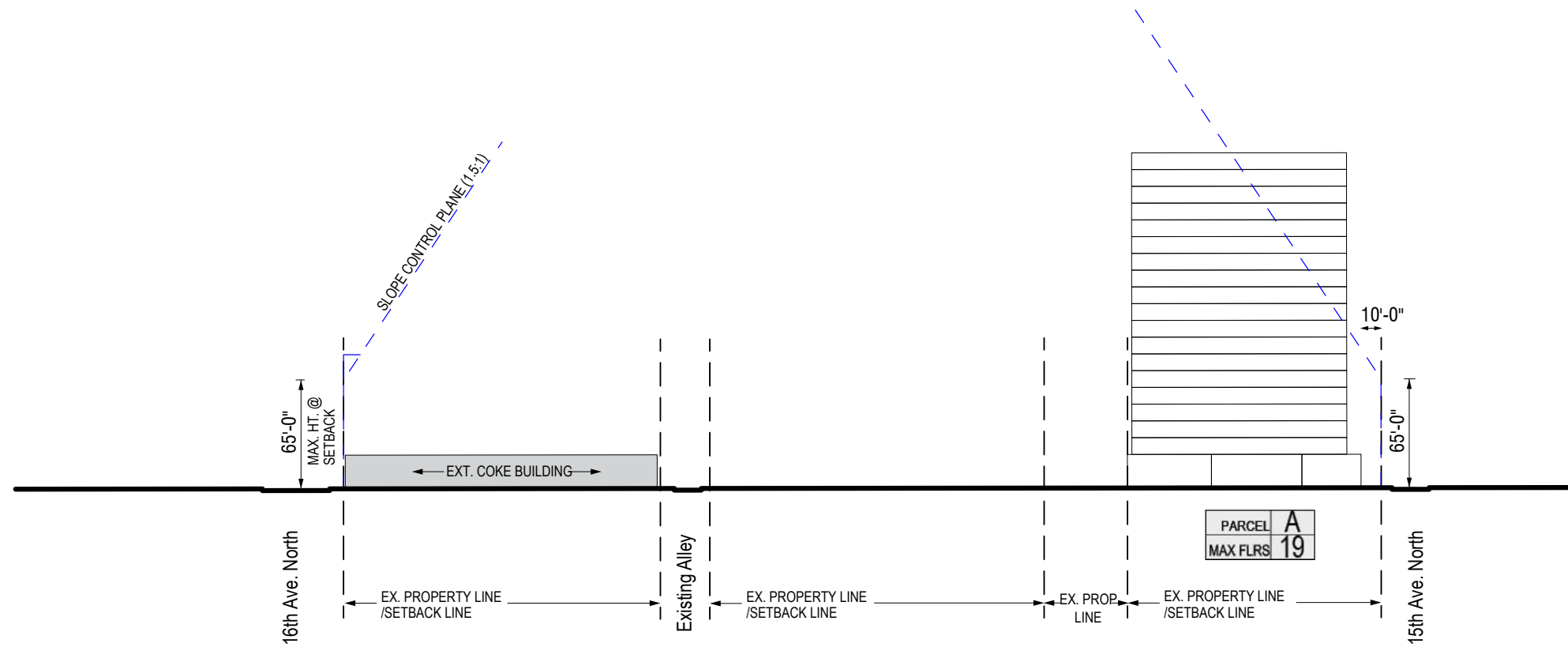
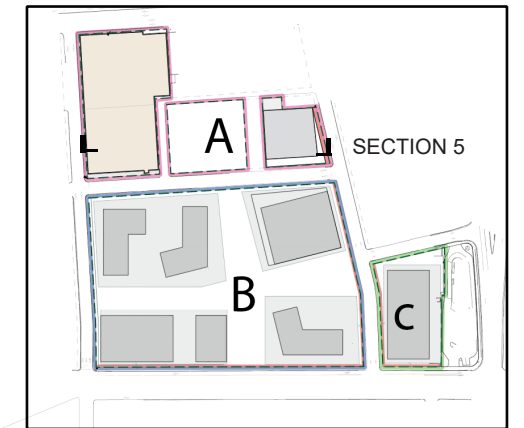
MAX BLDG HEIGHT  
20 STORIES

BLDGS ABV 20 STORIES  
ALLOWED

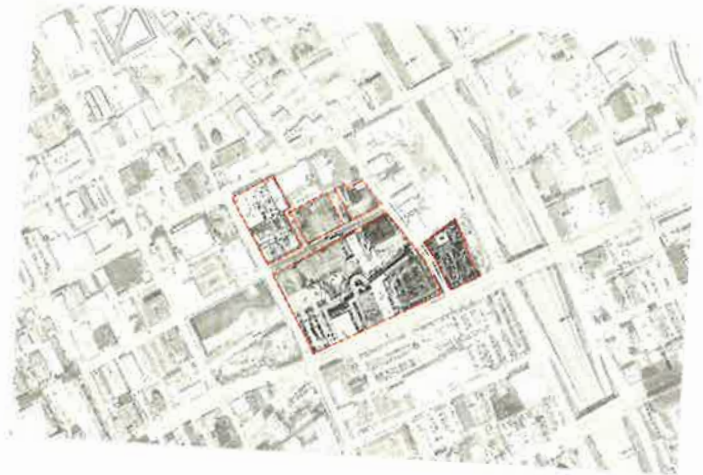
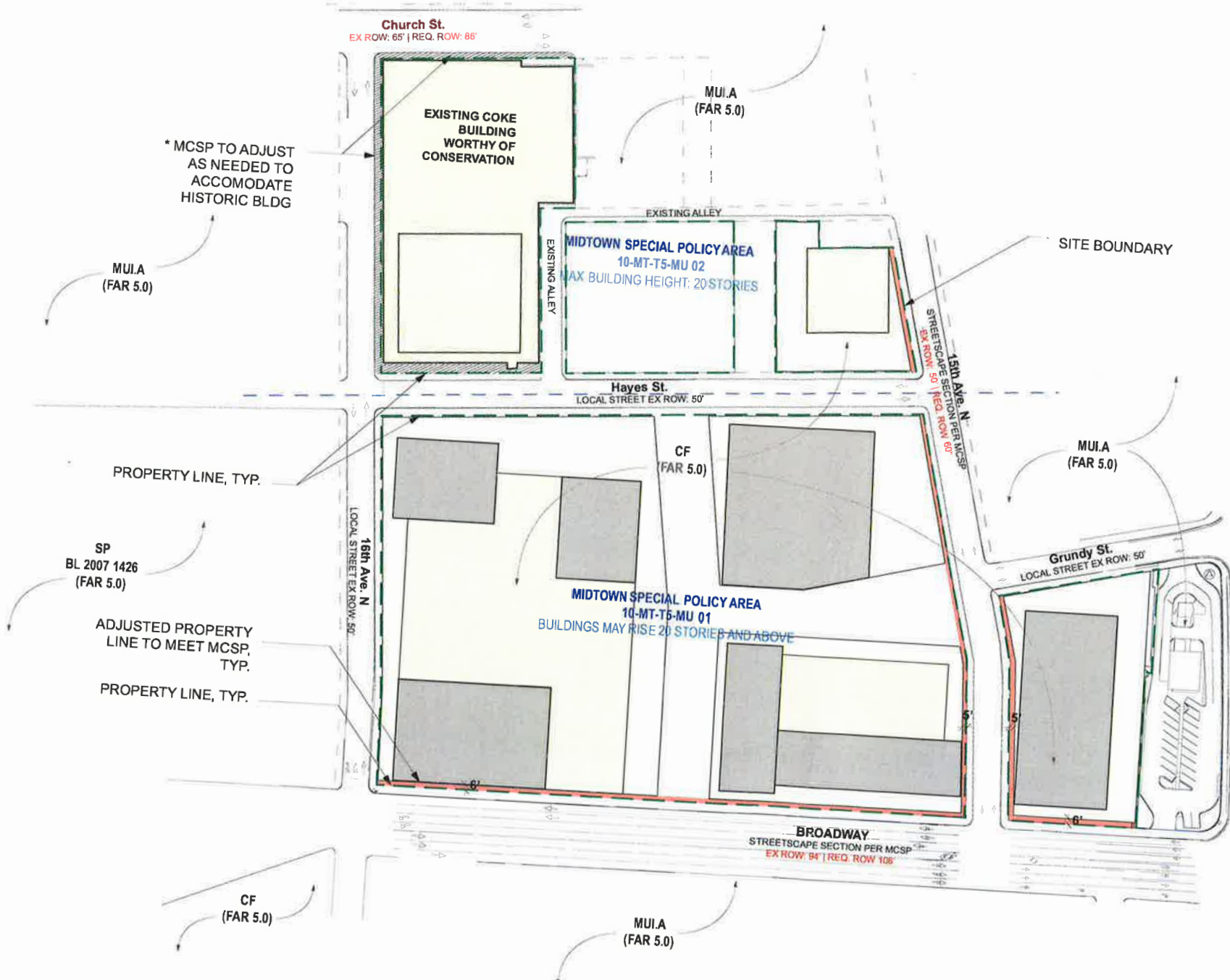


\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

# SECTION 5



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

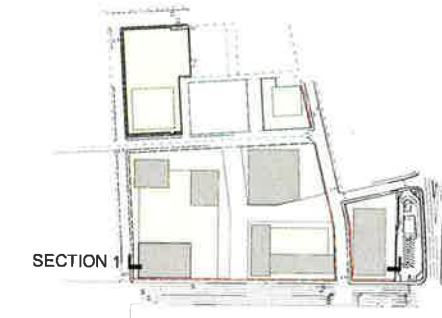


VICINITY MAP

\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE

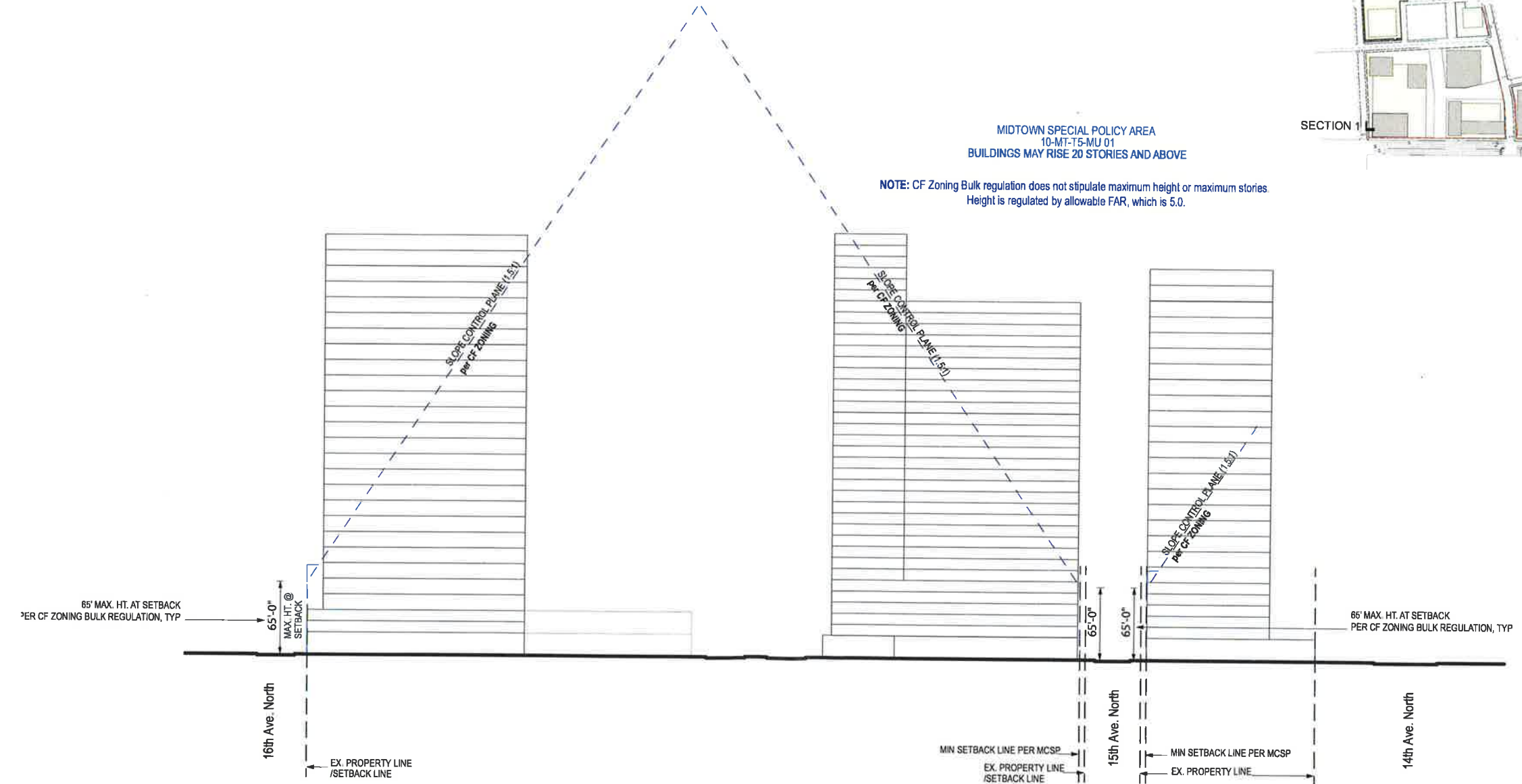


### SECTION 1



MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

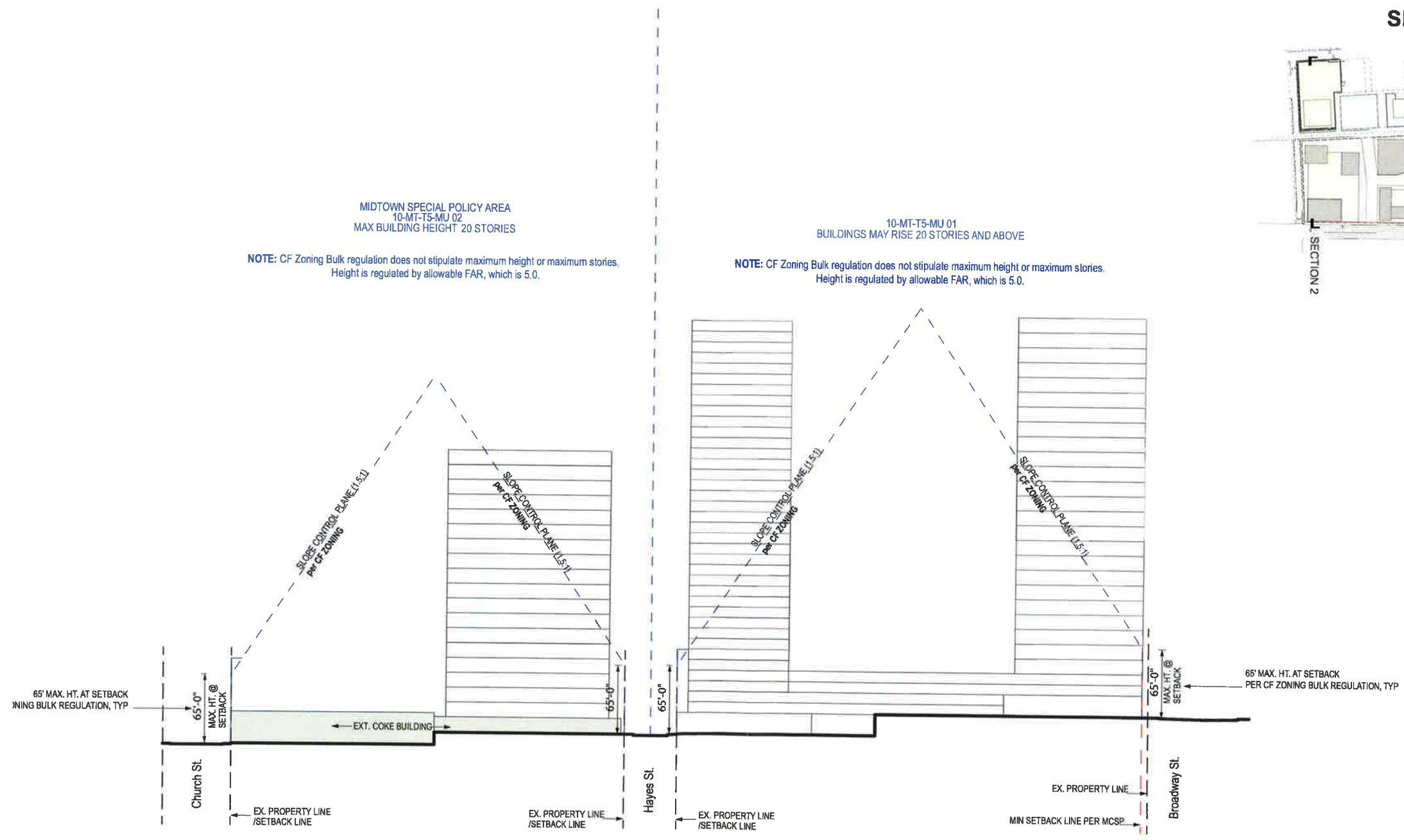
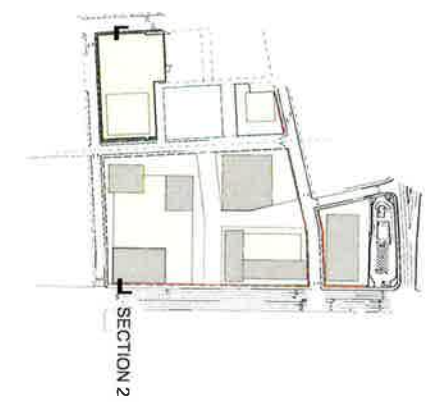
NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories  
Height is regulated by allowable FAR, which is 5.0.



\* BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



### SECTION 2



\* BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



# **EXHIBIT C**

## **LAND OWNER SUPPORT**

- Mike Shmerling - Email of support sent to Board of Zoning Appeals
- Henry Menge - Email of support sent to Board of Zoning Appeals
- DCI - Email of support sent to Board of Zoning Appeals
- Chenault Sanders - Email of support sent to Board of Zoning Appeals
- Mark Ezell (Purity Dairy) - Email of support sent to Board of Zoning Appeals
- Jay (Roy) William - Email of support sent to Board of Zoning Appeals
- Equitable Trust/David Simcox - Email supporting application attached

Reed Family Site--BZA Special Exception Request [IWOV-ButlerSnow.FID5090943]



George Crawford <George.Crawford@butlersnow.com>

To: Emily.Lamb@nashville.gov; bza@nashville.gov

Cc: Lindseth, Michael; Betsy Lindseth; Ellen Crawford True; David Simcox

Reply

Reply All

Forward



Thu 4/9/2020 5:28 PM

[Bing Maps](#)

[+ Get more add-ins](#)

Dear Ms. Lamb-

Florence R. Lindseth (1/2 interest), Ellen D. Crawford True (1/4 interest), and I (1/4 interest) collectively own the improved real properties located at (i) 1517 Church Street, Nashville, Tennessee 37203, (ii) 1513 Church Street, Nashville, Tennessee 37203, and 1510 Hayes Street, Nashville, Tennessee 37203. All of these properties are either surrounded by or contiguous to the Reed family site. We would like to let you know that we are supportive of the BZA special exception request for the Reed site. The site has been in the Reed family for many years, and we understand their desire to develop the property consistent with the existing zoning and regulations of the current CF (Core Frame). Given that the only exception to the current zoning being requested is to allow height within the now obsolete slope control plane, we support the special exception.

We believe this will form a more ideal streetscape and activated public realm. The heights shown seem compatible with the area development and with Metro Planning policy. We are also pleased to see that the historic Coke building will be retained and adaptively reused in this new development.

We feel that the development of this parcel, which is primarily surface parking and automobile related services, has a higher and better use in this development scenario and, along with the Broadwest development, helps to mend the gap between downtown and the Midtown area, providing a much more effective and walkable connection.

Thank you in advance for the Board's consideration. Please let us know if you have any questions.

**George V. Crawford III**

D: (615) 651-6747 | C: (615) 479-7089 | F: (615) 651-6701

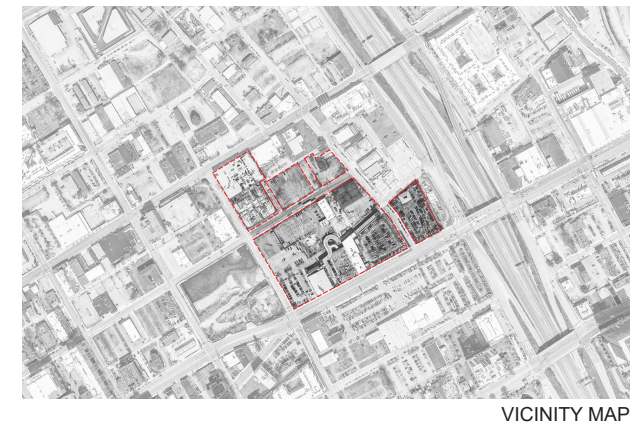
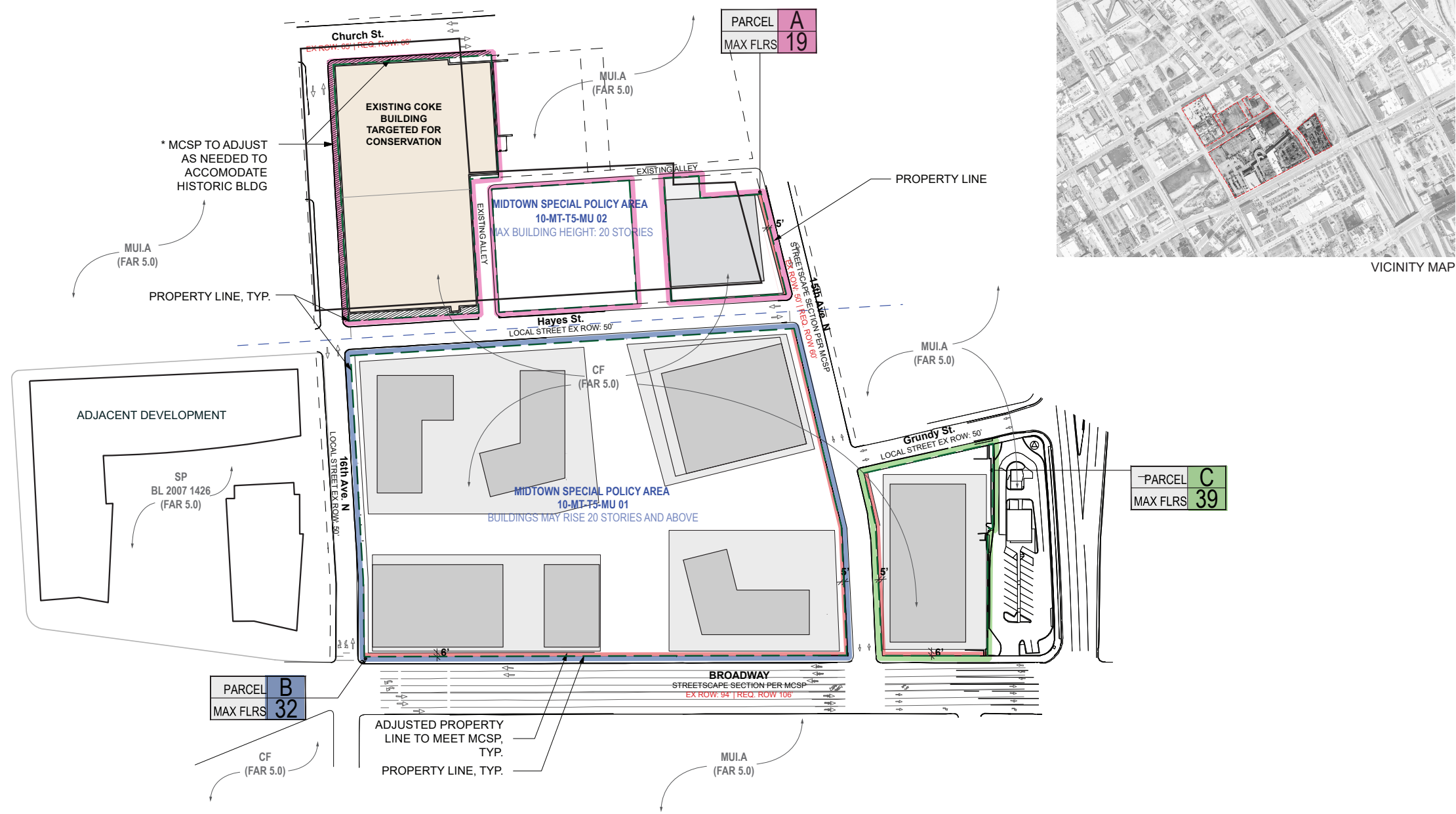
[George.Crawford@butlersnow.com](mailto:George.Crawford@butlersnow.com)

# **EXHIBIT A**

## **SITE PLAN**



# BZA SPECIAL EXCEPTION



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



REED DISTRICT / SITE PLAN  
04.06.2020 | P. 1

April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION

These are the two items in the CF Bulk Regulations for which we are asking a special exception:

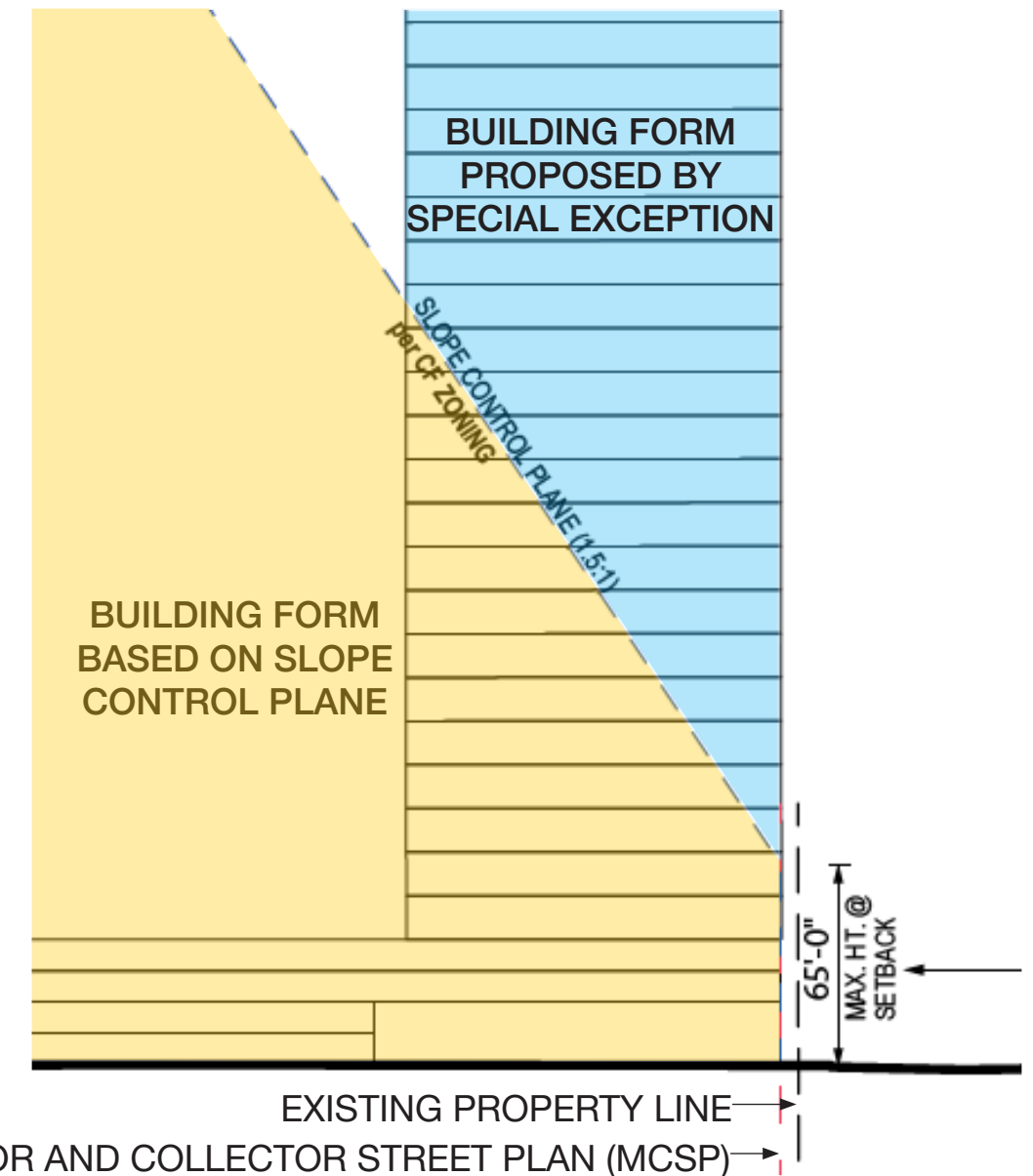
- 1 Max height at setback 65'
- 2 Slope of Height Control Plane 1.5 to 1

CF ZONING DOES NOT STIPULATE A MAXIMUM HEIGHT OR STORIES WITHIN ANY REGULATIONS OR REQUIREMENTS, rather under CF zoning, height is regulated by the FAR allowance of 5.0 as a default.

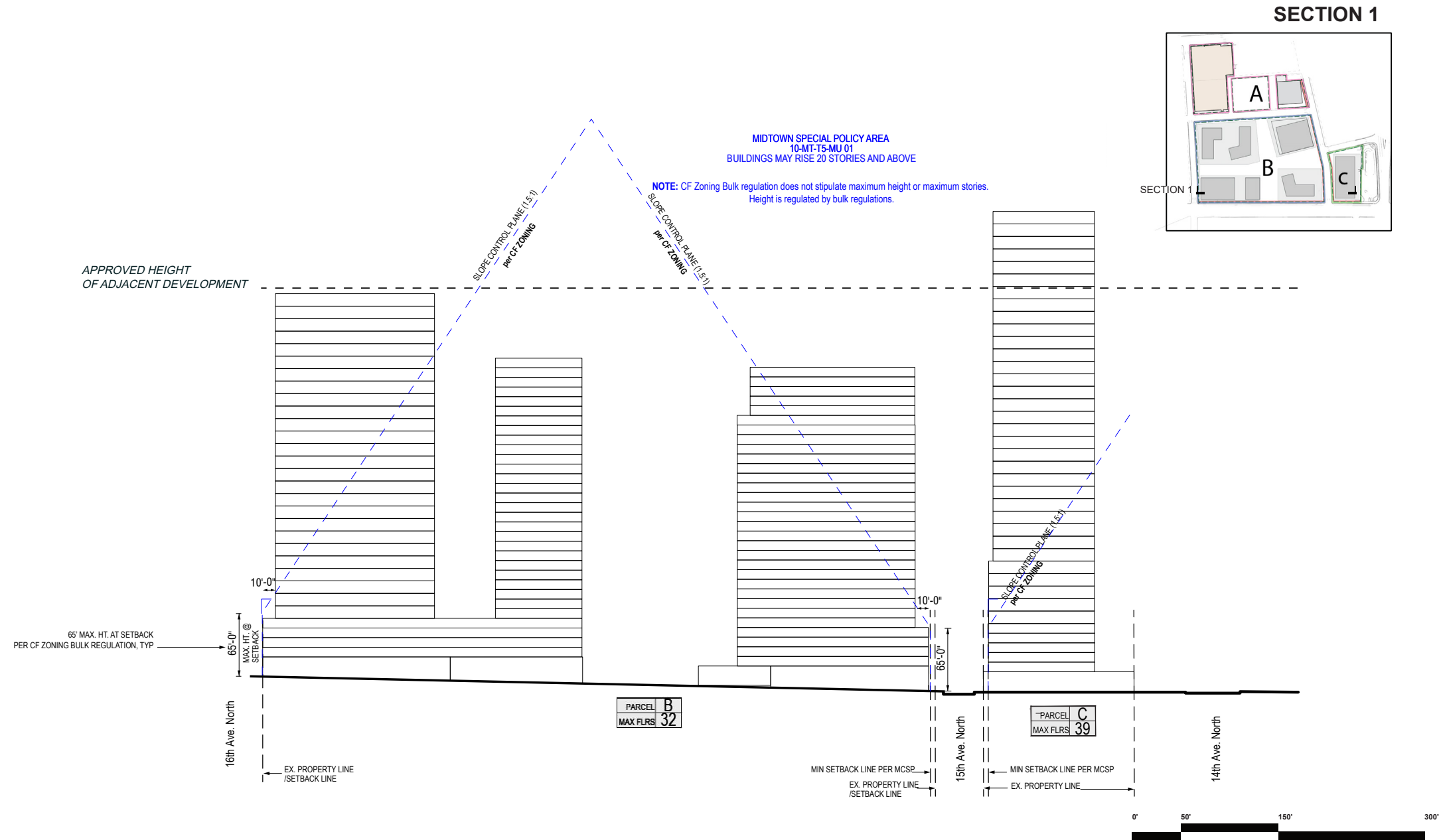
The BZA Special Exception is made for variance at height and setback and slope control plane per Metro Code Section 17.12.060.F Building Height Controls

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

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... based on the review and approval of the Special Exception by the Board of Zoning Appeals



# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS SUBJECT TO CF BULK REGS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

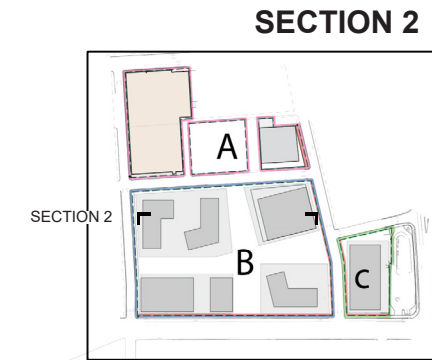
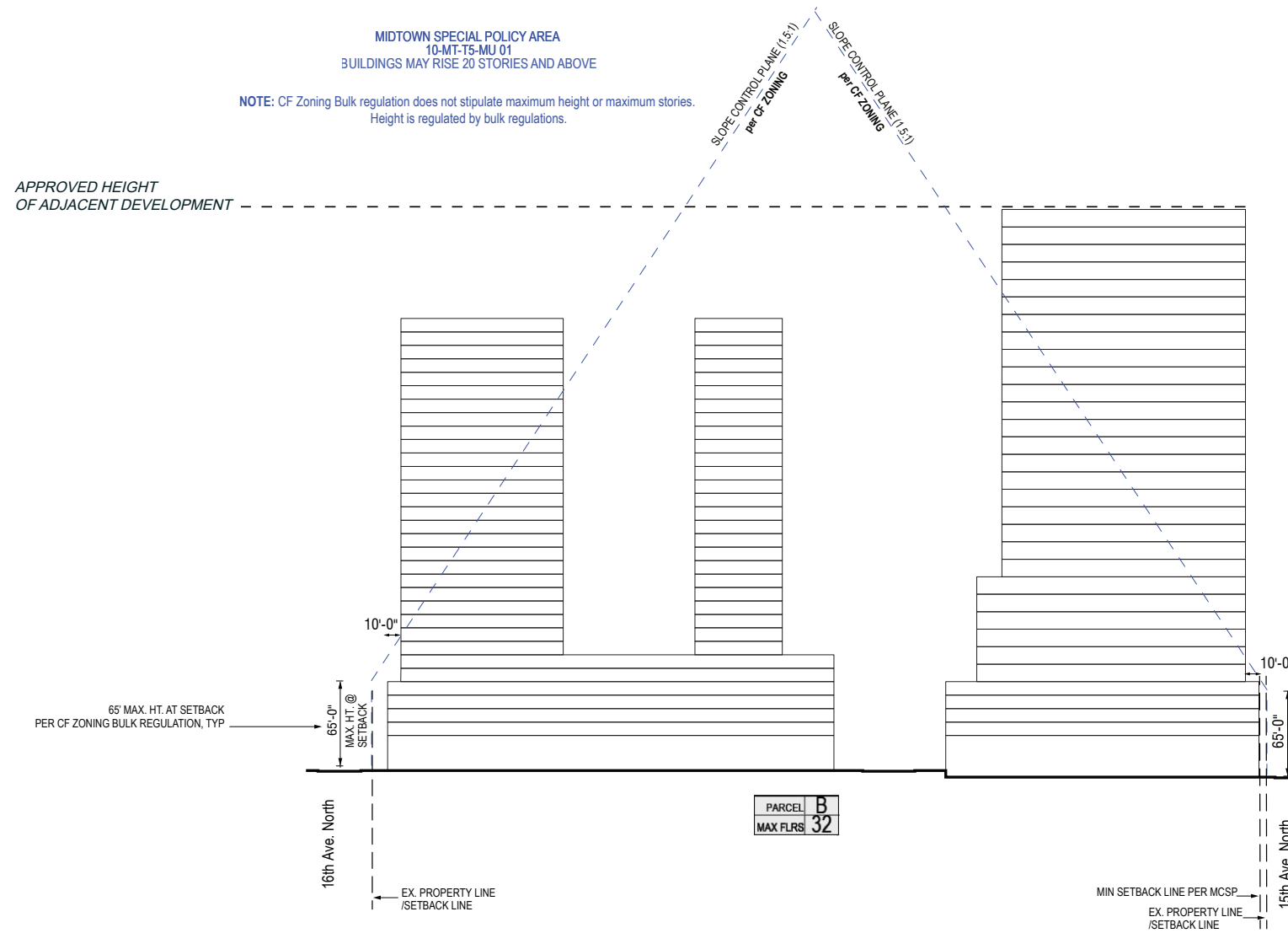
SECTIONS  
04.06.2020 | P. 2

April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS SUBJECT TO CF BULK REGS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

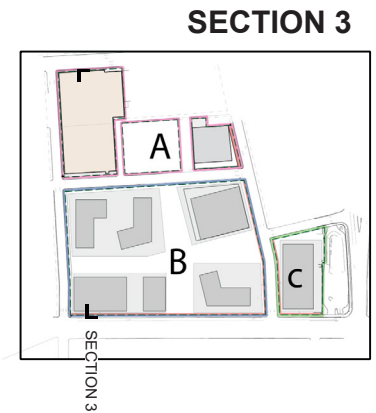
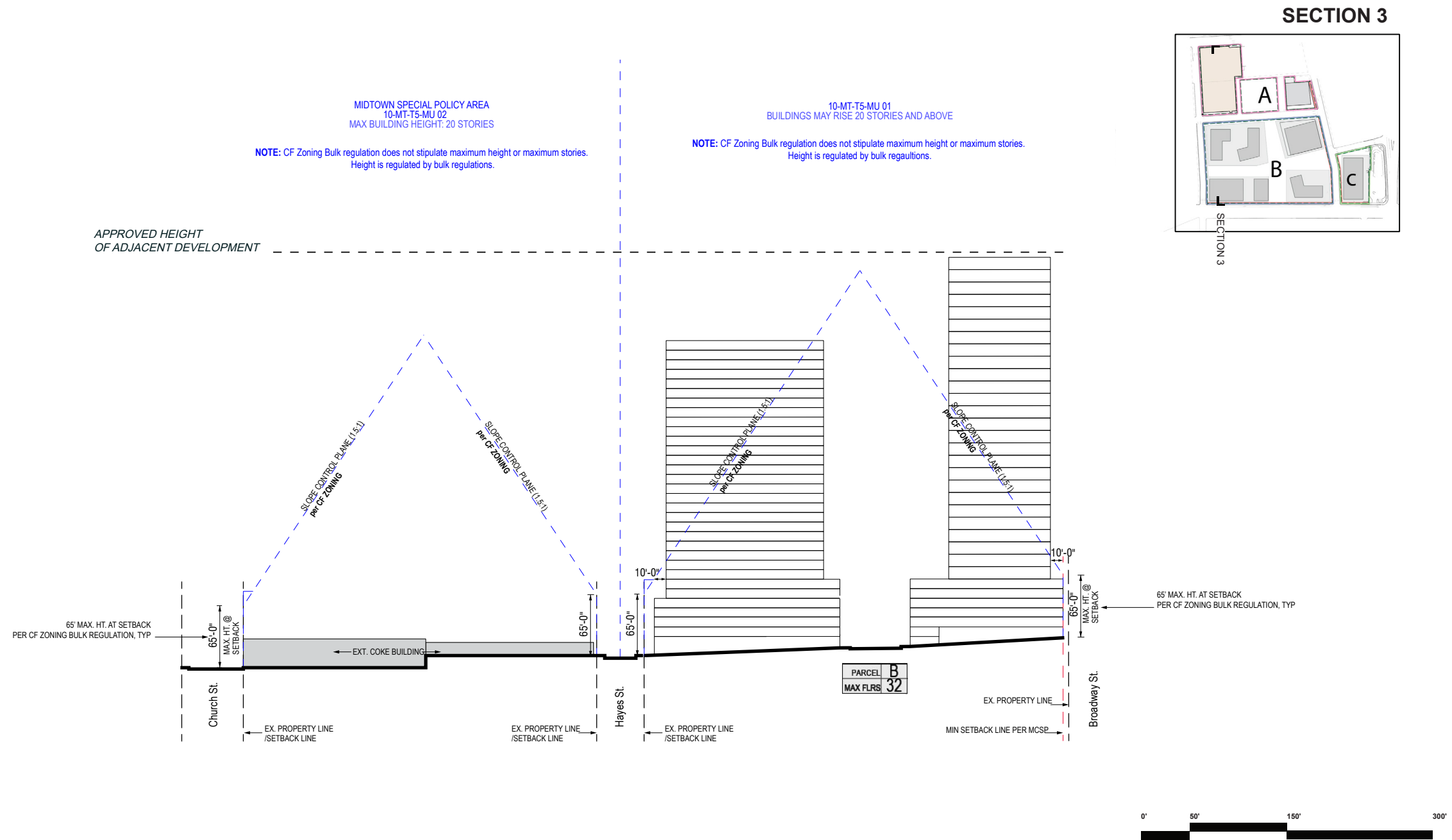
SECTIONS  
04.06.2020 | P. 3

April 6, 2020

REED Site / Midtown  
BZA Special Exception Application



# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS SUBJECT TO CF BULK REGS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 4

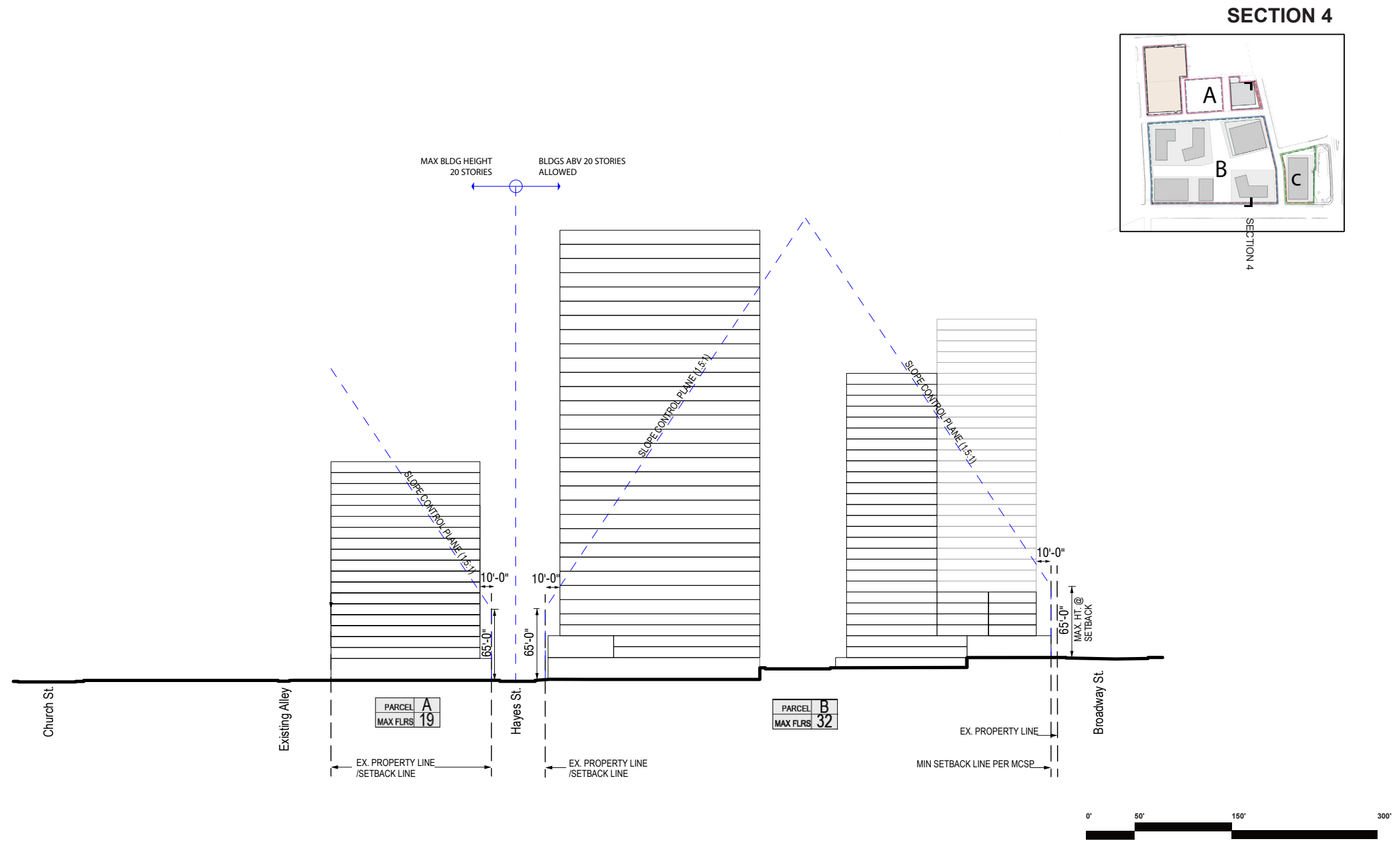
April 6, 2020

## REED Site / Midtown BZA Special Exception Application





# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS SUBJECT TO CF BULK REGS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 5

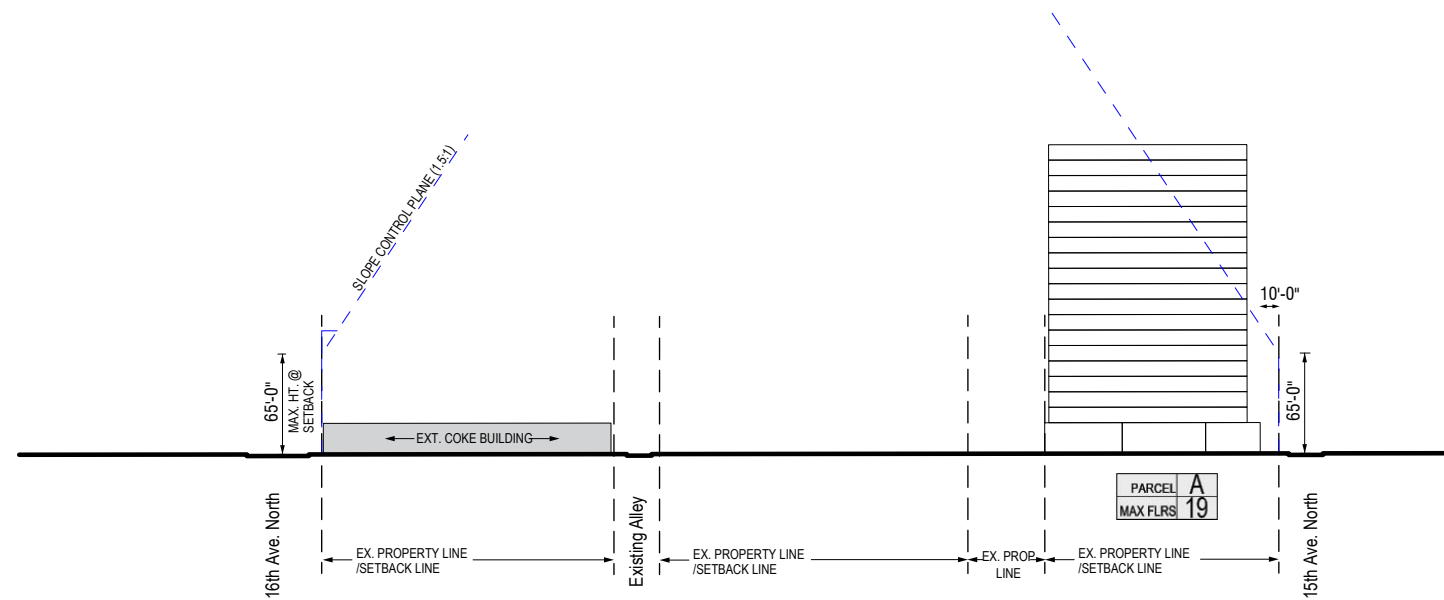
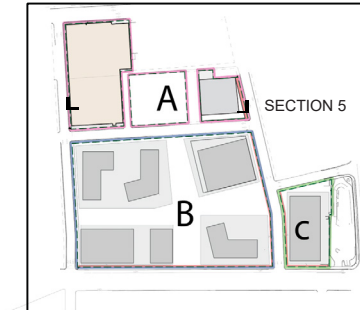
April 6, 2020

REED Site / Midtown  
BZA Special Exception Application



# BZA SPECIAL EXCEPTION

SECTION 5



\* BUILDING MASSINGS AND HEIGHTS SUBJECT TO CF BULK REGS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)



SECTIONS  
04.06.2020 | P. 6

April 6, 2020

REED Site / Midtown  
BZA Special Exception Application



# **EXHIBIT B**

## **PLANNING SUPPORT LETTER**

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:** April 7, 2020  
**BZA Hearing Date:** April 16, 2020  
**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 2020-096 (1525 Church Street) – Height at setback and slope control plane Special Exceptions.**

**Request:** A Special Exception for building height requirements at the setback and the height control plane for 27 parcels.

**Zoning:** Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

**Overlay District:** Urban Zoning Overlay (UZO)

**Land Use Policy:**

T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

Midtown Study is a small area plan produced by the Metropolitan Planning Department. Small Area Plans illustrate the vision for designated land in specific neighborhoods. On a parcel-by-parcel basis, these plans steer the appropriate land use, development character, and design intent guided by goals established by community stakeholders.

### **Planning Department Analysis:**

The applicant is requesting two special exceptions:

- To allow for an increase in height at setback.
- To allow for an increase in height within the height control plane.

The Midtown Study centers around character areas and subdistricts within those character areas. Each subdistrict includes recommended uses, building form (mass, orientation, placement), connectivity and parking. The Midtown Study identifies these properties as being within two different subdistricts: 10-MT-T5-MU-01 and 10-MT-T5-MU-02.

#### Subdistrict 10-MT-T5-MU-01:

- It applies to properties generally fronting on West End Avenue between 31st Avenue North and I-40.
- Buildings may rise 20 stories and above.

#### Subdistrict 10-MT-T5-MU-02

- It applies to properties along Charlotte Avenue between I-440 and I-40, along West End Avenue and Murphy Road adjacent to I-440, along Park Circle, along Broadway and Division Streets and 21st Avenue South, properties in the Grand Avenue/18th Avenue South area; and between Charlotte Avenue and Pierce Street east of 21st Avenue North.
- Lower building heights and masses are intended in this area than in Area 10-MT-T5-MU-01 because of the area's structural constraints to development. Maximum building heights of up to twenty stories are generally most appropriate in this area.

Core Frame (CF) zoning does not stipulate a maximum height or maximum stories. Height in this zoning district is regulated by the FAR allowance of 5.0.

The applicant's requests to allow for an increase in height at setback and to allow for an increase in height within the height control plane would apply to both subdistrict areas. The proposal includes building heights above 20 stories along Broadway which is permitted within Subdistrict 10-MT-T5-MU-01. The intent is to have the taller buildings along Broadway to create high-intensity urban mixed use areas. The proposal is also respecting the intent of Subdistrict 10-MT-T5-MU-02 by placing shorter buildings along Church Street, mainly because of the area's structural constraints to development.

The existing zoning specifies a "height control plane" ratio. This means that for each 1.5 feet away from the setback an additional foot in height is granted. This creates irregular and inefficient floor plans. More desirable is a maximum height at the build-to zone and then another maximum height at the "step back," which is a distance behind the build-to zone. This allows for all floors to be the same size. While this plan only includes a step-back along 16<sup>th</sup> Avenue, it does provide constant height for the rest of the buildings, therefore the floors will be the same size, which is intended in an urban environment. The proposal is constant with the Midtown Study, therefore staff recommends approval.

**Planning Recommendation: Approve**



# **EXHIBIT D**

## **AFFIDAVIT OF KIM HAWKINS**

**AFFIDAVIT OF KIM HAWKINS  
HAWKINS PARTNERS  
CONCERNING THE INTEGRITY OF THE ADJACENT AREA/JUXTAPOSITION  
WITH SURROUNDING DEVELOPMENT AS WELL AS THE IMPACT ON HISTORIC  
FEATURES OR STRUCTURES, AND THE STRONG PEDESTRIAN STREETSCAPE**

STATE OF TENNESSEE    )  
COUNTY OF DAVIDSON   )

I, **Kim Hawkins**, having been duly sworn, do hereby affirm the following:

1. I am over the age of 18 years and competent to testify to the matters herein.
2. I am a registered landscape architect in the State of Tennessee with Hawkins Partners, Inc.
3. I have worked in this area for 34 years with extensive experience concerning the National Historic Preservation Act, the Major and Collector Street Plan and land-use and design in Tennessee.
4. I have a Bachelor of Landscape Architecture degree with formal training in landscape architecture and urban design and 38 years of technical experience in the field.
5. In my capacity as a landscape architect and urban designer, I studied this proposed project and made recommendations concerning the historic structures on site, the pedestrian streetscape and the design's compatibility with Planning's policies as well as the surrounding developments.

**Integrity of the Adjacent Area/Juxtaposition with Surrounding Development**

6. I have reviewed the long range planning policies for this site and the Midtown area, much of which is directly located on Broadway, a primary gateway to downtown. The Midtown special policies support the height being proposed at this critical site via the special exception request.
7. I have studied the surrounding zoning entitlements for adjacent projects and the base zoning applicable to the surrounding properties. The zoning entitlements for the surrounding sites encourage and allow significant height and density consistent with the proposal made by Hines.

8. I have conferred with the Developer on the planning for this site relative to the Major and Collector Street Plan. All roadways and right-of-way will be upgraded to comply with the Major and Collector Street Plan. The project will include significant ground floor activation and a dense mix of uses. In my professional opinion the development will turn an underutilized parcel into a contributing feature for the pedestrian experience, providing a critical physical and visible link between Midtown and downtown.
9. The activation proposed for this site and the upgrades that will be made to bring the site into compliance with the Major and Collector Street Plan will result in significant pedestrian upgrades that will benefit the surrounding properties and the community at large.

### **Historic Impact**

10. I have reviewed the site and the accessible federal and state data for historical records associated with the site, and I have knowledge and practice in the use and application of a historical structure within adaptive reuse development. There is a structure noted as “worthy for conservation” within the planned development area and I am currently assisting the development team with a plan for incorporating the historic Coke building into the development scheme.

### **Pedestrian Experience**

11. I have conferred with the Developer on the planning for this site relative to the Major and Collector Street Plan. All roadways and right-of-way will be upgraded to comply with the Major and Collector Street Plan. The project will include significant ground floor activation and a dense mix of uses. In my professional opinion the development will turn an underutilized parcel into a contributing feature for the pedestrian experience, providing a critical link between Midtown and downtown. The activation proposed for this site and the upgrades that will be made to bring the site into compliance with the Major and Collector Street Plan will result in significant pedestrian upgrades that will benefit the surrounding properties.

FURTHER AFFIANT SAITH NOT.

*[Signature page follows.]*

IN WITNESS WHEREOF, the undersigned has executed this instrument this 15<sup>th</sup> day of April, 2020.

**Hawkins Partners**

[Signature]  
Kim Hawkins

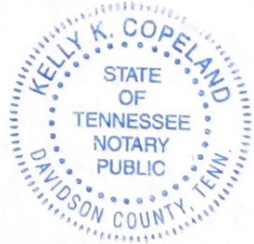
STATE OF TENNESSEE )  
COUNTY OF DAVIDSON )

Before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Kim Hawkins, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who upon oath acknowledged herself to be Kim Hawkins of Hawkins Partners and that as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal, at office in Nashville, TN, this the 15<sup>th</sup> day of April, 2020.

[Signature]  
Notary Public

My Commission Expires: July 3, 2023

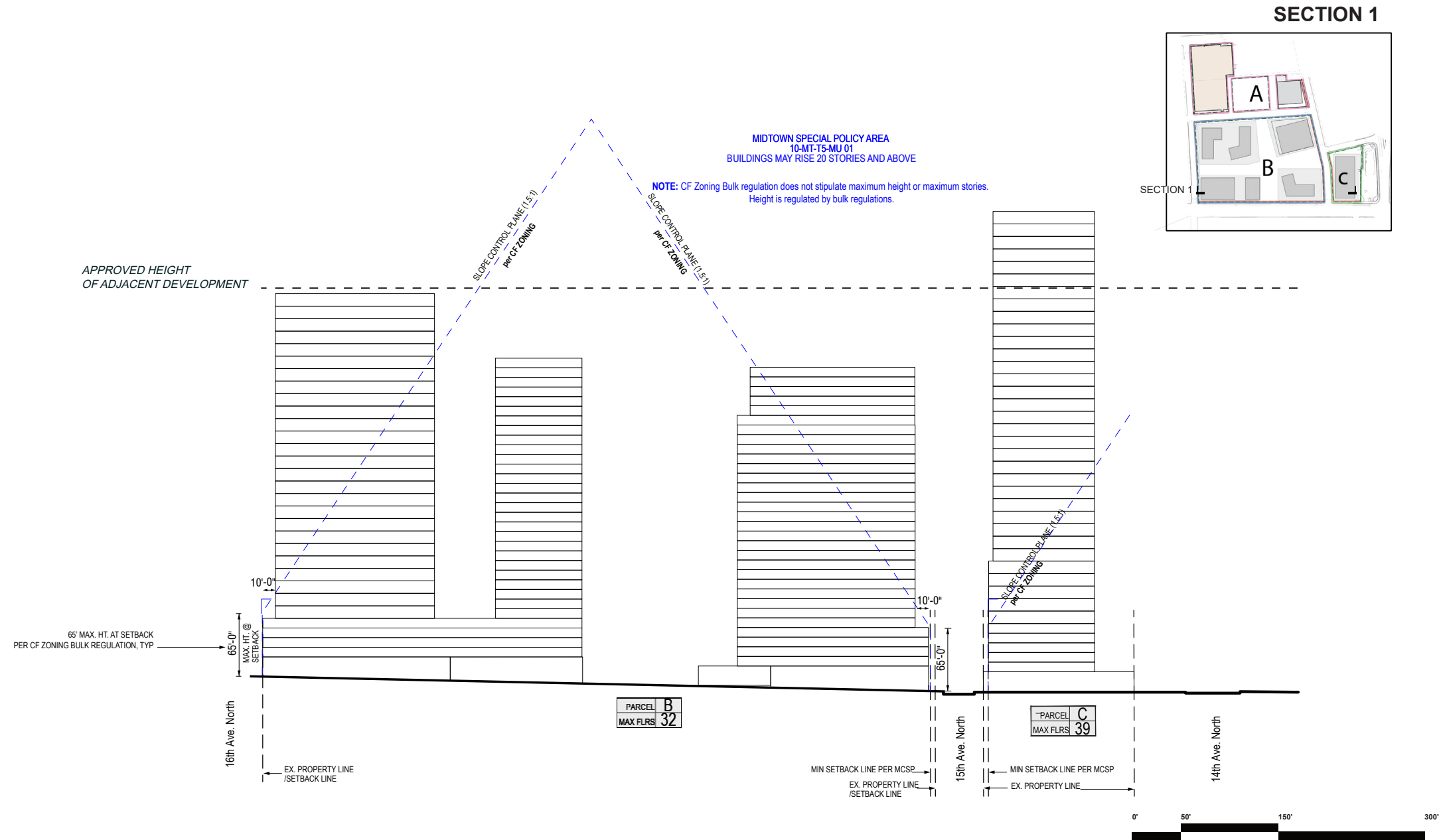




# **EXHIBIT E**

## **SURROUNDING HEIGHT EXHIBIT**

# BZA SPECIAL EXCEPTION



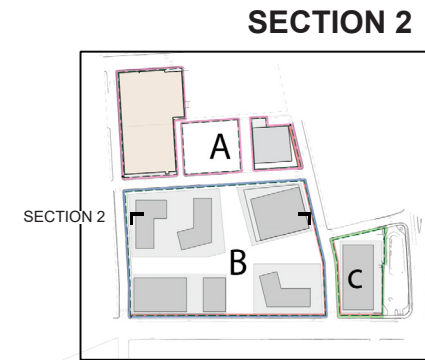
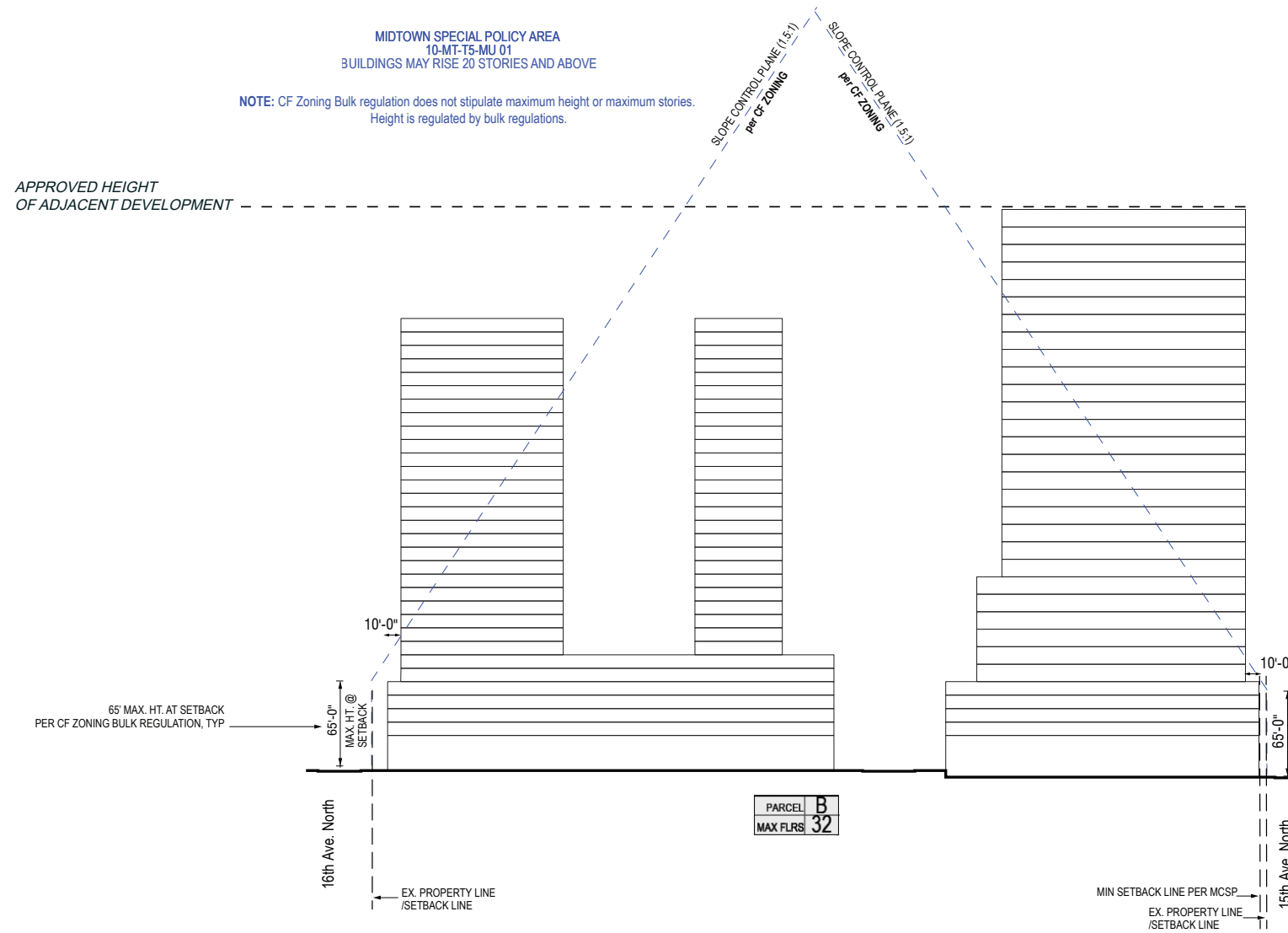
\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 2

April 6, 2020

## REED Site / Midtown BZA Special Exception Application

# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

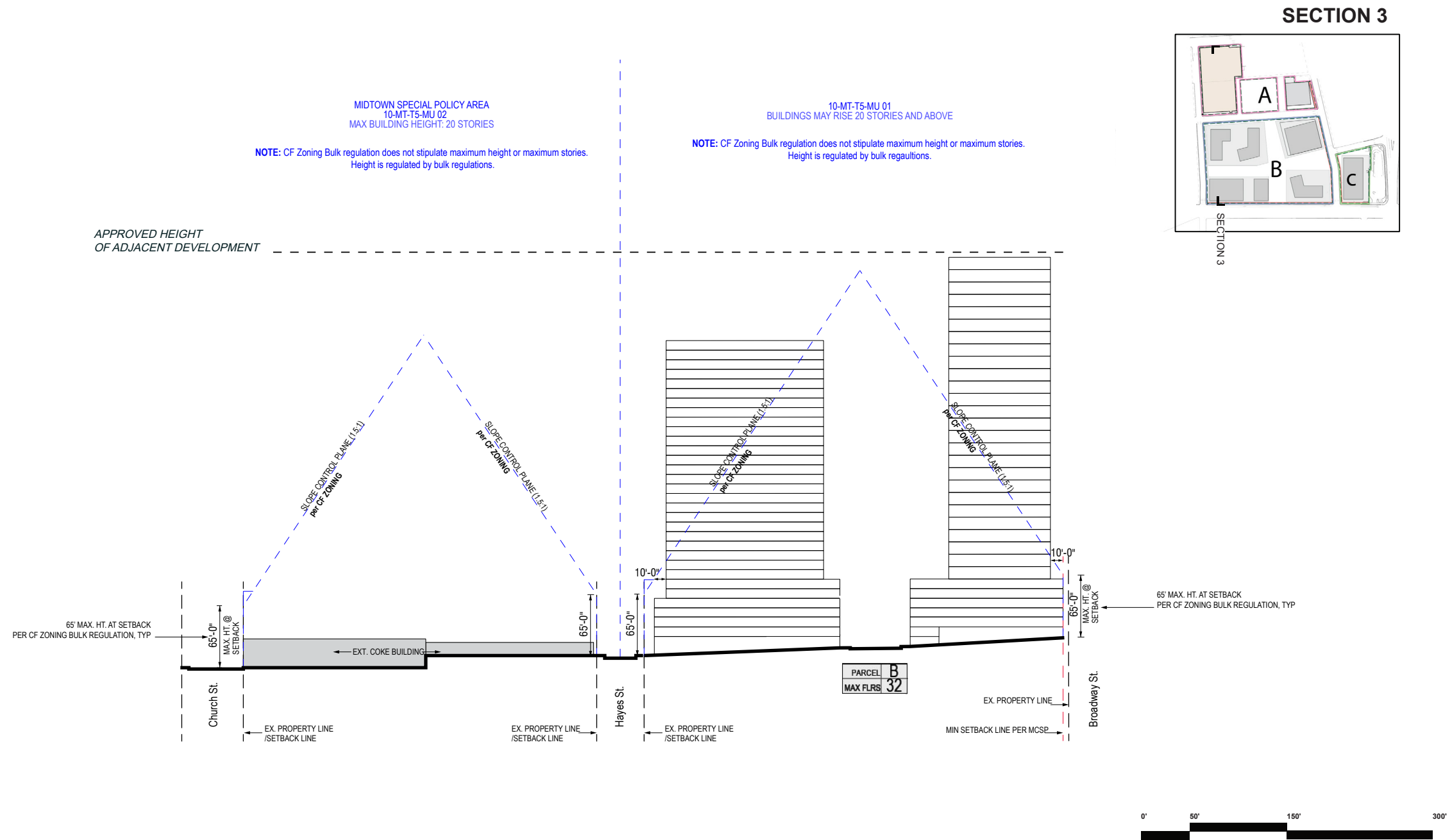
SECTIONS  
04.06.2020 | P. 3

April 6, 2020

REED Site / Midtown  
BZA Special Exception Application



# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 4

April 6, 2020

## REED Site / Midtown BZA Special Exception Application

# **EXHIBIT F**

## **LIGHT / SHADOW / SUN STUDY**

# REED NASHVILLE. TN

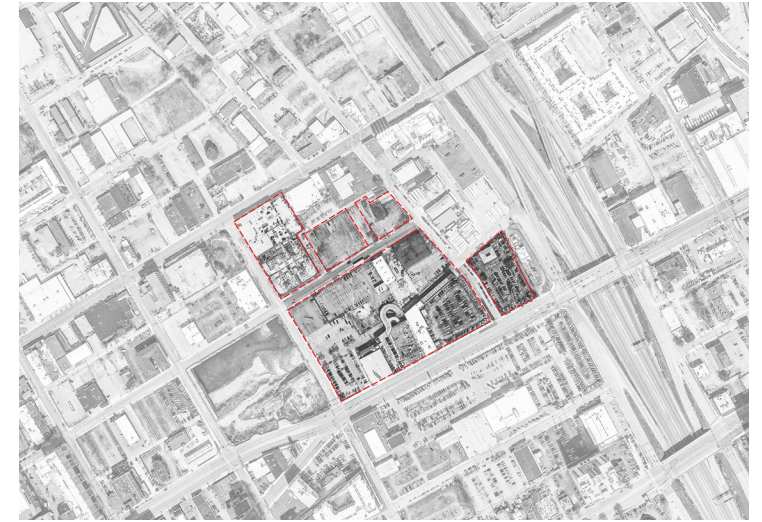
SHADOW STUDIES

03.13.2020

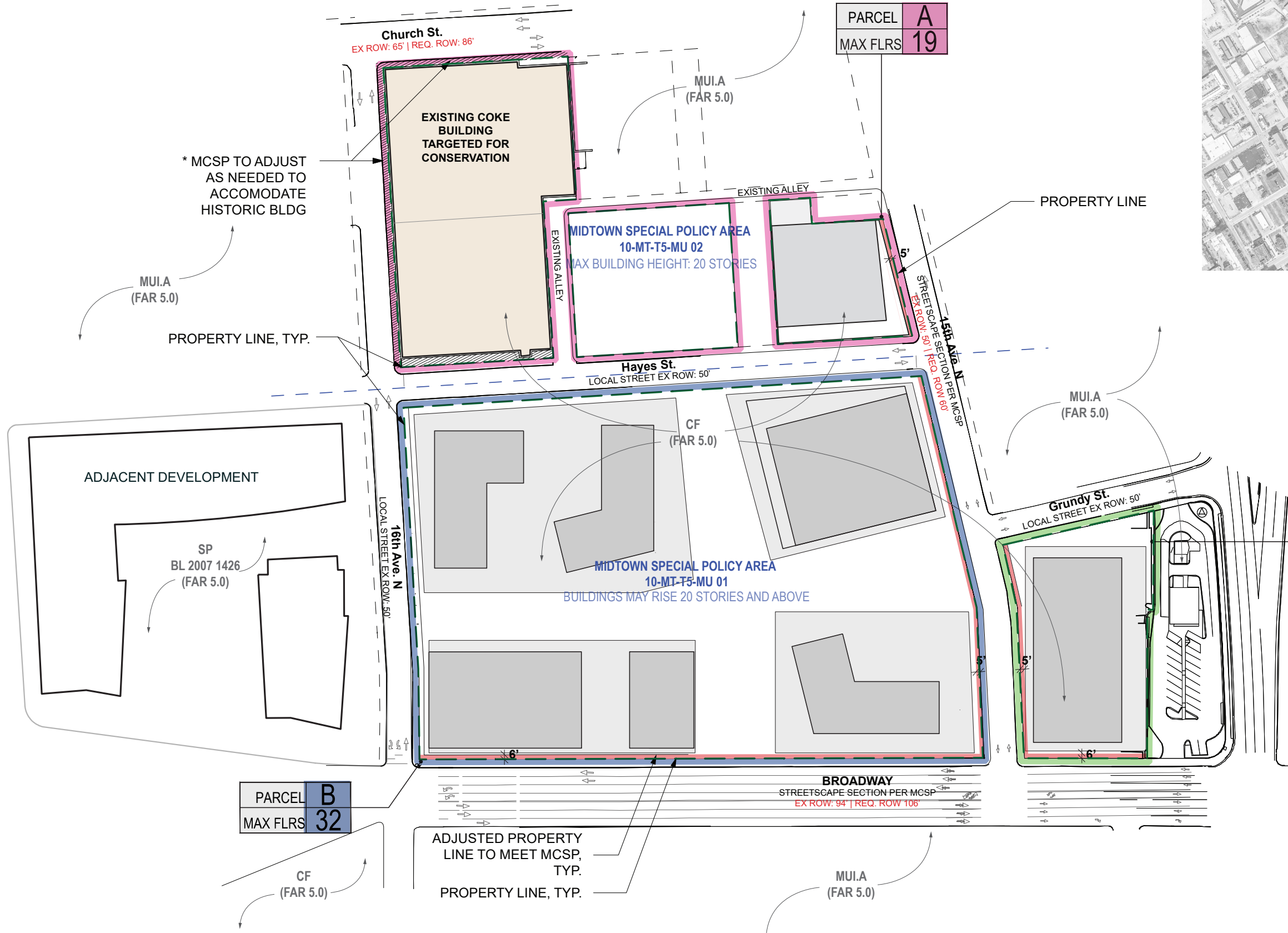
**S9**ARCHITECTURE



PARCEL	A
MAX FLRS	19



VICINITY MAP



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



21 MARCH

21 JUNE

21 SEPTEMBER

21 DECEMBER

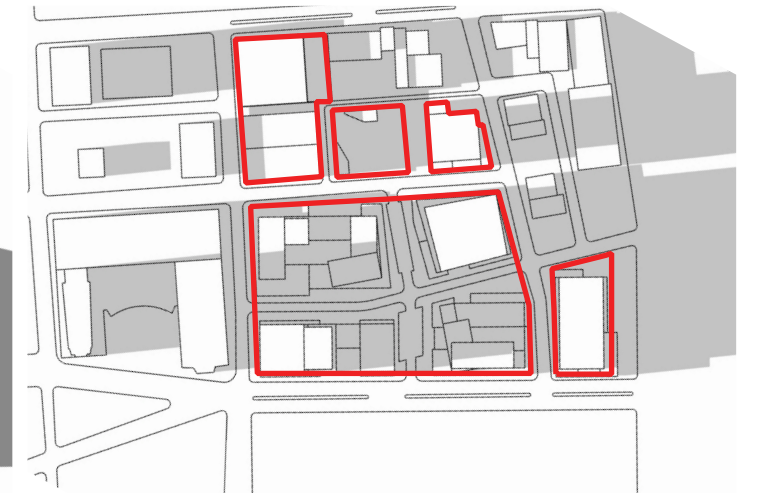
9AM



12PM



4PM



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



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**S9**ARCHITECTURE





Waller Lansden Dortch & Davis, LLP  
 511 Union Street, Suite 2700 615.244.6380 main  
 P.O. Box 198966 615.244.6804 fax  
 Nashville, TN 37219-8966 wallerlaw.com

James M. Weaver  
 615.850.8482 direct  
 james.weaver@wallerlaw.com

April 15, 2020

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

Re: **Special Exception Request, Case No. 2020-096**

Dear Members of the Board:

As counsel for Hines, pursuant to Metropolitan Code Section 17.12.060 (F), I am hereby filing this letter in support of our request for a special exception to allow the 31 parcels generally located between Broadway and Church Street, Parcel Numbers identified below to exceed the maximum height at the setback and the sky-plane limitations.

**PARCELS:**

<u>Address</u>	<u>Parcel</u>	<u>Acreage</u>	<u>Owner</u>
1525 Church St	09212036600	0.95	Hayes Street Realty, LLC
1520 Hayes St	09212043300	0.75	Hayes Street Realty, LLC
1518 Hayes St	09212043400	0.19	Hayes Street Realty, LLC
1516 Hayes St	09212043500	0.19	Hayes Street Realty, LLC
1514 Hayes St	09212043600	0.19	Hayes Street Realty, LLC
1512 Hayes St	09212043700	0.19	Good Horse, LLC
1508 Hayes St	09309001700	0.19	Good Horse, LLC
1502 Hayes St	09309001900	0.19	Good Horse, LLC
1500 Hayes St	09309002000	0.16	Good Horse, LLC
1501 Hayes St	09309002100	0.73	Broadway Realty Company
1509 Hayes St	09309002300	0.51	Broadway Realty Company
1511 Hayes St	09309002400	0.5	Broadway Realty Company
1515 Hayes St	09212043900	0.45	Broadway Realty Company
1519 Hayes St	09212044100	0.18	Broadway Realty Company
1521 Hayes St	09212044200	0.15	Broadway realty Company
1523 Hayes St	09212044300	0.27	Broadway Realty Company
116 16 <sup>th</sup> Ave S	09212044400	0.25	Broadway Realty Company
112 16 <sup>th</sup> Ave S	09212044500	0.42	Broadway Realty Company
1530 Broadway	09212044600	0.41	Broadway Realty Company
1518 Broadway	09309002500	0.38	Broadway Realty Company
1516 Broadway	09309002600	0.22	Broadway Realty Company
1512 Broadway	09309002700	0.44	Broadway Realty Company
1510 Broadway	09309002800	0.25	Broadway Realty Company
1506 Broadway	09309002900	0.56	Broadway Realty Company
1504 Broadway	09309003000	0.31	Broadway Realty Company
1502 Broadway	09309003100	0.29	Broadway Realty Company
1500 Broadway	09309003200	0.32	Broadway Realty Company

Address	Parcel ID	Acre	Owner
1406 Broadway	09309010100	0.22	Jim Reed Automotive
1408 Broadway	09309010200	0.42	Jim Reed Automotive
110 15th Ave N	09309008400	0.39	Reed, Jim Chevrolet Company
1517 Hayes St	09212044000	0.29	Broadway Realty Company

A copy of Hines’ site plan which identifies where the specific exception to the setback height and the sky-plane are located, is attached hereto as **Exhibit A** for your reference. The Board’s approval of this site plan will limit where the sky-plane can be pierced and where the setback deviations are permitted. Further changes to this site plan to permit additional deviations to the sky-plane or the setbacks will require additional Board approval.<sup>1</sup>

This request is supported by the District Councilperson and the Planning Staff. Evidence of this support is attached hereto as **Exhibit B**. It is also supported by many of the owners in the area. See **Exhibit C**.

We filed for this special exception pursuant to the plain language of Section 17.12.060 (F) of the Metropolitan Zoning Code. In working with the Codes Department and the Planning Staff, we were advised that a special exception would be the appropriate “vehicle” to use for this request.

Pursuant to the overall standard for special exceptions in Section 17.16.150 of the Zoning Code, and the specific standards in 17.12.060 (F), our request meets the minimum requirements that apply to every special exception and therefore we are asking this Board to approve the request. The proposal maintains the integrity of the adjacent areas, maintains the design and architectural compatibility of the surrounding properties, promotes historic preservation, and will have no negative vehicular or pedestrian impact. Our request also improves the pedestrian “feel” of Broadway and the surrounding roads that will be activated by this project, and it does not negatively impair the light or view sheds for the surrounding properties. For additional information, please see the detailed analysis below which has been provided by our architects as well as Kim Hawkins of Hawkins Partners.

- **Ordinance Compliance**

The project fully complies with all other aspects of the Metropolitan Zoning Code for the CF district, specifically complying with the maximum FAR and ISR and the Developer, Hines, has committed to this. The CF zoning for the development parcels has been in place since 1974.

---

<sup>1</sup> The site plan attached hereto is conceptual; however, the special exception request for deviations to the height at the setback and to allow the sky-plane to be pierced will be specifically limited to this site plan. The deviations to the height at the setback and piercing the sky-plane are the only issues before the Board today, and pursuant to the vast body of case law on this issue, if we affirmatively satisfy the standard for this special exception the exception shall be granted.

The project will also comply with the processes and procedures applicable to all major projects in Nashville, including but not limited to the Codes department's policies for limiting noise and disruption on major construction projects in the urban areas, Public Works' required traffic studies, obtaining water and sewer capacity and reservation letters, and making any and all necessary upgrades to the water, sewer and stormwater systems to comply with Metro's current regulations. Most of these requirements will be triggered at the time that the building permits are processed for this development and the building permits will not be issued without strict compliance to the City's requirements.

- **Integrity of Adjacent Areas**

In designing the proposed concept plans for the development, Hines' architects, along with other leading designers and Hawkins Partners, diligently worked to design and protect the historic Coke building which will be a part of this overall development aiming to protect and incorporate Nashville's heritage into the project. The Planning Commission supports this request and believes that it is consistent with their long range plans for the area. **See Exhibit B.**

The proposed plans include restoration of the historic coke buildings and significant upgrades to the streetscape for all of the roads impacted by this project so that the roads and right-of-way are consistent with the Major and Collector Street Plan. The significant upgrades that will be required by the Major and Collector Street Plan and the Developer's commitment to incorporating active retail uses and other activation on the street level will significantly enhance the pedestrian experience in this area. See the attached affidavit from Kim Hawkins, **Exhibit D.**

In conclusion, the proposed plans will enhance the diversity of uses on the site and will improve the current surface parking lots and the overall value of the neighborhood will be improved by bringing additional pedestrian foot traffic and activity to what is currently an empty site.

- **Design and Architectural Compatibility**

The operational and physical characteristics of the height being requested does not adversely impact the abutting property owners. In fact, many of the surrounding property owners overwhelmingly support this project because of the strong pedestrian streetscape it will create and the reintegration of this site into the City's urban fabric. **See Exhibit C.**

The design plans will be consistent with the surrounding pedestrian streetscapes and the height will relate to the project directly to the East, which is governed by an SP and permits 400' in height. **See Exhibit E,** which shows the relation in height more clearly. Moreover, the presentation of the buildings along the street will be consistent with the long-range planning policies applicable to this area as well as the base zoning that is applicable to many of the surrounding properties.



The proposed project improves the pedestrian experience by enhancing and upgrading the road and right-of-way improvements to be consistent with the Major and Collector Street Plan, and the plan will restore and reuse the historic Coke building.

- **Natural Features**

This provision is inapplicable. The site is currently developed and there are no natural features on the site, consequently there are no natural features to preserve. Moreover, this provision is inapplicable to this request since the site does not fall within a residential district.

- **Historic Preservation**

The design of this project will repair and restore the historic Coke building, built in 1928, located on 16<sup>th</sup> Avenue and the site design will likewise respond to and be sensitive to the historic property located at 1513 Church Street. **See Exhibit D.**

- **Traffic Impact**

A parking study will be required for this site and KCI is working on the traffic analysis with Public Works. As you know, further analysis will be required before a building permit is granted for this project. We anticipate that additional traffic improvements will be made by the developer to accommodate any increase to traffic that would impact the level of service on the surrounding roads and we agree to the same.

- **No Adverse Impact On Air, Light, Shadow Or Wind Velocity Patterns**

A shadow and light study was commissioned for this project and it is attached hereto as **Exhibit F.** According to the study, the proposed development plan will allow for an appropriate flow of light and air between the buildings and it will avoid a canyon effect within this project, consequently there will be no adverse impact on surrounding properties relative to air, light, shadow or wind velocity patterns.

- **Appropriate Juxtaposition With Existing Or Planned Structures In The Vicinity**

As referenced earlier in this letter, the development plans relative to height, which is the sole request before the Board, are consistent with the long range planning policies applicable to this site, the project is supported by the Planning Commission because it is consistent with these policies, and the height of this project is consistent and complimentary to the project directly to the east, which is permitted to be 400' in height, see attached **Exhibit E.** See also the Planning Staff's recommendation attached as **Exhibit B.**

- **Contributes To The Strong Pedestrian Streetscape**

Nashville Board of Zoning Appeals  
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Attached hereto is an affidavit from Kim Hawkins of Hawkins Partners. **See Exhibit D.** In this affidavit Ms. Hawkins attests to the fact that the project will comply with the Major and Collector Street Plan recommendations for all the road improvements and right-of-way improvements applicable to this project. Consequently, Ms. Hawkins concludes that the project will result in an enhanced pedestrian experience with activation at the street level that currently does not exist. This change will be a vast improvement to the streetscape.

For all of the above reasons, we are asking for your approval and will be happy to answer any other questions or concerns that you might have.

Sincerely,

James M. Weaver

JMW:ekg  
Attachments



John L. Farringer IV

Direct Dial (615) 742-4563  
jfarringer@srvhlaw.com

April 13, 2020

Metropolitan Board of Zoning Appeals  
 Howard Office Building  
 700 2nd Avenue South  
 Nashville, Tennessee 37210  
 c/o Emily Lamb, Zoning Chief  
 bza@nashville.gov

**Re: Case #2020-096 – Special Exception  
 Multiple parcels – Formerly the Jim Reed property (the “Reed Site”)  
 Property Owners: Hayes Street Realty, LLC, Good Horse, LLC,  
 and Broadway Realty Company  
 Appellant: Hawkins Partners, Inc. (“Hawkins”)**

Dear Board Members:

Sherrard Roe Voigt Harbison, LLC represents 1600 West End Avenue Partners, LLC, a Tennessee limited liability company that is affiliated with Propst Development, LLC (collectively referred to as “Propst”). Propst owns real property at 1600 West End Avenue that is being developed as the Broadwest project, which includes office, hotel, residential, and retail components (the “Propst property”). The Propst property directly neighbors the Reed Site.

Appellant’s Reed Site is a commercial development including 27 parcels currently zoned Core Frame District (CF). Under CF Bulk Regulations, the maximum height allowed at setback is 65 feet and the allowed slope of height control plan is 1.5 to 1. Appellant Hawkins seeks a special exception to these regulations with respect to height at setback and height within the slope control plane. This application is currently set for the meeting on April 16, 2020.

Propst objects to this special exception application for three reasons: (1) the application fails to include a final site plan, instead offering only a draft site plan that “is indicative only and is subject to change” and provides insufficient information to be analyzed; (2) the application contains no analysis demonstrating that the application complies with Metro Code § 17.12.060(F)(3) and the owners of the Propst property have serious concerns regarding the adverse impact on air and light for the Broadwest development on the Propst property; and (3) the application presents plans that are the antithesis of the well-established setback principles of Metro’s zoning code and NashvilleNext.

Metropolitan Board of Zoning Appeals  
April 13, 2020  
Page 2

For these reasons, we respectfully request that the application be deferred and that the Appellant be required to provide more information to address these concerns.

**A. The Board Should Require a Final and More Definitive Site Plan.**

The Board of Zoning Appeals Rules of Procedure require that a special exception application include a site plan “drawn to an engineer’s scale and be of professional quality.” Rule 3(c)(1). Further, any special exception granted is “site plan certain” and any major deviation from the presented site plan must be reviewed by the Board. Rule 9(D)(7)(c).

Hawkins’ application includes three drawings, one labeled a “site plan” and the other two called “sections.” The site plan includes an asterisk and note as follows: “SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE.” The sections both include an asterisk and notes as follows: “BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE.”

In an attempt to comply with Board requirements for a community meeting, we have learned that Hawkins conducted a “virtual” meeting on April 6, 2020 that included a Powerpoint presentation. Despite being a direct neighbor, the owners of the Propst property did not receive notice of this virtual meeting as required by the Board’s Rules. After the meeting, on April 7, 2020, we were provided with a copy of this Powerpoint and assume that it has been filed with the Board. The Powerpoint includes two drawings labeled “site plan” and five called “sections.” Once again, the two site plans include an asterisk and notes as follows: “SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE.” The caveat on the five section pages was slightly amended: “BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED).”

The application should be denied because the site plans provided are presented only as “indications” and do not comply with the Board’s Rules to grant special exceptions that are “site plan certain.” It appears that Hawkins desires a blanket special exception after which it can later decide—without the need to appear before the Board again or review with neighboring property owners—what its commercial development will be comprised of, how it will affect the adjacent properties and streets, and what it will actually look like. Without the required specificity, it is impossible for Propst or the Board to analyze whether the special exception meets Codes requirements and is otherwise advisable. The Board should not allow this inappropriate approach to seeking a special exception.

As an example, the draft site plan notes a maximum of 32 floors, yet neither the site plan nor the application disclose whether these floors will be office or residential. Because office floors are typically 3½ to 4½ feet taller than residential floors, the difference in 32 floors could be well over 100 feet. Similarly, the draft site plan contains no information about parking. If parking is above ground, it is not clear if those floors are included in the maximum floor numbers or not, which would again affect overall height and the impact on neighboring properties.

Metropolitan Board of Zoning Appeals  
April 13, 2020  
Page 3

The application cannot be properly analyzed without the required specificity. This special exception application should be deferred and a more definitive and detailed site plan provided to the Board and neighbors.

**B. The Board Should Require an Analysis Regarding Adverse Impact on Air and Light to Neighboring Properties Pursuant to Metro Code § 17.12.060(F)(3).**

The application seeks a special exception under Metro Code § 17.12.060(F). This provision specifically provides:

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

Metro Code § 17.12.060(F)(3) (emphasis added). The application presents no evidence whatsoever to the Board regarding adverse impact on air and light, and certainly no analysis regarding the impact on the neighboring Propst property. The Propst property falls under the “approved, but not yet built” language of the Code, with 17 floors having already been poured. The application notes the Propst property development, but provides no analysis regarding the impact on air and light on this property. Rather, the application (and the Powerpoint) merely contain conclusory statements like “Building massing is planned to allow light and air within this property and onto adjacent properties.”

The owners of the Propst property have serious concerns. In the draft site plan, Hawkins suggests constructing two buildings with increased height and no stepback right up against 16<sup>th</sup> Avenue North. Directly across 16<sup>th</sup> Avenue North is the Propst development previously approved and under development, which will be office space including balconies facing 16<sup>th</sup> Avenue North. Unlike Broadway or larger streets, 16<sup>th</sup> Avenue North is not a wide street. Extra height (of an unknown amount) and no stepback could result in completely blocking any light or air into the offices and balconies on the Propst property. The “canyon effect” of these two buildings across a narrow street would be inconsistent with good design standards. Hawkins needs to provide “evidence” as required by the Metro Code to alleviate these concerns.

The Board should defer this application and require Hawkins to provide evidence that the requested special exception would not have an adverse impact on air, light and shadow not just within the Reed Site but also with respect to neighboring property.

**C. The Application is Inconsistent with Stepback Principles in NashvilleNext.**

In addition to the problems with presenting a draft site plan with unknown heights, the application seeks a special exception to completely ignore any stepback requirements. Unlike other applications for special exceptions in the past, this application does not seek a minor alteration of the normal stepback requirements in order to accommodate a specific design that has other demonstrated benefits. Rather, the Hawkins application seeks to avoid any stepback requirements whatsoever.

As the Board is aware, stepback requirements are a common theme in the NashvilleNext plan. Specifically with respect to T5 Centers such as this one, NashvilleNext's Community Character Manual includes among factors to consider in building height the following:

- Use of increased building setbacks and/or building stepbacks to mitigate increased building heights
- Ability to provide light and air between buildings and in the public realm of streets, sidewalks, internal walkways, multi-use paths, and open spaces.

*See NashvilleNext Community Character Manual for T5 Centers at p. 9 (emphasis added).* The Hawkins application sites to the Planning Commission's Midtown Study and Special Policies 10-MT-T5-MU-01 and -02. First, those policies only discuss building heights and do not promote disregarding stepback or setback requirements. Second, these policies specifically state that reference should be made to the principles set forth in Community Character Manual, which as noted above emphasizes setbacks and stepbacks as important to mitigate increased height.

In seeking a blanket exception from any stepbacks, the application is seeking approval (with only a draft site plan) that is inconsistent with the principles set forth in NashvilleNext. Further explanation is needed before the Board should consider such a drastic special exception.

\* \* \*

The owners of the Propst property do not oppose a major development on the Reed Site, but they believe the Metro Code and other policies must be followed to ensure that the development complies with the law and does not adversely impact the Propst property development. Propst has repeatedly reached out to Hawkins and the owners of the Reed Site seeking more information and answers to the questions raised in this letter and other questions. The most recent and last attempt is enclosed with this letter. There has not been a satisfactory response provided at the time of this writing.

For the reasons set forth above, we respectfully request that the Board defer the special exception application and require the applicant to provide more information so that the application can be properly analyzed and considered.



Metropolitan Board of Zoning Appeals  
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In addition, we request a deferral of this application so that Propst can appear before the Board to explain its objections in person. Under the current State of Tennessee and Metro Nashville "safer at home" orders, we understand that the Board will appear in person for the meeting on April 16, 2020. Neither Propst nor its counsel believe it would be appropriate for them to appear in person either. A deferral hopefully would allow a more traditional meeting in which all parties could be properly heard.

Yours very truly,



John L. Farringer IV



Chris Whitson

JLF/yc  
Enclosure

cc: Chris Brown

---

**From:** Chris Brown  
**Sent:** Friday, April 10, 2020 9:46 AM  
**To:** Mehra, Vikram <[Vikram.Mehra@hines.com](mailto:Vikram.Mehra@hines.com)>  
**Subject:** RE: Reed BZA Community Meeting Recording

Vikram,

Thank you for sending the video to me by email. Note that I was not able to participate at the online community meeting because I did not receive notice of it. Perhaps a notification of the meeting was mailed to our office in Huntsville, but it has been closed due to the recent orders from the Governor. If I had been aware and able to attend, I would have had a number of specific questions and concerns similar to what I expressed on our March 30 call. In general, while you attempt to provide some detail on stories and locations, the request is still effectively a blanket variance without giving us as a neighbor the opportunity to see the specifics of your development and building plans. Perhaps you can review my concerns and we can discuss prior to our deadline to file an objection before the meeting next week.

1. Each page of the Site Plan has a footnote stating that it is “indicative only and is subject to change.” My interpretation of that language is that your Site Plan is not controlling and that you can change it in the future however you desire, subject to the height limits you reference. My concern is that your team is asking for a blanket special exception without anyone knowing what the final building plans will ultimately be. It is not possible for me to determine if I have concerns when I don’t have your final specific plans.
2. For example, some more specific examples regarding the building you are proposing neighboring our property on 16<sup>th</sup> Avenue are as follows:
  - a. You discuss stories, but the Site Plan doesn’t say if this will be office, residential, hotel, etc. As you know, the total height for 20 or 32 stories varies greatly if its office versus residential. What is the specific plan?
  - b. Your reference to heights doesn’t indicate how you plan to accommodate parking? Will it be above grade? Is that included in your height plans?
  - c. Are you requesting the BZA approve an unknown height at the setback? Again, it is not possible for me to determine if I have concerns about the height when you don’t commit to the maximum height without any setbacks, even if they are different than the current code.
  - d. When asking for your variance, what provisions did you make regarding the design of our buildings? In particular, what consideration was given to the balconies and the allowance of light and air to those balconies that are a component of our office building at the corner of 16<sup>th</sup> and West End Avenue?
3. What sort of analysis did you perform regarding the effect this Site Plan (assuming it will not change) on the air and light of neighboring properties including ours, as required by Metro Code 17.12.060.F(3)? The video presentation discusses thoughts on air and light within this development, but contains no information or analysis about the effect on air and light in neighboring properties as required by the Code. Your application indicates that there is no impact to the neighboring property but I am curious what analysis or study was done in this regard to support such a statement?

4. The video presentation stated that neighboring MUI-A zoning “requires” building height to be at the setback instead of stepping back like required in other zoning areas. On what are you basing this statement? I have never heard of any zoning area that discourages stepback and encourages building height right at the setback line. Further, have you considered a variance that still provides some stepback? Unfortunately, the blanket variance you are applying for without a specific building/development plan allows for a complete variance at the property line. This could be problematic in some instances.
5. The video presentation also cites Special Policy 10-MT-T5-MU-01, which I looked up. It talks about stories, but does not say anything about encouraging exceptions to the usual stepback rules. NashvilleNext, on the other hand, when talking about T5 Centers specifically lists as factors for considering appropriate height “use of increased building setbacks and/or building stepbacks to mitigate increased building heights.” How would approving the special exception you seek be consistent with the general policies behind NashvilleNext?

As I stated on our March 30 call, as a developer I understand that your ultimate planned development will have height and density. My concern is that you are asking for a variance which doesn’t effectively give us as your neighbor the ability to understand the plans prior to the granting of such a variance. I’d appreciate responses as soon as possible, so I can decide whether to oppose this special exception application next week. If you don’t intend to provide commitments on the final plans and heights or any stepbacks with your request (which you indicated you didn’t have at this stage), I have no option but to raise an objection to the request for a blanket special exception.

Thanks,  
Chris  
205-706-6775

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

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# Memo

**To:** Metropolitan Nashville Board of Zoning Appeals  
**From:** Metropolitan Nashville Planning Department  
**CC:** Emily Lamb  
**Date:** April 7, 2020  
**BZA Hearing Date:** April 16, 2020  
**Re:** Planning Department Recommendation for Special Exception Cases

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

**Case 2020-096 (1525 Church Street) – Height at setback and slope control plane Special Exceptions.**

**Request:** A Special Exception for building height requirements at the setback and the height control plane for 27 parcels.

**Zoning:** Core Frame is intended for a wide range of parking and commercial service support uses for the central business District.

**Overlay District:** Urban Zoning Overlay (UZO)

**Land Use Policy:**

T5 Center Mixed Use Neighborhood (T5 MU) is intended to maintain, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

Midtown Study is a small area plan produced by the Metropolitan Planning Department. Small Area Plans illustrate the vision for designated land in specific neighborhoods. On a parcel-by-parcel basis, these plans steer the appropriate land use, development character, and design intent guided by goals established by community stakeholders.

### **Planning Department Analysis:**

The applicant is requesting two special exceptions:

- To allow for an increase in height at setback.
- To allow for an increase in height within the height control plane.

The Midtown Study centers around character areas and subdistricts within those character areas. Each subdistrict includes recommended uses, building form (mass, orientation, placement), connectivity and parking. The Midtown Study identifies these properties as being within two different subdistricts: 10-MT-T5-MU-01 and 10-MT-T5-MU-02.

#### Subdistrict 10-MT-T5-MU-01:

- It applies to properties generally fronting on West End Avenue between 31st Avenue North and I-40.
- Buildings may rise 20 stories and above.

#### Subdistrict 10-MT-T5-MU-02

- It applies to properties along Charlotte Avenue between I-440 and I-40, along West End Avenue and Murphy Road adjacent to I-440, along Park Circle, along Broadway and Division Streets and 21st Avenue South, properties in the Grand Avenue/18th Avenue South area; and between Charlotte Avenue and Pierce Street east of 21st Avenue North.
- Lower building heights and masses are intended in this area than in Area 10-MT-T5-MU-01 because of the area's structural constraints to development. Maximum building heights of up to twenty stories are generally most appropriate in this area.

Core Frame (CF) zoning does not stipulate a maximum height or maximum stories. Height in this zoning district is regulated by the FAR allowance of 5.0.

The applicant's requests to allow for an increase in height at setback and to allow for an increase in height within the height control plane would apply to both subdistrict areas. The proposal includes building heights above 20 stories along Broadway which is permitted within Subdistrict 10-MT-T5-MU-01. The intent is to have the taller buildings along Broadway to create high-intensity urban mixed use areas. The proposal is also respecting the intent of Subdistrict 10-MT-T5-MU-02 by placing shorter buildings along Church Street, mainly because of the area's structural constraints to development.

The existing zoning specifies a "height control plane" ratio. This means that for each 1.5 feet away from the setback an additional foot in height is granted. This creates irregular and inefficient floor plans. More desirable is a maximum height at the build-to zone and then another maximum height at the "step back," which is a distance behind the build-to zone. This allows for all floors to be the same size. While this plan only includes a step-back along 16<sup>th</sup> Avenue, it does provide constant height for the rest of the buildings, therefore the floors will be the same size, which is intended in an urban environment. The proposal is constant with the Midtown Study, therefore staff recommends approval.

**Planning Recommendation: Approve**

**From:** [Gregory, Christopher \(Public Works\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)  
**Subject:** Case 2020-096  
**Date:** Wednesday, March 11, 2020 11:35:41 AM

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**2020-096 1525 Church St Special Exception for Build Height and Setback Encroachment**

Variance: 17.12.060 F

Response: Public Works takes no exception on condition that adequate parking is provided on site per code, and with confirmation that sight distance is adequate at site drive access.

All rideshare and deliveries are preferred to occur on-site. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

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**From:** Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>  
**Sent:** Monday, March 2, 2020 10:17 AM  
**To:** Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>  
**Subject:** FW: Attached Image

**2020-096 Special exception to be heard 4/16/20**



CHENAULT SANDERS, J.D., LL.M.  
1701 West End Ave., Suite 400  
Nashville, TN 37203

April 14, 2020

VIA EMAIL

Ms. Emily Lamb  
Metropolitan Government  
Nashville, Tennessee  
[Emily.Lamb@nashville.gov](mailto:Emily.Lamb@nashville.gov)

Metropolitan Board of Zoning Administration  
[bza@nashville.gov](mailto:bza@nashville.gov)

RE: Board of Zoning Appeals Special Exception Request for Reed Site

To Whom It May Concern:

As the owner of 1701 West End Avenue, as well as the Trabue Triangle property at 1600 Broadway and The Nashville Sign, which is immediately across West End Avenue at the West End/Broadway split from the southwest corner of the Reed Property, I am writing to express my full support of the Board of Zoning Appeals special exception request for the Reed site.

Like my property, this property has been in the Reed family for many years, and I, like the Reed Family, understand the desire to develop the property consistent with the existing zoning and regulations of the current CF (Core Frame). As I understand it, the Reeds are seeking minimal exceptions to the current zoning related to slope control plane. Given that the request is to allow height that is only not permitted based on a completely obsolete slope control plane, I totally support the special exception.

I believe that one of the worst examples of this type of sky plane zoning is the Lowes Vanderbilt Plaza. While it alone is a nice building, the possibility that more of these types of inefficient buildings would be constructed on our most valuable and most culturally valuable corridor, is terribly inefficient and ugly. Moreover, and importantly, this type of development happens once in a lifetime. The Reeds, like other families who have real property in this corridor, have one chance in the current living generations to see a development of this site. I believe that they, having owned this asset for so many decades, are in the best position to determine what it is that they want to leave as a legacy to an asset held for so long. I also think that given what is being permitted just a few blocks towards downtown, the SP zone at the Propst site, the Skyview apartment building (directly across Broadway from my office building), the Reed site being developed in this way will finally connect downtown to Midtown, the "gateway" to which is the West End/Broadway split and home of The Nashville Sign.

This project, and the other ones that are coming up or slated within the various properties directly around the West End/Broadway Split, will allow Nashville to grow towards the west where many of the most valuable residential neighborhoods are located. With the Reed site being able to do what they plan, more vertical development will continue to move west, connecting these neighborhoods and creating a much more walkable and public transportation friendly city for our residents.

My family has owned the West End/Broadway Split for nearly 70 years. We have always believed that when the time comes for this extremely important area in Nashville to develop beyond "auto row" and to achieve the type of density that this project will bring, it will be time for Midtown to really become an extremely attractive area for residential, office, and other retail uses. This is especially the case for native

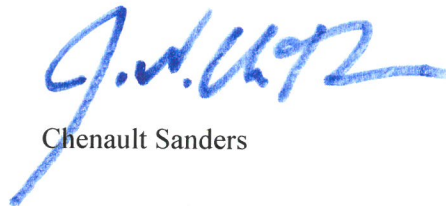
Nashvillians, many of whom are reluctant to commit to daily crossing the interstate to work and live downtown. What I hear so often is that while we all love our downtown, living there means navigating the masses of tourists, and the innumerable events that make downtown so exciting can also become overwhelming, given the uncertainty about traffic, street closures, events, etc. As such, I believe that high-end new vertical residential development on the west side of the interstate, so including the Reed site, the Propst site, and my properties, would be very attractive for locals who live in the West End/Richland, Green Hills and Belle Meade areas, who would not be willing to move into downtown.

Based on what I have seen, I believe this will form a *much* more ideal streetscape and activated public realm and as I have mentioned above, the heights shown are surely compatible with the area development and with Metro Planning policy. I am also pleased to see that the historic Coke building will be retained and adaptively reused in this new development.

Everyone knows that this extremely valuable area of Midtown has been massively underutilized for decades. For the Reeds to lead the way on this long-held asset in connecting downtown to Midtown, is huge for all of Nashville. If this property is able to be developed as planned, I can foresee the Beaman property also being redeveloped along with the Triangle, 1701 West End and other properties contiguous and west of 1701, and the creation of what would really be a completely changed Nashville. It would be a Nashville that could be connected to the residential neighborhoods west of Midtown and create tremendous value for all of the city.

To the extent you have any questions regarding matters outlined in this letter, please do not hesitate to contact me.

Kindest regards,



Chenault Sanders

**From:** [O'Connell, Freddie \(Council Member\)](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Kim Hawkins](#); [Anne Walker Harrison](#)  
**Subject:** Case 2020-096  
**Date:** Wednesday, April 15, 2020 10:30:30 AM

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Members,

I'm writing today to express my support for Case 2020-096 on your docket.

I've gotten to know Ms. Harrison as a new generation of stewards of the historic Germantown neighborhood in which she lives.

I expect her approach to redeveloping parcels long owned by her family at an important nexus to be similarly thoughtful and to express best practices in design, architecture, and sustainability. As such, I'm supportive of a special exception from height at the setback and within the slope control plane.

Thank you all for your service.

--

Freddie O'Connell  
Metro Council, District 19

<http://www.readyforfreddie.com>  
<http://www.facebook.com/FreddieForNashville>  
<http://twitter.com/freddieoconnell>

615-260-0005

**From:** [Ed Attrill](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** Special Exemption Request - Reed property, Midtown Nashville  
**Date:** Tuesday, April 14, 2020 12:06:50 PM

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To whom it may concern:

I am writing in support of the BZA special exemption request for the Reed property in midtown Nashville to allow height within the slope control plane. Dialysis Clinic, Inc. (DCI) is the owner of property immediately adjacent to the Reed site. The DCI real estate is comprised of the block west of the Reed site between 16<sup>th</sup> and 17<sup>th</sup> Avenues, and north of the BroadWest development between Hayes and Church Streets. DCI also owns the adjoining block to the west between 17<sup>th</sup> & 18<sup>th</sup> Avenues and Hayes & Church Streets.

We have reviewed the virtual presentation to the BZA on April 6, 2020 and have no objections to the plans for the Reed property or to the special exemption request. DCI property is directly across 16<sup>th</sup> Avenue from the historic Coke building, and we are pleased to see that it will be retained in this new development.

Best Regards,  
Ed Attrill  
Dialysis Clinic, Inc.  
Executive Vice President

“We are a non-profit service organization. The care of the patient is our reason for existence.”  
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**From:** [George Crawford](#)  
**To:** [Lamb, Emily \(Codes\)](#); [Board of Zoning Appeals \(Codes\)](#)  
**Cc:** [Lindseth, Michael](#); [Betsy Lindseth](#); [Ellen Crawford True](#); [David Simcox](#)  
**Subject:** Reed Family Site--BZA Special Exception Request [IWOV-ButlerSnow.FID5090943]  
**Date:** Thursday, April 9, 2020 5:28:12 PM

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Dear Ms. Lamb-

Florence R. Lindseth (1/2 interest), Ellen D. Crawford True (1/4 interest), and I (1/4 interest) collectively own the improved real properties located at (i) 1517 Church Street, Nashville, Tennessee 37203, (ii) 1513 Church Street, Nashville, Tennessee 37203, and 1510 Hayes Street, Nashville, Tennessee 37203. All of these properties are either surrounded by or contiguous to the Reed family site. We would like to let you know that we are supportive of the BZA special exception request for the Reed site. The site has been in the Reed family for many years, and we understand their desire to develop the property consistent with the existing zoning and regulations of the current CF (Core Frame). Given that the only exception to the current zoning being requested is to allow height within the now obsolete slope control plane, we support the special exception.

We believe this will form a more ideal streetscape and activated public realm. The heights shown seem compatible with the area development and with Metro Planning policy. We are also pleased to see that the historic Coke building will be retained and adaptively reused in this new development.

We feel that the development of this parcel, which is primarily surface parking and automobile related services, has a higher and better use in this development scenario and, along with the Broadwest development, helps to mend the gap between downtown and the Midtown area, providing a much more effective and walkable connection.

Thank you in advance for the Board's consideration. Please let us know if you have any questions.

**George V. Crawford III**

D: (615) 651-6747 | C: (615) 479-7089 | F: (615) 651-6701  
[George.Crawford@butlersnow.com](mailto:George.Crawford@butlersnow.com)

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**From:** [Henry Menge](#)  
**To:** [Board of Zoning Appeals \(Codes\)](#); [Lamb, Emily \(Codes\)](#)  
**Subject:** Appeal case 2020-096  
**Date:** Tuesday, April 14, 2020 1:59:10 PM

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To whom it may concern:

I represent several landlords and property owners in the Midtown area adjacent to the subject property: Reed Chevrolet. I support the BZA special exemption request filed to allow height within the slop control plane.

I was also participated in the virtual town hall held on April 6<sup>th</sup>. In these difficult times, I found the presentation and presentation format to be extremely helpful. I encourage similar meetings in the future, regardless of circumstances.

Thank you.

Sincerely,  
Henry

**Henry Menge**  
Managing Director & Principal Broker  
(m): [615.828.4753](tel:615.828.4753)  
(o): [615.250.7783](tel:615.250.7783)



The Fifth Generation Property Company  
618 Church Street; Suite 220  
Nashville, TN 37219

[www.FifthGenProp.com](http://www.FifthGenProp.com)



**From:** [Board of Zoning Appeals \(Codes\)](#)  
**To:** [Shepherd, Jessica \(Codes\)](#)  
**Subject:** FW: Reed Family Site--BZA Special Exception Request [IWOV-ButlerSnow.FID5090943]  
**Date:** Friday, April 10, 2020 8:03:47 AM

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**From:** George Crawford <George.Crawford@butlersnow.com>  
**Sent:** Thursday, April 9, 2020 5:28 PM  
**To:** Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Board of Zoning Appeals (Codes) <bza@nashville.gov>  
**Cc:** Lindseth, Michael <Michael.Lindseth@PNFP.COM>; Betsy Lindseth <betsylindseth@comcast.net>; Ellen Crawford True <ellendct@gmail.com>; David Simcox <dsimcox@equitableco.com>  
**Subject:** Reed Family Site--BZA Special Exception Request [IWOV-ButlerSnow.FID5090943]

Dear Ms. Lamb-

Florence R. Lindseth (1/2 interest), Ellen D. Crawford True (1/4 interest), and I (1/4 interest) collectively own the improved real properties located at (i) 1517 Church Street, Nashville, Tennessee 37203, (ii) 1513 Church Street, Nashville, Tennessee 37203, and 1510 Hayes Street, Nashville, Tennessee 37203. All of these properties are either surrounded by or contiguous to the Reed family site. We would like to let you know that we are supportive of the BZA special exception request for the Reed site. The site has been in the Reed family for many years, and we understand their desire to develop the property consistent with the existing zoning and regulations of the current CF (Core Frame). Given that the only exception to the current zoning being requested is to allow height within the now obsolete slope control plane, we support the special exception.

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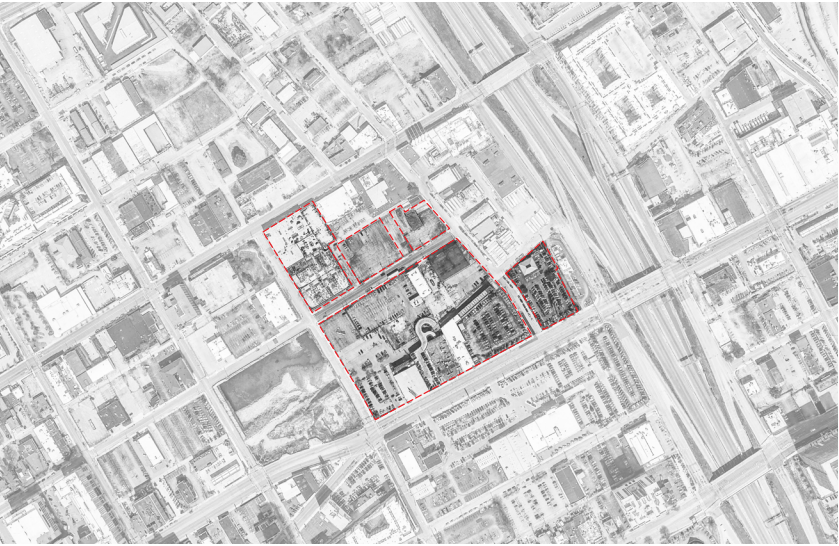
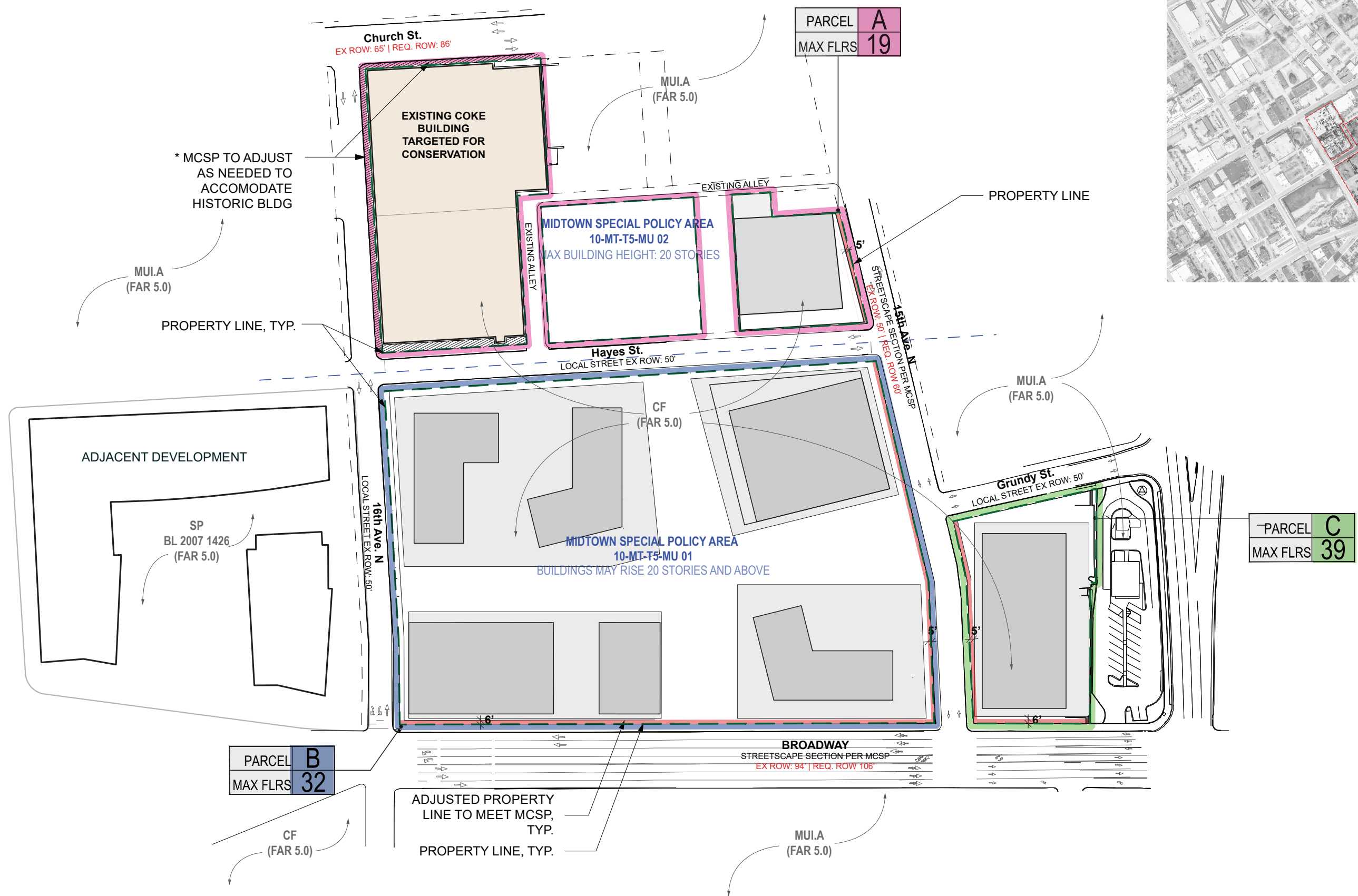
Thank you in advance for the Board's consideration. Please let us know if you have any questions.

**George V. Crawford III**

D: (615) 651-6747 | C: (615) 479-7089 | F: (615) 651-6701  
[George.Crawford@butlersnow.com](mailto:George.Crawford@butlersnow.com)

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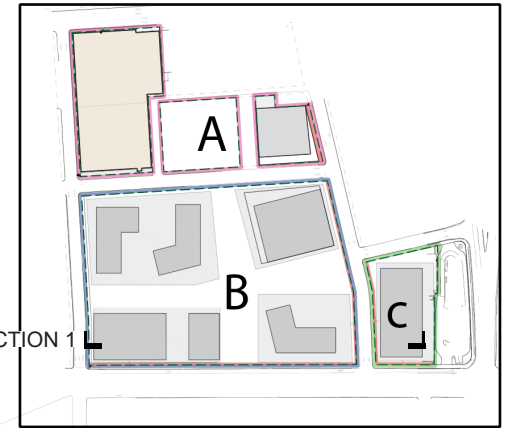


VICINITY MAP



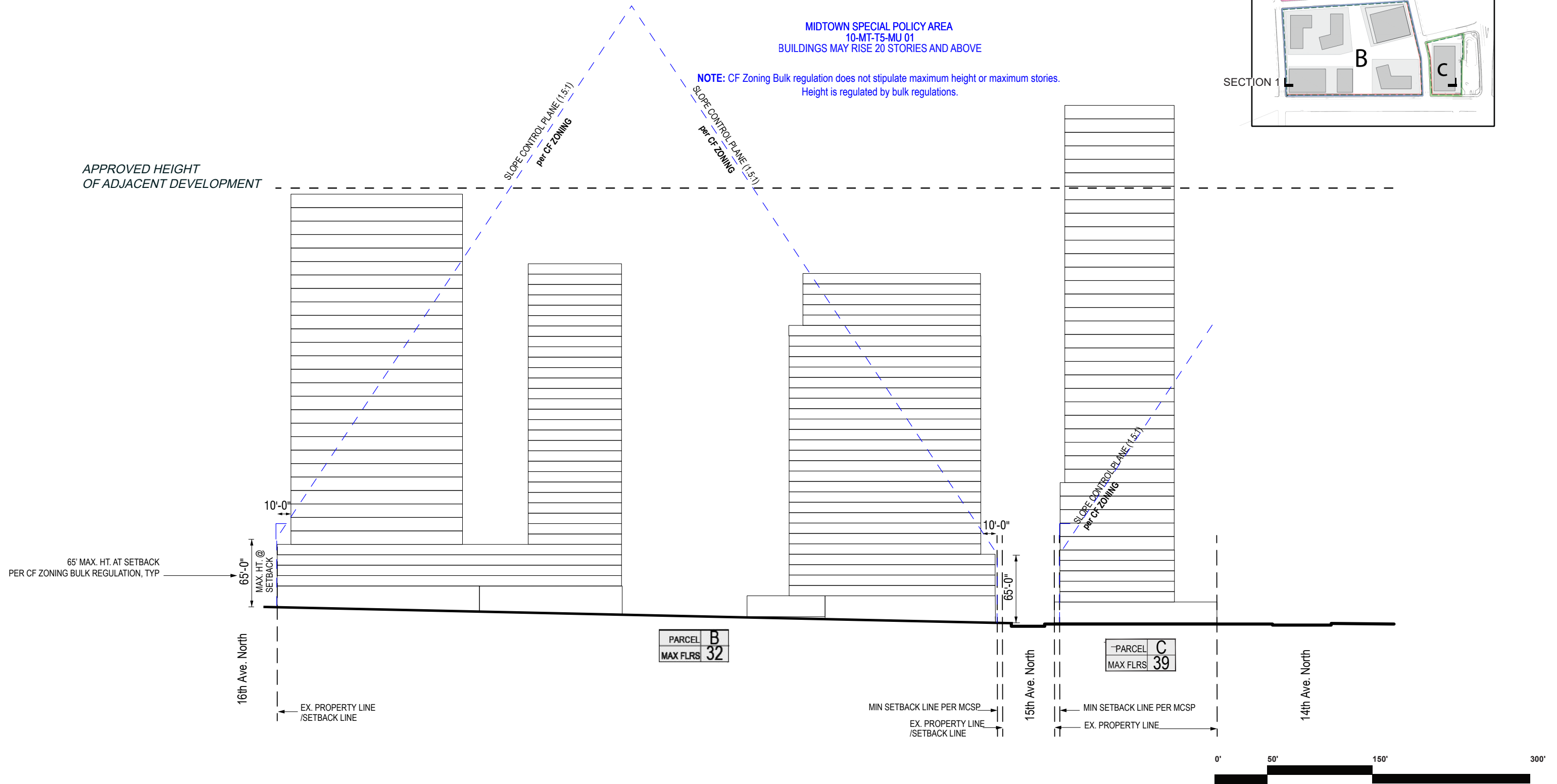
\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE

**SECTION 1**



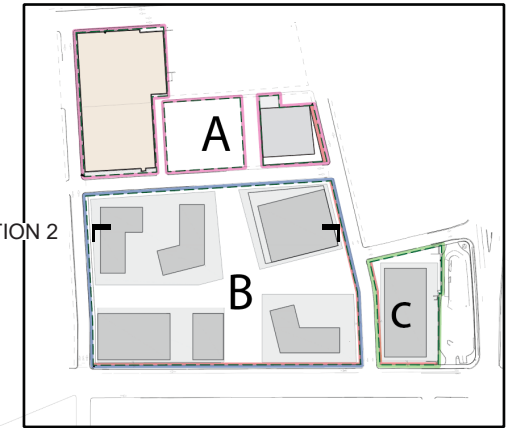
MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

**NOTE:** CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

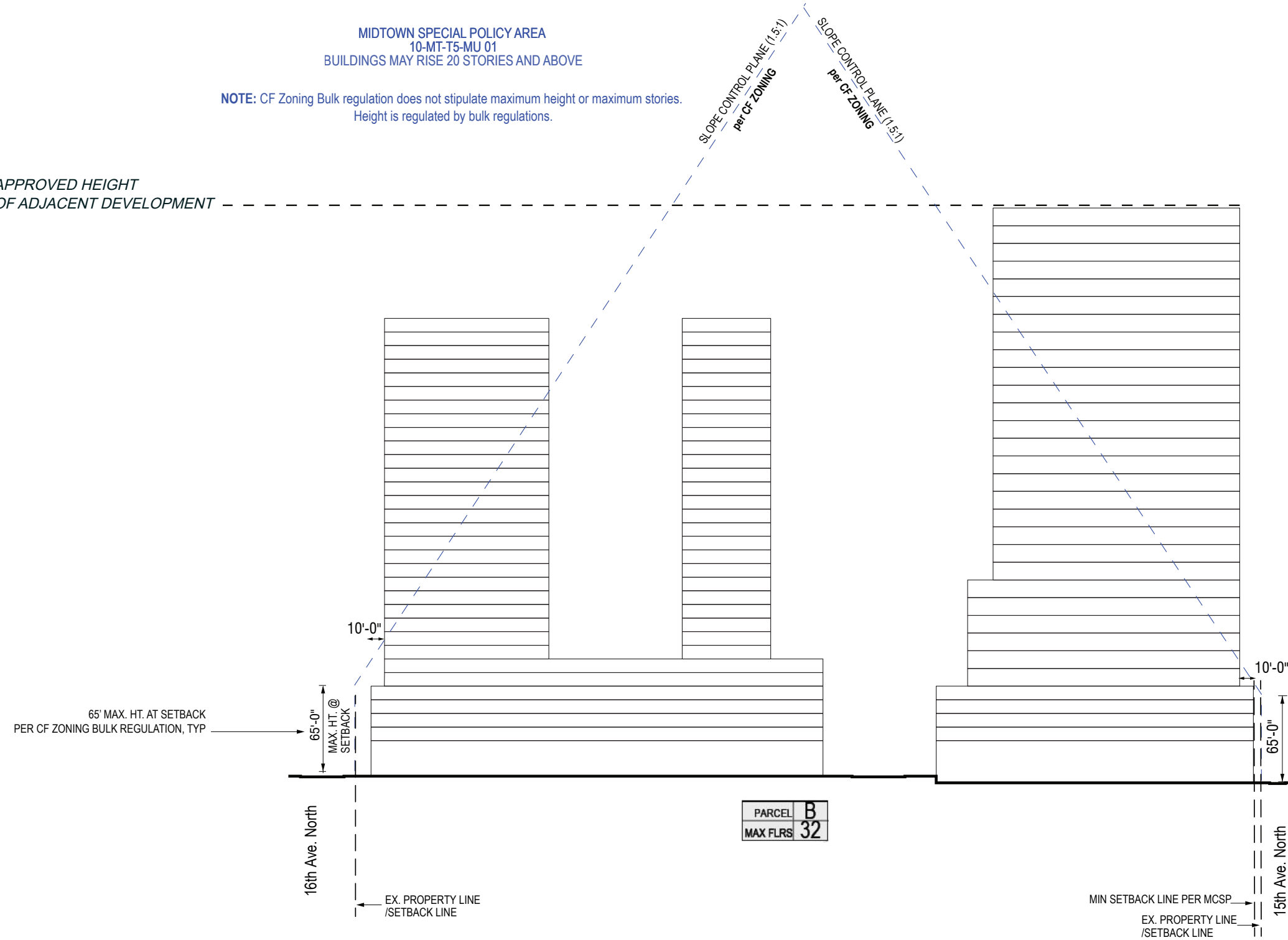
# SECTION 2



MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

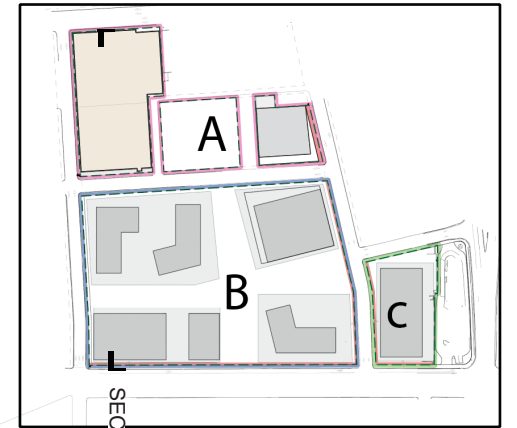
NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

APPROVED HEIGHT  
OF ADJACENT DEVELOPMENT



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

# SECTION 3



SECTION 3

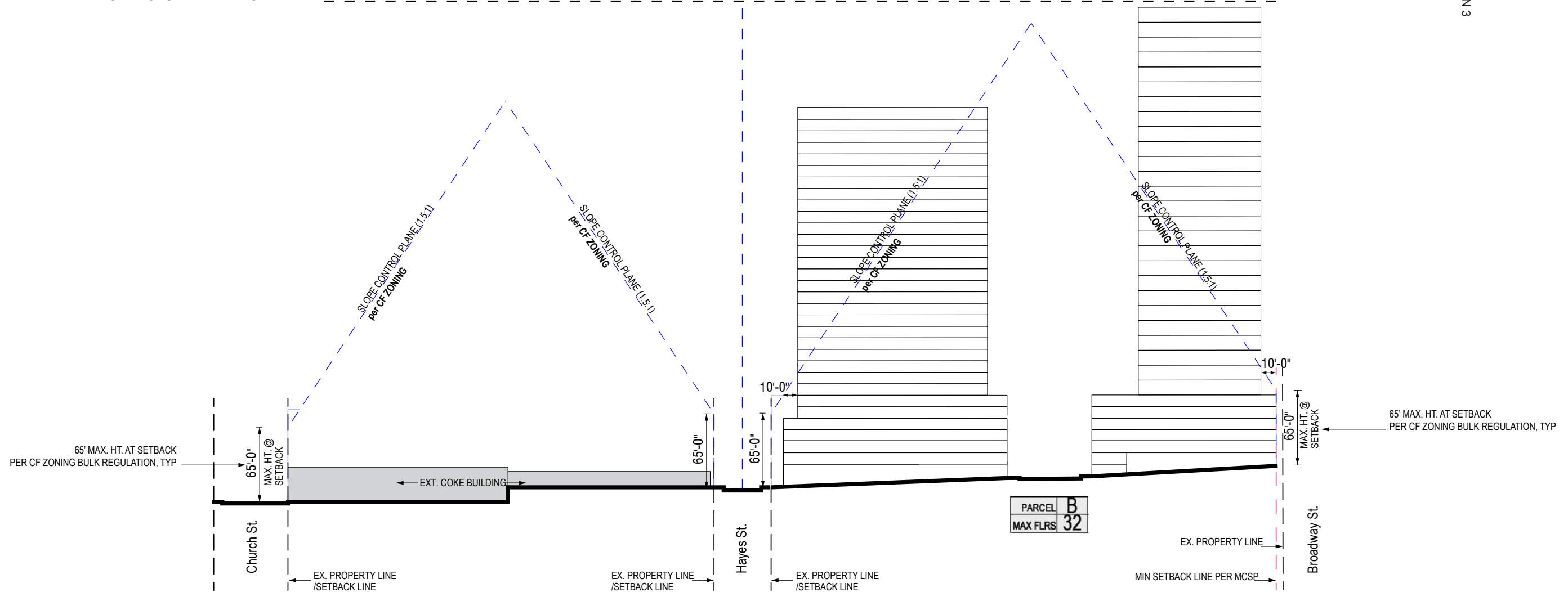
MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 02  
MAX BUILDING HEIGHT: 20 STORIES

NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

NOTE: CF Zoning Bulk regulation does not stipulate maximum height or maximum stories.  
Height is regulated by bulk regulations.

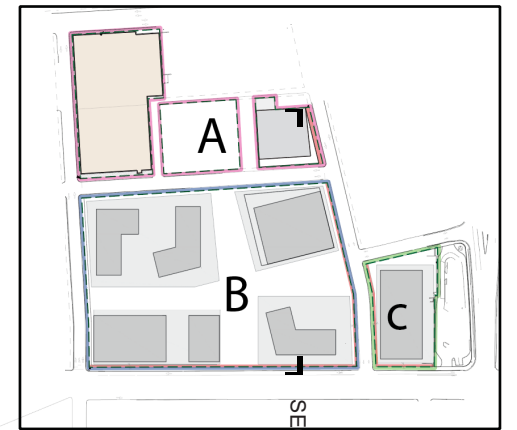
APPROVED HEIGHT  
OF ADJACENT DEVELOPMENT



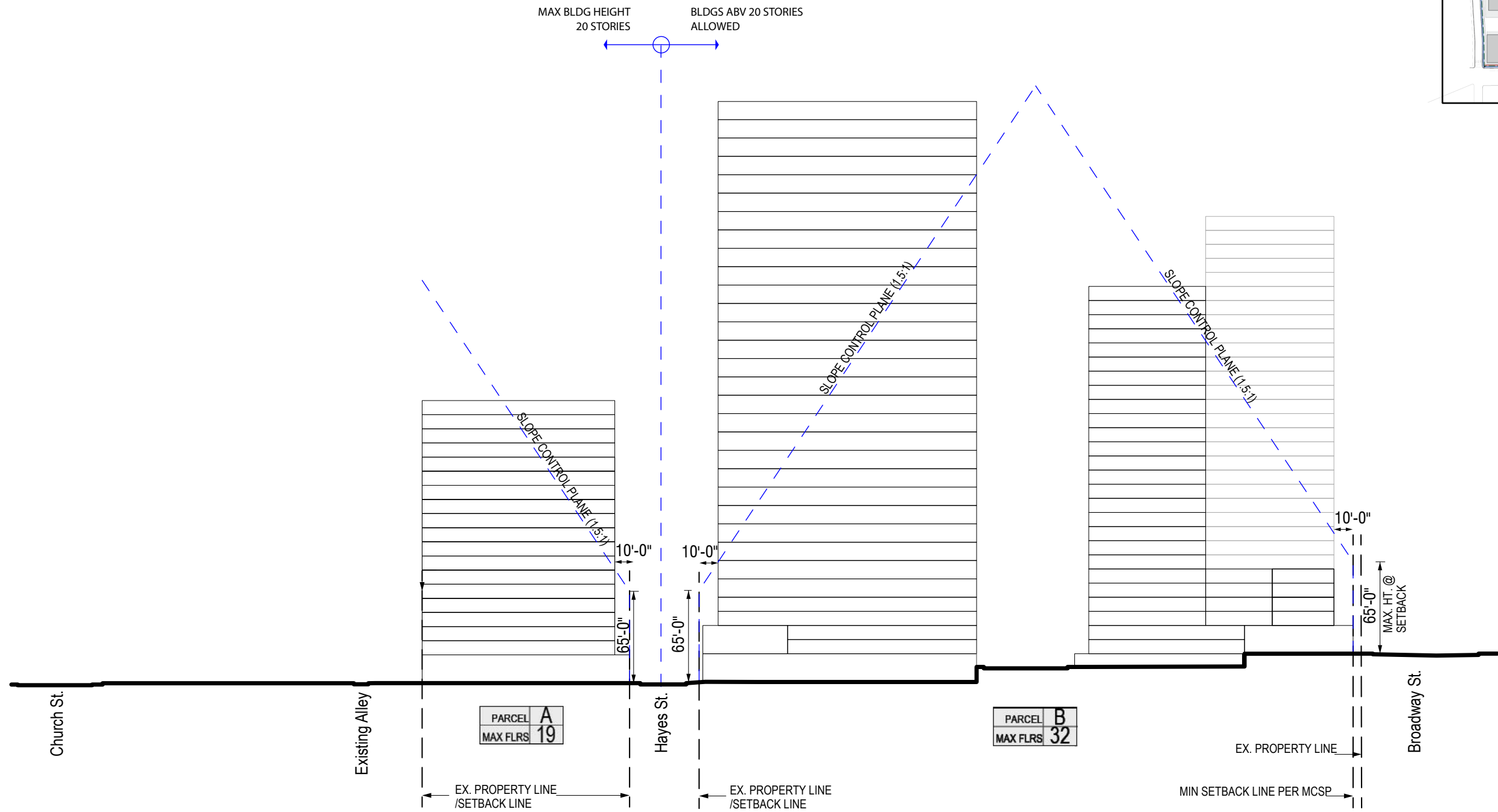
\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)



# SECTION 4

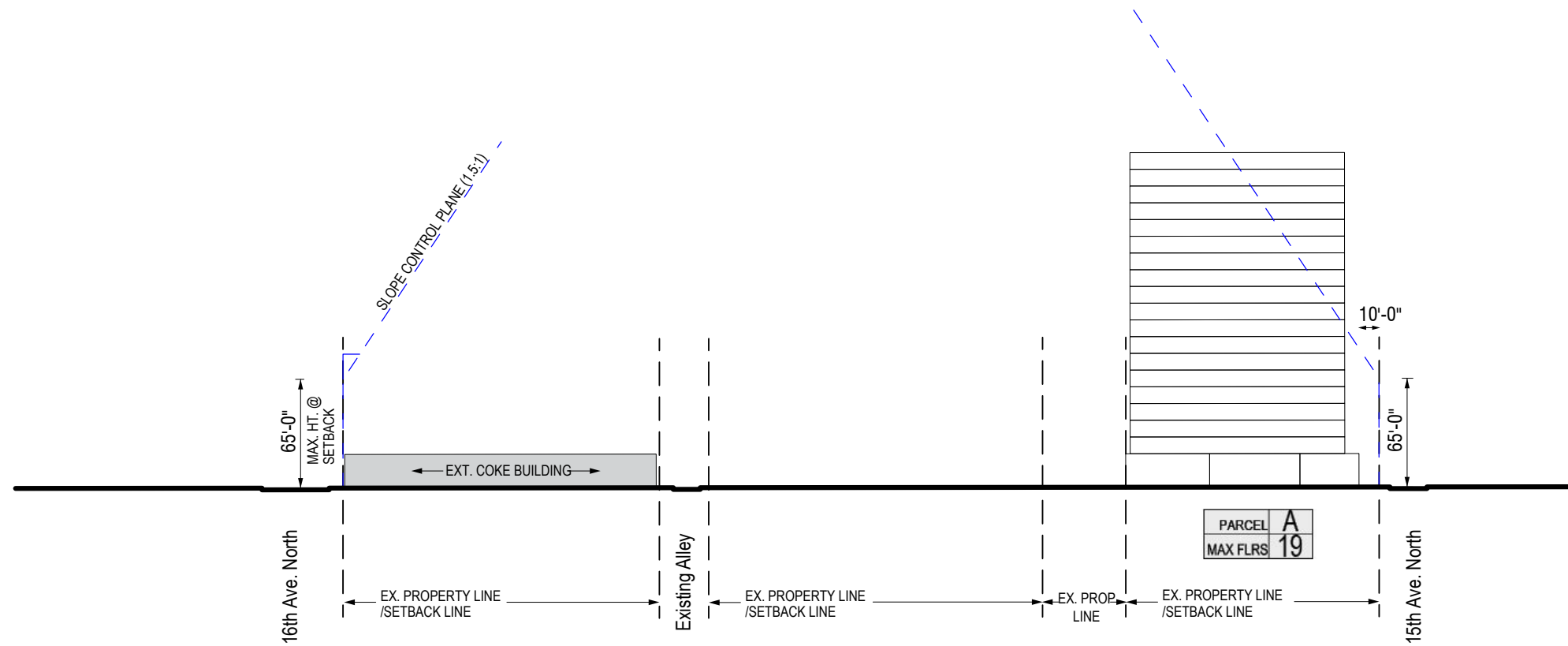
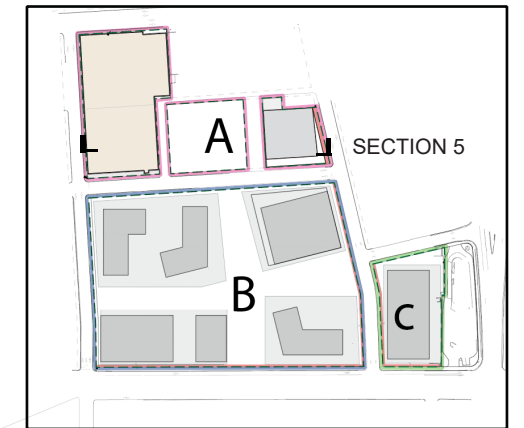


SECTION 4



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

# SECTION 5



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)





# REED SITE

*Meeting will start soon...*

April 6, 2020

**REED Site / Midtown**  
BZA Special Exception Application





Address	Parcel	Owner
1525 Church St	09212036600	Hayes Street Realty, LLC
1520 Hayes St	09212043300	Hayes Street Realty, LLC
1518 Hayes St	09212043400	Hayes Street Realty, LLC
1516 Hayes St	09212043500	Hayes Street Realty, LLC
1514 Hayes St	09212043600	Hayes Street Realty, LLC
1512 Hayes St	09212043700	Good Horse, LLC
1508 Hayes St	09309001700	Good Horse, LLC
1502 Hayes St	09309001900	Good Horse, LLC
1500 Hayes St	09309002000	Good Horse, LLC
1501 Hayes St	09309002100	Broadway Realty Company
1509 Hayes St	09309002300	Broadway Realty Company
1511 Hayes St	09309002400	Broadway Realty Company
1515 Hayes St	09212043900	Broadway Realty Company
1519 Hayes St	09212044100	Broadway Realty Company
1521 Hayes St	09212044200	Broadway Realty Company
1523 Hayes St	09212044300	Broadway Realty Company
116 16th Ave S	09212044400	Broadway Realty Company
112 16th Ave S	09212044500	Broadway Realty Company
1530 Broadway	09212044600	Broadway Realty Company
1518 Broadway	09309002500	Broadway Realty Company
1516 Broadway	09309002600	Broadway Realty Company
1512 Broadway	09309002700	Broadway Realty Company
1510 Broadway	09309002800	Broadway Realty Company
1506 Broadway	09309002900	Broadway Realty Company
1504 Broadway	09309003000	Broadway Realty Company
1502 Broadway	09309003100	Broadway Realty Company
1500 Broadway	09309003200	Broadway Realty Company

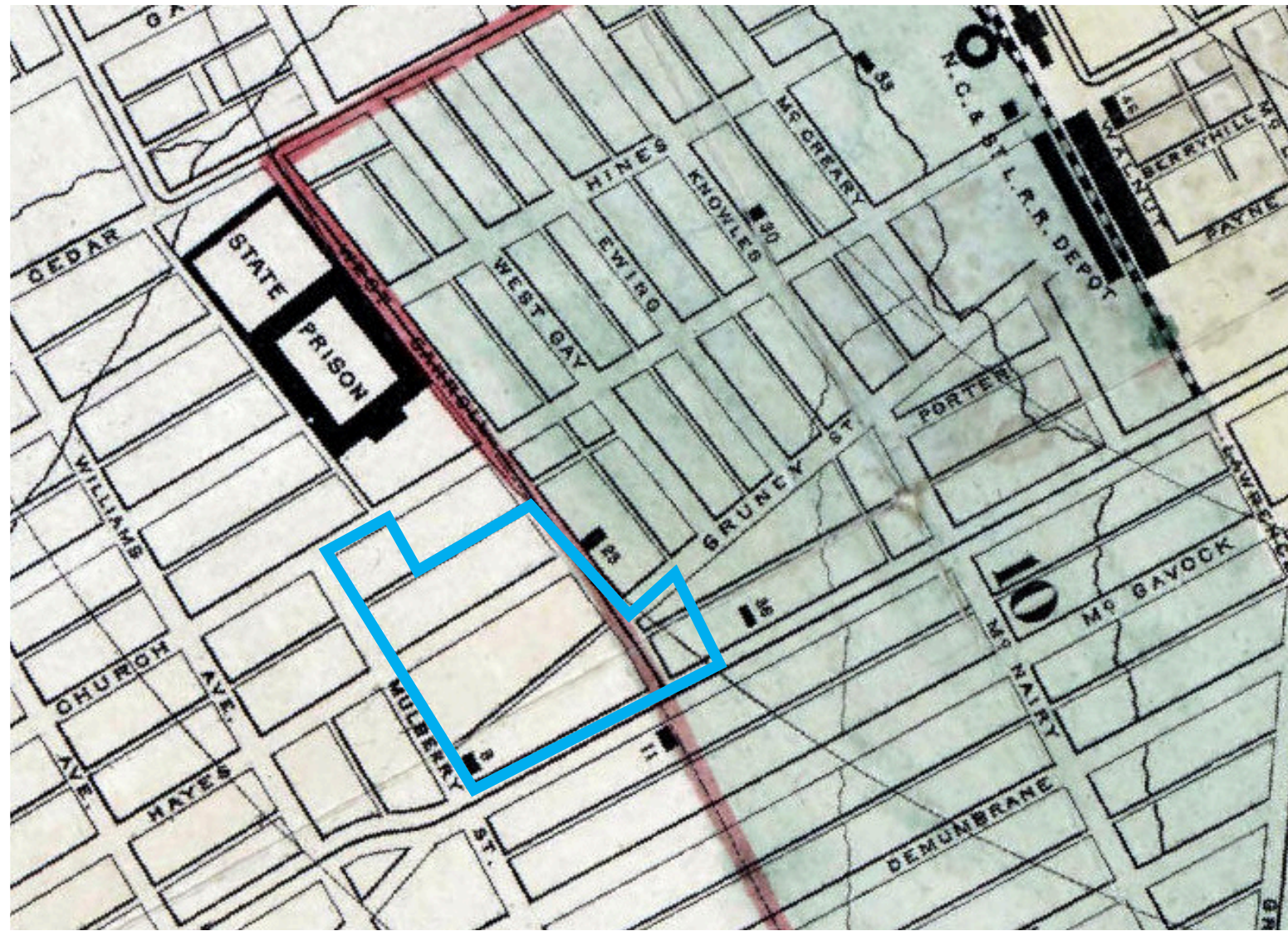
April 6, 2020

REED Site / Midtown  
BZA Special Exception Application

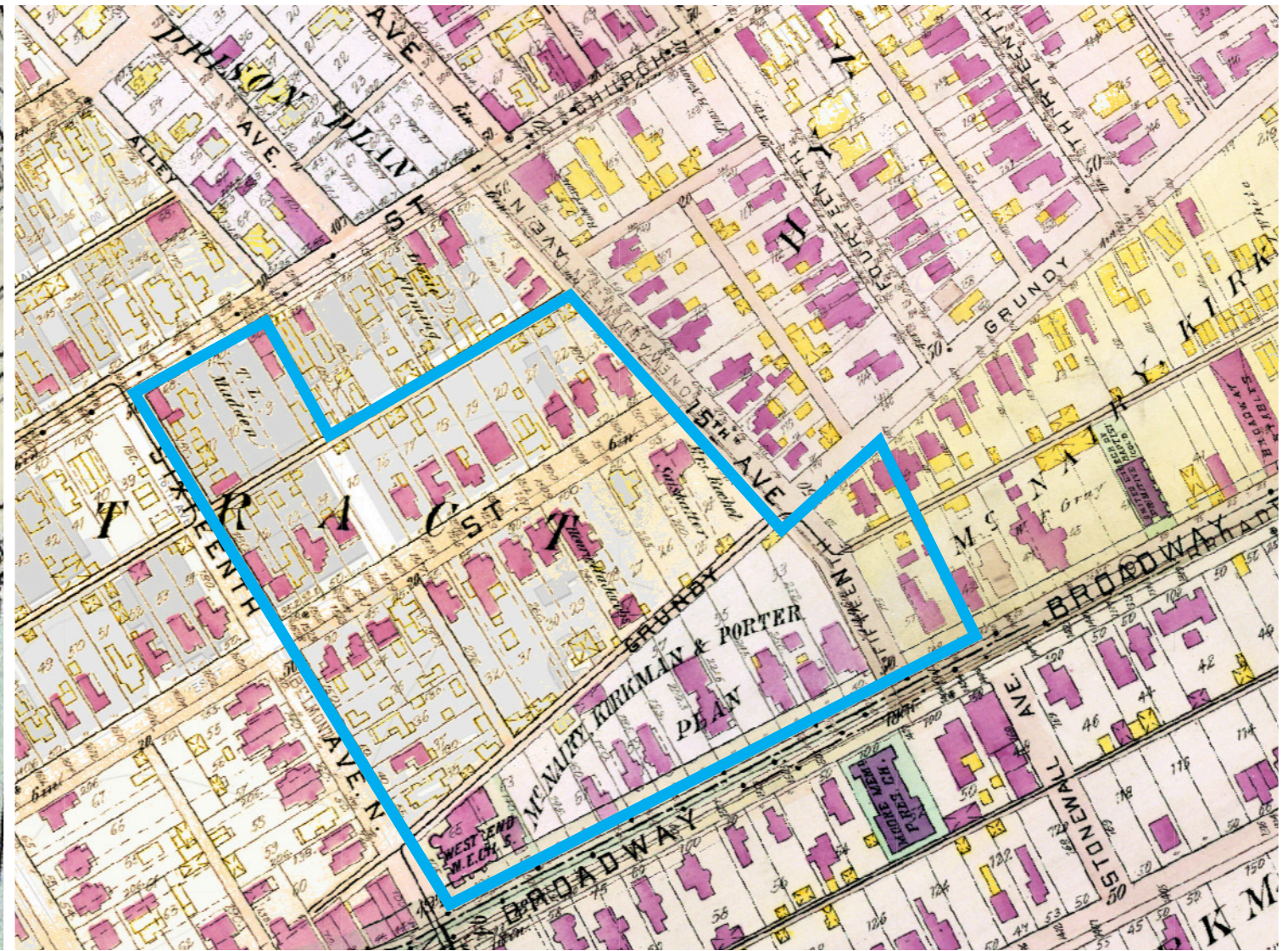




# SITE HISTORY



1877 MAP OF NASHVILLE



1908 MAP OF NASHVILLE

April 6, 2020

REED Site / Midtown  
BZA Special Exception Application





# REED FAMILY HISTORY

Congratulatory letter from GM



Jim Reed, Jr.

### Jim Reed Chevrolet: A Family Tradition For Three Generations

The Jim Reed Chevrolet Company at 1512 Broadway boasts that it is the only automobile dealership in Nashville to operate consistently for 50 years in the same location with the same organization.

1960 marks Jim Reed Chevrolet's golden anniversary — in 1910 the Jim Reed Chevrolet Company was granted a charter of incorporation by the state of Tennessee.

Jim Reed, Jr. was of course no stranger to either Nashville or to automobile sales in 1910. He had, in fact, sold Chevrolets on Broadway since 1917. He sold Studebakers during the 1920s; the company was then called the Broadway Motor Company, located at 1223 Broadway. Reed returned to an exclusive Chevrolet dealership in 1929, organized as the present Jim Reed Chevrolet Company.

Jim Reed, Jr. always was a good salesman. In fact, when he was a boy working in his father's hardware store, his family depended on him to get rid of older merchandise and to persuade reluctant customers. But

Jim, Jr. was more interested in his father's Model T — than in the family hardware business.

From 1917 until 1950 Reed was president of dealerships selling, alternately, Chevrolets and Studebakers; in 1930 he resumed an exclusive contract with Chevrolet under the name Jim Reed Chevrolet Company.

Reed managed to operate at a profit during the tight Depression years of the 1930s. Even during World War II when no cars were manufactured, Jim Reed Chevrolet stayed solvent by operating a tire franchise and doing body work. Jim Reed, Jr., then an Air Force pilot and captain, would buy cars near his base and bring them home on weekends to resell.

Jim Reed III also served in the Air Force during World War II, and entered the Chevrolet business with his father after his discharge. He became president and general manager of Jim Reed Chevrolet in 1959.

Jim III is on the board of the American Automobile Association. He also is past president and past member of the executive committee of that organization. While president, he organized the first "Nashville Automobile Sale-O-Rama" sales promotion.

Jim Reed III received the state-wide Andrew Jackson Service Award for qualities of professional leadership. He later received the Benjamin Franklin Quality Dealer Award, the national counterpart to the Andrew Jackson award.

Jim Reed IV, who joined Jim Reed Chevrolet Company about five years ago, marks the third generation in a family tradition. A 1972 graduate of Memphis Academy of Art and Design with a degree in fine arts, Jim IV also is a graduate of General Motors Corporation's School of Modern Merchandising and Management. He sold Buick automobiles before coming to Jim Reed Chevrolet Company.



Jim Reed III



Jim Reed IV

Congratulations,  
**Jim Reed Chevrolet!**  
Kimbrow Oil Company

Jobbers  Oil Products

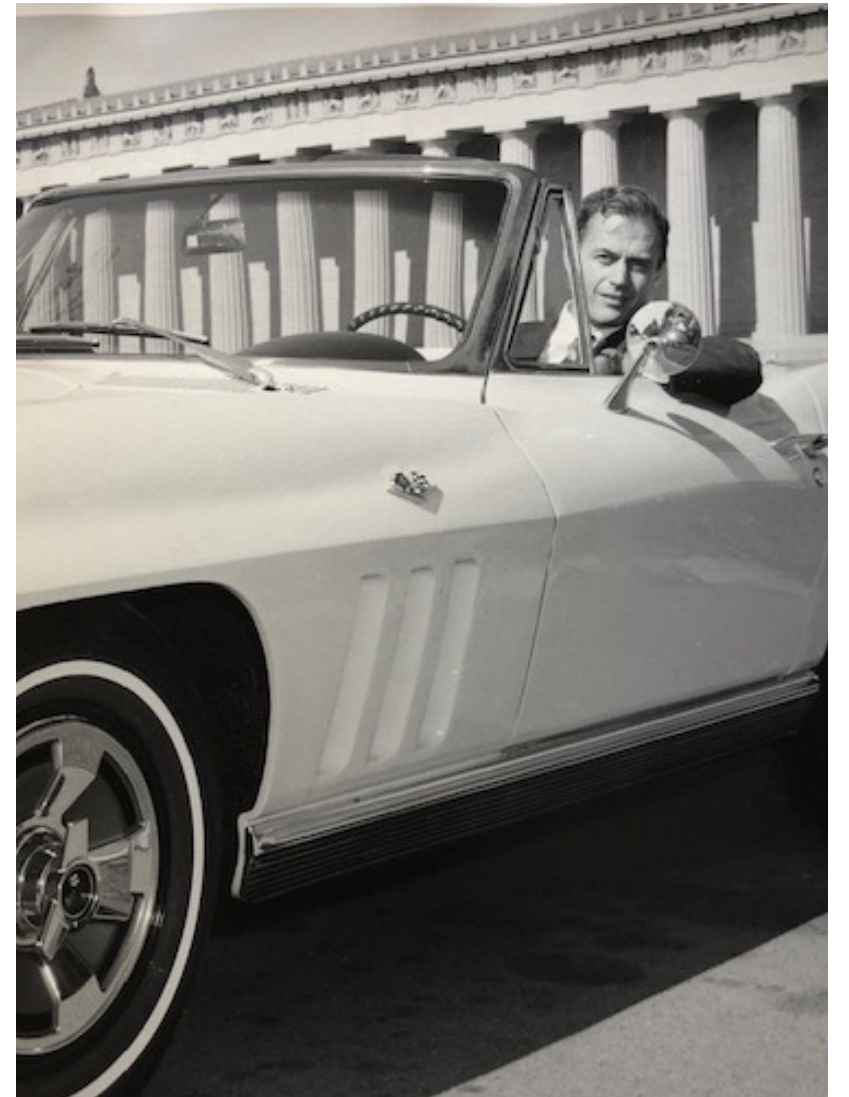
We have enjoyed being associated with you for 30 of your 50 years and appreciate the business you do with us!

We are happy to have supplied Jim Reed Chevrolet its body-shop needs for these past 18 years.

THE BEST TO YOU ON YOUR 50TH ANNIVERSARY

 Auto Bumper Co., Inc.

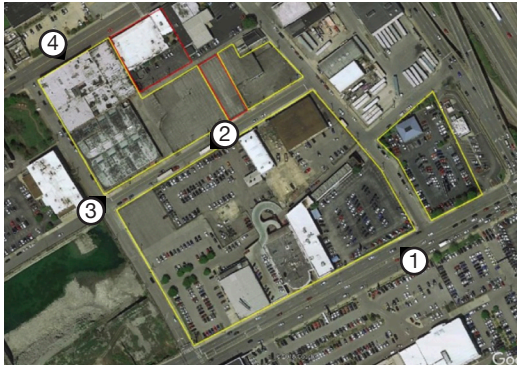
1010 4TH AVE. NORTH NASHVILLE, TN. 37208  
256-9966



The Reed family auto sales business has operated on Broadway since 1917



# EXISTING SITE



BROADWAY



HAYES ST toward 16TH AVE N



16TH AVE N at HAYES ST - Historic Coke Building



CHURCH ST - Historic Coke Building - Built in 1928

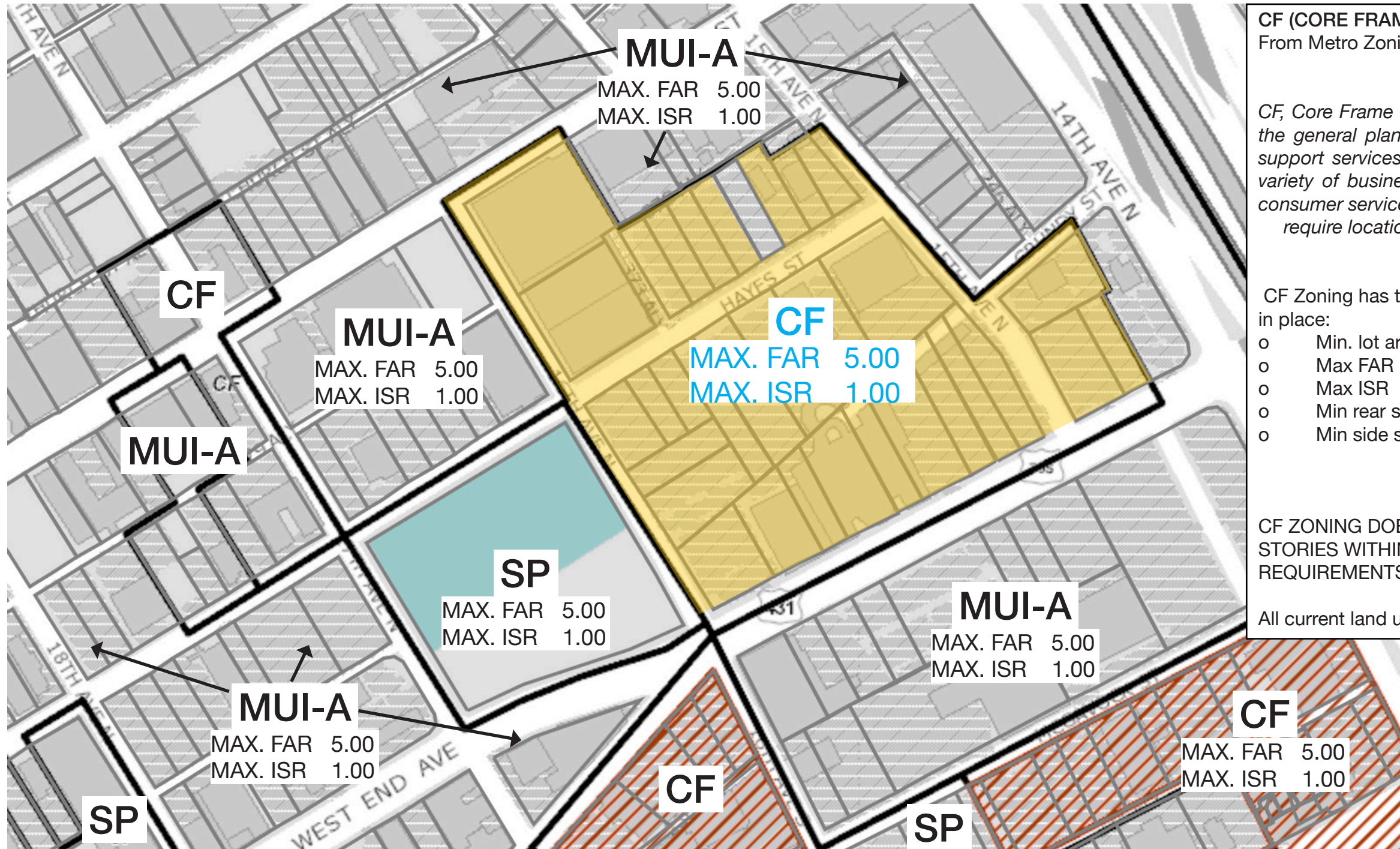
April 6, 2020

REED Site / Midtown  
BZA Special Exception Application





# WHAT IS CF ZONING?



**CF (CORE FRAME DISTRICT) ZONING** (since 1974)  
From Metro Zoning Code Section 17.08.202

*CF, Core Frame District. The CF district is intended to implement the general plan's central business district land use policies for support services. The district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.*

CF Zoning has the following bulk regulations which will remain in place:

o	Min. lot area	None
o	Max FAR	5.00
o	Max ISR	1.00
o	Min rear setback	N/A
o	Min side setback	N/A

CF ZONING DOES NOT STIPULATE A MAXIMUM HEIGHT OR STORIES WITHIN ANY REGULATIONS OR REQUIREMENTS.

All current land uses within CF remain in place.

# BZA SPECIAL EXCEPTION

These are the two items in the CF Bulk Regulations for which we are asking a special exception:

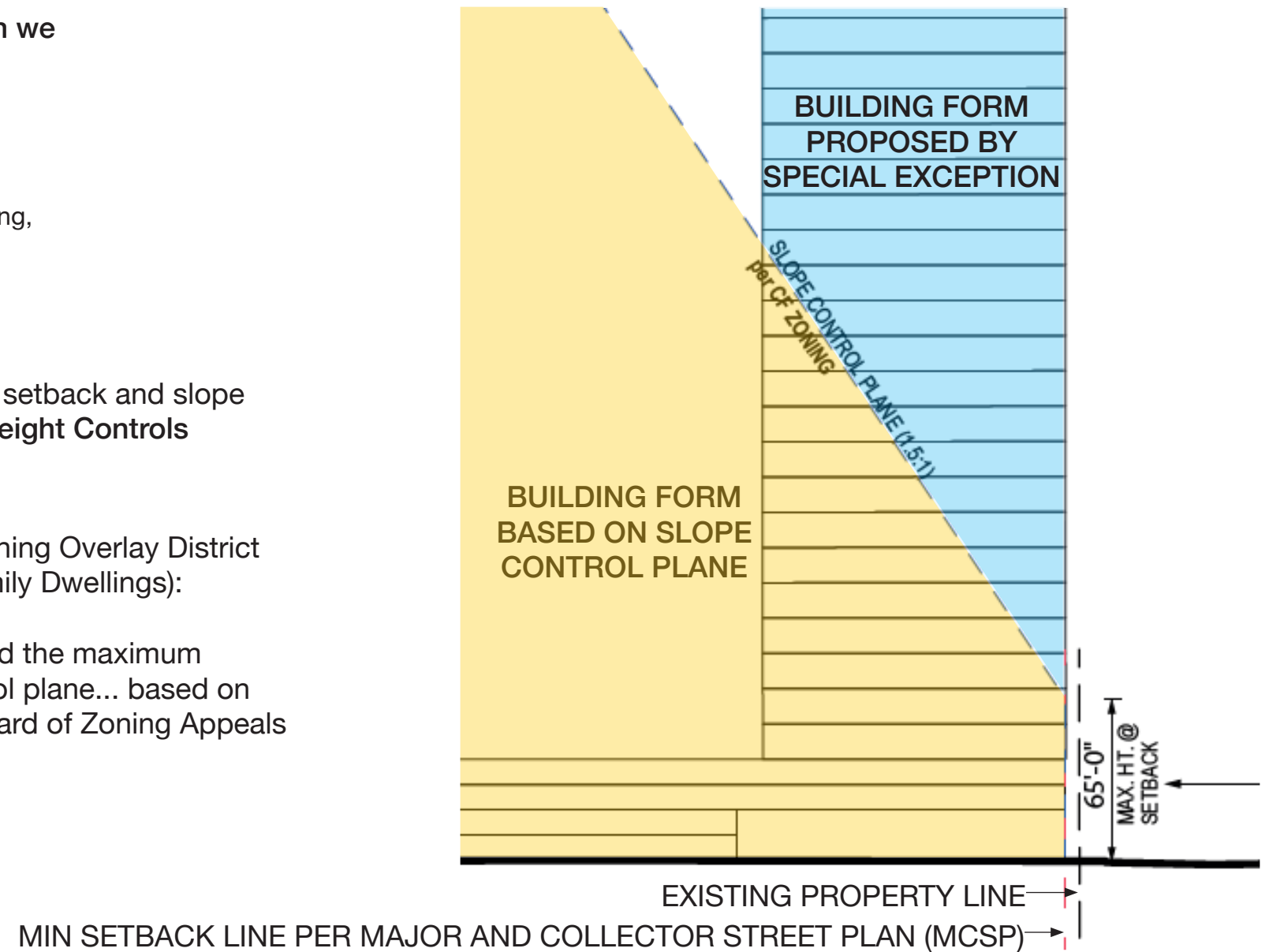
- 1 Max height at setback 65'
- 2 Slope of Height Control Plane 1.5 to 1

CF ZONING DOES NOT STIPULATE A MAXIMUM HEIGHT OR STORIES WITHIN ANY REGULATIONS OR REQUIREMENTS, rather under CF zoning, height is regulated by the FAR allowance of 5.0 as a default.

The BZA Special Exception is made for variance at height and setback and slope control plane per Metro Code Section 17.12.060.F Building Height Controls

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

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... based on the review and approval of the Special Exception by the Board of Zoning Appeals

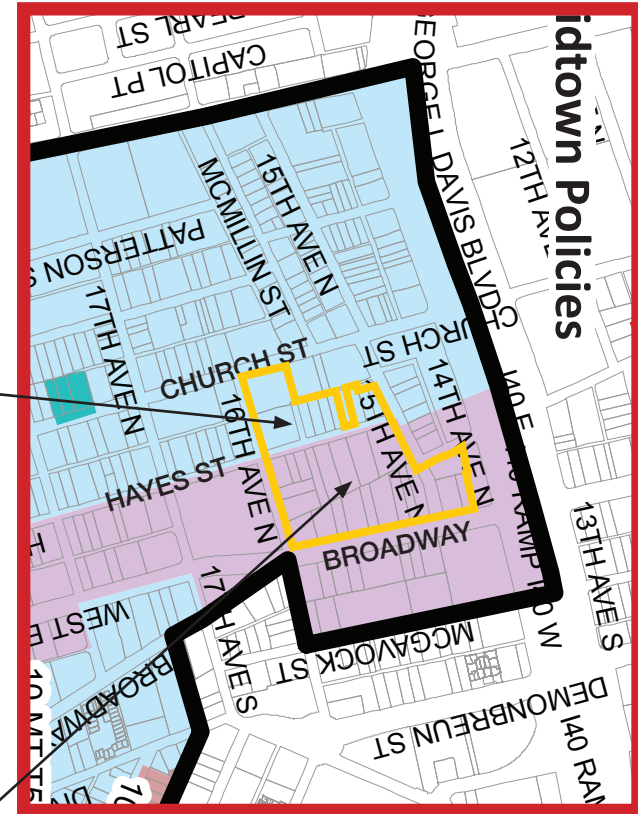




# CURRENT POLICY

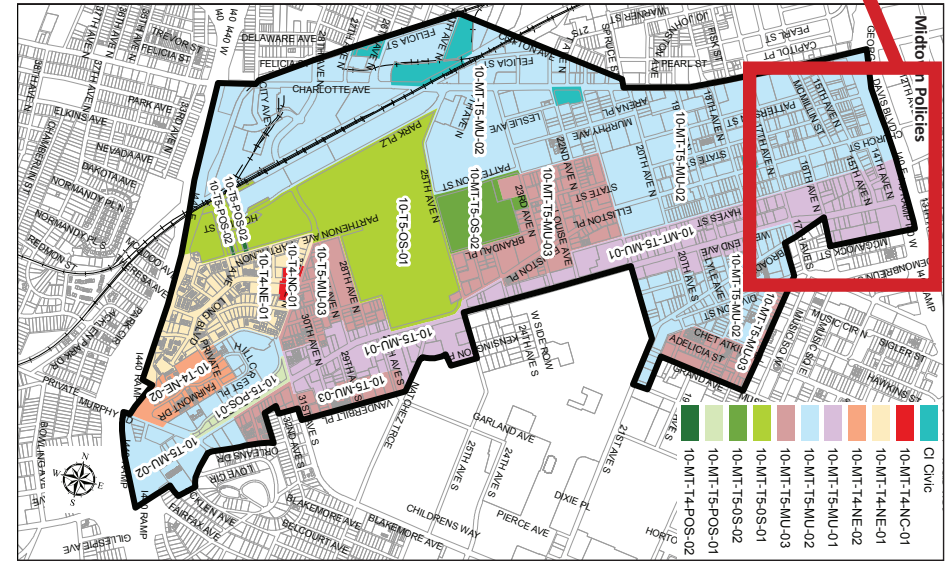
## SPECIAL POLICY 10-MT-T5-MU-02 (T5 Center Mixed Use Area 2)

- Applies to the parcels between Hayes Street and north to Church Street
- Policy relates to density and intensity
- Lower building heights and masses are intended for this area
- Maximum heights of **20 stories** are most appropriate
- Punctuation of greater height may be appropriate at prominent locations within the area

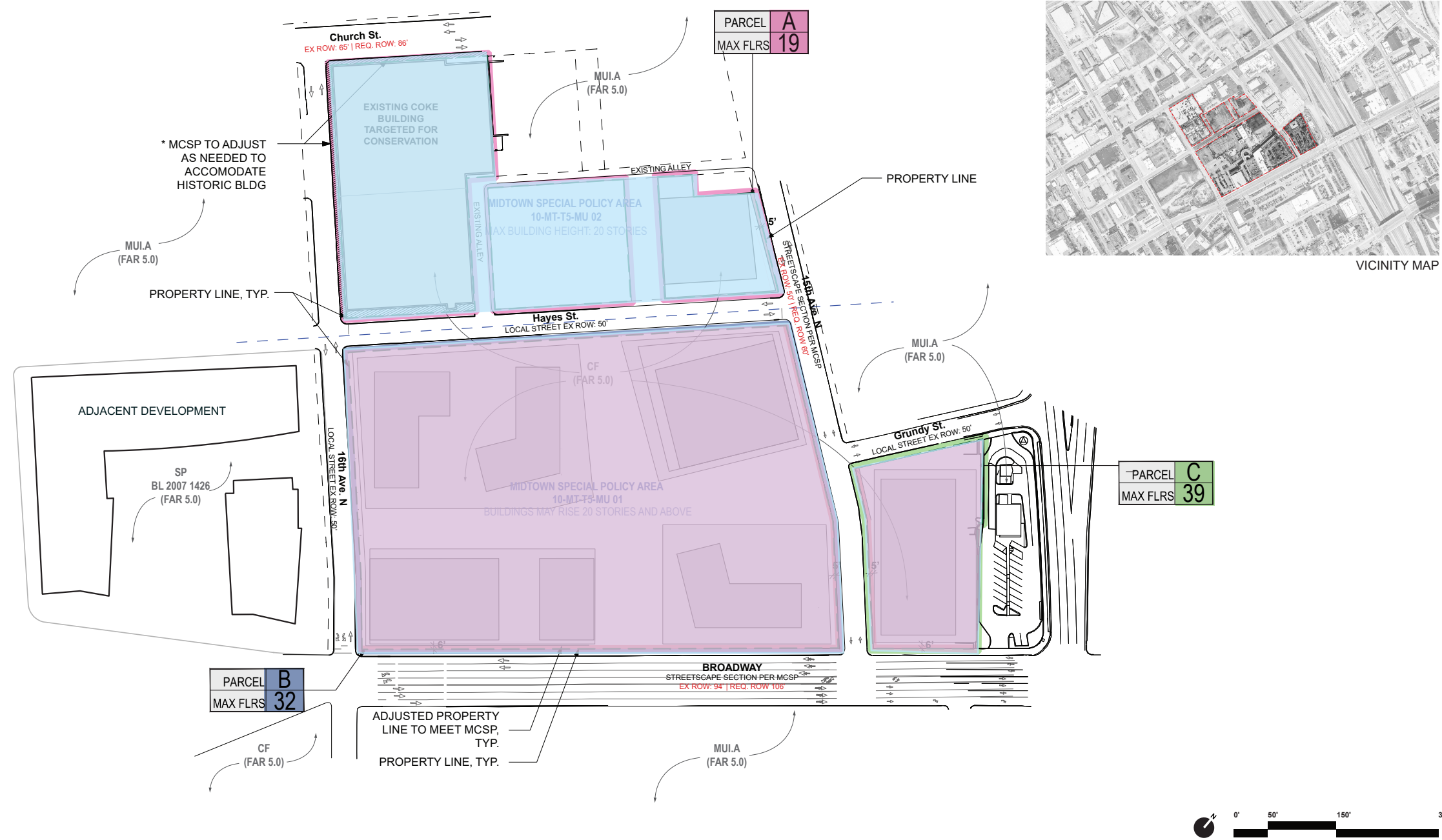


## SPECIAL POLICY 10-MT-T5-MU-01 (T5 Center Mixed Use Area 1)

- Applies to the parcels between Hayes Street and south to Broadway
- Buildings may rise **20 stories and above**



# BZA SPECIAL EXCEPTION



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE

REED DISTRICT / SITE PLAN

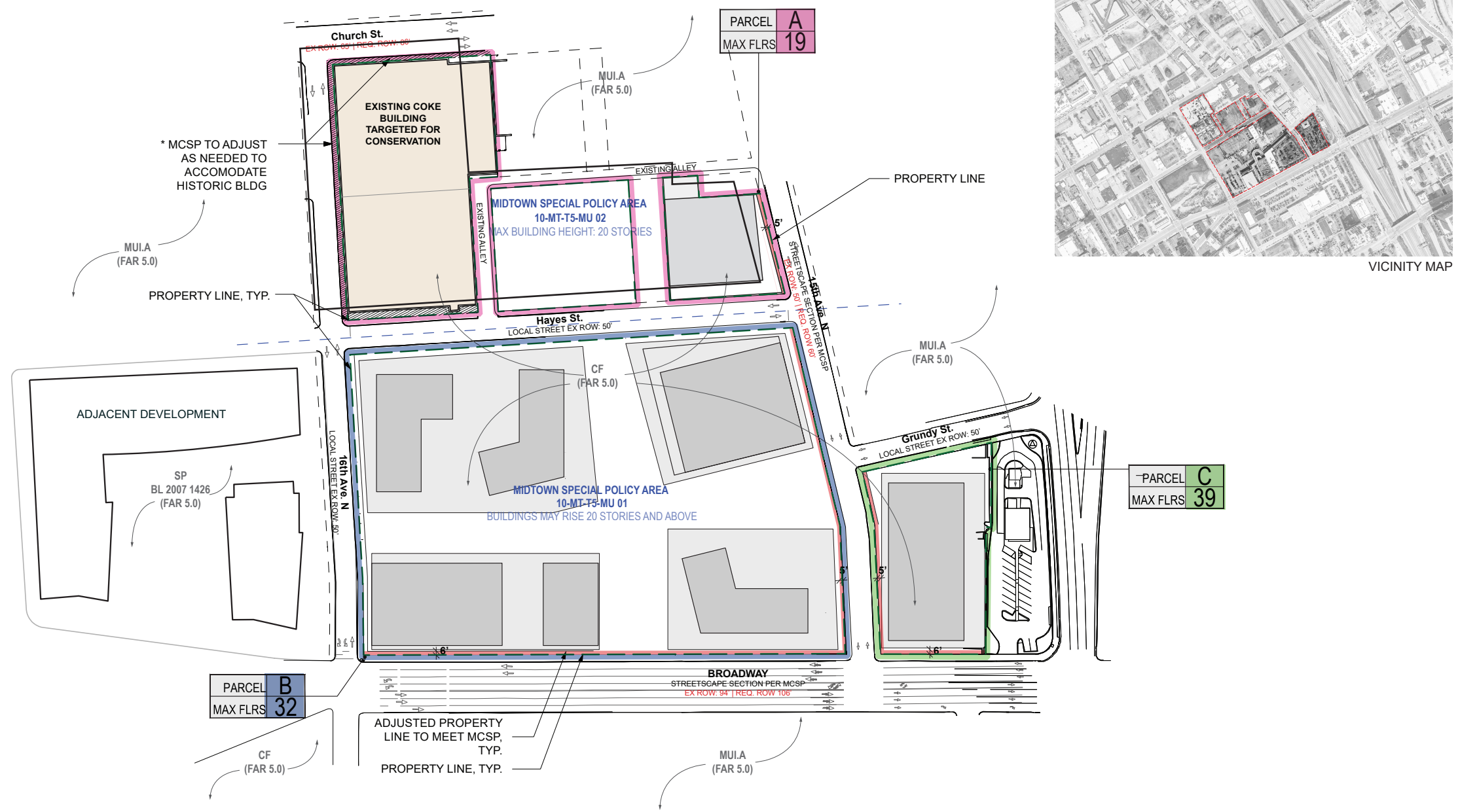
04.06.2020 | P. 1

April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



REED DISTRICT / SITE PLAN  
04.06.2020 | P. 1

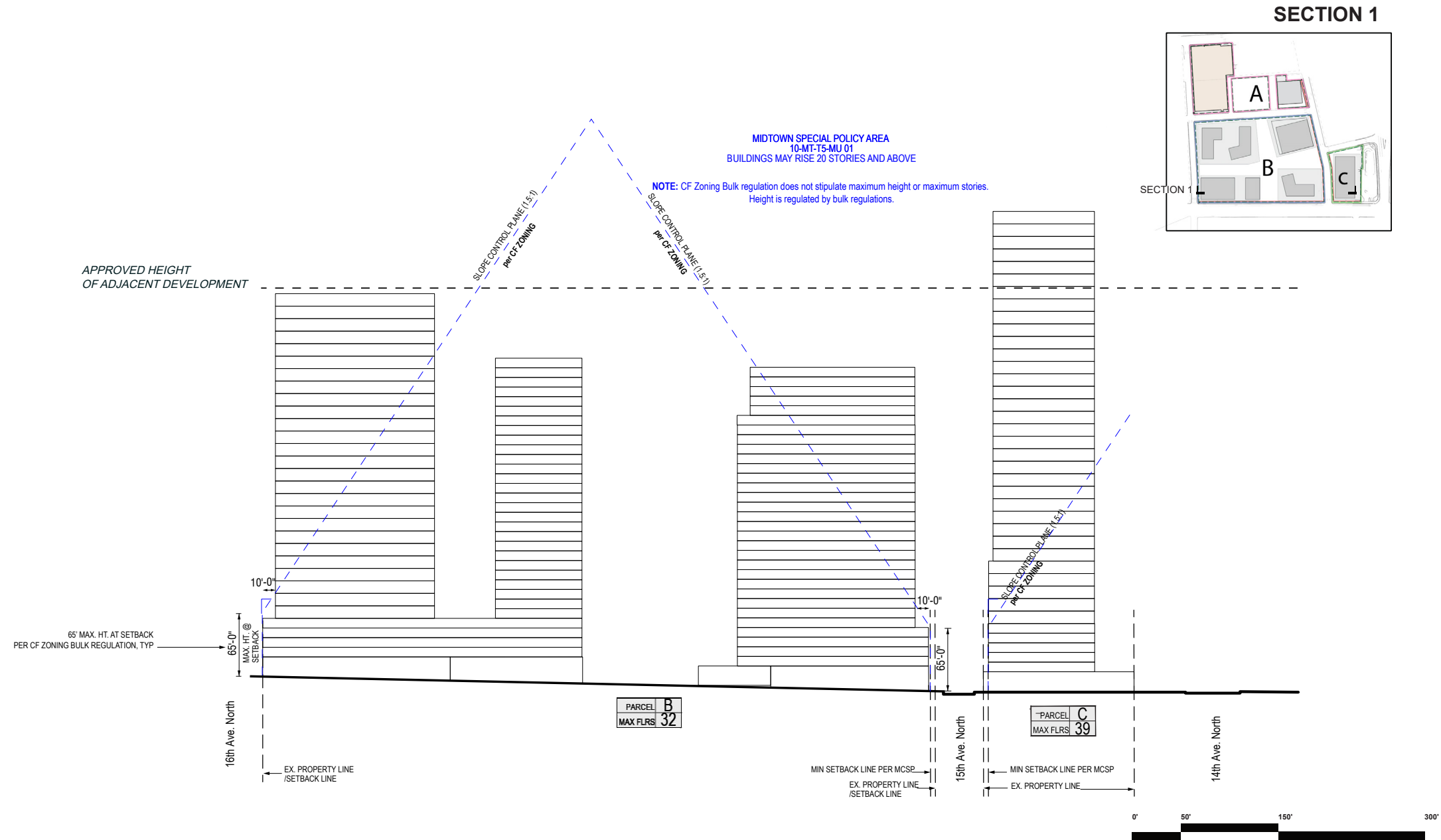
April 6, 2020

## REED Site / Midtown BZA Special Exception Application





# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

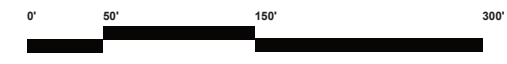
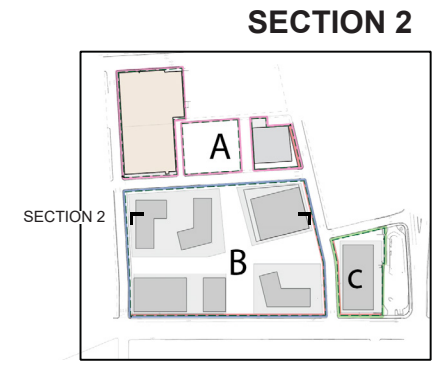
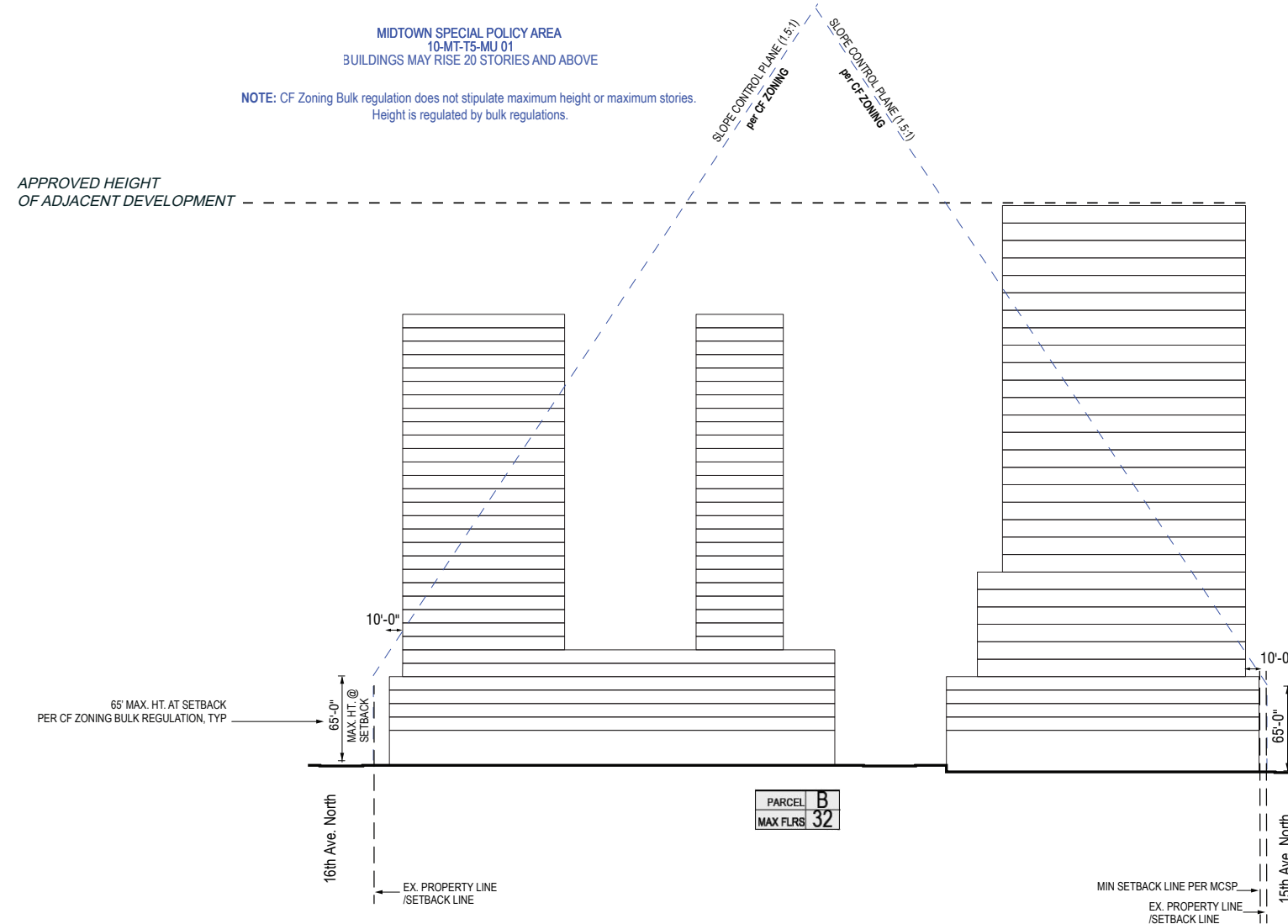
SECTIONS  
04.06.2020 | P. 2

April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

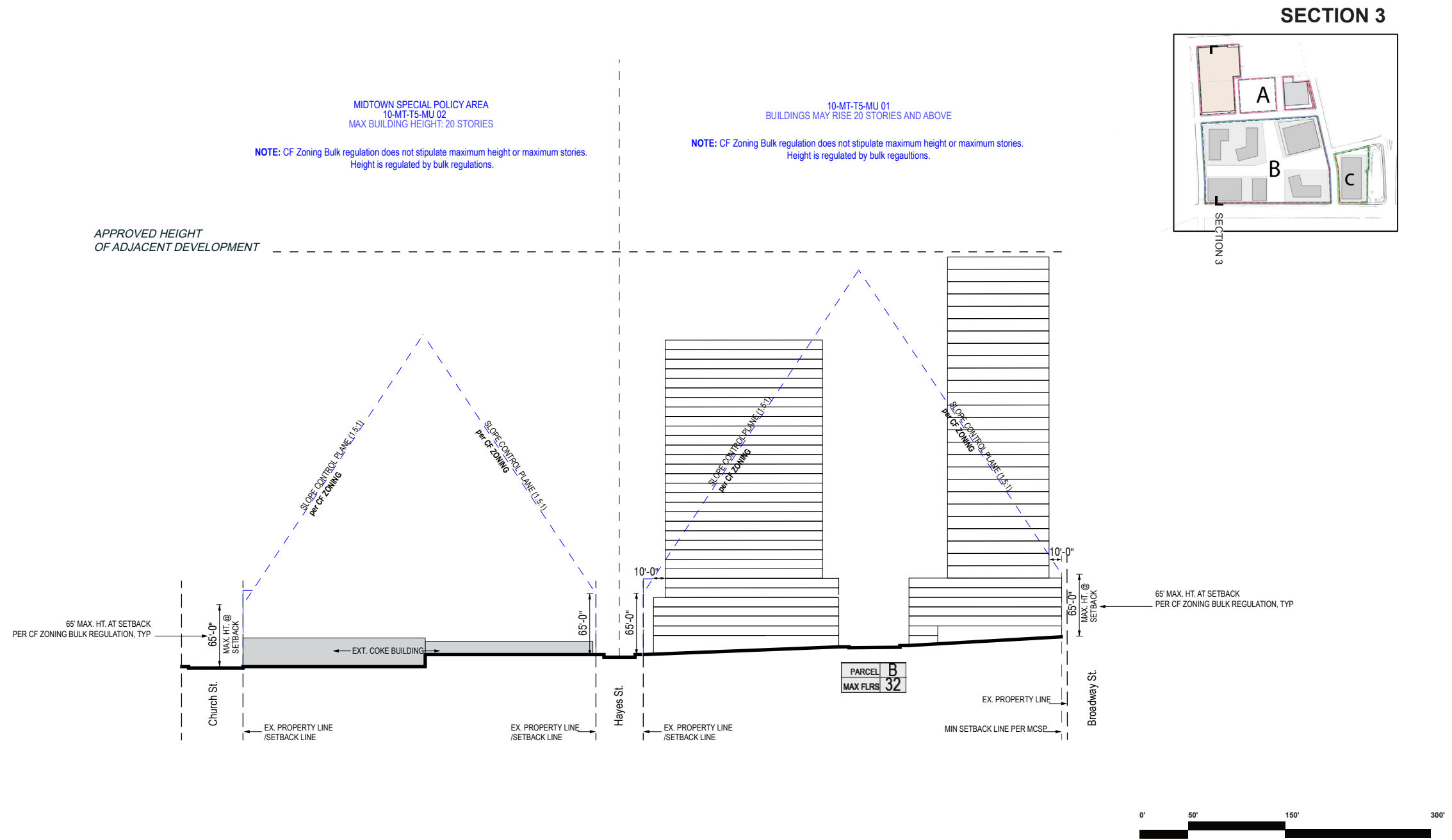
SECTIONS  
04.06.2020 | P. 3

April 6, 2020

REED Site / Midtown  
BZA Special Exception Application



# BZA SPECIAL EXCEPTION



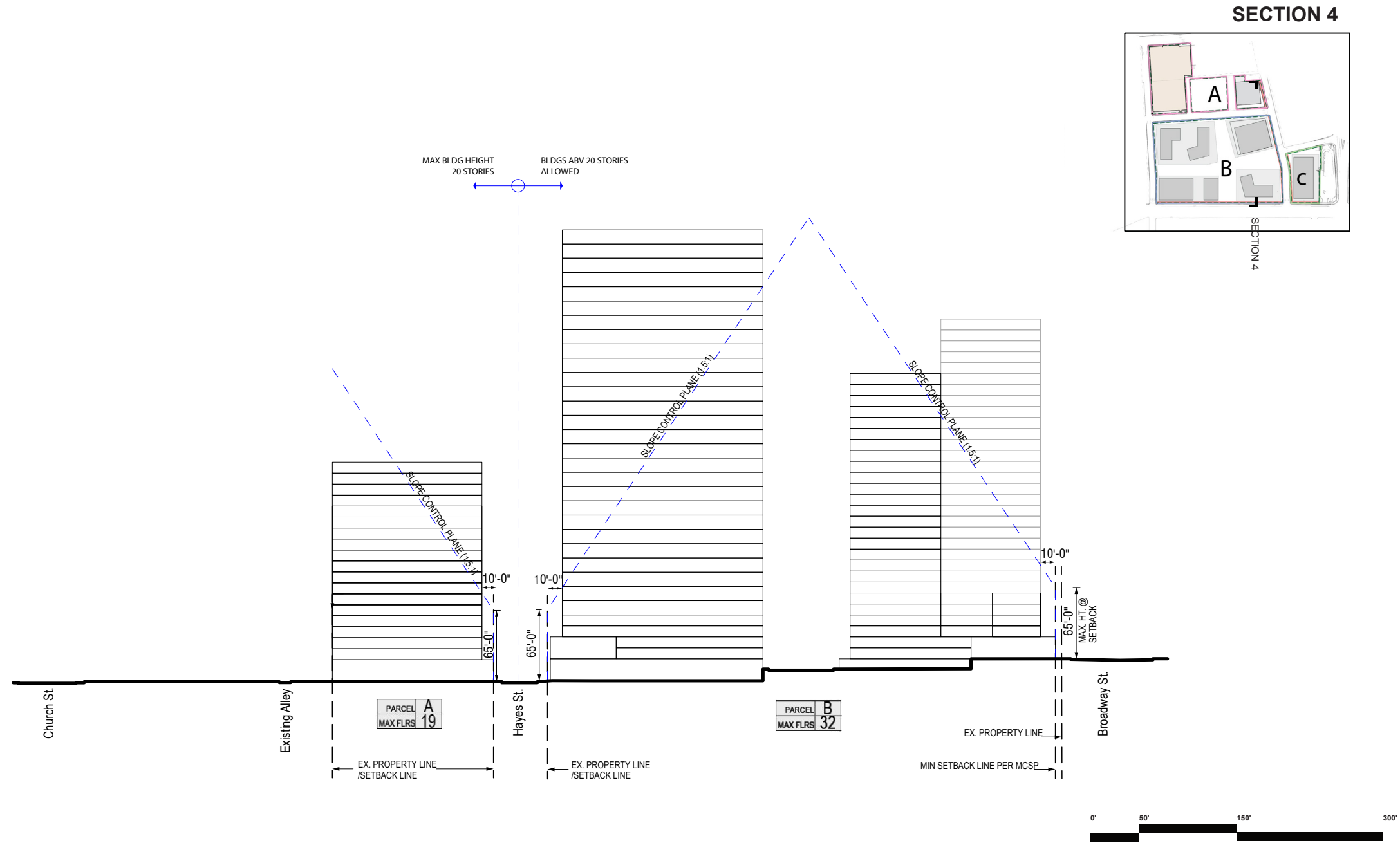
\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 4

April 6, 2020

## REED Site / Midtown BZA Special Exception Application

# BZA SPECIAL EXCEPTION



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 5

April 6, 2020

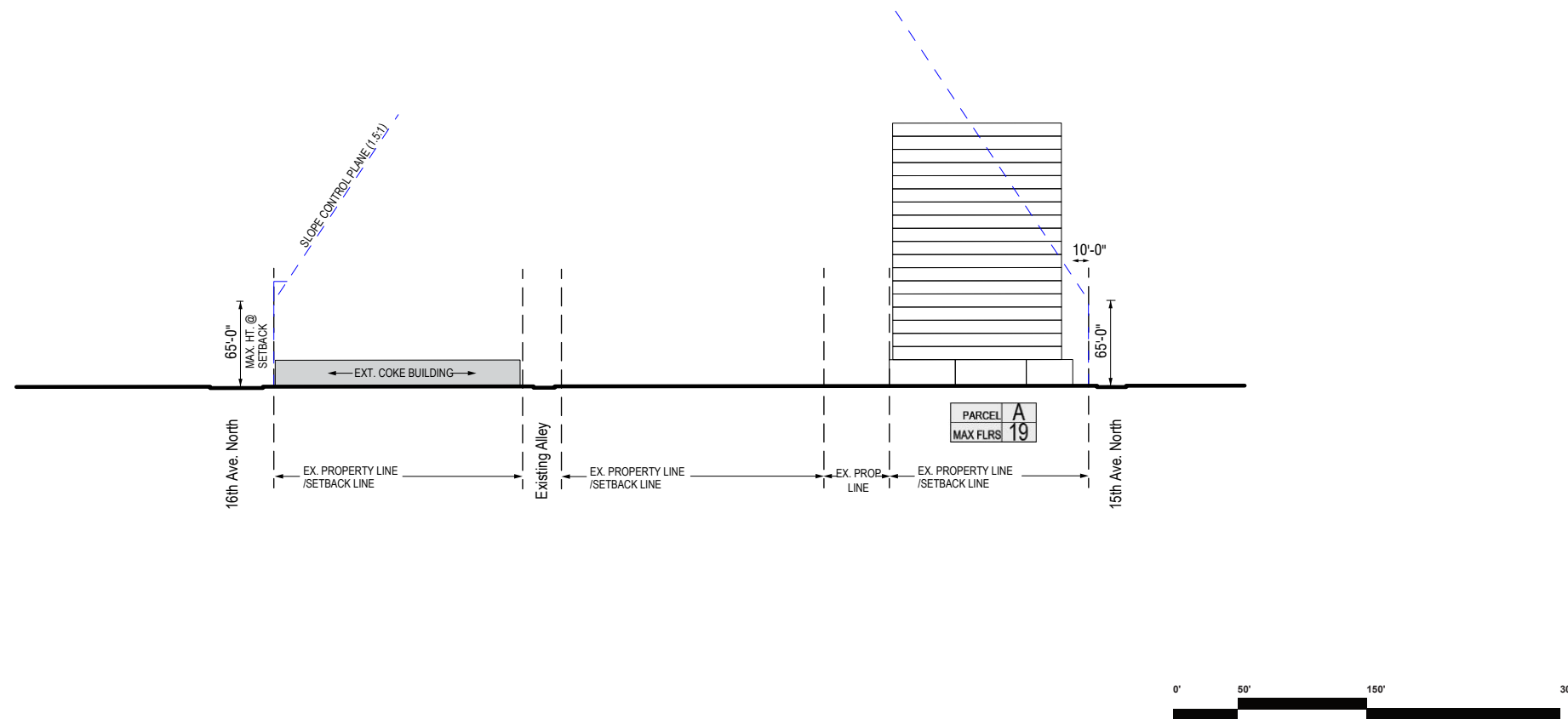
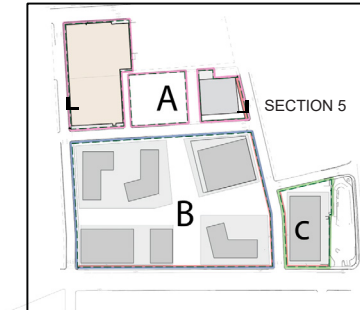
## REED Site / Midtown

BZA Special Exception Application



# BZA SPECIAL EXCEPTION

SECTION 5



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

SECTIONS  
04.06.2020 | P. 6

April 6, 2020

## REED Site / Midtown

BZA Special Exception Application



# SUMMARY OF BZA SPECIAL EXCEPTION REQUEST

## EXISTING CF ZONING BULK REGULATIONS REMAIN IN PLACE WITH SPECIAL EXCEPTIONS FOR:

- HEIGHT AT SETBACK
- HEIGHT WITHIN SLOPE CONTROL PLANE

### EXISTING USES:

Primarily surface parking for automobile sales and service use.

### PROPOSED USES:

Mixed-use development with retail on ground floor.

### BENEFIT TO COMMUNITY:

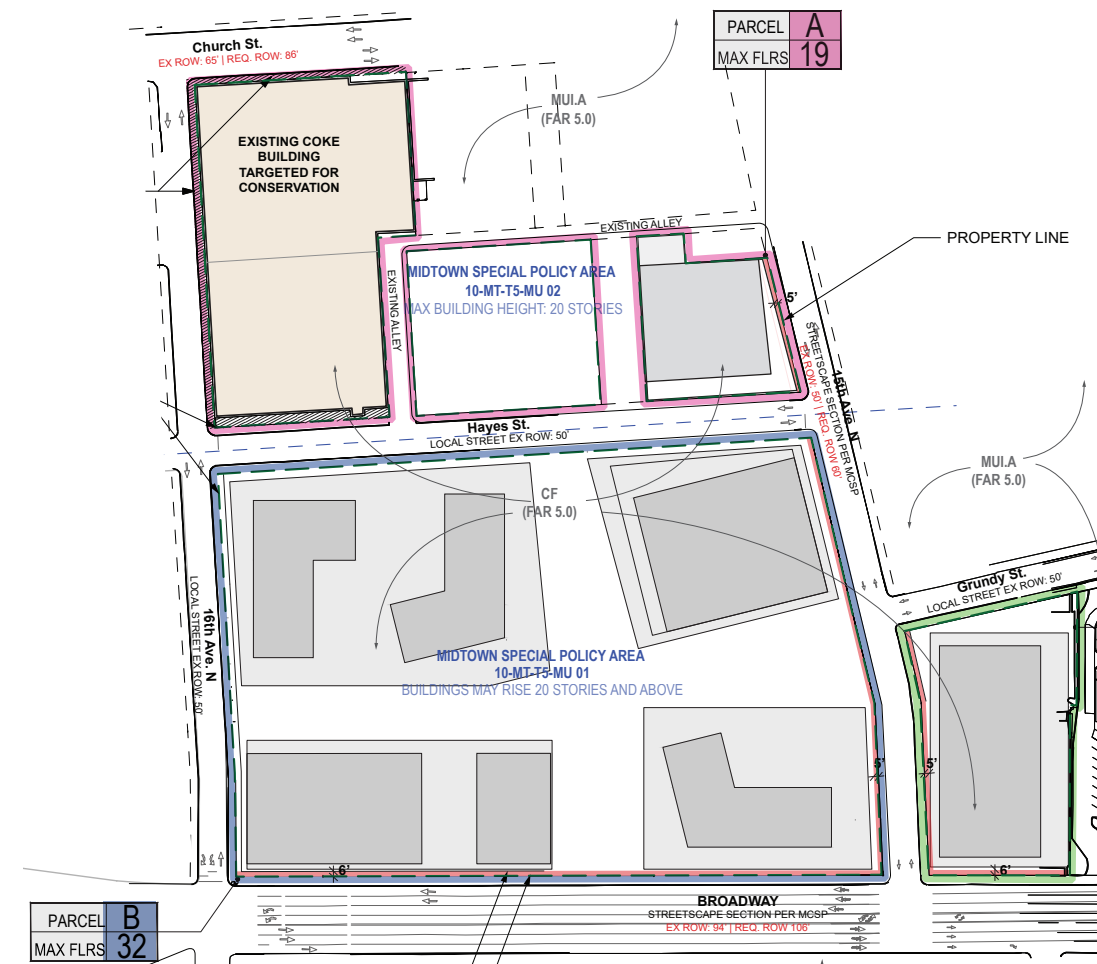
- Site will still meet all required infrastructure improvements, including MCSP, codes requirements, traffic study, etc.
- Reconnecting the fabric of Midtown to downtown Nashville
- Adaptive reuse of historic Coke building
- Active use at street front
- Enhanced streetscape - walkable public realm

### NO INJURY TO NEIGHBORING PROPERTY:

- Building massing is planned to allow light and air within this property and onto adjacent properties

## Board of Zoning Appeals Hearing Thursday April 16 at 1:00 PM at 700 2nd Ave S.

Please send comments to [bza@nashville.gov](mailto:bza@nashville.gov) by noon on Wednesday April 15.





Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: JONATHAN KINGHAM Date: 2/28/2020  
Property Owner: JONATHAN KINGHAM Case #: 2020-099  
Representative: JONATHAN KINGHAM Map & Parcel: 091080320.00

Council District 21

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

Purpose: TO CONSTRUCT A 2 FAMILY DWELLING.

Activity Type: 2 FAMILY

Location: 805 40th AVE N, NASHVILLE TN 37209

This property is in the R6A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: FRONT SETBACK VARIANCE

Section(s): 17.12.030

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

JONATHAN KINGHAM  
Appellant Name (Please Print)

SAME  
Representative Name (Please Print)

1012 CALVERT ST  
Address

Address

NASHVILLE, TN 37216  
City, State, Zip Code

City, State, Zip Code

206 850-9990  
Phone Number

Phone Number

jkingham5@gmail.com  
Email

Email

Zoning Examiner: \_\_\_\_\_

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.)

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**

2/27/20

---

**DATE**

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

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

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

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

The hardship presented by the corner lot located at 805 40th Ave N is that it is an exceptional triangle shape. The base zoning of R6A specifies a 40' front setback or contextual average. Because of the triangle shape of the lot, at a 40' setback, the available building pad is pushed so far back into the triangle that the buildable area is severely diminished, almost to the point of making the lot unbuildable.

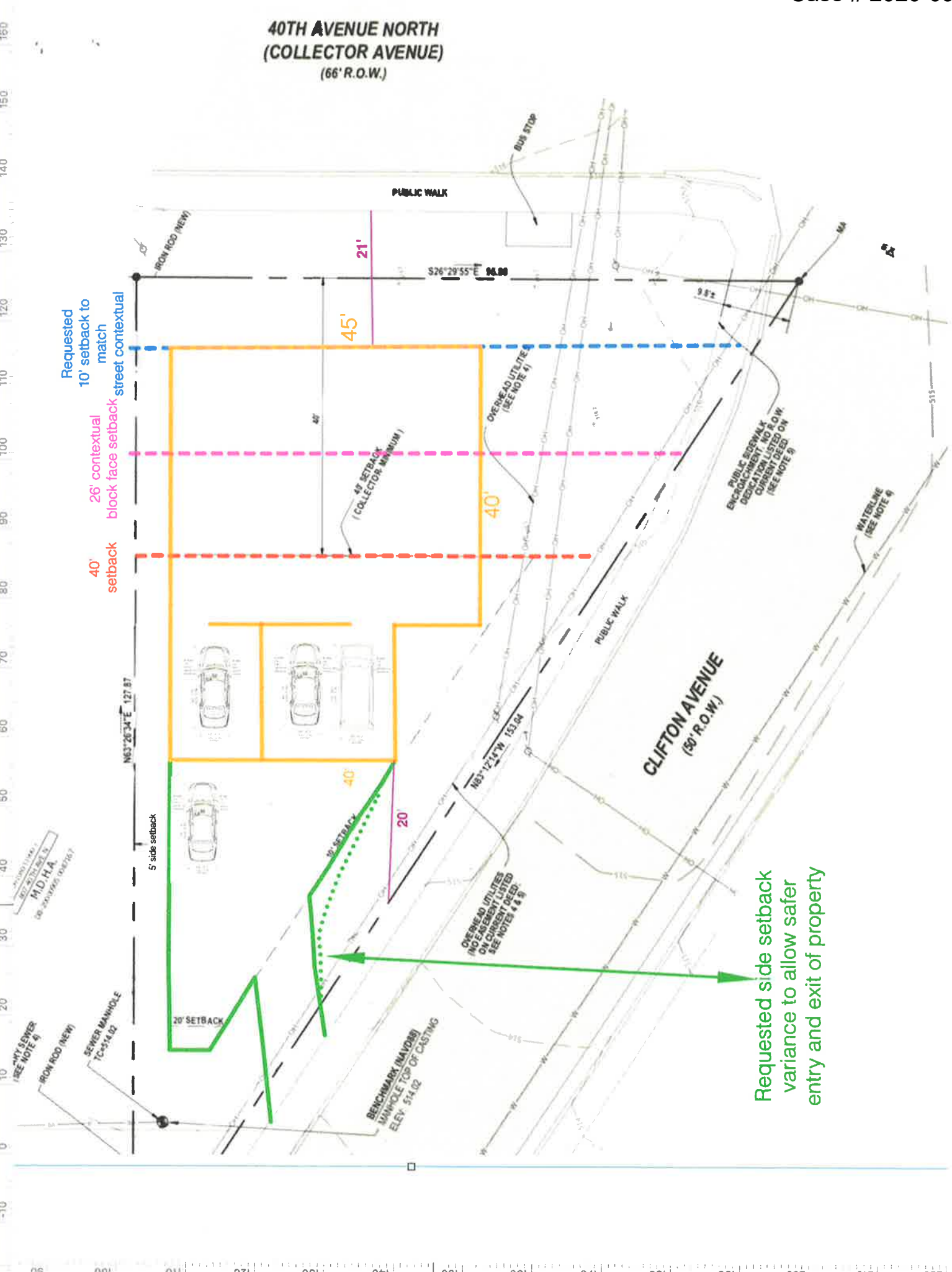
The setback of the houses on the adjacent corner directly to the South are between 7' to 13' (Exhibit A) and the duplexes on the other 2 corners are all 14-15' setbacks. The average setback of the 5 houses to the left and right is 20.1 feet.

I am requesting a front setback of 10' to better match the existing setback patterns of the other buildings on the other adjacent corners and to blend with the existing setback pattern on the street. This would put the front of the house 21' from the sidewalk on 40th Ave N and would better fulfill the R6A mandate that "building design and placement should be urban in nature with shallow setbacks" as recommended by Jason Swaggart of the planning commission review. (Exhibit B)

The other hardship presented by this irregularly shaped lot is that the requirement of the single 12' driveway width in the side setback within 30' of the rear lot line is very difficult to achieve as it is required to be at the back of the property which is the skinny end of the triangle. I am requesting a variance to the driveway requirement to allow a small portion of the driveway to be a slightly wider radius on the East side of the driveway to allow for safer entry and exit to the parking pad and garages. Please see scaled drawing annotation in dotted green. Radius would begin at the eastern intersection of the 12' wide driveway and the property boundary and smoothly curve to the southwestern edge of the garage.

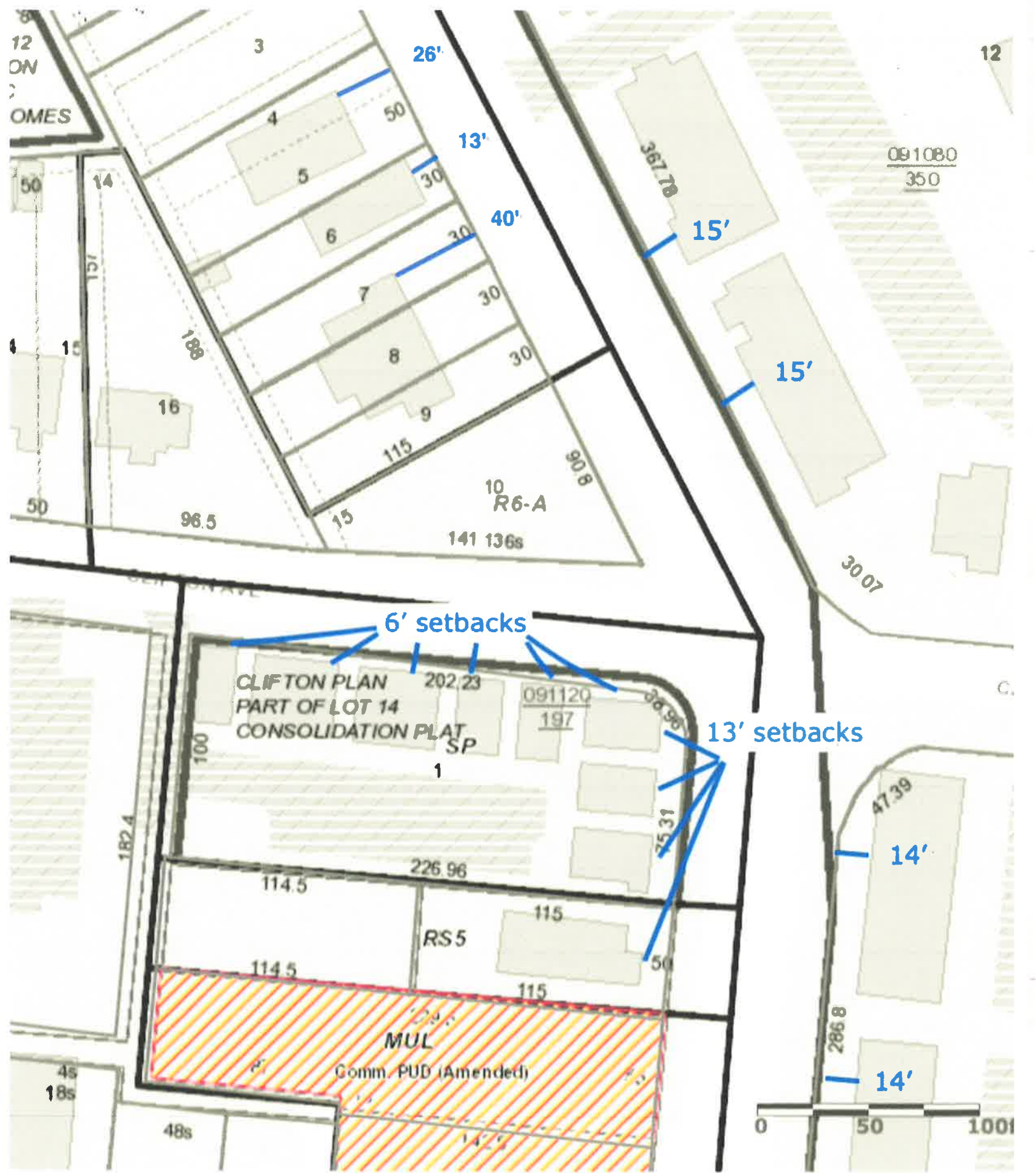
# 40TH AVENUE NORTH (COLLECTOR AVENUE) (66' R.O.W.)

805 40th ave Site plan '10' setback BZA drive...  
805 40th ave Site plan '10' setback BZA option 2  
805 40th ave Site plan '10' setback BZA drive...



Requested side setback variance to allow safer entry and exit of property



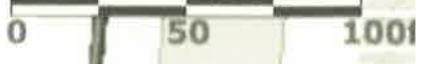


6' setbacks

13' setbacks

14'

14'

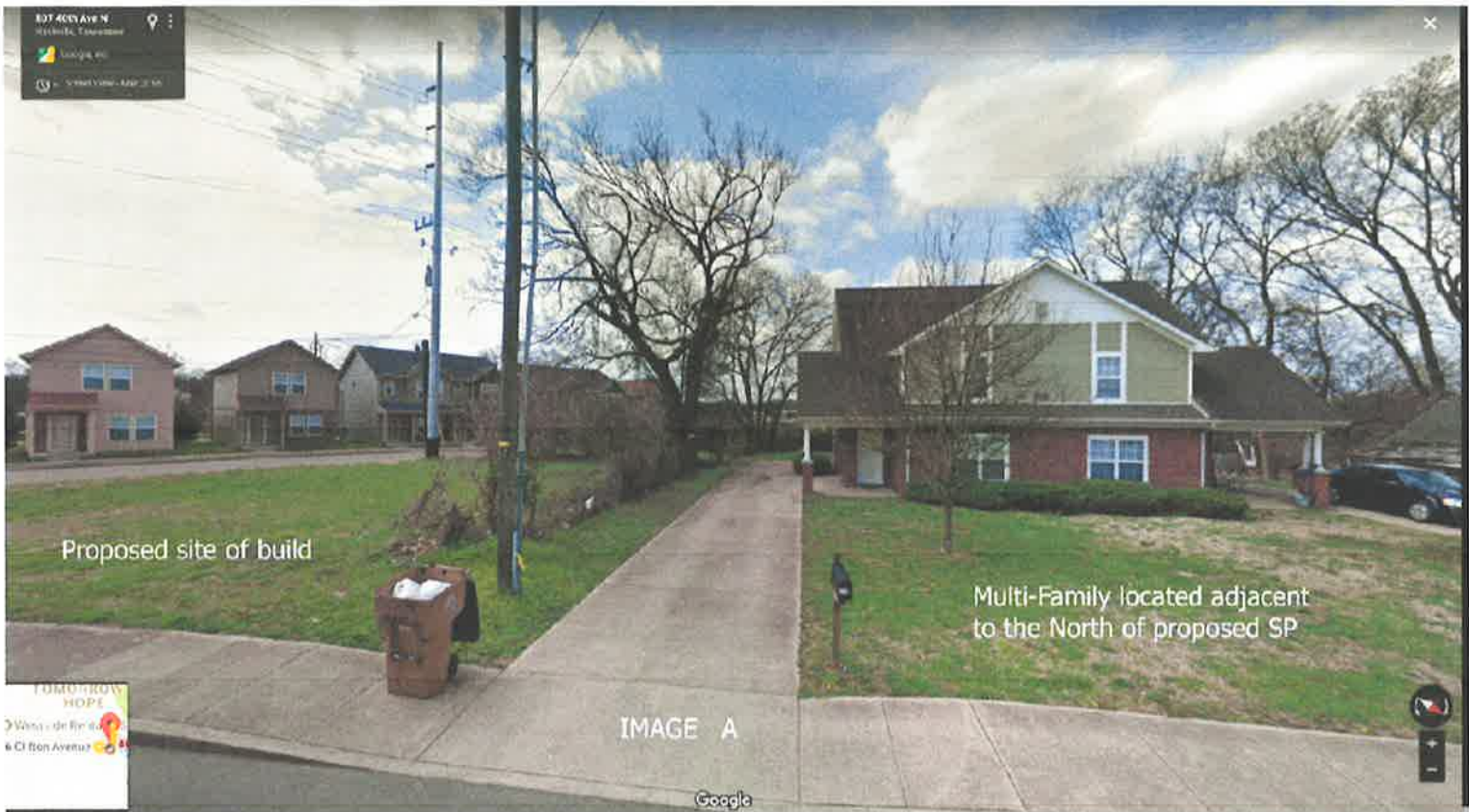


**From:** Swaggart, Jason (Planning) Jason.Swaggart@nashville.gov  
**Subject:** 4006 Clifton Ave & 805 40th Ave. N. Zone Change Application (2019Z-123PR-001)  
**Date:** June 19, 2019 at 10:27 AM  
**To:** jkingham5@gmail.com

This is to inform you that Planning has completed the review of the subject application. Staff finds that the proposed R6 district is not consistent with the Urban Neighborhood Maintenance (T4 NM) policy that applies to the properties. Being that the properties are located within close proximity of a primary corridor, additional density could be supported by the policy. While additional density may be appropriate, building design and placement should be urban in nature with shallow setbacks. R6-A implements these standards, and staff could support R6-A. If you wish to amend your request for R6-A, then please let me know; otherwise, staff cannot support the current request for R6.

**Jason Todd Swaggart**  
Land Development  
Direct: (615) 862-7189  
Front Counter: (615) 862-7190  
[jason.swaggart@nashville.gov](mailto:jason.swaggart@nashville.gov)









Proposed style of home to be built

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : RYAN YOUNGERMAN

Date: 2/28/20

Property Owner: RYAN YOUNGERMAN

Case #: 2020- 160

Representative: RYAN YOUNGERMAN

Map & Parcel: 1030A0R00200C0

Council District 2A

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

Purpose:

RESIDENTIAL ADDITION, COVERED/SCREENED PORCH  
OFF REAR OF EXISTING SINGLE FAMILY RESIDENCE  
(HPR UNIT B)

Activity Type: RESIDENTIAL ADDITION HPR UNIT B

Location: 202 43rd Ave N

This property is in the RS7.5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: BUILD COVERED/SCREENED PORCH (ATTACHED) 16' INTO REAR SETBACK

Section(s): 17.12.020A MIN REAR SETBACK 20' (RS7.5)

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.

RYAN YOUNGERMAN  
Appellant Name (Please Print)

RYAN YOUNGERMAN  
Representative Name (Please Print)

202 43rd Ave N  
Address

202 43rd Ave N.  
Address

Nashville, TN, 37209  
City, State, Zip Code

Nashville, TN, 37209  
City, State, Zip Code

203-710-2227  
Phone Number

203-710-2227  
Phone Number

RYAN.YOUNGERMAN@GMAIL.COM  
Email

RYAN.YOUNGERMAN@GMAIL.COM  
Email

Zoning Examiner: TC

Appeal Fee: \$1000



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



3768749

**ZONING BOARD APPEAL / CAAZ - 20200013400  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 103040R00200CO

APPLICATION DATE: 02/28/2020

**SITE ADDRESS:**

202 43RD AVE N NASHVILLE, TN 37209  
UNIT B HOMES AT 4210 WYOMING

**PARCEL OWNER:** YOUNGERMAN, RYAN & THOMAS, ELLYN      **CONTRACTOR:**

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

TO CONSTRUCT 16'x16' COVERED/SCREENED PORCH OFF REAR OF EXISTING RESIDENCE... ..20' MAXIMUM REAR SETBACK... ..5' MINIMUM SIDE SETBACK... ..10' MINIMUM STREET/SIDE SETBACK... ..HEIGHT NOT TO EXCEED EXISTING ROOF... ..NOT TO BUILD OVER OR OBSTRUCT ANY EASEMENTS... ..

REJECTED: PROPOSED COVERED/SCREENED PORCH EXTENDS 16' FEET INTO

PER 17.12.020A REQUIRED 20' MINIMUM REAR SETBACK... ..

REQUEST 4' REAR SETBACK

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

---

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

Inspection requirements may change due to changes during construction.



## 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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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.

Ryan Youngerman

APPELLANT

2/28/20

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.

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

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

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

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

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

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

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

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

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

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

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

The existing dwelling was built along with the one next to it on a "knock down" piece of property, causing the lots to be quite narrow, limiting the amount of space for the homeowners to build out accessory structures, such as a deck, or screen porch, as in this case.

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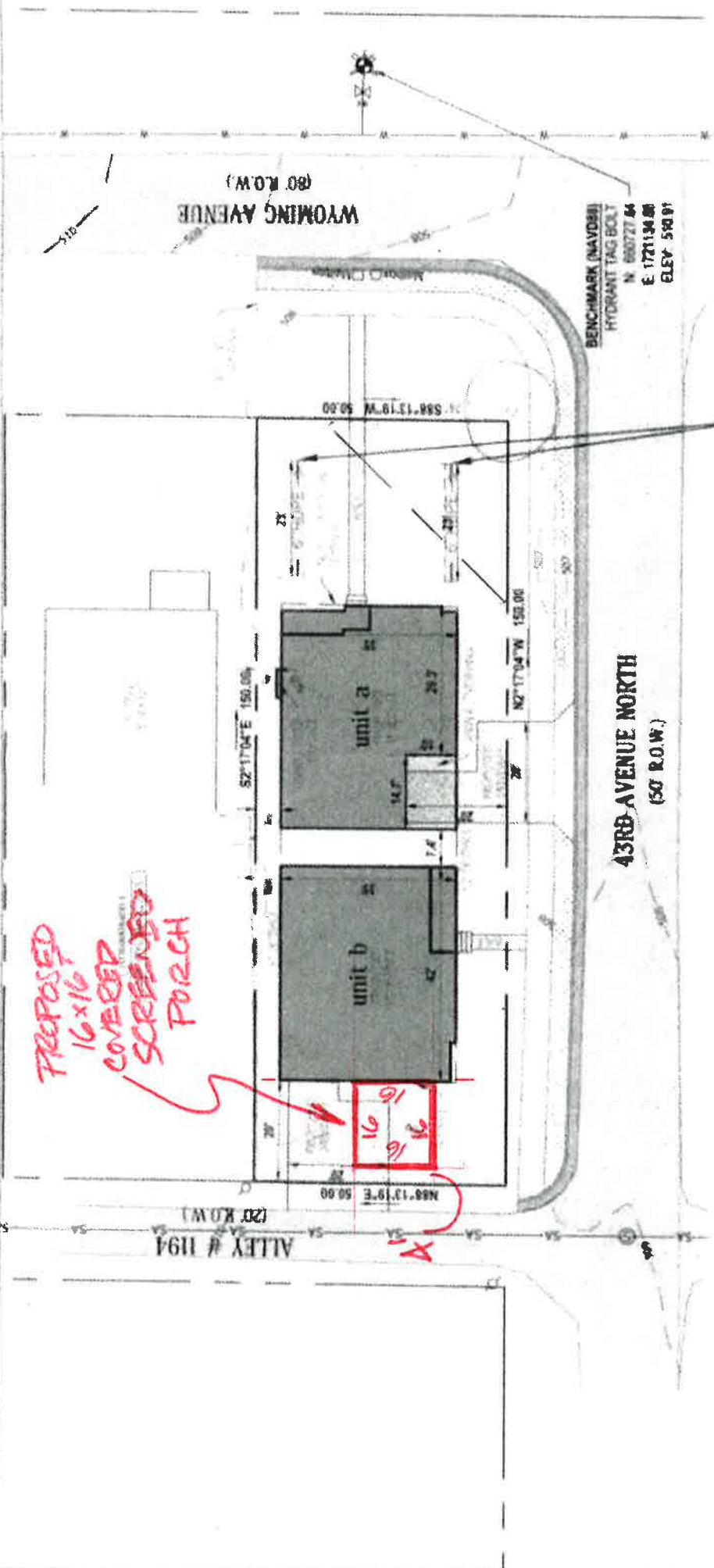
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V-2.1

# Site Plan

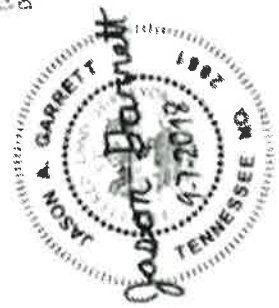
## 4210 Wyoming Avenue, Units A & B

### Nashville, Davidson County, Tennessee



PREPROPOSED  
16x16  
COVERED  
SCREENED  
PORCH

INSTALL MODIFIED FRENCH DRAIN SYSTEM  
(2.5' x 46' @ 2' LOWER STONE DEPTH)  
DIVERT ALL UNIT A ROOF DRAINAGE TOWARD METE.



MAX BUDGET  
\$3,975

7500

1470  
1533  
3603  
2556  
3229



CLINT ELLIOTT SURVEY  
1711 Maple Street  
Nashville, TN 37203  
615.466.1234

**From:** [Board of Zoning Appeals \(Codes\)](#)  
**To:** [Shepherd, Jessica \(Codes\)](#)  
**Subject:** FW: Case #2020-100  
**Date:** Thursday, April 9, 2020 2:20:49 PM

---

Put In 2020-100

**From:** Ryan Youngerman <[ryanyoungerman@gmail.com](mailto:ryanyoungerman@gmail.com)>  
**Sent:** Thursday, April 9, 2020 1:53 PM  
**To:** Board of Zoning Appeals (Codes) <[bza@nashville.gov](mailto:bza@nashville.gov)>  
**Subject:** Case #2020-100

Please see the attached pictures which show the neighboring lots with structures along the alley, further into the rear setback than what is being requested.

A red line has been artificially drawn on two of the images showing on our lot, 202 43rd Ave N, Nashville, TN 37209 where the porch would sit.

Thank you

--

Ryan Youngerman

203-710-2227

[ryanyoungerman@gmail.com](mailto:ryanyoungerman@gmail.com)





















Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Laws Nelson

Date: 3/4/2020

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

Case #: 2020- 106

Representative: : Ben Farris

Map & Parcel: 10413025000

Council District 24

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

Purpose:

TO CONSTRUCT A REAR ADDITION TO EXISTING SINGLE FAMILY RESIDENCE \* VERIFY EASEMENT ABANDONMENT AT REAR -10 FT) PERMIT APP 20200014219.

Activity Type: RES CONSTRUCTION

Location: 6 PEACH BLOSSOM SQ

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

Reason: REAR SETBACK VARIANCE

Section(s): 17.12.020A

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.

Jeff Hammer  
Appellant Name (Please Print)

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

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

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

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

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

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

jeffefarrisarchitecture.com  
Email

\_\_\_\_\_  
Email

B  
Zoning Examiner:

\_\_\_\_\_  
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.)

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

3.1.20  
 DATE

RON D. FARRIS, ARCHITECT  
 email: ron@farrisarchitecture.com  
 phone: 615-383-0442  
 3828 BEDFORD AVE  
 NASHVILLE, TN 37215

## 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.*

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

---

**SUBJECT PROPERTY - #6 PEACH BLOSSOM SQUARE**

#6 Peach Blossom Square is in a PUD developed approximately 50 years ago. Original development plat only shows front yard setback of 30'. Neighboring residences have expanded to rear of properties with setbacks of neighboring residences varying 1'-5" to 8'-10". Applicant is requesting a rear set back variance for a proposed addition similar to four neighboring residences (two on each side of subject property).

Subject property is zoned R8 with allowable lot ratio of .45. Proposed addition does not exceed allowable lot coverage...please see below

LOT SIZE = 6250 SQ FT

EXISTING LOT COVERAGE = 1768 SQ FT

ALLOWABLE LOT COVERAGE = 2813 SQ FT

PROPOSED LOT COVERAGE = 2396 SQ FT



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



3773680

**ZONING BOARD APPEAL / CAAZ - 20200014219  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

PARCEL: 10413025000

APPLICATION DATE: 03/04/2020

**SITE ADDRESS:**

6 PEACH BLOSSOM SQ NASHVILLE, TN 37205  
LOT 6 PEACH BLOSSOM SQ. RESUB.

PARCEL OWNER: FERRE, STEVE

CONTRACTOR:

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

BZA Appeal filed requesting variance to 20 ft rear setback per 17.12.020A, requesting reduction to 3 ft (17 ft Variance). Applicant states 10 ft utility easement at rear property line has been abandoned per Surveyors statement. Need documentation to verify abandonment.

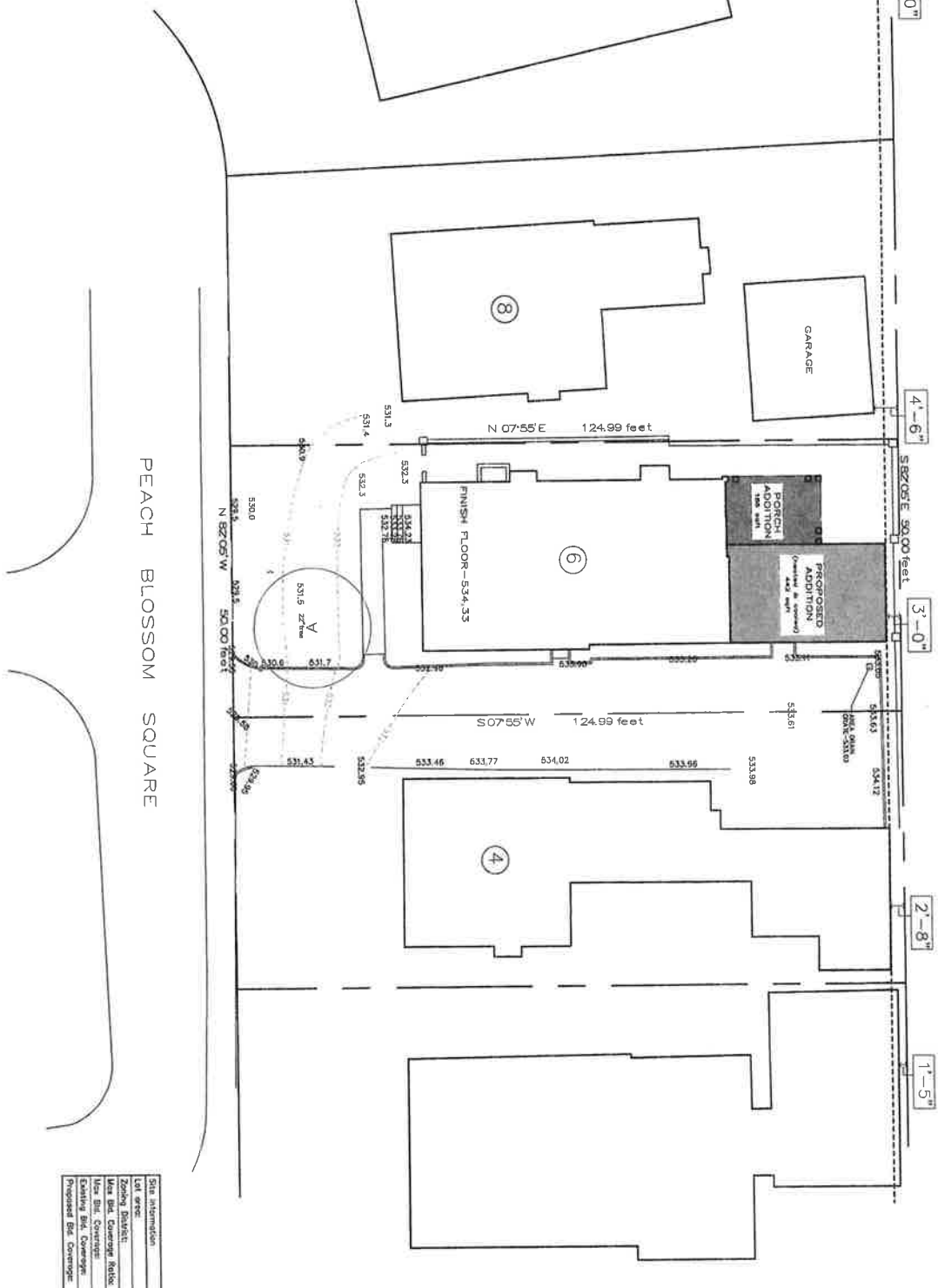
To construct a 442 sq ft living area and 186 sq ft covered porch on rear of existing single family residence. Minimum 5 ft side and 20 ft minimum rear setbacks. Must conform with easements. Maximum 45% lot coverage for all building footprints on parcel. Remains single family. Pursuant # 2006-1263 Metro 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.

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

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

Inspection requirements may change due to changes during construction.





Site Information	
Lot area:	6200 sqft
Zoning District:	R8
Max Bld. Coverage Ratio:	0.45
Max Bld. Coverage:	2813 sqft
Existing Bld. Coverage:	1768 sqft
Proposed Bld. Coverage:	2008 sqft

TOPOGRAPHIC SURVEY SQUARE  
 PEACH BLOSSOM SQUARE  
 Nashville, Davidson County, Tennessee  
 PROPERTY MAP/PARCEL 10413024900

LAND SURVEYING SERVICES  
 3772 B Watson Road  
 Springfield, Tennessee 37172  
 (615) 334-8007  
 February 28, 2020



Surveyed premises are in full and minimum flood hazard zone of Zone 1A on shown on FEMA Flood Study Sheet No. 1705/2017.



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



3773665

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2020014212  
THIS IS NOT A PERMIT**

PARCEL: 10413025000

APPLICATION DATE: 03/04/2020

**SITE ADDRESS:**

6 PEACH BLOSSOM SQ NASHVILLE, TN 37205  
LOT 6 PEACH BLOSSOM SQ. RESUB.

PARCEL OWNER: FERRE, STEVE

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

BZA Appeal filed requesting variance to 20 ft rear setback per 17.12.020A, requesting reduction to 3 ft (17 ft Variance)

To construct a 442 sq ft living area and 186 sq ft covered porch on rear of existing single family residence. Minimum 5 ft side and 20 ft minimum rear setbacks. Must conform with easements. Maximum 45% lot coverage for all building footprints on parcel. Remains single family. 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.

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

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[G] Bond & License Review On Bldg App		
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov

61-1-2-788

OWNER'S CERTIFICATE

(We) Heretby Certify That I Am (We Are) The Owner (Is) Of The Property Shown Hereon As Evidenced In Book \_\_\_\_\_ Page \_\_\_\_\_ R.O.C.C., Tennessee And Affect The Plan Of Subdivision Of The Property As Shown Hereon And Dedicate All Public Ways And Easements As Noted. No Lot Or Lots As Shown Hereon Shall Again Be Subdivided Resubdivided Altered Or Changed So As To Produce Less Area Than Hereby Established Units. This Certificate Is Approved By The Metropolitan Planning Commission And Under No Condition Shall Such Lot Or Lots Be Made To Produce Less Area Than Prescribed By The Descriptive Covenant As Of Record In Book \_\_\_\_\_ Page \_\_\_\_\_ R.O.C.C. Running With The Title To The Property.

Name Barry J. Williams  
 Date 11-22-67  
 By Barry J. Williams

SURVEYOR'S CERTIFICATE

(We) Heretby Certify That The Subdivision Plot Shown Hereon Is Correct And That Approved Monuments Shown Thereon Have Been Placed As Indicated All Side Lot Lines Are At Right Angles Or Radial To A Street Unless Otherwise Noted.

Name BARGE, WAGGONER & SUMNER, ENGINEERS  
 NASHVILLE, TENNESSEE

COMMISSIONS APPROVAL

Approved by The Metropolitan Planning Commission of Nashville and Davidson County Tennessee  
 By James J. Cook Secretary

SUBDIVISION NO. 67-66-4

RECORD

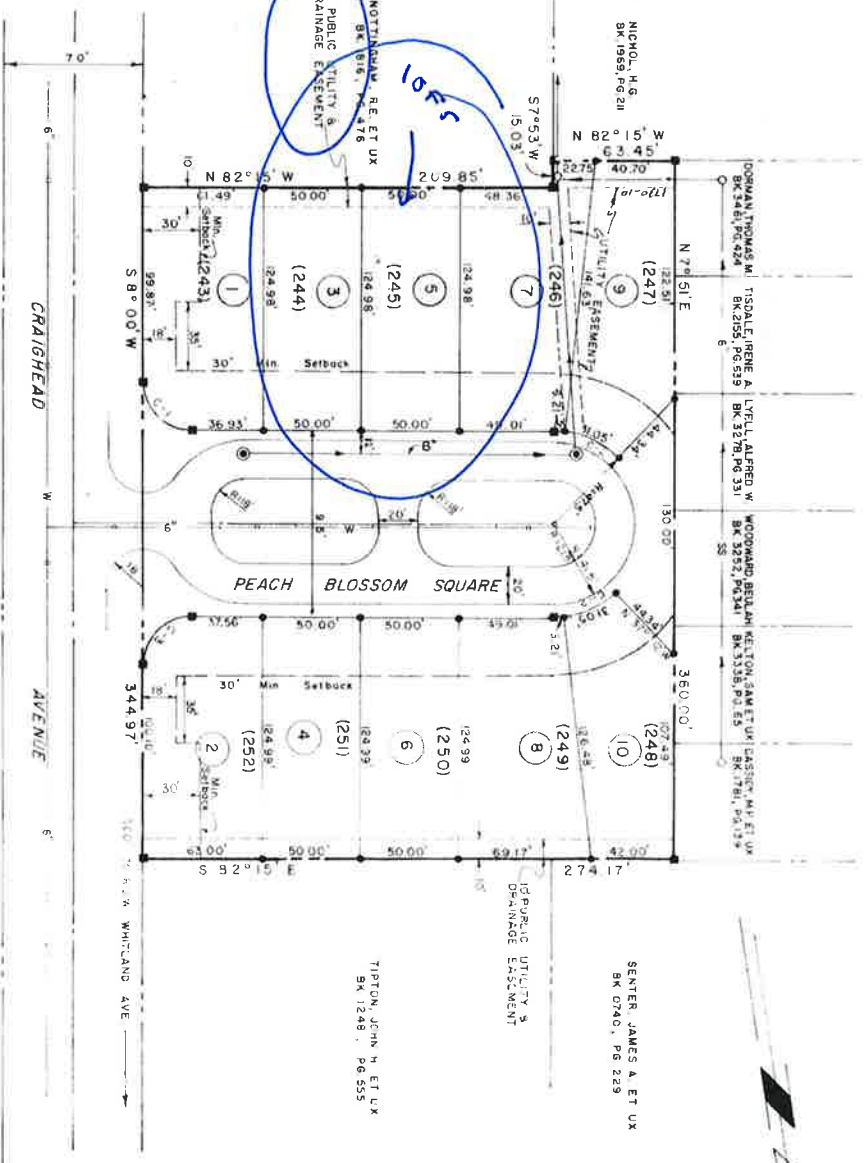
Surveyed Nov 27 1967 Book 3842  
 Page 166  
 Of The Original Office Of Davidson County Tennessee

LEGEND

- PROPERTY OWNERSHIP BOUNDARY
- LOT LINE
- BUILDING SETBACK LINE
- EASEMENT
- MONUMENT
- IRON PIN
- PROPERTY MAP PARCEL NO.
- (Prior to Property Map No. NC
- LOT NUMBER

NOTE BUILDINGS ON LOTS 1 & 10 ARE TO FACE PEACHBLOSSOM

CURVE	Δ	RADIUS	TANGENT	LENGTH
C-1	90°15'	25	25.11'	39.38
C-2	44°57'	47.5	19.65'	37.26
C-3	89°45'	25	24.89'	39.16'



PEACH BLOSSOM SQUARE

DEVELOPER — THOMAS J. HAILE, III  
 511 CIVIL DISTRICT  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

TRACT CONTAINS 2.19 ACRES

SCALE 1" = 50'

3842-166

3842-166

61-1-2-788



4300-18

4300-18

OWNER'S CERTIFICATE

I (We) Hereby Certify That I Am (We Are) The Owner (s) Of The Property Shown Hereon As Evidenced In Book \_\_\_\_\_ Page \_\_\_\_\_, R.O.D.C., Tennessee And Adopt The Plan Of Subdivision Of The Property As Shown Hereon And Dedicate All Public Ways And Easements As Noted. No Lot Or Lots As Shown Hereon Shall Again Be Subdivided, Resubdivided, Altered Or Changed So As To Produce Less Area Than Hereby Established Until Otherwise Approved By The Metropolitan Planning Commission And Under No Condition Shall Such Lot Or Lots Be Made To Produce Less Area Than Prescribed By The Restrictive Covenant As Of Record in Book \_\_\_\_\_ Page \_\_\_\_\_, R.O.D.C., Running With The Title To The Property.

Name: FORT REALTY COMPANY  
By: J. Haile, III Pres Date: 10-20-67  
By: Ruth Mitchell-Fort Ex Secy Date: 11-22-67

SURVEYOR'S CERTIFICATE

I (We) Hereby Certify That The Subdivision Plat Shown Hereon Is Correct And That Approved Monuments Shown Thus ■ Have Been Placed As Indicated. All Side Lot Lines Are At Right Angles Or Radial To A Street, Unless Otherwise Noted.

Name: John H. High, Jr. Secy Date: 9/11/67  
**BARGE, WAGGONER & SUMNER, ENGINEERS**  
NASHVILLE TENNESSEE

COMMISSION'S APPROVAL

Approved By The Metropolitan Planning Commission Of Nashville And Davidson County, Tennessee.

By: Farris A. Deep Date: 10-9-69  
Secretary

SUBDIVISION NO. 67-66-U

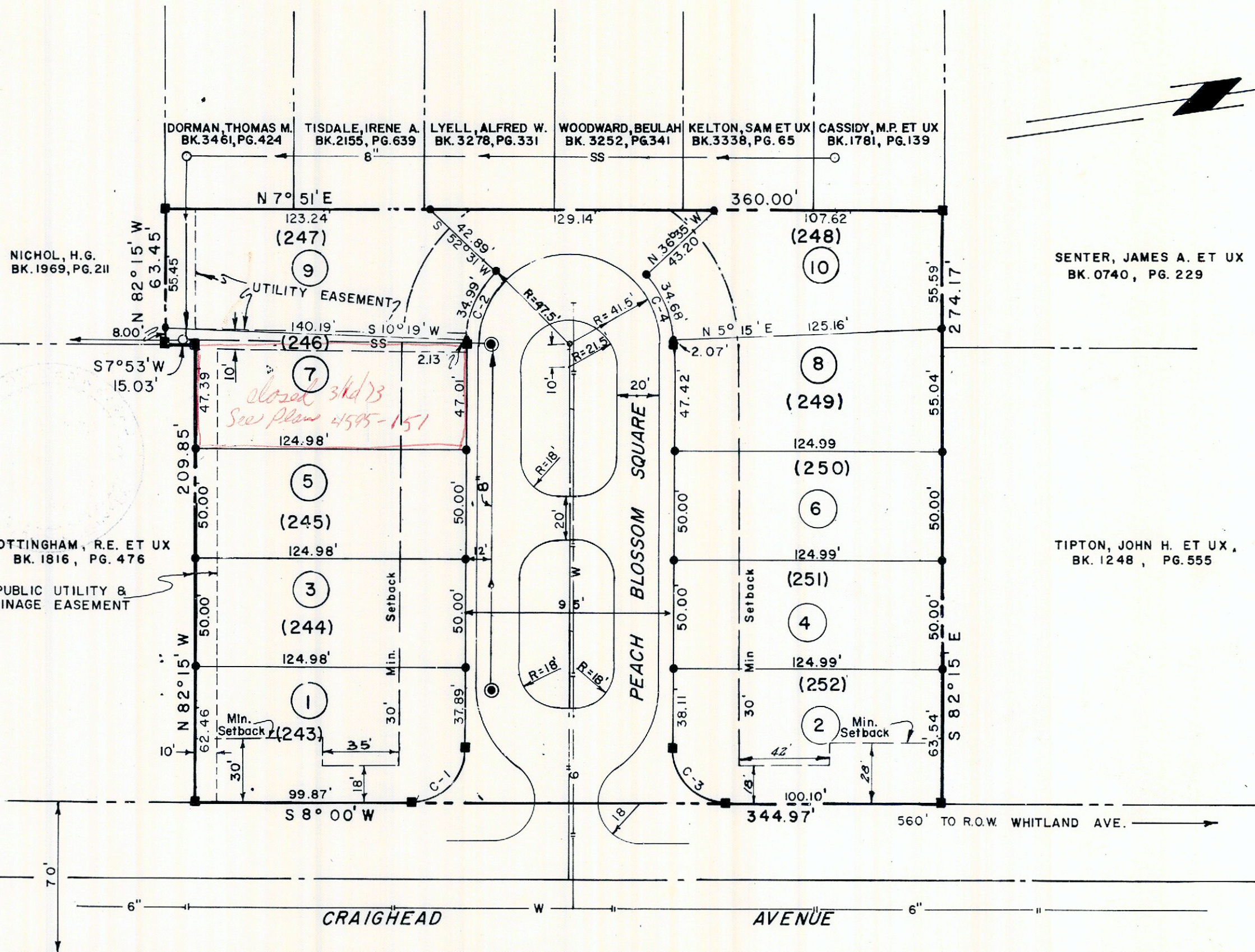
RECORD

Recorded Oct 10 1969, Book 4300, Page 18  
Of The Register's Office Of Davidson County, Tennessee.

LEGEND

- PROPERTY OWNERSHIP BOUNDARY
- LOT LINE
- BUILDING SETBACK LINE
- EASEMENT
- MONUMENT
- IRON PIN
- PROPERTY MAP PARCEL NO.  (10)
- (Pertains To Property Map No.  104-13)
- LOT NUMBER  (2)

NOTE: BUILDINGS ON LOTS 1 & 2 ARE TO FACE PEACHBLOSSOM



CURVE DATA				
CURVE	Δ	RADIUS	TANGENT	LENGTH
C-1	90°15'	25'	25.11'	39.38'
C-2	44°46'	47.5'	19.56'	37.12'
C-3	89°45'	25'	24.89'	39.16'
C-4	44°20'	47.5'	19.35'	36.75'

NOTE:  
THE RECORDING OF THIS PLAT VOIDS, VACATES AND SUPERSEDES THE RECORDING OF PEACHBLOSSOM SQUARE AS OF RECORD IN BOOK 3842, PAGE 250, R.O.D.C., TENN.

SECOND REVISION  
**PEACH BLOSSOM SQUARE**

DEVELOPER — THOMAS J. HAILE, III  
1st. CIVIL DISTRICT

NASHVILLE · DAVIDSON COUNTY · TENNESSEE

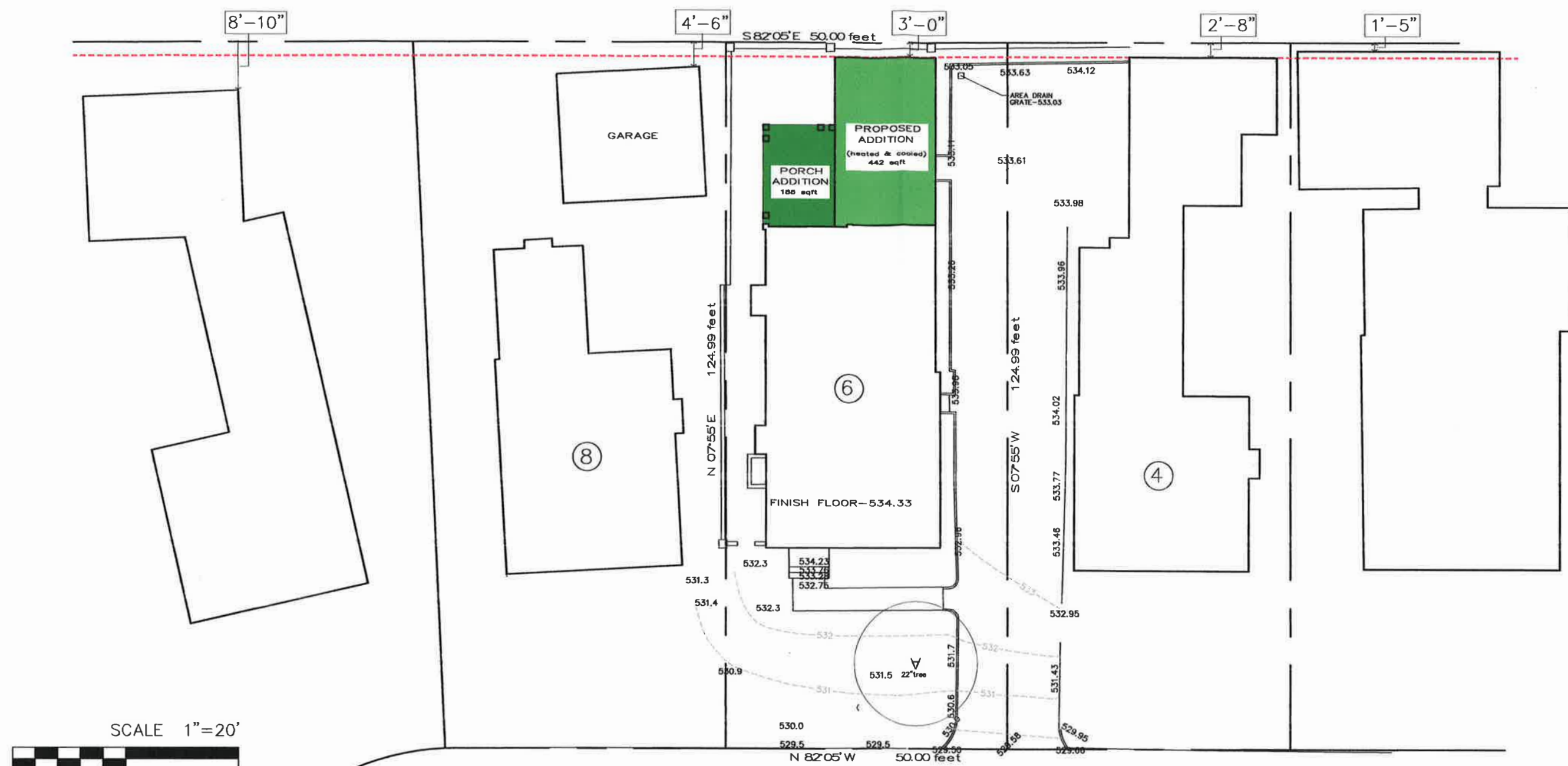
TRACT CONTAINS 2.19 ACRES

SCALE 1" = 50'

4300-18

4300-18





PEACH BLOSSOM SQUARE

Site Information	
Lot area:	6250 sqft
Zoning District:	R8
Max Bld. Coverage Ratio:	0.45
Max Bld. Coverage:	2813 sqft
Existing Bld. Coverage:	1768 sqft
Proposed Bld. Coverage:	2396 sqft

**X LAND SURVEYING SERVICES**  
 5772 D Mason Road  
 Springfield, Tennessee 37172  
 (615)384-9207  
 February 26, 2020



Surveyed premises are in an area of minimum flood hazard (Zone X) as shown on FIRM Panel 37037C0239H with effective date of 4/5/2017.

TOPOGRAPHIC SURVEY  
**6 PEACH BLOSSOM SQUARE**  
 Nashville, Davidson County, Tennessee  
 PROPERTY MAP/PARCEL 10413024900



## **CASE 2020 -106 (Council District – 24)**

### **LOT 6 PEACH BLOSSOM SQUARE**

#### **Notes below were submitted with Variance application:**

#### **SUBJECT PROPERTY - #6 PEACH BLOSSOM SQUARE**

#6 Peach Blossom Square is in a PUD developed approximately 50 years ago. Original development plat only shows front yard setback of 30'. Neighboring residences have expanded to rear of properties with setbacks of neighboring residences varying 1'-5" to 8'-10". Applicant is requesting a rear set back variance for a proposed addition similar to four neighboring residences (two on each side of subject property).

Subject property is zoned R8 with allowable lot ratio of .45. Proposed addition does not exceed allowable lot coverage...please see below

LOT SIZE = 6250 SQ FT

EXISTING LOT COVERAGE = 1768 SQ FT

ALLOWABLE LOT COVERAGE = 2813 SQ FT

PROPOSED LOT COVERAGE = 2396 SQ FT

#### **Additional comments for Boards Packet:**

- Please see included site diagram showing neighboring properties.
- Lot 6's immediate neighbors and numerous property's abutting to the Peach Blossom PUD have additions or detached structures with similar rear setbacks.
- Requested Variance would allow the residence on lot 6 to be expanded/improved...netting a similar footprint/lot coverage to neighboring residences.
- Residence currently only has bedrooms on the 2<sup>nd</sup> floor. Variance would allow the addition of 1<sup>st</sup> floor master...allowing occupant to live primarily on one level & avoid climbing stairs.
- Planned addition of master & covered porch...would be one story only.

Thank you for your consideration of this variance.

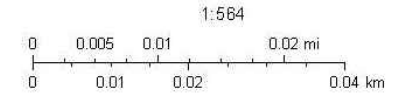
Ron D Farris, Architect

# Nashville / Davidson County Parcel Viewer



March 2, 2020

- Ownership Parcels
- Planned Unit Development
- Urban Design Overlay District
- Zoning



Metro GIS