

# METROPOLITAN BOARD OF ZONING APPEALS

**The 5/7/20 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. TOM LAWLESS  
MR. LOGAN NEWTON  
MR. ROSS PEPPER, Vice-Chair  
MR. DAVID TAYLOR, Chairman**

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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, May 6, 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 5/7/20 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.

2020-072 (1015, 1017, 1021, 1023 14<sup>th</sup> Ave N and 1308 Jackson St) – requesting a special exception to provide offsite parking for a religious institution.

2020-080 (324 Plus Park Blvd) – requesting a parking variance to construct a hotel. Recommended for consent with the condition that the hotel will operate a shuttle service to transport their guests to/from the airport as well as to/from area businesses as indicated in their supporting documentation.

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.

2020-110 (805 B Cherokee Ave) – requesting variances from the build to zone, landscape buffer, and parking requirements to build a multifamily development as was previously approved by this board in 2017.

# D O C K E T

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

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

Use-Commercial

Map Parcel 09216036100

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

## CASE 2020-007 (Council District - 24)

**BAKER DONELSON**, appellant and **CIARA PROPERTIES**, owner of the property located at **234 ORLANDO AVE**, requesting a variance from street setback requirements in the R6 District to construct a new two-family residence. Referred to the Board under Section 17.12.020.B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09114020300

**Results-**

## 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 offsite 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

Map Parcel 09204006200, 09204011600, 09204002600,09204002800,09204002500

**Results-**

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

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

Use-Medical Office

Map Parcel 16109015500

**Results-**

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

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

Use-Religious Institution

Map Parcel 15900026400

**Results- Deferred 6/4/20**

**CASE 2020-080 (Council District - 16)**

**ALPESH PATEL**, appellant and **TULSI NARAYAN HOSPITALITY, LLC**, owner of the property located at **324 PLUS PARK BLVD**, requesting a variance from parking requirements in the CS 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 10600013400

**Results-**

**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 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, 08209022500, 08209022600

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

**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 16<sup>th</sup> AVE N, 1500,1502,1504, 1506, 1511, 1512, 1516,1518 & 1530 BROADWAY, 1500,1502,1508,1509,1511,1512,1514,1515,1516,1518, 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 Parcel 09212036600,09212044400,09212044500,09212044600,09309002900,  
0909003100,09309003000,09309002400,09309002700,09309002600,  
09309002500,09212044600,09309002000,0930902100,09309001900,  
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09212043900,09212043500,09212043400,09212043700,09212043600,  
09212043900,09212043500,09212043400,09212044100,09212043300,  
09212044200,09212044300

**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-**

**CASE 2020-110 (Council District - 5)**

**SCOTT JONES**, appellant and **O.I.C. 805 CHEROKEE AVENUE**, owner of the property located at **805 B CHEROKEE AVE**, requesting variances from build to zone, landscape buffer and parking requirements in the RM20-A District to construct a multifamily development. Referred to the Board under Section 17.12.020 (D), 17.20.030, 17.24.230. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 071120F90000CO

**Results-**

**CASE 2020-113 (Council District - 25)**

**KLEVE, GLORIA & JASON** appellants and owners of the property located at **1802 WARFIELD DR**, requesting variances from minimum lot size and front setback requirements in the R10 District to construct a two-family dwelling. Referred to the Board under Section 17.12.020.A and 17.12.030.C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 13103001800

**Results-**

**CASE 2020-115 (Council District - 28)**

**ISRAEL LUGO**, appellant and **OLIVA, ISRAEL LUGO & HERNANDEZ, RUFINA MARTINEZ**, owner of the property located at **895 IRMA DR**, requesting a variance from street setback requirements in the R8 District to construct a detached carport. 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-Single Family

Map Parcel 14812007700

**Results-**

**CASE 2020-117 (Council District - 17)**

**BRIAN RICHARDSON**, appellant and **COSBY, RUBY & CARL**, owners of the property located at **2929 VAULX LN**, requesting a variance from duplex eligibility requirements in the R10 District to build two homes on one lot. Referred to the Board under Section 17.16.030.D. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 11806002700

**Results- Withdrawn**

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Baker Donelson  
Property Owner: CIARA APERTES  
Representative: Joey Hargis

Date: 11-19-19  
Case #: 2020-007  
Map & Parcel: 91-14-203

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 new two-family residence

Activity Type: Two-Family  
Location: 234 Orlando Ave

This property is in the R0 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Variance in street setback Req: 20' Prov: 5' w/Row Dedication

Section(s): 17.12.020 B

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.

Baker Donelson  
Appellant Name (Please Print)

Joey Hargis  
Representative Name (Please Print)

211 Commerce St. Ste 800  
Address

Address

Nashville TN 37201  
City, State, Zip Code

City, State, Zip Code

615-726-7391  
Phone Number

Phone Number

jhargis@bakerdonelson.com  
Email

Email

Zoning Examiner: WJM

Appeal Fee: 100.00



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



3733720

Case # 2020-007

ZONING BOARD APPEAL / CAAZ - 20190070896  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification

PARCEL: 09114020300

APPLICATION DATE: 11/19/2019

**SITE ADDRESS:**

234 ORLANDO AVE NASHVILLE, TN 37209  
PT LOT 11 HINTON SUB VERNON & PT CLOSED R.O.W.

PARCEL OWNER: CIARA PROPERTIES

CONTRACTOR:

**APPLICANT:**

**PURPOSE:**

applicant is giving up 10' ROW dedication. applicant is requesting a 15' front setback variance for a proposed two family residence. 20' min front s/b required providing 5' for a 15' variance. see METZO SECTION 17.12.020 (B). POC JOEY HARGIS 615-726-7391 JHARGIS@BAKERDONELSON.COM COUNCIL DISTRICT #24.

*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.



**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

BAKER DONELSON CENTER,  
SUITE 800  
211 COMMERCE STREET  
NASHVILLE, TENNESSEE 37201

MAILING ADDRESS:  
P.O. BOX 190613  
NASHVILLE, TENNESSEE 37219

PHONE: 615.726.5600  
FAX: 615.726.0464

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

JOEL K. HARGIS, ATTORNEY  
**Direct Dial:** 615.726.7391  
**Direct Fax:** 615.744.7391  
**E-Mail Address:** [jhargis@bakerdonelson.com](mailto:jhargis@bakerdonelson.com)

November 19, 2019

Jon Michael, Zoning Administrator  
800 2<sup>nd</sup> Avenue South  
Nashville, TN 37072

Re: Proposed Two- Family Residence  
234 Orlando Avenue, Nashville, TN

Dear Mr. Michael:

Enclosed are submittal materials associated with variance requests for the above-referenced location.

Clay Magness requests to construct a new two-family residence at 234 Orlando Avenue.

We are submitting the following documents to you on behalf of Ciara Properties (5 copies)

1. 11x17 size of proposed site and development plans
2. 1- Check Payable to Metro Codes for \$100

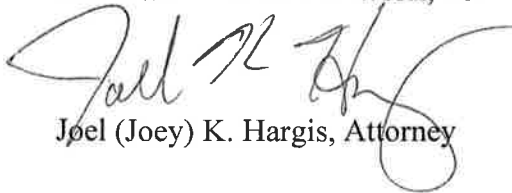
Please confirm that the materials enclosed with this letter are complete and that you do not need any further information from us in order for the Board of Zoning Appeals to consider our request at its next available hearing. If additional information is needed, please contact me and I will deliver it to you as soon as possible. Thank you very much for your kind assistance regarding this matter.

4818-2398-3789v1  
2950384-000001 11/19/2019

November 19, 2019  
Page 2

Respectfully submitted,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

A handwritten signature in black ink, appearing to read "Joel K. Hargis", written in a cursive style. The signature is positioned above the printed name of the attorney.

Joel (Joey) K. Hargis, Attorney

## APPLICATION FOR A VARIANCE REQUEST

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

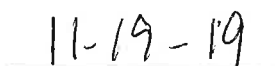
**Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.**

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

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

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

  
 \_\_\_\_\_  
 APPELLANT

  
 \_\_\_\_\_  
 DATE

## Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

The exceptional stormwater floodplain & flooding encumbering the property creates the hardship on this property.

The remaining area provides the best place to construction

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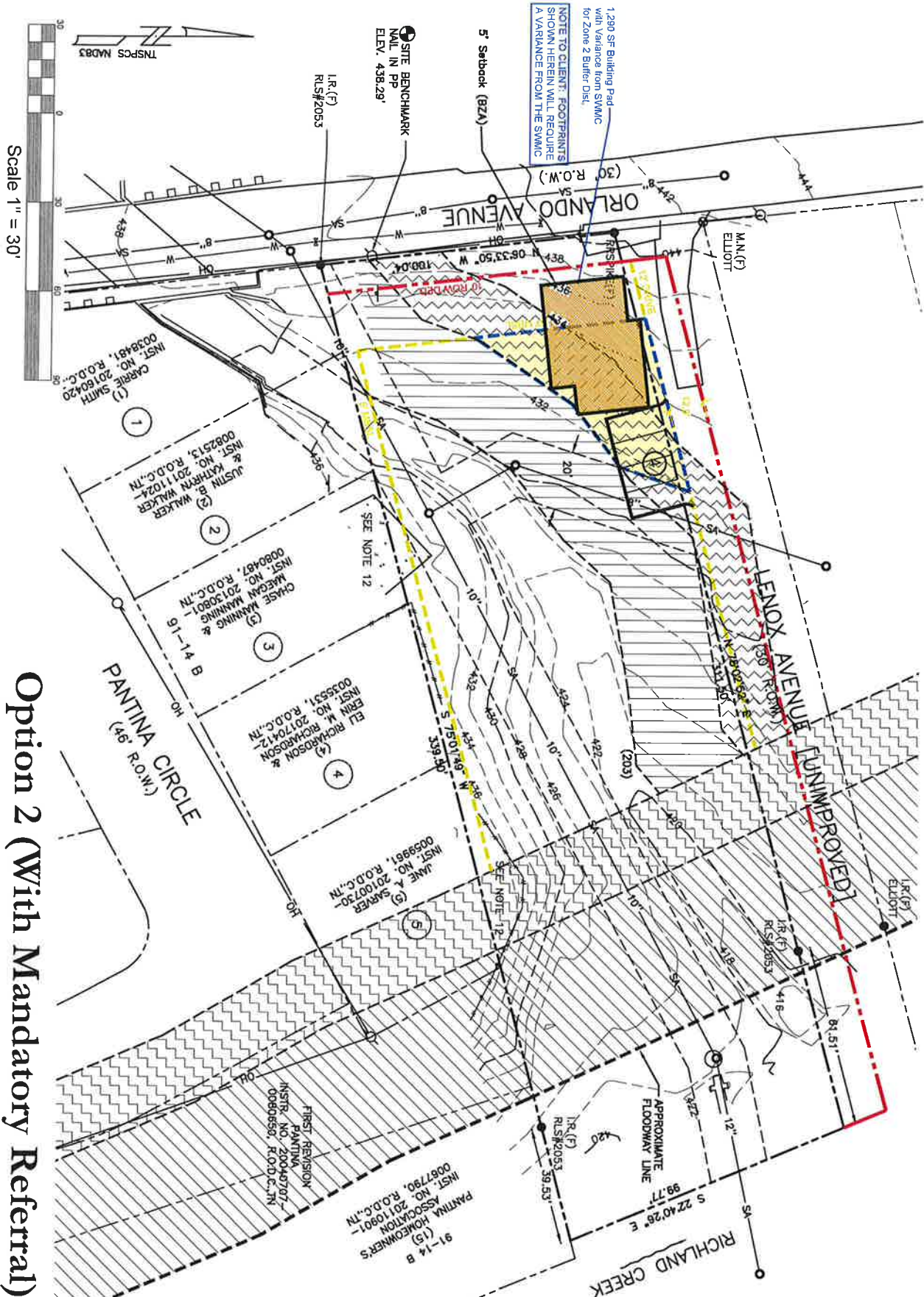
JKH01

Job : 17122-Orlando Concept.pdf

Host : NA-12534-LTX16

Date : 2019/11/15

Time : 13:47



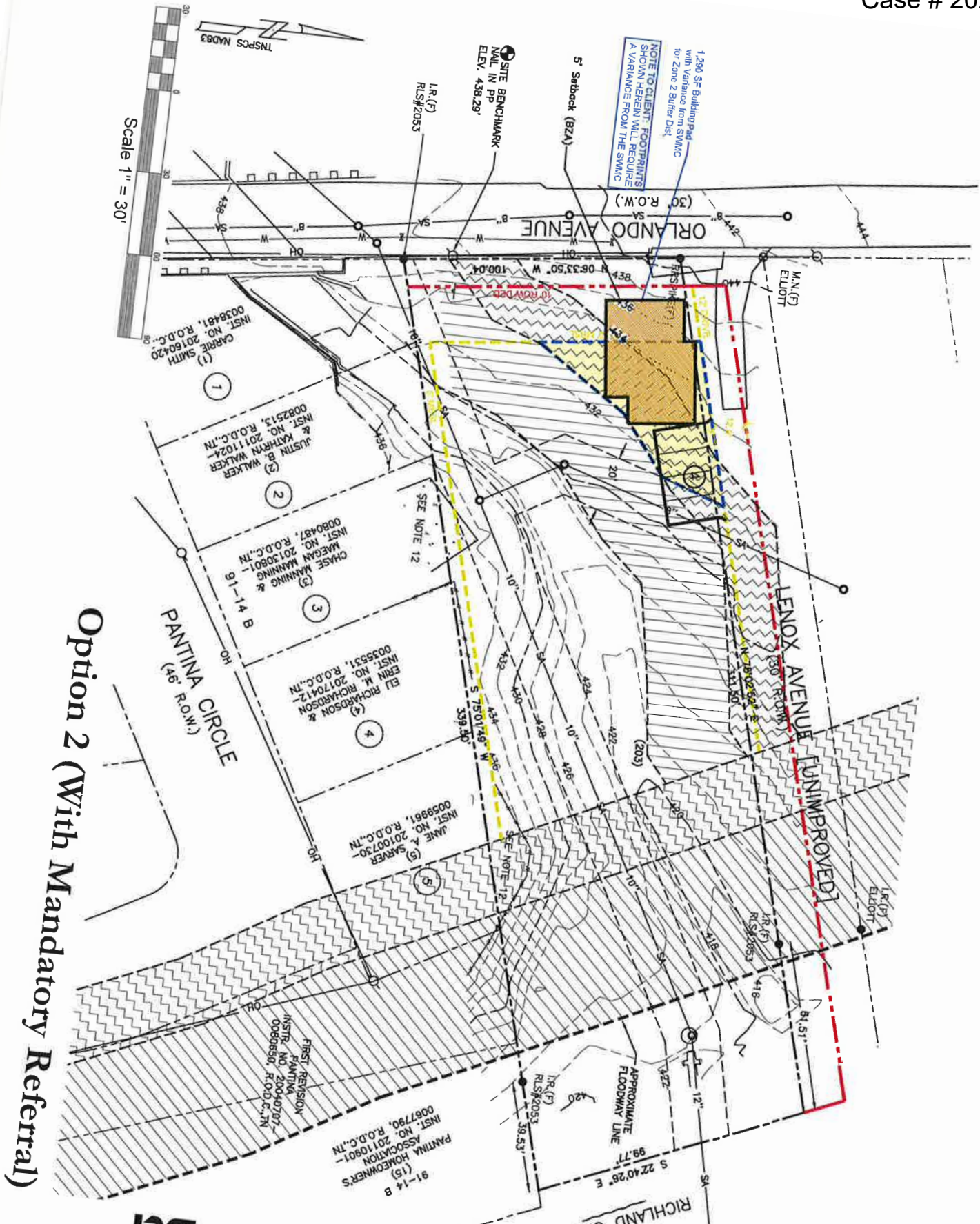
Option 2 (With Mandatory Referral)

**234 ORLANDO AVENUE**  
 BEING PARCEL 203 ON TAX MAP 91-14  
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE

**Dale & Associates**  
 Consulting Civil Engineering  
 Land Planning & Zoning  
 Landscape Architecture  
 Surveying

516 Heather Place  
 Nashville, Tennessee 37204  
 (615) 297-5166

DATE: 10/31/19



**Dale & Associates**

516 Heather Place  
Nashville, Tennessee 37204  
(615) 297-5166

Consulting Civil Engineering  
Land Planning & Zoning  
Landscape Architecture  
Surveying

**234 ORLANDO AVENUE**  
BEING PARCEL 203 ON TAX MAP 91-14  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DATE: 10/31/19



# BZA Case 2020-007

**234 Orlando Avenue**

# Variance Request

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- Request to decrease the street setback from 20 feet to 5 feet in order to increase a buildable footprint for a new two family dwelling.

# Legal Standard for Variance

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

# Our Hardships

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- A. Physical Characteristics of the Property. The exceptional narrowness, shallowness or shape of a specific piece of property, **exceptional topographic condition, or other extraordinary and exceptional condition** of such property **would result in peculiar and exceptional practical difficulties** to, or **exceptional or undue hardship** upon the owner of such property upon the strict application of any regulation enacted by the ordinance codified in this title. (emphasis added)
- The subject property is encumbered by floodplain and floodway which leaves an exceptionally small buildable footprint.
- With existing zoning requirements only a 195sf area is available for a buildable area. The setback variance would increase the buildable pad another 414sf. Overall building area sought 1290 sf. (Remainder sought from stormwater appeals board)




# Our Hardships

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- Percentage of lot buildable without any variance
  - Lot area = 37,026 sq. ft.
  - Buildable area w/o variances = 195 sq. ft.
  - 0.52%
- Percentage of lot buildable with variance from BZA
  - Buildable area w/ setback variance = 609 sq. ft
  - 1.64%
- With all relief from Metro Boards
  - Buildable area sought = 1290 sq ft.
  - 3.48%

# Variance Request



-  STREAM BUFFERS
-  NON-STREAM BUFFER
-  BUILDING

**234 ORLANDO AVENUE**

BEING PARCEL 203 ON TAX MAP 91-14  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

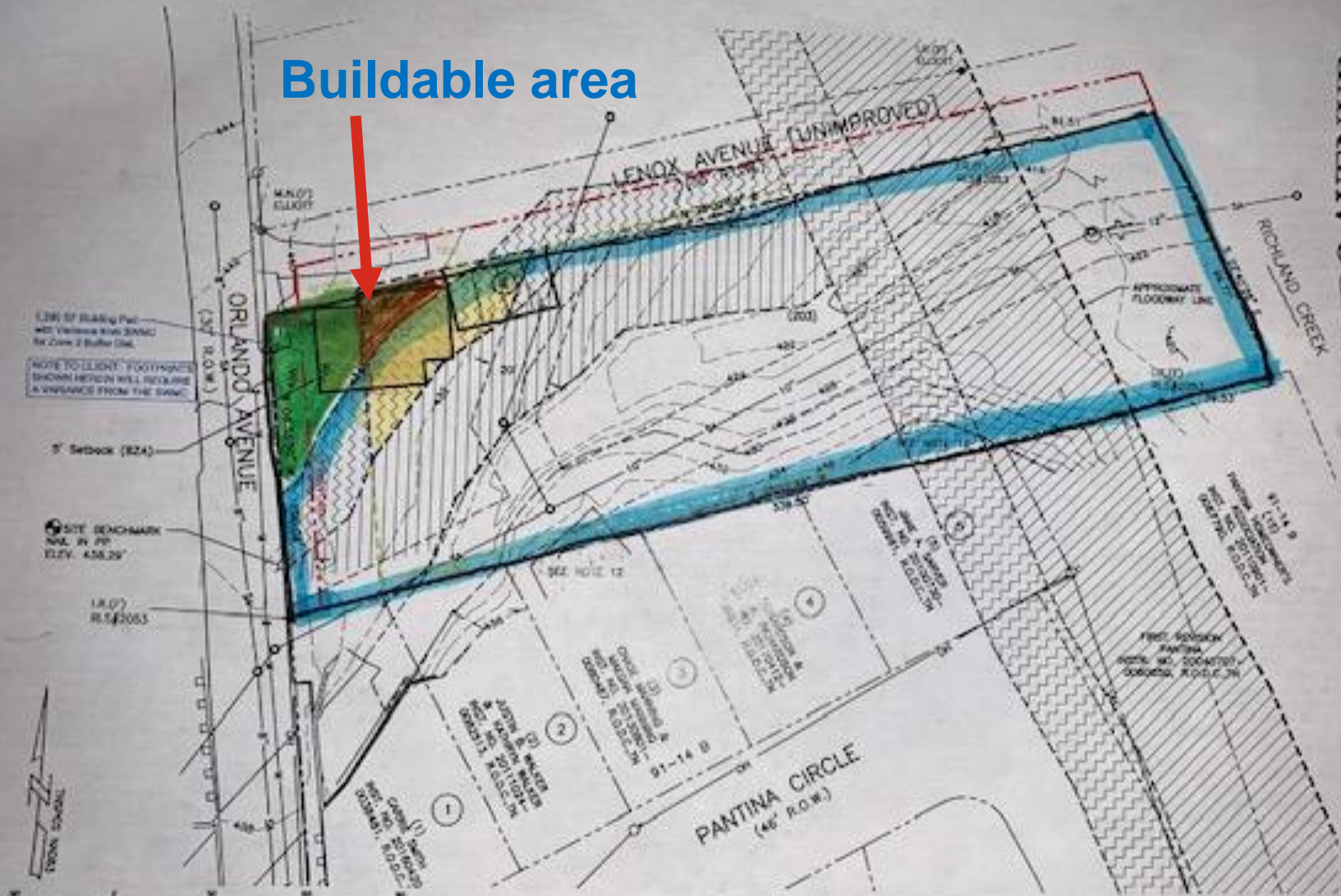
DATE: 10/31/19

**Dale & Associates**

Consulting Civil Engineering  
Landscape Architecture  
Surveying

2015 Handbook of Professional Regulations  
Professional Seal  
No. 28733-0001  
10/31/2019

Buildable area



234 ORLANDO AVENUE

BEING PARCEL 203 ON TAX MAP 91-14  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

DATE: 10/31/19



Dale & Associates

Consulting Civil Engineering  
Land Planning & Surveying  
Landscape Architecture

1000 Nashville Pike  
Nashville, Tennessee 37203  
615-257-1234

Option 2 (With Mandatory Referral)

- Stream Buffers
- Non-Stream Buffer

Buildable

Scale 1" = 30'



# Variance Request

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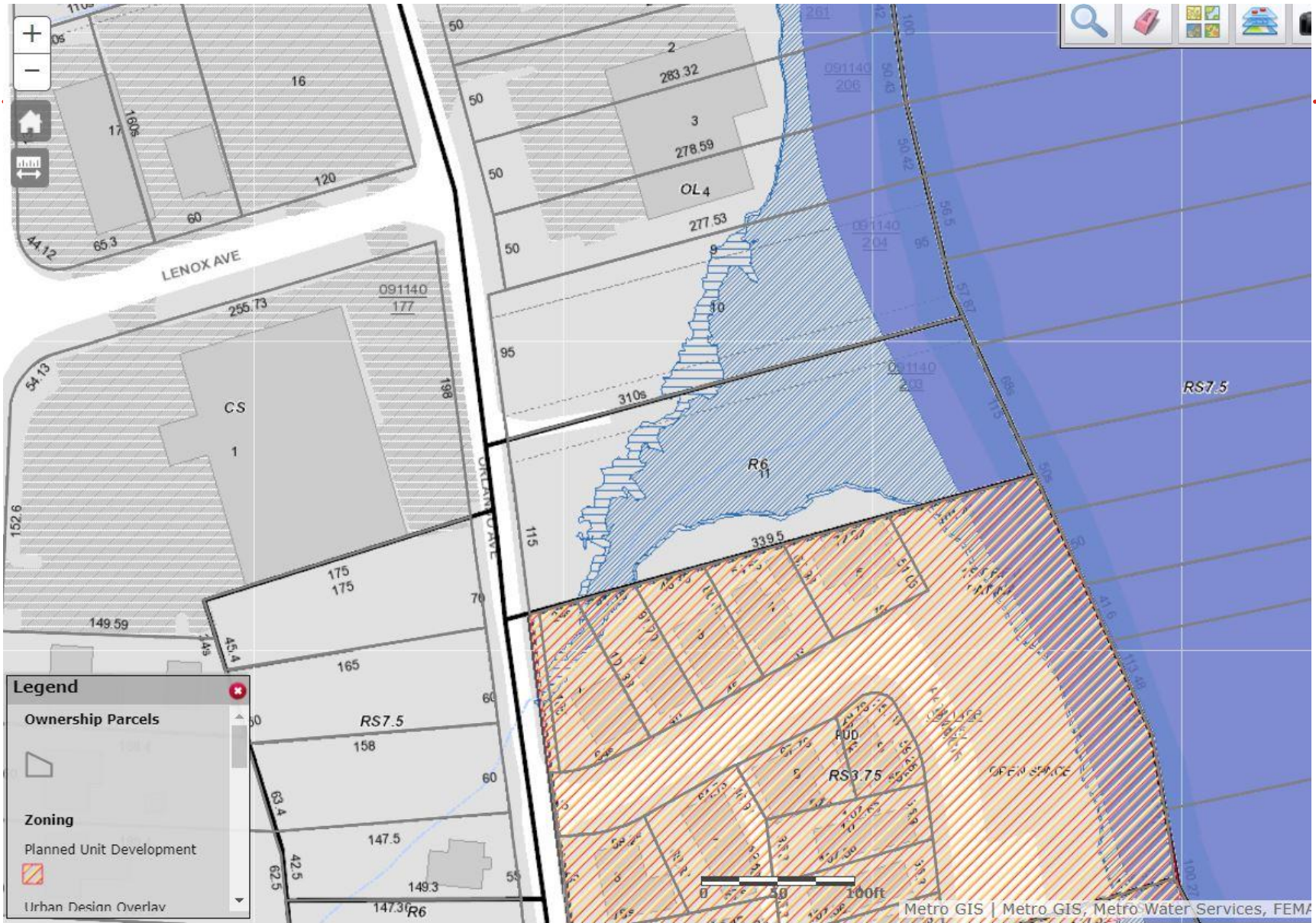
- Without a variance the only buildable area is located in the rust colored area denoted by the red arrow.



# Our Hardships

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- Unique Characteristics. The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.
- As you can see in the attached GIS maps. Our site is unique in that the vast majority of the lot is encumbered by the Floodplain and floodway while other nearby lots only have a small percentage of their lot areas affected.



# Our Hardships

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- C. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after the effective date of the ordinance codified in this title.
  - Ciara Properties did not create the hardships that encumber this lot. Our clients sought and obtained a Mandatory Referral which closed the former street to the north thus increasing their buildable area. BL 2018-1108
- D. Financial Gain Not Only Basis. Financial gain is not the sole basis for granting the variance.
  - Financial gain is not the sole basis for granting this variance. The exceptional topographic and hydrological hardships on the property necessitate the need for a variance.

# Our Hardships

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- E. No Injury to Neighboring Property. The granting of the variance will not be injurious to other property or improvements in the area, impair an adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.
  - This variance will not cause injury to adjoining properties by impairing an adequate supply of light or air or diminish property values. Allowing this parcel to construct a new residence would increase the tax base for the city and would increase the value of residences in the adjacent area.
  - A vacant unbuildable tract of land would provide less improvement to the tax base than a new residence would provide.
  - The location on the home on the property would not affect the adjoining properties.
- F. No Harm to Public Welfare. The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.
  - This variance request would not substantially impair the zoning ordinance nor be detrimental to the public welfare.
- G. Integrity of Master Development Plan. The granting of the variance will not compromise the design integrity or functional operation of activities or facilities within an approved planned unit development - Not applicable

# Proposed Housing Style


6:21 LTE

zillow.com

**Zillow**

[Back](#)

Public View Landlord View




1 of 19

**227 Orlando Ave # B**  
Nashville, TN 37209

2 beds · 3 baths · 1,340 sqft

● OFF MARKET

Zestimate®: \$330,591  
Rent Zestimate®: \$1,900 /mo



Get a Zillow Offer

[Home](#) [Search](#) [Favorites](#) [Bookmarks](#) [Tabs](#)


6:01 LTE

trulia.com

**trulia**

Nashville

OFF MARKET



22

1509 61st Ave N  
Nashville, TN 37209

Contact For Estimate

- 2 Beds
- 2.5 Baths
- 1,326 sqft

Local Information

8:48 LTE

Done Arch Concept.pdf



**Lifsey, Debbie (Codes)**

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**From:** HENRY PARMER <hnjparmer@comcast.net>  
**Sent:** Wednesday, January 29, 2020 3:13 PM  
**To:** Board of Zoning Appeals (Codes)  
**Subject:** re: 234 Orlando Avenue 37209  
**Attachments:** DSC04996(Copy).jpg; DSC05000(Copy).jpg; DSC05002(Copy).jpg

Dear Board of Zoning Appeals:

I am writing in regards to the variance requested for 234 Orlando Avenue. I travel Orlando Avenue quite a lot, as I live on a neighboring street not quite 1/2 mile away. The property in question is situated rather closely to a narrow bridge, which goes over a creek that feeds into the larger Richland Creek.

I am attaching photos so you can see the location in question, which has some construction going on already. You can clearly see the bridge and the rest of Orlando Avenue, which is heavily trafficked early in the morning, before school starts, when school is out, and during rush hour. The Big Picture High School is a few streets away, thus many student's parents use Orlando Avenue to access the neighborhood.

I think that allowing the setback to be done away with in this instance would be a questionable decision, as it would make the approach to that bridge much more dangerous.

I appreciate the time you have taken to read this letter, and view the photos.

Sincerely:  
Joan Parmer  
5406 Burgess Avenue  
Nashville, 37209









White Bridge Neighborhood Association  
P. O. Box 91003  
Nashville, TN 37209

January 28, 2020

VIA EMAIL

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

SUBJECT: Case Number 2020-007

Dear Board of Zoning Appeals Members:

The White Bridge Neighborhood Association (WBNA) area includes over 600 households. We would like to submit comments on the request from street setback requirements to construct a new two-family residence at 234 Orlando Avenue.

The property would accommodate the building of a smaller residence without a variance from the street setback requirements. The financial gain from constructing the proposed two-family residence seems to be the sole motivating factor in the request for a variance. So, we are asking for you to deny the request and require that construction on the property be within the existing setback requirements.

Thank you for your consideration of our request.

Sincerely,



Suzette Crutchfield  
President

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JARED GRAY

Date: 02/03/2020

Property Owner: JACKSON ST. CHURCH OF CHRIST

Case #: 2020-072

Representative: JARED GRAY

Map & Parcel: 092 040 06200 5

092 040 02800 1 PARCELS 025.00, 026.00, 116.00

Council District 19

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

Purpose:

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

Activity Type: OFF SITE PARKING FOR CHURCH

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

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

Reason: SPECIAL EXCEPTION REQUIRED

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

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

JARED GRAY  
Appellant Name (Please Print)

[Signature]  
Representative Name (Please Print)

8170 COLEMAN DAVIS RD  
Address

[Signature]  
Address

NASHVILLE, TN 37221  
City, State, Zip Code

[Signature]  
City, State, Zip Code

615 638-8207  
Phone Number

[Signature]  
Phone Number

JARED@CWMILCONSULTANTS.NET  
Email

[Signature]  
Email

Zoning Examiner: DAVID D'S

Appeal Fee: \$250.00



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



3756331

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

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

1015 14TH AVE N NASHVILLE, TN 37208

LOTS 182-183-184 HARDING 2ND ADDN

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

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

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

---

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

Inspection requirements may change due to changes during construction.

**Owner Affidavit**

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

Signed: Richard Southall  
for Jackson Street Church of Christ

Printed Name: Richard Southall

Date: August 14, 2019

## APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

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

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

## SPECIAL EXCEPTION REQUEST

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

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

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

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

  
APPELLANT (OR REPRESENTATIVE)

2-3-2020  
DATE



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

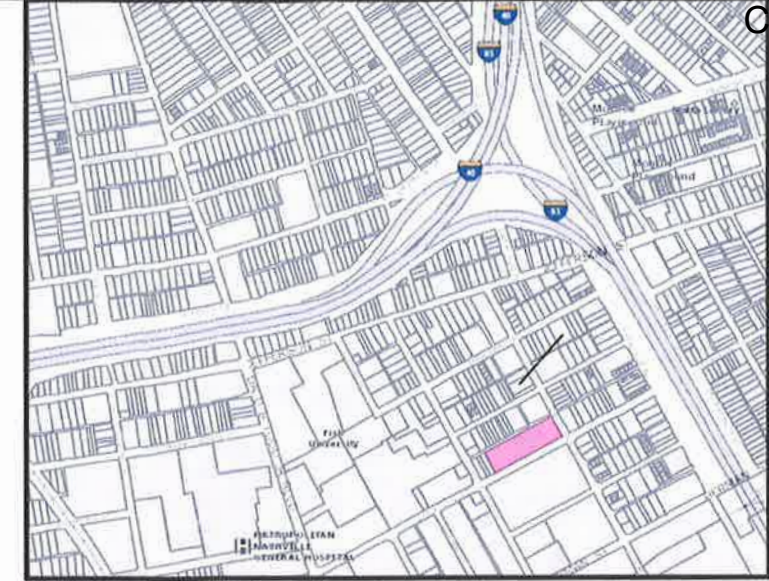
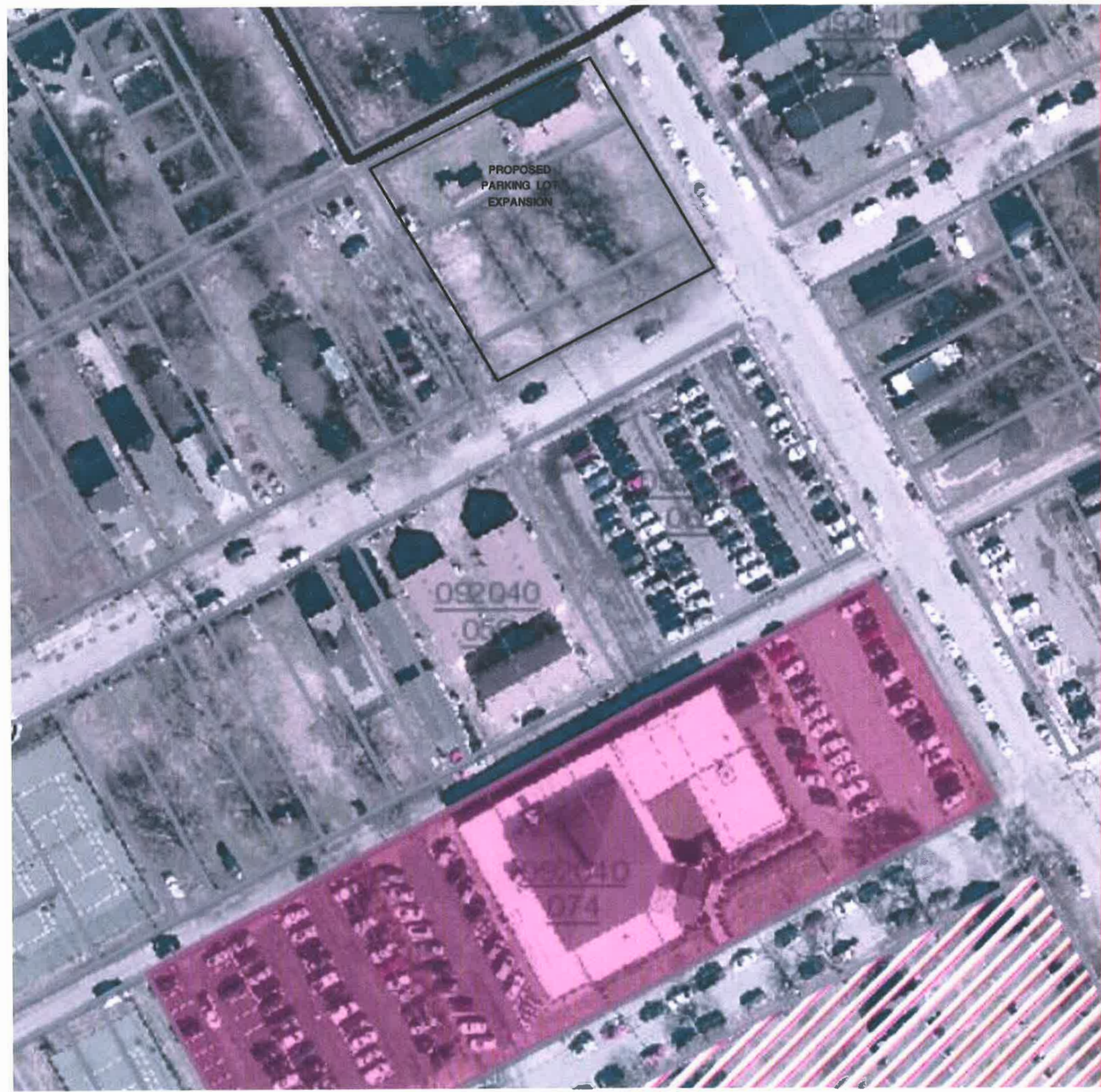


# JACKSON STREET CHURCH OF CHRIST

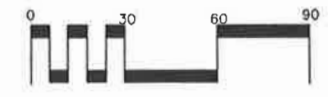
## PARKING LOT EXPANSION PLAN

METRO NASHVILLE DAVIDSON COUNTY TENNESSEE

OVERALL LAYOUT, GRADING, AND EROSION CONTROL PLAN

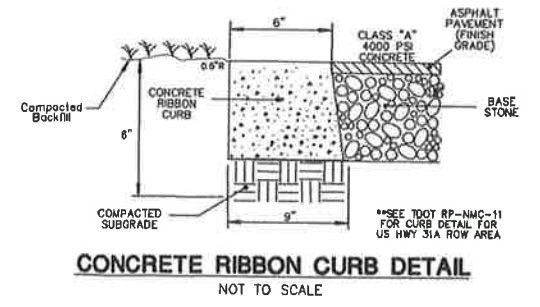
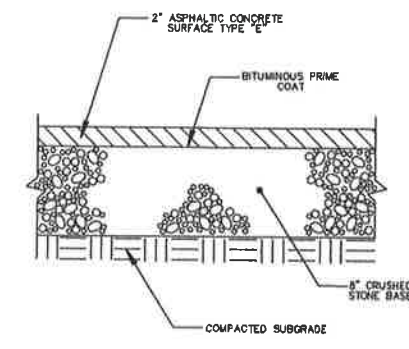
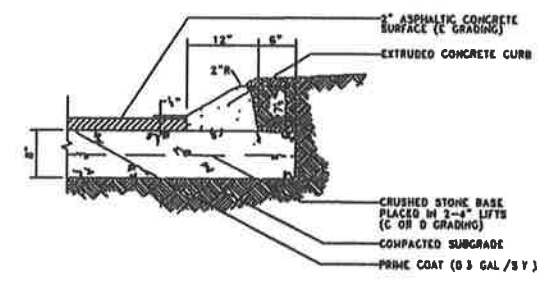
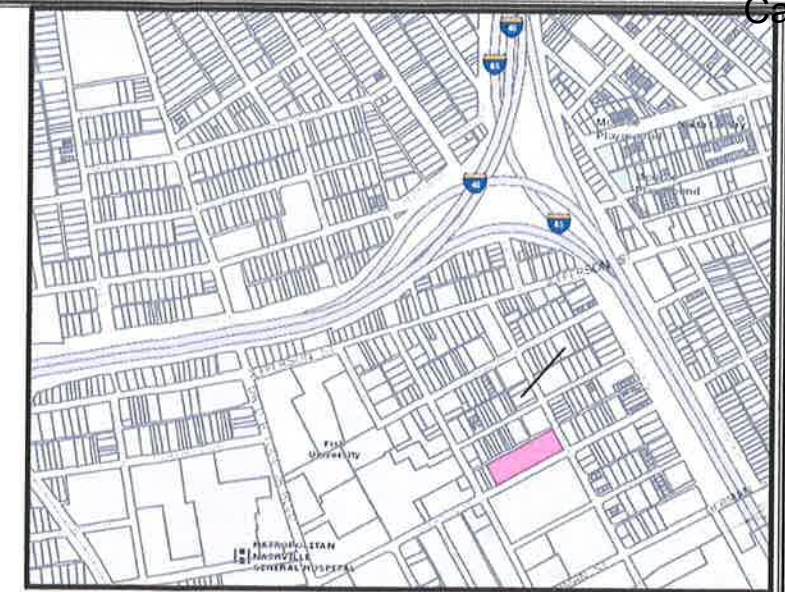


LOCATION MAP - NTS



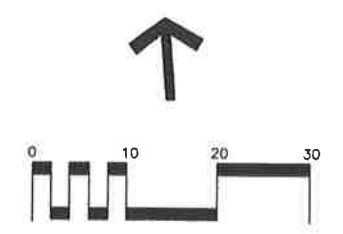
REVISIONS
DESIGNED BY: J. GRAY
DRAWN BY: J. GRAY
APPROVED BY: J. GRAY
SCALE: AS NOTED
DATE: SEPTEMBER 4, 2019
JOB NO. WK. ORDER
19-016 001
SHEET NO.





**LEGEND**

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



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

**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

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**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

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**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

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# 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

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

**1. Case 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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Council District 04

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

**Purpose:**

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

Activity Type: Medical Office

Location: 5429 Edmondson Pike

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

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

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

Section(s): 17.20.030 & 17.24.230

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

Wade Hyatt  
Appellant Name (Please Print)

5505 Edmondson Pike, Ste. 101  
Address

Nashville, TN, 37211  
City, State, Zip Code

615-496-3433  
Phone Number

cwhyatt@me.com  
Email

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

2606 Eugenia Ave, Suite D  
Address

Nashville, TN 37211  
City, State, Zip Code

615-647-8775  
Phone Number

chip@shgroupllc.com  
Email

Appeal Fee: \$200

## APPLICATIONS FOR VARIANCE REQUESTS

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

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

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

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

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

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

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

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

Wade Hyatt  
APPELLANT

2/4/2020

DATE

### STANDARDS FOR A VARIANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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See attached letter.

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

February 4, 2020

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

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

To Whom It May Concern:

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

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

**Unique Circumstance (Hardship)**

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

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

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



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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Howorth', written over a white background.

Chip Howorth  
Principal



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



3752021

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

PARCEL: 16109015500

APPLICATION DATE: 01/21/2020

**SITE ADDRESS:**

5429 EDMONDSON PIKE NASHVILLE, TN 37211  
LOT 2 CARDEN SUBDIVISION

PARCEL OWNER: BRENTWOOD MEDICAL TRADING, LLC

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

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

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

POC CHIP HOWORTH 615-419-4150

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

[A] Site Plan Review	REJECTED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-880-2649 Ronya.Sykes@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[B] Fire Alarm Requirement		862-5230
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
Grease Control Review On Bldg App		615-862-4590 ECO@nashville.gov
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		615-862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		615-862-8782
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		615-862-6488 stephan.kivett@nashville.gov

# National Flood Hazard Layer FIRMette



36°31.62'N

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

## Legend

**SPECIAL FLOOD HAZARD AREAS**

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

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS OF FLOOD HAZARD**

**OTHER AREAS**

**GENERAL STRUCTURES**

**OTHER FEATURES**

**MAP PANELS**

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRs
- Area of Undetermined Flood Hazard Zone
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

- Digital Data Available
- No Digital Data Available
- Unmapped



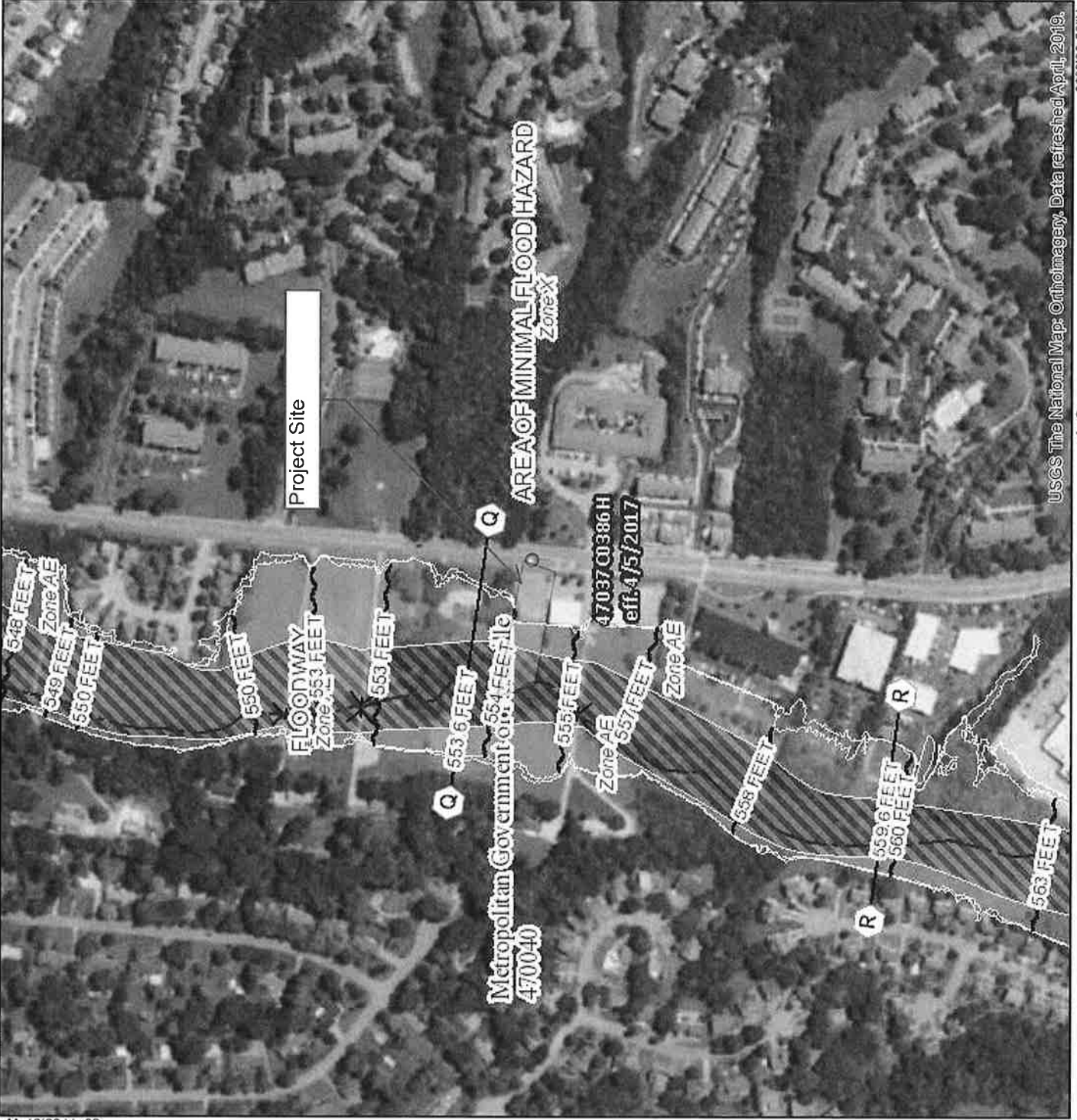
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

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

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

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

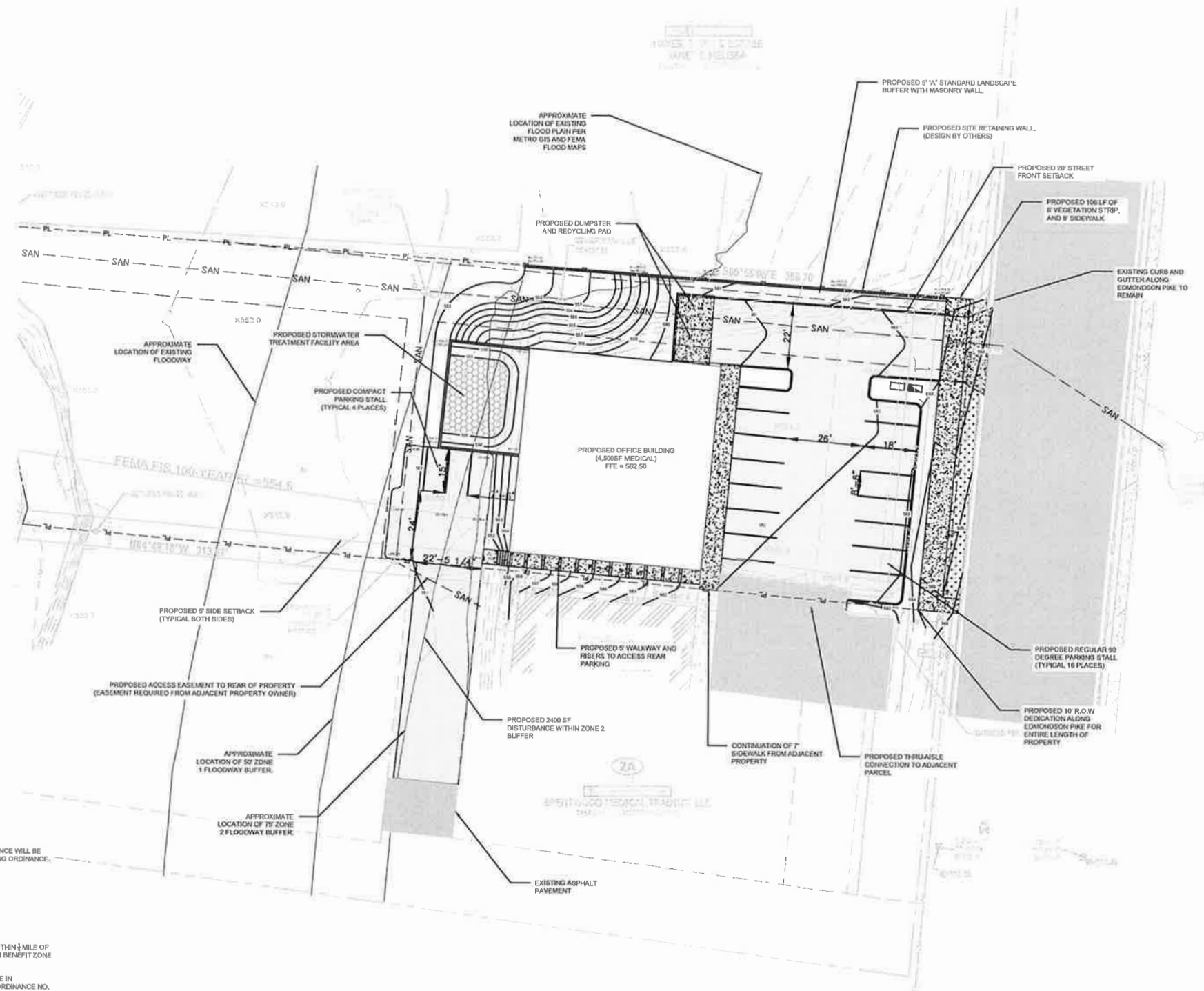
86°44'19.22'W



USGS The National Map: Orthoimagery. Data refreshed April, 2019.

36°32.52'N





- GENERAL NOTES:**
- SURVEY INFORMATION PROVIDED BY CLINT ELLIOT SURVEY, DATED 11/27/2019.
  - LANDSCAPE BUFFER SHOWN AS 5' X 1' STANDARD ALONG NORTH PROPERTY BOUNDARY. VARIANCE WILL BE REQUIRED TO VOID THE 20' X 2' STANDARD BUFFER REQUIRED BY THE METRO NASHVILLE ZONING ORDINANCE.
  - PARKING
    - REQUIRED = 1 SPACE PER 200 SF MEDICAL OFFICE
    - = 4,900 / 200 = 23.5 SPOTS REQUIRED MEDICAL OFFICE
    - 16 REGULAR (18x8.5) SPOTS PROVIDED
    - 4 COMPACT (15x7.5) SPOTS PROVIDED
    - 20 TOTAL SPOTS PROVIDED (PARKING VARIANCE REQUIRED)
  - SIDEWALKS ARE REQUIRED FOR THIS PROJECT BECAUSE THE FRONTAGE OF THE PARCEL IS WITHIN 1/4 MILE OF A NASHVILLE NEXT CENTER. THE OWNER IS NOT ELIGIBLE TO CONTRIBUTE TO THE PEDESTRIAN BENEFIT ZONE IN-LU-FUND.
  - ANY EXCAVATION, FILL, OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH THE CURRENT STORMWATER MANAGEMENT MANUAL AS AUTHORIZED BY ORDINANCE NO. 78-840 AND ANY APPLICABLE METRO CODE PROVISIONS AND BE APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
  - THIS PRELIMINARY STORMWATER MANAGEMENT PLAN IS FOR ILLUSTRATION PURPOSES TO INDICATE THE BASIC PREMISE OF THE DEVELOPMENT. THE DETAILS OF THE PLAN SHALL BE GOVERNED BY THE APPROPRIATE REGULATIONS AT THE TIME OF FINAL APPLICATION.

DESCRIPTION OF REVISION

DATE

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

NASHVILLE EYE GROUP  
5429 EDMONDSON PIKE  
PRELIMINARY SITE UTILITY PLAN

**S+H** ENGINEERING DESIGN CONSULTING  
208 RUGGIERA AVENUE  
NASHVILLE, TN 37203  
TEL: 615.843.1900

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

Sheet Name:

**FIG. 1**



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

---

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

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

Stephan Kivett

---

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

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

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



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

Appellant: Alpesh Patel Date: 2-18-2020  
 Property Owner: Tulsi Narayan Hospitality, llc Case #: 2020-080  
 Representative: Joe Haddux Map & Parcel: 10600013400  
 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: Requesting parking variance  
 Activity Type: HOTEL  
 Location: 324 Plus Park

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

Reason: PARKING VARIANCE from required 99 spaces to reduce to 89

Section: 17.20.030

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

Appellant Name: Alpesh Patel Representative: Joe Haddux  
 Phone Number: (615) 818-8756 Phone Number: (615)248-9999  
 Address: 3437 Percy Priest Dr Address: 2305 Kline Ave Suite 300  
Nashville, TN 37214 Nashville, TN 37211  
 Email address: gm@nashvillesleepinn.com Email address: joeh@csdgtm.com

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.

Aarash Patel  
**APPELLANT**

10.14.19  
**DATE**



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

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

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

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

- The project site sits beneath a steep bluff, and the cut-rock walls extend into our site around a majority of the perimeter. This limits the buildable space within the site.
  - We have reviewed our plans and variance requests with Councilmember Ginny Welsch, and we have her full support of this project.
- 
- 
- 
- 
- 
- 
- 
-



February 18, 2020

Metro Board of Zoning Appeals  
800 Second Avenue S  
Nashville, TN

**RE: Country Inn & Suites**  
Parking Variance Request

Metro Board of Zoning Appeals Members,

I am writing to provide you with additional information regarding our request for a variance to the parking requirement for the referenced project. Our client is proposing a 96-room hotel (Country Inn & Suites) at 324 Plus Park Blvd. The hotel will have 5 staff members onsite at all times. The *Metro Zoning Code section 17.20.030 – Parking requirements established*, defines the hotel land use parking requirement to be 1 space per unit, plus 1 space per 2 employees. For this project, the required parking calculates to be 99 spaces. Due to space and topographic constraints of the project site, we are requesting a variance allowing our site to have 89 parking spaces.

The proposed site is in close proximity to the Nashville Airport, and there will be a variety of transit options for hotel guests. The hotel operator uses an airport shuttle service to transport hotel guest between the hotel and the airport. The hotel operator also has committed to using a shuttle service to transport their guest to area businesses to reduce the number of vehicles on the City streets. Another consideration the owner has made is the increased number of airport arrivals utilizing rideshare services such as Uber and Lyft as transport from the airport to hotels. The proposed site is also within a 5-minute walk of the Plus Park Metro bus station on Murfreesboro Pike.

*Section 17.20.040 – Adjustments to required parking* lists Transit as an adjustment allowing for a 10% reduction to the parking requirement. Considering the airport shuttle service, rideshare options, and public transit in the vicinity, this project site has reason to be considered for a transit adjustment. With a 10% reduction allowed, this would put our required parking count at 89 spaces.

Based on this information, we respectfully request that the Metro Board of Zoning Appeals consider granting a variance for the parking requirement. With a 10% reduction allowed, this would put our required parking count at 89 spaces. We have reviewed our plans and variance requests with Councilmember Ginny Welsch, and we have her full support of this project.

Please feel free to contact me if you need additional information or if you have any questions.

Respectfully submitted,  
**Civil Site Design Group, PLLC**

Joe Haddix, P.E.  
Principal

Department of Codes Administration  
800 2<sup>nd</sup> Avenue South  
Metro Office Building

## Board of Zoning Appeals Checklist

The following items **must** be provided with submittal prior to acceptance by the Board of Zoning Appeals. Site plans and pictures should be submitted on a CD or thumb drive when possible.

**All appeal cases must be reviewed by a Zoning Examiner prior to scheduling for a BZA docket. The Zoning Examiner will start the application. However failure to provide any of the items under your appeal type listed below will be deemed an incomplete submittal and will not be scheduled for a docket.**

### **Item A Appeal**

- Letter detailing the bases for the appeal. The letter must specifically address the error in the interpretation or application of law made by the zoning staff.

### **Variance Requests**

- Scaled Site Plan (Drawn to engineer's or architect's scale)  
Minimum Size 8.5" x 11"  
Maximum Size of 11 x 17.
- Hardship Form or Letter (Available online at [www.nashville.gov/codes.bza](http://www.nashville.gov/codes.bza))

### **Special Exceptions**

- Scaled Site Plan (Drawn to engineer's or architect's scale)  
Minimum Size 8.5" x 11"  
Maximum Size of 11 x 17.
- Neighborhood meeting will take place after application but before BZA hearing date.

### **Item D Appeals (Non-Conforming Uses/Structures)**

- Scaled Site Plan (Drawn to engineer's or architect's scale)  
Minimum Size 8.5" x 11"  
Maximum Size of 11 x 17.

## **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.*



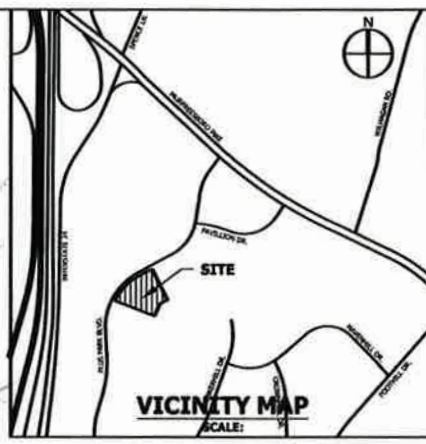
**COUNTRY INN & SUITES**  
 324 PLUS PARK  
 NASHVILLE, DAVIDSON, TENNESSEE

**General Notes:**

1. Base information was taken from survey prepared by W.T. Smith Surveying, dated June 8, 2017. Civil Site Design Group, P.L.L.C. and any of their consultants shall not be held responsible for the accuracy and/or completeness of that information shown hereon or any errors or omissions resulting from such.
2. Provide a smooth transition between existing pavement and new pavement. Slight field adjustment of final grades may be necessary.
3. All roadway, driveway, sidewalk, and curb construction shall conform to the requirements and specifications of the local municipality codes and requirements.
4. Concrete for curbs and sidewalks shall be 3500 PSI concrete unless required otherwise by local codes.
5. The site layout is based on control points as noted.
6. The contractor shall conform to all local codes and receive approval where necessary before commencement of any construction.
7. All site related construction materials and installation shall conform to local governing agency regulations and specifications.
8. Handicap ramps shall have a maximum slope of 1:12.
9. All pavement materials and construction shall conform to the local governing agency and state D.O.T. standards and specifications.
10. The contractor shall check all existing conditions, (i.e. Inverts, utility routings, utility crossings, and dimensions) in the field prior to commencement of any utility work. Report any discrepancies to the owner's representative. The contractor shall repair any damage caused during construction to existing features (i.e. pavement, sidewalks, curbs, utilities, etc.), at his own expense, to the standards of the preconstruction condition or better.
11. Dimensions are to face of curb and/or exterior face of building unless otherwise noted.
12. Curbs shall be parallel to the centerline of drives. The curb shall be placed only after having all break points (PC & PT of curves) located at the face of curb or at a consistent offset by a land surveyor.
13. Any work unacceptable to the owner's representatives or to the local governing authority shall be repaired or replaced by the contractor at no additional expense to the owner.
14. Existing pavement of private or public roadways/drives shall be patched in accordance with the local governing authority's standards wherever utility installation requires removal of the existing pavement. Coordinate pavement trenching locations with site civil, plumbing and electrical plans.
15. The contractor shall comply with all pertinent provisions of the "manual of accident prevention in construction" issued by AGC of America, Inc. and the "Safety and Health Regulations for Construction" issued by the U.S. Department of Public Works.
16. Contractor shall give all necessary notices and obtain all permits prior to commencement of any construction.
17. In the event of any discrepancies and/or errors found in these site drawings, or if problems are encountered during construction, the contractor shall be required to notify the engineer before proceeding with the work.
18. The general contractor is particularly cautioned that the location and/or elevation of the existing utilities shown hereon is based on utility company records, and where possible, field measurements. The contractor shall not rely on this information as being exact or complete. The contractor shall call the appropriate utility company at least 72 hours prior to any excavation and request field verification of utility locations. It shall be the contractor's responsibility to relocate existing utilities conflicting with improvements

19. Contractor shall exercise extreme caution in the use of equipment in and around overhead and underground electrical wires and services. If at any time in the pursuit of this work the contractor must work in the close proximity of the above-noted wires, the electric company shall be contacted prior to such work and the proper safety measures taken. A thorough examination of the overhead and underground wires in the project area should be made by the contractor prior to the initiation of construction.
20. The owner and engineer do not assume responsibility for the possibility that, during construction, utilities other than those shown may be encountered or that actual locations of those shown may be different from locations designated on the contract drawings. In areas where it is necessary that exact locations be known of underground utilities, the contractor shall, at his own expense, furnish all labor and tools necessary to either verify and substantiate or definitely establish the position of underground utility lines.
21. Do not scale this drawing as it is a reproduction and subject to distortion.
22. These plans, prepared by Civil Site Design Group, do not extend to or include systems pertaining to the safety of the construction contractor or its employees, agents or representatives in the performance of the work. The seal of the engineering services registered professional engineer hereon does not extend to any such safety systems that may now or hereafter be incorporated into these plans. The construction contractor shall prepare or obtain the appropriate safety systems which may be required by U.S. Occupational Safety and Health Administration (OSHA) and/or local regulations.
23. In the case of conflict between this drawing and any other drawing and/or the specifications, the engineer shall be immediately notified for clarification.
24. Solid waste to be handled by multiple roll up containers.

$\Delta=40^{\circ} 15' 16''$   
 LENGTH=251.83, RADIUS=358.44  
 CHORD=N44° 15' 04"E, 246.68



**SITE DATA TABLE**

TOTAL SITE ACRES	1.47± Ac. (64,033 sq. ft.)
ZONING*	OG / OFFICE GENERAL
EXISTING USES	VACANT
PROPOSED USE	HOTEL
BUILDING AREA (PROPOSED)	11,786 sq. ft.
ISR (ALLOWED)	0.80
ISR (PROPOSED)	0.72 (46,298 sq. ft.)
FAR (ALLOWED)	1.60
FAR (PROPOSED)	0.92
MAX HEIGHT (ALLOWED)	30' AT SETBACK
HEIGHT (PROPOSED)	62' (5-STORY)
YARD REQUIREMENTS	STREET: 20' SIDE YARD: 5' REAR YARD: 20'
PARKING (REQUIRED)	1 SPACE PER ROOMING UNIT + 1 SPACE PER 2 EMPLOYEES 96 ROOMS + 5 EMPLOYEES = 96 SPACES
PARKING (PROPOSED)	59 Standard 26 Compact 4 Handicap = 89 Spaces Provided
HANDICAP PARKING (REQUIRED)	4 Spaces
HANDICAP PARKING (PROPOSED)	4 Spaces

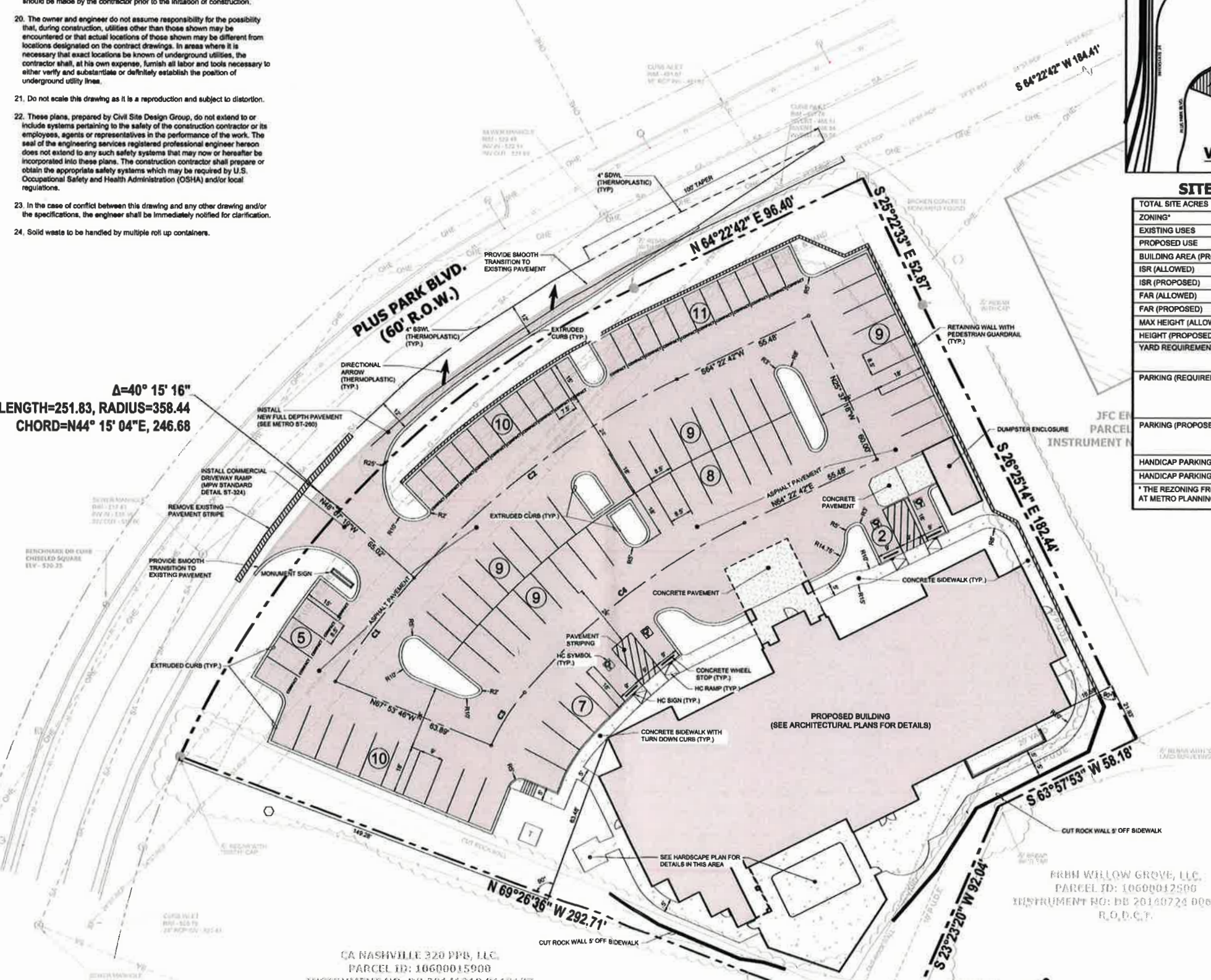
\* THE REZONING FROM CS TO OG WAS APPROVED ON 2/13 AT METRO PLANNING COMMISSION MEETING.

**LEGEND**

- ST - STORMWATER PAVEMENT
- - GAS PIPING
- - EXPOSED WATER PIPING
- - OVERHEAD UTILITIES
- - EXISTING CURB
- - TREE LINE
- ▲ - BENCHMARK
- △ - SURVEY POINT
- ⊕ - MONUMENT POINT
- ⊙ - BENCHMARK
- ⊙ - TREE POINT
- ⊙ - SPORTS/WATER METEEN
- ⊙ - DRINKING WATER VALVE
- ⊙ - FLOODGATE/HANDHOLE
- ⊙ - POWER POLE
- ⊙ - TELEPHONE/HANDHOLE
- ⊙ - SANITARY SEWER/HANDHOLE

**ROAD CURVE DATA TABLE**

Curve #	Delta	Length	Radius	Chord
C1	8°48'39"	49.28'	320.44'	837°28'21"W 49.23'
C2	32°30'01"	128.84'	320.44'	S33°07'41"W 128.83'
C3	17°01'14"	33.77'	80.00'	N32°17'30"E 33.68'
C4	33°24'15"	106.38'	280.44'	N52°40'34"E 106.68'



CA NASHVILLE 320 PPB, LLC.  
 PARCEL ID: 10600015908  
 INSTRUMENT NO: DB 20141210 0113137  
 R.O.D.C.T.

FRM WILLOW GROVE, LLC.  
 PARCEL ID: 10600012500  
 INSTRUMENT NO: DB 20160724 0065986  
 R.O.D.C.T.



MAP 106, PARCEL 134.00

PROJECT BENCHMARK:  
 DESCRIPTION: CHISELED SQUARE ON CURB  
 ELEVATION: 520.25 (NAVD 88)

SCALE: 1" = 20'

ISSUE SET:

ISSUE DATE:

REVISION SCHEDULE:

No.	Description	Date
1	Initial Stormwater Submittal	12/30/18
2	Stormwater Re-submittal	2/10/20

REVISION: | DRAWN: | CHECKED:

SITE LAYOUT PLAN

**C100**  
 PROJECT NO.: 19-087-01



**COUNTRY INN & SUITES**  
324 PLUS PARK  
NASHVILLE,  
DAVIDSON,  
TENNESSEE

ISSUE SET:

ISSUE DATE:

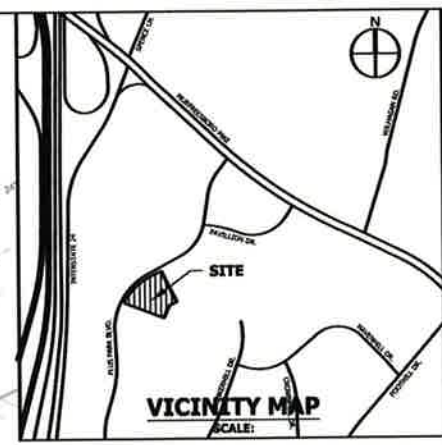
REVISION SCHEDULE:		
No.	Description	Date
1	Initial Stormwater Submittal	12/30/19
2	Stormwater Re-submittal	2/10/20

REVISION: | DRAWN: | CHECKED:

GRADING & DRAINAGE PLAN

**C200**

PROJECT NO.: 19-087-01



**Retaining Wall Note:**

The retaining wall shown on these plans is shown for general location and required height only. The wall shall be designed and stamped by a professional engineer licensed in the State of Tennessee and contracted by the contractor as a design / build wall. The plans for the wall shall be submitted to the Codes and Engineering Department for their review and approval prior to ordering any materials or commencement of construction. The wall shall have a pedestrian guardrail or fence along the top of the wall in all locations where the vertical drop from the top of wall to bottom of wall is equal or greater than 30 inches.

JFC ENTERPRISES, INC.  
PARCEL ID: 10600013700  
INSTRUMENT NO: DB 20060920 0116203  
R.O.D.C.T.

FRBH WILLOW GROVE, LLC.  
PARCEL ID: 10600012500  
INSTRUMENT NO: DB 20140724 0065996  
R.O.D.C.T.

Info ID	Type	Start	End	Invert	Outlet	Length	Slope	Line	Material	Size	Notes
A0	MANHOLE	81.00	81.00	508.00	508.00	0.00	0.00	15	15" RCP	15"	N/A
A1	MANHOLE	81.00	81.00	508.00	508.00	0.00	0.00	15	15" RCP	15"	N/A
A2	W/LET	81.00	81.00	508.00	508.00	0.00	0.00	15	15" RCP	15"	N/A
A3	W/LET	81.00	81.00	508.00	508.00	0.00	0.00	15	15" RCP	15"	N/A
A4	DETENTION	81.00	81.00	508.00	508.00	0.00	0.00	15	15" RCP	15"	N/A

NOF PIPE SHALL BE CLASS 1  
PVC PIPE SHALL BE 80# RB  
SMALL CATCH BASIN SHALL BE W/ 24" X 12" DRAIN BASIN

- All drainage construction materials and installation shall conform to the requirements and specifications of the local governing agency.
- The contractor shall be responsible for the removal of all debris from the site at all times during and after construction. The contractor shall not be responsible for the removal of any debris from the site of the owner. The contractor shall be responsible for the removal of any debris from the site of the owner.
- The contractor shall check all existing grades and dimensions in the field prior to beginning work and report any discrepancies to the engineer. Commencement of any grading work constitutes the contractor's acceptance of the existing grades as matching those shown on the plans.
- Slip topsoil from all cut and fill areas and stockpile. Upon completion of general grading spread the topsoil over all disturbed areas, to a minimum depth of 1". Contractor shall supply additional topsoil if insufficient quantities exist on site. Remove any excess topsoil from site.
- The contractor shall take special care to compact fill sufficiently around and over all pipes, structures, valve stems, etc. inside the proposed paved areas to avoid settlement. Any settlement during the warranty period shall be restored by the contractor at no additional cost to the owner.
- In no case shall slope height, slope inclination, or excavation depth, including trench construction, exceed those specified in local, state and federal regulations, specifically the current OSHA Health and Safety Standards for Excavations (29 CFR Part 1926) shall be followed.
- All fill slopes on this project shall be reviewed by the owner's geotechnical engineer during construction to confirm that the slopes are (will be) stable. It is the contractor's responsibility to have this confirmation in writing from the geotechnical engineer.
- All fill on this project shall be installed and compacted in accordance with the owner's geotechnical engineer's recommendation. It is the contractor's responsibility to have this confirmation in writing from the geotechnical engineer.
- Relocation of existing plant materials shall be coordinated with the owner and relocated to a designated area on site.
- All horizontal and vertical information of proposed culverts shown herein which accept discharge flows to/from existing channels are approximate utilizing topographic drawings. The final horizontal and vertical alignments shall be field located by the contractor prior to the ordering of materials or commencement of construction and shall notify the engineer of any discrepancies to what was designed.
- The contractor shall coordinate the exact location of the storm drain connections at the building with the plumbing plans.
- The location of all diversion weirs and ditches shall be field adjusted to avoid trees as possible. The contractor shall walk the alignment of these weirs and ditches in the field to verify evidence of trees.
- Contractor or Owners Representative shall notify MWS - Development Review at least 24 hours prior to the installation of the previous layer to observe the sub-base material.

- Site Grading, Drainage & Erosion Control Notes:**
- The disturbed area for this project is approximately 1.40 acres.
  - The contractor shall comply with all pertinent provisions of the manual of accident prevention and construction issued by AGC of America, Inc. and the safety and health regulations of construction issued by the U.S. Department of Labor.
  - The contractor shall call "Tennessee One Call" (811) 72 hours prior to proceeding with any excavation.
  - If any springs or underground streams are exposed during construction, permanent French drains may be required. The drains shall be specified and located during construction as required by the conditions shown on the plans and shall be approved by the engineer.
  - Stockpiled topsoil or fill material shall be treated to no sediment runoff will contaminate surrounding areas or enter nearby streams.
  - Clean all barriers when they are approximately 50% filled with sediment or as directed by the owner's representative. Silt barriers shall be replaced as effectiveness is significantly reduced, or as directed by the owner's representative.
  - All new pipes under existing paved areas shall be backfilled to the top of subgrade with # 57 crushed stone.
  - Sediment removed from sediment control structures is to be placed at a site approved by the local governing authority. It shall be treated in a manner so that the area around the disposal site will not be contaminated or damaged by the sediment to the run-off. Cost for this treatment is to be included in the bid prior for earthwork. The contractor shall obtain the disposal site as part of his work.
  - Reinforced concrete storm drainage pipe shall be Class III. Corrugated metal pipe shall be 14 gauge unless otherwise noted.
  - Minimum grade on asphalt or concrete paving shall be 1.0%.
  - Construct silt barriers before beginning any grading operations.
  - This grading & drainage plan is not a determination or guarantee of the suitability of the subsurface conditions for the work indicated. Determination of the subsurface conditions for the work indicated is solely the responsibility of the contractor.
  - Do not disturb vegetation or remove trees except when necessary for grading purposes.
  - Top of grade elevations and location of coordinates for drainage structures shall be installed as shown on the plan unless otherwise noted. The grades shall slope longitudinally with the pavement grades. Coordinates provided are for the center of the grade (at the face of curb where applicable).
  - Any site used for disposal and/or stockpile of any material shall be properly permitted for such activity. It is the responsibility of the contractor to see that all required permits are secured for each property utilized. A copy of the approved permit must be provided to the inspector prior to commencement of work on any property. Failure to do so may result in the contractor removing any illegally placed material at his own expense.
  - Removed topsoil (6 inch minimum thickness), seed, and straw all disturbed areas as soon as possible after final grading is completed, unless otherwise indicated. Contractor shall take whatever means necessary to establish permanent soil stabilization.
  - Proposed contour lines and spot elevations are the result of an engineered grading design and reflect a planned alignment with regard to drainage and movement of materials. Should the contractor have any question of the intent or any problem with the continuity of grades, the engineer shall be contacted immediately.
  - All cut and fill slopes shall be 3 horizontal to 1 vertical or flatter unless otherwise indicated on plans.
  - Positive drainage shall be established as the first order of work and shall be maintained at all times during and after construction. Soil softened by perched water in foundation and pavement areas must be undercut and replaced with suitable fill materials.
  - Remove sediment from all drainage structures before acceptance by local governing agency, or as directed by the owner's representative.
  - Contractor shall conform to all applicable codes and obtain approval as necessary before beginning construction.
  - Remove the temporary erosion and water pollution control devices only after a solid stand of grass has been established on graded areas and when in the opinion of the owner's representative, they are no longer needed.
  - 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.
  - All earthwork, including the excavated subgrade and each layer of fill, shall be monitored and approved by a qualified geotechnical engineer, or his representative.
  - All fill material on this project shall be approved by the geotechnical engineer prior to placement. This material shall be placed in lifts and compacted as directed by the geotechnical engineer. The contractor shall be responsible for employing a geotechnical engineer if one is not provided by the owner.

$\Delta=40^{\circ} 15' 16''$   
LENGTH=251.83, RADIUS=358.44  
CHORD=N44° 15' 04"E, 246.68

BENCHMARK ON CURB  
CHISELED SQUARE  
BLV - 520.28

CA NASHVILLE 320 PPB, LLC.  
PARCEL ID: 10600015900  
INSTRUMENT NO: DB 20141210 0113137  
R.O.D.C.T.

**Metro As-Built Note:**

In accordance with the Metro Stormwater Management Manual, Volume 1, Section 3.9, As-Built Certifications, MWS Stormwater Division must approve the following as-builts prior to issuance of the use and occupancy permit:

- Underground detention and water quality infrastructure
- Above ground detention and water quality infrastructure
- Public storm sewer infrastructure
- Cut and fill in the floodplain
- Sink Hole alterations
- Bioretention Ponds

The engineer shall contact Stormwater Development Review staff for submittal requirements.

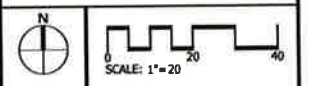
**Metro As-Built Requirements:**

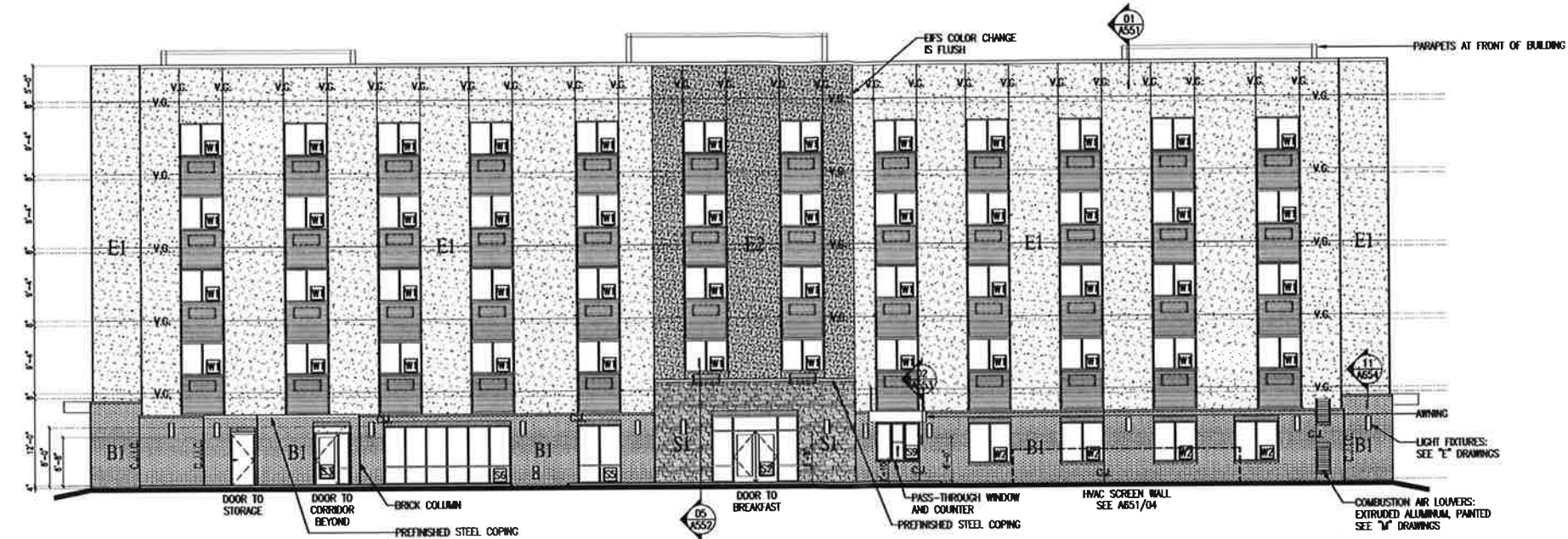
- A certification letter from TN registered P.E. stating that the site has been inspected and that the stormwater management system and stormwater control measures (both structural and non-structural) are complete and functional in accordance with the plans approved by MWS.
- An as-built LID spreadsheet.
- Hydrologic and hydraulic calculations for as-built conditions, as required.
- As-built drawings showing final topographic features of all stormwater quantity detention facilities, stormwater quality management practices, and public infrastructure. This shall include invert elevations of outlet control structures.
- Any deviations from the approved plans shall be noted on as-built drawings submitted.
- Copy of as-built plan CAD file on a CD and should be registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83). Data should be placed in separate layers and should be labeled/named for easy identification.
- Cut and fill surface certification for floodplain and aridhole alterations.
- Water quality buffers shall be surveyed and included with the as-built submittal.
- Any public (to become the responsibility of Metro to maintain) stormwater infrastructure shall be video-inspected to verify proper installation with the video recording and any associated inspection report submitted as part of as-built record. Additional testing may be required as/warranted by video inspection.



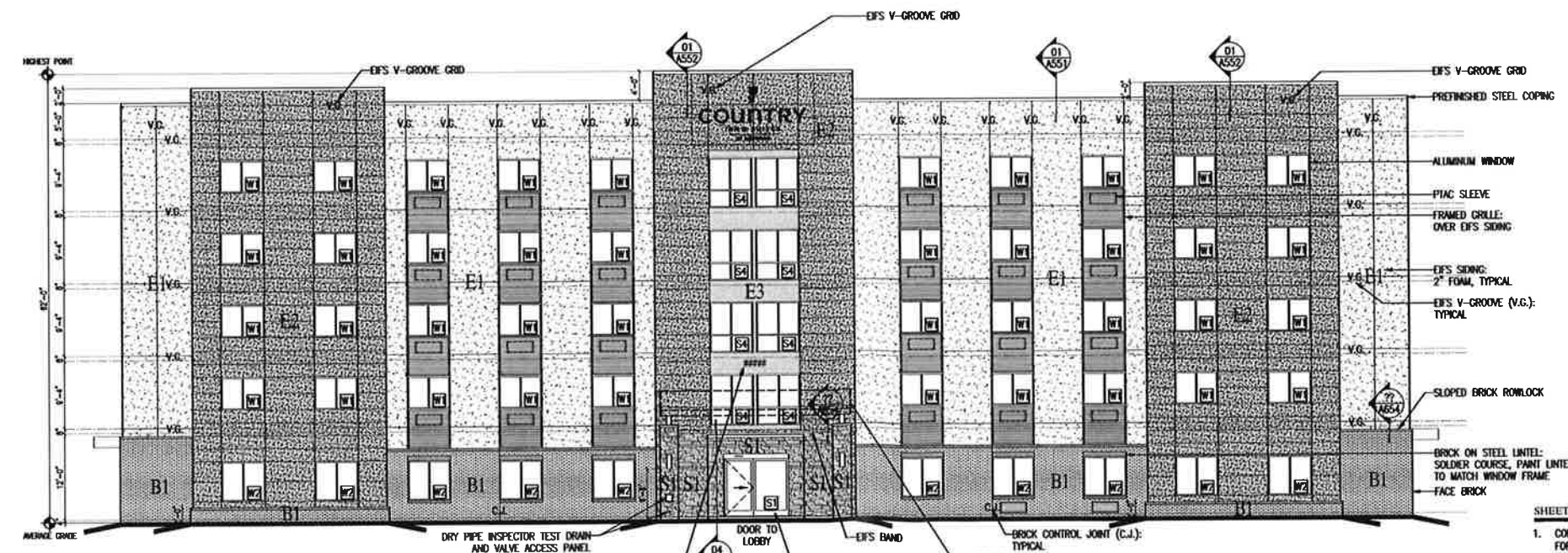
MAP 106, PARCEL 134.00

PROJECT BENCHMARK:  
DESCRIPTION: CHISELED  
SQUARE ON CURB  
ELEVATION: 520.25 (NAVD 88)

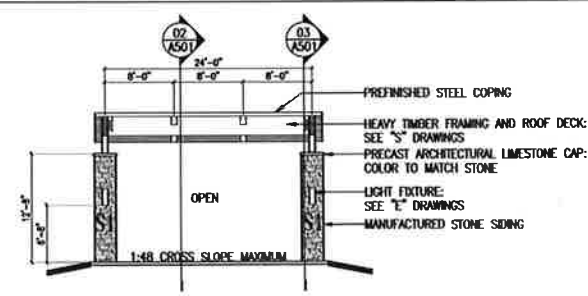




01 REAR ELEVATION



02 FRONT ELEVATION



03 PORTE COCHERE- FRONT

- SHEET NOTES**
1. CONTRACTOR SHALL PROVIDE SUPPORT STRUCTURE, 5/8" PLYWOOD BACKING FOR MOUNTING OF SIGN AND CONNECT ELECTRICAL CIRCUITS FOR OWNER FURNISHED AND INSTALLED FACADE-MOUNTED SIGNS. NO EXPOSED ELECTRICAL CONDUIT OR BOXES ALLOWED.
  2. BUILDING ADDRESS LOCATION, SIZE AND STYLE IS SUBJECT TO APPROVAL OF LOCAL AUTHORITY. OBTAIN APPROVAL PRIOR TO INSTALLING.
  3. SEAL ALL PENETRATIONS THROUGH EXTERIOR WALLS WITH SEALANT MATCHING COLOR OF ADJACENT WALL FINISH MATERIAL.
  4. SEAL DOOR AND WINDOW FRAMES WITH SEALANT MATCHING COLOR OF FRAME.
  5. FIELD PAINT THE FOLLOWING:
    - A. HOLLOW METAL DOORS AND FRAMES
    - B. GAS PIPES AND SPRINKLER TEST DRAINS (ON ROOF ALSO)
    - C. AIR INTAKE AND EXHAUST GRILLES
    - D. BOLLARDS
    - E. DUMPSTER STEEL GATE POSTS AND FRAME
    - F. MISCELLANEOUS AS DIRECTED BY ARCHITECT

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

ISSUE DATE 09-13-19  
▲ REVISION LOG



**EXTERIOR ELEVATIONS A401**

**COUNTRY INN & SUITES by RADISSON  
NEW HOTEL**  
NASHVILLE (AIRPORT WEST), TENNESSEE  
WWW.DAVIDRCARTER.NET  
**DAVID R. CARTER AND ASSOCIATES**

30 x 42

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.*

---

***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".

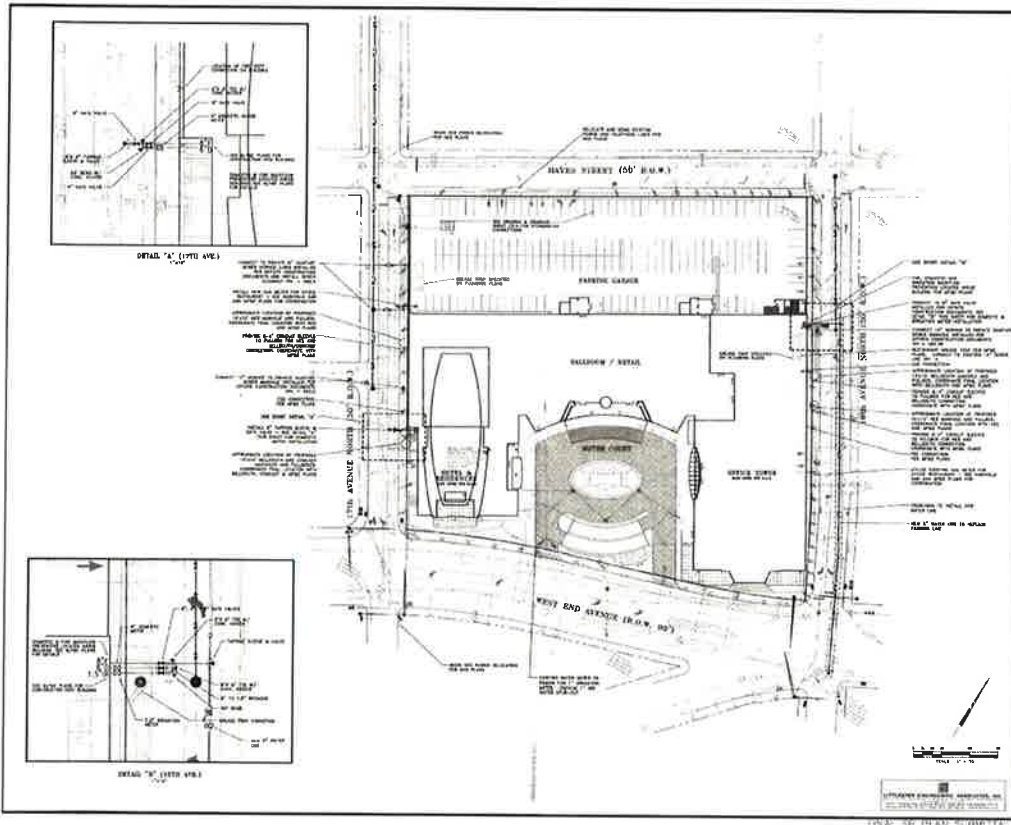
**Special policy 10-MT-T5-MU-02** (T5 Center Mixed Use Area 2) applies to the parcels between **Hayes Street and north to Church Street**. This policy relates to Density and Intensity within this policy area and indicates that "Lower building heights and masses are intended in this area than in the 10-MT-T5-MU-01 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.**

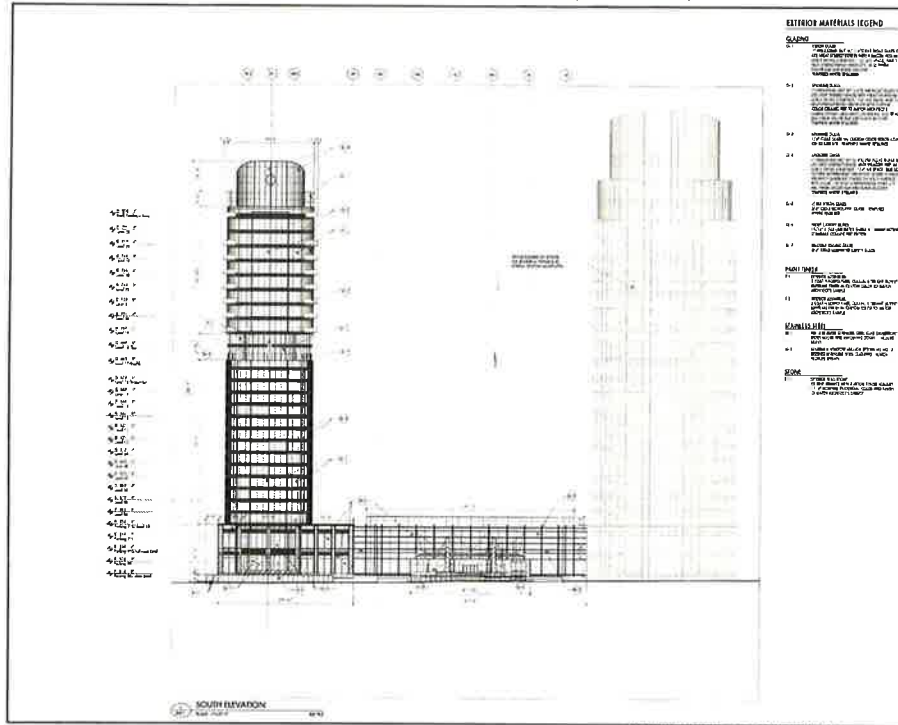
NO INJURY TO ADJACENT PROPERTIES:

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

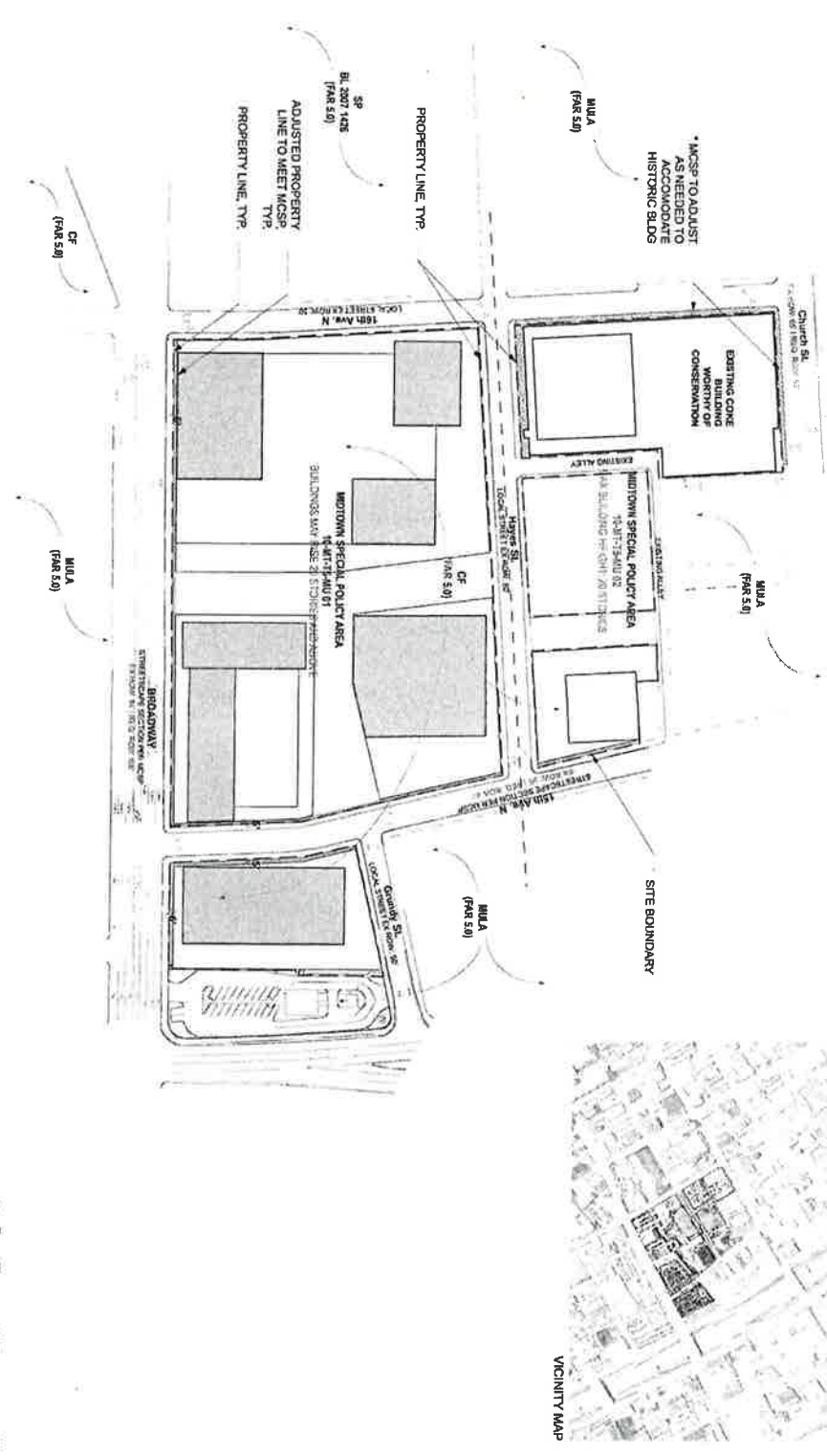
REED Site  
BZA Special Exception

Submitted by Kim Hawkins, HAWKINS PARTNERS, INC.

Parcels and Property Owners

**PARCELS:**

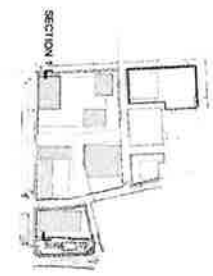
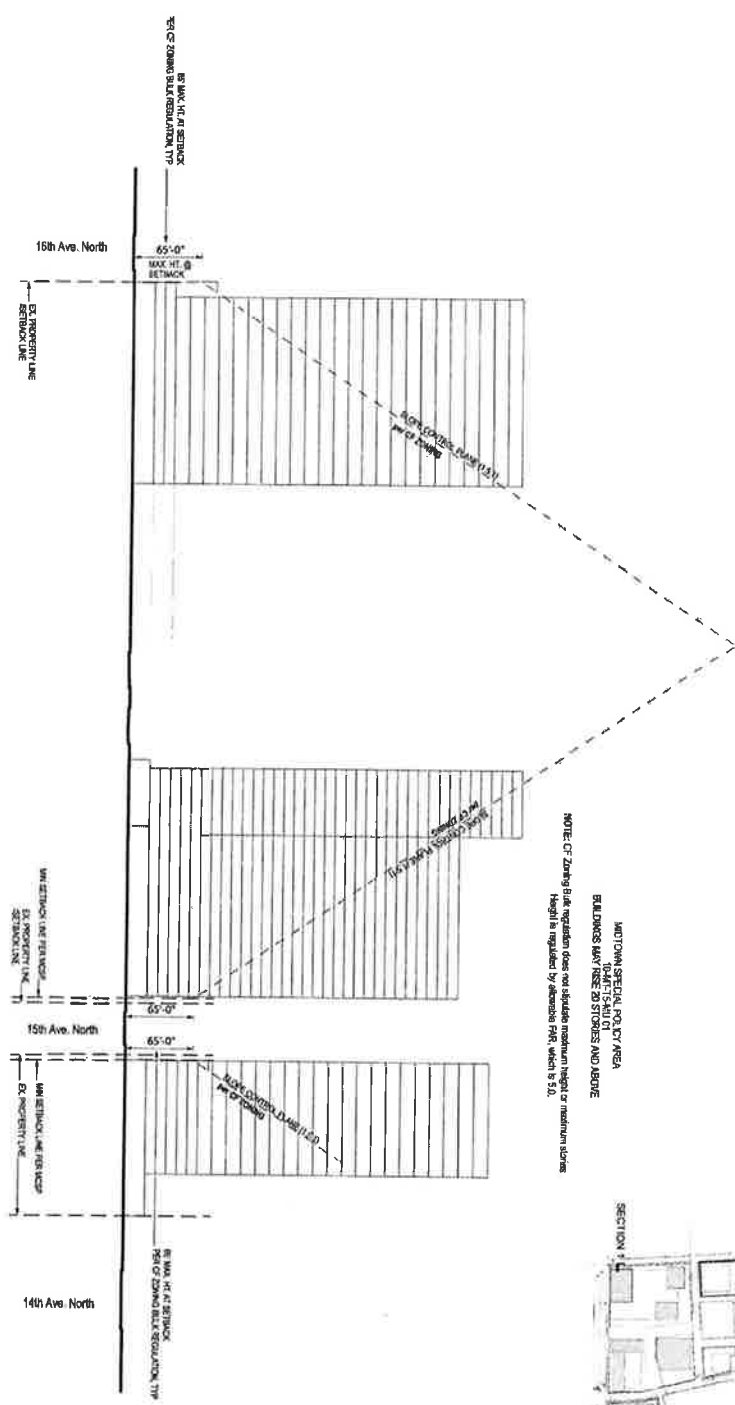
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\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE



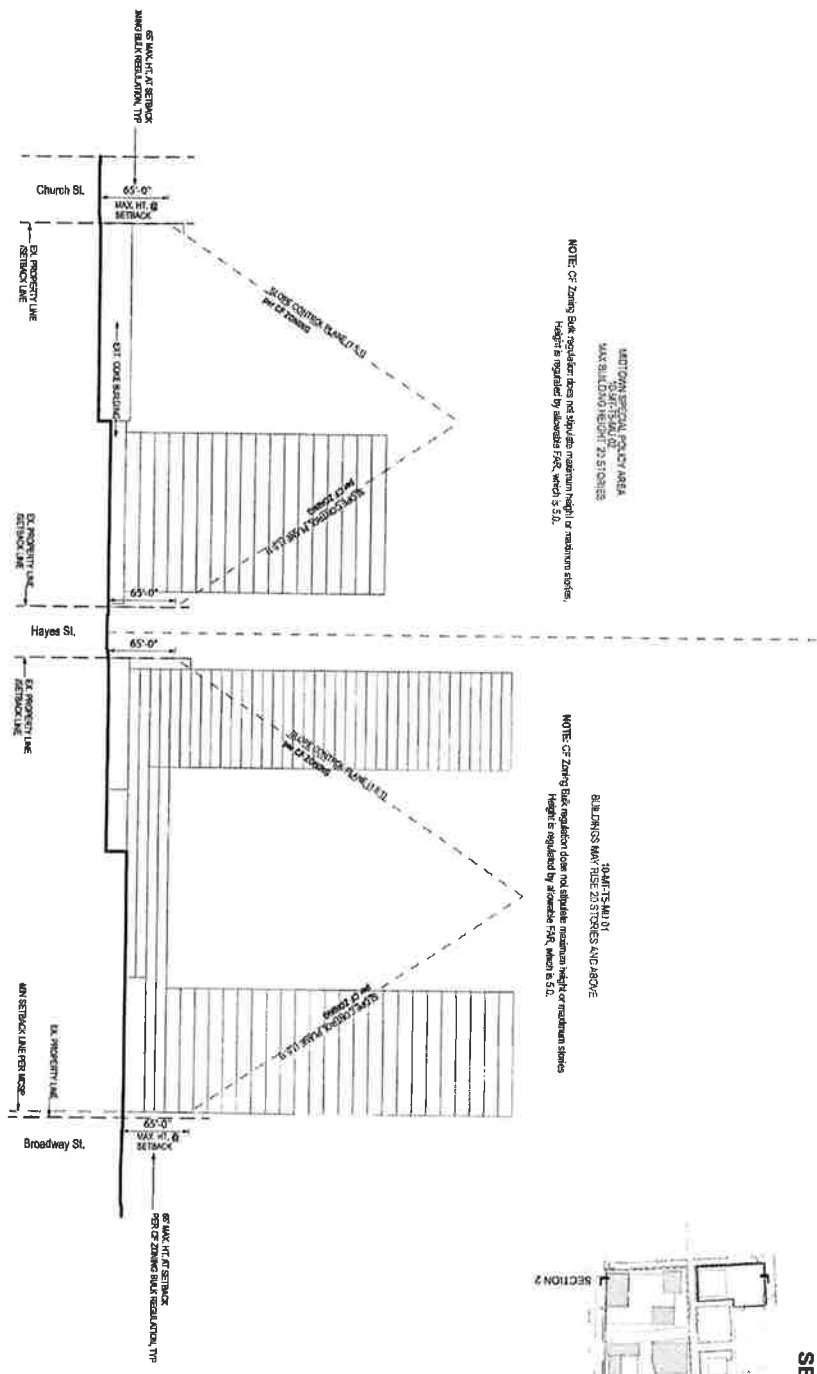




SECTION 1

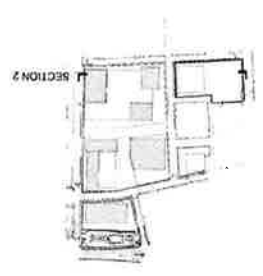
\* BUILDING MASSING IS INDICATIVE ONLY & IS SUBJECT TO CHANGE





**INDICATIVE MASSING FOR 20-25 STOREY BUILDINGS**  
 NOTE: OF Zoning Bulk regulation does not stipulate maximum height or maximum stories. Height is regulated by allowed FSR, which is 5.0.

**INDICATIVE MASSING FOR 25-30 STOREY BUILDINGS**  
 NOTE: OF Zoning Bulk regulation does not stipulate maximum height or maximum stories. Height is regulated by allowed FSR, which is 5.0.



**SECTION 2**

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



**From:** [Lamb, Emily \(Codes\)](#)  
**To:** [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)  
**Subject:** FW: Reed Family Site--BZA Special Exception Request [IWOV-ButlerSnow.FID5090943]  
**Date:** Monday, April 13, 2020 7:35:33 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]

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

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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 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



Nashville Board of Zoning Appeals

April 15, 2020

Page 2

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.



Nashville Board of Zoning Appeals  
April 15, 2020  
Page 3

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.



Nashville Board of Zoning Appeals  
April 15, 2020  
Page 4

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  
April 15, 2020  
Page 5

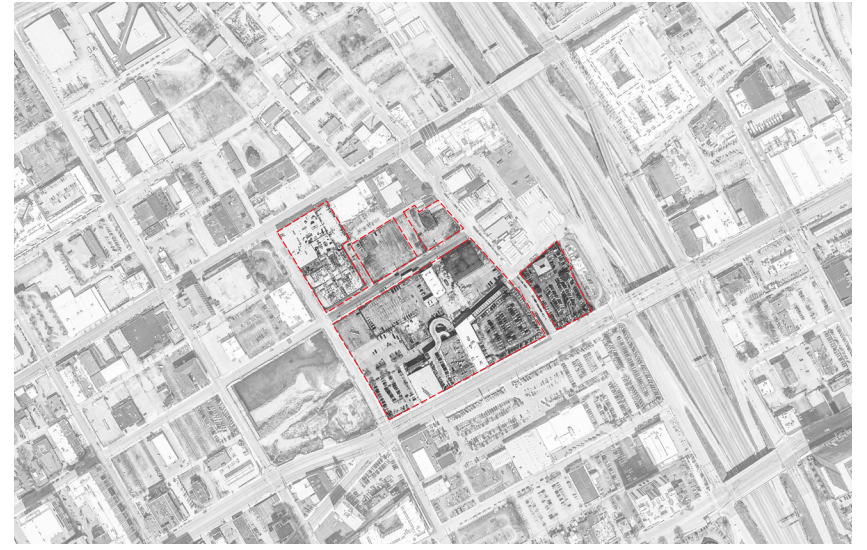
Attached hereto is an affidavit from Kim Hawkins of Hawkins Partners. **See Exhibit D.** In this affidavit Ms. Hawkins attests to the fact that the project will comply with the Major and Collector Street Plan recommendations for all the road improvements and right-of-way improvements applicable to this 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.

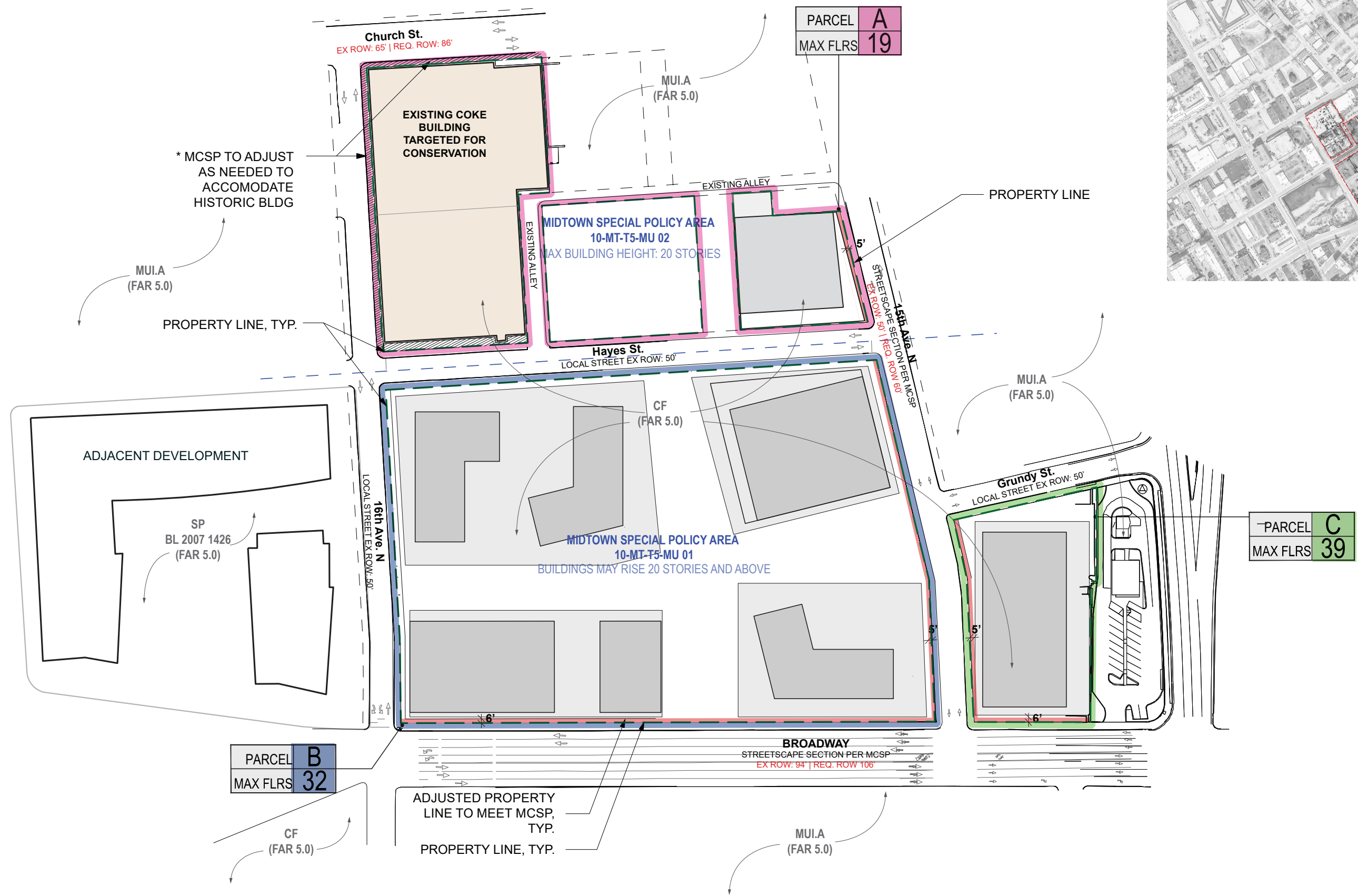
Sincerely,

James M. Weaver

JMW:ekg  
Attachments

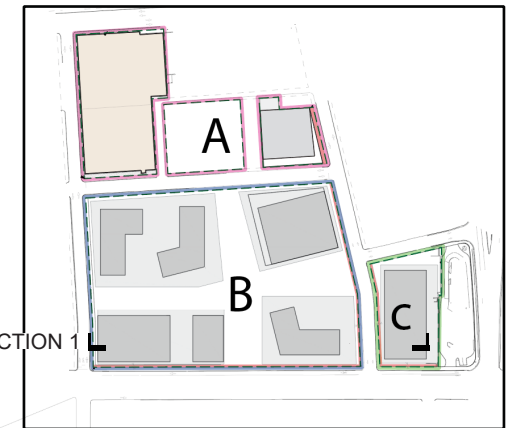


VICINITY MAP



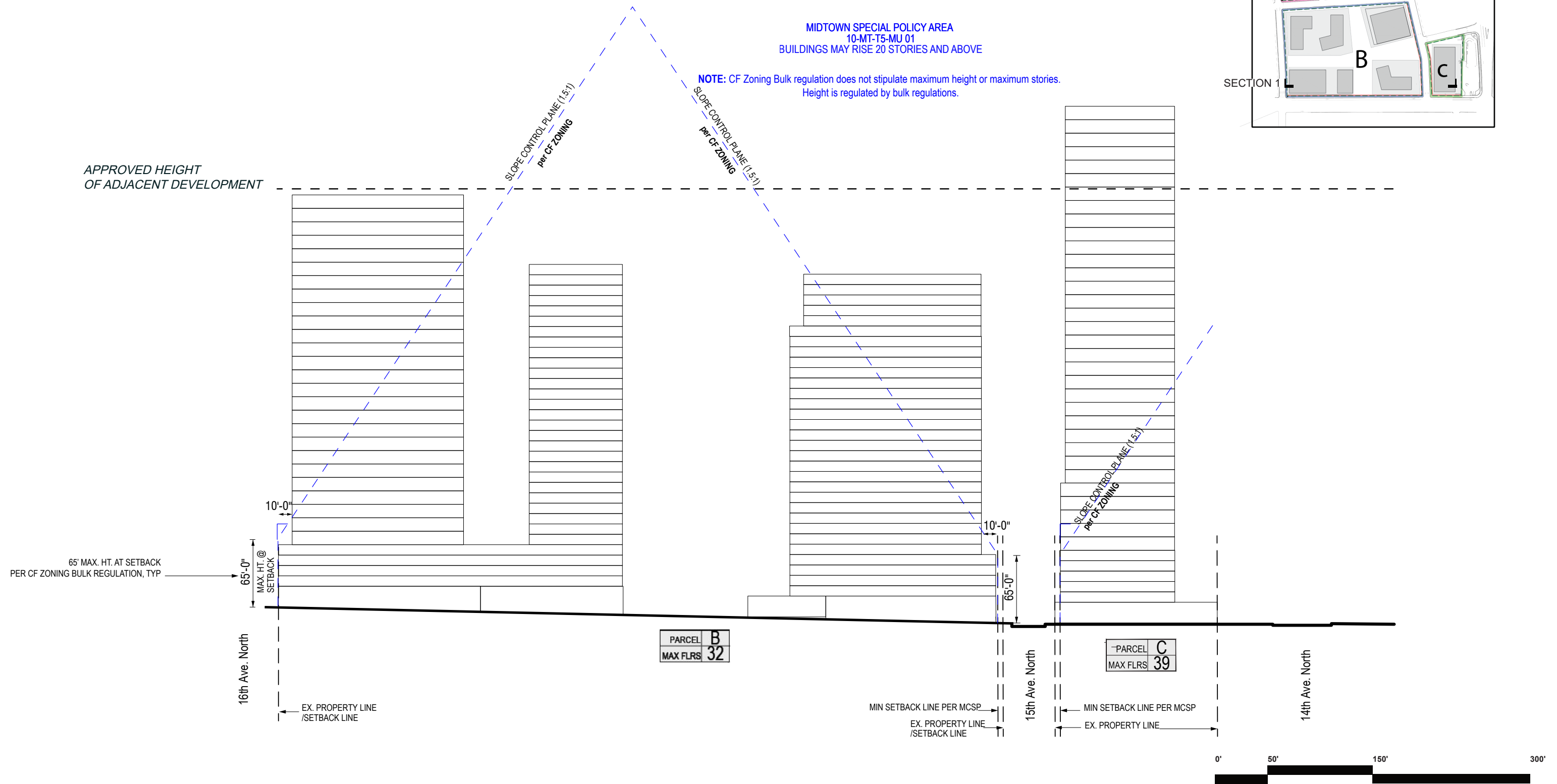
\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE

# SECTION 1



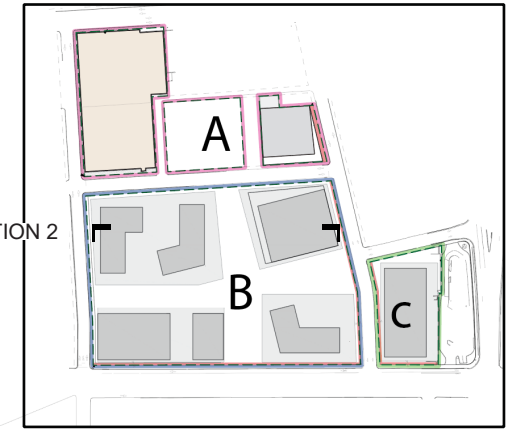
MIDTOWN SPECIAL POLICY AREA  
 10-MT-T5-MU 01  
 BUILDINGS MAY RISE 20 STORIES AND ABOVE

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)

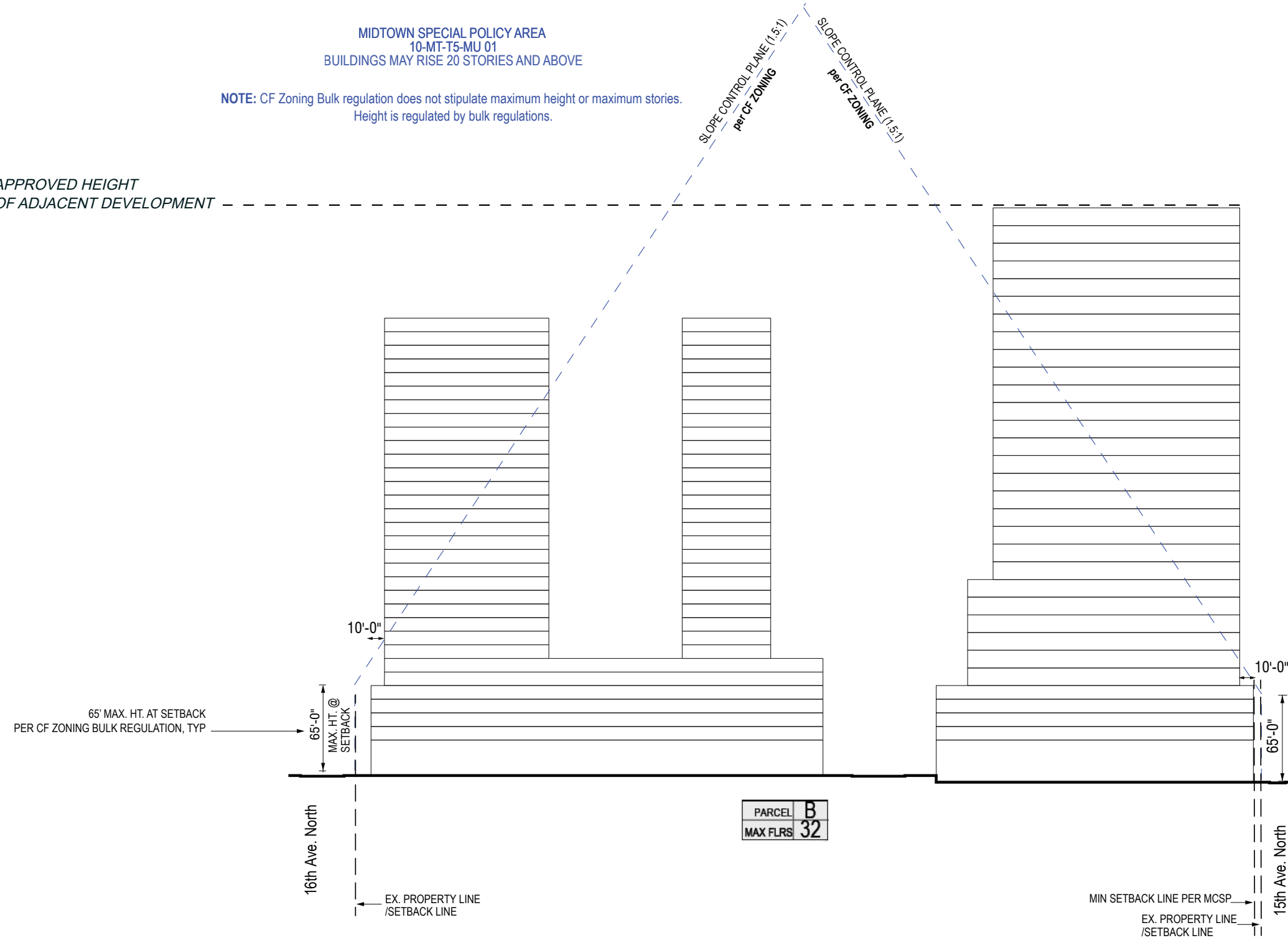
**SECTION 2**



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

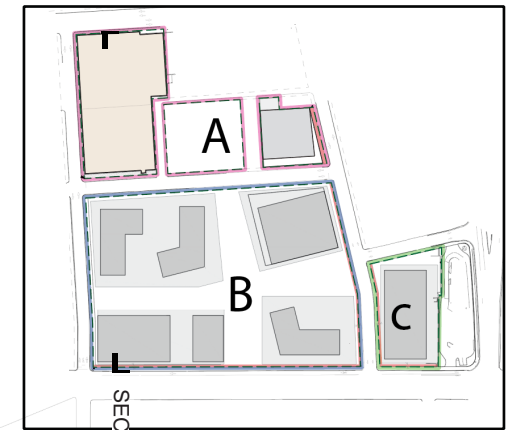
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APPROVED HEIGHT  
OF ADJACENT DEVELOPMENT



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### SECTION 3



SECTION 3

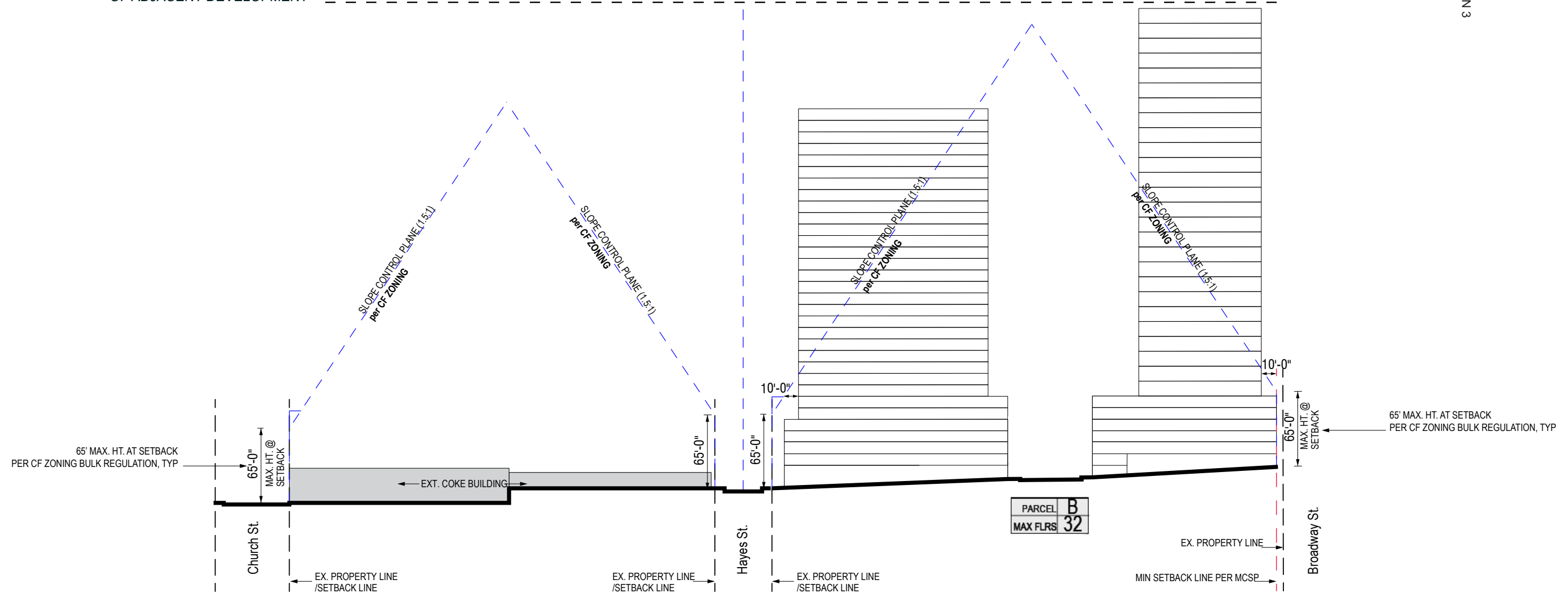
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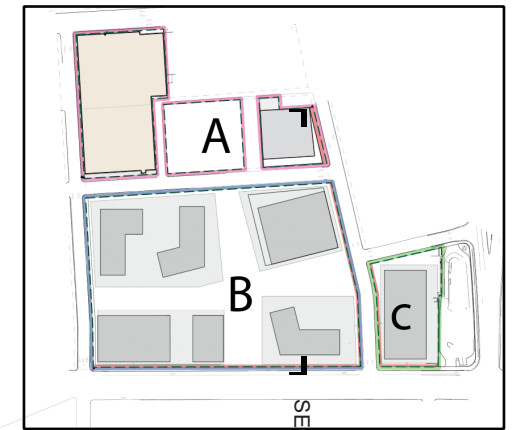
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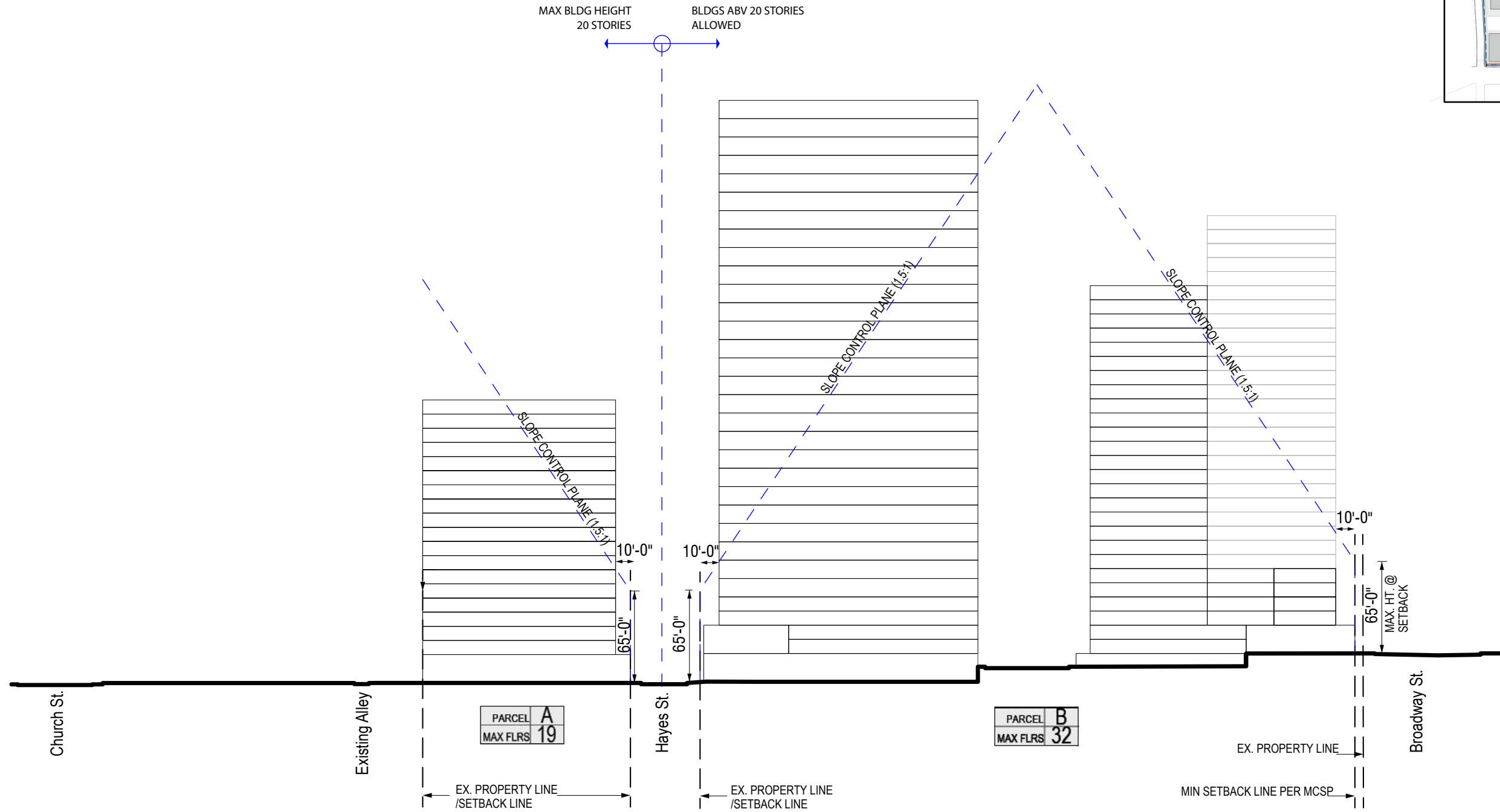
### SECTION 4



SECTION 4

MAX BLDG HEIGHT  
20 STORIES

BLDGS ABV 20 STORIES  
ALLOWED



10'-0"

10'-0"

10'-0"

10'-0"

65'-0"

65'-0"

65'-0"

MAX. HT. @  
SETBACK

Church St.

Existing Alley

PARCEL	A
MAX FLRS	19

Hayes St.

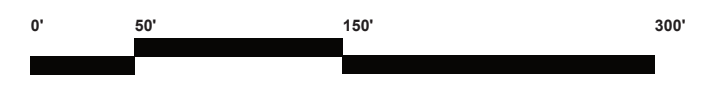
PARCEL	B
MAX FLRS	32

Broadway St.

EX. PROPERTY LINE /SETBACK LINE

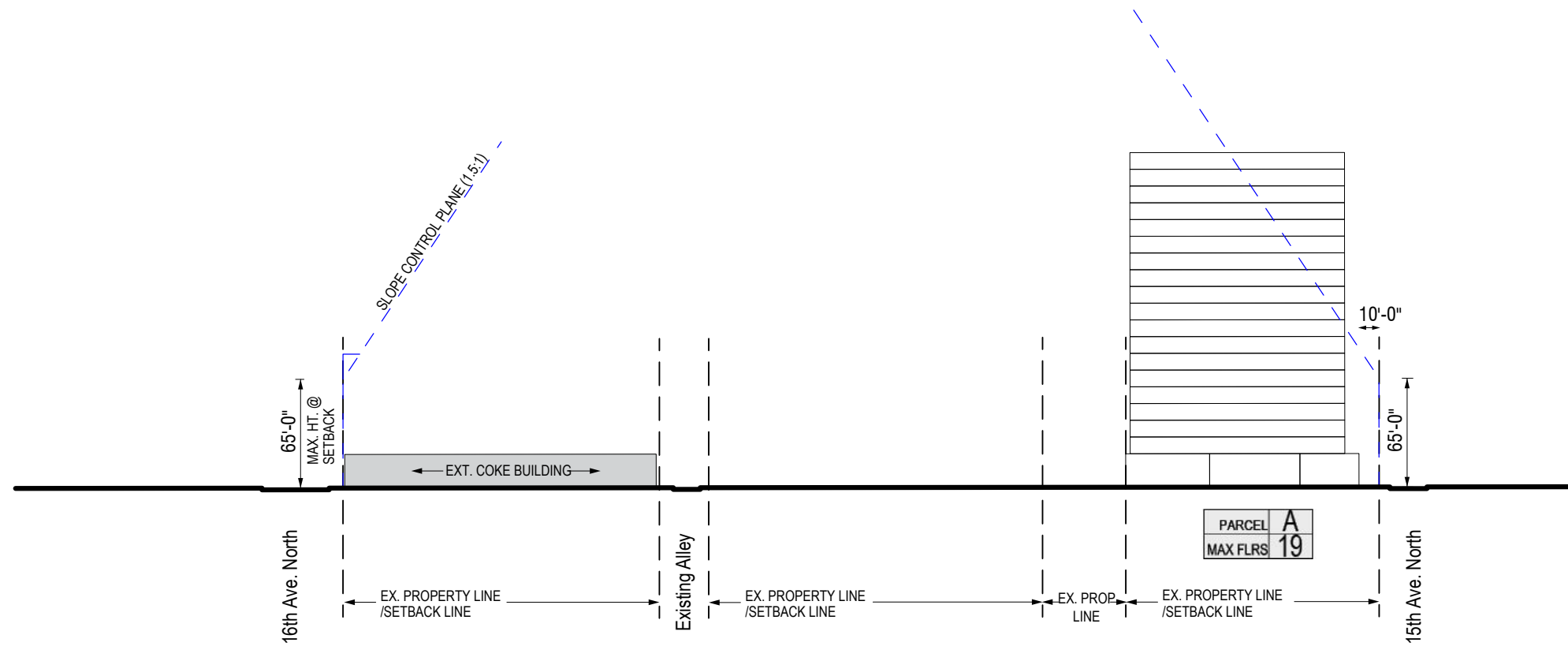
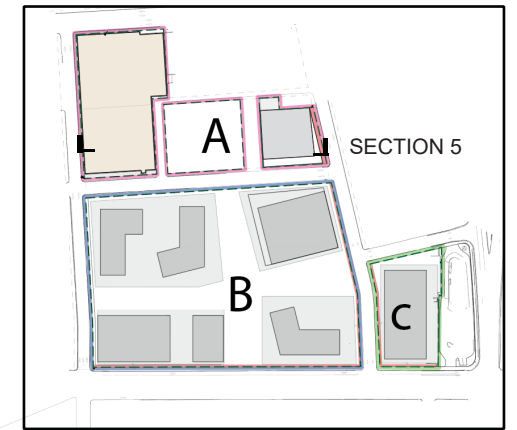
EX. PROPERTY LINE /SETBACK LINE

EX. PROPERTY LINE  
MIN SETBACK LINE PER MCSP

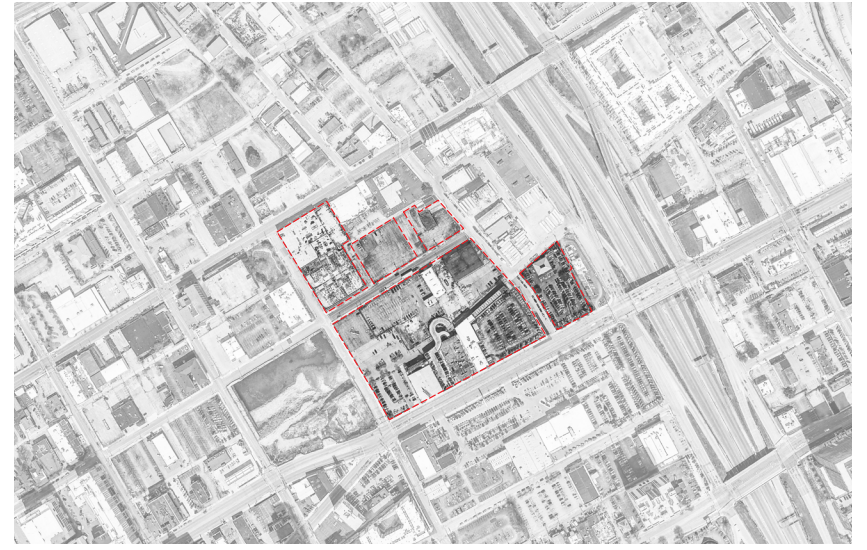
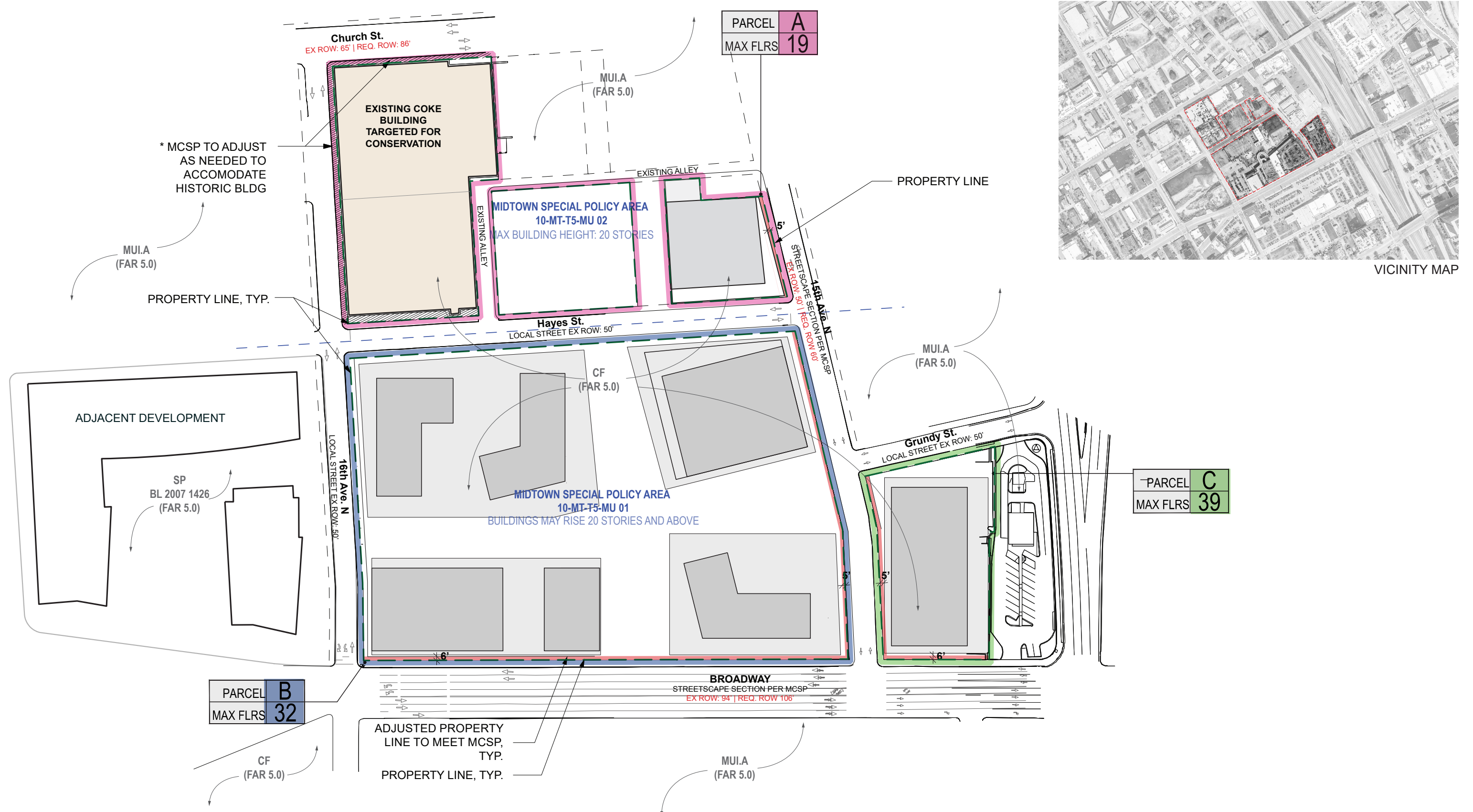


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### SECTION 5



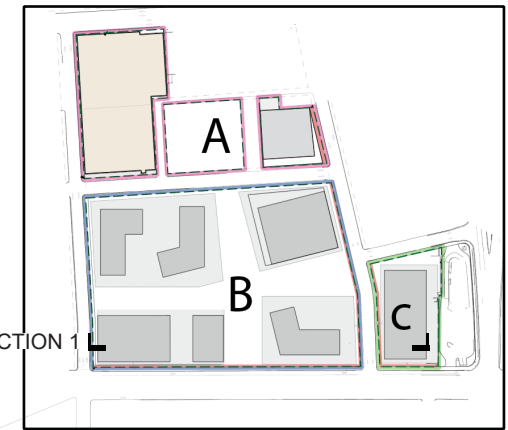
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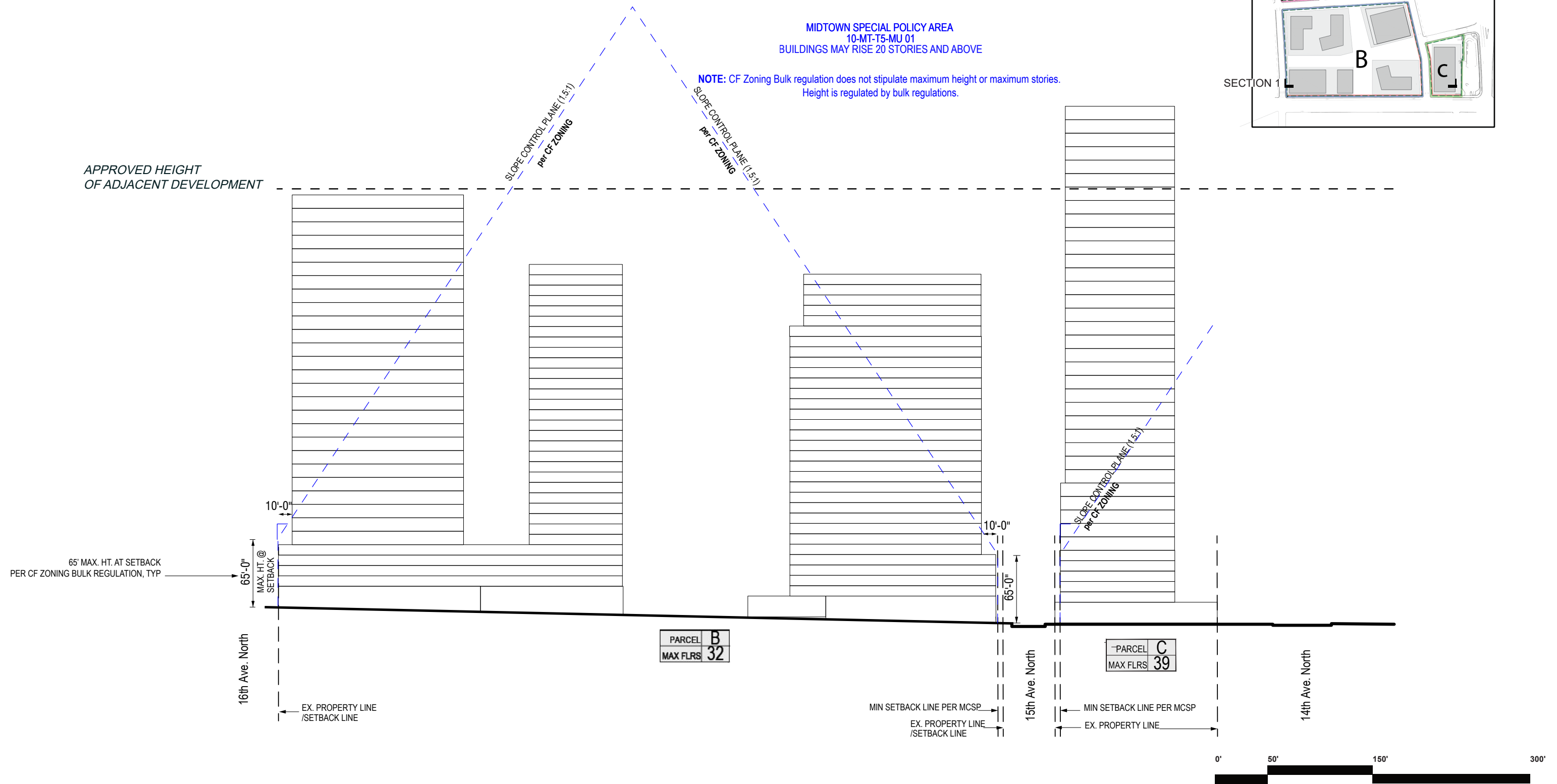


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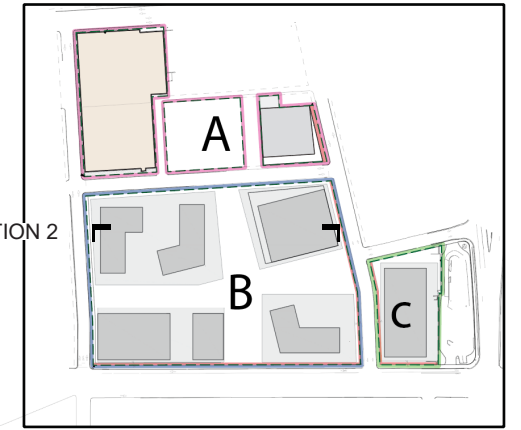
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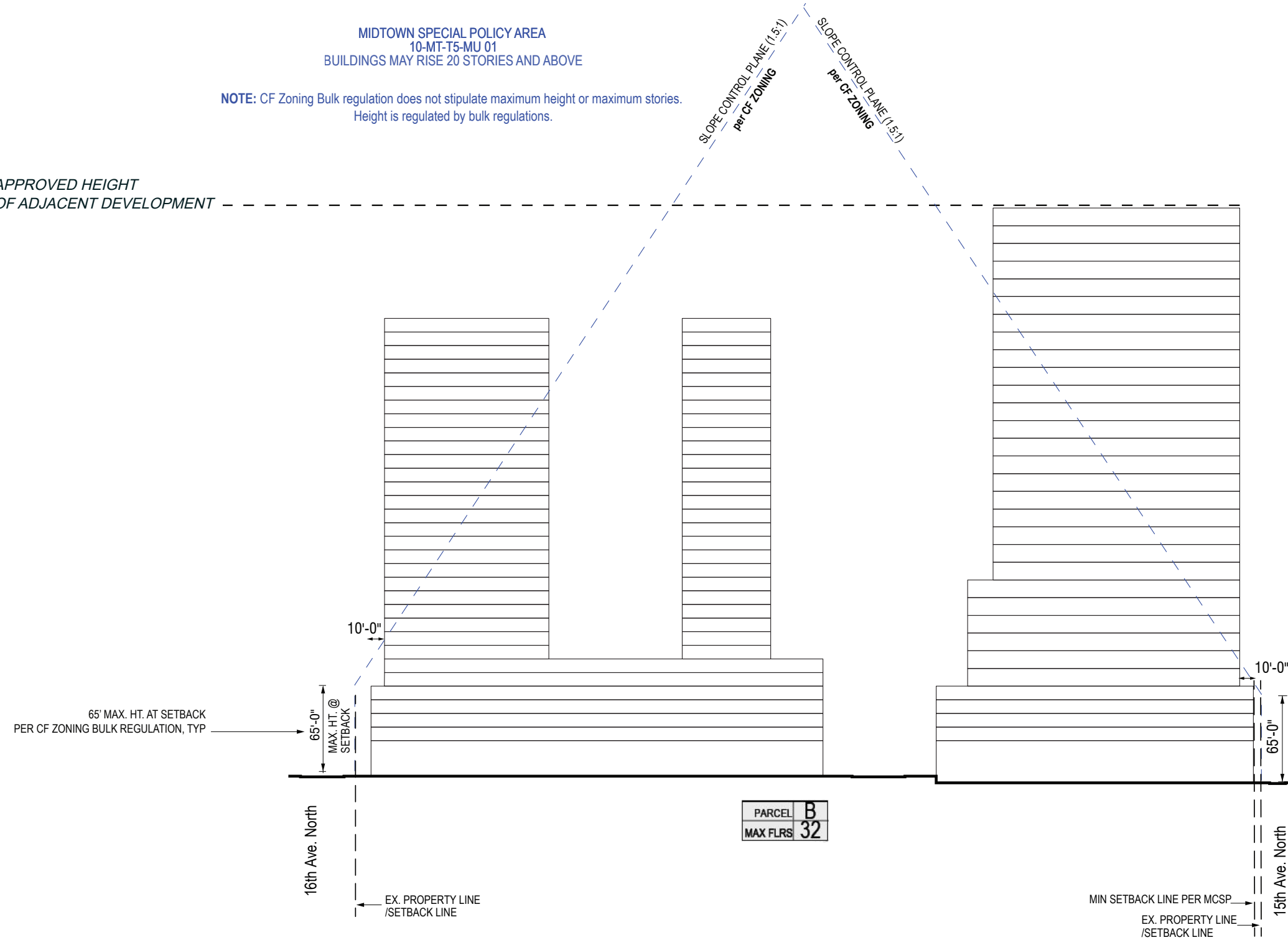
### SECTION 2



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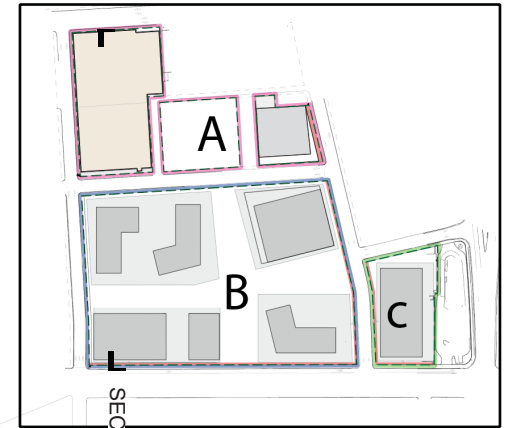
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APPROVED HEIGHT  
 OF ADJACENT DEVELOPMENT



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# SECTION 3



SECTION 3

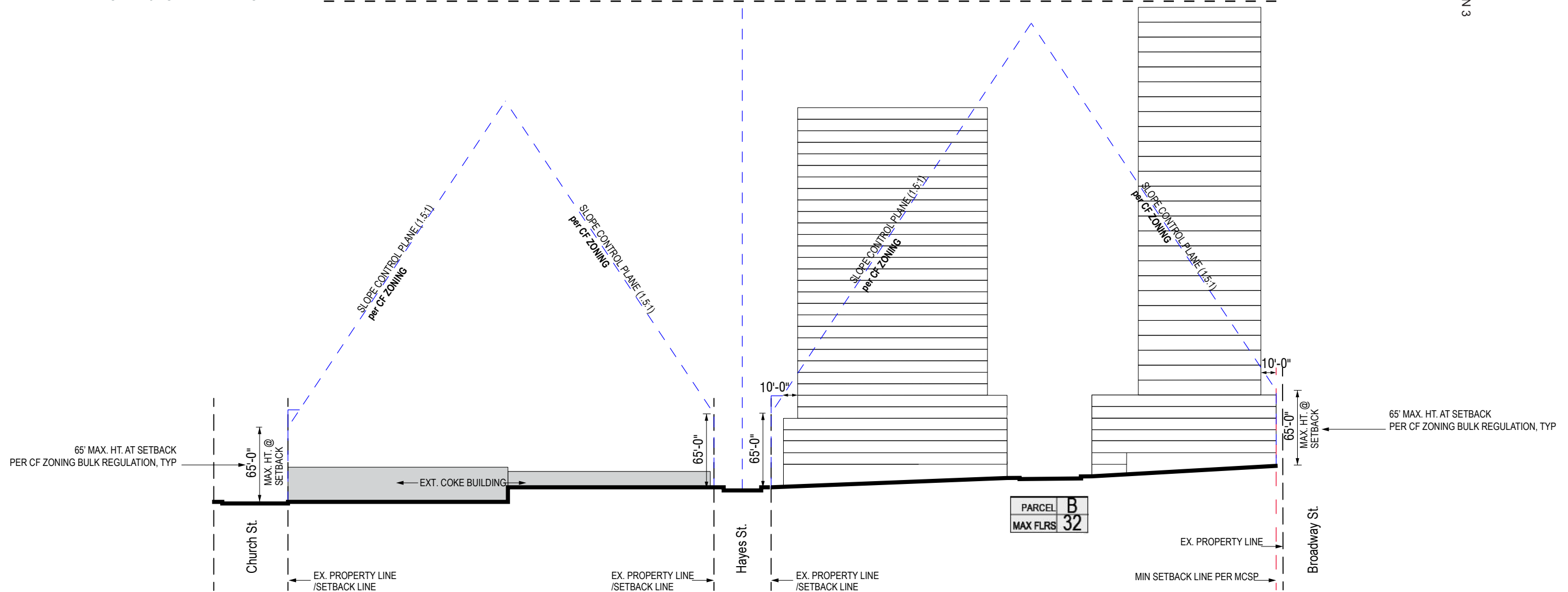
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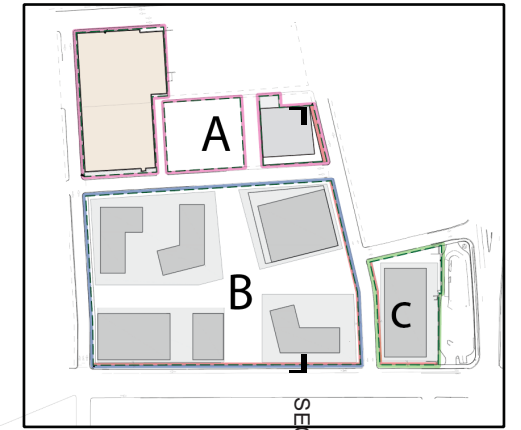
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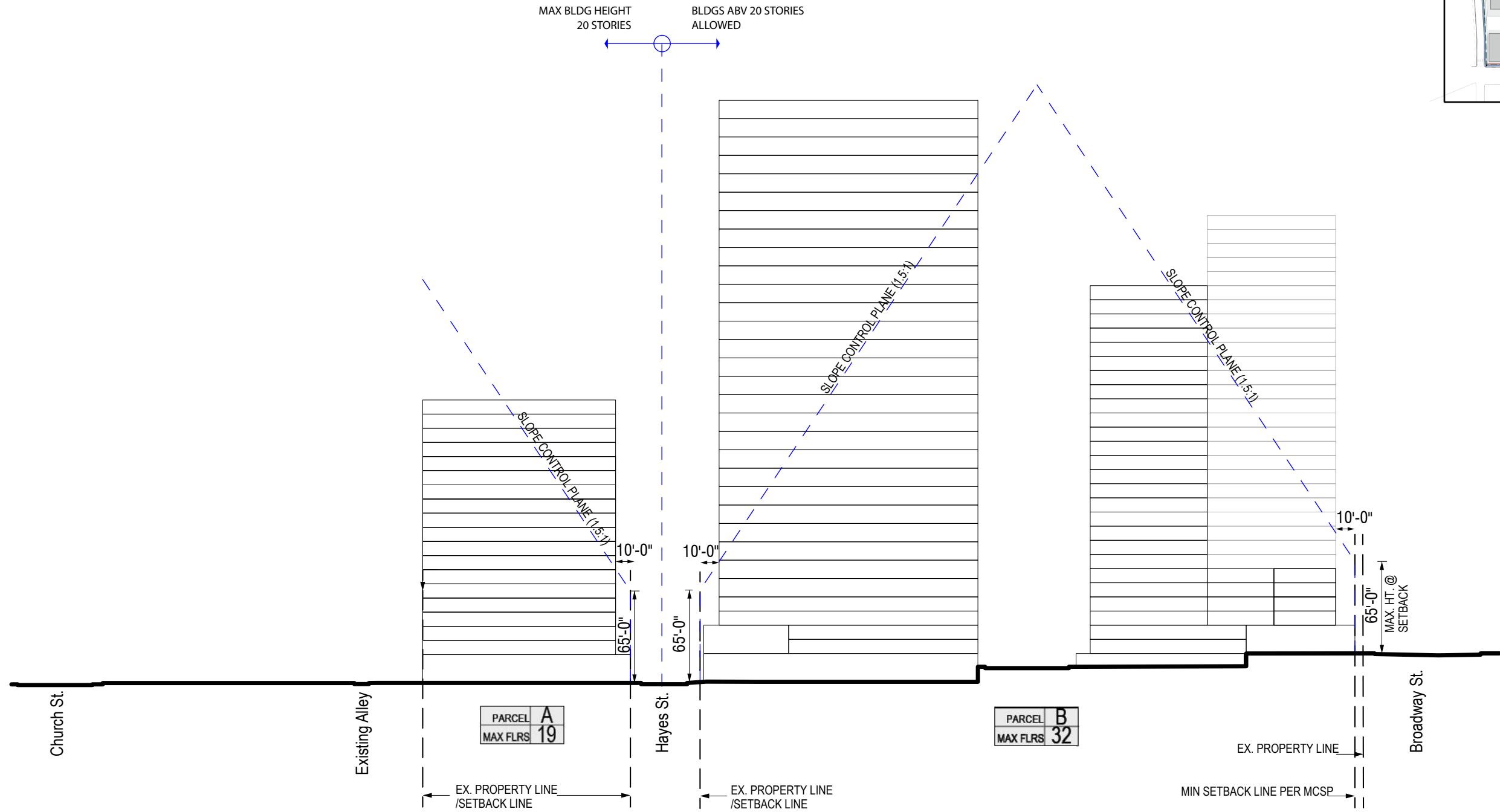
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SECTION 4

MAX BLDG HEIGHT  
20 STORIES

BLDGS ABV 20 STORIES  
ALLOWED



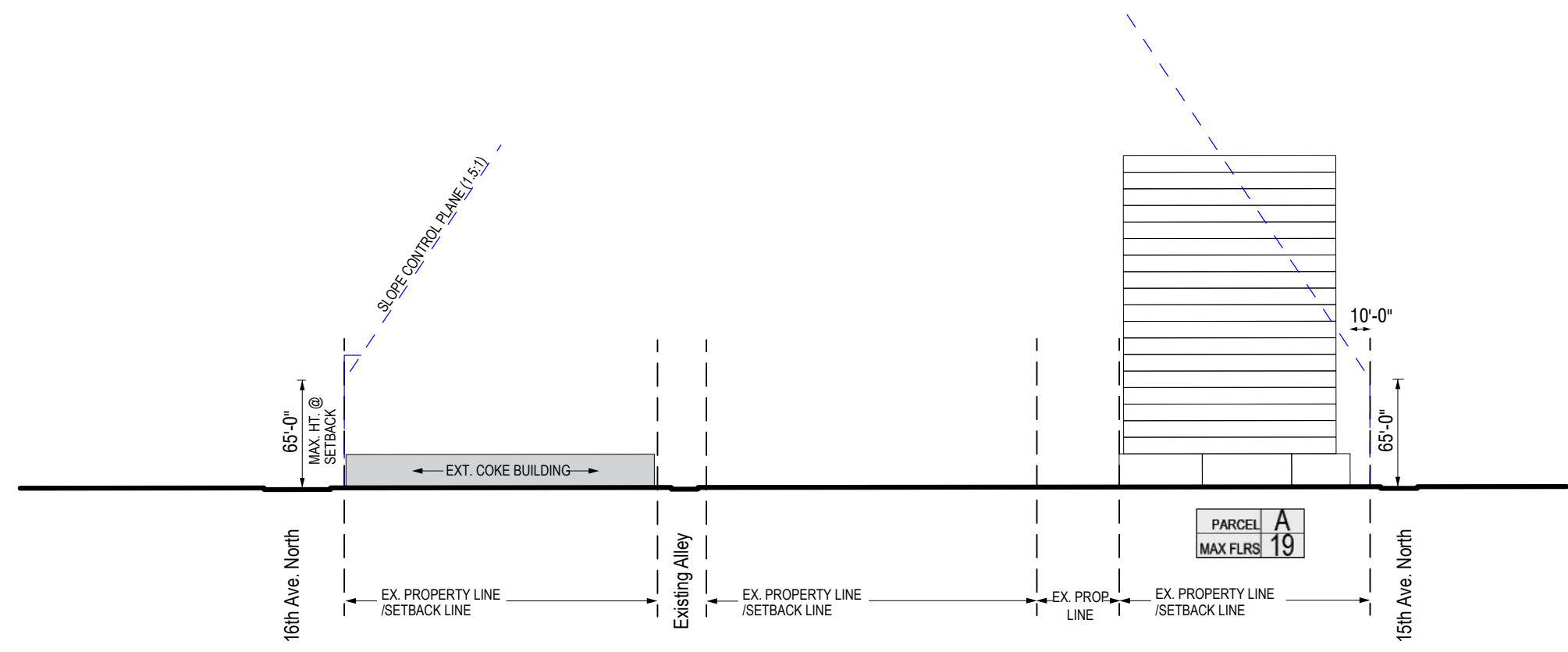
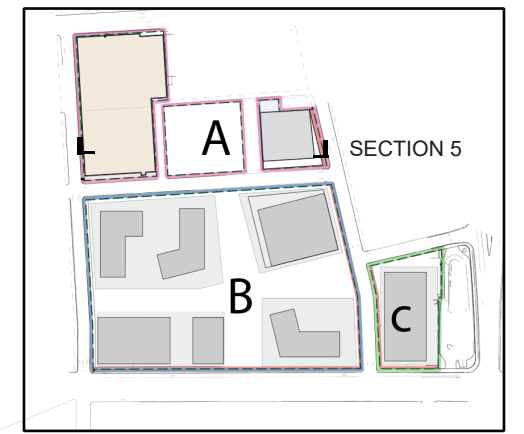
PARCEL	A
MAX FLRS	19

PARCEL	B
MAX FLRS	32



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### SECTION 5



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# REED SITE

*Meeting will start soon...*

April 6, 2020

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



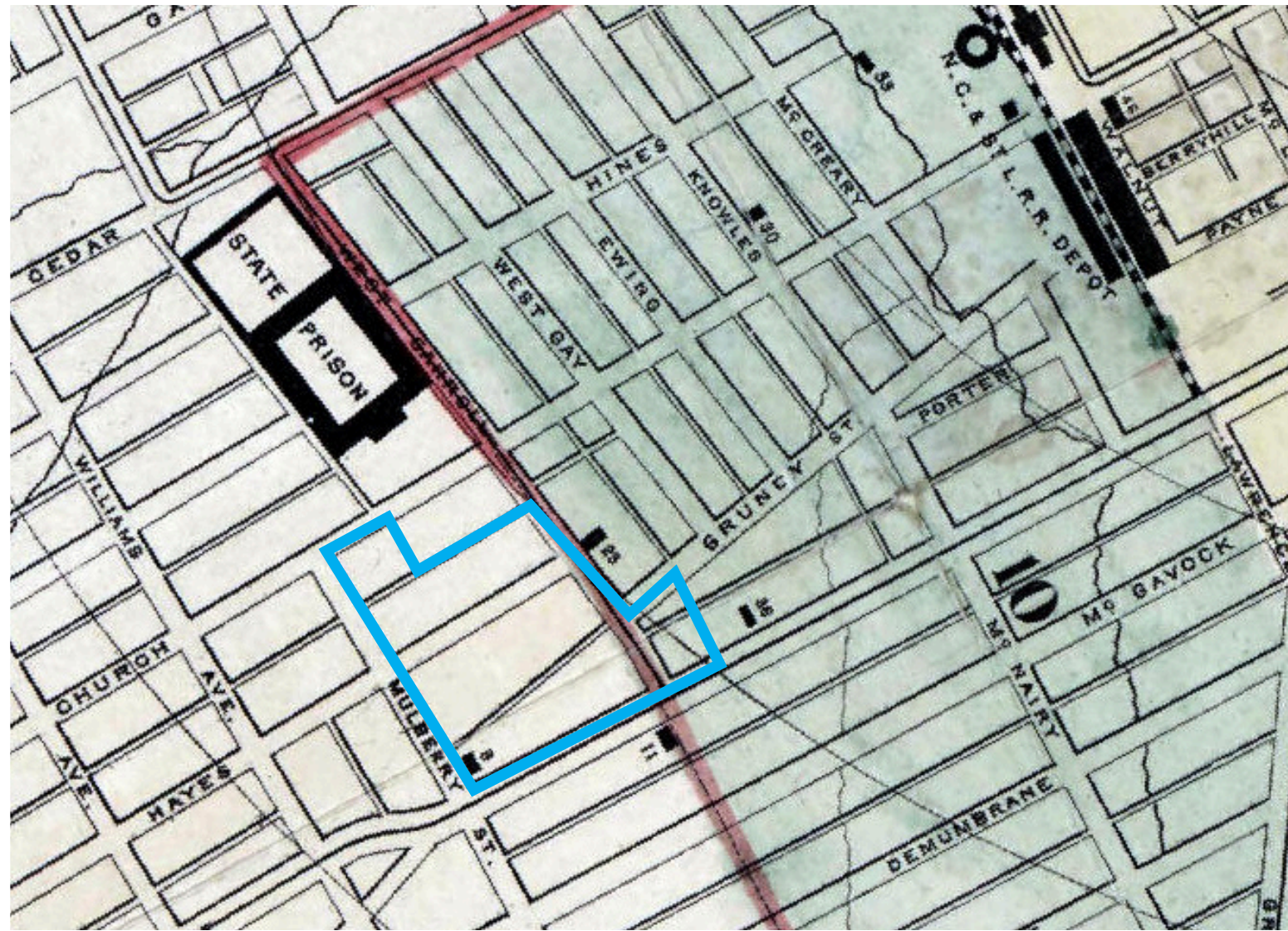
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April 6, 2020

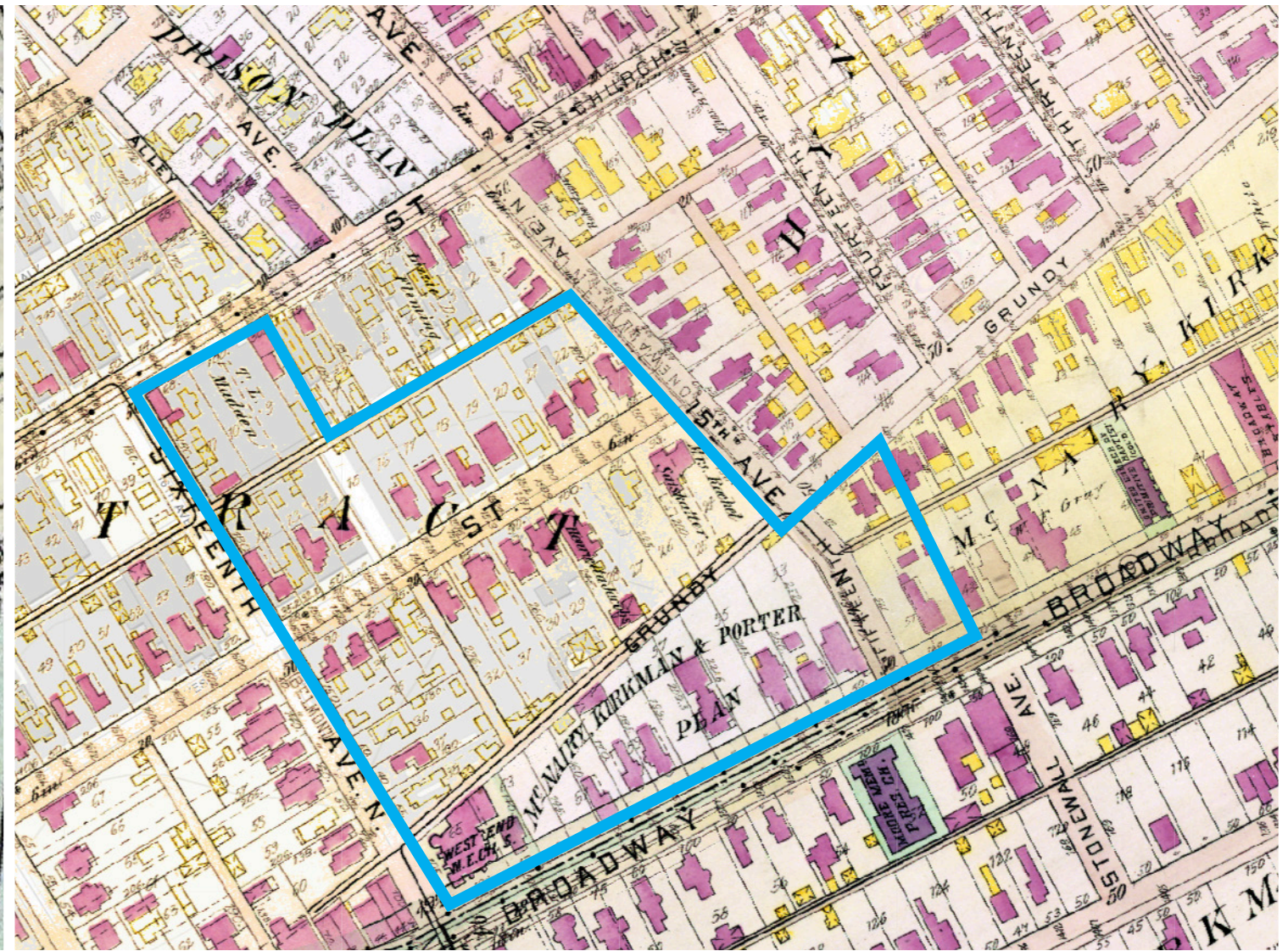
**REED Site / Midtown**  
BZA Special Exception Application



# 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! Kimbro 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

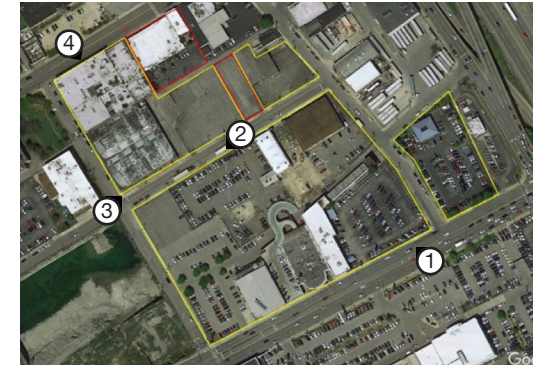
 Auto Bumper Co., Inc.

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

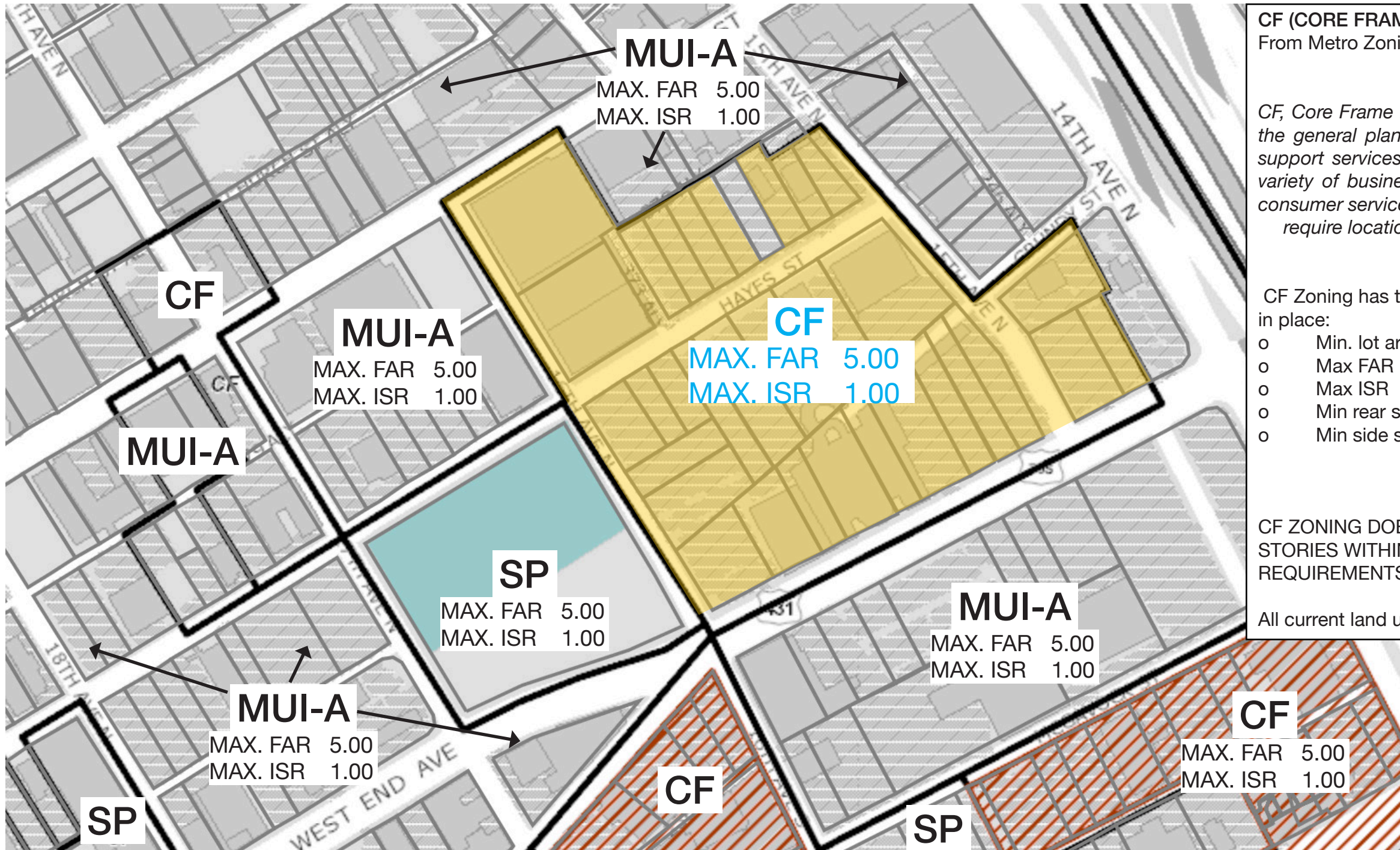


CHURCH ST - Historic Coke Building - Built in 1928

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:

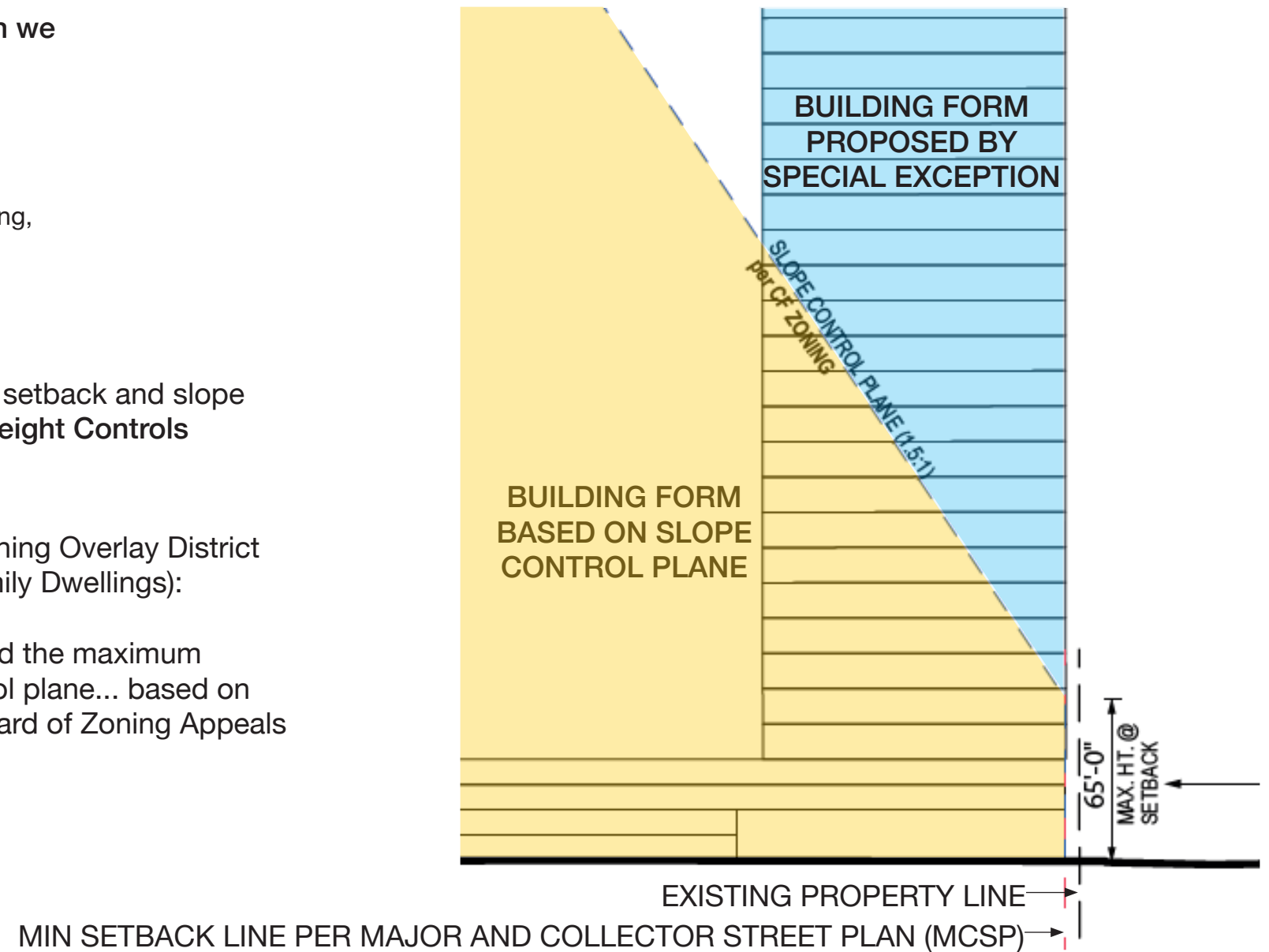
- 1 Max height at setback 65'
- 2 Slope of Height Control Plane 1.5 to 1

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):

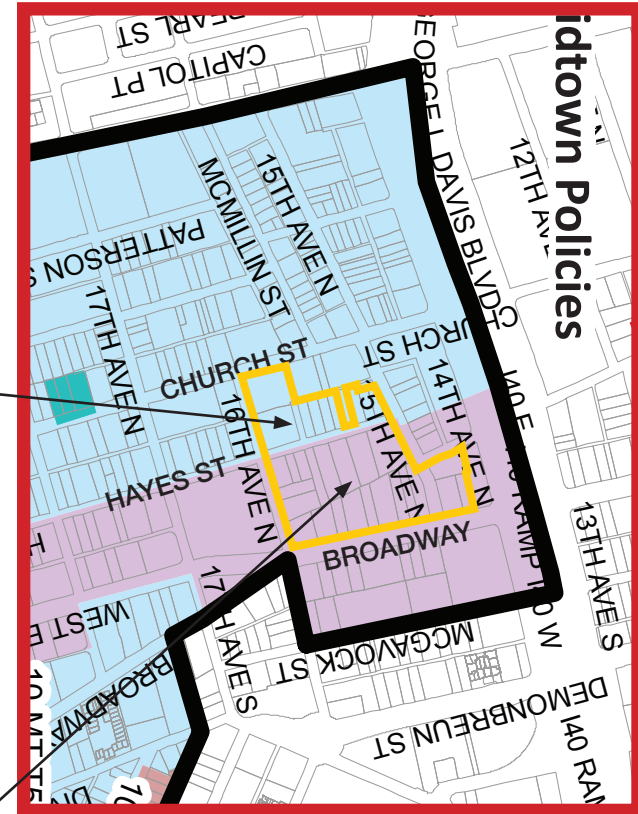
1. In all districts, a principal or accessory structure may exceed the maximum height at the setback line and/or penetrate the height control plane... based on the review and approval of the Special Exception by the Board of Zoning Appeals



# CURRENT POLICY

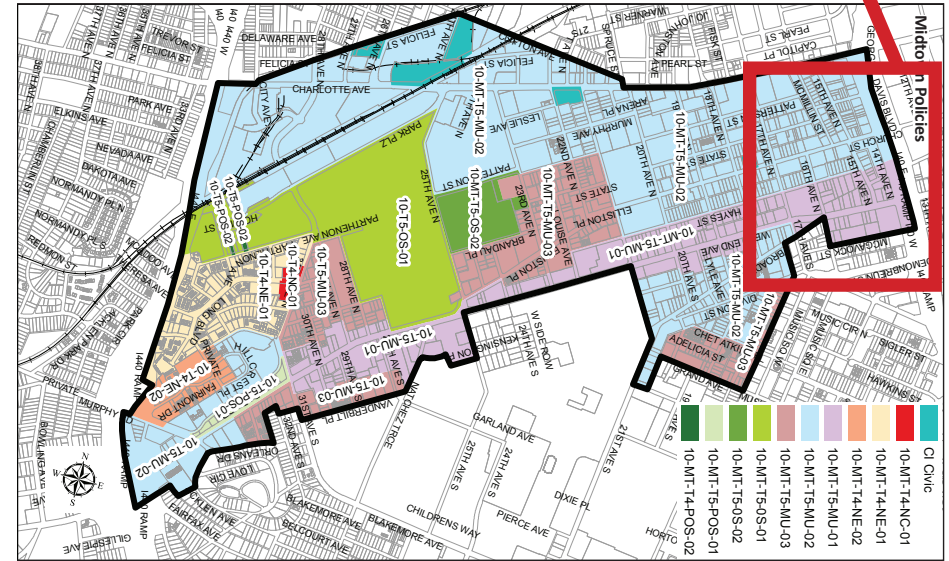
## SPECIAL POLICY 10-MT-T5-MU-02 (T5 Center Mixed Use Area 2)

- 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

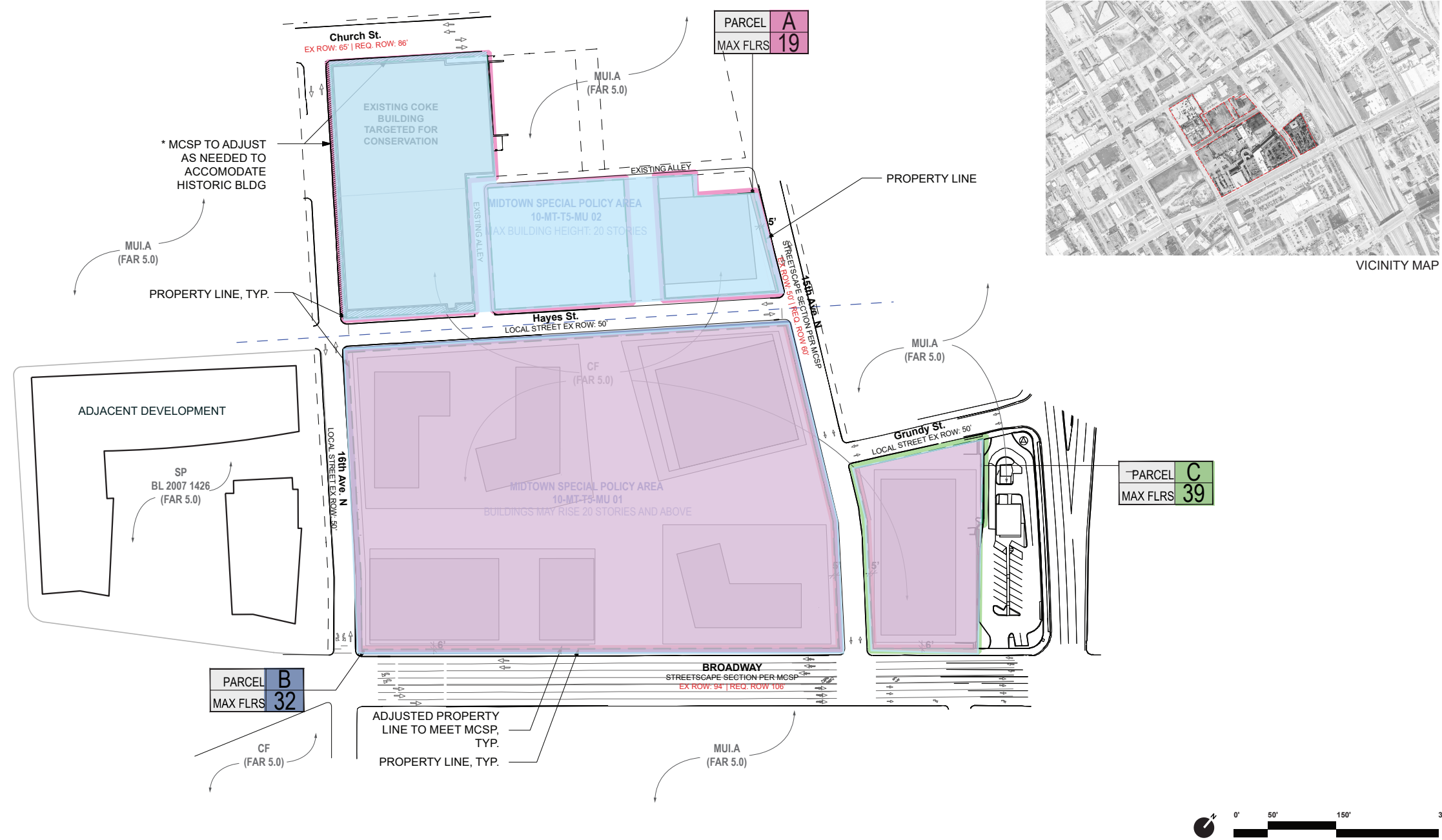


## SPECIAL POLICY 10-MT-T5-MU-01 (T5 Center Mixed Use Area 1)

- 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

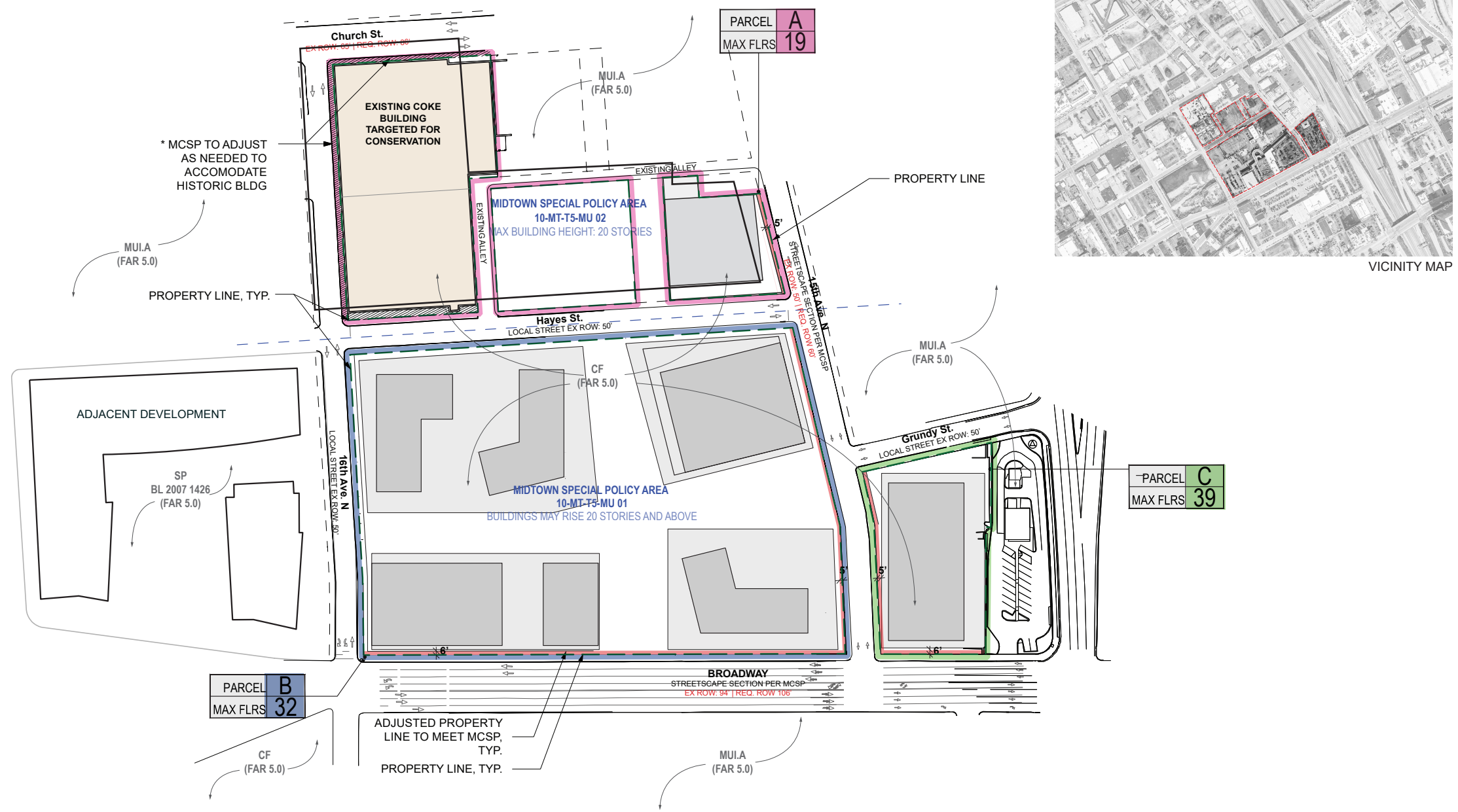
REED DISTRICT / SITE PLAN  
04.06.2020 | P. 1

April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



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



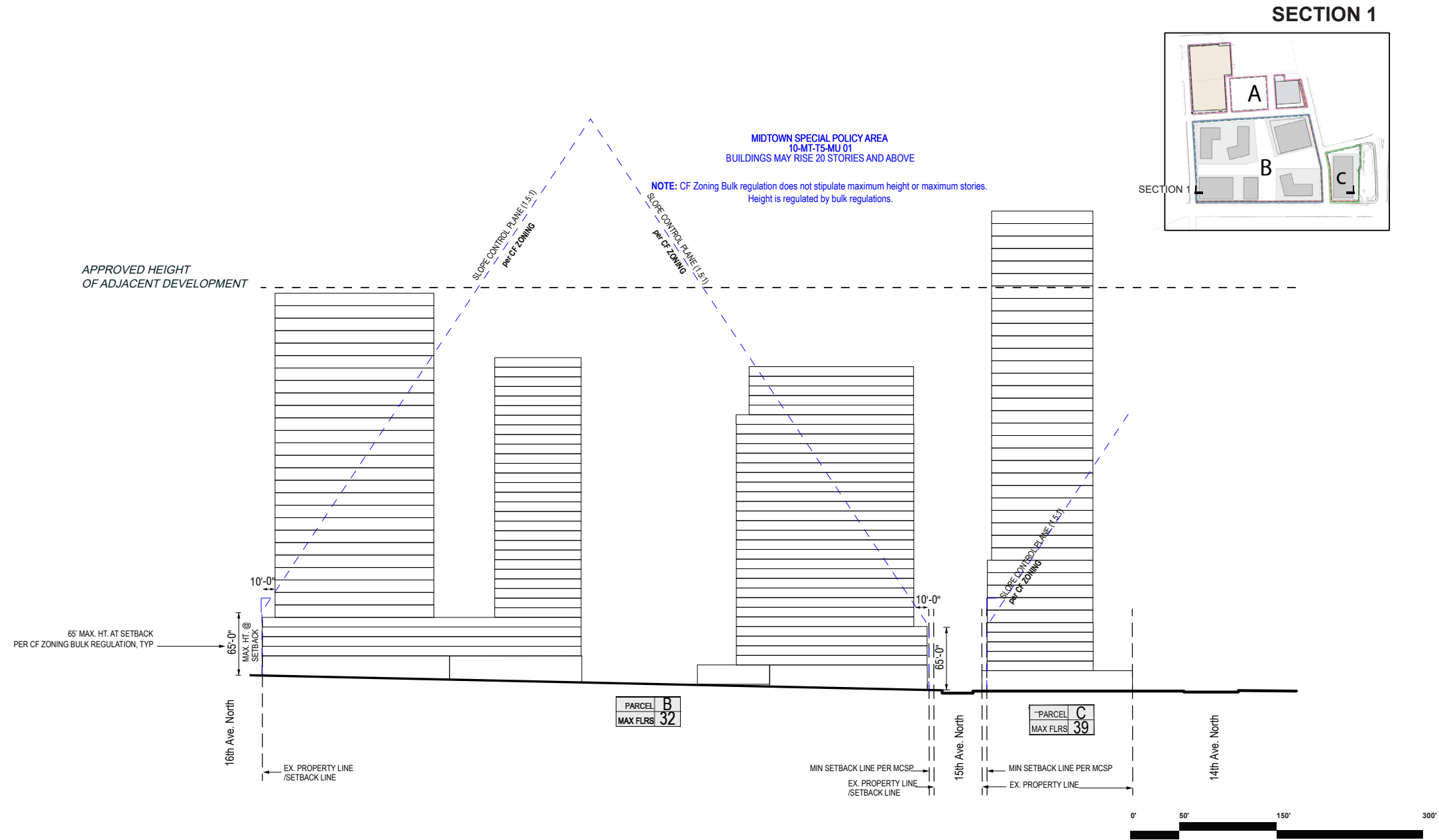
REED DISTRICT / SITE PLAN  
04.06.2020 | P. 1

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

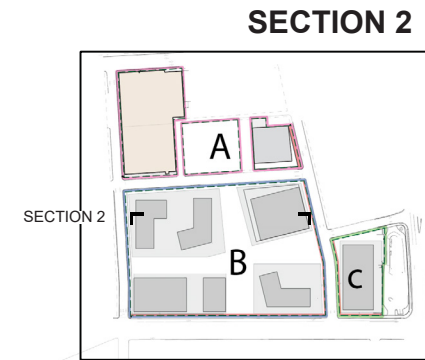
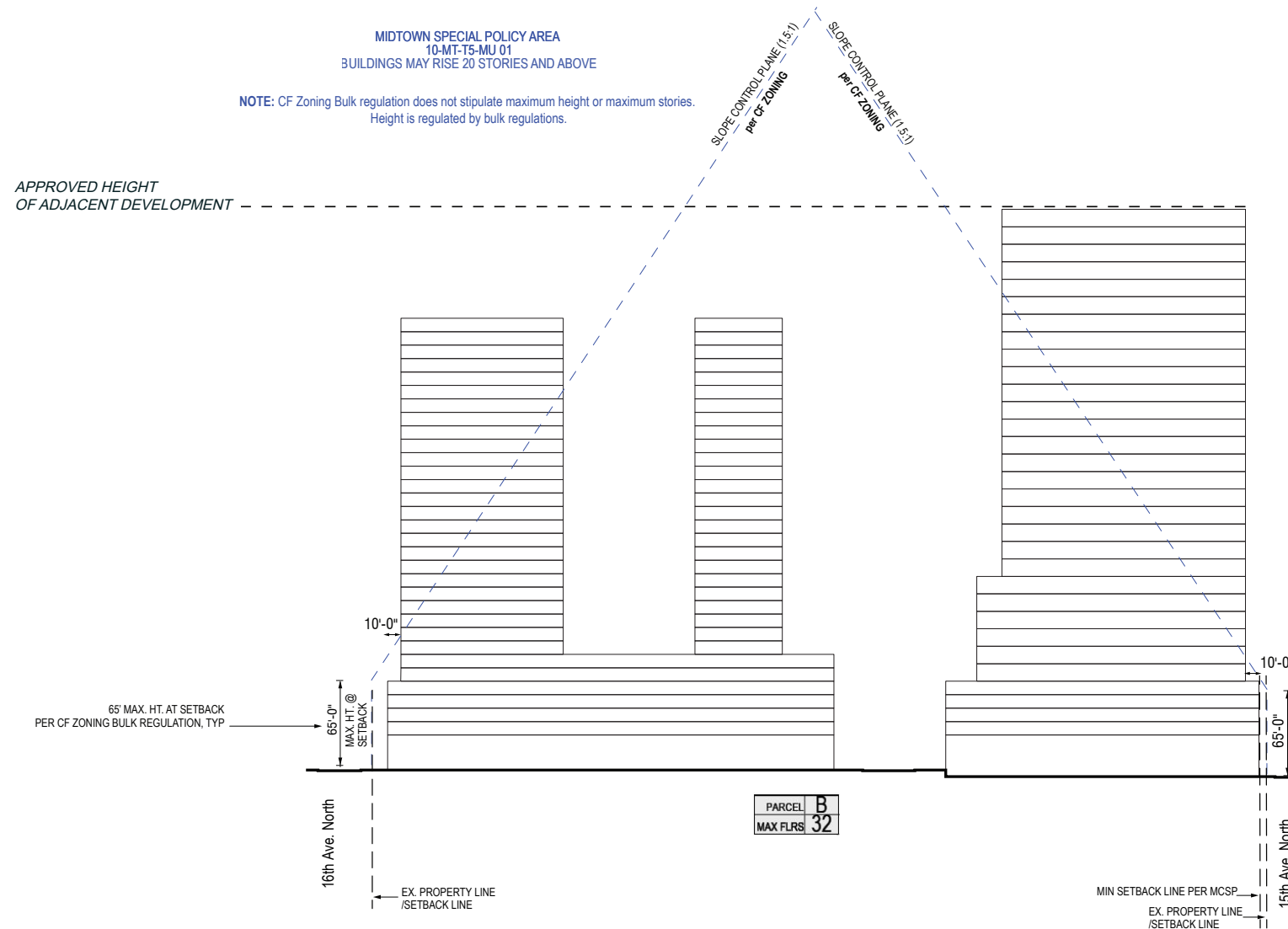
April 6, 2020

## REED Site / Midtown BZA Special Exception Application





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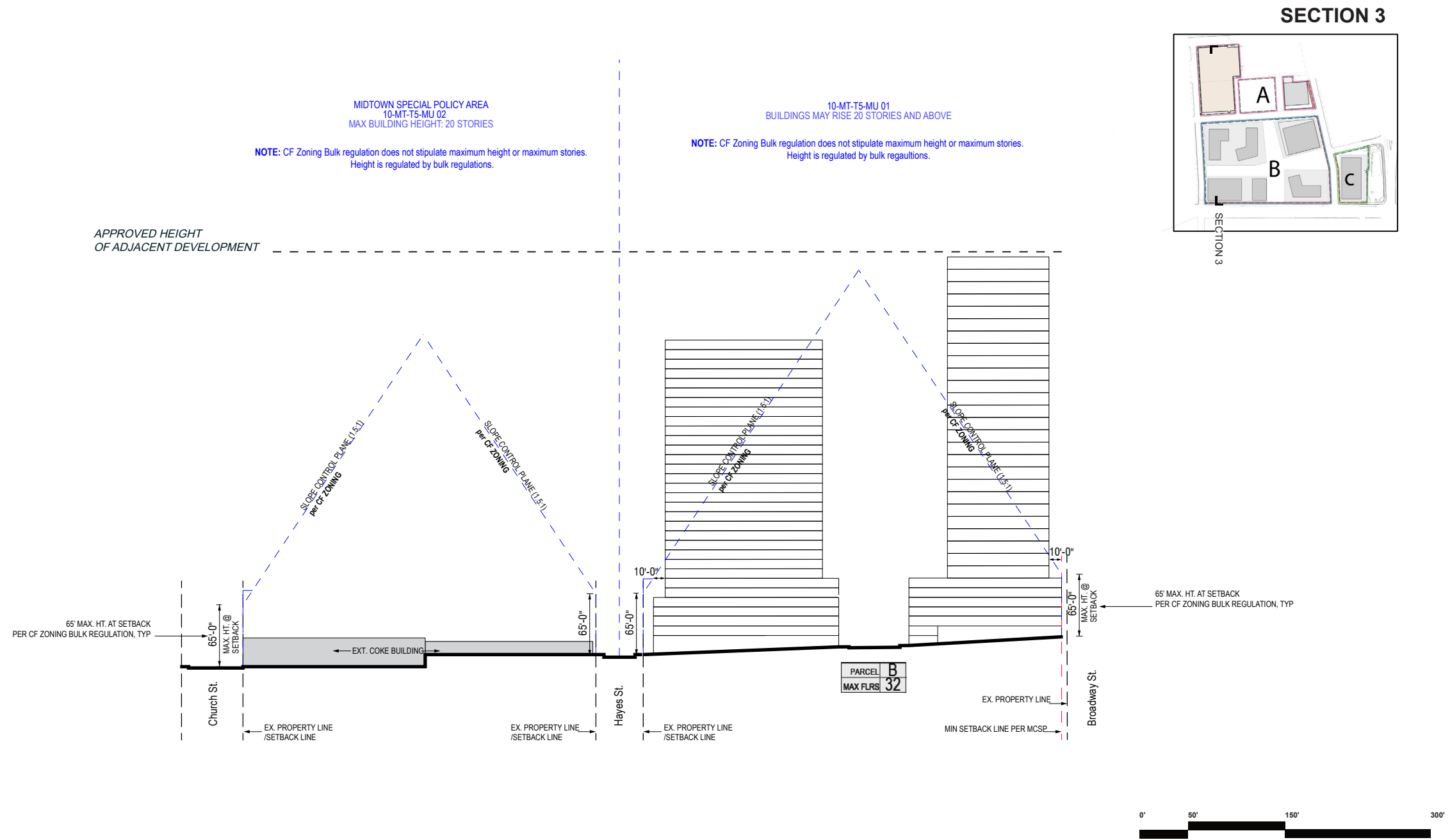
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## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



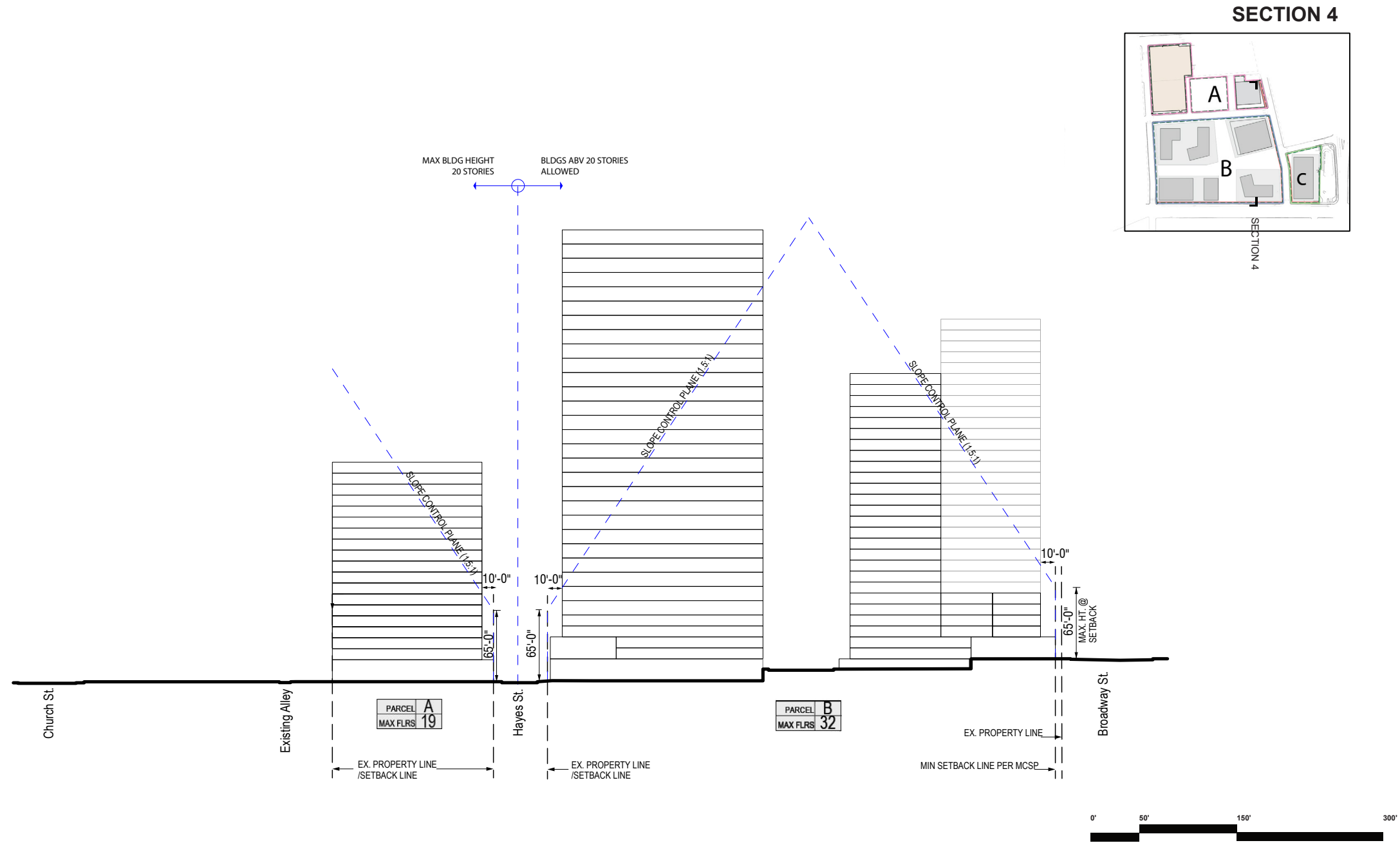
\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)

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## 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)

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April 6, 2020

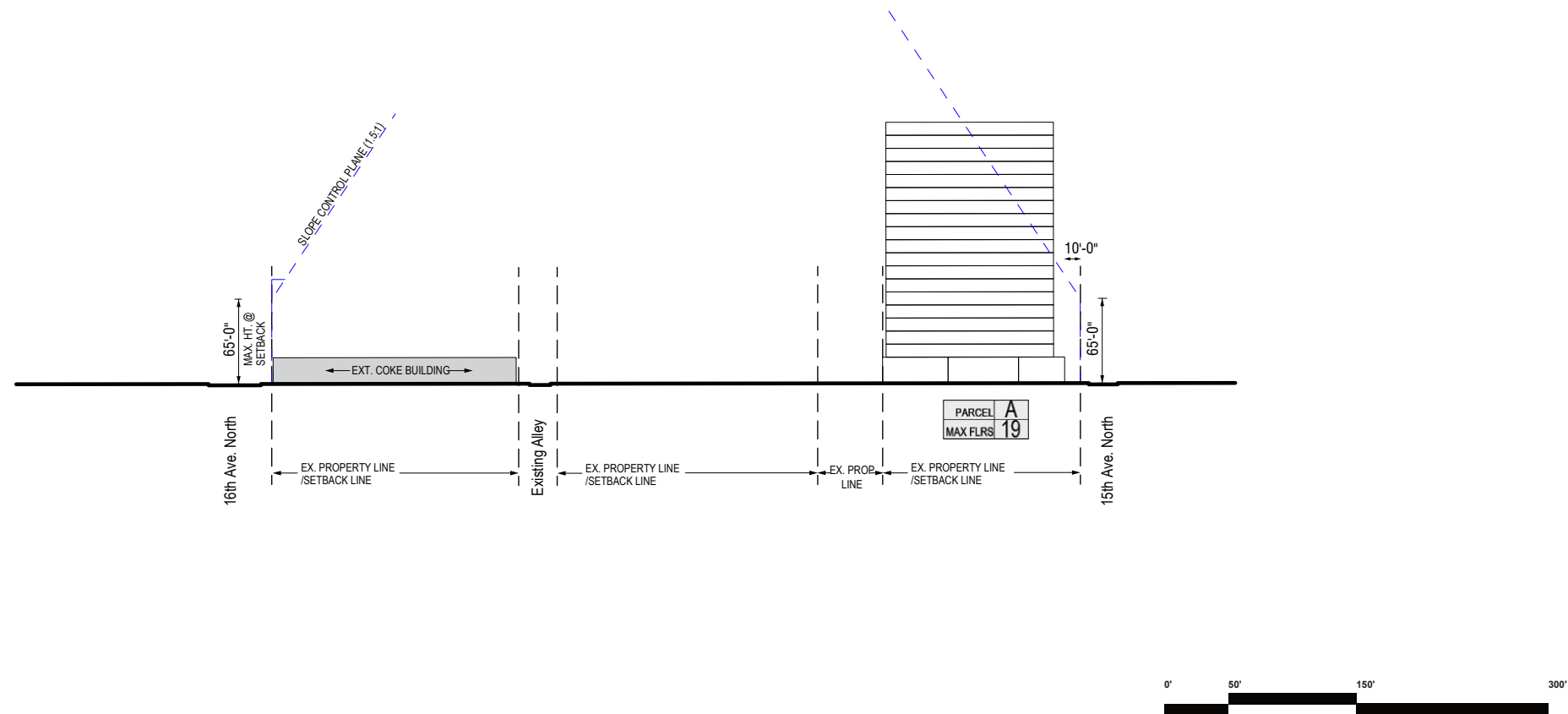
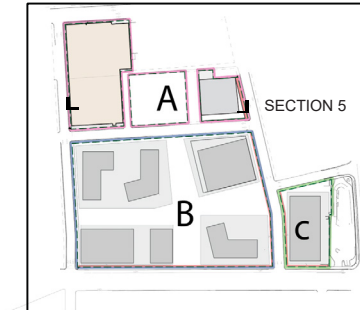
## REED Site / Midtown

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

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## 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:

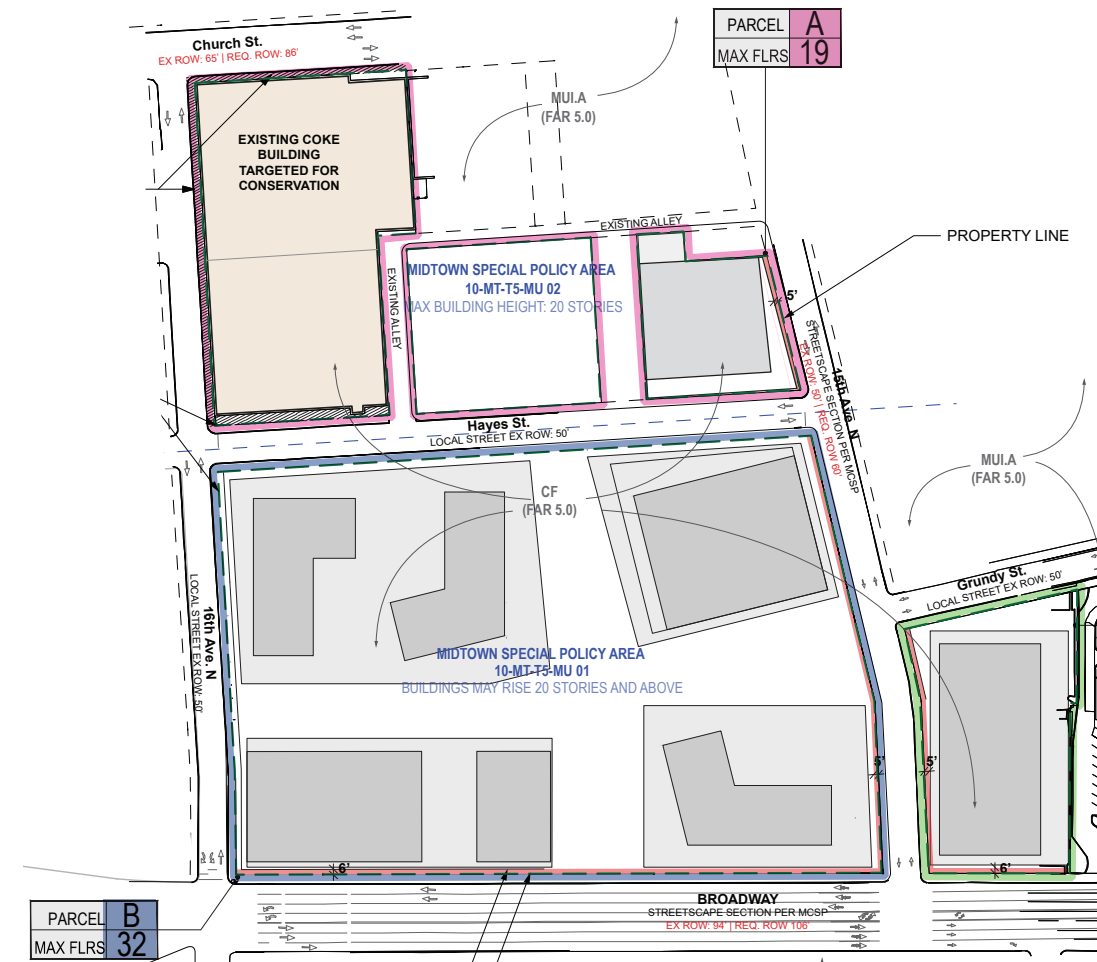
- Site will still meet all required infrastructure improvements, including MCSP, codes requirements, traffic study, etc.
- Reconnecting the fabric of Midtown to downtown Nashville
- Adaptive reuse of historic Coke building
- Active use at street front
- Enhanced streetscape - walkable public realm

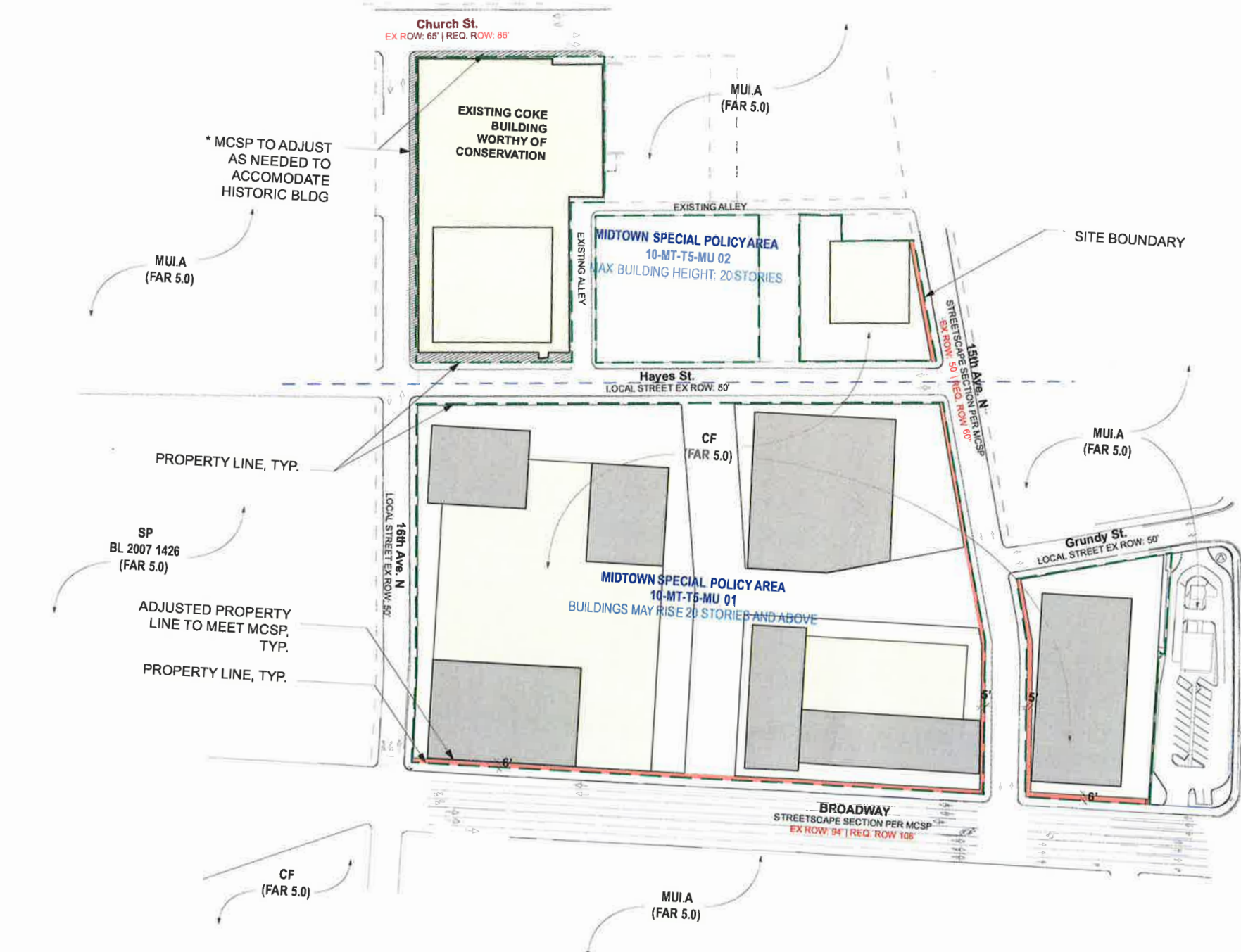
### NO INJURY TO NEIGHBORING PROPERTY:

- 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.



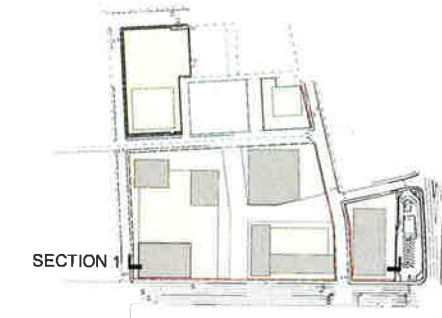


VICINITY MAP

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

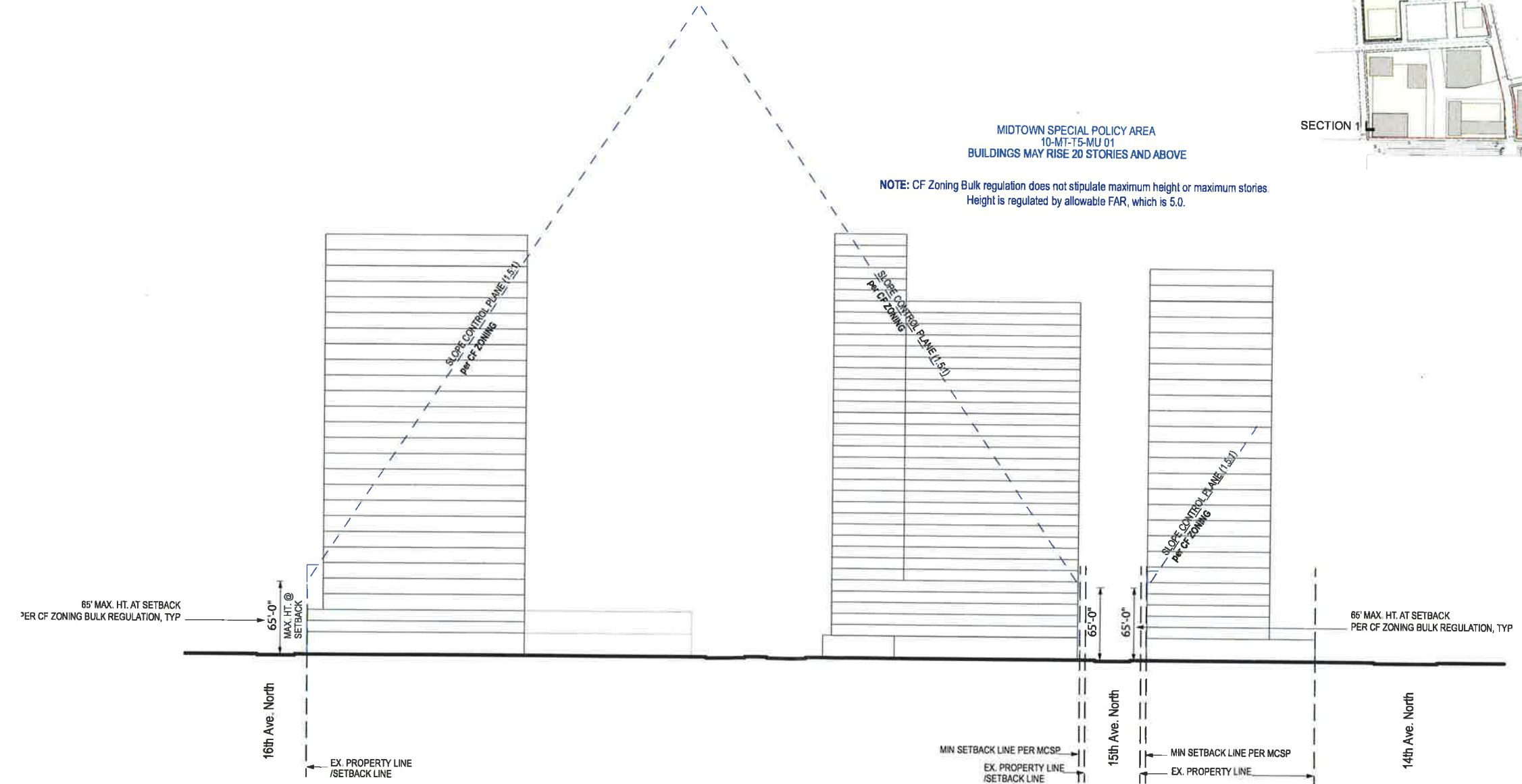


### SECTION 1



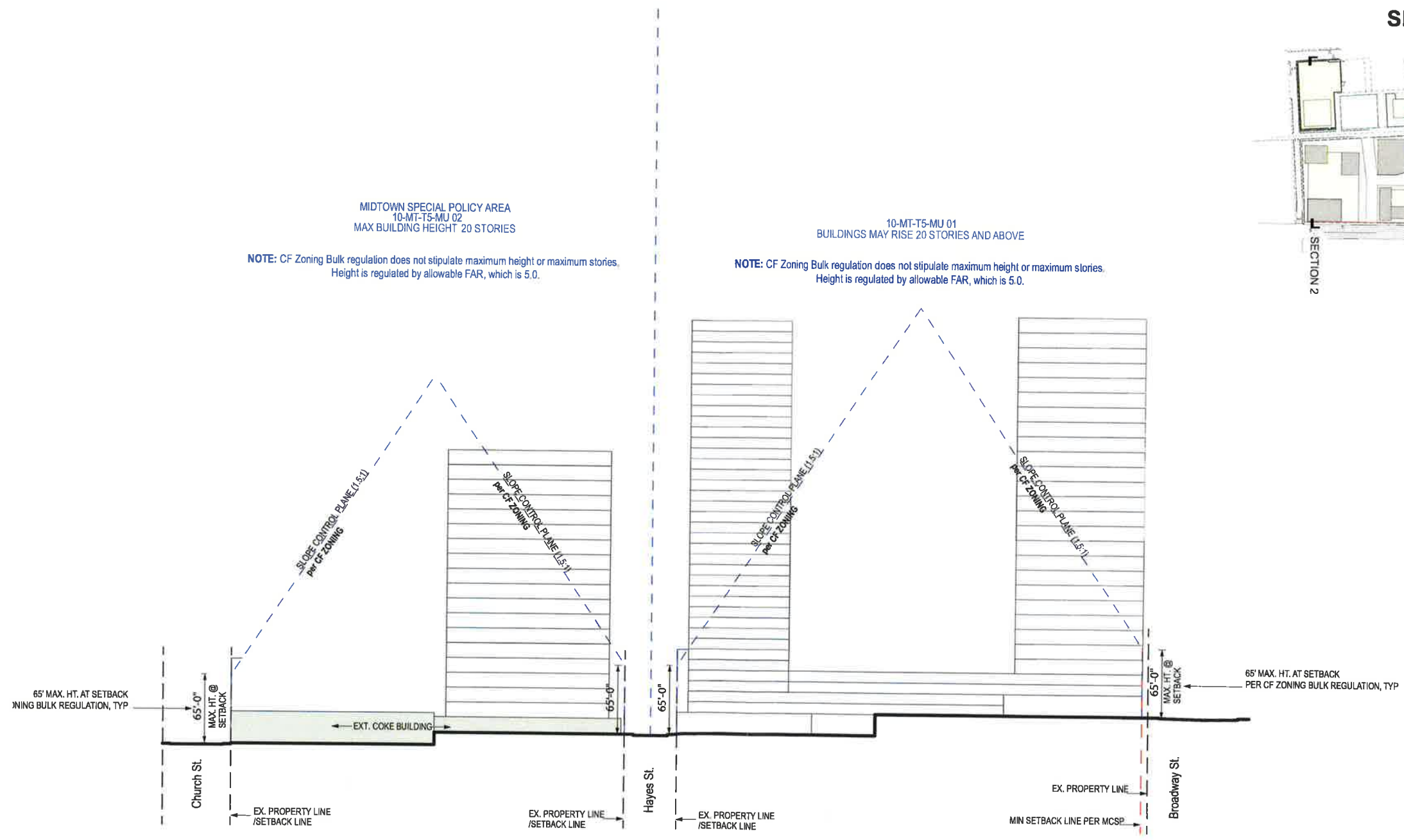
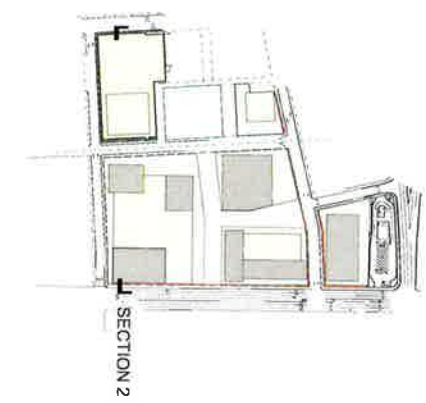
MIDTOWN SPECIAL POLICY AREA  
10-MT-T5-MU 01  
BUILDINGS MAY RISE 20 STORIES AND ABOVE

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

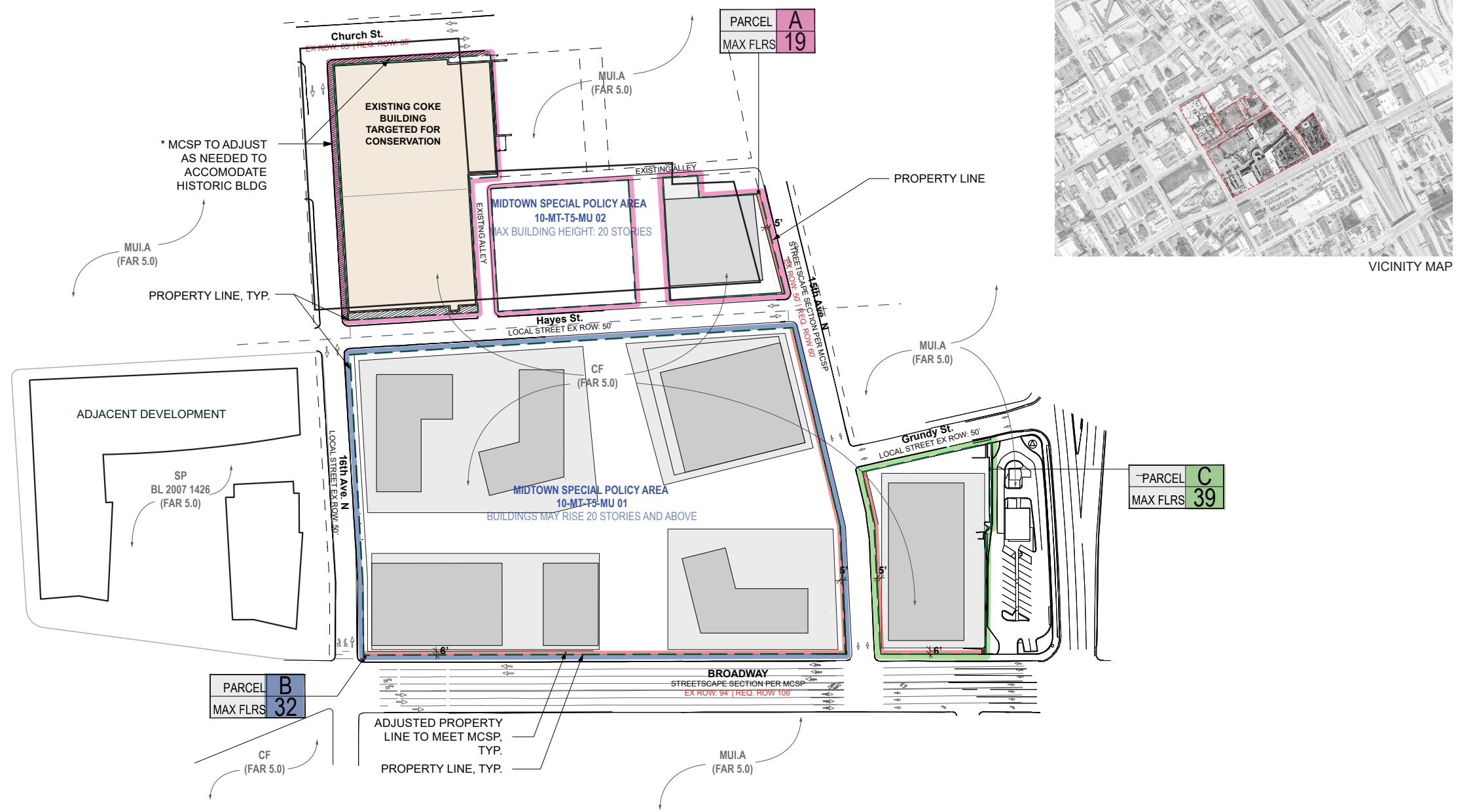




# **EXHIBIT A**

## **SITE PLAN**

# BZA SPECIAL EXCEPTION



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

REED DISTRICT / SITE PLAN

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April 6, 2020

## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION

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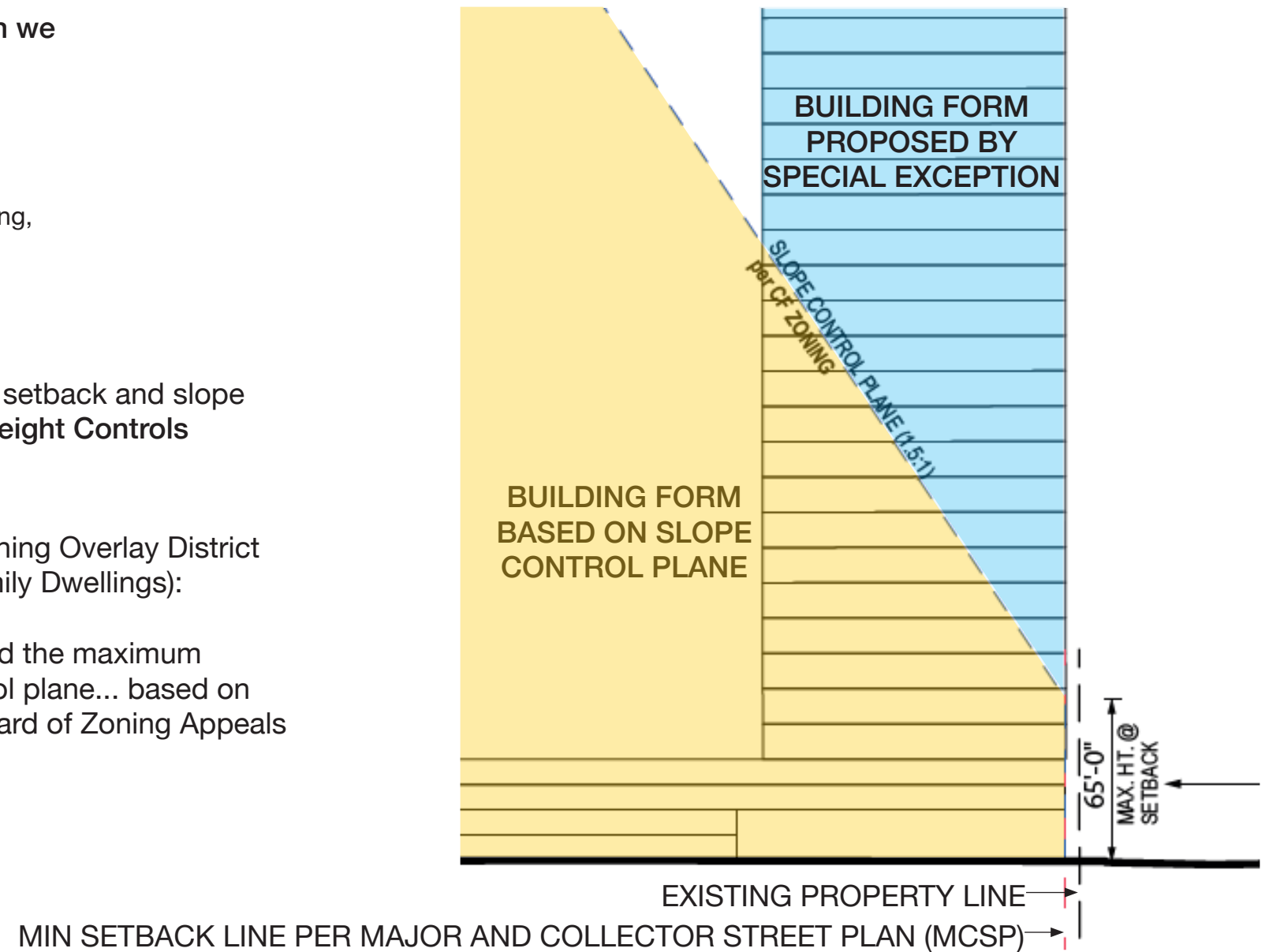
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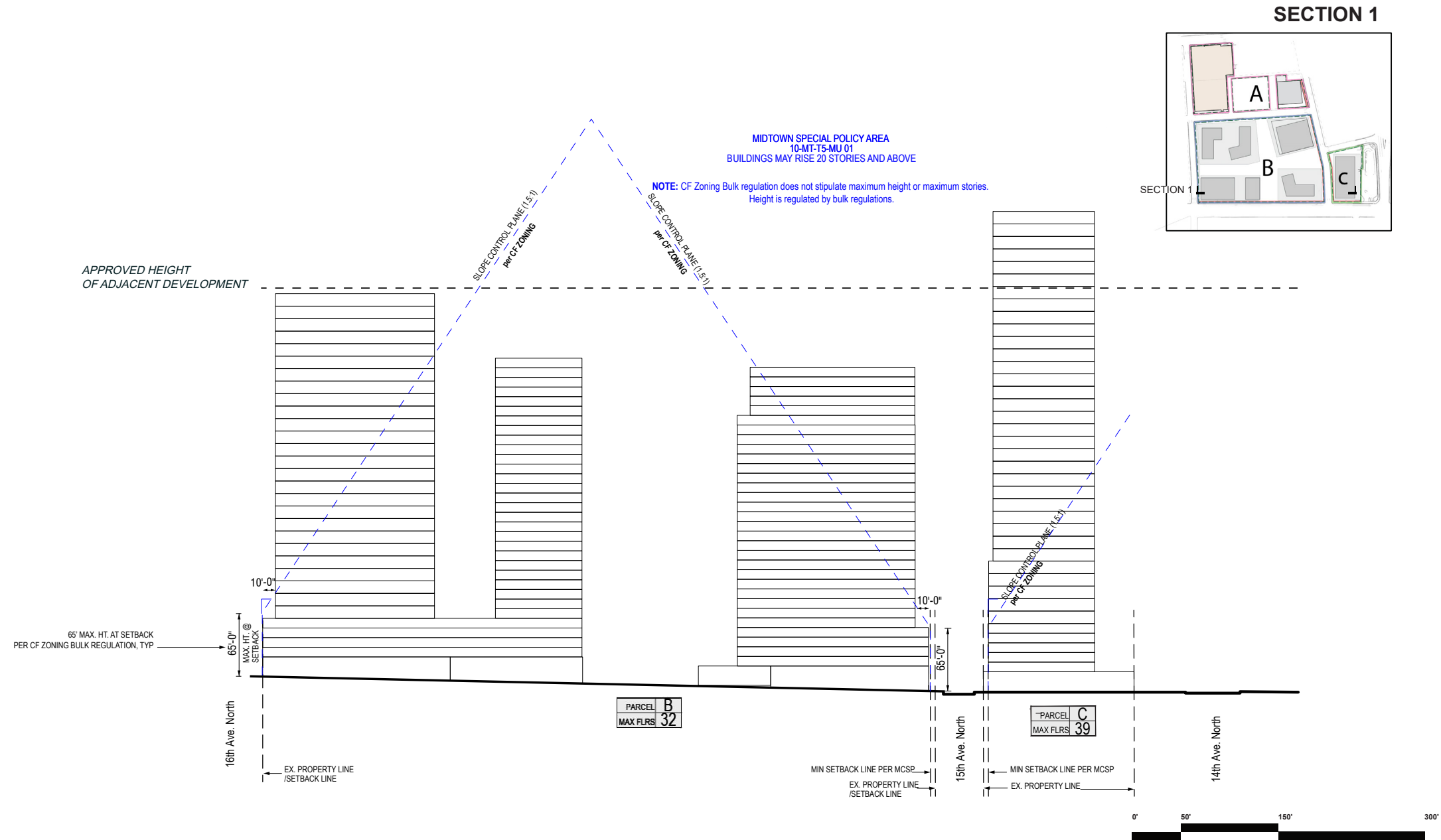
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# BZA SPECIAL EXCEPTION



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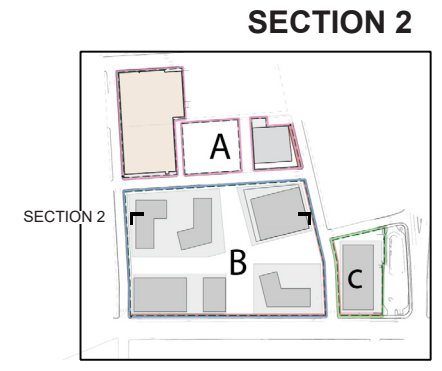
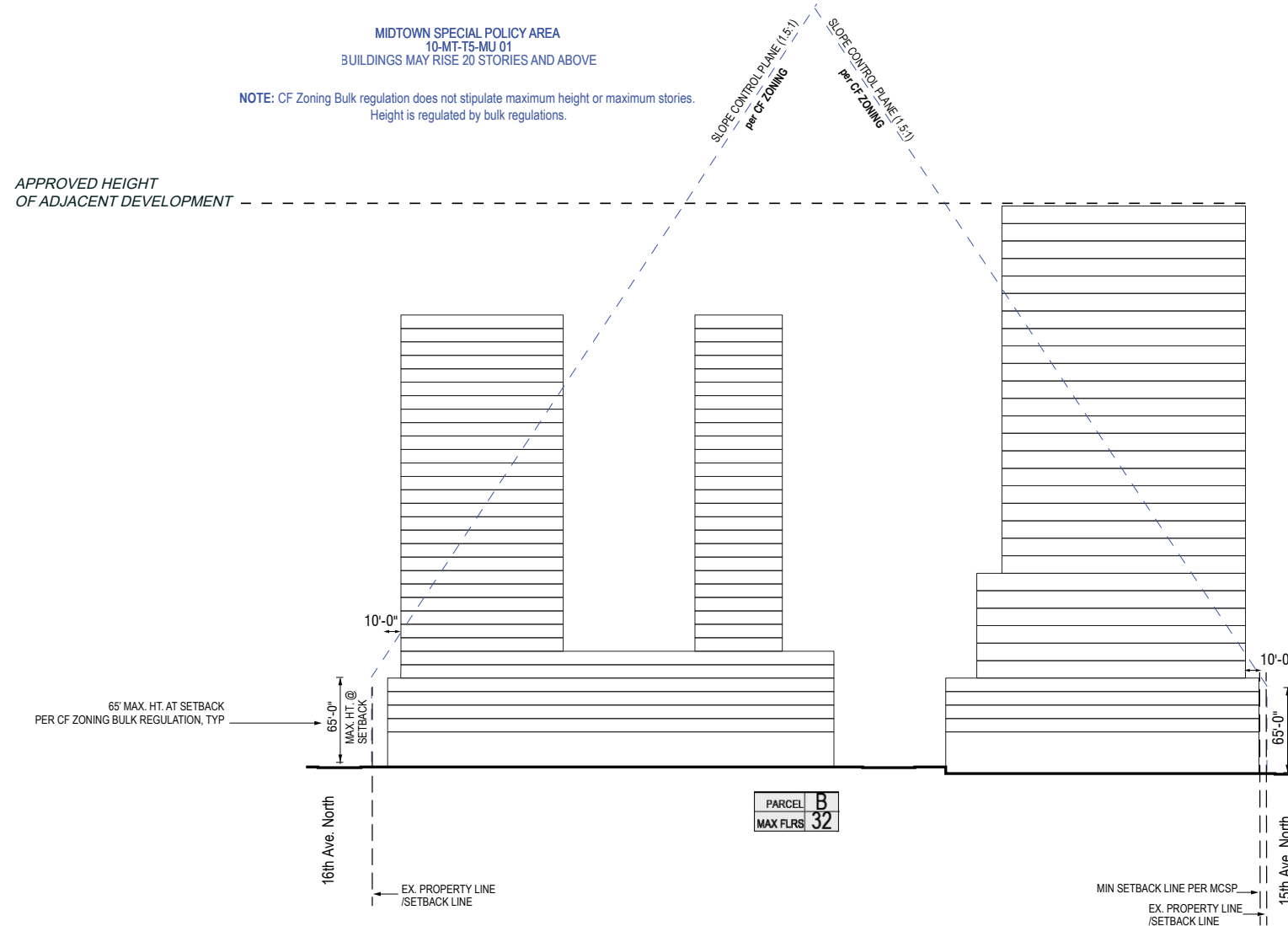
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## REED Site / Midtown BZA Special Exception Application



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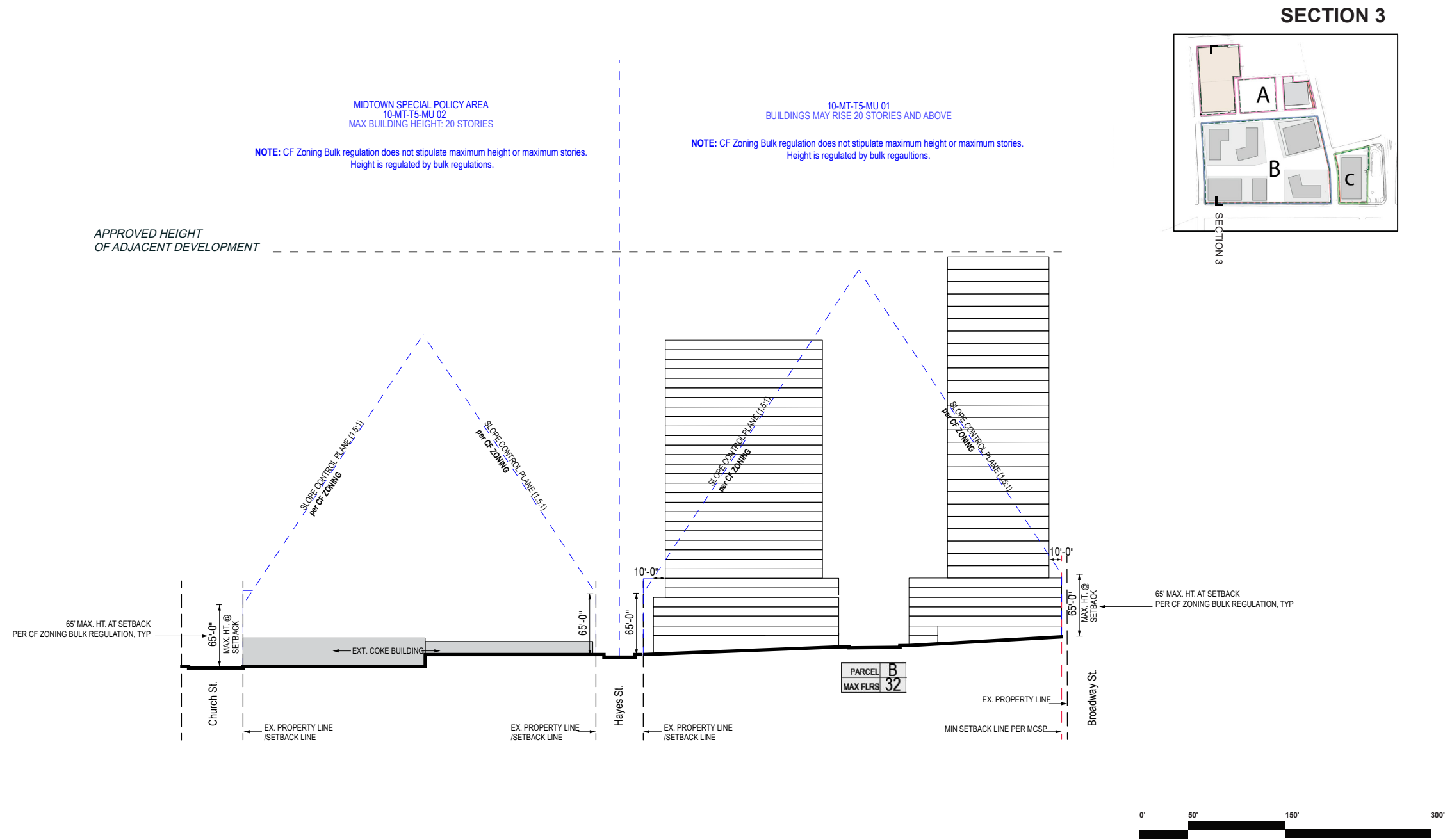
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REED Site / Midtown  
BZA Special Exception Application



# BZA SPECIAL EXCEPTION



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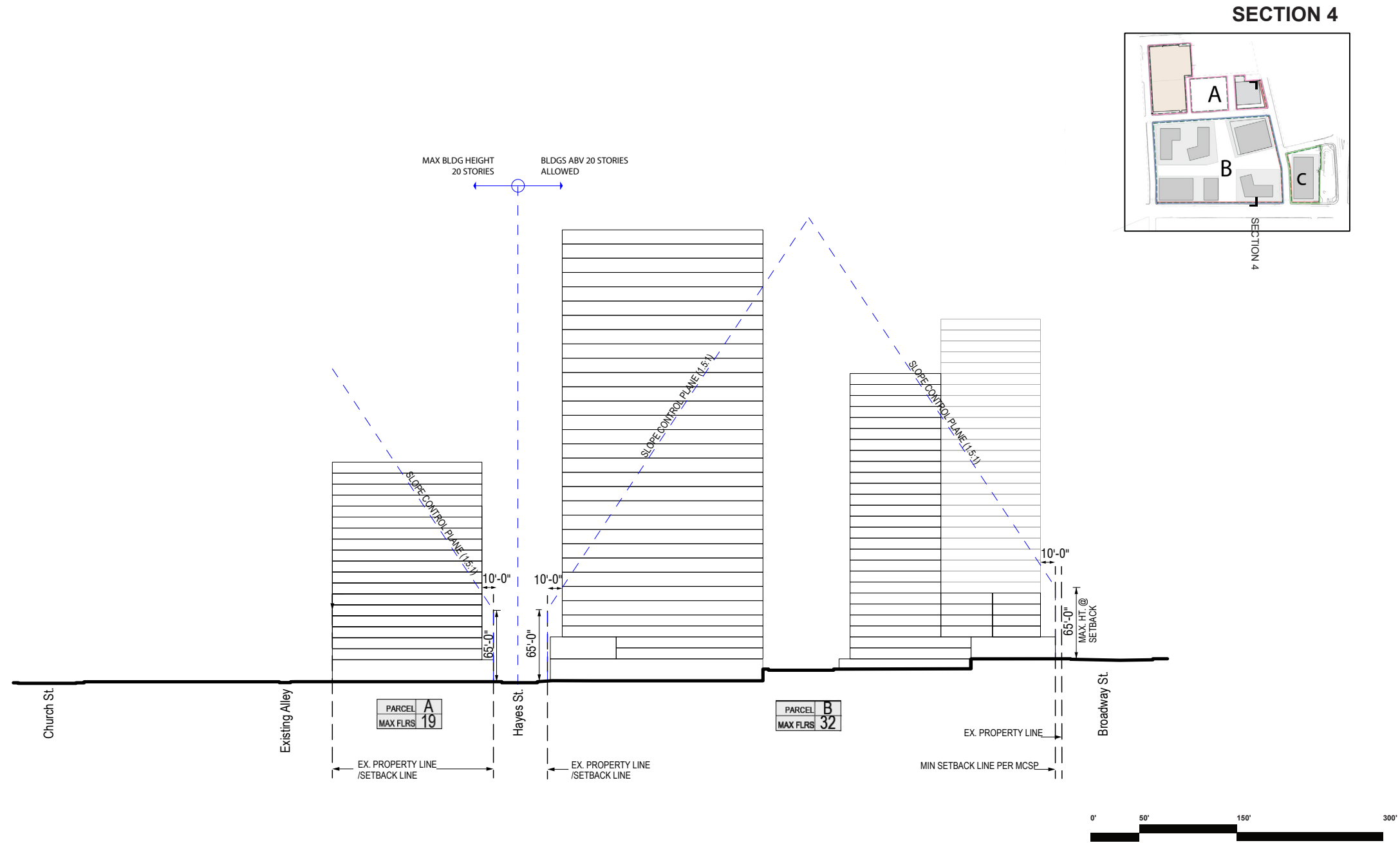
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## REED Site / Midtown BZA Special Exception Application



# BZA SPECIAL EXCEPTION



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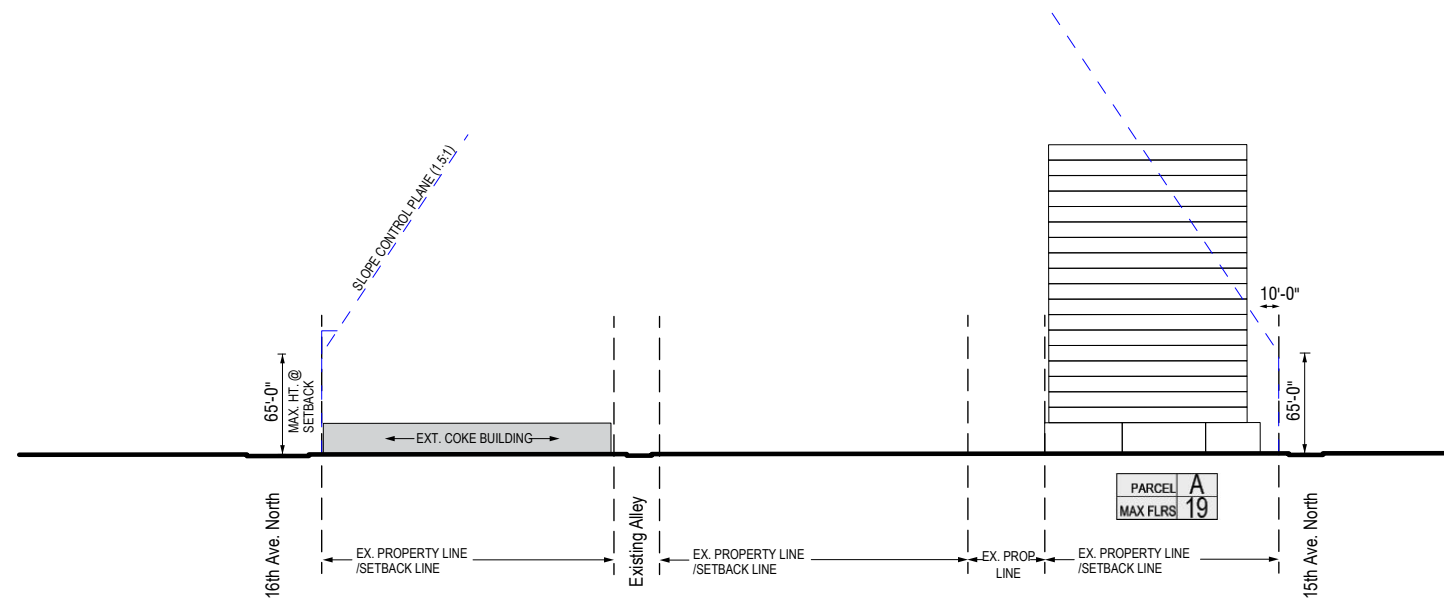
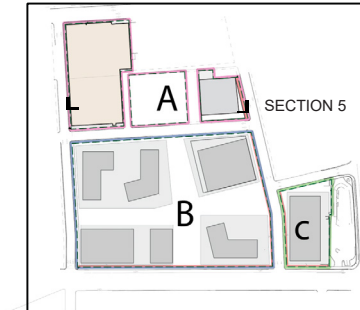
## REED Site / Midtown

BZA Special Exception Application



# BZA SPECIAL EXCEPTION

SECTION 5



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April 6, 2020

## REED Site / Midtown

BZA Special Exception Application





# **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

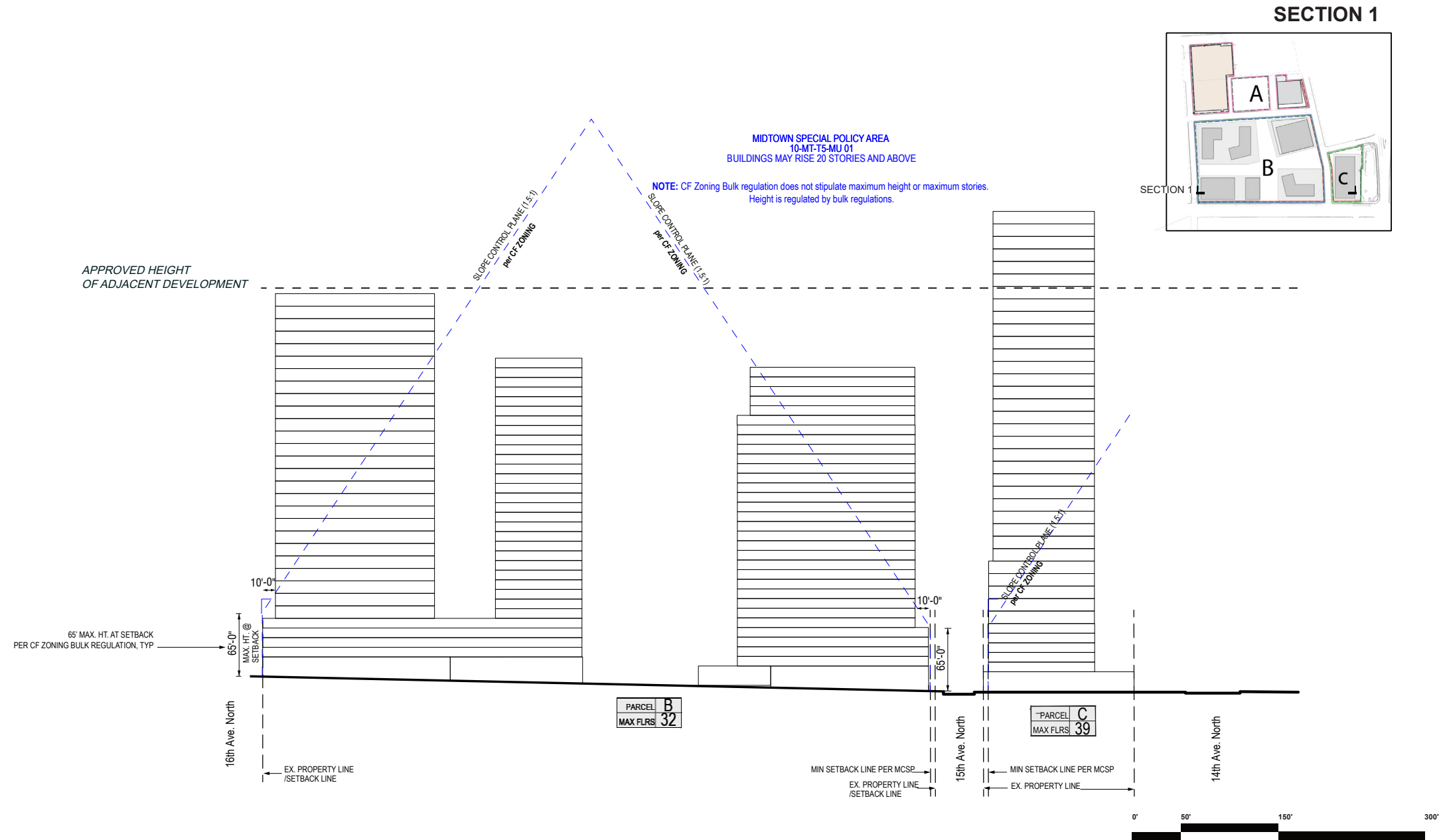
My Commission Expires: July 3, 2023



# **EXHIBIT E**

## **SURROUNDING HEIGHT EXHIBIT**

# BZA SPECIAL EXCEPTION



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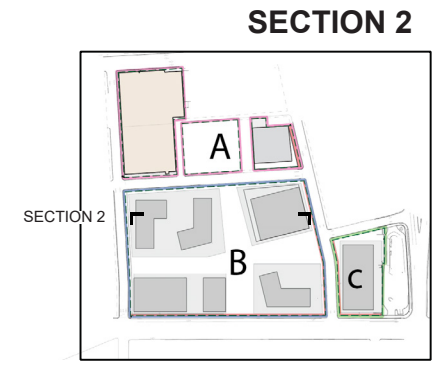
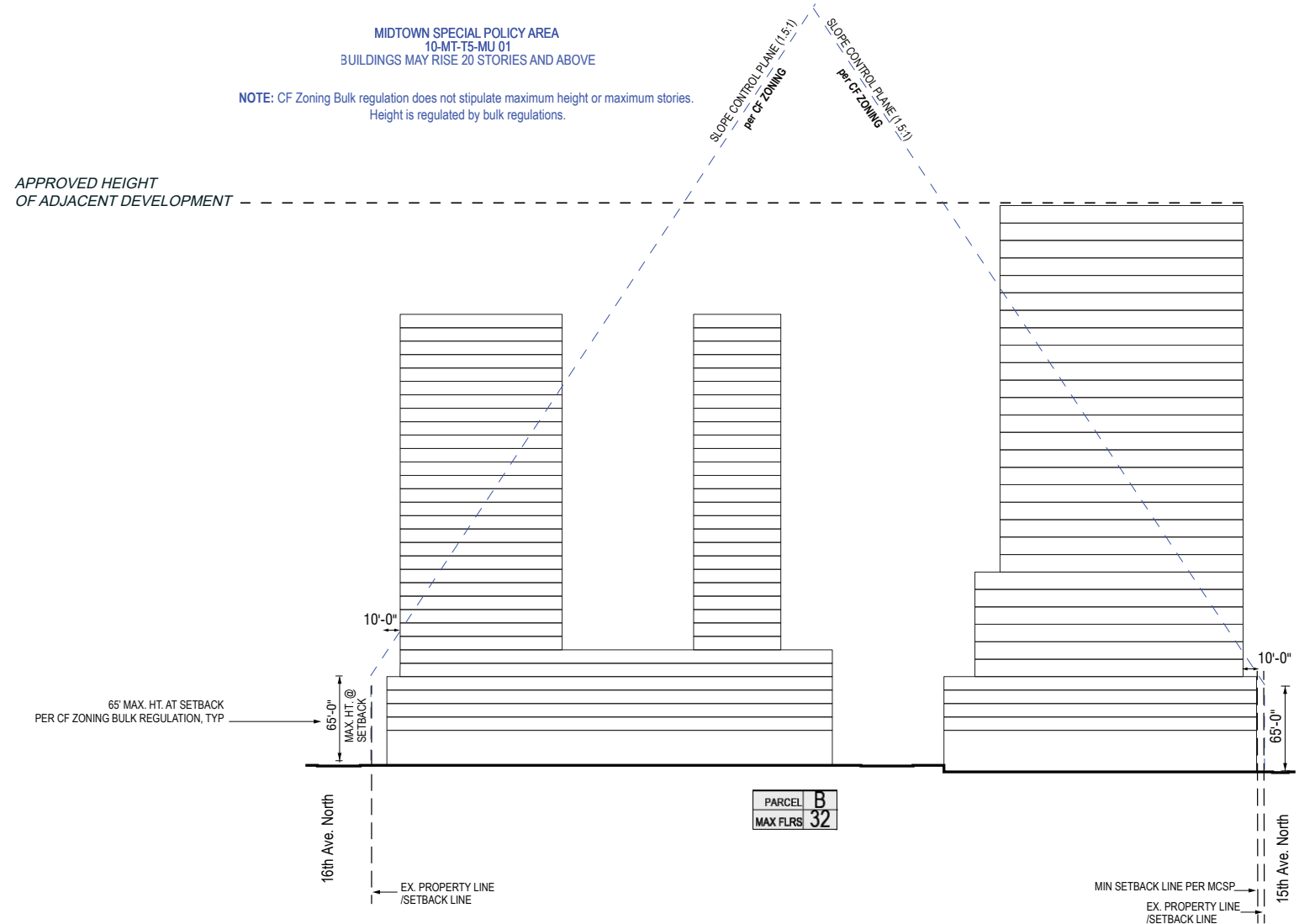
April 6, 2020

## REED Site / Midtown

BZA Special Exception Application



# BZA SPECIAL EXCEPTION



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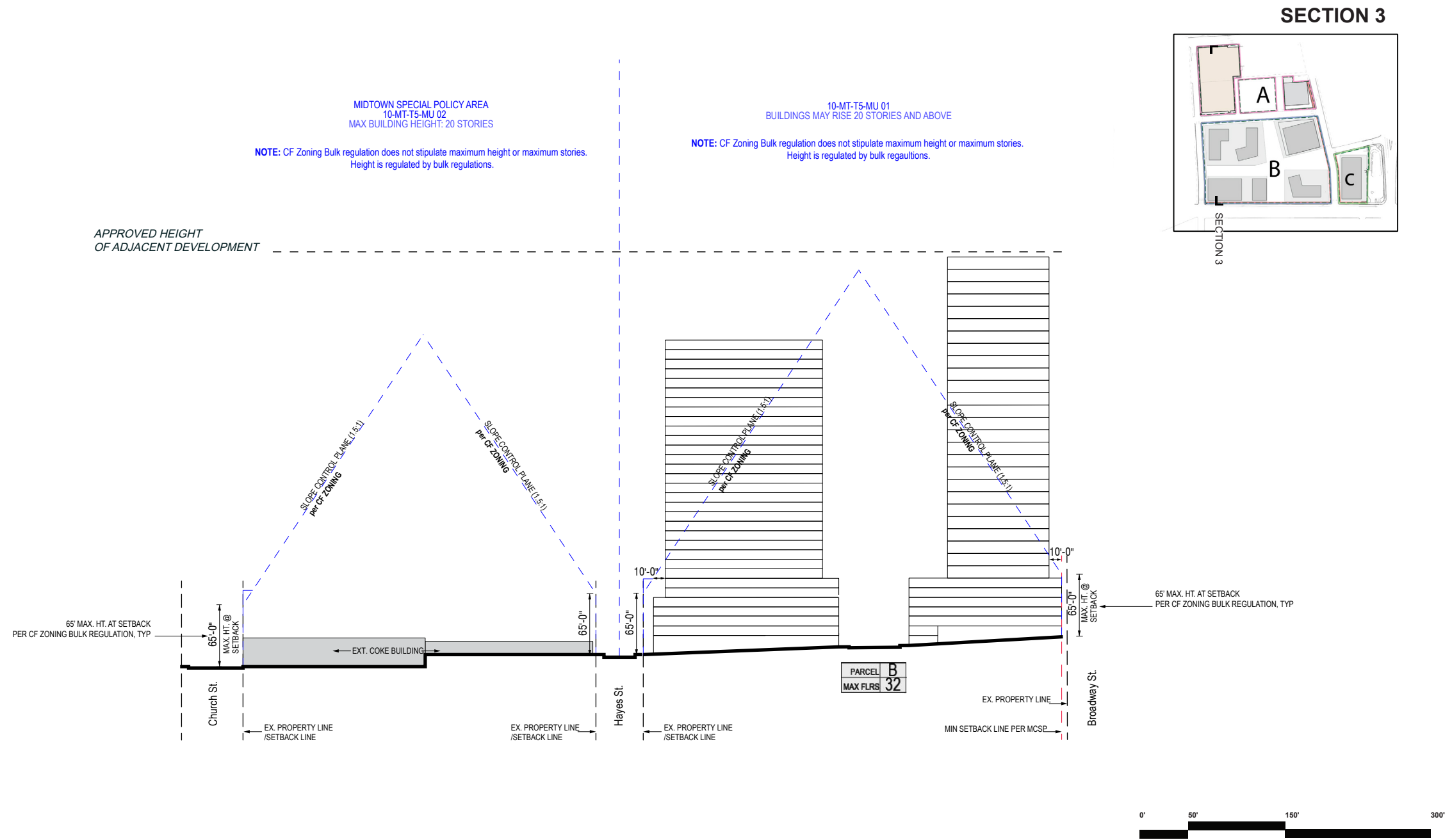
April 6, 2020

## REED Site / Midtown BZA Special Exception Application





# BZA SPECIAL EXCEPTION



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April 6, 2020

## REED Site / Midtown BZA Special Exception Application

# **EXHIBIT F**

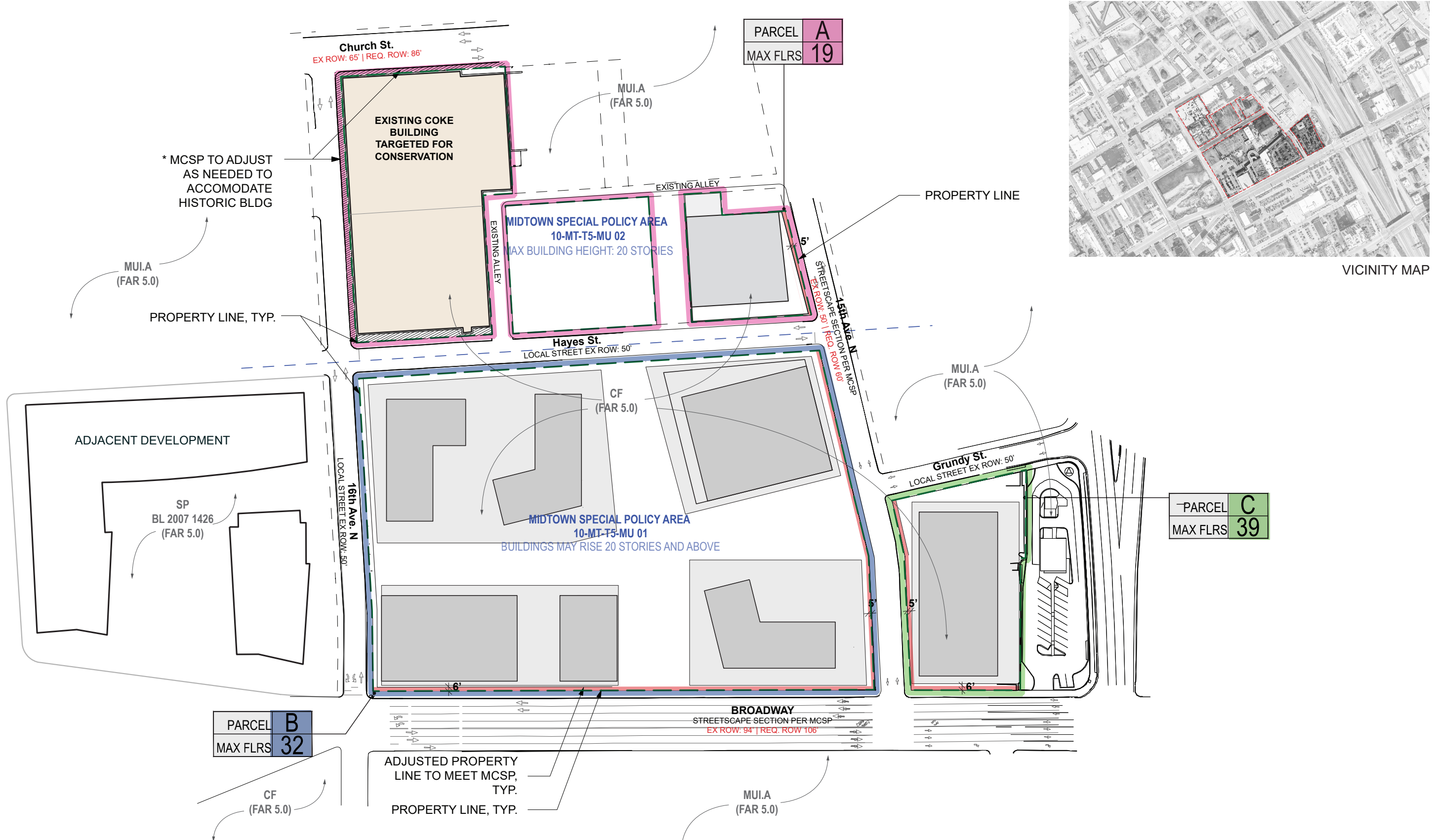
## **LIGHT / SHADOW / SUN STUDY**

# REED NASHVILLE. TN

SHADOW STUDIES

03.13.2020

**S9**ARCHITECTURE



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



21 MARCH

21 JUNE

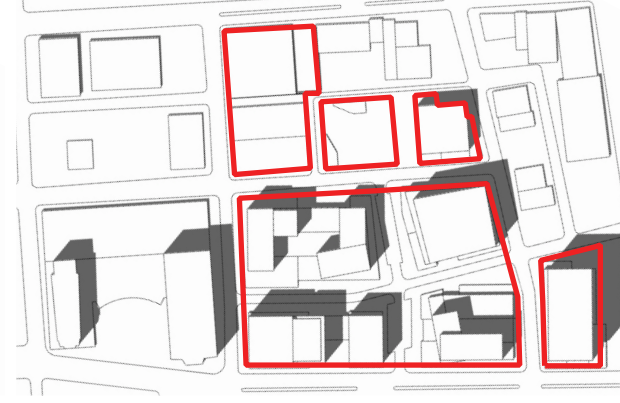
21 SEPTEMBER

21 DECEMBER

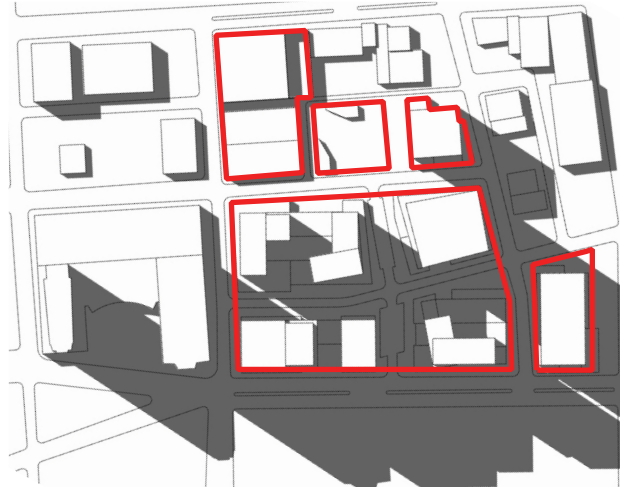
9AM



12PM



4PM



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



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**S9**ARCHITECTURE

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**



**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.

---

**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**

---

**From:** Michael, Jon (Codes)  
**Sent:** Tuesday, May 5, 2020 12:11 PM  
**To:** Lamb, Emily (Codes)  
**Cc:** Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)  
**Subject:** FW: Opposition to Special Exception in Case #2020-096  
**Attachments:** Broadwest View #1.jpg; Broadwest View #2.jpg; Broadwest View #3.jpg; Broadwest View #4.jpg; Broadwest View #5.jpg; Building Distance Examples.pdf.pdf; April 13, 2020 Ltr to Metro Board of Zoning Appeals.pdf

We'll want to get these documents to the Board members today if at all possible. That should give them enough time to at least review them before Thursday.

JM.

**From:** Farringer, John <JFarringer@srvhlaw.com>  
**Sent:** Tuesday, May 05, 2020 11:41 AM  
**To:** Board of Zoning Appeals (Codes) <bza@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>  
**Cc:** Whitson, Chris C. <CWhitson@srvhlaw.com>  
**Subject:** Opposition to Special Exception in Case #2020-096

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

On behalf of 1600 West End Avenue Partners, LLC, please find attached some additional materials for the Board to consider in Case #2020-096. The attachments include:

1. 3D images of the Reed Site development and our client's neighboring development across 16<sup>th</sup> Avenue. These were prepared by Cooper Carry, architects hired by our client.
2. Recent examples in Nashville showing building distances for comparison with this development.
3. Another copy of our April 13, 2020 letter, for your convenience.

Please include all of the attachments in the Board materials.

We plan to attend the May 7 hearing and speak in opposition to the application for special exception for the Reed Site. We will be joined by a representative of our client, Chris Brown.

Regards,  
John Farringer  
Chris Whitson





John Farringer

[jfarringer@srvhlaw.com](mailto:jfarringer@srvhlaw.com)

150 3rd Ave. South, Suite 1100  
Nashville TN 37201

Direct: (615) 742-4563 Main: (615) 742-4200  
Fax: (615) 742-4539

SRVH | V-Card |  

**From:** Farringer, John

**Sent:** Monday, April 13, 2020 4:35 PM

**To:** 'bza@nashville.gov' <[bza@nashville.gov](mailto:bza@nashville.gov)>; 'Emily.Lamb@nashville.gov' <[Emily.Lamb@nashville.gov](mailto:Emily.Lamb@nashville.gov)>;  
'jon.michael@nashville.gov' <[jon.michael@nashville.gov](mailto:jon.michael@nashville.gov)>

**Cc:** Whitson, Chris C. <[CWhitson@srvhlaw.com](mailto:CWhitson@srvhlaw.com)>

**Subject:** Letter Opposing Special Exception in Case #2020-096

On behalf of 1600 West End Avenue Partners, LLC, please find attached a letter in opposition to the application for special exception submitted for the Reed Site as Case #2020-096. As you can see, our client is requesting a deferral of this matter for the reasons set forth in the letter. Please do not hesitate to contact me or Chris Whitson with any questions.

Regards,  
John Farringer  
Chris Whitson





150 3rd Ave. South, Suite 1100  
Nashville TN 37201

**John Farringer**

[jfarringer@srvhlaw.com](mailto:jfarringer@srvhlaw.com)

Direct: (615) 742-4563 Main: (615) 742-4200

Fax: (615) 742-4539

SRVH | V-Card |  

### Broadwest View #1

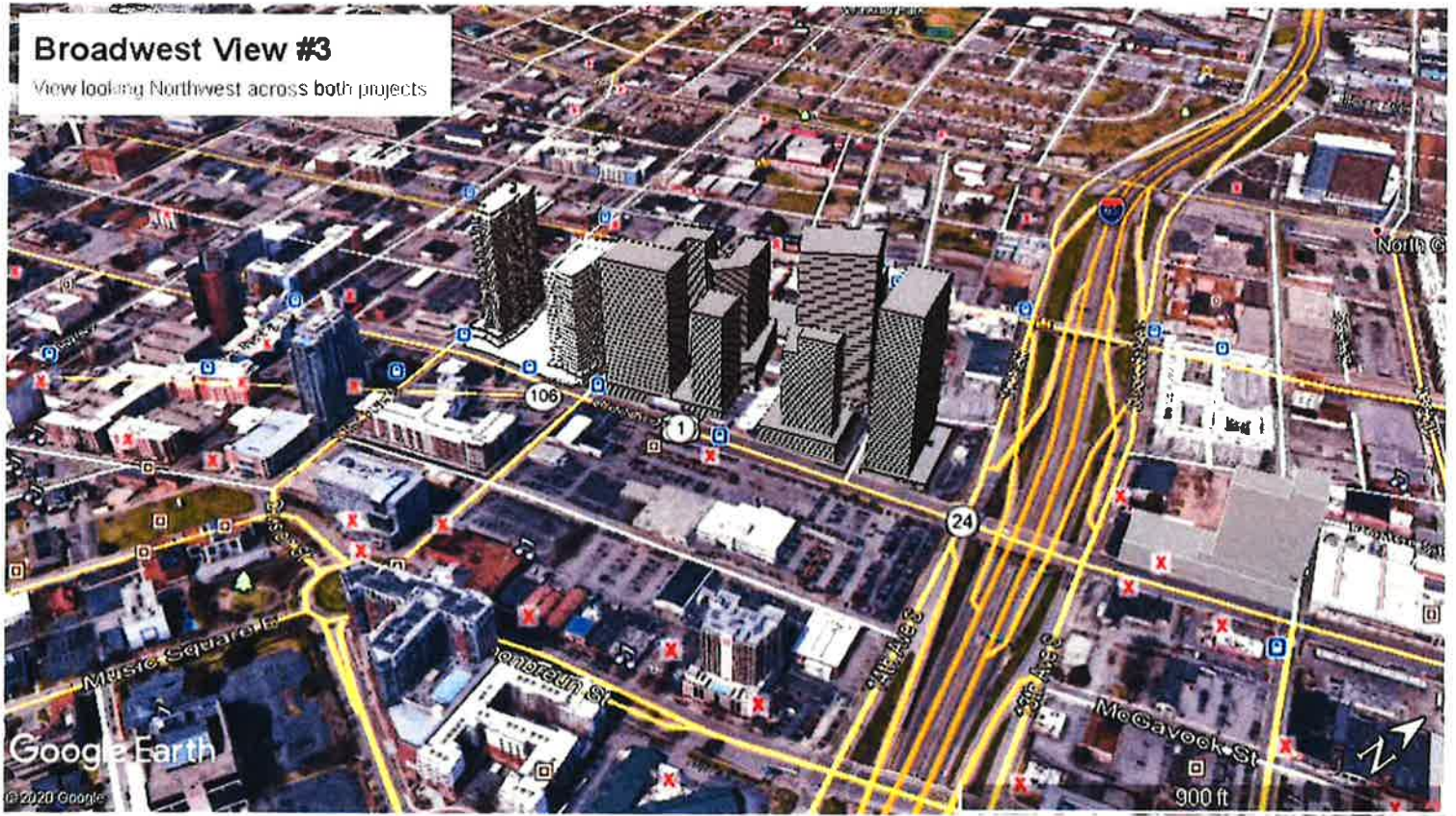
View north on 10th Street



### Broadwest View #2

View west up Broadway





### Broadwest View #4

View looking Southeast across both projects



### Broadwest View #5

View looking East down West End & Broadway

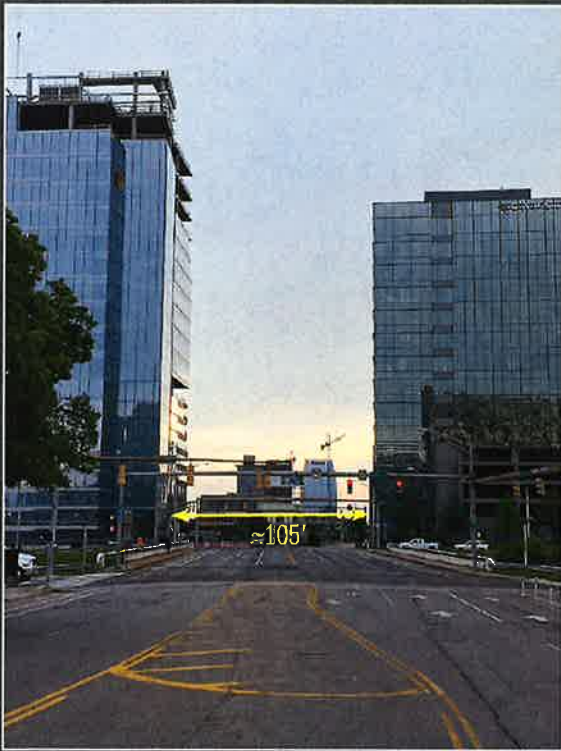


Wray Land & Coparrows  
2020-096





# Building Distance Examples



- Endeavor's 3 Tower Project/ Capstar Building

- Capstar Building
  - 1201 Demonbreun
  - 15 Stories
  - 285'
- Endeavor Project
  - 12<sup>th</sup> and Demonbreun
  - ~295'

Distance Between: ~105'

*Note: The buildings are facing aesthetically pleasing facades, not parking*



- Terrazzo Building / Icon Building

- Terrazzo Building

- 700 12<sup>th</sup> Ave S.
- 15 Stories
- ~225'

- Icon

- 600 12<sup>th</sup> Ave S.
- 22 Stories
- 282'

Distance Between: ~85' façade to façade  
~231' tower to tower

*Note: The Icon has a step-back*



- **Pinnacle Building / Schermerhorn Symphony Center**

- Pinnacle Building

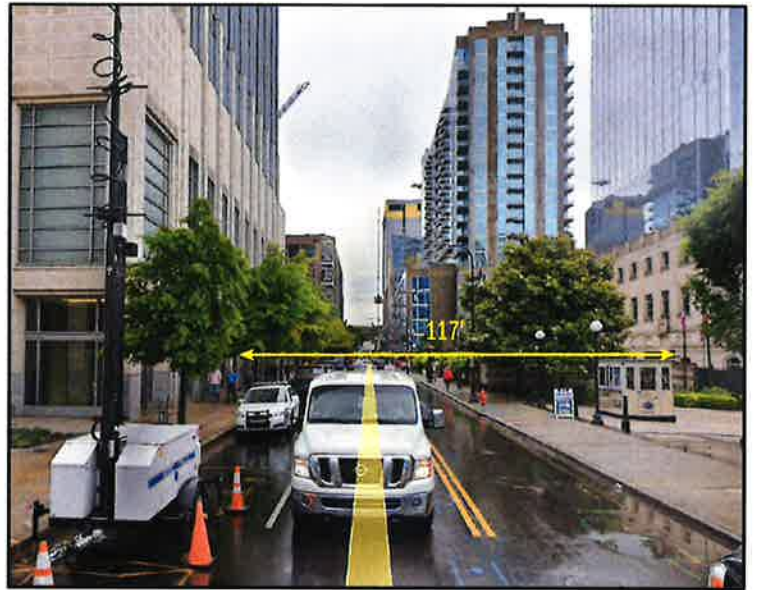
- 150 3<sup>rd</sup> Ave S.
- 29 Stories
- 417'

- Schermerhorn Symphony Center

- 1 Symphony Place
- ~6 Stories
- ~90'

Distance Between: 117'

*Note: The Pinnacle building has a step-back*



Pinnacle's Step-back





• 505 to the Puckett Building

- 505
  - 505 Church Street
  - 45 Stories
  - 522'
- Puckett Building
  - 500 Church Street
  - ~4 Stories
  - ~46'

Distance Between: 103'





**Fifth Third Bank / 424 Church Street**  
Two close/connected buildings exhibiting a set-back





• The Hyatt Centric / The 222 Building

- The Hyatt Centric
  - 200 Molloy Street
  - 20 Stories
  - ~300'
- The 222 Building
  - 222 2<sup>nd</sup> Ave S.
  - 25 Stories
  - 326'

Distance Between: ~58'

*Note: The building's lower floors are parking but they match each other in design.*



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 stepback 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 allieve 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.

Metropolitan Board of Zoning Appeals  
 April 13, 2020  
 Page 4

**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  
April 13, 2020  
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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>  
**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



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).

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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  
April 13, 2020  
Page 5

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



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

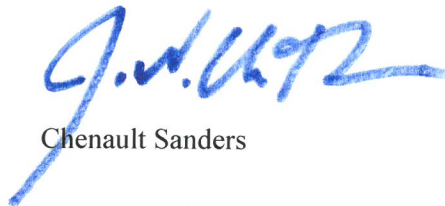
Nashvillians, many of whom are reluctant to commit to daily crossing the interstate to work and live downtown. What I hear so often is that while we all love our downtown, living there means navigating the masses of tourists, and the innumerable events that make downtown so exciting can also become overwhelming, 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

---

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

---

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)

# **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 &lt;George.Crawford@butlersnow.com&gt;

To: [Emily.Lamb@nashville.gov](mailto:Emily.Lamb@nashville.gov); [bza@nashville.gov](mailto:bza@nashville.gov)Cc: [Lindseth, Michael](#); [Betsy Lindseth](#); [Ellen Crawford True](#); [David Simcox](#)

Reply

Reply All

Forward



Thu 4/9/2020 5:28 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)

# **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

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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:** Lamb, Emily (Codes)  
**Sent:** Wednesday, May 6, 2020 4:10 AM  
**To:** Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)  
**Subject:** Fwd: Special Exception Request, Case No 2020-096  
**Attachments:** 2020-05-05\_19-138-01 - 16th Ave N Sections.pdf; 2020-05-05\_19-138-01 - Broadwest Measuring Exercise\_Rev2.pdf; 2020-05-05\_19-138-01 - Broadway Half-Section.pdf

For the case file. 2020-096.

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**From:** Mehra, Vikram <Vikram.Mehra@hines.com>  
**Sent:** Tuesday, May 5, 2020 9:22:19 PM  
**To:** Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>  
**Cc:** Kim Hawkins <k.hawkins@hawkinspartners.com>; Erica Garrison <Erica.Garrison@wallerlaw.com>; James Weaver <James.Weaver@wallerlaw.com>; Anne Walker Harrison <annewalkerharrison@gmail.com>; Sheinbaum, Alyssa <Alyssa.Sheinbaum@hines.com>; Lawrence, David <david.lawrence@hines.com>  
**Subject:** Special Exception Request, Case No 2020-096

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

Dear Emily and Jon,

With reference to our Special Exception application, we respectfully request you to include the below email and attachments into the official materials to be provided to the BZA for purposes of our Hearing on Thursday, May 7. We have been talking with Chris Brown from Broadwest who has opposed our application. The email below summarizes their issues as they have outlined to us. We have carefully studied each item and accommodated where we could.

As a result of accommodations we have made, we will be modifying our BZA application and will re-submit certain exhibits identifying changes made as well as including new exhibits for the Board's consideration. We will submit those updated materials prior to Noon tomorrow.

We appreciate your assistance and continued attention to this matter. Please let us know if you have any questions.

Thank you.

**Vikram Mehra**  
Managing Director

**Hines**

Five Ravinia Drive | Atlanta, GA 30346  
Direct 770 206 5303 | Main 770 206 5300

---

**From:** Mehra, Vikram  
**Sent:** Tuesday, May 5, 2020 10:11 PM  
**To:** Chris Brown <cbrown@propst.com>

Cc: Mehra, Vikram <Vikram.Mehra@hines.com>

Subject: RE: Broadwest Final Specific Plan

Chris – Further to our ongoing discussions over the last few days in connection with our BZA application, we have summarized our understanding of your “asks” which you have said you would like us to accommodate in order to support our application scheduled to be heard on May 7 by the Board of Zoning Appeals. We appreciate you clarifying and specifying your objections. We have done our best to accommodate and be responsive wherever possible. We have reviewed each of your requests with our design, engineering and zoning advisory teams and have provided a response below to each of your asks:

**1. Broadwest Ask:**

- Provide an additional 10’ to 20’ setback from the current required setback line on both 16<sup>th</sup> Avenue N as well as Broadway so that the Hines building is not too close and requisite air and light can be provided to the Broadwest Tower. Per Broadwest team’s analysis, the current setback line on 16<sup>th</sup> Avenue N would result in the face of Hines’ building being ~62’ away from the Broadwest tower at its narrowest point (which widens up to ~74’ because of the curve on Broadwest tower). Broadwest team does not believe that 62’ is an adequate distance or appropriate urban condition.

**Hines Response:**

We have accommodated both your requests per below:

- 16<sup>th</sup> Avenue N - Please see attached exhibit (16<sup>th</sup> Ave N Sections) which shows the existing street section and proposed street section. As provided for in the proposed street section, we are willing to set our building back an additional ~13.5’ from the current setback line along the entire length of 16<sup>th</sup> Avenue N from Broadway to Hayes (which is well over and above current MCSP (local street) requirements along 16<sup>th</sup> Avenue N). Instead of the required 5’ sidewalk, we will provide a minimum 10’ sidewalk (taking 5’ out of the ~13.5’ additional setback) and create an ~8.5’ flexible zone to be incorporated into the public realm which may accommodate a street furniture zone or be placed into the roadway for bike lanes, on-street parking or other use as deemed optimal working with Public Works and Planning. All in all, this additional setback will result in the face of our building being ~75’ away from the face of your building. This proposed condition is also seen in the additional exhibit provided by (Broadwest Measuring Exercise) into which we have overlaid our building footprints and provided distances (shown in blue) between your building and our proposed. We believe 75’ distance between towers is an above average urban condition in Nashville.
- Broadway – Please see third attachment (Broadway half section) for existing and proposed Broadway frontage showing we will meet MCSP requirements of a 12’ wide sidewalk and 4’ landscape strip and also provide either (i) a further 10’ setback or (ii) if no set back, provide a 10’ step back at 65’ height. We intend to activate the streetscape with outdoor dining, plazas or other uses within this additional frontage zone along this important roadway.
- As previously provided, our shadow study did not show any adverse affects to your building even without the additional setbacks that we are willing to commit to. I will send you an updated shadow study with these additional setbacks.

**2. Broadwest Ask:**

- Meet the same streetscape standards Broadwest will conform to along 16<sup>th</sup> Avenue N and Broadway.

**Hines Response:**

We are generally exceeding the streetscape standards provided by Broadwest as described below:

- 16<sup>th</sup> Avenue N – by providing the additional ~13.5’ setback detailed above or a total of ~22.5’ from the curb, we are exceeding the streetscape requirements provided by Broadwest which are at 18’ – 20’ at the middle section of the Broadwest tower and which slims down to ~16’ further north toward Hayes St.
- Broadway – We are providing a 12’ sidewalk and 4’ landscape strip (16’) + a 0’ to 10’ build to zone within which we will either provide up to a 10’ setback or 10’ stepback above 65’ which exceeds the 10’ sidewalk and 4’ landscape strip (14’) + 4’ additional setback/stepback being provided by Broadwest.

**3. Broadwest Ask:**

- Limit height of all buildings fronting 16<sup>th</sup> Avenue to no greater than 326' which is the actual height of the Broadwest office building currently under construction and push buildings which need to exceed this height toward 15<sup>th</sup> Avenue. Goal is to preserve views of the residential condominium which rises to 400' (approved height of the entire Broadwest development) and make buildings along 16<sup>th</sup> Avenue consistent on skyline with Broadwest office building.

**Hines Response:**

- This is a very difficult request and respectfully you are applying a double-standard. The underlying CF Zoning does not specify a height limit between Broadway and Hayes, but we have self-elected to limit our height to 32 stories inclusive of any above-grade parking levels (we have carefully selected this level to be consistent with your approved height and also to ensure we can be responsive to market needs and market economics). Given modern day standards of floor to floor heights, both a typical residential tower or an office building rising 32 stories will likely exceed 326'. As such, we do not believe it is reasonable to limit our height to a level below what you are approved for and what you are actually building. Further, as you are keenly aware, with all of your parking below-grade (as a result of pre-existing conditions when you acquired the site), your entire 326' or 400' of height is comprised of occupiable space. On the other hand, while we are going to place some parking below-grade, we will need to accommodate both above-grade parking as well as occupiable space within the envelope you are defining for us which makes building economics very difficult to achieve. The overall heights we are seeking are consistent with zoning policy, consistent with your approvals, tie into the fact we are preserving the Coke Building keeping height along the north side of Hayes St. intact, intend to provide an urban park not unlike yours and now with our additional setback along 16<sup>th</sup> Avenue we do not believe limiting our height to what you have built is a reasonable ask. Nonetheless, we are willing to limit the height of any buildings between Hayes and Broadway with 16<sup>th</sup> Avenue frontage to the lesser of (i) 400' (your approved height) or (ii) 32 stories.

**4. Broadwest Ask:**

- No above-grade parking within any towers on 16<sup>th</sup> Avenue even if such parking is fully screened or contained within a glass curtainwall identical to the balance of the occupied floors above.

**Hines Response:**

- This again is an unreasonable ask. Due to the cost premiums of below-grade parking, we must have the ability to build above-grade enclosed and skinned parking to meet our program and market needs. We will be building substantial below-grade parking as well, but cannot commit to having no or limited above-grade parking within any structures on 16<sup>th</sup> Avenue. By virtue of height limits we are imposing on ourselves and in response to your request, any above-grade parking will by default be limited in favor of accommodating occupiable space.

Please do not hesitate to call me on 770 315 7007 to discuss any of the items above or if you have any further thoughts or questions.

Thank you.

Vikram Mehra

Hines

Five Ravinia Drive | Atlanta, GA 30346

Direct 770 206 5303 | Main 770 206 5300

**From:** Chris Brown [<mailto:cbrown@propst.com>]

**Sent:** Thursday, April 30, 2020 4:05 PM

**To:** Mehra, Vikram <[Vikram.Mehra@hines.com](mailto:Vikram.Mehra@hines.com)>

**Subject:** FW: Broadwest Final Specific Plan

[From an External Email System]

Vikram:

The attached link is part of our final SP site plan filing which is public record. Beginning on page 11 you can see the height of the buildings. The office building tops out including parapet at 326'.

Chris

**From:** Conrad Bobach [<mailto:conradbobach@coopercarry.com>]  
**Sent:** Thursday, April 30, 2020 3:03 PM  
**To:** Chris Brown <[cbrown@propst.com](mailto:cbrown@propst.com)>  
**Subject:** Broadwest Final Specific Plan

Hi Chris,

Please see below a link of the Broadwest Final Specific Plan.  
<https://share.coopercarry.com/index.php/s/pRxr4mo5YxDt1>

Kind Regards,

**Conrad Bobach, AIA, LEED AP BD+C**  
Senior Associate

T 404-237-2000  
D 678-539-4654



**COOPER CARRY**  
THE CENTER FOR CONNECTIVE ARCHITECTURE

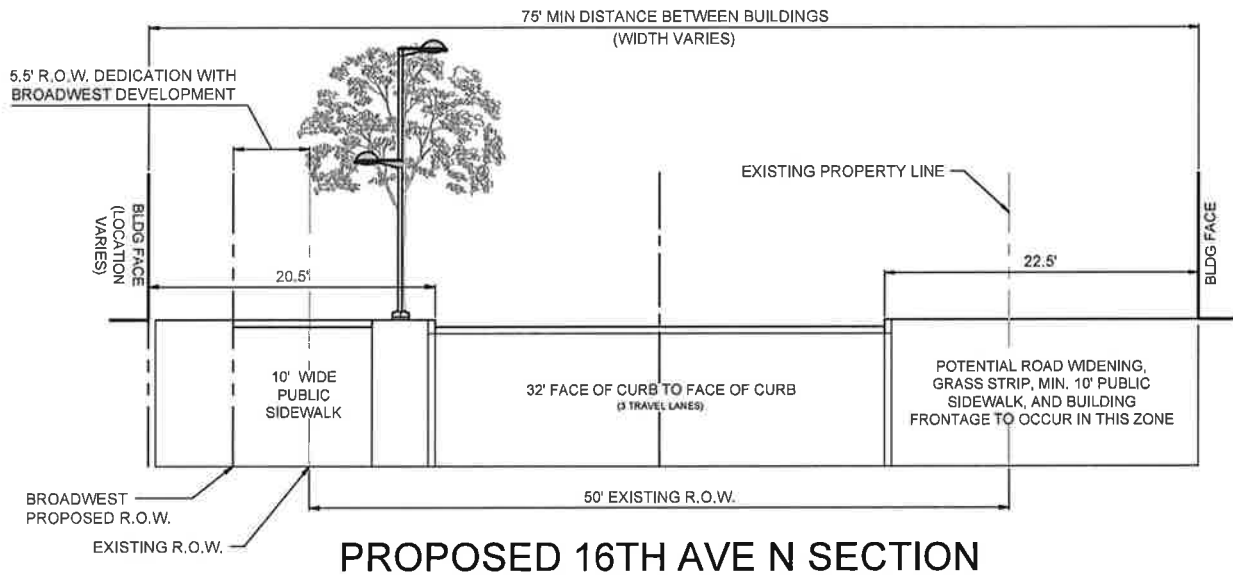
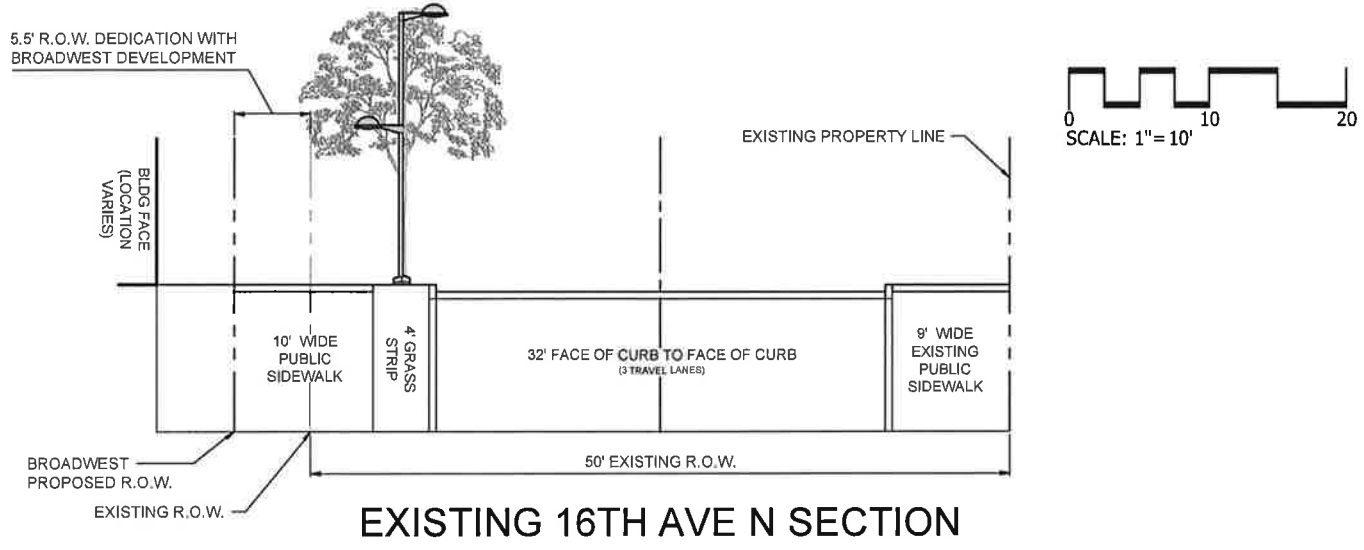
191 PEACHTREE STREET NE, SUITE 2400, ATLANTA, GA 30303-1770  
TEL (404) 237-2000 • FAX (404) 237-0276 • [WWW.COOPERCARRY.COM](http://WWW.COOPERCARRY.COM)

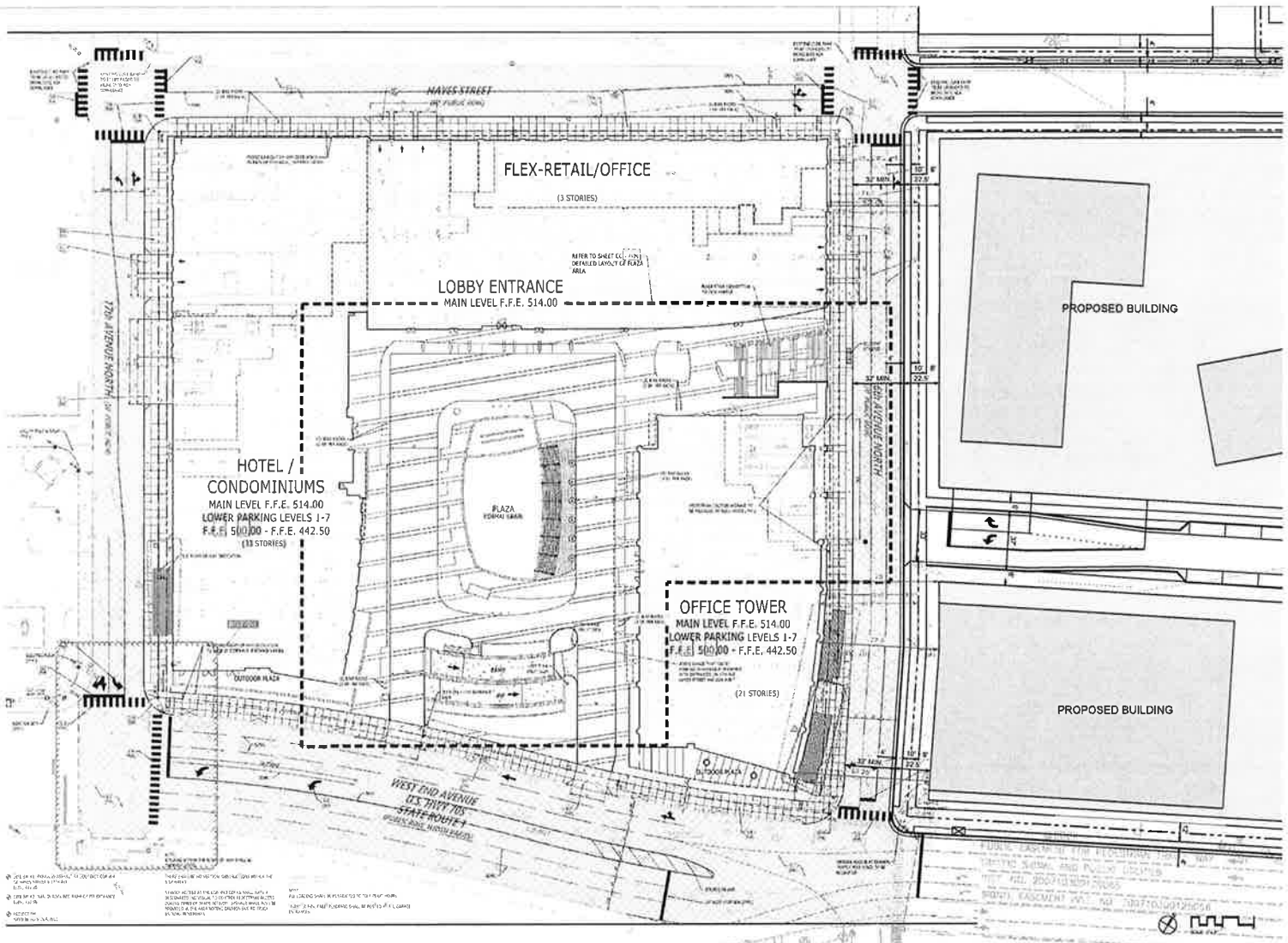
Notice: This message contains privileged and confidential information intended only for the use of the addressee named above. If you are not the intended recipient of this message, you are hereby notified that you may not disseminate, copy or take any action in reliance on it. If you have received this message in error, please notify Cooper Carry in Atlanta, GA, USA (404) 237-2000.

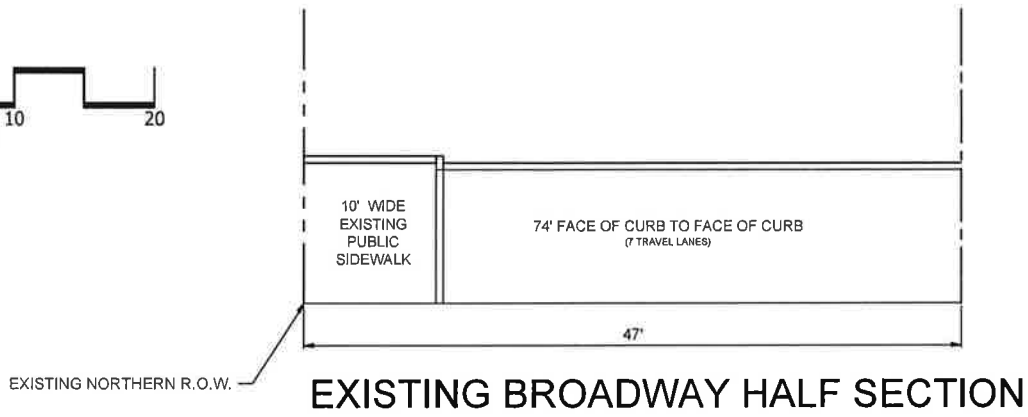
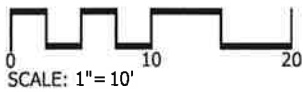
Please consider the environment before printing this e-mail

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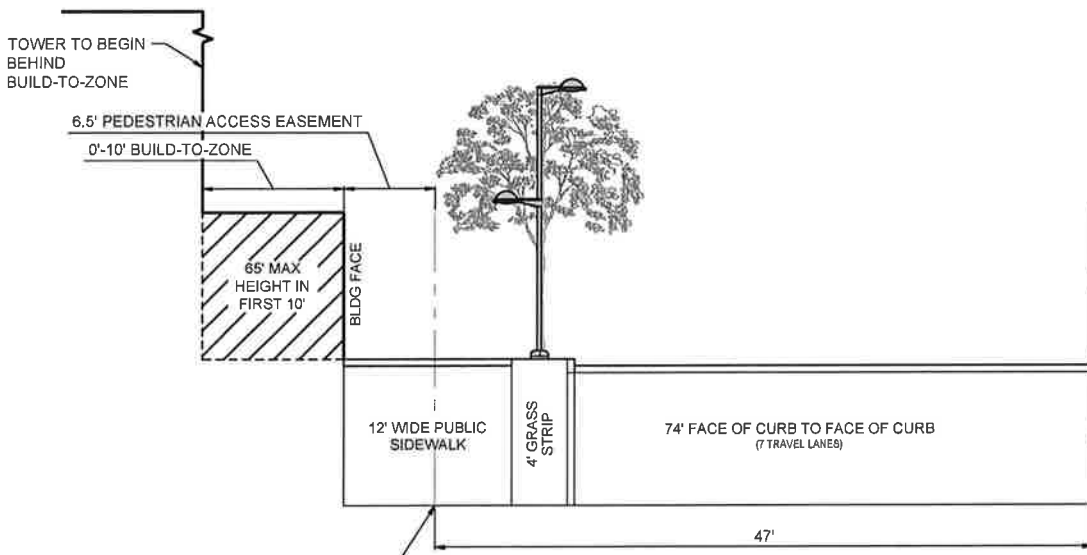








**EXISTING BROADWAY HALF SECTION**



**PROPOSED BROADWAY HALF SECTION**

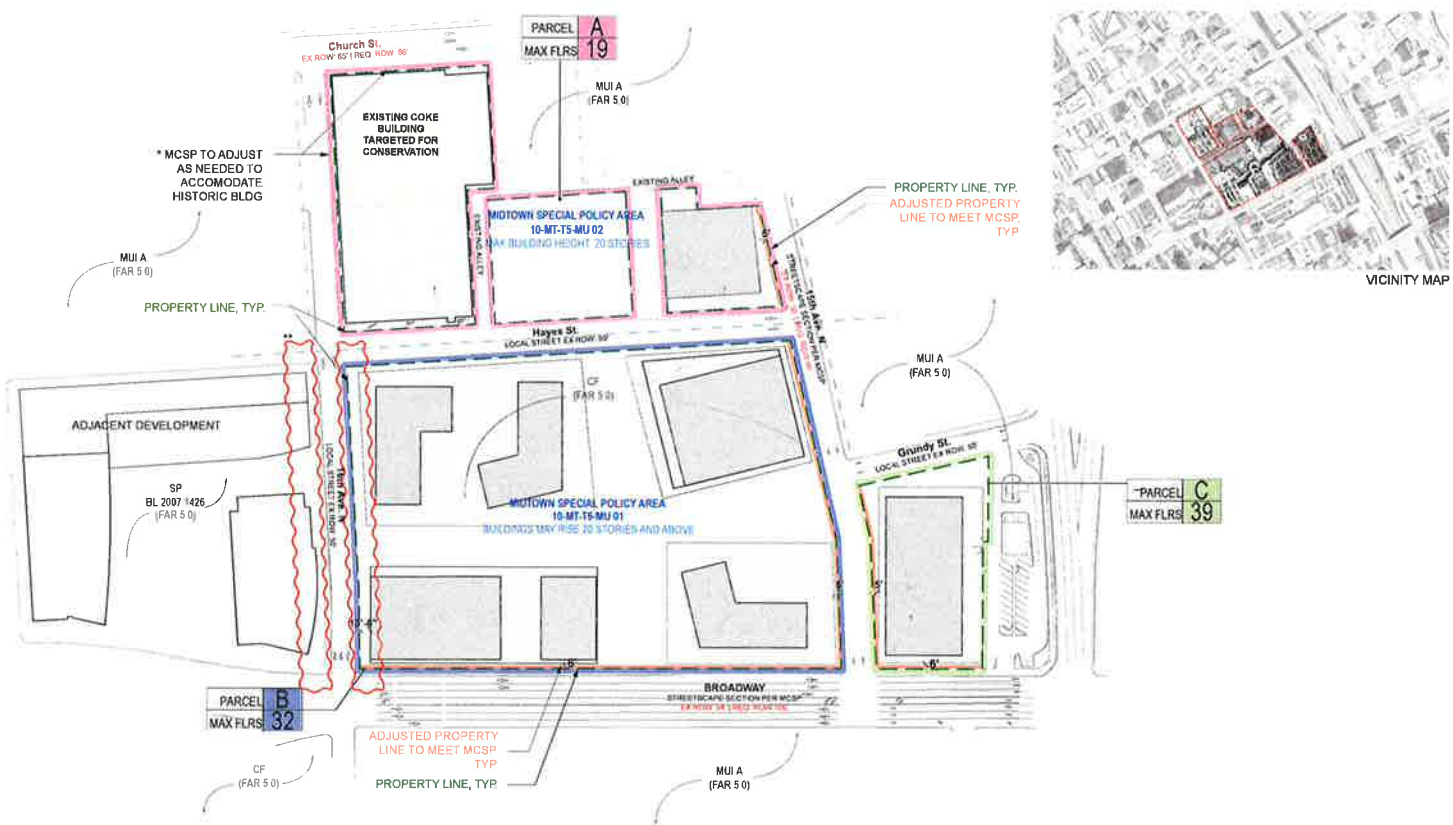
# **EXHIBIT A**

## **SITE PLAN**

**Only Changed Pages are Included. The Balance of Original Package**

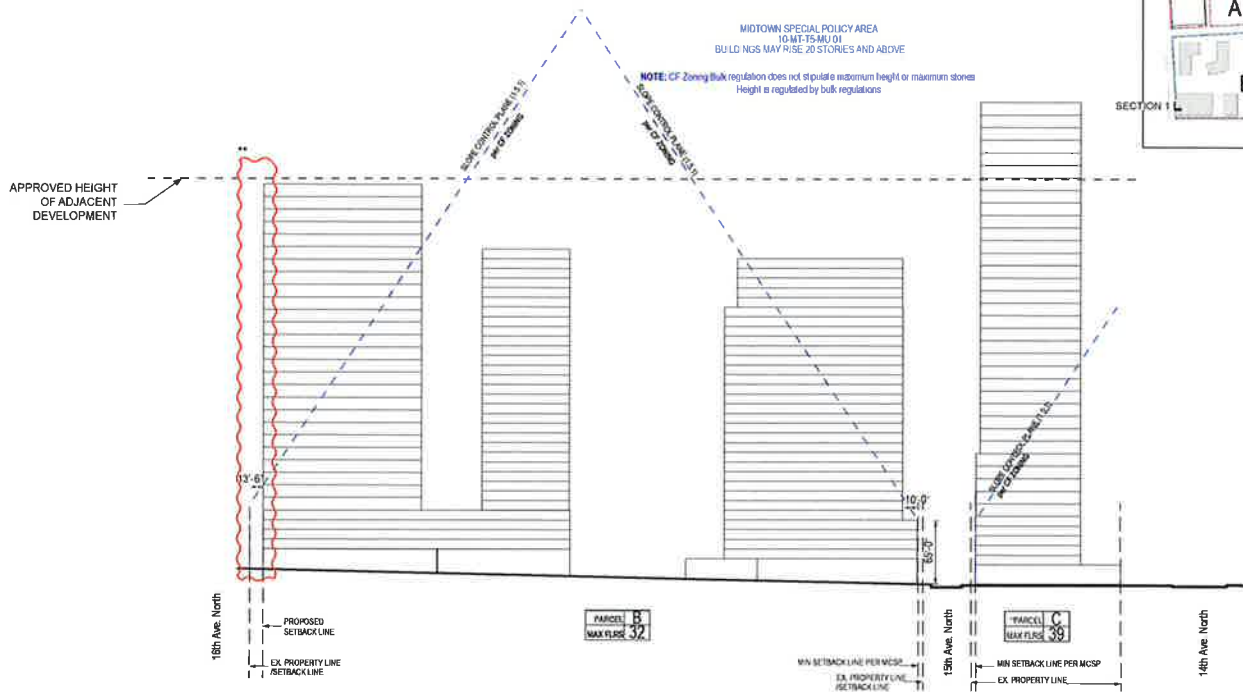
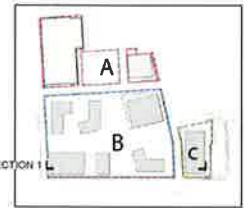
**Remains as Submitted on April 15, 2020**

**All changes are clouded**



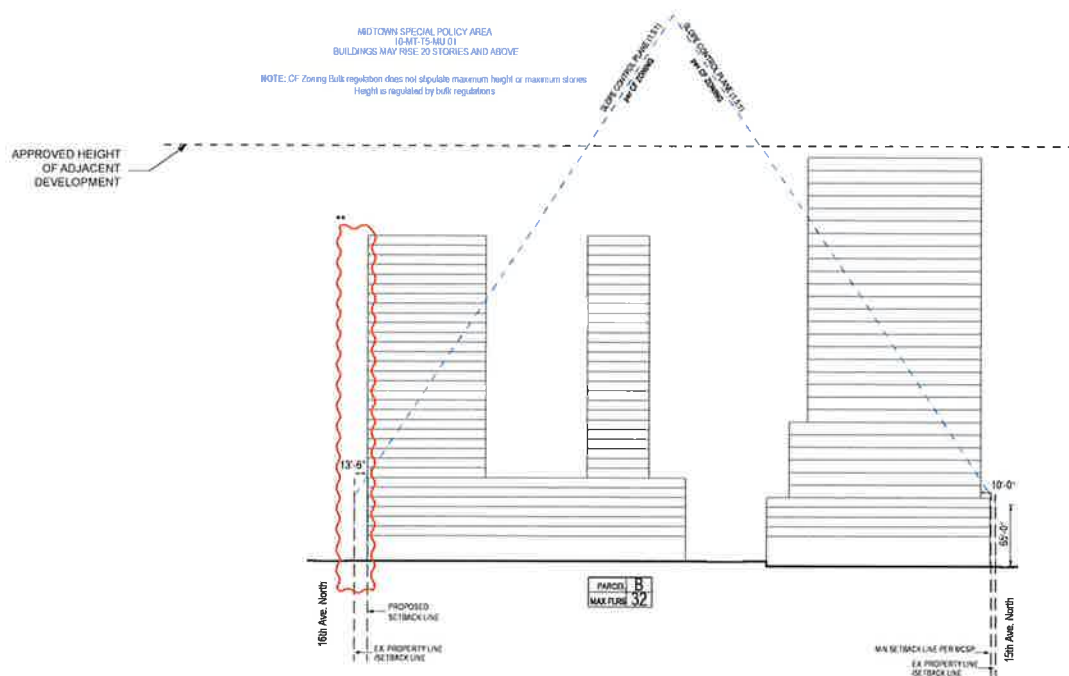
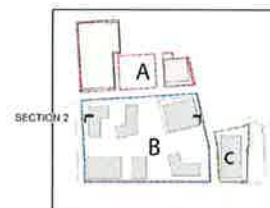
\* SITE PLAN IS INDICATIVE ONLY & IS SUBJECT TO CHANGE  
 \*\* REVISED MAY 6TH 2020 TO REPLACE APRIL 15TH 2020 SUBMISSION TO BZA

SECTION 1



\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)  
 \*\* REVISED MAY 6TH 2020 TO REPLACE APRIL 15TH 2020 SUBMISSION TO BZA

SECTION 2



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

\*\* REVISED MAY 6TH 2020 TO REPLACE APRIL 15TH 2020 SUBMISSION TO BZA

# **EXHIBIT E**

## **SURROUNDING HEIGHT EXHIBIT**

**Only Changed Pages are Included. The Balance of Original Package**

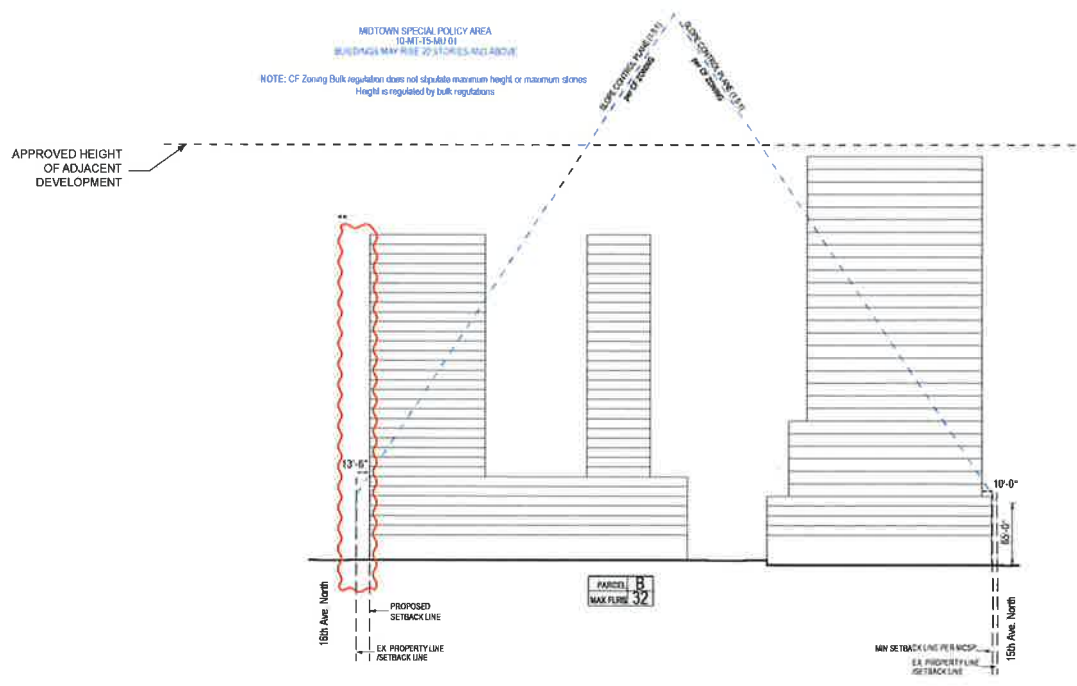
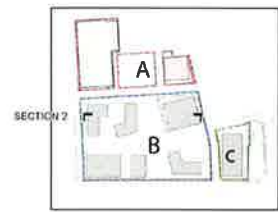
**Remains as Submitted on April 15, 2020**

**(All changes are clouded)**





SECTION 2

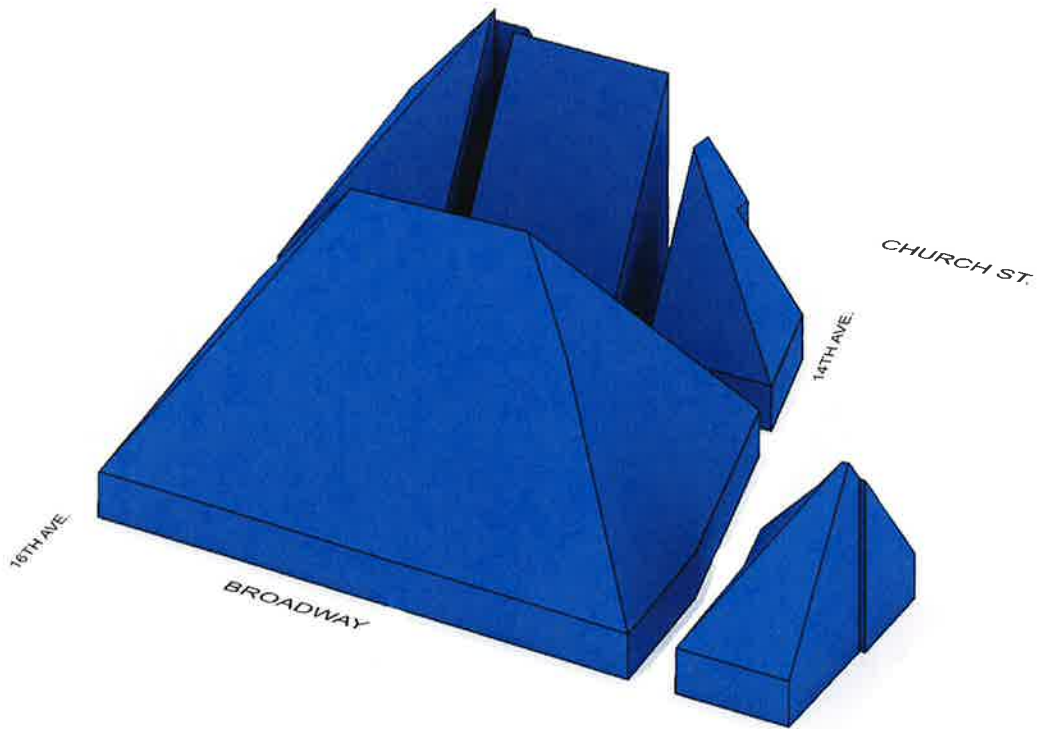


\* BUILDING MASSINGS AND HEIGHTS ARE INDICATIVE ONLY & ARE SUBJECT TO CHANGE (ALL SUBJECT TO MAX FLOORS PROVIDED)  
 \*\* REVISED MAY 6TH 2020 TO REPLACE APRIL 15TH 2020 SUBMISSION TO BZA

# **EXHIBIT H**

## **SLOPE CONTROL DIAGRAMS**

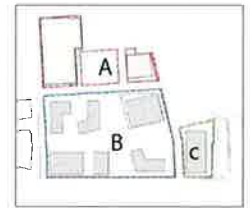
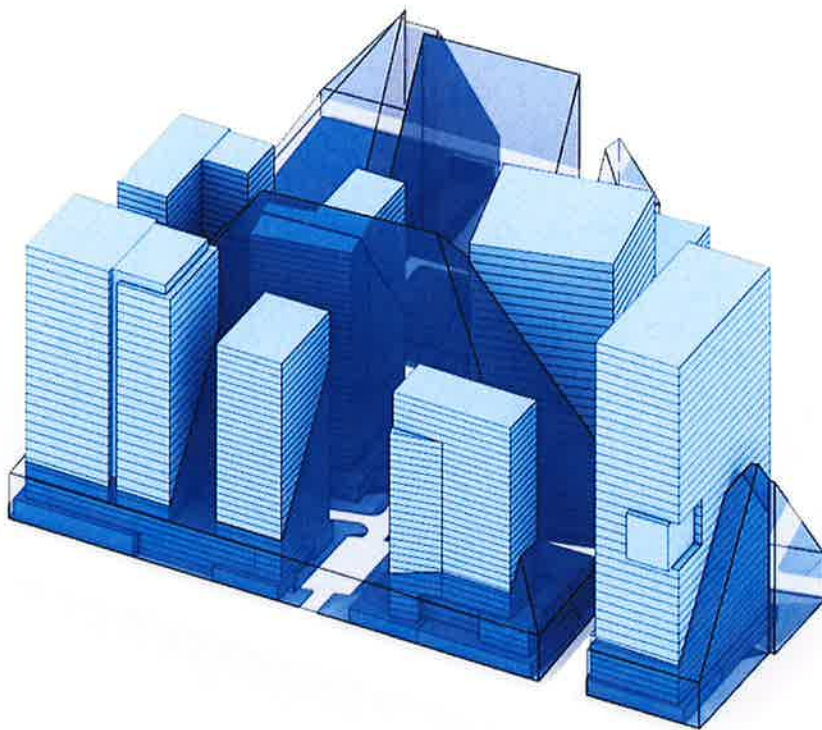
**New Exhibit Submitted 5/6/2020 as Part of BZA Application**



CF MASSING AND VOLUME ALLOWED BY CODE  
89,500,000 Cubic Feet

 SLOPE CONTROL PLANE

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



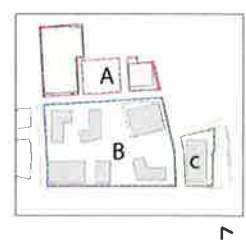
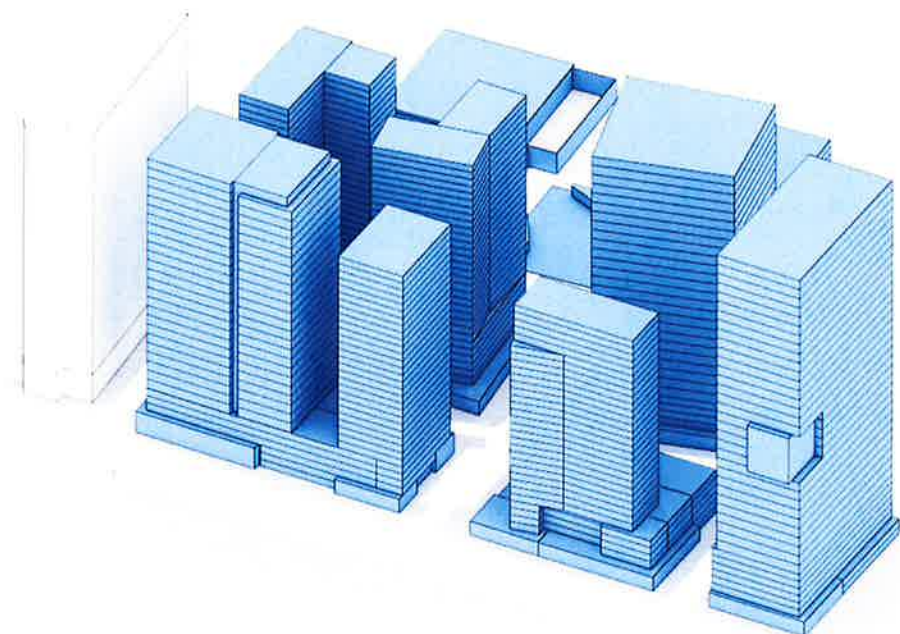
7

■ SLOPE CONTROL PLANE  
■ PROPOSED MASSING

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

TOTAL MASSING VOLUME PROPOSED:  
58,800,000 Cubic Feet  
CF MASSING AND VOLUME ALLOWED BY CODE  
89,500,000 Cubic Feet  
**DIFFERENCE: 30,700,000 Cubic Feet**  
**(%65 USED)**

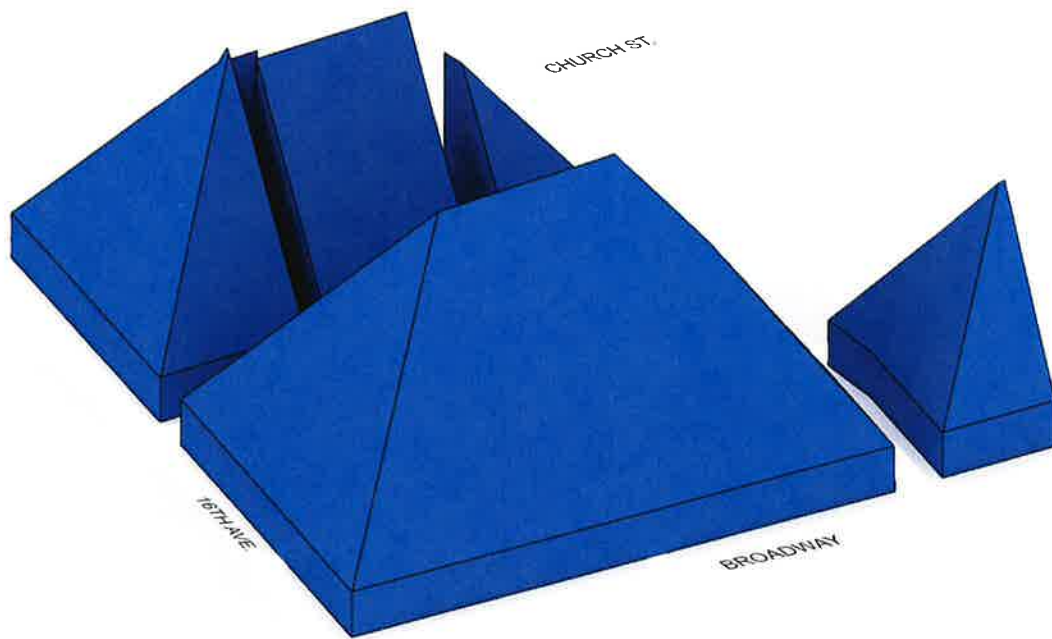
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PROPOSED MASSING

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CF MASSING AND VOLUME ALLOWED BY CODE  
89,500,000 Cubic Feet  
DIFFERENCE: 30,700,000 Cubic Feet  
(%65 USED)

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



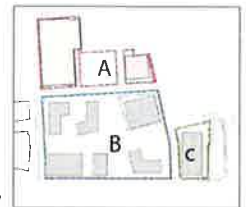
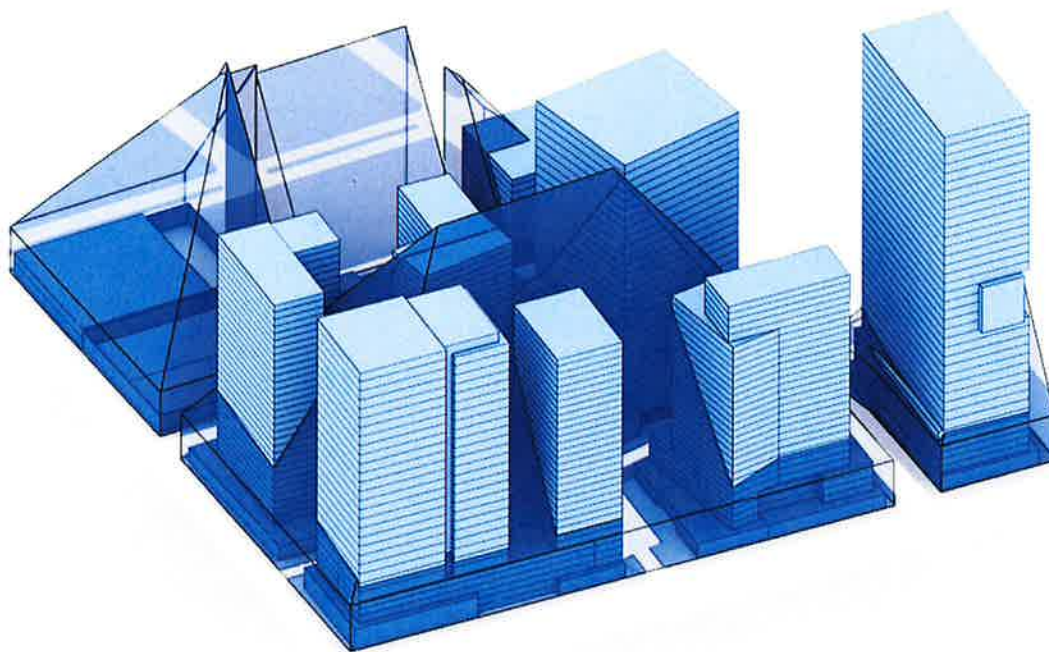
CF MASSING AND VOLUME ALLOWED BY CODE

89,500,000 Cubic Feet

 SLOPE CONTROL PLANE

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

14.2.2020 P.A.



7

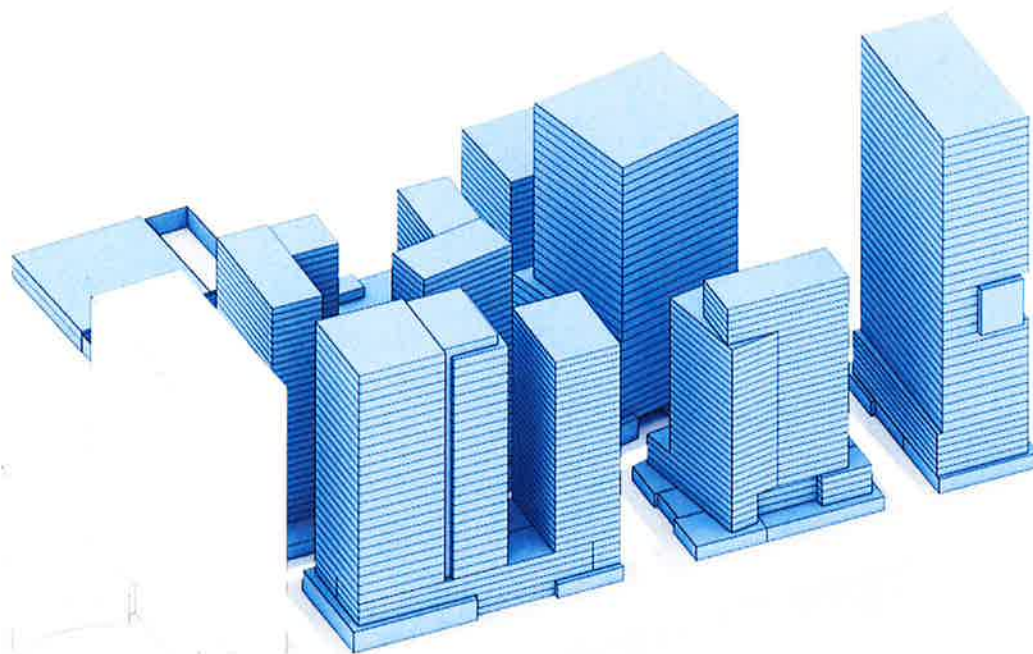
SLOPE CONTROL PLANE  
 PROPOSED MASSING

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

**TOTAL MASSING VOLUME PROPOSED:**  
 58,800,000 Cubic Feet  
**CF MASSING AND VOLUME ALLOWED BY CODE**  
 89,500,000 Cubic Feet  
**DIFFERENCE: 30,700,000 Cubic Feet**  
 (%65 USED)

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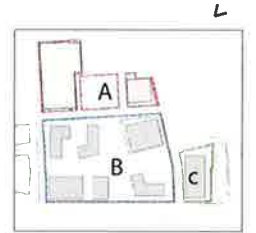
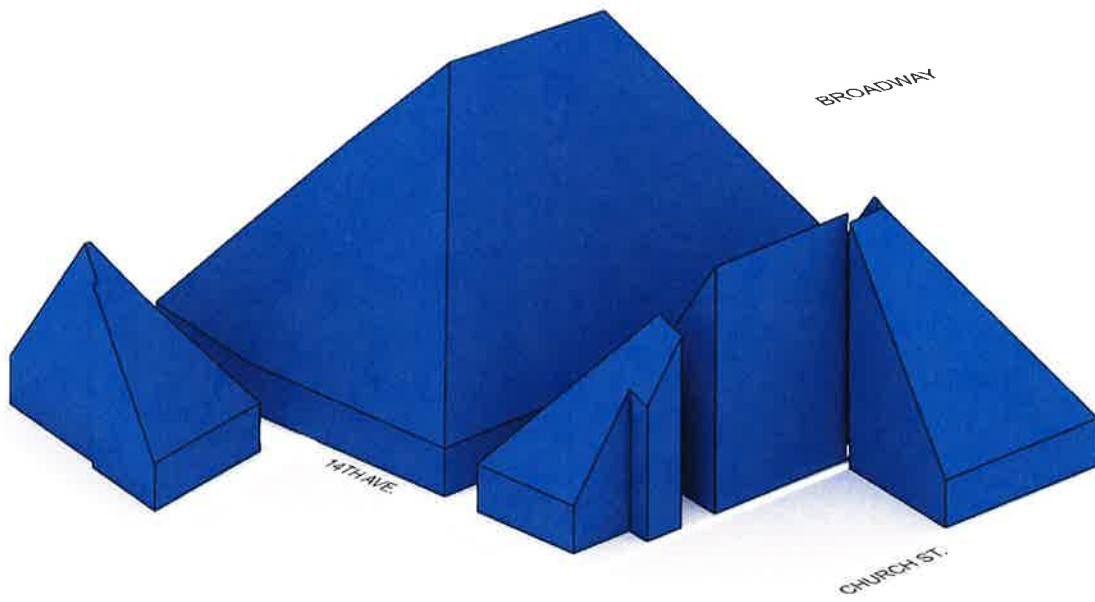




TOTAL MASSING VOLUME PROPOSED:  
58,800,000 Cubic Feet  
CF MASSING AND VOLUME ALLOWED BY CODE  
89,500,000 Cubic Feet  
DIFFERENCE: 30,700,000 Cubic Feet  
(%65 USED)

PROPOSED MASSING

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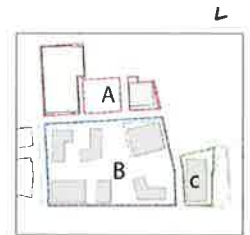
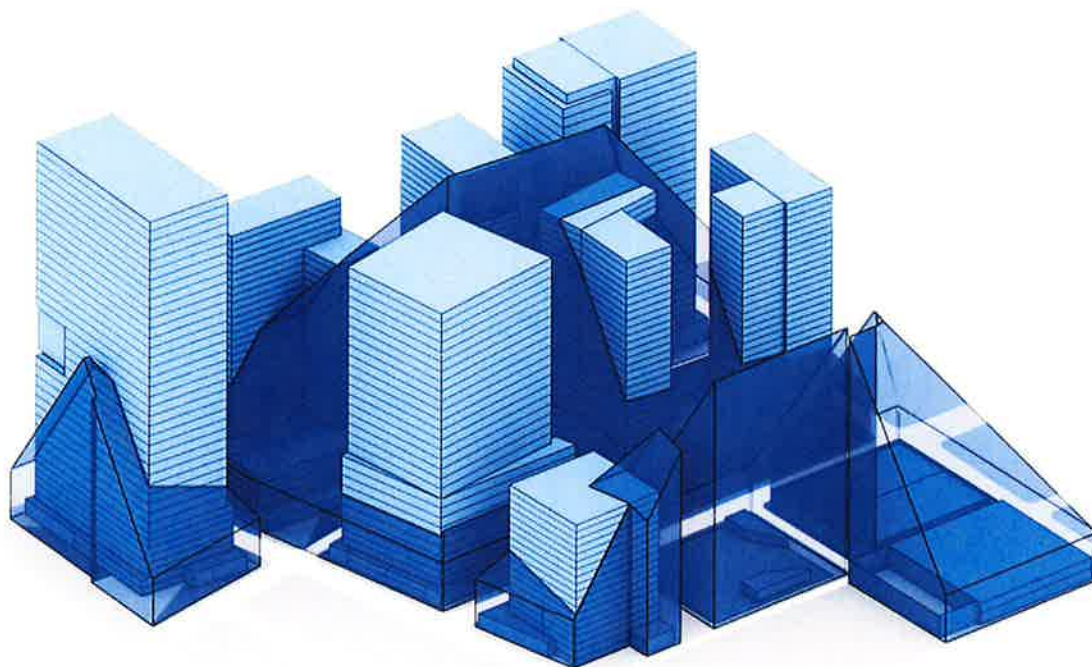
CF MASSING AND VOLUME ALLOWED BY CODE

89,500,000 Cubic Feet

 SLOPE CONTROL PLANE

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

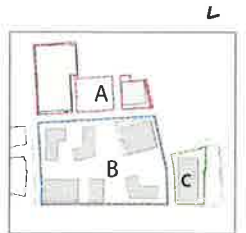
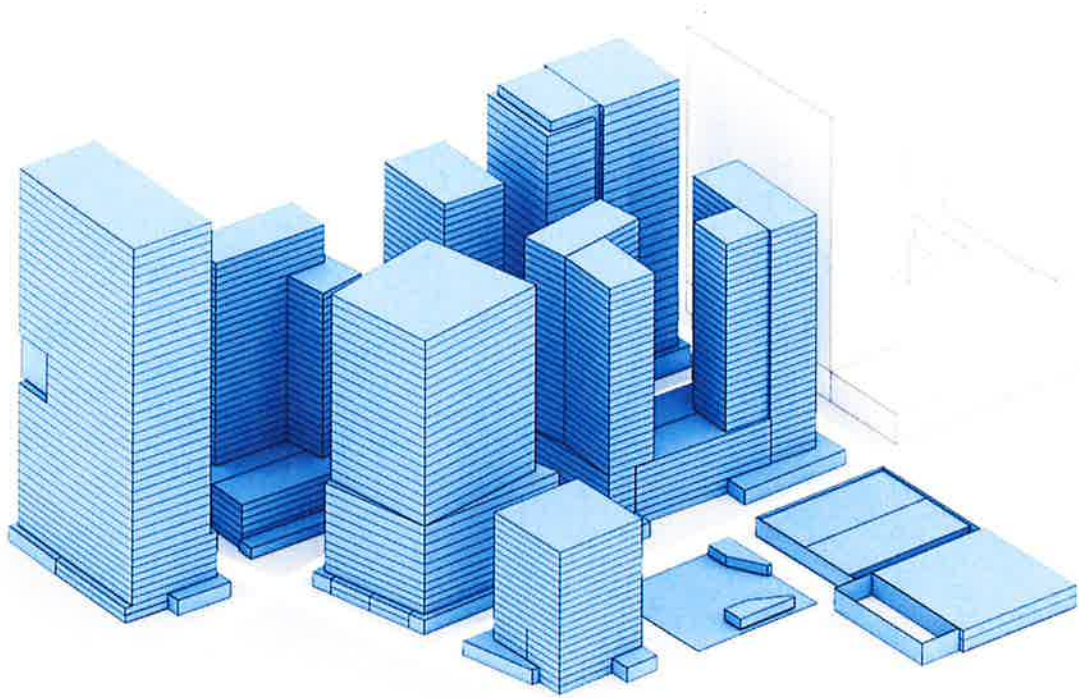
04.23.2020 10:51



■ SLOPE CONTROL PLANE  
■ PROPOSED MASSING

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

TOTAL MASSING VOLUME PROPOSED:  
58,800,000 Cubic Feet  
CF MASSING AND VOLUME ALLOWED BY CODE  
89,500,000 Cubic Feet  
DIFFERENCE: 30,700,000 Cubic Feet  
(%65 USED)



PROPOSED MASSING

TOTAL MASSING VOLUME PROPOSED:  
 58,800,000 Cubic Feet  
 CF MASSING AND VOLUME ALLOWED BY CODE  
 89,500,000 Cubic Feet  
 DIFFERENCE: 30,700,000 Cubic Feet  
 (%65 USED)

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

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: 16 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

[Signature]  
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.*

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

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

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

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

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

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

---

**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.





**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

61-2788

**OWNER'S CERTIFICATE**

I (We) Heretby Certify That I Am (We Are) The Owner (S) 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 Metropolitan Planning Commission 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**

I (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**

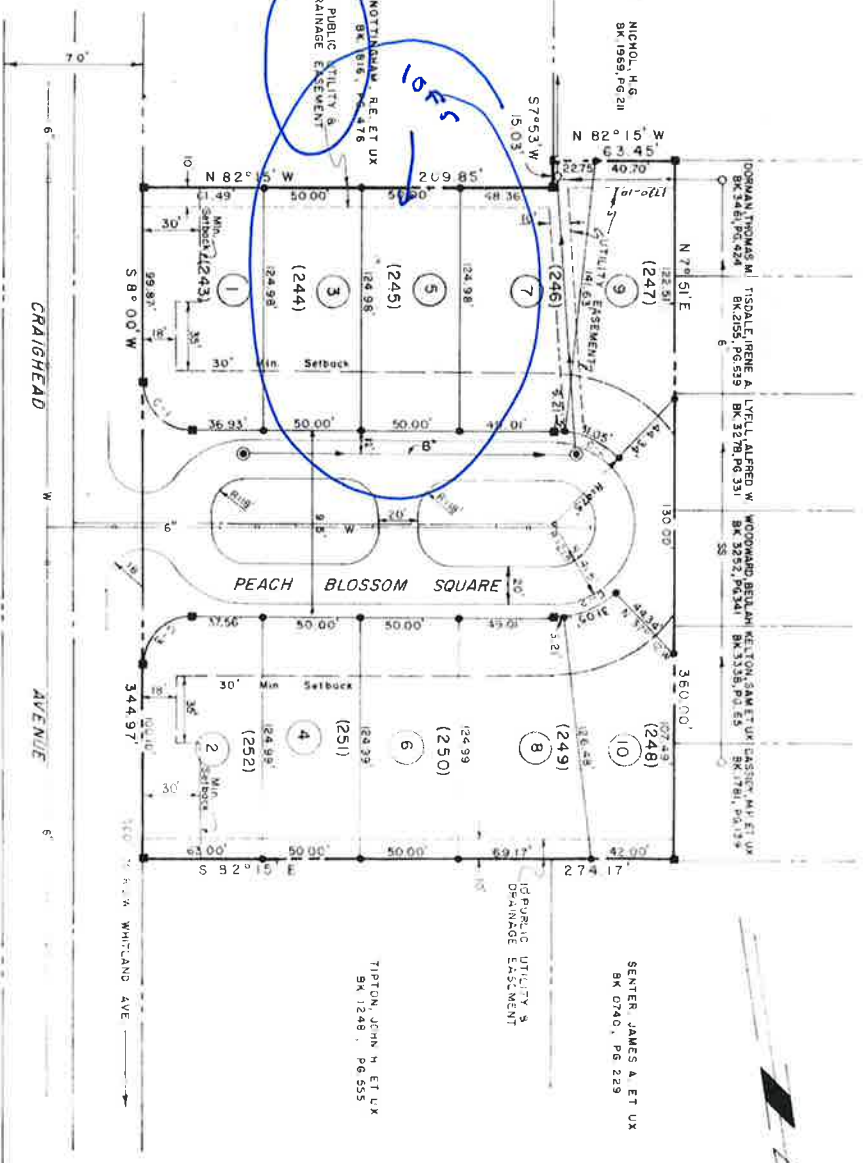
Surveyed Nov 27 1967 Book 3842  
 Page 166

**LEGEND**

- PROPERTY OWNERSHIP BOUNDARY
- LOT LINE
- 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'	39.98
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

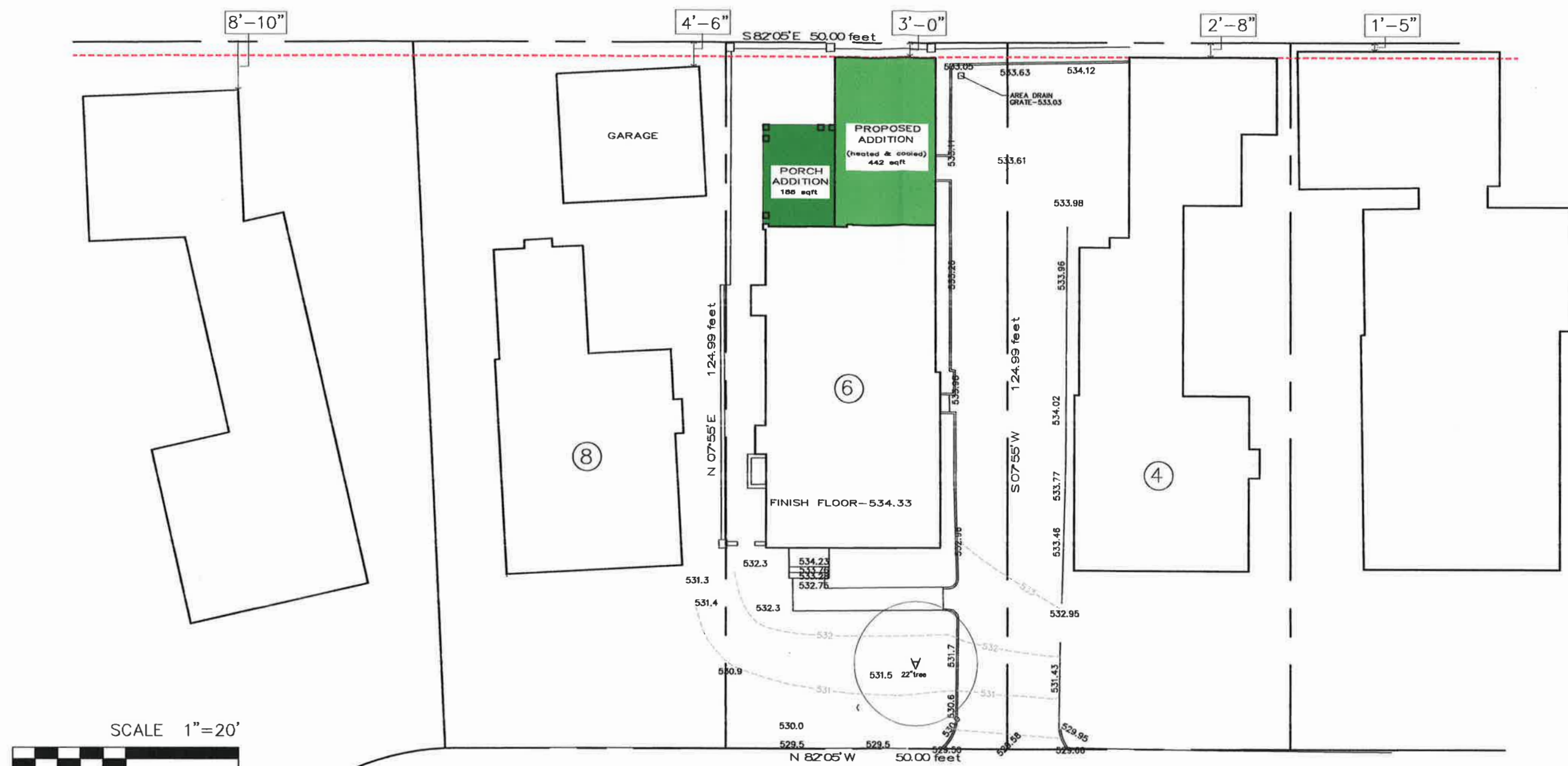
TRACT CONTAINS 2.19 ACRES

SCALE 1" = 50'

3842-166

3842-166

61-2788



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

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

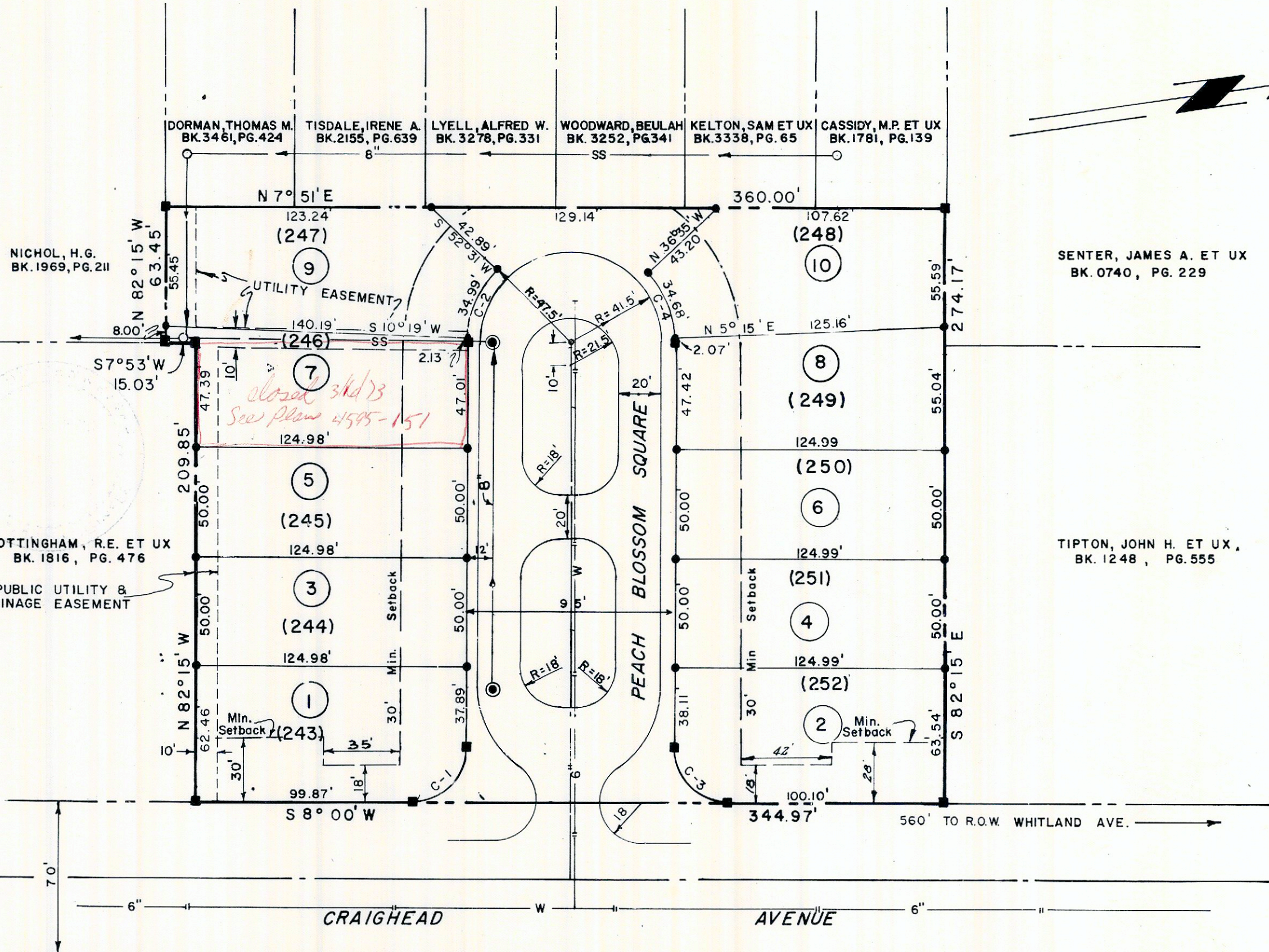
RECORD

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

**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.

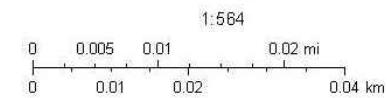
Ron D Farris, Architect

### Nashville / Davidson County Parcel Viewer



March 2, 2020

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



Metro GIS

Made by: Metro GIS



Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant : Scott Jones Date: 3-10-2020  
Property Owner: JONA Development, LLC Case #: 2020-110  
Representative: Scott Jones Map & Parcel: 7112 - 80

Council District 5

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

Purpose:

Build to zone to be 121ft., side buffer  
zone to be 5ft, parking to be 11  
instead of 12 spots

Activity Type: Multi-family

Location: 805 Cherokee Ave., Nashville, TN 37207

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

Reason: We want to ~~move~~ move the build to zone to be further  
back on the Property.  
Section(s): 17.12-020(D), 17.20.030, 17.24.230

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

Scott Jones  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

335 Gillette Dr.  
Address

Address

Franklin, TN 37069  
City, State, Zip Code

City, State, Zip Code

615-943-6942  
Phone Number

Phone Number

Scott@jona.development.com  
Email

Email

Zoning Examiner: CH

Appeal Fee: \$ 200.00



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



3779549

**ZONING BOARD APPEAL / CAAZ - 20200015602  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 071120F90000CO**APPLICATION DATE:** 03/10/2020**SITE ADDRESS:**

805 B CHEROKEE AVE NASHVILLE, TN 37207

COMMON AREA 805 CHEROKEE AVENUE

**PARCEL OWNER:** O.I.C. 805 CHEROKEE AVENUE**CONTRACTOR:****APPLICANT:** Scott Jones  
615-943-6942**PURPOSE:**

requesting variance from build to zone of O-80' to allow 121' front setback, reduce required parking from 12 to 11, and variance from landscape buffer to allow 5' landscape buffer. Originally approved with appeal 2017-367

*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?**

To allow us to build the plan that was previously approved, and variances that were approved but have expired, we need the same variances approved again. We want to move the proposed building units further back on the property so that we have room for front parking and so that our building is not right beside the neighbor's house. There is a buffer zone and we would like to follow the standard 5ft side setbacks.

## 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.

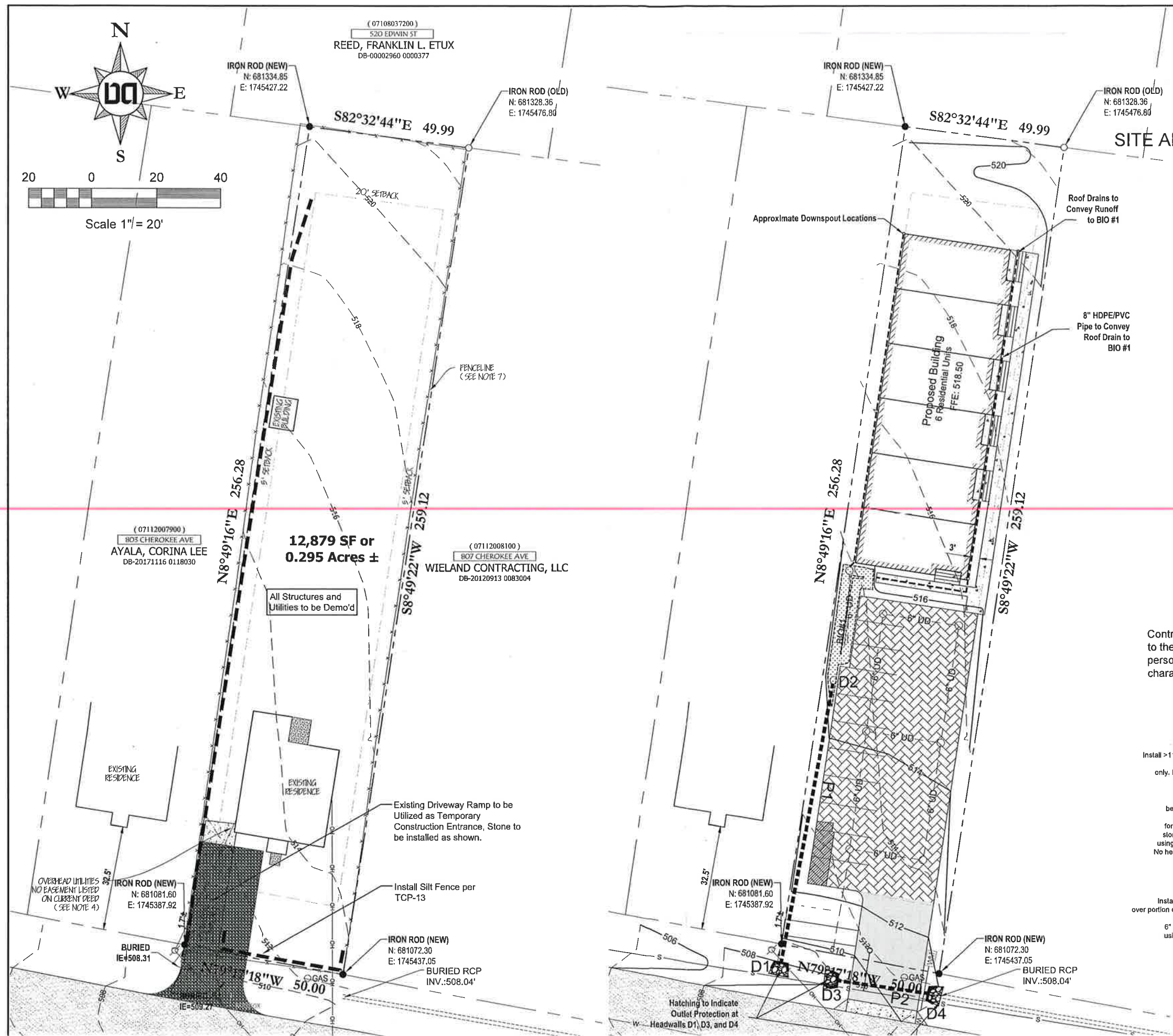
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

**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

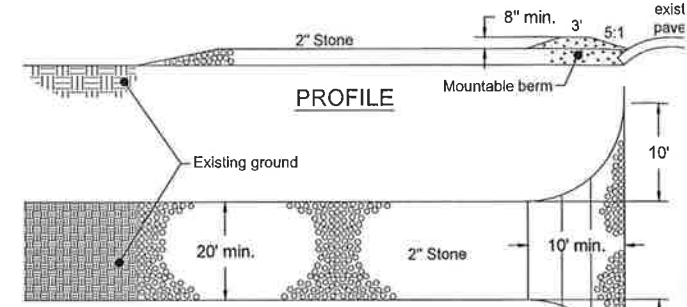
3-10-2020  
DATE



Structure Table		
Structure Name	Structure Type	Casting Elevation
D1	Head Wall	509.00
D2	Outlet Structure	513.75
D3	Head Wall	509.50
D4	Head Wall	510.13

SITE AREA=0.295 ACRES  
=12,879 S.F.

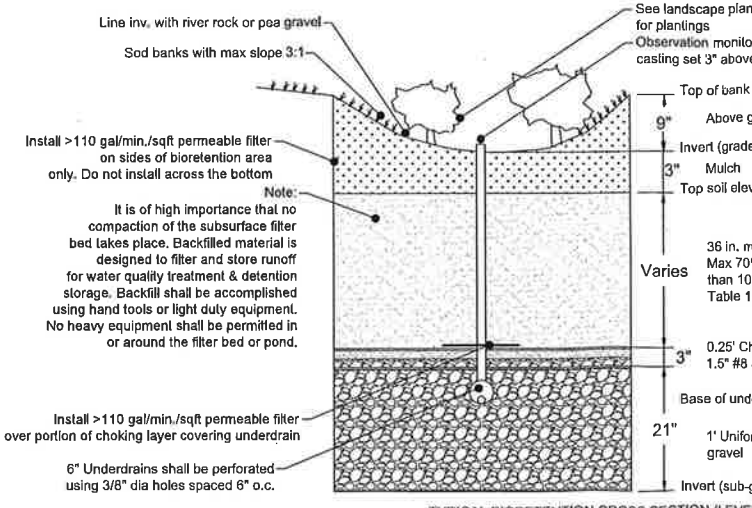
Pipe Table		
Pipe Name	Pipe Size (in.)	Slope (%)
P1	15" CMP	3
P2	22"x34" RCP	3



1. Stone size - use 2" stone, or equal
2. Min. length - 100'
3. Min. thickness - 8"
4. Min. width - 20'
5. Filter cloth will be placed over the entire area prior to placing of stone.
6. Surface water all surface water flowing or diverted toward construction entrances shall be pip across the entrance.
7. Maintenance - the entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any measures used to sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.

**TEMPORARY CONSTRUCTION EXIT**  
REFER TO METRO DETAIL TCP-03  
N.T.S.

Contractor, engineer, or owners representative shall notify MWS-Development re to the installation of the planting soil filter bed. At the completion of installation, person will collect one sample per bio-retention bed for analysis and confirmatio characteristics as defined by GIP-01, filter media and surface cover, section 6.6



- BIORETENTION NOTES:**
1. Biomedia to consist of:  
Max 70%-85% Sand, 10%-20% Silt + Clay with no more th 1.2.Bioretenion Design Criteria
  2. No heavy machinery shall be used during installation of rain garden
  3. Backfilled material must remain uncompacted to ensure adequate

**From:** [Kivett, Stephan \(Codes\)](#)  
**To:** [Lifsey, Debbie \(Codes\)](#)  
**Cc:** [Shepherd, Jessica \(Codes\)](#)  
**Subject:** RE: 5/7/20 Docket Case 2020-110  
**Date:** Monday, April 20, 2020 1:36:45 PM

---

Assuming there is not any opposition, I'm fine with a variance

---

**From:** Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>  
**Sent:** Monday, April 20, 2020 11:53 AM  
**To:** Kivett, Stephan (Codes) <Stephan.Kivett@nashville.gov>  
**Subject:** 5/7/20 Docket Case 2020-110

Stephan,

Need recommendations for this case 2020-110 on 5/7/20 Docket.

**CASE 2020-110 (Council District - 5)**

**SCOTT JONES**, appellant and **O.I.C. 805 CHEROKEE AVENUE**, owner of the property

located at **805 B CHEROKEE AVE**, requesting variances from build to zone, **landscape**

**buffer** and setback requirements in the RM20-A District, does not meet requirements of

zoning. Referred to the Board under Section 17.12.020 (D), 17.20.030, 17.24.230. The

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

Use-Multi-Family  
071120F90000CO

Map Parcel

**Results-**

Thank you,

Debbie Lifsey  
 Administrative Services Officer III  
 800 2<sup>nd</sup> Avenue South 1<sup>st</sup> Floor  
 Nashville, TN 37210

(615) 862-6505

Metropolitan Board of Zoning Appeals

Metro Howard Building  
800 Second Avenue South  
Nashville, Tennessee 37210



Appellant: Jason Klevé  
Property Owner: Jason & Gloria Klevé  
Representative: Same

Date: 3/18/20  
Case #: 2020- 113  
Map & Parcel: 1310300/800

Council District B

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

Purpose:

RESIDENTIAL CONSTRUCTION  
TWO FAMILY / DUPLEX

Activity Type: Two-Family

Location: 1802 Warfield Dr.

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

Reason: PARCEL AREA 9,822 SF (98% OF REQ'D AREA)

Section(s): 17.12.020A MIN LOT AREA 10,000 SF

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.

17.12.030  
(C)3  
CONTEXTUAL  
15 51.2

Jason Klevé  
Appellant Name (Please Print)

Same  
Representative Name (Please Print)

3339 Hankshaw Ln  
Address

Address

Murfreesboro T.N. 37127  
City, State, Zip Code

City, State, Zip Code

(615) 904-5677  
Phone Number

Phone Number

Jasonklevé@hotmail.com  
Email

Email

Zoning Examiner: T. CORCORAN

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





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



3786499

**ZONING BOARD APPEAL / CAAZ - 20200017574  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 13103001800**APPLICATION DATE:** 03/18/2020**SITE ADDRESS:**

1802 WARFIELD DR NASHVILLE, TN 37215  
N SIDE WARFIELD DR W OF LONE OAK ROAD

**PARCEL OWNER:** KLEVE, GLORIA & JASON**CONTRACTOR:****APPLICANT:****PURPOSE:**

REQUEST TO BUILD DUPLEX/TWO FAMILY ON PARCEL WITH 9,822 SQUARE FEET OF AREA. (98% OF REQUIRED AREA)

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

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

---

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

Inspection requirements may change due to changes during construction.

## APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

  
\_\_\_\_\_  
APPELLANT

  
\_\_\_\_\_  
DATE

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

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

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

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

- My property is only ~~40~~<sup>178</sup> ft short of R10 Zoning.
- Needing a Variance so I can build two Homes for me and my mother to live in.
- Also looking to have the front set changed to 28.4. As the property at 1800 Warfield has the same setback. Both Single family Homes will have 2 car garages if Variances are approved.

## 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.*

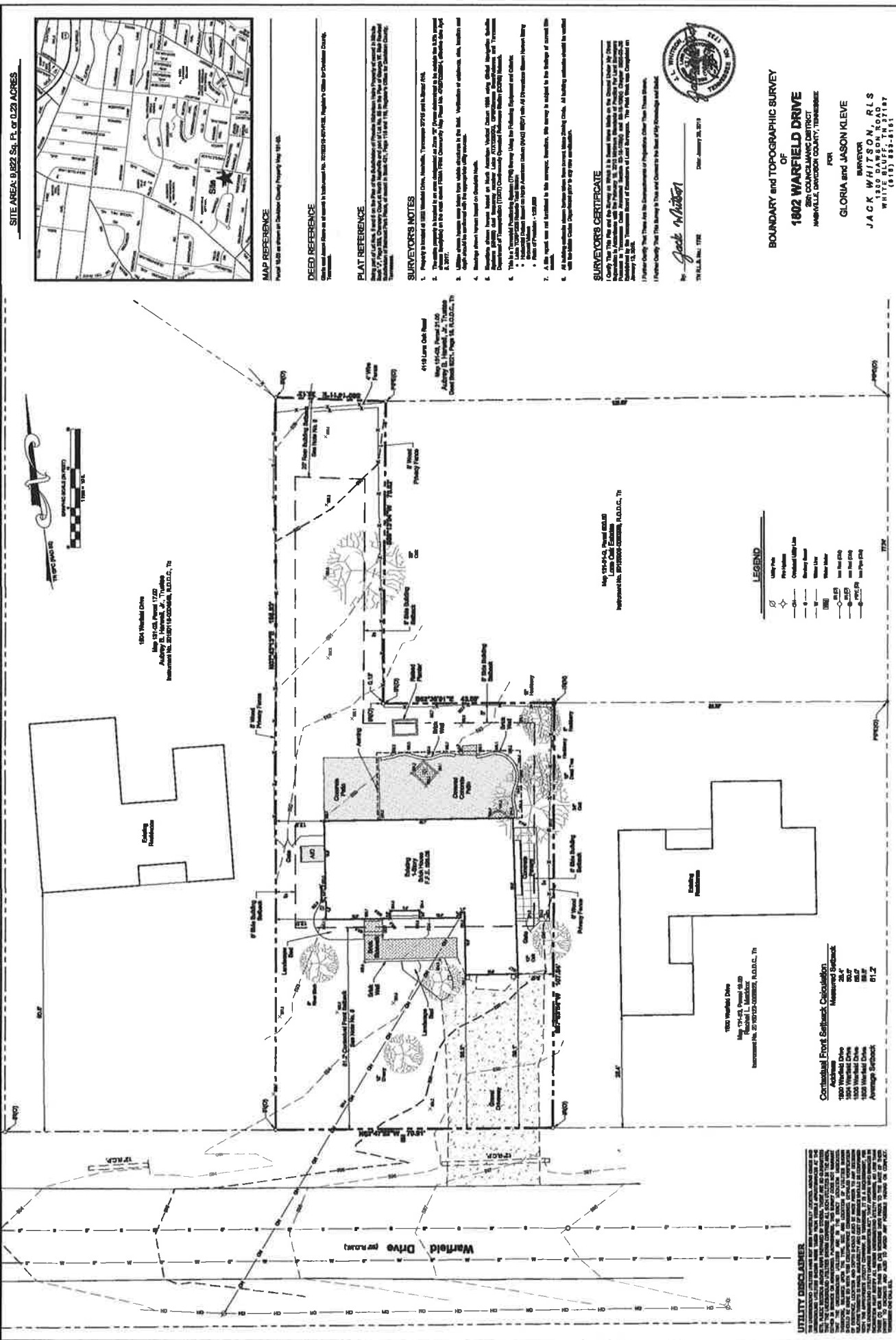
*No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.*

**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.*

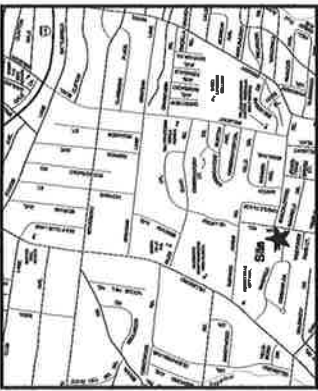
**Integrity of Master Development Plan-** *The granting of a variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.*

*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.*

CONTEXTUAL FRONT S/B = 51.2



SITE AREA: 0.282 Ac. Fl. of 0.28 ACRES



MAP REFERENCE  
 Refer to the plat of the Surveying and Mapping Department of the State of Tennessee, dated 10/15/18, for the location of the property within the Warfield Drive area.

DEED REFERENCE  
 Refer to the plat of the Surveying and Mapping Department of the State of Tennessee, dated 10/15/18, for the location of the property within the Warfield Drive area.

PLAT REFERENCE  
 Refer to the plat of the Surveying and Mapping Department of the State of Tennessee, dated 10/15/18, for the location of the property within the Warfield Drive area.

SURVEYOR'S NOTES  
 1. Property located at 1802 Warfield Drive, Nashville, Tennessee 37215 and is under 1/4 AC.  
 2. Property located at 1803 Warfield Drive, Nashville, Tennessee 37215 and is under 1/4 AC.  
 3. All other areas shown were from a valid instrument in the field. Verification of existence, size, location and boundary lines between these areas has been made using Global Positioning System (GPS) data collected on the property.

SURVEYOR'S CERTIFICATE  
 I, Jack A. Nixson, Surveyor, do hereby certify that the above is a true and correct copy of the original survey as shown on the plat of the Surveying and Mapping Department of the State of Tennessee, dated 10/15/18, for the location of the property within the Warfield Drive area.



BOUNDARY and TOPOGRAPHIC SURVEY  
 OF  
 1802 WARFIELD DRIVE  
 28th COMMERCIAL DISTRICT  
 NEWELL, DAVENPORT COUNTY, TENNESSEE  
 FOR  
 GLORIA and JASON KLEVE  
 SURVEYOR  
 JACK WHITSON, R.L.S.  
 1305 DABSON ROAD  
 WHITE BLUFF, TENNESSEE 37187

Contextual Front Setback Calculation

Address	Measured Setback
1802 Warfield Drive	28.4'
1803 Warfield Drive	88.2'
Average Setback	51.2'

UTILITY DISCLAIMER  
 THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND HAS OBSERVED THE LOCATION OF THE UTILITY LINES SHOWN ON THIS PLAT. THE SURVEYOR HAS NOT CONDUCTED ANY TESTS OR MEASUREMENTS TO VERIFY THE LOCATION OF THE UTILITY LINES. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UTILITY LINES. THE SURVEYOR HAS NOT CONDUCTED ANY TESTS OR MEASUREMENTS TO VERIFY THE LOCATION OF THE UTILITY LINES. THE SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE TO OR INTERFERENCE WITH ANY UTILITY LINES.

For and in consideration of the sum of \$ TEN AND NO/100 -----  
----- (210.00) DOLLARS

cash in hand paid by LEONARD D. WARREN and wife, AILEEN WARREN, and other good and valuable considerations, the receipt of which is hereby acknowledged,  
We, GEORGE T. HICKS and wife, SALLIE READ HICKS,  
have bargained and sold, and by these presents do transfer and convey unto the said LEONARD D. WARREN and wife, AILEEN WARREN, their

heirs and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows to wit:

Land in the 7th, formerly the 11th, Civil District of Davidson County, Tennessee, being part of lots Nos. 5 and 6 on the Plan of the Subdivision of Phoebe Nicholson Heirs Property, as of record in Minute Book "5", page 293, of the Chancery Court for said County and part of lot No. 65 on the Plan of George T. Blair's Revised Subdivision of Belmont Park Place, as of record in book 421, pages 113 and 119, Register's Office for said County, and being lot No. 6 in George T. Hicks unrecorded Subdivision and described according to a survey made by Clyde D. Anderson, Surveyor, September 1, 1952, as follows:  
Beginning on the northerly margin of Warfield Drive 81.77 feet west of the northwest corner of Warfield Drive and One Oak Road, said beginning point also being the corner of lots Nos. 5 and 6; thence with the line between said lots, northwardly 107.75 feet to the south line of lot No. 4; thence with the south line of said lot, westwardly 43.8 feet to the southwest corner of lot No. 4; thence with the west line of said lot northwardly 78 feet to the southerly line of lot No. 3; thence westwardly 27.2 feet to the corner of lots Nos. 6 and 7; thence with the line between said lots, southwardly 126 feet to the northerly margin of Warfield Drive; thence with said Drive, eastwardly 71 feet to the point of beginning.

Being part of the property conveyed to George T. Hicks by deed from Julia Elizabeth Brookes, et al, of record in book 1939, page 397, said Register's Office, and part of the property conveyed to George T. Hicks by deed from Central Mortgage Company, of record in book 1939, page 365, said Register's Office.

The said Sallie Read Hicks and Sallie R. Hicks are one and the same person.

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said LEONARD D. WARREN and wife, AILEEN WARREN, their heirs and assigns, forever.

And we do covenant with the said LEONARD D. WARREN and wife, AILEEN WARREN, that they are lawfully seized and possessed of said land in fee simple; have a good right to convey it, and the same is unencumbered, except for 1952 State & County taxes, to be paid by purchasers, same having been prorated as of date of deed.  
And we, GEORGE T. HICKS and wife, SALLIE READ HICKS

do further covenant and bind ourselves, our heirs and representatives, to warrant and forever defend the title to the said land to the said LEONARD D. WARREN and wife, AILEEN WARREN, their heirs and assigns against the lawful claims of all persons, whomsoever.

Witness our hands this 12th day of September, 1952.

STATE OF TENNESSEE  
Davidson County

*George T. Hicks*  
*Sallie R. Hicks*

Personally appeared before me, Woodson J. Martin, a Notary Public in and for said County and State, the within named GEORGE T. HICKS and wife, SALLIE READ HICKS,

the bargainers, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained. Witness my hand and official seal at Nashville, Tennessee, this 13th day of September, 1952.

Commission expires Oct 11, 1953  
*Woodson J. Martin, Jr.*  
Notary Public

REARV 104 R-4

Zone Office  
LAWYERS TITLE INSURANCE  
CORPORATION  
of Raleigh, Virginia



*Blower*  
251  
SEP 13 1952  
78  
P 500  
200

WARRANTY DEED  
FROM  
GEORGE T. HICKS and wife,  
SALLIE READ HICKS  
TO  
LEONARD D. WARREN and wife,  
AILEEN WARREN

K 1939

WARRANTY DEED

For and in consideration of the sum of TEN (\$10.00) AND NO/100 DOLLARS

cash in hand paid by George T. Hicks, and other good and valuable considerations, the receipt of all of which is hereby acknowledged,

Central Mortgage Company, a Tennessee corporation, has been bargained and sold, and by these presents do transfer and convey unto the said George T. Hicks,

his heirs and assigns, a certain tract or parcel of land in Davidson County, State of Tennessee, described as follows to wit:

Land in Davidson County, Tennessee, being the northerly 10 feet of Lot No. 65 on the plan of George W. Blair's Revised Subdivision of Belmont Park Place, as of record in Book 421, pages 118 and 119, Register's Office for said County, and being shown as a 10-foot reserved strip on the plan of Colonial Heights, as of record in Book 1130, page 102, said Register's Office, described as follows: Beginning in the center of Glendale Lane, or Lone Oak Road, at the northeast corner of Lot No. 65 on said Blair's Subdivision; thence with the northerly line of said Lot No. 65, north 87° 30' west 742 feet to the easterly margin of an unnamed street; thence with same, southwardly 10 feet to the northerly margin of Warfield Drive; thence with same, eastwardly 742 feet to the center of Glendale Lane or Lone Oak Road; thence with the center of same, northwardly 10 feet to the beginning.

Being the same property conveyed to Central Mortgage Company by deed from Central Realty Company, of record in Book 1626, page 507, said Register's Office.

To have and to hold the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging to the said George T. Hicks,

his heirs and assigns, forever. Central Mortgage Company does not covenant with the said George T. Hicks,

that it is lawfully seized and possessed of said land in fee simple; have a good right to convey it, and the same is unencumbered, except for 1951 taxes which are to be assumed by the grantee.

And Central Mortgage Company, does successors and assigns, not further covenant and bind itself, its not warrant and forever defend the said land to the said George T. Hicks,

his heirs and assigns against the lawful claims of all persons, whomsoever. Witness my hand this 17th day of January, 1951

By [Signature] Secretary and [Signature] President  
CENTRAL MORTGAGE COMPANY

STATE OF TENNESSEE }  
Davidson County

Personally appeared before me, \_\_\_\_\_ a Notary Public in and for said County and State, the within named \_\_\_\_\_

the bargainer, with whom I am personally acquainted, and who acknowledged that executed the within instrument for the purposes therein contained.

Witness my hand and official seal at office, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Commission expires \_\_\_\_\_ Notary Public

G 365

**Lifsey, Debbie (Codes)**

---

**From:** Shepherd, Jessica (Codes)  
**Sent:** Thursday, April 30, 2020 1:17 PM  
**To:** Board of Zoning Appeals (Codes)  
**Subject:** FW: 1802 Warfield Appeal # 2020-113  
**Attachments:** IMG\_3959.jpg; IMG\_3960.jpg; 1802 Warfield Drive - Boundary and Topo Survey(2).pdf

**From:** Jason Kleve REALTOR <jasonkleve@hotmail.com>  
**Sent:** Thursday, April 30, 2020 1:04 PM  
**To:** Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>  
**Subject:** 1802 Warfield Appeal # 2020-113

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

Jessica,  
Please see attached. I wanted to send over photos of what the homes will look like along with the survey for the council members for the zoning appeal on 05/07/2020.

Regards,

**Jason Kleve,  
REALTOR, Property  
Manager, & Real Estate Consultant**

**Benchmark**  
REALTY,LLC

630 W. Burton Street  
Murfreesboro, TN 37130  
[jasonkleve@hotmail.com](mailto:jasonkleve@hotmail.com)  
(615) 904-5677 cell  
(615) 809-2323 office

[Click here for Website & Homes](#)



1728



M-1728MD

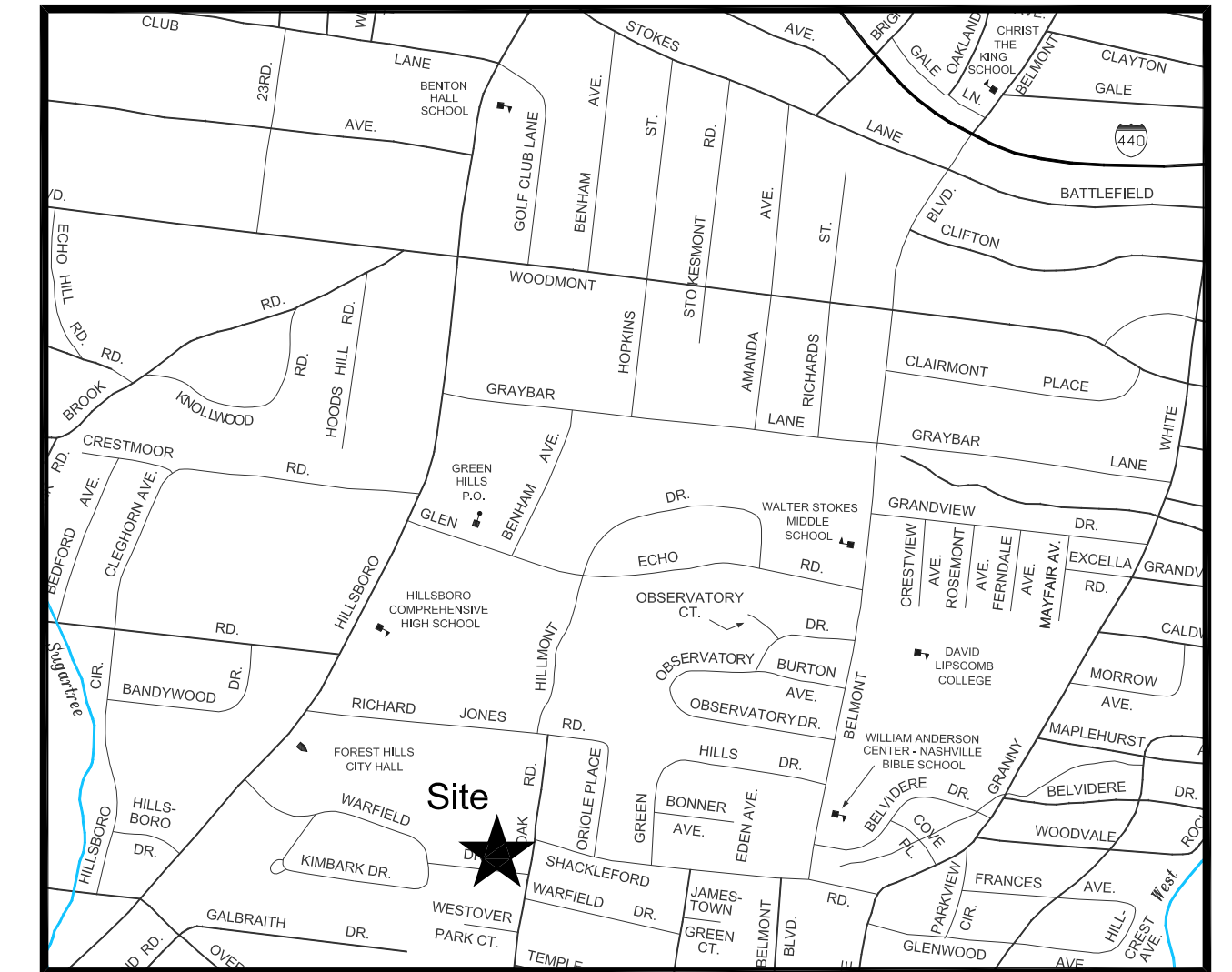
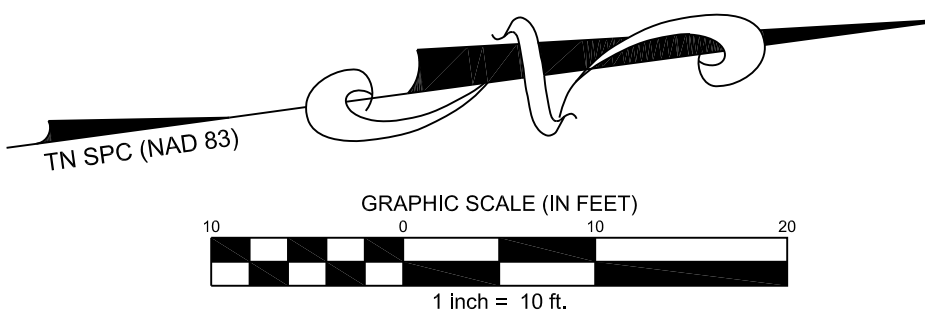
# Maine



M-1736MD



SITE AREA: 9,822 Sq. Ft. or 0.23 ACRES



**MAP REFERENCE**

Parcel 18.00 as shown on Davidson County Property Map 131-03.

**DEED REFERENCE**

Gloria and Jason Kleve as of record in Instrument No. 20150218-0014133, Register's Office for Davidson County, Tennessee.

**PLAT REFERENCE**

Being part of Lot Nos. 5 and 6 on the Plan of the Subdivision of Phoebe Nicholson Heirs Property of record in Minute Book "J", Page 293, Chancery Court at North Nashville and part of Lot No. 65 on the Plan of George W. Blair Revised Subdivision of Belmont Park Place, of record in Book 421, Page 118 and 119, Register's Office for Davidson County, Tennessee.

**SURVEYOR'S NOTES**

- Property is located at 1802 Warfield Drive, Nashville, Tennessee 37215 and is Zoned R10.
- The entire property is located in an area designated as Zone "X" (Areas determined to be outside the 0.2% annual chance floodplain) on the most recent FEMA FIRM Community Map Panel No. 47037C0356H, effective date April 5, 2017.
- Utilities shown hereon were taken from visible structures in the field. Verification of existence, size, location and depth should be confirmed with the appropriate utility sources.
- Bearings shown hereon based on Geodetic North.
- Elevations shown hereon based on North American Vertical Datum 1988 using Global Navigation Satellite Systems (GNSS) dual frequency receiver Leica ATX1230GG, GPS/Glonass SmartAntenna and Tennessee Department of Transportation (TDOT) Continuously Operated Reference Station (CORS) Network.
- This is a Terrestrial Positioning System (TPS) Survey Using the Following Equipment and Criteria:
  - Leica TORP1205 Robotic Total Station
  - Horizontal Datum Based on North American Datum (NAD) 83(07) with All Dimensions Shown Hereon Being Ground Values
  - Ratio of Precision - 1:25,663
- A title report was not furnished to this surveyor, therefore, this survey is subject to the findings of current title search.
- All building setbacks shown hereon taken from current Metro Zoning Code. All building setbacks should be verified with the Metro Codes Department prior to any new construction.

**SURVEYOR'S CERTIFICATE**

I Certify That This Plat and the Survey on Which it is Based Were Made on the Ground Under My Direct Supervision in Accordance with the February 15, 2015 Minimum Standards of Practice For Land Surveyors Pursuant to Tennessee Code Annotated Section 62-18-105(c) and 62-18-106(c) Chapter 0820-03-05 Established by the Tennessee Board of Examiners of Land Surveyors. The Field Work was Completed on January 13, 2019.

I Further Certify That There Are No Encroachments or Projections Other Than Those Shown.

I Further Certify That This Survey is True and Correct to the Best of My Knowledge and Belief.

By: *Jack Whitson*

TN R.L.S. No.: 1732

Date: January 23, 2019



**BOUNDARY and TOPOGRAPHIC SURVEY OF**

**1802 WARFIELD DRIVE**

25th COUNCILMANIC DISTRICT  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE

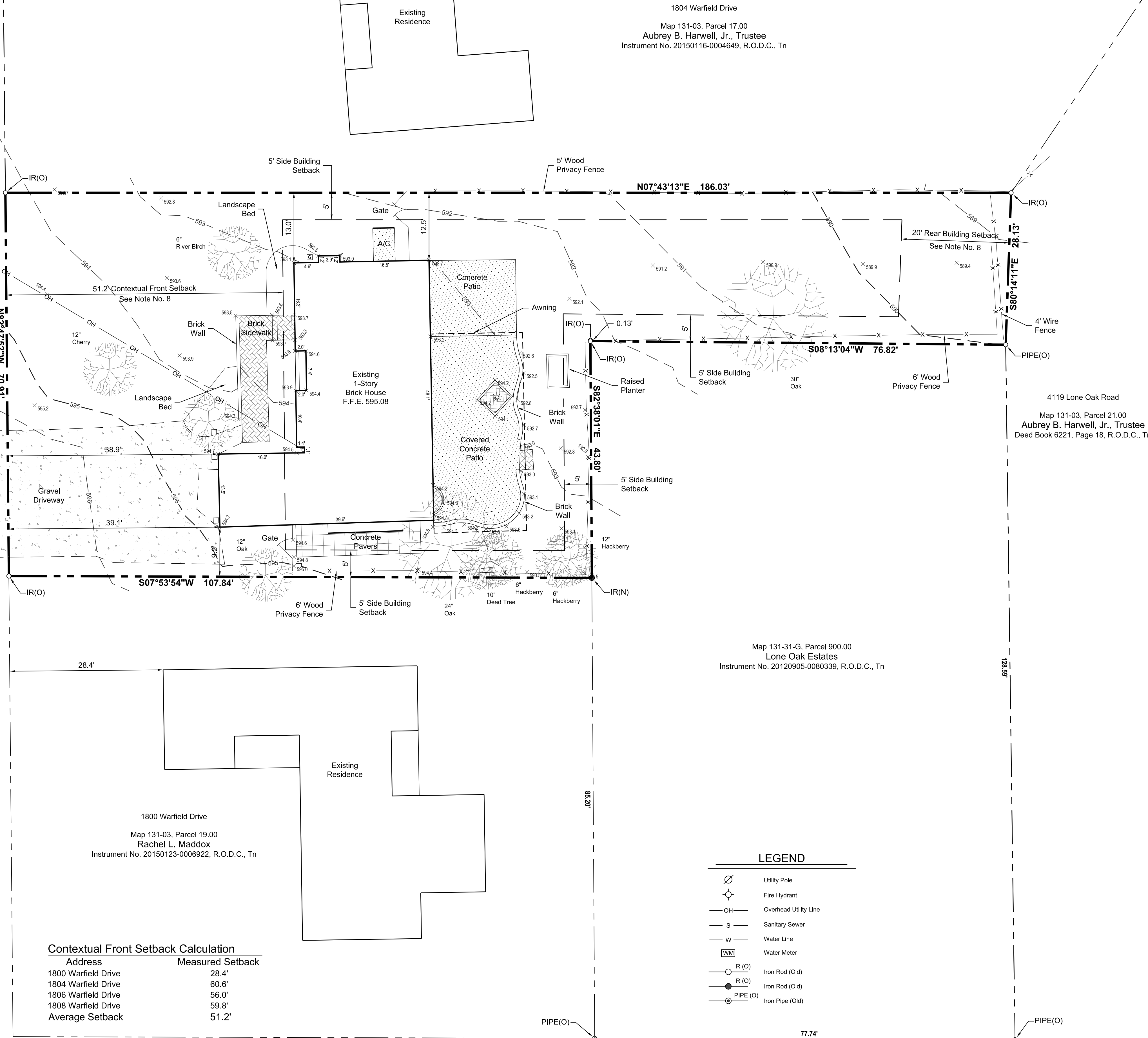
FOR

**GLORIA and JASON KLEVE**

SURVEYOR

**JACK WHITSON, RLS**

1300 DAWSON ROAD  
WHITE BLUFF, TN 37187  
(615) 533-8151



1804 Warfield Drive  
Map 131-03, Parcel 17.00  
Aubrey B. Harwell, Jr., Trustee  
Instrument No. 20150116-0004649, R.O.D.C., Tn

4119 Lone Oak Road  
Map 131-03, Parcel 21.00  
Aubrey B. Harwell, Jr., Trustee  
Deed Book 6221, Page 18, R.O.D.C., Tn

Map 131-31-G, Parcel 900.00  
Lone Oak Estates  
Instrument No. 20120905-0080339, R.O.D.C., Tn

1800 Warfield Drive  
Map 131-03, Parcel 19.00  
Rachel L. Maddox  
Instrument No. 20150123-0006922, R.O.D.C., Tn

**Contextual Front Setback Calculation**

Address	Measured Setback
1800 Warfield Drive	28.4'
1804 Warfield Drive	60.6'
1806 Warfield Drive	56.0'
1808 Warfield Drive	59.8'
<b>Average Setback</b>	<b>51.2'</b>

**LEGEND**

	Utility Pole
	Fire Hydrant
	Overhead Utility Line
	Sanitary Sewer
	Water Line
	Water Meter
	Iron Rod (Old)
	Iron Rod (Old)
	Iron Pipe (Old)

**UTILITY DISCLAIMER**  
THE UNDERGROUND UTILITIES HAVE NOT BEEN PHYSICALLY LOCATED. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THERE ARE NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. FURTHERMORE, THIS SURVEY DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 811.



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



Appellant : Israel Lugo Date: 03-19-20  
Property Owner: Israel Lugo Rufina Utr Case #: 2020-115  
Representative: IS Map & Parcel: 14812007700

Council District 28

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

Purpose: TO CONSTRUCT A 19 X 22 FT DETACHED GARAGE IN FRONT OF EXISTING SINGLE FAMILY RESIDENCE PERMIT APP 2020014311

Activity Type: RES. CONSTRUCTION

Location: 895 IRMA DR

This property is in the B8 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: STREET 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.

Israel Lugo  
Appellant Name (Please Print)

Israel Lugo  
Representative Name (Please Print)

895 Irma dr  
Address

895 Irma dr  
Address

Antioch TN 37013  
City, State, Zip Code

Antioch TN 37013  
City, State, Zip Code

6154732944 (6155739478  
Phone Number

6155739478  
Phone Number

rufinamartinezhernandez@gmail.com  
Email

rufinamartinezhernandez@gmail.com  
Email

Zoning Examiner: IS

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



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



3774061

**ZONING BOARD APPEAL / CAAZ - 20200014338  
Inspection Checklist for Use and Occupancy  
This is not a Use and Occupancy Notification**

**PARCEL:** 14812007700

**APPLICATION DATE:** 03/05/2020

**SITE ADDRESS:**

895 IRMA DR ANTIOCH, TN 37013  
LOT 20 SEC 2-A HAZELWOOD SUB

**PARCEL OWNER:** OLIVA, ISRAEL LUGO & HERNANDEZ, RUF

**CONTRACTOR:**

**APPLICANT:**

**PURPOSE:**

NEED REPRESENTATIVE FOR APPEAL, IN PROCESS OF FINDING A TRANSLATOR.

BZA Appeal filed requesting 35 ft Variance to required street setback per 17.12.030. Contextual Street Setback average is 55 ft, requesting to use the Platted setback of 20 ft.

Self Permit. To construct a 19 ft x 22 ft 418 sq ft) detached carport in front of existing single family residence. Minimum 55 ft front setback per contextual average and 5 ft minimum side setbacks. Must conform with easements on property. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & complet

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

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

Inspection requirements may change due to changes during construction.



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2020014311  
THIS IS NOT A PERMIT**

PARCEL: 14812007700

APPLICATION DATE: 03/05/2020

**SITE ADDRESS:**

895 IRMA DR ANTIOCH, TN 37013  
LOT 20 SEC 2-A HAZELWOOD SUB

PARCEL OWNER: OLIVA, ISRAEL LUGO &amp; HERNANDEZ, RUF

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE  
APPLICANT INFORMATION)  
Israel Oliva 615-573-9478

**PURPOSE:**

BZA Appeal filed requesting 35 ft Variance to required street setback per 17.12.035. Contextual Street Setback average is 55 ft, requesting to use the Platted setback of 20 ft.

Self Permit. To construct a 19 ft x 22 ft 418 sq ft) detached carport in front of existing single family residence. Minimum 55 ft front setback per contextual average and 5 ft minimum side setbacks. Must conform with easements on property.  
1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self building permit holder I am responsible for requesting all required inspections & completing all authorized work in compliance with applicable adopted codes. I further understand that separate permits are required for any proposed electrical, plumbing, & gas/mechanical work and is not part of this building permit....

2. 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...3...You can dig your footers, but do not pour any concrete until you call for an inspection. Also do not put up any drywall until you call for an inspection. The idea is you do not cover up anything with concrete or drywall until an inspector has had a chance to review..\*\*\*SITE PLAN SENT TO FILE

*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
[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		615-862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov



## APPLICATION FOR A VARIANCE REQUEST

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

Israel Lugo Olivis  
APPELLANT

03/05/20  
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?**

Due to the location of house at rear of the property there is no room to build the car porch. There is no space in the back. The boundaries are limited.  
I Erandi Logo translated for him  
on 03/05/20.

Israel Logo Oliva



## 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.*