

METROPOLITAN BOARD OF ZONING APPEALS

**The 6/4/20 meeting will be held telephonically at 1:00 p.m.
pursuant to Governor Lee's Executive Order No. 16.**

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

Public Input to the Board

Comments on any case can be emailed to the Board of Zoning Appeals at bza@nashville.gov. Additionally, comments can be made by calling (629) 255-1902 and leaving a voice mail. When leaving a voice mail be sure to identify yourself by name and address, include the case number, and limit your message to one to two minutes. All voice mails will be played for the board during the meeting. Comments emailed by 12:00 noon on Wednesday, June 3, 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 or through the voice mailbox. However, a remote station will be set up at the Sonny West Conference Center (700 2nd 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 6/4/20 docket. If anyone opposes one of these cases, they should email bza@nashville.gov and state their opposition for the board's review.

2020-080 (324 Plus Park Blvd.) – requesting a variance from parking requirements to construct a hotel.

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2020-133 (3209 Granny White Pike) – requesting a variance from street setback requirements to construct a single-family residence.

2020-135 (3757 Westport Dr) – requesting variance from street setback requirements to construct a single-family residence. Recommended for approval on the condition that the house massing not deviate from what was submitted to the board on the site.

2020-136 (1103 Montrose Ave) – requesting a variance from lot size requirements to construct a detached accessory dwelling unit.

Previously Heard Cases Requiring Board Action

2020-088 (1311, 1313 & 1315 2ND AVE N) variance from landscape buffer requirements within the IR District. This case was heard on 5/21/20 and failed to receive four affirmative votes.

New Cases to Be Heard

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- Deferred 7/16/20

CASE 2020-075 (Council District - 34)

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

Use-Religious Institution

Map Parcel 15900026400

Results- Deferred 7/2/20

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 2020-093 (Council District - 6)

REVEY, SCOTT D. & JESSICA, appellant and owner of the property located at **2416 EASTLAND AVE**, requesting variances from maximum living area square footage and maximum footprint requirements in the R10 District, to convert an existing garage into a detached accessory dwelling unit. Referred to the Board under Section 17.16.030 G.7.A and 7. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Accessory Dwelling

Map Parcel 08312010800

Results- Deferred 6/18/20

CASE 2020-109 (Council District - 24)

KATHLEEN MURPHY, appellant and **MAYHUGH, JOAN**, owner of the property located at **218 MOCKINGBIRD RD**, requesting an Item A appeal challenging the zoning administrator's issuance of a building permit for a detached accessory dwelling unit in the R8 District. Referred to the Board under Section 17.40.180.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Detached Accessory Dwelling Unit

Map Parcel 10312015900

Results- Deferred 7/2/20

CASE 2020-118 (Council District - 6)

OUTFRONT MEDIA, LLC, appellant and **PSC METALS, INC**, owner of the property located at **610 S 2ND ST**, requesting an Item A appeal challenging the zoning administrator's decision to revoke building permit 2019074327 in the IG District. Referred to the Board under Section 17.32.150.B.12. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Billboard

Map Parcel 09307005600

Results-

CASE 2020-119 (Council District - 20)

EDGE PLANNING, LANDSCAPE ARCHITECTURE and URBAN DESIGN, appellant and **TEE LINE, LLC**, owner of the property located at **104 DULUTH AVE**, requesting An Item D appeal to change an existing nonconforming use of a steel and metal fabrication company to another non-conforming use in the R8 District, to allow a nonconforming use for an indoor commercial amusement. Referred to the Board under Section 17.40.650.C.3.b. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 D.

Use-Indoor Commercial Amusement

Map Parcel 09109003100

Results-

CASE 2020-120 (Council District - 26)

KEMP, CHASE W. & KATHLEEN C., appellant and owner of the property located at **5216 SMARTT DR**, requesting variances from front and side setbacks in the RS20 District, to construct an attached garage and porch addition. 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 14616016700

Results- Deferred to 6/18/2020

CASE 2020-132 (Council District - 14)

FARON FERDOWSI, appellant and **DODSON CHAPEL INVESTORS, LLC**, owner of the property located at **3960 DODSON CHAPEL RD**, requesting a variance from floor area ratio restrictions in the MUN District to expand a medical office building. Referred to the Board under Section 17.16.060.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.B.

Use-Medical Office

Map Parcel 08600013700

Results-

CASE 2020-133 (Council District - 18)

DUANE CUTHBERTSON, appellant and **COSTANZA, EDITH A.**, owner of the property located at **3209 GRANNY WHITE PIKE**, requesting a variance from street setback requirements in the R8 District, to construct a single-family residence. Referred to the Board under Section 17.12.030C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11805001800

Results-

CASE 2020-134 (Council District - 4)

EL SHADDAI CHRISTIAN CHURCH, appellant and **IGLESIA CRISTIANA EL SHADDAI CHRISTIAN CHURCH**, owner of the property located at **10604 CONCORD RD**, requesting a variance from sidewalk requirements in the Ar2a District, to renovate a religious institution without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120.A.1.b The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious institution

Map Parcel 18100000800

Results- Deferred 7/2/20

CASE 2020-135 (Council District - 1)

GREGORY DANIELS, appellant and **RODGERS, MARY H.**, owner of the property located at **3757 WESTPORT DR**, requesting a variance from street setback requirements in the RS15 District, to construct a single-family residence. Referred to the Board under Section 17.12.030.C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 04800031500

Results-

CASE 2020-136 (Council District - 17)

BEAU WEST, appellant and **GRAHAM, ALYSSA & DOUGLAS**, owner of the property located at **1103 MONTROSE AVE**, requesting a variance from lot size requirements in the R8 District, to construct a detached accessory dwelling unit. Referred to the Board under Section 17.16.030.G.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Detached Accessory Dwelling Unit

Map Parcel 11801013400

Results-

SHORT TERM RENTAL CASES

CASE 2020-055 (Council District - 19)

BOWEN, ANDREW C., appellant and owner of the property located at **828 1ST AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. The applicant operated after the previously issued STRP permit expired in the DTC District, to obtain a permit. Referred to the Board under Section 17.16.070.U. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 082140A06000CO

Results-

CASE 2020-065 (Council District - 19)

DERR, CORBY DOUGLES, appellant and owner of the property located at **178 2ND AVE N 101**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after issued short term rental permit expired in the DTC District, to obtain a permit. Referred to the Board under Section 17.16.070.U. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 093024A10100CO

Results-

CASE 2020-069 (Council District - 19)

AMANDA COAKER, appellant and **FOUNTAINS GERMANTOWN HOLDINGS, LLC**, owner of the property located at **1401 3RD AVE N Unit 208, 242, 330, 428**, requesting an Item A appeal, challenging the Zoning Administrator's cancellation of four Short Term Rental permits after a determination that the permits were issued in error in the SP District, the permits will be reinstated. Referred to the Board under Section 17.16.070.U The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08209050100

Results-

CASE 2020-078 (Council District - 17)

HILAND, PAMELA & THIEMAN, VICKIE, appellant and owner of the property located at **1978 GATLIN DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after issued short term rental permit expired in the RS10 District, to obtain a permit. Referred to the Board under Section 17.16.250. E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 10614004100

Results-

CASE 2020-112 (Council District - 9)

MCGAUHUEY, BRADLEY D. & LISA M., appellant and owner of the property located at **1108 BERWICK TRL**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the previously issued short term rental permit expired in the RS20 District, to obtain a permit. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 05211005300

Results-

CASE 2020-130 (Council District - 2)

THOMAS ROTHRAUFF, appellant and **T & T, LLC**, owner of the property located at **2136 24TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to a change in ownership in the OR20 District, to obtain a permit. Referred to the Board under Section 17.16.070.U. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 081024F00700CO

Results-

CASE 2020-131 (Council District - 7)

COLLINS LEGAL, PLC, appellant and **POLI, RYAN J.**, owner of the property located at **1517B HAYDEN DR**, requesting an Item A appeal challenging the zoning administrator's revocation of a short-term rental permit in the R10 District, to reinstate the short-term rental permit. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 072160V00200CO

Results- Deferred 6/18/20



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: _____

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.
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-
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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 2nd 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)

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
—	TRUCK LANE
▲	IRON PIN
▲	STEEL PIN FOUND
○	MONUMENT PIN FOUND
○	BENCHMARK
○	1" BENCH MARK
○	30" BENCH MARK
○	60" BENCH MARK
○	120" BENCH MARK
○	240" BENCH MARK
○	480" BENCH MARK
○	960" BENCH MARK

ROAD CURVE DATA TABLE

Curve #	Delta	Length	Radius	Chord
C1	8°48'39"	49.28'	320.44'	837°28'21"W 49.23'
C2	22°30'01"	128.84'	320.44'	533°07'41"W 128.83'
C3	17°01'14"	33.77'	80.00'	N32°17'30"E 33.68'
C4	23°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.



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



CSDG Planning | Engineering Landscape Architecture 2305 Kline Ave, Ste 300 Nashville, TN 37211 615.248.9999 csdgn.com



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

ISSUE SET:

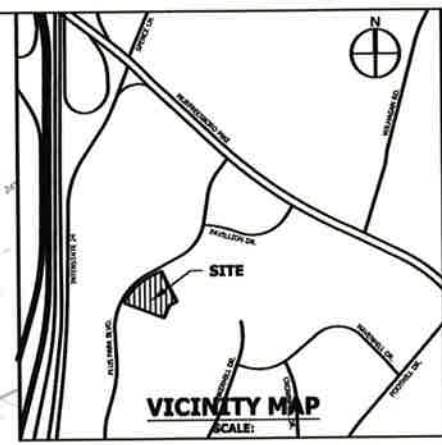
ISSUE DATE:

REVISION SCHEDULE table with columns for No., Description, and Date.

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.

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.

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

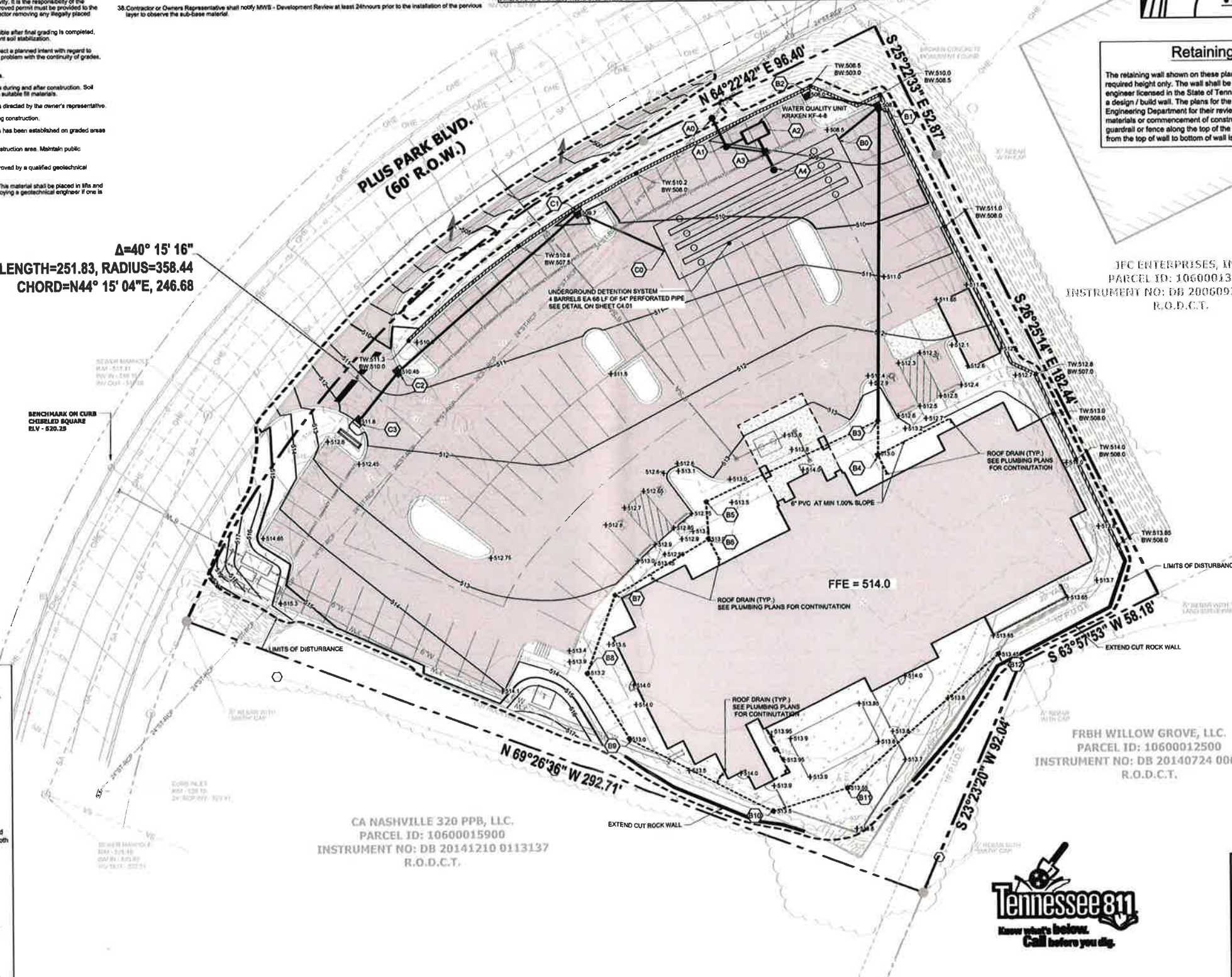
DRAINAGE PIPE AND STRUCTURE TABLE with columns for Inlet ID, Type, Size, Invert, Length, Slope, Line Size, and Pipe Type.

Site Grading, Drainage & Erosion Control Notes:

- 1. The disturbed area for this project is approximately 1.40 acres.
2. 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.
3. The contractor shall call "Tennessee One Call" (811) 72 hours prior to proceeding with any excavation.

- 25 All drainage construction materials and installation shall conform to the requirements and specifications of the local governing agency.
27 It shall be the contractor's responsibility to waste excess earth material off site at no additional cost to the owner.
28 The contractor shall check all existing grades and dimensions in the field prior to beginning work and report any discrepancies to the engineer.

Delta=40° 15' 16" LENGTH=251.83, RADIUS=358.44 CHORD=N44° 15' 04"E, 246.68



Metro As-Built Note:

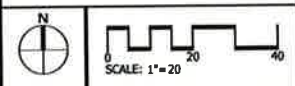
- In accordance with the Metro Stormwater Management Manual, Volume 1, Section 3.9, As-Built Certifications, MWS Stormwater Division must approve the following as-builts prior to issuance of the use and occupancy permit:
• Underground detention and water quality infrastructure
• Above ground detention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

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.
b. An as-built LID spreadsheet.
c. Hydrologic and hydraulic calculations for as-built conditions, as required.

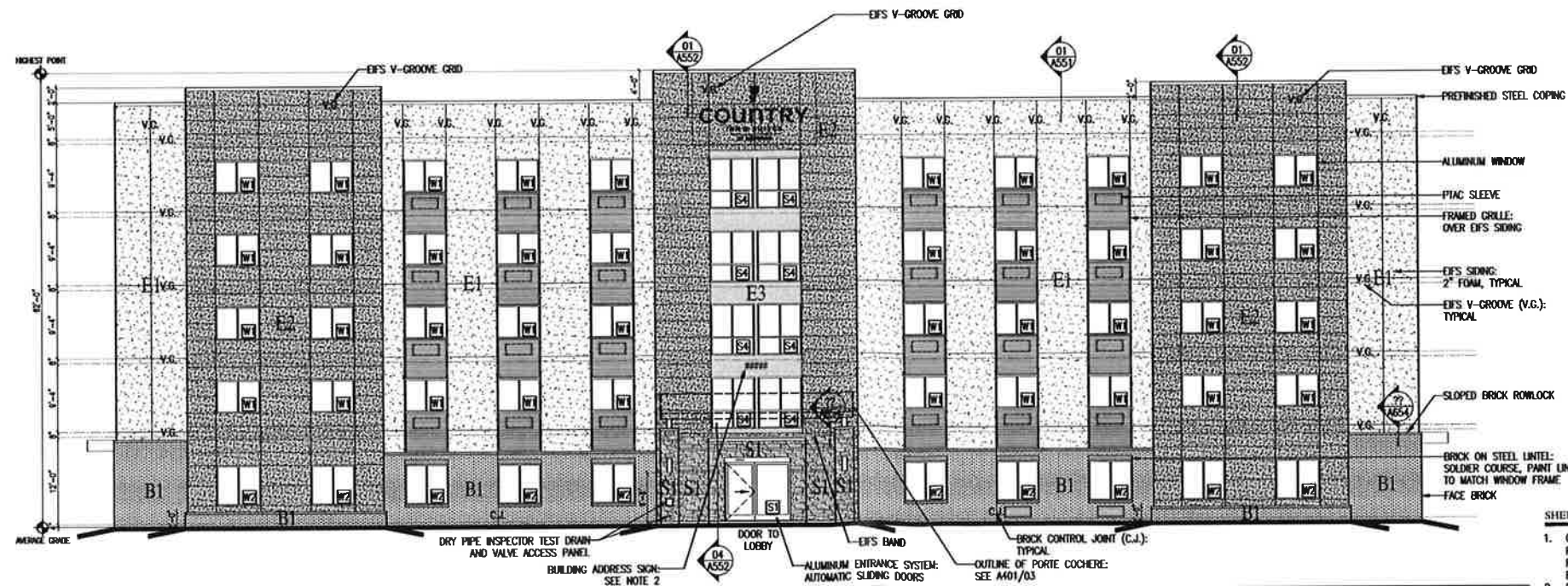


MAP 106, PARCEL 134.00 PROJECT BENCHMARK: DESCRIPTION: CHISELED SQUARE ON CURB ELEVATION: 520.25 (NAVD 88)

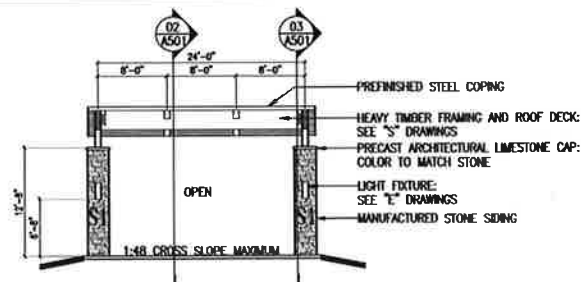




01 REAR ELEVATION



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

ISSUE DATE 09-13-19
 ▲ REVISION LOG

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

PRELIMINARY:
 NOT FOR
 CONSTRUCTION



EXTERIOR ELEVATIONS A401

30 x 42

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



Appellant : OUTFRONT MEDIA, LLC Date: MARCH 23, 2020
Property Owner: PSC METALS, INC Case #: 2020-118
Representative: TUNE ENTREKIN WHITE, PC Map & Parcel: 09307005600

Council District 6

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

Purpose: THE ISSUANCE OF SIGN PERMIT NUMBER 2019074327 TO THE CONTRACTOR EMPLOYED BY OUTFRONT MEDIA WAS LEGALLY CORRECT. NO MISTAKE WAS MADE. IT WAS ERROR TO REVOKET.

Activity Type: SIGN - TYPE II BILLBOARD

Location: 610 SOUTH 2ND STREET

This property is in the IG 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~~ REVOKED for the reason:

Reason: SEE ATTACHED LETTER DATED 2/8/20.

Section(s): MCA 17.032-150(B)(12)

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

OUTFRONT MEDIA, LLC
Appellant Name (Please Print)
ATTN: DAVID HOGUE
1431 PEARL LANE
Address
NASHVILLE TN 37210
City, State, Zip Code
(615) 913-8115
Phone Number

TUNE ENTREKIN WHITE, PC
Representative Name (Please Print)
ATTN: SHAWN HENRY
315 DEADERICK STREET
Address SUITE 1700
NASHVILLE, TN 37238-1700
City, State, Zip Code
(615) 244-2770
Phone Number

Email DAVID.HOGUE@OUTFRONTMEDIA.COM Email SHAWN@TUNEENTREKINWHITE.COM

Appeal Fee: \$200.00

TUNE, ENTREKIN & WHITE, P.C.

ATTORNEYS AT LAW

JOHN C. TUNE
1931-1983SUITE 1700
315 DEADERICK STREET
NASHVILLE, TENNESSEE 37238ERVIN M. ENTREKIN
1927-1980

TEL (615) 244-2770 FAX (615) 244-2778

**Rule 31 listed General C/M Mediator*THOMAS V. WHITE
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THOMAS C. SCOTT
PETER J. STRIANSE
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JOHN P. WILLIAMS *
ROBERT L. DELANEY
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JOSEPH P. RUSNAK
SHAWN R. HENRY
T. CHAD WHITE
BRANDT M. MCMILLAN *
CHRISTOPHER B. FOWLER
TIMOTHY N. O'CONNOR

March 23, 2020

Via Email: BZA@nashville.govMetropolitan Board of Zoning Appeals
c/o Emily Lamb
Department of Codes Administration
Metro Office Building
800 2nd Avenue South
Nashville, TN 37210**RE: Item A Appeal: Revocation of Sign Permit No. 2019074327**
610 2nd Street, Nashville, TN 37213
Parcel: 09307005600 (Lot 2)

Dear Chairman David Taylor and Board Members:

Outfront Media, LLC ("Outfront") owns the billboard installed on the above-referenced real property. The billboard was installed pursuant to a sign permit issued by Metro on December 5, 2019 to Outfront's sign contractor, Wright Construction Company (**Exhibit 1**). Metro's issuance of the sign permit was based in part on a site plan prepared by civil engineering firm Dale & Associates (**Exhibit 2**). Six weeks later, after the sign had been installed and made fully operational, the Zoning Administrator notified Outfront by letter dated February 18, 2020 that the sign "permit is now cancelled" (**Exhibit 3**). The letter asserts that the lot identified as 610 S. 2nd Street did not meet the location restrictions of MCL 17.32.150 (B)(12), which reads in part:

"Type II billboards shall be located only on lots that have frontage on public streets with four or more travel lanes or that are located within three hundred feet [of] and oriented to a limited access highway."

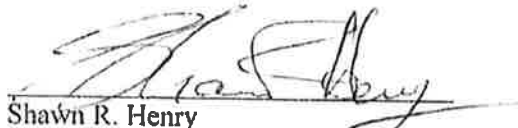
In issuing the permit, the Metro zoning examiner, performing under the supervision of the Zoning Administrator, correctly applied this location criteria to the subject lot. No error was made. For reasons to be more fully developed and presented to the Board, the only error committed was the official act of revoking the properly issued sign permit.

TUNE, ENTREKIN & WHITE, P.C.

Metropolitan Board of Zoning Appeals
March 23, 2020
Page 2

TUNE, ENTREKIN & WHITE, P.C.

Sincerely,

A handwritten signature in black ink, appearing to read "Shawn R. Henry", written over a horizontal line.

Shawn R. Henry
Attorney for Outfront Media, LLC
shenry@tewlawfirm.com

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.


APPELLANT


DATE

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

Location: 610 2ND ST, NASHVILLE, 37213

Permit #: 2019074327

SIGN PERMIT

Issue Date: December 5, 2019

Parcel: 09307005600

Contractor: WRIGHT CONSTRUCTION CON

IVR #: 3738400

Notice

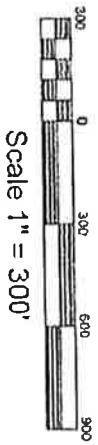
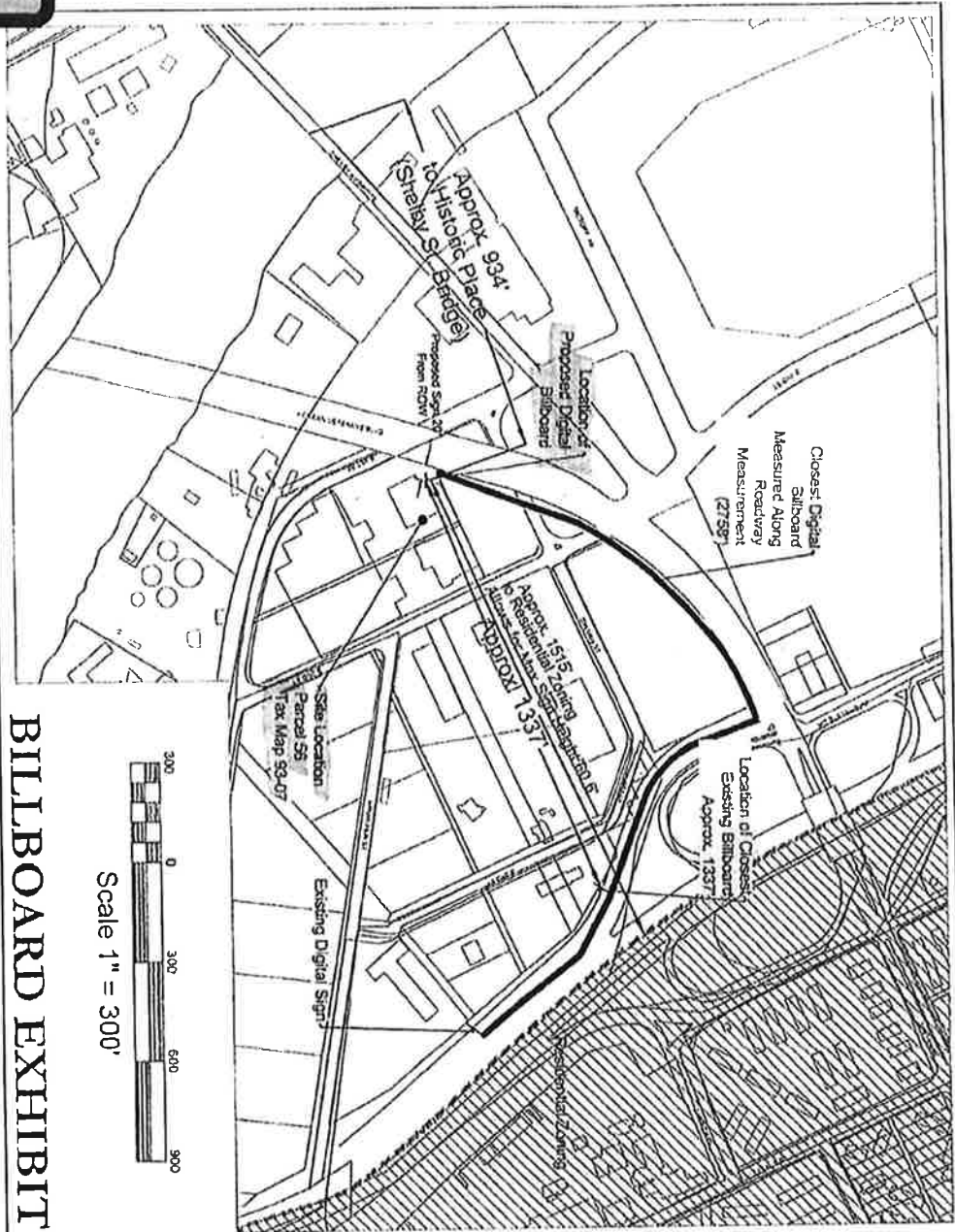
Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six (6) months after the date of issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after its issuance provided that the cause: if work authorized by it is sufficiently under way and is being diligently pursued, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed in writing by the Director.

Sign permits that are internally illuminated must be obtained by a licensed equipment installer or electrical contractor. The sign contractor and electrical contractor must be the same contractor. UL numbers are required for illuminated signs.

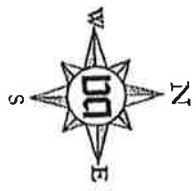
Keep Job Sites Clean and Safe!



EXHIBIT
2



BILLBOARD EXHIBIT



Note:
 1-24 contains 3 travel lanes in the southern direction and 3 travel lanes in the northern direction at the location of the proposed billboard.

Dale & Associates
 Consulting Civil Engineering
 Lead Planning & Zoning
 Surveying

144 Lexington Pike
 Nashville, Tennessee 37203
 (615) 293-5300

1-41
CO.0

OUTFRONT Media
 NASHVILLE, TENNESSEE



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
 METRO OFFICE BUILDING - 3rd FLOOR
 800 SECOND AVENUE, SOUTH
 NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
 POST OFFICE BOX 196350
 NASHVILLE, TENNESSEE 37219-6350
 TELEPHONE (615) 862-6500
 FACSIMILE (615) 862-6514
www.nashville.gov/codes

February 18, 2020

Dave Hogue, Real Estate Manager
 Outfront Media
 1431 Poplar Lane
 Nashville, Tennessee 37210

Re: Permit 2019074327 issued for Parcel ID #09308003200 at 610 S. 2nd Street

INCORRECT

07307005600

Mr. Hogue:

The Metro Codes Department recently determined that Permit # 2019074327, issued to Wright Construction on December 5, 2019, was issued in error. The billboard project proposed for Outfront Media at 610 S. 2nd Street did not meet the restrictions of MCL 17.32.150 B(12), which governs the location of billboards. As a result, that permit is now cancelled.

As you know from our prior telephone conversation, you have the legal right to appeal this cancellation to the Board of Zoning Appeals. Appeals must be filed in person with Zoning staff at the Metro Codes Department. The Department opens each week day at 7:30am, and we recommend having your representative present by that time in order to be sure you'll be seen same day.

Feel free to email me if you have questions beyond those that we've already addressed. I'll be pleased to help.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Michael". The signature is written in a cursive style and is underlined.

Jon Michael, Zoning Administrator

May 27, 2020

Metropolitan Board of Zoning Appeals
Mr. David Taylor, Chairman, Mr. Ross Pepper, Vice Chairman
800 Second Avenue South
Nashville, Tennessee 37210

RE: Outfront Media - Permit No. 2019074327
610 South Second Street, Nashville, TN

Dear Chairman Taylor and Members of the Board:

On behalf of Lamar Advertising Company, I was recently made aware of questions surrounding the issuance of a Metro permit to Outfront Media for a sign location and outdoor advertising displays adjacent to 2nd Street and Korean Veterans Boulevard.

Although the applicable displays are not operated by Lamar, I personally find issuance of Outfront's permit to be consistent with past practices and interpretations of the Metro Codes. Upon review, the site adjacent to KVB appears to have properly satisfied all criteria for issuance of a billboard permit; therefore, I find no errors in Metro's issuance of the same.

Should the Board of Zoning Appeals and/or Metro Codes Department find any errors or deficiencies in Metro's issuance of the applicable permit, Lamar Advertising Company does not object to the BZA's granting of all necessary variances for Outfront Media's continued use and operation of the outdoor advertising displays currently in place.

Thank you for your continued service, time, and consideration regarding this matter.

Best,



Charlie Furman
Vice President & Territory Manager



TUNE, ENTREKIN & WHITE, P.C.

ATTORNEYS AT LAW

JOHN C. TUNE
1931-1983

ERVIN M. ENTREKIN
1927-1990

THOMAS V. WHITE
JOHN W. NELLEY, JR.
THOMAS C. SCOTT
PETER J. STRIANSE
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JOHN P. WILLIAMS *
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SHAWN R. HENRY
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BRANDT M. MCMILLAN *
CHRISTOPHER B. FOWLER
TIMOTHY N. O'CONNOR
SAMUEL J. BLANTON

SUITE 1700
315 DEADERICK STREET
NASHVILLE, TENNESSEE 37238

TEL (615) 244-2770 FAX (615) 244-2778

**Rule 31 listed General Civil Mediator*

**METROPOLITAN BOARD OF
ZONING APPEALS**

CASE NO. 2020-118

**APPELLANT'S
SUBMITTAL PACKAGE**

TUNE, ENTREKIN & WHITE, P.C.

**METROPOLITAN BOARD OF ZONING APPEALS
CASE NO. 2020-118
APPELLANT'S SUBMITTAL PACKAGE**

TABLE OF CONTENTS

Shawn R. Henry, Esq. – Letter (May 28, 2020)

Exhibit A: Metro Zoning Staff approved Billboard Exhibit (December 4, 2009)

Exhibit B: Billboard Lot fronts (abuts) three streets.

Exhibit C: All three streets have 4 or more travel lanes.

Exhibit D: Michael Christopher Garrigan, PE – Letter (May 14, 2020)

Exhibit E: James R. Gillespie, PE – Letter (May 13, 2020)

Exhibit F: Michael H. Charette, RLS – Letter (May 14, 2020)

1. Final Plat (2017)
2. Billboard survey (2020)

Exhibit G: Charlie Furman, Vice President & Territory Manager, Lamar Advertising Company – Letter (May 27, 2020)

Exhibit H: Metro cited sources:

1. zoning code
2. traffic code
3. MSCP map
4. Access Nashville 2040: implementing complete streets
5. Strategic plan for sidewalks & bikeways (2008)
6. MPW Street Design Standards & Specifications – definitions (2009)
7. MPW Bike Lane DWG. No. ST-504
8. Speed Reduction Feasibility Study (2019)
9. Gateway Blvd UDO Design Guidelines (2005)

Exhibit I: State cited sources:

1. TDOT KVB Right-of-Way and Construction Plans (April 2001)
2. TDOT letter to Dave Hogue (June 29, 2018)
3. TDOT Functional Classification System map (January 28, 2019)

Exhibit J: Federal cited sources:

1. USDOT/FHA Highway Functional Classification Concepts, Criteria and Procedures – 2013 Edition (excerpt)

Exhibit K: Public hearing sign (photos)

TUNE, ENTREKIN & WHITE, P.C.

Shawn R. Henry, Esq. – Letter (May 28, 2020)

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118

TUNE, ENTREKIN & WHITE, P.C.

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JOHN C. TUNE
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TIMOTHY N. O'CONNOR
SAMUEL J. BLANTON

*Rule 31 listed General Civil Mediator

May 28, 2020

Via Email: bza@nashville.gov

Metropolitan Board of Zoning Appeals
c/o Emily Lamb, Secretary
Department of Codes Administration
Metro Office Building
800 Second Avenue South
Nashville, TN 37210

**RE: Item 'A' Appeal Case # 2020-118
Revocation of Building/Sign Permit # 2019074327
610 South 2nd Street, Metro Tax Map 93-7, Parcel 56**

Dear Chairman Taylor:

On behalf of Outfront Media, Inc, please review all of the evidence herein submitted as support for the Board to find (a) that the permit was properly issued in accordance with the locational criteria of zoning code section 17.32.150(B)(12), and (b) that the Zoning Administrator committed reversible error by revoking the permit after the billboard construction was completed and made operational.

BACKGROUND

In Nashville, billboards are principally regulated based on location. At issue in this case is the regulation that states, "**Type II billboards shall be located only on lots that have *frontage on public streets with four or more travel lanes or* that are located within three hundred feet and oriented to a *limited access highway.*" MCL § 17.32.150(B)12.**

On December 5, 2019, the Metropolitan Department of Codes and Building Safety ("Metro") issued a building permit and a separate sign permit to construct a sixty foot (60') tall digital billboard on industrial-zoned property at 610 South 2nd Street on tax parcel 09307005600 ("the Billboard Lot"). The permit was issued based on a site plan exhibit prepared by a licensed civil engineering firm. The site plan was marked up with hand-written notes and analysis by the Metro zoning permit examiner (See **Exhibit A** attached hereto). The billboard was constructed and became operational on February 11, 2020. One week later, the Zoning Administrator issued

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a letter to Outfront Media stating that the permit “was issued in error” and that the “permit is now cancelled” effectively revoking the permit¹. This administrative appeal ensued.

FACTS

The lot is bound by South 1st Street on the west and south, South 2nd Street on the east, and Korean Veterans Boulevard (“KVB”) on the north. (**Exhibit B, BZA Tracker Map**). S. 1st St. and S. 2nd St. both consist of two vehicle lanes and two bicycle lanes for a total of four travel lanes. KVB consists of six vehicle lanes and two bicycle lanes for a total of eight travel lanes (**Exhibit C, BZA Tracker Aerial**).

According to Metro’s Major and Collector Street Plan, S. 1st St. is classified as a local street, S. 2nd St. is a collector avenue, and KVB is an arterial boulevard. The billboard lot abuts the public right of way of all three roads. S. 1st St. and S. 2nd St. are at the same elevation as the lot providing direct access to/from both streets. KVB, on the other hand, is elevated above the billboard lot with no direct access. There is a TDOT fence along the shared boundary, typical of controlled access restrictions along interstates, freeways and *principal arterial highways* (KVB).

Before issuing the permit, the Zoning Examiner (performing under the supervision of the Zoning Administrator) reviewed **Exhibit A**² and made several notations that have legal significance, namely that the “location of proposed digital billboard” complied with:

1. The minimum spacing distances: from residential zoned property³, from the closest existing billboard⁴, from the closest existing digital billboard⁵, and from the closest historic structure.⁶
2. The illumination standards of § 17.32.150(B)(16).
3. The 300’ proximity to a limited access highway (“Is this a limited access” highway with a line drawn to KVB).
4. The maximum sign height: “total height 60’” is “1’ below allowed [by Section] 17.32.150(6)” acknowledging that the KVB “bridge/nearest travelway [is] 31’ above base.”⁷

In short, the Zoning Examiner correctly determined that the proposed billboard location would comply with all applicable zoning requirements. He measured the permissible height of the billboard based on the elevation of KVB bridge (“the nearest travelway of the controlled-access

¹ See Application Letter dated March 23, 2020 containing letter dated February 18, 2020 from Zoning Administrator Jon Michael.

² The “Billboard Exhibit” dated December 4, 2019 is the “Final Site Plan” that formed the basis of the Zoning Administrator’s approval and issuance of the building/sign permit. A vested property right attached to the billboard structure on December 5, 2019 § 17.40.170.

³ § 17.32.150(B)(8) and (9)

⁴ § 17.32.150(B)(7)

⁵ § 17.32.050(G)(2) and (4)

⁶ § 17.32.150(B)(11). Shelby Street Pedestrian Bridge aka John Siegenthaler Memorial Bridge is listed on the National Register of Historic Places.

⁷ “If the billboard is oriented to, and located within three hundred feet of a controlled-access highway, a height of thirty feet above the elevation of the nearest travelway of the controlled-access highway shall be permitted.” The subject billboard is one foot below the maximum height allowed by law.

TUNE, ENTREKIN & WHITE, P.C.

highway”). He correctly determined that KVB was a limited-access highway and that the billboard location was within 300 feet of it. There is no indication that the Zoning Examiner considered the lot’s frontage on four or more travel lanes but all three streets satisfy that alternative location criteria.

“The Zoning Administrator shall interpret and administer the provisions of this Zoning Code” § 17.40.010(A). In doing so, he “shall in every instance” construe, apply and enforce it “in a manner consistent with applicable federal law...” Id. (H). Interpretation of the sign regulations is “intended to complement the various codes and ordinances of the metropolitan government” including but not limited to the “Major Street Plan,” “State of Tennessee Outdoor Advertising Regulations” and “Traffic and Parking Code” § 17.32.020(A).

ARGUMENT

I. The Billboard Lot abuts Korean Veterans Boulevard (a limited access highway) and has frontage on KVB (a public street with 8 travel lanes).

A. KVB is a limited- and controlled-access highway.

The term “*limited-access highway*” is undefined in the Metro Zoning Code. However, the term “*controlled-access highway*” is found in the zoning regulations for billboards, in other zoning provisions, and is defined in the Metro Traffic Code as follows:

12.04.045 – Controlled-access highway.

“Controlled-access highway” means every highway, street or roadway in respect to which owners or occupants of *abutting lands*, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

Importantly, the zoning code expressly cites the term “*controlled-access highway*” in the section that regulates billboards: § 17.32.150(A) (type II billboards in CL district); § 17.32.150(B)(6) (maximum billboard height of 30’ above controlled-access highway); and § 17.32.150(B)(7) (minimum spacing between billboards on controlled-access highway). Additionally, on-premise sign locations, quantity and size are regulated, in part, on “properties directly abutting a controlled-access highway” (See Notes in Tables 17.32.110, 17.32.120 and 17.32.130(D)). Driveway access from any street is prohibited “within two hundred fifty feet of a controlled-access highway ramp” (§ 17.20.170.(B)(2)). Finally, no landscape buffer yards are required when a zoning boundary falls along a controlled-access highway (§ 17.24.190(A)).

Aside from the zoning code, the *Metro Nashville-Davidson County Strategic Plan for Sidewalks and Bikeways* defines “limited-access” as follows:

TUNE, ENTREKIN & WHITE, P.C.

A roadway classification that is designated to roadways that are designed to carry large volumes of traffic at high speeds across long distances and that have access controlled by grade-separated interchanges or other methods.
Exhibit H (5).

With eight travel lanes, KVB is designed to carry large volumes of traffic. It also has access controlled from the Billboard Lot by a grade-separated bridge ramp. Thus, KVB is a limited-access roadway.

By considering the zoning definitions and the zoning code's consistent use of the terms "limited-access" and "controlled-access" as well as secondary sources, only one reasonable conclusion can be reached – that the terms "limited-access" and "controlled-access" are distinctions without a difference. KVB is one or the other or both.

According to professional engineer **Michael C. Garrigan, PE**, TDOT has classified KVB as a Federal-Aid primary highway, making it subject to the state regulations for the Control of Outdoor Advertising. **Exhibit D.** In 2019, TDOT assigned to KVB the functional street classification of principal arterial, which, according to FHWA, are "limited-access roadways that serve travel in a similar way to interstates."⁸ Id. The TDOT maps for the acquisition of right-of-way to construct KVB (formerly Gateway Boulevard) "clearly show that the shared boundary between KVB and the billboard site is 'controlled-access' with an interstate-caliber fence preventing it. Id. Mr. Garrigan states that "importantly, physical access to KVB is not a criteria for a billboard location. The billboard need only be within 300 feet proximity and oriented to it [KVB], which it is." Id.

In the Major and Collector Street Plan ("MCSP"), Metro has classified KVB and Shelby Avenue as a six-lane major arterial boulevard (T6-M-AB6). The MCSP makes no distinction between elevated bridges and at-grade surface streets. The U.S. Department of Transportation provides a relevant interpretation on the meaning of access:

"Access Points: Arterials primarily serve long-distance travel and are typically designed as either **access-controlled or partially access-controlled facilities** with limited locations at which vehicles can enter or exit the roadway (typically via on- or off ramps)." **Exhibit J.** p. 7

Similar to I-65, I-24, the Jefferson Street Bridge and other controlled-access river crossings, the ramps leading to/from the KVB bridge qualify as access-controlled or limited-access facilities. By any measure, KVB has limited-access from I-24 to the KVB Roundabout in SoBro.

⁸ See **Exhibit J:** "Highway Functional Classification Concepts, Criteria and Procedures" U.S. DOT FHWA, 2013 Edition. Is KVB a highway? YES. The U.S. Department of Transportation Federal Highway Administration defines the term. "Highway: The term highway includes roads, streets, and parkways and all their appurtenances (23 U.S.C. 101)." Roadway is defined as "the portion of a highway intended for vehicular use." Id.

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There are only four (4) lots along the 1.76 mile⁹ length of KVB that have direct driveway access to KVB. Professional engineer **James R. Gillespie, PE** reviewed the Metro Zoning Code definitions and the Metro Gateway Boulevard Design Guidelines (adopted as an Urban Design Overlay).¹⁰ “[I]t is my opinion it [KVB] meets the intent and operational characteristics of a limited-access highway. The Metro Code uses the term ‘limited-access highway’ in which the goal is to preserve the route for through traffic and limit access to the cross streets.” He inspected the length of KVB and found “the access points observed provide access to parking garages, which eliminate the need for surface parking. This appears to be a reasonable compromise for allowing the limited access.” He concludes his well-researched and reasoned opinion with this: “Based on this condition, the parcel on which the billboard was constructed meets both of the criteria listed in MCL 17.32.150(B)(12), and the permit should not have been revoked.” **Exhibit E.**

B. KVB has 8 travel lanes and the billboard lot has frontage on it.

The Metro zoning code defines the term “frontage”. “**Frontage**” means any portion of a lot that abuts a public street (excluding alleys) and “open space.” “**Abutting**” means touching or sharing a common point or line. § 17.04.060(B)¹¹. TDOT’s Rules and Regulations for the Control of Outdoor Advertising (Chapter 1680-02-03) requires a map depicting the location of the highway and any other public roads “adjacent to the property” proposed for a sign. The term “adjacent area” means that area within six hundred sixty feet (660’) of the nearest edge of the right-of-way of interstate and *primary highways* and visible from the main traveled way of the interstate or *primary highways*.

According to **Michael A. Charette, a Tennessee registered land surveyor**, the billboard lot was created in 2017 by approval of a final subdivision plat by the Metro Planning Commission that “depicts and dimensions the lot’s western border with Korean Veterans Boulevard as being 107.09 feet in length.” On April 17, 2020 he prepared an as-built survey of the billboard. “In my professional opinion, the subject property is abutting, is access-controlled, and has frontage on the right-of-way of Korean Veterans Boulevard.” **Exhibit F.**

II. The Billboard Lot has frontage on South 2nd Street and South 1st Street – public streets with 4 travel lanes.

According to **James R. Gillespie, PE**, the billboard lot “has frontage on both South First Street and South Second Street, both of which currently have four travel lanes, with two of those lanes being a designated bike route.” **Exhibit E.** Mr. Gillespie has 31 years of engineering experience, including five years of employment in TDOT’s Survey and Design Division. Per TDOT’s Multimodal Design Guidelines, “all travel modes are considered an integral part of the state’s transportation system.” He reviewed the Federal Highway Administration’s Course on Bicycle and Pedestrian Transportation and found “it clearly considers bicycle lanes as travel lanes

⁹ See **Exhibit I (2) and (3)**.

¹⁰ See **Exhibit H (9)**.

¹¹ See **Exhibit H**.

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on the street surface.” His professional opinion: “based on my experience and engineering judgment, the building permit was not issued in error.”

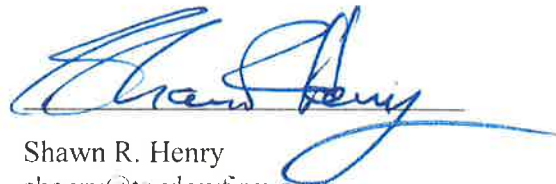
As for lot frontage, the Gateway Boulevard UDO defines it: “Frontage: portion of a building or parcel abutting a public right-of-way. **Exhibit H (9)**. According to **Michael Christopher Garrigan, PE**, “South 2nd Street is a mixed-use Collector Avenue with 2 vehicle lanes and 2 bicycle lanes. South 1st Street is a local street with 2 vehicle lanes, on-street parking on one side, and 2 bicycle lanes side-by-side that serve the Metro Greenway System. Collectively, KVB has 8 travel lanes while S. 1st St. and S. 2nd St. each have 4 travel lanes. Therefore, all three border streets seem to qualify for a billboard location.” **Exhibit D**.

A letter supporting Outfront Media has been submitted by Lamar Advertising Company (“Lamar”). Lamar’s Vice President states that he finds the “issuance of Outfront’s permit to be consistent with past practices and interpretations of the Metro Codes. Upon review, the site adjacent to KVB appears to have properly satisfied all criteria for issuance of a billboard permit; therefore, I find no errors in Metro’s issuance of the same.” **Exhibit G**.

CONCLUSION

In every aspect, the Billboard Lot meets the location criteria for the installation of a Type II billboard. No mistake was made by the Zoning Examiner in issuing the permit. The billboard owner has attained a vested right to keep the billboard in place. The permit revocation by the Zoning Administrator was improper, his decision must be reversed, and the permit must be reinstated. My client respectfully requests this relief in the name of justice.

Sincerely,



Shawn R. Henry
shenry@tewlawfirm.com
Attorney for Outfront Media, Inc.

cc: Dave Hogue, Outfront Media, Real Estate Manager

TUNE, ENTREKIN & WHITE, P.C.

Exhibit A: Metro Zoning Staff approved Billboard Exhibit
(December 4, 2009)

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118

16
THREE
20' V

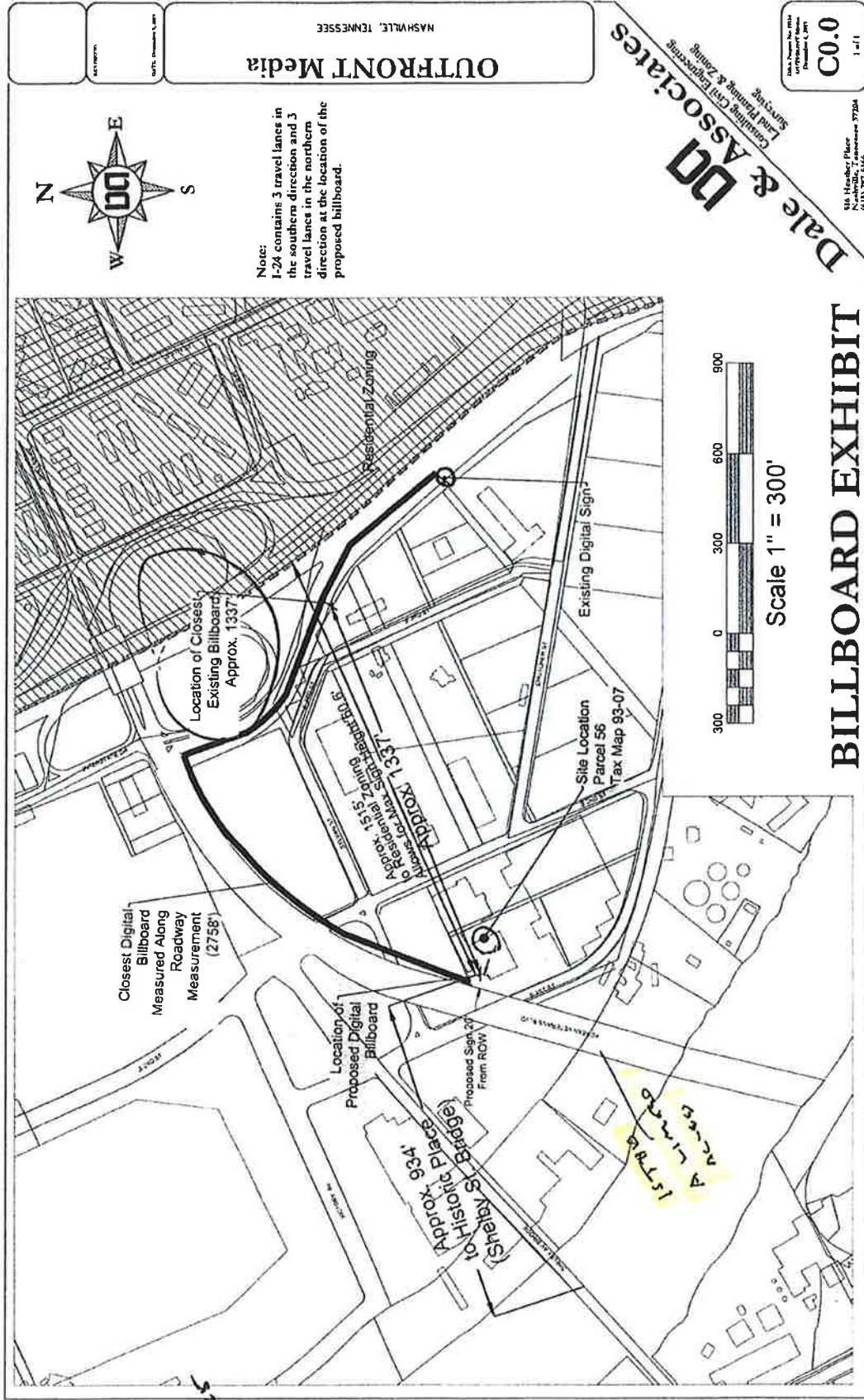
20' FRONT TO
" READ
10' SIDE

BEFORE MEASUREMENT 31' ABOVE BASE
TOTAL HEIGHT 61' - 1' BELOW ANCHORS 17,32.150 (6).

ILLUMINATION STANDARDS 17.32.150 (B)(6)

DISTANCE

60
54
55



TUNE, ENTREKIN & WHITE, P.C.

Exhibit B: Billboard Lot fronts (abuts) three streets.

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118

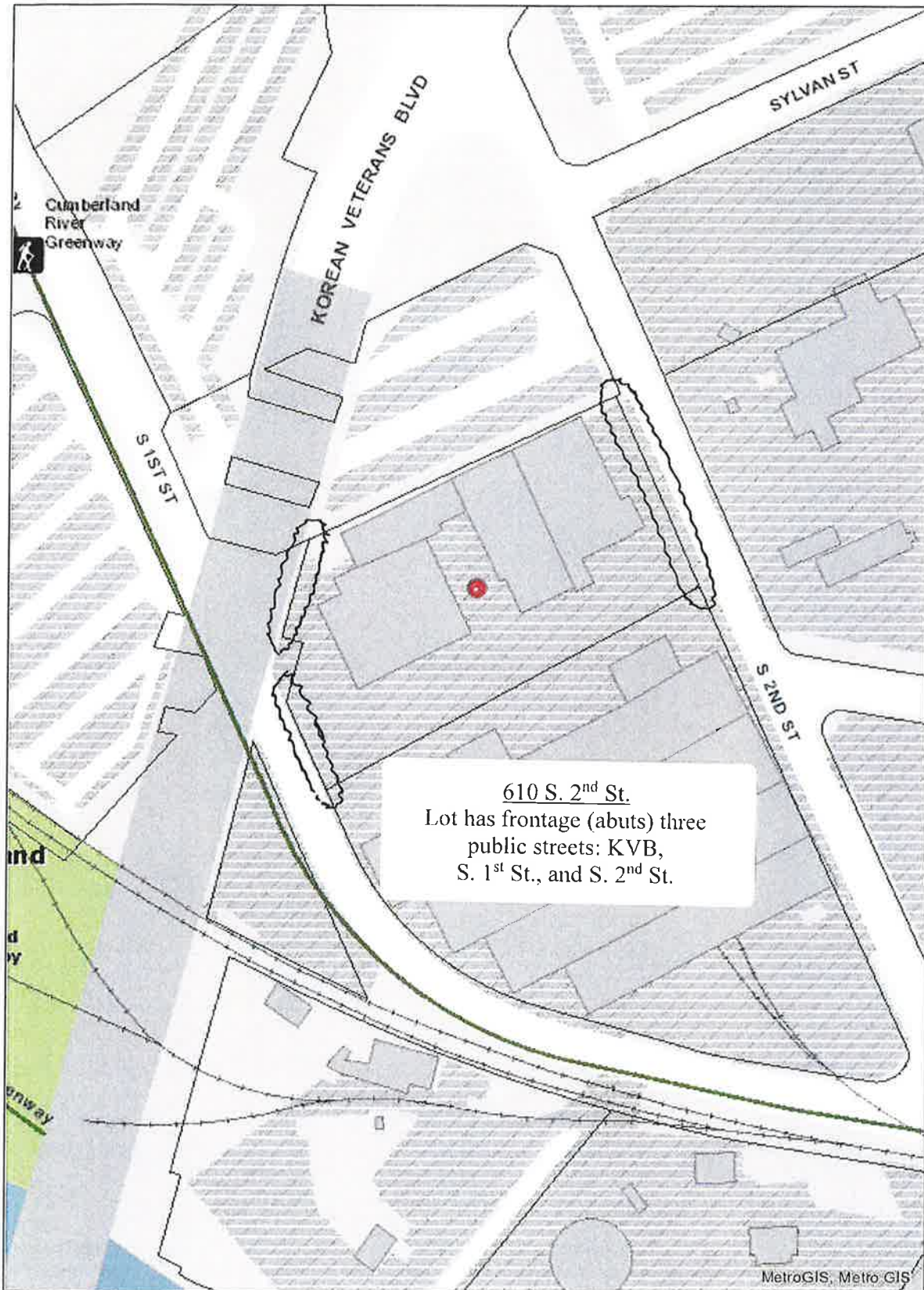
Nashville Codes Administration - BZA Tracker

#2020-118

Legend

graphicsLay...

● Active



Date: 5/13/2020

0 0.02 0.04 0.08 mi



TUNE, ENTREKIN & WHITE, P.C.

Exhibit C: All three streets have 4 or more travel lanes.

METROPOLITAN BOARD OF ZONING APPEALS

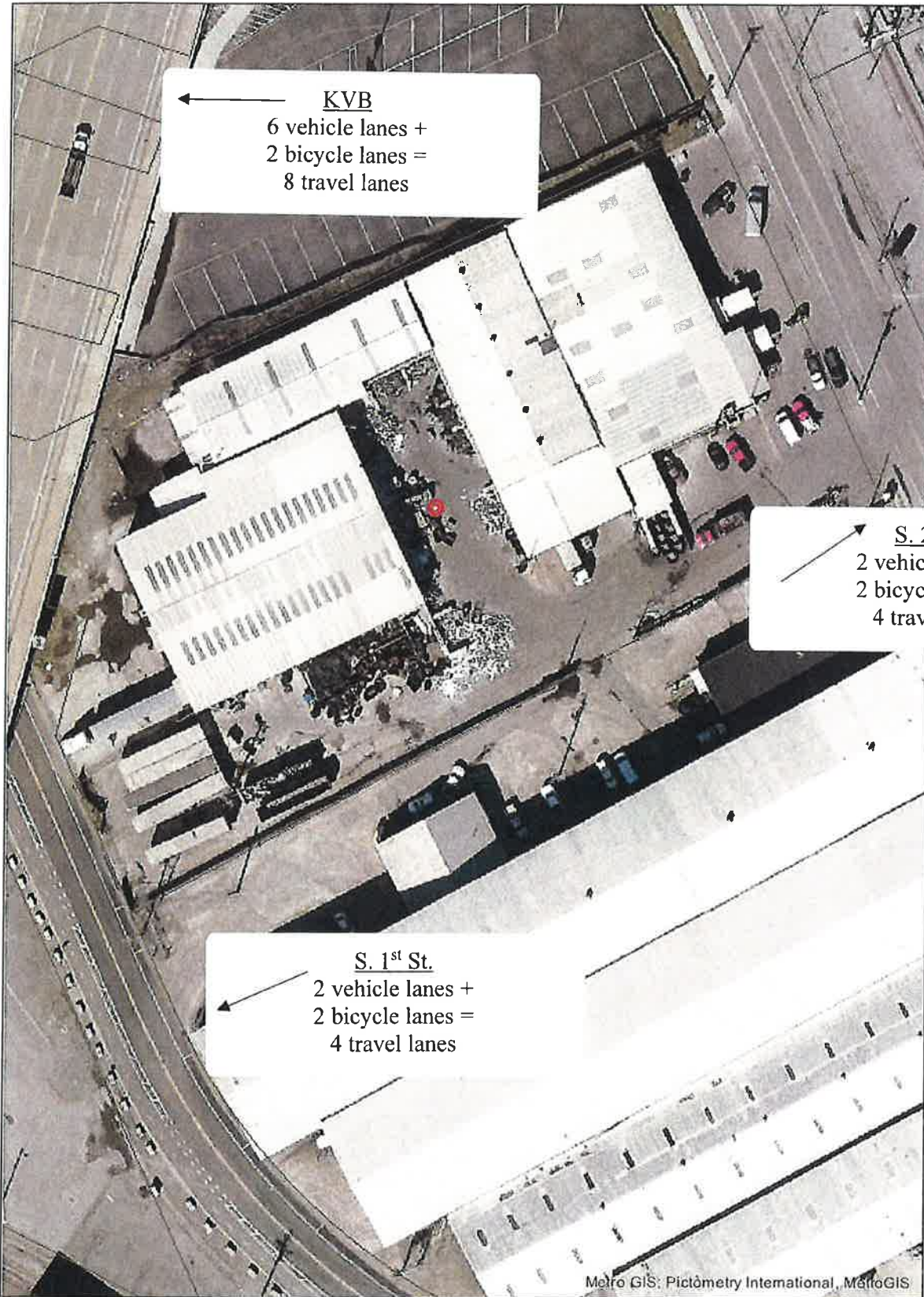
CASE NO. 2020-118

Nashville Codes Administration - BZA Tracker

2020-118

Legend
graphicsLay...

● Active



Date: 5/13/2020

0 0.01 0.02 0.04
mi

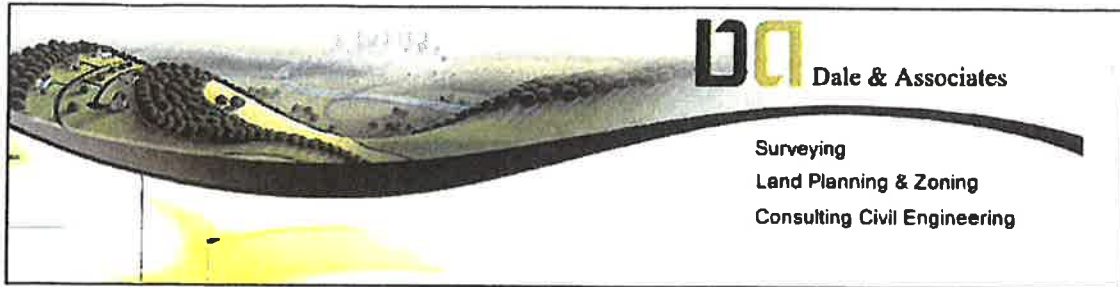


TUNE, ENTREKIN & WHITE, P.C.

**Exhibit D: Michael Christopher Garrigan, PE – Letter
(May 14, 2020)**

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118



TO: Metropolitan Board of Zoning Appeals
FROM: Michael Garrigan, PE, Dale & Associates
DATE: May 14, 2020

RE: BZA Case No. 2020-118 (610 South 2nd Street)

Dear Chairman Taylor and BZA Members:

Dale & Associates prepared the “Billboard Exhibit” for Outfront Media for their contractor to obtain a sign and building permit. As Professional Engineers, we carefully review the Metro Zoning Code, Major & Collector Street Plan, and any available roadway information from TDOT and/or Federal Highway Administration.

Major & Collector Street Plan: Korean Veterans Boulevard (KVB) is designated a mixed-use Arterial Boulevard with 6 vehicle lanes (T6-M-AB6) plus 2 bike lanes. The functional objective of an Arterial Boulevard is “to balance access to surrounding land uses and mobility.” (*Access Nashville 2040, Vol. V: MCSP – Implementing Complete Streets*, p. 43). “Travel lanes accommodate movement of vehicular, transit, and bicycle traffic. (*Access Nashville*, p. 31).

South 2nd Street is a mixed-use Collector Avenue with 2 vehicle lanes and 2 bicycle lanes. South 1st Street is a local street with 2 vehicle lanes, on-street parking on one side, and 2 bicycle lanes side-by-side that server the Metro Greenway System.

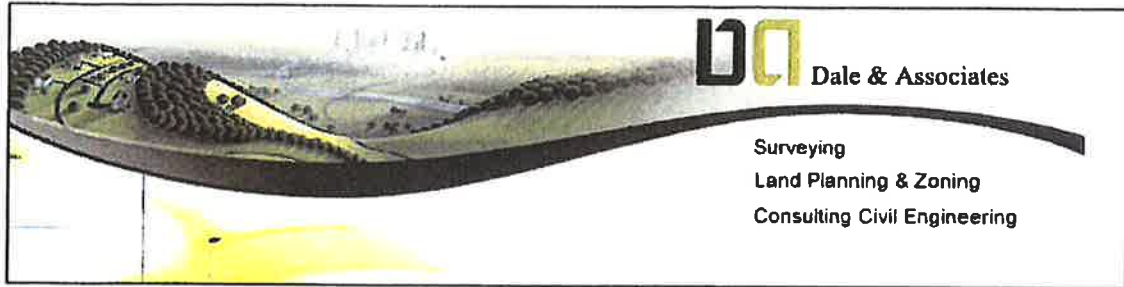
Collectively, KVB has 8 travel lanes while S. 1st St and S. 2nd St each have 4 travel lanes. Therefore, all three border streets seem to qualify for a billboard location.

Limited or Controlled Access

On June 29, 2018, TDOT classified KVB (from 4th Ave S. to I-24) as a “Federal-Aid Primary” highway making it subject to the state regulations for the Control of Outdoor Advertising. See attached letter. On January 28, 2019, TDOT assigned to KVB the functional classification of “Principal Arterial.” See attached map. According to the Federal Highway Administration, “Roadways that fall into the Principal Arterials – Other Freeways & Expressway category are **limited-access roadways that serve travel in a similar way to the Interstates.**” (*Highway Functional Classification Concepts, Criteria and Procedures, 2013 Edition*, USDOT/FHA, p.3). As a Principal Arterial, the KVB Arterial Boulevard serves high traffic volumes and is frequently the route of choice for intercity buses and trucks.

All Interstates are “limited access” or “controlled access” roadways. The use of the word “access” in this context refers to the ability to access the roadway and not the abutting land use – these roadways provide no “access” to abutting land uses.

Access to these roadways is controlled or limited to maximize mobility by



eliminating conflicts with driveways and at-grade intersections that would otherwise hinder travel speed. (*Highway Functional Classification Concepts, Criteria and Procedures*, USDOT/FHA, p. 14)

Metro defines “controlled-access highway” as “every highway, street or roadway in respect to which owners or occupants of abutting lands, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.” (Section 12.04.045). TDOT prepared the right-of-way acquisition maps for the construction of KVB. Those maps clearly show that the shared boundary between KVB and the billboard site is “controlled access” with an interstate-caliber fence preventing it. Those limiting conditions remain today. TDOT has jurisdiction over access to KVB. Importantly, physical access to KVB is not a criterion for a billboard location. The billboard need only be within 300 feet proximity and oriented to it, which it is.

Respectfully,


Michael Garrigan, PE



TUNE, ENTREKIN & WHITE, P.C.

Exhibit E: James R. Gillespie, PE – Letter (May 13, 2020)

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118



JAMES + ASSOCIATES
ENGINEERS & PLANNERS, INC.

R. DARRELL JAMES, PE
JAMIE GILLESPIE, PE,
CPESC

May 13, 2020

JA# 1657-02

Shawn R. Henry, AICP
Tune, Entrekin & White, PC
315 Deaderick Street, Suite 1700
Nashville, TN 37238-1700

RE: Billboard, 610 S. 2nd St

Dear Mr. Henry,

Pursuant to your email of May 6, 2020 regarding the subject billboard and Metro Zoning Administrator revoking the permit for the construction of the billboard, we offer the following information for your consideration.

I am a licensed engineer in the states of Tennessee and Kentucky, and I graduated from Vanderbilt University in 1988 with a bachelor of engineering degree with an emphasis in transportation. I have thirty-one years of engineering experience which includes five years in the Survey and Design Division of TDOT and twenty-six years as a consulting engineer at James + Associates Engineers and Planners, Inc. (J+A). During my tenure at J+A, I served as the project manager for a continuing contract with the TDOT Planning Division for eight years developing feasibility studies and advance planning reports for roadway improvements across Tennessee. Additionally our firm held a continuing contract with the TDOT Structures Division for twenty years, developing plans for bridge repair in TDOT's Region III area. My involvement in this contract included roadway design tasks and also included traffic control plan development. I also have experience in commercial and residential site planning in Davidson County, TN, which required me to utilize the Metro Zoning Ordinance regularly.

I have reviewed the information you provided via email and also performed a visit to the site. It is my understanding a building permit was issued on December 5, 2019, by Metro Department of Codes and Building Safety allowing the construction of the billboard. I also understand on February 18, 2020, the Metro Codes Department asserted in a letter to your client that the permit was issued in error and was therefore canceling the permit. I have reviewed this letter and the specific reference to the Zoning Code MCL 17.32.150 B(12) regarding the billboard restrictions.

The portion of the MCL listed provides the requirement that the billboard be located only on lots that have frontage on public streets with four or more travel lanes or that are located within three hundred feet and oriented to a limited access highway. It is my opinion based on my experience and engineering judgment, the building permit was not issued in error. The lot the billboard has been constructed on has frontage on both South First Street and South Second Street, both of which currently have four travel lanes with two of those lanes being a designated bike route. I have reviewed TDOT's Multimodal Design Guidelines and believe this is applicable because it is TDOT's policy to provide appropriate multimodal facilities along and across sections of state routes, as all travel modes are considered an integral part of the state's transportation system. South First and South Second Street are not state routes; however, they both contain bike lanes so the principle applies when considering travel lanes. I have also reviewed the FHWA Course on Bicycle and Pedestrian Transportation, and it clearly considers bicycle lanes as travel lanes on the street surface.

Mr. Shawn Henry
May 13, 2020

Regarding Korean Veterans Boulevard (KVB), it is my opinion it meets the intent and operational characteristics of a limited access roadway. The Metro Code uses the term "limited access roadway" which could be considered similar to a "controlled access facility" in which the goal is to preserve the route for through traffic and limit access to the cross streets. It is apparent from traveling the approximate 0.7 mile route that direct access has been limited to the cross streets with only a few exceptions.

Upon closer observation, the access exceptions are primarily for land uses that have a high parking demand, and consistent with the general intent of the Gateway Boulevard Design Guidelines, the access points observed provide access to parking garages, which eliminate the need for surface parking. This appears to be a reasonable compromise for allowing the limited access. Based on this condition the parcel on which the billboard was constructed meets both of the criteria listed in MCL 17.32.150 B(12), and the permit should not have been revoked.

Upon review of this information, please contact me if you have any questions or need anything further.

Sincerely,



Jamie Gillespie, P.E.
Vice President



Enclosures

South 2nd Street and South 1st Street
Site Observation

5/8/20



S 2nd Street



S 2nd Street

South 2nd Street and South 1st Street
Site Observation

5/8/20



KVB



S 1st Street



Billboard from S 1st Street

6.3 SEPARATED BICYCLE LANES/CYCLE TRACKS

A separated bicycle lane, also referred to as a cycle track or protected bicycle lane, is an exclusive facility for bicyclists that is located within or directly adjacent to the roadway and is physically separated from motor vehicle traffic with a curb, median, or other vertical element. On-street parking may supplement physical separation. Separated bicycle lanes enhance safety for all street users, encourage more bicycling, and are typically preferred by bicyclists and motorists alike. Examples of cycle tracks are provided in Exhibit 6-12 through Exhibit 6-14.

Separated bicycle lane design guidelines have recently been introduced in FHWA's *Separated Bike Lane Planning and Design Guide* to communicate best practices, advance design guidance, and encourage flexible solutions to bicycle mobility. The signing and pavement markings associated with separated bicycle lanes must be compliant with the MUTCD.

Raised medians/curbs are generally preferred to create the physical separation between the bicycle lanes and motor vehicle lanes. However, they are costly and typically impact drainage. Therefore, they are most commonly installed as part of a full street reconstruction project. Delineator posts or other lower-cost vertical elements can be ideal for retrofit projects. Depending on the project, street buffer widths and vertical element spacing can vary.

Separated bicycle lanes may be one-way, either in the direction of vehicle travel or contra-flow, or two-way. Preferred widths range from seven feet for one-way operation to 12 feet for two-way operation, exclusive of the street buffer. Wider separated bicycle lanes accommodate greater volumes of bicyclists. Narrower widths are sometimes used in constrained locations. However, this may inhibit passing and side-by-side riding, which are important to providing a comfortable bicycling environment that appeals to all ages and bicycling abilities. Please refer to Section 6.2.1 *Bicycle Lane Design Criteria* for guidance on minimum widths for bicycle lanes.

EXHIBIT 6-12: CYCLE TRACK (RETROFIT WITH DELINEATORS)



Source: Google Maps

**Exhibit F: Michael H. Charette, RLS – Letter
(May 14, 2020)**

1. Final Plat (2017)
2. Billboard survey (2020)

CHERRY LAND SURVEYING, INC.

622 West Iris Drive
(615) 269-3972

Nashville, Tennessee 37204
Fax (615) 269-9345

1. I am a Tennessee Registered Land Surveyor (license no. 2048). I have been professionally employed as a surveyor for 19 years, the past 30 years with Cherry Land Surveying, Inc., 622 West Iris Drive, Nashville, Tennessee, 37204.
2. The subject property is known as 610 South 2nd Street and identified as Parcel 56 on Metro Tax Map 93-7. The Special Warranty Deed (Instrument No. 20171016-0106041 R.O.D.C.) contains a property description for Lot 2 (Parcel 56 on survey project 17063-P12) that refers to the Final Plat of Shelby Land Company/Small/Magid Plat of record as Instrument No. 20170925-0098057 R.O.D.C. for a more complete and accurate legal description.
3. Lot 2 (Parcel 56) was created by the Final Plat approved by the Metropolitan Planning Commission on September 25, 2017 as subdivision number 2017S-176-001. The Final Plat depicts and dimensions the lot's western border with Korean Veterans Boulevard as being 107.09 feet in length.
4. On April 17th, 2020 I performed an As-built survey of the existing billboard on the subject property.
5. In my professional opinion, the subject property is abutting, is access-controlled, and has frontage on the right-of-way of Korean Veterans Boulevard.

Sincerely,



Michael H. Charette

OWNER'S CERTIFICATE
 I hereby certify that I am the owner of the parcel(s) of land shown on this plat, and that the same are not subject to any lien, mortgage, or other encumbrance, except as shown on this plat. I further certify that the same are not subject to any lien, mortgage, or other encumbrance, except as shown on this plat. I further certify that the same are not subject to any lien, mortgage, or other encumbrance, except as shown on this plat.

OWNER: Shelby Land Company, LLC
DATE: 9/25/17
OWNER: Emly A. Meigs
DATE: 9/25/17

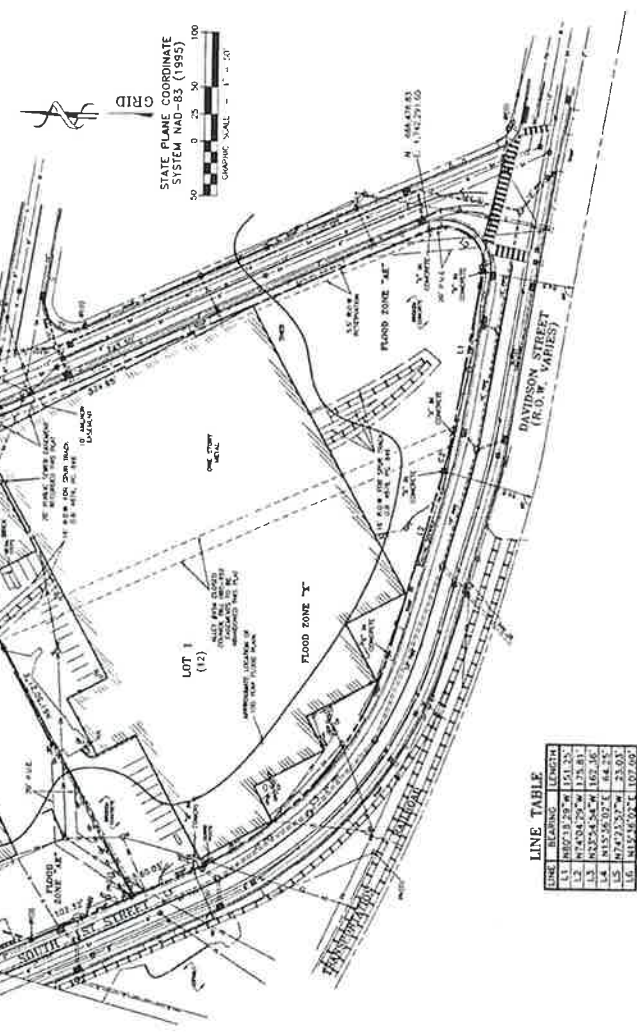
SURVEYOR'S CERTIFICATE
 I hereby certify that to the best of my knowledge and belief the herein shown subdivision plat represents a correct and accurate subdivision of the land shown on the attached site plan. I further certify that the same are not subject to any lien, mortgage, or other encumbrance, except as shown on this plat.

COMMISSIONER'S APPROVAL
 Approved by the Metropolitan Planning Commission of Nashville and Davidson County, Tennessee.
NAME: Scott A. Smith **DATE:** 9-25-17
SUBDIVISION NUMBER: 2017S-176-001

RECORD
 This plat was recorded on 9/25/2017 at 10:30 AM for \$150.00.
DEED REFERENCE
 Deed reference for this property, as shown above, is Book 6371, Page 100, recorded on 09/23/2017 at 09:57:17 AM at the Register's Office, Nashville, Tennessee.

Legend

1	Proposed Lot
2	Proposed Subdivision
3	Proposed Right-of-Way
4	Proposed Easement
5	Proposed Utility
6	Proposed Structure
7	Proposed Fence
8	Proposed Road
9	Proposed Bridge
10	Proposed Water
11	Proposed Sewer
12	Proposed Gas
13	Proposed Electric
14	Proposed Telephone
15	Proposed Cable
16	Proposed Other



LINE TABLE

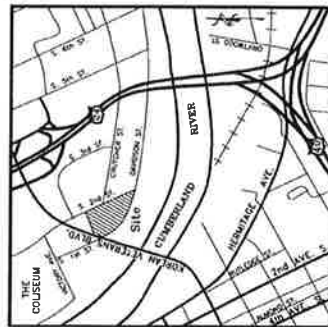
LINE	BEARING	LENGTH
1-2	N 89° 53' 30" W	151.35
2-3	S 89° 53' 30" E	151.35
3-4	N 89° 53' 30" W	151.35
4-5	S 89° 53' 30" E	151.35
5-6	N 89° 53' 30" W	151.35
6-7	S 89° 53' 30" E	151.35
7-8	N 89° 53' 30" W	151.35
8-9	S 89° 53' 30" E	151.35
9-10	N 89° 53' 30" W	151.35
10-11	S 89° 53' 30" E	151.35
11-12	N 89° 53' 30" W	151.35
12-13	S 89° 53' 30" E	151.35
13-14	N 89° 53' 30" W	151.35
14-15	S 89° 53' 30" E	151.35
15-16	N 89° 53' 30" W	151.35
16-17	S 89° 53' 30" E	151.35
17-18	N 89° 53' 30" W	151.35
18-19	S 89° 53' 30" E	151.35
19-20	N 89° 53' 30" W	151.35
20-21	S 89° 53' 30" E	151.35
21-22	N 89° 53' 30" W	151.35
22-23	S 89° 53' 30" E	151.35
23-24	N 89° 53' 30" W	151.35
24-25	S 89° 53' 30" E	151.35
25-26	N 89° 53' 30" W	151.35
26-27	S 89° 53' 30" E	151.35
27-28	N 89° 53' 30" W	151.35
28-29	S 89° 53' 30" E	151.35
29-30	N 89° 53' 30" W	151.35
30-31	S 89° 53' 30" E	151.35
31-32	N 89° 53' 30" W	151.35
32-33	S 89° 53' 30" E	151.35
33-34	N 89° 53' 30" W	151.35
34-35	S 89° 53' 30" E	151.35
35-36	N 89° 53' 30" W	151.35
36-37	S 89° 53' 30" E	151.35
37-38	N 89° 53' 30" W	151.35
38-39	S 89° 53' 30" E	151.35
39-40	N 89° 53' 30" W	151.35
40-41	S 89° 53' 30" E	151.35
41-42	N 89° 53' 30" W	151.35
42-43	S 89° 53' 30" E	151.35
43-44	N 89° 53' 30" W	151.35
44-45	S 89° 53' 30" E	151.35
45-46	N 89° 53' 30" W	151.35
46-47	S 89° 53' 30" E	151.35
47-48	N 89° 53' 30" W	151.35
48-49	S 89° 53' 30" E	151.35
49-50	N 89° 53' 30" W	151.35
50-51	S 89° 53' 30" E	151.35
51-52	N 89° 53' 30" W	151.35
52-53	S 89° 53' 30" E	151.35
53-54	N 89° 53' 30" W	151.35
54-55	S 89° 53' 30" E	151.35
55-56	N 89° 53' 30" W	151.35
56-57	S 89° 53' 30" E	151.35
57-58	N 89° 53' 30" W	151.35
58-59	S 89° 53' 30" E	151.35
59-60	N 89° 53' 30" W	151.35
60-61	S 89° 53' 30" E	151.35
61-62	N 89° 53' 30" W	151.35
62-63	S 89° 53' 30" E	151.35
63-64	N 89° 53' 30" W	151.35
64-65	S 89° 53' 30" E	151.35
65-66	N 89° 53' 30" W	151.35
66-67	S 89° 53' 30" E	151.35
67-68	N 89° 53' 30" W	151.35
68-69	S 89° 53' 30" E	151.35
69-70	N 89° 53' 30" W	151.35
70-71	S 89° 53' 30" E	151.35
71-72	N 89° 53' 30" W	151.35
72-73	S 89° 53' 30" E	151.35
73-74	N 89° 53' 30" W	151.35
74-75	S 89° 53' 30" E	151.35
75-76	N 89° 53' 30" W	151.35
76-77	S 89° 53' 30" E	151.35
77-78	N 89° 53' 30" W	151.35
78-79	S 89° 53' 30" E	151.35
79-80	N 89° 53' 30" W	151.35
80-81	S 89° 53' 30" E	151.35
81-82	N 89° 53' 30" W	151.35
82-83	S 89° 53' 30" E	151.35
83-84	N 89° 53' 30" W	151.35
84-85	S 89° 53' 30" E	151.35
85-86	N 89° 53' 30" W	151.35
86-87	S 89° 53' 30" E	151.35
87-88	N 89° 53' 30" W	151.35
88-89	S 89° 53' 30" E	151.35
89-90	N 89° 53' 30" W	151.35
90-91	S 89° 53' 30" E	151.35
91-92	N 89° 53' 30" W	151.35
92-93	S 89° 53' 30" E	151.35
93-94	N 89° 53' 30" W	151.35
94-95	S 89° 53' 30" E	151.35
95-96	N 89° 53' 30" W	151.35
96-97	S 89° 53' 30" E	151.35
97-98	N 89° 53' 30" W	151.35
98-99	S 89° 53' 30" E	151.35
99-100	N 89° 53' 30" W	151.35
100-101	S 89° 53' 30" E	151.35
101-102	N 89° 53' 30" W	151.35
102-103	S 89° 53' 30" E	151.35
103-104	N 89° 53' 30" W	151.35
104-105	S 89° 53' 30" E	151.35
105-106	N 89° 53' 30" W	151.35
106-107	S 89° 53' 30" E	151.35
107-108	N 89° 53' 30" W	151.35
108-109	S 89° 53' 30" E	151.35
109-110	N 89° 53' 30" W	151.35
110-111	S 89° 53' 30" E	151.35
111-112	N 89° 53' 30" W	151.35
112-113	S 89° 53' 30" E	151.35
113-114	N 89° 53' 30" W	151.35
114-115	S 89° 53' 30" E	151.35
115-116	N 89° 53' 30" W	151.35
116-117	S 89° 53' 30" E	151.35
117-118	N 89° 53' 30" W	151.35
118-119	S 89° 53' 30" E	151.35
119-120	N 89° 53' 30" W	151.35
120-121	S 89° 53' 30" E	151.35
121-122	N 89° 53' 30" W	151.35
122-123	S 89° 53' 30" E	151.35
123-124	N 89° 53' 30" W	151.35
124-125	S 89° 53' 30" E	151.35
125-126	N 89° 53' 30" W	151.35
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245-246	N 89° 53' 30" W	151.35
246-247	S 89° 53' 30" E	151.35
247-248	N 89° 53' 30" W	151.35
248-249	S 89° 53' 30" E	151.35

Notes

- 1) THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITY LINES SHOWN ON THIS SURVEY. THE SURVEYOR HAS TAKEN FROM VERBAL APPROPRIATEMENTS AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO WARRANTY AS TO THE ACCURACY OF THE LOCATION OF ANY SUCH UTILITIES IN THE AREA, OTHER THAN SERVICE OR ABANDONED. ALL UTILITIES ARE SHOWN AS LOCATED ON THE UNDERGROUND UTILITIES MAP IN THE EXACT LOCATION, MANNER AND DEPTH SHOWN THEREON. THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN ON THIS SURVEY ARE BASED ON THE INFORMATION PROVIDED TO THE SURVEYOR. VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. THE SURVEYOR IS NOT RESPONSIBLE FOR DAMAGE TO ANY UTILITIES OR APPROPRIATE UTILITY COMPANY, IN TENNESSEE, IF IT IS A MEMBER OF THE NATIONAL ASSOCIATION OF PUBLIC UTILITIES AND TRANSPORTATION, FOR THE UNDERGROUND UTILITY DAMAGE PREVENTION PROGRAM. THE SURVEYOR HAS BEEN ADVISED THAT ALL KNOWN UNDERGROUND UTILITY OWNERS, WHO LESS THAN THREE (3) MONTHS PRIOR TO THE DATE OF THIS SURVEY, HAD BEEN ADVISED BY THE TENNESSEE PUBLIC UTILITY CONFLICT RESOLUTION BOARD, TENNESSEE ONE CALL 1-800-351-1111 OR TENNESSEE REGULATORY AUTHORITY (TRA) AT 811.
- 2) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 3) THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE UNKNOWN AND ARE NOT SHOWN.
- 4) "TA" MAP 93-07.
- 5) THIS PROPERTY IS CURRENTLY ZONED "IC" (INDUSTRIAL GENERAL) IS INTENDED FOR A WIDE RANGE OF INTENSIVE MANUFACTURING USES.

Legend

- CONCRETE MONUMENT OLD → ○ CM(O)
- CONCRETE MONUMENT OLD → ○ PK(O)
- CLEAN-OUT → C-O
- CURB-OUT → C-O
- GUARD POST → G-P
- SIGN POST → S-P
- CATCH BASIN → C-B
- CURB INLET → C-I
- MANHOLE → M
- STORM MANHOLE → S-M
- UTILITY POLE → U-P
- PROPERTY LINE → P-L
- EDGE OF PAVEMENT → E-P
- EASEMENT LINE → E-L
- EDGE OF CONC → E-C
- WALL → W
- CURB → C
- FENCE → F
- OVERHEAD → O-H
- WATER LINE → W-L
- GAS LINE → G-L
- SEWER LINE → S-L
- SEWER LINE FORCE MAIN → S-L FM
- CULVERT → C



CHERRY LAND SURVEYING, INC.
 622 WEST IRIS DRIVE
 NASHVILLE, TENNESSEE 37204
 (615)269-3972 FAX:(615)269-9345
 E-MAIL: cherryls@ccmcast.net

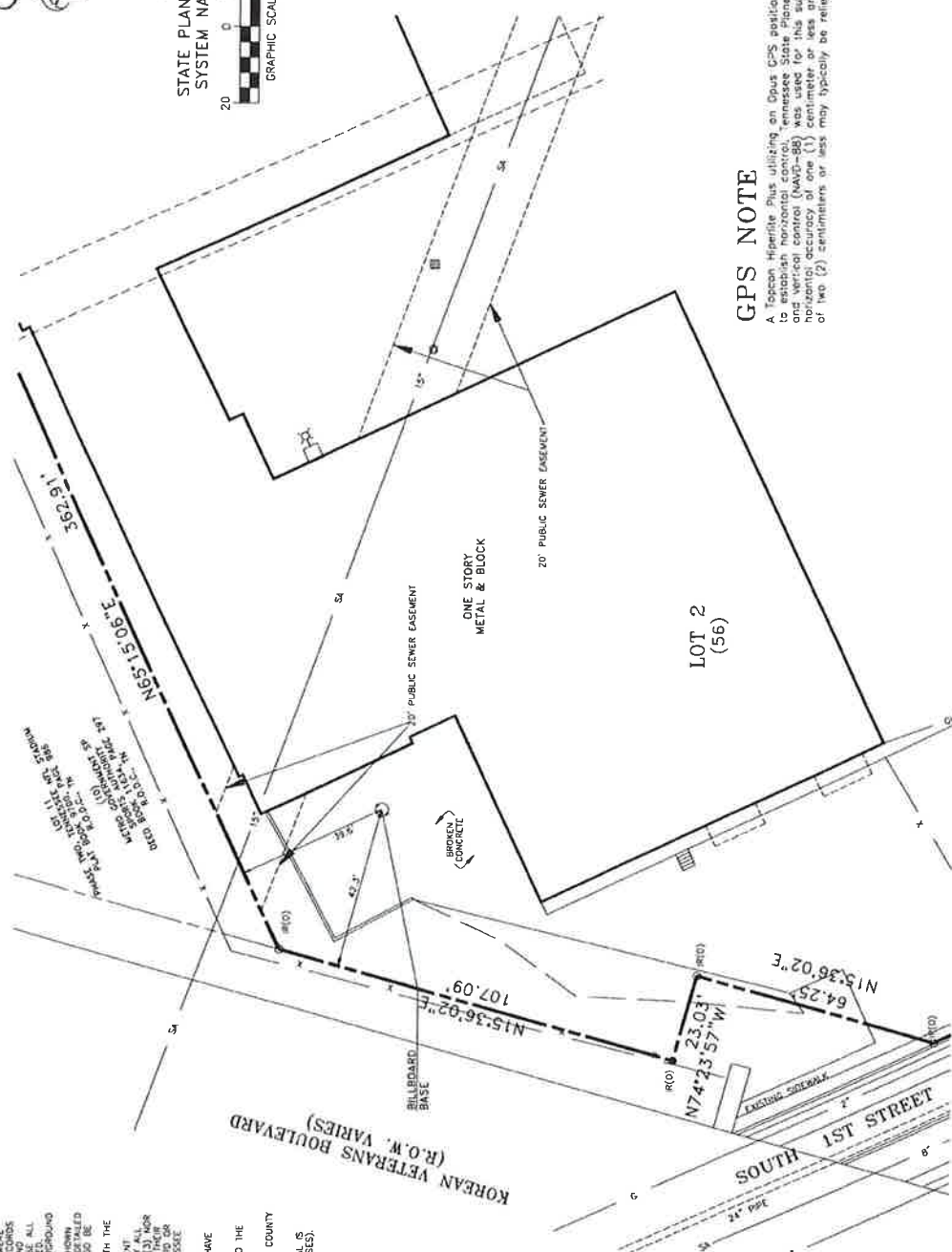
WE HEREBY CERTIFY THAT THIS SURVEY AND THE INFORMATION SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF



MICHAEL H. CHARETTE R.L.S. # 2048



STATE PLANE COORDINATE SYSTEM NAD-83 (1995)



GPS NOTE

A Topcon HiPerlite Plus utilizing an Opus GPS positional solution to establish horizontal control, Tennessee State Plane Grid (NAD-83), and vertical control (NAVD-88) was used for this survey. A positional accuracy of one (1) centimeter or less and a GPS (Orbit Height) of two (2) kilometers or less may typically be relied upon.

BILLBOARD EXHIBIT
OF
610 SOUTH SECOND STREET
PARCEL 56
MAP 93-7

NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 SCALE: 1" = 20' - DATE: APRIL 17, 2020



JOB# 1706398 MHC

TUNE, ENTREKIN & WHITE, P.C.

**Exhibit G: Charlie Furman, Vice President & Territory
Manager, Lamar Advertising Company – Letter
(May 27, 2020)**

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118

P: F: W:

May 27, 2020

Metropolitan Board of Zoning Appeals
Mr. David Taylor, Chairman, Mr. Ross Pepper, Vice Chairman
800 Second Avenue South
Nashville, Tennessee 37210

RE: Outfront Media - Permit No. 2019074327
610 South Second Street, Nashville, TN

Dear Chairman Taylor and Members of the Board:

On behalf of Lamar Advertising Company, I was recently made aware of questions surrounding the issuance of a Metro permit to Outfront Media for a sign location and outdoor advertising displays adjacent to 2nd Street and Korean Veterans Boulevard.

Although the applicable displays are not operated by Lamar, I personally find issuance of Outfront's permit to be consistent with past practices and interpretations of the Metro Codes. Upon review, the site adjacent to KVB appears to have properly satisfied all criteria for issuance of a billboard permit; therefore, I find no errors in Metro's issuance of the same.

Should the Board of Zoning Appeals and/or Metro Codes Department find any errors or deficiencies in Metro's issuance of the applicable permit, Lamar Advertising Company does not object to the BZA's granting of all necessary variances for Outfront Media's continued use and operation of the outdoor advertising displays currently in place.

Thank you for your continued service, time, and consideration regarding this matter.

Best,



Charlie Furman
Vice President & Territory Manager



Exhibit H: Metro cited sources:

1. zoning code
2. traffic code
3. MSCP map
4. Access Nashville 2040: implementing complete streets
5. Strategic plan for sidewalks & bikeways (2008)
6. MPW Street Design Standards & Specifications – definitions (2009)
7. MPW Bike Lane DWG. No. ST-504
8. Speed Reduction Feasibility Study (2019)
9. Gateway Blvd UDO Design Guidelines (2005)

Metropolitan Nashville Code of Laws
Title 17 - Zoning

17.04.060 - Definitions of general terms.

B. General Terms.

[EXCERPTS]

"Frontage" means any portion of a lot that abuts a public street (excluding alleys) and "open space".

"Abutting" means touching or sharing a common point or line. This term shall not be deemed to include parcels that are across a public way from each other.

"Street, frontage classifications" refers to the character of the street and adjacent buildings, and is applied in conjunction with the street, functional design type designation. * * *

2. **"Street, other"** means **an atypical street with limited lot access** and limited pedestrian activity such as, but not limited to, interstate entrance and exit ramps and similar streets.

"Travelway" means that portion of a public right-of-way that is improved for use by self-propelled **vehicles or bicycles**, including paved or gravel areas and any other area intended for vehicle movement.

"Bike lane" means a section of a roadway which has been designated by striping, signing and pavement markings for the exclusive use of bicyclists.

"Bikeway" is a generic term for any road, street, path, or way that in some manner is specifically designated for bicycle travel, it may be for the exclusive use of bicycles or to be shared with other transportation modes.

12.04.015 - Arterial street.

"Arterial street" means a street designated as either an "arterial-boulevard" or an "arterial-parkway" on the Major and Collector Street Plan adopted by the Metropolitan Planning Commission.

(Ord. BL2017-659 § 1, 2017; prior code § 27-1-1 (part))

12.04.045 - Controlled-access highway.

"Controlled-access highway" means every highway, street or roadway in respect to which owners or occupants of abutting lands, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

(Prior code § 27-1-1 (part))

12.04.120 - Highway.

"Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

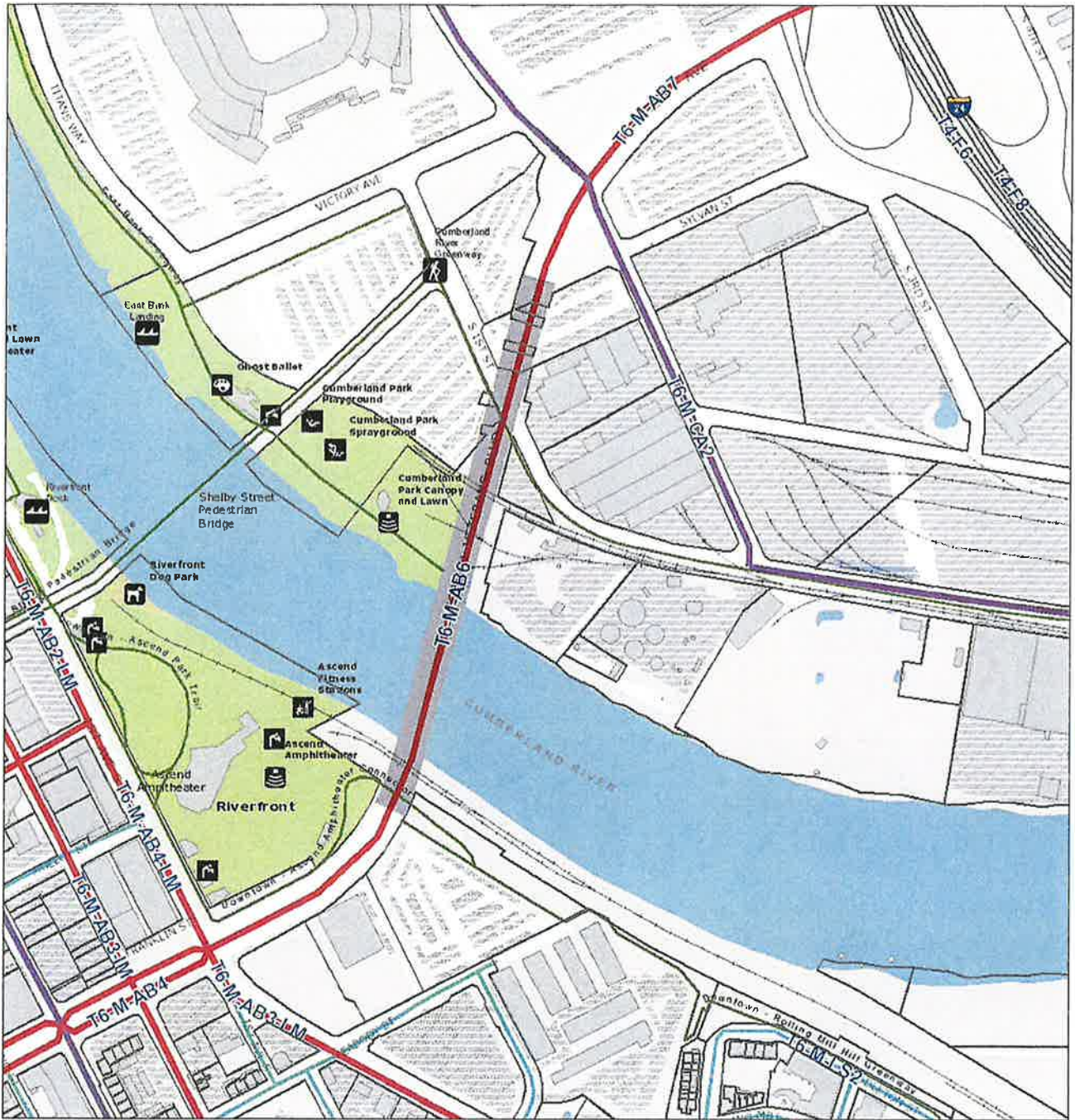
(Prior code § 27-1-1 (part))

12.04.435 - Vehicle.

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

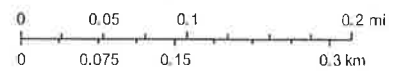
(Prior code § 27-1-1 (part))

Nashville / Davidson County Parcel Viewer



April 1, 2020

1:4,514



- | | |
|---|-------------------------------|
| Ownership Parcels | Downtown Local Street |
| Major and Collector Street Plan | Planned Downtown Local Street |
| Arterial-Parkway Scenic | Planned Local Alley |
| Arterial-Boulevard Scenic | Freeway or Expressway |
| Planned Arterial-Boulevard Scenic | Ramp |
| Arterial-Boulevard | Planned Ramp |
| Planned Arterial Boulevard | |
| Collector-Avenue | |
| Planned Collector Avenue | |
| Local Streets, Alleys and Freeways | |
| Planned Multimodal Freeway Corridor | |
| Local Street | |
| Planned Local Street | |

Nashville Planning Department
Metro GIS

Major and Collector Street Plan

Street: KOREAN VETERANS BLVD

MCSP Designation: T6-M-AB6

Standard Right-of-Way:

Half of Standard Right-of-Way:

Adopted Bikeways & Sidwalk Plan Facility: Major Separated Bikeway Planned

Median Width: 0

On-Street Parking Requirement: 0 side(s)

Bikeway Buffer:

Bikeway Width: 6

Planting Strip Width: 4

Sidewalk Width: 10

Frontage Width: 4

Additional Notes: Constrained Street - ROW Set

Additional Documentation:

Last Updated: Readopted with NashvilleNext Update on August 24, 2017.

Major and Collector Street Plan

Street: S 2ND ST

MCSP Designation: T6-M-CA2

Standard Right-of-Way:

Half of Standard Right-of-Way:

Adopted Bikeways & Sidwalk Plan Facility: Existing Bikeway for Experienced Cyclists

Median Width: 0

On-Street Parking Requirement: 0 side(s)

Bikeway Buffer:

Bikeway Width: 6

Planting Strip Width: 4

Sidewalk Width: 10

Frontage Width: 4

Additional Notes:


Additional Documentation:

Last Updated: Readopted with NashvilleNext Update on August 24, 2017.

Adopted June 22, 2015

Volume V: Access Nashville 2040

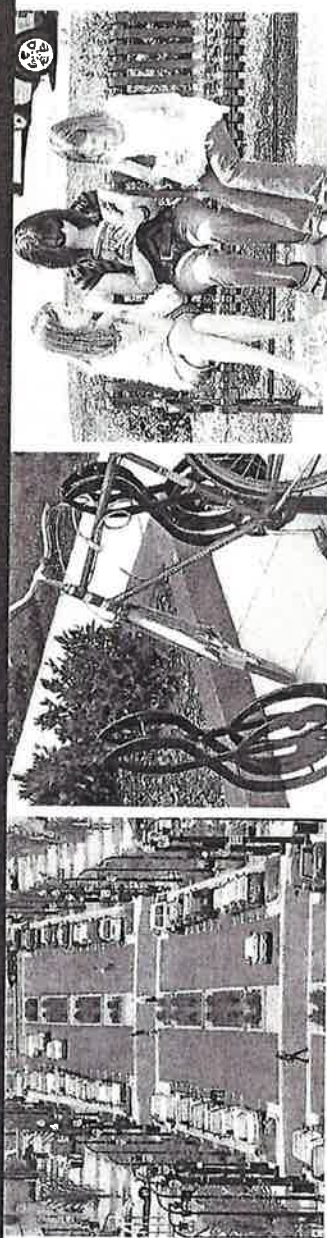
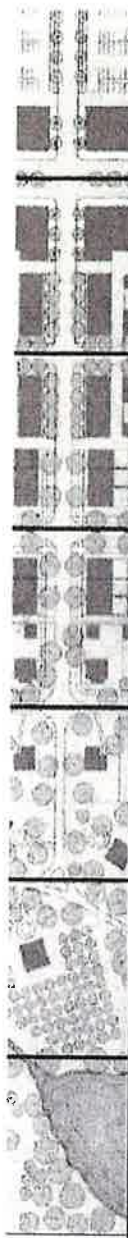



Certified per TCA 13-4-202 as a part of the Nashville-Davidson County General Plan adopted by the Metropolitan Nashville-Davidson County Planning Commission and including all amendments to this part as of June 22, 2015.

Richard Beaudet
Executive Secretary

n nashvillenext

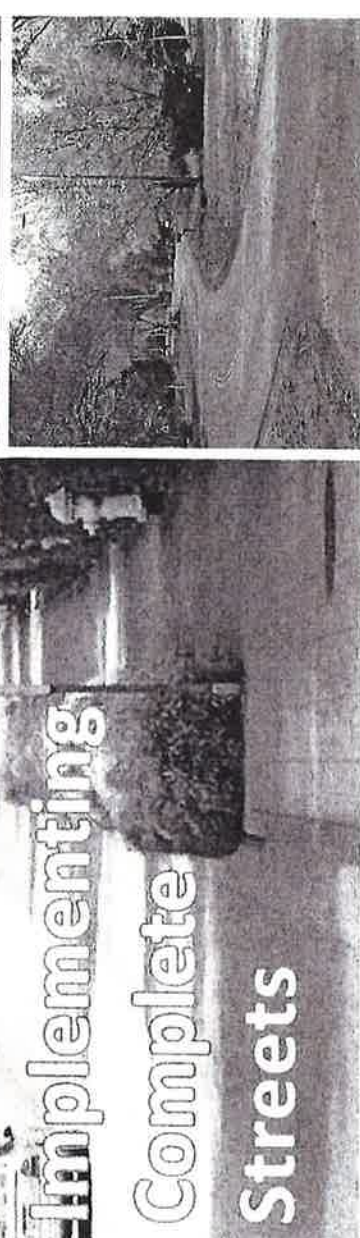
A General Plan for Nashville & Davidson County



Volume V: Access Nashville 2040



Major & Collector Street Plan



Implementing Complete Streets

STREET ELEMENT DESCRIPTIONS

KVB, South 1st St. and South 2nd St.

Every street segment includes many different elements that all work together to create streets that are thoughtfully designed to meet the needs of multiple users. The cross sections presented in this document show different possible arrangements for the elements that make up a street. Generally,

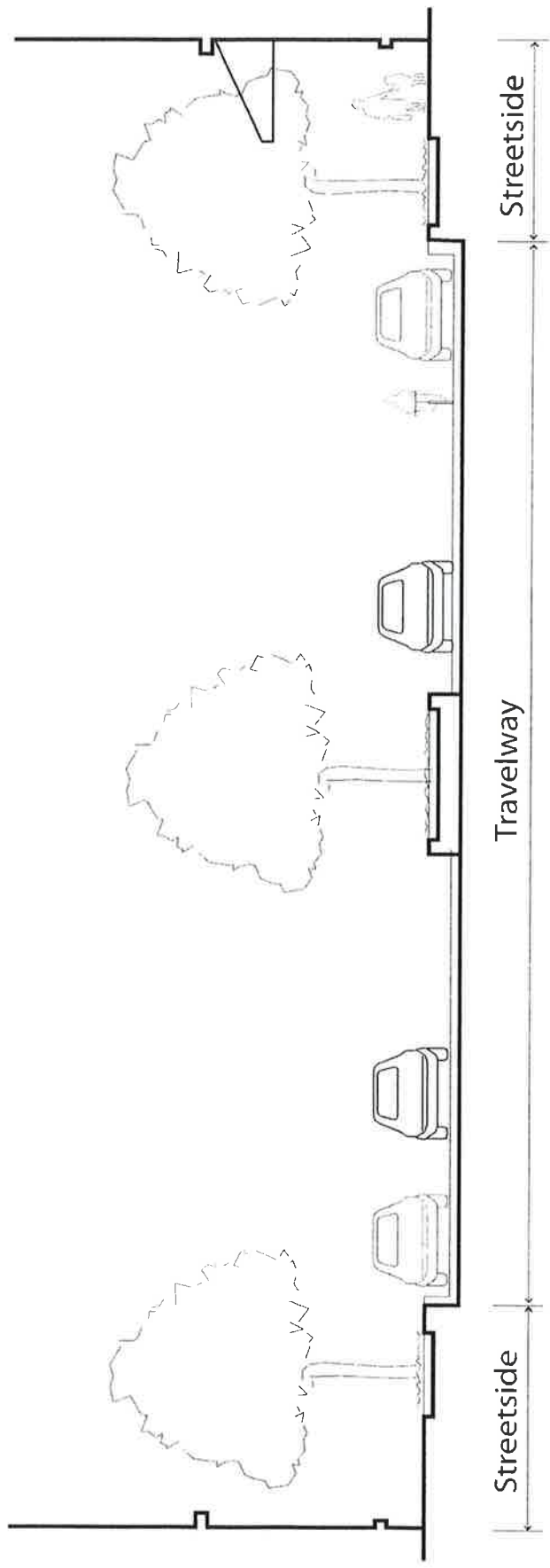
within the public right-of-way, the elements of the street exist either within the Streetside or the Travelway. The following section offers brief summaries of the all the street elements.

STREETSIDE

The Streetside accommodates most of the non-vehicular activity of the street including pedestrian travel, business activity, and some stormwater functions. The Streetside is the public space where much of the social activity of the city takes place. Street furniture, bicycle racks, and protected bikeways may be appropriate in the streetside.

TRAVELWAY

The Travelway is the portion of the right-of-way between the curbs that accommodates the movement of vehicles including transit and bicycles, as well as on-street parking.



Street Components

KVB, South 1st St. and South 2nd St.

TRAVELWAY ELEMENTS

Parking Zone

On-street parking not only helps to meet the parking needs of the adjacent uses, but it also offers comfort for pedestrians by providing a buffer from moving traffic in the street. While in most cases, on-street parking cannot supply all of the parking needs for a commercial area, it provides convenient spaces that increase pedestrian activity and allow for easy loading and unloading when additional parking is located to the rear or side of buildings. Additionally, on-street parking helps to slow street traffic thus making pedestrian crossings safer. Parking lanes should be measured to the face of the curb.

Bike Zone

Bicycle travel is an important component in any multimodal street that can be accommodated in variety of ways. Varying street types, cyclist skill level and the availability of off-street bike routes influence the design of bike facilities. Bicycle facilities are required in accordance with recommendations of Access Nashville 2040. Bikeway design impacts the amount of right-of-way, so guidance from NACTO and FHWA has been utilized to determine appropriate widths.

Bicycle Lanes or Buffered Bike Lanes —

Locating bicycle lanes along major and collector streets is an important part of a Complete Street approach, but not all major and collector streets require a bicycle lane to be a Complete Street. Several factors are taken into consideration to

designate a bike lane on a street including:

- » Streets with high traffic volume.
- » Streets with high target speeds of 30 miles per hour or more.
- » Connectivity to existing and/or planned bicycle systems and transit facilities.
- » Connectivity to large employment centers and/or popular civic destinations.
- » Experience or skill level of cyclist.

Striped bicycle lanes are recommended on certain streets in order to provide cyclists with a designated travelway that is visually separated from automobile traffic.

A standard striped bicycle lane should be six feet wide between face of curb and outside of painted stripe. A minimum of three feet of this width should be rideable surface located outside of the gutter pan. In the absence of a vertical curb, a four foot minimum bike lane is acceptable. Additionally, when formal parking and bike lanes coexist, the width should be six feet.

Bike Boulevards—Bike boulevards are strategically identified local street corridors that are outfitted with traffic calming measures to maintain access for all road users while prioritizing local and active transportation and accommodating recreational uses. Bike Boulevards can be implemented with curb extensions, road reconfigurations, diverters, roundabouts, and many other infrastructure components that permit access while discouraging non-local automobile traffic from using the corridor as a cut through.

Multi-Use Path, Protected Bikeway, or Cycle Track—While cycling on a sidewalk is discouraged in urban areas, along Arterial-Parkways and other streets in more rural or suburban settings, a multi-use path that is wide enough to accommodate both pedestrians and cyclists may be appropriate. Motorized traffic is excluded along multi-use paths because these facilities are designed for use by pedestrians, bicyclists, skaters, wheelchair users, runners, and other non-motorized users. Typically, a multi-use path, which is a combination of the bicycle and pedestrian zones, is separated from the vehicle zone by a landscaped area.

A protected bikeway also combines the bicycle and pedestrian zones, but the bicyclist is protected by barriers created between the zones. A two-way, raised cycle track is similar but intended for only bicyclists while walking accommodations are handled on a sidewalk.

The location of multi-use paths and protected bikeways within street rights-of-way, especially near road intersections, can challenge motorist expectations of bicyclists, so their design and interface with other travel modes should be carefully analyzed.



Buffered bike lanes along Church Street

KVB, South 1st St, and South 2nd St.

Vehicle Zone

Travel Lanes—Travel lanes accommodate movement of vehicular, transit, and bicycle traffic. Lane width is influenced by two distinct goals that must be balanced to create complete streets. The first is to move a particular volume of vehicles through an area safely and efficiently. The second is to create a safe and comfortable pedestrian environment by limiting crossing distances and reducing vehicle speeds. Wide streets create barriers for pedestrians and encourage higher vehicular speeds reducing the level of pedestrian activity that supports economic and community activity.

Urban and Suburban Lanes: The American Association of State Highway and Transportation Officials (AASHTO) recommends narrower (10 to 11 feet) travel lanes on lower-speed urban streets, to promote flexibility in constrained right-of-way situations and to accommodate multiple modes of transportation by creating more room within the right-of-way. The benefits of narrower travel lanes include the creation of a safer pedestrian conditions with shorter crossing distances and slower traffic, the ability to accommodate more modes of transportation in constrained rights-of-way, and lower construction cost. Wide outside lanes (12 feet) are appropriate on transit corridors to accommodate transit.

Rural Lanes: In non-urban settings with less pedestrian activity, wider (12 feet) vehicle lanes are appropriate. However, when wider lanes are required, consider balancing the total width of the travel way by narrowing turn lanes or

medians to maintain the same overall pedestrian crossing distance.

Medians and Pedestrian Refuges—Medians are continuous islands separating the opposing directions of traffic. Medians are used for beautification, access management, safety, utilities, and stormwater management. By separating and controlling traffic, medians help reduce vehicle-and-vehicle as well as vehicle -and-bicycle/pedestrian conflicts. Landscaped medians, especially those with canopy trees, can be a unique focal point to a neighborhood, and when properly designed, they can provide efficient stormwater management and reduce urban temperatures. Medians can also function as pedestrian refuges. These refuges break up a large crossing by providing a safe place for pedestrians and cyclists to stop while crossing the street. They are especially important on wide thoroughfares.

Landscaped medians should take priority over continuous left turn lanes or paved medians where maintenance funding is available. Plant and hardscape materials should be low maintenance including miniature grasses that do not require mowing and/or drought tolerant tree and shrub species.

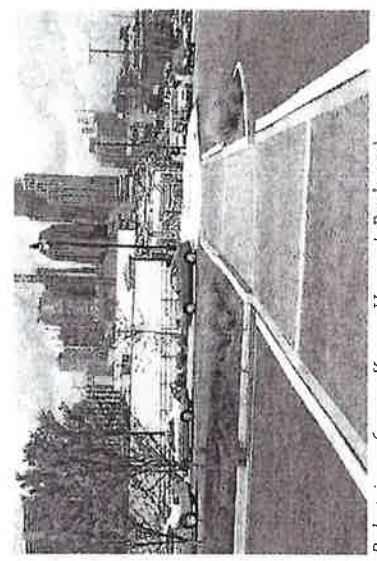
Traffic Control Devices—Metro Nashville Public Works maintains over 2,200 miles of public roadways and rights-of-way and more than 800 signalized intersections. Along with the Tennessee Department of Transportation (TDOT), Public Works installs and maintains traffic control devices including signals, pavement markings, and signs within the Vehicle

The Manual on Uniform Traffic Control Devices (MUTCD) defines the standards used by local road managers installing and maintaining traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. Coordination with Public Works and TDOT while applying the MCSP is essential for the safe and efficient movement of people and supporting community activities.

In addition to the MUTCD, Nashville joins FHWA, TDOT, Memphis, Chattanooga, and cities and states across the country in adopting the NACTO Urban Street Design Guide and Urban Bikeway Design Guide as a recommended best practice.

DEVELOPMENT ZONE

The development zone is the private property that abuts the public right-of-way. While this document does not address any standards specific to the development zone, the character of the development zone affects the design and use of the public street space.



Pedestrian refuge on Korean Veterans Boulevard

Section I: Collector-Avenue

Collector-Avenue Defined

Collector-Avenues (CA) are relatively low-speed, low- to medium- volume streets that provide circulation within and between neighborhoods. Collector-Avenues usually serve short trips and are intended for collecting trips from local streets and distributing them to the Arterial-Boulevard network.

Intent

The intent of the Collector-Avenue is to balance the mobility needs of multiple transportation modes, while providing access via driveways, alleys or side streets to businesses and residences. Therefore, while there may be peak-hour congestion, this is considered a legitimate trade-off to attain other community goals such as access and pedestrian/cyclist comfort. As a result, the width of the road is not expanded to accommodate additional capacity or maintain free flowing traffic at all times.

Guidelines

These design guidelines are to be used by the private and public sectors when proposing street improvements and/or new streets. The guidelines are expressed in a series of tables and diagrams for street segments and general guidelines for intersections. Figure CA1 shows the Typical Zones and the purposes served by each.

Collector-Avenue Elements

Tables CA1-CA3 list the design guidelines for Collector-Avenues segments and the design elements within the right-of-way. These tables are followed by a variety of possible cross-sections for Collector-Avenues. Please see page 26 for the explanation of how to read the tables.

Avenue Intersection Guidelines

At the end of this section is a list of guidelines for how to create an appropriate Collector-Avenue intersection as well as intersections of Collector-Avenue and other street types.

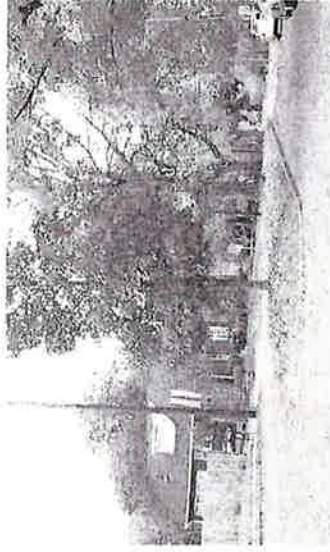
Collector-Avenue at a glance

Future complete street function:

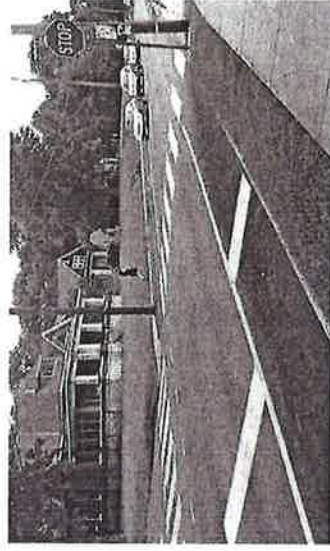
- » Serves shorter trips, more pedestrian and bicycle oriented trips
- » Relatively low speed of vehicles
- » Low to medium user volumes
- » Collects and distributes trips from local roads to the larger network.
- » Balance user mobility and vehicular access to business/residences

Potential Design Remedies:

- » Reduce travel lane widths
- » Introduce parallel parking
- » Introduce sidewalks and trees
- » Accommodate bicycles
- » Ensure sidewalks are provided



Bowling Avenue is a Collector-Avenue with a vegetated median, curb, gutter, sidewalk, and on-street parking.



Eastland Avenue is a Arterial-Boulevard with sidewalks and an advanced stop bar for bicyclists.

SOUTH 2ND STREET

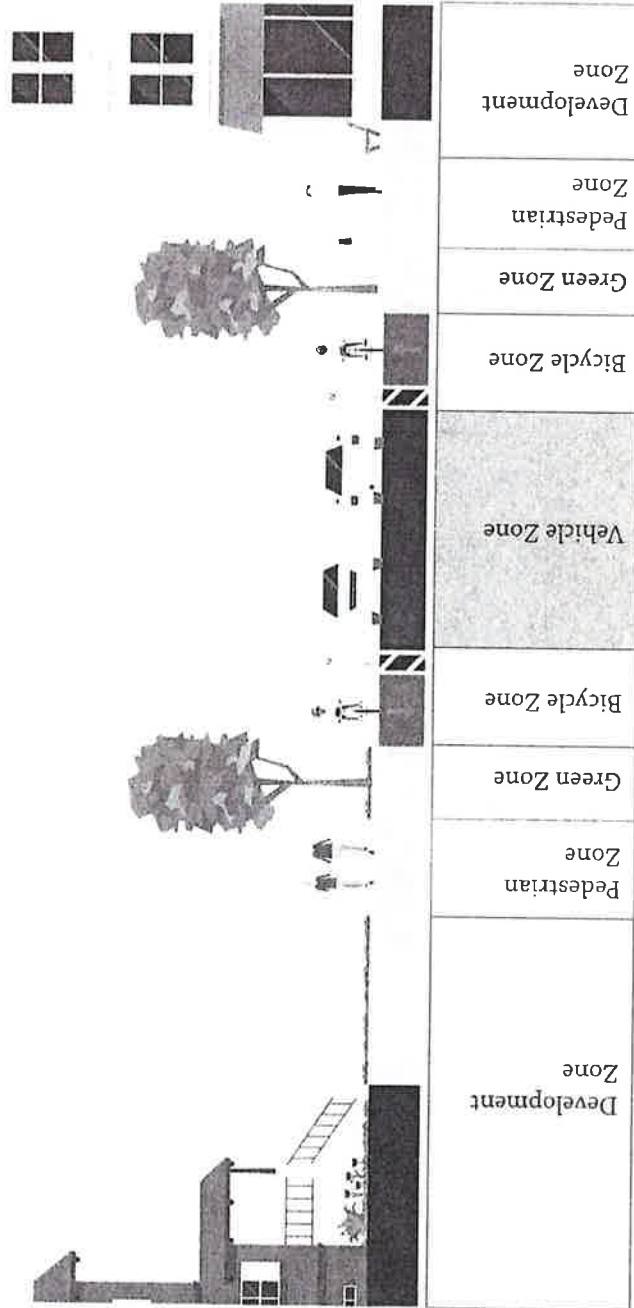
FIGURE

CA3

Collector-Avenue with Protected Bike Lane

Context

- » T3 Residential
- » T3 Mixed Use
- » T4 Residential
- » T4 Mixed Use
- » T5 Mixed Use
- » T6 Mixed Use



See discussion of Street Elements starting on page 27 for detailed information on each element.

Section II: Arterial-Boulevard

Arterial-Boulevards Defined

Arterial-Boulevards (AB) usually serve longer trips with medium to high volume and are intended to collect trips from Collector-Avenues and distribute them to the larger network.

Intent

Arterial-Boulevards prioritize the mobility needs of multiple transportation modes over business and residence access. Access management occurs through establishing appropriate block length, presence of medians, and the spacing and consolidation of access points to individual developments. Arterial-Boulevards include landscaping and facilities for multiple modes of transportation, such as sidewalks, bikeways, transit stops, and in some cases transit lines. Improvements may include some or all of the following, depending on available right-of-way: vegetated medians, wide sidewalks, street trees, and urban design elements that create a comfortable, inviting place to walk or bike.

balance access to surrounding land uses and mobility. For example, Rosa L. Parks Boulevard is an Arterial-Boulevard with a vegetated median near Werthan Mills and becomes a five-lane Arterial-Boulevard with a center turn-lane at the Nashville Farmer's Market.

Guidelines

Design guidelines are to be used by the private and public sectors when proposing street improvements and/or new streets. The guidelines are expressed in a series of tables and diagrams for street segments and general guidelines for intersections. Figure AB1 shows the Typical Zones and the purposes served by each.

Arterial-Boulevard Elements

Tables AB1-AB4 list the design guidelines for Arterial-Boulevard segments and the design elements within the right-of-way. This table is followed by a variety of possible cross-sections for Arterial-Boulevards. Please see page 26 for the explanation of how to read the tables.

Context

While the public may generally think of a boulevard as having a vegetated median, in Nashville Arterial-Boulevards are designated as such because of the function they serve—to

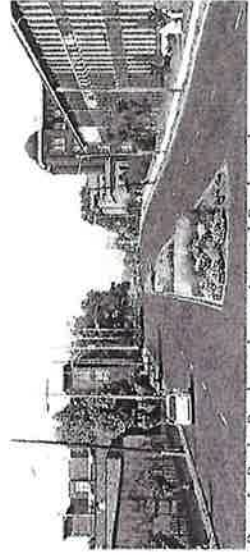
Arterial-Boulevard at a glance

Future Complete Street Function:

- » Serve longer vehicular and bicycle trips
- » Medium to high user volumes due to higher intensity land uses
- » Collects trips from Collector-Avenues and distribute them to the larger network
- » Prioritize user mobility over access

Potential Design Remedies:

- » Reduce travel lane widths
- » Introduce parallel parking
- » Introduce sidewalks, planting strips, and street trees
- » Introduce medians
- » Accommodate bicycles
- » Balance transit elements—future light rail, bus rapid transit, or local bus service



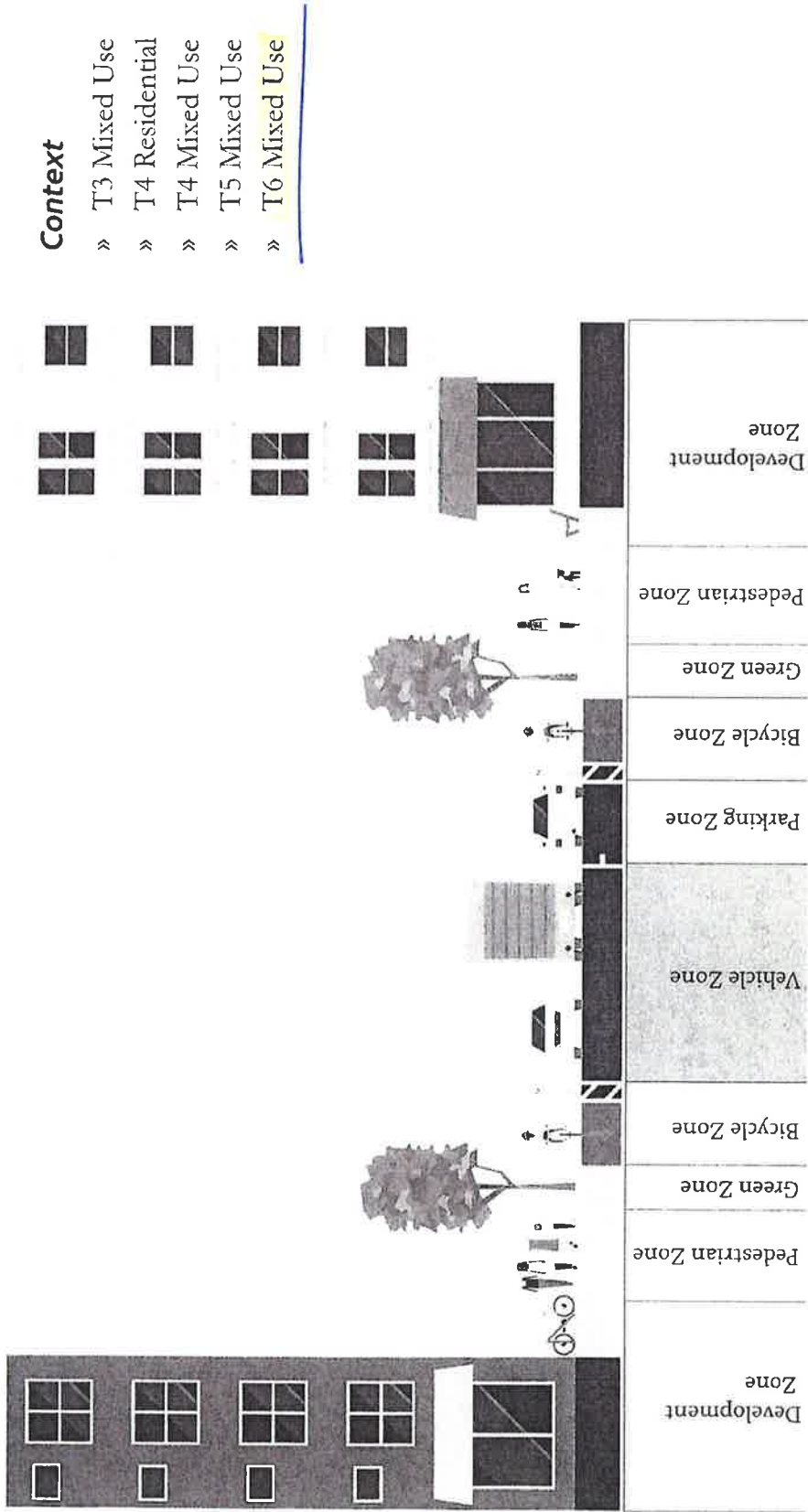
Rosa L. Parks Boulevard - an Arterial-Boulevard

KOREAN VETERANS BOULEVARD

FIGURE

AB6

Arterial-Boulevard with Parking and Protected Bike Lanes



See discussion of Street Elements starting on page 27 for detailed information on each element.



**Metro Nashville-Davidson County
Strategic Plan for Sidewalks
& Bikeways**

**PREPARED FOR:
THE METROPOLITAN GOVERNMENT OF NASHVILLE AND
DAVIDSON COUNTY, TENNESSEE**

**PREPARED BY:
RPM TRANSPORTATION CONSULTANTS, LLC
HAWKINS PARTNERS, INC.
DIGI DESIGN, INC.
SEIGENTHALER PUBLIC RELATIONS, INC.
FEHR & PEERS ASSOCIATES, INC.
PERDUE RESEARCH GROUP, INC.**

**AMENDED JULY 2008 BY:
CIVIC ENGINEERING & INFORMATION TECHNOLOGIES, INC.**



DESIGN GUIDELINES SUMMARY

The complete *Bicycle Facilities Design Guidelines* are located in Appendix C. The standards and practices outlined in the document are intended to provide guidance on the integration of bicycle facilities into the various projects that have the potential to affect bicycle travel in Davidson County.

Application of the design guidelines will ensure consistency in facilities design. Consistency will provide cyclists with assurance regarding the type and quality of the bikeways that they will encounter. It will also encourage both cyclists and drivers to operate predictably with each other on public right-of-way. Consistency and predictability encourage bicycle use and are cornerstones of a safe multi-modal transportation infrastructure.

The guidelines were developed by the consultant team in response to the specific needs, objectives, and circumstances of Nashville & Davidson County. They are based primarily on AASHTO standards and other standard practices used throughout the country.

The types of bicycle facilities that are contained in the guidelines include bicycle lanes, shared roadways and multi-use trails (greenways). Guidance on related design issues such as intersections, common hazards, end-of-trip facilities, and maintenance are also included.



Bicycle lanes should be designed for one-way travel in the same direction as the adjacent motor vehicle traffic.

“Establish bike lanes on major roads leading into town, particularly.”

Bicycle Lanes

A bicycle lane is a travel lane that is separated from conventional travel lanes with a lane stripe and is designated for exclusive or preferential use by bicyclists. The width of bicycle lanes ranges from four feet to six feet wide. They are one-way facilities that are placed on both sides of a street, and they carry bicyclists in the same

direction as adjacent motor vehicle traffic. In addition to lane striping, pavement markings and signage identify bicycle lanes.

Another type of bicycle lane is a shoulder bikeway. Shoulder bikeways are paved shoulders that are at least four feet in width and are separated from

conventional travel lanes with a lane stripe. This type of facility is typically applied to a rural roadway that does not have curb and gutter. However, shoulder bikeways can also be used on streets that have curb and gutter if an adequate shoulder is in place. Because shoulders can be used for other functions such as a location to temporarily park a damaged vehicle, pavement markings are not typically used on shoulder bikeways. However, signage is used to identify shoulder bikeways.

Shared Roadways

On a shared roadway, bicyclists and motorists share the same travel lane. There are three types of shared roadways:



Shared roadways accommodate both vehicles and bicycles.



APPENDIX A: DEFINITIONS & ABBREVIATIONS

Americans with Disabilities Act (ADA) – A federal law that ensures that public facilities are designed in a manner that provides access to those with physical mobility impairments.

Approach - All lanes of traffic moving towards an intersection or a mid-block location from one direction, including any adjacent parking lane(s). (MUTCD)

Bicycle Compatibility Index (BCI) – A methodology developed by the Federal Highway Administration that can be used to evaluate a roadway segment's compatibility for allowing efficient operation for both bicycles and motor vehicles.

Bicycle Facility - A general term denoting improvements and provisions to accommodate or encourage bicycling, including parking facilities, maps, all bikeways, and shared roadways. (NCDOT-North Carolina Bicycle Facilities Planning and Design Guidelines)

* **Bicycle Lane (Bike Lane)** - A portion of a roadway which has been designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists. (AASHTO-Guide for the Development of Bicycle Facilities)

Bicycle Route (Bike Route) - A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without a specific bicycle route number. (NCDOT-North Carolina Bicycle Facilities Planning and Design Guidelines)

Bicycle Pools - A group of cyclists who bike together to work, school, shop, or home. This, like walking pools, provides an incentive to bike and promotes safety and enjoyment.

Bikeway - A thoroughfare suitable for bicycles – may either exist within the right-of-way of other modes of transportation, such as highways, or along a separate and independent corridor. [GS 136-71.7] (NCDOT-North Carolina Bicycle Facilities Planning and Design Guidelines)

Center Transect Zone (Center) – A Community Transect Zone that is characterized by mixed land uses, with commercial areas that serve multiple surrounding neighborhoods.

Central Business District (CBD) – An exclusive business center in the core of the city, often including high-rise office buildings and increased travel demand.

Citizens Advisory Committee (CAC) – A committee that was developed to ensure wide range of involvement in the development of the *Strategic Plan for Sidewalks & Bikeways*. Members of the committee included individuals throughout Davidson County with interest or expertise in pedestrian and bicycle planning, neighborhood livability, disabled accessibility, public health, and urban design.

* **Collector** - A roadway classification that is designated to roadways that connect local streets to arterial streets. In urbanized areas, collector streets provide land access and traffic circulation within residential and commercial developments.

Community Transect Zones – A development pattern classification system that was developed by the Metropolitan Planning Department. This classification system consists of seven zones, each representing a gradation in existing and desired development character from most rural to most urban.



Intersection - (a) The area embraced within the prolongation or connection of the lateral curb lines, or if none, the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways that join at any other angle may come into conflict; (b) The junction of an alley or driveway with a roadway or highway shall not constitute an intersection. (MUTCD)

Island - A defined area between traffic lanes for control of vehicular movements or for pedestrian refuge. An island includes all end protection and approach treatments. Within an intersection area, a median or an outer separation is considered to be an island. (MUTCD)



Limited Access - A roadway classification that is designated to roadways that are designed to carry large volumes of traffic at high speeds across long distances and that have access controlled by grade-separated interchanges or other methods. Examples of limited access roadways are freeways and interstates.

Local - A roadway classification that is designated to roadways that are designed to carry low traffic volumes at low speeds. Local streets mainly serve local, typically residential, uses, and are designed to provide vehicular access to abutting property and to discourage through-traffic.

Major Arterial - A roadway classification that is designated to roadways that are designed to carry moderate to high traffic volumes and to serve through-traffic. Major commercial land uses are typically located along these roadways.

Median - The area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way. The median excludes turn lanes. The median width might be different between intersections, interchanges and opposite approaches of the same intersection. (MUTCD)

Minor Arterial - A roadway classification that is designated to roadways that are designed to carry low to moderate traffic volumes and to serve through-traffic over short distances. Commercial land uses are typically found along these roadways in urbanized areas.

Multi-Modal Transportation - A general term that represents the variety of travel modes available, including automobile, bicycle, foot, rail, transit, air, sea and any other way to travel from an origin to a destination.

Neighborhood Transect Zone (Neighborhood) - A Community Transect Zone that is characterized by medium density housing and scattered non-residential uses, such as commercial areas located in neighborhood centers or commercial corridors that are along the edges of neighborhoods.

Obstruction - Any object or feature that reduces the pedestrian travelway below the minimum acceptable widths outlined by the ADA, any surface feature (such as a manhole or meter box) that is offset a distance of ¼ inch or greater from the travel surface, or any driveway crossing the travel surface that does not comply with ADA standards.

Pedestrian - A person afoot, in a wheelchair, on skates, or on a skateboard. (MUTCD)

Pedestrian Travelway (PT) - The portion of the sidewalk corridor which provides unobstructed travel by pedestrians, i.e., the sidewalk.

Right-of-Way - A general term denoting a public way for purposes of vehicular travel, including the entire area within the right-of-way. (AASHTO-*Guide for the Development of Bicycle Facilities*)



Speed Limit - The maximum (or minimum) speed applicable to a section of highway as it is established by law. (MUTCD)

Steering Committee – A committee that was created to ensure coordination with all relevant Metro departments and quasi-public agencies whose work involves or impacts public right-of-way. Among others, committee members included representatives from Mayor’s Office on Accessibility, Nashville Electric Service, and the Metro Department of Education.

Streetscape Features – Features that are commonly located along a roadway, such as trees, utility poles, mailboxes, newspaper boxes, and other similar features.

Stop Line - A solid white pavement marking line extending across approach lanes to indicate the point at which a stop is intended or required to be made. (MUTCD)

Subareas - The 14 divided sections of Davidson County based on demographics, land use policy, and general infrastructure issues.

Suburban Transect Zone (Suburban) – A Community Transect Zone that is characterized by low-density, single-family residential uses.

Traffic - Pedestrians, bicyclists, ridden or herded animals, vehicles, streetcars and other conveyances either singularly or together while using any highway for purposes of travel. (MUTCD)

Traffic Control Devices - All signs, signals, markings and other devices used to regulate, warn or guide traffic, placed on, over or adjacent to a street, highway, pedestrian facility or bicycle path by authority of a public agency having jurisdiction. (MUTCD)

Traffic Control Signal (Traffic Signal) - Any highway traffic signal by which traffic is alternatively directed to stop and permitted to proceed. (MUTCD)

* **Travelway** - That portion of a public right-of-way that is improved for use by self-propelled vehicles or bicycles, including paved or gravel areas and any other area intended for vehicle movement. (Metro Zoning Regulations)

* **Vehicle** - Every device in, upon, or by which any person or property can be transported or drawn upon a highway, except trains and light rail transit operating in exclusive or semi-exclusive alignments. Light rail transit operating in a mixed-use alignment, to which other traffic is not required to yield the right-of-way by law, is a vehicle. (MUTCD)

Walking Pools - A group of pedestrians who walk together to work, school, shop or home. This provides an incentive to walk and promotes safety and enjoyment.

Wide Outside Lane (WOL) - A right-hand lane of a shared roadway that is typically 14 feet wide to better accommodate both bicyclists and motor vehicles in the same lane. (American Planning Association—*Bicycle Facility Planning*)

4. SPEED LIMIT REDUCTION FEASIBILITY FOR NASHVILLE-DAVIDSON COUNTY

4.1 Proposed Scope of Speed Limit Reduction

Roadways are classified based on the function they provide within the overall network, meaning how they serve the flow of trips within that network, as well as the type and number of accesses it provides to individual adjacent properties. The traditional functional classification hierarchy breaks the roadway network down into three categories based on the level of mobility and accessibility the roadway provides:

There is often a relationship between posted speed limits and roadway functional classifications. Typically, arterials have higher posted speeds, while locals have lower speeds. The lower speeds provide safety benefits for both motorized and non-motorized users.

- * • Arterials (high level of mobility, typically lower level of access)
- Collectors (balance of mobility and accessibility)
- Locals (low level of mobility, high level of access)

Comprehensive transportation planning uses functional classification to determine the most logical and efficient manner for funneling traffic within the roadway network. For roadway designers, functional classification dictates a roadway's design, particularly its design speed. Community planners work to tie community transportation (mobility, accessibility) and land use/development (livability) goals together during key stages in the developmental process, largely by 'right-sizing' roadway designs according to their existing and future land context, not just their function within the roadway network.

The scope of the potential speed limit reduction for Nashville-Davidson County includes locally classified streets per the Major and Collector Street Plan (MCSP) of Nashville and Davidson County recommended in the 2016 WalkNBike Strategic Plan. The MCSP maps "the vision for Nashville's major and collector streets and ensuring that this vision is fully integrated with the city's land use, mass transit, and bicycle and pedestrian planning efforts". The Plan's guidance for the planning, construction and redevelopment of these roadways expands upon the traditional functional classification system by incorporating considerations for existing and future adjacent land use character (i.e., context) into design elements. The three street context types used in the MCSP include residential, mixed use, and industrial, while the roadway functional design types, include:

- Arterial-Parkway
- * • Arterial-Boulevard
- * • Collector-Avenue

Although design guidance is not explicitly tailored in the MCSP for the following roadway types, it does acknowledge the importance of these roadways and how

Subdivision Street Design Standards and Specifications



**Department of Public Works
Engineering Division**

**Metropolitan Nashville and Davidson County
Tennessee**

Final Version

June 3, 2009

* HIGHWAY- Title 12.04.120 Metro Code: "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INSPECTOR- The authorized representation of the Metro Department of Public Works assigned to make detailed inspection of any or all portions of the work or materials therefore.

METRO – The Metropolitan Government of Nashville and Davidson County, or its designated representative.

MPW - The Metropolitan Government of Nashville and Davidson County Department of Public Works.

PEDESTRIAN EASEMENT - A right-of-way easement dedicated to the Metropolitan Government primarily for pedestrian movement. Any activity by the property owner that restricts said easement shall require an Encroachment Agreement be granted by the Metropolitan Government.

PERMIT- Written authorization from the Department of Public Works to perform the stipulated work.

* PLANS - The drawings which show the character and scope of the work to be performed.

PRIVATE ROAD OR DRIVEWAY – Title 12.04.275 Metro Code: "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Note: Private roads or driveways are not dedicated to or accepted for maintenance by the Metropolitan Government.

PROJECT – The entire construction to be performed as provided in the Contract Documents.

* PUBLIC STREET- Title 12.04.375 Metro Code: "Street" means the entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for the purposes of vehicular travel.

Note: Public streets are both dedicated to and accepted for maintenance by the Metropolitan Government of Nashville and Davidson County.

* RIGHT-OF-WAY – The entire area reserved for the purpose of constructing or maintaining the roadway and its appurtenances.

* ROADWAY – Title 12.04.315 Metro Code: "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate

roadways, the term "roadway," as used in this title, shall refer to any such roadway separately but not to all such roadways collectively.

SHOP DRAWINGS – All drawings, diagrams, illustrations, brochures, schedules and other data which are prepared by the Developer's Contractor, a subcontractor, manufacturer, supplier or distributor, and which illustrate the equipment, material, or some portion of the work.

STANDARD DETAILS – The Department of Public Works graphical specifications consisting of written, technical description of materials, equipment, construction system, standards and procedures as applied to the work.

SUBCONTRACTOR – An individual, firm or corporation having a direct contract with CONTRACTOR or with any other Subcontractor for the performance of a part of the work at the site.

SUBDIVISION - Title 17.04.060 Metro Code: "Subdivision" means any subdivision of land as provided in Section 13-3-401 et seq. and Section 13-4-301 et seq., Tennessee Code Annotated.

SUPPLIER – Any person or organization who supplies materials or equipment for the work (including that fabricated to a special design), but who does not perform labor at the site.

SURVEYOR - A land surveyor certified and registered by the State of Tennessee Board of Examiners for Land Surveyors pursuant to T.C.A. Title 62-18-105(d), licensed to practice land surveying in the State of Tennessee.

WORK – Any and all obligation, duties and responsibilities necessary to the successful completion of the Project assigned to or undertaken by the Developer's Contractor under the Contract Documents including all labor, materials, equipment and other incidentals, and the furnishings thereof.

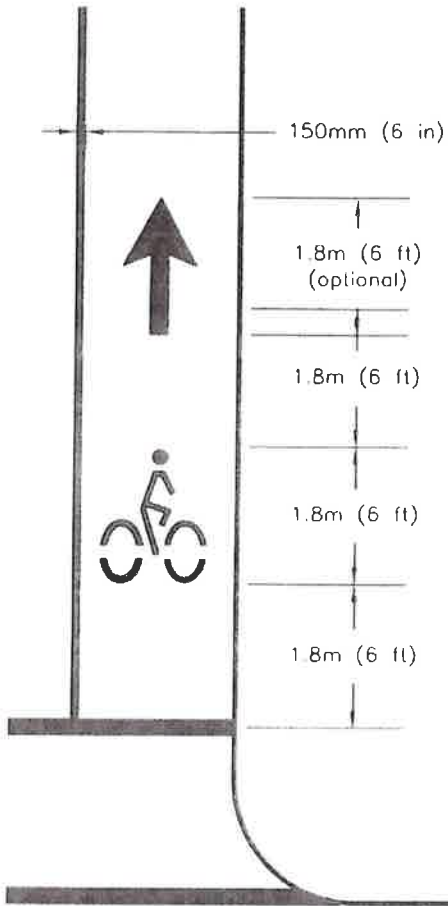
2.3. Abbreviations

The following is a list of abbreviations used within the technical specifications. The appropriate designation shall refer to the latest edition or update published by that organization.

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act of 1990
ANSI	American National Standard Institute
ASTM	American Society for Testing and Materials

PLAN VIEW

PAVEMENT MARKINGS



NOTES:

1. The bicycle rider symbol or the word "BIKE LANE" may be used.
2. See figure 1 for additional information.

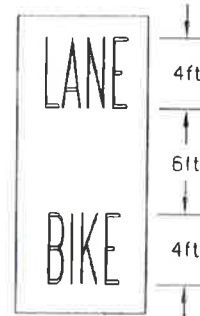
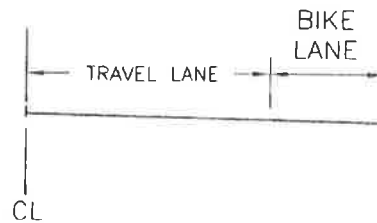


Figure 1. Word Legend (optional)



TRAVEL LANE WIDTHS:

	ACCEPTABLE:	PREFERRED
ARTERIAL:	11'	12'
COLLECTOR:	10'* 11'#	12'

* ADJACENT TO BIKE LANE

ADJACENT TO ON-STREET PARKING (NO BIKE LANE)

SIGNS:

ALL SIGNS WILL CONFORM TO MUTCD STANDARDS.
 WIDE OUTSIDE LANES SHOULD BE SIGNED AS
 SHARED USE BIKE ROUTES WHERE THEY ARE
 CONSISTENT WITH THE STRATEGIC BIKEWAY PLAN.

NOT TO SCALE

METROPOLITAN GOVERNMENT OF
 NASHVILLE AND DAVIDSON COUNTY
 DEPARTMENT OF PUBLIC WORKS

PAVEMENT MARKINGS
 AND SIGNS FOR BIKE
 LANES

DWG. NO. ST-504

DIR. OF ENG.:

Mark May

DATE: 12/17/03

REVISED: 08/25/03
 REVISED: 12/16/03
 REVISED:



GATEWAY BOULEVARD DESIGN GUIDELINES

Metropolitan Development and Housing Agency Metropolitan Planning Department Everton Oglesby Architects



The purpose of this document is to identify a set of conceptual urban design guidelines for Gateway Boulevard between 1st and 4th Avenues. These guidelines illustrate ways in which the scale and character of the Gateway Boulevard plan can be realized and the image of downtown Nashville can be enhanced.

FINAL DRAFT: 16 MARCH 2005

index

introduction

- 0.0 introduction *
- 0.1 introduction / glossary
- 0.2 previous studies - subarea 9 / franklin boulevard
- 0.3 previous studies - rolling mill hill / plan of northville
- 0.4 definition of site - gateway blvd
- 0.5 vicinity map *

massing

- 1.1 frontages & setbacks
- 1.2 height/floor-to-floor
- 1.3 residential character
- 1.4 development of urban character

facade

- 2.1 wall plane/glazing
- 2.2 exterior cladding
- 2.3 awnings & canopies

parking & screening

- 3.1 surface parking / parking structures *
- 3.2 screening requirements *





introduction

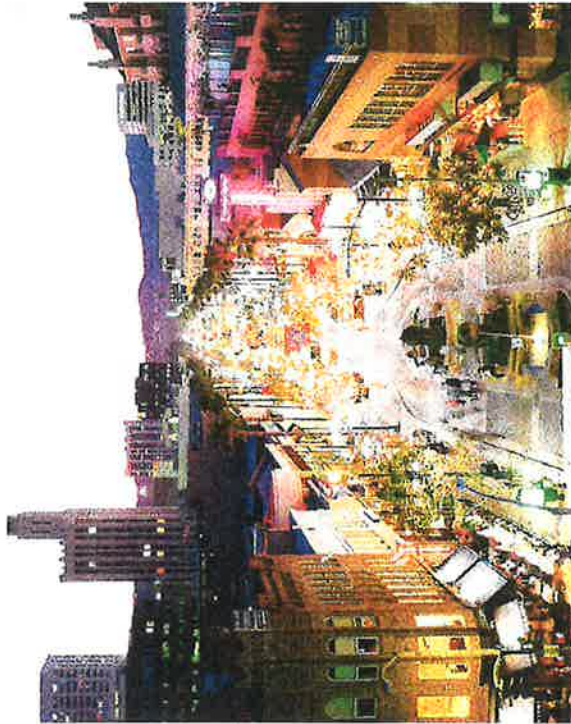


The Pedestrian Environment

The vitality of an urban environment is largely related to the question of how buildings meet the ground plane. It is at this critical juncture between structure and public space that the character of the city's urban fabric is established from the pedestrian point of view. The space between buildings on either side of a downtown street composes the "outdoor room" that gives people a sense of enclosure, a sense of being "in the city." How buildings address the sidewalk and define the pedestrian realm is the true test of a successful downtown.

Historically, the downtown sidewalk was a shopper's delight. Merchants employed large storefront windows in building after building in a sort of block-long showcase displaying the range of goods available to the pedestrian consumer. The facades of downtown buildings provided interesting, articulated storefronts scaled to the person on the sidewalk. But, as the retail function of downtown began to wane, the pedestrian experience of the city was gradually eroded by new buildings, devoid of the openness and detail that had formerly captured the interest of the pedestrian.

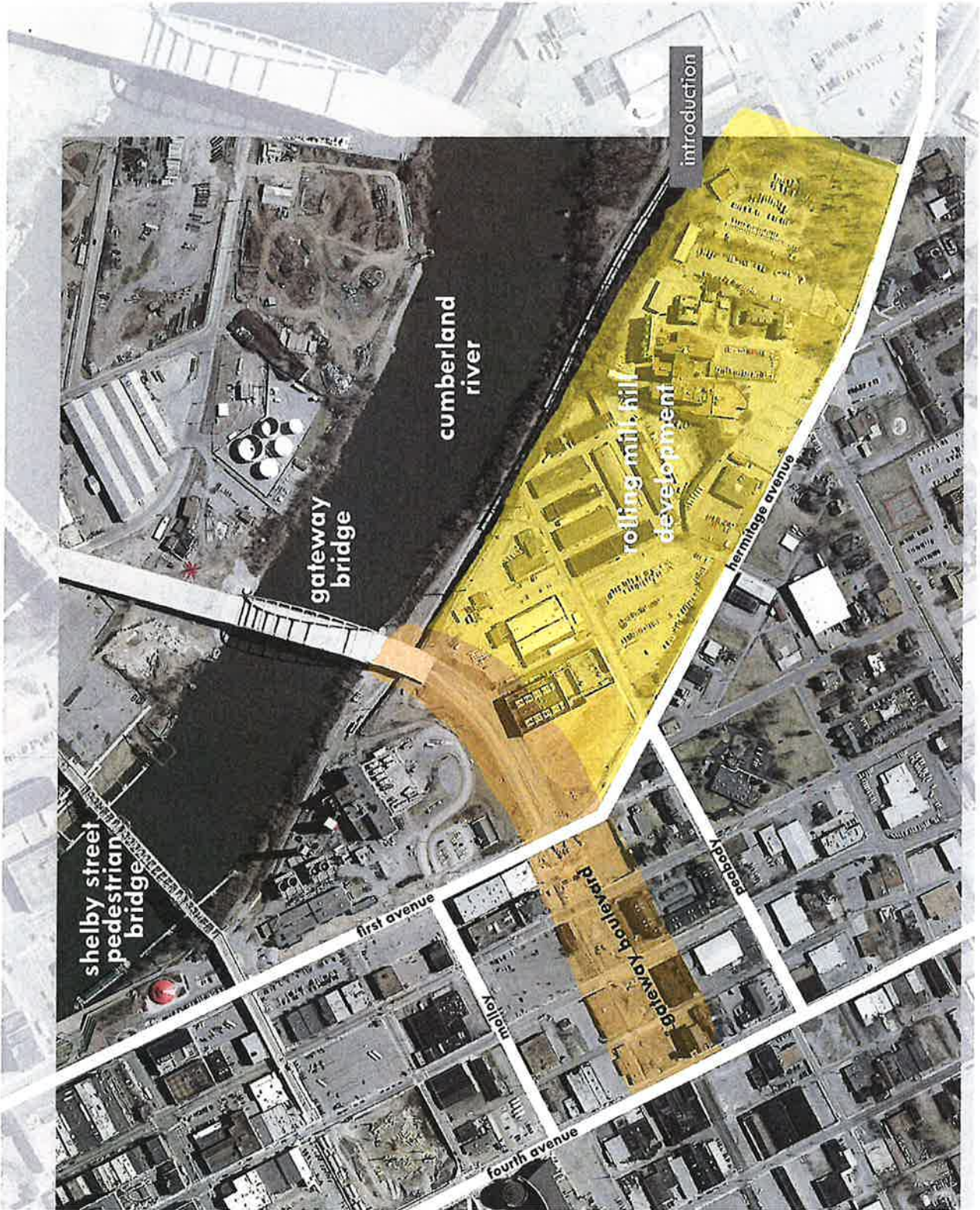
Gateway Boulevard represents a striking opportunity to strengthen the pedestrian image of Nashville's downtown. While encouraging limitless expressions of design creativity, these guidelines focus on the critical structural elements that occur at that juncture between the building and the sidewalk. Adherence to the design concepts will encourage the sort of retail and restaurant splices, the articulations, and the visual transparency that engender street-level activity and that help restore the importance owed to the pedestrian in the city.



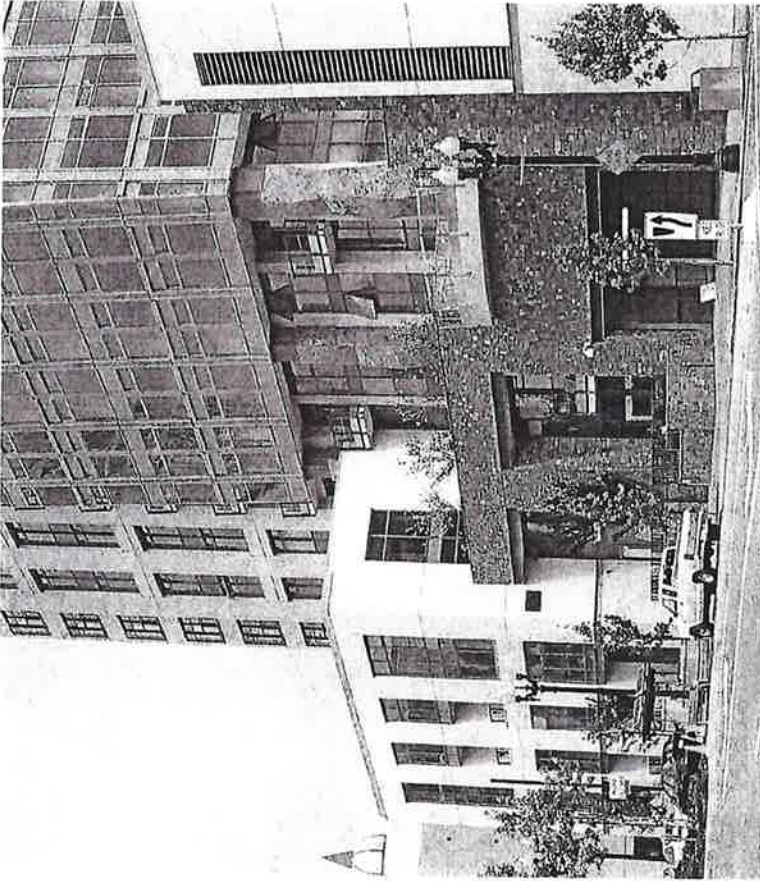
glossary

- Arcade:** Covered pedestrian passageway recessed from a facade
- Awning:** Rooflike projection intended as protection from the elements generally appended to fenestration details
- Build-to Line:** Imaginary line that prescribes the exact placement of a building's footprint
- Canopy:** Like an awning, a protective projection composed of a rigid structure and a covering material such as glass or canvas
- Civic Building:** Any building designed for community use or for public purpose including governmental, cultural, educational, public welfare, religious, or transportation-oriented structures
- Frontage:** Portion of a building or parcel abutting a public right-of-way
- Glazing Ratio:** Ratio of a facade composed of glass versus solid, opaque material
- Height Control Plane:** Imaginary inclined plane that establishes the maximum height of structures on a parcel
- Setback:** Imaginary line that prescribes the distance between a property line and the placement of a building's footprint
- Streetscape Elements:** Elements that contribute visually and functionally to the pedestrian environment such as benches, light poles, or bicycle racks
- Wall Plane:** The elements that compose a building facade that exist in the same plane

* Billboard Site

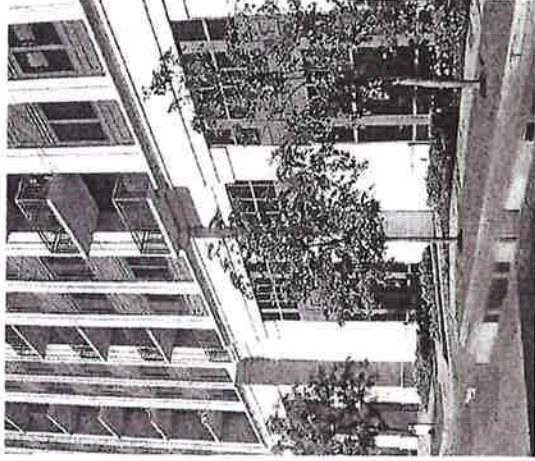


vicinity map



Pictured above is an example of a garage entrance that is located off of the primary boulevard for access and aesthetics

- * Parking garages that have frontage on public streets must have an architecturally or aesthetically finished front facade which is complementary to the surrounding buildings and designed to encourage pedestrian-scale activity. They shall have the same integrated characteristics of any building along the street edge including building materials, height, restrictions, maximum uninterrupted wall plane, etc. Openings in parking structures shall not exceed 52% of the total facade area.
- * Building should not have exposed parking structures at the ground floor level, except for Almond Street
- * Facades facing the Boulevard are allowed a maximum of three levels of exposed above-grade parking. All parking levels above this maximum shall be wrapped with built-out usable space dedicated to non-parking uses.
- * Parking structures can adjust to a lower minimum required floor height on all floors above the ground floor.
- * Parking structures shall not enter or exit on Gateway Boulevard. Access shall be from an alley or north / south street.



General Intent
 Parking garages can diminish the aesthetic value of a city, and surface parking lots break down the sense of enclosure that is characteristic of an urban street. At the street level, parking does not engender the activity that is crucial to the safety and comfort of pedestrians. Efforts should be made to diminish the impact of parking along the boulevard. For structured parking, this may be achieved using architectural detailing or by concealing the parking underground or in the core of a building. Parking should not impede street-level activity.

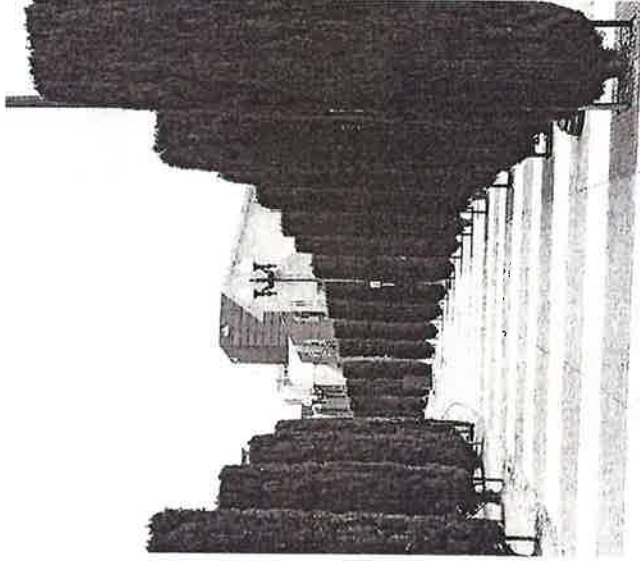
surface parking/parking structures

parking/
screening





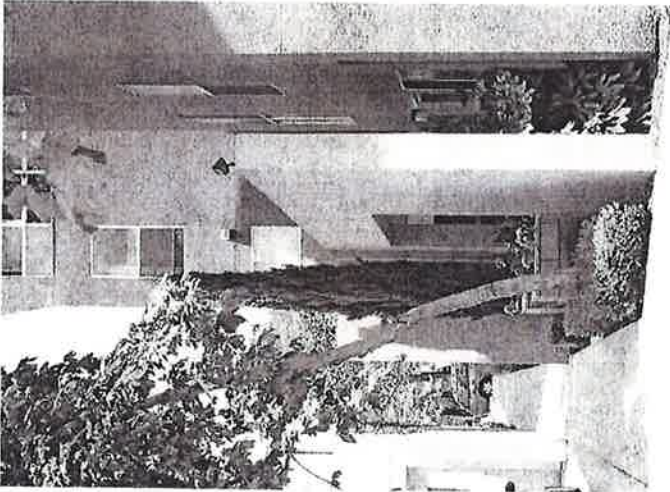
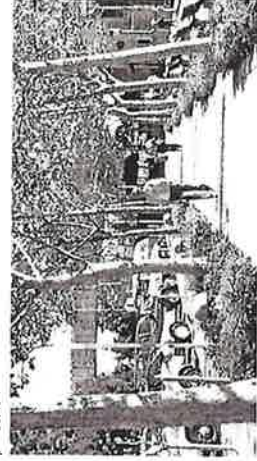
parking screening



General Intent: Screening serves two purposes. First, it can conceal unsightly features such as service areas, mechanical systems, and parking lots. Second, it can maintain a sense of enclosure where gaps exist in the street wall and provide a buffer between pedestrians and vehicles. Screens may be composed of shrubs, trees, berms, and/or walls. Any plants used in screening should be chosen based on their hardiness and ability to provide a year-round visual barrier. Surface parking is strongly discouraged, as it is detrimental to a cohesive urban fabric and antithetical to the public vision expressed for the boulevard.

screening requirements

Screening along parking lots provides visual and physical separation for the pedestrian.



Service elements such as loading docks and trash collection locations shall not be accessible from Gateway Boulevard. Loading areas are encouraged to be located off-street and shall be screened from view of a public street excluding alleys.

Fences and walls attached to buildings shall be developed as architectural extensions of the building, and be constructed of the same materials and in the same style.

Mechanical elements, whether located on the ground or rooftop, shall be screened from public view.

Though strongly discouraged, where surface parking lots do occur fronting side streets, they shall be separated from the sidewalk by a visual screen composed of a landscaping bed and/or a masonry wall with a minimum height of 3 feet. If only a landscaping bed is used, the bed shall be a minimum of 6 feet in width, shall include regularly-spaced canopy trees, shall be irrigated, and shall be planted with a visually impervious screen of shrubs with a minimum height of 3 feet at installation.

Though strongly discouraged, where surface parking lots do occur fronting Gateway Boulevard, they shall be separated from the sidewalk by a visual screen composed of a masonry wall with minimum height of 5 feet and featuring vertical architectural articulations occurring at minimum intervals of 10 linear feet. The wall shall be designed so as to promote visual interest along the sidewalk and, if applicable, shall wrap around any street corner a minimum distance of 20 feet along the side street. The screen shall also include an irrigated, six-foot landscaping bed fronting the sidewalk to be planted with visually impervious shrubs with a minimum height of 3 feet at installation.



Exhibit I: State cited sources:

1. TDOT KVB Right-of-Way and Construction Plans (April 2001)
2. TDOT letter to Dave Hogue (June 29, 2018)
3. TDOT Functional Classification System map (January 28, 2019)

INDEX OF SHEETS
 SEE SHEET 1A FOR INDEX

STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 BUREAU OF PLANNING AND DEVELOPMENT

DAVIDSON COUNTY

GATEWAY BOULEVARD

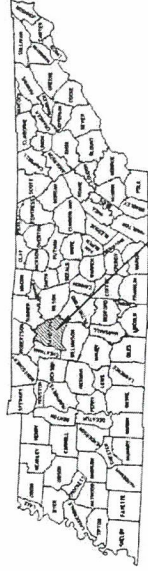
FROM FIRST AVENUE SOUTH TO SOUTH SECOND STREET

GRADE, DRAIN, BRIDGE, PAVE, SIGN, SIGNALIZATION AND STRIPING

CONSTRUCTION

STATE HIGHWAY NO. N/A F.A.H.S. NO. N/A

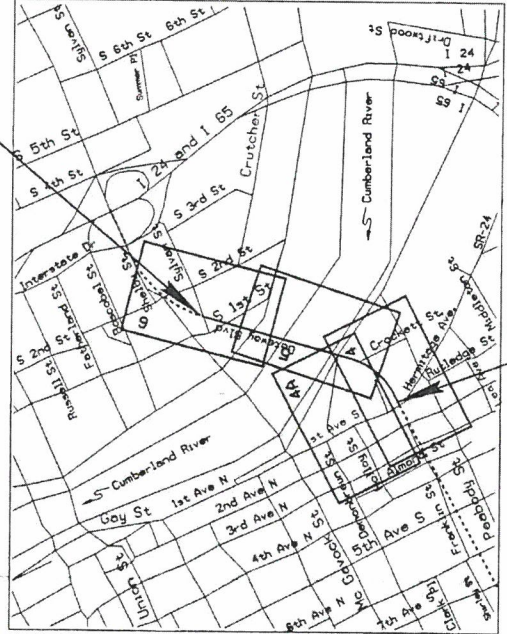
TENN.	YEAR	2001
PROJ. AID PROJ. NO.	BR-STP-3245(1)	
STATE PROJ. NO.	19959-3725-94	



PROJECT LOCATION

END PROJECT BR-STP-3245(1)
 19959-3725-94 (CONST.)
 STA. 21+000.000

NO EXCLUSIONS
 NO EQUATIONS



BEGIN PROJECT BR-STP-3245(1)
 19959-3725-94 (CONST.)
 STA. 20+192.000

SCALE = 1:10000

ROADWAY LENGTH	0.302 KILOMETERS
BRIDGE LENGTH	0.506 KILOMETERS
PROJECT LENGTH	0.808 KILOMETERS

TRAFFIC DATA	
ADT (2001)	22,000
ADT (2011)	20,510
DWY (2021)	2810
D	55 - 45
T (ADT)	4 X
T (DWY)	2 X
V	50 mph



SPECIAL NOTES

PROPOSALS MAY BE REJECTED BY THE COMMISSIONER IF ANY OF THE UNIT PRICES CONTAINED THEREIN ARE OBVIOUSLY UNBALANCED, EITHER EXCESSIVE OR BELOW THE REASONABLE COST ANALYSIS VALUE.

THIS PROJECT TO BE CONSTRUCTED UNDER THE STANDARD SPECIFICATIONS OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION DATED MARCH 1975 AND ADDITIONAL SPECIFICATIONS AND SPECIAL PROVISIONS CONTAINED IN THE PLANS AND IN THE PROPOSAL CONTRACT.

TOTD ROAD SP. SV. 2 ROBERT AMBROS
 DESIGNER JMB CORPORATION CHECKED BY MARR, B., HENRY, PE
 P. E. NO. 13958-1107-94



APPROVED: *[Signature]* DIRECTOR, DESIGN DIVISION
 DATE: _____
 APPROVED: *[Signature]* COMMISSIONER

U.S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION
 APPROVED: _____
 DIVISION ADMINISTRATOR DATE _____

TYPE	YEAR	PROJECT NO.	SHEET NO.
R.O.W.	2000	BR-STP-3245(1)	6
CONST.	2000	DR-STP-3245(1)	6

GATEWAY BOULEVARD
 PAP, LOC. CENTERLINE
 P1 211+119.891
 P2 211+119.891
 PT 211+271.927
 N E 203852.351
 R 530938.817
 T 174.170
 L.C. 326.106
 V 27.58
 50 KMPH

END CONST. WORK
 BR-STP-3245(1)
 STA 21+080.000

END CONST. PROJECT
 BR-STP-3245(1)
 STA 21+000.000

END R.O.W. PROJECT
 BR-STP-3245(1)
 STA 20+887.905

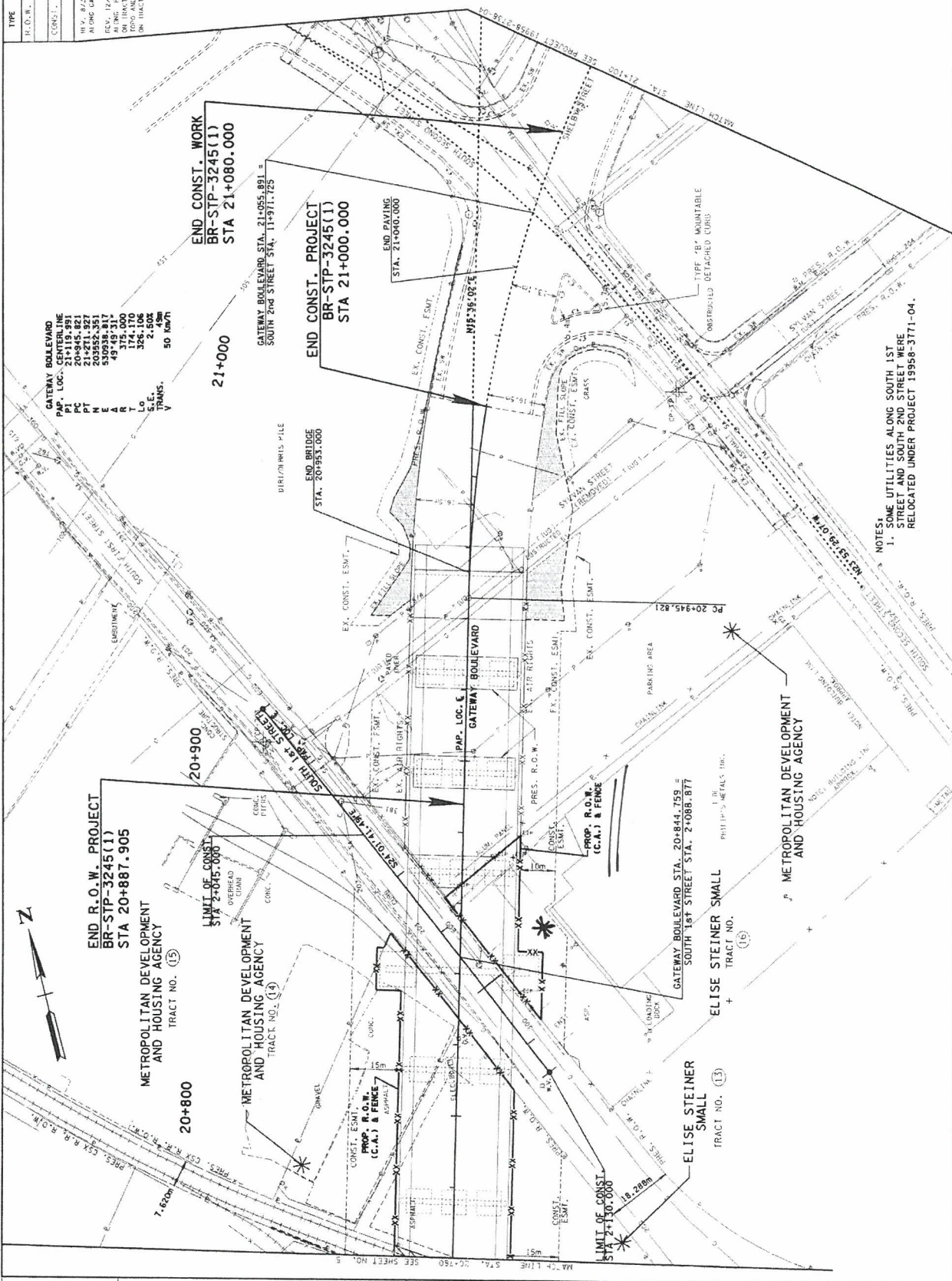
METROPOLITAN DEVELOPMENT
 AND HOUSING AGENCY
 TRACT NO. (15)

METROPOLITAN DEVELOPMENT
 AND HOUSING AGENCY
 TRACT NO. (14)

ELISE STEINER
 SMALL
 TRACT NO. (13)

ELISE STEINER SMALL
 TRACT NO. (16)

METROPOLITAN DEVELOPMENT
 AND HOUSING AGENCY



FILE NO.	170-A
DESIGN DIVISION	
ENGINEER	



CONTRACT NO. 01-1-0000-0000
 AND AIR DATUM ADJUSTED BY THE
 FACTOR 1.000000, 5 TIED TO THE TOWN
 STATION OF COMPLETION
 DEPARTMENT OF TRANSPORTATION
 BUREAU OF PLANNING & DEVELOPMENT

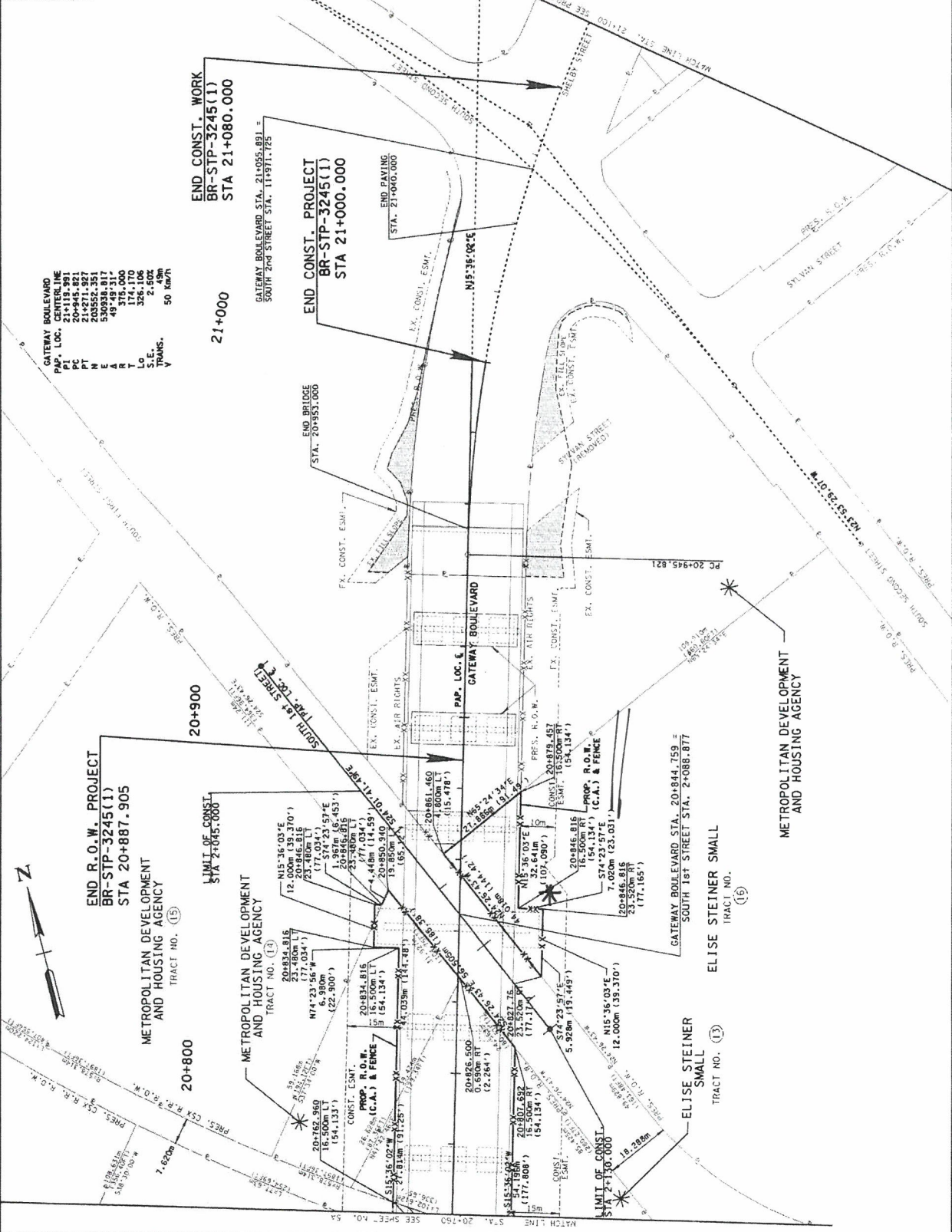
PRESENT LAYOUT

STA. 20760 TO STA. 71+100
 SCALE: 1"=50'

- NOTES:
- SOME UTILITIES ALONG SOUTH 1ST STREET AND SOUTH 2ND STREET WERE RELOCATED UNDER PROJECT 19598-3771-04.

TYPE	YEAR	PROJECT NO.	SHEET NO.
P.O.W.	2008	BR-STP-3245(1)	5A
CONST.	2002	DR-31P-3245(1)	5A

REV. 8/27/2008 REVISED CONST. EASEMENT ALONG GATEWAY IN V.I.
 REV. 7/18/2008 COUNCIL AIR RIGHTS ON TRACTS 13, 14, 15 AND 16 REVISED CONST. EASEMENT ON TRACT 10.



FILE NO. 100-1
 DESIGN DIVISION
 TENNESSEE DOT



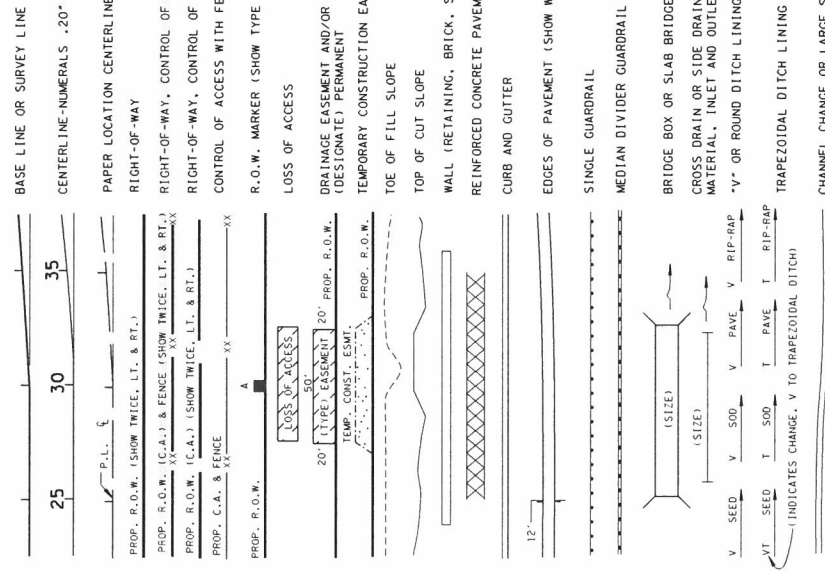
ORIGINAL DRAWING OF 08/20/08 AND ALL REVISIONS MADE BY THE CONTRACTOR SHALL BE FILED TO THE ROAD AND BE PART OF THE RECORD DRAWING.
 STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 DIVISION OF HIGHWAYS & DEVELOPMENT
RIGHT-OF-WAY DETAILS
 STA. 20+800 TO STA. 21+000
 SCALE: 1"=50'

STANDARD LEGEND

REV. 7-1-72; CHANGED DEPARTMENT NAME.
 REV. 1-1-76; CHANGED DRAWING NUMBER FROM A-2-1 (SHEET 1) TO A-1-1 (SHEET 1). ADDED SYMBOLS FOR DITCH LINING.
 REV. 3-15-76; CHANGED THE WORD "TRAPEZOIDAL" TO "TRAPEZOIDAL" REGARDING DITCH LINING.
 REV. 1-19-81; REDREW SHEET AND ADDED SYMBOLS FOR POWER AND CABLE TV LINES. ADDED RIP-RAP TO DITCH LINING TREATMENT.
 REV. 10-26-93; CHANGED SYMBOLS FOR EXISTING AND PROPOSED OVERHEAD UTILITY POLES AND ADDED SYMBOL FOR UNDERGROUND FIBER OPTIC CABLE.
 REV. 10-26-94; REDREW SHEET AND ADDED SYMBOL FOR SEPTIC TANK. MOVED SYMBOLS TO NEW DRAWING NO. RD-L-2.
 REV. 10-26-94; MOVED SYMBOLS REFLECTING ALL UTILITY INSTALLATIONS TO NEW DRAWING NO. RD-L-2.

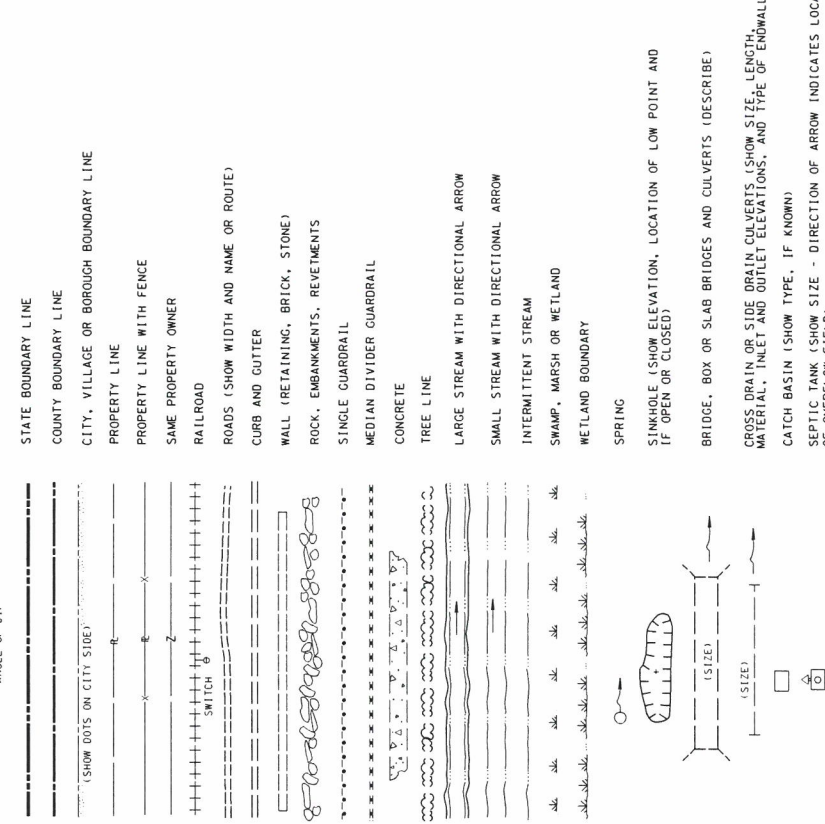
PROPOSED

- ANGLE
- DELTA ANGLE
- SPIRAL ANGLE
- DELTA ANGLE OF CIRCULAR CURVE (EXCLUDING SPIRAL ANGLE)
- BASE LINE OR SURVEY LINE
- CENTERLINE-NUMERALS .20"
- PAPER LOCATION CENTERLINE
- RIGHT-OF-WAY
- RIGHT-OF-WAY, CONTROL OF ACCESS AND FENCE
- RIGHT-OF-WAY, CONTROL OF ACCESS WITHOUT FENCE
- CONTROL OF ACCESS WITH FENCE
- R.O.W. MARKER (SHOW TYPE A, B, OR C)
- LOSS OF ACCESS
- DRAINAGE EASEMENT AND/OR UTILITY EASEMENT (DESTINATE) PERMANENT
- TEMPORARY CONSTRUCTION EASEMENT
- TOE OF FILL SLOPE
- TOP OF CUT SLOPE
- WALL (RETAINING, BRICK, STONE)
- REINFORCED CONCRETE PAVEMENT
- CURB AND GUTTER
- EDGES OF PAVEMENT (SHOW WIDTH)
- SINGLE GUARDRAIL
- MEDIAN DIVIDER GUARDRAIL
- BRIDGE BOX OR SLAB BRIDGES AND CULVERTS (DESCRIBE)
- CROSS DRAIN OR SIDE DRAIN CULVERTS (SHOW SIZE, LENGTH, MATERIAL, INLET AND OUTLET ELEVATIONS, AND TYPE OF ENDWALLS)
- "V" OR ROUND DITCH LINING TREATMENT
- TRAPEZOIDAL DITCH LINING TREATMENT
- CHANNEL CHANGE OR LARGE SPECIAL DITCH (DESCRIBE)
- CATCH BASIN (SHOW TYPE)



EXISTING

- BASE LINE CONTROL POINTS
- PROPERTY CORNER LOCATED (IRON PIN OR OTHER TYPE MARKING)
- DIRECTION AND ANGLE OF DIP OF STRATA
- STATE BOUNDARY LINE
- COUNTY BOUNDARY LINE
- CITY, VILLAGE OR BOROUGH BOUNDARY LINE
- PROPERTY LINE
- PROPERTY LINE WITH FENCE
- SAME PROPERTY OWNER
- RAILROAD
- ROADS (SHOW WIDTH AND NAME OR ROUTE)
- CURB AND GUTTER
- WALL (RETAINING, BRICK, STONE)
- ROCK, EMBANKMENTS, REVETMENTS
- SINGLE GUARDRAIL
- MEDIAN DIVIDER GUARDRAIL
- CONCRETE
- TREE LINE
- LARGE STREAM WITH DIRECTIONAL ARROW
- SMALL STREAM WITH DIRECTIONAL ARROW
- INTERMITTENT STREAM
- SWAMP, MARSH OR WETLAND
- WETLAND BOUNDARY
- SPRING
- SINKHOLE (SHOW ELEVATION, LOCATION OF LOW POINT AND IF OPEN OR CLOSED)
- BRIDGE, BOX OR SLAB BRIDGES AND CULVERTS (DESCRIBE)
- CROSS DRAIN OR SIDE DRAIN CULVERTS (SHOW SIZE, LENGTH, MATERIAL, INLET AND OUTLET ELEVATIONS, AND TYPE OF ENDWALLS)
- CATCH BASIN (SHOW TYPE, IF KNOWN)
- SEPTIC TANK (SHOW SIZE - DIRECTION OF ARROW INDICATES LOCATION OF OVERFLOW FIELD)



STATE OF TENNESSEE
 DEPARTMENT OF TRANSPORTATION
 STANDARD LEGEND
 10-26-94 RD-L-1

MINOR REVISION - FWA APPROVAL NOT REQUIRED.



**STATE OF TENNESSEE
DEPARTMENT OF TRANSPORTATION**

**ENVIRONMENTAL DIVISION
BEAUTIFICATION OFFICE
505 DEADERICK STREET
SUITE 400, JAMES K. POLK BUILDING
NASHVILLE, TENNESSEE 37243
(615) 741-2877**

**JOHN C. SCHROER
COMMISSIONER**

**BILL HASLAM
GOVERNOR**

June 29th, 2018

OUTFRONT MEDIA
Attn: David Hogue
1431 Popular Lane
Nashville, TN 37210-4519

RE: New routes regulated for off premise billboards and signs
MAP21 - Moving Ahead for Progress in the 21st Century Act

Dear David,

This letter is to advise you that the Federal Transportation *Moving Ahead for Progress in the 21st Century Act*. has resulted in the addition of certain State Routes to the list of National Highway System (NHS) roads that the Tennessee Department of Transportation (TDOT) regulates for billboards/signs. State outdoor advertising permits are required for signs adjacent to, and visible from, the Interstate, Federal-Aid Primary and National Highway System roads.

Due to these additions, you will be required to obtain a permit for any outdoor advertising sign adjacent to any of these newly regulated roads. You must apply for a permit for each sign face on each device that you own. Below you will find a description of the newly regulated route along with information concerning the permitting process. Enclosed with this letter you will find a map of the newly regulated route highlighted in red along with a permit application form and an affidavit of property owner form. Links to the Rules and Regulations for the Control of Outdoor Advertising and to the Tennessee Code that applies to outdoor advertising are at the following web site: <http://www.tn.gov/tdot/article/beautification-outdooradvertising>.

Please see in the following pages for details regarding each sign face.

State Route SR001

(DAVIDSON COUNTY)

You must submit:

- A completed application for each sign face you own and include a check or money order in the amount of \$200.00 payable to the Tennessee Department of Transportation. A back to back device will require two applications and \$400.00. You may make copies of the application form to permit additional sign faces or print additional forms from the Beautification web page.
- A TDOT affidavit form must also be completed and submitted with each permit application. It is required that the property owner's signature be notarized giving permission for the applicant to erect a device or maintain the device on their property. Dates on the affidavit must match.
- A copy of the property owner's most recent property record from the Assessor of Property's Office in the county where the sign is located
- A map or drawing showing the sign location and the means by which you will enter/exit site for maintenance of the sign. You must have access to your sign without using the State's right of way. It is mandatory to show and label the property lines and the State's highway right-of-way and to label all roads (main and crossroads).

Once we have received your application(s) and field inspected the location we will send you a permit tag that must be mounted on your sign and visible from the main traveled way of the highway on which the sign is permitted. Sign permits must be renewed annually between November 1st and December 31st at a cost of \$70.00. You will receive a renewal notice each year at that time.

If you are unfamiliar with this process please phone or email one of the contacts listed below and we will be glad to help.

Howard Strother, Regional Beautification Manager 615-350-4351, howard.strother@tn.gov

Latonja Coates, Program Manager 615-532-3459, latonja.coates@tn.gov

Shawn A. Bible, Beautification Manager, 615-532-3488, shawn.a.bible@tn.gov

Sincerely,



Shawn Bible, Coordinator
TDOT Beautification Office
Shawn.a.bible@tn.gov
615-532-3488

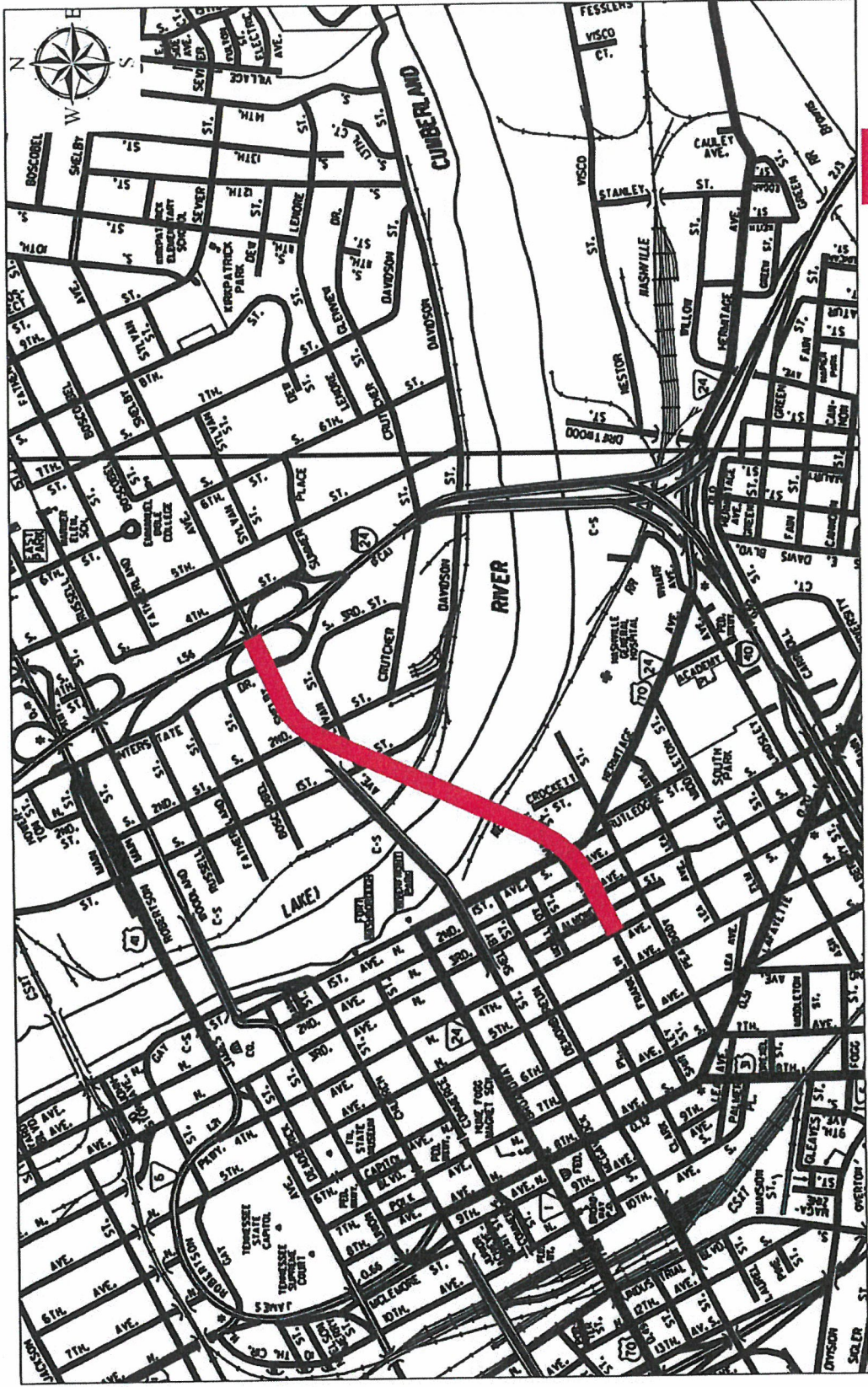
cc: Latonja Coates, Howard Strother, Mark Whited

TENNESSEE DEPARTMENT OF TRANSPORTATION
 MAP21 - MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT
 NEWLY REGULATED ROUTES IN REGION 3

COUNTY	ROUTE	Dinv	FR_LOGMILE	TO_LOGMILE
BEDFORD	SR437	EAST BOUND	0	6.16
DAVIDSON	3246	NORTH BOUND	0	0.88
DAVIDSON	3247	NORTH BOUND	0	0.72
DAVIDSON	4161	EAST BOUND	1.37	2.29
DAVIDSON	4162	NORTH BOUND	0	0.17
DAVIDSON	4516	NORTH BOUND	0	0.909
DAVIDSON	4849	EAST BOUND	0	4.6
DAVIDSON	4888	NORTH BOUND	0	0.34
DAVIDSON	4889	NORTH BOUND	0	0.57
DAVIDSON	5333	EAST BOUND	1.23	2.99
DAVIDSON	5343	NORTH BOUND	0	0.34
DAVIDSON	SR001	EAST BOUND	5.413	10.89
DAVIDSON	SR001	EAST BOUND	14.86	21.07
DAVIDSON	SR006	EAST BOUND	8.45	15.38
DAVIDSON	SR011	NORTH BOUND	0	1.22
DAVIDSON	SR011	NORTH BOUND	10.34	12.52
DAVIDSON	SR024	EAST BOUND	3.648	4.05
DAVIDSON	SR024	EAST BOUND	5.268	5.38
DAVIDSON	SR024	EAST BOUND	12.24	18.17
DAVIDSON	SR045	EAST BOUND	2.01	17.94
DAVIDSON	SR155	NORTH BOUND	1.63	2.94
DAVIDSON	SR251	EAST BOUND	8.61	11.66
DAVIDSON	SR255	EAST BOUND	0.57	11.06
DICKSON	SR046	NORTH BOUND	8.66	9.225
DICKSON	I0840	EAST BOUND	0	26.62
HICKMAN	I0840	EAST BOUND	0	1.38
LINCOLN	SR273	EAST BOUND	17.84	18.5
MARSHALL	SR106	EAST BOUND	3.46	4.348
MAURY	SR099	EAST BOUND	15.21	16.31
RUTHERFORD	1084	EAST BOUND	0	10.14
RUTHERFORD	I0840	EAST BOUND	0	20.54
SUMNER	SR041	NORTH BOUND	0	0.32
SUMNER	SR041	NORTH BOUND	22.8	22.85
WILLIAMSON	I0840	EAST BOUND	0	39.19
WILSON	SR109	NORTH BOUND	0	3.98
WILSON	I0840	EAST BOUND	0	10.93

*

*
 KVB=
 1.76 miles



Korean Veterans Boulevard (05333) from 4th Avenue South (03247) to I-24

Newly Regulated Route

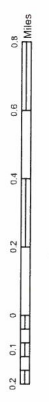


- Interstate Highway
- State Highway
- U.S. Numbered Highway
- Interstate
- Freeway and Expressway
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- National Highway System
- Major Waterways
- Park Boundary
- City Boundary
- Urban Boundary
- County Boundary



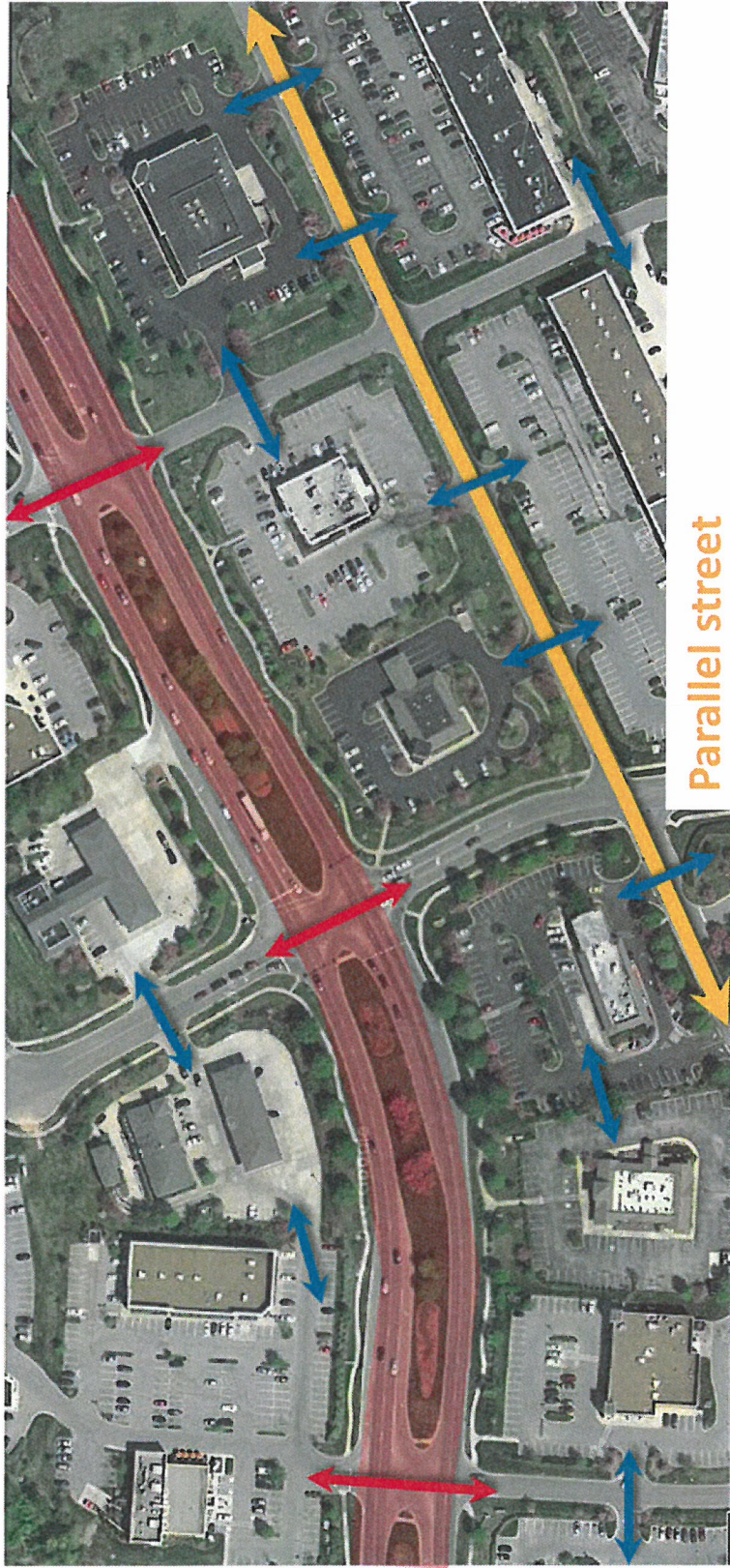
TN **TDOT**
 Department of
 Transportation
 Long Range Planning Division
 Data Visualization Office
NASHVILLE INSET

TENNESSEE
FUNCTIONAL CLASSIFICATION SYSTEM



Date: 1/28/2019





Parallel street

Cross-access

Corridor access at planned intervals

Exhibit J: Federal cited sources:

1. USDOT/FHA Highway Functional Classification Concepts, Criteria and Procedures – 2013 Edition (excerpt)



U.S. Department of Transportation
Federal Highway Administration

Highway Functional Classification Concepts, Criteria and Procedures



2013 Edition

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Roadways that fall into the Principal Arterials- Other Freeways & Expressways category are limited-access roadways that serve travel in a similar way to the Interstates.

Transportation agencies apply a variety of treatments to preserve mobility and increase the person throughput of Urban Arterials, including ramp metering, high-occupancy-vehicle (HOV) lanes and high-occupancy toll lanes.

the existing system if they are included in an approved Statewide Transportation Improvement Program (STIP) and are expected to be under construction within the STIP timeframe of 4 years or less. Use the current classification for roadways, even replacement roadways that will upgrade the roadway, until construction is complete. Reclassify the new roadway once it has been constructed.

Figure 1-2: HOV Lane on Interstate 95 in Woodbridge, VA



Source: www.roadstothefuture.com

3. Ramps and other non-mainline roadways are to be assigned the same functional classification as the highest functional classification among the connecting mainline roadways served by the ramp. (Figure 1-2)
4. Principal Arterial roadways (Figure 1-3) serve a large percentage of travel between cities and other activity centers, especially when minimizing travel time and distance is important. For this reason, Arterials typically are roadways with high traffic volumes and are frequently the route of choice for intercity buses and trucks. The spacing of Arterials in urban areas is closely related to the trip-end density characteristics of activity centers in urban areas. The spacing of these facilities (in larger urban areas) may vary from less than 1 mile in highly developed central business areas to 5 miles or more in the sparsely developed urban fringes.

Figure 1-3: Other Principal Arterial in California



Source: Akos Szoboszlai

Principal Arterials play a unique role in providing a high degree of mobility and carrying a high proportion of travel for long distance trips. These facilities carry the major portion of trips entering and leaving an activity center, as well as the majority of through movements that either go directly through or bypass the area.

A route is a linear path of connected roadway segments, all with the same functional classification designation. For example, the roadways along a given Arterial route may — and often do — comprise multiple named roadways or state numbered facilities. Similarly, different segments of a given named roadway, or even more likely a given state numbered route, may belong to different functional classification categories, depending on the character of travel service that each segment provides. In the example to the right, the minor Arterial “route” consists of a portion of Tyler Street and a portion of Dalton Avenue (shown in green). East of Dalton Avenue, Tyler Street (shown in brown) is a Minor Collector.

KOREAN VETERANS BOULEVARD

2.3 Other Important Factors Related to Functional Classification

The distinction between “mobility and accessibility” is important in assigning functional classifications to roadways. There are a few additional factors to consider, and these are discussed here.

Efficiency of Travel: Trip makers will typically seek out roadways that allow them to travel to their destinations with as little delay as possible and by the shortest travel time. Arterial roadways provide this kind of service, often in the form of fully or partially controlled access highways, with no or very few intersecting roadways to hinder traffic flow. Therefore, a high percentage of the length of a long-distance trip will be made on Arterials. In contrast, travelers making shorter trips tend to use Local and/or Collector roadways for a much higher proportion of the trip length than Arterial roads.

Collectors: As their name implies, Collectors “collect” traffic from Local Roads and connect traffic to Arterial roadways. Collector routes are typically shorter than Arterial routes but longer than Local Roads. Collectors often provide traffic circulation within residential neighborhoods as well as commercial, industrial or civic districts (see **Figure 2-6**).

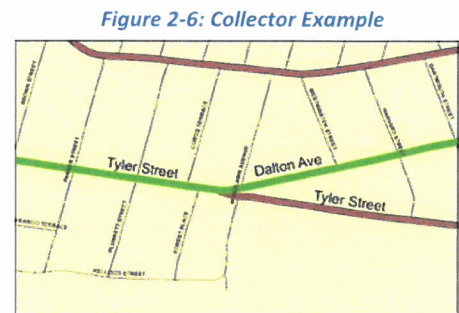


Figure 2-6: Collector Example

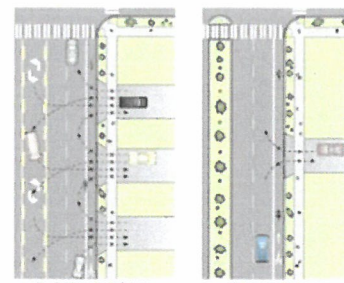
Source: CDM Smith



Access Points: Arterials primarily serve long-distance travel and are typically designed as either access controlled or partially access controlled facilities with limited locations at which vehicles can enter or exit the roadway (typically via on- or off-ramps). In instances where limited or partial access control is not provided, signalized intersections are used to control traffic flow, with the Arterial given the majority of the green time.

In growing urban areas, Arterial roadways often experience an ever-increasing number of driveway access points. This high degree of accessibility decreases mobility. To address this issue and restore the carrying capacity of through traffic on these roadways, transportation agencies apply access management principles, such as driveway consolidation and median installations (see **Figure 2-7**).

Figure 2-7: Example of Access Points



Source: Ohio DOT, http://www.ahtd.info/basic_bike-

In contrast, roadways classified as “Local” provide direct access to multiple properties.

SECTION 3. CRITERIA



Access control is a key factor in the realm of functional classification. All Interstates are “limited access” or “controlled access” roadways. The use of the word “access” in this context refers to the ability to access the roadway and not the abutting land use—these roadways provide no “access” to abutting land uses. Access to these roadways is controlled or limited to maximize mobility by eliminating conflicts with driveways and at-grade intersections that would otherwise hinder travel speed. Access to these roadways is limited to a set of controlled locations at entrance and exit ramps. Travelers use a much lower functionally classified roadway to reach their destination.

3.1 Definitions and Characteristics

The previous section provided a general overview of the functional classification categories of Arterial, Collector and Local. For Federal functional classification purposes, this section breaks these categories down further to stratify the range of mobility and access functions that roadways serve. Additionally, the physical layout and the official designation of some roadways dictate the classification of certain roadways.

3.1.1 Interstates

Interstates are the highest classification of Arterials and were designed and constructed with mobility and long-distance travel in mind. (Figure 3-1) Since their inception in the 1950’s, the Interstate System has provided a superior network of limited access, divided highways offering high levels of mobility while linking the major urban areas of the United States.

Determining the functional classification designation of many roadways can be somewhat subjective, but with the Interstate category of Arterials, there is no ambiguity. Roadways in this functional classification category are officially designated as Interstates by the Secretary of Transportation, and all routes that comprise the Dwight D. Eisenhower National System of Interstate and Defense Highways belong to the Interstate functional classification category and are considered Principal Arterials.

Figure 3-1: Example of Interstate



Source: CDM Smith

3.1.2 Other Freeways & Expressways

Roadways in this functional classification category look very similar to Interstates. While there can be regional differences in the use of the terms ‘freeway’ and ‘expressway’, for the purpose of functional classification the roads in this classification have directional travel lanes are usually separated by some type of physical barrier, and their access and egress points are limited to on- and off-ramp locations or a very limited number of at-grade intersections. Like Interstates, these roadways are designed and constructed to maximize their mobility function, and abutting land uses are not directly served by them.

Local Roads are often classified by default. In other words, once all Arterial and Collector roadways have been identified, all remaining roadways are classified as Local Roads (see **Table 3-4**).

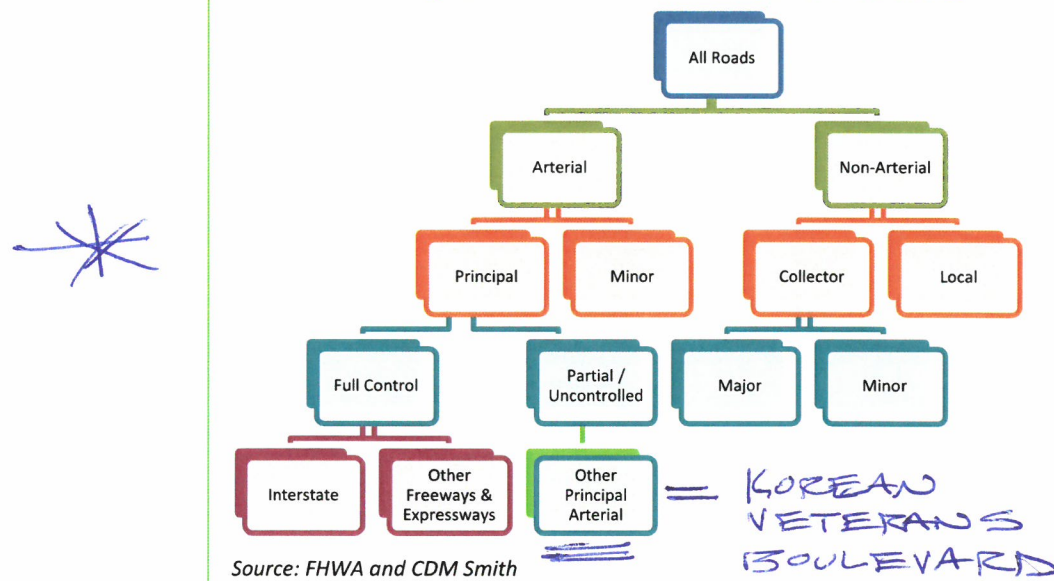
Table 3-4: Characteristics of Urban and Rural Local Roads

Urban	Rural
<ul style="list-style-type: none"> • Provide direct access to adjacent land • Provide access to higher systems • Carry no through traffic movement • Constitute the mileage not classified as part of the Arterial and Collector systems 	<ul style="list-style-type: none"> • Serve primarily to provide access to adjacent land • Provide service to travel over short distances as compared to higher classification categories • Constitute the mileage not classified as part of the Arterial and Collector systems

3.2 Putting it all Together

The functional classification system groups roadways into a logical series of decisions based upon the character of travel service they provide. **Figure 3-4** presents this process, starting from assigning the function of an Arterial by its level of access (limited or full) or Non-Arterial (full access).

Figure 3-4: Federal Functional Classification Decision Tree



Source: FHWA and CDM Smith

While this document emphasizes the importance of function and service over the urban/rural distinction when classifying roads, the classification process is still influenced by the intensity and distribution of land development patterns. Classification of roadways in urban areas is typically guided by the local comprehensive planning and design process, or the fundamental principles of roadway functional classification. In comparison, rural development patterns are often more diverse, if not less orderly, thereby making the functional classification determination of some rural roadways more challenging (see **Figure 3-5** and **Figure 3-6**).

Exhibit K: Public hearing sign (photos)

METROPOLITAN BOARD OF ZONING APPEALS

CASE NO. 2020-118



ZONING APPEAL HEARING

Case# 2020-118 Date 06/04 /2020 1:00 P.M.

An Item A appeal challenging the zoning administrator decision to revoke permit number 2019074327

Sonny West Conference Room, 700 2nd Avenue South

<https://maps.nashville.gov/BZATracker>



ZONING APPEAL HEARING

Case # 2020-118 Date 06/04/2020 1:00 P.M.

An Item A appeal challenging the zoning administrator decision to revoke permit number 2019074327

Sonny West Conference Room, 700 2nd Avenue South

<https://maps.nashville.gov/BZATracker>

ZONING APPEAL HEARING

Case# 2020-118 Date 06/04 /2020 1:00P.M.

An Item A appeal challenging the zoning administrator
decision to revoke permit number 2019074327

Sonny West Conference Room, 700 2nd Avenue South

<https://maps.nashville.gov/BZATracker>



ZONING APPEAL HEARING

Case# 2020-118 Date 06/04/2020 1:00 P.M.

An Item A appeal challenging the zoning administrator decision to revoke permit number 2019074327

Sonny West Conference Room, 700 2nd Avenue South

<https://maps.nashville.gov/BZATracker>



ZONING APPEAL HEARING

Case# 2020-118 Date 06/04/2020 1:00P.M.

An Item A appeal challenging the zoning administrator decision to revoke permit number 2019074327

Soliny West Conference Room, 700 2nd Avenue South
<https://maps.nashville.gov/BZATracker>

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : John D. Haas Jr.

Date: March 24, 2020

Property Owner: Tee Line, LLC

Case #: 2020-119

Representative: EDGE Planning Landscape
Architecture & Urban Design

Map & Parcel: 91-09 & 31.00

Council District 20

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

Purpose: Change an existing nonconforming use to a different nonconforming use that is more compatible with the surrounding land uses per 17.40.650(C)3b

Activity Type: Indoor Commercial Amusement

Location: 104 Duluth Avenue

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:

Section(s):

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

EDGE Planning, Landscape Architecture & Urban Design
John D. Haas Jr.

EDGE Planning, Landscape Architecture & Urban Design
John D. Haas Jr.

Appellant Name (Please Print)

Representative Name (Please Print)

210 12th Ave. South - Suite 202

210 12th Ave. South - Suite 202

Address

Address

Nashville, TN 37203

Nashville, TN 37203

City, State, Zip Code

City, State, Zip Code

615.477.6846

615.477.6846

Phone Number

Phone Number

jhaas@edgela.com

bgallagher@edgela.com

jhaas@edgela.com

Email

Email

Appeal Fee: \$200.00



March 23, 2020

Metro Department of Codes Administration
Board of Zoning Appeals
800 2nd Avenue South
Nashville, TN 37210

Dear Ms. Lamb:

We respectfully submit to you our Item D Appeal request for the property located at 104 Duluth Avenue, Map 91-09 / Parcel 31.00 (See Exhibit 'A').

The attached submittal requests to change the existing nonconforming use to a different nonconforming use that is more compatible with the surrounding land uses per 17.40.650(C)3b. of The Code of the Metropolitan Government of Nashville and Davidson County, TN.

Per the attached Exhibit 'A', a portion of the existing use extends from parcel 32.00, zoned (IR) into parcel 31.00, zoned (R8). The current use of the site is a steel and metal fabrication company. See Exhibit 'B' for an existing aerial of the site. Existing photographs of the current use occupying the site have also been included with this application.

Through adaptive reuse of the existing structure, it is our intent to accommodate a use of indoor commercial amusement. We feel this use would be a more compatible nonconforming use for the subject property located at 104 Duluth Ave and the surrounding community than the existing fabrication company. Indoor commercial amusement is a permitted use under the existing (IR) zoning for the remainder of proposed project site.

If you should have any questions regarding our request, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Haas", with a stylized flourish at the end.

John D. Haas, ASLA
Principal
EDGE
Planning, Landscape Architecture & Graphic Design

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.

John D. Haas Jr.
Principal
EDGE Planning, Landscape Architecture & Urban Design

March 24, 2020

APPELLANT

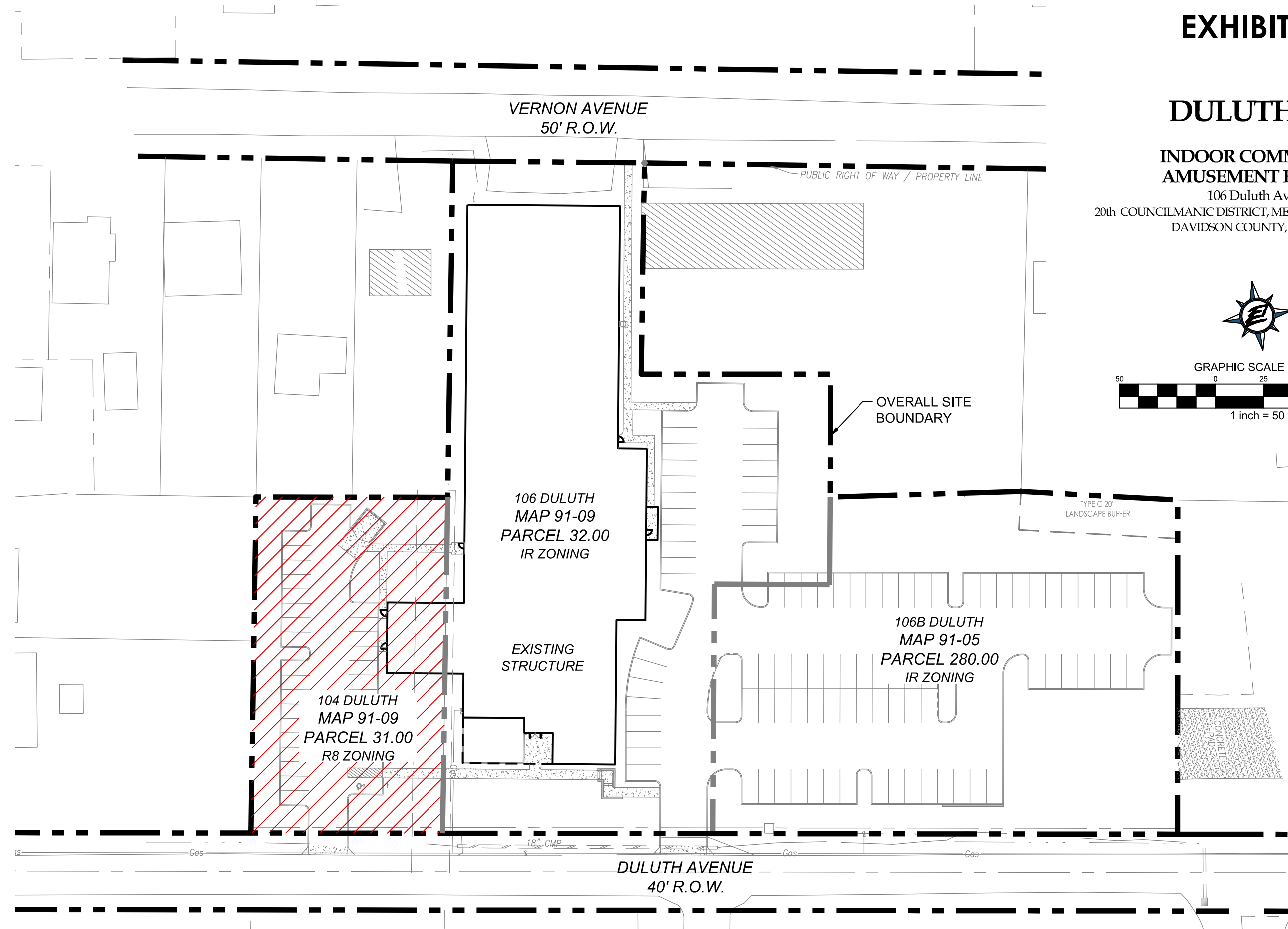
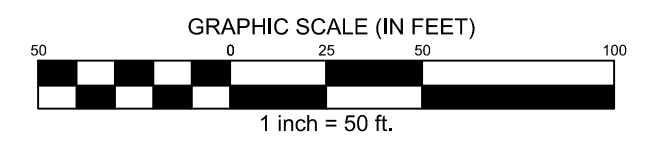
DATE

EXHIBIT 'A'


DULUTH ICE

INDOOR COMMERCIAL AMUSEMENT FACILITY

106 Duluth Avenue
20th COUNCILMANIC DISTRICT, METROPOLITAN NASHVILLE
DAVIDSON COUNTY, TENNESSEE



LEGEND:

 PORTION OF SITE SUBJECT TO BZA ITEM D REQUEST



Project No: 19077
 Date: 3-23-2020
 By: BJC

Project: **DULUTH ICE**

EDGE
 210 Twelfth Avenue South, Suite 202
 Nashville, TN 37203
 P 615-250-8154 F 615-250-8155

Issue: **EXISTING CONDITIONS - AERIAL**

Supplemental Drawing #:
EXHIBIT B





FOR SALE

United Rentals





9415095

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: FARON FERDOWSI

Date: 04/20/20

Property Owner: PODSON CHAPEL INVESTORS

Case #: 2020-132

Representative: FARON FERDOWSI

Map & Parcel: 08600013700

Council District 14

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

Purpose:

TO EXPAND A MEDICAL OFFICE
REQUEST 450 SF VARIANCE
2500 SF ALLOWED, 2,950 SF REQUESTED

Activity Type: DEMO, ADDITION, TENANT FINISH OUT

Location: 3960-3962 PODSON CHAPEL RD.

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

Reason: EXCEEDS MAXIMUM GROSS FLOOR AREA

Section(s): 17.16.060

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.

FARON FERDOWSI
Appellant Name (Please Print)

5716 HICKORY PLAZA DR.
Address

NASHVILLE, TN 37211
City, State, Zip Code

615-480-9090
Phone Number

FARON@DENTAPROMOS.COM
Email

←
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

SAME

Appeal Fee: \$ 100.00



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



ZONING BOARD APPEAL / CAAZ - 20200024831
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08600013700

APPLICATION DATE: 04/20/2020

SITE ADDRESS:

3960 DODSON CHAPEL RD HERMITAGE, TN 37076
W SIDE DODSON CHAPEL RD S OF CENTRAL PK

PARCEL OWNER: DODSON CHAPEL INVESTORS, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Work includes interior demolition work of existing medical office (3960 Dodson Chapel Rd) and tenant finish out of this space and additional space (3962 Dodson Chapel Rd) for an expansion of the medical office to a total of 2,950 sq. ft. See attached. Use permitted as PC: "Medical offices shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than two establishments per lot." Variance requested 450 sq. ft.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Standards for a Variance

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

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.

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 Thursday, prior to the public hearing to be included in the record. You must provide (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.

Faran Ferdowsi
Fuzon Fulu

APPELLANT

4/17/20

DATE

5716 Hickory Plaza Dr.
Nashville TN 37211

615 480 9090

FARAN@DELTA Promos.com

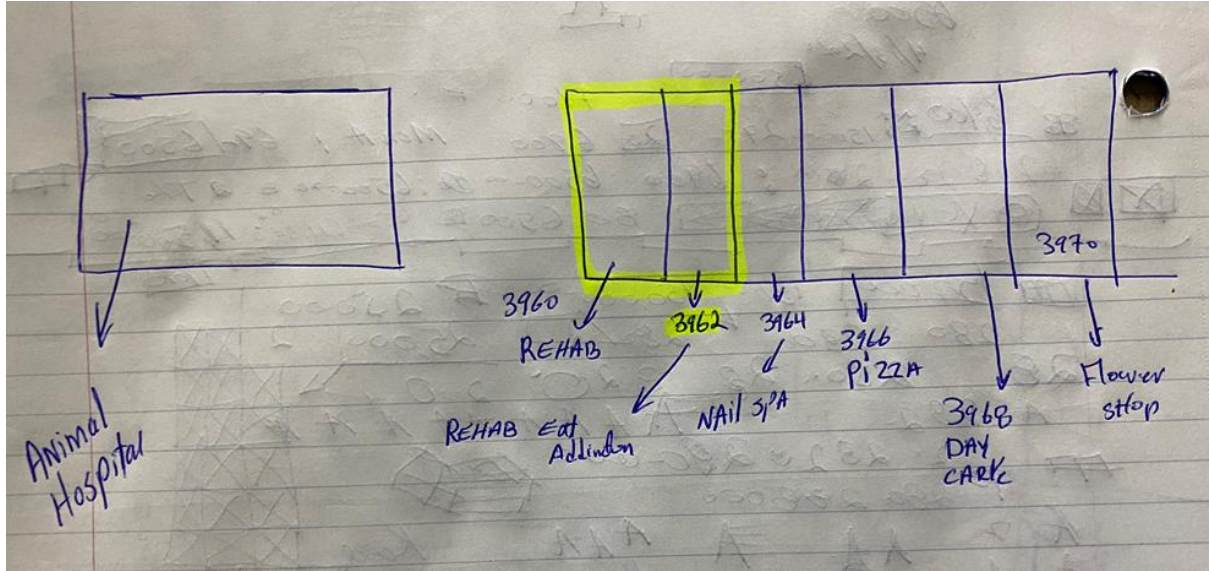
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

*EXISTING Rehab OFFICE need more space
for their operation.*



3960 DODSON CHAPEL RD

Case # 2020-132



© All Pictometry

03/24/2019

May 20, 2020

Board of Zoning Appeals
Metro Office Building
800 Second Ave. South
P. O. Box 196300
Nashville, TN 37219-6300

Zoning Appeal Case Number: 2020-132
3960 Dodson Chapel Road
Hermitage, TN 37076

Re: Variance from Floor area ratio restrictions.

I am unable to attend the hearing on Thursday, June 4, 2020, and want to voice my approval of this requested variance.

The property in question contains a physical therapy facility whose practice is enlarging, and the floor area expansion would not be an intrusion on any connecting business within the building structure.

Thank you,

A handwritten signature in black ink that reads "Bobbie Forrest". The signature is written in a cursive style with a large initial "B" and a stylized "F".

Bobbie Forrest
101 Thistle Lane
Hermitage, TN 37076

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson
Property Owner: Edith Costanza
Representative: Duane Cuthbertson

Date: 4.21.20
Case #: 2020-133
Map & Parcel: 1805001800

Council District 18

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

Purpose: Reduce the street setback from
Granny White Pike from 40' to 0'

Activity Type: Single-Family Residential

Location: 3209 Granny White Pike

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Street setback

Section(s): 17.12.030A

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

Duane Cuthbertson
Appellant Name (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

→
Address

1806 A Allison Pl.
Address

City, State, Zip Code

Nashville TN 37203
City, State, Zip Code

→
Phone Number

615.924.9618
Phone Number

Same
Email

dcuthbert@gmail.com
Email

Appeal Fee: _____

APPLICATION FOR A VARIANCE REQUEST

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

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

4.21.20

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

In Simple terms, for the Board to 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 original lot has been severely altered from the original layout.: TDOT ROW.

The current lot contains less than half the original lots depth.-as

The required street setback from Granny White combined with the rear setback would render an impracticable building envelope in which to construct a new house.

The required street setback would result in a development pattern inconsistent with current conditions along Granny White PK.

The proposed setback - 0' from the current property line- creates a consistent pattern on Granny White while maintaining adequate spacing from the existing street.



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

Case # 2020-133
3804809

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2020024503
THIS IS NOT A PERMIT**

PARCEL: 11805001800

APPLICATION DATE: 04/17/2020

SITE ADDRESS:

3209 GRANNY WHITE PIKE NASHVILLE, TN 37204
PT LOT 187 VICTORIA PLACE

PARCEL OWNER: COSTANZA, EDITH A.

APPLICANT:

PURPOSE:

Demolition Permit required prior to issuance of Building Permit.
Rejected Site Plan, proposed location does not meet contextual front setback.

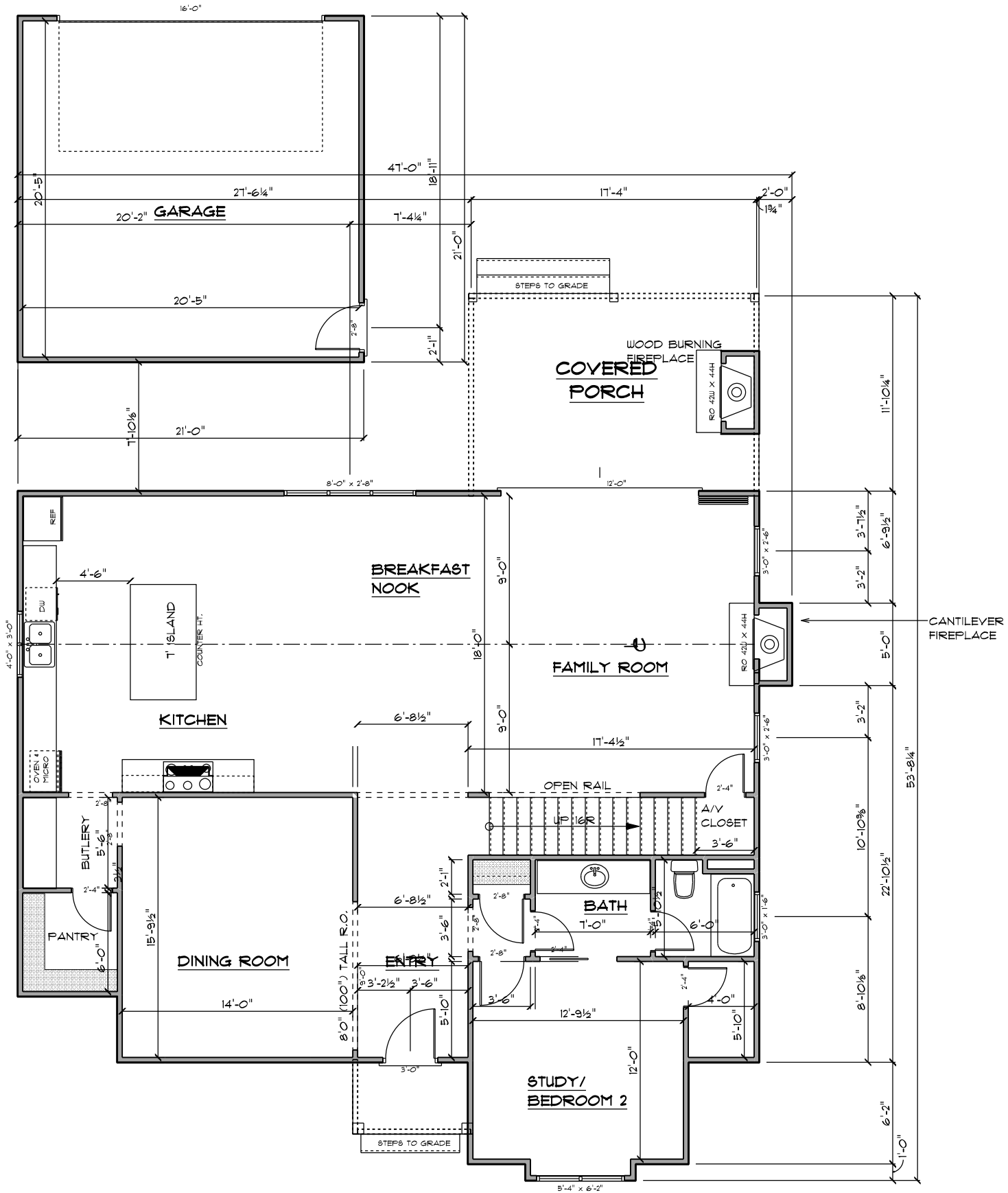
To construct a single family residence. Need full set of plans with square footage details.

Sidewalks ARE required for this project because this parcel is within the UZO. You are not eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction

POC: Duane Cuthbertson
615.924.9618

*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
CA - Zoning Sidewalk Requirement Review		
[B] Fire Life Safety Review On Bldg App		615-862-5230 fmoplans@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		615-862-6517 permitissuance@nashville.gov
[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
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		pwbuildingpermit@nashville.gov



ALL 1ST FLOOR CEILINGS ARE 9' TALL
AND ALL DOORS ARE 8'0" TALL
R.O.'S ARE 100" HIGH

FIRST FLOOR PLAN:	- 1643 sq.Ft.
SECOND FLOOR PLAN:	- 1643 sq.Ft.
TOTAL LIVING AREA:	- 3286 sq.Ft.
FRONT PORCH AREA:	- 30 sq.Ft.
BACK PORCH AREA:	- 212 sq.Ft.
GARAGE	- 445 sq.Ft.

MAIN FLOOR PLAN

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

PLOTTED:
Tuesday, April 14, 2020
DRAWN: CD Plans
SHEET NUMBER:
2 OF 5

JOB NAME:
3209 GRANNY WHITE PIKE

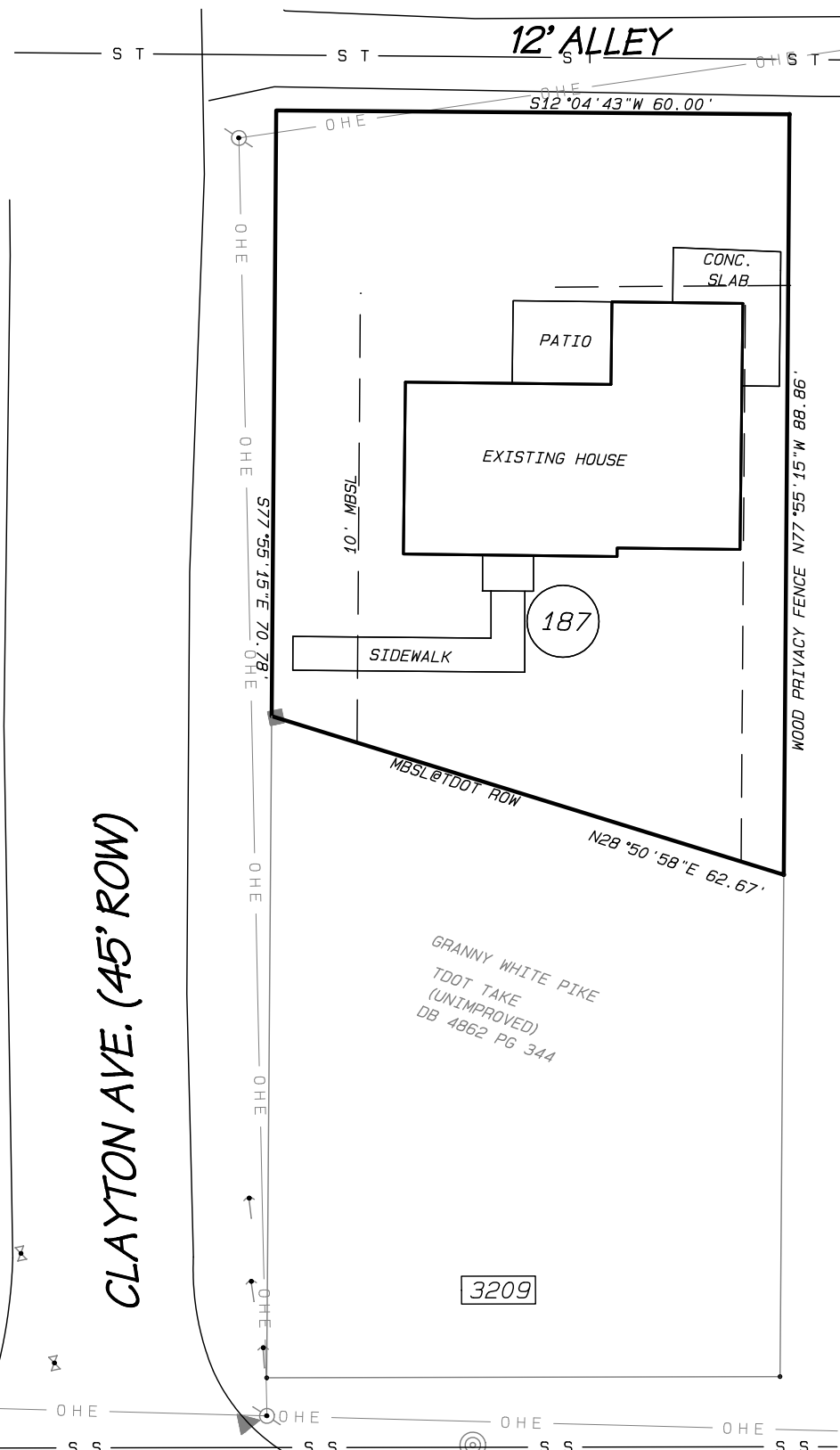
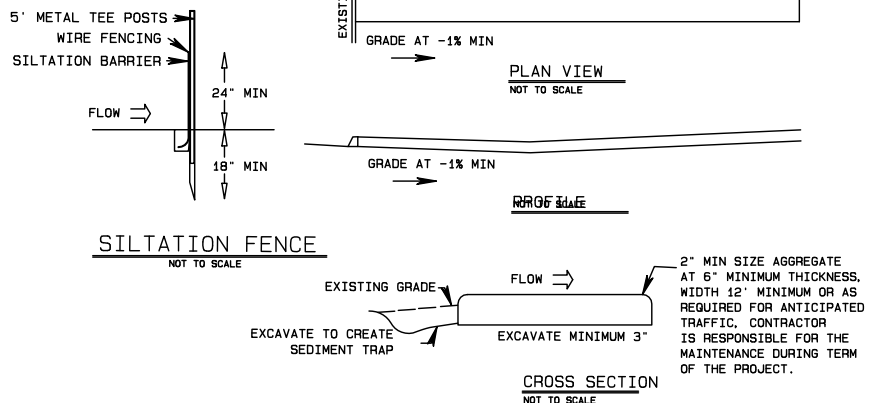
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THESE PLANS AND THE STRUCTURES CONSTRUCTED
THEREFROM ARE PROTECTED BY U.S. COPYRIGHT
LAWS. ANY COPYING OR REPRODUCTION OF SUCH
PLANS OR STRUCTURES IS PROHIBITED.
ALL DIMENSIONS MUST BE JOB SITE CHECKED AND
VERIFIED. DISCREPANCIES MUST BE REPORTED
BEFORE COMMENCING WORK.

**ASPEN
CONSTRUCTION
INC.**

8005 CHURCH STREET EAST
SUITE 201
BRENTWOOD, TN 37021
PHONE: 615-115-1782
FAX: 615-807-3214



INSTALL 5' METAL TEE POSTS 10' O.C. WITH 4" 'HOGWIRE' FENCING ON DOWNSTREAM SIDE. INSTALL SILTATION FENCING TO UPSTREAM SIDE, BURYING BOTTOM 6" IN TRENCH, THEN BACKFILLING.



EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- The contractor shall follow the storm water ordinances for Davidson County for grading, erosion prevention and sediment control for the measures shown or stated on this plan.
- The contractor must ensure that the construction site is prepared prior to the onset of any precipitation event. The contractor shall have all erosion prevention and sediment control measures in place for the winter months prior to October 1.
- All erosion prevention and sediment controls shall be maintained until disturbed areas are stabilized. Changes to this erosion prevention and sediment control plan shall be made to meet field conditions only with the approval of or at the direction of a representative of the Department of Utilities.
- This plan may not cover all of the situations which may arise during the construction of the project due to unanticipated field conditions. Variations may be made to the plan in the field subject to the approval of or at the direction of a representative of the Department of Utilities.
- All erosion prevention and sediment controls shall be checked before and after any precipitation event to ensure measures are functioning properly.
- The contractor must maintain a log at the site of all inspections or maintenance of BMP's as well as any corrective measures to the erosion prevention and sediment controls or the BMP's.
- In areas where the soil is exposed, prompt replanting with native compatible drought resistant vegetation shall be performed. No areas will be left exposed over the winter season.
- The contractor shall install the stabilized construction entrance prior to commencement of grading. Location of the entrance may be adjusted by the contractor to facilitate grading operations. All construction traffic entering the paved road must cross the stabilized entrance. The stabilized construction entrance shall remain in place until the driveway rock base course is completed.
- All sediment deposited on paved roadways shall be swept up and removed at the end of each working day or as necessary.
- The contractor shall install erosion control measures around all new drainage structures immediately after the structure opening is constructed. These erosion control measures shall be maintained and remain in place until construction is completed.
- The contractor shall implement housekeeping practices as follows:
 - Concrete Waste**
Provide a designated area for a temporary pit to be used for concrete waste truck wash-out. Dispose of hardened concrete off-site. At no time shall a concrete truck dump its waste and clean its truck into the city/county storm drains via the curb and gutter. Inspect daily to control runoff and weekly to remove hardened concrete.
 - Paint and Painting Supplies**
Provide instruction to employees and subcontractors regarding the reduction of pollutants including material storage, use and cleanup. Inspect site weekly for evidence of improper disposal.
 - Hazardous Waste**
Prevent the discharge of pollutants from hazardous waste to the drainage system through proper material use, waste disposal and training of employees. Hazardous waste products commonly found on-site include, but are not limited to paints and solvents, petroleum products, fertilizers, herbicides & pesticides, soil stabilization products, asphalt and concrete curing products.
- Stabilization measures must be initiated within seven (7) days on portions of the site where construction activities have temporarily or permanently ceased, and within fifteen (15) days after final grading or other earthwork. Permanent stabilization with perennial vegetation (using native herbaceous and woody plants where practical) or other permanently stable, non-eroding surface shall replace any temporary measures as soon as is practical. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization and other appropriate measures.
- Structural practices to divert flows from areas of land disturbance, store flows or otherwise limit runoff and the discharge of pollutants from the exposed areas of the site must be implemented. Such practices may include silt fences, earth dikes, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, rock outlet protection, reinforced earth retaining systems and gabions.
- Inspection of all control measures and disturbed areas must be performed before anticipated storm events (or series of storm events such as intermittent showers over one or more days), and within 24 hours after any storm event of 0.5" or greater and at once every fourteen calendar days. Inspections must be documented and include the name(s), and title or qualifications of personnel making the inspection, the date of the inspection, major observations relating to the implementation of the control measures (including the location(s) of discharges of sediment or other pollutants from the site and of any control device that failed to operate as designed or proved inadequate for a particular location). Based on the results of the inspection, any inadequate control measures or control measures in disrepair must be replaced or modified, or repaired as necessary before the next storm event if possible, but in no case more than seven (7) days after the need is identified.

LEGEND:

- (FDIR) FOUND IRON ROD
- SET IRON ROD AND CAP
- ⊗ TREE
- (M) MEASURED/FIELD
- (P) PLAT/RECORD
- (C) CALCULATED
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- P.U.D.E. PUBLIC UTILITY & DRAINAGE ESMT.
- X— FENCE
- SS— SANITARY SEWER
- ⊙ SANITARY MANHOLE
- ST— STORM SEWER
- OHE— OVERHEAD POWERLINE
- W— WATER
- M.F.D. MODIFIED FRENCH DRAIN

NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON SPC-83 AND HAS BEEN FIELD RUN AND GPS DERIVED.
- NO TITLE COMMITMENT HAS BEEN PROVIDED AS OF THE DATE OF THIS SURVEY. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH WHICH MAY REFLECT INFORMATION CURRENTLY NOT PROVIDED TO THIS SURVEYOR.
- MINIMUM BUILDING SETBACKS AS SHOWN PER DAVIDSON COUNTY ZONING. CONTRACTOR TO VERIFY PRIOR TO CONSTRUCTION.
- THIS PROPERTY DOES NOT LIE IN A FLOOD HAZARD ZONE AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP No. 47037C0356H. EFFECTIVE DATE ON APRIL 5TH, 2017.

PARCEL:

ADDRESS:
3209 GRANNY WHITE PIKE

ZONING:
R8
URBAN ZONING OVERLAY

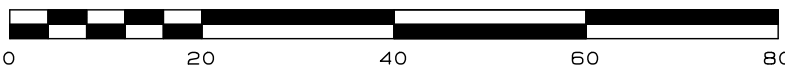
PARCEL ID:
11805001800

SETBACKS:
FRONT SETBACK= 37.4' AVG ADJ (ROW)

REAR SETBACK= 20'

SIDE SETBACKS= 5'

GRAPHIC SCALE 1"=20'



ROGER HARRAH LS 2039

GRANNY WHITE PIKE

Harrah & Associates
SURVEYORS • PLANNERS
504 AUTUMN SPRINGS CT.
SUITE B15
FRANKLIN, TN 37067
PHONE: (615) 778-0863
FAX: (615) 778-0865
E-MAIL: rogerh@harraghgroup.com

I hereby certify that this is a category 1 survey with the ratio of precision of the unadjusted survey being greater than 1 in 10000. This survey was prepared in compliance with the current standards of practice adopted by the Tennessee State Board of Examiners for Land Surveyors.

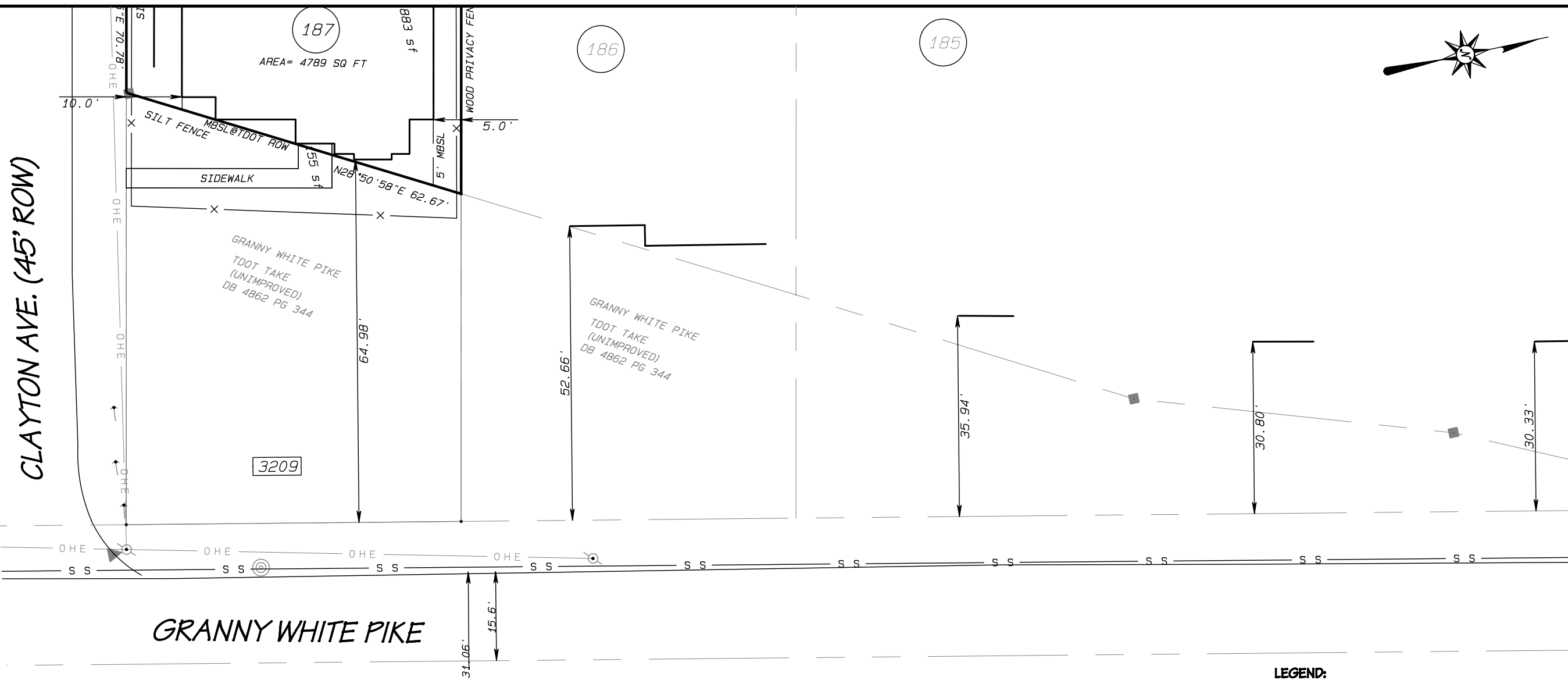
Roger H. Harrah RLS #2039

SITE PLAN
OF
3209 GRANNY WHITE PIKE, NASHVILLE, TENNESSEE

LOT 187 OF VICTORIA PLACE
PB 332, PG 10, R.O.D.C., TN..

FOR
ASPEN CONSTRUCTION

DATE OF DRAWING: 04-07-20	
MANAGER: RHH	CADD: ITH
PROJECT NUMBER: T208-18-190	
FIELD BOOK NUMBER: 129	
LAST FIELD WORK: 03-26-20	
CREW CHIEF(S): ITH	
COMPUTER FILE: T208197_SP	
SCALE: 1"= 20'	SHEET 1 OF 1



CLAYTON AVE. (45' ROW)

187
AREA= 4789 SQ FT

186

185

3209

GRANNY WHITE PIKE

NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON SPC-83 AND HAS BEEN FIELD RUN AND GPS DERIVED.
- NO TITLE COMMITMENT HAS BEEN PROVIDED AS OF THE DATE OF THIS SURVEY. THIS SURVEY IS SUBJECT TO THE FINDINGS OF AN ACCURATE TITLE SEARCH WHICH MAY REFLECT INFORMATION CURRENTLY NOT PROVIDED TO THIS SURVEYOR.
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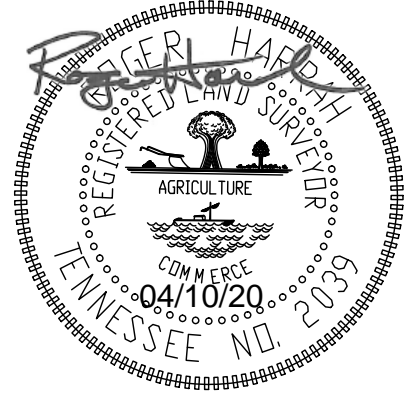
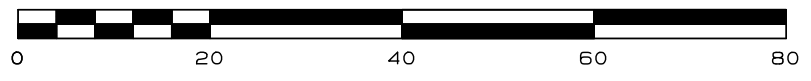
PARCEL:

ADDRESS:
3209 GRANNY WHITE PIKE

ZONING:
R8
URBAN ZONING OVERLAY

PARCEL ID:
11805001800

SETBACKS:
FRONT SETBACK= 37.43' (ROW)
REAR SETBACK= 20'
SIDE SETBACKS= 5'
SIDE STREET SETBACK= 10'



ROGER HARRAH LS 2039

LEGEND:

- (FDIR) FOUND IRON ROD
- SET IRON ROD AND CAP
- 🌳 TREE
- (M) MEASURED/FIELD
- (P) PLAT/RECORD
- (C) CALCULATED
- M.B.S.L. MINIMUM BUILDING SETBACK LINE
- P.U.D.E. PUBLIC UTILITY & DRAINAGE ESMT.
- X— FENCE
- SS— SANITARY SEWER
- ◎ SANITARY MANHOLE
- ST— STORM SEWER
- OHE— OVERHEAD POWERLINE
- W— WATER
- M.F.D. MODIFIED FRENCH DRAIN

DATE OF DRAWING: 04-7-20	CADD: ITH
MANAGER: RHH	PROJECT NUMBER: T208-197
FIELD BOOK NUMBER: 129	CREW CHIEF (S): ITH
LAST FIELD WORK: 03-26-20	COMPUTER FILE: T208197.SP
SCALE: 1"= 20'	

AVERAGE ADJACENT PLAN OF
3209 GRANNY WHITE PIKE, NASHVILLE, TENNESSEE

FOR
LOT 187 OF VICTORIA PLACE
PB 332, PG 10, R.O.D.C., TN.

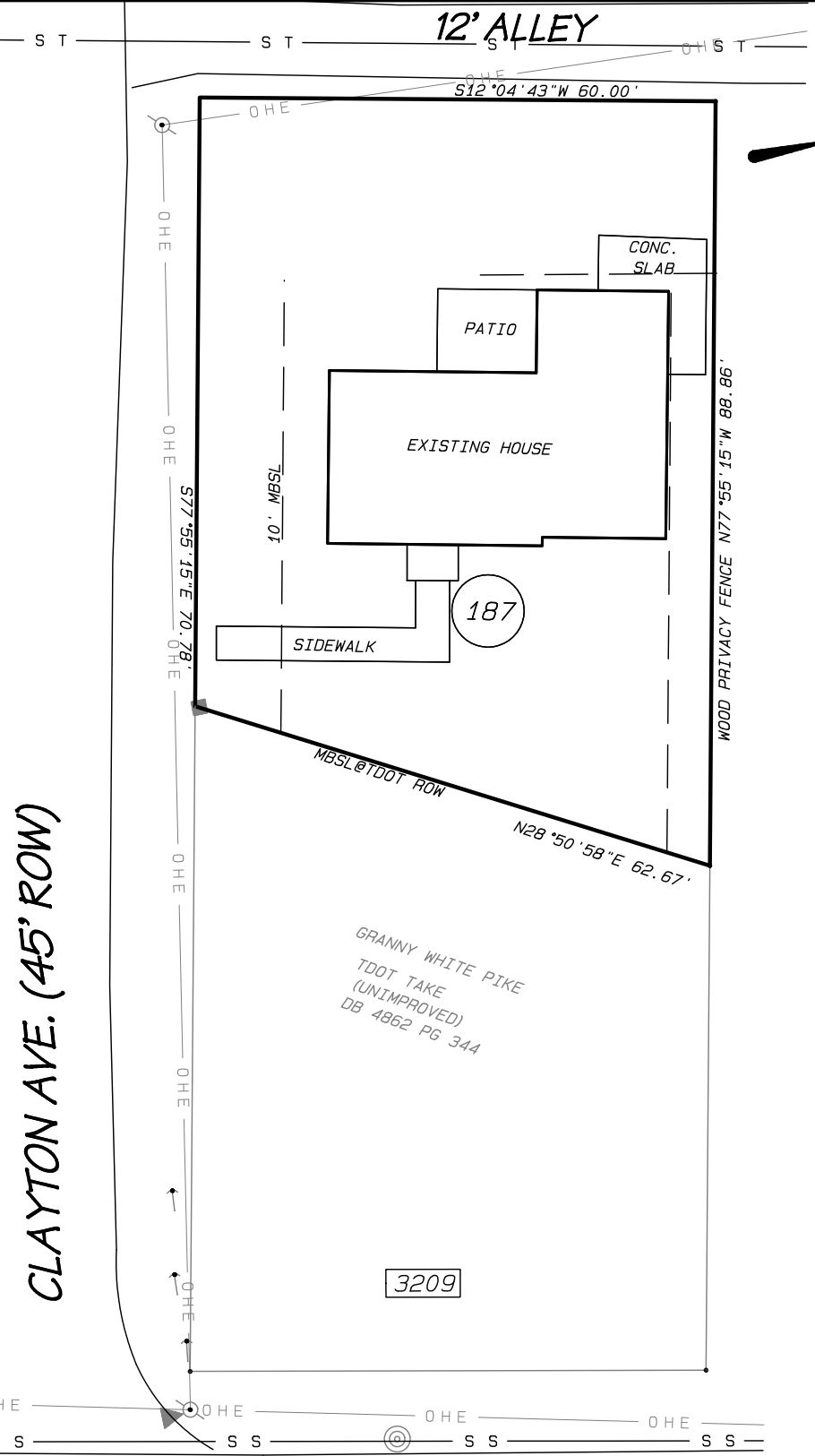
ASPEN CONSTRUCTION

I hereby certify that this is a category 1 survey with the ratio of precision of the unadjusted survey being greater than 1 in 10000. This survey was prepared in compliance with the current standards of practice adopted by the Tennessee State Board of Examiners for Land Surveyors.

Roger H. Harrah RLS #2039

Harrah & Associates
SURVEYORS • PLANNERS

504 AUTUMN SPRINGS CT.
SUITE B15
FRANKLIN, TN 37067
PHONE: (615) 778-0863
FAX: (615) 778-0865
E-MAIL: roger@harrahgroup.com



TREATMENT
STORMWATER AREA CALCULATIONS:

PRE-CONDITIONS IMPERVIOUS = 1310 SF
 ROOF = 924 SF
 DRIVEWAY = 0 SF
 PATIO = 112 SF / SIDEWALK = 154 SF

POST-CONDITIONS IMPERVIOUS = 2482 SF
 ROOF HOUSE = 883 SF; GARAGE=444 SF
 DRIVEWAY = 0 SF
 SIDEWALK = 155 SF

TREATMENT REQUIREMENT = 1172 SF
 POST IMPERVIOUS AREA/TOTAL AREA= 52%
 IMPERVIOUS INCREASE FROM PRE TO POST =25%

TIER #1 TREATMENT NECESSARY AT > 30%

PROPOSED METHODS

PERMEABLE PAVERS CONTROL DIMENSIONS:
 5" DEPTH OF STONE (D) : 222 SF PAVES AREA (A)
 CONTROL FOR 500 SF+ GARAGE ROOF AREA

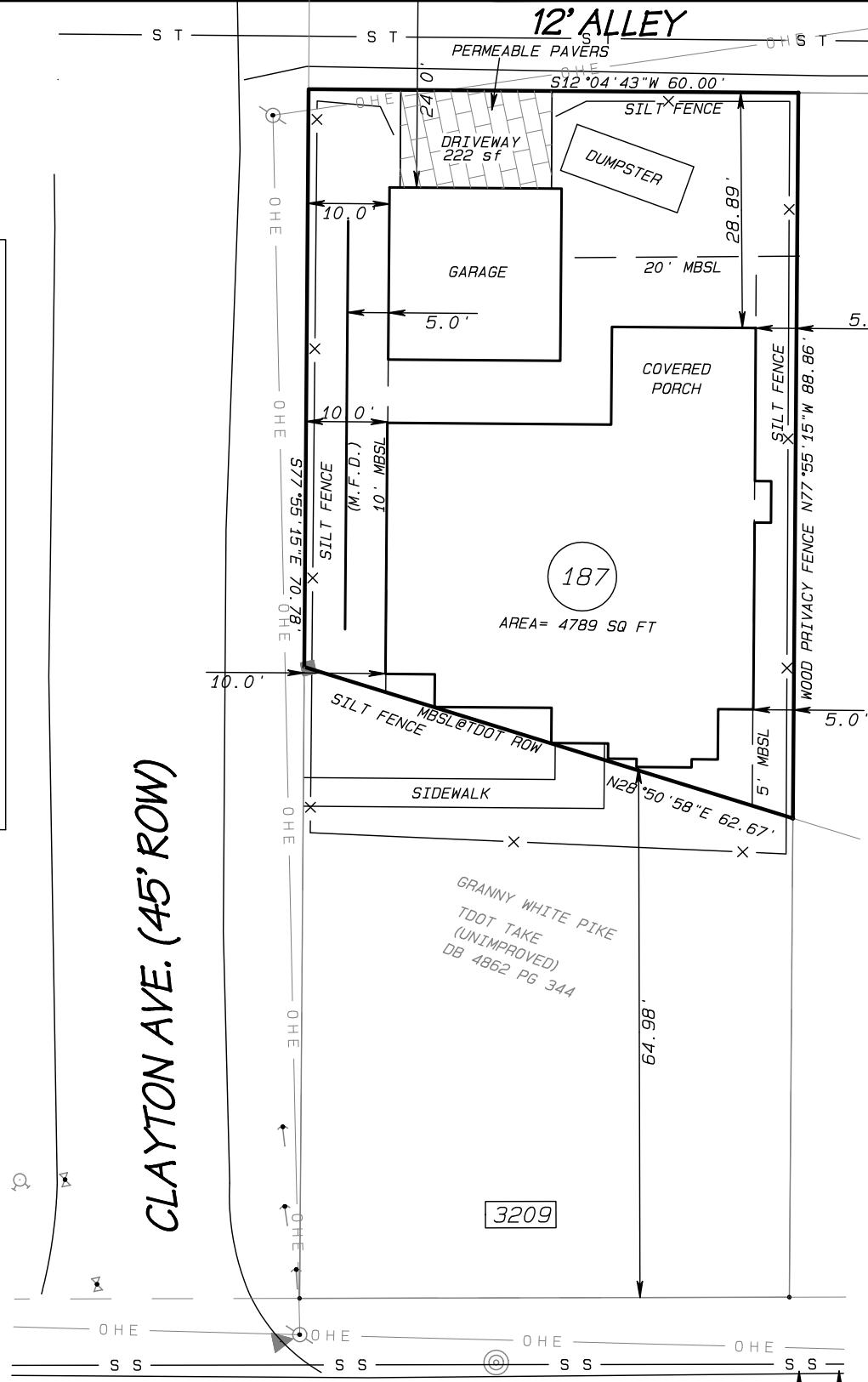
MODIFIED FRENCH DRAIN DIMENSIONS:
 18" (W) X 24 (D) X45 (L) =750 SF TREATMENT



ROGER HARRAH LS 2039

GRANNY WHITE PIKE
PRE-STORMWATER AREA CALCULATIONS:

IMPERVIOUS: 1310 SF (27%)
 INFILTRATED: 3479 SF
 TOTAL AREA: 4789 SF



GRANNY WHITE PIKE
POST-STORMWATER AREA CALCULATIONS:

IMPERVIOUS: 2482 SF (52%)
 INFILTRATED: 2307 SF
 TOTAL AREA: 4789 SF

DATE OF DRAWING: 04-7-20	MANAGER: RHH	CADD: ITH
PROJECT NUMBER: T208-197	FIELD BOOK NUMBER: 129	LAST FIELD WORK: 03-26-20
CREW CHIEF (S): ITH	COMPUTER FILE: T208197.SP	SCALE: 1" = 20'
SHEET 1 OF 1		

STORMWATER PLAN
OF
3209 GRANNY WHITE PIKE, NASHVILLE, TENNESSEE

LOT 187 OF VICTORIA PLACE
PB 332, PG 10, R.O.D.C., TN..

FOR
ASPEN CONSTRUCTION

I hereby certify that this is a category 1 survey with the ratio of precision of the unadjusted survey being greater than 1 in 10000. This survey was prepared in compliance with the current standards of practice adopted by the Tennessee State Board of Examiners for Land Surveyors.

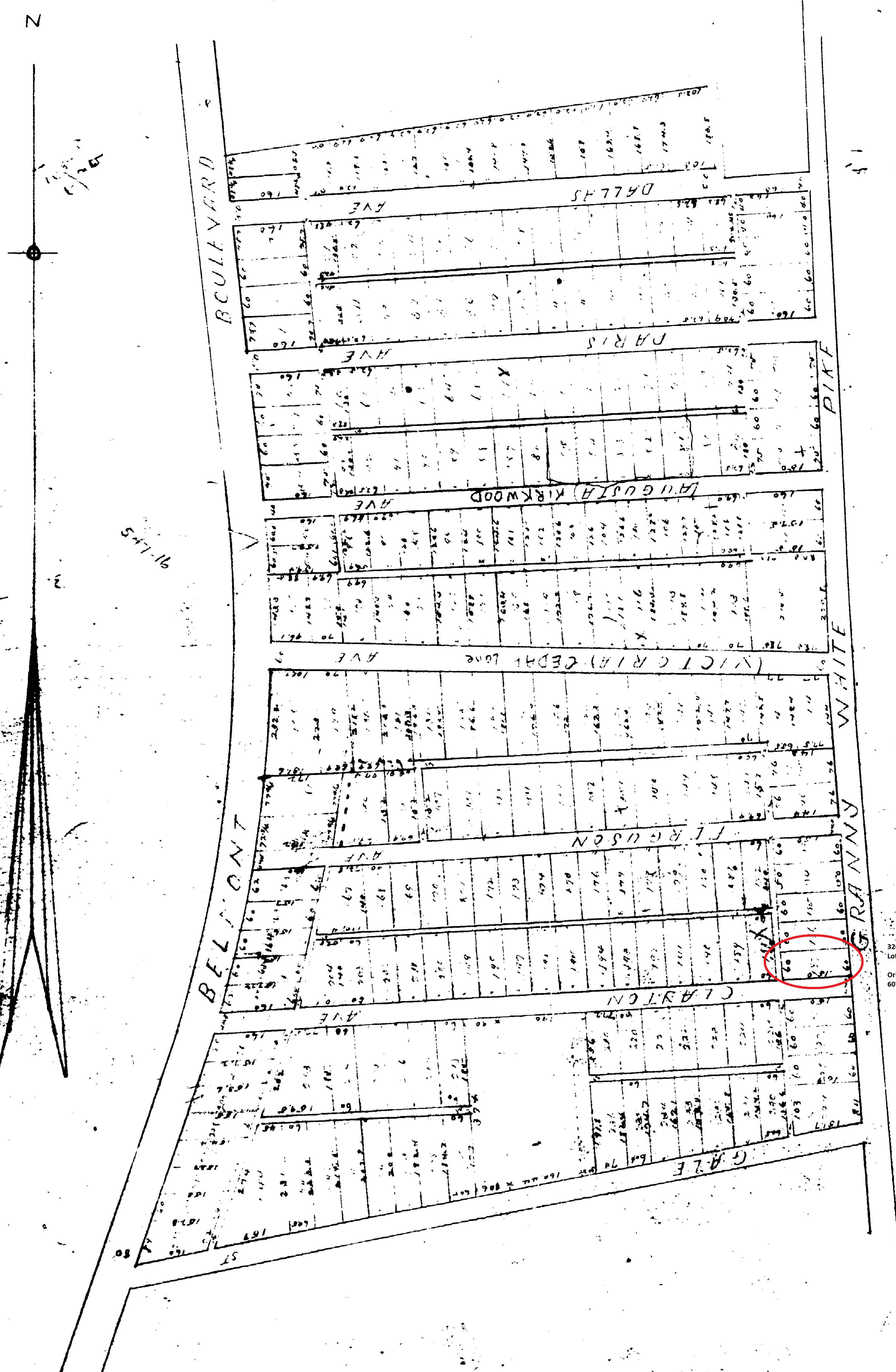
Roger H. Harrah RLS #2039

Harrah

ASSOCIATES

SURVEYORS • PLANNERS

504 AUTUMN SPRINGS CT.
SUITE B15
FRANKLIN, TN 37067
PHONE: (615) 778-0863
FAX: (615) 778-0865
E-MAIL: rogerh@harrahgroup.com



7th Blvd

3209 Grassy White Pike
Lot 147
Originally platted in 1906
60' x 150' lot.

MAP OF
VICTORIA PLACE

JUNE 1906

RECORDED JULY 1906

SCALE 1" = 100'

Nashville Board of Zoning Appeals

Agenda Date: June 4, 2020

Case No. 2020-133

Address: 3209 Granny White Pike

Request: Variance of the street (Granny White) setback requirement in the R8 zoning district.

Purpose: To permit a new single-family dwelling.



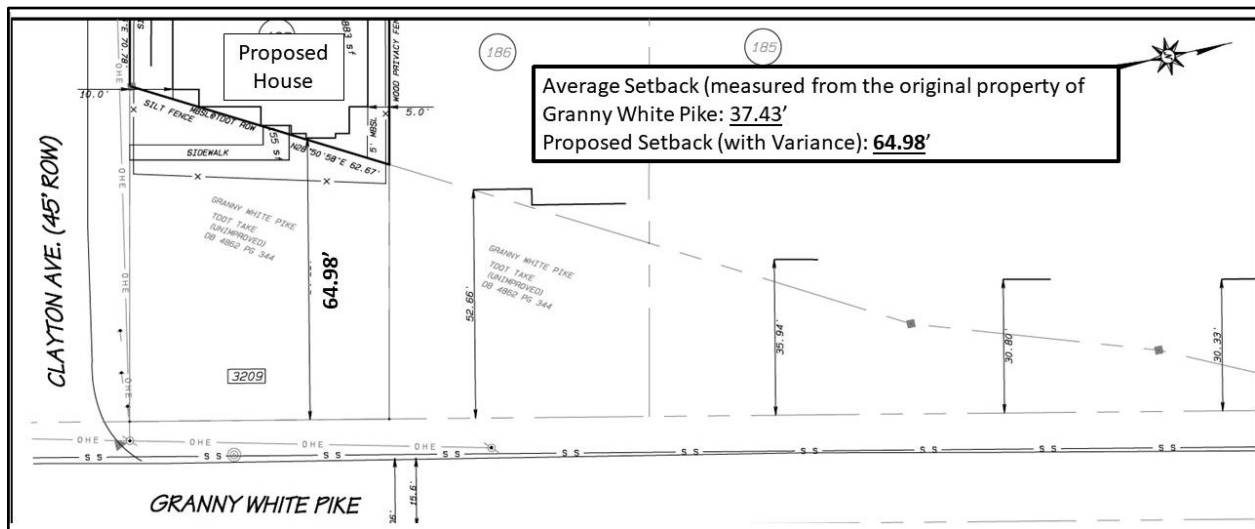
3209 Granny White Pike

The request for a Variance of the street setback requirement in the R8 zoned district is made to permit the construction of a new single-family dwelling on the subject property - closer to the Granny White Pike property line.

In residential areas with an established development pattern, the minimum required street setbacks for an R8 zoned lot shall be the average setback...of the four nearest single-family or two-family houses on the same block face that are oriented to the same street. If the average is less than what is required by Table 17.12.030A then the minimum required by the table is the default street setback - in the R8 district the default setback is 40' from Granny White (a major street).

In this case, the default street setback is enforced. The default setback is 40' from the street property line adjacent to Granny White Pike.

The applicant is requesting a Variance of the street setback in order to place the proposed house up to the existing property line along Granny White Pike - effectively a 0' setback, although the house as proposed will be almost 65' from the original Granny White Pike.

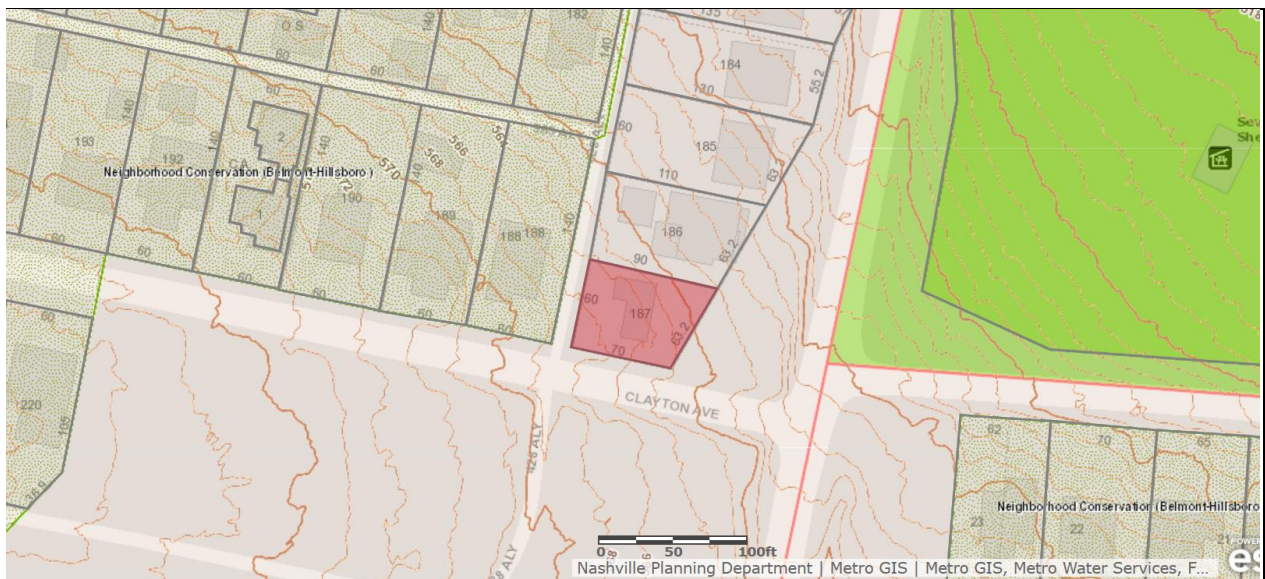


The applicant is requesting the Variance in order to allow for reasonable placement of a compatibly scaled single-family dwelling on the subject property. The proposed setback is situated well behind any discernable pattern in the streetscape of Granny White Pike.

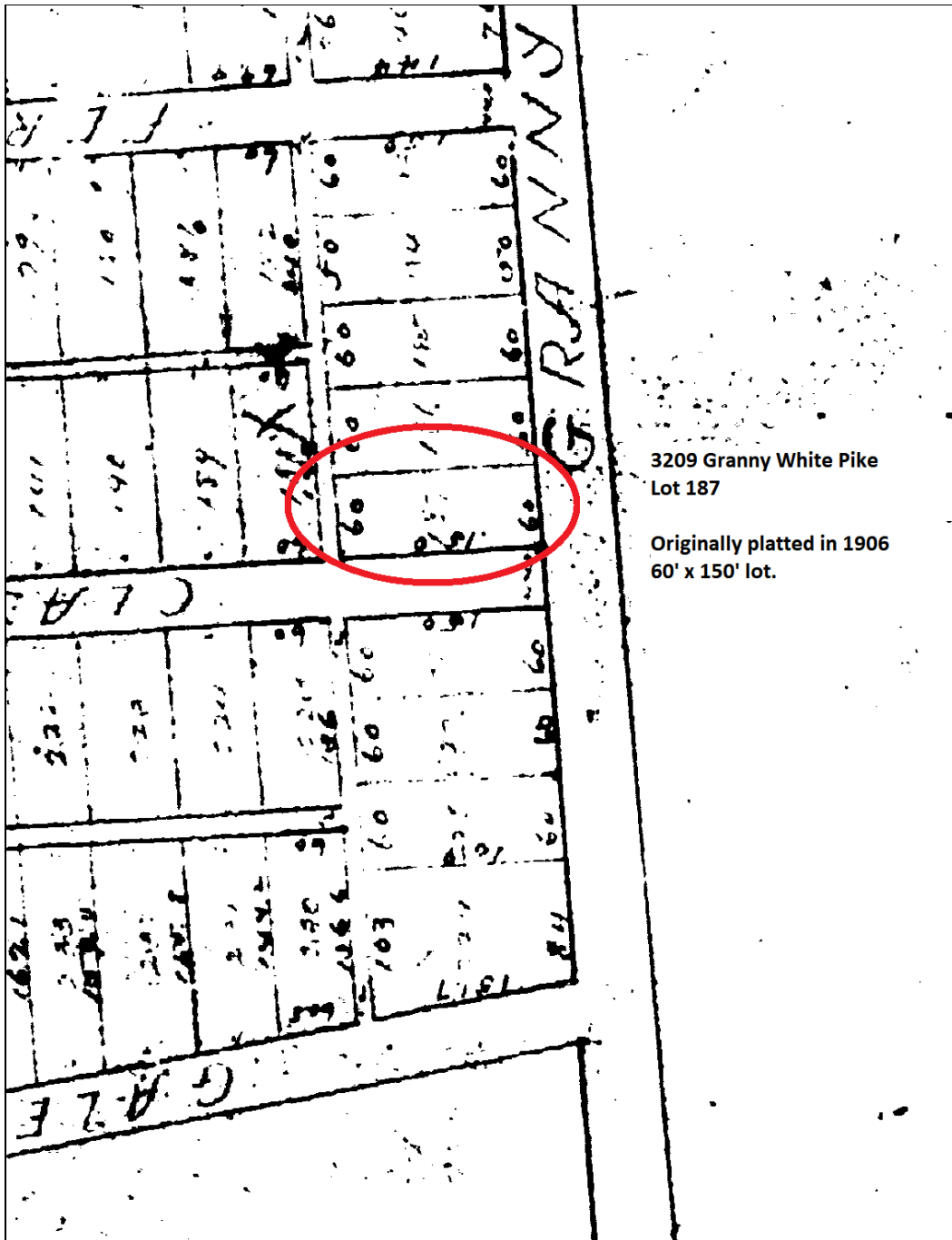


View north from Clayton Avenue across the existing home.

The proposed two-story single-family dwelling will contain 3,286 sf of floor area and a detached garage oriented toward the alley. The proposed home is compatible with new construction and major renovations/additions in the surrounding neighborhood. It is important to note, the subject property is NOT in the Belmont Hillsboro Conservation Overlay district.



The original lot was created in 1906 - as Lot 187 of the Victoria Place subdivision.
The lot was created with 60' x 150' dimensions.



3209 Granny White Pike
Lot 187

Originally platted in 1906
60' x 150' lot.

TDOT Taking:

In March, 1974, the State of Tennessee purchased 4,200 sf of the original lot (46.6% of the original 9,000 sf lot) for purposes of constructing a “*controlled access highway and all right of ingress and egress to*” to I-440. In over 46 years the ‘taken’ property has not been utilized by TDOT. It appears unlikely TDOT will construct an access interchange from Granny White to 440 any time in the near future.

As a result of TDOT’s purchase of ROW the subject property was significantly modified with regard to size and shape. While the small existing house fit on the modified property it also became non-conforming with regard to the street setback. The current property owner continues to use the TDOT ROW as a practical front yard - as do other owners along this portion of Granny White Pike.

New Dimensions: The depth of the lot was reduced from 150’ to 70’ on the southern boundary and 90’ along the northern boundary. The shallowness of the property, established by the TDOT taking, has created a unique circumstance. The subject property’s shape and size is not typical for R8 zoned property.

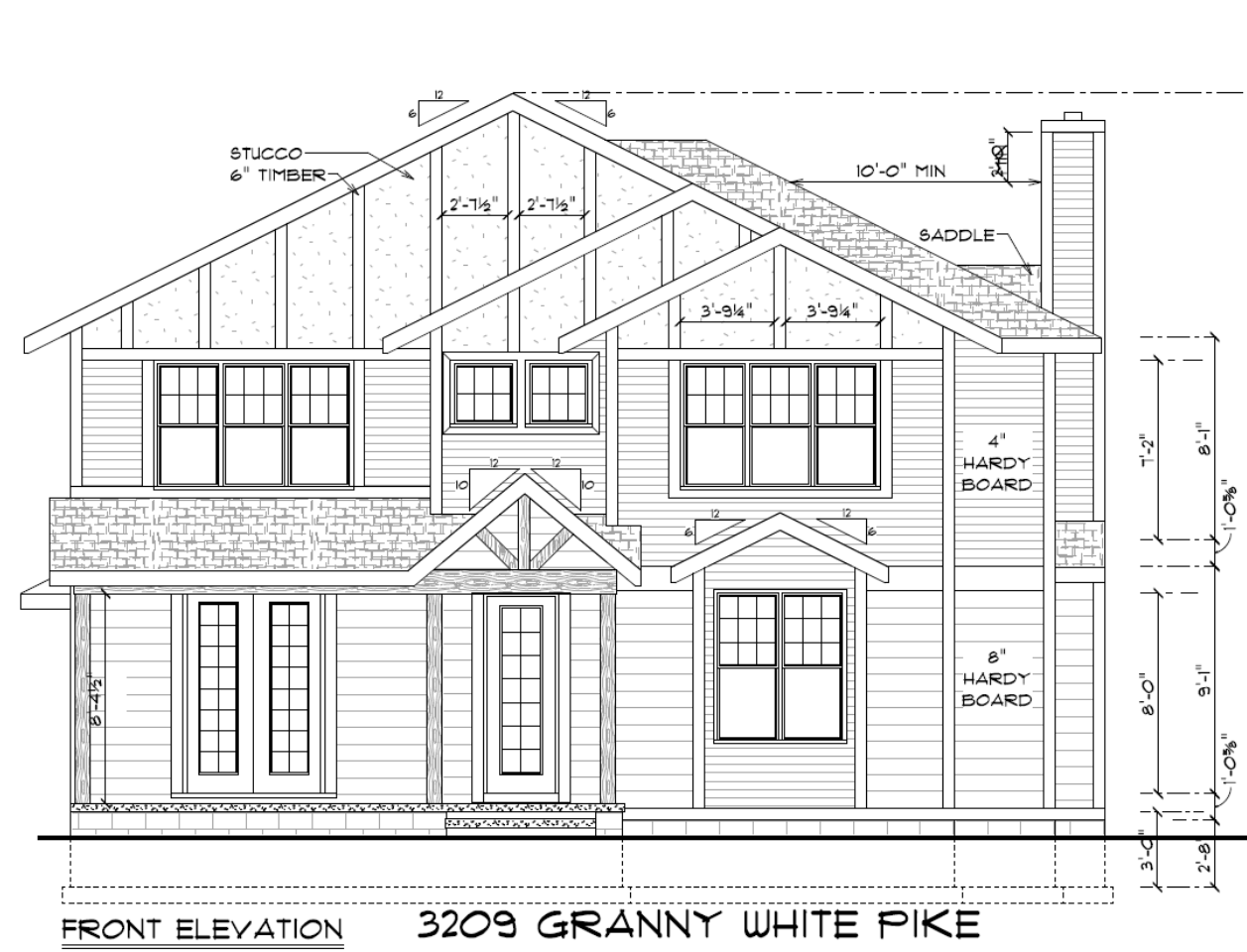
Application of the Zoning Code creates a building envelope for redevelopment that is not practical.

The Code’s 40’ street setback (applied from the property line) along Granny White combined with a 20’ rear setback create a building envelope that is only around 10’ deep along the southern boundary.

Outdated Requirement: The Code’s street setback of 40’ is uniformly applied along all Major streets in Nashville regardless of their historic or prevailing development character. Granny White Pike has a development pattern and character that is significantly different from other ‘Major’ streets in Nashville...Granny White Pike should not have the same residential setback as Charlotte Pike or Dickerson Pike. The application of a 40’ street setback is an outdated Code requirement that is being reconsidered in most new Zoning decisions. If this site was redeveloped through an SP it is very likely there would be minimal discussion related to a shallow street setback along Granny White Pike.

No Harm Proposed: The variance sought will allow an outcome that is practical and compatible with the surrounding context. The variance sought will not impose on any adjoining property owner. The house, placed as proposed along the Granny White Pike property line will be setback behind the prevailing pattern along that street. All other zoning code requirements will be followed including the setback requirement along Clayton Avenue and the rear setback. The variance sought will allow a house of a size that is consistent with those found in the surrounding neighborhood. Without some sort of reasonable variance redevelopment of the lot may result in a house taller than as proposed.

All access and parking are proposed from the alley in the rear of the property. The house will be oriented to Granny White Pike.



Unique Circumstances:

1. The R8 zoned lot has a unique shape created by an action of the State of Tennessee, not self-imposed;
2. The significantly reduced depth of the lot combined with the zoning Code's excessive 40' street setback on Granny White would result in an unnecessary hardship as it would create an impractical building envelope;
3. The property is located on a block where other relatively similar lots have homes with shallow street setbacks;
4. The lot was platted in 1906, prior to our current zoning restrictions.

The reduced setback on Granny White Pike will result in **benefits** including:

1. A stronger relationship between the front of the house and the public realm on Granny White Pike;
2. A deeper building envelope that will allow a two story home that is far more compatible with the surrounding neighborhood;
3. More practical redevelopment of the lot which will hasten reconstruction of the sidewalk on the Granny White Pike frontage to current MCSP standards (wider sidewalk).

From: [Blocher, Jesse A](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 20200025532
Date: Thursday, May 28, 2020 6:37:53 PM

Board of Zoning Appeals -

I am writing in reference to appeal 20200025532. I do not have an objection to the specifics of this appeal, however I am writing to request specifically that this parcel be required to build a sidewalk rather than pay whatever equivalency fee is available.

This parcel faces Granny White Pike and is part of a silly, 2-block section between Clayton Ave and Cedar Ave where there is no sidewalk on the west side of Granny White Pike. As a resident of Ferguson Ave, we live in a sidewalk “no mans land” where we are surrounded by sidewalks yet have no way to safely walk off of our street. There are (I believe) 6 houses represented in this two block section of Granny White Pike, and this house is one of them. Thus, getting a sidewalk here represents 1/6 of the way across and will help this very small connection we need.

Thanks for your consideration,

Jesse Blocher
1509 Ferguson Ave

Jesse Blocher
Assistant Professor of Finance
he/him/his
Owen Graduate School of Management | Vanderbilt University
401 21st Ave S | Nashville, TN 37203 | 615-322-3687
<http://owen.vanderbilt.edu/blocher>

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : GREGORY DANIELS

Date: 04/20/20

Property Owner: MARY H. RODGERS

Case #: 2020- 135

Representative: GREGORY DANIELS

Map & Parcel: 048 00 0 31500

Council District 01

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

Purpose:

CONSULT A SINGLE FAMILY RESIDENCE.
CONTEXTUAL SETBACK REQUIRED 77.1'
~~STREET~~ STREET SETBACK REQUESTED 66.7'
VARIANCE REQUEST 10.4'

Activity Type: NEW SINGLE FAMILY

Location: 3757 WESTPORT DR

This property is in the RS15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: DOES NOT MEET REQUIRED CONTEXTUAL STREET SETBACK

Section(s): 17.12.030(3)

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.

GREGORY DANIELS
Appellant Name (Please Print)

P.O. BOX 3629
Address

BRENTWOOD, TN 37024
City, State, Zip Code

615-937-3664
Phone Number

gdan3629@bellsouth.net
Email

SAME

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: \$ 100.00



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



**ZONING BOARD APPEAL / CAAZ - 20200024913
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 04800031500

APPLICATION DATE: 04/20/2020

SITE ADDRESS:

3757 WESTPORT DR NASHVILLE, TN 37218
LOT 1 MARY H RODGERS

PARCEL OWNER: RODGERS, MARY H.

CONTRACTOR:

APPLICANT:

PURPOSE:

To construct a new single family residence with 3,042 sq. ft. of living space, 580 sq. ft. garage, and 465 sq. ft. of porches and/or decks. Minimum: 77.1' street/front contextual setback required. 66.7' street/front contextual setback requested. Variance 10.4'.

*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.

18-009

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.

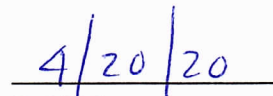
Any correspondence to the Board must be submitted to our office by Thursday, prior to the public hearing to be included in the record. You must provide (1) copy of your information to staff.

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



APPELLANT

Gregory E. Daniels



DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

Please see attached letter dated 4/20/20.

Daniels & Associates, Inc.

P.O. Box 3629
Brentwood, Tennessee 37024
Office: 615-837-3664
email: gdan3629@bellsouth.net

April 20, 2020

Department of Codes Administration
800 2nd Avenue South
Nashville, Tennessee 37210

Re: Variance Request
3757 Westport Drive
Map 048, Parcel 315.00

To whom it may concern:

The owners of the subject property request a variance in the front yard setback. As you will see on the attached sketch "House Setback Plan" dated April 9, 2020 the average setback of the adjacent four houses is 77.1 feet. We are requesting a front setback of 66.7 feet which matches the adjacent existing house front setback on Parcel 094.00. The variance would be for 10.4 feet.

The topography of Parcel 315.00 falls to the rear of the property. The 77.1 foot setback will require a taller crawl space which will be about 10 feet +/- . Every foot we can keep the house closer to Westport Drive will decrease the depth of that crawl space. Matching the existing house setback on Parcel 094.00 will not adversely affect the other houses on Westport Drive.

The owners request that I be the Appellant and the Representative for them during the BZA meeting.

Let me know if you have any questions or need anything else.

Sincerely,

Gregory E. Daniels

Gregory E. Daniels, TN R.L.S. #1489
Daniels & Associates, Inc.

Daniels & Associates, Inc.

P.O. Box 3629
Brentwood, Tennessee 37024
Office: 615-837-3664
email: gdan3629@bellsouth.net

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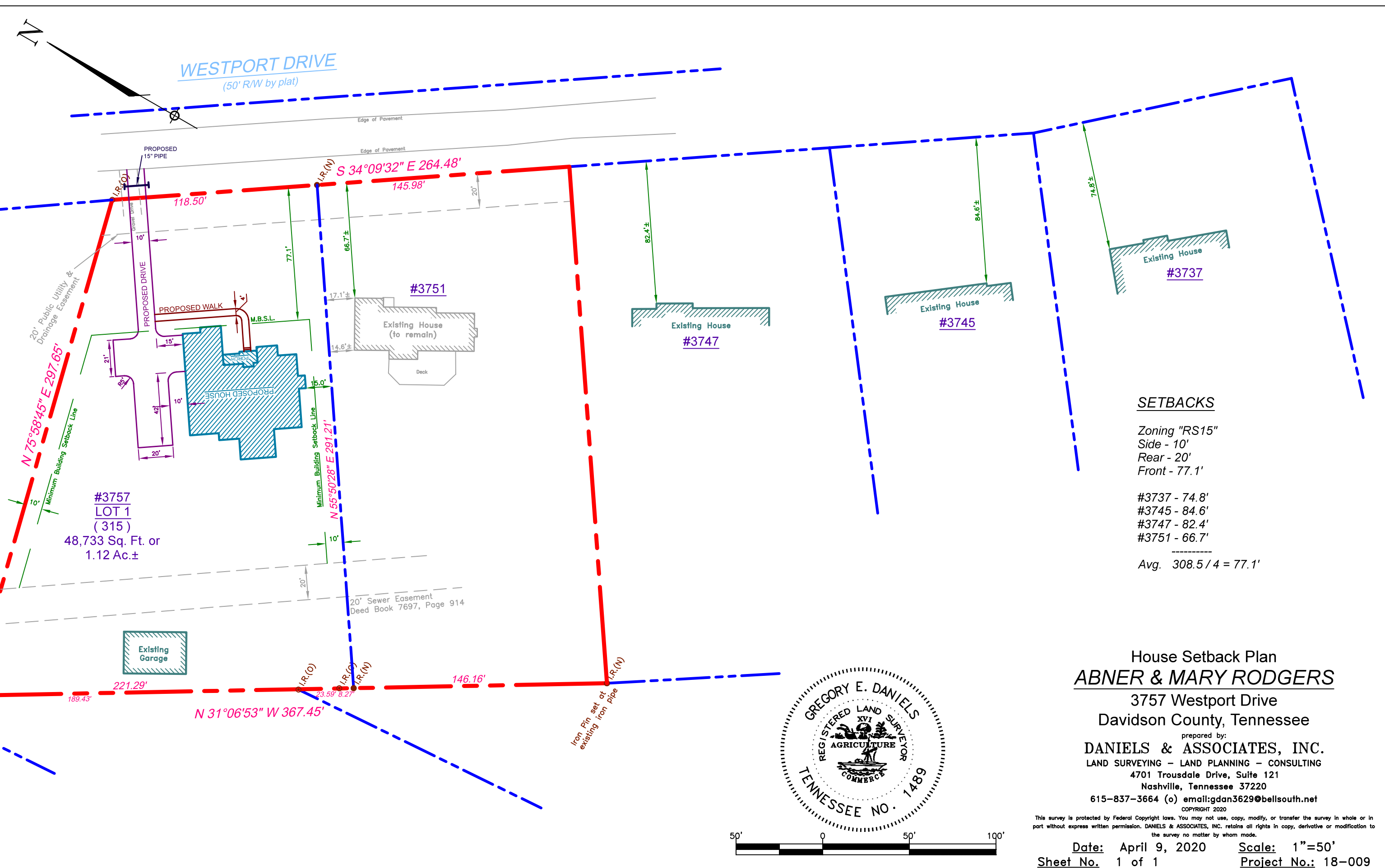
The owners request that I be the Appellant and the Representative for them during the BZA meeting.

Let me know if you have any questions or need anything else.

Sincerely,

Gregory E. Daniels

Gregory E. Daniels, TN R.L.S. #1489
Daniels & Associates, Inc.



SETBACKS

Zoning "RS15"
 Side - 10'
 Rear - 20'
 Front - 77.1'

#3737 - 74.8'
 #3745 - 84.6'
 #3747 - 82.4'
 #3751 - 66.7'

Avg. $308.5 / 4 = 77.1'$

**House Setback Plan
 ABNER & MARY RODGERS**

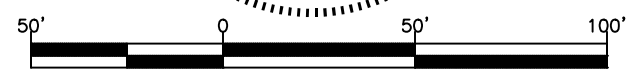
3757 Westport Drive
 Davidson County, Tennessee

prepared by:
DANIELS & ASSOCIATES, INC.
 LAND SURVEYING - LAND PLANNING - CONSULTING
 4701 Trousdale Drive, Suite 121
 Nashville, Tennessee 37220

615-837-3664 (o) email:gdan3629@bellsouth.net
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Date: April 9, 2020 Scale: 1"=50'
 Sheet No. 1 of 1 Project No.: 18-009



N

NOTE: Contours were scaled from the Metro GIS data.

20' Public Utility & Drainage Easement

PROPOSED 15" PIPE

WESTPORT DRIVE
(50' RW by plat)

N 75°58'45" E 297.65'

LOT 1
(315)
48,733 Sq. Ft. or
1.12 Ac.±

N 59°58'11" E
20.94'

NOTE: Cross-hatched area is noted as "Access Way" in Deed Book 9591, Page 379. It is not included in Burton Farms, Plat Book 9700, Page 634.

Existing Garage

PROPOSED HOUSE

Map 048, Parcel 094.00
Lot 2, Mary H. Rodgers Subd.
Inst. No. 20180716-0068993
R.O.D.C. TN

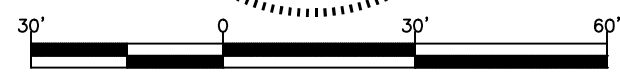
SETBACKS

Zoning "RS15"
Side - 10'
Rear - 20'

N 31°06'53" W 367.45'

N 55°50'28" E 291.21'

James Buckner
Inst. No.
20010305-0020407R.O.D.C. TN
Lot 2, Burton Farms Subd.
Plat Book 9700, Page 634
R.O.D.C. TN



Site Plan
ABNER & MARY RODGERS

3757 Westport Drive
Davidson County, Tennessee

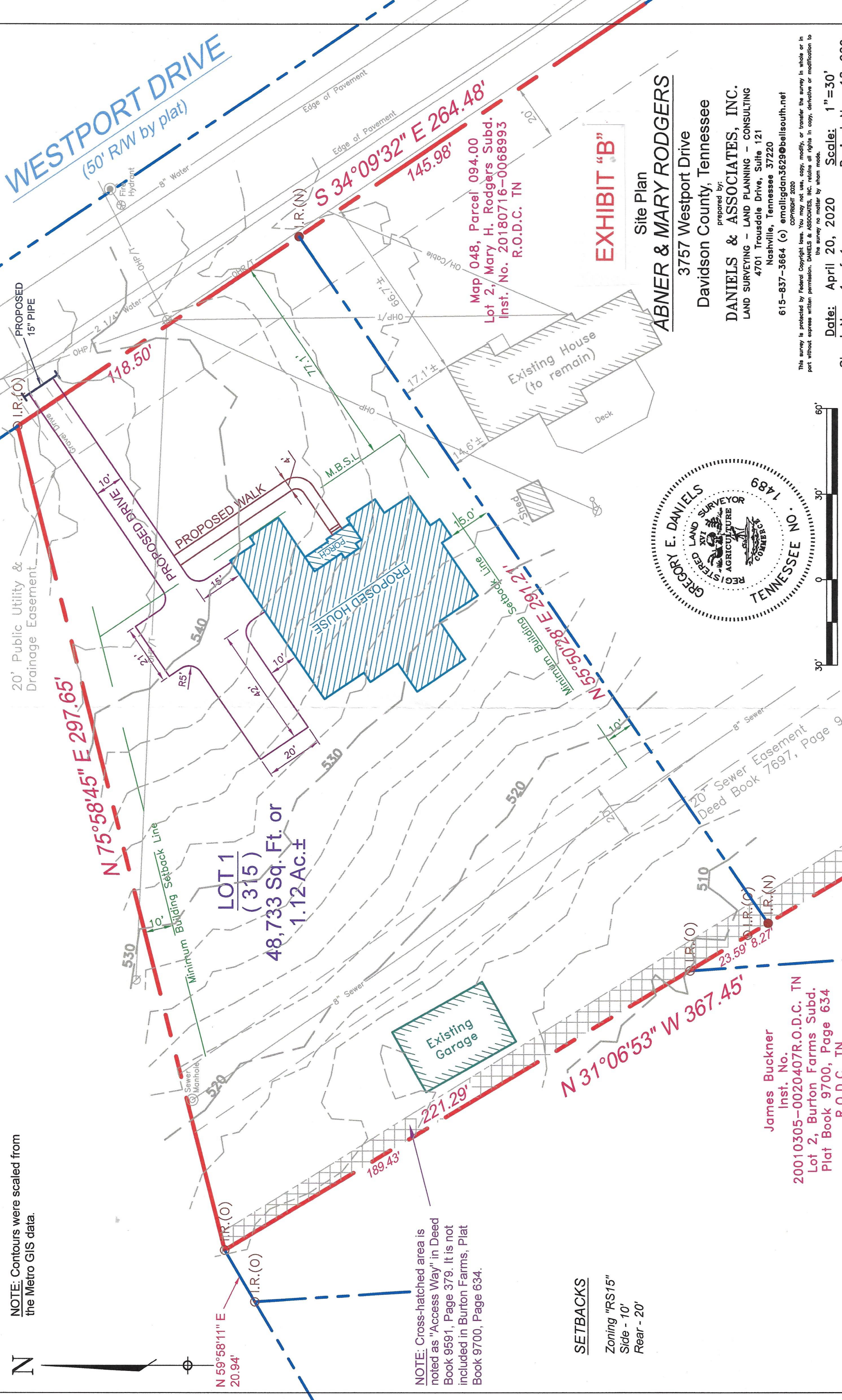
prepared by:
DANIELS & ASSOCIATES, INC.
LAND SURVEYING - LAND PLANNING - CONSULTING
4701 Trousdale Drive, Suite 121
Nashville, Tennessee 37220

615-837-3664 (o) email:gdan3629@bellsouth.net

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Date: April 20, 2020 Scale: 1"=30'
Sheet No. 1 of 1 Project No.: 18-009

NOTE: Contours were scaled from the Metro GIS data.



NOTE: Cross-hatched area is noted as "Access Way" in Deed Book 9591, Page 379. It is not included in Burton Farms, Plat Book 9700, Page 634.

SETBACKS
Zoning "RS15"
Side - 10'
Rear - 20'

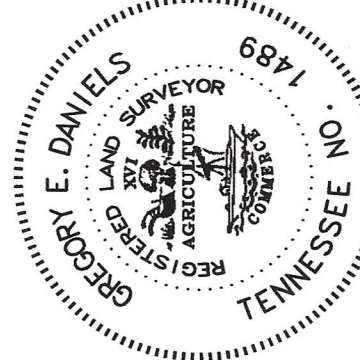


EXHIBIT "B"

Site Plan
ABNER & MARY RODGERS
3757 Westport Drive
Davidson County, Tennessee

prepared by:
DANIELS & ASSOCIATES, INC.
LAND SURVEYING - LAND PLANNING - CONSULTING
4701 Trousdale Drive, Suite 121
Nashville, Tennessee 37220
615-837-3664 (o) email:gdan3629@bellsouth.net
COPYRIGHT 2020

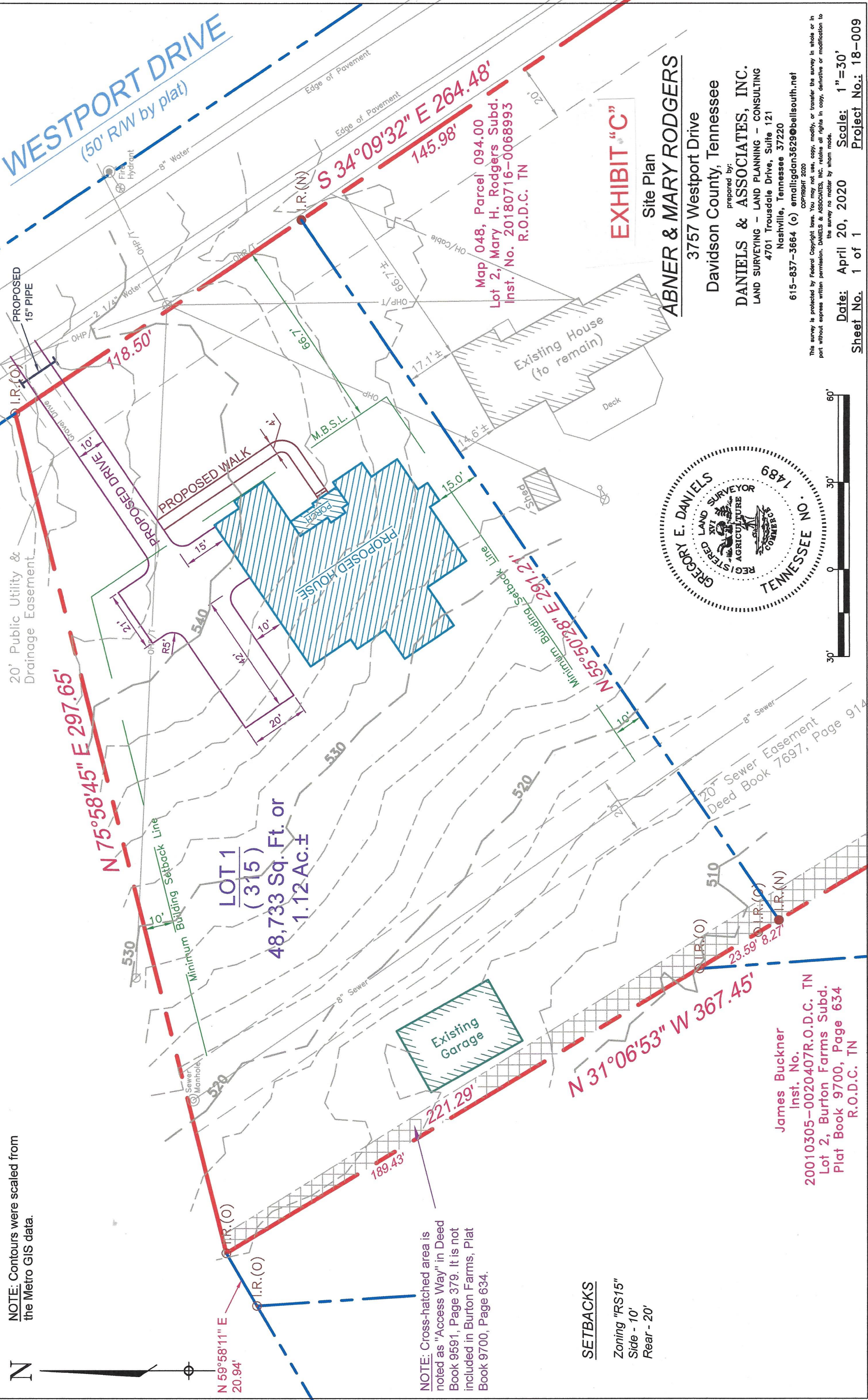
James Buckner
Inst. No.
20010305-0020407R.O.D.C. TN
Lot 2, Burton Farms Subd.
Plat Book 9700, Page 634
R.O.D.C. TN

Map 048, Parcel 094.00
Lot 2, Mary H. Rodgers Subd.
Inst. No. 20180716-0068993
R.O.D.C. TN

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Date: April 20, 2020 Scale: 1"=30'
Sheet No. 1 of 1 Project No.: 18-009

NOTE: Contours were scaled from the Metro GIS data.

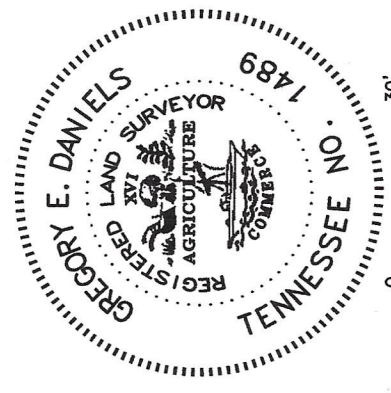


WESTPORT DRIVE
(50' RW by plat)

EXHIBIT "C"

Site Plan
ABNER & MARY RODGERS
3757 Westport Drive
Davidson County, Tennessee

prepared by:
DANIELS & ASSOCIATES, INC.
LAND SURVEYING - LAND PLANNING - CONSULTING
4701 Trousdale Drive, Suite 121
Nashville, Tennessee 37220
615-837-3664 (o) email:gdan3629@bellsouth.net



Date: April 20, 2020
Scale: 1"=30'
Sheet No. 1 of 1
Project No.: 18-009

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NOTE: Cross-hatched area is noted as "Access Way" in Deed Book 9591, Page 379. It is not included in Burton Farms, Plat Book 9700, Page 634.

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Side - 10'
Rear - 20'

James Buckner
Inst. No.
20010305-0020407R.O.D.C. TN
Lot 2, Burton Farms Subd.
Plat Book 9700, Page 634
R.O.D.C. TN

Map 048, Parcel 094.00
Lot 2, Mary H. Rodgers Subd.
Inst. No. 20180716-0068993
R.O.D.C. TN

Existing House
(to remain)

Existing Garage

LOT 1
(315)
48,733 Sq. Ft. or
1.12 Ac.±

N 75°58'45" E 297.65'

S 34°09'32" E 264.48'
145.98'

N 31°06'53" W 367.45'

N 55°50'28" E 291.21'

N 59°58'11" E 20.94'

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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Beau West Date: 4/20/2020
Property Owner: Alissa Graham Case #: 2020- ¹³⁶
Representative: Montcalm Construction Map & Parcel: _____

Council District 17

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

Purpose: The sole purpose of this appeal is to gain a full 2nd story on the garage as planned. The lot where it is planned to be placed is 276 sq.ft. under the 8000 sq.ft. it takes to put a secondary dwelling

Activity Type: _____
Location: 1103 Montrose Ave., Nashville, TN 37204

This property is in the R8 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Lot size. 276 sq. ft. short of the 8000 sq. ft. for secondary dwelling

Section(s): _____

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

Beau West
Appellant Name (Please Print)
5029 Stillwood Dr
Address
Nashville, TN 37220
City, State, Zip Code

Montcalm Construction LLC
Representative Name (Please Print)
Same as Appellant
Address

City, State, Zip Code

615-720-7405
Phone Number

Phone Number

Email

montcalmconstruction@gmail.com
Email

Appeal Fee

APPLICATION FOR A VARIANCE REQUEST

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


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

4/20/20
DATE

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

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

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

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

The property at 1103 Montrose Ave is 7,724 sqft. which is 276 sq. ft. under the required 8000 sq. ft. for a secondary dwelling. The owner of the property wants/needs a full second floor on the garage that is approved and has a permit in place. The need is that the extra height of the second floor provides the space necessary for the sculptures that the owner creates. The owner will keep the restrictive covenant that is in place already. There is no change to the footprint that has already been approved. The owner just needs the height that a full second story will give.



To Whom It May Concern:

The purpose of this appeal is to gain a secondary dwelling at 1103 Montrose Ave. Nashville, TN 37204. The lot size is 7,724sqft which is 276sqft smaller than the 8000sqft minimum for a secondary dwelling. The structure already has a permit (#2019074717) and construction is underway. The issue is the height of the building that is approved for the lot.

The proposed plans that were approved offer a smaller eve height and have height restrictions. We would like to be approved for a secondary dwelling so that we can extend the height to a full second story. The new plan shows the requested height of the second story. The structure we are proposing does not exceed the height of the main house or the height of the garage/apartment next door.

Again the goal is not to change the footprint of the structure or change the restrictive covenant that is in place and has been filed with the register of deeds. The goal is to obtain the height of a full second story.

Sincerely,

Beau West

Montcalm Construction LLC.

Phone: 6157207405

Email: montcalmconstruction@gmail.com



A-2.3

SCALE
EXHIBIT A
ELEVATION



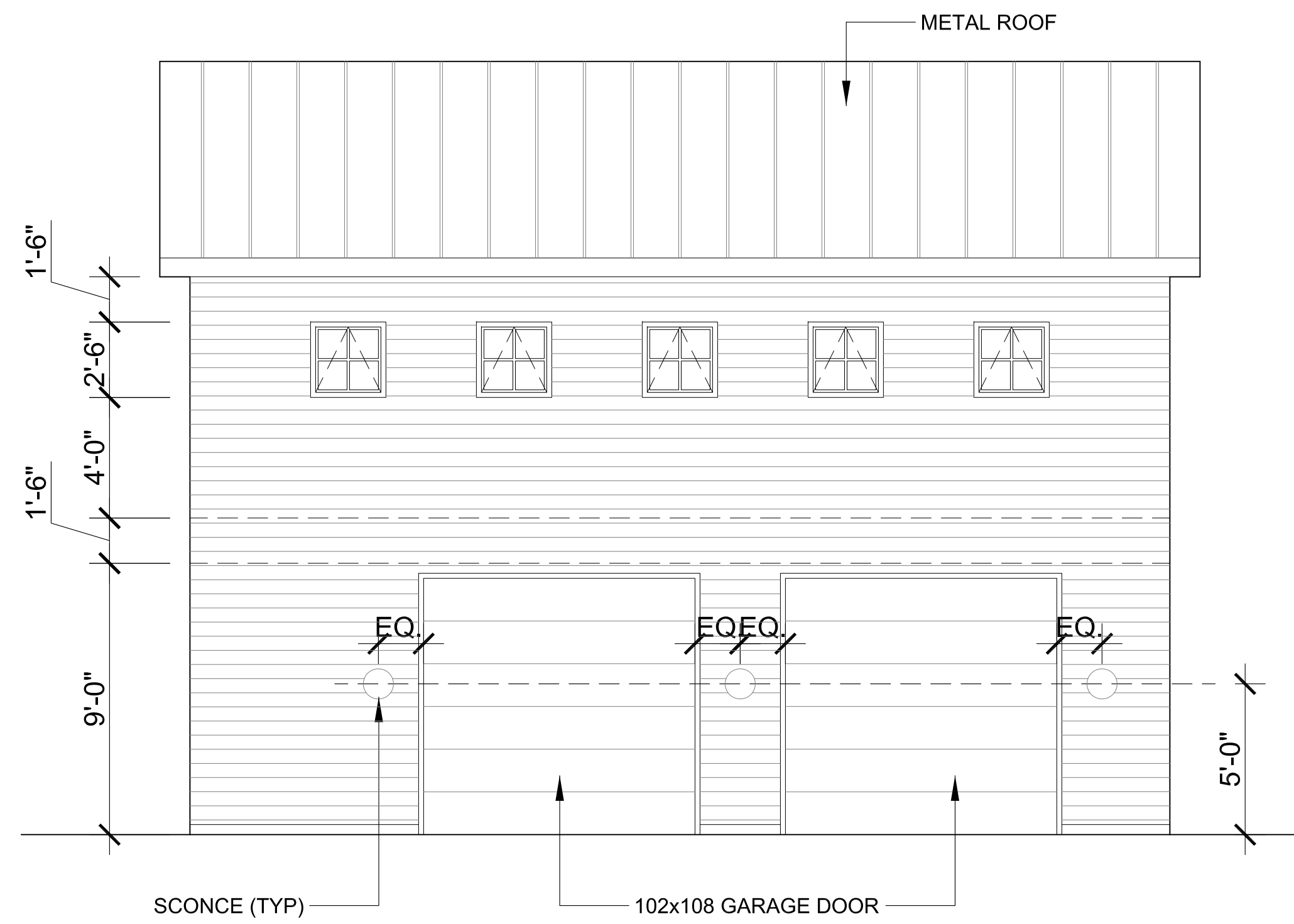
A RENOVATION FOR:
THE SIGLER RESIDENCE
1180 MONTROSS AVE.
NASHVILLE, TENNESSEE 37204

PERMIT SET

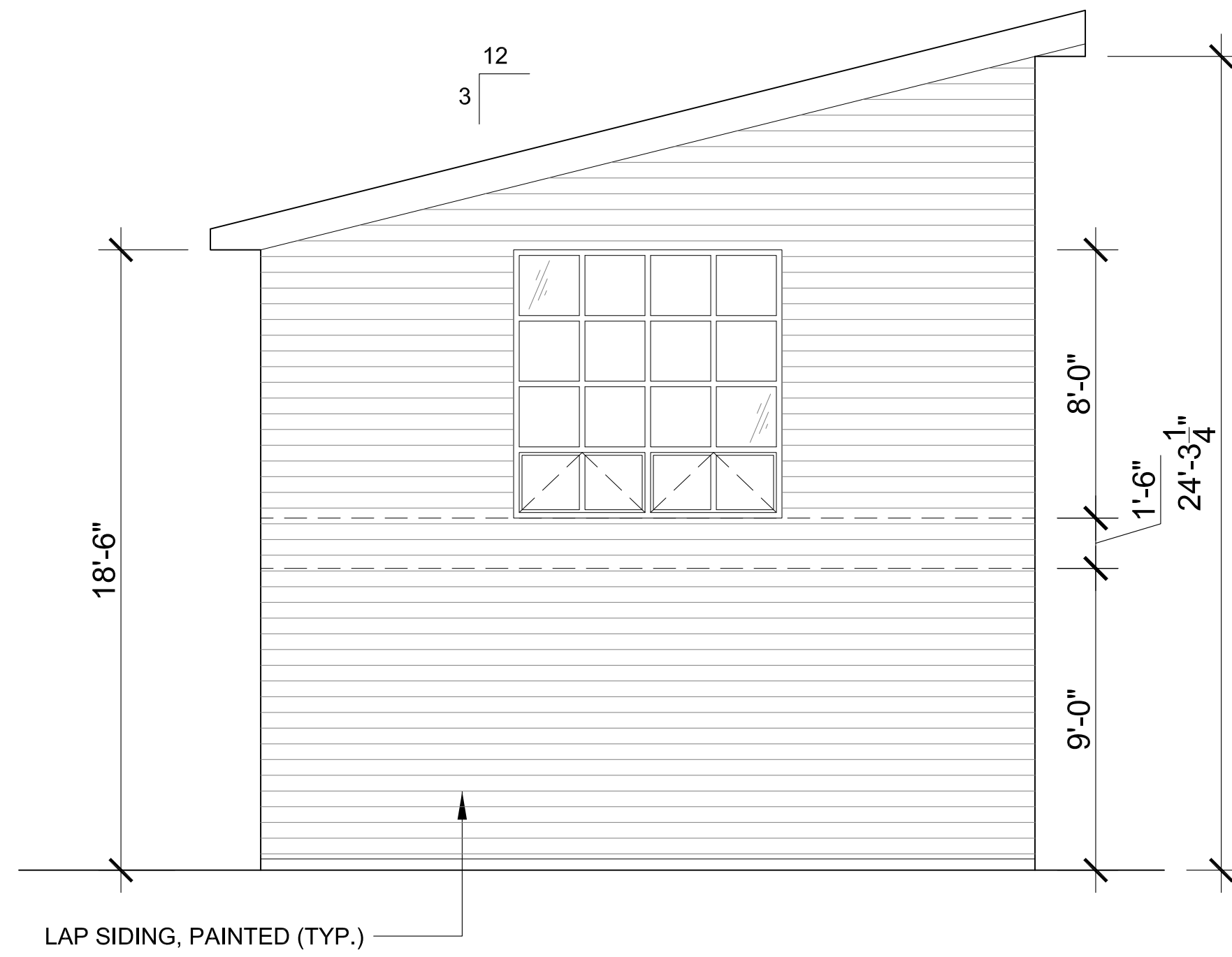


DATE OF PERMIT
NO. 2020-136

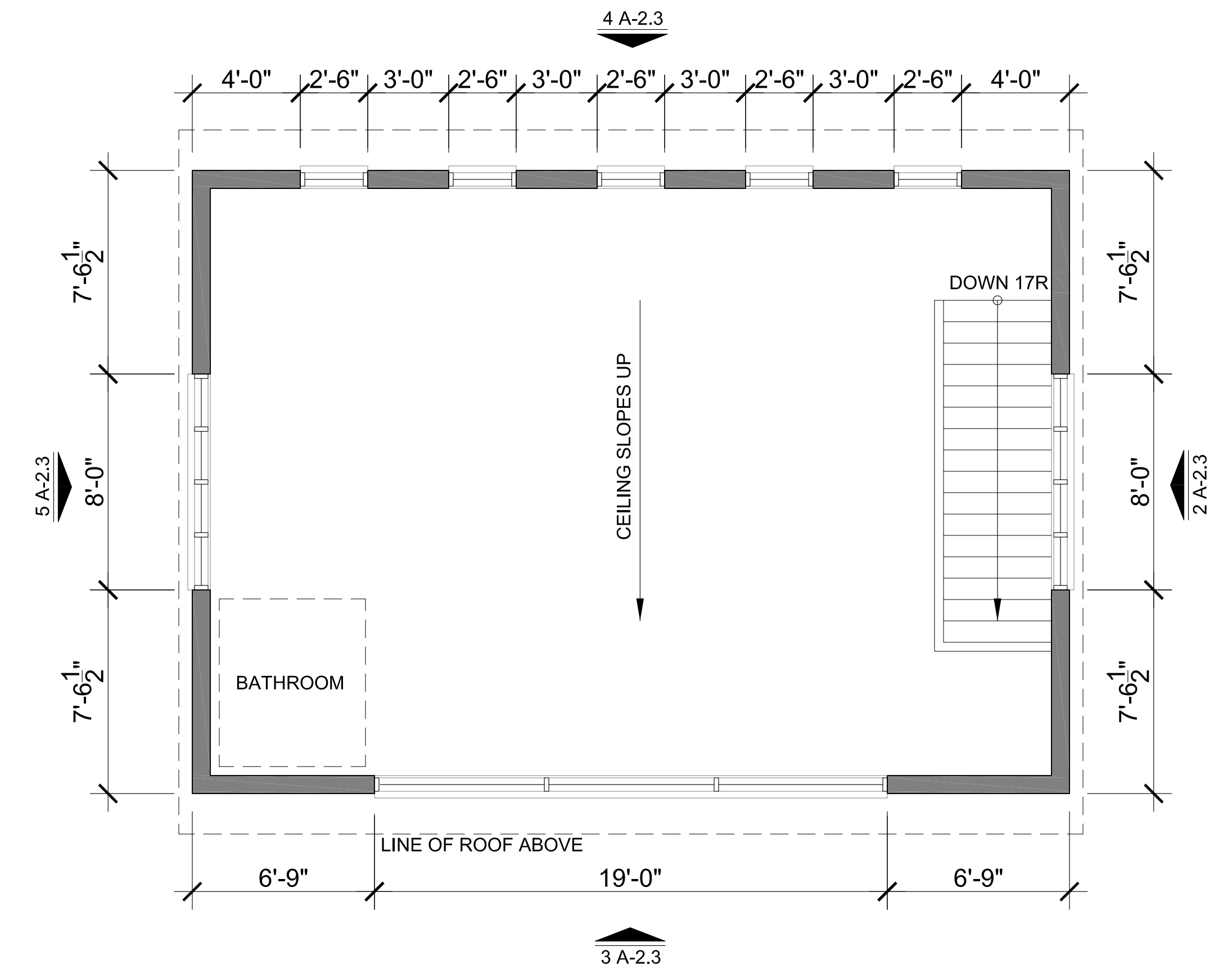
durdenarchitecture



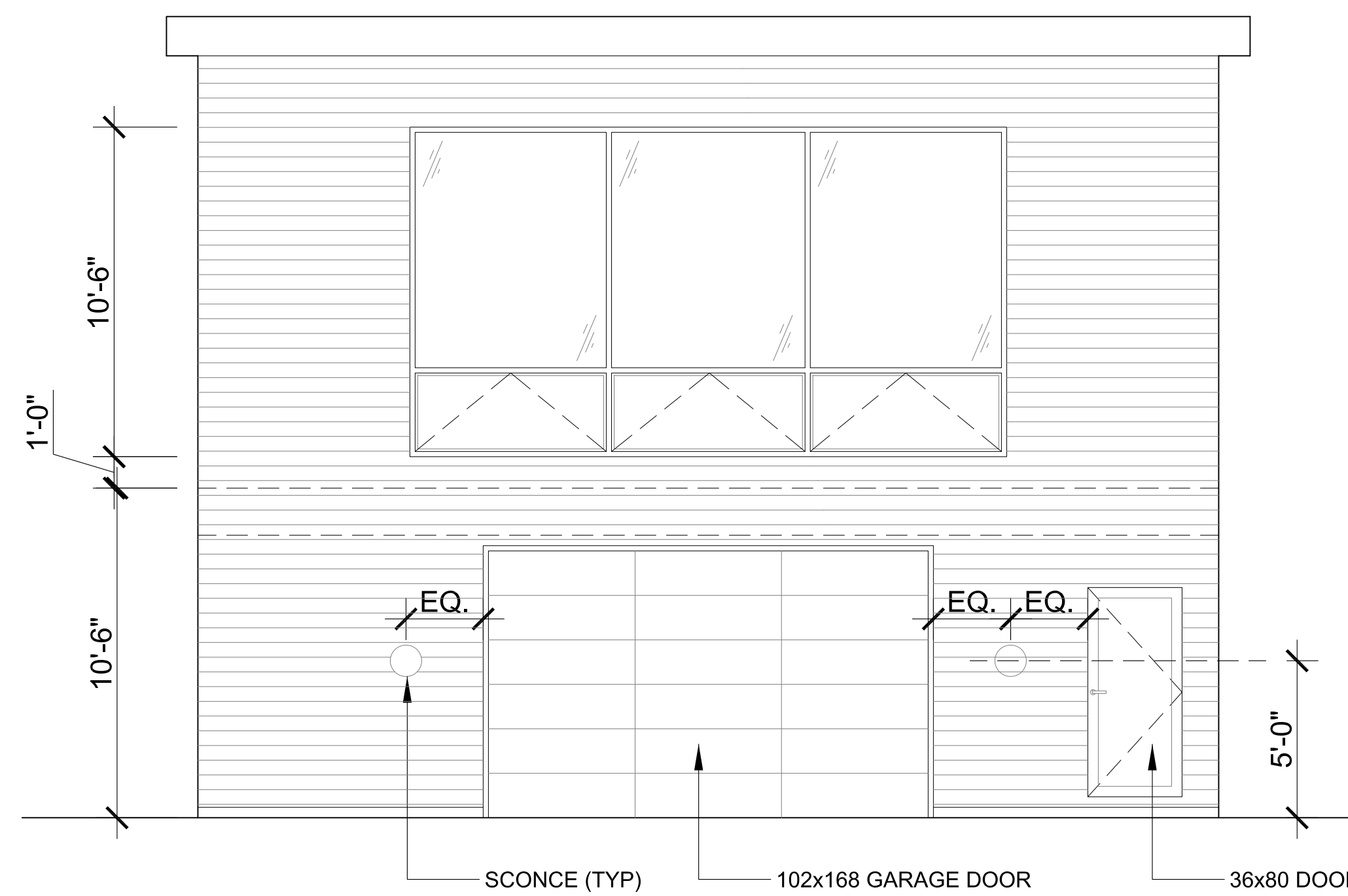
4 GARAGE REAR ELEVATION



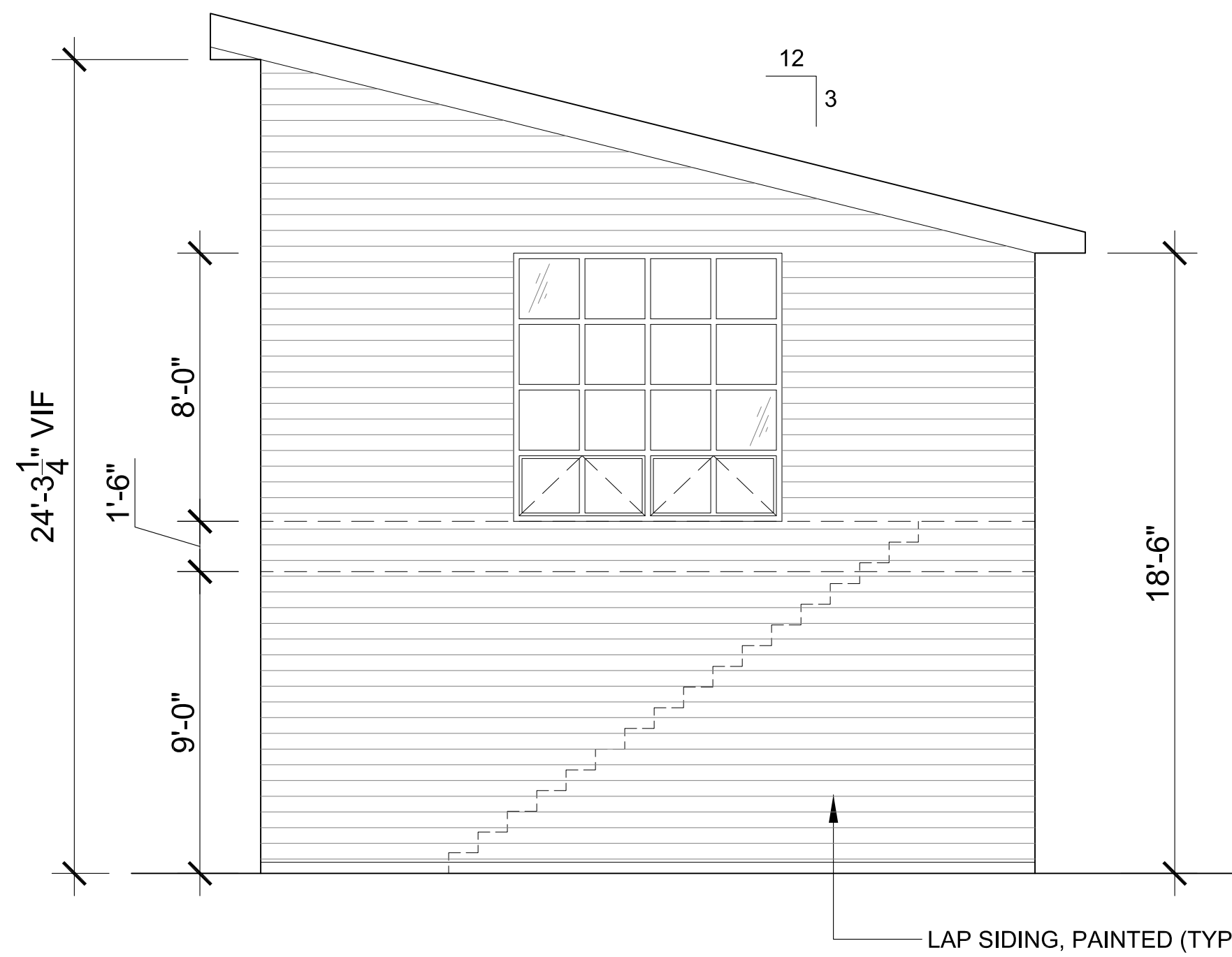
5 GARAGE SIDE ELEVATION



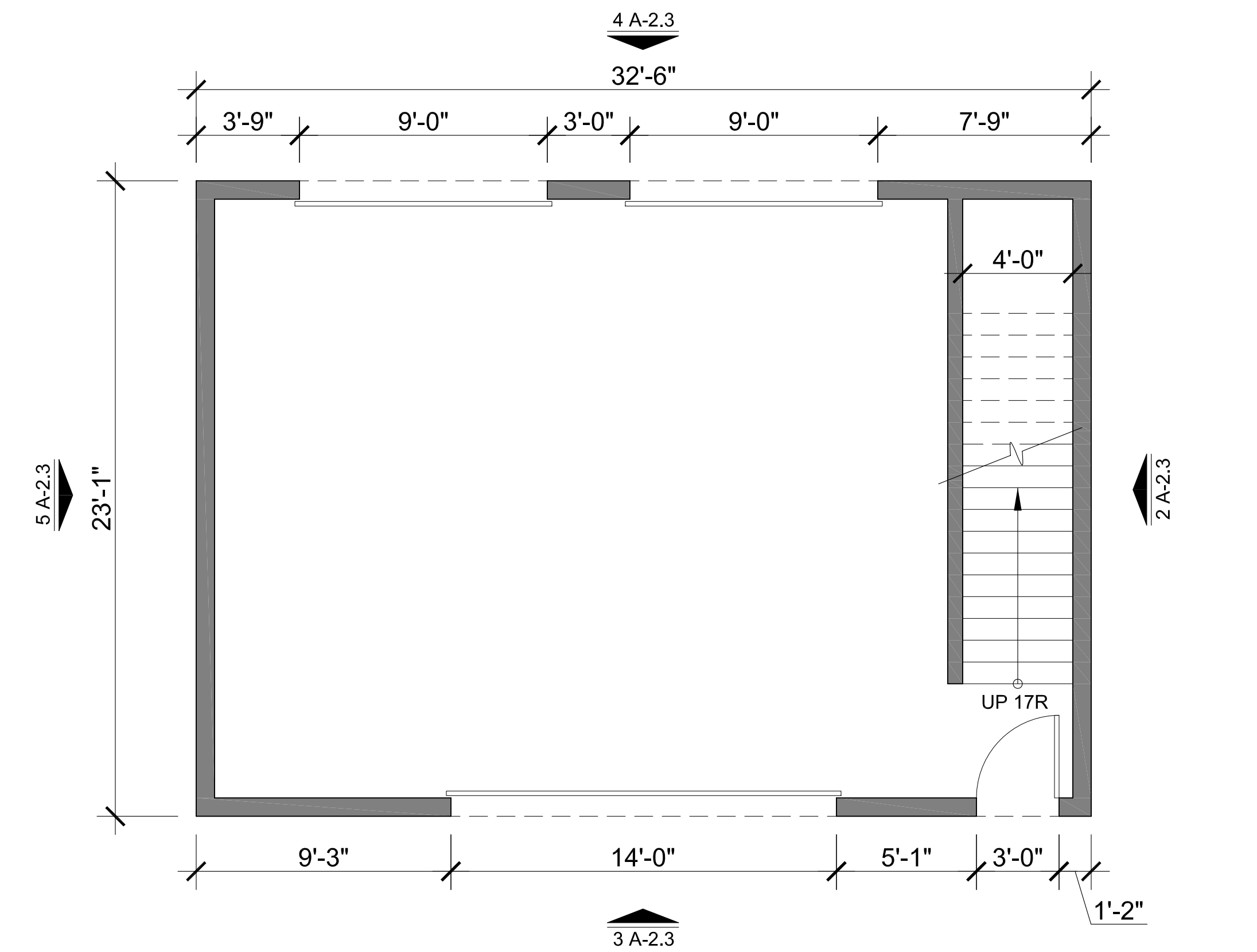
6 GARAGE UPPER LEVEL FLOOR PLAN



3 GARAGE FRONT ELEVATION



2 GARAGE SIDE ELEVATION



1 GARAGE MAIN LEVEL FLOOR PLAN

A-2.3

OWNER
GRAHAM RESIDENCE
 1103 MONTROSE AVENUE
 NASHVILLE, TN 37204

CONTRACTOR
MONTCALM CONSTRUCTION LLC
 5029 STILLWOOD DRIVE
 NASHVILLE, TN 37220

DATE: 4-20-2020
 SCALE: 1/4" = 1'-0"
 SHEET SIZE: 24x36

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Cathey, Eben \(Planning\)](#)
Subject: BZA items in D17
Date: Thursday, May 28, 2020 9:04:46 AM

Good morning, all,

Here are my positions on upcoming BZA items in District 17:

2020-78: I **oppose** this appeal for a STR permit, based on the many warnings the property received.
2020-136: I am **neutral** on this DADU appeal, as the property is within 90 percent of the standard lot size for such a structure.

Thanks,

Colby

Colby Sledge
Metro Councilmember, District 17
(615) 442-3727
[Sign up for my weekly newsletter here!](#)

A RENOVATION FOR:
THE SIGLER RESIDENCE
1103 MONTROSE AVE.
NASHVILLE, TENNESSEE 37204

INDEX OF DRAWINGS

	INDEX
	SURVEY
A-0.1	ARCHITECTURAL SITE PLAN
S-1.1	FOUNDATION PLAN
D-1.1	MAIN LEVEL DEMOLITION PLAN
A-1.1	MAIN LEVEL FLOOR PLAN
A-1.2	UPPER LEVEL FLOOR PLAN
A-1.3	ROOF PLAN
A-2.1	ELEVATIONS
A-2.2	ELEVATIONS
A-2.3	GARAGE FLOOR PLAN & ELEVATIONS
A-3.1	BUILDING SECTIONS
A-4.1	WALL SECTIONS

FEBRUARY 01, 2018

durdenarchitecture

476 CAMDEN ST. SUITE 106 NASHVILLE, TN 37204
TEL: 615.382.4747

GENERAL NOTES:

THE ARCHITECT IS SOLELY RESPONSIBLE FOR THE DESIGN INTERPRETATION OF THE CONSTRUCTION DOCUMENTS.
 UNLESS OTHERWISE PROVIDED IN THE CONTRACT DOCUMENTS, THE ARCHITECT'S DESIGN SHALL BE SUBJECT TO THE FOLLOWING: PERMITS AND GOVERNMENTAL FEES, LICENSES AND INSPECTIONS NECESSARY FOR THE PROJECT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR AND ARE TO BE OBTAINED PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL LOCATE ALL UTILITIES AND OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

THE CONTRACTOR SHALL TAKE THE FIELD MEASUREMENTS AND VERIFY FIELD CONDITIONS PRIOR TO THE START OF CONSTRUCTION. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

THE GENERAL CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN OF ALL MECHANICAL, ELECTRICAL, PLUMBING, AND HVAC SYSTEMS. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

ALL TELEPHONE WORK SHALL BE COORDINATED BY THE GENERAL CONTRACTOR. THE CONTRACTOR SHALL PROVIDE TELEPHONE COMPANIES WITH ALL NECESSARY INFORMATION. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

THE TELEPHONE SYSTEM AND FINISHES SHALL BE PROVIDED BY THE TELEPHONE COMPANY. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

UNLESS NOTED OTHERWISE, "TYPICAL" MEANS IDENTICAL FOR ALL ELEMENTS OF THE SAME TYPE AND MATERIAL. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE. DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

DIMENSIONS ARE NOTED AS FOLLOWS UNLESS OTHERWISE NOTED: COLUMNS- FROM CENTERLINE TO CENTERLINE; INTERIORS- FROM FACE OF PARTITION TO FACE OF PARTITION; EXTERIORS- FROM FACE OF CURB OR WALKWAY TO FACE OF CURB OR WALKWAY; ROOFS- FROM EXTERIOR FACE OF WALL TO CENTER LINE OF SIP; EGG-PLANS- FROM EXTERIOR FACE OF WALL TO CENTER LINE OF SIP UNLESS OTHERWISE NOTED.

THE CONTRACTOR SHALL PROVIDE INTERIOR DOORS AS REQUIRED TO CLEAR FLOOR FINISH BY 1/4" UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL PROVIDE INTERIOR DOORS AS REQUIRED TO CLEAR FLOOR FINISH BY 1/4" UNLESS NOTED OTHERWISE. THE CONTRACTOR SHALL PROVIDE INTERIOR DOORS AS REQUIRED TO CLEAR FLOOR FINISH BY 1/4" UNLESS NOTED OTHERWISE.

THE CONTRACTOR SHALL PROVIDE THE FOLLOWING: ELECTRICAL PANELS, TELEPHONE EQUIPMENT, MECHANICAL EQUIPMENT, AND ALL OTHER EQUIPMENT AS SHOWN ON THE DRAWINGS. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

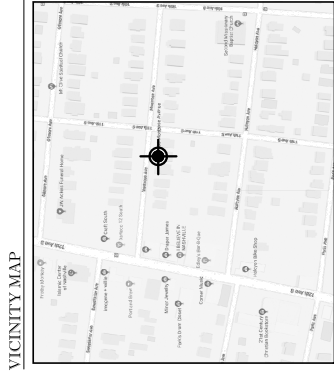
UNLESS RETAINED OTHERWISE, PRELIMINARY FIELD MEASUREMENTS FOR LAYOUT SHALL BE INSTALLED TO THE CENTERLINE OF THE PARTITION. UNLESS OTHERWISE NOTED, THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

GRAPHIC SYMBOLS

- PARK NUMBER (REFER TO PARK SCHEDULE)
- WINDOW TYPE (REFER TO WINDOW SCHEDULE)
- ROOM / SPACE NAME
- REVISION
- INTERIOR ELEVATION MARKER (ELEV # / STREET #)
- EXTERIOR ELEVATION MARKER (ELEV # / STREET #)
- PLAN DETAIL / WALL SECTION REFERENCE
- SECTION REFERENCE (ELEV # / STREET #)



PROJECT DESCRIPTION / SCOPE OF WORK
 THE SCOPE OF WORK FOR THIS PROJECT INCLUDES A RENOVATION TO THE EXISTING RESIDENTIAL PROPERTY LOCATED AT 104 MONTROSE AVE IN NASHVILLE, TENNESSEE 37204.



PROJECT TEAM

ARCHITECT:
 DURDEN ARCHITECTURE
 478 BRIMBARD ST. #108
 NASHVILLE, TN 37204
 TEL: (615) 259-1147

CONTRACTOR:
 WHITE STONE ENTERPRISES
 104 MONTROSE AVE
 NASHVILLE, TN 37204
 TEL: (615) 259-8000

PLAN REVIEW DATA
 GOVERNING CODES: 2020 INTERNATIONAL RESIDENTIAL CODE



PERMIT SET

A RENOVATION FOR:
THE SIGLER RESIDENCE
 1103 MONTROSE AVE.
 NASHVILLE, TENNESSEE 37204

DATE: 02-21-18
 REVISIONS:

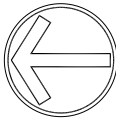
INDEX



VICINITY MAP



TOTAL AREA
7,817 Sq. Ft. (0.180 ACRES ±)



TN STATE PLANE
NAD 83

GRAPHIC SCALE



BM-CHISELED SQUARE
ON TOP OF CURB
ELEV. = 575.70
(NGVD 29)

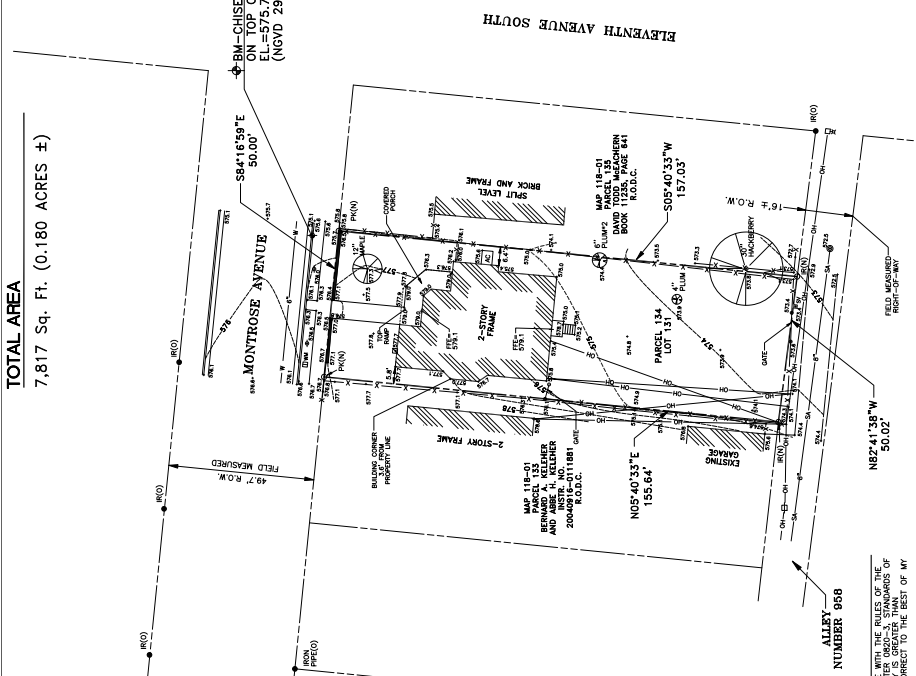
- NOTES**
- 1) THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN. THE SURVEYOR HAS RESEARCHED THE RECORDS OF THE CITY OF NASHVILLE AND HAS ADVISED THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE THE MOST CURRENT RECORDS AVAILABLE. THE SURVEYOR HAS ADVISED THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE THE MOST CURRENT RECORDS AVAILABLE. THE SURVEYOR HAS ADVISED THAT THE UNDERGROUND UTILITIES SHOWN ON THIS PLAN ARE THE MOST CURRENT RECORDS AVAILABLE.
 - 2) UPON RECEIVING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD ZONING MAPS, THE SURVEYOR HAS ADVISED THAT THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA (MAP NOT IN FILE).
 - 3) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH WOULD DISCLOSE.
 - 4) THE SURVEYOR HAS ADVISED THAT THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA (MAP NOT IN FILE).

SETBACKS FOR 'RB' ZONING
SIDE-SETBACK: 5'-0"
REAR-SETBACK: 20'-0"

BOUNDARY AND TOPOGRAPHIC SURVEY OF MAP 118-01 PARCEL 134 11103 MONTROSE AVENUE NASHVILLE, DAVIDSON COUNTY, TENNESSEE

SCALE: 1"=20' DATED: APRIL 1, 2013

JOB NUMBER 13051 BB



LEGEND

IRON ROD NEW	○ (R(N))
PK NAIL NEW	○ (P(N))
IRON ROD OLD	○ (R(O))
PK NAIL OLD	○ (P(O))
MANHOLE	○ (M)
WATER METER	○ (W)
GAS METER	○ (G)
UTILITY POLE W/ LIGHT	○ (L)
PROPERTY LINE	— (D)
OVERHANG/CANOPY	— (O)
WATER LINE	— (W)
FRANCE LINE	— (F)
WALL	— (W)
EDGE OF CONCRETE	— (C)
CURB AND GUTTER	— (G)

PLAT REFERENCE

LOT 131 ON THE PLAN OF MAP 118-01 PARCEL 134 INSTRUMENT NO. 20000331-0022485 REGISTERED RECORD-RECORD PROPERTY RECORDS REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE

DEED REFERENCE

MAP 118-01 PARCEL 134 INSTRUMENT NO. 20000331-0022485 REGISTERED RECORD-RECORD PROPERTY RECORDS REGISTER'S OFFICE FOR DAVIDSON COUNTY, TENNESSEE

SURVEYOR'S CERTIFICATION

I, THE SURVEYOR, HAVE PERSONALLY EXAMINED THE SUBJECT PROPERTY AND THE RECORDS OF THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS, CHAPTER (B)21-8, STANDARDS OF PRACTICE, AND HAVE FOUND THAT THE SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

—PREPARED BY—
CHERRY AND SURVEYING, INC.
NASHVILLE, TENNESSEE 37204
(615) 259-1100
FAX (615) 259-9345
EMAIL: BR@CHERRYANDSURV.NET



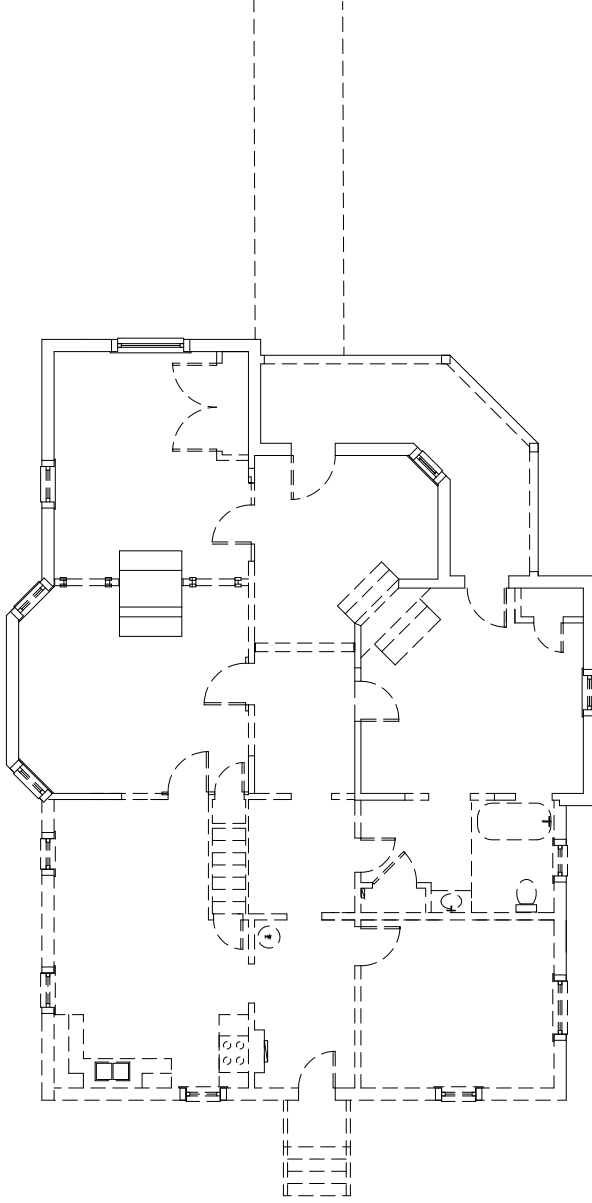
PERMIT SET

A RENOVATION FOR:
THE SIGLER RESIDENCE
1103 MONTROSE AVE.
NASHVILLE, TENNESSEE 37204

DATE: 02-01-18
REVISIONS:

MAIN LEVEL
DEMOLITION PLAN

D-1.1



WALL LEGEND	
	EXISTING CONSTRUCTION TO REMAIN
	EXISTING TO BE REMOVED

Main Level Demolition Plan

Scale: 1/4" = 1'-0"



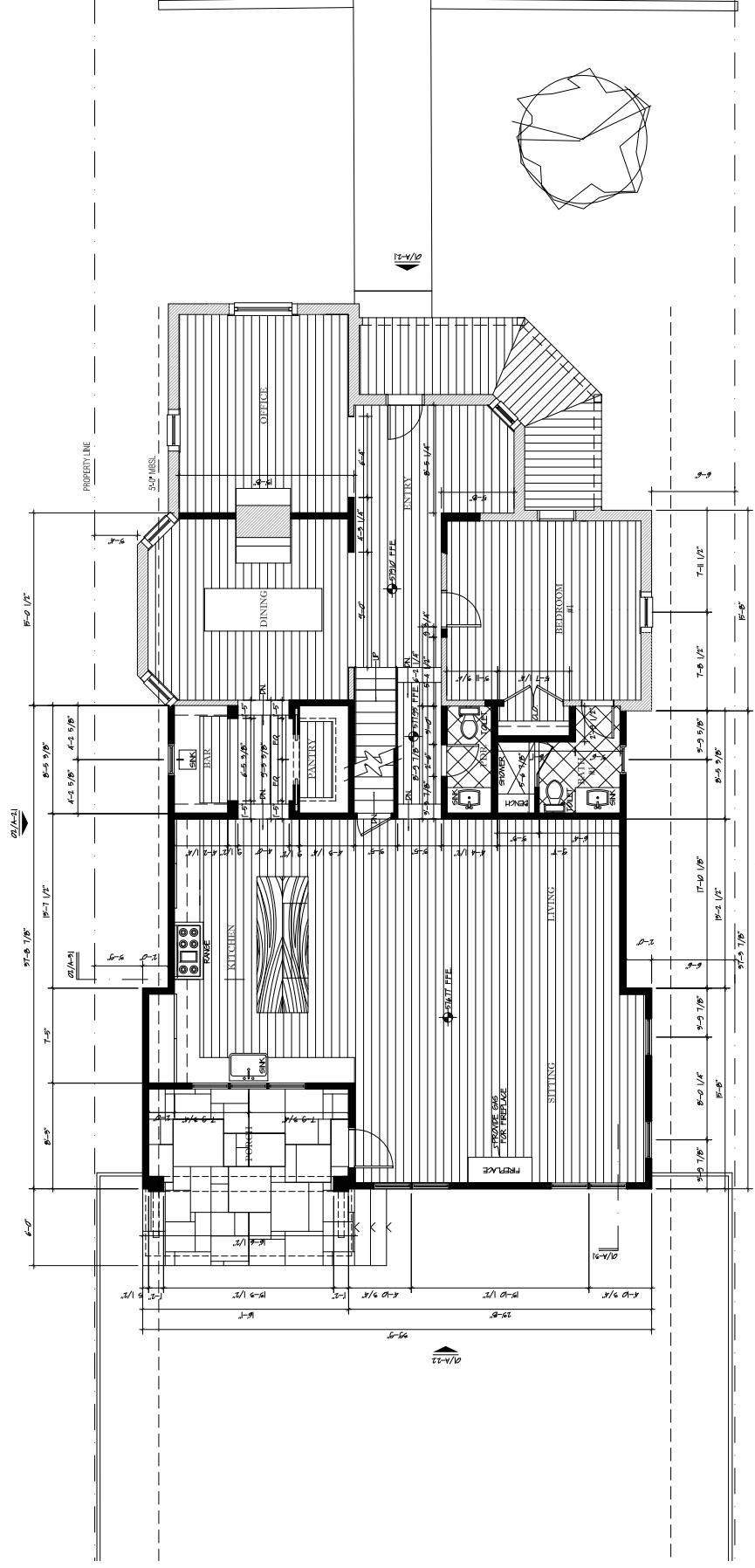
PERMIT SET

A RENOVATION FOR:
THE SIGLER RESIDENCE
1103 MONTROSE AVE.
NASHVILLE, TENNESSEE 37204

DATE: 02-11-18
REVISIONS:

MAIN LEVEL FLOOR PLAN

A-1.1



WALL LEGEND

	EXISTING CONSTRUCTION TO REMAIN
	NEW CONSTRUCTION

Main Level Floor Plan

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



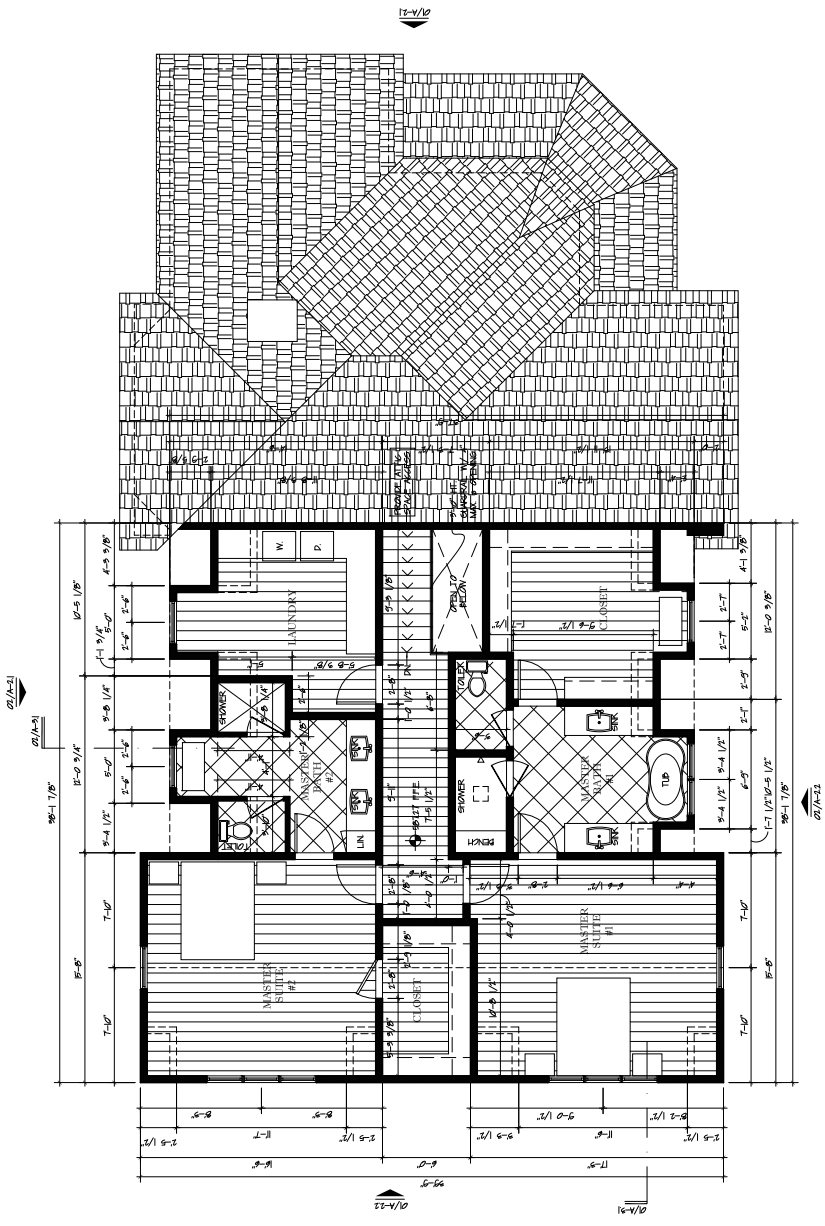
PERMIT SET

A RENOVATION FOR:
THE SIGLER RESIDENCE
1103 MONTROSE AVE.
NASHVILLE, TENNESSEE 37204

DATE: 02-01-18
REVISIONS:

UPPER LEVEL FLOOR PLAN

A-1.2



Upper Level Floor Plan

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



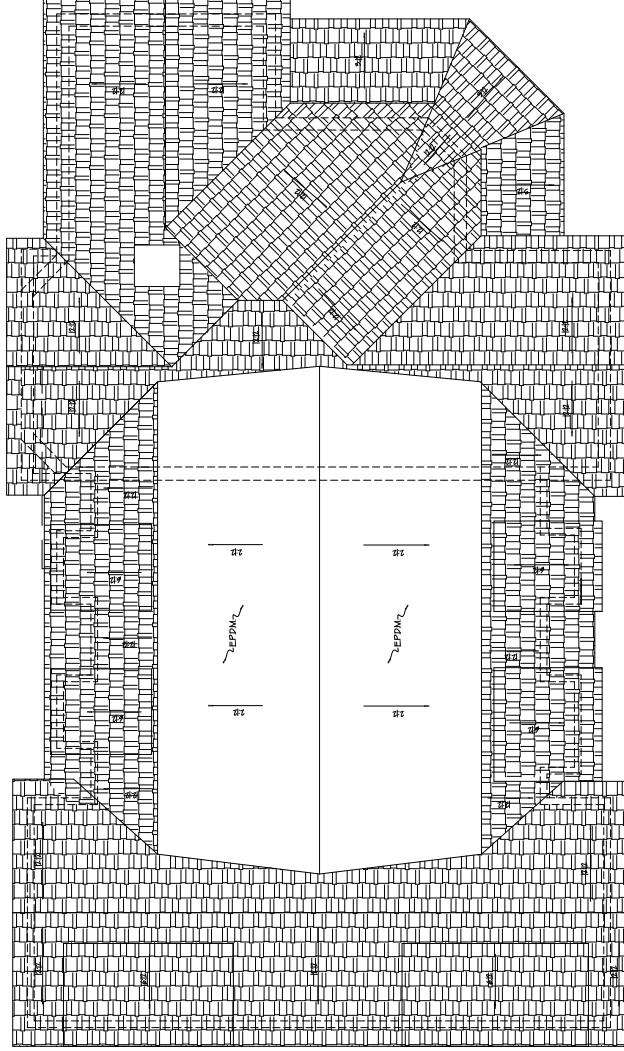
PERMIT SET

A RENOVATION FOR:
THE SIGLER RESIDENCE
1103 MONTROSE AVE.
NASHVILLE, TENNESSEE 37204

DATE: 02-21-18
REVISIONS:

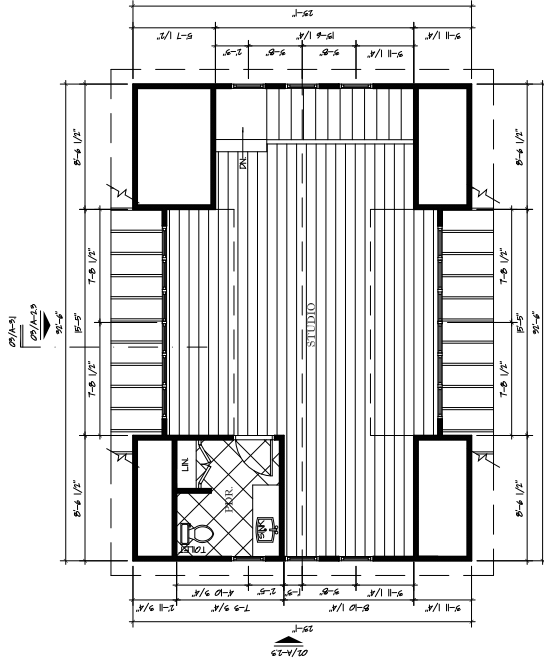
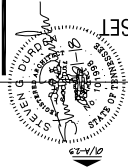
ROOF PLAN

A-1.3

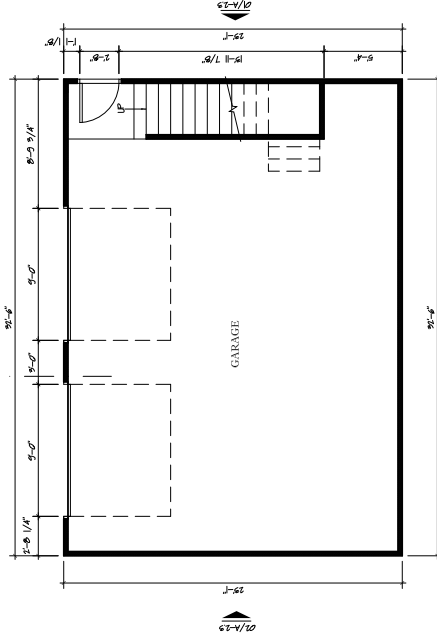


Roof Plan

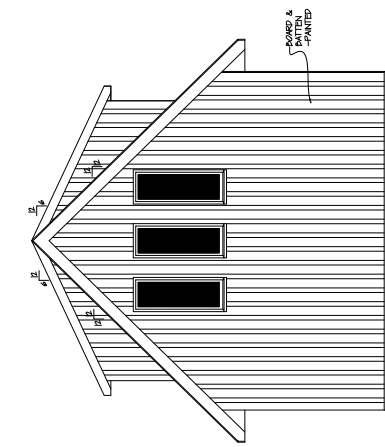
SCALE: 1/4" = 1'-0"



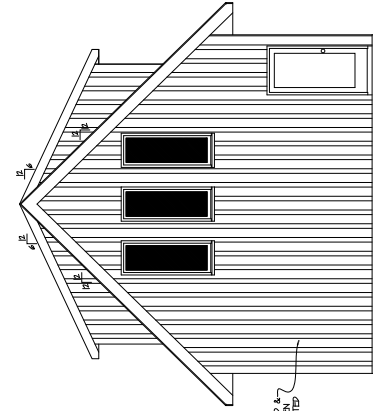
01 Garage Upper Level Floor Plan



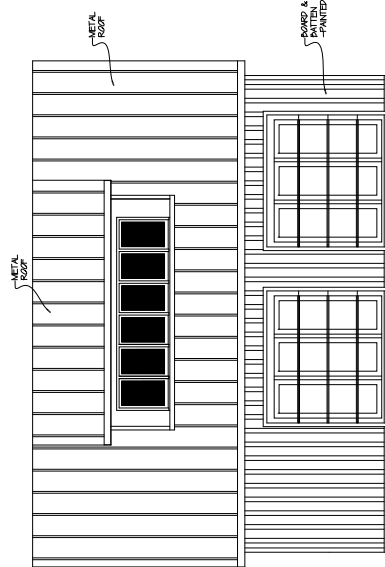
02 Garage Main Level Floor Plan



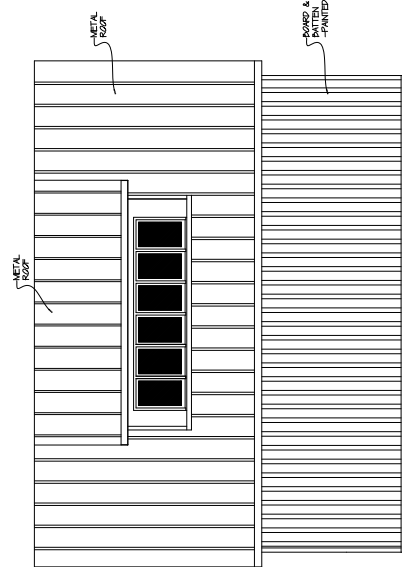
02 Garage Rear Elevation



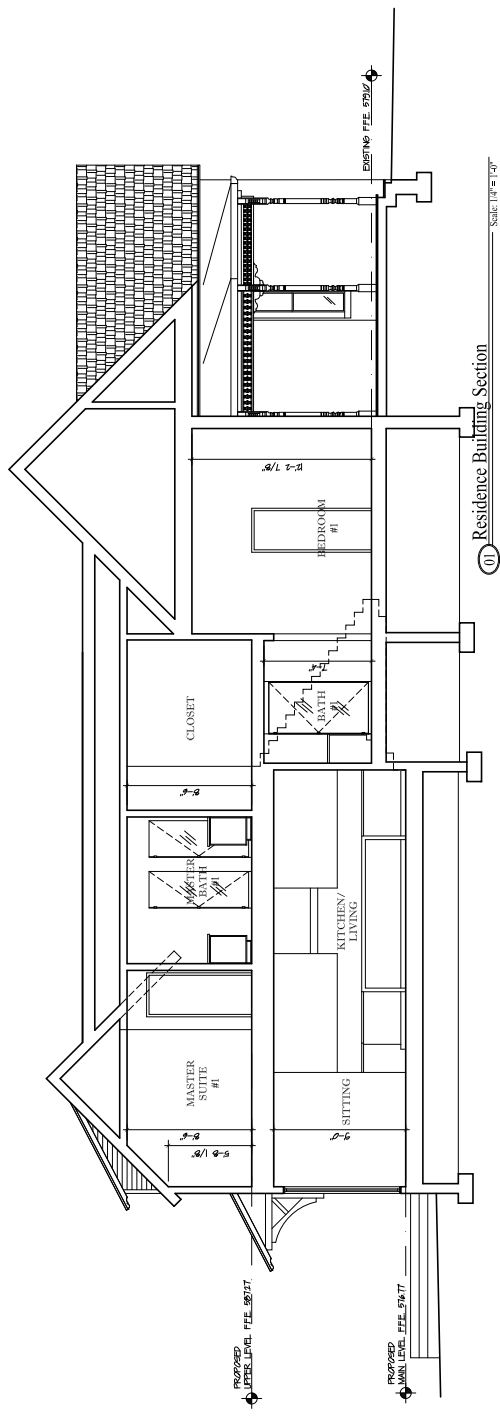
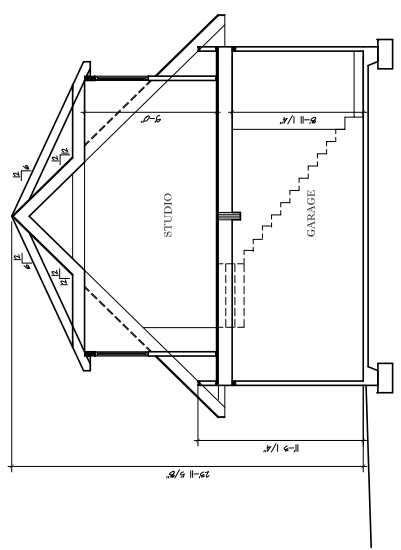
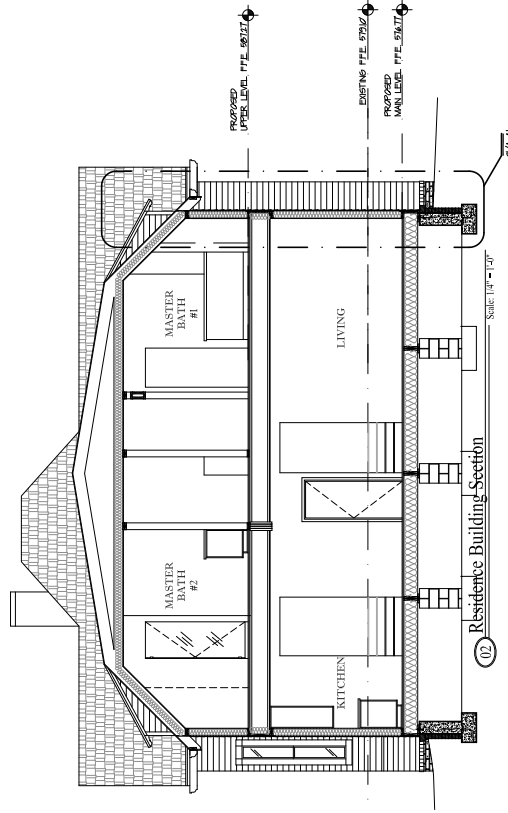
01 Garage Front Elevation



03 Garage Side Elevation



04 Garage Side Elevation

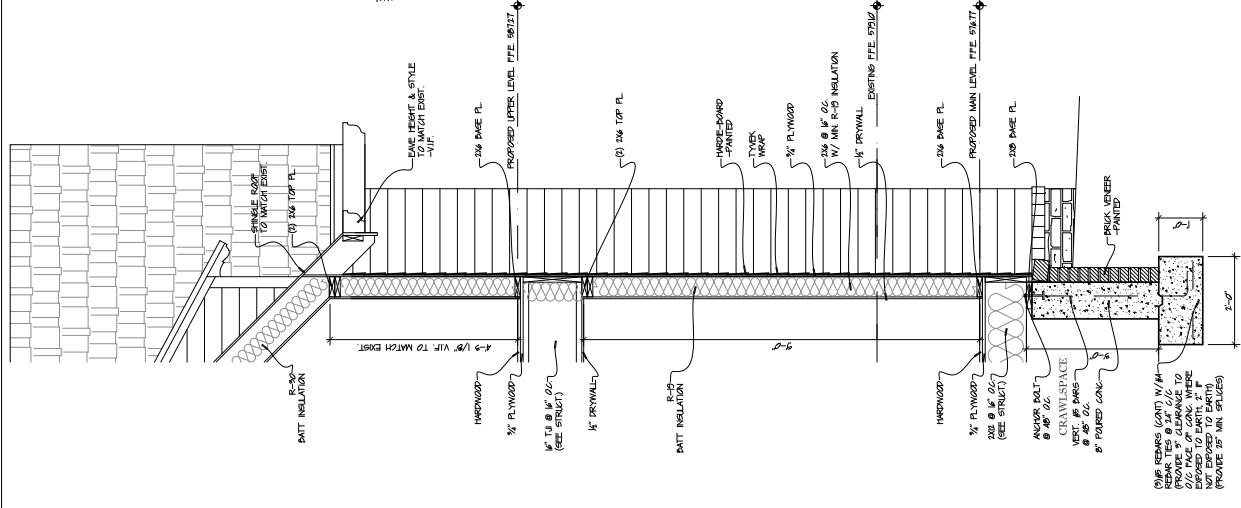




DATE: 02-21-18
REVISIONS:

WALL
SECTIONS

A-4.1



Wall Section - Typ. Scale: 1/4" = 1'-0"

ONE REBAR (COUNT 1) IN REBAR TIES @ 24" O.C. PROVIDE 3" CLEARANCE TO EXISTING CONCRETE. PROVIDE 2" CLEARANCE TO EXISTING CONCRETE. PROVIDE 3" MIN. SPACES (PROVIDE 3" MIN. SPACES)

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Andrew Bowen
Property Owner: ANDREW BOWEN
Representative: Taylor Lewis

Date: 1/15/2020
Case #: 2020-055
Map & Parcel: 082140A06000C0

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:

request to lessen the one year waiting period to apply for a permit
2016047451 expired in 9/2019

Activity Type: STRP

Location: 828 1st Ave N unit 828

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

Reason: item A' appeal requesting one year waiting period to be shortened.
Section(s): 17.16.010

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.

ANDREW BOWEN
Appellant Name (Please Print)

TAYLOR LEWIS
Representative Name (Please Print)

3202 Doak Ave
Address

3202 DOAK AVE
Address

37218
City, State, Zip Code

NASHVILLE, TN 37218
City, State, Zip Code

201.788.6963
Phone Number

901.605.1740
Phone Number

abowennyc@gmail.com
Email

lewisandpalm@gmail.com
Email

Appeal Fee: \$100



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



3274782

**RESIDENTIAL SHORT TERM RENTAL / CASR - 2016047451
PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO
[HTTP://STRP.NASHVILLE.GOV](http://STRP.NASHVILLE.GOV) FOR RENEWAL INSTRUCTIONS**

PARCEL: 082140A06000CO**APPLICATION DATE:** 09/07/2016**SITE ADDRESS:****ISSUED DATE:** 09/23/2016

828 1ST AVE N NASHVILLE, TN 37201
UNIT 828 RIVERFRONT CONDO 2ND AMEND

PARCEL OWNER: SHERRELL, KEN & TAMRA

APPLICANT: SHERRELL, KEN &
TAMRA
828 1ST AVE N
NASHVILLE, TN 37201

CONTACT: SHERRELL, KEN &
TAMRA

828 1ST AVE N
NASHVILLE, TN 37201
702-343-0875

PURPOSE:

BY MAKING THIS APPLICATION FOR A RESIDENTIAL SHORT TERM RENTAL PERMIT, I CERTIFY THAT I WILL COMPLY WITH ALL REQUIREMENTS OF ORDINANCE NO. BL2014-951, ORDINANCE NO. BL2014-909 AND ORDINANCE NO. BL2015-94...1 BEDROOM; 6 MAXIMUM OCCUPANCY. STRP 3; MULTIFAMILY.

Renew Short Term Rental Permit

RENEWSR

615-862-6517 Teresa.Moore@nashville.gov

Inspection requirements may change due to changes during construction.

Rental Unit Record

828 1st Avenue N, Nashville, TN 37201, USA

Active
Identified
Compliant

PRINT
SEND A LETTER

Listing(s) Information

Airbnb - 32495864 VRBO - 321.661153.1209027 Airbnb - 8580546



Rental Unit Information



Identified Address

828 1st Avenue N, Nashville, TN 37201, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.173520, -86.780650

Parcel Number

082140A06000

Owner Name

BOWEN, ANDREW C.

Owner Address

020 1ST AVE N
NASHVILLE, TN 37201, US

Registration / Permit Number

502444

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst 4LJZ

Explanation

The interior photos from the listing match a Zillow listing for this address. The contact's name for the listing matches the owner's name for the property.

Listing Photos

Matching 3rd Party Sources



The bedroom is the same.



The kitchen is the same.

📍 Zip Code Match

👤 Owner Name Match

🏠 City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/32495864
Listing Status	● Active
Host Compliance Listing ID	— air32495864
Listing Title	— Modern Rustic Riverfront Condo
Property type	— Condominium
Room type	— Entire home/apt
Listing Info Last Captured	— Jan 15, 2020
Screenshot Last Captured	— Dec 22, 2019
Price	— \$119/night
Cleaning Fee	— \$85

Information Provided on Listing

Contact Name	— Andrew
Latitude, Longitude	— 36.174190, -86.781820
Minimum Stay (# of Nights)	— 1
Max Sleeping Capacity (# of People)	— 4
Max Number of People per Bedroom	— 4
Number of Reviews	— 48
Last Documented Stay	— 11/2019

Listing Screenshot History

📷 View Latest Listing Screenshot

November 7

December 7

January 0

- Listing air32495864 Reposted January 16th, 2020
- ✕ Listing air32495864 Removed December 25th, 2019
- 📅 6 Documented Stays November, 2019
- 🚩 First Warning - No STR Permit: Delivered November 10th, 2019
- 🚩 First Warning - No STR Permit: Sent November 1st, 2019
- 📅 5 Documented Stays October, 2019
- ✓ Listing air32495864 Identified October 7th, 2019
- 📅 4 Documented Stays September, 2019
- 📅 7 Documented Stays August, 2019
- 📅 5 Documented Stays July, 2019
- 📅 7 Documented Stays June, 2019
- 📅 3 Documented Stays May, 2019
- 📅 3 Documented Stays April, 2019
- 📅 8 Documented Stays March, 2019
- ✕ Listing hma321.661153.1209027 Removed March 3rd, 2019
- ✕ Listing air8580546 Removed February 23rd, 2019
- ✳ Listing air32495864 First Crawled February 21st, 2019
- Listing air32495864 First Activity February 21st, 2019
- Listing air8580546 Reposted February 15th, 2019
- ✕ Listing air8580546 Removed February 13th, 2019
- 📅 2 Documented Stays January, 2019
- 📅 1 Documented Stay December, 2018
- Listing hma321.661153.1209027 Reposted December 27th, 2018
- ✕ Listing hma321.661153.1209027 Removed December 26th, 2018
- 📅 2 Documented Stays November, 2018
- 📅 7 Documented Stays October, 2018

- 📅 5 Documented Stays
September, 2018
- 📅 3 Documented Stays
August, 2018
- 📅 3 Documented Stays
July, 2018
- 📅 3 Documented Stays
June, 2018
- 📅 3 Documented Stays
May, 2018
- 📅 2 Documented Stays
April, 2018
- Listing hma321.661153.1209027 Reposted
April 24th, 2018
- ✘ Listing hma321.661153.1209027 Removed
April 19th, 2018
- ✉ Airbnb Letter: Delivered 📅
April 5th, 2018
- ✉ Airbnb Letter: Sent 📅
March 29th, 2018
- 📅 2 Documented Stays
March, 2018
- Listing hma321.661153.1209027 Reposted
February 26th, 2018
- ✘ Listing hma321.661153.1209027 Removed
February 21st, 2018
- Listing air8580546 Reposted
February 5th, 2018
- ✘ Listing air8580546 Removed
January 31st, 2018
- 📅 2 Documented Stays
January, 2018
- ✓ Listing hma321.661153.1209027 Identified
December 26th, 2017
- 📅 2 Documented Stays
November, 2017
- 📅 4 Documented Stays
October, 2017
- 📅 5 Documented Stays
September, 2017
- 📅 4 Documented Stays
August, 2017
- ✓ Listing air8580546 Identified
August 16th, 2017
- 📅 2 Documented Stays
July, 2017
- 📅 1 Documented Stay
June, 2017
- 📅 3 Documented Stays
May, 2017
- 📅 4 Documented Stays
April, 2017

- Listing air8580546 Reposted
April 8th, 2017
- ✕ Listing air8580546 Removed
April 1st, 2017
- 📅 5 Documented Stays
March, 2017
- 📅 2 Documented Stays
December, 2016
- 📅 1 Documented Stay
November, 2016
- 📅 3 Documented Stays
October, 2016
- 📅 3 Documented Stays
September, 2016
- 📅 4 Documented Stays
July, 2016
- ✳ Listing air8580546 First Crawled
July 21st, 2016
- ✳ Listing hma321.661153.1209027 First
Crawled
July 20th, 2016
- 📅 1 Documented Stay
June, 2016
- 📅 5 Documented Stays
May, 2016
- 📅 3 Documented Stays
April, 2016
- Listing air8580546 First Activity
April 17th, 2016
- 📅 3 Documented Stays
March, 2016
- 📅 2 Documented Stays
February, 2016
- 📅 1 Documented Stay
December, 2015
- 📅 4 Documented Stays
November, 2015
- 📅 3 Documented Stays
October, 2015
- 📅 2 Documented Stays
September, 2015
- 📅 2 Documented Stays
August, 2015
- 📅 7 Documented Stays
July, 2015
- 📅 2 Documented Stays
June, 2015
- 📅 4 Documented Stays
May, 2015
- 📅 2 Documented Stays
April, 2015
- 📅 5 Documented Stays

March, 2015

📅 2 Documented Stays
February, 2015

● Listing hma321.661153.1209027 First
Activity
February 1st, 2015

December 22, 2019 - 11:27AM America/Chicago



Search

English (US)

\$ USD

Become a host

Help

Sign up

Log

Dec 22, 2019 11:27am CT



Share Save

View Photos

Modern Rustic Riverfront Condo

Nashville

4 guests 1 bedroom 1 bed 1 bath

Entire home

You'll have the condominium to yourself.

Self check-in

Check yourself in with the keypad.

Sparkling clean

12 recent guests said this place was sparkling clean.

Andrew is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.



Andrew

\$99 per night

4.92 (48 reviews)

Dates

12/23/2019 → Checkout

Guests

1 guest

Reserve

You won't be charged yet

Report this listing

Riverfront getaway apartment ideal for access downtown for a weekend for 1-3 people. Walk or Uber to the best nightlife and live music, or explore the restaurants of Germantown. The Titans stadium sits just across the river to the south, and "hipster" east-Nashville is in the same direction. The apartment is a cozy place with one queen bed in the bedroom and a sofa in the living room, plus a balcony that overlooks the river and modern kitchen.

Contact host



Amenities

Basic

Wifi
Continuous access in the listing

Iron

TV

Dryer
In the building, free or for a fee

Washer
In the building, free or for a fee

Essentials
Towels, bed sheets, soap, and toilet paper

Heating
Central heating or a heater in the listing

Air conditioning

Facilities

Free parking on premises

Pool
Private or Shared

Dining

Kitchen
Space where guests can cook their own meals

Coffee maker

Cooking basics
Pots and pans, oil, salt and pepper

Dishes and silverware

Microwave

Refrigerator

Guest access

Keypad
Check yourself into the home with a door code


Private entrance
Separate street or building entrance

Bed and bath

Hangers

Shampoo

Clean apartment, good size, well decorated. Close enough to downtown to walk everywhere, though you should be cautious at night. If you want to spend a lot of time by the waterfront/broadway, it'd be hard to beat this location at this value.

 **Erica**
November 2019

Andrew's place was super clean and relaxing! The bed is soooo comfy and the morning view of the river was lovely. Will definitely be back!

 **Marci**
November 2019

Andrew's Place was Absolutely Perfect! Fantastic Location - Very Easy to Navigate around! Extremely Clean, Comfortable, and Cozy, felt right at home, as we walked thru the door! Highly Recommend a Stay at Andrew's Place!

 **Megan**
October 2019

I would recommend inquiring about pool access prior to booking. I would also request instructions on how to use the tv while there. Not the best area even though it's along the River.

 **Amanda**
October 2019

Apartment was in a great location! Cable and free parking was a big plus. About a 20 minute walk to Broadway so we would usually walk into town and Uber/Lyft back! We'd definitely stay again!

 **Oscar**
October 2019

Andrew was accommodating, helpful and runs a very nice condo. The location is good, the area is safe, and the apt is perfect for a couples getaway to nashville.




Hosted by Andrew



Joined in February 2019

★ 48 Reviews  Verified

Andrew is a **Superhost** · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests. 

Response rate: 100%

Response time: within an hour

[Contact host](#)

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

About this place

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

This is Andrew's place.



Andrew helps host.



The neighborhood

Andrew's place is located in Nashville, Tennessee, United States.

Quick walk south to Broadway nightlife and north to amazing Germantown restaurants and coffee shops.

Getting around

Parking in front of apt. Uber is easiest when getting around the city or just a quick walk to Broadway!

[Hide](#) ^



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-In: After 2PM

Checkout: 10AM

Self check-in with keypad

House Rules

No smoking

No pets

No parties or events

You must also acknowledge

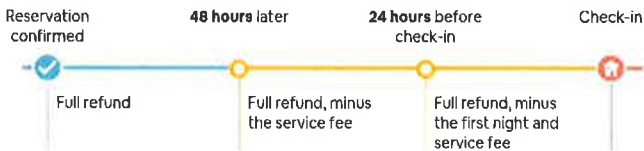
Security Deposit - If you damage the home, you may be charged up to \$250

[Hide rules](#) ^

Cancellations

Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.



[Get full details](#)

[Hide policies](#) ^

More homes you may like



Matched property listing



Entire condominium - 2 beds
★ 4.93 (44)
Arts Dist Downtown-5 Service-King...
\$100 / night



Entire condominium - 5 beds
★ 4.93 (44)
Downtown Nashville Farmhouse! Walking...
\$108 / night



Entire apartment - 2 beds
★ 4.93 (46)
Downtown Apartment in the Heart of Music...
\$105 / night

Things to do near this home



WELLNESS CLASS
Romantic Tantra Workshop for Couples
From \$60/person
5.0 ★ (9)



MUSIC LESSON
Songwriting & Performance with Jackie B
From \$125/person
5.0 ★ (5)



BAR CRAWL
Palm Reading & Day Drinking
From \$55/person
4.79 ★ (123)



WORKSHOP
Silversmith a Stack of Rings
From \$75/person
4.96 ★ (212)

Explore other options in and around Nashville

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

Atlanta
St Louis
Indianapolis
Nanpean
Bridgewater
Hangzhou

Nashville
Louisville
Cincinnati
Melieha
Dresden
New South Wales

Asheville
Memphis
Athens
Santa Monica
Oswesty
Phillip



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

Appellant: Corby Derr Date: 1-22-20
 Property Owner: Corby Derr Case #: 2020-065
 Representative: Corby Derr Map & Parcel: 093024A10100CO
 Council District: 19

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

Purpose: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 178 2nd Ave N #101

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

Reason: Item A appeal, challenging the Zoning Administrator's denial of a STRP permit. Appellant operated after the legally required short term rental permit expired.

Section: 17.16.070

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: Playlist Properties Representative: Playlist Properties
 Phone Number: 615 913-7837 Phone Number: _____
 Address: 806 3rd Ave. S Address: _____
Nashville, TN 37210
 Email address: alfonzo@playlistproperties.com Email address: _____

Appeal Fee: \$100.00



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



3752280

**ZONING BOARD APPEAL / CAAZ - 20200004577
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 093024A10100CO**APPLICATION DATE:** 01/22/2020**SITE ADDRESS:**

178 2ND AVE N 101 NASHVILLE, TN 37201
UNIT 101 THE QUARTERS CONDO

PARCEL OWNER: DERR, CORBY DOUGLES**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.



APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.



APPELLANT

1/22/2020

DATE

Rental Unit Record

178 2nd Avenue North, Nashville, TN, USA

Removed ✕
Identified ✓
Compliant ✓

PRINT
SEND A LETTER

Listing(s) Information

VRBO - 321.576010.1123327 VRBO - 321.1404466.1962839



Rental Unit Information



Identified Address

178 2nd Avenue North, Nashville, TN, USA

Identified Unit Number

101

Identified Latitude, Longitude

36.164434, -86.776526

Parcel Number

093024A10100

Owner Name

DERR, CORBY DOUGLES

Owner Address

1522 TWINING RD
WILLOW GROVE, PA 19090, US

Registration / Permit Number

505574

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst 556Z

Explanation

The listing map shows the address as 178 2nd Ave. The photos from the listing match the photos on movoto.com for the given address and unit number.

Listing Photos

Matching 3rd Party Sources



The bathrooms match.



The bathrooms match,



The kitchens match as do the clock and the light fixture.

Listing Details

Listing URL	- https://www.homeaway.com/vacation-rental/p1404466vb
Listing Status	● Inactive
Host Compliance Listing ID	- hma3211404466.1962839
Listing Title	- Historic Loft Downtown, Steps to Honky Tonks! - Sleeps 8
Property type	- Condo
Room type	- Entire home/apt
Listing Info Last Captured	- Jan 12, 2020
Screenshot Last Captured	- Jan 13, 2020
Price	- \$299/night
Cleaning Fee	- \$125

Information Provided on Listing

Contact Name	- Playlist Properties
Latitude, Longitude	- 36.164405, -86.776553
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 8
Max Number of People per Bedroom	- 4
Number of Reviews	- 34
Last Documented Stay	- 12/2019

Listing Screenshot History

View Latest Listing Screenshot

- 🚩 First Warning - No STR Permit: Delivered
January 17th, 2020
- ✗ Listing hma321.1404466.1962839 Removed
January 16th, 2020
- Listing hma321.1404466.1962839
Reposted
January 13th, 2020
- 🚩 First Warning - No STR Permit: Sent
January 11th, 2020
- ✗ Listing hma321.1404466.1962839 Removed
January 9th, 2020
- 📅 3 Documented Stays
December, 2019
- 📅 2 Documented Stays
November, 2019
- 📅 2 Documented Stays
October, 2019
- 📅 1 Documented Stay
September, 2019
- 📅 3 Documented Stays
August, 2019
- 📅 2 Documented Stays
July, 2019
- 📅 1 Documented Stay
June, 2019
- 📅 4 Documented Stays
May, 2019
- 📅 2 Documented Stays
April, 2019
- 📅 3 Documented Stays
March, 2019
- 📅 1 Documented Stay
February, 2019
- 📅 1 Documented Stay
November, 2018
- 📅 5 Documented Stays
October, 2018
- ✓ Listing hma321.1404466.1962839
Identified
September 24th, 2018
- 📅 2 Documented Stays
September, 2018
- ✳ Listing hma321.1404466.1962839 First
Crawled
August 13th, 2018
- 📅 2 Documented Stays
August, 2018
- Listing hma321.1404466.1962839
Reposted
August 13th, 2018
- ✗ Listing hma321.576010.1123327 Removed
August 7th, 2018
- Listing hma321.576010.1123327 Reposted

November 8

December 8

January 4

- August 4th, 2018
- ✕ Listing hma321.1404466.1962839 Removed August 2nd, 2018
- Listing hma321.1404466.1962839 First Activity August 1st, 2018
- ✕ Listing hma321.576010.1123327 Removed July 4th, 2018
- 📅 1 Documented Stay May, 2018
- 📅 1 Documented Stay April, 2018
- ✉ Airbnb Letter: Delivered April 5th, 2018 📄
- ✉ Airbnb Letter: Sent March 29th, 2018 📄
- 📅 1 Documented Stay March, 2018
- Listing hma321.576010.1123327 Reposted February 26th, 2018
- ✕ Listing hma321.576010.1123327 Removed February 21st, 2018
- 📅 1 Documented Stay December, 2017
- ✓ Listing hma321.576010.1123327 Identified December 26th, 2017
- 📅 2 Documented Stays November, 2017
- 📅 1 Documented Stay September, 2017
- 📅 1 Documented Stay August, 2017
- 📅 2 Documented Stays July, 2017
- 📅 3 Documented Stays June, 2017
- 📅 3 Documented Stays May, 2017
- 📅 1 Documented Stay April, 2017
- 📅 3 Documented Stays March, 2017
- 📅 1 Documented Stay November, 2016
- 📅 4 Documented Stays October, 2016
- 📅 3 Documented Stays September, 2016
- 📅 1 Documented Stay July, 2016
- ✱ Listing hma321.576010.1123327 First Crawled July 20th, 2016

- 📅 1 Documented Stay
May, 2016
- 📅 3 Documented Stays
April, 2016
- 📅 2 Documented Stays
March, 2016
- 📅 1 Documented Stay
February, 2016
- 📅 1 Documented Stay
November, 2015
- 📅 1 Documented Stay
October, 2015
- 📅 1 Documented Stay
September, 2015
- 📅 2 Documented Stays
August, 2015
- 📅 1 Documented Stay
July, 2015
- 📅 1 Documented Stay
June, 2015
- 📅 2 Documented Stays
May, 2015
- 📅 1 Documented Stay
April, 2015
- 📅 3 Documented Stays
March, 2015
- 📅 1 Documented Stay
December, 2014
- 📅 2 Documented Stays
November, 2014
- 📅 3 Documented Stays
October, 2014
- 📅 1 Documented Stay
September, 2014
- 📅 1 Documented Stay
August, 2014
- 📅 1 Documented Stay
July, 2014
- 📅 1 Documented Stay
June, 2014
- 📅 1 Documented Stay
May, 2014
- Listing hma321.576010.1123327 First
Activity
May 8th, 2014

January 13, 2020 - 06:17AM America/Chicago

HomeAway

Trip Boards Login Help Feedback List your Property

Jan 13, 2020 6:17am CT

Where Nashville, TN, USA

Check In

Check Out

Check Availability



View all 32 photos

\$297 avg/night 34 Reviews Excellent! 4.6/5

Save Share

Enter dates for accurate pricing

Check In Check Out

Guests

Check Availability

Playlist Properties Ask Manager a Question

For booking assistance, call HomeAway at 888-640-7927 Property # 1404466vb

Overview Amenities Reviews Map Availability

Historic Loft Downtown, Steps to Honky Tonks! - Sleeps 8

- Condo · 1500 sq. ft. Sleeps: 8 Bedrooms: 2 Bathrooms: 1 Half Baths: 1 Min Stay: 2-7 nights



Premier Partner Instant Confirmation Air Conditioning No Smoking Internet TV

2.5 Bedrooms, 1.5 Baths, Sleeps 8

Are you ready to be surrounded by the iconic sights and sounds of Honky Tonk Row in downtown Nashville? Then Playlist Properties has a loft for you! The Quarters is a historic building located on 2nd Avenue INSIDE the Music & Entertainment District, and Honky Tonk Loft is the largest loft in the building! Your Music City, USA experience includes this loft: clean, with modern renovations, and decked out in classic Honky Tonk style!

"Honky Tonk Loft", featured here, is one of our most iconic properties and offers lots of space with 2 levels. Enter the first level and be welcomed by a good ole' southern Hey Y'all! The main level has a large, open concept living and kitchen area, a half bath and the den, better know as the "Outlaw Hideout". The Hideout sleeps one guest on a comfy twin bed. Staying true to its downtown Nashville location, the main living area is outfitted to reflect the character of a Honky Tonk. Belly up to the bar for a cold brew or just gather with your crew and enjoy the ambiance. The couch in the main area is a queen sleeper that offers sleeping space for two. Head on up to the second level for a real treat; The master, or "Ryman Room" is a large mezzanine bedroom with a king bed and twin bed that sleeps three. Then walk down the hall to the queen room, "Tootsie's Orchid Lounge". A walk down the hall is like experiencing a piece of Nashville history. We all know the stories of how iconic artists would play the Ryman, then sneak out the back door into Tootsie's through the "Back Alley". You can walk down your own "Back Alley" from the Ryman Room to the Tootsie's! Conveniently placed in the "Back Alley" is the full bath.

This historic loft is the ultimate in urban living with clean lines & modern finishes. And is stocked with everything you need for a comfortable stay. It has HUGE windows looking out the building's interior atrium filled with plants and sunlight through the skylight. Great for a couple's getaway, girls/guys trip or a family vacation.

The loft also comes with the option to rent a Parking Pass for the public garage across the street!

Sleeps 8 Guests:

- (Upstairs) "Ryman Room" Bedroom 1: King Bed + 4 Twin Bed
- (Upstairs) "Tootsie's" Bedroom 2: 1 Queen Bed
- (Downstairs Den) "Outlaw Hideout": 1 Twin Bed
- (Downstairs Living Area) "The Honky Tonk": Queen Sleeper Sofa

This Loft in The Quarters is quiet yet centrally located. This is a residential building, so you will feel right at home with the locals. The front lobby is locked at all times and has a coded key pad for entry; the Loft itself also has a coded, keyless lock. There are coin or credit-card operated washers and dryers in the building. The Quarters is not suitable for parties or events, as they would disrupt our neighbors, however just outside the front door is more excitement than you could ask for!

Walk to all Downtown Nashville attractions:

- Riverfront Park (it's right out the back door!)
- Printers Alley - 1,5 blocks
- Lower Broadway & Honky Tonk Row - 2 blocks
- Musicians Hall of Fame - 3 blocks
- Ryman Auditorium- 3 blocks
- TPAC (Tennessee Performing Arts Center) - 4 blocks
- 5th Ave Arts District - 4 blocks
- Bridgestone Arena - 4 blocks
- Country Music Hall of Fame - 5 blocks
- Music City Center (Convention Center) - 6 blocks
- Frist Center for the Arts - 9 blocks
- Nissan Field (Titans Games, Music City Bowl, CMA Music Fest!, & other major events and concerts) - a short walk over the Pedestrian Bridge



Playlist Properties was Nashville's first 100% locally owned and operated licensed Vacation Rental Management Company. When you call us, you are talking to a Nashville local! We are committed to assisting you in creating a personalized Music City, USA experience. We help fit you with the perfect property and offer you our local tips and personal recommendations!

We have several lofts in the same building Downtown and additional large homes close to Downtown. Contact Playlist Properties DIRECTLY for current SPECIALS and more info on our other properties:

www.Playlist

[View less](#)

Bedrooms

 Bedrooms: 2  Sleeps: 8

1 King bed, 1 Queen bed, 1 Sofa Bed, 2 Bunk beds, 1 Other bed

Popular destinations in the area



Pigeon Forge, TN, USA



Gatlinburg, TN, USA

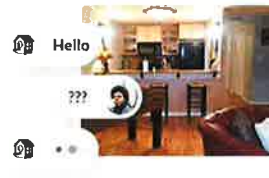


Nashville, TN, USA

Still have questions?

Ask the HomeAway virtual assistant about pet policies, amenities, check-in times, and more.

[Chat now](#)



Property Manager

Playlist Properties
Member Since 2010

[Ask Manager a Question](#)

Languages: English

Premier Partner

The owner or manager of this property consistently provides great experiences for their guests.

Amenities

Featured

- Air Conditioning
- No Smoking
- Heater
- TV
- Washer & Dryer
- Satellite or cable
- Internet

Bathrooms

Bathrooms: 1. Half Baths: 1

Location Type

Downtown

General

- Air Conditioning
- Heating
- Linens Provided
- Washing Machine
- Clothes Dryer
- Internet
- Towels Provided
- Iron & Board
- Hair Dryer
- Living Room

Kitchen

- Dishwasher
- Refrigerator
- Stove
- Oven
- Microwave
- Coffee Maker
- Toaster
- Dishes & Utensils
- Kitchen

Dining

Dining Area

Entertainment

- Television
- Satellite / Cable
- Games

House Rules

Check-in: 4:00 PM **Check-out:** 11:00 AM

- No parties/events
- No smoking
- No pets
- Children allowed

Max guests: 8

34 Reviews

★★★★☆ Excellent 4.6/5

1-6 of 34



December 2019 Stay

5/5 ★★★★★ Stayed Dec 2019

Stuart J.

The location was great. It was within walking distance to everything. Very clean and plenty of room. We would stay here again.

Published Dec 30, 2019

Nice location lots more f space

4/5 ★★★★★ Stayed Dec 2019

Denise H.

While there was Few property issues like a leaking sink and only one shower, it was a nice place, clean and very close to all the action. Highly recommend

Published Dec 25, 2019

Good place

5/5 ★★★★★ Stayed Dec 2019

Denise H.

Rating Details:

The property manager was very helpful.

The vacation rental was spotless.

I was very happy with the location.

I was more than satisfied with the condition of the vacation rental.

Overall, I recommend this vacation rental.

Reviewer Comments:

Very close to all the action, Lots of room to sleep. Limited to only 1 FB and 1 HB. Rest great.

Published Dec 5, 2019

Owner's Response:

Thank you for your feedback. We love this lovely condo and its location to all the action. We are happy this condo was perfect for you. We are glad you had lots of room to sleep. Please come back and let us host you

again.

Honky Tonk Loft Review

2/5 ★★☆☆☆ Stayed Nov 2019

Judy d.

Rating Details:

The property manager was more than helpful.

The vacation rental was very clean.

I was very happy with the location.

I was somewhat dissatisfied with the condition of the vacation rental.

Overall, I do not recommend this vacation rental.

Reviewer Comments:

Great location but the inside of the apartment was not at all as portrayed in the pictures. Furniture was very worn, some to the point you would not want to sit down. Overall in need of some attention and new furnishings.

Published Nov 19, 2019

Owner's Response:

Thank you for the feedback! We strive to keep the loft in great condition so we have made some significant upgrades since your stay. Several furniture pieces have been replaced with brand new pieces, and we've had the entire loft re-painted! We hope to stay with us again and check out all the upgrades!

More space than it looks

5/5 ★★★★★ Stayed Nov 2019

Jamie Y.

Our stay was nice. They were 6 of us and we had plenty of space! I was concerned about 6 girls and only 1.5 bathrooms but it went really well! I'd stay here again. (Bring your own coffee and fixings- they weren't provided)

Published Dec 2, 2019

Location spot on

5/5 ★★★★★ Stayed Oct 2019

Damon F.

Apartment is a little tired and needs some attention. Location is a short walk to all the action and was safe and quiet. Recommended

Published Oct 30, 2019



1-6 of 34



Map

Downtown, Nashville, TN, USA
Detailed location provided after booking

POWERED BY **FOURSQUARE**

What's nearby

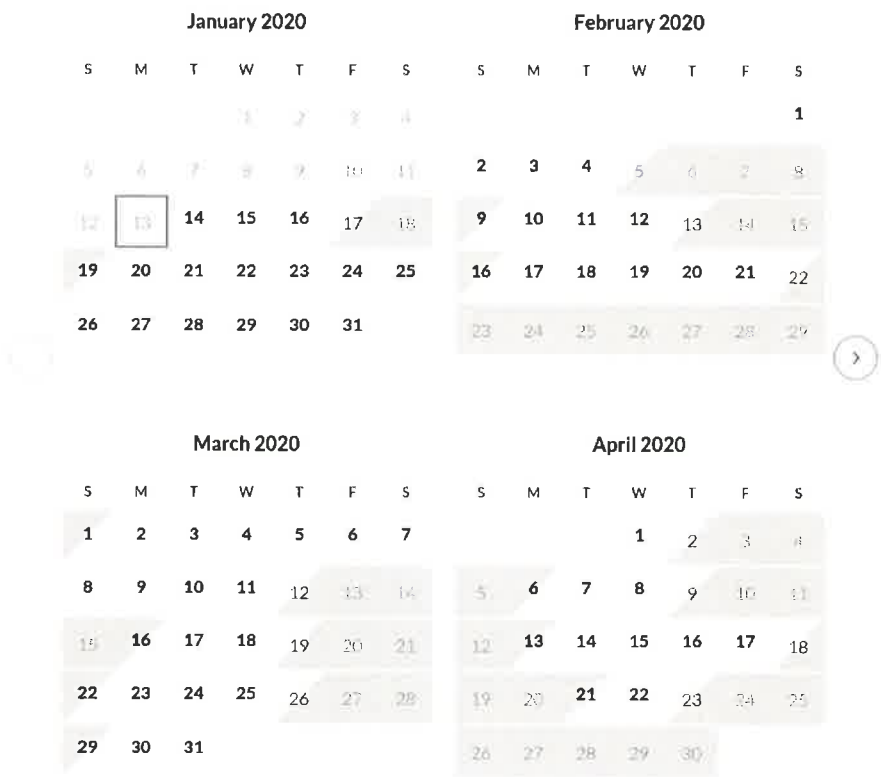
1. Ryman Auditorium 0.2 mi
Carnegie Hall Rated 4.5 out of 5

2. Schermerhorn Symphony Center 0.3 mi
Carnegie Hall Rated 4.5 out of 5

- 3. Skull's Rainbow Room 0.1 mi
Capitol Mall - Rate \$24 out of \$25
- 4. Live On The Green Music Festival 0.2 mi
Highway - Rate \$22 out of \$23
- 5. First Tennessee Park 0.8 mi
Bank of America - Rate \$24 out of \$25
- 6. Ascend Amphitheater 0.4 mi
Concert Hall - Rate \$22 out of \$23


1 - 6 of 30 >

Availability




Rates shown above do not include taxes and fees


Playlist More properties managed by Playlist Properties




Nashville
1BR · Sleeps 4
166 avg/night
★★★★☆ (43)



Nashville
4BR · Sleeps 12
333 avg/night
★★★★★ (42)



Nashville
4BR · Sleeps 12
464 avg/night
★★★★★ (20)



Nashville
3BR · Sleeps 10
363 avg/night
★★★★★ (12)

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We recommend [Chrome](#), [Firefox](#), [Safari](#), or [Microsoft Edge](#).

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

Appellant: Amanda Coaker Date: 1-27-2020
Property Owner: Fountains Germantown Holdings, LLC Case #: 2020- 069
Representative: Amanda Coaker Map & Parcel: 08209050100
Council District: 19

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 1401 3rd Ave N Apartments 208, 242, 330, & 428

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

Reason: Item A appeal, challenging the Zoning Administrator's cancellation of 4 existing STRP permits.

Section: 17.16.070

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: Amanda Coaker Representative: _____
Phone Number: 615 627-6301 Phone Number: _____
Address: PO Box 1911 Address: _____
Madison, TN 37116
Email address: amanda@coakertravels.com Email address: _____

Appeal Fee: \$100.00

P.D.K.



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



3753984

**ZONING BOARD APPEAL / CAAZ - 20200005776
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08209050100**APPLICATION DATE:** 01/27/2020**SITE ADDRESS:**

1401 3RD AVE N NASHVILLE, TN 37208
LOT 1 FOUNTAINS AT GERMANTOWN

PARCEL OWNER: FOUNTAINS GERMANTOWN HOLDINGS,**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the Zoning Administrator's cancellation of 4 existing STRP permits.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.



APPELLANT

1/27/2020

DATE



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING -- 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

AM 1/27/2020

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS OF NASHVILLE
AND DAVIDSON COUNTY**

IN THE MATTER OF:)	
)	
AMANDA COAKER)	
)	
Appellant,)	
)	
vs.)	Case No. 2020-069
)	
METROPOLITAN DEPARTMENT OF CODES & BUILDING SAFETY,)	
)	
Appellee.)	

APPEAL OF STRP PERMIT DENIAL

INTRODUCTION

Amanda Coaker (“Ms. Coaker”) is authorized agent who filed on behalf of Fountains Germantown Holdings, LLC (“FGH”), the owner of 1401 3rd Avenue North, Nashville, Davidson County, Tennessee 37208. On January 29, 2015, with the intent to construct a multifamily residential complex, FGH invested a significant amount of money to purchase the property which would later become to be known as the Fountains of Germantown (the “Fountains”) located at 1401 3rd Avenue North, Nashville, Davidson County, Tennessee 37208. Before said investment could take place, FGH partnered with councilwoman Erica Gilmore to pass Ordinance No. 2014-765 (the “SP Ordinance”),

[a]n ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, by changing from IR to SP zoning for properties located at 302 Taylor Street, 1408 and 1410 4th Avenue North and 1401 and 1403 3rd Avenue North, south of Van

Buren Street (2.43 Acres), to permit up to 249 multifamily dwelling units and all uses permitted by the MUL-A zoning district. . .”¹

The SP Ordinance was introduced on May 6, 2014; approved on June 11, 2014; and became effective June 13, 2014 thereby allowing any and all uses permitted by MUL-A. At the time the SP Ordinance was introduced, the Metro Code provided the following definition for MUL-A:

MUL, Mixed-Use Limited District and MUL-A, Mixed-Use Limited District Alternative. The MUL and MUL-A districts are intended to implement the moderate intensity mixed-use policies of the general plan. These districts also may be used in areas policied [sic] for concentrations of mixed commercial uses and for existing areas of commercial arterial development that are located in the vicinity of major intersections. The bulk standards permitted by this district, along with the range of allowable uses, are designed to promote the preservation and adaptive reuse of larger structures that contribute to the historical or architectural character of an area. These districts should be applied to areas that have good access to collector or arterial streets and public transportation service. MUL-A is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards and is an alternative to a zoning district that requires a site plan.²

Most notably, at the time the SP Ordinance was introduced, the Metro Code **did not include** a definition or defined land use for STRPs.

In 2019, Ms. Coaker then took all required precautions in preparation to obtain four (4) non-owner-occupied short-term rental (“STRP”) permits for Units 208, 330, 242, and 428 (collectively referred to as “the Units”) located at the Fountains. On March 6, 2019, Ms. Coaker submitted four (4) STRP Permit Applications for the Units to Metropolitan Government of Nashville and Davidson County (“Metro”) employee, Ronya Sykes. On May 13, 2019, Metro employee, Teresa Moore, issued the following permits to the respective Units:

- CASR-2019013279 – Unit 208 CASR-2019013257 – Unit 242
- CASR-2019013276 – Unit 330 CASR-2019013248 – Unit 428

¹ See Metro Ordinance No. BL2014-765.

² See M.C.L. § 17.08.020.D.2, October 31, 2013 Version.

Since obtaining the permits, the Appellants have managed and operated the Units as non-owner occupied STRPs without incident. Nonetheless, on January 29, 2020, Ms. Coaker received notice from Metro Zoning Examiner, David Frabutt, that all four (4) permits must be “deactivated”.³

Ms. Coaker’s appeal to this Board centers primarily on a single claim for relief. Ms. Coaker submits that this STRP is squarely protected by the law passed by the Tennessee legislature on May 17, 2018. Ms. Coaker would offer that Metro Codes did err when they illegally, arbitrarily, and capriciously revoked and/or “deactivated” all four (4) Permits; therefore, the Permits should be reinstated.

GROUND FOR RELIEF

A. The Chancery Court has already ruled on this issue and provided, by our own Court’s interpretation, that Metro acts illegally, arbitrarily, and capriciously when they cancel, deactivate, or otherwise revoke permits allegedly issued in error due to the fact that, although STRPs had not yet been defined at the time the SP Ordinance was enacted, STRPs were not included in the uses permitted by the SP Ordinance controlling the property.

In Case No. 19-146-III, *Kevin Kwong v. Metropolitan Government of Nashville and Davidson County, Tennessee, Department of Codes Administration, the Planning Commission, and the Board of Zoning Appeals*, before the Chancery Court for the State of Tennessee Twentieth Judicial District, Davidson County, Part III, the Honorable Chancellor Ellen Hobbs Lyle presiding, Petitioner Kevin Kwong filed a lawsuit that sought the Court to reverse the cancellation of the Petitioner’s STRP Permit which was previously upheld by this Board.

The facts of *Kwong* are almost directly on point. Kwong was the owner of real property in Nashville, Tennessee:

³ See copy of email from David Frabutt attached as *Exhibit L*.

Prior to the Petitioner's ownership of the Property, when it was being developed by the builder, the lot was zoned RS5. This zoning allows single-family dwellings, but not two-family dwellings. Because the developer wanted to build two homes instead of one on the lot, the developer used a Specific Plan Zoning District, as established by Metro Ordinance No. BL2014-802 (the "SP"). The SP changed the zoning of the Property from RS5 zoning to SP zoning, which gave the developer the ability to construct either one single-family home or two single family homes. The relevant section of the SP, which afforded the developer this opportunity, states, "The uses of this SP shall be limited to one single-family or a detached two-family dwelling." The SP was introduced in June of 2014, and approved August 8, 2014, and applied to the Property when the Petitioner purchased it. On September 29, 2015, the Petitioner applied for his STRP Permit, and the Permit was issued on September 30, 2015 by Metro Codes.

At that time Metro provisions BL2014-909 and BL2014-951 governed the Petitioner's Permit. Section 2 of BL2014-909 defined "Short Term Rental Property" as "an accessory (A) use in all zoning districts that allow residential use." In other words, BL2014-909 defined the STRP as an accessory use to the primary residential use, and as noted the SP zoning applicable to the development of the Petitioner's lot allows residential single-family and two-family dwellings, enabling the Petitioner to obtain the Permit. Thereafter, pursuant to law, the Petitioner renewed his STRP Permit each successive year, through September 29, 2016, September 29, 2017 and September 29, 2018, and Metro Codes never indicated there was a problem with renewal of the Permit. On February 24, 2017, BL2016-492 became effective. It did not amend BL2014-951 as previous ordinances had done, but instead BL2016-492 repealed BL2014-951 entirely and created new regulations within the Zoning Code. BL2016-492 struck short term rental regulations from Title 6 of the Metro Code and created new short-term regulations in Title 17 of the Metro Code Title on Zoning, with BL2017-608 constituting the current Metro Ordinance. This changed the definition of STRPs.

As noted above, at the time the Petitioner obtained his STRP Permit, STRPs were classified as residential accessory uses. With the enactment of these new Metro provisions, that definition of STRP changed. STRPs were made a use separate and apart from single-family and two-family residences—the named uses in the SP applicable to the Petitioner. With his STRP Permit set to expire on September 29, 2018, the Petitioner applied to renew the Permit on August 17, 2018. . .

On October 12, 2018, the Petitioner received an email from Metro Codes giving notice of the cancellation of his STRP Permit, and a letter notifying him that his

STRP Permit was effectively revoked. On October 17, 2018, the Petitioner appealed the Permit cancellation to the BZA. Cancellation of the Petitioner's STRP Permit was upheld by the BZA.⁴

In *Kwong*, Metro argued that

the administrative decision revoking the Petitioner's STRP Permit was based on the analysis of the Zoning Administrator that an SP ordinance must specifically enumerate a land use for it to be allowed, and in this case short-term rentals are not allowed in this particular SP because they were not specifically enumerated in the SP. . . The Zoning Administrator's position was that because STRP is now a defined land use separate and apart from single-family and two-family (the named uses in the SP ordinance), the SP would need to be amended to allow the new use of an STRP by the Petitioner.⁵

After the close of proof, the Court considered "the lower tribunal's decision to determine whether the tribunal exceeded its jurisdiction or acted illegally, frequently, or arbitrarily."⁶ In applying said standard to the record, the Honorable Chancellor Lyle determined that the decision to revoke Mr. Kwong's permit was in contravention of Tennessee Law; as such, Chancellor Lyle ordered the cancellation of the permit to be reversed and remanded the matter to this Board for reinstatement. The Court based its ruling on the following reasons:

In this case the BZA failed to apply controlling state law and failed to have discerned that when the Petitioner's Permit was issued, Ordinance BL2014-909 was in effect to provide that an "STRP is permitted as an accessory use in all zoning districts that allow residential use provided a permit has been issued for operation of the property as a STRP pursuant to section 6.28.030 of the metropolitan code." In this case the SP applicable to the Petitioner is clearly a zoning district that "allow[s] residential use" as it allows a "single-family dwelling" or a "detached two-family dwelling," which are residential uses under the Zoning Code. The law in effect at the time the Petitioner was issued his STRP Permit is significant because of controlling state law. On May 17, 2018, the Short-Term Rental Unit Act ("STRUA"), codified at Tennessee Code Annotated sections 13-7-601 et. seq. became effective. The STRUA provides that all STRPs in existence at the time are

⁴ Memo. And Final Order Granting Petition for Writ of Certiorari and Reversing Cancellation of Permit, P. 2-4, Dec. 18, 2019, No. 19-146-III. (A copy of the Order is attached hereto as *Exhibit 2*).

⁵ *Id.* at 4-5.

⁶ *Id.* at 5.

“grandfathered.” That is, Tennessee Code Annotated section 13-7-603(a) requires the application of the specific ordinances in effect at the time the STRP permit was granted. (a) Except as otherwise provided in subsection (b), an ordinance, resolution, regulation, rule, or other requirement of any type that prohibits, effectively prohibits, or otherwise regulates the use of property as a short-term rental unit shall not apply to property if the property was being used as a short-term rental unit by the owner of the property prior to the enactment of the ordinance, resolution, regulation, rule, or other requirement by the local governing body. The ordinance, resolution, regulation, rule, or other requirement in effect at the time the property began being used as a shortterm [sic] rental unit is the law that governs the use of the property as a shortterm [sic] rental unit until the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by § 13-7-604. For purposes of this subsection (a), an ordinance, resolution, regulation, rule, or other requirement is in effect at the time it is lawfully enacted by the local governing body and not the time in which it is introduced for consideration by the local governing body. (emphasis added). Thus, pursuant to Tenn. Code Ann. § 13-7-603(a), the law that was in effect at the time the Petitioner received his STRP Permit “is the law that governs the use of the property as a short-term rental property . . .” Therefore, even though the Metro Zoning Code has since been amended to classify a non-owner occupied STRP as a commercial use, the version of the Zoning Code that applies to the Petitioner’s Permit is BL2014-909, which classified all STRPs as residential accessory uses. At that time STRPs were not a defined use separate and apart from single-family and two-family—the named uses in the SP applicable to the Petitioner. It was an error in law for the BZA not to comply with state law and apply to the Petitioner’s STRP Permit the Metro Code provisions in effect at the time the Permit was issued. Accordingly, the cancellation of the Petitioner’s STRP Permit must be reversed.⁷

Given the above cited facts and ruling by the Honorable Chancellor Lyle, the Appellant would request this Board and its members, in the interests of judicial efficiency and mitigating what would be a waste of taxpayer dollars if this matter is litigated, to reinstate the Permits issued in the instant matter.

⁷ *Id.* at 5-9.

B. In the alternative, if this Board finds that the instant issue cannot be resolved by the Order in *Kwong*, Metro Codes acted illegally in the cancellation or “deactivation” of these permits.

Metro Codes acted illegally by denying the rights granted to the Appellant by the state through the STRUA,⁸ in effect, nullifying the state law.⁹ Specifically, it is the Appellant’s position that the Zoning Administrator based the cancellation / “deactivation” on the fact that the SP did not specifically state that a STRP was a permitted use. The SP in question allowed for multifamily units and all uses permitted by the MUL-A zoning district; however, at the time the SP was enacted, STRP was not a defined land use in the Metro Code. The Appellant would allege that it will likely be the Zoning Administrator’s position that a STRP was a separate use and different from multifamily units and all uses permitted by the MUL-A zoning district; as such, the permits should be deactivated, canceled, or otherwise revoked. Based on information and belief, it is or has been the Zoning Administrators position that because the SP did not specifically enumerate STRP as an approved use, the only way the SP could allow for use as an STRP would be by way of Amendment. Lastly, the Appellant would allege that such a position is without merit and not supported by any authority of law.

On October 24, 2014, at the request of Council-Lady Allen, then Zoning Administrator, Bill Herbert prepared a memorandum opinion summarizing the then-current zoning law regarding STRPs.¹⁰ The letter states in pertinent part:

Currently, Metro has no zoning regulations that are specific to STRPs. . . With no zoning regulations applicable to STRPs, we have allowed STRPs to operate anywhere a residential use is allowed. . . Being that the zoning code does not presently contain a use classification that defines STRP, and does not set forth districts where they can be located, it is the opinion of this office that we currently have no authority under the zoning code to regulate

⁸ A copy of the Short-Term Rental Unit Act (House Bill No. 1020) is attached hereto as *Exhibit 2*.

⁹ See *Sinks v. Metro. Gov’t of Nashville & Davidson Cty.*, No. 86-85-III, 1986 WL 8149, at *2 (Tenn. Ct. App. July 24, 1986).

¹⁰ A copy of the Memorandum Opinion is attached hereto as *Exhibit 3*.

the STRP use. . . It is the opinion of this office that STRPs may be regulated and a use permit required provided the zoning code is amended to define the term “Short-Term Rental Property” and to create a classification for STRPs within the Zoning District Land Use Table. . . .¹¹

BL2014-909 permitted STRPs as an accessory use to the SP when it amended the Metro Code to the following language: “an accessory use in all zoning districts that allow residential use.” Counties and municipalities cannot ignore applicable state regulatory acts while at the same time “wield[ing] their [own] land use control power in conflict with state law”.¹² Rather, municipal ordinances must be “construed in light of the state statutes empowering local governments to enact them [or continue to maintain them] in order to avoid conflict and to enable related statutes and ordinances to operate concurrently.”¹³ Further, “[z]oning ordinances are in derogation of the common law, and operate to deprive an owner of the use of land which might otherwise be lawful. So, in application, such laws should be strictly construed in favor of the property owner.”¹⁴ As such, Metro Codes had no basis for revoking the Permits.

1. Metro Codes acted illegally by failing to apply BL2014-951, BL2016-381, BL2016-492 in the governance of the Appellant’s permits as required by the Short-Term Rental Unit Act enacted by the Tennessee State legislature.

Metro Codes acted illegally when they failed to follow the STRUA and did not apply BL2014-951, BL2016-381, BL2016-492, in the governance and revocation of the Appellant’s permits. The primary purpose and effect of the STRUA was to grandfather all STRPs in existence in at the time and give direction to local municipalities regulation of STRPs as well as to give STRP permit holders the ability to know which law or ordinance would govern their STRP. When describing short-term rental units, the STRUA states that

¹¹ See Exhibit 3.

¹² 421 Corp. v. Metro. Gov’t of Nashville & Davidson Cty., 36 S.W.3d 469, 476 (Tenn. Ct. App. 2000).

¹³ *Id.*

¹⁴ *State v. City of Oak Hill*, 204 Tenn. 353, 321 S.W.2d 557, 559 (Tenn. 1959); see also *Brunetti v. Board of Zoning Appeals*, No. 01A01-9803-CV-00120, 1999 WL 802725, at *4 (Tenn. Ct. App. Oct. 7, 1999).

“[u]sed as a short-term rental unit means the property was held out to the public for use as a short-term rental unit, and. . . for property that began being held out to the public for use as a short-term rental unit within the jurisdiction of a local governing body that required a permit to be issued or an application to be approved pursuant to an ordinance specifically governing short-term rental units prior to using the property as a short-term rental unit, a permit was issued or an application was approved by the local governing body for the property. . .”¹⁵

When referring to the law or ordinance that would govern an STRP permit, the STRUA provides that

“[t]he ordinance, resolution, regulation, rule or other requirement in effect at the time the property began being used as a short-term rental unit is the law that governs the use of the property as a short-term rental unit until the property is sold, transferred, ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or has been in violation of a generally applicable local law three (3) or more separate times as provided by § 13-7-604.¹⁶

When speaking on statutory interpretation, the Tennessee Supreme Court has indicated that the Court’s primary object is to “carry out the intent of the legislature without unduly broadening or restricting the statute.”¹⁷ “[Courts] must apply [a word’s] plain meaning in its normal and accepted use without a forced interpretation that would limit or expand the statute’s application.”¹⁸

A plain reading of the STRUA without a forced interpretation expressly indicates that when an application for a STRP permit is issued or approved for a property, the local law or ordinance in effect at the time of the issuance or approval of the STRP permit is the law that the local governing body must apply to the STRP permit or application. As such, to be in compliance with state law, Metro Codes must apply the STRUA and Metro Ordinances BL2014-951, BL2016-381,

¹⁵ Tenn. Code Ann. 13-7-602(9).

¹⁶ Tenn. Code Ann. 13-7-603(a).

¹⁷ *Mansell v. Bridgestone Firestone N. Am. Tire, LLC*, 417 S.W.3d 393, 400 (Tenn. 2013).

¹⁸ *Eastmen Chem Co. v. Johnson*, 151 S.W.3d 503, 507 (Tenn. 2004).

BL2016-492, BL2017-608¹⁹ in the governance, including the revocation, of the Appellant's STRP Permits.

It therefore follows that, in accordance with the STRUA and BL2014-951, Metro Codes can revoke the Appellant's STRP Permits *only* in the following situations: (1) the Property is sold or transferred to another owner; (2) the Property ceases being used as a short-term rental unit for a period of thirty (30) continuous months, or (3) the Property has been in violation of a generally applicable local law three (3) or more separate times. After acquiring the permits from Metro Codes on May 13, 2019, the Appellant at all times complied with the requirements of Metro Ordinance BL2014-951, BL2016-381, BL2016-492, and the STRUA. Metro had no right to revoke the permits.

In this particular case, the Properties have not been sold, transferred, or ceased to exist as an STRP for a period of thirty (30) consecutive months. The Appellant never received or had three or more complaints within a calendar year filed against them, nor did the Department of Codes ever notify the Appellant in writing of any complaint filed against them. The Department of Codes administration never made a determination that violations of the Code or any other ordinance or law relating to STRPs or STRP permitting occurred that warranted the revocation of the permits to operate the Appellant's STRP. In short, the Appellant's permits were never revocable. To hold otherwise would be a failed attempt at carrying out the intent and requirements of the legislature and would result in a gross misapplication of the law found in the Short-Term Rental Unit Act and BL2014-951. In conclusion, the Appellant asserts that Metro Codes acted illegally by failing to

¹⁹ BL2014-951 states in part, “. . .[u]pon the filing of three or more complaints within a calendar year regarding a STRP permit, the department of codes administration shall notify the permit holder in writing of such complaints. . . . If the department of codes determines that violations of this section or any other ordinance or law relating to STRPs have occurred, the permit to operate a STRP may be revoked.”

follow the requirements of the STRUA by not applying BL2014-951 to the governing of the Appellant's STRP permits.

2. Metro failed to comply with the requirements of Ordinance BL2014-951, BL2016-381, BL2016-492 by not providing fifteen (15) days' notice prior to revoking the Appellant's STRP Permit.

Metro Codes failed to follow the revocation notice requirements when they arbitrarily, capriciously, and illegally revoked the Appellant's permit. In BL2014-951, Metro Council provides the revocation procedure required to be implemented by Metro Codes when revoking STRP permits. Section R of BL2014-951 specifically required Metro Codes to provide notice to the STRP permit holder fifteen (15) days prior to revoking the permit.²⁰ BL2014-951 states at § 3, "before revoking any permit, the department of codes administration shall give the permit holder fifteen (15) days prior to revoking the permit."²¹

As previously stated, in 2019, Ms. Coaker then took all required precautions in preparation to obtain four (4) non-owner-occupied short-term rental ("STRP") permits for Units 208, 330, 242, and 428 (collectively referred to as "the Units") located at the Fountains. On March 6, 2019, Ms. Coaker submitted four (4) STRP Permit Applications for the Units to Metropolitan Government of Nashville and Davidson County ("Metro") employee, Ronya Sykes. On May 13, 2019, Metro employee, Teresa Moore, issued the following permits to the respective Units:

- CASR-2019013279 – Unit 208 CASR-2019013257 – Unit 242
- CASR-2019013276 – Unit 330 CASR-2019013248 – Unit 428

Since obtaining the permits, the Appellants have managed and operated the Units as non-owner occupied STRPs without incident. Nonetheless, on January 29, 2020, Ms. Coaker received

²⁰ See BL2014-951.

²¹ *Id.*

notice from Metro Zoning Examiner, David Frabutt, that all four (4) permits must be “deactivated”...

At no point in time during the period between the Appellant submitting the initial applications and the Appellant becoming aware of the “deactivation” of her permits, did Metro Codes provide the Appellant fifteen (15) days’ notice prior to revoking / “deactivating” her permits. It is important to note that neither in the current ordinances nor any previous ordinances are there any mention of “deactivating” a permit. Meaning, there is likewise no mention of the procedures to “deactivate” a permit. Nonetheless, the practical effect of the deactivation of a permit is the same as the revocation or cancellation of a permit. As such, and in applying the revocation procedures outlined in BL2014-951, Metro Codes still failed to comply with the procedures to revoke a permit by failing to provide fifteen (15) days’ notice.

CONCLUSION

In conclusion, a plain reading of the STRUA enacted by the Tennessee State Legislature indicates that Metro Codes must apply the standards and requirements BL2014-951, BL2016-381, BL2016-492 in the governing of the Appellant’s STRP permit. Metro Codes failed to follow said plain reading of BL2014-951, BL2016-381, BL2016-492, and the STRUA which, in effect, allowed Metro to arbitrarily, capriciously, and illegally cancel / “deactivate” the Appellant’s permits. Neither Metro Codes nor the Zoning Administrator cannot present a proper justification under the local zoning code or under state law (e.g., Tenn. Code Ann. § 13-7-602(3)(A) or other law) for the position that they are allowed to strip away a property right in the STRPs once they had been issued to Ms. Coaker. As such, the Appellant would submit that Metro Codes did error and would request that her STRP Permits be reinstated by this Honorable Board.

Respectfully submitted this the 11th day of March 2020.

Collins Legal, PLC

BY: /s/ Grover C. Collins

Grover C. Collins, BPR# 027997

Seth N. Cline, BPR# 036765

Attorneys for Defendant

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grover@collins.legal

seth@collins.legal

From: [CLAUDETT STAGER](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 1401 3rd Avenue North STR appeal
Date: Tuesday, March 10, 2020 8:07:30 PM

Dear BZA:

I live across the street from Peyton Stakes apartments (1401 3rd Avenue North) on the 4th Avenue north side. I object to Amanda Coaker's appeal that would allow her to operate several short term rentals in the complex. The permits were rescinded and should remain so. She is essentially operating a business in a residential complex. This can cause problems for residents and neighboring properties.

Thank you for your attention to this matter.

Claudette Stager

1427 4th Avenue North

From: [Fred Booth](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2020-069
Date: Tuesday, March 10, 2020 6:47:52 PM

Dear Members of the Metropolitan Board Of Zoning Appeals:

I am writing to state my opposition to the appeal seeking reinstatement of STR permit number 20200005776. The permit pertains to four apartments in Peyton Stakes Apartments, located in Germantown.

The appellant does not own the four units, but rents them for the purpose of offering them as short-term rentals. A photo of the Peyton Stakes building is actually shown on the web site of the appellant as one of her STR locations.

The management company at Peyton Stakes does not approve of short-term rentals, and has had complaints from other tenants regarding the units that are the subjects of this appeal. Furthermore, their leases forbid the subletting of apartments without permission. Permission was not granted by Peyton Stakes for these units to be offered as STRs.

It seems clear that the appellant is violating the terms of the lease and the wishes of the Peyton Stakes management. In my opinion she is also subverting the intent of the STR permit process. As a resident of Germantown, I believe that those engaged in the STR business should be required to at least follow the few restrictions that exist.

For all of these reasons I urge you to deny appeal number 2020-069, and not reinstate the STR permits listed in the appeal.

Thank you.

Fred Booth
1317 4th Avenue North
Nashville, TN 37208

From: [Richard Audet](#)
To: board@historicgermantown.org; thecrumes@gmail.com; bobrosen2@gmail.com; [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal case number:2020-069
Date: Monday, March 9, 2020 8:42:52 AM

Dear Members of the Board:

As a property owner within close proximity to th2 1401 3rd Ave. property, I am registering my strong opposition to the STR appeal request by Amanda Coaker. I support the Zoning Administrator's decision to rescind the STR permits that had been granted.

Should business operations such as Ms. Coaker be allowed to continue, the impact to high apartment density neighborhoods such as Germantown could be catastrophic. If she wishes to run a STR business she should be held to the same regulations that govern other STR investors.

Thank you for your attention to my concern. I hope that the Board will act swiftly and strongly to lose the loopholes that have allowed Ms. Coaker to operate her illegally obtained STR permits.

Sincerely,
Richard Audet
414 Van Buren Street
Nashville, TN 37208

From: [Richard Crume](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Emma Stephens - MPPE Board](#); [Jen Duncan - MPPE](#); [Nathan Mastwijec - MPPE](#); [Tommy Cramer](#); [Abbey Hodge](#); [Ron Hogan](#); [Richard Audet](#); [O'Connell, Freddie \(Council Member\)](#)
Subject: Comments on STR permit 20200005776 From the Morgan Park Place East Homeowners Association
Date: Thursday, March 12, 2020 6:11:19 PM

Dear Members of the Board of Zoning Appeals:

The Morgan Park Place East Homeowners Association is opposed to reinstatement of short-term rental permit number 20200005776. The four units covered by this permit have been rented as short-term rentals in direct violation of their leases, which prohibit subleasing. We are especially concerned that these units have continued to be rented out as recently as two weeks ago even though their permits have been rescinded.

Morgan Park Place East is located directly across the street from these units. Illegal short-term rentals often present issues with noise, litter, and personal safety, and their presence in a community can be a serious nuisance to both homeowners and local businesses. There have been many instances in the Germantown and Salemtown areas where noisy short-term rentals have kept neighbors awake during all-night drinking parties and increased litter along the streets. Homeowners are also concerned about strangers roaming the neighborhood when the short-term rentals are occupied. We are not opposed to legally operated owner-occupied short-term rentals, but we oppose the reinstatement of permits that are in violation of lease requirements.

Thank you for considering our concerns, and please don't hesitate to contact us if you have any questions or need additional information.

Sincerely,

Richard Crume, for the Board of Directors
Morgan Park Place East Homeowners Association
310 Van Buren Street
Nashville, Tennessee 37208

From: [Bob Rosen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal - Permit 20200005776
Date: Thursday, March 5, 2020 7:02:07 PM

Sirs:

I write in opposition to the appeal for reinstatement of STR permit number 20200005776. As I understand it, this permit was initially issued in error and the approval was then withdrawn. The appellant is seeking to have the permit reinstated. This permit relates to four apartments in the Peyton Stakes complex in Germantown, 208, 242, 330, and 428.

An example from my personal experience will help explain the reason for my opposition. I live directly across Taylor Street from Peyton Stakes, at 305 Taylor Street. On the weekend of February 22-23, my wife and I noted a large number of people making a lot of noise, apparently having a party, at an apartment I subsequently determined to be #208. The noise was ongoing at 10:30PM on both nights, and continued until 4:00AM the following morning on at least one of those nights. I could not see any of the individual people other than as silhouettes, but there was a large number of individuals in and out of the balcony, carrying on loudly.

When I subsequently complained in person to the management of Peyton Stakes, Mr. Aston, Assistant Manager, informed me of several things:

- They have had other complaints related to the individual that sublets these apartments for short terms;
- Their leases explicitly forbid subletting of apartments without permission;
- It is the position of the management company that they do not want any short-term rentals in the complex, and are cancelling or not renewing leases when they become aware of this practice occurring;
- Finally, Mr. Aston informed me that it was OK for me to mention each of these facts in my letter to you.

Whether or not short-term rentals are a benefit or a hazard to the community is a discussion for another day. However, this particular permit in the hands of this particular appellant (who, by the way, is not an owner of the subject property) is clearly detrimental to the neighborhood and should not be reinstated. In addition, the appellant is apparently continuing to utilize these apartments for short-term rental despite the withdrawal of the permit.

Thank you for your consideration.

Robert A. Rosen
305 Taylor Street
Nashville

From: [Ron Hogan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [HGN Board](#); [Freddie O'Connell](#); [Bob Rosen](#); [Fred Booth](#); [Richard Crume](#)
Subject: Opposition to STR permit number: 20200005776
Date: Wednesday, March 11, 2020 3:27:49 PM

Dear Members of the Board of Zoning Appeals:

The Historic Germantown Neighborhood Association (HGN) would like to register its opposition to reinstatement of the Short-Term Rental permit number 20200005776. These four units have been rented as STRs in direct violation of their leases. And, it our understanding that they have continued to be rented out as STRs after the permits were rescinded even at late as two weeks ago.

Illegal short-term rentals often present issues with noise, litter and personal safety, and compromise the comfort of permanent residents both within and outside the apartment complex, as aptly noted in other opposition letters on this particular appeal. HGN does not oppose legally-permitted STRs as long as they comply with pertinent regulations and applicable zoning requirements. However, we do oppose the permitting or the reinstatement of permits that are blatantly in violation of lease requirements that the leasee knew about, yet chose to ignore.

We respectfully request that the Board deny the appellant's petition to reinstate the permits.

Thank you for your consideration.

Sincerely,

Ron Hogan
HGN President

From: [Ron Hogan](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #20200005776
Date: Monday, March 2, 2020 11:20:10 AM

Ms. Lamb,

I am the president of the Historic Germantown Neighborhood Association and many of our association members received a notice that 4 units in Peyton Stakes Apartments (1401 3rd Ave N) had had their Short Term Rental permits rescinded and the renter, who sub-rented those units, is appealing to the BZA for reinstatement of those permits. The epermit case number is: 20200005776.

The person is challenging the Zoning Administrator's cancellation of the four Short Term Rental permits after a determination that the permits were issued in error and she wants the permits reinstated. Is there a way to find out why the permits were issued in error? We would like to (and will) oppose the reinstatement, but we would like to know on what grounds the Zoning Administrator rescinded the permits. Otherwise, we would simply be voicing our opposition, which, other than the fact that we don't like non-owner occupied Short-Term Rentals, would carry less weight with the BZA as it determines whether to reinstate the permits.

Thanks in advance for your assistance.

Ron Hogan
(423) 243-4398
president@historicgermantown.org



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

Appellant: Pam Hiland Date: 2-14-2020
Property Owner: Pam Hiland Case #: 2020- 078
Representative: Pam Hiland Map & Parcel: 10614004100
Council District: 17

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 1978 Gatlin Dr.

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the Zoning Administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.

Section: 17.16.250-E

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

Appellant Name: Pam Hiland Representative: _____
Phone Number: 615 500-6378 Phone Number: _____
Address: 1975 Gatlin Address: _____
Nashville, TN 37210 _____
Email address: hometown.sixonefive@gmail.com Email address: _____

Appeal Fee: \$100.00



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



3760193

**ZONING BOARD APPEAL / CAAZ - 20200010119
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10614004100**APPLICATION DATE:** 02/14/2020**SITE ADDRESS:**

1978 GATLIN DR NASHVILLE, TN 37210

LOT 45 RAYMOND HGTS

PARCEL OWNER: HILAND, PAMELA & THIEMAN, VICKIE**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

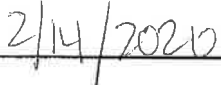
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.



APPELLANT



DATE



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

Pam Hiland 2/14/2020

Rental Unit Record

1978 Gatlin Dr, Nashville, TN, USA

Removed

Identified

Compliant

Listing(s) Information

Airbnb - 30153331



Rental Unit Information



Identified Address

1978 Gatlin Dr, Nashville, TN, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.130182, -86.735200

Parcel Number

10614004100

Owner Name

HILAND, PAMELA & THIEMAN, VICKIE

Owner Address

1978 GATIN DR
NASHVILLE, TN 37210, US

Registration / Permit Number

507552

Matched Details

Analyst

MBQ1

Explanation

Matched listing house photo with Google Maps image and Zillow and address/parcel with assessor. NOTE: Spreadsheet has one instance of misspelled street name as Gatin instead of Gatlin.

Listing Photos



Matching 3rd Party Sources



Same exterior.



Timeline of Activity

View the series of events and documentation pertaining to this property

Listing air30153331 Removed

Identical kitchen.



Sign confirming street as Gatlin Drive.

Zip Code Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/30153331
Listing Status	● Inactive
Host Compliance Listing ID	- air30153331
Listing Title	- Inviting Raymond Heights Home / ultra convenient
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Feb 10, 2020
Screenshot Last Captured	- Feb 13, 2020
Price	- \$63/night
Cleaning Fee	- \$75

Information Provided on Listing

Contact Name	- Pam
Latitude, Longitude	- 36.129330, -86.736060
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 6
Max Number of People per Bedroom	- 3
Number of Reviews	- 27
Last Documented Stay	- 02/2020

Listing Screenshot History

View Latest Listing Screenshot

February 14th, 2020

- ✔ First Warning - No STR Permit: Sent February 12th, 2020
- 📅 2 Documented Stays February, 2020
- 📅 3 Documented Stays January, 2020
- 📅 3 Documented Stays December, 2019
- ✔ First Warning - No Tax Reg: Delivered November 21st, 2019
- 📅 3 Documented Stays November, 2019
- ✔ First Warning - No Tax Reg: Sent November 14th, 2019
- 📅 5 Documented Stays October, 2019
- 📅 7 Documented Stays September, 2019
- 📅 4 Documented Stays August, 2019
- ✔ Listing air30153331 Identified July 30th, 2019
- ✳ Listing air30153331 First Crawled July 15th, 2019
- Listing air30153331 First Activity July 15th, 2019

Matched property listing

December 9

January 8

February 2

February 13, 2020 - 05:24PM America/Chicago



Search

English (US)

USD

Become a host

Help

Sign up

Log

Feb 13, 2020 5:24pm CT



Save

Share

View Photos

Inviting Raymond Heights Home / ultra convenient



Pam

Nashville

6 guests 2 bedrooms 2 beds 1 bath

Entire home

You'll have the house to yourself.

Self check-in

Check yourself in with the keypad.

Sparkling clean

18 recent guests said this place was sparkling clean.

Pam is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

\$63 per night

★ 5.0 (27 reviews)

Dates

2/14/2020

→ Checkout

Guests

1 guest



Reserve

You won't be charged yet

Report this listing

Private house located in a quiet neighborhood, only 4 miles to Downtown and 7 miles from the Airport. This renovated 1950's cottage-like home is stylish and comfortable and convenient to everywhere. We are two native "Nashvillian" best friends who grew up in this neighborhood. We understand business and vacation travel and have created a space for you to enjoy - whatever brings you to town.

[Read more about the space](#)

[Contact host](#)



Amenities

Basic

Wifi

Continuous access in the listing

Cable TV

Iron

Laptop-friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

TV

Dryer

In the building, free or for a fee

Washer

In the building, free or for a fee

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

Central heating or a heater in the listing

Air conditioning

Hot water

Facilities

Free parking on premises

Dining

Kitchen

Space where guests can cook their own meals

Coffee maker

Cooking basics

Pots and pans, oil, salt and pepper

Dishes and silverware

Microwave

Refrigerator

Oven


Stove

Guest access

Keypad

Check yourself into the home with a door code



 **Vanessa**
February 2020

Book It now! The beds are comfortable, the house is spotless, and the amenities are outstanding. This is an older house in an established neighborhood but Pam has done an amazing job remodeling it. It looks and feels brand new. I will stay here again.

 **Erin**
February 2020

Wow! This place was the best place I have ever stayed in! You felt welcomed and "at home" as soon as you stepped on the front porch. The house was very cozy and sparkling clean!!!! The throw blankets, towels, and all the bedding smelled so fresh and clean. The mattress and...[Read more](#)

 **David**
January 2020

The house was great, and Pam and Vicki are amazing hosts.

 **Yvon**
January 2020

The house is very comfortable and inviting. The location is great - easy access to/from the Nashville airport and to downtown. There are many nice touches throughout. Lots of natural light. We love having phone chargers ready with many USB plugs around the living room and...[Read more](#)

 **Elizabeth**
December 2019

The house was AWESOME! So cute, comfy and full of thoughtful goodies and extras to make our stay "the best". Best hospitality and will definitely stay here on my next trip to Nashville.

 **Alison**
December 2019

The house was spectacularly clean, the sweet and salty snacks were perfect and the all natural toiletries and definite plus! Very cozy and stylish too.

 **Lisa**
December 2019

A very nice place to stay. Very cozy and welcoming, and it's conveniently located to everything Nashville has to offer. Excellent hosts and wonderful hospitality. Would definitely stay there again!




Hosted by Pam

Nashville, TN · Joined in February 2016

★ 27 Reviews  Verified



Pam is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests. 

I'm Pam, and my best friend, Vickie are native "Nashvillians". We are also neighbors and purchased a home across the street to share with others coming to Nashville. We both travel for business and vacations and enjoy the education

travel errors.

Interaction with guests

We live in houses across the street and available 24/7. We like to meet our guests upon arrival if schedules permit. However, be assured you have your privacy. We know a great deal about our city and happy to help you plan a fabulous trip!

Response rate: 100%

Response time: within an hour

[Contact host](#)

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

About this place

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

This is Pam's place.



Vickie helps host

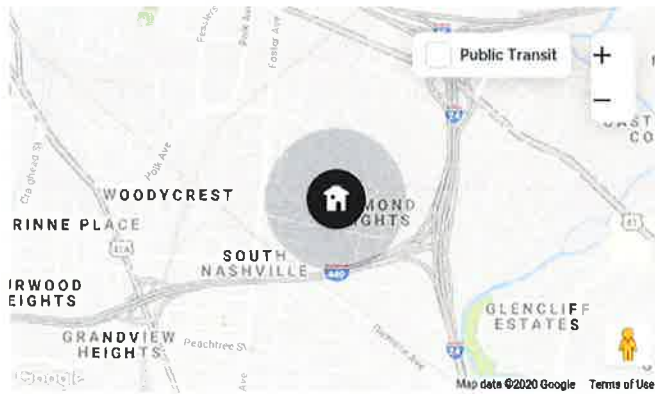


The neighborhood

Pam's place is located in Nashville, Tennessee, United States.

You'll enjoy our authentic Nashville neighborhood with various local restaurants nearby. Regardless of what brings you to Nashville, it's a perfect location. We have great neighbors and want to keep their respect, so no parties and please respect noise levels after 9 pm.

[Read more about the neighborhood](#) ▾



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 3:00 PM - 2:00 AM (next day)

Checkout: 11:00 AM

Self checkin with keypad

House Rules

- Not suitable for infants (under 2 years)
- No smoking
- No pets
- No parties or events

[Read all rules](#) ▾

Cancellations

Free cancellation for 48 hours

Matched property listing

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) ▾

More homes you may like



Entire apartment · 2 beds
Peggy Street Retreat
\$78 / night

★ 4.95 (208)



Entire house · 2 beds
Quiet and Comfy East Nashville 2BR/1BA...
\$68 / night

★ 4.96 (159)



PLUS Entire cottage · 1 bed
The Elberta Cottage—Renovated Retreat...
\$75 / night

★ 4.93 (137)

Things to do near this home



CULTURE WALK
Food and Sightseeing Tour of Nashville
From \$85/person · Transportation, Food, Drinks included
4.84 ★ (79)



FOOD TASTING
Nashville Hidden Gems Food Tour
From \$59/person · Transportation, Food, Drinks included
5.0 ★ (25)



CRAFT CLASS
Craft Gemstone Stacking Rings
From \$80/person · Equipment included
5.0 ★ (9)



BAR CRAWL
Palm Reading & Day Drinking
From \$50/person · Equipment, 1 ticket included
4.82 ★ (157)

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Atlanta
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Indianapolis
Naples
Bridgewater
Hangzhou

Nashville
Louisville
Cincinnati
Melieha
Dresden
New South Wales

Asheville
Memphis
Athens
Santa Monica
Oswestry
Phillip

Shepherd, Jessica (Codes)

From: Sledge, Colby (Council Member)
Sent: Thursday, April 16, 2020 7:51 AM
To: Board of Zoning Appeals (Codes)
Cc: Michael, Jon (Codes); Lamb, Emily (Codes); Cathey, Eben (Planning)
Subject: Fw: Short Term Rental Appeal Thursday, April 16, 2020
Attachments: Appeal April 16, 2020.docx; 811 Horner Ave MLS#2136947.docx; 811 Horner Ave MLS# 2134877.docx

Board members,

Because of conflicting information between notices and the posted agenda, I can't tell if the STR appeals in D17 are on the agenda today. I oppose both of them, and strongly oppose the appeal at 811 Horner Ave. You will see supporting documents attached.

Thanks,

Colby

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

Dear Sir,

I would like to vote against the zoning appeal 2020-078. Short term rental (air.b-n-b) should be denied unless the owner actually lives on the property being rented and will be present during the rental period.

Thank you

William Heilman

owner 95 Lyle Lane

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Cathey, Eben \(Planning\)](#)
Subject: BZA items in D17
Date: Thursday, May 28, 2020 9:04:46 AM

Good morning, all,

Here are my positions on upcoming BZA items in District 17:

2020-78: I **oppose** this appeal for a STR permit, based on the many warnings the property received.
2020-136: I am **neutral** on this DADU appeal, as the property is within 90 percent of the standard lot size for such a structure.

Thanks,

Colby

Colby Sledge
Metro Councilmember, District 17
(615) 442-3727
[Sign up for my weekly newsletter here!](#)

Board of Zoning

Mar 19
2020

I have lived in the Raymond Heights sub division since 1997. I feel that Pam Hiland is a organized and responsible person and will screen renters thoroughly, to have good renters who will take care of property and be respectful to the neighbors.

I give my permission for her to be able to rent this home, and put my support in for her!

Dave Wilman

1981 Gattin Dr
Nashville TN
37210



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

Appellant: Brad McGahuey Date: 3-16-2020
Property Owner: Brad McGahuey Case #: 2020-112
Representative: Brad McGahuey Map & Parcel: 05211005300
Council District: 09

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 1108 Berwick Trl.

This property is in the RS20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the Zoning Administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.
Section: 17.16.250 E

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

Appellant Name: Brad McGahuey Representative: _____
Phone Number: 615 351-1879 Phone Number: _____
Address: 1108 Berwick Trl. Address: _____
Madison, TN 37115
Email address: songsbybmd@yahoo.com Email address: _____

Appeal Fee: \$100.00

P.D.K.



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



**ZONING BOARD APPEAL / CAAZ - 20200016981
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 05211005300

APPLICATION DATE: 03/16/2020

SITE ADDRESS:

1108 BERWICK TRL MADISON, TN 37115

LOT 1 MADISON HGTS SEC 3 RESUB LOT 4

PARCEL OWNER: MCGAUHUEY, BRADLEY D. & LISA M.

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.


APPELLANT

3/16/20
DATE



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

METRO OFFICE BUILDING--3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS

POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

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3/16/20

Rental Unit Record

1108 Berwick Trail, Madison, TN, USA

Active ●
Identified ✓
Compliant X

PRINT

SEND A LETTER

Listing(s) Information

VRBO - 321.1339675.1898011 Airbnb - 24957162 VRBO - 321.575992.1123309



Rental Unit Information



Identified Address

1108 Berwick Trail, Madison, TN, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.243555, -86.684010

Parcel Number

05211005300

Owner Name

MCGAUHUEY, BRADLEY D. & LISA M.

Owner Address

1108 Berwick Trl
Madison, TN 37115, US

Registration / Permit Number

503813

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

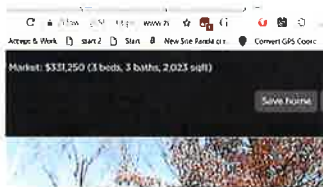
Analyst

U9YU

Explanation

The name of listee is the same as the tax assessor website. It has an alternate listing with the same info and in the same area on the river. The house on zillow has the same windows.

Listing Photos



The same window with A/c unit

Matching 3rd Party Sources



Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/24957162
Listing Status	● Inactive
Host Compliance Listing ID	— air24957162
Listing Title	— Nashville riverfront room
Property type	— House
Room type	— Private room
Listing Info Last Captured	— Mar 02, 2020
Screenshot Last Captured	— Mar 02, 2020
Price	— \$100/night
Cleaning Fee	— \$

Information Provided on Listing

Contact Name	— Bradley
Latitude, Longitude	— 36.243826, -86.684730
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2
Number of Reviews	— 9
Last Documented Stay	— 06/2019

Listing Screenshot History

 [View Latest Listing Screenshot](#)

January 8

February 5

March 1

- ✘ Listing air24957162 Removed March 5th, 2020
- 📅 1 Documented Stay February, 2020
- 📅 2 Documented Stays November, 2019
- 📅 3 Documented Stays October, 2019
- 📅 3 Documented Stays September, 2019
- 📅 3 Documented Stays August, 2019
- 📅 2 Documented Stays July, 2019
- 📅 1 Documented Stay June, 2019
- 📅 1 Documented Stay May, 2019
- 📅 2 Documented Stays April, 2019
- 📅 1 Documented Stay March, 2019
- 📅 1 Documented Stay January, 2019
- 📅 3 Documented Stays November, 2018
- 📅 3 Documented Stays October, 2018
- Listing air24957162 Reposted October 22nd, 2018
- ✘ Listing air24957162 Removed October 20th, 2018
- 📅 3 Documented Stays September, 2018
- 📅 4 Documented Stays August, 2018
- ✓ Listing air24957162 Identified July 13th, 2018
- 📅 3 Documented Stays June, 2018
- 📅 2 Documented Stays May, 2018
- ✓ Listing hma321.1339675.1898011 Identified May 24th, 2018
- ✱ Listing hma321.1339675.1898011 First Crawled May 11th, 2018
- Listing hma321.1339675.1898011 First Activity May 10th, 2018
- ✱ Listing air24957162 First Crawled May 9th, 2018

- Listing air24957162 First Activity
May 8th, 2018
- ✕ Listing hma321.575992.1123309 Removed
November 11th, 2017
- ✍ First Warning - No STR or Tax: Delivered
November 3rd, 2017
- ✍ First Warning - No STR or Tax: Sent
October 27th, 2017
- 📅 1 Documented Stay
October, 2017
- 📅 3 Documented Stays
September, 2017
- ✓ Listing hma321.575992.1123309 Identified
September 7th, 2017
- 📅 2 Documented Stays
August, 2017
- ✎ Listing hma321.575992.1123309 First
Crawled
July 20th, 2016
- Listing hma321.575992.1123309 First
Activity
December 29th, 2015

March 02, 2020 - 11:22AM America/Chicago

Screenshot printed at: 3/16/2020 10:34:33 AM



Search

English (US)

\$ USD

Become a host

Help

Sign up

Log

Mar 2, 2020 10:22am CT



Nashville riverfront room

Nashville



Bradley

\$100 per night

5.0 (9 reviews)

Dates

3/3/2020

→ Checkout

Guests

1 guest



Reserve

You won't be charged yet

Report this listing

Private room in house
2 guests 1 bedroom 1 bed 1 private bath

Self check-in
Check yourself in with the lockbox.

Quiet, park-like setting, on the Cumberland river. The room is attached to our home but has a private entry - soundproofed. Light breakfast items and coffee, tea, bottled water, and other staples. Opry Mills, 12 mins. Downtown, 15 mins. Our neighbor has a rental; if you have a bigger party and want to be close, that's an option. 10% discount to military and other first responders.

The space

There's a firepit out by the river which is yours to use anytime you wish. Our next door neighbor also rents with airbnb, so if you have friends that want to rent a larger space, his can be available.

Guest access

You'll be able to access your room from the covered carport with its own private entry. The room is soundproofed for our privacy and comfort.

Hide ^

Contact host



Amenities

Basic

Wifi

Continuous access in the listing

Indoor fireplace

Iron

Laptop-friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

TV

Essentials

Towels, bed sheets, soap, and toilet paper

Heating

Central heating or a heater in the listing

Air conditioning

Dining

Coffee maker

Microwave

Refrigerator

Guest access

Lockbox

Private entrance

Separate street or building entrance

Private living room

Bed and bath

Hangers

Hair dryer

Shampoo

Bed linens

Extra pillows and blankets

Lock on bedroom door

Private room can be locked for safety and privacy

Not included

Kitchen

Washer

Carbon monoxide alarm

The host hasn't reported a carbon monoxide detector on the property.

Smoke alarm

The host hasn't reported a smoke detector on the property.

Sleeping arrangements



Bedroom 1

1 queen bed

Availability

2 night minimum stay



Clear dates

Reviews

★ 5.0 9 reviews

Search reviews 🔍



Taylor
June 2019

Great place to stay, easy access to the city and close to necessities such as grocery stores



Nathan
January 2019

If you are looking to travel to Nashville this is the place to stay. The hosts have any information that you could imagine about the city and surrounding area. The hosts are very friendly and cared about our time at their home. Thank you To both of the hosts for such a great...[Read more](#)



Ashley
November 2018 **LAST MINUTE TRIP**

A relaxing space on the river... Beautiful! It is close to Nashville but far enough away from the hustle and bustle of the downtown area.



Courtney
October 2018

Such a great stay! Brad and Lisa were so nice and very hospitable and the room was provided with extra touches including drinks and snacks. If we're ever back in the Nashville area, we'd love to stay again!



Jay
August 2018

excellent choice for a spot outside the hustle and bustle of downtown Nashville. Would recommend.



Jessica
June 2018

Brad and Lisa were amazing, sweet, and welcoming hosts! Their house is beautiful and the river view is gorgeous. My boyfriend and I didn't want to leave their peaceful place. Thanks again, we loved it and hope to come back! :)



James
June 2018

Great hosts in a beautiful setting. Highly recommended.



Hosted by Bradley



Nashville, TN · Joined in May 2018

★ 9 Reviews ✨ Verified

We have hosted on other sites with a great track record. We have also rented from various sites with no problems.

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Bradley's place is located in Nashville, Tennessee, United States.



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 3:00 PM - 9:00 PM

Checkout: 11:00 AM

Self check-in with lockbox

House Rules

No smoking No pets

No parties or events

You must also acknowledge

Pet(s) live on property - dogs and cats

Hide rules

Cancellations

Free cancellation may be available for this stay. Add your trip dates to get the details.

Add dates

More homes you may like



PLUS Private room · 1 bed ★ 4.93 (119) Private Room for Women and Couples in a... \$125 / night



Entire loft · 3 beds ★ 4.56 (36) Nashville Loft - Downtown, Walk to Honky-... \$151 / night



Entire apartment · 1 bed ★ 4.83 (49) Apart. on the Ridge near Opryland \$96 / night

Things to do near this home



HELICOPTER RIDE Helicopter tour of Nashville From \$110/person · Drinks included 5.0★ (8)



CULTURE WALK Food and Sightseeing Tour of Nashville From \$85/person · Transportation, Food, Drinks included 4.84★ (98)



FOOD TASTING Nashville Hidden Gems Food Tour From \$59/person · Transportation, Food, Drinks included 5.0★ (36)



CRAFT CLASS Macrame Plant Hanger From \$60/person

Explore other options in and around Nashville

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

Atlanta St Louis Indianapolis Nanpeen Bridgewater Hangzhou

Nashville Louisville Cincinnati Mellieha Dresden New South Wales

Asheville Memphis Athens Santa Monica Oswestry Philip

April 29, 2020

Metropolitan Board of Zoning Appeals

Due to the coronavirus-19 I will
be unable to attend hearing on
5-21-2020 regarding Brad m^c Gahuey
Appeal for short term rental permit:
1108 Berwick TR. MADISON, TN.

Appeal case # 2020-112.

I am very much against this appeal
Hope you will again deny his appeal.

CONNIE DONOVAN

1116 Berwick TR

MADISON TN 37115

(J. Edward DONOVAN ETUX)



9 May 2020

Metro Dept of Codes & Building Safety
PO Box 196350
Nashville, TN 37219-6350

Re: Appeal Case Number: 2020-112
1108 Berwick Trail
Brad McGahuey
Permit # 20200016981

Dear Board Chair;

My wife and I live next to the Appellants, Mr. & Mrs. Brad McGahuey. We are writing to support their "Item A appeal, challenging the zoning administrator's denial of a short term rental permit."

We have lived at this address since November 1991, so we have experienced several families living at 1108 Berwick Trail. During the time of the McGahuey's residence, we have found them to be good neighbors. In particular, they have been careful and considerate operators of the short term rental space in their home. On two occasions, we have made use of their accommodations for friends visiting us from overseas.

We ask that you and the Board overrule the zoning administrator and reinstate Mr. & Mrs. McGahuey's short-term rental permit. If you have any questions about this letter, please contact me as shown below.

Sincerely,



George E. Kurz
1104 Berwick Trail
Madison, TN 37115-4909
615-714-6120



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

Appellant: Thomas Rothrauff Date: 4-16-2020
 Property Owner: Thomas Rothrauff Case #: 2020- 130
 Representative: Thomas Rothrauff Map & Parcel: 081024F00700CO
 Council District: 02

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

Purpose: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 2136 24th Ave N

This property is in the OR20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to owner name change.

Section: 17.16.070.U

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: Thomas Rothrauff Representative: _____
 Phone Number: 615 319-6077 Phone Number: _____
 Address: 805 3rd Ave N. Address: _____
Nashville, TN 37201
 Email address: rothraufft@gmail.com Email address: _____

Appeal Fee: \$100.00



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



3803668

**ZONING BOARD APPEAL / CAAZ - 20200024114
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 081024F00700CO

APPLICATION DATE: 04/16/2020

SITE ADDRESS:

2136 24TH AVE N NASHVILLE, TN 37208
UNIT 7 PECAN ROW

PARCEL OWNER: T & T, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to ownership name change.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING - 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 19630
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-5514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

P. Thomas Stoksauff

4/16/20

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

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

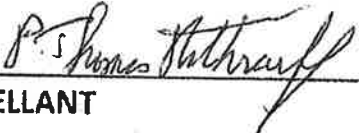
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

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

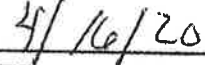
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.



 APPELLANT



 DATE

From: [Toombs, Kyonzté \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2136 24th Avenue STR Appeal
Date: Wednesday, May 20, 2020 9:42:02 AM

Jon and Board Members,

I am writing in support of Mr. Rothrauff's appeal of the revocation of his NOOSTR permit. On the advice of his attorney, Mr. Rothrauff and his wife changed the ownership of their home to an LLC, which only consists of him and his wife.

In this instance, the homeowners should not be penalized for relying on the advice of their attorney. Given this unique circumstance and that the original homeowners are the only members of the LLC, I do not oppose the reinstatement of the Rothrauffs' NOOSTR permit.

I'd also like to note that these circumstances and my opinion are specific to these homeowners, and my support is not an indication of my stance on future appeals.

Thank you.

Kyonzte Toombs
Metro Councilwoman, District 2
Metropolitan Government of Nashville and Davidson County
One Public Square, Suite 204
P.O. Box 196300
Nashville, TN 37201
kyonzte.toombs@nashville.gov
Tel:615-601-5127

OPERATING AGREEMENT**MEMBER MANAGED**

DATE: October 9, 2018

PARTIES: P Thomas (Tom) Rothrauff, Christina (Tina) Rothrauff

RECITAL:

The parties to this agreement (the "Members") are entering into this agreement for the purpose of forming a limited liability company under the Limited Liability Company Act of the state of Tennessee (the "Act").

AGREEMENTS:**1. FORMATION**

1.1 Name. The name of this limited liability company (the "Company") is T&T LLC.

1.2 Articles of Organization. Articles of organization for the Company were filed with the Secretary of State for the state of Tennessee on August 30, 2018.

1.3 Duration. The Company will exist until dissolved as provided in this agreement.

1.4 Principal Office. The Company's principal office will initially be at 805 3rd Ave N., Nashville, TN 37201, but it may be relocated by the Members at any time.

1.5 Designated Office and Agent for Service of Process. The Company's initial designated office will be at 805 3rd Ave N., Nashville, TN 37201, and the name of its initial agent for service of process at that address will be Tina Rothrauff. The Company's designated office and its agent for service of process may only be changed by filing notice of the change with the Secretary of State of the state in which the articles of organization of the Company were filed.

1.6 Purposes and Powers. The Company is formed for the purpose of engaging in the business of real estate rentals. The Company has the power to do all things necessary, incident, or in furtherance of that business.

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1.7 Title to Assets. Title to all assets of the Company will be held in the name of the Company. No Member has any right to the assets of the Company or any ownership interest in those assets except indirectly as a result of the Member's ownership of an interest in the Company. No Member has any right to partition any assets of the Company or any right to receive any specific assets upon liquidation of the Company or upon any other distribution from the Company.

2. MEMBERS, CONTRIBUTIONS AND INTERESTS

2.1 Initial Members. The names and addresses of the Members of the Company, the amounts of their initial capital contributions, and their initial Ownership Interests are:

- Tom Rothrauff
805 3rd Ave N
Nashville, TN 37201
50%
- Tina Rothrauff
805 3rd Ave N
Nashville, TN 37201
50%

Each Member's Ownership Interest at any time will be determined by the ratio of the Member's aggregate capital contributions to the aggregate capital contributions of all Members.

2.2 Initial Capital Contributions. The initial capital contributions of * and * must be paid to the Company, in cash, immediately after all parties have signed this agreement. The initial capital contribution of * must be made by *'s transferring to the Company the assets listed on the attached Exhibit A. The transfer of the assets must be made immediately after all parties have signed this agreement by *'s executing and delivering to the Company such documents as may be necessary to transfer the assets listed on the attached Exhibit A to the Company free and clear of all liens and encumbrances. The transfer documents must include warranties of title and good right to transfer.

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2.3 Additional Members. Except as otherwise provided in the section of this agreement relating to substitution, additional Members of the Company may be admitted only with the consent of all Members.

2.4 Additional Contributions. Except as otherwise provided in the Act, no Member will be required to contribute additional capital to the Company. Additional capital contributions to the Company may be made by the Members only with the Members' unanimous approval. If the Members approve additional capital contributions, the Members must set a maximum amount for such contributions that will be accepted from the Members. Each Member will then have the right, but not the obligation, to contribute a pro rata share of the maximum based upon the Member's Ownership Interest. If any Member elects to contribute less than the Member's pro rata share of the maximum, the other Members may contribute the difference on a pro rata basis in accordance with their Ownership Interests or on any other basis they may agree upon.

2.5 No Interest on Capital Contributions. No interest will be paid on capital contributions.

2.6 Capital Accounts. An individual capital account will be maintained for each Member. A Member's capital account will be credited with all capital contributions made by the Member and with all income and gain (including any income exempt from federal income tax) allocated to the Member. A Member's capital account will be charged with the amount of all distributions made to the Member and with all losses and deductions (including deductions attributable to tax-exempt income) allocated to the Member. Members' capital accounts must be maintained in accordance with the federal income tax accounting principles prescribed in Treasury Regulations §1.704-1(b)(2)(iv).

3. ALLOCATION OF PROFITS AND LOSSES

3.1 Determination. The net profit or net loss of the Company for each fiscal year will be determined according to the accounting principles employed in the preparation of the Company's federal income tax information return for that fiscal year. In computing net profit or net loss for purposes of allocation among the Members, no special provision will be made for tax-exempt or partially tax-exempt income of the Company, and all items of the Company's income, gain, loss, or deduction required to be separately stated under IRC §703(a)(1) will be included in the net profit or net loss of the Company.

3.2 Allocation of Net Profits and Net Losses. The net profit or net loss of the Company for a fiscal year will be allocated among the Members in proportion to their Ownership Interests.

3.3 Allocations Solely for Tax Purposes. In accordance with IRC §704(c) and the corresponding regulations, income, gain, loss, and deduction with respect to any property contributed to the capital of the Company will be allocated among the Members, solely for income tax purposes, so as to take into account any variation between the adjusted basis of such property for federal income tax purposes in the hands of the Company and the agreed value of such property as set forth in this agreement, or in any document entered into at the time an additional contribution is made to the Company. Any elections or other decisions relating to the allocations to be made under this section will be made by action of the Members. The allocations to be made under this section are solely for purposes of federal, state, and local income taxes and will not affect, or in any way be taken into account in computing, any Member's capital account, allocable share of the net profits and net losses of the Company, or right to distributions.

3.4 Prorates. If a Member has not been a Member during a full fiscal year of the Company, or if a Member's Ownership Interest in the Company changes during a fiscal year, the net profit or net loss for the year will be allocated to the Member based only on the period of time during which the Member was a Member or held a particular Ownership Interest. In determining a Member's share of the net profit or net loss for a fiscal year, the Members may allocate the net profit or net loss ratably on a daily basis using the Company's usual method of accounting. Alternatively, the Members may separate the Company's fiscal year into two or more segments and allocate the net profits or net losses for each segment among the persons who were Members, or who held particular Ownership Interests, during each segment based upon their Ownership Interests during that segment.

4. DISTRIBUTIONS

4.1 Distributions to Pay Taxes. To enable the Members to pay taxes on income of the Company that is taxable to the Members, the Company must make cash distributions to the Members. During each fiscal year the Company must distribute an amount equal to the product of (a) the highest aggregate rate of federal, state, and local income and self-employment tax imposed on the Company's income for that fiscal year (taking into account the deductibility of state and local income taxes for federal income tax purposes) allocated to any Member who was a Member for the full fiscal year times (b) the amount of the taxable income of the Company allocated to all Members for that fiscal year. Distributions must be paid at least quarterly during each fiscal year at times that coincide with the Members' payment of estimated taxes, and the amount of each distribution will be based upon the anticipated taxable income of the Company for the fiscal year of the distribution and the anticipated tax rates of Members, as determined at the time the distribution is made. The Company's obligation to make distributions under this section is subject to the restrictions governing distributions under the Act.

4.2 Additional Distributions. Subject to the restrictions governing distributions under the Act, additional distributions of cash or property may be made from time to time by the Company to the Members, at such times and in such amounts as the Members determine.

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4.3 Allocation of Distributions. All distributions to pay taxes and additional distributions must be made to Members in proportion to their Ownership Interests.

5. ADMINISTRATION OF COMPANY BUSINESS

5.1 Management. All Members have the right to participate in the management and conduct of the Company's business. Subject to the limitations imposed by this agreement or by action of the Members, each Member is an agent of the Company and has authority to bind the Company in the ordinary course of the Company's business.

5.2 Actions by Members. Except as otherwise provided in this agreement, all decisions requiring action of the Members or relating to the business or affairs of the Company will be decided by the affirmative vote or consent of Members holding a majority of the Ownership Interests. Members may act with or without a meeting, and any Member may participate in any meeting by written proxy or by any means of communication reasonable under the circumstances.

5.3 Approval of Other Members Required. In addition to the other actions requiring unanimous Member approval under the terms of this agreement, no Member has authority to do any of the following without the prior written consent of all other Members:

5.3.1 To sell, lease, exchange, mortgage, pledge, or otherwise transfer or dispose of all or substantially all of the property or assets of the Company;

5.3.2 To merge the Company with any other entity;

5.3.3 To amend the articles of organization of the Company or this agreement;

5.3.4 To incur indebtedness by the Company other than in the ordinary course of business;

5.3.5 To authorize a transaction involving an actual or potential conflict of interest between a Member and the Company;

5.3.6 To change the nature of the business of the Company; or

5.3.7 To commence a voluntary bankruptcy case for the Company.

5.4 Devotion of Time; Outside Activities. Each of the Members must devote so much time and attention to the business of the Company as the Members agree is appropriate. Members may engage in business and investment activities outside the Company, and neither the

Company nor the other Members have any rights to the property, profits, or benefits of such activities. But no Member may, without the consent of all other Members, enter into any business or investment activity that is competitive with the business of the Company, or use any property or assets of the Company other than for the operation of the Company's business. For this purpose, the property and assets of the Company include, without limitation, information developed for the Company, opportunities offered to the Company, and other information or opportunities entrusted to a Member as a result of being a Member of the Company.

5.5 Compensation and Reimbursement. Members who render services to the Company are entitled to such compensation as may be agreed upon by the Members from time to time. Any compensation paid to a Member for services rendered will be treated as an expense of the Company and a guaranteed payment within the meaning of IRC §707(c), and the amount of the compensation will not be charged against the share of profits of the Company that would otherwise be allocated to the Member. Members are also entitled to reimbursement from the Company for reasonable expenses incurred on behalf of the Company, including expenses incurred in the formation, dissolution, and liquidation of the Company.

5.6 Self Interest. A Member does not violate any duty or obligation to the Company merely as a result of engaging in conduct that furthers the interest of the Member. A Member may lend money or transact other business with the Company, and, in this case, the rights and obligations of the Member will be the same as those of a person who is not a Member, so long as the loan or other transaction has been approved or ratified by the Members. Unless otherwise provided by applicable law, a Member with a financial interest in the outcome of a particular action is nevertheless entitled to vote on such action.

6. ACCOUNTING AND RECORDS

6.1 Books of Account. The Members must keep such books and records relating to the operation of the Company as are appropriate and adequate for the Company's business and for the carrying out of this agreement. At a minimum, the following must be maintained at the principal office of the Company: (a) financial statements for the three most recent fiscal years; (b) federal, state, and local income tax returns for the three most recent fiscal years; (c) a register showing the current names and addresses of the Members; (d) a copy of the Company's articles of organization and any amendments thereto; (e) this agreement and any amendments thereto; (f) minutes of any meetings of Members; and (g) consents to action by Members. Each Member will have access to all such books and records at all times.

6.2 Fiscal Year. The fiscal year of the Company will be the calendar year.

6.3 Accounting Reports. Within 90 days after the close of each fiscal year, Company must deliver to each Member an unaudited report of the activities of the Company for the preceding fiscal year, including a copy of a balance sheet of the Company as of the end of the year and a profit and loss statement for the year.

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6.4 Tax Returns. The Company must prepare and file on a timely basis all required federal, state, and local income tax and other tax returns. Within 90 days after the end of each fiscal year, the Company must deliver to each Member a Schedule K-1, showing the amounts of any distributions, contributions, income, gain, loss, deductions, or credits allocated to the Member during the fiscal year.

6.5 Tax Matters Partner. Anytime the Company has more than 10 Members, any Member is an entity other than an estate or a C corporation, or any Member is a nonresident alien individual, the Members must designate one of the Members as the tax matters partner of the Company in accordance with IRC §6231(a)(7) and keep such designation in effect at all times.

7. DISSOCIATION AND DISSOLUTION

7.1 Withdrawal. A Member may withdraw from the Company only after giving notice of withdrawal to the other Members at least 90 days prior to the effective date of the withdrawal.

7.2 Expulsion. A Member may be expelled from the Company by an affirmative vote of the Members holding a majority of the Ownership Interests held by Members other than the expelled Member if the expelled Member has been guilty of wrongful conduct that adversely and materially affects the business or affairs of the Company, or the expelled Member has willfully or persistently committed a material breach of the articles of organization of the Company or this agreement or has otherwise breached a duty owed to the Company or to the other Members to the extent that it is not reasonably practicable to carry on the business or affairs of the Company with that Member. The right to expel a Member under the provisions of this section does not limit or adversely affect any right or power of the Company or the other Members to recover any damages from the expelled Member or to pursue other remedies permitted under applicable law or in equity. In addition to any other remedies, the Company or the other Members may offset any such damages against any amounts otherwise distributable or payable to the expelled Member.

7.3 Events of Dissolution. Except as otherwise provided in this agreement, the Company will dissolve upon the earliest of: (a) the death, incompetence, withdrawal, expulsion, bankruptcy, or dissolution of any Member; (b) approval of a dissolution of the Company by unanimous consent of the Members; or (c) at such time as the Company has no members.

7.4 Effect of Member's Dissociation. Within 120 days following the death, incompetence, withdrawal, expulsion, bankruptcy, or dissolution of a Member, the other Members (whether one or more) may elect to continue the Company by themselves or with others, and to cause the Company to purchase the interest of the dissociating Member pursuant to the provisions of the sections of this agreement relating to purchase price and payment for member's interest. Making the election is in the sole discretion of the other Members and

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requires the consent of other Members holding a majority of the Ownership Interests held by the other Members. Notice of the election must be given in writing to the dissociating Member or the dissociating Member's successor in interest promptly after the election is made. If the other Members do not so elect, the Company will be dissolved.

7.5 Purchase Price. If the other Members elect to cause the Company to purchase the interest of a dissociating Member under the section of this agreement relating to effect of member's dissociation, the purchase price of the dissociating Member's interest in the Company will be determined by agreement between the other Members (acting by vote) and the dissociating Member. If an agreement on the purchase price is not reached within 30 days following the election to purchase the interest of the dissociating Member, the interest must be valued by a third party appraiser selected by the other Members who is reasonably acceptable to the dissociating Member, and the purchase price will be the value determined in that appraisal. In appraising the interest to be purchased, the appraiser must determine the fair market value of the interest as of the date of the event of dissociation. In determining the value, the appraiser must consider the greater of the liquidation value of the Company or the value of the Company based upon a sale of the Company as a going concern. The appraiser must also consider appropriate minority interest, lack of marketability, and other discounts. If the appraisal is not completed within 120 days following the election to purchase the interest of the dissociating Member, either the other Members or the dissociating Member may apply to a court of competent jurisdiction for the appointment of another appraiser, in which case the court-appointed appraiser must appraise the interest of the dissociating Member in accordance with the standards set forth in this section, and the purchase price will be the value determined in that appraisal.

7.6 Payment for Member's Interest. The purchase price for the interest of a Member purchased under the section of this agreement relating to effect of member's dissociation will be paid as follows:

7.6.1 The purchase price will bear interest from the date of the election of the other Members to purchase the dissociating Member's interest at the prime rate of interest in effect on the date of the election as quoted in The Wall Street Journal or, if that publication is not available, another reputable national publication selected by the other Members that is reasonably acceptable to the dissociating Member.

7.6.2 The purchase price will be payable in accordance with the terms of a promissory note of the Company providing for the payment of the principal amount in 60 equal monthly installments, including interest on the unpaid balance, with the first installment to be due one month after the date of closing and an additional installment to be due on the same day of each month thereafter until the promissory note is paid in full. The promissory note will bear interest from the date of the closing at the rate specified above. The promissory note must provide that if any installment is not paid when due, the holder may declare the entire remaining balance, together with all accrued interest,

immediately due and payable. Partial or complete prepayment of the remaining balance due under the promissory note will be permitted at any time without penalty, provided that any partial prepayment will not affect the amount or regularity of payments coming due thereafter.

7.6.3 The purchase must be closed within 30 days following the determination of the purchase price. At the closing, the dissociating Member must sign and deliver to the Company a written assignment transferring the entire interest of the dissociating Member in the Company to the Company free and clear of all encumbrances. Such assignment must contain warranties of title and good right to transfer. At the closing, the Company must pay the accrued interest on the purchase price then due to the dissociating Member, and the Company must also deliver its promissory note to the dissociating Member. Each of the other Members must sign and deliver to the dissociating Member a security agreement granting a security interest to the dissociating Member in that percentage of the interest of each of the other Members in the Company equal to the Ownership Interest of the dissociating Member being purchased by the Company. The security agreement must be in a form reasonably acceptable to the attorney for the dissociating Member and will secure payment of the promissory note by the Company. The security agreement must provide that if there is a default in the payment of the promissory note by the Company and the security interest is foreclosed or the interest in the Company is retained by the secured party in satisfaction of the indebtedness, the interest may be transferred without the necessity of tendering the interest to the Company under the section of this agreement relating to tender of interest and the person acquiring the interest in the Company will be admitted as a member of the Company without further consent of the Members being required.

As an example of the operation of this provision, if the Ownership Interest of a dissociating Member was 25% and there are three other Members, each with an Ownership Interest of 33-1/3% after the purchase of the dissociating Member's Ownership Interest by the Company, each of the other Members would be required to grant the dissociating Member a security interest in an Ownership Interest of 8-1/3%.

7.7 Effect of Purchase of Member's Interest. A dissociating Member will cease to be a Member upon the election of the other Members to cause the Company to purchase the dissociating Member's interest pursuant to the section of this agreement relating to effect of member's dissociation. Thereafter, the dissociating Member will have no rights as a Member in the Company, except the right to have the dissociating Member's interest purchased in accordance with the terms of this agreement.

7.8 Successor in Interest. For purposes of this section relating to dissociation and dissolution, the term "dissociating Member" includes the dissociating Member's successor in interest.

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8. WINDING UP AND LIQUIDATION

8.1 Liquidation Upon Dissolution. Upon the dissolution of the Company, the Members must wind up the affairs of the Company unless the dissolution results from the dissociation of a Member and the other Members elect to continue the Company under the provisions of this agreement relating to effect of member's dissociation. If the affairs of the Company are wound up, a full account must be taken of the assets and liabilities of the Company, and the assets of the Company must be promptly liquidated. Following liquidation of the assets of the Company, the proceeds must be applied and distributed in the following order of priority:

8.1.1 To creditors of the Company in satisfaction of liabilities and obligations of the Company, including, to the extent permitted by law, liabilities and obligations owed to Members as creditors (except liabilities for unpaid distributions);

8.1.2 To any reserves set up for contingent or unliquidated liabilities or obligations of the Company deemed reasonably necessary by the Members, which reserves may be paid over to an escrow agent by the Members to be held by such escrow agent for disbursement in satisfaction of the liabilities and obligations of the Company, with any excess being distributed to the Members as provided below; and

8.1.3 To Members in proportion to the positive balances of their capital accounts, after taking into account all adjustments made to capital accounts for the fiscal year during which the distributions to Members are made.

8.2 Distribution of Property in Kind. With approval of the Members, property of the Company may be distributed in kind in the process of winding up and liquidation. Any property distributed in kind will be valued and treated for the Company's accounting purposes, in accordance with Treasury Regulations §1.704-1(b)(2)(iv)(e)(1), as though the property distributed had been sold at fair market value on the date of distribution. If property is distributed in kind, the difference between the fair market value of the property and its adjusted tax basis will, solely for the Company's accounting purposes and to adjust the Members' capital accounts, be treated as a gain or loss on the sale of the property and will be credited or charged to the Members' capital accounts in the manner specified in the section of this agreement relating to capital accounts.

8.3 Negative Capital Accounts. If any Member has a negative balance in the Member's capital account upon liquidation of the Company, the Member will have no obligation to make any contribution to the capital of the Company to make up the deficit, and the deficit will not be considered a debt owed to the Company or any other person for any purpose.

9. TRANSFER OF MEMBERS' INTERESTS

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9.1 General Restrictions. No Member may transfer all or any part of such Member's interest as a member of the Company except as permitted in this agreement. Any purported transfer of an interest or a part of an interest in violation of the terms of this agreement will be null and void and of no effect. For purposes of this section a "transfer" includes a sale, exchange, pledge, or other disposition, voluntarily or by operation of law.

9.2 Permitted Transfers. A Member may transfer all or a part of the Member's interest in the Company with the prior written consent of all other Members. If the other Members do not consent to a particular transfer, the Member may transfer all or a part of the Member's interest if such interest or part has been tendered for sale to the Company in accordance with the section of this agreement relating to tender of interest, the tender has not been accepted within the time limit set forth in that section, the transfer is made to the transferee named in the notice of tender within 180 days after the notice of tender is effective, and the transfer is at a price and upon terms no more favorable to the transferee than those set forth in the notice of tender.

9.3 Tender of Interest. If a Member wishes to transfer all or part of the Member's interest in the Company and the other Members do not consent, the interest or the part to be transferred must be tendered to the Company by giving written notice of such tender to the Company. Such notice must contain the name and address of the proposed transferee, the price to be paid by the proposed transferee for the interest, if any, and the terms of the proposed transfer. If a Member's interest is transferred by operation of law, the successor in interest to the transferring Member may give the required notice of tender to the Company at any time following the transfer, and such successor in interest will be deemed to have given the notice of tender at the time any other Member gives notice to the successor in interest and to all other Members of the failure to give the notice of tender. Within 30 days after a notice of tender is given, the other Members may accept the tender on behalf of the Company and have the Company purchase the interest tendered for the lesser of the price set forth in the notice of tender (if the proposed transfer is to be by sale) or the price applicable to the purchase of a Member's interest pursuant to the section of this agreement relating to the effect of member's dissociation. The tender must be accepted on behalf of the Company by giving notice of acceptance to the transferring Member or the transferring Member's successor in interest. The purchase may, at the option of the other Members, be on the terms set forth in the notice of tender, if any, or the terms set forth in the section of this agreement relating to payment for member's interest. For purposes of those provisions, the date of the acceptance of tender will be deemed to be the date on which the other Members elected to purchase the interest of a dissociating Member.

9.4 Effect of Tender. The Member tendering the interest will cease to be a Member with respect to the tendered interest upon an acceptance of the tender by the Company. Thereafter, the Member tendering the interest will have no rights as a Member in the Company, except the right to have the tendered interest purchased in accordance with the terms of this agreement.

9.5 Substitution. If the interest of a Member is transferred, the transferee of the interest may be admitted as a Member of the Company if the transferee executes and delivers to the Company a written agreement to be bound by all of the terms and provisions of this agreement. But the transferee is entitled to be admitted as a Member only if all of the other Members consent to the admission of the transferee as a Member, and this consent may be withheld reasonably or unreasonably. If a Member who is the only member of the Company transfers the Member's entire interest, the transferee will be admitted as a Member of the Company effective upon the transfer without the requirement of an agreement to be bound by this agreement or consent. If the transferee is not admitted as a Member, the transferee will have the right only to receive, to the extent assigned, the distributions from the Company to which the transferor would be entitled. Such transferee will not have the right to exercise the rights of a Member, including, without limitation, the right to vote or inspect or obtain records of the Company.

10. INDEMNIFICATION AND LIABILITY LIMITATION

10.1 Indemnification. Except as otherwise provided in this section, the Company must indemnify each of the Members to the fullest extent permissible under the law of the state in which the articles of organization of the Company have been filed, as the same exists or may hereafter be amended, against all liability, loss, and costs (including, without limitation, attorneys' fees) incurred or suffered by the Member by reason of or arising from the fact that the Member is or was a member of the Company, or is or was serving at the request of the Company as a manager, member, director, officer, partner, trustee, employee, or agent of another foreign or domestic limited liability company, corporation, partnership, joint venture, trust, benefit plan, or other enterprise. The Company may, by action of the Members, provide indemnification to employees and agents of the Company who are not Members. The indemnification provided in this section is not exclusive of any other rights to which any person may be entitled under any statute, agreement, resolution of Members, contract, or otherwise. But despite any other provision of this agreement, the Company has no obligation to indemnify a Member for:

10.1.1 Any breach of the Member's duty of loyalty to the Company;

10.1.2 Acts or omissions not in good faith that involve intentional misconduct or a knowing violation of law;

10.1.3 Any unlawful distribution under the Act; or

10.1.4 Any transaction in which the Member derives improper personal benefit.

10.2 Limitation of Liability. No Member of the Company is liable to the Company or to the other Members for monetary damages resulting from the Member's conduct as a Member except to the extent that the Act, as it now exists or may be amended in the future, prohibits the

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elimination or limitation of liability of members of limited liability companies. No repeal or amendment of this section or of the Act will adversely affect any right or protection of a Member for actions or omissions prior to the repeal or amendment.

11. MISCELLANEOUS PROVISIONS

11.1 Amendment. The Members may amend or repeal all or part of this agreement by unanimous written agreement. This agreement may not be amended or repealed by oral agreement of the Members.

11.2 Binding Effect. The provisions of this agreement will be binding upon and will inure to the benefit of the heirs, personal representatives, successors, and assigns of the Members. But this section may not be construed as a modification of any restriction on transfer set forth in this agreement.

11.3 Notice. Except as otherwise provided in other sections of this agreement, any notice or other communication required or permitted to be given under this agreement must be in writing and must be mailed by certified mail, return receipt requested, with postage prepaid. Notices addressed to a Member must be addressed to the Member's address listed in the section of this agreement relating to initial members, or if there is no such address listed for a Member, the address of the Member shown on the records of the Company. Notices addressed to the Company must be addressed to its principal office. The address of a Member or the Company to which notices or other communications are to be mailed may be changed from time to time by the Member's or the Company's giving written notice to the other Members and the Company. All notices and other communications will be deemed to be given at the expiration of three days after the date of mailing.

11.4 Litigation Expense. If any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement, including any proceeding in the United States Bankruptcy Court, the prevailing party in such proceeding will be entitled to recover a reasonable attorney's fee in such proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law.

11.5 Additional Documents. Each Member must execute such additional documents and take such actions as are reasonably requested by the other Members in order to complete or confirm the transactions contemplated by this agreement.

11.6 Counterparts. This agreement may be executed in two or more counterparts, which together will constitute one agreement.

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11.7 Governing Law. This agreement will be governed by the law of the state in which the articles of organization of the Company have been filed.

11.8 Severability. If any provision of this agreement is invalid or unenforceable, it will not affect the remaining provisions.

11.9 Third-Party Beneficiaries. The provisions of this agreement are intended solely for the benefit of the Members and create no rights or obligations enforceable by any third party, including creditors of the Company, except as otherwise provided by applicable law.

11.10 Authority. Each individual executing this agreement on behalf of a corporation or other entity warrants that he or she is authorized to do so and that this agreement constitutes a legally binding obligation of the corporation or other entity that the individual represents.

11.11 Counsel. This agreement has been drafted by * (the "Attorney"), who represents * in connection with the creation of the Company. * and * each understand that the Attorney can represent only one party in connection with this matter, that the Attorney represents * and does not represent them, and that they have been advised by the Attorney that they should retain attorneys of their own choice in connection with this matter.

From: Tom Rothrauff <rothraufft@gmail.com>
Sent: Wednesday, May 13, 2020 10:25 AM
To: Board of Zoning Appeals (Codes)
Cc: Shepherd, Jessica (Codes)
Subject: Case number 2020-130
Attachments: short term rental application 2136 as of Feb 6 2019.pdf; STRP ORIGINAL Feb 2019 2136.pdf; Quit claim 2136 24th Ave N.pdf; STRP RENEWAL 2020 FOR 2136 24th Ave N.jpeg; Operating Agreement.pdf

Feb. 6 2019, my wife and I, P. Thomas and Christina Rothrauff, applied for a non-owner occupied short term rental permit (T 20190077486) for 2136 24th Ave N. See attachment above for application.

A short term rental permit was issued Feb 20, 2019. See attachment STRP original Feb 2019.

Based on the advice of our attorney and CPA, we quit claimed the property to T & T LLC which had been formed Oct. 2018 for the purpose of real estate investment. It was recorded on July 15, 2019. See attached Quit Claim.

Feb 2020, we were issued a renewal STRP. However the name on the permit does not match the application or the initial STRP issued Feb 20 2019. The permit excludes my wife's name Christina Rothrauff and only includes mine, P Thomas Rothrauff. See attachment for renewal permit 2020. Inadvertently, this omission was not noticed

At the time we Quit Claimed the property we were not aware that this was technically a change of ownership since T & T LLC membership is 100% P Thomas and Christina Rothrauff. See attachment Operating agreement. Also a renewal permit was issued Feb 2020. The first we were aware of the violation was March 27, 2010 when we received the Metro letter.

We have always been prompt with paying all the applicable taxes to the city.

I have communicated with our councilwoman, Kyonzte Toombs, and she has given her support for reinstating the permit immediately. You should have received her support under separate cover from her.

We acknowledge ignorance of the ordinance is not justification for the violation. However we are imploring the board to give leniency since the initial recorded ownership and the T & T LLC ownership are exactly the same and allow the STRP to be reinstated immediately so we do not experience irreparable financial harm not being able to secure a STRP until one year from last booking.

Thank you,
Tom Rothrauff
T & T LLC
805 3rd Ave N.
Nashville, TN 37201
615-319-6077



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



3601619

**APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2019007486
THIS IS NOT A PERMIT**

PARCEL: 081024F00700CO

APPLICATION DATE: 02/06/2019

SITE ADDRESS:

2136 24TH AVE N NASHVILLE, TN 37208
UNIT 7 PECAN ROW

PARCEL OWNER: ROTHRAUFF, P. THOMAS & CHRISTINA M

APPLICANT: ROTHRAUFF, P. THOMAS & CHRISTINA
M
805 3RD AVE N
NASHVILLE, TN 37201 615-319-6077

CONTACT: ROTHRAUFF, P. THOMAS & CHRISTINA
M

805 3RD AVE N
NASHVILLE, TN 37201

PURPOSE:

By making this application for Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951, BL2016-381, BL2016-492, BL2017-608, and State of Tennessee Public Chapter No. 972.

Property is not Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Compliance letter verified.

Floor Plan and smoke detectors verified.


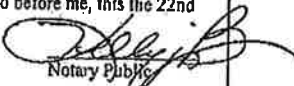
Applicant has confirmed that subject property is not in violation of a Homeowners Association

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
U&O Life Safety Final Approval - STRP		

Karen Johnson Davidson County
 Batch# 167402 DEEDWARR
 01/23/2019 12:44:30 PM 3 pgs
 Fees: \$18.00 Taxes: \$1,220.63
 20190123-0006682

Warranty Deed

		STATE OF TENNESSEE COUNTY OF DAVIDSON	
		The actual consideration or value, whichever is greater, for this transfer is \$320,900.00. <i>C. H. H. W.</i> Affiant Subscribed and sworn to before me, this the 22nd day of January, 2019.  Notary Public My commission expires: <i>May 9, 2021</i>	
THIS INSTRUMENT WAS PREPARED BY WAGON WHEEL TITLE 204 SOUTH 11 TH STREET NASHVILLE, TN 37206 615.650.5100			
Address of New Owner(s) as follows:	Send Tax Bills To:	Map/Parcel Numbers:	
P. Thomas Rothrauff Christina M. Rothrauff	<i>Simmons Bank</i> New Owners	<i>2136 24TH AVE N</i>	
805 3rd Avenue North Nashville, TN 37201	PO BOX 8010 LITTLE ROCK, AR 72209	081-02-4F-007-00-00	

FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1.00), CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE(S), AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I/WE, BUENA VISTA PARTNERS, A TENNESSEE GENERAL PARTNERSHIP, HEREINAFTER CALLED THE GRANTOR(S), HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO P. THOMAS ROTHRAUFF AND CHRISTINA M. ROTHRAUFF, HUSBAND AND WIFE, HEREINAFTER CALLED THE GRANTEE(S), HIS/HER/THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS. TO-WIT:

Land in Davidson County, Tennessee, being Unit No. 7, as shown on the plat attached as Exhibit B to the Declaration of Covenants, Conditions, and Restrictions for Pecan Row, a Horizontal Property Regime with Private Elements, which is a planned unit development, of record as Instrument No. 20180402-0030422, Register's Office for Davidson County, Tennessee, to which Plain reference is hereby made for a more complete description of the property.

Being a portion of the same property conveyed to Keith Churn Trustee for the Vision Trust Corp Revocable Trust 1/3 interest and Milton Thomas 1/3 interest and Sherman Tibbs 1/3 interest by Warranty deed from Keith Churn, Trustee for Vision Trust Corp Revocable Trust 1/2 interest and Raggedy Inc. 1/2 interest of record in Instrument No. 20050420-0043825 Register's Office for Davidson County, Tennessee, dated April 15, 2005 and recorded on April 20, 2015.

Being a portion of the same property conveyed to Ellen M. Turner by Quitclaim deed from Sherman Tibbs, his 1/3 interest of record in Instrument No. 20081008-0102230 Register's Office for Davidson County, Tennessee, dated October 8, 2008 and recorded on October 8, 2008.

Property was conveyed to G Co Investments, LLC by Final Decree Confirming Sale from Clerk & Master of record in Instrument No. 20130305-0022035, Register's Office for Davidson County, Tennessee, recorded on March 5, 2013. Property was redeemed by Decree for Redemption conveying property to Keith Churn, Trustee for the Vision Trust Corp Revocable Trust as to a 1/3 interest, Milton Thomas as to a 1/3 interest, and Ellen M. Turner as to a 1/3 interest, of record in Instrument No. 20140529-0046041, Register's Office for Davidson County, Tennessee, recorded May 29, 2014. (as to Map/Parcel: 081-02-0-148.00)

Property was conveyed to JWM6, Inc. by Final Decree Confirming Sale from Clerk & Master of record in Instrument No. 20131125-0120880, Register's Office for Davidson County, Tennessee, recorded on November 25, 2013. Property was redeemed by Decree for Redemption conveying property to Keith Churn, Trustee for the Vision Trust Corp Revocable Trust as to a 1/3 interest, Milton Thomas as to a 1/3 interest, and Ellen M. Turner as to a 1/3 interest, of record in Instrument No. 20140603-0048093, Register's Office for Davidson County, Tennessee, recorded June 3, 2014. (as to Map/Parcel: 081-02-0-163.00)

Being also known as 2120 (Tract I) & 0 (Tract II) 24th Avenue North Nashville, Tennessee.

Order and Decree Divesting Title to Real Property Located at 0 24th Avenue North and 2120 24th Avenue North recorded in Instrument No. 20131213-0130719 where the property is divested out from Keith Churn, Trustee for the Vision Trust Corp Revocable Trust and vested to Eagle Point Outdoor, LLC, Register's Office for Davidson County, Tennessee.

Being a portion of the same property conveyed to Eagle Point Outdoor, LLC by Warranty deed from Ellen M. Turner and Milton Thomas of record in Instrument No. 20161213-0130775 Register's Office for Davidson County, Tennessee, dated December 09, 2016 and recorded on December 13, 2016.

Being a portion of the same property conveyed to Buena Vista Partners, a Tennessee general Partnership by Warranty deed from Eagle Point Outdoor, LLC, a Tennessee limited liability company of record in Instrument No. 20170609-0057814 Register's Office for Davidson County, Tennessee, dated June 08, 2017 and recorded on June 09, 2017.

This conveyance is subject to all restrictions, easements and planning documents of record, and current year's taxes and subsequent years, a lien not yet due and payable.

The address of the herein described property is believed to be 2134 24th Avenue North, Nashville, TN 37208, but such address is not part of the legal description of the property herein and in the event of any discrepancy, the legal description herein shall control.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging, to the said GRANTEE(S), his/her/their heirs and assigns forever; and I/we do covenant with the said GRANTEE(S) that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and I/we do further covenant and bind myself/ourselves, my/our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE(S), his/her/their heirs and assigns, against the lawful claims of all persons whomsoever.

Wherever used, the singular number shall include the plural, the singular, and the use of any gender shall be applicable to all genders.

WITNESS MY/OUR HANDS EFFECTIVE AS OF THE 8th day of January, 2019.

Buena Vista Partners, a Tennessee General Partnership
By: Legacy South Builders, LLC, a Tennessee Limited Liability Company, General Partner

By: Frank Elmo Neal, IV
Name: Frank Elmo Neal, IV
Title: Authorized Member

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for the County and State, Frank Elmo Neal, IV, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he is the Authorized Member of Legacy South Builders, LLC, a Tennessee Limited Liability Company, which is the General Partner of Buena Vista Partners, a Tennessee General Partnership, and further acknowledged that, being authorized so to do, he executed the foregoing instrument for the purposes therein contained, by signing the name of Legacy South Builders, LLC, as General Partner of Buena Vista Partners,

Witness my hand and seal this 23rd day of January, 2019.



J. Brandon Miller
Notary Public

My Commission Expires:

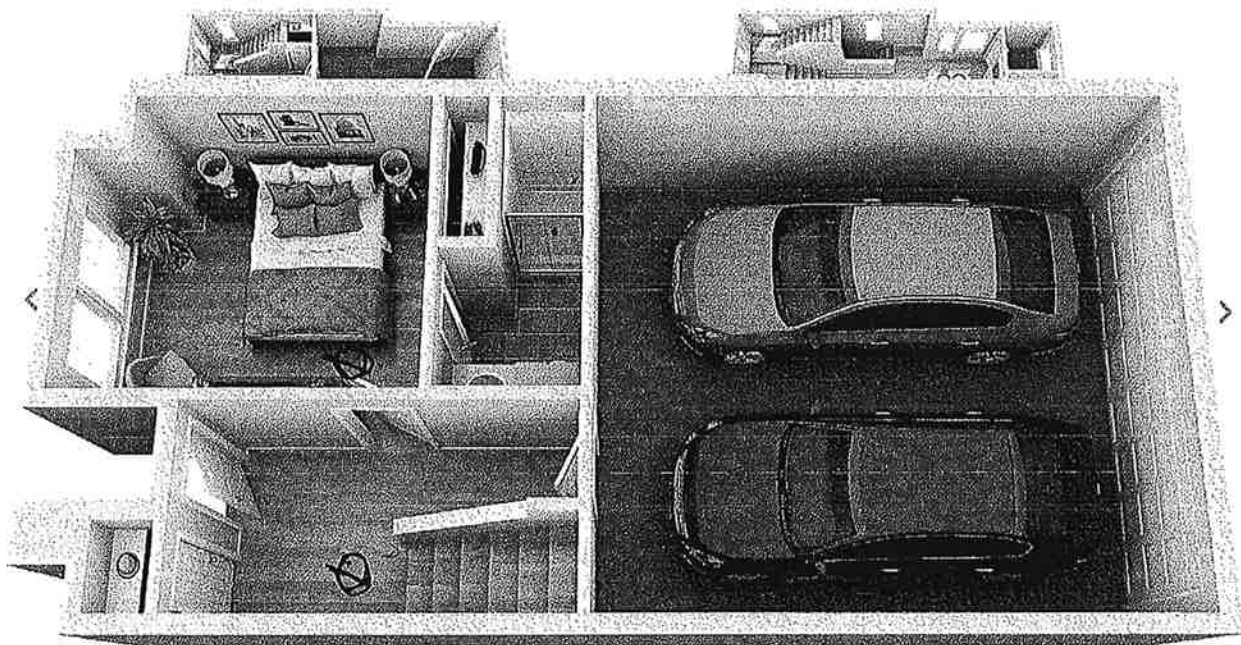
PECAN ROW



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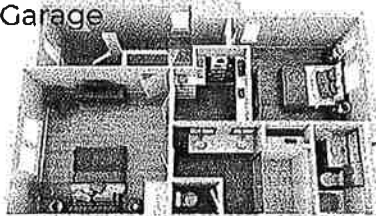
2136 24TH AVE

FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



1st Floor / Garage

1 of 3

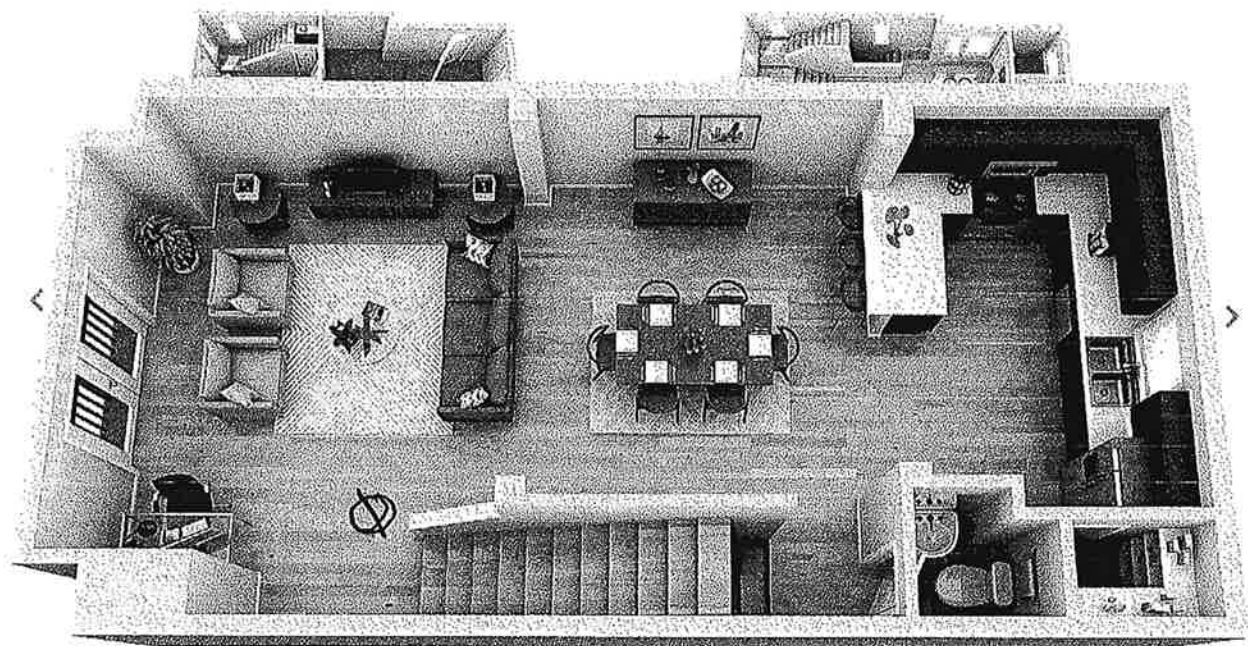


3rd Floor

PECAN ROW

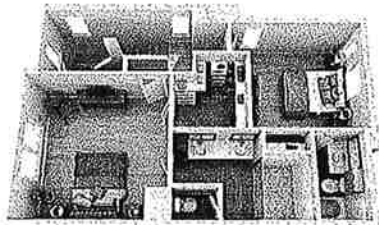


FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



2nd Floor

2 of 3

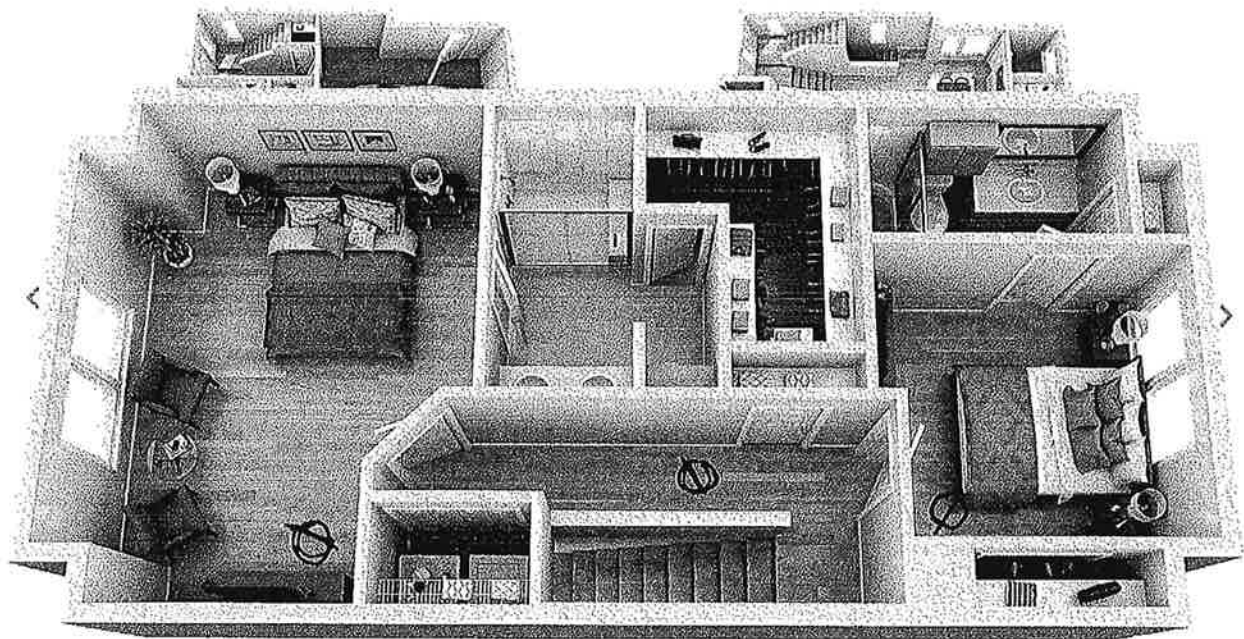


3rd Floor

PECAN ROW

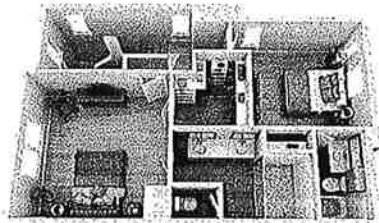


FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



3rd Floor

3 of 3



3rd Floor

Date: 01/22/2019

To: P THOMAS ROTHRAUFF
805 3RD AVE N
NASHVILLE, TN 37201-1020

CERTIFICATE OF INSURANCE

New Hampshire:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policy or policies referenced herein.

All Other States:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage, terms, exclusions, conditions, or other provisions afforded by the policy referenced herein.

In the event the policy is cancelled prior to the expiration date, notice will be delivered in accordance with the policy provisions.

POLICYHOLDER: P THOMAS ROTHRAUFF		
POLICY NUMBER: 381-5001353510-01 ✓	EFFECTIVE DATE: 01/22/2019	EXPIRATION DATE: 01/22/2020 ✓
ISSUED BY: Foremost Insurance Company Grand Rapids, Michigan NAIC# 11185		
POLICY TYPE: Dwelling	UNIT COVERED (MH ONLY):	SERIAL NUMBER (MH ONLY):
LOCATION ADDRESS: 2136 24TH AVE N, NASHVILLE, TN 37208-1006 ✓		
ADDITIONAL INTEREST #1: SIMMONS BANK AOA/ATIMA, PO BOX 9067, PINE BLUFF, AR, 71611-9067		LOAN NUMBER: 8014325669
ADDITIONAL INTEREST #2:		LOAN NUMBER:

<u>Coverage</u>	<u>Limit</u>
Dwelling..... \$	\$275,000
Liability: <input type="checkbox"/> CPL <input type="checkbox"/> LL <input checked="" type="checkbox"/> PL <input type="checkbox"/> CGL (TX) .. \$	\$1,000,000 ✓
Medical Payments..... \$	\$5,000
Deductible: \$ 2,500	
Total Annual Premium: \$ 1,641.00	

For Flood Verification- Check if applicable:

This document serves as verification that the policy listed includes the peril of flood.

For Golf Cart Liability Verification:

All States: The referenced policy is not a motor vehicle liability policy and will not meet your state's financial responsibility laws for operation of a motor vehicle on public highways.

North Carolina: Per the terms of the policy, golf cart liability coverage only applies if the golf cart is used for golfing.

Texas: If the golf cart is used in connection with farming activities, there is no coverage per the terms of the policy.

To obtain additional policy information, please contact:
Agent Name: WILLIAMS INS GROUP, INC
Telephone Number: 616-850-4222

For Certificates Issued in Louisiana:	<u>LA Dept. of Ins.</u> LDI	<u>Cert. of Ins.</u> COI	<u>Assigned LDI No.</u> N/A	<u>Date (mm/year)</u> N/A
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As required by law, I hereby certify that all the information provided regarding my Short Term Rental Property permit application is true and accurate and I have not advertised and/or operated a STRP without a permit.

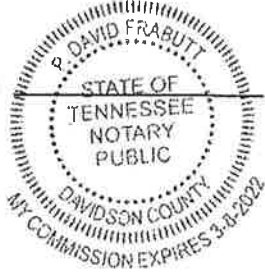
Name (printed) P. Thomas Rothrauff
Signed P. Thomas Rothrauff
Date 1/23/19

County of Davidson
State of Tennessee

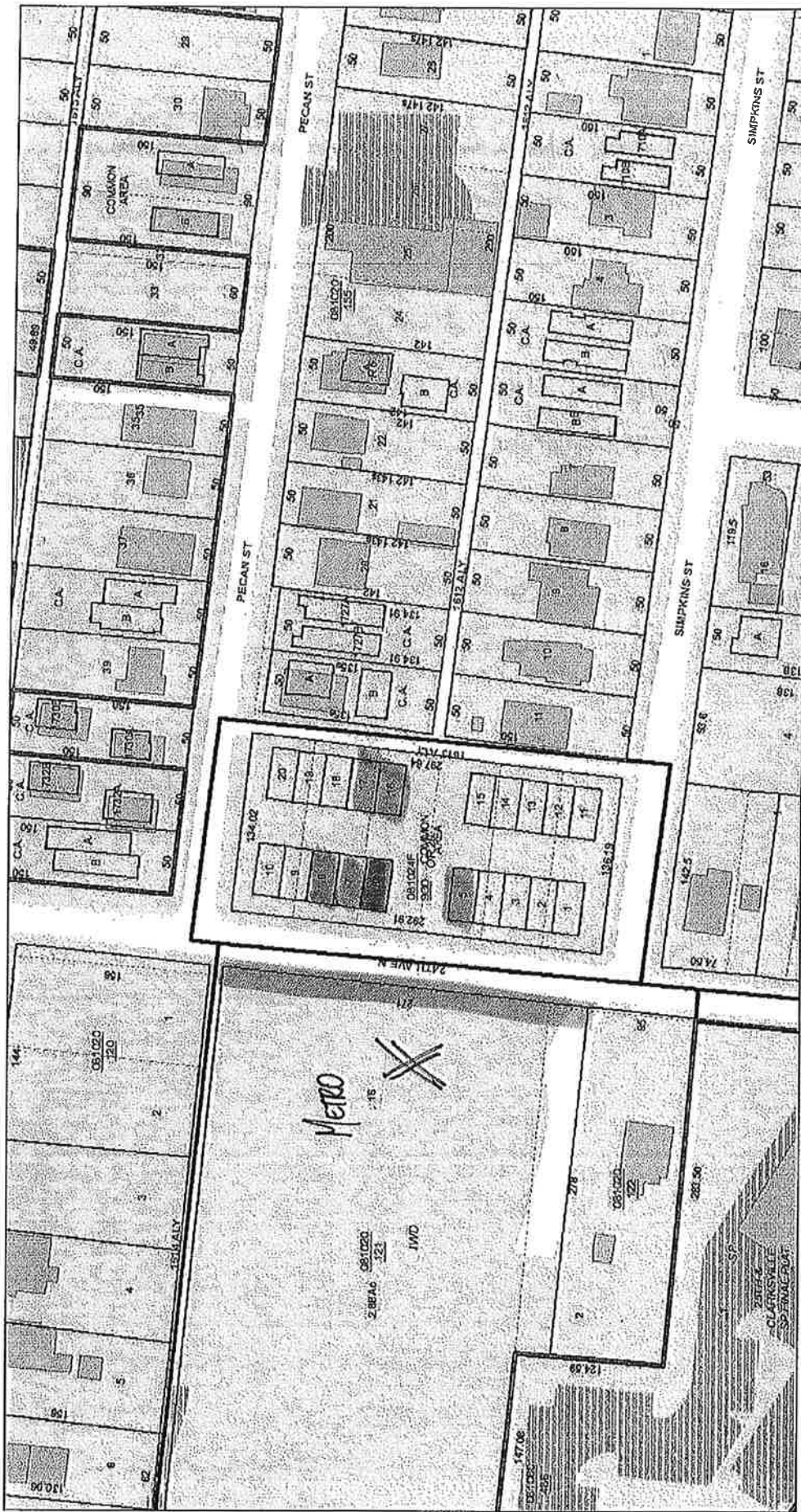
On this 23RD day of JANUARY, 20 19.

Notary P. David Frabutt

Commission Expires _____ Seal



Nashville / Davidson County Parcel Viewer



January 8, 2019

polygonLayer

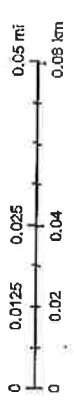
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:1,128



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

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NASHVILLE, TN 37209
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Certified Mail Fee	\$3.45	0213
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	11
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

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 BUENA VISTA PARTNERS
 Street and Apt. No., or PO Box No.
 5533 KENDALL DR
 City, State, ZIP+4®
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MEMPHIS, TN 38117
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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	11
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.50	
Total Postage and Fees	\$3.95	

Sent To
 JENNA WALTER
 Street and Apt. No., or PO Box No.
 1110 AUDOBAN DR
 City, State, ZIP+4®
 MEMPHIS, TN 38117

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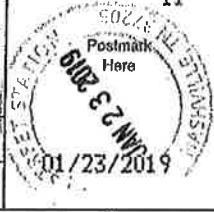
For delivery information, visit our website at www.usps.com®

NASHVILLE, TN 37209
OFFICIAL USE

Certified Mail Fee	\$3.45	0213
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	11
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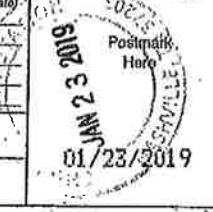
For delivery information, visit our website at www.usps.com®

NASHVILLE, TN 37209
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Extra Services & Fees (check box, add fee as appropriate)	\$0.00	11
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<input type="checkbox"/> Adult Signature Required	\$0.00	
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Postage	\$0.50	
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 City, State, ZIP+4®
 NASHVILLE TN 37209

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions





SHORT TERM RENTAL PERMIT APPLICATION

Homeowners Association Certification

- This notification confirms that no Homeowners Association exists governing the property applying for a short term rental property permit.

Signature: _____

Printed Name: _____

Date: _____

OR

- This notification confirms that operating a Short Term Rental Property WILL NOT violate any Homeowners Association Agreement or Bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Signature: P. Thomas Rothrauff

Printed Name: P. Thomas Rothrauff

Date: 1/23/19

Owner Contact Information:

Name: Tom Rothrauff

Address: 805 3rd Ave N City: Nashville Zip: 37201

Phone: 615-319-6077 Email: rothrauff@gmail.com

Responsible Party (if different than owner contact): rothrauff@gmail.com

Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Email: _____

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

Site Address: 2136 24TH AVE N NASHVILLE, TN 37208

Permit #: 2019007486

**SHORT TERM
RENTAL PERMIT**

Issue Date: February 20, 2019

Parcel: 081024F00700CO

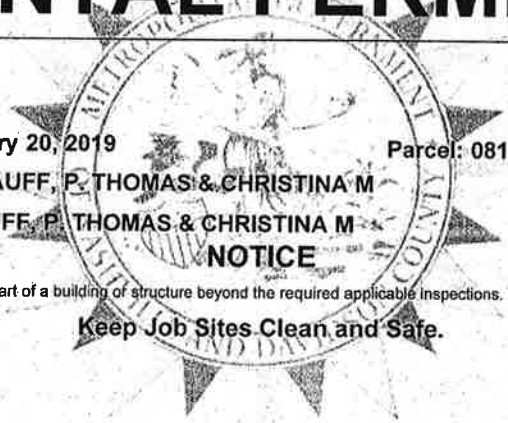
Applicant: ROTHRAUFF, P. THOMAS & CHRISTINA M

Contact: ROTHRAUFF, P. THOMAS & CHRISTINA M

NOTICE

No work may be done on any part of a building or structure beyond the required applicable inspections.

Keep Job Sites Clean and Safe.



From: Tom Rothrauff <rothraufft@gmail.com>
Sent: Wednesday, May 13, 2020 10:25 AM
To: Board of Zoning Appeals (Codes)
Cc: Shepherd, Jessica (Codes)
Subject: Case number 2020-130
Attachments: short term rental application 2136 as of Feb 6 2019.pdf; STRP ORIGINAL Feb 2019 2136.pdf; Quit claim 2136 24th Ave N.pdf; STRP RENEWAL 2020 FOR 2136 24th Ave N.jpeg; Operating Agreement.pdf

Feb. 6 2019, my wife and I, P. Thomas and Christina Rothrauff, applied for a non-owner occupied short term rental permit (T 20190077486) for 2136 24th Ave N. See attachment above for application.

A short term rental permit was issued Feb 20, 2019. See attachment STRP original Feb 2019.

Based on the advice of our attorney and CPA, we quit claimed the property to T & T LLC which had been formed Oct. 2018 for the purpose of real estate investment. It was recorded on July 15, 2019. See attached Quit Claim.

Feb 2020, we were issued a renewal STRP. However the name on the permit does not match the application or the initial STRP issued Feb 20 2019. The permit excludes my wife's name Christina Rothrauff and only includes mine, P Thomas Rothrauff. See attachment for renewal permit 2020. Inadvertently, this omission was not noticed

At the time we Quit Claimed the property we were not aware that this was technically a change of ownership since T & T LLC membership is 100% P Thomas and Christina Rothrauff. See attachment Operating agreement. Also a renewal permit was issued Feb 2020. The first we were aware of the violation was March 27, 2010 when we received the Metro letter.

We have always been prompt with paying all the applicable taxes to the city.

I have communicated with our councilwoman, Kyonzte Toombs, and she has given her support for reinstating the permit immediately. You should have received her support under separate cover from her.

We acknowledge ignorance of the ordinance is not justification for the violation. However we are imploring the board to give leniency since the initial recorded ownership and the T & T LLC ownership are exactly the same and allow the STRP to be reinstated immediately so we do not experience irreparable financial harm not being able to secure a STRP until one year from last booking.

Thank you,
Tom Rothrauff
T & T LLC
805 3rd Ave N.
Nashville, TN 37201
615-319-6077



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



3601619

**APPLICATION FOR RESIDENTIAL SHORT TERM RENTAL / CASR - T2019007486
THIS IS NOT A PERMIT**

PARCEL: 081024F00700CO

APPLICATION DATE: 02/06/2019

SITE ADDRESS:

2136 24TH AVE N NASHVILLE, TN 37208
UNIT 7 PECAN ROW

PARCEL OWNER: ROTHRAUFF, P. THOMAS & CHRISTINA M

APPLICANT: ROTHRAUFF, P. THOMAS & CHRISTINA
M
805 3RD AVE N
NASHVILLE, TN 37201 615-319-6077

CONTACT: ROTHRAUFF, P. THOMAS & CHRISTINA
M

805 3RD AVE N
NASHVILLE, TN 37201

PURPOSE:

By making this application for Short Term Rental permit, I certify that I will comply with all requirements of Ordinance BL2014-951, BL2016-381, BL2016-492, BL2017-608, and State of Tennessee Public Chapter No. 972.

Property is not Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.

Compliance letter verified.

Floor Plan and smoke detectors verified.


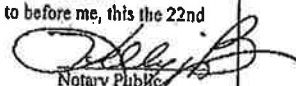
Applicant has confirmed that subject property is not in violation of a Homeowners Association

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

[A] Zoning Review	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
[A] Bond & License Review On Bldg App	APPROVED	615-880-2649 Ronya.Sykes@nashville.gov
U&O Life Safety Final Approval - STRP		

Karen Johnson Davidson County
 Batch# 187402 DEEDWARR
 01/23/2019 12:44:30 PM 3 pgs
 Fees: \$18.00 Taxes: \$1,220.63
 20190123-0006682

Warranty Deed

		STATE OF TENNESSEE COUNTY OF DAVIDSON	
		The actual consideration or value, whichever is greater, for this transfer is \$320,900.00. <i>C. N. W.</i> Affiant Subscribed and sworn to before me, this the 22nd day of January, 2019.  Notary Public My commission expires: <i>May 9, 2021</i>	
THIS INSTRUMENT WAS PREPARED BY WAGON WHEEL TITLE 204 SOUTH 11 TH STREET NASHVILLE, TN 37206 615.650.5100			
Address of New Owner(s) as follows:	Send Tax Bills To:	Map/Parcel Numbers:	
P. Thomas Rothrauff Christina M. Rothrauff	<i>Simmons Bank</i> New Owners	<i>2136 24TH AVE N</i>	
805 3rd Avenue North Nashville, TN 37201	PO BOX 8010 LITTLE ROCK, AR 72209	081-02-4F-007-00-00	

FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR (\$1.00), CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE(S), AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, I/WE, BUENA VISTA PARTNERS, A TENNESSEE GENERAL PARTNERSHIP, HEREINAFTER CALLED THE GRANTOR(S), HAVE BARGAINED AND SOLD, AND BY THESE PRESENTS DO TRANSFER AND CONVEY UNTO P. THOMAS ROTHRAUFF AND CHRISTINA M. ROTHRAUFF, HUSBAND AND WIFE, HEREINAFTER CALLED THE GRANTEE(S), HIS/HER/THEIR HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS. TO-WIT:

Land in Davidson County, Tennessee, being Unit No. 7, as shown on the plat attached as Exhibit B to the Declaration of Covenants, Conditions, and Restrictions for Pecan Row, a Horizontal Property Regime with Private Elements, which is a planned unit development, of record as Instrument No. 20180402-0030422, Register's Office for Davidson County, Tennessee, to which Plain reference is hereby made for a more complete description of the property.

Being a portion of the same property conveyed to Keith Churn Trustee for the Vision Trust Corp Revocable Trust 1/3 interest and Milton Thomas 1/3 interest and Sherman Tibbs 1/3 interest by Warranty deed from Keith Churn, Trustee for Vision Trust Corp Revocable Trust 1/2 interest and Raggedy Inc. 1/2 interest of record in Instrument No. 20050420-0043825 Register's Office for Davidson County, Tennessee, dated April 15, 2005 and recorded on April 20, 2015.

Being a portion of the same property conveyed to Ellen M. Turner by Quitclaim deed from Sherman Tibbs, his 1/3 interest of record in Instrument No. 20081008-0102230 Register's Office for Davidson County, Tennessee, dated October 8, 2008 and recorded on October 8, 2008.

Property was conveyed to G Co Investments, LLC by Final Decree Confirming Sale from Clerk & Master of record in Instrument No. 20130305-0022035, Register's Office for Davidson County, Tennessee, recorded on March 5, 2013. Property was redeemed by Decree for Redemption conveying property to Keith Churn, Trustee for the Vision Trust Corp Revocable Trust as to a 1/3 interest, Milton Thomas as to a 1/3 interest, and Ellen M. Turner as to a 1/3 interest, of record in Instrument No. 20140529-0046041, Register's Office for Davidson County, Tennessee, recorded May 29, 2014. (as to Map/Parcel: 081-02-0-148.00)

Property was conveyed to JWM6, Inc. by Final Decree Confirming Sale from Clerk & Master of record in Instrument No. 20131125-0120880, Register's Office for Davidson County, Tennessee, recorded on November 25, 2013. Property was redeemed by Decree for Redemption conveying property to Keith Churn, Trustee for the Vision Trust Corp Revocable Trust as to a 1/3 interest, Milton Thomas as to a 1/3 interest, and Ellen M. Turner as to a 1/3 interest, of record in Instrument No. 20140603-0048093, Register's Office for Davidson County, Tennessee, recorded June 3, 2014. (as to Map/Parcel: 081-02-0-163.00)

Being also known as 2120 (Tract I) & 0 (Tract II) 24th Avenue North Nashville, Tennessee.

Order and Decree Divesting Title to Real Property Located at 0 24th Avenue North and 2120 24th Avenue North recorded in Instrument No. 20131213-0130719 where the property is divested out from Keith Churn, Trustee for the Vision Trust Corp Revocable Trust and vested to Eagle Point Outdoor, LLC, Register's Office for Davidson County, Tennessee.

Being a portion of the same property conveyed to Eagle Point Outdoor, LLC by Warranty deed from Ellen M. Turner and Milton Thomas of record in Instrument No. 20161213-0130775 Register's Office for Davidson County, Tennessee, dated December 09, 2016 and recorded on December 13, 2016.

Being a portion of the same property conveyed to Buena Vista Partners, a Tennessee general Partnership by Warranty deed from Eagle Point Outdoor, LLC, a Tennessee limited liability company of record in Instrument No. 20170609-0057814 Register's Office for Davidson County, Tennessee, dated June 08, 2017 and recorded on June 09, 2017.

This conveyance is subject to all restrictions, easements and planning documents of record, and current year's taxes and subsequent years, a lien not yet due and payable.

The address of the herein described property is believed to be 2134 24th Avenue North, Nashville, TN 37208, but such address is not part of the legal description of the property herein and in the event of any discrepancy, the legal description herein shall control.

TO HAVE AND TO HOLD the said tract or parcel of land, with the appurtenances, estate, title and interest thereto belonging, to the said GRANTEE(S), his/her/their heirs and assigns forever; and I/we do covenant with the said GRANTEE(S) that I/we are lawfully seized and possessed of said land in fee simple, have a good right to convey it and the same is unencumbered, unless otherwise herein set out; and I/we do further covenant and bind myself/ourselves, my/our heirs and representatives, to warrant and forever defend the title to the said land to the said GRANTEE(S), his/her/their heirs and assigns, against the lawful claims of all persons whomsoever.

Wherever used, the singular number shall include the plural, the singular, and the use of any gender shall be applicable to all genders.

WITNESS MY/OUR HANDS EFFECTIVE AS OF THE 8th day of January, 2019.

Buena Vista Partners, a Tennessee General Partnership
By: Legacy South Builders, LLC, a Tennessee Limited Liability Company, General Partner

By: Frank Elmo Neal, IV
Name: Frank Elmo Neal, IV
Title: Authorized Member

STATE OF TENNESSEE
COUNTY OF DAVIDSON

Personally appeared before me, the undersigned, a Notary Public in and for the County and State, Frank Elmo Neal, IV, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that he is the Authorized Member of Legacy South Builders, LLC, a Tennessee Limited Liability Company, which is the General Partner of Buena Vista Partners, a Tennessee General Partnership, and further acknowledged that, being authorized so to do, he executed the foregoing instrument for the purposes therein contained, by signing the name of Legacy South Builders, LLC, as General Partner of Buena Vista Partners,

Witness my hand and seal this 23rd day of January, 2019.



J. Brandon Miller
Notary Public

My Commission Expires:

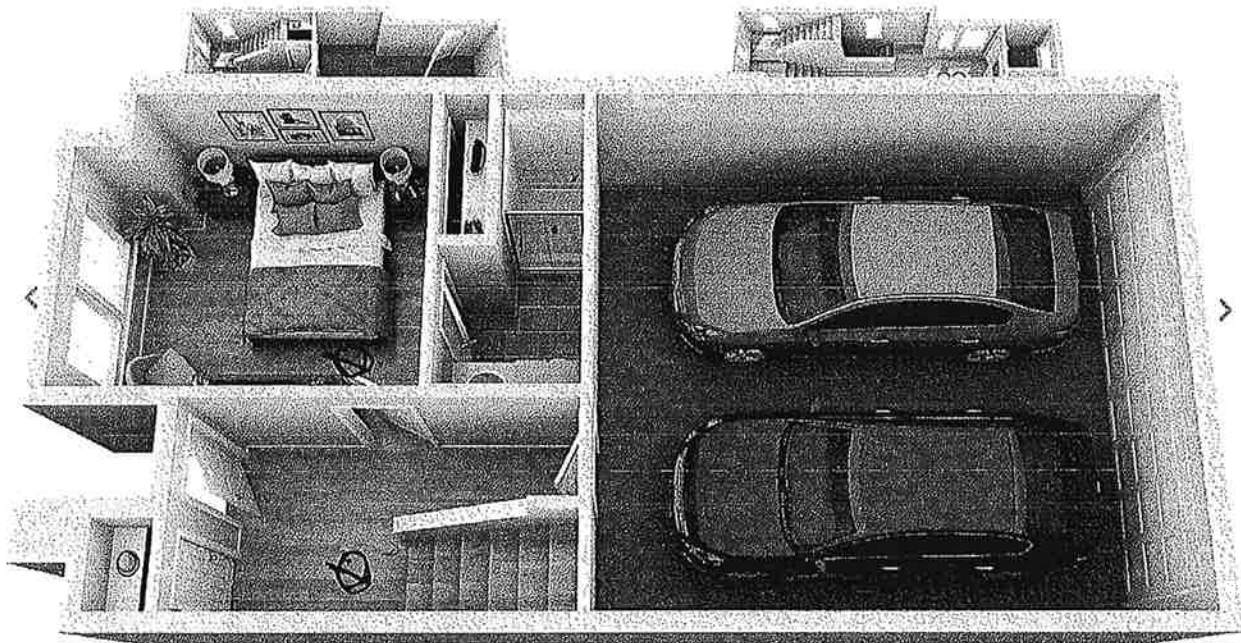
PECAN ROW



x

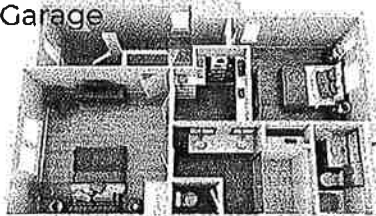
2136 24TH AVE

FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



1st Floor / Garage

1 of 3

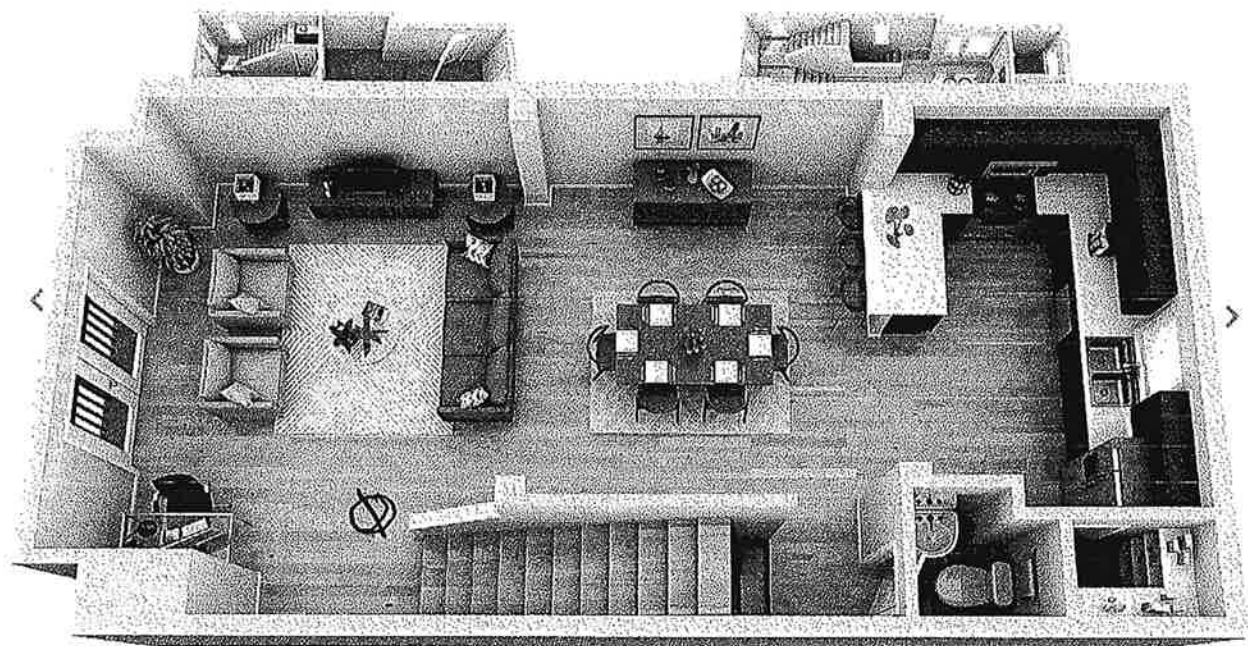


3rd Floor

PECAN ROW

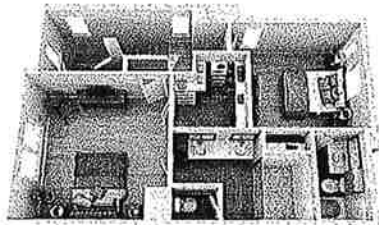


FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



2nd Floor

2 of 3

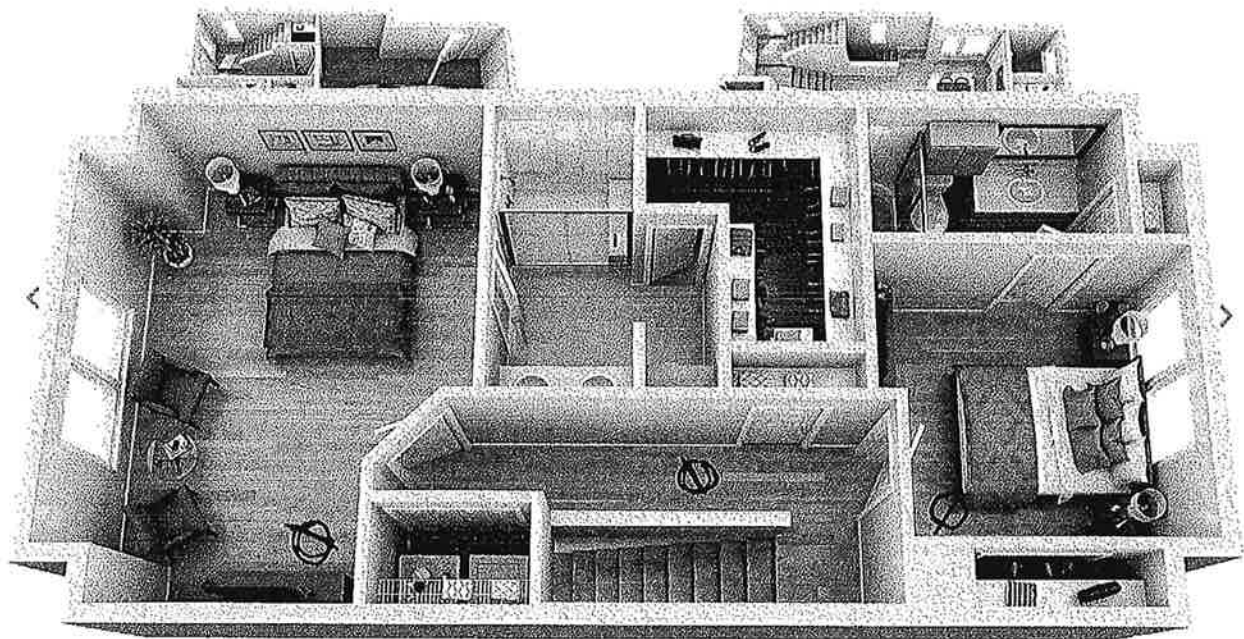


3rd Floor

PECAN ROW

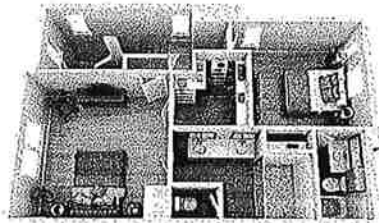


FLOORPLAN A 3 BR | 3.5 BA | 2 CAR GARAGE | 1879 SF



3rd Floor

3 of 3



3rd Floor

Date: 01/22/2019

To: P THOMAS ROTHRAUFF
805 3RD AVE N
NASHVILLE, TN 37201-1020

CERTIFICATE OF INSURANCE

New Hampshire:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policy or policies referenced herein.

All Other States:

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage, terms, exclusions, conditions, or other provisions afforded by the policy referenced herein.

In the event the policy is cancelled prior to the expiration date, notice will be delivered in accordance with the policy provisions.

POLICYHOLDER: P THOMAS ROTHRAUFF		
POLICY NUMBER: 381-5001353510-01 ✓	EFFECTIVE DATE: 01/22/2019	EXPIRATION DATE: 01/22/2020 ✓
ISSUED BY: Foremost Insurance Company Grand Rapids, Michigan NAIC# 11185		
POLICY TYPE: Dwelling	UNIT COVERED (MH ONLY):	SERIAL NUMBER (MH ONLY):
LOCATION ADDRESS: 2136 24TH AVE N, NASHVILLE, TN 37208-1006 ✓		
ADDITIONAL INTEREST #1: SIMMONS BANK AOA/ATIMA, PO BOX 9067, PINE BLUFF, AR, 71611-9067		LOAN NUMBER: 8014325669
ADDITIONAL INTEREST #2:		LOAN NUMBER:

<u>Coverage</u>	<u>Limit</u>
Dwelling..... \$	\$275,000
Liability: <input type="checkbox"/> CPL <input type="checkbox"/> LL <input checked="" type="checkbox"/> PL <input type="checkbox"/> CGL (TX) .. \$	\$1,000,000 ✓
Medical Payments..... \$	\$5,000
Deductible: \$ 2,500	
Total Annual Premium: \$ 1,641.00	

For Flood Verification- Check if applicable:

This document serves as verification that the policy listed includes the peril of flood.

For Golf Cart Liability Verification:

All States: The referenced policy is not a motor vehicle liability policy and will not meet your state's financial responsibility laws for operation of a motor vehicle on public highways.

North Carolina: Per the terms of the policy, golf cart liability coverage only applies if the golf cart is used for golfing.

Texas: If the golf cart is used in connection with farming activities, there is no coverage per the terms of the policy.

To obtain additional policy information, please contact:
Agent Name: WILLIAMS INS GROUP, INC
Telephone Number: 616-850-4222

For Certificates Issued in Louisiana:	<u>LA Dept. of Ins.</u> LDI	<u>Cert. of Ins.</u> COI	<u>Assigned LDI No.</u> N/A	<u>Date (mm/year)</u> N/A
---------------------------------------	--------------------------------	-----------------------------	--------------------------------	------------------------------

REQUIRED APPLICANT INFORMATION APPLICANT MUST COMPLETE, SIGN AND DATE THIS APPLICATION.

It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties include imprisonment, fines and denial of insurance benefits.

In connection with this application for insurance, we may review your credit report or obtain or use a credit-based insurance score based on the information contained in that credit report. We may use a third party in connection with the development of your insurance score.

1. I agree that the insurer may secure and review consumer reports, including loss history reports or credit report information for persons listed in the application or subsequently added to the policy by me or my authorized representatives. I agree to allow the insurer to share my name, address, date of birth and social security number with third party consumer reporting and insurance support organizations in order to obtain consumer reports. I further agree that the insurer may secure and review new consumer reports in evaluating this policy, for my request for a change in policy benefits or for a replacement policy as permitted by law. I understand that this authorization will remain in effect unless I make arrangements to revoke it through my insurance representative. I or my representatives may obtain a copy of this application and authorization by requesting it from my insurance representative.
2. I declare that the information contained in this application is true to the best of my knowledge and belief. I understand that the insurer will rely on this information in determining my eligibility and premium.
3. I declare that the selections indicated in this application accurately reflect the limits, coverages and deductibles I chose.

Electronic Sign 20190122 10:19:20 AM EST
 Applicant Signature Steven Pittman 1/22/2019

REQUIRED PRODUCER INFORMATION

By signing this application, I certify that I am both licensed by the state and appointed by Foremost to write this specific line of business.

WILLIAMS, STEVEN PITTMAN 01/22/2019
 Producer Signature Date

WILLIAMS, STEVEN PITTMAN _____
 Producer Name (Print) Producer License Number



As required by law, I hereby certify that all the information provided regarding my Short Term Rental Property permit application is true and accurate and I have not advertised and/or operated a STRP without a permit.

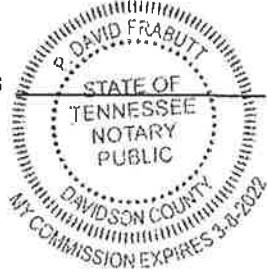
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Signed P. Thomas Rothrauff
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County of Davidson
State of Tennessee

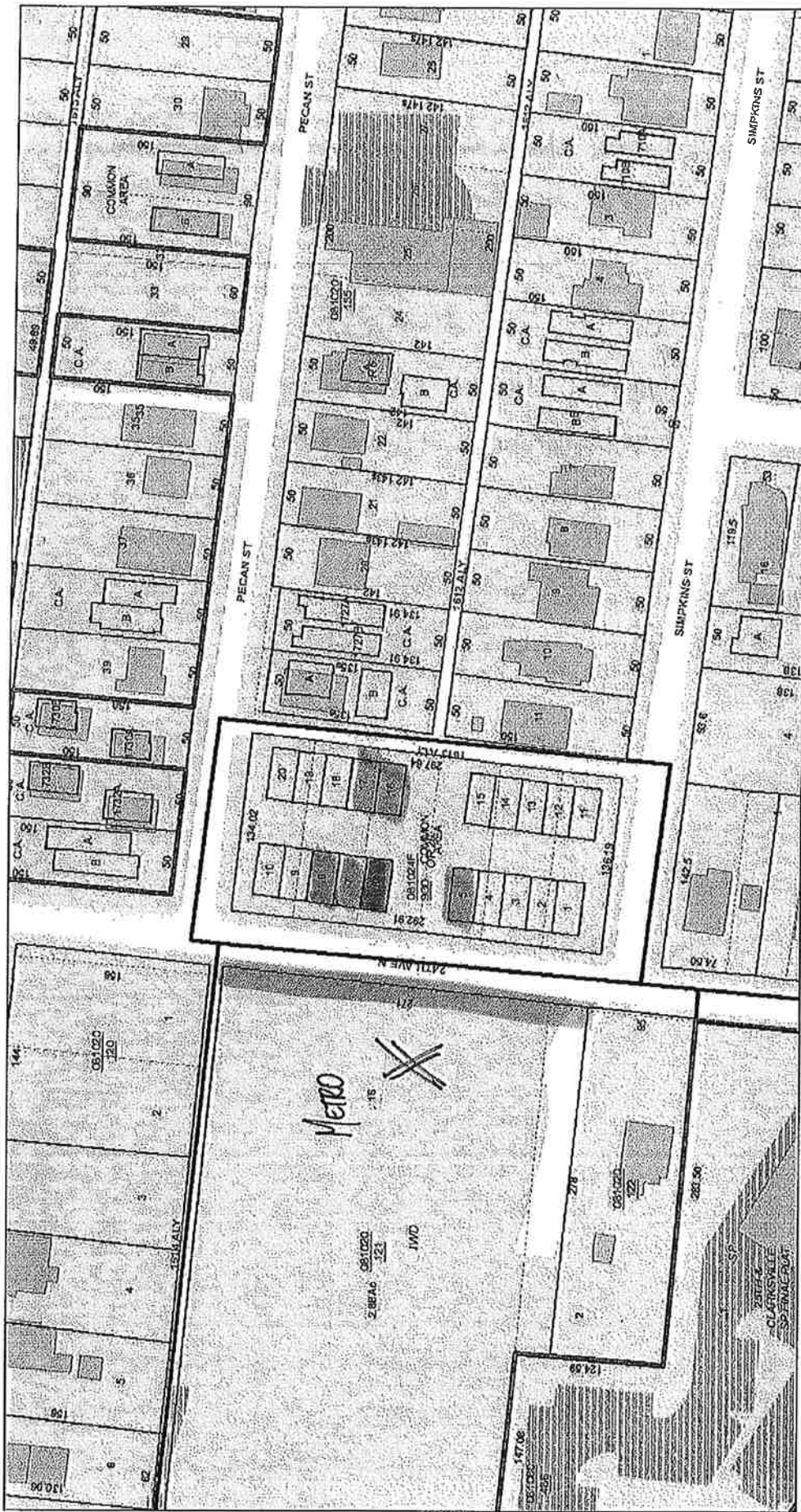
On this 23RD day of JANUARY, 20 19.

Notary P. David Frabutt

Commission Expires _____ Seal



Nashville / Davidson County Parcel Viewer



January 8, 2019

polygonLayer

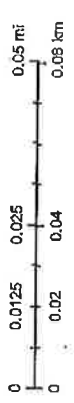
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Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

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Sent To BUENA VISTA PARTNERS Street and Apt. No., or PO Box No. 5533 KENDALL DR City, State, ZIP+4® NASHVILLE, TN 37209	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



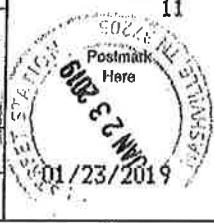
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<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
<input type="checkbox"/> Adult Signature Required \$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.50	
Total Postage and Fees \$3.95	
Sent To JENNA WALTER Street and Apt. No., or PO Box No. 1110 AUDOBAN DR City, State, ZIP+4® MEMPHIS, TN 38117	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



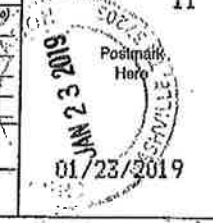
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U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
NASHVILLE, TN 37209 OFFICIAL USE	
Certified Mail Fee \$3.45	0213 11
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery \$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery \$0.00	
Postage \$0.50	
Total Postage and Fees \$3.95	
Sent To BUENA VISTA PARTNERS Street and Apt. No., or PO Box No. 5533 KENDALL DR City, State, ZIP+4® NASHVILLE TN 37209	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



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U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
NASHVILLE, TN 37209 OFFICIAL USE	
Certified Mail Fee \$3.45	0213 11
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$0.00	
<input type="checkbox"/> Return Receipt (electronic) \$0.00	
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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	





SHORT TERM RENTAL PERMIT APPLICATION

Homeowners Association Certification

- This notification confirms that no Homeowners Association exists governing the property applying for a short term rental property permit.

Signature: _____

Printed Name: _____

Date: _____

OR

- This notification confirms that operating a Short Term Rental Property WILL NOT violate any Homeowners Association Agreement or Bylaws, Condominium Agreement, Covenants, Codes and Restrictions or any other agreement governing and limiting the use of the proposed STRP property.

Signature: P. Thomas Rothrauff

Printed Name: P. Thomas Rothrauff

Date: 1/23/19

Owner Contact Information:

Name: Tom Rothrauff

Address: 805 3rd Ave N City: Nashville Zip: 37201

Phone: 615-319-6077 Email: rothrauff@gmail.com

Responsible Party (if different than owner contact): rothrauff@gmail.com

Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Email: _____

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

Site Address: 2136 24TH AVE N NASHVILLE, TN 37208

Permit #: 2019007486

**SHORT TERM
RENTAL PERMIT**

Issue Date: February 20, 2019

Parcel: 081024F00700CO

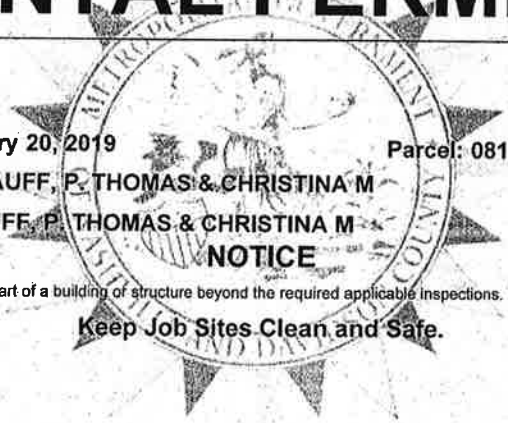
Applicant: ROTHRAUFF, P. THOMAS & CHRISTINA M

Contact: ROTHRAUFF, P. THOMAS & CHRISTINA M

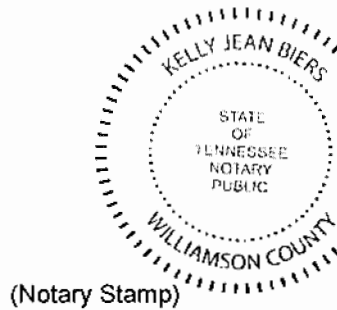
NOTICE

No work may be done on any part of a building or structure beyond the required applicable inspections.

Keep Job Sites Clean and Safe.



Karen Johnson Davidson County
 Batch# 257233 DEEDQC
 07/15/2019 03:42:30 PM 3 pgs
 Fees: \$17.00 Taxes: \$0.00
 20190715-0069124



STATE OF TENNESSEE
 COUNTY OF Davidson

The actual consideration or value, whichever is greater, for this transfer is \$-0-

[Signature]
 Affiant

Subscribed and sworn to before me, this 3rd day of June, 2019.

[Signature]
 Notary Public

My commission expires: May 9, 2021

THIS INSTRUMENT PREPARED BY:

Keith H. Solomon, Attorney
 Lenders Title Group d/b/a SolomonParks Title & Escrow
 8119 Isabella Lane, Suite 104, Brentwood, TN 37027

QUITCLAIM DEED

Address of New Owner	Send Tax Bills To	Map-Parcel Number
T&T, LLC	New Owner	Referenced below each description
805 3 rd Avenue N		
Nashville, TN 37201		

FOR AND IN CONSIDERATION of TEN AND 00/100 DOLLARS (\$***10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **P. Thomas Rothrauff and Christina M. Rothrauff, husband and wife, Grantor**, hereby conveys and quitclaims unto **T&T, LLC, a Tennessee limited liability company, Grantee**, its successors and assigns, all right, title and interest that we may have in and to the following described property:

Tract No. 1: Land in Davidson County, Tennessee, being Unit No. 7, as shown on the plat attached as Exhibit B to the Declaration of Covenants, Conditions, and Restrictions for Pecan Row, a Horizontal Property Regime with Private Elements, which is a planned unit development, of record as Instrument No. 20180402-0030422, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Description same as prior deed.

BEING the same property conveyed to P. Thomas Rothrauff and Christina M. Rothrauff, husband and wife, by Warranty Deed from Buena Vista Partners, a Tennessee General Partnership of record as Instrument No. 20190123-0006682 in the Register's Office for Davidson County, Tennessee.

Being commonly known as **2136 24th Avenue North, Nashville, TN 37208**, but such address is not part of the legal description of the property herein, and in the event of any discrepancy, the legal description shall control.

Tax Map/Parcel 081-02-4F-007.00-CO

19-00071-528

Certificate of Authenticity

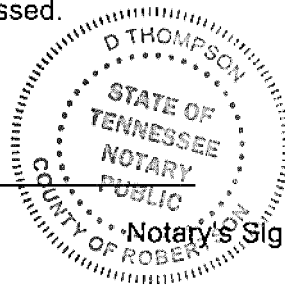
I, John W. Bishop, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

[Handwritten Signature]
Signature

State of Tennessee
County of Davidson

Personally appeared before me, D. Thompson, a notary public for this county and state, John W. Bishop who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

[Handwritten Signature]



Notary's Signature

My Commission Expires: 12/10/2019

Notary's Seal (If on paper)

OPERATING AGREEMENT**MEMBER MANAGED**

DATE: October 9, 2018

PARTIES: P Thomas (Tom) Rothrauff, Christina (Tina) Rothrauff

RECITAL:

The parties to this agreement (the "Members") are entering into this agreement for the purpose of forming a limited liability company under the Limited Liability Company Act of the state of Tennessee (the "Act").

AGREEMENTS:**1. FORMATION**

1.1 Name. The name of this limited liability company (the "Company") is T&T LLC.

1.2 Articles of Organization. Articles of organization for the Company were filed with the Secretary of State for the state of Tennessee on August 30, 2018.

1.3 Duration. The Company will exist until dissolved as provided in this agreement.

1.4 Principal Office. The Company's principal office will initially be at 805 3rd Ave N., Nashville, TN 37201, but it may be relocated by the Members at any time.

1.5 Designated Office and Agent for Service of Process. The Company's initial designated office will be at 805 3rd Ave N., Nashville, TN 37201, and the name of its initial agent for service of process at that address will be Tina Rothrauff. The Company's designated office and its agent for service of process may only be changed by filing notice of the change with the Secretary of State of the state in which the articles of organization of the Company were filed.

1.6 Purposes and Powers. The Company is formed for the purpose of engaging in the business of real estate rentals. The Company has the power to do all things necessary, incident, or in furtherance of that business.

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1.7 Title to Assets. Title to all assets of the Company will be held in the name of the Company. No Member has any right to the assets of the Company or any ownership interest in those assets except indirectly as a result of the Member's ownership of an interest in the Company. No Member has any right to partition any assets of the Company or any right to receive any specific assets upon liquidation of the Company or upon any other distribution from the Company.

2. MEMBERS, CONTRIBUTIONS AND INTERESTS

2.1 Initial Members. The names and addresses of the Members of the Company, the amounts of their initial capital contributions, and their initial Ownership Interests are:

- Tom Rothrauff
805 3rd Ave N
Nashville, TN 37201
50%
- Tina Rothrauff
805 3rd Ave N
Nashville, TN 37201
50%

Each Member's Ownership Interest at any time will be determined by the ratio of the Member's aggregate capital contributions to the aggregate capital contributions of all Members.

2.2 Initial Capital Contributions. The initial capital contributions of * and * must be paid to the Company, in cash, immediately after all parties have signed this agreement. The initial capital contribution of * must be made by *'s transferring to the Company the assets listed on the attached Exhibit A. The transfer of the assets must be made immediately after all parties have signed this agreement by *'s executing and delivering to the Company such documents as may be necessary to transfer the assets listed on the attached Exhibit A to the Company free and clear of all liens and encumbrances. The transfer documents must include warranties of title and good right to transfer.

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2.3 Additional Members. Except as otherwise provided in the section of this agreement relating to substitution, additional Members of the Company may be admitted only with the consent of all Members.

2.4 Additional Contributions. Except as otherwise provided in the Act, no Member will be required to contribute additional capital to the Company. Additional capital contributions to the Company may be made by the Members only with the Members' unanimous approval. If the Members approve additional capital contributions, the Members must set a maximum amount for such contributions that will be accepted from the Members. Each Member will then have the right, but not the obligation, to contribute a pro rata share of the maximum based upon the Member's Ownership Interest. If any Member elects to contribute less than the Member's pro rata share of the maximum, the other Members may contribute the difference on a pro rata basis in accordance with their Ownership Interests or on any other basis they may agree upon.

2.5 No Interest on Capital Contributions. No interest will be paid on capital contributions.

2.6 Capital Accounts. An individual capital account will be maintained for each Member. A Member's capital account will be credited with all capital contributions made by the Member and with all income and gain (including any income exempt from federal income tax) allocated to the Member. A Member's capital account will be charged with the amount of all distributions made to the Member and with all losses and deductions (including deductions attributable to tax-exempt income) allocated to the Member. Members' capital accounts must be maintained in accordance with the federal income tax accounting principles prescribed in Treasury Regulations §1.704-1(b)(2)(iv).

3. ALLOCATION OF PROFITS AND LOSSES

3.1 Determination. The net profit or net loss of the Company for each fiscal year will be determined according to the accounting principles employed in the preparation of the Company's federal income tax information return for that fiscal year. In computing net profit or net loss for purposes of allocation among the Members, no special provision will be made for tax-exempt or partially tax-exempt income of the Company, and all items of the Company's income, gain, loss, or deduction required to be separately stated under IRC §703(a)(1) will be included in the net profit or net loss of the Company.

3.2 Allocation of Net Profits and Net Losses. The net profit or net loss of the Company for a fiscal year will be allocated among the Members in proportion to their Ownership Interests.

3.3 Allocations Solely for Tax Purposes. In accordance with IRC §704(c) and the corresponding regulations, income, gain, loss, and deduction with respect to any property contributed to the capital of the Company will be allocated among the Members, solely for income tax purposes, so as to take into account any variation between the adjusted basis of such property for federal income tax purposes in the hands of the Company and the agreed value of such property as set forth in this agreement, or in any document entered into at the time an additional contribution is made to the Company. Any elections or other decisions relating to the allocations to be made under this section will be made by action of the Members. The allocations to be made under this section are solely for purposes of federal, state, and local income taxes and will not affect, or in any way be taken into account in computing, any Member's capital account, allocable share of the net profits and net losses of the Company, or right to distributions.

3.4 Prorates. If a Member has not been a Member during a full fiscal year of the Company, or if a Member's Ownership Interest in the Company changes during a fiscal year, the net profit or net loss for the year will be allocated to the Member based only on the period of time during which the Member was a Member or held a particular Ownership Interest. In determining a Member's share of the net profit or net loss for a fiscal year, the Members may allocate the net profit or net loss ratably on a daily basis using the Company's usual method of accounting. Alternatively, the Members may separate the Company's fiscal year into two or more segments and allocate the net profits or net losses for each segment among the persons who were Members, or who held particular Ownership Interests, during each segment based upon their Ownership Interests during that segment.

4. DISTRIBUTIONS

4.1 Distributions to Pay Taxes. To enable the Members to pay taxes on income of the Company that is taxable to the Members, the Company must make cash distributions to the Members. During each fiscal year the Company must distribute an amount equal to the product of (a) the highest aggregate rate of federal, state, and local income and self-employment tax imposed on the Company's income for that fiscal year (taking into account the deductibility of state and local income taxes for federal income tax purposes) allocated to any Member who was a Member for the full fiscal year times (b) the amount of the taxable income of the Company allocated to all Members for that fiscal year. Distributions must be paid at least quarterly during each fiscal year at times that coincide with the Members' payment of estimated taxes, and the amount of each distribution will be based upon the anticipated taxable income of the Company for the fiscal year of the distribution and the anticipated tax rates of Members, as determined at the time the distribution is made. The Company's obligation to make distributions under this section is subject to the restrictions governing distributions under the Act.

4.2 Additional Distributions. Subject to the restrictions governing distributions under the Act, additional distributions of cash or property may be made from time to time by the Company to the Members, at such times and in such amounts as the Members determine.

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4.3 Allocation of Distributions. All distributions to pay taxes and additional distributions must be made to Members in proportion to their Ownership Interests.

5. ADMINISTRATION OF COMPANY BUSINESS

5.1 Management. All Members have the right to participate in the management and conduct of the Company's business. Subject to the limitations imposed by this agreement or by action of the Members, each Member is an agent of the Company and has authority to bind the Company in the ordinary course of the Company's business.

5.2 Actions by Members. Except as otherwise provided in this agreement, all decisions requiring action of the Members or relating to the business or affairs of the Company will be decided by the affirmative vote or consent of Members holding a majority of the Ownership Interests. Members may act with or without a meeting, and any Member may participate in any meeting by written proxy or by any means of communication reasonable under the circumstances.

5.3 Approval of Other Members Required. In addition to the other actions requiring unanimous Member approval under the terms of this agreement, no Member has authority to do any of the following without the prior written consent of all other Members:

5.3.1 To sell, lease, exchange, mortgage, pledge, or otherwise transfer or dispose of all or substantially all of the property or assets of the Company;

5.3.2 To merge the Company with any other entity;

5.3.3 To amend the articles of organization of the Company or this agreement;

5.3.4 To incur indebtedness by the Company other than in the ordinary course of business;

5.3.5 To authorize a transaction involving an actual or potential conflict of interest between a Member and the Company;

5.3.6 To change the nature of the business of the Company; or

5.3.7 To commence a voluntary bankruptcy case for the Company.

5.4 Devotion of Time; Outside Activities. Each of the Members must devote so much time and attention to the business of the Company as the Members agree is appropriate. Members may engage in business and investment activities outside the Company, and neither the

Company nor the other Members have any rights to the property, profits, or benefits of such activities. But no Member may, without the consent of all other Members, enter into any business or investment activity that is competitive with the business of the Company, or use any property or assets of the Company other than for the operation of the Company's business. For this purpose, the property and assets of the Company include, without limitation, information developed for the Company, opportunities offered to the Company, and other information or opportunities entrusted to a Member as a result of being a Member of the Company.

5.5 Compensation and Reimbursement. Members who render services to the Company are entitled to such compensation as may be agreed upon by the Members from time to time. Any compensation paid to a Member for services rendered will be treated as an expense of the Company and a guaranteed payment within the meaning of IRC §707(c), and the amount of the compensation will not be charged against the share of profits of the Company that would otherwise be allocated to the Member. Members are also entitled to reimbursement from the Company for reasonable expenses incurred on behalf of the Company, including expenses incurred in the formation, dissolution, and liquidation of the Company.

5.6 Self Interest. A Member does not violate any duty or obligation to the Company merely as a result of engaging in conduct that furthers the interest of the Member. A Member may lend money or transact other business with the Company, and, in this case, the rights and obligations of the Member will be the same as those of a person who is not a Member, so long as the loan or other transaction has been approved or ratified by the Members. Unless otherwise provided by applicable law, a Member with a financial interest in the outcome of a particular action is nevertheless entitled to vote on such action.

6. ACCOUNTING AND RECORDS

6.1 Books of Account. The Members must keep such books and records relating to the operation of the Company as are appropriate and adequate for the Company's business and for the carrying out of this agreement. At a minimum, the following must be maintained at the principal office of the Company: (a) financial statements for the three most recent fiscal years; (b) federal, state, and local income tax returns for the three most recent fiscal years; (c) a register showing the current names and addresses of the Members; (d) a copy of the Company's articles of organization and any amendments thereto; (e) this agreement and any amendments thereto; (f) minutes of any meetings of Members; and (g) consents to action by Members. Each Member will have access to all such books and records at all times.

6.2 Fiscal Year. The fiscal year of the Company will be the calendar year.

6.3 Accounting Reports. Within 90 days after the close of each fiscal year, Company must deliver to each Member an unaudited report of the activities of the Company for the preceding fiscal year, including a copy of a balance sheet of the Company as of the end of the year and a profit and loss statement for the year.

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6.4 Tax Returns. The Company must prepare and file on a timely basis all required federal, state, and local income tax and other tax returns. Within 90 days after the end of each fiscal year, the Company must deliver to each Member a Schedule K-1, showing the amounts of any distributions, contributions, income, gain, loss, deductions, or credits allocated to the Member during the fiscal year.

6.5 Tax Matters Partner. Anytime the Company has more than 10 Members, any Member is an entity other than an estate or a C corporation, or any Member is a nonresident alien individual, the Members must designate one of the Members as the tax matters partner of the Company in accordance with IRC §6231(a)(7) and keep such designation in effect at all times.

7. DISSOCIATION AND DISSOLUTION

7.1 Withdrawal. A Member may withdraw from the Company only after giving notice of withdrawal to the other Members at least 90 days prior to the effective date of the withdrawal.

7.2 Expulsion. A Member may be expelled from the Company by an affirmative vote of the Members holding a majority of the Ownership Interests held by Members other than the expelled Member if the expelled Member has been guilty of wrongful conduct that adversely and materially affects the business or affairs of the Company, or the expelled Member has willfully or persistently committed a material breach of the articles of organization of the Company or this agreement or has otherwise breached a duty owed to the Company or to the other Members to the extent that it is not reasonably practicable to carry on the business or affairs of the Company with that Member. The right to expel a Member under the provisions of this section does not limit or adversely affect any right or power of the Company or the other Members to recover any damages from the expelled Member or to pursue other remedies permitted under applicable law or in equity. In addition to any other remedies, the Company or the other Members may offset any such damages against any amounts otherwise distributable or payable to the expelled Member.

7.3 Events of Dissolution. Except as otherwise provided in this agreement, the Company will dissolve upon the earliest of: (a) the death, incompetence, withdrawal, expulsion, bankruptcy, or dissolution of any Member; (b) approval of a dissolution of the Company by unanimous consent of the Members; or (c) at such time as the Company has no members.

7.4 Effect of Member's Dissociation. Within 120 days following the death, incompetence, withdrawal, expulsion, bankruptcy, or dissolution of a Member, the other Members (whether one or more) may elect to continue the Company by themselves or with others, and to cause the Company to purchase the interest of the dissociating Member pursuant to the provisions of the sections of this agreement relating to purchase price and payment for member's interest. Making the election is in the sole discretion of the other Members and

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requires the consent of other Members holding a majority of the Ownership Interests held by the other Members. Notice of the election must be given in writing to the dissociating Member or the dissociating Member's successor in interest promptly after the election is made. If the other Members do not so elect, the Company will be dissolved.

7.5 Purchase Price. If the other Members elect to cause the Company to purchase the interest of a dissociating Member under the section of this agreement relating to effect of member's dissociation, the purchase price of the dissociating Member's interest in the Company will be determined by agreement between the other Members (acting by vote) and the dissociating Member. If an agreement on the purchase price is not reached within 30 days following the election to purchase the interest of the dissociating Member, the interest must be valued by a third party appraiser selected by the other Members who is reasonably acceptable to the dissociating Member, and the purchase price will be the value determined in that appraisal. In appraising the interest to be purchased, the appraiser must determine the fair market value of the interest as of the date of the event of dissociation. In determining the value, the appraiser must consider the greater of the liquidation value of the Company or the value of the Company based upon a sale of the Company as a going concern. The appraiser must also consider appropriate minority interest, lack of marketability, and other discounts. If the appraisal is not completed within 120 days following the election to purchase the interest of the dissociating Member, either the other Members or the dissociating Member may apply to a court of competent jurisdiction for the appointment of another appraiser, in which case the court-appointed appraiser must appraise the interest of the dissociating Member in accordance with the standards set forth in this section, and the purchase price will be the value determined in that appraisal.

7.6 Payment for Member's Interest. The purchase price for the interest of a Member purchased under the section of this agreement relating to effect of member's dissociation will be paid as follows:

7.6.1 The purchase price will bear interest from the date of the election of the other Members to purchase the dissociating Member's interest at the prime rate of interest in effect on the date of the election as quoted in *The Wall Street Journal* or, if that publication is not available, another reputable national publication selected by the other Members that is reasonably acceptable to the dissociating Member.

7.6.2 The purchase price will be payable in accordance with the terms of a promissory note of the Company providing for the payment of the principal amount in 60 equal monthly installments, including interest on the unpaid balance, with the first installment to be due one month after the date of closing and an additional installment to be due on the same day of each month thereafter until the promissory note is paid in full. The promissory note will bear interest from the date of the closing at the rate specified above. The promissory note must provide that if any installment is not paid when due, the holder may declare the entire remaining balance, together with all accrued interest,

immediately due and payable. Partial or complete prepayment of the remaining balance due under the promissory note will be permitted at any time without penalty, provided that any partial prepayment will not affect the amount or regularity of payments coming due thereafter.

7.6.3 The purchase must be closed within 30 days following the determination of the purchase price. At the closing, the dissociating Member must sign and deliver to the Company a written assignment transferring the entire interest of the dissociating Member in the Company to the Company free and clear of all encumbrances. Such assignment must contain warranties of title and good right to transfer. At the closing, the Company must pay the accrued interest on the purchase price then due to the dissociating Member, and the Company must also deliver its promissory note to the dissociating Member. Each of the other Members must sign and deliver to the dissociating Member a security agreement granting a security interest to the dissociating Member in that percentage of the interest of each of the other Members in the Company equal to the Ownership Interest of the dissociating Member being purchased by the Company. The security agreement must be in a form reasonably acceptable to the attorney for the dissociating Member and will secure payment of the promissory note by the Company. The security agreement must provide that if there is a default in the payment of the promissory note by the Company and the security interest is foreclosed or the interest in the Company is retained by the secured party in satisfaction of the indebtedness, the interest may be transferred without the necessity of tendering the interest to the Company under the section of this agreement relating to tender of interest and the person acquiring the interest in the Company will be admitted as a member of the Company without further consent of the Members being required.

As an example of the operation of this provision, if the Ownership Interest of a dissociating Member was 25% and there are three other Members, each with an Ownership Interest of 33-1/3% after the purchase of the dissociating Member's Ownership Interest by the Company, each of the other Members would be required to grant the dissociating Member a security interest in an Ownership Interest of 8-1/3%.

7.7 Effect of Purchase of Member's Interest. A dissociating Member will cease to be a Member upon the election of the other Members to cause the Company to purchase the dissociating Member's interest pursuant to the section of this agreement relating to effect of member's dissociation. Thereafter, the dissociating Member will have no rights as a Member in the Company, except the right to have the dissociating Member's interest purchased in accordance with the terms of this agreement.

7.8 Successor in Interest. For purposes of this section relating to dissociation and dissolution, the term "dissociating Member" includes the dissociating Member's successor in interest.

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8. WINDING UP AND LIQUIDATION

8.1 Liquidation Upon Dissolution. Upon the dissolution of the Company, the Members must wind up the affairs of the Company unless the dissolution results from the dissociation of a Member and the other Members elect to continue the Company under the provisions of this agreement relating to effect of member's dissociation. If the affairs of the Company are wound up, a full account must be taken of the assets and liabilities of the Company, and the assets of the Company must be promptly liquidated. Following liquidation of the assets of the Company, the proceeds must be applied and distributed in the following order of priority:

8.1.1 To creditors of the Company in satisfaction of liabilities and obligations of the Company, including, to the extent permitted by law, liabilities and obligations owed to Members as creditors (except liabilities for unpaid distributions);

8.1.2 To any reserves set up for contingent or unliquidated liabilities or obligations of the Company deemed reasonably necessary by the Members, which reserves may be paid over to an escrow agent by the Members to be held by such escrow agent for disbursement in satisfaction of the liabilities and obligations of the Company, with any excess being distributed to the Members as provided below; and

8.1.3 To Members in proportion to the positive balances of their capital accounts, after taking into account all adjustments made to capital accounts for the fiscal year during which the distributions to Members are made.

8.2 Distribution of Property in Kind. With approval of the Members, property of the Company may be distributed in kind in the process of winding up and liquidation. Any property distributed in kind will be valued and treated for the Company's accounting purposes, in accordance with Treasury Regulations §1.704-1(b)(2)(iv)(e)(1), as though the property distributed had been sold at fair market value on the date of distribution. If property is distributed in kind, the difference between the fair market value of the property and its adjusted tax basis will, solely for the Company's accounting purposes and to adjust the Members' capital accounts, be treated as a gain or loss on the sale of the property and will be credited or charged to the Members' capital accounts in the manner specified in the section of this agreement relating to capital accounts.

8.3 Negative Capital Accounts. If any Member has a negative balance in the Member's capital account upon liquidation of the Company, the Member will have no obligation to make any contribution to the capital of the Company to make up the deficit, and the deficit will not be considered a debt owed to the Company or any other person for any purpose.

9. TRANSFER OF MEMBERS' INTERESTS

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9.1 General Restrictions. No Member may transfer all or any part of such Member's interest as a member of the Company except as permitted in this agreement. Any purported transfer of an interest or a part of an interest in violation of the terms of this agreement will be null and void and of no effect. For purposes of this section a "transfer" includes a sale, exchange, pledge, or other disposition, voluntarily or by operation of law.

9.2 Permitted Transfers. A Member may transfer all or a part of the Member's interest in the Company with the prior written consent of all other Members. If the other Members do not consent to a particular transfer, the Member may transfer all or a part of the Member's interest if such interest or part has been tendered for sale to the Company in accordance with the section of this agreement relating to tender of interest, the tender has not been accepted within the time limit set forth in that section, the transfer is made to the transferee named in the notice of tender within 180 days after the notice of tender is effective, and the transfer is at a price and upon terms no more favorable to the transferee than those set forth in the notice of tender.

9.3 Tender of Interest. If a Member wishes to transfer all or part of the Member's interest in the Company and the other Members do not consent, the interest or the part to be transferred must be tendered to the Company by giving written notice of such tender to the Company. Such notice must contain the name and address of the proposed transferee, the price to be paid by the proposed transferee for the interest, if any, and the terms of the proposed transfer. If a Member's interest is transferred by operation of law, the successor in interest to the transferring Member may give the required notice of tender to the Company at any time following the transfer, and such successor in interest will be deemed to have given the notice of tender at the time any other Member gives notice to the successor in interest and to all other Members of the failure to give the notice of tender. Within 30 days after a notice of tender is given, the other Members may accept the tender on behalf of the Company and have the Company purchase the interest tendered for the lesser of the price set forth in the notice of tender (if the proposed transfer is to be by sale) or the price applicable to the purchase of a Member's interest pursuant to the section of this agreement relating to the effect of member's dissociation. The tender must be accepted on behalf of the Company by giving notice of acceptance to the transferring Member or the transferring Member's successor in interest. The purchase may, at the option of the other Members, be on the terms set forth in the notice of tender, if any, or the terms set forth in the section of this agreement relating to payment for member's interest. For purposes of those provisions, the date of the acceptance of tender will be deemed to be the date on which the other Members elected to purchase the interest of a dissociating Member.

9.4 Effect of Tender. The Member tendering the interest will cease to be a Member with respect to the tendered interest upon an acceptance of the tender by the Company. Thereafter, the Member tendering the interest will have no rights as a Member in the Company, except the right to have the tendered interest purchased in accordance with the terms of this agreement.

9.5 Substitution. If the interest of a Member is transferred, the transferee of the interest may be admitted as a Member of the Company if the transferee executes and delivers to the Company a written agreement to be bound by all of the terms and provisions of this agreement. But the transferee is entitled to be admitted as a Member only if all of the other Members consent to the admission of the transferee as a Member, and this consent may be withheld reasonably or unreasonably. If a Member who is the only member of the Company transfers the Member's entire interest, the transferee will be admitted as a Member of the Company effective upon the transfer without the requirement of an agreement to be bound by this agreement or consent. If the transferee is not admitted as a Member, the transferee will have the right only to receive, to the extent assigned, the distributions from the Company to which the transferor would be entitled. Such transferee will not have the right to exercise the rights of a Member, including, without limitation, the right to vote or inspect or obtain records of the Company.

10. INDEMNIFICATION AND LIABILITY LIMITATION

10.1 Indemnification. Except as otherwise provided in this section, the Company must indemnify each of the Members to the fullest extent permissible under the law of the state in which the articles of organization of the Company have been filed, as the same exists or may hereafter be amended, against all liability, loss, and costs (including, without limitation, attorneys' fees) incurred or suffered by the Member by reason of or arising from the fact that the Member is or was a member of the Company, or is or was serving at the request of the Company as a manager, member, director, officer, partner, trustee, employee, or agent of another foreign or domestic limited liability company, corporation, partnership, joint venture, trust, benefit plan, or other enterprise. The Company may, by action of the Members, provide indemnification to employees and agents of the Company who are not Members. The indemnification provided in this section is not exclusive of any other rights to which any person may be entitled under any statute, agreement, resolution of Members, contract, or otherwise. But despite any other provision of this agreement, the Company has no obligation to indemnify a Member for:

10.1.1 Any breach of the Member's duty of loyalty to the Company;

10.1.2 Acts or omissions not in good faith that involve intentional misconduct or a knowing violation of law;

10.1.3 Any unlawful distribution under the Act; or

10.1.4 Any transaction in which the Member derives improper personal benefit.

10.2 Limitation of Liability. No Member of the Company is liable to the Company or to the other Members for monetary damages resulting from the Member's conduct as a Member except to the extent that the Act, as it now exists or may be amended in the future, prohibits the

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elimination or limitation of liability of members of limited liability companies. No repeal or amendment of this section or of the Act will adversely affect any right or protection of a Member for actions or omissions prior to the repeal or amendment.

11. MISCELLANEOUS PROVISIONS

11.1 Amendment. The Members may amend or repeal all or part of this agreement by unanimous written agreement. This agreement may not be amended or repealed by oral agreement of the Members.

11.2 Binding Effect. The provisions of this agreement will be binding upon and will inure to the benefit of the heirs, personal representatives, successors, and assigns of the Members. But this section may not be construed as a modification of any restriction on transfer set forth in this agreement.

11.3 Notice. Except as otherwise provided in other sections of this agreement, any notice or other communication required or permitted to be given under this agreement must be in writing and must be mailed by certified mail, return receipt requested, with postage prepaid. Notices addressed to a Member must be addressed to the Member's address listed in the section of this agreement relating to initial members, or if there is no such address listed for a Member, the address of the Member shown on the records of the Company. Notices addressed to the Company must be addressed to its principal office. The address of a Member or the Company to which notices or other communications are to be mailed may be changed from time to time by the Member's or the Company's giving written notice to the other Members and the Company. All notices and other communications will be deemed to be given at the expiration of three days after the date of mailing.

11.4 Litigation Expense. If any legal proceeding is commenced for the purpose of interpreting or enforcing any provision of this agreement, including any proceeding in the United States Bankruptcy Court, the prevailing party in such proceeding will be entitled to recover a reasonable attorney's fee in such proceeding, or any appeal thereof, to be set by the court without the necessity of hearing testimony or receiving evidence, in addition to the costs and disbursements allowed by law.

11.5 Additional Documents. Each Member must execute such additional documents and take such actions as are reasonably requested by the other Members in order to complete or confirm the transactions contemplated by this agreement.

11.6 Counterparts. This agreement may be executed in two or more counterparts, which together will constitute one agreement.

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11.7 Governing Law. This agreement will be governed by the law of the state in which the articles of organization of the Company have been filed.

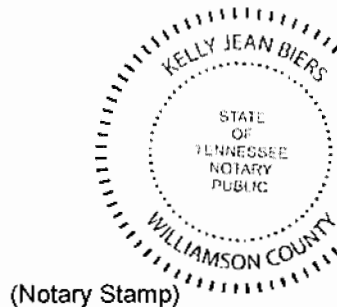
11.8 Severability. If any provision of this agreement is invalid or unenforceable, it will not affect the remaining provisions.

11.9 Third-Party Beneficiaries. The provisions of this agreement are intended solely for the benefit of the Members and create no rights or obligations enforceable by any third party, including creditors of the Company, except as otherwise provided by applicable law.

11.10 Authority. Each individual executing this agreement on behalf of a corporation or other entity warrants that he or she is authorized to do so and that this agreement constitutes a legally binding obligation of the corporation or other entity that the individual represents.

11.11 Counsel. This agreement has been drafted by * (the "Attorney"), who represents * in connection with the creation of the Company. * and * each understand that the Attorney can represent only one party in connection with this matter, that the Attorney represents * and does not represent them, and that they have been advised by the Attorney that they should retain attorneys of their own choice in connection with this matter.

Karen Johnson Davidson County
 Batch# 257233 DEEDQC
 07/15/2019 03:42:30 PM 3 pgs
 Fees: \$17.00 Taxes: \$0.00
 20190715-0069124



STATE OF TENNESSEE
 COUNTY OF Davidson

The actual consideration or value, whichever is greater, for this transfer is \$-0-

[Signature]
 Affiant

Subscribed and sworn to before me, this 3rd day of June, 2019.

[Signature]
 Notary Public

My commission expires: May 9, 2021

THIS INSTRUMENT PREPARED BY:

Keith H. Solomon, Attorney
 Lenders Title Group d/b/a SolomonParks Title & Escrow
 8119 Isabella Lane, Suite 104, Brentwood, TN 37027

QUITCLAIM DEED

Address of New Owner	Send Tax Bills To	Map-Parcel Number
T&T, LLC	New Owner	Referenced below each description
805 3 rd Avenue N		
Nashville, TN 37201		

FOR AND IN CONSIDERATION of TEN AND 00/100 DOLLARS (\$***10.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, we, **P. Thomas Rothrauff and Christina M. Rothrauff, husband and wife, Grantor**, hereby conveys and quitclaims unto **T&T, LLC, a Tennessee limited liability company, Grantee**, its successors and assigns, all right, title and interest that we may have in and to the following described property:

Tract No. 1: Land in Davidson County, Tennessee, being Unit No. 7, as shown on the plat attached as Exhibit B to the Declaration of Covenants, Conditions, and Restrictions for Pecan Row, a Horizontal Property Regime with Private Elements, which is a planned unit development, of record as Instrument No. 20180402-0030422, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Description same as prior deed.

BEING the same property conveyed to P. Thomas Rothrauff and Christina M. Rothrauff, husband and wife, by Warranty Deed from Buena Vista Partners, a Tennessee General Partnership of record as Instrument No. 20190123-0006682 in the Register's Office for Davidson County, Tennessee.

Being commonly known as **2136 24th Avenue North, Nashville, TN 37208**, but such address is not part of the legal description of the property herein, and in the event of any discrepancy, the legal description shall control.

Tax Map/Parcel 081-02-4F-007.00-CO

19-00071-528

Tract No. 2: Land in Davidson County, Tennessee, being Unit No. 6, as shown on the plat attached as Exhibit B to the Declaration of Covenants, Conditions, and Restrictions for Pecan Row, a Horizontal Property Regime with Private Elements, which is a planned unit development, of record as Instrument No. 20180402-0030422, Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Description same as prior deed.

BEING the same property conveyed to P. Thomas Rothrauff and Christina M. Rothrauff, husband and wife, by Warranty Deed from Buena Vista Partners, a Tennessee General Partnership of record as Instrument No. 20190124-0007190 in the Register's Office for Davidson County, Tennessee.

Being commonly known as **2134 24th Avenue North, Nashville, TN 37208**, but such address is not part of the legal description of the property herein, and in the event of any discrepancy, the legal description shall control.
Tax Map/Parcel 081-02-4F-006.00-CO

This conveyance of the property is made expressly subject to all limitations, restrictions and encumbrances as may affect the property.

IN WITNESS WHEREOF I have hereunto set my hand this 2nd day of June, 2019.

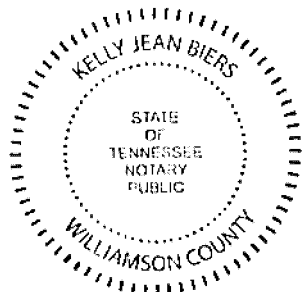
P. Thomas Rothrauff
P. Thomas Rothrauff

Christina M. Rothrauff
Christina M. Rothrauff

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said County and State, the within named P. Thomas Rothrauff and Christina M. Rothrauff, the bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that they executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal this 2nd day of ~~June~~ ^{July}, 2019.



Kelly J. Biers
Notary Public
My Commission Expires: May 9, 2021

Certificate of Authenticity

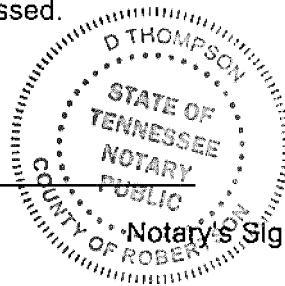
I, John W. Bishop, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

[Handwritten Signature]
Signature

State of Tennessee
County of Davidson

Personally appeared before me, D. Thompson, a notary public for this county and state, John W. Bishop who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

[Handwritten Signature]



Notary's Signature

My Commission Expires: 12/10/2019

Notary's Seal (If on paper)