

METROPOLITAN BOARD OF ZONING APPEALS

**The 6/18/20 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. Comments received by 12:00 noon on Wednesday, June 17, 2020, will be included in the board's packet for their review. Any comments received after that time will be read into the record at the meeting. We urge you to make comments electronically. However, a remote station will be set up at the Sonny West Conference Center (700 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 6/18/20 docket. If anyone opposes one of these cases, they should email bza@nashville.gov and state their opposition for the board's review.

Cases on Consent Agenda

2020-137 (1466 BELL RD) - requesting a Special Exception in the AR2A District, to construct a cultural center.

2020-142 (5005 HIGH VALLEY DR)-requesting a variance from front setback requirements. to construct a single-family residence.

Previously Heard Cases Requiring Board Action

2020-088 (1311, 1313 & 1315 2ND AVE N) variance from landscape buffer requirements within the IR District previously heard on 5/21/20 and deferred on 6/4/20 failed to receive four affirmative votes.

New Cases To Be Heard

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 allowable 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 7c. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Accessory Dwelling

Map Parcel 08312010800

Results-

CASE 2020-120 (Council District - 26)

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

CASE 2020-123 (Council District - 24)

CATALYST DESIGN GROUP, appellant and **URBAN VIEW WEST, LLC**, owner of the property located at **3308 & 3312 CHARLOTTE AVE**, requesting a special exception from height and setback requirements in the CS District, to construct a multi-family development. Referred to the Board under Section 17.12.035. D1 and 17.12.060. F1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 09209035900

Results- Deferred 7/2/20

Map Parcel 09209035700

CASE 2020-129 (Council District - 18)

MORGAN, RANDALL, appellant and owner of the property located at **1203 KIRKWOOD AVE**, requesting a variance from setback requirements in the R8 District, to construct an attached garage. 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 11801009200

Results- Withdrawn

CASE 2020-137 (Council District - 2)

DAN HUITT appellant and **NATIVE AMERICAN INDIAN ASSOCIATION OF TENNESSEE**, owner of the property located at **1466 BELL RD**, requesting a Special Exception in the AR2A District, to construct a cultural center. Referred to the Board under Section 17.16.170 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Cultural Center

Map Parcel 16200014600

Results-

CASE 2020-138 (Council District - 21)

SIMONS PROPERTIES, LLC, appellant and **HALEY, RANDY**, owner of the property located at **4 25TH AVE N**, requesting a variance from front setback requirements in the RS5 District, to construct a single-family residence. Referred to the Board under Section 17.12.030. C2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08110030600

Results-

CASE 2020-139 (Council District - 33)

ALAN SPARKMAN, appellant and **TENNESSEE CONCRETE ASSOCIATION**, owner of the property located at **12872 OLD HICKORY BLVD**, requesting a variance from landscape buffer requirements in the IWD District, to construct a vocational school. Referred to the Board under Section 17.12.030 C2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Vocational School

Map Parcel 17500014000

Results- Withdrawn

CASE 2020-142 (Council District - 34)

BUBIS, BRANDON & KELLY appellant and, owner of the property located at **5005 HIGH VALLEY DR**, requesting a variance from front setback requirements in the RS40 District, to construct a single-family residence. Referred to the Board under Section 17.12.030 C3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 159070A00200CO

Results-

SHORT TERM RENTAL CASES

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, requesting permits to 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. 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 2020-090 (Council District - 6)

FORD, TRACEY, appellant and owner of the property located at **1805B FATHERLAND ST**, requesting an Item A appeal challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the short-term rental permit expired in the R6 District. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08314015100

Results-

CASE 2020-094 (Council District - 17)

MORSHEAD, ROBYN L, appellant and owner of the property located at **811 HORNER AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the short-term rental permit expired in the R10 District. Referred to the Board under Section 17.16.250. E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 11802015600

Results-

CASE 2020-095 (Council District - 5)

MELLISA TOKIE, appellant and **TOKIC, ANDRIJA**, owner of the property located at **1114 N 6TH ST**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the short-term rental permit expired in the SP District. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08204001600

Results-

CASE 2020-098 (Council District - 17)

POND, ZACKARY & MELANIE, appellant and owner of the property located at **1979 CARLOSS DR**, requesting an Item A appeal challenging the zoning administrator's denial of a short-term rental permit. Applicant operated after the STRP permit expired. in the RS10 District. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Short Term Rental

Map Parcel 10614002300

Results-

CASE 2020-107 (Council District - 21)

RYAN WEBB, appellant and **NASHLONG, LLC**, owner of the property located at **3118 LONG BLVD 4**, requesting an Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to a change in ownership in the RM40 District. 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 104021J00400CO

Results-

CASE 2020-131 (Council District - 7)

COLLINS LEGAL, PLC, appellant and **POLI, RYAN J.**, owner of the property located at **1517 B HAYDEN DR**, requesting an Item A appeal challenging the zoning administrator's revocation of a short-term rental permit in the R10 District, requesting to reinstate 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-

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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

Date: 2-19-2020
Case #: 2020-088
Map & Parcel: 68209022400
082090225.00
082090226.00

Council District 19

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

Purpose:

Addition to two existing building for
USE AS WEDDING EVENT SPACE.

* HISTORIC
* MDHA

PERMIT APP 2020010893

Activity Type: Commercial

Location: 1311, 1313 & 1315 2ND AVE N

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

Reason: VARIANCE TO LANDSCAPER BUFFER

Section(s): 17.24.230

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

Kelsey Bright
Appellant Name (Please Print)

James Nyquist
Representative Name (Please Print)

2606 Eugenia Ave Ste D
Address

2606 Eugenia Ave Ste D
Address

Nashville, TN 37211
City, State, Zip Code

Nashville, TN 37211
City, State, Zip Code

484-686-9560
Phone Number

256-708-1118
Phone Number

kelsey@shgroupllc.com
Email

james@shgroupllc.com
Email

Zoning Examiner: VB

Appeal Fee: _____



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

Case# 2020-088
3761171

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

PARCEL: 08209022400

APPLICATION DATE: 02/19/2020

SITE ADDRESS:

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

PARCEL OWNER: BASKIN, STEFAN

CONTRACTOR:

APPLICANT:

PURPOSE:

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

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

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

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

To construct a 2862 sq ft addition to rear of two existing buildings on property for use as Indoor Commercial

Amusement. Total of 4881 sq ft to be used for Wedding Event Use requires 19 parking spaces (24 parking spaces with 20% parking reduction for transit & pedestrian access), 19 spaces provided. No food prep on site, catered food only.

POC: Kelsey Bright 484-686-9560

POC2: James Nyquist 256-708-1118

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



Case# 2020-088

3761150

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

PARCEL: 08209022400

APPLICATION DATE: 02/19/2020

SITE ADDRESS:

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

PARCEL OWNER: BASKIN, STEFAN

APPLICANT:

PURPOSE:

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

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

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

POC: Kelsey Bright 484-686-9560

POC2: James Nyquist 256-708-1118

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

[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		615-862-6488 stephan.kivett@nashville.gov
[F] Address Review On Bldg App		615-862-8781 bonnie.crumby@nashville.gov
[F] Solid Waste Review On Bldg App		615-862-8782
[A] Noise Mitigation Bldg App Review		
Grease Control Review On Bldg App		615-862-4590 ECO@nashville.gov

THIS IS NOT A PERMIT

PARCEL: 08209022400

APPLICATION DATE: 02/19/2020

SITE ADDRESS:

1311 2ND AVE N NASHVILLE, TN 37208

PT LOT 23 H MCGAVOCK ADDN

PARCEL OWNER: BASKIN, STEFAN

APPLICANT:

PURPOSE:

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

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

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

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

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

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

February 17, 2020

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

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

To Whom It May Concern:

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

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

Unique Circumstance (Hardship)

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

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

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

Sincerely,



Kelsey Bright
Project Engineer

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

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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



APPELLANT

2/19/2020
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

Landscape Notes:

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

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

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

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

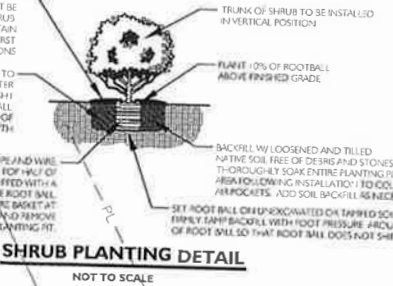
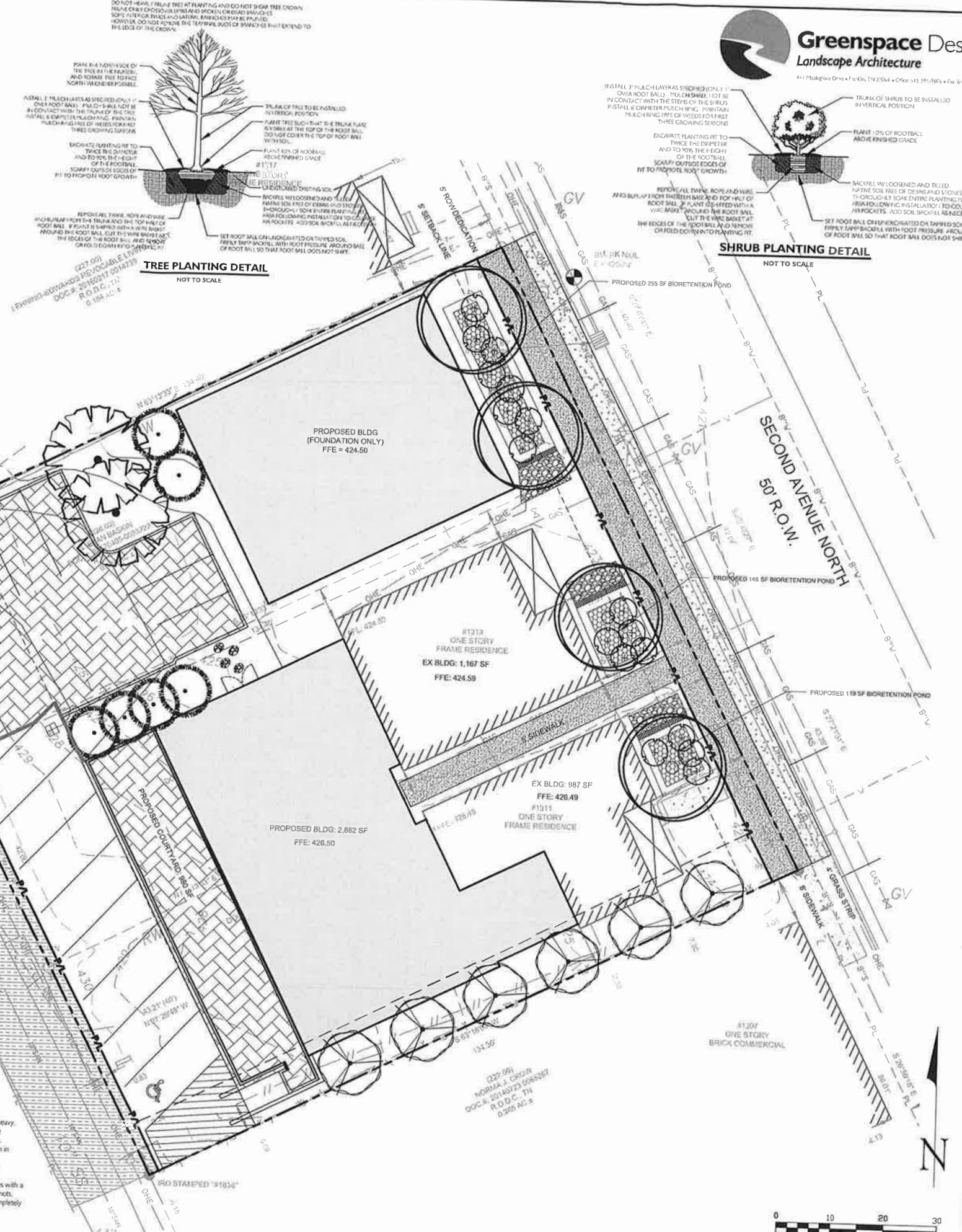
NO EXISTING TREES TO REMAIN
CREDIT FOR TREES TO REMAIN: 0.0

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

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

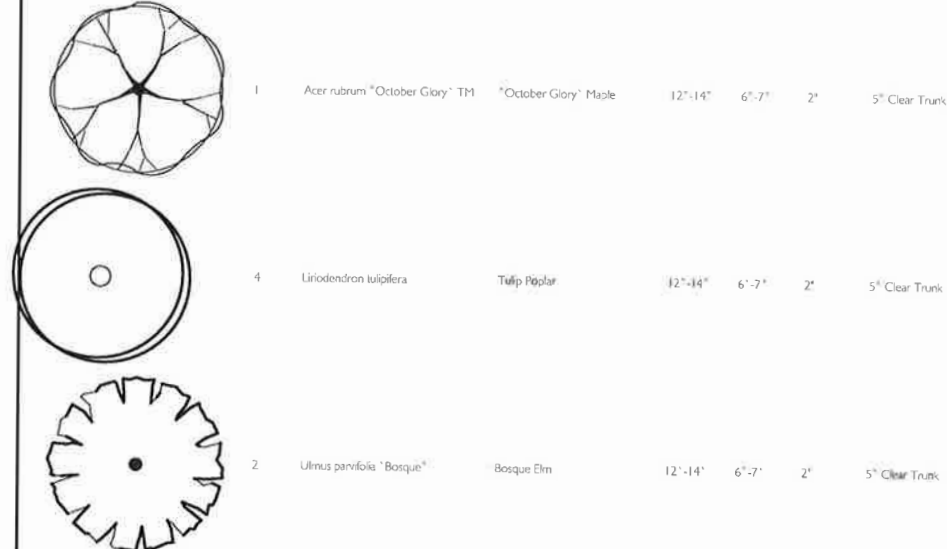
TOTAL TREE DENSITY UNITS PROVIDED: 6.0

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



PLANT SCHEDULE

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	TRUNK	REMARKS
--------------	-----	----------------	-------------	--------	--------	-------	---------



UNDERSTORY TREES	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	TRUNK	REMARKS
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SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	TRUNK	REMARKS
--------	-----	----------------	-------------	--------	--------	-------	---------



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

DATE: _____ DESCRIPTION OF REVISION: _____

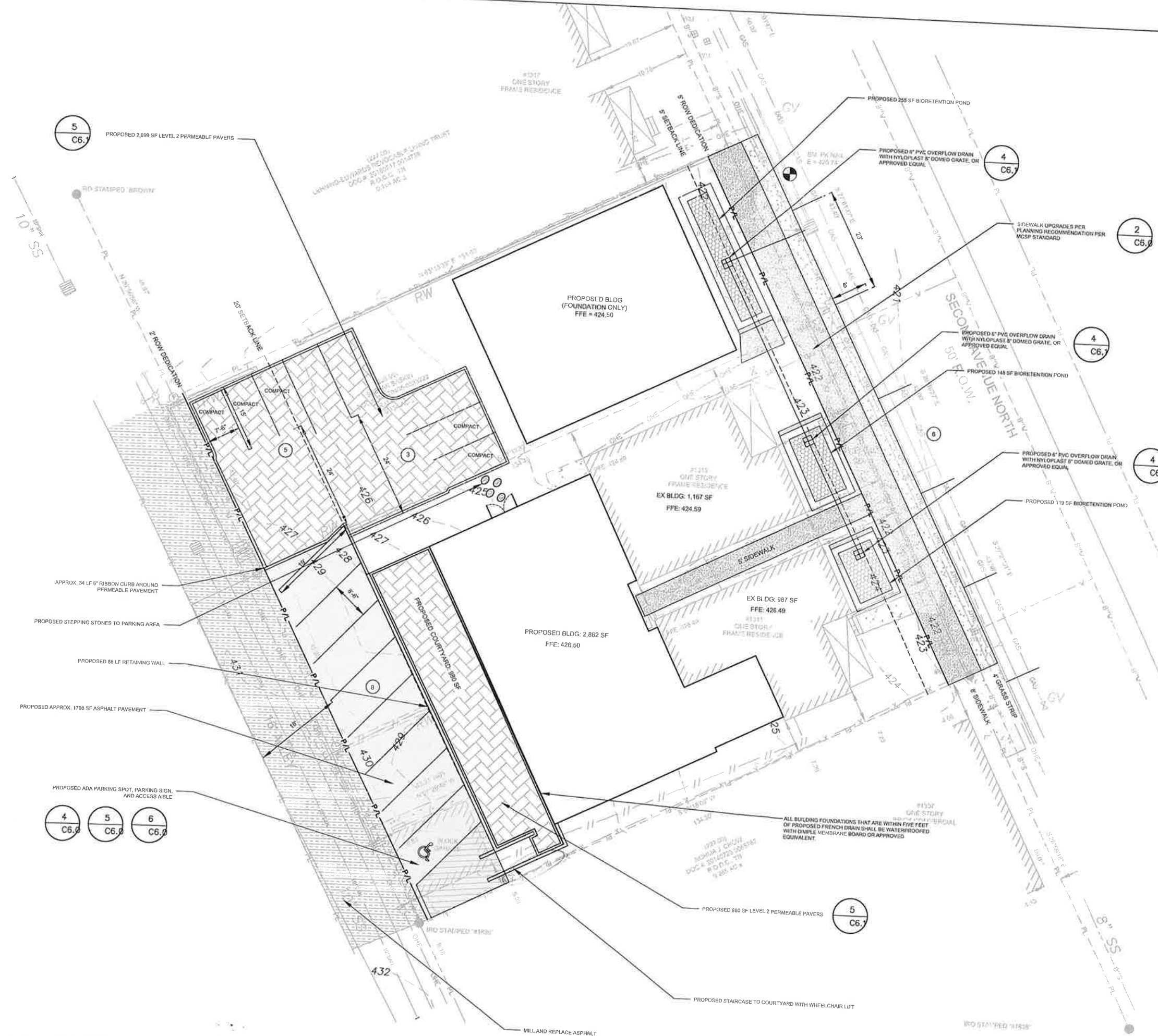
BASKIN CAPITAL
715 BRADFORD AVE.
NASHVILLE, TN 37204

1311-1315 2ND AVENUE N.
LANDSCAPE PLAN

Professional Seal: *Julia B. Arnold*
LANDSCAPE ARCHITECT

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

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



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

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

LANDSCAPING SUMMARY:
 IR > MUL-(SE BOUNDARY): LANDSCAPE BUFFER '8' - 10'

DATE	DESCRIPTION OF REVISION

BASKIN CAPITAL
 715 BRADFORD AVE
 NASHVILLE, TN 37204

1311-1315 2ND AVENUE N.
 PRELIMINARY SITE PLAN

S+H ENGINEERING
 DESIGN
 CONSULTING
 2808 HICKMAN BLVD
 NASHVILLE, TN 37203
 TEL: 615.885.1500

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

C3.0



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

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

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

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

CASE 2020-088 (Council District - 19)

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

Use-Commercial Event
08209022400

Map Parcel

Map Parcel 08209022600

Map Parcel 08209022500

Results-

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

From: [Heather Edwards](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Alexander, Sean \(Historical Commission\)](#)
Subject: permit #20200010907
Date: Thursday, April 9, 2020 6:13:19 PM

Hello,

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

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

Here are my current concerns:

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

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

Many thanks,

Heather Edwards
615.400.0862

From: [Heather Edwards](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: RE: Permit #202000010907
Date: Monday, May 18, 2020 8:25:50 PM

To Whom It May Concern,

My name is Heather Edwards, and I own a home near the one on the permit listed requesting a landscape buffer variance. The property owner requesting this variance owns 1311, 1313 (which have the two historic houses on it, in which they are building a large addition behind) and 1315 (currently a vacant lot but with a plan for another building). I own 1317 2nd Ave. N. which is a historic home next to that. We were told at the HGN meeting by the civil engineer that they are working on converting all three properties into one parcel. Why that matters is if they get a landscape buffer variance for the South side, which is what is being requested, who is to say they won't then ask for another one on the North side adjacent to my property. I worry about the precedent being set. They have created their own hardship here by building out too much on the lot. If they didn't max it out they would not need to ask for this variance. They can make adjustments to the design and fall within the current guidelines. This is on the agenda for this Thursday's meeting. Therefore I wanted to let you know ahead of time that I **OPPOSE** the landscape buffer variance request as an adjacent neighbor of the development.

Thank you,

Heather Edwards
615.400.0862

From: [Sonya Link](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: CASE 2020-088
Date: Tuesday, May 19, 2020 5:08:20 PM
Attachments: [image.png](#)

To Whom It May Concern,

My name is Sonya Link and I am writing on behalf of the Historic Germantown Neighborhood Development Committee to express opposition to the requested landscape buffer variance. As you can see in the plans submitted, almost the entire property is to be built out. Thus, it is the opinion of the Committee that this variance is needed due to over building of the lot and the resulting hardship is self-imposed. On behalf of the Neighborhood Association, we request that the applicant's variance request be denied. It is our suggestion that the building plans be reworked to avoid the need for a landscape buffer variance.

Thanks for your consideration

Sonya Link

- - -

CASE 2020-088 (Council District - 19)

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

Use-Commercial Event

Map Parcel 08209022400

Results-

Map Parcel 08209022500

Map Parcel 08209022600

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Scott Revey
Property Owner: Scott Revey
Representative: Scott Revey

Date: 02/24/2020
Case #: 2020-093
Map & Parcel: 05312010800

Council District 06

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

Purpose:

TO CONVERT EXISTING GARAGE
INTO A DETACHED ACCESSORY DWELLING
UNIT (DADU)
PERMIT APP 2020011772

Activity Type: RES. CONSTRUCTION

Location: 2416 EASTLAND AVE

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

Reason: VARIANCE TO DADU CONDITIONS

Section(s): 17.16.030 G 7 a & c

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

Scott Revey
Appellant Name (Please Print)

Representative Name (Please Print)

2416 Eastland Ave
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

(510) 220-0045
Phone Number

Phone Number

Scott.revey@gmail.com
Email

Email

Zoning Examiner: [Signature]

Appeal Fee: _____



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2020011777
THIS IS NOT A PERMIT**

PARCEL: 08312010800

APPLICATION DATE: 02/24/2020

SITE ADDRESS:

2416 EASTLAND AVE NASHVILLE, TN 37206
LOT 22 SEC 1 EASTLAND ACRES

PARCEL OWNER: REVEY, SCOTT D. & JESSICA

APPLICANT:

PURPOSE:

BZA Variance request to 17.16.030 G 7a & c. Requesting 355 sq ft variance to allowable living space and 55 sq ft variance to maximum allowable footprint.

Requires Restrictive Covenant and General Contractor to issue Permit.

To covert existing 33'9" x 28'9"(1055 sq ft) single story detached garage into a accessory dwelling unit (DADU).

Existing footprint meets setbacks. Total Building coverage of 50 % on property. Must conform to all easements on property and BL2014-896...Pursuant to Ordinance No. 2006-1263 of the Metropolitan code of Laws, I (the holder on this permit) hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction and demolition waste shall be stored on the property in violation of any provision of the Metropolitan Code....

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

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[G] Bond & License Review On Bldg App		
[F] Address Review On Bldg App		615-862-8781 bonnie.crumby@nashville.gov
[A] Restrictive Covenant Review - CA		
[B] Fire Life Safety Review On Bldg App		615-862-5230
[E] Sewer Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov



**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 - 20200011796
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08312010800

APPLICATION DATE: 02/24/2020

SITE ADDRESS:

2416 EASTLAND AVE NASHVILLE, TN 37206
LOT 22 SEC 1 EASTLAND ACRES

PARCEL OWNER: REVEY, SCOTT D. & JESSICA

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Variance request to 17.16.030 G 7a & c. Requesting 355 sq ft variance to allowable living space and 55 sq ft variance to maximum allowable footprint.

Requires Restrictive Covenant and General Contractor to issue Permit.

To covert existing 33'9" x 28'9"(1055 sq ft) single story detached garage into a accessory dwelling unit (DADU).

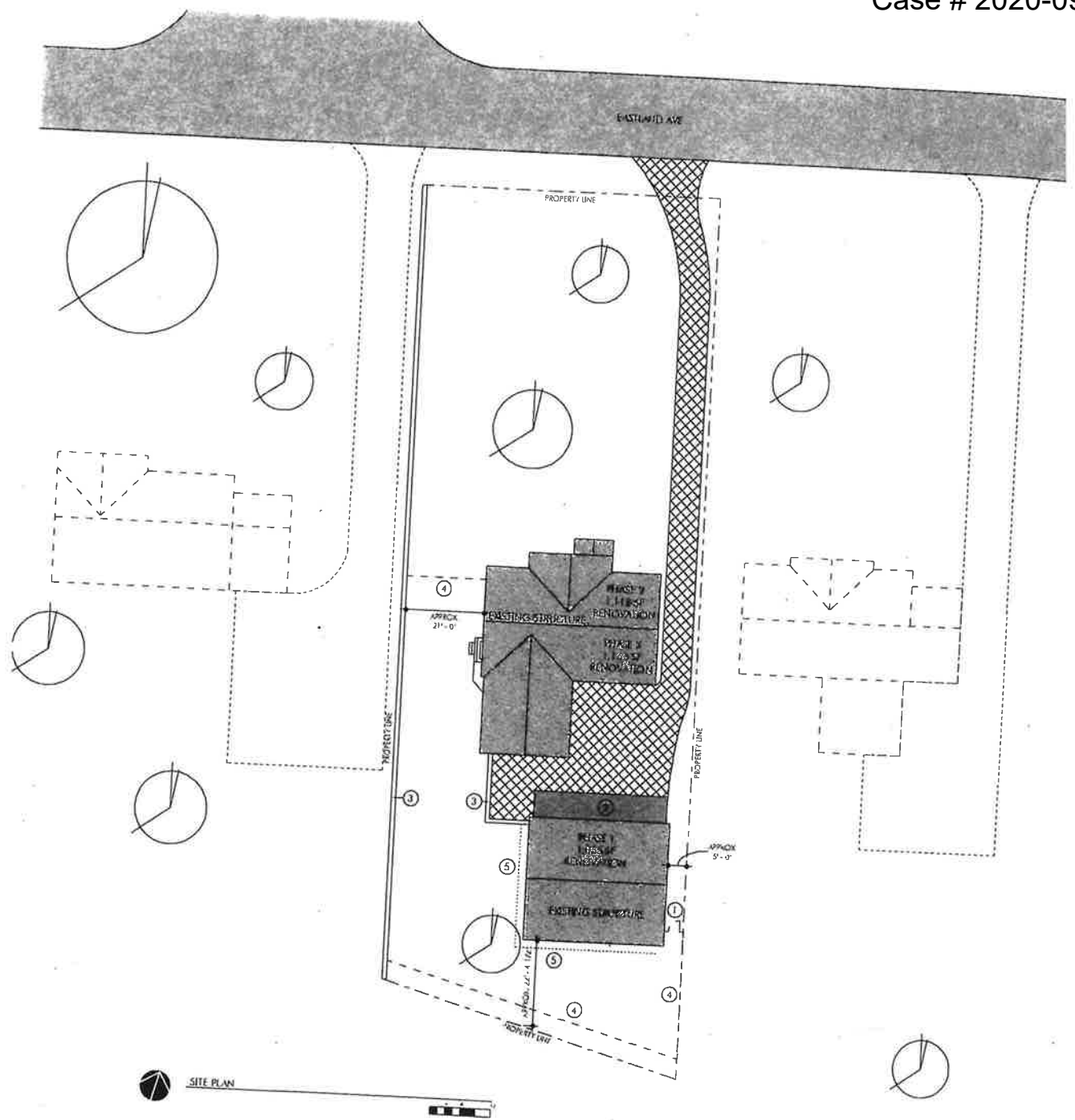
Existing footprint meets setbacks. Total Building coverage of 50 % on property. Must conform to all easements on property and BL2014-896...Pursuant to Ordinance No. 2006-1263 of the Metropolitan code of Laws, I (the holder on this permit) hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction and demolition waste shall be stored on the property in violation of any provision of the Metropolitan Code....

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

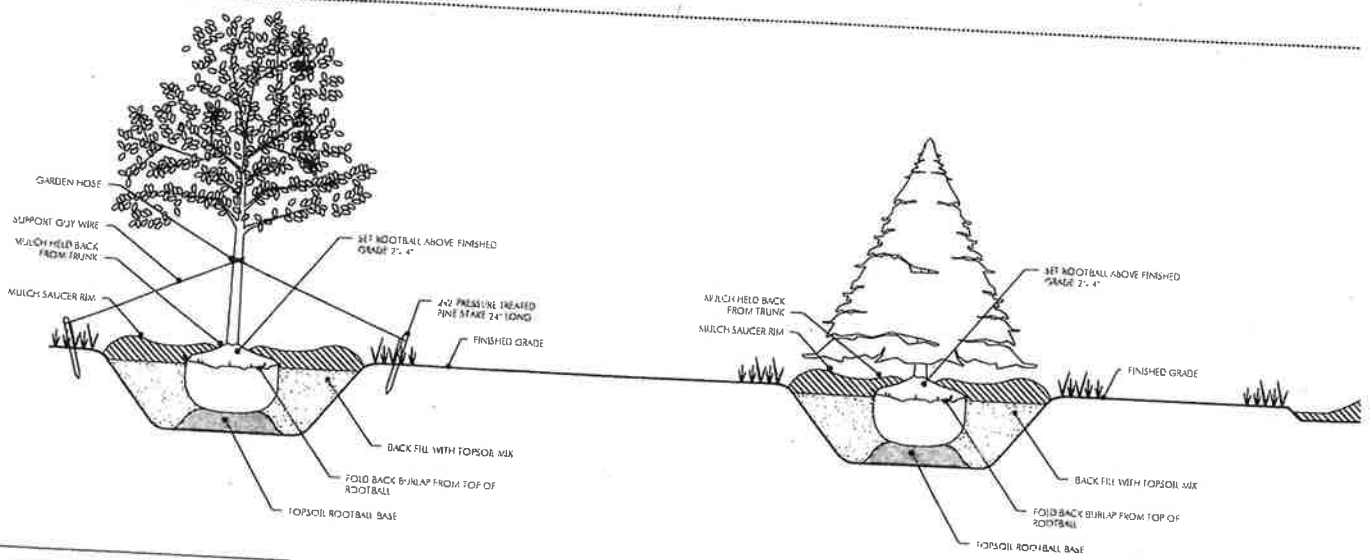
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.

There are currently no required inspections

Inspection requirements may change due to changes during construction.



OR REFERENCE ONLY



TING

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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



APPELLANT

02/24/2020

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

In Simple terms, for the Board to 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?

This is an EXISTING STRUCTURE. Would be cost prohibitive
to make it smaller.

~~As stated~~

METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE
700 SECOND AVENUE SOUTH, NASHVILLE, TENNESSEE 37201

DEPARTMENT OF CODES ADMINISTRATION
APPLICATION FOR BUILDING PERMIT AND USE AND OCCUPANCY PERMIT

BUILDING PERMIT NO. 84-13081m ISSUED 5-18-84 APPLICATION DATE 5/18/84

MAP 23-12 PARCEL 108 CD 8 AREA _____ APPEAL # _____

STREET NO. 2916 BUILDING _____ FROM UNIT _____ THRU UNIT _____

LOCATED ON _____ SIDE OF EASTLAND AVENUE

_____ FEET OF _____ LOCATION STREET

PROPERTY DESCRIPTION NOT A SECTION 1 EASTLAND ACKES

OWNER DAVID & SANDRA HUGHES ADDR. _____ PHONE _____

CONTRACTOR TYPE _____ NUMBER _____ NAME SELF PHONE _____

DESIGNER _____ ADDR. SAME PHONE _____

LAND USE REF. NO. _____ USE DESC. ONE FAMILY DWELLING

PERMIT TYPE NEW/PRIVATE ELEC. _____ PLBG. _____

PURPOSE TO CONSTRUCT A 30'X35' NEW DETACHED GARAGE

EXIST. DU. 1 PROP. 1 SEWER/SEPTIC WATER METRO SPRINKLERS _____

FLOORS 1 HEIGHT _____ KITCHENS _____ BEDROOMS _____ GARAGE _____

ZONING DISTRICT R-10 FIRE ZONE III PARKING REQ. _____ PROV. _____

OCC. GROUP R CONST. TYPE VI SQ. FOOTAGE FIRST FL. 1050 TOTAL _____

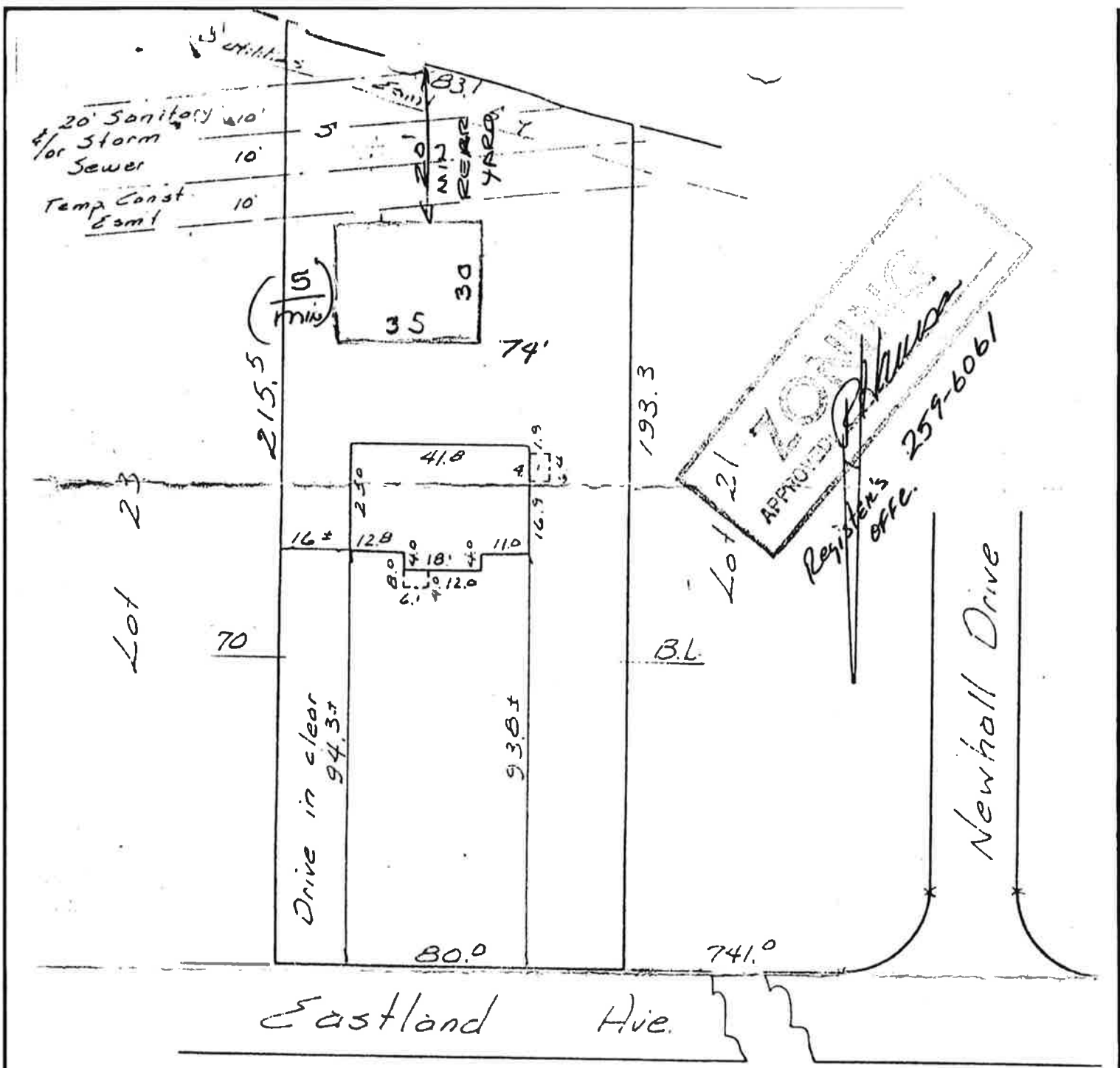
CONST. COST 18,900 (EST.)/(ACT) ZONING FEE 400 TOTAL FEE 19,300

COMMENTS STIB ATTACHED

APPROVALS:	REQ.	RECEIVED	REQ.	RECEIVED
PLANNING COMM.	/	_____	HEALTH DEPT.	/
PUBLIC WORKS	/	_____		/
WATER & SEWER	/	_____		/
FIRE MARSHALL	/	_____		/
<u>Plauson</u>		<u>5/18/84</u>	<u>Plauson</u>	<u>5/18/84</u>
ZONING	DATE	PLANS EXAMINER	DATE	PERMIT EXAMINER

I HEREBY CERTIFY THAT I AM THE AGENT OF THE OWNER, OR OTHER PERSON IN CONTROL OF THIS PROPERTY AND THAT THE INFORMATION GIVEN HEREIN, AND AS SHOWN ON THE APPLICATION AND THE PERMIT, IS TRUE AND THAT I AM AUTHORIZED BY SAID OWNER OR OTHER PERSON IN CONTROL OF THIS PROPERTY, TO OBTAIN THIS PERMIT. I UNDERSTAND THAT, IF THE CONSTRUCTION AND/OR INSTALLATION FOR WHICH THIS PERMIT IS ISSUED IS CONTRARY TO THE REQUIREMENTS OF METROPOLITAN CODES OR REGULATIONS, VIOLATIONS MUST BE CORRECTED, AND THE PERMIT MAY BE VOIDED.

APPROVAL (WHERE REQUIRED) _____ DATE _____
SIGNATURE OF APPLICANT Mrs. Sandra Hughes DATE _____



DALTON REB HUGHES
 2416 EASTLAND AVENUE

LAND IN DAVIDSON COUNTY, TENNESSEE, BEING A SURVEY OF LOT NO.22
 ON THE MAP OF EASTLAND ACRES, SECTION ONE

RECORDED: BOOK 2133 PAGE 103 R.C.D.C.

JUNE 14, 1978



Hal R. Swann, Jr.
 HAL R. SWANN, JR.
 surveyor

RICHARD FULTON, MAYOR



File

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

BUILDING
ELECTRICAL
HOUSING
PLUMBING
ZONING

DEPARTMENT OF CODES ADMINISTRATION
METRO HOWARD BUILDING
700 2ND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37201

May 25, 1984

Mr. Dalton Hughes
2416 Eastland Avenue
Nashville, TN 37206

Re: 2416 Eastland Avenue
Map 83-12
Parcel 108
C1-2

Dear Mr. Hughes:

Information available to this office indicates you to be the owner of the above-reference property.

On May 18, 1984, a building permit (#84-13081M) was issued to you for a detached garage.

This is a letter of caution that the proposed garage issued on building permit #84-13081M, dated May 18, 1984, cannot be used for the repairing of vehicles, only as an accessory use to the existing residence.

Yours truly,

Ernest McClain
Ernest McClain
Zoning Inspector

bp

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



Appellant : ~~SEAN~~ PRESTON QUIRK Date: 3/25/20
Property Owner: CHASE & KATIE KEMP Case #: 2020- 120
Representative: PRESTON QUIRK Map & Parcel: 14616016700
5216 SMART DR -
Council District 26

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

Purpose:
GARAGE & PORCH ADDITIONS FRONT SETBACKS
GARAGE 11' INTO 71.4' AVG FRONT SETBACK (11' VARIANCE)
GARAGE 21' INTO 40' SIDE SETBACK (21' VARIANCE)
PORCH 31' INTO 71.4' AVG FRONT SETBACK

Activity Type: SINGLE FAMILY RESIDENTIAL
Location: 5216 SMART DRIVE

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: ADDITIONS OVER FRONT & SIDE SETBACKS
Section(s): 17.12.020A (TABLE)

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.

CHASE & KATIE KEMP
Appellant Name (Please Print)

PRESTON QUIRK
Representative Name (Please Print)

5216 SMART DRIVE
Address

2931 BERRY HILL DR
Address SUITE 200

NASHVILLE, TN 37220
City, State, Zip Code

NASHVILLE, TN 37204
City, State, Zip Code

615-430-7539
Phone Number

615 568 0343
Phone Number

chase.kemp@hoodz.us.com
Email

qdesigns@comcast.net
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.

CHASE & KATIE KEMP
APPELLANT

3/25/20
DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

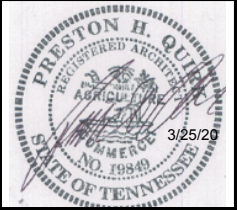
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellat 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?

IRREGVLAR LOT SHAPE
HOUSE LOCATION ON LOT # SHALLOW REAR YARD

Chase & Katie Kemp
5216 Smartt Drive
Nashville, TN 37220



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
Phone: (615) 266-9248 Fax: (615) 627-1298
email: quirkdesigns@comcast.net



Addition/Renovation Work

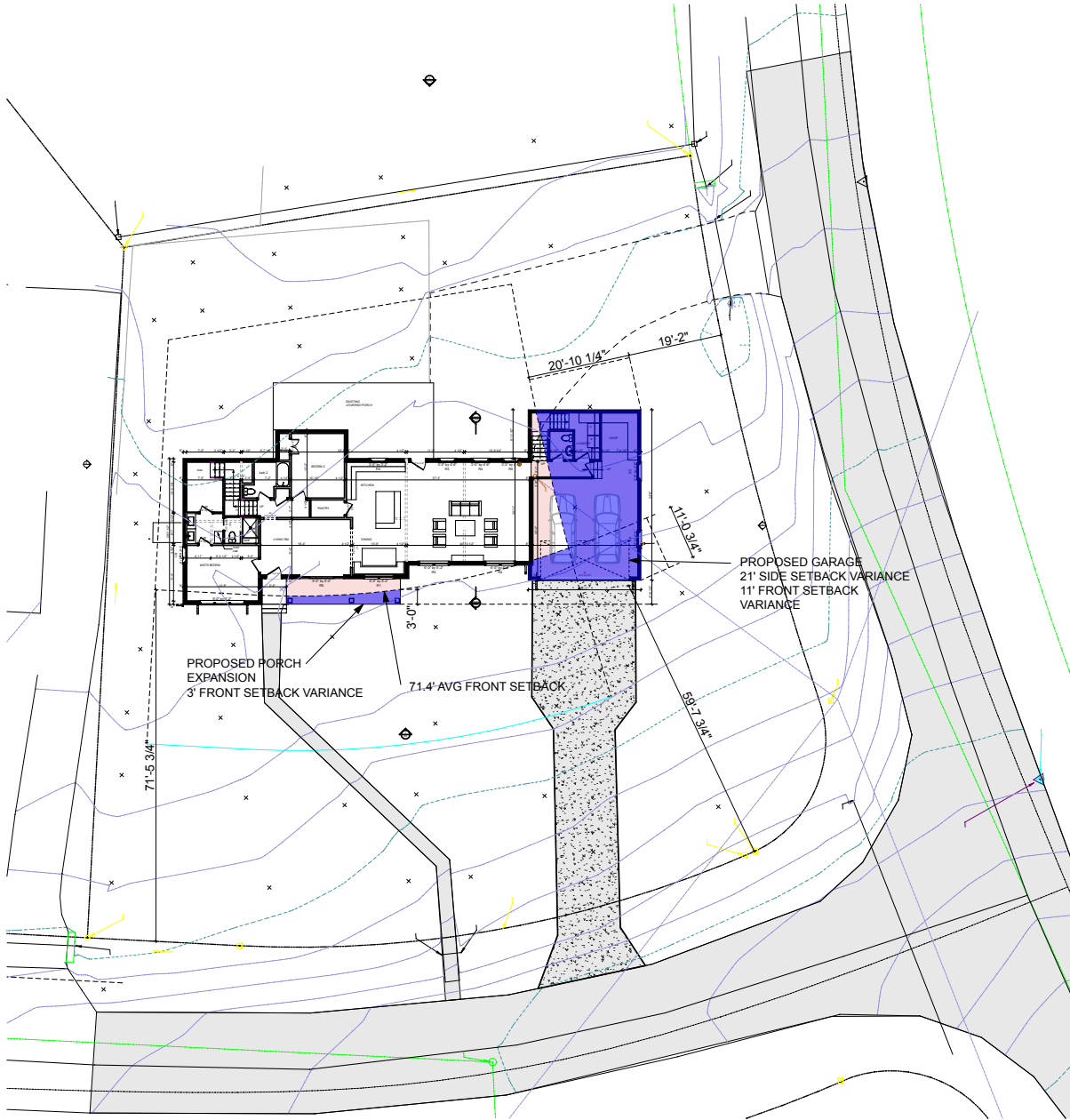
Chase & Katie Kemp
5216 Smartt Drive
Nashville, TN 37220

DATE: 3/25/20
REVISION

PROJECT NO: 20-016
COPYRIGHT 3/25/20
QUIRK DESIGNS

SITE PLAN

C1



1 SITE PLAN - ENLARGED
SCALE: 1/16" = 1'-0"



METROPOLITAN COUNCIL

Courtney Johnston
Councilwoman, District 26

May 19, 2020

Board of Zoning Appeals

Re: Variance Application for 5216 Smartt Dr. – Case 2020-120

Members of the Board,

I hope this letter finds you well. I'm writing in regard to the variance application made by Kathleen and Chase Kemp who reside at the above referenced address. I have thoroughly reviewed the architectural drawings for the proposed porch and garage addition. I am fully in support of this improvement to this property.

This lot presents a hardship in that it's subject to two large setbacks – one from Oakley Drive and the other from Smartt Drive. The contextual overlay forces their home to be in the back corner of the lot leaving very little backyard space and no space on one side, so any addition to this property would require a variance being granted.

The lots in Crieve Hall are larger than many lots in Nashville with relatively small ranch homes that were built in the 50's and 60's. In today's times, additions to these small homes to fit the needs of modern and growing families is a must.

I fully support these variances that represent thoughtful improvements to the property and this neighborhood. And, I expect to see more of them as this is a wonderful way to improve the Crieve Hall neighborhood without increasing density.

Should you have any questions, please feel free to call my office.

All my best,

Courtney

Courtney Johnston
Councilwoman, District 26
Metropolitan Government of Nashville and Davidson County
(615) 953-9395 (office)

From: [Shepherd, Jessica \(Codes\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: FW: 5216 Smartt Drive
Date: Tuesday, May 19, 2020 8:54:33 AM

From: QDESIGNS ACCT <qdesigns@comcast.net>
Sent: Tuesday, May 19, 2020 8:48 AM
To: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Cc: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: 5216 Smartt Drive

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

One more email from a neighbor and I have one more I will forward to you.
This should be all.
Case 2020-120.

Thank You,
Preston Quirk, Quirk Designs
2931 Berry Hill Drive, Suite 200
Nashville, TN 37204
615-568-0343

Begin forwarded message:

From: Chase Kemp <chasekemp60@gmail.com>
Subject: Fwd: Zoning email
Date: May 19, 2020 at 8:10:56 AM CDT
To: QDESIGNS ACCT <qdesigns@comcast.net>

----- Forwarded message -----

From: **Maggie Diffie** <maggiediffie@gmail.com>
Date: Tue, May 19, 2020 at 8:06 AM
Subject: Zoning email
To: Chase Kemp <Chasekemp60@gmail.com>

Dear zoning board,

We live next door to the Kemps and are writing on behalf of them in support of their addition/renovation. We love them as friends and neighbors and think that the addition they are adding to their house will be an asset to the neighborhood and community in Crieve Hall. We have seen the plans and talked it over with them extensively and are in full support of the project and believe it will add value to their house and neighborhood.

Sincerely,

Chase and Maggie Herndon
5212 Smartt Dr.

--

Chase Kemp
C: 615-430-7539

From: [Shepherd, Jessica \(Codes\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: FW: Zoning for 5216 Smartt Dr.
Date: Tuesday, May 19, 2020 8:54:45 AM

From: QDESIGNS ACCT <qdesigns@comcast.net>
Sent: Tuesday, May 19, 2020 8:49 AM
To: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Cc: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: Fwd: Zoning for 5216 Smartt Dr.

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

Third email from a neighbor is below.
This should be all.

Case 2020-120.

Thank You,
Preston Quirk, Quirk Designs
2931 Berry Hill Drive, Suite 200
Nashville, TN 37204
615-568-0343

Begin forwarded message:

From: Chase Kemp <chasekemp60@gmail.com>
Subject: Fwd: Zoning for 5216 Smartt Dr.
Date: May 19, 2020 at 8:23:23 AM CDT
To: QDESIGNS ACCT <qdesigns@comcast.net>

----- Forwarded message -----

From: **Luke Porter** <lporter85@gmail.com>
Date: Tue, May 19, 2020 at 8:19 AM
Subject: Zoning for 5216 Smartt Dr.
To: Chase Kemp <chasekemp60@gmail.com>

To whom it may concern,

I (Luke Porter, 519 Oakley Dr, Nashville, TN 37220) would like for it to be known that I am in full support of Mr. Kemp's addition to his house located at 5216 Smartt Drive, Nashville, TN 37220.

I believe this will add value and continue to set the tone for future renovations and additions to the neighborhood. Knowing this addition is set outside the perimeters of the neighborhood regulations, I have taken the time to go to Mr. Kemp's house and have him show me the new boundaries that this would entail. I feel comfortable knowing Mr. Kemp will do a good job with this project and ask that you please pass this zoning appeal for him to do so.

Thank you,

Luke Porter
519 Oakley Dr, Nashville, TN 37220

--

Chase Kemp
C: 615-430-7539

From: [QDESIGNS ACCT](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#)
Subject: Fwd: Zoning construction appeals
Date: Monday, May 18, 2020 1:24:04 PM

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

One letter from a neighbor in support of 5216 Smartt Drive is attached, BZA case 2020-120.
He may get one or two more before noon wed.

Thank You,
Preston Quirk, Quirk Designs
2931 Berry Hill Drive, Suite 200
Nashville, TN 37204
615-568-0343

Begin forwarded message:

From: Chase Kemp <chasekemp60@gmail.com>
Subject: Fwd: Zoning construction appeals
Date: May 18, 2020 at 1:20:12 PM CDT
To: QDESIGNS ACCT <qdesigns@comcast.net>

Here is one. More to follow. This is house behind me

----- Forwarded message -----
From: Stankiewicz, Philip <Philip.Stankiewicz@mnps.org>
Date: Mon, May 18, 2020 at 1:16 PM
Subject: Re: Zoning construction appeals
To: chasekemp60@gmail.com <chasekemp60@gmail.com>

To whom it may concern,

My wife and I are writing on behalf of the Kemp family of Smartt Drive in Crieve Hall. We have known the Kemps since they moved in several years ago. Over the years, we have come to know Chase and Katie and their children better and appreciate being neighbors with them! They are very active in Crieve Hall whether at the elementary school, morning neighborhood workouts, or outreach to

fellow neighbors in need. They have hosted a fund raiser for St. Judes Hospital which has raised money to support fighting childhood cancer. We are honored to help staff that event every year!

Since Chase and Katie have moved into their house on Smartt Drive, they have made several improvements to the property. They have added a beautiful outdoor entertaining patio, put up a privacy fence, and painted the house. Their house is visually appealing and the improvements have certainly raised the value of the property to the benefit of them and their neighbors.

Jackie and I have viewed the plans for the Kemp's renovation, the plans are very professional and will offer them much needed square footage for their family. In addition, the change in driveway from the back to the side of the house is tastefully done. Our property at 514 Oakley Drive borders the Kemp's property on the east side.

We look forward to seeing the project once it is completed. It will be a beautiful improvement to our Crieve Hall neighborhood!

Phil and Jackie Stankiewicz

514 Oakley Drive

Nashville, Tn., 37220

--

Chase Kemp

C: 615-430-7539

Chase & Katie Kemp
5216 Smartt Drive
Nashville, TN 37220

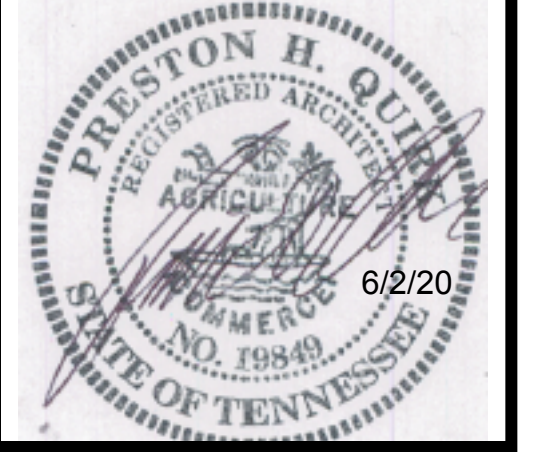


Context

Kemp Residence

Chase & Katie Kemp
5216 Smartt Drive
Nashville, TN 37220

ID	Name
C1	SITE PLAN
3D	3D VIEWS
A1	FLOOR PLAN
A2	2ND FLR PLAN
A3	Alternates
A4	ELEVATIONS
A5	SIDE ELEVATIONS
A6	x



2831 BERRY HILL DRIVE
SUITE 200
NASHVILLE, TN 37204
PH: (615) 268-0248 Fax: (615) 627-1298
email: quirksdesigns@comcast.net

QUIRK DESIGNS

Addition/Renovation Work

Chase & Katie Kemp
5216 Smartt Drive
Nashville, TN 37220

DATE: 6/2/20
REVISION

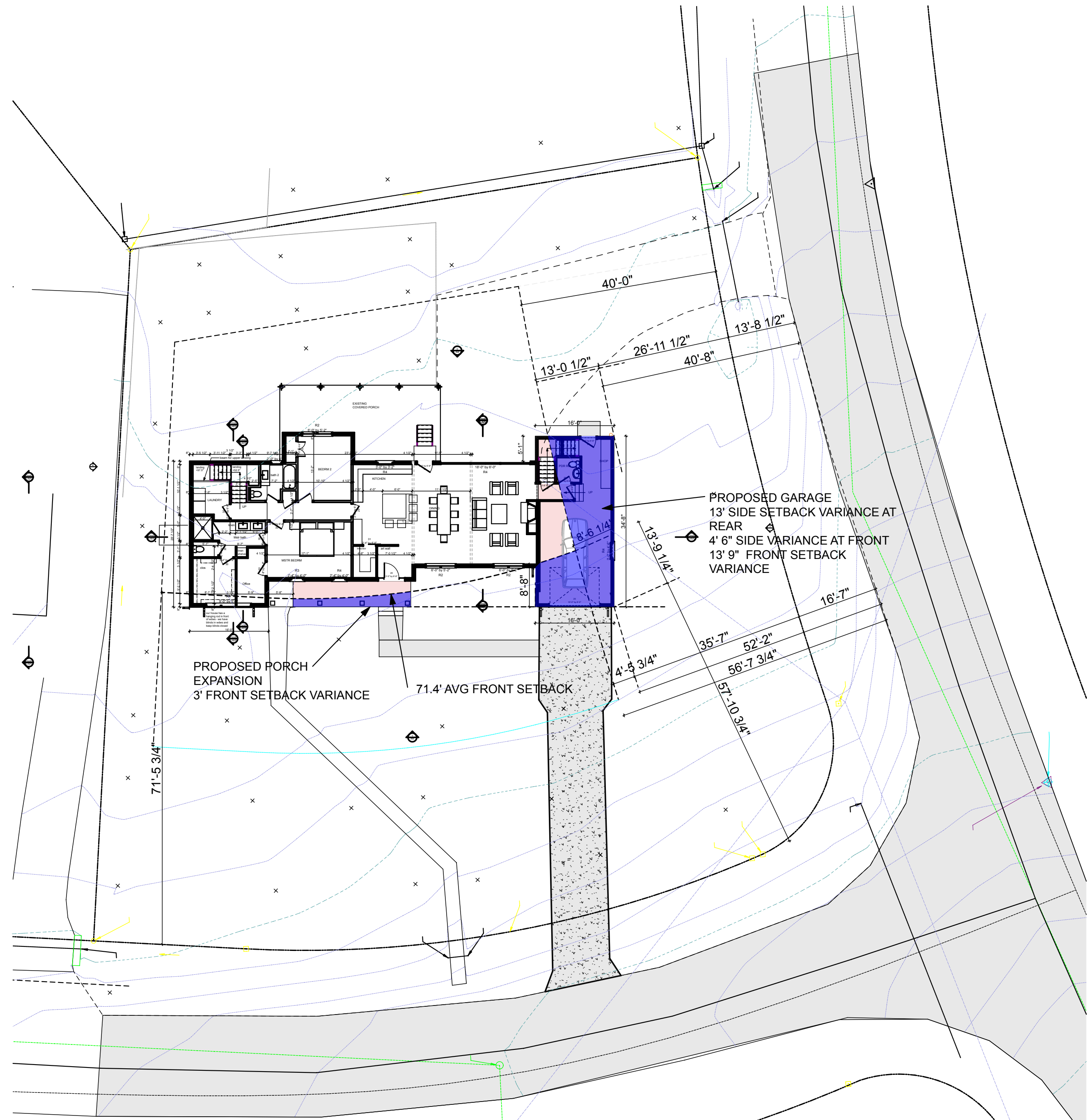
PROJECT NO: 20-016
COPYRIGHT 6/2/20
QUIRK DESIGNS

SITE PLAN

C1



2 SITE PLAN - CONTEXT
SCALE: 1" = 40'



1 SITE PLAN - ENLARGED
SCALE: 1/16" = 1'-0"



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant: Dan Huitt Date: April 30, 2020
 Property Owner: Native American Indian Association Case #: 2020-137
 Representative: Ray Emanuel Map & Parcel: 162-00-0-146.00
 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: Construct a new 5,225-sqft building and parking lot for the Native American Indian Assoc.
 Activity Type: Cultural Center
 Location: 1466 Bell Road, Nashville

This property is in the AR2A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Special Exception
 Section: 17.16.170 A

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: Dan Huitt Representative: Ray Emanuel
 Phone Number: 615-329-3922 Phone Number: 615-337-4323
 Address: 335 53rd Ave. North Address: 230 Spence Lane
Nashville TN 37209 Nashville TN 37210
 Email address: dhuitt@mhparchitects.com Email address: naia@naiatn.org

Appeal Fee: \$200.00

DATE: April 20, 2020
TO: Board of Zoning Appeals
Nashville Tennessee
PROJECT: Cultural Center for the Native American Indian Assoc.
Metro Lot #162-00-0-146.00, Nashville TN
1466 Bell Road, Nashville TN 37211
SUBJECT: Application for Special Exception



On behalf of the Native American Indian Assoc., I hereby request BZA approval for a Special Exception for a Cultural Center and accessory storage building within the property's AR2A Zone District.

The proposed Center will house museum space, a research library, meeting space, and administrative offices. (No active outside areas are planned for this facility.)

According to my evaluation, the proposed facility design complies with all governing Zoning regulations for a Special Exception Cultural Center in an AR2A Zone District. I believe it's an appropriate use for this site and will become a valued asset to the community.

These materials are enclosed:

Zoning Review Checklist

Check for application fee in the amount of \$.1,000 (estimated construction value \$1,000,000)

Please advise if you need additional information.

Respectfully,

A handwritten signature in black ink that reads 'Dan Huitt'.

Dan Huitt, AIA/LEED-AP

CC: Ray Emanuel, NAIA
Matt Von Lunen, GNRC

M C F A R L I N H U I T T P A N V I N I I N C .

1213 16th Avenue South | Nashville, TN 37212 | 615.329.3922 | www.mhparchitects.com

SPECIAL EXCEPTION REQUEST

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

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

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

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

Dan Hill MHP Architects
APPELLANT (OR REPRESENTATIVE)

4/20/20
DATE

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

Dan Huitt, MHP Architects

APPELLANT

4/20/20
DATE

for: Ray Emanuel, NAIAPresident

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.

From: [Gregory, Christopher \(Public Works\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: RE: Appeal 2020-137
Date: Wednesday, May 20, 2020 2:37:42 PM

2020-137 1466 Bell Rd Special Exception for a Cultural Center

Variance: 17.16.170 A

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

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

From: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Sent: Thursday, May 14, 2020 3:23 PM
To: Ammarell, Beverly (Public Works) <Beverly.Ammarell@nashville.gov>; Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: Appeal 2020-137

BZA appeal on the 6/18/2020 agenda

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

Memo

To: Metropolitan Nashville Board of Zoning Appeals
From: Metropolitan Nashville Planning Department
CC: Emily Lamb
Date: May 19, 2020
BZA Hearing Date: June 18, 2020
Re: Planning Department Recommendation for Special Exception Cases

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

Case 2020-137 (1466 Bell Road) –Cultural Center Special Exception

Request: To permit the construction of a cultural center on a property zoned Agricultural/Residential (AR2a).

Zoning: Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

Land Use Policy: T3 Suburban Neighborhood Evolving (T3 NE) is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

Existing Context: The 5.95 acre site is located on the south side of Bell Road, west of the intersection of Bell Road and Blue Hole Road. The property is currently vacant. The proposed development is to construct a single-story cultural center with an associated parking lot. The surrounding parcels are primarily residential, made up of one and two-family residential uses as well as multi-family uses that were established through Specific Plan (SP) developments. There are some commercial properties along Bell Road near the site.

Planning Department Analysis:

The applicant is requesting one exception:

- To permit a cultural center on a property zoned Agricultural/Residential (AR2a).

The T3 NE policy is primarily aimed at creating suburban neighborhoods. However, cultural centers can be considered beneficial to neighborhoods and are building types supported by the policy. Development in the T3 NE policy areas is more suburban, with smaller building footprints and increased setbacks. The proposed cultural center is a single-story building, approximately 5,500 square feet, with a setback of 96 feet per the submitted site plan. Given the large lot size, the development is a minimal footprint. At one-story it is likely to be similar in height to the surrounding one and two-family structures. Additionally, Bell Road is a Scenic Arterial, requiring a landscaped buffer between the structure and the road.

According to the policy, where there is CO policy and T3 NE policy on the site, building orientation and placement should minimize the disturbance of existing environmental features. The CO policy on site is located on the southern portion of the site. By locating the building and parking lot at the northern portion of the site, the CO policy area is not disturbed and the intent of the CO policy is met.

Planning Recommendation: Approve the special exception to allow for a cultural center.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Dan Huit APPEAL CASE 2017-237
 1466 Bell Road
 Map: 162 Parcel: 146
 Zoning Classification: AR2a

ORDER

This matter came to be heard in public hearing on 9/21/2017, before the Metropolitan Board of Zoning Appeals, upon application for a special exception and a variance from sidewalk requirements to construct a 5562 square ft. cultural center and storage building.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 (B&C) of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150. The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that both the appellant's requests shall be GRANTED. Appellant does not have to build sidewalks or pay into the sidewalk fund.

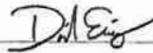
UPON MOTION BY: Alma Sanford Seconded by: David Ewing

Ayes: Cynthia Chappell, David Harper, David Taylor
 Nays: Christina Karpynec, Richard King
 Abstaining:
 Absent:

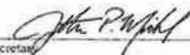
ENTERED THIS 4th DAY OF October, 2017

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary



2017-237

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT HAMILTON AND DAVIDSON COUNTY



615-862-6530

Appellant: Dan Huit
Property Owner: Native American Indian Assoc.
Representative: Ray Emanuel
Council District 31

Date: 8/10/17
Case #: 2017-237
Map & Parcel: 16200014600

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

Purpose:

To construct a new 5562 sq ft Cultural Center and 28 x 60 Storage Bldg.

Activity Type: Cultural Center

Location: 1466 Bell Road

This property is in the AR2A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Special exception and variance from sidewalk requirements

Section(s): 17.16.170A, 17.20.120

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

Debbie Lutz
Completed and witnessed Date

Dan Huit
Name (Please Print)

dhuit@mhpa.com
Print Applicant's e-mail address

Dan Huit
Signature

1213 16th Ave. S.
Mailing Address

Nashville TN 37212
City, State, Zip Code

615-329-3922
Phone Number

This will also serve as a receipt of (cash) (check) to partly compensate for the expenses under this appeal.

Appeal Fee: \$ 200.00



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



3395250

**APPLICATION FOR BUILDING COMMERCIAL - NEW // CAGN - T2017052642
THIS IS NOT A PERMIT**

PARCEL: 16200014600

APPLICATION DATE: 08/10/2017

SITE ADDRESS:

1466 BELL RD NASHVILLE, TN 37211
S. SIDE BELL ROAD E. OF OLD HICKORY BLVD

PARCEL OWNER: NATIVE AMERICAN INDIAN ASSOCIATION

APPLICANT:

CONTACT: Dan Huitt

PURPOSE:

TO CONSTRUCT A NEW 5562 SQFT CULTURAL CENTER AND 28 FT X 60 FT (1680 SQ FT) STORAGE BUILDING FOR..NATIVE AMERICAN INDIANA ASSOCIATION CULTURAL CENTER....SEE PLAN...NO OUTDOOR ACTIVITIES.
DENIED APPLICATION

FILING FOR VARIANCE AND SPECIAL EXCEPTION:

APPEALING SIDEWALK REQUIREMENTS 17.20.120

SPECIAL EXCEPTION: 17.16.170 A...

SEE DOCUMENTS FROM PREVIOUS APPROVAL BY BZA, CASE 2013-062

WITHIN STREAM BUFFER, STORMWATER REVIEW/APPROVAL REQUIRED.

*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
 - [A] Zoning Review
 - [B] Fire Life Safety Review On Bldg App 862-5230
 - [B] Fire Sprinkler Requirement 862-5230
 - [B] Building Plans Received 862-6614 ronya.sykes@nashville.gov
 - [B] Building Plans Review 615-880-2649 Ronya.Sykes@nashville.gov
 - [B] Plans Picked Up By Customer 615-880-2649 Ronya.Sykes@nashville.gov
 - [D] Grading Plan Review For Bldg App (615) 862-6038 Logan.Bowman@nashville.gov
 - [E] Cross Connect Review For Bldg App 862-7225
 - [E] Grease Control Review On Bldg App 862-4590 ECO@nashville.gov
 - [E] Sewer Availability Review For Bldg 862-7225
 - [E] Sewer Variance Approval For Bldg
 - [E] Water Availability Review For Bldg 862-7225
 - [E] Water Variance Approval For Bldg
 - [F] Ramps & Curb Cuts Review For Bldg A 862-8782 PWPermitsI@nashville.gov
 - [F] Solid Waste Review On Bldg App 862-8782
 - [A] Bond & License Review On Bldg App
 - Landscaping & Tree Review 862-6488 stephen.kivett@nashville.gov
 - [A] Noise Mitigation Bldg App Review
 - [F] Sidewalk Review For Bldg App 862-8758 Benjamin.york@nashville.gov
 - Zoning Appeals 615-862-6505 Debbie.Lifsey@nashville.gov

APPLICATIONS FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

Dan Hill
APPELLANT

8/10/17
DATE

SPECIAL EXCEPTION REQUESTS

BZA Rules of Procedure, Item 9 (2) (a) requires BZA appellants to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rule specifies, "In the interest of having informed stake holders in special exception cases, it is required that the appellants make contact with the district councilperson and neighbors within 600 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your proposal and hold a meeting at a geographically convenient place, date, and time. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

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

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

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

Den Hurtt

APPELLANT (or representative)

8/10/17

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17.40.870. This Section is included as follows:

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

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

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

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

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

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

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

The Board shall not grant variances to the land use provisions of Section 2.3, the density or Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 9.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.4.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

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

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

Construction of a new sidewalk
which is set back from the street curb
will cause a disconnect between the
new ~~new~~ sidewalks and the existing sidewalk
which is running along the curb. This
disconnect will cause a walking hazard.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Native American Indian Association APPEAL CASE 2013-062
1466 Bell Road
Map: 162 Parcel: 146
Zoning Classification: AR2A/AO

ORDER

This matter came to be heard in public hearing on July 18, 2013, before the Metropolitan Board of Zoning Appeals, upon application of the appellant for a special exception to construct a new 5,562 square foot cultural center.

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

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

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted.

UPON MOTION BY: Whitson

Seconded by: King

Ayes: Chappell, Ewing, Harper, King, Taylor, Whitson

Nays: None

Abstaining: None

Absent: Jones

ENTERED THIS 22nd DAY OF July, 2013

METROPOLITAN BOARD OF ZONING APPEALS

Chris Whitson

Chair

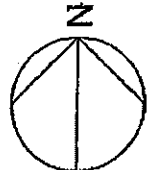
Joel K. Harjo

Secretary

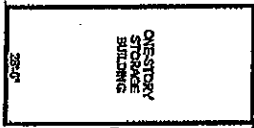
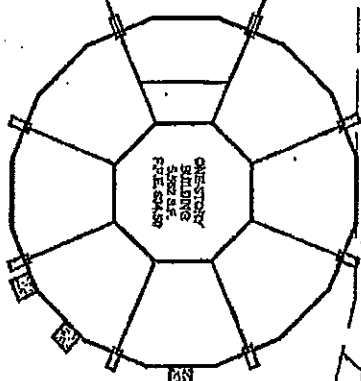
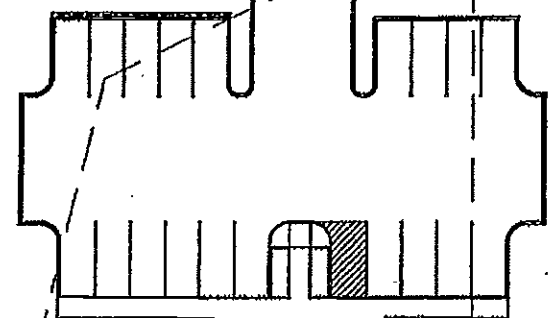
STATE ROUTE 264 (BELL ROAD)

N 69° 38' 00" E 163.03'

S 05° 31' 57" E 248.85'



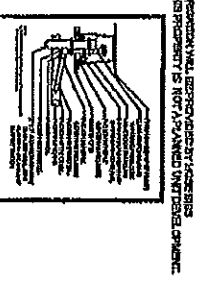
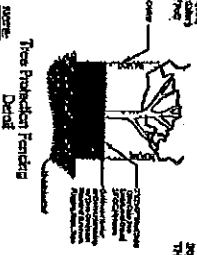
SITE PLAN
CULTURAL CENTER FOR
NATIVE AMERICAN INDIAN
ASSOCIATION
07-12-17



30' EASEMENT
PROPERTY LINE

30' EASEMENT

Heibert & Associates, LLC
 Site Planning • Landscape Architecture
 ASIA
 10000 1st Street, Suite 100, San Diego, CA 92123
 619-594-1111
 www.heibert.com



PLANT SCHEDULE

NO.	DESCRIPTION	QTY	SIZE	DATE
1	1" x 4" x 8" Redwood Decking	100	1" x 4" x 8"	10/10/10
2	2" x 4" x 8" Redwood Decking	100	2" x 4" x 8"	10/10/10
3	4" x 4" x 8" Redwood Decking	100	4" x 4" x 8"	10/10/10
4	6" x 6" x 8" Redwood Decking	100	6" x 6" x 8"	10/10/10
5	8" x 8" x 8" Redwood Decking	100	8" x 8" x 8"	10/10/10
6	10" x 10" x 8" Redwood Decking	100	10" x 10" x 8"	10/10/10
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15	28" x 28" x 8" Redwood Decking	100	28" x 28" x 8"	10/10/10
16	30" x 30" x 8" Redwood Decking	100	30" x 30" x 8"	10/10/10
17	32" x 32" x 8" Redwood Decking	100	32" x 32" x 8"	10/10/10
18	34" x 34" x 8" Redwood Decking	100	34" x 34" x 8"	10/10/10
19	36" x 36" x 8" Redwood Decking	100	36" x 36" x 8"	10/10/10
20	38" x 38" x 8" Redwood Decking	100	38" x 38" x 8"	10/10/10
21	40" x 40" x 8" Redwood Decking	100	40" x 40" x 8"	10/10/10
22	42" x 42" x 8" Redwood Decking	100	42" x 42" x 8"	10/10/10
23	44" x 44" x 8" Redwood Decking	100	44" x 44" x 8"	10/10/10
24	46" x 46" x 8" Redwood Decking	100	46" x 46" x 8"	10/10/10
25	48" x 48" x 8" Redwood Decking	100	48" x 48" x 8"	10/10/10
26	50" x 50" x 8" Redwood Decking	100	50" x 50" x 8"	10/10/10
27	52" x 52" x 8" Redwood Decking	100	52" x 52" x 8"	10/10/10
28	54" x 54" x 8" Redwood Decking	100	54" x 54" x 8"	10/10/10
29	56" x 56" x 8" Redwood Decking	100	56" x 56" x 8"	10/10/10
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39	76" x 76" x 8" Redwood Decking	100	76" x 76" x 8"	10/10/10
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41	80" x 80" x 8" Redwood Decking	100	80" x 80" x 8"	10/10/10
42	82" x 82" x 8" Redwood Decking	100	82" x 82" x 8"	10/10/10
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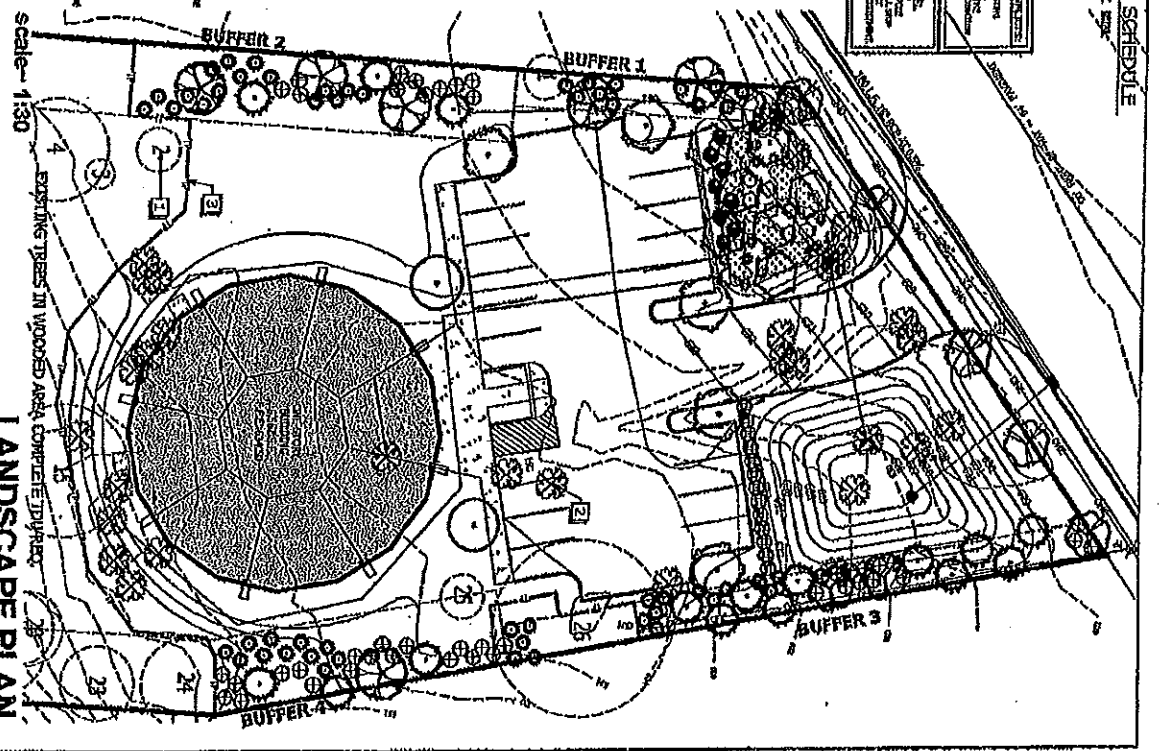
REQUIREMENTS

NO.	DESCRIPTION	QTY	DATE
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CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS
 TREE DENSITY REQUIREMENTS
 AREA: 1000 SQ. FT.
 TREE DENSITY: 10 TREES PER 1000 SQ. FT.
 TOTAL TREES: 10
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REFERENCE NOTES SCHEDULE

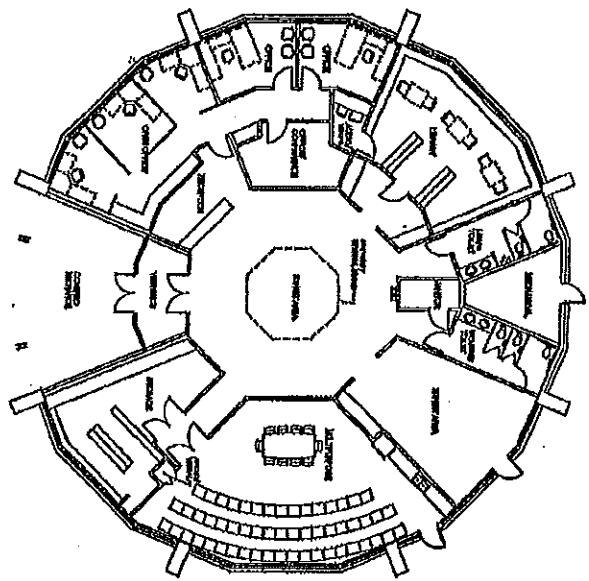
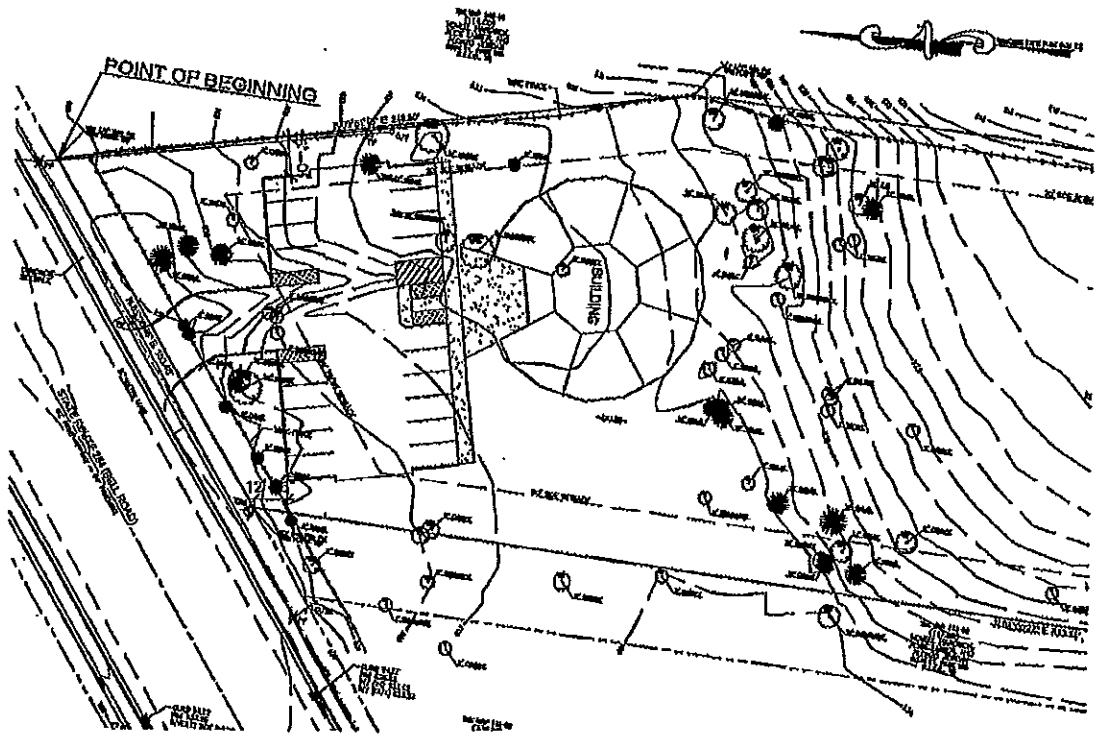
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15	28" x 28" x 8" Redwood Decking
16	30" x 30" x 8" Redwood Decking
17	32" x 32" x 8" Redwood Decking
18	34" x 34" x 8" Redwood Decking
19	36" x 36" x 8" Redwood Decking
20	38" x 38" x 8" Redwood Decking
21	40" x 40" x 8" Redwood Decking
22	42" x 42" x 8" Redwood Decking
23	44" x 44" x 8" Redwood Decking
24	46" x 46" x 8" Redwood Decking
25	48" x 48" x 8" Redwood Decking
26	50" x 50" x 8" Redwood Decking
27	52" x 52" x 8" Redwood Decking
28	54" x 54" x 8" Redwood Decking
29	56" x 56" x 8" Redwood Decking
30	58" x 58" x 8" Redwood Decking
31	60" x 60" x 8" Redwood Decking
32	62" x 62" x 8" Redwood Decking
33	64" x 64" x 8" Redwood Decking
34	66" x 66" x 8" Redwood Decking
35	68" x 68" x 8" Redwood Decking
36	70" x 70" x 8" Redwood Decking
37	72" x 72" x 8" Redwood Decking
38	74" x 74" x 8" Redwood Decking
39	76" x 76" x 8" Redwood Decking
40	78" x 78" x 8" Redwood Decking
41	80" x 80" x 8" Redwood Decking
42	82" x 82" x 8" Redwood Decking
43	84" x 84" x 8" Redwood Decking
44	86" x 86" x 8" Redwood Decking
45	88" x 88" x 8" Redwood Decking
46	90" x 90" x 8" Redwood Decking
47	92" x 92" x 8" Redwood Decking
48	94" x 94" x 8" Redwood Decking
49	96" x 96" x 8" Redwood Decking
50	98" x 98" x 8" Redwood Decking
51	100" x 100" x 8" Redwood Decking



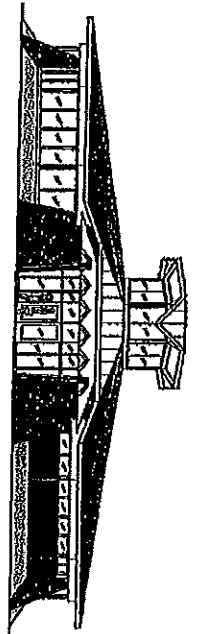
TREE TABLE

NO.	TREE	DATE
1	1" x 4" x 8" Redwood Decking	10/10/10
2	2" x 4" x 8" Redwood Decking	10/10/10
3	4" x 4" x 8" Redwood Decking	10/10/10
4	6" x 6" x 8" Redwood Decking	10/10/10
5	8" x 8" x 8" Redwood Decking	10/10/10
6	10" x 10" x 8" Redwood Decking	10/10/10
7	12" x 12" x 8" Redwood Decking	10/10/10
8	14" x 14" x 8" Redwood Decking	10/10/10
9	16" x 16" x 8" Redwood Decking	10/10/10
10	18" x 18" x 8" Redwood Decking	10/10/10
11	20" x 20" x 8" Redwood Decking	10/10/10
12	22" x 22" x 8" Redwood Decking	10/10/10
13	24" x 24" x 8" Redwood Decking	10/10/10
14	26" x 26" x 8" Redwood Decking	10/10/10
15	28" x 28" x 8" Redwood Decking	10/10/10
16	30" x 30" x 8" Redwood Decking	10/10/10
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23	44" x 44" x 8" Redwood Decking	10/10/10
24	46" x 46" x 8" Redwood Decking	10/10/10
25	48" x 48" x 8" Redwood Decking	10/10/10
26	50" x 50" x 8" Redwood Decking	10/10/10
27	52" x 52" x 8" Redwood Decking	10/10/10
28	54" x 54" x 8" Redwood Decking	10/10/10
29	56" x 56" x 8" Redwood Decking	10/10/10
30	58" x 58" x 8" Redwood Decking	10/10/10
31	60" x 60" x 8" Redwood Decking	10/10/10
32	62" x 62" x 8" Redwood Decking	10/10/10
33	64" x 64" x 8" Redwood Decking	10/10/10
34	66" x 66" x 8" Redwood Decking	10/10/10
35	68" x 68" x 8" Redwood Decking	10/10/10
36	70" x 70" x 8" Redwood Decking	10/10/10
37	72" x 72" x 8" Redwood Decking	10/10/10
38	74" x 74" x 8" Redwood Decking	10/10/10
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49	96" x 96" x 8" Redwood Decking	10/10/10
50	98" x 98" x 8" Redwood Decking	10/10/10
51	100" x 100" x 8" Redwood Decking	10/10/10

PROPOSED SITE PLAN
 SCALE: 1" = 20'-0"



PROPOSED FLOOR PLAN
 SCALE: 1/8" = 1'-0"



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

Preliminary Not For Construction



NAIA CULTURAL CENTER
 BELL ROAD
 NASHVILLE, TN 37211

DESIGNED BY
PROPOSED PLANS

A10

ZONING REVIEW CHECKLIST
Nonresidential and Multifamily Construction

APPLICATION #	PROJECT NAME: <i>N/A Cultural Center</i>
MAP/PARCEL # <i>10200014600</i>	EXAMINER:

USE - CHAPTER 17.08 AND 17.16

A - Approved, D - Denied, I - Incomplete, P - Pending, C - Conditional

Determine the use <i>Cultural Center</i>	
Property zoning <i>AR2A</i> Overlay(s) <i>N/A</i> Surrounding Zoning <i>AR2A</i>	
Use Charts: P, PC, SE, A <i>SE</i>	

SITE CRITERIA

** Supplemental Checklist Also Required for UZO **

Subdivision Plat (Note any special requirements such as easements, setback restriction and etc.)	
Minimum lot size <i>2 acres</i>	Footprint <i>5300SF</i>
FAR	% Maximum <i>0.40</i> % Requesting <i>0.02%</i>
ISR-Adjustments/ Slopes over 15%:	% Maximum % Requesting
Street Setback/ Street Type(s): <i>40'</i>	
Side yard <i>30'</i>	
Rear yard <i>20'</i>	
Height standards	Number of Floors <i>1</i>

PARKING AND ACCSS - CHAPTER 17.20

** Supplemental Checklist Also Required for UZO **

Ramp location and number <i>see plan / 1</i>	
Distance to nearest existing ramp (minimum 30')	
Distance to intersections	50' minor street 185' arterial street 100' collector 250' controlled access ramp
Required parking based on uses <i>1/300</i>	Required <i>18</i> Providing <i>18</i>
Required loading based on uses	Required <i>0</i> Providing <i>0</i>
Surfacing over 5 spaces 1,750 sq. ft.	
Space sizes, aisle widths, angle data <i>9'x18' / 25' / 90°</i>	
Queuing lanes	
Over 10 spaces 20' queuing at exit <i>50' provided</i>	
Number of compact spaces/% <i>0%</i>	
Number of handicapped spaces <i>1</i>	
Sidewalks required	internal public <i>existing</i>

LANDSCAPING STANDARDS - CHAPTER 17.24

** Supplemental Checklist Also Required for UZO **

Required buffer yards <i>standard B</i>	
Buffer yard adjustment	
Perimeter landscaping (can't be over future R.O.W.)	
Standard for 4 or more lanes	
Standard for less than four lanes	
Side lines adjacent to parking areas 5' minimum width with trees - 2.5' with tree islands	
Interior landscaping minimum 8% area	
Opaque fence adjacent to residential in parking area	
Screening around dumpsters (NO CHAIN LINK FENCE PERMITTED)	
Tree Density	

- Chapter 17.16 Addresses those special features required for PC, SE, and A uses. All special requirements are to be reviewed as part of the zoning plan review and special features identified on plans.
- Chapter 17.28 Environmental and Operational Standards. Chapter addresses development standards for environmentally sensitive lots and can require additional calculations. It also addresses the noise light, and other pollutions controls along with storage of flammable goods.
- Chapter 17.32 Sign Regulations. Sign permits are applied for on separate applications and are not part of the zoning review for building permit.
- Chapter 17.36 This section outlines special restrictions and enabling language for overlay districts.
- Chapter 17.40 Addresses the administrative provisions of the code along with powers of the Board of Zoning Appeals.

DATE: June 10, 2013
TO: Board of Zoning Appeals
Nashville Tennessee
PROJECT: Cultural Center for the Native American Indian Assoc.
Metro Lot #162-00-0-146.00, Nashville TN
SUBJECT: Application for Special Exception



On behalf of the Native American Indian Assoc., I hereby request BZA approval for a Special Exception for a Cultural Center within the property's AR2A Zone District.

The proposed Center will house museum space, a research library, meeting space, and administrative offices. (No active outside areas are planned for this facility.)

According to my evaluation, the proposed facility design complies with all governing Zoning regulations for a Special Exception Cultural Center in an AR2A Zone District. I believe it's an appropriate use for this site and will become a valued asset to the community.

These materials are enclosed:

Zoning Review Checklist *568*
Check for application fee in the amount of *\$780.00* (estimated construction value *\$550,000*)
Landscape Plan

Please advise if you need additional information.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dan Huitt', written in a cursive style.

Dan Huitt, AIA/LEED-AP

CC: Ray Emanuel, NAIA

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Simons Properties, LLC
Property Owner: Randall Haley
Representative: John Rankin

Date: 5-4-2020
Case #: 2020-138
Map & Parcel: 08110030600

Council District 21

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

Purpose: Reduction in Front setback to 10' to
construct 1 single family home.
See attached letter.

Activity Type: Single Family Residence
Location: 1627 25th Avenue North, 37208

This property is in the R55 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Front setback contextual is 33.4'
Section(s): 17.12.030 A

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.

Simons Properties, LLC
Appellant Name (Please Print)

JOHN RANKIN
Representative Name (Please Print)

PO BOX 91092
Address

PO BOX 91092
Address

Nashville, TN 37209
City, State, Zip Code

NASHVILLE, TN 37209
City, State, Zip Code

(615) 584-4140
Phone Number

(615) 584-4140
Phone Number

simonspropertiesllc@gmail.com
Email

simonspropertiesllc@gmail.com
Email

Appeal Fee: \$100

SIMONS PROPERTIES, LLC
PO Box 91092
Nashville Tennessee 37209
SimonsPropertiesLLC@gmail.com (615) 584-4140

May 4, 2020

Ms. Jessica Shepherd
Metropolitan Codes Department
Metropolitan Board of Zoning Appeals
800 2nd Avenue South
Nashville, Tennessee, 37072

RE: 1627 25th Avenue North, Parcel # 08110030600

Dear Ms. Shepherd,

Applicant, Simons Properties, LLC, submits an Item B Appeal declaring a hardship to the front setback as it pertains to our property located at 1627 25th Avenue North (Parcel # 08110030600). Applicant asserts the Board has the authority to act on this appeal under Metropolitan Code Section 17.40.180 B and hereby requests a 10' setback from the front right-of-way.

We contend a 33.4 foot setback creates a hardship warranting a variance from the Board under all of the required items in 17.40.370 according to the following evidence and the attached site plan:

A. The physical characteristic of the property is exceptionally challenged as two sewer mains and a storm drain main cross the property. We have placed a minimum sized home in the only remaining viable area. There are no recorded easements for these main lines, but we, of course, must stay off them.

B. This condition is unique to our property because there was an existing home on the lot that was demolished in 1982 due to disrepair and there is still an existing water meter and sewer tap.

C. The hardship was created when the easements for utility lines began enforcing (the previous home was built over the utility lines).

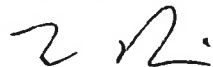
D. Financial gain is not a factor in this variance request. We are only proposing replacing the one single family residence on our lot.

E. Applicant can find no potential injury to neighboring property. This lot is on a dead end street and shares ownership with 1625 25th Avenue North.

F. Applicant can find no potential detriment to public welfare in the granting of a 10' front setback or a diminishment to property values.

G. Not applicable.

Sincerely yours,



John Rankin

Simons Properties, LLC

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



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.

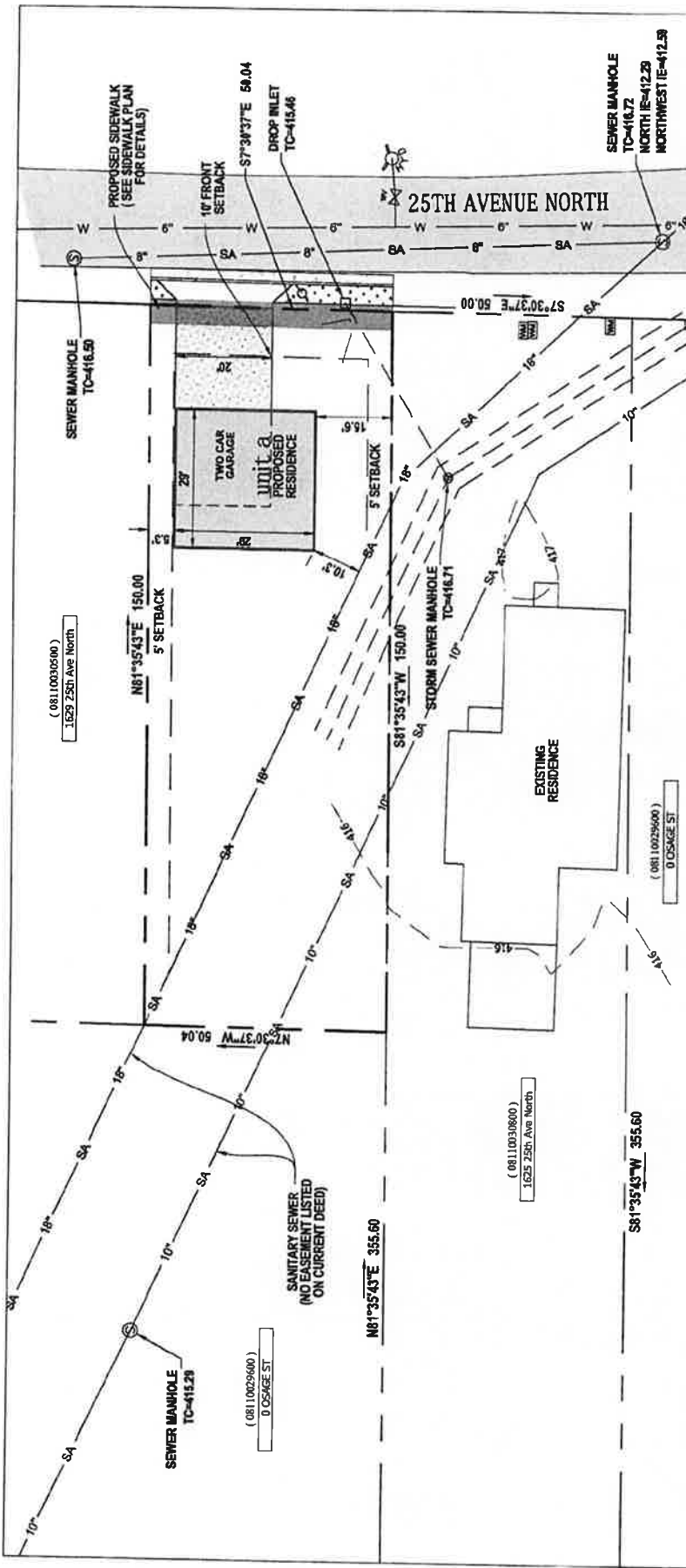
In Simple terms, for the Board to grant you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements,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

1. Two sewer mains & one storm drain cross the property. There are no recorded easements.
2. An existing foundation remains. The home was demolished in 1982 for disrepair.
3. There still exists a water meter and sewer tap.
4. The lot is on a dead end street with shared ownership as 1625 25th Ave. N.



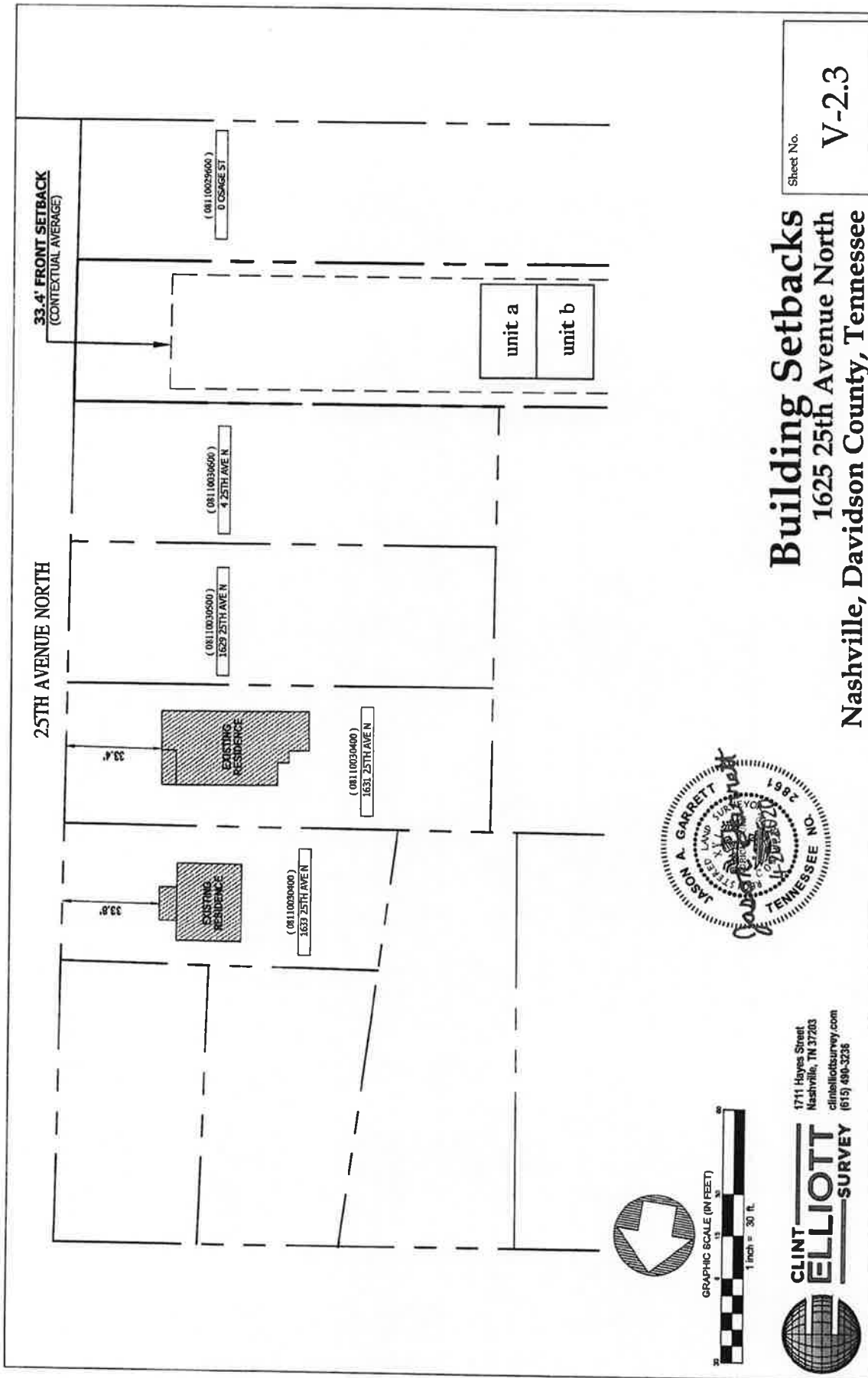
PRELIMINARY
NOT FOR CONSTRUCTION

Sheet No. **V-2.1**

Site Plan
1627 25th Avenue North
Nashville, Davidson County, Tennessee



CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clint@lotsurvey.com
(615) 490-3238



Sheet No.
V-2.3

Building Setbacks
 1625 25th Avenue North
 Nashville, Davidson County, Tennessee



1711 Hayes Street
 Nashville, TN 37203
 clintelliotsurvey.com
 (615) 490-3235





Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant: Brandon + Kelly Bubis Date: 5-7-20
Property Owner: Brandon + Kelly Bubis Case #: 2020-142
Representative: Mitchell Barnett AIA Map & Parcel: 159-07-0A

Council District: 34

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

Purpose: Construct home
Activity Type: Single Family Residence
Location: 5005 High Valley Dr.

This property is in the ___ 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: Zoning requires front setback at 3x average on street
Section: RSO40 zoning

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: Brandon + Kelly Bubis Representative: Mitchell Barnett AIA
Phone Number: 615-804-6154 Phone Number: 615-385-3033
Address: 116 Century Oak Dr. Franklin, TN 37069 Address: 2021 Richard Jones Rd. Suite 340B Nashville, TN 37215

Email address: Bbubis68@icloud.com Email address: mitch@mitchellbarnettarchitect.com

Appeal Fee: \$ 100⁰⁰

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

Mitchell Barnett

 APPELLANT

*on behalf of Brandon
 & Kelly Bubis*

May 5 2020

 DATE

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

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

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

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

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

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

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

See attached
sheets

REQUEST FOR VARIANCE

FOR 5005 (LOT 2) HIGH VALLEY DRIVE

THIS IS A REQUEST FOR A VARIANCE OF THE CURRENT ZONING CODE TO ALLOW FOR A MINIMUM FRONT SETBACK LINE OF 65 FEET ON THIS SUBJECT PROPERTY, WHICH IS STILL IN COMPLIANCE WITH THE NEIGHBORHOODS RECORDED DOCUMENTS.

Property Address: 5005 High Valley Drive, Brentwood, TN 37027

Property Owner: Brandon and Kelly Bubis

Bbubis68@icloud.com

615-804-6154

Owner's mailing address: 116 Century Oak Drive, Franklin, TN 37069

Architect/agent for owner: Mitchell Barnett AIA

mitch@mitchellbarnettarchitect.com

615-385-3033

REQUEST: This is a request to allow the front setback of the property to be 65 feet. Rear and side setbacks shall remain as stipulated in the Metro Zoning Ordinance.

NEIGHBORHOOD BACKGROUND: High Valley, located off of Oman Drive in South Nashville, is a neighborhood development of 14 properties (**SEE EXHIBIT B**); it is

currently, and has always been zoned RS40. Of the 14 properties, 12 have houses (all of a traditional architectural style), and 2 remain unimproved. The two unimproved properties are Lots 2 & 3 (5005 and 5007 High Valley Drive). This community is governed by an HOA (High Valley Homeowner's Association). This HOA has a recorded CCR (Covenants, Conditions and Restrictions) document (**SEE EXHIBIT C**). This Property is located in Council District 34. (Councilmember Angie Emery Henderson angie.henderson@nashville.gov).

ZONING HISTORY AND CHARACTERISTICS: The original plat of High Valley was recorded July 15, 1996, in Book 9700, page 188 of the registers office of Davidson County (**SEE EXHIBIT A**). In reference to the front setbacks, the plat states: "all minimum building setbacks shall be in accordance with current zoning regulations" (Note #4 of the Plat General Notes).

Current zoning law requires the minimum front setback to be 40 feet or the average of the setbacks of the existing homes, 4 properties to the left and 4 properties to the right, whichever is greater, but no greater than 3 times the required minimum set back, which would thus be 120 feet.

There are no developed properties to the left of Lot 2, so therefore, we shall take the average of the 4 properties to the right, which is 121.5 feet. (**SEE EXHIBIT A**).

Therefore, by current zoning ordinance, the required minimum front setback would be 120 feet (3 x 40 feet).

However, in the recorded Homeowners Association's CCR's, page 9, item (j) **(SEE EXHIBIT C)** states:

"The following lots, as shown on the plat, shall be subject to these specific set back lines:

- (1) Front set back line of Lot 2 – 65 feet
- (2) Front set back line of Lot 3 - 80 feet
- (3) Front set back line of Lot 4 – 95 feet
- (4) Front set back line of Lot 5 – 110 feet
- (5) And, to the extent that any of the foregoing Lots are consolidated, the applicable minimum set back line shall be the average of the foregoing minimum set back lines for consolidated Lots.

APPLICABLE HARDSHIPS OF THIS PROPERTY

A topographical survey was obtained for this property **(SEE EXHIBIT D)**. This survey shows the following:

- That Lot #2 is an irregular shaped lot, which greatly limits appropriate use and design that is compatible with the neighborhood.
- Extreme Topography; the existing topo of the lot has a vertical rise of 104 feet over a distance of approximately 331 feet; a 31 % slope. Since homes are required to be "traditional" in architectural style, and must be compatible with the existing homes of the neighborhood, this slope imposes severe limitations. With a front setback of 65 feet, a house, with necessary retaining walls, becomes more feasible.

In order to further illustrate this principle, the owners commissioned a "house" design for this property, showing

the positioning with a 65 foot front setback, which is dictated and allowed by the community CCR's. **(SEE EXHIBIT E)**. These architectural plans are intended for illustrative purposes only. They have not been evaluated or submitted to the HOA for approval, and are NOT part of this variance request.

It is with these facts, data and hardships, that we respectfully request the granting of a variance, in accordance with the recorded HOA documents, of a minimum front setback of 65 feet.

Sincerely,

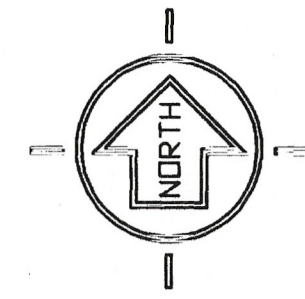
Mitchell Barnett AIA

Submitted on behalf of the owners, Brandon and Kelly Bubis.

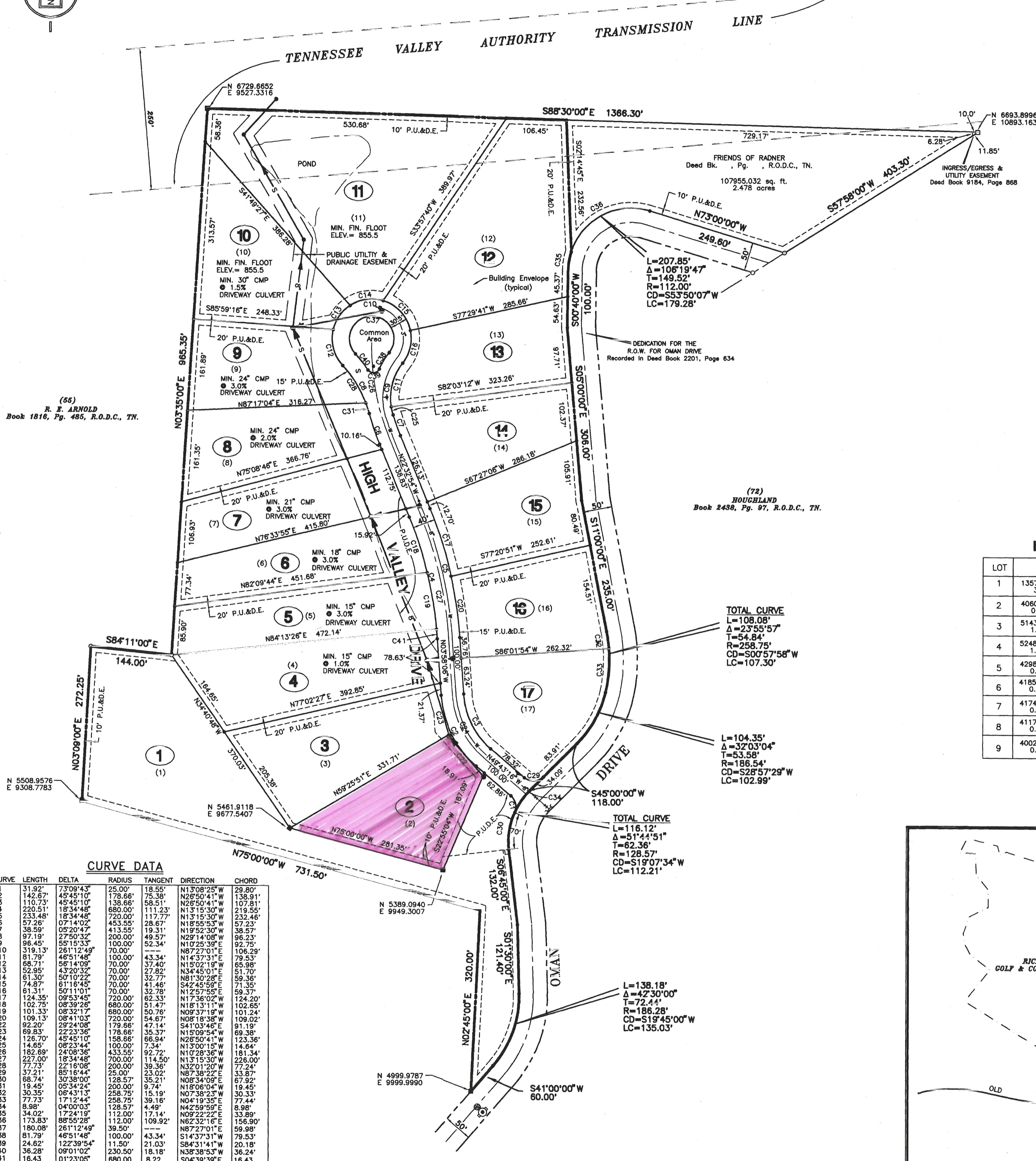
LIST OF EXHIBITS:

- A.....Original recorded plat
- B..... Metro Tax Map
- C..... HOA recorded documents
- D..... Boundary/topographical survey
- E..... Architectural plans

Exhibit A



(55)
R. E. ARNOLD
Book 1816, Pg. 485, R.O.D.C., TN.



(56)
R. E. ARNOLD
Book 1816, Pg. 485, R.O.D.C., TN.

(72)
BOUGHLAND
Book 2438, Pg. 97, R.O.D.C., TN.

GENERAL NOTES

- PARCEL NUMBERS SHOWN THUS (00) PERTAIN TO PROPERTY MAP 159-7-A.
- THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS; ABOVE GRADE UTILITIES & APERTURES WERE LOCATED AS SHOWN PER ACTUAL FIELD MEASUREMENTS. OTHERWISE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THE CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO BEING MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE NOR MORE THAN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-815-366-1987 OR 1-800-351-1111.
- ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF PUBLIC WORKS.
- MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH CURRENT ZONING REGULATIONS.
- BEARINGS BASED ON RECORDED MAP PARCEL 86, PROPERTY MAP 159, BY CUMBERLAND SURVEY, DATED 11/17/84 BY W & O SURVEYORS, INC. OWNER, DEED RECORDED IN BOOK 2438, PAGE 97, R.O.D.C., TN.
- PROPERTY IS AT PRESENT ZONED R40 (LOW DENSITY RESIDENTIAL).
- THIS LAND IS NOT IN A FLOOD HAZARD AREA.
- ALL LOT CORNERS AND BREAKS MARKED WITH IRON PINS UNLESS NOTED OTHERWISE.
- PROPERTY TO BE SERVED BY PUBLIC WATER SUPPLY AND PUBLIC SEWERAGE SYSTEM.
- THIS PLAN IS BEING RECORDED AS PART OF A PLANNED UNIT DEVELOPMENT OVER LAY DISTRICT ENACTED BY ZONING ORDINANCE NO. 93-896 & 93-897.
- NO BUILDING PERMIT MAY BE ISSUED ON ANY LOT UNTIL STREET NAME SIGNS ARE INSTALLED AND VERIFIED BY THE DEPARTMENT OF TRAFFIC AND PARKING ON ALL STREETS ON WHICH THE LOT DEPENDS FOR ACCESS.
- ONLY OBSTRUCTIONS PERMITTED BY SECTION 23.34 OF THE METROPOLITAN ZONING ORDINANCE ARE PERMITTED OUTSIDE THE BUILDING ENVELOPE OF A PLANNED UNIT DEVELOPMENT.
- THE MINIMUM FINISHED FLOOR ELEVATION (855.5) SHOWN ON LOTS 10 AND 11 IS 4' ABOVE THE OVERFLOW ELEVATION OF THE EXISTING POND AT THE REAR OF LOT 11.

OWNER'S CERTIFICATE

I (WE) HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN HEREON AS EVIDENCED IN BOOK 9603, PAGE 406, R.O.D.C., TENNESSEE, AND ADOPT THE PLAN OF SUBDIVISION OF THE PROPERTY AS SHOWN HEREON AND DEDICATE ALL PUBLIC WAYS AND EASEMENTS AS NOTED. NO LOT OR LOTS AS SHOWN HEREON SHALL AGAIN BE SUBDIVIDED, RESUBDIVIDED, ALTERED, OR CHANGED SO AS TO PRODUCE LESS AREA THAN HEREBY ESTABLISHED UNTIL OTHERWISE APPROVED BY THE METROPOLITAN PLANNING COMMISSION AND UNDER NO CONDITION SHALL SUCH LOT OR LOTS BE MADE TO PRODUCE LESS AREA THAN PRESCRIBED BY THESE STRICTIVE COVENANTS AS ON RECORD IN BOOK _____, PAGE _____, R.O.D.C., TENNESSEE, RUNNING WITH TITLE TO THE PROPERTY.

BY: [Signature]
TITLE: President DATE: 3/20/96

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE HEREON SHOWN SUBDIVISION PLAN REPRESENTS A CLASS "1" SURVEY HAVING AN UNADJUSTED RATIO OF PRECISION OF 1:_____ AND IS TRUE AND CORRECT. APPROVED MONUMENTS HAVE BEEN PLACED AS INDICATED. ALL SIDE LOTS LINES ARE RIGHT ANGLES OR RADIAL TO A STREET UNLESS OTHERWISE NOTED.

BY: [Signature] DATE: 3-21-96
TENN. REGISTERED SURVEYOR NO. 1796

COMMISSION APPROVAL

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

BY: [Signature]
DATE: 7/12/96



LOT TABULATION

LOT	AREA	LOT	AREA
1	135728.751 sq. ft. 3.116 acres	10	48473.540 sq. ft. 1.113 acres
2	40609.473 sq. ft. 0.932 acres	11	106342.856 sq. ft. 2.441 acres
3	51439.119 sq. ft. 1.181 acres	12	77705.001 sq. ft. 1.784 acres
4	52484.341 sq. ft. 1.205 acres	13	42114.322 sq. ft. 0.967 acres
5	42989.244 sq. ft. 0.987 acres	14	42467.646 sq. ft. 0.975 acres
6	41850.161 sq. ft. 0.961 acres	15	42208.307 sq. ft. 0.969 acres
7	41747.227 sq. ft. 0.958 acres	16	42248.347 sq. ft. 0.970 acres
8	41170.444 sq. ft. 0.945 acres	17	43552.274 sq. ft. 1.000 acres
9	40027.227 sq. ft. 0.919 acres		

LEGEND

- SANITARY SEWER MANHOLE
- IRON PIN (Found)
- IRON PIN (Set)
- CONCRETE MONUMENT (Found)
- CONCRETE MONUMENT (Set)
- 10" — WATER LINE
- 12" — SAN. SEWER LINE
- ⊕ FIRE HYDRANT

SUBDIVISION NO. 955-030G

HIGH VALLEY SECTION ONE

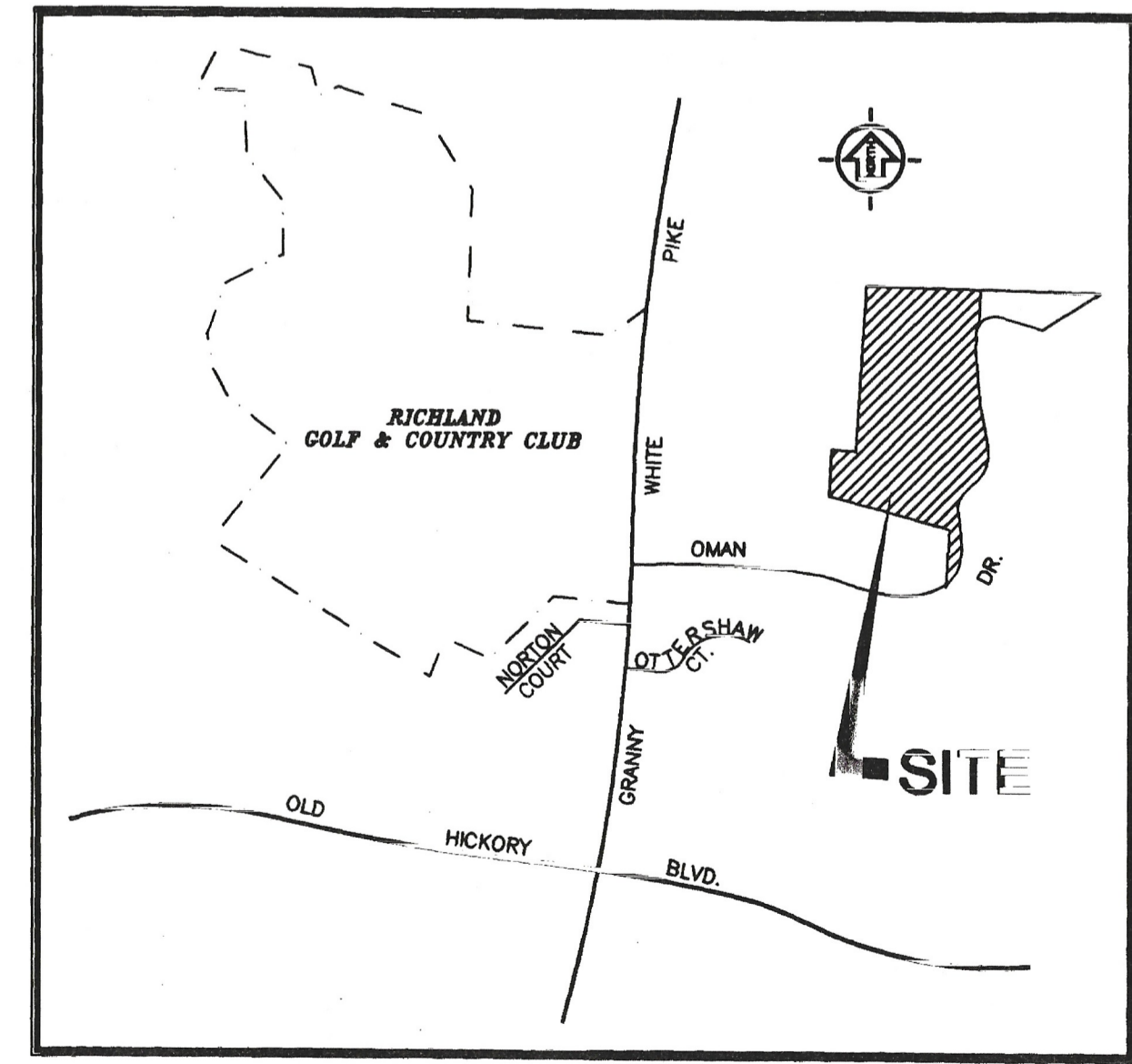
A TRACT OF LAND IN THE 33RD COUNCILMANIC DISTRICT METROPOLITAN NASHVILLE, DAVIDSON COUNTY TN. BEING PARCEL (66) TAX MAP 159.

NASHVILLE, DAVIDSON COUNTY, TENNESSEE
TOTAL ACREAGE = 22.544 AC.

Scale 1" = 100 ft

JOB # 94-150 W.O. # 4771
DATE: MARCH 21, 1996

RAGAN-SMITH-ASSOCIATES, INC.
PLANNERS • CIVIL ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS
315 WOODLAND STREET
NASHVILLE, TENNESSEE 37206
(615) 244-9591



LOCATION MAP
NOT TO SCALE

CURVE DATA

CURVE	LENGTH	DELTA	RADIUS	TANGENT	DIRECTION	CHORD
C1	31.92'	73°06'43"	25.00'	18.55'	N13°08'25"W	29.80'
C2	142.67'	45°45'10"	178.66'	76.38'	N26°50'41"W	138.91'
C3	110.73'	45°45'10"	138.66'	58.51'	N26°50'41"W	107.81'
C4	220.51'	18°34'48"	680.00'	111.23'	N13°15'30"W	219.55'
C5	233.48'	18°34'48"	720.00'	117.77'	N13°15'30"W	232.46'
C6	57.28'	07°14'02"	453.55'	28.67'	N18°55'53"W	57.23'
C7	38.59'	05°20'47"	413.55'	19.31'	N19°52'30"W	38.57'
C8	97.19'	27°50'42"	200.00'	49.57'	N29°14'09"W	96.25'
C9	96.45'	55°15'33"	100.00'	52.34'	N10°25'39"E	92.25'
C10	319.13'	26°12'49"	70.00'	—	N87°27'01"E	106.29'
C11	81.79'	48°51'48"	100.00'	43.34'	N14°37'31"E	79.53'
C12	68.71'	56°14'09"	70.00'	37.40'	N15°02'19"W	65.98'
C13	52.95'	43°20'32"	70.00'	27.82'	N34°45'01"E	51.70'
C14	61.30'	50°10'22"	70.00'	32.77'	N81°30'28"E	59.36'
C15	74.87'	61°18'45"	70.00'	41.48'	S42°45'59"E	71.35'
C16	61.31'	50°11'01"	70.00'	32.78'	N12°57'55"E	59.37'
C17	124.35'	09°53'45"	720.00'	62.33'	N17°36'02"W	124.20'
C18	102.75'	08°59'28"	680.00'	51.47'	N18°15'11"W	102.65'
C19	101.33'	08°32'17"	880.00'	50.76'	N09°37'19"W	101.24'
C20	109.13'	08°41'03"	720.00'	54.67'	N08°18'38"W	109.02'
C21	92.20'	29°24'08"	178.88'	47.14'	S41°03'46"E	91.19'
C22	68.83'	22°23'36"	178.66'	35.37'	N15°09'54"W	69.39'
C23	126.70'	45°45'10"	158.66'	66.94'	N26°50'41"W	123.36'
C24	14.65'	08°23'44"	100.00'	7.34'	N13°00'15"W	14.64'
C25	182.69'	24°08'36"	453.55'	92.72'	N11°34'34"E	181.34'
C26	227.00'	18°34'48"	700.00'	114.50'	N13°15'30"W	226.00'
C27	77.73'	22°18'08"	200.00'	39.36'	N32°01'20"W	77.24'
C28	37.21'	85°18'44"	25.00'	33.02'	N87°38'22"E	33.87'
C29	68.74'	30°38'00"	128.57'	35.21'	N08°34'09"E	67.92'
C30	19.45'	05°34'24"	200.00'	9.74'	N18°06'04"W	19.45'
C31	30.35'	06°43'13"	258.75'	15.19'	N07°38'23"W	30.33'
C32	77.73'	17°12'45"	128.57'	39.18'	N04°19'39"E	77.44'
C33	8.98'	04°00'03"	128.57'	4.49'	N42°59'59"E	8.98'
C34	34.02'	17°24'19"	112.00'	17.14'	N09°22'22"E	33.89'
C35	173.83'	26°12'49"	112.00'	109.92'	N62°32'16"E	156.90'
C36	180.08'	26°12'49"	39.50'	—	N87°27'01"E	59.98'
C37	81.79'	46°51'48"	100.00'	43.34'	S14°37'31"W	79.53'
C38	24.62'	122°39'54"	11.50'	21.03'	S84°31'41"W	20.18'
C39	36.28'	09°01'02"	230.50'	18.18'	N38°38'53"W	36.24'
C40	16.43'	01°23'05"	880.00'	8.22'	S04°39'39"E	16.43'

R40 (LOW DENSITY RESIDENTIAL)

Exhibit B

Revisions	
1	
2	
3	

Mitchell Barnett Architect, P.C.
 ARCHITECTS PLANNERS
 1000 N. WOODLAND BLVD.
 NASHVILLE, TN 37215 (615) 985-5033
 www.mitchellbarnettarchitect.com



A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Drawn By:	Staff
Checked By:	NMB
Date:	11/2019
File:	Bubis/DD1
Sheet Number:	



Overall Plat

SCALE: 1" = 500'-0"

ISSUE DATE: April 22, 2020

THESE PLANS ARE THE COPYRIGHTED PROPERTY OF MITCHELL BARNETT ARCHITECT, P.C. AND N. MITCHELL BARNETT A.L.A. (UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED).

MITCHELL BARNETT ARCHITECT, P.C.

which shall be in addition to any occupancy permit or certificate required by any governmental authority.

(i) No variance in the building Envelope of any Lot which reduces the distance of the side yard line of such building envelope to side yard line of the adjacent Lot shall be made without the prior written consent of the Owner of the affected adjacent Lot.

(j) The following Lots, as shown on the Plat, shall be subject to these specific minimum set back lines:

- (1) Front set back line for Lot 2 - 65 feet;
- (2) Front set back line for Lot 3 – 80 feet;
- (3) Front set back line for Lot 4 – 95 feet;
- (4) Front set back line for Lot 5 – 110 feet;

(5) And, to the extent that any of the foregoing Lots are consolidated, the applicable minimum set back line shall be the average of the foregoing minimum set back lines for the consolidated Lots.

Section 2. Special Provisions Relative to the ARC. For purposes of this Declaration, the “ARC” shall mean an architectural review committee, selected by the Board of the Association, composed of three (3) or more Owners who reside in Residences. The members of the ARC shall serve as a special committee of the Board, and the composition of the ARC, as it may change from time to time, shall be disclosed only to the Board. The term of membership in the ARC will be subject to Board determination, from time to time, it being anticipated that members of the ARC shall serve terms that are staggered and do not exceed three (3) years. Without limiting any of the other provisions of this Article V, the approval of plans and specifications for any Residences of other Improvements shall be subject to the following terms and conditions:

(a) All submissions or requests for approval of plans as required pursuant to this Article V shall be submitted to the Board, and the Board shall thereupon submit the request to the ARC.

(b) It is anticipated that the ARC shall engage a third-party architect (the “Reviewing Architect”) to assist the ARC with the review and approval of any plans submitted for review of the ARC pursuant to this Article V. Consequently, with respect to the submission of a plan for construction of a Residence on a Lot, the requesting party must deliver with the submission a fee to the Association in the amount of \$2500.00 (the “Residence Plan Review Fee”). With respect to the submission of a plan for construction of any Improvements other than the initial Residence upon a Lot, the submitting party shall deliver with such submission a fee to the Association in the amount of \$750.00 (the “Improvements Plan Review Fee”; the Residence Plan Review Fee and the Improvements Plan Review Fee are sometimes herein referred to collectively as the “Review Fees” or as a “Review Fee”).

Exhibit C

THIS INSTRUMENT PREPARED BY:

Bradley Arant Boult Cummings LLP
 1600 Division Street, Suite 700
 Nashville, Tennessee 37203

Bill Garrett Davidson County
 Batch# 6415 REST
 10/02/2017 12:47:19 PM 44 pgs
 Fees: \$222.00 Taxes: \$0.00



20171002-0100584

**AMENDED AND RESTATED DECLARATION OF
 COVENANTS, CONDITIONS, AND RESTRICTIONS
 FOR HIGH VALLEY**

THIS AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (The "Declaration"), is made and effective as of the 21st day of September, 2017 by the undersigned Owners, as defined herein.

WITNESSETH:

WHEREAS, pursuant to that certain Declaration of Covenants, Conditions, and Restrictions for High Valley of record in Book 10122, page 121, Register's Office for Davidson County, Tennessee (the "Original Declaration"), McCohen Development Corp., identified as the Declarant pursuant to the Original Declaration, subjected the Property (as defined herein) to the covenants, restrictions, terms and conditions of the Original Declaration; and

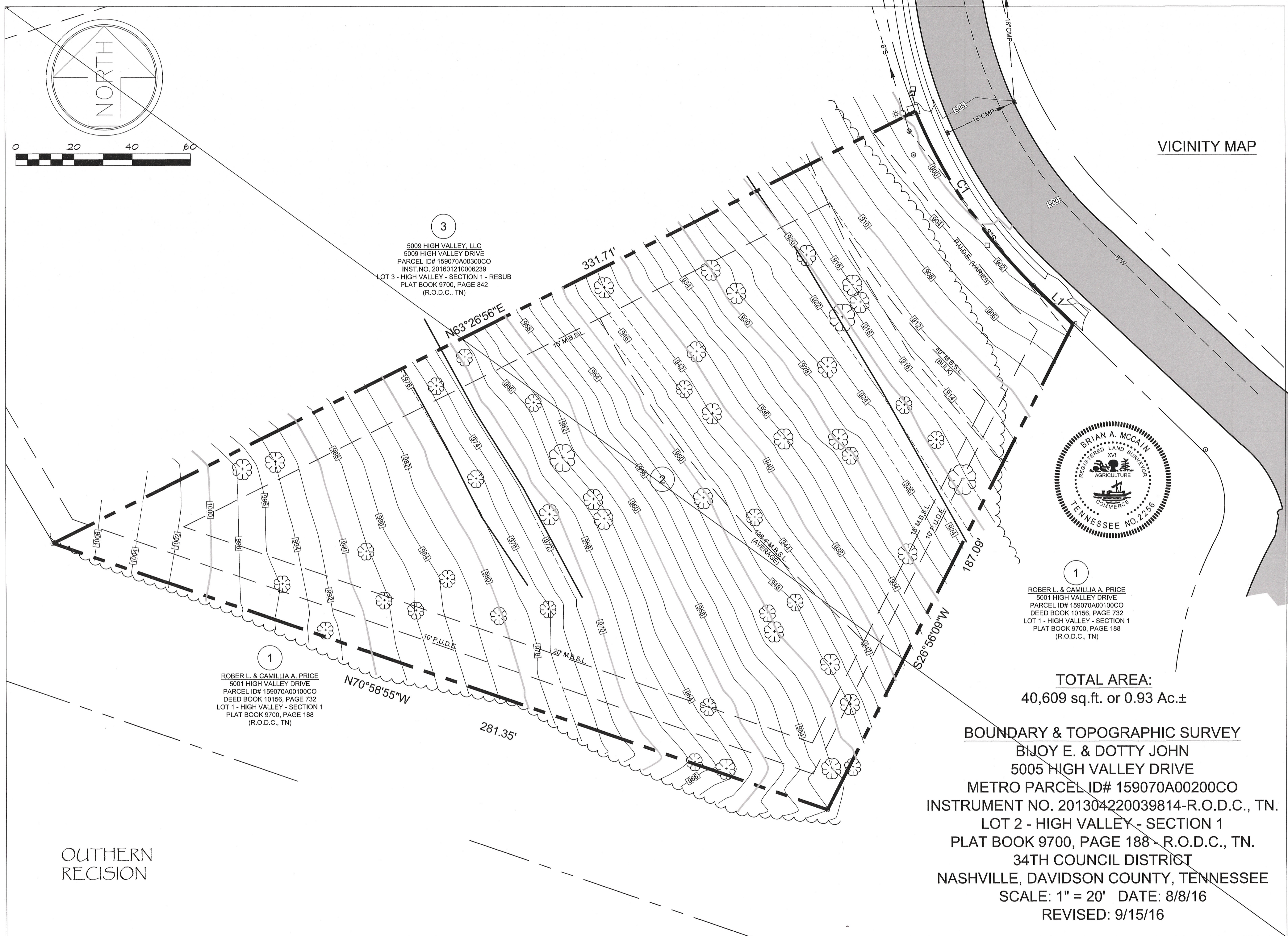
WHEREAS, the Owners, for themselves and as Members of the Association, have determined that, in order to better serve the residents of the community commonly known and referred to as High Valley, it is in the best interest of the Owners, the Association and the Property to amend and restate the Original Declaration by adopting this Declaration as the amended and restated covenants and restrictions for High Valley, it being expressly understood that this Declaration shall supersede and replace the Original Declaration in its entirety and in all respects; and

WHEREAS, as of the date of this Declaration, all Lots have been transferred and conveyed by the Declarant and therefore the Declarant has no further rights as Declarant under the Original Declaration, including, the Class B Voting rights, which have expired in accordance with the terms of the Original Declaration; and

WHEREAS, the undersigned Owners represent the requisite number of votes of Owners required, in accordance with the terms and provisions of the Original Declaration, to amend the Original Declaration by the adoption of this Declaration as a restatement and replacement of the Original Declaration.

NOW, THEREFORE, it is declared that all of the Property described herein shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, which shall run with the Property and be binding on all parties now or in the future having any right, title, or interest in the

Exhibit D



Existing Site Plan

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

Revisions	
1	
2	
3	

Mitchell Barnett Architect, P.C.
ARCHITECTS - PLANNERS
2021 Richard Jones Rd., Suite 300B
Nashville, TN 37217
615.885.1111
mitchellbarnettarchitect.com www.mitchellbarnett.com

A New residence for:
Brandon & Kelly Bubis
Lot 2 High Valley
Nashville, TN

Drawn By:	Staff
Checked By:	NMB
Date:	11/2019
File:	Bubis/DD1
Sheet Number:	

C.1.0

Preliminary Design
 A NEW RESIDENCE FOR
Brandon & Kelly Bubis
 Lot #2 High Valley
 NASHVILLE, TN

Exhibit E

GENERAL NOTES

1. THE GENERAL CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND SITE CONDITIONS BEFORE COMMENCING WITH WORK. THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK.
2. DO NOT SCALE DRAWINGS. IF DIMENSIONS ARE IN QUESTION, OBTAIN CLARIFICATION FROM THE ARCHITECT BEFORE CONTINUING WITH THE WORK.
3. DIMENSIONS ARE WITNESSED TO FACE OF MASONRY OR TO FACE OF STUD UNLESS OTHERWISE NOTED.
4. ALL WORK PERFORMED UNDER THIS CONTRACT SHALL MEET ALL STATE BUILDING CODES, THE NATIONAL ELECTRIC CODE, AND ORDINANCES OF THE LOCAL AUTHORITY HAVING JURISDICTION.
5. THE ARCHITECT SHALL BE NOTIFIED BEFORE PROCEEDING WITH WORK IF A CONFLICT IS DISCOVERED WITHIN THE CONSTRUCTION DOCUMENTS.
6. THERE SHALL BE NO BUILDING MATERIALS CONTAINING ASBESTOS OR OTHER HAZARDOUS MATERIALS INSTALLED ON THIS PROJECT.
7. ALL MATERIALS AND EQUIPMENT PROVIDED SHALL BE INSTALLED AS PER MANUFACTURER'S RECOMMENDATIONS AND AS PER CODE REQUIREMENTS.
8. ITEMS REQUIRING FINISH SELECTIONS NOT APPEARING IN THE DOCUMENTS SHALL BE SELECTED BY THE OWNER FROM SHOP DRAWINGS, SUBMITTALS, AND/OR SAMPLES AS REQUIRED.
9. THE DESIGN, ADEQUACY, AND SAFETY OF ERECTION BRACING, SHORING, TEMPORARY SUPPORTS, ETC., IS THE SOLE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
10. FILL SOLID ALL MASONRY VOIDS WHERE ANCHORS OCCUR. FILL SOLID ALL NEW MASONRY UNITS LOCATED BELOW FINISHED GRADE.
11. COORDINATE LOCATIONS AND/OR ELEVATIONS OF FLOOR DRAINS, REGISTERS, GRILLES, LOUVERS, PANELS, ETC., WITH MECHANICAL AND ELECTRICAL CONTRACTORS.
12. SIZE AND LOCATION OF ALL FLOOR OPENINGS TO BE VERIFIED WITH THE TRADE AFFECTED BEFORE PROCEEDING WITH THE WORK.
13. BOLTING OF WOOD TO STRUCTURAL MEMBERS OR MASONRY SHALL BE WITH A MINIMUM OF 3/4" BOLTS @ 3'-0" O.C. EXCEPT WHERE SHOWN OTHERWISE.
14. PROVIDE LINTELS OVER ALL OPENINGS INCLUDING THOSE REQUIRED FOR DUCTWORK, PIPES, LOUVERS, GRILLES, DAMPERS, ETC.
15. PROVIDE CONCRETE PADS FOR ALL NEW MECHANICAL AND ELECTRICAL EQUIPMENT.
16. PROVIDE DOUBLE STUDS AND BLOCKING WHERE REQUIRED TO SUPPORT EQUIPMENT AND/OR MISCELLANEOUS ITEMS, I.E. TILE, CASEWORK, MILLWORK, CABINETS, ETC.
17. SLOPE ALL GRADES, WALKS AND CONCRETE PADS AWAY FROM BUILDING AT LEAST 1/8" PER FOOT.
18. PROVIDE UNDERGROUND DRAINAGE FOR ALL DOWN SPOUTS UNLESS OTHERWISE NOTED.
19. PROVIDE 5 MIL VAPOR BARRIER UNDER ALL INTERIOR CONCRETE SLAB ON GRADE CONDITIONS.
20. PROVIDE 1" THICK PERIMETER INSULATION AT ALL NEW CONCRETE SLABS ALONG EXTERIOR WALLS.
21. THE "GENERAL CONDITIONS OF THE CONTRACTOR FOR CONSTRUCTION" (AIA DOCUMENT A201) IS HEREBY MADE A PART OF THIS PROJECT THE SAME AS IF BOUND HEREIN. THESE CONDITIONS APPLY TO ALL SUBCONTRACTORS AS WELL AS TO THE GENERAL CONTRACTOR.
22. CONTRACTOR SHALL MAINTAIN THE JOB CLEAR OF TRASH AND DEBRIS. ALL WASTE MATERIAL SHALL BE REMOVED FROM SITE PRIOR TO SUBSTANTIAL COMPLETION AND PRIOR TO FINAL ACCEPTANCE.
23. CONTRACTOR SHALL PRESENT THE BUILDING TO THE OWNER FOR ACCEPTANCE, CLEAN AND READY FOR OCCUPANCY. ALL GLASS SHALL BE CLEANED AND POLISHED. FLOORS SWEEP BROOM CLEAN. FIXTURES WASHED WITH ALL LABELS REMOVED AND THE EXTERIOR TO BE RAKED FREE OF TRASH.
24. CONTRACTOR SHALL VISIT THE SITE AND BECOME FAMILIAR WITH ALL CONDITIONS PRIOR TO COMMENCING CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THESE DRAWINGS WITH THOSE AT THE SITE. ANY VARIATION WHICH REQUIRES PHYSICAL CHANGE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.



NOTICE:
 THIS RENDERING SHOWS DESIGN INTENT ONLY. THIS IS AN ARTIST RENDERING. DO NOT USE THIS DRAWING FOR MATERIALS, DESIGN OR DIMENSIONS.
 REFER TO ARCHITECTURAL DRAWING(S) FOR ALL CONSTRUCTION DOCUMENTS.

ISSUE DATE : December 18, 2019

DRAWING INDEX

- T.1.0 COVER SHEET
- C.1.0 EXISTING SITE PLAN
- C.1.1 PROPOSED SITE PLAN
- A.1.2 FIRST FLOOR PLAN
- A.1.3 SECOND FLOOR PLAN
- A.2.0 ELEVATIONS
- A.2.1 ELEVATIONS
- A.2.2 ELEVATIONS

EXTERIOR COLORS

SQUARE FOOTAGE

Square Foot Data	
First Floor.....	3223sqft
Second Floor.....	1788sqft
Bonus Room.....	608sqft
Garage(x2).....	962sqft
Screened Porch.....	376sqft

CIVIL ENGINEER

Walter Davidson
 Consulting Engineers - Surveyors
 5127 Marc Court
 Nashville, TN 37211
 615/337-2156
 whdavidson@comcast.net

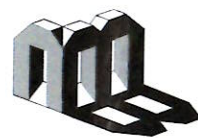
INTERIOR DESIGNER

T.B.D.

BUILDER

T.B.D.

ARCHITECT



Mitchell Barnett, Architect, P.C.
 Architects Planners
 2021 Richard Jones Rd.
 Suite #340B
 Nashville, TN 37215 (615) 385-3033
 E-mail : mitchellbarnett@bellsouth.net Web Site : mitchellbarnettarchitect.com

PRELIMINARY NOT FOR CONSTRUCTION

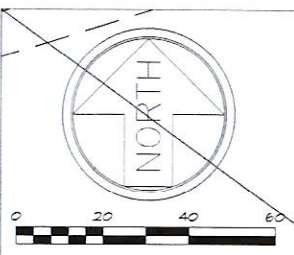
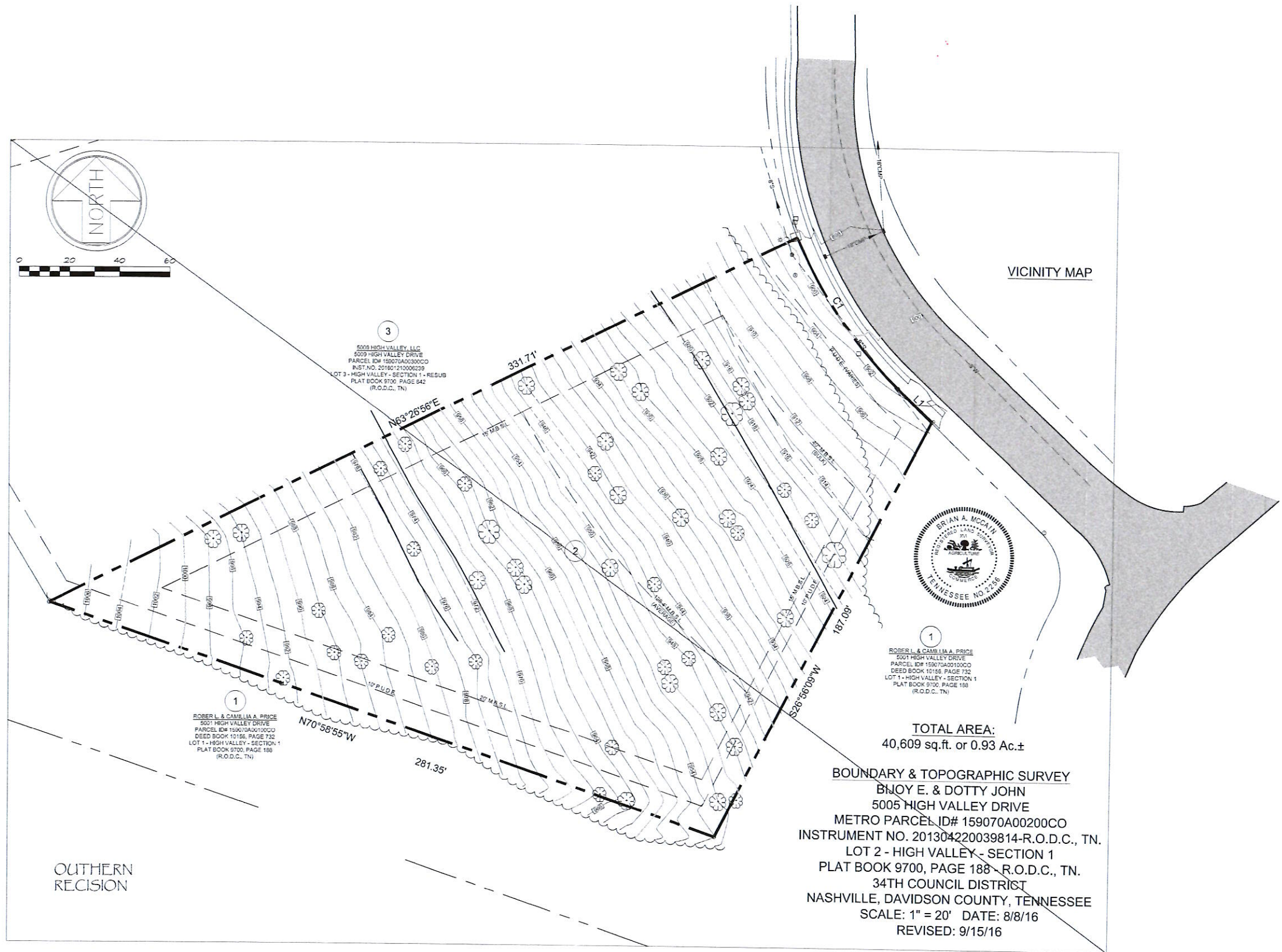
A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Mitchell Barnett Architect, P.C.
 2021 Richard Jones Rd. Suite 340B
 Nashville, TN 37215 (615) 385-3033
 www.mitchellbarnettarchitect.com

Revisions	
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Drawn By: Staff
Checked By: NMB
Date: 11/20/19
File: Bubis DD1
Sheet Number:

T1.0



3
5005 HIGH VALLEY, LLC
5005 HIGH VALLEY DRIVE
PARCEL ID# 159070A0030000
INSTR. NO. 201807210006299
LOT 3 - HIGH VALLEY - SECTION 1 - RESUB
PLAT BOOK 9700, PAGE 642
(R.O.D.C., TN)

1
ROBER L. & CAMILLA A. PRICE
5001 HIGH VALLEY DRIVE
PARCEL ID# 159070A0010000
DEED BOOK 10156, PAGE 732
LOT 1 - HIGH VALLEY - SECTION 1
PLAT BOOK 9700, PAGE 188
(R.O.D.C., TN)



1
ROBER L. & CAMILLA A. PRICE
5001 HIGH VALLEY DRIVE
PARCEL ID# 159070A0010000
DEED BOOK 10156, PAGE 732
LOT 1 - HIGH VALLEY - SECTION 1
PLAT BOOK 9700, PAGE 188
(R.O.D.C., TN)

TOTAL AREA:
40,609 sq.ft. or 0.93 Ac.±

BOUNDARY & TOPOGRAPHIC SURVEY
BJOY E. & DOTTY JOHN
5005 HIGH VALLEY DRIVE
METRO PARCEL ID# 159070A00200CO
INSTRUMENT NO. 201304220039814-R.O.D.C., TN.
LOT 2 - HIGH VALLEY - SECTION 1
PLAT BOOK 9700, PAGE 188 - R.O.D.C., TN.
34TH COUNCIL DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
SCALE: 1" = 20' DATE: 8/8/16
REVISED: 9/15/16

SOUTHERN REVISION

Existing Site Plan

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

VICINITY MAP

NO.	REVISIONS

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ARCHITECTS - PLANNERS
2012 Richard Jones Rd. Suite 1408
NASHVILLE, TN 37215 (615) 835-3004
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A New residence for:
Brandon & Kelly Bubis
Lot 2 High Valley
Nashville, TN

Drawn By: Staff
Checked By: NMB
Date: 11/2019
File: Bubis-DD1
Sheet Number:

C.1.0

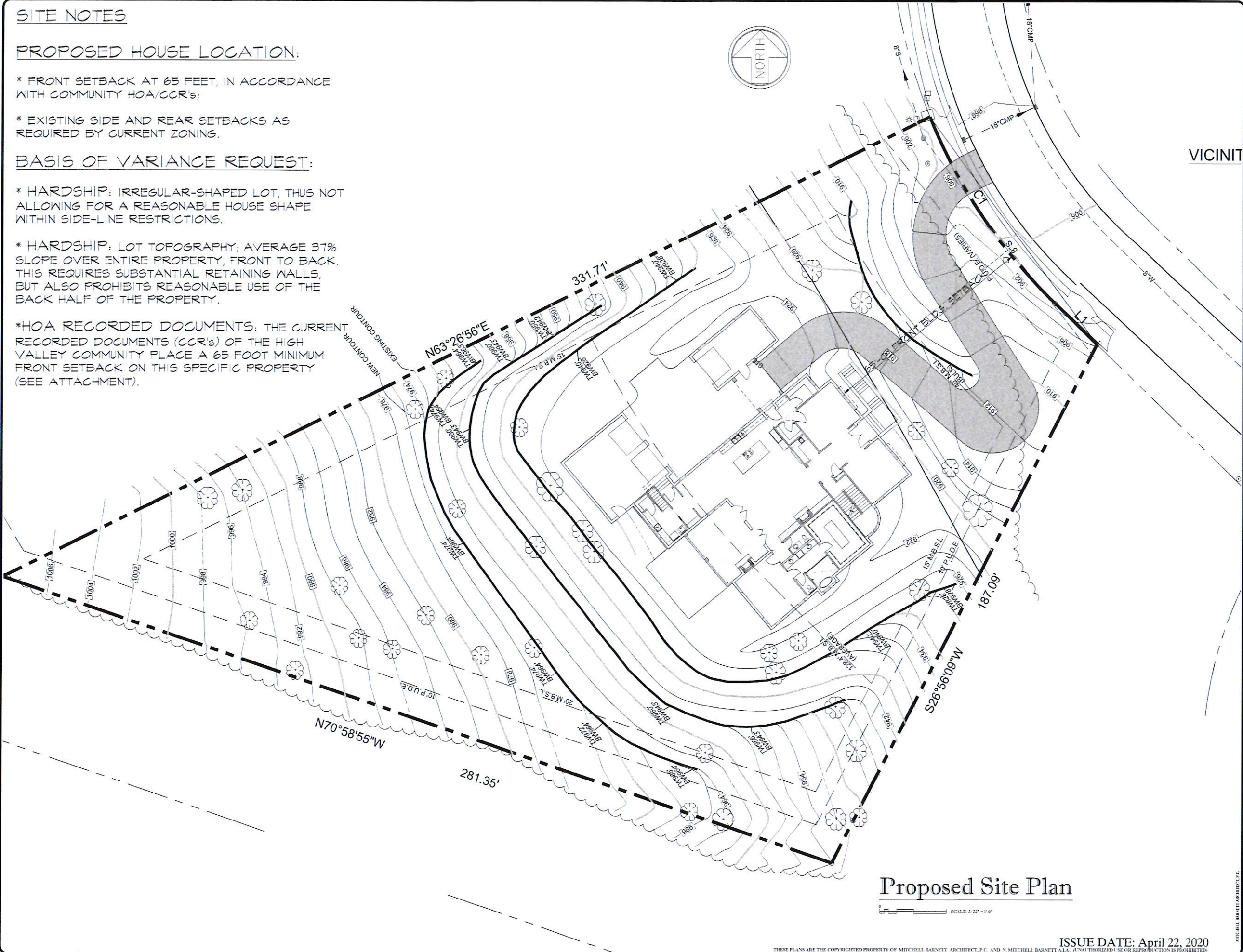
SITE NOTES

PROPOSED HOUSE LOCATION:

- * FRONT SETBACK AT 65 FEET, IN ACCORDANCE WITH COMMUNITY HOA/CCR's;
- * EXISTING SIDE AND REAR SETBACKS AS REQUIRED BY CURRENT ZONING.

BASIS OF VARIANCE REQUEST:

- * **HARDSHIP:** IRREGULAR-SHAPED LOT, THUS NOT ALLOWING FOR A REASONABLE HOUSE SHAPE WITHIN SIDE-LINE RESTRICTIONS.
- * **HARDSHIP:** LOT TOPOGRAPHY; AVERAGE 37% SLOPE OVER ENTIRE PROPERTY, FRONT TO BACK. THIS REQUIRES SUBSTANTIAL RETAINING WALLS, BUT ALSO PROHIBITS REASONABLE USE OF THE BACK HALF OF THE PROPERTY.
- * **HOA RECORDED DOCUMENTS:** THE CURRENT RECORDED DOCUMENTS (CCR's) OF THE HIGH VALLEY COMMUNITY PLACE A 65 FOOT MINIMUM FRONT SETBACK ON THIS SPECIFIC PROPERTY (SEE ATTACHMENT).



Proposed Site Plan

SCALE 1/2" = 1'-0"

ISSUE DATE: April 22, 2020

THESE PLANS ARE THE COPYRIGHTED PROPERTY OF MITCHELL BARNETT ARCHITECT, P.C. AND S. MITCHELL BARNETT, A.L.A. UNAUTHORIZED USE OR REPRODUCTION IS PROHIBITED.

Revisions
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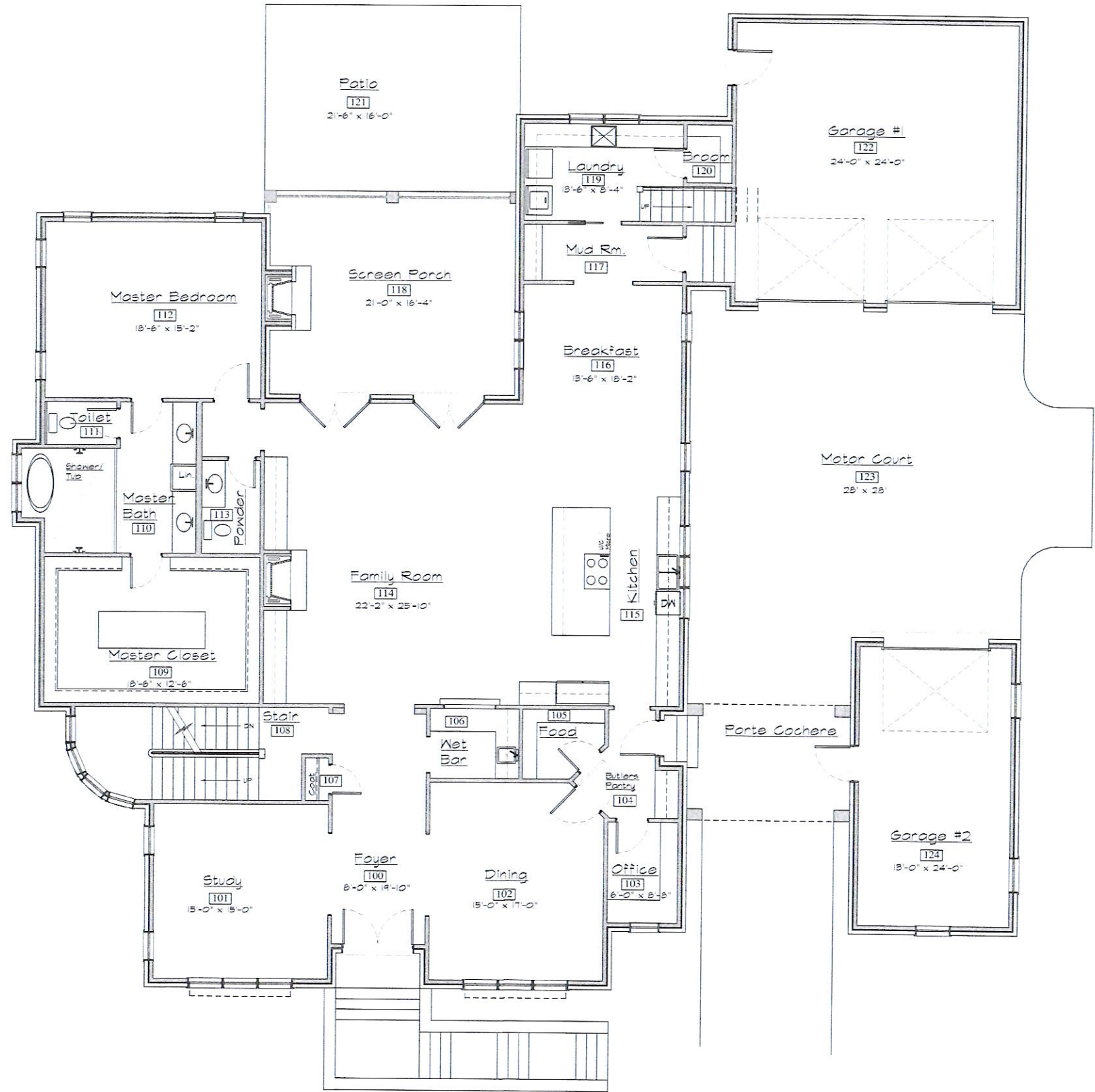
Mitchell Barnett Architect, P.C.
 ARCHITECTS PLANNERS
 1000 N. CENTRAL AVENUE
 NASHVILLE, TN 37215 615.259.0000
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A New residence for:
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 Lot 2 High Valley
 Nashville, TN

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Date:	11/2019
File:	Bubis DD1
Sheet Number:	

C.1.1

MITCHELL BARNETT ARCHITECT, P.C.



First Floor Plan

SCALE 1/8" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

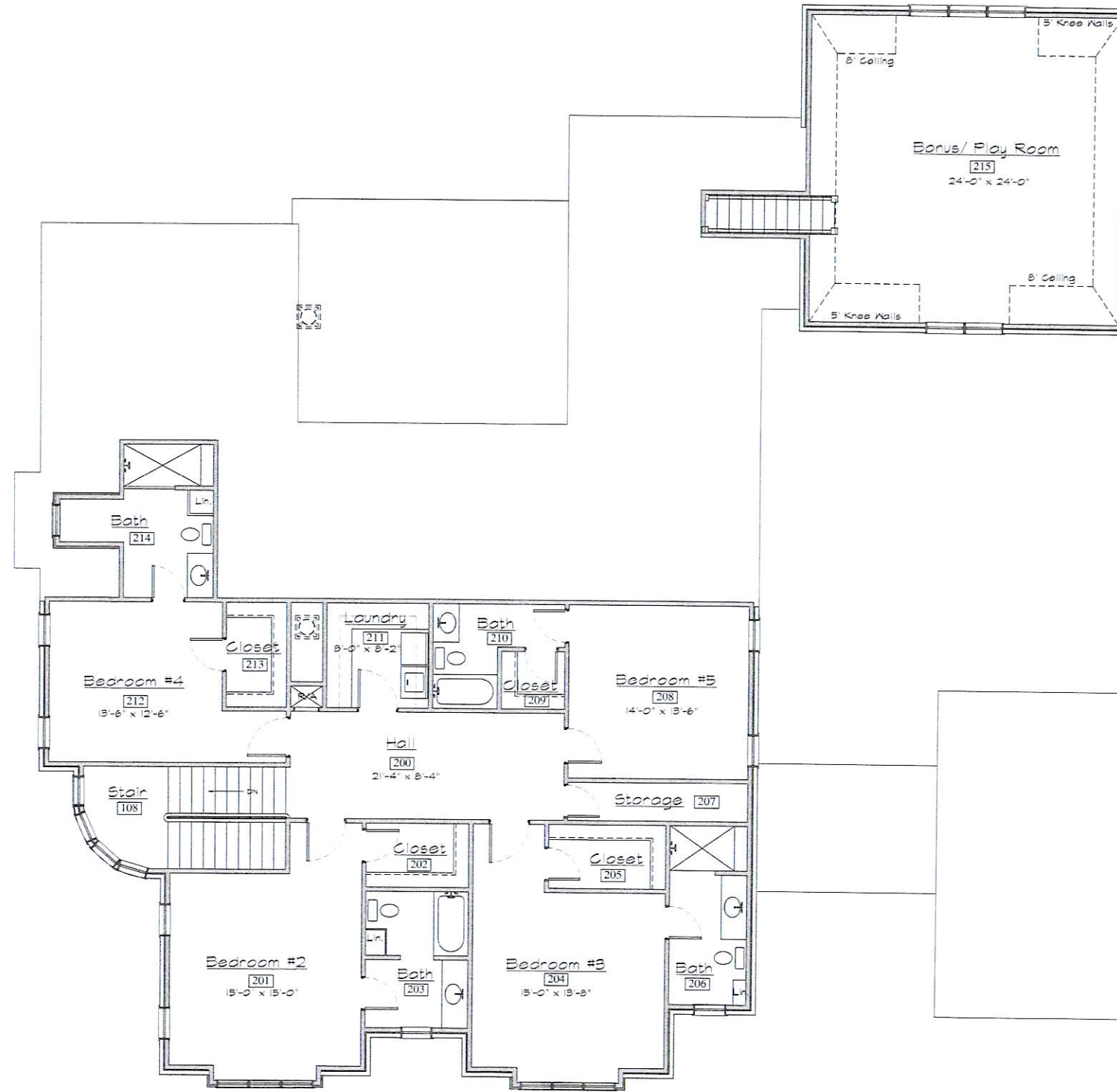
Revision	Description
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Mitchell Barnett Architect, P.C.
 ARCHITECTS PLANNERS
 2021 Richard Lane Rd, Suite 400B
 Nashville, TN 37214 | 615.855.8888

A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Drawn By: staff
Checked By: NMB
Date: 11.2019
File: Bubis DD1
Sheet Number:

A.1.2



Second Floor Plan

SCALE 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

Revisions	
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Mitchell Barnett Architect, P.C.
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 203 Richard Lane-RL Suite 408
 NASHVILLE, TN 37215 (615) 855-5001
 www.mitchellbarnett.com

A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Drawn By:	staff
Checked By:	NMB
Date:	11.2019
File:	Bubis-DD1
Sheet Number:	

A.1.3



Front Elevation

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



Right Elevation

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

PRELIMINARY NOT FOR CONSTRUCTION

Revisions	
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Mitchell Barnett Architect, P.C.
 ARCHITECTS & PLANNERS
 2021 Richard Lane-Bldg 400
 Nashville, TN 37215 (615) 832-0001
www.mitchellbarnett.com

A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Drawn By:	staff
Checked By:	NMB
Date:	11/20/19
File:	Bubis/DD1
Sheet Number:	

A.2.0



Rear Elevation

0 2 4 6 SCALE 1/4" = 1'-0"



Left Elevation

0 2 4 6 SCALE 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

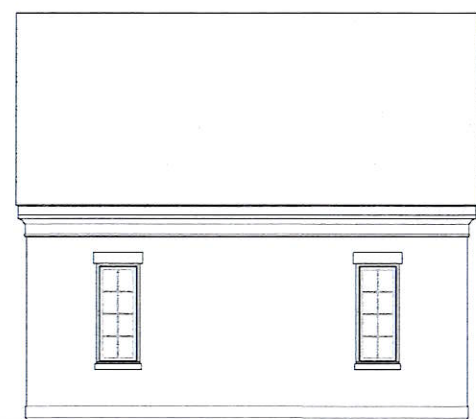
Revisions	

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 201 Richard Lane Hill State Rd
 Nashville, TN 37215 (615) 855-0011
 www.mitchellbarnett.com

A New residence for:
Brandon & Kelly Bubis
 Lot 2 High Valley
 Nashville, TN

Drawn By:	stall
Checked By:	NMB
Date:	11/20/19
File:	Bubis DD1
Sheet Number:	

A.2.1



Front
Garage Right Elevation

SCALE 1/4" = 1'-0"



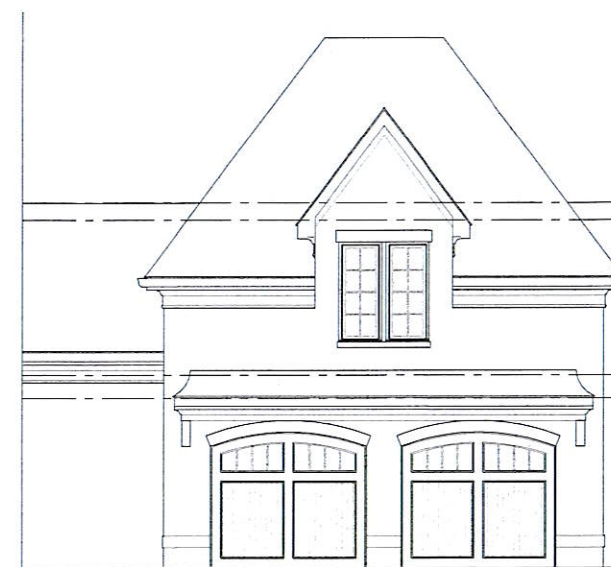
Front
Garage Rear Elevation

SCALE 1/4" = 1'-0"



Front
Garage Left Elevation

SCALE 1/4" = 1'-0"



Main Garage Front Elevation

SCALE 1/4" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

Revisions	
1	
2	
3	

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INTERIORS
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www.mitchellbarnett.com

A New residence for:
Brandon & Kelly Bubis
Lot 2 High Valley
Nashville, TN

Drawn By: staff
Checked By: NMB
Date: 11/2019
File: Bubis DD1
Sheet Number:

A.2.2



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 policed [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

414 Union Street, Suite 1110

Nashville, Tennessee 37219

(615) 736-9596 – Phone

(615) 915-0481 – Fax

grover@collins.legal

seth@collins.legal

From: [O'Connell, Freddie \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CASE 2020-069
Date: Thursday, June 4, 2020 12:45:28 PM

Members,

I'm writing to express my opposition to Case 2020-069 on your docket. These units should *not* be eligible for short-term rental permits.

--

Freddie O'Connell
Metro Council, District 19

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

615-260-0005

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 lessee 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

Case 2020-069
1401 3RD AVE N Units 208, 242, 330, 428
Zoning District SP
Amanda Coaker & Fountains Germantown Holdings, LLC

May 13, 2020 The Type 3 Not-Owner Occupied Permits for the 4 units were Issued.

This address is Zoned SP or (Specific Plan) District. Each SP has a list of defined Permitted or Allowable Uses that is unique to it.

The subsequent Planning Commission review found that the USE of Short Term Rentals is not listed as a Permitted Use for the SP.

Following that determination, the STRP Permits were cancelled, as they were deemed to have been issued in error.

March 2020 Cancellation Notice sent.

April 2020 All Ads Removed.

Jan. 27, 2020 BZA appeal filed (Ms. Coaker applied for new permits on additional units and was told that the existing permits were going to be cancelled.)

Case 2020-078
1978 Gatlin Dr
Zone District RS10
Pamela Highland & Vickie Thieman

Advertising & Operating a STRP with an Expired Permit.

Dec. 10, 2018 an Owner-Occupied Permit was Issued.

Dec. 10, 2019 Permit Expired.

Feb. 11, 2020 Notice of Violation sent by Inspector Jon Felts.

Feb. 12, 2020 Host Letter sent.

Feb. 14, 2020 Advertisement Removed. BZA Appeal filed.

6 Documented Stays after the Permit Expired.

0 Documented Stays after Receipt of Notice

No other documented complaints.

CASE 2020-090
1805 B FATHERLAND ST
ZONE DISTRICT R6
TRACEY FORD

Advertising & Operating a STRP with an Expired Permit

Dec. 7, 2017 an Owner-occupied Permit was issued for the DADU.
Renewed in 2018.

Dec. 7, 2019, Permit Expired.

Feb. 11, 2020, Notice of Violation sent by Inspector Jon Felts.

Feb. 12, 2020, Host Letter sent.

Feb. 14, 2020, Advertisement Removed.

Feb. 20, 2020, BZA Appeal Filed.

8 Documented Stays after the Permit Expired.

No Documented Stays after Receipt of Notice.

There were no Documented Complaints.

No other action was taken.

CASE 2020-094
811 HORNER AVE
Zone District R10
ROBYN L. MORSHEAD

Advertising & Operating a STRP with an Expired Permit

Dec. 4, 2018 an Owner-Occupied Permit was Issued.

Dec. 4, 2019 Permit Expired.

Feb. 10, 2020, Notice of Violation was sent by Inspector Jon Felts.

Feb. 14, Listings Removed.

Feb. 17, 19, 2020 Listings Reposted.

Feb. 19, 2020 BZA Appeal filed

April 19, 2020 Listings Removed.

May 1, 2020 Listings Reposted with 30 night min. stay.

15 Documented Stays after the Permit Expired, 5 in Feb, & 1 in Mar, some of which occurred after the Notice of Violation was received and the Appeal was filed.

No Documented Complaints.

No other actions were taken.

CASE 2020-094
1114 N 6TH ST
Zone District SP
MELLISA TOKIE & ANDRIJA TOKIC

June 20, 2017, Permit Issued after review by Planning, by which is was determined that the use is permitted in the SP (BL2014-896).
 July 23, 2018, Permit Renewed.
 June 20, 2019, Permit Expired.
 Feb. 6, 2020, Notice of Violation sent by Campbell Padgett.
 Feb. 13, 2020, Ad Removed.
 Feb. 15, 2020, Ad Reposted.
 Feb. 25, 2020, Advertisement Removed.
 Feb. 26, 2020, BZA Appeal filed.
 Feb. 28, 2020, Ad Reposted.
 Mar. 2, 2020, Ad Removed.
 April 22, 2020, Ad Reposted.
 May 7, 2020, Ad Removed.
 May 26, 2020, Ad Reposted, and it remains posted as of June 15, 2020.
 6 Documented Stays after the permit expired.
 1 Documented Stay in March, after receipt of the Notice of Violation and the filing of the BZA Appeal.
 No Documented Complaints.
 No other actions were taken.

Case 2020-098
1979 Carloss Dr.
Zone District RS10
Zachary & Melanie Pond

Advertising & Operating with an Expired STRP Permit

Dec. 28, 2018 Owner-occupied Permit Issued.
 Dec. 28, 2019 Permit Expired.
 Feb. 28, 2020 Ads Removed.
 Mar. 2, 2020 BZA Appeal Filed.
 5 Documented Stays after the Permit Expired. 3 Jan. & 2 Feb.
 No Documented Stays after BZA Appeal filed.
 No Documented Complaints.
 No other actions taken.

Case 2020-107
3118 Long Blvd. #4
Zone District RM40
Ryan Webb & Nashlong,LLC

Permit Cancelled due to Ownership Change.

Mar. 27, 2019 Type 3 Non-Owner Occupied Permit Issued.

April 9, 2019, Property Quitclaim Deeded to NASHLONG, LLC.

Feb. 3, 2020 Cancellation Letter Sent.

Feb. 28 & Mar. 2, Ads Removed.

Mar. 3, 2020 BZA Appeal filed

19 Documented Stays after the Ownership Change.

No Documented Stays after the Cancellation Letter was Received.

No Documented Complaints.

No other actions taken.

CASE 2020-131
1517 B HAYDEN DR
Zone District R10
COLLINS LEGAL, PLC, & POLI, RYAN J.

Nov 2, 2018 Owner-Occupied Permit Issued.

Jan. 30, 2019 Notice of Short Term Rental Permit Revocation sent pursuant to Metro Ord. BL2017-608 signed into law Jan. 29, 2018 MCL §17.16.250 E.1.f states

i. The property ownership of the two-family units cannot be divided.

ii. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.

The Final Revocation was effective Feb. 15, 2019.

Subsequent to that, a Legal action ensued which concluded with the signing into law of BL2019-1633 on Aug.21, 2019, which reinstated this and other permits.

However, that being acknowledged, what is before you today is the revocation of the permit due to the Chief Zoning Examiner, having been provided with the Declaration of Covenants, Conditions, and Restrictions for 1517 Hayden Dr. Cottages A Planned Unit Development (with Private Elements) which was deemed to have been in effect prior to the issuance of the permit. Whereas, said Agreement specifically states, "No Unit may lease less than the entire Unit, nor lease his unit for transient or hotel purposes...No lease shall have an initial term of less than thirty (30) days." Therefore, the Chief Zoning Examiner determined that the permit had been issued based upon inaccurate information, as the appellant had signed a Homeowners Association Certification affirming that no Homeowners Association exists governing the property during the application process.

Mar. 17, 2020 the Revocation Letter was sent to Mr. Poli.

Apr. 1, 2020 is the effective date of the revocation contained in the letter.

Apr. 16, 2020 Advertisements removed.

Apr. 17, 2020 BZA Appeal filed.

Last Documented Stay Mar. 2020.

2 Documented Noise complaints.

McBroom III, Bonell (Codes)

CASE 2020 -069

From: Lamb, Emily (Codes)
Sent: Wednesday, June 03, 2020 3:02 PM
To: McBroom III, Bonell (Codes)
Subject: FW: STRP in SP

FYI

From: Milligan, Lisa (Planning) <Lisa.Milligan@nashville.gov>
Sent: Wednesday, June 3, 2020 3:01 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: RE: STRP in SP

Emily – the SP as approved (BL2014-765) permitted a mixed use development. However, the non-residential uses were limited to a certain FAR of the building.

When the final site plan came in, the plan was 100% residential units. No non-residential was included in the plan as presented to us. We have determined that if they want to include non-residential in the built structure, the non-residential uses would need to be on the ground floor with direct access to the street from the unit and they would be limited as per the FAR in the bill (meaning that only a certain number of ground floor units could be non-residential use).

Let me know if you need anything else.
Lisa

From: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Sent: Wednesday, June 3, 2020 2:51 PM
To: Milligan, Lisa (Planning) <Lisa.Milligan@nashville.gov>
Subject: STRP in SP

Hey Lisa,

We have an STRP appeal on tomorrow's BZA docket that we denied due to Planning's interpretation of the SP. Could you send me a quick email with specifics so I can tell the board what your basis was? 1401 3RD AVE N Unit 208, 242, 330, 428

Thanks,

Emily

March 17, 2020

Ryan Poli
1517 B Hayden Dr
Nashville, Tennessee 37206

RE: Permit CASR #2018050388
1517 B Hayden Dr

Dear Mr. Poli:

On November 2, 2018, short-term rental permit #2018050388 issued for 1517 B Hayden Dr. As part of the application process, you or your representative certified that operating an STRP would 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 as required by Metro Code § 17.16.205.E.2.b.v. However, it has come to our attention that Section 18(n) of the Declaration of Covenants, Conditions, and Restrictions for 1517 Hayden Drive Cottages A Planned Unit Development (with Private Elementas) specifically states "No Unit may lease less than the entire Unit, nor lease his unit for transient or hotel purposes...No lease shall have an initial term of less than thirty (30) days." The permit is therefore void because its issuance was based on inaccurate information provided by you or your representative.

Accordingly, your permit is revoked effective April 1, 2020, at which point all short term rental activity, including advertising and operating, must cease. Please be advised that this revocation may be appealed to the Board of Zoning Appeals. If you have questions or would like to appeal this revocation, you may speak with a zoning examiner at the Development Services Center at the Metro Office Building, 800 2nd Avenue South, Nashville, TN 37210, Monday through Friday, 7:30 am to 3:30 pm.

Sincerely,

Emily Herring Lamb
Metro Codes, Zoning Division



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: RYAN POLI

Printed Name: RYAN POLI

Date: 8-22-18

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: _____

Printed Name: _____

Date: _____

Owner Contact Information:

Name: RYAN POLI

Address: 1517 B HAYDEN DR City: Nashville Zip: 37206

Phone: 773 619-2383 Email: RYANPOLI77@GMAIL.COM

Responsible Party (if different than owner contact):

Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Email: _____



STRP AFFIDAVIT

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) Ryan Peli

Signed [Signature]

Date 8.22.18

County of Davidson

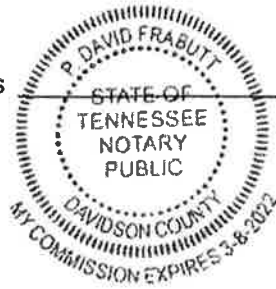
State of Tennessee

On this 22ND day of AUGUST, 20 18

Notary [Signature]

Commission Expires

Seal



Type/SubType: CASR - CAZ10A001 Number: 2018050388 Status: CANCELLED

▼ Main

Case Description: Residential Short Term Rental
Status Code: DONE
Project:
Location: 1517 B HAYDEN DR 37206
Case Name:
Issued By: AROBINSON 11/2/2018
Initiated By: DFRABUTT 8/22/2018
X, Y: 1757674.945, 678174.854

▼ Address

<input type="checkbox"/>		<u>Object</u>	<u>Asset Type</u>	<u>Asset ID</u>	<u>Address</u>
<input type="checkbox"/>		072160V00200CO	PROPERTY	072160V00200CO	1517 B HAYDEN DR

Size: 10 Found: 1 Displaying: 1 to 1

▼ People

<input type="checkbox"/>		<u>Role Code</u>	<u>Name</u>	<u>City</u>
<input type="checkbox"/>		APPLICANT	Ryan Poli	Nashville
<input type="checkbox"/>		CONTACT	Ryan Poli	Nashville
<input type="checkbox"/>		PROP_CURRO	POLI, RYAN J.	NASHVILLE

Size: 10 Found: 3 Displaying: 1 to 3

▼ Data Group

Grand Sum: 0

	PERMITINFO :	Permit Information	Group Sum	Sum Flag
		Project Scope Comment: By making this application for a Residential 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 Owner occupied, 3 sleeping rooms, 10 person maximum occupancy. Proof of residence has been verified. Owner compliance letter verified. Floor Plan and smoke detectors verified. Notification to adjacent residences confirmed. *Applicant has confirmed that subject property is not in violation of a Homeowners Association*		<input type="checkbox"/>
		Application Notes Comment:		

How Taken

STRPINFO :	Short Term Rental Permit Information	Group Sum	Sum Flag
	Maximum Occupancy	10	

Workflow

All Yes No All Yes No All

Description	Result	Target End	Completed	M
[A] Zoning Review	APPROVED ✓	8/23/18 10A	8/22/18 10A	1
[A] Bond & License Review O...	APPROVED ✓	8/23/18 10A	8/22/18 10A	1
U&O Life Safety Final Appro...	APPROVED ✓	8/24/18 10A	10/22/18 7A	1
CA - Issue CASR Permit	ISSUED ✓	10/23/18 7A	11/2/18 11A	2
Renew Short Term Rental Per...	RENEWSR ✓	11/2/19 11A	11/18/19 2P	3
Renew Short Term Rental Per...		11/17/20 2P		4

Size: 20 Go Found: 6 Displaying: 1 to 6

Fees

Code	Fee Description	Amount	Paid
CACONVFEE	[2018/11/02] CA - Convenience Fee...	1.15	1.15
CASRFEE	[2019/11/18] SHORT TERM RENTAL PERMIT FEE...	313.00	313.00
CASRFEE	[2018/08/22] SHORT TERM RENTAL PERMIT FEE...	50.00	50.00
Payment		364.15	364.15

Size: 10 Go Found: 3 Displaying: 1 to 3

Payment

Tender	Reference	Fee Code	Date	Paid
CHECK	2661	CASRFEE	11/18/2019	313.00
CREDIT	184409	CASRFEE	11/2/2018	50.00
CREDIT	184409	CACONVFEE	11/2/2018	1.15
				364.15

Size: 10 Go Found: 3 Displaying: 1 to 3

Notes

Code	Notes	Created	Modified
	Legal is looking at this one do no reinstate unt...	8/28/2019	8/28/2019
	Able to operate under ordinance BL 2019-1633 per...	11/18/2019	11/18/2019
	Cancelled due to HOA please see attached cancell...	3/17/2020	

Size: 10 Go Found: 3 Displaying: 1 to 3

Attachments

DAVID BRILEY
MAYOR



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

January 30, 2019

POLI, RYAN J.
1517 B HAYDEN DR
NASHVILLE, TN 37216

RE: NOTICE OF SHORT TERM RENTAL PERMIT REVOCATION

POLI, RYAN J.,

On 11/2/2018, short term rental permit #2018050388 for B 1517 HAYDEN DR was issued in error and is therefore revoked effective February 15, 2019. Accordingly, the law requires you to cease operations as a short term rental, remove any online listings of the property, and cancel any future bookings no later than February 15, 2019. Should you continue to advertise and/or operate the STRP after that date, the matter will be referred to Metro Legal for prosecution in environmental court.

The revocation is based on Metro Council Ordinance BL2017-608, signed into law on January 29, 2018, which amended MCL § 17.16.250.E.1.f and states:

- i. The property ownership of the two-family units cannot be divided.
- ii. The two-family units shall be owned by the same person and one of the two units shall be the primary residence of the owner.
- iii. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the two-family dwelling may only be used under the conditions listed above as long as the STRP – Owner-occupied permit is valid.

Your property has been identified as a two-family dwelling, defined by MCL § 17.04.060 as two attached dwelling units or two detached dwelling units on a single lot that are separated by at least six feet, with ownership of the two units divided. Because ownership is divided on your property, MCL § 17.16.250.E.1.f precludes short term rental activity on this property.

Please be advised that this revocation may be appealed to the Board of Zoning Appeals. If you have questions or would like to appeal this revocation, you may speak with a zoning examiner at the Development Services Center at the Metro Office Building, 800 2nd Ave S, Nashville, TN 37210, Monday through Friday, 7:30am to 3:30pm.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Michael", written over a horizontal line.

Jon Michael
Metro Codes

CC:

PERMIT APPLICANT: Ryan Poli
RESPONSIBLE PARTY: Ryan Poli

DAVID BRILEY
MAYOR



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

February 15, 2019

POLI, RYAN J.
1517 B HAYDEN DR
NASHVILLE, TN 37216

RE: NOTICE OF SHORT TERM RENTAL PERMIT REVOCATION

POLI, RYAN J.,

Pursuant to the letter dated January 30, 2019, this letter hereby notifies you that short term rental permit #2018050388 for B 1517 HAYDEN DR is revoked pursuant to MCL § 17.16.250.E.4.I.iii. Accordingly, the law requires you to immediately cease operations as a short term rental, remove any online listings of the property, and cancel any future bookings. Should you continue to advertise and/or operate the STRP after February 15, 2019, the matter will be referred to Metro Legal for prosecution in environmental court.

Please be advised that this revocation may be appealed to the Board of Zoning Appeals. If you have questions or would like to appeal this revocation, you may speak with a zoning examiner at the Development Services Center at the Metro Office Building, 800 2nd Ave S, Nashville, TN 37210, Monday through Friday, 7:30am to 3:30pm.

Sincerely,

Jon Michael
Metro Codes

CC:

APPLICANT: Ryan Poli
RESPONSIBLE PARTY: Ryan Poli

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

October 8, 2019

RYAN POLI
1517 B HAYDEN PLACE
NASHVILLE, TN 37206

SUBJECT: SHORT TERM RENTAL PERMIT

RYAN POLI,

This office previously sent you letters on January 30, 2019, and February 15, 2019, related to the revocation of your short-term rental permit **2018050388** for **B 1517 HAYDE PL**. This revocation was based on Metro Code § 17.16.250.E.1.f, which prohibits the issuance of STRP permits to two-family dwellings when ownership of the units is divided.

As you may be aware, Metro Council Ordinance BL2019-1633 was signed into law on August 21, 2019. It exempts residential dwellings created by or contained within a horizontal property regime pursuant to Tenn. Code Ann. § 66-27-101, et seq., from subsections (e) and (f) of Metro Code § 17.16.250.E.1 if a permit was issued on or before July 1, 2019.

Because your STRP permit was issued prior to July 1, 2019, and your property is contained within a horizontal property regime, your property is now exempt from the two-family ownership requirement in Metro Code § 17.16.250.E.1.f. Therefore, this office rescinds the February 15, 2019, revocation of the permit effective immediately. Further, if your permit was due for renewal and you were unable to renew due to the revocation of the permit, you will have an additional thirty days from the mailing date of this letter to provide the necessary documentation and payment to the Codes Department.

Metro Codes Department

OFFICE ADDRESS

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

MAILING ADDRESS

POST OFFICE BOX 196350
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes



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

P.O.H.



**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

2/14/2020

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.

Pam Hiland 2/14/2020

Rental Unit Record

1978 Gatlin Dr, Nashville, TN, USA

Removed

Identified

Compliant

PRINT

SEND A LETTER

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



Inviting Raymond Heights Home / ultra convenient

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.



Pam

\$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

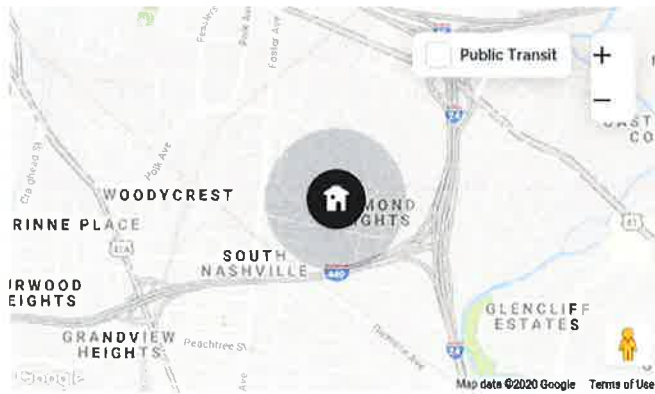


The neighborhood

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
St Louis
Indianapolis
Napier
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

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: Tracey Ford Date: 2-20-2020
Property Owner: Tracey Ford Case #: 2020- 090
Representative: Tracey Ford Map & Parcel: 08314015100
Council District: 06

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: 1805 B Fatherland St.

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

Reason: 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: Tracey Ford Representative: _____
Phone Number: 615 585-9898 Phone Number: _____
Address: 1805 Fatherland St. Address: _____
Nashville, TN 37206
Email address: tford@eoa-architects.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**



3761658

**ZONING BOARD APPEAL / CAAZ - 20200011265
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08314015100**APPLICATION DATE:** 02/20/2020**SITE ADDRESS:**

1805 B FATHERLAND ST NASHVILLE, TN 37209
LOT 40 BLK B PRIEST HOME

PARCEL OWNER: FORD, TRACEY**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

2/20/20

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

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.

Rental Unit Record

1805 Fatherland St, Nashville, TN, USA

Removed ✕
Identified ✓
Compliant ✓

PRINT
SEND A LETTER

Listing(s) Information

Airbnb - 21367589



Rental Unit Information



Identified Address

1805 Fatherland St, Nashville, TN, USA

Identified Unit Number

B

Identified Latitude, Longitude

36.173191, -86.738076

Parcel Number

08314015100

Owner Name

FORD, TRACEY

Owner Address

1805 FATHERLAND ST
NASHVILLE, TN 37206, US

Registration / Permit Number

503624

Matched Details

Analyst

WGVV

Explanation

The host provides the rental permit number on the listing. You will see the address shown on the rental permit site.

Listing Photos



Matching 3rd Party Sources



Same rental permit number.

Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property


Listing Details

Listing URL	— https://www.airbnb.com/rooms/21367589
Listing Status	● Inactive
Host Compliance Listing ID	— air21367589
Listing Title	— The Little Phoenix on Fatherland, Hip Home Mid-Century Flair
Property type	— Guesthouse
Room type	— Entire home/apt
Listing Info Last Captured	— Feb 10, 2020
Screenshot Last Captured	— Feb 06, 2020
Price	— \$65/night
Cleaning Fee	— \$65

Information Provided on Listing

Contact Name	— Tracey
Latitude, Longitude	— 36.174436, -86.738530
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 3
Max Number of People per Bedroom	— 3
Number of Reviews	— 169
Last Documented Stay	— 02/2020





























Listing Screenshot History

 [View Latest Listing Screenshot](#)

December 9

January 8

February 1

-  **First Warning - No STR Permit: In Local Area** 
February 20th, 2020
-  **Listing air21367589 Removed**
February 14th, 2020
-  **First Warning - No STR Permit: Sent** 
February 12th, 2020
-  **1 Documented Stay**
February, 2020
-  **7 Documented Stays**
January, 2020
-  **2 Documented Stays**
December, 2019
-  **7 Documented Stays**
November, 2019
-  **8 Documented Stays**
October, 2019
-  **6 Documented Stays**
September, 2019
-  **Listing air21367589 Reposted**
September 8th, 2019
-  **Listing air21367589 Removed**
September 8th, 2019
-  **Listing air21367589 Reposted**
September 6th, 2019
-  **Listing air21367589 Removed**
September 5th, 2019
-  **10 Documented Stays**
August, 2019
-  **Listing air21367589 Reposted**
August 25th, 2019
-  **Listing air21367589 Removed**
August 25th, 2019
-  **Listing air21367589 Reposted**
August 16th, 2019
-  **Listing air21367589 Removed**
August 15th, 2019
-  **8 Documented Stays**
July, 2019
-  **7 Documented Stays**
June, 2019
-  **7 Documented Stays**
May, 2019
-  **8 Documented Stays**
April, 2019
-  **9 Documented Stays**
March, 2019
-  **6 Documented Stays**
February, 2019
-  **5 Documented Stays**
January, 2019
-  **4 Documented Stays**

Matched property listing

- December, 2018
- 📅 6 Documented Stays
November, 2018
- 📅 7 Documented Stays
October, 2018
- 📅 6 Documented Stays
September, 2018
- 📅 10 Documented Stays
August, 2018
- 📅 9 Documented Stays
July, 2018
- 📅 7 Documented Stays
June, 2018
- 📅 10 Documented Stays
May, 2018
- ✓ Listing air21367589 Identified
May 24th, 2018
- 📅 3 Documented Stays
April, 2018
- 📅 4 Documented Stays
March, 2018
- 📅 6 Documented Stays
February, 2018
- 📅 4 Documented Stays
January, 2018
- 📅 2 Documented Stays
December, 2017
- ✳ Listing air21367589 First Crawled
December 9th, 2017
- Listing air21367589 First Activity
December 8th, 2017

February 06, 2020 - 10:37AM America/Chicago

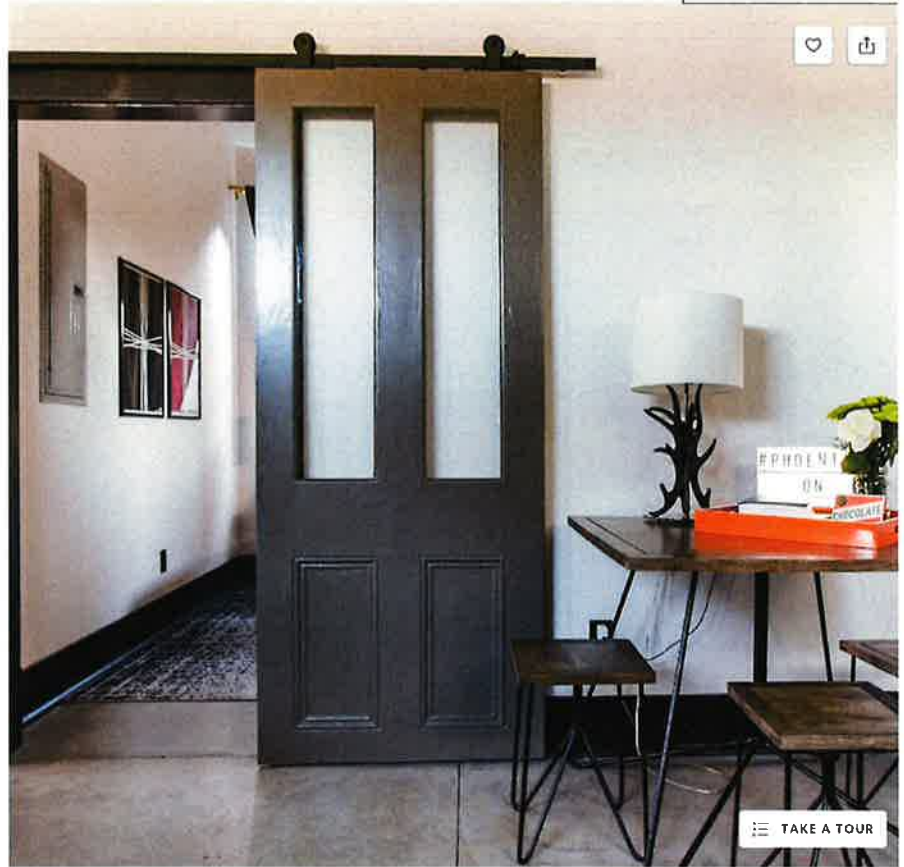
Search

English (US) USD Become a host Help Sign up Log

Feb 6, 2020 10:37am CT

plus

The Little Phoenix on Fatherland, Hip Home Mid-Century Flair



TAKE A TOUR

3 guests 1 bedroom 1 bed 1 bath

Fix breakfast in a kitchen with jet black cabinets to enjoy at a quaint breakfast table. Quirky decor and mid-century furnishings mingle throughout this home, especially in a sitting area where a woven-frame daybed lives amid architectural patterns. Located in historic Lockeland Springs, a short walk to coffee shops, neighborhood chocolate factory and many of east sides hottest restaurants. Not to mention Shelby Park is right around the corner. The Little Phoenix is a passion project that came about with the tragedy of a devastating house fire at the house.



"I am an architect and actually designed both the main house and the guest house."

Hosted by Tracey

Special to this guesthouse

Free parking on premises

Self check-in

Tour this guesthouse



Living room



Kitchen



Bedroom Queen bed



Full kitchen



Matched property listing



Dining room

Entrance

Entry

Exterior

[Explore all 15 photos](#)

Heating



Air conditioning



All the comforts of home, plus more

Every place to stay in Airbnb Plus is well-maintained and well-equipped with everyday essentials to help you enjoy your time.

Everything you need

This Airbnb Plus stay comes with these amenities.

[Learn more](#)

Wifi

TV



Bathroom essentials

Towels, soap, shampoo, and toilet paper



Bedroom comforts

Bed sheets, pillows, and hangers



Coffee maker

The home is in bustling East Nashville, a short walk from a variety of cafes, restaurants, and shops. Head to Lockeland Table and the Public House for some of the best local food and neighborhood hangouts on the east side.

Hair dryer

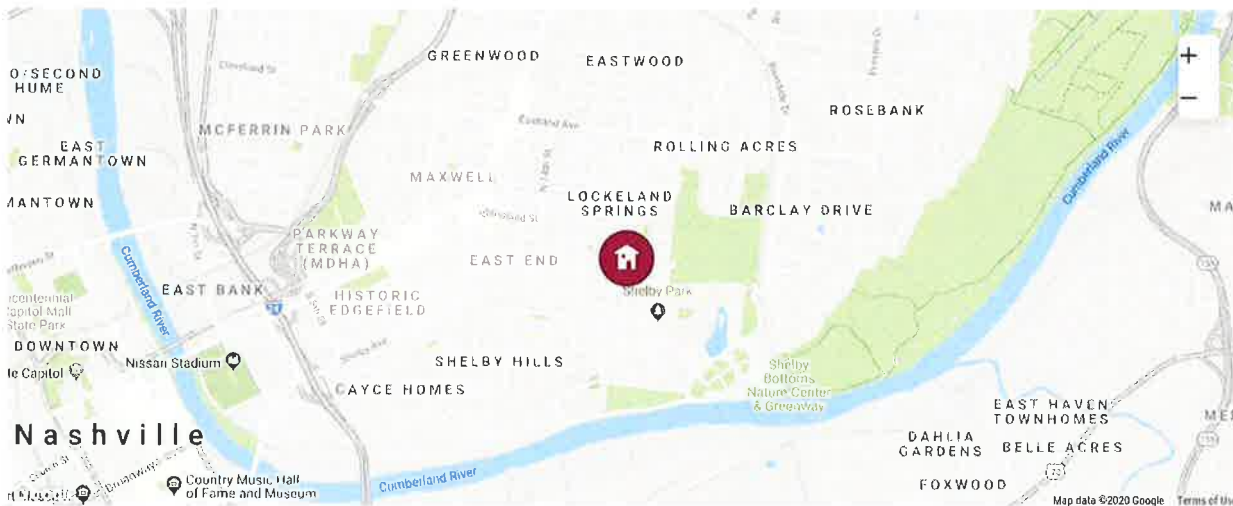
Distance from Nashville International Airport

14 mins by car without traffic



Location

Nashville, Tennessee, United States



Exact location provided after booking

Reviews



Allison
11 days ago

Had a wonderful stay at the little Phoenix in East Nashville! Location was perfect, close to everything we needed for a fabulous girls weekend! Just a quick Uber ride away to downtown Nashville. Highly recommend Tracey's place!!



John & Kaycee
14 days ago

Lovely stay... again!



David
16 days ago

Look no further than Tracey's place if you need overnight accommodations in Nashville. From the location, the furnishings, decor and customer service I could not have asked for anything more. I'm a big fan and will definitely look to stay here again...Read more



David
18 days ago

Very comfortable and convenient. We were close to the downtown area, but in a quiet private setting. This will be my go to spot for future visits.



Ann
a month ago

What a treat! I absolutely loved staying at the Little Phoenix on Fatherland. It is a fun, stylish, super comfortable spot that allowed me to totally relax while I was in Nashville on business. The check-in and out process was super easy with the...Read more



Angelica
a month ago

We loved staying here! Super cozy and lovely guest house. Tracey was also incredibly accommodating and helpful. Would definitely come back and recommend to others! :)

[Read all 168 reviews](#)

Meet your host



Tracey

Hi, I'm Tracey

I'm an architect and a long-time east nashville resident. My home is nicknamed the Phoenix on Fatherland due to a house fire that gutted...read more

Interaction with guests

Your host will be on the property and available for anything you need during your stay.

Joined in January 2016
Response rate: 100%
Response time: within an hour

[CONTACT](#)

House Rules

The host has set some house rules, which you'll be asked to agree to when you book.

- **Check-in:** 3:00 PM - 12:00 AM
- **Checkout:** 11:00 AM
- Self checkin with smart lock

[Read all rules](#)

Other highly rated places to stay

Matched property listing



PLUS Entire guesthouse · 1 bed **★ 5.0** (44)
Private Garden Cottage in Historic 5...
\$150 / night



PLUS Entire house · 2 beds **★ 4.85** (241)
Stroll to 5 Points From Cozy East...
\$142 / night



PLUS Entire house · 1 bed **★ 4.96** (83)
Walkable, Cozy Duplex Home near Fiv...
\$125 / night



PLUS Entire house · 1 bed **★ 4.99** (67)
Eastland Guesthouse Offering a...
\$150 / night

Show more stays

Things to do nearby



BAR CRAWL
Palm Reading & Day Drinking
From \$55/person · 2 hours · 1 ticket included
4.82 ★ (128)



PHOTO SHOOT
Professional Photos of 12th South Murals
From \$45/person · 1 hour · Equipment included
4.92 ★ (213)



PHOTO SHOOT
Instagram photoshoot in The Gulch
From \$50/person · 1 hour · Equipment included
4.96 ★ (412)



FOOD WALK
Music City walking food tour
From \$62/person · 2.5 hours · Food included
4.87 ★ (290)

Show all experiences

Cancellation policy

Free cancellation for 48 hours. After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Show policy

plus ENTIRE GUESTHOUSE IN NASHVILLE
★ 4.99 (168 reviews)

\$65 / night

Check availability

From: [Withers, Brett \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: tford@eo-architects.com; [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: Letter of support for STR appeal case 2020-090 for property located at 1805B Fatherland Street
Date: Monday, April 13, 2020 10:30:56 AM

Members of the Board of Zoning Appeals:

Thank you for your service to our county. I am writing to lend my support to the STR appeal case 2020-090 for property located at 1805B Fatherland Street. The property owner has contacted me to let me know that she had assumed that a third party was handling permit renewals but learned that that was not the case after it was too late to renew the permit herself. The property owner is involved in the community and both as a neighbor and as an architect working on projects including Envision Cayce and I have known her to maintain meticulous attention to detail. I have received no complaints about this STR from neighbors. This permit renewal oversight is unfortunate and I support the homeowner's request to obtain her permit as soon as possible. Thank you for your consideration.

Brett A. Withers

Metro Council, District 6

Mobile (615) 427-5946 | [facebook.com/Brett A. Withers](https://www.facebook.com/Brett.A.Withers) | [twitter.com @brettawithers](https://twitter.com/brettawithers)



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant: Robyn Morshead Date: 2-19-2020
Property Owner: Robyn Morshead Case #: 2020-094
Representative: Robyn Morshead Map & Parcel: 11802015600
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: 811 Horner Ave

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

Reason: 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: Robyn Morshead Representative: _____
Phone Number: 615 668-0169 Phone Number: _____
Address: 811 Horner Ave. Address: _____
Nashville, TN 37204 _____
Email address: robymorshead@gmail.com Email address: _____

Appeal Fee: \$100.00

P.O.H.



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



3761298

**ZONING BOARD APPEAL / CAAZ - 20200011006
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11802015600**APPLICATION DATE:** 02/19/2020**SITE ADDRESS:**

811 HORNER AVE NASHVILLE, TN 37204
LOT 48 KIRKWOOD HGTS

PARCEL OWNER: MORSHEAD, ROBYN L**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

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

RLMorshead

APPELLANT

ROBYN MORSHEAD
811 HORNER AVE
NASHVILLE, TN 37204

Feb 24, 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

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RL Alton 2/24/2020

Rental Unit Record

**811 Horner Avenue, Nashville, TN
37204, USA**

Active ●
Identified ✓
Compliant ✓

PRINT
SEND A LETTER

Listing(s) Information

Airbnb - 35873725

Airbnb - 32525522



Rental Unit Information



Identified Address

811 Horner Avenue, Nashville, TN
37204, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.122026, -86.777016

Parcel Number

11802015600

Owner Name

MORSHEAD, ROBYN L

Owner Address

811 HORNER AVE
NASHVILLE, TN 37204, US

Matched Details

Analyst MWAY

Explanation
The exterior photos from the listing match Google Streetview.

Listing Photos

Matching 3rd Party Sources



The exterior photo from the listing shows that the house has a chimney on the middle of the roof and a light fixture above the front door, which matches Google Streetview. The listing photo and Streetview also show the same fence on the left side and the same window on the house on the right side. The same piping can also be seen in front of the house on the left in both the listing photo and Streetview.

Timeline of Activity

View the series of events and documentation pertaining to this property

- Listing air32525522 Reposted February 19th, 2020

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/32525522
Listing Status	● Active
Host Compliance Listing ID	— air32525522
Listing Title	— Hip Artist Loft 8th Ave South Melrose Area
Property type	— Guest suite
Room type	— Entire home/apt
Listing Info Last Captured	— Feb 18, 2020
Screenshot Last Captured	— Feb 09, 2020
Price	— \$45/night
Cleaning Fee	— \$60

Information Provided on Listing

Contact Name	— Robyn
Latitude, Longitude	— 36.122940, -86.776420
Minimum Stay (# of Nights)	— 30
Max Sleeping Capacity (# of People)	— 2
Max Number of People per Bedroom	— 2
Number of Reviews	— 46
Last Documented Stay	— 02/2020

Listing Screenshot History

View Latest Listing Screenshot

December 9

January 8

February 2

- Listing air35873725 Reposted February 19th, 2020
- ✕ Listing air32525522 Removed February 14th, 2020
- ✕ Listing air35873725 Removed February 14th, 2020
- 📅 3 Documented Stays February, 2020
- 📅 6 Documented Stays January, 2020
- 📅 6 Documented Stays December, 2019
- 📅 9 Documented Stays November, 2019
- 🚩 First Warning - No Tax Reg: Delivered 📅 November 21st, 2019
- 🚩 First Warning - No Tax Reg: Sent 📅 November 14th, 2019
- 📅 5 Documented Stays October, 2019
- ✓ Listing air32525522 Identified October 7th, 2019
- 📅 9 Documented Stays September, 2019
- 📅 5 Documented Stays August, 2019
- 📅 9 Documented Stays July, 2019
- ✓ Listing air35873725 Identified July 18th, 2019
- 📅 4 Documented Stays June, 2019
- ✳ Listing air35873725 First Crawled June 20th, 2019
- Listing air35873725 First Activity June 20th, 2019
- 📅 5 Documented Stays May, 2019
- 📅 5 Documented Stays April, 2019
- 📅 7 Documented Stays March, 2019
- 📅 1 Documented Stay February, 2019
- ✳ Listing air32525522 First Crawled February 23rd, 2019
- Listing air32525522 First Activity February 23rd, 2019

February 09, 2020 - 10:52AM America/Chicago



Search

English (US)

\$ USD

Become a host

Help

Sign up

Log

Feb 9, 2020 10:52am CT



Hip Artist Loft 8th Ave South Melrose Area

Nashville

2 guests Studio 1 bed 1 bath

Entire home

You'll have the guest suite to yourself.

Self check-in

Check yourself in with the keypad.

Sparkling clean

14 recent guests said this place was sparkling clean.

Robyn is a Superhost

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



Robyn

\$45 per night

★ 4.70 (44 reviews)

Dates

02/10/2020

→ Checkout

Guests

1 guest



Reserve

You won't be charged yet

Report this listing

The creative, cosy, romantic loft is about a minute or two walking distance from 8th Ave South's best bars and restaurants. It is filled with the photographs of famous musicians, John Lennon, Johnny Cash, Martina McBride and others all taken by Raeanne Rubenstein Original art by owner Robyn Morshead. It's close to the Park and the hottest restaurants on 12th Ave South, Urban Grub and Bar Taco. The Basement and Mercy Lounge are minutes away and by Uber you can be downtown in 5 to 8 minutes.

The space

There is off-street parking for at least one car.

The stairs are a bit steep so please be prepared. This is a converted loft so it doesn't have high ceilings. Ceilings are 6 ft 2 inches at the highest point. The ceilings are sloped on the sides.

There is a full bathroom but it does not have a shower, just a soaking tub. You cannot cook but there is a small oven, a Keurig coffee brewer, a hot and cold water dispenser and a decent sized bar fridge. Just walk out the door turn right and you can be at ML Rose in 1 minute so no need to cook.

Guest access

Guest access

Guests go through the front door into the entrance. The loft is directly up the blue steps. The lockable door to the loft is at the top of the stairs. There is a door to the left which goes to the owners home. That remains locked.

Other things to note

This loft has sloped ceilings and is not for tall people. 6 ft maximum height. I would suggest that if you are over 5 ft 10 you may not be comfortable.

Hide ^

Contact host



Amenities

Basic

Wifi

Continuous access in the listing

Iron

Laptop-friendly workspace

A table or desk with space for a laptop and a chair that's comfortable to work in

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

Family features

Bathtub

Facilities

Free parking on premises

Free street parking

Dining

Coffee maker

Refrigerator

Guest access

Keypad

Check yourself into the home with a door code

Private entrance

Separate street or building entrance

Bed and bath

Hangers

Hair dryer

Shampoo

Safety features

Fire extinguisher

Carbon monoxide alarm

Smoke alarm

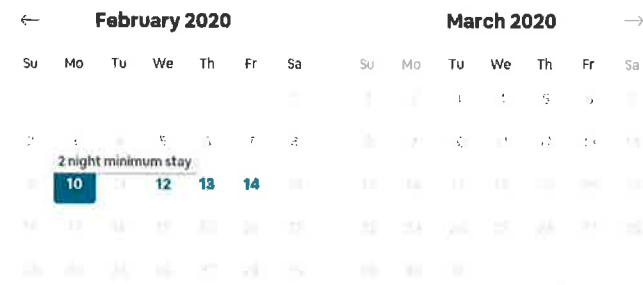
First aid kit

Not included

Kitchen

Availability

2 night minimum stay



[Clear dates](#)

Reviews

★ 4.70 44 reviews

[Search reviews](#) 🔍



 **Elliot**
January 2020

Great space. Hope to stay here whenever I am in Nashville

 **Jason**
January 2020

A wonderful stay! It was easy accessing downtown. Our stay was clean and Robyn stocks the space with all you would need!



Stevie
December 2019

Robyn was very good when it came to communicating. The loft is above another air bnb but in the description it says the owners house. The people who were there at the beginning of our stay were very loud and had kids and were slamming doors and we never complained because they're...[Read more](#)



Jim
November 2019

Great cozy spot just miles from downtown, Broadway and Vanderbilt. Host was great at communicating with me. Would stay there again for sure.



Rime
November 2019

It was a good spot close to Nashville. I would like to let future guests know that there is no shower - just a bath (as shown in the pictures). Overall Robyn was very communicative and would recommend.



Angela
November 2019

Prior to arriving, Robyn recommended some places to check out and was very helpful! The location of the loft is in a quiet area and close to downtown Nashville which was convenient! The loft was super clean and had all of basic necessities for a small vacation! Definitely...[Read more](#)



Lyndzie
October 2019

Great place to stay in a great location, close to food, drinks and pharmacy. The only thing is that because it's the upper loft part of the residence, the ceilings are really low. I wish it had been included in the description, as my husband is 6'5 and kept hitting his head every...[Read more](#)



Hosted by Robyn



Nashville, TN - Joined in May 2018

★ 246 Reviews Verified

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

I am a Visual Artist/ Painter /Film Maker and Mom. Also I am a Top Realtor at Weichert Realty and have a great time with Nashville. I moved here from Johannesburg and studied art at University of Cape Town. I love living in Nashville this is such a exciting town! I am excited...[Read more](#)

Interaction with guests

You will be able to call or text the host. I do live on the premises but this is a totally separate upstairs apartment. Robyn (615)668-0169

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](#)

The neighborhood

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

ML Rose is the best neighborhood bar ever. The girls behind the bar have tattoos and are super friendly. They have great craft burgers and beer and the chicken wings are my favorite,

Try the Breakfast Tacos and coffee at Fenwicks.

Cinema is an old converted cinema and the food is excellent.

Try the Sutler. Billiards downstairs.

And of course there are also Mc Donald's and Walgreens and Kroger grocery store right there.

If you haven't tried Hattie B's hot chicken that's an experience.

Go to 12th Ave South it's such a fun street to walk down and experience the local culture and some of the best food in Nashville. Urban Grub is my favorite.

You are so close to the Basement, Mercy Lounge (my favorite) and Douglas Corner for live music and Zanies for Comedy.

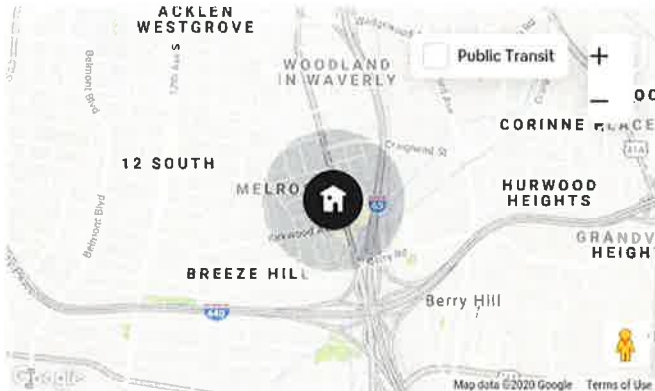
This is such a fun place to stay and experience all Nashville has to offer.

Getting around

The best way to get around is by Uber. They arrive super quickly and there is a bus on 8th Ave too. There are those electronic scooters just everywhere and there are bikes for hire at Sevier Park.

[Hide ^](#)

Show guidebook



Exact location information is provided after a booking is confirmed.

Things to keep in mind

Check-in: 3:00 PM - 12:00 AM

Checkout: 11:00 AM

Self checkin with keypad

House Rules

No smoking No pets

No parties or events

You must also acknowledge

Must climb stairs - One steep flight of stairs. I wouldn't have very young children. This really is a couples retreat.

Security deposit - If you damage the home, you may be charged up to \$150

Surveillance or recording devices on property - There is a camera at the front door.

Additional rules

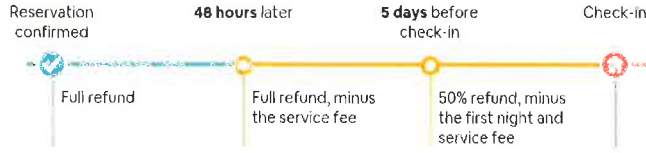
The house loft has fairly steep steps so it is no suitable for elderly people or those with walking or knee problems. Maximum height for guests is 6 ft 2 but people under 6 foot would be more comfortable.

[Hide rules ^](#)

Cancellatlonns

Free cancellation for 48 hours

After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.



[Get full details](#)

[Hide policies](#) ^

More homes you may like



PLUS Entire guest suite - 1 bed **★ 4.92** (126)
 Tranquil Guest Suite with Private Entrance i...
 \$65 / night



Private room - 2 beds **★ 4.95** (126)
 PRIVATE ENTRANCE 1 BDRM Suite
 \$85 / night



Entire apartment - 1 bed **★ 4.88** (117)
 Downtown - Gulch - Music Row - Dreamy...
 \$75 / night

Things to do near this home



CULTURE WALK
Food and Sightseeing Tour of Nashville
 From \$85/person - Transportation, Food, Drinks included
4.83 ★ (77)



PHOTO SHOOT
Instagram photoshoot In The Gulch
 From \$50/person - Equipment included
4.96 ★ (412)



HELICOPTER RIDE
Helicopter tour of Nashville
 From \$110/person - Drinks included
5.0 ★ (2)



MUSEUM VISIT
Murals, Music, and Museums Tour
 From \$60/person - 1 ticket included

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

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 Nanpean
 Bridgewater
 Hangzhou

Nashville
 Louisville
 Cincinnati
 Mellieha
 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!](#)

RE: Zoning Appeal Hearing Case # 2020-094

Case #2020 - 094 Date 4/16/2020 1pm

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

Respectfully to Councilman Colby Sledge, Council Members, and the Board of appeals,

Neighbors of 811 Horner Ave (Melrose Estates) are upset and concerned that:

1) The use of the property as a short term rental, especially without the owner actively residing there, has resulted in late night partying noise that disturbs neighbors. These additional guests, and their cars, have further contributed to overcrowded parking problems on the street.

2) We request that consideration be given that the current property (i.e. the original home and property) is currently listed as an HPR for sale, MLS #2136947, stating that it includes 'a separate loft for an airbnb'.

Please note: the second HPR lot (currently vacant and owned by the same owner) to the rear of the original property, is also offered for sale, and is without neighborhood objection at this time.

After prior experience of the original short term rental, we feel that the noise and traffic from the short term rental will contribute to an already challenging traffic and parking issue on Horner Avenue. Parking and traffic density is already an issue for existing residents due to patrons of bars, and restaurants in the nearby area.

As residents of Horner Ave, we are especially concerned about the need for accessibility of emergency vehicles in the immediate area.

Thank you for your support and consideration for a better way of life in our neighborhood.

Most Appreciatively,

Horner Avenue Neighbors



\$549,000 \$492/sqft **For Sale**

811 Horner Ave
Nashville, TN 37204

3 Beds, 2 Baths, 1116 SqFt

Still Accepting Offers

The owner has accepted a contract for this property. However, the contract may allow the prospective buyer to back-out of the contract if certain contingencies are not met. For example, the buyer may not be able to follow through with the purchase if the property does not pass inspection, the buyer cannot sell their current home, or financing cannot be secured.

Therefore, the current owner is still asking for and accepting offers. In certain situations, the current owner may be able to cancel their existing contract should another offer be made.

Please contact the listing agent to learn more.

Close

MLS #: 2136947

- **Status:**Active
- **Year Built:**1948 Renovated
- **County:**Davidson County, TN
- **Subdivision:**Kirkwood Heights
- **Class - Type:**Residential - Site Built

- **Annual Taxes:**\$2,978 | [Record](#)
- **Days On Market:**14

Open House

811 Horner Ave
Nashville, TN 37204

Close

Tax Information

Current Owner Information

Flood Zone Information

Close

Public Remarks: Original 1940s bungalow that's been created into an artist retreat with lots of light, art and a huge deck outdoor entertainment space with gas fire pit, barbecue and cafe lights to set the mood. Beautiful brand new kitchen, bathroom and redone hardwoods. You are surrounded by leafy trees in summer. New windows, electrical,plumbing, HVAC. 12th South close by.Separate loft upstairs has been an airbnb with up to 2K income. House is being sold separately. Separate HPR lot behind the home \$149,000.

Directions: 12th Avenue South, Right onto Kirkwood, Left onto Vault Lane and Right onto Horner - OR - Franklin Pike becomes 8th Avenue. Left onto Horner Avenue

General Information

- **Acres:** 0.22 / Tax Record
- **Basement:** Full / Unfinished
- **Construction:** Stone / Fiber Cement
- **Deed Book and Page:** 201804170035995
- **Floors:** Finished Wood / Tile
- **Listing Detail:** Exclusive Right To Sell - Standard
- **Lot:** 60 X 157
- **Parking (Open):** 3 / Driveway
- **Roof:** Composition Shingle
- **Stories:** 2



\$225,000 \$1,022,727/acre **For Sale**

811 Horner Ave
Nashville, TN 37204

0.220 Acres

Still Accepting Offers

The owner has accepted a contract for this property. However, the contract may allow the prospective buyer to back-out of the contract if certain contingencies are not met. For example, the buyer may not be able to follow through with the purchase if the property does not pass inspection, the buyer cannot sell their current home, or financing cannot be secured.

Therefore, the current owner is still asking for and accepting offers. In certain situations, the current owner may be able to cancel their existing contract should another offer be made.

Please contact the listing agent to learn more.

[Close](#)

Directions: 12th Avenue South, Right onto Kirkwood, Left onto Vault Lane and Right onto Horner - OR - Franklin Pike turns into 8th Avenue. Left onto Horner Avenue

[Print](#)
[Share](#)

MLS #: 2134877

- **Status:**Active
- **County:**Davidson County, TN
- **Development:**Kirkwood Heights
- **Zoning:**R10
- **Type:**Residential Lot

- **Annual Taxes:**\$2,978 | [Record](#)
- **Days On Market:**22

Open House

811 Horner Ave
Nashville, TN 37204

Close

Tax Information

Current Owner Information

Flood Zone Information

Close

Public Remarks: HPR lot at the back of 811 Horner Ave. Survey is done. HPR is being created.
Private Remarks: Please call Robyn Morshead at (615)668-0169 with questions. HPR docs are currently being created. The survey is attached.

General Information

- **Acres:** 0.22 / Tax Record
- **Buildings:** No Buildings
- **Listing Detail:** Exclusive Right To Sell - Standard
- **Lot:** 60 X 157
- **Road Frontage:** 60 / No Road Frontage
- **Road Surface:** Blacktop
- **Sale Includes:** Land Only
- **Terrain:** Other

Utilities and Features

Utilities

- City Water / Public Sewer

APRIL 2, 2020

RE:

APPEAL CASE NUMBER 2020-094

811 HORNER AV.

WE ARE OPPOSED TO THIS REQUEST.

BILL DRYDEN
822 B HORNER AV.
NASHVILLE, TN 37204



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

Appellant: Melissa Tokic Date: 2-26-2020
 Property Owner: Melissa Tokic Case #: 2020-095
 Representative: Melissa Tokic Map & Parcel: 08204001600
 Council District: 05

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: 1114 N 6th St.

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 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 hereby requested in the above requirement as applied to this property.

Appellant Name: Melissa Tokic Representative: _____
 Phone Number: 310 266-5044 Phone Number: _____
 Address: 1114 N 6th St. Address: _____
Nashville, TN 37207 _____
 Email address: missyprusinski@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**



3765738

**ZONING BOARD APPEAL / CAAZ - 20200012840
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08204001600**APPLICATION DATE:** 02/26/2020**SITE ADDRESS:**

1114 N 6TH ST NASHVILLE, TN 37207
LOT 128 129 OAKWOOD PARK

PARCEL OWNER: TOKIC, ANDRIJA**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.

Frabutt, David (Codes)

From: Sullivan, Deborah (Planning)
Sent: Wednesday, February 26, 2020 2:32 PM
To: Frabutt, David (Codes)
Subject: 1114 N 6th St

SP ZONING DISTRICT

David,

The above property has the potential for owner occupied short term rentals only. Please let me know if you have any questions.

Sincerely,

Deborah Sullivan, Planner II
Metro Planning Department
800 2nd Avenue South/PO Box 196300
Nashville, TN 37219-6300
planningstaff@nashville.gov
615-862-7190

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.

MM Tam

Rental Unit Record

1114 North 6th St, Nashville, TN, United States

Active ●
Identified ✓
Compliant X

PRINT
SEND A LETTER

Listing(s) Information

Airbnb - 19451277



Rental Unit Information



Identified Address

1114 North 6th St, Nashville, TN, United States

Identified Unit Number

None

Identified Latitude, Longitude

36.191610, -86.761198

Parcel Number

08204001600

Owner Name

TOKIC, ANDRIJA

Owner Address

1114 N 6TH ST
NASHVILLE, TN 37207, US

Registration / Permit Number

503520

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst S89K

Explanation

Google Satellite imagery matches rental listing, tax assessor matches Google Street View.

Listing Photos



Matching 3rd Party Sources



Matching rear portion of home, windows, roof, backyard.



Matching paint/color scheme used for entire home.

Zip Code Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/19451277
Listing Status	● Active
Host Compliance Listing ID	- air19451277
Listing Title	- East Nashville 4 BR in classic neighborhood
Property type	- House
Room type	- Entire home/apt
Listing Info Last Captured	- Feb 25, 2020
Screenshot Last Captured	- Feb 23, 2020
Price	- \$225/night
Cleaning Fee	- \$100

Information Provided on Listing

Contact Name	- Melisse
Latitude, Longitude	- 36.192467, -86.762105
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 9
Max Number of People per Bedroom	- 2.3
Number of Reviews	- 50
Last Documented Stay	- 10/2019

Listing Screenshot History

View Latest Listing Screenshot

December 9

January 8

February 5

- Listing air19451277 Reposted February 25th, 2020
- ✕ Listing air19451277 Removed February 25th, 2020
- 📅 2 Documented Stays October, 2019
- 📅 2 Documented Stays August, 2019
- 📅 2 Documented Stays July, 2019
- 📅 1 Documented Stay June, 2019
- 📅 3 Documented Stays May, 2019
- 📅 1 Documented Stay April, 2019
- 📅 1 Documented Stay March, 2019
- Listing air19451277 Reposted February 15th, 2019
- ✕ Listing air19451277 Removed February 13th, 2019
- 📅 2 Documented Stays January, 2019
- 📅 1 Documented Stay November, 2018
- 📅 2 Documented Stays October, 2018
- 📅 2 Documented Stays September, 2018
- 📅 1 Documented Stay August, 2018
- 📅 2 Documented Stays July, 2018
- 🚩 First Warning - No STR Permit: Delivered July 12th, 2018
- 🚩 First Warning - No STR Permit: Sent July 4th, 2018
- 📅 4 Documented Stays June, 2018
- 📅 3 Documented Stays May, 2018
- 📅 1 Documented Stay April, 2018
- 🚩 Airbnb Letter: Delivered April 6th, 2018
- 🚩 Airbnb Letter: Sent March 29th, 2018
- Listing air19451277 Reposted February 5th, 2018
- ✕ Listing air19451277 Removed January 31st, 2018

Matched property listing

- 📅 2 Documented Stays
December, 2017
- 📅 1 Documented Stay
November, 2017
- 🚩 First Warning - No Tax Reg: Delivered 📅
November 6th, 2017
- 🚩 First Warning - No Tax Reg: Sent 📅
October 30th, 2017
- 📅 4 Documented Stays
October, 2017
- 📅 4 Documented Stays
September, 2017
- 📅 5 Documented Stays
August, 2017
- ✓ Listing air19451277 Identified
August 16th, 2017
- 📅 4 Documented Stays
July, 2017
- ✳ Listing air19451277 First Crawled
June 24th, 2017
- Listing air19451277 First Activity
June 24th, 2017

February 23, 2020 - 05:05PM America/Chicago



Search

English (US)

USD

Become a host

Help

Sign up

Log

Feb 23, 2020 5:05pm CT



East Nashville 4 BR in classic neighborhood

Nashville



Melisse

\$225 per night

★ 4.74 (51 reviews)

9 guests 4 bedrooms 5 beds 1 bath

Dates

2/24/2020

→ Checkout

Guests

1 guest

Entire home

You'll have the house to yourself.

Great check-in experience

100% of recent guests gave the check-in process a 5-star rating.

Great communication

92% of recent guests rated Melisse 5-star in communication.

Reserve

You won't be charged yet

Report this listing

Located in a friendly East Nashville neighborhood. Only 5 minutes from Downtown, 10 minutes from the Airport, 4 minutes to Five Points or Three Points. This newly remodeled eclectic house is clean, simple and modern. 5 bed, 1 Bath, with the most comfortable beds and softest sheets in the whole wide neighborhood. Walking distance to Mas Tacos, Holland House, Madelines and Keisha's Ballroom.

[Read more about the space](#)

[Contact host](#)



Amenities

Basic

Wifi

Continuous access in the listing

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

Dining

Kitchen

Space where guests can cook their own meals

Guest access

Private entrance

Separate street or building entrance

Bed and bath

Hangers

Shampoo

Safety features

Fire extinguisher

Carbon monoxide alarm

Smoke alarm

First aid kit

Not included

TV

Hair-dryer

Sleeping arrangements



Bedroom 1
1 queen bed



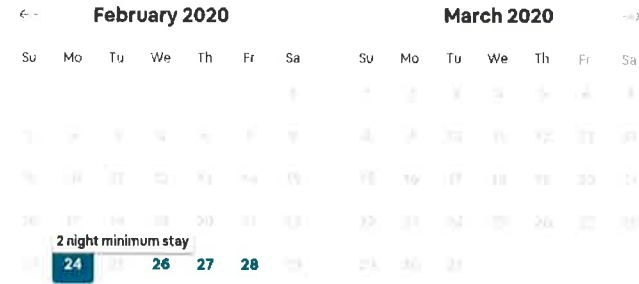
Bedroom 2
1 queen bed



Bedroom 3
1 queen bed

AVAILABILITY

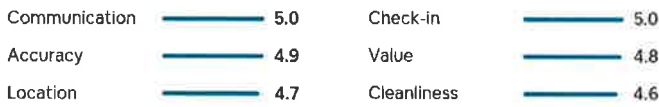
This host offers 21% off if you stay a week and a 49% monthly discount.



Clear dates

Reviews

★ 4.74 51 reviews Search reviews 🔍



Tom
October 2019

We liked our stay. The house does not have a television and it is located in an area where we felt was a little sketchy at times, but we did not encounter any problems. With all the fantastic stuff to do in East Nashville, we did not even need to take extra travel time to...[Read more](#)

Jordan
October 2019

Good location (5-10 min Uber/Lyft to downtown). Good for guys weekend or girls weekend.

Dan
August 2019

Great place to stay when trying to explore downtown Nashville. Everything was what I expected

Kyle Flessner
August 2019

I 10/10 recommend this place

Sarah
July 2019

Short, cheap uber/lyft rides (10-15 dollars) to area bars and restaurants and Broadway. Easy check in and out procedures. Great sleeping arrangements- plenty of bedrooms, but one bathroom was a little tough.

Kelsie
July 2019

Perfect place for my aunts 50th birthday. The street was quiet and it was only 5 minute ride to Broadway. Everyone said the beds were really comfortable.

Joe
June 2019

Lovely place in a quiet neighborhood. Very convenient to downtown.



Hosted by Melisse

Nashville, TN · Joined in June 2017



★ 51 Reviews Verified

Interaction with guests

We will not be at the house while the guests are staying. We will be nearby so we can answer any questions or concerns you might have. We will also be available 24/7 in case there is a problem or emergency.

Response rate: 100%

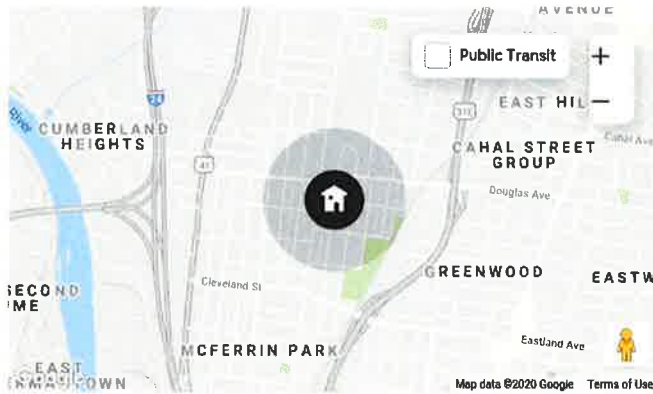
Response time: within an hour

Contact host

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

The neighborhood

Melisse'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: After 3:00 PM
Checkout: 11:00 AM

House Rules

- No smoking
- No parties or events
- Pets are allowed

[Read all 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.

[Read more about the policy](#)

Things to do near this home





CULTURE WALK
Food and Sightseeing Tour of Nashville
 From \$85/person - Transportation, Food, Drinks included
 4.83★ (80)



BAR CRAWL
Palm Reading & Day Drinking
 From \$55/person - Equipment, 1 ticket included
 4.83★ (167)



HELICOPTER RIDE
Helicopter tour of Nashville
 From \$110/person - Drinks included
 5.0★ (6)



SCAVENGER HUNT
THE NASH DASH Scavenger Hunt
 From \$25/person - Equipment included
 4.38★ (26)

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Atlanta
 St Louis
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 Nanpean
 Bridgewater
 Hangzhou

Nashville
 Louisville
 Cincinnati
 Melieha
 Dresden
 New South Wales

Asheville
 Memphis
 Athens
 Santa Monica
 Osywestry
 Phillip



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

Appellant: Zack Pond Date: 3-2-2020
Property Owner: Zack Pond Case #: 2020-098
Representative: Zack Pond Map & Parcel: 10614002300
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: 1979 Carloss 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 hereby requested in the above requirement as applied to this property.

Appellant Name: Zack Pond Representative: _____
Phone Number: 615 425-6710 Phone Number: _____
Address: 1979 Carloss Dr. Address: _____
Nashville, TN 37210
Email address: zachhpond@gmail.com Email address: _____

Appeal Fee: \$100.00

Z.P.D.



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



3771282

**ZONING BOARD APPEAL / CAAZ - 20200013663
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10614002300**APPLICATION DATE:** 03/02/2020**SITE ADDRESS:**

1979 CARLOSS DR NASHVILLE, TN 37210

LOT 27 RAYMOND HGTS

PARCEL OWNER: POND, ZACKARY & MELANIE**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.

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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

03/02/2020

 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.

03/02/2020

Rental Unit Record

**1979 Carloss Dr, Nashville, TN
37210, USA**

Removed ✕
Identified ✓
Compliant ✓

PRINT
SEND A LETTER

Listing(s) Information

Airbnb - 31416365



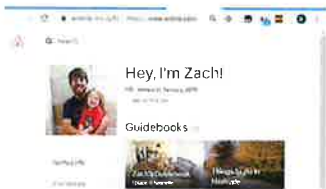
Matched Details

Analyst QZ4P

Explanation

user states that he owns the property, found his full name on facebook validate address on the tax assessor's site.

Listing Photos

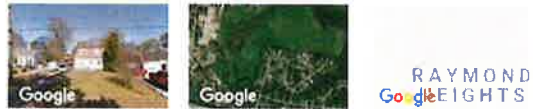


same person page shows his name.

Matching 3rd Party Sources



Rental Unit Information



Identified Address

1979 Carloss Dr, Nashville, TN 37210, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.130529, -86.735699

Parcel Number

10614000100

Owner Name

POND, ZACHARY H. & MELANIE E.

Owner Address

1977 GATLIN DR
NASHVILLE, TN 37210, US

Timeline of Activity

View the series of events and documentation pertaining to this property

✕ Listing air31416365 Removed February 28th, 2020

tax assessor's name match.

Zip Code Match

City Name Match

Listing Details

Listing URL	— https://www.airbnb.com/rooms/31416365
Listing Status	● Inactive
Host Compliance Listing ID	— air31416365
Listing Title	— Capacious Contemporary Boho Space Minutes From Downtown
Property type	— Guesthouse
Room type	— Entire home/apt
Listing Info Last Captured	— Feb 25, 2020
Screenshot Last Captured	— Feb 22, 2020
Price	— \$100/night
Cleaning Fee	— \$75

Information Provided on Listing

Contact Name	— Zach
Latitude, Longitude	— 36.130465, -86.735879
Minimum Stay (# of Nights)	— 2
Max Sleeping Capacity (# of People)	— 8
Max Number of People per Bedroom	— 2.7
Number of Reviews	— 52
Last Documented Stay	— 02/2020
















Listing Screenshot History

 View Latest Listing Screenshot

January 7

February 4

March 0

-  2 Documented Stays
February, 2020
-  3 Documented Stays
January, 2020
- Listing air31416365 Reposted
January 16th, 2020
- ✕ Listing air31416365 Removed
January 13th, 2020
-  4 Documented Stays
December, 2019
-  6 Documented Stays
November, 2019
-  4 Documented Stays
October, 2019
- Listing air31416365 Reposted
October 27th, 2019
- ✕ Listing air31416365 Removed
October 25th, 2019
-  2 Documented Stays
September, 2019
- Listing air31416365 Reposted
September 8th, 2019
- ✕ Listing air31416365 Removed
September 5th, 2019
-  7 Documented Stays
August, 2019
- Listing air31416365 Reposted
August 28th, 2019
- ✕ Listing air31416365 Removed
August 25th, 2019
- Listing air31416365 Reposted
August 18th, 2019
- ✕ Listing air31416365 Removed
August 15th, 2019
-  3 Documented Stays
July, 2019
-  6 Documented Stays
June, 2019
-  2 Documented Stays
May, 2019
-  5 Documented Stays
April, 2019
-  6 Documented Stays
March, 2019
- 🚩 First Warning - No STR or Tax: Delivered 
March 9th, 2019
- 🚩 First Warning - No STR or Tax: Sent 
March 5th, 2019
- ✓ Listing air31416365 Identified
February 22nd, 2019
-  2 Documented Stays
February, 2019

Matched property listing

- * Listing air31416365 First Crawled
January 27th, 2019
- Listing air31416365 First Activity
January 27th, 2019

February 22, 2020 - 01:43PM America/Chicago

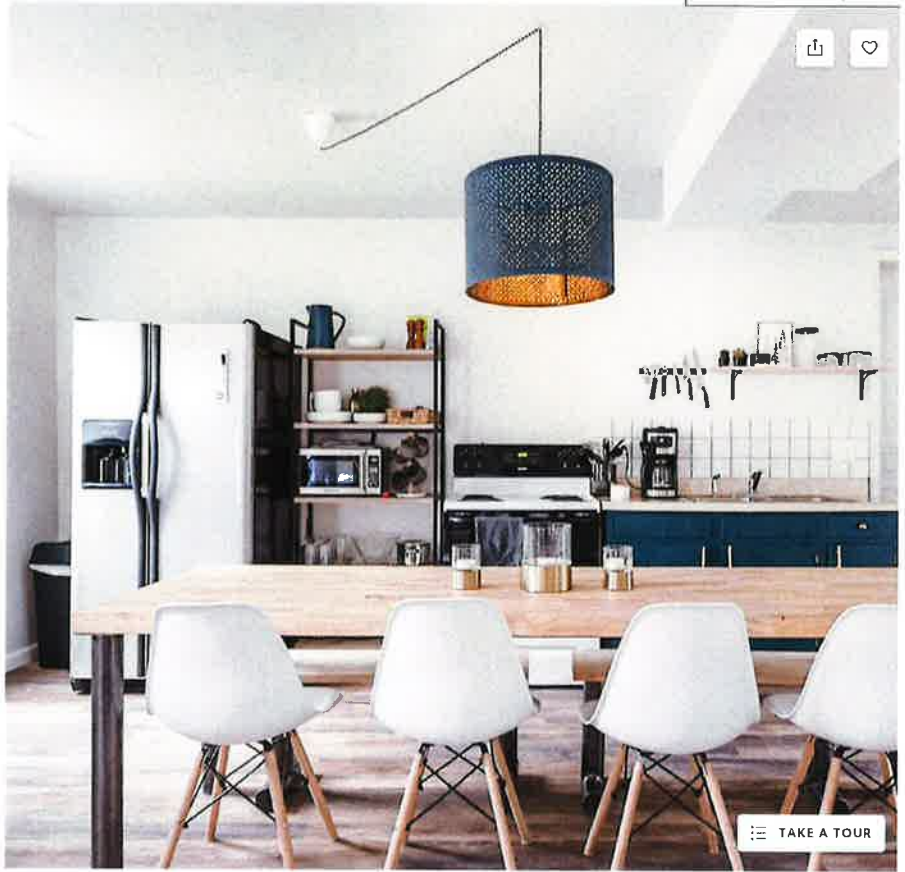
Search

English (US) USD Become a host Help Sign up Log

Feb 22, 2020 1:43pm CT

Plus

Capacious Contemporary Boho Space Minutes From Downtown



TAKE A TOUR

8 guests 3 bedrooms 4 beds 2 baths

Gather the whole family around the great big kitchen table to have a meal or play a game. Then catch up and hang out in the airy welcoming downstairs or get cozy and chill while watching your favorite show upstairs. This place accommodates any group with plenty of space, an understated decor and a welcoming atmosphere.



Hosted by Zach

Special to this guesthouse

This stay has these unique amenities.

Tour this guesthouse

Self check-in



Living room 1



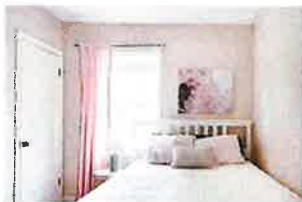
Living room 2



Full kitchen



Bedroom double beds



Bedroom 2 Queen bed



Bedroom 3 Queen bed



Full bathroom 1



Full bathroom 2

Matched property listing

Everything you need

[Explore all 30 photos](#)

This Airbnb Plus stay comes with these amenities.



Exceptional hosts with an eye for detail

Every Airbnb Plus host is well-reviewed because they're welcoming and take care of all the essentials that create memorable stays.

[Learn more](#)

Wifi

TV

Bedroom essentials

Towels, soap, shampoo, and toilet paper

Bedroom comforts

Bed sheets, pillows, and hangers

Coffee maker

Hair dryer

Iron

Carbon monoxide alarm

Hosts verify their safety amenities are present and maintained.

Smoke alarm

Hosts verify their safety amenities are present and maintained.

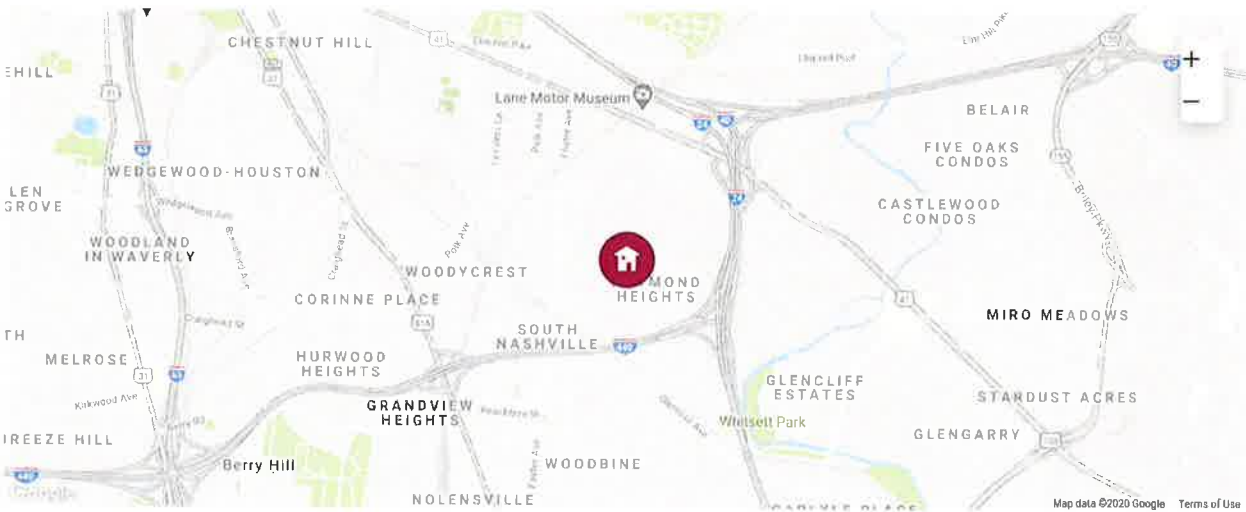


Location

Nashville, Tennessee, United States

Expect to see friendly neighbors taking walks and children on bikes in this established neighborhood within sight of downtown. Hip music venues, bars, and restaurants can be reached within 15 minutes. Downtown is great but also check out Berry Hill, 12South and The Gulch. They are close by and worth a look.

Distance from Nashville International Airport
11 mins by car without traffic



Exact location provided after booking

[Show guidebook](#)

Reviews



Danielle
12 days ago

Zach's place was very well decorated and cozy. The beds were comfortable and we had everything we could have needed. The Uber/Lyft ride to downtown was about 10 mins, we never had an issue getting a Uber/Lyft. Well worth the stay!



Bethany
19 days ago

This was a beautiful and comfortable place to visit. It was close and easy to visit downtown and had space for eating, talking and relaxing.



Brianna
a month ago

Everything about our stay in Nashville was awesome. I'd highly recommend this air b&b. It comfortably sleep 7 of us for a bachelorette. It was clean and really nicely decorated. It was one of the cutest air b&bs I've ever stayed in. It was a 12-15...[Read more](#)



Ariana
a month ago

Fine stay - a bit far away from things and a bit less nice than presented in the photos. Also, be aware that it's a house attached to the hosts home (e.g. we heard babies crying) - something to be mindful of (house rules list being quiet and not...[Read more](#)



Caleb
2 months ago

My fiancé and I along with another couple, stayed here for New Year's Eve and had an amazing stay! The location was great and we never hit traffic because of the location which was a huge stress relief for a first timer in Nashville. Zach was great...[Read more](#)



Sandra
2 months ago

The location of this home was perfect. Just outside of downtown enough to be quiet and relaxing, but close enough to be convenient and minutes away from everything. Very clean and spacious. Zach was just a text away and very responsive. We would stay...[Read more](#)

[Read all 52 reviews](#)

Meet your host



Hi, I'm Zach

Joined in January 2019
Response rate: 100%
Response time: within an hour

[CONTACT](#)

Zach

House Rules

The host has set some house rules, which you'll be asked to agree to when you book.

- **Check-in:** 3:00 PM - 2:00 AM (next day)
- **Checkout:** 11:00 AM
- Self check-in with keypad

[Read all rules](#)

Cancellation policy

Free cancellation for 48 hours. After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

Show policy

Things to do nearby



PHOTO SHOOT
Instagram photoshoot in The Gulch
 From \$50/person · 1 hour · Equipment included
 4.96 ★ (317)



BAR CRAWL
Palm Reading & Day Drinking
 From \$55/person · 2 hours · Equipment, 1 ticket included
 4.83 ★ (167)



PHOTO SHOOT
Professional Photos of 12th South Murals
 From \$45/person · 1 hour · Equipment included
 4.92 ★ (217)



WELLNESS CLASS
Romantic Tantra Workshop for Couples
 From \$60/person · 1.5 hours · Drinks included
 5.0 ★ (23)

Show all experiences



ENTIRE GUESTHOUSE IN NASHVILLE
 4.85 (52 reviews)

\$100 / night

Check availability



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

Appellant: Ryan Webb Date: 3-3-2020
 Property Owner: Ryan Webb Case #: 2020- 107
 Representative: Ryan Webb Map & Parcel: 104021J00400CO
 Council District: 21

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

Purpose: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 3118 Long Blvd. Unit 4

This property is in the RM40 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

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 hereby requested in the above requirement as applied to this property.

Appellant Name: Ryan Webb Representative: _____
 Phone Number: 727 410-5053 Phone Number: _____
 Address: 1309 Lindenwood Dr. Address: _____
Tarpon Springs, FL 34688
 Email address: Ryanw20@hotmail.com Email address: _____

Appeal Fee: \$100.00



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



**ZONING BOARD APPEAL / CAAZ - 20200013816
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 104021J00400CO

APPLICATION DATE: 03/03/2020

SITE ADDRESS:

3118 LONG BLVD 4 NASHVILLE, TN 37203
UNIT 4 THE CENTENNIAL LOFTS II AMENDED

PARCEL OWNER: NASHLONG, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's cancellation of existing STRP permit due to owner name change.

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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

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Rental Unit Record

3118 Long Boulevard, Nashville, TN, USA

Removed X
Identified ✓
Compliant ✓

PRINT

SEND A LETTER

Listing(s) Information

VRBO - 321.1539371.2099080

Airbnb - 33615907



Rental Unit Information



Identified Address

3118 Long Boulevard, Nashville, TN, USA

Identified Unit Number

4

Identified Latitude, Longitude

36.146296, -86.818434

Parcel Number

104021J00400

Owner Name

NASHLONG, LLC

Owner Address

3118 LONG BLVD
NASHVILLE, TN 37203, US

Registration / Permit Number

506630

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst

CHN6

Explanation

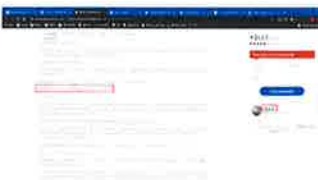
Assessors image and owners names match listing.

Listing Photos



Exterior is the same.

Matching 3rd Party Sources



Listing shows owner as Ryan W and states rental permit has been issued. Permit exists for located address and lists Ryan Webb as applicant.

Listing Details

Listing URL	- https://www.homeaway.com/vacation-rental/p1539371vb
Listing Status	● Inactive
Host Compliance Listing ID	- hma3211539371,2099080
Listing Title	- NEW! STUNNING West End Location Minutes to EVERYTHING! Sleeps 12 comfortably
Property type	- Townhome
Room type	- Entire home/apt
Listing Info Last Captured	- Feb 28, 2020
Screenshot Last Captured	- Feb 26, 2020
Price	- \$475/night
Cleaning Fee	- \$250

Information Provided on Listing

Contact Name	- Ryan W
Latitude, Longitude	- 36.149639, -86.818542
Minimum Stay (# of Nights)	- 2
Max Sleeping Capacity (# of People)	- 12
Max Number of People per Bedroom	- 3
Number of Reviews	- 10
Last Documented Stay	- 12/2019

Listing Screenshot History

 [View Latest Listing Screenshot](#)

January 8

February 5

March 0

- ✗ Listing hma321.1539371.2099080 Removed
March 2nd, 2020
- ✗ Listing air33615907 Removed
February 28th, 2020
- 📅 1 Documented Stay
December, 2019
- 📅 4 Documented Stays
November, 2019
- Listing air33615907 Reposted
November 2nd, 2019
- 📅 2 Documented Stays
October, 2019
- ✗ Listing air33615907 Removed
October 25th, 2019
- 📅 7 Documented Stays
September, 2019
- Listing air33615907 Reposted
September 8th, 2019
- ✗ Listing air33615907 Removed
September 5th, 2019
- 📅 2 Documented Stays
July, 2019
- 📅 1 Documented Stay
June, 2019
- ✓ Listing hma321.1539371.2099080 Identified
June 7th, 2019

- ✓ Listing air33615907 Identified
June 7th, 2019
- 📅 2 Documented Stays
May, 2019
- 📅 3 Documented Stays
April, 2019
- ✳ Listing air33615907 First Crawled
April 8th, 2019
- Listing air33615907 First Activity
April 8th, 2019
- ✳ Listing hma321.1539371.2099080 First Crawled
March 30th, 2019
- 📅 3 Documented Stays
March, 2019
- Listing hma321.1539371.2099080 Reposted
March 28th, 2019
- ✗ Listing hma321.1539371.2099080 Removed
March 23rd, 2019
- Listing hma321.1539371.2099080 First Activity
March 22nd, 2019

February 26, 2020 - 11:52AM America/Chicago

HomeAway

Trip Boards Login Help Feedback List your Property

Where Nashville, TN, USA

Check In

Check Out

Feb 26, 2020 11:52am CT

Check Availability



View all 45 photos

\$488 avg/night

★★★★★ 10 Reviews

Exceptional! 5/5 · Good for families

Save

Share

Enter dates for accurate pricing

Check In

Check Out

Guests

Check Availability

Ryan W

Ask owner a question

Overview Amenities Reviews Map Rates & Availability

For booking assistance, call HomeAway at 888-640-7927

Property # 1539371vb

NEW! STUNNING West End Location Minutes to EVERYTHING! Sleeps 12 comfortably

- Townhome · 2400 sq. ft.
- Sleeps: 12
- Bedrooms: 4
- Bathrooms: 2
- Half Baths: 1
- Min Stay: 2 nights



Premier Partner Instant Confirmation Good for families Air Conditioning No Smoking Internet

Luxurious 4 bedroom in highly sought after West End

Unique new listing!!! Professionally designed home perfect for entertaining large groups or small families. Come stay in this brand-new luxury 4BR/2.5BA townhome in the West End neighborhood. This Nashville getaway features Restoration Hardware furnishings, large livings space, floor-to-ceiling windows, a gourmet kitchen with a table for 10. With 4 large bedrooms and a private balcony there is plenty of space for everyone!

Located within walking distance to an eclectic mix of dining options and entertainment in the West End -- including Centennial Park, live music hot spots, and Vanderbilt University.

LIVING AREAS

Enter through the front door to large vaulted ceilings in a open and airy living space perfect for large groups. A comfortable and massive sectional Sofa provides plenty of space to relax with your friends or family. A 60" HDTV provides cable and streaming services such as Netflix and Xfinity.

KITCHEN & DINING

Fully stocked kitchen with everything you will need. GE stainless steel appliances include a gas range and side-by-side fridge making cooking or storing food a breeze.

Enjoy eating at the large kitchen island or at the formal dining table that seats up to 10 guests comfortably!

BEDROOMS & BATHROOMS

This four-level home includes four large bedrooms that sleep 12 total guests and provide plenty of space throughout the home. 2.5 bathrooms come stocked with supply of toiletries. Black out pull down shades are installed on all windows to keep the rooms cool and dark for those needing to sleep in during the mornings. All beds are outfitted with the highest 5 star rated luxury foam mattresses in each room.

Private Master Suite-

The top-floor master suite is outfitted with a Restoration Hardware King bed and 60" flat-screen TV. The en-suite master bathroom features a double vanity, walk-in shower, soaking tub, and large walk-in closet.

2nd & 3rd Bedrooms-Bedrooms 2&3 are located on the third floor, complete with a full bathroom with a tub/shower combination.

2nd Bedroom "Balcony Room"

The second bedroom boasts a Restoration Hardware queen bed and wall mounted flat screen TV. A large private balcony with comfortable lounge chairs overlooks the treetops of the West End neighborhood.

3rd bedroom "Bunk Room"

The third guest room provides a Restoration hardware queen bed, RH twin bunk beds, and flat-screen TV.

4th Bedroom "Fresh Air Room"

Open up the garage sized door and feel the fresh air in the second floor 4th bedroom. 2 queen beds provide additional sleeping arrangements in the unique garage room with wall mounted TV.

EXTRA AMENITIES & DETAILS

Parking is available for two vehicles in the parking lot. A washer/dryer, High Speed Wi-Fi, tankless water heater, and an air purifier are provided.

*Please note this is a multi level unit and access to each of the bedrooms is via stairs.

Nashville Short Term Rental Approved- Permit Issued

LOCATION

Walk several blocks and explore Centennial Park, a mecca of entertainment. Visit the full-scale replica of the Greek Parthenon or time your vacation right and enjoy annual festivals and events including Musicians Corner in the spring and fall -- offering free live music, kids activities, and local food trucks.

Tour the campus at Vanderbilt University, located less than 1 mile from your townhome.

Cruise approximately 2 miles and discover Honky-Tonk Row on world-famous Lower Broadway. The shimmering neon strip is lined with pubs, eclectic dining options, and the historic Ryman Auditorium. Minutes from the Gulch and all the entertainment, restaurants, and bars Nashville has to offer!

Plenty of Major sports venues nearby! Just a short ride to Nashville Predators, Sounds, and Tennessee Titans stadiums.

WHAT TO EXPECT WHEN YOU BOOK-

We guarantee all listing information is accurate and up to date. From the moment you book, you'll be provided timely and helpful communications regarding your trip.

Upon arrival, easily access your home with a keyless secure door code; no need for an in-person key exchange. Your rental will be professionally cleaned and ready for you to enjoy. You can expect all the comforts of a fine hotel, including shampoo, soaps, paper products, towels, and linens. A welcome booklet will provide Wi-Fi access and TV instructions.

If you need anything before, during, or after your stay, our 24/7 local team is ready to help!

[View less](#)

Bedrooms

Bedrooms: 4 Sleeps: 12

Bedroom 1

king

Bedroom 3

queen

Bedroom 2

queen

Bedroom 4

queen, bunk bed

Popular destinations in the area



Pigeon Forge, TN, USA



Gatlinburg, TN, USA



Sevierville, TN, USA



Owner



Ryan W

Member Since 2011

[Ask owner a question](#)

Languages: English



The owner or manager of this property consistently provides great experiences for their guests.

About Ryan W

Owners Ryan & Lauren have been managing properties in Clearwater, Fl and Nashville, TN for the past 10 years. With hundreds of 5-star reviews we believe exceeding expectations and providing a first class experience for our guests. We are excited for the opportunity to host you and your guests and provide a seamless and relaxing getaway in Nashville.

Ryan W purchased this Townhome in 2019

Why Ryan W chose West End Park

After looking at dozens of Nashville properties as potential short term rentals we decided on this particular property because of its size and location. The layout of the property is unique and unlike the cookie cutter rentals that are going up all over town. The West End neighborhood is one of the safest and nicest areas in Nashville and a short walk or uber to everything Nashville has to offer.

[View less about Ryan W](#)

Amenities

Featured

- Internet
- TV
- Parking
- Air Conditioning
- Washer & Dryer
- No Smoking
- Fireplace
- Children Welcome
- Heater

Bathrooms

Bathrooms: 2, Half Baths: 1

Bathroom 3
toilet

Bathroom 2
toilet, shower

Bathroom 1
toilet, tub, shower

Safety features

- Deadbolt lock
- Smoke detector
- Carbon-monoxide detector

Matched property listing

First-aid kit Fire extinguisher Exterior lighting

General

Air Conditioning Heating Linens Provided Washing Machine Clothes Dryer Fireplace Parking Garage Internet Towels Provided Wireless Internet Hair Dryer Paper Towels Shampoo Toilet Paper Living Room

Kitchen

Dishwasher Refrigerator Stove Oven Microwave Coffee Maker Toaster Blender Ice Maker Pantry Items Dishes & Utensils Kitchen

Dining

Dining Area Dining Dining

Entertainment

Television Games Games

Outside

Balcony Outdoor Furniture Outdoor Furniture

House Rules

Check-in: 4:00 PM Check-out: 10:00 AM

No smoking

No pets

Children allowed

Minimum age of primary renter: 21

Max guests: 12

Cancellation Policy

100% refund if canceled at least 30 days before arrival date 50% refund if canceled at least 14 days before arrival date

10 Reviews

★★★★★ Exceptional 5/5



Christmas in Nashville

5/5 ★★★★★ Stayed Dec 2019

Lisa V.

Three generations and total of 7 stayed here to celebrate 21st bday and Christmas.

Location was perfect and the style was on point. We had a car for small group trips and had no problem with rode share for full group and designated driver outings.

Bedrooms on first landing doesn't have a bathroom without using stairs. Grandma used the stairs once a day and loved her balcony veranda. Master suite bathroom was AMAZING!! several guests took baths over our stay and the shower was lovely.

Here is the family list of pros and cons:

PROS

- Lots of room
- Nice bathrooms
- Styled well
- Nice big couch-we all fit to hang out
- Tvs streamable-great for Christmas movies and sports
- Good for unit sound
- Quiet street
- Great location
- Good seating for crowd
- Appliances top grade
- Super Comfy beds
- Good temp controls
- Chefs kitchen for functionality

Good security

- Felt safe
- Cons-nothing that would deter from a second visit!!!!
- Lacking in pro kitchen tools
- Walls had dirty spots
- Loud interior-mapping was a challenge
- Not enough paper products for 7+(Tp, paper towels)
- No Dish soap
- Not enough dinner plates
- Bright lights and No dimmer switches
- No dish towels

Published Jan 22, 2020

Great place!!

5/5 ★★★★★ Stayed Oct 2019

We had 12 people come in for Vanderbilt vs Mizzou game. Great place for our group! Great walkable location!

Published Oct 21, 2019

Stunning and elegant home

5/5 ★★★★★ Stayed Sep 2019

Crystal S. Macomb, Michigan

My two girlfriends and I stayed here and we all loved it. The home is located in a great neighborhood. It was beautifully decorated. the beds were super comfortable. the shower was luxurious and we absolutely loved the

area. It was just a short Uber ride to downtown.

Published Sep 24, 2019

Perfect location and space.

5/5 ★★★★★ Stayed Sep 2019

Kirk B.

Our fraternity pledge class from the 80's stayed in the condo. We had eight men with plenty of living space for all. The location was perfect for all that Nashville has to offer. The unit was very clean and stocked with the necessities. We will definely stay in the condo again. Ryan was very responsive to all of my questions before our visit. 100% satisfied

Published Sep 18, 2019

West End Condo

5/5 ★★★★★ Stayed Sep 2019

Marissa G.

The property is beautiful, went with a group of 8 and we felt like we could of fit more people without feeling crowded. Everything was very clean and spacious! Only downfall was not having a number to contact owner regarding questions prior to check in and during stay. Regardless gorgeous property and would book again.

Published Sep 16, 2019

Owner's Response:

Marissa,

Thank you for staying with us. We appreciate your feedback. Im sorry there wasn't a number available for you to call. We do normally reach out to guests before, during, and after their stay to make sure everything is going smoothly. Unfortunatley we were out of the country during your stay so i apologize for that incovneience. We do have a property management service number with 24/7 access listed at the unit for any issues. It is posted on the check in/out forms. Thank you again for your review and for choosing to stay with us. We hope you will come back soon!

Beautiful House

5/5 ★★★★★ Stayed May 2019

Rhyan C.

LOVED staying at this property. Want to plan a trip back just to hang out at this house. Owner was easy to talk to and made special accommodations to fit our schedule.

Published Jun 6, 2019



Map

West End Park, Nashville, TN, USA
Detailed location provided after booking

What's nearby

- 1. Bridgestone Arena 2.3 mi
- 2. Vanderbilt University 0.9 mi
- 3. Nissan Stadium 2.8 mi
- 4. Music City Center 2.4 mi
- 5. Ryman Auditorium 2.3 mi

6. Country Music Hall of Fame and Mus... 2.4 mi

1 - 6 of 30



Rates & Availability

February 2020							March 2020						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1	1	2	3	4	5	6	7
2	3	4	5	6	7	8	8	9	10	11	12	13	14
9	10	11	12	13	14	15	15	16	17	18	19	20	21
16	17	18	19	20	21	22	22	23	24	25	26	27	28
23	24	25	26	27	28	29	29	30	31				

April 2020							May 2020						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1	2
5	6	7	8	9	10	11	3	4	5	6	7	8	9
12	13	14	15	16	17	18	10	11	12	13	14	15	16
19	20	21	22	23	24	25	17	18	19	20	21	22	23
26	27	28	29	30			24	25	26	27	28	29	30
							31						



Tap to expand calendar

Additional information about rental rates

Cleaning Fee	250
Additional Guest Fee	30
Property Damage Insurance	59



More properties managed by Ryan W



Clearwater beach, FL
 4BR · Sleeps 8
 \$359 avg/night
 ★★★★★ (72)



clearwater, FL
 4BR · Sleeps 12
 \$600 avg/night
 ★★★★★ (79)

Home > United States > Tennessee > Davidson County > Nashville-Davidson > Nashville > West End Park

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From: [Dean Rieger](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: permit 202000013816
Date: Sunday, March 29, 2020 8:57:34 AM

I live in the neighborhood and received a letter from you. I am opposed to permitting for short term rentals. There are already enough transients in the neighborhood and there are already multiple hotels within a few blocks

Please turn this down.

Dean Rieger

David Lawson
209 Mason Avenue
Nashville, TN 37203

April 7, 2020

Via U.S. Mail and Email to BZA@nashville.gov

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety
PO Box 196350
Nashville, TN 37219-6350

Re: **Zoning Appeal Case No. 2020-107; 3118 Long Blvd. #4; Map Parcel 104021J00400CO; Zoning Class RM40; Council District 21; Support for Zoning Administrator's Cancellation of Existing Short-Term Rental Property Permit (STRP)**

Dear Sir or Madam:

I am the owner of a residential property located at 209 Mason Avenue, Nashville, TN 37203. I received in the mail a notice of the zoning appeal referenced above because my property is within 1,000 feet of the property located at 3118 Long Blvd. that is the subject of the zoning appeal.

I am writing to voice my support of the Zoning Administrator's cancellation of the STRP permit for that residential property. The West End area where this property and my property are located is a quiet residential neighborhood that is being adversely affected by the spread of these type of rental properties. These permits are turning residential properties into what are effectively just hotels for weekend tourists who visit Nashville. I doubt that I need to recite in this letter the types of issues that the neighboring residents, the police, and the city must deal with as a result these types of properties.

I looked up the property in question. 3118 Long Blvd. #4 is a four-bedroom, three-bath, townhouse. An internet description of it says it has one parking space. It looks like all other parking is on the street. A four-bedroom place will get advertised as "Sleeps 8-16." How many cars are going to show up each weekend for that?

I am writing this letter based on first-hand experience. At the end of 2018, the entire building next to my property was sold to a Brentwood-based limited liability company that was able to obtain a STRP for the entire building. The building, located at 3203 Long Blvd., had been privately owned by a couple from Franklin. The building consisted of 10 residential apartments for people living and working in Nashville. Now, it has been turned into a ten-unit, multi-bedroom Airbnb hotel. No one from the limited liability company that owns that property lives there. It is now a hotel for weekend visitors to Nashville. How it was granted a STRP is beyond me. It should also be revoked if the opportunity ever arises.

The Zoning Administrator's cancellation of the existing STRP for the property located at 3118 Long Blvd. #4 should be upheld.

Sincerely,



David Lawson

From: [James Borchardt](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number: 2020-107
Date: Tuesday, March 31, 2020 10:13:47 AM

Appeal Case Number: 2020-107; permit #20200013816
3118 LONG BLVD 4
Map Parcel: 104021J00400CO
Zoning Classification: RM40
Council District: 21

After thoughtful consideration , I am requesting the zoning administrator to cancel the existing short term rental permit, STRP. Any new property owner should be thoroughly vetted before any STRP permits are granted whether owner occupied or not owner occupied. This permit would essentially turn the unit in question, 3118 Long Boulevard, into a motel in a residential area.

Since I was not able to speak to anyone from your office (my calls were not returned), I will offer you some of my questions now:

1. This property is zoned RM40; is STRP allowed as owner occupied and/or not owner occupied?
2. Will granting of STRP permits in RM40 districts end in 2022; and, if so, will existing permits at that time be grandfathered in?
3. Per your letter to me, will BZA still conduct a public hearing on Thursday, April 16, 2020, beginning at 1:00 pm at the Sonny West Conference center of the Howard Office Building still be held?

Thanks for your consideration,
James Borchardt, property owner at 3120 Long Boulevard
615-545-3712
Jmborc3712@gmail.com

6 April 2020

Dept of Codes & Bldg Safety
PO Box 196350
Nashville, TN 37219-6350

re: Appeal Case # 2020-107 - 16 April

This is to inform you that I'm against
granting a permit for STRP - these rentals
are extremely disruptive to the
neighborhood & adversely effect current
home owners property values.

Thank you

Kaye Delfino

From: [Thomas Torrence](#)
To: [Planning Staff](#); [Board of Zoning Appeals \(Codes\)](#); epermits@nashville.gov
Subject: Comments about Appeal Case 2020-107
Date: Monday, April 6, 2020 1:58:21 PM

To whom it may concern regarding Appeal Case 2020-107 Map Parcel: 104021J00400CO (Permit#20200013816),

I wanted to submit comments about the above referenced case that is scheduled for hearing in the upcoming weeks. We support the zoning administrator's cancellation of the existing STRP permit with the property changing ownership.

As you know, this area has seen tremendous growth and many of the single family homes have been knocked down and replaced by multifamily buildings which have been converted into Short Term Rentals creating many consequences for the remaining family owned and occupied residences including:

1. People in short term rentals being used for parties creating noise concerns (including one where several neighbors had to call the police just this past weekend on Mason Ave because of noise and a fight)
2. People in short term rentals loitering in the street (where there are no sidewalks) to smoke since there is no smoking in the short term rentals creating a localized smoke pollution for the neighbors and a traffic hazard
3. People in short term rentals leaving trash/beer cans, etc. on the street and in front of our residences
4. Trash from the short term rentals being disposed of in our recycling bins

All of these concerns are the reason we support the cancellation of the existing STRP permit and would also ask the zoning administrator to consider the high density of short term rentals in our area that is negatively impacting the owner occupied residences in the area before issuing any further short term rental permits.

Please let me know if you have any questions or require additional clarification.

Thanks for your consideration,
Thomas and Suzanne Torrence
3125 Belwood St
704-763-8524

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



Appellant: COLLINS LEGAL, PLC Date: April 16, 2020
Property Owner: RYAN POLI Case #: 2020 - 131
Representative: GROVER C. COLLINS Map & Parcel: 072160V00200CO

Council District 07

The Undersigned hereby appeals from the decision of the Zoning Administrator, where in a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:

STRP Permit CASR #2018050388 was revoked in error & in violation of state law.

The Zoning Administrator found the Homeowners' Association By-Laws, by which this property is governed, does not allow short term rentals.

Activity Type: SHORT TERM RENTAL PERMIT

Location: 1517 B HAYDEN DRIVE

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

Reason: Homeowners' Association By-Laws disallow short term rental proeprties

Section (s): MCL 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.

Collins Legal, PLC
Appellant Name (Please Print)

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

(615) 736 - 9596
Phone Number

grover@collins.legal
Email

Grover C. Collins
Representative Name (Please Print)

414 Union Street, Suite 1110
Address

Nashville, TN 37219
City, State, Zip Code

(615) 736 - 9596
Phone Number

grover@collins.legal
Email

Appeal Fee: \$100.00

From: [Benedict, Emily \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)
Subject: Re: BZA 2020-131 (1517 B Hayden Dr)
Date: Thursday, May 21, 2020 10:55:26 AM

Sorry for the duplicate email. I have learned that the permit was revoked as it was violating the HOA. The residency issue is also still of concern. Still, I do not support the applicant's request.

Thank you,

Emily Benedict
District 7 Councilwoman
emily.benedict@nashville.gov
she/her/hers/councilwoman

Check out hub.nashville.gov for assistance!

From: Benedict, Emily (Council Member) <Emily.Benedict@nashville.gov>
Sent: Wednesday, May 20, 2020 5:48 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Cc: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: BZA 2020-131 (1517 B Hayden Dr)

Board,

This case is on the docket for your first meeting in June. I urge you to deny the applicant's request. Specifically, I have two concerns. First, as I understand it, the applicant missed the renewal deadline for their STRP. Secondly, although the permit is for an owner-occupied STR, it is my understanding that the applicant lives in the home only half of the year. Respectfully, I ask that you explore those concerns with the applicant, if you find it useful to your analysis.

Thank you for your service to the city. I look forward to your decision.

Emily Benedict
District 7 Councilwoman
emily.benedict@nashville.gov
she/her/hers/councilwoman

Check out hub.nashville.gov for assistance!

From: [Benedict, Emily \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)
Subject: BZA 2020-131 (1517 B Hayden Dr)
Date: Wednesday, May 20, 2020 5:48:45 PM

Board,

This case is on the docket for your first meeting in June. I urge you to deny the applicant's request. Specifically, I have two concerns. First, as I understand it, the applicant missed the renewal deadline for their STRP. Secondly, although the permit is for an owner-occupied STR, it is my understanding that the applicant lives in the home only half of the year. Respectfully, I ask that you explore those concerns with the applicant, if you find it useful to your analysis.

Thank you for your service to the city. I look forward to your decision.

Emily Benedict
District 7 Councilwoman
emily.benedict@nashville.gov
she/her/hers/councilwoman

Check out hub.nashville.gov for assistance!

309 Lake Valley Dr
Franklin, TN 37069
May 20, 2020

Re: 1517B Hayden Case #2020-131 Zoning Appeal

Please accept this correspondence as an objection to the short-term rental permit being requested.

As owner of this property, I feel strongly that the congestion in this portion of Hayden will become more difficult than it is now.

There are many cars within the adjoining property owners' homes; and at some points, there are more cars than people. In addition, the neighborhood appreciates the residential feel and quiet disposition of the neighborhood and we are somewhat concerned about potential problems the short term leaseholders may bring....certainly not all but with continual turnover of the home with this type of use, the potential is there for parties, noise, alcohol, police action, etc.

As can be seen, most of the homes on this street are relatively new construction; and with new construction comes new owners and a brand-new sense of pride of ownership. I am simply not in favor of a change like this infused into our part of Hayden and that may infringe upon my ownership or value.

Please consider the desires of the owners who pay the taxes and infuse into East Nashville a feel of home ownership, value of our asset and pride in the quiet, friendly neighborhood we have at present.

John and Diane Cinti, Property Owner of 1526 Hayden

A handwritten signature in cursive script that reads "John Cinti". The signature is written in dark ink and is positioned below the typed name of the sender.

John Buffham
1500 Corder Dr.
Nashville TN 37206
615 226 0981

RE: Zoning Appeal

Case number 2020-131

1517 B Hayden Dr.

In regards to the appeal challenging the zoning administrator's revocation of a short-term rental permit, I side with the administrator: I am opposed to approval.

A handwritten signature in black ink, appearing to read "John Buffham". The signature is written in a cursive, flowing style with a long horizontal tail stroke.

Lorrie Pate
2208 Sheridan Rd
Nashville, TN 37206

May 18, 2020

REF: Appeal Case No: 2020-131
1517B Hayden Dr
Map Parcel 072160V0020000

Dear Sir or Ma'am:

Please note my OPPOSITION to the request for appeal 2020-131. I support the administrator's revocation of a short term rental permit.

I am a property owner within 1000' of the subject location. I do not want my community to be short term rentals.

Sincerely



Lorrie Pate

1-615-210-8436
lorrie.g.pate@gmail.com

1526 Hayden Dr
Nashville, TN 37206

May 20, 2020

Re: 1517B Hayden Case #2020-131 Zoning Appeal

Please accept this correspondence as an objection to the short-term rental permit being requested.

As leaseholder of this property, I feel strongly that this occupancy use on Hayden will not be to our betterment. At present, we have a nice neighborhood of friendly, professional new owners and renters who value their home and neighborhood. Constant improvements to homes up and down the street have been seen since I moved into my home in 2017.

More cars, unknown people coming and going are not a part of change I want to see. Congestion in this portion of Hayden will become more difficult with possibly more vehicles parking on lawns and higher vehicular traffic on the street. In addition, the neighborhood appreciates the residential feel and quiet disposition of the neighborhood and we are somewhat concerned about potential problems that the short term leaseholders may bring....certainly not all but with continual turnover of the home with this type of use, the potential is there for parties, noise, police action, parking problems, etc. I do not know the maximum occupancy planned for this home but if it is a 3- or 4-bedroom home, I am sure we are looking at a potential occupancy of a constant 6-8-10 renters.

As can be seen, most of the homes on this street are new construction; and with new construction comes new owners/leaseholders and a brand-new sense of pride of ownership and neighborhood desirability. I am simply not in favor of a change like this infused into our part of Hayden and that may infringe upon the quiet enjoyment and safety of the house I call home.

Please consider the desires of the occupants who live on Hayden, owners who pay the taxes and leaseholders who pay rent to live in this area. This change may affect us as neighbors....

Marco and Shayna Cinti