METROPOLITAN BOARD OF ZONING APPEALS

The 7/02/20 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 <u>bza@nashville.gov</u>. Comments received by 12:00 noon on Wednesday, July 1,2020, will be included in the board's packet for their review. Any comments received after that time will be read into the record at the meeting. We urge you to make comments electronically. However, a remote station will be set up at the Sonny West Conference Center (700 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 07/02/20 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

2020-123 (3308 & 3312 Charlotte Ave) – Deferral recommended for approval.

2020-138 (4 25th Ave N) – requesting a variance from 20ft setback to construct a single-family residence.

2020-145 (**2020 Lindell Ave**)-requesting a Special Exception in the IR District, to operate a children's theater.

New Cases To Be Heard

CASE 2020-075 (Council District - 34)

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

Use-Religious Institution

Map Parcel 15900026400

Results- Deferred to 9/3/2020

CASE 2020-109 (Council District - 24)

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

Use-Detached Accessory Dwelling Unit

Map Parcel 10312015900

Results-

Page 3

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

Use-Multi-Family

Results-

Map Parcel 09209035900 Map Parcel 09209035700

CASE 2020-134 (Council District - 4)

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

Use-Religious institution

Map Parcel 1810000800

Results- Indefinite Deferral

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

Use-Single Family

Results-

Map Parcel 08110030600

Page 4

CASE 2020-141 (Council District - 34)

DEWEY ENGINEERING, appellant and **PMT PROPERTIES**, **LLC**, owner of the property located at **5611 FRANKLIN PIKE**, requesting variances from front and rear setback requirements and a special exception for the commercial/retail use requirement of the Adaptive Reuse Development standards in the CL District, to construct 6 residential units. Referred to the Board under Section 17.16.030 F.6, 17.12.030 B. and 17.12. 020 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 16000001300

Results-

CASE 2020-145 (Council District - 17)

THE THEATER BUG, INC., appellant and **2020 LINDELL, LLC**, owner of the property located at **2020 LINDELL AVE**, requesting a Special Exception in the IR District, to operate a children's theater. Referred to the Board under Section 17.16.220. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 D.

Use-Theatre

Results-

CASE 2020-146 (Council District - 5)

BRIAN GAINOUS, appellant and **G. CO. INVESTMENTS, LLC**, owner of the property located at **1512 JONES AVE**, requesting an Item A appeal challenging the zoning administrator's denial of a permit. in the RS5 District, to permit a duplex. Referred to the Board under Section 17.40.650 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Two Family

Results-

Map Parcel 10510036000

Map Parcel 07112031900

CASE 2020-147 (Council District - 7)

URBAN DWELL HOMES, GP, appellant and owner of the property located at **1226 B MCGAVOCK PIKE**, requesting a variance from sidewalk requirements in the R8 District, to construct a single-family residence without building sidewalks but instead contribute to the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 072070K00200CO

Results-

SHORT TERM RENTAL CASES TO BE HEARD

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, to obtain a permit. Referred to the Board under Section 17.16.070. 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 **1517B HAYDEN DR**, requesting an Item A appeal challenging the zoning administrator's revocation of a short-term rental permit in the R10 District, to reinstate the short-term rental permit. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 072160V00200CO

Results-

LE AND DAVIDSON COUNTY

Metropolitan	Board	of Zoning	Appeal	s
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Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

Appellant: Kathleen Murphy, Metro Council

Property Owner: Joan Mayhugh

Representative: Metro Council Office

Date:	March 9, 2020	
Case #	: 2020 - 109	

Map & Parcel: <u>10312015900</u>

METROPOLITAN GOVERNM

Council District <u>24</u>

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

Purpose:

The appellant, Metro Council member Kathleen Murphy, individually and on behalf of the residents of the 24th Council district, hereby seeks an appeal pursuant to Section 17.40.180.A to challenge the granting of a building permit for an accessory structure at 218 Mockingbird Rd. based on the 3' setback determined by the Metro Nashville Historic Zoning Commission.

Activity Type: Building Permit for an accessory structure with DADU (Permit# 2019050643)

Location: <u>218 Mockingbird Rd.</u>

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

Reason:_

Section(s): _____ 17, 40.180. 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.

Kathleen Murphy, Council Member	Matthew Wilkinson, Metro Council Office	
Appellant Name (Please Print)	Representative Name (Please Print)	
One Public Sq., Ste 204	One Public Sq., Ste 204	
Address	Address	
Nashville, TN 37201	Nashville, TN 37201	
City, State, Zip Code	City, State, Zip Code	
615-862-6780	615-862-6780	
Phone Number	Phone Number	
kathleen.murphy@nashville.gov	matthew.wilkinson@nashville.gov	
Email	Email	
Zoning Examiner:	Appeal Fee:	

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.

Kathleen DMurphy

APPELLANT

March 9, 2020

DATE

From:Lamb, Emily (Codes)To:Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)Subject:Fwd: thoughtsDate:Monday, May 4, 2020 10:00:31 AM

For the case file. 2020-109

Thanks.

Get Outlook for iOS

From: Zeigler, Robin (Historical Commission) <Robin.Zeigler@nashville.gov>
Sent: Wednesday, April 29, 2020 10:47 AM
To: dftaylor98@gmail.com; Michael, Jon (Codes); Lamb, Emily (Codes)
Cc: Poole, Quan (Legal); Walker, Tim (Historical Commission)
Subject: RE: thoughts

Dear David, Emily and Jon Michael:

On May 7th, you will hear a case requesting to rescind a building permit for 218 Mockingbird. We have heard several comments that are incorrect and so wanted to provide you with information in advance of the meeting that may help with the board's deliberation.

- I think there is the belief that this hearing is to rescind the Preservation Permit issued by the MHZC. Quan agrees that the proper avenue for that would have been to appeal the MHZC's decision; however, no one did that. The decision was in July of last year and the appeal period has passed. What will be before you is to rescind the building permit issued by the Codes Department; therefore, what the MHZC did or didn't do likely won't be relevant, but I wanted to pass on some additional information.
- 2. Several neighbors have said that the MHZC approved a reduced setback from that required by bulk zoning; however, that is not the case. The MHZC has the ability to set setbacks but has chosen to follow the bulk zoning standards except where they find there is a compelling reason not to. They are not required to follow bulk standard setbacks; however, in this case they did. The applicant initially asked for an outbuilding with more than a 700 square foot footprint that would have had a bulk zoning side-setback of 5'. Staff recommended that the building meet that 5' setback. At the MHZC public hearing, the applicant agreed to redesign the project with a 700 square foot footprint. For that size of building, the bulk standard for a side-setback is 3'. The Commission approved the project with the condition that the building not exceed 700 square feet and that the setback be 3'.
- 3. Several neighbors have said that the building was approved to be constructed within a private easement; however, that is not the case. The MHZC did not know about the easement at the time of their decision but even if they had, it is a private easement that requires legal action between the owners if there is a belief that the easement requirements are not being followed. It is not Metro's role to enforce private easements. Even so, based on the information given us, after the decision was made, the building is not located within the private easement.

4. Several have said that I admitted that a mistake was made in issuing this permit. We do not believe a mistake has been made and have not admitted to a mistake in this case.

Please do not hesitate to contact us if you have any questions.

Robin



LAW OFFICES TUNE, ENTREKIN & WHITE, P.C.

SUITE 1700 315 Deaderick Street NASHVILLE, TENNESSEE 37238-1700

TELEPHONE (615) 244-2770 | FACSIMILE (615) 244-2778

Sender's E-mail: sjblanton@tewlawfirm.com

JOHN C. TUNE (1931-1983) ERVIN M. ENTREKIN (1927-1990)

* RULE 31 LISTED GENERAL CIVIL MEDIATOR

20 April 2020

Via Email: <u>BZA@nashville.gov</u>

Metropolitan Board of Zoning Appeals c/o Emily Lamb Department of Codes Administration Metro Office Building 800 2nd Avenue South Nashville, TN 37210

Re: <u>BZA Case 2020-109 – Item A Appeal</u> Approval of Permit CARA 2019050643 for 218 Mockingbird Road

Dear Chairman David Taylor and Board Members:

This law firm represents the owners of 218 Mockingbird Road, Thomas and Joan Mayhugh. In summary, the Metro Board of Zoning Appeals does not have jurisdiction to hear or rule on this appeal, as the deadline to appeal the permit from the Metro Historical Zoning Commission (MHZC) has long passed.

The MHZC granted the Mayhughs a permit to build a detached dwelling after a contested hearing on July 24, 2019 (HCPERMIT 2019039587). With approval from MHZC, Metro Codes Department issued a building permit on September 4, 2019 (CARA 2019050643). The Mayhughs have done substantial work on the building since that time, and the Historical Commission has inspected the construction's progress without issue. This Item A appeal was filed to challenge the granting of this building permit and comes after litigation attempting to halt the construction. Davidson County Chancery Court, Case No. 19-1506-II. As explained below, the Board of Zoning Appeals does not have jurisdiction to reverse MHZC's issuance of a permit and thus should remove this action from its agenda.

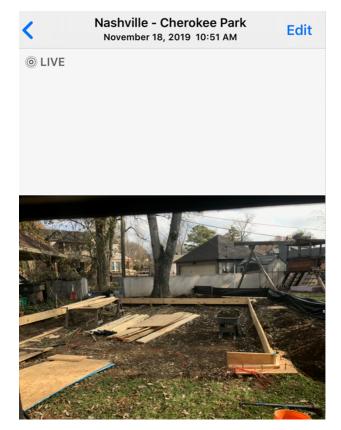
The MHZC issued the Mayhughs a permit on July 24, 2019 after a hearing. Interested parties had sixty days from that point to appeal this decision by filing a writ of certiorari in the Davidson County Chancery Court. Tenn. Code Ann. § 27-9-102. However, no such action was filed. The decision of the MHZC to grant a permit for the Mayhughs to build their detached unit

on its current location is thus not appealable and is final. The Metro Codes Department's approval of the final plan was automatic with the MHZC's issuance of a permit. The present appeal is an attempt to reverse the decision of the MHZC—the proper vehicle to make such an appeal is a writ of certiorari and, accordingly, the BZA does not have jurisdiction to hear this matter and should dismiss this appeal.

Even if the BZA had jurisdiction to hear this appeal, which it does not, the appeal would still be untimely. Section 17.40.260 of the Metro Code states:

A final site plan action by the zoning administrator may be appealed by the applicant to the board of zoning appeals. The approval of a final site plan by the zoning administrator may be appealed to the board of zoning appeals by a nonapplicant **within thirty days following commencement of construction** as defined by Section 17.04.030(A)(1).

17.40.260 (emphasis added). Metro Codes issued the building permit on September 4, 2019. The Mayhughs began construction by installing the footings and foundation framing on November 18, 2019:



It is now well past thirty days since the start of construction. MHZC's own records confirm that the concrete forms were partially set by November 25, 2019. The walls are up on this structure; see the below photo of the structure as it exists today:



The Mayhughs now have a vested right to finish their building, and the appellant is several months too late to appeal. Further, the land this building sits on is currently in litigation and subject to an ownership dispute. Davidson County Chancery Court, Case No. 19-1506-II. Accordingly, for all the above reasons, the BZA does not have jurisdiction to hear this appeal and should dismiss it from the agenda administratively.

Sincerely,

TUNE ENTREKIN & WHITE, PC

Thomas V. Write by permission

Thomas V. White

Samuel G. Phunton

Samuel J. Blanton Attorneys for Thomas and Joan Mayhugh

From:	Lamb, Emily (Codes)
To:	George Dean
Cc:	Michael, Jon (Codes); Thomas V. White; Sam Blanton; Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	RE: Letter in Opposition to Case #2020-109 (218 Mockingbird Road)
Date:	Tuesday, May 19, 2020 9:12:35 AM

Thanks, George. We'll include it in the board packet that will be distributed Wednesday at noon. And we'll look forward to seeing Tom and Sam at the meeting if they come.

Emily

From: George Dean <gdean@tewlawfirm.com>
Sent: Tuesday, May 19, 2020 9:11 AM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Cc: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Thomas V. White
<tvwhite@tewlawfirm.com>; Sam Blanton <sjblanton@tewlawfirm.com>
Subject: Letter in Opposition to Case #2020-109 (218 Mockingbird Road)

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

Emily,

Attached is a copy of a letter submitted opposition to Kathleen Murphy's appeal from the Historic Zoning Commission concerning the setback at the above referenced property.

As you may recall, we also filed a letter about a month ago, dated April 20, 2020, also in opposition. This new letter simply expands on the basis for our opposition somewhat. If you would add that to the record and if possible, get copies to the board members, we would greatly appreciate it.

I anticipate that Tom White and Sam Blanton will be at the meeting to speak in opposition as well.

If you need any other information or materials from us, please don't hesitate to call.

Thank you!

-- George

Tune Entrekin & White, PC Suite 1700, 315 Deaderick Street Nashville, TN 37238 Phone: 615-244-2770 Fax: 615-244-2778 gdean@tewlawfirm.com This email and any files transmitted with it are confidential, protected by the attorney-client privilege and intended solely for the individual or entity to whom they are addressed. If you have received this email in error please destroy it immediately and notify the sender of the error.

May 27, 2020

Dear Members of the Metro Nashville Board of Zoning Appeals:

We are writing to ask you to support the Item A appeal filed by our Councilwoman, Kathleen Murphy, of a permit issued by Metro Historic Zoning for construction of a DADU at 218B Mockingbird Road in Cherokee Park, the neighborhood where we have lived for 32 years.

Below is a photo of this construction that lays out in visual terms what is at issue:



There is a driveway easement referenced in both our deed and Mrs. Mayhugh's deed. The placement of the DADU under construction at 218B Mockingbird has been measured at three feet off the property line and not three feet off the easement. This is not in conformance with the requirements of Metro's laws.

The owner of 218 Mockingbird. Mrs. Joan Mayhugh, signed a restrictive covenant in order to obtain a building permit for a detached accessory dwelling unit behind her home on August 29, 2019. That covenant binds her to comply with Section 17.16.030 F of the Metro Code and all other laws of the Metro Government.

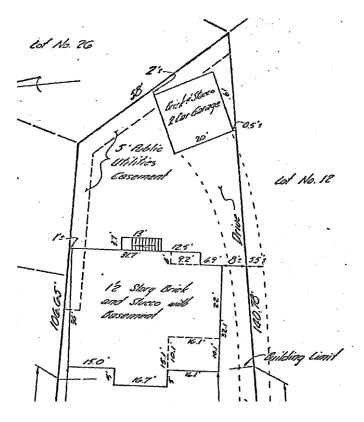
Subsection F refers to adaptive residential usages which does not appear to have much application to this case. Subsection G refers to Accessory Dwellings, which does pertain to the issues before this Board. Specifically, Section 17.16.030 G (4) states: "Setbacks. The setbacks for a detached accessory dwelling shall meet the setbacks found in Section 17.12.040.E. for accessory buildings."

Section 17.12.040 E (1) (b) states: "Accessory buildings (including above-ground swimming pools extending more than twelve inches above ground level) of seven hundred square feet or less, when located to the rear of a principal structure, shall provide a minimum side setback equal to one-half of that required for the district (but not less than three feet)" The base zoning for the property is R8 which requires a side setback of 5 feet. One half of the required five feet is less than the minimum of three feet required.

Mrs. Mayhugh accepted the conveyance of the home to her subject to an easement for a driveway which serves the adjacent property:

This conveyance is subject to: Taxes for 2015, and subsequent years; The Plan, with Owner's Certificate, of record in Book 547, pages 169 and 170, said Register's Office, which Plan shows a 40, foot minimum building setback line from Mockingbird Road, and a 5 foot easement for public utility purposes along the rear line(s) of said lot. Easement for Driveway of record in Book 4646, page 89, said Register's Office.

The easement attached to our deed recorded in 1972 shows the existing driveway access encroachment. The dotted lines in the drawing below show the existing driveway easement which encroached on Lot 18, now owned by Mrs. Mayhugh:



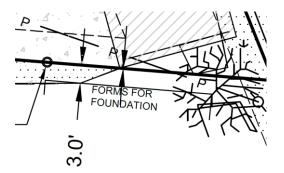
Section 17.12.010 states that the purpose of the chapter is to establish appropriate standards relating to the size and placement of structures. This includes setbacks.

This same provision states that building and zoning permits shall be issued ONLY in compliance with the bulk regulations. The definition of setback in Section 17.04.060 B is "that part of a lot extending open and **unobstructed** from the lowest level to the sky...along the length of a lot line for a depth or width set forth in the bulk regulations for the district in which the lot is located."

A side setback is defined as the setback extending along a lot line from the front setback to the rear setback.

The central issue here is that the side setback should be from the edge of the easement, not the property line by deed. The definition of setback references "open and unobstructed". An access easement is an obstruction and Mrs. Mayhugh should have built from the edge of the easement, NOT from the deed line.

In fact, Mrs. Mayhugh has built the DADU ON to the easement. The survey clearly shows the placement of the construction forms for Mrs. Mayhugh's DADU was actually located on the easement itself:



The photograph of the construction that appears on the next page of this letter, which was taken in January 2020, shows the placement of Mrs. Mayhugh's DADU on the driveway easement:



In no way does this construction meet the requirements of the bulk regulations for appropriate setbacks from structures and obstructions. The restrictive covenant signed by Mrs. Mayhugh explicitly requires that her DADU construction project comply compliance with all Metro laws. The placement of the DADU at 218B thus violates the law.

"Permits, certificates of occupancy and the like, issued under zoning laws, may be revoked by municipal authorities for good cause." <u>Harding Acad. v. Metro. Gov't of Nashville & Davidson Cty.</u>, No. M2004-02118-COA-R3-CV, 2006 Tenn. App. LEXIS 177, at *34-35 (Ct. App. Mar. 14, 2006).

Mrs. Mayhugh knew the easement issue existed before she began construction and she placed the DADU where she did with full knowledge of the potential consequences. The underlying property dispute between the parties is ongoing and the ownership issue will be resolved by trial in October. However, regardless of the outcome of that trial, the easement rights held Ms. Renshaw and Mr. Horick are indisputable. The permit was obtained by John Coleman Hayes Construction. If the placement of the DADU is the fault of the contractor, then Ms. Mayhugh has recourse against the contractor.

The permit should be revoked.

Sincerely yours,

Grace Renshaw and Randy Horick 220 Mockingbird Rd., Nashville, TN 37205

From:	Keith Maddin
То:	Board of Zoning Appeals (Codes)
Subject:	In favor of this appeal
Date:	Sunday, April 19, 2020 3:59:31 PM

I am so glad that Kathleen Murphy is appealing the issuance of this building permit. What this neighbor has built does not fit in with the integrity of the neighborhood. To start with, her home doesn't fir the neighborhood but the structure she has started building is a monstrosity. Furthermore, the way this family has treated their next door neighbors is despicable. To think they built the new structure on the neighbor's existing driveway is unbelievable. I support Kathleen Murphy as do all the neighbors in the immediate area.

Keith Maddin

4029 Aberdeen Rd (I love at the corner of Aberdeen and Mockingbird)

https://epermits.nashville.gov/#/permit/3779339? searchCode=PRMT&page=1&searchText=20200015549&searchType=permit&o rderBy=fullAddress ASC.permitNumber ASC

Permit

Permit Number	CAAZ 20200015549
Туре	Zoning Board Appeal
Status	Open
Expiration Date	Sep 10, 2020
The appellant, Metro Council member Kathleen Murphy	, individually and on beha

The appellant, Metro Council member Kathleen Murphy, individually and on behal hereby seeks an appeal pursuant to Section 17.40.180.A to challenge the granting 218 Mockingbird Rd. based on the 3' setback determined by the Metro Nashville F

Keith Maddin 615-330-6546

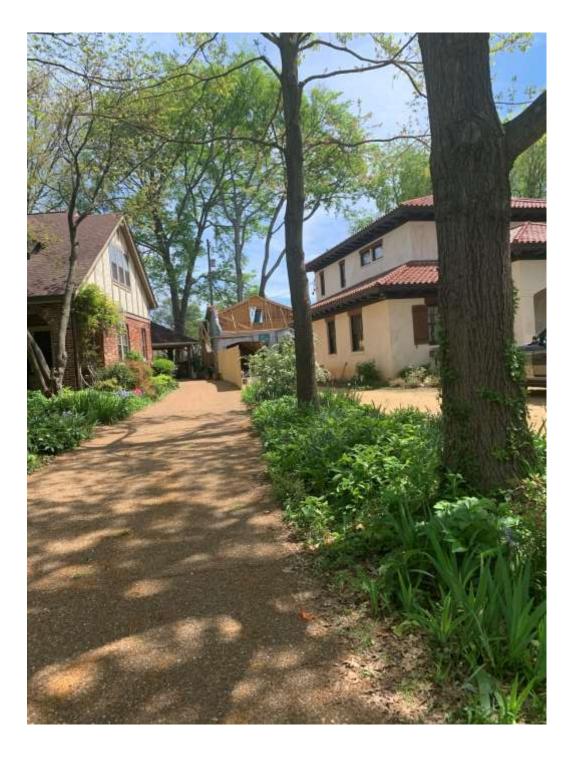
218 Mockingbird



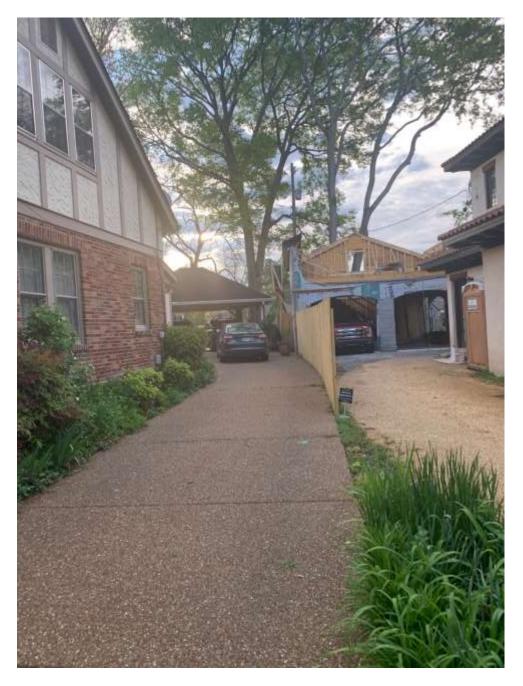
This is the view of what was there before Historic approved the home and the DADU. Photo was taken in 2014.



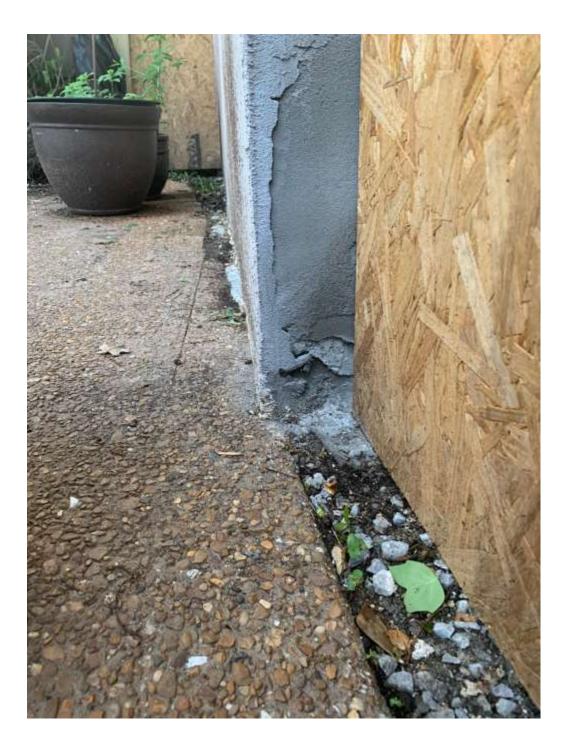
This clearly shows the encroachment prior to construction. The board is the footer form.



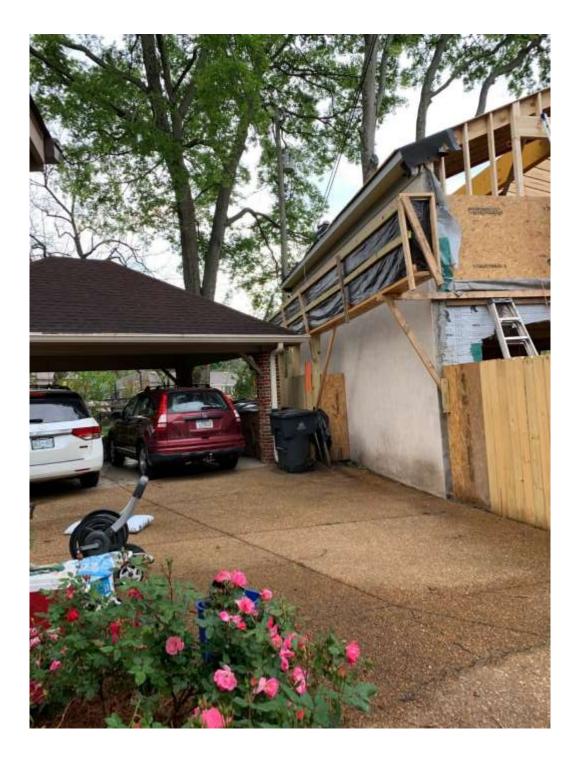
A view from Mockingbird front to back. The scale and massing of the house and the DADU dwarf surrounding properties. The approval of this project by Historic is questionable under the conservation overlay guidelines given the materials approved. Nonetheless, we did not oppose the house or the DADU. The only objection we had was to the location of the DADU which we believed was too close to the setback.



Ms. Mayhugh's DADU under construction with the fence she constructed an inch off the driveway easement. The DADU itself actually is constructed on the driveway easement which is apparent in closer photographs. This does not comply with the setback requirements.



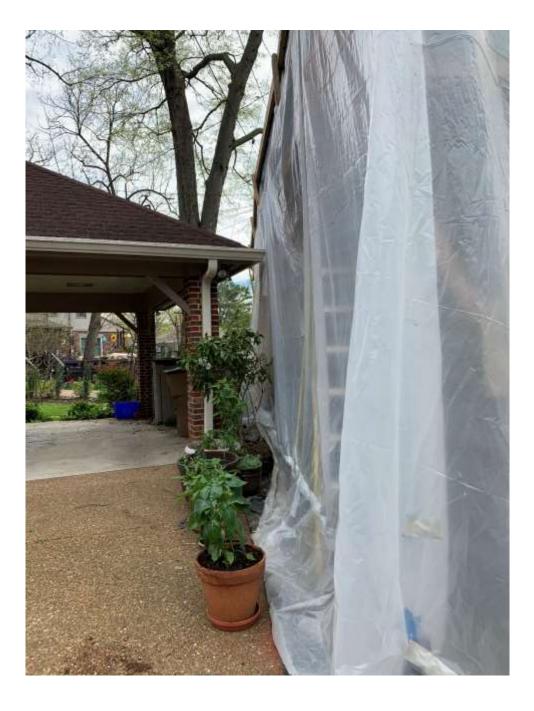
This is the corner of the DADU which is actually resting on top of the easement. There is no practical means by which Ms. Mayhugh can access this side of the DADU short of encroaching on the driveway. One purpose of setbacks is to ensure access which does not exist here.



Another view showing the scaffolding constructed which overhangs the property line.



Ms. Mayhugh's DADU has zero setback from the easement. It is on the easement and Ms. Mayhugh's workers cannot access the side of the DADU without being on the driveway.



Ongoing construction and the encroachment continues. Again, this is a violation of every setback principle. Codes did not see this until after construction began because no footing inspections were called in and Historic apparently never reviewed the site layout.

April 23, 2020

Anona K. Johnson 204 Mockingbird Road Nashville, TN 37205

Metro Board of Zoning Appeals 700 Second Avenue North Nashville, TN 37210

Dear Board of Zoning Appeals Members:

In response to a letter I received from your board last week, I am writing to support an Item A Appeal made by our district's Metro Council member, Kathleen Murphy, regarding the construction project at 218 Mockingbird Road, which is on the same block as the home where I have lived for many years.

My home, like several other older homes in our neighborhood, has an original two-car garage with an apartment on the second story. But none of these original garage apartments are so close to the main house or to the property lines that they detract from the value and appearance of neighboring properties.

The garage now under construction at 218 Mockingbird does not fit this neighborhood pattern at all, and it stands out like a sore thumb. It is not set back at all from the driveway next door at 220 Mockingbird (in fact, one corner of it actually sits on the neighbors' driveway), and the eaves of its roof hang almost right over the neighbors' carport.

I believe that a detached structure this large should have never been allowed so close to a property line. There is nothing else in our neighborhood like this.

Our Cherokee Park neighborhood is supposed to be protected by conservation zoning. This huge structure at 218 Mockingbird does nothing to "conserve" the look and character of the neighborhood; instead, it will damage them. Conservation zoning either means something, or it doesn't. It is now up to you to determine whether my neighbors and I will be protected from structures like the one now going up down the block from me.

Please grant Councilwoman Murphy's Item A Appeal.

Sincerely yours,

anona K. Johnson

Anona K. Johnson

From:	Plummer, Kathryn C
To:	Board of Zoning Appeals (Codes)
Subject:	Please support Item-A Appeal of DADU Permit at 218 Mockingbird Road/Appeal Case No. 2020-109;
Date:	Monday, June 1, 2020 5:38:13 PM

Dear Members of the Metropolitan Board of Zoning Appeals,

This morning I read the agenda items slated for the June 4, 2020 BZA meeting. I peruse the site when time permits to see if any appeals are scheduled in my District 25. Scrolling through the items, CM Murphy's appeal challenging the granting of a building permit at 218 Mockingbird Road caught my attention especially when I viewed the photographs posted by the directly affected residents at 220 Mockingbird Road. The photos are highly troubling as they certainly reveal the DADU is located on the driveway easement. Every residential property owner whose reliance in government agencies to oversee and make critical inspections and determinations has to be questioning how did this situation get to this point. I fully support CM Murphy's appeal to rescind the building permit at 218 Mockingbird Road.

Sincerely, Kathryn Plummer 3416 Benham Ave. Nashville, TN 37215 To: Metropolitan Board of Zoning Appeals

From: Owen C Finley 223 Lauderdale Rd. Nashville, TN 37205

Re: Appeal Case Number 2020-109 218 Mockingbird Rd

Thank you for notifying me of this Zoning Appeal in my neighborhood.

The garage apartment that is being built appears to be on the property line. When I built my screened-in porch, I was required to build 3 ft off the line. I agree with this requirement. The houses in this neighborhood are built close together on mostly small lots as it is.

Building on the line in this situation is inappropriate. Next time it could be someone building on the line next to my house. This is not right. I am not in favor of waiving the requirement to build 3 ft off the line.

Thank you for the opportunity to comment.

Sincerely,

Owen C. Finley

Owen C Finley

24/20

TO: Board of Zoning appeals

DEPARTMENT OF CODES AND BUILDING SAFETY

PO BOX 196350

NASHVILLE, TN 37210

Re: Appeal case Number 2020-109

218 Mockingbird Rd

MAP AND PARCEL 103120015900

The undersigned are expressing their opposition to the permit for a detached accessary dwelling unit.

Darwin Pankey 227 Lauderdale Rd Paul Her 3 Paul Heer 225 Lauderdale Rd Crin monton 250 Lauderdale Rol Fillector Celest Reid 2/21 Mockingerid Rd. emily 20 Ucinghird Road 2061 Kathmink Jall 215 Landerdale Rd Nashville, Tn 37205 hodes 210 Landerstale Rd Dayly R Cc Council Member Kathleen Murphy Atizan Pho her 210 LANDERDAU ROAD Mellicent Harris 224 Landendole Rol 114 Mockingbird Rd.

Sue Fort White Stephen L. White 4021 Aberdeen Avenue Nashville, Tennessee 37205 April 27, 2020

RE: Appeal Case No. 2020-109 218 Mockingbird Road Map Parcel: 10312015900 Zone Classification: R8 Council District: 24

Metropolitan Board of Zoning Appeals:

We have lived in our home for nearly thirty-four years. During that time, we have seen a great deal of change in the Cherokee Park neighborhood. Most of this change has represented great improvement to individual home appearance and financial value and to the neighborhood as a whole and is attributable to a significant degree to the historic conservation overlay which we wholly support.

We are writing **in support of Metro Council member Kathleen Murphy's appeal** in reference to the detached garage at 218 Mockingbird Road. Ms. Murphy and others are rightfully upset that this construction was allowed without meeting the minimum five-foot side yard setback which in this case needed to respect the position of the neighbor's garage.

We would generally question the wisdom in the deliberations that resulted in the Historic Zoning Commission approval of the faux adobe treatment in the previous renovation of the existing home on that site. While the original ranch style home was not historically significant, it was at least consistent with other 1950's homes in the neighborhood. The conservation overlay has served the neighborhood well in the past; however, this approval was an unfortunate mistake. Hopefully, it will not be exacerbated by the garage addition.

Sincerely,

Su Fort White

Sue Fort White

From:	Bea Troxel
To:	Murphy, Kathleen (Council Member)
Subject:	A Appeal of 218 Mockingbird DADU permit
Date:	Monday, May 18, 2020 11:55:34 AM

Hello,

I just want to vouch for the Horicks in their zoning appeal (A Appeal of 218 Mockingbird DADU Permit). They do not want the neighbors gone, nor do they want to stir up trouble. They merely want to keep their driveway and the trees that have been growing along it. They want to get along with their neighbors and to peaceably sort this out. Please grant leniency so that they don't have a huge dadu riding right against their property. It's not that they want to inhibit their neighbors, it's that they want this war over the property line to end as quickly as possible. It is not neighborly and it is cruel, especially during a time when everyone is trapped in their homes.

I've known the Horicks for nine years and I know that they want what is best for the community and for the neighborhood. They are doing this because of how cruelly their neighbors have behaved in these negotiations.

Best, Bea Troxel

From:	Bill T. Williams
To:	Board of Zoning Appeals (Codes)
Subject:	Councilwoman Murphy appeal of construction at 218 Mockingbird Road
Date:	Friday, May 29, 2020 4:29:05 PM

When this matter came about I supported the Historic Zoning Commission's staff recommendations. I still support that decision and hope you will look closely at their recommendations.

Bill Williams 615-943-4983 To Metro Historic Zoning Commission:

+ BZA

April 27, 2020

We are writing to tell you how disappointed we are as neighbors that you approved the design at 218 Mockingbird Road.

Your job is to enforce the guidelines which "protect the neighborhood from new construction or additions not in character with the neighborhood."

The sprawling Mexican style hacienda is jarringly incongruous in our neighborhood of refined Tudor and Colonial Revival architecture.

We have copies of the Cherokee Park Neighborhood Conservation District Handbook and Design Guidelines. It is difficult to see how you determined that the house at 218 Mockingbird fits into those guidelines.

In addition, your commission subsequently approved a DADU for the site. In reading your document on outbuildings it is noted that "The outbuilding should be compatible, by not contrasting greatly, with surrounding historic outbuildings in terms of height, scale, roof shape, materials, texture and details." Again, it is hard to see how you determined this DADU, and its location on the property to be within your guidelines.

The process of approval and permitting of this house and its DADU have been a source of friction for the immediate neighbors, and concern for many of us. As I write this, the work of building the DADU is ongoing despite the appeal challenging the issuance of its permit. Apple 2020-109

Because we do have other infill houses built after 1950, the concern is that as they may be torn down and replaced, similar houses to the one approved at 218 Mockingbird could be built.

These are challenging budgetary times, and Nashville is in the midst of an unprecedented building boom. If your commission is understaffed and you are not able to give the careful consideration (and site visits) owed to neighborhoods you are charged to protect, perhaps you would consider having some citizen volunteer power assist you. Neighbors are especially interested in the aesthetics around them and how their property values will be affected. Neighborhoods could appoint a representative to be present for meetings and appeals.

Respectfully,

Of theese

Celeste Reed 212 Lauderdale Rd 615-430-3638

Letter to Metro Historic Zoning Commission RE: property at 218 Mockingbird Rd, 37205

31205 Dwen C. Finle 223 Lauderdale Rd. Betty Kan Wasserma 228 Landerdale Rd Sandra Pankuy 227 Rauderdale Rd fint Alfer 1 225 Junder Del 20. Vaul Aren 225 Landerdele Ref 37205 arelin 7. The 222 LANDGEDALE ED 37205 Eusabett Demyson 233 Lawderdale Kd 37205 Jana Billing a - 202 Linducture Soud 31205)-205 LAUDERDALE ROAD 37205 Said Dixan 203 Landerdale Rd. 37205 Chaq Dix 203 Landerdole Red 37805 Kathun Iriftaly 215 Landerdale Rd 37205 Iray Compell 211 Lauge date Rol 37205 16 ptappill 211 Loubind gra 111 51205 10mg Hildebrand 217 handerdale Rd 37205 219 Landedal Rd 37205 The Jobert SM 257 Landervale 37205

JOHN COOPER MAYOR



DEPARTMENT OF CODES & BUILDING SAFETY

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

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

March 25, 2020

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE:

Appeal Case Number: 218 MOCKINGBIRD RD Map Parcel: Zoning Classification: Council District:

10312015900 **R8** 24

2020-109

This is to inform you that Kathleen Murphy filed an appeal for the property at the above referenced location. The appellant requested an Item A appeal challenging the zoning administrator's issuance of a building permit for a detached accessory dwelling unit. Should this request be approved, it would invalidate the permit.

*****THIS IS NOT A ZONE CHANGE REQUEST*****

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY 5/7/2020, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.

This letter is being sent to you because you are the owner of property located within 1000' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20200015549 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

BUILDING. ELECTRICAL. GAS/ MECHANICAL - GAS/ MARK/ GAS/ MARK/ GAS/ MECHANICAL - GAS/ MARK/ GAS/ MAR

Appeal Case # 2020-109 April 22, 2020 To Metro Board of Zoing Appeals, I fully support this appeal to rescind the milding permit at 218 Mockingmind Rd. Nashville, TN 37205. Thank you, Kaller (1. Hall Ratherine K. Hall 215 Lauderdale Rd. Nashville, TN 37205

Case # 2020-109

June 3, 2020

William Bryant

207 Mayfair Road

Nashville, TN 37205

RE: 2020 - 109

Greetings Ms. Murphy,

Thank you for filing the zoning appeal regarding the property at 218 Mockingbird RD and including me in the notification list. I apologize that I am late in responding, but I do want to share some of my concerns.

My wife and I have lived in Nashville since 1977 except for a period between 1985 and 1990. We have been part of the Cherokee Park neighborhood since 2006. My dealings with the Metro Department of Codes and Building Safety have been few, but I have always gotten the feeling that they served the developers and builders rather than the citizens of Nashville. As for Metro Historic Zoning and Codes, my experience is limited to stories of inconsistencies in denying minor requests by individuals while allowing projects that do not remotely fit into the historic profile of Cherokee Park. As a result, there are incongruous structures such as the "Bauhaus" house on Mayfair Road, the "Taco Bell" house on Lauderdale Road and the "Palm Springs" house at 218 Lauderdale Road. None of these structures remotely fits the historic profile of Cherokee Park. Of late, there has been an increase in "zero lot line" construction which further detracts from the historic look and feel of Cherokee Park. The "detached accessory dwelling unit" which is the subject of this complaint is a grotesque example of this trend.

So, what is to be done in this case where Metro Historic Zoning and Codes issued a building permit without doing their due diligence including a site visit. One look at the existing historically nonconforming structure at 218 should have resulted in a denial of a building permit for the "DADU" simply to avoiding adding insult to injury. Going forward, the following are possible solutions:

Case # 2020-109

- Since the builder has arrogantly continued construction even after the filing of the appeal, the ideal would be for the structure to be torn down and the property returned to its original state if the permit is invalidated as it should be. This would send a clear message to the construction community that "shortcutting" or ignoring neighborhood concerns in the permitting process is
- At the least, an arrangement should be made to compensate immediate neighbors for the loss in property value due to the construction of this structure. This could be accomplished through a series of unbiased appraisals paid for by the owners of 218 Mayfair Road.

not acceptable. The builder should then be required to re-submit an application for a permit for the construction project named in the appeal.

• Finally, an adjustment should be made to the property line so that property line of 220 Mayfair RD includes the strip of land between the driveway of 220 Mayfair RD and 218 Mayfair RD. This should be incorporated into the deeds of both properties at the expense of the owner of 218 Mayfair RD.

It is hard not to be cynical about elements of Metropolitan Government that seem to exist to serve special interests rather than those of the citizens. This has resulted in rapid and haphazard development that has collapsed, at least temporarily, under the impact of covid19 resulting in the need for a property tax increase in excess of 30%. I am sure that I am not alone in my disgust with Metropolitan Government and its elected officials. In this case, changes should be made so that it is illegal to issue a building permit without a documented site visit. Metro Historic Codes and Zoning should be stripped of the authority to issue building permits and become an advisory body to the Metro Department of Codes and Building Safety. Conversely, the Metro Department of Codes and Building should be prohibited from issuing a valid building permit for construction in an historic overly area without a sign off by Metro Historic Codes and Zoning. Finally, the mission of Metro Historic Codes and Zoning should be to help citizens find constructive solutions for individuals who wish to make changes and additions to their homes while respecting the historic requirements of their communities.

Sincerely,

William Bryant

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From:	<u>G. Renshaw</u>
To:	Board of Zoning Appeals (Codes)
Subject:	Please grant the Item A appeal, Case # 2020-109, of the permit issued for 218B Mockingbird Rd DADU
Date:	Tuesday, June 30, 2020 3:27:31 PM
Attachments:	<u>ATT00001.htm</u>
	ATT00002.htm
	ATT00003.htm

Dear Board of Zoning Appeals members:

I'm writing to ask that you grant the Item A appeal for the construction permit issued for a two-story DADU at 218B Mockingbird Rd.

This structure overhangs our driveway at 220 Mockingbird and is draining onto it. One corner of it is actually situated on our driveway, and the builder has cut into and damaged our driveway to build this structure.

Since this Item A appeal was filed, Mr. and Mrs. Mayhugh have completed the second story of their DADU and installed a tile roof, which drains directly onto my driveway at 220 Mockingbird. I have attached a video of rainwater draining onto the driveway of my home at 220 Mockingbird from this DADU, which remains under construction at 218B Mockingbird Rd.

This email also includes updated photos of the encroachment of 218B on our driveway, a side view of the structure overhanging our driveway and overshadowing our carport, and a view from our back door.

Please grant this Item A appeal.

Thanks and regards -

Grace Renshaw 220 Mockingbird Rd. Nashville, TN 37205 615-584-3779

Download Attachment

Available until Jul 30, 2020













Dear BZA,

I am writing in support of the Item A Appeal for the DADU at 218 Mockingbird Road. The structure is not only a contradiction to the historical zoning regulations of the neighborhood in size and appearance, but it also encroaches on the easement protecting the driveway of 220 Mockingbird Road. I urge you to rescind the permit and enforce a proper setback.

Sincerely,

--Allie Horick Board of Zoning Appeals RE: Case #2020-109

We support conservation zoning and urge you to approve Council Member Murphy's Item A Appeal, Case #2020-109.

- The Mayhugh's detached garage/accessory dwelling unit (218 Mockingbird Road) doesn't reflect the character of the historic overlay or meet the 5' standard setback from the neighboring property of the Renshaw/Horick family (220 Mockingbird Road). Yet, it was approved.
- The Renshaw/Horicks appealed the setback decision, but their efforts appeared to be in vain. During the appeals process, the footer for the Mayhugh structure was placed on the Renshaw/Horick driveway, <u>which also has an easement overlay</u>, and construction ensued.
- The Renshaw/Horicks continued to appeal the process and, again, construction was allowed to continue. Today, the Mayhugh structure is built on the Renshaw/Horick's driveway easement.

We cannot understand how this building complies with setback requirements. If Metro Codes and the Historic Zoning Commission reviewed the site plans and conducted an onsite review, how could this project have been approved for construction?

What happened to the Renshaw/Horick family should be remedied and not be allowed to happen to other property owners. Approving Council Member Murphy's Item A Appeal is the best course of action.

Sincerely,

Ben and Anita Bailey Property owners of 217 Mayfair, which abuts the Mayhugh property

KAREN EDWARDS, PHD

219 Mockingbird Road | 615-385-3555 | karenedwards@comcast.net

To: Board of Zoning Appeals

Subject: Hearing on the Zoning Variance for 218 Mockingbird Road

Date: July 2, 2020 My name is Karen Edwards. I have lived at 219 Mockingbird Road for 28 years.

I request that the Board of Zoning Appeals reconsider and rescind the recommendation of the Metropolitan Nashville Historic Zoning Commission to allow a 2-foot setback for the new garage apartment of 218 Mockingbird Road.

- (1) My first concern is that new construction at 218 Mockingbird encroaches on the driveway of the historic home located at 220 Mockingbird and is too close an existing carport. The allowance of a 2-foot setback establishes a dangerous precedent undermining the integrity of an historic property to accommodate new construction not consistent with the original Tudor revival homes comprising the Cherokee Park Conservation Zone.
- (2) My second concern is the impact of Historic decision on the residents of 220 Mockingbird and the residents of Cherokee Park. Despite the fact that the residents of 220 Mockingbird used and maintained their driveway for more than 28 years, the Commission did not recognize the existence of a deeded residential easement encompassing the driveway.

The Commission's decisions to grant a 2-foot setback requirement and to ignore the residential easement create an untenable situation for the residents of 220 Mockingbird and the Cherokee Park Conservation Zone. The Commission's decision fails to protect an historic home and fails to preserve the integrity of the Cherokee Park Conservation Zone.

For these reasons, I request that the Commission rescind approval for the 2-foot setback for garage apartment for 218 Mockingbird Road and approve a standard 5-foot setback from the residential easement. This decision would protect the historic home located at 220 Mockingbird Road and preserve the Cherokee Park Conservation Zone.

Board of Zoning Appeals RE: Case #<u>2020-109</u>

I support conservation zoning and urge you to approve Council Member Murphy's Item A Appeal, Case #2020-109.

The reasons I support this are too many to list here.

I will not be available to personally attend the hearing.

This entire project has been a joke where everyone passes the buck and the ones hurt are overlooked. I am appalled at the bad job my government offices have performed the services on this project.

Sincerely,

Katherine McGill TN Principal Broker HBM II Inc. 615-415-7653

Search like a Pro – Download my free **HomeScout** App on your mobile device or tablet

From:	MICHAEL LINDSETH JR
То:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); Walker, Tim (Historical Commission); Zeigler, Robin (Historical
	<u>Commission</u>); <u>amy crownover</u> ; <u>stevesirls@comcast.net</u> ; <u>jkelley@nealharwell.com</u> ; <u>stevenhtaylortn@comcast.net</u> ;
	grace.renshaw@Law.Vanderbilt.Edu; cbaker3708@aol.com; cwcook@comcast.net
Subject:	218 Mockingbird
Date:	Wednesday, July 1, 2020 7:38:33 AM
Attachments:	2020 BZA photos for Case 2020-109 218B Mockingbird.pdf
	220 Mockingbird Road driveway easement - copy.pdf

Good morning-

I am the president of the Richland West End Neighborhood and former resident of Cherokee Park. Grace Renshaw brought 218 Mockingbird to my attention a few months ago. In reviewing the pictures and easement information, I am appalled this was allowed and frankly disappointed in our city for letting this happen.

Where are the setbacks and what about the the water runoff? Why did construction continue during this appeal?

I am urging the BZA to support item A against this DADU. Historic neighborhoods with overlays are treasures to Nashville and construction like this should be prohibited. The owners of these historic houses are mere stewards and the city must help enforce the laws so in 100 years the character and charm remains. This is a terrible precedent for our neighborhoods with overlays.

I have attached the information Grace shared with me and have copied some of the leadership of RWENA.

Thanks,

Michael Lindseth 3533 Richland Ave Nashville, TN 37205

This Instrument Prepared By: THOMAS E. WATTS, JR. ATTORNEY AT LAW 1406 Nashville Bank & Trust Bldg. Nashville, Tenn. 37201

BOOK4646 PAGE

89

EASEMENT FOR DRIVEWAY

WHEREAS, Mrs. Willard Palmer, Mrs. Louise Mitchell, and Mrs. Frances Grainer, devisees of the Will of Fannie E. (Mrs. O. W.) Hughes, are the owners of Lot No. 13, Block D, on the Plan of Cherokee Park, of record in Book 547, pages 169 and 170, Register's Office for Davidson County; and

WHEREAS, Fred Bell and wife, Lois Bell, are the owners of Lot No. 12, Block D, on the Plan of Cherokee Park, of record in Book 547, pages 169 and 170, Register's Office for Davidson County; and OUI12N MINC At 600 t 600

WHEREAS, the driveway serving said Lot 13 crosses a portion of said Lot 12, as is shown on the plat attached hereto;

NOW THEREFORE, for and in consideration of the premises, Fred Bell and wife, Lois Bell, convey to Mrs. Willard Palmer, Mrs. Louise Mitchell, and Mrs. Frances Grainer an easement for driveway purposes only for that part of the driveway serving Lot 13 ^{as} crosses over onto Lot 12, as shown on the plat attached hereto. Such easement shall run with the land and is granted for so long as the dwelling house presently located on the said Lot 13 shall continue to remain on the said lot and shall continue to be used principally and primarily as a dwelling

STATE OF TENNESSEE COUNTY OF DAVIDSON

The actual consideration or value, whichever is greater for this transfer, is $\frac{-0}{-}$.

Allen D. Le Affiant

Subscribed and sworn to before me this <u>12th</u> day of July, 1972. Uctaber

10 (c) lleaner Register

My-Commission-Expires:

BOBRA 646 PACE 90

place. At any time such dwelling house on Lot 13 shall be removed from, or shall cease to remain on, the described lot, or at any time such dwelling house shall be used principally and primarily for any purpose other than as a dwelling, the easement hereby granted shall terminate and grantees, their heirs, successors and assigns shall have no further interest therein.

IN WITNESS WHEREOF, the parties have executed this instrument on the 25 ± 4 day of July, 1972.

Fred I Bell

Fred Bell

no. Lois Bell

Mrs. Lois Bell

STATE OF TENNESSEE COUNTY OF DAVIDSON

TDENTIF. REFEI

on a

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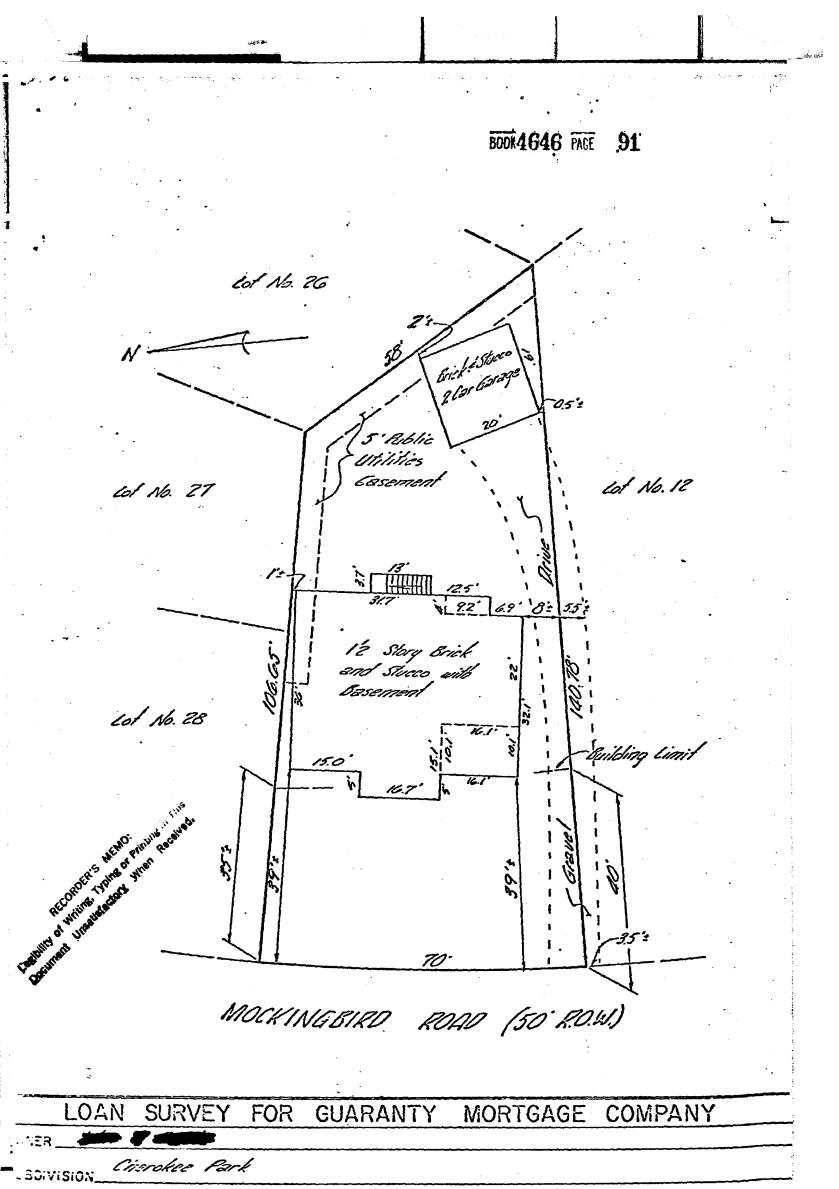
Oct 12

Personally appeared before me, Marine Lattern, a Notary Public in and for said County and State, the within named Fred Bell and wife, Lois Bell, the bargainors, with whom I am personally acquainted, and who acknowledged that they executed the within instrument for the purposes therein contained. Witness my hand and official seal

Virginia

Notary Public

My Commission Expires: aug. 15, 1972



Lot 110 13 of Block Drmo . T NO._ 12- June - 1972 10030 6324 507, page 110, RO.O.C. DATE ___ USE NO. 220 Machingbird Road ENGINEER Fisher M. Sichner Tenn Lic. 5754 GUAR. NO. 226438 189 . 1 .

and the second second



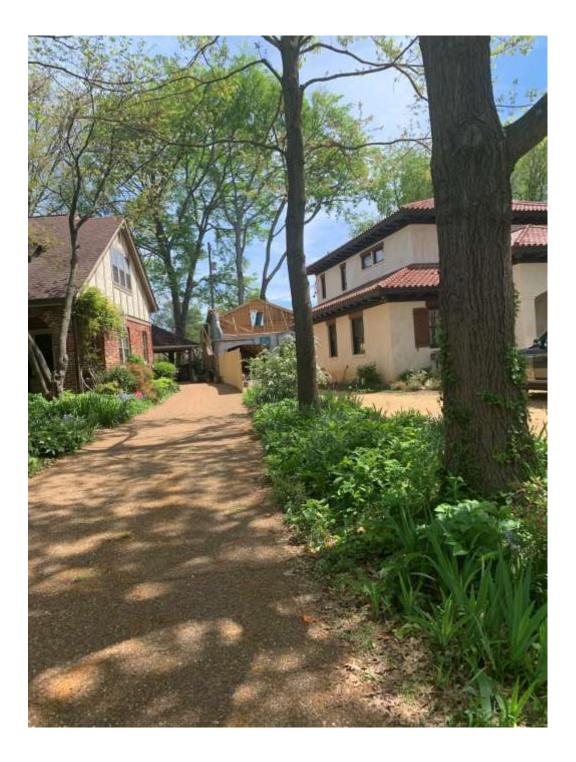
218 Mockingbird



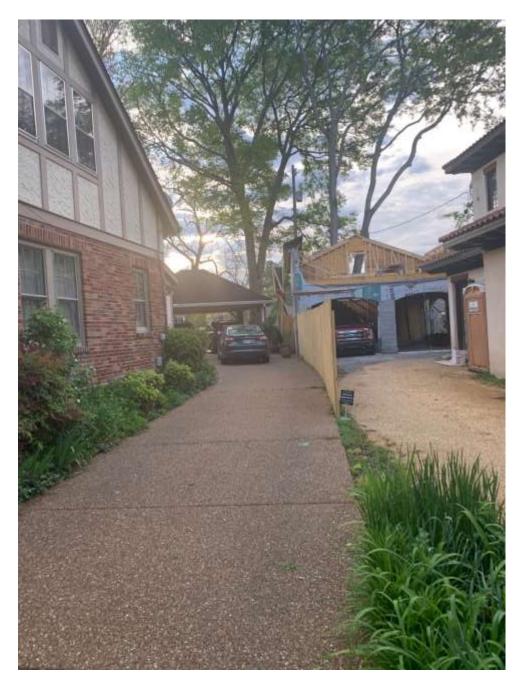
This is the view of what was there before Historic approved the home and the DADU. Photo was taken in 2014.



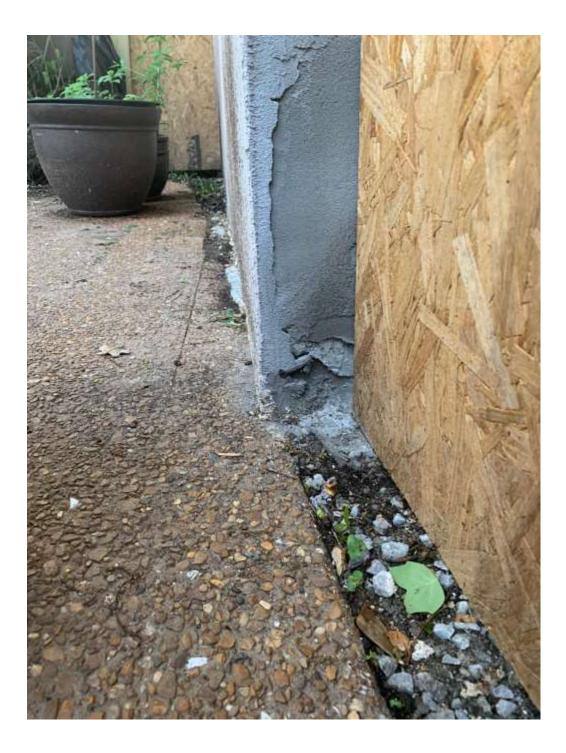
This clearly shows the encroachment prior to construction. The board is the footer form.



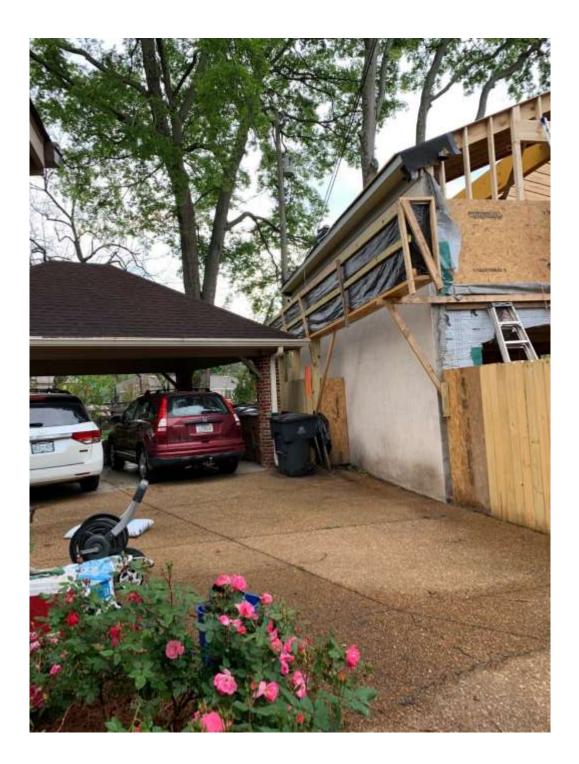
A view from Mockingbird front to back. The scale and massing of the house and the DADU dwarf surrounding properties. The approval of this project by Historic is questionable under the conservation overlay guidelines given the materials approved. Nonetheless, we did not oppose the house or the DADU. The only objection we had was to the location of the DADU which we believed was too close to the setback.



Ms. Mayhugh's DADU under construction with the fence she constructed an inch off the driveway easement. The DADU itself actually is constructed on the driveway easement which is apparent in closer photographs. This does not comply with the setback requirements.



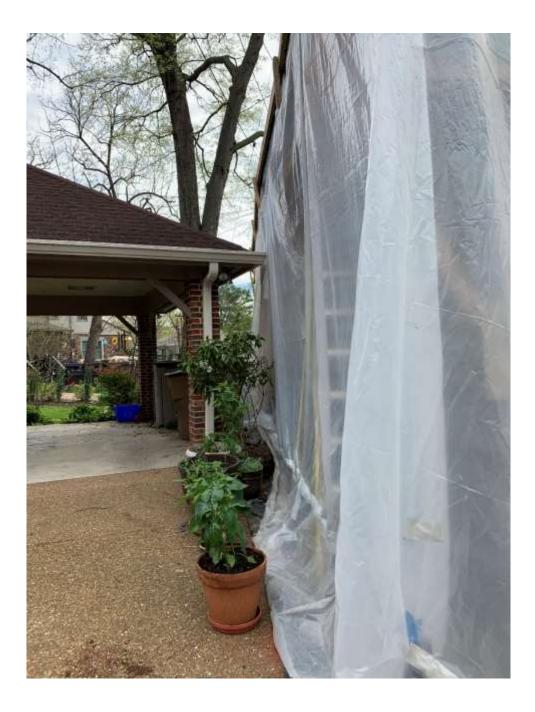
This is the corner of the DADU which is actually resting on top of the easement. There is no practical means by which Ms. Mayhugh can access this side of the DADU short of encroaching on the driveway. One purpose of setbacks is to ensure access which does not exist here.



Another view showing the scaffolding constructed which overhangs the property line.



Ms. Mayhugh's DADU has zero setback from the easement. It is on the easement and Ms. Mayhugh's workers cannot access the side of the DADU without being on the driveway.



Ongoing construction and the encroachment continues. Again, this is a violation of every setback principle. Codes did not see this until after construction began because no footing inspections were called in and Historic apparently never reviewed the site layout.





hmstyle@comcast.net	
Board of Zoning Appeals (Codes)	
Item A Appeal against 218 Mockingbird Lane.	
Tuesday, June 30, 2020 3:05:45 PM	
218 Mockingbird Lane, July 2019.png	

I am writing to ask that the Item A Appeal filed by Councilwoman Kathleen Murphy against the new structure at 218 Mockingbird Lane be granted.

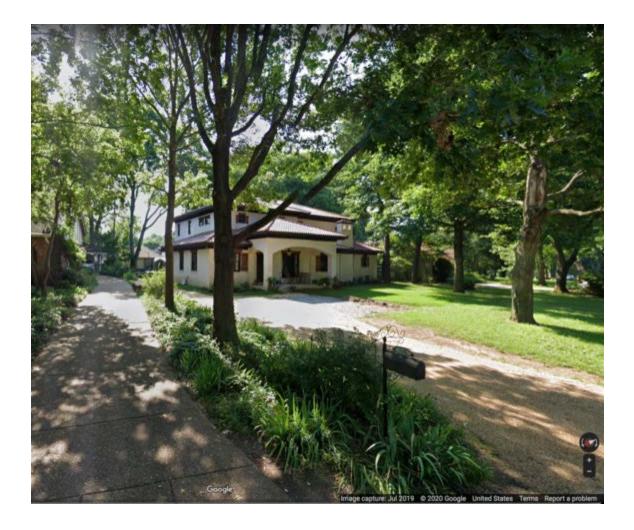
As the attached Google Earth photo shows, the main house — while too large in scale and in a style totally unsuitable for the neighborhood — was at least sited properly. That is, it followed the setbacks required by an easement that is provided by deed for their neighbors' driveway.

The new structure and fence are built directly against both this driveway and an existing parking structure at 220 Mockingbird. Such placement, clearly unnecessary, seems deliberately provocative in its intent.

I find it hard to believe any licensed contractor could be persuaded to encroach so aggressively on an adjacent property. It seems equally impossible that a conservation zoning permit for this would ever have been knowingly granted; if indeed it was, the case should be investigated.

I am asking that the Board invalidate the building permit, and that the offending structure and fencing be removed.

Mike Purswell



From:	Phil Thomason	
То:	Board of Zoning Appeals (Codes)	
Subject:	2020-109 Appeal	
Date:	Tuesday, June 30, 2020 8:43:03 AM	

Dear Members of the Metro Nashville Board of Zoning Appeals

I am writing to ask you to support Councilwoman Kathleen Murphy's Item A appeal of a permit for the DADU at 218B Mockingbird Road. The lack of setback and encroachment on the adjacent property at 220 Mockingbird Road does not appear to conform to the driveway easement which is in dispute between the two owners. Rather than wait to have this dispute resolved, construction was undertaken on this DADU resulting in an adverse visual and physical impact on the adjacent property.

Again, I ask you to please support Councilwoman Murphy's appeal in this matter.

Phil Thomason 118 Kenner Avenue Nashville, TN 37205

From:	Sandra Carlton	
To:	Board of Zoning Appeals (Codes)	
Subject:	218 Mockingbird Road	
Date:	Tuesday, June 30, 2020 12:58:16 PM	

I write in support of the Item A appeal of Council Member Kathleen Murphy for the permit for the DADU at 218 Mockingbird Road.

It is my understanding that the easement in question is nearly 50 years old, and it should have been noted and considered when the permit was applied for. The result of completion of the DADU will not enhance the value of either property, and will likely be a detriment to each, both in looks and worth.

Thanks for your consideration.

Sandra Carlton 211 Mockingbird Road

Metropolitan Board of Zoning A Metro Howard Building 800 Second Avenue South Nashville, Tennessee 37210	METROPOLITAN GOVERNMENT OF AND DAVIDSON COUNTY
Appellant : <u>Catalyst Design Group</u> Property Owner: <u>Urban View West, LLC</u> Representative: : <u>Phillip Piercy</u>	Date: <u>4-3-2020</u> Case #: <u>2020-</u> <u>123</u> Map & Parcel: <u>09209035900 and 09209035700</u>
Council District	f the Zoning Administrator, pliance was refused:
See attached letter	
Activity Type:Multifamily	

and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Request for additional height and reduced setback Reason:

17.12.030. B Section(s): _

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

Catalyst Design Group

Appellant Name (Please Print)

5100 Tennessee Avenue

Address

Nashville, TN 37209

City, State, Zip Code

615-476-7238

Phone Number

ppiercy@catalyst-dg.com

Email

Representative Name (Please Print) 5100 Tennessee Avenue

Address

Nashville, TN 37209

City, State, Zip Code

Phillip Piercy

615-476-7238

Phone Number

ppiercy@catalyst-dg.com

Email

Appeal Fcc:



April 6, 2020

Ms. Jessica Shepherd Metro Codes Department 800 Second Avenue South Nashville, TN 37210

Re: Charlotte Pike Townhomes 3308 and 3312 Charlotte Pike Nashville, TN

Dear Jessica,

Please find attached a request for this project to be considered at the next Board of Zoning Appeals meeting for a special exception request. The site is currently zoned CS (Commercial Service). The CS district sets the front set back at 15', the rear setback at 20' and the maximum height of 30'. We are requesting relief from each of these requirements to permit a residential development compliant with the adaptive residential allowances in the zoning code. We are requesting the following adjustments:

Front Setback with a minimum of 4 feet. Rear Setback with a minimum of 4 feet. Maximum height allowed of 44'

The West Nashville Community plan and supplemental policy for the site and surrounding area which provides guidelines for structures to be higher density residential between intersections with heights up to 4 stories. Also, we typically see that Planning prefers to have the structures pulled up to the street. Therefore, our request would be in line with the goals of the Community Plan and Supplemental Policy.

We have reviewed the special exception criteria for a multifamily use as noted below:

1. A maximum of two units per lot shall be permitted as an accessor use to Manufacturing, Artisan Use.

Response: The multifamily use is proposed as the primary use and not an accessory use.

2. Residential uses are supported by the Community Plan, as determined by the Planning Department.

Response: As noted above, the West Nashville Community Plan and the supplemental policy within the plan calls for higher density residential between intersections where this site is located.

3. No hazardous material or uses are located within an unsafe distance of the proposed residential use, as evidenced by the testimony presented to the Board of Zoning Appeals. Response: The surrounding properties are a mix of residential, office and commercial spaces and no hazardous material or uses are known to be present. **Re: Charlotte Avenue Townhomes**

As part of the special exception requirements we are planning a neighborhood meeting and have emailed the council representative.

Please let me know if you need any additional information.

Best Regards,

Catalyst Design Group

~

D. Phillip Piercy, PE Principal, Senior Project Manager

Enclosure(s)

Catalyst Design Group

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 RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

APPELLANT (OR REPRESENTATIVE)

4-3-2020

DATI

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 rewarding sign placement.) Finally, BZA Rules require that you conduct a community meeting regarding the special exception request before the BZA hearing date.

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

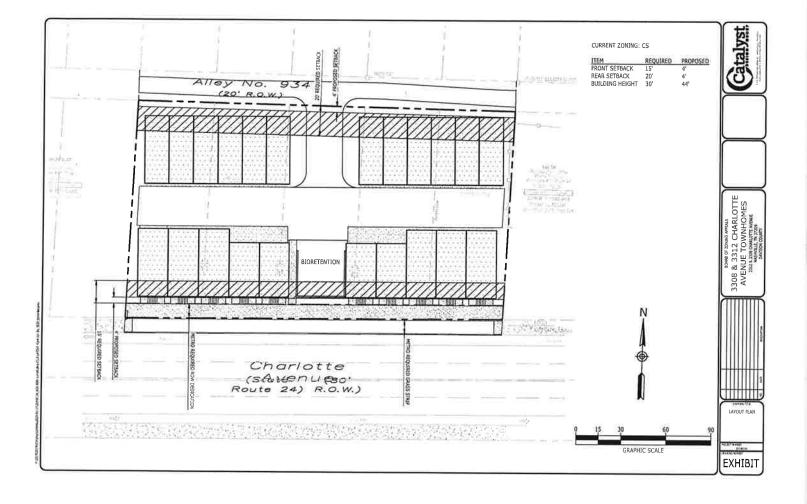
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that It is your responsibility to obtain the permit for which you have applied. You should also be aware that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

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

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

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

APPELLANT









3308 & 3312 CHARLOTTE AVENUE TOWNHOMES | Site Plan Exhibit NASHVILLE, TENNESSEE | MAY 2020



From:	Gregory, Christopher (Public Works)
То:	Shepherd, Jessica (Codes)
Cc:	Ammarell, Beverly (Public Works); Lifsey, Debbie (Codes)
Subject:	RE: BZA Appeal 2020-123
Date:	Thursday, May 14, 2020 4:14:43 PM

2020-123 3308 and 3312 Charlotte Ave Special Exception for Height and Building Setback

Variance: 17.12.030 B

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

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

From: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Sent: Wednesday, April 22, 2020 10:51 AM
To: Ammarell, Beverly (Public Works) <Beverly.Ammarell@nashville.gov>; Gregory, Christopher.Gregory@nashville.gov>
Subject: BZA Appeal 2020-123

Appeal 2020-123 on agenda for 5/21/2020

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 7, 2020

BZA Hearing Date: May 21, 2020

Re: Planning Department Recommendation for a Special Exception, Case 2020-123

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

1. Case 2020-123 Charlotte Pike Townhomes (3308 and 3312 Charlotte Ave)

Request: A Special Exception for front setback, rear setback, and building height requirements.

Zoning: <u>Commercial Service (CS)</u> is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Overlay District: Urban Zoning Overlay (UZO)

Land Use Policy:

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

<u>Charlotte Avenue Corridor Study</u> is a small area plan produced by the Metropolitan Planning Department. Small Area Plans illustrate the vision for designated land in neighborhoods and along corridors within Nashville's 14 Community Plan areas. On a parcel-by-parcel basis, these plans steer the appropriate land use, development character, and design intent guided by goals established by community stakeholders.

Planning Department Analysis: The subject site is located on the north side of Charlotte Pike, between 33rd Ave North and 35th Ave North. Charlotte Pike is designated as an Arterial Boulevard in the Major and Collector Street Plan and the site is served by an alley.

The request to have a 4 foot front setback represents an encroachment of 11 feet into the required 15 foot front setback. Permitting this front setback creates a more urban environment and is consistent with the guidance provided in both the T4-MU and Charlotte Avenue Corridor Study for building design.

The request to have a 4 foot rear setback represents an encroachment of 16 feet into the required 20 foot rear setback. This encroachment provides for minimal spacing between buildings and is consistent with the guidance provided in both the T4-MU and Charlotte Avenue Corridor Study. The rear setback encroachment request is appropriate given the likely development pattern for this area.

The Charlotte Avenue Corridor Study identifies this property as being within subdistrict 6 of the study area. Subdistrict 6 is described in the Study as a mixed-use district that forms the eastern gateway to the corridor and development is anticipated to be small in scale and should transition appropriately to the adjacent residential neighborhood. The Charlotte Avenue Corridor Study has design and character guidance for development within subdistrict 6 and a maximum of four stories is provided as appropriate for this area. The applicant's request for a maximum building height of 44 feet at the setback line in lieu of the required 30 feet at the setback line is appropriate considering the requested height is consistent with the height of a four story building. The requested building height is appropriate within the T4-MU policy area and in the subject subdistrict of the Charlotte Avenue Corridor Study.

Planning Recommendation: Approve.

From:	Mark E. Storolis
To:	Board of Zoning Appeals (Codes); Murphy, Kathleen (Council Member)
Subject:	BZA case 2020-123 community concerns
Date:	Tuesday, May 19, 2020 11:57:05 AM

Dear Board of Zoning Appeals and councilwoman Kathleen Murphy,

Case 2020-123 Appellant: Catalyst Design Group Owner: Urban View West

Concerns:

1. Parking: Appellant design calls for garage parking inside all units. Since this is CS zoning, we anticipate one client parking spot per proprietor. Therefore, 22 individual business proprietors should offer 22 parking unassigned parking spots. Community requests ample guest parking.

2. Garbage Pick-Up: Appellant design calls for individual cans. 22 trash cans, 22 recycling cans — 44 cans is excessive and misuse of alley. Community requests a dedicated dumpster service for this site.

3. Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance.

4. Density: Multifamily has been limited to 20 units per acre (SP, Rm20, and OR20) for all surrounding developments. Appellant site measures 0.83 acres. Community requests a maximum of 16 units on site.

Sincerely, Mark E. Storolis owner, 610 33rd Ave N

Mark E. Storolis 615-829-1774

From:	Michael Fisher
To:	Board of Zoning Appeals (Codes)
Cc:	Taylor, Brandon (Council Member); Murphy, Kathleen (Council Member)
Subject:	BZA case 2020-123
Date:	Tuesday, May 19, 2020 8:03:32 PM

Board Members,

I write you to express my concern with this proposed development. I appreciate that someone is trying to develop this property and that the developer sent out plans to the nearby neighbors. Unfortunately, I feel that they are simply trying to put too many homes on these parcels. Furthermore, this neighborhood has been developing just fine without the need for variances in the set-back and height requirements. Another developer is currently building town-homes at 33rd and Charlotte and has not requested any variances to my knowledge.

This neighborhood is mostly single family homes or HPRs connected only on one side. With the proposed massive Sky Nashville development on the top of the hill and other planned developments, I fear this area will become too congested. The Bro's property just sold and they're also trying to cram as many apartments as possible into that lot. The height limitations of this neighborhood allow many residents to enjoy stunning views of Nashville and the surround area. Lately, it seems developers are attempting to build higher to take advantage of the view while blocking the views of existing homes. Again, it's my hope that the Board reviews this request with strict scrutiny. I request the proposed variance be denied or modified to better conform with the neighborhood. Thank you for your time.

Michael Fisher 408A 33rd Ave N.

From:	Gilberto Navarro
To:	Board of Zoning Appeals (Codes); Murphy, Kathleen (Council Member)
Subject:	BZA case 2020-123
Date:	Monday, June 15, 2020 12:48:36 PM

Kathleen,

I am sure you are already aware, but I am writing with great displeasure that I am seeing that BZA 2020-123 is on the agenda to be discussed this Thursday. When this came up on the 5/21 meeting the board strongly suggested that the developers were to take several key steps (creating alternatives plans, hold a community meeting, & to work with the council members: both you and Brandon). To my knowledge NONE of this has occurred. I am sure that you are as discouraged as we are to see.

The plans included by the developers in this board packet are unchanged and continue to have very strong community opposition to the development as it is currently proposed. A group of community members did in fact meet this past week and continue to have concern. A member of the community has collected our thoughts and will be submitting to you as well. I also believe that a recording was shared with both yourself and Brandon.

I will do my best to be in attendance as well.

Thanks

Gilberto Navarro

Sent from my iPhone

CODES VIOLATIONS

Parking:

Code 17.20.030

Public Works examiner Christopher Gregory states "adequate parking is provided on site per code." Mr. Gregory allows for two parking spots/household because the plan cites multifamily use.

However, the use as non-owner occupied short term rentals is a privilege reserved to commercially zoned properties. The commercial bed and breakfast use is defined clearly in 17.20.030 — one parking spot per bedroom. *Community requests that NOO STR permits equate to commercial bed and breakfast use; the appellant shall design parking according to CS-zoned commercial bed and breakfast use if they wish to be granted NOO STR permits.*

Front Setbacks:

Table 17.12.030B

CS-zoned street setback is 15'. Since 1960, no variance has been issued within a 1,000' radius of the subject property. (3523 Charlotte Avenue, a small auto body shop at the intersection of 37th + Charlotte Ave). *Community requests CS zoning enforced, minimum 15' front setback*

Charlotte Avenue Corridor Study, Figure 17.

Frontage zones are designed to "accommodate open space and outdoor dining that add activity to the street life along the corridor." Eliminating the frontage zone damages the following:

- pedestrian options
- adaptive reuse

- Arterial Boulevard expansion (MPC-adopted plans - NashvilleNext, nMotion) Community requests the preservation of the Charlotte Avenue Corridor Study frontage zone, no front setback variance.

Rear Setbacks:

Code 17.12.110

Parking must be screened from neighboring properties. *Community requests CS zoning enforced, no alley parking.*

Charlotte Avenue Corridor Study

"[L]ocate parking behind buildings to avoid pedestrian and auto conflicts." *Community* requests Charlotte Avenue Corridor Study enforced, all parking located on-site.

Height:

Table 17.12.020cCharlotte Avenue Corridor Study, Subdistrict 6

The original draft for Charlotte Avenue Corridor Study Subdistrict 6 Character and Design reads "up to three stories". Later, a staff meeting (Sept 25, 2018) granted an amendment for 3307 Charlotte Avenue, allowing heights limited to "four stories." No maximum building height was defined.

Metro Zoning Codes Table 17.12.020c provides clarity, CS height maximum from the set back is defined as 30'. *Community requests CS zoning enforced, maximum height 30' at setback.* Questions for Board of Zoning Appeals:

Questions for Board of Zoning Appeals

Financial gain not only basis?

- Variances do not improve quality of life. Infill density and financial gain drive these requests.

No injury to neighboring property?

- Front setback variances delete any semblance of "street life along the corridor."
- Height variances allow appellant to out strip the skyline views of the neighbors.
- Garbage collection must be centralized for high density commercial use.
- Alley widening will encroach on existing driveways.

From:	Alexandra Seamens
То:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); Taylor, Brandon (Council Member)
Subject:	BZA case 2020-123
Date:	Tuesday, May 19, 2020 10:14:50 PM

To the Nashville Board of Zoning Appeals,

I am writing you to express my extreme concern about the proposed changes that are being discussed for the property at 3308 &3312 Charlotte Ave which backs up to Felicia Street.

The number of units proposed (that this rezoning would then allow) has a high density of units that is not in line with current development of the area. The developer has stated that they plan on 22 units on this 0.8 acre plot. For comparison, there are only 40 units in total on the entire Felicia Street (both sides included) which encompasses four acres. As Sylvan Summit, we are a strong community, and our desire is to continue to develop the neighborhood in line with current trends.

This rezoning and increased density raises several issues:

- The proposal and land use allows for no guest parking slots and many units will have only one car garage or will need to double park cars to fit on their units. It is not unreasonable that many owners will need alternative or additional parking. This will overrun our already crowded streets with numerous additional vehicles.

- Traffic from the development will only be able to exit through the use of the alley behind Felicia. This is a narrow, one lane, alley that would be unable to safely accommodate this influx of cars, especially at peak times. It raises several safety issues when there will potentially be double the cars that will need to use the alley. Even with proposed widening of the alley, it will not allow for cars to safely move in both directions. If developers were required to build under current restrictions, this would reduce traffic or allow for additional widening of the alley.

Finally, recent developments of townhomes in the area have not needed these changes in height and setback that this development has requested. (The last time this variance was granted was back in 1960- it is a small one room auto shop). We do not feel that this land necessitates the requested changes in zoning to develop it consciously and in the best interests of the neighborhood.

We are excited to see our community grow and look forward to potential improvements that this development could offer. However, we strongly advise against the proposed zoning changes as it allows developer to prioritize maximizing number of units over reasonable and consistent neighborhood development.

Thank you in advance for your time and attention in this matter.

Sincerely, Alexandra Seamens

From:	Brady Adams
To:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); amanda.kerns.adams@gmail.com
Subject:	BZA Case 2020-123
Date:	Wednesday, May 20, 2020 10:43:15 AM

Good morning District 24 Council Member Kathleen Murphy,

As constituents in your district residing at <u>3311B Felicia St.</u>, my wife and I are requesting that you deny the zoning special exception requests submitted by Catalyst Design Group for their proposed development for 3312 & <u>3308 Charlotte Ave</u>. The reasons we are asking for your support in denying the requests is because our home and neighborhood would be negatively impacted in the following ways:

Concerns:

1. Parking: Appellant design calls for garage parking inside all units. Since this is CS zoning, we anticipate one client parking spot per proprietor. Therefore, 22 individual business proprietors should offer 22 parking unassigned parking spots. Community requests ample guest parking.

2. Garbage Pick-Up: Appellant design calls for individual cans. 22 trash cans, 22 recycling cans — 44 cans is excessive and misuse of alley. Community requests a dedicated dumpster service for this site.

3. Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance.

4. Density: Multifamily has been limited to 20 units per acre (SP, Rm20, and OR20) for all surrounding developments. Appellant site measures 0.83 acres. Community requests to Lower the quantity of 22 units proposed

5. Guest Parking: The proposed development does not have any guest parking. Thus, guests to the many units would park in the alleyway and streets surrounding the development, adding to the already crowded streets and existing parking shortage issues in the neighborhood

Our home at <u>3311B Felicia St.</u> is located directly behind the proposed development—our driveway is located where cars would enter the homesites. We ask that you consider our concerns and strongly request your support in denying the special exceptions being requested by Catalyst Design Group.

Sincerely,

Brady Adams

Amanda & Brady Adams

Case # 2020-123

3311B Felicia Street Nashville, TN 37209 931-510-2994 (Brady Adams cell) 865-567-7125 (Amanda Adams cell) BradyAdams4@gmail.com Amanda.Kerns.Adams@gmail.com

From:	Angela Colter
To:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); Taylor, Brandon (Council Member)
Subject:	BZA case 2020-123
Date:	Wednesday, May 20, 2020 11:57:42 AM

Re: Board of Zoning Appeals

I am emphatically against the zoning appeal to ease setback and height restrictions for the development proposed at 3308 and 3312 Charlotte Pike (BZA case 2020-123) to allow 22 townhomes to be built on less than an acre parcel.

The streets, especially the alleys where residents currently live are extremely narrow. Two cars cannot drive down the street as it is. No room for 2 car garages in the plans so more people will park on the streets. Why is Metro allowing these type of buildings/townhomes to continue to be developed in this crammed area? Please do not allow another towering structure to be built in my neighborhood, especially so close to the already crowded streets. Where is the traffic feasibility study? Still waiting on traffic lights to enter Charlotte and sidewalks, infrastructure demands??? Please consider the objections, concerns and requests of my neighbors and myself **against approval**. We are the ones who have to live with your decision!!!

Respectfully, Angela & Stephanie Colter 3318 Trevor St, Nashville, TN 37209 Life long residents of Davidson County, and Homeowner since 12/2003

From:	Lamb, Emily (Codes)
To:	Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	FW: Email that was sent to Councilmember Taylor
Date:	Thursday, May 7, 2020 10:21:03 AM

Would one of you please put this in the case file for 2020-123? Thanks!

From: Murphy, Kathleen (Council Member) <Kathleen.Murphy@nashville.gov>
Sent: Tuesday, May 5, 2020 1:13 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: Fwd: Email that was sent to Councilmember Taylor

This is for a BZA case.

Thank you, Councilwoman Kathleen Murphy 615-422-7109 Sign up for District 24 newsletter here: <u>http://ow.ly/UozjR</u> Don't forget HubNashville. Download the app or use <u>www.hub.nashville.gov</u> Sent from my phone. Please excuse typos!

Begin forwarded message:

From: "Hayes, Roseanne (Council Office)" <roseanne.hayes@nashville.gov>
Date: May 5, 2020 at 13:03:30 CDT
To: "Murphy, Kathleen (Council Member)" <<u>Kathleen.Murphy@nashville.gov</u>>
Subject: Email that was sent to Councilmember Taylor

Fyi

Hi, Rosie: This is a note from a consistent of mine, will you please forward this to CM Murphy? The properties in question are in her District.

Regards,

Brandon

From: Gilberto Navarro <gilberto.navarro44@gmail.com>
Sent: Saturday, May 2, 2020 12:58 PM
To: Taylor, Brandon (Council Member) <<u>Brandon.Taylor@nashville.gov</u>>
Cc: Alexandra Seamens <<u>alexandra.seamens@gmail.com</u>>
Subject:

Attention: This email originated from a source external to Metro Government.

Please exercise caution when opening any attachments or links from external sources.

Brandon,

I hope you are doing well during these unprecedented times.

I would like to write you about my concern over the rezoning of 3308 & 3312 Charlotte avenue (appeal case #2020-123, Map parcel 09209035900 & 09209035700, Permit #20200022036). They are currently appealing to raise the allowed maximum height from 30 to 44 feet. I love that we will have new neighbors and that our street continues to grow, but the 44 feet maximum height will block views of Sylvan heights for nearly all residents on Felicia St. I am in favor of development at the current allowed maximum height, but the damage done to property values of nearly the entire street must be taken into account. There are ways to develop without causing financial harm to our community especially during these difficult times. Additionally the proposed entryway for the additional 10-20 homes proposed relies on sole use of the alley that all residents on Felicia use. The width of this alley only has room for one car at a time and would consistently be congested. I encourage the zoning measure be upheld as written without changing current setback so that the number of units built is sustainable for the community alleys and roads.

I have and continue to support "good" development of our surrounding areas. I am excited about growth but want to be sure that our leaders like yourself fight for growth supported by the community.

Hope to hear back regarding your thoughts on this matter.

Thanks,

Gilberto and Alexandra Navarro gilberto.navarro44@gmail.com 404-375-4228

Gilberto Navarro
Board of Zoning Appeals (Codes)
CASE 2020-123 Held on 5/21
Monday, May 18, 2020 9:02:28 PM

I am writing today to share my thoughts. I attended overview hosted by Catalyst Design group.

Although very cordial they did not have many answers for the concerns on the members of the community on the call.

Concern 1.) # of units on the property. They were unable to share similar properties with similar amounts of units for the amount of acreage in question. Any townhome development within .5 miles have well under half of the proposed unit count

• This raises several other concerns like parking: there is 0 spots right not for their guests to park in. The alley is no where near wide enough to have parking. Additionally the 12 of the 22 units will not have a 2 car garage as they are proposed to be 17 feet wide. This will fill our side streets with cars who do not utilize the stacked single car garage. As witnessed during a large house fire on 5/16 firetrucks struggled to squeeze down our smaller streets as a house was ablaze. This was at our current density of the community. I fear if we had 22 more units with guests on the street Nashville fire would not have been successful in saving someone's home.

Concern 2: Other local townhomes in the area have not required this exception. These other properties have successfully developed without the requested special exceptions. I am excited about local development but support sustainable and reasonable development efforts.

Concern 3: increasing short term rentals in the local community. It was the current plans do not prioritize what a full time resident desires. All around the city developments like this are utilized as rental properties. The residents of our community feel it is just that a community. This is where we live and raise our families. Granting these exceptions to maximize units that will become short term renters damages what this community has been.

Concern 4: There were a number of other residents on the call hosted by catalyst design who shared significant concern with the development as they are currently proposed. Additionally I spoke with community members that are in closer contact with our representatives to understand what the broader consensus of the community was (both Brandon Taylor & Kathleen Murphy). They stated both council members opposed due to lack of support from the community.

I would be interested in viewing alternative plans of what could potentially be developed in the confines of its current zoning.

Thanks

Gilberto Navarro

From:	Lamb, Emily (Codes)
То:	Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	Fwd: BZA Case 2020-123
Date:	Wednesday, May 20, 2020 5:50:27 AM

For the case file.

From: Murphy, Kathleen (Council Member) <Kathleen.Murphy@nashville.gov>
Sent: Tuesday, May 19, 2020 9:27 PM
To: Jason Reynolds
Cc: Lamb, Emily (Codes)
Subject: Re: BZA Case 2020-123

Emily- please submit this to the BZA members.

Thank you, Councilwoman Kathleen Murphy 615-422-7109 Sign up for District 24 newsletter here: <u>http://ow.ly/UozjR</u> Don't forget HubNashville. Download the app or use <u>www.hub.nashville.gov</u> Sent from my phone. Please excuse typos!

> On May 19, 2020, at 21:02, Jason Reynolds <jasondr34@gmail.com> wrote:

>

> Good Evening. My name is Jason Reynolds. I along with my wife, own 414 B 33rd Ave N Nashville, TN 37209.

>

> Please do not let this happen.

>

> There is currently a zoning appeal to ease setback and height restrictions for the development proposed at 3308 & 3312 Charlotte Pike (BZA case 2020-123) to allow 22 townhomes to be built on less than an acre. The density that the development would add is a big concern and very top of mind as we all know the fire that occurred on Saturday night. Having hopped on the call hosted by the developers I had a number of concerns with the development that may resonate with you as well.

> 1) # of proposed units: They have currently proposed to relax the setback requirements to allow for 22 units in under an acre (there are 40 unit TOTAL on both sides of Felicia Street) The traffic and # of cars on these streets would increase dramatically

>

> 2) Their proposed parking plan: The proposal has ZERO guest parking spaces and over half the units will not be wide enough to have a 2 car garage. Again there are zero proposed parking spot outside of garage parking. All of those extra cars will flood the alley already tight streets. The same streets that were barely able to allow rescue vehicles to put out a house fire at the current density.

> 3.) Traffic from the development: The only exit to the development will be through the use of the alley behind Felicia meaning the only way to access charlotte will be through 33rd and 35th.

> 4.)Townhome precedent: on the call it was brought up by one of the community members that recent developments that have been competed or under construction are doing so under the same height and setback restrictions this development is trying to change. (The last time this variance was

Case # 2020-123

granted was back in 1960)

>

> I continue to support development is reasonable and believe it can be done with the zoning as is. This would allow for development to enhance the community rather than exacerbate the issues that already exist. Building within the current restrictions would protect against maximal units on the property that allow developers to increase their profits.

>

> Sent from my iPhone

From:	Jeff Wherrett
To:	Board of Zoning Appeals (Codes)
Subject:	BZA Case 2020-13 Charlotte and 33rd/35th Street
Date:	Wednesday, May 20, 2020 11:06:56 AM

TO: Emily Lamb

I request to vote NO to variance request for: BZA CASE 2020-13 We want people to build within the current zoning allowances!

Please do not allow this development to move forward!

As a resident in this zone I am especially concerned by the request to change the set backs around the property and the wanting to use the alley as a major egress for the development. This alley is not designed for major traffic OR PARKING! The lack of parking spaces in this plan makes parking in the alley a likely scenario. The residents have had a major problem with street parking last weekend when fire trucks couldn't get to a roof top deck fire! If the wind had been blowing many houses on the hill would have burned not just one! This development is TOO dense for the property and is not designed to benefit the neighborhood! It's designed to make more money for these developers.

Thank you for your attention and PLEASE VOTE AGAINST their zoning request. Sincerely, Jeff Wherrett, homeowner 3304D Felicia Street Nashville, TN 37209 512-818-4530

Major concerns: Parking Density Setbacks Potential for more short term rentals

*Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance.

*Density: Multifamily has been limited to 20 units per acre (SP, Rm20, and OR20) for all surrounding developments. Appellant site measures 0.83 acres. Community requests to Lower the quantity of 22 units proposed

*Guest Parking: The proposed development Does not have any guest parking. Thus, guests to the many units would park in the alleyway and streets surrounding the development, adding to the already crowded streets and existing parking shortage issues in the neighborhood

*this looks very familiar to another development on our hill that is ALL short term rentals!!! Short term rentals often equal MORE CARS and MORE TRASH and they do not build a neighborhood!

From:	Jonathan Rhodes
То:	Board of Zoning Appeals (Codes)
Cc:	Taylor, Brandon (Council Member); Murphy, Kathleen (Council Member)
Subject:	BZA case 2020-123
Date:	Wednesday, May 20, 2020 7:38:19 AM

Good Day,

As the singular resident and owner of 3326 Felicia St. I wanted to request the variance for the development of the subject case be denied. We already have enough issues over in "Sylvan Summit" due to developments set to start due to granted variances and ones that have already completed as well.

Unfortunately, I don't expect any type of reply and surely the variance will be granted. Several of the neighbors that have made this neighborhood great even plan to move anyway due to the city's ineptitude. It's a shame that Sky City passed when the developer paid to bus people in and lie to the board about how excited they would be to live there and another developer to get a property passed had the resident lie that she lives alone when in fact there are four residents and three cars.

Further, with a fire on our street last weekend, and a singular fire hydrant at the end of the street (that couldn't be used due to the pressure being to low and being to far away), it's apparent our neighborhood is overbuilt.

By the way, have you seen our crumbling streets? When will they be repaved?

Regards,

Jonathan Rhodes

From:lilly lewinTo:Board of Zoning Appeals (Codes)Subject:Fwd: BZA CASE 2020-13 on Charlotte AveDate:Wednesday, May 20, 2020 10:39:59 AM

TO: Emily Lamb

Neighbors request Vote No to variance request for: BZA CASE 2020-13 We want people to build within the current zoning allowances!

Please do not allow this development to move forward!

I am especially concerned by their wish to change the set backs around the property and their desire to use the alley as a major egress for the development. This alley is not designed for major traffic OR PARKING! The lack of parking spaces in this plan makes parking in the alley a likely scenario. We had a major problem with street parking last weekend when fire trucks couldn't get to a roof top deck fire! If the wind had been blowing many houses on the hill would have burned not just one! This development is TOO dense for the property and is not designed to benefit the neighborhood! It's designed to make more money for these developers.

Thank you for your attention and PLEASE VOTE AGAINST their zoning request.

Sincerely, Lilly Lewin, homeowner 3306A Trevor Street Nashville, TN 37209

Major concerns:

Parking Density Setbacks Potential for more short term rentals

*Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance. *Density: Multifamily has been limited to 20 units per acre (SP, Rm20, and OR20) for all surrounding developments. Appellant site measures 0.83 acres. Community requests to Lower the quantity of 22 units proposed

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*this looks very familiar to another development on our hill that is ALL short term rentals!!! Short term rentals often equal MORE CARS and MORE TRASH and they do not build a neighborhood!

From:	Dan Lambert
To:	Board of Zoning Appeals (Codes)
Cc:	kathkeen.murphy@nashville.gov
Subject:	BZA case 2020-123
Date:	Wednesday, May 20, 2020 8:03:43 AM

To whom it may concern,

We do not approve of the proposed changes. Please see our concerns below.

>> Concerns:

>> 1. Parking: Appellant design calls for garage parking inside all units. Since this is CS zoning, we anticipate one client parking spot per proprietor. Therefore, 22 individual business proprietors should offer 22 parking unassigned parking spots. Community requests ample guest parking.

>>

>> 2. Garbage Pick-Up: Appellant design calls for individual cans. 22 trash cans, 22 recycling cans — 44 cans is excessive and misuse of alley. Community requests a dedicated dumpster service for this site.

>> 3. Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance.

>>

>> 4. Density: Multifamily has been limited to 20 units per acre (SP, Rm20, and OR20) for all surrounding developments. Appellant site measures 0.83 acres. Community requests to Lower the quantity of 22 units proposed >>

>> 5. Guest Parking: The proposed development does not have any guest parking. Thus, guests to the many units would park in the alleyway and streets surrounding the development, adding to the already crowded streets and existing parking shortage issues in the neighborhood

Thank you, Melanie & Dan Lambert

Michael Kaluzynski
Board of Zoning Appeals (Codes)
Taylor, Brandon (Council Member)
Case 2020-123 (Council District 24)
Monday, May 18, 2020 10:07:03 PM

Metro Council,

I am writing you to request that a special exemption <u>not be granted</u> to construct a multi-family development at 3308 and 3312 Charlotte Avenue.

I live on Felicia Street, directly one road north and parallel to Charlotte Avenue, which puts my residence in District 21 (council member Brandon Taylor is copied), but directly adjacent to the land associated with this proposal.

The height, layout, and overall aesthetic to the proposed development does not "fit" with the neighborhood's character, and many residents including myself have concerns over the increased traffic that would result from this development.

Thank you for accepting community feedback.

Mike Kaluzynski 3316B Felicia St. Nashville, TN 37209

Rob Lewin
Board of Zoning Appeals (Codes)
Appeal case 2020-123
Monday, May 18, 2020 7:01:25 PM

Emily,

I'm Rob Lewin and I live at 3306 Trevor.

Both my wife Lilly and I are against this change.

I've been communicating with both Council people Murphy and Taylor.

Both are against this.

We'll have the community email you and both council members.

Thanks,

Rob Lewin

From:	Sam DiCarlo
To:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); Taylor, Brandon (Council Member)
Subject:	BZA case 2020-123
Date:	Tuesday, May 19, 2020 11:56:39 PM

Dear Emily Lamb

My brother and I live on Trevor Street which is adjacent to the proposed development (3308 & 3312 Charlotte Pike). We are very excited about all that Nashville has to offer and all of the developments going up, especially in Sylvan Heights/ Sylvan Park neighborhoods. However, we believe that the development being proposed at 3308 & 3312 Charlotte Pike should be kept as is in the current zoning and should not be given a variance to change its height restrictions or setbacks. The Sylvan Heights Neighborhood is already way to congested, and will become even more so with the addition of the Sky Nashville condos and apartments. The addition of this 22-unit apartment would make the area, which is already overpopulated, even more congested, impacting traffic patterns and the safety of the area.

I ask that you please keep this property at 3308 & 3312 Charlotte Pike zoned as it is currently and it not be given any variances or exemptions to its current zoning.

If you would like to discuss my concerns further, please contact me.

Sincerely, Sam Dicarlo 317-727-7798 samdicarlo27@gmail.com

From:	Sherry Hanks
То:	Board of Zoning Appeals (Codes)
Cc:	Murphy, Kathleen (Council Member); Taylor, Brandon (Council Member)
Subject:	Bza case-2020-123
Date:	Tuesday, May 19, 2020 10:56:18 PM

I have many concerns regarding changes to height restrictions which will allow this new development. We can not get in and out of our streets as it is with so much congestion. We were all witness to the hazards of our crowding Saturday night.

If we allow these units to get higher and higher, what is the benefit of our rooftop patios with no privacy or view?

I strongly oppose new changes to our current restrictions, and I oppose the new development.

Sherry Hanks 405b 35th Ave n

BZA Case 2020-123

I have the following concerns regarding the above referenced case.

Traffic congestion and safety concerns.

1. <u>Current alley</u>. The current alley (between Charlotte Avenue and Felicia street)(the "Alley") in which the Appellant proposes the project residences use for access to and from the townhomes to Charlotte will create traffic congestion and safety issues for the community.

The Alley is very narrow even without any adjustments to the Appellant's proposed setbacks. The Alley is <u>not</u> a one way street so traffic is often stopped as cars have to back down and out of the Alley when facing oncoming traffic.

Further, the streets used to access the Alley to and from Charlotte Avenue (33rd and 35th Avenue North) do not have traffic lights so turning onto Charlotte Avenue is already hazardous during rush hours and will back up as more people use the Alley.

The Alley is also used as the trash pickup route for the Felicia residences and since it is narrow it is often partially blocked on trash day.

2. Increasing Traffic with the New Project.

The above traffic problems are already increasing as new homes are being built on Felicia street These new Felicia street homes all use the Alley as access to their garages.

The addition of 22 units will increase the number of residences and their guests using the Alley exacerbating traffic congestion and the Alley will have an additional 44 trash cans further narrowing the ability to navigate the Alley.

Further, any new homes built on other streets on Sylvan Summit including the unimproved large tract of land on the top of Sylvan Summit will create further congestion on 33rd and 35th Avenue North since there are no traffic lights onto Charlotte Avenue from 33rd and 35th Avenue.

Requests

The Community requests-

Lower the quantity of 22 units proposed. Deny the setback variance. Dedicated dumpster for the proposed project to the Alley is not blocked. Offer unassigned guest parking so guests do not park in the Alley.

Stephen L. Page 3311A Felicia Street Nashville TN 37209 615-481-8032

TO: Emily Lamb

Neighbors request Vote No to variance request for: BZA CASE 2020-13

Major concerns:

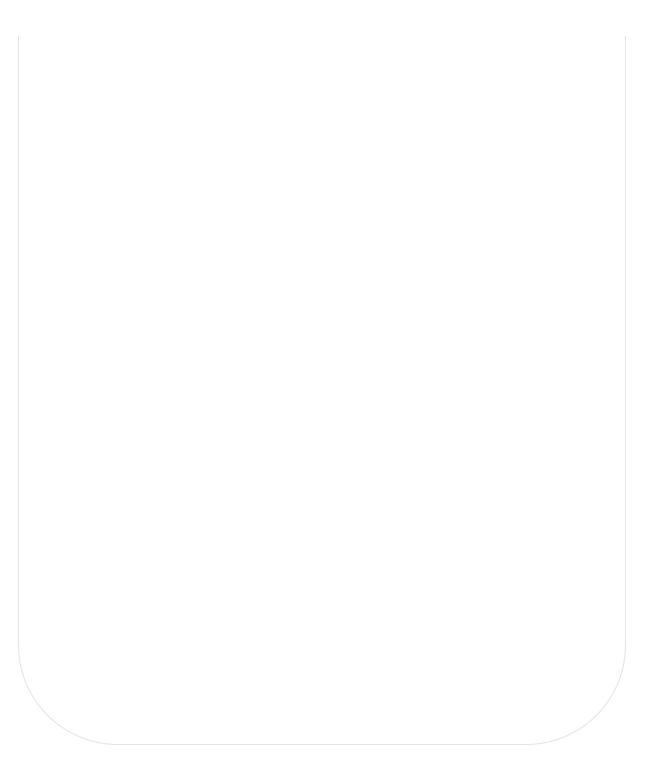
Parking Density Setbacks

*Setback Variance: Charlotte Avenue is an artery to West Nashville. There is no precedent to adjust front or rear setbacks. All businesses within 2,000-feet of this site have abided by the 15' Charlotte Avenue setback. (One variance granted in 1960 at corner of 37th Ave S + Murphy Rd, for automotive use). The appellant request is an encroachment and unwarranted. Community requests denial of setback variance.

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*Guest Parking: The proposed development Does not have any guest parking. Thus, guests to the many units would park in the alleyway and streets surrounding the development, adding to the already crowded streets and existing parking shortage issues in the neighborhood

Susan Henderson Home Owner 3220 Trevor St Nashville, TN 37209



From:	Lamb, Emily (Codes)
То:	Board of Zoning Appeals (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	Fwd: 3308-3312 Charlotte Ave
Date:	Thursday, April 30, 2020 6:02:36 PM

Get Outlook for iOS

From: Bill Ruff <bill@isa58.org>
Sent: Thursday, April 30, 2020 5:55:50 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Cc: Phillip Piercy <ppiercy@catalyst-dg.com>; John Root <john@rootarch.com>
Subject: 3308-3312 Charlotte Ave

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

Emily,

I hope you are doing well in this odd time.

You probably don't remember me, but I developed and still own some of the units next to the Park Center, in Edgehill, and met you at that meeting.

I am writing today to endorse another project neighboring mine, on Charlotte Ave. I have owned 3318 and 3320 Charlotte Ave., as well as, 3321 Felicia Ave., since 2006 and understand there is a meeting to discuss setbacks and height for the property next door (3308 & 3312). I will be out of town at that time, but see no reason not to approve the request. Townhomes will be a welcome improvement to the welding/gas supply business. Please let me know if you have anything you would like to discuss further.

Thank you,

Bill Ruff 615-668-3259

From:	Lamb, Emily (Codes)
То:	Board of Zoning Appeals (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	Fwd: 3308-3312 Charlotte Ave
Date:	Thursday, April 30, 2020 6:02:36 PM

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Thank you,

Bill Ruff 615-668-3259 Metropolitan Board of Zoning Appeals Metro Howard Building 800 Second Avenue South Nashville, Tennessee 37210



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

Date: Case #: 2020-Map & Parcel: 08110030600

Council District 21

The undersigned hereby appeals from the decision of the Zoning Administrator, / Uavian Ce

Purpose: Reduction in Front setback to 10' to See attached letter. Single Family Residence Activity Type: Location: 1627 25th Avenue North, 37208 This property is in the <u>RS5</u> 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 Sotback contextual 13 33,4" Section(s): __ 17, 12, 030 Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection ______Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property. Simons Properties, UC Appellant Name (Please Print) TOHN KANKIN Representative Name (Please Print) PO BOX 91092 PO BOX 91092 Mashville, TN3 NASHVENO, TN Clive State, Zip Code (615)584-414 Phone Number simons propertiesuce grain. Simonspropertieslice Email G. Meiil. UM Appeal Fce: OD

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,

7.

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.

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

APPELLANT

-21-2020

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:

<u>Physical Characteristics of the property</u>- 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.

<u>Unique characteristics</u>- 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.

<u>No harm to public welfare</u>- The granting of the variance will not be detrimental to the public welfare and will not substantially impair the Intent and purpose of this Zoning Code.

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

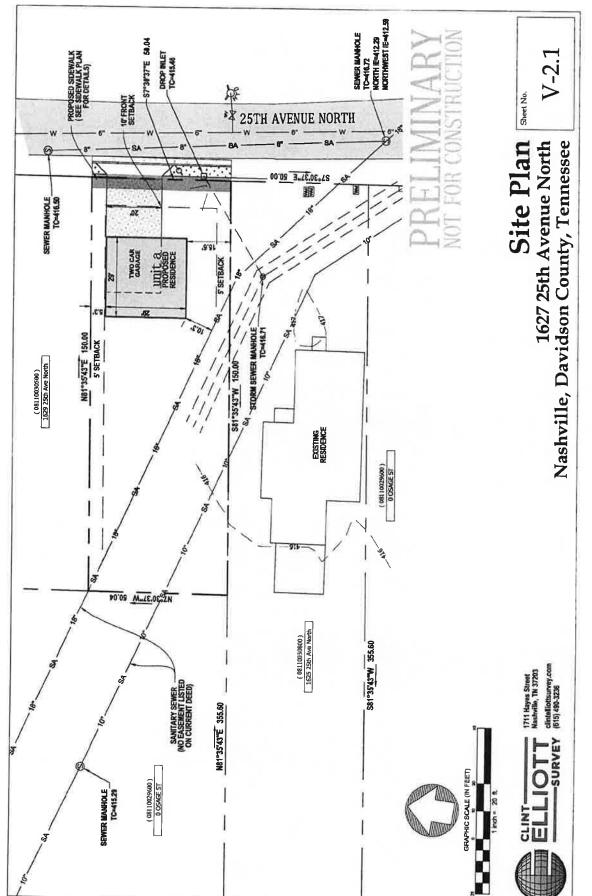
The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission. In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, Irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of neighborhood and the way it is developed. One or more of these conditions must affect your inability to build or occupy the property to provide your case.

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

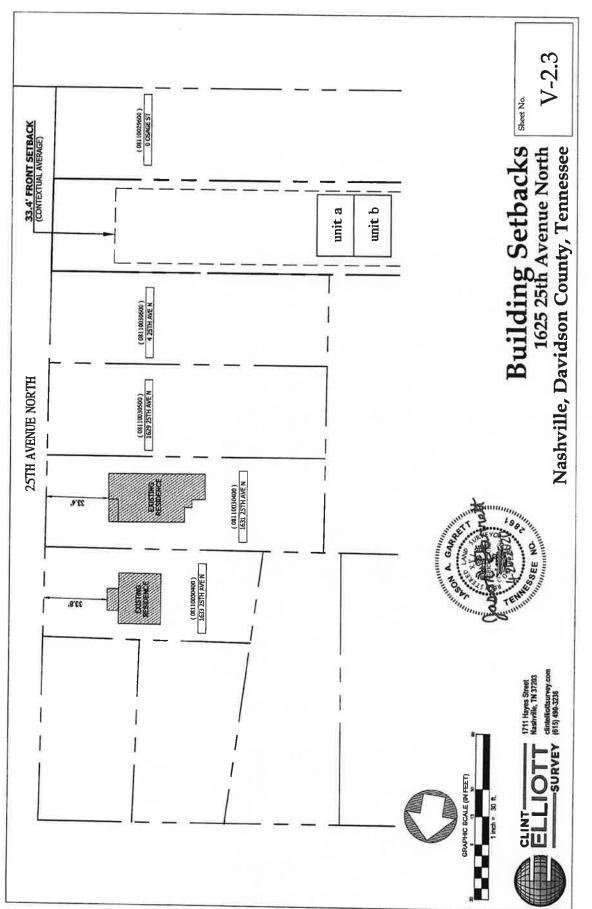
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a <u>HARDSHIP</u> as outlined. At the meeting it is important that you explain this hardship as effectively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

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

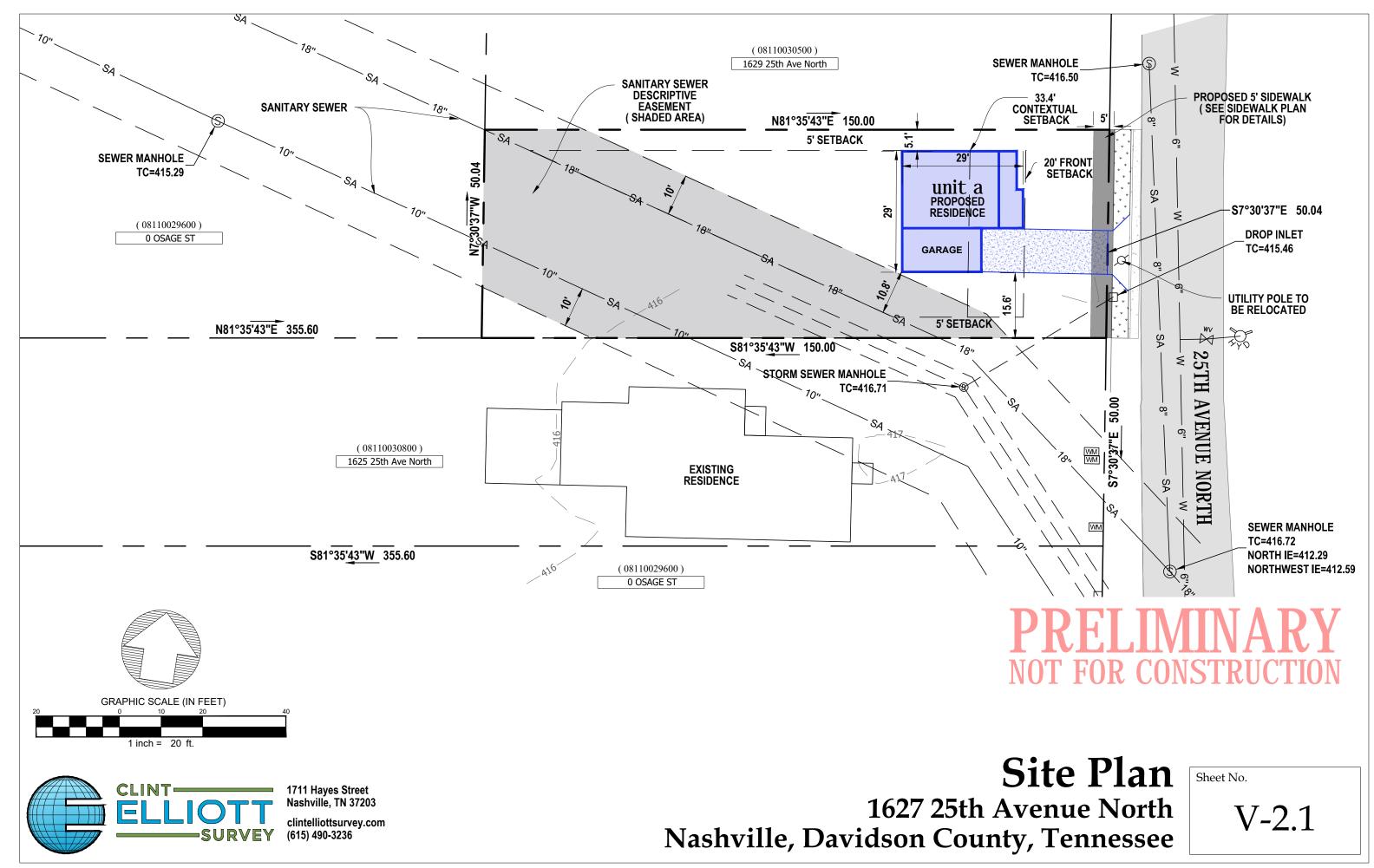
1. Two 4



Case # 2020-138



Case # 2020-138



From:	Shepherd, Jessica (Codes)
To:	Michael, Jon (Codes); Butler, Lisa (Codes)
Cc:	Lifsey, Debbie (Codes)
Subject:	FW: Order - Appeal 2020-138
Date:	Tuesday, June 23, 2020 7:55:00 AM
Attachments:	25th Ave N 1627 - Site Plan- Concept Rev 2.pdf

I have saved this to the file, I am sharing for your review.

Thanks,

Jessica

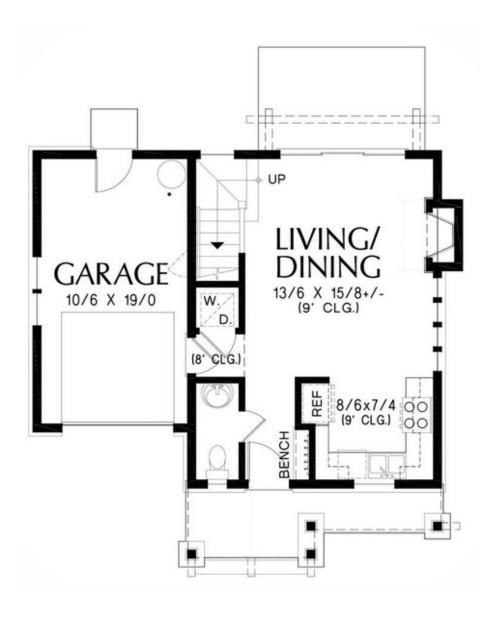
From: John Rankin <simonspropertiesllc@gmail.com>
Sent: Monday, June 22, 2020 5:49 PM
To: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Subject: Re: Order - Appeal 2020-138

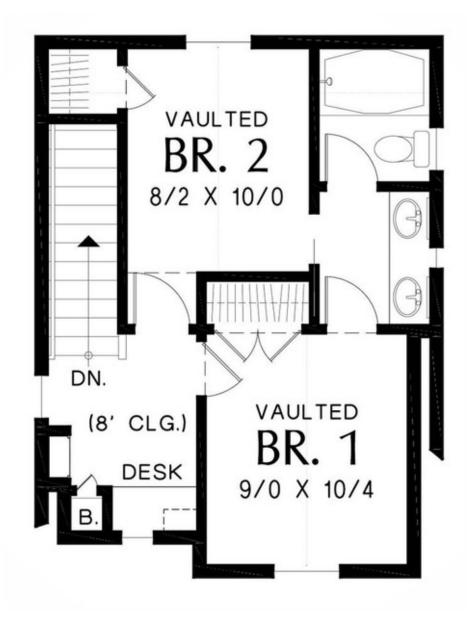
Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Jessica:

Thank you here is my re-submittal for 2020-138. We are now asking for a 20' front setback instead of 10', as stated in the meeting.







Do you need anything else from me?

Thank you,

John Rankin (615) 584-4140

On Jun 22, 2020, at 8:35 AM, Shepherd, Jessica (Codes) <<u>Jessica.Shepherd@nashville.gov</u>> wrote:

<2020-138 Order 6-18.pdf>

From:	John Rankin
To:	Butler, Lisa (Codes); Shepherd, Jessica (Codes)
Subject:	2020-138 BZA REQUEST
Date:	Tuesday, June 30, 2020 3:02:14 PM
Attachments:	2020-138 BZA Request.pdf

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

Lisa thank you for calling me!

Thank you,

John Rankin (615) 584-4140

ALEURIDIUS JAN SULVERSAM	Me	tropolitan Board of Zoning Appeals Metro Howard Building 800 Second Avenue South Nashville, Tennessee 37210
Appellant:	Dewey Engineering	Date: 5/5/2020
Property Owner	PMT Properties, LLC	Case #: 2020-141
Representative:	Michael Dewey	Map & Parcel: Map 160, Parcel 130
Council District:	34	
-	d hereby appeals from the decision nce was refused:	on of the Zoning Administrator, wherein a Zoning Permit/Certificate of
Purpose:	To create a consistent blo	ckface interms of massing and setbacks along Franklin Pike
Activity Type:	Residential	
Location:	5611 Franklin Pike	
Administrator, a was denied for t	II of which are attached and mad the reason:	dance with plans, application and all data heretofore filed with the Zoning le a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance
Reason: I	rregular TDOT ROW along	Franklin Pike as welll as width and depth of subject lot.

Reason:	Irregular TDOT ROW along Franklin Pike as welll as width and depth of subject lot.				
Section:	17.16.030.F.6, 17.12.030B, 17.12.020C				

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:	Dewey Engineering	Representative:	
Phone Number:	615-401-9956	Phone Number:	
Address:	2925 Berry Hill Dr	Address:	
	Nashville, TN 37204		
			82 11
Email address:	ndewey@dewey-engineering.	com Email address:	

Zoning Examiner : Clint Harper

Appeal Fee: \$200.00



commercial/retail use requirement of the Adaptive Reuse Development standards

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

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

DATE

James L. Murphy III jmurphy@bradley.com 615.252.2303 direct 615.252.6303 fax



jm

May 27, 2020

VIA EMAIL

Emily Lamb Secretary Metropolitan Board of Zoning Appeals 800 Second Avenue South Nashville, Tennessee 37210

RE: Case No. 2020-141-Variances for PMT Properties, LLC, 5611 Franklin Pike, Nashville, Tennessee (Tax Map 160, Parcel 13).

Dear Emily:

I represent PMT Properties, LLC ("PMT"), the owner of the property located at 5611 Franklin Pike, Nashville, Tennessee (the "Property"). The property is located in the CL zoning district and PMT proposes to construct a 6-unit multifamily residential development (the "Project") on the Property. Dewey Engineering has applied for variances needed for the Project from the front and rear yard setbacks and for a special exception to permit a deviation from the requirement for Adaptive Residential Developments that commercial or retail uses occupy 75% of the street frontage. I am submitting this letter to the Board of Zoning Appeals "("BZA") to provide additional information regarding the history of the Property that supports the request for the variance and special exception.

The Property is located on the western margin of Franklin Pike and adjoins the north boundary of the parcels utilized for the Shell station at the intersection of Franklin Pike and Old Hickory Boulevard (Map 160, Parcels 102 and 279). The properties to the north and west of the Property are within the City of Oak Hill. The Property is 50 feet in width and 144 feet deep on the north boundary and 129 feet deep on the south boundary. An aerial map showing the Property highlighted in red and the surrounding properties is attached hereto as <u>Exhibit A</u>.

As shown on the site plan submitted by Dewey Engineering and attached hereto as <u>Exhibit B</u>, the western edge of the right of way of Franklin Pike is approximately 15 feet to the west of the edge of the right of way of Franklin Pike for Parcel 160, Map 102. As shown on the photographs attached hereto as <u>Exhibit C</u>, <u>Exhibit D</u>, <u>Exhibit E</u> and <u>Exhibit F</u>, the edge of the pavement of Franklin Pike is 25 feet from the eastern boundary of the Property. This condition was discovered by a representative of AAMP, LLC prior to the time AAMP, LLC acquired the Property and certain adjoining properties to the north and west in 1997. During the due diligence investigation of the Property, AAMP, LLC learned that a portion right-of-way adjacent to the Property was formerly located within the right-of-way of the Nashville & Decatur Railroad Company. In 1929 the Nashville & Decatur Railroad Company conveyed this right-of-way to the Department of Highways and Public Works of the State of Tennessee. A drawing referencing the area conveyed to the Department of Highways and Public Works is attached hereto as <u>Exhibit G</u>.

4845-2236-4093.1

Emily Lamb May 27, 2020 Page 2

AAMP, LLC then discovered that the Tennessee Department of Transportation considered the portion of the right-of-way adjacent to the Property to be surplus right-of-way. See the letter from John H. Burke, Reginal Engineer to Mr. R.D. Minnigan, State Right-of-Way Engineer, dated August 23, 1976, and attached hereto as <u>Exhibit H</u>. A representative of AAMP, LLC then contacted Lon F. West, Metro's Zoning Administrator, who advised that in light of the fact that the portion of the right-of-way adjacent to the Property was surplus right of way, he would support a zero setback on the properties from Map 160, Parcel 109 to Map 160, Parcel 102, which includes the Property. A copy of the letter from Mr. West is attached hereto as <u>Exhibit I</u>. The recommendation of a zero setback for the Property was confirmed in a letter from C. Rick Shepherd, Zoning Examiner Chief, which is attached hereto as <u>Exhibit J</u>.

As noted in the letter submitted by Dewey Engineering with the application for the variances, the Property is unusually narrow and shallow when compared to other CL zoned properties. The 15 foot front setback and the 20 foot rear setback would not provide sufficient area to develop the Project. As noted in the letter submitted by Dewey Engineering utilizing a zero foot setback for the Property would align the building with the 15 foot setback on Map 160, Parcel 102 and with the building with a zero setback on Map 160, Parcel 109. Due to the screening to the north and west of the Property which is shown on Exhibit B, the rear of the building will be screened from the residential properties to the north and west. In addition, the proposed multifamily residential development will have comparable design and setbacks to the residential development at the corner of Old Hickory Boulevard and Town Center Boulevard in Brentwood as shown in the photographs attached hereto as Exhibit K, Exhibit L and Exhibit M. The proposed multifamily residential development will also be more compatible to the residential uses located in the City of Oak Hill to the north and west than would be the case for other commercial uses permitted in the CL zoning district.

Section 17.16.030 F 11 of the Zoning Code permits alternative design standards when a proposed residential development cannot comply with the standards of Section 17.16.030 F. The alternative design must be approved by the BZA in accordance with Sections 17.16.140 and 17.16.150 of the Zoning Code. Section 17.16.030 F 11 provides that in granting such approval of a special exception application, the BZA shall determine that the applicant has demonstrated that the relief being requested will not be injurious to surrounding properties, nor violates the adopted general plan. The BZA cannot act on any application without first considering a recommendation from the planning department.

As noted in the letter submitted by Dewey Engineering with the application for the special exception, the narrowness of the Property prevents the Project from complying with Section 17.16.030 F 6 of the Zoning Code, which requires that an Adaptive Residential Developments must have commercial or retail uses occupying 75% of the street frontage. Due to the constrained site, the access drive into the parking garage will make it impossible to provide and commercial or retail uses on the street frontage. As discussed above the proposed multifamily residential development will have comparable design and setbacks to the residential development in Brentwood and will be more compatible to the residential uses located in the City of Oak Hill to the north and west than would be the case for other commercial uses

Emily Lamb May 27, 2020 Page 3

permitted in the CL zoning district. The proposed multifamily residential development will be screened from the residential properties to the north and west by the screening on the adjoining property as shown on the site plan. Therefore the proposed multifamily residential development will not be injurious to surrounding properties.

As for compliance with the General Plan, the Property is in an area designated as T3-Neighborhood Center on the Community Plan. See the map showing the T3-NC designation attached hereto as Exhibit N. A mixture of residential and commercial uses are contemplated in T3-NC areas and low-rise and mid-rise townhomes and low-rise and mid-rise flats are contemplated as building types. Shallow setbacks are recommended in T3-NC areas. Therefore the proposed multifamily residential development is consistent with the General Plan.

For these reasons, and the reasons stated in the letter submitted by Dewey Engineering, the front and rear yard setbacks and the special exception to permit a deviation from the requirement for Adaptive Residential Developments that commercial or retail uses occupy 75% of the street frontage should be granted by the BZA

Sincerely,

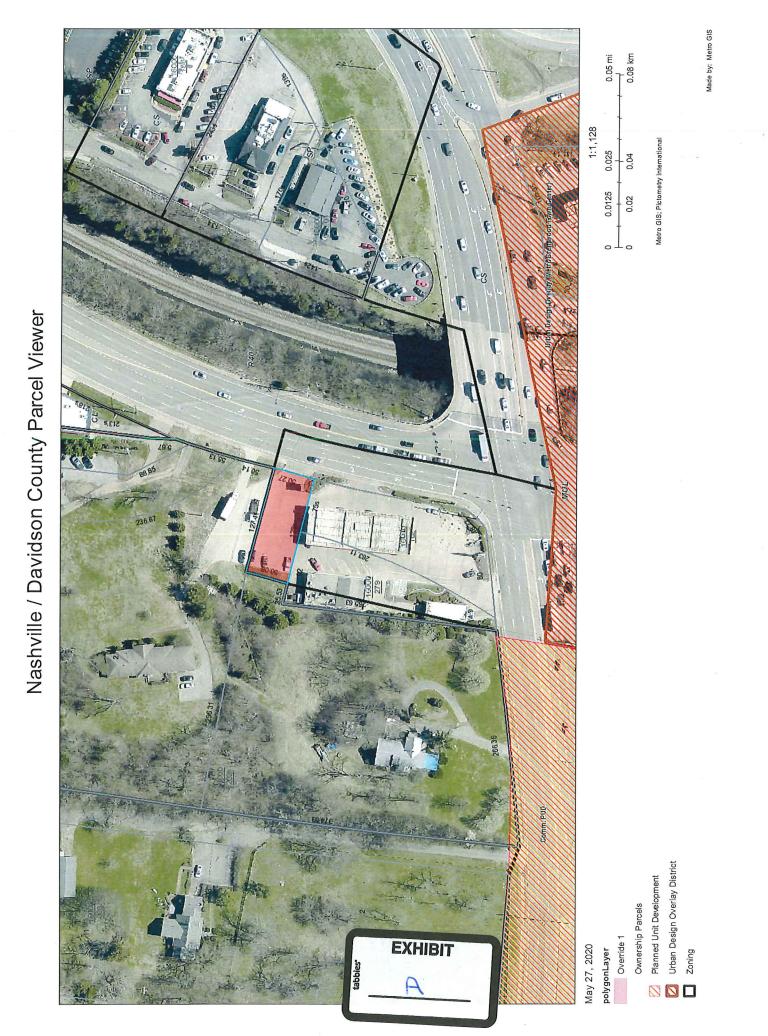
James L. Murphy III

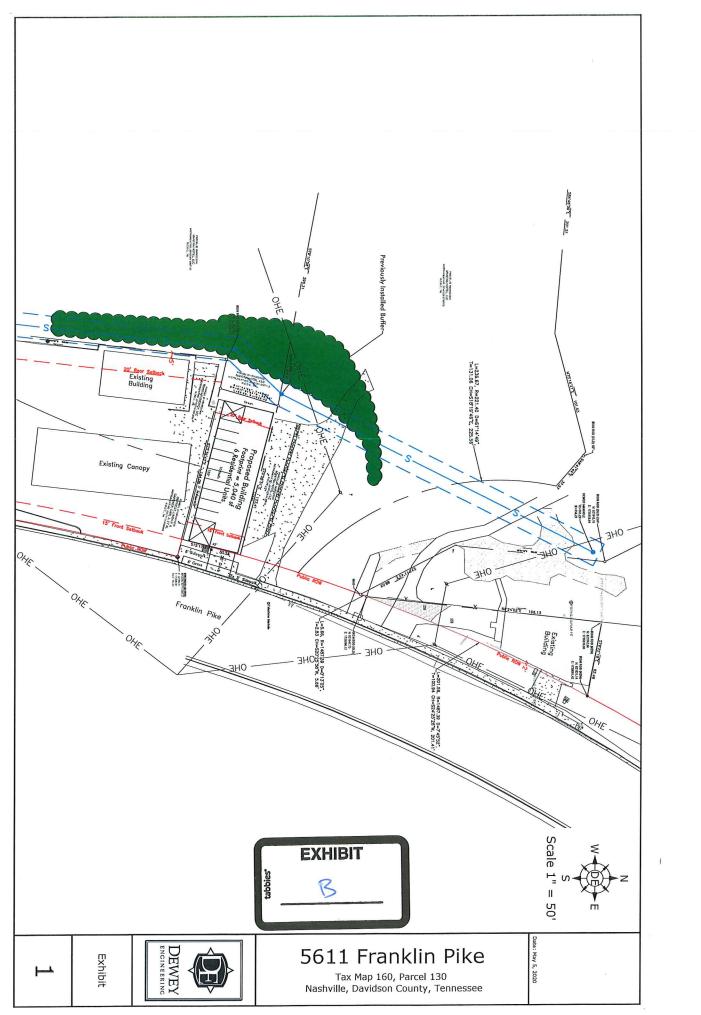
JLM

Enclosures

Michael Dewey (via email, w/ enclosures) cc:

Case # 2020-141



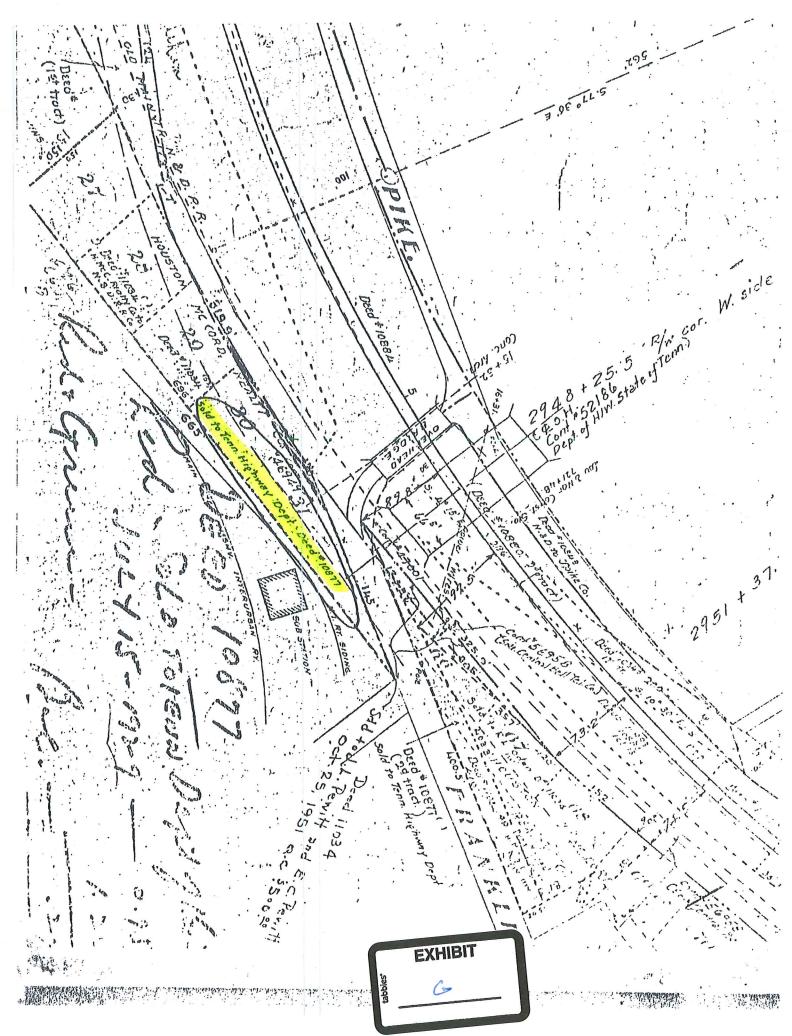












Case # 2020-141

N	A	S	H	1	11	L	L	E

RAY BLANTON

OF AERONAUTICS

BUREAU

*

BUSINESS MANAGEMENT

L.

BUREAU

*

PLANNING

BUREAU OF

#

BUREAU OF HIGHWAYS

August 23, 1976

DEPARTMENT

OF

EDDIE SHAW

W. A. GOODWIN DEPUTY COMMISSIONER

TRANSPORTATION

Mr. R. D. Minnigan State Right-of-Way Engineer 242 Doctors Building Nashville, Tennessee 37219

ENNESSEE

ATTENTION: MR. BUB AGEE

RE: EXCESS LAND SALES STATE ROUTE 6 DAVIDSON CUUNTY

Dear Mr. Agea:

Please find enclosed herewith a request received from Mr. Hubert A. Summer asking that a percel of land belonging to the Department and being part of the above referenced highway, be declared excess.

I have had this request reviewed in the Region and it is our determination that there is no contemplated future need for this property and as such I de concur in this request and ask that the matter be referred to the standing committee of the Department for such perposes.

As a matter of reference, in our review of the request it was found that the Department's deed to the property is unrecorded; however, we do understand that a copy of this deed may be obtained through the office of Mr. Bill Lamb, Director, Public Works Administration, Metropolitan Government of Nashville and Davidson County. We also found that Mr. Summar does hold a quitclaim deed which purports to convey this property. This deed is recorded in Book 5008, page 288, Register's Office for Davidson County, Tennessee.

Yours yery truly.

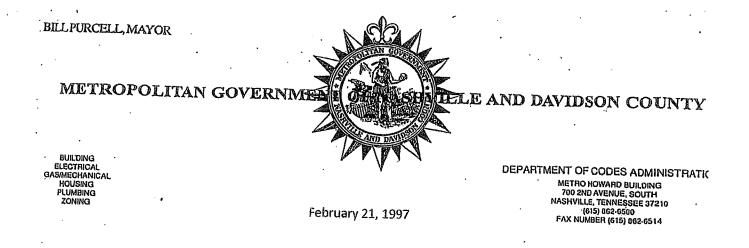
John H. Buzha Regional Engineer

ppm Enclosure cc: S. N. Wilson



REP. W. DIVISION

BUREAU OF AREA MASS TRANSIT * BUREAU OF INDUSTRIAL MARINE & WATERCRAFT TRANSPORTATION



Mr. Mark Marshal Marshall Developments P.O. Box 2142 Brentwood, TN 37024

RE: Franklin Pike, Brentwood TN 37027 Parcel 160: Map 102 & 109

Dear Mr. Marshal:

From all the records in the Department of Codes Administration and Metro Planning Commission, it appears that the referenced parcels are in Davidson County outside the corporate limits of the City of Oak Hill.

TDOT has explained to us and Metro Mapping that TDOT sold extra surplus Parcel 160 Map 109 to Herb Summers and the remaining of the majority of right-of-way between Parcel 160 Map 102 and Parcel 160 Map 109 is considered surplus right-of-way but not deemed extra surplus right-of-way which TDOT received by deed from the abandonment of the railroad in approximately 1929.

Therefore, it is my opinion that the subject properties are within the jurisdiction of Metro Government (not the City of Oak Hill) and is currently zoned ("CL") which is the successor zoning to ("Commercial A"). As it relates to the final approval of the zero front set back in front of Parcel 160 – Map 102 50 foot strip and the surplus right-of-way land between said two parcels I would support a zero front setback due to the depth of right-of-way (that the majority of right-of-way is deemed surplus right-of-way) which would have to receive final approval by the Board of Zoning Appeals.

Should you need further information, please feel free to contact me @ 862-6608

Very truly yours,

LFW:lib

Lon F. West Zoning Metropolitan Zoning Administrator

EXHIBIT

Philip Briddesen, Mayor



E AND DAVIDSON COUNTY

Suilding Lectrical SMECHANICAL HOUBING PLUMPINIS ZONINO

DEPARTMENT OF CODES ADMINISTRATION METRO HOWARD BUILDING 790 3ND AVENUE, SOUTH NASHVILLE, TENNEASES 37210 (615) 562-4860 FAX NUMBER (615) 858-6914

August 24, 1999

Mr. Mark Warshall Marshall Developments P.O. Box 2142 Brentwood, TN 37024

RE: Franklin Pike, Brentwood TN 37027 Map: 160 Parcel: 102

Dear Mr. Marshall:

This is to confirm our conversation regarding the referenced parcel. As confirmed in our conversations with Mr. Freddie Stroupe in the Metro Mapping Division, the property beginning with the northwest corner of Franklin Pike and Old Hickory Boulevard is all one parcel. This includes the Shell site and the remaining approximately 50 foot strip you propose to develop to the north.

As we have previously discussed with Lon F. West, we support and also would recommend that the said parcel should have a zero front setback due to the fact that both Metro Mapping and the State of Tennessee show that most of the area in the R.O.W. in front of the 50 foot strip is surplus right-of-way and is deemed out of the normal R.O.W. that will never be needed for Highway Purposes. Please note that while we recommend a zero front set back it would have to be heard by the Board of Zoning Appeals prior to being approved by Codes.

The 50 foot strip portion of the said parcel that you propose to develop is all within the jurisdiction of Metropolitan Nashville, Davidson County, Tennessee with the City of Oak Hill having jurisdiction north of the site. This is indicated on a subdivision plat recorded in Book 8250 Page 785 approved by the City of

The subject parcel is zoned "CL" and upon submittial of plans and application to the BZA, to our office, demonstrating compliance with applicable codes we will issue a building permit.

Sincerely.

Shyperd

C. Rick Shepherd Zoning Examination Chief lh

666I 77 60H



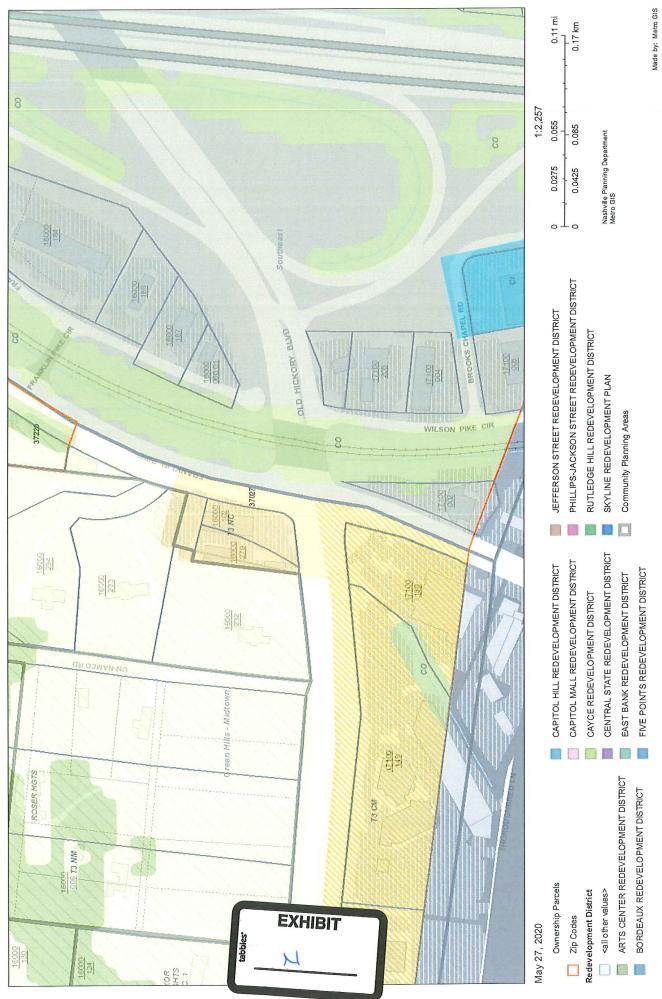
WELKO CODES







Nashville / Davidson County Parcel Viewer



Case # 2020-141

From:	Robert C Cobb
To:	Board of Zoning Appeals (Codes)
Subject:	Case #2020-141
Date:	Tuesday, June 9, 2020 1:32:18 PM

Members of the Board:

I am writing in opposition to the variance request referenced above. The location of the proposed structure will adversely effect visibility at a congested intersection and limit access to adjoining businesses and residences.

Cal Cobb 5520 Hillview Dr. Brentwood, TN 37027

From:	Mr. Jonah Rabinowitz
To:	Board of Zoning Appeals (Codes)
Subject:	Variance Case#2020-141
Date:	Tuesday, June 9, 2020 11:52:28 AM

Dear members of the Nashville Board of Zoning Appeals,

I would like to urge you to decline the request for variances for case# 2020-141, at the property of 5611 Franklin Pike, 37027.

The corner of OHB and Franklin Pike has multiple issues of parking, and entrance and egress. Traffic becomes backed up through the intersection if even a single car is attempting to make the left turn into the gas station adjacent to this property (going north on Franklin Pike). Adding 6 residential units, will only create more issues in an already untenable situation. There is not sufficient space for parking for the building next to this lot, and I question the motives for squeezing a multi residential onto this slice of land.

Please, before making any decisions, examine this matter closely by visiting the site.

Thank you for your time and consideration, Carole Rabinowitz

 From:
 Rob Freundlich

 To:
 Board of Zoning Appeals (Codes)

 Subject:
 opposition to variance request 2020-141

 Date:
 Monday, June 8, 2020 6:41:19 PM

As a resident of Oak Hill and the neighborhood involved in variance request 2020-141, I would like to express my opposition to the proposed multifamily dwelling at the corner of Franklin Pike and Old Hickory. Part of the charm of living in Oak Hill has been its somewhat unique ability to resist excessive development and high density housing, unlike much of the rest of Nashville. I am concerned that permitting the construction of high density housing would lead to a slippery slope of development.

I would be happy to speak more at any time with you or any members of your staff about my opposition. Thank you very much for your time.

Sincerely, Rob Freundlich

From:	Zach Baldwin
То:	Henderson, Angie (Council Member); Board of Zoning Appeals (Codes)
Subject:	Opposition to Case 2020-141; 5611 Franklin Pike
Date:	Sunday, June 14, 2020 9:32:28 AM

All:

As a resident of Oak Hill, nominated Oak Hill BZA member soon to take responsibilities, and candidate for commissioner of Oak Hill, I am writing to express my opposition to the planned development on 5611 Franklin Pike.

While understanding the development is in Nashville and not Oak Hill, it still borders the city of Oak Hill that has strict ordinances against commercial development. The proposed development does not fit into the context of the surrounding areas. I hope that you will respectfully decline the request for variances for this location.

Gratefully,

Zach





From:	Gregory, Christopher (Public Works)
То:	Shepherd, Jessica (Codes)
Cc:	Ammarell, Beverly (Public Works)
Subject:	RE: Appeal 2020-141
Date:	Friday, June 26, 2020 11:48:50 AM

Response is copied below.

2020-141 5611 Franklin Pike Reduce building setback

Variance: 17.16.030 F.6, 17.12.030 B, 17.12.020 C Response: Public Works takes no exception on condition that adequate parking is provided on site per code.

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

Christopher E. Gregory, E.I.T.

Metropolitan Government of Nashville

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

From: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Sent: Friday, June 26, 2020 10:27 AM
To: Ammarell, Beverly (Public Works) <Beverly.Ammarell@nashville.gov>
Cc: Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: RE: Appeal 2020-141

Hello,

I am just following up on this.

Thank you,

Jessica

From: Ammarell, Beverly (Public Works) <<u>Beverly.Ammarell@nashville.gov</u>>
Sent: Tuesday, June 23, 2020 10:27 AM
To: Shepherd, Jessica (Codes) <<u>Jessica.Shepherd@nashville.gov</u>>
Cc: Gregory, Christopher (Public Works) <<u>Christopher.Gregory@nashville.gov</u>>
Subject: Re: Appeal 2020-141

Chris, have you prepared a traffic response?

From: Shepherd, Jessica (Codes) <<u>Jessica.Shepherd@nashville.gov</u>>
Sent: Wednesday, June 3, 2020 2:06 PM
To: Ammarell, Beverly (Public Works) <<u>Beverly.Ammarell@nashville.gov</u>>; Ammarell, Beverly (Public
Works) <<u>Beverly.Ammarell@nashville.gov</u>>;
Subject: Appeal 2020-141

Appeal 2020-141 on agenda for 6/18/2020

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:	June 30, 2020
BZA H	Tearing Date: July 2, 2020
Re:	Planning Department Recommendation for Special Exception Cases

Pursuant to Section 17.16.030.F.11 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following Special Exception case:

Case 2020-141 (5611 Franklin Pike) – Special exception

Request: A special exception to permit a deviation from the requirement for Adaptive Residential Developments with ground floor parking facilities to have commercial or retail uses occupy 75% of the parking facility frontage along a street.

Zoning: Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

Policy: T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Existing Context: The 0.15 acre site is located on the west side of Franklin Pike, north west of the intersection of Franklin Pike and Old Hickory Boulevard.

The subject site is currently vacant. The properties at the intersection of Franklin Pike and Old Hickory Boulevard are primarily commercial. The properties to the south and east are primarily commercial land uses within commercial policy. The properties to the north and west of the site are primarily residential within residential policy.

Planning Department Analysis:

The applicant is requesting one special exception:

• A special exception to allow for a reduction to the commercial and retail uses required on the ground floor of parking facilities abutting a public street.

The proposed site is eligible for Adaptive Residential Development, as it is located in the urban services district and has the majority of the building frontage on an arterial as shown in the Major Street Plan. Under the Adaptive Residential Development requirements, if parking is provided in a new deck or structure, the ground floor of the parking facility abutting a public street shall contain commercial or retail uses for seventy-five percent of the street frontage. Other requirements for Adaptive Residential Developments include orienting the building to the street. The proposed elevations show a pedestrian entrance onto the street as well as a vehicular entrance.

The intent of the T3 NC policy is to create suburban neighborhood centers compatible with the general character of suburban neighborhood development. These centers are intended to provide a variety of services to surrounding suburban neighborhoods. The property is on the border of the T3 NC policy and Suburban Neighborhood Maintenance (T3 NM) policy areas. The T3 NM policy area is a residential policy. For properties on the boundary of policy areas, proposed development should serve as a transition between properties. The requested special exception would allow a fully residential development. By providing an exclusively residential development to the south and existing residential development to the north is created.

Planning Recommendation: Approve the requested special exception.







MATERIALS SCHEDULE - 5595 PROPERTY KEY AMOUNT SCIENTIFIC NAME/ COMMON NAME TREES CC 3 Cercis canadensis 'Merlot'/ Merlot Redbud SHRUBS IC 14 llex crenata 'Helleri'/ Heller's Compact Holly TO 7 Thuja occidentalis 'Smaragd'/ Emerald Green Arborvitae TURF SOD Rebel II Fine Bladed Sod MISCELLANEOUS

Mulch Bed Hardwood Bark Mulch NOTES FTB = Full To Bottom

HEIGHT SPREAD TRUNK NOTES 6' Min. 2'-3' 2" Matched 18" Min. 15"–18" F.T.B. 48" Min. 15"–18" F.T.B. Install at disturbed areas.

REMARKS Minimum 3" depth throughout.

MATERIALS SCHEDULE - 5611 PROPERTY KEY AMOUNT SCIENTIFIC NAME/ HEIGHT SPREAD TRUNK NOTES COMMON NAME TREES Matched AR 3 Acer rubrum 'Karpick'/ 12'-14' 4'-5' 2" Karpick Red Maple 3' Clear SHRUBS IC 7 llex crenata 'Helleri'/ 18" Min. 15"–18" F.T.B. Heller's Compact Holly SJ 5 Spiraea japonica 'Walbuma'/ 15" Min. 15"–18" F.T.B. Magic Carpet Spirea GRASSES PA 4 Pennisetum alopecuroides 'Hameln'/ Install where shown. Dwarf Fountain Grass TURF SOD Rebel II Fine Bladed Sod Install where shown. MISCELLANEOUS REMARKS Minimum 3" depth throughout. Mulch Bed Hardwood Bark Mulch HB 2 Hose Bib, Water Spigot, Hydrant Install within 100' of any new landscaping on subject property. NOTES FTB = Full To Bottom

THE LANDSCAPE CONTRACTOR SHALL NOT MAKE SUBSTITUTIONS

* OFFSITE, NO TDU OR LANDSCAPE CREDIT

REQUIREMENTS

 (\oplus)

PARCEL ID # PROPERTY ZONE:	160000 CL-S)01300 ;P
GROSS PARKING AREA: INTERIOR PLANTING AREA REQUIRED:	0 NA	SF
AREA OF REQUIRED COMPLIANCE:	0.12 0.03 22.0	ACRES ACRES ACRES
PROPOSED NEW TREES: 2" CAL @ 0.25 3 x 0.25 = CREDIT FOR NEW TREES: TOTAL TDU PROVIDED:	0.75	
IRRIGATION REQUIREMENTS SATISFIED VIA		IBS
andscapearchitect-tn.com 📞 615-33	33-4636	

└── cumberlandesign@bellsouth.net ♀ Nashville, TN

💿 2019 - Cumberland Landesign Inc. 💿 Solar Powered 🎈

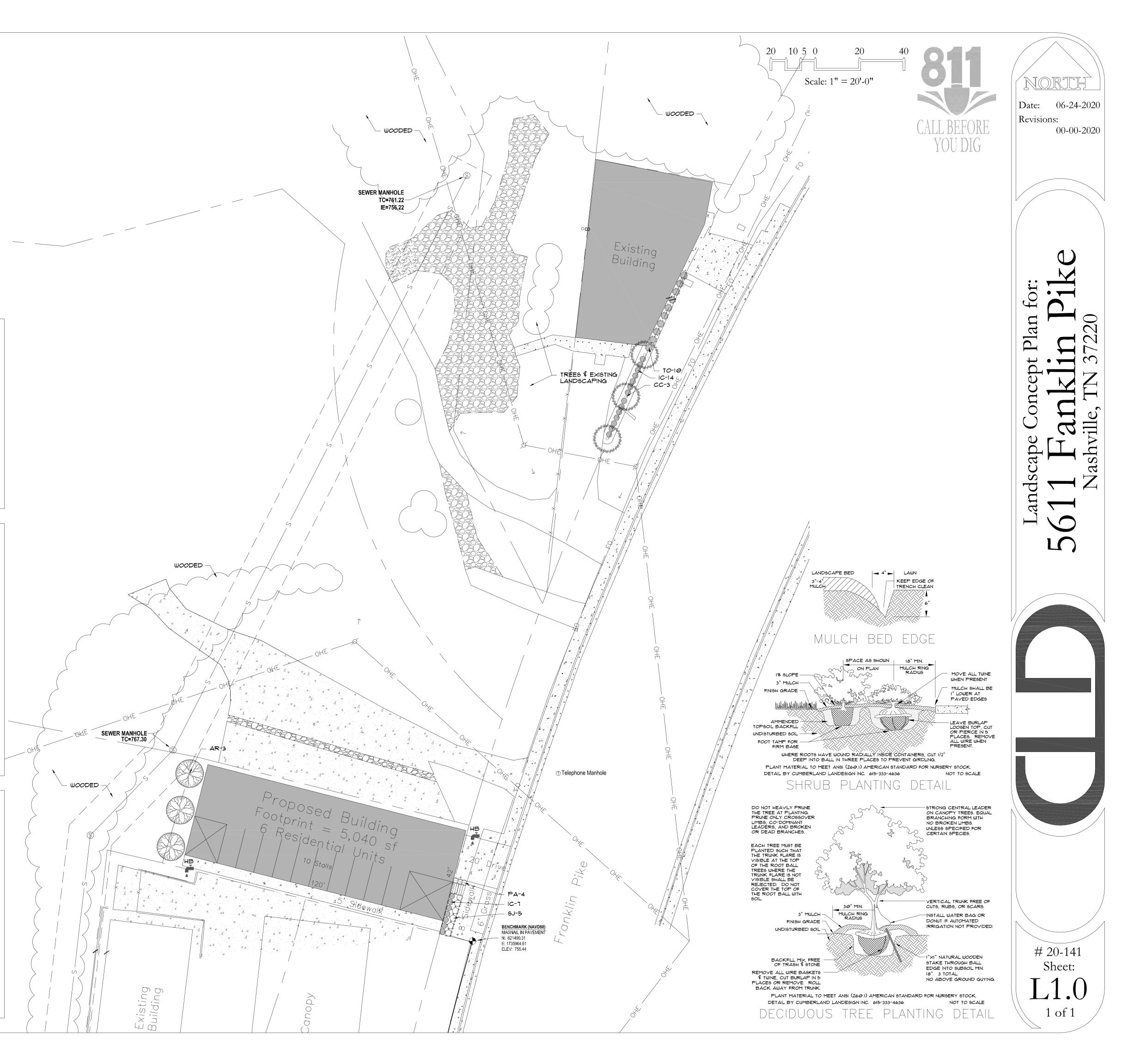
NOTES

THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY AND SHALL BE RESPONSIBLE FOR ANY DAMAGE. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINE GRADING OF ALL PLANTING AREAS. ALL PLANTING AREAS SHALL BE FERTILIZED WITH 12#/1000 S.F. OF 10-10-10 FERTILIZER.

ALL PLANTING BEDS SHALL HAVE A MINIMUM OF 3" DEPTH OF SHREDDED BARK MULCH. FINELY GROUND, NO NUGGETS, 1/2" DIAMETER MAX. PIECES. REFUSE & STONE FREE.

ALL DISTURBED AREAS SHALL BE PLANTED WITH TURF AS INDICATED ON THE MATERIALS SCHEDULE. PLANT SIZES SHOWN ARE MINIMUMS REQUIRED BY THE LOCAL MUNICIPALITY AND MATERIALS SHOWN HAVE BEEN SELECTED SPECIFICALLY FOR THIS PROJECT. ALL WIRE BASKETS SHALL BE COMPLETELY REMOVED. REMOVE ALL TWINE FROM BURLAP MATERIALS. STAKE TREES IN PLACE PER DETAIL – WIRE OR ROPE GUYING IS NOT ALLOWED.

NO CANOPY TREE SHALL BE LOCATED WITHIN 15' OF AN OVERHEAD UTILITY, POWER LINE, OR LIGHT POLE. NO CANOPY TREE SHALL BE LOCATED WITHIN A GAS, WATER, SEWER, UNDERGROUND ELECTRIC, CABLE, FIBER, OR PUBLIC UTILITY EASEMENT WITHOUT SIGNING OF A RELEASE WAIVER AND APPROVAL BY THE EASEMENT HOLDER.





COMPASS

Members of the Metropolitan Board of Zoning Appeals 800 Second Avenue South Nashville, Tennessee 37210

Re: Case No. 2020-141-Variances for PMT Properties, LLC, 5611 Franklin Pike, Nashville, Tennessee

Dear Board Members:

I am submitting this letter to address questions on the marketability of the residential development at 5611 Franklin Pike that were raised at a recent community meeting. I have been involved with PMT Properties, LLC in the design and planning of this development for some time. I have helped in selections of the quality finishes most coveted by the target buyer group of this project and have assisted with both interior layouts and exterior finishes. My 15 years of experience has been instrumental in my team selling nearly 550 properties last year and nearly \$1 billion in sales in my career. I take a strategic approach to each project I market and sell.

This particular project boasts the coveted Brentwood address, close proximity to the interstate and great accessibility to the commercial district of Brentwood as well as Nashville. I do recognize the proximity to the Shell Station is a negative to overcome, but I am no stranger to selling property where you have something to overcome. I sold multiple properties on Alice Street in Nashville that were next to the Marathon holding station. Any time the wind picked up you would smell very strong gas fumes at those properties. This was a big issue to overcome but it did not prevent the homes from being sold for top dollar when marketed with upgraded finishes. Those properties had a \$500k price point and buyers were simply willing to overlook the one negative for the many positive features.

The development team and I recognized possible negatives of the nearby gas station. From the beginning of our planning sessions great care and detail was taken to make sure the architect designed a wall that had added character with its brickwork but also a screen to take the focus away from the adjacent property. The private courtyard allows a luxury feeling by incorporating

ivy and other green plant materials. As far as ingress and egress is concerned, this particular is accessible for traffic coming from either North or South on Franklin Road. I truly believe this is not only the best use for the property but will certainly provide a lot less traffic for the Old Hickory Boulevard and Franklin Road intersection than if the property was developed as a drive-thru coffee operation or similar commercial use.

I look forward to showing prospective buyers that this property offers luxury brownstone living with great accessibility. We plan to market these properties once they finish the build out of the model units. It is important for buyers to see the finished product. I anticipate a 4-6 month selling cycle once I have a model unit available.

I am available for any questions you have on this project.

Best,

Erin Krueger- MBA, ABR, ASP, CRS, Affiliate Broker, REALTOR®= The Erin Krueger Team at Compass - Team Lead 1033 Demonbreun St, Suite #300 Nashville TN 37203 m: 615.509.7166 / o: 615-475-5616 www.erinkrueger.com License #309197

Resolution: R-20-06-01-90 A resolution in reference to a multi-family residential zoning request in Metro Nashville/Davidson County

Whereas, the City of Oak Hill has maintained its single family residential zoning land use since its inception.

Whereas, the City of Oak Hill has adopted significant ordinances to protect all parcels of land within the corporate limits from future commercial and/or multi-family land use considerations.

Whereas, the Board of Commissioners of the City of Oak Hill have concerns about the possibility of new multi-family land use options being made available at 5611 Franklin Pike.

Whereas, The Board of Commissioners of the City of Oak Hill have safety concerns with the traffic patterns at this location (5611 Franklin Pike) due to the high volume of traffic accessing the intersection of Old Hickory and Franklin Pike.

NOW, THEREFORE BE IT RESOLVED that the City of Oak Hill Board of Commissioners strongly support maintaining the existing zoning classifications for the property located at 5611 Franklin Pike and request that the Metropolitan Board of Zoning Appeals deny any and all variance requests now before the board to include: a request to construct 6 residential units, variances from front and rear setback requirements and a special exception for the commercial/retail use requirement of the adaptive reuse development standards.

NOW, BE IT FURTHER RESOLVED that this resolution shall be provided to the Metropolitan Board of Zoning Appeals.

Mayor Heidi Campbell

Vice Mayor Dale Grimes

Commissioner Stacy Widelitz

Attest:

City Attorney



Metropolitan Board of Zoning Appeals Metro Howard Building

800 Second Avenue South Nashville, Tennessee 37210

Appellant:	The Theater Bug, Inc. Date: May 14, 2020	
Property Owner:	er: 2020 Lindell, LLC Case #: 2020- 145	
Representative:	Madison Haynes Map & Parcel: 10510036000	
Council District:	t:	
The undersigned	ed hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certific	ate of
Zoning Compliar	ance was refused:	
	The applicant, a non-profit children's theater group, plans to use a portion of the building loca	ted at
Purpose:	2020 Lindell Avenue, Nashville, TN 37203 as a rehearsal and performance space for its product	ions.
	Entertainment; educational: The general category of the project is to provide a venue for The	Theater
	Bug to perform and to provide a place of extra-curricular learning to the group's members dur	ing
Activity Type:	rehearsals.	
Location:	2020A Lindell Avenue, Nashville, TN 37203	
	is in the <u>Industrial Restricted</u> Zone District, in accordance with plans, application and all data hereto g Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Cert	

Zoning Compliance was denied for the reason: The applicant is seeking a special exception to use the property as a Theatre, as defined by Section 17.16.220(K) of the Metropolitan Zoning Ordinance. Theatre use is only permitted by special exception in the current zoning district. The portion of the property to be used by The Theater Bug is less than twenty thousand square feet, the proposed use is supported by the Community Plan for both Wedgwood-Houston and South Nashville, and

Reason: no hazardous materials will be located within an unsafe distance of the property.

Section:	17.16.220	

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

Appellant Name:	The Theater Bug, Inc.	Representative:	Madison Haynes
Phone Number:	(615) 818-7358	Phone Number:	Work: (615) 252-2382 Cell: (931) 265-0424
Address:	401 Norman Drive	Address:	Bradley Arant Boult Cummings LLP
	Madison, TN 37115		1600 Division Street, Suite 700
	Attn: Cori Anne Laemmel		Nashville, TN 37203
Email address:	cori@thetheaterbug.org	Email address:	mhaynes@bradley.com

Appeal Fee: \$200.00

Madison C. Haynes Attorney mhaynes@bradley.com 615.252.2383 direct 931.265.0424 cell 615.252.6388 fax



May 13, 2020

Via Email

Board of Zoning Appeals Metropolitan Government of Nashville and Davidson County 800 Second Avenue South Nashville, TN 37210 Attn: Jon Michael, Zoning Administrator

> Application for Special Exception for 2020 Lindell Avenue, Nashville, TN 37203 Re: (Parcel ID 10510036000) by The Theater Bug, Inc.

Dear Mr. Michael:

The Theater Bug, Inc., a nonprofit children's theater group ("Theater Bug"), recently entered into a lease for a portion of the building located at 2020 Lindell Avenue, Nashville, TN 37203, and is seeking a special exception to use the leased portion as a theater and performance space. The current zoning classification of 2020 Lindell Avenue is Industrial Restrictive. The building has approximately fifty (50) striped parking spaces available with area for approximately one hundred (100) additional parking spaces.

Enclosed with this letter is a site plan depicting the building and area leased by Theater Bug, identified as 2020A Lindell, and the signed Application for Special Exception Requests required by the Board of Zoning Appeals. If you have any additional questions regarding this special exception application, please reach out to me on my cell phone at (931) 265-0424 or via email.

Sincerely,

BRADLEY ARANT BOULT CUMMINGS LLP

nadison C. Nayres

By:

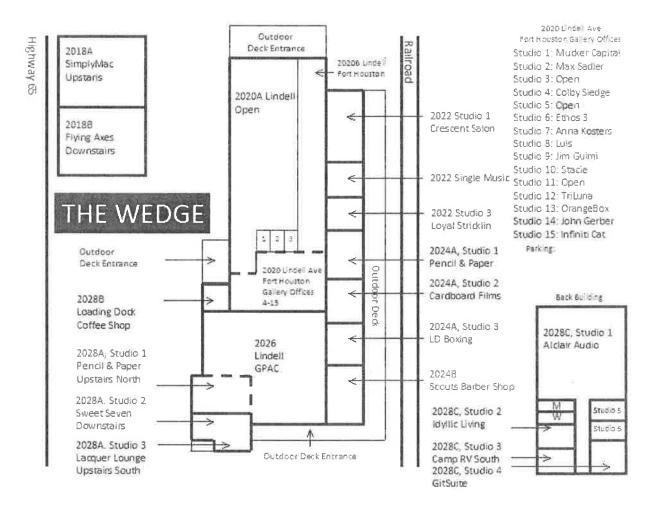
Madison C. Haynes

MCH Enclosure

Debbie Lifsey, via email cc: Jessica Shepherd, via email

4838-6287-0460.1

Location of 2020A Lindell Avenue



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 rewarding 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 lam required to conduct a community meeting.

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 RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

APPELLANT (OR REPRESENT

DATE

From:	Gregory, Christopher (Public Works)
To:	Shepherd, Jessica (Codes)
Cc:	Ammarell, Beverly (Public Works); Lifsey, Debbie (Codes)
Subject:	RE: Appeal 2020-145
Date:	Friday, June 5, 2020 10:48:36 AM

2020-145 2020A Lindell Ave Rehersal and performance venue

Variance: 17.16.170 A

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

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

From: Shepherd, Jessica (Codes) <Jessica.Shepherd@nashville.gov>
Sent: Wednesday, June 3, 2020 2:10 PM
To: Ammarell, Beverly (Public Works) <Beverly.Ammarell@nashville.gov>; Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: Appeal 2020-145

Appeal 2020-145 on agenda for 7/2/2020

From:	Lamb, Emily (Codes)
То:	Michael, Jon (Codes); Butler, Lisa (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject:	FW: 7/2/20 BZA NEIGHBORING LETTER AND APPLICATION
Date:	Wednesday, June 17, 2020 9:02:54 AM
Attachments:	2020-145 neighboring letter 7-2.pdf
	2020-145 application.pdf

From: Sledge, Colby (Council Member) <Colby.Sledge@nashville.gov>
Sent: Wednesday, June 17, 2020 9:01 AM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Cc: Cathey, Eben (Planning) <Eben.Cathey@nashville.gov>; Lamb, Emily (Codes)
<Emily.Lamb@nashville.gov>
Subject: FW: 7/2/20 BZA NEIGHBORING LETTER AND APPLICATION

Good morning,

Just a quick note to say I am in full support of 2020-145. I've been in touch with the applicant on and off over the past couple of years as they have searched for a space, and I am delighted they have the opportunity to use this property. Please approve this appeal.

Colby

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

From: Cal, Doris (Council Office) <<u>Doris.Cal@nashville.gov</u>>
Sent: Wednesday, June 17, 2020 8:58 AM
To: Sledge, Colby (Council Member) <<u>Colby.Sledge@nashville.gov</u>>
Cc: Wilkinson, Matthew (Council Office) <<u>Matthew.Wilkinson@nashville.gov</u>>
Subject: 7/2/20 BZA NEIGHBORING LETTER AND APPLICATION

GOOD MORNING, PLEASE SEE ATTACHED BZA NEIGHBORING LETTER AND APPLICATION FOR 7.2.20.

BEST,

From:	TRASBIN STONER
To:	Board of Zoning Appeals (Codes); Winnie Forrester; Trasbin Stoner
Subject:	Support of theater Bug permit #20200030812(2020 Lindell Avenue)
Date:	Sunday, June 14, 2020 3:57:29 PM

I am writing in support of the appeal for Special Exception to allow the operation of a children's theater. I own property at 2306 Lindell. I am familiar with the work of Theater Bug and strongly recommend allowing them to utilize the property in question. I do not think it in any way negatively impacts the surrounding neighbors. In fact,I think they will be an asset to our neighborhood. I look forward to enjoying their work.

Thank you, Trasbin I. Stoner II 752 East Argyle Avenue Nashville, TN 37203 615-491-7173 tstoner@comcast.net 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: June 22, 2020

BZA Hearing Date: July 2, 2020

Re: Planning Department Recommendation for a Special Exception, Case 2020-145

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

1. Case 2020-145 Theatre (2020 Lindell Avenue)

Request: A Special Exception to operate a Theatre in a portion of an existing structure.

Zoning: <u>Industrial Restrictive (IR)</u> is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Land Use Policy: <u>T4 Urban Mixed Use Neighborhood (T4 MU)</u> is intended to maintain, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a variety of housing along with mixed use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways, and existing or planned mass transit.

Planning Department Analysis: The subject site is bounded on the west by I-65 and is bounded on the east by a railway. The property is south of Wedgewood Avenue and west of MDHA property. The site currently has a multi-tenant building with a mixture of commercial and industrial uses. The parking for the building wraps around the north, west, and south side of the building. The surrounding sites are zoned for Industrial and Residential uses. The area zoned Residential is separated from the site by an active railway.

The request to use a portion of the existing building as a Theatre is an appropriate use for the site given the land use policy. The land use policy for this area is Urban Mixed-Use and encourages a mixture of uses. The proposed use will enhance the area as a mixed-use district. The site is

separated from the nearby residential policy area by a railway that serves as a boundary between the two policy areas.

Planning Recommendation: Approve.

" AND	Metropolitan Board of Zoning Appeals Metro Howard Building 800 Second Avenue South Nashville, Tennessee 37210
Appellant:	Brian Gainous Date: 5/7/2020
Property Owner:	G. Con Investments, LLC Case #: 2020-146
Representative:	Bran Gainous Map & Parcel: 07/12031900
Council District:	05
The undersigned	d hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of
round combinat	nce was refused:
Purpose:	Build a new duplex
Activity Type:	Residutial Building
Location:	1512 Jones Ave, Nashville
	in the $\frac{85}{100}$ zone District, in accordance with plans, application and all data heretofore filed with the Zon all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Complete sectors
was denied for t Reason:	an of which die allouleu dita made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compl
was denied for t Reason: Section:	the reason: <u>radfathered duplex status has expired</u> rs and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection of the
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To whom it may concern:

I own 1512 Jones Ave under my company name, G. Co. Investments, LLC. It is parcel 07112031900. The property had a duplex on it that was damaged by a tree service truck rolling down a hill and crashing through the front. The prior owner and the tree company were uninsured and could not repair the duplex. It was eventually demolished by Metro Codes.

I bought the property when it was auctioned for the lien place on the property by Metro Codes and delinquent taxes. Knowing it had a duplex in the past, seeing it has two water meters, and duplexes on both sides I assumed a duplex could be built back on the property. However, I have since learned that grandfathered status has expired and the current RS5 zoning and does not allow a duplex

After speaking with an official at the planning front desk I understood that the neighborhood policy and characteristics would support a duplex being built on the lot. However, the other options of getting the approval are lengthy and far more expensive than this appeal process. Therefore, I am requesting that the expired grandfathered duplex status be reinstated so that I can move forward with replacing the duplex that was once on the lot.

Brian Gainous Chief Manager G. Co. Investments, LLC 4/30/2020

Case # 2020-146

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 Thursday, prior to the public hearing to be included in the record. You must provide (1) copy of your information to staff.

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

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130/2020

LITAN COVERSION	HELE AND DAVIDSON COUNTY ME 800	itan Board of Zoning etro Howard Buildir Second Avenue So wille, Tennessee 37	lg uth		
Appellant:	Urban Dwell homes	Date:	5-16-2020		
Property Owner:	Urban Dwell Homes	Case #:	2020-147		
Representative:	Brandon McDonald	Map & Parcel:	072070K00200Co		
Council District:	7				
The undersigned Zoning Compliand Purpose:		-	istrator, wherein a Zoning Permit/Certificate of		
Activity Type:	Single family				
Location:	1226 b McGavock Pike				
		• • •			
Administrator, all was denied for th	of which are attached and made a pa e reason:	art of this appeal.			
Administrator, all was denied for th Reason: Side	of which are attached and made a pa e reason:	art of this appeal.	Sald Zoning Permit/Certificate of Zoning Compl		
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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 - T2020009611

THIS IS NOT A PERMIT

PARCEL: 072070K00200CO SITE ADDRESS: APPLICATION DATE: 02/12/2020

1226 B MCGAVOCK PIKE NASHVILLE, TN 37216 UNIT B HOMES AT 1226 MCGAVOCK PIKE PARCEL OWNER: URBAN DWELL HOMES, GP

APPLICANT: MCDONALD, ROBERT BRANDON GENERAL CONTRACTOR

NASHVILLE, TN 37216 615-594-6838

PURPOSE:

to construct 1501SF single family residence with 120SF porches. 5' min. side setback, 20' min. rear setback, rear unit of hpr. unit 1 of 2. lot coverage is 952SF of max 9467SF lot coverage. not to be over any easements. Max height 3 stories or 27'11".

PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of 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 or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.* For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are 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	APPROVED	clint.harper@nashville.gov		
[A] Zoning Review	APPROVED	clint.harper@nashville.gov		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	clint.harper@nashville.gov		
PW - Public Works Sidewalk Capital Project Coordi	615-862-6558 Jonathan Honeycutt@nashville.gov			
B) Fire Life Safety Review On Bldg App		615-862-5230		
E) Sewer Availability Review For Bldg E) Sewer Variance Approval For Bldg E) Water Availability Review For Bldg		615-862-7225 mws.ds@nashville.gov		
		615-862-7225 mws.ds@nashville.gov		
		615-862-7225 mws.ds@nashville.gov		
[E] Water Variance Approval For Bldg		615-862-7225 mws.ds@nashville.gov		
G] Bond & License Review On Bldg App APPROVE		clint.harper@nashville.gov		
F] Address Review On Bldg App		615-862-8781 bonnie.crumby@nashville.gov		
D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov		
[F] Ramps & Curb Cuts Review For Bldg A		615-862-8782 PWPermitsl@nashville.gov		

WAIVER STATEMENT OF HARDSHIP

WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD SUPPORT THE REQUEST FOR A WAIVER OF THE SIDEWALK REQUIREMENT UNDER ORDINANCE BL2019-1659?

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The lieu	of	fee	instead)	1	, ,	
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APPLICATION FOR A VARIANCE REQUEST

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

<u>Physical Characteristics of the property</u>- 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.

<u>Unique characteristics</u>- 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.

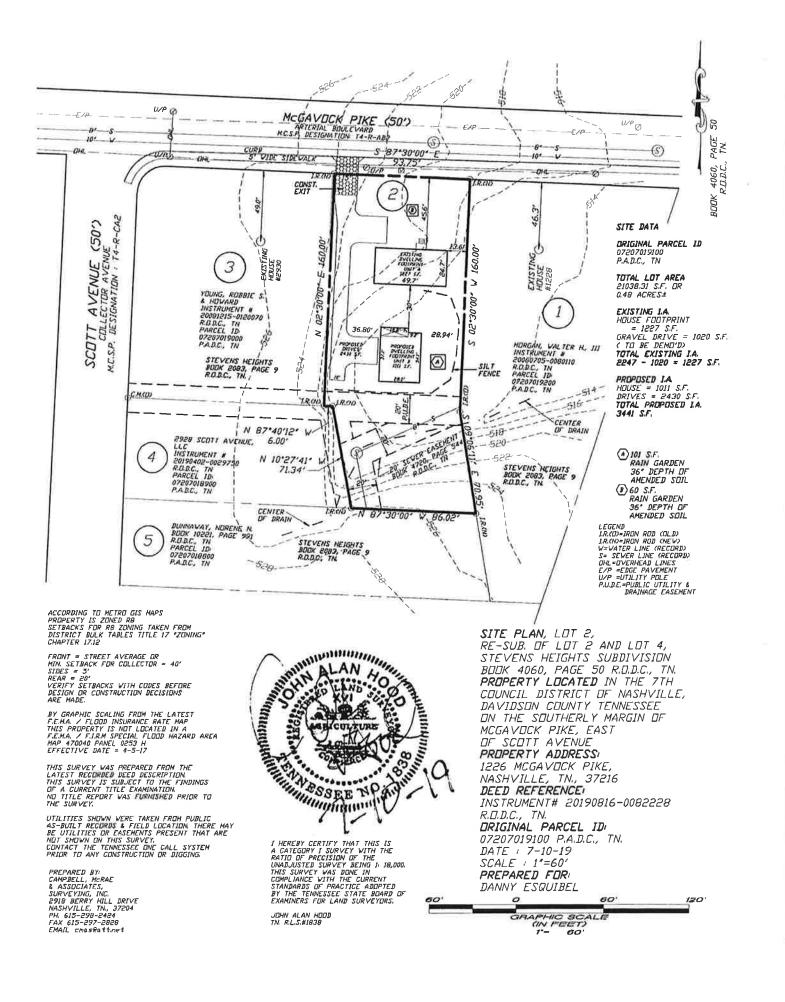
No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

<u>No harm to public welfare-</u> 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.

Case # 2020-147



Metropolitan Codes Administration CASE SUMMARY

CAZW - 20200010848

DONE

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

ADDRESSES

PROPERTY

072070K00200CO 1226B MCGAVOCK PIKE NASHVILLE, TN 37216

Property Owner

URBAN DWELL HOMES, GP 203 POINT E DR NASHVILLE, TN 37216

PEOPLE

Permit/License Applicant

MCDONALD, ROBERT BRANDON GENERAL CONTRACTOR

DATA GROUP

Permit Information

Project Scope

to construct 1501SF single family residence with 120SF porches. 5' min. side setback, 20' min. rear setback, rear unit of hpr. unit 1 of 2. lot coverage is 952SF of max 9467SF lot coverage. not to be over any easements. Max height 3 stories or 27'11". ***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I, holder of 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 or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.* For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Or

Sidewalk Waiver Request

Metro Planning Recommendation

> Disapprove: construct to the Major and Collector Street Plan standard; work with Planning and MPW, if necessary, to avoid existing utility pole.

Waiver Circumstance

a. Hardship

WORKFLOW

Task:	Inspector:	Result:	Due/Scheduled:	Completed	
Type of Waiver Requested	CWHARPER	INLIEU	02/20/20	02/19/20	
Metro Planning Recommendation	MSEWELL	INREVIEW	02/25/20	03/13/20	
Zoning Administrator Decision	JMICHAEL	APPROVCOND	04/13/20	04/22/20	
	Comment: Disapprove as requested: construct to the Major and Collector Street Plan standard; work with Planning and MPW, if necessary, to avoid existing utility pole.				

From:	Benedict, Emily (Council Member)
То:	<u>S B</u>
Cc:	Board of Zoning Appeals (Codes); Lamb, Emily (Codes)
Subject:	Re: Upcoming Zoning Appeal on McGavock Pike RE: Sidewalks
Date:	Wednesday, June 17, 2020 11:21:41 AM

Stephanie,

Thank you for your thorough email. By cc on this message, the Board of Zoning Appeals has this on record and will include it in their consideration of the case.

Emily Benedict District 7 Councilwoman emily.benedict@nashville.gov

From: S B <sbnds00@gmail.com>
Sent: Wednesday, June 17, 2020 10:08:13 AM
To: Benedict, Emily (Council Member) <Emily.Benedict@nashville.gov>
Subject: Upcoming Zoning Appeal on McGavock Pike RE: Sidewalks

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

Hi Emily!

I am Stephanie Bounds, your constituent on Huffine Street in East Nash. I was able to meet you during the campaign through Lawson Patten and then was able to sit with you at Dose for one of your first coffee hours.

I received a note in the mail last week that the organization Urban Dwell Homes has filed a zoning appeal (Appeal # 2020-147) to construct a single-family residence without building sidewalks but instead contribute to the sidewalk fund.

The location of this construction would be 1216B McGavock Pike. That address is located between Scott Ave and Huffine Street off of McGavock Pike near the railroad tracks.

The appeal will be heard 7.2.20 by the Board of Zoning Appeals beginning at 1pm.

I am against the approval of this request and will try to make the meeting. But as my district representative and the head of the Sidewalk commission I was hoping you could help with this action.

The sidewalk in question is the only continuous sidewalk from Gallatin to Cooper Lane, which takes it right through Riverside Village. Riverside Village has several restaurants, a pharmacy and a convenience store. This sidewalk is a vital artery for walkers in navigating the neighborhood. It should also be noted that there is no bike line on McGavock Pike either. So the sidewalk is the only safe area for pedestrians.

Thank you for considering my concern. I hope we are able to positively affect this appeal and keep our sidewalks!

Case # 2020-147

Sincerely, Stephanie Bounds 845-238-1183

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

Metro Standard:	8' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan	
Requested Variance:	Not upgrade sidewalk; contribute in-lieu of construction (not eligible)	
Zoning:	R8	
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)	
MCSP Street Designation:	T4-R-AB2	
Transit:	#4 – Shelby; Approximately 0.33 miles from High Capacity Transit along Gallatin Pike	
Bikeway:	None existing; none planned	

BZA Case 2020-147 (1226 B McGavock Pike)

Planning Staff Recommendation: Approve with conditions.

Analysis: The applicant proposes constructing a two-family dwelling and requests a variance from upgrading sidewalks to the Arterial-Boulevard standard due to the presence of an existing sidewalk along the frontage of the site. Planning evaluated the following factors for the variance request:

- (1) There is currently a 5' sidewalk without a grass strip at this location which is consistent with adjacent properties to the east and west along the block face.
- (2) Given the scope of the applicant's request and existing sidewalk along the property which provides a clear path of travel without utility obstructions, a contribution in-lieu of upgrading the sidewalks at this location is an acceptable alternative to ensure sidewalks in the larger area can be connected to meet future walking needs of the neighboring *Nashville Next* First Tier Center.

Given the factors above, staff recommends approval with conditions:

- 1. The applicant shall contribute in-lieu of construction for the property frontage.
- 2. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.

From:	Benedict, Emily (Council Member)
To:	Shepherd, Jessica (Codes); "David Taylor"; "Christina Karpynec"; THOMAS LAWLESS; "ashontidavis@gmail.com";
	Poole, Quan (Legal); Logan Newton; Ross Pepper
Cc:	Michael, Jon (Codes); Butler, Lisa (Codes)
Subject:	Re: BZA 7-2 Packet
Date:	Friday, June 26, 2020 12:06:12 PM

Members of the BZA,

I hope you are all well and safe from Covid. Having more time, lately, to reflect and appreciate those around us, I want to share my thanks for the work you do for Nashvillians.

On to business, I do not support the appellants' cases 2020-147 and 2020-131.

In 2020-131, it is my understanding that the HOA between the owners of the homes on this parcel explicitly disallows any type of short term rental. I have sent more details advance of the last meeting, so hopefully you still have that.

In 2020-147, the sidewalk variance request is due to a metal utility pole near the driveway. I do not believe this pole is a hardship. McGavock Pike, 37216, currently has sidewalks that do not meet the MCSP standard because they are too narrow and right against the street, therefore dangerous. The owner is encouraged to create an alternate and acceptable design that will help Nashvillians more safely walk on this street. Additionally, the Planning Department is working with CM VanReece and me to extend the UZO up and around Gallatin Pike, which would include this portion of McGavock Pike.

As always, should you have any additional questions, please let me know.

Emily Benedict District 7 Councilwoman emily.benedict@nashville.gov she/her/hers/councilwoman

Check out hub.nashville.gov for assistance!

From: Shepherd, Jessica (Codes) < Jessica.Shepherd@nashville.gov>

Sent: Friday, June 26, 2020 11:26 AM

To: 'David Taylor' <dftaylor98@gmail.com>; 'Christina Karpynec' <ckarpynec@moodynolan.com>; THOMAS LAWLESS <tomlawless@comcast.net>; 'ashontidavis@gmail.com'

<ashontidavis@gmail.com>; Poole, Quan (Legal) <Quan.Poole@nashville.gov>; Logan Newton

Cc: Council Members <CouncilMembers@nashville.gov>; Michael, Jon (Codes)

<Jon.Michael@nashville.gov>; Butler, Lisa (Codes) <Lisa.Butler@nashville.gov>

Subject: BZA 7-2 Packet

Hello All,

Below is the board packet for the 7-2-2020 docket. We are still waiting on the recommendations from Planning and Public Works for case 2020-141. Al

Have a great weekend.

Jessica Shepherd

https://www.nashville.gov/document/ID/e8ab244a-59fe-4630-8e27-f8995862d1bf/Board-Packet-July-2-2020

ETROPOLITAN GOVERNMUSIK OF SAUVENA AND DAVIDSON COUNTY	Metropolitan Board of Zoning Appeals Metro Howard Building 800 Second Avenue South Nashville, Tennessee 37210	
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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 <u>RM40</u> 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 here by 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

Case # 2020-107



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 SITE ADDRESS:

APPLICATION DATE: 03/03/2020

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.

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-comforming 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.

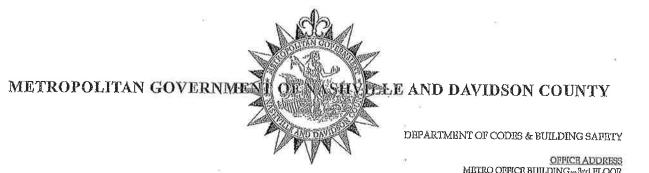
Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to public hearing to be included in the record.

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

APPELLANT

DATE

Case # 2020-107



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

MAILING ADDRESS POST OFFICE BOX 196300 NASHVILLE, TENNESSER 37219-6300 TBLEPHONE (615) 862-6510 FACSIMLE (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.

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

Case # 2020-107

Dashboard

3118 Long Boulevard, Nashville, TN, USA



Listing(s) Information

VRBO - 321.1539371.2099080

Airbnb - 33615907





⊘ Matched Details

Analyst

CHN6

Explanation

Assessors image and owners names match listing.

Listing Photos

Matching 3rd Party Sources







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 property listing

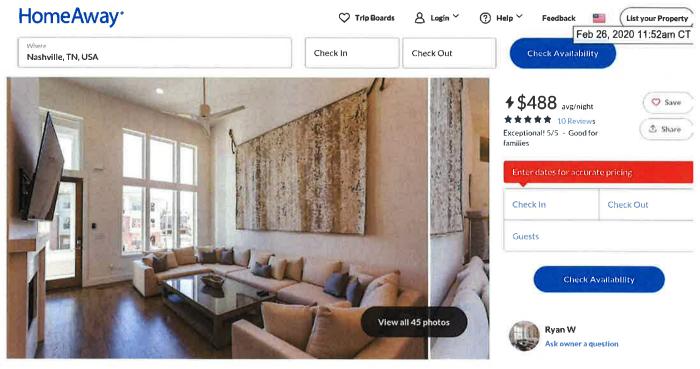
Case # 2020-107

		iy iisting	
Listing shows owner as Ryan W ar exists for located address and lists	nd states rental permit has been issued, Permit s Ryan Webb as applicant,	×	Listing hma321.1539371.2099080 Removed March 2nd, 2020
		×	Listing air33615907 Removed February 28th, 2020
Listing Details		E	1 Documented Stay December, 2019
		8	4 Documented Stays November, 2019
Listing URL	 https://www.homeaway.com/vacation- rental/p1539371vb 	•	Listing air33615907 Reposted November 2nd, 2019
Listing Status	Inactive		
Host Compliance Listing ID	- hma3211539371,2099080	E	2 Documented Stays October, 2019
Listing Title	 NEW! STUNNING West End Location Minutes to EVERYTHING! Sleeps 12 	×	Listing air33615907 Removed October 25th, 2019
Property type	comfortably — Townhome	E	7 Documented Stays September, 2019
Room type	 Entire home/apt 	•	Listing air33615907 Reposted September 8th, 2019
Listing Info Last Captured	- Feb 28, 2020		
Screenshot Last Captured	- Feb 26, 2020	×	Listing air33615907 Removed September 5th, 2019
Price Cleaning Fee	- \$475/night	Ę	2 Documented Stays July, 2019
Cleaning / ce	- \$250		1 Documented Stay June, 2019
Information Provided on L	isting	~	Listing hma321.1539371.2099080 Identified June 7th, 2019
Information Provided on L Contact Name	.isting — Ryan W	*	Identified
Contact Name Latitude, Longitude	- Ryan W - 36,149639, -86,818542		Identified June 7th, 2019 Listing air33615907 Identified June 7th, 2019 2 Documented Stays
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Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of Peop Max Number of People per Bedro Number of Reviews	 Ryan W 36,149639, -86,818542 2 12 3 10 	✓ 9	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
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Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of Peop Max Number of People per Bedro Number of Reviews Last Documented Stay	 Ryan W 36,149639, -86,818542 2 12 3 10 12/2019 	✓ 10 11 14 14 14 14 14 14 14 14 14 14 14 14	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
Contact Name Latitude, Longitude Minimum Stay (# of Nights) Max Sleeping Capacity (# of Peop Max Number of People per Bedro Number of Reviews Last Documented Stay	 Ryan W 36,149639, -86,818542 2 12 3 10 12/2019 	✓ 10 11 14 14 14 14 14 14 14 14 14 14 14 14	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

https://app.hostcompliance.com/property/ivOumIQZpC4umZxY?geoid=05000US47037&key=393855#hma321.1539371.2099080

March 22nd, 2019

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



Overvlew 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.			1. Second and the	11	01
🛞 Sleeps: 12				The Parther	kan 🖓
Bedrooms: 4		Section 1		entennial og Park	Centennial Park
🖨 Bathrooms: 2		Coogle	¢*		Map data @2020 Google
🖯 Half Baths: 1		West End Park Nash	ville, TN, USA = 24	l mi to Nashvil	lle center
🕓 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-celling windows, a gournet 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 X-finity.

KITCHEN & DINING

Fully stocked kitchen with everything you will need. GE stainless steel appliances include a gas range and side-byside 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

Matched property listing

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 $TV_{\rm s}$ 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 8 Sleeps: 12

Bedroom 1	Bedroom 3
=	Ē
king	queen
Bedroom 2	Bedroom 4

aunon (2)

minon hunkhad

Popular destinations in the area







Sevierville, TN, USA

Owner

SAUCCENTER



Ryan W Member Since 2011



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.

Vlew less about Ryan W

Amenities

Featured

((;	Internet	

Air Conditioning

5 Fireplace

🗑 Washer & Diγer

🚆 Children Welcome

Ŭτν



Bathrooms

Bathrooms: 2, Half Baths: 1

Bathroom 3 toilet



Bathroom 1 toilet, tub, shower

Safety features

Deadbolt lock

Sinoke detector

Carbon-monoxide detector

Matched property listing

Fire extinguisher Exterior lighting

General

First-aid kit

Air Conditioning		WORK DOM: 0
U	Parking	Hair Dryer
Heating	Garage	
Linens Provided	-	Paper Towels
	Internet	Shampoo
Washing Machine	Towels Provided	
Clothes Dryer		Toilet Paper
	Wireless Internet	Living Room
Fireplace	Iron & Reard	

cinni₆

second

SPARSING FARTHARS

()

Kitchen

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

Dining

Games

Outdoor Euroiture

Dining

Entertainment

Outside

Balcony

House Rules

Check-In: 4:00 PM	Check-out: 10:00 AM
🗙 No si	noking
X No p	ets
🗸 Child	iren allowed
MinImum age of p	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

1-6 of 10

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

Matched property listing

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. Unfortunately we were out of the country during your stay so i apologize for that incovveinence. 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

1-	6	of	10)

Мар

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 ml

5 Ryman Auditorium

2.3 mi

>

6 Country Music Hall of Fame and Mus... 2.4 mi

exclusion in second science



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Additional information about rental rates

Cleaning Fee	250
Additional Guest Fee	30
Property Damage Insurance	59



Clearwater beach, FL 4BR · Sleeps 8 \$359 avg/night ★★★★★(72) clearwater, FL 4BR · Sleeps 12 \$600 avg/night \$ \$ \$ \$ \$ \$ (79)

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Home > United States > Tennessee > Davidson County > Nashville-Davidson > Nashville > West End Park

More vacation ideas

Rental Ideas

Houseboat rental Nashville | Nashville family resorts | Nashville vacation rentals with pool | Studio rental Nashville | Nashville apartments | Houses for rent in Nashville tn | Cabins in Nashville tn | Nashville resorts | The farm house Nashville | Luxury apartments Nashville | Townhomes for rent in Nashville tn | Studio apartments Nashville | Nashville mansions | River house Nashville | Nashville b&b | Nashville family vacation | Mountain cabins near Nashville tn | Guest house Nashville | Village west apartments Nashville | The mill Nashville

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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

Case # 2020-107

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; <u>Support for Zoning Administrator's Cancellation of Existing Short-Term Rental</u> <u>Property Permit (STRP)</u>

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 <u>cancellation</u> of the existing STRP for the property located at 3118 Long Blvd. #4 should be upheld.

Sincerely,

Drail Kanson

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 <u>cancel the existing</u> <u>short term rental permit, STRP</u>. Any new property owner should be throughly 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 <u>not</u> 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 Deptof Codes + Bldg Safets PO Bork 196350 nashirlle, TN 37219-6350 . Case # 2020-107 -16 april This is to inform you that I'm against granting a permet for STRP - these rentals disrupture to the are extremel neighborhood & adversary effect airrent home owners property dalues. Thank you Raye 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



Date: April 16, 2020
Case #:2020
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 <u>R10</u> 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

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.

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:	3AN	Fli	1-30	_
Printed Name:	RYAN	POL		
Date: 8- 22	14			

<u>OR</u>

This notification confirms that operating a Short Term Rental Property <u>WILL NOT</u> 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: PHANS POLI		
Address: 1517 B HAYDEN PK	City: MAShaille	Zip:77206
Phone: 773 619 2383	Email: PYAJ POLI	77 @ GMAiz. com
Responsible Party (<i>If different thon owner con</i>	tact):	
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 (prir	inted) RYAN POLi	
Signed	The sol	
Date	3. 22. 18	

County of	Davidson
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State of <u>Tennessee</u>

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Notary det.

STATE OF TENNESSEE NOTARY PUBLIC **Commission Expires** Seal ALTING TVOSON COUNTINUES

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DAVID BRILEY MAYOR

METROPOLITAN GOVERNMENT OF NASHVIELE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS ...METRO OFFICE BUILDING – 3rd FLOOR-800 SECOND A VENUE, SOUTH NASHVILLE, TENNISSER 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

POLL, 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.

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

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,

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 A VENUE, SOUTH NASHVILLE, TENNESSEB 37210

MAILING ADDRESS POST OFFICE BOX 196300 NASHVILLE, TENNESSEE 37219-6300 TELEPHONE (615) 862-6500 FACSIMILE (615) 862-6514 www.nsshville.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.4.1.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

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZONING

DAVID BRILEY MAYOR

METROPOLITAN GOVERNMI LE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS METRO OFFICE BUILDING -3rd FLOOR **BOD SECOND A VENUE, SOUTH** NASHVILLE, TENNESSBE 37210

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

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

<u>Case 2020-069</u> <u>1401 3RD AVE N Units 208, 242, 330, 428</u> <u>Zoning District SP</u> 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.)

<u>Case 2020-078</u> <u>1978 Gatlin Dr</u> <u>Zone District RS10</u> <u>Pamela Highland & Vickie Thieman</u>

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.

<u>CASE 2020-090</u> <u>1805 B FATHERLAND ST</u> <u>ZONE DISTRICT R6</u> <u>TRACEY FORD</u>

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

<u>1979 Carloss Dr.</u>

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.

McBroom III, Bonell (Codes)

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

CASE 2020 -069

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) <<u>Emily.Lamb@nashville.gov</u>> Sent: Wednesday, June 3, 2020 2:51 PM To: Milligan, Lisa (Planning) <<u>Lisa.Milligan@nashville.gov</u>> 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 | can tell the board what your basis was? 1401 3RD AVE N Unit 208, 242, 330, 428

Thanks,

Emily

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

Case # 2020-131

Check out hub.nashville.gov for assistance!

From:	Benedict, Emily (Council Member)
То:	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!

Case # 2020-131

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 shortterm 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

John Cinti

Case # 2020-131

Joha Buffhom 1500 Corder Dr. Nashville JN 37206 615 226 0981

RE: Zoning Appeal Cose number 2020-131 1517 B Hoyden 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.

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Lorrie Pate 2208 Sheridan Rd Nashville, TN 37206 May 18, 2020 REF: Appeal (ase No: 2020-131 1517B Hayden Dr Map Parcel \$7216pvpp2000 Dear Sir or Ma'am: Please note my opposition to the request for appeal 2020-131. I support the administrator's nevocation 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 J-Pate Lorric 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 shortterm 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 4bedroom 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_n...

Marco and

From:	Benedict, Emily (Council Member)
To:	Shepherd, Jessica (Codes); "David Taylor"; "Christina Karpynec"; THOMAS LAWLESS; "ashontidavis@gmail.com";
	Poole, Quan (Legal); Logan Newton; Ross Pepper
Cc:	Michael, Jon (Codes); Butler, Lisa (Codes)
Subject:	Re: BZA 7-2 Packet
Date:	Friday, June 26, 2020 12:06:12 PM

Members of the BZA,

I hope you are all well and safe from Covid. Having more time, lately, to reflect and appreciate those around us, I want to share my thanks for the work you do for Nashvillians.

On to business, I do not support the appellants' cases 2020-147 and 2020-131.

In 2020-131, it is my understanding that the HOA between the owners of the homes on this parcel explicitly disallows any type of short term rental. I have sent more details advance of the last meeting, so hopefully you still have that.

In 2020-147, the sidewalk variance request is due to a metal utility pole near the driveway. I do not believe this pole is a hardship. McGavock Pike, 37216, currently has sidewalks that do not meet the MCSP standard because they are too narrow and right against the street, therefore dangerous. The owner is encouraged to create an alternate and acceptable design that will help Nashvillians more safely walk on this street. Additionally, the Planning Department is working with CM VanReece and me to extend the UZO up and around Gallatin Pike, which would include this portion of McGavock Pike.

As always, should you have any additional questions, please let me know.

Emily Benedict District 7 Councilwoman emily.benedict@nashville.gov she/her/hers/councilwoman

Check out hub.nashville.gov for assistance!

From: Shepherd, Jessica (Codes) < Jessica.Shepherd@nashville.gov>

Sent: Friday, June 26, 2020 11:26 AM

To: 'David Taylor' <dftaylor98@gmail.com>; 'Christina Karpynec' <ckarpynec@moodynolan.com>; THOMAS LAWLESS <tomlawless@comcast.net>; 'ashontidavis@gmail.com'

<ashontidavis@gmail.com>; Poole, Quan (Legal) <Quan.Poole@nashville.gov>; Logan Newton

Cc: Council Members <CouncilMembers@nashville.gov>; Michael, Jon (Codes)

<Jon.Michael@nashville.gov>; Butler, Lisa (Codes) <Lisa.Butler@nashville.gov>

Subject: BZA 7-2 Packet

Hello All,

Below is the board packet for the 7-2-2020 docket. We are still waiting on the recommendations from Planning and Public Works for case 2020-141. Al

Have a great weekend.

Jessica Shepherd

https://www.nashville.gov/document/ID/e8ab244a-59fe-4630-8e27-f8995862d1bf/Board-Packet-July-2-2020