

METROPOLITAN BOARD OF ZONING APPEALS

**The 9/17/20 meeting will be held telephonically at 1:00 p.m.
pursuant to Governor Lee's Executive Order No. 16.**

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

Public Input to the Board

Comments on any case can be emailed to the Board of Zoning Appeals at bza@nashville.gov. **Comments received by 12:00 noon on Wednesday, September 16, 2020, will be included in the board's packet for their review.** We urge you to make comments electronically. However, a remote station will be set up at the **Sonny West Conference Room 700 2nd Ave S** for anyone who is unable to submit their comments electronically and wishes to make comments via speakerphone. 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 9/17/20 docket. If anyone opposes one of these cases, they should email bza@nashville.gov and state their opposition for the board's review.

2020-180 (544 MCMURRAY DR), requesting a special exception in the R10 District, to build a pavilion and garden shed.

2020-188 (1010 WADE AVE.) requesting a variance from front setback requirements in the R8 District, to construct an addition to front of existing single-family residence.

Previously Heard Cases Requiring Board Action

2020-176 (2404 A& B MIDDLE ST) requesting a variance from rear setback requirements in the R6 District. Previously heard on 9/3/20. Failed to receive four affirmative votes.

Results:

2020-178 (1638 B 54TH AVE N) requesting a variance from interior parking landscape requirements in the SP District. Previously heard on 9/3/20. Failed to receive four affirmative votes.

Results:

New Cases to Be Heard

CASE 2020-177 (Council District - 16)

THE MC2 GROUP, INC., appellant and **O.I.C. 421 VERITAS STREET TOWNHOMES,** owner of the property located at **421 VERITAS ST,** requesting variances from building width at street setback and location of parking in the OR20 District, to construct a multi-family residence. Referred to the Board under Section 17.12.035.B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 133050G90000CO

Results-

CASE 2020-180 (Council District - 27)

NASHVILLE FIRST HISPANIC SEVENTH DAY ADVENTIST CHURCH, appellant and **KY-TN CONF ASSOC OF 7TH DAY ADV., INC.**, owner of the property located at **544 MCMURRAY DR**, requesting a special exception in the R10 District. The appellant is seeking permission to build a pavilion and garden shed. Referred to the Board under Section 17.16.170(E) and 17.16.150. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Religious Institution

Map Parcel 16103016000

Results-

CASE 2020-184 (Council District - 35)

AMIR ROSHAM, appellant and **R & S RENTAL PROPERTIES, LLC**, owner of the property located at **705 HARPETH KNOLL CT**, requesting a variance from front setback requirements in the RS15 District. The appellant is building a single-family residence. Referred to the Board under Section 17.20.030.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single-Family

Map Parcel 15602000700

Results-

CASE 2020-185 (Council District - 35)

AMIR ROSHAM, appellant and **R & S RENTAL PROPERTIES, LLC**, owner of the property located at **709 HARPETH KNOLL CT**, requesting a variance from front setback requirements in the RS15 District. The appellant is building a single-family residence. Referred to the Board under Section 17.20.030.A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single-Family

Map Parcel 15602000600

Results-

CASE 2020-186 (Council District - 5)

DUANE CUTHBERTSON, appellant and **RAMSEY ROW AMENDED**, owner of the property located at **911 B RAMSEY ST**, requesting a Special Exception from street setback requirements in the RM-20 District. The appellant is seeking to construct a multi-family residence. Referred to the Board under Section 17.12.030.B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family

Map Parcel 082120Y90000CO

Results-

CASE 2020-187 (Council District - 18)

DUANE CUTHBERTSON, appellant and **ASPEN CONSTRUCTION LLC**, owner of the property located at **3209 GRANNY WHITE PIKE**, requesting a variance from minimum lot size requirements in the R8 District to construct a detached accessory dwelling unit. Referred to the Board under Section 17.16.030.G.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11805001800

Results-

CASE 2020-188 (Council District - 17)

COOPER, MICHAEL K., appellant and **COOPER, MICHAEL K.**, owner of the property located at **1010 WADE AVE**, requesting a variance from front setback requirements in the R8 District, to construct an addition to front of existing single-family residence. Referred to the Board under Section 17.12.030 C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180.

Use-Single Family

Map Parcel 10505040800

Results-

CASE 2020-189 (Council District - 17)

NASHVILLE PHASE II PROPERTY HOLDER, LLC, appellant and owner of the property located at **1125 4TH AVE S**, requesting a variance from sign size restrictions in the SP District. The appellant is seeking to use more square footage of the historic scoreboard for commercial signage. Referred to the Board under Section 17.32.110. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Office Space

Map Parcel 10503033100

Results- Deferred to 10/1/2020

SHORT TERM RENTAL CASES

CASE 2020-181 (Council District - 5)

MADISON COX, appellant and owner of the property located at **108 CASPER AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after short term rental permit had expired in the MUL-A District. The appellant is seeking to apply for a permit sooner than one year from date of the last operation. Referred to the Board under Section 17.16.070.U. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 072060W00100CO

Results-

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Rob Cushman

Date: 7-21-2020

Property Owner: The M2 Group Inc.

Case #: 2020-177

Representative: Rob Cushman

Map & Parcel: 133050690000C0

Council District 16

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

Purpose:

Requesting variance from side setbacks of 5' instead of 0' as per code. Also requesting variance to allow parking in front of primary structure.

Activity Type: Multi-Family

Location: 421 Venitar St, Nashville

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

Reason: Attached Required 5' side setback, requesting 0' side setback

Section(s): 17.12.035 B requesting to provide parking in the front of structure

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.

The M2 Group, Inc.
Appellant Name (Please Print)

Rob Cushman
Representative Name (Please Print)

639 E Main St, Ste B202
Address

1019 Avery Trace Cir
Address

Hendersonville, TN 37075
City, State, Zip Code

Hendersonville, TN 37075
City, State, Zip Code

615-559-2212
Phone Number

615-559-2212
Phone Number

rob@stratosdevelopment.com
Email

rob@stratosdevelopment.com
Email

Zoning Examiner: _____

Appeal Fee: _____

APPLICATION FOR A VARIANCE REQUEST

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

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

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

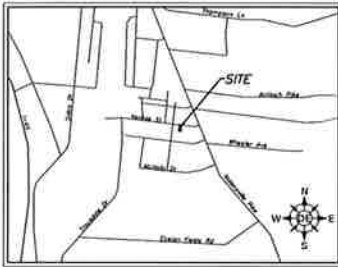
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

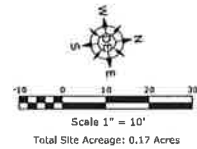
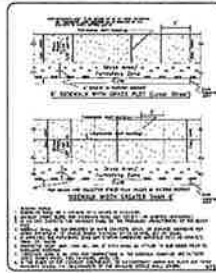
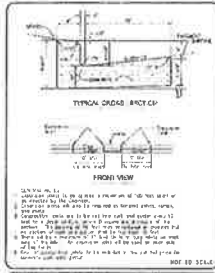
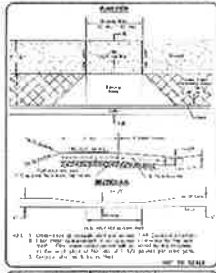
I am aware that I am responsible for posting and removing the sign(s) after the public hearing.

Rob Cushman / 
APPELLANT

7 - 21 - 2020
DATE



Vicinity Map
N.T.S.



Owner
D.J.C. 419 Veritas Street
Franklin
Nashville, TN 37211

Architect/Engineer
Dewey Engineering
393 S. Berry Hill Dr.
Nashville, TN 37254
Phone: (615) 461-9933

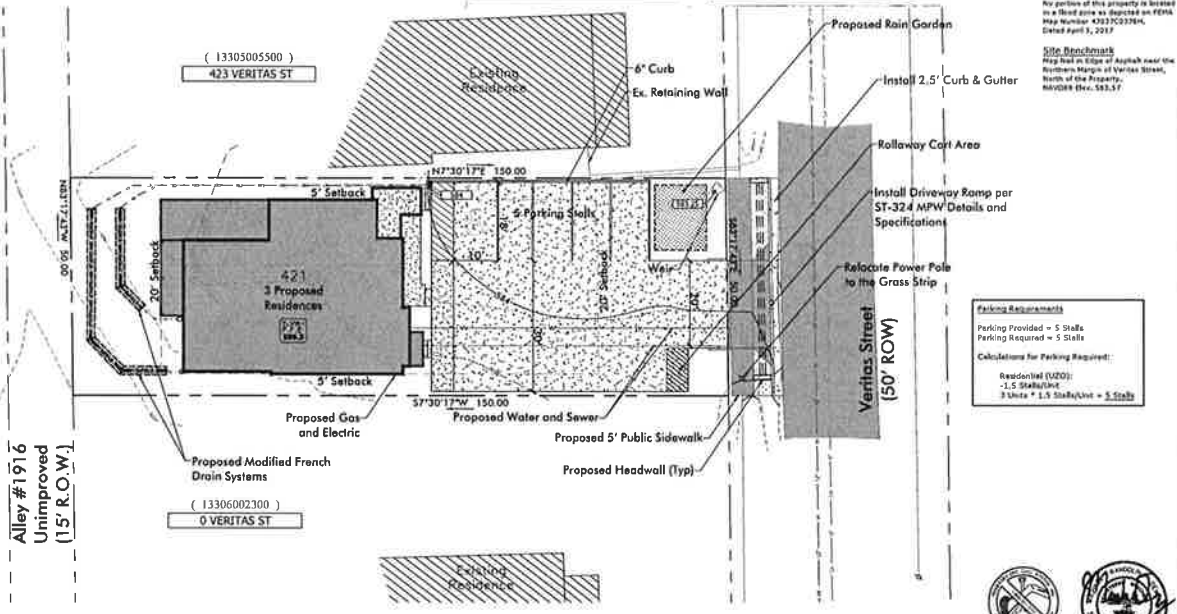
Date: June 05, 2023

Floodnote
No portion of this property is located in a flood zone as depicted on FEMA Map Number 42337C02294C, dated April 3, 2017.

Site Benchmark
May be on Edge of Asphalt near the Northern Margin of Veritas Street, North of the Property.
NAVD83 Elev. 583.57

Parking Requirements
Parking Provided = 5 Stalls
Parking Required = 5 Stalls

Calculations for Parking Required:
Residential (R20):
1.5 Stalls/Unit
3 Units * 1.5 Stalls/Unit = 5 Stalls



421 Veritas Street
Tax Map 133-05, Parcel 56
Nashville, Davidson County, Tennessee



Layout Plan

421 Veritas St, Nashville
Rob Cushman
1019 Avery Trace Cir
Hendersonville, TN 37075
615-559-2212

I am in front of the Board today requesting variances for side setbacks as well as a variance to allow parking in the front of the primary structure as opposed to on the sides or in the rear.

Side Setback Request

Code: 17.12.35, section B

The determination of the appropriate street setbacks within mixed use, office, industrial, RM20, RM20-NS, RM40, RM40-NS, RM60, RM60-NS, or commercial zone districts located within the urban zoning overlay district shall be made by following the criteria as outlined in subsection C of this section. For the purposes of this section, lots that are sixty feet wide or greater shall have the front façade of the building extend across at least twenty-five percent of the lot frontage or be at least twenty-five feet in width, whichever is greater. Lots that are less than sixty feet wide shall have the building extend across the full width of the lot in mixed use and commercial districts unless a driveway is required to access required parking, except that one or two family dwellings may have side yards a minimum of three feet in width. If a driveway is needed for service to accessory parking, an opening of up to twenty-six feet wide shall be permitted. Parking shall be permitted only at the sides and rears of buildings, and at the fronts of the buildings to the extent shown in Figure 17.12.035. A primary entrance to the building shall be located at the front setback line. The front façade may have projections and recesses to accommodate columns, entrances, covered patios, and similar features. The standards of this subsection shall not apply within the alternative zoning districts.

The code calls for zero foot side setbacks for this property. **My request is to be allowed setbacks of five feet on either side of the property instead of zero feet.** The 5' setbacks will allow for us to capture and move the stormwater from the sides and rear of the property to the front rain gardens and ditches, per approved Metro Water plans. It also allows a buffer from current residential neighbors.

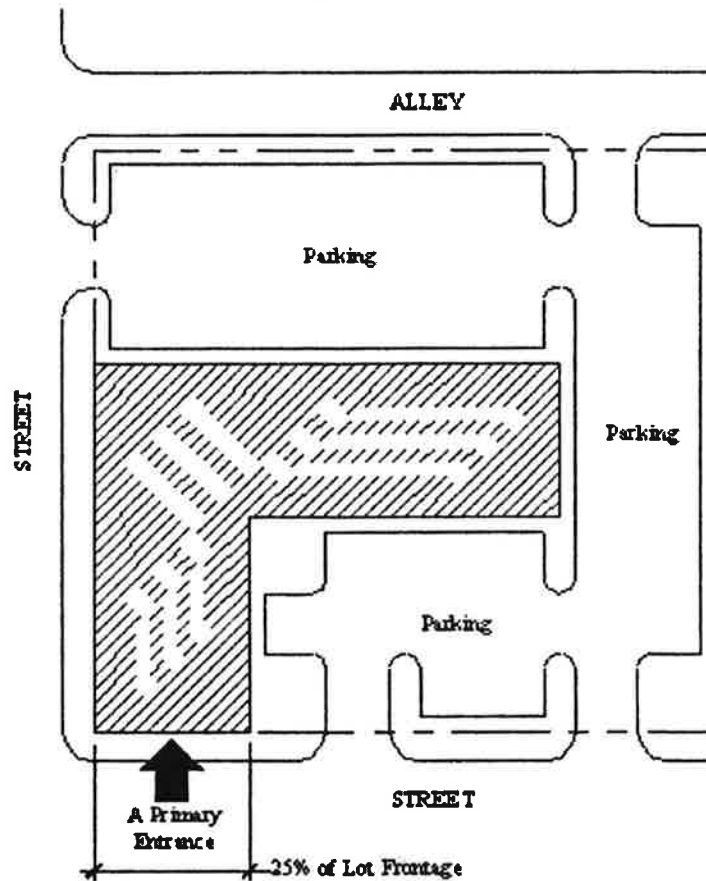
Parking Variance Request

Code: 17.12.35, section B

“Parking shall be permitted only at the sides and rears of buildings, and at the fronts of the buildings to the extent shown in Figure 17.12.035 (Attached). A primary entrance to the building shall be located at the front setback line.”

The code calls for parking at the rear or sides, and at the fronts “to the extent shown in Figure 17.12.035” (attached). The hardship is that the code also calls for the driveway to the rear to be 26’ wide, which on this 50’ lot would not allow a structure of usable size to be built. **My request is to allow us to park the structure at the front of the property, as per the attached.**

Figure 17.12.035



From: rob@stratosdevelopment.com
To: [Michael Dewey](#); [Shepherd, Jessica \(Codes\)](#)
Subject: September 3rd BZA
Date: Friday, August 28, 2020 8:36:16 PM
Attachments: [421 Veritas BZA Hardship PDF rev. 2.pdf](#)

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

Hello Jessica,

Michael Dewey is going to represent me at our September 3rd BZA meeting as I will be out of town. Is the meeting in person again or still virtual? If there are updates, will you please send to him as well as I will not have access to emails next week? Also I have included photos of a lot on the same side of the street not too far that has front parking as we are requesting. Is there any way to add it to the package for discussion?



Michael,
Attached is the information I submitted for my hardships and talking points. Please feel free to give a shout anytime this weekend if there are any questions on it. Thanks to you both!

Rob Cushman | Stratos Development

639 East Main St, Ste. B202

Hendersonville, TN 37075
stratosdevelopment.com

(615) 559-2212
rob@stratosdevelopment.com



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant: Nashville First Hispanic Seventh Day Adventist Church Date: 7-28-2020
KY-TN CONF ASSOC OF 7TH DAY
 Property Owner: ADV., INC. Case #: 2020-180
 Representative: Silke Hubbard, Secretary Map & Parcel: 16103016000
 Council District: 27

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

Purpose: Obtain a special exception approval to locate a pavilion and garden shed on the property.
 Activity Type: Religious Institution
 Location: 544 MCMURRAY DR

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

Reason: Expansion of a religious institution located within a residential district.
 Section: 17.16.170(E)

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

Appellant Name: Nashville First Hispanic Seventh Day Adventist Church Representative: Silke Hubbard
 Phone Number: _____ Phone Number: 615-708-0916
 Address: 544 McMurray Dr Address: P.O. Box 1088
Nashville, TN Goodlettsville, TN 37070-1088
 Email address: _____ Email address: shubbard@kytn.net

Appeal Fee: \$200.00



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



**ZONING BOARD APPEAL / CAAZ - 20200046662
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 16103016000

APPLICATION DATE: 07/28/2020

SITE ADDRESS:

544 MCMURRAY DR NASHVILLE, TN 37211
LOT 1 WILKERSON HGTS SEC 2 REV

PARCEL OWNER: KY-TN CONF ASSOC OF 7TH DAY ADV., IN

CONTRACTOR:

APPLICANT:

PURPOSE:

Construct a 33' x 24' x 10', 792 sq. ft. pavilion and a 10' x 14', 140 sq. ft. garden shed.

*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 SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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



APPELLANT



DATE

SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1,000 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. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

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

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

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



APPELLANT (OR REPRESENTATIVE)

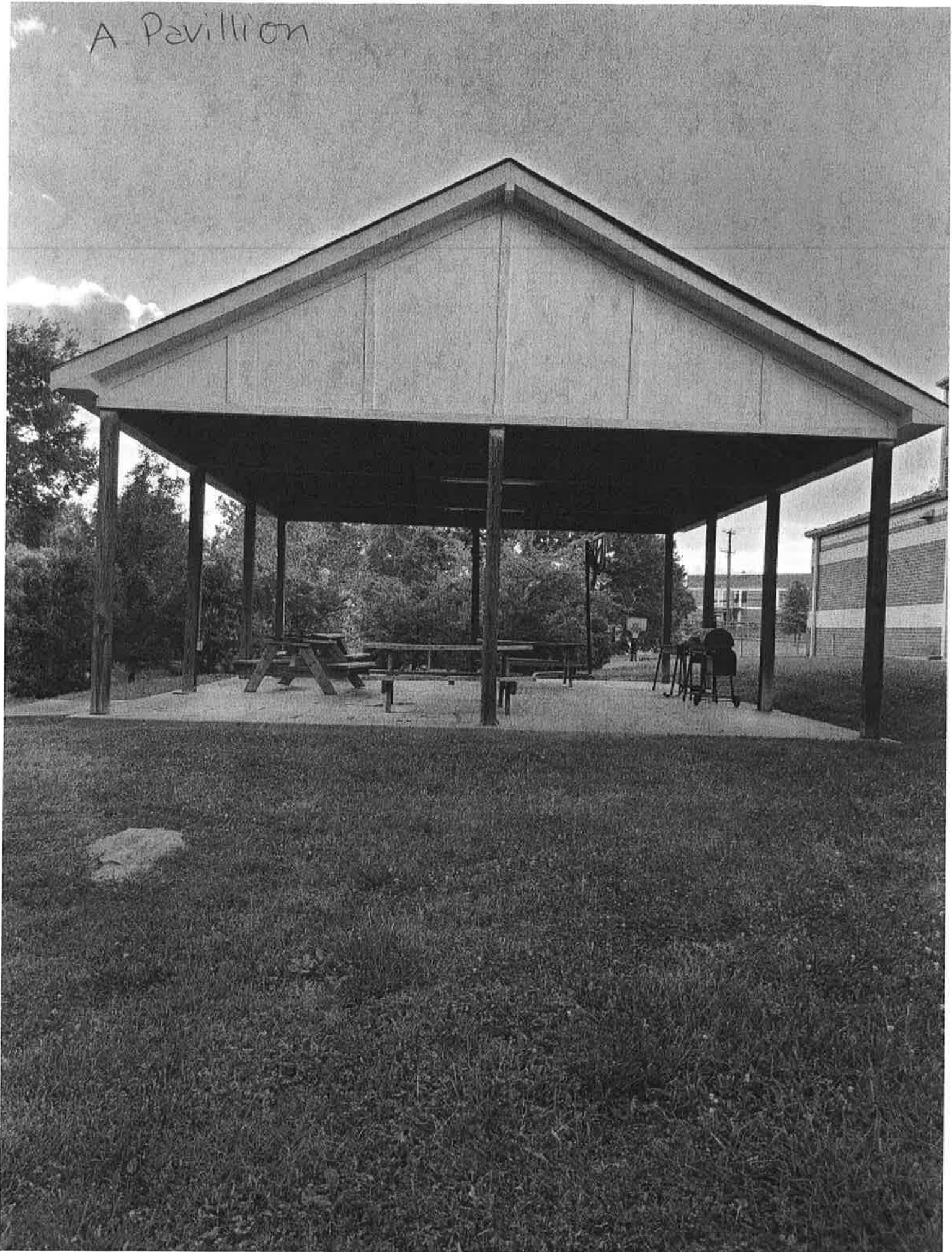
7-21-2020

DATE

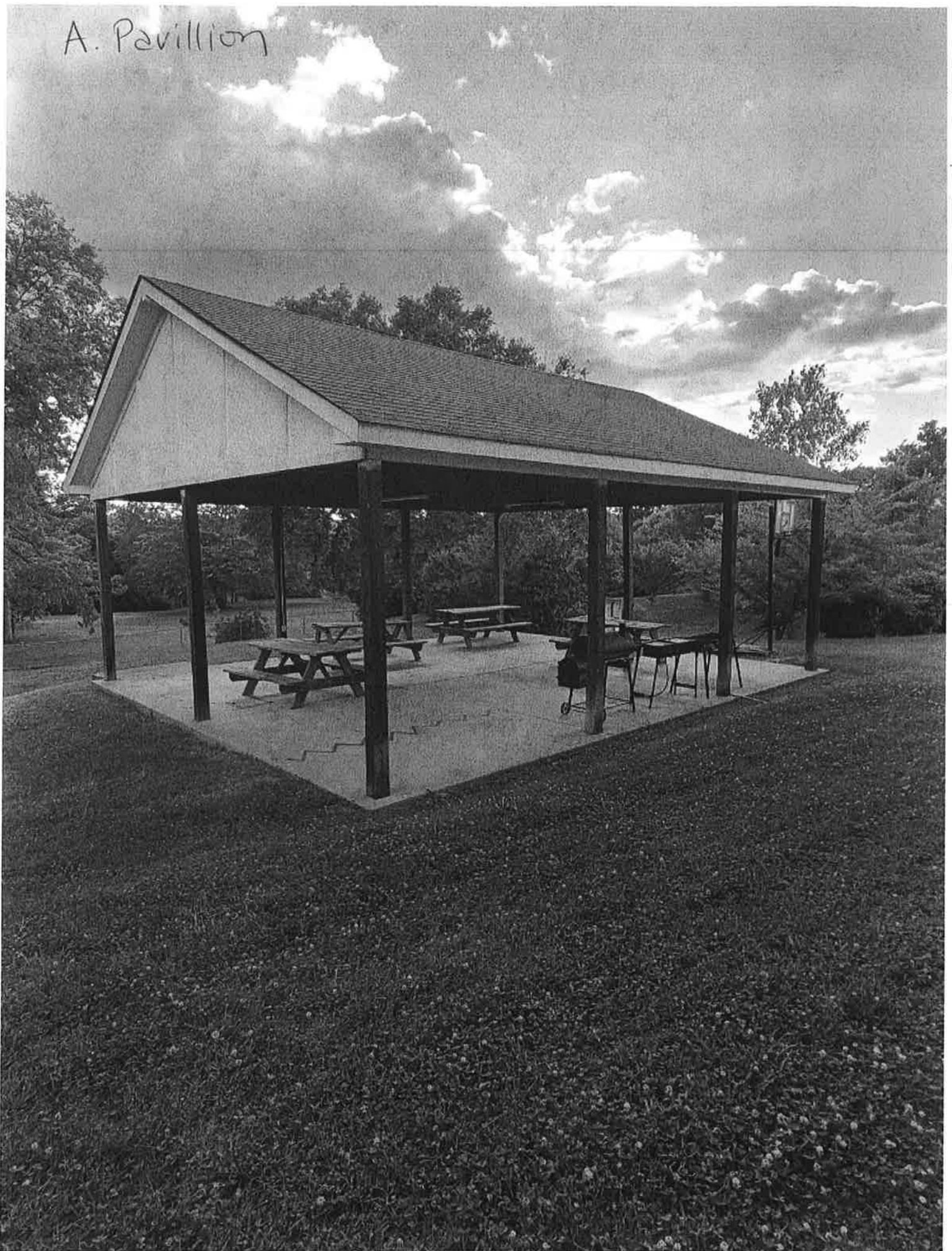
A. Pavillion 33 x 24 ft. (10 feet height) Cost: \$ 8,000.00 built in 2016
 B. Garden Shed 14 x 10 ft (8 feet height) Cost: \$ 2,000.00



A Pavillion



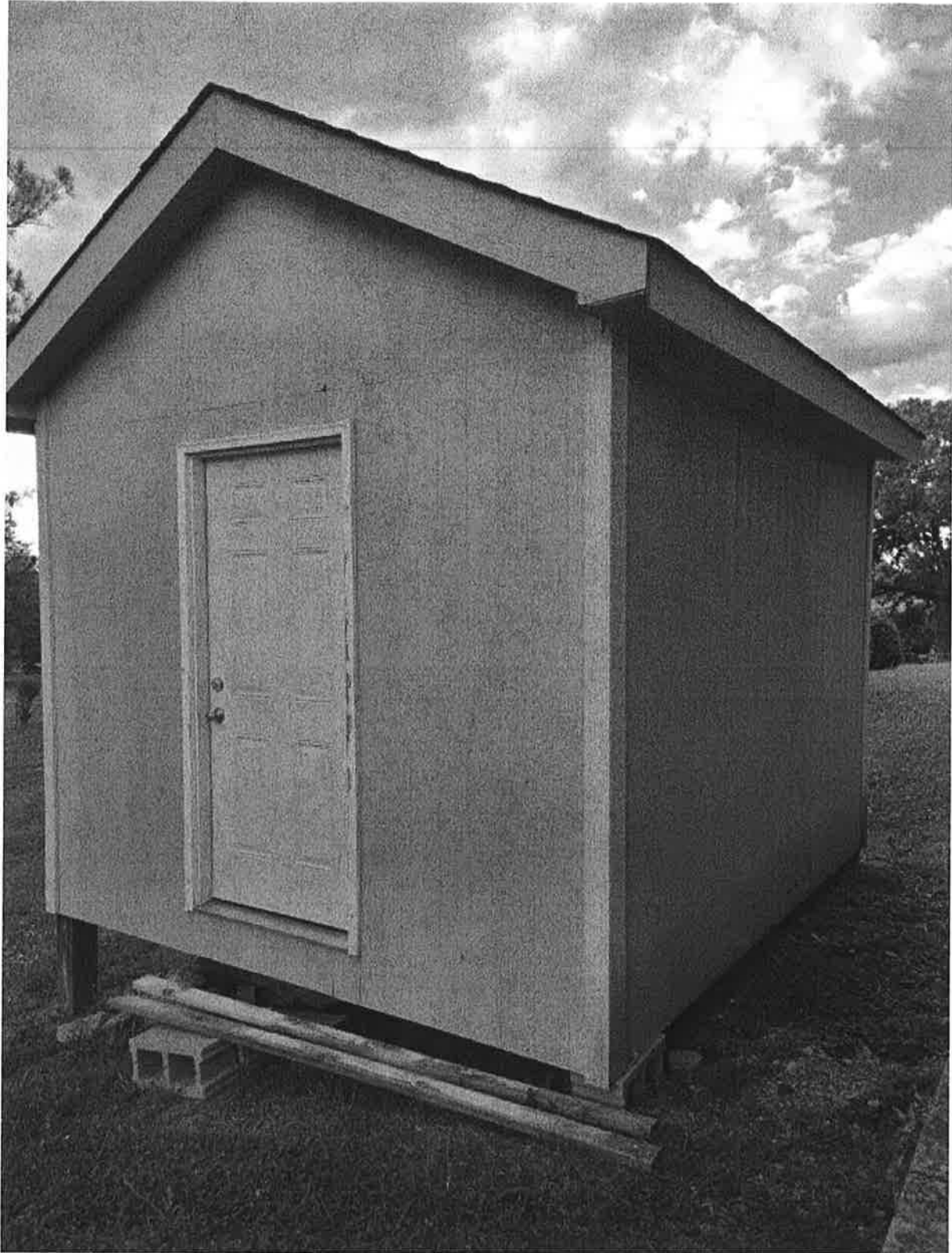
A. Pavillion



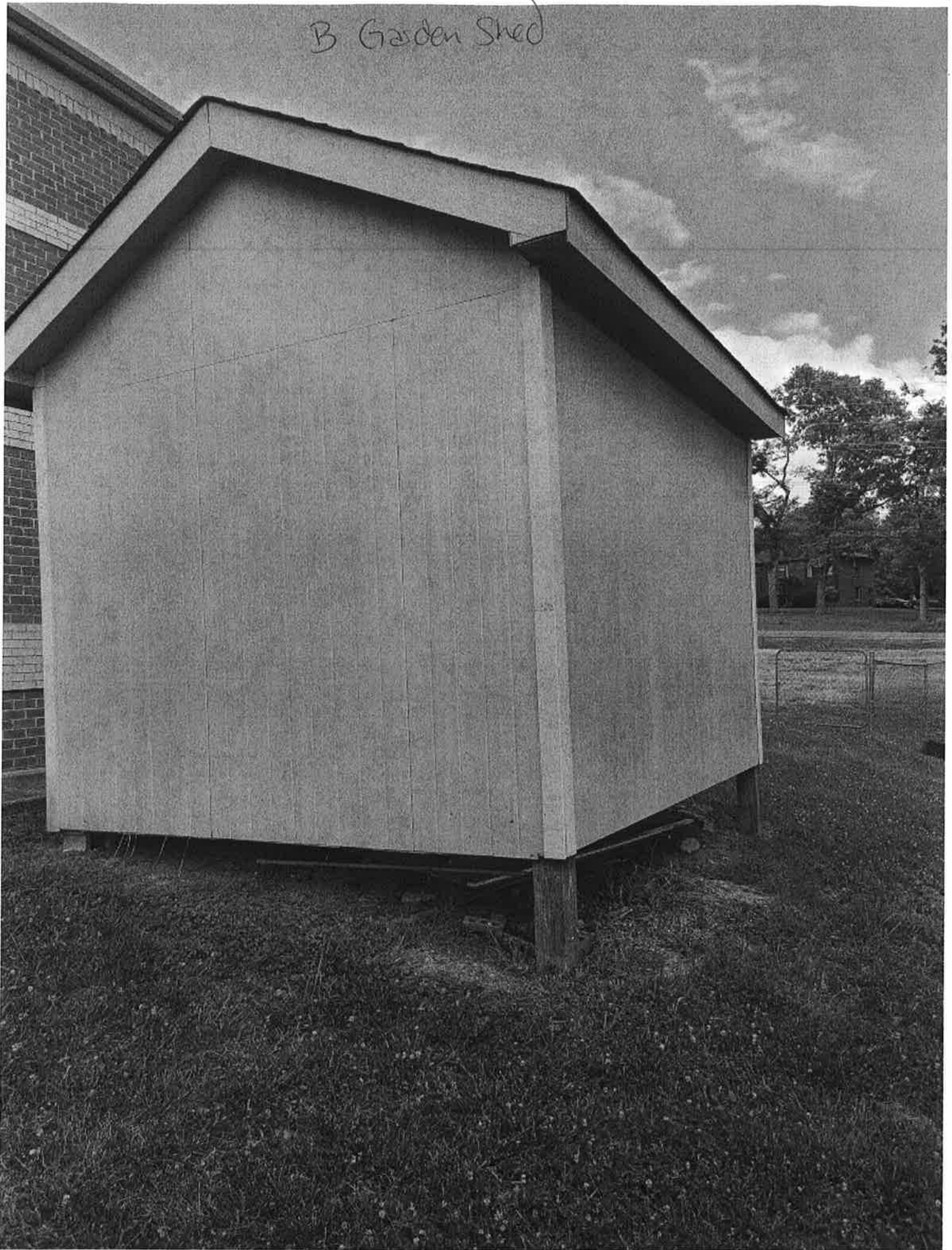
A. Pavillion



B. Garden Shed



B Garden Shed



From: [Gregory, Christopher \(Public Works\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Boghozian, Jon \(Public Works\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: RE: Appeal 2020-180
Date: Monday, August 17, 2020 9:34:08 AM

2020-180 544 McMurray Dr. Special exception to locate a pavilion and shed on property

Variance: 17.16.170 E

Response: Public Works takes no exceptions.

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, August 7, 2020 12:34 PM
To: Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: Appeal 2020-180

Appeal 2020-180 on agenda for 9/17/2020

Vickie Newbern
5112 Parishwood Ct
Nashville TN 37211-6003

I am writing to express my opposition disapprove of applicant to construct a large Pavilion and garden shed near my address.

My concern of increase traffic and safety at 4 way stop between McMurray Dr. and Brewer and concern about property values going up even more and taxes which is already going up considerably that it going to make it hard on home owner who have lost their job due to pandemic were in with virus going around and should not be any large gathering.

I urge you to disapprove the proposed zoning.

Best regards,

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: Lisa Butler

Date: September 1, 2020

BZA Hearing Date: September 17, 2020

Re: Planning Department Recommendation for a Special Exception, Case 2020-180

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 2020-180 Religious Institution (544 McMurray Drive)

Request: A Special Exception to expand the operations of a Religious Institution in the R10 zoning district.

Zoning: Residential One and Two-Family (R10) requires a minimum of 10,000 square foot lot and is intended for one and two-family dwellings at a density of 4.356 dwelling units per acre.

Overlay District: n/a

Land Use Policy:

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to maintain the general character of developed suburban residential neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T3 NM areas have an established development pattern consisting of low- to moderate-density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity.

Planning Department Analysis: The subject site is located at the corner of McMurray Drive and Brewer Drive. Both of these streets are designated as Collector Streets in the Major and Collector Street Plan. The area is primarily residential with McMurray Middle School directly to the north of this site.

The request is to expand an existing religious institution's operations with two accessory structures. The applicant is requesting to permit an unenclosed covered pavilion and an enclosed shed. The T3-NM policy lists institutional uses as an example of an appropriate land use for this policy. The locations of the proposed structures are setback from the property well in excess of the zoning requirement and are compatible with the surrounding area. This proposal to operate and expand a religious institution is consistent with the land use policy and Staff finds the applicants request to be an appropriate land use for the policy.

Planning Recommendation: Approve.

From: [Michael, Jon \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#)
Subject: FW: Case number 2020-180
Date: Monday, September 14, 2020 9:16:51 AM

From: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Sent: Monday, September 14, 2020 9:00 AM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: RE: Case number 2020-180

Mr. Michael,

I have heard from the Mr. Silke Hubbard, the agent responsible for this BZA request. The church is playing catch up. They pavilion and garden shed have been in place for sometime. They did not realize at the time, that they needed a permit and are now trying to get in compliance. As the Council member for the district, I have had no complaints about the structures in the past, nor any recently. I have no objection to the BZA granting this request.

Sincerely,
Bob Nash

*Robert Nash
Metro Council Member for District 27
5018 Ashley Drive
Nashville, Tennessee 37211
Cell: (615) 337-7388*

From: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Sent: Tuesday, September 8, 2020 10:22 AM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Subject: RE: Case number 2020-180

Added details:

This religious institution use is allowed via special exception from the BZA. And that use has been in place for years. However, any expansion of the facilities requires a new approval on that special exception from the BZA.

Saying it most directly: It's a formality. But it's a legally required formality.

Jon Michael
Metro Zoning Administrator

From: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Sent: Sunday, September 06, 2020 6:15 AM
To: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Cc: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: RE: Case number 2020-180

Hi CM Nash,

We are doing well, and I hope the same for you.

I am not working with the BZA as closely as I used to, so unfortunately I don't know any details about this case. I looked at the case file to see what I could find out, and it is an application for a pavilion, as you said. I don't know if it will replace or be in addition to the existing pavilion, but I assume it will be used by the church for their church activities which is likely why this is a special exception request. I can confirm that we haven't received any opposition from the neighbors. Public Works has taken no exception to the application, and we will get a recommendation from Planning, though it has not come through yet.

So sorry I don't have more information for you, but I have copied Jon Michael on this email. He will likely be able to answer your questions with more specificity.

Enjoy your Labor Day holiday!

Emily

From: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Sent: Saturday, September 5, 2020 5:14 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: Case number 2020-180

Hey Ms. Lamb,
Hope you have been well in these crazy times. I saw the notification of a Zoning Appeal Hearing in regard to a church in my district. Is there a decision which the church is appealing, or are such requests (permit a pavilion and garden shed) routinely go before the BZA? There is already a pavilion on the property and a shed. Do you know if the new facilities will replace these, or be added structures? I have not heard any complaints from neighbors in regard to this issue.
Stay safe,
Bob Nash

Robert Nash

Metro Council Member for District 27
5018 Ashley Drive
Nashville, Tennessee 37211
Cell: (615) 337-7388

From: [Michael, Jon \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#)
Subject: FW: Case number 2020-180
Date: Monday, September 14, 2020 9:16:52 AM

From: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Sent: Monday, September 14, 2020 9:00 AM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: RE: Case number 2020-180

Mr. Michael,
I have heard from the Mr. Silke Hubbard, the agent responsible for this BZA request. The church is playing catch up. They pavilion and garden shed have been in place for sometime. They did not realize at the time, that they needed a permit and are now trying to get in compliance. As the Council member for the district, I have had no complaints about the structures in the past, nor any recently. I have no objection to the BZA granting this request.
Sincerely,
Bob Nash

*Robert Nash
Metro Council Member for District 27
5018 Ashley Drive
Nashville, Tennessee 37211
Cell: (615) 337-7388*

From: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Sent: Tuesday, September 8, 2020 10:22 AM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Subject: RE: Case number 2020-180

Added details:

This religious institution use is allowed via special exception from the BZA. And that use has been in place for years. However, any expansion of the facilities requires a new approval on that special exception from the BZA.

Saying it most directly: It's a formality. But it's a legally required formality.

Jon Michael
Metro Zoning Administrator

From: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Sent: Sunday, September 06, 2020 6:15 AM
To: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Cc: Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: RE: Case number 2020-180

Hi CM Nash,

We are doing well, and I hope the same for you.

I am not working with the BZA as closely as I used to, so unfortunately I don't know any details about this case. I looked at the case file to see what I could find out, and it is an application for a pavilion, as you said. I don't know if it will replace or be in addition to the existing pavilion, but I assume it will be used by the church for their church activities which is likely why this is a special exception request. I can confirm that we haven't received any opposition from the neighbors. Public Works has taken no exception to the application, and we will get a recommendation from Planning, though it has not come through yet.

So sorry I don't have more information for you, but I have copied Jon Michael on this email. He will likely be able to answer your questions with more specificity.

Enjoy your Labor Day holiday!

Emily

From: Nash, Bob (Council Member) <Bob.Nash@nashville.gov>
Sent: Saturday, September 5, 2020 5:14 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Subject: Case number 2020-180

Hey Ms. Lamb,
Hope you have been well in these crazy times. I saw the notification of a Zoning Appeal Hearing in regard to a church in my district. Is there a decision which the church is appealing, or are such requests (permit a pavilion and garden shed) routinely go before the BZA? There is already a pavilion on the property and a shed. Do you know if the new facilities will replace these, or be added structures? I have not heard any complaints from neighbors in regard to this issue.
Stay safe,
Bob Nash

Robert Nash

Metro Council Member for District 27
5018 Ashley Drive
Nashville, Tennessee 37211
Cell: (615) 337-7388

Board of Zoning Appeals
 P.O. Box 1910300
 Nashville, Tenn.



Ann Mattox
 5113 Parishwood Ct.
 Nashville, TN 37211-6003

Dear Sirs:

My name is Ann Mattox. I live within 1,000 feet of this zoning request.

I vehemently oppose these changes. It will increase taxes and traffic at the intersection of Brewer Dr and McMurray Drive.

Taxes have been increased by Mayor Cooper to 34%. This Church DOES NOT pay taxes.

We are a quiet neighborhood, and I believe this will take away our peace with more cars, people and noise.

The pandemic has taken jobs and salaries. Why would you agree to make our neighborhood more depressed?

I do not want a looming, bigger structure within 1,000 feet of my street.

Please do not agree to this. For one time, please listen to the voters. People in this congregation do not live in the community, this is a nice corner lot, and again they pay No Taxes. We are the tax payers and the voters.

Thanks,

Ann Mattox
 5113 Parishwood Ct.
 CITY

NASHVILLE HISPANIC SEVENTH-DAY ADVENTIST CHURCH
544 McMurray Drive; NASHVILLE TN 37211

Dear Neighbors:

A few days ago, you received a Zoning Appeal in regards to our church's property which will be presented to the Board of Zoning Appeals on Thursday, September 17, 2020 beginning at 1 p.m.

This is to address the issue of a special exception for the building of a pavilion and a garden shed on our property (See picture below)

We would like to give you an opportunity to meet with us at our church for any questions or concerns that you may have and will be having an open neighborhood meeting on **Thursday, September 10, 2020 from 5 - 7 p.m. at our church property at 544 McMurray Drive (a.k.a 501 Brewer Drive), Nashville, Tennessee 37211.**

We look forward to meeting you and discussing any questions that you may have.

Sincerely yours,

Pastor Barrera



*outdoor pavilion
conducive to
(more people
and noise)
(we have parks
for these kind
of gatherings)*



Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

Appellant:	<u>Amir Roshan</u>	Date:	<u>07/27/202</u>
Property Owner:	<u>Midtown Capital, LLC.</u>	Case #:	<u>2020- 184</u>
Representative:	<u>Amir Roshan</u>	Map & Parcel:	<u>15602000700</u>
Council District:	<u>35</u>		

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

Purpose:	<u>to construct a single family residence</u>
Activity Type:	<u>Single Family</u>
Location:	<u>705 Harpeth Knoll</u>

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

Reason: Front setback variance . 55' contextual setback, asking for a 30' front setback, variance of 25 feet.

Section: 17.20.030. A

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

Appellant Name:	<u>Amir Roshan</u>	Representative:	_____
Phone Number:	<u>615-948-5917</u>	Phone Number:	_____
Address:	<u>8521 Jamie Ct</u> <u>Brentwood, TN 37027</u>	Address:	_____
Email address:	<u>roshanhomes@me.com</u>	Email address:	_____

Appeal Fee: 100

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

Amir Roshan

APPELLANT

8-2-2020

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

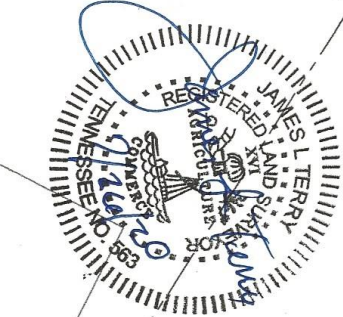
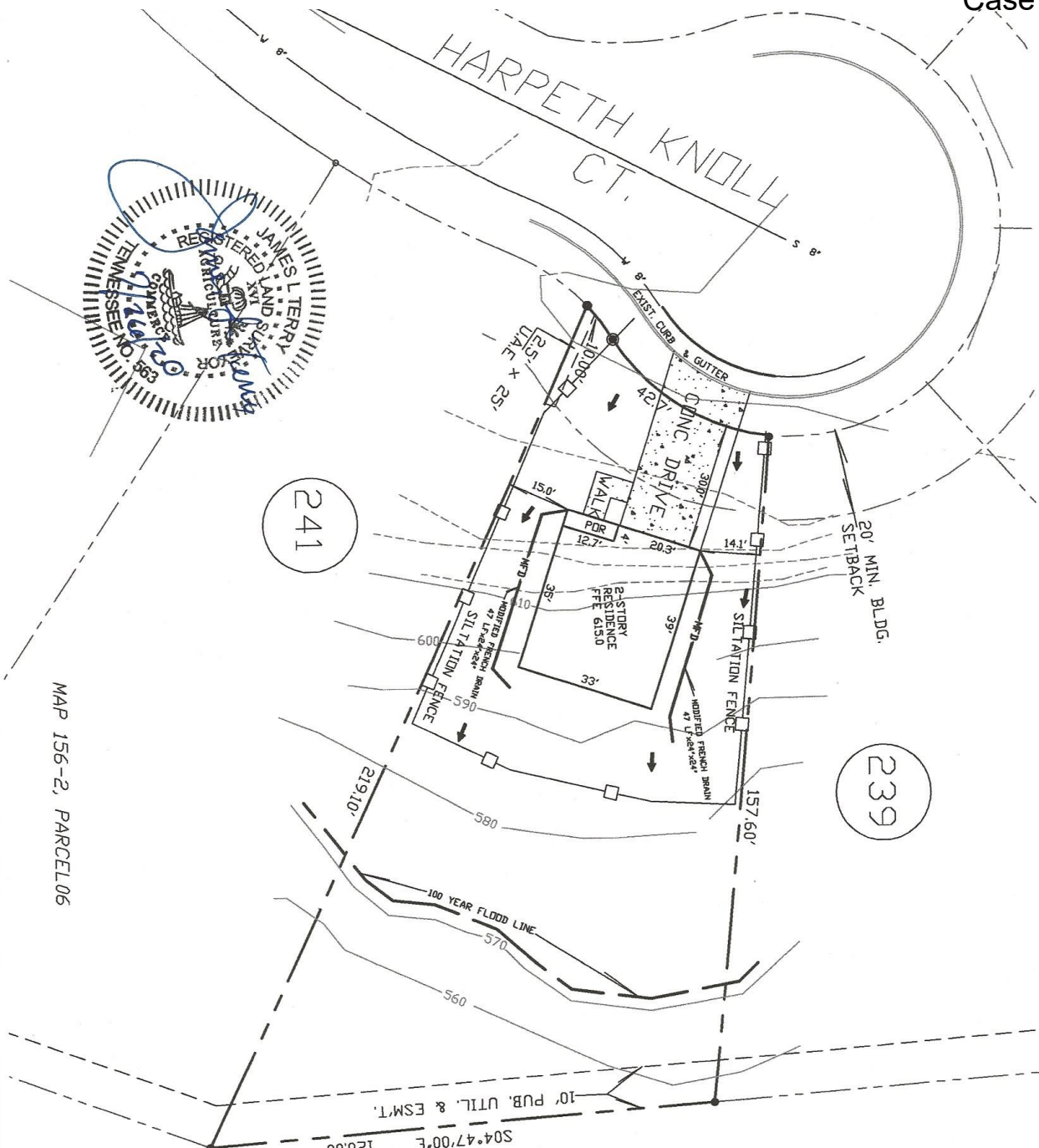
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

I own two lots at 705 and 709 Harpeth Knoll Ct. Nashville, 37221. And planning to build homes at this sites. There are 7 existing homes in this cul-de-sac that was built in 1970's. I am asking for a variance of 30 feet front setback . This Application is for 705 Harpeth Knoll Ct. When Harpeth Valley Park subdivision was first developed in 1970's the original front setback was 20 feet but now that the subdivision has been fully developed the average setback for the few homes in the Cul-De-Sac is now approximately 55 feet. The reason I am asking for a Variance in front setback is for the following reasons:

1. This lot slopes down sharply from 60 feet (middle of the lot) towards end. Therefore making it difficult to build a home without avoiding a very tall, 24 feet or higher, retaining wall in which will not be safe for a family to enjoy on a daily bases. And is not wide enough to do a side entry basement level garage to work with the slope.
2. In addition this lot towards the end is in a flood zone. Therefore it will be very hard to build a massive retaining wall without disturbing the floor plan and water flow.
3. By getting a 30 feet front setback I will be able to keep a lot of existing trees that otherwise I will have to cut and clear in order to build a very high retaining wall if I am forced to go with the average 55 feet setback.
4. My goal is to build a nice home with a good flow for a family to enjoy for many years.



MAP 156-2, PARCEL 06

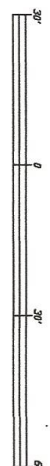
239

241

705 HARPETH KNOLL CT
240
HARPETH VALLEY PARK
SITE PLAN

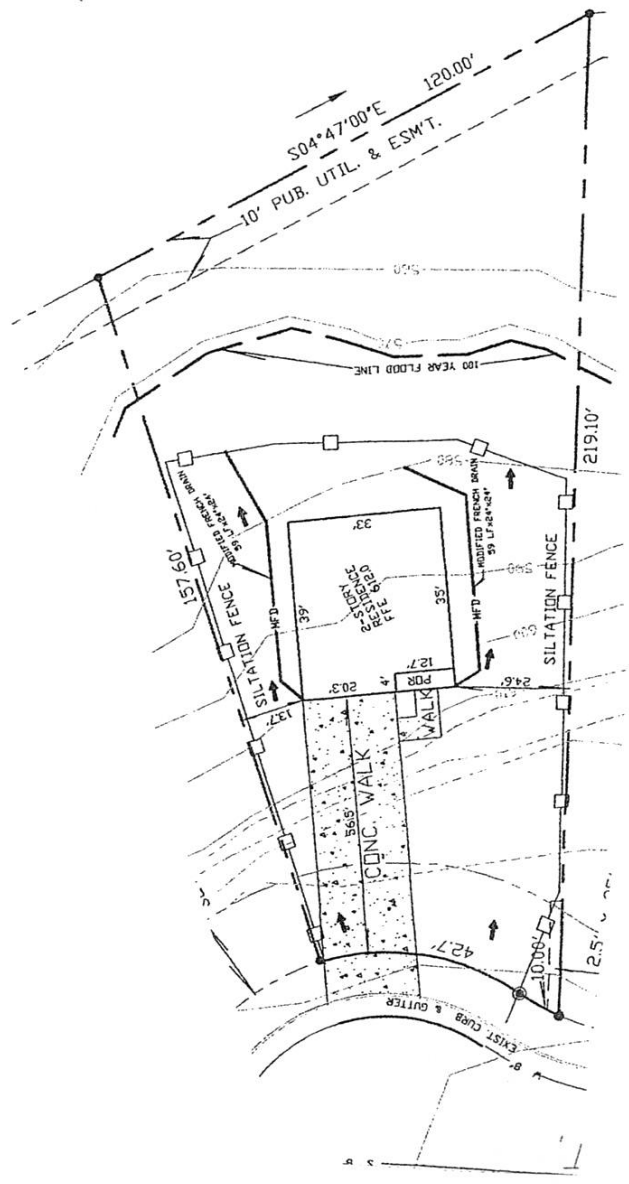
FOR
MOHAMMED HAJJAFAR
DATE: 7/16/20 SCALE: 1"=30'
REV: 7-26-20

PREPARED BY: JAMES L. TERRY
2812 BRANWOOD DRIVE
NASHVILLE, TN 37214
615-415-7525
TENN. REG. LAND SURVEYOR 563

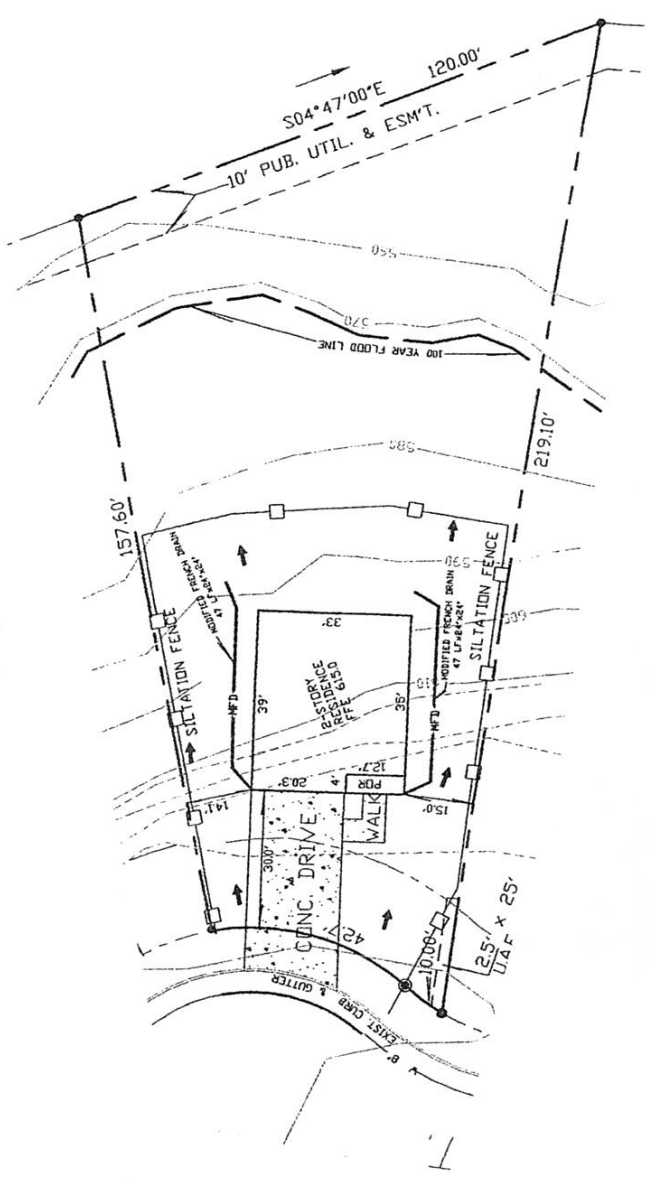


- NOTES:
- BOUNDARY INFORMATION FROM PLAN OF HARPETH VALLEY PARK, SECT. 2, AS OF RECORD IN PLAT BOOK 3700, PAGE 129, R.D.D.G., TN.
 - TOPD INFO. FROM METRO MAPS AND FIELD OBSERVATIONS.
 - UTILITIES INFO. FROM METRO WATER AND SEWER DEPT.
 - DIVNER, R & S RENTAL PROP., LLC
2033 RICHARD JONES RD
NASHVILLE, TN 37215
 - PROPERTY RECORDED IN INST. NO. 20011029-0117642.
 - REGISTER'S OFFICE OF DAVIDSSON COUNTY, TN.
 - TOTAL LOT AREA: 15,002 SF
 - PROPERTY ZONED RS-15
- 8) IMPERVIOUS AREA CALCULATIONS
- | PRE IMPERVIOUS AREA | 0 SF |
|----------------------|---------|
| HOUSE | 1287 SF |
| DRIVE | 602 SF |
| WALK | 74 SF |
| POST IMPERVIOUS AREA | 1963 SF |
- NET IMPERVIOUS AREA 1963 SF
- PROPOSED MODIFIED FRENCH DRAIN
94 LF x 24" x 24"
(2 @ 47 LF x 24" x 24")
- 9) EXIST. FRONT SETBACK CALCULATIONS
ADJOINING PROPERTIES SETBACK
- | | |
|-----------------------|-------|
| 701 HARPETH KNOLL CT. | 37.9' |
| 703 HARPETH KNOLL CT. | 44.1' |
| 711 HARPETH KNOLL CT. | 66.1' |
| 713 HARPETH KNOLL CT. | 77.6" |
- 56.3' AVERAGE
PROPOSED UNIT 30' SETBACK

705 Harpeth Knoll Ct Required setback



Proposed setback



From: [Kathy Willmore](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Zoning Appeal Case 2020-184
Date: Sunday, September 6, 2020 6:42:51 AM

The neighbors on Harpeth Knoll Court would like to voice their opinion on denying the Zoning Appeal Case 2020-184. We have contacted our Councilman, Mr. Dave Rosenberg, and expressed our concerns. We feel that the variance should not be granted. Our cul-de-sac is visually appealing; the neighbors all look out for one another. If the new houses are constructed closer to the road frontage, it would partially block the view of Ashley George's duplex and the Simmons' house from those at the end of the cul-de-sac. There are small children in all the homes except mine; we feel that the homes built closer to the street, with their vehicles to be parked, would present more of a problem than having the homes sit at the zoned distance from the street. The new landowner said he wanted to preserve the nature and the trees behind the building site; those are not purposely planted or distinguishing trees, but are several years of overgrowth of neglected brush down the hillside. We feel that the builder is merely wanting to cut building costs and is not keeping the best interest of our cul-de-sac neighborhood in mind. The purchasers were aware of the size of the buildable lot, and the factors about the bottom of the hillside being in the flood zone before purchasing the property. If homes are to be built, a proper retaining wall should be also built, especially in all fairness to the new homeowners, which is one of the things the builder is trying to avoid by getting the variance. I have lived on Harpeth Knoll Court since 1981. Please help us preserve the aesthetics of our beautiful Court, by keeping the zoning requirements in order with our ranch style homes and cul-de-sac appearance. Don't allow something to be built to change the looks, feel, and safety of our neighborhood just so someone can save some construction money.

Thank you for your time,

Kathy Bruce Willmore
kwillmore@yahoo.com
710 Harpeth Knoll Court
Nashville, TN 37221

Important Notice: This e-mail is intended for the use of the person to whom it is addressed and may contain information that is privileged and confidential. If you are not the intended recipient, any disclosure, copying, distribution, or use of the contents of this message is strictly prohibited. If you have received this e-mail in error, please destroy this message and contact the Chief Privacy Officer at PathGroup immediately at (800)-366-5847. Thank you

From: [Edward Lambert](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: roshanhomes@me.com; [Rosenberg, Dave \(Council Member\)](#)
Subject: Zoning appeal case 2020-184
Date: Tuesday, September 8, 2020 4:37:14 PM

As a former home owner at 704 Harpeth Knoll Court, I feel compelled to voice my concerns regarding the zoning appeal for the properties located at 705 and 709 Harpeth Knoll Court. Our house was built in 1966, and we were the second home to be occupied on this cul-de-sac when we moved in February, 1967. We had three small sons at that time and we felt it was a safe and attractive location to raise our active family. The week after we moved in, we ordered a fence for our back yard from Sears, Roebuck to contain our children and dogs and keep them safe and off neighbors' properties. It was known as respect for others, which is sadly missing now in our society. After 22 years of living in that home on Harpeth Knoll Ct., our children were grown and we needed to downsize so we moved right across Old Harding to River Plantation. It was with a heavy heart we bade farewell to our extended family of neighbors on that dead end circle. We had witnessed many changes over the span of our time there, including regulating the use of the baseball field that was built down the hill from us. By joining together, we were able to put regulations in place to limit the use of PA systems, and the lights had to be out by a certain time, regardless of the status of the game being played. This was done to insure the tranquility and privacy of our neighborhood. I attended the auction of the properties on Harpeth Knoll Court and was appalled that this small parcel of land could be sold as 3 separate parcels, knowing how small these lots

were. It was through my efforts with our council person at the time that we were able to have those lots mowed on several occasions prior to the neighbors taking turns keeping it cut. The proposed construction depicts two story houses with a garage opening onto the street, which, in my opinion, would be extremely unattractive. There is simply not enough frontage on these properties to allow for the planned construction and this variance should not be granted.

Because of my age and current health concerns, I am unable to attend the zoning appeal on 9/17 in person, so I felt it necessary to voice my opposition in writing. I appeal to your good judgement in ruling against this proposal.

Sincerely,
Mary Margaret Lambert
8826 Sawyer Brown Road
Nashville, TN 37221

From: [Tom Willmore](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Kathy Willmore](#)
Subject: Zoning appeal case 2020-184
Date: Wednesday, September 9, 2020 2:23:03 PM

I am writing to voice my concerns about the zoning appeal for 705 and 709 Harpeth Knoll Court. My wife Kathy and I live directly across the street from these properties. The builder has sent some info out to us and has shown us some examples of homes he builds. While these home look nice in a new subdivision, they don't match the style of our neighborhood. The will have front facing garages and be two story. Our neighborhood is older and I know the style isn't built anymore. However I feel strongly that the zoning appeal should be denied for this very reason. New construction not matching the surrounding homes should be as far back from the street as possible. The builder knew when the lots sold back in July that they had this steep slope and would be hard to build on. Please don't allow this excuse to save construction cost cause us to see homes closer to the street. We the existing property owners are the ones that will see this daily. I respectfully request that these request be denied.

Thank You,

Tom Willmore
710 Harpeth Knoll Court
Nashville, TN 37221

From: [Rosenberg, Dave \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2020-184 and 2020-185
Date: Tuesday, September 15, 2020 11:57:33 AM

Board Members,

I would like to share my opposition to the variance sought in cases 2020-184 and 2020-185. I appreciate the applicant's thorough communication on this matter, but in evaluating the feedback from neighbors and the plans for these properties, it would not be conducive to the continuity of this established neighborhood to place homes that are more imposing in stature closer to the street than is required.

Thank you for your consideration and for your service,

Dave

—

Dave Rosenberg
Metro Council District 35



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South
Nashville, Tennessee 37210

Appellant:	<u>Amir Roshan</u>	Date:	<u>7/27/2020</u>
Property Owner:	<u>Midtown Capital, LLC.</u>	Case #:	<u>2020- 185</u>
Representative:	<u>Amir Roshan</u>	Map & Parcel:	<u>15602000600</u>
Council District:	<u>35</u>		

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

Purpose:	<u>to construct a single family residence</u>
Activity Type:	<u>single family</u>
Location:	<u>709 Harpeth Knoll</u>

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

Reason:	<u>front setback variance. 55' contextual setback. Requesting a 30' front setback</u>
Section:	<u>17.12.030.A</u>

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

Appellant Name:	<u>Amir Roshan</u>	Representative:	_____
Phone Number:	<u>615-948-5917</u>	Phone Number:	_____
Address:	<u>8251 Jamie Ct</u> <u>Brentwood, TN 37027</u>	Address:	_____
Email address:	<u>roshanhomes@me.com</u>	Email address:	_____

Appeal Fee: _____

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

Amir Roshan

APPELLANT

8-2-2020

DATE

Standards for a Variance

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

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

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

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

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

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

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

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

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

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

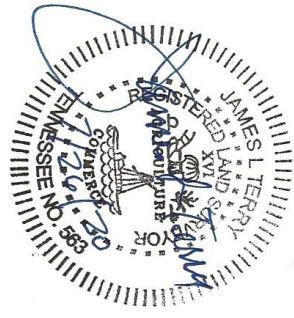
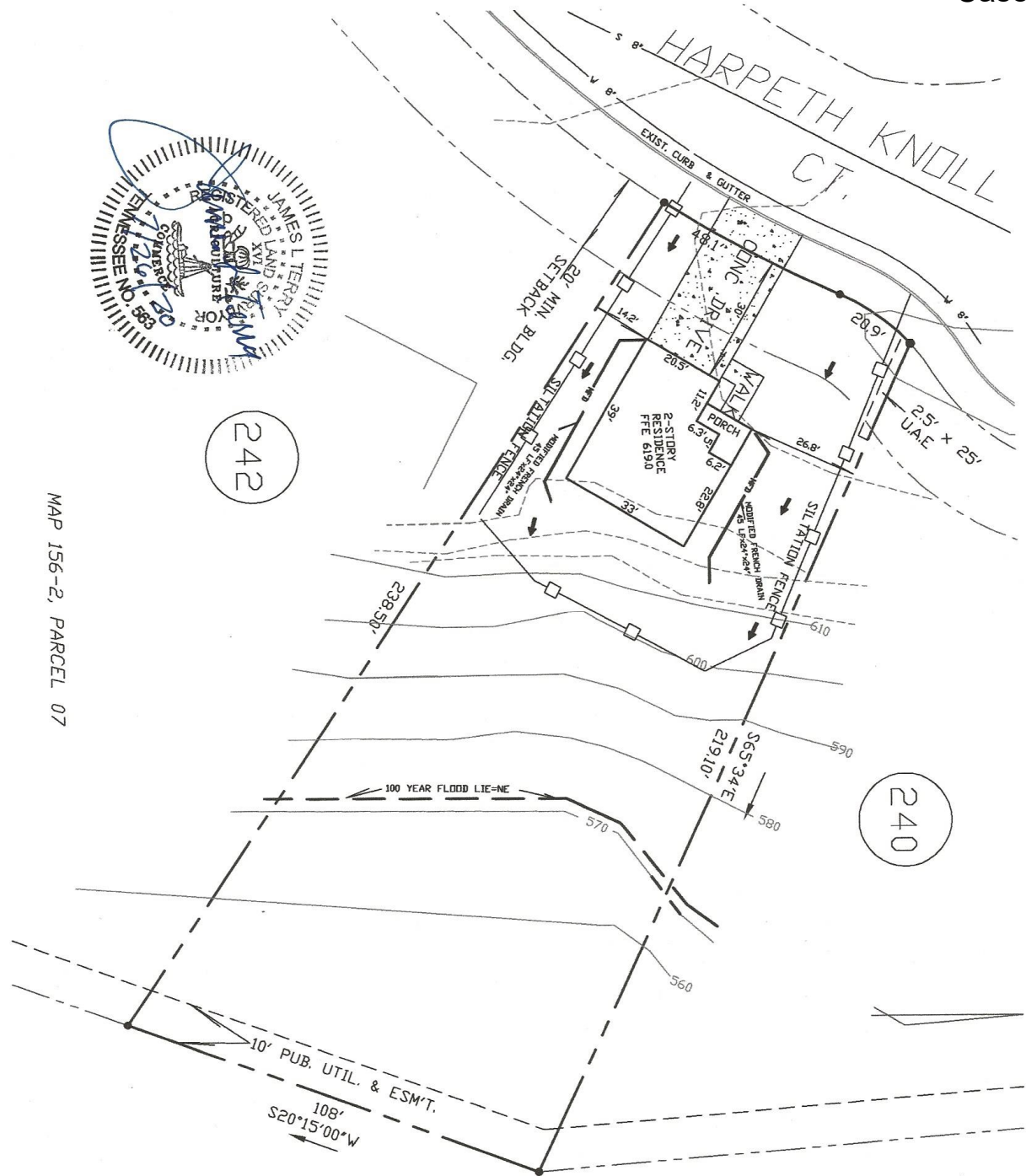
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

I own two lots at 705 and 709 Harpeth Knoll Ct. Nashville, 37221. And planning to build homes at this sites. There are 7 existing homes in this cul-de-sac that was built in 1970's. I am asking for a variance of 30 feet front setback . This Application is for 705 Harpeth Knoll Ct. When Harpeth Valley Park subdivision was first developed in 1970's the original front setback was 20 feet but now that the subdivision has been fully developed the average setback for the few homes in the Cul-De-Sac is now approximately 55 feet. The reason I am asking for a Variance in front setback is for the following reasons:

1. This lot slopes down sharply from 60 feet (middle of the lot) towards end. Therefore making it difficult to build a home without avoiding a very tall, 24 feet or higher, retaining wall in which will not be safe for a family to enjoy on a daily bases. And is not wide enough to do a side entry basement level garage to work with the slope.
2. In addition this lot towards the end is in a flood zone. Therefore it will be very hard to build a massive retaining wall without disturbing the floor plan and water flow.
3. By getting a 30 feet front setback I will be able to keep a lot of existing trees that otherwise I will have to cut and clear in order to build a very high retaining wall if I am forced to go with the average 55 feet setback.
4. My goal is to build a nice home with a good flow for a family to enjoy for many years.



242

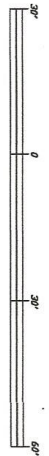
240

MAP 156-2, PARCEL 07

709 HARPETH KNOLL CT
 LOT 241
 HARPETH VALLEY PARK
 SITE PLAN

FOR
 MOHAMMED HAJJAFAR
 DATE: 7/16/20 SCALE: 1"=30'
 REV: 7-26-20

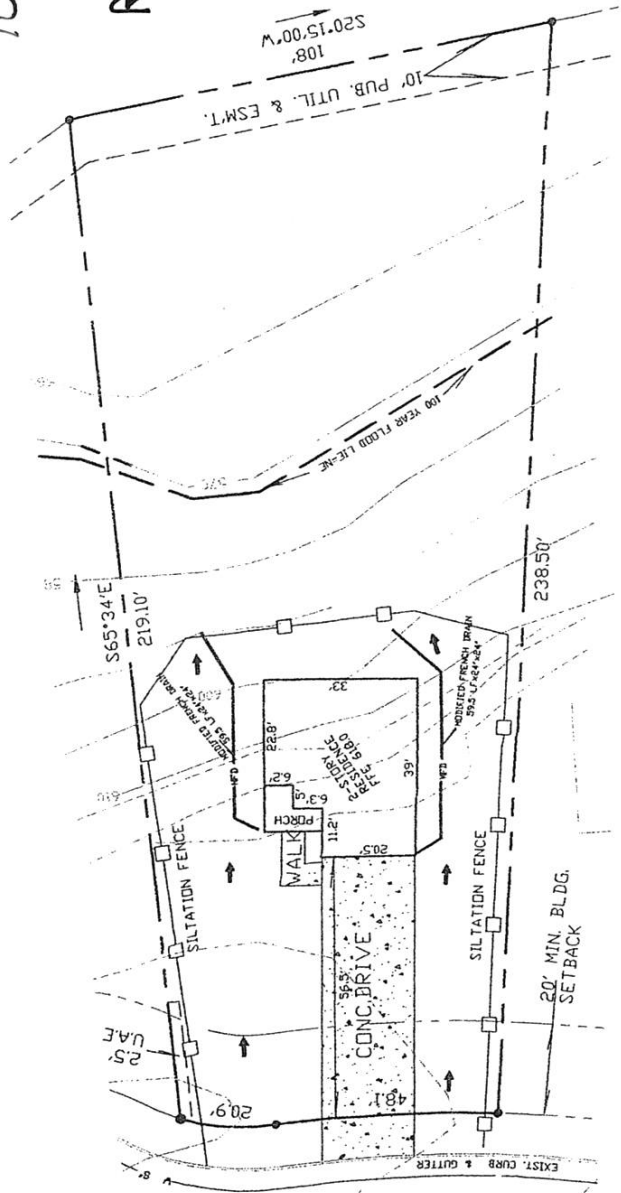
PREPARED BY: JAMES L. TERRY
 2812 BRANWOLD DRIVE
 NASHVILLE, TN 37214
 615-415-7525
 TENN. REG. LAND SURVEYOR 563



- NOTES:
 1) BOUNDARY INFORMATION FROM PLAN OF HARPETH VALLEY PARK, SECT. 2, AS OF RECORD IN PLAT BOOK 3700, PAGE 129, R.O.D.C., TN.
 2) TOPD INFO. FROM METRO MAPS.
 3) UTILITIES INFO. FROM METRO WATER AND SEWER DEPT.
 4) OWNER: R & S RENTAL PROP., LLC
 2033 RICHARD JONES RD.
 NASHVILLE, TN. 37215
 5) PROPERTY RECORDED IN INST. NO. 20011029-0117642.
 REGISTER'S OFFICE OF DAVIDSON COUNTY, TN.
 6) TOTAL LOT AREA: 19,809 SF
 7) PROPERTY ZONED RS-15
 8) IMPERVIOUS AREA CALCULATIONS
- | | |
|----------------------|---------|
| PRE IMPERVIOUS AREA | 0 SF |
| HOUSE | 1200 SF |
| DRIVE | 622 SF |
| WALK | 81 SF |
| POST IMPERVIOUS AREA | 1903 SF |
- NET IMPERVIOUS AREA 1903 SF
 PROPOSED MODIFIED FRENCH DRAIN
 90 LF x 24" x 24"
 2 @ (45 LF x 24" x 24")
- 9) EXIST. FRONT SETBACK CALCULATIONS
 ADJOINING PROPERTIES SETBACK
- | | |
|-----------------------|-------|
| 701 HARPETH KNOLL CT. | 37.9' |
| 703 HARPETH KNOLL CT. | 44.1' |
| 711 HARPETH KNOLL CT. | 66.1' |
| 713 HARPETH KNOLL CT. | 77.6' |
- 56.3' AVERAGE
 PROPOSED UNIT 30' SETBACK

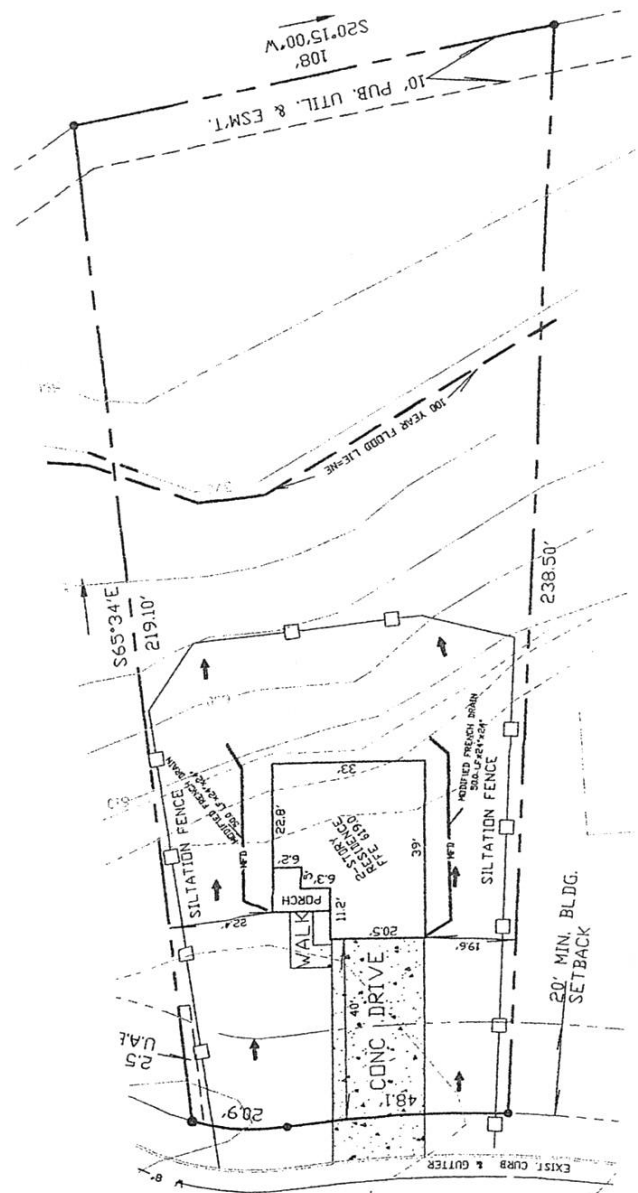
709 Harpeth Knoll Ct.

Required setback



HARPETH KNOLL Ct.

Proposed setback



HARPETH KNOLL Ct.

Alan and Sara Simmons
717 Harpeth Knoll Ct
Nashville, TN 37221

August 29, 2020

To the Metropolitan Board of Zoning Appeals,
We are writing to you today to let you know that we formally oppose Amir Roshan's appeal for rezoning 709 Harpeth Knoll Ct. Appeal case number 2020-185, map Parcel: 15602000600, Zoning classification RS 15 in Council District 35.

We are very concerned about all of these properties sold on these lots for residential development, because we do not believe there is enough actual space to justify the use and designation. This particular property has a significant slope compromising greater than half of the respective areas. Development of the property on the slope would require extensive clearing and filling, jeopardizing the integrity of the surrounding topography as it relates to nearby floodplains.

We hope that you all will consider the neighbor's perspective on this issue. We are not interested in development that would be such a poor fit (physically and aesthetically) on our humble cul-de-sac. We thank you for your time and commitment on this matter.

- Alan & Sara Simmons

From: [Rosenberg, Dave \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2020-184 and 2020-185
Date: Tuesday, September 15, 2020 11:57:33 AM

Board Members,

I would like to share my opposition to the variance sought in cases 2020-184 and 2020-185. I appreciate the applicant's thorough communication on this matter, but in evaluating the feedback from neighbors and the plans for these properties, it would not be conducive to the continuity of this established neighborhood to place homes that are more imposing in stature closer to the street than is required.

Thank you for your consideration and for your service,

Dave

—

Dave Rosenberg
Metro Council District 35

Metropolitan Board of Zoning Appeals

Metro Howard Building
 800 Second Avenue South
 Nashville, Tennessee 37210



Appellant : Duane Cuthbertson
 Property Owner: Ramsey Row Amended
 Representative: : Duane Cuthbertson

Date: 08.03.2020
 Case #: 2020-186
 Map & Parcel: 082120Y90000CO

Council District 05

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

Purpose:

Street Setback along Ramsey Street and Myrtle Street

Reduce from 30' to 10' along Ramsey Street, and
from 30' to 21'-6" along Myrtle Street.

Activity Type: Multi-Family residential : Townhomes

Location: 911 B Ramsey Street

This property is in the RM-20 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Street Setback on Ramsey and Myrtle Streets

Section(s): 17.12.030B : Special Exception per Note 6

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

Duane Cuthbertson

Appellant Name (Please Print)

409 A Merritt Avenue

Address

Nashville, TN 37203

City, State, Zip Code

615.924.9618

Phone Number

dcuthber@gmail.com

Email

Same as applicant

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: _____

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

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

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

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

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

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

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

Duane Cuthbertson
APPELLANT

08.03.2020

DATE

SPECIAL EXCEPTION REQUEST

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

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

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

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

Duane Cuthbertson
APPELLANT (OR REPRESENTATIVE)

08.03.2020
DATE



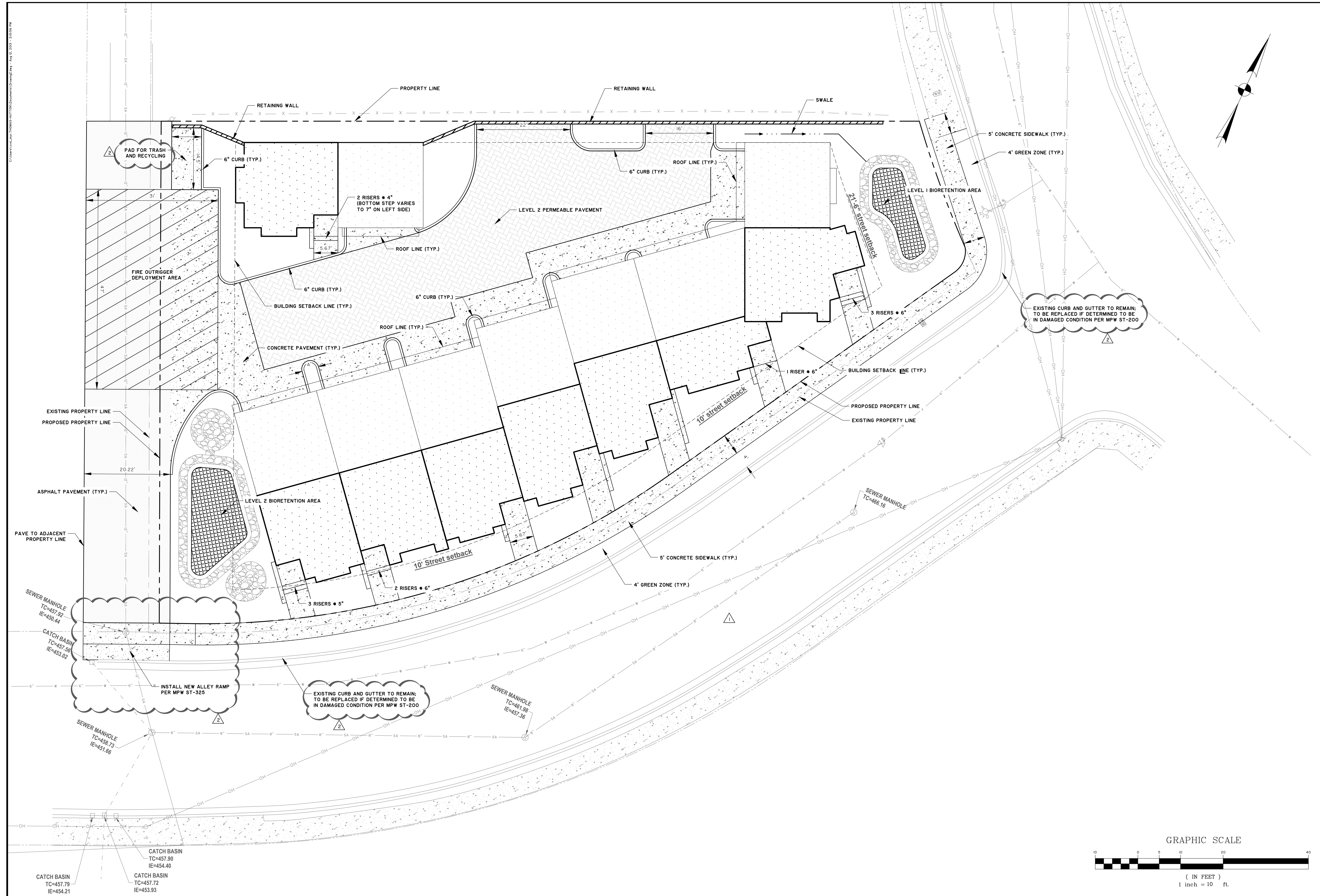
NO.	REVISIONS	BY	DATE
2	REVISED PER SW. W/7/20 AND PWS	JDC	16/30/20
1	REVISED PER AGENCY	NS	16/10/20

THOMAS & HUTTON
 615 Main Street • Suite 124
 Nashville, TN 37206 • 615.349.4990
 www.thomasandhutton.com

MARC MARIANI
 NASHVILLE, TN
 RAMSEY ROW TOWNHOMES
 SITE LAYOUT PLAN

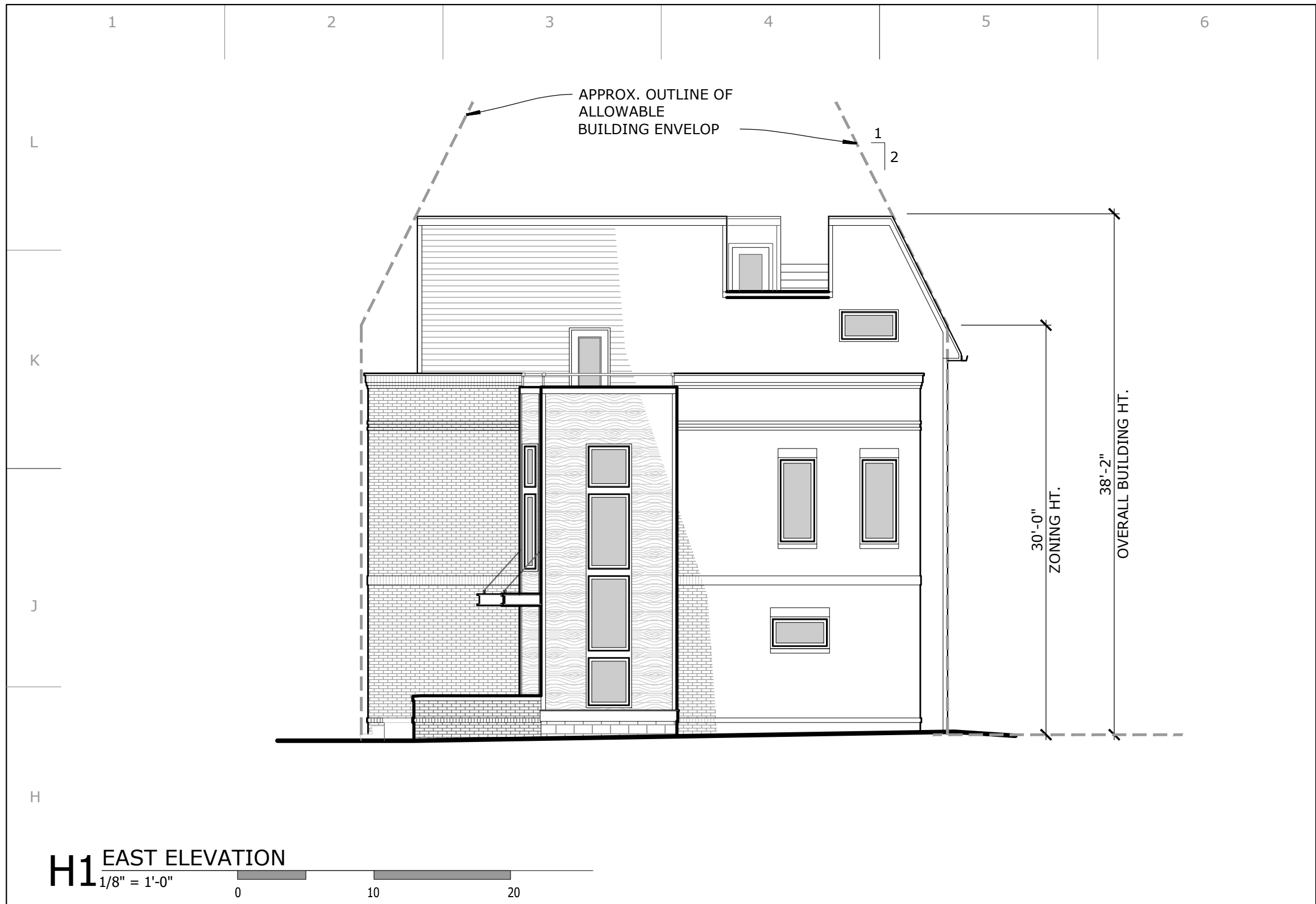
JOB NO:	J-28257.0000
DATE:	7/21/2020
DRAWN:	
DESIGNED:	
REVIEWED:	
APPROVED:	
SCALE:	1" = 10'

C1.1

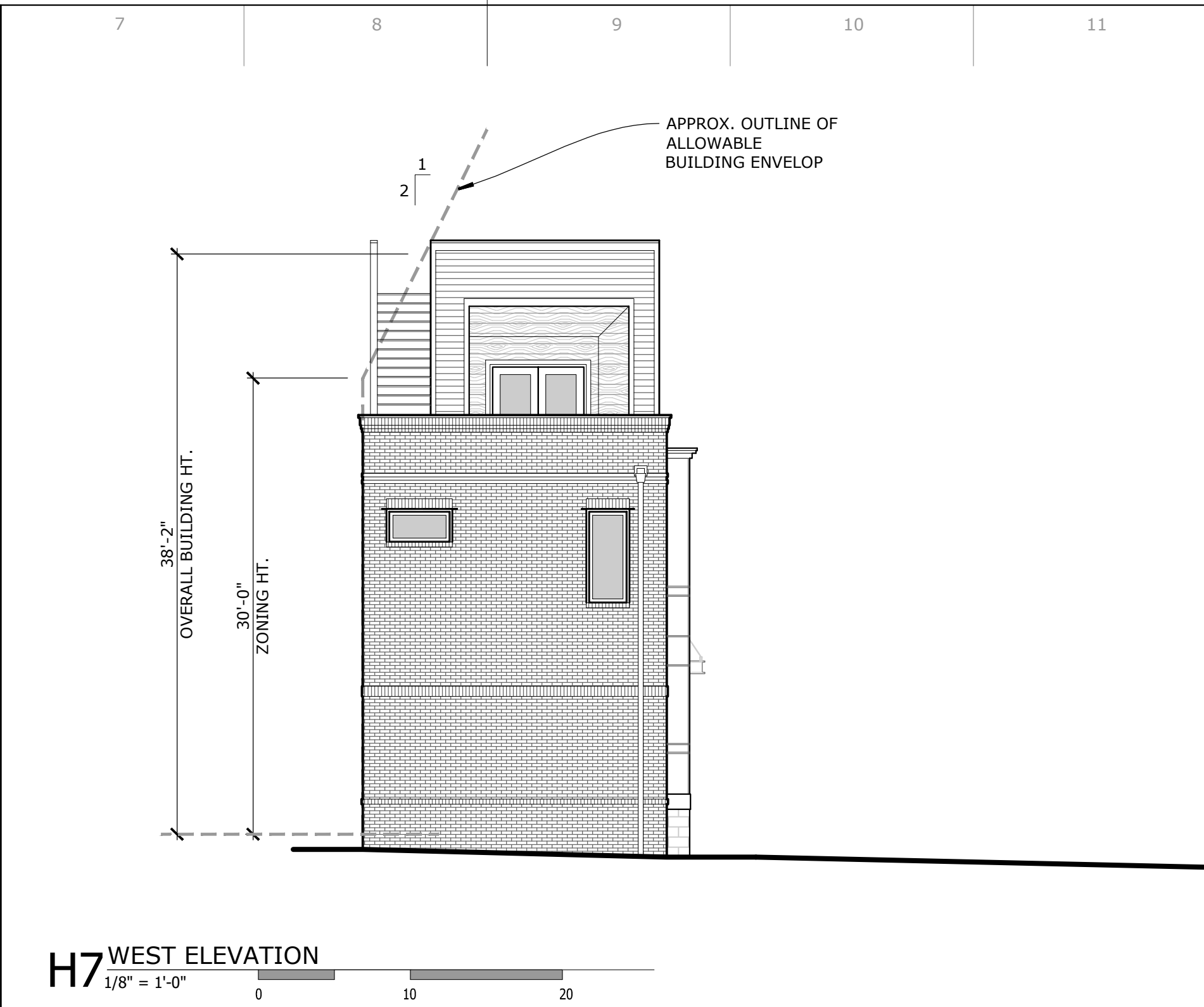


FINAL DRAWING - ISSUED FOR CONSTRUCTION

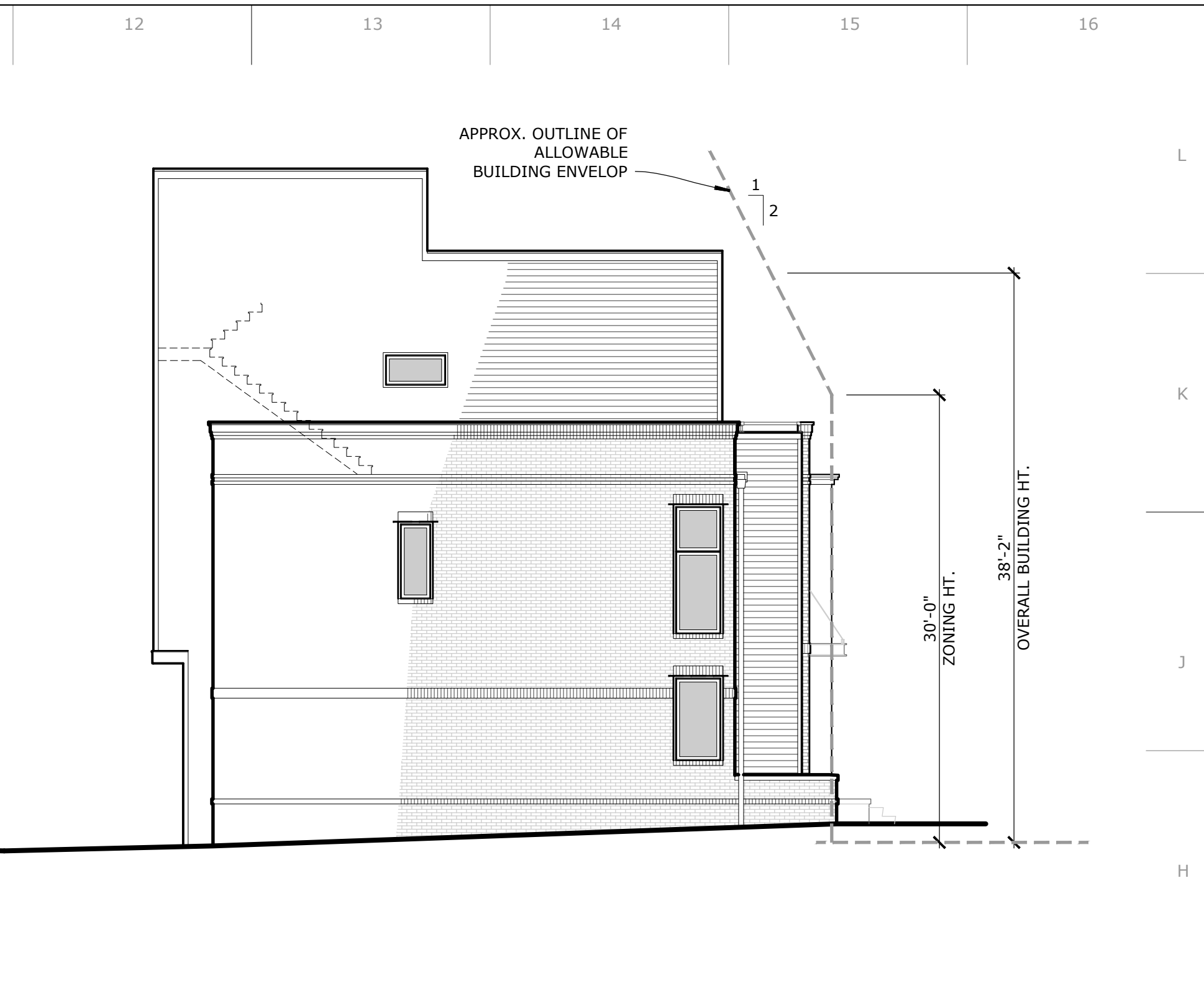
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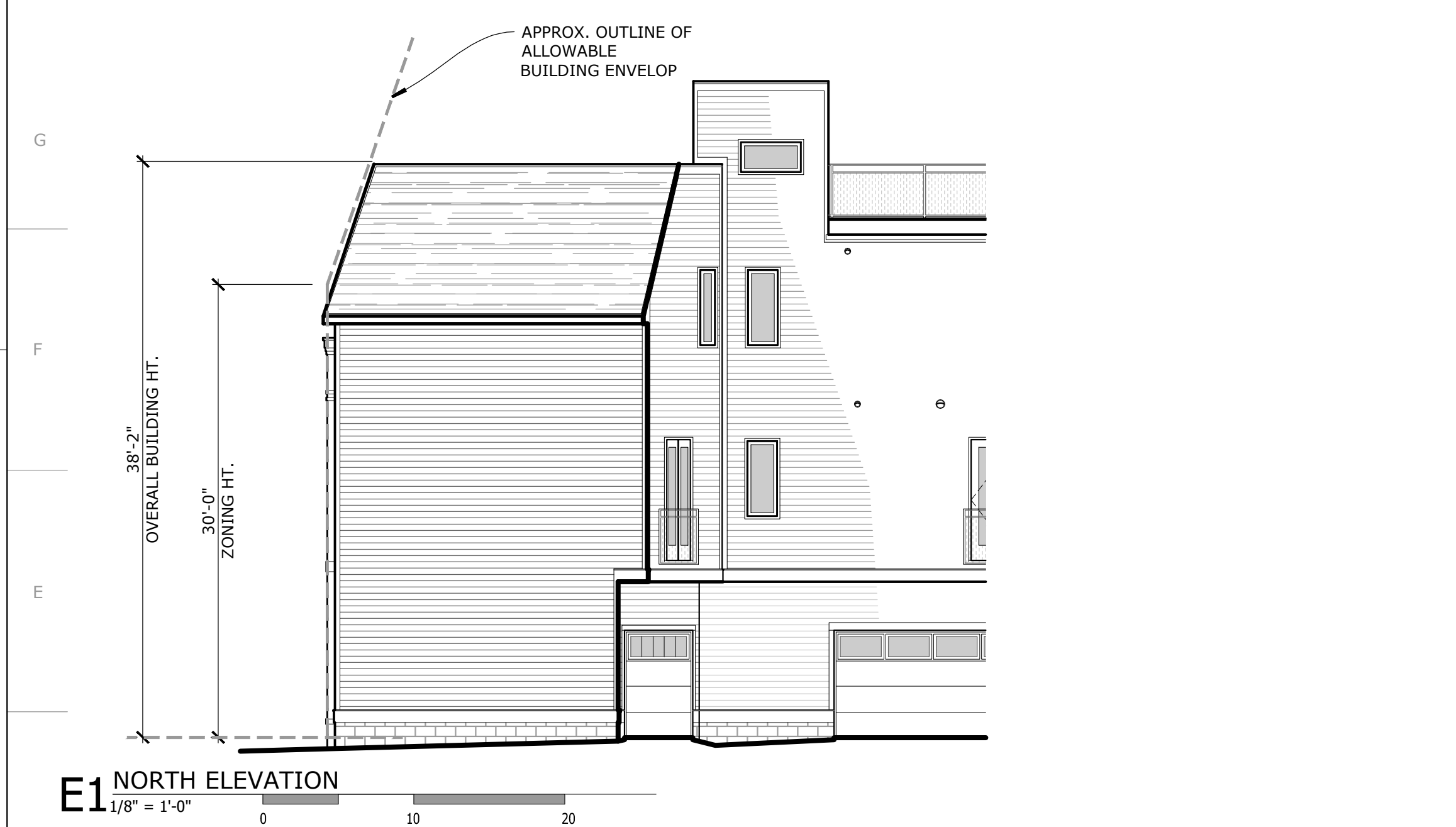
H1 EAST ELEVATION
 1/8" = 1'-0"



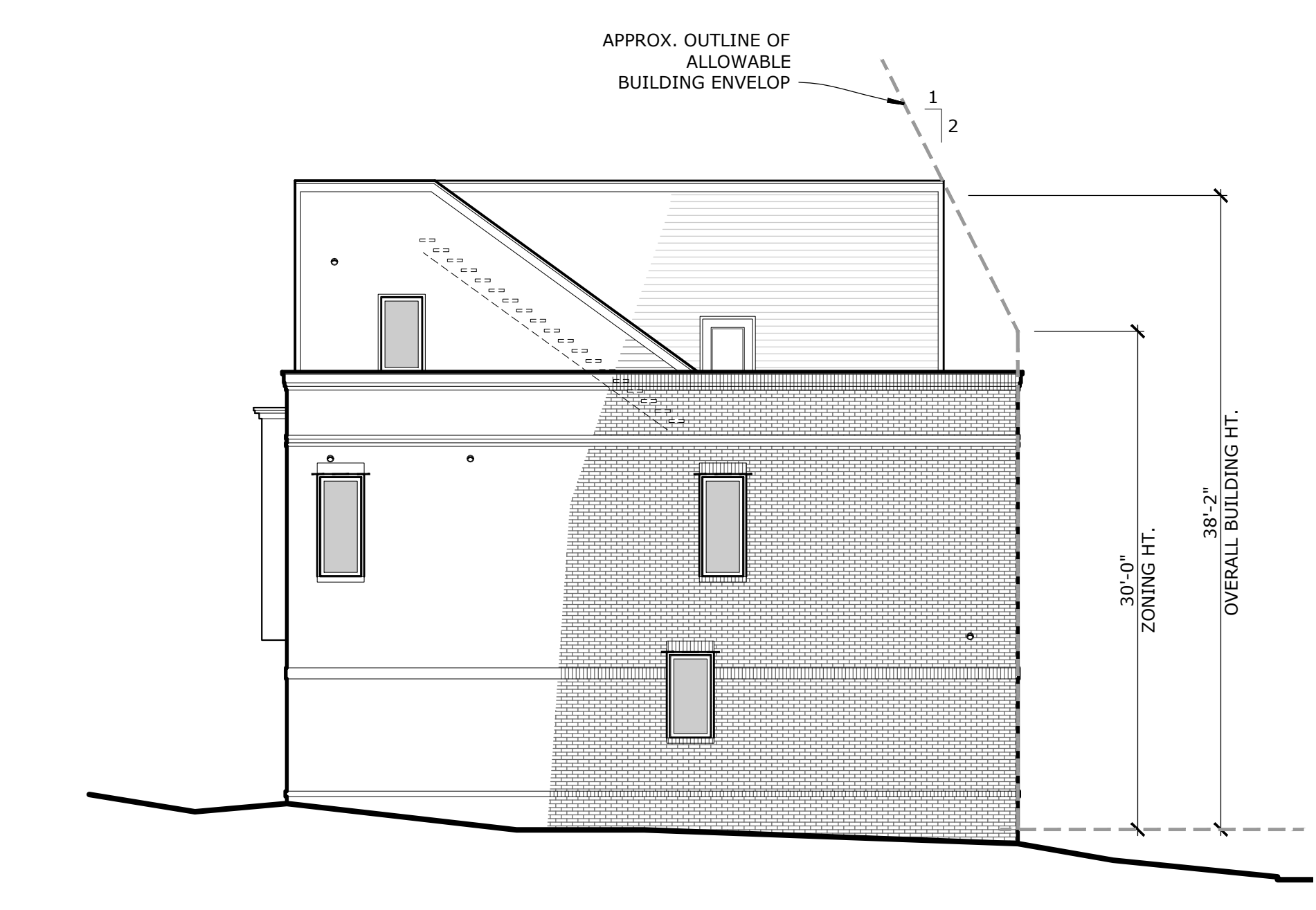
H7 WEST ELEVATION
 1/8" = 1'-0"



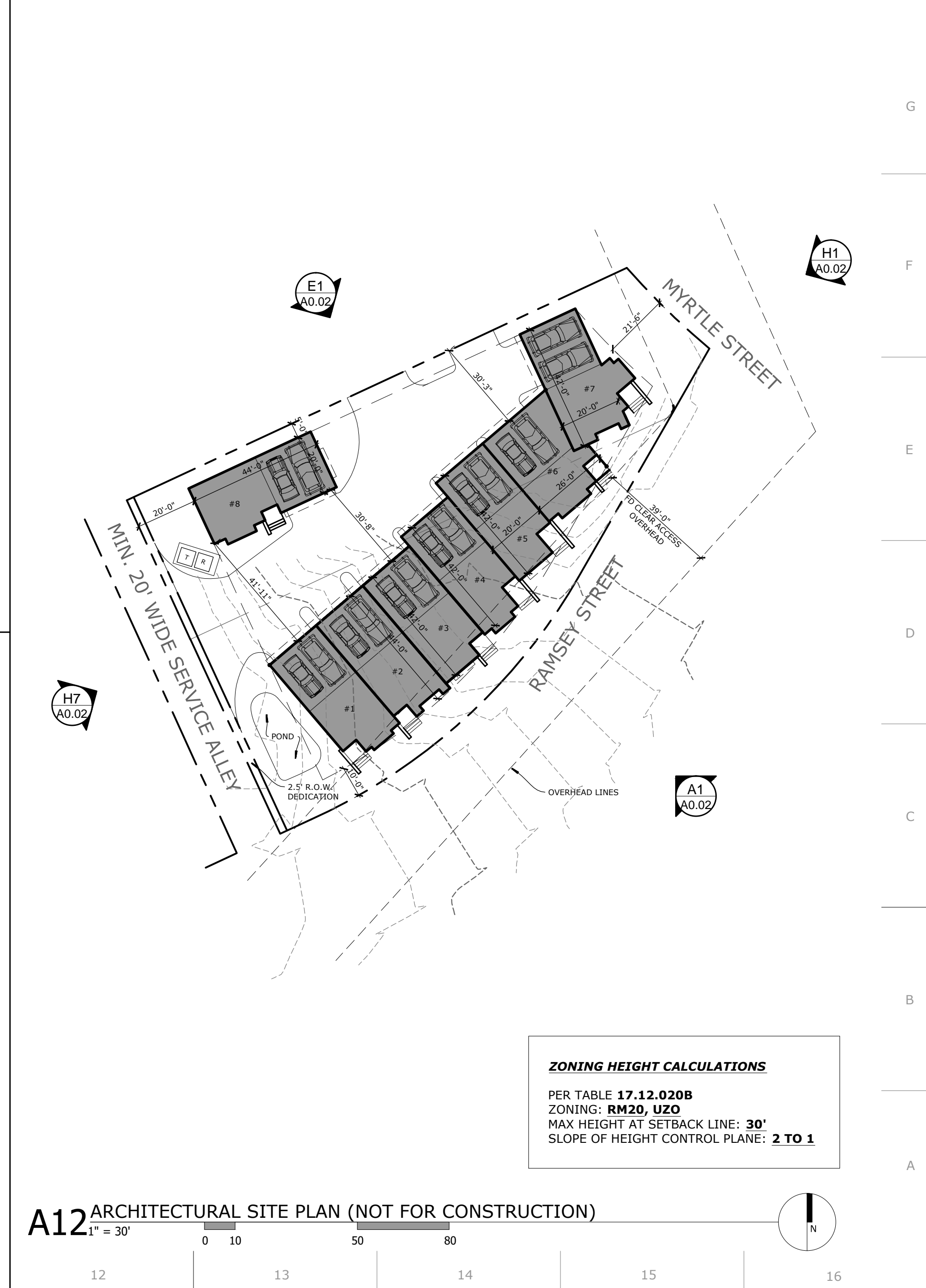
E1 NORTH ELEVATION
 1/8" = 1'-0"



A1 SOUTH ELEVATION
 3/32" = 1'-0"



H7 WEST ELEVATION
 1/8" = 1'-0"

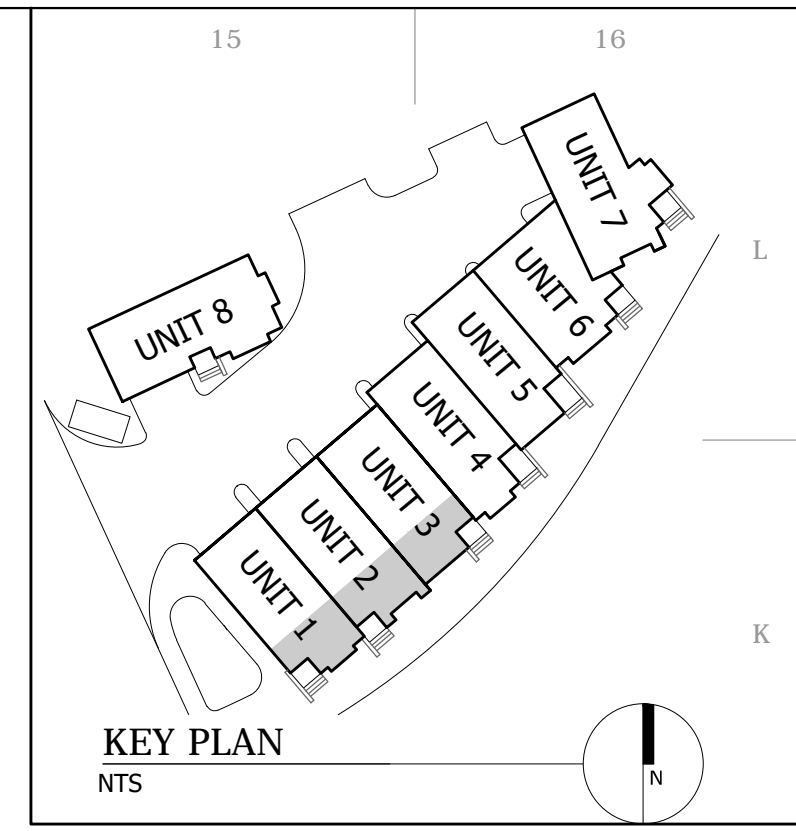


A12 ARCHITECTURAL SITE PLAN (NOT FOR CONSTRUCTION)
 1" = 30"

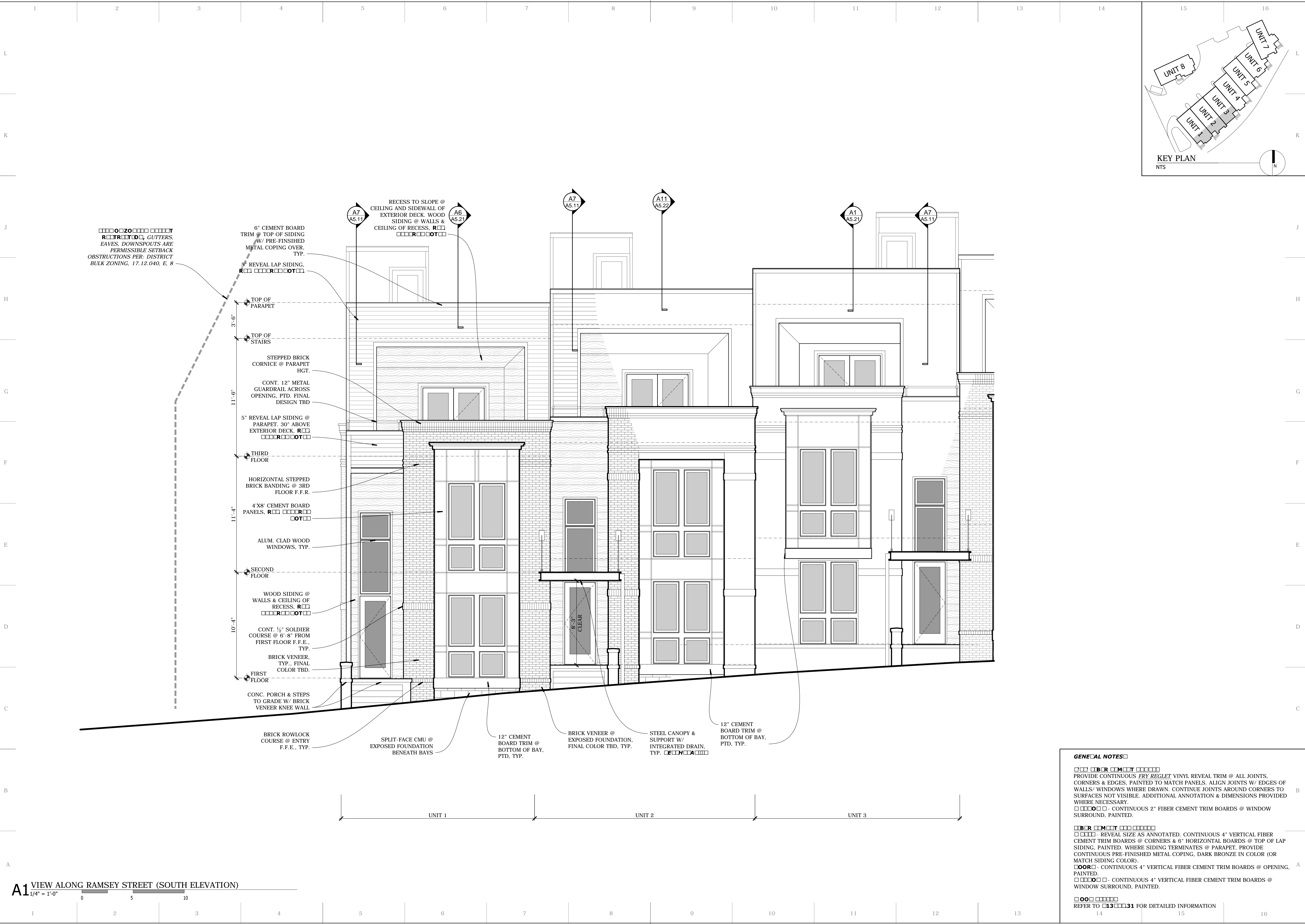
REV.	DATE	DESC.
0	04.29.20	FOR CONSTRUCTION

ZONING INFORMATION
 #20429
 NEW CONSTRUCTION:
RAMSEY ROW
 NASHVILLE, TENNESSEE 37206

A0.02



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RECESS TO SLOPE @ CEILING AND SIDEWALL OF EXTERIOR DECK. WOOD SIDING @ WALLS & CEILING OF RECESS. R

- 6" CEMENT BOARD TRIM @ TOP OF SIDING W/ PRE-FINISHED METAL COPING OVER.
- 5" REVEAL LAP SIDING.
- TOP OF PARAPET
- 3'-6"
- TOP OF STAIRS
- STEPPED BRICK CORNICE @ PARAPET HGT.
- 11'-6"
- CONT. 12" METAL GUARDRAIL ACROSS OPENING. PTD. FINAL DESIGN TBD
- 5" REVEAL LAP SIDING @ PARAPET. 30" ABOVE EXTERIOR DECK. R
- THIRD FLOOR
- HORIZONTAL STEPPED BRICK BANDING @ 3RD FLOOR F.F.R.
- 11'-4"
- 4'X8' CEMENT BOARD PANELS. R
- ALUM. CLAD WOOD WINDOWS. TYP.
- SECOND FLOOR
- WOOD SIDING @ WALLS & CEILING OF RECESS. R
- 10'-4"
- CONT. 1/2" SOLDIER COURSE @ 6'-8" FROM FIRST FLOOR F.F.E., TYP.
- BRICK VENEER. TYP. FINAL COLOR TBD.
- FIRST FLOOR
- CONC. PORCH & STEPS TO GRADE W/ BRICK VENEER KNEE WALL.

- BRICK ROWLOCK COURSE @ ENTRY F.F.E., TYP.
- SPLIT-FACE CMU @ EXPOSED FOUNDATION BENEATH BAYS
- 12" CEMENT BOARD TRIM @ BOTTOM OF BAY. PTD. TYP.
- BRICK VENEER @ EXPOSED FOUNDATION. FINAL COLOR TBD. TYP.
- STEEL CANOPY & SUPPORT W/ INTEGRATED DRAIN. TYP.
- 12" CEMENT BOARD TRIM @ BOTTOM OF BAY. PTD. TYP.

GENERAL NOTES

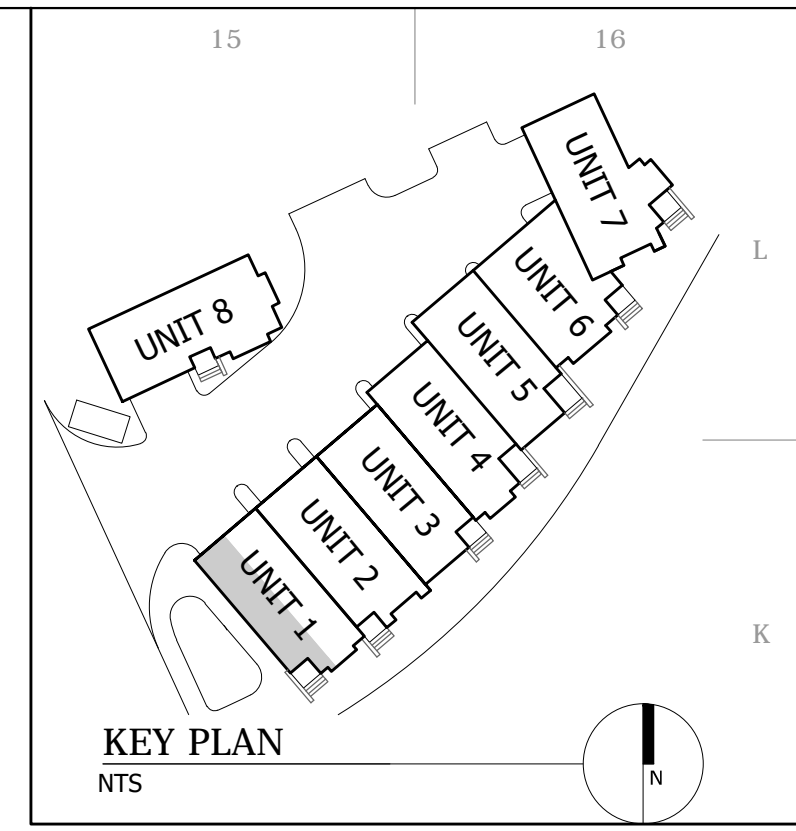
- PROVIDE CONTINUOUS FRY REGLET VINYL REVEAL TRIM @ ALL JOINTS, CORNERS & EDGES. PAINTED TO MATCH PANELS. ALIGN JOINTS W/ EDGES OF WALLS/ WINDOWS WHERE DRAWN. CONTINUE JOINTS AROUND CORNERS TO SURFACES NOT VISIBLE. ADDITIONAL ANNOTATION & DIMENSIONS PROVIDED WHERE NECESSARY.
- CONTINUOUS 2" FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.
- REVEAL SIZE AS ANNOTATED. CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ CORNERS & 6" HORIZONTAL BOARDS @ TOP OF LAP SIDING, PAINTED. WHERE SIDING TERMINATES @ PARAPET, PROVIDE CONTINUOUS PRE-FINISHED METAL COPING. DARK BRONZE IN COLOR (OR MATCH SIDING COLOR).
- CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ OPENING, PAINTED.
- CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.
- REFER TO 31 FOR DETAILED INFORMATION

A1 VIEW ALONG RAMSEY STREET (SOUTH ELEVATION)
1/4" = 1'-0"

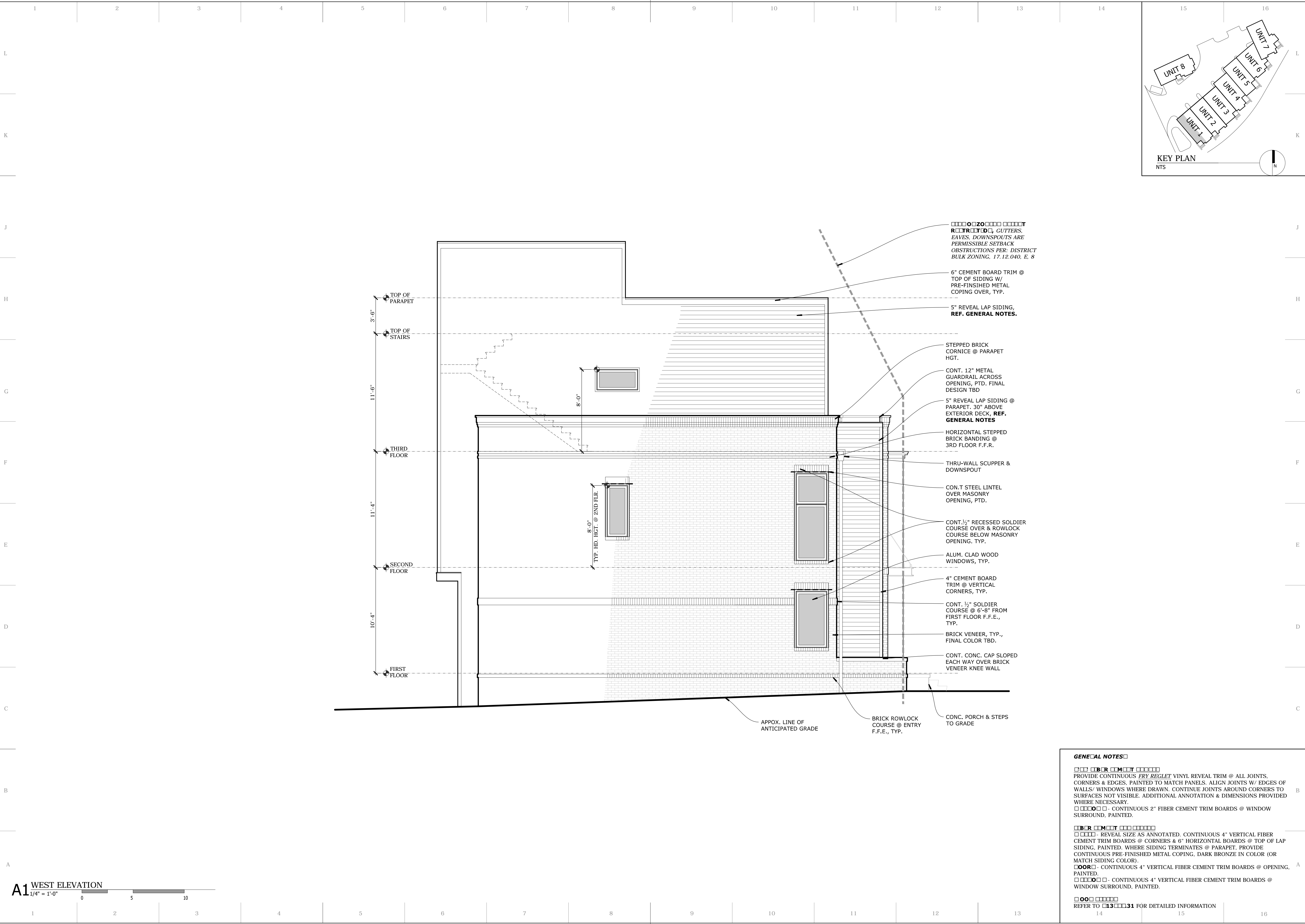
EXTERIOR ELEVATIONS - UNITS 1-3
#2020429

NEW CONSTRUCTION:
RAMSEY ROW
NASHVILLE, TENNESSEE 37206

REV.	DATE	DESC.
0	04.29.20	FOR CONSTRUCTION



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- STEPPED BRICK CORNICE @ PARAPET HGT.
- CONT. 12" METAL GUARDRAIL ACROSS OPENING, PTD. FINAL DESIGN TBD
- 5" REVEAL LAP SIDING @ PARAPET, 30" ABOVE EXTERIOR DECK, REF. GENERAL NOTES
- HORIZONTAL STEPPED BRICK BANDING @ 3RD FLOOR F.F.R.
- THRU-WALL SCUPPER & DOWNSPOUT
- CONT. STEEL LINTEL OVER MASONRY OPENING, PTD.
- CONT. 1/2" RECESSED SOLDIER COURSE OVER & ROWLOCK COURSE BELOW MASONRY OPENING, TYP.
- ALUM. CLAD WOOD WINDOWS, TYP.
- 4" CEMENT BOARD TRIM @ VERTICAL CORNERS, TYP.
- CONT. 1/2" SOLDIER COURSE @ 6'-8" FROM FIRST FLOOR F.F.E., TYP.
- BRICK VENEER, TYP., FINAL COLOR TBD.
- CONT. CONC. CAP SLOPED EACH WAY OVER BRICK VENEER KNEE WALL
- APPOX. LINE OF ANTICIPATED GRADE
- BRICK ROWLOCK COURSE @ ENTRY F.F.E., TYP.
- CONC. PORCH & STEPS TO GRADE

TOP OF PARAPET
3'-6"

TOP OF STAIRS
11'-6"

THIRD FLOOR
11'-4"

SECOND FLOOR
10'-4"

FIRST FLOOR

8'-0" TYP. HD. HGT. @ 2ND FLR.

REVEAL LAP SIDING, REF. GENERAL NOTES.

6" CEMENT BOARD TRIM @ TOP OF SIDING W/ PRE-FINISHED METAL COPING OVER, TYP.

GENERAL NOTES

PROVIDE CONTINUOUS *FRY REGLET* VINYL REVEAL TRIM @ ALL JOINTS, CORNERS & EDGES. PAINTED TO MATCH PANELS. ALIGN JOINTS W/ EDGES OF WALLS/ WINDOWS WHERE DRAWN. CONTINUE JOINTS AROUND CORNERS TO SURFACES NOT VISIBLE. ADDITIONAL ANNOTATION & DIMENSIONS PROVIDED WHERE NECESSARY.

CONTINUOUS 2" FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.

REVEAL SIZE AS ANNOTATED. CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ CORNERS & 6" HORIZONTAL BOARDS @ TOP OF LAP SIDING, PAINTED. WHERE SIDING TERMINATES @ PARAPET, PROVIDE CONTINUOUS PRE-FINISHED METAL COPING. DARK BRONZE IN COLOR (OR MATCH SIDING COLOR).

CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ OPENING, PAINTED.

CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.

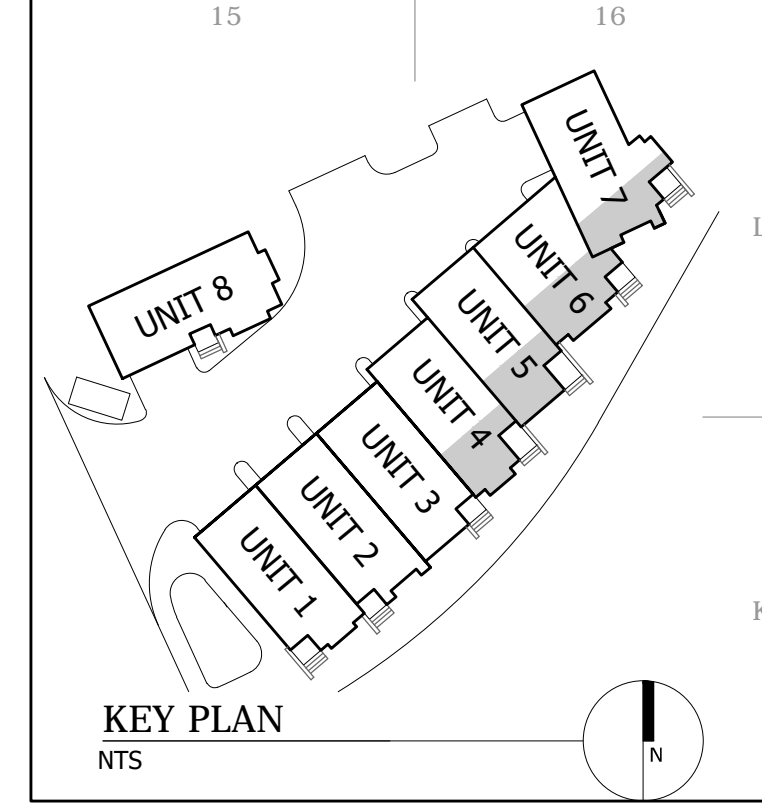
REFER TO 31 FOR DETAILED INFORMATION

A1 WEST ELEVATION
1/4" = 1'-0"

REV.	DATE	DESC.
0	04.29.20	FOR CONSTRUCTION

EXTERIOR ELEVATIONS - UNITS 1-3

NEW CONSTRUCTION:
RAMSEY ROW
NASHVILLE, TENNESSEE 37206



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GENERAL NOTES

- PROVIDE CONTINUOUS **FRY REGLET** VINYL REVEAL TRIM @ ALL JOINTS, CORNERS & EDGES. PAINTED TO MATCH PANELS. ALIGN JOINTS W/ EDGES OF WALLS/ WINDOWS WHERE DRAWN. CONTINUE JOINTS AROUND CORNERS TO SURFACES NOT VISIBLE. ADDITIONAL ANNOTATION & DIMENSIONS PROVIDED WHERE NECESSARY.
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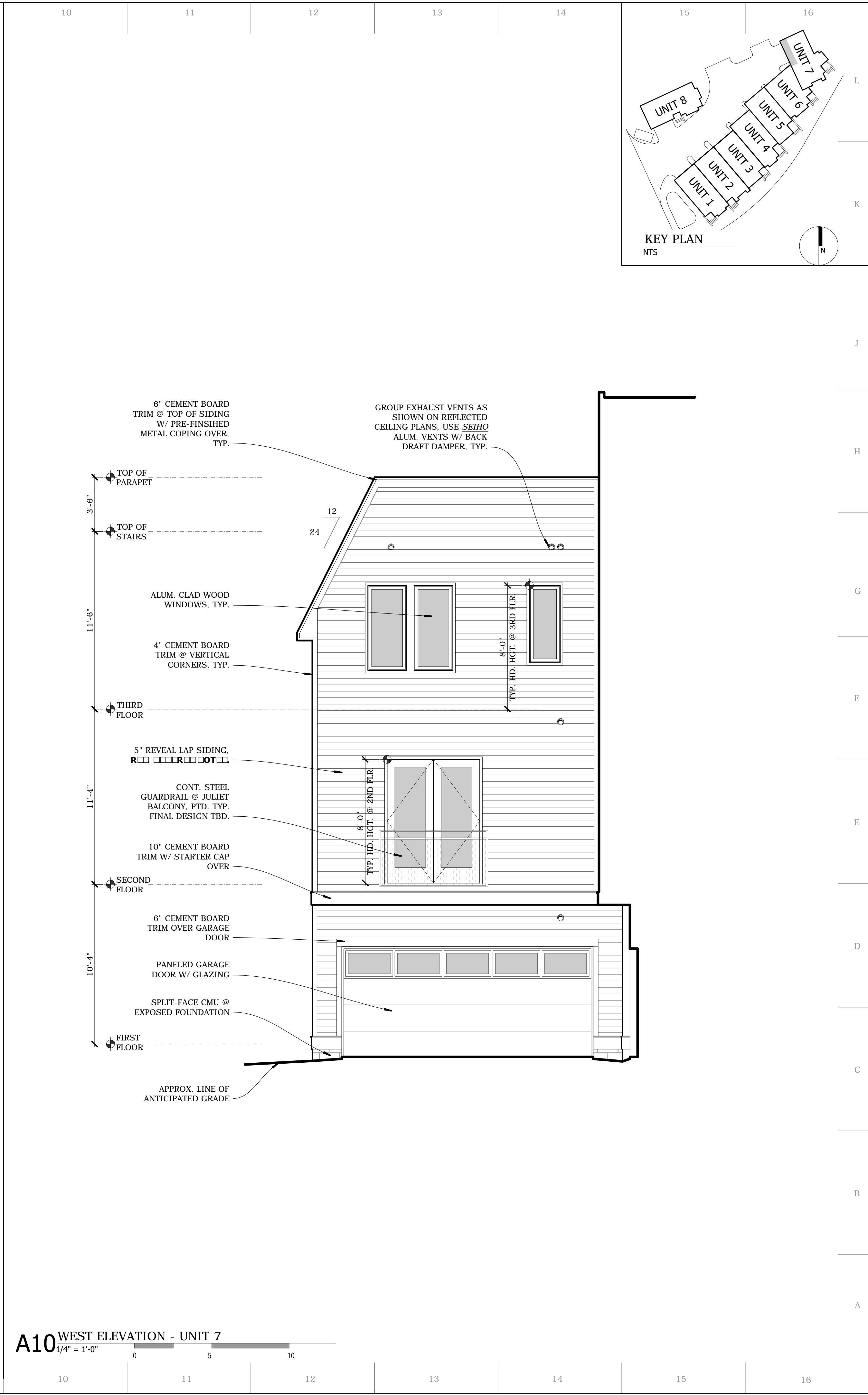
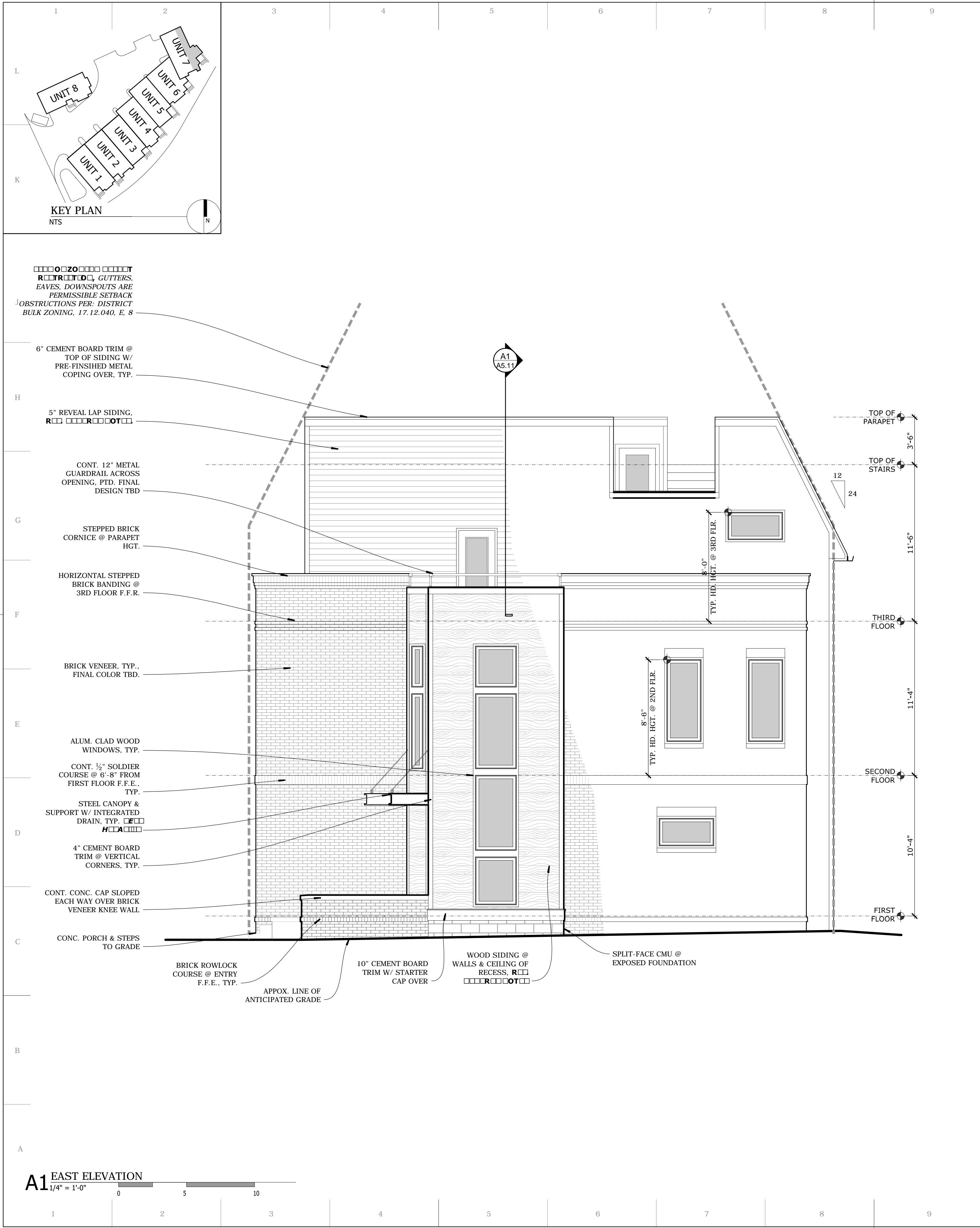
A1 VIEW ALONG RAMSEY STREET (SOUTH ELEVATION)
1/4" = 1'-0"

REV: 0 DATE: 04.29.20 DESC: FOR CONSTRUCTION

EXTERIOR ELEVATIONS - UNITS 4-7
#2020429

NEW CONSTRUCTION:
RAMSEY ROW
NASHVILLE, TENNESSEE 37206

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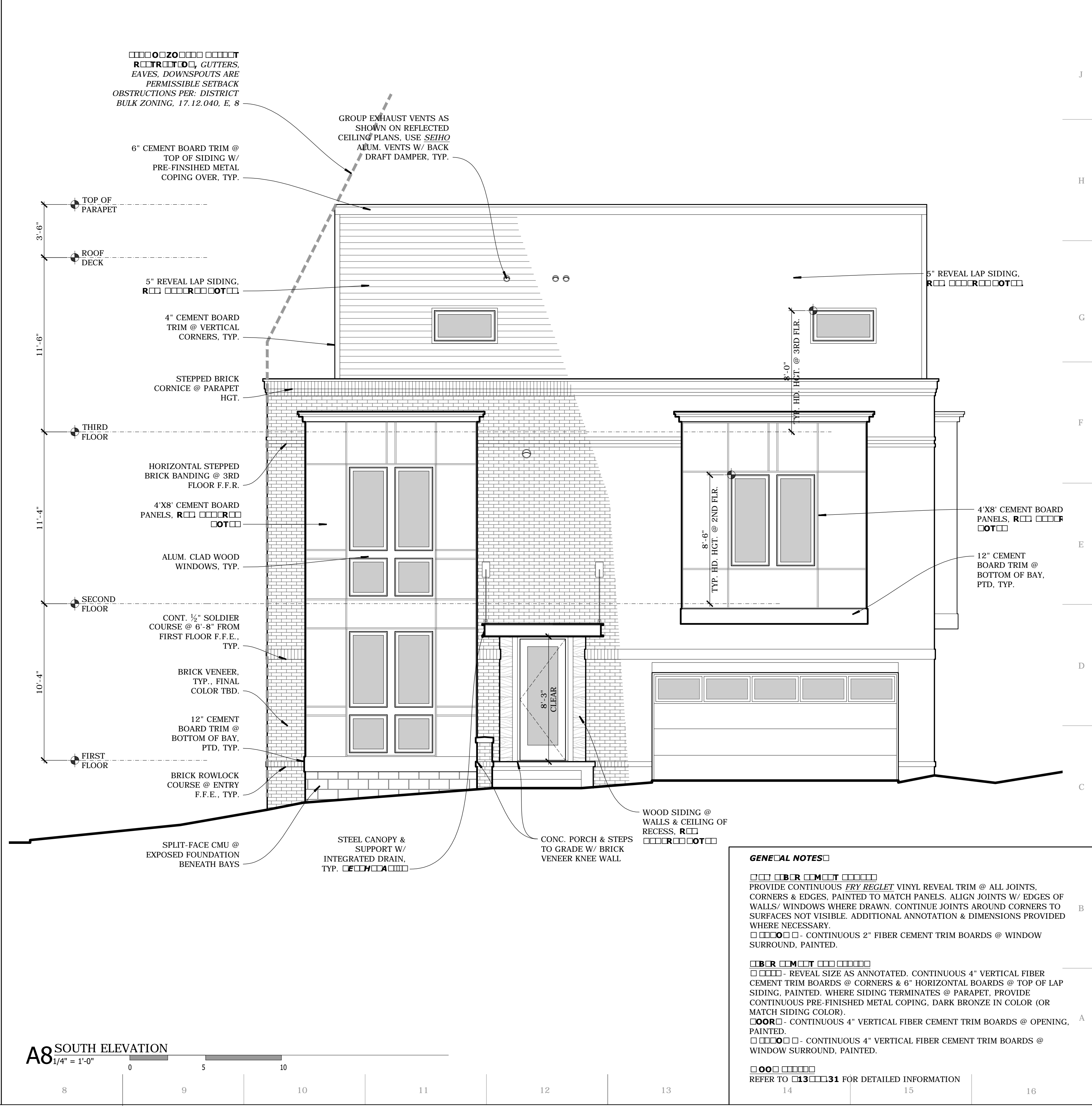
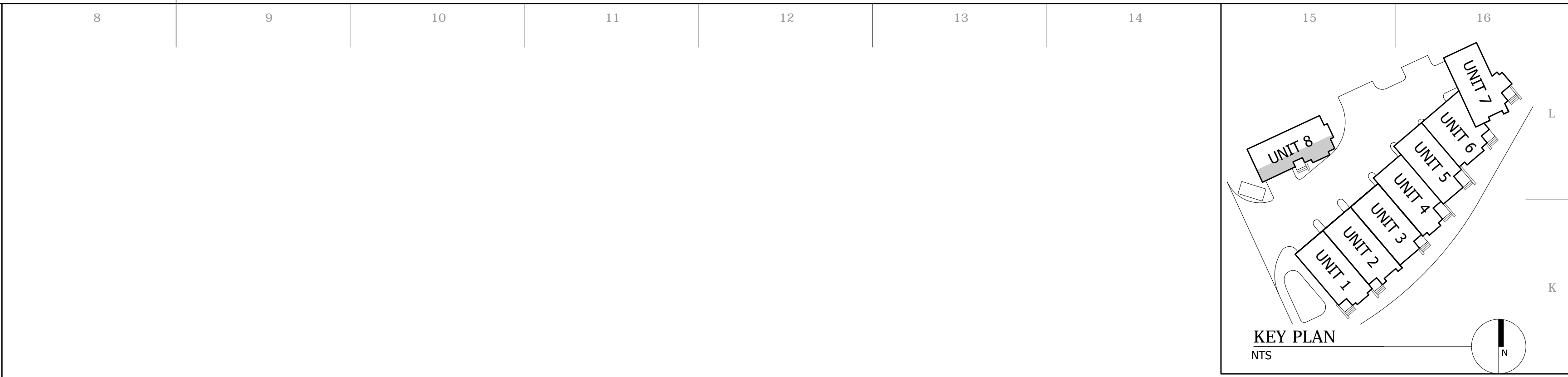
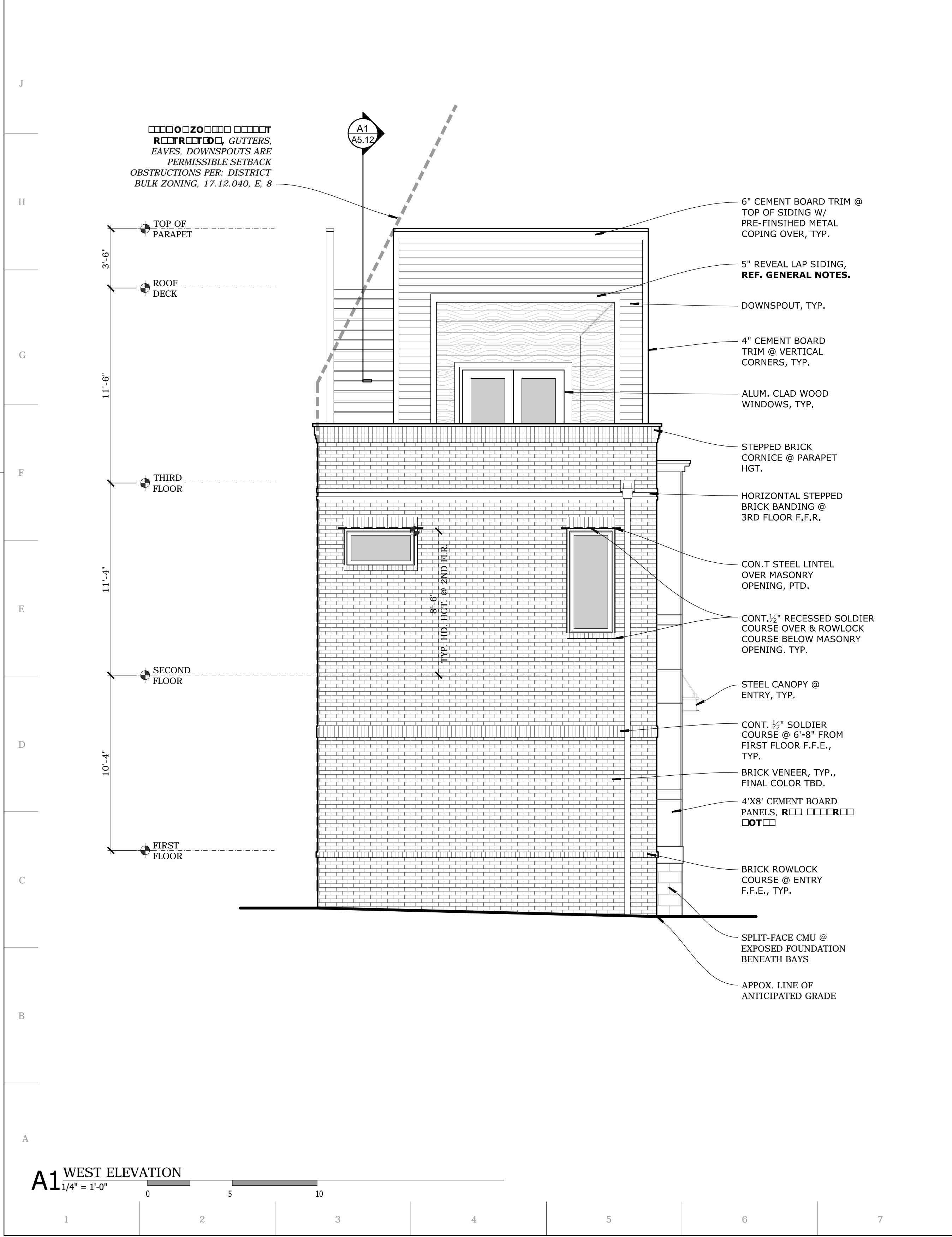
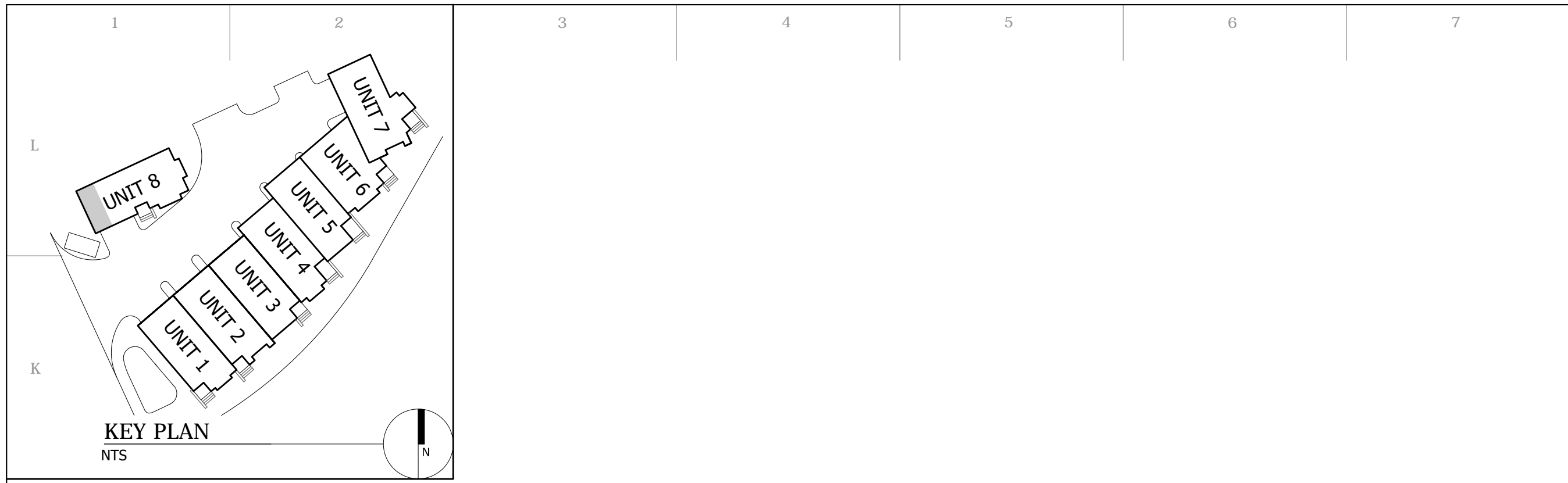


EXTERIOR ELEVATIONS - UNITS 4-7

REV.	DATE	DESC.
0	04.29.20	FOR CONSTRUCTION

#20/4/29
NEW CONSTRUCTION:
RAMSEY ROW
NASHVILLE, TENNESSEE 37206

THESE DRAWINGS SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT. ALL DESIGNS AND INTELLECTUAL PROPERTY SHALL REMAIN EXCLUSIVELY OWNED BY THE ARCHITECT.



GENERAL NOTES
- PROVIDE CONTINUOUS *FRY REGLET* VINYL REVEAL TRIM @ ALL JOINTS, CORNERS & EDGES. PAINTED TO MATCH PANELS. ALIGN JOINTS W/ EDGES OF WALLS/ WINDOWS WHERE DRAWN. CONTINUE JOINTS AROUND CORNERS TO SURFACES NOT VISIBLE. ADDITIONAL ANNOTATION & DIMENSIONS PROVIDED WHERE NECESSARY.
- CONTINUOUS 2" FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.
- REVEAL SIZE AS ANNOTATED. CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ CORNERS & 6" HORIZONTAL BOARDS @ TOP OF LAP SIDING, PAINTED. WHERE SIDING TERMINATES @ PARAPET, PROVIDE CONTINUOUS PRE-FINISHED METAL COPING. DARK BRONZE IN COLOR (OR MATCH SIDING COLOR).
- CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ OPENING, PAINTED.
- CONTINUOUS 4" VERTICAL FIBER CEMENT TRIM BOARDS @ WINDOW SURROUND, PAINTED.
- REFER TO 13 FOR DETAILED INFORMATION

REV: 0
DATE: 04.29.20
DESC: FOR CONSTRUCTION

#20429
NEW CONSTRUCTION:
RAMSEY ROW
NASHVILLE, TENNESSEE 37206

A4.81





From: [Gregory, Christopher \(Public Works\)](#)
To: [Shepherd, Jessica \(Codes\)](#)
Cc: [Lifsey, Debbie \(Codes\)](#); [Boghozian, Jon \(Public Works\)](#)
Subject: RE: Appeal 2020-186
Date: Monday, August 17, 2020 10:09:10 AM

2020-186 911 Ramsey St. Special exception to reduce street setback.

Variance: 17.12.030 B.6

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, August 7, 2020 12:27 PM
To: Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: Appeal 2020-186

Appeal 2020-186 on agenda for 9/17/2020

Nashville Board of Zoning Appeals

Agenda Date: September 17, 2020

Case No. 2020-186

Address: 915 Ramsey Street

Request: Special Exception to reduce the street setback in the RM20 zoning district to 10' (on Ramsey) and 21'-6" (on Myrtle).

Purpose: To allow the otherwise permitted 8 dwellings to be situated in a more pedestrian and neighborhood friendly layout - allowing the parking to be shifted to an entirely rear loaded configuration.



915 Ramsey Street

Background: The BZA previously granted a similar Special Exception on 5/19/19 to reduce the street setback (to 10') on Ramsey Street. That grant, however, only applied to the southern lot in the current request. Since that approval the owner purchased the adjacent lot to the north. The owner has expanded the scope of the project and proposes to situate seven of the now permitted eight dwellings along Ramsey Street (and Myrtle) therefore the prior BZA action is not applicable.

In order for the development to situate seven dwellings closer to Ramsey and Myrtle Streets a new BZA action is needed.

The owner could still develop the properties separately and utilize the Board's previous action however the owner wishes to accomplish a more unified appearance between the two properties.



Site Plan approved by BZA in 2019

Zoning Requirement / Intent: The Zoning Code requires a minimum 30' street setback in the RM20 zoning district. Recognizing this is a relatively suburban standard and the RM20 zoning district is prevalent in Davidson County including in the older urban areas the Zoning Code allows for flexibility with the street setback requirement on a case by case basis through the grant of a Special Exception. A Variance (hardship) is not necessary in this case.

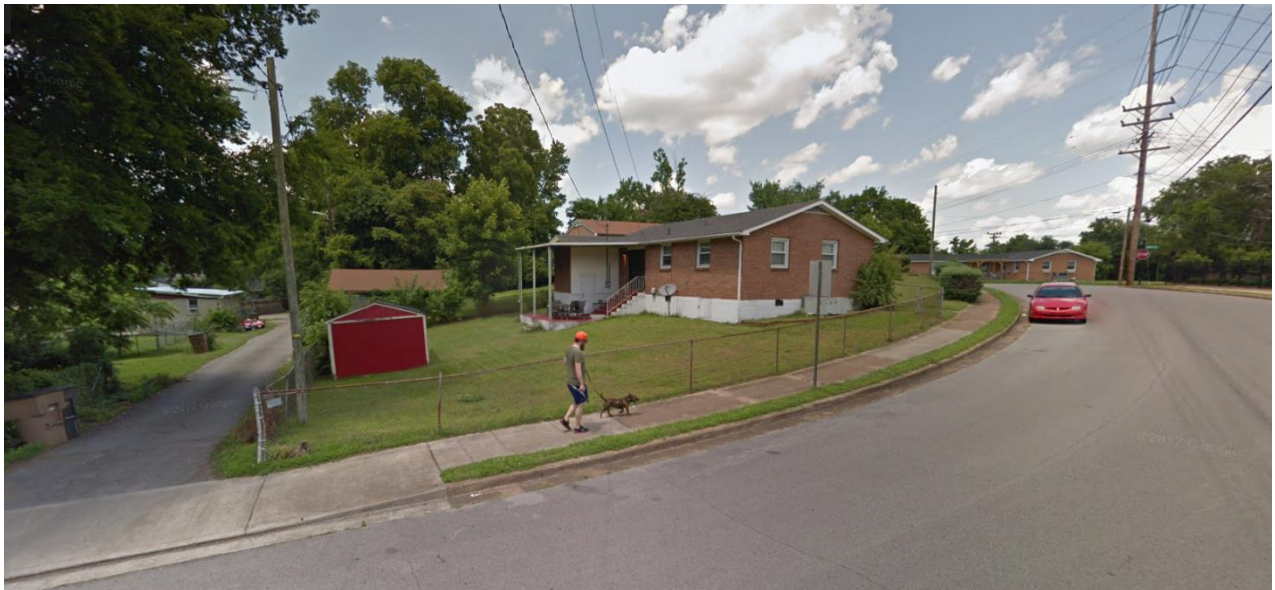
The intent of the zoning requirement is to create a relatively uniform development pattern as well to ensure ample space in front of buildings for surface on-site parking.

Analysis:

In traditional neighborhoods, side street setbacks are typically more shallow than the front street setback. In R and RS zoning districts the standard 20' street setback can be reduced by 50% along the side street. A similar by-right reduction is not available in the RM zoning district.

The subject property is located within an Urban Neighborhood Evolving policy area. If the property were rezoned it is likely it would be required to utilize the A district which would require street 'build-to' standards ensuring buildings are placed closer (0' – 15') and oriented to adjoining streets. As the street setback is the only element of relief sought in order to redevelop the site in a manner consistent with the intent of the community plan, the bza was determined the appropriate avenue.

The requested reduction of the street setback will enable the buildings to come forward on the site. The building location shift will allow for all vehicular access and parking to be oriented off of the adjacent alley and placed behind the homes. By placing parking in the rear the development will be able to better orient to the street by placing front doors/ porches and windows toward the street and sidewalk.



The requested setback reduction will result in a better layout than if the 30' requirement were applied. If the standard setback is implemented the buildings will be pushed back and garages will have to be relocated to the front (street facing) facade thereby necessitating the placement of driveways in the front yard. Those driveways would intersect with both Ramsey and Myrtle Streets. The driveways in front of garage laden facades will create an unattractive and unfriendly streetscape. Additionally, having that many driveways along a street creates many points of conflict between the car and pedestrian.



The requested reduced street setback along Ramsey will:

- Allow the applicant to construct 8 dwellings on the property as permitted however in a building form and orientation that is consistent with the neighborhood character evolving in the surrounding RM district and along the Main Street corridor.
- Vehicular access at the rear from the alley allows us to create a greatly improved pedestrian experience along both Ramsey and Myrtle Streets by eliminating all curb-cuts along the public streets. We are proposing to rebuild a continuous sidewalk with improved grass strips and

landscaping along the entire frontages of the property. The elimination of vehicular points of conflict with pedestrians makes for a safer and more attractive streetscape.

- The reduced setbacks provides for improved urban design by giving stronger shape to the public realm and creating a stronger relationship between the fronts (doors and porches) of the homes and the street. The proximity of the homes to the street also provides for a more safe and comfortable walking environment for the general public.
- The reduced setbacks pick up on a pattern that is emerging along Gallatin Pike / Main Street and close proximity to that corridor that includes better sidewalks, relegation of vehicular access to the rear, and a strong relationship between the buildings and the sidewalks with smaller street setbacks. The multi-family to the north has shallow setbacks. Our project looks to extend that orientation into the neighborhood so as to provide for continuity in the emerging pedestrian network.
- The curvature of the Myrtle along our eastern boundary vastly mitigates any impact that we might have otherwise had on an emerging pattern to the north of the site. This project is located on a corner lot and it's not uncommon for corner lots to contain slightly reduced street setbacks than the interior of a given block. The setback requested along Ramsey is consistent with the street setback existing on the lot to the west.

Community / Councilmember communication

Per BZA rules, a community meeting was held. We mailed additional notices to the same 254 recipients of the public hearing notices to invite them to one of two scheduled Zoom Community meetings. We had the first meeting on Sept. 3rd. Five neighbor's participated and all left the meeting seemingly supportive of the request. We discussed other aspects of the development and they were given copies of the plan and contact information.

In the additional notice recipients were also provided several pathways for connecting with the applicant (phone, email, mailing address). Four neighbors called. All were supportive of the request after explanation.

Additionally, communication with the Councilmember has also occurred. He was notified by email of the initiation of the BZA application as well as the results of the first community meeting.

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: Lisa Butler
Date: September 1, 2020
BZA Hearing Date: September 17, 2020
Re: Planning Department Recommendation for a Special Exception, Case 2020-186

Pursuant to Section 17.12.030.B. of the Metro Zoning Code, the Metropolitan Planning Department is providing a recommendation on the following Special Exception case:

1. Case 2020-186 Ramsey Street Townhomes (911 B Ramsey Street)

Request: A Special Exception to reduce the street setback on Ramsey Street from 30' to 10' and to reduce the street setback on Myrtle Street from 30' to 21'-6".

Zoning: Residential Multi-Family (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Overlay District: Urban Zoning Overlay

Land Use Policy: T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Planning Department Analysis: The subject site is located at the north-west corner of the intersection of Ramsey Street and Myrtle Street. Ramsey Street and Myrtle Street are both local streets. The site is across the street from Urban Neighborhood Evolving Policy on Ramsey Street and from Urban Neighborhood Maintenance Policy on Myrtle Street.

This Urban Neighborhood Evolving policy describes that front setbacks should be shallow so that buildings engage the public realm and create a pedestrian-friendly environment. The proposed setbacks are consistent with this guidance in the land use policy

Planning Recommendation: Approve.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Duane Cuthbertson

Date: 08.04.20

Property Owner: Aspen Construction

Case #: 2020-187

Representative: : Duane Cuthbertson

Map & Parcel: 11805001800

Council District 18

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

Purpose:

Insufficient lot area to allow an accessory dwelling use in permitted detached accessory building.

Activity Type: Residential

Location: 3209 Granny White Pike

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

Reason: Insufficient lot area required 8000 sq ft, 4789 sq ft lot size

Section(s): 17.16.030.G.2

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

Duane Cuthbertson
Appellant Name (Please Print)

Same as appellant
Representative Name (Please Print)

409 A Merritt Avenue
Address

Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

Email

Appeal Fee: _____

APPLICATION FOR A VARIANCE REQUEST

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

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

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

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

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

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

APPELLANT

DATE

Standards for a Variance

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

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

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

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

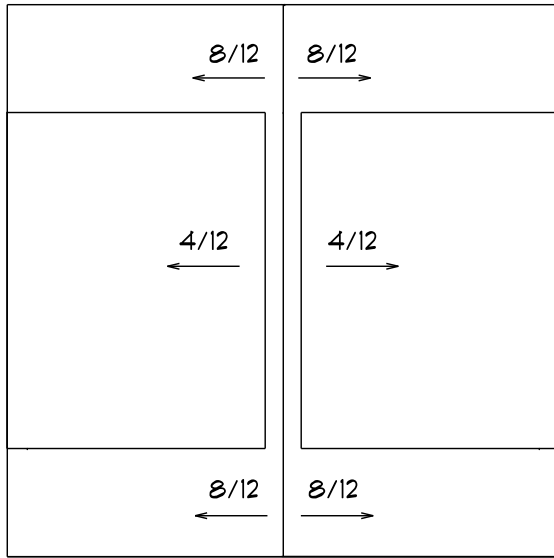
Financial gain not only bases-Financial gain is not the sole basis for granting the variance.

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

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

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

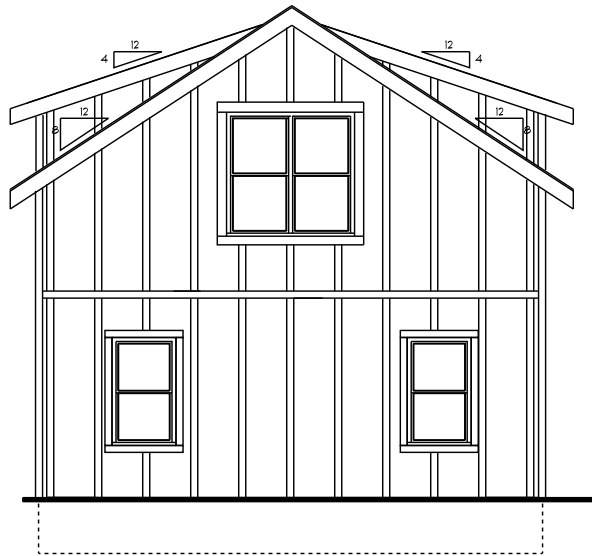
The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster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



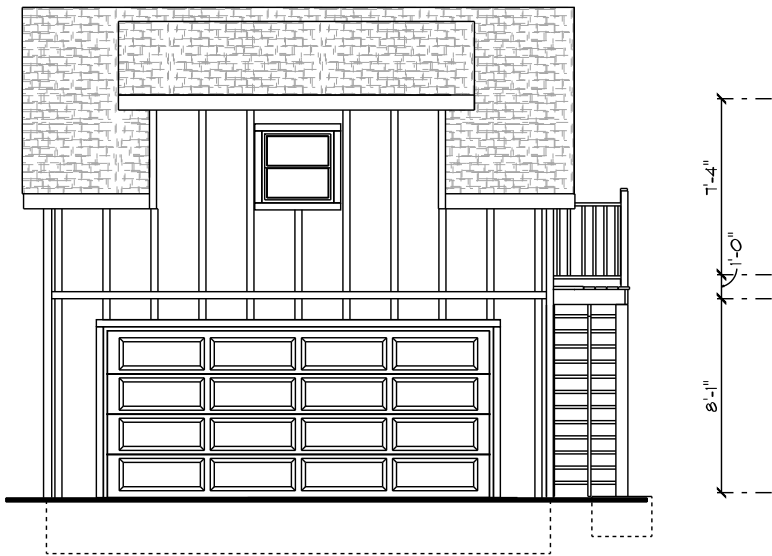
GARAGE ROOF PLAN



REAR ELEVATION



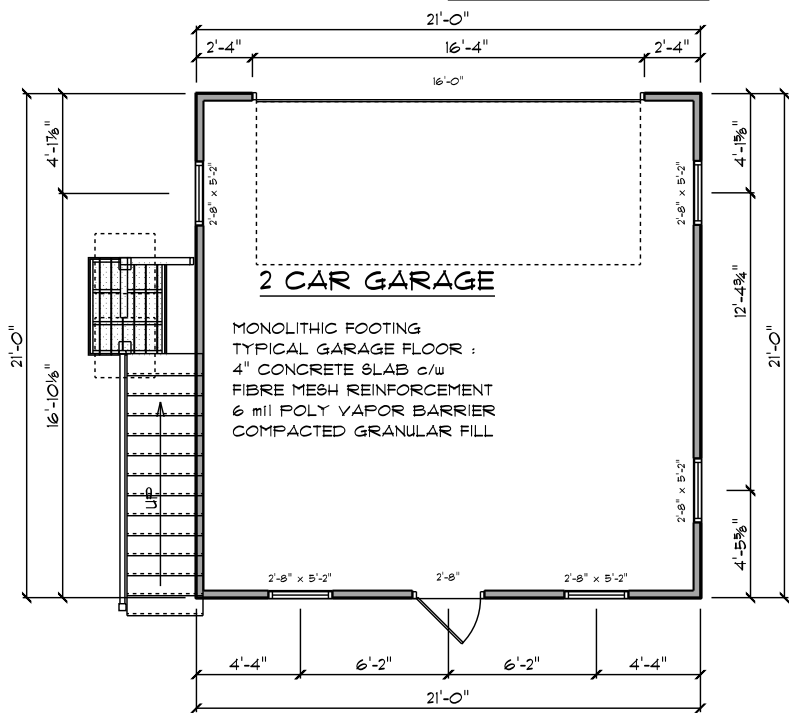
FRONT ELEVATION



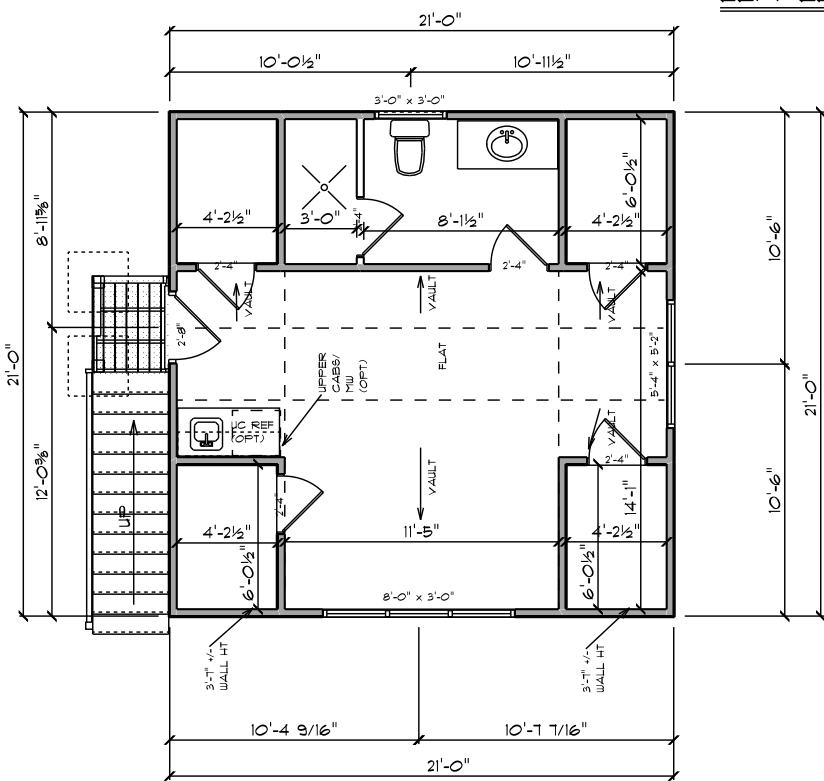
RIGHT ELEVATION



LEFT ELEVATION



GARAGE MAIN FLOOR



GARAGE 2ND FL

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

PLOTTED:
Monday, June 29, 2020

JOB NAME:

3409 GRANNY WHITE PIKE

DRAWN: CD Plans

SHEET NUMBER:

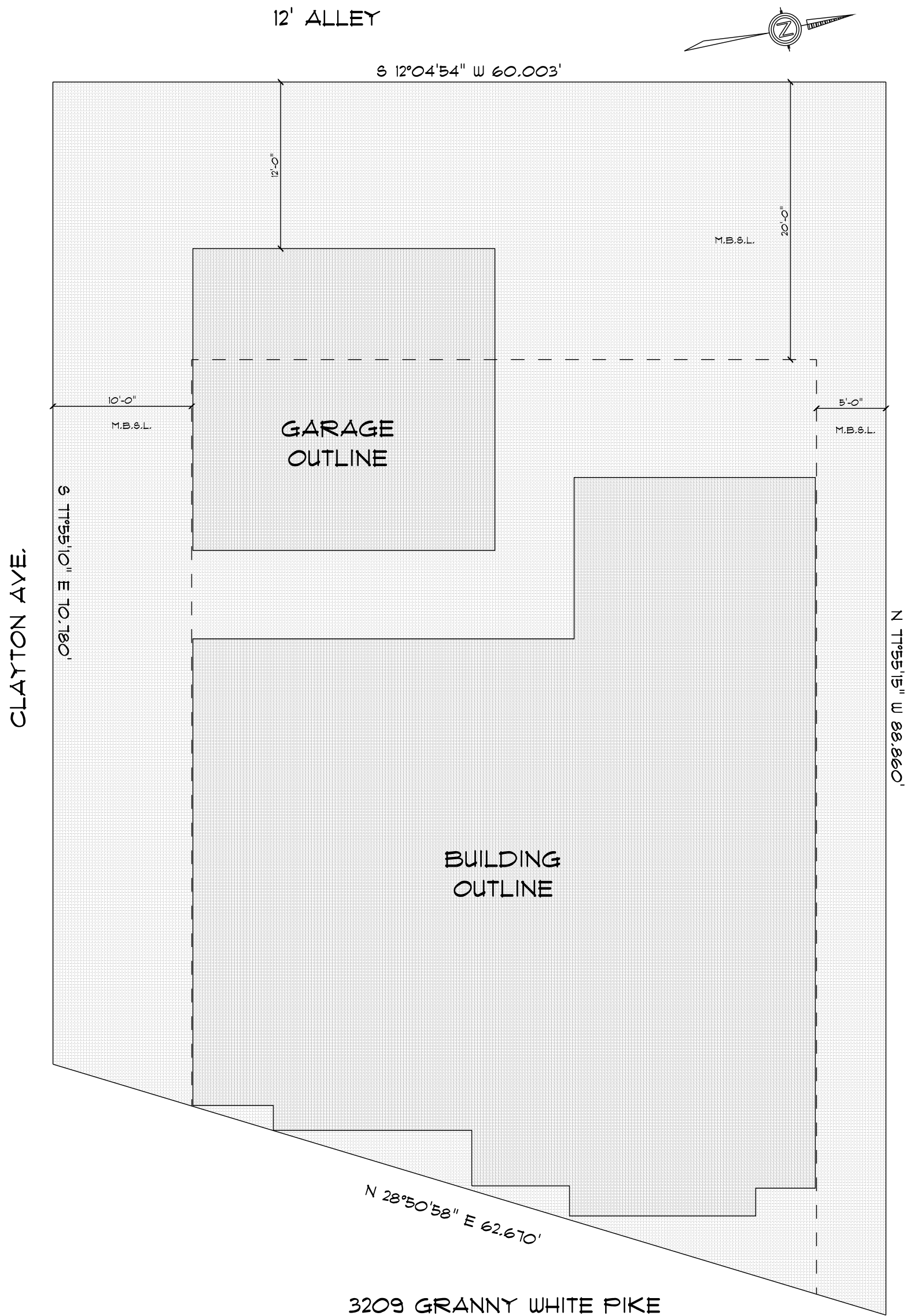
7 OF 7

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**ASPEN
CONSTRUCTION
INC.**

8005 CHURCH STREET EAST
SUITE 201
BRENTWOOD, TN 37021

PHONE: 615-715-1782
FAX: 615-807-3214



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

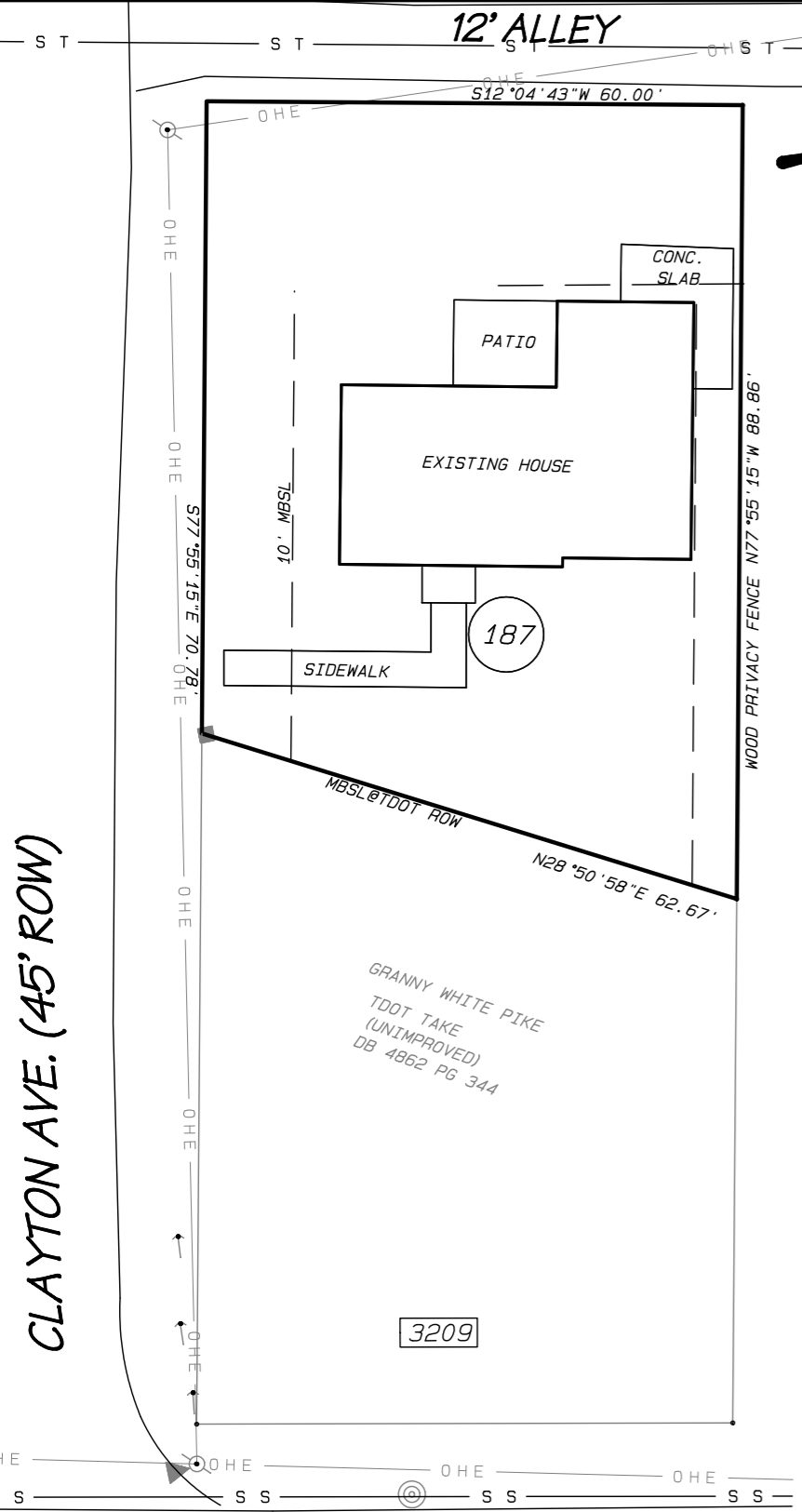
PLOTTED:
 Monday, June 29, 2020
 DRAWN: CD Plans
 SHEET NUMBER:

JOB NAME:
3209 GRANNY WHITE PIKE

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 BEFORE COMMENCING WORK.

**ASPEN
 CONSTRUCTION
 INC.**

8005 CHURCH STREET EAST
 SUITE 201
 BRENTWOOD, TN 37021
 PHONE: 615-715-1782
 FAX: 615-807-3274



TREATMENT
STORMWATER AREA CALCULATIONS:

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

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

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

TIER #1 TREATMENT NECESSARY AT > 30%

PROPOSED METHODS

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

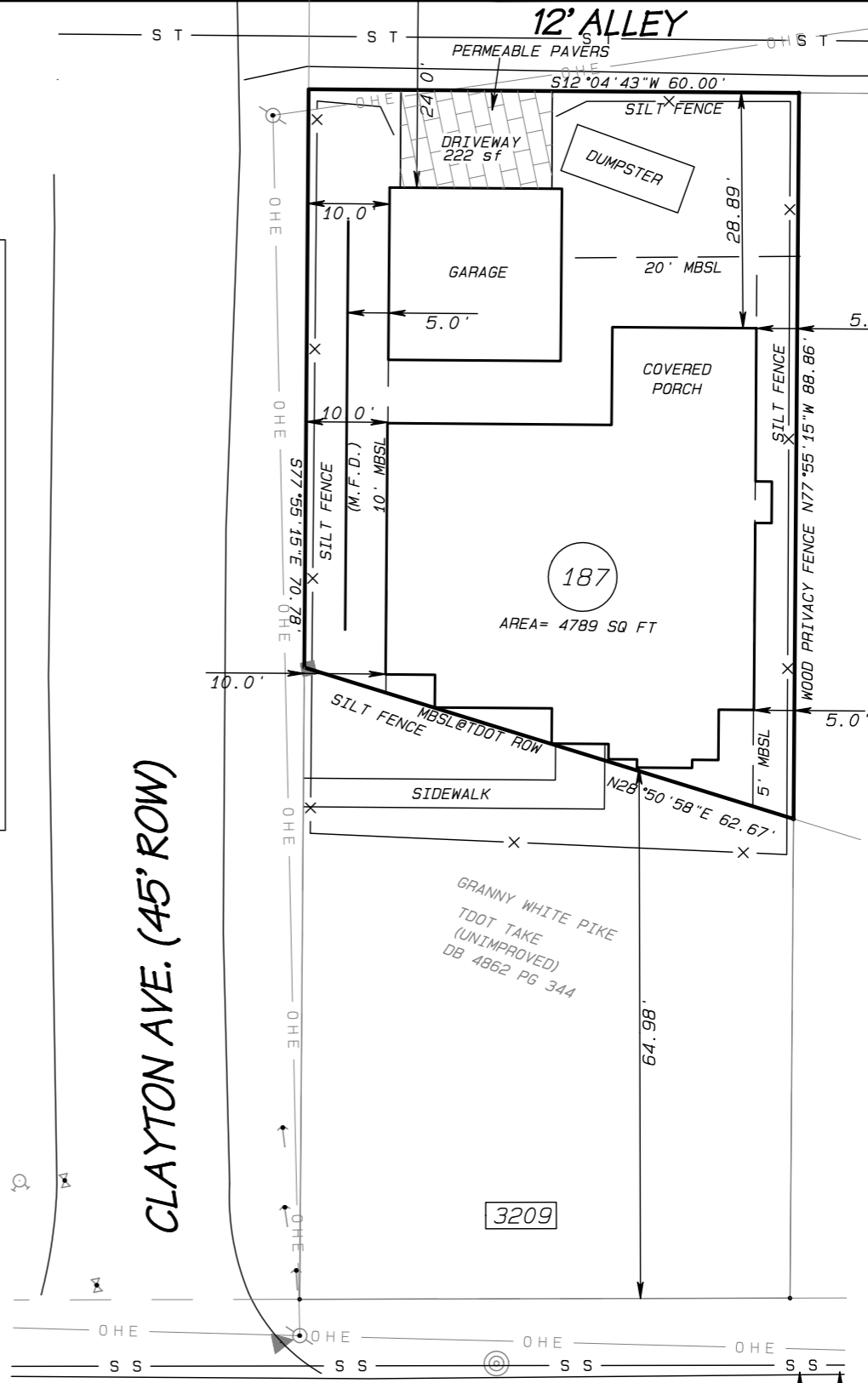
MODIFIED FRENCH DRAIN DIMENSIONS:
 18" (W) X 24 (D) X45 (L) =750 SF TREATMENT



ROGER HARRAH LS 2039

GRANNY WHITE PIKE
PRE-STORMWATER AREA CALCULATIONS:

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



GRANNY WHITE PIKE
POST-STORMWATER AREA CALCULATIONS:

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

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

STORMWATER PLAN
OF
3209 GRANNY WHITE PIKE, NASHVILLE, TENNESSEE

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

FOR
ASPEN CONSTRUCTION

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

Roger H. Harrah RLS #2039

Harrah

ASSOCIATES

SURVEYORS • PLANNERS

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



FRONT ELEVATION

FLUSH CORNICE ON GABLES



REAR ELEVATION

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

PLOTTED:
Monday, June 29, 2020
DRAWN: CD Plans
SHEET NUMBER:
4 OF 7

JOB NAME:
3209 GRANNY WHITE PIKE

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ASPEN CONSTRUCTION INC.

8005 CHURCH STREET EAST
SUITE 201
BRENTWOOD, TN 37021
PHONE: 615-715-1782
FAX: 615-801-3274

From: [Duane Cuthbertson](#)
To: [Cash, Thomas \(Council Member\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#)
Subject: 3209 Granny White Variance request for DADU
Date: Tuesday, August 25, 2020 8:56:33 PM
Attachments: [BZA DADU site plan - Granny White Pk.pdf](#)
[Granny White 3209 House Plan.pdf](#)

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

Hi Councilmember Cash -

Wanted to revisit 3209 Granny White Pike with you. We recently received a Variance of the street setback requirement from Granny White Pike in order to allow a new house to be constructed up to the TDOT right-of-way along Granny White, in alignment with other houses on that block. The builder is moving forward now.

He's currently building a single-family dwelling on the site with a detached garage and space above the garage just off the alley.

I've compelled him to go back to the Board of Zoning Appeals and request a Variance in order to allow a future homeowner to legally rent out the space above the garage to a single person or couple. If TDOT hadn't taken a significant portion of the property back in the 70's we wouldn't have to make this request and two homes could legally be built there. Being as the lot is currently under 8,000 sf we have to ask the BZA for a Variance. Again, we're only asking to use a space that will be constructed regardless of the outcome as a legal dwelling. I'm attaching the site plan and elevation of what is currently being constructed.

I've proactively reached out to the only neighbor that had questions during our last bza request. She hasn't responded yet.

My goal is to create one more 'affordable' dwelling type in a neighborhood that has become increasingly unaffordable. Our variance request will not allow any additional buildings on the site. We will be providing an additional parking space on the property off of the alley and there is a fair amount of available street parking adjacent to the property on Clayton Avenue.

I'm happy to have a discussion with you or any neighbors you feel will be interested in my request to the BZA. Our hearing is scheduled for Sept. 17th and our case number is BZA 2020-187. We would love to have your support.

--

Duane Cuthbertson
615.924.9618

1504 Ferguson Avenue

Nashville TN 37212

615-585-7933 (cell)

9/2/20

Department of Codes and Building safety

PO BOX 196350

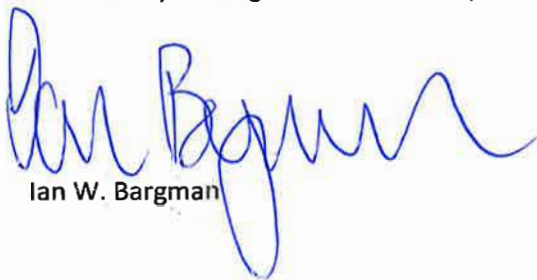
REF:- Appeal case Number 2020-187 , 3209 Granny White Pike

Dear Sirs,

As resident of Ferguson avenue, I am against the application for an accessory dwelling unit as I feel

1. The unit is more than likely to be used for commercial rental i.e. AIR-BNB etc., and so impact the neighborhood due to increased noise from renters who do not share the same ownership for the neighborhood as other residents
2. I see no off-street parking opportunity within the property plan for both the main house and the accessory dwelling unit, which will lead to additional parking congestion at a junction with already poor sight visibility for turning cars

In summary I am against what is likely to be a commercial rental unit built on the property



Ian W. Bargman

From: [Joseph Conrad](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Variance at corner of Granny White and Clayton
Date: Monday, September 7, 2020 3:58:51 PM

Hi, Emily.

Sending this along regarding a Lot size variance appeal sign I noted at the corner of Granny White and Clayton associated with a new construction home at that corner lot.

This appeal does not appear to have been loaded in the online tracker app, but the sign indicates that the builder is appealing lot size restrictions.

Considering construction is well underway and assuming that a variance has not been granted, I'm contacting the board here to express my dismay at this builder's contempt for the local ordinances and for the board's authority. Not knowing all the details, it's hard to understand what the variance might refer to, but I urge the board to consider the builder's presumptuous actions as an affront and to assess punitive measures if appropriate.

It's honestly a bit appalling that these profit first entities seek to maximize their own profits by building structures that are as large as possible without regard for the character or composition of the neighborhood.

Thank you and best regards.

Joseph Conrad
823 (A&B) Horner Ave
Nashville, TN 37204

Nashville Board of Zoning Appeals

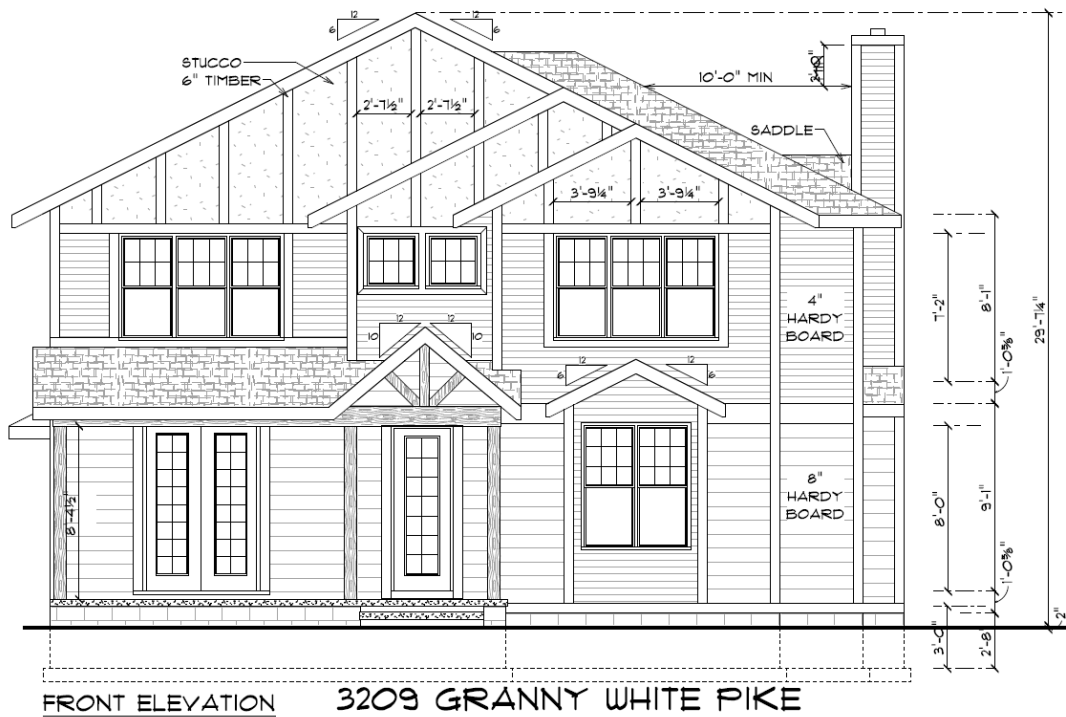
Agenda Date: September 17, 2020

Case No. 2020-187

Address: 3209 Granny White Pike

Request: Variance of the minimum lot area requirement in the R8 zoning district

Purpose: To permit a Detached Accessory Dwelling Unit (DADU) in a space already under construction along the alley.



3209 Granny White Pike

Location: The subject property is located at the southwest corner of Granny White Pike and Clayton Avenue - Across from Sevier Park.

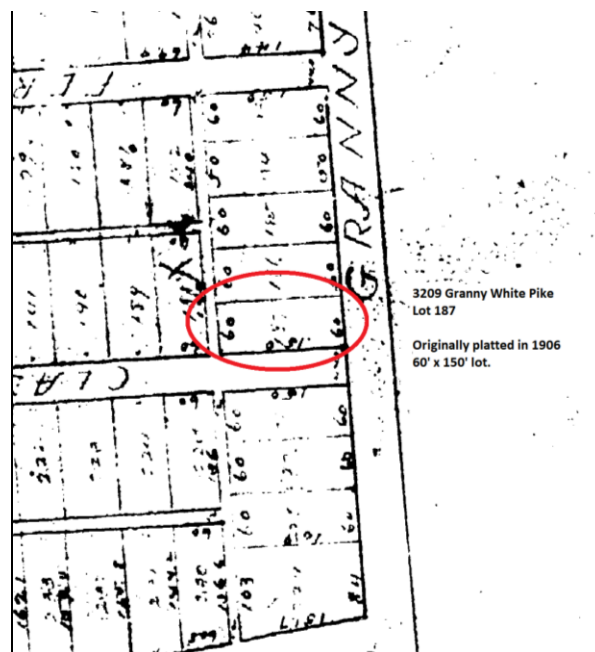
Background: The subject property was recently the recipient of BZA relief of the street setback to allow the proposed house to be constructed up to the property line (TDOT line) along Granny White Pike.

The owner first and foremost wanted to ensure a new single-family dwelling could be constructed on the lot in a reasonable manner before purchasing the lot and did not want to pursue two BZA requests simultaneously.

Upon the grant of the previous variance, the applicant convinced the owner to request the current variance in an attempt to make the space above the garage housing that could be affordable and accessible to someone that would otherwise not be able to live in the 12South neighborhood.

The request for a Variance of the minimum lot size requirement in the R8 zoned district is made to allow future homeowners at 3209 Granny White Pike to have a detached accessory dwelling unit inside of a flexible space being constructed above a detached garage. (Not two principal dwellings).

The original lot was created in 1906 - as Lot 187 of the Victoria Place subdivision. The lot was created with 60' x 150' dimensions, or 9,000 square feet of lot area.



TDOT Taking:

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

As a result of TDOT’s purchase of ROW the subject property was significantly modified with regard to size and shape (lot area).

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

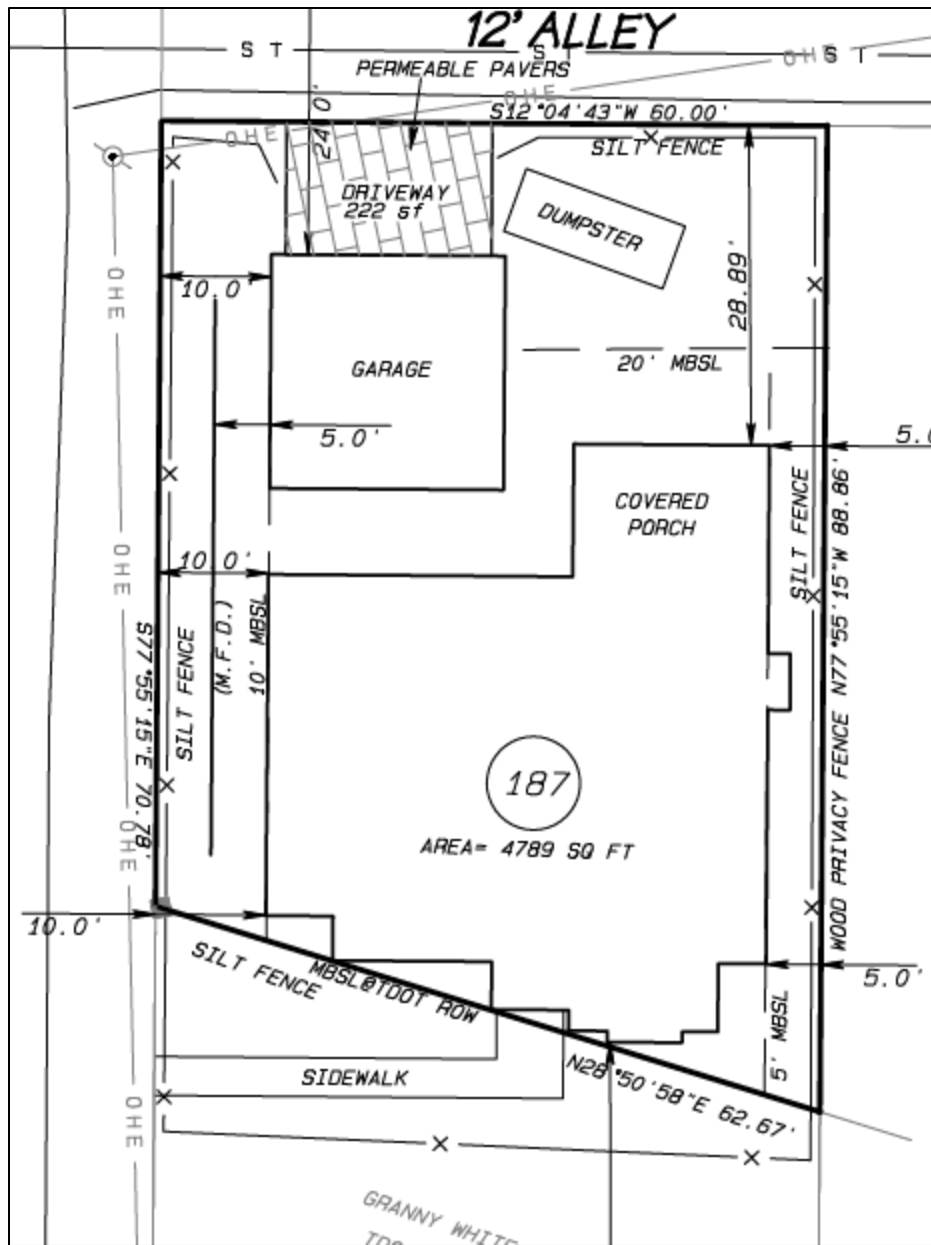
If the lot were in it’s original form the Variance for the DADU would not be necessary. Two principal dwellings would be permitted on the lot by right. The applicant is requesting the variance, not for a second principal dwelling, but for a DADU.

The applicant is requesting the Variance in order to permit a Detached Accessory Dwelling Unit (DADU) as an accessory to the developing principal dwelling. The DADU is proposed at the rear of the property along an alley where a detached accessory building is currently under construction.

The detached building under construction will include a second story flex space with a bathroom. The space can easily be converted into a DADU without modifying the footprint or the building height.

The current detached building complies with a zoning requirements. There will be no modification to the building if this variance is granted.

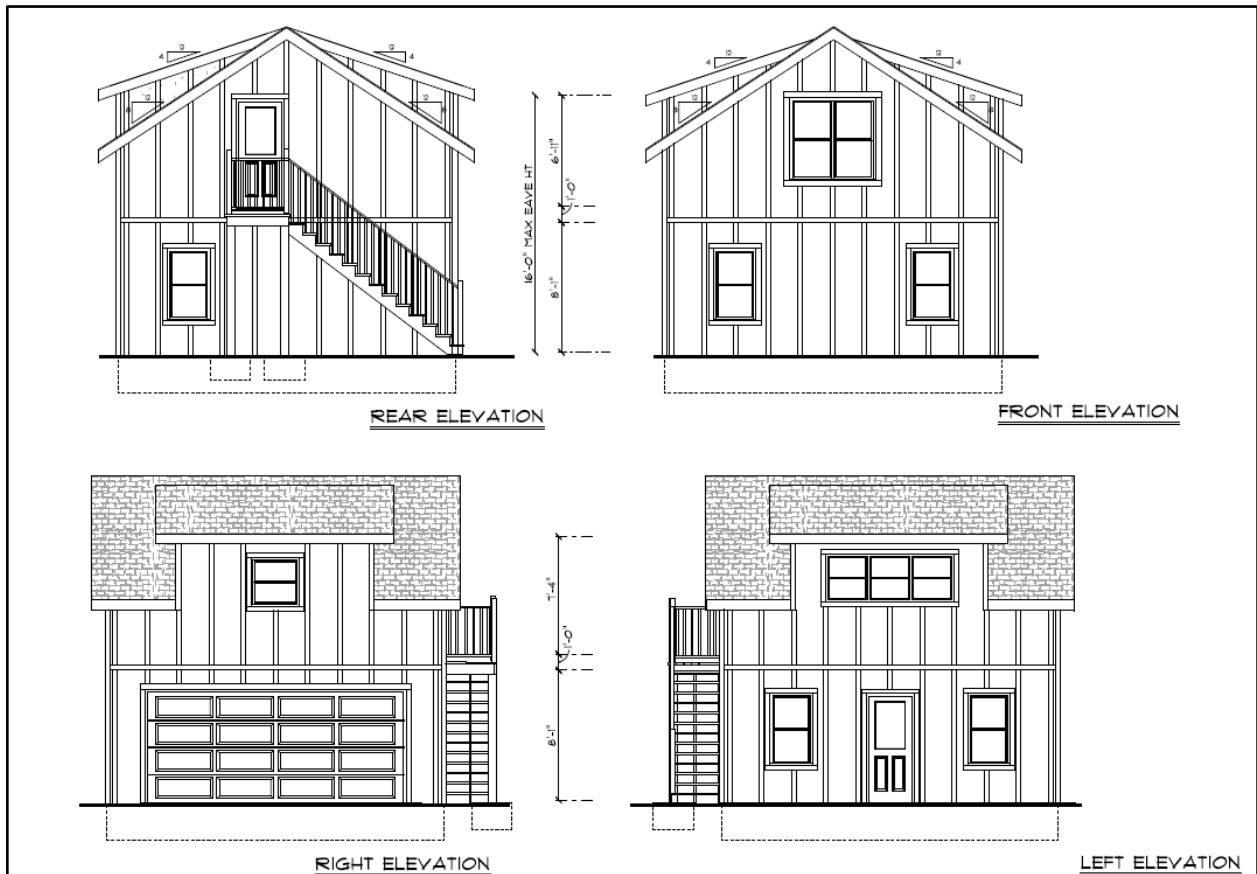
If the Variance is granted an **additional parking space** will be provided adjacent to the building. There is also a fair number of available on-street parallel parking spaces along Clayton Avenue.



Site Plan showing what is currently under construction (dumpster is temporary).

There are a number of two story detached garages (living quarters above) in the surrounding neighborhood.

The proposed DADU use will not alter the physical character as experienced from the public streets.



Detached Accessory Building under construction (DADU will occupy second floor)

The 12South neighborhood is fast becoming a popular and expensive neighborhood. Housing prices have skyrocketed and many people who work, play or attend school nearby cannot afford to live in the neighborhood anymore. The proposed DADU would create one additional relatively affordable option within close proximity to employment and services.

Unique Circumstances:

1. The subject property is limited to one dwelling although it is located in an older Nashville neighborhood containing a variety of housing types and surrounded by a significant number of two-family developments on similarly zoned property;
2. The property is located in a neighborhood and on a street containing DADUs;
3. The property is located on a block where other perceptively similar lots are permitted to contain two dwellings including a DADUs;
4. The lot was platted in 1906, prior to our current zoning restrictions.

The Detached Accessory Dwelling Unit (DADU) on the property will establish many **benefits** including:

1. The DADU will establish one additional housing type in a neighborhood with robust infrastructure in need of a variety of housing as it is close to (within walking, biking, transit distance) to recreation, commerce, education and employment.
2. The DADU incrementally mitigates impacts of sprawl (environmental and social) by enabling one additional dwelling within the urbanized area of Nashville.
3. The DADU will help increase the community's housing supply – positively impacting the neighborhood's affordability and diversity.
4. The DADU potentially provides an option for low to moderate-income residents to live in an otherwise increasingly out of reach neighborhood – close to many educational and employment opportunities.
5. The DADU potentially provides a flexible housing option for relatives, including children, siblings, and/or parents to live close-by without infringing on the privacy of the principal home-owner. The DADU allows a homeowner to provide care and support to family members without compromising independence.
6. The DADU benefits the homeowners, as well, by potentially providing extra income that can assist in mitigating increases in the cost of living.
7. The DADU will not alter the general Historic character of the neighborhood as it is placed in a secondary position on the lot and not visible from the primary public street (Granny White).
8. The DADU will not adversely impact stormwater run-off as the building was permitted, after review, by Metro's stormwater department.
9. The DADU will not adversely impact traffic patterns as it is intended as a small household that will generate little additional traffic demand – the site is also located in a neighborhood with an excellent traffic circulation system that allows traffic diffusion. The neighborhood also provides opportunities to walk to commerce and service as well as take alternative modes to nearby educational and employment.
10. The DADU will activate the alley by providing a continuous presence in the structure facing the alley – making the alley and neighborhood safer.

September 2, 2020

Metro Board of Zoning Appeals
Metro Office Building – 3rd Floor
800 2nd Ave S.
Nashville, TN 37210

Re Appeal Case 2020-187
3209 Granny White Pike, Parcel 11805001800
R8, Council District 18

Dear Members of the Board,

I would like to state my opposition to the requested variance from minimum lot size requirements at 3209 Granny White Pike.

The new construction would reduce the yard space, curb appeal, and tower above construction norms in the neighborhood, which is, or is near, the historic neighborhood. The historic, neighborhood-y, and lower density character of homes in this area is a treasure that should not be ruined.

Thank you.

Sincerely,



Carolyn Szetela

¹⁵⁰⁷
~~1707~~ Ferguson Ave.
Nashville, TN 37212

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Mike Couper

Date: 8/4/20

Property Owner: MIKE COOPER

Case #: 2020-188

Representative: : Mike Couper

Map & Parcel: 10505040800

Council District D

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

Purpose:

to construct a front porch

Activity Type: Single Family

Location: 1010 Wade Ave.

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

Reason: Variance from front setback requirements

Section(s): 17. 0.030 C.3 front setback 32.8'

required, requesting 20.85'

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

MICHAEL COOPER
Appellant Name (Please Print)

Representative Name (Please Print)

1010 WADE AVE
Address

Address

NASHVILLE TN 37203
City, State, Zip Code

City, State, Zip Code

847-650-7294
Phone Number

Phone Number

MICHAELKENCOOPER@GMAIL.COM
Email

Email

Zoning Examiner: Clint Heuser

Appeal Fee: _____



**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 - 20200048168
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10505040800

APPLICATION DATE: 08/04/2020

SITE ADDRESS:

1010 WADE AVE NASHVILLE, TN 37203
LOT 7 JONES & DUDLEY PLAN

PARCEL OWNER: COOPER, MICHAEL K.

CONTRACTOR:

APPLICANT:

PURPOSE:

variance from front setback 17.12.030 C.3

to construct 1450SF addition to the rear and 132SF front porch addition to existing single family residence to include interior renovations to existing portion of residence. 5' min. side setback, 20' min. rear setback, front setback at 32.8', requesting bza variance for 20.85' front setback. not to be over any easements.

***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 pos

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



3857775

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2020048154
THIS IS NOT A PERMIT**

PARCEL: 10505040800

APPLICATION DATE: 08/04/2020

SITE ADDRESS:

1010 WADE AVE NASHVILLE, TN 37203
LOT 7 JONES & DUDLEY PLAN

PARCEL OWNER: COOPER, MICHAEL K.

APPLICANT:**PURPOSE:**

to construct 1450SF addition to the rear and 132SF front porch addition to existing single family residence to include interior renovations to existing portion of residence. 5' min. side setback, 20' min. rear setback, front setback at 32.8', requesting bza variance for 20.85' front setback. not to be over any easements.

***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

[A] Zoning Review

[A] Zoning Sidewalk Requirement Review

[B] Fire Life Safety Review On Bldg App

[B] Fire Sprinkler Requirement

[G] Bond & License Review On Bldg App

[D] Grading Plan Review For Bldg App

615-862-5230 fmoplans@nashville.gov

615-862-5230 fmoplans@nashville.gov

615-862-6517 permitissuance@nashville.gov

615-862-7225 mws.stormdr@nashville.gov

APPLICATION FOR A VARIANCE REQUEST

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

Michael Cooper

APPELLANT

8/4/2020

DATE

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

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

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

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

Please see attached.

8/4/2020

Application for Variance Request

To The Board of Zoning Appeals,

The existing porch foundation is structurally unstable as seen in the photographs submitted with this application. In them, you can see large cracks in the surfaces as well as stepped hairline cracks in the structural walls. This front porch needs to be demolished and a new entry must be installed. The hardship is that a new porch cannot be constructed to meet the current setback requirement without demolishing the entire home. It is important to note that out of the 4 adjacent structures, the 2 original older structures to the West are in line with my home's current setback. Also, I believe this porch to be the original front porch built with this 1940-50s home. I would like to request a setback variance.

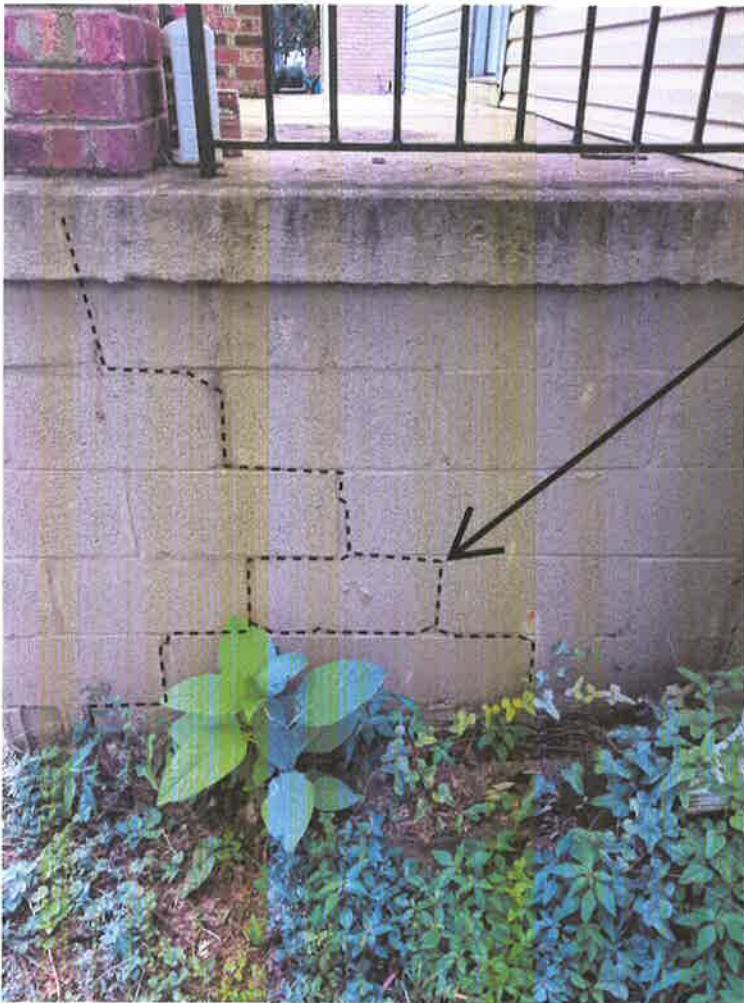
I would like to request a setback variance of either maintaining the current setback of 20.85' which would allow for a 5.5' front porch or a 18.35' setback allowing for a more usable 8' porch.

Lastly, it is worth noting that this home has topographical issues. The lot is hilly and is significantly steeper on the middle & back side of the lot. It begins to steepen at about 45' behind the front property line. Additionally, large rock protrusions can be seen on the steep portion of this hill. I believe it would be exceptionally challenging to build a structurally secure home on the portion of hill between 60'-100' behind the front property line where there is a steep rocky slope. So, if the home was fully demolished, there would only be about 30' deep of buildable area for the main structure.

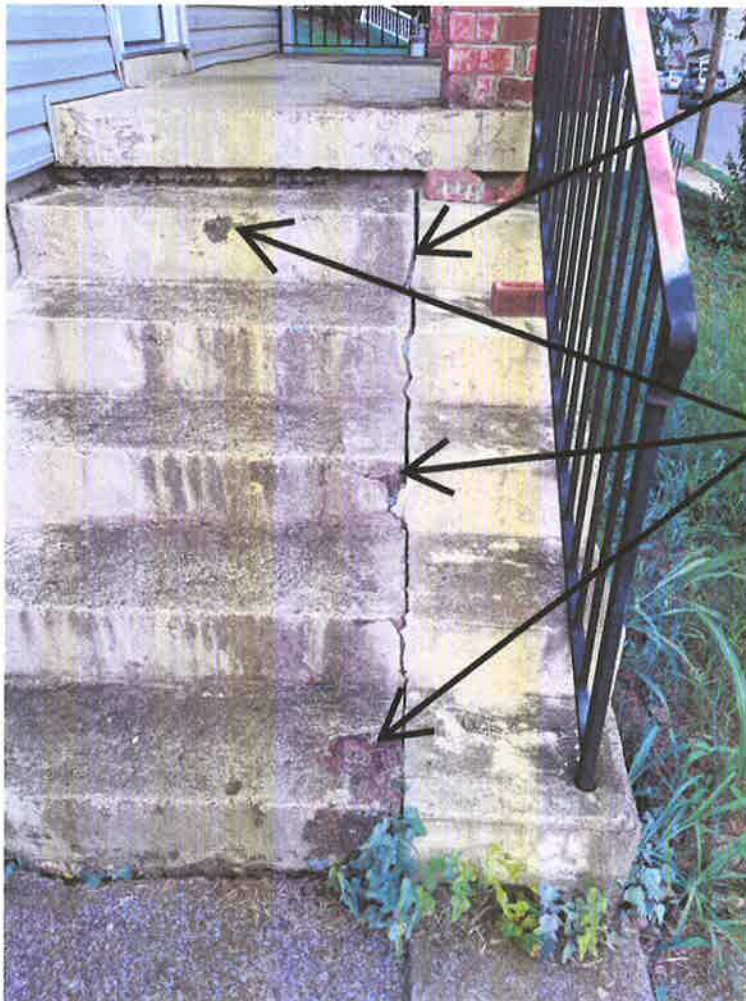
Thank you for your consideration,



Michael Cooper



STEPPED HAIRLINE
CRACKS



LARGE STRUCTURAL CRACK

CONCRETE SPALLING

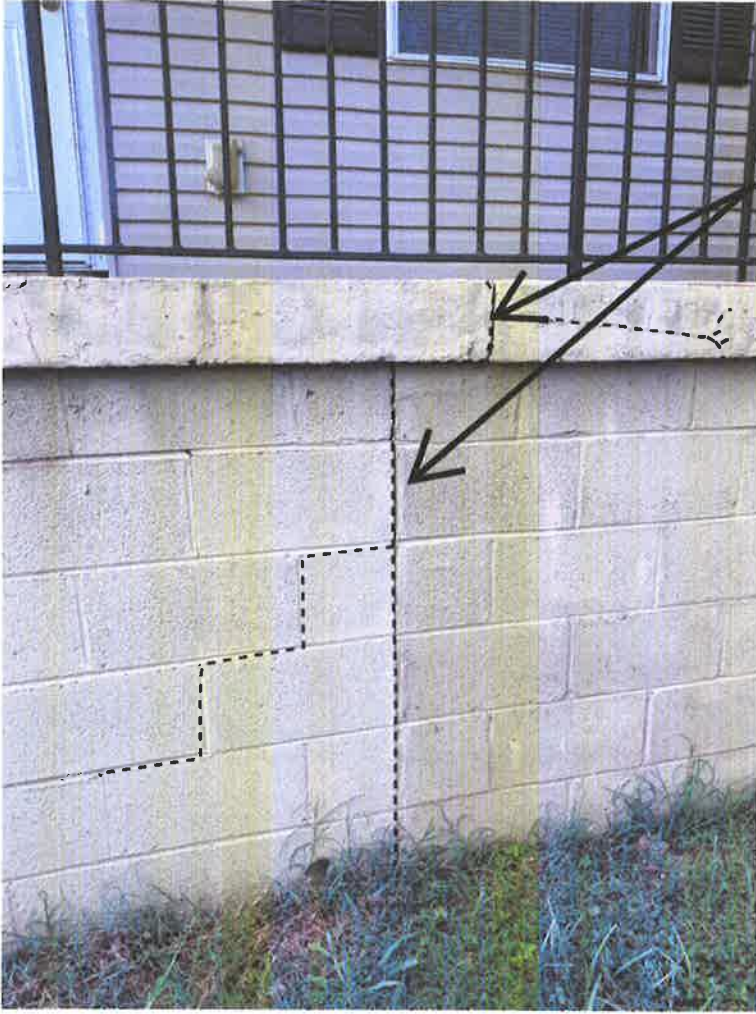


ROTTED WOOD

DETERIORATED BRICK



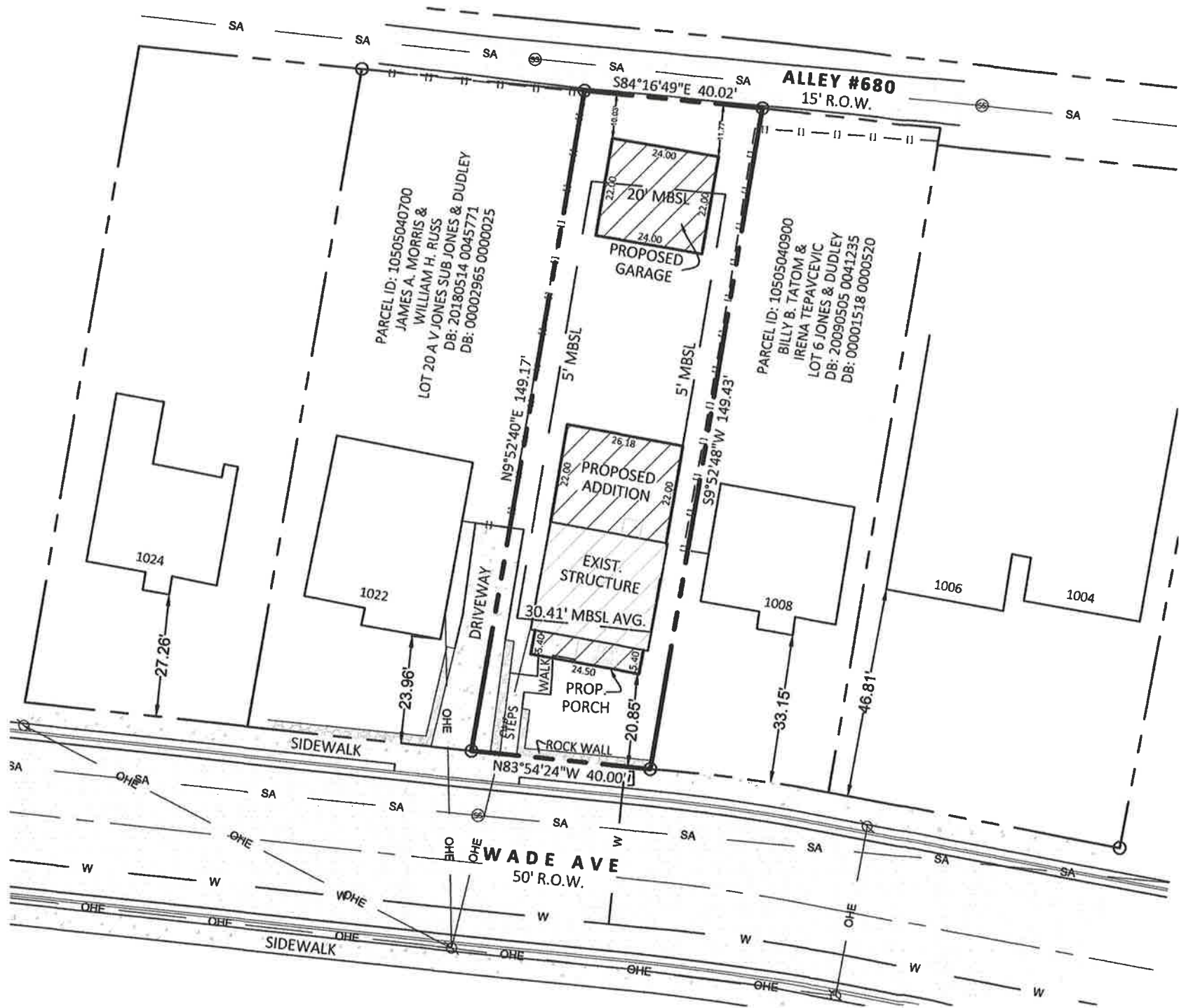
ROTTED WOOD



CONCRETE CRACK



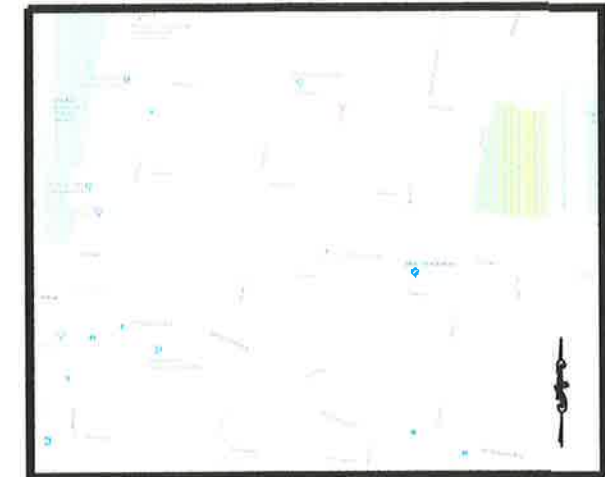
CONCRETE CRACK



TOTAL ACREAGE: 0.137
TOTAL LOT AREA: 5,959.561 S.F.

EXISTING IMPERVIOUS: 1,177.102 S.F.
PROPOSED IMPERVIOUS: 1,117.026 S.F.
TOTAL: 2,294.128 S.F.

IMPERVIOUS AREA TO LOT RATIO
EXISTING: 19.8%
PROPOSED: 18.7%
TOTAL: 38.5%



VICINITY MAP
NOT TO SCALE

GENERAL NOTES:

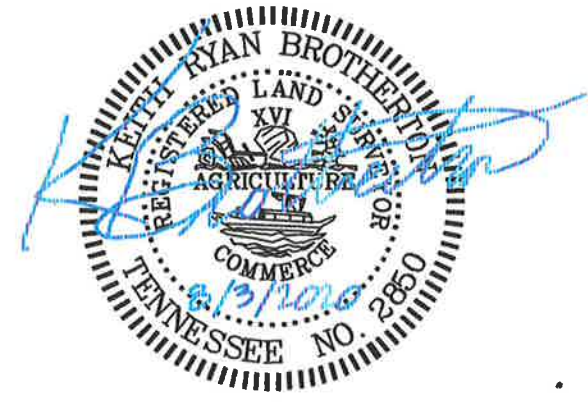
- PURPOSE: RESIDENTIAL SITE PLAN.
- SUBJECT PROPERTY PRESENTLY IDENTIFIED AS PARCEL ID 10505040800, ON THE DAVIDSON COUNTY PARCEL VIEWER. SAID PROPERTY IS FURTHER IDENTIFIED AS LOT 7 OF JONES & DUDLEY PLAN AND IS SUBJECT TO ALL MATTERS SET FORTH ON THE FINAL PLAT AS RECORDED IN BOOK 57, PAGE 147; MORE PARTICULARLY DESCRIBED IN DB: 00003179 0000297 IN THE DAVIDSON COUNTY REGISTERS OF DEEDS OFFICE AND TO ALL RESTRICTIONS OF RECORD. (CURRENT DEED DB: 20200601 0055842; DB: 00003179 0000297)
- PROPERTY ZONING: R8
- BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE STATE PLANE COORDINATE SYSTEM (NAD83).
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.
- EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED TO THIS SURVEYOR. NO ABSTRACT OF TITLE, OR TITLE COMMITMENT, NOR RESULTS OF TITLE SEARCHES WERE FURNISHED TO THIS SURVEYOR. OTHER DOCUMENTS OF RECORD MAY EXIST THAT WOULD AFFECT THESE PARCELS.
- THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO THE FINDINGS OF SUCH REPORT.
- UTILITIES SHOWN HEREON WERE COMPILED FROM VISIBLE STRUCTURES AT THE SITE, INFORMATION FROM PLANS, AND PHYSICAL MARKINGS AND COMBINED TO DEVELOP A VIEW OF THE UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY, AND RELIABLY DEPICTED. IN ADDITION, IN SOME JURISDICTIONS, 811 OR OTHER SIMILAR UTILITY LOCATE REQUESTS FROM SURVEYORS MAY BE IGNORED OR RESULT IN AN INCOMPLETE RESPONSE. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THIS SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. VERIFICATION OF EXISTENCE, LOCATIONS, AND DEPTH SHOULD BE MADE BEFORE CONDUCTING ANY EXCAVATION IN THE VICINITY OF THE UTILITY.
- I HEREBY CERTIFY THAT THIS IS A CATEGORY I SURVEY AND WAS CONDUCTED IN ACCORDANCE WITH RULE 0820-03.11 (GLOBAL POSITION SYSTEMS SURVEYS) ACCORDING TO THE CURRENT TENNESSEE MINIMUM STANDARDS OF PRACTICE AS PROMULGATED BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS. THIS SURVEY WAS CONDUCTED WITH DUAL-FREQUENCY RTK GPS EQUIPMENT BASED ON THE TDOT CORPS NETWORK.
 - POSITIONAL ACCURACY: 0.08'
 - DATE OF SURVEY: 07/30/2020
 - DATUM/EPOCH: TENNESSEE STATE PLANE (NAD83). OCCUPATIONS FOR CONTROL POINTS ARE 3 MINUTES EACH, SIDE SHOTS ARE 3 SECONDS.
 - GEOID 3
 - NO COMBINED GRID FACTORS WERE USED.



Keith Brotherton, RLS
Cell: 615-939-3419
Email: keith@brothertonsurveys.com
Mailing Address: 603 Jordan Road - Franklin, TN 37067



LEGEND	
IRON PIN FOUND	○
IRON PIN SET	●
WATER METER	⊕
WATER VALVE	⊗
FIRE HYDRANT	⊙
SANITARY SEWER MH	⊛
SANITARY SEWER SERV.	⊞
UTILITY POLE	⊠
GAS METER	⊡
GAS VALVE	⊢
EVERGREEN TREE	⊕
DECIDUOUS TREE	⊗
SANITARY SEWER	— SA —
WATER	— W —
OVERHEAD ELEC	— OHE —
BOUNDARY	— — — —
FENCE	— — — — —

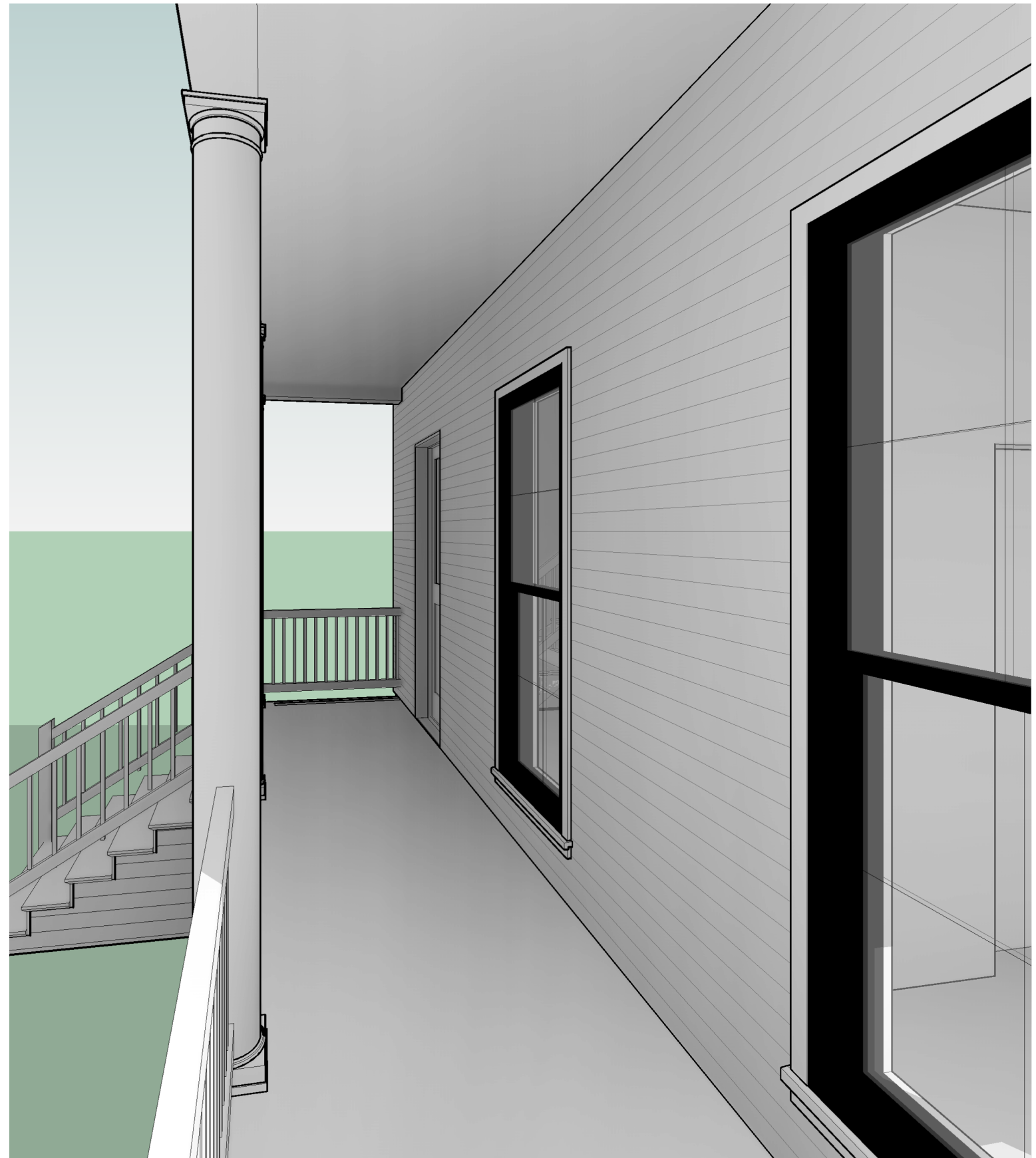


RESIDENTIAL SITE PLAN
 PARCEL ID: 10505040800
 LOT 7 OF JONES & DUDLEY PLAN
 DB: 20200601 0055842
 1010 WADE AVE, NASHVILLE, TN 37203
 17TH COUNCIL DISTRICT, DAVIDSON COUNTY, TN
 FOR: MICHAEL COOPER (OWNER)

DRAWN BY: KRB DATE: 08/03/2020 SHEET NO. 1 OF 1
 PROJECT NO. 20-062 SCALE: 1"=30'



ENTRY VIEW



FRONT PORCH

NO.	DESCRIPTION	DATE
1	VARIANCE REQUEST DRAWINGS	9/10/2020

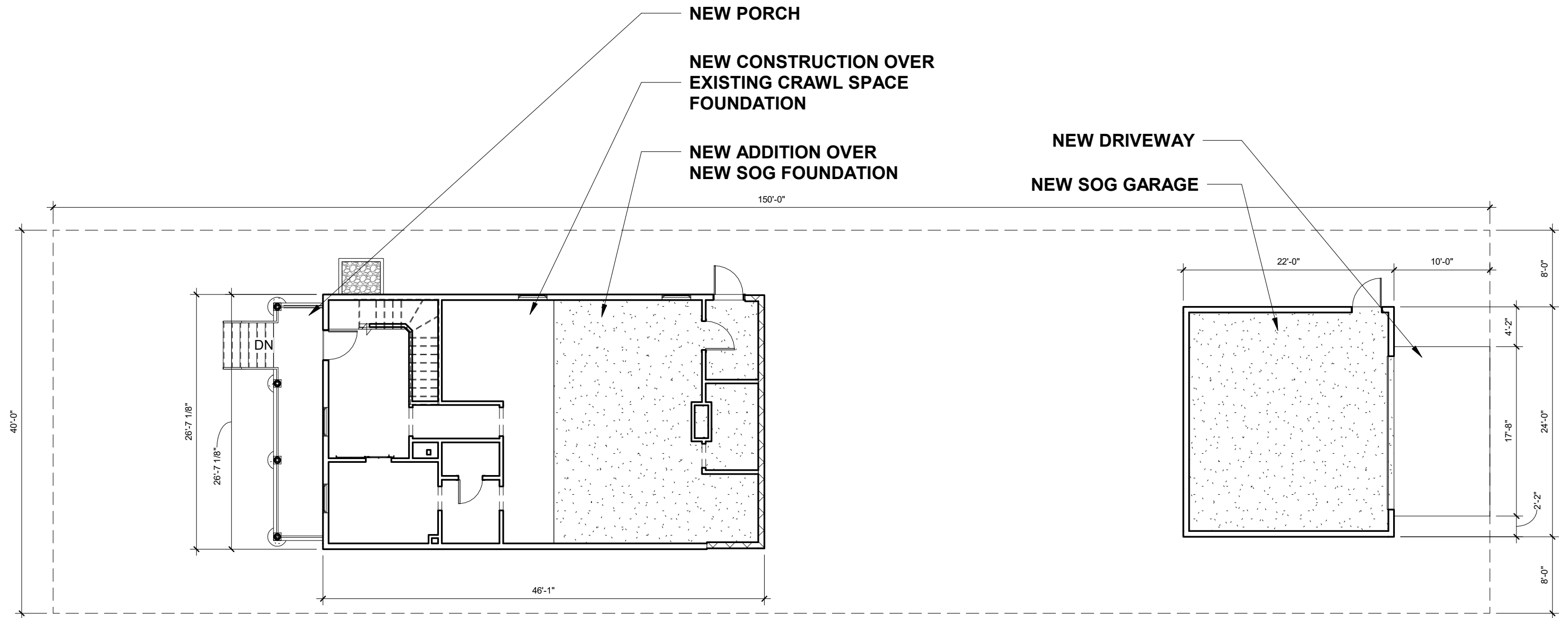
ISSUE DATE: 9/10/2020
 PROJECT #: 20001
 DRAFTED BY: M.COOPER
 DESIGNED BY: MC & AS

EDGEHILL RESIDENCE RENOVATION

1010 WADE AVE, NASHVILLE, TN 37203

SHEET NAME
 COVER SHEET

SHEET #
 G000



1 SITE KEY PLAN
3/32" = 1'-0"

KEYNOTE LEGEND

KEYNOTE LEGEND

KEYNOTE LEGEND

NO.	DESCRIPTION	DATE
1	VARIANCE REQUEST DRAWINGS	9/10/2020

ISSUE DATE: 9/10/2020
PROJECT #: 20001
DRAFTED BY: M.COOPER
DESIGNED BY: MC & AS

EDGEHILL RESIDENCE RENOVATION

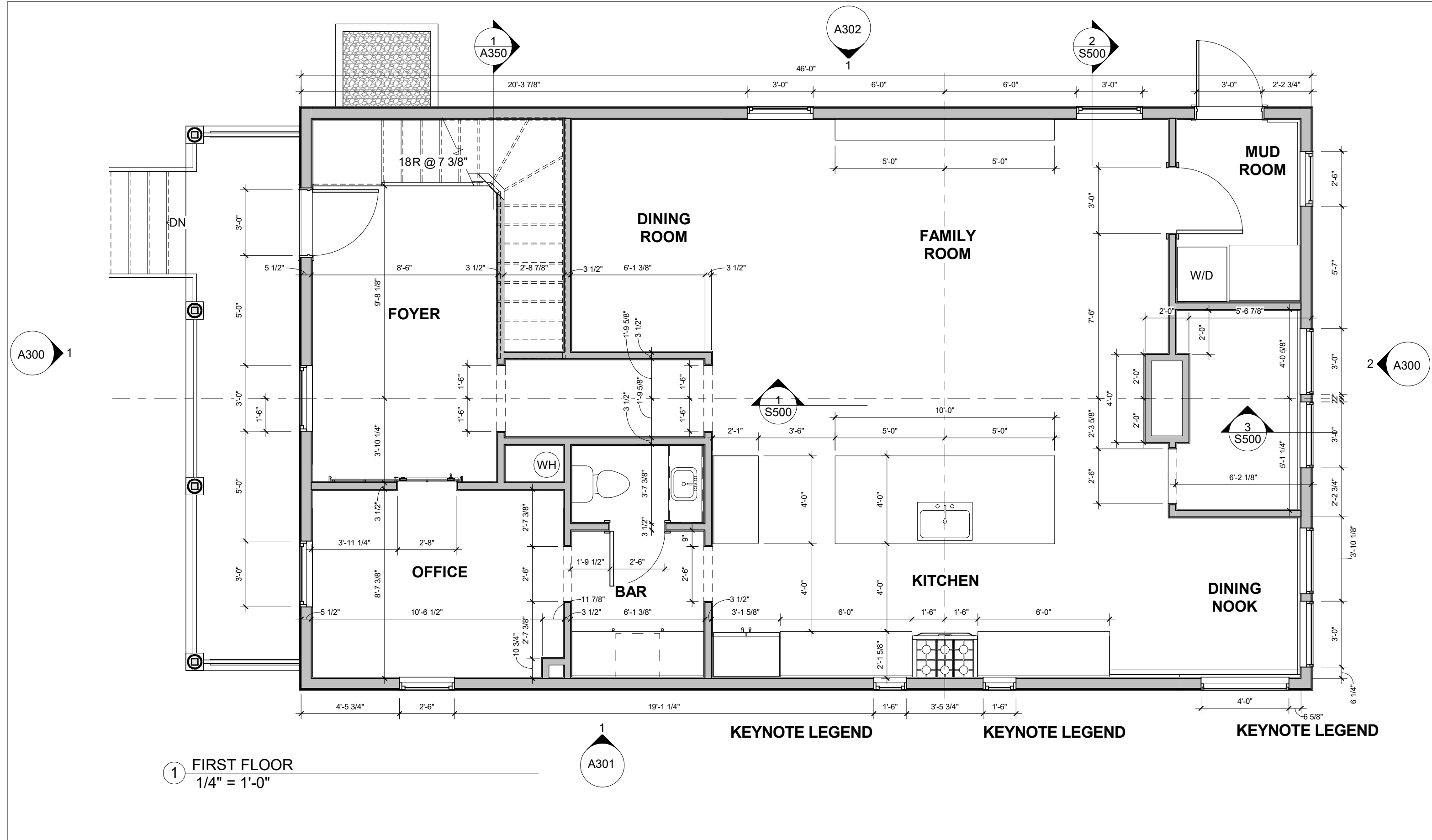
1010 WADE AVE, NASHVILLE, TN 37203

SHEET NAME

SITE PLAN

SHEET #

A001



1 FIRST FLOOR
1/4" = 1'-0"

NO.	DESCRIPTION	DATE
1	VARIANCE REQUEST DRAWINGS	9/10/2020

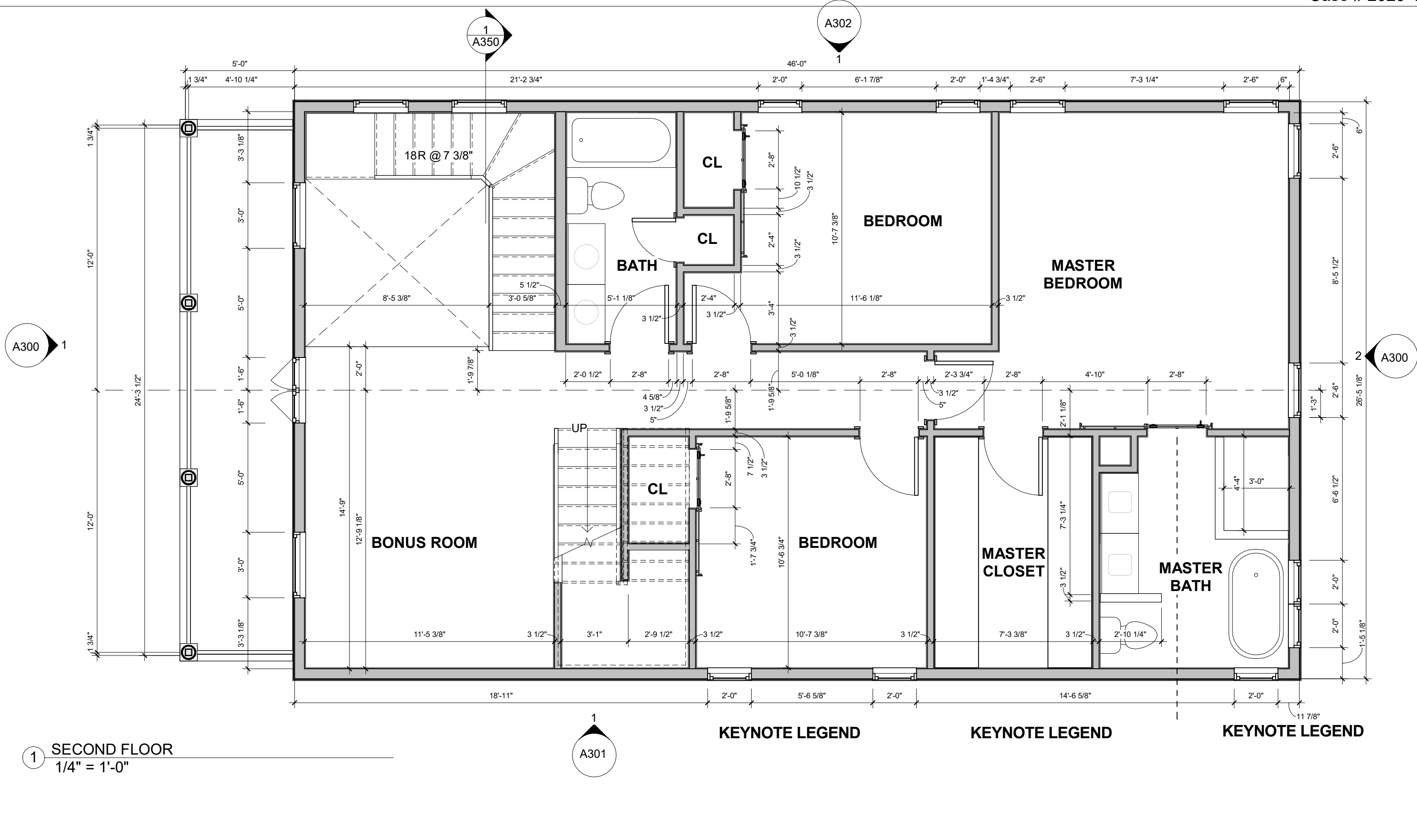
ISSUE DATE: 9/10/2020
 PROJECT #: 20001
 DRAFTED BY: M.COOPER
 DESIGNED BY: MC & AS

EDGEHILL RESIDENCE RENOVATION

1010 WADE AVE, NASHVILLE, TN 37203

SHEET NAME
FIRST FLOOR PLAN

SHEET #
A101



1 SECOND FLOOR
1/4" = 1'-0"

1
A301

KEYNOTE LEGEND

KEYNOTE LEGEND

KEYNOTE LEGEND

NO.	DESCRIPTION	DATE
1	VARIANCE REQUEST DRAWINGS	9/10/2020

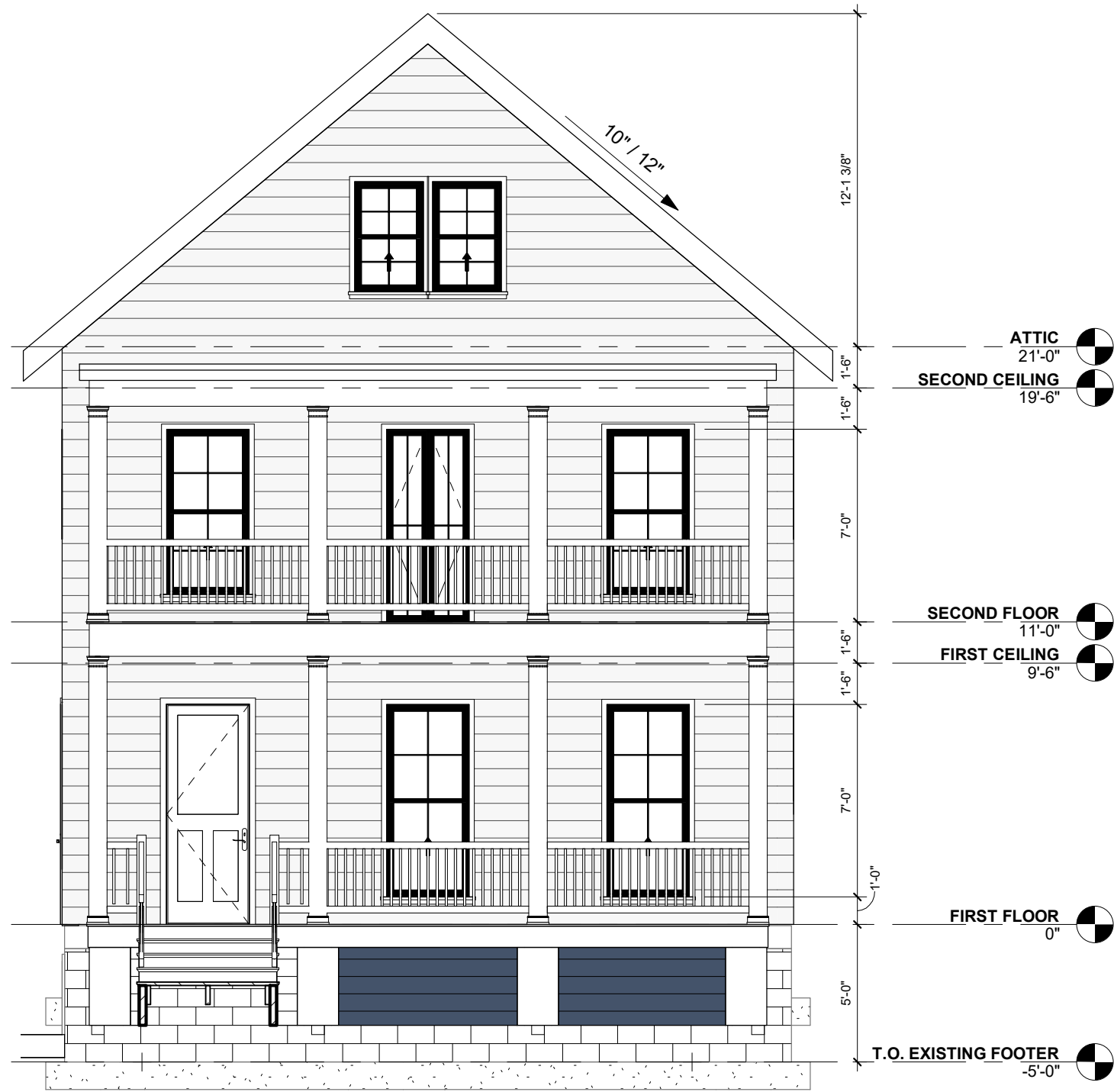
ISSUE DATE: 9/10/2020
PROJECT #: 20001
DRAFTED BY: M.COOPER
DESIGNED BY: MC & AS

EDGEHILL RESIDENCE RENOVATION

1010 WADE AVE, NASHVILLE, TN 37203

SHEET NAME
SECOND FLOOR PLAN

SHEET #
A102



1 SOUTH ELEVATION
3/16" = 1'-0"

2 NORTH ELEVATION
3/16" = 1'-0"

KEYNOTE LEGEND KEYNOTE LEGEND KEYNOTE LEGEND

NO.	DESCRIPTION	DATE	ISSUE DATE:	9/10/2020
1	VARIANCE REQUEST DRAWINGS	9/10/2020	PROJECT #:	20001
			DRAFTED BY:	M.COOPER
			DESIGNED BY:	MC & AS

EDGEHILL RESIDENCE RENOVATION

1010 WADE AVE, NASHVILLE, TN 37203

SHEET NAME
EXTERIOR ELEVATIONS

SHEET #
A300



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

Appellant: Madison Cox Date: 7-28-20
Property Owner: Madison Cox Case #: 2020- 181
Representative: Madison Cox Map & Parcel: 072060W00100CO
Council District: 05

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

Purpose: To obtain a STRP permit
Activity Type: Short Term Rental
Location: 108 Casper Ave

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

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after issued short term rental permit expired.
Section: 17.16.070-U

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

Appellant Name: Madison Cox Representative: _____
Phone Number: 615 796-5005 Phone Number: _____
Address: 108 Casper Ave. Address: _____
Nashville, TN 37216
Email address: madison.cottle@gmail.com Email address: _____

Appeal Fee: \$100.00

Madison Cox
dotloop verified
07/28/20 11:28 AM CDT
3Z5W-X6KV-RM1Y-RQAF



**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 - 20200046528
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 072060W00100CO

APPLICATION DATE: 07/28/2020

SITE ADDRESS:

108 CASPER AVE NASHVILLE, TN 37216
UNIT 1 EAST TRINITY TOWNHOMES

PARCEL OWNER: Madison Cox

CONTRACTOR:

APPLICANT: Madison Cox
108 Casper Ave.
Nashville, TN 37216 615 796-5005

PURPOSE:

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Madison Cox
dotloop verified
07/28/20 11:28 AM CDT
0GHT-ES6O-PLXG-3JMV

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

MAILING ADDRESS

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

NOTICE

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

Madison Cox

dotloop verified
07/28/20 11:35 AM CDT
KVCB-WVQL-CLDB-YNLV

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.

Madison Cox
dotloop verified
07/28/20 11:31 AM
CDT
P1BY-JLYX-FAKB-4A5G

APPELLANT

07/28/2020

DATE

From: [Caitlyn Gordon](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Case #2020-181
Date: Wednesday, September 9, 2020 12:21:22 PM

To whom it may concern,

I received the zoning appeal letter from **Madison Cox at 108 Casper Avenue** and wanted to write a letter of recommendation for her appeal.

I live in the unit adjacent to her (we share a wall). As the neighbor who would be affected the most by having a STRP directly next door, I have never had any issues with her or her renters. Therefore, I give my blessing with any consideration of overturning the denial of her permit.

Thank you,

Caitlyn Gordon