

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Smith Gee Studio Appeal Case 2022-157
1302 & 1308 DICKERSON PIKE
Map Parcel: 07115010200
Zoning Classification: CS/MDHA-SL/OV-UDO Council District: 5

ORDER

This matter came to be heard in public hearing on 2/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to permit the penetration of the sky exposure plane to allow a 6-story building in 85 feet; to eliminate the transitional landscape buffer requirement at the rear boundary along a portion of Alley 2013; to reduce the street setback from 15 feet to 0 feet; and to reduce the rear setback from 20 feet to 0 feet.

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

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

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions:

1. the Major and Collector Street Plan (MCSP) requirements shall be met;
2. Alley #2013 shall be a minimum of 20 feet in width;
3. on-street parking, lay-by, drop-off, pick-up, and/or loading shall be prohibited along Dickerson Pike; and
4. any further review and approvals from NDOT and MDHA shall be completed prior to the issuance of building permits.

UPON MOTION BY: Mr. Newton

Seconded By: Ms. Karpyniec

Result: 6-0

Ayes: Members Bradford, Davis, Karpyniec, Lawless, Newton, and Pepper

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 22nd DAY OF February, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Duane Cuthbertson Appeal Case 2022-164
3205 GRANNY WHITE PIKE
Map Parcel: 11805001600
Zoning Classification: R8/OV-IMP/OV-UZO Council District: 18

ORDER

This matter came to be heard in public hearing on 2/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the street setback requirement from 40 feet to 10.6 feet; and a variance to reduce the maximum permitted building lot coverage from 45% to 51% to construct a duplex.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code due to the hardship imposed by the extent of intrusion of the public right of way and the resulting unique shape of the lot.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions:

1. Limit dwellings' height to 2 stories plus a basement;
2. Step-back front façade of 2nd story;
3. Prohibit recreational roof access atop 2nd story;
4. Construct driveways accessible from rear alley only;
5. Provide at least 4 parking spots per dwelling: 2 per garage & 2 per driveway;
6. Record a restrictive covenant to prohibit short term rental units;
7. Bury NES private electric service lines, and request relocation of NES service pole to east side of alley;
8. Require Metro Stormwater approval prior to permit issuance;
9. Engage an arborist who shall direct tree removal along northern boundary prior to construction; plant new trees along said boundary as agreed in advance by abutting neighbor;
10. Plant at least 2 large canopy trees in front yard prior to issuance of U&O; and
11. Plant at least 4 trees to the rear of dwellings: 2 on north side of driveways and 2 on south side, placed so as not to obstruct site lines to/from rear alleys and other driveways.

UPON MOTION BY: Mr. Newton

Seconded By: Mr. Bradford

Result: 5-0

Ayes: Members Bradford, Karpynek, Lawless, Newton, and Pepper

Nays:

Abstaining:

Absent: Members Cole and Davis

ENTERED THIS 22nd DAY OF February, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Will and Lauren Pendleton Appeal Case 2023-017
1713 WARFIELD DR
Map Parcel: 13103017700
Zoning Classification: RS10 Council District: 25

ORDER

This matter came to be heard in public hearing on 2/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance in garage height requirements to permit a detached garage as shown on the previously approved site plan.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B of the Metropolitan Code.
- (3) Movants hereby find that the appellants HAVE satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code due to the hardship presented by the slope of the lot.

Said motion having not received the requisite votes to pass at this time, it is hereby ORDERED that the appellant’s request shall be deferred to the next regular meeting on 3/2/2023 for further consideration pursuant to Section 17.40.240 of the Metropolitan Code.

UPON MOTION BY: Mr. Bradford Seconded By: Mr. Pepper

Result: 3-3
Ayes: Members Bradford, Newton, and Pepper
Nays: Members Davis, Karpynec, and Lawless
Abstaining:
Absent: Mr. Cole

ENTERED THIS 22nd DAY OF February, 2023.