

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Atha L. Westbrook Appeal Case 2023-022
540 PARAGON MILLS RD
Map Parcel: 13315008200
Zoning Classification: CS/OV-CDO Council District: 26

ORDER

This matter came to be heard in public hearing on 3/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from parking requirements. The appellant is seeking to reduce parking requirements from 23 to the 15 existing parking spots.

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 based on the hardship of an abutting creek.

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

UPON MOTION BY: Mr. Bradford

Seconded By: Mr. Pepper

Result: Approved (4-2)

Ayes: Members Bradford, Davis, Newton, and Pepper

Nays: Members Cole and Lawless

Abstaining:

Absent: Ms. Karpynec

ENTERED THIS 21 DAY OF MARCH, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Nashville Phase II Property Holder LLC Appeal Case 2023-026
1131 4TH AVE S
Map Parcel: 105030Y00200CO
Zoning Classification: SP/OV-UZO Council District: 17

ORDER

This matter came to be heard in public hearing on 3/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from street setback requirements. The appellant is seeking to place a ground sign.

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.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED, subject to the following conditions: Sight distance exhibits for the sign must be approved by NDOT, and the sign permit application must also be approved by the Planning Department prior to issuance.

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Bradford

Result: Approved (4-0)

Ayes: Members Bradford, Cole, Lawless, and Pepper

Nays:

Abstaining:

Absent: Members Davis, Newton, and Karpynech

ENTERED THIS 21 DAY OF MARCH, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Eric and Jaclyn Larsen
4301 GRAY OAKS DR

Appeal Case 2023-027

Map Parcel: 13205007700

Zoning Classification: RS20

Council District: 25

ORDER

This matter came to be heard in public hearing on 3/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance from side setback requirements. The appellant is seeking to construct an attached covered carport.

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 based on the shape and curvature of the lot.

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

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Bradford

Result: Approved (4-0)

Ayes: Members Bradford, Cole, Lawless, and Pepper

Nays:

Abstaining:

Absent: Members Davis, Newton, and Karpynec

ENTERED THIS 21 DAY OF MARCH, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Carrie Stevenhagen Appeal Case 2023-028
100A&B MCKENNEL DR
Map Parcel: 072154N00100CO
Zoning Classification: R6/OV-UZO/OV-COD Council District: 7

ORDER

This matter came before the Metropolitan Board of Zoning Appeals on 3/16/2023, upon the filing of an Item A appeal challenging the Zoning Administrator's interpretation; or, in the alternative, requesting variances from the maximum stories, height, and building coverage requirements for construction of two residential dwellings; as well as an application for a variance from the requirement that attached garage doors face the side or rear of the property. The public hearing on the Item A appeal was bifurcated from the public hearing on the request for a variance as to garage placement. Both public hearings were held this day.

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 A&B of the Metropolitan Code.
- (3) The Zoning Administrator ERRED in his interpretation of the definition of “abutting lot[[s]” to be applied toward the design guidelines for the Contextual Overlay District (Metro Council Ord. 2018-1084) for maximum stories, height, and maximum building Coverage (Metro Code Section 17.36.470.B&C).

After the public hearing for Item A appeal, Mr. Pepper moved to approve the appeal, which motion was seconded by Mr. Lawless and approved by the following vote: **Ayes (4):** Bradford, Lawless, Newton, and Pepper; **Noes (2):** Cole and Davis; Abstain (0); Absent (1): Karpynec.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s Item A appeal is GRANTED, and the stop work order prohibiting completion of the previously-approved building permit is hereby REVERSED as it pertains to the stories, height, and building coverage guidelines.

After a subsequent public hearing on the request for variance from garage door guidelines, Mr. Pepper moved to approve the variance upon a finding that:

- (4) Estoppel principles had been established, thus creating reliance on the previously-issued building permit, cancellation of which would result in undue hardship;

Which motion was properly seconded by Mr. Bradford, and TIED by the following vote: **Ayes (3):** Bradford, Newton, and Pepper; **Noes (3):** Cole, Davis, and Lawless; Abstain (0); Absent (1): Karpynec.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request for a variance for garage door placement shall be DEFERRED to the next regular meeting of April 6, 2023 for further consideration in accordance with Metropolitan Code Section 17.40.240. ENTERED THIS 21 DAY OF MARCH, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Tyler Hawkins Appeal Case 2023-029
0 CABOT DR
Map Parcel: 10200005800
Zoning Classification: RM20/OV-UZO Council District: 20

ORDER

This matter came to be heard in public hearing on 3/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a special exception to reduce the street setback to 7.5 feet; a variance to reduce the rear setback to 7.5 feet; and a variance from the maximum permitted parking within the UZO. The appellant is seeking to construct a 10 unit townhome development.

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

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 B/C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150. The appellant HAS also satisfied all of the standards for the requested variances under Section 17.40.370 of the Metropolitan Code based on the irregular shape of the lot and the presence of stormwater designation areas.

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

UPON MOTION BY: Mr. Pepper

Seconded By: Ms. Davis

Result: Approve (6-0)

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

Nays:

Abstaining:

Absent: Ms. Karpynec

ENTERED THIS 21 DAY OF MARCH, 2023.

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Douglas Sloan III Appeal Case 2023-030
1301 LEBANON PIKE
Map Parcel: 09400017100
Zoning Classification: RM40-A-NS Council District: 19

ORDER

This matter came to be heard in public hearing on 3/16/2023, before the Metropolitan Board of Zoning Appeals, upon application for a variance to add an additional 10'4" to the maximum height requirement within the build-to zone. The appellant is seeking to construct a townhome development.

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 based on the unique topography of the lot.

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

UPON MOTION BY: Mr. Lawless

Seconded By: Mr. Bradford

Result: Approved (5-0)

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

Nays:

Abstaining:

Absent: Members Davis and Karpynec

ENTERED THIS 21 DAY OF MARCH, 2023.