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October 13, 2011

Members of the Board of Zoning Appeals
Metro Office Building
800 2nd Avenue, South
Nashville, TN 37210

RE: Case No. 2011-069
5501 Charlotte Pike
Parcel ID: 09114021600

Dear Members:

This appeal is made challenging the issuance of permit 2011-12161 issued on May 24th, 2011 to install a mobile office trailer and to use the property for Auto Masters.

This appeal deals with a non-conforming used car sales lot. This location is protected by Tennessee Code Annotated §13-7-208. In a recent change to state law, the Legislature removed some used car sales businesses in Davidson County from the protections of §13-7-208. After the prior hearing, the determination was made that this particular location does not fall under section §17.40.650 B of the zoning ordinance. That section states that when a nonconforming use has been inactive for a period of two years or more, the land and its associated improvements shall thereafter be used only in accordance with the current zoning code. Because this location has in excess of 250 feet of street frontage, T.C.A. protections apply.

Based upon the information provided by the Tennessee Motor Vehicle Commission, the license for the location expired on December 31st, 2009 and the entry of closed was entered on January 5th, 2010.

On April 21st, 2011, upon inquiry by an applicant, our office provided Mr. Kerry Little of the Tennessee Motor Vehicle Commission a letter concerning the non-conforming status of the property.

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The department had this and other supporting evidence as the basis for approving issuance of the above reference permit on May 24th, 2011. Based upon that information and the expiry date of December 31st, 2009, the 30 month period of non-conformity would not expire until June 30th, 2012.

Sincerely,

A handwritten signature in black ink, appearing to read "Terrence L. Cobb", with a long horizontal flourish extending to the right.

Terrence L. Cobb
Director, Department of Codes and Building Safety

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