

BZA Results

8/17/2017

**METROPOLITAN BOARD OF ZONING APPEALS
P O BOX 196300
METRO OFFICE BUILDING
NASHVILLE, TENNESSEE 37219-6300**

**Meetings held in the Sonny West Conference Center
Howard Office Building, 700 2nd Avenue South**

**MS. CYNTHIA CHAPPELL
MR. DAVID EWING, Chairman
MR. DAVID HARPER
MS. CHRISTINA KARPYNEC
MR. RICHARD KING
MR. DAVID TAYLOR, Vice-Chair
MS. ALMA SANFORD**

CASE 2016-127 (Council District - 01)

Brenda Smith, appellant and Terry & Janet Wilkes, owner of the property located at **5056 Pine Valley Rd.**, requesting a special exception to operate a camp in the AR2a district. Referred to the Board under Section 17.16.220(a), 17.40.280. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(C).

Use-Camp Ground

Map 56 Parcel(s) 8

RESULT-Deferred

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CASE 2017-156 (Council District - 15)

Adam Epstein, appellant and Carol Anderson, owner of the property located at **2317 Pennington Bend Road**, requesting variances from front and side setback requirements in the R15 District, to construct three single family residences. Referred to the Board under Section 17.12.030(C)(3), 17.12.020(A). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 62-9 Parcel(s) 61

RESULT-Deferred

CASE 2017-161 (Council District - 24)

Dan Cook, appellant and Dragon Park, LLC, owner of the property located at **4710 Charlotte Avenue**, requesting variances from parking requirements and from wall height restrictions in the CS District, to operate a Banquet Hall. Referred to the Board under Section 17.20.030, 17.12.040(E)(26). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Map 911-5 Parcel(s) 261

RESULT-Granted

CASE 2017-163 (Council District - 17)

Duane Cuthbertson, appellant and Mark Nevers, owner of the properties located at **2021 & 2023 Beech Avenue**, requesting a special exception to reduce street setback and also a variance from sidewalk requirements in the RM20 District, to construct nine single family units. Referred to the Board under Section 17.12.035 A&D, 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B&C).

Use-Single Family

Map 105-1 Parcel(s) 162

RESULT-Denied

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CASE 2017-170 (Council District - 24)

John Stephenson, appellant and Sylvan Partners, LLC, owner of the property located at **4708 Charlotte Ave**, requesting variances from parking and wall height restrictions in the CS District, to renovate and build an outdoor patio area for a new restaurant. Referred to the Board under Section 17.20.030, 17.12.040(E)(26). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Restaurant

Map 91-15 Parcel(s) 393

RESULT-Granted

CASE 2017-178 (Council District - 24)

Scott Reynolds, appellant and owner of the property located at **105 45th Avenue North**, requesting variances from queing requirements, side buffer/landscape requirements, and parking stall width for a suface parking lot in the MUL District. Referred to the Board under Section 17.20.060(G), 17.20.060(F)(6), 17.24.240(A), 17.12.020(C). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Parking Lot

Map 103-8 Parcel(s) 5

RESULT-Deferred 9/21/2017

CASE 2017-181 (Council District - 18)

Joseph R. Prochaska, appellant, regarding the property located at **206 Fairfax Avenue**, requesting Item A appeal, challenging the issuance of building permit #2016053031 in the ORI District, in order to stop construction. Referred to the Board under Section 17.12.030, 17.40.260. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Multi Family

Map 104-6 Parcel(s) 85

RESULT-Upheld the Zoning Administrator

CASE 2017-182 (Council District - 17)

Kings Interiors, LLC, appellant and Josh Hellmer, owner of the property located at **1071 2nd Avenue South**, requesting a variance from front setback requirements in the R6 District, to construct a staircase to front of the existing single family residence. Referred to the Board under Section 17.12.020. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Map 105-3 Parcel(s) 95

RESULT-Granted

CASE 2017-183 (Council District - 12)

Andrea Smith, appellant and Thomas Bauer, owner of the property located at **5229 Earhart Road**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.40.080(A), 17.16.250(E). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 98 Parcel(s) 71

RESULT-Upheld the Zoning Administrator-The appellant will be eligible to apply for a permit 30 days from the BZA hearing date.

CASE 2017-194 (Council District - 25)

Steve Adams, appellant and Dan Bickel, owner of the property located at **4421 Soper Avenue**, requesting a variance from front setback requirements in the R20 District, to construct a new 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(B).

Use-Single Family

Map 132-9 Parcel(s) 132

RESULT-Granted

CASE 2017-199 (Council District - 14)

Greg Oakley, appellant and LMO Properties, owner of the property located at **3535 A Hermitage Industrial Drive**, requesting Item A appeal, challenging the requirements for legally non-conforming use of the property. Also seeking variances from fence perimeter, outside storage, and sidewalk requirements in the IWD District, to use existing building for a recycling facility. Referred to the Board under Section 17.40.180(A), 17.16.110(D)(3)(b), 17.16.110(D)(5), 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A&B).

Use-Recycling Facility

Map 86 Parcel(s) 184

RESULT-Deferred 10/5/2017

CASE 2017-200 (Council District - 30)

Richard Maxwell, appellant and owner of the property located at **101 Lane Wood Court**, requesting a variance from rear setback requirements in the R6 District, to construct an addition to the residence. Referred to the Board under Section 17.12.020(A). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 147-8 Parcel(s) 23

RESULT-Granted

CASE 2017-201 (Council District - 02)

Champion Car Wash, appellant and Tim Jones, owner of the property located at **411 W. Trinity Lane**, requesting a variance from condition for 50' separation from residential property in the CL District, to construct a new car wash. Referred to the Board under Section 17.16.070(J)(2), 17.16.070(J)(3). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Car Wash

Map 71-1 Parcel(s) 180

RESULT-Granted

CASE 2017-205 (Council District - 32)

Karen Fairbend, appellant and owner of the property located at **312 Clark Hill Xing**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally permit. Referred to the Board under Section 17.40.080(A), 17.16.250(E). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 164-13 Parcel(s) 74

RESULT-Deferred

CASE 2017-206 (Council District - 05)

Jason Costelle, appellant and owner of the property located at **14 B Fern Avenue**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.40.080(A), 17.16.250(E). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 711-4-B Parcel(s) 2-CO

RESULT-Upheld the Zoning Administrator-However, the applicant will now be allowed to apply for a permit immediately.

CASE 2017-207 (Council District - 17)

Ward Poston, appellant and owner of the property located at **2813 A W. Kirkwood Avenue**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.40.080(A), 17.16.250(E). The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 118-2-S Parcel(s) 1-CO

RESULT-Withdrawn

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CASE 2017-209 (Council District - 06)

John Gill, appellant and New Century Builders, owner of the property located at **520 S. 11th Street**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family residence. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 94-1 Parcel(s) 2

RESULT-Granted, on the condition that they must pay into the sidewalk fund

CASE 2017-210 (Council District - 06)

John Gill, appellant and New Centur Builders, owner of the property located at **518 S. 11th Street**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family residence. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 94-1 Parcel(s) 1

RESULT-Granted, on the condition that they must pay into the sidewalk fund

CASE 2017-211 (Council District - 10)

Harvey Latimer, appellant and owner of the property located at **2165 Baker Road**, requesting Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.40.080(A), 17.16.250(E). The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 11 Parcel(s) 96

RESULT-Upheld the Zoning Administrator- However the appellant will now be able to apply for a permit immediately

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CASE 2017-212 (Council District - 17)

Rob Cochran, appellant and Warner Partnes, LP, owner of the property located at **308 Chestnut Street**, requesting a variance from sidewalk requirements in the CS District, to rehab and convert existing non-residential building to office use. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Office

Map 105-3 Parcel(s) 33

RESULT -Granted, subject to Planning Department's recommended conditions

CASE 2017-213 (Council District - 22)

Christopher Jorguenson, appellant and owner of the property located at **1109 Sommersby Ct.**, requesting a variance from rear setback requirements in the RS10 District, to construct a covered deck and an uncovered deck to rear of residence. Referred to the Board under Section 17.12.020(A). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 141-7-B Parcel(s) 165-CO

RESULT-Granted