

DOCKET

11/21/2019

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

CASE 2019-401 (Council District - 17)

RANDY ARNOLD, appellant and **O.I.C. 1016 WEST GROVE AVENUE TOWNHOMES**, owner of the property located at **1016 C W GROVE AVE**, requesting a variance from sidewalk requirements in the R8 District, to construct two single family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-HPR

Map Parcel 105092J90000CO

RESULT -

CASE 2019-422 (Council District - 11)

BVC OAKWOOD COMMONS, LLC, appellant and owner of the property located at **4730 LEBANON PIKE**, requesting variance from sidewalk requirements in the R10 District, to make interior renovations without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Rehab

Map Parcel 06416005900

RESULT -

CASE 2019-425 (Council District - 1)

BIRCKHEAD, JAMES R. & LORI K., appellant and owner of the property located at **7721 WHITES CREEK PIKE**, requesting a special exception in the AR2A District, to use an existing farm as a camp site. Referred to the Board under Section 17.16.220 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Camp Site

Map Parcel 00800008700

RESULT -

CASE 2019-432 (Council District - 19)

WARREN BRYANT, appellant and **POPKIN, DAVID ET UX**, owner of the property located at **1811 DIVISION ST**, requesting a variance from sidewalk requirements in the MUI-A District, to renovate an existing building to build out three tenant spaces without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial

Map Parcel 09216029700

RESULT -

CASE 2019-439 (Council District - 19)

JASON LINCOLN, appellant and **METHTA, ANMOL P.**, owner of the property located at **1004 14TH AVE S**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family residences without building sidewalks but instead paying into the in-leu fund. 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-Single Family

Map Parcel 105011000100CO

RESULT -

CASE 2019-445 (Council District - 30)

JUSTIN PRICHETT, appellant and **PARK, ILL H. & NA, KEUM S.**, owners of the property located at **4736 NOLENSVILLE PIKE**, requesting a variance from sidewalk requirements in the CS District, to renovate a restaurant without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Restaurant

Map Parcel 14712008400

RESULT -

CASE 2019-449 (Council District - 20)

MERIDIAN CONSTRUCTION COMPANY, LLC, appellant and owner of the property located at **705 RIES AVE**, requesting a variance from minimum lot size requirements in the R8 District, to construct two single family residences on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09105004000

RESULT -

CASE 2019-457 (Council District - 31)

PATSY CLAUDE, appellant and **CLAUDE, PATSY SUE, TRUSTEE**, owner of the property located at **6210 NOLENSVILLE PIKE**, requesting an Item A appeal challenging the zoning administrator's denial of a permit to continue the use of an existing structure as a 4-unit apartment in the AR2A District. Referred to the Board under Section 17.40.180. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Multi-Family

Map Parcel 17300006300

RESULT – Deferred indefinitely

CASE 2019-479 (Council District - 24)

KATHLEEN MURPHY, appellant and **O.I.C. BOWLING ESTATES**, owner of the property located at **199 B BOWLING AVE**, requesting an Item A appeal challenging the zoning administrator's determination that the fence constructed on the property meets the legal requirements in the R8 District. Referred to the Board under Section 17.12.040 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Single Family

Map Parcel 104090X90000CO

RESULT –

CASE 2019-480 (Council District - 23)

WALT BRANDT, appellant and **FIRST TRUSTEES OF THE L & K FAMILY TRUST**, owner of the property located at **223 BROOK HOLLOW RD**, requesting a variance from side setback requirements in the RS District, to construct an addition on the side of a single-family residence. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 12903003800

RESULT -

CASE 2019-482 (Council District - 20)

TRAVIS AND DEVON MORSE, appellants and owners of the property located at **404 C EASTBORO DR**, requesting a variance from lot size requirements in the R8 District, to convert an existing garage into a detached accessory dwelling unit. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09113027100

RESULT -

CASE 2019-484 (Council District - 22)

ALJABIRI, BASHAR & SUCHAD, appellants and owners of the property located at **601 SUMMIT OAKS CT**, requesting a variance from rear setback requirements in the R15 District, to maintain an existing addition on the rear of the house. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 128120B00600CO

RESULT -

CASE 2019-486 (Council District - 27)

BRENT MACDONALD, appellant and **COTTAGE COVE CO.**, owner of the property located at **4908 AQUATIC RD**, requesting a special exception in the RS10 District, to use an existing residence for a religious charity. Referred to the Board under Section 17.16.170 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Religious Institution

Map Parcel 14716002100

RESULT -

CASE 2019-487 (Council District - 17)

DUANE CUTHBERTSON, appellant and **O.I.C. HOMES AT 2818 WEST KIRKWOOD**, owner of the property located at **2818 C W KIRKWOOD AVE**, requesting a variance from sidewalk requirements in the R8 District, to construct two single family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 118023S90000CO

RESULT -

CASE 2019-488 (Council District - 17)

DUANE CUTHBERTSON, appellant and **BAKER, KATHERINE & MORGAN**, owners of the property located at **1108 PARIS AVE**, 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 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11801016000

RESULT –

SHORT TERM RENTAL CASES

CASE 2019-464 (Council District - 31)

JACOBS, JUSTIN JAMES & BARZABAR, ZAYNAB, appellants and owners of the property located at **7279 SANTEELAH WAY**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated prior to obtaining the legally required short term rental permit in the RS10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Short Term Rental

Map Parcel 181030A26400CO

RESULT -

CASE 2019-477 (Council District - 5)

SALMON, FAITH ELIZABETH & HOILES, MATTHEW LAWRENCE, appellants and owners of the property located at **1015 MANSFIELD ST**, requesting an Item A appeal challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the RS5 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08305016500

RESULT -

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Randy Arnold

Date: 8-1-19

Property Owner: Fishbach, Gary Dwyer

Case #: 2019-401

Representative: Randy Arnold

Map & Parcel: 105-92-J-1-CO
105-92-J-2-CO

Council District 17

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 sidewalk requirements.

Activity Type: New Construction - HPR

Location: 1016 C W. Grove 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: Existing Sidewalks

Section(s): 17.20.120

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.

Arnold Homes LLC
Appellant Name (Please Print)

Randy Arnold
Representative Name (Please Print)

1612 Westgate Cr
Address

1612 Westgate Cr. Ste 222
Address

Brentwood TN 37027
City, State, Zip Code

Brentwood TN 37027
City, State, Zip Code

615-372-9279
Phone Number

615-372-9279
Phone Number

R Arnold @ arnoldhomesllc.com
Email

Same
Email

Zoning Examiner: CH

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**



3697383

**ZONING BOARD APPEAL / CAAZ - 20190045939
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105092J90000CO

APPLICATION DATE: 08/01/2019

SITE ADDRESS:

1016 C W GROVE AVE NASHVILLE, TN 37203
COMMON AREA 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: O.I.C. 1016 WEST GROVE AVENUE TOWN

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk requirements. requesting to not construct sidewalks or pay in lieu fee.

*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**



3695236

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019044533
THIS IS NOT A PERMIT**

PARCEL: 105092J00100CO

APPLICATION DATE: 07/26/2019

SITE ADDRESS:

1016 B W GROVE AVE NASHVILLE, TN 37203
UNIT A 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

to construct 2457SF single family residence with 393SF garage and 247Sf porches. 5' min. side setback, 20' min. rear setback, front setback at ' per avg. unit 1 of 2. lot coverage is 1587SF of max 3654SF lot coverage. not to be over any easements. Max height 3 stories or 28'1".

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	APPROVED	clint.harper@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	clint.harper@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-6612 Chanda.Williams@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	clint.harper@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-566-3931 Wesley.Adkins@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	clint.harper@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov



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



3695232

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019044528
THIS IS NOT A PERMIT**

PARCEL: 105092J00200CO

APPLICATION DATE: 07/26/2019

SITE ADDRESS:

1016 A W GROVE AVE NASHVILLE, TN 37203
UNIT B 1016 WEST GROVE AVENUE TOWNHOMES

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

to construct 2457SF single family residence with 393SF garage and 247Sf porches. 5' min. side setback, 20' min. rear setback, front setback at ' per avg. unit 1 of 2. lot coverage is 1587SF of max 3654SF lot coverage. not to be over any easements. Max height 3 stories or 28'1".

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[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@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 600 feet pf 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 noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

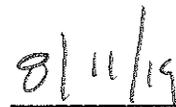
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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



APPELLANT



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 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?

Keep existing sidewalk dimensions off street.
All current homes and sidewalks on both sides of West Grove Ave are matching 10'6" existing sidewalk.

1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

5. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

1. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY OF HENRICO AND HAS FOUND THAT THE PROPERTY DESCRIBED IN THIS SURVEY IS THE SAME AS THAT DESCRIBED IN THE RECORDS OF THE COUNTY OF HENRICO.

NO.	DESCRIPTION
0001	PLANNING
0002	DESIGN
0003	CONSTRUCTION
0004	OPERATION
0005	MAINTENANCE
0006	REPAIR
0007	RENOVATION
0008	DEMOLITION
0009	RECONSTRUCTION
0010	ALTERATION
0011	ADDITION
0012	DELETION
0013	REVISION
0014	CORRECTION
0015	AMENDMENT
0016	SUPPLEMENT
0017	REPLACEMENT
0018	REINFORCEMENT
0019	STRENGTHENING
0020	UPGRADING
0021	MODERNIZATION
0022	RESTORATION
0023	REPAIR AND MAINTENANCE
0024	RENOVATION AND REPAIR
0025	RECONSTRUCTION AND REPAIR
0026	ALTERATION AND REPAIR
0027	ADDITION AND REPAIR
0028	DELETION AND REPAIR
0029	REVISION AND REPAIR
0030	CORRECTION AND REPAIR
0031	AMENDMENT AND REPAIR
0032	SUPPLEMENT AND REPAIR
0033	REPLACEMENT AND REPAIR
0034	REINFORCEMENT AND REPAIR
0035	STRENGTHENING AND REPAIR
0036	UPGRADING AND REPAIR
0037	MODERNIZATION AND REPAIR
0038	RESTORATION AND REPAIR
0039	REPAIR AND MAINTENANCE AND REPAIR
0040	RENOVATION AND REPAIR AND REPAIR
0041	RECONSTRUCTION AND REPAIR AND REPAIR
0042	ALTERATION AND REPAIR AND REPAIR
0043	ADDITION AND REPAIR AND REPAIR
0044	DELETION AND REPAIR AND REPAIR
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0059	ADDITION AND REPAIR AND REPAIR AND REPAIR
0060	DELETION AND REPAIR AND REPAIR AND REPAIR
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0064	SUPPLEMENT AND REPAIR AND REPAIR AND REPAIR
0065	REPLACEMENT AND REPAIR AND REPAIR AND REPAIR
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0067	STRENGTHENING AND REPAIR AND REPAIR AND REPAIR
0068	UPGRADING AND REPAIR AND REPAIR AND REPAIR
0069	MODERNIZATION AND REPAIR AND REPAIR AND REPAIR
0070	RESTORATION AND REPAIR AND REPAIR AND REPAIR

PLANNING DATA

APPLICANT: [Name]

PROJECT: [Name]

LOCATION: [Address]

DATE: [Date]

SCALE: [Scale]

BY: [Surveyor Name]

FOR: [Client Name]

REVISIONS:

1. [Revision 1]

2. [Revision 2]

3. [Revision 3]

4. [Revision 4]

5. [Revision 5]

6. [Revision 6]

7. [Revision 7]

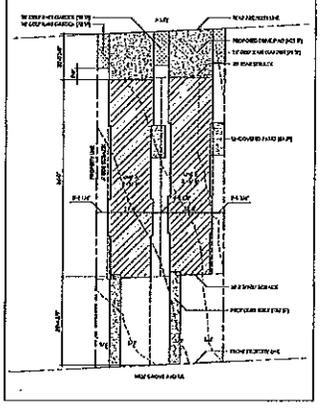
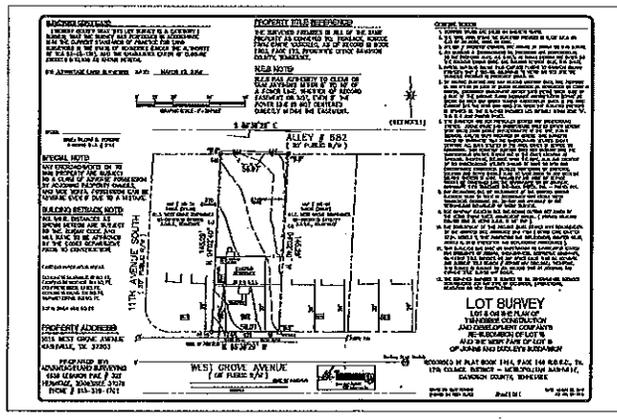
8. [Revision 8]

9. [Revision 9]

10. [Revision 10]



01 SURVEY MAP



DESIGNED FOR: [Name]

NOTICE: [Text]



WEST GROVE HILL

1818 WEST GROVE AVE

MOBILE, ALABAMA

INDEX

3/11/18

ALL WORK PERFORMED UNDER THIS CONTRACT SHALL MEET OR EXCEED ALL APPLICABLE CODES AND PROVISIONS OF THE LOCAL AUTHORITY HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY VIOLATION OF SUCH CODES AND SHALL MAKE ALL WORK ACCEPTABLE TO THE AUTHORITY HAVING JURISDICTION AT NO COST TO THE OWNER OR ARCHITECT.

2. DRAWING SCALE: DO NOT SCALE DRAWINGS. USE ALL GIVEN DIMENSIONS ONLY. IF NOT SHOWN, VERIFY CORRECT DIMENSION(S) WITH JOSH JOHNSON ARCHITECTURE, PLLC.

3. DIMENSIONS: THE ARCHITECTURE IS ORDERED ABOUT A RELATIONSHIP OF EDGES AND CENTER LINES. UNLESS NOTED OTHERWISE, DIMENSIONS ARE PROVIDED FROM FACE OF STUD AND CENTER LINES. VERIFY WITH ARCHITECT ANY DIMENSIONS IN QUESTION.

4. FIELD CONDITIONS: WHEN NOTED "VERIFY IN FIELD" (VIF), CONTRACTOR TO CONFIRM FIELD CONDITIONS BEFORE COMMENCING CONSTRUCTION. CONTRACTOR TO COORDINATE WITH THE ARCHITECT ANY INCONSISTENCIES.

5. PRODUCTS & MATERIALS: ALL PRODUCTS SHALL BE INSTALLED PER THE MANUFACTURER'S WRITTEN RECOMMENDATION AND PER THE CODE REQUIREMENTS.

6. PRESSURE TREATED FRAMING: ALL WOOD FRAMING THAT COMES IN CONTACT WITH CONCRETE SHALL BE PRESSURE TREATED (PT).

2. PROPOSED RAIN GARDENS ARE CONCEPTUALLY SHOWN FOR STORMWATER MITIGATION. COORDINATE W/ CIVIL ENGINEER ON DESIGN GUIDELINES AND REQUIREMENTS FOR STORMWATER RETENTION.

A104 FLOOR PLANS
A101 FLOOR PLANS
A201 EXTERIOR ELEVATIONS
A301 BUILDING & WALL SECTIONS

PROJECT TEAM

OWNER: GARY FISBACK
615-556-1972
GFISBACK28@COMCAST.NET

REALTOR: ASHLEY BROCK
615-727-4797
ASBROCKREALTOR@GMAIL.COM

ARCHITECT: JOSH JOHNSON ARCHITECTURE
615-601-0076
JOSH@11AAD.COM

BUILDER: <BUILDER>
<PHONE>
<EMAIL>

BUILDING DATA

ADDRESS: 1016 WEST GROVE AVENUE
NASHVILLE, TENNESSEE 37203

PARCEL ID: 10509030700

DESCRIPTION: TWO NEW DETACHED SINGLE-FAMILY TOWNHOMES IN THE ACKLEN/WESTGROVE NEIGHBORHOOD

LOT AREA: 0.19 ACRES (8,137 SF)

IMPERVIOUS SURFACE (EXISTING): 1,540 SF

IMPERVIOUS SURFACE (PROPOSED): 4,520 SF (2,260 SF EACH UNIT)

IMPERVIOUS SURFACE (INCREASE): 2,980 SF

BUILDING COVERAGE: 0.390

REAR SETBACK: 20'-0"

SIDE SETBACK: 5'-0"

STREET SETBACK: 38'-0"

TOTAL CONDITIONED AREA: 2,457 SF (EACH UNIT)

TOTAL UNCONDITIONED AREA: 640 SF (EACH LINE)

GRAND TOTAL UNDER ROOF: 3,097 SF (EACH UNIT)

EXISTING CONCRETE WALK: 77 SF
EXISTING ROSE TO BE REMOVED: 784 SF
EXISTING CONCRETE PATIO: 93 SF
EXISTING CONCRETE DRIVE: 221 SF
EXISTING ASPHALT DRIVE: 365 SF

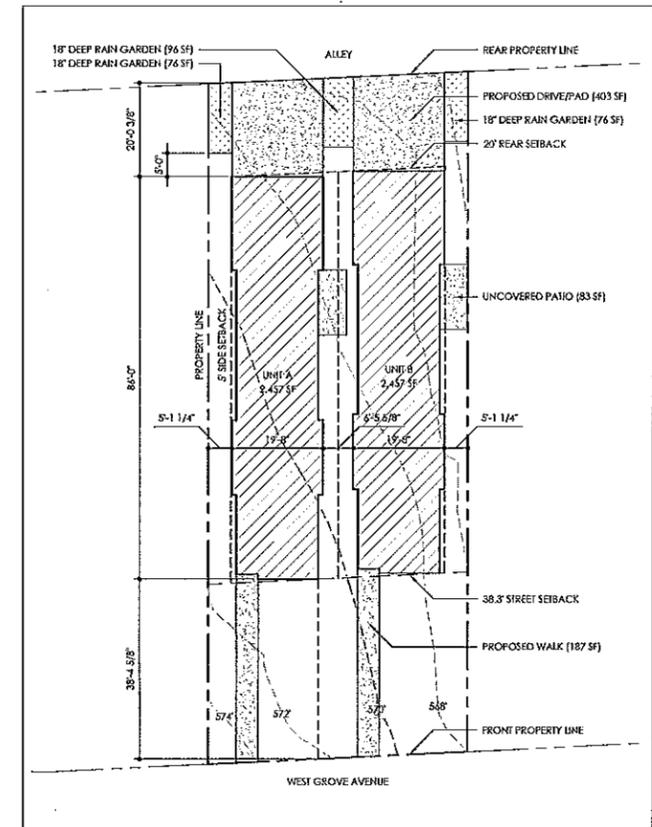
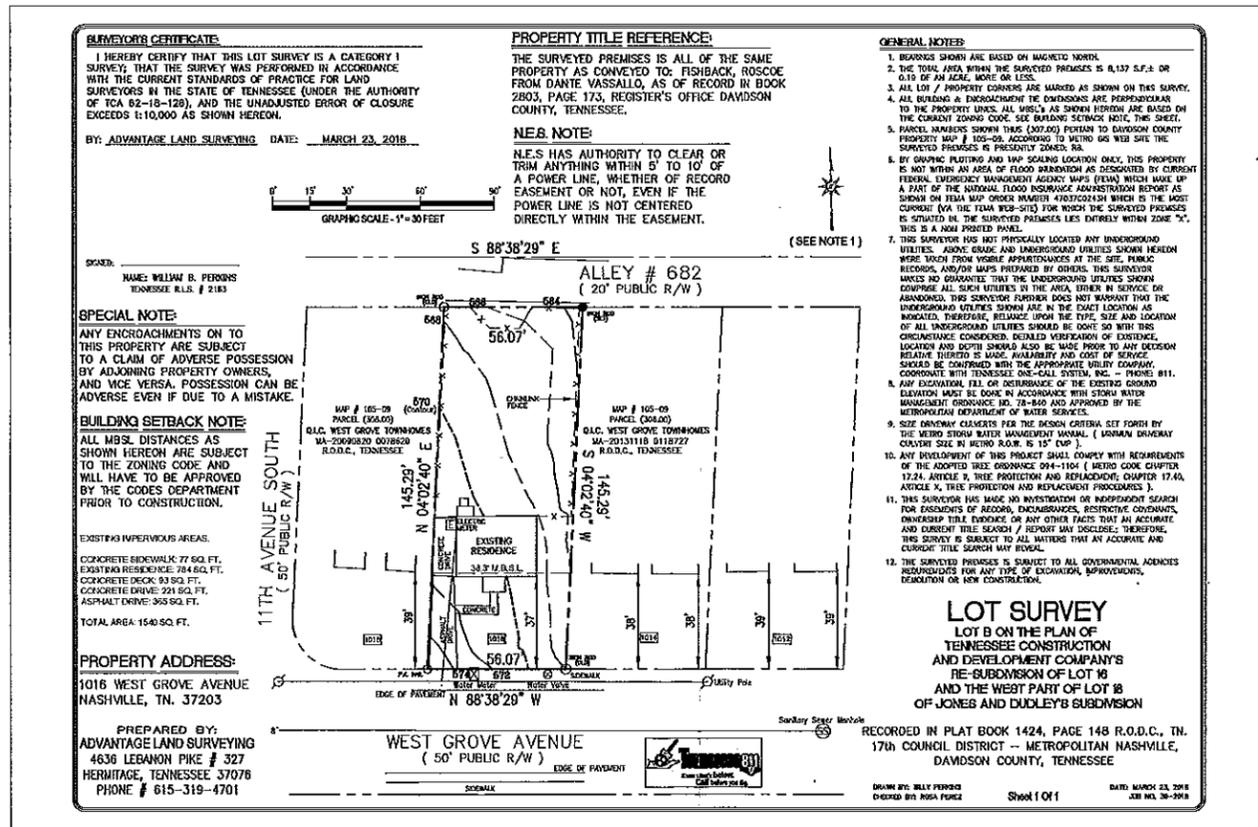
PROPOSED CONCRETE WALK: 187 SF
PROPOSED HOUSE FOOTPRINT: 1587 SF
PROPOSED CONCRETE PATIO: 83 SF
PROPOSED CONCRETE DRIVE: 403 SF

MAJOR LEVEL: 899 SF
UPPER LEVEL: 1,536 SF
640 SF (EACH LINE)

SCREEN PORCH: 247 SF
GARAGE: 393 SF
3,097 SF (EACH UNIT)



01 VICINITY MAP
NTS



DRAWINGS FOR REVIEW
NOT FOR CONSTRUCTION

18014
WEST GROVE INFILL
1016 WEST GROVE AVE
NASHVILLE, TENNESSEE

REVISIONS

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: District 17 appeals positions
Date: Monday, November 4, 2019 2:35:23 PM

Good afternoon, Boardmembers,

My position on appeals in District 17 are as follows:

Case 2019-391: I **oppose** this request.
Case 2019-394: I **strongly oppose** this request.
Case 2019-395: I **strongly oppose** this request.
Case 2019-401: I **strongly oppose** this request.
Case 2019-426: I **strongly support** this request.
Case 2019-427: I **strongly support** this request.

Thank you, as always, for your work!

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
[ColbySledge.com](#)
[Sign up for my weekly newsletter here!](#)

From: [Sledge, Colby \(Council Member\)](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Braisted, Sean \(Codes\)](#); [Lamb, Emily \(Codes\)](#); [Michael, Jon \(Codes\)](#)
Subject: D17 BZA stances
Date: Monday, September 16, 2019 4:27:40 PM

Hi all,

Here are my stances on D17 items on the Thurs. agenda:

2019-401: Oppose unless applicant agrees to pay into sidewalk fund

2019-403: Oppose, as I am fairly certain the appellant is referring to the wrong property

2019-405: Support

2019-418/419: Oppose, as developer should build sidewalks.

Thanks, as always,

Colby

Colby Sledge
Metro Council, District 17
(615) 442-3727
ColbySledge.com
[Sign up for my weekly newsletter here!](#)

Dear zoning board members:

I am writing this letter to show my OPPOSITION toward appeal case 2019-401.

My name is Guozhen Luo and I live at 1022 Argyle Avenue, 37203 with my family. Randy Arnold filed an appeal for the property at 1016 C W GROVE AVE with Map parcel 105092J90000CO. The appellant requested a variance from sidewalk requirement.

I am OPPOSING this appeal.

I am attaching the original letter from metro zoning board.

Sincerely

Guozhen Luo



10/16/2019

To - Metro Board of Zoning Appeals - Case # 2019-401
- 10/10/19

RE: Appeal Case # - 2019-401
1016C W. GROVE AVE
Map Parcel - 105092J90000C0
Zoning Classification - R8
Council District - 17

To whom it may concern:

Regarding the above mentioned case,
I, John Reed, living at 925 Acklen Ave,
Nashville, TN 37203, am opposed to
Mr. Arnold's request for a variance for
sidewalk requirements.

Thank you -
John + April Reed

From: [Lynn Blocher](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#); [Allen, Burkley \(Council Member\)](#)
Subject: BZA appeals meeting Thursday 11-7, resident requests for Denial
Date: Monday, November 4, 2019 2:46:05 PM

Dear Board of Zoning Appeals:

I am a resident of the 12S neighborhood, with four children attending Waverly Belmont Elementary School. Recent variances that are up for discussion on Thursday, November 7th, have come to my attention and I would like to ask you to **deny these variance requests**.

1) The first property is the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

The additional properties are:

- 2) 1016 C West Grove Ave - Case 2019-401. Again, trying to avoid paying into the sidewalk fund or replacing the sidewalks.
- 3) 1001 & 1003 South St - Case 2019-401. Another developer trying to avoid sidewalks
- 4) 1004 14th Ave S - Case 2019-439. Yet another developer trying to avoid sidewalks; at least they agree to pay into the fund, but will there be any kind of sidewalk at this address?
- 5) 4736 Nolensville Pike - Case 2019-445 - restaurateur also wanting to avoid sidewalks or the fund.
- 6) 1301 C Litton Ave - Case 2019-469. another developer, same story
- 7) 4730 Lebanon Pike - Case 2019-422. Large

I write to you to **STRONGLY OPPOSE** the requests for sidewalk and fund avoidance for cases #1-7 listed above with numbers. In particular, the Appellant in case 2019-394 and 2019-295 has already tried two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should **DENY** both of Appellant's variance requests. 928B Montrose Ave. The prior residence located at 928 Montrose Ave did have sidewalks located in the south-facing property frontage and west side of the property. However, the Appellant tore down the fence connected to the sidewalk on the west side of the property exposing pedestrians, including small children walking each day to elementary school each day, to a sudden drop off of over four feet between the eastern edge of the west-facing sidewalk and the yard. Without any regard for the welfare of the nearby residents, the Appellant has allowed this dangerous sidewalk drop off condition to continue for many months. Most recently, the Appellant has destroyed significant portions of the frontage sidewalk. Metro should require the Appellant to build compliant sidewalks to the front and west side of this property. These sidewalks connect to the sidewalks connecting Gilmore Ave, 10th Ave and Montrose Ave. Furthermore, the Appellant should be required to build a fence (replacing the fence torn down by the Appellant) directly connecting the eastern edge of the west-facing sidewalk to the fence, for reasons of pedestrian safety. 2602B 10th Ave S. This property does not have a sidewalk. In fact, this property contains the only sidewalk gap between Halcyon Ave, 10th Ave and Montrose Ave. This Board should require the Appellant to build a sidewalk on its 10th Ave frontage connecting the Halcyon Ave sidewalk to the Montrose Ave sidewalk as required by Metro Code Section 17.20.120. It is a shame that Metro even allowed the Appellant to build two homes on each of these small lots pursuant to a horizontal property regime. Recently, on the [Nextdoor.com](#) website, the Appellant has commented that each of these properties is selling for at least \$800,000. That's two \$800,000 properties per lot for a total of \$3,200,000 for both lots. The Appellant calls this "affordable housing". It's an outrage that Appellant would seek to make such large profits, while not even being willing to build sidewalks in our neighborhood and contribute to the sidewalk fund! It is imperative that the Board support Nashville neighborhood and follow the Metro Code. I am not opposed to profit, but greedy developers like the Appellant are making millions all across Nashville, especially in the 12 South neighborhood, and yet they cry "poor me!" when it comes to investing in sidewalk infrastructure and paying into the sidewalk fund. The Board must not allow or tolerate this type of developer behavior!

There are four possible grounds to appeal and obtain a sidewalk variance. I will discuss each:

1. Physical characteristics of the property. There is plenty of room for sidewalks both on the west-and south sides of the 928B Montrose lot and the west side of the 2602 B 10th Ave S lot. There is nothing about the property or condition of land that would prevent the construction of sidewalks as required by Metro Code.

2. Unique Characteristics. There is nothing unique about these lots that would prevent the Appellant from constructing sidewalks as required by Metro Code. Furthermore, there is no undue hardship on the Appellant that has not been self-imposed by the Appellant because she decided to create two horizontal property regimes and squeeze two houses onto two small lots both designed for one house per lot.

3. No Harm to Public Welfare. The public will absolutely be harmed if the Appellant does not construct sidewalks on these properties. This is heavy foot-traffic walking neighborhood. We walk our sidewalks every single day. There are just no reasonable grounds for any developer in this neighborhood to avoid building sidewalks. In fact, 2602B 10th Ave S is one of the very few places along 10th Ave in the neighborhood that does not currently contain a sidewalk. The whole point of Metro Code 17.20.120 is to make sure sidewalks get built across this City where they are currently lacking!

4. Integrity of Master Development Plan. Failure to build sidewalks and contribute to the sidewalk fund will compromise the walk-ability of this neighborhood and will negatively impact the neighbors of these properties. Please understand that the neighbors of 928B Montrose Ave and 2602B 10th Ave S adamantly OPPOSE the variances the Appellant is seeking.

I respectfully request that this Board DENY these variance requests by the Appellants in the cases listed above. Please respect the neighborhood wishes across Nashville for a walkable, safer city. In addition, please provide transparency into where the monies put into this Sidewalk Fund go and how residents can push to get sidewalks built or repaired out of that fund.

Thank you,
Lynn Blocher

October 11, 2019

Dear Board of Zoning Appeals:

I am writing in reference to permit #20190045939. We own a house across the street on West Grove Avenue, and ask that you consider denying this permit request based on several factors. Living in a neighborhood in a constant state of both growth and change, we receive zoning appeal letters in the mail almost weekly. I am not someone who loves to write in on such matters, but I am also someone who will take the time should I feel strongly that something is or will affect our neighborhood in a negative way. This is the case with Arnold Homes wanting to sidestep sidewalk requirements for our street.

According to the Nashville Planning Department, sidewalks "...are critical infrastructure, providing a wider variety of safe transportation options in a rapidly growing city." These sidewalks, meant to "...benefit homeowners and neighborhoods," are just that, critical for a street connected to both 12th Avenue South and 10th Avenue South, which then immediately connects to Wedgewood Avenue. Our street is often a cut through because of this, and sadly cars speed through, often driven by people who are not aware of what lies beyond the steep hill known as West Grove. Therefore, we as homeowners rely on sidewalks to safely walk our dogs, allow our children to walk home from school and friends' houses, and try to enjoy all that living in 12 South has to offer.

Of course Arnold Homes does not care about all of these things, because they, like many other builders in Nashville, want to make as much money as they can in as little time as possible. This is evident in their lack of consideration for current homeowners during the building process alone, forcing neighbors to live next to large piles of trash day in and day out and listen to construction noise well after Nashville's allotted construction times. These builders need to be held to standards that they would want for themselves and for their families, which includes preservation of sidewalks and paying into the sidewalk fund for the safety of the neighborhood.

When we moved to 12 South, we knew that it was a neighborhood in transition. In the three plus years that we have lived here, we have faced a constant state of construction all around us. We are happy to support this growth and we welcome it, if it is done the right way. When people come to tour these new builds on our street, they are looking around at the houses of neighbors who care about where they live and the people around them. That is what makes a place desirable to live. And what we expect from these builders in return is very little: to maintain sidewalks already in place for the safety of our community.

Thank you for your time and consideration.

Sincerely,

Megan and Satish Reddy

From: [Megan Reddy](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Sledge, Colby \(Council Member\)](#)
Subject: Re: Permit #20190045939
Date: Thursday, October 17, 2019 11:29:43 AM

Hello,

I am also attaching photos to go along with my previously sent email which show how little this developer cares about our neighborhood. It may not be directly related to a sidewalk variance, but it does show why our community's wishes should be respected above that of a developer who has little care or respect for our safety and well being.

And just to be clear, this is what the lot has been like (front and back) day in and day out since the project began. I finally called and they got a dumpster which obviously they still don't use.

Thank you.

Best,

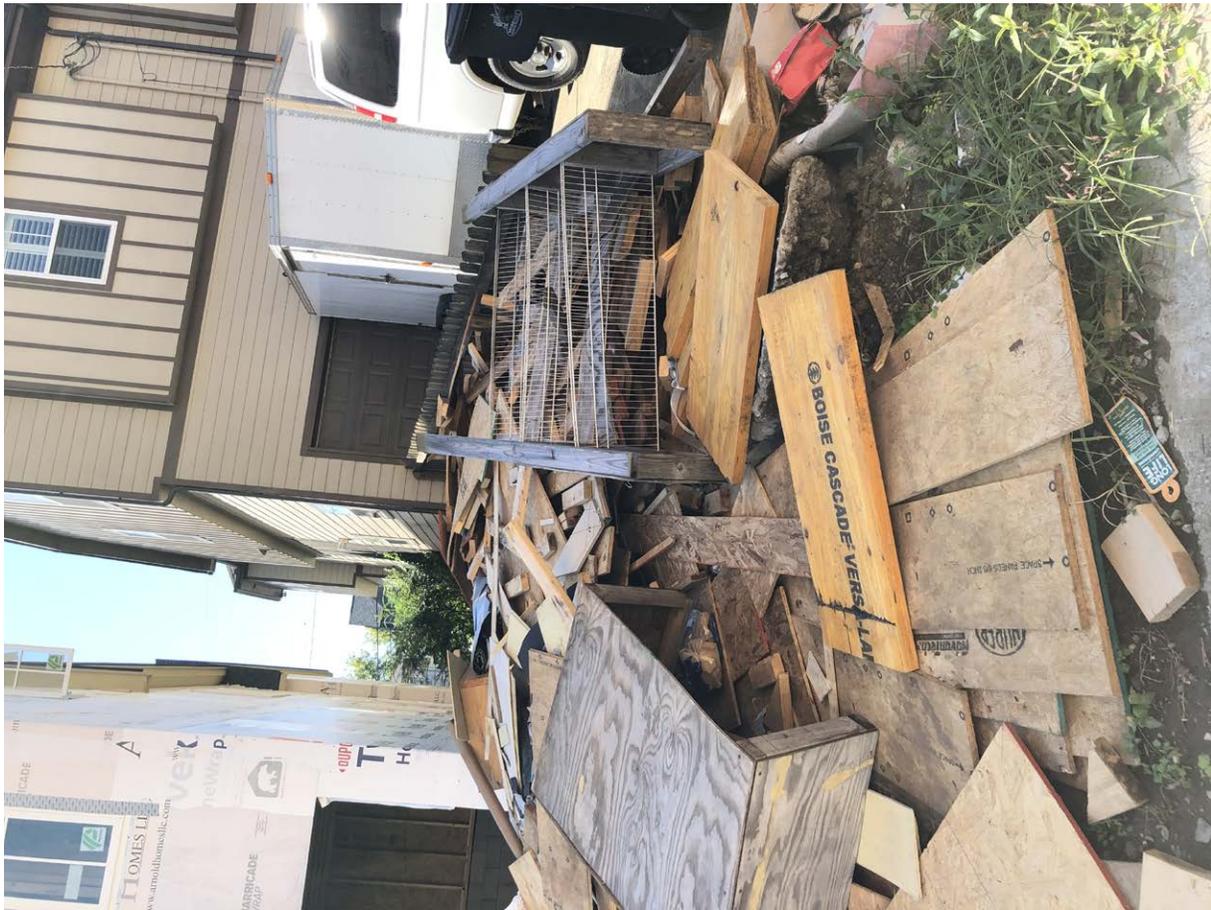
Megan and Satish Reddy











On Fri, Oct 11, 2019 at 5:57 PM Megan Reddy <megan.adams.reddy@gmail.com> wrote:

Hello,

Please see the attached letter in response to permit #20190045939.

If you need any further information please let us know.

Thank you so much for your consideration.

Best,

Megan and Satish Reddy



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

Appellant: BVC Oakwood Commons, LLC Date: 8/9/2019
Property Owner: BVC Oakwood Commons LLC Case #: 2019-422
Representative: Jake Tanner Map & Parcel: ~~06416002700~~ 06416005900
Council District: 11

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

Purpose: Dividing existing space into three future tenant spaces
Activity Type: Commercial Rehab
Location: 4730 Lebanon Pike

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: Sidewalk Variance requesting not build
Not eligible to pay in-lieu

Section: 17.20.120

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: BVC Oakwood Commons, LLC Representative: Brandon Lutz
Phone Number: (201)741-8441 Phone Number: (615)982-3635
Address: 162-5 North Main St Address: 9010 Overlook Blvd
Florida, NY 10921 Brentwood, TN 37027
Email address: rob@lbxinvestments.com Email address: blutz@gbtrealty.com



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 - 20190048092
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06416005900

APPLICATION DATE: 08/09/2019

SITE ADDRESS:

4730 LEBANON PIKE HERMITAGE, TN 37076
LOT B OAKWOOD COMMONS RESUB LOT 1

PARCEL OWNER: BVC OAKWOOD COMMONS, LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

Not eligible to pay in-lieu fee asking for a sidewalk variance. 17.20.120
to conduct interior renovations to existing non-res building; install two (2) demising walls to create three (3) new future
tenant spaces. future tenants must obtain separate finish out/use permits. PUDC. POC SARAH HOWELL
615-244-8170

*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**



**APPLICATION FOR BUILDING COMMERCIAL - SHELL / CACH - T2019035459
THIS IS NOT A PERMIT**

PARCEL: 06416005900

APPLICATION DATE: 06/14/2019

SITE ADDRESS:

4730 LEBANON PIKE HERMITAGE, TN 37076
LOT B OAKWOOD COMMONS RESUB LOT 1

PARCEL OWNER: BVC OAKWOOD COMMONS, LLC

APPLICANT:**PURPOSE:**

to conduct interior renovations to existing non-res building; install two (2) demising walls to create three (3) new future tenant spaces. future tenants must obtain separate finish out/use permits. PUDC. POC SARAH HOWELL
615-244-8170

*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] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Received	PAPERPLANS	615-862-6581 Teresa.Patterson@nashville.gov
[B] Building Plans Review	APPROVED	615-862-6611 Richard.Harris@nashville.gov
[B] Fire Life Safety Review On Bldg App	APPROVED	615-862-5421 Patricia.Reynolds@nashville.gov
[B] Fire Sprinkler Requirement	NO	615-862-5421 Patricia.Reynolds@nashville.gov
[E] Cross Connect Review For Bldg App	COND	862-7227, ext. robert.collier@nashville.gov
[G] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	615-566-3931 Wesley.Adkins@nashville.gov
[J] Planning Zoning Review - CA	IGNORE	615-862-7006 Karimeh.Sharp@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[F] Solid Waste Review On Bldg App	COND	ben.york@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-566-3931 Wesley.Adkins@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 noon, the Friday prior to the public hearing to be included in the record. You must provide eight (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.



APPELLANT

8/9/19

DATE

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?

There is no assessed value to determine if the sidewalk would be required

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.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-422 (4730 Lebanon Pike)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan standard
Requested Variance:	Not construct sidewalks
Zoning:	R10, Comm. PUD
Community Plan Policy:	T3 CC (Suburban Community Center)
MCSP Street Designation:	T3-M-AB5
Transit:	Approximately 0.31 miles from #6 – Lebanon Pike
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to renovate an existing retail building for new tenant spaces and requests a variance from constructing sidewalks. Planning evaluated the following factors for the variance request:

- (1) No sidewalks exist along the property frontage along Lebanon Pike. A 5' sidewalk without a grass strip is located to the immediate west within the Oakwood Commons shopping center where the subject site is located in.
- (2) The property's internal drive aisle and parking to the front of the building is set on level elevation, approximately 12' – 24' from the back of curb at a slope difference of approximately 8'. While sidewalk construction is feasible through the construction of retaining walls and routing around existing utilities, construction of sidewalks is premature given the scale of the proposed redevelopment.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in lieu of construction for the Lebanon Pike property frontage.
2. Prior to the issuance of building permits, dedicate right-of-way where not precluded by parking or other development features along the Lebanon Pike property frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : _____

Date: 8/13/19

Property Owner: Lori Birekhead

Case #: 2019-425

Representative: : _____

Map & Parcel: 008 00008700

Council District 01

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

Purpose:

Camp sites on existing working farm

Activity Type: recreation, camping

Location: 7721 Whites Creek Pike

This property is in the AR2A 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: special exception required

Section(s): 17.16.220A

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection C 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.

Lori Birekhead
Appellant Name (Please Print)

Representative Name (Please Print)

7721 Whites Creek Pike
Address

Address

Joelton, TN 37080
City, State, Zip Code

City, State, Zip Code

(615) 519-3559
Phone Number

Phone Number

Lori @ ByFaithFarm.com
Email

Email

Zoning Examiner: T.C.

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



3701593

ZONING BOARD APPEAL / CAAZ - 20190048636
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 00800008700

APPLICATION DATE: 08/13/2019

SITE ADDRESS:

7721 WHITES CREEK PIKE JOELTON, TN 37080
W SIDE WHITES CK PK S OF BAXTER RD

PARCEL OWNER: BIRCKHEAD, JAMES R. & LORI K.

CONTRACTOR:**APPLICANT:****PURPOSE:**

OPERATE CAMPGROUND ON EXISTING FARM

*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 600 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 noon, The Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEAL (615) 862-6510

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 neighborhood meeting.



APPELLANT

8-13-19
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 600 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.

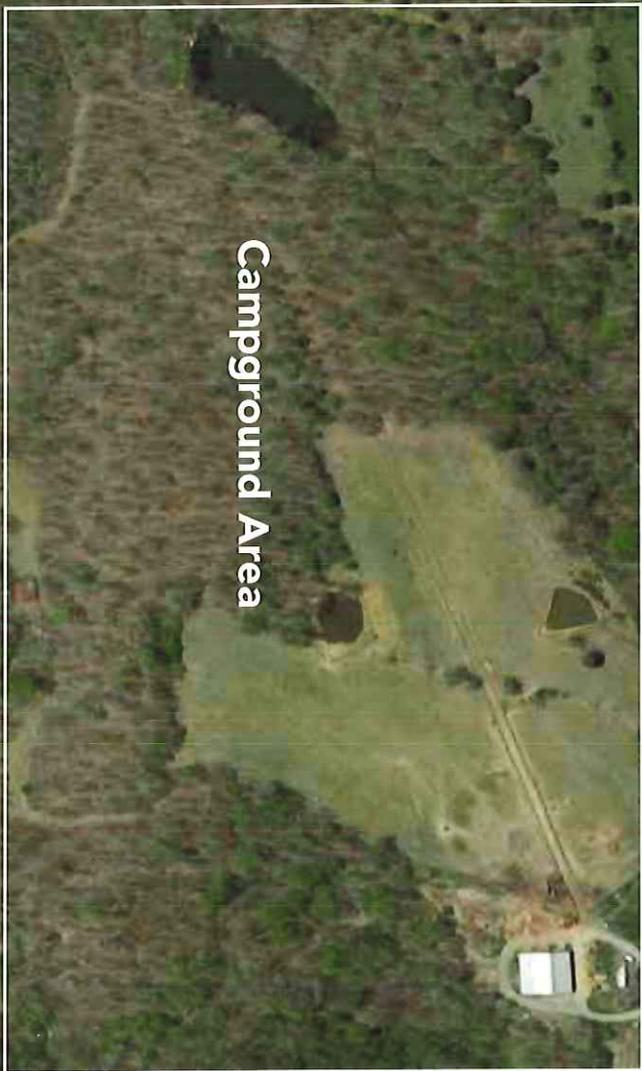
You must create and provide documentation of your efforts to contact the neighboring property owners for the neighborhood meeting. Failure to do so can result in a deferral or denial of your appeal to the BZA.

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


APPELLANT (OR REPRESENTATIVE)


DATE

Campground Proposal



Campground Area

Group Pavillion
Activity Center

Whites Creek Pike

By Faith Farm

65

431





Canoe Pond

Tent Platforms

Compost Toilets

High Ropes Course

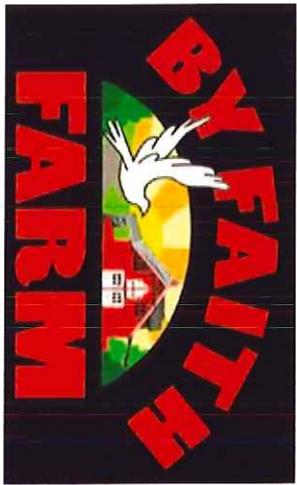
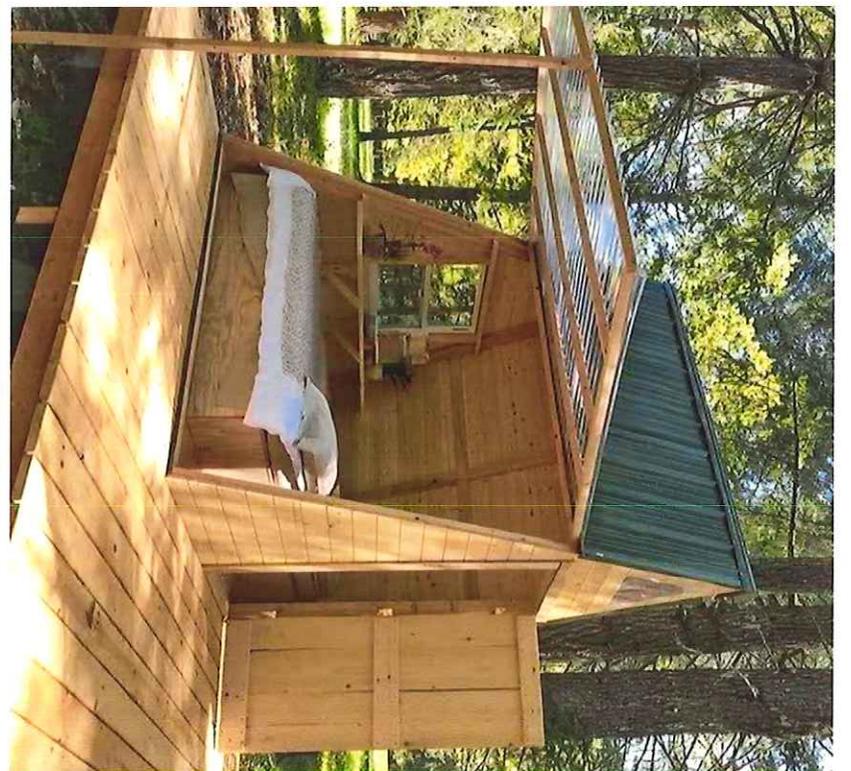
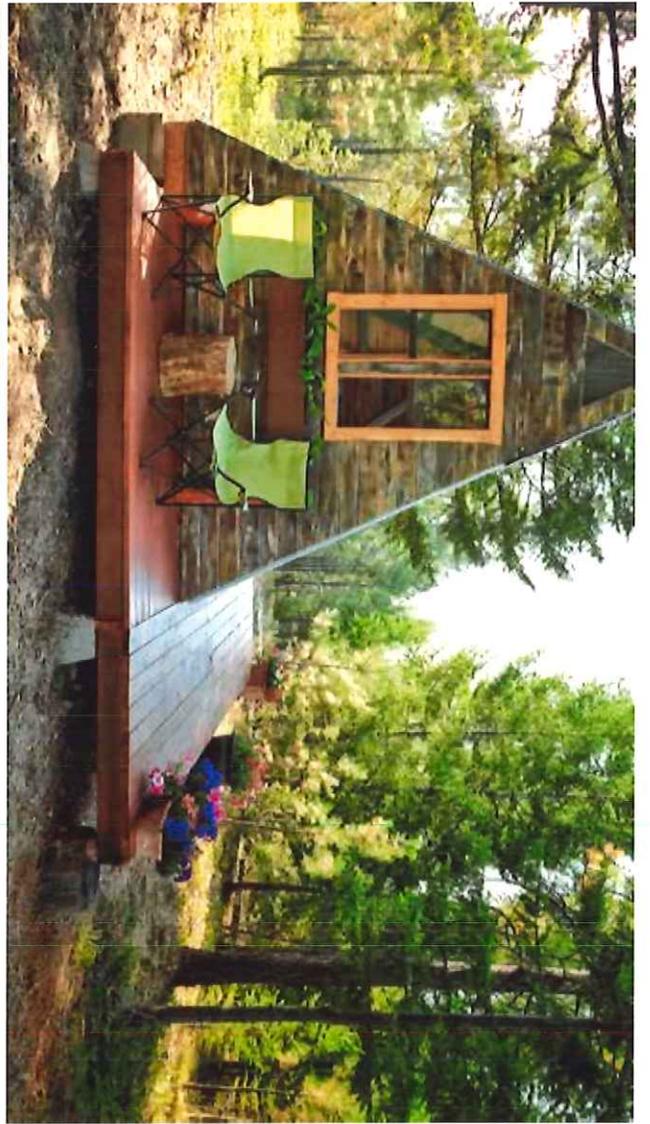
Compost Toilets

Group Pavillion

Tent Platforms

A Frame Cabins

- 5 Tent Platforms with Picnic Tables and Fire Ring
- 4 Compost Toilets and Solar Showers
- 10 A Frame Cabins
- 5 RV Hook Ups for Guests and Camp Manager
- 1 High Ropes Course



Sunrise Pavilion

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)
Subject: BZA Cases 10-3-19 Hearing
Date: Tuesday, September 17, 2019 2:58:48 PM

Below are the cases requested for the 10-3-19 BZA hearing.

- **2019-425 7721 Whites Creek Pike Establish Camp Sites on Existing Farm**

Variance: 17.16.220A

Response: Public Works takes no exception with the 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.

- **2019-440 2461 Una Antioch Pike Use Existing Residence as a Church**

Variance: 17.16.170E

Response: Public Works takes no exception with the conditions that adequate parking is provided on site and confirmation that sight distance is adequate at driveway entrance.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-441 4483 Heath RD Use Existing Single Family Res. Structure for a Bed & Breakfast

Variance: 17.08.030D , 17.16.160A(1-8)

Response: Public Works takes no exception.

This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2019-448 5501A New York Ave Build 2 Units On MUN Zoning within UZO

Variance: 17.12.035D(1)

Response: Public Works takes no exception with the condition that a change in the setback will not prohibit sight distance at the entrance of the alley.

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

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: Emily Lamb
Date: September 3, 2019
BZA Hearing Date: November 21, 2019
Re: Planning Department Recommendation for a Special Exception, Case 2019-425

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 2019-425 (7721 Whites Creek Pike)

Request: A special exception to allow for a camp.

Zoning: Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

Policy: T2 Rural Maintenance (T2 RM) is intended to maintain rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit/2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space.

Planning Department Analysis: The site is located at 7721 Whites Creek Pike and contains 94 acres. Whites Creek Pike is identified as scenic arterial boulevard within the Major and Collector Street Plan. The site is mostly vacant apart from a residential home by Whites Creek Pike, a barn and several farm use accessory structures toward the front of the property which are visible from

Whites Creek Pike. The current land use is single-family residential. The predominate land use pattern surrounding the site is mostly single-family residential and vacant/farm land with a religious institution just north of the site. The proposed camp site proposes five tent platforms, ten A-Frame Cabins, and a 16X24 foot group pavilion located at the back of the site by the campground and not visible from the road.

Camp use is listed under the land use table (17.08.030) under Recreation and entertainment uses. Camp use is defined in 17.04.060 to include organized and supervised overnight lodging, tents, cabins, and outdoor recreation.

The proposed camp area is consistent with the T2 rural maintenance policy area because it maintains the rural countryside and existing rural development patterns. The campground will result in a building footprint with low lot coverage, with generous setbacks, and preserve scenic view sheds and environmental features. For these reasons, the proposed camp site is consistent in building type and falls within the examples of appropriate land uses in the policy.

Planning Recommendation: Approve.

Lanny Mooneyham
PO Box 1068
Madison, TN 37116

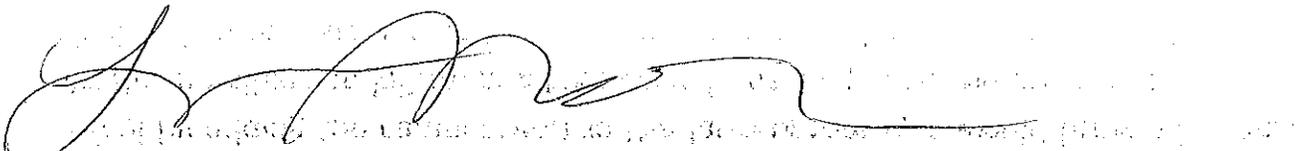
Metropolitan Board of Zoning Appeals
PO Box 196300
Nashville, TN 37219

To Whom It May Concern:

November 4, 2019

I have received your letter regarding the zoning appeal for 7721 Whites Creek Pike. The case number is 2019-425. I have read the letter from the farm owners and the appeal hearing information. I am the homeowner of the neighboring property. I do not support the request for special exception from the farm owners. I wish to stand by the boards original decision to not approve the special exception request. I feel by adding the campground to the farm property, it would bring additional traffic, possible vandalism, and take away from the peace and quiet of the area. I feel with people staying on the farm on a temporary basis, they would not all hold the same values as the current owners. There would be an increase in unwanted traffic, noise and possibly destruction of property. It is my hope and wish that the board continue to decline the request of the farm owners for a change in zoning.

Sincerely,



Lanny Mooneyham

Property Owner

Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210
615-862-6530

Appellant: WARREN E. BRYANT Date: 8/5/2019
Property Owner: DAVID POPKIN Case #: 2019-432
Representative: WARREN E. BRYANT Map & Parcel: 09216029700
Council District: 19

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

Purpose:

SIDEWALK REQUIREMENT CANNOT BE MET. 1811 DIVISION ST. IS SITED WITH ZERO LOT LINE WITH A 83" SIDEWALK.

Activity Type: CONVERT EXISTING BUILDING TO 3 TENANT SPACES, NO CHANGE TO BUILDING FOOTPRINT

Location: 1811 DIVISION STREET

This property is in the MU1-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 :

Existing structure on lot

Section(s): 19-20-120

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.

Completed and witnessed , Date

WBRYANT@WEB.COM BUILDERS.COM
Applicant's e-mail address

WARREN E. BRYANT

Name (Please Print)

Warren E. Bryant
Signature

871 NIALTA LN

Mailing Address

Brentwood, TN 37027

City, State, Zip Code

630 725 8765

Phone Number

Appeals Fee: _____

Sign Fee: _____

Total Fee: _____

This will also serve as a receipt of (cash) (check) (credit card) to partly compensate for the expenses under this appeal.

C.H.
Examiner

Fee
\$200.00



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



3702355

**ZONING BOARD APPEAL / CAAZ - 20190049149
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09216029700**APPLICATION DATE:** 08/15/2019**SITE ADDRESS:**

1811 DIVISION ST NASHVILLE, TN 37203
LOT 239 240 O B HAYES 2ND ADDN

PARCEL OWNER: POPKIN, DAVID ET UX**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance from sidewalk requirements

*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.

APPLICATIONS FOR VARIANCE REQUESTS

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 your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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 noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.

WARREN E. BRYANT
APPELLANT

8/5/2019
DATE

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 the neighborhood and the way it is developed. One or more of these conditions MUST affect your inability to build or occupy the property to prove your case.

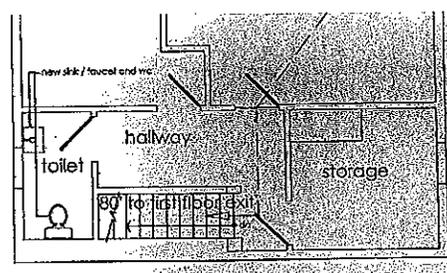
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor 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.

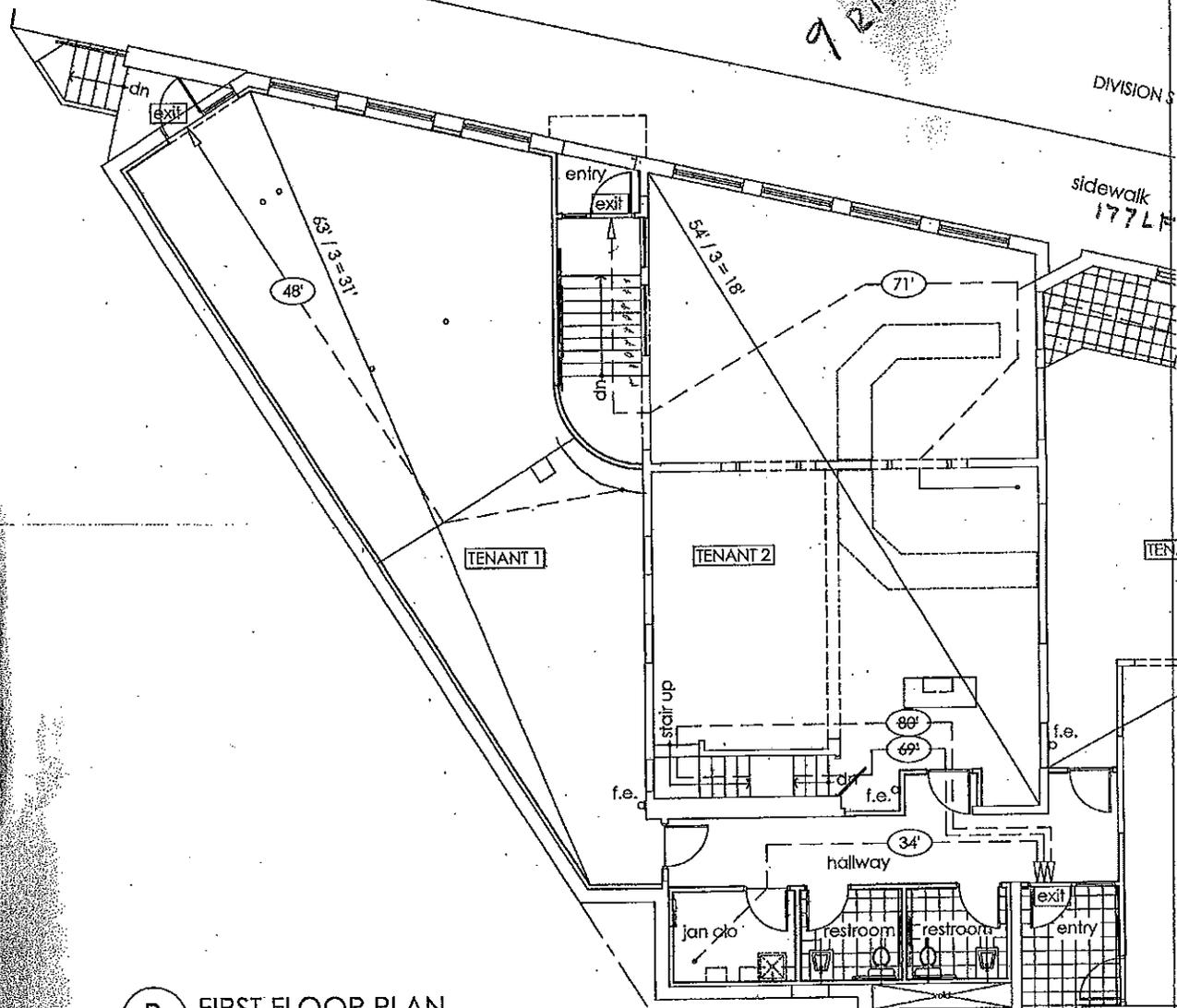
WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

BUILDING SITE IS A ZERO LOT LINE WITH
AN EXISTING SIDEWALK 83" WIDE. NO EXTENSION
MODIFICATION ARE PLANNED. SITE CANNOT
ACCOMMODATE A 10' WIDE SIDEWALK WITH 4'
GRASS STRIP WITH DEMOLISHING THE EXISTING
STRUCTURE.

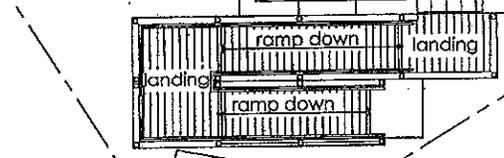
C SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"



9 2150 AS x 7 11 = 5.25



B FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

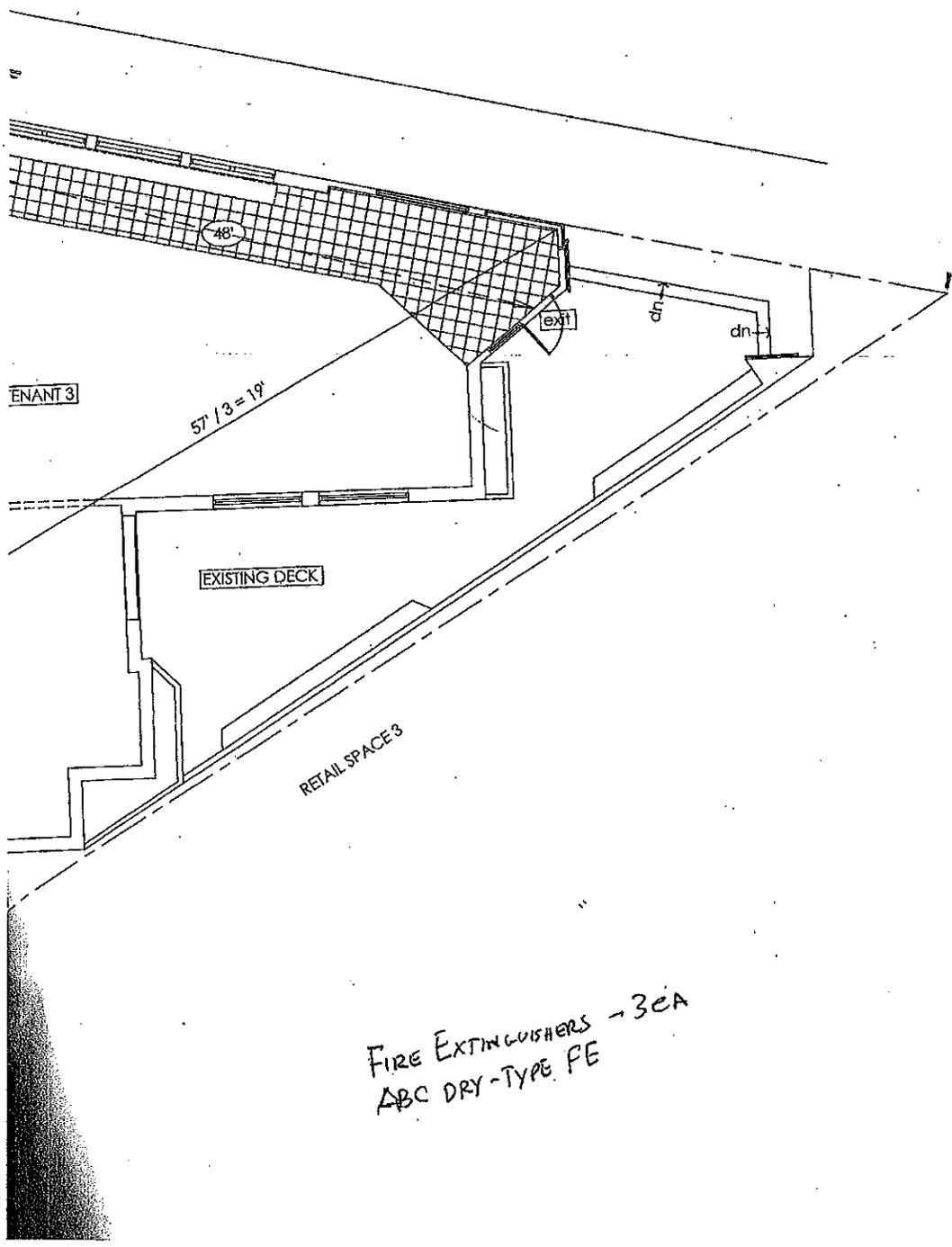


1/8" = 1'-0"

Plus 1' BELOW
6.25 X 2
1005R

16
24

STREET



TENANT 1
TENANT 2 - 1651 1000
TENANT 2 - 9601 1000
TENANT 3
HALLWAYS AND RES

BUILDING EGRESS
ONE (1) EXIT EGRES
TOTAL EGRESS VIE
TENANT 1 - MAX 2
TENANT 2 - 21 X 2
TENANT 3 - 15 X 2

- LIFE SAFETY NOTE
 - REFER TO ELECTRICAL
 - PER NFPA 10, PRO
 - MAXIMUM 75% OF
 - FINAL LOCATION
 - RED POWDER CK
 - TOP OF FIRE EXTI
- FIRE PROTECTIO
- AUTOMATIC FIR

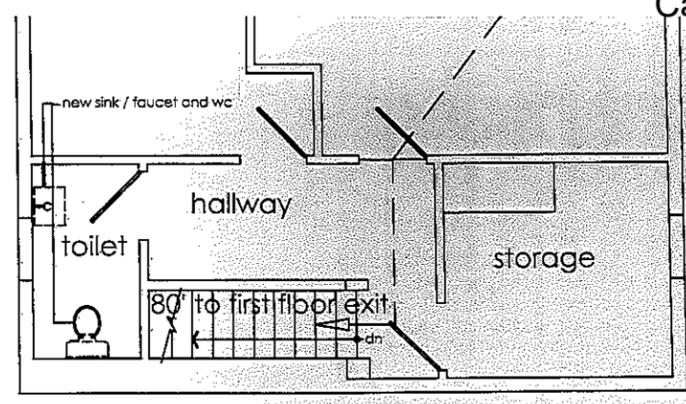
ARCHITECTURA

- ADOPTED C
 - 2012 INTER
 - 2009 INTER
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- OCCUPAN
- SECTION 3
- CONSTRU
- TYPE 3B PE
- FIRE SUPPL
- AUTOMA
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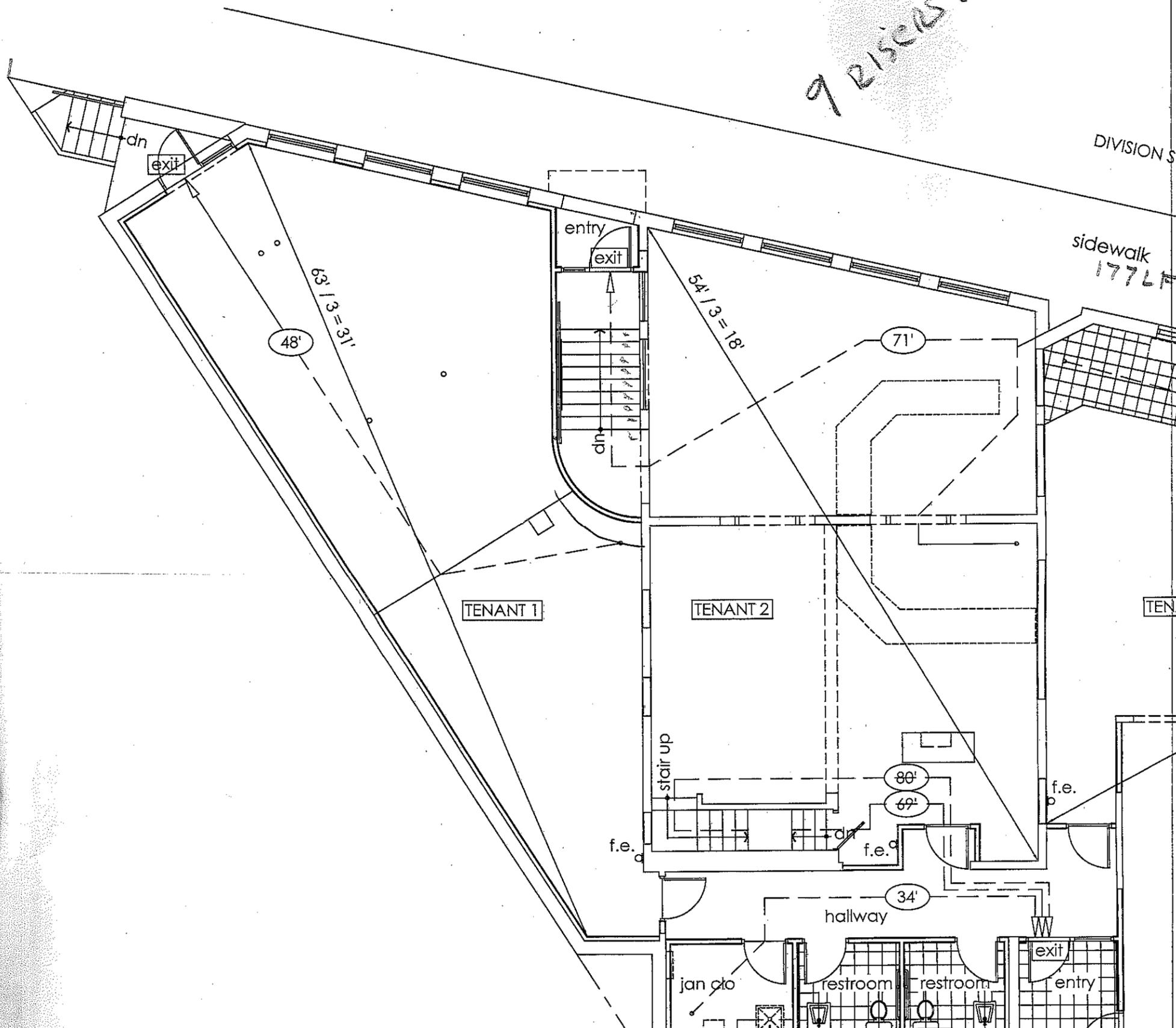
FIRE EXTINGUISHERS - 3ea
ABC DRY-TYPE FE

C SECOND FLOOR PLAN

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

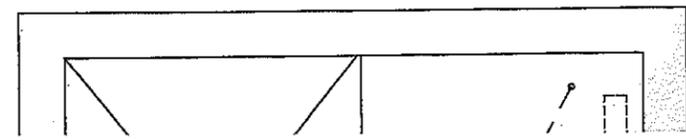
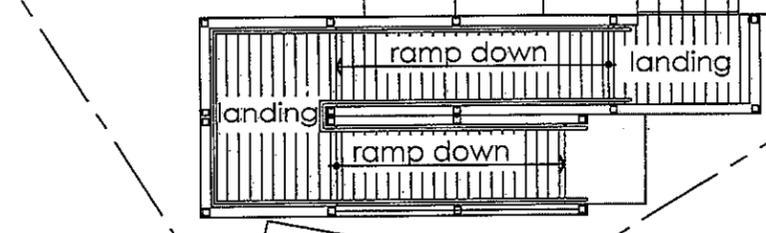


9 RISERS x 7" = 5.25



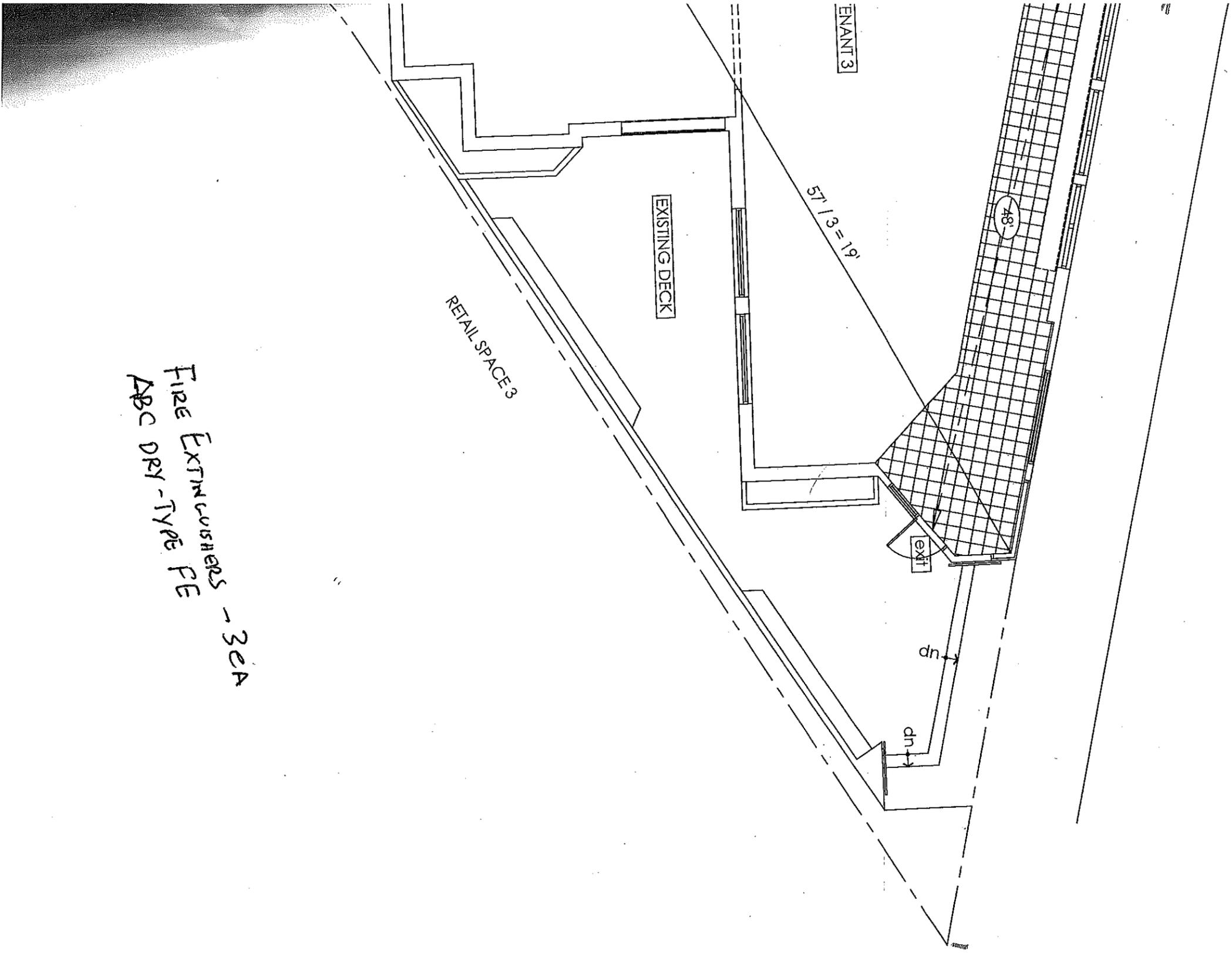
B FIRST FLOOR PLAN

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



PLUS 1 BEHOLD
 625 + 255
 1005

16 8/24



FIRE EXTINGUISHERS - 3EA
 ABC DRY-TYPE PE

TENANT 1
TENANT 2 - first floor
TENANT 2 - second floor
TENANT 3
HALLWAYS AND RES

▪ BUILDING EGRESS
 ONE (1) EXIT EGRE
 TOTAL EGRESS WIL
 TENANT 1 - 14 X .2
 TENANT 2 - 21 X .2
 TENANT 3 - 15 X .2

LIFE SAFETY NOTE
 ▪ REFER TO ELECTR
 ▪ PER NFPA 10, PRO
 MAXIMUM 75' OBD
 FINAL LOCATION
 RED POWDER CO
 ▪ TOP OF FIRE EXIT
 FIRE PROTECTIO
 ▪ AUTOMATIC FIR

ARCHITECTURA

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2. OCCUPAN
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PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-432 (1811 Division Street)

Metro Standard:	4' grass strip, 10' sidewalk, as defined by the Major and Collector Street Plan
Zoning:	MUI-A
Requested Variance:	Not upgrade sidewalks
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	T5-M-CA2
Transit:	498' south of #7 – Hillsboro; #35 – Rivergate Express; Bus Rapid Transit planned per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve.*

Analysis: The applicant is conducting interior renovations within an existing commercial building to accommodate new tenant space and requests a variance due to the placement of the building directly to the rear of the existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) An 8' sidewalk without a grass strip is located along the Division Street frontage which is consistent with adjacent properties to the east and west along the block face.
- (2) The existing structure is located directly at the back of the sidewalk. The applicant cannot upgrade the sidewalks and/or construct a furnishing zone along the property frontage to the Major and Collector Street Plan standard without adversely impacting the existing structure. Due to the orientation of the existing building, right of way dedication is not possible.

Given the factors above, staff recommends **approval**.

From: [Emily Reeves](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: RE: Appeal Case 2019-432
Date: Friday, November 1, 2019 11:19:45 AM

Good morning,

I received a zoning appeal notice for case # 2019-432; 1811 Division Street; permit #20190049149 regarding sidewalk variance. I will not be able to attend the hearing in person. Therefore I'm submitting my opposition to the request via email.

Please advise if any more information or action is required.

Thank you,

Emily Reeves
ereeves3@gmail.com
615-604-1613

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: JASON LINCOLN
Property Owner: ANMOL MEHTA
Representative: JUSTIN CRANDALL

Date: 8/16/19
Case #: 2019-439
Map & Parcel: 10501100010000/00200000

Council District 19

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

Purpose: to construct 2 single family homes

Activity Type: _____

Location: 1004/1006 14th AVE S., NASHVILLE, TN

This property is in the R1A 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: sidewalk variance

Section(s): 17.20.120

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.

JASON LINCOLN
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

3167 BRIMSTEAD DR
Address

6 FAWN CREEK PASS
Address

FRANKLIN, TN, 37064
City, State, Zip Code

NASHVILLE, TN, 37214
City, State, Zip Code

845-901-6997
Phone Number

615-915-8288
Phone Number

jlincoln533@gmail.com
Email

justin@boilderassistllc.com
Email

Zoning Examiner: Walter Morgan

Appeal Fee: 200



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



3701687

ZONING BOARD APPEAL / CAAZ - 20190048692
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105011000200CO

APPLICATION DATE: 08/13/2019

SITE ADDRESS:

1006 14TH AVE S NASHVILLE, TN 37212
UNIT 2 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting the option to pay in lieu of fee for required sidewalks per METZO SECTION 17.20.120 for proposed HPR. for 1004 & 1006 14th Ave S.

*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

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**



3698449

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019046595
THIS IS NOT A PERMIT**

PARCEL: 105011000200CO

APPLICATION DATE: 08/05/2019

SITE ADDRESS:

1006 14TH AVE S NASHVILLE, TN 37212
UNIT 2 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

PURPOSE:

parent parcel is map 105-1 parcel 590, is zoned R6-A, contains 6900 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit B of proposed horizontal property line regime duplex with 2842 sf living area, 380 sf attached garage and 532 sf deck/porch areas. units attached. max allowed height is 45' three floors max. R6-A zoning requires all parking to be to the rear of residence. 32.7' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: SIDEWALKS ARE PRESENT ON EXISTING STREET BLOCK FACE. THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW APPLICATION ACCORDINGLY.

*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	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5230 Barbara.Demonbeun@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019046584
THIS IS NOT A PERMIT**

PARCEL: 105011000100CO

APPLICATION DATE: 08/05/2019

SITE ADDRESS:

1004 14TH AVE S NASHVILLE, TN 37212
UNIT 1 1004 14TH AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

PURPOSE:

parent parcel is map 105-1 parcel 590, is zoned R6-A, contains 6900 sf lot area and is in a pre 1984 recorded subdivision. this permit to construct unit B of proposed horizontal property line regime duplex with 2842 sf living area, 380 sf attached garage and 532 sf deck/porch areas. units attached. max allowed height is 45' three floors max. for R6-A zoning, all parking must be to rear of residence. 32.7' min front s/b; 5' min side s/b; 20' min rear s/b. must comply with tree regulations one new two inch tree for every 30' road frontage. for every 50' site frontage, a 24" x 36" d/f sign must be placed in English and Spanish with information in regards to metro council bill 2017-835. must comply fully with metro council bills 2014-725 and 2014-770. PUBLIC WORKS AND STORM WATER STAFFS PLEASE NOTE: SIDEWALKS ARE PRESENT ON EXISTING STREET BLOCK. THEREFORE FULL COMPLIANCE WITH METRO COUNCIL BILL 2016-493 IS REQUIRED. PLEASE REVIEW APPLICATION ACCORDINGLY.

*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	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	615-862-6500 Walter.Morgan@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App	IGNORE	615-862-5230 Barbara.Demonbeun@nashville.gov
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@nashville.gov
[C] Flood Plain Review On Bldg App		615-862-7225 mws.stormdr@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsl@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@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 pf 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.)

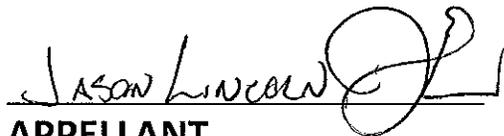
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

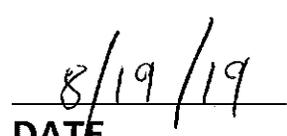
Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware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

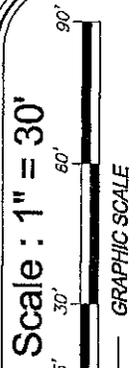
Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.

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


APPELLANT


DATE

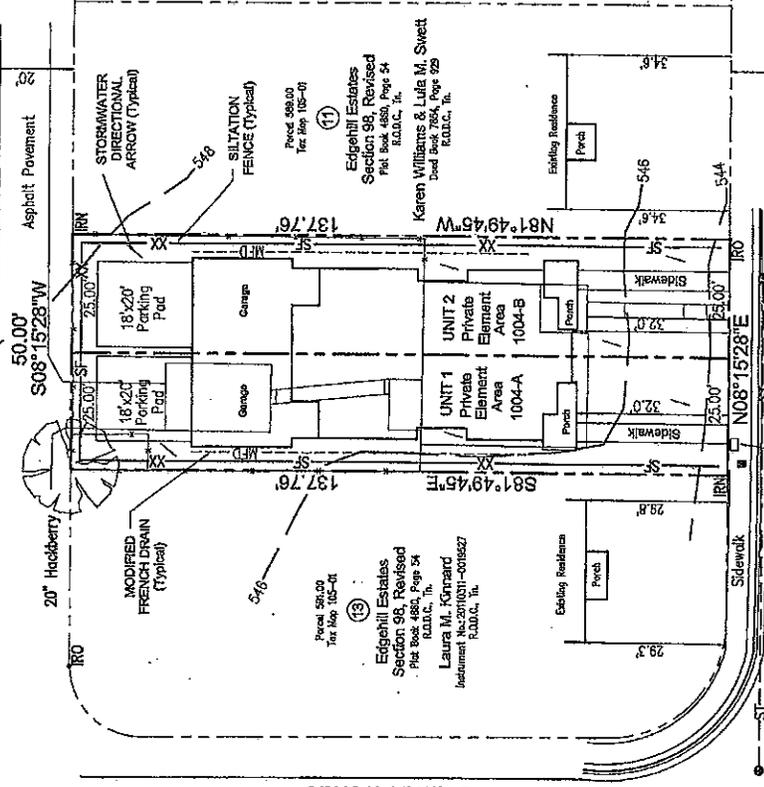
2019-439



Scale : 1" = 30'

Alley # 426
(20' Public Right-of-Way)

SITE PLAN
LMI DEVELOPMENT GROUP, LLC
1004 14TH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212



TOTAL AREA: 6,888 S. F. OR 0.16 ACRES ±
EXISTING IMPERVIOUS AREAS: 1,946 S.F.
PROPOSED IMPERVIOUS AREAS: 3,923 S.F.
ADDITIONAL IMPERVIOUS AREAS: 1,977 S.F.
IMPERVIOUS AREA TO LOT AREA RATIO: 57%

105-1/590
R6A/6700/ PRE
1050110 00100 00



GRID NORTH

PLAT REFERENCE

Land in Davidson County, Tennessee, being Lot No. 12 on the Plat of Revised Edgemoor Estates, Section 98, as of record in Plat Book 4860, Page 54, Register's Office for Davidson County, Tennessee.

DEED REFERENCE

Being the same property conveyed to LMI Development Group, LLC by Warranty Deed from John L. Sneed and wife, Charanabyn B. Sneed as of record in Instrument No. 2018004-0053081, Register's Office for Davidson County, Tennessee.

GENERAL NOTES

1. Bearings shown hereon are referenced to Tennessee State Plane Coordinates System (NAD 83).
2. Subject property is shown as Parcel 590.00 on Davidson County Tax Map No. 105-01.
3. Subject property is currently zoned: R6-A.
4. This surveyor has not physically located all underground utilities. Above grade and underground utilities shown hereon were taken from visible appearances at the site, public records and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown are in the exact location as indicated. Therefore, reliance upon the type, size and location of all underground utilities should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of services should be confirmed with the appropriate utility company. Tennessee One Call 1-800-351-4111 or 1-615-366-1987.
5. By graphic plotting and scaled map location only, this property is NOT within an area of flood inundation as designated by current Federal Emergency Management Agency Maps which make up a part of the National Flood Insurance Administration Report as shown on F.E.M.A. Map Number 47037C 0243 H (Panel Not Printed).
6. This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.

PREPARED BY:
JAMES TERRY & ASSOCIATES
2603 ELM HILL PIKE, SUITE K
NASHVILLE, TENNESSEE 37214
PHONE: (615) 490-6920

SDDrawing(2016-Survey)2018-538 (1004 14TH Avenue South Boundary)dwg

Scale : 1" = 30'

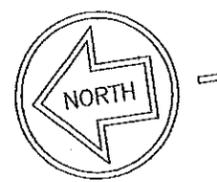


GRAPHIC SCALE

SITE PLAN

LMI DEVELOPMENT GROUP, LLC

1004 14TH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212



GRID NORTH

PLAT REFERENCE

Land in Davidson County, Tennessee, being Lot No. 12 on the Plat of Revised Edgehill Estates, Section 98, as of record in Plat Book 4860, Page 54, Register's Office for Davidson County, Tennessee.

DEED REFERENCE

Being the same property conveyed to LMI Development Group, LLC by Warranty Deed from John L. Sneed and wife, Gwendolyn B. Sneed as of record in Instrument No. 20180604-0053081, Register's Office for Davidson County, Tennessee.

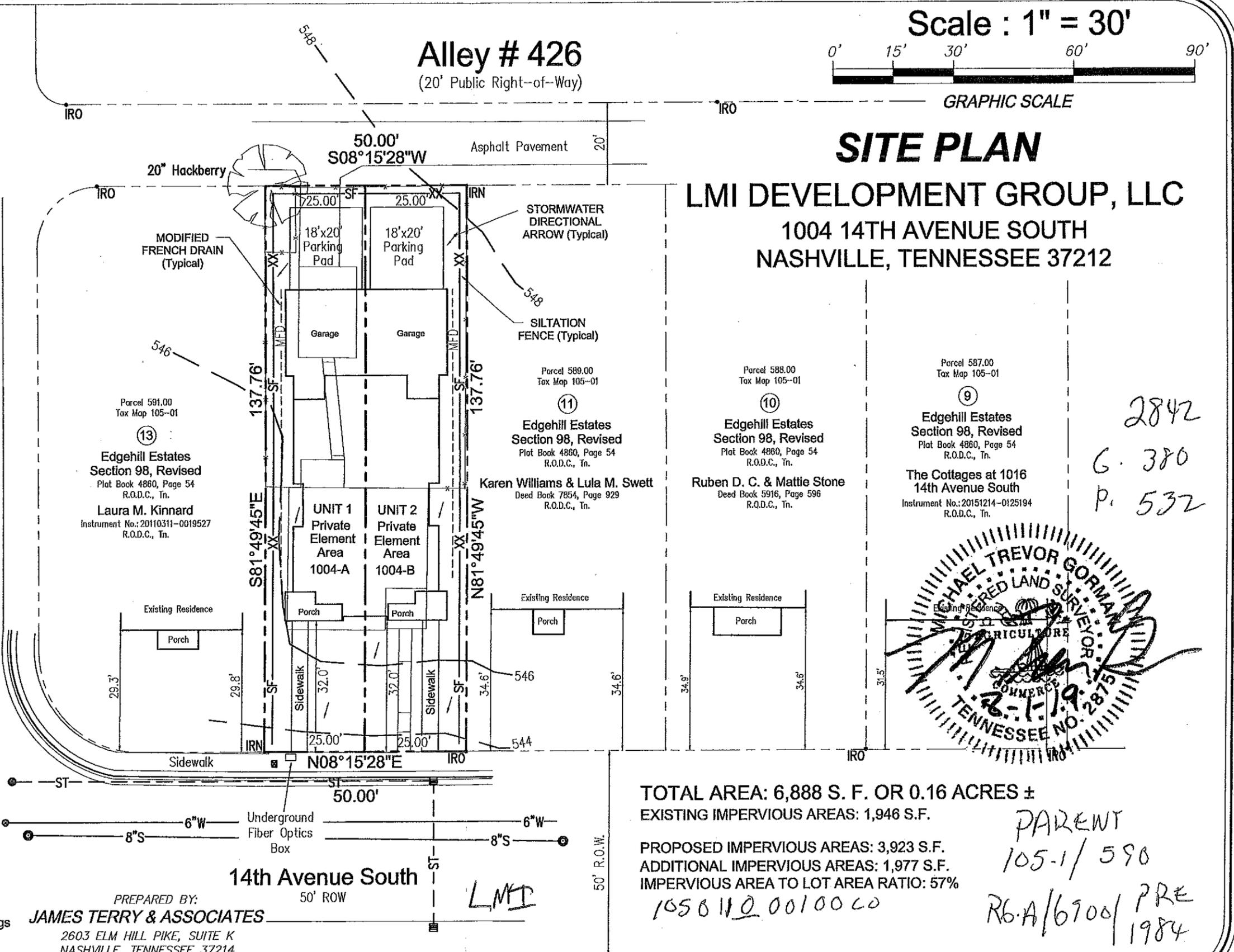
GENERAL NOTES

- Bearings shown hereon are referenced to Tennessee State Plane Coordinate System (NAD 83).
- Subject property is shown as Parcel 590.00 on Davidson County Tax Map No. 105-01.
- Subject property is currently zoned: R6-A.
- This surveyor has not physically located all underground utilities. Above grade and underground utilities shown hereon were taken from visible appurtenances at the site, public records and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown are in the exact location as indicated. Therefore, reliance upon the type, size and location of all underground utilities should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of service should be confirmed with the appropriate utility company. Tennessee One Call 1-800-351-1111 or 1-615-366-1987.
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- This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.

Grand Avenue

Alley # 426

(20' Public Right-of-Way)



PREPARED BY:
JAMES TERRY & ASSOCIATES
2603 ELM HILL PIKE, SUITE K
NASHVILLE, TENNESSEE 37214
PHONE: (615) 490-6920

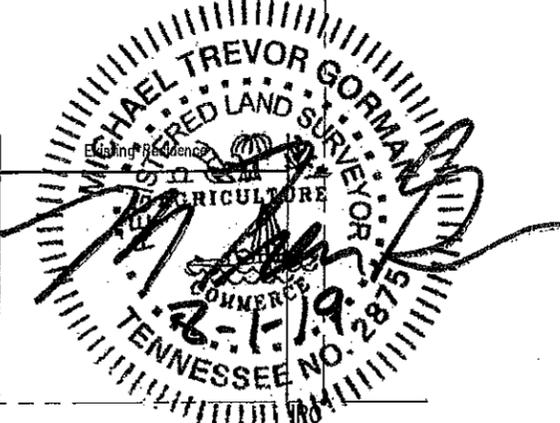
LMI

TOTAL AREA: 6,888 S. F. OR 0.16 ACRES ±
EXISTING IMPERVIOUS AREAS: 1,946 S.F.

PROPOSED IMPERVIOUS AREAS: 3,923 S.F.
ADDITIONAL IMPERVIOUS AREAS: 1,977 S.F.
IMPERVIOUS AREA TO LOT AREA RATIO: 57%

10501100010000

PARENT
105-1/590
R6-A/6700/PRE
1984



2842
G. 380
P. 532

PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

BZA Case 2019-439 (1006 14th Avenue South)

Metro Standard:	4' grass strip and 5' sidewalk, as defined by the Local Street standard
Requested Variance:	Not upgrade sidewalks, contribute in lieu (not eligible)
Zoning:	R6-A
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	None existing, none planned
Bikeway:	None existing, none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to construct two townhomes and requests to contribute in lieu of construction along the 14th Avenue South frontage due to the presence of an existing sidewalk. Planning evaluated the following factors for the variance request:

- (1) There is currently a 2' grass strip and 5' sidewalk at this location and consistent with the block face.
- (2) While the existing grass strip does not meet the Local Street standard, there is a consistent sidewalk design with a grass strip that accommodates mailboxes and utilities with a clear walking path.

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in-lieu of construction for the property frontage.
2. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.

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



Appellant: JUSTIN DAVIS PRITCHETT Date: 8/20/19
Property Owner: KEON NA Case #: 2019-445
Representative: JUSTIN CRANDALL Map & Parcel: 147-12-84

Council District 30

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 sidewalk requirement

Activity Type: Commercial rehab- Retail/Restaurant

Location: 4736 Nolensville Pike

This property is in the CS 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: No sidewalks on blockface

Section(s): 17.20.120

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.

JUSTIN DAVIS PRITCHETT
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

1004 GREENLAND DR
Address

6 FAWN CREEK PASS
Address

FRANKLIN, TN, 37069
City, State, Zip Code

NASHVILLE, TN, 37214
City, State, Zip Code

615-406-2363
Phone Number

615-915-8288
Phone Number

lsmith.bbq@gmail.com
Email

justin@builderassistllc.com
Email

Zoning Examiner: CH

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



3703734

ZONING BOARD APPEAL / CAAZ - 20190050047
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14712008400

APPLICATION DATE: 08/20/2019

SITE ADDRESS:

4736 NOLENSVILLE PIKE NASHVILLE, TN 37211
LOT 4 T.C. LAMB SUB. SEC. 4

PARCEL OWNER: PARK, ILL H. & NA, KEUM S.

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance from sidewalk requirement

*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 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 pf 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.)

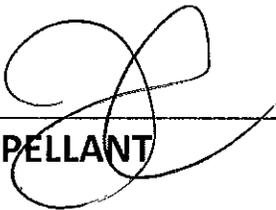
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being 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 noon, the Friday prior to the public hearing to be included in the record. You must provide eight (8) copy of your information to staff.

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



APPELLANT

8/22/19

DATE



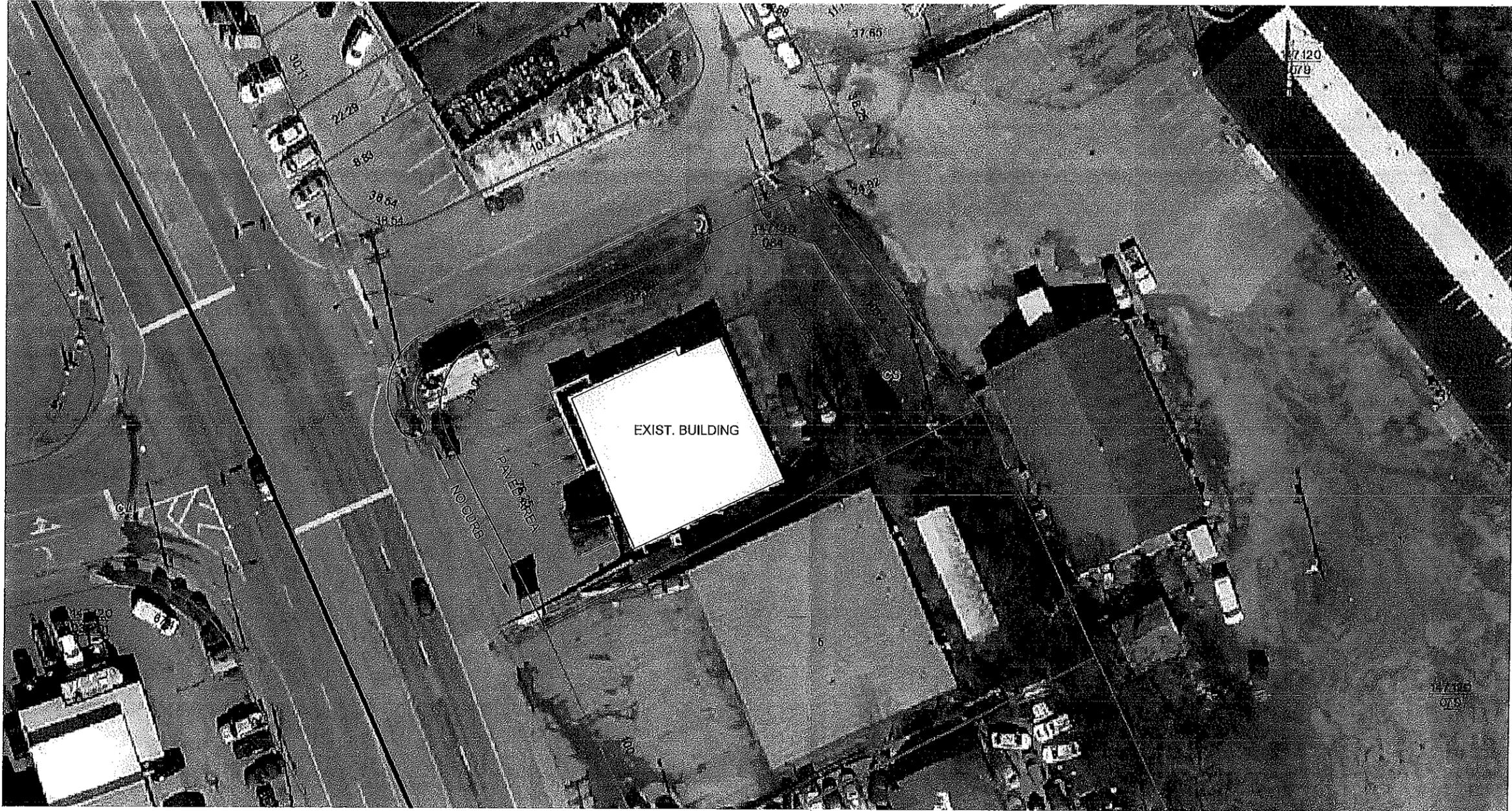
SITE

1

TAPATIO SUPER MERCADO TI

SITE PLAN

130330
08/19/13



SITE

1

TAPATIO SUPER MERCADO TI

SITE PLAN

19050
08/19/19

PLANNING DEPARTMENT SIDEWALK WAIVER RECOMMENDATION

BZA Case 2019-445 (4736 Nolensville Pike)

Metro Standard:	6' grass strip and 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; contribute in lieu (not eligible)
Zoning:	CS
Community Plan Policy:	T3 CM (Suburban Mixed Use Corridor)
MCSP Street Designation:	T3-M-AB5-LM
Transit:	#52 – Nolensville Pike, planned for light rail per nMotion
Bikeway:	None existing, buffered bike lanes being installed as part of upcoming TDOT repaving project

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes an internal renovation to an existing building for commercial and restaurant uses, and requests to contribute in lieu of construction along the Nolensville Pike frontage due to the lack of existing sidewalks in the area. Planning evaluated the following factors for the variance request:

- (1) The property's Nolensville Pike frontage currently has no sidewalk, which is consistent with the block face, overall.
- (2) Although the area is planned for future light rail, the scope of improvements proposed does not require extensive site work beyond the existing building footprint. Ideally, access and sidewalks will improve conflicts between pedestrians and vehicles in the future with a larger redevelopment

Given the factors above, staff recommends **approval with conditions:**

1. The applicant shall contribute in-lieu of construction for the property frontage.
2. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk which meets the Major and Collector Street Plan.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Shane Teeters Date: 8-23-19
Property Owner: Meridian Con. Co. Case #: 2019-449
Representative: Shane Teeters Map & Parcel: 91-5-40

Council District 20

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

Purpose: Requesting lot size variance of 700 SF to allow for HPR construction. Zoning requires 8,000 SF and lot has only 7,300 SF

Activity Type: New Construction - HPR

Location: 205 Rios 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: Does not meet minimum lot size

Section(s): 12.12.020(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.

Meridian Construction
Appellant Name (Please Print)

D. Shane Teeter
Representative Name (Please Print)

224 Marcia Ave
Address

224 Marcia Ave
Address

Nashville TN 37209
City, State, Zip Code

Nashville TN 37209
City, State, Zip Code

615-477-3794
Phone Number

615-477-3794
Phone Number

Shane t@mcc tn.net
Email

Shanet@mcc tn.net
Email

Zoning Examiner: CH

Appeal Fee: \$100.00



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



3705090

**ZONING BOARD APPEAL / CAAZ - 20190050956
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09105004000**APPLICATION DATE:** 08/23/2019**SITE ADDRESS:**

705 RIES AVE NASHVILLE, TN 37209

LOT 53 SEC 1 MOSS WOOD

PARCEL OWNER: MERIDIAN CONSTRUCTION COMPANY, LI**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting lot size variance to allow for HPR construction. 8000Sf required and lot is currently 7300SF, will be a 700SF variance.

*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 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 pf 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.)

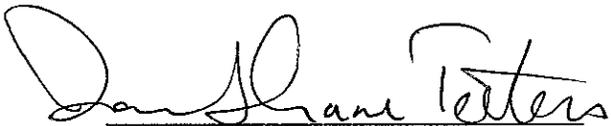
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

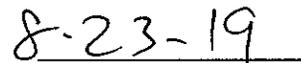
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (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.



APPELLANT



DATE

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.

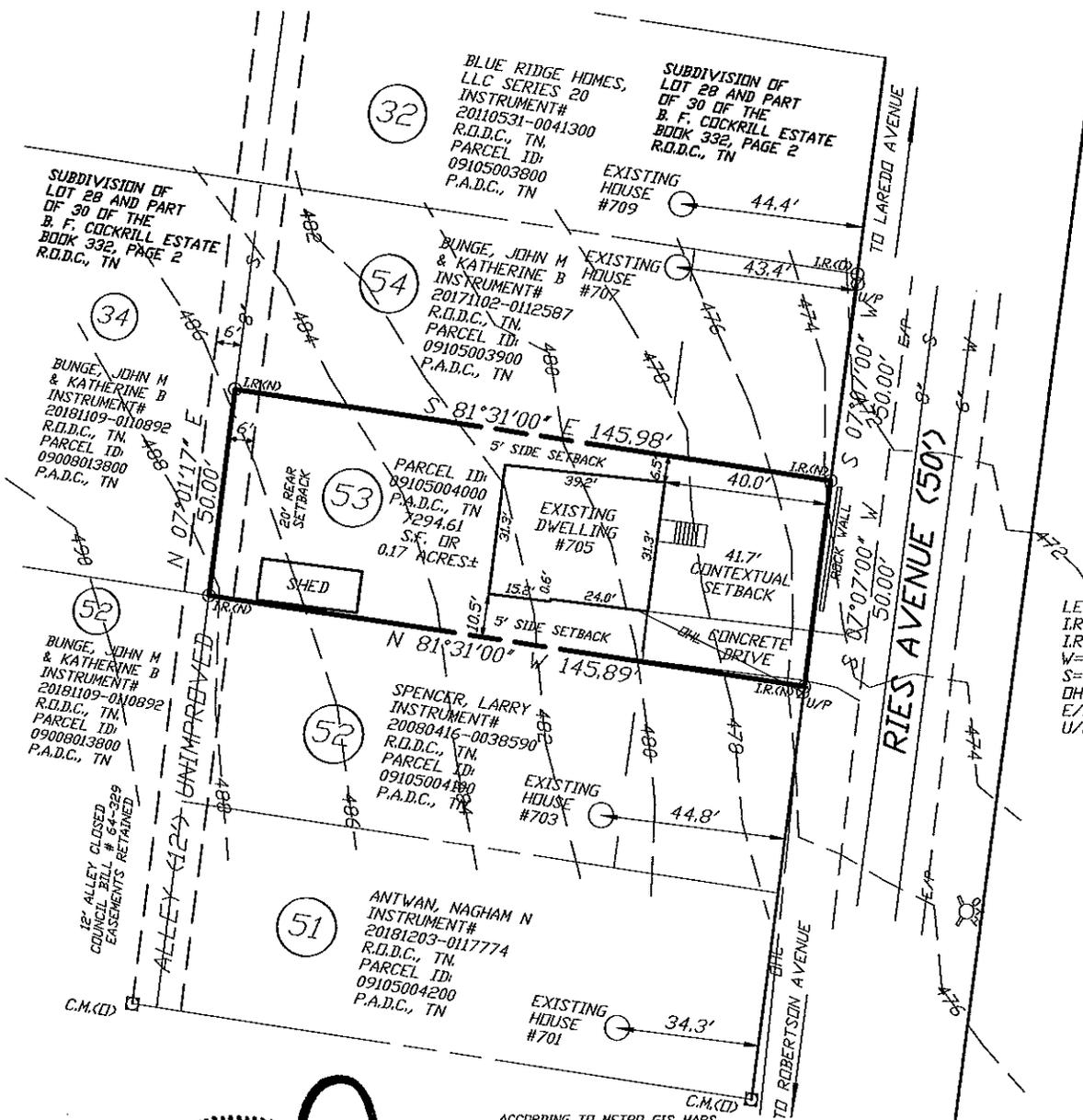
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

This Parcel # 09105004000 is zoned R-8
The SQ FT is 7294.61 SF

This STREET And ADJacent streets
are being revitalized by tearing down
and building 1 or 2 units per building lot.

This lot is approximately 700 SQ FT
less than the 8000 SQ FT Minimum
or 8000. We request a variance
to Build an attached -2 unit Building.
 (Duplex).



LEGEND
 I.R.(C)=IRON ROD (OLD)
 I.R.(N)=IRON ROD (NEW)
 W=WATER LINE (RECORD)
 S=SEWER LINE (RECORD)
 DHL=OVERHEAD LINES
 E/P=EDGE PAVEMENT
 U/P=UTILITY POLE

ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R8
 SETBACKS FOR R8 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17 'ZONING'
 CHAPTER 17.12

FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST
 F.E.M.A. / FLOOD INSURANCE RATE MAP
 THIS PROPERTY IS NOT LOCATED IN A
 F.E.M.A. / F.I.R.M. SPECIAL FLOOD HAZARD AREA
 MAP 470040 PANEL 0236 H
 EFFECTIVE DATE = 4-5-17

THIS SURVEY WAS PREPARED FROM THE
 LATEST RECORDED DEED DESCRIPTION.
 THIS SURVEY IS SUBJECT TO THE FINDINGS
 OF A CURRENT TITLE EXAMINATION.
 NO TITLE REPORT WAS FURNISHED PRIOR TO
 THE SURVEY.

UTILITIES SHOWN WERE TAKEN FROM PUBLIC
 AS-BUILT RECORDS & FIELD LOCATION. THERE MAY
 BE UTILITIES OR EASEMENTS PRESENT THAT ARE
 NOT SHOWN ON THIS SURVEY.
 CONTACT THE TENNESSEE DINE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN, 37204
 PH. 615-298-2424
 EMAIL cmas@att.net

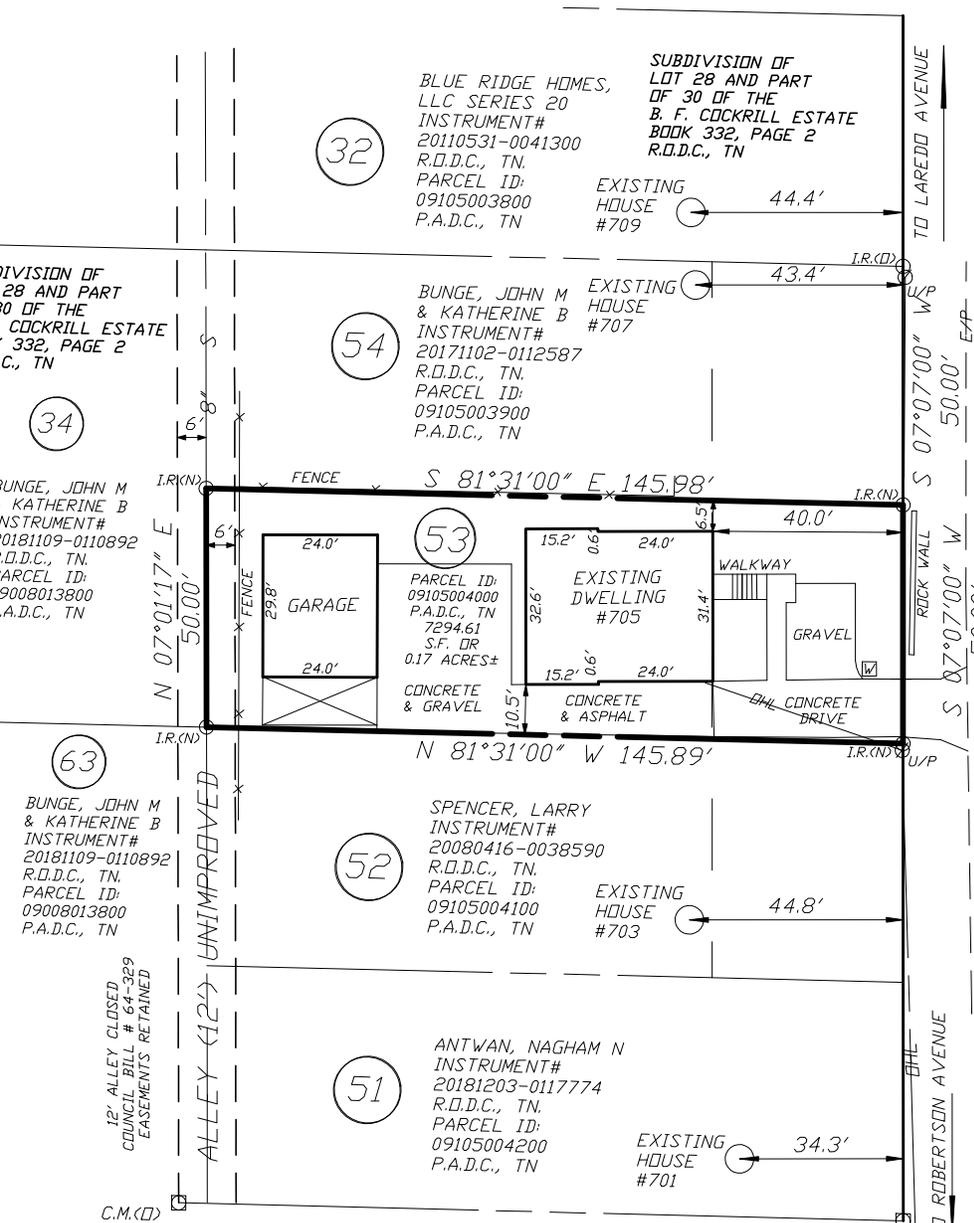
BOUNDARY SURVEY
 LOT 53, MISS WOOD SUBDIVISION
 BOOK 2663, PAGE 102 R.O.D.C., TN.
 PROPERTY LOCATED IN THE 20TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE WESTERLY MARGIN OF
 RIES AVENUE, SOUTH
 OF LAREDDO AVENUE
PROPERTY ADDRESS:
 705 RIES AVENUE,
 NASHVILLE, TN, 37209
DEED REFERENCE:
 INSTRUMENT #20080812-0082893
 R.O.D.C., TN.
PARCEL ID:
 09105004000 P.A.D.C., TN.
 DATE : 3-20-19
 SCALE : 1"=40'
PREPARED FOR: SHANE TEETERS



I HEREBY CERTIFY THAT THIS IS
 A CATEGORY I SURVEY WITH THE
 RATIO OF PRECISION OF THE
 UNADJUSTED SURVEY BEING 1:18,000.
 THIS SURVEY WAS DONE IN
 COMPLIANCE WITH THE CURRENT
 STANDARDS OF PRACTICE ADOPTED
 BY THE TENNESSEE STATE BOARD OF
 EXAMINERS FOR LAND SURVEYORS.

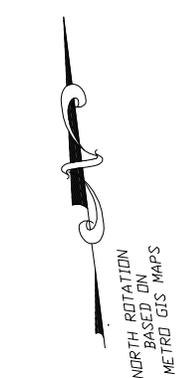
JOHN ALAN HOOD
 TN. R.L.S.#1838





SITE DATA
 ORIGINAL
 PARCEL ID
 09105004000
 P.A.D.C., TN
 7294.61
 S.F. OR
 0.17 ACRES±

EXISTING I.A.
 HOUSE = 1249 S.F.
 GARAGE = 954 S.F.
 DRIVE &
 WALKWAY = 2562 S.F.
TOTAL EXISTING I.A.
4765 S.F.



LEGEND
 I.R.(D)=IRON ROD (OLD)
 I.R.(N)=IRON ROD (NEW)
 W=WATER LINE (RECORD)
 S=SEWER LINE (RECORD)
 OHL=OVERHEAD LINES
 E/P =EDGE PAVEMENT
 U/P =UTILITY POLE

BOUNDARY SURVEY
 LOT 53, MOSS WOOD SUBDIVISION
 BOOK 2663, PAGE 102 R.O.D.C., TN.
 PROPERTY LOCATED IN THE 20TH
 COUNCIL DISTRICT OF NASHVILLE,
 DAVIDSON COUNTY TENNESSEE
 ON THE WESTERLY MARGIN OF
 RIES AVENUE, SOUTH
 OF LAREDD AVENUE
PROPERTY ADDRESS:
 705 RIES AVENUE,
 NASHVILLE, TN., 37209
DEED REFERENCE:
 INSTRUMENT #20190520-0047208
 R.O.D.C., TN.
PARCEL ID:
 09105004000 P.A.D.C., TN.
 DATE : 3-20-19
 SCALE : 1"=40'
PREPARED FOR:
 MERIDIAN CONSTRUCTION
 COMPANY, LLC



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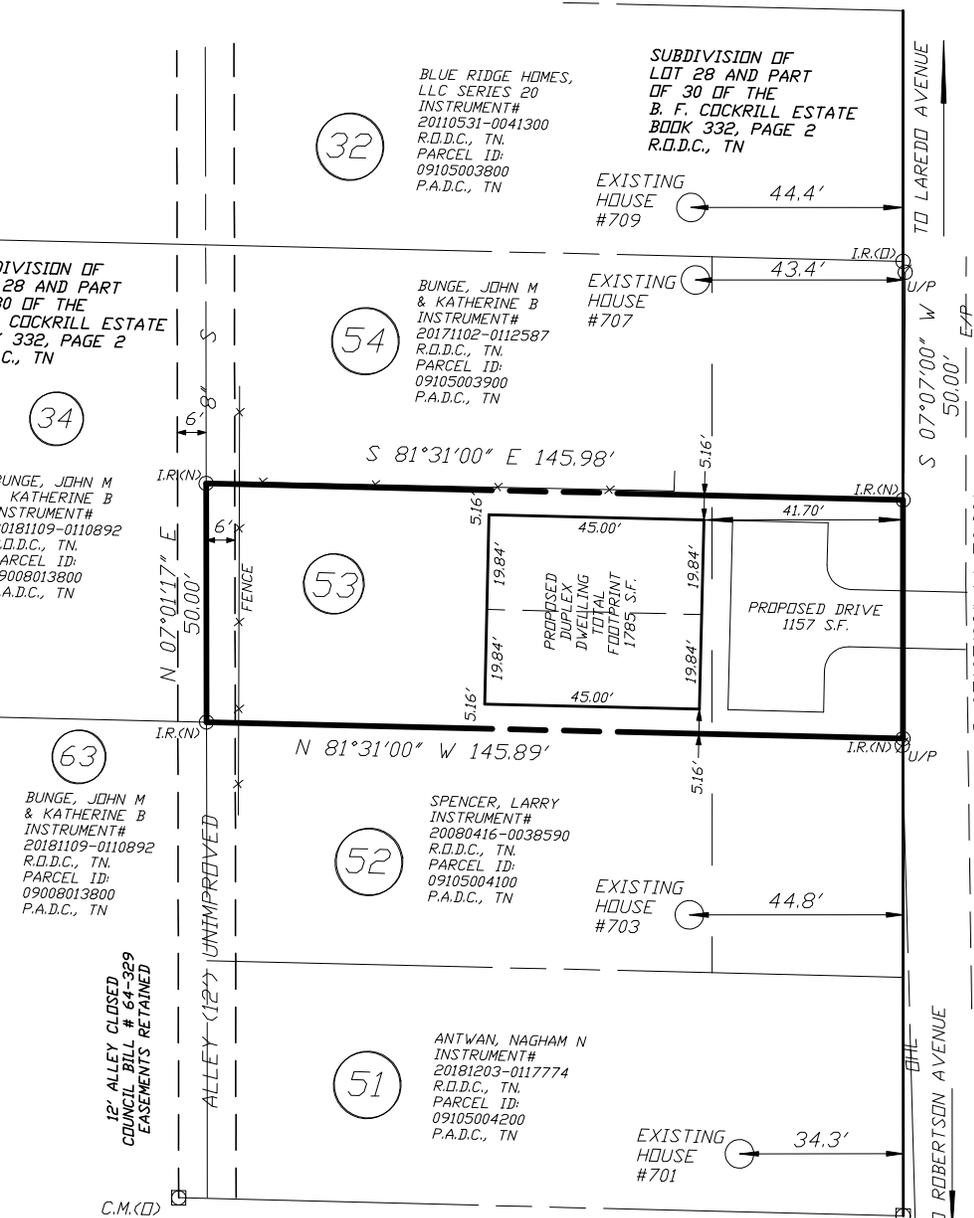
ACCORDING TO METRO GIS MAPS
 PROPERTY IS ZONED R8
 SETBACKS FOR R8 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17 'ZONING'
 CHAPTER 17.12
 FRONT = STREET AVERAGE
 SIDES = 5'
 REAR = 20'
 VERIFY SETBACKS WITH CODES BEFORE
 DESIGN OR CONSTRUCTION DECISIONS
 ARE MADE.

BY GRAPHIC SCALING FROM THE LATEST
 F.E.M.A. / FLOOD INSURANCE RATE MAP
 THIS PROPERTY IS NOT LOCATED IN A
 F.E.M.A. / F.I.R.M SPECIAL FLOOD HAZARD AREA
 MAP 470040 PANEL 0236 H
 EFFECTIVE DATE = 4-5-17

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UTILITIES SHOWN WERE TAKEN FROM PUBLIC
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 BE UTILITIES OR EASEMENTS PRESENT THAT ARE
 NOT SHOWN ON THIS SURVEY.
 CONTACT THE TENNESSEE ONE CALL SYSTEM
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN., 37204
 PH. 615-298-2424
 EMAIL cmas@att.net



LEGEND
 I.R.(O)=IRON ROD (OLD)
 I.R.(N)=IRON ROD (NEW)
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 P.A.D.C., TN
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 S.F. DR
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EXISTING I.A.
 HOUSE = 1249 S.F.
 GARAGE = 954 S.F.
 DRIVE &
 WALKWAY = 2562 S.F.
TOTAL EXISTING I.A.
4765 S.F.

PROPOSED I.A.
 HOUSE 1785 S.F.
 DRIVE 1157 S.F.
TOTAL PROPOSED I.A.
 2942 S.F.

4765-2942=1823
 NET I.A. DECREASE
 1823 S.F.

SITE PLAN
 LOT 53, MOSS WOOD SUBDIVISION
 BOOK 2663, PAGE 102 R.O.D.C., TN.
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 DAVIDSON COUNTY TENNESSEE
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PROPERTY ADDRESS:
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 INSTRUMENT #20190520-0047208
 R.O.D.C., TN.
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PREPARED FOR:
 MERIDIAN CONSTRUCTION
 COMPANY, LLC



ACCORDING TO METRO GIS MAPS
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 SETBACKS FOR R8 ZONING TAKEN FROM
 DISTRICT BULK TABLES TITLE 17 'ZONING'
 CHAPTER 17.12

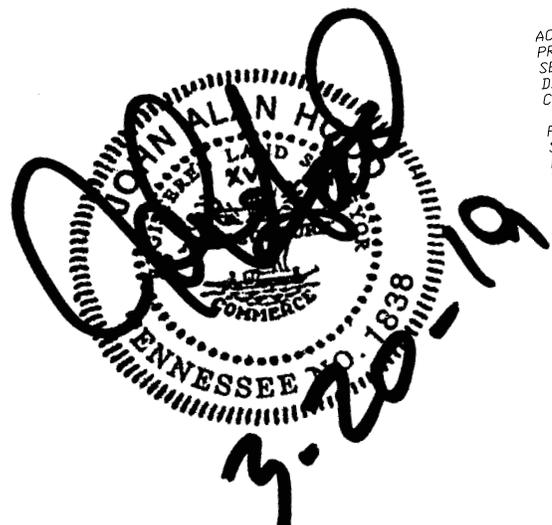
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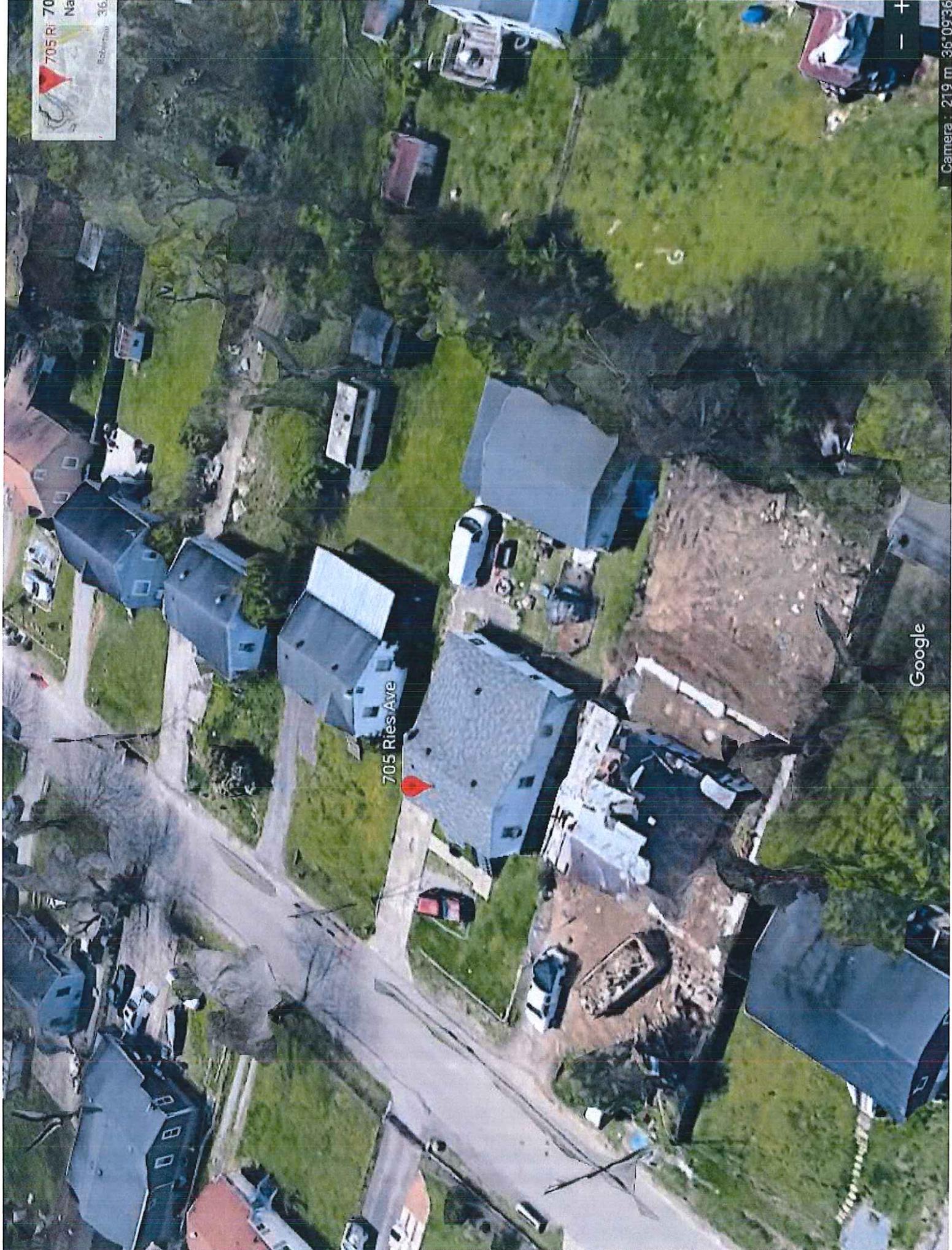
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 CAMPBELL, McRAE
 & ASSOCIATES,
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 P.O. BOX 41153
 NASHVILLE, TN., 37204
 PH. 615-298-2424
 EMAIL cmas@att.net



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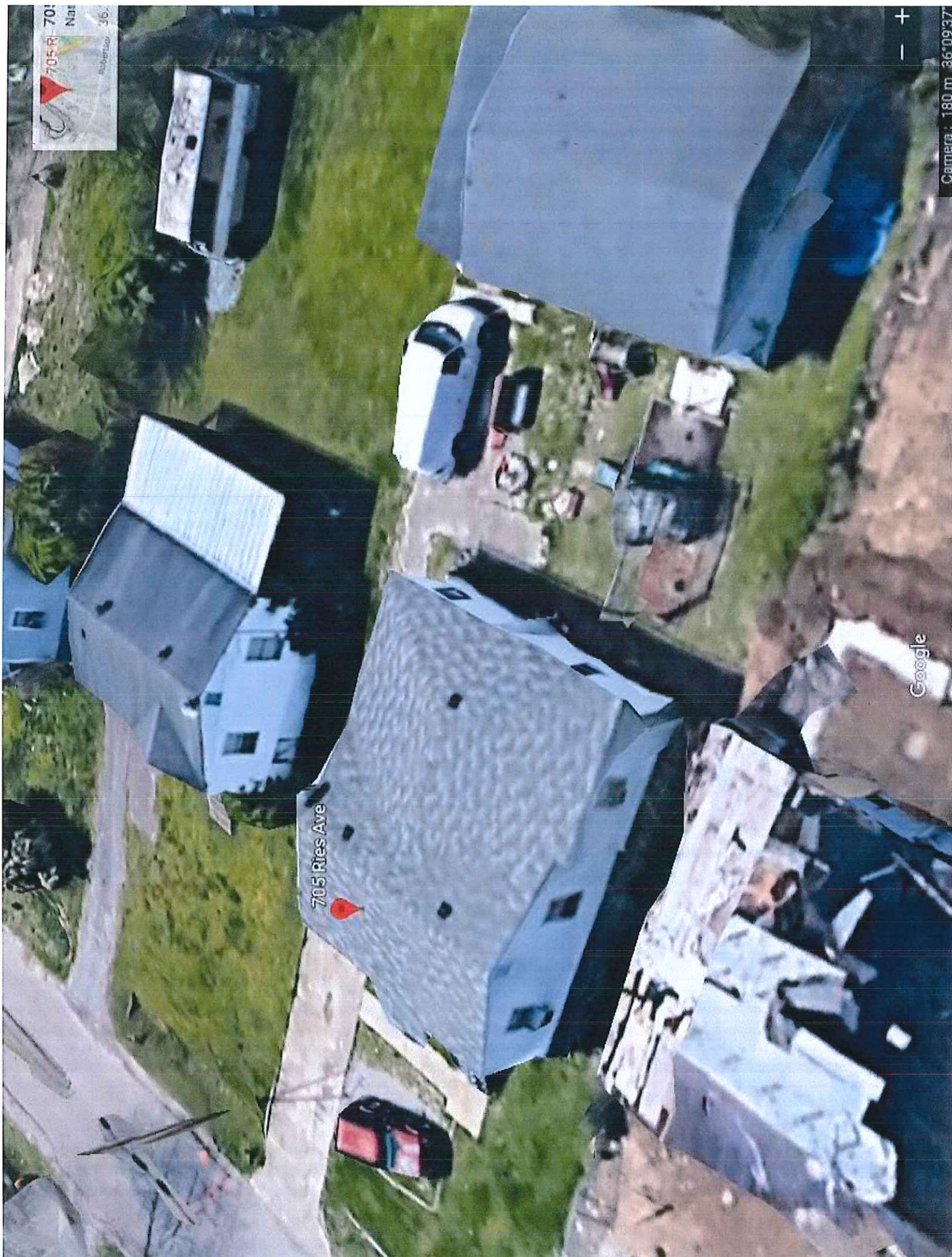
JOHN ALAN HOOD



705 Ries Ave
Na
Elevation: 366

Google

Camera: 219 m 36°09'36"



Google

Appellant- Shane Teeters owner–

Address 705 Ries Ave. Nashville, 37209

Date 9-12-19

Requesting variance from minimum lot size requirement in the R8 District to construct one structure duplex serving as unit A and unit B on one parcel.

To whom it may concern,

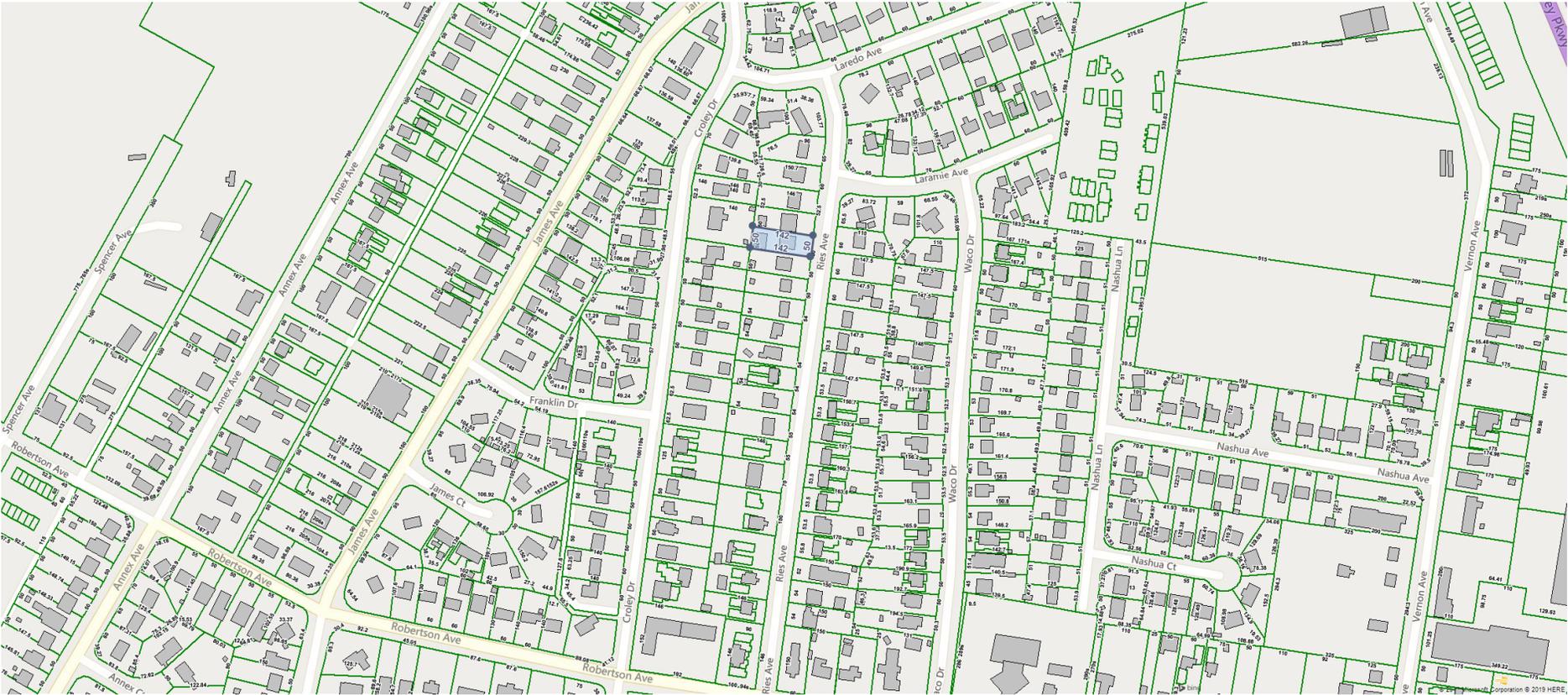
I understand that the lot in question, #53 of Moss wood subdivision addressed as 705 Ries Ave, is a non- conforming lot falling short of 8000 sq. ft. My compiling argument is that as you consider all the newly built homes on this street since 2016, the pattern has been to tear down original home and build back 2 new homes. This has been very positive not only for the neighborhood, but also for Nashville in providing much needed affordable housing. Currently this lot has the original house (built in 1962) and detached large garage. The existing building footprint of combined structures is 4765 sq. ft. My proposed footprint for new structure is 2942 sq ft which is a net decrease of 1823 sq. ft. I will honor all setbacks and sidewalk requirements as well as provide a landscaped backyard with 8 or more 2inch caliber mature trees. In the past, I have worked with organizations like Nashville Housing Fund to provide high quality affordable housing. I am excited to see this scenario being done currently on Ries Ave. I thank you for your consideration.

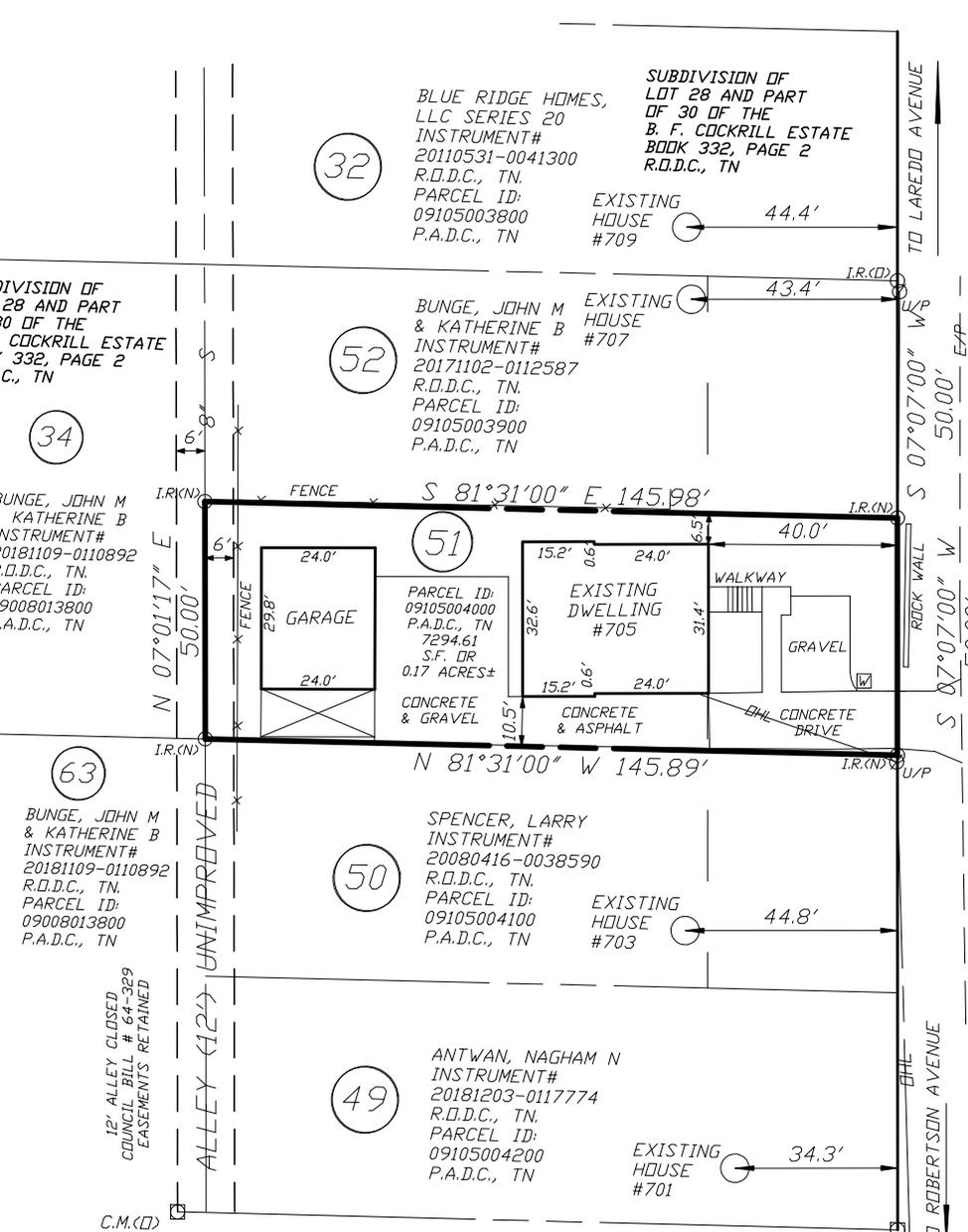
Sincerely,

Shane Teeters – Meridian construction

GREEN IS NEW BUILDS

Map for Parcel Address: 705 Ries Ave Nashville, TN 37209-1226 Parcel ID: 091-05-0-040.00





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 S.F. OR
 0.17 ACRES±
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 E/P =EDGE PAVEMENT
 U/P =UTILITY POLE

NORTH ROTATION
 BASED ON
 METRO GIS MAPS

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 MERIDIAN CONSTRUCTION
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 & ASSOCIATES,
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 P.O. BOX 41153
 NASHVILLE, TN., 37204
 PH. 615-298-2424
 EMAIL cmas@att.net



From: [Lamb, Emily \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Subject: FW: BZA Docket Thursday, October 17, 2019
Date: Tuesday, October 15, 2019 10:51:59 AM

Emily Lamb
Metro Codes Department

From: Roberts, Mary Carolyn (Council Member) <marycarolyn.roberts@nashville.gov>
Sent: Tuesday, October 15, 2019 8:44 AM
To: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>
Subject: Fw: BZA Docket Thursday, October 17, 2019

Good morning,

I am 100% opposed to **CASE 2019-449, MERIDIAN CONSTRUCTION COMPANY, LLC**, appellant and owner of the property located at **705 RIES AVE** being given a **variance. Other than personal gain, I see no other reason this should be granted.**

Thanks for all that you do!

Thank you,

Mary Carolyn Roberts
Metro Council, District 20
marycarolynroberts@gmail.com
www.marycarolynroberts.com
615-977-9262

From: Fuqua, Barbara (Council Office) <barbara.fuqua@nashville.gov>
Sent: Monday, October 14, 2019 11:25 AM
To: Roberts, Mary Carolyn (Council Member) <marycarolyn.roberts@nashville.gov>
Subject: BZA Docket Thursday, October 17, 2019

DOCKET

10/17/2019

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

CASE 2019-449 (Council District - 20)

MERIDIAN CONSTRUCTION COMPANY, LLC, appellant and owner of the property located at **705 RIES AVE**, requesting a variance from minimum lot size requirements in the R8 District, to construct two single family residences on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family Map Parcel 09105004000

Barbara Fuqua
Metro Council Office
204 Metro Courthouse
615-862-6780

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Kathleen Murphy, Metro Council

Date: September 27, 2019

Property Owner: O.I.C. Bowling Estates

Case #: 2019- 479

Representative: Metro Council Office

Map & Parcel: 104090X90000CO

Council District 24

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

Purpose:

The appellant, Metro Council member Kathleen Murphy, individually and on behalf of the members of the Whitland Area Neighborhood Association and residents of the 24th Council district, hereby seeks enforcement of Metro Code of Laws 17.12.040.E with respect to a non-compliant fence structure erected at 199-B Bowling Avenue.

Activity Type: Fence

Location: 199-B Bowling Avenue

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: _____

Section(s): _____

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.

Kathleen Murphy, Council Member
Appellant Name (Please Print)

One Public Sq., Ste 204
Address

Nashville, TN 37201
City, State, Zip Code

615-862-6780
Phone Number

kathleen.murphy@nashville.gov
Email

Matthew Wilkinson, Metro Council Office
Representative Name (Please Print)

One Public Sq., Ste 204
Address

Nashville, TN 37201
City, State, Zip Code

615-862-6780
Phone Number

matthew.wilkinson@nashville.gov
Email

Zoning Examiner: _____

Appeal Fee: _____

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.

Kathleen D. Murphy

APPELLANT

September 27, 2019

DATE

From: [Elizabeth Fox](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fence at Whitland and Bowling
Date: Monday, November 11, 2019 12:58:42 PM

11, November, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 3812 Whitland. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,
Elizabeth McDonnell Fox

November 11, 2019

Via Email

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479

Dear Board Members:

I am a resident of the Whitland neighborhood living at 202 Craighead Avenue. I am writing to express my concern over the safety hazard created by the new fence erected at the corner of Bowling and Whitland Avenues. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. In order to turn left onto Bowling from Whitland, you need to pull your car past the traffic stop line and pedestrian walkway into the bike lane. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike. The fence is located in a busy school zone which only aggravates the hazard.

The fence appears to be in clear violation of Code Section 17.40.040(E)(26). I understand that the 35' setback does not apply because the neighborhood is within the UDO, but I am not aware of any exception that applies to the height or set-back restrictions. The fence appears to be over 12' in height at certain points and at least 8' in height at the corner. The fence is also built without any setback from the right of way and at some points encroaches onto the right of way (the Whitland neighborhood was platted with the sidewalks within the right of way and the lot lines begin at the inside of the sidewalk right of way).

I understand that there was an existing fence at the demolished premises so maybe this is the reason why Codes has found that the new fence does not violate applicable Code? I am not aware, however, of any exception to the Code based upon grandfathering of a demolished fence and, in any event, the old fence was not more than 30" height, was not a solid fence, and was further setback from the right of way.

Codes originally cited the fence and ordered the contractor to comply with applicable Code. Subsequently, Codes reversed its decision without explanation and without modification to the fence. To date, despite repeated and numerous requests, Codes has refused to state the justification or basis for its decision. An open records request also has not revealed a justification for the decision.

As evidence of the hazard created by the fence, Public Works has indicated that the fence creates a hazard and that the contractor has agreed to pull the fence back from the corner pending the determination of the BZA.

I am attaching: 1) pictures of the old fence that was demolished when the new house was constructed; 2) the new fence that has been constructed; 3) a turning vehicle; 4) site plans for the HPR and new permit which shows the lot lines on the inside of the sidewalk; 4) the citation from Codes; and 5) an email from the Codes department that shows despite the earlier citation, Codes now considers the fence compliant.

I respectfully request that the Board of Zoning Appeals enforce the existing Code and require the removal and relocation of the fence.

Very truly yours,

A handwritten signature in blue ink that reads "Kathy Pennington". The signature is written in a cursive style with a long, sweeping tail on the final letter.

Kathy Pennington

Enclosures



3604



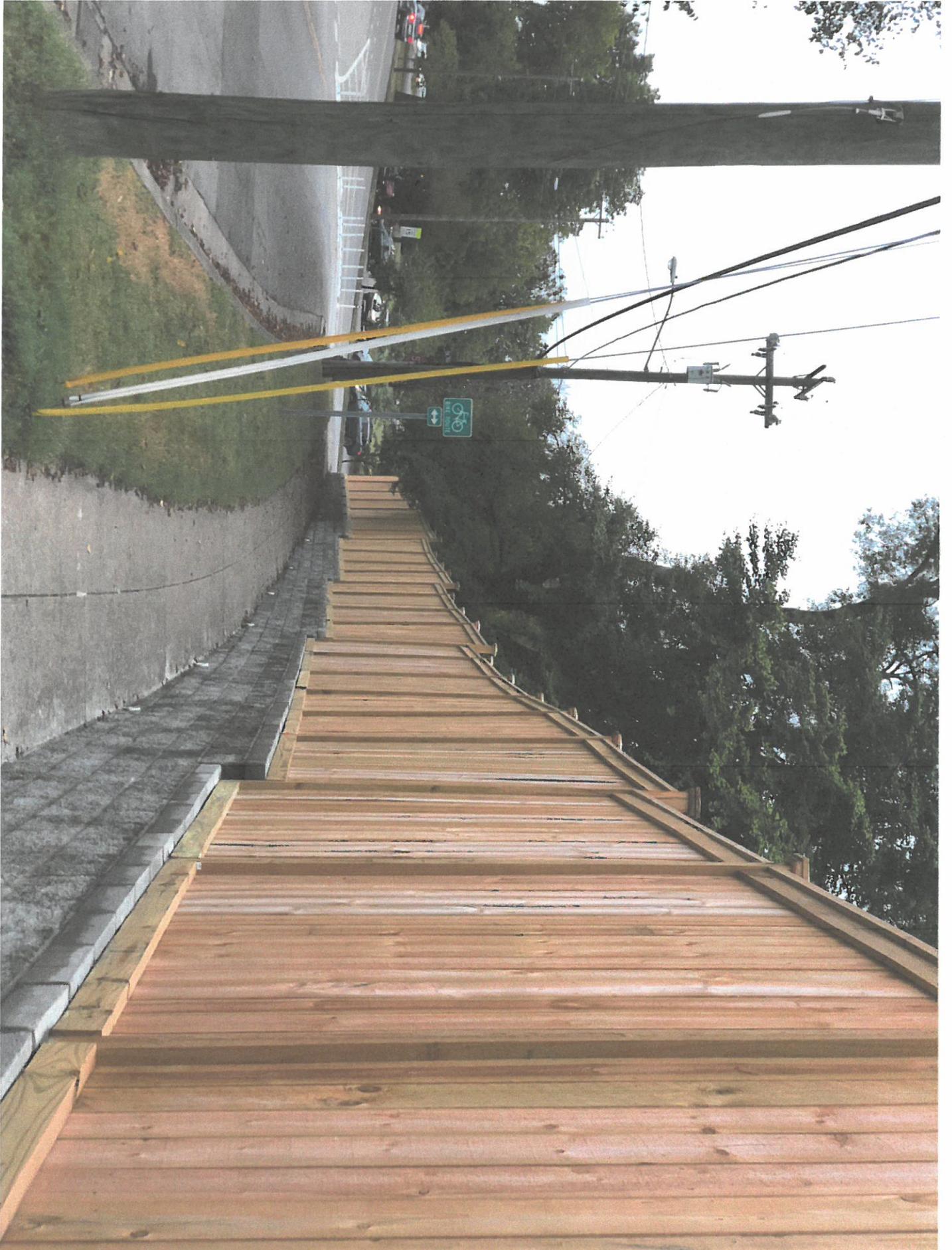
Exit Street View

Sign in

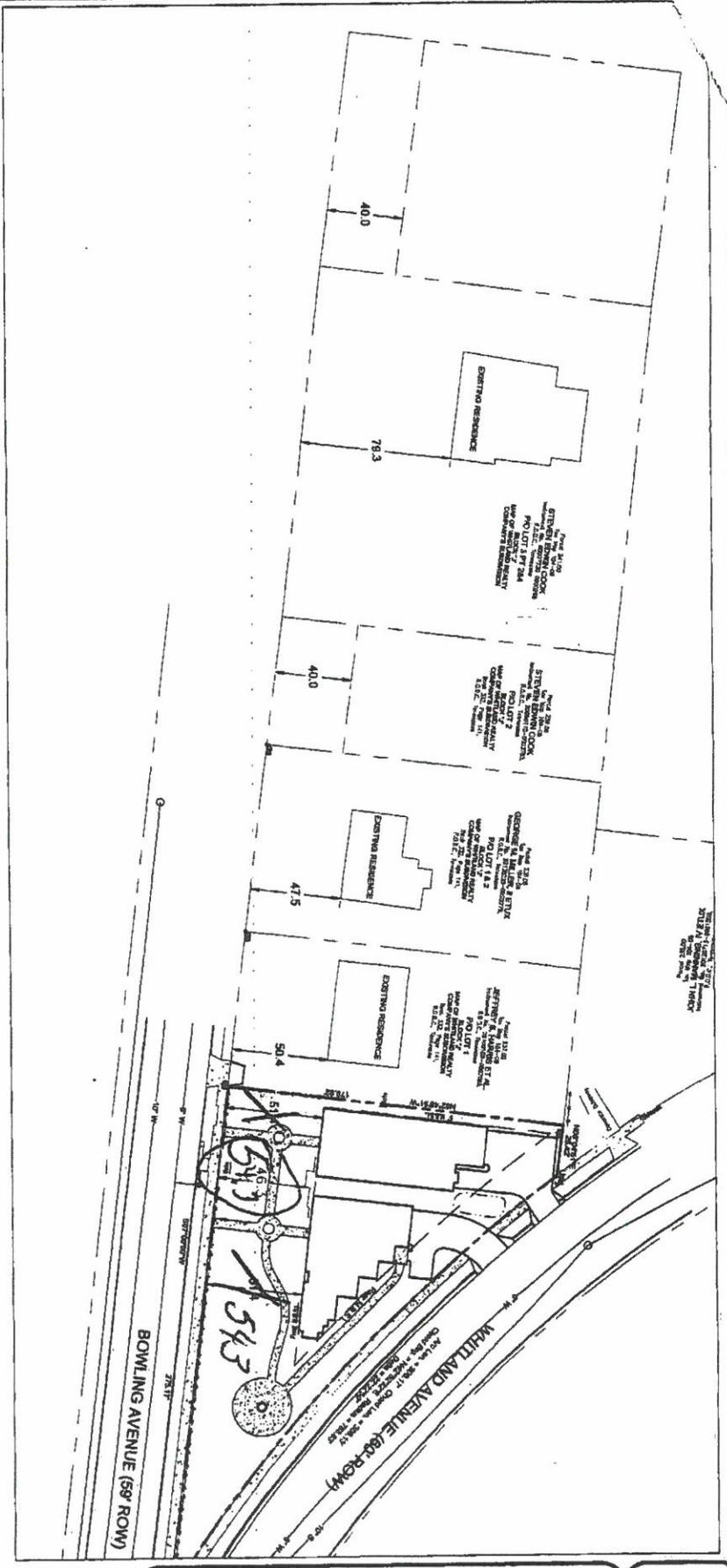










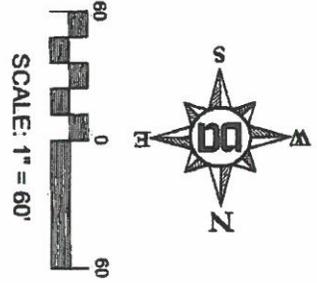


SETBACK SUMMARY

Adjacent Units	Setback
①	50.4'
②	47.5'
③	40.0'
④	79.3'
⑤	40.0'
Average Setback	51.4'

The proposed building is 51.4' from ROW at closest point, which meets the required setback. It should be noted that the existing house is 46.3' from the property line.

Adjacent Setback Plan



Dale & Associates
 Consulting, Civil Engineering
 Land Planning & Zoning
 Surveying



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



3316694

**BUILDING RESIDENTIAL - NEW / CARN - T2017007819
Permit Tracking Checklist**

PARCEL: 104090X00200CO

APPLICATION DATE: 02/02/2017 PERMIT TRACKING #: 3316694

SITE ADDRESS:

197 BOWLING AVE NASHVILLE, TN 37205
UNIT B BOWLING ESTATES

PARCEL OWNER: BIG DELUXE ENTERPRISES, LLC

CONTRACTOR:

APPLICANT: CATALYST BUILDERS INC

CATALYST BUILDERS INC 60872 STBC-A

NASHVILLE, TN 37205

PURPOSE:

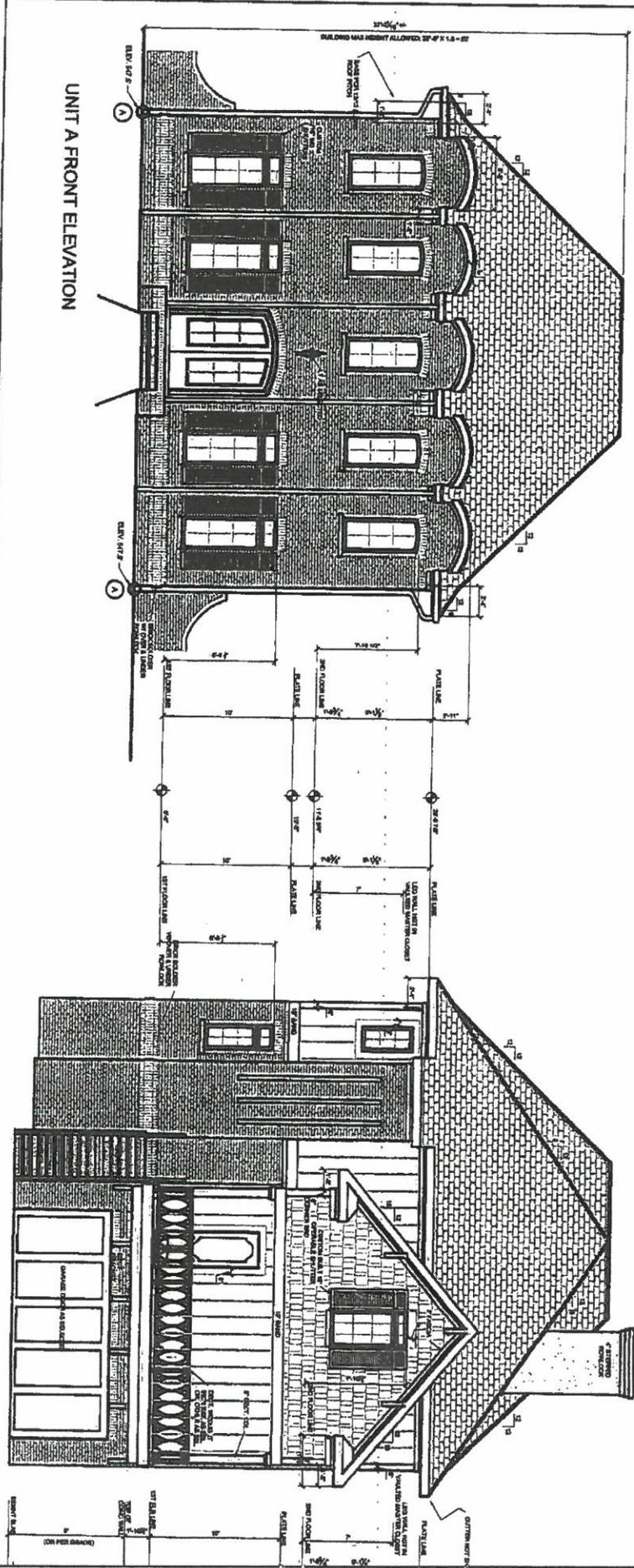
to construct u nit b of proposed horizontal property line regime duplex with 4887 sf living area, u/f basement area and 344 sf porch areas. units detached. max allowed height is 38'. 54.3' min front s/b; 20' min side street s/b; 5' min interior side s/b; 20' min rear s/b. must comply with tree regulations one two inch tree for every 30' road frontage. must comply fully with metro council bills 2014-725 and 2014-770.

Before a Building Permit can be issued for this project, the following approvals are required.

[A] Site Plan Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[A] Zoning Review	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[E] Sewer Availability Review For Bldg		862-7225
[E] Sewer Variance Approval For Bldg		
[E] Water Availability Review For Bldg		862-7225
[E] Water Variance Approval For Bldg		
[A] Bond & License Review On Bldg App	APPROVED	615-862-6500 Walter.Morgan@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan:Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPermitsI@nashville.gov
[F] Solid Waste Review On Bldg App		862-8782
[C] Flood Plain Review On Bldg App		862-6038 logan.bowman@nashville.gov
[F] Sidewalk Review For Bldg App		862-8758 Benjamin.york@nashville.gov

**EXHIBIT
ELEVATIONS**

SEE NOTE #1



UNIT A FRONT ELEVATION

- NOTES:**
1. ALL INFORMATION UTILIZED IN THE PREPARATION OF THIS EXHIBIT WAS PROVIDED BY THE BUILDER AND HAS NOT BEEN INDEPENDENTLY VERIFIED BY BYRD SURVEYING, INC.
 2. ELEVATIONS SHOWN HEREON WERE ESTABLISHED BY GIS INFORMATION PROVIDED TO THE EDGE GROUP DATED 03-31-14 JOB NO. 2014-063.
 3. THE COMPANY'S DATA OF THE ELEVATIONS SHOWN HEREON WAS NOT DERIVED IN THE GIS INFORMATION PROVIDED TO THE EDGE GROUP DATED 03-31-14.
 4. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR ADJACENCY OF THE TRACT.
 5. THE ELEVATION SHOWN AT POINT (A) IS PER A TOPOGRAPHIC LOT SURVEY BY THE EDGE GROUP DATED 03-31-14 JOB NO. 2014-063.



BENCHMARK
TAG BOLT ON FIRE HYDRANT
ELEV. = 545.57

ORDERED BY: VICTOR BISHARA
PROPERTY ADDRESS: 189 BOWLING AVENUE NASHVILLE, TN 37215
PROPERTY INFORMATION: PORTION OF LOT 1, WEST REGENCY PLAZA BOOK 151, INSTRUMENT NO. 2, R.O.D.C. 1.
OWNER: BIG DELAINE ENTERPRISES, LLC (AS 1100 RIDGEWAY LOOP SUITE 500 MEMPHIS, TN 38120)

PROJ. # B12983-18 DATE: JANUARY 27, 2017 © 2017 BYRD SURVEYING, INCORP.

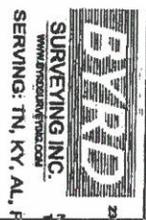
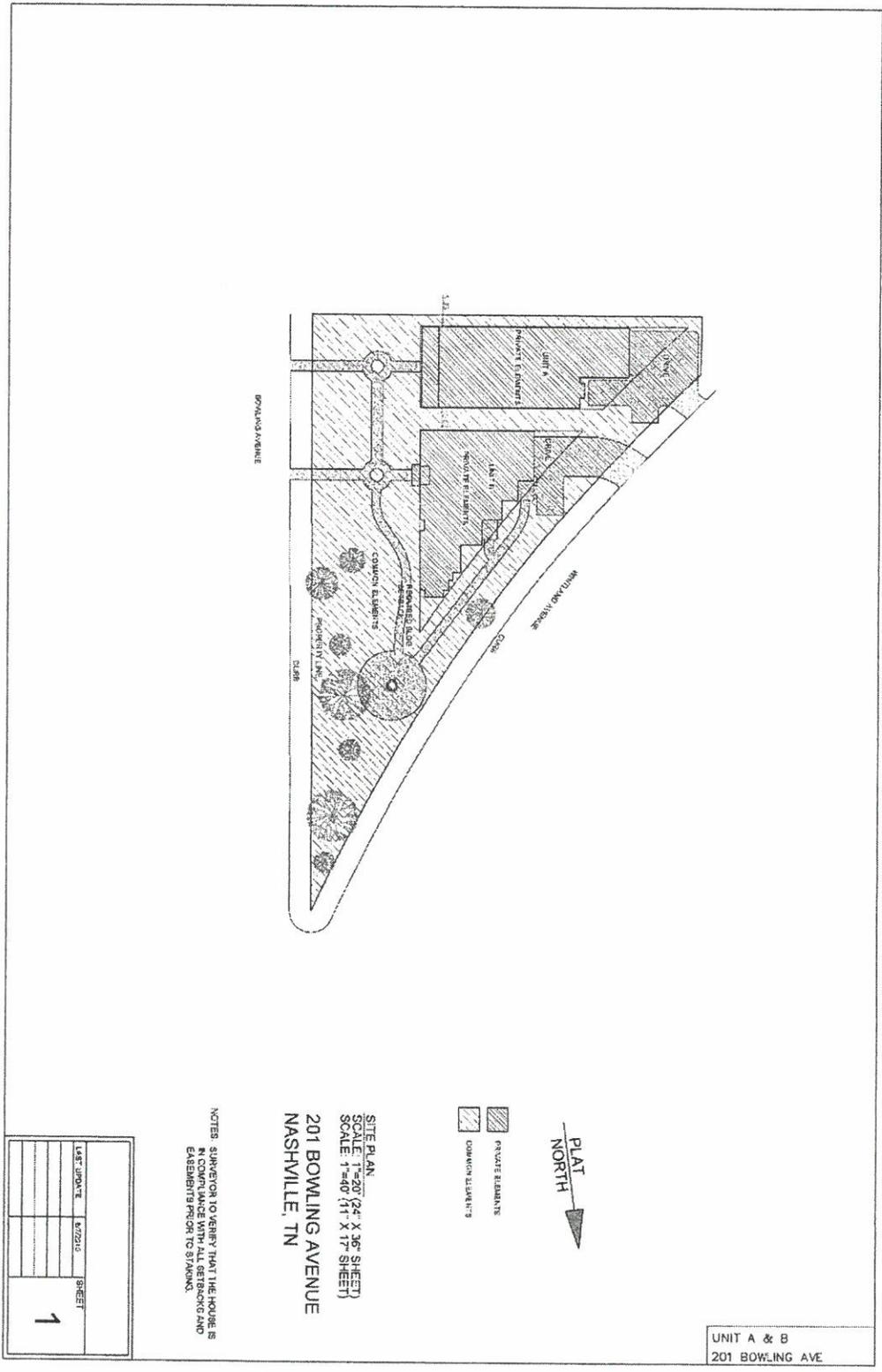


EXHIBIT B



MAILING ADDRESS

P. O. Box 196300
 NASHVILLE, TENNESSEE 37219
 TELEPHONE (615) 862-6590
 EN ESPAÑOL (615) 862-4078
 FACSIMILE (615) 862-6593

NOTICE TO CORRECT VIOLATION

Aviso Para Corregir la Violación

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS

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

Date of Notice:**Property Owner:**

**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON
 COUNTY**

Case Number:

06/13/2019

19-1205188

O.I.C. BOWLING ESTATES

1100 RIDGEWAY LOOP STE 500

MEMPHIS TN 38120

Location of Violation:

199 B BOWLING AVE

Map/Parcel Number:

104090X90000CO

You are hereby notified as owner, occupant or agent in control of the above referenced property, that the following conditions about said premises are a violation of the Metropolitan Code Section(s).

VIOLATION(S):

1)

Section 17.12.040 (E) 26(b) - Screening Walls or Fences (Front Setback) Greatest vertical exposure shall be six feet in height within the remainder of the required front setback.

2)

Section 17.12.040 (E) 26(a) - Screening Walls or Fences (Off Right-of-way): Greatest vertical exposure for open fences, such as chain link or those of a similar nature are permitted to be six feet in height.

3)

Section 17.12.040 (E) 26(a) - Screening Walls or Fences (Off Right-of-way): Greatest vertical exposure (privacy or opaque type fences) shall be two and one half feet in height within ten feet of a street right-of-way.

4)

Section 17.12.040 (E) 26(c) - Screening Walls or Fences (Side and Rear Setback) Greatest vertical exposure shall be eight feet in height within the required side or rear setback or within any platted common open space.

Therefore, you are to have the violation or cause removed and/or corrected before: July 15, 2019

If you have any questions, believe this notice has been issued to you in error, or believe the code section indicated above is inapplicable and you are not in violation, please contact our office immediately to discuss this matter.

Said Section of the Code of the Metropolitan Government of Nashville and Davidson County, Tennessee, as referenced above, provides that the cited violation must be abated within the time set out; and that, upon failure to abate said violation; the Department of Codes Administration is empowered to prosecute

the owner, occupant, or agent for failure to abate the violation.

The Metropolitan Code provides for a penalty for anyone convicted of violating the laws of the Metropolitan Government of up to Fifty (\$50.00) Dollars for each offense and each day it continues Section 1.01.030.

Note: In addition you will be held responsible for the payment of all court costs incurred with the processing of the court case regardless of whether or not the property is brought into compliance by the court date.

Notice Issued by: Chuck Rice

















06/20/2019 10:44













07/15/2019 12:31



be presented.

Thanks again.

David K.

From: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Sent: Tuesday, October 8, 2019 8:13 AM
To: David Kleinfelter <DKleinfelter@renocavanaugh.com>
Cc: Murphy, Kathleen (Council Member) <Kathleen.Murphy@nashville.gov>
Subject: RE: 197 Bowling -

David,

A fence does not require a permit, but as you know the Metro Codes does have regulations with respect to fences. So if someone is in violation of the Code we would initiate enforcement action. That being said, Codes has determined that this particular fence meets the requirements. CM Murphy has appealed that determination to the BZA, and the case is scheduled for the November 21 docket.

Thanks,

Emily Lamb

Metro Codes Department

From: David Kleinfelter <DKleinfelter@renocavanaugh.com>
Sent: Friday, October 4, 2019 10:01 AM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>
Cc: Murphy, Kathleen (Council Member) <Kathleen.Murphy@nashville.gov>
Subject: FW: 197 Bowling -

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

219 Carden Ave
Nashville, TN 37205

November 13, 2019

Via email

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 219 Carden Avenue, Nashville. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I cycle to work most days through this intersection, and find the obstruction of sight lines caused by the fence dangerous.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Yours sincerely,



Kevin M. Stack



From: [Amelia Strobel](#)
To: [Murphy, Kathleen \(Council Member\)](#); [Board of Zoning Appeals \(Codes\)](#)
Subject: Neighborhood Support for Case 2019-479 and Kathleen Murphy Appeal
Date: Thursday, November 14, 2019 4:48:52 PM

I am a 5-year resident of the Whitland Neighborhood, and I was disappointed to see the fence erected on the corner of Whitland and Bowling.

According to the Metro fence regulations: In section 17.12.040(E)(26)(a) that a fence within 10 feet of the front property line (on Bowling) cannot exceed 30” in height, and the restriction in 17.12.040(E)(26)(c) that a fence on any other property line cannot exceed 8-feet in height, “measured from finish grade level on the side of the wall of fence with the greatest vertical exposure.”

If you measure the fence in front, it is clearly above 3 feet in size, and the rear fence is close to 12 feet high. The fence does not comply with the Metro guidelines nor does it enhance safety for the neighborhood. It is difficult to see oncoming cars when driving, and as a walker, the sight line is limited as well.

Of note, I grew up in the Elmington neighborhood across the park, and I know that for more than 40 years this same property on the corner of Whitland and Bowling also had a fence on both sides, but that one complied to the 3 feet limit all around. It is difficult to understand why this new fence was ever approved given Metro fence regulations and the history of that property.

I support Councilwoman, Kathleen Murphy's appeal to the Board of Zoning Appeals, which "challenges the zoning administrator's determination that the constructed fence on this property meets legal requirements". (case number 2019-479) .

Respectfully submitted,
Amelia Strobel
211 Leonard Avenue
Nashville 37205

From: bglenn@wireropeexchange.com
To: [Murphy, Kathleen \(Council Member\); Board of Zoning Appeals \(Codes\)](#)
Subject: Neighborhood Support for Case 2019-479 and Kathleen Murphy Appeal
Date: Thursday, November 14, 2019 4:57:53 PM

I am a five year resident of Leonard Avenue in the Whitland neighborhood and a former President of our Neighborhood Association. I support Kathleen Murphy's appeal and the letter sent by Cyril Stewart on behalf of WANA regarding this fence.

A high-visibility location such as the corner of Bowling and Whitland is the most important place in the neighborhood for the city to properly and fully enforce its building codes, particularly with regard to fencing.

I encourage you to require this parcel to adhere to the relevant codes as they presently exist without variance.

Thank you!

Bob Glenn
211 Leonard Avenue
615-891-4499

From: [DAVID.FOX](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fence at Whitland and Bowling
Date: Monday, November 11, 2019 1:01:47 PM

November 11, 2019

Metro Nashville Board of Zoning Appeals

700 2nd Avenue, South

Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 3812 Whitland Avenue. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,
David B. Fox, Jr.

From: [Wasserstein, David John](#)
To: [Board of Zoning Appeals \(Codes\)](#); [Murphy, Kathleen \(Council Member\)](#)
Cc: [Rick French](#); [Cyril Stewart](#); [Kathy Pennington](#); npeterson@petersontool.com; hopestringer@aol.com; kimfennell99@gmail.com; [Dayan, Colin](#); [Hawkins, Denise](#); laurelorley@gmail.com; otpaine@gmail.com; Georgepaine2@gmail.com; ann@vandevender.com; dfox@mpf.com; elizabeth.fox@styleblueprint.com; foxdavid@gmail.com; carringtonfox@hotmail.com; henry_martin@comcast.net; g_ballard@comcast.net; lilybeach@gmail.com; russmason21@gmail.com; dalexander@curb.com; caracc73@yahoo.com; kelly@kellymotley.com; john.allen@schneider-electric.com; breggin@eli.org; [Vandenbergh, Michael](#); lisacoleman.aa@gmail.com; bmathews@rcmathews.com; brooksmathews@mac.com; burton.fletcher@gmail.com; julimosley@bellsouth.net; Gwyneth.neuss@gmail.com; FranT@comcast.net; jay.weiss@comcast.net
Subject: Case No. 2019-479 Bowling-Whitland fence violations
Date: Wednesday, November 13, 2019 6:02:25 PM

Dear Board Members:

My wife Colin Dayan and I live at 3612 Whitland Avenue, almost opposite the perimeter fencing recently constructed at the corner of Whitland and Bowling Avenue. That fence violates multiple building and traffic codes. I wanted very much to attend the meeting for the appeal next week, but must be at Vanderbilt at that time that day. We have lived on Whitland for the last fifteen years, and are concerned about this offending construction for many reasons: legal, social, aesthetic and safety.

We want to associate ourselves very strongly with the sentiments expressed by our neighbor Rick French, to the effect that we “cannot recall a more egregious affront to the neighbors and inconceivable disregard for the safety of the community.”

The legal aspects should stand at the top of this list. The issues (and they are numerous) are very clear, and yet for reasons which remain obscure the relevant stipulations of building and traffic codes have not been obeyed, either by officialdom or by the resident. Every aspect of the offending fence is illegitimate – its form, its positioning and location, its size and height, its material, its shape and so on. Rick French’s letter lays these problems out in depressing detail and we do not want to waste your time by repeating what he has already written. You will have read his account of the legal aspects in his letter.

However, it must be said that deviation from legal rules and regulations – especially those that exist in order to protect life and limb – by officials in response to illegitimate pressures, and willful disregard for those rules by this new resident, send very unwelcome messages to those who live here and to those who think of moving here. Compliance with established rules is the minimum that we should all expect from ourselves and from our public representatives.

One other feature has not, I think, been mentioned so far. The resident has deliberately sought to make the issues of fence height murkier, if not hidden. All the regulations as to height depend on the original ground level. On the Whitland side, this was the same inside as outside the property line. Yet, over the last couple of months, the resident has imported vast amounts of dirt and soil in order to raise the level of the area inside to the height of the new wall, several feet above the ground level outside. The result is to create new facts on the ground (in the most literal sense) in order to seek to change what can be asked for from you in respect of fence heights. This a ruse that does not remove the illegality that it seeks to disguise.

Aesthetically, too, there is an issue. We recognize, obviously, that this may not be a relevant issue for you, but as residents we are concerned with the appearance of our neighborhood. The previous owners had a large open garden with trees and grass, across which from both sides

there was a pleasing view, on one side onto the park and the school, on the other onto the houses and trees of Whitland, and on both the view of the night sky. Now all that is destroyed and, if the resident has her way, will remain so, replaced by a fence which, beside breaking so many rules, is offensively tall, solid, and ugly. What is there now is a daily offense to the sensibilities of everyone who passes, whether running or jogging, walking a dog, pushing a baby carriage, cycling, driving, simply spending time in what used to be a pleasant neighborhood.

The safety issues are deeply worrying: repeated concerns expressed by us and other residents, as well as the recommendations of the relevant Metro Traffic officials, calling for the removal of sections of the offending fence as an “urgent and immediate hazard”, have been totally disregarded by the resident. The result of the destruction of sightlines for oncoming traffic in all directions is the knowing endangerment, in a high traffic area, of pedestrians, cyclists, drivers of cars, trucks and buses, handicapped individuals in wheelchairs, and in particular of schoolchildren going to and coming from West End Middle School in Elmington Park at all hours of the day. The official recommendation for removal on traffic safety grounds demonstrates the reality of the danger and Metro’s awareness of its possible costs. Allowing the offending construction to remain means that it is only a matter of time before there will inevitably come a disaster to human limb or life. Liability will rest on those who have permitted the danger to exist.

Your assistance – in Rick French’s words - is required to ensure compliance with the solid fence rules. Remove the fence no less than 25 feet off the Whitland/Bowling inside property corner, lower the height to the 30 inch height maximum along Bowling, and finally, lower the Whitland height to maximum height of six feet, measured from the outside, from the front property line to the front of the residence, and eight feet from the front of the residence to the rear property line, measured as stipulated in Code’s Setback Rules for Fences.

Sincerely,

David J. Wasserstein

David J. Wasserstein
 Vanderbilt University
 Department of History
 PMB 351802
 2301 Vanderbilt Place
 Nashville TN 37235-1802

Black Banners of ISIS: The Roots of the New Caliphate
<https://yalebooks.yale.edu/book/9780300228359/black-banners-isis>

From: [Dianne Neal](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA Case No. 2019-479 Item A Appeal-please place with mailings to this Board by end of business Tuesday, November 12,2019
Date: Monday, November 11, 2019 10:27:08 AM

To Current Board Members of BZA:

I am 30-year resident of the Whitland/West End Neighborhood living at 3721 West End Avenue. I have served on the Board of the Neighborhood Association and can vouch that this neighborhood is active in pursuing policies and practices that maintain the safety and the quality of life in this area.

I am writing this Board due to my shock at the appearance of a non-compliant fence/wall at the corner of Bowling Avenue and Whitland Avenue. From the outset, many neighbors were concerned with the violation of the zoning laws, the relevant codes and, eventually, the requirements for basic traffic safety. The fence/wall obstructs sight lines so that a driver cannot see pedestrians, other motorists, and strollers or cyclists.

Due to travel commitments, I am unable to attend the meeting scheduled before you on Thursday, November 21. I am submitting this email to ask you to do what is necessary to get the fence/wall down and order that any further structure be built in compliance with current codes, zoning laws and traffic safety basic practices.

Dianne Neal
3721 West End Avenue
Nashville, TN 37205
615-390-1107

From: [Ed](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fence at the corner of Bowling and Whitland
Date: Thursday, November 14, 2019 1:15:49 PM

Dear Sirs,

I am a resident of Carden Ave and member of the Whitland Area Association.

I know that many of our Association are upset with their fence at the corner of Bowling and Whitland. It is a beautiful new fence. It is much better than the previous fence of over 30 years!

I do agree that it is a traffic hazard, and this needs to be addressed. But a compromise can be reached!

The wooden part of the fence is in about 8 foot sections. If we could remove 1 or 2 of the last sections at the corner the home owner could connect the ends of the fence in a tetrahedron shape and stop any visual traffic obstruction. The stone portion is not high enough to cause an obstruction to viewing traffic.

Even if my stance is not popular, I feel it is a good compromise. As an Environmentalist I would not want all of that beautiful wood to be sent to the landfill prematurely!!

Thank you for your time and attention!

Sincerely,

Ed Donahue

From: [Murphy, Kathleen \(Council Member\)](#)
To: [Ethan Orley](#)
Cc: [Laurel Orley: Board of Zoning Appeals \(Codes\)](#)
Subject: Re: Fence Hearing at Metro Board of Zoning Appeals
Date: Thursday, November 7, 2019 5:00:06 PM

Bza- please see below

Sent from my iPhone

> On Nov 7, 2019, at 4:26 PM, Ethan Orley <eorley@gmail.com> wrote:

>

>

> Dear Kathleen,

>

> I would like the following to be entered into the record for November 21st board hearing regarding the fence located at the corner of Whitland and Bowling Ave:

>

> We, Ethan and Laurel Orley, live at 3706 Whitland Ave, Nashville, TN 37205. We would like to see the fence that was recently erected drastically altered to adhere to code requirements that dictate the height of a fence fronting a property. Notwithstanding the above, this is a public safety matter as I am not able to across to Bowling both as a driver or pedestrian.

>

> Please resolve this matter as soon as possible.

>

> Sincerely yours,

> Ethan and Laurel Orley

From: [Ethan Orley](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Whitland Ave Fence
Date: Thursday, November 14, 2019 7:20:24 AM

To whom it concerns,

My wife Laurel and I, along with the groundswell of support by the entire neighborhood, encourage the BZA to enforce the fence height code along whitland and bowling. The current fence is an affront to the neighborhood and we encourage you to hold the landowner accountable to local sentiment, public safety and height restrictions.

Best regards,
Ethan Orley

Ethan Orley
Managing Partner, Oliver Hospitality
401 Union Street | Nashville TN 37219
(734) 223-7880 | ethan@bna-re.com |

Sent from my phone. Please excuse typos.

November 11, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

We reside at 3702 Whitland in sight of the subject fence in the Whitland neighborhood.

Hence, we are well familiar with the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues that apparently violates both the zoning/code requirements and traffic requirements.

We're particularly concerned about the fence blocking the sight lines at the intersection of the view of pedestrians, runners, bicyclists and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians, runners, bicyclists and vehicles without pulling well past the stop bar and into the crosswalk.

The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

We would urge the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

With best personal wishes

George and Ophelia Paine

CC: Councilwoman Kathleen Murphy

November 14, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

We are residents of the Whitland neighborhood, living at 3802 Whitland Ave. for the past 40 years. We are writing to express concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues.

The fence violates the zoning/code requirements as well as traffic requirements. It obstructs the sight lines at the intersection and blocks the view of pedestrian and vehicular traffic south of the intersection. We are avid walkers, joggers and bicyclers, and often enjoy walking in the neighborhood with our young granddaughter. At that intersection, it is now impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk.

We find that this is a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

We respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Thank you for considering our request.

Henry Martin
Gloria Ballard
3802 Whitland Ave.

HISTORIC WHITLAND

To: Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

From: Whitland Area Neighborhood Association

Date: November 13, 2019

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am president of the Whitland Area Neighborhood Association. We were formed in 1980 and exist solely to benefit the quality of life of our neighbors. We have almost 700 households in the association boundaries.

Based on concerns voiced by numerous neighbors over the past three months we have followed closely the saga of the recent fence at Whitland and Bowling Avenues. Each month our board has discussed this issue. Last night we had a board meeting and, once again, unanimously voted to voice our request to you to require compliance of the fence with all applicable codes.

The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses. We all knew that it was a safety hazard but heard tonight of a woman who was knocked down by a jogger. They simply could not see each other because of the illegal height of the fence.

We respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Most sincerely,



John Cyril Stewart
President, Whitland Area Neighborhood Association
3813 Whitland Avenue, 37205

From: [John Allen](#)
To: [Board of Zoning Appeals \(Codes\); Murphy, Kathleen \(Council Member\)](#)
Cc: rick@frenchking.com; cyril@cyrilstewart.com
Subject: Case 2019-479 - Bowling- Whitland violation
Date: Wednesday, November 13, 2019 7:00:19 PM

Dear Board Members:

I am writing to communicate our family's opposition to the newly constructed fence at the corner of Whitland and Bowling Avenue. We have lived at [3711 Whitland Avenue](#) for almost 16 years. I am deeply concerned for the safety of pedestrians and drivers due to the height of the fence. I witness on a regular basis issues related to oncoming traffic and possible endangerment to pedestrians and drivers. The height of the fence should be a concern due to the young students at West End Middle School and given the heavy traffic around [Elmington Park](#).

Because Whitland is a historic neighborhood, aesthetically, the construction and materials seem to deviate from the historic zoning rules and norms, which we all have to comply with as part of living in this community.

Sincerely,

John W. Allen

Sent from my iPhone

From: [Karen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Re: BZA Case No. 2019-479 Item A Appeal
Date: Thursday, November 14, 2019 1:53:09 PM

Dear Board Members,

The newly constructed residential fence encasing the newly constructed house at the corner of Whitland and Bowling Avenues is creating an extremely dangerous situation for pedestrians, cyclists and automobiles. The line of sight for all types of traffic from Whitland looking South onto Bowling and from Bowling looking west onto Whitland is completely blocked by the fence. As no one on either street and sidewalk can see oncoming traffic of any type from all directions, everyone at this very busy intersection is being put at high risk of serious injury or worse.

It's my understanding that this fence violates Metro Codes and requiring the fence to comply with Metro Codes would eliminate this very dangerous situation. Therefore, please require that this fence comply with all applicable Metro Codes to avoid someone suffering serious injury or worse as a result of it being non-compliant.

Thank you for considering this very serious matter.

Karen Christian
203 Carden Avenue
Nashville, 37205

November 14, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 3608 Whitland Avenue. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly your

Lisa Coleman

From: [LUCY HARRINGTON](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA Case No. 2019-479 Item Appeal
Date: Tuesday, November 12, 2019 7:41:16 AM

November 12, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I live nearby the Whitland neighborhood at 3905 Kimpalong Drive. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,

Lucy Harrington

From: [Mary & Gray Stahlman](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fence at Bowling and Whitland
Date: Thursday, November 14, 2019 12:09:17 PM

As a long time Nashville resident who has lived in/around the Whitland neighborhood currently and thru the years, I want to lend my support to the WANA request to have the new fence at the triangle corner of Bowling and Whitland revised to improve visibility. In the spirit of being good neighbors, we each need to be respectful of our impact on those around us and not act with only our interests in mind. Please support action to have this property owner bring the fencing into compliance with the neighborhood.

Thank you.

Mary Stahlman
401 Bowling Ave.

From: [Maureen Hill](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: BZA Case No. 2019-479 Item A Appeal
Date: Monday, November 11, 2019 8:48:17 AM

November 11, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 202 Cantrell Avenue. I am writing to express my concern over the fence recently constructed at the corner of Bowling and Whitland Avenues. The fence obstructs the sight lines at the intersection, completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection has streets meeting at unusual angles. Additionally, the intersection is located in a busy school zone across from a public park; there is heavy pedestrian traffic.

I respectfully request that the Board of Zoning Appeals require that the fence be redesigned for safety.

Very truly yours,

Maureen Hill

From: [Melanie Block](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Non-compliant Fence
Date: Thursday, November 14, 2019 2:26:02 PM

November 14, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 202 Leonard Avenue. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,

Melanie Block

Melanie Block

From: [Aimee McMahan](#)
To: [Murphy, Kathleen \(Council Member\); Board of Zoning Appeals \(Codes\)](#)
Subject: Fence at Whitland and Bowling
Date: Thursday, November 14, 2019 12:15:29 PM

This fence is a hazard, not to mention an eye sore.

Before the fence was built this intersection was difficult, now a vehicle must practically pull out onto Bowling in order to see on coming traffic because the fence is so tall.

As far as pedestrians and bikers this fence is the perfect place for an attacker to hide since there is absolutely no way to see around - over -through the fence.

While on the subject of traffic and general safety....

The crosswalk(with poles) at this intersection is so stupid. I have yet to see any one using for the purpose of crossing the street. If a vehicle is at the Whitland stop sign and a larger truck or van on Bowling wants to turn left they can't because the vehicle will plow over the crosswalk "poles" . Larger vehicles usually go beyond the crosswalk "chaos" to turn. Which creates potential dangers for on coming cars on Bowling turning right on Whitland or continuing on Bowling.

I hope this will help to convince the powers that be the fence must be cut down or altered to allow for a clear line of sight and also re-address the silly crosswalk.

Thank you reading.

Mrs. R. M. McMahan
219 Leonard Ave.

Case # 2019-479

NOVEMBER 1, 2019

TO: THE BOARD OF ZONING APPEALS

I VEHEMENTLY **OBJECT** TO THE ADMINISTRATOR'S DETERMINATION THAT THE CONSTRUCTED FENCE MEETS LEGAL REQUIREMENTS. THIS FENCE MUST GO, OR ARE YOU GOING TO WAIT UNTIL SOMEONE GETS SERIOUS LY INJORED OR KILLED.

The Fence was constructed violating all legal standards! It also blocks proper Vision looking to the left to exit Whitland Ave and turning left onto Bowling.

Appeal Case Number: 2019-479

199B BOWLING AVENUE

Mao Parcel: 104090x90000CO

Zoning Classification R8

Council District 24

I AM **OPPOSED** THIS ILLEGAL FENCE.

NANCY PETERSON HEARN

3701 WEST END AVENUE

THREE WHIEHALL

NASHVILLE, TN 37205

From: [Nancy Peterson](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: FW: [Whitland] Your Action Needed - Fence Hearing Input Required by Thursday
Date: Sunday, November 10, 2019 8:43:24 PM
Importance: High

November 10, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at [3701 West End Avenue, 3 Whitehall, 37205](#). I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,
Nancy Peterson-Hearn

From: [Norman Calway-Fagen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Corner property and out-of-compliance fence triangular in design from Whitland and around the corner up Bowling. In a word this fence is a clear and dangerous impediment to all at that corner where vehicles of every stripe including school buses cannot
Date: Sunday, November 10, 2019 8:42:26 PM

site the comings and goings of street traffic both pedestrian and vehicular. I understand that our Councilwoman Murphy has addressed this dangerous situation to BZA. It should not be necessary to have a tragedy occur in an already compromised situation in order to get action. 3 or 4 years ago a situation developed at the corner of Whitland and So. Wilson and two local residents took photos and contacted Metro and though the property developer stonewalled the obvious danger Metro stepped in insisting on corrective actions to move trees recently planted creating hazardous sight lines to the South of that corner toward MBA property. Hopefully these comments and upcoming hearing will move us to corrective action. Thank you for your attention. Norman Calway-Fagen 210 Cantrell Ave. Many of our residents drive by this intersection at various times during the day as do I. The problem appears fixable and should require immediate action toward effective resolution.

From: [Norman Calway-Fagen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fw: Fence & safety
Date: Thursday, November 7, 2019 5:47:31 PM

From: Norman Calway-Fagen
Sent: Thursday, November 7, 2019 2:02 PM
To: cyril@cyrilstewart.com <cyril@cyrilstewart.com>
Subject: Fence & safety

Not sure my original note got thru. The fence in Question at Bowling and Whitland represents a significant safety hazard blocking the view both for vehicles and pedestrians. We are a walking neighborhood and the corner in question is a highly trafficked intersection for all concerned. We are not talking about an offset gated community. This is a street-level encumbrance for sighting walkers and vehicular traffic. It has been upgraded in the past 2 years but remains problematic. A similar issue for traffic and pedestrian sight lines occurred 5 or 6 years ago at the corner of Whitland and South Wilson with tree plantings blocking sight lines. It took several photos and Communications with planning as the developer/contractor stonewalled the obvious site hazard. Planning checked and investigated and made them move the trees blocking and creating a hazard where it was noted that in order for cars to see down Wilson they had to inch out into the intersection. The same appears to be the case in this instance. We certainly do not need a tragic accident to move the needle on this. Our Councilwoman Murphy has indicated agreement and has voiced her and the neighborhood's concerns to Planning. Making the 'fence' neighborhood friendly and safer should be the priority for all. Norman Calway-Fagen

From: [Judge Harrington](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Cyril Stewart](#)
Subject: Fence at intersection of Bowling and Whitland
Date: Thursday, November 14, 2019 12:10:51 PM

Please note my concern about safety issues with regard to this fence. I had not given it much thought until the other evening as I was exiting the parking lot at West End School to turn on to Whitland I almost got hit by a car coming out at Whitland who could not see me and I could not see him. Besides being unsightly it creates more danger at an intersection that is already problematic.

I have walked by it as well and have noted that it is not well built. It is so tall that it would injure anyone who was walking past if it fell over in big storm.

Penny Harrington



Harrington Law Office

Historic Germantown

1215 Seventh Avenue North
Nashville, Tennessee 37208-2605

Direct: (615) 320-9977

Facsimile: (615) 320-9929

E-mail: judgeharrington@harringtonlawoffice.com

Website: [Harrington Law Office](#)

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From: [Bob Duthie](#)
To: [Murphy, Kathleen \(Council Member\); Board of Zoning Appeals \(Codes\)](#)
Subject: Case Number 2019-479
Date: Tuesday, November 12, 2019 9:55:19 PM

As a long time resident of the Whitland Area I would hope the council will repeal the dangerous fence that was built on Whitland Avenue at Bowling Ave, The fence is not appropriate for the neighborhood and has almost no set back from the sidewalks on either street. The fence is over 10 ft high from the curb to top. It violates all the rules and has no place in our area. With no set back drivers heading east have to cross the roadway stripes to see oncoming traffic on the busy street of Bowling. There is a large school and play field right across the street where children crossing Bowling from Whitland will be at risk. The entire fence should be removed The current wall can stay the way it was but no fence should be built on top.

Robert W. Duthie
220 Carden Avenue
Nashville, TN 37205





RENO & CAVANAUGH PLLC

November 14, 2019

David L. Kleinfelter
(615) 866-2320
(615) 866-2321 fax
dkleinfelter@renocavanaugh.com

VIA HAND DELIVERY

Metro Nashville Board of Zoning Appeals
Jon Michael, Zoning Administrator
800 2nd Ave S,
Nashville, TN 37210

RE: BZA Case # 2019-479
199 B BOWLING AVE 37205, Parcel ID 104090X90000CO
SUPPORT FOR COUNCILMEMBER MURPHY'S ITEM A APPEAL

Dear Members of the BZA:

This matter involves fences that have been constructed on the above-identified property (the "Property"). The fences are located along property frontage on Bowling Avenue and Whitland Avenue. In addition to having been constructed in violation of the Metro Zoning Code (the "Code"), the fences create a dangerous condition by blocking the line of sight at the busy intersection of Bowling and Whitland, directly across from West End Middle School and Elmington Park. My firm represents Kathy and Tom Pennington, who live at 202 Craighead Avenue, one lot from the property in question.

Councilmember Kathleen Murphy correctly determined that it was necessary to file this Item A appeal because the fences constructed on **both** Bowling Avenue and Whitland Avenue are in violation of the Code.

Bowling Avenue

The Property is within an R8 zoning district. Bowling Avenue is designated in the Major and Collector Street Plan as a collector street. The Property is oriented to Bowling Avenue. Pursuant to Table 17.12.030(A) of the Code, therefore, the minimum street setback for the Property is 40 feet. If no other language was included in the Code, then NO fence could be constructed within the designated setback area. Section 17.12.040(E), however, establishes numerous "Permitted Setback Obstructions." Section 17.12.040(E)(26) addresses walls and fences. The relevant provisions in that section are:

- A fence may be built within the setback that is "**two and one-half feet in height**" within 10 feet of the street right-of-way (emphasis added).
- An open fence, such as chain link or similar, may be constructed within the 10-foot area up to six feet in height. The subject fence is not "open."
- Within the remainder of the 40-foot setback, any fence may not exceed 6-feet in height.

Metro Nashville Board of Zoning Appeals
Jon Michael, Zoning Administrator
November 14, 2019
Page 2 of 2

As will be shown by staff at the hearing, the fence along the Property's frontage on Bowling is solid and well over 2 ½ feet in height. The fence violates the setback provisions of the Code and must be removed.

Whitland Avenue

With respect to the Whitland (side) frontage, the relevant provisions in Section 17.12.040(E)(26) are:

- (c) – Within the side setback, a fence or wall may be constructed up to 8 feet in height.
- The section states that the height is to be “measured from finish grade level **on the side of the wall or fence with the greatest vertical exposure**” (emphasis added).

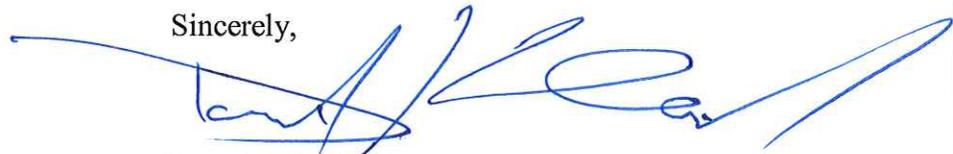
As will be shown by staff at the hearing, along the Whitland Avenue frontage, a fence has been constructed on top of a wall. The Code is clear that one may construct “a fence **or** a wall” that meets the height limitations. Clearly the intent of the section is not to allow construction of a wall AND fence that total up to 16-feet in height. The total allowable height under 17.12.040(E)(26) for a fence within the side setback is 8 feet.

With respect to measurement of the allowable height, a determination must be made as to which side of the structure has “the greatest vertical exposure.” We anticipate that the property owner may argue that the wall portion of the structure should not be included in the measurement because it is a “retaining” wall. By the clear language of the Code, however, it is not relevant whether the wall is, or is not, a retaining wall. If dirt has been pushed up along the interior portion of the wall, then by definition the exterior portion has “the greatest vertical exposure.” Measuring from the natural grade, which is the sidewalk along Whitland that has been in place for well over 100 years, the existing fence far exceeds the allowable 8 feet in height.

For these reasons, the fence along the Property's frontage on Whitland violates the setback provisions in the Code and must be removed or re-constructed to comply with the Code height restrictions.

Thank you very much for your service to Metro Nashville and your attention to this issue.

Sincerely,



David L. Kleinfelter
Reno & Cavanaugh, PLLC

Copy: Kathy Tom Pennington
Councilmember Kathleen Murphy (via email)
Cyril Stewart, President, Whitland Area Neighborhood Association (via email)

From: [Rick French](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Re: BZA Case No. 2019-479 Item A Appeal
Date: Tuesday, November 12, 2019 5:10:51 PM

Tuesday, November 12, 2019

Dear Board Members:

The intent of this letter is to express my concern regarding the perimeter fencing recently constructed along Whitand and Bowling Ave.

As a resident of the Whitland West End Neighborhood, for over ten years, most recently at 3713 West End Avenue, and previously at 3633 and 3619 West End Avenue, I cannot recall a more egregious affront to the neighbors and inconceivable disregard for the safety of the community.

Since June of 2019, numerous attempts through Hub Nashville, the Council, repeated calls to the Codes department, appeals to Public Works to involve Traffic and Parking have all proved ineffective in resolving the safety concerns and the blatant disregard for the Code's Rules for Solid Fencing. Codes cited the following violations in 6/13/2019:

"1)

Section 17.12.040 (E) 26(b)-Screening Walls or Fences (Front Setback): Greatest vertical exposure shall be six feet in height within the remainder of the required front setback.

2)

Section 17.12.040 (E) 26(a)-Screening Walls or Fences (Off Right-of-way): Greatest vertical exposure for open fences, such as chain link or those of a similar nature are permitted to be six feet in height.

3)

Section 17.12.040 (E) 26 (a)-Screening Walls or Fences (Off Right-of-way): Greatest vertical exposure (privacy or opaque type fences) shall be two and one half feet in height within ten feet of a street right-of way.

4)

Section 17.12.040 (E) 26(c)-Screening Walls or Fences (Side and Rear Setback): Greatest vertical exposure shall be eight feet in height within the required side or rear setback or within any platted common open space.

Therefore, you are to have the violation or cause removed and/or corrected before: July 15, 2019."

But, months later, Codes reversed their decision, without explanation, and pronounced the fence in compliance, without any changes to the fence. Clearly, safety issues persist. and the front fence, at the property line, far exceeds the 30 inch height limit. If the six foot height is desired, there is a ten foot setback required, and entirely possible. Public Works has determined a safety issue exists, and therefore, presents a new Metro liability. Corner visibility requires a minimum of 25 feet setback, but the unique 45 degree angle at the

Whitland/Bowling corner is more problematic than a 90 degree 'normal' intersection.

The front solid fence in excess of six feet along Bowling clearly violates the 30 inch height limit per Codes. If owner wants six feet, the solution is simply to inset the fence the required ten feet from the property line. The owner/builder claim that the property line is the black top road surface edge is ludicrous. From their own documents, the inside of the sidewalk is the property line. The offending heights over ten feet along the Whitland side far exceed the limits in Setback Rules for Fences, "Maximum heights are measured from the finish grade level on the side of the wall or fence WITH THE GREATEST VERTICAL EXPOSURE."

Your assistance is required to ensure compliance with the solid fence rules. Remove the fence no less than 25 feet of the Whitland/Bowling inside property corner, lower the height to the 30 inch height maximum along Bowling, and finally, lower the Whitland height to maximum height of six feet from the front property line to the front of the residence, and eight feet from the front of the residence to the rear property line, measured as stipulated in Code's Setback Rules for Fences.

Appreciate your assistance.

Rick French

Rick French

rick@frenchking.com

frenchking.com

Mobile: 615.604.2323

From: [Murphy, Kathleen \(Council Member\)](#)
To: [Roberta Goodman; Board of Zoning Appeals \(Codes\)](#)
Subject: Re: Bowling fence
Date: Thursday, November 7, 2019 8:08:06 AM

Bza, please see comments below.

Sent from my iPhone

On Nov 7, 2019, at 8:05 AM, Roberta Goodman
<roberta_walter_goodman@yahoo.com> wrote:

Dear Ms. Murphy,

I am writing to support the neighborhood's request that the fence erected on the property at the Bowling-Whitland split be brought into compliance with what I understand to be Metro requirements. Any way that one looks at it, the fence is too high and creates a visual obstruction. It's also out of keeping with the neighborhood.

Thank you,
Roberta Goodman
Brighton Road

November 13, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 224 Carden Avenue. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses. I have lived within three blocks of this intersection since 1982, I used to drop my son at Elmington Park for the Currey Ingram bus for about 12 years, and have observed this intersection pretty much daily for 37 years

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,

Stephen B. Curnutte
224 Carden Avenue
Nashville, TN 37205

November 11, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 3811 Whitland Ave. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,

A handwritten signature in black ink, appearing to read "Willis Hulings". The signature is written in a cursive, flowing style.

Willis Hulings

November 12, 2019

Metro Nashville Board of Zoning Appeals
700 2nd Avenue, South
Nashville, Tennessee

Re: BZA Case No. 2019-479 Item A Appeal

Dear Board Members:

I am a resident of the Whitland neighborhood living at 3701 West End Ave Unit 6. I am writing to express my concern over the non-compliant fence recently constructed at the corner of Bowling and Whitland Avenues. The fence violates both the zoning/code requirements as well as traffic requirements. The fence obstructs the sight lines at the intersection completely blocking the view of pedestrian and vehicular traffic south of the intersection. It is impossible to see oncoming pedestrians or vehicles without pulling well past the stop bar and into the crosswalk. The resulting hazard creates a safety risk for pedestrians, cyclists and motorists alike and is aggravated as the intersection is located in a busy school zone. Traffic in that school zone is especially heavy during the beginning and end of the school day with pedestrians, students, bicycles and school buses.

I respectfully request that the Board of Zoning Appeals require that the fence comply with all Metro code requirements.

Very truly yours,

Zeliko + Tanya Radic

615-420-0071

tanya.radic@theventuregroup.net

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Walt Brandt

Date: 9-30-19

Property Owner: 2016 DM Invest Trust

Case #: 2019- 480

Representative: Walt Brandt

Map & Parcel: 129-3-38

Council District 23

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

Purpose:

Requesting variance to reduce side setback from 20' to 10' to allow an addition to the side of the residence.

Activity Type: Residential addition

Location: 223 Brook Hollow Rd.

This property is in the RS90 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: Irregular lot shape

Section(s): 12.12.020(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.

~~DERALIX & CHARITY MORGAN~~
~~WALT BRANDT~~
Appellant Name (Please Print)

WALT BRANDT
Representative Name (Please Print)

223 BROOK HOLLOW RD
Address

2021 RICHMOND JONES KENT
Address

NASHVILLE, TN 37205
City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

615-248-1818
Phone Number

615-473-4916
Phone Number

-
Email

walthehummondbrandt.com
Email

Zoning Examiner: CH

Appeal Fee: \$100.00



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



3717347

**ZONING BOARD APPEAL / CAAZ - 20190059397
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 12903003800**APPLICATION DATE:** 09/30/2019**SITE ADDRESS:**

223 BROOK HOLLOW RD NASHVILLE, TN 37205
LOT 2 RESUB LOT 12 WEST MEADE FARMS

PARCEL OWNER: 2016 DM INVEST TRUST & 2016 CM INVE**CONTRACTOR:****APPLICANT:****PURPOSE:**

requesting variance to reduce side setback from 20' to 10' to allow addition to be built to the side of existing single family residence.

*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 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.

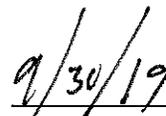
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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

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?

IRREGULAR LOT SHAPE THAT WAS NOT SELF IMPOSED,

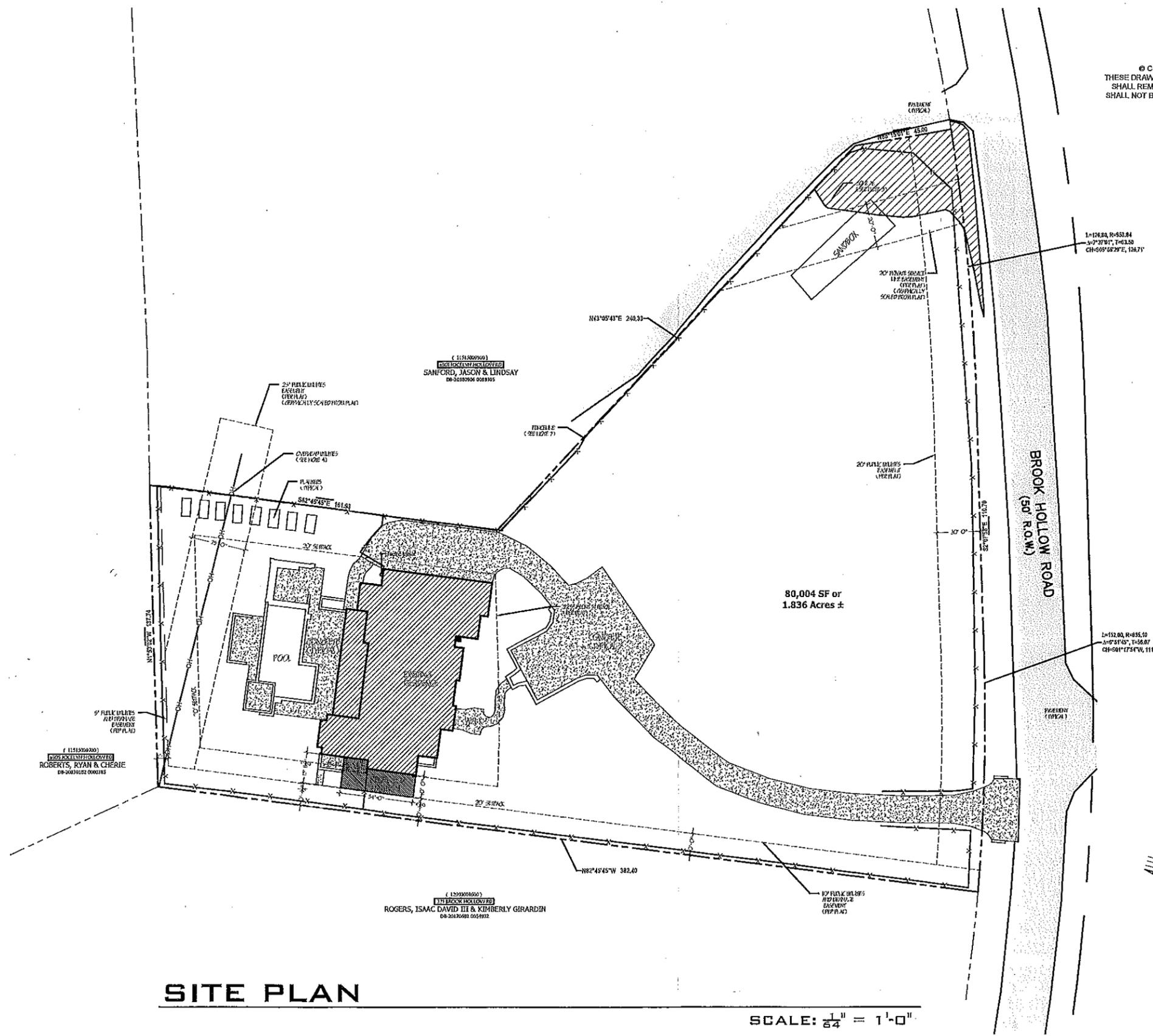
BY THE HOMEOWNER. ADDITION WOULD BE 10' INTO

20' OF SIDE SETBACK. • WE WILL SUBMIT EMAILS

FROM ALL NEIGHBORS WHO TOUCH THE PROPERTY TO

SHOW NO OPPOSITION.

© COPYRIGHT 2019 RYAN THEWES
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SHALL NOT BE REPRODUCED OR PUBLISHED WITHOUT
WRITTEN PERMISSION.



RYAN THEWES

165 LELAWOOD DIR. NASHVILLE, TN 37209 615.517.4186

MORGAN RESIDENCE
NASHVILLE, TENNESSEE

SITE PLAN

SCALE: $\frac{1}{84}'' = 1'-0''$

DATE:
SEPTEMBER 06, 2019

SHEET NUMBER
A2 OF **3**

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Travis and Devon Morse Date: 9/30/19
Property Owner: S/A Case #: 2019-482
Representative: S/A Map & Parcel: 09113027100

Council District 20

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

Purpose:

Convert existing garage into detached accessory dwelling unit.

Activity Type: Residential

Location: 404 C EASTBORO DR

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: R8 ZONING DISTRICT / 8,000 SF MIN. LOT SIZE

Section(s): 17.12.020A

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.

Travis and Devon Morse
Appellant Name (Please Print)

S/A
Representative Name (Please Print)

404C Eastboro Dr.
Address

S/A
Address

Nashville, TN 37209
City, State, Zip Code

S/A
City, State, Zip Code

Travis - 714 209 5982
Devon - 714 699 0709
Phone Number

S/A
Phone Number

Travis Morse 92@gmail.com
Devon Mycah@yahoo.com
Email

S/A
Email

Zoning Examiner: TC

Appeal Fee: \$100



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



3717401

**ZONING BOARD APPEAL / CAAZ - 20190059438
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09113027100**APPLICATION DATE:** 09/30/2019**SITE ADDRESS:**

404 C EASTBORO DR NASHVILLE, TN 37209
PT LOT 2 E T BROWN

PARCEL OWNER: ROBERSON, NATRA JUNE SPENCER & ET , **CONTRACTOR:****APPLICANT:****PURPOSE:**

REQUEST TO CONVERT EXISTING GARAGE TO A DATACHED ACCESSORY DWELLING UNIT ON PARCEL WITH 7,500 SQUARE FEET OF AREA.

REJECTED: PER 17.12.020A ZONING DISTRICT R8; MINIMUM LOT AREA IS 8,000 SQUARE FEET
(LOT LEGALLY CREATED VIA DEED DATED OCTOBER 30, 1946)

*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 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.

Travis and Devon Morse
APPELLANT

9/30/2019
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.*

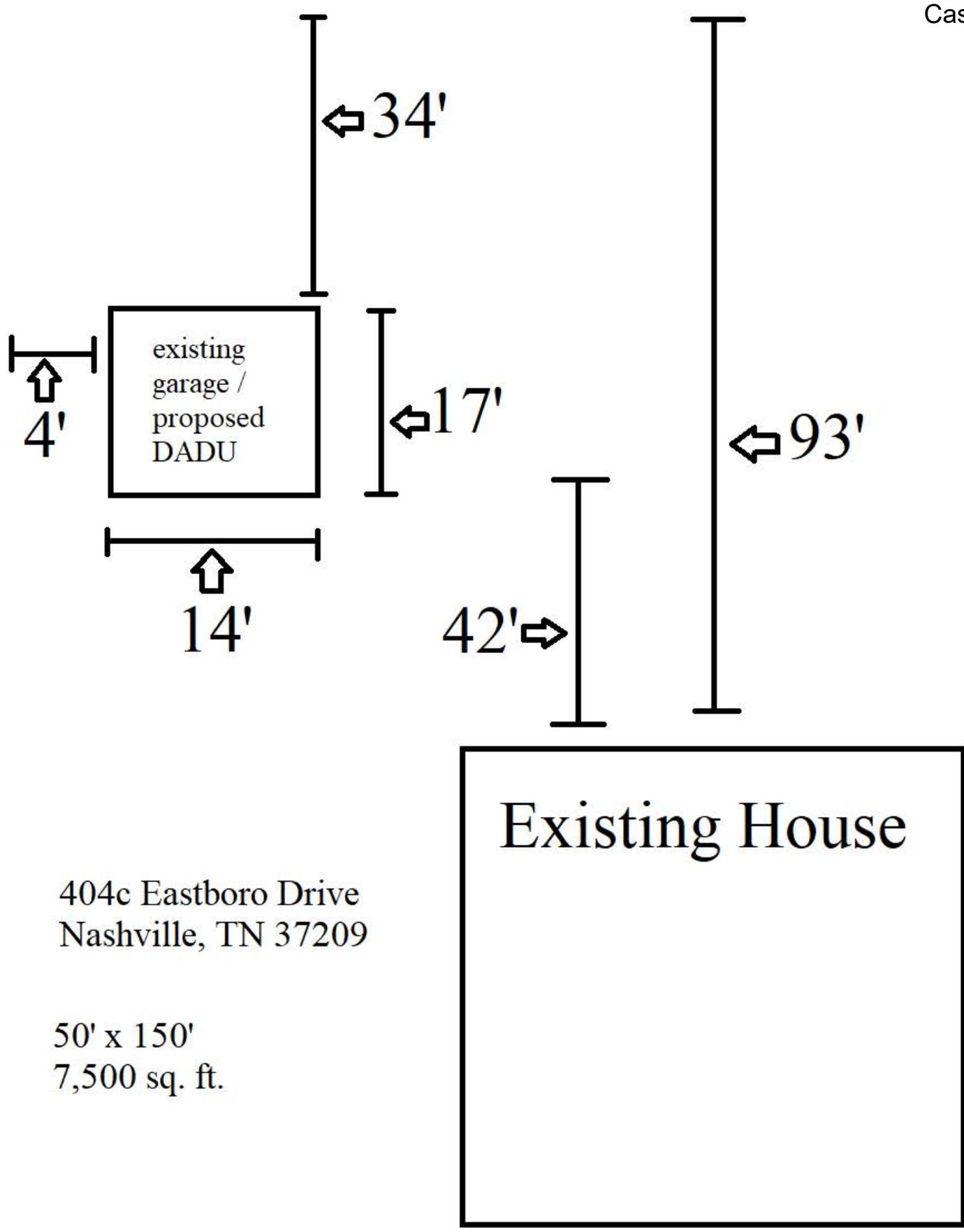
The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster 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.

APPLICATION FOR A VARIANCE REQUEST (ATTACHED PAGE)
404C EASTBORO DRIVE, NASHVILLE, TN 37209

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

HARDSHIPS:

The hardship we encounter is that our property is zoned R8, however it is 500 square feet shy of meeting the square foot requirements. We currently sit at 94% of the square footage needed. We will not be a "sore thumb" in the neighborhood as the building already stands, and it the aesthetics will be improved with new siding and paint. We are not looking to split our land to sell or build another house, we are looking to just add plumbing (electrical and roofing already exists) and to turn into a DADU for rental until our mother / mother-in-law are ready to retire. There are no vacant parcels around us to obtain land from to meet the square footage requirements, and we are not looking to expand the building which would take up more land. The backside of the property is shielded by trees, and the property line in between proposed DADU and the neighbor is shielded by shrubs.



404c Eastboro Drive
Nashville, TN 37209

50' x 150'
7,500 sq. ft.

CHARLOTTE AVE.

EASTBORO DRIVE.

ring





404C

NO PARKING





Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Bashar Al Jabiri
Property Owner: Bashar Al Jabiri
Representative : Bashar Al Jabiri

Date: 10/1/19
Case #: 2019- 484
Map & Parcel: 128120B0060000

Council District 22

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

Purpose: PERMIT ADDITION OFF REAR OF HOUSE

Activity Type: RESIDENTIAL ADDITION

Location: 601 SUMMIT OAKS CT.

This property is in the R15 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: REAR ADDITION 2' OFF REAR PROPERTY LINE

Section(s): 17.12.020 A MINIMUM REAR SETBACK 20'

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.

Bashar Al Jabiri
Appellant Name (Please Print)

Representative Name (Please Print)

601 Summit Oaks Ct
Address

Address

Nashville, TN, 37221
City, State, Zip Code

City, State, Zip Code

901 502 4247
Phone Number

Phone Number

bj-1983@hotmail.com
Email

Email

BJ-1983@hotmail.com
Zoning Examiner: TZ

Appeal Fee:



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



3717664

ZONING BOARD APPEAL / CAAZ - 20190059582
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 128120B00600CO

APPLICATION DATE: 09/30/2019

SITE ADDRESS:

601 SUMMIT OAKS CT NASHVILLE, TN 37221
LOT 6 WOODBURY PHASE 2

PARCEL OWNER: ALJABIRI, BASHAR & SUCHAD

CONTRACTOR:

APPLICANT:**PURPOSE:**

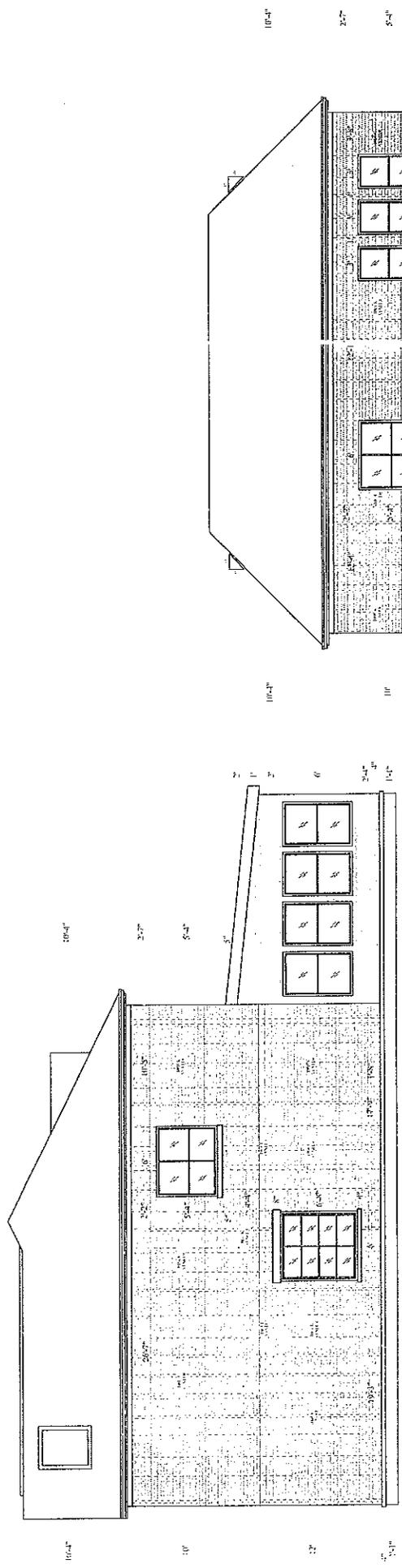
RESIDENTIAL: COVER/ENCLOSED EXISTING OPEN DECK LOCATED AT REAR OF RESIDENCE.

PER 17.12.020A MINIMUM REAR SETBACK IS 20 FEET
REQUEST TO BUILD AT 2' REAR SETBACK LINE

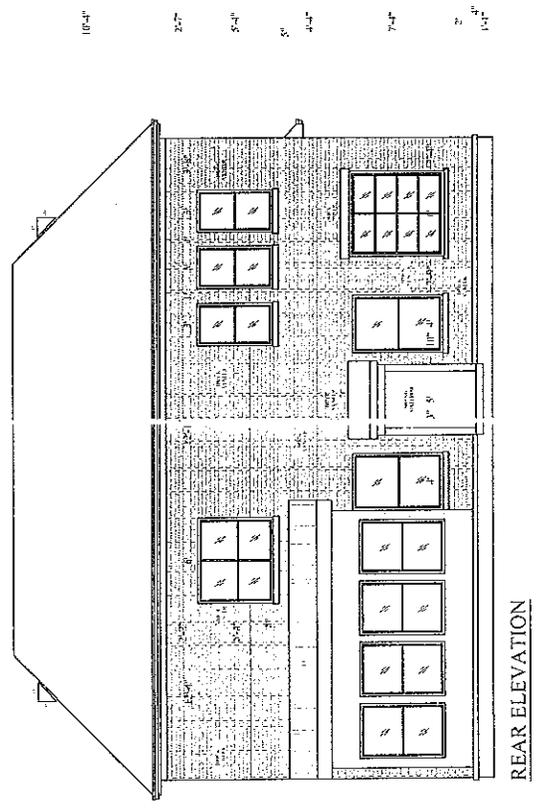
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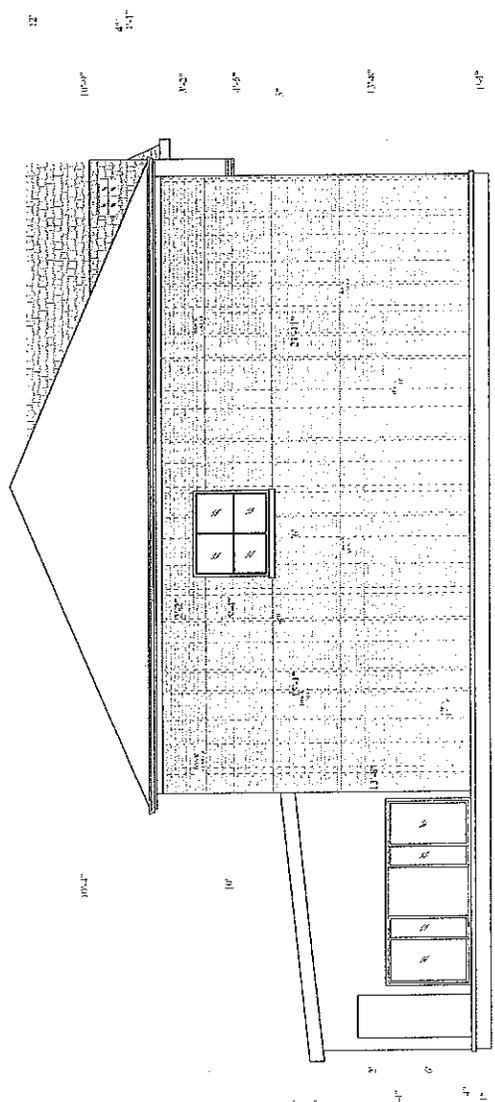
Inspection requirements may change due to changes during construction.



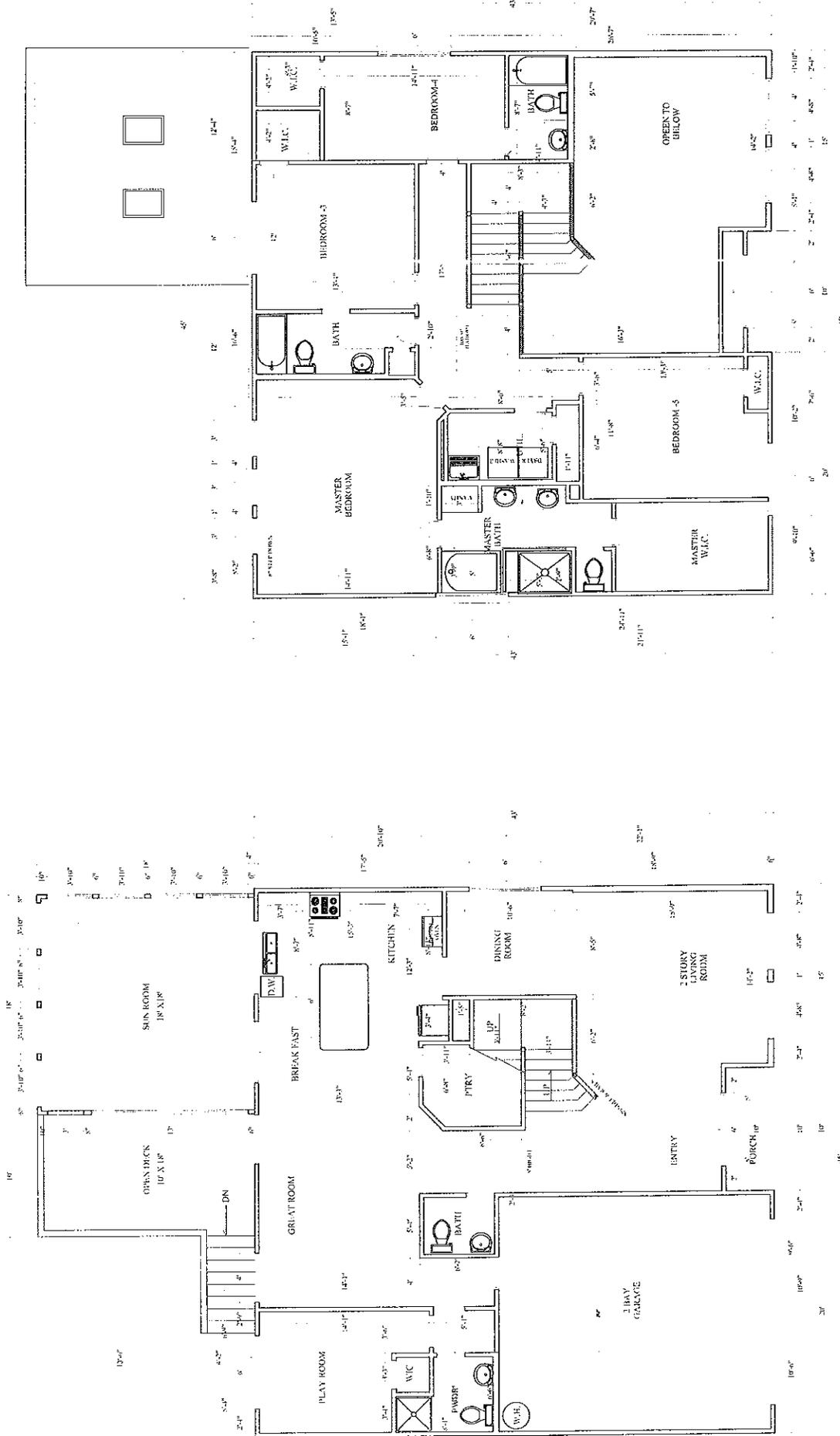
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FIRST FLOOR PLAN
1/8" = 1'-0"

SECOND FLOOR PLAN
1/8" = 1'-0"

APPLICATION FOR A VARIANCE REQUEST

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Bahar Al-Jabiri
APPELLANT

9/30/2019
DATE

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Letter to the Board For Review of Standards for Variance

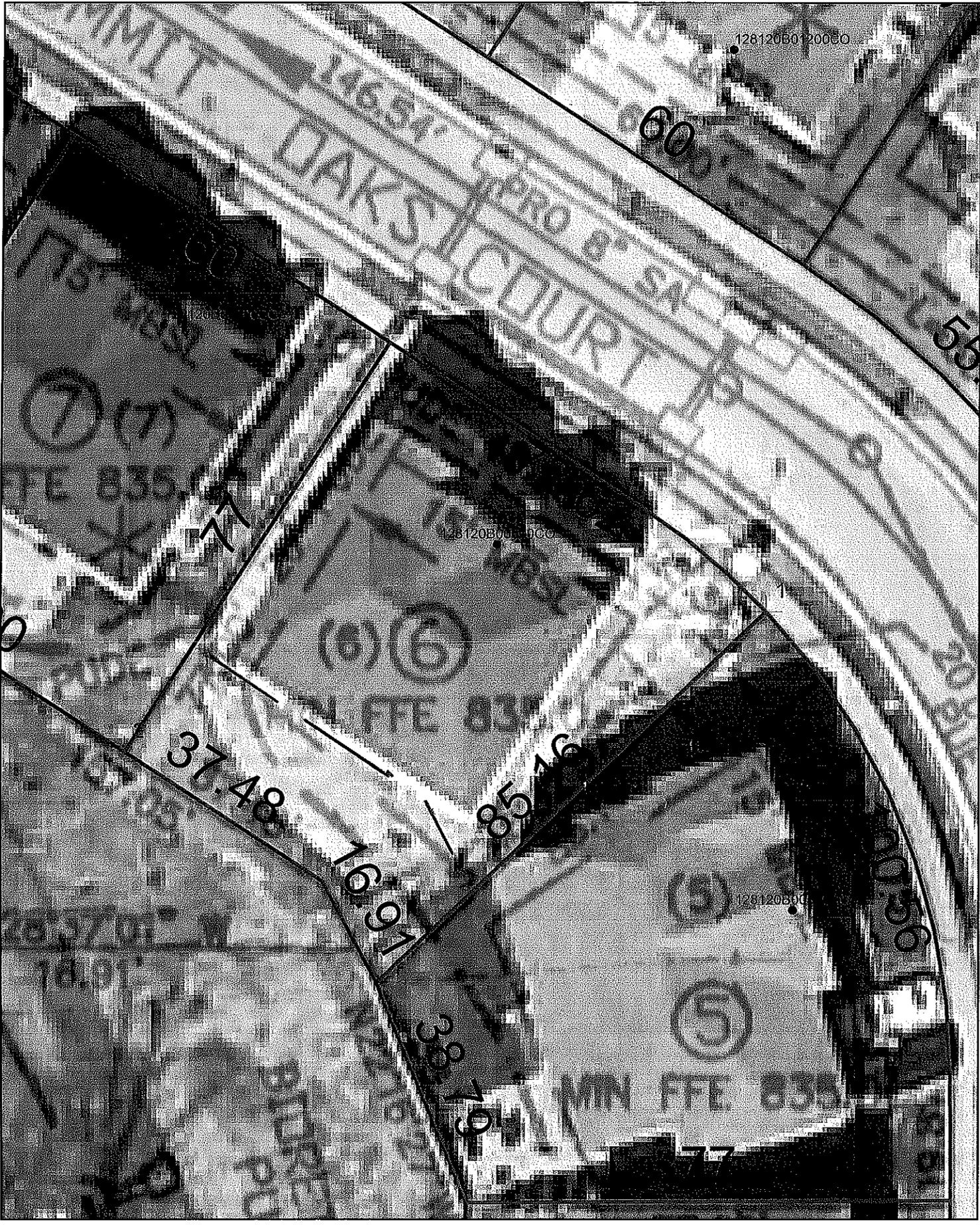
I'd like to bring to the board's attention the reasoning behind my request for variance. We had initially purchased our current property's land for a building envelope of 46x44 in which I was provided with a sight survey for. When we had layed out plans to build and another sight survey was requested to be made the surveyor discovered that the building envelope given to me was mistaken and we can only build on 44x42, which made a drastic difference in the plan for the home we built for the family to live in.

For this reason I had decided to cover the deck we have in the back in order for us to be able to use it as part of the home. While unaware that this will require a specific permit and approval. In addition to our family using the covered deck as part of the home, this will provide protection for our kids from the animals we get out back when they go out to play in our deck area. As we have spotted coyotes and other species out back.

My neighbors support me with this project, as it does not affect any of them nor cause harm to the public or block any access.

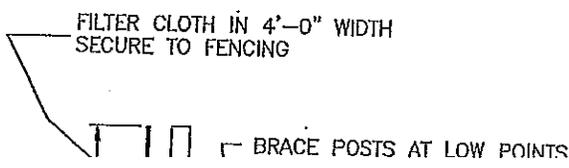
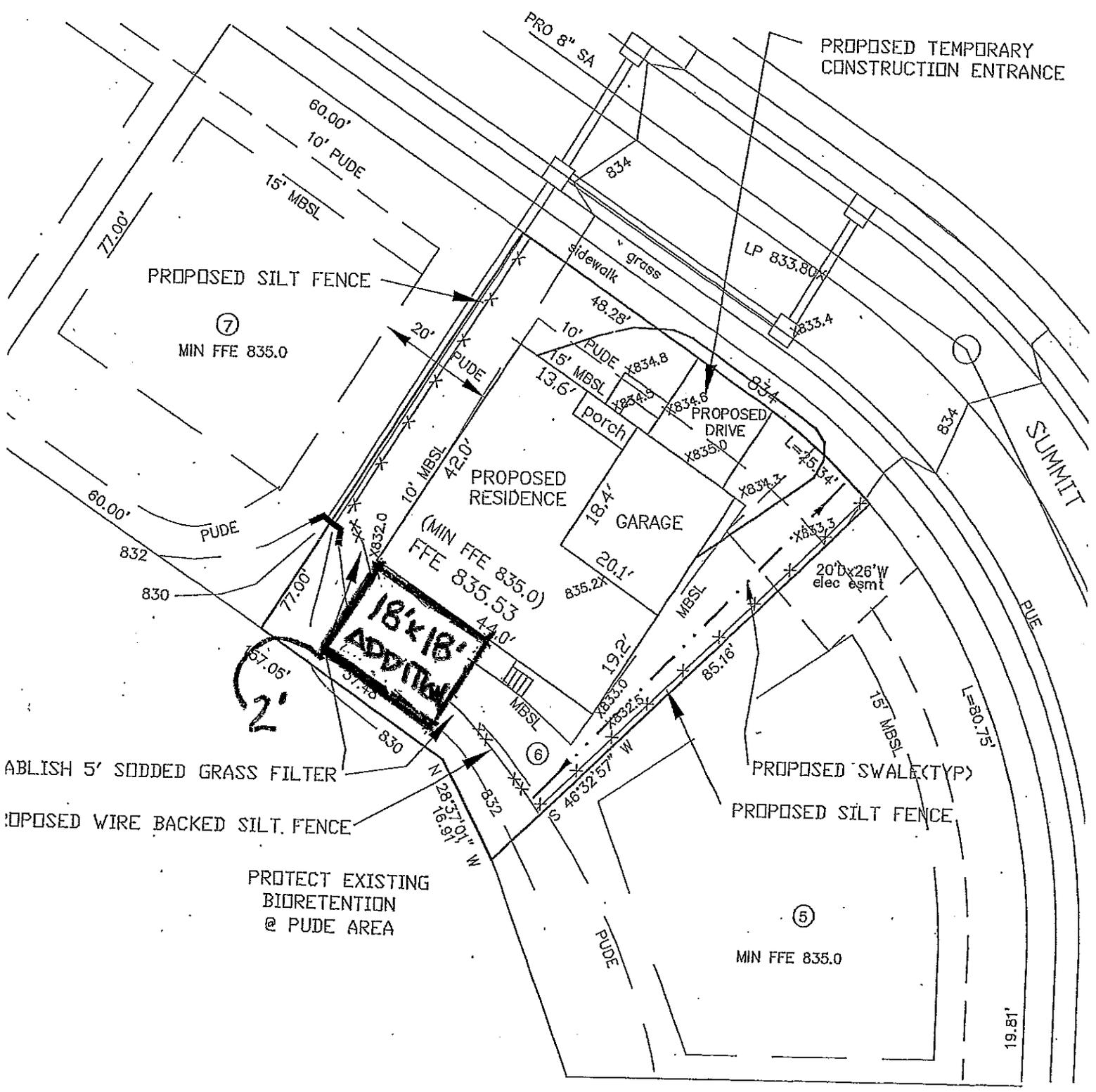
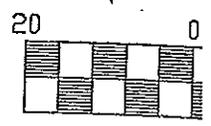
Bashar Aljabini
9/30/2019

property 601 Summit Oaks Ct, Nashville, TN 37221



1 inch = 20 feet → RESIDENTIAL PUD OVERLAY
 PLANNING (J)





PRO SILT FEN



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



3717664

ZONING BOARD APPEAL / CAAZ - 20190059582
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 15011017700

APPLICATION DATE: 09/30/2019

SITE ADDRESS:

601 SUMMERTIME CT ANTIOCH, TN 37013
LOT 570 TOWNE VILLAGE OF THE COUNTRY SEC 4-A

PARCEL OWNER: RUFFIN, DELORA BANKS & LAWAYNE, SR CONTRACTOR:

APPLICANT:**PURPOSE:**

RESIDENTIAL: COVER/ENCLOSED EXISTING OPEN DECK LOCATED AT REAR OF RESIDENCE.

PER 17.12.020A MINIMUM REAR SETBACK IS 20 FEET
REQUEST TO BUILD AT 2' REAR SETBACK LINE

*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

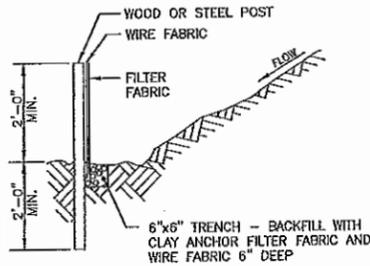
Inspection requirements may change due to changes during construction.

METRO CRITICAL LOT NOTES:

- 1) NO EXISTING TREES OR RETAINING WALLS ON THIS LOT.
- 2) LOT SHALL BE PERMANENTLY STABILIZED WITH SOD.
- 3) LIMITS OF GRADING SHALL BE THE LOT LINES.
- 4) DRIVEWAY RAMP AT SIDEWALK SHALL BE INSTALLED PER METRO STANDARD DETAIL.

GENERAL NOTES:

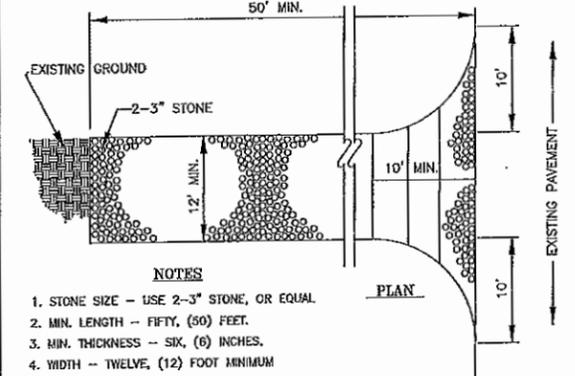
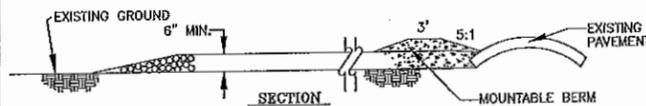
- 1) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 2) UTILITIES HAVE SCALED FROM MAPS OF RECORD ONLY AND NOT FIELD LOCATED. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THIS SURVEYOR. SIZE AND EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY.
- 3) ALL BUILDING AND GARAGE DIMENSIONS SHOWN PROVIDED BY CLIENT.
- 4) THE PROPERTY IS CURRENTLY ZONED "R15" WITH PUD OVERLAY. SETBACKS DETERMINED BY PUD # 97P-027-002.



NOTES:

1. FILTER FABRIC FENCE TO BE PLACED PRIOR TO START OF ROUGH GRADING.
2. STEEL POSTS SHALL BE APPROVED BY OWNER PRIOR TO USE.
3. WOOD POSTS SHALL BE 2"x 2" MIN., OAK OR SIMILAR HARDWOOD.
4. POSTS SHALL BE SPACED AT 6' INTERVALS.
5. WIRE FABRIC & FILTER FABRIC SHALL BE SECURELY BOUND TO POSTS WITH EITHER STAPLES OR WIRE TIES.
6. FILTER FABRIC SHALL BE POLYPROPYLENE FABRIC WITH EQUIVALENT OPENING SIZE (EOS) OF NO.100 SIEVE MIN., NO.40 SIEVE MAX., AS DETERMINED BY CORPS OF ENGINEERS GUIDE SPEC. CW 02215.

WIRE BACKED SILT FENCE



NOTES

1. STONE SIZE - USE 2-3" STONE, OR EQUAL
2. MIN. LENGTH - FIFTY (50) FEET.
3. MIN. THICKNESS - SIX (6) INCHES.
4. WIDTH - TWELVE (12) FOOT MINIMUM
5. FILTER CLOTH - SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.

TEMPORARY CONSTRUCTION ENTRANCE

OWNER
BASHAR & SUHAD ALJABRI
1351 GOLDEN EAGLE WAY
CLARKSVILLE, TENNESSEE 37040

BUILDER/CONTACT
ERIC STEVENHAGEN
HICKORY RIDGE HOMES
100 TAYLOR STREET (10A)
NASHVILLE, TENNESSEE 37218
PHONE 615-788-0871

PLAN PREPARED BY:
JOHN DEWAAL, PE
P.O. BOX 2818
LEBANON, TN 37088
TEL 615-394-3786
email: jdewaal@ellsouth.net

SITE DATA:
LOT SQUARE FOOTAGE: 5,043 SF
BUILDING FOOTPRINT: 1,848 SF / 37% OF LOT

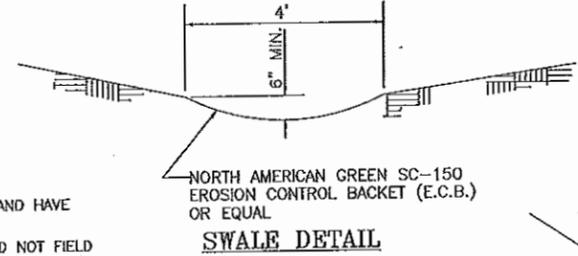
GREENSPACE CALCULATIONS:
LOT AREA: 0.12 AC; 5,043 SF
IMPERVIOUS AREA: 2,077 SF
PERCENT OF GREENSPACE: 59%

SITE INFORMATION:

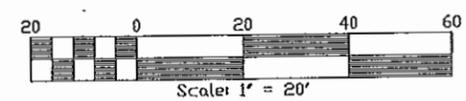
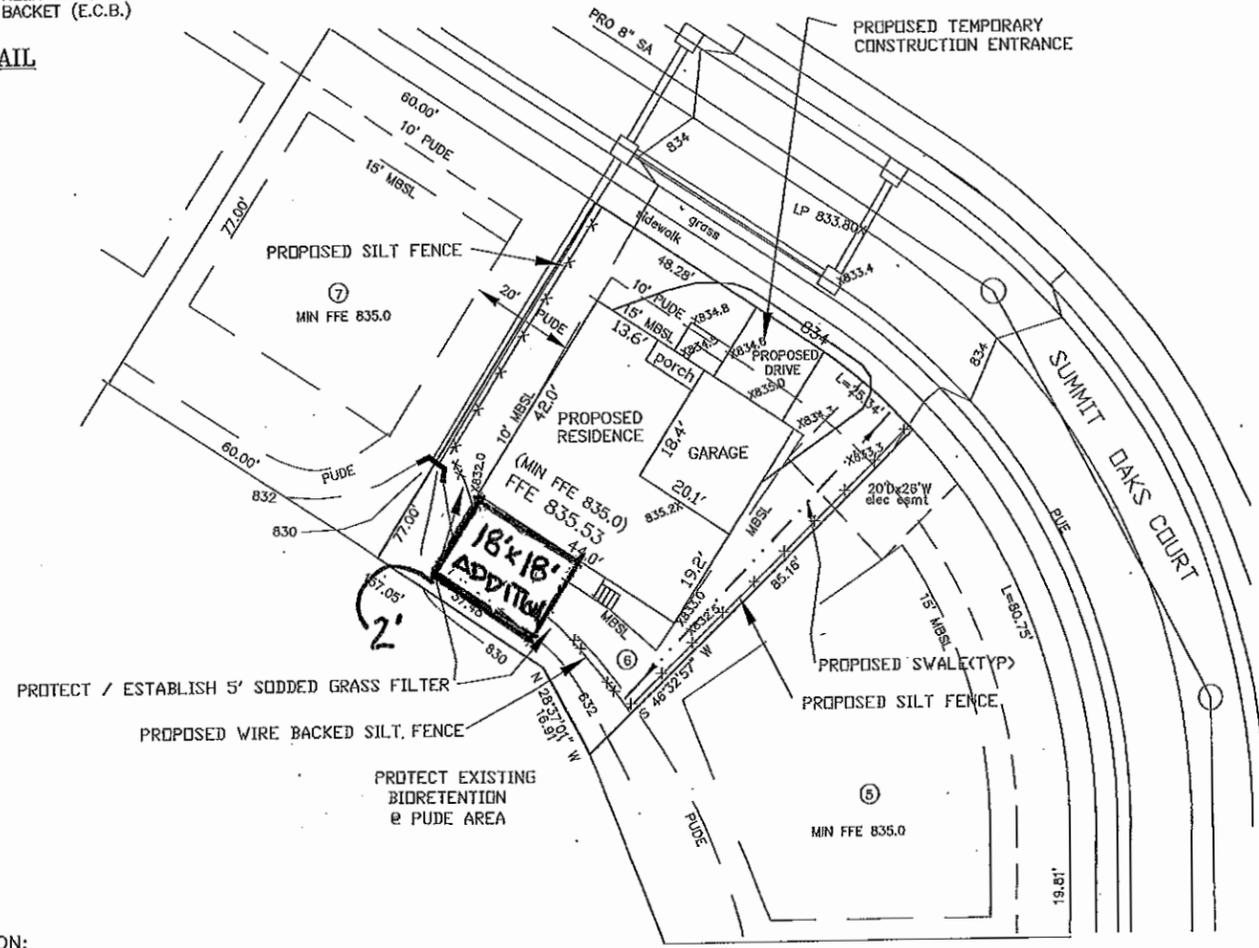
LOT 6
WOODBURY, PHASE 2
INSTR. NO. 20140429-0035945
MAP 128-12, PARCEL B00600C0
GREATER MIDDLE TENNESSEE
DEVELOPMENT PARTNERSHIP
INSTR. NO. 20120810-0071790
SITE ADDRESS:
601 SUMMIT OAKS CT.
NASHVILLE, TN 37221

ENGINEERING AND EROSION CONTROL NOTES:

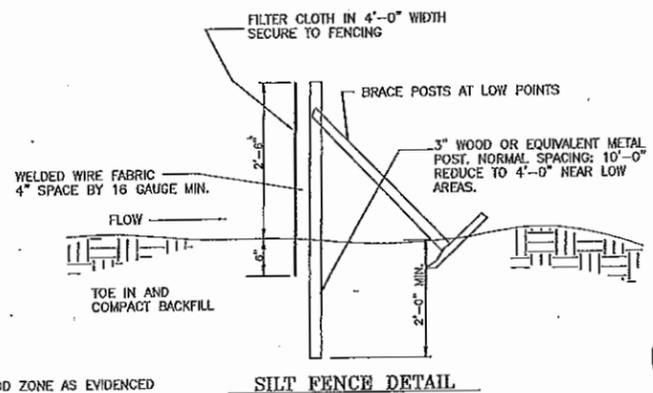
1. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD ZONE AS EVIDENCED BY F.E.M.A. MAP NO. 47037C0308F DATED: APRIL 20, 2001.
2. POSITIVE DRAINAGE SHALL BE PROVIDED AWAY FROM ANY HVAC UNITS.
3. ALL FILL SHALL BE COMPACTED TO BUILDING CODE STANDARDS.
4. STABILIZE ALL DISTURBED AREAS WITH TOPSOIL, SEEDING, AND STRAW OR ECB IF SHOWN WITHIN 14 DAYS OF COMPLETING FILL ON LOT.
5. ALL EROSION CONTROLS MEASURES EXCEPT ECB/SOD SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION.
6. MINIMUM SLOPE AT GRASS OR LANDSCAPED AREAS WITHIN 5' OF THE PROPOSED BUILDING SHALL BE 5% AWAY FROM STRUCTURE.



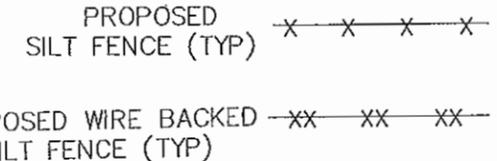
SWALE DETAIL



S.P.C.S. MAP 88(1995) NAVD 88



SILT FENCE DETAIL



CRITICAL LOT PLAN
LOT 6
WOODBURY PHASE 2
INSTR. NO. 2014049-0035945
22ND COUNCILMANIC DISTRICT
NASHVILLE-DAVIDSON COUNTY-TENNESSEE
SCALE: 1"=20' DATE: 08-17-18

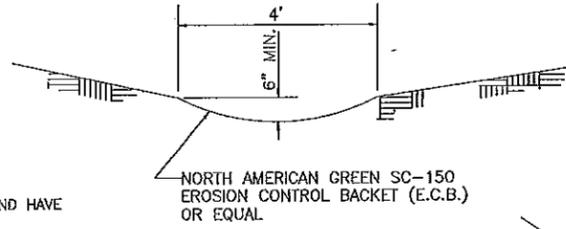
TOTAL AREA: 5,043 SQ. FT. OR (0.12± ACRES)

METRO CRITICAL LOT NOTES:

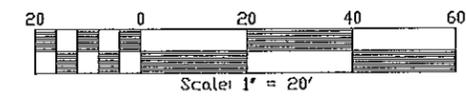
- 1) NO EXISTING TREES OR RETAINING WALLS ON THIS LOT.
- 2) LOT SHALL BE PERMANENTLY STABILIZED WITH SOD.
- 3) LIMITS OF GRADING SHALL BE THE LOT LINES.
- 4) DRIVEWAY RAMP AT SIDEWALK SHALL BE INSTALLED PER METRO STANDARD DETAIL.

GENERAL NOTES:

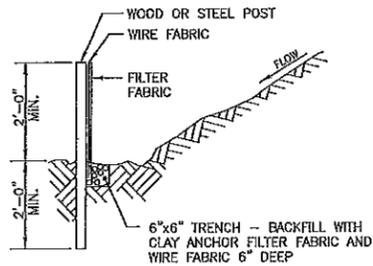
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SWALE DETAIL



S.P.C.S. NAD 83(1985) NAD 83



NOTES:

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OWNER
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1351 GOLDEN EAGLE WAY
CLARKSVILLE, TENNESSEE 37040

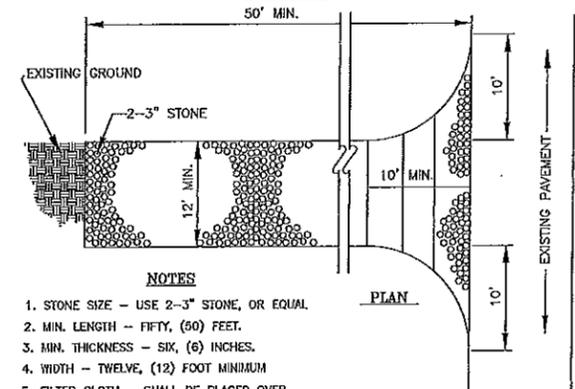
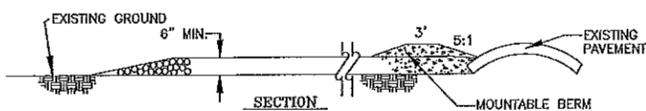
BUILDER/CONTACT
ERIC STEVENHAGEN
HICKORY RIDGE HOMES
100 TAYLOR STREET (10A)
NASHVILLE, TENNESSEE 37218
PHONE 615-788-0871

PLAN PREPARED BY:
JOHN DEWAAL, PE
P.O. BOX 2818
LEBANON, TN 37088
TEL. 615-394-3786
email: jhdewaal@bellsouth.net

SITE DATA:
LOT SQUARE FOOTAGE: 5,043 SF
BUILDING FOOTPRINT: 1,848 SF / 37% OF LOT

GREENSPACE CALCULATIONS:
LOT AREA: 0.12 AC; 5,043 SF
IMPERVIOUS AREA: 2,077 SF
PERCENT OF GREENSPACE: 59%

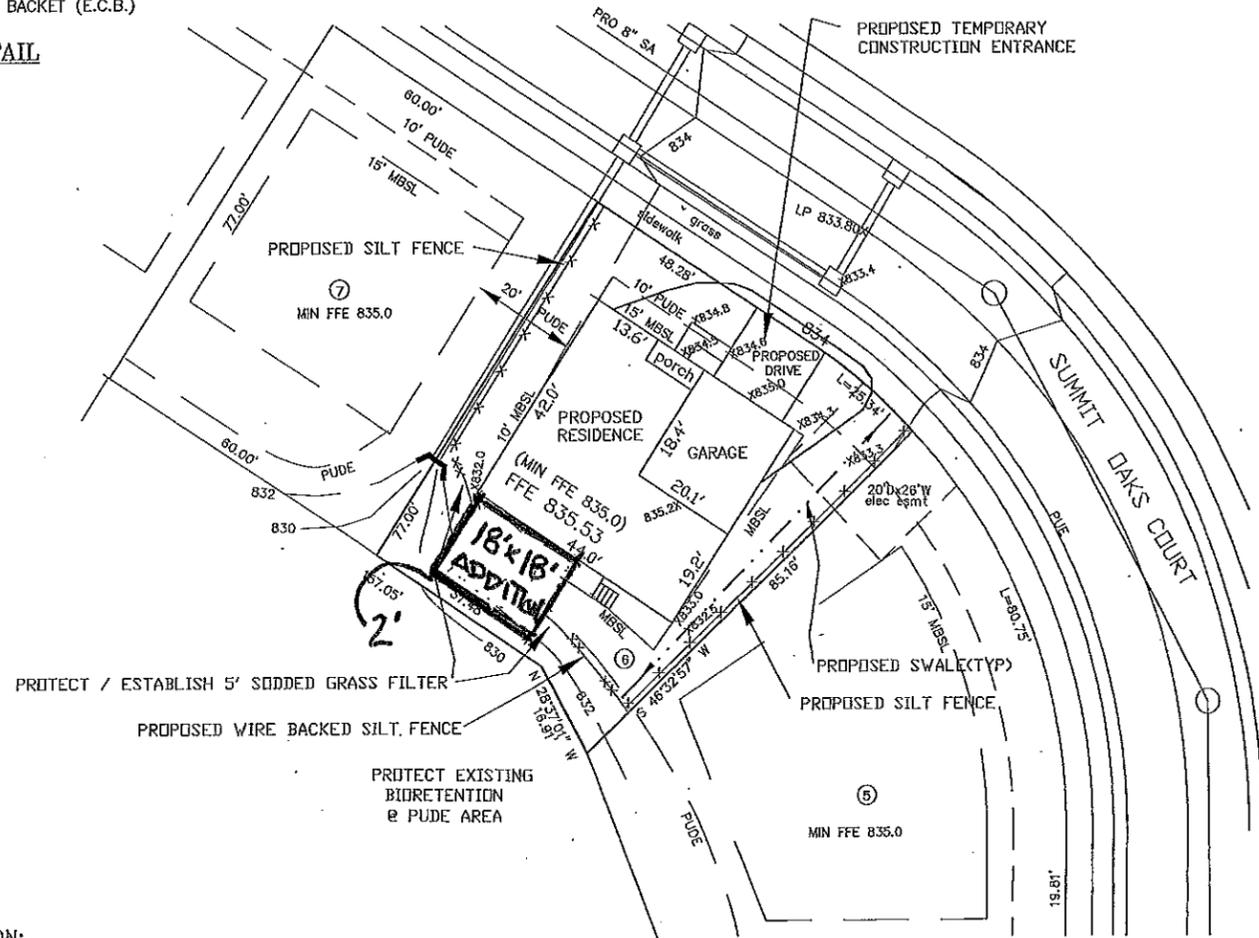
WIRE BACKED SILT FENCE



NOTES

1. STONE SIZE - USE 2-3" STONE, OR EQUAL
2. MIN. LENGTH - FIFTY, (50) FEET.
3. MIN. THICKNESS - SIX, (6) INCHES.
4. WIDTH - TWELVE, (12) FOOT MINIMUM
5. FILTER CLOTH - SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY SHALL BE REMOVED IMMEDIATELY.

TEMPORARY CONSTRUCTION ENTRANCE

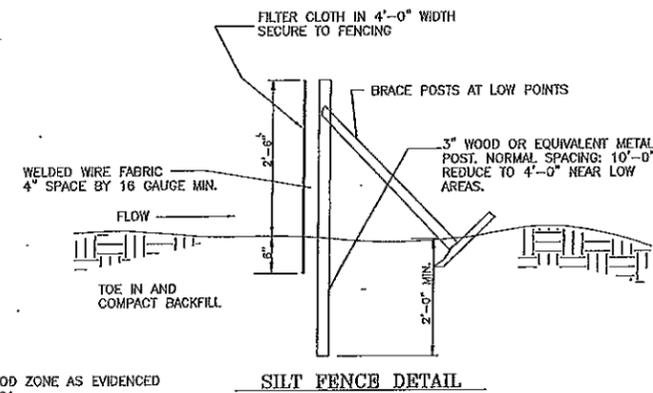


SITE INFORMATION:

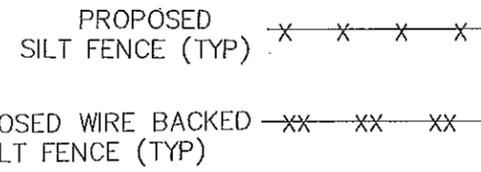
LOT 6
WOODBURY, PHASE 2
INSTR. NO. 20140429-0035945
MAP 128-12, PARCEL B00600C0
GREATER MIDDLE TENNESSEE
DEVELOPMENT PARTNERSHIP
INSTR. NO. 20120810-0071790
SITE ADDRESS:
601 SUMMIT OAKS CT.
NASHVILLE, TN 37221

ENGINEERING AND EROSION CONTROL NOTES:

1. THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD ZONE AS EVIDENCED BY F.E.M.A. MAP NO. 4703700308F DATED: APRIL 20, 2001.
2. POSITIVE DRAINAGE SHALL BE PROVIDED AWAY FROM ANY HVAC UNITS.
3. ALL FILL SHALL BE COMPACTED TO BUILDING CODE STANDARDS.
4. STABILIZE ALL DISTURBED AREAS WITH TOPSOIL, SEEDING, AND STRAW OR ECB IF SHOWN WITHIN 14 DAYS OF COMPLETING FILL ON LOT.
5. ALL EROSION CONTROLS MEASURES EXCEPT ECB/SOD SHALL BE INSTALLED PRIOR TO BEGINNING CONSTRUCTION.
6. MINIMUM SLOPE AT GRASS OR LANDSCAPED AREAS WITHIN 5' OF THE PROPOSED BUILDING SHALL BE 5% AWAY FROM STRUCTURE.



SILT FENCE DETAIL



CRITICAL LOT PLAN
LOT 6
WOODBURY PHASE 2
INSTR. NO. 2014049-0035945
22ND COUNCILMANIC DISTRICT
NASHVILLE-DAVIDSON COUNTY-TENNESSEE
SCALE: 1"=20' DATE: 08-17-18

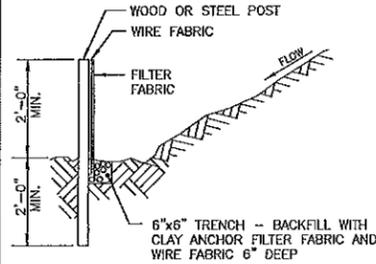
TOTAL AREA: 5,043 SQ. FT. OR (0.12± ACRES)

METRO CRITICAL LOT NOTES:

- 1) NO EXISTING TREES OR RETAINING WALLS ON THIS LOT.
- 2) LOT SHALL BE PERMANENTLY STABILIZED WITH SOD.
- 3) LIMITS OF GRADING SHALL BE THE LOT LINES.
- 4) DRIVEWAY RAMP AT SIDEWALK SHALL BE INSTALLED PER METRO STANDARD DETAIL.

GENERAL NOTES:

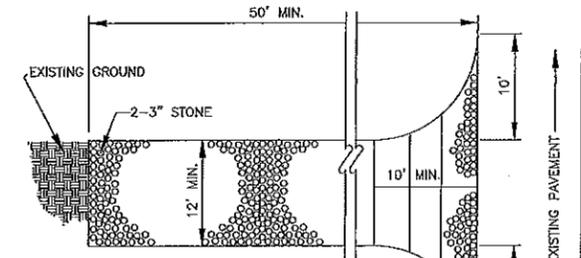
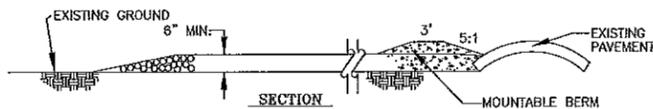
- 1) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
- 2) UTILITIES HAVE SCALED FROM MAPS OF RECORD ONLY AND NOT FIELD LOCATED. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THIS SURVEYOR. SIZE AND EXACT LOCATIONS OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY.
- 3) ALL BUILDING AND GARAGE DIMENSIONS SHOWN PROVIDED BY CLIENT.
- 4) THE PROPERTY IS CURRENTLY ZONED "R15" WITH PUD OVERLAY. SETBACKS DETERMINED BY PUD # 97P-027-002.



NOTES:

1. FILTER FABRIC FENCE TO BE PLACED PRIOR TO START OF ROUGH GRADING.
2. STEEL POSTS SHALL BE APPROVED BY OWNER PRIOR TO USE.
3. WOOD POSTS SHALL BE 2" x 2" MIN., OAK OR SIMILAR HARDWOOD.
4. POSTS SHALL BE SPACED AT 6' INTERVALS.
5. WIRE FABRIC & FILTER FABRIC SHALL BE SECURELY BOUND TO POSTS WITH EITHER STAPLES OR WIRE TIES.
6. FILTER FABRIC SHALL BE POLYPROPYLENE FABRIC WITH EQUIVALENT OPENING SIZE (EOS) OF NO.100 SIEVE MIN., NO.40 SIEVE MAX., AS DETERMINED BY CORPS OF ENGINEERS GUIDE SPEC. CW 02215.

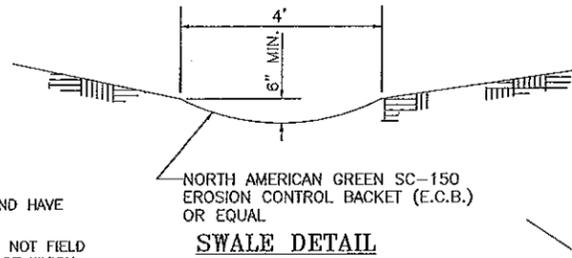
WIRE BACKED SILT FENCE



NOTES

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TEMPORARY CONSTRUCTION ENTRANCE



OWNER
BASHAR & SUCHAD ALJABIRI
1351 GOLDEN EAGLE WAY
CLARKSVILLE, TENNESSEE 37040

BUILDER/CONTACT
ERIC STEVENHAGEN
HICKORY RIDGE HOMES
100 TAYLOR STREET (10A)
NASHVILLE, TENNESSEE 37218
PHONE 615-788-0871

PLAN PREPARED BY:
JOHN DEWAAL, PE
P.O. BOX 2818
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TEL 615-394-3786
email: jdwad@ellsouth.net

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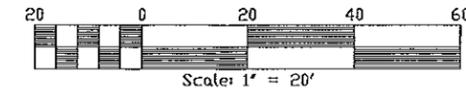
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LOT AREA: 0.12 AC; 5,043 SF
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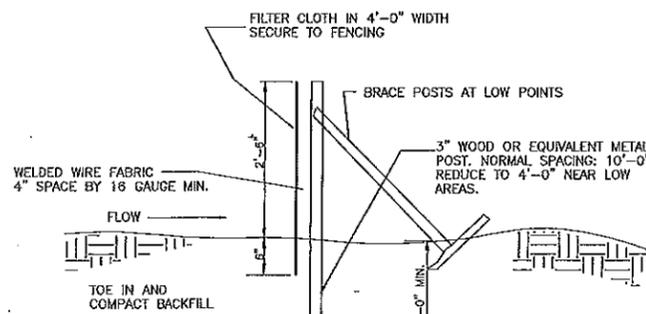
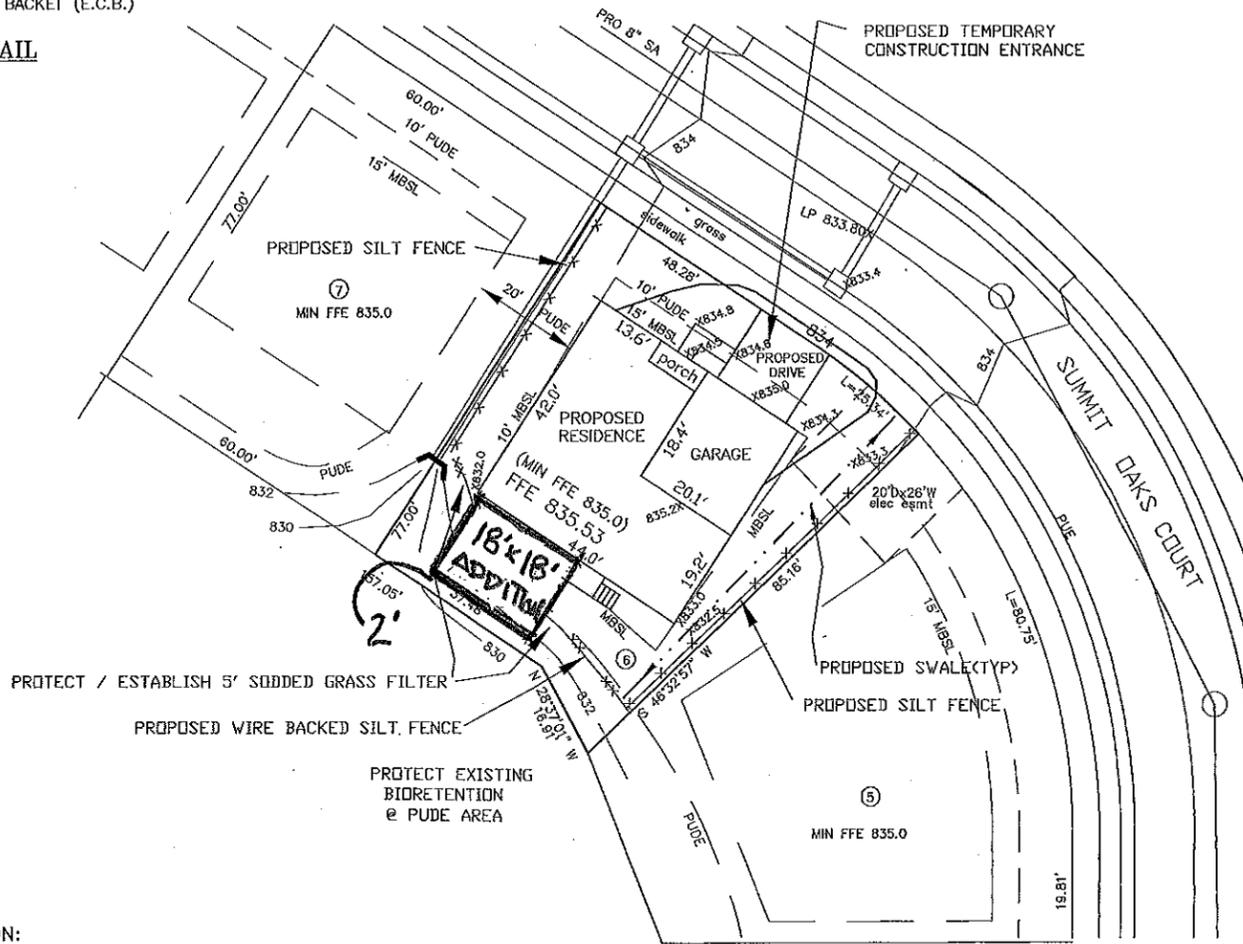
LOT 6
WOODBURY, PHASE 2
INSTR. NO. 20140429-0035945
MAP 128-12, PARCEL 80060000
GREATER MIDDLE TENNESSEE
DEVELOPMENT PARTNERSHIP
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SITE ADDRESS:
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4. STABILIZE ALL DISTURBED AREAS WITH TOPSOIL, SEEDING, AND STRAW OR ECB IF SHOWN WITHIN 14 DAYS OF COMPLETING FILL ON LOT.
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S.P.C.S. NAD 85(1995) NAVD 88



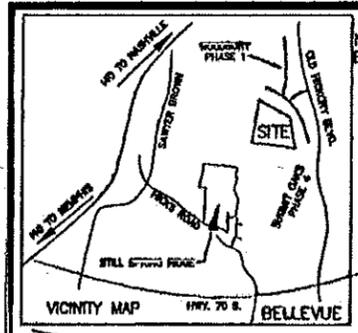
SILT FENCE DETAIL

TOTAL AREA: 5,043 SQ. FT. OR (0.12± ACRES)



PROPOSED SILT FENCE (TYP) X X X X
PROPOSED WIRE BACKED SILT FENCE (TYP) XX XX XX

CRITICAL LOT PLAN
LOT 6
WOODBURY PHASE 2
INSTR. NO. 2014049-0035945
22ND COUNCILMANIC DISTRICT
NASHVILLE-DAVIDSON COUNTY-TENNESSEE
SCALE: 1"=20' DATE: 08-17-18



HUTTON BUCHANAN ETUX
DB 5353 PG 270

GREATER MIDDLE TENNESSEE
DEVELOPMENT PARTNERSHIP
INSTRUMENT # 20030803-0094431

- LEGEND**
- IRON PIN (OLD) ○ (P(0))
 - MANHOLE ○
 - WATER VALVE ○
 - FIRE HYDRANT ○
 - PUBLIC UTILITY & DRAINAGE EASEMENT
 - PROPERTY/R.O.W. LINE
 - 6" SANITARY LINE
 - 6" WATER LINE

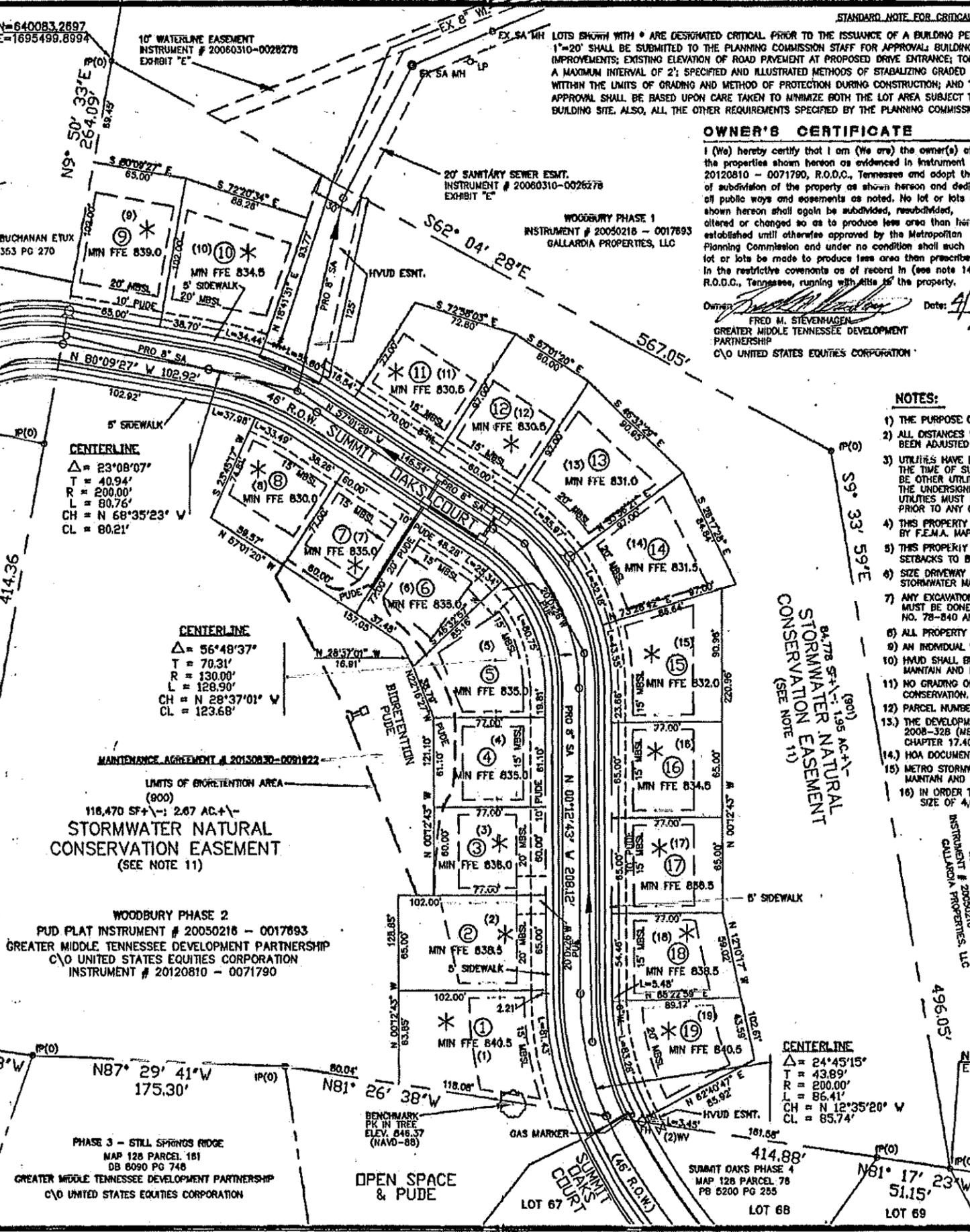
PHASE 1
STILL SPRINGS RIDGE
MAP 128 PARCEL 38
DB 2017 PG 33

PUD PLAT - INSTRUMENT # 20070814-0071044
GREATER MIDDLE TENNESSEE DEVELOPMENT PARTNERSHIP
C/O UNITED STATES EQUITIES CORPORATION

DISTRICT COUNCILMEMBER:
SHERI WEINER
COUNCIL DISTRICT 22

DEVELOPER:
GREATER MIDDLE TENNESSEE DEVELOPMENT PARTNERSHIP
C/O UNITED STATES EQUITIES CORPORATION
1850 MURFREESBORO ROAD SUITE 200
FRANKLIN, TN, 37067

SURVEYOR:
KEVIN A. EDMONSON
2952 CHURCHILL LANE
THOMPSONS STATION, TN 37179



STANDARD NOTE FOR CRITICAL LOTS

LOTS SHOWN WITH * ARE DESIGNATED CRITICAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, A GRADING PLAN COMPLETE WITH THE FOLLOWING INFORMATION AT A SCALE OF 1"=20' SHALL BE SUBMITTED TO THE PLANNING COMMISSION STAFF FOR APPROVAL: BUILDING LOCATIONS AND FINISH FLOOR ELEVATIONS; LOCATION OF ALL PROPOSED SITE IMPROVEMENTS; EXISTING ELEVATION OF ROAD PAVEMENT AT PROPOSED DRIVE ENTRANCE; TOP AND BOTTOM ELEVATIONS OF RETAINING WALLS; EXISTING AND PROPOSED CONTOURS AT A MAXIMUM INTERVAL OF 2'; SPECIFIED AND ILLUSTRATED METHODS OF STABILIZING GRADED SLOPES STEEPER THAN 33%; LIMITS OF GRADING; EXISTING TREES TO BE PRESERVED WITHIN THE LIMITS OF GRADING AND METHOD OF PROTECTION DURING CONSTRUCTION; AND THE NAME OF THE PERSON OR FIRM RESPONSIBLE FOR THE PLAN. APPROVAL SHALL BE BASED UPON CARE TAKEN TO MINIMIZE BOTH THE LOT AREA SUBJECT TO GRADING AND THE AMOUNT OF CUT/FILL REQUIRED TO PREPARE THE LOT AS A BUILDING SITE. ALSO, ALL THE OTHER REQUIREMENTS SPECIFIED BY THE PLANNING COMMISSION SHALL APPLY.

OWNER'S CERTIFICATE

I (We) hereby certify that I am (We are) the owner(s) of the properties shown hereon as evidenced in Instrument # 20120810 - 0071790, R.O.D.C., Tennessee and adopt the plan of subdivision of the property as shown hereon and dedicate all public ways and easements as noted. No lot or lots as shown hereon shall again be subdivided, resubdivided, altered or changed so as to produce less area than hereby established until otherwise approved by the Metropolitan Planning Commission and under no condition shall such lot or lots be made to produce less area than prescribed in the restrictive covenants as of record in (see note 14) R.O.D.C., Tennessee, running with title to the property.

Date: 4/7/14

OWNER:
FRED M. STEVENHAGEN
GREATER MIDDLE TENNESSEE DEVELOPMENT PARTNERSHIP
C/O UNITED STATES EQUITIES CORPORATION

COMMISSION'S APPROVAL

Approved by the Metropolitan Planning Commission of Nashville and Davidson County, Tennessee.

Secretary: [Signature] Date: 4/29/2014

RECORD

Davidson County PLAT-10
Recvd: 04/29/14 13:12 2 pgs
Fees: 20.00 Taxes: 0.00
20140429-0036945

SURVEYOR'S CERTIFICATE

I (We) hereby certify that to the best of my knowledge and belief the hereon shown subdivision plan represents a "CATEGORY 1" survey having a minimum unadjusted ratio of closure of 1 : 10,000 and is true and accurate. Approved monuments have been placed as indicated. All side lot lines are at right angles or radial to a street unless otherwise noted.

Date: 2-13-14

By: [Signature]
KEVIN A. EDMONSON, R.L.S. 1515

- NOTES:**
- 1) THE PURPOSE OF THIS PLAT IS TO CREATE NINETEEN SINGLE-FAMILY LOTS.
 - 2) ALL DISTANCES WERE MEASURED WITH E.D.M. EQUIPMENT AND HAVE BEEN ADJUSTED FOR TEMPERATURE.
 - 3) UTILITIES HAVE BEEN PLOTTED FROM SURFACE FEATURES FOUND AT THE TIME OF SURVEY AND AVAILABLE MAPS AND RECORDS. THERE MAY BE OTHER UTILITIES, THE EXISTENCE OF WHICH ARE NOT KNOWN TO THE UNDERSIGNED. SIZE AND LOCATION OF ALL UNDERGROUND UTILITIES MUST BE VERIFIED BY THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY CONSTRUCTION.
 - 4) THIS PROPERTY IS NOT AFFECTED BY THE 100 YEAR FLOOD ZONE AS EVIDENCED BY F.E.M.A. MAP NO. 47037C0308F DATED: APRIL 20, 2001.
 - 5) THIS PROPERTY IS CURRENTLY ZONED R10 WITH A PUD OVERLAY. SETBACKS TO BE DETERMINED BY THE PUD.
 - 6) SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORMWATER MANAGEMENT MANUAL (MINIMUM DRIVEWAY CULVERT IN METRO ROW IS 15" CMP).
 - 7) ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
 - 8) ALL PROPERTY CORNERS WILL BE 5/8" IRON RODS UNLESS OTHERWISE NOTED.
 - 9) AN INDIVIDUAL WATER AND/OR SANITARY SEWER SERVICE LINE IS REQUIRED FOR EACH PROPOSED LOT.
 - 10) HAVD SHALL BE PROVIDED SUFFICIENT AND UNENCUMBERED ACCESS IN ORDER TO MAINTAIN AND REPAIR UTILITIES IN THIS SITE.
 - 11) NO GRADING OR ANY OTHER DISTURBANCE SHALL BE PERMITTED WITHIN AREAS SET ASIDE FOR CONSERVATION. DISTURBANCE OF THESE AREAS SHALL REQUIRE APPROVAL FROM METRO COUNCIL.
 - 12) PARCEL NUMBERS SHOWN THUS (00) REFER TO COUNTY TAX MAP 128-12-B.
 - 13) THE DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH THE REQUIREMENTS OF TREE ORDINANCE 2008-328 (METRO CODE CHAPTER 17.24, ARTICLE II, TREE PROTECTION AND REPLACEMENT; AND CHAPTER 17.40, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).
 - 14) HOA DOCUMENTS RECORDED IN INSTRUMENT NO. 20130924-0100444.
 - 15) METRO STORMWATER SHALL BE PROVIDED SUFFICIENT AND UNENCUMBERED ACCESS IN ORDER TO MAINTAIN AND REPAIR THIS SITE.
 - 16) IN ORDER TO LIMIT THE DEVELOPMENT FOOT PRINT LOTS HAVE BEEN REDUCED TO A MINIMUM LOT SIZE OF 4,620 SQUARE FEET.

All critical lots are designated *

LOT AREA TABLE	
LOT 1	7,583 SF, 0.18 AC +/-
LOT 2	6,630 SF, 0.15 AC +/-
LOT 3	4,620 SF, 0.11 AC +/-
LOT 4	4,620 SF, 0.11 AC +/-
LOT 5	5,845 SF, 0.13 AC +/-
LOT 6	5,043 SF, 0.12 AC +/-
LOT 7	4,620 SF, 0.11 AC +/-
LOT 8	5,032 SF, 0.12 AC +/-
LOT 9	6,630 SF, 0.15 AC +/-
LOT 10	7,794 SF, 0.18 AC +/-
LOT 11	6,090 SF, 0.14 AC +/-
LOT 12	5,820 SF, 0.13 AC +/-
LOT 13	6,987 SF, 0.16 AC +/-
LOT 14	6,460 SF, 0.15 AC +/-
LOT 15	6,229 SF, 0.14 AC +/-
LOT 16	5,005 SF, 0.11 AC +/-
LOT 17	5,005 SF, 0.11 AC +/-
LOT 18	4,896 SF, 0.11 AC +/-
LOT 19	5,649 SF, 0.13 AC +/-

N = 639328.5684
E = 1696083.3042

TOTAL AREA: 110,632 SQ. FT. (2.540± ACRES)

CASE No. 2013S-153-001

FINAL PLAT

WOODBURY PHASE 2

CLUSTER LOT PLANNED UNIT DEVELOPMENT

SECOND CIVIL DISTRICT

THIRTY FIFTH COUNCILMANIC DISTRICT

NASHVILLE-DAVIDSON COUNTY-TENNESSEE

SCALE: 1"=80'
DATE: 08-10-13
REVISED: 8-28-13
sheet 1 of 1

I, Doug Sloan, do hereby make oath that I am the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Signed and sworn to this 23 day of May, 2013.

[Signature]
Signature

State of TN

County of Davidson

Personally appeared to me, Kelly Adams, a notary public for this county and state, Doug Sloan, who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Witness my hand and official seal of office in Nashville, TN, this 23rd day of May, 2013.

[Signature]
Notary's signature

MY COMMISSION EXPIRES: August 23, 2016

Notary's seal (if on paper)



Ljiljana and Ruzmir Skopljak

593 Summit Oaks Ct.

Nashville, TN 37221

RE: Appeal Case No 2019-484

map parcel 128120300600 Co

Council dist. 22

As owners of very close property to the property in Case no 2019-484

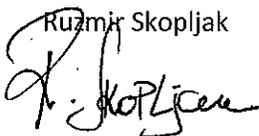
We oppose addition to the rear of the house in the above case.

Owners of 593 Summit Oaks Ct

Ljiljana Skopljak



Ruzmir Skopljak



DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

October 11, 2019

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
808 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

RE: Appeal Case Number: 2019-484
 601 SUMMIT OAKS CT
 Map Parcel: 128120B00600CO
 Zoning Classification: R15
 Council District: 22

This is to inform you that ALJABIRI, BASHAR & SUCHAD filed an appeal for the property at the above referenced location. The appellant requested a variance from rear setback requirements. Should this request be approved, it would allow the applicant to maintain an existing addition on the rear of the house.

*******THIS IS NOT A ZONE CHANGE REQUEST*******

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on **THURSDAY 11/21/2019, beginning at 1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.

This letter is being sent to you because you are the owner of property located within 1000' of the subject location. This request is only for the property at the above location. We are required by law to notify you of what your neighbor wishes to do on his/her property.

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # 20190059582 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300
Case# 2019-484

October 11, 2019

To whom this may concern,

We have been notified of an appeal submitted regarding an addition in the back of our neighboring family's property, the Aljabiris, located at 601 Summit Oaks Ct, Nashville TN 37221. Therefore we have decided to draft a letter of support for this addition and would like to notify the board that this addition does not bother us. As it does not affect our property nor does it create a hazard to any of the existing neighbors or environment around it.

Thank you ,

Abdulrahman Jasim and Noor Brifkani

Print Noor Brifkani

Signature 

Print Abdulrahman Jasim

Signature 

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville, TN 37219-6300
Case# 2019-484

October 11, 2019

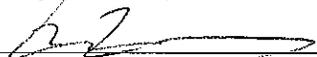
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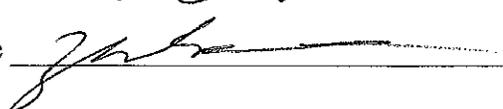
Thank you ,

Zaid Albarazinji and Zahra Brifkani

Print Zaid Albarzinji

Signature 

Print Zahra Brifkani

Signature 

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF DAVIDSON COUNTY



Appellant: Cottage Cove

Date: 10/1/19

Property Owner: _____

Case #: 2019-486

Representative: Brent MacDonald

Map & Parcel: 14716002100

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: Special Except

Activity Type: Religious Institution

Location: 4908 Aquatic Rd

This property is in the R510 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: _____

Section(s): 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.

Cottage Cove
Appellant Name (Please Print)

Brent MacDonald
Representative Name (Please Print)

Address

630 Benton Ave
Address

City, State, Zip Code

Nashville, TN 37204
City, State, Zip Code

Phone Number

615-292-2303
Phone Number

Email

brent@cottagecore.org
Email
debbie@cottagecore.org
Email

Appeal Fee: _____



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



3718210

ZONING BOARD APPEAL / CAAZ - 20190059989
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14716002100

APPLICATION DATE: 10/01/2019

SITE ADDRESS:

4908 AQUATIC RD NASHVILLE, TN 37211
LOT 3 SEC 5 WHISPERING HILLS

PARCEL OWNER: COTTAGE COVE CO.

CONTRACTOR:

APPLICANT:

PURPOSE:

REQUESTING A SPECIAL EXCEPTION PERMIT PER METZO SECTION 17.16.170 (E) FOR COTTAGE COVE URBAN MINISTRIES. BUSINESS OPERATES UNDER TCA CODE 71-3-503. POC BRENT MCDONALD 615-292-2303.

*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**



3718200

**BUILDING USE & OCCUPANCY / CAUO - T2019059983
Permit Tracking Checklist**

PARCEL: 14716002100

APPLICATION DATE: 10/01/2019

PERMIT TRACKING #: 3718200

SITE ADDRESS:

4908 AQUATIC RD NASHVILLE, TN 37211

LOT 3 SEC 5 WHISPERING HILLS

PARCEL OWNER: COTTAGE COVE CO.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Applicant states there will be no construction. this permit to use existing former residence for COTTAGE COVE URBAN MINISTRIES. this ministry operates under TCA code 71-3-503. POC BRENT MCDONALD 615-292-2303. SPECIAL EXCEPTION REQUIRED PER METZO SECTION 17.16.170 (E).

Before a Building Permit can be issued for this project, the following approvals are required.

[A] Site Plan Review	
[A] Zoning Review	
[B] Building Plans Received	615-862-6614 teresa.patterson@nashville.gov
[B] Plans Picked Up By Customer	615-880-2649 Ronya.Sykes@nashville.gov
[B] Building Plans Review	615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App	615-862-5230
[B] Fire Sprinkler Requirement	615-862-5230
[B] Fire Sprinkler Review On Bldg App	615-862-5230
[B] Fire Alarm Requirement	862-5230
[D] Grading Plan Review For Bldg App	615-862-7225 mws.stormdr@nashville.gov
[E] Cross Connect Review For Bldg App	615-862-7225 mws.ds@nashville.gov
Grease Control Review On Bldg App	615-862-4590 ECO@nashville.gov
[E] Sewer Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Sewer Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Availability Review For Bldg	615-862-7225 mws.ds@nashville.gov
[E] Water Variance Approval For Bldg	615-862-7225 mws.ds@nashville.gov
[F] Address Review On Bldg App	615-862-8781 bonnie.crumbly@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	615-862-8782 PWPermitsI@nashville.gov
[F] Solid Waste Review On Bldg App	615-862-8782
[G] Bond & License Review On Bldg App	
Landscaping & Tree Review	615-862-6488 stephan.kivett@nashville.gov
BZA Hearing	615-862-6505 Debbie.Lifsey@nashville.gov

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.

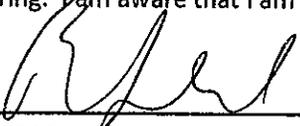
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. It would be to your benefit to let your neighbors know about your request prior to all notices being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



APPELLANT

Sept 29/19

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."

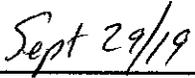
Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. 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



APPELLANT (OR REPRESENTATIVE)



DATE



September 30, 2019

Bill Herbert, Zoning Administrator
 Metro Government of Nashville and Davidson County
 Department of Codes and Building Safety
 800 2nd Ave. South
 Nashville, TN 37210

Dear Mr. Herbert,

We are seeking a permit to utilize our property at 4908 Aquatic Road in Nashville as an additional location for our religious charity to hold small group classes for mostly school-age children and youth. To provide easy access for the at-risk children we help it is necessary to geographically position ourselves close to the schools from which we draw these students after classes. This Aquatic Road property, though in a residential neighborhood, is a short walk from Tusculum Elementary School, where 95% of the children are classed low-income and a majority are visible minorities (52% Hispanic, 17% Asian, 13% Black).

Cottage Cove Urban Ministries exists to provide educational opportunities including Bible Study and academic assistance, life skills instruction, and training in the arts, through the power and in the name of Jesus Christ. As a Christian organization our staff and volunteers (representing many Christian denominations) provide free daily after school programs where we can share the love of Jesus and help the precious children and youth to not merely survive but rather to thrive. Cottage Cove is presently celebrating 25 years of ministry, helping the “little ones” and “the least of these (Matthew 10:42; 25:31-46).” Our present locations are in the Vine Hill and Madison areas of Nashville. Cottage Cove functions under the leadership and guidance of an independent board of directors, men and women, each committed to our Christian purpose and ministry. We are a 501(c)3 religious organization.

The location at 4908 Aquatic Road includes a large house including, relative to properties in the area, a large surrounding and fenced yard. The house and already fenced yard are ideal for our out-of-school programs. Our programs are easily accommodated in a residential area as they aren’t disruptive and are of short duration daily. Per the Tennessee Department of Human Services, we operate our religious educational programs under Tennessee Code Annotated § 71-3-503, with our children and youth programs operating less than three hours each day. As already mentioned, the property is a short walking distance from the nearest school with lower-traffic streets providing accessibility (and keeping the children away from Nolensville Road). The property already includes paved and lined parking for 12 vehicles, more than enough for current regulations, though we would rarely utilize anywhere near that as the children and youth we serve don’t drive.

We are seeking to begin offering programs in this new location, at the latest, as the school year begins in August of 2020. We believe that our presence in the neighborhood will be a blessing and positive addition. Our twenty-five years of experience shows that intervening in children’s lives at a young age

makes a great difference both spiritually and academically, both which will have a positive impact on this city and county. Our out-of-school classes are a proven life-changing program providing a safe and caring alternative for children being left at-home alone and at-risk for criminal behaviors including gang activity.

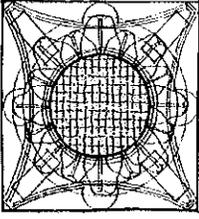
If you would like to see more about the programs Cottage Cove offers, please see our website: www.CottageCove.org.

We are looking forward to a positive response from Metro Department of Codes and Building Safety.

Sincerely,

A handwritten signature in black ink, appearing to read "Brent MacDonald". The signature is fluid and cursive, with the first name "Brent" being more prominent than the last name "MacDonald".

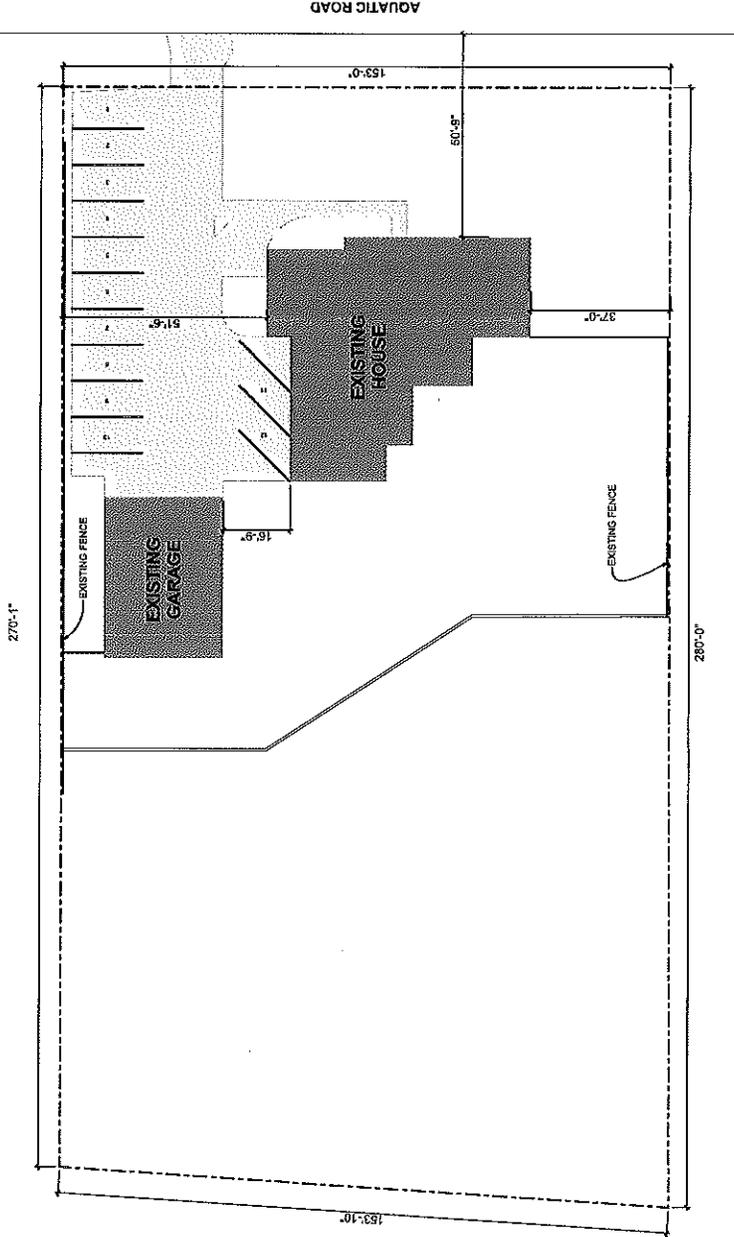
Brent MacDonald, Executive Director
Cottage Cove Urban Ministries



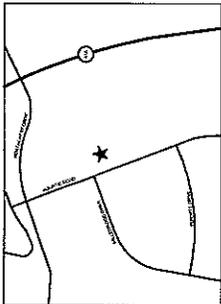
**SCOTT WILSON
ARCHITECT, LLC**

317 Main Street Suite 202
Franklin, TN 37064
(615) 377-9131 office
www.scottwilsonarchitect.com

4908 Aquatic Rd
NASHVILLE
TENNESSEE



SITE PLAN
1" = 30'



LOCATION MAP

4908 Aquatic Road
Nashville, TN 37211

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Shepherd, Jessica \(Codes\)](#); [Ammarell, Beverly \(Public Works\)](#)
Subject: BZA Case 2019-486
Date: Wednesday, October 2, 2019 2:24:15 PM

2019-486 4908 Aquatic Rd Special exception for Religious Institution

Variance: 17.16.170E

Response: Public Works takes no exception with 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

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: Emily Lamb

Date: November 6, 2019

BZA Hearing Date: November 21, 2019

Re: Planning Department Recommendation for a Special Exception, Case 2019-486

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 2019-486 Religious Institution (4908 Aquatic Road)

Request: A Special Exception to operate a Religious Institution in the RS10 zoning district.

Zoning: Residential Single-Family (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

Land Use Policy: Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

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 on the east side of Aquatic Road within a residential neighborhood. The site is adjacent to single-family houses with a multi-family development north of Northcrest Drive. The site shares a rear lot line with commercially zoned properties that front Nolensville Pike. The site is also within walking proximity to the Tusculum Elementary School which is to the south and located on McMurray Drive.

The request is to expand an existing religious institution's operations to the subject site. The applicant is requesting to operate small group classes for mostly school-age children and youth. The children will likely be walking to the site so the traffic impact of this proposal will be minimal. The T3-NM policy list institutional uses as an example of an appropriate land use for this policy. This proposal to operate a religious institution is consistent with the land use policy. The building is existing, and the applicant is not proposing to expand it for their operation. The site currently has a parking pad that can accommodate 12 lined spaces and can adequately serve the proposed operation's parking demands as existing. The ability of the site to serve the needs of the applicant as it exists today is consistent with the T3-NM policy's goal of preserving the existing neighborhood character.

Planning Recommendation: Approve.



METROPOLITAN COUNCIL

Member of Metro Council

November 6, 2019

Chair David Taylor and Members
 Metropolitan Board of Zoning Appeals
 Metro Office Building/ Sonny West Conference Center
 700 Second Avenue South
 Nashville, TN 37219-6300

**RE: Appeal Case Number 2019-486
 Request for a special exemption permit for Cottage Cove Urban Ministries
 regarding the property at 4908 Aquatic Drive.**

Dear Chairman Taylor and Board Members:

As I write this letter, the review and recommendation of the Planning Department Staff have not been completed. If the report is not favorable to Cottage Cove Urban Ministries, then I would ask that you concur with their recommendation and deny the requested exemption. Though I have no reason to not believe Cottage Cove is acting in good faith, based on my knowledge of the Aquatic Drive neighborhood and Cottage Cove's mission, I believe this location serves neither the area residents nor the religious organization well.

That said, I understand that Cottage Cove's intent is complying with the requirements set forth in the applicable zoning code. If they do so, I know you are obligated to approve their request. Assuming that may be the case, I do ask that you carefully weigh and require other additional reasonable conditions to ensure the safety and welfare of the community. Below are some of those recommended conditions. Area residents may have further recommended conditions for your consideration.

- 1) **Cottage Cove should be required to use their ministry owned vehicles to pick up and drop off children from a nearby school and/or church or similar facility. There are no sidewalks on Whispering Hills Drive, Northcrest Drive, Purnell Drive or Aquatic Drive. These streets are not "lower-traffic" streets safe for walking children, especially grade school aged children. Cottage Cove transporting its students will ensure their safety and reduce traffic to and from its facility.**

In their letter to Zoning Administrator Bill Herbert, dated September 30, 2019, requesting the exemption at this issue, Cottage Cove has indicated that they will be directing their program toward the "little ones." At a neighborhood meeting on October 28, 2019, Cottage Cove CEO, Brent McDonald, stated that they like to start their programs with children of kindergarten age and work with them as they mature in the program.

Additionally, in their September letter, Cottage Cove anticipates that these young children will be walking to this location from Tusculum Elementary School. They state, *“As already mentioned, the property is a short walking distance from the nearest school with lower-traffic streets providing accessibility (and keeping the children away from Nolensville Rd).”* In fact, the distance from the front door of Tusculum Elementary School to the front door of the Aquatic Drive property is one-half mile. Whispering Hills, Northcrest and other adjoining streets have been approved by Public Works for traffic calming due to the amount of traffic accidents, volume of traffic and excessive speeds. These are cut-through streets that see increased traffic volume as schools let out and at typical Nashville rush-hour times. These are the times children, if left to do so, would be walking to or from Cottage Cove.

Requiring Cottage Cove to transport their clients to and from their facility in their vehicles will reduce traffic in the area and provide for the proper safety of the children they are serving.

- 2) **Cottage Cove should be required to agree to a maximum number of children to be present at any given time.**

Area residents are concerned about increased pedestrian and vehicular traffic in this residential area by the children coming and going from this Cottage Cove property. It would ease the mind of many of those residents if Cottage Cove would agree to a specific maximum number of children that would attend their facility. I would suggest an attendance no greater than 15 children at any given time. I believe such a limit would also reduce neighbors' concerns about noise from the facility.

- 3) **Cottage Cove should agree that they will re-apply for the exemption if the focus of their ministry changes.**

Currently, Cottage Cove is planning an after-school program for children lasting no more than 3 hours per day. I believe it is reasonable to ask for Cottage Cove to agree to re-apply for this exemption if they make any significant changes in the age of their clients, the number clients, the hours of operation, or the nature of their programming.

- 4) **Cottage Cove should not allow clients and visitors to park on the street. Currently, the street is posted with no parking signs. Cottage Cove should help enforce this parking prohibition.**
- 5) **Cottage Cove should agree to limited signage. There should be no lighted signage. All other signage should be limited to a size and design such that it does not conflict with the character of the community.**

I thank the members of Board of Zoning Appeals and staff for your work and your consideration of the conditions suggested above. Other conditions may have been submitted by area residents. The residents who have contacted me do not oppose the stated goals of Cottage Cove. However, they do not want this ministry to be disruptive of the residential character of their neighborhood.

Respectfully submitted,

A handwritten signature in blue ink that reads "Robert Nash". The signature is written in a cursive style with a large initial "R" and a long, sweeping tail.

Robert Nash
Metro Council Member
District 27

Zoning exemption #20190059989

From: Shelley Armstrong (shelbud@aol.com)

To: shelbud@aol.com

Cc: marcia.karg@gmail.com; jpbu152001@yahoo.com; jenalba73@gmail.com; matt.olsen@yahoo.com; nboston05@gmail.com; lauren.dellarusso@gmail.com; arjo.reich@gmail.com; blackroy@bellsouth.net; phoenix1552003@gmail.com; rich_e777@yahoo.com; ahgast@gmail.com; chrishead@comcast.net; kern26@aol.com; mannc@bellsouth.net; matt.ellenberger@gmail.com; blueindigoskies@aol.com; peytonpratt19@gmail.com; mthomas.tmd@gmail.com

Date: Wednesday, October 30, 2019, 04:40 PM CDT

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

No communication or consideration was made either to the school or neighbors while this organization scouted to purchase a home for their programs. This organization paved a parking lot and held a board meeting at this home prior to any hearing or notification of a hearing and before neighbors had any idea what they were planning for our neighborhood.

In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,

Sen T Waller Jr
4901 Millerwood dr 3 7211

Zoning exemption #20190059989

From: Shelley Armstrong (shelbud@aol.com)

To: shelbud@aol.com

Cc: marcia.karg@gmail.com; jpbu152001@yahoo.com; jenalba73@gmail.com; matt.olsen@yahoo.com; nboston05@gmail.com; lauren.dellarusso@gmail.com; arjo.reich@gmail.com; blackroy@bellsouth.net; phoenix1552003@gmail.com; rich_e777@yahoo.com; ahgast@gmail.com; chrishead@comcast.net; kern26@aol.com; mannc@bellsouth.net; matt.ellenberger@gmail.com; blueindigoskies@aol.com; peytonpratt19@gmail.com; mthomas.tmd@gmail.com

Date: Wednesday, October 30, 2019, 04:40 PM CDT

Metropolitan Board of Zoning Appeals

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Sincerely,

Betty L. Swann, 4925 Millerwood Dr Nash, TN 37211
James W. Adams 4925 Millerwood Dr. Nash. TN. 37211

From: [Betty Black](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case No. 2019-486. Map parcel 14716002100. Council 27
Date: Thursday, October 31, 2019 11:51:37 AM

This is my second letter, regarding 4908 Aguatic Rd. I attended the meeting with approximately 30 people listening to the man on this. In my opinion I found him very evasive with his answers. How many kids. Well about 6, oh it maybe 20. Okay Where will they come from. Ans. Some from Tusculum school. How will they get there. They Walk No, sidewalks,busy street. We will have a van. Oh that means more traffic. Oh it Maybe? runs 2_ times a day. Who is qualified to teach these at risk kids. Oh, we will have help. Who?. Ok More parking for personnel. Originally it was a house for afternoon daycare, he told a neighbor. No one has contacted Tusculum school. I want to know under so called religious organizations what exactly is this... I have lots question ..Why was this ok, in an old residential neighborhood ? Who are these people. Have you really investigated what they are really about? I more questions than answers. Please help

We cannot attend meeting, my husband is handicapped, Also there 3 other home owners are not well and cannot come.

Sincerely, Roy, Betty Black

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

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In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,

A handwritten signature in black ink that reads "Danielle Pratt". The signature is written in a cursive, flowing style.

Danielle Pratt

RE: ZONING EXEMPTION # 20190059989

APPEAL CASE NUMBER 2019-486

4908 AQUATIC RD. NASH. TN 37211

To: Metropolitan Board of Zoning Appeals

FROM: James W. + Betty L. Seward

We are writing to voice our opposition to the above referenced zoning exemption filed by 4908 Aquatic Rd., Nash. In. 37211 permit no.

20190059989

for the following reasons we oppose:

- (1) Traffic + Safety Issues
- (2) Concern about "at risk" children, that as grade progress, there may be juvenile delinquents, which may impact crime.
- (3) Mr. McDonald said to start there would be 5-6 children, however when he was ask that at our meeting, he said there could be as many as 20, which will mean more traffic in transporting by vans.
- (4) property values will decline
- (5) it is really not clear what his so called non-profit religious organization is all about, but it will definitely not be an asset to our residential zoned neighborhood.

- (6) A lot of money has been gained by this organization, which to the neighbors, sounds like it is a business.
- (7) We have resided at our residence in this quiet neighborhood for 55 yrs.

Because of surgery scheduled for Nov. 19, 2019 we will not be able to attend the public hearing on Nov. 21, 2019

Respectfully,

Betty L. Lukan 4925 Millerwood Dr. Nash In 37211
James L. Lukan 4925 Millerwood Dr. Nash. In. 37211

Permit # 20190059989

Appeal Case Number 2019-486

Zoning Appeal Address: 4908 Aquatic Road

Nashville, TN 37211

Board of Zoning Appeals,

This letter is in regards to **Appeal Case Number 2019-486**. My name is Jamia Lockmiller and I live three doors away from 4908 Aquatic Drive. This reason for my letter is to strongly disagree with the possible religious exemption.

My wife and I bought our house just over a year ago. One big reason for the purchase was the location. We lived in the condos of Northcrest Commons (across the street from Aquatic) for years, and absolutely love the area. At the time of purchase, the neighborhood of Millerwood, Aquatic, and Purnell was quiet, calm, and residential. This is hopefully how it will stay! While looking at other properties, we found houses we liked but were either located beside a daycare, on a busy street (Blackman Road), or too far from our desired location. Did I mention Millerwood was quiet? If the religious exemption is approved, 4908 Aquatic will basically be a daycare throughout the summer months, although Mr. MacDonald has yet to give any numbers on how many children will be attending. My neighbors and I will not be able to enjoy our yards without hearing constant screaming from children throughout the day. If you do not think this will happen, then drive by a school playground during recess! I teach, so this I know with 100% confidence. Did I mention that Millerwood was calm? As of now, we have mostly neighbors who travel our three streets, with an occasional car passing through. If the religious exemption is approved, that will all change. Now you are increasing our traffic which is a safety issue for the neighborhood kids. There will be numerous parents in numerous cars traveling through our quiet calm neighborhood, along with any buses that may be used. While talking with Mr. MacDonald, he has yet to clarify when or how many children he will host in his place of business during the school year and/or during the summer. He has been asked numerous times to give a number of participants, but sadly, he has always skated around the numbers. This is far from transparent or 'religious' (Thou Shalt Not Lie). Did I mention our neighborhood is residential? One of the biggest reasons we purchased our home on Millerwood, was the fact that it was/is residential AND it did not have any skinny tall homes which are being built all over Nashville. Our neighborhood is residential and it needs to stay that way. Had we known that the exemption had a possibility of happening, I guarantee you that we would NOT have bought our home.

Here are the facts about why I, along with 99% of my neighbors are upset:

- 4908 Aquatic Drive was purchased for the reason of the religious exemption long before the exemption was given (it still has not been granted)
- The driveway of 4908 Aquatic Drive has been turned into a commercial lot in a residential neighborhood even BEFORE the exemption has been granted
- Mr. MacDonald has advertised outdated data from Tusculum Elementary in order to entice support for his cause. (data was outdated and not one Tusculum faculty/staff member has been contacted by Cottage Cove)
- Mr. MacDonald told neighbors at our neighborhood meeting that kindergarteners will be their focus and that they will walk from Tusculum to 4908 Aquatic Drive with **NO SIDEWALKS!!** (This is a half mile) although he told me at the meeting that there were sidewalks, which is false.
- Mr. MacDonald was asked if anyone from the neighborhood was contacted before the purchase of 4908 Aquatic Drive. He said 'Yes'. However, after asking multiple times to whom did he speak, he finally admitted it wasn't anyone in our immediate neighborhood. Not transparent!
- When asked why Mr. MacDonald purchased a residential home for his business, he replied that a college student that volunteers for him did research and found 4908 Aquatic to be the best purchase for the money. This is a money issue, not a religious hardship or need of the neighborhood.
- We asked Mr. MacDonald how will Cottage Cove benefit our neighborhood. He replied in writing on Facebook that it will keep those kids from coming into our neighborhood and stealing from us in the future. WHAT? Oh yea, he deleted that conversation from Facebook, but one of our neighbors took a screen shot of it before it was deleted.
- Mr. MacDonald and his Cottage Cove council were asked if they would accept their program in their own neighborhood. They said yes. HOWEVER, one of his council told neighbors that he would be in 'our boat' if such a business moved beside his house. Again, Thou Shalt Not Lie.

Does all of the above seem transparent to you? Would you want a business moving into your neighborhood? Would you want a daycare/program moving into your neighborhood that does NOT accept the neighborhood kids? Oh yea, that is what Cottage Cove council told the neighbors. This is an injustice for ALL residential neighborhoods, not just ours. As you can see, I am strongly against turning a residential home into a place of business, regardless of intent. The religious exemption law is too vague of a law. This law was meant to put churches on an even playing field. However, this law has done nothing but discriminate against the neighborhoods where such religious exemptions are being applied. Religious exemptions should NOT be held to more voting power than the regular citizens living in these

neighborhoods. Our opinions should matter!! Keep our neighborhood residential. Our little pocket of paradise is a dying breed, due to such laws. There is a place for everything, but not in a residential zone.

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

No communication or consideration was made either to the school or neighbors while this organization scouted to purchase a home for their programs. This organization paved a parking lot and held a board meeting at this home prior to any hearing or notification of a hearing and before neighbors had any idea what they were planning for our neighborhood.

In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Alba". The signature is written in black ink and is positioned below the word "Sincerely,".

Jennifer Polk
4908 Millerwood Drive
Nashville, TN 37211
11/8/2019

Board of Zoning Appeals
Metro Howard Building
800 Second Ave South
Nashville, TN 37210
Case # 2019-486

Dear Board of Zoning Appeals :

I am writing in response to the request for a special exception filed by Brent MacDonald located at 4908 Aquatic Road Nashville, TN 37211 to express our opposition to this exception. The neighborhood group, Whispering Hills, has met and discussed in detail the project and implications on the surrounding homes. This includes our current approved traffic calming patterns, see enclosed picture. At this time, we do not believe that a nonprofit, Cottage Cove, would be beneficial in our residential setting with their propose plan of summer programs and after school programs. It should be noted that Mr. MacDonald sought out and bought this property in the summer of 2019 solely for the use of his nonprofit, despite the residential zone and setting and the fact that the property is classified as a suburban neighborhood maintenance by the planning department. In addition, after the purchase of the property Mr. MacDonald poured additional concrete for 14 striped parking spaces. As you can see in the enclosed picture, more than half of the added parking sits in front of the house line. Once this paving project was complete, Mr. MacDonald then sought out conversations with limited neighbors; however, the majority of the residents were not contacted until a 10/23/2019 letter. In a 10/28/2019 meeting with Mr. MacDonald he asked why he didn't seek the input or collaboration of the community beforehand and his response was, "you know the Nashville market". Please see the enclosed picture which is the listening data for the property. As you can see the property was for sale in 2017 but was not successful, rented in 2018, and relisted for sale in November of 2018. Mr. MacDonald went under contract on 7/11/2019 and closed before the end of the month. Finally, it should be noted that Mr. MacDonald has not sought out communication with the school he is targeting, as have our other community partners . I would even venture to say he is fundraising based off of using their name in online postings on the Cottage Cove's site. See enclosed pics.

Per a community meeting with Mr. MacDonald, his nonprofit online profiles, and his zoning plan submitted to the board the organization plans to walk the students from Tusculum Elementary to the site on Aquatic. Due to a lack of sidewalks, there is no good way to accomplish this unless they

Board of Zoning Appeals

11/8/2019

Page 2

choose to walk on Nolensville Road. Furthermore, the site plan is not in the school zone of the targeted students, which will severely limit the ability of the buses to drop off to the site or the parents to walk. The population of his targeted school is very bus dependent and the sole reason the other organizations that run after school programs at his targeted school provide transportation to and from their afterschool site. The first apartment complex that houses a significant number of Tusculum students is 1.2 miles from the proposed site. In addition, the sidewalks stop on the street of school, unless the parents walk on to Nolensville road. Most of the other apartment complexes are over 1.5 miles from the proposed site.

Mr. MacDonald states often that he seeks out residential neighborhoods; however, a current review of his established Vine Hill location, as well as the Madison location indicate that those locations are located beside community centers or businesses (see enclosed pictures). These settings, when compared with the setting on Aquatic Drive, are very different. Finally, often Mr. MacDonald touts his willingness and desire to be a good neighbor, however, when pressed by the majority of the neighborhood, including residents of close to 50 years he demonstrates a lack of regard for their wishes. These neighbors often are supporting his mission, but feel strongly that his location choice was not appropriate, nor logical.

The residents of this neighborhood, who signed the petition, are asking for your support to deny the exception. Mr. MacDonald can easily find alternate locations located in the zone of his target school. In addition, after 10 years of serving at the school he is targeting, his child and parental involvement would be significantly increased by being closer to the zoned area. A recent review of real tracs and commercial listings indicate this would not cause a hardship or much of delay to Cottage Cove to open in the summer or 2020 (his target date per online postings). Finally, this neighborhood would like the board to side with the wishes of the residents, some who have lived in the neighborhood for over 25 years. It is our strong held belief that an nonprofit should not be able to buy a property and ask for an exception at later date, nor that the vote of the nonprofit should override the majority of the tax paying citizens affected daily by the exception!

Sincerely,



Jennifer Polk, Ed.S., NCSP

7:34 Zillow.com history & details

Search

[X](#) [<](#) Tax History [>](#) [Contact Agent](#)

Price History Tax History

DATE	EVENT	PRICE
7/31/2019	Sold	\$385,000
7/11/2019	Listing removed	\$395,000
6/25/2019	Price change	\$395,000
6/3/2019	Price change	\$399,000
5/2/2019	Price change	\$404,000
2/21/2019	Price change	\$410,000
1/7/2019	Price change	\$420,000
11/20/2018	Listed for sale	\$425,000
9/3/2017	Listing removed	\$2,325/mo
8/4/2017	Price change	\$2,325/mo
8/2/2017	Listing removed	\$425,000
6/28/2017	Price change	\$425,000
6/1/2017	Price change	\$431,000
3/19/2017	Price change	\$436,000
3/14/2017	Listed for sale	\$425,500
2/5/2012	Listing removed	\$258,900

Save

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More

8:26



Cottage Cove



Home About Fundraisers Events Photos



Cottage Cove



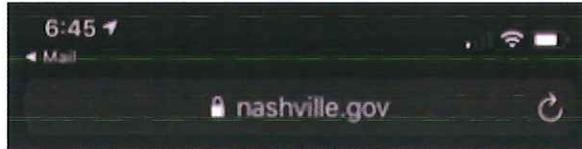
August 9 · 🌐

We mentioned that Cottage Cove Vine Hill will be replaced by June of 2020. Two locations will replace it. Here's a first peek at what will be Cottage Cove Tusculum -- very close to Tusculum Elementary School. This school has almost 700 students from 19 different countries (52% Hispanic, 16% White, 16% Asian, 14% African American). 95% of students are low income and academically the school struggles as it's ranked 920 out of 997 Tennessee elementary schools. We welcome your prayers as we work to get everything in place to open at this location in 2020.

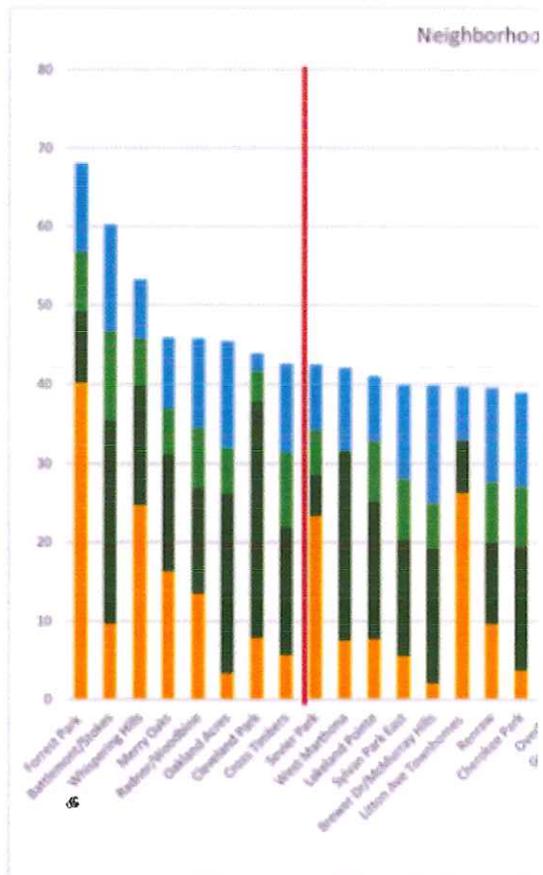


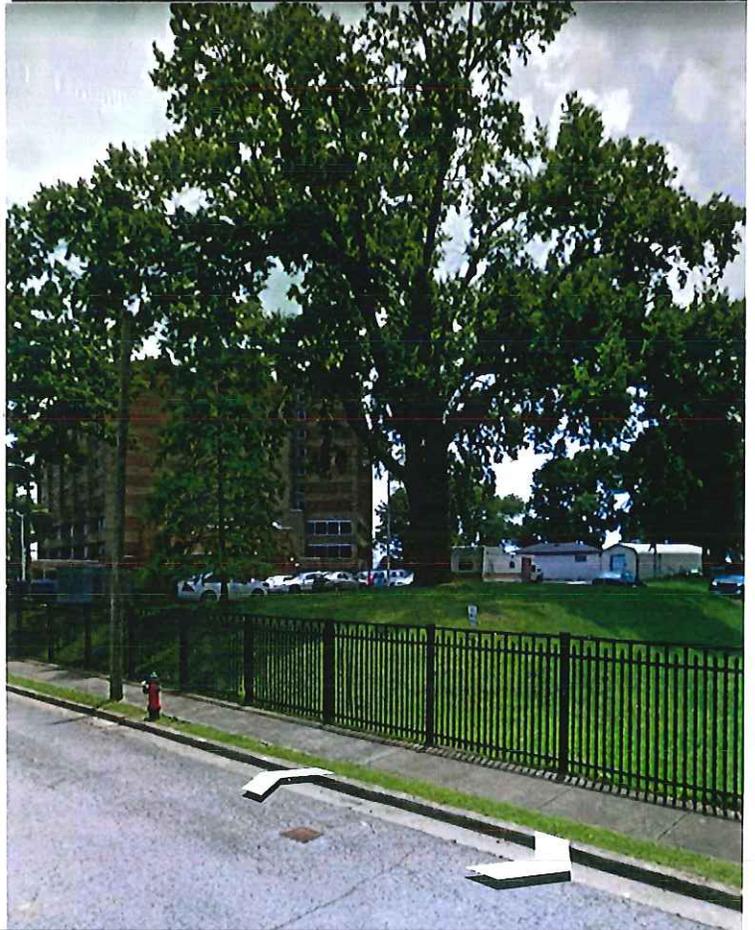
Donate

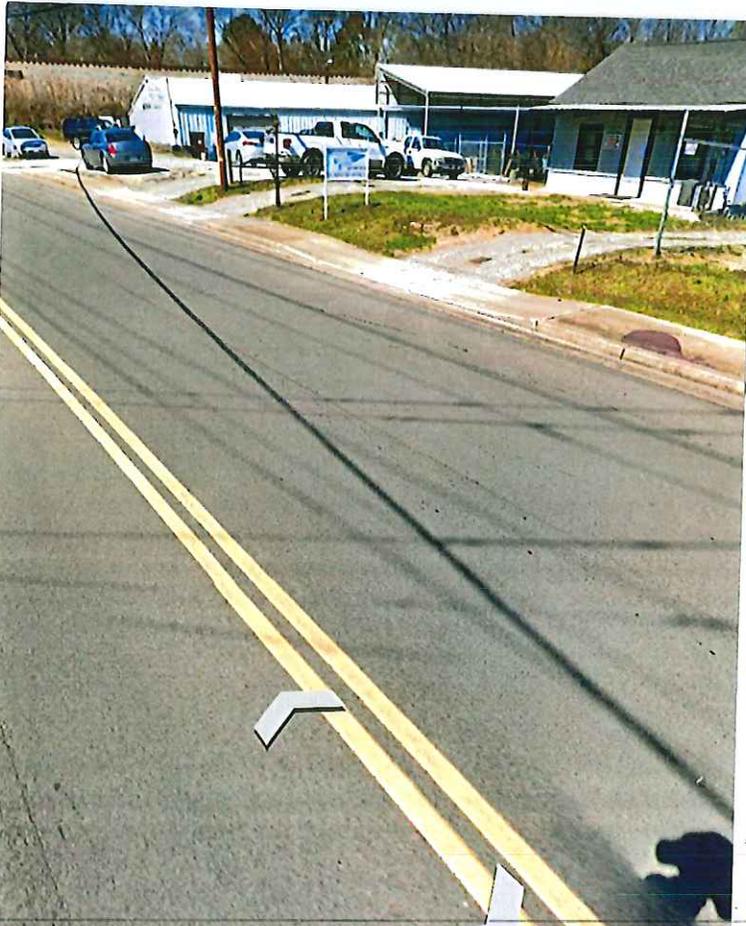
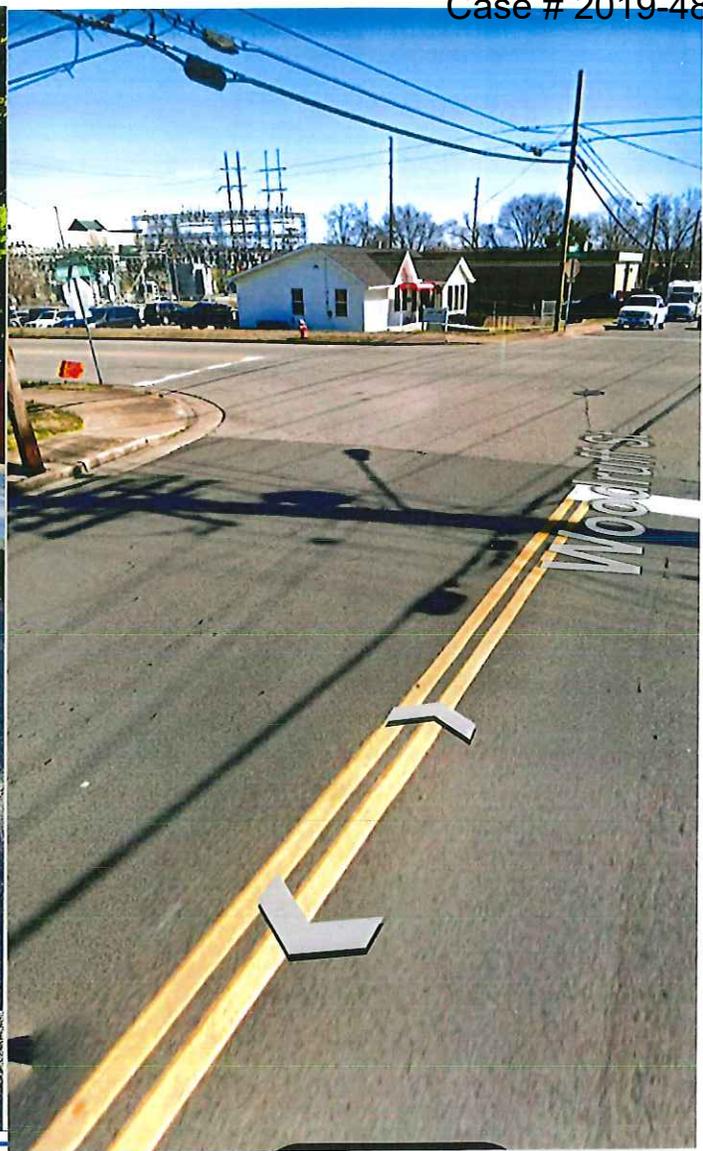




1 of 1







low income and academically the school struggles as it's ranked 920 out of 997 Tennessee elementary schools. We welcome your prayers as we work to get everything in place to open at this location in 2020.



2019-486

November 11, 2019

Bill Herbert, Zoning Administrator
Metro Government of Nashville and Davidson County
Department of Codes and building Safety
800 2nd Avenue South
Nashville, TN 37210

Dear Mr. Herbert:

My family is a resident at 4905 Millerwood Drive. We have lived in this home since 1993. Many of our neighbors have resided here for more than 50 years. I am requesting that the zoning appeal/variance being requested by Mr. Brent MacDonald on behalf of Cottage Cove for a home to be used for ministry purposes be denied.

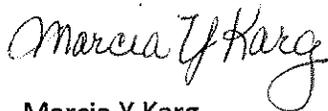
Our neighborhood was never designed to house a religious affiliated "business" such as the one being requested to utilize this property. This development was meant for single family homes. Only.

Cottage Cove desires to administer to the at-risk, underprivileged children attending Tusculum Elementary School. Mr. MacDonald states that the children are within walking distance of the school and yet there are no sidewalks or crosswalks to ensure the safety of children. Children in the neighborhood do not attend Tusculum but are bussed to Crieve Hall for that very reason.

When a religious affiliated "business" moves into a neighborhood, the neighborhood no longer looks or feels the same. A 12 lot painted parking lot screams commercial! Additional traffic at peak times is an inconvenience to people living in this area.

There are other concerns, but I will keep it simple. Aquatic, Millerwood, and Purnell need to remain a residential neighborhood. Mr. MacDonald should investigate more appropriate properties to serve his needs without infringing on others. His actions in purchasing this property were purely as an opportunist.

My best regards,



Marcia Y Karg

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

No communication or consideration was made either to the school or neighbors while this organization scouted to purchase a home for their programs. This organization paved a parking lot and held a board meeting at this home prior to any hearing or notification of a hearing and before neighbors had any idea what they were planning for our neighborhood.

In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,



MATTHEW G. OLSON
cell (621) 217-4580
4900 AQUATIC RD
NASHVILLE, TN 37211

From: [Matt Olsen](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Zoning at 4908 Aquatic Rd Nashville TN 37211
Date: Monday, October 28, 2019 4:38:53 PM

Hello,

I am forwarding this email to you as we DO NOT want this in our neighborhood. We just bought our first home 2 doors down from this location a few months ago and beyond upset that they want to change this single family home into a religious BUSINESS. This is a neighborhood, NOT a commercial place. Please do not let this pass. This will only make our property value go down and it's not fair all of us to call this neighborhood home and affecting our hard working money we have spent on our homes. How is this fair to us?! It's not. We did not move here only to have the neighborhood be declined in value, street being VERY BUSY, cars parked in the street and kids in the neighborhood that don't even live there. This is our neighborhood and not theirs. They aren't even going to be living in the neighborhood.

There is PLENTY of commercial spaces available on Nolensville Pike.

Please don't let this pass. We live 2 doors down the street and don't want to have to sell our house because of this and lose our hard working money because they are running a business in OUR neighborhood. It's not fair to any of us and the town.

Thank you!
Matt Olsen

4900 Aquatic Road

----- Forwarded Message -----

From: Nikki Boston <nboston05@gmail.com>
To: "bza@nashville.gov" <bza@nashville.gov>
Cc: Matt Olsen <matt.olsen@yahoo.com>
Sent: Monday, October 28, 2019, 3:53:10 PM CDT
Subject: Zoning at 4908 Aquatic Rd Nashville TN 37211

Hello,

I am writing to see what I can do to save our neighborhood and my street. We have been informed that tonight, October 28th at 6pm there will be a meeting about the zoning for 4908 Aquatic Rd. My understanding is that they want to change it from a single family residential home to a Religious Organization running an after school program. Please let me first state that I am a Christian who attends Church on a normal basis. I am not against the mission of this organization. I am however VERY concerned with how they operate.

I was told by the organization and have documentation in their printed words that they would only be

operating less than 3 hours a day and their website tells a very different story. They operate regularly and then have summer camps from 7:45am-5:30pm; they have monthly classes for kids 7th grade -12th grade at 6:30pm and sometimes offer lock-ins; They also state "While Cottage Cove is not affiliated with any one church, we gladly point out welcoming churches that teach the Bible. This includes one that meets right at Cottage Cove". Therefore they are lying to the public and this neighborhood about the use of this property.

Additionally, Cottage Cove has stated that if the zoning is changed, part of the agreement is that it will revert back to single family residential upon the sell of the property as their other properties do. This is not the case. They just sold the other property off of Benton Ave to a boutique hat studio. That is not residential... That street and neighborhood was forever changed by Cottage Cove moving in.

Their other 2 properties are located on busy streets or directly next to an office building. These properties are very different than smack dab in the middle of our quiet Whispering Hills Neighborhood. The after school program will affect the traffic on our quiet street for those of us coming home from work. Their summer camps will affect the work traffic that is already a growing concern in Whispering Hills.

I have also contacted the company in writing asking why they could not move the location of this program to a building off Nolensville closer to the designated school they talk about and they said it was too expensive and it would not be safe. I beg to differ, they have field a petition to be within walking distance for the elementary school. However, there are no sidewalks to get to the house in question from Tusculum besides Nolensville and it is incredibly unsafe to ask elementary school students to walk down Nolensville or down Whispering Hills Rd with no sidewalks. That is a very busy windy road, part of the reason we are zoned for Crieve Hall.

We have spoken to many realtors who have all said as soon as this passes our property values will decrease. This is so disheartening as a small family trying to bust our butts to feed our family and just saved enough money to buy our first owned home. This home in question is NOT on a busy street, it is NOT located in a neighborhood zoned for their target school, it is NOT and easy or safe walk from the local schools, it will NOT only be operated less than 3 hrs a day. It WILL increase vehicle traffic which is already a problem for our neighborhood. It WILL decrease property value and by past records of their own it WILL forever change the zoning and makeup of our street.

I live 2 doors down from this proposed zone change. Please do not let this pass.

4900 Aquatic Rd - Nikki Jo Boston

Metropolitan Board of Zoning Appeals
Department of Codes & Building Safety
PO Box 196300
Nashville, TN 37219-6300

November 7, 2019

To Members of the Zoning Appeals Board,

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989, requesting an exemption to allow the applicant to occupy an existing space for a religious charity.

I believe the requested zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. Examples of after school programs already located within one mile of the subject property include Susan Gray Head Start, YMCA, Tusculum Church Child Care, Learning Webb Day Care Center, SPARK, and Dansby's Kingdom Kids. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children are planned to come from and the destination. It would also add to already congested streets in a neighborhood which is ranked third highest out of 90 neighborhoods, for needed traffic calming, by a Metro study. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. This is a potential safety issue for the children of our neighborhood as well as the targeted children. No information has been made available as to a study of this issue.

No communication or consideration was made either to the school or neighbors while this organization scouted to purchase a home for their programs. This organization has already shown a disrespect of the neighbors and possible zoning restrictions and has paved a parking lot and held a board meeting at this home prior to any hearing or notification of a hearing and before neighbors had any idea what they were planning for our neighborhood.

In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program in the target area (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,

Michelle Thomas

Michelle Thomas
512 Purnell Drive
Nashville, TN 37211
615-406-8747

From: [Michelle C. Thomas](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Comment on zoning exemption 2019-486
Date: Tuesday, October 29, 2019 2:05:35 PM

To the Davidson County Board of Zoning Appeals:

As the homeowner of 512 Purnell Drive, please be advised that I am against the zoning exemption for 4908 Aquatic Rd, Nashville 37211, Appeal Case Number 2019-486, which has a hearing on November 21.

I have lived at my address for over 5 years. Our neighborhood is a calm and stable neighborhood with a mix of age groups, ranging from original owners from the 60's to young families with children. The majority of the homes are owner occupied. There is minimal traffic on Millerwood, Aquatic, and Purnell, with most of it being local residents. I am seriously concerned that an after school program and summer camp, which I understand is to serve children at Tusculum Elementary, would greatly increase traffic through our neighborhood, becoming a safety hazard for the children who live here. Increased traffic will statistically increase the crime potential, affecting the safety of our homes.

I believe this type business would be better located on a more commercial route which is more directly reached by the people it is intended to serve. Not in a quiet residential neighborhood.

With regards,

Michelle Thomas
512 Purnell Dr.
615-406-8747

:

Appeal case Number 2019-486
4908 Aquatic RD
Map Parcel: 14716002100
Zoning Classification: RS10
Council 27

Regarding the property at 4908 Aquatic Road. My husband and I will not be able to attend the Hearing , as he is handicapped.

We feel this will not be an asset to our neighborhood. We have lived here for 56 Years. This is an older neighborhood with new couples moving in.

We feel that this will impact our property values, also it should not be a business venture., Traffic is also a problem, as our neighborhood is a cut through to Nolensville Rd.

There are several vacant buildings on Nolensville Rd. would be more suitable for this , as Most of these have ample parking.

The place is already and eyesore, as they have enlarged the parking area, they are not Adding any value to the neighborhood.

I feel that it is not the best interest for all of us, which we have several who will not be Able to attend. They are sick and housebound.

Please consider this, as they went ahead without consulting the neighborhood. It seems like We are dumped on in South Nashville , especially the Tusculum Area community.

Thank you,

Mr. and Mrs Roy Black 501 Purnell Dr.

Mr. & Mrs Roy Black

November 7, 2019

To the members of the Metropolitan Board of Zoning Appeals:

I am writing to voice my strong, heartfelt **OPPOSITION** to the special exception application filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989, Case # 2019-486

This zoning special exception will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exception affects the aesthetics of a residential neighborhood preserved for family and community life. This exception would also endanger the children targeted, as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets, as shown in the included study. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that is because it is for all involved and has not been investigated.

No communication or consideration was made to either the school or neighbors while this organization scouted to purchase a home for their programs. This organization paved a parking lot, calling it existing in their application, and held a board meeting at this home prior to any hearing or notification of a hearing and before neighbors had any idea what they were planning for our neighborhood.

In short, this exception would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

It has been suggested that this proceeding and the decision by this board would only be a "rubber stamp approval" to this special exception request but I am hopeful that in regards to this matter, this is proven incorrect. I would ask instead that all diligence be given to the circumstances and detrimental effects and consequences that have been previously stated among others and that due consideration be given

to the opposition expressed by an overwhelming majority of this neighborhood, many of which including myself have been residents for over 50 years, by voting to DENY this application.

Sincerely,

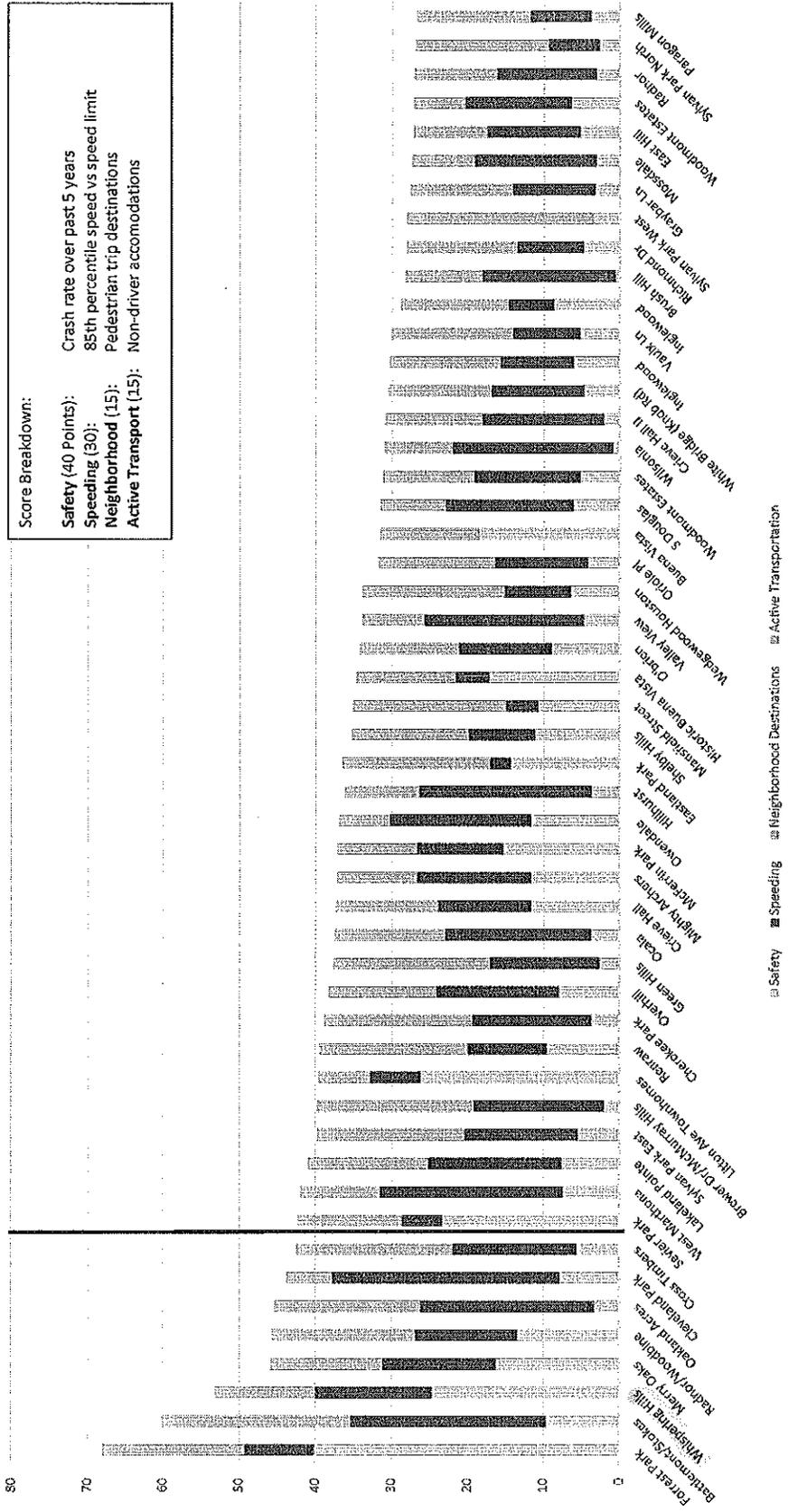
Nellie Mann
Nellie Mann

4913 Aquatic Rd

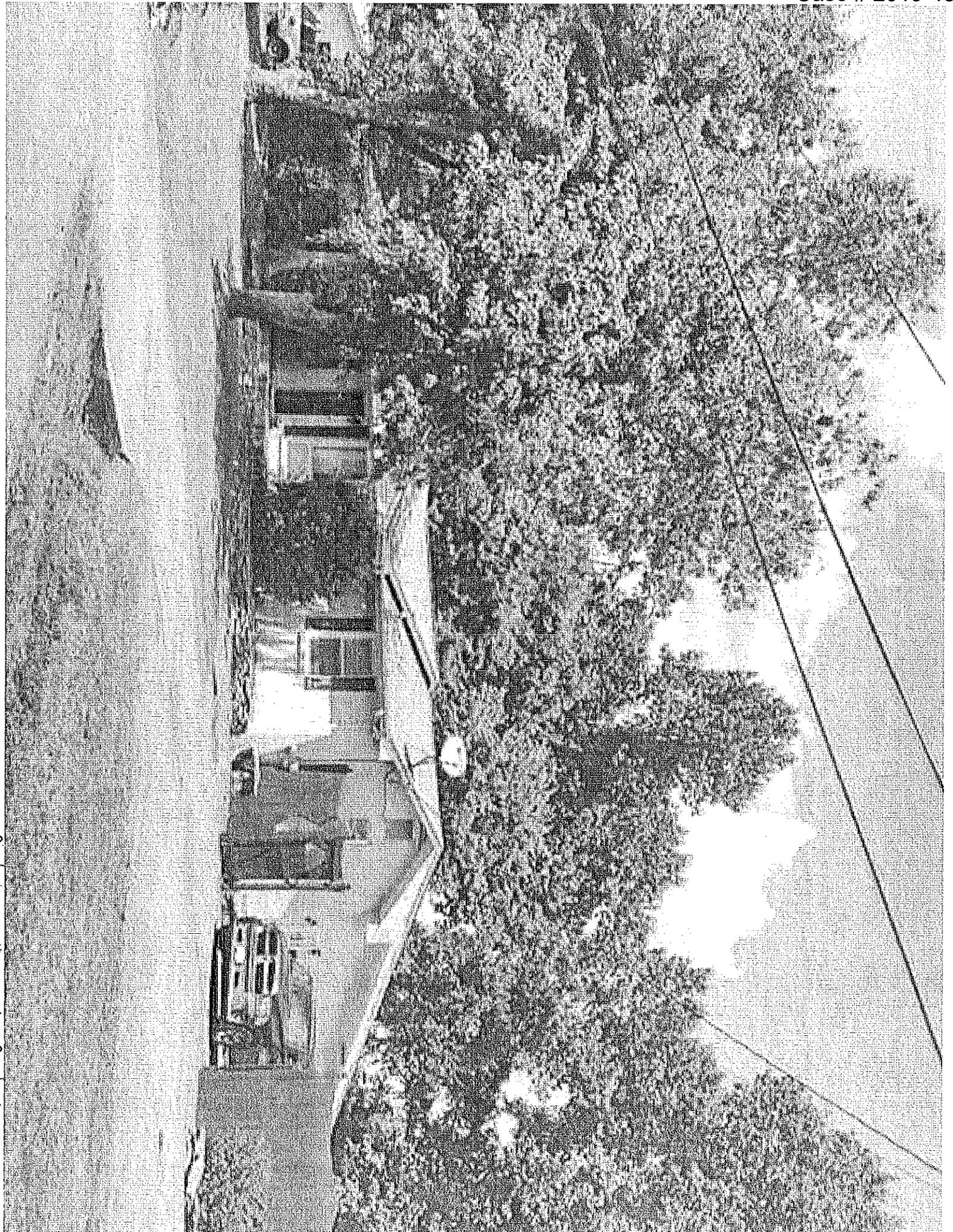
Nashville, TN 37211

Neighborhood Traffic Calming Prioritization - 50 Highest Scoring Neighborhoods

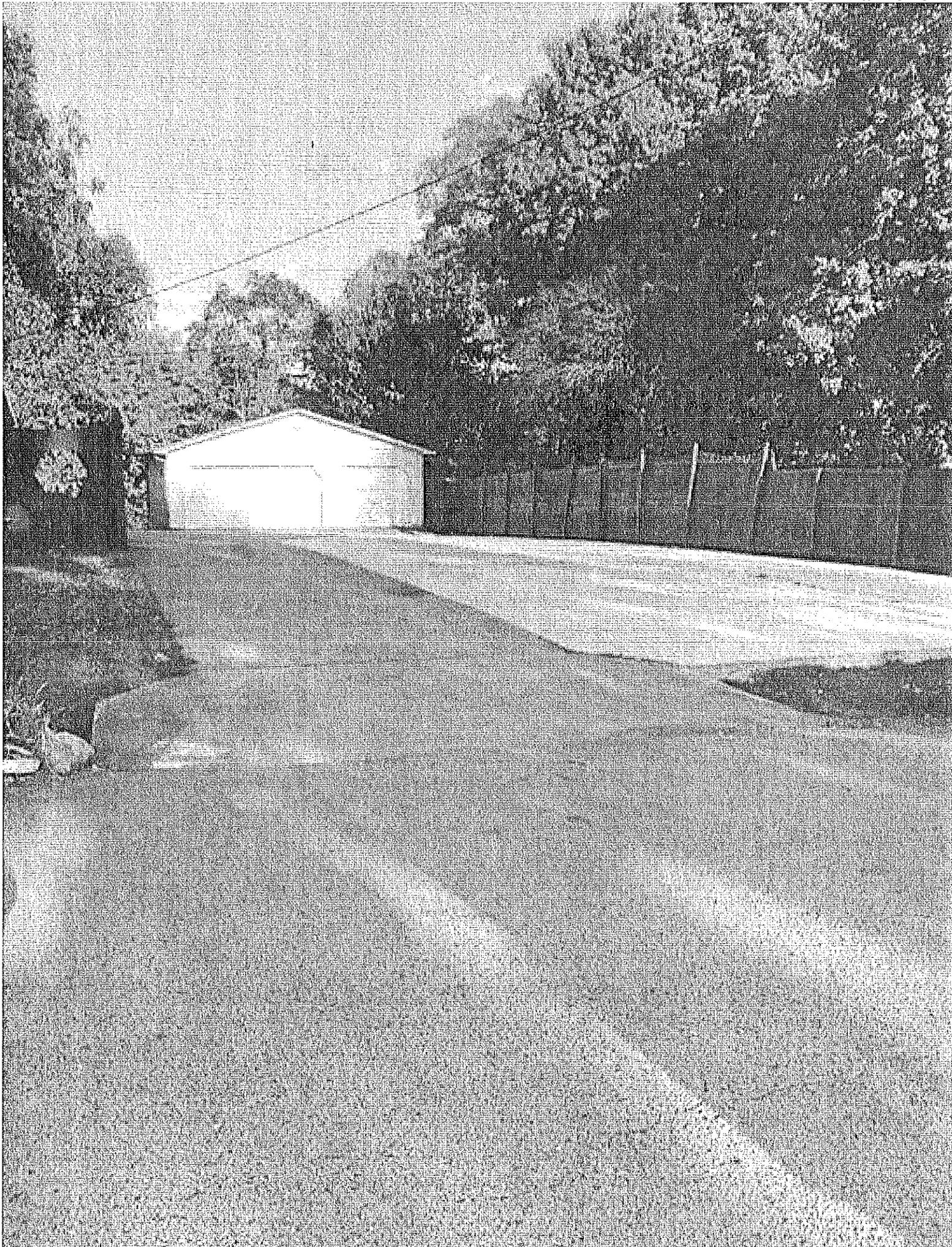
Score Breakdown:
 Safety (40 Points): Crash rate over past 5 years
 Speeding (30): 85th percentile speed vs speed limit
 Neighborhood (15): Pedestrian trip destinations
 Active Transport (15): Non-driver accommodations



Legend:
 Safety (40 Points) [Patterned Box]
 Speeding (30) [Patterned Box]
 Neighborhood (15) [Patterned Box]
 Active Transportation (15) [Patterned Box]



M. J. [unclear] [unclear]



Extend concrete now.

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

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In short, this exemption would cause safety, traffic, and a host of other issues for all involved and could be much better served at numerous properties for sale closer to the targeted school as well on streets more conducive to travel; should the need be there for this type of program (which remains unclear). It is not good for the success of the applicant or this pocket of Whispering Hills.

Sincerely,

Nikki Jo Barton
4900 Aquatic Rd.

From: [Nikki Boston](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Matt Olsen](#)
Subject: Zoning at 4908 Aquatic Rd Nashville TN 37211
Date: Monday, October 28, 2019 3:53:16 PM

Hello,

I am writing to see what I can do to save our neighborhood and my street. We have been informed that tonight, October 28th at 6pm there will be a meeting about the zoning for 4908 Aquatic Rd. My understanding is that they want to change it from a single family residential home to a Religious Organization running an after school program. Please let me first state that I am a Christian who attends Church on a normal basis. I am not against the mission of this organization. I am however VERY concerned with how they operate.

I was told by the organization and have documentation in their printed words that they would only be operating less than 3 hours a day and their website tells a very different story. They operate regularly and then have summer camps from 7:45am-5:30pm; they have monthly classes for kids 7th grade -12th grade at 6:30pm and sometimes offer lock-Ins; They also state "While Cottage Cove is not affiliated with any one church, we gladly point out welcoming churches that teach the Bible. This includes one that meets right at Cottage Cove". Therefore they are lying to the public and this neighborhood about the use of this property.

Additionally, Cottage Cove has stated that if the zoning is changed, part of the agreement is that it will revert back to single family residential upon the sell of the property as their other properties do. This is not the case. They just sold the other property off of Benton Ave to a boutique hat studio. That is not residential... That street and neighborhood was forever changed by Cottage Cove moving in.

Their other 2 properties are located on busy streets or directly next to an office building. These properties are very different than smack dab in the middle of our quiet Whispering Hills Neighborhood. The after school program will affect the traffic on our quiet street for those of us coming home from work. Their summer camps will affect the work traffic that is already a growing concern in Whispering Hills.

I have also contacted the company in writing asking why they could not move the location of this program to a building off Nolensville closer to the designated school they talk about and they said it was too expensive and it would not be safe. I beg to differ, they have field a petition to be within walking distance for the elementary school. However, there are no sidewalks to get to the house in question from Tusculum besides Nolensville and it is incredibly unsafe to ask elementary school students to walk down Nolensville or down Whispering Hills Rd with no sidewalks. That is a very busy windy road, part of the reason we are zoned for Crieve Hall.

We have spoken to many realtors who have all said as soon as this passes our property values will decrease. This is so disheartening as a small family trying to bust our butts to feed our family and just saved enough money to buy our first owned home. This home in question is NOT on a busy street, it is NOT located in a neighborhood zoned for their target school, it is NOT and easy or safe walk from the local schools, it will NOT only be operated less than 3 hrs a day. It WILL increase vehicle traffic which is already a problem for our neighborhood. It WILL decrease property value and by past records of their own it WILL forever change the zoning and makeup of our street.

I live 2 doors down from this proposed zone change. Please do not let this pass.

4900 Aquatic Rd - Nikki Jo Boston

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

This zoning exemption will be detrimental to this pocket of the Whispering Hills Community; a neighborhood where there are already numerous outreach programs in place that do not require private entities accumulating and purchasing residential RS10 zoned homes. This exemption affects the aesthetics of a residential neighborhood preserved for family and community life. This exemption would also endanger the children targeted as there is no easy and straight way to travel between the school the children would be coming from and the destination. It would also add to already congested streets. Any proposed project needs to consider whether it will be a benefit or a detriment to all involved, and whether, IF the need is present, it could be much better fulfilled at countless other properties not zoned RS10. 4908 Aquatic Road is in the middle of a street on a dead end. We have no sidewalks in our neighborhood and our children are dropped off from our zoned school during the same time these other children would be arriving. If that sounds confusing that's because it is for all involved and has not been investigated.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Peyton Pratt', with a long, sweeping flourish extending to the right.

Peyton Pratt

From: [Robyn Whipp](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fw: Zoning exemption #20190059989
Date: Wednesday, October 30, 2019 4:49:50 PM

Metropolitan Board of Zoning Appeals

I am writing to voice my opposition to the zoning exemption filed by 4908 Aquatic Rd Nashville, TN 37211, permit #20190059989.

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Whispering Hills.

Sincerely,

Robyn Whipp

[Sent from Yahoo Mail on Android](#)

Zoning exemption #20190059989

From: Shelley Armstrong (shelbud@aol.com)

To: shelbud@aol.com

Cc: marcia.karg@gmail.com; jpbu152001@yahoo.com; jenalba73@gmail.com; matt.olsen@yahoo.com; nboston05@gmail.com; lauren.dellarusso@gmail.com; arjo.reich@gmail.com; blackroy@bellsouth.net; phoenix1552003@gmail.com; rich_e777@yahoo.com; ahgast@gmail.com; chrishead@comcast.net; kern26@aol.com; mannc@bellsouth.net; matt.ellenberger@gmail.com; blueindigoskies@aol.com; peytonpratt19@gmail.com; mthomas.tmd@gmail.com

Date: Wednesday, October 30, 2019, 04:40 PM CDT

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Sincerely,

I Agree TO ALL OF THE ABOVE

*Ray E Black
501 PUNNELL DR.*

Zoning exemption #20190059989

From: Shelley Armstrong (shelbud@aol.com)

To: shelbud@aol.com

Cc: marcia.karg@gmail.com; jpbu152001@yahoo.com; jenalba73@gmail.com; matt.olsen@yahoo.com; nboston05@gmail.com; lauren.dellarusso@gmail.com; arjo.reich@gmail.com; blackroy@bellsouth.net; phoenix1552003@gmail.com; rich_e777@yahoo.com; ahgast@gmail.com; chrishead@comcast.net; kern26@aol.com; mannc@bellsouth.net; matt.ellenberger@gmail.com; blueindigoskies@aol.com; peytonpratt19@gmail.com; mthomas.tmd@gmail.com

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Sincerely,

ROY E. BLACK

501 Purnell Dr

ALL OF US ARE TAXPAYERS, HE IS NOT
I ALSO AGREE WITH THIS LETTER

WE NEED YOUR HELP.

THANKS.

Zoning exemption #20190059989

From: Shelley Armstrong (shelbud@aol.com)

To: shelbud@aol.com

Cc: marcia.karg@gmail.com; jpbu152001@yahoo.com; jenalba73@gmail.com; matt.olsen@yahoo.com; nboston05@gmail.com; lauren.dellarusso@gmail.com; arjo.reich@gmail.com; blackroy@bellsouth.net; phoenix1552003@gmail.com; rich_e777@yahoo.com; ahgast@gmail.com; chrishead@comcast.net; kern26@aol.com; mannc@bellsouth.net; matt.ellenberger@gmail.com; blueindigoskies@aol.com; peytonpratt19@gmail.com; mthomas.tmd@gmail.com

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Sincerely,



From: [Shelley Armstrong](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 4908 Aquatic Rd case #2019-486
Date: Wednesday, November 6, 2019 2:00:30 PM

Members of the Board,

There is NO HARDSHIP present for this case. This organization sold their donated property in Vine Hill for over a million dollars and bought three other properties. All of the other properties they purchased are in busy, commercial areas. As you can see from the photos I've included, we are the ONLY property in a very residential area. All of the other properties are in areas with sidewalks, surrounded by commercial businesses and four lane streets. They are also all located in more dense, urban areas, not areas designated T3 Suburban. I've pulled the Whispering Hills Covenant, which clearly states that this type of land use does not belong in our neighborhood. This is not to say that Cottage Cove isn't a good organization or to say anything of the work that they do. Many of us in this neighborhood support work such as they are doing. However, when we bought homes in a residential neighborhood, we expected that neighborhood to only be used for residential purposes as per our Whispering Hills Covenant. We do not feel it is fair to expect us to devalue our properties so that Cottage Cove can operate here, when they bought this property knowing that this is an RS10 neighborhood with a host of traffic, noise, and safety considerations. We also do not understand why this organization sold their Vine Hill location when Fall Hamilton is still ranked lower academically than Tusculum Elementary; their stated targeted school and not the school our neighborhood is zoned for. We also do not understand why they've made no effort to contact this school, which has many other after school programs provided by four different area churches as well as catholic charities. We as a neighborhood strongly feel that if this is allowed to happen to our neighborhood, many buyers will leave. When they cannot get a good return on their homes because of the presence of what is physically no different from an after-school daycare, owners will then be forced to rent their homes. This means that a neighborhood that's 79% owner occupied will become mostly rentals (in a city with an already higher than average rental to owner ratio).

They were and still are many commercial and SP properties available in our area that are suited towards this type of use. All of the children he's targeting live south of this area and there are many properties in this same price range available at this time as there were at the time of purchase. Once again, there is no hardship present.

We have met with Mr. MacDonald and he still refuses to give us straight answers to his intents for this property. It is very clear that compared to his other properties, he will look extremely out of place here with a sign, equipment, and a parking lot. He has shown no compassion or understanding towards our concerns. When we expressed concern over the noise levels he stated most people wouldn't be home until 6:00PM to hear the noise. Of course, he wouldn't know that he's surrounded by retirees and people that work from home because he's made no effort to understand our neighborhood. It should be noted that Mr. MacDonald held a board meeting and has been using the home as his office for some time before the hearing was posted.

Shelley Armstrong

Fwd: 4908 Aquatic Rd case #2019-486

Shelley Armstrong <shelbud@aol.com>

Wed 11/6/2019 2:36 PM

To: The UPS Store #3012 <store3012@theupsstore.com>

Begin forwarded message:

From: Shelley Armstrong <shelbud@aol.com>

Date: November 6, 2019 at 2:00:21 PM CST

To: bza@nashville.gov

Subject: 4908 Aquatic Rd case #2019-486

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Shelley Armstrong

3255/587

RESTRICTIVE COVENANTS

ON

PLAN OF WHISPERING HILLS
SECTION FIVE
Of Record in Book 3300,
Page 11, Register's Office
for Davidson County, Tennessee

WHEREAS, S.P.D. of Tennessee Inc. is the owner of all the lots Whispering Hills, Section Five as the same appears of record in Book 3300, page 11, Register's Office for Davidson County, Tennessee and desires to place certain restrictive covenants on the lots as shown on said plan:

1. LAND USE AND BUILDING TYPE: NO lots shall be used except for residential purposes. No building shall be erected altered, placed or permitted to remain on any lot other than one detached single family dwelling or one detached two family dwelling not to exceed two and one half stories in height and a private garage for not more than two cars.
2. DWELLING COSTS, QUALITY AND SIZE: No dwelling shall be permitted on any lot at a cost of less than \$10,000.00 based upon cost levels prevailing on the date the covenants are recorded, it being the intention and purpose of the covenants to assure that all dwellings shall be of a quality of workmanship and materials substantially the same or better than which can be reproduced on the date these covenants are recorded at the minimum cost stated herein for the minimum permitted dwelling size. The ground floorarea of the main structure, exclusive of one story open porches and garages, shall not be less than 900 feet for one story dwelling nor

less than 800 square feet for the ground floor area for the dwelling of more than one story.

No house shall contain less than 70% brick.

3. BUILDING LOCATION: No building shall be located nearer to the front line or nearer to the side street line than the minimum building setback line shown on the recorded plat.

4. NUISANCES: No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance to the neighborhood.

5. TEMPORARY STRUCTURES: No structure of a temporary character, shack, trailer, basement, tent, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

6. FENCES: No fence shall be constructed on any lot.

7. TERM: These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

8. No lot or lots as shown hereon shall again be subdivided, resubdivided, altered or changed so as to produce less area than hereby established unless approved by the Davidson County Planning Commission and the Health Department.

9. Drainage easements as shown on the recorded plat shall be for the purpose of construction, maintaining, opening or widening storm drains, sewage lines and open ditches.

Still
valid
w/4/19

10. A perpetual easement is reserved on each lot as shown on the recorded plat for the construction and maintenance of utilities, such as electricity, gas, sewer and water. No structure of any kind shall be erected or maintained upon or over said easements except those necessary for public utilities.

11. It shall be obligatory upon all owners of lots in this subdivision to consult with the Chief Engineer of the Highway Department of Davidson County, Tennessee, before any driveways, culverts, other structures or grading are constructed within the limits of any dedicated roadway, and such placement or construction shall be done in accordance with the requirements of the County Highway Commission applying to county roads in order that the roads or streets within the subdivision which would be affected by such placement or construction may not be disqualified for acceptance by the County into the public road system.

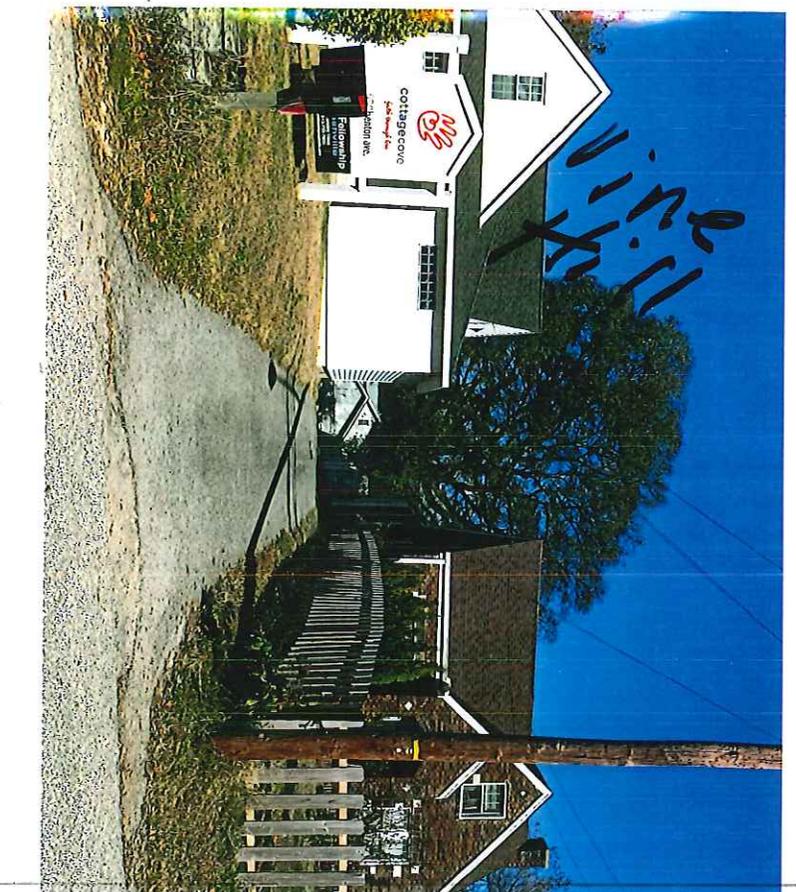
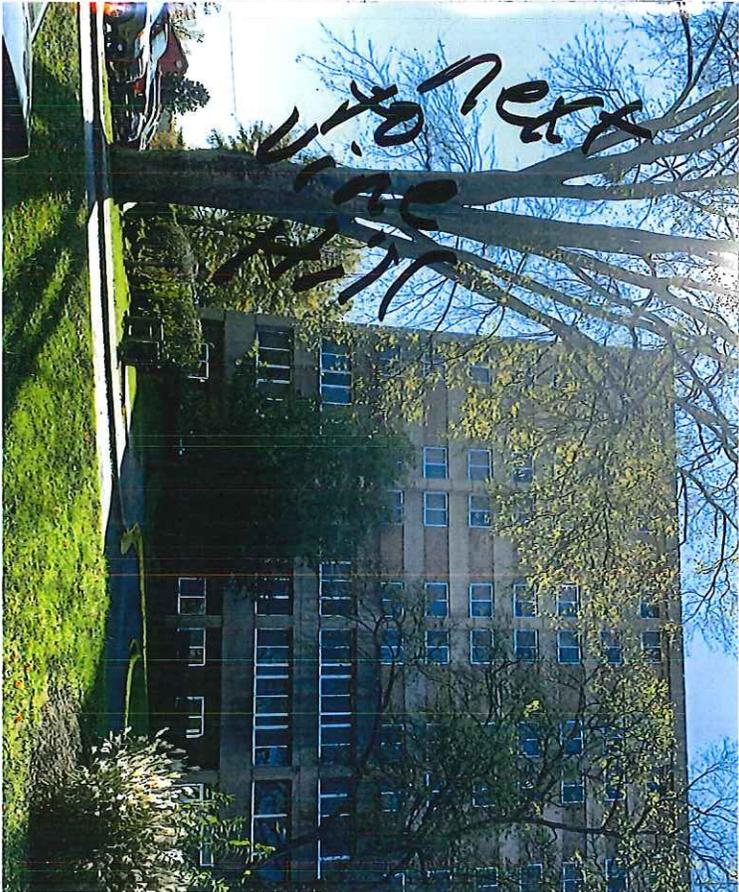
12. Parcel A marked Reserved on recorded plat is not an individual building site and is to be used only with the adjoining development and approved as to size by the Davidson County Planning Commission and the Davidson County Health Department.

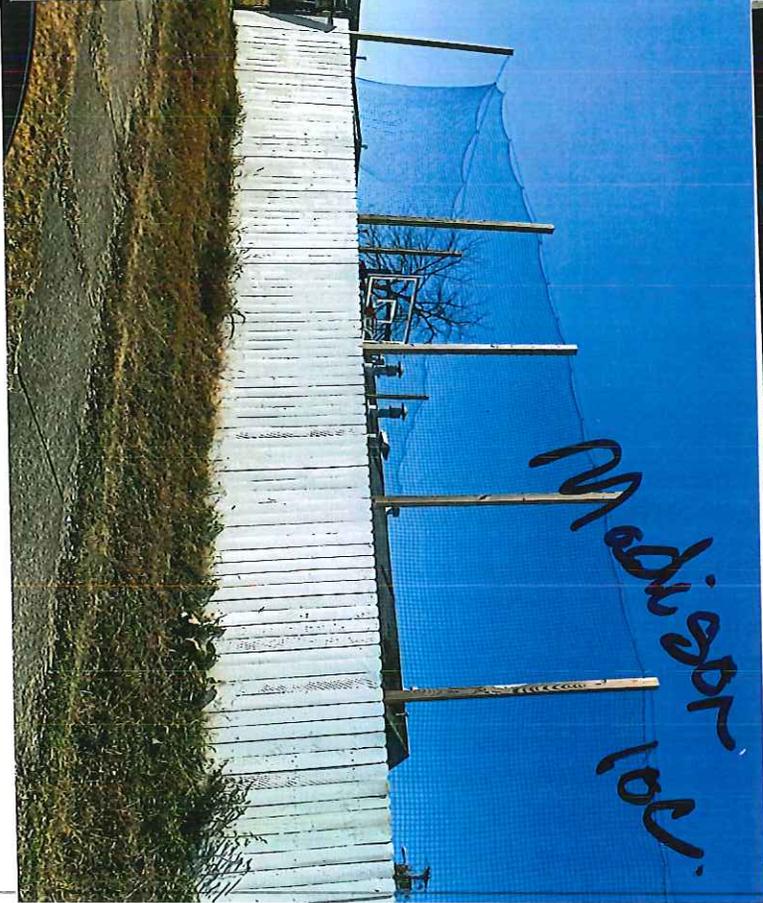
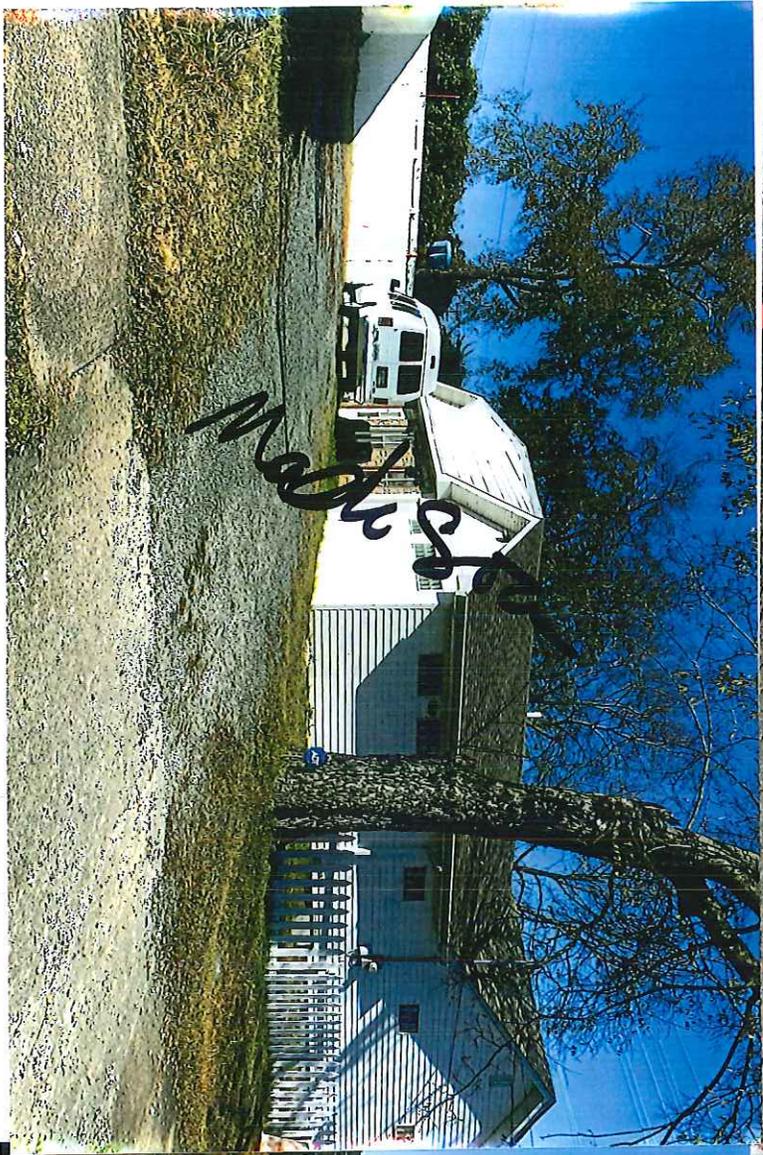
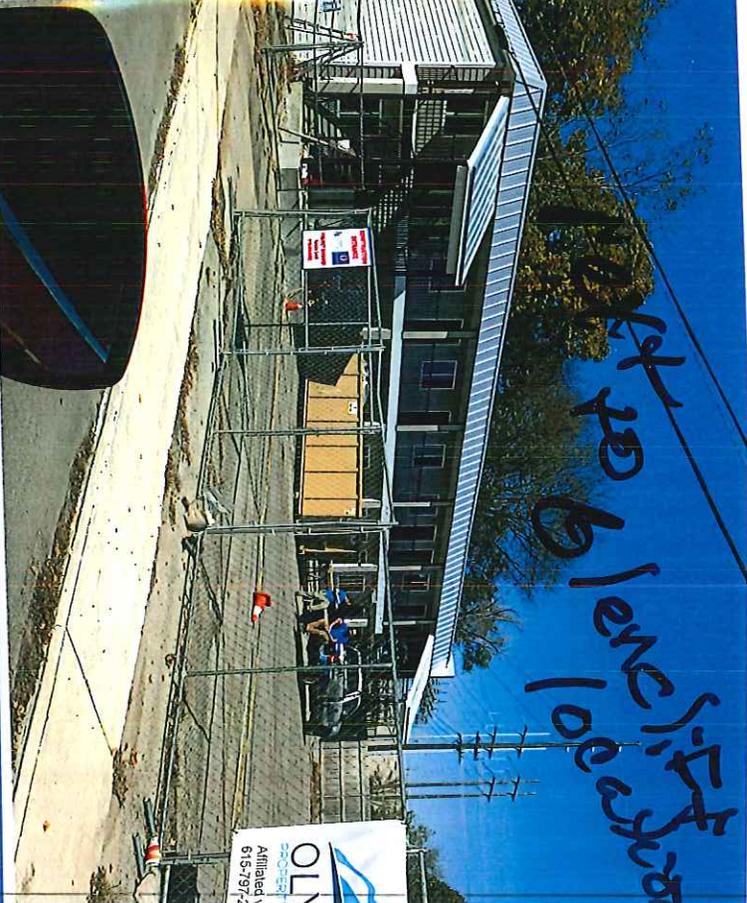
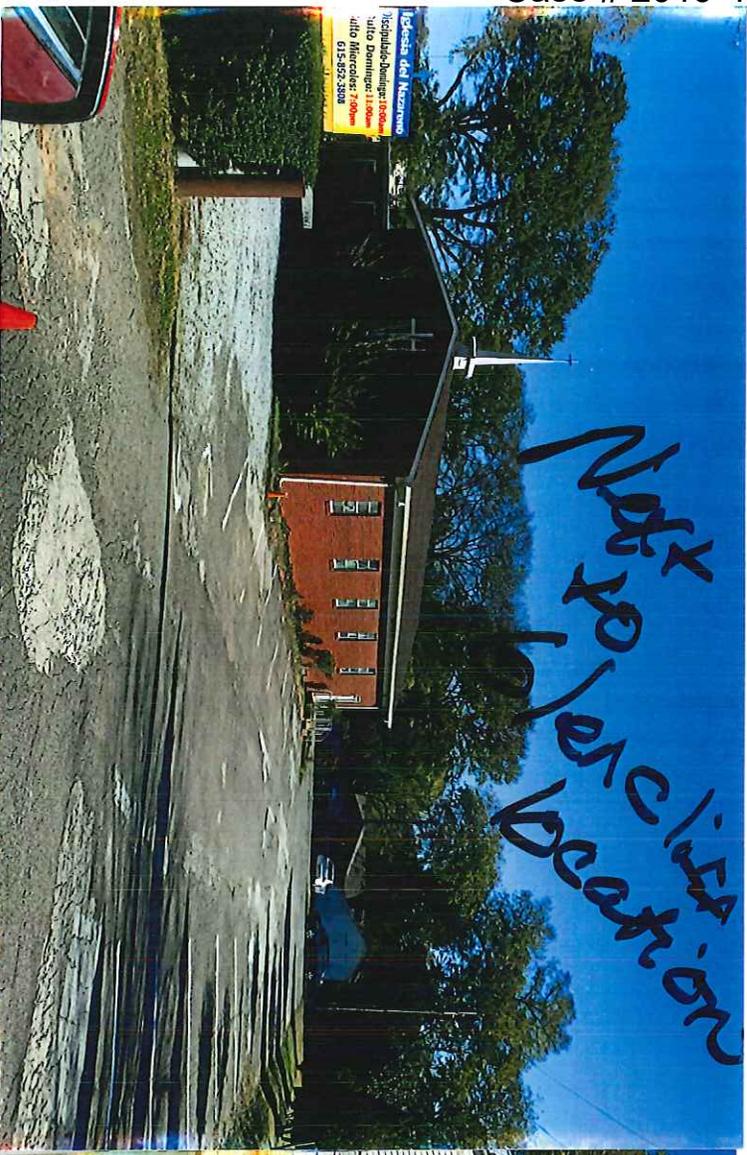
13. ENFORCEMENT: Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

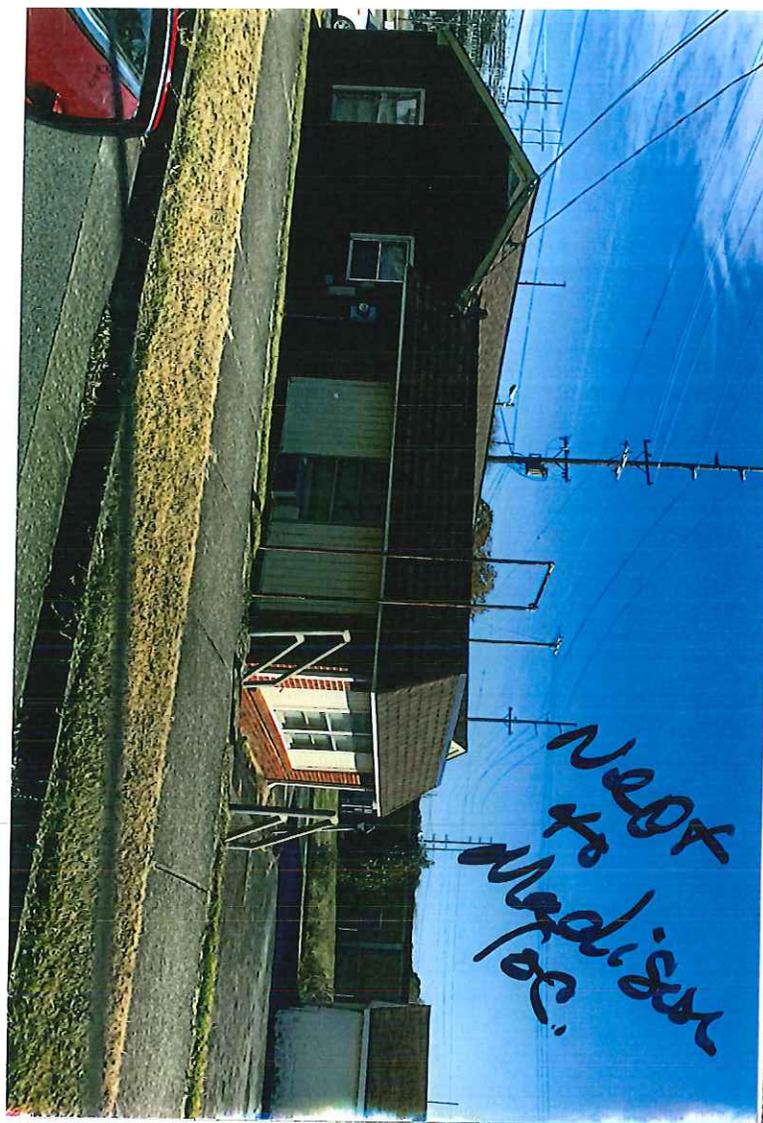
14. SEVERABILITY: Invalidation of any one of these covenants by judgment or Court order shall in no way affect any of the other provisions which shall remain in full force and effect.

15. No poultry, live stock or animals shall be allowed or maintained on any lot at any time; provided, however, that this shall not preclude the keeping

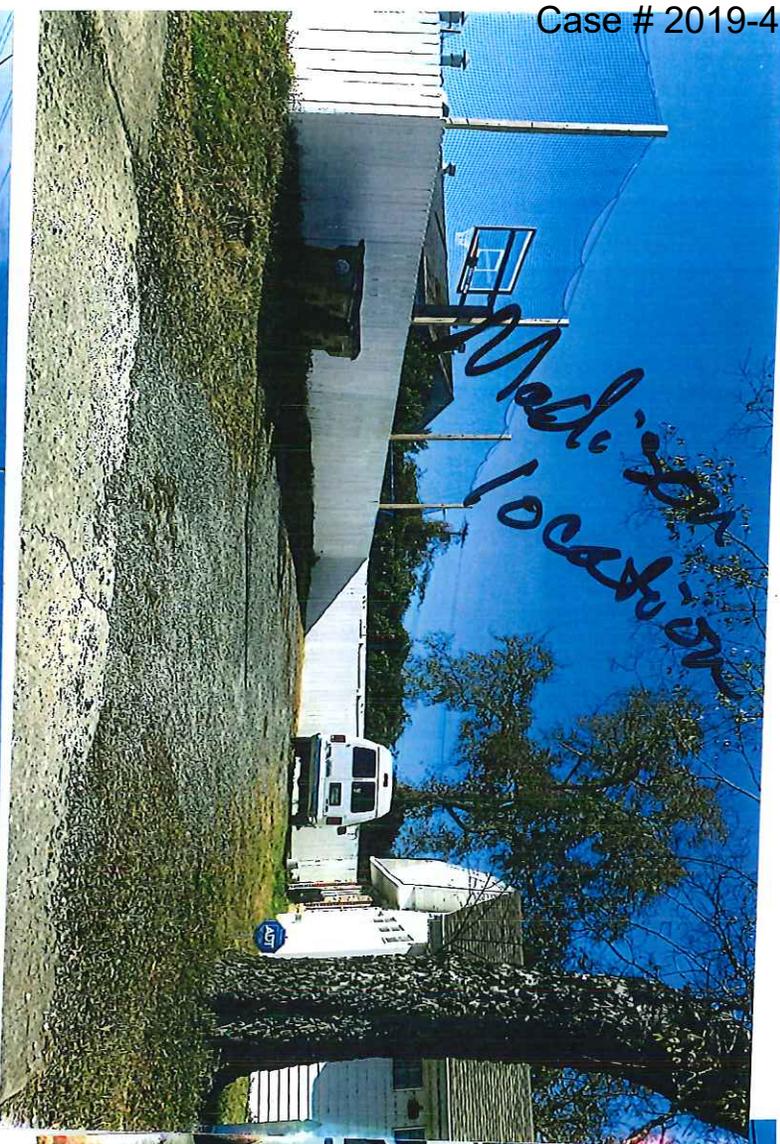
of dogs, cats or other household pets as such, provided that nothing herein shall permit the keeping or raising of dogs, cats or other animals for commercial purposes, or more than two(2) pets at any given time.







Next to Madison



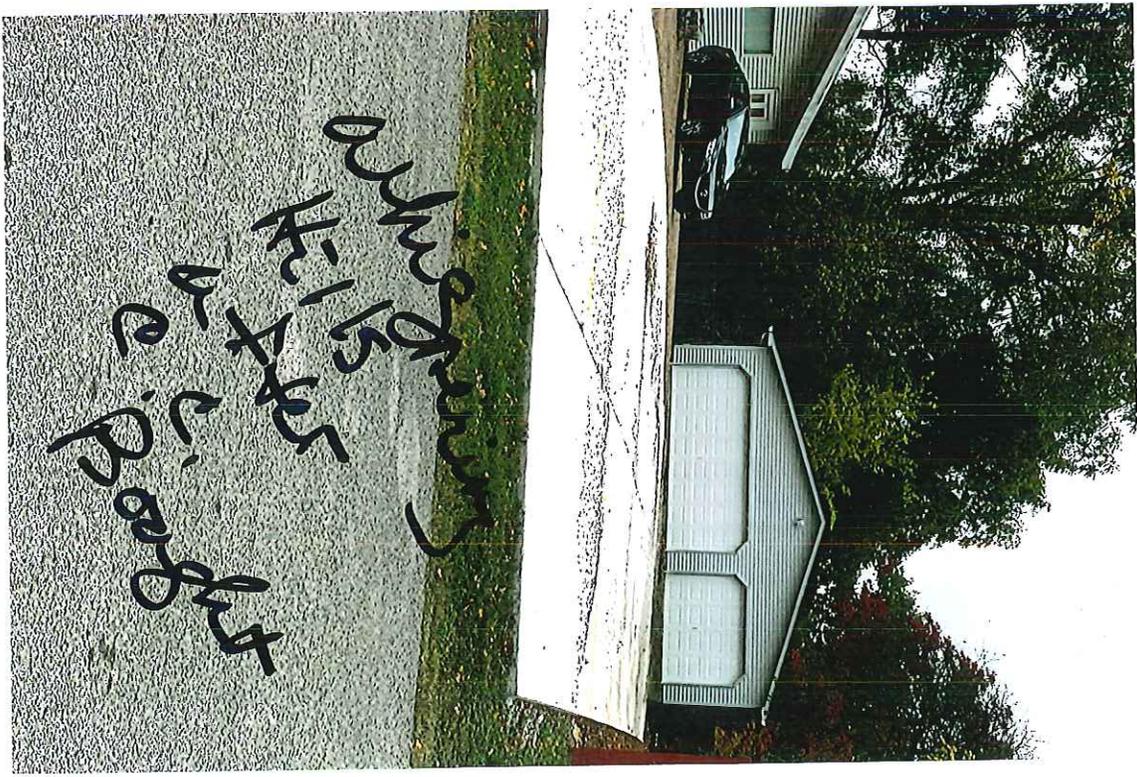
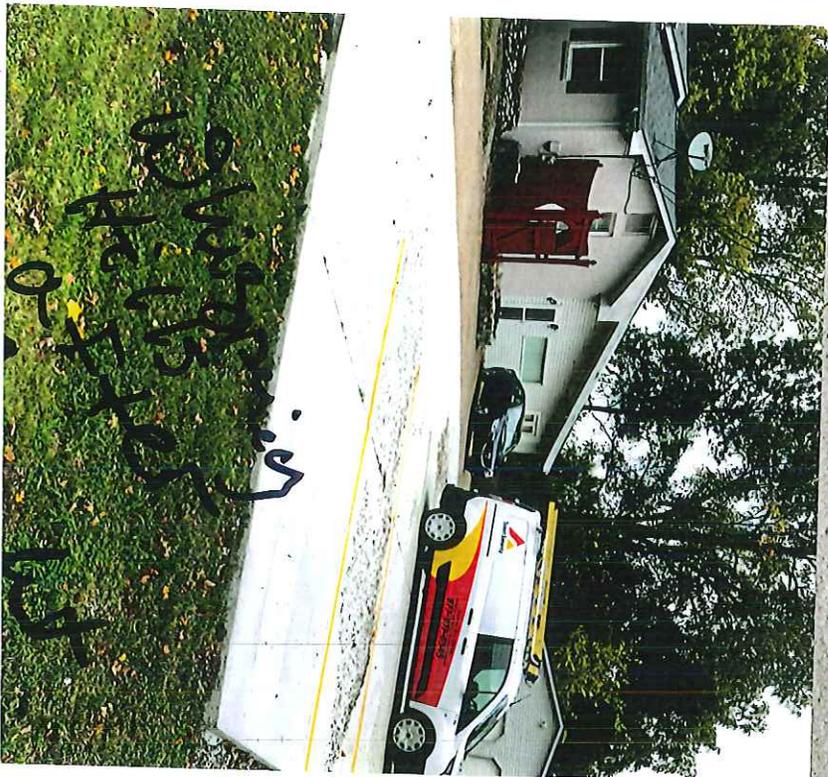
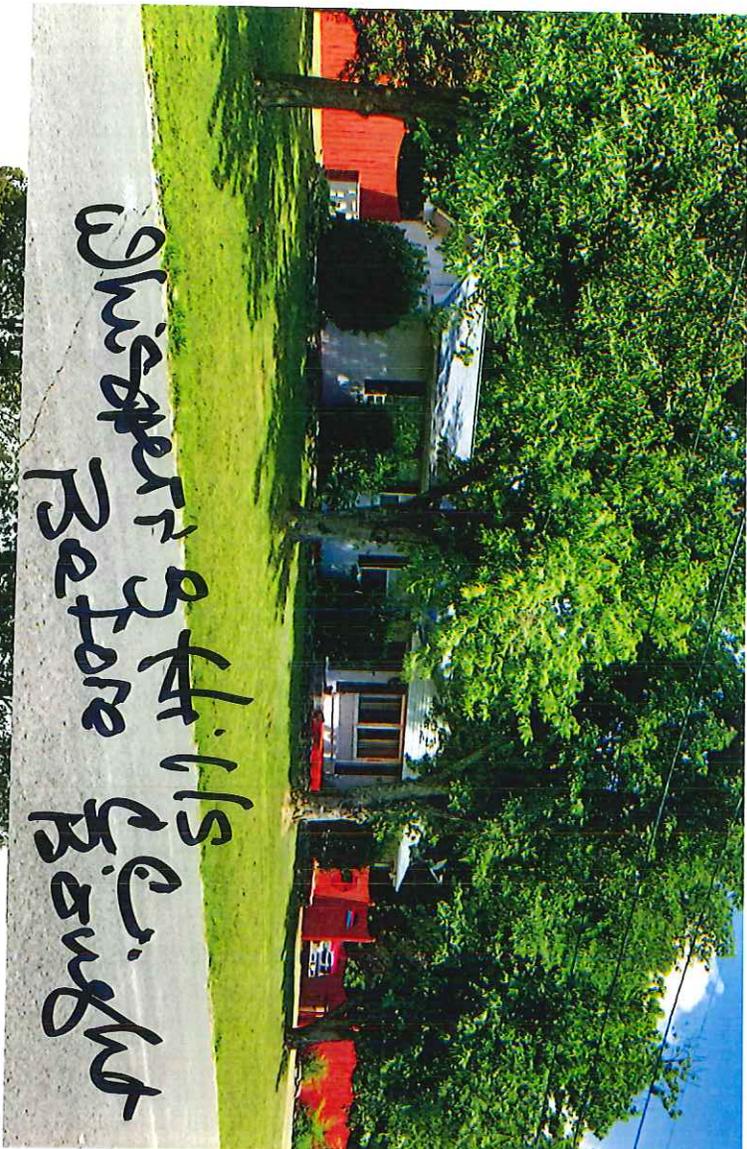
Madison location



Madison location



Next to Madison



From: [Shelley Armstrong](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Neighborhood against Zoning Exception at 4908 Millerwood Drive 37211
Date: Monday, October 28, 2019 3:45:21 PM

We, as a neighborhood in Whispering Hills, are considering obtaining legal representation about the zoning exception for which 4908 Aquatic Road Nashville TN 37211 has applied, which has a hearing on November 21. We have obtained many signatures and are working on gathering more. We are in District 27 and have notified our councilman that we do not want this exception to go through. We are working on getting many more people to notify BZA. This is a very quiet residential street with one way in and out. It is not zoned for this type of activity for a reason. In the previous locations this afterschool daycare went in they were all on busy thoroughfares, which could accommodate the added traffic and didn't change the aesthetic of the neighborhood. Please let me know if there is anything further we can do besides what we are doing now.

Thank you for your time,
Shelley Armstrong

From: [Shelley Armstrong](#)
 To: [Board of Zoning Appeals \(Codes\)](#)
 Subject: Petition 4908 Aquatic Dr 37211
 Date: Wednesday, November 13, 2019 1:43:19 PM

Board of Zoning Appeals
 11/13/2019
 Page 3

We the undersigned oppose approval of the zoning exemption for 4908 Aquatic Drive Nashville, TN 37211, application #2019-486. We oppose this application based on the inappropriate location, which is outside of the zoning district for the school they wish to serve and experiences notably dangerous traffic as evidenced by it selection for future traffic calming measures. This petition is only targeting those in the direct transportation path or in the 3 streets in the circle neighborhood.

Signature	Address
<i>Shelley Armstrong</i>	4904 Millerwood Dr 37211
<i>Marcia Berg (MFAK.org)</i>	4905 Millerwood Dr 37211
<i>Jennifer Lee</i>	4908 Millerwood Dr 37011
<i>Aimee McArthur</i>	417 Northcrest Dr 37211
<i>Beth Davis</i>	4912 Aquatic Rd
<i>Patrick Dineen</i>	4912 Aquatic Rd
<i>Michael Dineen</i>	4916 Aquatic Rd.
<i>Judith Baker</i>	4924 Aquatic Rd
<i>Michael Mearns</i>	4928 Aquatic Rd
<i>David Mearns</i>	4928 Aquatic Rd.

Board of Zoning Appeals
11/1/2019
Page 4

Mullie
Pick
Sharrow

Richard N. Armstrong	4904 MILLERWOOD DR. 37211
Matt Olsen	4900 Aquatic Rd 37211
Nikki Jo Boroff	4100 Aquatic Rd. 37211
Bethie Black	561 Parnell Dr 37211
Fay Black	501 Parnell Dr 37211
Beth L. Swann	4925 Millerwood Dr. 37211 North
Jamie D. Swann	4925 Millerwood Dr. 37211
Ben T. Wall &	4961 Millerwood Dr. 37211
Megyn Rye Trullinger	4900 Millerwood Drive 37211
Jan T. H.	4908 Millerwood Dr. 37211
M. J.	4912 Millerwood Drive 37211
Zanora Ellensberger	4912 Millerwood Drive, 37211
John A.	4916 Millerwood Drive, 37211

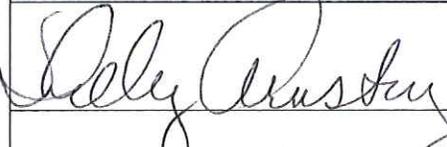
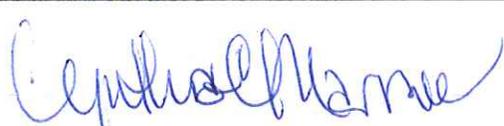
William J. Clark	4916 Millerwood Drive
Mike Magnusson	511 Purnell Dr
Puritan Poy	507 Purnell Drive
Michelle Thomas	512 Purnell Drive
David Revell	5007 Millerwood
S. J. Gonsa	5006 "
ALL	5004 Millerwood
Ann Wilson	5004
Spence	4917 Millerwood
Christal	4917 Millerwood
Dick Kang	4905 Millerwood

Board of Zoning Appeals

11/1/2019

Page 3

We the undersigned oppose approval of the zoning exemption for 4908 Aquatic Drive Nashville, TN 37211, application #2019-486. We oppose this application based on the inappropriate location, which is outside of the zoning district for the school they wish to serve and experiences notably dangerous traffic as evidenced by it selection for future traffic calming measures. This petition is only targeting those in the direct transportation path or in the 3 streets in the circle neighborhood.

Signature	Address
	4904 Millerwood Dr. 37211
Marcia Karg (Marcia Karg)	4905 Millerwood Dr 37211
Jennifer Lou	4908 Millerwood Dr 37211
Aun M Hunter	417 Northcrest Dr 37211
Beth Davis	4912 Aquatic Rd
	4912 Aquatic Rd
	4916 Aquatic Rd.
Frederick Baber	4924 Aquatic Rd
	4928 Aquatic Rd
	4923 Aquatic Rd.

Board of Zoning Appeals

11/1/2019

Page 4

Nellie
Dick
Shannon

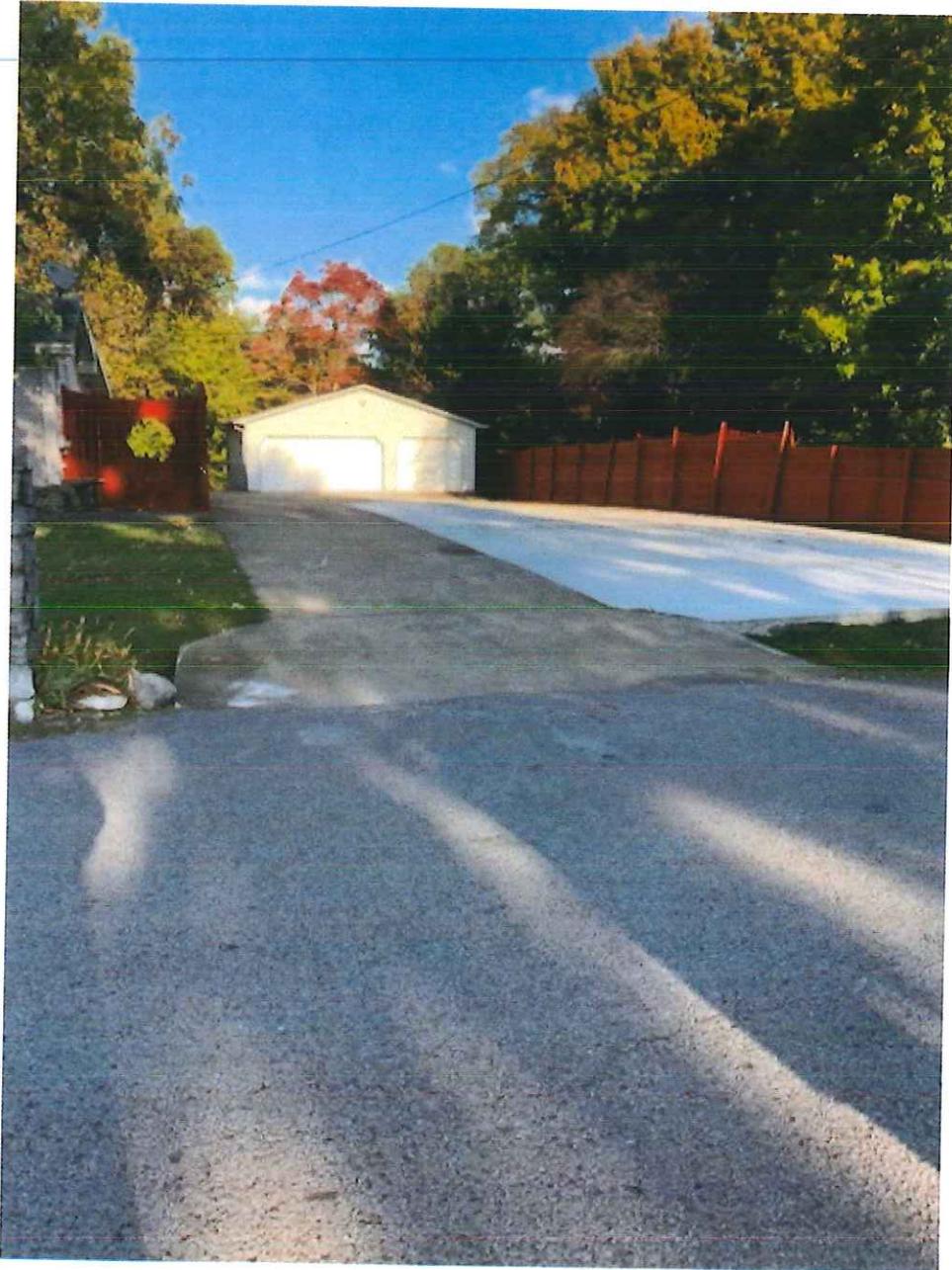
Richard N. Armstrong	4904 MILLERWOOD DR. 37211
Matt Olsen	4900 Aquatic Rd 37211
Nikki Jo Barton	4900 Aquatic Rd. 37211
Bettye Black	501 Purnell Dr 37211
Ray Black	501 Purnell Dr 37211
Betty L. Swann	4925 Millerwood Dr. ^{Nash} 37211
James D. Swann	4925 Millerwood Dr. ^{Nash} 37211
Ben T. Walk &	4901 Millerwood Dr. 37211
Megan Rye Tomalleggi	4900 Millerwood Drive 37211
Jan Hill	4908 Millerwood Drive 37211
M. I. V.	4912 Millerwood Drive 37211
Janet Ellenberger	4912 Millerwood drive, 37211
John A.	4916 Millerwood Drive, 37211

Board of Zoning Appeals

11/1/2019

Page 5

Village of Clark	4916 Millerwood Drive
Mike Magnusson	511 Purnell Dr
Peyton Pox	507 Purnell Drive
Michelle Thomas	512 Purnell Drive
David Revell	5007 Millerwood
S.J. Gonsa	5006 "
WJ	5004 Millerwood
Adam Wilson	5004
cyhead	4917 Millerwood
Christal	4917 Millerwood
Dick Karg	4905 Millerwood



From: [French World Outreach](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: case #2019-486
Date: Wednesday, October 30, 2019 7:48:33 AM

Barry Baggott
4904 Aquatic Road
Nashville, TN 37211

October 30, 2019

Board of Zoning Appeals
Department of Codes Administration
800 2nd Avenue South
Nashville, TN 37210

re: case #2019-486

Dear Zoning Appeal Board members:

I am writing in support of the request by Cottage Grove Urban Ministries for a special exemption for religious institution in regard to the house at 4908 Aquatic Road (case number referenced above). I own and reside at the property next door and would be one of those most strongly effected by the plans of Cottage Grove to operate an after-school program for at-risk children.

Having talked at some length with Mr. Brent McDonald, the executive director, and with his wife concerning the plans, and realizing that some of my neighbors are concerned, I want it known that I have no qualms about Cottage Grove as a religious institution nor about its desire to use the house next door to mine to help children in the ways it has done in other neighborhoods. I believe that the impact on traffic and property values will be negligible, and I do not anticipate any disturbance to our neighborhood. In fact, having seen that house already rented out to young men who regularly had loud pool parties or played loud, booming music at night, I would consider it to be an improvement having a group of well-supervised elementary

school children there basically just in the afternoons from Monday through Friday. I also believe that the impact of this ministry offering religious and moral training as well as academic help to these children can only be of benefit to this city. I do not believe there is any significant or real downside to welcoming Cottage Grove Urban Ministries to our neighborhood.

Because of upcoming travel, I will not be able to attend the scheduled hearing on this request, but I appreciate your consideration of my point of view.

Sincerely,

Barry Baggott

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Land Development Solutions Date: 10.1.19

Property Owner: Build Nashville Case #: 2019-487

Representative: Duane Cuthbertson Map & Parcel: 118023590000C0

Council District 17

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

Purpose: Variance of sidewalk requirement

Activity Type: Two-Family residential

Location: 2818 W. Kirkwood 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: Grade at frontage causes irregular alignment

Section(s): 17.20.120

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 (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

Address

1806-A Allison Pl.
Address

City, State, Zip Code

Nashville, TN 37203
City, State, Zip Code

Phone Number

615.924.9618
Phone Number

Email

dcuthber@gmail.com
Email

Zoning Examiner: CH

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**



3718253

**ZONING BOARD APPEAL / CAAZ - 20190060012
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 118023S90000CO

APPLICATION DATE: 10/01/2019

SITE ADDRESS:

2818 C W KIRKWOOD AVE NASHVILLE, TN 37204
COMMON AREA HOMES AT 2818 WEST KIRKWOOD

PARCEL OWNER: O.I.C. HOMES AT 2818 WEST KIRKWOOD

CONTRACTOR:

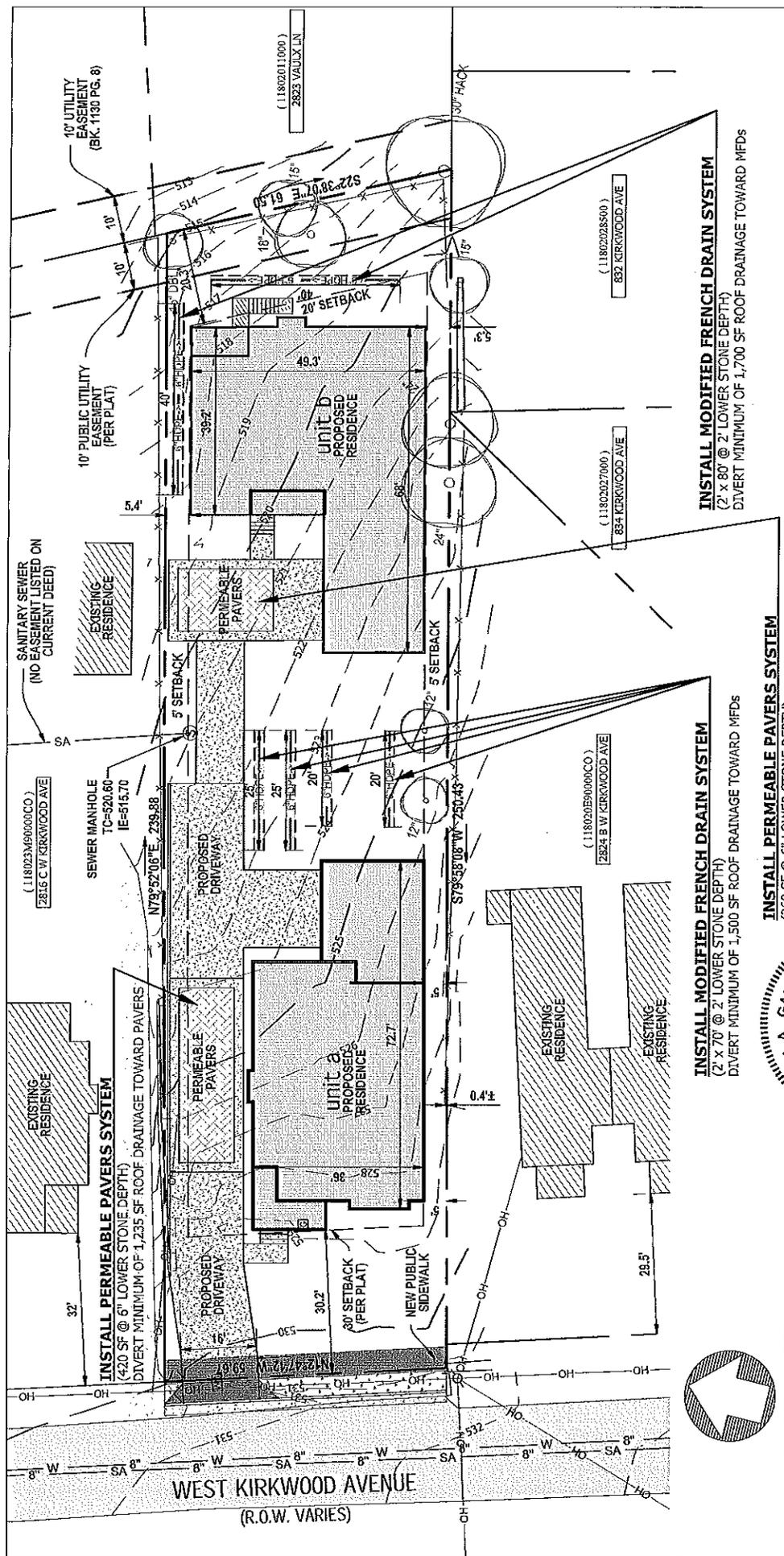
APPLICANT:**PURPOSE:**

variance request to removed sidewalk requirement.

*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.



Site Plan
 2818 W. Kirkwood Ave.
 Nashville, Davidson County, Tennessee

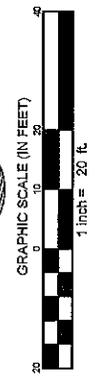
Sheet No.

V-2.1

INSTALL MODIFIED FRENCH DRAIN SYSTEM
 (2' x 80' @ 2' LOWER STONE DEPTH)
 DIVERT MINIMUM OF 1,700 SF ROOF DRAINAGE TOWARD MFDs

INSTALL MODIFIED FRENCH DRAIN SYSTEM
 (2' x 70' @ 2' LOWER STONE DEPTH)
 DIVERT MINIMUM OF 1,500 SF ROOF DRAINAGE TOWARD MFDs

INSTALL PERMEABLE PAVERS SYSTEM
 (260 SF @ 8" LOWER STONE DEPTH)
 DIVERT MINIMUM OF 765 SF ROOF DRAINAGE TOWARD PAVERS



1711 Hayes Street
 Nashville, TN 37203
 clintelliotts@survey.com
 (615) 490-2236



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

10.1.19

DATE

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?

Irregular grade at frontage.

Applicant would prefer to construct the sidewalk. Metro Stormwater and Metro Public Works inspectors have asked applicant to not build the sidewalk.

Applicant was scheduled to build 43.67' of sidewalk - applicant requests to pay the fee based on linear footage of sidewalk scheduled to build.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-487 (2818 West Kirkwood Avenue)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Not construct sidewalks; contribute in-lieu (eligible)
Zoning:	R8
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	Approximately 0.37 miles west of #8 – 8 th Avenue South; future local service planned along Kirkwood Avenue per nMotion
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes to construct a two-family dwelling and requests a variance from constructing sidewalks along West Kirkwood Avenue. Planning evaluated the following factors for the variance request:

- (1) No sidewalk currently exists along the property frontage, which is consistent with adjacent properties to the north and south. A 2' grass strip and 5' sidewalk currently exists along the block face approximately 185' to the south of the applicant's property.
- (2) The property is located less than a quarter mile from the 8th Avenue South/Melrose/Berry Hill first tier Nashville Next Center. Establishing a continuous pedestrian path, through the utilization of sidewalks is critical as a means to continue to create a comfortable walking urban environment. Staff finds no unique hardship.

Given the factors above, staff recommends **disapproval**. **The applicant shall coordinate with Metro Public Works to either construct a 4' grass strip and 5' sidewalk which meets the Local Street standard or to construct an alternative sidewalk design solution.**

From: [Daniel Work](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: appeal case # 2019-487
Date: Wednesday, October 23, 2019 7:08:36 PM

I'm writing to respond to the zoning appeal case number 2019-487
2818C W Kirkwood Ave
Map Parcel 118023S90000CO
zoning classification R8
Council district 17

I am the owner of the property 2804A Vaulx Ln, Nashville, TN 37204, but am not able to attend the meeting on 11/21/2019.

I understand the request would allow the applicant to construct two single family residences without building sidewalks or paying into the sidewalk fund.

I DO NOT support this request. Nashville needs sidewalks, and revenue to build them. All properties should pay into the sidewalk fund or build sidewalks. This property should not be an exception.

Sincerely,
Dan Work

November 8, 2019

Appeal Case Number: 2019-487

2818C W Kirkwood Ave

Map Parcel: 118023s90000C0

Zoning Class: R8

Council District: 17

To whom it may concern,

My name is Gregory Geffre. My partner Freeman and I live directly adjacent to the property at 2818C W Kirkwood Ave. This appeals request came at a surprise to us as it states that Duane Cuthbertson, who we believe represents the developer Build Nashville LLC's, "wish" to construct two single family residences when in fact those two residences have already been built and sold. There are no objections on our part to the continued infill projects that are rampant in our community. However, due to the increased number of residences, there is an ever-increasing demand for the basic necessities, such as sidewalks, that will enable our community to continue thriving in a sustainable manner.

We kindly request that the developers follow their obligations to the neighborhood, the city, and their residences and abide by the sidewalk requirement variance that the original building permit was issued upon.

The street we live in has seen a large number of new homes being built, presumably all of which had requested and were granted similar appeals to the sidewalk variances, which has left residents with a denser neighborhood, increased traffic from additional residences, and nowhere for pedestrians to walk safely. This appeal, if approved, would only further exacerbate the problem.

These sidewalks requirements were implemented to increase the walkability of some of Nashville's most vibrant neighborhoods and we request that you allow them to do what they were designed to do.

In summary, we kindly request that you deny the appeal to the sidewalk variance. While the sidewalk would not be connected on either end for the time being, we strongly believe this will initiate change as our street begins to establish itself as a community that normalizes and values sidewalks.

Best,
Greg Geffre



11/8/19



11/8/19

November 4, 2019

Metro Board of Zoning Appeals
P.O. Box 196300
Nashville, TN 37219-6300

Reg: Appeal Case # 2019-487

Dear BZA,

We are submitting comment regarding Appeal Case # 2019-487 regarding sidewalk construction for the property at 2818C W Kirkwood Ave.

Our family is a highly fitness conscious family, and we spend a great deal of time walking in the 12S area. The issue of sidewalk construction is near and dear to us. We try to be green and lead a healthy example by walking or riding bikes whenever we reasonably can, and we applaud the efforts by the city to expand the network of sidewalks in the surrounding neighborhoods as they undergo development.

The sidewalk construction ordinance has been in place for some time now, and we feel that this project should comply with the law ... either construct sidewalks to code, or pay into the sidewalk fund so that the city can continue to build.

Sincerely,



Randy & Laurel Sigler
904B Knox Ave
Nashville, TN 37204

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Land Development Solutions
Property Owner: Morgan: Katherine Baker
Representative: Duane Cuthbertson

Date: 10.1.19
Case #: 2019- 488
Map & Parcel: 11801016000

Council District 17

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

Purpose:

to permit a detached accessory building in an R8 zoning district as the second dwelling.

Activity Type: Detached Accessory Dwelling Unit

Location: 1108 Paris Avenue

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

Section(s): 17.12.020(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.

same
Appellant Name (Please Print)

Duane Cuthbertson
Representative Name (Please Print)

Address

1806-A Allison Pl.
Address

City, State, Zip Code

Nashville TN 37203
City, State, Zip Code

Phone Number

615.924.9618
Phone Number

Email

dcuthber@gmail.com
Email

Zoning Examiner: CH

Appeal Fee: \$100.00



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



3718232

**ZONING BOARD APPEAL / CAAZ - 20190060003
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11801016000**APPLICATION DATE:** 10/01/2019**SITE ADDRESS:**

1108 PARIS AVE NASHVILLE, TN 37204

LOT 64 PLAN OF IDLEWILD

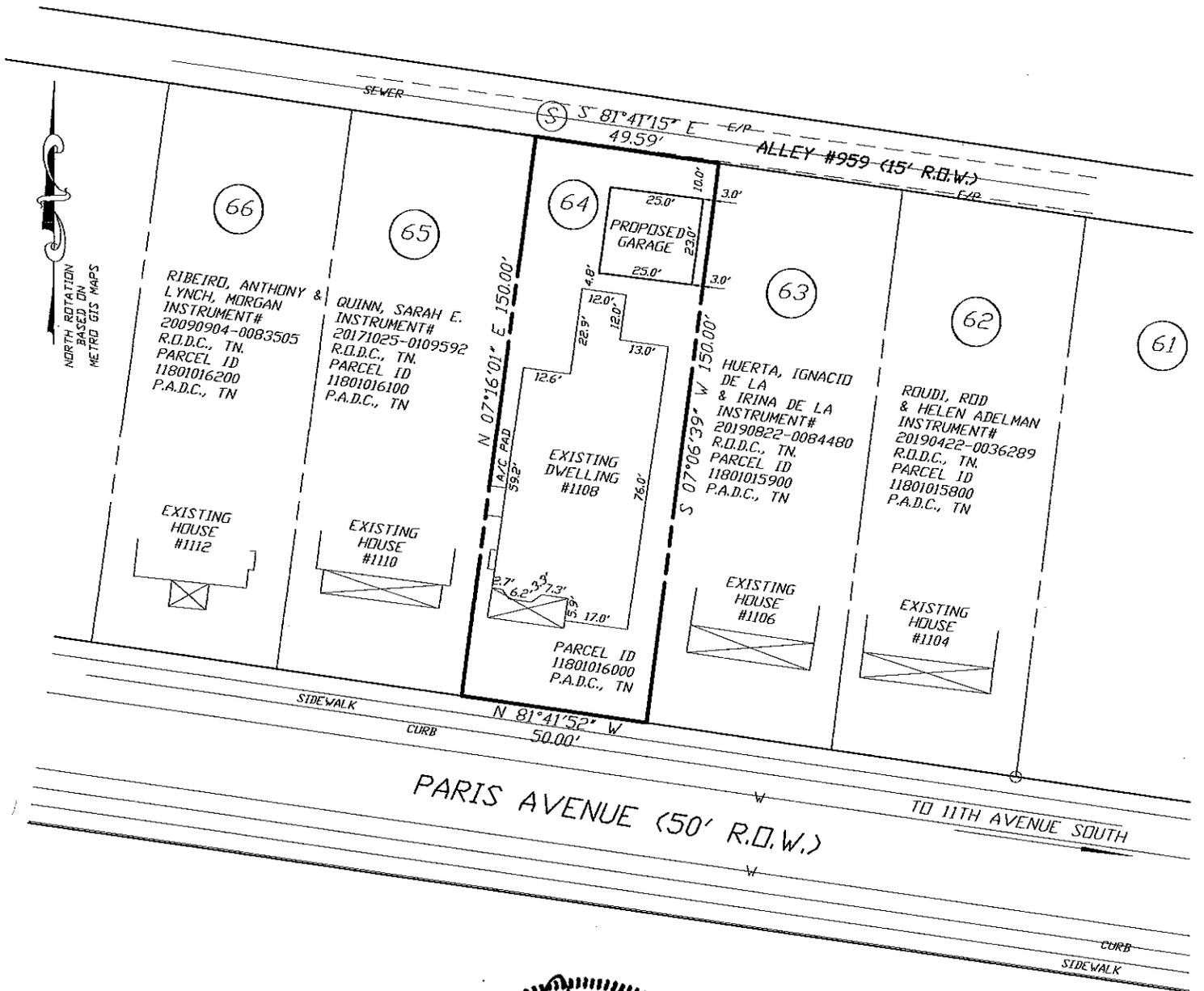
PARCEL OWNER: BAKER, KATHERINE & MORGAN**CONTRACTOR:****APPLICANT:****PURPOSE:**

variance from lot size requirement to allowed for construction of detached accessory dwelling unit. 8,000SF required, lot is currently 7,500SF.

*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.



LEGEND
 W= WATER LINE (RECORD)
 S= SEWER LINE (RECORD)
 OHL= OVERHEAD LINES
 E/P = EDGE PAVEMENT

THIS EXHIBIT WAS PREPARED FROM THE LATEST RECORDED DEED DESCRIPTION. THIS EXHIBIT IS SUBJECT TO THE FINDINGS OF A CURRENT TITLE EXAMINATION. NO TITLE REPORT WAS PROVIDED TO SURVEYOR.

UTILITIES SHOWN WERE TAKEN FROM PUBLIC AS-BUILT RECORDS & FIELD LOCATION. THERE MAY BE UTILITIES OR EASEMENTS PRESENT THAT ARE NOT SHOWN ON THIS EXHIBIT. CONTACT THE TENNESSEE ONE CALL SYSTEM PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:
 CAMPBELL, McRAE
 & ASSOCIATES,
 SURVEYING, INC.
 P.O. BOX 41153
 NASHVILLE, TN., 37204
 PH. 615-298-2424
 EMAIL cmas@att.net



THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-.07, CHAPTER 0820-3 STANDARDS OF PRACTICE, RULES OF THE TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS.

JOHN ALAN HOOD TN. R.L.S.#1838

EXHIBIT MAP
 LOT 64 DR. L.G. NOEL'S SECOND SUBDIVISION OF IDLEWILD BOOK 332, PAGE 77 R.O.D.C., TN. PROPERTY LOCATED IN THE 17TH COUNCIL DISTRICT OF NASHVILLE, DAVIDSON COUNTY TENNESSEE ON THE NORTHERLY MARGIN OF PARIS AVENUE, EAST OF 11TH AVENUE SOUTH
PROPERTY ADDRESS:
 1108 PARIS AVENUE, NASHVILLE, TN., 37204
DEED REFERENCE:
 INSTRUMENT #20190605-0053514 R.O.D.C., TN.
PARCEL I.D. 11801016000 P.A.D.C., TN
DATE : 9-4-19
SCALE : 1"=40'
PREPARED FOR:
 WILLIAM SMALLMAN



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

10.1.19

DATE

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?

Subject property is located in urban neighborhood where density is appropriate. Surrounding neighborhood contains many similarly sized lots with two full sized dwellings. Applicant is requesting a detached accessory dwelling as the second dwelling on the subject property.

Subject property is only 6% short on lot area. Subject property and proposed building are subject to historic review.

Nashville Board of Zoning Appeals

Agenda Date: November 21, 2019

Case No. 2019-488

Address: 1108 Paris Avenue

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

Purpose: To permit a Detached Accessory Dwelling Unit (DADU) along the alley.



1108 Paris Avenue

The request for a Variance of the minimum lot size requirement in the R8 zoned district is made to permit one principal dwelling and one accessory dwelling (Not two principal dwellings).

The R8 zoning district can permit up to two principal dwellings on a lot containing 8,000 sq. ft. or more (and meeting other conditions of the zoning code). The subject property was platted in 1908 with only 7,500 sq. ft. of lot area. The subject property is **6.25% short** of the minimum requirement.

The applicant is requesting the Variance in order to permit a Detached Accessory Dwelling Unit (DADU) as an accessory to the existing principal dwelling. The DADU is proposed at the rear of the property along an alley where a two story detached garage could be built (the second story could be utilized in a variety of ways excluding the dwelling component). The owner desires to utilize the second story of the proposed detached building as a second dwelling (garage apartment).



Views along alley adjacent to subject property.

The proposed Detached Accessory building will contain a living space above the parking area (as is customary for an alley oriented DADU). The property is located within the Waverly Belmont Neighborhood Conservation Overlay. It is the owner's intentions to work with Metro Historic staff to provide a design consistent with the guidelines. Guidelines permit a two story detached garage (considers DADUs).

There are a number of two story detached garages (living quarters above) in the surrounding neighborhood. Two were recently approved by the BZA on Paris Avenue immediately east of the subject property (1104 and 1014 Paris Avenue).

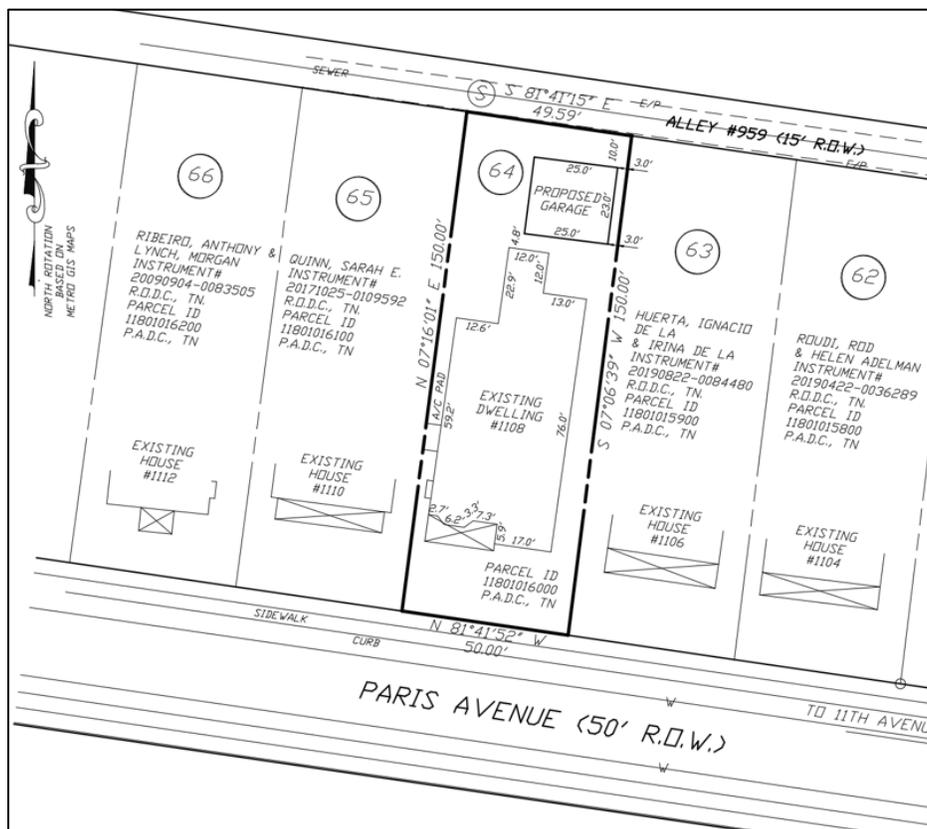
The proposed accessory building will provide **two parking spaces** inside the garage for the occupants of the principal dwelling. A **third parking space will be provided** on the west side of the accessory building for an occupant of the second story

space. Ample street parking is available for any extraordinary need. Access to the proposed space can be gained from the alley or through a gate in the fence.

The proposed DADU will not be visible from the public street (Paris Avenue). The proposed DADU will not alter the physical character as experienced from the public streets.

The Lot was created in the 1908 with 6.25% less lot area than the current R8 zoning requires to permit two full sized principal dwellings. The request is only a variance to permit an accessory dwelling.

The lot, with the proposed detached structure is under the maximum permitted **building coverage** permitted in the R8 zoning district (**45% required**).



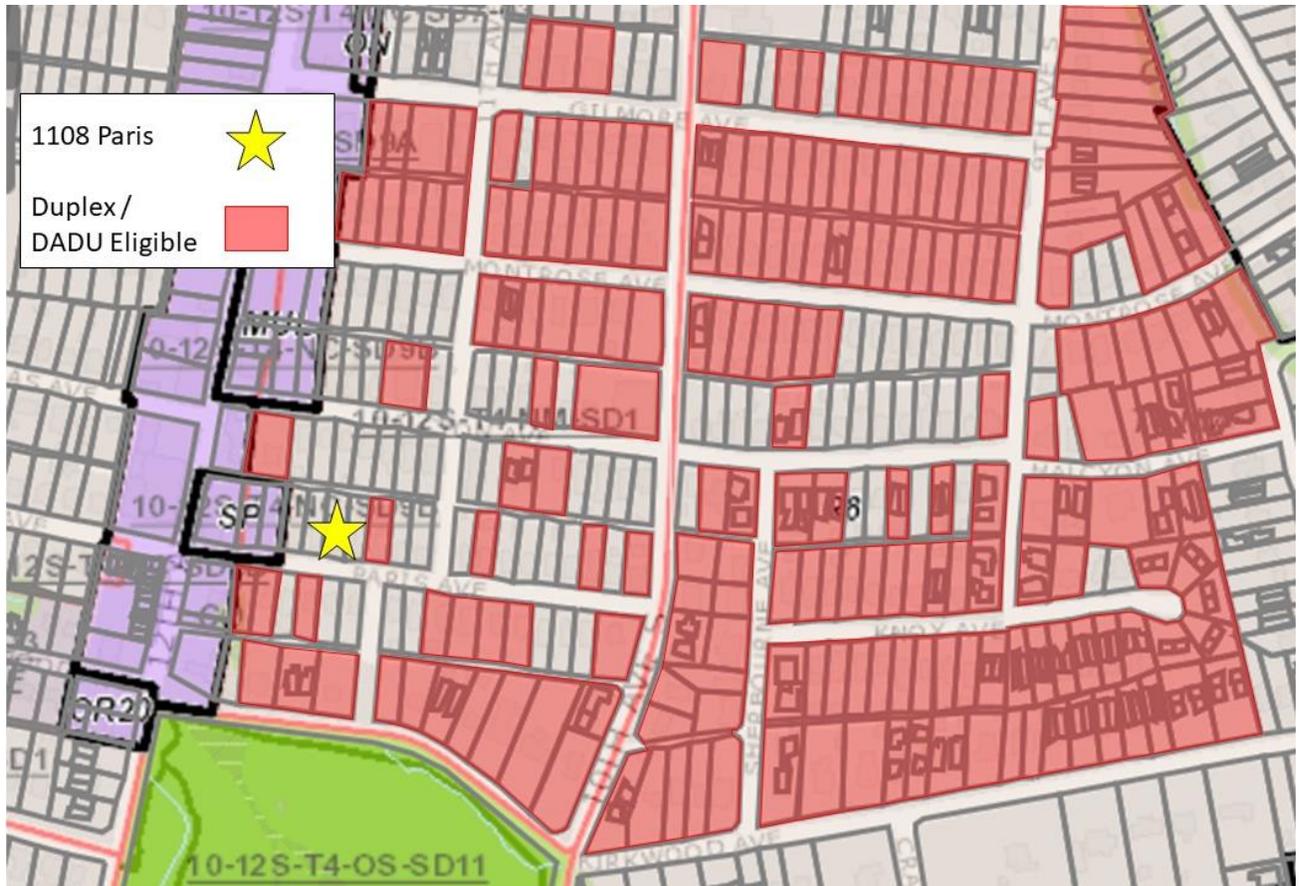
Unique Circumstances:

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 1908, 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.
8. The DADU will not adversely impact stormwater run-off as the building exists and 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.

Map showing subject property surrounded by duplex (or DADU) eligible lots.



Metropolitan Nashville Board of Zoning Appeals
 800 Second Avenue South | P.O. Box 196300
 Nashville, TN 37219-6300

Re; Agenda Date: _____
 Case Number: 2019-_____
 Address: 1108 Paris Ave

To Whom it May Concern

As a resident and/or property owner in the surrounding neighborhood I would like to express my **support** for a variance to permit a detached building to be used as a detached accessory dwelling unit (DADU) at 1108 Paris Avenue.

A detached accessory dwelling unit (DADU) will enhance the neighborhood by providing a much needed housing type in a controlled environment. It incrementally addresses our city's housing affordability issue, inserting one more small housing option in a walkable neighborhood where services and employment opportunities are nearby. It will provide an opportunity for a variety of individuals (student, family member, young/older adult, single parent) to live in a high demand neighborhood. The DADU will create a presence on an otherwise inactive alley in a building that compliments the surrounding neighborhood and is consistent with the Historic context.

Rod Roudi

____Rod Roudi_____/Name

____1104 Paris Avenue, Nashville, TN 37204_____/Address



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

Appellant: Justin Jacobs & Zaynab Barzagar Date: 9-4-19
Property Owner: Justin Jacobs & Zaynab Barzagar Case #: 2019- 464
Representative: Justin Jacobs & Zaynab Barzagar Map & Parcel: 181030A26400CO

Council District: 31

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: 7279 Santeelah Way

This property is in the RS10 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 prior to obtaining the legally required short term rental permit.

Section: 17.16.250 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 hereby requested in the above requirement as applied to this property.

Appellant Name: Justin Jacobs & Zaynab Barzagar Representative: Same
Phone Number: 615 578-3210 Phone Number: _____
Address: 7279 Santeelah Way Address: _____
Nashville, TN 37013
Email address: miss_zaynab@hotmail.com Email address: _____

Appeal Fee: \$100.00

P.O.K.



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



3708603

ZONING BOARD APPEAL / CAAZ - 20190053222
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 181030A26400CO**APPLICATION DATE:** 09/04/2019**SITE ADDRESS:**

7279 SANTEELAH WAY ANTIOCH, TN 37013
LOT 63 INDIAN CREEK SEC 1 PH 1 ADDITION

PARCEL OWNER: JACOBS, JUSTIN JAMES & BARZAGAR, ZA'**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated prior to obtaining the legally required short term rental permit.

*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

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.

Zaynab Barzagar Sep 4, 2019

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.

Zaynab Barzagar
APPELLANT

Sep 4, 2019
DATE

Rental Unit Record

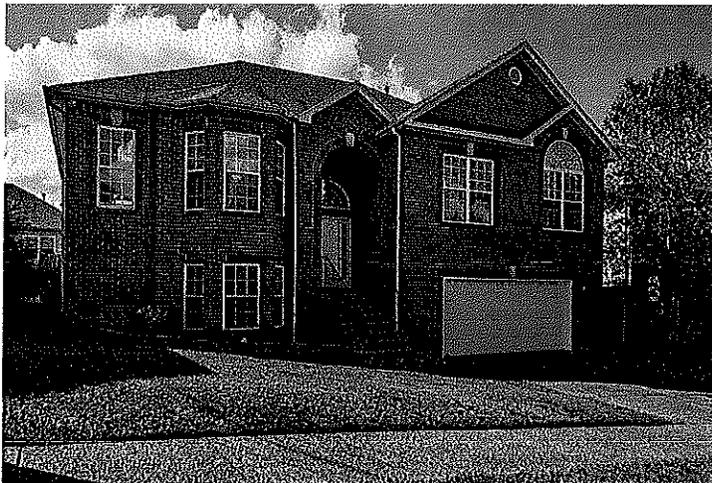
7279 Santeelah Way, Antioch, TN 37013, USA

Active ●
Identified ✓
Compliant X

PRINT
SEND A LE

Listing(s) Information

Airbnb - 32573655



Matched Details

Analyst CDZT

Explanation
Exterior matches in street view.

The Nashville records and map confirm the location and address and show APN 181030A26400CO. <http://prntscr.com/nj773e>

Listing Photos Matching 3rd Party Sources

Listing photo 1

Evidence 1



Same exterior.

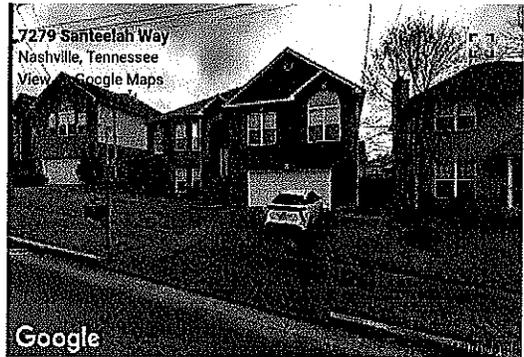
Zip Code Match

Owner Name Match

City Name Match

4 Documented Stays
August, 2019

Rental Unit Information



Identified Address

7279 Santeelah Way, Antioch, TN 37013, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.010150, -86.685340

Parcel Number

181030A26400

Owner Name

JACOBS, JUSTIN JAMES & BARZAGAR, ZAYNAB

Owner Address

7279 SANTEELAH WY
ANTIOCH, TN 37013, US

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing Details

Listing URL	- https://www.airbnb.com/rooms/32573655
Listing Status	● Active
Host Compliance Listing ID	- air32573655
Listing Title	- G.O.A.T House w/ Huge Private Level
Property type	- Guest suite
Room type	- Entire home/apt
Listing Info Last Captured	- Aug 31, 2019
Screenshot Last Captured	- Aug 31, 2019
Price	- \$30/night
Cleaning Fee	- \$25

- ✔ First Warning - No STR or Tax: Delivered
August 10th, 2019
- ✔ First Warning - No STR or Tax: Sent
August 5th, 2019
- 13 Documented Stays
July, 2019
- 6 Documented Stays
June, 2019
- 8 Documented Stays
May, 2019
- ✔ Listing air32573655 Identified
May 4th, 2019
- 9 Documented Stays
April, 2019
- 4 Documented Stays
March, 2019
- ✱ Listing air32573655 First Crawled
March 26th, 2019
- Listing air32573655 First Activity
March 26th, 2019

Information Provided on Listing

Contact Name	- Justin
Latitude, Longitude	- 36.010810, -86.683720
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 5
Max Number of People per Bedroom	- 5
Number of Reviews	- 44
Last Documented Stay	- 08/2019

Listing Screenshot History

View Latest Listing Screenshot

July 10

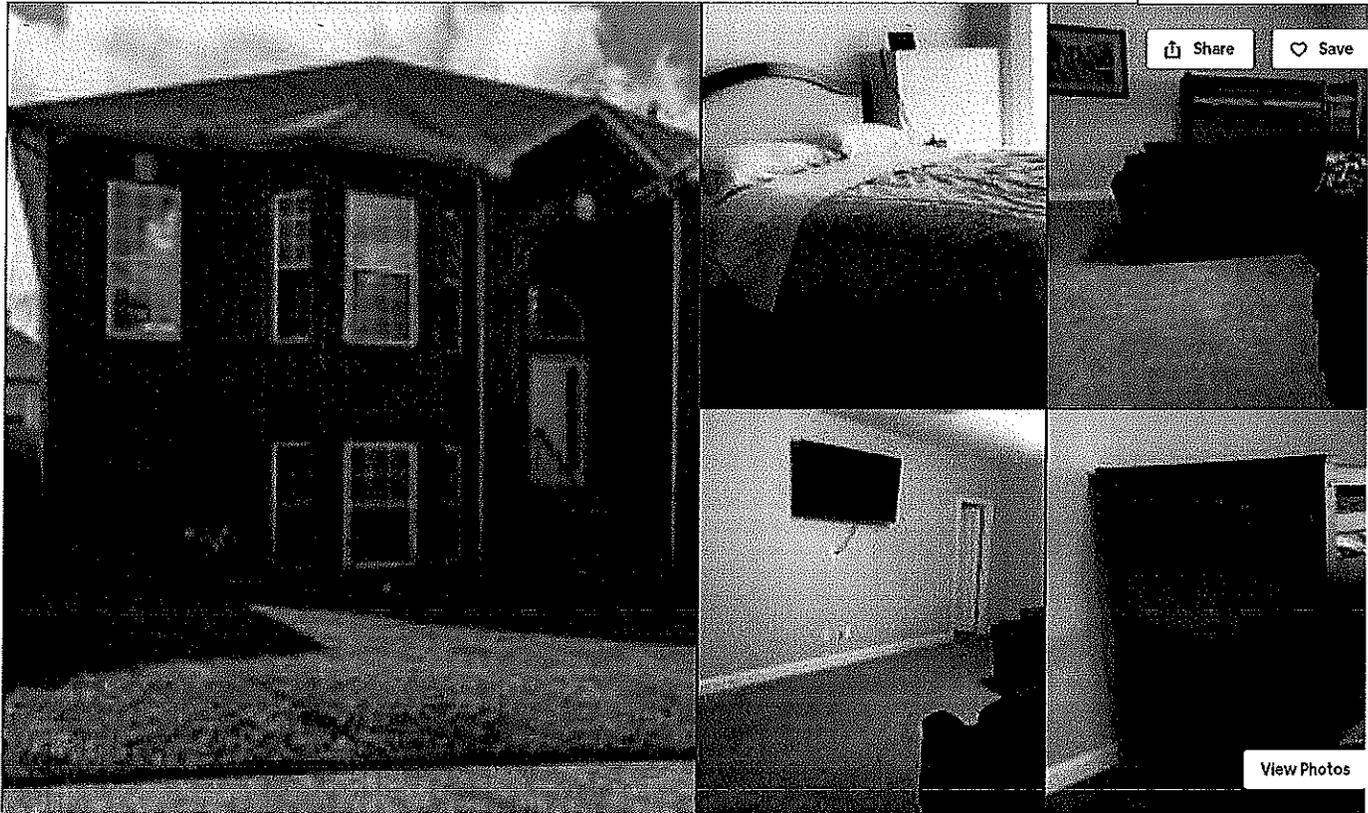
August 9

September 0

August 31, 2019 - 03:25AM America/Chicago

Search

Become a host Help Sign up Log in
Aug 31, 2019 3:25am CT



G.O.A.T House w/ Huge Private Level

Nashville



Entire guest suite
5 guests 1 bedroom 1 bed 1 bath

Self check-in
Check yourself in with the keypad.

Sparkling clean
14 recent guests said this place was sparkling clean.

Great location
95% of recent guests gave the location a 5-star rating.

\$35 per night
★★★★★ 45

Dates
09/01/2019 → Checkout

Guests
1 guest

Reserve

You won't be charged yet

Report this listing

Welcome to the G.O.A.T house. You will have your own private entry and private level of the house. There is one private bedroom with a queen bed and a family room with a huge sectional and Full size bunk beds. 55 inch flat screen for movie night w/ amazon prime. Our location has easy access to I-24 and only 25 minutes from downtown. We live off the main road Nolensville Road that you can take all the way downtown and enjoy all the International restaurants on the way. The unit is very spacious.

The space

Great for a get away, or a week in town or even a extended stay. Plenty of room for musicians and their equipment. We expect responsibility & respect from our guests. We don't approve of parties and loud music and you'll receive that same respect in return. Quiet time starts at 11pm for weekdays and on weekends this is not a party house.

Guest access

Entire Lower Level. There is a Private Side door on the right side of the house with an access code. You'll be entering into our gated back yard to get to the side door entrance.

Other things to note

Wifi Available
 Amazon Video Available for Movies and Chll
 Microwave Available
 Mini Fridge Available
 Large sectional couch can sleep 2 comfortably.
 Full size large bunk beds 175lbs limit on top bunk.

Hide ^

Contact host



Amenities

Basic

Wifi
 Continuous access in the listing

TV

Essentials
 Towels, bed sheets, soap, and toilet paper

Heating
 Central heating or a heater in the listing

Air conditioning

Hot water

Family features

Bathtub

Outlet covers

Facilities

Free parking on premises

Single level home
 No stairs in home

Dining

Microwave

Refrigerator

Guest access

Keypad
 Check yourself into the home with a door code

Private entrance
 Separate street or building entrance

Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure

Long term stays allowed
Allow stay for 28 days or more

Bed and bath

Hangers

Hair dryer

Shampoo

Bed linens

Extra pillows and blankets

Outdoor

Garden or backyard

Safety features

Fire extinguisher

Smoke detector

First aid kit

Not included

Kitchen

Washer

Carbon monoxide detector

The host hasn't reported a carbon monoxide detector on the property.

Sleeping arrangements



Bedroom 1
1 queen bed

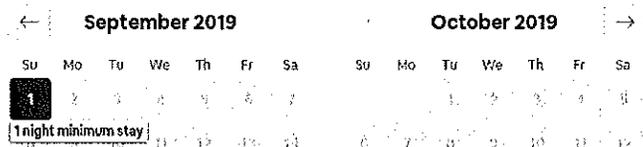
Accessibility

Wide doorway to the bathroom Wide clearance to shower, toilet

Show all

Availability

This host offers 10% off if you stay a week and a 13% monthly discount.



10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

Clear dates

45 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★



Rachel
August 2019

It was an exceptionally clean place, Justin and Zee were quick to respond though they gave us our privacy, we did not meet them in person although we would have been happy to. It is close to the things you might need and it was a 30 minute or less drive to all the attractions we...Read more



Ursula
August 2019

This place is about 25 min outside of Nashville (which was just right for us). It is not close to the freeway but its a beautiful drive to get there & in a nice, safe, slightly country feeling suburb. The building is new construction so the entire place is in very good...Read more



Erin
August 2019

Justin's place was great for my trip to Nashville. Was traveling with 4 friends and we each had a big, comfortable place to sleep. Check in was very easy and the place was very comfortable and clean. Thank you, Justin!



Tres
August 2019

The place was kept really clean and we enjoyed having our own private area.



Ryan
August 2019

Quick responses and great communication. Lovely place! Would definitely recommend.



Teresa
July 2019

Justin's place was just what we needed. It slept 5 very comfortably, was safe, quite, in a nice neighborhood and very spacious.



Jenl
July 2019

This was a great find -- perfect for a small family (five of us total) and just what we needed for a quick overnight stay. It's very spacious, and the full-size bunkbeds were really ideal for our children. Justin was very quick to respond, even for a last-minute booking, and we...Read more

1 2 3 ... 7 >

Hosted by JUSTIN

Nashville, TN · Joined in June 2016



★ 45 Reviews ✨ Verified

Easy going we love to travel, privacy is great but we don't always need luxury:

Interaction with guests

We can be available anytime to answer questions. We value new relationships and love meeting and getting to know people as much as we value our privacy.

Justin supports the Living Wage Pledge

People who clean this host's listing are paid a living wage. [Learn more](#)

Response rate: 95%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

About this place

When you stay in an Airbnb, you're staying at someone's place.

This is Justin's place.



Zee helps host.



The neighborhood

Justin's place is located in Nashville, Tennessee, United States.

There is a small park within walking distance. Our neighborhood is very peaceful and very safe. We are in the Nashville and Brentwood area the city limits are just across the street. 2 minutes from Kroger and dinner options. 5 minutes from the gym Workout Anytime which offers daily 5\$ guest passes. 6 minutes from Wal-Mart.

Getting around

20-25 minutes to Downtown

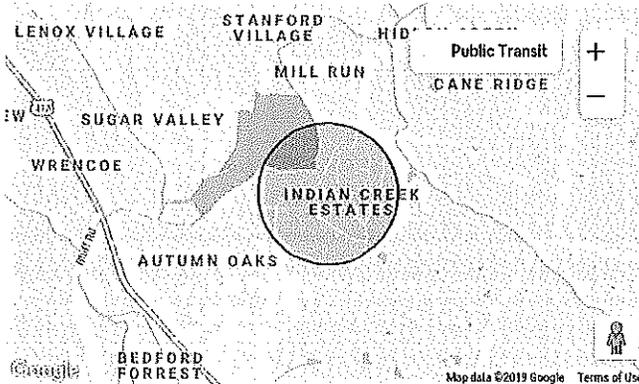
10 minutes from Historic Nolensville where you can get any kind of international food.

2 minutes from Kroger/Publix and my favorite Brusters Ice Cream. If your an ice cream lover you have to go!

5 mintues to Wal- Mart

Hide ^

See guidebook



Exact location information is provided after a booking is confirmed.

Policies

House Rules

No smoking, parties, or events
 Check-in is anytime after 3PM and check out by 10AM
 Self check-in with keypad

- No Shoes in the House
- No Loud Music
- No Yelling and Swearing
- No Illegal Drugs
- 1 Parking Spot Available LEFT side of the driveway please hug the left side and towards the back so we can get out of the garage.
- Quiet time is 11pm just don't be loud.
- 1 Vehicle can park on road for one night max. Weekends are fine. Recommend additional vehicles to park at Kroger overnight during the week and extended stays. We are not responsible for the vehicle.
- No Pets on FURNITURE!

You must also acknowledge

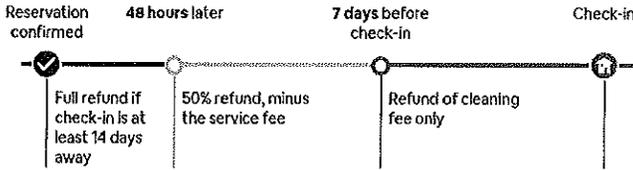
Pet(s) live on property - We have two very well trained dog friendly dogs. You will not have to interact or see them if we can make it possible.

Surveillance or recording devices on property - Cameras Outside Property.

Hide rules ^

Cancellations

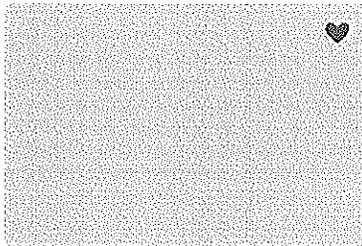
Strict - Free cancellation for 48 hours.
 After that, cancel up to 7 days before check-in and get a 50% refund, minus the service fee.



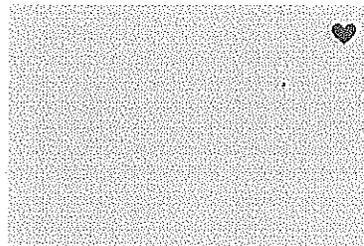
Get full details

Hide policies ^

More places to stay



ENTIRE GUEST SUITE - NASHVILLE
Private Retreat Close to Downtown
 \$75/night
 *****152

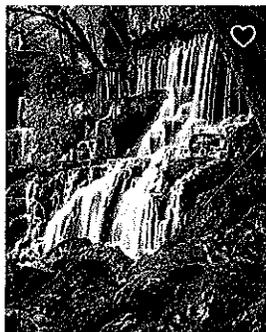
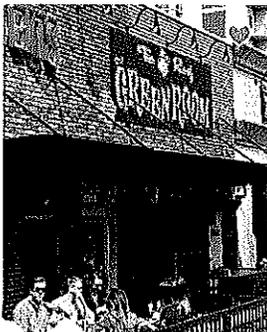


ENTIRE GUEST SUITE - NASHVILLE
Centrally located mid century modern with king bed
 \$79/night
 *****132



PLUS VERIFIED - NASHVILLE
Downtown Private Guest Loft with Cool Vintage Vibes
 \$87/night
 *****132

Things to do nearby





BAR CRAWL
Palm Reading & Day Drinking Bar Crawl
 From \$55/person
 4.77 ★ (30)



GUIDED HIKE
Hike and Photograph Ancient Tennessee
 From \$90/person



MUSIC LESSON
Nashville Songwriting Experience
 From \$250/person
 5.0 ★ (1)



BIKE RIDE
Fat Bikes in Music City
 From \$99/person
 5.0 ★ (5)

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Houses · Bed and breakfasts · Lofts · Villas

Nashville
 Ga'aton
 Harahan
 Liachon
 Great Thurlow
 Fuzhou

Oulart
 Lavenen
 Niskayuna
 Caldopiano-commicelle
 Crescent Beach
 Louzignac

East Massapequa
 Rugby
 Tappen
 Cappelletta
 Armada
 Piticchio

Airbnb

Discover

Hotels

Jill L Somers
7288 Santeelah Way
Cane Ridge, TN 37013
November 9, 2019

Metropolitan Government of Nashville and Davidson County
Department of Codes & Building Safety
Metro Office Building-3rd Floor
800 Second Avenue, South
Nashville, TN 37210

RE: Appeal Case Number: 2019-464
7279 Santeelah Way
Map Parcel: 181030A26400CO
Zoning Classification: RS10
Council District: 31

Please accept this as my formal OPPOSITION to my neighbor's request to obtain a short term rental permit. If they are allowed to obtain this permit, the landscape of what this neighbor has been will drastically change. This is a family neighborhood and I do not wish to see this neighborhood change from family oriented to a neighborhood of short term rentals and the negative aspects that could bring.

Sincerely,

A handwritten signature in black ink that reads "SOMERS". The signature is written in a cursive style with a large, stylized initial 'S'.

Jill L Somers

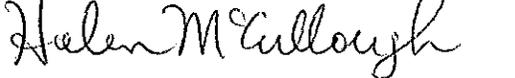
7004 Calderwood Drive
Antioch, TN 37013
November 12, 2019

Board of Zoning Appeals
Metro Office Building
800 Second Ave South
P.O. Box 196300
Nashville Tn 37219-6300

RE: Appeal Case Number	2019-464
7279 SANTEELAH WAY	
Map Parcel	181030A26400C0
Zoning Classification	RS10
Council District	31

This is a letter expressing our opposition to the applicants obtaining a permit for a short term rental. Our property is located within 1000' of property listed. This subdivision consists only of single family dwellings and feel the stability of the neighborhood would be compromised. We feel a short term rental would increase traffic, on street parking, create excessive noise, and effect our property values.

Thank you,

Maurice T.,III & Helen A. McCullough

Richard and Brenda Pollock

7504 Stecoah Street
Brentwood, TN 37027

Davidson County

November 3, 2019

VIA U.S. Mail
Department of Codes and Building Safety
Post Office Box 196300
Nashville, TN 37219-6300

RE: Appeal Case Number: 2019-464
7279 Santeelah Way
Map Parcel: 181030A26400CO
Zoning Classification: RS10
Council District: 31

To the Members of the Board of Zoning Appeals:

We are neighboring property owners to the above-mentioned parcel, residing at 7504 Stecoah Street, Brentwood, TN 37027, Davidson County. As such we received from your office a "Zoning Appeal: Notice to Neighboring Owners" about the Appeal Case Number 2019-494.

We are writing **in opposition to the request for this permit**. We support the initial decision. We ask that the Board of Zoning Appeals **deny this permit**.

We request that this written communication be part of the record as it should be received well in advance of the end of business on Thursday, November 14, 2019, deadline.

Sincerely,


Richard Pollock


Brenda Pollock



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

Appellant: Faith Salmon Date: 9-26-19
 Property Owner: Faith Salmon Case #: 2019- 477
 Representative: Faith Salmon Map & Parcel: 083050016500

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: 1015 Mansfield St.

This property is in the RS5 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 the issued STRP permit expired.

Section: 17.16.250 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 hereby requested in the above requirement as applied to this property.

Appellant Name: Faith Salmon Representative: Same
 Phone Number: 917 480-8274 Phone Number: _____
 Address: 1015 Mansfield Address: _____
Nashville, TN 37206 _____
 Email address: fsalmon15@gmail.com Email address: _____

Appeal Fee: \$100.00



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



3716517

ZONING BOARD APPEAL / CAAZ - 20190058779
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08305016500

APPLICATION DATE: 09/26/2019

SITE ADDRESS:

1015 MANSFIELD ST NASHVILLE, TN 37206
LOT 16 HOUSE & SIMONTON RE-SUB LOTS 15 & 16

PARCEL OWNER: SALMON, FAITH ELIZABETH & HOILES, M. CONTRACTOR:

APPLICANT:

PURPOSE:

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



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--8th 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.

John Johnson
9/26/19

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.)

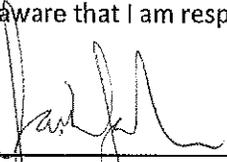
The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In 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.



APPELLANT

9/26/19

DATE

Rental Unit Record

1015 Mansfield St, Nashville, TN 37206, USA

Removed X
Identified ✓
Compliant ✓

PRINT
SEND A LE

Listing(s) Information

Airbnb - 23275787



Matched Details

Analyst U9YU

Explanation
The permit is listed and used it to get the address.

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL - https://www.airbnb.com/rooms/23275787

Listing Status ● Inactive

Host Compliance Listing ID - air23275787

Listing Title

Rental Unit Information



Identified Address

1015 Mansfield St, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.181842, -86.751964

Parcel Number

08305016500

Owner Name

SALMON, FAITH ELIZABETH & HOILES, MATTHEW LAWRENCE

Owner Address

1015 MANSFIELD ST
NASHVILLE, TN 37206, US

Registration / Permit Number

504262

Timeline of Activity

View the series of events and documentation pertaining to this property

- Historic East Nashville Bungalow near Five Points

Property type - House

Room type - Entire home/apt

Listing Info Last Captured - Aug 03, 2019

Screenshot Last Captured - Aug 05, 2019

Price - \$115/night

Cleaning Fee - \$129

X Listing air23275787 Removed August 6th, 2019

7 Documented Stays July, 2019

● Listing air23275787 Reposted July 21st, 2019

X Listing air23275787 Removed July 19th, 2019

● Listing air23275787 Reposted July 17th, 2019

X Listing air23275787 Removed July 15th, 2019

● Listing air23275787 Reposted July 11th, 2019

X Listing air23275787 Removed July 9th, 2019

● Listing air23275787 Reposted July 7th, 2019

X Listing air23275787 Removed July 3rd, 2019

9 Documented Stays June, 2019

5 Documented Stays May, 2019

7 Documented Stays April, 2019

8 Documented Stays March, 2019

4 Documented Stays February, 2019

4 Documented Stays January, 2019

First Warning - No STR Permit: Delivered January 18th, 2019

First Warning - No STR Permit: Sent January 11th, 2019

3 Documented Stays December, 2018

4 Documented Stays November, 2018

9 Documented Stays October, 2018

7 Documented Stays September, 2018

5 Documented Stays August, 2018

10 Documented Stays July, 2018

5 Documented Stays June, 2018

7 Documented Stays

Information Provided on Listing

Contact Name - Faith

Latitude, Longitude - 36.180733, -86.752376

Minimum Stay (# of Nights) - 1

Max Sleeping Capacity (# of People) - 8

Max Number of People per Bedroom - 2

Number of Reviews - 105

Last Documented Stay - 07/2019

Listing Screenshot History

View Latest Listing Screenshot

July 2

August 2

September 0

May, 2018

📅 5 Documented Stays
April, 2018

✉ Airbnb Letter: Delivered 📅
April 6th, 2018

✉ Airbnb Letter: Sent 📅
March 29th, 2018

📅 2 Documented Stays
March, 2018

✓ Listing air23275787 Identified
March 19th, 2018

📅 4 Documented Stays
February, 2018

✳ Listing air23275787 First Crawled
February 16th, 2018

● Listing air23275787 First Activity
February 15th, 2018

August 05, 2019 - 12:52AM America/Chicago

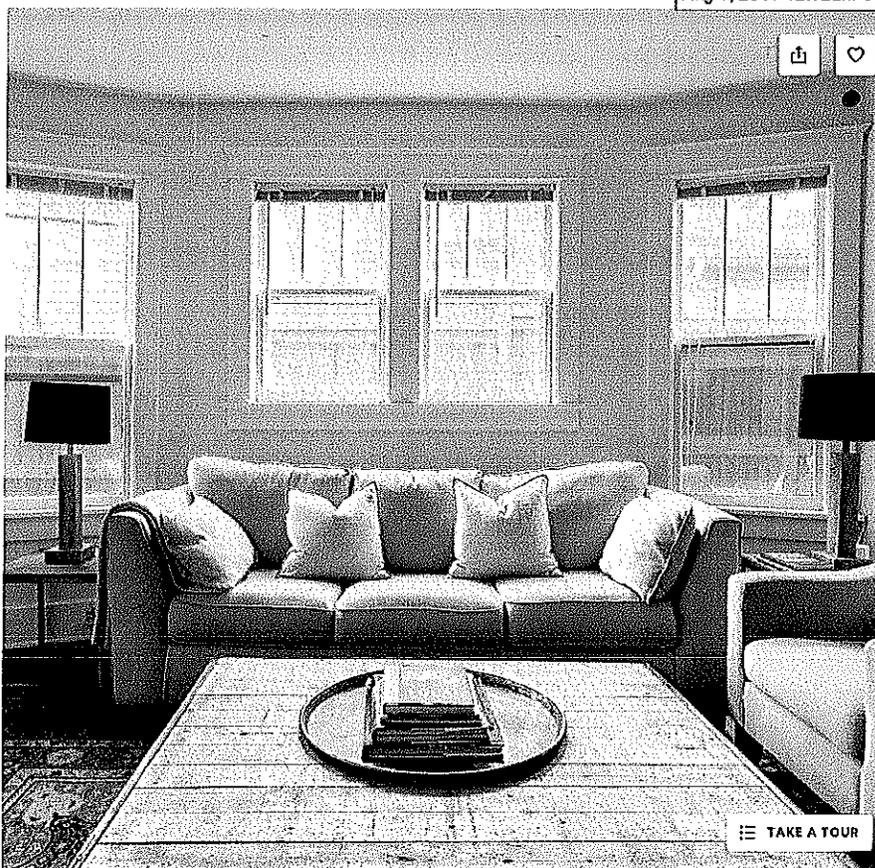
Search

Become a host Help Sign up Log

Aug 5, 2019 12:52am CT

plus

Historic East Nashville Bungalow near Five Points



TAKE A TOUR

8 guests 4 bedrooms 4 beds 2 baths

With a rustic charm elevated by modern fixtures, this carefully restored 1920s bungalow has a comfortable and inviting ambiance.

High-end appliances and antique farmhouse furnishings provide an authentic taste of contemporary Nashville living.

Special to this house

This stay has these unique amenities.

Put on a record, heat up a pot of tea, and open the backdoor for a cross breeze.



"Watching the morning light shine through the home, with a cup of coffee, is one of my favorite things to do."

Hosted by Faith

Self check-in



Free parking on premises



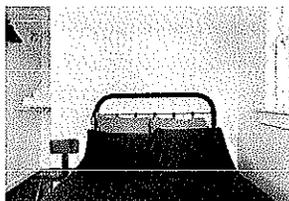
Tour this house



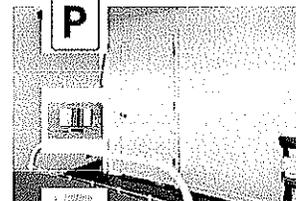
Living room



Full kitchen



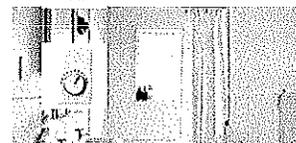
Bedroom 1 - Double bed



Bedroom 2 - Queen bed



Heating





Bedroom 3 - Queen bed



Bedroom 4 - Double bed



Full bathroom 1



Full bathroom 2

Explore all 20 photos

Everything you need

This Airbnb Plus stay comes with these amenities.



All the comforts of home, plus more

Every place to stay in Airbnb Plus is well-maintained and well-equipped with everyday essentials to help you enjoy your time.

Learn more

Wifi

Bathroom essentials

Towels, soap, shampoo, and toilet paper

Bedroom comforts

Bed sheets, pillows, and hangers

Coffee maker

Hair dryer

Iron



Location

Nashville, Tennessee, United States

Located in the heart of historic East Nashville, the bungalow is a short walk to Five Points' independent restaurants, bars, cafes, and shops. Head to Shelby Bottoms Greenway for a relaxing stroll, catch a game at Nissan Stadium or head Downtown, a short drive away.

Carbon monoxide detector

Smoke detector

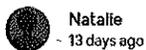
Distance from Nashville International Airport
12 mins by car without traffic



Exact location provided after booking

See guidebook

Reviews



Natalie
13 days ago

My girlfriends and I enjoyed this charming bungalow. We would definitely stay here again.



Nicholas
18 days ago

Great location, convenient, clean, accommodating



Amanda
a month ago

This place is in a great location. Plenty of things in walking distance and/or a short Uber ride away. It was a very nice house that has modern finishes. Only thing to take into consideration is there was no microwave but everything you need to cook...Read more



Kate
a month ago

Wonderfully comfortable, sparkling clean, fabulous location. Faith was great at communicating and everything was smooth and easy. Would totally recommend and stay again. Beautiful home.



Jennifer
a month ago

This was a great hub for our recent girls trip to Nashville! Close to everything and plenty of room! Highly recommend!



Kay
a month ago

We stayed here on our vacation trip to Nashville in June 2019. It is an older home and was nicely decorated, but it is also very minimalistic. Being completely honest, I'm not going to say, don't stay here, but for my family and our needs, it was...Read more

[Read all 105 reviews](#)

Meet your hosts



Faith

Hi, I'm Faith

An Australian, currently living in Nashville, TN. Some of my interests include organic vegetable gardening, hosting friends for dinner...
[read more](#)

Joined in August 2012
Response rate: 100%
Response time: within an hour

Co-host



Matt
Joined in June 2012

[CONTACT](#)

House Rules

The host has set some house rules, which you'll be asked to agree to when you book.

- Check-in: After 3PM
- Checkout: 11AM
- Self check-in with keypad

[Read all rules](#)

Cancellation policy

Strict · Free cancellation for 48 hours. After that, cancel up to 7 days before

Matched property listing

check-in and get a 50% refund, minus the service fee.

Show policy

Other highly-rated places to stay

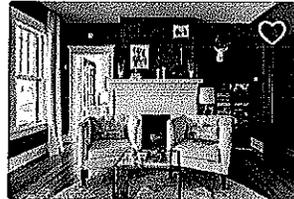


PLUS VERIFIED - FRANKLIN
Tin Roof Cottage in the Heart of Leiper's Fork
\$250 per night
★★★★★123

Show more stays



PLUS VERIFIED - NASHVILLE
Cozy Chic Cottage in Popular East Nashville
\$225 per night
★★★★★148



PLUS VERIFIED - NASHVILLE
Big & Cozy East Nashville Retreat
\$200 per night
★★★★★289



PLUS VERIFIED - NASHVILLE
Well Appointed Craftsman Style Row Home in Nations
\$326 per night
★★★★★115

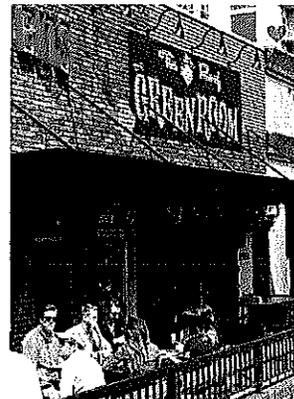
Things to do nearby



PHOTO SHOOT
Photo Tour of Famous Nashville Murals
\$50 per person - 1 hour - Equipment included
4.91★ (124)



FOOD WALK
Historic area food tour
\$59 per person - 3 hours - Food included
4.85★ (54)



BAR CRAWL
Palm Reading & Day Drinking Bar Crawl
\$55 per person - 2 hours
5.0★ (7)



PHOTO SHOOT
Instagram Photowalk Tour of the Gulch
\$45 per person - 1 hour - Equipment included
4.96★ (289)

plus ENTIRE HOUSE IN NASHVILLE
★★★★★105

\$115 / night

Request to Book