

D O C K E T

2/20/2020

1:00 P.M.

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

**Meetings held at the Metropolitan Board of Education
located at 2601 Bransford Avenue**

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

Executive session with Metro Legal

Previously Heard Case Requiring Board Action

Case 2018-661 (1102 A JOSEPH AVE) – previously heard on 12/13/18. Appealed to Chancery court. Remanded to the board to reinstate STRP permit.

Case 2019-028 (719 DOUGLAS AVE) – previously heard on 1/17/19. Appealed to Chancery court. Remanded to the board to reinstate STRP permit.

Case 2020-037 (3928, 3930, & 3932 GALLATIN PIKE) – previously heard on 2/6/20. Failed to get four affirmative votes on parking variance.

CASE 2019-440 (Council District - 28)

ZO THANG LIAN, appellant and **LING, RUM & MARY & THANG, JAMES L. M.**, owners of the property located at **2461 UNA ANTIOCH PIKE**, requesting a special exception in the R8 District, to use an existing residence for a church. Referred to the Board under Section 17.17.170 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Religious Intuition

Map Parcel 14900001801

Results-

CASE 2019-478 (Council District - 1)

COCHRUM, ROBERT G, appellant and owner of the property located at **650 PUTNAM DR**, requesting a variance from front street setback requirements in the RS15 District, to construct a porch on existing single-family residence. Referred to the Board under Section 17.12.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 05811019500

Results-

CASE 2020-034 (Council District - 5)

CHRIS WRIGHT, appellant and **WADE, ROSCOE L. ET UX**, owner of the property located at **827 N 5TH ST**, requesting a variance from side street setback requirements in the RS5/SP District, to construct a single-family residence. Referred to the Board under Section 17.12.030 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08207046500

Results- Deferred 4/2/20

CASE 2020-039 (Council District - 1)

SCOTT MARTIN, appellant and **VILLALOBOS, AMANDA TARASA**, owner of the property located at **3804 FAIRVIEW DR**, requesting a variance from sidewalk requirements in the RS15 District, to construct a single-family residence without building sidewalks or paying into the sidewalk 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 06904000300

Results-

CASE 2020-040 (Council District - 21)

AZIZ ASHUROV, appellant and **HILL, RICHARD**, owner of the property located at **823 & 825 21ST AVE N**, requesting variances from rear setback requirements in the RM20 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09207014000

Results-

Map Parcel 09207013900

CASE 2020-044 (Council District - 20)

RICKY SCOTT, appellant and **552 WESTBORO, LLC**, owner of the property located at **6353 B COLUMBIA AVE**, requesting a variance from setback requirements in the R8 District, to permit a rear covered deck. Referred to the Board under Section 17.12.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 091131G00200CO

Results-

CASE 2020-047 (Council District - 17)

RYAN McLAURY, appellant and **RHYTHM & HOMES DEVELOPMENT LLC**, owner of the property located at **0 TRIMBLE ST**, requesting a variance from minimum lot size requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10504008000

Results-

CASE 2020-048 (Council District - 35)

JULIE CURRY, appellant and **OLD CHARLOTTE ROAD CHURCH OF CHRIST, TRS**, owner of the property located at **8663 OLD CHARLOTTE PIKE**, requesting a variance from lot size requirements in the R80 District, to operate a community education program. Referred to the Board under Section 17.16.040 A.5. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Community Education

Map Parcel 11200008100

Results-

CASE 2020-049 (Council District - 19)

JAMES CROCKETT II, appellant and **BASILE, KENT T.**, owner of the property located at **908 CHEATHAM PL**, requesting a variance from garage door orientation requirements in the R6-A District, to construct a single-family residence. Referred to the Board under Section 17.12.020 B.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 08112030800

Results-

CASE 2020-050 (Council District - 19)

JOSH HELLMER, appellant and **CLAIBORNE ST MISSIONARY BAPTIST CHURCH**, owner of the property located at **91 CLAIBORNE ST**, requesting variances from minimum lot size, driveway access and garage door orientation requirements in the R6-A District, to construct a single-family residence. Referred to the Board under Sections 17.12.020 A, 17.12.020 A note 5.a.1, and 17.12.020 A note 5.b.2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 09316008200

Results-

CASE 2020-051 (Council District - 25)

DUANE CUTHBERTSON, appellant and **BUILD NASHVILLE DBH, LLC**, owner of the property located at **4115 KIMBARK DR**, requesting a variance from front setback requirements in the R10 District, to construct two single family residences. Referred to the Board under Section 17.12.030 C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 13102009000

Results-

CASE 2020-052 (Council District - 5)

DUANE CUTHBERTSON, appellant and **PATEL, NANU T & MANJU**, owners of the property located at **1009 DICKERSON PIKE**, requesting a special exception from height requirements in the CL District, to construct a mixed-use building. Referred to the Board under Section 17.12.060 F. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use

Map Parcel 08202005800

Results-

SHORT TERM RENTAL CASES

CASE 2020-033 (Council District - 23)

JAMES SHADBURNE, appellant and **SHADBURNE, JAMES E. & JULIE A.**, owners of the property located at **979 WINDROWE DR**, 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 RS40 District. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Short Term Rental

Map Parcel 11506000300

Results-

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF SHELBY AND DAVIDSON COUNTY



Appellant : Zo Thang Lian
Property Owner: Rum Ling
Representative: Zo Lian, Ka

Date: 8/20/19
Case #: 2019-440
Map & Parcel: 14900001801

Council District 28

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

Purpose:

TO USE EXISTING RESIDENCE
AS A CHURCH FOR ZOTUNG BAPTIST
CHURCH - APPROX 100 MEMBERS
PERMIT APP FOR USE 2019049942

Activity Type: COMMERCIAL-USE+OCCUPANCY-CHURCH

Location: 2461 UNA ANTIOCH PIKE

This property is in the RS 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

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 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.

Zo Thang Lian
Appellant Name (Please Print)

Representative Name (Please Print)

2461 Una Antioch Pike
Address

Address

Antioch, TN 37013
City, State, Zip Code

City, State, Zip Code

615-540-3794
Phone Number

Phone Number

zoaliam349@gmail.com
Email

Email

Zoning Examiner: Lisa

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**



3703594

**ZONING BOARD APPEAL / CAAZ - 20190049951
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 14900001801**APPLICATION DATE:** 08/20/2019**SITE ADDRESS:**

2461 UNA ANTIOCH PIKE ANTIOCH, TN 37013
S W CORNER UNA-ANTIOCH PIKE & RICHARDS ROAD

PARCEL OWNER: LING, RUM & MARY & THANG, JAMES L. **CONTRACTOR:****APPLICANT:****PURPOSE:**

Special Exception per 17.17.170E.

To use existing Residence for ZOTUNG BAPTIST CHURCH. 60 members, requires 15 parking spaces. No construction/renovations to building needed. Adding parking lot only.

U&O Permit App 2019049942

*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 USE & OCCUPANCY / CAUO - T2019049942
THIS IS NOT A PERMIT**

PARCEL: 14900001801

APPLICATION DATE: 08/20/2019

SITE ADDRESS:

2461 UNA ANTIOCH PIKE ANTIOCH, TN 37013
S W CORNER UNA-ANTIOCH PIKE & RICHARDS ROAD

PARCEL OWNER: LING, RUM & MARY & THANG, JAMES L.

APPLICANT:

PURPOSE:

BZA Special Exception request filed per 17.16.170E

To use existing 1596 sq ft residence as ZOTUNG BAPTIST CHURCH. 60 members will attend services, requires 15 parking spaces. No construction required, adding parking lot only.

POC: Zo Lian 615-540-3794

*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) 862-4138 Lisa.Butler@nashville.gov
BZA Hearing on a BLDG Permit		
[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		862-5230
[B] Fire Sprinkler Requirement		862-5230
[B] Fire Sprinkler Review On Bldg App		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
[E] Grease Control Review On Bldg App		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		862-8781 bonnie.crumby@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A		862-8782 PWPPermitsl@nashville.gov
[G] Bond & License Review On Bldg App		
Landscaping & Tree Review		862-6488 stephan.kivett@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@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 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.

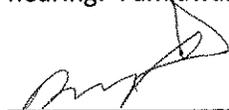
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

8-20-19

DATE

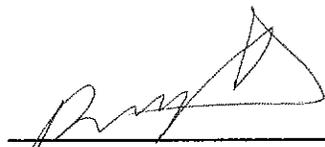
SPECIAL EXCEPTION REQUEST

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 RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception



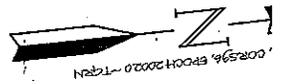
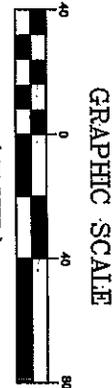
APPELLANT (OR REPRESENTATIVE)

8-20-19
DATE

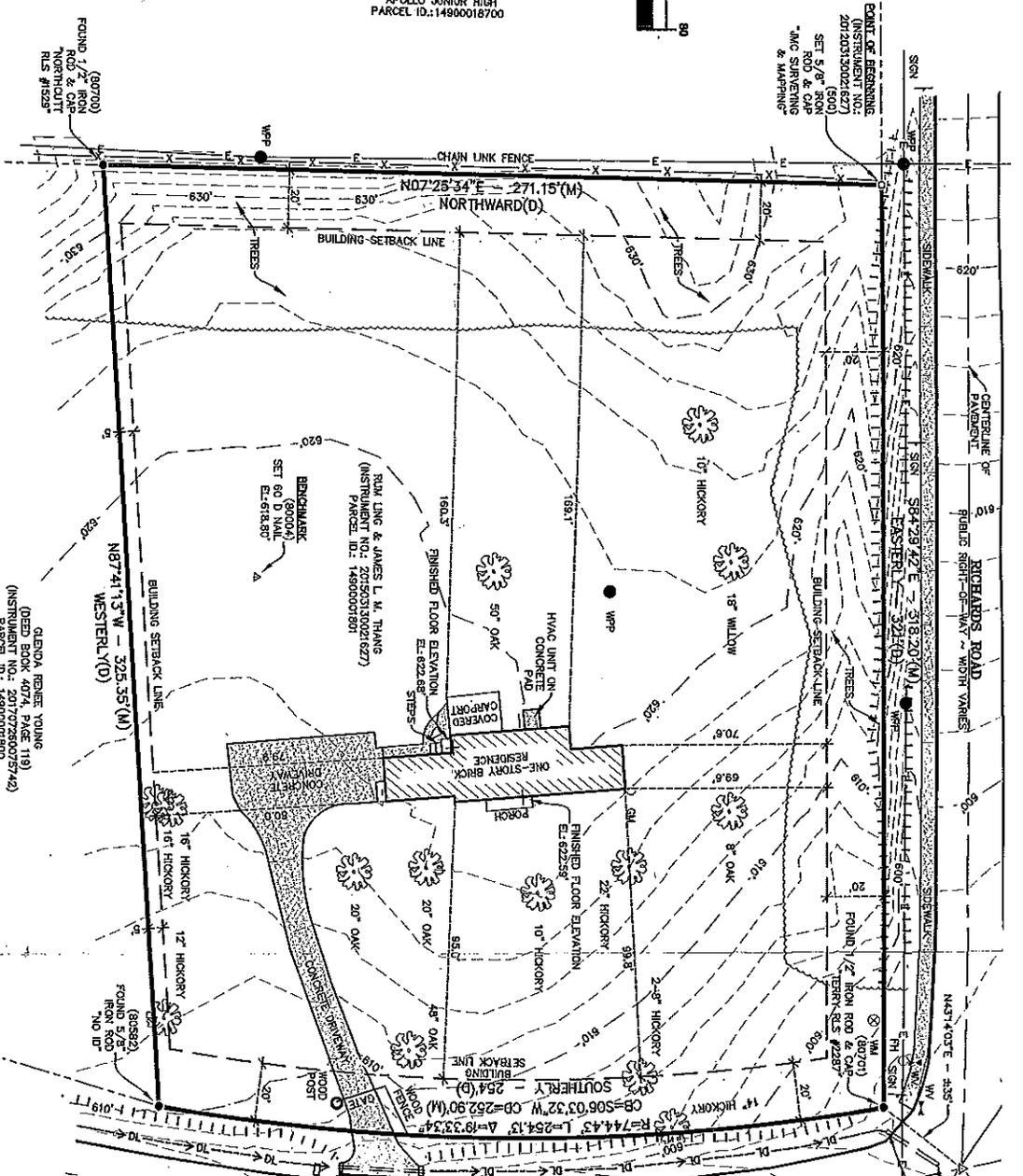
Name: Zo Lien - Una Antioch Pike Boundary Survey.dwg

Field Book(s)

Symbol	Description
(XXXXX)	JMC POINT NUMBERS
△	CALCULATED POINT (UNLESS NOTED)
□	MAILBOX
⊙	WATER METER
⊙	WOOD UTILITY POLE
⊙	ELECTRIC METER
⊙	MEASURED BEARING & DISTANCE
(1)	DEED BEARING & DISTANCE
—	OVERHEAD UTILITY LINE
—	BOUNDARY/PROPERTY LINE
—	BUILDING SETBACK LINE
—	RIGHT-OF-WAY LINE, LINE NOT SURVEYED, LINE MAPPED FROM DEEDS OR PLATS (UNLESS NOTED)
—	ADJOINER LINE, LINE NOT SURVEYED, LINE MAPPED FROM DEEDS OR PLATS (UNLESS NOTED)
—	TOP OF BANK/TOE OF SLOPE
—	WATER LINE



METRO GOVERNMENT
APOLLO JUNIOR HIGH
PARCEL ID: 14900018700



SCAN TO LEARN MORE ABOUT 811

LEGAL DESCRIPTION OF RE
(INSTRUMENT NO. 20150313C)

BEING THE NORTHWEST CORNER OF SAID TRACT OR PARCEL OF 1/4 RUSSELL REVER'S PROPERTY TO RICHARDS ROAD, THENCE EXTEND NORTH 1/4 RUSSELL REVER'S PROPERTY TO RICHARDS ROAD, THENCE EXTEND EAST ALONG RICHARDS ROAD TO THE INTERSECTION OF AN INTERSECTION OF ANTILOCH-JUNA ROAD WITH THE PROPERTY OF 1/4 THENCE IN A WESTERLY DIRECTION ALONG THE NORTHERN BORDER WHERE IT JOINS WITH THE RUSSELL REVER'S PROPERTY, THENCE OF 1 BOUNDARY OF THE RUSSELL REVER'S PROPERTY TO THE POINT OF 1 CORNER OR LESS.

GENEVA BEVER YOUNG
(DEED BOOK 407A, PAGE 119)
(INSTRUMENT NO. 2017028002742)
PARCEL ID: 14900018800

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 Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : ROB COCHRUM
Property Owner: ROBERT COCHRUM
Representative: ROB COCHRUM

Date: 09/27/19
Case #: 2019- 478
Map & Parcel: 05811019500

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:

VARIANCE REQUEST FROM CONTEXTUAL STREET/FRONT SETBACK TO LOCATE A COVERED FRONT PORCH.

Activity Type:

VARIANCE

Location:

FRONT OF EXISTING SINGLE-FAMILY STRUCTURE

This property is in the RS15 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:

PROPOSED ADDITION LIKELY LOCATED IN REQUIRED SETBACK

Section(s):

17.12.030 (C)(3)

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.

ROBBIE COCHRUM
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

650 PURAM DR
Address

SAME
Address

NASHVILLE, TN 37218
City, State, Zip Code

SAME
City, State, Zip Code

615-495-3105
Phone Number

SAME
Phone Number

R.COCHRUM@YAHOO.COM
Email

SAME
Email

Zoning Examiner: DAVID D-B

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**



3716930

**ZONING BOARD APPEAL / CAAZ - 20190059090
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 05811019500

APPLICATION DATE: 09/27/2019

SITE ADDRESS:

650 PUTNAM DR NASHVILLE, TN 37218
LOT 0187 SECT 0003 ROYAL HILLS

PARCEL OWNER: COCHRUM, ROBERT G

CONTRACTOR:

APPLICANT:**PURPOSE:**

Applicant seeks to construct 8' x 15' (120 sq. ft.) front porch to existing single-family residential structure. Variance request from 17.12.030(C)(3) contextual street/front setback.

*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**



3716885

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2019059054
THIS IS NOT A PERMIT**

PARCEL: 05811019500

APPLICATION DATE: 09/27/2019

SITE ADDRESS:

650 PUTNAM DR NASHVILLE, TN 37218
LOT 0187 SECT 0003 ROYAL HILLS

PARCEL OWNER: COCHRUM, ROBERT G

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Robbie Cochrum
, 615-495-3105

PURPOSE:

Construct 8'x 15' covered front porch addition to existing single-family structure. Will include porch light. Required front/street setback TO BE DETERMINED based on contextual or variance, if granted. POC: Robbie Cochrum, 615-495-3105. Applicant applied for a self-permit and will act as his/her own general contractor with full responsibility for code compliance, for hiring and employing individuals and subcontractors, and with ultimate responsibility for his/her own work and for the work of others. Acting as his/her general contractor, applicant may forfeit certain protections which might be available to him/her through the State of Tennessee general contractor's licensing process. Applicant, as a self-build permit holder, is further responsible for requesting all required inspections and completing all authorized work in compliance with applicable adopted codes. Separate permits are required for any electrical, plumbing and gas/mechanical work and are not part of the building permit. No construction and demolition waste will be stored on the property and such waste shall be disposed of in a clean and sanitary manner by placing it in approved containers and having such waste discarded at an approved landfill. Signage must be posted pursuant to M.C.L. 16.28.230, including project information signs, which shall be posted in English and Spanish with one double-sided 24" (vertical) x 36" (horizontal) sign posted for every fifty feet of site frontage, with no more than three signs required per street frontage.

*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	PENDING	615-862-6510
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWNOTREQD	615-862-6510
[B] Fire Life Safety Review On Bldg App		615-862-5230
[B] Fire Sprinkler Requirement		615-862-5230
[G] Bond & License Review On Bldg App		
[C] Flood Plain Review On Blgd App		615-862-7225 mws.stormdr@nashville.gov
[D] Grading Plan Review For Bldg App		615-862-7225 mws.stormdr@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 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.

Robt W. Cochran

APPELLANT

9-27-19

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.*

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Financial gain not only bases- Financial gain is not the sole basis for granting the variance.

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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.

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.

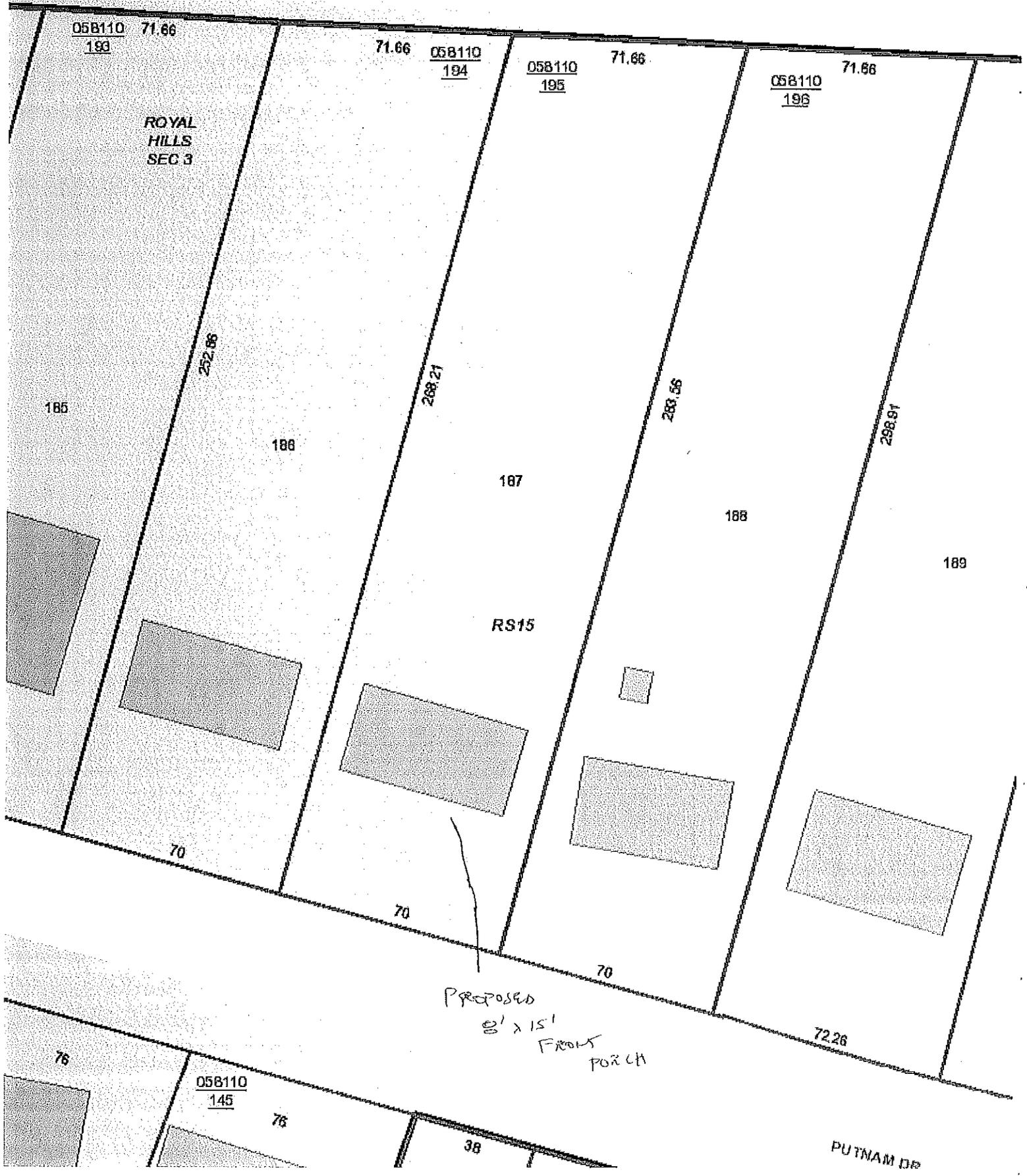
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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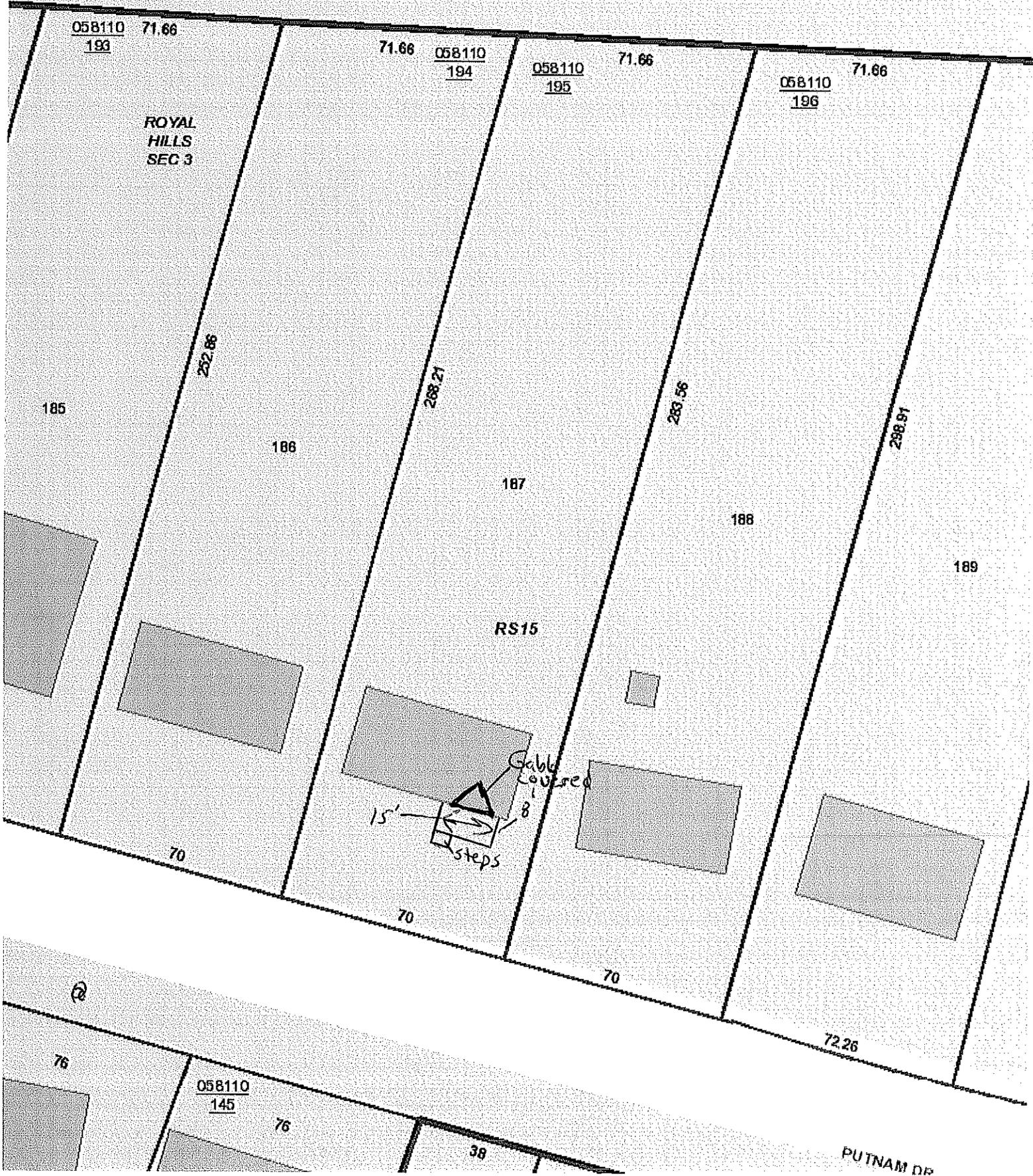
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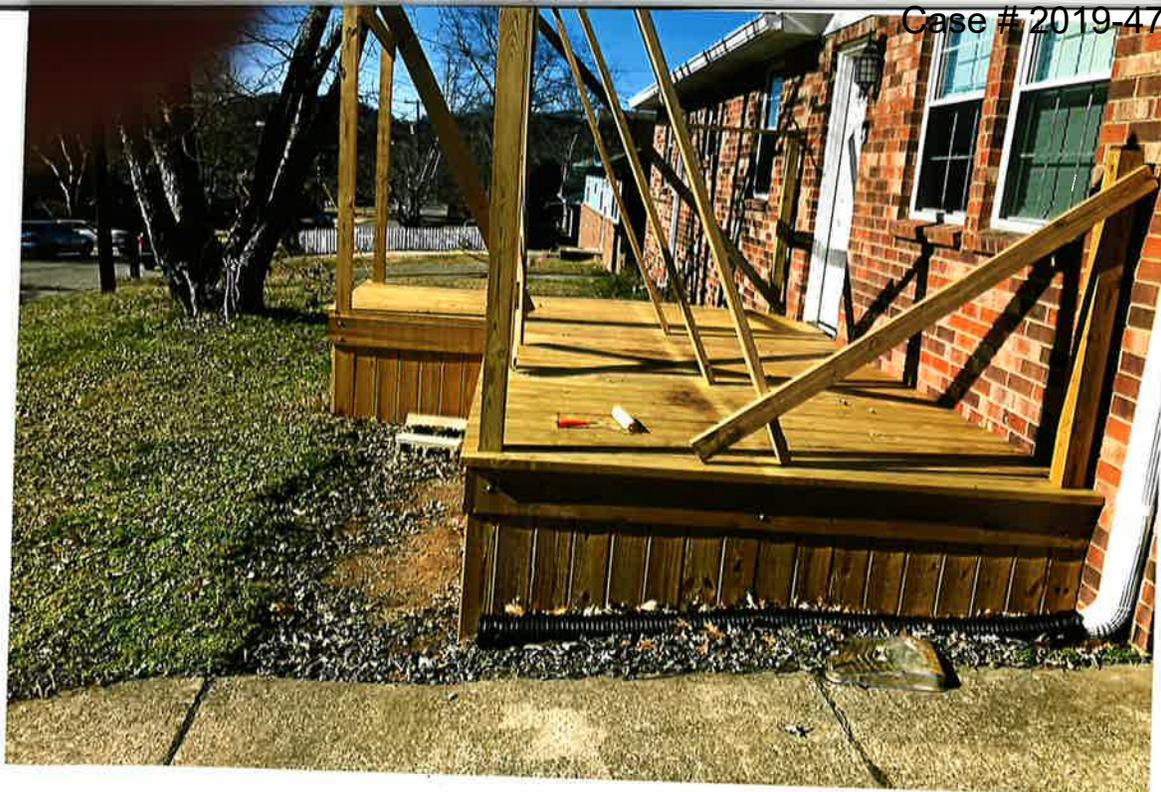
As a new/First-time homebuyer, I was not aware ~~of~~ ^{the} many building codes necessary for adding to or renovating a home. That said, I bought the home fully expecting to be able to make changes and certain additions. It appears the front setback does not allow for me to build a porch on the front of the home. However, others have built porches in the same neighborhood due to their setback being more amenable than my own. This appears a bit arbitrary in some ways and was not mentioned ~~in~~ during the purchase of my home. Overall, the addition I want to build (porch) will only add value to the neighborhood, and only exceed the setback by a few feet. My neighbors are okay w/ this addition and I can provide verification of this. Further, a contractor has already been commissioned and materials bought that cannot be returned. A previous addition ~~was~~ has already been torn down in anticipation there would be no issues w/ this addition. Again, it will complement the home and neighborhood and provide no burden, ~~or~~ distinct safety concern, or dramatically different design than already exists within the neighborhood. Essentially, it appears I cannot build due to the irregular shape and topography of my property, rather than any major aesthetic, safety, or societal concern.

SP



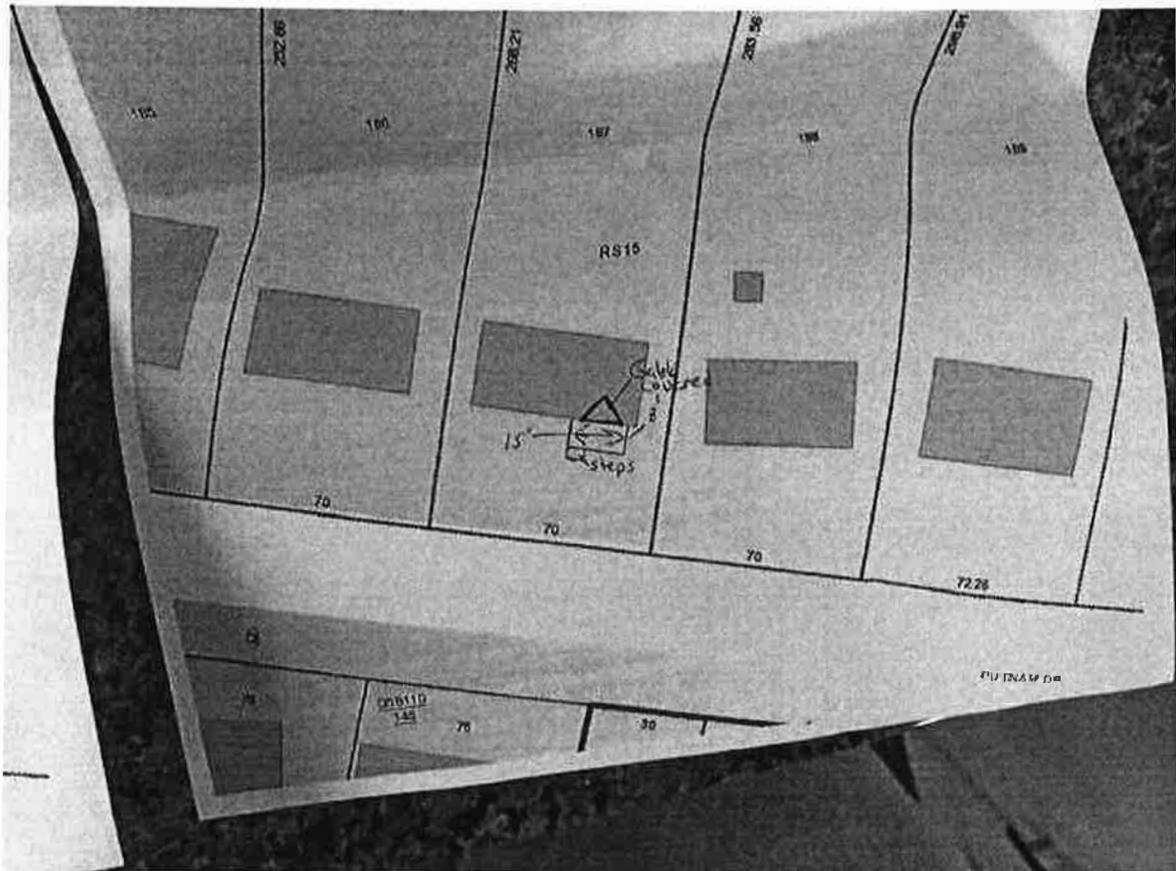
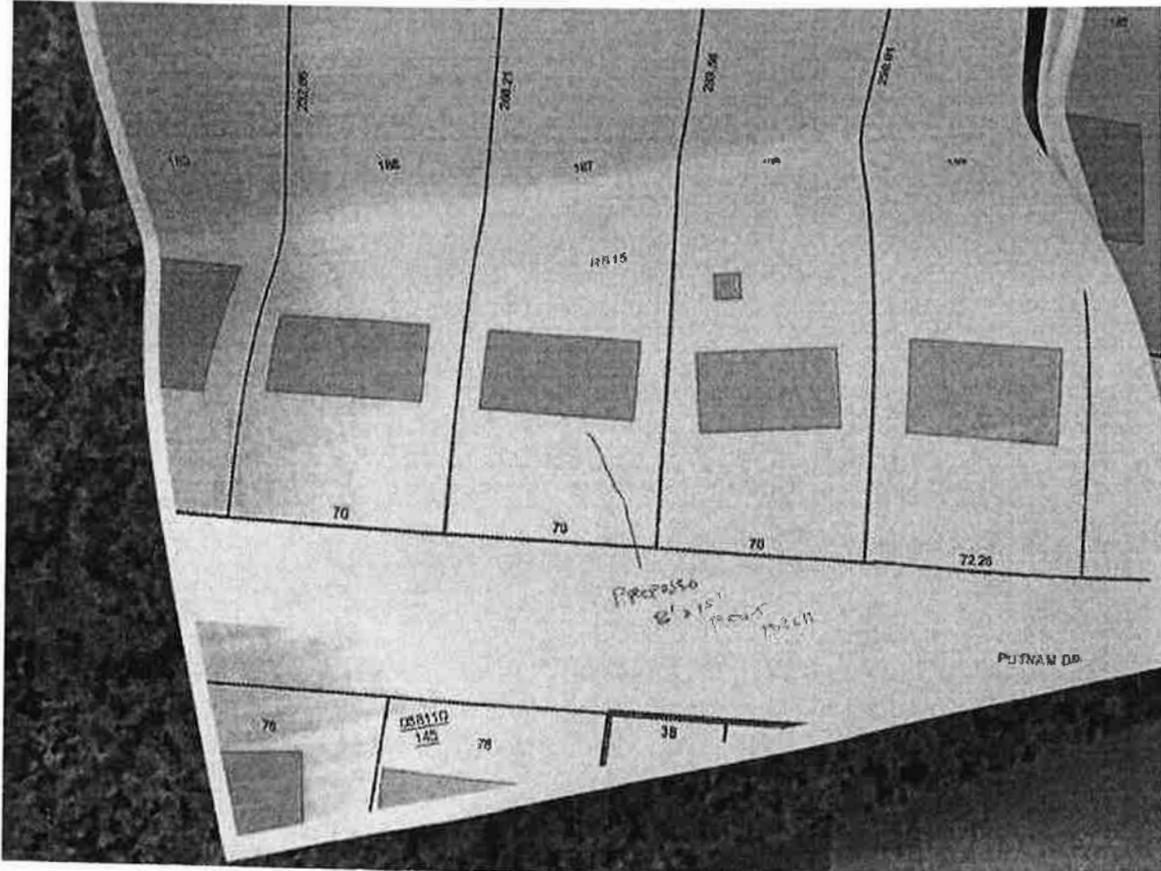
SP

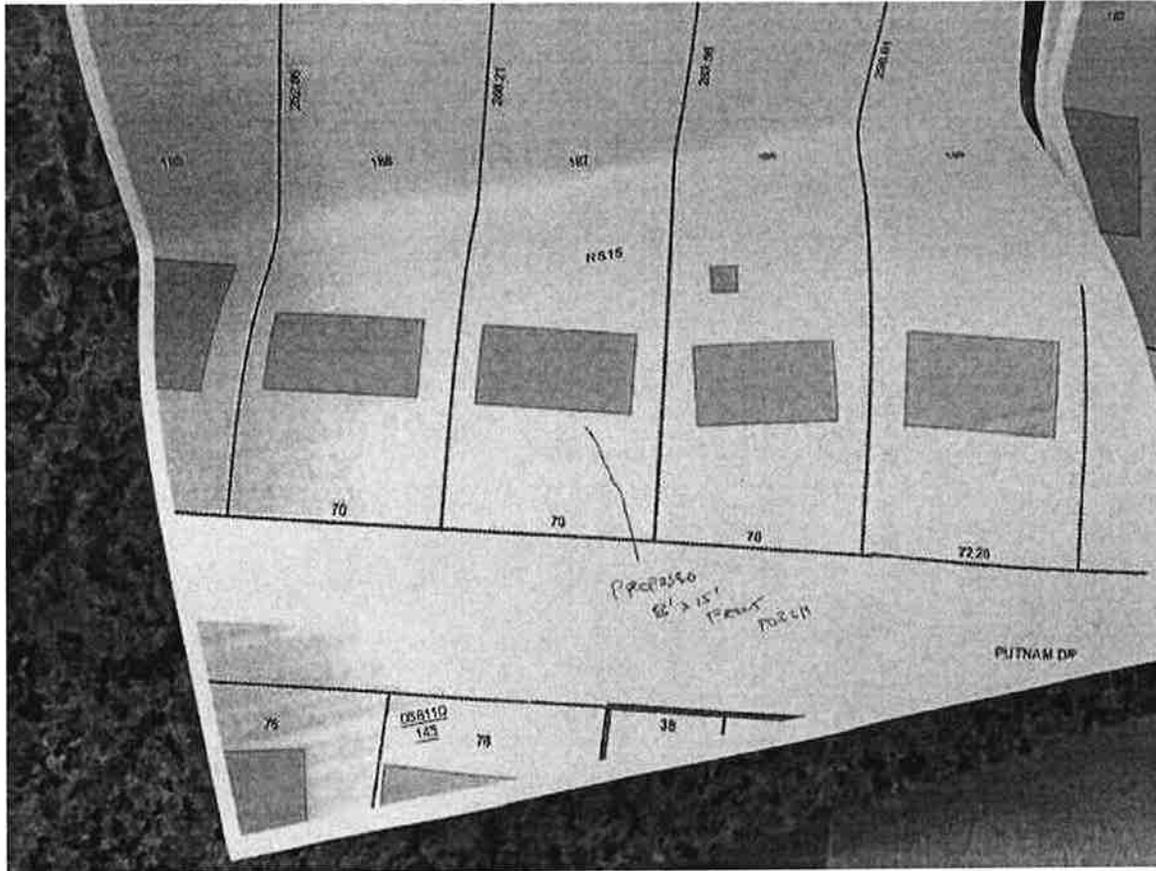












Metropolitan Board of Zoning Appeals
Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant : Scott Morken

Date: 12/23/19

Property Owner: _____

Case #: 2020- 039

Representative: : SCOTTMORTON

Map & Parcel: 069 64 000 300

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:

to permit a single family residence without building sidewalks

Activity Type: Single Family

Location: 3809 Fairview Dr.

This property is in the RS15 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: sidewalks 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 _____ 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.

Scott Morken
Appellant Name (Please Print)

SCOTT MORTON
Representative Name (Please Print)

Address

209 10TH AVENUE S. STE 425
Address

City, State, Zip Code

NASHVILLE, TN 37203
City, State, Zip Code

Phone Number

(615) 415 -5520
Phone Number

Email

smorton@smithgeestudio.com
Email

Appeal Fee: 100



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



**BUILDING RESIDENTIAL - NEW / CARN - 2018032154
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 06904000300

APPLICATION DATE: 06/05/2018

SITE ADDRESS:

3804 FAIRVIEW DR NASHVILLE, TN 37218
LOT 22 BLK DD FAIRVIEW SUB

PARCEL OWNER: VILLALOBOS, AMANDA TARASA

CONTRACTOR:

APPLICANT: SELF CONTRACTOR RESIDENTIAL (SEE
APPLICANT INFORMATION)
Amanda Villalobos 615-227-6160

SELF CONTRACTOR RESIDENTIAL (SEI MCN00000

PURPOSE:

to construct 1300SF single family residence with 200SSF porches. 10' min. side setback, 20' min. rear setback, front setback at 86.9' per avg. not to be over any easements.

Sidewalks are required, applicant may pay in lieu of sidewalk requirements

***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.*

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.

U&O Sewer Availability Final Approval		mws.ds@nashville.gov
U&O Water Availability Final Approval		mws.ds@nashville.gov
SWGR U&O Sign-off		615-862-7225 mws.stormdr@nashville.gov
Building Framing - Ceiling		
Building Floor Elevation		
Building Footing		
Building Foundation		
Building Framing		
Building Framing - Wall		
Codes Tree U&O Final Inspection		
CA Building Progress Inspection		
Building Slab		
Building Final		
U&O Letter		615-862-6527 tawanna.dalton@nashville.gov
[F] Sidewalk Review For Bldg App	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov
U&O PW Sidewalk FA - CA Final Approval		615-862-8758 Benjamin.york@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov

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.

Scott Morton

APPELLANT

12/11/2019

DATE

Standards for a Variance

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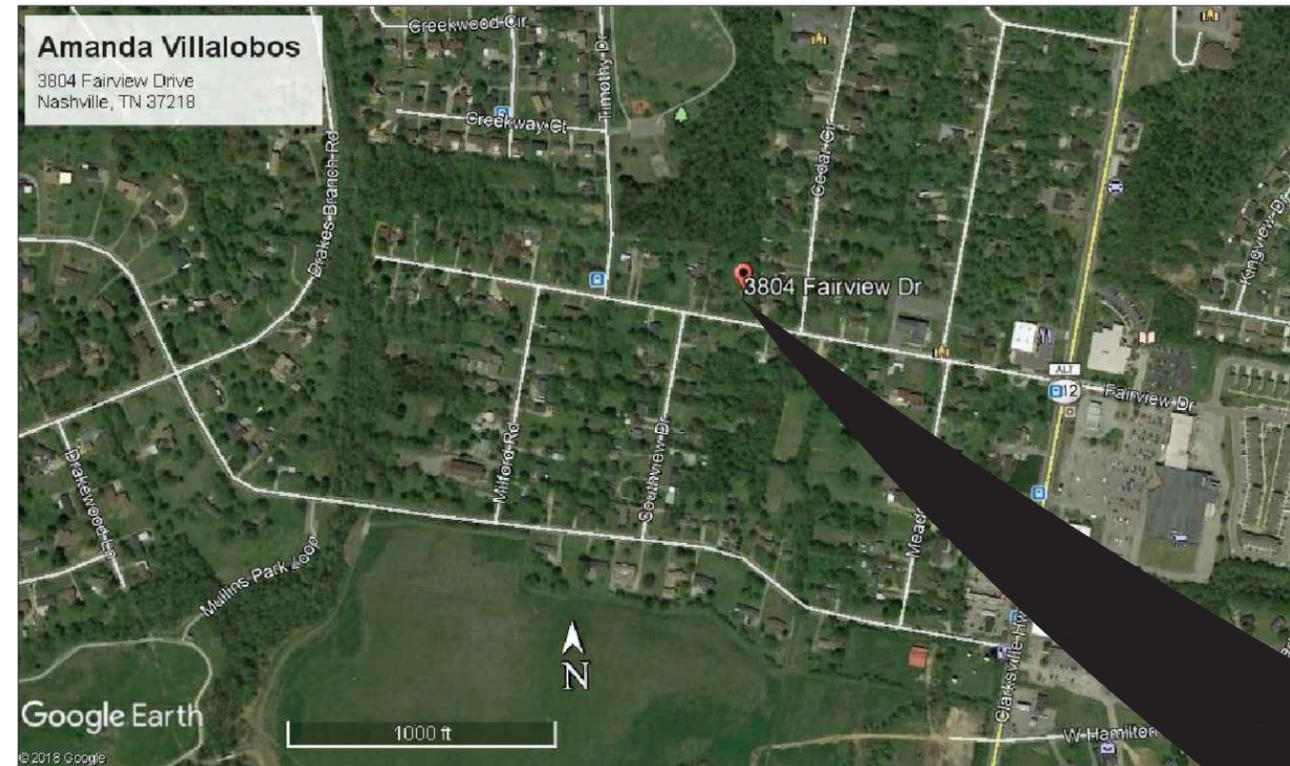
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WHAT SPECIFIC AND UNIQUE CIRCUMSTANCES (HARDSHIP) EXIST THAT WOULD AUTHORIZE THE CONSIDERATION OF THE BOARD UNDER THE REVIEW STANDARDS AS OUTLINED?

The applicant would like to request a sidewalk variance to waive the requirements of Ordinance No. BL2019-1659, for parcel 06904000300 (3804 Fairview Drive). The site currently has an existing drainage ditch along the full street frontage where the required sidewalk is to be provided, as shown in the attached exhibit. The removal of the existing brick wall and culvert would also be an added cost to the construction of a sidewalk. The parcel is also located in a suburban neighborhood maintenance area in which a new sidewalk would not further the goal of extending or completing a sidewalk network. The sidewalk network in closest proximity to the site is approximately 1 mile away at the intersection of Clarksville Pike and Ashland City Highway.

A PRIVATE RESIDENCE FOR Amanda Villalobos, David Soriano & Yelu Villalobos

**3804 FAIRVIEW DRIVE
NASHVILLE, TENNESSEE 37218
TAX MAP-PARCEL 069040-00300
SUBDIVISION NO.: LOT 22 BLOCK DD
FAIRVIEW SUBDIVISION PB 1130 PG 54**



*Project
Location*

APPLICABLE CODE(S): (NASHVILLE, TN)
 BUILDING CODE: 2012 International Building Code
 PLUMBING CODE: 2012 International Plumbing Code
 MECHANICAL CODE: 2012 International Mechanical Code
 ELECTRICAL CODE: 2011 National Electric Code
 FIRE CODE: 2012 International Fire Code
 ACCESSIBILITY CODE: 2009 ICC/ANSI A-117.1 Accessible And Usable Buildings And Facilities
 LIFE SAFETY CODE: 2012 Life Safety Code (NFPA 101) with local amendments

Sheet Index	
A-0.0	Cover Sheet w / Index
A-1.0	Site Plan
A-1.1	Site Details

Amanda Tarasa Villalobos
Nashville, TN, 37218
Phone

ENGINEER

 RHODES ENGINEERING
 AND ENVIRONMENTAL
 SERVICES, LLC
 PHONE: 615.480.7535
 EMAIL: Rhodes.Engineering@gmail.com
 1117 WHITNEY DRIVE
 COLUMBIA, TN 38401
 CIVIL, ENVIRONMENTAL,
 SITE DEVELOPMENT, WATER/WASTEWATER

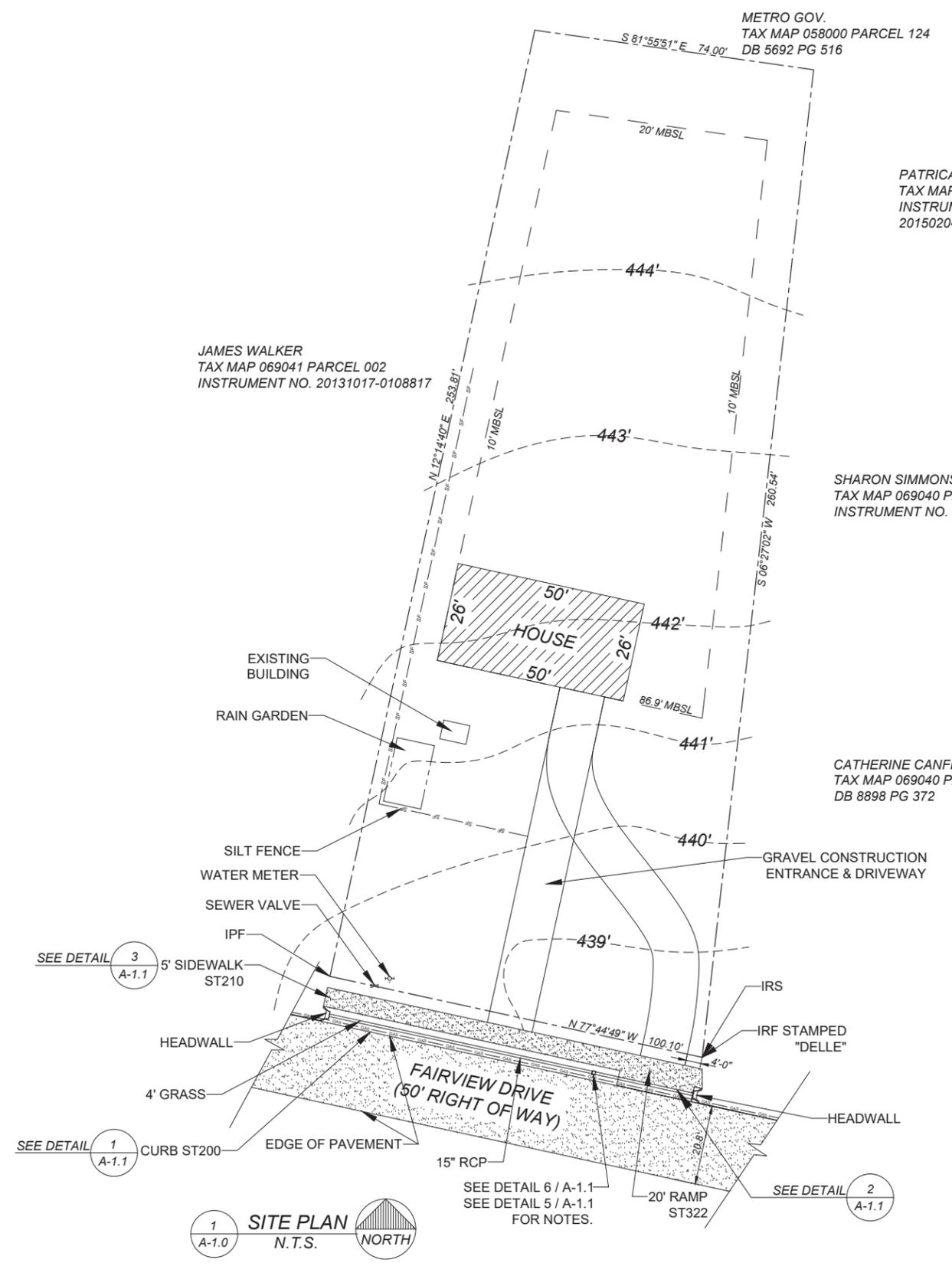


**AMANDA VILLALOBOS
3804 FAIRVIEW DRIVE
NASHVILLE, TENNESSEE 37218**

PROJECT NUMBER:	
PROJECT MANAGER:	CAR
DRAWN BY:	PWB
CHECKED BY:	CAR
DRAWING DATE:	
DESCRIPTION:	
REVISIONS:	DATE

COVER SHEET

A-0.0



IMPERVIOUS TABLE

EXISTING:	BUILDING	33 s.f.
	DRIVEWAYS	00 s.f.
	SIDEWALK / MISC.	00 s.f.
	TOTAL	33 s.f.
PROPOSED:	BUILDING	1,300 s.f.
	DRIVEWAYS	1,080 s.f.
	SIDEWALK / MISC.	00 s.f.
	TOTAL	2,380 s.f.
NET GAIN		2,347 s.f.

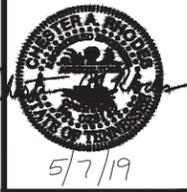
Amanda Tarasa Villalobos
Nashville, TN, 37218
Phone

ENGINEER

RE

RHODES ENGINEERING
AND ENVIRONMENTAL
SERVICES, LLC

PHONE: 615.480.7535
EMAIL: RhoadsEngineering@gmail.com
1117 WHITNEY DRIVE
COLUMBIA, TN 38401
CIVIL, ENVIRONMENTAL
SITE DEVELOPMENT, WATER/WASTEWATER



AMANDA VILLALOBOS
3804 FAIRVIEW DRIVE
NASHVILLE, TENNESSEE 37218

PROJECT NUMBER:
PROJECT MANAGER: CAR
DRAWN BY: PWB
CHECKED BY: CAR
DRAWING DATE:
DESCRIPTION:
REVISIONS: DATE:

SITE PLAN
A-1.0



Exhibit A - Existing Conditions

December 12, 2019

3804 Fairview Drive
Nashville, Tn

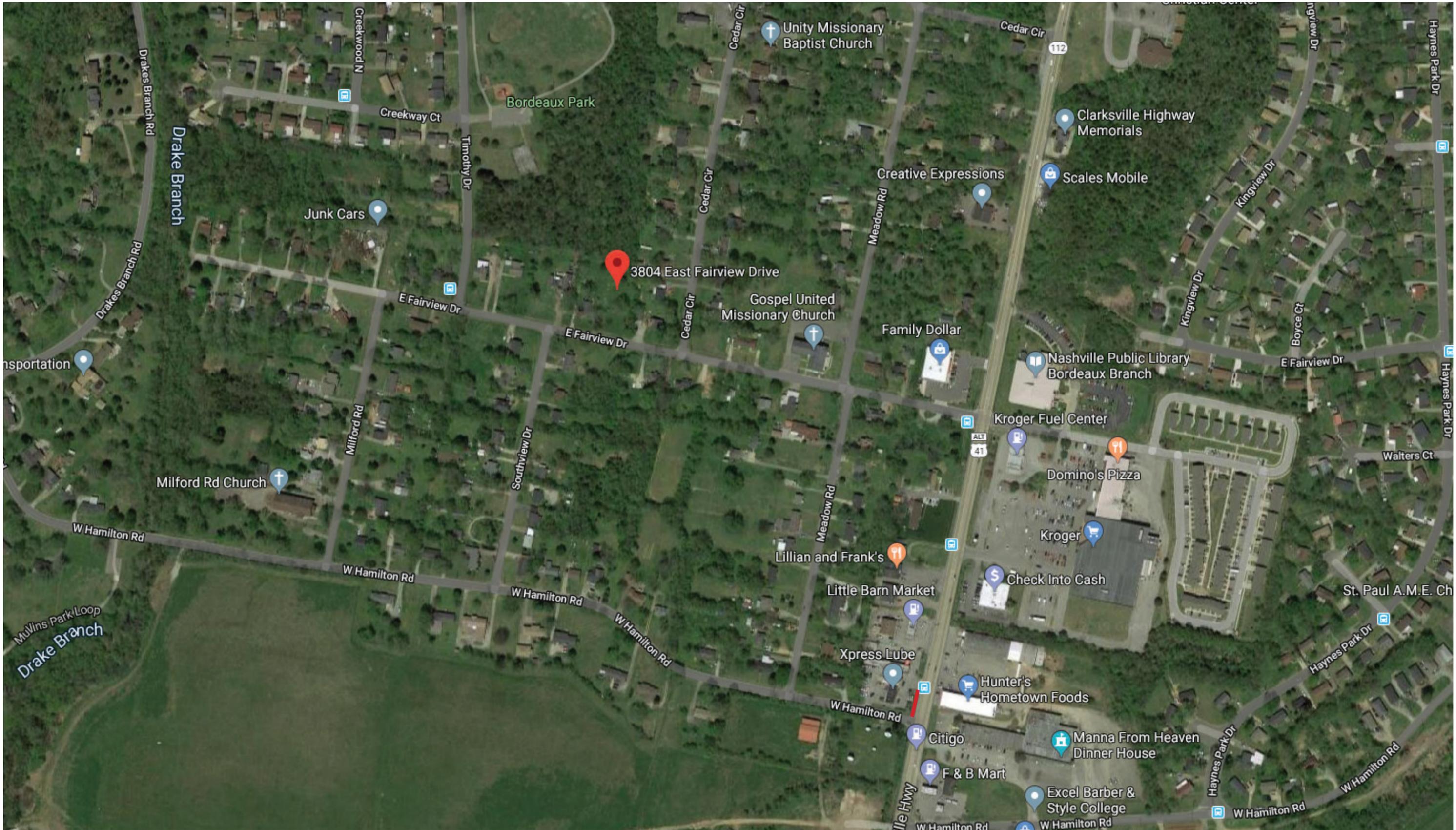


Exhibit B - Existing Sidewalks

December 12, 2019

3804 Fairview Drive
Nashville, Tn

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2020-039 (3804 Fairview Drive)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street Standard
Requested Variance:	Not construct sidewalks
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	500' from #22 - Bordeaux
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Disapprove*

Analysis: The applicant is proposing to construct a single-family residence and requests not to construct sidewalks due to a lack of existing sidewalks along the block face. A previous request for relief from sidewalk construction or contribution in-lieu of construction was denied by the Board of Zoning Appeals at its August 2, 2018 public hearing (**Case number 2018-385**). Per the Zoning Ordinance, the applicant is eligible to contribute in-lieu of construction. Electing to make the contribution in-lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

Given the factors above, staff recommends **disapproval as the applicant has the option to contribute in-lieu of construction**. The applicant shall also dedicate right-of-way for future sidewalk construction.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Aziz ASHUROV
Property Owner: CAPITAL INVEST, LLC
Representative: AZIZ ASHUROV

Date: 12/23/19
Case #: 2020-040 UPDATED
Map & Parcel: 09207014000
09207013900

Council District 21

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

Purpose:

CONSTRUCT SINGLE FAMILY RESIDENCE
(EXISTING RESIDENCE TO BE DEMOLISHED)

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 823 21ST AVE N and 825 21ST AVE N

This property is in the RM20 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:

REQUIRE 20' MINIMUM REAR SETBACK
REQUEST 10' REAR SETBACK

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.

Aziz ASHUROV
Appellant Name (Please Print)
728 Crestmark Dr
Address
Mt Juliet TN
City, State, Zip Code
615 707 7000
Phone Number
azizjona@yahoo.com
Email

Aziz ASHUROV
Representative Name (Please Print)
728 Crestmark Dr
Address
Mt Juliet TN
City, State, Zip Code
615 707 7000
Phone Number
azizjona@yahoo.com
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**



3743429

**ZONING BOARD APPEAL / CAAZ - 20190077950
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09207014000

APPLICATION DATE: 12/20/2019

SITE ADDRESS:

823 21ST AVE N NASHVILLE, TN 37208
PT LOTS 10 11 J B DAVIS

PARCEL OWNER: HILL, RICHARD

CONTRACTOR:

APPLICANT:**PURPOSE:**

TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE ON 823 AND TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE ON 825 21ST AVE. N

PER 17.12.020A: 20' MINIMUM REAR SETBACK REQUIRED

REQUEST 10' MINIMUM REAR SETBACK... ..

*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.

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.

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

Due to current structure is beyond repair condition we would like to demolish and rebuild new one with the same 10 feet setback. They took most of the backyard when they built railroad in the back and if we keep the contextual front setback and build new structure with current year setback we would have to build really shallow building, which makes it almost impossible unless we keep the existing building foot print setback area.

On 825 21st Ave N, the existing dwelling was built less than 3 feet close to side street and had the same issue with Railroad and Rear setback.

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.)

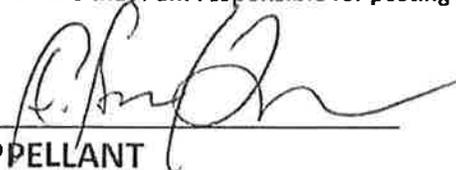
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Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (1) copy of your information to staff.

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



APPELLANT

12/20/19

DATE

Standards for a Variance

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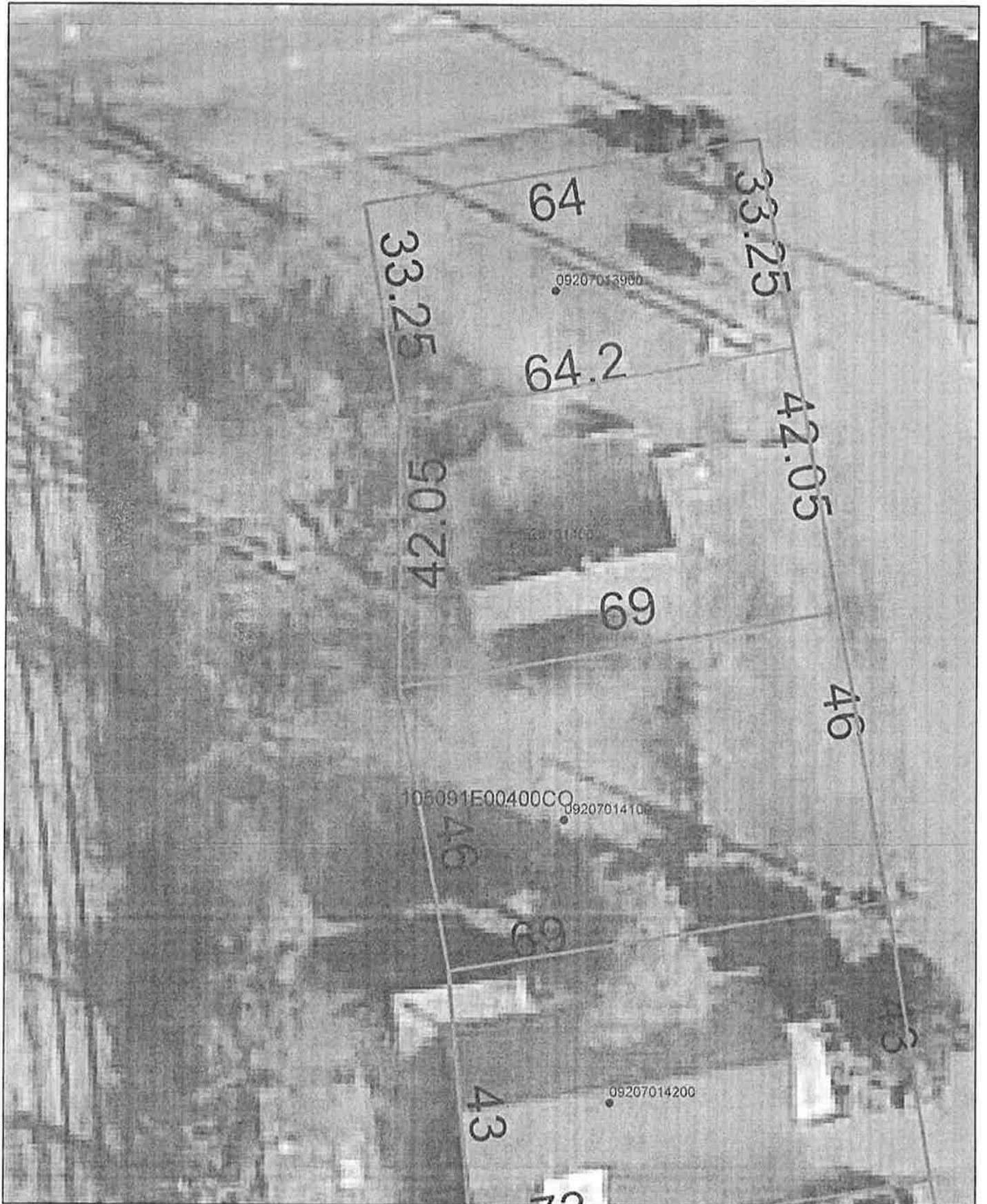
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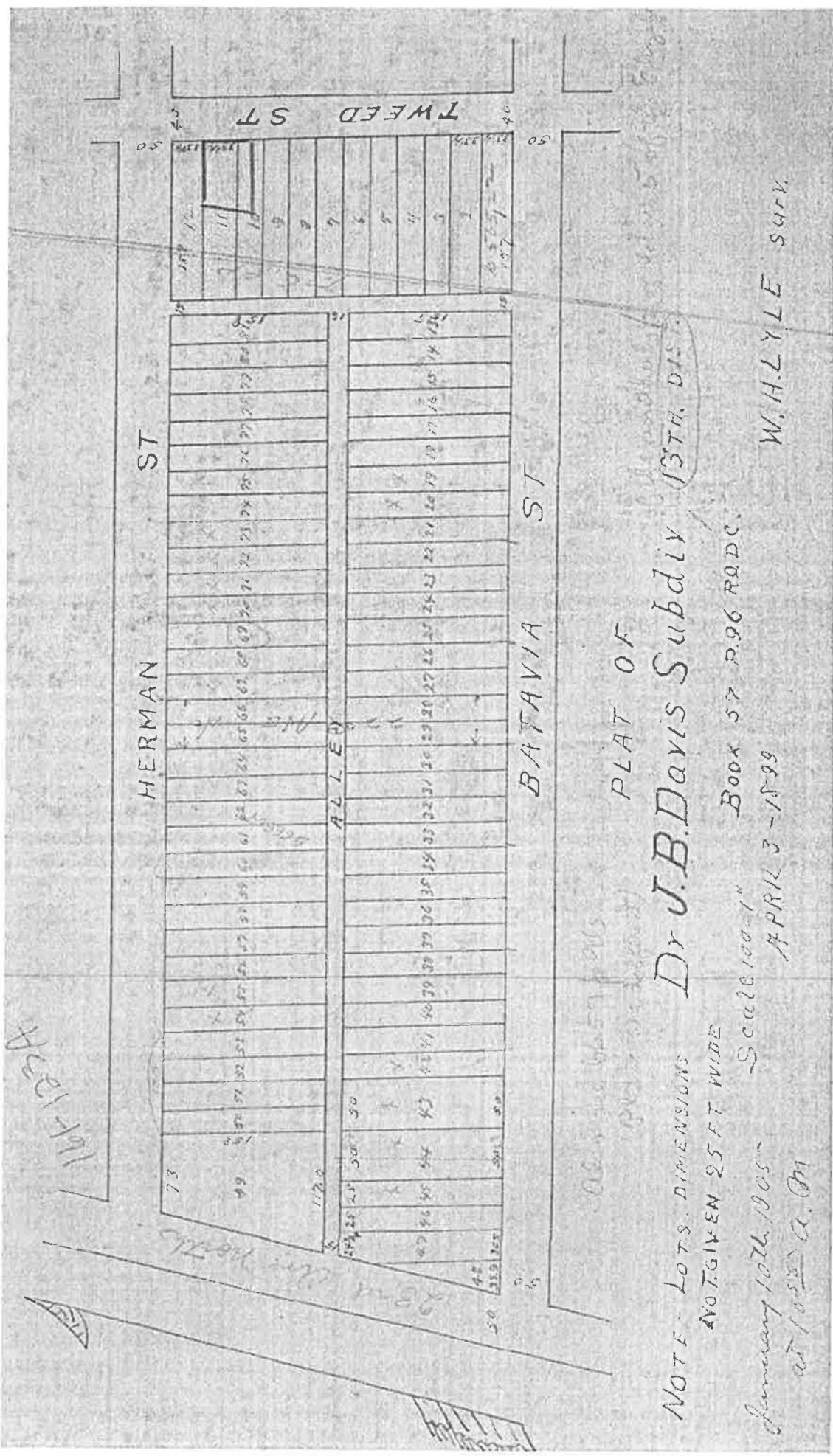
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1 inch = 20 feet

1 inch = 30 feet





PLAT OF
 Dr J.B. Davis Subdiv 13TH DIS.

NOTE - LOTS DIMENSIONS
 NOT GIVEN 25 FT WIDE
 Summary 10th 1905 -
 at 1055 A.M.

Scale 100' = 1" BOOK 57 P. 96 R.O.D.C.

APRIL 3 - 1899

W. H. LYLE SURV.

114-123A

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METROPOLITAN COUNCIL

Member of Metro Council

Brandon Taylor
Councilman, District 21
1708 14th Avenue, North • Nashville, TN 37208
615 432-1321

January 28, 2020

Chairman David Taylor and Members of
the Metropolitan Board of Zoning Appeals
Metro Office Building
800 Second Avenue South
Nashville, TN 37219-6300

RE: Appeal Case No. 2020-040
823 & 825 21st Avenue, North

Dear Chairman Taylor and Members:

I am writing to express my opposition to the applicant's request for a variance from the rear setback requirements in the RM20, UZO District to construct two single-family residences. I have received opposition to this variance.

Therefore, I respectfully request that the Board of Zoning Appeals disapprove Appeal Case No. 2020-040 located at 823 and 825 21st Avenue North.

Thank you for your attention to this request.

Sincerely,

Brandon Taylor
Councilman, District 21

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: RICKY SCOTT

Date: 1/6/20

Property Owner: _____

Case #: 2020-044

Representative: JUSTIN CRANDALL

Map & Parcel: 09113160020000

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: to permit rear covered deck on newly constructed house

Activity Type: single family

Location: 6353 B COLUMBIA 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: setback variance

Section(s): 17.12.030.

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.

RICKY SCOTT
Appellant Name (Please Print)

JUSTIN CRANDALL
Representative Name (Please Print)

4705 ALABAMA AVE
Address

1064 TULIP GROVE RD
Address

NASHVILLE, TN, 37209
City, State, Zip Code

HERMITAGE, TN, 37076
City, State, Zip Code

615-293-3102
Phone Number

615-915-8288
Phone Number

ricky@buildkg.com
Email

justin@builderassistllc.com
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**



3746201

**ZONING BOARD APPEAL / CAAZ - 20200000323
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 091131G00200CO**APPLICATION DATE:** 01/02/2020**SITE ADDRESS:**

6353 B COLUMBIA AVE NASHVILLE, TN 37209
UNIT B COLUMBIA AVENUE RESIDENCES I

PARCEL OWNER: 552 WESTBORO, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

COVERED DECK (CARN-2018009203) AS CONSTRUCTED EXTENDS UP TO 5' INTO MINIMUM REAR SETBACK. SEE ATTACHED SKETCH... ..

PER 17.12.030 (C) (3) REQUIRE 20' MINIMUM REAR SETBACK

REQUEST 15' REAR SETBACK

*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.)

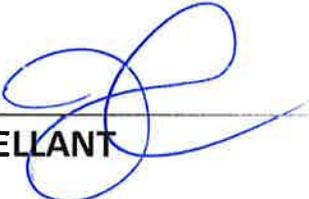
The day of the public hearing, it will be your responsibility to convey to the Board the nature of the hardship in your request that makes it difficult/impossible for you to comply with the Zoning Code. **It would be to your benefit to let your neighbors know about your request prior to all notices being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

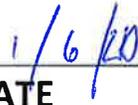
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for hearing until complete.

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?

due to the shape of the lot and required front setback, the rear deck of unit B encroaches into the rear

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.

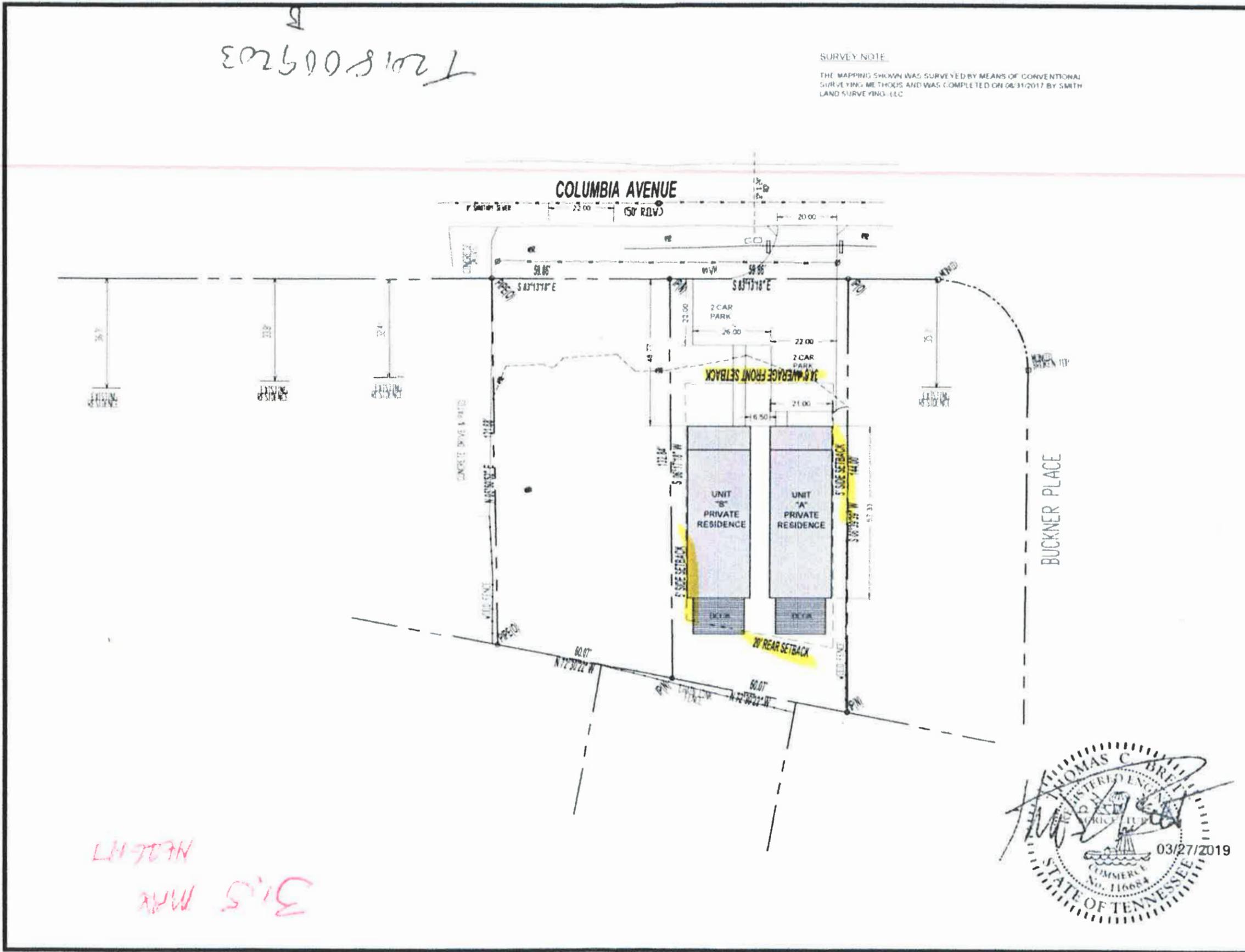
No harm to public welfare- *The granting of the variance will not be detrimental to the public welfare and will not substantially impair the intent and purpose of this Zoning Code.*

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.*

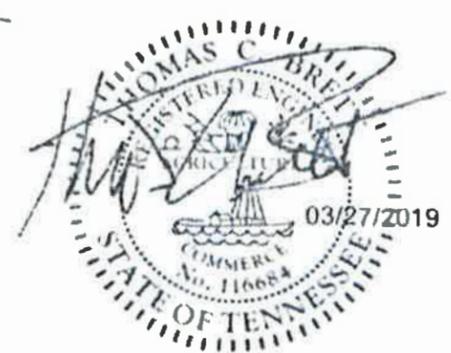
The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster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

T2018009203

SURVEY NOTE
 THE MAPPING SHOWN WAS SURVEYED BY MEANS OF CONVENTIONAL SURVEYING METHODS AND WAS COMPLETED ON 08/31/2017 BY SMITH LAND SURVEYING, LLC



3.15 MARK
 NORTH



SHEET:
ZONING EXHIBIT

PROJECT:
 6353 A COLUMBIA AVE.
 UNITS A & B
 NASHVILLE, TN 37209

DRAWN BY	TCB	DATE	03/27/2019
CHECKED BY	-	PROJ. NO.	19ENGR02
CHECKED BY	-	SCALE	1"=30'



BRETT DESIGN/BUILD, PLC

CONTACT:
 Phone: (615) 838-8277
 Email: brett@brettab.com

ADDRESS:
 783 Greeley Drive
 Nashville, TN 37205

SHEET C1.0

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Ryan McLarry

Date: 1-7-2020

Property Owner: Rhythm Honest Development

Case #: 2020- 047

Representative: Ryan McLarry

Map & Parcel: 10504008000

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 CONSTRUCT 2 HOUSES ON
PARCEL WITH 5,712 SQ FT PER
SEAMING ON R6 ZONED PARCEL
* NO PERMIT(S) STARTED

Activity Type: RES. CONSTRUCTION

Location: TRIMBLE STREET

This property is in the R6 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: MINIMUM LOT AREA VARIANCE

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 _____ 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.

Ryan McLarry
Appellant Name (Please Print)

Representative Name (Please Print)

355 Hazel Ave
Address

Address

Webster Groves, MO 63119
City, State, Zip Code

City, State, Zip Code

636-697-8716
Phone Number

Phone Number

ryan@rhythmhd.com
Email

Email

Zoning Examiner: [Signature]

Appeal Fee: _____

Alex @ rhythmhd.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 - 2020000988
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10504008000

APPLICATION DATE: 01/07/2020

SITE ADDRESS:

0 TRIMBLE ST NASHVILLE, TN 37210
LOT 465 MAURY & CLAIBORNE PLAN

PARCEL OWNER: RHYTHM & HOMES DEVELOPMENT LLC

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Appeal requesting 288 sq ft Variance to 17.12.020A Minimum lot area requirement of 6,000 sq ft within R6 Zoning to construct 2 single family houses on a single parcel.

No Construction Permit Applications started.

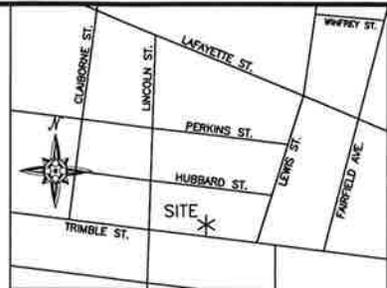
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

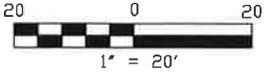
Inspection requirements may change due to changes during construction.



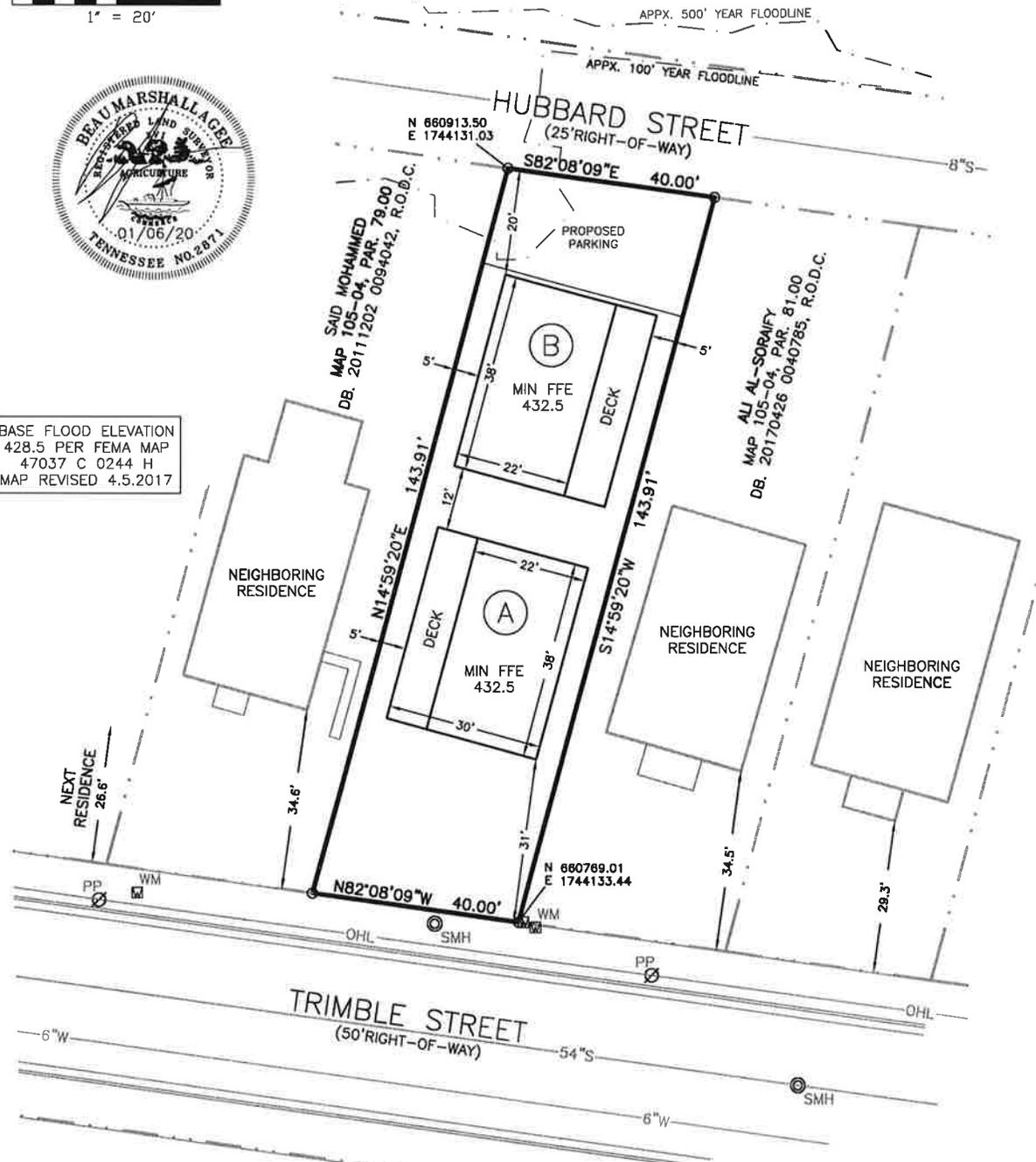
TOTAL AREA: 5,712 SQ.FT. +/-
OR 0.13 AC. +/-



VICINITY MAP: NOT TO SCALE



BASE FLOOD ELEVATION
428.5 PER FEMA MAP
47037 C 0244 H
MAP REVISED 4.5.2017



PROPERTY INFO:
OWNER: JAMES WILSON, ETUX
DB. 331. P. 329, R.O.D.C.

APLS
AGEE PROFESSIONAL
LAND SURVEYING, LLC
1221 S. HARTMANN STE. F
LEBANON, TN 37090
615.887.1371
beauagee1@gmail.com

PRELIMINARY SITE PLAN EXHIBIT OF
0 TRIMBLE STREET
NASHVILLE, TN 37210
MAP 105-04, PARCEL 80.00
17TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
DATE: JANUARY 6, 2020 JOB # 19-1104-A1375

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.

Ryan McLainy
APPELLANT

1-7-2020
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?

Requesting a lot area variance of 288 sqft for a
total of 6000 sqft lot size in R6 zoning to build
two new ~~construction~~ construction residential units.

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.

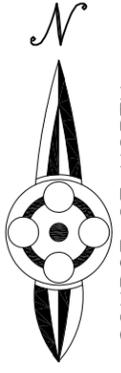


ELEVATION A: FRONT
SCALE: $\frac{1}{4}'' = 1'-0''$

Rhythm Homes & Development, LLC
Fairview Modern
Trimble St. Nashville, TN 37210
01.31.20

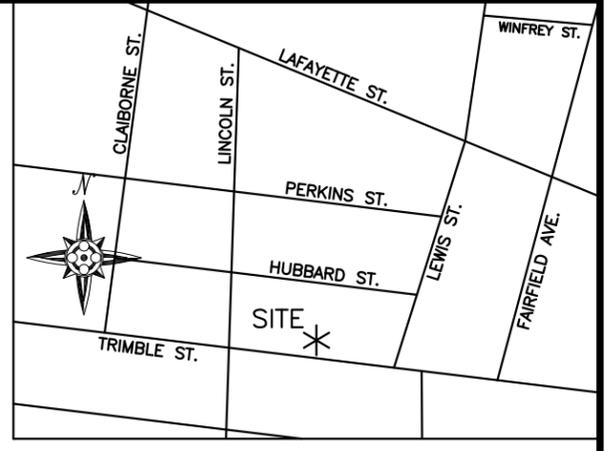


ELEVATION B: FRONT
SCALE: $\frac{1}{4}'' = 1'-0''$

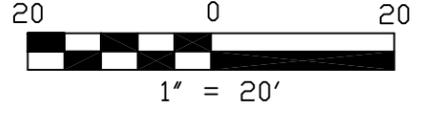


SOURCE OF NORTH
TN STATE PLANE
NAD-1983

TOTAL AREA: 5,712 SQ.FT. +/-
OR 0.13 AC. +/-

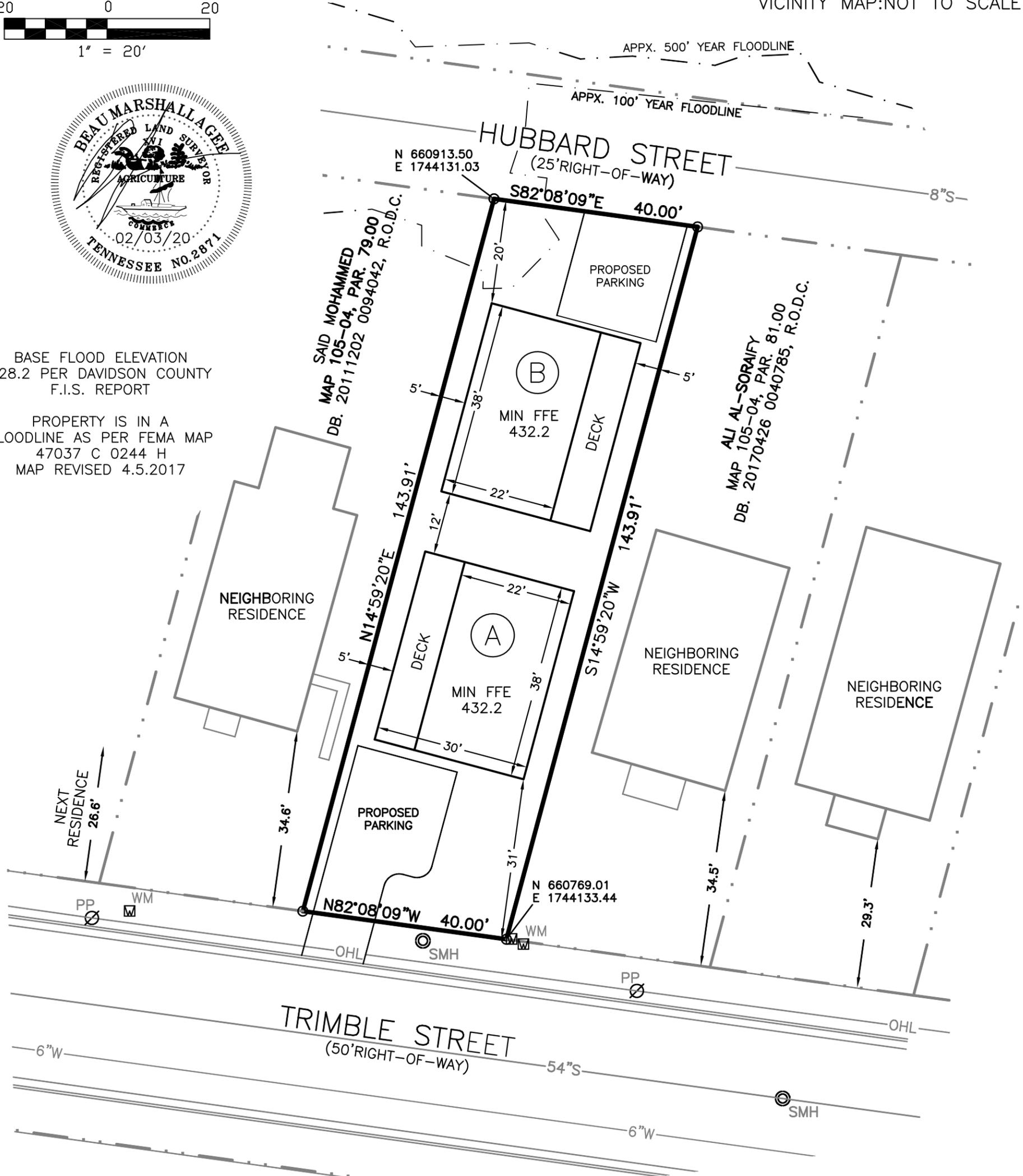


VICINITY MAP: NOT TO SCALE



BASE FLOOD ELEVATION
428.2 PER DAVIDSON COUNTY
F.I.S. REPORT

PROPERTY IS IN A
FLOODLINE AS PER FEMA MAP
47037 C 0244 H
MAP REVISED 4.5.2017



PROPERTY INFO:
OWNER: JAMES WILSON, ETUX
DB. 531, P. 329, R.O.D.C.

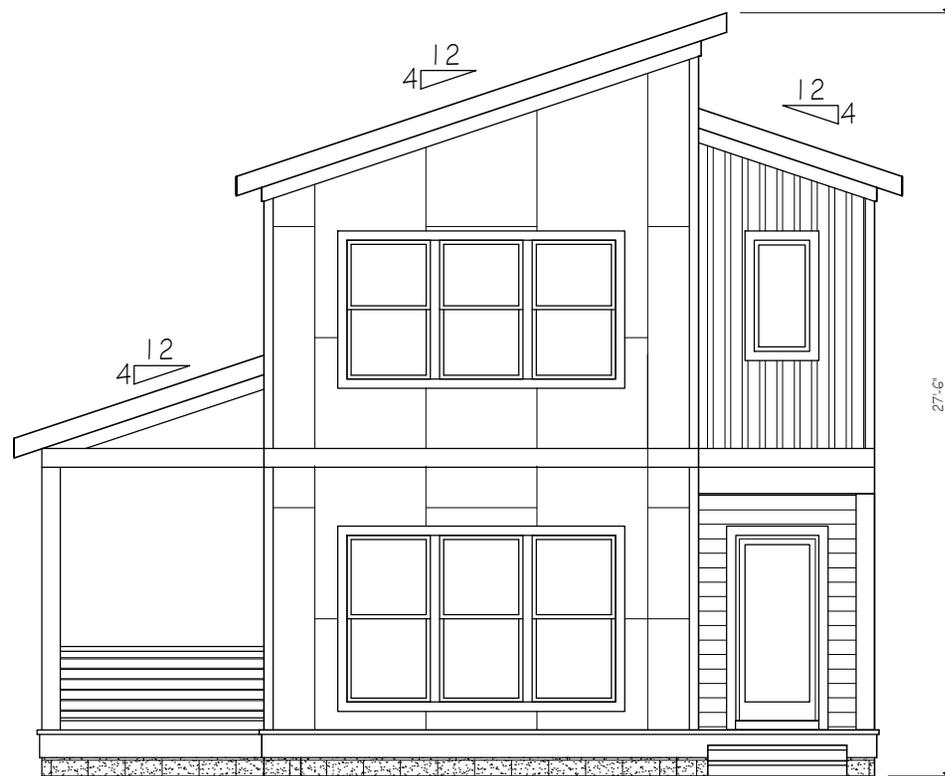
PRELIMINARY SITE PLAN EXHIBIT OF
0 TRIMBLE STREET
NASHVILLE, TN 37210
MAP 105-04, PARCEL 80.00
17TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
DATE: JANUARY 6, 2020 JOB # 19-1104-A1375
REVISED: FEBRUARY 3, 2020



AGEE PROFESSIONAL
LAND SURVEYING, LLC
1221 S. HARTMANN STE. F
LEBANON, TN 37090
615.887.1371
beauagee1@gmail.com



FRONT ELEVATION A: TRIMBLE ST
SCALE: 1/4" = 1'-0"



FRONT ELEVATION B: HUBBARD ST
SCALE: 1/4" = 1'-0"

Rhythm Homes & Development, LLC
Farview Modern
Trimble St. Nashville, TN 37210
02.04.20

From: [Ryan McLaury](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Fwd: Potential BZA for Two Build on Trimble St - case 2020-047
Date: Tuesday, January 28, 2020 2:16:09 PM

Please see below for Councilman support for BZA request for 0 Trimble St, case 2020-047.

Thanks,
Ryan McLaury
Rhythm Homes & Development

Sent from my iPhone

Begin forwarded message:

From: "Sledge, Colby (Council Member)" <Colby.Sledge@nashville.gov>
Date: December 11, 2019 at 10:43:15 CST
To: Ryan McLaury <ryan@rhythmhhd.com>
Subject: Re: Potential BZA for Two Build on Trimble St

Ryan,

Sorry about this one getting lost in the inbox. I generally support variance requests as long as the lot is within 90 percent of the standard lot size of this area. As it is within 95 percent, I will support your request. Please feel free to use this email in your materials to the BZA.

Thanks,

Colby

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

From: Ryan McLaury <ryan@rhythmhhd.com>
Sent: Tuesday, December 10, 2019 5:02 PM
To: Sledge, Colby (Council Member) <Colby.Sledge@nashville.gov>
Subject: Fwd: Potential BZA for Two Build on Trimble St

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

Hi Councilman Sledge,

I know you're busy, but just following up on my email below. If you have time for a quick call, I'd appreciate your feedback! Or email works as well.

Thanks again!

Ryan McLaury
615-584-8996
rhythmhd.com

Begin forwarded message:

From: Ryan McLaury <ryan@rhythmhd.com>
Subject: Potential BZA for Two Build on Trimble St
Date: December 3, 2019 at 3:49:55 PM CST
To: colby.sledge@nashville.gov

Hi Councilman Sledge,

We recently purchased a vacant parcel at 0 Trimble (between 38 and 46 Trimble), which is zoned R6 but just shy of having the required 6,000 square feet to build two homes. The property has frontage on both Trimble and Hubbard and is 5,712 square feet. We'd love to build two homes instead of one there, ideally one home facing each street, which would open up more possibilities and the potential for flexibility on back-end pricing. At this time, we haven't decided on floor plans or site layout, but before figuring that out I thought I'd reach out and see if you'd be open to supporting us seeking a variance to build two units through the BZA.

I'm happy to jump on a call to discuss this and/or answer whatever questions you may have about the project or our company.

Thanks in advance for your help with this one!

Ryan McLaury
615-584-8996
rhythmhd.com

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Julie Curry Date: 1/7/2020
Property Owner: Old Charlotte Rd Church of Christ Case #: 2020-048
Representative: Julie Curry Map & Parcel: 112 0060 8100

Council District 35

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

Purpose: to permit the use of a building previously being used as a religious institution to be used for community education.

Activity Type: Community Education

Location: 8663 Old Charlotte Rd Pegram, TN 37143

This property is in the R80 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: variance from a lot size condition

Section(s): 17.16.040 (a) 5

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.

Julie Curry
Appellant Name (Please Print)

Representative Name (Please Print)

4028 Manning Hollow Rd
Address

Address

Pegram, TN 37143
City, State, Zip Code

City, State, Zip Code

615-973-3672
Phone Number

Phone Number

clancurry@bellsouth.net
Email

Email

Appeal Fee: 200

walter Magan



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



Case # 2020-048
3747253

ZONING BOARD APPEAL / CAAZ - 20200001001
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11200008100

APPLICATION DATE: 01/07/2020

SITE ADDRESS:

8663 OLD CHARLOTTE PIKE PEGRAM, TN 37143
E. SIDE OLD CHARLOTTE PIKE AND S. OF MANNING HOLLOW ROAD

PARCEL OWNER: OLD CHARLOTTE ROAD CHURCH OF CHRI CONTRACTOR:

APPLICANT:

PURPOSE:

PER ZA, applicant requesting an adaptive reuse reduced lot size per METZO SECTION 17.16.040 (A) 5.

*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

1-7-2017
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.

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 locatlon 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 varlance 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?

See attached

Summary of Homeschool Cooperatives

A homeschool cooperative is a group of homeschool families that work together to enhance and supplement their children's education. Every family has unique strengths and abilities that can benefit all the students in the group.

Homeschool cooperatives are supplemental to a homeschooled child's education. All homeschooled students in the state of Tennessee must register through their county or register under an umbrella school. An umbrella school is a state approved school that regulates and oversees the curriculum and testing for a homeschooled child. It is the responsibility of each parent to make sure they follow the county or umbrella school's standards to comply with the Tennessee Board of Education's requirements for homeschoolers. The state of Tennessee does not regulate homeschool cooperatives since they are seen as an enhancement and not an actual school.

Our Homeschool Cooperative

Our cooperative consists of approximately 40 families with students ranging from kindergarten through 12th grade. We meet twice a week on Tuesday and Thursday mornings. Because of our size, we meet in different locations. We would like to be able to meet in one location to utilize our resources in the most impactful way. We meet for 3-4 hours each time focusing on core subjects like math, literature and sciences. Each parent is responsible for teaching their chosen subject.

The curriculum is carefully chosen by the parents who have an education background or who are certified teachers.

8663 Old Charlotte Pike, Pegram TN 37143

Former Old Charlotte Road Church of Christ

Proposed Use: The proposed use for the building would be for community education. The building would be used to house classes for school age children as supplemental opportunities to their formal education. It would serve as a tutorial for homeschool students twice a week as well as being available for teachers. Teachers could use the building for small tutor sessions or for afternoon classes. Tutorials give homeschoolers the opportunity to meet with teachers that are qualified in their specialty subjects.

All of the homeschooled students are state compliant under their counties' homeschool regulations.

Possible Instructional Uses for the building:

Math & Sciences

English & Literature

History/Government

CPR classes

Specialty Area Instruction – (music, languages, art)

Computer Skills

Special one-time classes – ACT Prep, College Applications, Career Day

Remedial Classes

Study Skills/Time Management

Life Skills

Hi Julie,

It was nice talking to you on the phone. Christy Ballard and Lee Danley will be able to give you guidance on the zoning letter.

I am sending the information I have on home school cooperatives.

A home school cooperative may exist when families of home school students come together on a regular basis for the purpose of enhancing the home school experience. These cooperatives typically exist to bring home school children together for specific activities or to partner with other families to teach a specific subject to a group of students.

In order to be in compliance with TN Compulsory Attendance laws, all home school students must either be:

- 1) Registered as independent with the local school district.
- 2) Enrolled in a category IV church-related school.
- 3) Enrolled in an accredited online school.

Home school cooperatives are not classified or recognized as legally operating private schools. Any group interested in starting a non-public school within the state must first go through the non-public school approval process outlined in Tennessee State Board of Education Rules Chapter 0520-07-02. It would not be advisable for a home school cooperative to call themselves a "school" as this could be very misleading to families interested in joining the group.

Best,

Linda Hayes | Choice Coordinator

Office of School Models & Programs

Andrew Johnson Tower, 12th Floor

710 James Robertson Parkway, Nashville, TN 37243

(615) 532-0852

Linda.Hayes@tn.gov

tn.gov/education

#TNBestforAll

Homeschool Cooperatives in Davidson County

There are several homeschool cooperatives that meet throughout Davidson county. Most of them meet in community centers or church facilities. They are not regulated by the state of Tennessee because they are only 1-2 times a week and do not take the place of the child's homeschool education. They meet to supplement and enrich a homeschool child's education and experiences. Parents work together to provide opportunities that are group activities. Here are just a few that meet:

Common Ground Homeschool of Nashville <http://www.commongroundhomeschool.com/> - Meets in Green Hills

The Center for Homeschool Enrichment and Tutorial <https://chettn.org/> - Meets in Madison

Lighthouse Homeschool Tutorial <http://www.facebook.com/lighthouse tutorial> - Meets in Antioch

Classical Conversations <https://www.classicalconversations.com/> - Meets in small groups throughout the Middle Tennessee area

Bellevue Homeschool Enrichment - <http://www.enrichmentbhse.com/> - Meets in Pegram

East Nashville Homeschool Group - meets in East Nashville

Old Charlotte road church of Christ
8663 Old Charlotte Pk
Pegram, Tennessee 67143

The history of the church

Old Charlotte Road Church of Christ dates back to 1927 or 1928. It began in a very small community on Old Charlotte Road known as Chestnut Grove Church Of Christ. It was later changed to the name Old Charlotte road Church of Christ.

There were only 2 members, Brother and Sister J.D. Gourley. They heard the gospel preached over the radio they were baptized at Central Church of Christ in Nashville. They began immediately to have services under a tarpaulin for a short time until church building was been built.. The land was donated by J.D. Gourley. The church grew as the community grew. As the church grew they decided to purchase land to build another building which was up the road, where it sits today. We moved into the new building in 1968. As time went by the older members started dying, young people grew up and moved away. Numbers started going down. The elders decided it was time to close the doors. Oct. 27 2019 was our last day to have services.

Signed by the Elders

Marion E. Hannah, Sr.

Joseph Chaste

Dec.12,2019

The Old Charlotte RD Church of Christ 8663 Old Charlotte PK Pegram
Is overseen by 2 Elders. We have 2 deacons, minister, teachers, and the treasury that
serve under the Elders. The bldg. is only used for worship services on Sunday
Morning, Sunday night and midweek Bible Class study, also for gospel meeting.

The structure of the Old Charlotte Road Church of Christ is structured based on the teachings of the New Testament. The congregation has elders as overseers of the church and the leadership always consists of at least two (2) elders as stated in Titus 1 and verse 5. The old charlotte Road Church of Christ currently has two (2) elders overseeing this congregation. As part of the leadership and working under the Elders are two (2) deacons. Deacons carry out the work as directed by the Elders of the congregation. The congregation also has a Treasurer who works under the Elders and makes the payments on the routine bills generated by the Church congregation. The money is also used to spread the Gospel to the community and has supported many different mission works not only in middle Tennessee but around the world.

To whom it may concern:

We are requesting to be permitted to use the building at 8663 Old Charlotte Road for community education using the adaptive reuse clause.

The property is currently zoned R80, and the current building and associated parking were used as a religious institution, under the name of the Old Charlotte Road Church of Christ. The church that has met there for almost 50 years decided to disband and had final services on October 26, 2019.

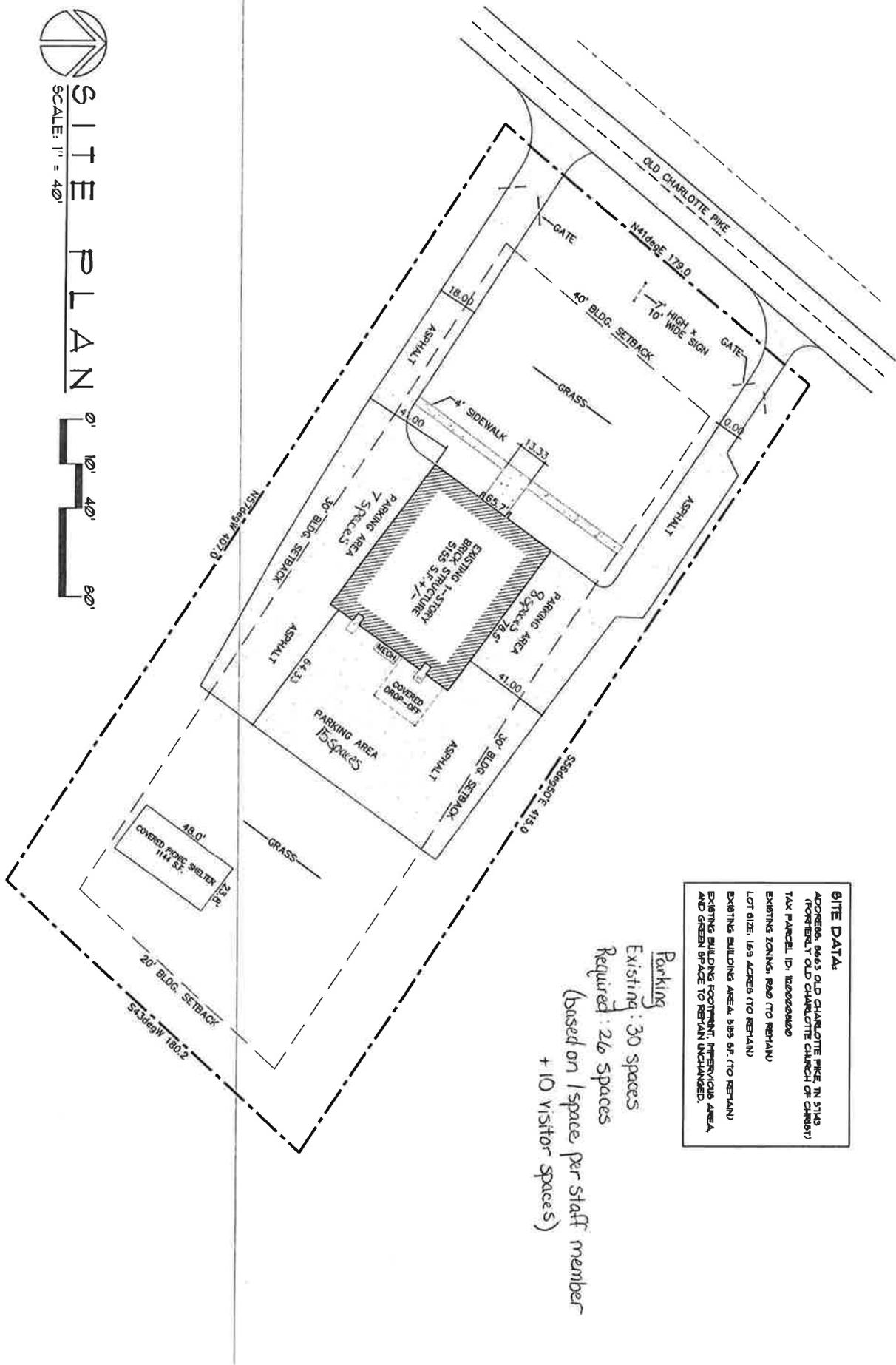
The Old Charlotte Road church of Christ representatives have accepted an offer from Julie Curry to purchase the building, pending zoning and codes approval. Ms. Curry is a homeschool educator who coordinates a cooperative for homeschooling families. She proposes to use the building as a meeting location for the members of the homeschool cooperative that are currently meeting together in private homes. She is not proposing to make any changes to the building exterior or parking. The homeschool cooperative meets two days each week during traditional school hours. So there should not be an increase in impact on the adjoining properties, as the church met two days a week.

Thank you for your consideration



S I T E P L A N

SCALE: 1" = 40'



SITE DATA:
 ADDRESS: 8663 OLD CHARLOTTE PIKE, N 37MS
 (FORMERLY OLD CHARLOTTE CHURCH OF CHRIST)
 TAX PARCEL ID: 1200000000
 EXISTING ZONING: RES (TO REMAIN)
 LOT SIZE: 1.69 ACRES (70 REMAIN)
 EXISTING BUILDING AREA: 5185 SF (70 REMAIN)
 EXISTING BUILDING FOOTPRINT: INTERIOR AREA
 AND GREEN SPACE TO REMAIN UNCHANGED.

Parking
 Existing: 30 spaces
 Required: 26 spaces
 (based on 1 space per staff member
 + 10 visitor spaces)

Lindsey Slaughter
4836 Compassion Lane
Murfreesboro, TN 37128
(615) 598-1316

January 6, 2020

To Whom It May Concern:

I am writing in regards to the educational cooperative run by Julie Curry in Pegram, Tennessee. My two children have been part of this co-op for the past five years. I knew when I decided to homeschool that I wanted to find a program that would offer my children a supplemental learning experience with other children their ages. I was very thankful to find and be able to become a part of the Pegram cooperative. It has provided my children with additional educational activities that would be hard to replicate in the home setting, a familiarity with the classroom learning experience, and an encouraging group of peers and teachers. As a certified teacher, I have been so appreciative of the work and effort that is headed by Julie and facilitated by others to make sure the cooperative's curriculum and materials are educationally challenging and enriching. As a mother, I am very thankful for the safe and supportive environment this cooperative has provided for my children and I as we have navigated our homeschooling journey thus far. I know we are only a few of the many who have been helped by this co-op, with many more who could benefit from it in the future.

Sincerely,

Lindsey Slaughter

Cindy Yeater

1422 Rhonda Dr., Christiana, TN 37037

765-409-0899 cindy.yeater@gmail.com



January 2, 2020

To Whom It May Concern:

The Ridge Co-Op creates a meaningful educational opportunity for my grandchildren. They can attend prepared classes with children their own age and with similar interests and goals. The parent volunteer teachers bring a rich perspective to our children's education as they share their expertise with students. Our Co-Op provides enrichment opportunities for our children that would be difficult to achieve outside the group setting. The Ridge Co-Op is beneficial to both parents and students as a supplement to home education.

Sincerely,

Cindy Yeater



Importance of Group

From: carrie hearn (carriehrn@yahoo.com)

To: clancurry@bellsouth.net

Date: Thursday, January 2, 2020, 05:27 PM CST

To whom it may concern,

My son, Peyton, has been involved in this homeschool group since August 2019. This allows him to socialize with other students his age while learning. He was in public school for years and has diagnosed anxiety and attention issues. Since starting homeschool, his anxiety has remarkably decreased. What we were missing by homeschooling independently at home was the interaction with peers and other adults. He's grown so much as a child this school year because of this homeschool group. He took a CPR class there and is now certified in CPR. He's learning things that he would not have learned otherwise because of this amazing homeschool group. It's very important for him, and other kids, to have a structured group with kids their age and we are very thankful for it.

Carrie Hearn

Sent from my iPhone

1/4/20

To Whom It May Concern:

My daughter started attending The Ridge Co-op when she was three years old. She is now in the first grade. As a homeschooled child, the co-op provides additional enrichment opportunities with other children of all ages in an educational setting. She receives instruction from teachers other than me with various backgrounds, such as pharmacy, engineering, technical writing, foreign language, and former public educators. Spanish, art, music, and science are examples of enrichment opportunities from which she benefits and supplements what she learns at home. She has learned to take instruction from someone other than a parent and to respect teachers and fellow students. Group field trips, holiday celebrations, and end of the year productions have provided her opportunities for social interactions that she would not otherwise have.

As for me, this co-op is an invaluable source of encouragement and support. I have learned from the experiences and expertise of other homeschool parents, such as teaching techniques and curriculum selection. The Ridge Co-op supports my family's ideals and Christian values in a positive environment, and I am grateful for the blessing it has been to my family.

Sincerely,

A handwritten signature in cursive script that reads "Laquita Harrison". The signature is written in black ink and is positioned above the printed name.

Laquita Harrison

January 4, 2020

To Whom it may concern,

The purpose of this letter is to relay information on the importance of The Ridge Homeschool Cooperative to our family. Our four children are in grades 7, 5, 3 and Kindergarten. Compliant with Tennessee homeschool laws, they are enrolled in the umbrella school Aaron Academy. We have participated in this co-op since 2014. The Ridge Co-op has been a very important and beneficial element to our homeschool.

While it is possible to homeschool alone, the co-op has provided a unique opportunity for our children to learn in a small, safe environment. Our children have not only gained book knowledge, but have learned to listen to and respect other adults. With their varied educational backgrounds, the teachers provide an incredible knowledge base for our children to learn from. Our children have the benefit of learning in a classroom setting with peers of the same age group. They are given class schedules and assignments with deadlines and are expected to share their completed work with their teachers and fellow students, thus encouraging them to excel and complete assignments with care. Our children have also created friendships that we hope will last a lifetime. Being a part of this co-op has been invaluable to our family.

Sincerely,

Doug and Esther Bradley

To Whom It May Concern,

Our family has been part of The Ridge Homeschool Co-op for 10 years. Our oldest child, Mitchell attended public school through second grade. Our youngest child, Mabry has always been homeschooled. I feel incredibly blessed to have the support of the families at the co-op that help provide a strong base for a well-rounded education that has a foundation in Christian principles. All of the parents bring their unique talents and expertise together to allow all of the children to learn traditional and non-traditional subjects in small classes. The children are able to work together on science experiments and openly discuss ideas with adults and children of all ages. A mom may be able to obtain help from another mom with math tutoring for their child, if the need arises.

As a mom who never thought homeschooling was an option, the families of The Ridge Co-op helped me to have the confidence to begin homeschooling my children, and continue over the last ten years. Mitchell and Mabry enjoy being with their friends and even enjoy classes at The Ridge Co-op. We look forward to all of the families being together in one building in the near future.

Sincerely,
Norrie J. Williams

19-20

Tennessee Notice of Intent to Home School

To be completed by school system:	
School system name: <i>Williamson</i>	System number: <i>940</i>
Date received:	<i>7/3/19</i>
Received by name:	<i>[Signature]</i>
Signature:	
Title:	

This form should be completed only by parent(s) conducting a home school under the supervision of the superintendent of a local education agency (LEA).

"Home schools" are schools conducted by parents or legal guardians for their own children, which are distinct from degree-granting online or distance education schools. This form may be utilized as notice of your intent to conduct a home school, meaning that you will serve as the primary teacher for the student(s) as permitted by T.C.A. §49-6-3050. **Please complete both pages of the form and return both pages to your local public school system office before the start of each school year.**

PLEASE PRINT

Part 1. Student Information

A. **Grades K-8:** For each student in grades K-8, please list the following information:

1.	Last name Lee	First name Brody	Grade 3	Subjects to be taught <i>Baseball (Joshua)</i> Math, Science, Spelling, Reading, World Geography, Bible, Writing, Art, Spanish
	Age 8	Birthdate 10/25/2010	Social security number (optional)	
2.	Last name Lee	First name Joshua	Grade 8	Subjects to be taught Geometry, Physical Science, Bible, Spanish, Language Arts, World History 2, Literature
	Age 14	Birthdate 6/17/2005	Social security number (optional)	
3.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	
4.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	

B. **Grades 9-12:** For each student in grades 9-12, please list the following information:

1.	Last name Lee	First name Chloe	Grade 11	Subjects to be taught <i>Softball</i> <i>Basketball</i> Calculus, Physics, Spanish 3, Phys. Ed., British Literature, Government, Personal Finance
	Age 16	Birthdate 12/13/2002	Social security number (optional)	
2.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	

Tennessee Notice of Intent to Home School

Part 2. Parent Information

Please provide information **only** for the parent(s) or guardian(s) who will teach.

	Last Name	First Name
A. Name of parent(s) or guardian(s)	(Mother) <u>Lee, Nancy</u>	
	(Father) <u>Lee, Jeffrey</u>	
	or	
	(Guardian) _____	

B. Contact Information

Home (Mailing Address) 7538 Cumberland Drive

City Fairview Zip Code 37062

Phone Number (615) 476-5929

Email Address leefamily@bellsouth.net

C. Parent/Guardian Educational Background (complete only for parent(s)/guardian(s) who will teach)

1. For grades K-12, I have a GED or high school diploma. Yes No
2. If mailing this form, please attach documentation of qualifying education. If presenting this form in person, please bring documentation of your qualifying education for school staff to verify.

Part 3. Health Records

Please attach documentation that student(s) have received immunizations as required by T.C.A. § 49-6-5001.

Nancy Lee

Parent/Guardian Signature

Digitally signed by Nancy Lee
Date: 2019.06.28 08:06:19 -05'00'

6/28/19

Date

Stevens
Family

Fwd: Application Submitted - Benjamin Stevens

From: kathrynlbstevens@gmail.com (kathrynlbstevens@gmail.com)

To: clancurry@bellsouth.net

Date: Thursday, January 2, 2020, 05:56 PM CST

Sent from my iPhone

Begin forwarded message:

From: The Comenius School <schapman@franklinclassical.com>
Date: May 23, 2019 at 2:17:01 PM CDT
To: kathrynlbstevens@gmail.com
Subject: Application Submitted - Benjamin Stevens

Certificate of Enrollment

The Comenius School
An Umbrella Arm of Franklin Classical School
P. O. Box 1601, Franklin, TN 37064



This certificate is proof that your family conducts a satellite school affiliated with
The Comenius School

The student named in this email's subject line is enrolled for the
2019-2020 academic year beginning July 1, 2019.

Authenticated by Registrar, Sherri L. Chapman

Dear Comenius School Applicant,

Welcome to homeschooling! The Comenius School strives to be the best friend to homeschoolers, being able to help any way you may need.

The image below will serve as the certificate of enrollment for the student mentioned in the subject line of this email. Please print and keep a copy of this email for your records.

As always, know you are welcome to call or email anytime with questions. We are always here and happy to help!

Blessings,

Sherri Chapman

Registrar

Swearingin Family

Certificate of Enrollment

The Comenius School
An Umbrella Arm of Franklin Classical School
P. O. Box 1601, Franklin, TN 37064



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Certificate of Enrollment

The Comenius School
An Umbrella Arm of Franklin Classical School
P. O. Box 1601, Franklin, TN 37065



This certificate is proof that your family conducts a satellite school affiliated with
The Comenius School

The following student is enrolled for the 2019-2020 academic year:

Charles Wyatt Dickerson

Date of Birth: 08/30/2003

Home Address: 573 Bob Hollow Rd., Burns, TN 37029

Enrolled since: 07/28/2009

Authenticated by Registrar, Sherri L. Chapman

20 December 2019

Fwd: Application Submitted - Daniel Schoenholz

From: Lisa Schoenholz (lisa.schoenholz@gmail.com)

To: clancurry@bellsouth.net

Date: Thursday, January 2, 2020, 06:12 PM CST

----- Forwarded message -----

From: **The Comenius School**<schapman@franklinclassical.com>

Date: Fri, Jun 14, 2019 at 8:00 AM

Subject: Application Submitted - Daniel Schoenholz

To: <lisa.schoenholz@gmail.com>

Certificate of Enrollment

The Comenius School
An Umbrella Arm of Franklin Classical School
P. O. Box 1601, Franklin, TN 37064



**This certificate is proof that your family conducts a satellite school affiliated with
The Comenius School**

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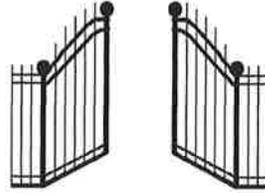
As always, know you are welcome to call or email anytime with questions. We are always here and happy to help!

Blessings,
Sherri Chapman
Registrar

The Davenport Family
Gateway Christian Schools

Dr. Leo Crofford
 Founder

Mr. Greg Stablein
 Coordinator



P.O. Box 280117
 Memphis, TN 38168-0117
 (901) 454-1606
 FAX (901) 454-9814
 Gateway_@Bellsouth.net

2019-20 Confirmation of Enrollment

Fall 2019

Dear Parent-teacher:

Grade Forms—Included with this confirmation letter are the forms you will need to send in your grades at the end of **each** semester. The target date for submitting fall-semester grades will be January 15, 2020. When the semester is complete, fill out the Grade/Attendance Report with letter grades, send us a copy, and keep the original for your records. (Remember that you will be expected to take this form from your files at the end of the year and add second semester and final grades to send to us. If you require us to send you a copy of your first semester grades there will be a \$5.00 fee.) See teacher instructions that accompany the form for further information. If we have your email address, we will communicate with you by email. If, however, you have a problem receiving forms by email or printing them; please let us know, and we will send them by postal mail.

You May Send Forms by Email as PDF Attachments— Print the forms, complete and sign. You can then prepare a PDF file and send to our email **as an attachment**. For those using electronic payment, fees may be paid using Gateway's PayPal account. Go to www.gatewaychristianschools.com/payment.html.

Welcome—Welcome to Gateway Christian Schools for the **2019-20 school year**. This letter is to welcome you as teachers and confirm enrollment of your child(ren) as student(s) in our church school for this (2019-20) school year. [Church schools are acknowledged in the Tennessee Code Annotated (T.C.A.) §49-50-801(a&b).] Instruction in church schools satisfies "compulsory attendance."¹ In the eyes of the Tennessee Department of Education, Gateway is a category IV church-related school, exempt from accreditation. As such, Gateway students who transfer to public or accredited private schools may have to take tests for grade-level placement or to determine what high-school credits will be accepted. Gateway offers a high-school diploma, although some colleges or universities may require those graduates with substandard ACT or SAT scores to take the GED. (Gateway's high school code is 431-421.)

Gateway's home-education program began in 1983 when a delegation of parents from Jackson, Tennessee asked Dr. Leo Crofford if they could enroll their children as church-related-school students at Gateway with the parents as teachers. This was before Tennessee passed a "home-school" law in 1985. We have always considered home-educated students enrolled in our school to be church-school students. For a church school, academic freedom is essential to freedom of conscience. Recognizing this, the Tennessee statutes regarding church-related schools limit and define what the state and local boards of education may or may not do; e.g., T.C.A. §49-50-801(b) says "the state board of education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of a curriculum in church-related schools."

Home educators who are "associated with and where students are enrolled with a church-related school" are exempt from the entirety of the "home school" laws in T.C.A. §49-6-3050. (This includes the testing "requirement" for grades 5, 7, and 9) The bottom line is, the state did not give you your children nor the responsibility for educating them. God gave the responsibility for training up children to parents, not to the civil government. We must live by principle, but walk humbly before God in dealing with men.

For those who are interested, membership in a legal association is available.ⁱⁱ Gateway families may join the Home School Legal Defense Association (HSLDA) for \$115 (with our group discount) by entering Gateway's name and group code #291054 on the HSLDA application (regular annual membership: \$130).

For new students, we request records from their previous schools provided you gave us the necessary contact information on the application. If you happen to be contacted by public school authorities or attendance (truant) officers, please be courteous and have them contact us if they want information. We will, however, contact you first before giving them any information. Since home education is dictated by parental government rather than civil government, there is no reason why you must let anyone into your house to investigate the education of your children.

As teachers in our program, you are responsible for choosing curriculum, preparing lessons, teaching your children, evaluating their work, and making in-course corrections as necessary. Your faithfulness on a daily basis will determine how well your year will end. We suggest that you keep records of your educational activities. It is important to maintain a proper balance here and not allow record keeping to become burdensome so that it hinders education. To avoid abuse of the freedoms we hold, we must be careful and honorable in all our activities, giving all diligence to godly education and training.

Every "subject" can be used to teach your children about the LORD and his ways. For elementary grades this might include Bible, Responsibility/Character Training, Science (including nature study), Arithmetic (or Mathematics), Phonics (or Reading), Spelling, English (Grammar and Literature), Writing, History, Geography, Music, Penmanship, Art, Physical Education, and even Foreign Language (Greek, Latin, etc.). One lesson could combine several subjects for the proverbial "two birds with one stone."

Notice to Public School?—Gateway has been required to provide the names, ages and addresses of students in Tennessee to public school districts. Gateway will be providing this information to them in September. By our understanding, parents/guardians who have enrolled their children at Gateway with the parent as teacher should be exempt from any further requirements of the Tennessee Home School statute. [T.C.A. § 49-6-3050(a)(3)]

Who's Teaching At Your House?—Gateway's program of home education is designed for parents or guardians to teach their own children. Home-educating parents may utilize a tutor or group class for a specific subject, but these are not to take the place of home education. Beware if someone offers to school your child, saying you must pretend home education and register with Gateway to make it legal.

Because Gateway's home-education program is based on a teacher-student relationship between parent (or guardian) and child, Gateway considers a student to be WITHDRAWN if the student moves out of the home of the enrolling parent. Also, we consider it a serious ethical violation for a student to prepare and sign his or her own Grade/Attendance Report. Because this compromises Gateway's honor system, such students are typically dismissed from the Total Home Education program.

Contact Us—You may contact us by email (gateway@bellsouth.net), by fax [(901) 454-9814], or by phone [(901) 454-1606] and we will try to respond within a few days. If our phone is busy, you can leave a voice mail.

Follow us on Facebook—You can get updates and reminders by following Gateway Christians Schools Total Home Education on Facebook.com

Knowing the Truth,
Greg Stablein

ⁱT.C.A. §49-6-3001(c)(1) & (c)(3)(A)(i)

ⁱⁱMany Christians participate in the Holy Spirit Foundation of Legal Counsel (24-hour service). See Mark 13:9-11 for details.

Fwd: HomeLife Academy Teacher Verification

From: Michelle Hanes (tshcfhanes@gmail.com)

To: clancurry@bellsouth.net

Date: Thursday, December 19, 2019, 04:55 PM CST

----- Forwarded message -----

From: <website-noreply@homelifeacademy.com>

Date: Tue, Jun 11, 2019 at 10:25 AM

Subject: HomeLife Academy Teacher Verification

To: <tshcfhanes@gmail.com>



PO Box 11688 Jackson, TN 38308, (901) 384-0731 Fax

2019/2020 Teacher Verification

This email is to verify that:

HANES, Michelle (CHRISTIE) / ADAM

is/are teacher(s) in our non-public, church-related school for the 2019/2020 academic year and is/are authorized to purchase educational materials and textbooks (including teacher's editions) and should be eligible for educational discounts and promotions as well. Our school is a member in good standing with the Association of Christian Schools International (ACSI). Thank you for making such resources available.

Sincerely,

Kelly Voyles
Admissions & Account Management
records@homelifeacademy.com

Michelle Hanes
tshcfhanes@gmail.com

Fwd: HomeLife Academy: Confirmation of Enrollment

From: Josh Slaughter (joshandlindsey@gmail.com)

To: clancurry@bellsouth.net

Date: Tuesday, December 31, 2019, 12:30 PM CST

Hi Julie! We have been traveling for the holidays since I got your email, so I haven't had a chance to look up info until now. Would this email work as enrollment proof for her? David is enrolled through the school system this year, and they didn't give me an official letter, just a calendar to fill out and return. I can call them if you need me to and see if I can get something official from them if you need proof for him too.

Lindsey

----- Forwarded message -----

From: <website-noreply@homelifeacademy.com>

Date: Tue, Jun 11, 2019 at 6:14 PM

Subject: HomeLife Academy: Confirmation of Enrollment

To: <joshandlindsey@gmail.com>

PO Box 11688 Jackson, TN 38308, (888) 560-0774

records@homelifeacademy.com

CONFIRMATION OF ENROLLMENT 2019/2020

Family Information:

SLAUGHTER, JOSH / LINDSEY
4836 COMPASSION LANE
MURFREESBORO TN 37128

Phone: 615-598-1316

Email: joshandlindsey@gmail.com

Student Name(s):	Grade Level:	Birthdate:
Ava Slaughter	4	6/9/2010

The student(s) listed above is/are currently enrolled in HomeLife Academy for the 2019/2020 academic school year. Please contact us if there are any questions regarding the student(s) listed.

PLEASE REVIEW THIS INFORMATION FOR ACCURACY. If your contact or student information is incorrect or if there is a student missing, please contact us immediately. Once we have your correct information and enrollment, we can send an updated Confirmation of Enrollment.

NEW HIGH SCHOOL STUDENTS: Your academic review will be completed once records are received from your previous school. Students whose records reflect academic or disciplinary concerns will be contacted and may be placed in our HLA-NEST Program or withdrawn if it is determined that HLA cannot provide the best service to your student(s).

Thank you,

Kelly Voyles
Admissions & Account Management
records@homelifeacademy.com

Fwd: HomeLife Academy: Confirmation of Enrollment

From: kelly gwin (kellygwin150@gmail.com)

To: clancurry@bellsouth.net

Date: Saturday, December 28, 2019, 12:14 PM CST

Listen to the Virtual Bible Study every Thursday night at 8pm CST at www.thevirtualbiblestudy.com

Begin forwarded message:

From: website-noreply@homelifeacademy.com
Date: July 31, 2019 at 11:50:22 AM CDT
To: kellygwin150@gmail.com
Subject: HomeLife Academy: Confirmation of Enrollment



PO Box 11688 Jackson, TN 38308, (888) 560-0774
records@homelifeacademy.com

CONFIRMATION OF ENROLLMENT 2019/2020

Family Information:
 GWIN, JOEL / KELLY
 5195 LUNNS STORE ROAD
 CHAPEL HILL TN 37034

Phone: 931-364-5561

Email: kellygwin150@gmail.com

Student Name(s):	Grade Level:	Birthdate:
Chloe Gwin	7	12/29/2006
Caleb Gwin	11	5/22/2003
Cohen Gwin	3	6/17/2010

The student(s) listed above is/are currently enrolled in HomeLife Academy for the 2019/2020 academic school year. Please contact us if there are any questions regarding the student(s) listed.

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Thank you,

Kelly Voyles
 Admissions & Account Management
records@homelifeacademy.com

Fwd: HomeLife Academy: Confirmation of Enrollment

From: carrie hearn (carriehrn@yahoo.com)
 To: clancurry@bellsouth.net
 Date: Thursday, January 2, 2020, 05:15 PM CST

Carrie Hearn

Sent from my iPhone

Begin forwarded message:

From: website-noreply@homelifeacademy.com
Date: July 24, 2019 at 2:37:53 PM CDT
To: carriehm@yahoo.com
Subject: HomeLife Academy: Confirmation of Enrollment



PO Box 11688 Jackson, TN 38308, (888) 560-0774
 records@homelifeacademy.com

CONFIRMATION OF ENROLLMENT 2019/2020

Family Information:
 HEARN, / CARRIE
 1109 COPPER STILL CIRCLE
 KINGSTON SPRINGS TN 37082

Phone: 615-405-3353

Email: carriehm@yahoo.com

Student Name(s):	Grade Level:	Birthdate:
Peyton Hearn	7	5/1/2006

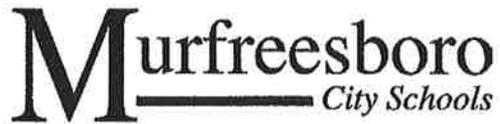
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NEW HIGH SCHOOL STUDENTS: Your academic review will be completed once records are received from your previous school. Students whose records reflect academic or disciplinary concerns will be contacted and may be placed in our HLA-NEST Program or withdrawn if it is determined that HLA cannot provide the best service to your student(s).

Thank you,

Kelly Voyles
 Admissions & Account Management
 records@homelifeacademy.com



2552 South Church Street, Suite 100
Murfreesboro, TN 37127-6342
615-893-2313 Fax 615-893-2352
cityschools.net

January 6, 2020

John & Marla Slaughter
3102 Madison Ave.
Murfreesboro, TN 37130

Dear Mr. & Mrs. Slaughter,

This letter is to verify that your son, John Luke Slaughter, DOB 3/8/10, is registered as an independent home school student as of 7/30/19 with the Murfreesboro City Schools.

Sincerely,

A handwritten signature in cursive script that reads 'Greg Lyles'.

Greg Lyles

Community Initiatives Coordinator

Eva Gordon - Year: 2019-2020 - Grade: 02

Umbrella Application: Grades 1st-5th

Grade Description: Umbrella

Applicant Information

This page must be completely filled out or the entire application will be returned to you for updates. List the curriculum the applicant will be using for each class. If you will be using a tutorial who has not yet given you a book list, then list the course title, the tutorial name, and TBD (to be determined) in the book section. If you have not yet chosen all of your curriculum, consider saving this application until you have. Otherwise, put down as much as you know. I am looking to see that you have a plan in place that will allow you the greatest opportunity for success.

Note: The Curriculum List will be available for editing after September 1. It is the responsibility of the Parent/Teacher to ensure that the Curriculum List is current.

Student Name: Eva Faye Gordon

Street 10180 Locust Fork Rd
Address:

City: Primm Springs

State: TN

Country: USA

Zip: 38476

Student Date 6/14/2012

of Birth:

Student

SSN/SIN:

Student Home 931-623-2772

Phone:

Local School East Hickman County

District of

Residence:

Local School: East Hickman Elementary

District Hickman

County:

District State: TN

Student Female

Gender:

Course 1

Bible

Course 1 Curriculum

Waldron

Course 1 Curriculum Publisher

Guardian of Truth Foundation

Course 1 Tutorial (if applicable)

Course 2

Math

Course 2 Curriculum

Beta

Course 2 Curriculum Publisher

Math U See

Course 2 Tutorial (if applicable)

Course 3

Language Arts

Course 3 Curriculum

Level K

Course 3 Curriculum Publisher

Paisley Gordon - Year: 2019-2020 - Grade: 04

Umbrella Application: Grades 1st-5th

Grade Description: Umbrella

Applicant Information

This page must be completely filled out or the entire application will be returned to you for updates. List the curriculum the applicant will be using for each class. If you will be using a tutorial who has not yet given you a book list, then list the course title, the tutorial name, and TBD (to be determined) in the book section. If you have not yet chosen all of your curriculum, consider saving this application until you have. Otherwise, put down as much as you know. I am looking to see that you have a plan in place that will allow you the greatest opportunity for success.

Note: The Curriculum List will be available for editing after September 1. It is the responsibility of the Parent/Teacher to ensure that the Curriculum List is current.

Student Name: Paisley Michelle Gordon

Street 10180 Locust Fork Rd
Address:

City: Primm Springs

State: TN

Country: USA

Zip: 38476

Student Date 5/30/2010

of Birth:

Student 762-10-8030

SSN/SIN:

Student Home 931-623-2772

Phone:

Local School East Hickman County

District of

Residence:

Local School: East Hickman Elementary

District Hickman

County:

District State: TN

Student Female

Gender:

Course 1

Bible

Course 1 Curriculum

Waldron

Course 1 Curriculum Publisher

Guardian of Truth Foundation

Course 1 Tutorial (if applicable)

Course 2

Math

Course 2 Curriculum

Gamma

Course 2 Curriculum Publisher

Math U See

Course 2 Tutorial (if applicable)

Course 3

Language Arts

Course 3 Curriculum

Level 1

Course 3 Curriculum Publisher

Drew Family

Gateway Christian Schools

Dr. Leo Crofford
Founder

Mr. Greg Stablein
Coordinator



P.O. Box 280117
Memphis, TN 38168-0117
(901) 454-1606
FAX (901) 454-9814
Gateway_@Bellsouth.net

2019-20 Confirmation of Enrollment

Fall 2019

Dear Parent-teacher:

Grade Forms—Included with this confirmation letter are the forms you will need to send in your grades at the end of **each** semester. The target date for submitting fall-semester grades will be January 15, 2020. When the semester is complete, fill out the Grade/Attendance Report with letter grades, send us a copy, and keep the original for your records. (Remember that you will be expected to take this form from your files at the end of the year and add second semester and final grades to send to us. If you require us to send you a copy of your first semester grades there will be a \$5.00 fee.) See teacher instructions that accompany the form for further information. If we have your email address, we will communicate with you by email. If, however, you have a problem receiving forms by email or printing them; please let us know, and we will send them by postal mail.

You May Send Forms by Email as PDF Attachments— Print the forms, complete and sign. You can then prepare a PDF file and send to our email **as an attachment**. For those using electronic payment, fees may be paid using Gateway's PayPal account. Go to www.gatewaychristianschools.com/payment.html.

Welcome—Welcome to Gateway Christian Schools for the **2019-20 school year**. This letter is to welcome you as teachers and confirm enrollment of your child(ren) as student(s) in our church school for this (2019-20) school year. [Church schools are acknowledged in the Tennessee Code Annotated (T.C.A.) §49-50-801(a&b).] Instruction in church schools satisfies "compulsory attendance."¹ In the eyes of the Tennessee Department of Education, Gateway is a category IV church-related school, exempt from accreditation. As such, Gateway students who transfer to public or accredited private schools may have to take tests for grade-level placement or to determine what high-school credits will be accepted. Gateway offers a high-school diploma, although some colleges or universities may require those graduates with substandard ACT or SAT scores to take the GED. (Gateway's high school code is 431-421.)

Gateway's home-education program began in 1983 when a delegation of parents from Jackson, Tennessee asked Dr. Leo Crofford if they could enroll their children as church-related-school students at Gateway with the parents as teachers. This was before Tennessee passed a "home-school" law in 1985. We have always considered home-educated students enrolled in our school to be church-school students. For a church school, academic freedom is essential to freedom of conscience. Recognizing this, the Tennessee statutes regarding church-related schools limit and define what the state and local boards of education may or may not do; e.g., T.C.A. §49-50-801(b) says "the state board of education and local boards of education are prohibited from regulating the selection of faculty or textbooks or the establishment of a curriculum in church-related schools."

Home educators who are "associated with and where students are enrolled with a church-related school" are exempt from the entirety of the "home school" laws in T.C.A. §49-6-3050. (This includes the testing "requirement" for grades 5, 7, and 9) The bottom line is, the state did not give you your children nor the responsibility for educating them. God gave the responsibility for training up children to parents, not to the civil government. We must live by principle, but walk humbly before God in dealing with men.

For those who are interested, membership in a legal association is available.¹ Gateway families may join the Home School Legal Defense Association (HSLDA) for \$115 (with our group discount) by entering Gateway's name and group code #291054 on the HSLDA application (regular annual membership: \$130).

For new students, we request records from their previous schools provided you gave us the necessary contact information on the application. If you happen to be contacted by public school authorities or attendance (truant) officers, please be courteous and have them contact us if they want information. We will, however, contact you first before giving them any information. Since home education is dictated by parental government rather than civil government, there is no reason why you must let anyone into your house to investigate the education of your children.

As teachers in our program, you are responsible for choosing curriculum, preparing lessons, teaching your children, evaluating their work, and making in-course corrections as necessary. Your faithfulness on a daily basis will determine how well your year will end. We suggest that you keep records of your educational activities. It is important to maintain a proper balance here and not allow record keeping to become burdensome so that it hinders education. To avoid abuse of the freedoms we hold, we must be careful and honorable in all our activities, giving all diligence to godly education and training.

Every "subject" can be used to teach your children about the LORD and his ways. For elementary grades this might include Bible, Responsibility/Character Training, Science (including nature study), Arithmetic (or Mathematics), Phonics (or Reading), Spelling, English (Grammar and Literature), Writing, History, Geography, Music, Penmanship, Art, Physical Education, and even Foreign Language (Greek, Latin, etc.). One lesson could combine several subjects for the proverbial "two birds with one stone."

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Contact Us—You may contact us by email (gateway_@bellsouth.net), by fax [(901) 454-9814], or by phone [(901) 454-1606] and we will try to respond within a few days. If our phone is busy, you can leave a voice mail.

Follow us on Facebook—You can get updates and reminders by following Gateway Christians Schools Total Home Education on [Facebook.com](https://www.facebook.com/GatewayChristiansSchoolsTotalHomeEducation)

Knowing the Truth,
Greg Stablein

¹T.C.A. §49-6-3001(c)(1) & (c)(3)(A)(i)

²Many Christians participate in the Holy Spirit Foundation of Legal Counsel (24-hour service). See Mark 13:9-11 for details.

Aaron Academy

1/3/2020

P.O. Box 1687, Gallatin, TN 37066

Phone (615) 452-4700

Fax (615) 452-7700

Student:

Naomi Reagan Sweets6570 Jocelyn Hollow Road
Nashville, TN 372052019 Grade: **8**Date of Birth: **8-3-2006**

To whom it may concern

To whom it may concern

This letter can serve as verification that Naomi is a student member of our Academy and currently enrolled for the 2019-2020 school year.

Aaron Academy is a member in good standing with the Tennessee Alliance of Church Related Schools and designated a Category IV School by the Tennessee Department of Education.

Should you have any questions, please feel free to contact our offices.

Sincerely,

Becky Longoria
Principal

Aaron Academy is a member of the Tennessee Alliance of Church Related Schools.

Aaron Academy

1/3/2020

P.O. Box 1687, Gallatin, TN 37066

Phone (615) 452-4700

Fax (615) 452-7700

Student:

Clara Hosanna Sweets

6570 Jocelyn Hollow Road

Nashville, TN 37205

2019 Grade: **1**Date of Birth: **5/17/2013**

To whom it may concern

To whom it may concern

This letter can serve as verification that Clara is a student member of our Academy and currently enrolled for the 2019-2020 school year.

Aaron Academy is a member in good standing with the Tennessee Alliance of Church Related Schools and designated a Category IV School by the Tennessee Department of Education.

Should you have any questions, please feel free to contact our offices.

Sincerely,



Principal

Aaron Academy is a member of the Tennessee Alliance of Church Related Schools.

Aaron Academy

1/3/2020

P.O. Box 1687, Gallatin, TN 37066

Phone (615) 452-4700

Fax (615) 452-7700

Student:

Lily Magdalen Sweets

6570 Jocelyn Hollow Road
Nashville, TN 37205

2019 Grade: **6**

Date of Birth: **9-24-2008**

To whom it may concern

To whom it may concern

This letter can serve as verification that Lily is a student member of our Academy and currently enrolled for the 2019-2020 school year.

Aaron Academy is a member in good standing with the Tennessee Alliance of Church Related Schools and designated a Category IV School by the Tennessee Department of Education.

Should you have any questions, please feel free to contact our offices.

Sincerely,



Principal

Aaron Academy is a member of the Tennessee Alliance of Church Related Schools.

Enrollment Receipt

8-12-2019

Aaron Academy

P.O. Box 1687, Gallatin, TN 37066

(615) 452-4700

 Esther Bradley
 2909 Pellas Place
 Murfreesboro, TN 37127
 502-424-6720

Student: Andrew Bryant Bradley 2019 Grade: 5

Item:	Amount:
-------	---------

Registration Fee (K thru 8th):

First Child	
Second Child	70.00
Third Child	
Fourth Child	
Additional Children	
Mil/Mis	

Registration Fee (9th thru 12th):

All High School Students	
Adult Educator	
Other:	

Testing Fee:

Standard Testing	
Private: AA	
Private: Certified	

Discount:	
-----------	--

[PayPal] [No:] [tc]

Total:	\$70.00
---------------	----------------

Receipt #: **Note:**

This receipt constitutes verification of enrollment for your student(s). If you have any questions, you can contact our office Monday through Friday from 9:00 a.m. to 3:30 p.m. Thank you for letting us help you with your child's education.

Enrollment Receipt

8-12-2019

Aaron Academy

P.O. Box 1687, Gallatin, TN 37066

(615) 452-4700

 Esther Bradley
 2909 Pellas Place
 Murfreesboro, TN 37127
 502-424-6720

Student: Caleb Alan Bradley 2019 Grade: 7

Item:	Amount:
-------	---------

Registration Fee (K thru 8th):

First Child	\$ 80.00
Second Child	
Third Child	
Fourth Child	
Additional Children	
Mil/Mis	

Registration Fee (9th thru 12th):

All High School Students
 Adult Educator
 Other:

Testing Fee:

Standard Testing
 Private: AA
 Private: Certified

Discount: _____

[PayPal] [No:] [tc]

Total: \$80.00Receipt #: **Note:**

This receipt constitutes verification of enrollment for your student(s). If you have any questions, you can contact our office Monday through Friday from 9:00 a.m. to 3:30 p.m. Thank you for letting us help you with your child's education.

Thank you!

Enrollment Receipt

8-12-2019

Aaron Academy

P.O. Box 1687, Gallatin, TN 37066

(615) 452-4700

 Esther Bradley
 2909 Pellas Place
 Murfreesboro, TN 37127
 502-424-6720

Student: Luke Gadsden Bradley 2019 Grade: 3

Item:	Amount:
-------	---------

Registration Fee (K thru 8th):

First Child	
Second Child	
Third Child	60.00
Fourth Child	
Additional Children	
Mil/Mis	

Registration Fee (9th thru 12th):

All High School Students	
Adult Educator	
Other:	

Testing Fee:

Standard Testing	
Private: AA	
Private: Certified	

Discount:	
-----------	--

[PayPal] [No:] [tc]

Total:	\$60.00
---------------	----------------

Receipt #: **Note:**

This receipt constitutes verification of enrollment for your student(s). If you have any questions, you can contact our office Monday through Friday from 9:00 a.m. to 3:30 p.m. Thank you for letting us help you with your child's education.

Application Submitted - Samuel Hudson

Certificate of Enrollment

The Comenius School

An Umbrella Arm of Franklin Classical School

P. O. Box 1601, Franklin, TN 37064



This certificate is proof that your family conducts a satellite school affiliated with

The Comenius School

The student named in this email's subject line is enrolled for the
2019-2020 academic year beginning July 1, 2019.

Authenticated by Registrar, Sherri L. Chapman

Dear Comenius School Applicant,

Welcome to homeschooling! The Comenius School strives to be the best friend to homeschoolers, being able to help any way you may need.

The image below will serve as the certificate of enrollment for the student mentioned in the subject line of this email. Please print and keep a copy of this email for your records.

As always, know you are welcome to call or email anytime with questions. We are always here and happy to help!

Blessings,
Sherri Chapman
Registrar

2019-2020 school year

Tennessee Notice of Intent to Home School

To be completed by school system:

School system name: <u>Rutherford County, TN</u>	System number:
Date received:	
Received by name:	
Signature:	
Title:	

This form should be completed only by parent(s) conducting a home school under the supervision of the superintendent of a local education agency (LEA).

"Home schools" are schools conducted by parents or legal guardians for their own children, which are distinct from degree-granting online or distance education schools. This form may be utilized as notice of your intent to conduct a home school, meaning that you will serve as the primary teacher for the student(s) as permitted by T.C.A. §49-6-3050. Please complete both pages of the form and return both pages to your local public school system office before the start of each school year.

PLEASE PRINT

Part 1. Student Information

A. Grades K-8: For each student in grades K-8, please list the following information:

* MUST BE FILLED IN *

1.	Last name	First name	Grade	Subjects to be taught <u>Math; Writing; Grammar; General Science; Spelling; American History</u>
	<u>HUDSON</u>	<u>LUKE MIDDLE THOMAS</u>	<u>4th</u>	
	Age	Birthdate	Social security number (optional)	
	<u>9</u>	<u>3-23-10</u>		
2.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	
3.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	
4.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	

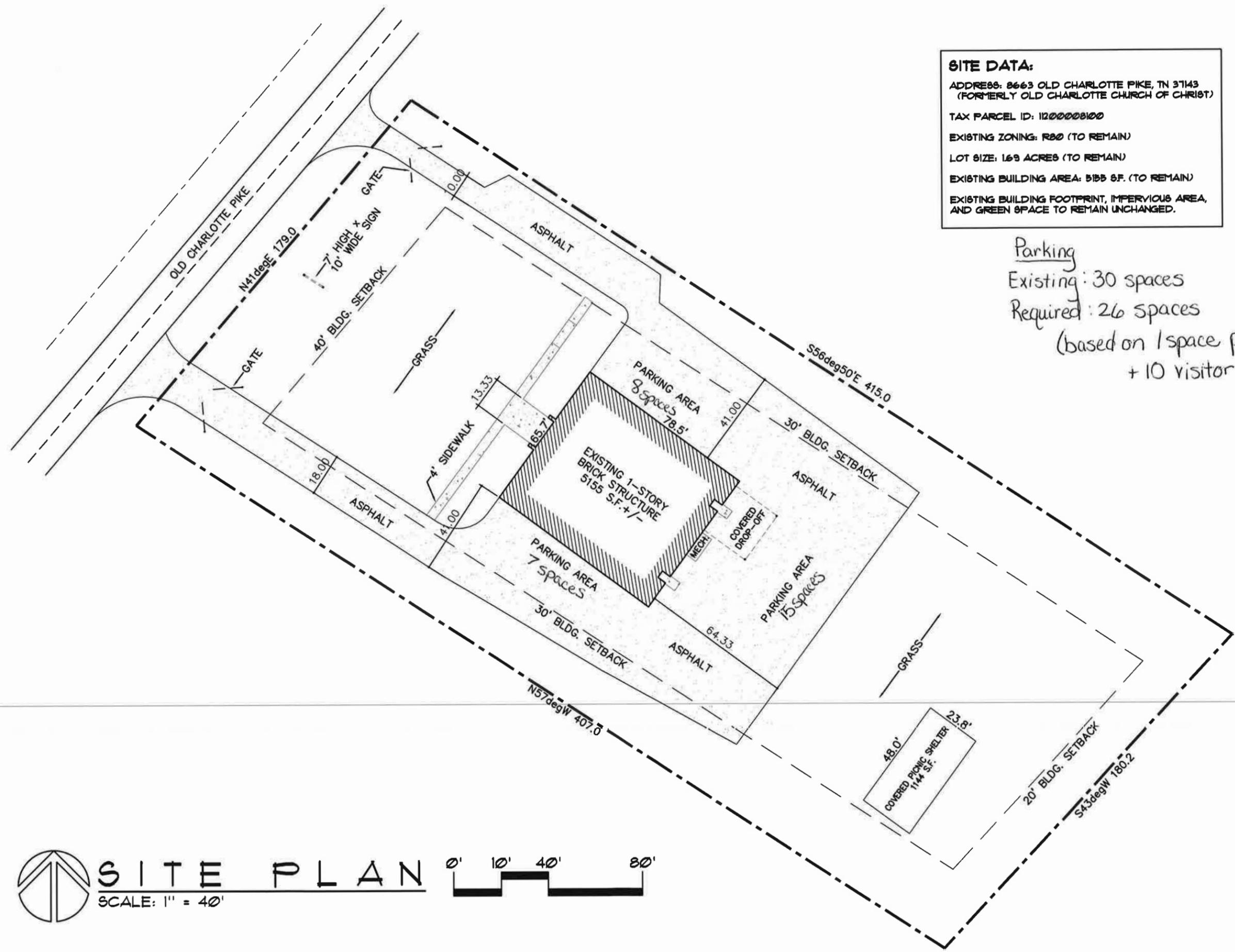
B. Grades 9-12: For each student in grades 9-12, please list the following information:

1.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	
2.	Last name	First name	Grade	Subjects to be taught
	Age	Birthdate	Social security number (optional)	

mailed 6-27-19

SITE DATA:
 ADDRESS: 8663 OLD CHARLOTTE PIKE, TN 37143
 (FORMERLY OLD CHARLOTTE CHURCH OF CHRIST)
 TAX PARCEL ID: 11200008100
 EXISTING ZONING: R80 (TO REMAIN)
 LOT SIZE: 1.69 ACRES (TO REMAIN)
 EXISTING BUILDING AREA: 5155 S.F. (TO REMAIN)
 EXISTING BUILDING FOOTPRINT, IMPERVIOUS AREA,
 AND GREEN SPACE TO REMAIN UNCHANGED.

Parking
 Existing: 30 spaces
 Required: 26 spaces
 (based on 1 space per staff member
 + 10 visitor spaces)



 **SITE PLAN**
 SCALE: 1" = 40'
 0' 10' 40' 80'

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: James Crockett II Date: 1/7/2020
Property Owner: Dr. Jarel Jackson Case #: 2020-049
Representative: James Crockett Map & Parcel: 68112030800

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 A SINGLE FAMILY RESIDENCE PERMIT 2019061452

Activity Type: RES. CONSTRUCTION
Location: 908 CHEATHAM PL

This property is in the RL-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:

Reason: VARIANCE TO SIDE/REAR FACING GARAGE DOOR ORIENTATION

Section(s): 17.12.020b2

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.

James Crockett II
Appellant Name (Please Print)
PO Box 194
Address
Nolensville TN 37135
City, State, Zip Code
615-566-1906
Phone Number
JACinvest.net
Email
Signature: JCS

James Crockett II
Representative Name (Please Print)
PO Box 194
Address
Nolensville TN 37135
City, State, Zip Code
615-566-1906
Phone Number
JAC@JACinvest.net
Email
Appeal Fee: _____

TO BUILD ON BZA CASE 2019-492 GRANTED - UNDERSIZED LOT



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



3720440

**ZONING BOARD APPEAL / CAAZ - 20190061466
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08112030800**APPLICATION DATE:** 10/08/2019**SITE ADDRESS:**

908 CHEATHAM PL NASHVILLE, TN 37208
PT LOTS 249 250 MCGAVOCKS TOWN NO NASH.

PARCEL OWNER: BASILE, KENT T.**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal requesting to construct single family residence on undersized lot and to NOT build to the required 3 ft Requesting a 74 sq ft variance to lot area and to omit the required 3 ft side setback for at least 25% of structure beginning at front setback.

Rejected due to undersized lot area of 3676 sq ft per survey. Minimum 3,750 sq ft per Code Section 17.40.670. Required 3 ft side setback for at least 25% of structure beginning at front setback.

POC: Kent Basile 865-242-4767
kentbasil@gmail.com

*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**



3720420

**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019061452
THIS IS NOT A PERMIT**

PARCEL: 08112030800

APPLICATION DATE: 10/08/2019

SITE ADDRESS:

908 CHEATHAM PL NASHVILLE, TN 37208
PT LOTS 249 250 MCGAVOCKS TOWN NO NASH.

PARCEL OWNER: BASILE, KENT T.

APPLICANT:**PURPOSE:**

BZA Appeal requesting to construct single family residence on undersized lot and to NOT build to the required 3 ft side setback per 17.40.670.

Rejected due to undersized lot area of 3676 sq ft per survey. Minimum 3,750 sq ft per Code Section 17.40.670.
Required 3 ft side setback for at least 25% of structure beginning at front setback of structure.

To construct a single family residence with 2122 sq ft of living, 444 sq ft garage, and 437 sq ft of porches and decks.
Maximum height of 2 stories within 35 ft. Sidewalks ARE required for this project because this parcel is within the UZO.
You are NOT eligible to contribute to the Pedestrian Benefit Zone in-lieu of construction.

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review		
[A] Zoning Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
BZA Hearing on a BLDG Permit		
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review	SWREQUIRED	(615) 862-4138 Lisa.Butler@nashville.gov
PW - Public Works Sidewalk Capital Project Coordinatic		615-862-6558 Jonathan.Honeycutt@nashville.gov
[B] Fire Life Safety Review On Bldg App		615-862-5230
[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
[G] Bond & License Review On Bldg App		
[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
[F] Ramps & Curb Cuts Review For Bldg A		615-862-8782 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 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 firstclass 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 Las 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 Change 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 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 the office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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


APPELLANT

1/7/2020
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?

Small lot size and no alley access is preventing rear and side parking or garage access.

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.

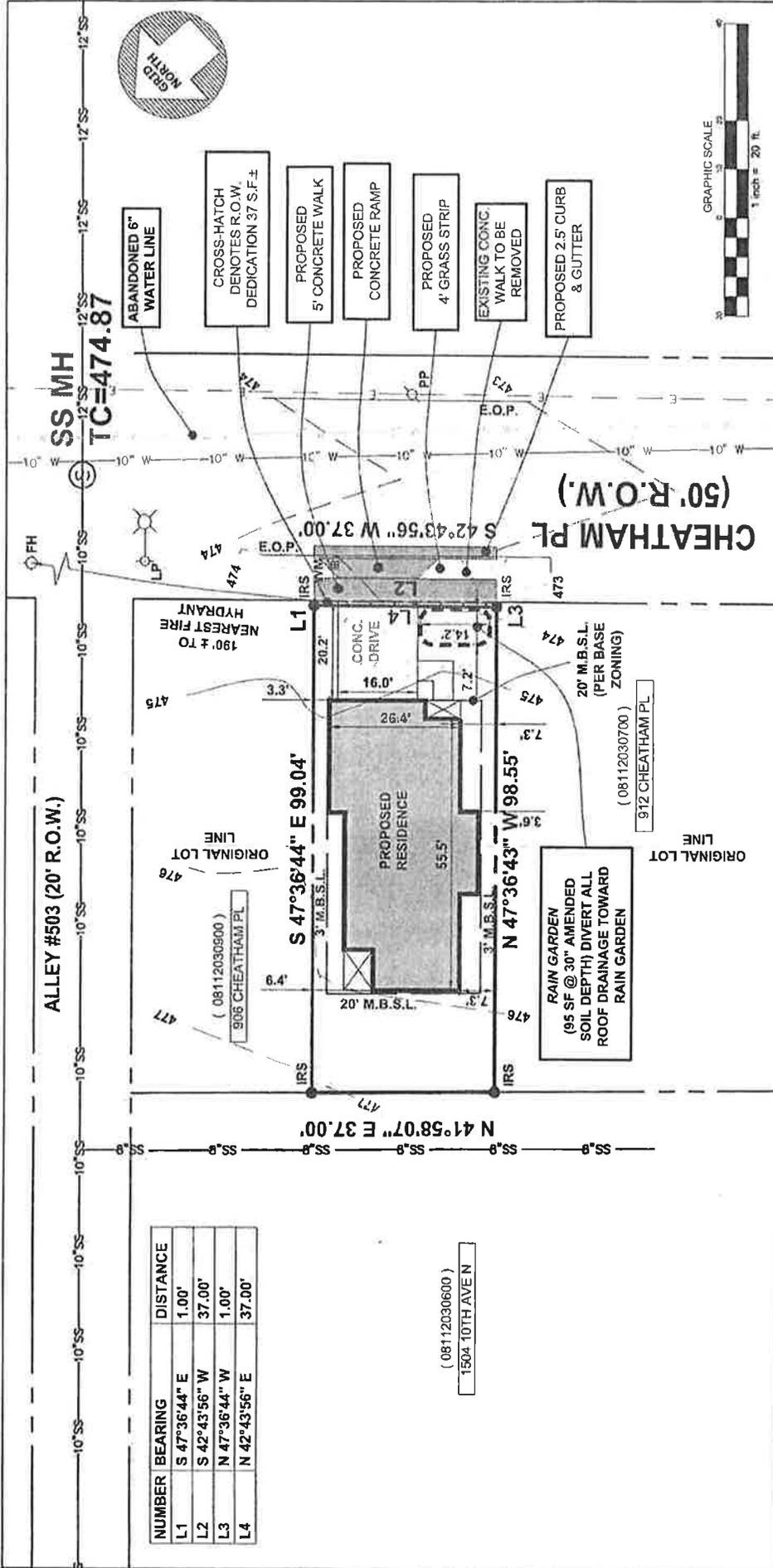
Financial gain not only bases- Financial gain is not the sole basis for granting the variance.

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.



NUMBER	BEARING	DISTANCE
L1	S 47°36'44" E	1.00'
L2	S 42°43'56" W	37.00'
L3	N 47°36'44" W	1.00'
L4	N 42°43'56" E	37.00'

(08112030600)
1504 10TH AVENUE

Prepared By:

W.T. Smith- Land Surveying

4207 Lebanon Pike, Suite #200
Hermitage, TN. 37076
Phone: 615-712-6693
Email: tommy@wtsmithsurvey.com

WILLIAM THOMAS SMITH
LAND SURVEYOR
NOVEMBER 1987
TENNESSEE
ON 2015

Site Plan
908 Cheatham Place
Nashville - Davidson Co., Tn.

SHEET NO. **S-1.0**

REVISION

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: JOSH HELLMER Date: 01/07/2020
Property Owner: CREAM CITY DEVELOPMENT Case #: 2020-050
Representative: JOSH HELLMER Map & Parcel: 09316008200

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: RESIDENTIAL CONSTRUCTION (DUPLX)

Activity Type: RESIDENTIAL

Location: 91 CLAIBORNE STREET

This property is in the R6-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:

Reason: LOT SIZE & DRIVEWAY/GARAGE

Section(s): 17.12.020A 17.12.020A NOTES A1 & B2

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.

JOSH HELLMER
Appellant Name (Please Print)

* SAME AS APPELLANT *
Representative Name (Please Print)

1071 2ND AVE S
Address

Address

NASHVILLE, TN 37210
City, State, Zip Code

City, State, Zip Code

920-207-4721
Phone Number

Phone Number

HELLMERS@HOTMAIL.COM
Email

Email

Zoning Examiner: TC

Appeal Fee: 5100



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



3747325

**ZONING BOARD APPEAL / CAAZ - 20200001062
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09316008200

APPLICATION DATE: 01/07/2020

SITE ADDRESS:

91 CLAIBORNE STREET

PARCEL OWNER: CREAM CITY DEVELOPMENT CONTRACTOR: N/A

APPLICANT: JOSH HELMER

PURPOSE:

REQUEST TO BUILD DUPLEX ON PARCEL WITH 5,775 SQUARE FEET OF AREA.

REQUIRED: PER 17.12.020A MINIMUM LOT AREA IS 6,000 SQUARE FEET

(LOT LEGALLY CREATED VIA PLAT DATED MAY 1867)

REQUEST FOR (UNIT A ONLY) DRIVEWAY ACCESS OFF STREET

REQUIRED PER 17.12.020A NOTE 5.A.1 WHERE EXISTING ACCESS FROM IMPROVED ALLEY

REQUEST TO CONSTRUCT FRONT LOADING ATTACHED GARAGE (UNIT A ONLY)

REQUIRED PER 17.12.020A NOTE 5.B.2 THE GARAGE DOOR SHALL FACE THE SIDE OR REAR PROPERTY 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.

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

01/07/2020
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.

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?

UNDERSIZED LOT BY 225 SQUARE FEET, REQUESTING
A VARIANCE TO BUILD TWO.

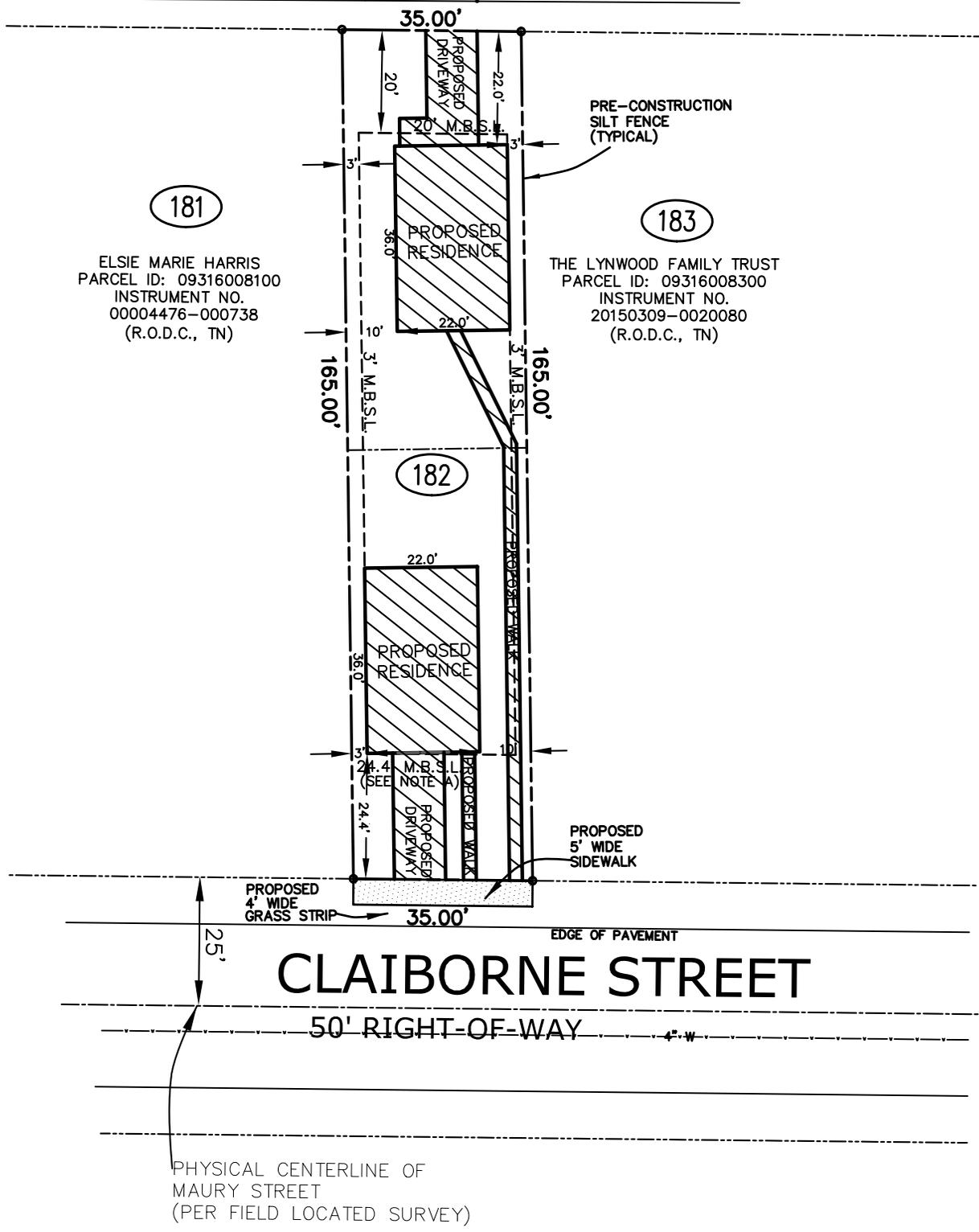
UNIT A WILL NEED A FRONT LOADING GARAGE
DOOR IF ALLOWED TO BUILD TWO, THIS ZONING
IS Rb-A, SO I WOULD NEED A VARIANCE
FOR THAT ALSO.



ALLEY # 95

20' RIGHT-OF-WAY

PB. 21, PG. 84-(R.O.D.C., TN)-10's



CLAIBORNE STREET

50' RIGHT-OF-WAY

PHYSICAL CENTERLINE OF MAURY STREET (PER FIELD LOCATED SURVEY)

SETBACKS

FRONT/STREET: SEE NOTE A

SIDE: 3'

REAR: 20'



SCALE: 1" = 30'

STORMWATER PLOT PLAN

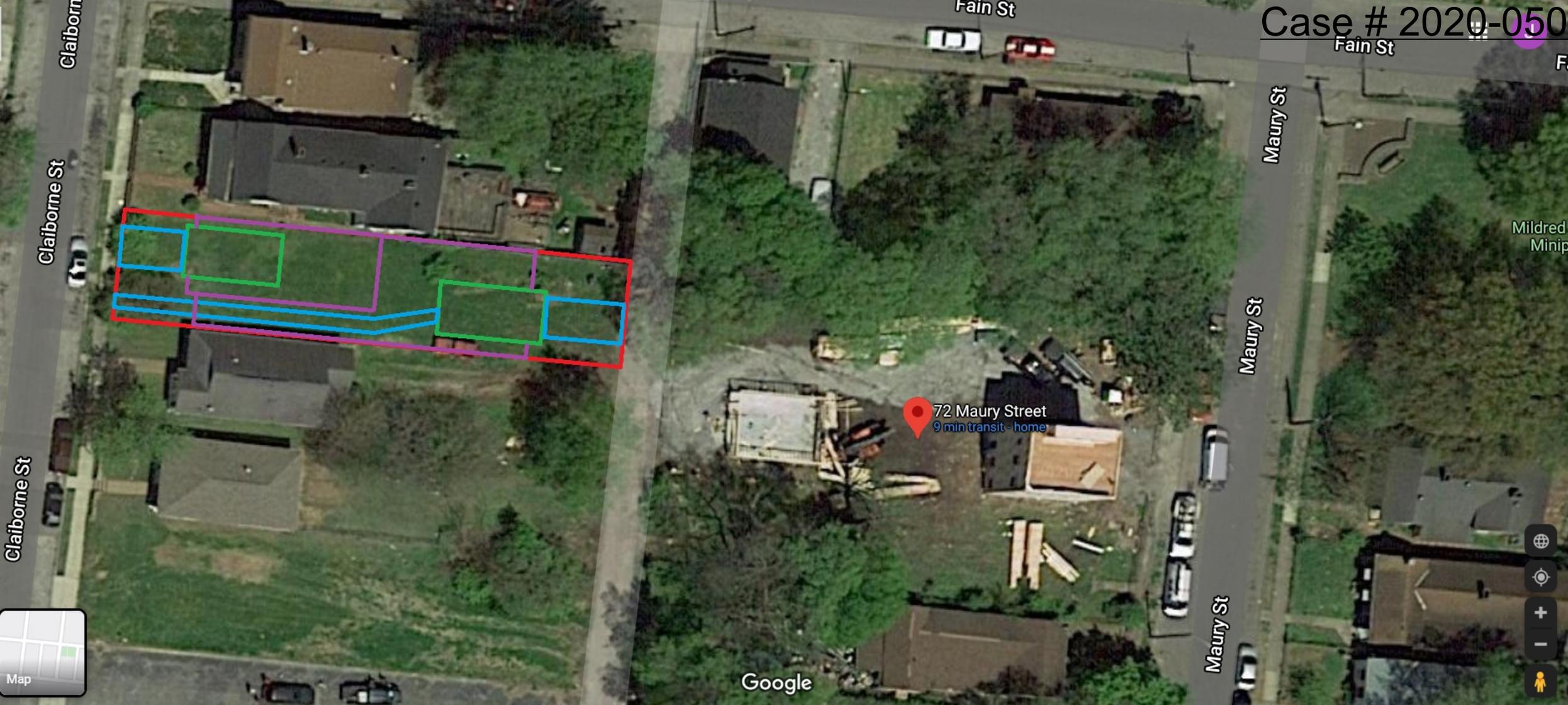
THIS PLOT PLAN WAS MADE FOR THE CONTRACTOR, PROPERTY OWNERS AND CODES DEPT. AND IS TO BE USED FOR OBTAINING THE BUILDING PERMIT ONLY. THIS PLAN IS NOT TO BE USED FOR A GENERAL PROPERTY SURVEY, MORTGAGE LOAN INSPECTION, OR A FOUNDATION INSPECTION SINCE NO IMPROVEMENTS EXIST AT THIS TIME.

OWNER: CREAM CITY DEVELOPMENT
ADDRESS: 91 CLAIBORNE STREET
CITY: NASHVILLE, DAVIDSON COUNTY, TENNESSEE
LOT #182

SUBD. PLAN OF MAURY AND CLAIBORNE'S ADDN.
RECORD: PLAT BOOK 21, PAGE 84 (R.O.D.C., TN)
RECORD: INSTRUMENT# 20040907-0107863 (R.O.D.C., TN)
SCALE: 1"=30' DATE: JANUARY 29, 2020
MAP: 93-16 PARCEL: 82.00 REVISED: JANUARY 29, 2020
DWG PATH: Drawings\2020-0053\dtproj\2020-0053-012920.dwg

H & H LAND SURVEYING INC.
612 A FITZHUGH BLVD.
SMYRNA, TENNESSEE 37167
PHONE: 615-355-6905 EMAIL: handhland@bellsouth.net
JOB: 2020-0053 DRAWN BY: MAA





Fain St

Maury St

Maury St

Maury St

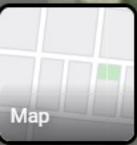
Claiborne St

Claiborne St

Claiborn

72 Maury Street
9 min transit - home

Google



Mildred
Minip

2020-050

Josh Hellmer, owner of Cream City Development, has informed me about the variances he has requested to build an HPR at 91 Claiborne Street.

- I understand that the square footage requirement to build an HPR is 6,000 square feet, and this property is only 5,775 square feet
- I understand that the R6-A zoning doesn't allow front parking, and that he is requesting a curb cut and front pull-in garage
- I understand that he will build these houses front to back, slightly offset, at the 3' side setback location
- I know that he built the HPR at 72 Maury Street, that I have seen the site survey for 91 Claiborne Street, and it is very similar in layout

By signing herein, I believe these houses will be good for the neighborhood, and I approve of the city granting Josh Hellmer his variances. Thanks.

Print	<u>Rickymoss</u>	Sign	<u>Rickymoss</u>	Address	<u>Maury 65B</u>
Print	<u>William Grice</u>	Sign	<u>William Grice</u>	Address	<u>60 Maury St,</u>
Print	<u>Ronald L. Booth</u>	Sign	<u>R. Booth</u>	Address	<u>92 Maury St.</u>
Print	<u>Vickie Graves</u>	Sign	<u>Vickie Graves</u>	Address	<u>95 Maury St</u>
Print	<u>Sharond Bradford</u>	Sign	<u>Sharond Bradford</u>	Address	<u>100 Maury St</u>
Print	<u>Roland Spencer</u>	Sign	<u>Roland Spencer</u>	Address	<u>118 Claiborne St</u>
Print	<u>JOSEPH R Hoskins</u>	Sign	<u>Joseph R Hoskins</u>	Address	<u>84 MAURY ST</u>
Print	<u>Amy JACKSON</u>	Sign	<u>Amy Jackson</u>	Address	<u>84 MAURY ST.</u>
Print	<u>Damaris Mejia</u>	Sign	<u>Damaris Mejia</u>	Address	<u>87 Claiborne st.</u>
Print	<u>Wesley Anderson</u>	Sign	<u>Wesley Anderson</u>	Address	<u>725 Maury St</u>
Print	<u>Betha Mulford</u>	Sign	<u>Betha Mulford</u>	Address	<u>76 Maury Street</u>
Print	<u>Brian Musser</u>	Sign	<u>Brian Musser</u>	Address	<u>72a Maury Street</u>
Print	_____	Sign	_____	Address	_____
Print	_____	Sign	_____	Address	_____
Print	_____	Sign	_____	Address	_____
Print	_____	Sign	_____	Address	_____
Print	_____	Sign	_____	Address	_____

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Duane Cuthbertson
Property Owner: Build Nashville
Representative: Duane Cuthbertson

Date: 1.7.2020
Case #: 2020-051
Map & Parcel: 13102009000

Council District 25

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

Purpose: to permit two dwellings closer to the public right-of-way.

Activity Type: Two-Family Residential

Location: 4115 Kimbark Dr.

This property is in the _____ 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: Street setback

Section(s): 17.12.030.C.3

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.

Duane Cuthbertson
Appellant Name (Please Print)

Same
Representative Name (Please Print)

1806 A Allison Pl.
Address

Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthbert@gmail.com
Email

Email

Zoning Examiner: _____

Appeal Fee: _____



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



3747486

**ZONING BOARD APPEAL / CAAZ - 20200001170
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 13102009000**APPLICATION DATE:** 01/07/2020**SITE ADDRESS:**

4115 KIMBARK DR NASHVILLE, TN 37215
LOT 62 COLONIAL HGTS RE-SUB

PARCEL OWNER: BUILD NASHVILLE DBH, LLC**CONTRACTOR:****APPLICANT:** duane cuthbertson
615-924-9618**PURPOSE:**

requesting variance to front setback requirements to construct 2 single family residences (hpr). requesting 20' front setback, street average requirements +/- 40.

*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

1.7.2020
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.

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.

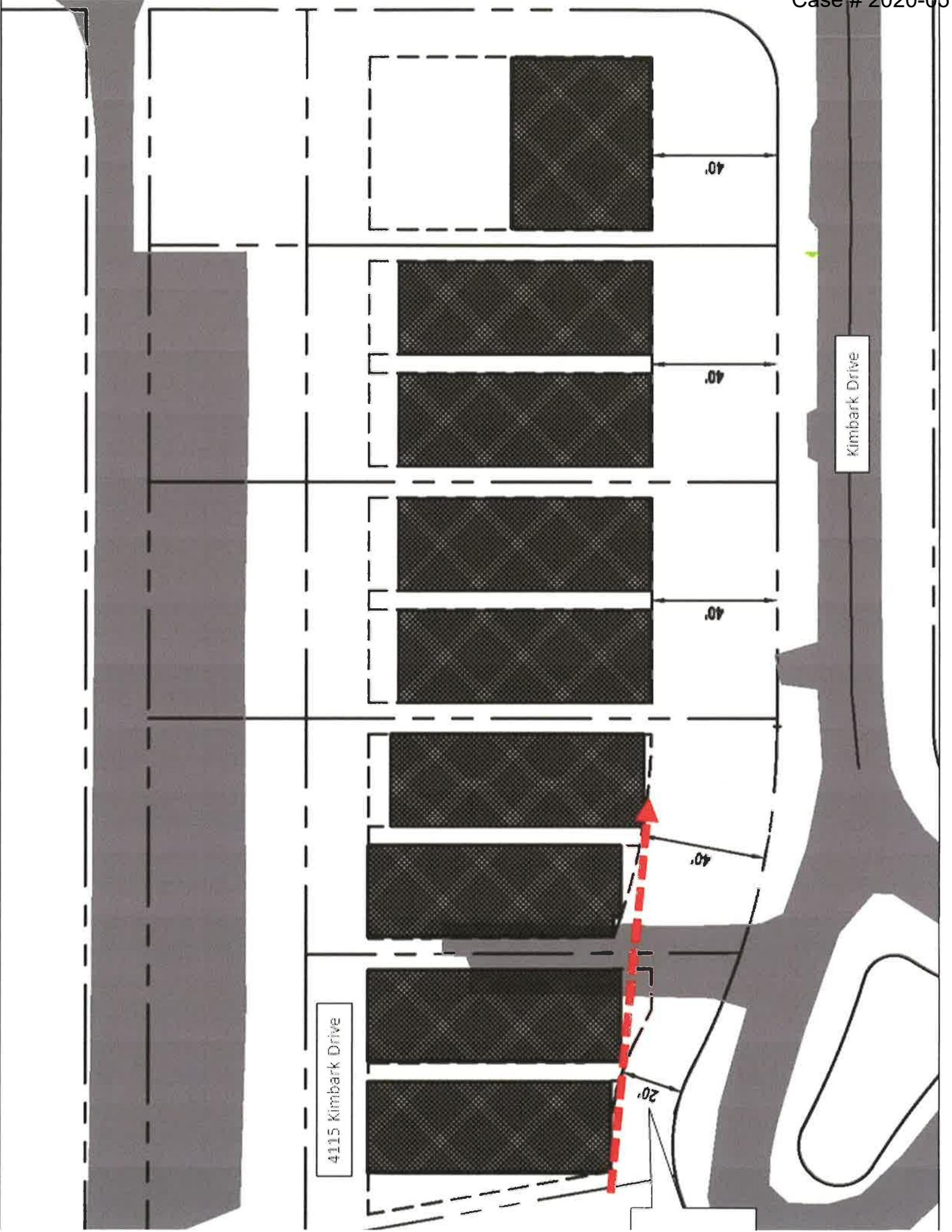
The Board cannot grant a variance based solely on inconvenience to the applicant or solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively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

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

This lot is shallow relative to all others
lots in the same block.

The front property line shifts into the property.

Two homes are already permitted on the property.
The variance will allow the two homes to be
constructed at a height and placement ~~to~~ on
the property consistent with all others being
constructed on the same block.



4115 Kimbark Drive

Kimbark Drive

40'

40'

40'

40'

20'



4115 Kimbark Drive – Setback Reduction from 40' to 20'

The setback will enable the homes at two stories – architectural consistency with the remainder of the developing block.



4115 Kimbark Drive

Kimbark Drive – 5 Lots / 10 Units

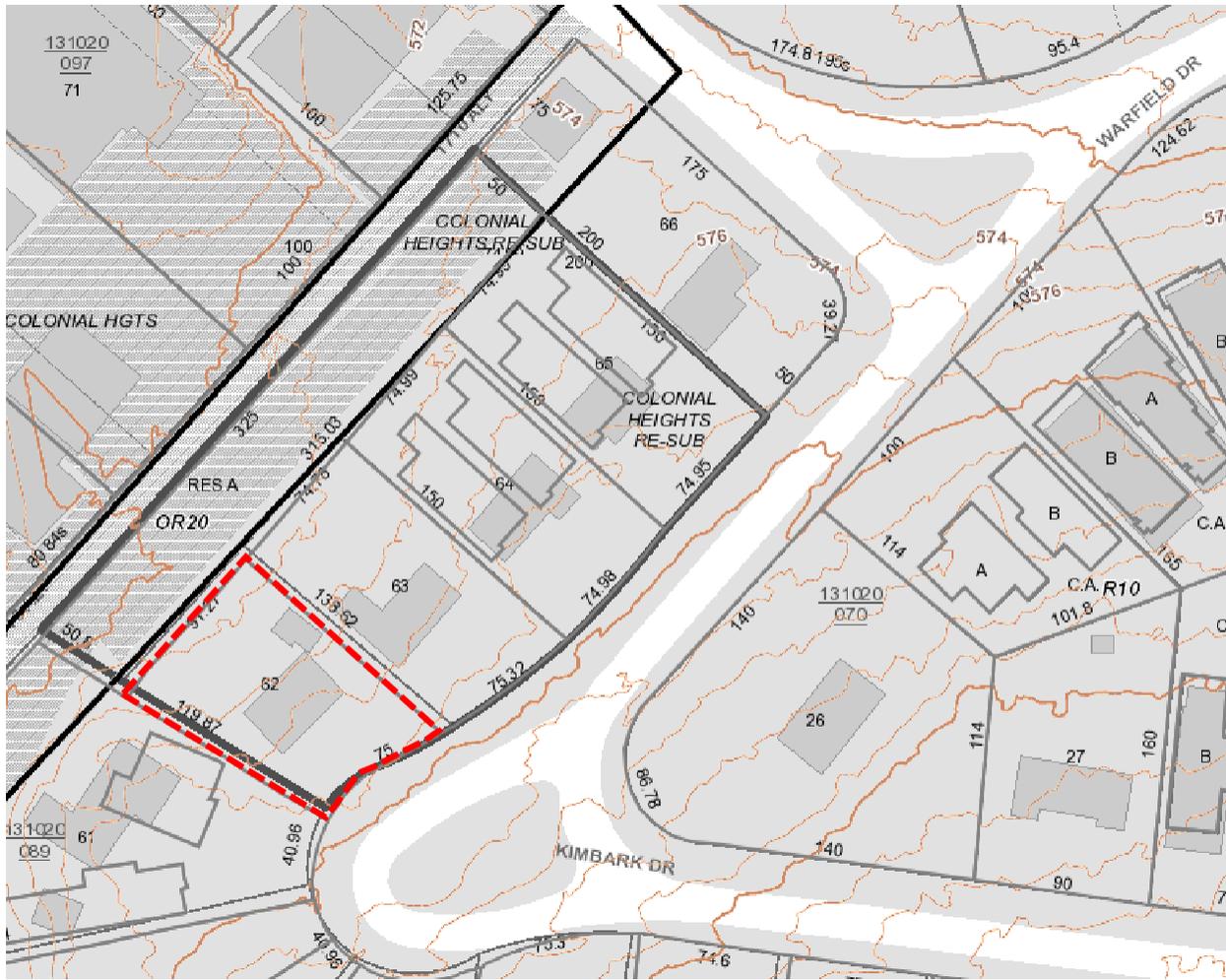
BZA Case No. 2020-051
 4115 Kimbark Drive
 Variance of street setback

Nashville Board of Zoning Appeals

Agenda Date: February 20, 2020

Case No. 2020-051

Address: 4115 Kimbark Drive



4115 Kimbark Drive

Request: Variance of the street setback from Kimbark Drive.

Purpose: To allow the proposed homes on the property to align with others being constructed on the same block face (to the northeast (right)). The applicant / owner of the subject property also owns and is developing the four lots to the northeast (right).

The Variance of the street setback will reduce the distance of the two homes on the subject property from the street - from a code required 40' down to 20'. Due to the shape of the lot at the frontage, the requested reduction will allow the proposed homes to align with those being constructed on this same block face to the left of the property.

Zoning Requirement / Intent: The Code requires an 'average' street setback in residential districts. The 'average' street setback is established by measuring the 4 closest homes on the same blockface. In this instance, the subject lot is part of the blockface to the northeast (the 4 homes to the right). The average street setback of the 4 homes to the right is 40'.

The homes to the southwest (left) in the cul-de-sac are on lots that are very unique in shape and belong to the blockface to the east.

The street setback is intended to create continuity along a given blockface/streetscape, to create and maintain a uniform pattern.

Analysis:

The subject property is part of a five lot redevelopment – including the four lots to the northeast, all the way to Warfield Drive. Each of the five lots is under common ownership. Each lot is duplex eligible and will accommodate two new homes that front Kimbark Drive. The average setback requirement for each lot is 40'.

Two of the new homes are currently under construction on a lot closer to Warfield.

The subject property, while part of the block to the northeast contains an abnormal shape along the frontage on account of the uniquely shaped cul-de-sac. The frontage is pushed back from the predominant street alignment of Kimbark Drive. The pushed back frontage reduces the depth of the lot as well makes it considerably more shallow than the other lots on the same block.

The intent of the Variance is to allow the two new homes on the subject lot to align with the other homes being constructed on this blockface – to create a consistency along this blockface as experienced from Kimbark Drive.

BZA Case No. 2020-051
4115 Kimbark Drive
Variance of street setback



The proposed setback will allow the new homes to align with the emerging blockface while still allowing for some transition into the cul-de-sac.

Additionally, the lot is shallow compared to others on this blockface. The proposed homes are intended to be of a size that is common for this Green Hills neighborhood. The reduced depth of the subject lot would require three story homes in order to create a living space comparable to those found in the surrounding area. The variance requested will allow the proposed homes to be constructed at two stories in height – again, maintaining consistency with those being constructed on this block face.

BZA Case No. 2020-051
4115 Kimbark Drive
Variance of street setback



Proposed homes without the Variance



Proposed homes with the Variance

BZA Case No. 2020-051
4115 Kimbark Drive
Variance of street setback

Unique Circumstances:

1. The subject property is part of a blockface that, but for this property has a consistent frontage line along Kimbark Drive;
2. The subject property has a frontage line that pushes back into the subject property away from the predominant frontage line of Kimbark Drive;
3. The unique shape of the subject property's frontage creates a shallow depth compared to others on this blockface.

Conditions:

The applicant is willing to condition approval of the variance to a two story building height limit for both homes.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Duane Cuthbertson
Property Owner: Patel
Representative: Same as App.

Date: 1-6-20
Case #: 2020- 152 updated
Map & Parcel: 08202005800
08202009100

Council District 5

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

Purpose: a special exception building height requirement in CL district.

Activity Type: Mixed Use
Location: 1009 + 1013 Dickerson Pike

This property is in the CL 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: Proposed mixed use building at 50'-2" maximum height.

Section(s): 17.12.020C (Note 6)

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.

Duane Cuthbertson
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

1806 A Allison Pl.
Address

Address

Nashville, TN 37203
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

Email

Zoning Examiner: CH

Appeal Fee: \$200



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



3746967

**ZONING BOARD APPEAL / CAAZ - 2020000804
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08202005800**APPLICATION DATE:** 01/06/2020**SITE ADDRESS:**

1009 DICKERSON PIKE NASHVILLE, TN 37207
LOTS 3 & 4 H H BROWN SUB

PARCEL OWNER: PATEL, NANU T & MANJU**CONTRACTOR:**

APPLICANT: Duane Cuthbertson
1806 A Allison Place
Nashville, TN 37203 615-924-9618

PURPOSE:

requesting variance for height. Requesting to building 50'2" at setback. 30' at setback is the current maximum.

*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.)

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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

1.6.20

DATE

Standards for a Variance

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

Lots are considerably shallow provided factors including:

- Dickerson Pike South Plan encouragement for transit supportive density; (including 4 story bldgs)
- Significant ROW dedications; Street and alley
- Site development requirements resulting in MDHA approved layout including parking, stormwater & landscaping.

Property is located in MDHA Redevelopment district that encourages revitalizing and transit supportive intensity in appropriately designed form.

MDHA will review proposed building's design - including Building Height for appropriateness.

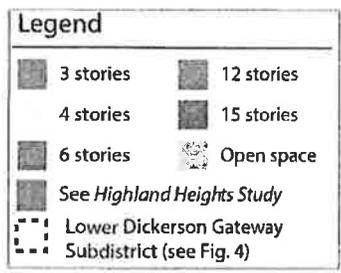
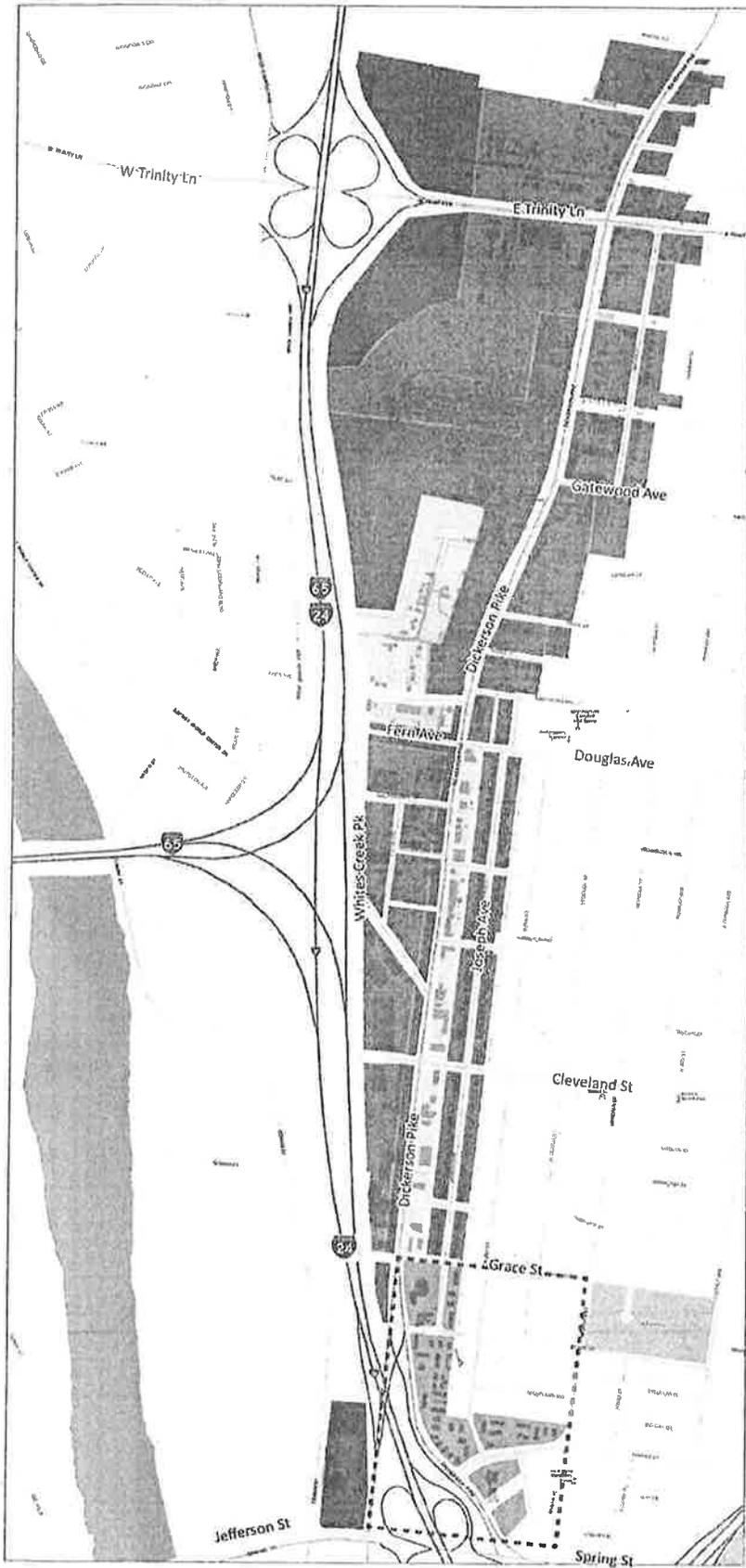
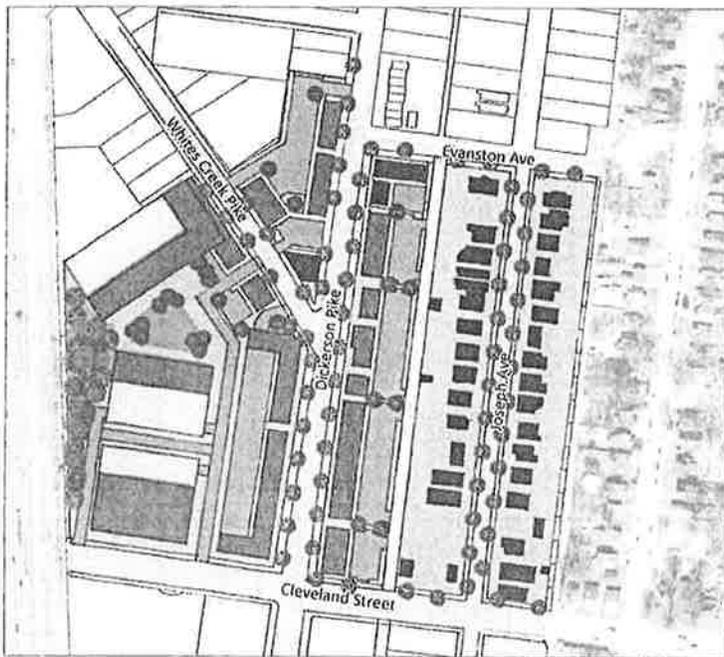


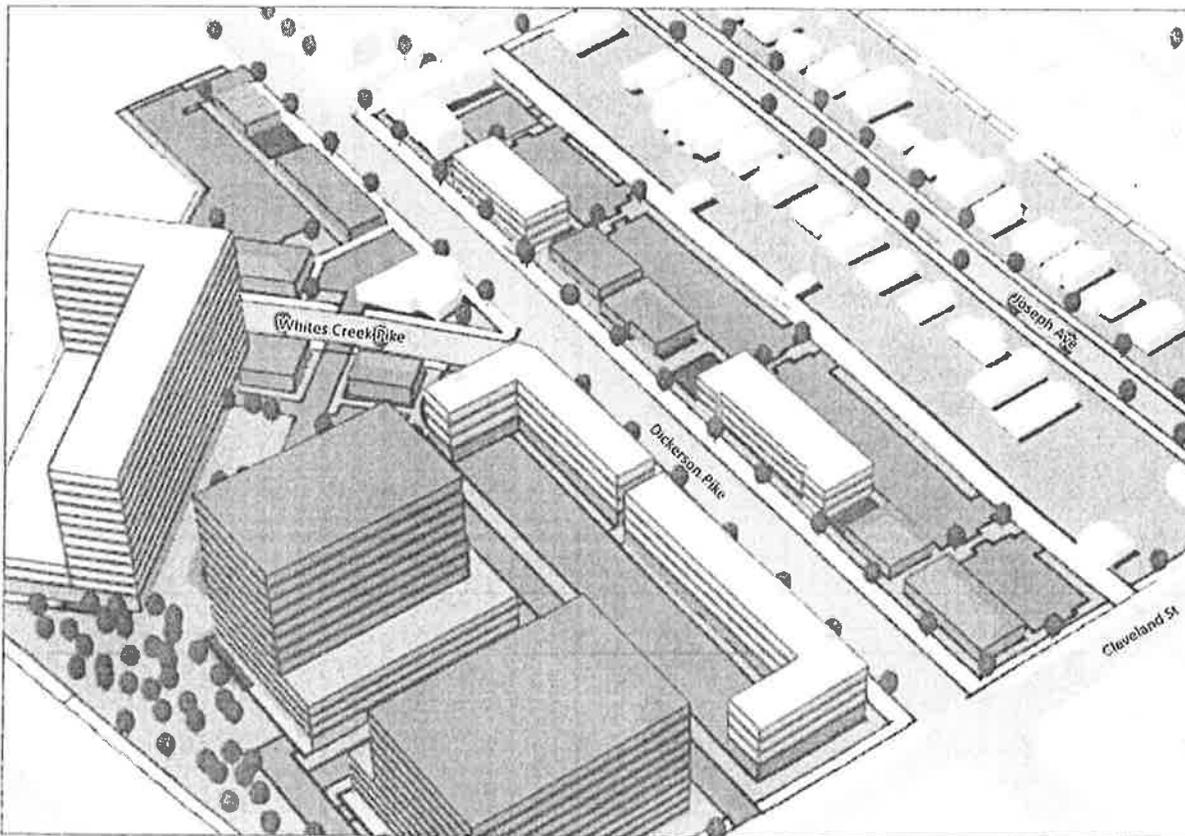
Fig. 3: Supplemental Policy Building Height Subdistricts

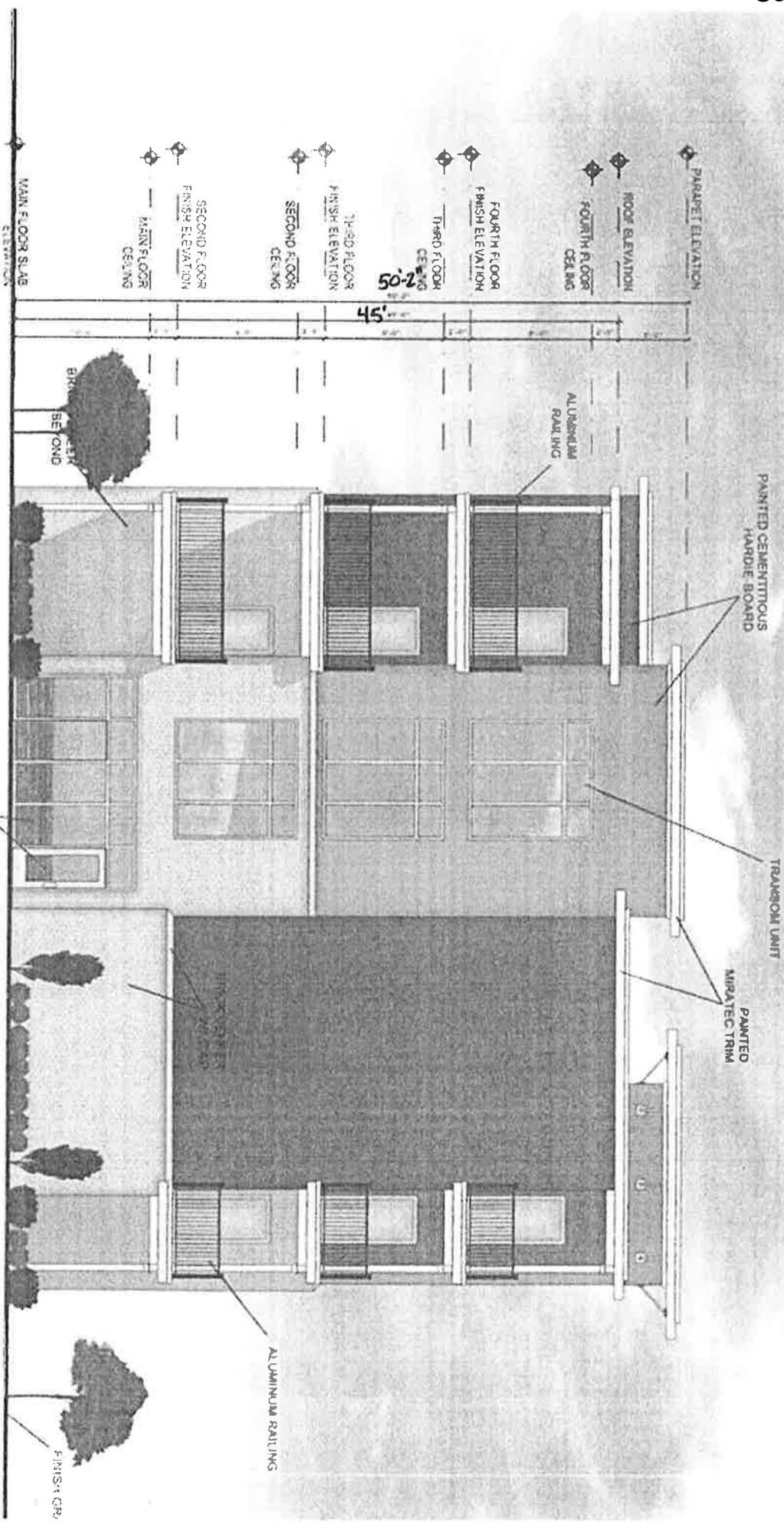


Cleveland/Whites Creek

The Cleveland/Whites Creek scenario envisions a commercial node at the intersection of Dickerson Pike and Whites Creek Pike. Buildings along Dickerson Pike range in height between one and four stories on the east side of Dickerson and one to six stories on the west side. Development adjacent to the interstate accommodates taller buildings with larger footprints. Development on the east side of Dickerson Pike relates to the neighborhood in terms of scale and height. Cleveland Street connects to River North west of the interstate and development responds accordingly to the design of the street.

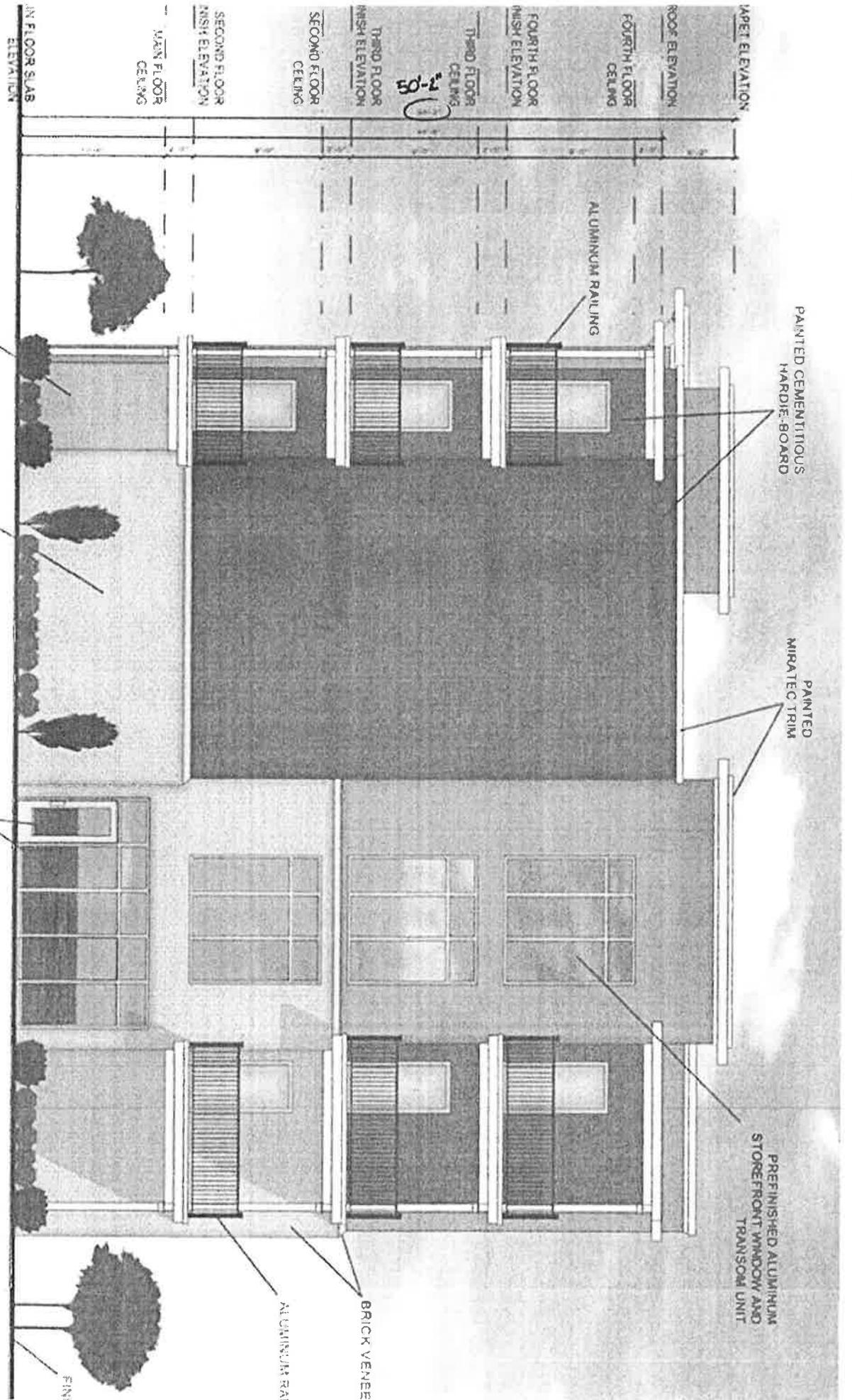
Cleveland/Whites Creek plan view (above) and perspective view (below)





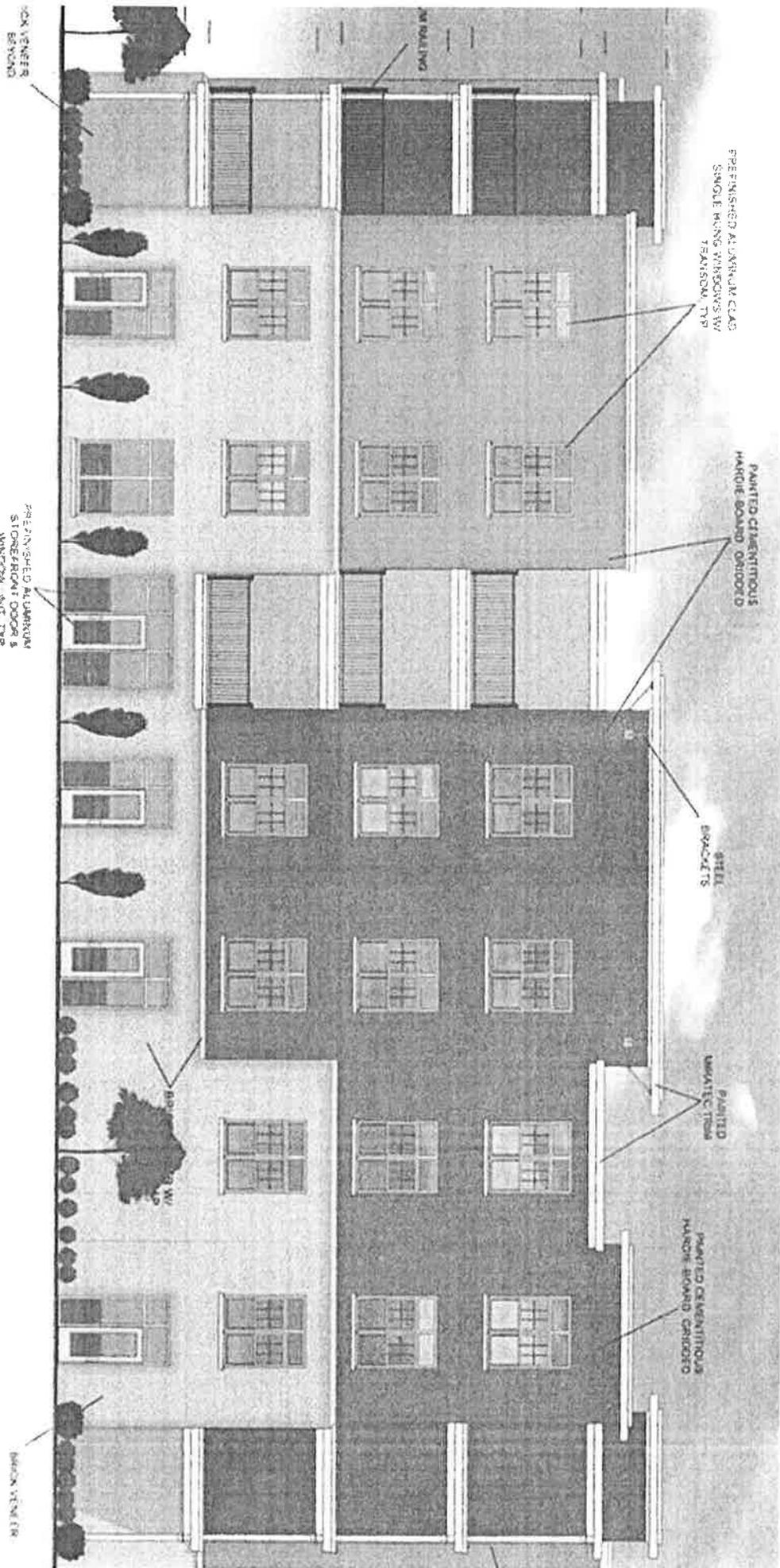
LEFT ELEVATION

SCALE: 3/16" = 1'-0"



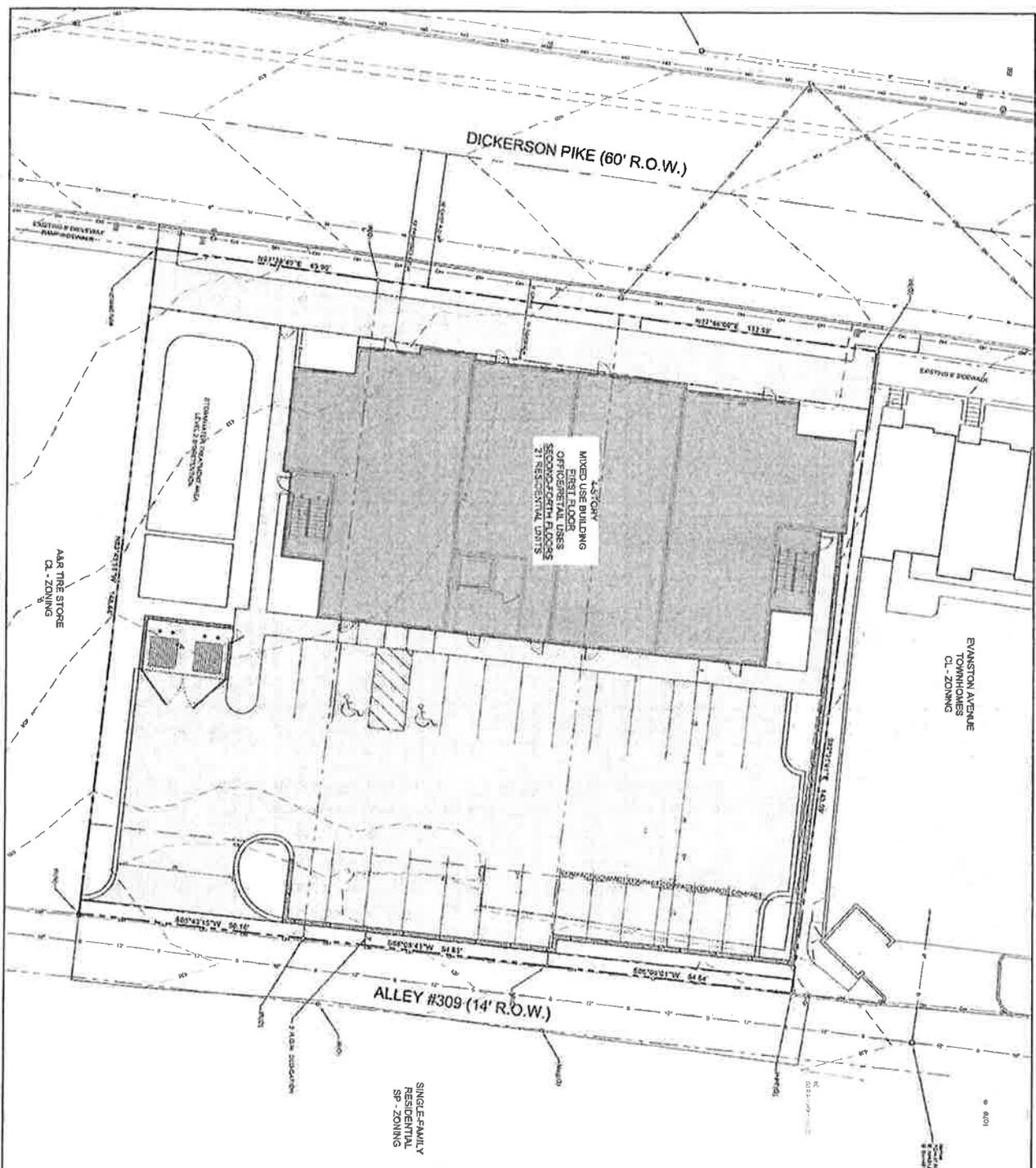
RIGHT ELEVATION

SCALE: 3/16" = 1'-0"



REAR ELEVATION

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



SITE DATA TABLE	
APPLICABLE ZONING	COMMERCIAL & RESIDENTIAL
PROJECT NAME	NEW COMMERCIAL/RESIDENTIAL DEVELOPMENT
PROJECT OWNER	WAMBLE & ASSOCIATES
PROJECT ARCHITECT	WAMBLE & ASSOCIATES
PROJECT ENGINEER	WAMBLE & ASSOCIATES
PROJECT LANDSCAPE ARCHITECT	WAMBLE & ASSOCIATES
PROJECT CIVIL ENGINEER	WAMBLE & ASSOCIATES
PROJECT ELECTRICAL ENGINEER	WAMBLE & ASSOCIATES
PROJECT MECHANICAL ENGINEER	WAMBLE & ASSOCIATES
PROJECT PLUMBING ENGINEER	WAMBLE & ASSOCIATES
PROJECT STRUCTURAL ENGINEER	WAMBLE & ASSOCIATES
PROJECT TRAFFIC ENGINEER	WAMBLE & ASSOCIATES
PROJECT ENVIRONMENTAL ENGINEER	WAMBLE & ASSOCIATES
PROJECT HISTORIC PRESERVATION	WAMBLE & ASSOCIATES
PROJECT ARCHITECTURAL RENDERING	WAMBLE & ASSOCIATES
PROJECT PHOTOGRAPHY	WAMBLE & ASSOCIATES
PROJECT VIDEOGRAPHY	WAMBLE & ASSOCIATES
PROJECT SIGNAGE	WAMBLE & ASSOCIATES
PROJECT FURNITURE	WAMBLE & ASSOCIATES
PROJECT LIGHTING	WAMBLE & ASSOCIATES
PROJECT SOUND	WAMBLE & ASSOCIATES
PROJECT SECURITY	WAMBLE & ASSOCIATES
PROJECT ACCESSIBILITY	WAMBLE & ASSOCIATES
PROJECT ENERGY	WAMBLE & ASSOCIATES
PROJECT SUSTAINABILITY	WAMBLE & ASSOCIATES
PROJECT COMMUNITY	WAMBLE & ASSOCIATES
PROJECT CULTURAL	WAMBLE & ASSOCIATES
PROJECT ECONOMIC	WAMBLE & ASSOCIATES
PROJECT ENVIRONMENTAL	WAMBLE & ASSOCIATES
PROJECT HEALTH	WAMBLE & ASSOCIATES
PROJECT HOUSING	WAMBLE & ASSOCIATES
PROJECT INFRASTRUCTURE	WAMBLE & ASSOCIATES
PROJECT LAND	WAMBLE & ASSOCIATES
PROJECT LEGAL	WAMBLE & ASSOCIATES
PROJECT MANAGEMENT	WAMBLE & ASSOCIATES
PROJECT MARKETING	WAMBLE & ASSOCIATES
PROJECT OPERATIONS	WAMBLE & ASSOCIATES
PROJECT PLANNING	WAMBLE & ASSOCIATES
PROJECT POLICY	WAMBLE & ASSOCIATES
PROJECT PROGRAM	WAMBLE & ASSOCIATES
PROJECT PROJECT	WAMBLE & ASSOCIATES
PROJECT PUBLIC	WAMBLE & ASSOCIATES
PROJECT REGIONAL	WAMBLE & ASSOCIATES
PROJECT SAFETY	WAMBLE & ASSOCIATES
PROJECT SERVICES	WAMBLE & ASSOCIATES
PROJECT SOCIAL	WAMBLE & ASSOCIATES
PROJECT SPECIAL	WAMBLE & ASSOCIATES
PROJECT STATE	WAMBLE & ASSOCIATES
PROJECT STUDY	WAMBLE & ASSOCIATES
PROJECT SYSTEMS	WAMBLE & ASSOCIATES
PROJECT TECHNOLOGY	WAMBLE & ASSOCIATES
PROJECT TRAFFIC	WAMBLE & ASSOCIATES
PROJECT TRANSPORTATION	WAMBLE & ASSOCIATES
PROJECT UTILITIES	WAMBLE & ASSOCIATES
PROJECT VISUAL	WAMBLE & ASSOCIATES
PROJECT WATER	WAMBLE & ASSOCIATES
PROJECT WEATHER	WAMBLE & ASSOCIATES
PROJECT WASTE	WAMBLE & ASSOCIATES
PROJECT WORK	WAMBLE & ASSOCIATES
PROJECT ZONING	WAMBLE & ASSOCIATES

PRELIMINARY SITE PLAN
New Commercial/Residential Development
1003 Dickerson Pike
 WADSWORTH, BARBERSHOP COUNTY, ILLINOIS 60181
 OWNER AND DEVELOPER
 Neil Patel

WAMBLE & ASSOCIATES
 ARCHITECTS
 1003 Dickerson Pike
 Wadsworth, IL 60181
 (708) 401-1111
 www.wamble.com

C-1.0

DATE: 11/11/2020
 SCALE: AS SHOWN
 DRAWN BY: [Name]
 CHECKED BY: [Name]

BZA Case No. 2020-052
1009 / 1013 Dickerson Pike
Special Exception to increase the building height at the street setback

Nashville Board of Zoning Appeals

Agenda Date: February 20, 2020

Case No. 2020-052

Address: 1009 / 1013 Dickerson Pike



1009 / 1013 Dickerson Pike

Request: Special Exception to increase the building height at the street setback.

Purpose: To allow a four story building in 52' to be constructed at the street setback along Dickerson Pike.

The Special Exception will allow for a new building to be constructed up to the 15' street setback at a total of four stories in 52'. The four occupiable floors will rise up to 45' however architectural and mechanical enclosures at the top of the building will bring the total height to 52' at the building façade.

The building is proposed as a mixed use building containing a mix of commercial and office uses along the ground floor and up to 21 residential dwellings on the floors above.

The site plan and elevation presented to the BZA meet all other zoning requirements.

The site is located in an **MDHA Redevelopment District** and will require site plan approval, after the BZA hearing. Any approval by the BZA should be conditioned with MDHA Design Review approval and should allow for deviations as directed by the MDHA Design Review Committee.

Zoning Requirement / Intent: The subject property is zoned CL (Commercial Limited). That zoning district permits a range of commercial, office and residential uses.

The zoning code limits building height in the CL zoning district to a maximum of 30' at the street setback and then allows a height plane ratio of 1.5' (vertical) for every 1' (horizontal). For example, a building may rise an additional 15 feet if that portion of the building is setback an additional 10 feet from the street setback.

The zoning code provides for exceptions to the building height maximum in the CL zoning district; recognizing that in some cases additional building height at the street setback may be appropriate. The Board of Zoning Appeals is the entity capable of determining when/ where additional height is appropriate.

The intent of the zoning code is to ensure that commercial buildings are at appropriate heights given the surrounding context. Factors including the width of the commercial street (to allow sufficient light and air into the corridor) and proximity to potentially sensitive uses such as single-family homes typically determine the appropriateness of the scale of development along a commercial corridor. For example, it may not be appropriate for a building to rise more than 30' at the street setback if that street is particularly narrow and leads into a lower intensity residential neighborhood...i.e. Douglas Avenue to the north.

BZA Case No. 2020-052
 1009 / 1013 Dickerson Pike
 Special Exception to increase the building height at the street setback

Analysis:

The subject property is located along an intense commercial corridor on which Metro is attempting to encourage intense redevelopment.

The Dickerson Pike Right-of-Way (ROW) is relatively wide in front of the subject property – currently containing 60' of ROW. The proposed development will dedicate an additional 13' of ROW bringing the total to 73'. If and when properties on the other side of Dickerson redevelop they will be required to dedicate 13' of additional ROW as well bringing the total ROW to 86'.

The proposed building, at four stories in a total of 52' will not impose oppressive conditions on the corridor such as excessive shadows and inconsistent scale. On the contrary, from an urban design perspective, the proposed building will complement the width of the street by creating a proportional edge.

Further, the proposal to establish commercial uses on the ground floor will activate the sidewalk and contribute positively to the experience for all though particularly for those not in automobiles.

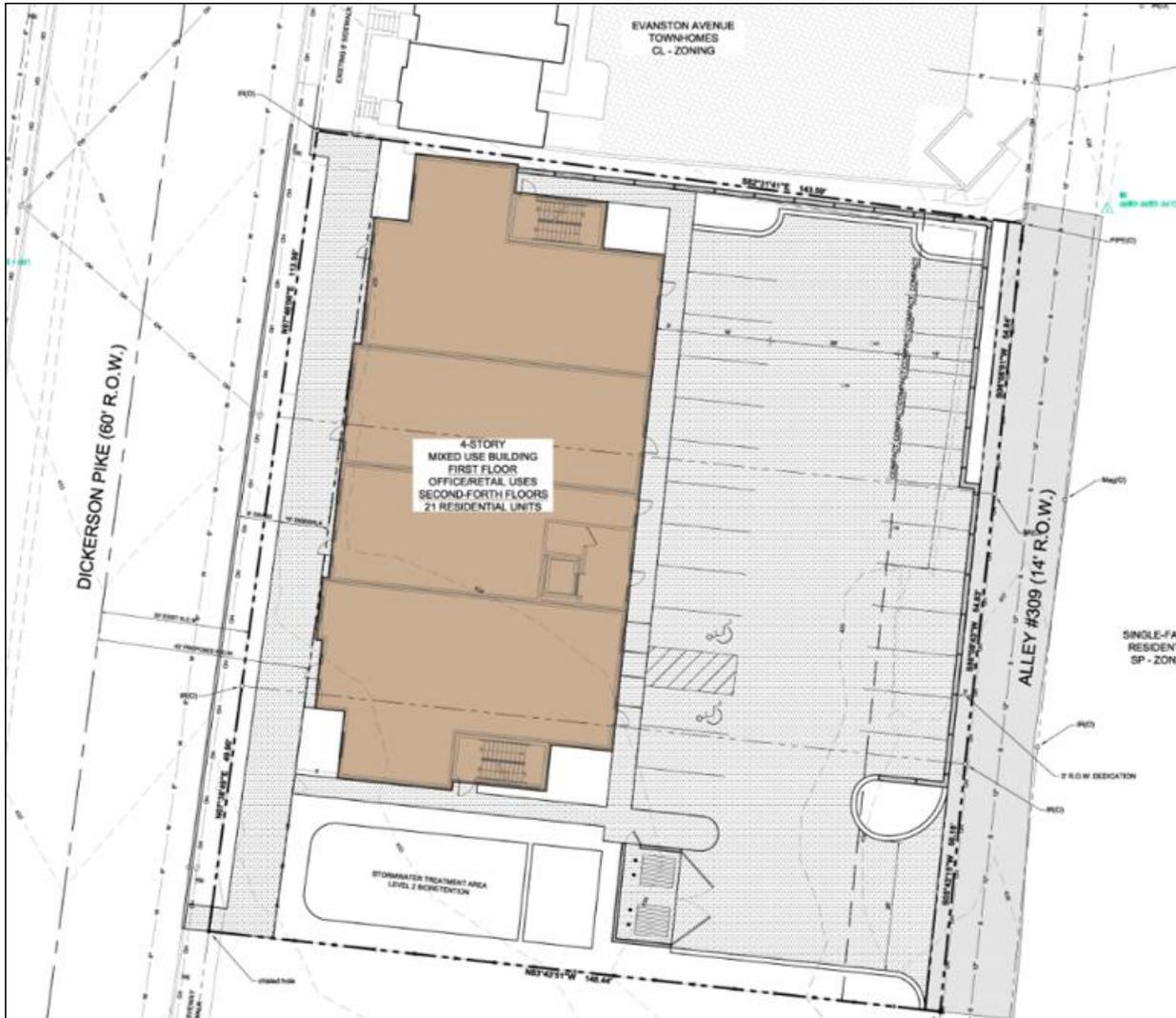


The building is proposed to be positioned up to the 15' street setback. The intent is to maximize the use of the property while keeping the massing of the structure as far as possible from the residential neighborhood to the east. Sufficient surface

BZA Case No. 2020-052
 1009 / 1013 Dickerson Pike
 Special Exception to increase the building height at the street setback

parking and landscaping are proposed in between the building and the neighborhood.

Additionally, the proposed development is intended to considerably improve conditions along the Dickerson Pike corridor by eliminating existing curb cuts and extending a wide sidewalk along the entirety of the frontage.



Site Plan for 1009 / 1013 Dickerson Pike

BZA Case No. 2020-052
 1009 / 1013 Dickerson Pike
 Special Exception to increase the building height at the street setback

The proposed height exception will allow for a small portion of the proposed building to exceed the height plane ratio. At a proposed 52' total the Code would require the building to be setback an additional 14.6'.

The proposed building floor area could be constructed within that building envelope however it would be pushed back into the site closer to the residential neighborhood to the east.



The site is located within the Dickerson South Corridor Study area. The study was a very recent public effort conducted by the Planning Department to consider community efforts and standards to improve the corridor.

The Study specifically provides for an 'appropriate building height' schedule. The subject property is located within a subdistrict that considers a full four stories as appropriate. **The Special Exception request and the proposed mixed use building are consistent with the Dickerson South Corridor Study.**

BZA Case No. 2020-052
1009 / 1013 Dickerson Pike
Special Exception to increase the building height at the street setback

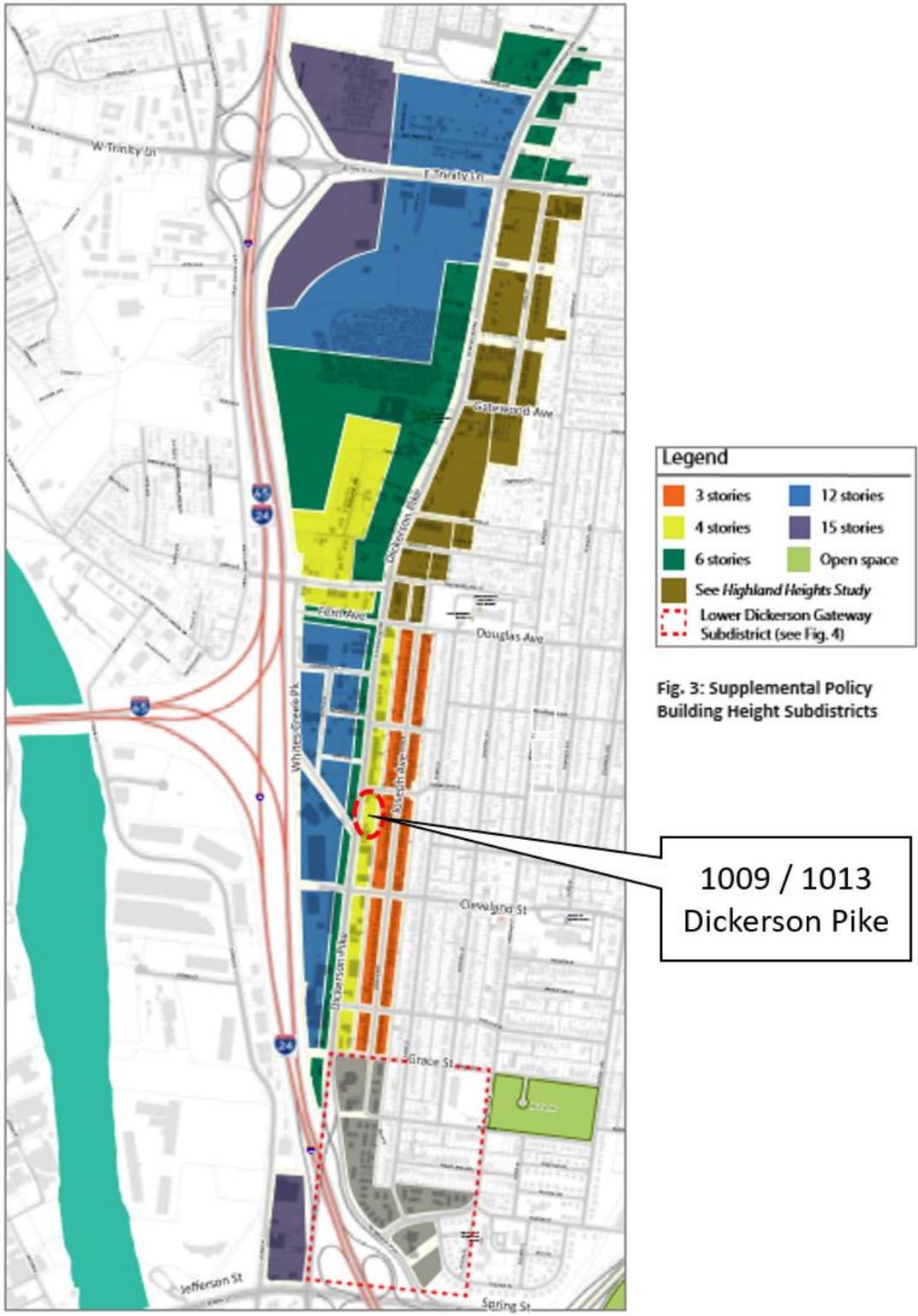


Fig. 3: Supplemental Policy Building Height Subdistricts

1009 / 1013
Dickerson Pike

Considerations:

BZA Case No. 2020-052
1009 / 1013 Dickerson Pike
Special Exception to increase the building height at the street setback

1. The site is located on an intense redeveloping corridor;
2. The Dickerson Pike Corridor contains a relatively wide Right-of-Way (Street width) in front of the subject property;
3. The redevelopment of the site will increase the ROW width by 13 feet;
4. The area of the building subject to the special exception and exceeding the height plane ratio is relatively small;
5. The Special Exception will allow for the entirety of the proposed building to remain sufficiently separated from the residential district to the east;
6. The proposed 4 story building is supported by recent public Planning efforts (Dickerson Pike Corridor South study);
7. The proposed building height will improve and compliment the form of the Dickerson Pike corridor by creating proportional shape at the edge.

Conditions:

As the site is located within a MDHA Redevelopment District the proposed building and site plan are subject to Design Review Committee approval. Any approval by the BZA should allow for minor deviations as directed by MDHA's Design Review Committee.

From: [Gregory, Christopher \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Ammarell, Beverly \(Public Works\)](#); [Milligan, Lisa \(Planning\)](#); [Sewell, Marty \(Planning\)](#); [Birkeland, Latisha \(Planning\)](#)
Subject: BZA Case 2020-052
Date: Thursday, February 13, 2020 11:27:17 AM

2020-052 1009 Dickerson Pike Special Exception for Building Height on Mixed-Use Building

Variance: 17.12.020 C

Response: Public Works takes no exception on 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. Prior to permit approval, a traffic study may be required for this development.

-----Original Message-----

From: Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>
Sent: Monday, February 10, 2020 8:18 AM
To: Milligan, Lisa (Planning) <Lisa.Milligan@nashville.gov>; Sewell, Marty (Planning) <Marty.Sewell@nashville.gov>; Birkeland, Latisha (Planning) <Latisha.Birkeland@nashville.gov>
Cc: Gregory, Christopher (Public Works) <Christopher.Gregory@nashville.gov>
Subject: Emailing: 2020-052 application updated

2020-052 special exception on our docket for 2/20/20



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

Appellant: James Shadburne Date: 12-16-19
 Property Owner: James Shadburne Case #: 2020-033
 Representative: James Shadburne Map & Parcel: 11506000300
 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: To obtain a STRP permit
 Activity Type: Short Term Rental
 Location: 979 Windrowe Dr.

This property is in the RS40 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 STRP 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: James Shadburne Representative: Same
 Phone Number: 615 852-1420 Phone Number: _____
 Address: 979 Windrowe Dr. Address: _____
Nashville, TN 37205 _____
 Email address: jimshadburne@yahoo.com Email address: _____

Appeal Fee: \$100.00

P.D.K.



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



3741653

**ZONING BOARD APPEAL / CAAZ - 20190076713
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 11506000300**APPLICATION DATE:** 12/16/2019**SITE ADDRESS:**

979 WINDROWE DR NASHVILLE, TN 37205
LOT 19 SEC 2 WEST MEADE HILLS

PARCEL OWNER: SHADBURNE, JAMES E. & JULIE A.**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.

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

12/17/2019
DATE



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.

12/17/2019

Rental Unit Record

979 Windrowe Dr, Nashville, TN 37205, USA

Removed ✕
Identified ✓
Compliant ✓

PRINT

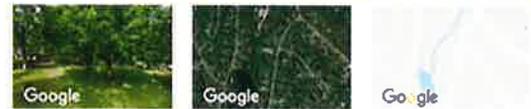
SEND A LETTER

Listing(s) Information

Airbnb - 35827070



Rental Unit Information



Identified Address

979 Windrowe Dr, Nashville, TN 37205, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.118069, -86.903640

Parcel Number

11506000300

Owner Name

SHADBURNE, JAMES E. & JULIE A.

Owner Address

979 WINDROWE DR
NASHVILLE, TN 37205, US

Matched Details

Analyst BQDE

Explanation

The exterior of the house and interior in a zillow listing matches the pictures in the listing. The owner's name also matches the listing.

Listing Photos



Matching exterior.

Matching 3rd Party Sources



Zip Code Match

Owner Name Match

City Name Match

Timeline of Activity

View the series of events and documentation pertaining to this property

✕ Listing air35827070 Removed December 11th, 2019

Listing Details

Listing URL	- https://www.airbnb.com/rooms/35827070
Listing Status	● Inactive
Host Compliance Listing ID	- air35827070
Listing Title	- Park-like setting but only minutes from downtown!
Property type	- House
Room type	- Private room
Listing Info Last Captured	- Dec 08, 2019
Screenshot Last Captured	- Dec 10, 2019
Price	- \$75/night
Cleaning Fee	- \$0

-  **5 Documented Stays**
November, 2019
-  **Listing air35827070 Identified**
November 11th, 2019
-  **Listing air35827070 First Crawled**
November 5th, 2019
-  **Listing air35827070 First Activity**
November 5th, 2019

Information Provided on Listing

Contact Name	- Julie
Latitude, Longitude	- 36.118840, -86.904830
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 4
Max Number of People per Bedroom	- 4
Number of Reviews	- 5
Last Documented Stay	- 11/2019

Listing Screenshot History

 [View Latest Listing Screenshot](#)

October 0

November 5

December 3



Park like setting but only minutes from downtown

4 Beds, 3 Baths, 2,500 sq ft, \$450,000

Call for details or to schedule a viewing. Contact: [Redacted]

Property description: This is a beautiful home in a park-like setting...

Location: [Redacted]

Features: [Redacted]

Additional information: [Redacted]

Map view: [Redacted]

Similar properties: [Redacted]

Open house: [Redacted]

Agent information: [Redacted]

Disclaimer: [Redacted]

Footer: [Redacted]

Property details: [Redacted]

Rental Unit Record

979 Windrowe Dr, I
37205, USA
979 Windrowe
Dr, Nashville, TN
37205, USA

access to the interstate
The space
Owner lives in home but guest have private entrance located at the back of the house and guest section of the home is divided from other living space by a secured door.
December 10, 2019 - 10:49AM America/Chicago
Hide

Contact host

Screenshots
Listing(s) Information

December 10, 2019 -
10:49AM America/Chicago
airbnb.com

December 07, 2019 -
05:26AM America/Chicago
airbnb.com



X

Amenities

Basic

Wi-Fi
Continuous access in the listing

Iron

Laptop friendly workspace
A table or desk with space for a laptop and a chair that's comfortable to work in

TV

Dryer
In the building, free or for a fee

Washer
In the building, free or for a fee

Essentials
Towels, bed sheets, soap, and toilet paper

Heating
Central heating or a heater in the listing

Air conditioning

Facilities

Free parking on premises

Guest access

Keypad
Check yourself into the home with a door code

Private entrance
Separate street or building entrance

Bed and bath

11506000300

Owner Name

SHADBURNE, JAMES E. & JULIE A.

Owner Address

979 WINDROWE DR
NASHVILLE, TN 37205, US

Timeline of Activity

View the series of events and documentation pertaining to this property

Matched Details

Analyst

Explanation

The exterior of the house and interior in a zillow listing matches the pictures in the listing. The owner's name also matches the listing.

Listing Photos



Matching exterior.

Matching 3rd Party Sources



Zip Code Match

Owner Name Match

City Name Match

Listing air35827070 Removed
December 11th, 2019

Print

Download

Listing Details

5 Documented Stays
November, 2019

Listing air35827070 Identified

Close

Listing URL

https://www.airbnb.com/rooms/35827070

Listing Status

access to the interstate.

The space

Owner lives in home but guest have private entrance located at the back of the house and guest section of the home is divided from other living space by a secured door.

December 10, 2019 - 10:49AM America/Chicago

Contact host

Host Compliance Listing ID

979 Windrowe

Listing Title

Dr. Nashville, TN
37205, USA

Property type

Screenshots

Room type

December 10, 2019 -
10:49AM America/Chicago

Listing info last captured

December 07, 2019 -
05:29AM America/Chicago
www.airbnb.com

Price

December 03, 2019 -
08:00PM America/Chicago
www.airbnb.com

Cleaning Fee

November 30, 2019 -
10:25AM America/Chicago
www.airbnb.com

Information Provided on Lis

November 18, 2019 -
11:11PM America/Chicago
www.airbnb.com

Contact Name

Latitude, Longitude

November 15, 2019 -
04:04PM America/Chicago

Minimum Stay (# of Nights)

November 10, 2019 -
www.airbnb.com

Max Sleeping Capacity (# of People)

November 06, 2019 -
07:58PM America/Chicago
www.airbnb.com

Max Number of People per Bedroom

Number of Reviews

Last Documented Stay

Listing Screenshot History

X

Amenities

Basic

Wi-Fi
Continuous access in the listing

Iron

Laptop friendly workspace
A table or desk with space for a laptop and a chair that's comfortable to work in

TV

Dryer
In the building, free or for a fee

Washer
In the building, free or for a fee

Essentials
Towels, bed sheets, soap, and toilet paper

Heating
Central heating or a heater in the listing

Air conditioning

Facilities
Free parking on premises

Guest access

Keypad
Check yourself into the home with a door code

Private entrance
Separate street or building entrance

Bed and bath

Print

Download

October 0

November 5

December 3

Marilyn M. Lukehart
6538 Cornwall Drive
Nashville TN 37205

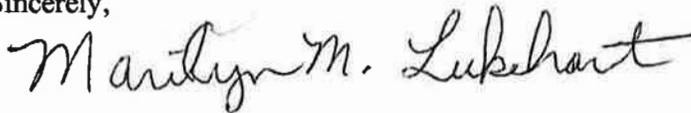
Metropolitan Board of Zoning Appeals
Department of Codes & Building Safety
P.O. Box 196350
Nashville TN 37219-6350

Dear Board of Zoning:

RE: Appeal Case Number: 2020-033
979 Windrowe Dr
Map Parcel: 11506000300
Zoning Classification: RS40
Council District: 23
Appellant: James Shadburne
Date of Zoning Appeal: 06 February 2020

I am the owner of the house & property located at 995 Windrowe Drive. While I do not know Mr. Shadburne personally, I request that the Metropolitan Zoning Board denial his appeal regarding his obtaining a short-term rental permit. As a general principal, I believe that the presence of short-term rental properties lessens the attractiveness, appearance, noise level, traffic, and quality of life of neighborhoods in which permits have been granted. Therefore, I solicit your help in opposing this appeal.

Sincerely,



Marilyn M. Lukehart

Theodosia D Clark
1703 Cedar Lane
Nashville TN 37212
January 29, 2020

Board of Zoning Appeals
Case Number 2020-033
979 WINDROWE DR
Permit # 20190076713

Dear Sir/Madame:

My house at 972 Windrowe is diagonally across from 979 Windrowe, the home of the permit applicant. I wish the Board of Zoning Appeals to uphold the decision of the permit administrator if the applicant needs to follow steps to be in compliance BUT can then properly apply for a permit as soon as the conditions have been met.

Recently I have talked with the applicant's wife and with other affected neighbors. The applicant's wife stated that they intend to rent simply a room/bath structure to a single person or a couple and will be present during each short-term stay. We have NO objection to a permit granted for these specific conditions: owners are present for each stay, occupancy limited to one suite, number of guests limited to 3 or fewer.

We do object if the plan is to rent out on a short-term basis the entire premises and the owners will be absent. This type of use is really a hotel, not home sharing, and has no place in a residential neighborhood for the following reasons:

1. inability to enforce regulations for peace and quiet in STRs with no resident owners: a residence with absentee owners that permits a succession of strangers, different ones every weekend, has no on-site front desk to handle complaints and deal with disturbances. The hapless neighbors are left to call our overworked police. Even if the police arrive, the neighbors face a different group of partiers the next weekend.
2. property interest of residents: residents owning their homes and living in them bought them and put significant time and resources into them in order to enjoy neighbors and have peace and quiet to get enough sleep to go to work or for their children to go to school. Expecting a neighborhood zoned residential to act residential is a reasonable property interest that should not be infringed by a commercial operation, particularly when potential short-term renters have many, many other options in commercial or mixed use districts.
3. prior experience: a property on Currywood Drive that backed up to my property had a STR going for several years (it has since reverted to a traditional residence) and neighbors were disturbed every weekend by noise during the wee hours of the morning. There was also drug use which caused 6 police cars and an ambulance to descend upon our quiet neighborhood.

Respectfully submitted,

Theodosia D Clark
972 Windrowe, 37205