

BZA Results

8/2/2018

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

**Meeting at the MNPS Board of Education Meeting Room
2601 Bransford Avenue**

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

Previously Heard Cases Requiring Board Action:

Case 122 (4804 Dakota Avenue) - Setback and height variances for a detached garage. Previously heard on 7/5/2018.

Results: The appellant's request shall be Granted, subject to the following conditions: The side and rear setback variances are granted via unanimous vote. The height variance is denied by a vote of 5-1.

Cases 352, 353, and 354 (3236, 3240, & 3242 Hummingbird Drive) - Street setback, height, and square footage variances for single family residences. Previously heard on 7/19/2018.

Results: The appellant's request shall be Granted: Square footage variance granted 4-2. Front setback granted 5-1.

Case 363 (1907 A&B 9th Avenue N.) - Sidewalk variance. Previously heard on 7/19/2018.

Results: The appellant's request shall be Denied.

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CASE 2018-252 (Council District - 17)

Joni Elder, appellant and Duina Norman & Pia Stratton, owners of the property located at **1802 8th Avenue South**, requesting a special exception and a variance from minimum separation requirements in the CS District, for use as a kennel. Referred to the Board under Section 17.16.175. The appellant alleged the Board has jurisdiction under Section 17.40.180(B&C).

Use-Kennel

Map 105-1 Parcel(s) 102

RESULT

CASE 2018-334 (Council District - 17)

Charles McTorry, appellant and owner of the property located at **207 Mildred Shute Drive**, requesting a variance from sidewalk requirements in the R6 District, to construct a single family residence without sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

RESULT: The appellant's request shall be Granted with Conditions, subject to the following conditions: Appellant must pay into the sidewalk fund.

CASE 2018-343 (Council District - 09)

Lonnie Harper, appellant and Mule Train Farms, owner of the property located at **222 Myatt Drive**, requesting a variance from sidewalk requirements in an SP District, to construct a single family residence. Referred to the Board under Section 17.20.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 431-1 Parcel(s) 37

RESULT : The appellant's request shall be Granted, subject to the following conditions: The appellant must follow all of Planning's recommendations.

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CASE 2018-366 (Council District - 18)

Ethan Colclasure, appellant and Gina Napoli, owner of the property located at **2812 Hillside Drive**, requesting a variance from sidewalk requirements in the RS7.5 District, to construct a single family residence without sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 104 Parcel(s) 209

RESULT: Deferred

CASE 2018-375 (Council District - 24)

Bailey Neal, appellant and owner of the property located at **5535 & 5533 Kendall Drive**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family residences without constructing updated sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 103-6-1 Parcel(s) 1-CO

RESULT: The appellant's request shall be Granted, subject to the following conditions: Appellant must repair the sidewalk in its current design and pay into the sidewalk fund.

CASE 2018-377 (Council District - 02)

Chelsea Hannan, appellant and Woodford Construction, owner of the property located at **2125 24th Avenue N.**, requesting a variance from sidewalk requirements in the R6 District, to construct a Multi-Family residence without building sidewalks along 24th

Avenue North. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-multi family

Map 81-2 Parcel(s) 120

RESULT-WITHDRAWN

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CASE 2018-379 (Council District - 34)

Tracey Little, appellant and Janet Hardin, owner of the property located at **4019 Vailwood Drive**, requesting a variance from sidewalk requirements in the RS20 District, to construct a single family residence without constructing sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 117-13 Parcel(s) 43

RESULT : Deferred

CASE 2018-380 (Council District - 17)

Duane Cuthbertson, appellant and Aspen Construction, owner of the property located at **851 Clayton Avenue**, requesting a variance from side setback requirements in the R10/UDO District, to keep the existing residence at the current setback. Referred to the Board under Section 17.12.020(A). The appellant alleged the Board has jurisdiction under Section 17.40.180 (B).

Use-Single Family

Map 118-5-S Parcel(s) 2-CO

RESULT : Deferred

CASE 2018-381 (Council District - 08)

Ryan Sanchez, appellant and owner of the property located at **1024 W. Kirkland Avenue**, requesting a variance from sidewalk requirements in the OR20 District, to construct a commercial addition. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

RESULT : Deferred

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CASE 2018-385 (Council District - 01)

Amanda Villalobos, appellant and owner of the property located at **3804 Fairview Drive**, requesting a variance from sidewalk requirement in the RS15 District, to construct a single family residence. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-single family

Map Parcel(s)

RESULT: The appellant's request shall be Denied.

CASE 2018-386 (Council District - 17)

Jeffrey Hearington, appellant and Willie Cross, owner of the property located at **1812 Beech Avenue**, requesting a variance from sidewalk requirements in the R8 District, to construct a two-family residence and contribute to the sidewalk fund rather than constructing new sidewalks. Referred to the Board under Section 17.20.120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-two family

RESULT: The appellant's request shall be Granted, subject to the following conditions: Appellant shall follow Planning's recommendation and pay to the sidewalk fund.

CASE 2018-393 (Council District - 21)

Christian Dalton, appellant and Hospital Hospitality, owner of the property located at **214 Reidhurst Avenue**, requesting a variance from sidewalk requirements in the MUG-

A District, to construct an addition to a commercial building without meeting the sidewalk requirements. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

RESULT : The appellant's request shall be Granted, subject to the following conditions: Appellant shall follow all of Planning's recommendations.

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CASE 2018-402 (Council District - 20)

George Lauderbeck, appellant and owner of the property located at **1502 57th Avenue N.**, requesting a variance from rear setback requirements in the R6 District, to construct a single family residence. Referred to the Board under Section 17.12.020 (A). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map 91-6 Parcel(s) 192

RESULT : The appellant's request shall be Granted with Conditions, subject to the following conditions:

Approve 10' front setback. Rear setback variance denied.

CASE 2018-406 (Council District - 10)

Jimmy F. Sawyers, appellant and owner of the property located at **1609 Springfield Highway**, requesting a special exception in the AR2a District, to use part of property for a Kennel. Referred to the Board under Section 17.16.175(A). The appellant alleged the Board has jurisdiction under Section 17.40.180(C).

Use-Kennel

Map 7 Parcel(s) 168

RESULT : The appellant's request shall be Denied.

CASE 2018-407 (Council District - 05)

Baker Donelson, appellant and April Nava, owner of the property located at **407 Douglas Avenue**, requesting a special exception from sky plane restrictions in the RM20-A District, to construct the proposed townhome. Referred to the Board under Section 17.12.035. The appellant alleged the Board has jurisdiction under Section 17.40.180(C).

Use-Townhomes

Map 711-6 Parcel(s) 176

RESULT : The appellant's request shall be Granted

CASE 2018-408 (Council District - 01)

Stephen K. Camp, appellant and owner of the property located at **4738 Whites Creek Pike**, requesting a variance from side setback requirements in the AR2a District, to construct a detached garage. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Detached Garage

Map 3 Parcel(s) 173

RESULT : The appellant's request shall be Granted.

CASE 2018-409 (Council District - 35)

Smith-Packet, appellant and V.C. Daugherty, Etux, owner of the property located at **8234 Highway 100**, requesting a variance from floor area restrictions in the AR2A District, to construct an Assisted Care Living Facility. Referred to the Board under Section 17.12.020 B. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Assisted Care

Map 155 Parcel(s) 109

RESULT-Deferred to 8/16/2018

CASE 2018-410 (Council District - 26)

William Haynes, appellant and owner of the property located at **521 Arrowwood Drive**, requesting variances from rear setback and maximum height restrictions in the RS20 District, to construct a detached garage to rear of residence. Referred to the Board under Section 17.12.020 (a) and 17.12.060 (b). The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-single family

Map 146-11 Parcel(s) 97

RESULT : The appellant's request shall be Granted, subject to the following conditions: Height variance denied. Rear setback variance of 3' off property line approved.

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CASE 2018-413 (Council District - 06)

Manley Seale, appellant and Robert Acuff, owner of the property located at **912 Main Street**, requesting variances from sidewalk and parking requirements in the MUG-A District, to rehab existing building for a proposed bar. Referred to the Board under Section 17.20.120 and 12.20.030. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Bar

RESULT: Appellant must pay into the sidewalk fund. Parking variance request deferred to 8/16/2018.

CASE 2018-414 (Council District - 05)

Ben Kelly, appellant and owner of the property located at **220 and 222 Duke Street** requesting a variance from sidewalk requirements in the R6-A District, to construct two houses on one parcel. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use- Two Family

RESULT-Deferred 9/6/2018

CASE 2018-416 (Council District - 21)

Keith Dowd, appellant and Mark Lynn, owner of the property located at **3168 Parthenon Avenue**, requesting a variance from sidewalk requirements in the RM20 District, to construct two duplexes without constructing sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Duplex

Map 104-2 Parcel(s) 52

RESULT: The appellant's request shall be Denied.

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CASE 2018-417 (Council District - 21)

Keith Dowd, appellant and Dowd Development & Design, LLC, owner of the property located at **4313 Albion Street**, requesting a variance from sidewalk requirements in the IR District, to construct an office building without constructing sidewalks or paying into the fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Commercial

Map 91-8 Parcel(s) 231

RESULT-Deferred 8/16/2018

SHORT TERM RENTAL PERMIT APPEALS

CASE 2018-200 (Council District - 17)

Alicia Gardner, appellant and owner of the property located at **492 Southgate Avenue**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-short term rental

RESULT : The appellant's request shall be Denied. However, the appellant may apply for a permit on 8/6/18.

CASE 2018-271 (Council District - 07)

Julia Trehy, appellant and owner of the property located at **1927 Riverwood Drive**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit.

Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-short term rental

RESULT : Deferred

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CASE 2018-291 (Council District - 29)

Martin Rule, appellant and owner of the property located at **288 Clearlake Drive W.**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 136-6 Parcel(s) 131

RESULT: Deferred

CASE 2018-340 (Council District - 06)

Sheetal Jhaveri, appellant and owner of the property located at **1101 Shelby Avenue**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 0831-3 Parcel(s) 22

RESULT: Deferred

CASE 2018-376 (Council District - 07)

Joel Hood, appellant and owner of the property located at **1626 A Northview Avenue**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit.

Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

RESULT : Deferred

CASE 2018-382 (Council District - 30)

Barrett Wilson, appellant and owner of the property located at **3745 Faulkner Drive**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 147-8 Parcel(s) 135

RESULT: Deferred

CASE 2018-387 (Council District - 03)

Mi'kael Reed, appellant and owner of the property located at **3240 Doverside Drive**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 5-14 Parcel(s) 82

RESULT : Deferred

CASE 2018-390 (Council District - 02)

Dora Moore, appellant and owner of the property located at **908 A Youngs Lane**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board has jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 7007 Parcel(s) 500

RESULT : Deferred

CASE 2018-391 (Council District - 19)

Natalie Hannigan, appellant and owner of the property located at **1109 Jackson Street**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 92-4 Parcel(s) 234

RESULT : Deferred

CASE 2018-392 (Council District - 15)

John Graham, appellant and owner of the property located at **2104 Elm Hill Pike**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map 95-14 Parcel(s) 74

RESULT : Deferred