D O C K E T

11/7/2019

1:00 P.M.

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

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

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

PREVIOUSLY HEARD CASES REQUIRING BOARD ACTION

Case 458 (915 RAMSEY ST) variance from height plane restrictions in the RM20 District to construct a multi-family unit. Previously head on 10/17/19, failed to receive four affirmative votes.

Results-

CASE 2019-300 (Council District - 19)

JENNIFER CARR, appellant and **PEP MUSIC SQUARE, LLC**, owner of the property located at **900 18TH AVE S**, requesting a special exception to allow additional height within the build to zone to construct an office building in the ORI-A District. Referred to the Board under Section 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Map Parcel 09216036100

RESULT – Deferred Indefinitely

CASE 2019-312 (Council District - 21)

WALREENS INC., appellant and **BULL, MAURICE P., III & DONALD L.**, owners of the property located at **309 22ND AVE N**, requesting a variance from sidewalk requirements in the MUG-A District, to renovate the interior of an existing retail store 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-Retail Map Parcel 09211026000

Results-

CASE 2019-376 (Council District - 21)

SOUTHEAST VENTURE, appellant and **BREAUX, DARRELL & LINDA**, owners of the property located at **3214 CHARLOTTE AVE**, requesting variances from setback and control plane requirements in the CS District, to construct a multi-family development Referred to the Board under Section 17.12.020 C. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multi-Family Map Parcel 09209037800

Results-

CASE 2019-391 (Council District - 17)

JAY MIKOLINSKI, appellant and **D & M DEVELOPMENT, LLC**, owner of the property located at **1001 & 1003 SOUTH ST**, requesting a variance from sidewalk requirements in the R6 District, to construct two single family residences on one parcel with an alternative sidewalk plan. 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-Two-Family Map Parcel 105011P00100CO

Results- Map Parcel 105011P00200CO

CASE 2019-394 (Council District - 17)

BRITT DEVELOPMENT, appellant and **O.I.C. HOMES AT 928 MONTROSE AVENUE**, owner of the property located at **928 B MONTROSE AVE**, requesting a variance from sidewalk requirements in the R8 District, to construct two single-family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family Map Parcel 118012H90000CO

Results-

CASE 2019-395 (Council District - 17)

BRITT DEVELOPMENT, appellant and **O.I.C. HOMES AT 929 MONTROSE AVENUE**, owner of the property located at **2602 B 10TH AVE S**, requesting a variance from sidewalk requirements in the R8 District, to construct two single-family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family Map Parcel 118012I90000CO

Results-

CASE 2019-401 (Council District - 17)

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

Use-HPR Map Parcel 105092J90000CO

Results-

CASE 2019-415 (Council District - 21)

JAY FULMER, appellant and **1900 WARNER PARTNERS, LLC**, owner of the property located at **627 19TH AVE N**, requesting a special exception to reduce the rear setback requirements as well as a variance from the parking location and front façade requirements in the CS-A District, to construct a medical office building. Referred to the Board under Sections 17.12.035 D, 17.12.020 D Note 3.d, and 17.12.020 D Note 3.h. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B and C.

Use-Medical Office Map Parcel 09207033400

Results-

CASE 2019-422 (Council District - 11)

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

Use-Commercial Rehab Map Parcel 06416005900

Results-

CASE 2019-426 (Council District - 17)

EDDIE LATIMER, appellant and **METRO GOV'T BT BACK TAX SALE**, owner of the property located at **41 WHARF AVE**, requesting variances from parking, side setback and lot size requirements in the R6 District, to construct two single family residences. Referred to the Board under Section 17.12.020 A, 17.40.670 A, and 17.20.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Residential Map Parcel 10503013300

Results-

CASE 2019-427 (Council District - 17)

EDDIE LATIMER, appellant and **METRO GOV'T BT BACK TAX SALE**, owner of the property located at **43 WHARF AVE**, requesting variances from side setback, parking and lot size requirements in the R6 District, to construct two single residences. Referred to the Board under Section 17.12.020 A, 17.40.670 A, and 17.20.030. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family Map Parcel 10503013200

Results-

CASE 2019-439 (Council District - 19)

JASON LINCOLN, appellant and **MEHTA, ANMOL P.**, owner of the property located at **1004 14TH AVE S**, requesting a variance from sidewalk requirements in the R6-A District, to construct two single family residences without building sidewalks but instead paying into the 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 105011O00100CO

Results-

CASE 2019-445 (Council District - 30)

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

Use-Restaurant Map Parcel 14712008400

Results-

CASE 2019-448 (Council District - 20)

SEGAL, MATTHEW & TARA WORTHEY, appellant and owner of the property located at **5501 A NEW YORK AVE**, requesting a special exception in the MUN District, to reduce the setback requirements in order to construct two additional residential units. Referred to the Board under Section 17.12.035 D. 1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multifamily Residential Map Parcel 09102029800

Results-

CASE 2019-461 (Council District - 20)

DUANE CUTHERBERTSON, appellant and **CANNONBALL PROPERTY, LLC**, owner of the property located at **5101 KENTUCKY AVE**, requesting a Special Exception and a variance from distance requirements in the CS District, to obtain a permit for a kennel. Referred to the Board under Section 17.16.175. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Kennel Map Parcel 09107022800

Results-

CASE 2019-469 (Council District - 7)

Bruce Little, appellant and **O.I.C. HOMES AT LITTON AVENUE**, owner of the property located at **1301 C LITTON AVE**, requesting a variance from sidewalk requirements in the R6 District, to permit two single family residences without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family Map Parcel 072102I90000CO

Results-

CASE 2019-470 (Council District - 30)

KASM KEP, appellant and **NIANG, CIANG L**, owner of the property located at **248 TUSCULUM RD**, requesting a Special Exception in the R10 District, to convert an existing residence into a religious institution. Referred to the Board under Section 17.16.170 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Religious Institution Map Parcel 16200000200

Results-

CASE 2019-473 (Council District - 6)

GROSCH, KEVIN & JESSICA, appellant and owner of the property located at **1006 OZARK ST**, requesting a variance from front setback requirements in the RS District, to construct an addition to a single-family residence. Referred to the Board under Section 17.12.030 C.3. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family Map Parcel 09308004900

Results-

CASE 2019-474 (Council District - 20)

BAKER DONELSON, appellant and **5916 MORROW HOLDING CO., LLC**, owner of the property located at **1200 60TH AVE N 101**, requesting a variance from landscape buffer requirements in the MUN-A District, to construct a mixed-use building. Referred to the Board under Section 17.24.240 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use Map Parcel 09106002300

Results-

CASE 2019-475 (Council District - 2)

GAMBLE DESIGN COLLABORATIVE, appellant and **ATHENS WAY NASHVILLE, LLC**, owner of the property located at **101 ATHENS WAY**, requesting a variance from landscape buffer requirements in the MUG District, to construct a multi-family development. Referred to the Board under Section 17.24.240 B. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Mixed-Use Map Parcel 07012001100

Results-

SHORT TERM RENTAL CASES

CASE 2019-392 (Council District - 18)

SUAREZ, ASHLEIGH MARIE, appellant and owner of the property located at **1512 PARIS AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit in the R8 District. Appellant operated after the issued STRP permit expired. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental Map Parcel 11704040900

Results-

CASE 2019-434 (Council District - 5)

RYAN, AUTUMN N., appellant and owner of the property located at **998 MCFERRIN AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit in the R5 District. Appellant operated after the issued STRP permit expired. Referred to the Board under Section 17.16.250 E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental Map Parcel 08204042100

Results-

CASE 2019-467 (Council District - 19)

COAKER TRAVELS, appellant and **SUDEKUM, L.P.**, owner of the property located at **4141 WOODLAWN DR #44**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit in the RM6 District. Appellant operated after the issued STRP permit expired. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental Map Parcel 10315003700

Results-

CASE 2019-468 (Council District - 25)

OCCHIPINTI, T. J. & WIGLE, ANNE E., appellants and owners of the property located at **3420 HOPKINS ST**, requesting an Item A appeal challenging the zoning administrator's denial of a short-term rental permit in the R20 District. The appellant operated after the permit expired. Referred to the Board under Section 17.16.250.E. The appellant has alleged the Board will have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental Map Parcel 11707011500

Results-

CASE 2019-471 (Council District - 19)

SHERYL MARSELLA, appellant and owner of the property located at **1812 B 6th Ave N**, requesting an Item A appeal challenging the zoning administrator's denial of a short term rental permit in the R6-A District. The appellant operated after the permit expired. Referred to the Board under Section 17.16.250. E. The appellant has alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental Map Parcel 081082T00200CO

Results-

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Land Development Solutions
Date: 9.3.19
Property Owner:
Case #: 2019- 458
Representative: Duane Cuthbertson
Map & Parcel: 08212049000CO

Council District 05

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

Purpose: Variance of building height at building setback and within small portion of height-plane

Activity Type:
Location: 915 Ramsey Street

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: building too tall for topography
Section(s): 17.12.20.B

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 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: $260.00

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

3708342

ZONING BOARD APPEAL / CAAZ - 20190053025
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 082120Y00300CO **APPLICATION DATE:** 09/03/2019

SITE ADDRESS:

915 RAMSEY ST NASHVILLE, TN 37206
UNIT C HOMES AT 915 RAMSEY STREET

PARCEL OWNER: MARIANI, MARC **CONTRACTOR:**

APPLICANT:

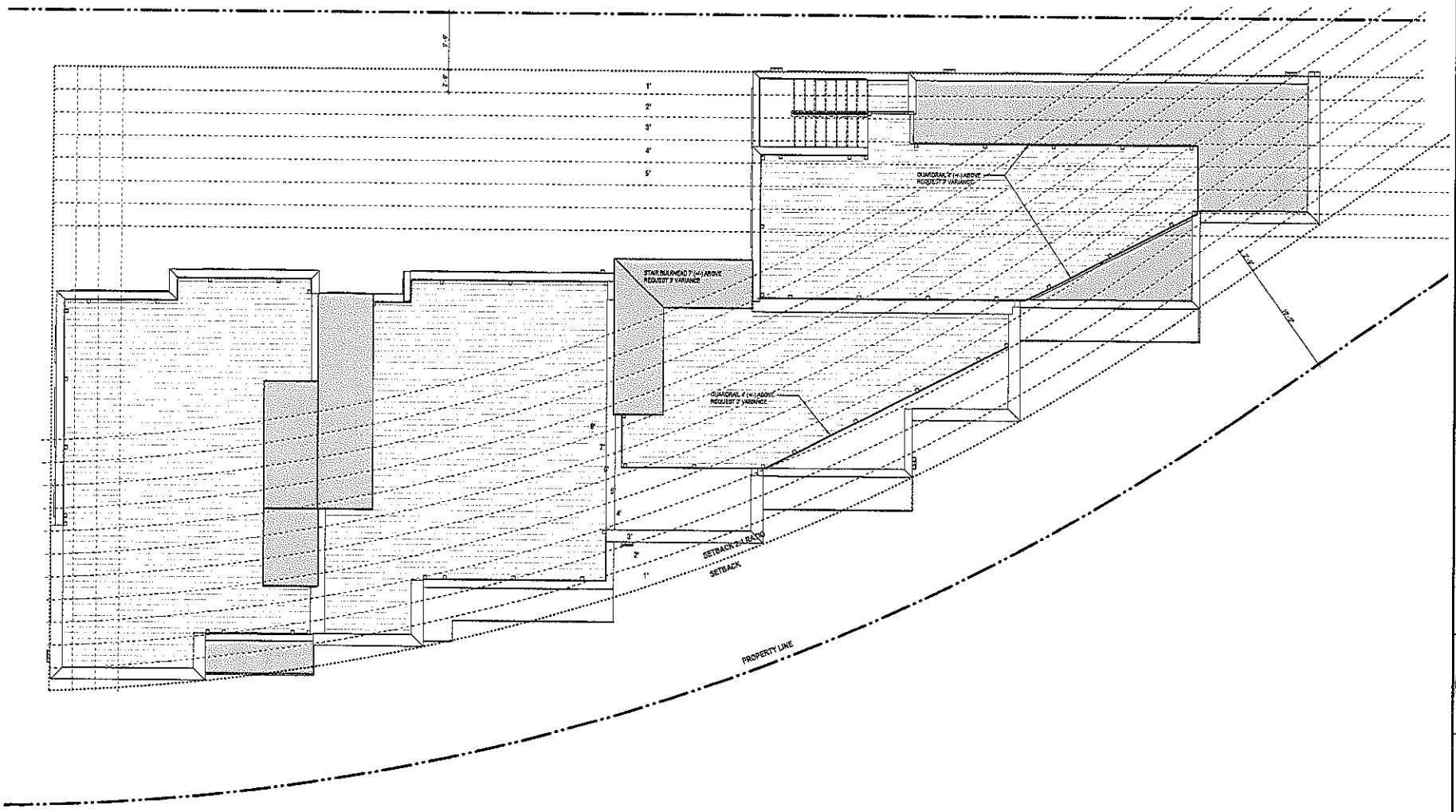
PURPOSE:

requesting height plane variance to allow 3' encroachment into height plane.

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.



1 ROOF PLAN
1/4" = 1'-0"

PLAN NORTH

45 ARCHITECTURE

1216 W Lincoln Street, Suite D
Bozeman, Montana 59715
406-577-2562
www.45arch.com

RAMSEY STREET TOWNHOMES

915 RAMSEY ST, NASHVILLE, TN 37206

#	DESCRIPTION	DATE

ISSUE

Project Number: 1403

Date: 06-21-19

Copyright
ALL DRAWING AND WRITTEN INFORMATION APPEARING SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF 45 ARCHITECTURE

Sheet Name: ROOF PLAN

A-120

Case # 2019-458

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

9.3.19

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.

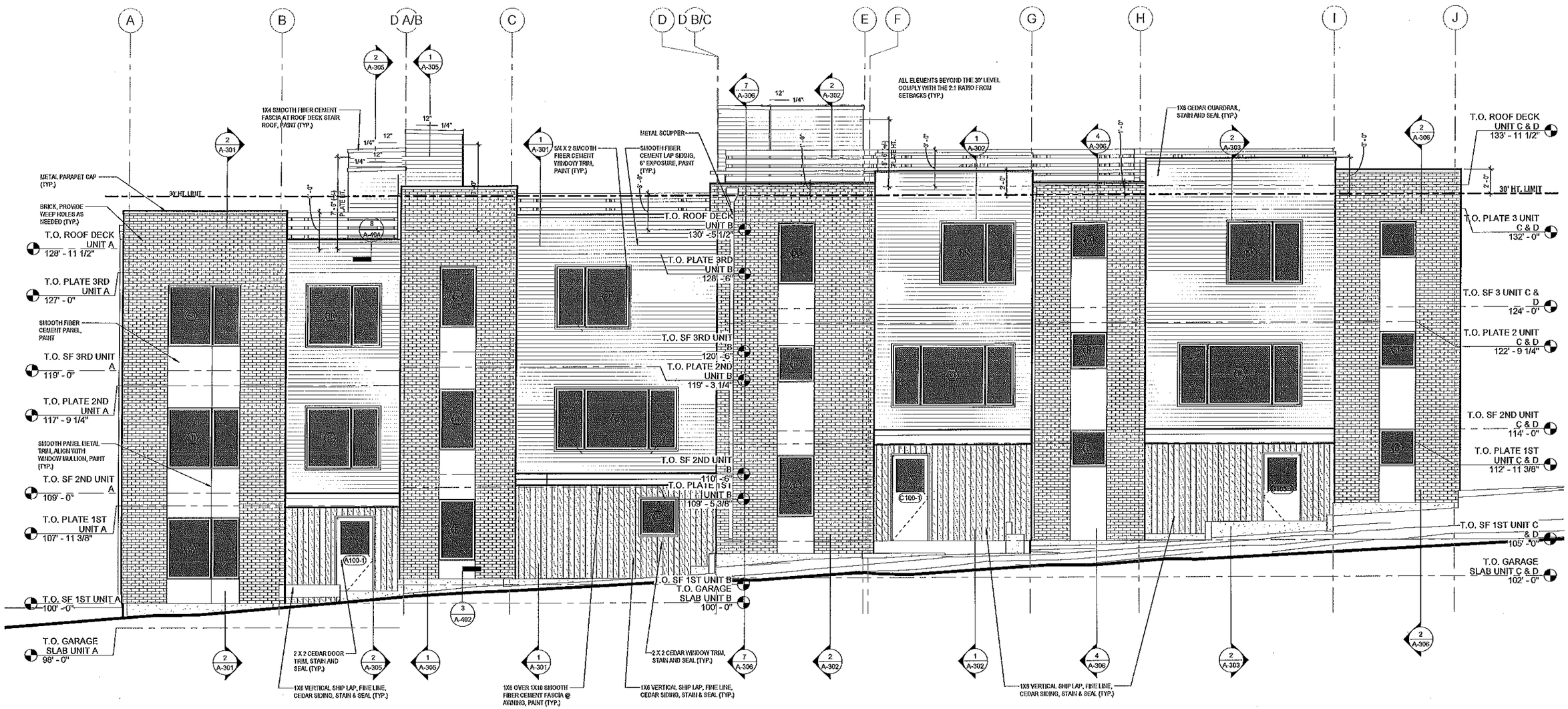
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

Changing topography

Case # 2019-458



1 SOUTH ELEVATION

1/4" = 1'-0"

NOTES:
-FIELD VERIFY PARAPET HEIGHT NOT TO EXCEED 30' TOTAL BUILDING HEIGHT.
-CONTRACTOR AND CIVIL ENGINEER IS RESPONSIBLE FOR ALL DRAINAGE AND SITE GRADING.
-GRIDLINES D LETTER/LETTER = CENTERLINE OF DEMISING WALL, UNITUNIT
-CONTRACTOR TO FIELD VERIFY ALL FOUNDATION AND FOOTING HEIGHTS.
-CONTRACTOR TO COORDINATE ALL SITE DRAINAGE.
-ALL STRUCTURAL ELEMENTS ARE TO BE REVIEWED BY A LICENSED STRUCTURAL ENGINEER.
-SSD = SEE STRUCTURAL DESIGN.
-ALL DOOR ARE 4 1/2" AWAY FROM STUD OR CENTERLINE OF WALL, UNLESS SPECIFICALLY DIMENSIONED.
-CONTRACTOR TO COORDINATE ALL HVAC. COORDINATE WITH ARCHITECT FOR ANY FLOOR PLAN CHANGES.
-CONTRACTOR TO COORDINATE ALL ELECTRICAL REQUIREMENTS.
-CONTRACTOR TO COORDINATE ALL STRUCTURAL SHEAR REQUIREMENTS W/ A LICENSED STRUCTURAL ENGINEER.
-UNTAGGED INTERIOR WALLS = WALL TYPE 1, INTERIOR PARTITION 2X4 (SSD).
-ALL INTERIOR PARTITION WALLS TO HAVE SOUND INSULATION.
-COORDINATE T.O. FOUNDATION WALL AND FINISH FLOORING WITH NEW GRADE.

SIDING LEGEND

- MASONRY BRICK
- 1X6 VERTICAL SHIP LAP, VERTICAL, FINE LINE CEDAR SIDING
- HORIZONTAL, FIBER CEMENT, LAP SIDING, 5" EXPOSURE, PAINT
- FIBER CEMENT, PANEL SIDING, PAINT
- CONCRETE

45 ARCHITECTURE

1216 W Lincoln Street, Suite D
Bozeman, Montana 59715
406-577-2345
www.45arch.com

RAMSEY STREET TOWNHOMES

915 RAMSEY ST. NASHVILLE, TN 37206

JEFFREY LUSIN REGISTERED ARCHITECT
No. 102546
STATE OF TENNESSEE

#	DESCRIPTION	DATE

Issued

Project Number 19027

Date 08-13-19

Copyright
ALL DRAWING AND WRITTEN INFORMATION APPEARING SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF 45 ARCHITECTURE

Sheet Name

EXTERIOR ELEVATIONS

A-301

Nashville Board of Zoning Appeals

Agenda Date: October 17, 2019

Case No. 2019-458

Address: 915 Ramsey Street

Request: Variance of the RM20 maximum 30' building height at the setback.

Purpose: To permit 4 dwellings in a consistent 3 story building perspective across the site.

915 Ramsey Street

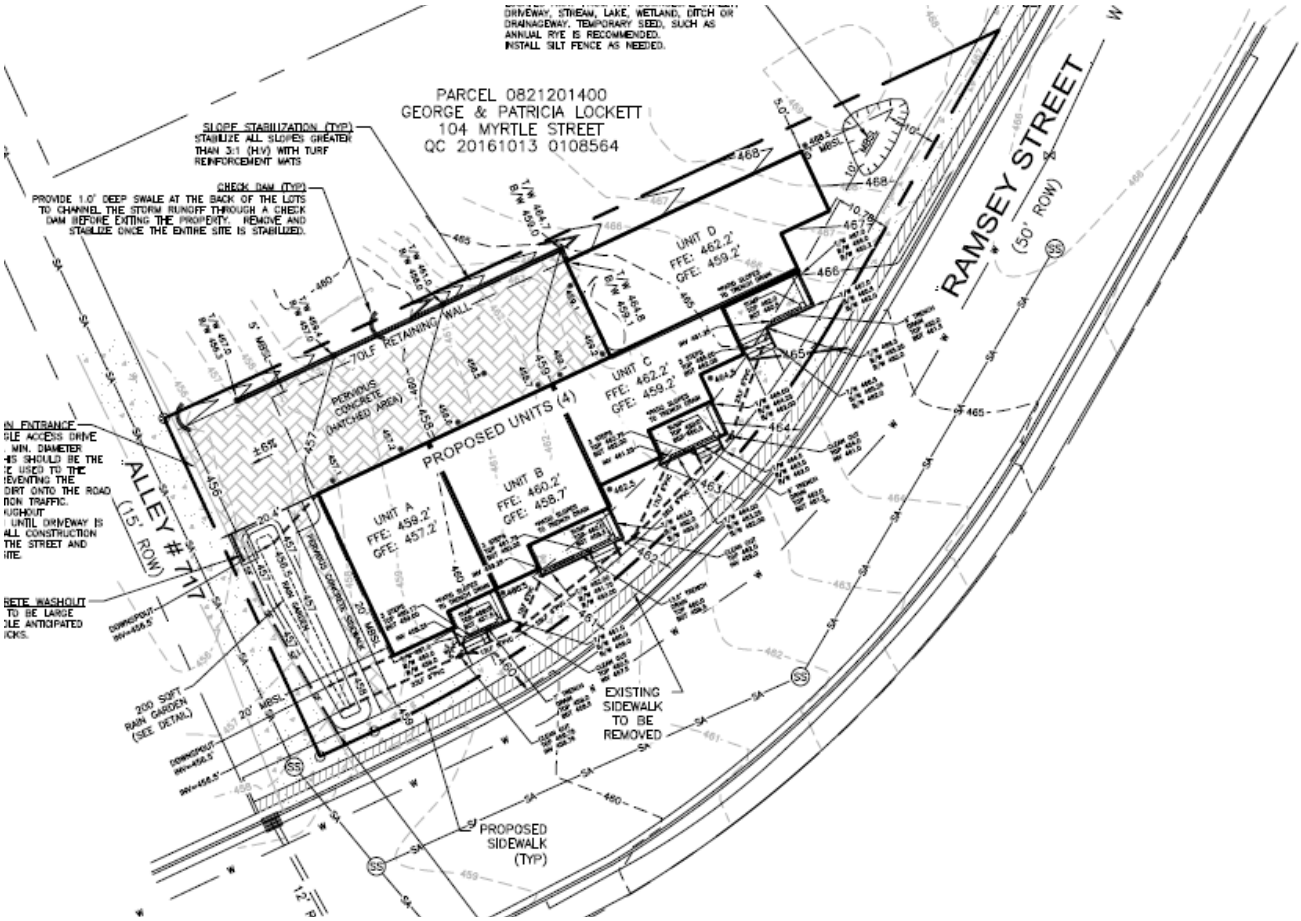
Zoning Requirement / Intent: The Zoning Code requires a maximum 30' building height in the RM20 zoning district at the building setbacks. The Code then allows a 2:1 sky plane behind the building setback (for every one foot of setback the building can extend two feet in height).

The zoning requirement was established to limit the scale and intensity of buildings in the multi-family zoning district at the setback.

Analysis:

The owner is constructing four dwelling units on this RM20 zoned site. The owner is attempting to work with the grade and uniquely shaped lot in order to achieve a uniform aesthetic. The site narrows to a point at the eastern end while it slopes steadily up roughly 10' from west to east. The combination of shape and slope challenge the building envelope of this site.

The requested variance is minor and only applies to the eastern portion of the proposed building. At the eastern extreme of the building the request is only for a 3' variance.

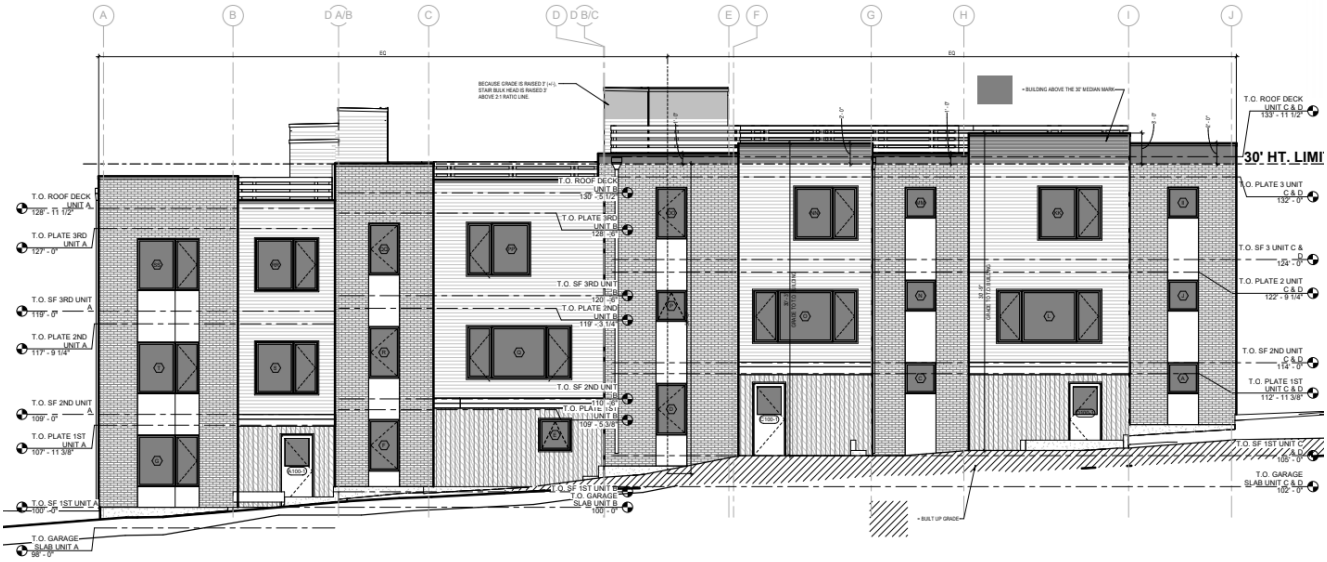


The site is uniquely shaped. If the site were a standard 50' wide lot the architect could easily shift the entire third floor back 2 feet in order to achieve the desired building height.

The slope is also challenging the site. Building height is measured from average grade of the site. Due to the sloping nature of the site the proposed building would have to sink the finished floor of the eastern end into the site in order to maintain the zoning requirement. The owner desires to have the finished floor level with the adjoining sidewalk.

Site's surrounding the subject property all have standard lot widths and would appear to be able to accommodate buildings taller than the proposed building on this site by utilizing the 2:1 sky plane.

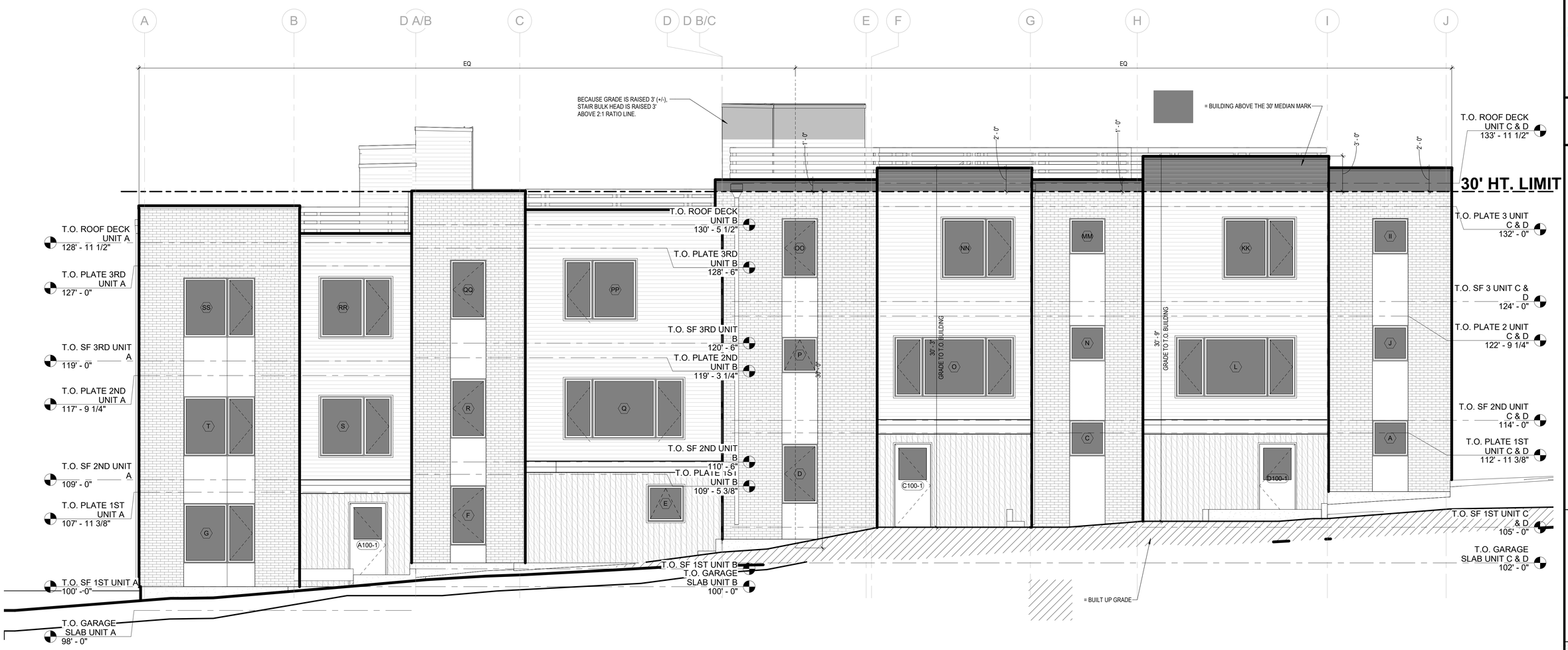
The owner is merely attempting to achieve architectural uniformity on this site and maintain a reasonable relationship between finished floor and the adjacent sidewalk on Ramsey.



1 SOUTH ELEVATION
1/4" = 1'-0"

Unique Circumstances:

1. The subject property is uniquely shaped in that is narrows to point at the eastern end. The narrowness significantly limits an ability to utilize the 2:1 sky plane for building height increases;
2. The site slopes approximately 10' from west to east but drops significantly on the west side thereby skewing the average grade and limiting the building height on the east side of the site.



1 SOUTH ELEVATION

1/4" = 1'-0"

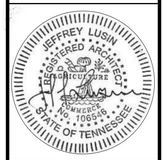
SIDING LEGEND

- MASONRY BRICK
- 1X6 VERTICAL SHIP LAP, VERTICAL, FINE LINE CEDAR SIDING
- HORIZONTAL, FIBER CEMENT, LAP SIDING, 5" EXPOSURE, PAINT
- FIBER CEMENT, PANEL SIDING, PAINT
- CONCRETE

45 ARCHITECTURE
1216 W Lincoln Street, Suite D
Bozeman, Montana 59715
406-577-2345
www.45arch.com

RAMSEY STREET TOWNHOMES

915 RAMSEY ST. NASHVILLE, TN 37206



1	DESCRIPTION	DATE

Issued

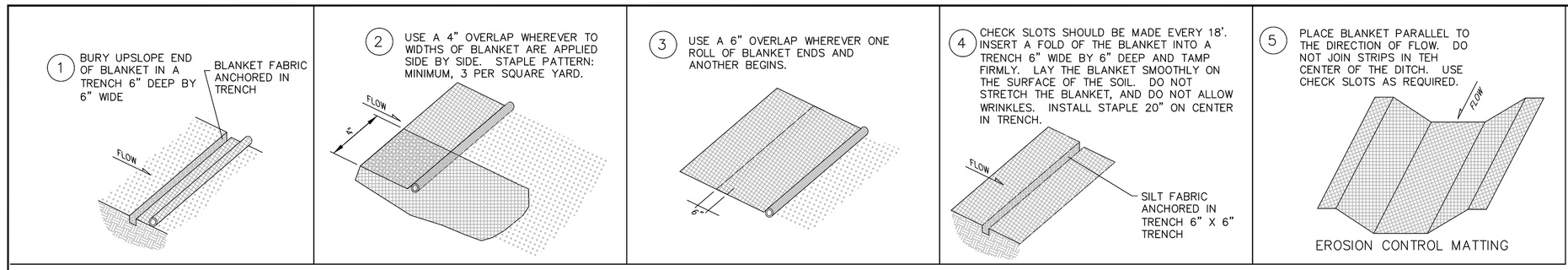
Project Number	19027
Date	08-27-19

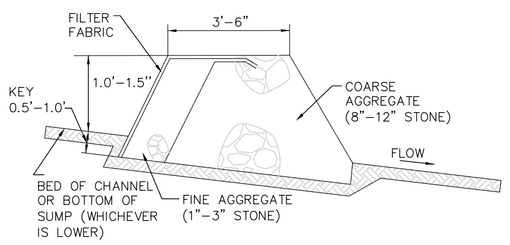
Copyright:
ALL DRAWN AND WRITTEN INFORMATION APPEARING SHALL NOT BE DUPLICATED, DISCLOSED OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF 45 ARCHITECTURE

Sheet Name
EXTERIOR ELEVATIONS

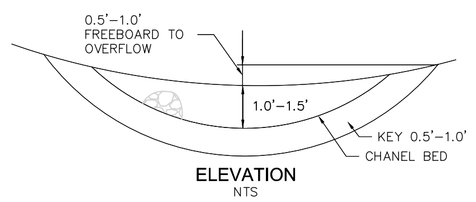
A-201

Case # 2019-458



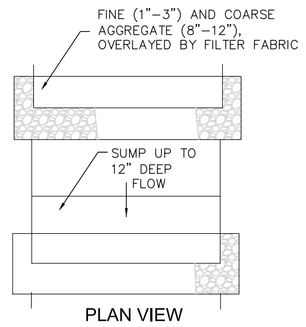


CROSS SECTION
NTS

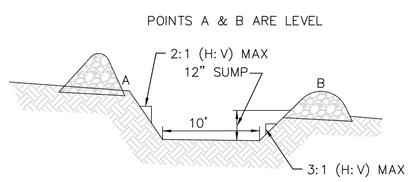


ELEVATION
NTS

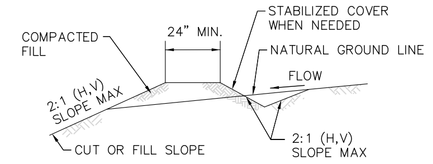
STONE CHECK DAM



PLAN VIEW
NTS

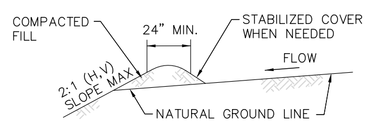


TYPICAL SPACING BETWEED CHECK DAMS
NTS

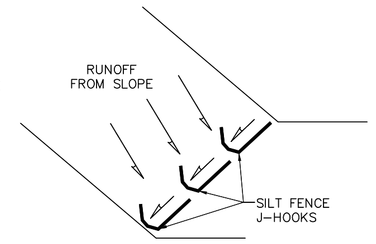


DIVERSION BERM/SWALE
NTS

NOTES:
1. STABILIZE INLETS, OUTLETS, & SLOPES.
2. PROPERLY COMPACT THE SUBGRADE.

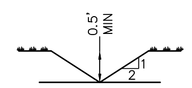


DIVERSION BERM
NTS

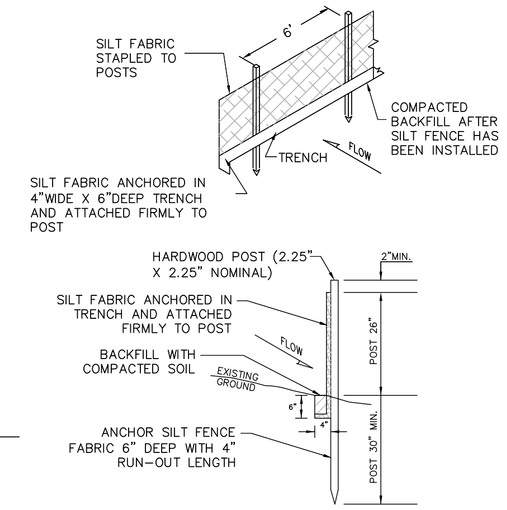


SILT FENCE J-HOOK

POST CONSTRUCTION:
SEED AND INSTALL EROSION CONTROL STRAW MAT ALONG SIDE SLOPES.

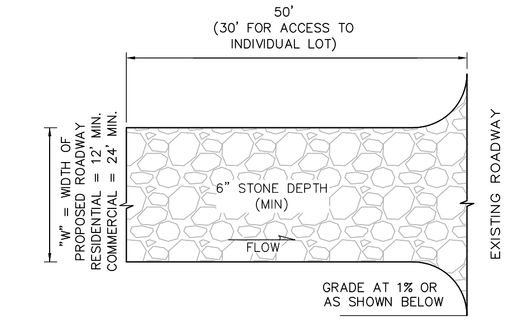


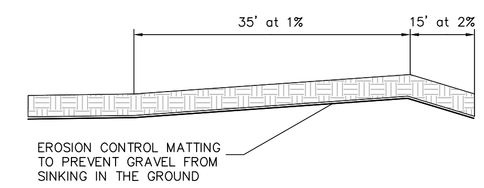
SWALE DETAIL



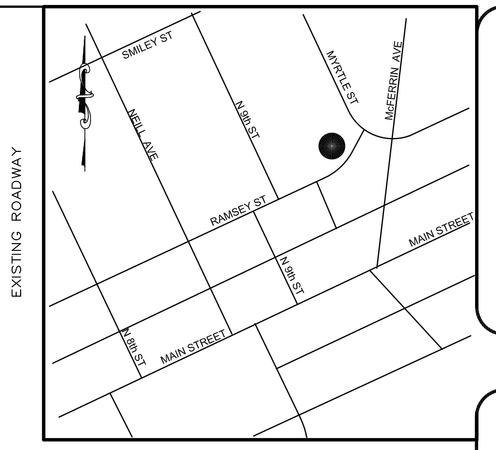
- CONSTRUCT THE FILTER FABRIC FROM A CONTINUOUS ROLL CUT TO THE LENGTH OF THE BARRIER TO AVOID JOINTS. WHEN JOINTS ARE NECESSARY, SECURELY FASTEN THE FILTER CLOTH ONLY AT A SUPPORT POST WITH A4 FEET MINIMUM OVERLAP TO THE NEXT POST OR ROLL THE FABRIC TOGETHER AND FASTEN TO ONE POST TO CREATE A STRONGER JOINT. WHERE JOINTS ARE NECESSARY, PLAN THE ROLL LAYOUT SO AS NOT TO HAVE JOINTS AT LOW POINTS.
- DO NOT ATTACH FILTER FABRIC TO TREES.
- INSTALL POSTS NO MORE THAN 6 FEET APART.
- SECURELY ATTACH SILT FENCE FABRIC TO THE POST ON THE UPSTREAM SIDE OF POSTS. FOR HARDWOOD POSTS, ATTACH FABRIC WITH 17 GAUGE WIRE STAPLES (3/4" WIDE x 1/2" LONG), AT LEAST 5 TO A POST. 3 STAPLES SHOULD BE INSTALLED IN THE UPPER 8 INCHES FOR TOP STRENGTH.
- INSTALL J-HOOKS FOR CONFINING THE WATER BEHIND THE FENCE AND MAXIMIZING THE TRAPPING EFFICIENCY.

SILT FENCE
(PER TDEC EROSION CONTROL HANDBOOK - SECTION 7.34)





TEMPORARY CONSTRUCTION ENTRANCE DETAIL



VICINITY MAP
NOT TO SCALE

EROSION AND SEDIMENT CONTROL NOTES

THE FOLLOWING PRE-CONSTRUCTION EROSION PREVENTION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (BMPs) MUST BE CORRECTLY INSTALLED PRIOR TO THE INITIATION OF THE DISTURBANCE ACTIVITIES:

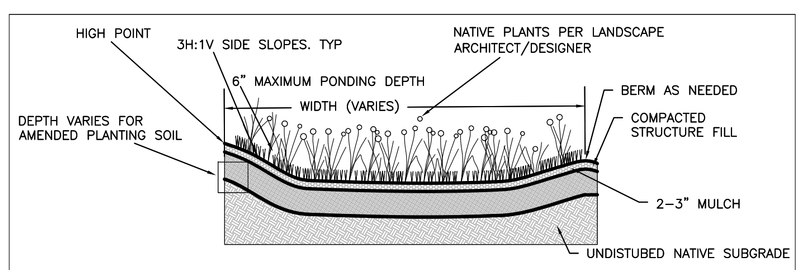
- A STABILIZED CONSTRUCTION ACCESS, SUCH AS A TEMPORARY STONE ACCESS, MUST BE INSTALLED TO PREVENT OFFSITE TRACKING.
- SILT FENCE, OR OTHER SEDIMENT BARRIERS, MUST BE INSTALLED ALONG TOPOGRAPHICAL CONTOURS DOWNSLOPE OF THE AREA
- WHERE APPLICABLE, INLET PROTECTION FOR NEARBY STORM SEWER CURB AND DROP INLETS MUST BE INSTALLED.

THE FOLLOWING EROSION AND SEDIMENT CONTOL BMPs MUST BE PERFORMED UNTIL THE PROJECT IS COMPLETED:

- EROSION AND SEDIMENT CONTROLS SHOULD BE INSTALLED, INSPECTED, AND MAINTAINED IN ACCORDANCE WITH THE WILLIAMSON COUNTY STORM WATER MANAGEMENT MANUAL.
- INSPECTIONS OF THE CONTROL MEASURES AND DISTURBED AREAS MUST BE PERFORMED BY A QUALIFIED INDIVIDUAL AT LEAST TWICE EVERY CALENDAR WEEK UNTIL THE SITE IS ADEQUATELY STABILIZED. INSPECTIONS SHOULD BE PERFORMED AT LEAST 72 HOURS APART. INSPECTIONS SHOULD BE DOCUMENTED AND AVAILABLE IF REQUESTED.
- BASED ON THE RESULTS OF INSPECTIONS, ANY INADEQUATE CONTROL MEASURES OR CONTROL MEASURES IN DISREPAIR MUST BE REPLACED OR MODIFIED. OR REPAIRED AS NECESSARY. BEFORE THE NEXT RAIN EVENT, BUT IN NO CASE MORE THAN 7 DAYS AFTER THE NEED IS IDENTIFIED.
- SEDIMENT SHOULD BE REMOVED FROM SEDIMENT TRAPS. SILT FENCES. SEDIMENTATION PONDS. AND OTHER SEDIMENT CONTROLS AS NECESSARY. AND MUST BE REMOVED WHEN DESIGN CAPACITY HAS BEEN REDUCED BY 50%.
- SEDIMENT THAT HAS ESCAPED THE CONSTRUCTION SITE AND HAS COLLECTED IN THE STREET OR DRAINAGE STRUCTURES MUST IMMEDIATELY BE PHYSICALLY REMOVED.
- STABILIZATION MEASURES SHOULD BE INITIATED AS SOON AS POSSIBLE ON PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY OR PERMANENTLY CEASED. TEMPORARY OR PERMANENT SOIL STABILIZATION AT THE CONSTRUCTION SITE (OR A PHASE OF THE PROJECT) MUST BE COMPLETED NOT LATER THAN 15 DAYS AFTER THE CONSTRUCTION ACTIVITY ON THAT PORTION OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED. (STABILIZATION PRACTICES INCLUDE: TEMPORARY SEEDING, PERMANENT SEEDING, MULCHING, MATTING, AND SOD STABILIZATION.)
- ROOF DOWNSPOUTS MUST DISCHARGE ONTO SPLASH BLOCKS TO PREVENT EROSION. IF DOWNSPOUTS ARE ROUTED THROUGH DRAIN LINES. THE SYSTEM MUST NOT DISCHARGE DIRECTLY INTO THE STREET OR DRAINAGE SYSTEM.
- RESTROOM FACILITIES FOR CONSTRUCTION EMPLOYEES MUST BE MADE AVAILABLE.
- BUILDING AND WASTE MATERIALS, AND NON-STORM WATER DISCHARGES. SUCH AS CONCRETE OR PAINT WASTEWATER. MUST BE MANAGED TO PREVENT THEM FROM ENTERING THE STORM WATER SYSTEM OR NEARBY WATERBODY.
- ALL DAMAGE TO EXISTING PAVEMENT. DRAINAGE STRUCTURES AND CURBS RESULTING FROM NEW CONSTRUCTION MUST BE REPAIRED OR REPLACED BY LIKE MATERIALS AT THE BUILDER'S EXPENSE.

ADDITIONAL NOTES:

- EROSION OR SEDIMENTATION. OR TRANSPORT OF OTHER POLLUTANTS OR FORMS OF POLLUTION. DUE TO VARIOUS LAND DEVELOPMENT ACTIVITIES MUST BE CONTROLLED.
- THE OWNER/OPERATOR SHOULD PERFORM INSPECTIONS TO ENSURE THAT VEGETATION. EROSION AND SEDIMENT CONTROL MEASURES AND OTHER PROTECTIVE MEASURES IDENTIFIED IN THE SITE PLAN ARE KEPT AND EFFECTIVE OPERATING CONDITION.
- NO LAND DISTURBANCE ACTIVITIES. WHETHER BY PRIVATE OR PUBLIC ACTION. SHALL BE PERFORMED IN A MANNER THAT WILL NEGATIVELY IMPACT STORM WATER QUALITY WHETHER BY ILLICIT DISCHARGE. FLOW RESTRICTIONS. INCREASED RUNOFF. OR BY DIMINISHING CHANNEL OR FLOODPLAIN STORAGE CAPACITY.
- WITHIN ANY WATERWAY NATURAL AREAS (WNA). THERE SHALL BE NO CLEARING. GRADING. CONSTRUCTION OR DISTURBANCE OF VEGETATION EXCEPT AS PERMITTED BY THE WILLIAMSON COUNTY ENGINEERING DEPARTMENT.
- PRIOR TO THE FINAL INSPECTION. ALL DISTURBED AREAS SHOULD BE ADEQUATELY STABILIZED. WHERE DRIVEWAY CULVERTS ARE REQUIRED. HEADWALLS MUST BE INSTALLED ACCORDING TO THE WILLIAMSON COUNTY SUBDIVISION REGULATIONS. CULVERT SIZING SHOULD BE DONE IN ACCORDANCE WITH THE WILLIAMSON COUNTY HIGHWAY DEPARTMENT REGULATIONS AND/OR AS SPECIFIED BY THE RECORDED PLAT.

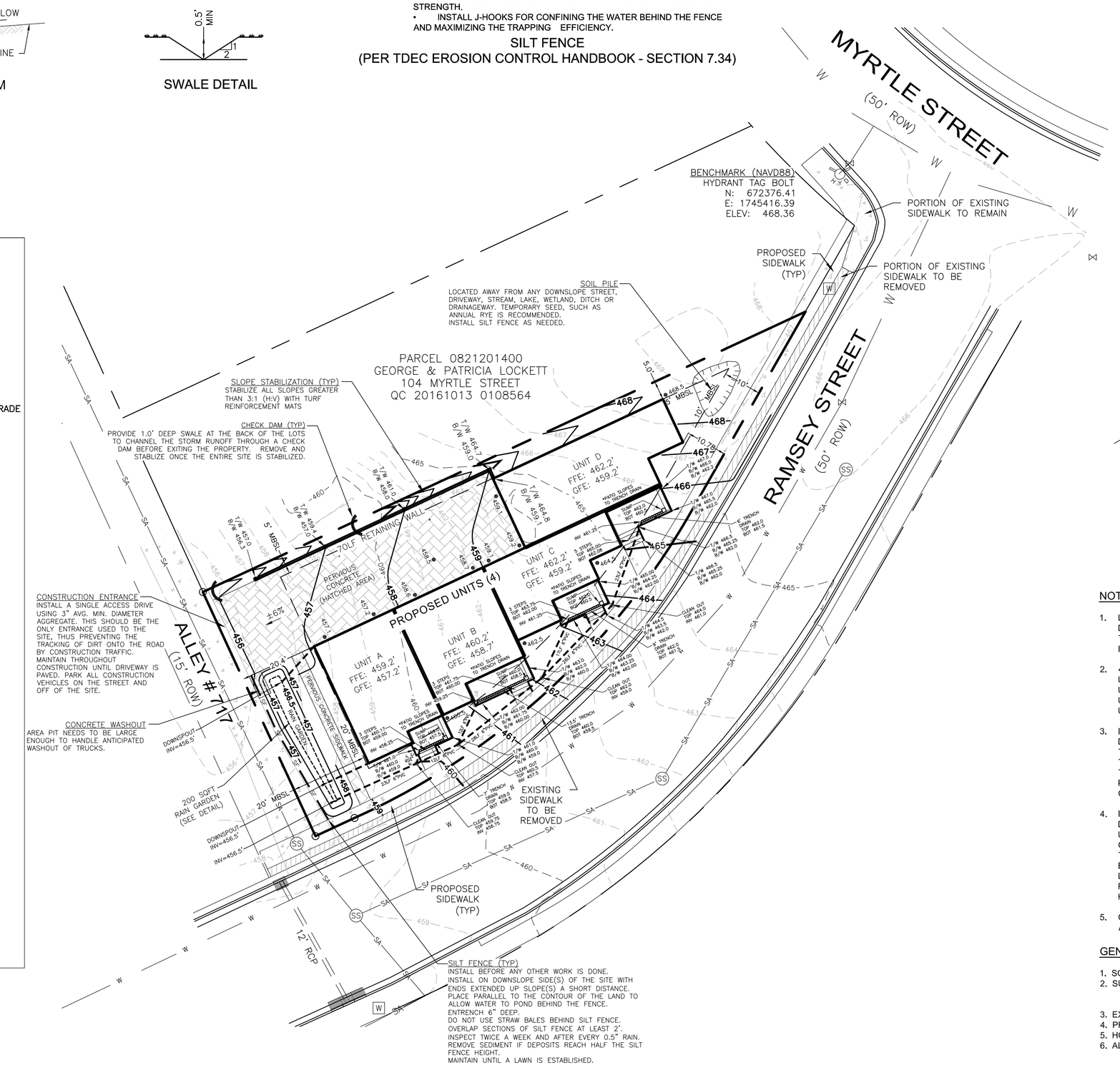


CONSTRUCTION STEPS:
1. Locate rain garden(s) where downspouts or driveway runoff can enter garden flowing away from home. Locate at least 10 feet from foundations, not within the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
2. Measure the area draining to the planned garden and determine required rain garden surface area from the table on the next page and your planned excavation depth.
3. Optionally, perform infiltration test according to Section B. If the rate is less than 0.25in/hr an underdrain will be necessary. If the rate is more than 0.50in/hr the size of the garden may be decreased 10% for every 0.50in/hr infiltration rate increase above 0.50in/hr.
4. Measure elevations and stake out the garden to the required dimensions insuring positive flow into garden, the overflow elevation allows for six inches of ponding, and the perimeter of the garden is higher than the overflow point. If the garden is on a gentle slope a berm at least two feet wide can be constructed on the downhill side and/or the garden can be dug into the hillside taking greater care for erosion control at the garden inlet(s).
5. Remove turf or other vegetation in the area of the rain garden. Excavate garden being careful not to compact soils in bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
6. Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. the soil mix should be ⅓ compost, ⅓ native soil (topsoil and subsoil combined).
7. Fill the rain garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" mulch. The surface of the rain garden should be as close to level as possible.
8. Build a berm at the downhill edge and the sides of the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding elevation.
9. Plant the rain garden using a selection of plants from elsewhere in this manual.
10. Mulch the surface of the rain garden with two to three inches of non-floating organic mulch. The best choice is finely shredded hardwood mulch. Pine straw is also an option.
11. Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be needed to establish plants during the first growing season.
12. During construction build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. Use of an impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of water from the source to the garden prior to finishing.
13. Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

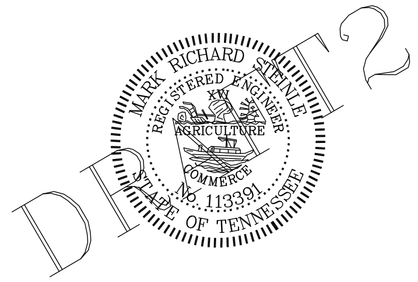
TYPICAL RAIN GARDEN DETAIL
(METRO NASHVILLE DEPT. OF WATER SERVICES– APPENDIX H)

CONTRIBUTING DRAINAGE AREA: RAIN GARDEN = 3,987 SQ FT
DEPTH OF SOIL MEDIA = 30 INCHES
AREA OF RAIN GARDEN = 200 SQ FT

SITE DATA - PRE-DEVELOPMENT		SITE DATA - POST-DEVELOPMENT	
Lot	8,298	Lot	8,298
Buildings	1,446	Buildings	2,906
Conc. Patios, Walks, Drives, Etc.	126	Conc. Patios, Walks, Drives, Etc.	2,653
TOTAL IMPERVIOUS	1,572	TOTAL IMPERVIOUS	5,559
PERCENT IMPERVIOUS	**18.9%**	PERCENT IMPERVIOUS	**67.0%**



GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.



LEGEND:

IRON ROD (FOUND)	○
CONCRETE MONUMENT (FOUND)	□
SILT FENCE	—— SF ——

NOTES:

1. LOCATE SOILS PILE AWAY FROM ANY DOWNSLOPE STREET, DRIVEWAY. STREAM. LAKE. WETLAND. DITCH OR DRAINAGEWAY. TEMPORARY SEED. SUCH AS ANNUAL RYE. IS RECOMMENDED. INSTALL SILT FENCE AS NEEDED.
2. 4 UNITS - PROPOSED TWO-STORY RESIDENTIAL
   UNIT A: FFE 459.2' GFE 457.2'
   UNIT B: FFE 460.2' GFE 458.7'
   UNIT C: FFE 462.2' GFE 459.2'
   UNIT D: FFE 462.2' GFE 459.2'
3. INSTALL A DOUBLE ACCESS DRIVE USING 3" AGGREGATE (SEE DETAILS). THESE SHOULD BE THE ONLY ENTRANCES USED TO THE SITE. THUS PREVENTING THE TRACKING OF DIRT ONTO THE ROAD BY CONSTRUCTION TRAFFIC. MAINTAIN THROUGHOUT CONSTRUCTION UNTIL DRIVEWAY IS PAVED. PARK ALL CONSTRUCTION VEHICLES ON THE STREET AND OFF OF THE SITE.
4. INSTALL SILT FENCE BEFORE ANY OTHER WORK IS DONE ON DOWNSLOPE SIDE(S) OF THE SITE WITH ENDS EXTENDED UPSLOPE(S) A SHORT DISTANCE. PLACE PARALLEL TO THE CONTOUR OF THE LAND TO ALLOW WATER TO POND BEHIND THE FENCE. ENTRENCH 6" DEEP. DO NOT USE STRAW BALES BEHIND SILT FENCE. OVERLAP SECTIONS OF SILT FENCE AT LEAST 2'. INSPECT TWICE A WEEK AND AFTER EVERY 0.5" RAIN. REMOVE SEDIMENT IF DEPOSITS REACH HALF THE SILT FENCE HEIGHT. MAINTAIN UNTIL A LAWN IS ESTABLISHED.
5. CONTOURS SHOWN WERE FIELD-RUN BY WILSON & ASSOCIATES IN JULY 2019.

GENERAL NOTES:

1. SOUTHERN BUILD. LLC Telephone: 615-323-5988
2. SUBJECT PROPERTY IS IDENTIFIED AS LOT 71 ON THE PLAN OF THE NEILL S. BROWN ADDITION TO EAST NASHVILLE. PLAN BOOK 57. PAGE 50. R.O.D.C. AND LOCATED AT 915 RAMSEY STREET. NASHVILLE. TN.
3. EXISTING TOPO SHOWN HEREON WAS FIELD RUN.
4. PROPOSED GRADING SHOWN HEREON SUBJECT TO VARY.
5. HOUSE FOOTPRINT PROVIDE BY 45 ARCH.
6. ALL UTILITIES SHOWN HEREON WERE TAKEN FROM VISIBLE STRUCTURES IN THE FIELD AT THE TIME OF SURVEY. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES UNDERGROUND. IN SERVICE. OR ABANDONED.
7. EROSION CONTROL SHALL BE INSTALLED IN ACCORDANCE WITH THE TENNESSEE DEPARTMENT OF ENVIRONMENT AND CONSERVATION GUIDELINES.
8. LOT SIZE: 0.19 ACRES OR 8,298 SQUARE FEET ACCORDING TO A SITE PLAN SURVEY BY JASON A. GARRETT OF CLINT ELLIOT SURVEY AND DATED JUNE 19. 2019.

NO.	DATE	COMMENT

108 Beasley Drive
Franklin, TN
37064
615.794.2275

WILSON&ASSOCIATES, P.C.
Engineering/Surveying/Environmental

SITE & EROSION SEDIMENT CONTROL PLAN

915 RAMSEY STREET
5th COUNCILMANIC DISTRICT
NASHVILLE, DAVIDSON COUNTY, TENNESSEE
FOR:MARC MARIANI

Grading & Erosion Control Plan

DRAWN BY: JAG
APPVD. BY:JCW II
DATE 7/31/19
PROJ. No. 19-1329
SCALE: 1" = 20'

SHEET No.
1 OF 1

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : WALGREENS, INC.
Property Owner: MAURICE BULL
Representative: : BRUCE Quisno

Date: 5-28-19
Case #: 2019-312
Map & Parcel: 09211026000

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:

PERMIT APP 201806498O

Activity Type:

Location: 309 22ND AVE. NORTH, NASHVILLE, TN. 37203

This property is in the MUN-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: SIDEWALK VARIANCE

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

WALGREENS INC.	BRUCE R. Quisno
Appellant Name (Please Print)	Representative Name (Please Print)
106 WILMOT ROAD	600 VINE STREET, SUITE 2210
Address	Address
DEERFIELD, IL 60015	CINCINNATI, OHIO 45202
City, State, Zip Code	City, State, Zip Code
(513) 702-7364	(513) 702-7364
Phone Number	Phone Number
b.quisno@cr-architects.com	SAME
Email	Email

Zoning Examiner: RONYA Sykes

Appeal Fee:

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Bruce R. Quisno

APPELLANT

BRUCE R. QUISNO

052819

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 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?

SEE ATTACHED, SEPARATE SHEET.

architecture + design

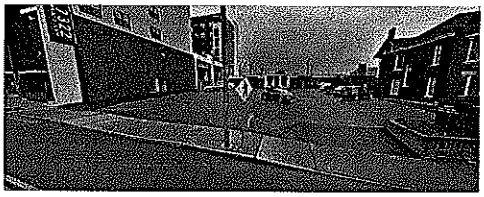
Specific and Unique Circumstances

Our request is for a reconsideration of the enforcement of the latest Zoning Ordinance dealing with sidewalks. Along the front 100' of the property, there is an existing roughly 8'-6" concrete sidewalk in good shape which we would propose leaving in place. It runs from property line to property line and abuts existing walks on either side that are 10' in width from the back of curb. To make our sidewalk compliant to the current zoning, we would have to tear out the existing walk, existing retaining wall and lose 4 parking pots. It would be the only walk on either side of the street that would have a "jog" in it to accommodate the 4' green space and 10'-0" walk required by the new ordinance. The re-direction would just make it a nuisance to the general public and possibly create unnecessary work.

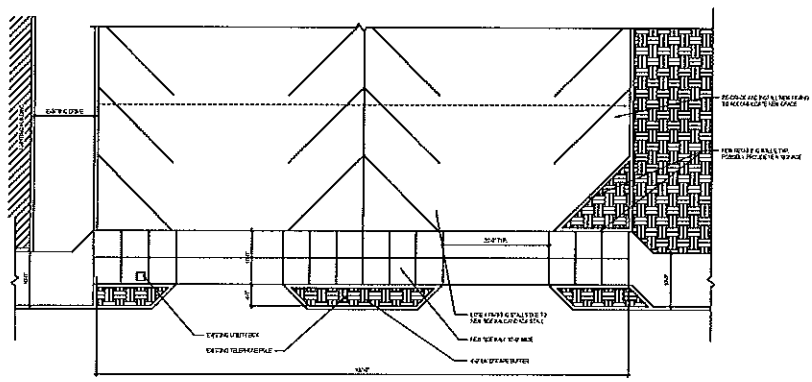
600 Vine Street Suite 2210 Cincinnati, OH 45202 P 513.721.5050 TF 800.469.4949 F 513.721.8181
creating extraordinary places

CINCINNATI
DALLAS
DENVER
MINNEAPOLIS
SEATTLE

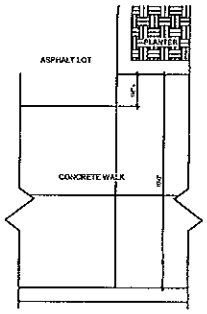
www.cr-architects.com



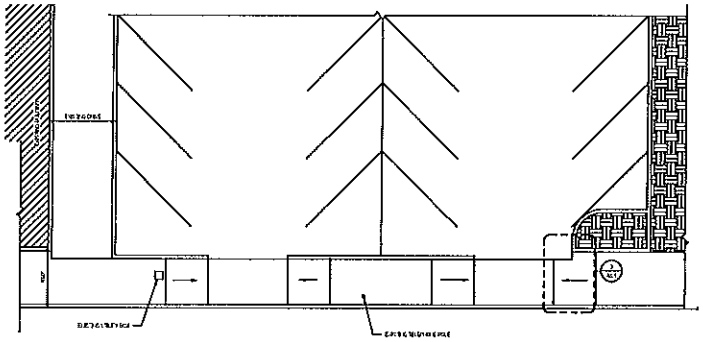
EXISTING CONDITION PHOTO



SITE PLAN - PROPOSED DESIGN
SCALE: 1/8" = 1'-0"



PLAN DETAIL
SCALE: 1/2" = 1'-0"



SITE PLAN - EXISTING CONDITION
SCALE: 1/8" = 1'-0"

Walgreens
Design, Development & Construction
105 Wilmot Road
Deerfield, IL 60015-5195

CR
architecture + design

NO	DATE	BY	DESCRIPTION

REVISIONS

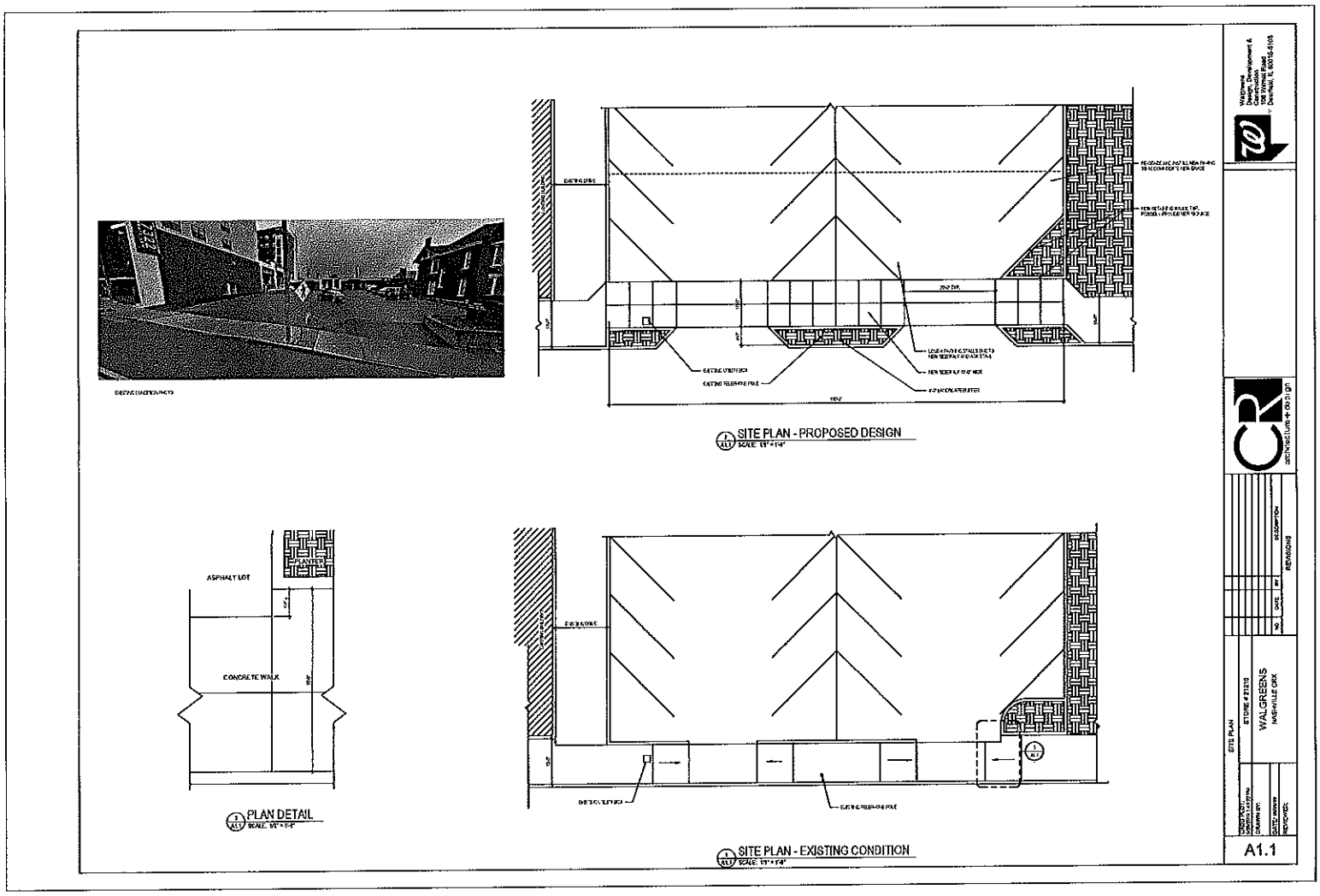
SITE PLAN

STORE # 21215

WALGREENS
NASHVILLE DRX

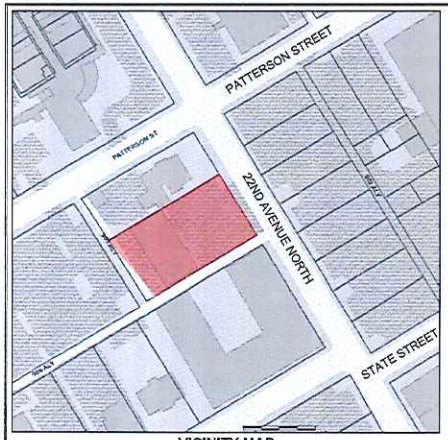
CONSTRUCT:
DRAWN BY:
DATE:
REVIEWED:

A1.1

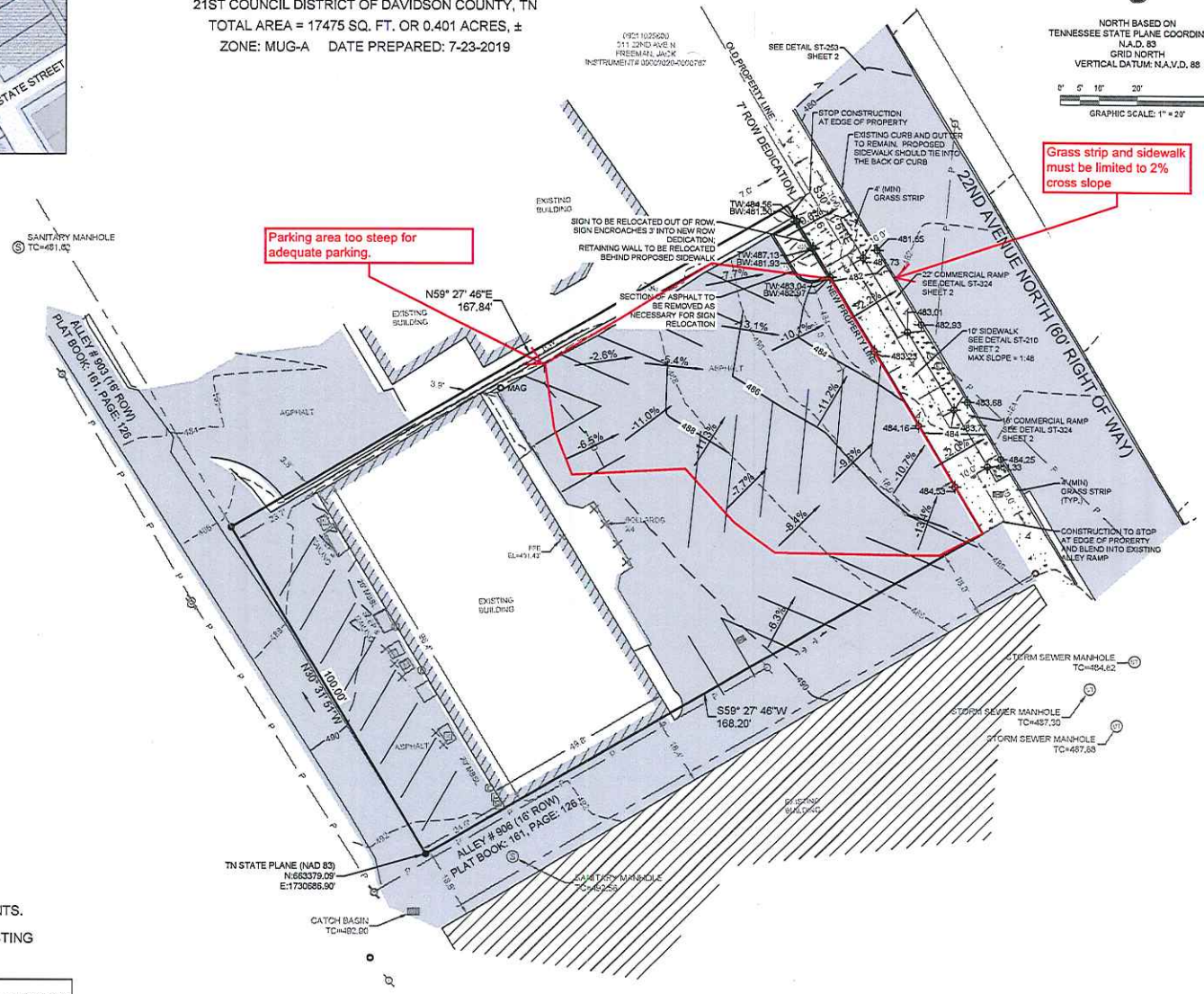

SITE PLAN - PROPOSED DESIGN
SITE PLAN - EXISTING CONDITION
PLAN DETAIL
ASPHALT LOT
CONCRETE WALK
PLANTER
WALGREENS
NASHVILLE CRX
A1.1

SIDEWALK PLAN

OF THE
MAURICE P. BULL, III AND DONALD L. BULL PROPERTY
METRO PARCEL IDENTIFICATION #09211026000
309 22ND AVE NORTH, NASHVILLE, TN 37203
INSTRUMENT 20080602-0055512
LOTS #13 AND 14 OF BLOCK NO. 4
ON THE PLAN OF THE MURPHY LAND COMPANY'S DIVISION "B"
AS RECORDED IN PLAT BOOK 161, P.126
REGISTER'S OFFICE OF DAVIDSON COUNTY, TN
21ST COUNCIL DISTRICT OF DAVIDSON COUNTY, TN
TOTAL AREA = 17475 SQ. FT. OR 0.401 ACRES, ±
ZONE: MUG-A DATE PREPARED: 7-23-2019



VICINITY MAP
(NOT TO SCALE)



SITE LEGEND

- ADJOINING BOUNDARY LINE
- BOUNDARY LINE
- 515 — CONTOUR LINE INDEX
- 515 — CONTOUR LINE INTERVAL
- CULVERT PIPE
- CURB LINE
- OVERHEAD UTILITY LINE
- SANITARY SEWER LINE
- UNDERGROUND GAS LINE
- WATER LINE

- AIR CONDITIONING UNIT
- BENCHMARK
- CATCH BASIN
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- UTILITY POLE
- UTILITY POLE w/ LIGHT
- WATER METER
- WATER VALVE

- BUILDING
- CONCRETE
- EASEMENT
- PAVEMENT
- TREE
- GUY ANGLE ANCHOR

- MONUMENT FOUND (1/2" REBAR, UNLESS NOTED OTHERWISE)
- MONUMENT SET (1/2" REBAR CAPPED "DBS & ASSOC.")
- CONCRETE MONUMENT FOUND

CSB = CONTEXTUAL SETBACK LINE
FFE = FINISHED FLOOR ELEVATION
GIS = GEOGRAPHICAL INFORMATION SYSTEM
IE = INVERT ELEVATION
MBSL = MINIMUM BUILDING SETBACK LINE
N.A.D. = NORTH AMERICAN DATUM
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
RODCT = REGISTERS OFFICE OF DAVIDSON COUNTY TENNESSEE
SA = SANITARY SEWER
TC = TOP OF CASTING
TNF = TERMINUS NOT FOUND
TYP = TYPICAL
RW = RETAINING WALL

NOTES :

CONTRACTOR TO BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK AS PER METRO PUBLIC WORKS DETAILS AND ADA REQUIREMENTS.

NEW SIDEWALK, CURB & GUTTER TO MEET EXISTING PAVEMENT ELEVATIONS.

DISCLAIMER

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THEREFORE, RELIANCE UPON THE TYPE, SIZE, AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION, AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT," THAT WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS. NO LESS THAN (3) THREE OR NO MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 1-800-351-1111.

PLOTTED: 9/17/2019 8:09 AM, BY: CHELSEA HANNAH
N:\PROJECTS\12210\SS\309 22ND AVE N - SURVEY\PLAN\09-22ND AVE NORTH-SIDEWALK PLAN.DWG

DBS & Associates Engineering
est. 1988
Engineers • Surveyors • Planners
2200 Rosa L. Parks Blvd.
Nashville, TN 37228
P: (615) 244-2040
F: (931) 647-7135
visit us online: www.dbsengr.com

SIDEWALK PLAN
METRO PARCEL IDENTIFICATION # 09211026000
309 22ND AVE NORTH, NASHVILLE, TN 37203
DATE: 7-23-2019

REVISIONS

FIELD CREW: TSP
DRAWN BY: WLM
CHECKED BY: NTH

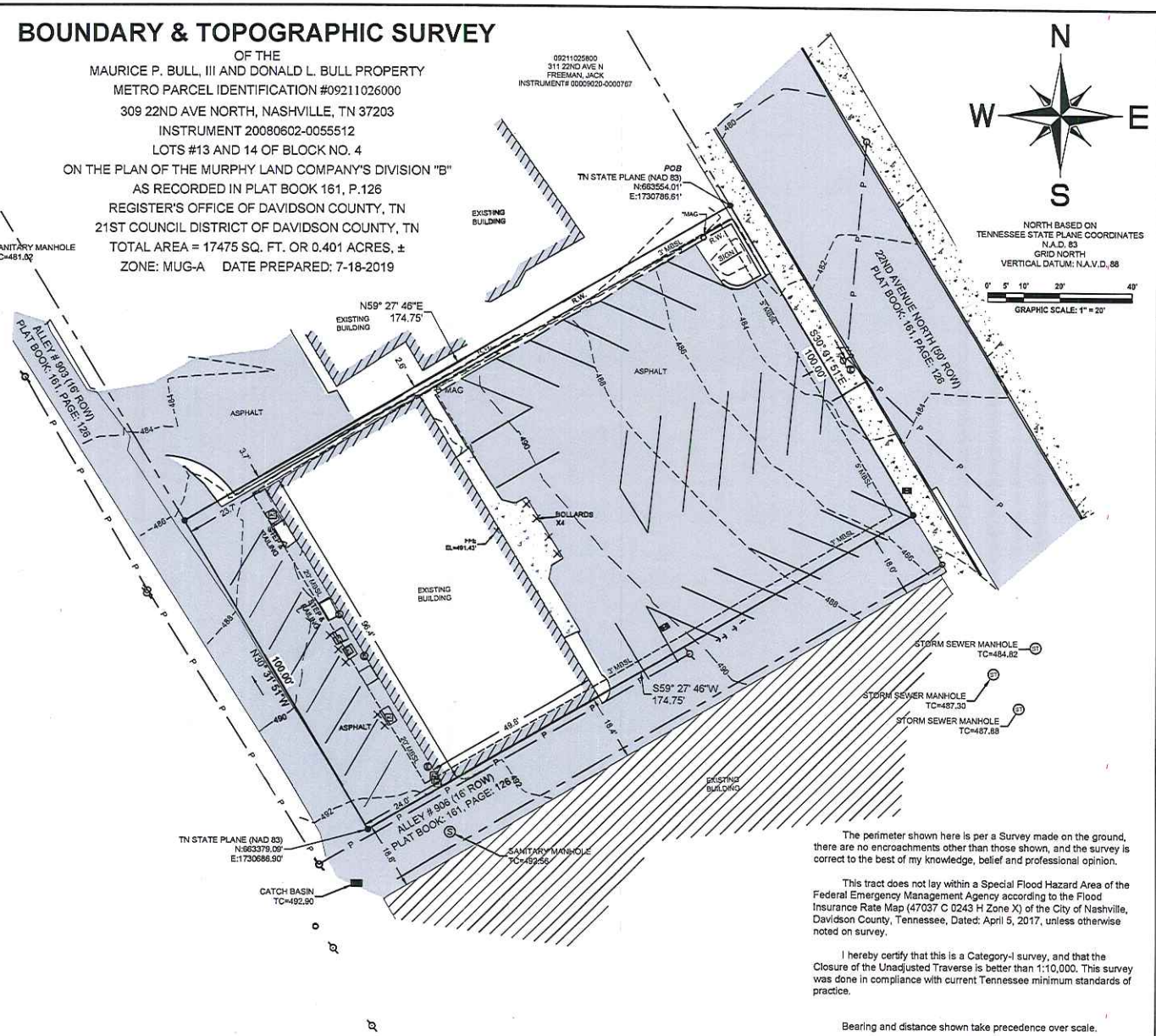
SHEET
1 OF 2

Case # 2019-312

BOUNDARY & TOPOGRAPHIC SURVEY

OF THE
MAURICE P. BULL, III AND DONALD L. BULL PROPERTY
METRO PARCEL IDENTIFICATION #09211026000
309 22ND AVE NORTH, NASHVILLE, TN 37203
INSTRUMENT 20080602-0055512
LOTS #13 AND 14 OF BLOCK NO. 4
ON THE PLAN OF THE MURPHY LAND COMPANY'S DIVISION "B"
AS RECORDED IN PLAT BOOK 161, P.126
REGISTER'S OFFICE OF DAVIDSON COUNTY, TN
21ST COUNCIL DISTRICT OF DAVIDSON COUNTY, TN
TOTAL AREA = 17475 SQ. FT. OR 0.401 ACRES, ±
ZONE: MUG-A DATE PREPARED: 7-18-2019

VICINITY MAP
(NOT TO SCALE)



SITE LEGEND

- ADJOINING BOUNDARY LINE
- BOUNDARY LINE
- 515 — CONTOUR LINE INDEX
- 515 — CONTOUR LINE INTERVAL
- ST — ST — CULVERT PIPE
- CURB LINE
- P — P — OVERHEAD UTILITY LINE
- SA — SA — SANITARY SEWER LINE
- G — G — UNDERGROUND GAS LINE
- W — W — WATER LINE

- AIR CONDITIONING UNIT
- BENCHMARK
- CATCH BASIN
- ELECTRIC METER
- ELECTRIC TRANSFORMER
- FIRE HYDRANT
- SANITARY SEWER MANHOLE
- STORM MANHOLE
- UTILITY POLE
- UTILITY POLE w/ LIGHT
- WATER METER
- WATER VALVE

- BUILDING
- CONCRETE
- EASEMENT
- PAVEMENT
- TREE
- GUY ANGLE ANCHOR

- MONUMENT FOUND (1/2" REBAR, UNLESS NOTED OTHERWISE)
- MONUMENT SET (1/2" REBAR CAPPED "DBS & ASSOC.")
- CONCRETE MONUMENT FOUND

CSB = CONTEXTUAL SETBACK LINE
FFE = FINISHED FLOOR ELEVATION
GIS = GEOGRAPHICAL INFORMATION SYSTEM
IE = INVERT ELEVATION
MBSL = MINIMUM BUILDING SETBACK LINE
N.A.D. = NORTH AMERICAN DATUM
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
PUDE = PUBLIC UTILITY & DRAINAGE EASEMENT
RODCT = REGISTERS OFFICE OF DAVIDSON COUNTY TENNESSEE
SA = SANITARY SEWER
TC = TOP OF CASTING
TNF = TERMINUS NOT FOUND
TYP = TYPICAL
RW = RETAINING WALL

SURVEYOR'S NOTES

FIELD WORK COMPLETED ON 7-12-2019.

A TITLE COMMITMENT/ SEARCH WAS NOT FURNISHED AT TIME OF SURVEY, THEREFORE THIS SURVEY IS SUBJECT TO AN ACCURATE TITLE COMMITMENT/ SEARCH.

BEARINGS AND DISTANCES TAKE PRECEDENCE OVER SCALE

SETBACKS ARE AS PER PLAT, PROPERTY IS ZONED AS "MUG-A" SURVEY DOES NOT ADDRESS CONTEXTUAL SETBACKS.

PROPERTY IS SUBJECT TO COVENANTS, EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD AND NOT OF RECORD.

THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER, AND DOES NOT EXTEND TO ANY UNNAMED PERSONS OR ENTITIES WITHOUT AN EXPRESS RE-CERTIFICATION BY THE SURVEYOR WHOSE NAME APPEARS HEREON.

THIS SURVEY DOES NOT ADDRESS THE EXISTENCE OR NON-EXISTENCE OF WETLANDS AREAS.

TOPOGRAPHIC FEATURES WERE DERIVED FROM FIELD MEASUREMENTS USING RANDOM SHOTS; CONTOUR INTERVAL = 2

THE PROPERTY IS NOT SUBJECT TO A BLUE LINE STREAM AS SHOWN ON SURVEY. BASED ON U.S.G.S. ONLINE MAPPING.

DISCLAIMER

THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THEREFORE, RELIANCE UPON THE TYPE, SIZE, AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION, AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER "THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT," THAT WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS: NO LESS THAN (3) THREE OR NO MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT, TENNESSEE ONE CALL 1-800-351-1111.

The perimeter shown here is per a Survey made on the ground, there are no encroachments other than those shown, and the survey is correct to the best of my knowledge, belief and professional opinion.

This tract does not lay within a Special Flood Hazard Area of the Federal Emergency Management Agency according to the Flood Insurance Rate Map (47037 C 0243 H Zone X) of the City of Nashville, Davidson County, Tennessee, Dated: April 5, 2017, unless otherwise noted on survey.

I hereby certify that this is a Category-I survey, and that the Closure of the Unadjusted Traverse is better than 1:10,000. This survey was done in compliance with current Tennessee minimum standards of practice.

Bearing and distance shown take precedence over scale.

DAVID B. SMITH TN RLS # 1409
DBS & ASSOCIATES ENGINEERING

DBS & Associates Engineering est. 1998
2200 Rosa L. Parks Blvd.
Nashville, TN 37228
P: (615) 244-2040
F: (931) 647-7135
visit us online: www.dbsengr.com
Engineers • Surveyors • Planners

BOUNDARY & TOPOGRAPHIC SURVEY
OF THE
MAURICE P. BULL, III AND DONALD L. BULL PROPERTY
METRO PARCEL IDENTIFICATION # 09211026000
309 22ND AVE NORTH, NASHVILLE, TN 37203
DATE: 7-18-2019

REVISIONS

FIELD CREW: TSP
DRAWN BY: WLM
CHECKED BY: NTH

SHEET
1 OF 1

PLOTTED: 7/19/2019 11:34 AM BY: NEAL HARRIS
A:\PROJECTS\2019\09-309 22ND AVE N\SURVEY\INFO\309 22ND AVE NORTH.DWG

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-312 (309 22nd Avenue North)

Metro Standard:	4' furnishing zone, 10' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks
Zoning:	MUG-A
Community Plan Policy:	T5 MU (Center Mixed Use Neighborhood)
MCSP Street Designation:	T5-M-CA2
Transit:	#10 – Charlotte
Bikeway:	Existing bikeway for experienced cyclists

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes to repurpose an existing 18,073 commercial building for a new pharmacy and requests a variance from upgrading sidewalks along 22nd Avenue North. Planning evaluated the following factors for the variance request:

(1) An 8' sidewalk without a furnishing zone currently exists along the 22nd Avenue North frontage. The adjacent property to the north has a 10' sidewalk without a furnishing zone, while the property to the south has 7' wide sidewalks with 3' furnishing zone with tree wells.
(2) The property has approximately 25 surface parking spaces between the existing structure and sidewalk, and 7 parking spaces to the rear of the building along alley #903. The surface parking area is needed for the reuse of the building and its related program functions. Dedication of right-of-way along this frontage is not feasible given these parking needs.

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

1. The applicant shall contribute in-lieu of construction for the 22nd Avenue North frontage.
2. Maintain existing sidewalk conditions in a state of good repair per Public Works final guidance. Any portion of the existing sidewalk along the property frontage that is not ADA compliant is to be removed and replaced in-kind with MPW Detail ST-210 sidewalk.
3. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk which meets the Major and Collector Street Plan.

From: Michelle Walther
To: Kindall, Ed (Council Member); Board of Zoning Appeals (Codes)
Subject: Case # 2019-220, Case # 2019-320, Case # 2019-312
Date: Wednesday, June 26, 2019 9:15:15 AM

I am writing as a Nashville resident to express my concern about the request to avoid sidewalks in the above appeals cases. Sidewalks are vital to our growing city for the safety of pedestrians and vehicles. It should be an expected and known cost of building. Please deny these request to not build and also not pay into the in-lieu fee for sidewalks.

Thank you,
Michelle Walther MD
4712 Benton Smith Rd
37215

From: Dorris, Stacy
To: Board of Zoning Appeals (Codes); Kindall, Ed (Council Member)
Subject: RE: 2019-312 - please deny this variance request
Date: Tuesday, June 25, 2019 9:10:45 PM

Dear BZA and CM Kindall,

I am writing to request that you deny the sidewalk variance request Case # 2019-312, by BULL, MAURICE P., III & DONALD L., at 309 22ND AVE N 37203. This is a planned Walgreen's rehab – requesting to not build the sidewalk required despite building being in a pedestrian benefit zone with the UZO. These are exactly the kind of businesses that could benefit the community if you could get there safely on foot. As you are aware, new sidewalks are intimately linked with development. It the opportunity is missed, the community waits literally decades for another chance. In this case, the employees of the building will also miss the opportunity to be able to walk to nearby businesses and will instead need to get into a car, increasing traffic. Since Nashville is significantly behind in sidewalks already, we have just 20% of our roadways sidewalked, we just cannot miss any opportunity.

The sidewalk is a gift to our city for development and it is a known cost of doing business for any building group or business. Please deny this and any request such as this one to not build sidewalks. It is a safety & a health issue for all Nashvillians.

Sincerely,
Stacy Dorris
801 Timber Ln
37215
The Sidewalk Foundation

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : SOUTHEAST VENTURE Date: 7/12/19

Property Owner: DARRELL & LINDA BREAUX Case #: 2019- 376

Representative: ~~SOUTHEAST~~ SAMANTHA O'LEARY Map & Parcel: 09209037800

Council District 21-KINDALL

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

Purpose:
RESIDENTIAL MULT-FAMILY CONSTRUCTION

Activity Type: MULTIFAMILY (RESIDENTIAL) NEW CONSTRUCTION

Location: 3214 CHARLOTTE AVENUE NASHVILLE, TN 37209

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:
FRONT FACADE TO EXTEND BEYOND CONTROL PLANE
SEE PLAN

Section(s): 17.12.020c

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.

SAMANTHA O'LEARY
Appellant Name (Please Print)
(SOUTHEAST VENTURE)

Representative Name (Please Print)

4011 ARMORY OAKS DR.
Address

Address

NASHVILLE, TN 37203
City, State, Zip Code

City, State, Zip Code

615-743-9382
Phone Number

Phone Number

soleary@southeastventure.com
Email

Email

Zoning Examiner: TC

Appeal Fee: $100

3691285

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 - 20190041970
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09209037800 **APPLICATION DATE:** 07/16/2019

SITE ADDRESS:
3214 CHARLOTTE AVE NASHVILLE, TN 37209
LOT 16 PT OF LOT 17 WILCOX SUB & PT OF CL ALLEY

PARCEL OWNER: BREAUX, DARRELL & LINDA **CONTRACTOR:**

APPLICANT:
PURPOSE:
NEW MULTI-FAMILY RESIDENTIAL CONSTRUCTION

PER 17.12.020C MAXIMUM HEIGHT AT SETBACK LINE IS 30'
PER 17.12.020C SLOPE OF HEIGHT CONTROL PLANE (V TO H) 1.5 TO 1

REQUEST A 10' UPPER FLOOR SETBACK AFTER 35' AT STREET SETBACK (SEE PLAN)

REQUEST TO CONSTRUCT FRONT FAÇADE BEYOND 1.5 TO 1 CONTROL PLANE (SEE PLAN)

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board Members so they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet of the property at issue in this case. The envelopes must include the return address for the BZA and case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements rewarding 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 Bard 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 **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

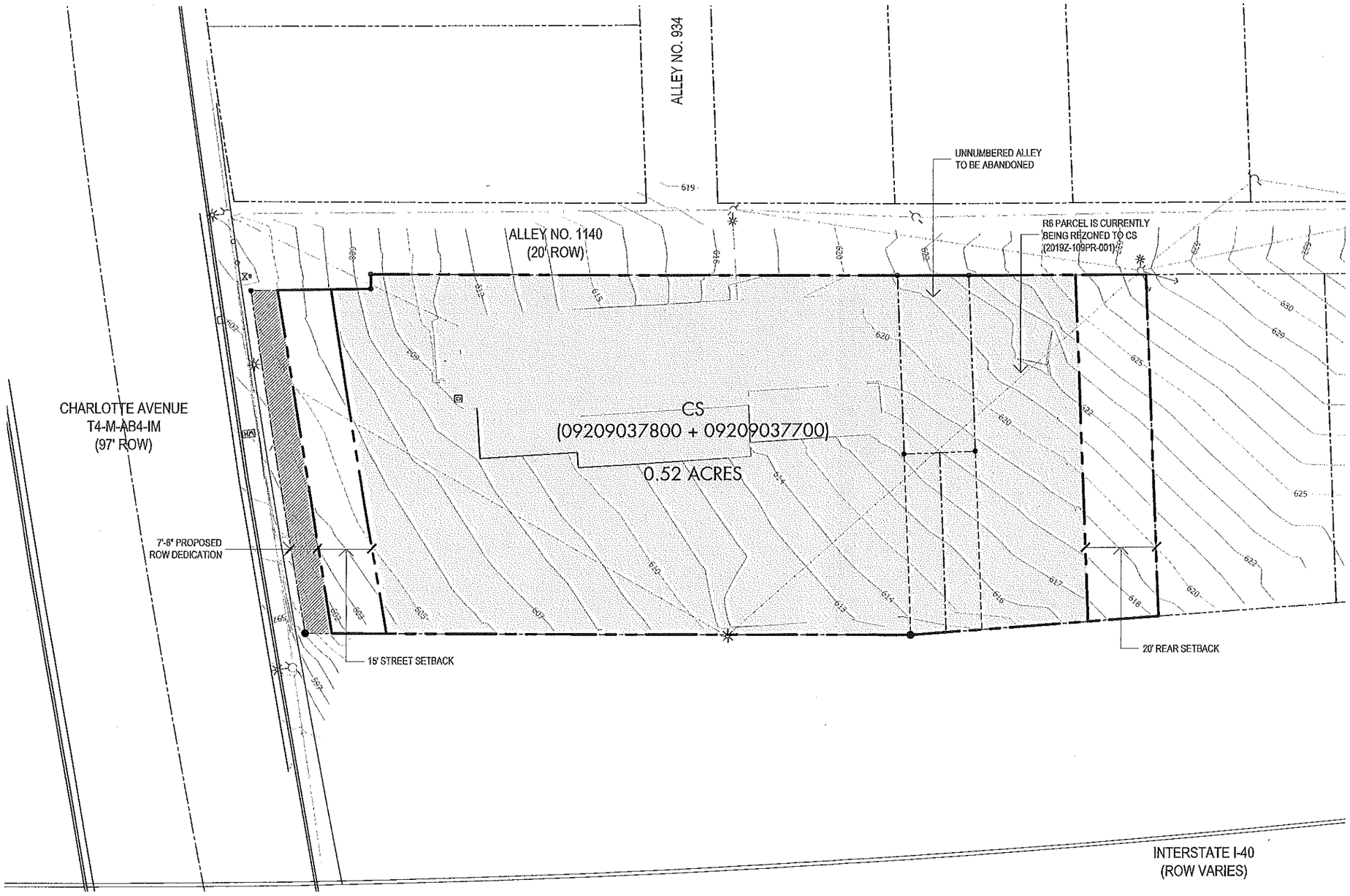
_____ _____

APPELLANT (OR REPRESENTATIVE) **DATE**

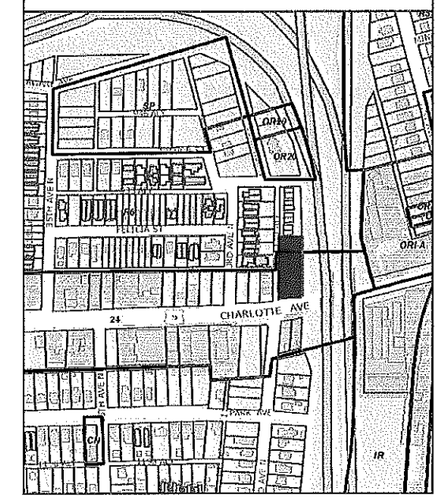
Case # 2019-376

3214 CHARLOTTE AVENUE

JULY 12TH, 2019



VICINITY MAP



SITE & ZONING DATA

AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
MAX. HEIGHT:	30' AT SETBACK WITH A 1.5 TO 1 CONTROL PLANE
STREET SETBACK:	15'
SIDE SETBACK:	NONE REQ.
REAR SETBACK:	20'

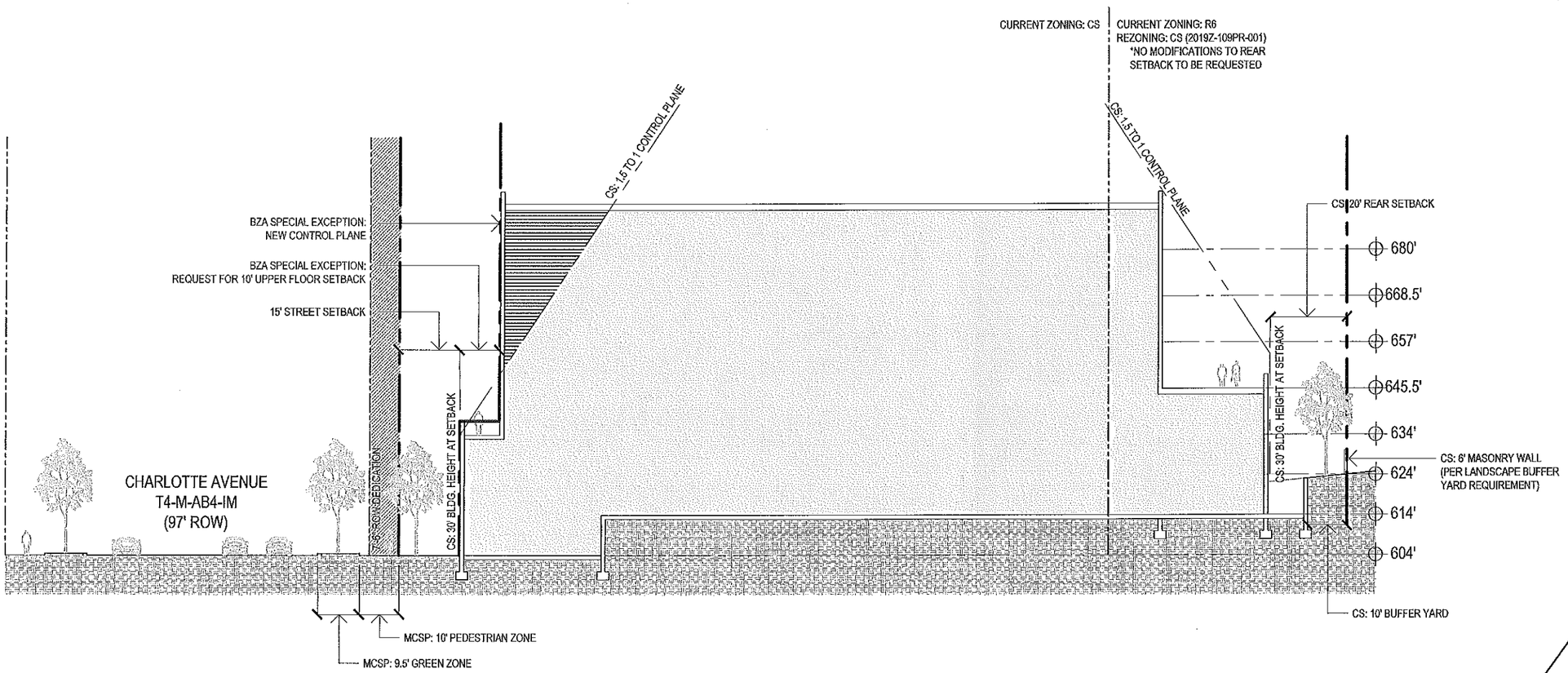
PARKING: 1 SPACE/BED UP TO 2 BEDS;
0.5 SPACES FOR EACH ADDITIONAL BEDROOM
*UZO: STUDIO & ONE BED: 1 SPACE/UNIT
TWO BED OR MORE: 1.5 SPACE/UNIT

SITE PLAN
SCALE: 1:30

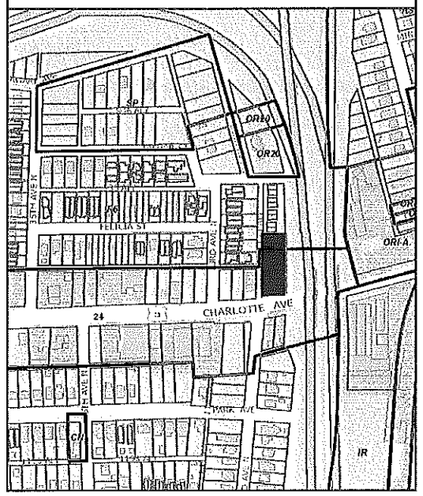
SOUTHEAST VENTURE
DESIGN SERVICES

3214 CHARLOTTE AVENUE

JULY 12TH, 2019



VICINITY MAP



SITE & ZONING DATA

AREA:	0.52 ACRES
CURRENT ZONING:	CS
*PARCEL 09209037700 CURRENTLY BEING REZONED FROM R6 TO CS	
COUNCIL DISTRICT:	21 - KINDELL
OVERLAYS:	UZO, C.A.C.S
MAX. FAR:	0.60
*UNLIMITED RESIDENTIAL FAR PER ZONING ORDINANCE 17.16.030-F3	
MAX. ISR:	0.90
MAX. HEIGHT:	30' AT SETBACK WITH A 1.5 TO 1 CONTROL PLANE
STREET SETBACK:	15'
SIDE SETBACK:	NONE REQ.
REAR SETBACK:	20'

PARKING: 1 SPACE/BED UP TO 2 BEDS;
0.5 SPACES FOR EACH ADDITIONAL BEDROOM
*UZO: STUDIO & ONE BED: 1 SPACE/UNIT
TWO BED OR MORE: 1.5 SPACE/UNIT

SITE SECTION
SCALE: 1:30

SOUTHEAST VENTURE
DESIGN SERVICES

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals

From: Metropolitan Nashville Planning Department

CC: Emily Lamb

Date: September 16, 2019

BZA Hearing Date: September 19, 2019

Re: Planning Department Recommendation for Special Exception Cases

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing recommendations on the following Special Exception case:

Case 2019-376 (3214 Charlotte Avenue) –Special Exception

Request: Special exception for maximum height at setback line and to penetrate height control plane.

Zoning:
Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots.

Land Use Policy: T4 Urban Mixed Use Corridor (T4 CM) is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Supplemental Policy – Charlotte Pike Corridor – Subdistrict 6 (I-440 Gateway) is a mixed use subdistrict encouraging an urban form with a maximum height of four stories.

Existing Context: The entire site indicated on the site plan includes 2 parcels totaling 0.52 acres. The large parcel, 3214 Charlotte Avenue, has frontage along Charlotte Avenue and is currently

developed with a single-story commercial building. The smaller parcel is located to the rear of the site and is accessed via Alley 1140. The smaller parcel is currently zoned R6 (one and two-family residential) and is at the southern edge of an established one and two-family neighborhood.

Planning Department Analysis:
The applicant is requesting two exceptions:

- Special exception for maximum height at setback line
- Special exception to penetrate the height control plane

The proposal is to permit a height of 35 feet at the setback line, where 30 is the maximum permitted. Additionally, the applicant proposes to penetrate the height control plane along Charlotte Avenue after a 10 foot step-back. The proposed form is consistent with the urban character envisioned by the Charlotte Pike Corridor Study and encourages a pedestrian scale development along the street frontage.

It should be noted that the plan as presented on the site plan, is contingent upon a rezoning of the smaller back parcel that has not been introduced at council at this time. The plan as presented cannot be constructed under the existing zoning entitlements. Should the zoning not move forward, adjustments to the plan would be necessary to address rear setback, required buffers, and other elements as determined by the Zoning Administrator.

Planning Recommendation: Approve the special exception as requested only for 3214 Charlotte Avenue.

From: Michael Fisher
To: Board of Zoning Appeals (Codes)
Subject: CASE 2019-376
Date: Thursday, September 5, 2019 9:49:59 AM

Dear Board Members,

I am unable to attend this hearing set for today at 1:00 p.m. Please allow this email to serve as my objection to any zoning changes or variances for this subject property. The proposed developers of this property plan to build a 5-story apartment complex in this lot and the adjacent lot (zoned R6, pending zoning change). The Charlotte Avenue Corridor Plan enacted last fall set the height for buildings in this area to no more than 4 stories. The developers of this property do not plan to follow this plan. Instead they are wanting to cram a giant building on this small lot and block the city view enjoyed by numerous single family homes in the area. This would by far the largest building along Charlotte in this area. Further, this lot does not have good and direct street access. Thus, the developer is attempting to direct a lot of traffic through a busy alley. Many in the Sylvan Summit neighborhood have voiced disapproval as to the proposed development. I ask that you deny their request for a variance from the setback and control plane requirements.

--
Michael P. Fisher, Esq.

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant: Jay Mikolinski
Property Owner: DHM Development
Representative: Jay Mikolinski

Date: 7/19/19
Case #: 2019-391
Map & Parcel: 105011P00100CO
105011P00200CO

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 single family residence on 1 parcel
2019040597 & 2019040593

Activity Type: Res. Construction

Location: 1001 and 1003 South St

This property is in the RG Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:
Sidewalk variance. Required to build sidewalks, req to build on southside ave and keep existing sidewalks along South St.

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.

Jay Mikolinski Appellant Name (Please Print)	Representative Name (Please Print)
1001 South Street Address	Address
Nashville TN City, State, Zip Code	City, State, Zip Code
615-708-7485 Phone Number	Phone Number
Jay@DHMLandDev.com Email	Email
Zoning Examiner:	Appeal Fee:

3692832

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 - 20190042970
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105011P00100CO **APPLICATION DATE:** 07/19/2019

SITE ADDRESS:

1001 SOUTH ST NASHVILLE, TN 37203
UNIT A HOMES AT 1001-1003 SOUTH STREET

PARCEL OWNER: D & M DEVELOPMENT, LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:

BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.
2 houses on one parcel (1001 and 1003 South Street).

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.

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

APPELLANT

7-19-2019

DATE

Standards for a Variance

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of the Zoning Code based upon findings of fact related to the standards in section 17.40.370. This Section is included as follows:

Physical Characteristics of the property- The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owners of such property.

Unique characteristics- *The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.*

Hardship not self-imposed- The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after date of Zoning Code.

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

No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

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

Integrity of Master Development Plan- *The granting of a variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.*

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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?

There is AN Existing Sidewalk 8' Feet wide with H/C RAMP. I'm the Last House to Build on this side of South Street and it's A corner Lot.
I Believe it will Be much better to Leave the Existing walk In Front AS. IS.

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

3689111

APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019040593
THIS IS NOT A PERMIT

PARCEL: 105011P00100CO **APPLICATION DATE:** 07/09/2019

SITE ADDRESS:

1001 SOUTH ST NASHVILLE, TN 37203
UNIT A HOMES AT 1001-1003 SOUTH STREET

PARCEL OWNER: D & M DEVELOPMENT, LLC

APPLICANT: D & M DEVELOPMENT, LLC

NASHVILLE, TN 37203 6157087485

PURPOSE:

BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.

To construct 1001 South Street of new attached HPR/duplex family residence with 2900 sq ft of living space, 430 sq ft of garage, 600 sq ft unfinished basement and 500 sq ft of porches and decks. Minimum 5 ft side setback, 15 ft platted side setback along Southside Ave. 31 ft minimum front setback per average and 20 ft minimum rear setback. Must conform to all easements on property. Maximum height of 3 stories within 45 ft from natural grade. Maximum building coverage on total parcel not to exceed 50%. . Must conform with all easements on property. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property. For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are required. 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	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
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		862-5230
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-862-6978 David.Johnson@nashville.gov

3689117

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

APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2019040597
THIS IS NOT A PERMIT

PARCEL: 105011P00200CO **APPLICATION DATE:** 07/09/2019

SITE ADDRESS:
1003 SOUTH ST NASHVILLE, TN 37203
UNIT B HOMES AT 1001-1003 SOUTH STREET

PARCEL OWNER: D & M DEVELOPMENT, LLC

APPLICANT: D & M DEVELOPMENT, LLC

NASHVILLE, TN 37203 6157087485

PURPOSE:
BZA Appeal of 17.20.120 requiring construction of sidewalks. Requesting to build on Southside Avenue frontage and keep existing sidewalk along South Street.

To construct 1003 South Street of new attached HPR/duplex family residence with 2900 sq ft of living space, 430 sq ft of garage, 600 sq ft unfinished basement and 500 sq ft of porches and decks. Minimum 5 ft side setback, 15 ft platted side setback along Southside Ave. 31 ft minimum front setback per average and 20 ft minimum rear setback. Must conform to all easements on property. Maximum height of 3 stories within 45 ft from natural grade. Maximum building coverage on total parcel not to exceed 50%. . Must conform with all easements on property. Pursuant # 2006-1263 Metro Code of Laws, I (holder OF permit) hereby certify that all construction & demolition waste generated by any & all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction & demolition waste shall be stored on the property in violation of any provision of Metro Code.; For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property. For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are required. 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	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Site Plan Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
CA - Zoning Sidewalk Requirement Review	BZAVARAPP	(615) 862-4138 Lisa.Butler@nashville.gov
[A] Zoning Review	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
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		862-5230
[E] Sewer Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Availability Review For Bldg	COND	615-862-6825 Sara.Jinnette@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-862-6825 Sara.Jinnette@nashville.gov
[G] Bond & License Review On Bldg App	APPROVED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App	APPROVED	615-880-2427 Sara.Cain@nashville.gov
[D] Grading Plan Review For Bldg App	COND	615-862-6978 David.Johnson@nashville.gov

Property Information
1003 B South St.
Nashville, Tennessee 37203
0.141± Total Acres

Owners of Record
D & M Development, LLC
1001 & 1003 South St
Nashville, Tennessee 37203

Surveyor
Jason A. Garrett, RLS
1711 Hayes Street
Nashville, Tennessee 37203
Contact: Adam Elliott
Phone: 615-490-3236
Email: adam@clintelliottsurvey.com

Council Info
Council District: 17
Council Member: Colby Sledge

Building Permit No.

Electric Service
Nashville Electric Service (NES)
1214 Church Street
Nashville, Tennessee 37246
615-747-6307

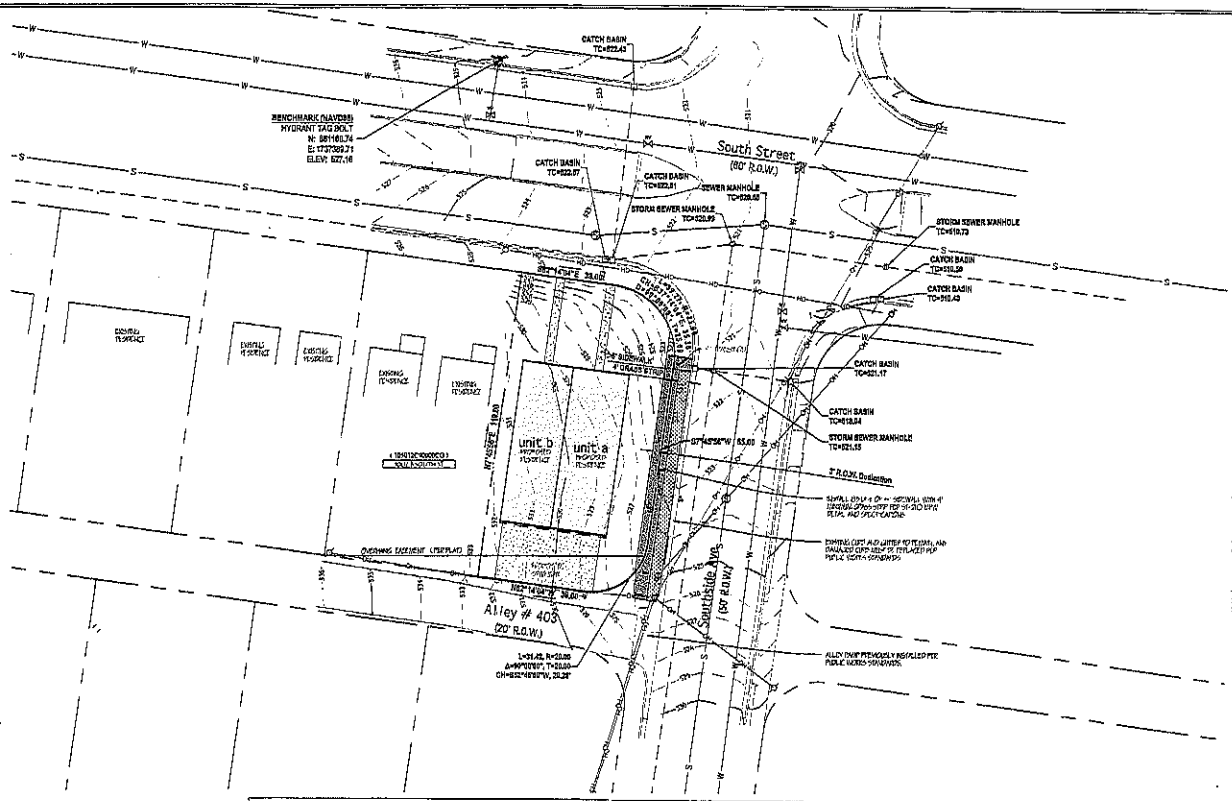
Gas Service
Nashville Gas (Piedmont)
615-734-0734

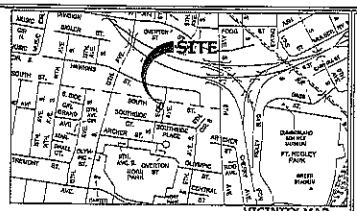
Water Service
Metro Water Service
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4536

Sewer Service
Metro Water Services
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4536

Telephone Service
Bellsouth
800-629-8000

Utility Location
Tennessee One-Call
800-351-1111





Metro Public Works Notes:
1. There shall be no vertical obstructions within the sidewalk
2. The Contractor must call Public Works for a forms inspection at 615-455-3724 or 615-455-4085 prior to pouring concrete.
3. Sidewalk cross slope shall not exceed 2%.
4. Slopes from grading shall not exceed 3:1.
5. All construction within the right-of-way shall comply with the Americans with Disabilities Act (ADA) in effect at the time activities are performed.

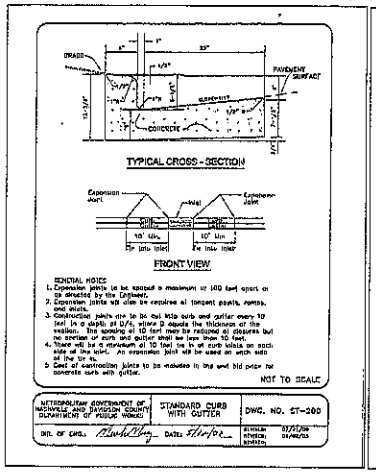
Surveyor's Notes:
1. This survey was done under the authority of TCA 62-18-126 and is not a "general property survey" as defined under rule 0820-3-07. The information shown on this exhibit was derived from recorded deeds, plats, and field measurements. Said property is subject to any findings of an accurate title search. No title work was furnished to the surveyor prior to this exhibit. This exhibit is not intended to be a boundary survey of the property shown hereon.

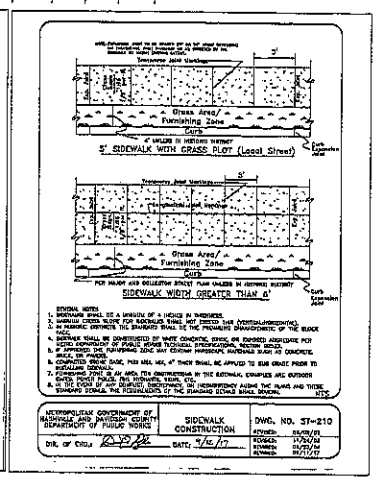
MAP REFERENCE
Parcel ID for subject property is (105011190000CO) on Davidson County Property Map.

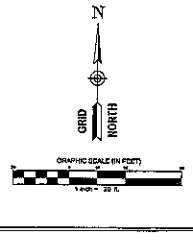
DEED REFERENCE
Owner : D.L.C. Homes at 1001-1003 South Street, as of record in MA-20190315 0045038 Register's Office, Davidson County, Tennessee.

PLAT REFERENCE
Being Lot # 5 on the Plan of Southside Park Estates, Section 1, as of record in Book 4400, Page 41, Register's Office for Davidson County, Tn.

Symbol Legend
Symbol	Description
	IRON ROD (OLD)
	BENCHMARK
	CATCH BASIN
	FIRE HYDRANT
	SEWER MANHOLE
	EXISTING TREE
	WATER VALVE
WM	WATER METER
	IRON ROD (NEW)
	UTILITY POLE
	Concrete
	Asphalt
	Gravel







CALL BEFORE YOU DIG
DIG – DRILL – BLAST – BORE
(800) 351-1111
TENNESSEE ONE CALL CENTER

The location of existing underground utilities are shown at approximate locations only and are based upon the field location of visible utility apparatus and information provided by utility companies.

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
chris@clintelliottsurvey.com
(615) 490-3236

Public Sidewalk Improvement Plan
1003 B South Street
Nashville, Davidson County, Tennessee 37203

Rev.	Date	Revision Description

JASON A. GARRETT
TENNESSEE REG. NO. 2487

Issue Date: 06-21-19
Project ID: 1003 B SOUTH ST
Drafted By: CH

Sheet Title:
Public Sidewalk Improvement Plan

Sheet No.
V-1.00

Case # 2019-391

Property Information
1003 B South St.
Nashville, Tennessee 37203
0.1412 Total Acres

Owners of Record
D & M Development, LLC
1001 & 1003 South St
Nashville, Tennessee 37203

Surveyor
Jason A. Garrett, RLS
1711 Hayes Street
Nashville, Tennessee 37203
Contact: Adam Elliott
Phone: 615-450-3236
Email: adam@clintelliottsurvey.com

Council Info
Council District: 17
Council Member: Colby Sledge

Building Permit No.

Electric Service
Nashville Electric Service (NES)
1214 Church Street
Nashville, Tennessee 37246
615-747-6007

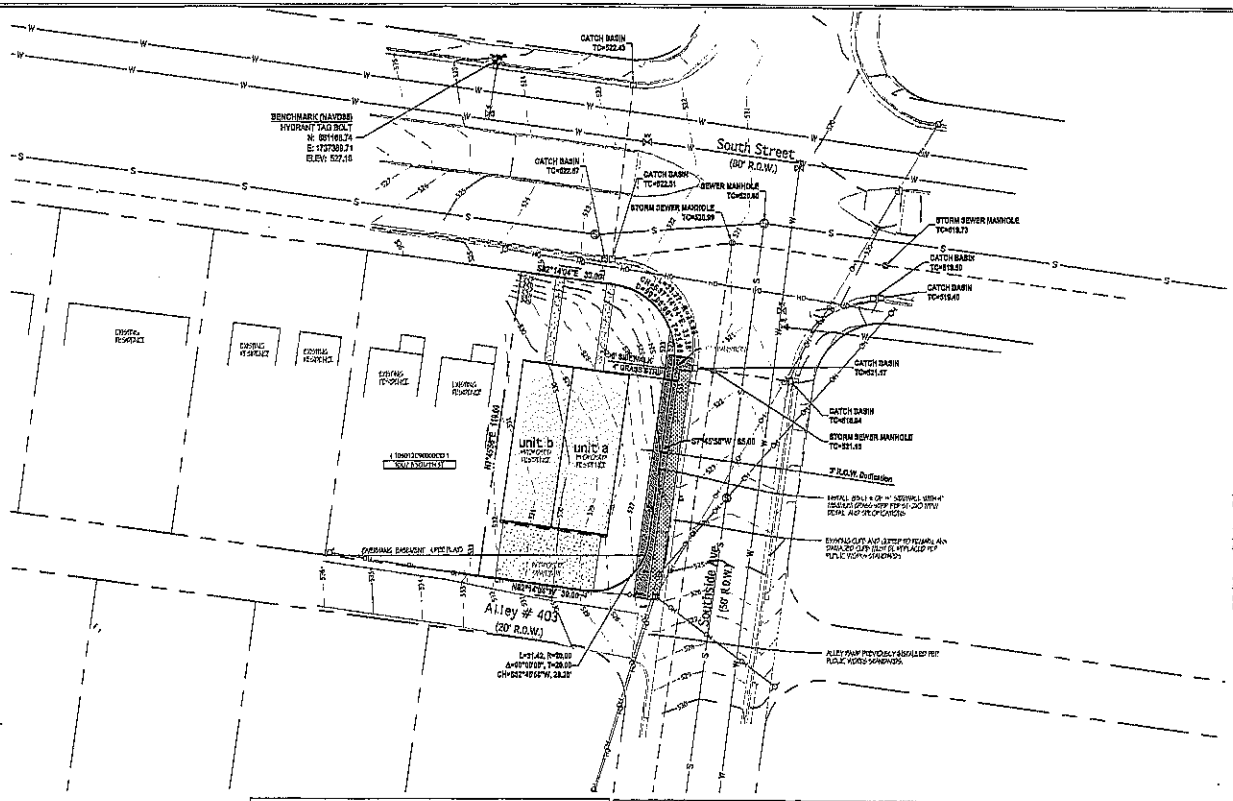
Gas Service
Nashville Gas (Piedmont)
615-734-0734

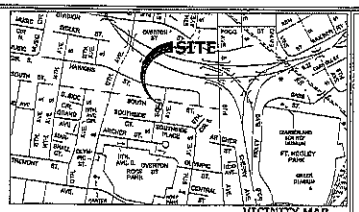
Water Service
Metro Water Service
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4598

Sewer Service
Metro Water Services
1600 2nd Avenue North
Nashville, Tennessee 37208
615-862-4598

Telephone Service
BellSouth
865-626-6000

Utility Location
Tennessee One-Call
800-351-1111





Metro Public Works Notes:
1. There shall be no vertical obstructions within the sidewalk
2. The Contractor must call Public Works for a forms inspection at 615-456-3724 or 615-456-4095 prior to pouring concrete.
3. Sidewalk cross slope shall not exceed 2%.
4. Slopes from grading shall not exceed 3:1.
5. All construction within the right-of-way shall comply with the Americans with Disabilities Act (ADA) in effect at the time activities are performed.

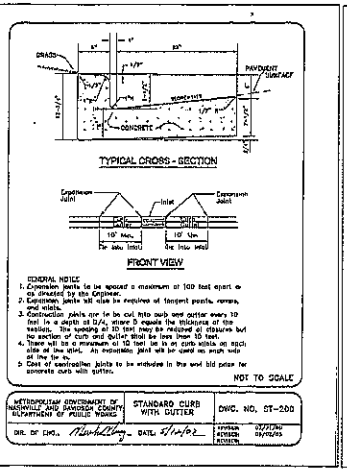
Surveyor's Notes:
1. This survey was done under the authority of TCA 62-18-126 and is not a "general property survey" as defined under rule 0820-3-07. The information shown on this exhibit was derived from recorded deeds, plats, and field measurements. Said property is subject to any findings of an accurate title search. No title work was furnished to the surveyor prior to this exhibit. This exhibit is not intended to be a boundary survey of the property shown hereon.

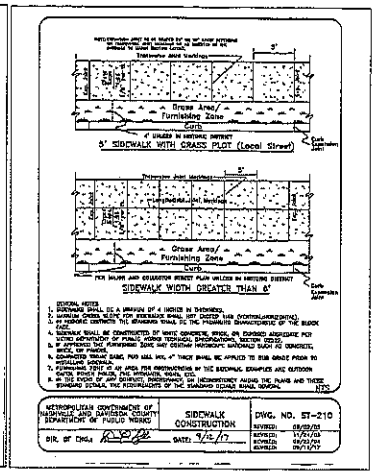
MAP REFERENCE
Parcel ID for subject property is (105011P00900CD) on Davidson County Property Map.

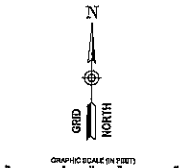
DEED REFERENCE
Owner : D.L.C. Homes at 1001+1003 South Street, as of record in MA-20140215 0045638 Register's Office, Davidson County, Tennessee.

PLAT REFERENCE
Being Lot # 5 on the Plan of Southside Park Estates, Section 1, as of record in Book 4460, Page 61, Register's Office for Davidson County, Tn.

Symbol Legend
Symbol	Description
	IRON ROD (OLD)
	BENCHMARK
	CATCH BASIN
	FIRE HYDRANT
	SEWER MANHOLE
	DECIDUOUS TREE
	WATER VALVE
	WATER METER
	IRON ROD (NEW)
	UTILITY POLE
	Concrete
	Asphalt
	Gravel







CALL BEFORE YOU DIG
DIG - DRILL - BLAST - DOPE
(800) 351-1111
TOMORROW - BEC CALL BEFORE

The location of existing underground utilities are shown at approximate locations only and are based upon the field location of visible utility appurtenances and information provided by utility companies.

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
cliintelliottsurvey.com
(615) 450-3236

Public Sidewalk Improvement Plan
1003 B South Street
Nashville, Davidson County, Tennessee 37203

Rev.	Date	Revision Description

JASON A. GARRETT
TENNESSEE REGISTERED LAND SURVEYOR
NO. 2041
06/21/19

Issue Date: 06-21-19
Project ID: 1003 B South St
Drafted By: GH

Sheet Title:
Public Sidewalk Improvement Plan

Sheet No.
V-1.00

Case # 2019-391

15 October 2019

Re: Zoning Appeal Notice Case Number 2019-391
1001 South St and 1003 South St
Map Parcel: 105011P00100CO and 105011P00200CO
Variance from sidewalk requirements – building at the above parcels without sidewalks

To Metropolitan Board of Zoning Appeals:

We stand strongly opposed to the requested sidewalk variance for the addresses/parcels listed above.

The builder is proposing pedestrians be forced to enter the neighborhood by walking in the street.

Unlike the builder, we are resident owners in this neighborhood (with direct line-of-sight to the corner of South St and Southside Ave). We are acutely aware of the volume of both vehicular and pedestrian traffic flows into the Gulch View neighborhood. Continued growth in this neighborhood will exacerbate the current safety issues, compounded by the variance requested.

These parcels border the corner of South St and Southside Ave. The South St / Southside Ave intersection is the primary point of pedestrian and vehicular ingress – egress from Gulch View.

The residence directly behind these parcels, at the corner of Southside and Southside Pl, has sidewalks-which also was built by this builder. The homes on the opposite side of Southside Ave also all have sidewalks.

In recent months, there have been several traffic accidents in this area:

- At the corner of South St and Southside Ave
- Along Southside Ave
- And at the corner of Southside Ave and Southside Pl

We witness near-hits / near-misses on virtually a daily basis. During rush hour these streets and intersections are used as cut-throughs to, and for avoiding traffic on, 8th Ave S and 12th Ave S.

Making matters more dangerous, there are no marked crosswalks at any of the intersections noted above.

The builder is proposing that pedestrians enter this neighborhood—on his side of this precarious, high-traffic entry corridor—by being forced to walk in the street on Southside Ave around his property.

We strenuously oppose the sidewalk variance for the addresses/parcels noted in the request.

The Board is welcome to contact us regarding the variance request and our firm opposition.

Submitted to the Metropolitan Board of Zoning Appeals via USPS 15 October 2019.

Barbara and Bryan Eckert
915 Southside Pl
Nashville, TN 37203
C 331-203-0137

15 October 2019

Re: Zoning Appeal Notice Case Number 2019-391
1001 South St and 1003 South St
Map Parcel: 105011P00100CO and 105011P00200CO
Variance from sidewalk requirements – building at the above parcels without sidewalks

To Metropolitan Board of Zoning Appeals:

We stand strongly opposed to the requested sidewalk variance for the addresses/parcels listed above.

The builder is proposing pedestrians be forced to enter the neighborhood by walking in the street.

Unlike the builder, we are resident owners in this neighborhood (with direct line-of-sight to the corner of South St and Southside Ave). We are acutely aware of the volume of both vehicular and pedestrian traffic flows into the Gulch View neighborhood. Continued growth in this neighborhood will exacerbate the current safety issues, compounded by the variance requested.

These parcels border the corner of South St and Southside Ave. The South St / Southside Ave intersection is the primary point of pedestrian and vehicular ingress – egress from Gulch View.

The residence directly behind these parcels, at the corner of Southside and Southside Pl, has sidewalks-which also was built by this builder. The homes on the opposite side of Southside Ave also all have sidewalks.

In recent months, there have been several traffic accidents in this area:

- At the corner of South St and Southside Ave
- Along Southside Ave
- And at the corner of Southside Ave and Southside Pl

We witness near-hits / near-misses on virtually a daily basis. During rush hour these streets and intersections are used as cut-throughs to, and for avoiding traffic on, 8th Ave S and 12th Ave S.

Making matters more dangerous, there are no marked crosswalks at any of the intersections noted above.

The builder is proposing that pedestrians enter this neighborhood—on his side of this precarious, high-traffic entry corridor—by being forced to walk in the street on Southside Ave around his property.

We strenuously oppose the sidewalk variance for the addresses/parcels noted in the request.

The Board is welcome to contact us regarding the variance request and our firm opposition.

Submitted to the Metropolitan Board of Zoning Appeals via USPS 15 October 2019.

Barbara L. Eckert

Barbara and Bryan Eckert
915 Southside Pl
Nashville, TN 37203
C 331-203-0137

Darlene Yazbak
927 South St.
Nashville, TN 37203

October 18, 2019

Metropolitan Government of Nashville and Davidson County
P.O. Box 196300
Nashville, TN 37210

Re: Appeal Case Number 2019-391
1001 South St. and 1003 South St.
Map Parcel: 105011P00100CO, 105011P00200CO
Zoning Classification: R6
Council District: 17

To Members of the Board of Zoning Appeals:

Please allow this communication to register my opposition to the above residences to be constructed without building sidewalks or paying into the sidewalk fund. I believe sidewalks to be instrumental to the safety of pedestrians along South Street and that all residents/ contractors be required to pay their fair share in this civic responsibility.

Please keep me informed of the status of this appeal.

Thank you,

Darlene Yazbak
920.427.1900 (Please leave message if contacting via phone as unknown calls are silenced.)

From: negletdet@gmail.com
To: Board of Zoning Appeals (Codes)
Cc: "Bill Telgen"
Subject: comment on appeal 20190042970
Date: Monday, October 14, 2019 9:34:45 AM

Hello,
We received notice of zoning appeal 20190042970, a variance in requiring a sidewalk at 1001 and 1003 South St. We are homeowners and full-time residents in the neighborhood and would like to register our opposition to this variance. As people who frequently walk to and from this neighborhood, we notice there are already too many barriers or missing pieces of sidewalk for pedestrians. This location is at the corner of Southside Ave and South St, the main entrance into the neighborhood. Beside residents, there are many visitors who frequent the Air BnBs in the neighborhood and walk out into the Gulch. At times I observe these people walking down the middle of Southside Ave because there is no sidewalk on one side. This is dangerous, because this neighborhood gets more traffic than you would expect, because of visitors using rideshares and taxis.

We need more sidewalks for pedestrians in this area, not fewer! If we need to send a snail mail letter to register our opposition, please let us know to whom we should address it. Thank you.

Diane Telgen
William Telgen
1004B Southside Ave
Nashville 37203

From: James Snellen
To: Board of Zoning Appeals (Codes)
Subject: Opposing Permit# 20190042970
Date: Monday, October 28, 2019 10:03:02 AM

Regarding Jay Mikolinski's request to bypass constructing and/or funding the sidewalk fund for properties he will substantially & financially benefit from should be absolutely out of the question and immediately denied. This community is booming with young and mature families alike using the sidewalks daily. For Jay to neglect contributing to the neighbourhood by not continuing the existing sidewalk is a shameful shock.

I request you deny this grant on my understanding that the existing sidewalk will not be maintained or improved upon. If the existing sidewalk will be improved and/or rebuilt, please make sure he is held accountable.

James Snellen
924 Archer St.

J. Ryan Snellen, CFP®, CPFA, ChFC®
CERTIFIED FINANCIAL PLANNER™
Certified Plan Fiduciary Advisor

Bluegrass Financial Partners
270/312.7703
Ryan@Bluegrass-fp.com
www.letsmakeaplan.org
www.linkedin.com/in/ryansnellen/

Certified Financial Planner Board of Standards, Inc. owns the certification marks CFP®, CERTIFIED FINANCIAL PLANNER™ and the federally registered CFP (with flame logo) in the U.S., which it awards to individuals who successfully complete CFP Board's initial and ongoing certification requirements.

Investment Advisor Representative, Cambridge Investment Research Advisors, Inc., a Registered Investment Adviser.

The information in this email is confidential and is intended solely for the addressee. If you are not the intended addressee and have received this email in error, please reply to the sender to inform them of this fact. We cannot accept trade orders through e-mail. Important letters, e-mail, or fax messages should be confirmed by calling 270/312.7703. This email service may not be monitored every day, or after normal business hours.

Securities offered through Registered Representatives of Cambridge Investment Research, Inc., a broker-dealer, member FINRA/SIPC. Advisory services offered through Cambridge Investment Research, a Registered Investment Adviser.

Bluegrass Financial Partners and Cambridge are not affiliated.

From: Justin Rosen
To: Board of Zoning Appeals (Codes)
Subject: Case #: 2019-391 - 1001/1003 South Street
Date: Friday, October 18, 2019 2:59:38 PM

Hi,

I opposed the neighbor's request to not construct sidewalks. There absolutely should be a sidewalk along Southside for connectivity between the two existing sidewalks.

Please let me know if this submission is adequate or if I need to mail in a letter.

Thanks,

Justin Rosen

From: Ilex Pounders
To: Board of Zoning Appeals (Codes)
Subject: zoning appeal for permit #20190042970
Date: Friday, October 25, 2019 5:02:47 PM

Hi

I am writing today because I received notice via mail of this zoning appeal because I live within 1,000 feet of this property. I request that you please deny this request. The sidewalks should be updated/redone in this area. The current sidewalks are old and are currently having construction vehicles trample all over them. Thank you!

permit #20190042970

--

Ilex Pounders
501.827.1745

From: Roy Worthen
To: Board of Zoning Appeals (Codes)
Subject: Case #: 2019-391 - 1001/1003 South Street
Date: Friday, October 11, 2019 9:43:57 AM

Hi,

I opposed the neighbor's request to not construct sidewalks. There absolutely should be a sidewalk along Southside for connectivity between the two existing sidewalks.

Please let me know if this submission is adequate or if I need to mail in a letter.

Thanks,
Roy

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : BRITT DEVELOPMENT **Date:** 7/26/19

Property Owner: MONTROSE TRUST **Case #:** 2019- 394

Representative: : MADDIE WYATT **Map & Parcel:** 118012H70000CO

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:
HPR; RESIDENTIAL CONSTRUCTION
HISTORIC OVERLAY / HISTORIC APPROVED

Activity Type: RES. CONSTRUCTION

Location: 2508 10TH AVE S

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:
REQUEST NOT TO INSTALL OR CONTRIBUTE FOR SIDEWALKS

Section(s): 17.20120

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.** (OV-NHC)

BRITT DEVELOPMENT
Appellant Name (Please Print)

MADDIE WYATT
Representative Name (Please Print)

1109 GLENWOOD AVE
Address

2825 TWIN LAWN DR
Address

NASHVILLE, TN
City, State, Zip Code

NASHVILLE, TN 37214
City, State, Zip Code

615-856-9527
Phone Number

615-243-2699
Phone Number

BRIAN@BRITTDEVELOPMENT.COM
Email

MADDIE@WYATTDESIGNBUILD.COM
Email

Zoning Examiner: TOM

Appeal Fee: _____

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

3695256

ZONING BOARD APPEAL / CAAZ - 20190044551
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 118012H90000CO **APPLICATION DATE:** 07/26/2019

SITE ADDRESS:

928 B MONTROSE AVE NASHVILLE, TN 37204
COMMON AREA HOMES AT 928 MONTROSE AVENUE

PARCEL OWNER: O.I.C. HOMES AT 928 MONTROSE AVENU **CONTRACTOR:**

APPLICANT:

PURPOSE:

RESIDENTIAL HPR
2508 10TH AVE S (118012H00200CO)
LOCATED WITHIN OV-NHC

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED
REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

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 600 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

MADDIE WYATT
Maddie Wyatt
APPELLANT

7/26/19
DATE

FOR: BRITT DEVELOPMENT

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.

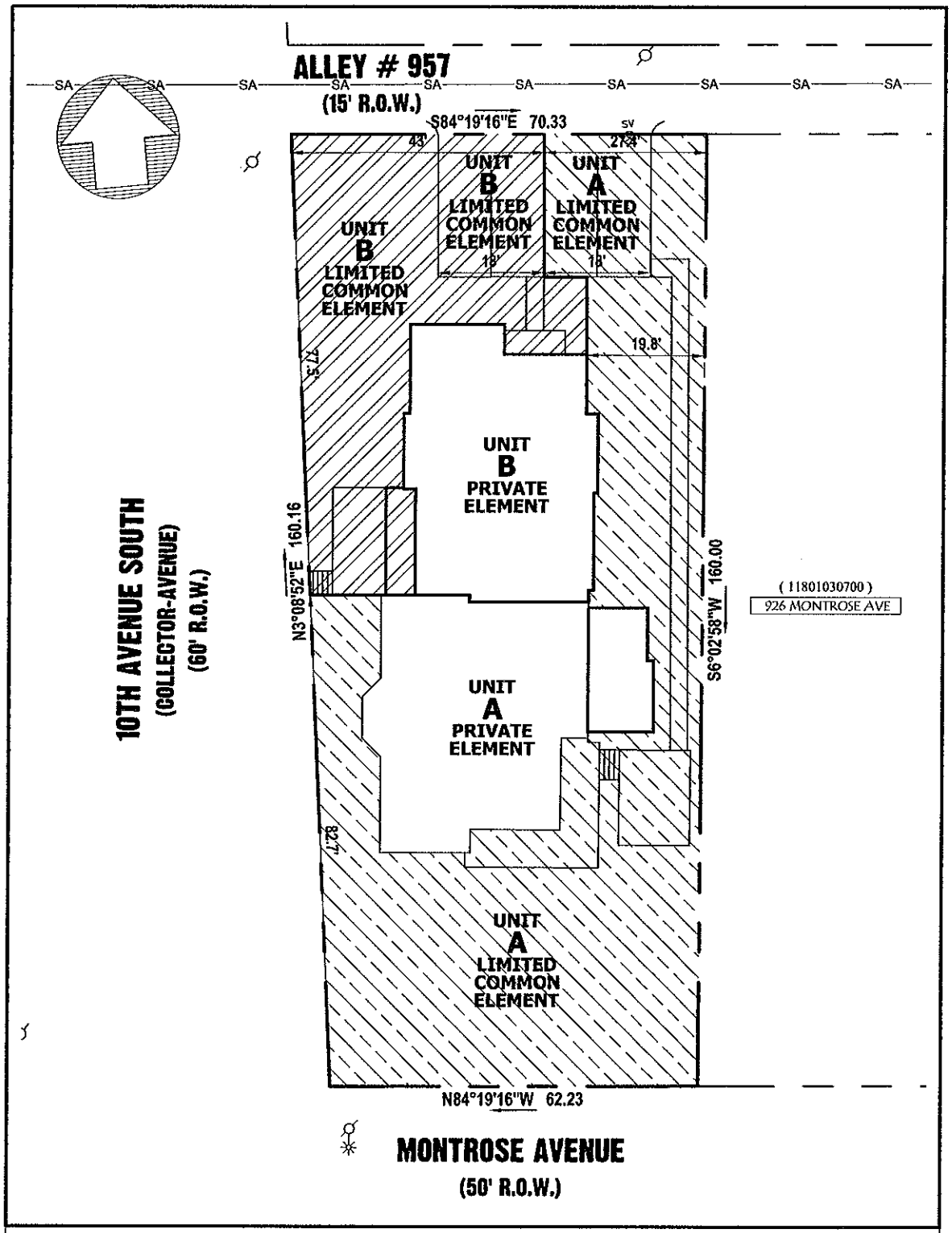
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and 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?

BIKE LANE, HISTORIC NEIGHBORHOOD, NEIGHBORING LOTS AND WALKABLE NEIGHBORHOOD. THE NEW/ UPDATED SIDEWALKS WILL MAKE ALL OF THE ABOVE NOT FUNCTIONAL OR CONSISTANT.



THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE WORK WAS FURNISHED TO THE SURVEYOR PRIOR TO THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
Jason Garrett
1-14-2019

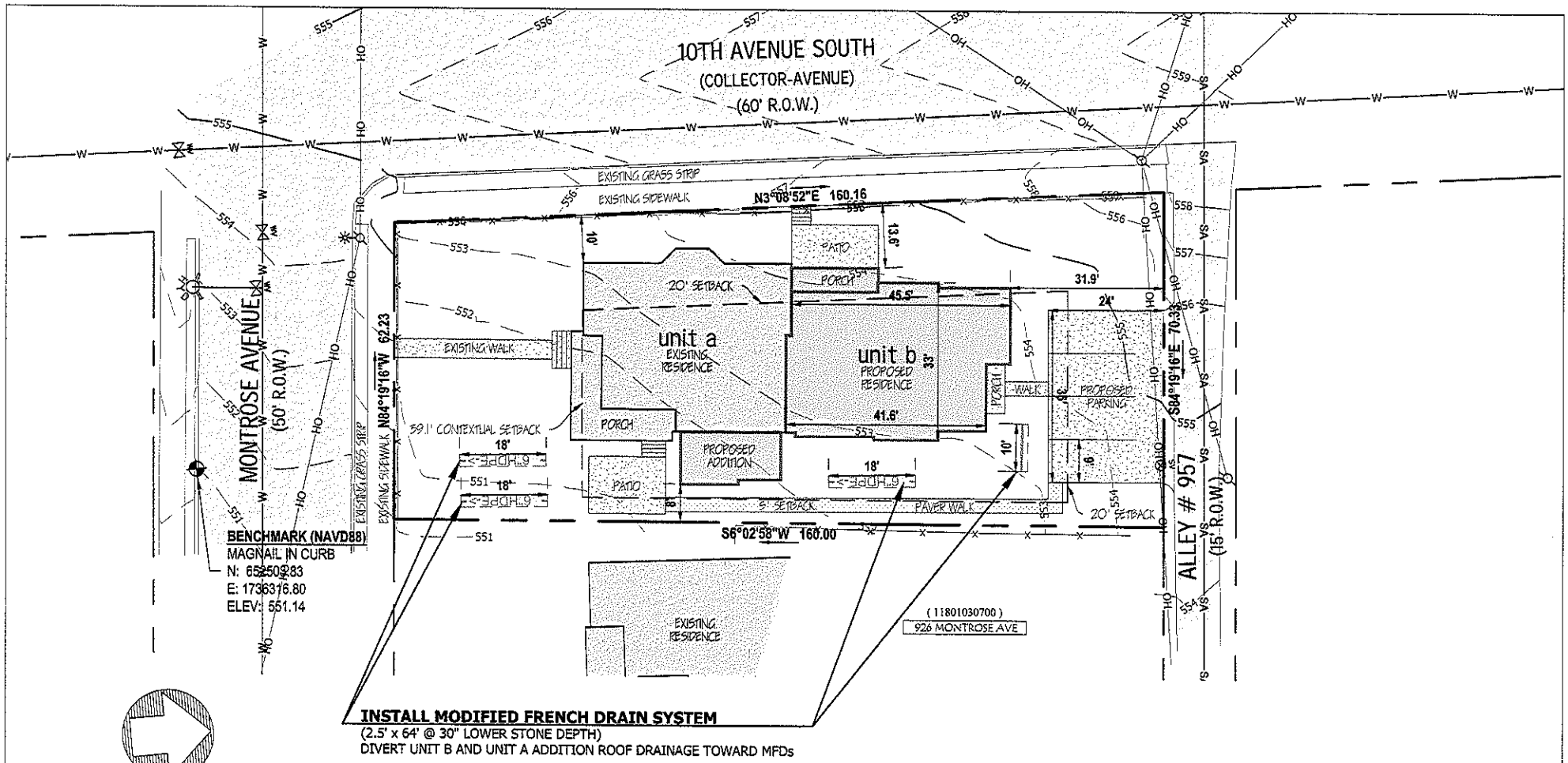
EXHIBIT 'B' - Units A & B
928 MONTROSE AVE
NASHVILLE, TENNESSEE

Metro Parcel ID: (11801030800)

GRAPHIC SCALE (IN FEET)
20 0 10 20 40
1 inch = 20 ft.

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Case # 2019-394



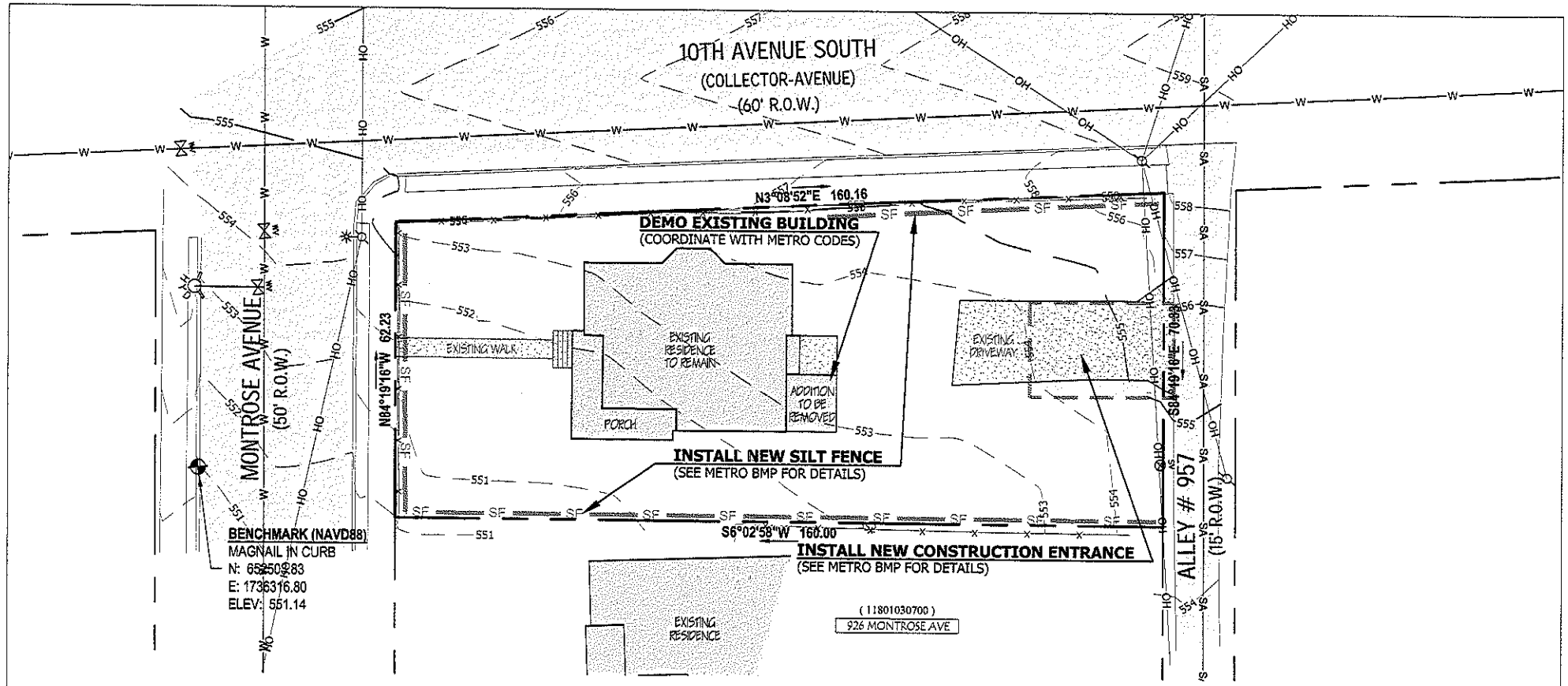
JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Site Plan
928 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

Case # 2019-394



GRAPHIC SCALE (IN FEET)

1 inch = 20 ft.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861

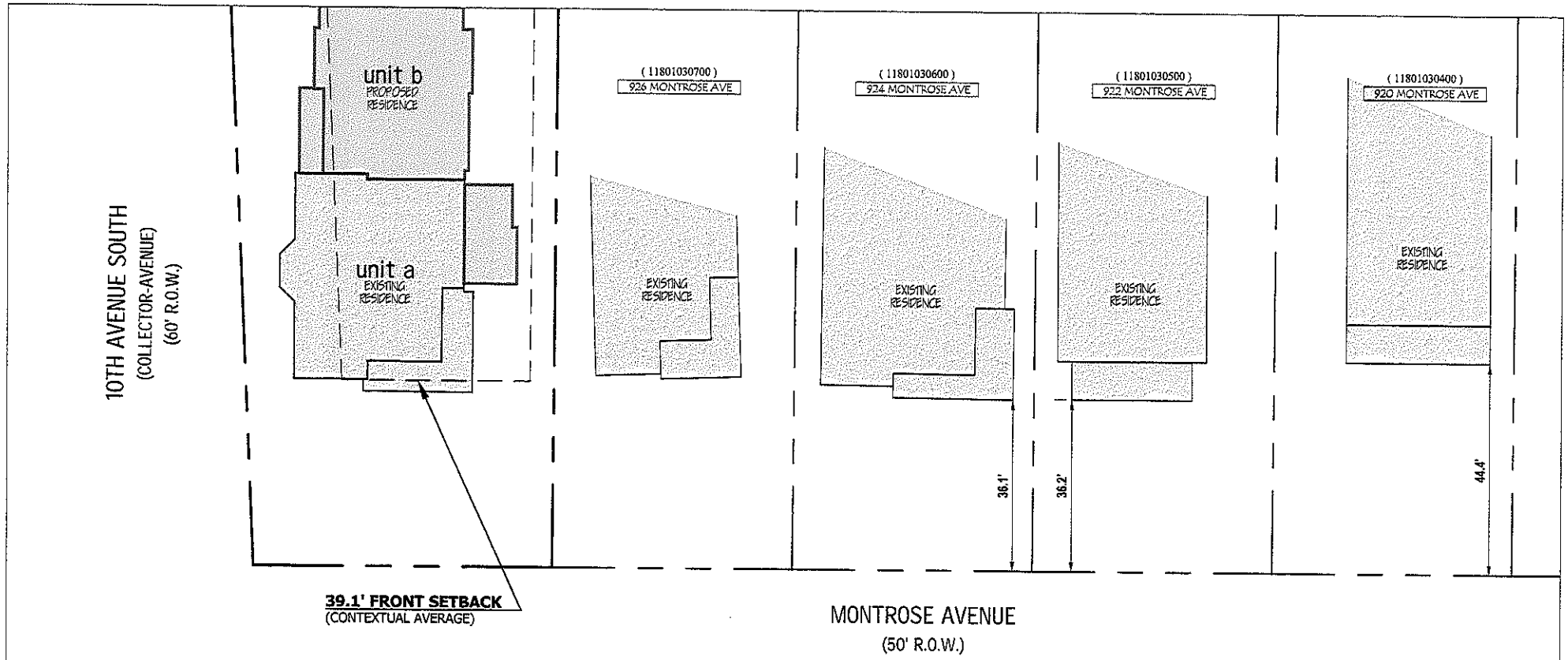
CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

EPSC Plan

928 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.2

Case # 2019-394



GRAPHIC SCALE (IN FEET)

20 0 10 20 40

1 inch = 20 ft.

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861

Building Setbacks

928 Montrose Avenue

Nashville, Davidson County, Tennessee

Sheet No.

V-2.3

Case # 2019-394

SITE DATA: PRE-DEVELOPMENT

Total Site Area 10,605 SF

PRE-DEVELOPMENT IMPERVIOUS: 2,800 SF

Buildings	1,775 SF
Parking/Drives	798 SF
Walks/Misc Pads	227 SF

SITE DATA: POST-DEVELOPMENT

Total Site Area 10,605 SF

POST-DEVELOPMENT IMPERVIOUS: 4,781 SF (45.1%)

Buildings	3,299 SF
Parking/Drives	864 SF
Walks/Misc Pads	618 SF

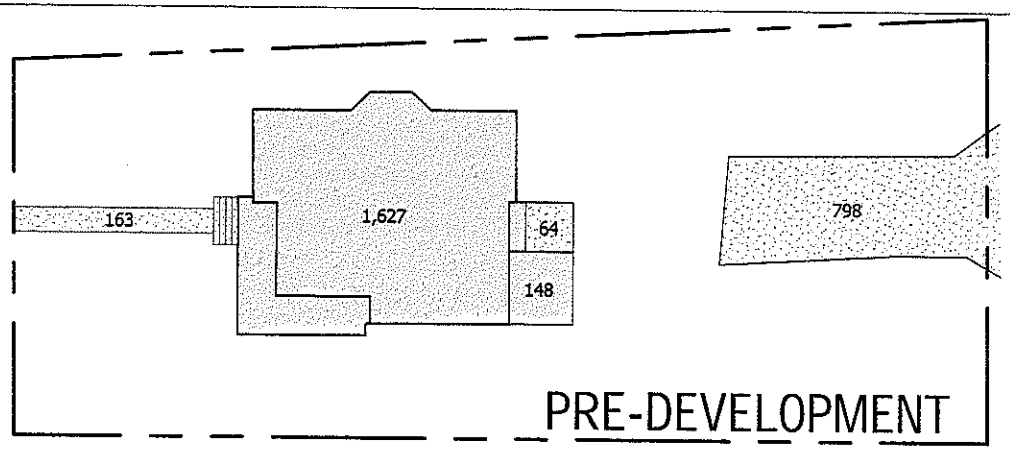
POST- IMPERVIOUS NET GAIN: 1,981 SF (TIER I)

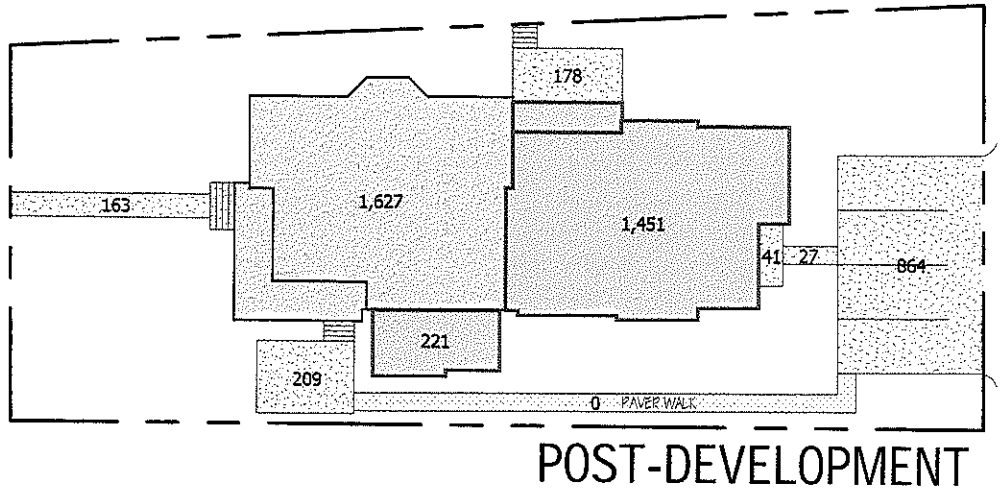
STORMWATER NET GAIN TREATMENT

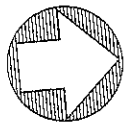
Total Site Area 10,605 SF

POST-DEVELOPMENT STORMWATER TREATMENT: 1,981 SF

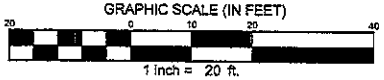
MODIFIED FRENCH DRAIN Required: 2.5' x 64' @ 30" Lower Stone Depth







GRAPHIC SCALE (IN FEET)



1 inch = 20 ft.

CLINT ELLIOTT SURVEY

1711 Hayes Street
Nashville, TN 37203

clintelliottsurvey.com
(615) 490-3236

Impervious Areas

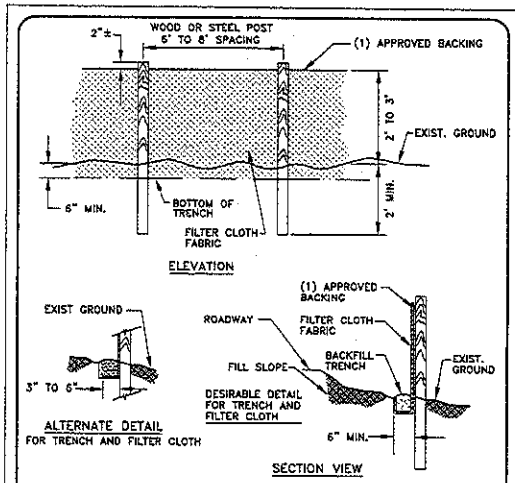
928 Montrose Avenue

Nashville, Davidson County, Tennessee

Sheet No.

V-2.4

Case # 2019-394



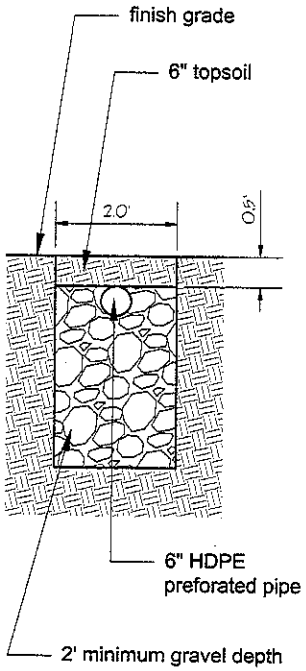
NOTES:
1) BUILT-IN REINFORCED STRUCTURE, AS RECOMMENDED BY THE MANUFACTURER TO SUPPORT THE FILTER CLOTH.
2) FILTER CLOTH SHALL MEET THE REQUIREMENTS OF SECTION 209 OF STANDARD SPECIFICATIONS. (TDOT)
3) A PRE ASSEMBLED SILT FENCE MEETING THE REQUIREMENT OF THIS DRAWING IS ACCEPTABLE IN LIEU OF A FIELD CONSTRUCTED SILT FENCE.
4) ANY EROSION CONTROL MUST BE IN COMPLIANCE WITH MWS LATEST SPECIFICATIONS.

METRO WATER SERVICES
TYPICAL TEMPORARY SILT FENCE
NOT TO SCALE | DATE: 05/05/08
DWG. NO. SDET012
METRO WATER SERVICES
LICENSED COLLECTION OPERATOR
DIRECTOR OF WATER AND SEWERAGE SERVICES

SITE GRADING & EROSION CONTROL NOTES

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENNT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT, SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.

IF YOU DIG IN TENNESSEE...
CALL US FIRST!
1-800-351-1111
1-615-366-1987
TENNESSEE ONE CALL
IT'S THE LAW



MODIFIED FRENCH DRAIN TYPICAL CROSS-SECTION
NOT TO SCALE

ACTIVITY: Stabilized Construction Entrance | TCP – 03

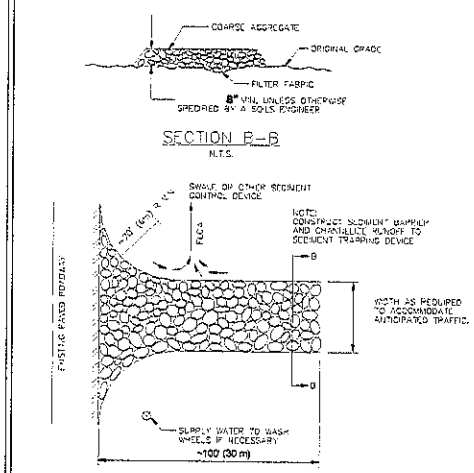


Figure TCP-03-1
Stabilized Construction Entrance

Volume 4
Stormwater Best Management Practices –
Temp Construction Site Management Practices TCP-03-5
September 2013

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Site Details
928 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.5

Case # 2019-394

SKETCH LAYOUT

PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

Modified French Drain

SIZING CALCULATION:

Rooftop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
	Required Linear Feet of MFD			
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 1,981 SQ FT
DEPTH OF STONE MEDIA= 30 INCHES
WIDTH OF TRENCH= 30 INCHES
LENGTH OF MFD= 63.4 FT

MAINTENANCE:

1. INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S).
2. IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION. REMOVE ACCUMULATED TRASH AND DEBRIS.
3. INSPECT MFD FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.

METRO NASHVILLE DEPARTMENT OF WATER SERVICES	ATTACHED THIS TWO-PAGE SPECIFICATION TO HOUSE PLAN SUBMITTAL	MODIFIED FRENCH DRAIN SPECIFICATIONS PAGE 2 OF 2

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
3-7-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Stormwater Details

928 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.6

From: Amy Booth
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: sidewalk variance request 2019-394 at 928 B Montrose Av.
Date: Wednesday, October 16, 2019 9:33:30 AM

Dear CM Sledge and the BZA,
I would like to add my voice to those asking you to deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av.

The text below was offered by someone else in my neighborhood and, while I have not edited it, I agree entirely with their position. Sidewalks are critical to walkability and safety!

Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.
With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Best wishes,
Amy Booth
3415A Benham Ave

From: Caroline Duley
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Please deny 928B Montrose Ave request to not install sidewalk
Date: Sunday, October 20, 2019 1:22:22 AM

To whom it may concern,
I strongly oppose the applicant's request to not install sidewalks or pay into the sidewalk fun at 928B Montrose Ave. This property is located on a busy corner of 12South with a high level of pedestrian traffic daily. I'm shocked that the developer would even request this.

Nashville is already seriously lacking sidewalks on major streets throughout the city. P do not allow this situation to worsen by allowing this developer to not install a much needed sidewalks.

Caroline Duley
900 Waldkirch Ave.
Nashville, TN 37204

From: Claire Armbruster
To: Board of Zoning Appeals (Codes)
Cc: Colby
Subject: Appeal Case # 2019-394; Permit #20190044551
Date: Thursday, October 24, 2019 9:52:02 AM

Dear Metro Board of Zoning Appeals,
We are not in favor of the request not to provide a sidewalk at 928B Montrose Avenue. Sidewalks are a primary feature of the Waverly Belmont (12South) neighborhood. They enhance the quality of life in this walkable neighborhood.

Thank you,
Claire Armbruster
Jeff Koontz
1004 Montrose Ave, Nashville, TN 37204

Claire Armbruster
Planning Stages
Plan> Prepare> Present
PO Box 41182
Nashville, TN 37204
615.509.9797
planningstages.net

From: Conrad Cox
To: Board of Zoning Appeals (Codes)
Subject: Fwd: 2019-394
Date: Friday, October 18, 2019 9:04:54 AM

We oppose the variance request. Sidewalks are needed in our neighborhoods.

Conrad B Cox
Rebecca R Cox

2038 Elliott Ave
Nashville, TN 37204

--
Conrad B. Cox
ConradBCox@gmail.com
(423) 737-3030

From: Debra Dickey
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose
Date: Tuesday, October 15, 2019 10:40:26 AM
Attachments: variance request 2019-394 928 B Montrose Av 37204.PNG

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,

Debra Dickey

2813 Sherbourne Ave.

Nashville, TN 37204

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

September 23, 2019

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE:	Appeal Case Number:	2019-394
	928B MONTROSE AVE	
	Map Parcel:	118012H90000CO
	Zoning Classification:	R8
	Council District:	17

This is to inform you that Britt Development filed an appeal **for the property at the above referenced location.** The appellant requested a variance from sidewalk requirements. Should this request be approved, it would allow the applicant to construct two single family residence without building sidewalks or paying into the sidewalk fund.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY **11/7/2019**, **beginning** at **1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. **We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.**

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

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # **20190044551** or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZON

Case # 2019-394

BZA Tracker

Metro Codes Administration

800 2nd Ave S

P.O. Box 196300

Nashville, TN 37219-6300

www.nashville.gov/Codes-Administration.aspx
bza@nashville.gov

Case Information

Application Submittal	7/26/2019
Case #	2019-394
Property Address / Location	928 B MONTROSE AVE 37204
Parcel ID	118012H90000CO
Council District / Member	17 (Colby Sledge)
Property Owner	O.I.C. HOMES AT 928 MONTROSE AVENUE
Appellant	O.I.C. HOMES AT 928 MONTROSE AVENUE
BZA Hearing Date	11/7/2019
Deferred From Date	
Application Scope	RESIDENTIAL HPR2508 10TH AVE S (118012H00200CO)LOCATED WITHIN OV-NHCREQUIRED: PER 17.20.120 SIDEWALKS REQUIREDREQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE
Reason	A VARIANCE FROM SIDEWALK REQUIREMENTS
Purpose	TO CONSTRUCT TWO SINGLE FAMILY RESIDENCE WITHOUT BUILDING SIDEWALKS OR PAYING INTO THE SIDEWALK FUND
Deny Section	17.20.120
Use	TWO-FAMILY
In UZO?	No
Zoning District	R8
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	View Scanned Documents

--

From: Diana Giles
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: 928B Montrose I oppose their exemption request
Date: Thursday, October 17, 2019 9:14:21 AM

The developer for 928B Montrose is asking to avoid paying into the sidewalk fund; I vehemently oppose this for them or any other developers because they are making a profit and should contribute- I don't think there is ever a reason to allow them to not pay. What's the point of the law if we allow them to get away with not paying their fair share?
Thanks.

This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain information that is confidential and protected by law from unauthorized disclosure. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

From: Ellen Wolfe
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Zoning Appeals: 2019-394 and 2019-395
Date: Friday, October 11, 2019 5:30:36 PM

To The Metropolitan Board of Zoning Appeals,

I received two letters regarding zoning appeals hearings for case numbers: 2019-394 and 2019-395. They are scheduled for Nov. 7. I will be out of town that day and unable to attend the hearing. I want you to know that I strongly oppose Britt Development's attempt to exempt themselves from repairing and improving the sidewalks in front of and to the side of the properties they are rehabbing and further strongly oppose their attempt to not pay into the sidewalk fund. 12 South is a very walkable neighborhood because of its sidewalks. Britt development has torn up and/or damaged the sidewalks in front of the two properties they are renovating. Part of the sidewalk on the north side of Montrose is completely blocked and we have to walk in the street to get around it. Additionally, Britt Development has removed the fencing around the house on the north side of Montrose – street #928 (case number: 2019-395). There is a steep drop off, approximately 3 feet, from the sidewalk to the yard along 10th Ave. S. The previous homeowner had a fence that protected people from falling off the sidewalk into the yard. Also, there have been plans to add a sidewalk on the east side 10th Ave. S along the east side of 929 Montrose which is the other house Britt Development has a zoning appeal for. It seems reasonable to require Britt Development to add that sidewalk (10th Ave. S, east side between Montrose and the alley south of Montrose).

Sincerely,

Ellen
915 Montrose Ave.

From: Erica Zuhr
To: Board of Zoning Appeals (Codes)
Subject: Sidewalk Variance
Date: Saturday, October 19, 2019 7:31:13 PM

To whom it may concern,

As a nearby resident, I would like to oppose the the request for zoning variance in Case # 2019-394 for 928 Montrose.

I am unsure of the exact reason for the request (to avoid changing the existing sidewalk, or to avoid adding a sidewalk, or both as it as a corner lot) but even if it is a request to not change an existing sidewalk that would not match adjacent sidewalks due to new regulations, I still believe local developers flipping homes solely for profit should contribute to the sidewalk fund in order to make our neighborhoods, and city, more walkable.

Thank you for your time,
Erica Zuhr
1808 Hillside Ave, Nashville, TN 37203

From: Erin OHara Block
To: Board of Zoning Appeals (Codes)
Subject: Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose
Date: Thursday, October 17, 2019 1:37:49 PM
Attachments: variance request 2019-394 928 B Montrose Av 37204.PNG

Dear Board Members,

I am a resident at 908 Halcyon Ave. I would like to request that you deny this variance at 928B Montrose Ave.

Please see below.

Thanks so much
Erin Block

---------- Forwarded message ---------
From: **Erin OHara Block** <eoblock@gmail.com>
Date: Tue, Oct 15, 2019 at 12:26 PM
Subject: Fwd: Please deny - Sidewalk Variance request 2019-394 928B Montrose
To: Colby Sledge, Metro Council District 17 <colby.sledge@nashville.gov>

Hi Colby,

I just wanted to register my request that you don't support this variance request. While I am generally in favor of helping our neighbors out when they need a variance on something, this is a developer, and not a resident requesting the variance. I believe that Britt Development can make it work to contribute to the neighborhood more broadly by creating a sidewalk where there isn't a sidewalk.

This is a great opportunity to increase walkability in the neighborhood. Currently, there is no sidewalk on this side of the street from Sevier Park until Montrose. Connecting to Halcyon would be a huge addition to the neighborhood as there are a number of streets (Halcyon, Knox, Sherbourne, West Kirkwood, Vaulx) where neighbors could use Halcyon to access 10th in a more contiguous pattern of sidewalks.

Thanks
Erin

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

September 23, 2019

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE:	Appeal Case Number:	2019-394
	928B MONTROSE AVE	
	Map Parcel:	118012H90000CO
	Zoning Classification:	R8
	Council District:	17

This is to inform you that Britt Development filed an appeal **for the property at the above referenced location.** The appellant requested a variance from sidewalk requirements. Should this request be approved, it would allow the applicant to construct two single family residence without building sidewalks or paying into the sidewalk fund.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY **11/7/2019**, **beginning** at **1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. **We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.**

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

Should you have questions or require special accommodations (handicap accessibility), you may email us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and search by permit # **20190044551** or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

BUILDING • ELECTRICAL • GAS/MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZON

Case # 2019-394

BZA Tracker

Metro Codes Administration

800 2nd Ave S

P.O. Box 196300

Nashville, TN 37219-6300

www.nashville.gov/Codes-Administration.aspx
bza@nashville.gov

Case Information

Application Submittal	7/26/2019
Case #	2019-394
Property Address / Location	928 B MONTROSE AVE 37204
Parcel ID	118012H90000CO
Council District / Member	17 (Colby Sledge)
Property Owner	O.I.C. HOMES AT 928 MONTROSE AVENUE
Appellant	O.I.C. HOMES AT 928 MONTROSE AVENUE
BZA Hearing Date	11/7/2019
Deferred From Date	
Application Scope	RESIDENTIAL HPR2508 10TH AVE S (118012H00200CO)LOCATED WITHIN OV-NHCREQUIRED: PER 17.20.120 SIDEWALKS REQUIREDREQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE
Reason	A VARIANCE FROM SIDEWALK REQUIREMENTS
Purpose	TO CONSTRUCT TWO SINGLE FAMILY RESIDENCE WITHOUT BUILDING SIDEWALKS OR PAYING INTO THE SIDEWALK FUND
Deny Section	17.20.120
Use	TWO-FAMILY
In UZO?	No
Zoning District	R8
Item A Appeal?	No
Item B Appeal?	Yes
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	View Scanned Documents

2019-394

Lifsey, Debbie (Codes)

From: Small-r <graziano@small-r.com>
Sent: Wednesday, October 16, 2019 12:39 AM
To: Board of Zoning Appeals (Codes)
Subject: Sidewalk Variances

I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting a variance On a lot where they plan to build 2 single family residences. As you know, with development comes the opportunity for sidewalk creation. If it is not done by developers during construction, with our current budget, it can take decades for the chance to place a sidewalk to come around again. walkability is key to traffic mitigation and the general livability of a city. Sidewalks are (or should be) a cost of doing business. If this developer can not afford to add them, there will be someone else that can. Please do not miss this opportunity to add safe walkability in this rapidly developing area.

Sent from my iPhone

2019-394

Lifsey, Debbie (Codes)

From: Heather Andrews <heatherandr@gmail.com>
Sent: Tuesday, October 15, 2019 9:31 PM
To: Board of Zoning Appeals (Codes); Sledge, Colby (Council Member)
Subject: Sidewalk fund

Please ensure that Britt Development either builds a sidewalk or pays into the sidewalk fund (10th and Montrose properties). I received the two letters, and live within a block, and these sidewalks are sorely needed. Don't let them get away with this, I am surprised they have the audacity to ask, especially as they will be making a bundle of money on these properties.
Sincerely,
Heather Andrews, Will Barrow, Levon and Willie
1008 Halcyon Avenue
Nashville, TN 37204
615-337-9377

Sent from my iPhone

From: hmtilden@gmail.com
To: Board of Zoning Appeals (Codes)
Subject: 2019-394 and 395 Sidewalk Exemption request on Montrose Ave
Date: Wednesday, October 23, 2019 9:04:04 PM

Hello,

I live a few blocks away from 10th and Montrose where a local developer is currently requesting a sidewalk exemption.

I am opposed to this exemption as it will negatively impact children's ability to walk safely to school. This developer is also building multiple million dollar homes in our neighborhood. The least they could do to help combat gentrification is contribute to the sidewalk fund if they don't just build the sidewalk themselves.

Thank you.

Holly Tilden
906 Knox Ave
Nashville, TN 37204
C: 615-521-1016

From: holly@wilford.com
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Variance 2019-394, please deny!
Date: Wednesday, October 16, 2019 3:30:24 PM

Greetings!

I hope this email finds you well.

As a homeowner and therefore a tax payer in Nashville, I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Ave and any new build in the Nashville area.

The developer is requesting this variance on a property where they plan to build 2 single family residences.

As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all.

Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Respectfully,

Holly Wilford

2019-394

Lifsey, Debbie (Codes)

From: James Cole <James@antiochumc.net>
Sent: Tuesday, October 15, 2019 3:43 PM
To: Board of Zoning Appeals (Codes)
Subject: Sidewalk Variance Denial

Dear BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone. Respectfully, Rev. James Cole

From: Janet Davies
To: Board of Zoning Appeals (Codes)
Subject: sidewalk variation
Date: Wednesday, October 16, 2019 8:04:25 AM

I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

From: Joe Hendrick
To: Board of Zoning Appeals (Codes)
Subject: Sidewalk Variance
Date: Tuesday, October 15, 2019 12:50:26 PM

Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Thank You

Joe Hendrick

From: Jonathan Marx
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: OPPOSITION to zoning appeal - case no. 2019-394 / 928B Montrose Ave *and* case no. 2019-395 / 2602 B 10th Ave S
Date: Sunday, October 27, 2019 8:46:23 AM

Hello,

I am the owner and resident at 921 Montrose Ave., which is in extremely close proximity to two properties currently being developed by Britt Development / Sarah Britt.

I'm writing to voice my STRONG OPPOSITION to a zoning appeal filed for these properties, which are listed as follows:

928 B Montrose Ave.
Appeal Case Number: 2019-394
APN: 118012I90000CO
Permit Number: CAAZ 20190044551

2602 B 10th Ave. S.
Appeal Case Number: 2019-395
Permit Number: CAAZ 20190044513
APN: 118012H90000CO

In both cases, the developer is seeking a variance from sidewalk requirements to construct a two single-family residence without building sidewalks or paying into the sidewalk fund.

This appeal should be DENIED on the basis that consistent sidewalk construction is essential to the safety and walkability of our neighborhood. These properties have sufficient square footage to accommodate construction of sidewalks. As a pedestrian and as a transit rider, I rely on our sidewalks daily. As a family, we have had to make accommodations for the existing lack of sidewalk at 2602 B 10th Ave. S. for more than 15 years. This developer, who seeks to profit from the properties at both of these addresses, should not be allowed to elude their obligation to pay into a system that makes our neighborhood and our community safe, walkable and livable for everyone.

Thank you,

Jonathan Marx
921 Montrose Ave.
Nashville, TN 37204
615.294.5453

From: Joy Tempkins
To: Board of Zoning Appeals (Codes)
Subject: Sidewalks
Date: Thursday, October 17, 2019 2:46:04 PM

I originally sent an email to Colby Sledge opposing the request to not install sidewalks on Montrose Ave. I am totally opposed to any exception to the requirement to put in sidewalks when new construction happens unless the area in question is in a non-pedestrian area. Places like Montrose Ave would not fit that criteria and adding sidewalks to heavily populated, in this case, the builders are creating density.

When I receive a response from Colby it said the builder was neither putting in a sidewalk nor wanting to pay into the in-lieu of fund. At minimum they should pay into the fund but moreover, why is there an in-lieu of fund at all? Builders are reshaping neighborhoods all over Nashville, sanctioned by the board. Although I'd prefer more thoughtful expansion that maintains a neighborhood's character and increases density that can be supported by the infrastructure, it is little to ask of those cannibalizing the neighborhood to give back through making the neighborhood walkable. Sidewalks do that and it should be an ironclad requirement.

--
Joy

2019-394

Lifsey, Debbie (Codes)

From: Katherine Rogers <katherine.rogers@me.com>
Sent: Tuesday, October 15, 2019 7:52 PM
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: 2019-394 at 928 B Montrose Ave.

Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Please do not let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

***ON A PERSONAL NOTE...Why is the city permitting developers to opt out of paying the sidewalk fund? Doesn't it defeat the point of having a rule in place if all you have to do to get out of it is request a variance? I would love an actual answer from someone on this topic as it is an ongoing* issue...**

Thank you,
Katherine Rogers

From: Kathrine Guthrie
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Variance opposition
Date: Tuesday, October 29, 2019 11:01:02 PM

Dear Board of Zoning Appeals and Colby Sledge,

My name is Kathrine Guthrie, I live at 2502 9th Ave S, Nashville TN 37204, basically at the intersection of Montrose and 9th Ave S, so a block East of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to STRONGLY OPPOSE the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should DENY both of Appellant's variance requests.

My family, including 3 children ages 2-6, walk Montrose Ave and 10th Ave multiple times a week on our way to Frothy Monkey, 12th S Taproom, Las Paletas, Sevier Park, etc. Those sidewalks need to be safe and to codes and we even need more sidewalk on the east side of 10th Ave in this area. Please deny these variances and future requests in our small walkable neighborhood, if builders want to build in the neighborhood, they need to comply with the rules and respect the neighbors. And please add sidewalks to the rest of 10th Ave with said sidewalk building fund money.

Kathrine Guthrie

From: Kenneth Sands
To: Board of Zoning Appeals (Codes)
Subject: Fwd: Please do not grant sidewalk variance
Date: Thursday, October 17, 2019 2:55:56 PM

Sent from my iPhone

Begin forwarded message:

> **From:** Kenneth Sands <kefsands@gmail.com>
> **Date:** October 16, 2019 at 6:19:08 PM CDT
> **To:** colby.sledge@nashville.gov
> **Subject: Please do not grant sidewalk variance**
>
> I live in the same neighborhood as montrose ave and I understand there is a current petition to grant a sidewalk variance. Please do not grant this. This is a neighborhood with many pedestrians and really needs a sidewalk on montrose. Nashville needs to commit to the vision of a walking friendly city and not grant these variances.
>
> Thank you
> Kenneth sands
> Forrest park ave
>
> Sent from my iPhone

From: Kerry Conley
To: Board of Zoning Appeals (Codes); Sledge, Colby (Council Member)
Subject: Please vote NO on sidewalk variance request 928B Montrose appeal #2019-394
Date: Monday, October 14, 2019 7:09:47 PM

Hello,

Please do not allow a variance from sidewalk requirements. This property would continue the sidewalk in our neighborhood where it is much needed as many residents walk everywhere in our neighborhood, but most importantly to Waverly Belmont Elementary Schools on 10th Ave South. Literally blocks from this home. It is a corner lot to access 10th. This needs to be required as sidewalks exist up to this property and would connect to sidewalks on 10th.

Please vote NO.
Thank you from a 15 year resident at 2405 10th Ave South.

Thank you,
Kerry

From: LUCY HARRINGTON
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Sidewalk Variance, DENY
Date: Wednesday, October 16, 2019 11:37:17 AM

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,
Lucy Harrington
3905 Kimpalong

Sent from my iPhone

From: Collin Brown
To: Board of Zoning Appeals (Codes); Sledge, Colby (Council Member)
Subject: Zoning Appeals: 2019-394 and 2019-395
Date: Tuesday, October 22, 2019 4:07:37 PM

Dear Board of Zoning Appeals:

My name is Collin Brown. I currently own the property located at 905 Gilmore Ave, Nashville, TN 37204, which is one block directly north of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to **STRONGLY OPPOSE** the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should **DENY** both of Appellant's variance requests.

928B Montrose Ave. The prior residence located at 928 Montrose Ave did have sidewalks located in the south-facing property frontage and west side of the property. However, the Appellant tore down the fence connected to the sidewalk on the west side of the property exposing pedestrians, including small children walking each day to elementary school each day, to a sudden drop off of over four feet between the eastern edge of the west-facing sidewalk and the yard. Without any regard for the welfare of the nearby residents, the Appellant has allowed this dangerous sidewalk drop off condition to continue for many months. Most recently, the Appellant has destroyed significant portions of the frontage sidewalk. Metro should require the Appellant to build compliant sidewalks to the front and west side of this property. These sidewalks connect to the sidewalks connecting Gilmore Ave, 10th Ave and Montrose Ave. Furthermore, the Appellant should be required to build a fence (replacing the fence torn down by the Appellant) directly connecting the eastern edge of the west-facing sidewalk to the fence, for reasons of pedestrian safety.

2602B 10th Ave S. This property does not have a sidewalk. In fact, this property contains the only sidewalk gap between Halcyon Ave, 10th Ave and Montrose Ave. This Board should require the Appellant to build a sidewalk on its 10th Ave frontage connecting the Halcyon Ave sidewalk to the Montrose Ave sidewalk as required by Metro Code Section 17.20.120.

It is a shame that Metro even allowed the Appellant to build two homes on each of these small lots pursuant to a horizontal property regime. Recently, on the Nextdoor.com website, the Appellant has commented that each of these properties is selling for at least $800,000. That's two $800,000 properties per lot for a total of $3,200,000 for both lots. The Appellant calls this "affordable housing". It's an outrage that Appellant would seek to make such large profits, while not even being willing to build sidewalks in our neighborhood and contribute to the sidewalk fund! It is imperative that the Board support Nashville neighborhood and follow the Metro Code. I am not opposed to profit, but greedy developers like the Appellant are making millions all across Nashville,especially in the 12 South neighborhood, and yet they cry "poor me!" when it comes to investing in sidewalk infrastructure and paying into the sidewalk fund. The Board must not allow or tolerate this type of developer bad behavior!

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

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

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

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

4. **Integrity of Master Development Plan**. Failure to build sidewalks and contribute to the sidewalk fund will compromise the walk-ability of this neighborhood and will negatively impact the neighbors of these properties.

Please understand that the neighbors of 928B Montrose Ave and 2602B 10th Ave S adamantly **OPPOSE** the variances the Appellant is seeking.

I respectfully request that this Board **DENY** these variance requests by the Appellant.

I look forward to attending the hearing on November 7, 2019.

Best Regards,

M. Collin Brown

Cc: Colby Sledge

From: Maggie Thomson DeVier
To: Board of Zoning Appeals (Codes)
Subject: Sidewalk Variance request 2019-394 - Please Deny
Date: Saturday, October 19, 2019 11:02:08 AM

Good morning,

I wanted to reach out regarding the sidewalk variance request for 928 Montrose Ave. I oppose this request (and any request from a developer to avoid this responsibility our neighborhoods that are supposed to be walkable, for that matter), for a couple of reasons.

First, I live in the area and love to take walks on our streets with my young children. It's important to have well-maintained sidewalks, and I'm sure our developers can afford to place them, whereas the city cannot as easily do so. Second, this is the street that leads to my family's place of business. Our patrons' safety in walking to it is important to us.

Thank you for your consideration.
Maggie DeVier
Acklen Ave

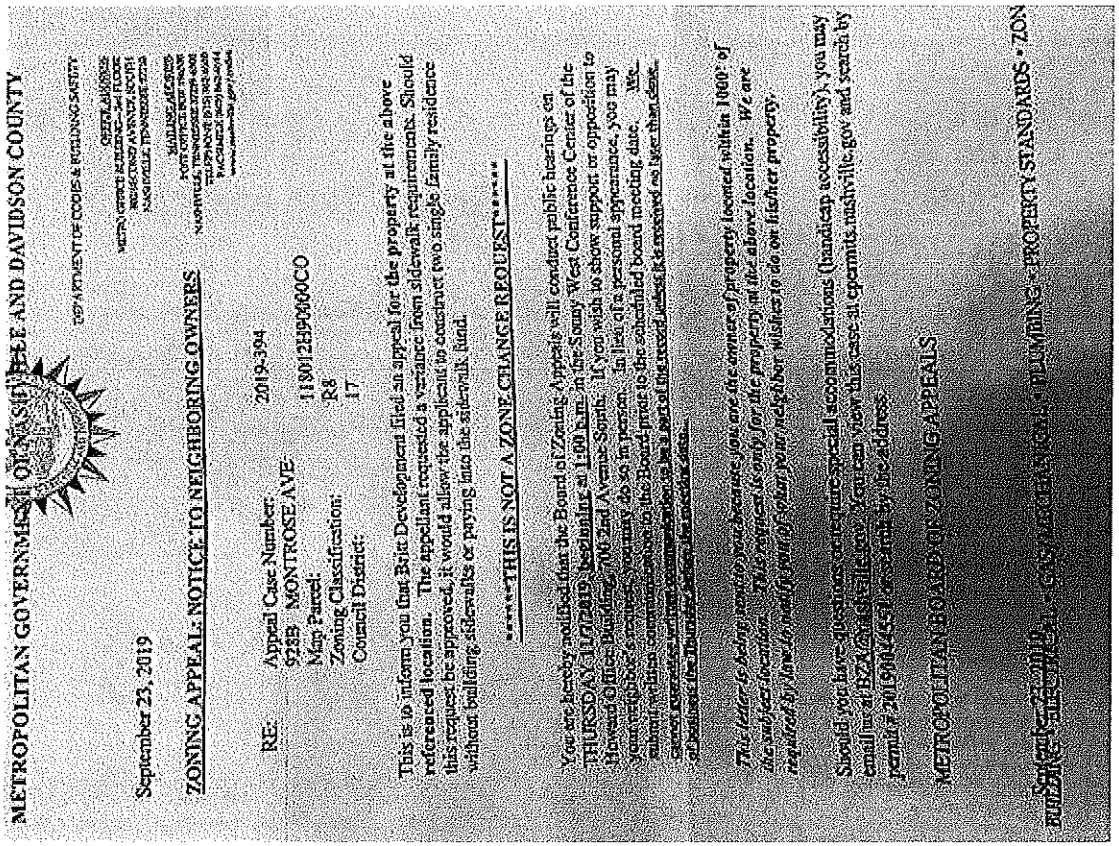
2019394

Lifsey, Debbie (Codes)

From: Stevens, Mary C <mary.c.stevens@Vanderbilt.Edu>
Sent: Tuesday, October 15, 2019 8:32 PM
To: burkley allen; Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: sidewalks

Dear Burkley, CM Sledge, and the BZA,

I'm writing to ask you to deny sidewalk variance request 2019-394 at 928 B Montrose Av. From what I understand, Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE OF BOARDS & COMMISSIONS
METRO CENTER BUILDING - 2nd FLOOR
800 SOUTH DAVIDSON AVENUE NORTH
NASHVILLE, TENNESSEE 37210
615/862-6505
FOR INFORMATION ONLINE
NASHVILLE.GOV/BOARDS
TELEPHONE 615/862-6505
FACSIMILE 615/862-6514
www.nashville.gov/codes

September 23, 2019

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE: Appeal Case Number: 2019-394
92B9 MONTROSE AVE
Map Parcel: 11300125900CO
Zoning Classification: R8
Council District: 17

This is to inform you that Britt Development filed an appeal for the property at the above referenced location. The appellant requested a variance from sidewalk requirements. Should this request be approved, it would allow the applicant to construct two single family residence without building sidewalks or paying into the sidewalk fund.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY, 11/7/2019, beginning at 1:00 p.m. in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may return this form, commenting on the requested board meeting date. We cannot guarantee that your comments will be received in time for the scheduled meeting unless received no later than close of business the Thursday before the meeting date.

This letter is being sent to you because you are the owner of property located within 1000' of the subject location. This notice is only for the property at the above location. We are required by law to notify property owners who live or fish or property.

Should you have questions or require special accommodations (handicap accessibility), you may call the BZA at 862-6505 at any time. You can view this case at permits.nashville.gov and search by permit # 2019004554 or search by the address.

METROPOLITAN BOARD OF ZONING APPEALS

BUILDING • ELECTRICAL • GAS • MECHANICAL • PLUMBING • PROPERTY STANDARDS • ZON

Many thanks!
Mary C. Stevens

2019-394

Lifsey, Debbie (Codes)

From: Mathew J. Joseph <mjoseph@tnonc.com>
Sent: Tuesday, October 15, 2019 3:30 PM
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Variance

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sent from my iPhone

This email message and any attachments are for the sole use of the intended recipient(s) and may contain CONFIDENTIAL and/or PRIVILEGED information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please notify the sender and destroy all copies of the original message and any attachments.

From: Nell Adams
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes); Murphy, Kathleen (Council Member)
Subject: Sidewalk variance
Date: Wednesday, October 16, 2019 8:18:13 AM

Dear Dear Board of Zoning appeals,

I am writing to request that you deny variance request to not build/not pay into the in-lieu contribution for sidewalks at both 928 B Montrose Ave (Variance 2019-394) and 101 48th Ave N (Variance 2019-444).

As you are well aware, with development, comes opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes again.

Building a sidewalk is a cost of development. It is cheaper for the developer to put in a sidewalk now, while they have the equipment there for a drive, than for the city to do it years later. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing city go undone.

Thanking you for your consideration of these issues,
Nell Adams

From: Nicki P. Wood
To: Board of Zoning Appeals (Codes)
Subject: please deny sidewalk variance
Date: Wednesday, October 16, 2019 9:46:53 PM

Please deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. Metro did a great thing when it opened the way for developers to build sidewalks with their properties. So we can get a sidewalk! Right now! Allowing the in-lieu-of could be delay the sidewalk for decades. We're creating a dense city that needs sidewalks, and this opportunity won't come around again. Walkability is a key issue in reducing congestion and in building a workable city for all. If this developer can not afford it, let's wait for one that can. Builders who come in, build fast, and don't follow the rules create neighborhoods we don't want.

We Nashvillians have been asked to give up so much, and we can't have nice things anymore in the name of unrestrained development. We've been acting like a small town, just giving away our streets. Building a sidewalk is a cost of doing business. It's a law on the books already, and I'm asking you to require builders to help us all pull a wagon that is, so far, pulled mostly by residents who pay rather than builders who benefit.

Nicki P. Wood
nicki@the-wood-family.org
Food writing and mammography, no, really

From: Brad.D.Jones@dell.com
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: please deny sidewalk variance request 2019-394 at 928 B Montrose Av.
Date: Tuesday, October 15, 2019 1:27:57 PM
Attachments: image001.png

Dell Customer Communication - Confidential

Requesting please deny sidewalk variance request 2019-394 at 928 B Montrose Av.

Thanks,
Brad

Brad Jones
Large Corporate Account Manager
Dell EMC | Large Comercial Southeast
office +1 512 513 8534 , **fax** +1 512 283 0123

Customer feedback | How am I doing? Please contact my manager Marie_Rowell@Dell.com

DID YOU KNOW... THIS IS DELL?

Order Status Support | Request a Copy of Your Invoice | Technical Support | Request a Return

From: Philip Betbeze
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Sidewalk variance
Date: Tuesday, October 15, 2019 2:33:35 PM

Dear CM Sledge and the BZA, I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Philip Betbeze
318 Fairfax ave.

From: Cherry, Sidney
To: Board of Zoning Appeals (Codes)
Subject: RE: Case # 2019-394
Date: Friday, October 18, 2019 9:03:20 AM

I believe a builder is asking to not replace sidewalks at 2602 B 10th Ave S. This is unacceptable! Sidewalk are so important in our neighborhood. The builders are the ones who tore up the sidewalk that was there originally. They should be required to replace it. Please do not grant this variance request!!!!

Thank you.

Sidney Cherry
VP of Tax
Ryman Hospitality Properties, Inc.
O: 615-316-6152
C: 615-479-6386

From: Sondra Lawrence
To: Board of Zoning Appeals (Codes)
Subject: Developers sidewalk variance requests
Date: Thursday, October 24, 2019 4:41:09 PM

I oppose all sidewalk variance requests by Britt Developers on Montrose Avenue in 12 South, as well as the developer sidewalk variance request for West Kirkwood Avenue.

Resident
Sondra Lawrence
900 Knox Avenue
Nashville, Tn
37204

Sent from Yahoo Mail on Android

Sent from Yahoo Mail on Android

From: Dorris, Stacy
To: Sledge, Colby (Council Member)
Cc: Board of Zoning Appeals (Codes); Kerry Conley
Subject: Please deny - Sidewalk Variance request 2019-394
Date: Tuesday, October 15, 2019 8:55:01 AM
Attachments: variance request 2019-394 928 B Montrose Av 37204.PNG

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Sincerely,
Stacy Dorris
801 Timber Ln
The Sidewalk Foundation

2019-394

Lifsey, Debbie (Codes)

From: Tasha Rijke-Epstein <tasharijke@gmail.com>
Sent: Wednesday, October 16, 2019 4:59 AM
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Please deny sidewalk variance request

Dear CM Sledge and the BZA, I hope this email finds you well. **I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av.** Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again. With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Best regards,
Tasha Rijke-Epstein
1715 Cedar Lane

From: Zaruhi Sahakyan
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Subject: Deny sidewalk variance request 2019-394 at 928 B Montrose Av.
Date: Tuesday, October 15, 2019 9:16:10 AM

Dear CM Sledge and the BZA,

I hope this email finds you well. I am writing to request that you deny the variance request to not build/not pay into the in-lieu contribution for sidewalks at 928 B Montrose Av. Britt Development is requesting this variance on a property where they plan to build 2 single family residences. As you are well aware, with development, comes the opportunity for sidewalk creation. If it is not done while the development is occurring, with our current budget limitation, it can literally be decades before the chance to place a sidewalk comes around again.

With density increasing in our city, walkability is a key issue in mitigation of traffic congestion and in building a workable city for all. Building a sidewalk is a cost of doing business. If this developer can not afford it, there will be someone else behind them that can. Do not, please, let this opportunity for safe and comfortable walkability in this rapidly developing area go undone.

Thank you,
Zaruhi Sahakyan
1773 Hillmont Drive
Nashville, TN 37215

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : BRITT DEVELOPMENT **Date:** 7/26/19
Property Owner: MONTROSE TRUST **Case #:** 2019- 395
Representative: : MADDIE WYATT **Map & Parcel:** 11801211900 00CO

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:
HPR ; RESIDENTIAL CONSTRUCTION
HISTORIC OVERLAY / HISTORIC APPROVED

Activity Type: RES. CONSTRUCTION

Location: 2602 10TH AVE S.

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:
REQUEST NOT TO INSTALL OR CONTRIBUTE FOR SIDEWALKS

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B **Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.** (OV-NAC)

BRITT DEVELOPMENT
Appellant Name (Please Print)

MADDIE WYATT
Representative Name (Please Print)

1109 GLENWOOD AVE
Address

2825 TWIN LAWN DR.
Address

NASHVILLE, TN
City, State, Zip Code

NASHVILLE, TN 37214
City, State, Zip Code

615-850-9527
Phone Number

615-243-2699
Phone Number

BRIAN@BRITTDEVELOPMENT.COM
Email

MADDIE@WYATTDESIGNBUILD.COM
Email

Zoning Examiner: TOM

Appeal Fee:

3695214

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 - 20190044513
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 118012I90000CO **APPLICATION DATE:** 07/26/2019

SITE ADDRESS:

2602 B 10TH AVE S NASHVILLE, TN 37204
COMMON AREA HOMES AT 929 MONTROSE AVENUE

PARCEL OWNER: O.I.C. HOMES AT 929 MONTROSE AVENU **CONTRACTOR:**

APPLICANT:

PURPOSE:

RESIDENTIAL HPR
2602 10TH AVE S (118012I00200CO)
LOCATED WITHIN OV-NHC

REQUIRED: PER 17.20.120 SIDEWALKS REQUIRED
REQUEST: NOT TO INSTALL SIDEWALKS OR CONTRIBUTE

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 600 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

MADDIE WYATT
Maddie Wyatt
APPELLANT

7/26/19
DATE

FOR: BRITT DEVELOPMENT

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.

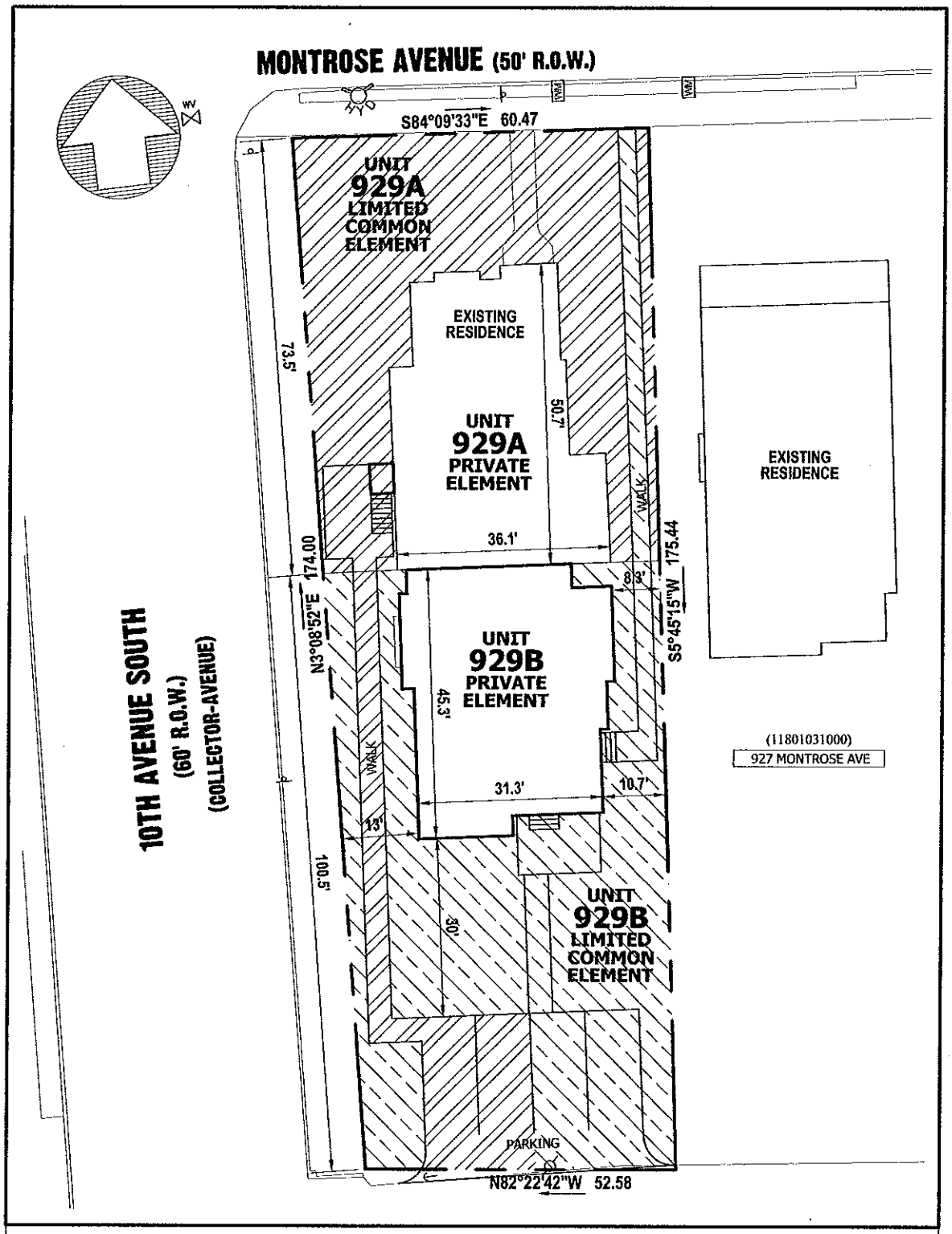
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and 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?

BIKE LANE, HISTORIC NEIGHBORHOOD, NEIGHBORING LOTS AND WALKABLE NEIGHBORHOOD. THE NEW/ UPDATED SIDEWALKS WILL MAKE ALL OF THE ABOVE NOT FUNCTIONAL OR CONSISTANT.



THIS SURVEY WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A "GENERAL PROPERTY SURVEY" AS DEFINED UNDER RULE 0820-3-07. THE INFORMATION SHOWN ON THIS EXHIBIT WAS DERIVED FROM RECORDED DEEDS, PLATS, AND FIELD MEASUREMENTS. SAID PROPERTY IS SUBJECT TO ANY FINDINGS OF AN ACCURATE TITLE SEARCH. NO TITLE WORK WAS FURNISHED TO THE SURVEYOR PRIOR TO THIS EXHIBIT. THIS EXHIBIT IS NOT INTENDED TO BE A BOUNDARY SURVEY OF THE PROPERTY SHOWN HEREON.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861

Jason Garrett
3-27-2019

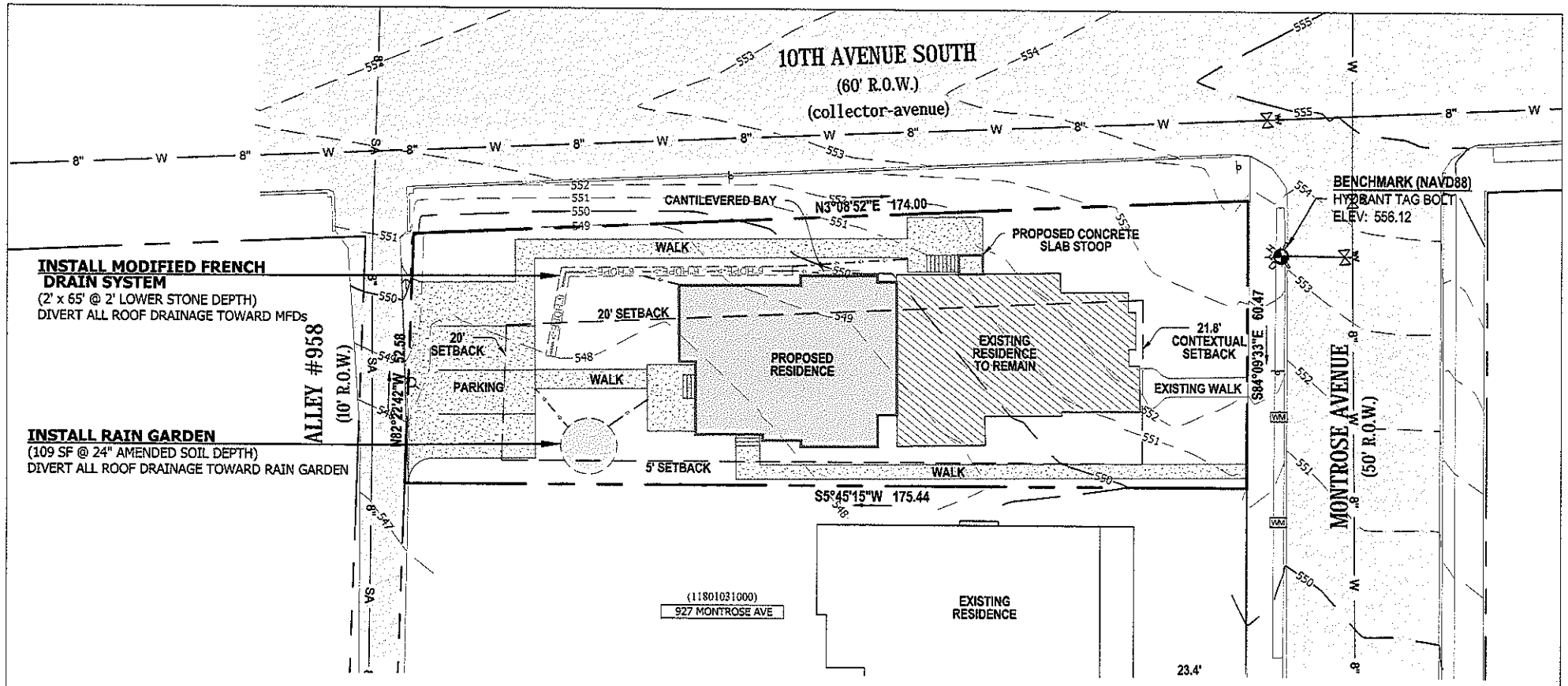
EXHIBIT 'B' - Units A & B
929 Montrose Avenue
NASHVILLE, TENNESSEE

Metro Parcel ID: (11801030900)

GRAPHIC SCALE (IN FEET)
20 0 10 20 40
1 inch = 20 ft.

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Case # 2019-395



GRAPHIC SCALE (IN FEET)

1 inch = 20 ft.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY

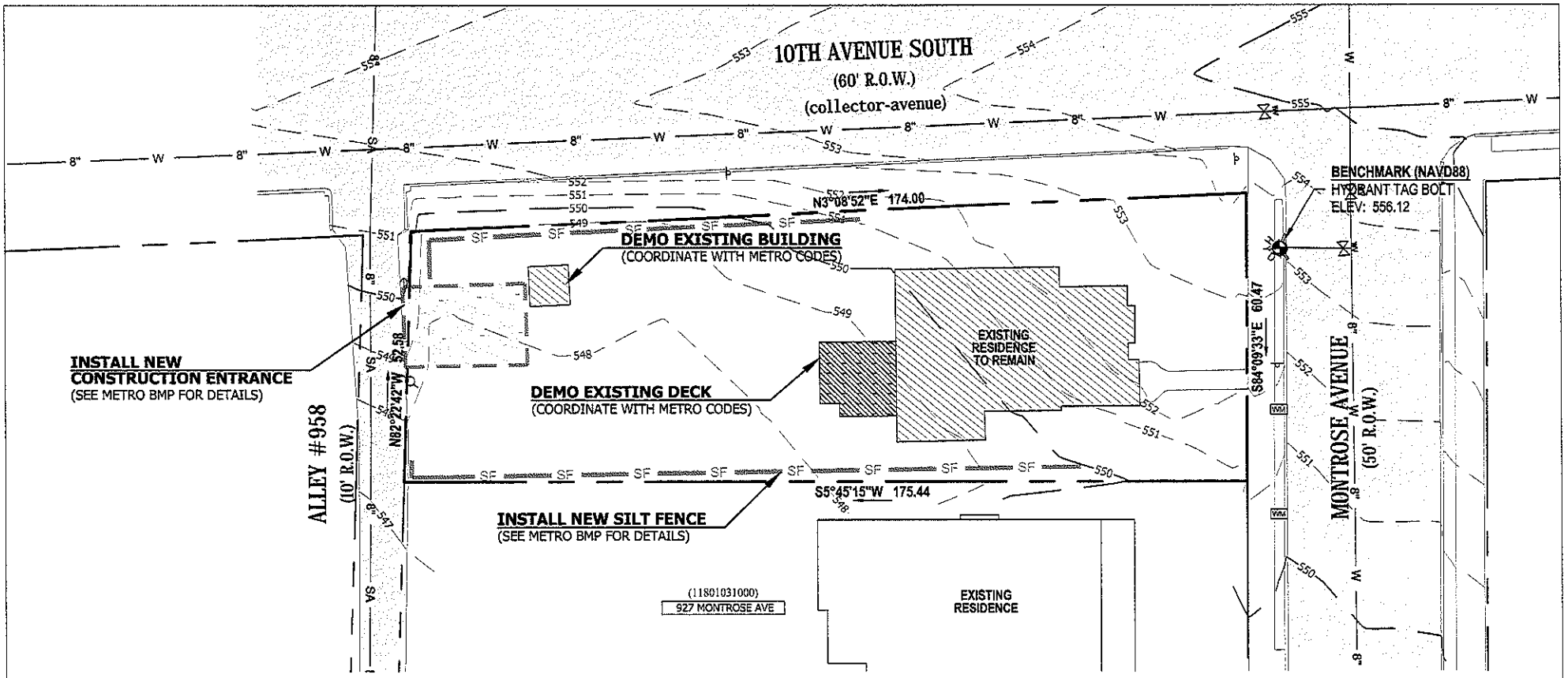
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Site Plan

929 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

Case # 2019-395



GRAPHIC SCALE (IN FEET)

1 inch = 20 ft.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

EPSC Plan

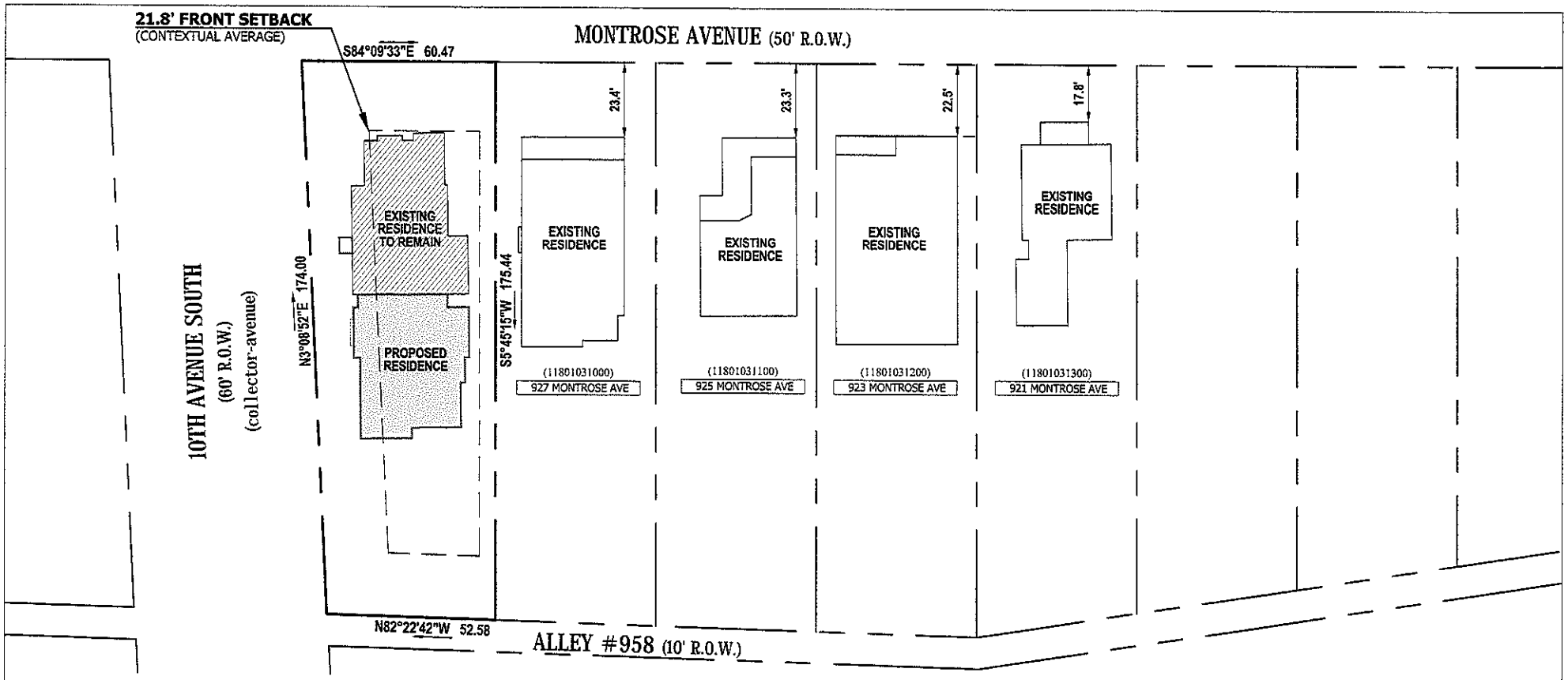
929 Montrose Avenue

Nashville, Davidson County, Tennessee

Sheet No.

V-2.2

Case # 2019-395



GRAPHIC SCALE (IN FEET)

30 0 15 30 60

1 inch = 30 ft.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY

1711 Hayes Street
Nashville, TN 37203

clintelliottsurvey.com
(615) 490-3236

Building Setbacks

929 Montrose Avenue

Nashville, Davidson County, Tennessee

Sheet No.

V-2.3

Case # 2019-395

SITE DATA: PRE-DEVELOPMENT

Total Site Area 9865 SF

PRE-DEVELOPMENT IMPERVIOUS: 1835 SF

Buildings	1596 SF
Parking/Drives	0 SF
Walks/Misc Pads	239 SF

SITE DATA: POST-DEVELOPMENT

Total Site Area 9865 SF

POST-DEVELOPMENT IMPERVIOUS: 5096 SF (51.7%)

Buildings	2967 SF
Parking/Drives	979 SF
Walks/Misc Pads	1150 SF

POST- IMPERVIOUS NET GAIN: 3261 SF (TIER II)

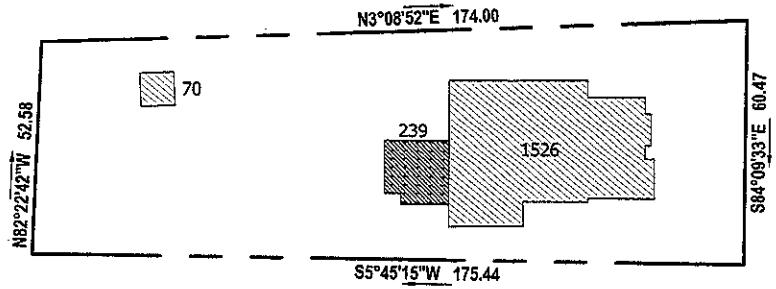
STORMWATER NET GAIN TREATMENT

Total Site Area 9865 SF

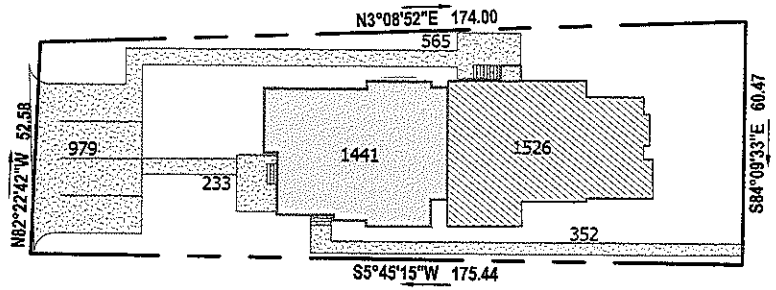
POST-DEVELOPMENT STORMWATER TREATMENT: 3261 SF

RAINGARDEN Required: 109 SF @ 2' lower storage depth

MODIFIED FRENCH DRAIN Required: 2' x 65' @ 2' Lower Stone Depth



PRE-DEVELOPMENT



POST-DEVELOPMENT

GRAPHIC SCALE (IN FEET)

30 0 15 30 60

1 inch = 30 ft.

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

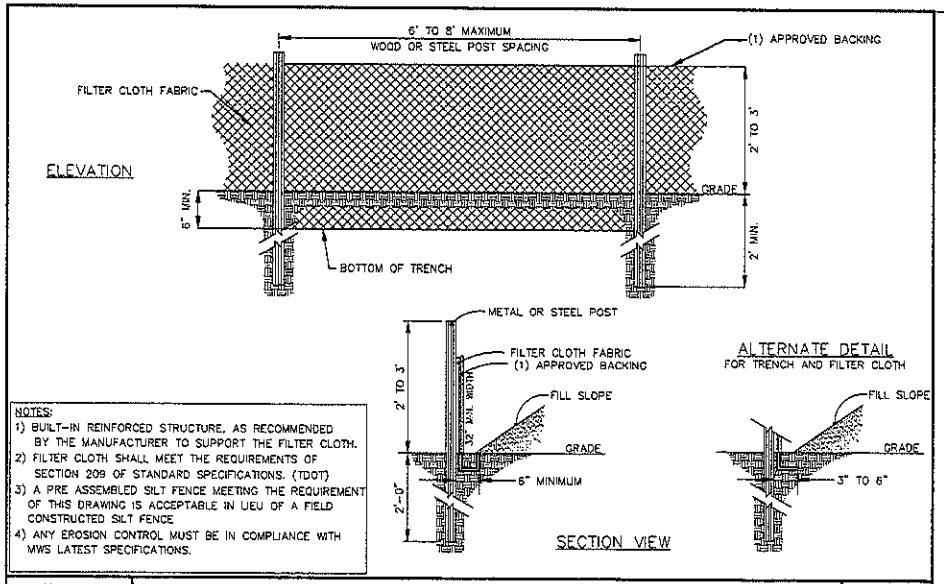
Impervious Areas

929 Montrose Avenue

Nashville, Davidson County, Tennessee

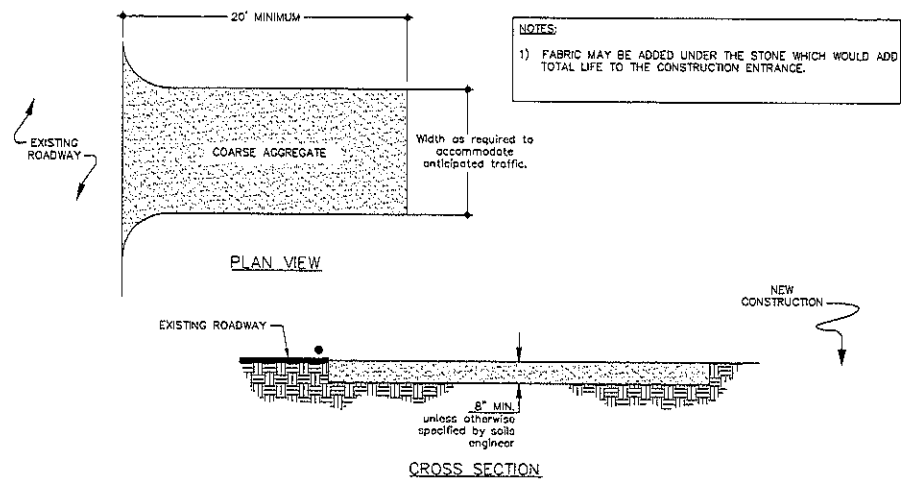
Sheet No. V-2.4

Case # 2019-395



NOTES:
1) BUILT-IN REINFORCED STRUCTURE, AS RECOMMENDED BY THE MANUFACTURER TO SUPPORT THE FILTER CLOTH.
2) FILTER CLOTH SHALL MEET THE REQUIREMENTS OF SECTION 209 OF STANDARD SPECIFICATIONS. (TDOT)
3) A PRE ASSEMBLED SILT FENCE MEETING THE REQUIREMENT OF THIS DRAWING IS ACCEPTABLE IN LIEU OF A FIELD CONSTRUCTED SILT FENCE
4) ANY EROSION CONTROL MUST BE IN COMPLIANCE WITH MWS LATEST SPECIFICATIONS.

NOT TO SCALE	TYPICAL TEMPORARY SILT FENCE	DWG. No.
DATE: 05/05/08		SDET012 SHEET 1 OF 1



NOTES:
1) FABRIC MAY BE ADDED UNDER THE STONE WHICH WOULD ADD TOTAL LIFE TO THE CONSTRUCTION ENTRANCE.

STANDARD RESIDENTIAL CONSTRUCTION ENTRANCE	NOT TO SCALE
	SHEET 1 OF 1

SITE GRADING & EROSION CONTROL NOTES

1. NO PORTION OF THE PROPERTY SHOWN LIES WITHIN A 100 YEAR FLOOD HAZARD AREA AS PER THE CURRENNT FEDERAL EMERGENCY MANAGEMENT AGENCY, (FIRM) MAP.
2. CLEAN SILT BARRIERS WHEN THEY ARE APPROXIMATELY 33% FILLED WITH SEDIMENT, SILT BARRIERS SHALL BE REPLACED AS EFFECTIVENESS IS SIGNIFICANTLY REDUCED, OR AS DIRECTED BY THE OWNER'S REPRESENTATIVE.
3. REMOVE THE TEMPORARY EROSION AND WATER POLLUTION CONTROL DEVICES ONLY AFTER A SOLID STAND OF GRASS HAS BEEN ESTABLISHED ON GRADED AREAS AND WHEN THEY ARE NO LONGER NEEDED.
4. PROVIDE TEMPORARY CONSTRUCTION ACCESS(ES) AT THE POINT(S) WHERE CONSTRUCTION VEHICLES EXIT THE CONSTRUCTION AREA. MAINTAIN PUBLIC ROADWAYS FREE OF TRACKED MUD AND DIRT.
5. PROVIDE POSITIVE SLOPE (2% MINIMUM) TO DRAIN ALL BALCONIES, DECKS, PATIOS, WALL(S), DRIVEWAYS, GRADE ADJACENT TO BUILDINGS, AND SWALES REGARDLESS WHETHER PLANS GRAPHICALLY PORTRAY OR INDICATE SLOPE. FINAL CONSTRUCTION SHALL NOT PERMIT PONDING OF WATER IN ANY OF FOREGOING AREAS.

IF YOU DIG IN TENNESSEE...
CALL US FIRST!
1-800-351-1111
1-615-366-1987
TENNESSEE ONE CALL
IT'S THE LAW

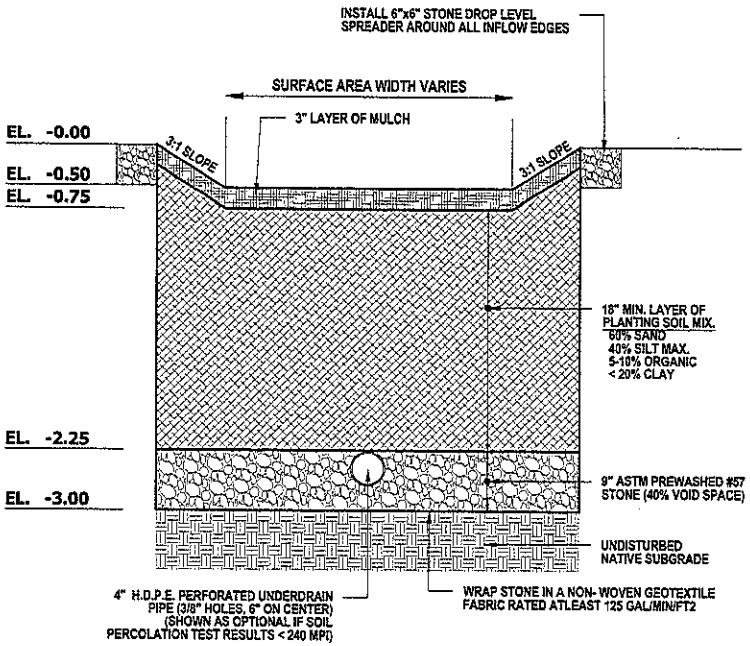
JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

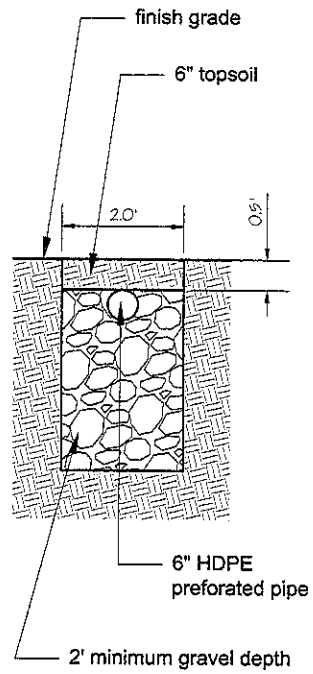
Site Details
929 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.5

Case # 2019-395

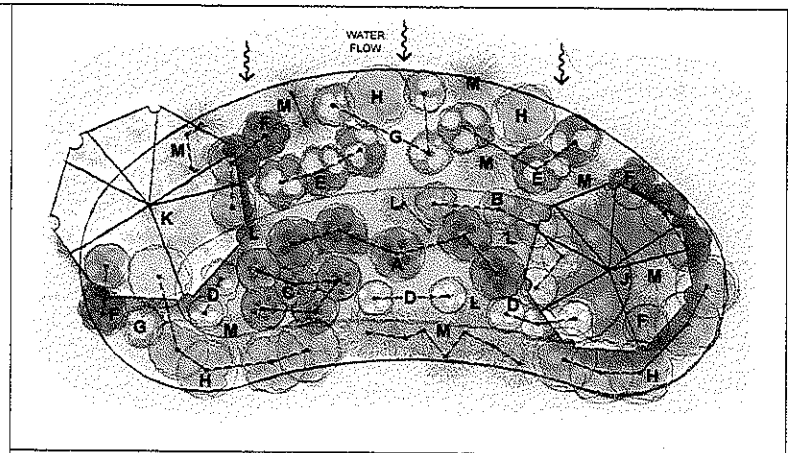


RAIN GARDEN CROSS SECTION



MODIFIED FRENCH DRAIN TYPICAL CROSS-SECTION

NOT TO SCALE



RAIN GARDEN in FULL SUN	
A	Cardinal flower ~ Hibiscus
B	Blue vervain ~ Swamp milkweed
C	Ironweed ~ Tall sunflower
D	Green-headed coneflower ~ Blazing star
E	Thin-leaved sunflower ~ Oxeye
	Brown-eyed Susan ~ Helen's flower
F	Great blue lobelia ~ Wild senna
	White Beardtongue ~ Virginia bluebells
G	Culver's root ~ Purple bergamot
	Bee balm ~ Mountain mint
H	Rough-stemmed goldenrod ~ Basil balm
	Butterflyweed ~ Perennial phlox
J	Tupelo ~ Buttonbush- Winterberry
	Grey dogwood ~ Common elderberry
K	Dogwood ~ Ninebark ~ Red maple
	Shrubby St. Johnswort ~ Wild hydrangea
L	Switchgrass ~ Wool grass ~ Wild stonecrop
	Big bluestem ~ Riverbank wild rye
	Starry campion ~ Blue-eyed grass
	Virginia wild rye ~ American dog violet
M	Bottlebrush grass

RAIN GARDEN TYPICAL PLANTING SCHEDULE

JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Stormwater Details

929 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.6

Case # 2019-395

SKETCH LAYOUT

PROVIDE PLAN VIEWS OF RAIN GARDEN AND HOUSE SHOWING DRAINAGE AREA DIRECTED TO RAIN GARDEN AND KEY DIMENSIONS AND OVERFLOW AREA RELATIVE TO PROPERTY LINE.

RAIN GARDEN

SIZING CALCULATION:

Contributing Drainage Area (square feet)	Depth of Amended Soil (inches)			
	18	24	30	36
	Area of Rain Garden (square feet)			
100	6.6	5.7	5.1	4.6
500	35	30	25	23
1000	65	60	50	45
2000	135	115	100	90
3000	200	170	150	140
4000	260	230	200	185
5000	330	290	255	230

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 1820 SQ FT
DEPTH OF SOIL MEDIA= 24 INCHES
AREA OF RAIN GARDEN= 109 SQ FT

MAINTENANCE:

1. IRRIGATE VEGETATION AS NEEDED IN FIRST SEASON
2. REMOVE WEEDS
3. REPLACE UNSUCCESSFUL PLANTINGS
4. REPLENISH MULCH
5. REPAIR ERODED AREAS
6. RAKE CLOGGED SURFACE TO RESTORE INFILTRATION
7. MONITOR RAIN GARDEN FOR APPROPRIATE DRAINAGE TIMES IF GARDEN DOES NOT DRAIN AN UNDERDRAIN MAY BE NECESSARY

METRO NASHVILLE DEPARTMENT OF WATER SERVICES	ATTACHED THIS TWO-PAGE SPECIFICATION TO HOUSE PLAN SUBMITTAL	RAIN GARDEN SPECIFICATIONS PAGE 2 OF 2

SKETCH LAYOUT

PROVIDE PLAN AND ELEVATION VIEWS OF MFD AND HOUSE SHOWING ROOF AREA DIRECTED TO MFD AND KEY DIMENSIONS, CONNECTIONS AND OVERFLOW RELATIVE TO PROPERTY LINE.

Modified French Drain

SIZING CALCULATION:

Rooftop Area (square feet)	Depth of Gravel From Top of Pipe (inches)			
	18	24	30	36
	Required Linear Feet of MFD			
100	6	5	4	3
500	30	25	20	15
1000	60	45	40	35
2000	120	95	75	65
3000	185	140	115	100
4000	245	190	155	130
5000	305	235	195	165

MEASURE CONTRIBUTING DRAINAGE AREA AND READ AREA FOR GIVEN MEDIA DEPTH.

CONTRIBUTING DRAINAGE AREA= 1441 SQ FT
DEPTH OF STONE MEDIA= 24 INCHES
WIDTH OF TRENCH= 24 INCHES
LENGTH OF MFD= 65 FT

MAINTENANCE:

1. INSPECT GUTTERS AND DOWNSPOUTS REMOVING ACCUMULATED LEAVES AND DEBRIS, CLEANING LEAF REMOVAL SYSTEM(S).
2. IF APPLICABLE, INSPECT PRETREATMENT DEVICES FOR SEDIMENT ACCUMULATION. REMOVE ACCUMULATED TRASH AND DEBRIS.
3. INSPECT MFD FOLLOWING A LARGE RAINFALL EVENT TO INSURE OVERFLOW IS OPERATING AND FLOW IS NOT CAUSING PROBLEMS.

METRO NASHVILLE DEPARTMENT OF WATER SERVICES	ATTACHED THIS TWO-PAGE SPECIFICATION TO HOUSE PLAN SUBMITTAL	MODIFIED FRENCH DRAIN SPECIFICATIONS PAGE 2 OF 2

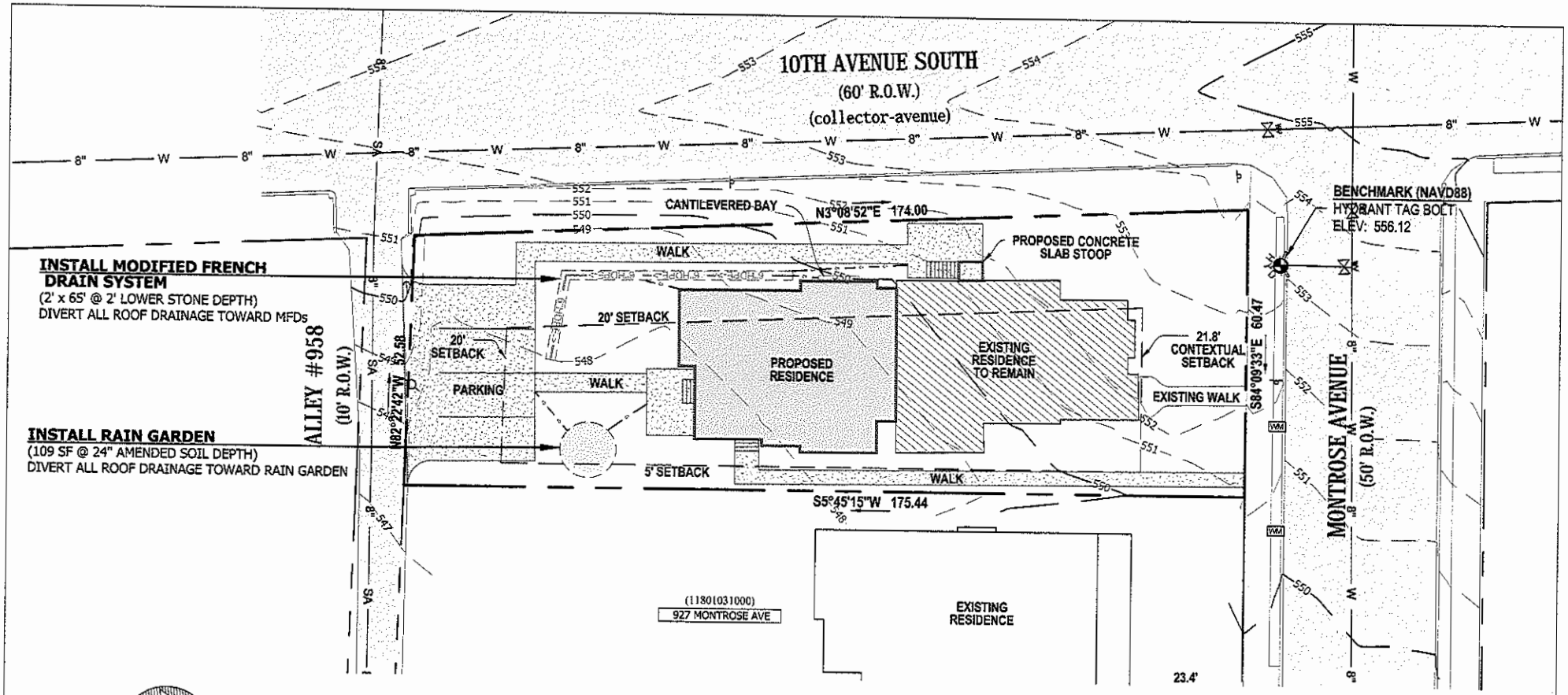
JASON A. GARRETT
REGISTERED LAND SURVEYOR
TENNESSEE NO. 2861
2-27-2019

CLINT ELLIOTT SURVEY
1711 Hayes Street
Nashville, TN 37203
clintelliottsurvey.com
(615) 490-3236

Stormwater Details

929 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No. V-2.7



Site Plan

929 Montrose Avenue
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

From: Claire Armbruster
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Appeal Case #2019-395; Permit #20190044513
Date: Thursday, October 24, 2019 10:00:59 AM

Dear Metro Board of Zoning Appeals,
We are not in favor of the request not to provide a sidewalk at 2602B 10th Ave S. Sidewalks are a primary feature of the Waverly Belmont (12South) neighborhood. They enhance the quality of life in this walkable neighborhood.
Thank you,
Claire Armbruster
Jeff Koontz
1004 Montrose Ave, Nashville, TN 37204

Claire Armbruster
Planning Stages
Plan > Prepare > Present
PO Box 41182
Nashville, TN 37204
615.509.9797
planningstages.net

From: Ellen Wolfe
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Zoning Appeals: 2019-394 and 2019-395
Date: Friday, October 11, 2019 5:30:36 PM

To The Metropolitan Board of Zoning Appeals,

I received two letters regarding zoning appeals hearings for case numbers: 2019-394 and 2019-395. They are scheduled for Nov. 7. I will be out of town that day and unable to attend the hearing. I want you to know that I strongly oppose Britt Development's attempt to exempt themselves from repairing and improving the sidewalks in front of and to the side of the properties they are rehabbing and further strongly oppose their attempt to not pay into the sidewalk fund. 12 South is a very walkable neighborhood because of its sidewalks. Britt development has torn up and/or damaged the sidewalks in front of the two properties they are renovating. Part of the sidewalk on the north side of Montrose is completely blocked and we have to walk in the street to get around it. Additionally, Britt Development has removed the fencing around the house on the north side of Montrose – street #928 (case number: 2019-395). There is a steep drop off, approximately 3 feet, from the sidewalk to the yard along 10th Ave. S. The previous homeowner had a fence that protected people from falling off the sidewalk into the yard. Also, there have been plans to add a sidewalk on the east side 10th Ave. S along the east side of 929 Montrose which is the other house Britt Development has a zoning appeal for. It seems reasonable to require Britt Development to add that sidewalk (10th Ave. S, east side between Montrose and the alley south of Montrose).

Sincerely,

Ellen
915 Montrose Ave.

From: Ginger VandeWater
To: Sledge, Colby (Council Member); Board of Zoning Appeals (Codes)
Cc: Grant VandeWater
Subject: Montrose Ave sidewalks
Date: Friday, October 18, 2019 9:09:39 AM

Good morning,

I am hoping to attend the zoning hearing but wanted to also voice our opposition and concerns via email regarding the new construction on the corners of Montrose and 10th avenue South. My understanding is that the builder has applied to be allowed to not replace the sidewalks that were destroyed during construction. My husband and I live at 1012 Halcyon and walk with our child and dog in the neighborhood all the time, and we strongly oppose a developer being allowed to not replace sidewalks. There are many, many children who walk to Waverly-Belmont elementary just a few blocks from this area, and to not have sidewalks available for their use is dangerous.

Thanks for your time, and please let us know if there is anything further we can do.

Sincerely,
Grant & Ginger VandeWater

From: hmtilden@gmail.com
To: Board of Zoning Appeals (Codes)
Subject: 2019-394 and 395 Sidewalk Exemption request on Montrose Ave
Date: Wednesday, October 23, 2019 9:04:04 PM

Hello,

I live a few blocks away from 10th and Montrose where a local developer is currently requesting a sidewalk exemption.

I am opposed to this exemption as it will negatively impact children's ability to walk safely to school. This developer is also building multiple million dollar homes in our neighborhood. The least they could do to help combat gentrification is contribute to the sidewalk fund if they don't just build the sidewalk themselves.

Thank you.

Holly Tilden
906 Knox Ave
Nashville, TN 37204
C: 615-521-1016

From: John Allen
To: Board of Zoning Appeals (Codes)
Subject: Oppose Montrose side walk variance
Date: Friday, October 18, 2019 11:52:35 AM

Please require the developer to support our side walk efforts and oppose their variance request.

Thank you - John Allen
906 Halcyon Ave since 2006

From: Jonathan Marx
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: OPPOSITION to zoning appeal - case no. 2019-394 / 928B Montrose Ave *and* case no. 2019-395 / 2602 B 10th Ave S
Date: Sunday, October 27, 2019 8:46:23 AM

Hello,

I am the owner and resident at 921 Montrose Ave., which is in extremely close proximity to two properties currently being developed by Britt Development / Sarah Britt.

I'm writing to voice my STRONG OPPOSITION to a zoning appeal filed for these properties, which are listed as follows:

928 B Montrose Ave.
Appeal Case Number: 2019-394
APN: 118012I90000CO
Permit Number: CAAZ 20190044551

2602 B 10th Ave. S.
Appeal Case Number: 2019-395
Permit Number: CAAZ 20190044513
APN: 118012H90000CO

In both cases, the developer is seeking a variance from sidewalk requirements to construct a two single-family residence without building sidewalks or paying into the sidewalk fund.

This appeal should be DENIED on the basis that consistent sidewalk construction is essential to the safety and walkability of our neighborhood. These properties have sufficient square footage to accommodate construction of sidewalks. As a pedestrian and as a transit rider, I rely on our sidewalks daily. As a family, we have had to make accommodations for the existing lack of sidewalk at 2602 B 10th Ave. S. for more than 15 years. This developer, who seeks to profit from the properties at both of these addresses, should not be allowed to elude their obligation to pay into a system that makes our neighborhood and our community safe, walkable and livable for everyone.

Thank you,

Jonathan Marx
921 Montrose Ave.
Nashville, TN 37204
615.294.5453

From: Kathrine Guthrie
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Variance opposition
Date: Tuesday, October 29, 2019 11:01:02 PM

Dear Board of Zoning Appeals and Colby Sledge,

My name is Kathrine Guthrie, I live at 2502 9th Ave S, Nashville TN 37204, basically at the intersection of Montrose and 9th Ave S, so a block East of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to STRONGLY OPPOSE the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should DENY both of Appellant's variance requests.

My family, including 3 children ages 2-6, walk Montrose Ave and 10th Ave multiple times a week on our way to Frothy Monkey, 12th S Taproom, Las Paletas, Sevier Park, etc. Those sidewalks need to be safe and to codes and we even need more sidewalk on the east side of 10th Ave in this area. Please deny these variances and future requests in our small walkable neighborhood, if builders want to build in the neighborhood, they need to comply with the rules and respect the neighbors. And please add sidewalks to the rest of 10th Ave with said sidewalk building fund money.

Kathrine Guthrie

From: Lesley Patterson-Marx
To: Board of Zoning Appeals (Codes)
Cc: Jonathan Marx
Subject: Appeal Case 2019-395 Opposition
Date: Sunday, October 27, 2019 8:58:32 PM

To Whom It May Concern at MetroBoard of Zoning Appeals,

I am writing to ask that you deny the requested appeal from Britt Development for 2602 B 10th Ave S. Britt Development requested a variance from sidewalk requirements.

I am a neighbor at 921 Montrose Ave and believe that they should not be allowed to construct a two single family residence without building sidewalks or paying into the sidewalk fund. The intersection at 10th and Montrose is a very dangerous one. I have seen many accidents, and even once saw a runner hit by a car as she was crossing the street. A sidewalk in front of 2602 B 10th Ave S. would greatly improve the safety of families and children in our neighborhood. 10th and Montrose is not a safe place to cross the street as a pedestrian. If the sidewalk were added, neighbors could walk down to Halcyon and cross more safely at the four way stop. We have so many children in our neighborhood, and their safety should be a priority by requiring Britt Development to provide a sidewalk.

Thank you,
Lesley Patterson-Marx
921 Montrose Ave

Lesley Patterson-Marx
Artist and Educator
lesleypattersonmarx.com

From: Collin Brown
To: Board of Zoning Appeals (Codes); Sledge, Colby (Council Member)
Subject: Zoning Appeals: 2019-394 and 2019-395
Date: Tuesday, October 22, 2019 4:07:37 PM

Dear Board of Zoning Appeals:

My name is Collin Brown. I currently own the property located at 905 Gilmore Ave, Nashville, TN 37204, which is one block directly north of the Britt Development / Sarah Britt construction projects at 928B Montrose Ave and 2602B 10th Ave S (the "Appellant"). Your Appeal Case Numbers 2019-394 and 2019-395 respectively.

I write to you to **STRONGLY OPPOSE** the Appellant's two attempts to convince the Board to grant a zoning variance from the Appellant's legal obligation to comply with the sidewalk requirements in Metro Code Section 17.20.120. This Board should **DENY** both of Appellant's variance requests.

928B Montrose Ave. The prior residence located at 928 Montrose Ave did have sidewalks located in the south-facing property frontage and west side of the property. However, the Appellant tore down the fence connected to the sidewalk on the west side of the property exposing pedestrians, including small children walking each day to elementary school each day, to a sudden drop off of over four feet between the eastern edge of the west-facing sidewalk and the yard. Without any regard for the welfare of the nearby residents, the Appellant has allowed this dangerous sidewalk drop off condition to continue for many months. Most recently, the Appellant has destroyed significant portions of the frontage sidewalk. Metro should require the Appellant to build compliant sidewalks to the front and west side of this property. These sidewalks connect to the sidewalks connecting Gilmore Ave, 10th Ave and Montrose Ave. Furthermore, the Appellant should be required to build a fence (replacing the fence torn down by the Appellant) directly connecting the eastern edge of the west-facing sidewalk to the fence, for reasons of pedestrian safety.

2602B 10th Ave S. This property does not have a sidewalk. In fact, this property contains the only sidewalk gap between Halcyon Ave, 10th Ave and Montrose Ave. This Board should require the Appellant to build a sidewalk on its 10th Ave frontage connecting the Halcyon Ave sidewalk to the Montrose Ave sidewalk as required by Metro Code Section 17.20.120.

It is a shame that Metro even allowed the Appellant to build two homes on each of these small lots pursuant to a horizontal property regime. Recently, on the Nextdoor.com website, the Appellant has commented that each of these properties is selling for at least $800,000. That's two $800,000 properties per lot for a total of $3,200,000 for both lots. The Appellant calls this "affordable housing". It's an outrage that Appellant would seek to make such large profits, while not even being willing to build sidewalks in our neighborhood and contribute to the sidewalk fund! It is imperative that the Board support Nashville neighborhood and follow the Metro Code. I am not opposed to profit, but greedy developers like the Appellant are making millions all across Nashville,especially in the 12 South neighborhood, and yet they cry "poor me!" when it comes to investing in sidewalk infrastructure and paying into the sidewalk fund. The Board must not allow or tolerate this type of developer bad behavior!

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

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

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

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

4. **Integrity of Master Development Plan**. Failure to build sidewalks and contribute to the sidewalk fund will compromise the walk-ability of this neighborhood and will negatively impact the neighbors of these properties.

Please understand that the neighbors of 928B Montrose Ave and 2602B 10th Ave S adamantly **OPPOSE** the variances the Appellant is seeking.

I respectfully request that this Board **DENY** these variance requests by the Appellant.

I look forward to attending the hearing on November 7, 2019.

Best Regards,

M. Collin Brown

Cc: Colby Sledge

From: Abkowitz, Mark
To: Board of Zoning Appeals (Codes)
Cc: Sledge, Colby (Council Member)
Subject: Sidewalk variance: Permits 20190044513 and 20190044551
Date: Sunday, October 13, 2019 9:17:08 AM

My wife and I are writing in reference to the aforementioned permits for which a variance is being requested from sidewalk requirements.

Both of these properties are located in the 12 South area, where a concerted effort has been made to create a walkable neighborhood. For that reason, it is imperative that a sidewalk exist on the perimeter of both properties that abut city streets. There should be no exception for this requirement, both in complying with the regulation and in setting a dangerous precedent if the zoning board does not adhere to this policy. Furthermore, by doing so we continue to encourage/enforce new builds and renovations to expand the repair and maintenance of the sidewalk network throughout our city.

Regards,

Mark & Susan Abkowitz
922 Gilmore Avenue

From: Cherry, Sidney
To: Board of Zoning Appeals (Codes)
Subject: Case # 2019-395
Date: Friday, October 18, 2019 8:57:35 AM

I believe a builder is asking to not replace sidewalks at 928 Montrose Ave. This is unacceptable! Sidewalk are so important in our neighborhood. The builders are the ones who tore up the sidewalk that was there originally. They should be required to replace it. Please do not grant this variance request!!!!

Thank you.

Sidney Cherry
VP of Tax
Ryman Hospitality Properties, Inc.
O: 615-316-6152
C: 615-479-6386

From: Sondra Lawrence
To: Board of Zoning Appeals (Codes)
Subject: Developers sidewalk variance requests
Date: Thursday, October 24, 2019 4:41:09 PM

I oppose all sidewalk variance requests by Britt Developers on Montrose Avenue in 12 South, as well as the developer sidewalk variance request for West Kirkwood Avenue.

Resident
Sondra Lawrence
900 Knox Avenue
Nashville, Tn
37204

Sent from Yahoo Mail on Android

Sent from Yahoo Mail on Android

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Randy Arnold **Date:** 8-1-19

Property Owner: Fishbach, Gary Dwayen **Case #:** 2019-401

Representative: : Randy Arnold **Map & Parcel:** 105-92-J-1-CO
105-92-J-2-CO

Council District 17

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

Purpose: Requesting variance from sidewalk requirements.

Activity Type: New Construction - HPR

Location: 1016 C W. Grove Ave.

This property is in the R8 **Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:**

Reason: Existing Sidewalks

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B **Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.**

Arnold Homes LLC
Appellant Name (Please Print)

1612 Westgate Cir
Address

Brentwood TN 37027
City, State, Zip Code

615-372-9279
Phone Number

R Arnold @ arnoldhomesllc.com
Email

Randy Arnold
Representative Name (Please Print)

1612 Westgate Cir. Ste 222
Address

Brentwood TN 37027
City, State, Zip Code

615-372-9279
Phone Number

Same
Email

Zoning Examiner: CH

Appeal Fee: $200.00

3697383

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 - 20190045939
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105092J90000CO **APPLICATION DATE:** 08/01/2019

SITE ADDRESS:

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

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

APPLICANT:

PURPOSE:

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

3695236

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

PARCEL: 105092J00100CO **APPLICATION DATE:** 07/26/2019

SITE ADDRESS:

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

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

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

***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I , holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*
For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are required.***

Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies

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

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

3695232

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

PARCEL: 105092J00200CO **APPLICATION DATE:** 07/26/2019

SITE ADDRESS:

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

PARCEL OWNER: FISHBACK, GARY DEWAYNE

APPLICANT: ARNOLD HOMES, LLC

BRENTWOOD, TN 37027 6152369133

PURPOSE:

to construct 2457SF single family residence with 393SF garage and 247Sf porches. 5' min. side setback, 20' min. rear setback, front setback at ' per avg. unit 1 of 2. lot coverage is 1587SF of max 3654SF lot coverage. not to be over any easements. Max height 3 stories or 28'1".
***PURSUANT TO ORDINANCE NO 2008-1263 of the Metropolitan Code of Laws, I , holder of this permit, hereby certify that all construction and demolition waste generated by any and all activities governed by this permit shall be disposed of in an approved landfill. Further, I certify that no construction or demolition waste shall be stored on the property in violation of any provisions of the Metropolitan Code* For every 30 feet of street frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted on the subject property.*
For every 50 feet of site frontage, a double-sided sign 24" x 36" in size must be posted in English and Spanish that contains the information required by Ordinance No. 2017-835. No more than three signs are required.***

Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies

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

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 600 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Monday prior to the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6510

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

Randy Arnold _____ 8/11/19 _____

APPELLANT **DATE**

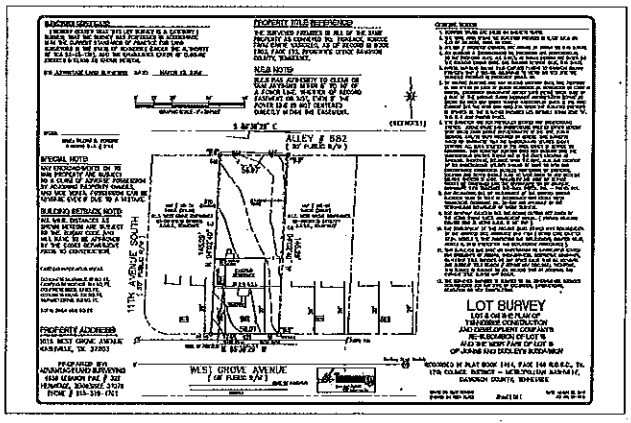
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and location of disposal systems which can affect your plan. Consideration can be given to the characteristics of neighborhood and the way it is developed. One or more of these conditions must affect your inability to build or occupy the property to provide your case.

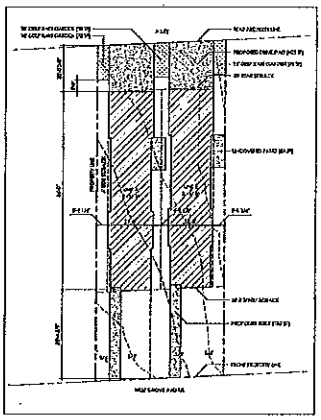
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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

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

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





INDEX

Case # 2019-401

D

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

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

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

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

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

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

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

A100	FOUNDATION & ROOF PLANS
A101	FLOOR PLANS
A201	EXTERIOR ELEVATIONS
A301	BUILDING & WALL SECTIONS

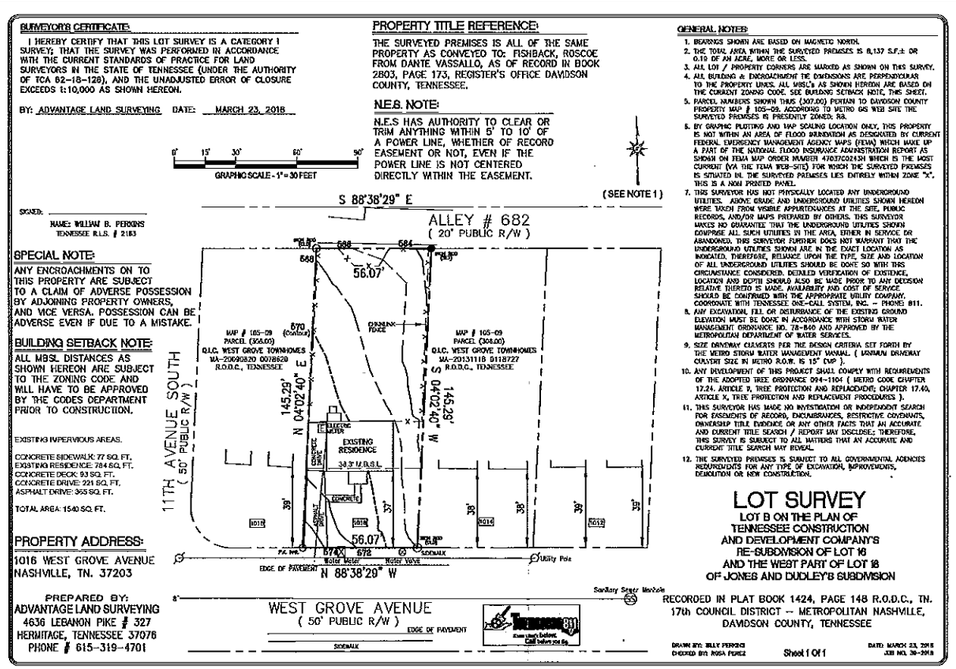
PROJECT TEAM

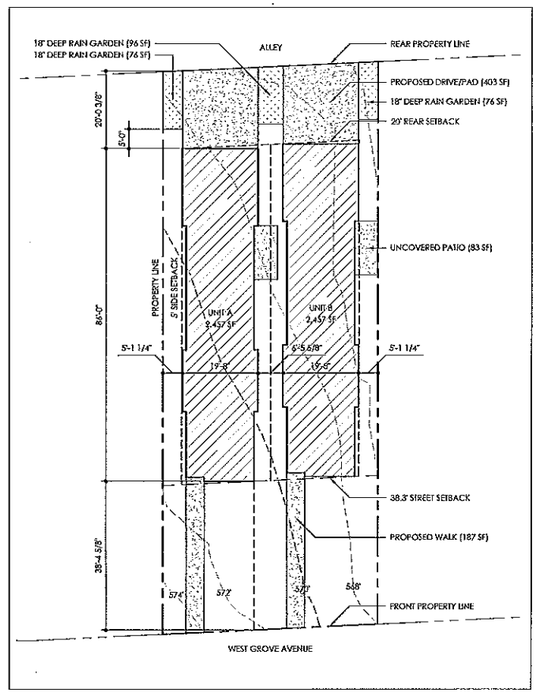
OWNER	GARY FISHBACK 615-596-1917 GFISHBACK28@COMCAST.NET
REALTOR	ASHLEY BROCK 615-727-4797 ABROCKREALTOR@GMAIL.COM
ARCHITECT	JOSH JOHNSON ARCHITECTURE 615-601-0696 JOSH@JJAAD.COM
BUILDER	<BUILDER> <PHONE> <EMAIL>

BUILDING DATA

ADDRESS:	1016 WEST GROVE AVENUE NASHVILLE, TENNESSEE 37203
PARCEL ID:	10509030700
DESCRIPTION:	TWO NEW DETACHED SINGLE-FAMILY TOWNHOMES IN THE ACKLEN/WESTGROVE NEIGHBORHOOD
LOT AREA:	0.19 ACRES (8,137 SF)
IMPERVIOUS SURFACE (EXISTING):	1,540 SF EXISTING CONCRETE WALK - 77 SF EXISTING HOUSE TO BE REMOVED - 784 SF EXISTING CONCRETE PATIO - 93 SF EXISTING CONCRETE DRIVE - 221 SF EXISTING ASPHALT DRIVE - 365 SF
IMPERVIOUS SURFACE (PROPOSED):	4,520 SF (2,260 SF EACH UNIT) PROPOSED CONCRETE WALK - 187 SF PROPOSED HOUSE FOOTPRINT - 1587 SF PROPOSED CONCRETE PATIO - 83 SF PROPOSED CONCRETE DRIVE - 403 SF
IMPERVIOUS SURFACE (INCREASE):	2,980 SF
BUILDING COVERAGE:	0.390
REAR SETBACK:	20'-0"
SIDE SETBACK:	5'-0"
STREET SETBACK:	38.3'
TOTAL CONDITIONED AREA:	2,457 SF (EACH UNIT) MAIN LEVEL - 899 SF UPPER LEVEL - 1,558 SF
TOTAL UNCONDITIONED AREA:	640 SF (EACH UNIT) SCREEN PORCH - 247 SF GARAGE - 393 SF
GRAND TOTAL UNDER ROOF:	3,097 SF (EACH UNIT)

01 VICINITY MAP
NTS





DRAWINGS FOR REVIEW

NOT FOR CONSTRUCTION

1801 4

WEST GROVE INFILL
1016 WEST GROVE AVE
NASHVILLE, TENNESSEE

REVISIONS

INDEX

12 21 18

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

Hi all,

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

2019-401: **Oppose** unless applicant agrees to pay into sidewalk fund
2019-403: **Oppose**, as I am fairly certain the appellant is referring to the wrong property
2019-405: **Support**
2019-418/419: Oppose, as developer should build sidewalks.

Thanks, as always,

Colby

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

Dear zoning board members:

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

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

I am OPPOSING this appeal.

I am attaching the original letter from metro zoning board.

Sincerely

Guozhen Luo

10/16/2019

Case # 2019-401

To - Metro Board of Zoning Appeals - 10/10/19

RE: Appeal case # - 2019-401
1016C W. GROVE AVE
Map Parcel - 105092J90000CO
Zoning Classification - R8
Council District - 17

To whom it may concern:

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

Thank you -

John + April Reed

October 11, 2019

Dear Board of Zoning Appeals:

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

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

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

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

Thank you for your time and consideration.

Sincerely,

Megan and Satish Reddy

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

Hello,

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

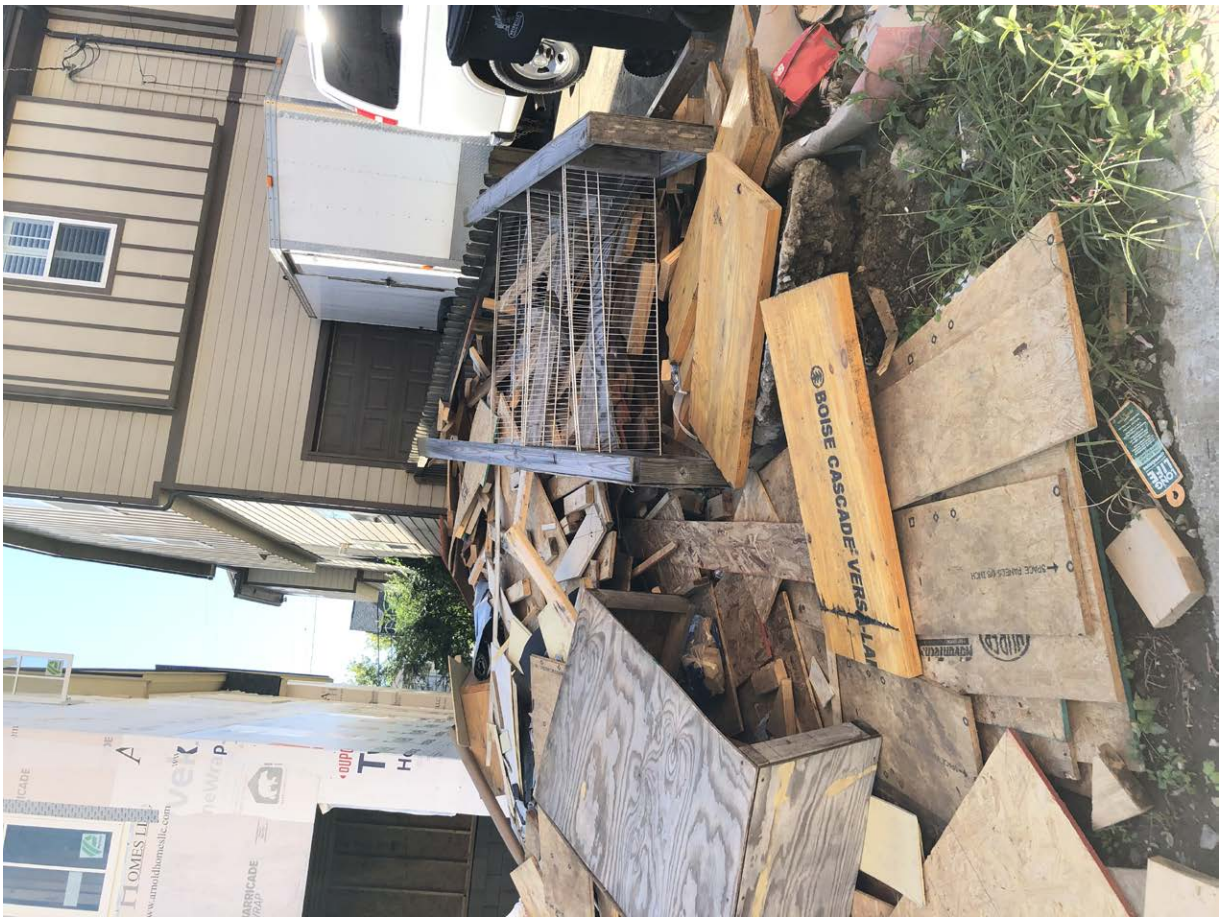
And just to be clear, this is what the lot has been like (front and back) day in and day out since the project began. I finally called and they got a dumpster which obviously they still don't use.

Thank you.

Best,

Megan and Satish Reddy

WASTE SOLUTIONS
of Tennessee 931-540-8305



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

> Hello,
>
> Please see the attached letter in response to permit #20190045939.
>
> If you need any further information please let us know.
>
> Thank you so much for your consideration.
>
> Best,
>
> Megan and Satish Reddy

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant: JAY FULMER - FULMER ENGINEERING Date: 8/6/19

Property Owner: 1900 WARNER PARKWAY Case #: 2019- 415

Representative: JAY FULMER Map & Parcel: 09207033400

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:
TO REDUCE THE REAR SETBACK ALONG THE ALLEY FROM 20' TO 10' TO CONSTRUCT A MEDICAL OFFICE BUILDING. SITE CURRENTLY HAS 0' SETBACK BUT IS BEING REZONED. IT IS CURRENTLY

Activity Type: NEW CONSTRUCTION

Location: 627 19th Ave. N.

This property is in the IR 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: REZONING TO MUL-A CREATES 20' REAR SETBACK

Section(s): 17.12.020.D

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.

JAY FULMER - FULMER ENGINEERING
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

2002 RICHARD JONES RD SUITE C304
Address

2002 RICHARD JONES RD C304
Address

NASHVILLE, TN 37215
City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

615-345-3771
Phone Number

615-345-3771
Phone Number

JAY@FULMERENG.COM
Email

JAY@FULMERENG.COM
Email

Appeal Fee: $200.00

Examiner: C. Harper

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

3699065

ZONING BOARD APPEAL / CAAZ - 20190047019
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09207033400 **APPLICATION DATE:** 08/06/2019

SITE ADDRESS:
627 19TH AVE N NASHVILLE, TN 37203
LOT 2 JOHNNY-REB CORPORATION PROPERTY

PARCEL OWNER: 1900 WARNER PARTNERS, LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:
requesting variance to reduce the rear setback from 20' to 10'/

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

8/6/19
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.

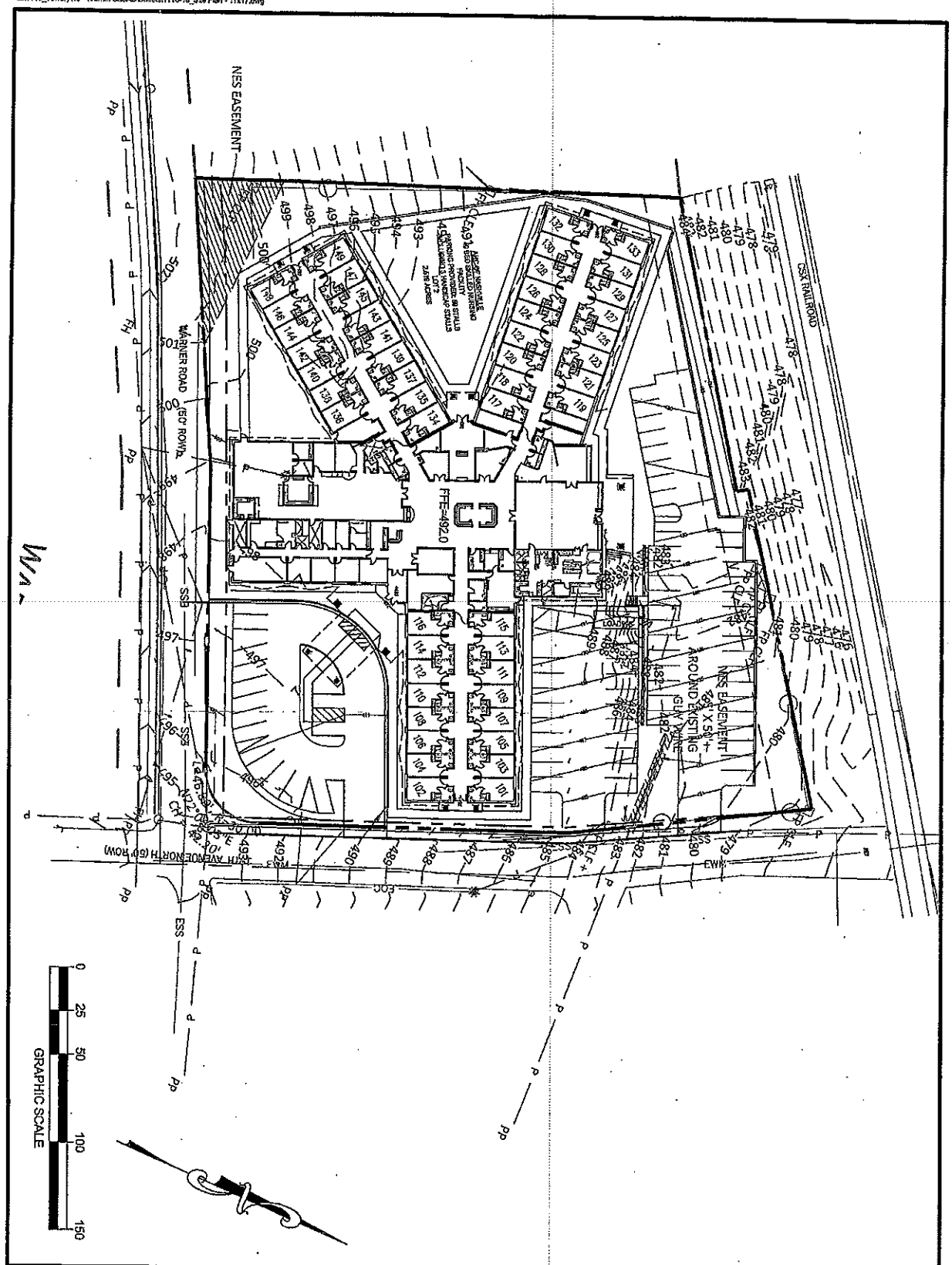
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

DUAL ROAD FRONTAGE WITH SIGNIFICANT TOPOGRAPHY CONSTRAINTS LIMIT LAYOUT AND FUNCTIONALITY. THE USE REQUIRES BUILDING WING ORIENTATIONS FOR PATIENT VISIBILITY AND TRAVEL DISTANCE. WITH INDUSTRIAL ZONING, THERE IS 0' SETBACK. THE PROPERTY IS BEING REZONED TO ALLOW THE USE, BUT THE NEW ZONING HAS 20' REAR SETBACK.

Tuesday, August 6, 2019
Z:\1110_Towery\16 - Warner St\CAD\Sheets\1110-16_Site Plan - 11x17.dwg



EXH

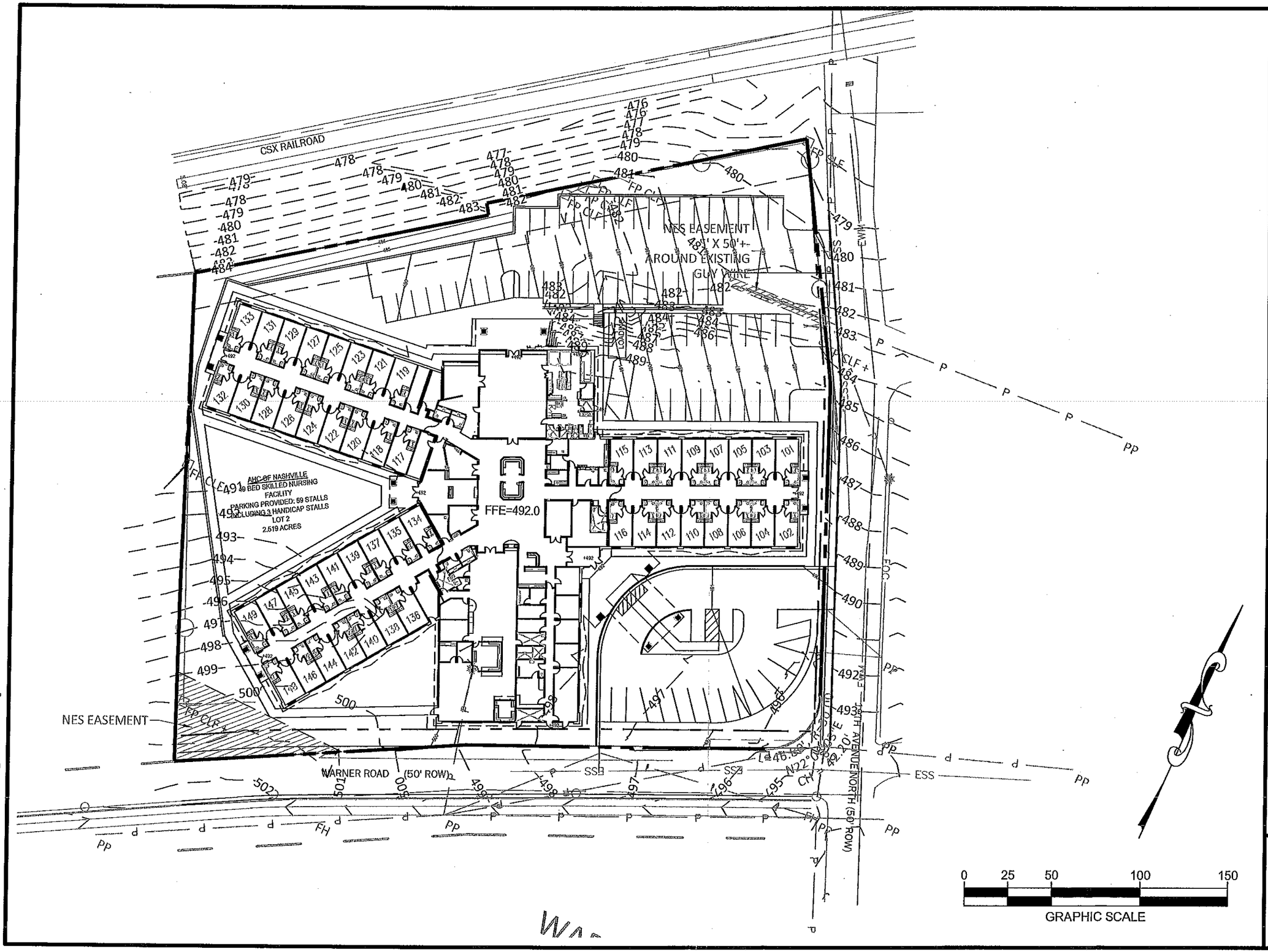
CONCEPTUAL SITE PLAN

EXHIBIT FOR:

WARNER STREET

CITY, COUNTY, STATE ZIP

FULMER ENGINEERING
2002 RICHARD JONES RD - SUITE C304
NASHVILLE, TENNESSEE 37215
INFO@FULMERENG.COM - (615) 345-3770



FULMER ENGINEERING
2002 RICHARD JONES RD - SUITE C304
NASHVILLE, TENNESSEE 37215
INFO@FULMERENG.COM - (615) 345-3770

CONCEPTUAL SITE PLAN

EXHIBIT FOR:
WARNER STREET
CITY, COUNTY, STATE ZIP

EXH

Tuesday, August 6, 2019
Z:\1110_Towery\18 - Warner St\CAD\Sheets\1110-18_Site Plan - 11x17.dwg

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

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

Council District: 11

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

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

This property is in the R10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

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

Section: 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection ___ of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Appellant Name: BVC Oakwood Commons, LLC
Phone Number: (201)741-8441
Address: 162-5 North Main St
Florida, NY 10921
Email address: rob@lbxinvestments.com

Representative: Brandon Lutz
Phone Number: (615)982-3635
Address: 9010 Overlook Blvd
Brentwood, TN 37027
Email address: blutz@gbtrealty.com

Appeal Fee: _____

No site plan OK
Per Emily

3700649

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

ZONING BOARD APPEAL / CAAZ - 20190048092
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06416005900 **APPLICATION DATE:** 08/09/2019

SITE ADDRESS:

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

PARCEL OWNER: BVC OAKWOOD COMMONS, LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:

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

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

3681189

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

PARCEL: 06416005900 **APPLICATION DATE:** 06/14/2019

SITE ADDRESS:

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

PARCEL OWNER: BVC OAKWOOD COMMONS, LLC

APPLICANT:

PURPOSE:

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

Before a building permit can be issued for this project, the following approvals are required. The Applicant is responsible for providing any plans or other information to the individual agencies

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

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet 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 8/9/19 **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?

THERE IS NO ACCESSED VALUE TO DETERMINE IF THE SIDEWALK WOULD BE REQUIRED

Standards for a Variance

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of the Zoning Code based upon findings of fact related to the standards in section 17.40.370. This Section is included as follows:

Physical Characteristics of the property- The exceptional narrowness, shallowness or shape of a specific piece of property, exceptional topographic condition, or other extraordinary and exceptional condition of such property would result in peculiar and exceptional practical difficulties to, or exceptional or undue hardship upon the owners of such property.

Unique characteristics- *The specific conditions cited are unique to the subject property and generally not prevalent to other properties in the general area.*

Hardship not self-imposed- The alleged difficulty or hardship has not been created by the previous actions of any person having an interest in the property after date of Zoning Code.

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

No injury to neighboring property- The granting of a variance will not be injurious to other property or improvements in the area, impair and adequate supply of light and air to adjacent property, or substantially diminish or impair property values within the area.

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

Integrity of Master Development Plan- *The granting of a variance will not compromise the design integrity or functional operation of activities or facilities within an approved Planned Unit Development.*

The Board shall not grant variances to the land use provisions of section 2.3, nor the density of Floor Area Ratio (FAR) standards of Tables 3-B and 2-C, nor the required size of residential lots approved by the Planning Commission under the authority of section 3.7 (Lot Averaging), section 3.8 (Cluster Lot Option) or Section 9. E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2019-422 (4730 Lebanon Pike)

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

Planning Staff Recommendation: *Approve with conditions.*

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

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

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

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

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Eddie Latimer
Property Owner: Metro Gov't.
Representative: : Eddie Latimer

Date: 8-13-19
Case #: 2019-426
Map & Parcel: 105-3-133

Council District 17

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

Purpose: Requesting lot size variance to construct 2 units. lot is Currently 4500 SF, requires 6000 SF. Requesting side setback reduction from 3' to 1' Requesting parking reduction from 8 to 6

Activity Type: New Construction- residential

Location: 41 Wharf Ave.

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: under required lot size

Section(s): 17.12.020(A), 17.40.670(A), 17.20.030

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.

Eddie Latimer (Affordable Housing Resources, Inc)
Appellant Name (Please Print)

50 Vantage Way, Suite 107
Address

Nashville, TN 37228
City, State, Zip Code

615 251 0025
Phone Number

edlatimer@ahrhousing.org
Email

Dustin Scruggs (Gresham Smith)
Representative Name (Please Print)

222 Second Ave South
Address

Nashville, TN 37201
City, State, Zip Code

615 770 8100
Phone Number

Dustin.Scruggs@GreshamSmith.com
Email

Zoning Examiner: C.H.

Appeal Fee: $200.00

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

3701715

ZONING BOARD APPEAL / CAAZ - 20190048705
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10503013300 **APPLICATION DATE:** 08/13/2019

SITE ADDRESS:
41 WHARF AVE NASHVILLE, TN 37210
PT LOTS 402 405 MAURY & CLAIBORNE PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE **CONTRACTOR:**

APPLICANT:

PURPOSE:
requesting lot size variance to allow 2 units. lots currently 4500SF, require 6000SF.
requesting side setback reduction from 3' to 1'
requesting parking reduction from 8 to 6.

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 for Affordable Housing Resources

8/13/19
DATE

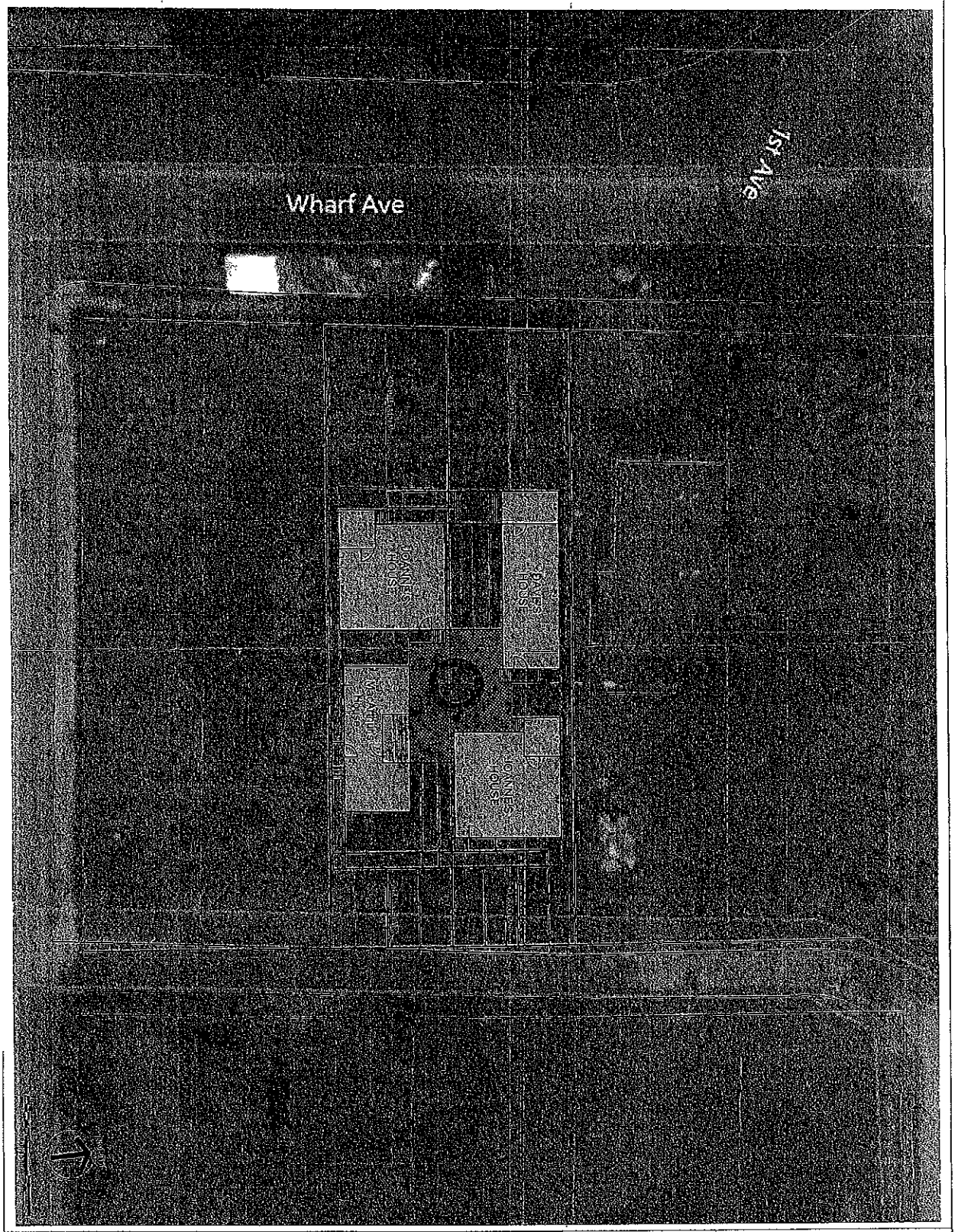
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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?

- Owner will own and operate 2 adjacent lots. Requesting a variance to reduce side setback on internal of each lot
- Based on location and nature of development, a request to reduce 2 parking space per unit to 1.5 spaces per unit
- Requesting 2 units per lot, allowed by ZO, but lots are noncompliant based on size. Believe the development is consistent with intent



41-43 WHARF AVE

C2.1

44137.00
07/31/2019

Revision		
No.	Date	Description

WHARF AVENUE - AFFORDABLE HOUSING

41-43 WHARF AVE
NASHVILLE, TN 37210

Gresham Smith
GreshamSmith.com
222 Second Avenue South
Suite 1400
Nashville, TN 37201
615.770.8100

Case # 2019-426

Gresham Smith

GreshamSmith.com

222 Second Avenue South
Suite 1400
Nashville, TN 37201

615.770.8100

WHARF AVENUE - AFFORDABLE HOUSING

41-43 WHARF AVE
NASHVILLE, TN 37210

Revision

No.	Date	Description

41-43 WHARF AVE

C2.1

44137.00
07/31/2019

global.gsp\data\n\na_n\05\4413700\01Work\01CAD\06LP\Xref\44137.00 - C01 - Site Layout.dwg - Scruggs, Dustin - 8/13/2019 2:36:37 PM

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant: Eddie Latimer
Property Owner: Metro Gov't.
Representative: Eddie Latimer

Date: 8-13-19
Case #: 2019-427
Map & Parcel: 105-3-132

Council District 17

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

Purpose: Requesting lot size variance to construct 2 units. lot is Currently 4500 SF, requires 6000 SF. Requesting side setback reduction from 3' to 1' Requesting parking reduction from 8 to 6

Activity Type: New Construction- residential

Location: 43 Wharf Ave.

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: under required lot size

Section(s): 17.12.020(A), 17.40.670(A), 17.20.030

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.

Eddie Latimer (Affordable Housing Resources, Inc)
Appellant Name (Please Print)

50 Vantage Way, Suite 107
Address

Nashville, TN 37228
City, State, Zip Code

615 251 0025
Phone Number

edlatimer@ahrhousing.org
Email

Dustin Scruggs (Gresham Smith)
Representative Name (Please Print)

222 Second Ave South
Address

Nashville, TN 37201
City, State, Zip Code

615 770 8100
Phone Number

Dustin.Scruggs@GreshamSmith.com
Email

Zoning Examiner: C.H.

Appeal Fee: $200.00

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

3701724

ZONING BOARD APPEAL / CAAZ - 20190048708
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10503013200 **APPLICATION DATE:** 08/13/2019

SITE ADDRESS:
43 WHARF AVE NASHVILLE, TN 37210
PT LOTS 401 402 MAURY & CLAIBORNE PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE **CONTRACTOR:**

APPLICANT:

PURPOSE:
requesting lot size variance to allow 2 units. lots currently 4500SF, require 6000SF.
requesting side setback reduction from 3' to 1'
requesting parking reduction from 8 to 6.

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 for Affordable Housing Resources

8/13/19
DATE

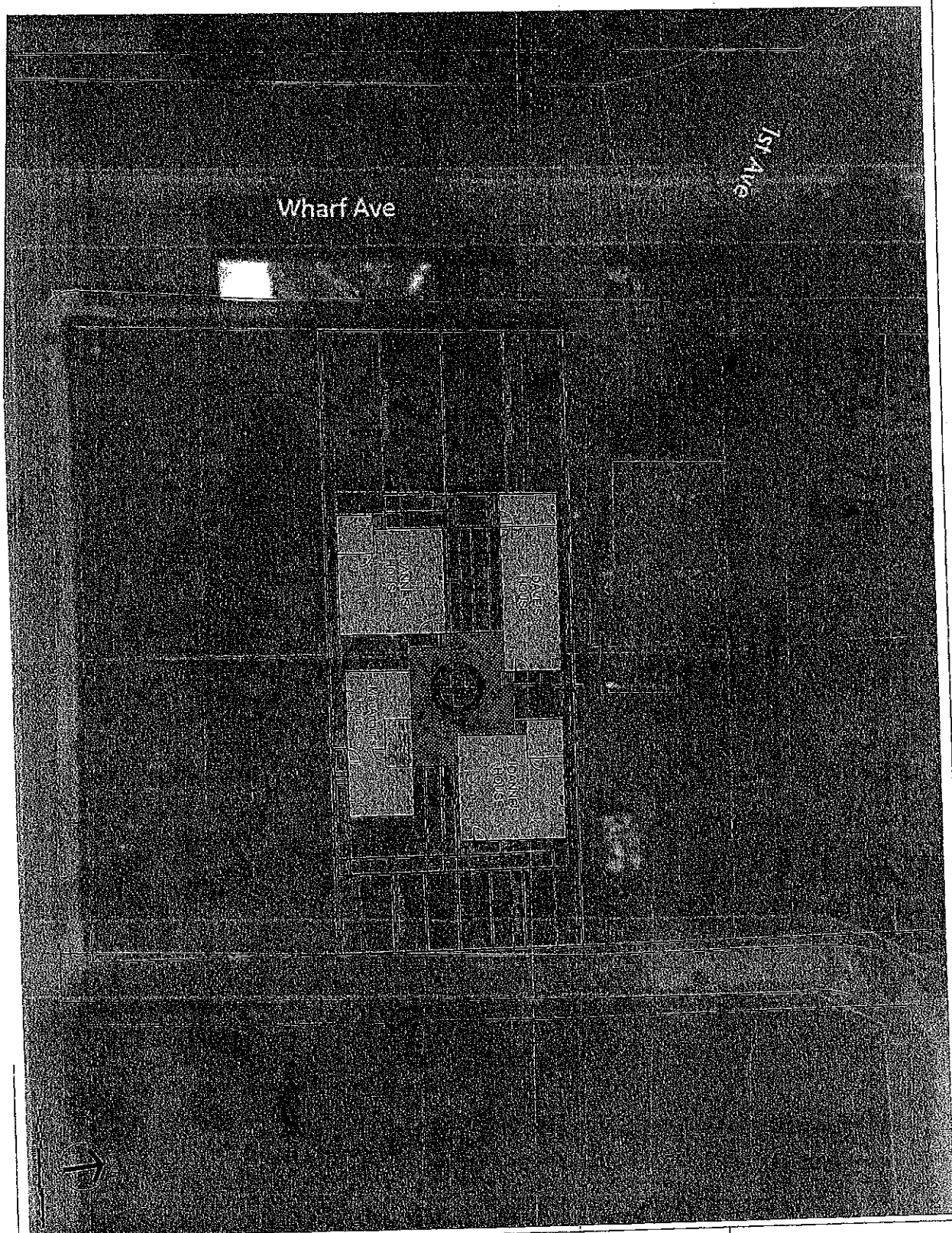
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, 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?

- Owner will own and operate 2 adjacent lots. Requesting a variance to reduce side setback on internal of each lot
- Based on location and nature of development, a request to reduce 2 parking space per unit to 1.5 spaces per unit
- Requesting 2 units per lot. allowed by ZO, but lots are noncompliant based on size. Believe the development is consistent with intent



Revision		
No.	Date	Description

41-43 WHARF AVE

C2.1

44137.00
07/31/2019

WHARF AVENUE - AFFORDABLE HOUSING

41-43 WHARF AVE
NASHVILLE, TN 37210

Gresham Smith
GreshamSmith.com
222 Second Avenue South
Suite 1400
Nashville, TN 37201
615.770.8100

Case # 2019-427

Gresham Smith

GreshamSmith.com

222 Second Avenue South
Suite 1400
Nashville, TN 37201

615.770.8100

WHARF AVENUE - AFFORDABLE HOUSING

41-43 WHARF AVE
NASHVILLE, TN 37210

Revision

No.	Date	Description

41-43 WHARF AVE

C2.1

44137.00
07/31/2019

al.gsp\data\nfns_nf05\44137000\01Work\01CAD\08LP\Xref\44137.00 - C01 - Site Layout.dwg - Scruggs, Dustin - 8/13/2019 2:36:37 PM

From: Sledge, Colby (Council Member)
To: Braisted, Sean (Codes); Michael, Jon (Codes); Lamb, Emily (Codes); Board of Zoning Appeals (Codes)
Subject: District 17 Positions for Oct 3 agenda
Date: Friday, September 27, 2019 12:52:26 PM

Hi all,

Here are my stances on D17 items on the agenda:

2019-396: **Strongly oppose** this request not to pay in-lieu fund
2019-403: **Oppose** this request, as I believe appeal refers to wrong property
2019-427: **Support** this request, as it is for affordable housing
2019-438: **Support** this request, as it maintains a previous BZA decision
2019-443: **Support** this request, as it is a smaller footprint than a previously approved project

Colby

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

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Date: 8/16/19
Case #: 2019- 439
Map & Parcel: 105011000100CO/1020000

Council District 19

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

Purpose:
to construct 2 single family homes

Activity Type:

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

This property is in the RS6A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: sidewalk variance

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

JASON LINCOLN
Appellant Name (Please Print)

3167 BRIMSTEAD DR
Address

FRANKLIN, TN, 37064
City, State, Zip Code

845-901-6997
Phone Number

jlincoln533@gmail.com
Email

JUSTIN CRANDALL
Representative Name (Please Print)

6 FAWN CREEK PASS
Address

NASHVILLE, TN, 37214
City, State, Zip Code

615-915-8288
Phone Number

justin@builderassistllc.com
Email

Zoning Examiner: Walter Morgan

Appeal Fee: 200

3701687

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 - 20190048692
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105011O00200CO **APPLICATION DATE:** 08/13/2019

SITE ADDRESS:

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

PARCEL OWNER: MEHTA, ANMOL P. **CONTRACTOR:**

APPLICANT:

PURPOSE:

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

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

There are currently no required inspections

There are currently no required inspections

Inspection requirements may change due to changes during construction.

3698449

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

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

PARCEL: 105011Q00200CO **APPLICATION DATE:** 08/05/2019

SITE ADDRESS:

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

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

PURPOSE:

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

Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies

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

3698434

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

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

PARCEL: 105011Q00100CO **APPLICATION DATE:** 08/05/2019

SITE ADDRESS:

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

PARCEL OWNER: MEHTA, ANMOL P.

APPLICANT: LMI CONSTRUCTION LLC

FRANKLIN, TN 37064 8459016997

PURPOSE:

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

Before a building permit can be issued for this project, the following approvals are required.
The Applicant is responsible for providing any plans or other information to the individual agencies

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

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

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

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

Jason Lincoln

APPELLANT

8/19/19

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?

SIDEWALK CURRENTLY EXISTS WITH 2' GRASS STRIP AND 4' SIDEWALK

2019-439

SITE PLAN

LMI DEVELOPMENT GROUP, LLC

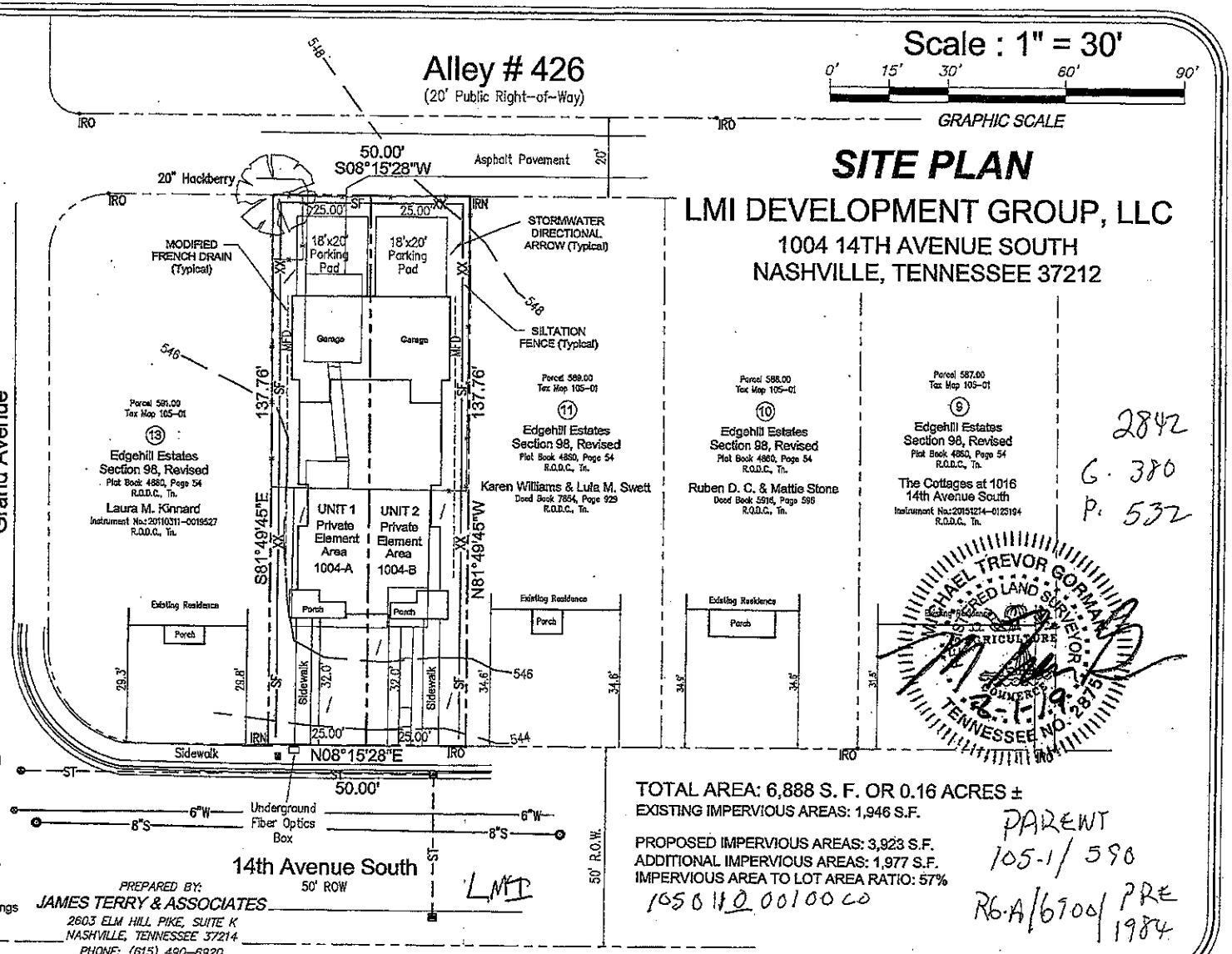
1004 14TH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212

Scale : 1" = 30'

0' 15' 30' 60' 90'

GRAPHIC SCALE

GRID NORTH



PLAT REFERENCE

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

DEED REFERENCE

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

GENERAL NOTES

1. Bearings shown hereon are referenced to Tennessee State Plane Coordinate System (NAD 83).
2. Subject property is shown as Parcel 590.00 on Davidson County Tax Map No. 105-01.
3. Subject property is currently zoned: R6-A.
4. This surveyor has not physically located all underground utilities. Above grade and underground utilities shown hereon were taken from visible appurtenances at the site, public records and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown are in the exact location as indicated. Therefore, reliance upon the type, size and location of all underground utilities should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of service should be confirmed with the appropriate utility company. Tennessee One Call 1-800-351-1111 or 1-615-366-1987.
5. By graphic plotting and scaled map location only, this property IS NOT within an area of flood inundation as designated by current Federal Emergency Management Agency Maps which make up a part of the National Flood Insurance Administration Report as shown on F.E.M.A. Map Number 47037C 0243 H (Panel Not Printed).
6. This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.

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

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

105011 0 00100 CO

PARENT 105-1/590
R6-A/6900/PRE 1984

2842
G. 380
P. 532

MICHAEL TREVOR GORMAN
REGISTERED LAND SURVEYOR
AGRICULTURE
COMMERCE
TENNESSEE NO. 2875
6-1-19

LMI

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

S:\Drawings\2018-Surveys\2018-538 (1004 14TH Avenue South Boundary)/dwg

Case # 2019-439

2019-439

SITE PLAN

LMI DEVELOPMENT GROUP, LLC

1004 14TH AVENUE SOUTH
NASHVILLE, TENNESSEE 37212

Scale : 1" = 30'

0' 15' 30' 60' 90'

GRAPHIC SCALE

GRID NORTH

PLAT REFERENCE

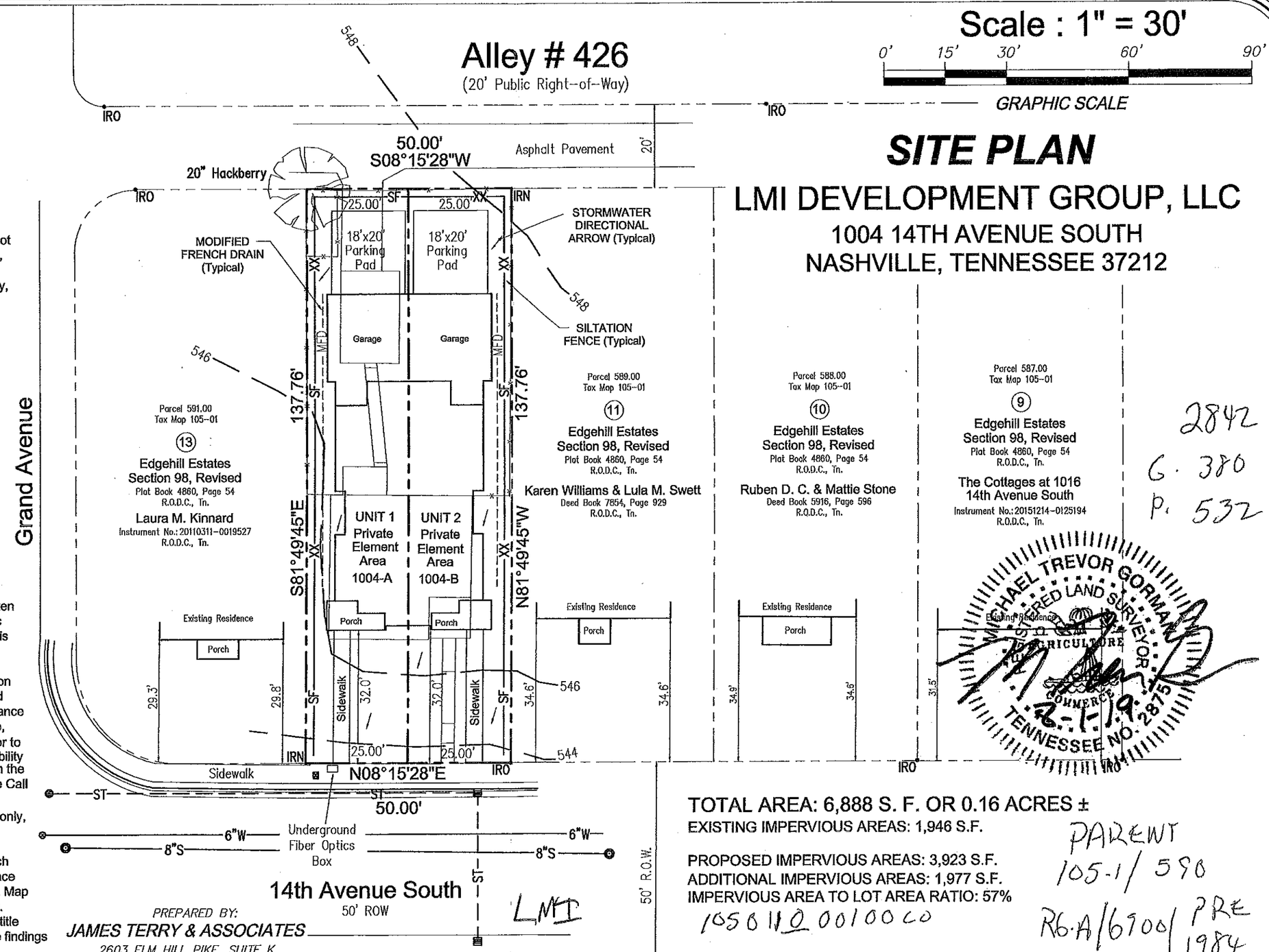
Land in Davidson County, Tennessee, being Lot No. 12 on the Plat of Revised Edgehill Estates, Section 98, as of record in Plat Book 4860, Page 54, Register's Office for Davidson County, Tennessee.

DEED REFERENCE

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

GENERAL NOTES

1. Bearings shown hereon are referenced to Tennessee State Plane Coordinate System (NAD 83).
2. Subject property is shown as Parcel 590.00 on Davidson County Tax Map No. 105-01.
3. Subject property is currently zoned: R6-A.
4. This surveyor has not physically located all underground utilities. Above grade and underground utilities shown hereon were taken from visible appurtenances at the site, public records and/or maps prepared by others. This surveyor makes no guarantee that the underground utilities shown are in the exact location as indicated. Therefore, reliance upon the type, size and location of all underground utilities should be done so with this circumstance considered. Detailed verification of existence, location and depth should also be made prior to any decision relative thereto is made. Availability and cost of service should be confirmed with the appropriate utility company. Tennessee One Call 1-800-351-1111 or 1-615-366-1987.
5. By graphic plotting and scaled map location only, this property IS NOT within an area of flood inundation as designated by current Federal Emergency Management Agency Maps which make up a part of the National Flood Insurance Administration Report as shown on F.E.M.A. Map Number 47037C 0243 H (Panel Not Printed).
6. This surveyor has not been furnished with a title report, therefore, this survey is subject to the findings of an accurate title search.



2842
G. 380
P. 532

MICHAEL TREVOR GORMAN
REGISTERED LAND SURVEYOR
AGRICULTURE
COMMERCE
TENNESSEE NO. 2875
8-1-19

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

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

1050110 00100 CO

PARENT
105-1/590
R6-A/6900/PRE 1984

LMI

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

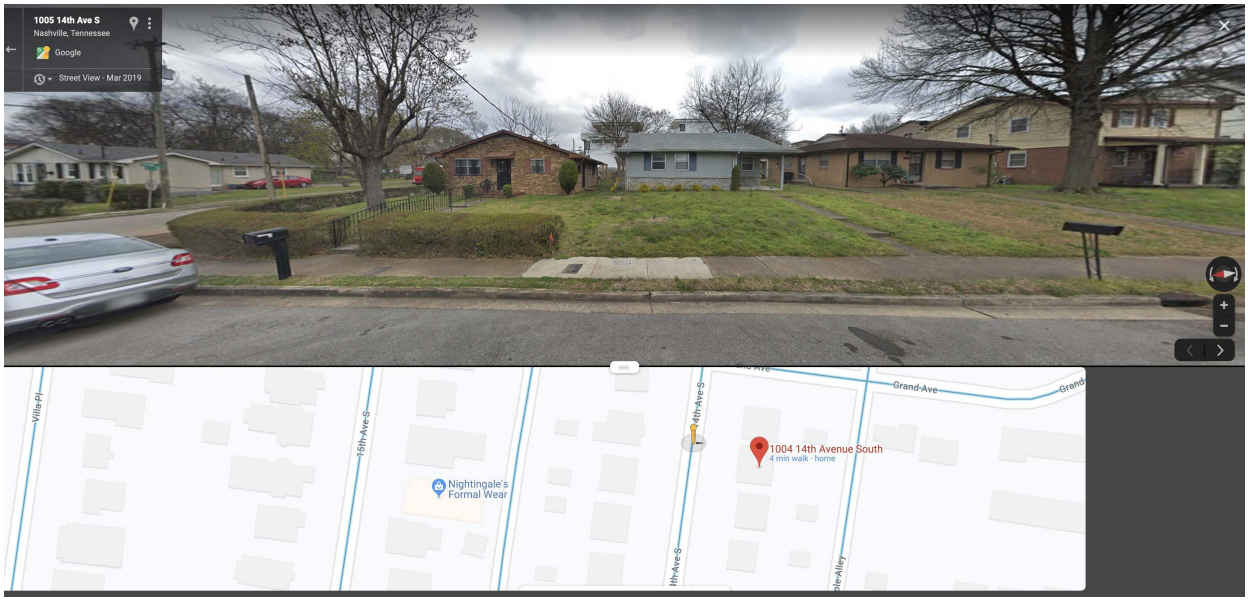
S:\Drawings\2018-Surveys\2018-538 (1004 14TH Avenue South Boundary)/dwg

From: Thomas Palmeri
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case 2019-439
Date: Monday, October 28, 2019 7:14:39 PM

Today, I received a Zoning Appeal Notice for 1004 14th Ave South. I live nearby at 1410 South Street.

I don't quite understand the nature of this appeal from the sidewalk requirement. On google maps it looks like there's a sidewalk on the property now. So I don't know why there would be a sidewalk appeal. I certainly wouldn't want the sidewalk removed.

Thomas Palmeri
1410 South Street
Nashville, TN 37212



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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : JUSTIN DAVIS PRITCHETT **Date:** 8/20/19

Property Owner: KEUM NA **Case #:** 2019- 445

Representative: JUSTIN CRANDALL **Map & Parcel:** 147-12-84

Council District 30

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

Purpose: Requesting variance from sidewalk requirement

Activity Type: Commercial rehab- Retail/Restaurant

Location: 4736 Nolensville Pike

This property is in the CS **Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:**

Reason: No sidewalks on blockface

Section(s): 17.20.120

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection B **Of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.**

JUSTIN DAVIS PRITCHETT
Appellant Name (Please Print)

1004 GREENLAND DR
Address

FRANKLIN, TN, 37069
City, State, Zip Code

615-406-2363
Phone Number

lsmith.bbg@gmail.com
Email

JUSTIN CRANDALL
Representative Name (Please Print)

6 FAWN CREEK PASS
Address

NASHVILLE, TN, 37214
City, State, Zip Code

615-915-8288
Phone Number

justin@builderassistllc.com
Email

Zoning Examiner: CH

Appeal Fee: $200.00

3703734

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 - 20190050047
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 14712008400 **APPLICATION DATE:** 08/20/2019

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

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

APPLICANT:

PURPOSE:
requesting variance from sidewalk requirement

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATION FOR A VARIANCE REQUEST

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members. So they will have a better ideal of the nature of your request. Zoning staff will notify the district council member of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet pf the property at issue in the case. The envelopes must include the return address for the BZA and case number. Fold and insert notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding, sign placement.)

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. **Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied.** You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the board.

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

Any correspondence to the Board must be submitted to our office by noon, the Friday prior to the public hearing to be included in the record. You must provide eight (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** 8/20/19

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.

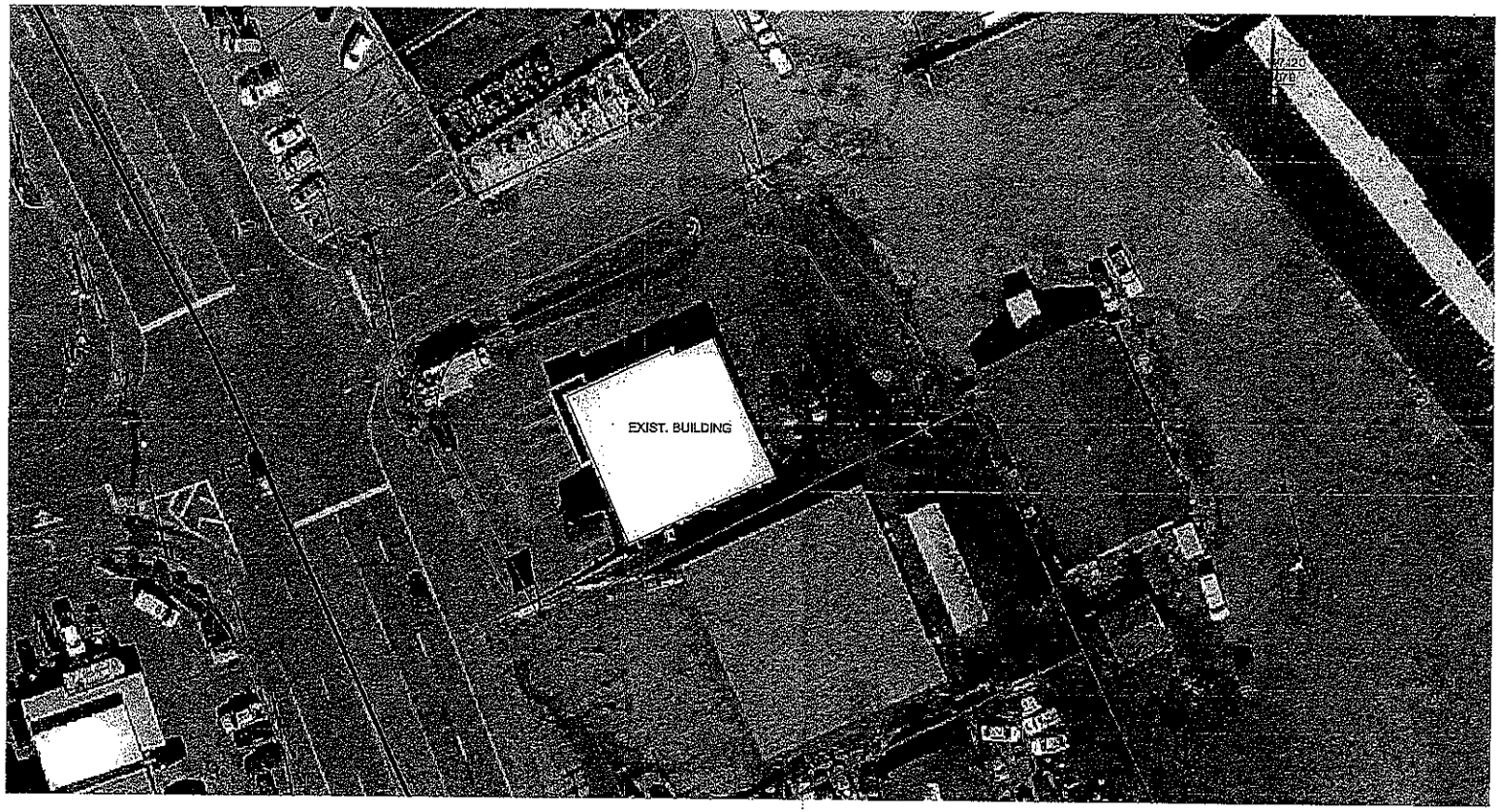
At the public hearing, please be prepared to tell the Board what your hardship is, why you cannot build in accordance with zoning without requesting a variance and why you feel you have legitimate hardship.

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?

sidewalks don't exist on block face, no curb identified, would like to have "in lieu" of option

Case # 2019-445



SITE 1

TAPATIO SUPER MERCADO TI

SITE PLAN

19050
08/19/19

SITE

1

TAPATIO SUPER MERCADO TI

SITE PLAN

19050
08/19/19

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Matthew Segal Date: 8/20/2019

Property Owner: Segal, Matthew + Tara Worthey Segal Case #: 2019- 448

Representative: same Map & Parcel: 09102029800

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: Proposed construction of 2 additional residential units on MUN zoned parcel within the 4720 No permit app. started

Activity Type: Multifamily Residential

Location: 5501 A New York Ave.

This property is in the MUN 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): 17.12.035 D1

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.

Matthew Segal
Appellant Name (Please Print)

Representative Name (Please Print)

5501A New York Ave
Address

Address

City, State, Zip Code

City, State, Zip Code

802-310-3048
Phone Number

Phone Number

5501ANEWYORK@GMAIL.COM
Email

Email

Zoning Examiner: B

Appeal Fee: 200.00

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

3703977

ZONING BOARD APPEAL / CAAZ - 20190050211
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09102029800 **APPLICATION DATE:** 08/20/2019

SITE ADDRESS:

5501 A NEW YORK AVE NASHVILLE, TN 37209
LOT 1402 BLK 54 WEST NASH NO 2

PARCEL OWNER: SEGAL, MATTHEW & TARA WORTHEY **CONTRACTOR:**

APPLICANT:

PURPOSE:

Special Exception per 17.12.035D1 to allow for a 2 ft street setback along 55th Avenue N, contextual of 9'9" is existing (requesting reduction of 7'9")

Proposed construction of 2 additional residential Units on MUN Zoned parcel within UZO.

No Permit application 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.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board Members so they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements rewarding sign placement.) Finally, BZA Rules require that you conduct a community meeting regarding the special exception request before the BZA hearing date.

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a community meeting.

APPELLANT 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 1000 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

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

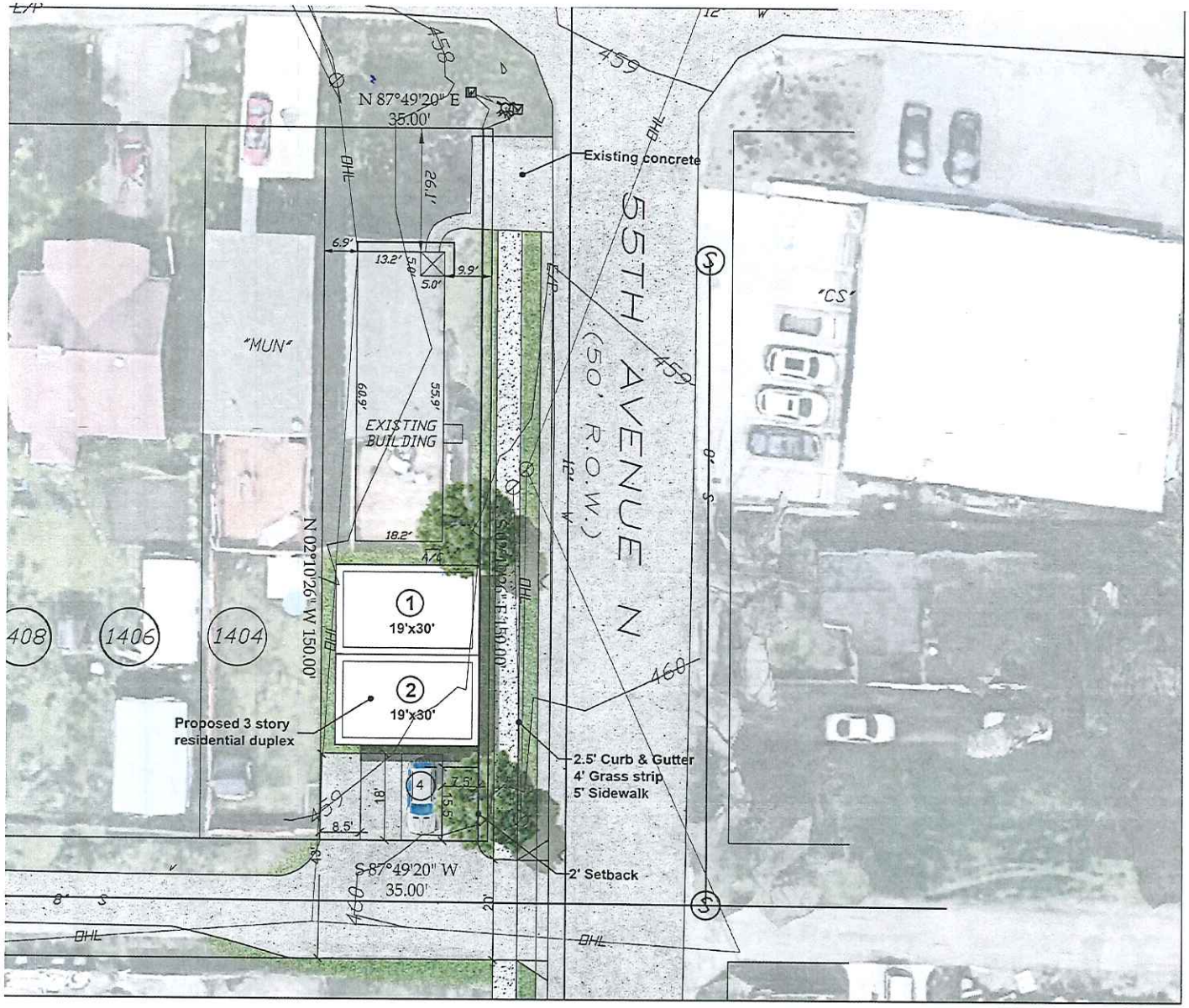
I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

APPELLANT (OR REPRESENTATIVE)

8/20/19

DATE

Case # 2019-448



Property zoning		MUN
Overlay(s)		UZO
Use charts: (P, PC, SE, A)		P Residential

Site Criteria (bulk standards based upon MUN zoning)

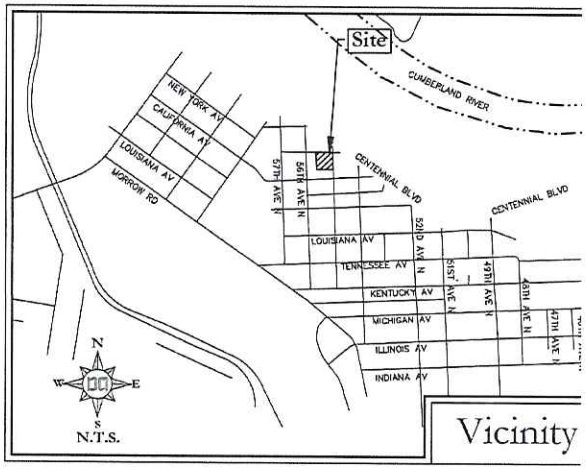
Minimum lot size		None
FAR		N/A AR Use
ISR		0.80 max / 0.65 proposed
Street Setbacks		2' from Right-of-way
Side yard		None
Rear yard		20 feet
Height standards		3 Stories

Parking and Access - Chapter 17.20

Ramp Location and Number		Alley Loaded
Distance to nearest existing ramp (Min. 30')		Alley Loaded
Distance to intersection		NEW YORK AVENUE (25' North)
	50' Minor	185' Arterial Street
	100' Collector	250' Controlled access ramp
Required Parking Based on Use		3 stalls (2 Res. - 2 2BR)
Provided Parking		3 stalls,1 compact
Required Loading based on Uses		N/A
Surface over 5 spaces 1,750 sf		N/A
Space sizes, Aisle widths, Angle Data		8.5' x 18' Parking off 11' alley
Queuing Lanes		N/A
Over 10 spaces 20' queuing at exit		N/A
Number of compact spaces / %		None
Number of accessible spaces		N/A
Sidewalks required		Provided

Landscape, Buffering, and Tree Replacement - Chapter 17.24

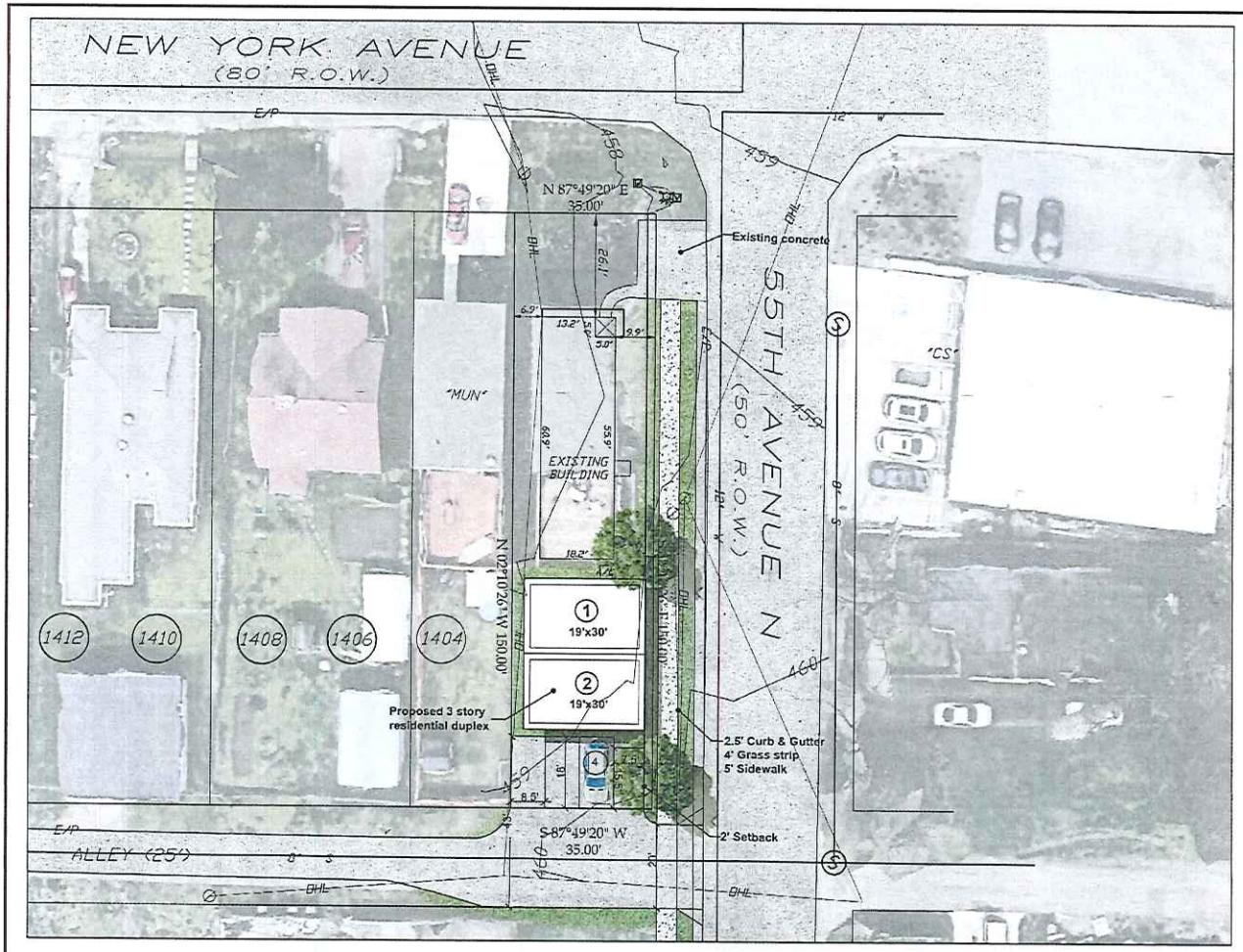
Required Bufferyards	N/A
Bufferyard adjustment	N/A
Perimeter Landscaping	Provided
Standard for 4 or more lanes	Provided
Side lines adjacent to parking areas 5' min. w/ trees - 2.5' with tree islands	Provided
Interior Landscape min. 8" Area	Provided
Opaque fence adjacent to residential parking area	Provided
Screening around dumpsters (No chain link fence permitted)	N/A
Tree Density	See Landscape Plan (L1.0) for furtl



30 0 30

SCALE: 1" = 30'

Case # 2019-448



Application #	Project name: 5501A New York Ave
Map/Parcel: Map 91-02, Parcel 298	Examiner:

Use - Chapter 17.08 & 17.16

Determine the use	Residential Multi
Property zoning	MUN
Overlay(s)	UZO
Use charts: (P, PC, SE, A)	P Residential

Site Criteria (bulk standards based upon MUN zoning)

Minimum lot size	None
FAR	N/A AR Use
ISR	0.60 max / 0.65 proposed
Street Setbacks	2' from Right-of-way
Side yard	None
Rear yard	20 feet
Height standards	3 Stories

Parking and Access - Chapter 17.20

Ramp Location and Number		Alley Loaded
Distance to nearest existing ramp (Min. 30')		Alley Loaded
Distance to intersection		NEW YORK AVENUE (25' North)
	50' Minor	580' Arterial Street
	100' Collector	350' Controlled access ramp
Required Parking Based on Use		3 stalls (2 Res. - 2 2BR)
Provided Parking		3 stalls, 1 compact
Required Loading based on Uses		N/A
Surface over 5 spaces 1,750 sf		N/A
Space sizes, Aisle widths, Angle Data		8.5' x 18' Parking off 11' alley
Queuing Lanes		N/A
Over 10 spaces 20' queuing at exit		N/A
Number of compact spaces / %		None
Number of accessible spaces		N/A
Sidewalks required		Provided

Landscape, Buffering, and Tree Replacement - Chapter 17.24

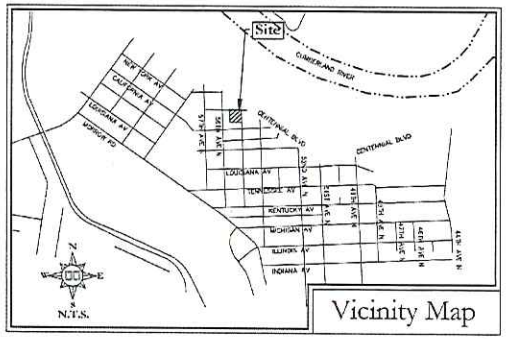
Required Bufferyards	N/A
Bufferyard adjustment	N/A
Perimeter Landscaping	Provided
Standard for 4 or more lanes	Provided
Side lines adjacent to parking areas 5' min. w/ trees + 2.5' with tree islands	Provided
Interior Landscape min. 6' Area	Provided
Opaque fence adjacent to residential parking area	Provided
Screening around dumpsters (No chain link fence permitted)	N/A
Tree Density	See Landscape Plan (L1.0) for further detail

Revisions:

DATE: August 14, 2019

5501 New York Ave

BEING PARCEL 298 ON TAX MAP 91-02
NASHVILLE, DAVIDSON COUNTY, TENNESSEE



Vicinity Map

N
W
E
S

30 0 30

SCALE: 1" = 30'

5,232 ± square feet or
0.12 acres

BZA Special Exception Under Sec. 17.12.035D

Summary Plan

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying
516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

PROJECT # 19106
5501 New York Ave

C1.0

1 OF 1

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY
Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201
615.862.7150
615.862.7209

Memo

To: Metropolitan Nashville Board of Zoning Appeals

From: Metropolitan Nashville Planning Department

CC: Emily Lamb

Date: September 3, 2019

BZA Hearing Date: October 3, 2019

Re: Planning Department Recommendation for a Special Exception, Case 2019-448

Pursuant to Section 17.40.300 of the Metro Zoning Code, the Metropolitan Planning Department is providing a recommendation on the following Special Exception case:

1. Case 2019-448 (5501 A New York Ave)

Request: A special exception to allow for a two foot setback along 55th Avenue N.

Zoning: Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses.

Land Use Policy: T4 Urban Neighborhood Maintenance (T4 NM) is intended to maintain the general character of existing urban residential neighborhoods. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Planning Department Analysis: The site is located at 5501 A New York Ave, at the corner of New York Avenue and 55th Avenue, and contains 0.12 acres. Both 55th Avenue North and New York Ave are identified as local streets within the MCSP. The site abuts an alley. The surrounding land use is single-family and two-family residential.

The T4 NM policy is intended to maintain the existing character and support the consistency of the existing neighborhood. The proposed setback is not contextually consistent with the surrounding buildings to the west, therefore the proposed two foot building setback is not

congruent with the goals of the policy. Additionally, since the existing zoning is not supported by the T4 NM policy, a special exception to allow anything outside of the existing zoning regulations would be too intense for this area. It may be possible to build two additional units on this site; however they will likely have to be smaller units. Metro codes identifies that MUN zoning has a maximum FAR of 0.6, contrary to the site plan submitted stating that FAR is non-applicable.

Planning Recommendation: Disapprove.

From: De Vries Andrew
To: Board of Zoning Appeals (Codes)
Cc: matthew.g.segal@gmail.com
Subject: Support for Case 2019-448
Date: Thursday, October 31, 2019 1:36:09 PM

Dear Members of the BZA,

I own the property at 5501B New York Ave, which directly abuts the applicant's property at 5501 A. I support the special exception request to reduce the side street setback on 55th Ave as I believe it would have no adverse impact on my adjacent property.

Thank you,

Andrew De Vries – LEED AP | Senior Manager, Strategic Sourcing
HealthTrust / CoreTrust | 1100 Dr. Martin L. King Jr. Boulevard, Suite 1100 | Nashville, TN 37203
o: 615.344.3038 | f: 855.442.1936 | e: andrew.devries@healthtrustpg.com |
www.healthtrustpg.com
This message and any attachments are for the intended recipient(s) only and may contain privileged, confidential and/or proprietary information. If you received this message by mistake, please notify the sender by reply e-mail and delete the message and attachments.

From: Lamb, Emily (Codes)
To: Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Cc: Michael, Jon (Codes)
Subject: FW: case 2019-448
Date: Tuesday, September 24, 2019 10:34:45 AM

For the file. Thanks.

Emily Lamb
Metro Codes Department

From: Mary Carolyn Roberts <marycarolynroberts@gmail.com>
Sent: Tuesday, September 24, 2019 10:33 AM
To: Herbert, Bill (Codes) <Bill.Herbert@nashville.gov>; Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Michael, Jon (Codes) <Jon.Michael@nashville.gov>
Subject: case 2019-448

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

Good morning,
I'm in full support of case number 2019-448, the request for special exception for side setback reduction coming before you.
Thank you,

MaryCarolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

Sign Up for Future Newsletters

Contribute to Campaign

Applicant Letter for Special Exception Case 2019-448

October 12, 2019

Dear Members of the Board,

We are the applicant/owners for Case 2019-448, a special exception request to reduce the side street setback at 5501 A New York Avenue. Please see the below letter for an explanation of why our request meets the standards laid out in the code.

In addition, we enjoy the "full support" of our Council Member, Mary Carolyn Roberts, as well as the endorsement of Nations Neighborhood Association committee (Planning & Zoning) that oversees these matters on behalf of the neighborhood.

A. APPLICABLE STANDARDS

Per the Metro Code, Sec. 17.12.035, this request may be made by Special Exception at the Board of Zoning Appeals. *Unlike a variance, no "hardship" standard applies*. Rather, the applicant must meet the following standards, quoted from the relevant code in part (emphasis added):

> 17.12.035 D. Special Setback Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District:
>
> 1. In all districts, a principal or accessory structure may be located closer to the street or property line than as permitted by this section or by Tables 17.12.020B, 17.12.020C, and 17.12.030B based on the review and approval of a Special Exception by the Board of Zoning Appeals.
>
> 2. An applicant shall provide evidence to the board as provided in Section 17.12.060.F.3 that **the proposed building setbacks shall not create an adverse impact on adjacent properties nor detract from a strong pedestrian-friendly environment**.

(For reference on 17.12.060 F. 3, please see "For Reference: Height Regulations" in the latter portion of this document.)

STANDARD 1:

"[T]he proposed building setbacks shall not create an adverse impact on adjacent properties"

We affirm that the proposed building setbacks will not have an adverse impact on adjacent properties. We posit that this Special Exception request actually *goes a step further*: it has a *positive* impact on the contiguous adjacent property, 5501 B New York Avenue (also zoned MUN).

By right, two additional residential units could be built to a 'zero foot' setback at the neighboring side lot line. In other words, the structure could be directly abutting our

neighbor's property with no buffer in-between. This Special Exception, if approved, would enable our proposed residential structure to be shifted *away* from the neighboring property and toward the side street, 55th Avenue North.

Table 17.12.020C
MIXED-USE AND NONRESIDENTIAL DISTRICTS

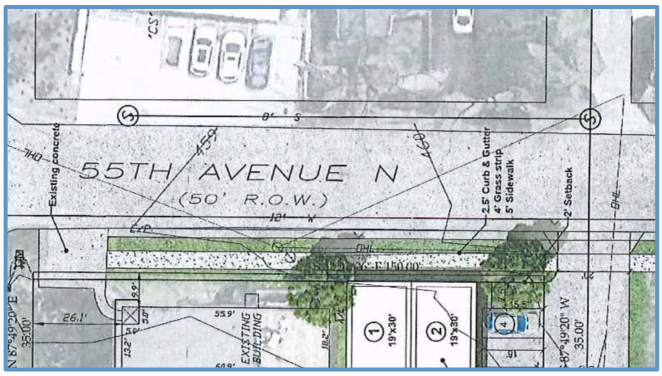
Zoning District	Min. Lot Area	Max. FAR	Max. ISR	Min. Rear Setback (in ft.)	Min. Side Setback (in ft.)	Max. Height at Setback Line (in ft. or stories)	Slope of Height Control Plane (V to H)
SP	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5	See Note 5
MUN	None	0.60 See Note 2	0.80	20	None req.	3 stories to a maximum of 45 ft.	3 stories max.
MUL	None	1.00 See Note 2	0.90	20	None req.	3 stories to a maximum of 45 ft.	1.5 to 1
MUG	None	3.00 See Note 2	0.90	20	None req.	5 stories to a maximum of 75 ft.	1.5 to 1

STANDARD 2:

"…**nor detract from a strong pedestrian-friendly environment**."

We also affirm that the proposed building setbacks will not detract from a strong pedestrian-friendly environment.

In fact, we once again contend that this Special Exception request *goes a step further*: by constructing these new units, we will build approximately 150 feet of new sidewalk. This will create new connectivity with several commercially-zoned properties that surround our subject property, including a to-be-built sidewalk along the other side of 55th Avenue. Walkable within 500 feet are new commercial or mixed use developments including Flats at Silo Bend, Silo Park/Silo House, the "Boomerang" building, Silo Studios, Ugly Mug Coffee, The Burger Joint and more (all completed in 2019 or now under construction).



For Reference: Height Regulations

The standard set out in Sec. 17.12.035 D.2 references the below height regulations:

> 17.12.060 F. Special Height Regulations for All Uses (Excluding Single-Family and Two-Family Dwellings) Within the Urban Zoning Overlay District
>
> 3. An applicant shall provide evidence to the board that the proposed building height shall not create an adverse impact on air, light, shadow, or wind velocity patterns due to the configuration of the building relative to the maximum permitted height standards (including height control plane) and its juxtaposition to, and with, existing structures in the vicinity, or approved, but not yet built structures. In addition, the applicant shall demonstrate that the proposed building height contributes to, and does not detract from, a strong pedestrian-friendly streetscape.

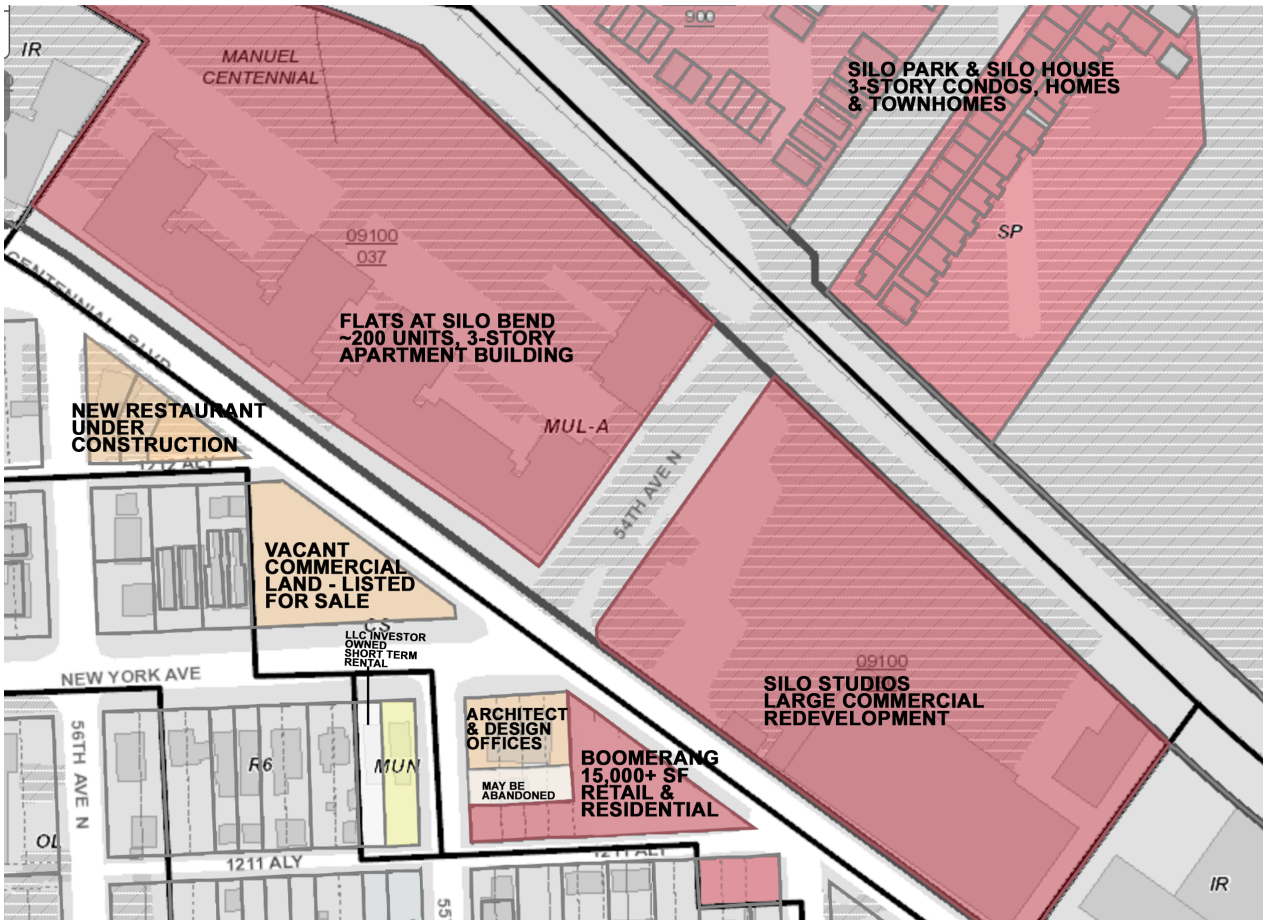
Response on Height Regulations

Please note that we are not seeking a special exception to modify the allowable height. Per the Metro Zoning Code (table shown in *Standards,* above), the proposed use on the subject property allows a maximum of three stories, not to exceed 45 feet, rather than utilizing a height control plane ratio.

Moving the structure approximately 7' 9" closer to the side street may have a nominal impact on the light/shadow angle from across the right-of-way (nearest distance to a structure in that direction is about 80 feet). However, with the Special Exception, we would be enabled to construct a "standard" 3 story residential structure, approximately 30-33 feet to the roof truss line, rather up to the allowable 45 feet at the current setback line.

On the west side, with our neighbor at 5501 B New York Avenue, we once again contend that if approved, this structure would have a *positive* impact when compared with the by-right building area prescribed by the Metro Codes — allowing us to move the height and massing away from the shared property line and toward the side street.

Moreover, when compared to the context of existing and under-construction structures in the area, the below map highlights large three or more story commercial developments that are adjacent or nearly adjacent (colored in red).



B. CONTEXT

While we have been told that the underlying land use policy recommends neighborhood maintenance, the on-the-ground reality is that the most of the area surrounding our property is a multi-family, commercial and mixed-use center.

In the long-term, we have approached our Council Member about potentially updating the underlying land use policy so that it is more consistent with the zoning and the surrounding context; however, the simpler approach here is to permit our plans by Special Exception, to which she has given her "full support" in an email to the Board dated September 24, 2019.

1. Surroundings

Our neighbors directly to the west have our same mixed use (MUN) zoning, and we're bounded by commercial (CS) zoning on the north and east sides. We have two-family residential to the south. Therefore, in total, of the 370 linear feet of our property line, only 35 feet abut residential zoning.

Our property is exposed "catty corner" to Centennial Blvd, where we face the Silo Bend developments that have built-to-street ground floor retail and hundreds of new apartment and housing units. Partially abutting our property on the east side of 55th is a new retail, office and residential mixed-use development called "Boomerang" – the top two stories of which are visible from all locations on our the property.

Nearly this entire new surrounding context is built quite close to the sidewalk and the right-of-way. We believe our request is reasonably seen as in-step with the vast majority of our surrounding environment.

2. Contextual Setbacks
The zoning examiner reviewing this case confirmed that the only contextual 55th Avenue setback on the block face is the one on our property. We clearly have no objection a modified setback. Going beyond our block, the north neighboring property is an unusual curved triangle shape that does not align with our block. The property that does align with our side street setback is to our south, across the alleyway and fronting California Avenue. We met with the owner in person and received his support.

C. NEIGHBORHOOD AND COMMUNITY SUPPORT

1. Community Meeting & Neighborhood Association Endorsement
On September 9, 2019, we presented at a community meeting of the Nations Neighborhood Association's Planning & Zoning Committee. The meeting was advertised the NNA's social media channels and standing email listserv. The meeting also had higher attendance because it occurred at the time and place of the group's regular monthly meeting. It was attended and our plan was reviewed by approximately 12 neighbors and residents.

At the conclusion of the meeting, the NNA Committee unanimously voted to endorse our request with "No Objection." Such a finding was emailed to the Board on September 26, 2019.

2. Direct Outreach
We knocked on all neighboring doors (or made phone calls, were owner wasn't available) and did not receive any reactions that were unfavorable. Most were quite supportive and understood the context of the neighborhood, especially given that our property faces Centennial and several higher intensity newer developments. We will continue outreach until for as-yet-unreachable property owners.

3. Council Member Support
Lastly, and perhaps most critically, our Council Member has provided her "full support" for our Special Exception in writing to the Board.

D. ACCEPTABLE CONDITIONS

If the side setback reduction is approved as applied, we would be amenable to the following conditions to be set by the Board to ensure that we meet the standards in the Code:

To ensure no adverse impact on adjacent property:

1. Height, as typically defined by the Metro Code, to not exceed 33 feet.
2. Structure to constructed a minimum of 3 feet from neighboring side property line (i.e. lot line shared with 5501 B New York Avenue)

To ensure strong pedestrian environment:

3. Sidewalks to be constructed; not eligible for in-lieu-of fee without additional BZA approval.

Thank you for your time regarding this case.

Matthew & Tara Segal
5501 A New York Avenue

From: Tim Brown
To: Board of Zoning Appeals (Codes)
Subject: Case 2019-448 - no objection from neighborhood committee
Date: Thursday, September 26, 2019 11:41:06 PM

Dear Members of the BZA,

I am writing to let you know that the Planning & Zoning Committee of Nations Neighborhood Association (NNA) has reviewed the applicant's request for a special exception at 5501 A New York Avenue in the Nations.

The applicant met with our group and presented their plan on September 9, 2019. Our committee, as part of the NNA, voted unanimously to allow this request to move forward with "no objection."

We believe the request is reasonable and the sidewalks in the plan will enhance a pedestrian-friendly environment.

Thank you for your time,

Timothy R Brown
5303A Kentucky Ave.
Nashville, TN, 37209
timbrown21@me.com
847-437-6705

Nations Neighborhood Association
Planning & Zoning Committee

Sent from my iPad

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Land Development Solutions
Date: 9.3.19
Property Owner: Cannonball Property
Case #: 2019- 461
Representative: : Duane Cuthbertson
Map & Parcel: 09107-228

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: Special Exception to permit Kennel use; Variance of separation requirement for building and outdoor area from residence.

Activity Type: Kennel

Location: 5101 Kentucky Ave.

This property is in the CS Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Building and proposed outdoor area too close to R.

Section(s): 17.16.175.A.1 & 17.40.~~180~~ 290

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)

1806 Allison Pl.
Address

Nashville, TN 37203
City, State, Zip Code

615.924.9618
Phone Number

dcuthber@gmail.com
Email

Zoning Examiner: _____

Same
Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: _____

3708344

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 - 20190053028
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09107022800 **APPLICATION DATE:** 09/03/2019

SITE ADDRESS:

5101 KENTUCKY AVE NASHVILLE, TN 37209

LOTS 1002-1004-1006-1008 BLK 171 WEST NASHVILLE 1

PARCEL OWNER: CANNONBALL PROPERTY, LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:

special exception to allow animal kennel and variance from distance requirement from residential structures from 200' to 32' and from 100' to 10' for the run.

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

9.3.19

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?

Urban location, utilize existing building on smaller lot in a dense neighborhood where demand for such services exist.

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board Members so they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements rewarding sign placement.) Finally, BZA Rules require that you conduct a community meeting regarding the special exception request before the BZA hearing date.

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a community meeting.

APPELLANT

9.3.19

DATE

SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1000 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

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

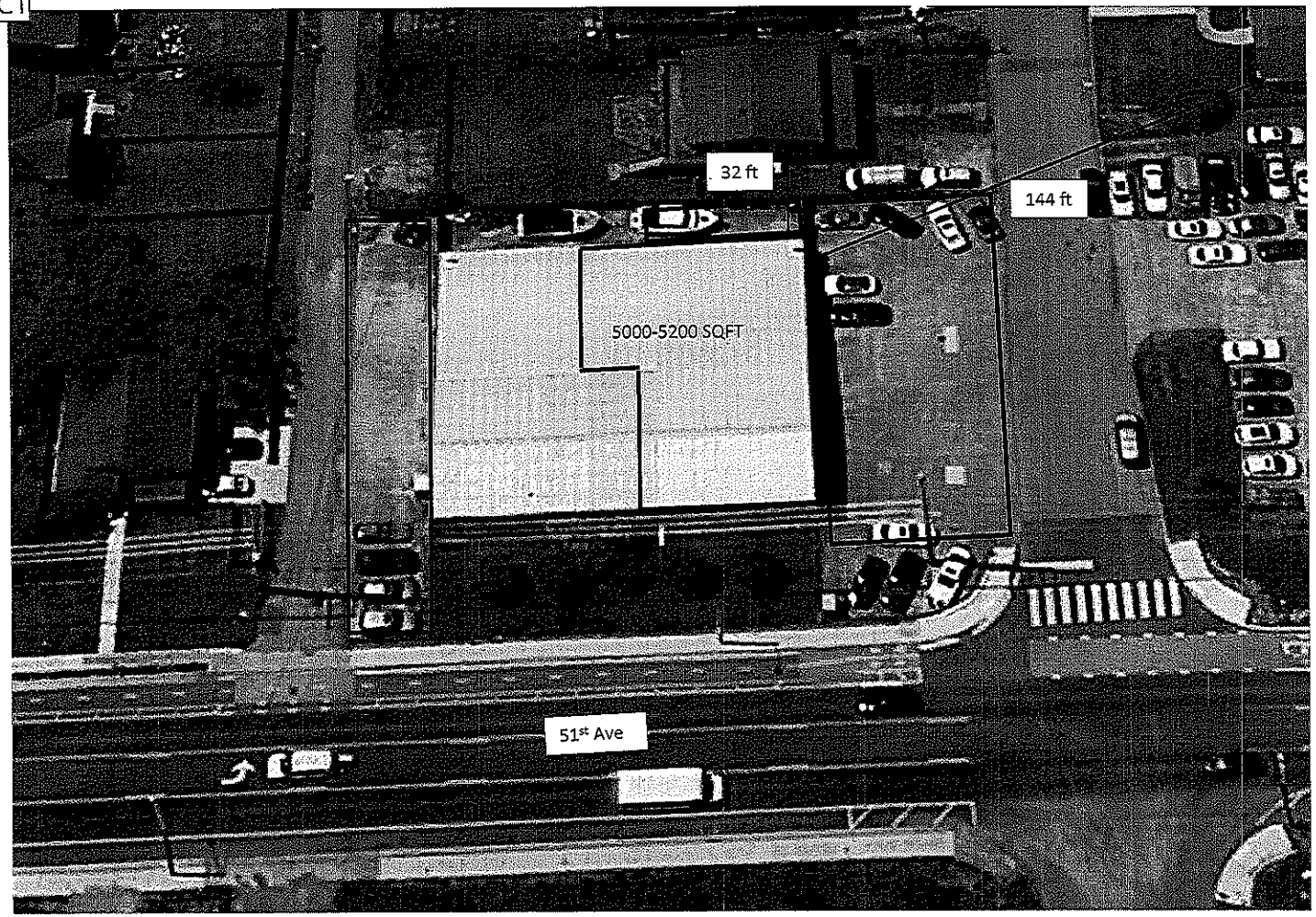
I ACKNOWLEDGE MY RESPONSIBILITES regarding the neighborhood meeting preceding the public hearing for by BZA appeal for a special exception

APPELLANT (OR REPRESENTATIVE)

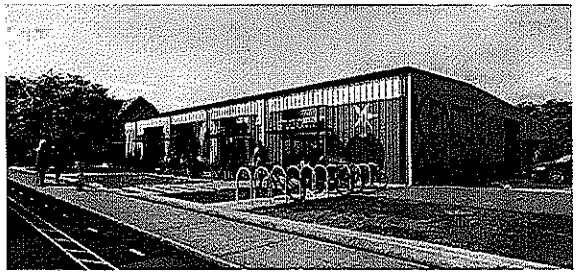
9.3.19

DATE

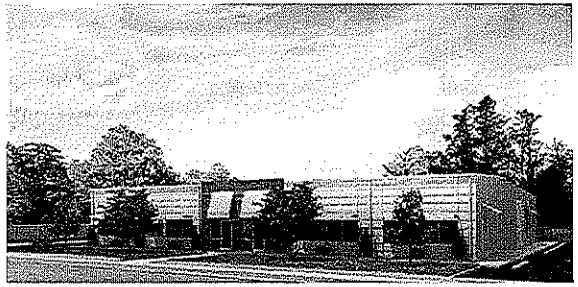
LC1



Exterior Renderings



Exterior Renderings



Possible Outdoor

Approx Lease Space

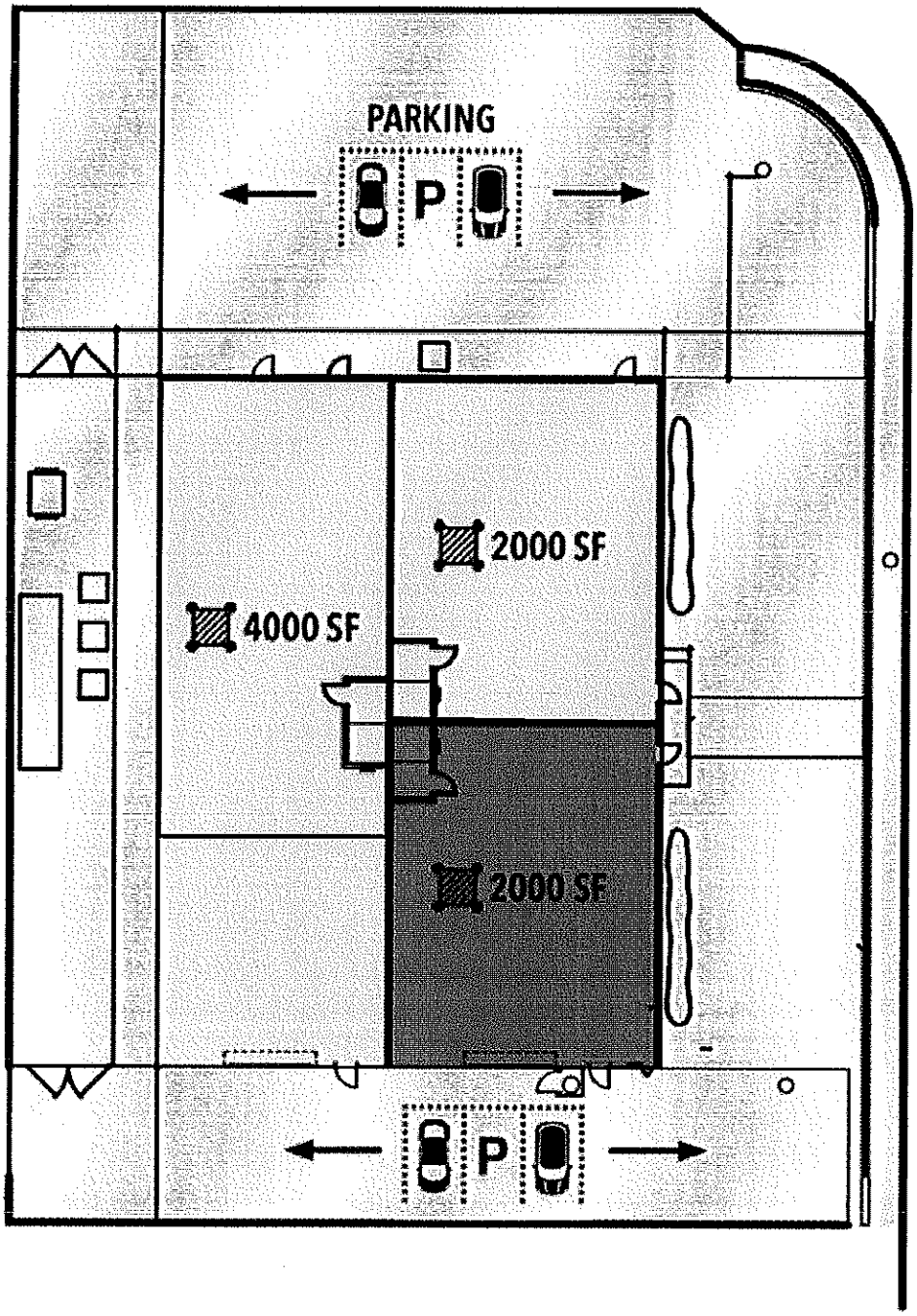
Parking

Case # 2019-461

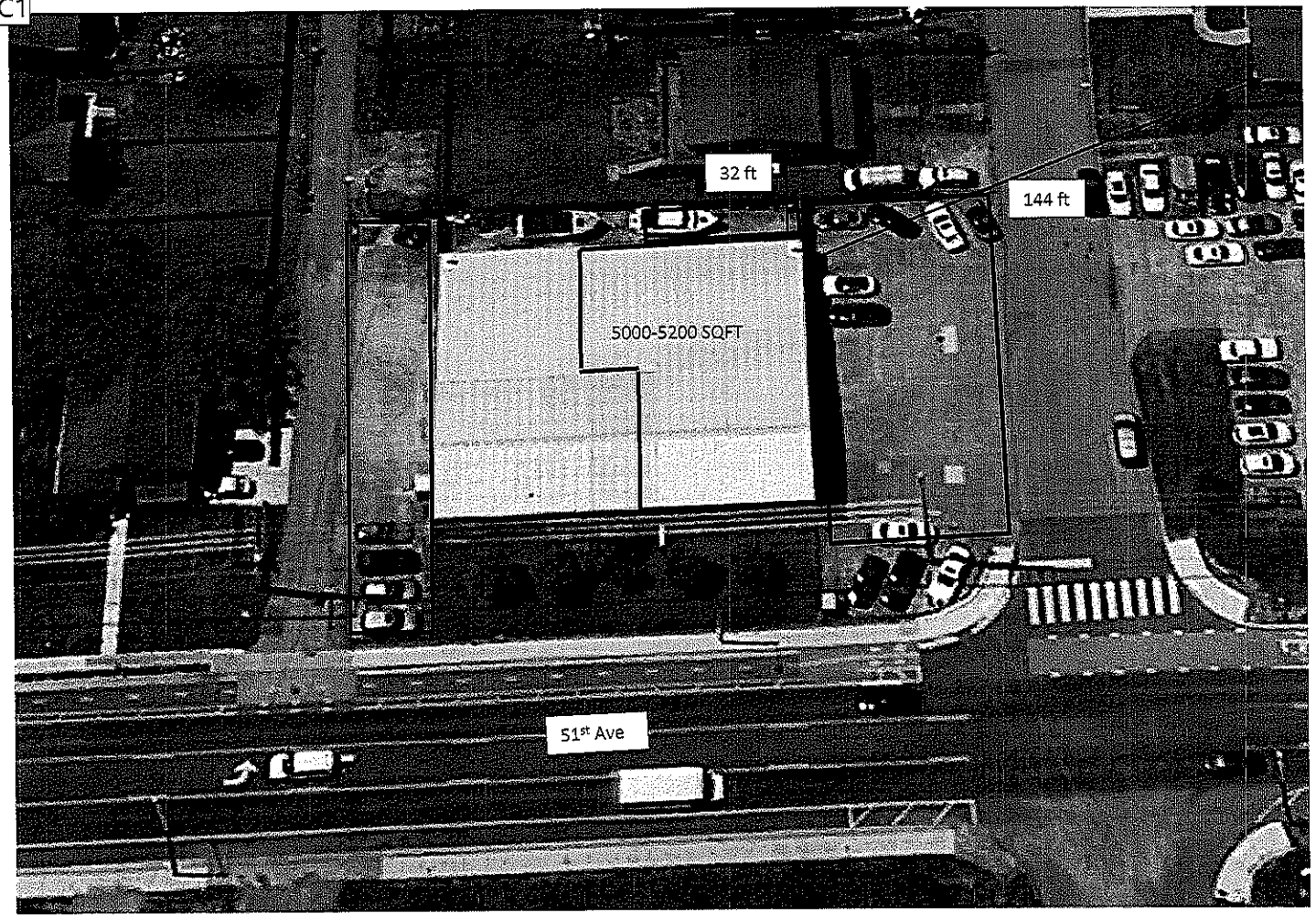
Slide 1

LC1 Liz Craig/USA, 8/29/2019

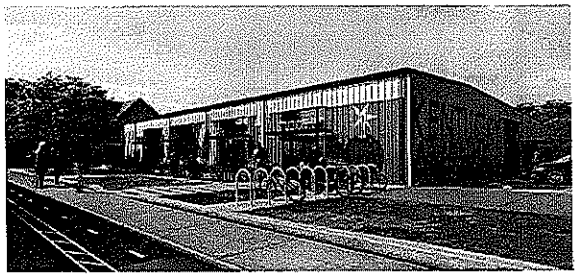
Case # 2019-461


PARKING
P
2000 SF
4000 SF
2000 SF
P

LC1



Exterior Renderings



Exterior Renderings

Possible Outdoor

Approx Lease Space

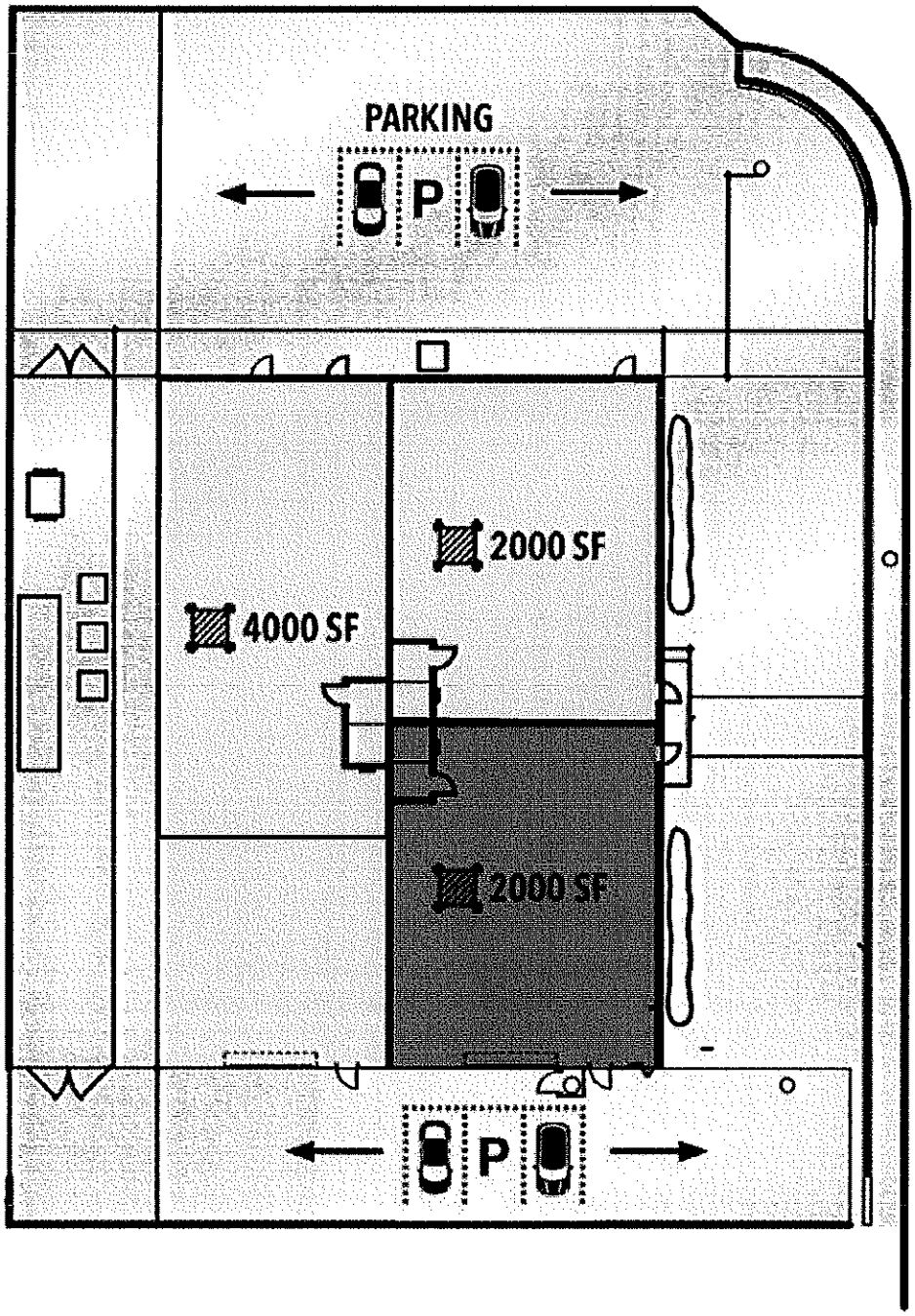
Parking

Case # 2019-461

Slide 1

LC1 Liz Craig/USA, 8/29/2019

Case # 2019-461


PARKING
P
2000 SF
4000 SF
2000 SF
P

Waste Management Plan

Prepared By: Loraine Rhoads, Environmental Biologist

April 2018

dogtopia.

-NOTICE-

Trusted Authority, LLC DBA Dogtopia, LLC hereby claims any and all Trademark rights under 15 U.S.C. 1125 of the Lanham Act to the following Waste Management Plan materials. Any of the disclosed Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the disclosed franchise materials that distinguish the Dogtopia franchise are further protected under relevant Trade Dress Law. Any unauthorized copying of the various Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the Dogtopia franchise is strictly prohibited.

Trusted Authority, LLC DBA Dogtopia LLC further claims copyright to any and all original works of Authorship of the Waste Management Plan materials as defined by the Copyright Act of 1976 as amended. All copyright rights are reserved.

Table of Contents

LIST OF TABLES 3
1. Introduction 3

2. Waste Types 4
2.1 Waste Categories 4
2.1.1 Re-Use 4
2.1.2 Recycling 4
2.1.3 Solid Garbage (Landfill) 5
2.1.4 Liquid (Wastewater) 5

3. Waste Collection and Disposal 5
3.1 Re-Use 5
3.2 Recycling 5
3.3 Solid Garbage (Landfill) 6
3.3.1 Like-business Research 6
3.4 Liquid (Wastewater) Sanitary, Grey and Black Water Wastes 7

4. Pet Safe Cleaning Program – Odor Control 7

5. Waste Minimization 8

6. Monitoring 9

7. Nonspecial Waste Certification 10

8. Consultation 10

9. References 11

dogtopia

LIST OF TABLES

Table 1. Waste types and waste management practices

Waste Types	Waste Form	Waste Stream	Waste Destination
Paper waste	Solid	Landfill (soiled) or Recycling	Waste transfer station
Plastic waste	Solid	Re-use or Recycling	Recycle depot
Cardboard packaging	Solid	Recycling	Recycle depot
Towels or rags	Solid	Re-use (towels can be cut into rags) or Landfill	Re-Use or Waste transfer station
Organic waste (Dog waste or uneaten food)	Solid	Landfill	Waste transfer station
Grey and Black water	Liquid	Municipal Wastewater (non-point source)	Water and Sewer Division of South Elgin

Waste materials fall into four categories* for management, which include:

- Re-Use
- Recycle
- Solid Garbage - Landfill
- Liquid - Wastewater

*The fifth category, Hazardous Waste, is not applicable at Dogtopia locations

1 Introduction

The purpose of the Waste Management Plan is to describe the principles, procedures and management of the waste generated by a Dogtopia franchise location. The franchisee has developed this plan to ensure wastes are reduced, reused, recycled and do not create offending odor.

In accordance with Illinois EPA regulatory requirements, the Waste Management Plan outlines measures to manage and mitigate waste generation and resource consumption during the operation of the Dogtopia. The Plan includes details on the following:

- The types and quantities of waste generated during operation
- Procedures to collect and dispose of waste
- Measures that Dogtopia implements to minimize waste generation
- Monitoring protocol to ensure effectiveness of these measures

The Waste Management Plan is designed to support an ecological based management approach with the focus on environmental best practices where Dogtopia is an asset to neighboring tenants.

dogtopia

Surplus or waste materials arise from either the materials imported to our dog daycare center or from those generated on the site. Imported materials are those which are brought to Dogtopia as part of operational practices. Generated materials are those that occur during the daily operations i.e. trash and wastewater.

2 Waste Types

The operations of Dogtopia will generate wastes such as Re-Use, Recycle, Solid Garbage (Landfill) and Liquid (Wastewater).

2.1.1 Re-Use

If surplus materials can be used in the future operations, they are classified as materials which can be re-used, i.e. older towels can be cut into cleaning rags. Materials that can be reused in their present form are surplus to operational needs and will be removed from site to a storage facility. The surplus supplies will be labelled and stored for future use.

2.1.2 Recycling

If surplus materials cannot be reused in their present form but could be used in a different form, they will be sent to recycling through a waste management service provider. Current acceptable recyclable materials include:

Paper
Newspapers, including inserts
Magazines/Catalogs
Telephone Directories
Office/School Paper
Advertising/Junk Mail
Kraft Brown Paper Bags
Corrugated Cardboard (includes paper towel and toilet paper rolls)
Paperboard/Chipboard (cereal boxes, pasta boxes, tissue boxes etc.)

Plastic beverage and food containers
Milk, water and juice bottles
Liquid detergent, fabric softener, bleach, shampoo, yogurt cups, vegetable oil bottles
Metal

Aluminum Cans

Steel or Tin Cans

dogtopia.

Glass
Bottles and Jars only
Brown, Green and Clear Glass

2.1.3 Solid Garbage (Landfill)

If solid waste cannot be classified as re-useable or recyclable, then the only alternative is to send surplus materials to the landfill through a waste management service provider. Under no circumstances will Dogtopia create any waste that is classified as Hazardous Waste according to Federal Regulations Title 40 (Protection of Environment) PART 261 Identification and Listing of Hazardous Waste. Under no circumstances will Dogtopia create any waste that is classified as Special Waste according Illinois Environmental Protection Act and Title 35 of the Illinois Administrative Code of Regulations (See Section 7 Nonspecial Waste Certification.)

2.1.4 Liquid (Wastewater)

Liquid waste is classified as either greywater or blackwater. Greywater is a product of washing food, dishes, laundry and cleaning duties such as mopping the floor or cleaning equipment. Blackwater is defined as the waste from flushing toilets.

3 Waste Collection and Disposal

3.2 Re-Use

Re-useable materials that can be reused in their present form are surplus to operational needs and will be removed from site to a storage facility. The surplus supplies will be labelled and stored for future use. Dogtopia remains committed as an international brand to environmentally friendly practices to reduce waste where ever possible.

3.2 Recycle

Weekly collection of recycle material will occur on the same schedule as solid garbage collection. All recycled materials will be collected and sent to a recycle depot or sorting center through a waste management service provider.

3.3 Solid Garbage (Landfill)

All solid waste materials that are not re-useable or recyclable will be collected using trash receptacles lined with trash bags. Office and kitchen waste is normal and usual for any type of business and will be collected inside the store daily and removed to the covered dumpster.

Dogtopia's protocol for solid animal waste management is:

- Pick up solid waste immediately using plastic bag

dogtopia.

- Securely tie the plastic bag
- Place in a tightly lidded bin lined with plastic trash liner
- Empty the trash bin at the end of each day, making sure to tie the double bagged waste
- Place the double bagged animal waste in a small deep freezer that is labeled 'Animal Waste'
- Once a week, on the day of dumpster collection, empty the animal waste freezer into the location's dumpster

Quarterly, or more frequently if needed the dumpster will be sanitized with a cleaning product called Super Citrus Dumpster Wash. The application of this product will clean and neutralize any odors and works well on all dumpster surfaces including the secure cover. This product also contains citronella to deter flying insects. Dumpster Wash is non-toxic, biodegradable and environmentally friendly.

3.3.1 Like-business Research

Research was conducted at neighboring veterinary and boarding business to assess waste management practices. Animal Care Clinic of South Elgin uses standard dumpsters to dispose of all business and animal waste. In a review of their dumpster, there was no noticeable smell. They do have the dumpster area isolated behind a brick wall and gated, next to a small outdoor play area. They take their boarding dogs to an outdoor play area each day.

Gateway Veterinary Clinic in St. Charles offers boarding for dogs with medical needs. Sam Parker, office manager reports they use standard, lockable dumpsters. Their current practice is only to single-bag waste and place in the dumpster daily. Any biomedical waste from veterinary procedures, including sharps and surgery waste is removed weekly with a special biomedical waste disposal company.

At Gateway Veterinary Clinic, their dumpsters are less than 50' from an apartment complex. When asked about resident concerns with dumpster smells, he indicated it has never happened and he frequently notices residents walking dogs and children playing in the green space behind and beside their parking lot/dumpsters without issue.

3.4 Liquid (Wastewater)

All Sanitary, Grey and Blackwater wastes will be sent properly through the sanitary sewer system of South Elgin, Fox River Water Reclamation District. Under no circumstances will Dogtopia crate liquid wastes that include forbidden material such as:

- Cooking grease
- Garbage Disposal byproducts
- Feminine hygiene products
- Disposable diapers

dogtopia.

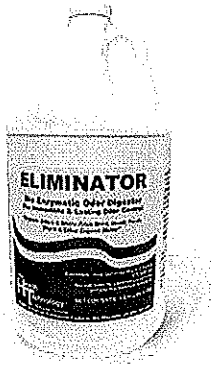


Figure 1. Eliminator is a safe bio-enzymatic cleaner formulated to consume odor-causing bacteria.

- Other paper and plastic products

Dogtopia's protocol for liquid animal waste management is:

- Fill one mop bucket with plain water and use a red mop wringer insert
- Fill a different mop bucket with the approved cleaner (Eliminator for spot cleaning during open play)
- Dip mop in approved cleaner and wring out thoroughly
- Soak up liquid waste with the mop, ensuring not to spread around the floor
- Rinse out contaminated mop in water bucket with red liner
- Ready the mop for next use by returning it to the mop bucket with approved cleaner
- When the mop water has become dirty or at the end of the shift, empty mop buckets and rinse out into mop sink
- Twice daily perform a sanitation of the playroom floor using Triple Two
  - Midday – use Triple Two in the mop buckets
  - End of day – use Triple Two in autoscrubber

Figure 2. Autoscrubber is used for interior floor sanitation.

4 Pet Safe Cleaning Program – Odor Control

Our Pet Safe Cleaning Program provides each location with detailed cleaning protocols for every job necessary in our stores in addition to details on which cleaners to use and when. Dogtopia is the first in the dog daycare business to address the need to clean using certified SAFE chemicals while at the same time effectively killing canine contagious germs. Extensive research has gone into creating our cleaning protocols that will guarantee dogs will not come into contact with a cleaning chemical that is not safe for contact, ingestion or inhalation.

Dogtopia's pet-safe cleaning program was exclusively designed by Health Technology Professional Products, specializing in the animal care industry since 1989. The program contains training videos, employee quizzes and regular inspections to ensure we are maintaining the cleanest environment both inside and outside our facilities.

Odor Control begins with immediately removing the source of odor by physically removing solid waste with a double bag process and using a mop system to remove liquid waste.

Our bio-enzymatic cleaner, Eliminator, is used when dogs are in open play and is a powerful tool for controlling odor. The great benefit in using a bio-enzymatic cleaner is the safety of this solution for people, dogs and the municipal sewer system. Eliminator is used on floor surfaces,

dogtopia.

crates, playground equipment and artificial turf to completely eliminate the odor causing bacteria.

Daily cleaning happens twice a day with a disinfectant, Triple Two, when dogs are crated for rest. By using an autoscrubber with the disinfect chemical we are effectively killing germs but also recovering the dirty solution for safe disposal in the sanitary sewer system. Triple Two solution is strong enough to kill bacteria and viruses but safe for municipal sewer system. Triple Two is used extensively across the country in dog daycares, veterinary hospitals, animal rescue facilities and kennels.

Artificial grass is cleaned properly in a similar fashion to the interior floors using a turf cleaning machine. This machine is designed for use with the Eliminator bio-enzymatic cleaner for odor control and effectively eliminates all waste.

Figure 3. Turf cleaning machine recovers solution and maintains odor-free outdoor space.

5 Waste Minimization

Wastes generated from Dogtopia do not have the potential to have a negative impact on the environment. The Waste Management Plan has been developed to communicate the principles, procedures and management of all types of waste generated during operations of Dogtopia.

The franchisee will implement all possible waste minimization procedures and therefore will reduce the amount of waste to be removed from his Dogtopia business location. All Dogtopian owners and staff will be encouraged to look at ways to minimize the amount of generated waste. Industry best practices include:

- Waste materials will be reduced, re-used and recycled where possible
- Leased items like dumpsters or delivery pallets will be kept in good usable quality and returned for processing when necessary
- General solid waste will be double bagged to eliminate odor and placed in a covered and sealed dumpster
- All liquid waste will be disposed properly in sanitary sewer system

Dogtopia Owner and General Manager (or appointed delegate) will be responsible for ensuring the instruction of all staff members on implementation of our waste management policy and procedures.

Regular staff meetings will include discussion of waste management procedures and updates on how to minimize waste.

dogtopia

The monitoring of wastes generated will provide an opportunity to review the wastes being generated and ways in which they can be reduced (See Section 6 Monitoring.)

6 Monitoring

The franchisee is committed to minimizing the risks associated with the generation of wastes in the operation of Dogtopia. The monitoring of the quantity and the types of wastes being generated by Dogtopia operations will be tracked and monitored.

All waste receptacles will be inspected weekly to ensure that they are maintained in a condition appropriate for their use and containment of specific waste.

The Waste Management Plan and its importance will be communicated to the whole team regularly. Business wide updates including improved recycling amounts will be communicated and discussed at staff meetings. Dogtopia Owner and General Manager will monitor and analyze waste management plan to produce best practice solutions throughout Dogtopia operations.

7 Nonspecial Waste Certification

Owner/Operator
telephone:
Dogtopia

4-4-2018
I certify that cleaning chemicals and waste produced from my dog daycare, spa and boarding services are not hazardous, not liquid, do not contain PCBs or asbestos, are not formerly hazardous, are not shredded recyclable metals, and are not special wastes. I determined that my wastes are not special wastes by looking at my SDS. I also certify that double bagged dog waste and drainage from cleaning protocols are classified as hazardous and do not pose contamination risk. SDS for cleaning chemicals used in our Pet Safe Cleaning Program are attached.

Owner

dogtopia.

8 Consultations

Sam Parker, Office Manager, Gateway Veterinary Clinic
Three veterinarians on staff with medical overnight boarding services for domestic pets
3225 W Main Street
Saint Charles, IL 60175
630-377-6660
info@gatewayvetclinic.com

Animal Care Clinic South Elgin
Veterinary services and boarding for domestic pets
477 Briargate Drive
South Elgin, IL 60177
847-742-5700
myanimalcareclinic.com

9 References

Batty, Stuart. "Do I Have a Special Waste?" *Special-Waste*, Illinois EPA, www.epa.illinois.gov/topics/small-business/publications/special-waste/index.

Batty, Stuart. "Waste Management." *Waste Management*, http://www.epa.illinois.gov/topics/waste-management/index.

"EPA 40 CFR Part 261 - IDENTIFICATION AND LISTING OF HAZARDOUS WASTE." *LII / Legal Information Institute*, http://www.law.cornell.edu/cfr/text/40/part-261.

"Guide to Air Quality Assessment - Chapter 7 Appendix: Odor Reductions." *CEQA Guidance & Tools*, 2017, http://www.airquality.org/businesses/ceqa-land-use-planning/ceqa-guidance-tools.

"Public Works." *Village of South Elgin, Illinois*, http://www.southelgin.com/publicworks.

Noise Control Plan

Prepared By: Aaron Mueller, LEED AP BD+C
Director of Design and Construction

April 2018

dogtopia.

-NOTICE-

Trusted Authority, LLC DBA Dogtopia, LLC hereby claims any and all Trademark rights under 15 U.S.C. 1125 of the Lanham Act to the following materials. Any of the disclosed Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the disclosed franchise materials that distinguish the Dogtopia franchise are further protected under relevant Trade Dress Law. Any unauthorized copying of the various Dogtopia franchise color schemes, design features, design layouts, and other non-functional aspects of the Dogtopia franchise is strictly prohibited.

Trusted Authority, LLC DBA Dogtopia, LLC further claims copyright to any and all original works of Authorship of the following materials as defined by the Copyright Act of 1976 as amended. All copyright rights are reserved.

dogtopia.

Table of Contents

1. Introduction 4

2. Wall Construction 4
   2.1 Dog Spaces 4
   2.2 People Spaces 4
   2.3 Exterior Walls 5

3 Ceiling Construction 5

dogtopia.

1 Introduction

No two Dogtopia footprints are the same and each require a unique design that is engineered around its environment. Noise control is one of the primary focuses when programming a space. With more than 15 years of experience in the dog daycare industry, Dogtopia has refined the design to provide maximum sound containment, utilizing standard construction materials and practices. Analysis of the existing structure, neighboring tenants as well as their locations, are all taken into consideration during the design process to provide a dog daycare that is welcome in any environment. This document provides details on the strategy and materials used when constructing a new daycare.

2 Wall Categories

Walls are broken down into three categories (Dog Space, People Space, and Exterior Walls) based on how critical sound mitigation is for that particular wall assembly in the daycare. Dog Space are the areas in which dogs will be kept for any period of time and barking may occur. People space is the areas in the daycare that isn't Dog Space (e.g. restrooms, breakroom, reception, etc.). Exterior Walls are considered the perimeter walls of the daycare including walls abutting adjacent building tenants.

2.1 Dog Space

Dog Space typically consist of the playrooms, utility rooms, evaluation rooms, spa & grooming, and suites. Dogtopia's standard design for walls around the Dog Space at the interior of the daycare are 6" thick, fully insulated, full-height, metal stud walls with type X-5/8" gypsum board on each side. The wall is full-height in that it spans from the floor to the roof deck (not just above the ceiling) and is filled with acoustical insulation. This wall is continuous and prevents any substantial amount of sound or smell from escaping the Dog Space. Any windows in this wall assembly are frameless preventing the transfer of sound.

2.2 People Space

People Space typically consist of restrooms, reception, hallways, office, laundry/storage, and a breakroom. Sound coming from these areas is minimal and designed with a standard 3 5/8" metal stud wall that spans from the floor to 6" above the suspended ceiling, with type X-5/8" gypsum board on each side. This wall type is insulated only when surrounding the office or restrooms. The wall type may also be used within the Dog Space as sound transmission within the Dog Space isn't of concern.

dogtopia

2.3 Exterior Walls

Dogtopia utilizes two approaches when designing exterior wall assemblies depending on what the wall is separating the daycare from. When Dog Space is abutting a neighboring tenant, a two-wall system with an air gap is applied. Typically, an insulated demising wall of 3 5/8" or wider that spans from the floor to roof deck between the daycare and neighboring tenant exists. If there is no existing demising wall, one is constructed. One inch from the new/existing demising wall an additional wall is constructed on the daycare side. This additional wall is a 6", fully insulated, full-height metal stud wall with two sheets of type X-5/8" gypsum board on the daycare side. Acoustical sealant is provided at the perimeter of the wall and any penetrations. This assembly provides an STC rating of ~70 depending on the construction of the existing demising wall. This assembly may also be utilized when sound mitigation to the building exterior is critical. Daycares located near residential neighborhoods may utilize this system to prevent any disruption to residents surrounding the location.

If an Exterior Wall separates People Space from the exterior, whether it divides a neighboring tenant or at the exterior of the building, the existing construction/wall assembly may be utilized. The noise generated in this area will rarely be from dogs and does not require sound attenuation. The air gap/space between the wall prevents sound transmission. So, as long as the Dog Space has the 6" wall assembly between the demising wall and Dog Space, and is at least 1" away from the demising wall, existing assemblies will typically suffice.

3. Ceiling Construction

Dogtopia's standard ceiling is a suspended ceiling system fitted with School Zone® lay in acoustical tiles used to absorb and prevent sound from escaping the room(s). The tiles have a noise reduction coefficient of .70 and a ceiling attenuation class of up to 40. These tiles are often used in schools and libraries where sound absorption and reduction are critical. The suspended ceiling is consistent throughout the daycare and typically no higher than 12'. Above the suspend ceiling is the existing building roof system and typically an R-30 insulation.

dogtopia.

Odor Control

Requirements for Odor Reduction

- Playrooms on Separate HVAC Systems. Each System has an Outside Air Exhaust Requirement
- Steril-Aire UV Emitters Installed on each HVAC System
- HVAC System Installed with Economizers and Dehumidification
- Temp design / relative humidity requirement:
  - Playroom / Spa
  - 75-78 Degrees in Summer
  - 68-70 Degrees in Winter
  - 30%-60% Relative Humidity
  - Rest of the Daycare:
  - 72-75 Degrees in Summer
  - 70-72 Degrees in Winter
  - 30%-60% Relative Humidity
- Walls Extend to the Deck to Avoid Smell and Sound Transfer Between Rooms
- Rooms Cleaned Three Times per Day
- ScentAir System Installed
- HVAC Air Filters Replaced Quarterly Versus Annually
- Complete cycle/air change in all dogspaces (playrooms, evals, and suites) every 11-12 minutes.

Case # 2019-461

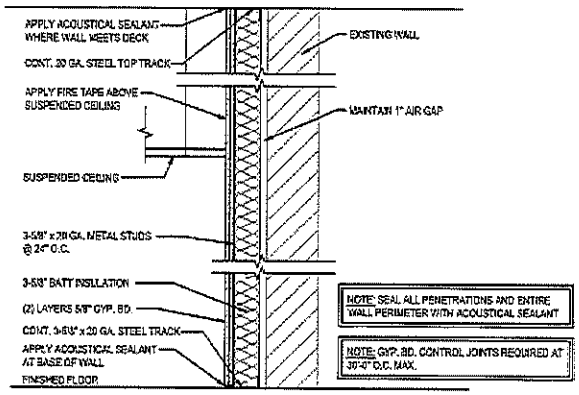
dogtopia.

Sound Control

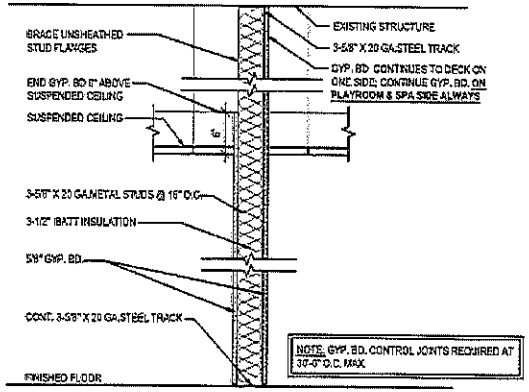
Requirements for Sound Reduction

- Special Wall Type at Demising Walls(s) that Extend to Roof Deck
- Special Wall Type Around all Playrooms Spaces
- Air Gap at the Demising Wall
- Studs May Increase in Size if Roof Deck is Over 17'-6" Above Finished Floor (A.F.F.)

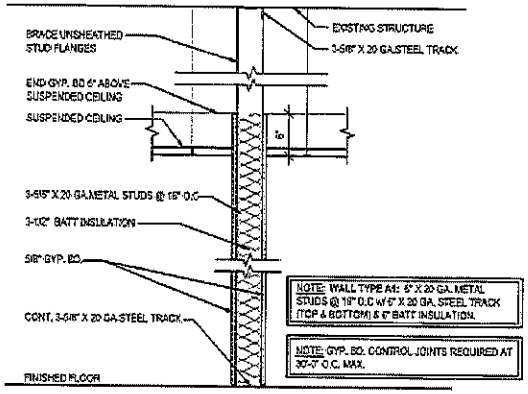
- Type A: Typical Wall (See Exceptions Below)
- Type A1: Plumbing Walls.
- Type B: Walls Surrounding Playrooms
- Type C: Demising Walls (Adjacent / Shared Walls with Neighboring Tenant(s))



C

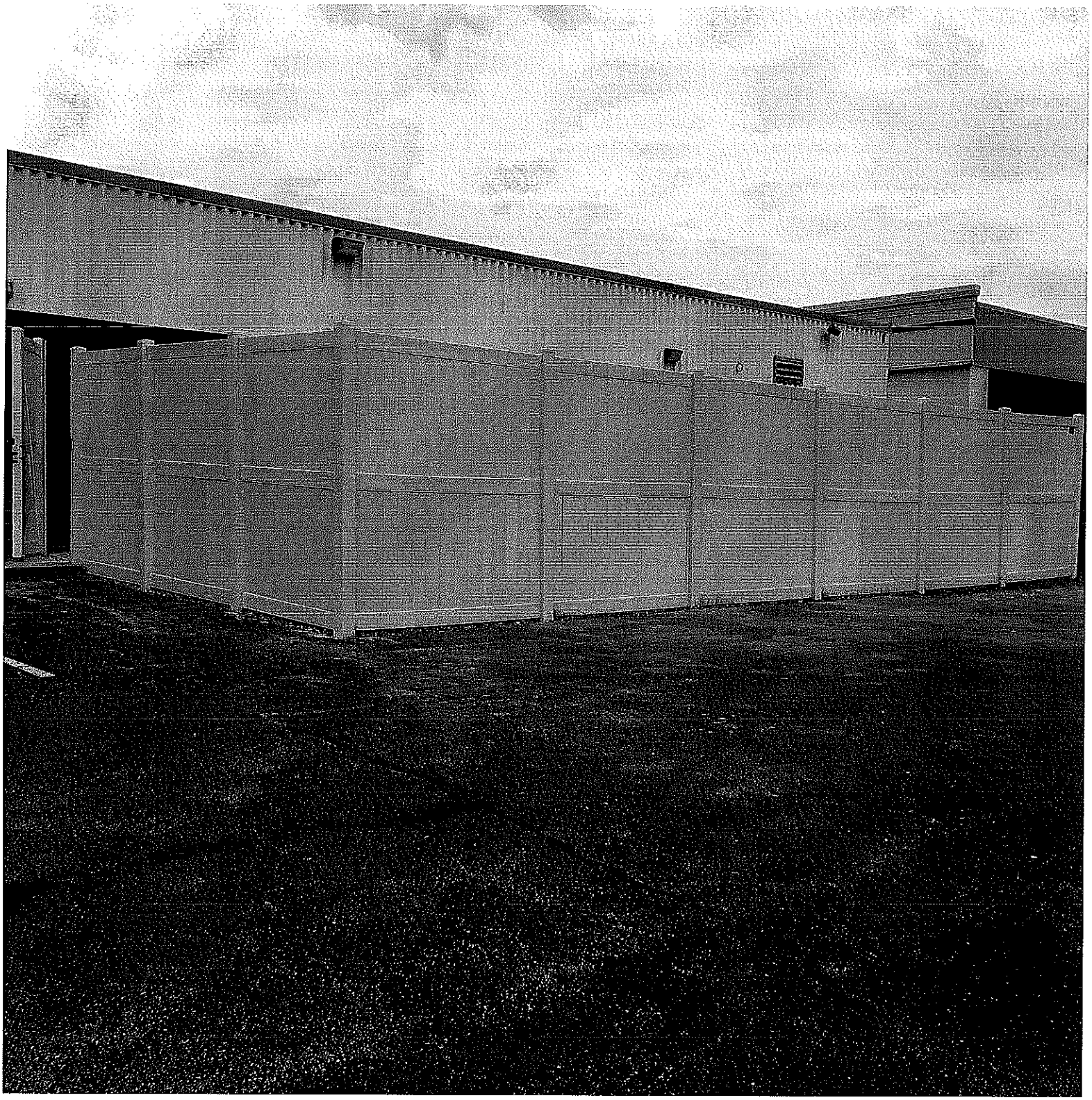


B



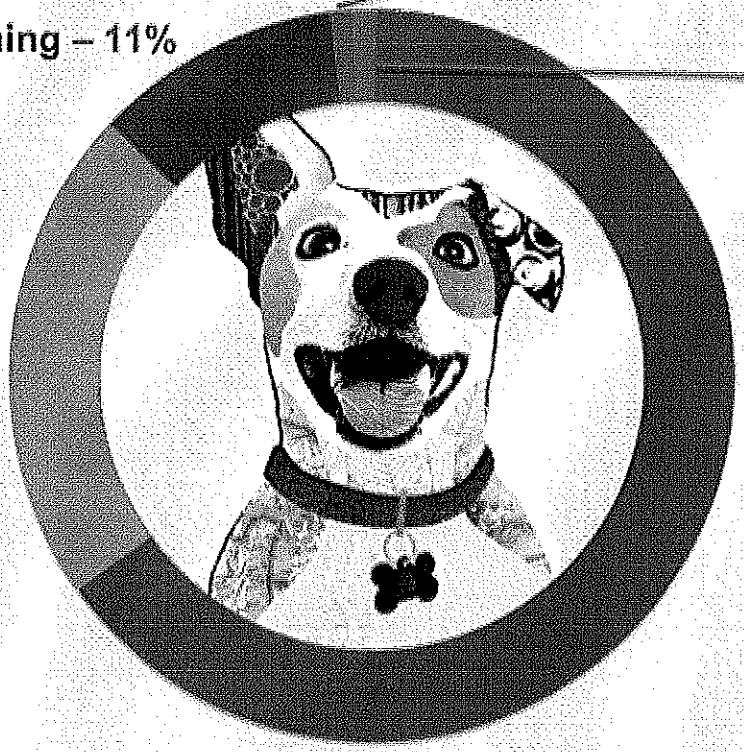
A, A1

Case # 2019-461

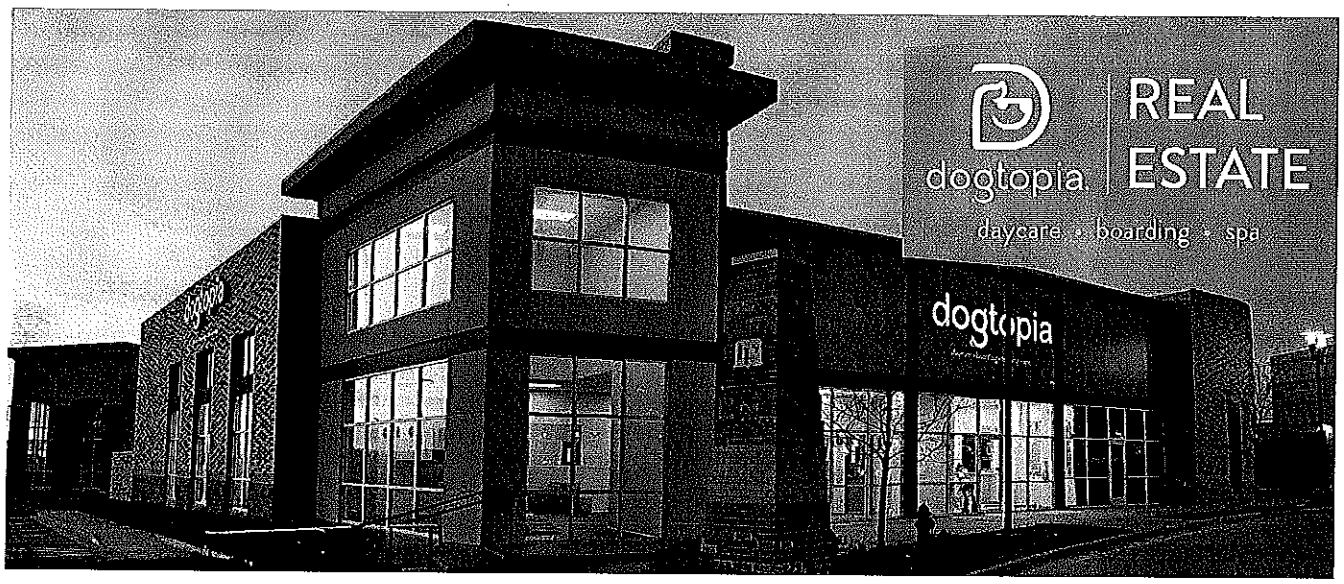


dogtopia

Revenue Streams



Commercial in Confidence
© 2016 Dogtopia Inc.



OUR DAYCARE CENTERS

- **INTERNET RESILIENT**
- **TRAFFIC GENERATION**
  daily,morning and evening
- **LESS PARKING INTENSIVE,**
  minimal accommodation for drop-off and pick-up

90+ DAYCARE CENTERS
in US and Canada
(Franchise + Corporate)

50 STORES
to open in 2019

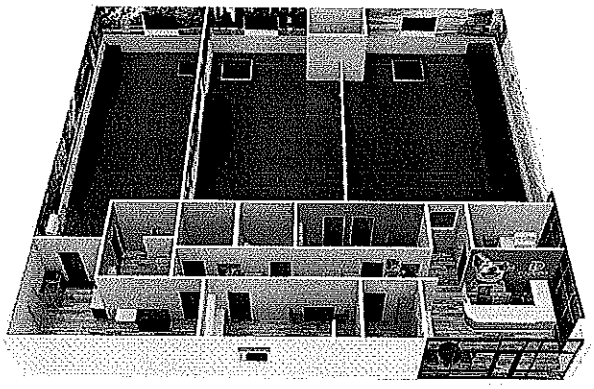
200+ SOLD
& in development

400+ STORES
by 2023

3D TOUR

Step inside our Dogtopia of Oro Valley daycare:

dogtopia.com/3Dtour



SITE CRITERIA

- 5,000 square feet
- Higher income areas, $90k+
- Dense urban and suburban markets, 100k+ population within 5-mile radius
- Major retail preferred, or industrial, mixed use, residential podium

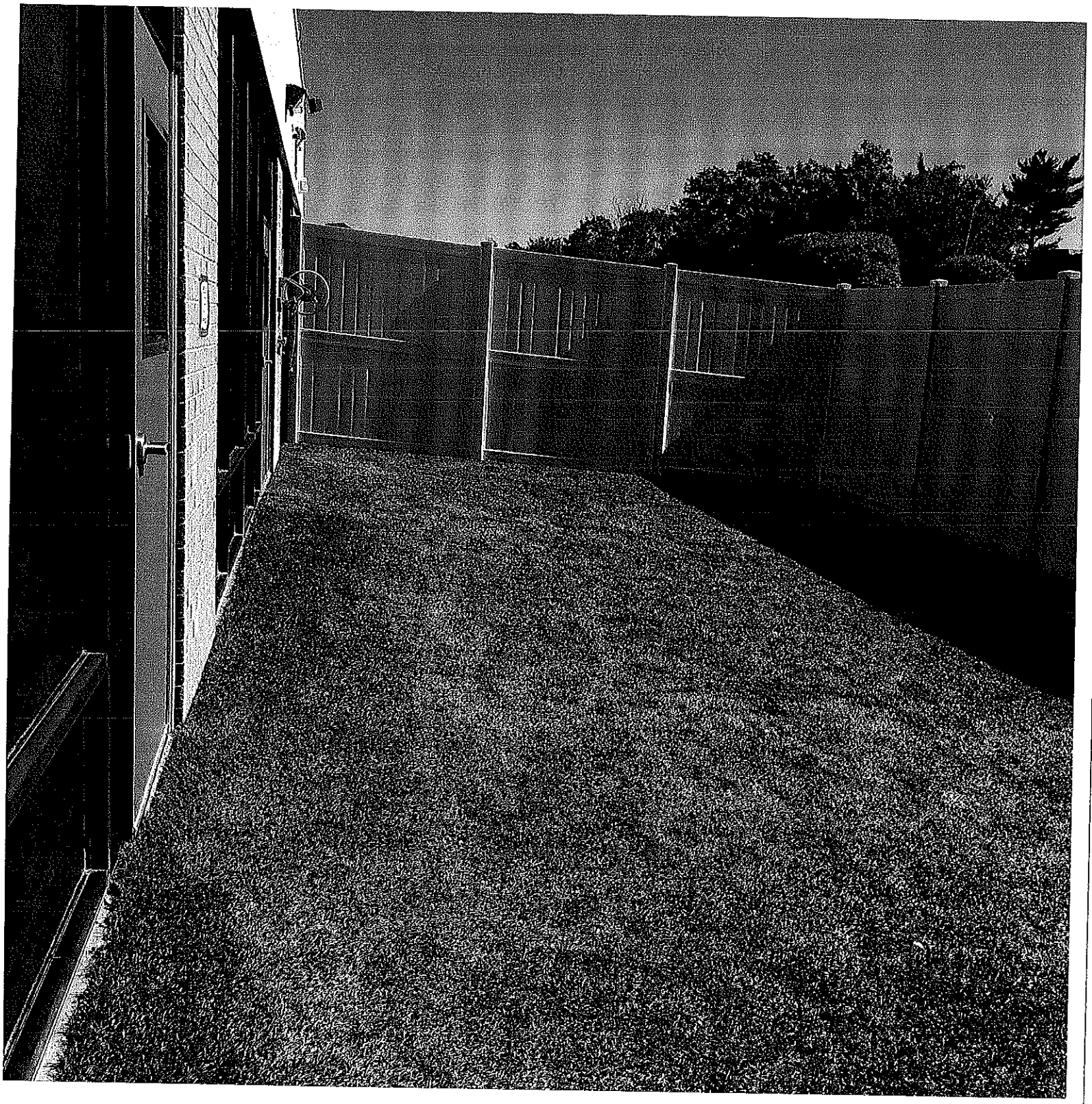
OUR BRAND

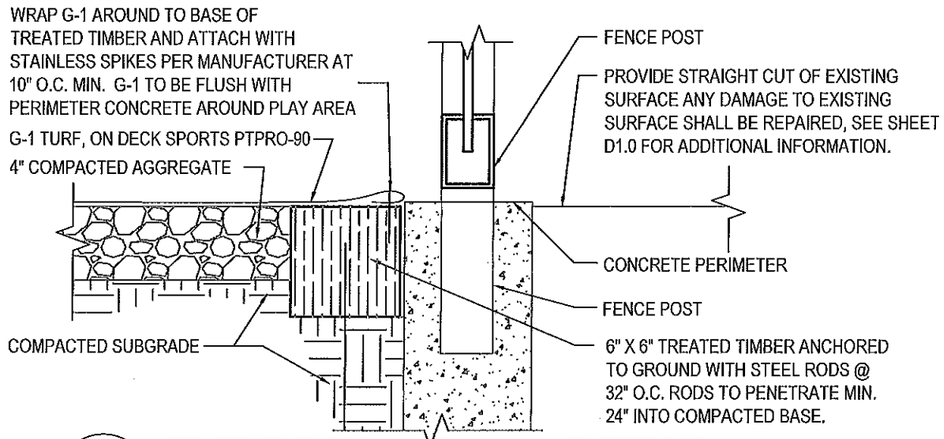
- Dogs are the new babies
- Millennials, our core customer, are the largest group of dog owners
- Highest safety standards in the industry
- Noise and odor control programs and building features incorporated into all daycare centers

THE PET INDUSTRY

- $72 billion industry
- $117 billion industry by 2021
- 9.8% year over year growth in pet services spending
- 11% projected job growth (2015-2024)

CUSHMAN & WAKEFIELD
National Brokerage
dogtopiasites@cushwake.com

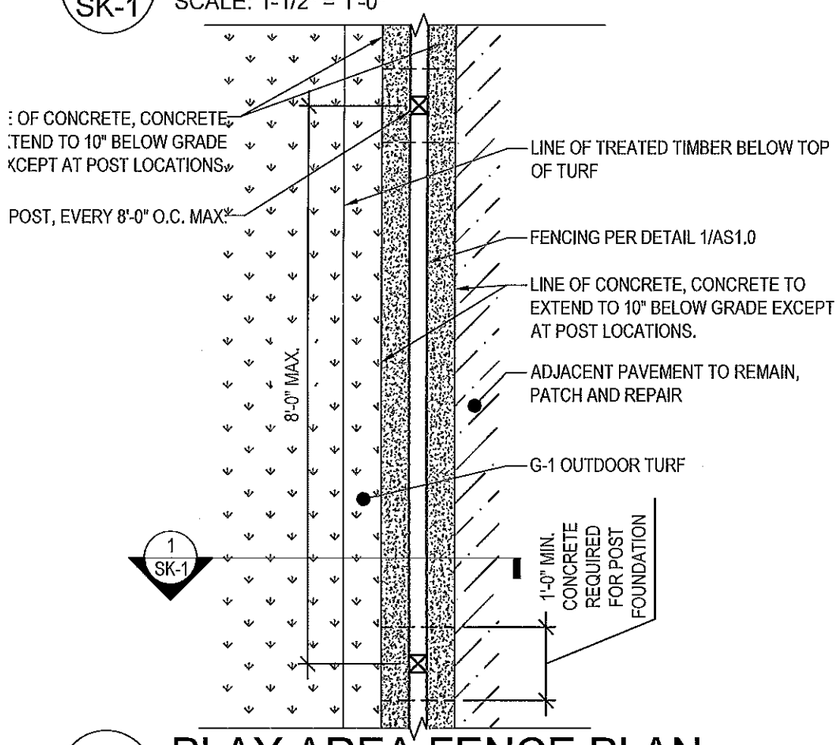




2 / SK-1 TURF PERIMETER DETAIL

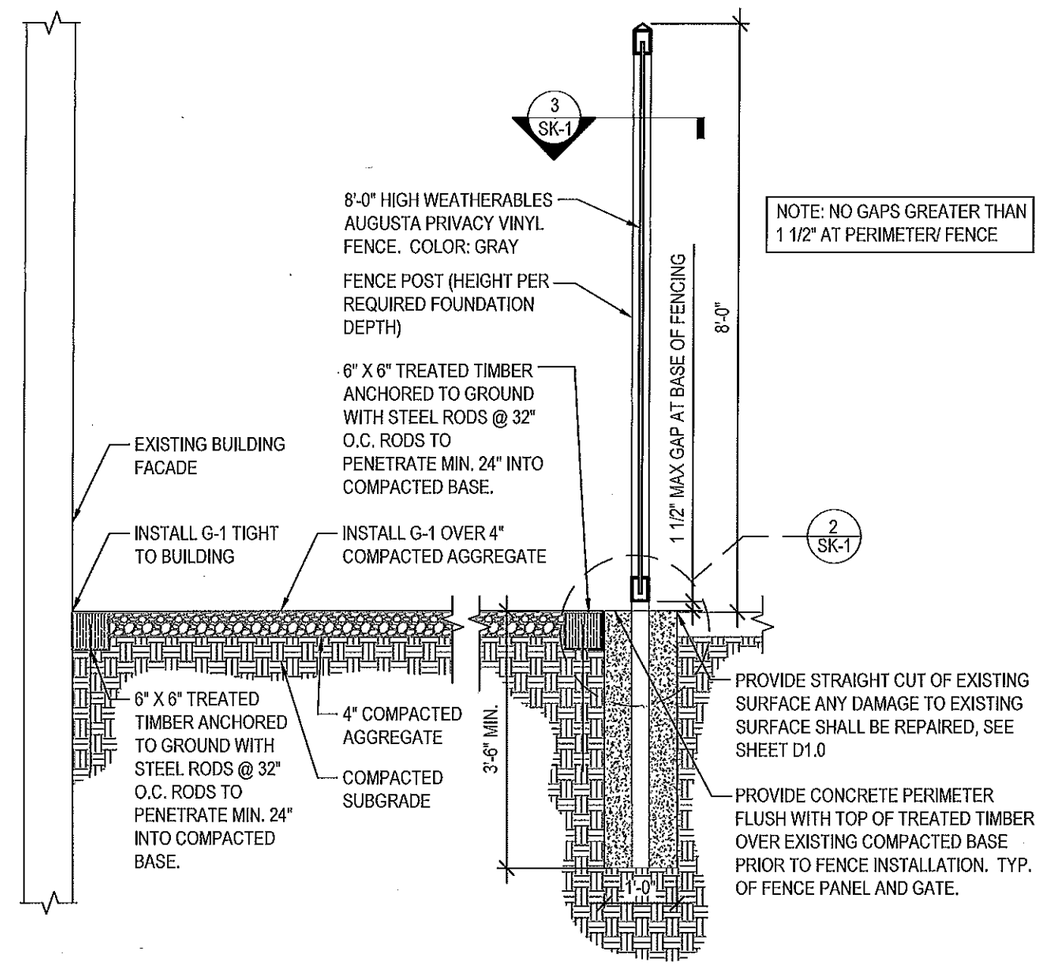
SCALE: 1-1/2" = 1'-0"

NOTE: THIS DRAWING IS NOT FOR CONSTRUCTION. SKETCH IS INTENDED TO ACT AS AN EXAMPLE / EXHIBIT. ACTUAL SITE CONDITIONS WILL VARY.



3 / SK-1 PLAY AREA FENCE PLAN

SCALE: 1/4" = 1'-0"



NOTE: NO GAPS GREATER THAN 1 1/2" AT PERIMETER/ FENCE

1 / SK-1 PLAY AREA FENCE SECTION

SCALE: 1/4" = 1'-0"

dogtopia

ADA ARCHITECTS, INC.
17710 Detroit Avenue Lakewood, Ohio 44107
Phone (216) 521-5134 Fax (216) 521-4824
www.adaarchitects.cc

This document ("Instrument of Service") was prepared by ADA Architects, Inc. ("ADA") specifically for the referenced project and is not intended for any other use. ADA retains all common law, statutory and other reserved rights, including copyrights. This Instrument of Service shall not be used on other projects, for additions to this project or for completion of this project by others without ADA's prior written consent. Any unauthorized use of this Instrument of Service shall be at the User's sole risk and without liability to ADA. ADA makes no warranties, express or implied, of merchantability or of fitness for a particular purpose.

DOGTOPIA

LOCATION: ANYWHERE, USA
ADA JOB NO.: 18380
FRANCHISEE: DOGTOPIA
DATE: 2/26/19

SK-1

From: Gregory, Christopher (Public Works)
To: Lifsey, Debbie (Codes)
Cc: Shepherd, Jessica (Codes); Ammarell, Beverly (Public Works)
Subject: RE: Appeal 2019-461
Date: Tuesday, October 22, 2019 3:17:59 PM

2019-461 5101 Kentucky Ave. To Permit Kennel Use Next to Residential Zoning
Variance: 17.16.175A.1 and 17.40.290
Response: Public Works takes no exception with condition that adequate parking is provided on site per code and 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.

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

From: Lifsey, Debbie (Codes)
Sent: Tuesday, October 22, 2019 1:54 PM
To: Gregory, Christopher (Public Works)
Subject: Appeal 2019-461

Gregory,

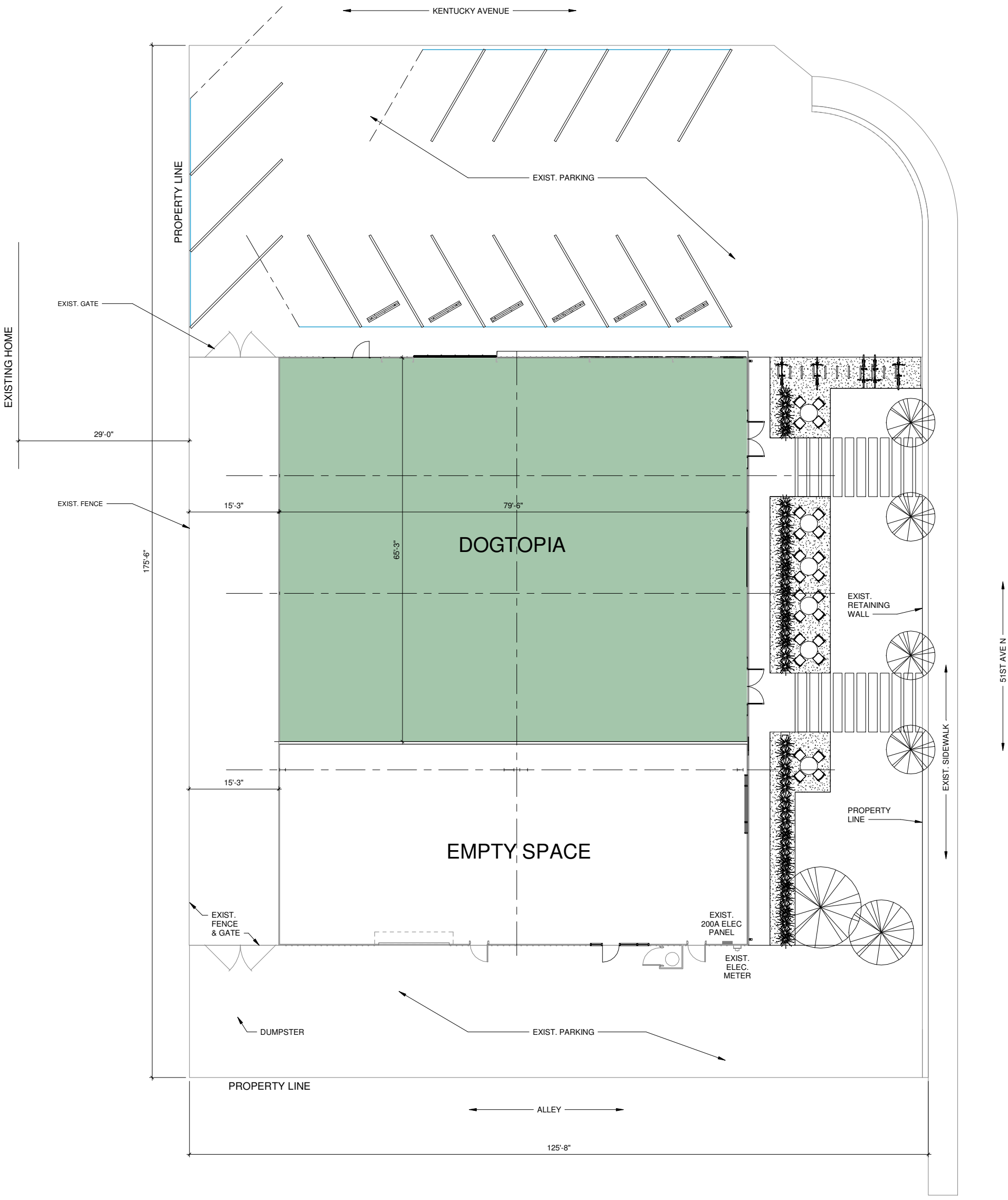
I do not think this case was sent to you to review. It will be on our agenda for 11/7/19 (Special Exception) Appeal 2019-461 5101 Kentucky Avenue

Thank you,

Debbie Lifsey
Administrative Services Officer III
800 2nd Avenue South 1st Floor
Nashville, TN 37210
(615) 862-6505

BZA 2019-461 - 5101 Kentucky Avenue

Special Exception to permit a kennel (doggy daycare) in a CS zoning district and a Variance of the separation of a building containing the use from an existing residence.
Request for outdoor run withdrawn.



From:	Duane Cuthbertson
To:	Lamb, Emily (Codes); Lifsey, Debbie (Codes); Shepherd, Jessica (Codes)
Cc:	Roberts, Mary Carolyn (Council Member); Michael, Jon (Codes); Liz Craig/USA; Patrcia Behmand (patricia.behmand@dogtopia.com); Ramin Behmand (ramin.behmand@dogtopia.com)
Subject:	2019-461 - Dogtopia (5101 Kentucky Avenue) - modification of request
Date:	Saturday, October 26, 2019 6:34:18 PM

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

Emily, Debbie, Jessica -

Please accept this email as our request to modify our application (Case No. 2019-461) related to the kennel use in the CS zoning district at 5101 Kentucky Avenue.

We would like to **withdraw** our request for a **variance of the separation requirement for an outdoor run**. We are modifying our proposal and eliminating the outdoor run from consideration.

As such, two requests remain for consideration by the Board of Zoning Appeals.
We are requesting (1) a Special Exception to permit the kennel use in a CS zoning district and (2) a Variance of the separation requirement for a building containing the use from an existing residence.

Our modification comes as a result of communication with immediate neighbors and various members of the community. Much of the concern expressed to us since making the application seems related to activities associated with the proposed outdoor run.

We hope the community and ultimately the Board will receive our requests favorably, finding the use to be a necessary and appropriate neighborhood scaled service as well determine the shallow depth of the lots composing the neighborhood's commercial spine create a hardship for such neighborhood oriented uses. We also hope the Board will find the separation requirement, while appropriate for large scale kennels and stables (horses) should not apply to reasonably scaled and neighborhood oriented uses such as the kennel (doggy daycare) we propose in this application.

We are installing measures that address and effectively eliminate typical concerns related the proposed kennel use.
Dogtopia will install additional insulation between our proposed space and outdoor walls as well as additional insulation between our space and future tenants in the building. Dogtopia will also utilize insulated panels in the ceiling. The insulation installation should effectively eliminate typical noise associated with the proposed use from travelling beyond the interior space.
Dogtopia will have strict protocol related to sanitization and odor - instituting a practice of maintaining clean spaces for the dogs and a strict protocol for discarding waste on a daily basis (in double sealed bags).
Dogtopia will comply fully with all other associated use conditions.

Again, we hope with the elimination of the outdoor run the community and Board will support the notion that the kennel (doggy daycare) use will be a good fit as a neighborhood service and find a Variance to allow the use on the exceptionally shallow lots that make up the

neighborhood's commercial spine (51st Ave) as appropriate.

Please let me know if I can provide additional information.

--
Duane Cuthbertson
615.924.9618

From: Brooke Coplon
To: Board of Zoning Appeals (Codes)
Subject: 2019-461
Date: Thursday, October 10, 2019 11:46:16 AM

I am writing to voice my opposition to Dogtopia's request to put in a kennel at 5101 Kentucky Ave. I am a homeowner that lives at 5205B Kentucky Ave. My understanding is that Dogtopia has requested to put in dog runs at a significant variance at what is required under the city zoning laws. This would put the dog run almost next the the closest residence. I anticipate a significant amount of noise coming from the dog run. Hearing dogs barking would likely make the dogs that live around the dog run bark more, which would significantly disturb me and other neighbors-- even though I live almost a block away. Dogtopia has not presented any description to the surrounding neighbors or the Board to describe what technology they would use to limit noise. The plans they have filed with the Board are form franchise plans from Dogtopia that just list the types of noise prevention technologies Dogtopia has available to it-- not the type of technology they will use in this building. In addition, the franchisee information does not describe how close Dogtopia is to other properties when they claim their neighbors cannot hear the noise. Properties in the Nations are so close together that we frequently hear almost anything happening in a one block radius. It is difficult for me to comprehend how I would not hear dogs in Dogtopia's kennel.

These variances also exist in to limit the smell from dog waste in kennels. Dogtopia again has only told the Board the options available to it to limit smell-- not the option it will use for this building. I also am guessing Dogtopia's normal neighbors are further away from the building than 32 feet-- a very small area to have a dumpster full of dog waste that supposedly will not smell.

I am a dog owner and love dogs. However, this location is not an appropriate place for a kennel. The majority of kennels in Nashville are in commercial areas for a reason-- largely due to noise and a lower risk of disturbing dogs and people in the surrounding area. There is no reason Dogtopia cannot find a location for their kennel that does not require such a significant variance from codes. A kennel in this specific location would be incredibly disruptive and would likely lower surrounding home values, including my own. Cannonball Covers applied for this permit and will not suffer any significant hardship if it is denied-- they can merely lease the space to another, more appropriate tenant. They have failed to show any reason why they should be granted this variance and have failed to comply with the notice requirements from the Board of Zoning Appeals. In large part, they have:

- Failed to describe specific noise prevention measures to be used at this location.
- Failed to describe specific waste containment measure to be used at this location.
- Failed to show a significant hardship that would allow them to receive a special variance.
- Failed to comply with the notice requirements of this department-- They failed to tell anyone this was going to be a Dogtopia before 10/8/19, only two days before the comment period ended. The letter neighbors received several weeks ago did not describe the nature of the business.
- Failed to hold a community meeting in a timely manner--- The community meeting for this property is on October 16, 2019, after the comment period and less than 24 hours before the hearing.

I urge you to deny Dogtopia's request to open a kennel at 5101 Kentucky Ave.

Sincerely,
Brooke Coplon

Homeowner at 5205B Kentucky Ave

From: Brooke Coplon
To: Board of Zoning Appeals (Codes)
Subject: 2019-461
Date: Thursday, October 17, 2019 9:35:01 AM

To Whom It May Concern:

I am writing to supplement my original email regarding my opposition to a Dogtopia opening at 5101 Kentucky Ave.

I attended a community meeting last night and am now even more against this than before. Dogtopia routinely dismissed and belittled the concerns of the neighbors at the meeting. Dogtopia continues to make unverified promises about the noise level of the facility. Dogtopia also has engaged in false marketing by referring to itself as a doggie daycare-- when they are also boarding dogs over night. For example:

- When asked about the noise level from the building itself, Dogtopia kept telling us there would be no noise. However, they have not had anyone look at the building yet, so they do not know what it will take to actually make the building sound proof. In addition, if they are wrong about the noise level, the neighborhood really will have no recourse against them if they are allowed to get a permit to operate a kennel in this location.
- Dogtopia maintains that the majority of the noise will be from its outside dog run-- which will only have dogs in it from 7 pm to 7 am. They do not feel like this is a disturbance because it is not at night. However, a large number of people that live on our street either work from home or work night shifts and sleep during the day. This dog run will be extremely disruptive to them.
- Dogtopia maintains that the dogs will get worn out at daycare, so they will not be awake/making noise at night. However, Dogtopia has capacity for 104 dogs. Dogtopia plans on putting the dogs out in small groups from 7 am to noon, and then from 2 pm to 7 pm. This is only about an hour of play time for dogs throughout the day. High energy dogs require 1.5 hours of play time a day, which they would not be getting at Dogtopia.
- Dogtopia has routinely represented itself as a doggie daycare, not a boarding facility, which is extremely misleading to residents. Many residents have indicated that they are open minded about a doggie daycare but opposed to a kennel. Dogtopia keeps telling neighbors it is a doggie daycare, which is extremely misleading.
- Residents have no method of recourse if Dogtopia doesn't live up to its promises about noise. Once this permit is acquired, residents have no way to force them to keep the noise level down.
- Dogtopia has not looked at other properties in the neighborhood. There is no reason why they cannot open in a space that is not 9 ft from the property next door.
- Dogtopia routinely points to their location on 8th Ave as a model for this facility and their request for a variance. However, that location is still 137 ft from the next property, not 9 ft.
- If Dogtopia is granted this variance, the variance on this property changes forever. Dogtopia seems more responsible than most kennel owners. However, if their business is unsuccessful, another kennel, that is significantly less responsible would be able to move into the property without any community meetings because the facility's variance would be changed forever.
- Dogtopia was routinely unsympathetic to the concerns of property owners that the kennel would devalue their property.

I urge you to deny Dogtopia's request. They have no undue hardship if this is denied, and they can easily find a property in this area that would not require them to seek such a huge change to the variance requirements for a kennel. Dogtopia has routinely misrepresented the facts about its business to community members as well, and accordingly, their request should be denied.

Best,
Brooke Coplon
5205B Kentucky Ave

From: Tarter, Chad
To: Board of Zoning Appeals (Codes)
Cc: Mary C. Roberts
Subject: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.
Date: Wednesday, October 16, 2019 9:42:12 AM

My name is Chad Tarter I currently own the property at 5107 Kentucky Ave. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I currently rent this property. Within the next 2-3 years I was planning on tearing down and rebuilding a house for myself. I am not excited about building a new house 2 doors down from a kennel with all its associated smells and noises. I was really excited about bars and restaurants like 51st Tap Room and Corner Pub that are in the neighborhood. I Feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7th.

Sincerely
Chad Tarter
(615) 390-2597

From: Mary Carolyn Roberts
To: Tarter, Chad
Cc: Board of Zoning Appeals (Codes)
Subject: Re: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.
Date: Thursday, October 17, 2019 2:30:11 PM

Hey Chad,
Thanks for your email. This goes in front of the BZA. I have no power to deny it because that is up to the board. Were you able to go to the meeting last night?
Thank you,

MaryCarolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

Sign Up for Future Newsletters

Contribute to Campaign

On Wed, Oct 16, 2019 at 9:42 AM Tarter, Chad <cctarter@trane.com> wrote:

> My name is Chad Tarter I currently own the property at 5107 Kentucky Ave. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.
>
> I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.
>
> I currently rent this property. Within the next 2-3 years I was planning on tearing down and rebuilding a house for myself. I am not excited about building a new house 2 doors down from a kennel with all its associated smells and noises. I was really excited about bars and restaurants like 51st Tap Room and Corner Pub that are in the neighborhood. I Feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.
>
> Would you respectfully consider DENYING the variance at the zoning meeting on November 7th.

Sincerely

Chad Tarter

(615) 390-2597

From: Erik Schaffer
To: Board of Zoning Appeals (Codes)
Subject: Opposition to Kennel on 51st ave N (2019-461)
Date: Tuesday, October 8, 2019 10:23:50 PM

Hello,

I am writing to voice my opposition to the proposed zoning variances that would allow for the operation of a dog kennel at the corner of 51st Ave N and Kentucky Ave. in The Nations (case 2019-461).The zoning laws are in place to protect residents from the sounds and smells related to a kennel, and I see no reason why they should be circumvented here. Because of it's very close proximity to residential housing, this is a bad place for a kennel. Please protect our right to peace and quiet in our homes and deny this variance request.

Thank you,
Erik Schaffer
4813 Illinois Ave

From: Erin Holm
To: Board of Zoning Appeals (Codes)
Subject: 2019-461 Oppose
Date: Wednesday, October 9, 2019 4:35:02 PM

To whom it may concern,

I vehemently oppose the proposed dog kennel on 51st.

Sincerely,
Erin Collar

From: gail wales
To: Roberts, Mary Carolyn (Council Member)
Cc: Board of Zoning Appeals (Codes)
Subject: Appeal 2019-461, 5101 Kentucky Ave.
Date: Wednesday, October 30, 2019 2:59:30 PM

I am writing this letter because I strongly oppose a dog kennel located right next door to residences. We own the duplex right next door to this location and our tenants are wonderful people with children. Even though Dogtopia is showing all of these documents about how quiet they are, if they go out of business another kennel could come in and do whatever they want since it will already be approved. A dog kennel with all of the smells and noise that it will bring needs to be located in a commercial area where there is appropriate zoning for this type of business which is away from residential homes such as the one located within a mile on Alabama Ave., the Dogspot.

It seems like Liz Craig of Cushman & Wakefield is doing everything in her power to get her commission on this transaction including informing people that the Dogspot on Alabama is closed or overcrowded which it is not! I have many friends from the area that take their dogs there and are extremely happy. Also, she lives blocks away from this location and she is soliciting her neighbors who will not be affected at all by any negatives for Dogtopia to go in.

I have 100% faith that the BZA will not approve this variance just so someone can have a location that they want for their kennel and put the neighbors closest to this in jeopardy of a loss of their quality of life. The neighbors that are 3 or 4 blocks away that are for this have nothing to lose. There are lots of other types of businesses that would be welcomed in this location and would not require a zoning change.

Lastly, there are proven health impacts on exposing people to this kinds of noise. Barkingdogs.net has so much information on the medical side effects of this.

Gail Wales
5105 Kentucky Ave.

Sent from my iPad

From: Jeff Gebhardt
To: Board of Zoning Appeals (Codes)
Cc: Roberts, Mary Carolyn (Council Member)
Subject: BZA - Case # 2019-461 5101 Kentucky Ave.
Date: Tuesday, October 22, 2019 7:44:20 PM

Dear BZA Members,

I am writing to request that you DENY the variance requested in this case.

Locating a dog kennel/boarding facility 10-30' from a residence, I believe, is not reasonable.

It is my understanding that current separation requirements for this usage are in place for very good reason. I would not want a kennel that close to my home.

Additionally, there is a similar facility less than half a mile from this location.

Again, I request that you deny this request for variance.

Thank you for your consideration.

Jeff Gebhardt
6102B Pennsylvania Ave.
Nashville, TN 37209

From: Jennifer Phillips
To: Michael Allison
Cc: Mary C. Roberts; Board of Zoning Appeals (Codes)
Subject: Re: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.
Date: Thursday, October 24, 2019 10:33:43 AM

I agree with Michael about the kennel, and I live at 5006B Michigan Ave.

~Jennifer Phillips

On Oct 24, 2019, at 9:48 AM, Michael Allison <mallison311@gmail.com> wrote:

My name is Michael Allison and I currently live at 5301 Illinois Avenue. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I live a few blocks away, and I am concerned with extra noise and smell in the neighborhood. I was really excited about bars and restaurants like 51st Tap Room and Corner Pub that are in the neighborhood. I feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7th.

Sincerely
Michael Allison
615-812-9250

From: Jonathan Coplon
To: Board of Zoning Appeals (Codes)
Subject: 2019-461
Date: Wednesday, October 16, 2019 8:12:37 PM

To whom it may concern,

I am writing to **oppose** the proposed variances to open a dog kennel (Dogtopia) at 5101 Kentucky Ave, Nashville, TN 37209 (Case No. 2019-461).

After hearing discussion at a community meeting held this evening (8/16) I do not feel this is an appropriate use of this space due to its location. The variances they are asking for are too large. Neighboring residential spaces would be significantly negatively affected. Concerns of the community (and myself) ranged from damages to property value, decreased quality of life due to noise, as well as safety and sanitation concerns.

The prospective owners of the business provided offers of noise insulation and methods of waste disposal relying on outdoor dumpsters collected by Nashville Public Works. However, their proposals are largely unverifiable and unenforceable.

Major concerns of noise generated from a proposed outdoor dog run would pose a great nuisance to surrounding homes. Under no circumstances should this dog run be allowed in any proposal.

As a potential customer, the neighborhood does need and would embrace their services, however the location they have chosen is simply not appropriate and requires too great of a variance. I urge you to deny this request and urge the prospective business owners to seek another location in the neighborhood better suited for their business.

Jonathan Coplon
5205B Kentucky Ave
Nashville, TN 37209
678-982-6969
coplonj@gmail.com

--
Jonathan Coplon
E: coplonj@gmail.com
P: 678-982-6969

From: Karen Brown
To: Board of Zoning Appeals (Codes)
Subject: Opposition to Dogtopia Kennel on 51st Ave - 2019-461
Date: Tuesday, October 8, 2019 9:08:29 PM

> We live on the 5300 block of Kentucky Ave and oppose the multiple setback variance requests for a dog kennel facility right on top of a residential neighborhood. Setbacks are created for a reason and there's only a financial hardship -which isn't a actually considered a hardship - in this case.
>
> We are also very concerned about noise and smell from this type of business so close to our home and our friends' homes.
>
> Please do not approve these setback variance requests.
>
> Karen and Tim Brown
> 5303A Kentucky Ave.
> Nashville, TN 37209

From: Max Abrams
To: Board of Zoning Appeals (Codes)
Subject: Case 2019-461
Date: Friday, October 18, 2019 2:46:03 PM

To whom it may concern,

I am emailing as a resident of the Nations neighborhood to voice my opposition to the request for variance at 5101 Kentucky Ave. (case #2019-461).

I do not believe the requested variance is reasonable or in the best interest of community residents.

Max Abrams
5213 Kentucky Ave.
Nashville, TN 37209

From: Michael Allison
To: Mary C. Roberts; Board of Zoning Appeals (Codes)
Subject: Appeal Case number 2019-461 - Dog Kennel at 5101 KY Ave.
Date: Thursday, October 24, 2019 9:48:49 AM

My name is Michael Allison and I currently live at 5301 Illinois Avenue. I am writing this to OPPOSE the request for variance to the zoning laws at 5101 KY Ave.

I believe the variance is to allow the proposed dog kennel to allow exterior run to be 10' from adjoining residence. The current zoning is 200'.

I live a few blocks away, and I am concerned with extra noise and smell in the neighborhood. I was really excited about bars and restaurants like 51st Tap Room and Corner Pub that are in the neighborhood. I feel like restaurant/bars brings desired element to the neighborhood. The kennel will detract from the neighborhood, and there is another kennel ½ mile away.

Would you respectfully consider DENYING the variance at the zoning meeting on November 7th.

Sincerely
Michael Allison
615-812-9250

From: Kelli T
To: Board of Zoning Appeals (Codes)
Cc: Roberts, Mary Carolyn (Council Member)
Subject: 2019-461
Date: Wednesday, October 9, 2019 7:24:53 AM

I am writing to express opposition to the rezoning request for the proposed Dogtopia project at 5101 Kentucky Avenue in the Nations. This entity is requesting a variance from current zoning laws of 200 feet to 32 feet, which makes sense given that the nearest residence to this building is 31 feet. This is an unacceptable distance for a commercial business housing dogs to operate within the heart of a residential neighborhood. The expected noise and smell will be atrocious for residents to be subjected to. I understand Dogtopia claims that they have no outdoor dog space and that their building is soundproof. However, trusting that they will soundproof their building after they obtain their variance is naive, and this still doesn't solve the problem that many dogs will be coming and going (and barking) outside all day every day. There are countless other commercial businesses that would more appropriately occupy this space and would benefit the neighborhood, and this business could more appropriately operate somewhere that it is not surrounded by and disrupting the lives of residents (much like the Dog Spot does on Alabama Avenue, also in the Nations and not surrounded by homes). Please do not grant this variance request!

Kelli Taylor
Nations Resident

From: Nikki Filkins
To: Board of Zoning Appeals (Codes)
Subject: Claim 2019-461 Feedback
Date: Thursday, October 17, 2019 12:04:08 PM

Hello,

To whom this may concern. I am **strongly opposed** to changing the zoning variance of 5101 Kentucky Avenue to allow a dog kennel. The property is too close to residences and would not only be a nuisance to the community surrounding the property but is not the highest and best use for the property. Please consider looking at an aerial view of the property and taking into consideration the limited distance between the proposed outdoor dog run and the neighboring houses where residents live. The demographic of the Nations is young professionals starting to have families. Many of the residents work nights at the hospital or work from home or even have infants and young children to care for. I am not opposed to adding a kennel option other than the Dogspot in the Nations but do not agree that this location is correct choice due to the limited space between the proposed kennel and residential houses.

Please also be aware/take into consideration that the few neighboring properties that have previously stated support for the proposed kennel and own the property close to the site operate as a short term rental and do not actually live in the neighborhood.

I have attended the community meeting and heard from the owners of the business and owners of the property. I have done my due diligence and also work as a commercial real estate broker here in Nashville and am **STRONGLY OPPOSED** to changing the zoning to allow a dog kennel.

Please let me know if you have any follow up questions.

I will see you at the meeting.

Thank you for your consideration,

Nicole Filkins
5110 B Illinois Avenue
Nashville, TN 37209
615-418-5763

From: Rachel Brannon
To: Board of Zoning Appeals (Codes)
Cc: Roberts, Mary Carolyn (Council Member)
Subject: Case #2019-461- 5101 Kentucky Ave
Date: Tuesday, October 8, 2019 6:16:35 PM

To whom it may concern,

I own 1010 52nd Ave (shared alley) and 5111 Kentucky Ave (shared street) to the property at 5101 Kentucky. I am very opposed to the proposal to allow a dog kennel in this space.

While I am a dog lover (and owner) myself, I feel that this business will disrupt the peace for those that live in close proximity. There are so many better uses for this space than something loud and disruptive. Additionally, this business will negatively impact property values for both of my investments.

I beg you to please reconsider allowing this business to move into this space.

Best,

Rachel Brannon
6154170831

Sent from my iPhone

Please excuse brevity and type errors.

From: Shayna
To: Board of Zoning Appeals (Codes)
Subject: Case# 2019-461
Date: Friday, October 18, 2019 2:41:17 PM

To whom it may concern,

I am emailing as a resident of the Nations neighborhood to voice my opposition to the request for variance at 5101 Kentucky Ave. (case #2019-461).

I do not believe the requested variance is reasonable or in the best interest of community residents.

Shayna Hansen
5213 Kentucky Ave.
Nashville, TN 37209

October 1, 2019

Metropolitan Government of Nashville and Davidson County
800 Second Avenue, South
Nashville, TN 37210

RE: Zoning Appeal Case Numberr 2019-461 – 501 Kentucky Avenue

To Whom It May Concern:

We wish to express our opposition to the request by Mr. Cuthbertson to have a kennel at his property located at 5101 Kentucky Avenue. We believe this type of operation will create significant noise in the neighborhood and have a detrimental impact on property values for homes in the neighborhood.

Sincerely,

Wendell Bontrager
Bontrager Real Estate, LLC
5206 Louisiana Ave.

From: cscencer
To: Board of Zoning Appeals (Codes)
Cc: mary.carolyn.roberts@nashville.gov
Subject: Case #2019-461 5102 Kentucky Ave.
Date: Tuesday, October 8, 2019 3:56:59 PM

Hello,

As a resident of Kentucky Ave, I do NOT support the addition of a dog kennel practically next door to my home. A number of families on this street have dogs already that would bark and be aggravated by a kennel of dogs next door. Other than disturbing our peaceful neighborhood, the addition of this kennel would exacerbate the parking problem that already exists on the end of our street due to the car repair shops. We barely have enough space for our own vehicles let alone customers of a doggy daycare. Mailboxes wouod continue to be blocked, making the job of the USPS mail service difficult. A number of residents on this and surrounding streets have resorted to putting signs on their mailboxes stating no parking within 5 ft due to limited parking space on our street. Please consider how you would feel if a building full of barking dogs was placed right next to your home, which is supposed to be a place of relaxation and refuge after a long day of work. If this business were to be placed at tye Cannonball commercial building, residents will complain and WILL move out.

Sincerely,

A Kentucky Ave resident

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : BRUCE LITTLE

Date: 09/13/19

Property Owner: ICG INVESTMENTS, LLC

Case #: 2019- 469

Representative: : BRUCE LITTLE

Map & Parcel: 072102I900000

Council District 7

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

Purpose:
VARIANCE REQUEST TO NOT BE REQUIRED TO CONSTRUCT SIDEWALK OR MAKE IN LIEU PAYMENT PER 17.12.120(A)(2). RELATED: RESULTING FROM NEW CONSTRUCTION PERMITS FOR MPR PARCELS 072102I00100CO & 072102I00200CO.

Activity Type: VARIANCE REQUEST

Location: 1301 LINTON AVE, MPR, COMMON SPACE

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: APPLICANT'S REQUEST TO NOT INSTALL SIDEWALK OR MAKE IN LIEU PAYMENT

Section(s): 17.12.120 (A)(2)

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.**

BRUCE LITTLE Appellant Name (Please Print)	— SAME Representative Name (Please Print)
1144 ~~SOMMER~~ SOMERSET SPRINGS DR. Address	— Address
SPRINGHILL, TN 37174 City, State, Zip Code	— City, State, Zip Code
707-672-2186 Phone Number	— Phone Number
CONTACT@LITTLECONSULTANT.COM Email	— Email
Zoning Examiner: DAVID B-B	Appeal Fee: $100.00

3712214

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 - 20190055736
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 072102I90000CO **APPLICATION DATE:** 09/13/2019

SITE ADDRESS:

1301 C LITTON AVE NASHVILLE, TN 37216
COMMON AREA HOMES AT LITTON AVENUE

PARCEL OWNER: O.I.C. HOMES AT LITTON AVENUE **CONTRACTOR:**

APPLICANT:

PURPOSE:

Variance request to not be required to construct a sidewalk or make an in lieu payment resulting from new residential construction permits for the construction of singe-family dwellings on related HPR parcels 072102I00100CO and 072102I00200CO.

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.

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?

At property 1301 A+B Litton Ave, there is a AT&T Pole in the middle of where I am to put a sidewalk. Not only is a pole there, but guy wires are also a problem. AT+T are requiring a hefty payment to mitigate this issue. This cost and process is a hardship for me and the success, stability of the construction build completion. I have pictures and emails from AT+T.

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 9-13-19 **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.*

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.

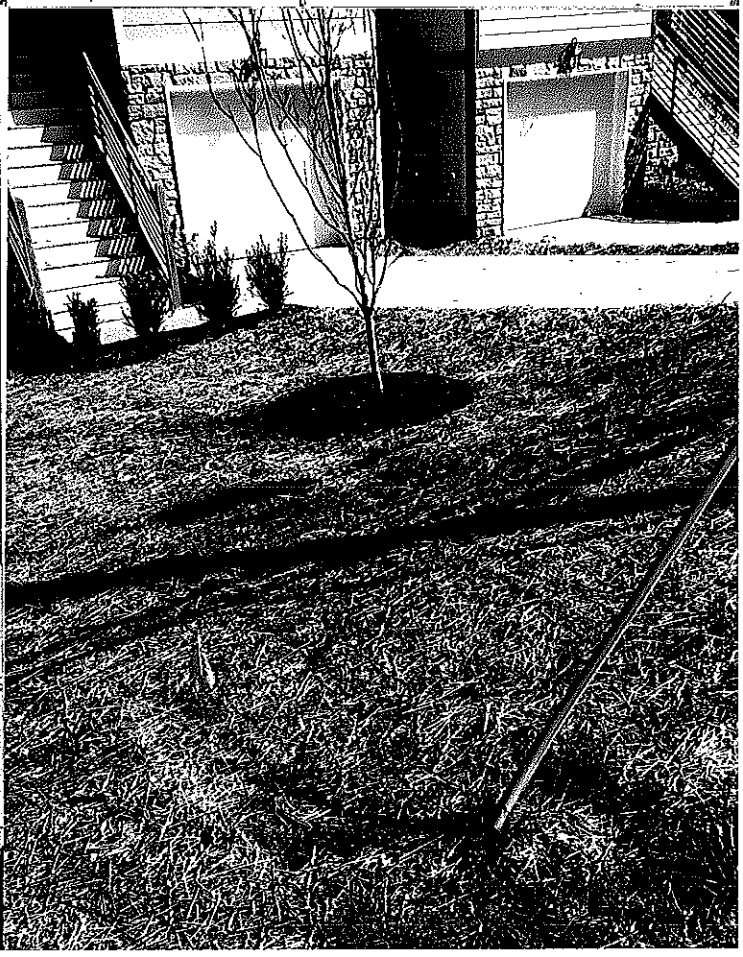
Financial gain not only bases-Financial gain is not the sole basis for granting the variance.

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.



Diaz-Barriga, David (Codes)

From: Little Consultant, LLC <contact@littleconsultant.com>
Sent: Friday, September 13, 2019 12:34 PM
To: Diaz-Barriga, David (Codes)
Subject: Fwd: AT&T pole at 1301 Litton Av

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

Bruce Little
707-672-2186

Begin forwarded message:

> **From:** "HASLER, TIM" <th4200@att.com>
> **Date:** August 14, 2019 at 3:44:07 PM CDT
> **To:** "Little Consultant, LLC" <contact@littleconsultant.com>
> **Cc:** "bestbuilt.inc@comcast.net" <bestbuilt.inc@comcast.net>
> **Subject: RE: AT&T pole at 1301 Litton Av**
>
> Bruce,
>
> We have one anchor and guy wire perpendicular to the street. There are other anchors and guy wires that belong to various other providers as well- I believe Comcast and NES. There is also a guy wire and anchor that run parallel with the street that belongs to another carrier, but I am unsure of who that is.
>
> Does the anchor need to be moved or just the guy wire changed out to a sidewalk guy?
>
> **Tim Hasler**
> Mgr Osp Plng & Engrg Design
> SE Construction & Engineering
>
> **AT&T**
> 333 Commerce St, Nashville, TN 37201
> m 615.585.3206 | th4200@att.com
>
> MOBILIZING **YOUR** WORLD
>
> **From:** Little Consultant, LLC <contact@littleconsultant.com>
> **Sent:** Friday, August 09, 2019 9:57 AM
> **To:** HASLER, TIM <th4200@att.com>
> **Cc:** bestbuilt.inc@comcast.net
> **Subject:** Re: AT&T pole at 1301 Litton Av
>
> Tim,
> Good morning. I'm following up with yesterday's email for communication about 1301 Litton Ave. where there is pole on my property that has guard wires anchored low. I need them anchor on a rod as in such

where pedestrians can walk underneath. Per metro codes, I'm required to put in a side walk. I cannot be in compliance without your assistance.

Thanks,

Bruce Little
707-672-2186

On Aug 8, 2019, at 2:16 PM, Little Consultant, LLC <contact@littleconsultant.com> wrote:

> Tim,
> Good afternoon. Hey I'm contacting you about the pole at 1301 Litton Ave. The guard wires we went over on site several months ago need to be move and placed on a rod, so that people can walk underneath. We can not put in sidewalks the way the guard wires are currently. Please advise.
>
> Thanks,
>
> Bruce Little
> 707-672-2186
>
> On Feb 20, 2019, at 8:47 AM, HASLER, TIM <th4200@att.com> wrote:
>
>> Bruce,
>>
>> I have reviewed the pole and associated fiber facilities that are located within the right of way in front of 1301 Litton Av. The pole has fiber optic cable, provided by 3 different carriers, that dips down into the underground conduit run system and serves the hut between your property and the railroad. In order to relocate the pole the fibers would have to be service cut and it will get very costly and time consuming. My estimate for the AT&T work (relocating the pole, service cutting fiber dips, and reworking the underground conduit runs) would start at $10,000. I would not be able to give you an accurate quote without beginning the full design process and preparing engineering drawings. Also, I could not tell you what the other communications companies would charge to service cut their fibers to move to the new pole location.
>>
>> Please let me know if you would like to begin the process for designing the drawings to relocate the pole. As stated, this will be excessively costly and time consuming, so please plan accordingly and keep me informed as soon as possible to avoid delaying your build progress.
>>
>> **Tim Hasler**
>> Mgr Osp Plng & Engrg Design
>> SE Construction & Engineering
>>
>> **AT&T**
>> 333 Commerce St, Nashville, TN 37201
>> m 615.585.3206 | th4200@att.com
>>
>> MOBILIZING **YOUR** WORLD

Diaz-Barriga, David (Codes)

From: Little Consultant, LLC <contact@littleconsultant.com>
Sent: Friday, September 13, 2019 12:35 PM
To: Diaz-Barriga, David (Codes)
Subject: Fwd: AT&T pole at 1301 Litton Av
Attachments: design fee.pdf; ATT00001.htm

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

Bruce Little
707-672-2186

Begin forwarded message:

> **From:** "HASLER, TIM" <th4200@att.com>
> **Date:** August 22, 2019 at 9:51:52 AM CDT
> **To:** "Little Consultant, LLC" <contact@littleconsultant.com>
> **Cc:** "bestbuilt.inc@comcast.net" <bestbuilt.inc@comcast.net>
> **Subject: RE: AT&T pole at 1301 Litton Av**
>
> Bruce,
>
> See attached PDF.
>
> **Tim Hasler**
> Mgr Osp Plng & Engrg Design
> SE Construction & Engineering
>
> **AT&T**
> 333 Commerce St, Nashville, TN 37201
> m 615.585.3206 | th4200@att.com
>
> MOBILIZING **YOUR** WORLD
>
> **From:** Little Consultant, LLC <contact@littleconsultant.com>
> **Sent:** Wednesday, August 21, 2019 3:48 PM
> **To:** HASLER, TIM <th4200@att.com>
> **Cc:** bestbuilt.inc@comcast.net
> **Subject:** Re: AT&T pole at 1301 Litton Av
>
> ICG Investments LLC
> 750 Old Hickory Blvd
> Bldg 2 Ste 150
> Brentwood TN 37027

Bruce Little/owner
707-672-2186

On Aug 21, 2019, at 2:54 PM, HASLER, TIM <th4200@att.com> wrote:

Bruce,

Please send me your contact info/company title/info to add to the project.

Tim Hasler
Mgr Osp Plng & Engrg Design
SE Construction & Engineering

AT&T
333 Commerce St, Nashville, TN 37201
m 615.585.3206 | th4200@att.com

MOBILIZING **YOUR** WORLD

From: Little Consultant, LLC <contact@littleconsultant.com>
Sent: Monday, August 19, 2019 2:12 PM
To: HASLER, TIM <th4200@att.com>
Cc: bestbuilt.inc@comcast.net
Subject: Re: AT&T pole at 1301 Litton Av

Ok 1pm.

Thanks,

Bruce Little
707-672-2186

On Aug 19, 2019, at 12:56 PM, HASLER, TIM <th4200@att.com> wrote:

I have a meeting around lunch, so lets say 1pm?

Tim Hasler
Mgr Osp Plng & Engrg Design
SE Construction & Engineering

AT&T
333 Commerce St, Nashville, TN 37201
m 615.585.3206 | th4200@att.com

MOBILIZING **YOUR** WORLD

From: Little Consultant, LLC <contact@littleconsultant.com>
Sent: Monday, August 19, 2019 12:55 PM
To: HASLER, TIM <th4200@att.com>
Cc: bestbuilt.inc@comcast.net
Subject: Re: AT&T pole at 1301 Litton Av

Wednesday afternoon Is fine. What's a good time?

Bruce Little
707-672-2186

On Aug 19, 2019, at 12:53 PM, HASLER, TIM <th4200@att.com> wrote:

> Yes I can come by tomorrow or Wed afternoon. Which would be best for you?
>
> **Tim Hasler**
> Mgr Osp Plng & Engrg Design
> SE Construction & Engineering
>
> **AT&T**
> 333 Commerce St, Nashville, TN 37201
> m 615.585.3206 | th4200@att.com
>
> MOBILIZING **YOUR** WORLD
>
> **From:** Little Consultant, LLC <contact@littleconsultant.com>
> **Sent:** Monday, August 19, 2019 9:38 AM
> **To:** HASLER, TIM <th4200@att.com>
> **Cc:** bestbuilt.inc@comcast.net
> **Subject:** Re: AT&T pole at 1301 Litton Av
>
> Tim,
> Good morning. I'm following up with you for help with this situation. I want to get together for a site visit. Metro codes require sidewalks. We are unable to pass our final without mitigating the wire issue.
>
> Thanks,
>
> Bruce Little
> 707-672-2186
>
> On Aug 15, 2019, at 3:11 PM, Best Built <bestbuilt.inc@comcast.net> wrote:
>
>> Yes let me know when thanks
>>
>> Sent from my iPhone
>>
>> On Aug 15, 2019, at 10:58 AM, Little Consultant, LLC <contact@littleconsultant.com> wrote:
>>
>>> Tim,
>>> Can we schedule a site visit?

From: Benedict, Emily (Council Member)
To: Board of Zoning Appeals (Codes)
Subject: Fw: BZA application and letter for Thursday, November 7, 2019 Mtg.
Date: Wednesday, October 30, 2019 9:31:28 PM
Attachments: 2019-469 application.pdf
2019-469 neighboring letter 11-7.pdf

To: Board of Zoning Appeals

I have spoken with a number of neighbors as well as to the owner, Bruce Little, of 1301 Litton Ave. Although the attached request states that Mr. Little would like the in lieu contribution waived, he stated clearly to me on the phone that he is absolutely willing to pay the fee. The hardship he described was with regard to moving the utility pole.

Mr. Little and I discussed the next door neighbor's property, an HPR that was recently built (prior to my position on Council). He told me that the frontage is very similar and that owner was able to pay an in lieu fee for the frontage on either side of the shared driveway (I was unable to verify this but hope that you have record of it). Mr. Little stated that his driveway will be 20' of the 59' frontage, so he is seeking the lieu fee for 39'.

The concerns of the neighbors were twofold: first, they want to ensure sidewalks are built or that the fee is collected, and second, there is concern that without a sidewalk, there will be more stormwater issues, beyond what the topography may already be causing. I have invited Metro Water Services to come review the area to see if improvements could be made. With regard to the owner of 1301 Litton building a sidewalk, as you know, he would not be required do any stormwater management. The best solution for the stormwater issue is to have MWS come out to review it, which is in process now.

My conclusion is that I support the owner of 1301 Litton to give 39' of contribution in lieu of constructing the sidewalk.

If you have any questions, please let me know. Unfortunately, I will not be able to come to the meeting on November 7.

Thank you,
Emily

Emily Benedict
District 7 Councilwoman
emily.benedict@nashville.gov
615-589-4855

Check out hub.nashville.gov for assistance!

From: susan buck
To: Board of Zoning Appeals (Codes)
Subject: Zoning Appeal
Date: Wednesday, October 23, 2019 9:01:13 PM

I received notice from the codes dept. regarding an appeal 2019-469. Scheduled11/7/2019. I will not be attending the meeting. I DO want the developer to contribute to the sidewalk fund. And I would like all development in the future to contribute to ALL infrastructure funds. I understand the rapid growth found the city unprepared to represent the neighborhoods more effectively in the past but it is time for that to come to an end and to require those profiting from the growth to contribute generously. Thank you, Susan Buck 1306 Litton Ave 37216

Derrick K. Hudson
2315 Northview Avenue
Nashville, TN 37216

October 24, 2019

RE: Appeal Case Number: 2019-469

1301C Litton Avenue
Map Parcel: 072102I90000CO
Zoning Classification: R6
Council District: 7

To Whom It May Concern,

My name is Derrick K. Hudson and I reside at 2315 Northview Avenue Nashville, TN 37216. I am submitting this letter in writing due to a work scheduling issue which does not allow me to attend the hearing personally. My property is located across the street from 1301C Litton Ave and I recently received the notice concerning Mr. Little's request for a variance from the sidewalk requirements. As I have reviewed the appeal submitted online, it appears Mr. Little has a "variance request to not be required to construct a sidewalk or make an in lieu payment resulting from new residential construction" related to HPR parcels 072102I00100CO and 072101I00200CO. Realizing that our neighborhood is growing and in the process of revitalization, I find it appropriate that we do everything we can to continue to make the area more accessible to foot and bike traffic. With that being said I am opposed to granting Mr. Little the exemption for the sidewalk requirement. The only way I might waiver from this opinion is if it can be proven through a Civil Engineering survey that building a sidewalk along the property line would have a negative impact on the surround ding homes. If this can be proven, I am in favor of him making the full "in lieu" payment to the Metropolitan Government to be used for sidewalk or storm water drainage construction as long as it can be designated for this neighborhood. As I mentioned earlier, there have been great strides taken recently to improve the walkability of the area and to make our little section of Nashville more pedestrian friendly. I appreciate the efforts Mr. Little has taken to build two lovely homes in our community, but I cannot recommend he be granted an exception to a rule other builders are required to adhere too. Thank you for taking the time to review my letter and to take my opinion into consideration as you make your decision.

Thank You,

Derrick K. Hudson

Derrick K. Hudson

From: DJ
To: Board of Zoning Appeals (Codes)
Cc: Davis, Anthony (Council Member); Benedict, Emily (Council Member)
Subject: Permit # 20190055736
Date: Sunday, October 20, 2019 8:27:19 AM

I am AGAINST the appeal.

I am a Homeowner at 2220 Scott Ave, 37216.

This builder should contribute to the sidewalk fund or build sidewalks.

It's annoying they're still allowed to make these appeals with no legitimate reason stated. I thought the bar had been raised so zoning didn't have to deal with nonsense appeals like this one? Has that new law with higher appeal standards not yet gone into effect or am I wrong that there was a regulation change on that? Myself and the BZA Should not have to waste our time saying NO to greedy developers.

Thanks,

DJ Sullivan

Sent from my iPhone

October 22, 2019

Department of Codes & Building Safety,

I am writing to oppose Appeal Case Number: 2019-469 on 1301C Litton ave.

I have lived in East Nashville for almost 10 years. I bought a house in South Inglewood on a neglected but charming street on February 2010. The houses were old, but my neighbors were welcoming and friendly. A few neighbors are still around, but many have moved and where their single house once stood, several houses now stand.

I have always been a proponent of the outdoors and being a part of the bigger community beyond my front door. I love that Nashville is active in creating more greenspaces for people to enjoy. I also love that Nashville sees the value in creating greenways for pedestrians to safely walk, run, bike, etc. I often ride my bike from my house to Shelby Bottoms and I try to walk to local restaurants when I can.

In this day in age, and with so many people moving to East Nashville, all streets should have sidewalks for the community safely get where it needs to be for work or leisure. A developer should NOT be able to take a community's safe passageway away for monetary and personal gain. If a developer decides to build, it should not disrupt a community's basic need to get from point A to point B.

Bruce Little should not be able to build two houses without also building sidewalks and contributing to the sidewalk fund. He's not being a good neighbor nor a good Nashvillian by neglecting to contribute to the community's ability to safely walk.

Sincerely,

Karri Bishop
2302 Northview Ave
Nashville, TN 37216

Department of Codes & Building Safety
Metro Office Building 3rd Floor
800 Second Ave, SO
Nashville, TN 37210

RE: Appeal Care Number 2019-469
1301C Litton Ave
Council District 7

October 24, 2019

Dear Sirs/Madam

I wish to voice my disapproval of the requested variance from sidewalk requirements for the above property. I have lived in this neighborhood for 5 years and see homes being built left and right and NO SIDEWALKS! If you continue to grant variances in opposition to the law to have more sidewalks you will continue to ensure that our communities are not "pedestrian friendly" and we will never achieve the goal for which the ordinance was created. If the Contractors have the money to come into our community and build these houses they need fork up the cash for the sidewalks.

The fact that you are allowing these variances to be approved is a disservice to the residents. I would ask that you do your job and not approve this variance or any others. We need sidewalks!

Sincerely,

Linda Martin

From: Kevin Michelsen
To: Board of Zoning Appeals (Codes)
Subject: Comment on Appeal Case# 2019-469
Date: Tuesday, October 22, 2019 12:52:43 PM

Hello,

I would like to make a comment on appeal case# 2019-469 (Permit# 20190055736):

There aren't any existing sidewalks on that side of the street so I understand why the applicant feels that they shouldn't have to put in a sidewalk in front of their house. I do however believe that this shouldn't excuse them from needing to contribute to the sidewalk fund as well. This housing project is adding density to the neighborhood and it is highly likely that the eventual occupants will be utilizing the sidewalks near them.

Thank you,
Kevin Michelsen
1118 Litton Ave, Apt 208, 37216

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

X Appellant: Kam K. Kop
X Property Owner: Ciang L. Niag
X Representative: Kam K. Kop

Date: 9/13/19
Case #: 2019-470
Map & Parcel: 162000000200

Council District 30

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

Purpose: to convert existing residence to a religious institution with 49 seats and 16 paved parking spaces provided.

Activity Type: Religious Institution

X Location: 248 Tusculum Rd, Nashville TN 37211

This property is in the RO 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 _____ 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.

X Kam Kham Kop
Appellant Name (Please Print)

6467 Thunderbird Dr
Address

Nashville, TN 37209
City, State, Zip Code

615 752 6697
Phone Number

Kop67@netzero.net
Email

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Appeal Fee: _____

3712302

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 - 20190055796
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 16200000200 **APPLICATION DATE:** 09/13/2019

SITE ADDRESS:

248 TUSCULUM RD ANTIOCH, TN 37013
N SIDE TUSCULUM RD E OF PACKARD DR

PARCEL OWNER: NIANG, CIANG L **CONTRACTOR:**

APPLICANT:

PURPOSE:

PER 17.16.170.E: REQUEST SPECIAL EXCEPTION TO CONVERT EXISTING RESIDENCE TO A RELIGIOUS INSTITUTION WITH 49 SEATS AND 16 PAVED PARKING SPACES PROVIDED...

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.

SPECIAL EXCEPTION REQUEST

BZA Rules of Procedure, Item 9(2) (e) requirements to conduct neighborhood meetings regarding the case that will later appear before the BZA. The BZA Rules specifies, "In the Interest of having informed stake holder in special exception cases. It is required that the appellant make contact with the district council person and neighbors within 1000 feet of the subject property from a mailing list provided by the board staff. Information by the applicant shall include a contact person and include a reasonable representation of the proposal and hold a meeting at a geographically convenient place, date, and time. We encourage you to have the meeting prior to the deadline for additional information to presented to the board. Applicant shall document to the Board that this requirement has been met. Failure to comply may result in deferral of your case."

Zoning staff will provide you a mailing list of property owners in proximity to the location designated for a special exception permit. The BZA Rule then requires you to contact those persons on the mailing list, provide them with the date, time and place of meeting, and discuss your BZA request accordingly. If there is opposition to your case, this meeting gives you the chance to address those concerns prior to the public hearing at the BZA meeting.

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

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

APPELLANT (OR REPRESENTATIVE)

9/13/19
DATE

APPLICATION FOR SPECIAL EXCEPTION REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board Members so they will have a better idea of the nature of your request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements rewarding sign placement.) Finally, BZA Rules require that you conduct a community meeting regarding the special exception request before the BZA hearing date.

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

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to the public hearing to be included in the record.

I am aware that I am responsible for posting and also removing the sign(s) after the public hearing. I am aware that I am required to conduct a community meeting.

Kap

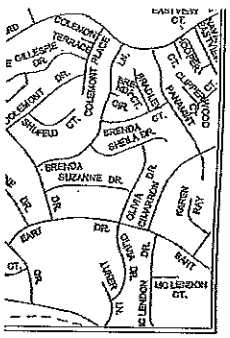
APPELLANT

9/13/19

DATE

Case # 2019-470

NOTE:
NO EVIDENCE OF
SEWER FOUND



Phase Three Clairmont
Plat Book 6050, Page 410

N24°20'03"E 783
FENCE (TYPICAL)
668
×667.4
670
669
671
NEW CONCRETE
ADA RAMP
296 s.f.
FFE=671.71
FIRE HOSE 58'-0"
EXISTING
HOUSE
FFE=680.49
×671.7
672
675
675
×675.5
IEW ASPHALT
'ARKING SURFACE
,110 s.f.
ADA SIGN (POST-MOUNT)
AND SYMBOL SEE DETAIL
THIS SHEET
678
679
×679.6
680
EXISTING GRAVEL
677.6
S32°28'30"W 264.56'
EXISTING CHURCH
CM(O)
×680.2
675
680
679
C-1
×679.8
677
×674.4
×674.9
BENCH M
HYDRANT
ELEV: 67'
IR(O) 5/8"
673
×672.8
671
670
SIDEWALK
CURB AN
.UM ROAD

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Grosch, Kevin

Date: 9-16-19

Property Owner: " "

Case #: 2019-473

Representative: : " "

Map & Parcel: 93-8-49

Council District 6

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

Purpose: Requesting variance of front setback to allow a 26'2" front setback. A reduction of at least 18'6"

Activity Type: Single family addition

Location: 1006 Ozark St.

This property is in the RS5 **Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:**

Reason: Lot Topography

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.

Kevin Grosch	Kevin Grosch
Appellant Name (Please Print)	**Representative Name (Please Print)**
1006 Ozark St	1006 Ozark St
Address	**Address**
Nashville TN 37206	Nashville TN 37206
City, State, Zip Code	**City, State, Zip Code**
314-482-6114	314-482-6114
Phone Number	**Phone Number**
Kevin@Madeinnetwork.com	Kevin@Madeinnetwork.com
Email	**Email**

Zoning Examiner: CH

Appeal Fee: $100.00

3712816

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 - 20190056147
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09308004900 **APPLICATION DATE:** 09/16/2019

SITE ADDRESS:

1006 OZARK ST NASHVILLE, TN 37206
LOT 56 HAYNIE CENTRAL PARK

PARCEL OWNER: GROSCH, KEVIN & JESSICA **CONTRACTOR:**

APPLICANT:

PURPOSE:

requesting variance from front setback to allow a front setback of 26'2". This represents a reduction of at least 18' 6" from required.

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.

Kevin Grosch
APPELLANT

9/16/19
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?

Outlined on next page.

WRITTEN APPLICATION

I am requesting a variance to the setback requirements for my home at 1006 Ozark Street in order to accommodate a small addition to my home. The addition would offer necessary storage space that our current home lacks, as well as a small in-law suite for out-of-town family members. It would be designed to blend in with the rest of our home and increase its visual appeal as well as that of our neighborhood.

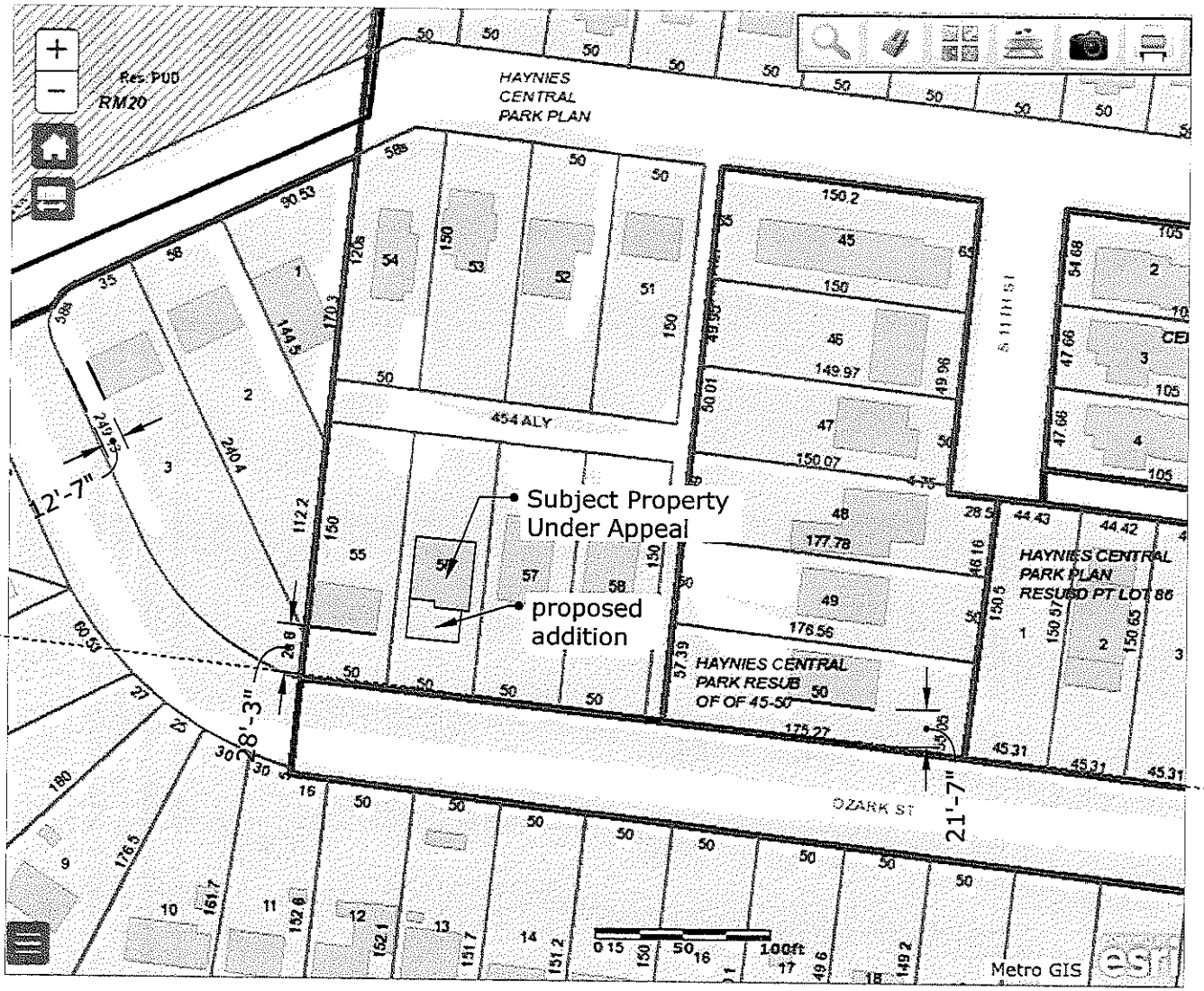
Because of the prohibitive expense and structural challenges with building up from our current home, and the close proximity to our neighbors off of our alley in the back, we have no alternatives for an addition, other than to build off the front of the current home. The requested variance is minor, and the addition we are proposing would be practically in line with the house to our left and substantially further set back from Ozark than the current units just a few lots to our right. The addition would still leave a significant setback from the street.

The neighborhood on Ozark, close to an industrial area along the river, is evolving, with a number of empty or vacant lots. The west side of the street has no buildings, but is wooded, with a steep slope downward, prohibiting construction. The relatively small number of existing homes are set back irregularly to the east of Ozark because of the varying lot grades and construction ages of those homes.

The homes on either side of our five year old home (which the setback requirement is based off of) are vastly different from one another. The older house to our left, which is placed a number of feet to the front of ours, has been vacant for well over a year and may be torn down. The older house to our right is a multi family unit and has no street facing entrance on Ozark. Its main entrance is oriented towards the alley behind our home, which effectively serves as the front of the multi-family unit.

Just two lots to the right of ours is another older multi-family unit, but it sits only a few feet from the curb along Ozark. New homes further up the street, towards South 12th Street, are set on top of the Ozark Street ridge in order to afford them better views of the river, while the land below the house to our left is wooded, with no buildings. There simply is no uniform line of setback, and the variations in grade, home design and home placement do not provide any sense of symmetry or consistency along Ozark. Consequently, the proposed variance would not cause any negative impact on the current streetscape.

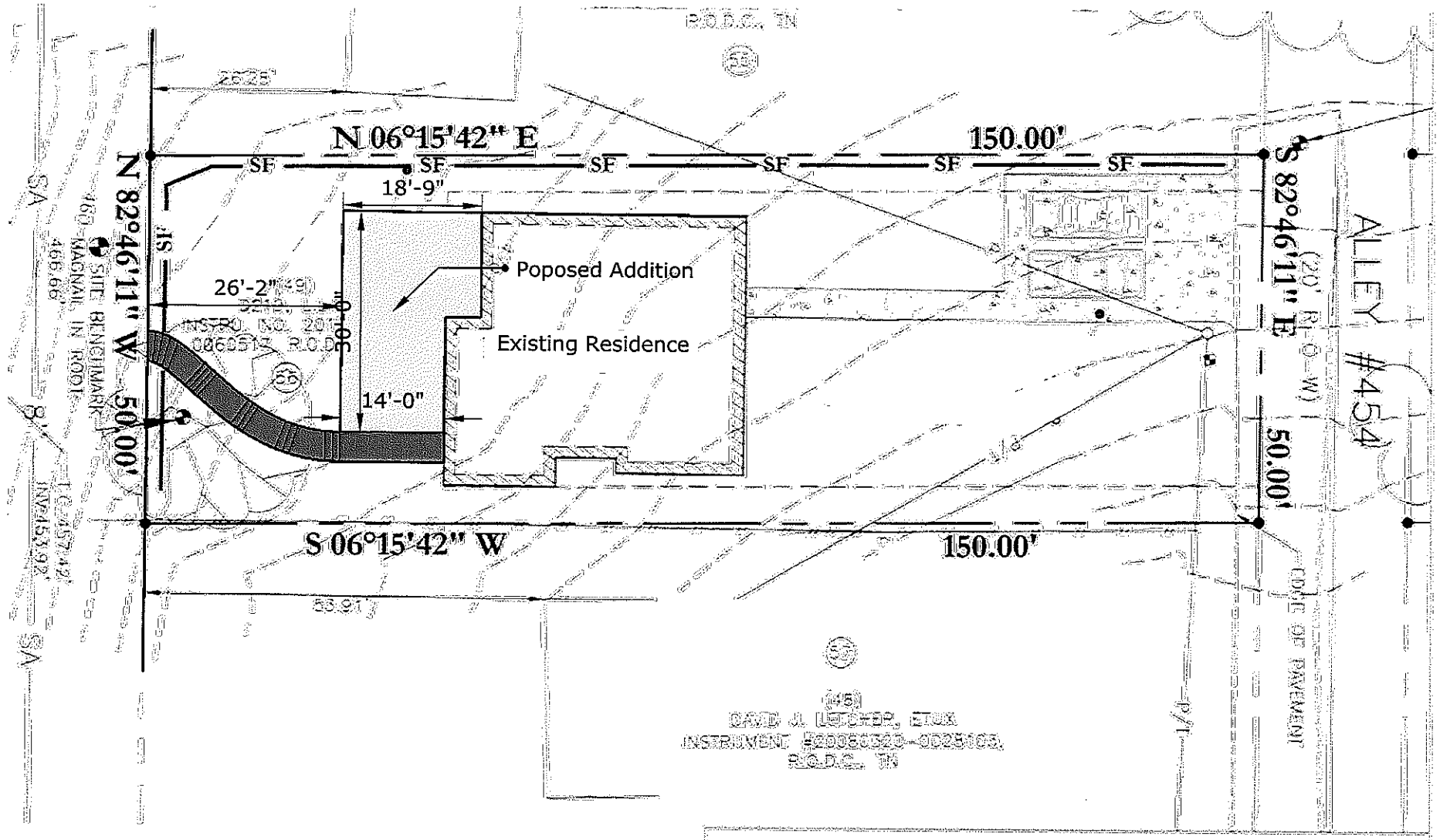
The proposed addition, with the minimal variance we are requesting, would not negatively impact the neighborhood's look, character, or any sense of uniform setback or design, but would likely increase property values because of our home's increased curb appeal, particularly at our less developed end of Ozark Street. Our neighbors have been supportive of our proposal.



Scale 1″ = 100′

Setback Appeal for Zoning Board
Kevin Grosch
1006 Ozark St
Nashville, Tn 37206

Case # 2019-473



Setback Appeal for Zoning Board
Kevin Grosch
1006 Ozark St
Nashville, Tn 37206

Case # 2019-473

OWNER:
D219, LLC

ADDRESS: 1006 OZARK ST

NASHVILLE, DAVIDSON CO, TN 37206

LOT 56 HAYNIE CENTRAL PARK

(DB-20130613 0060517)

TAX MAP 93-08, PARCEL 49

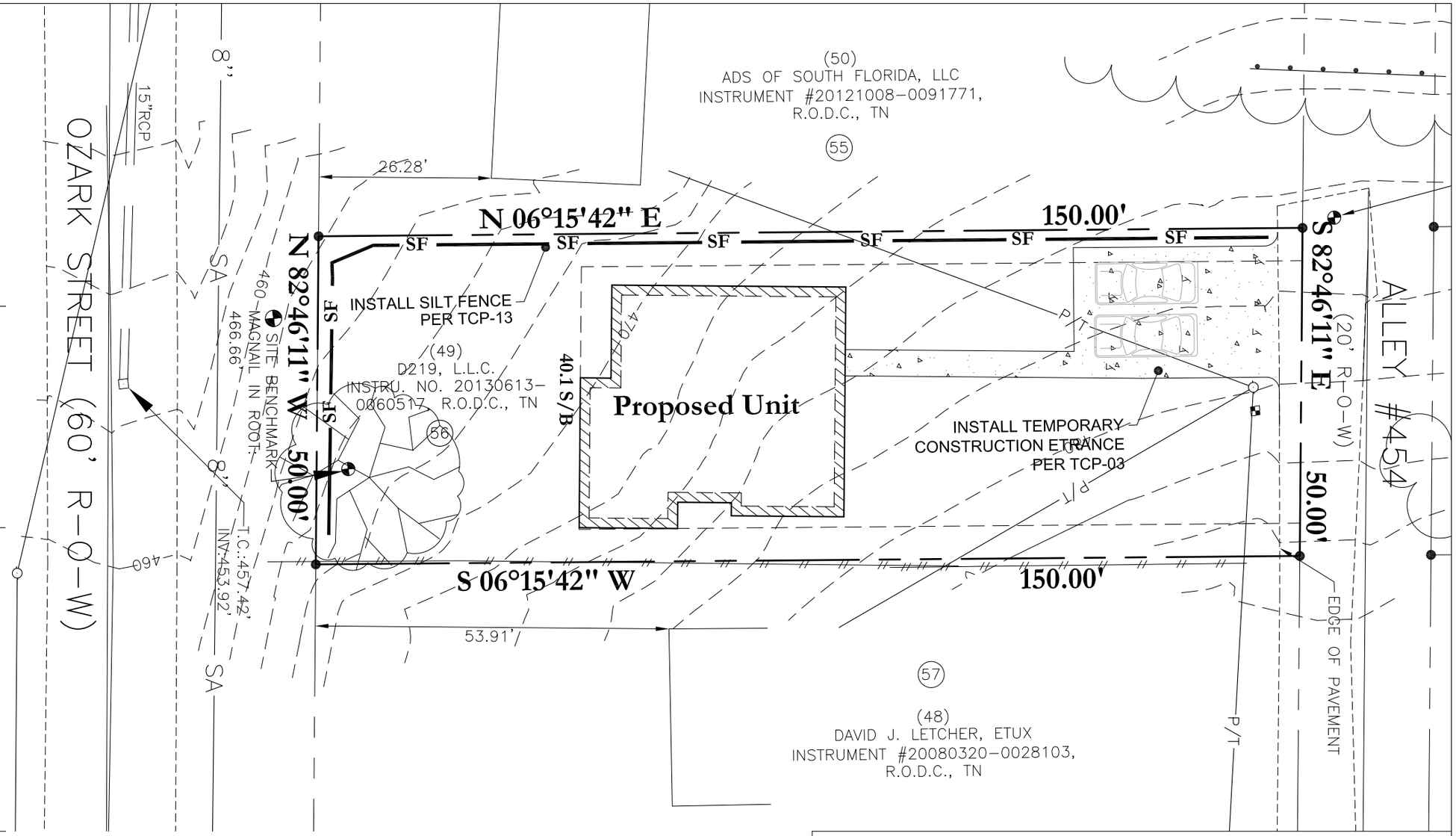
DATE: 4-22-2014

DA JOB NUMBER: 13162-5

THIS DRAWING SHOULD NOT BE REPRESENTED TO BE A LAND SURVEY. IT SHOULD NOT BE RELIED UPON FOR THE CONSTRUCTION OF FENCES OR ESTABLISHING THE EXACT LOCATION OF PROPERTY LINES.

NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.

MICHAEL CHRISTOPHER CARRIGAN
REGISTERED ENGINEER
AGRICULTURE COMMERCE
No. 00110726
STATE OF TENNESSEE
4/22/14



SITE AREA: 7499.087 SF
DISTURBED AREA: 7499.087 SF

EROSION PLAN

20 0 20
Scale 1" = 20'

Dale & Associates
Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying
516 Heather Place Nashville, Tn 37204 (615) 297-5166

Case # 2019-473

OWNER:
D219, LLC

ADDRESS: 1006 OZARK ST

NASHVILLE, DAVIDSON CO, TN 37206

LOT 56 HAYNIE CENTRAL PARK

(DB-20130613 0060517)

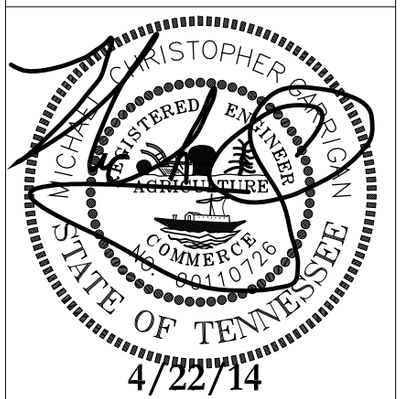
TAX MAP 93-08, PARCEL 49

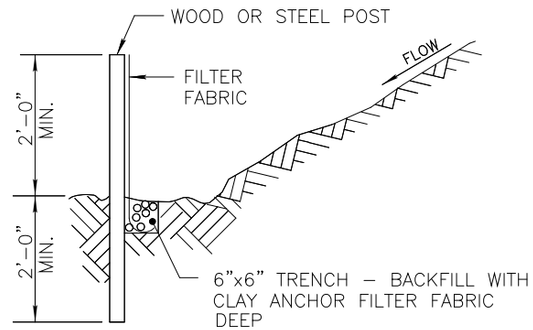
DATE: 4-22-2014

DA JOB NUMBER: 13162-5

THIS DRAWING SHOULD NOT BE REPRESENTED TO BE A LAND SURVEY. IT SHOULD NOT BE RELIED UPON FOR THE CONSTRUCTION OF FENCES OR ESTABLISHING THE EXACT LOCATION OF PROPERTY LINES.

NO CORNERS WERE SET OR RESET AT THE TIME OF THIS INSPECTION.





MAINTENANCE NOTES:

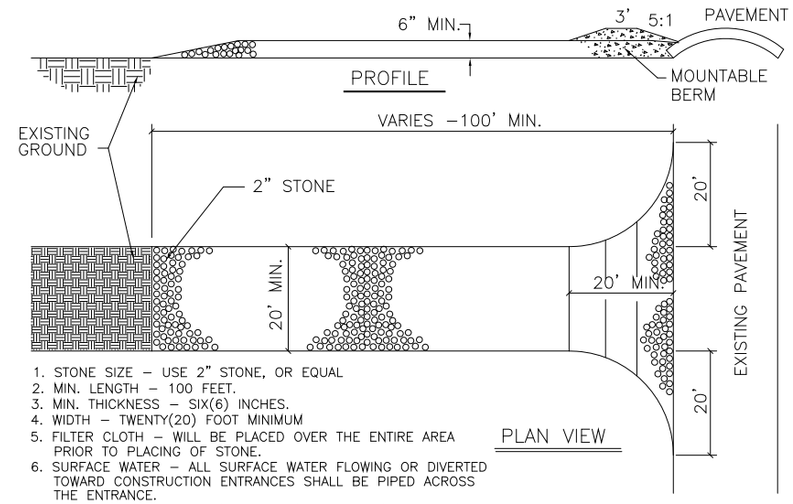
1. INSPECT WEEKLY AND AFTER EACH RAINFALL
2. REPAIR WHEREVER FENCE IS DAMAGED.
3. REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE
4. INSPECT SILT FENCE WHEN RAIN IS FORECAST. PERFORM REQUIRED MAINTENANCE BEFORE THE STORM EVENT.
5. REMOVE SILT FENCE WHEN NO LONGER NEEDED. FILL AND COMPACT PAST HOLES AND ANCHOR TRENCH REMOVE SEDIMENT ACCUMULATION, AND GRADE ALIGNMENT TO BLEND WITH ADJACENT GROUND.

NOTES:

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

SILT FENCE DETAIL

REFER TO METRO DETAIL TCP-13



1. STONE SIZE - USE 2" STONE, OR EQUAL
2. MIN. LENGTH - 100 FEET.
3. MIN. THICKNESS - SIX(6) INCHES.
4. WIDTH - TWENTY(20) FOOT MINIMUM
5. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE.
6. SURFACE WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE.
7. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND, AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.

TEMPORARY CONSTRUCTION ENTRANCE

SEE METRO STORMWATER MANAGEMENT MANUAL
VOLUME 4 SECTION TCP-03

NOT TO SCALE

EROSION PLAN

Dale & Associates

Consulting Civil Engineering/Land Planning & Zoning
Landscape Architecture/Surveying

516 Heather Place Nashville, Tn 37204 (615) 297-5166

From: Withers, Brett (Council Member)
To: Board of Zoning Appeals (Codes)
Cc: Kevin Grosch; Braisted, Sean (Codes); Shepherd, Jessica (Codes); Lifsey, Debbie (Codes)
Subject: Letter of support for BZA Case 2019-473 for property located at 1006 Ozark Street
Date: Thursday, October 31, 2019 5:19:00 PM

Members of the Board of Zoning Appeals:

I am writing to offer my support for the setback variance appeal case 2019-473 for property located at 1006 Ozark Street. The Ozark Street area features steeply sloping topography and has not featured a regular pattern of development prior to recent infill development in the last few years. The property owners have proposed a solution that will allow them to add on to their home within the topographical hardship of the site while being in line with a neighboring property. The property owners have contact me as well as their surrounding neighbors and I have heard support for but no opposition to this appeal from those neighbors. I recommend approval of this variance request. Thank you for your service to our county.

Brett A. Withers
Metro Council, District 6
Mobile (615) 427-5946 | facebook.com/Brett A. Withers | twitter.com @brettawithers

Case Number 2019-473/ Variance request for 1006 Ozark St.

Hello my name is Kevin Grosch and my wife, my daughter Leona and I live at 1006 Ozark St. We have lived in our East Nashville home for over five years, and we love the area, our neighbors, our proximity to our both of our offices and Shelby Park. We really like our home and would like to stay in it long term. We recently gave birth to a baby girl and with both of our families living out of state, an addition to our home would give them the ability to visit more frequently and to stay for longer periods of time when they are here. We are requesting a variance of the front setback requirement to accommodate a small in-law suit as an addition.

We looked into building the addition in the backyard but it was impractical in some ways and impossible in others. First of all our back yard is relatively small and doesn't provide enough space nor is it feasible with our current home layout. In the space we do have in the back we have an in-ground propane tank, water lines, electric lines to our house and our neighbors house, and very prominent, mature trees and their root systems that construction would destroy. Most importantly however, is that construction off the back of our home would be a massive inconvenience to our neighbors. Most of the homes surrounding us are oriented off of the alley and construction would limit their access to their homes and it would negatively impact the area where we have the strongest neighborhood feel.

Building in the front is really our only option.

Ozark Street, where our home is located, is a very atypical street for East Nashville. It is a very short street that runs up a big hill between Crutcher Street and South 12th Street. ***(See Photo #1)***

The west side of Ozark, closest to the river, is all brush with no homes or other developments, as the land steeply slopes down to the homes below. ***(See Photo #2)***

The relatively few homes on Ozark Street, including ours, are built on the east side of the street. They vary in height, age, and design, and are separated by steep and varied grades, as well as some remaining wooded areas. ***(See Photos #3-#6)***

As you can see, the neighborhood on Ozark is itself evolving, with many of the lots empty or vacant, and the existing homes placed very irregularly. Because of those variations in grade, the homes have been built where it was most feasible rather than with an intent to stay in line with other homes on the street. While these elements all contribute to the uniqueness of the street, they definitely do not provide any uniform line of setback or any sense of symmetry or consistency between the homes on Ozark. ***(See Photo #1)***

The homes to either side of us (which the setback requirement is based off of) are vastly different from one another. The house to our left, which sits in front of ours, has been vacant for well over a year. ***(See Photo #7)***

The house to our right is a multi family unit that is set extremely far back from the street, so much so in fact, that there isn't a street facing entrance. It's main entrance is oriented towards the alley, which effectively serves as the front of the home. ***(See Photo #8)***

Specifically in regards to our house, our current setback requirement is just over 40ft but there is an additional 28ft of public right of way, which in totality, places our home right around 68ft from the street. ***(See Photo #9-#10)***

Regardless of the setback, this wide public right of way ensures a big front yard.

We are requesting that our setback requirement be adjusted to 20ft which is a variance of 20ft. Along with the public right of way, this would still place our home 48ft back from the street. ***(See Photo #11)***

It is also important to note the proposed setback would still place our home almost exactly in line with our next door neighbors house, which would keep the homes visually consistent. ***(See Photo #12-#13)***

Lastly, we have discussed our proposed plan with our neighbors and everyone we have talked to has very much been in favor.

In summary, because of highly varied grade of the properties on our street, the large setback and public right of way, and our inability to build in our back yard, we are requesting a variance to our front setback requirement. The variance would not impact the neighborhood's look, character, or any sense of uniform setback or design. We do not believe the variance would be detrimental to our neighbors, but would, instead, increase their property values because of our home's increased curb appeal, particularly at the less developed end of Ozark Street. The addition would also highlight the desirability of our neighborhood and the value of increased investment in our homes. Accordingly, I respectfully request a grant of this variance so that we can make our home fit our needs as new parents, and allow us to remain in the home we love.

PHOTO #1 (aerial view of Ozark sourced from Google Earth)

PHOTO #2 (photo of West side of Ozark St at my home highlight the brush and lack of homes)

PHOTO #3 (street view of home on Ozark)

PHOTO #4 (street view of home on Ozark)

PHOTO #5 (street view of undeveloped properties on Ozark)

PHOTO #6 (street view of home on Ozark)

PHOTO #7 (photo of home to the left of my home)

PHOTO #8 (photo of home to the right of my home)

PHOTO #9 (photo looking out from our front door down to Ozark. This is a distance of 68ft)

PHOTO #10 (photo looking up at our home from Ozark. This is a distance of 68ft)

PHOTO #11 (photo looking up at our home from Ozark. The yellow stake (and my dad) are at the line of the proposed adjusted setback. From the street to that line would be 48ft.)

PHOTO #12 (photo of the requested adjusted setback line showcasing it being in line with the neighbor house)

PHOTO #13 (wider angle of photo of the requested adjusted setback line showcasing it being in line with the neighbor house)

From: Rag Tag Rebellion
To: Board of Zoning Appeals (Codes)
Subject: "Case Number 2019-473"
Date: Monday, October 28, 2019 7:48:10 AM

We're writing to show our support the variance request being made for 1006 Ozark St. Nashville TN 37206! It completely makes sense with the way the street looks and flows. Thanks!

Terry and Piper Fritsch

2019-473

Lifsey, Debbie (Codes)

From:	william.worrall@yahoo.com
Sent:	Tuesday, October 15, 2019 9:09 PM
To:	Board of Zoning Appeals (Codes)
Cc:	Withers, Brett (Council Member); Kevin Grosch
Subject:	Neighbor Support for BZA Case No. 2019-473 - 1006 Ozark Street

Dear BZA Members,

As a neighbor to this property, I support the subject case number, for the property located at 1006 Ozark Street in Nashville. Please approve this request by Mr. Grosch.

Below are some reasons why I support this appeal:
1. Mr. and Mrs. Grosch are great neighbors, whom have discussed their proposal with adjacent neighbors.
2. The subject property has topographical constraints, which lend to an appeal.
3. The proposal would help save several large, mature cedar trees along the property boundary in the back yard, which have large root systems through the property's back yard. The Grosch's are intent on preserving these trees and the proposed house addition in the front would help protect these trees in the back yard for future generations.
4. The property is located in a "Neighborhood Evolving" zone, has a mishmash of setbacks and housing types on Ozark Street.
5. The proposal would result in improved aesthetics as viewed from Ozark Street.
6. The public right of way is wide along Ozark Street, thus big front yards are already provided.

Thank you for considering Mr. Grosch's request for appeal. I ask for your support with this case.

Respectfully,
William E. Worrall, P.E.
1000 Glenview Drive

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Baker Donelson
Date: 9-17-19
Property Owner: 5916 Morrow Holding
Case #: 2019- 474
Representative: : Joey Hargis
Map & Parcel: 91-6-23

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 construct a new mixed use building w/ 4 units & commercial space

Activity Type: Mixed use

Location: 1200 60th Ave N.

This property is in the MUN-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 in landscape buffer details

Section(s): 17.24.240

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.**

Joey Hargis
Appellant Name (Please Print)

211 Commerce st ste 800
Address

Nashville TN 37201
City, State, Zip Code

615-726-7391
Phone Number

jhargis@bakerdonelson.com
Email

Representative Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Zoning Examiner: WM

Appeal Fee: $200

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.

Joel K Hay

APPELLANT

9-17-19

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.*

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 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?

Narrowness & shallowness of the property

3713031

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 - 20190056297
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09106002300 **APPLICATION DATE:** 09/17/2019

SITE ADDRESS:

1200 60TH AVE N 101 NASHVILLE, TN 37209
N E CORNER OF MORROW RD & 60TH AVENUE

PARCEL OWNER: 5916 MORROW HOLDING CO., LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:

Requesting a landscape buffer variance fence in lieu of the required landscape buffer yard per METZO 17.24.240 (B) FOR PROPOSED RES UNITS AND ONE COMMERCIAL SPACE MU8N-A ZONING. POC JOEY HARGIS 615-726-7391. COUNCIL DISTRICT 20.

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.

2019-474

Erosion Control and Grading Notes

1. Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
2. All cut/fill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 6-12-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
3. Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management manual, volume four, section tcp-14.
4. Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
5. The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
6. Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
7. The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
8. The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.
9. The contractor shall locate and stake the layout of the site in the field for inspection by the engineer. The contractor shall check the grades and final dimensions on the ground, and report any discrepancies to the engineer immediately for a decision.
10. Surplus excavation of topsoil shall be placed on the site as approved by the owner for the purpose of future landscape use.
11. The contractor shall furnish and install all necessary temporary works for the protection of the public and employees, including warning signs and lights.
12. The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
13. All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinance or regulations relating to portions of work which he is to perform.
14. All erosion control measures shall remain in place until site is stabilized & construction is complete.
15. Contractor to provide an area for concrete wash down and equipment fueling in accordance with metro cp-10 and cp-13, respectively. Contractor to coordinate exact location with npdes department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, litter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the epsc plan.
16. The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. this is in accordance with the Stormwater Management Manual Volume 1 - Regulations.

Public Works Notes

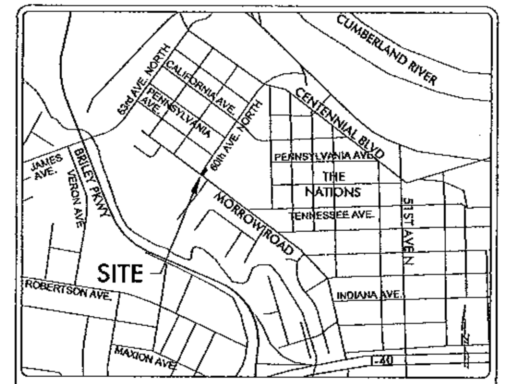
1. All work within the public right of way requires an excavation permit from the department of public works.
2. Proof-rolling of all street subgrades is required in the presence of the public works inspector. Inspection of the binder course is required prior to final paving in the presence of the public works inspector. These requests are to be made 24 hours in advance.
3. Stop signs are to be 30 inch by 30 inch.
4. Street signs to have six inch white letters on a nine inch green aluminum blade, high intensity reflective.
5. All pavement marking are to be thermoplastic.

Water and Sewer Notes:

1. All water and sewer construction shall be in accordance with specifications and standard details of the Metro Water Services.
2. The contractor is responsible for reimbursing the Metro Water Services the cost of inspection.
3. The contractor is to provide and maintain the construction identification sign for private development approved.
4. After completion of the sanitary sewer, the developer is responsible for the televising of the lines prior to final acceptance. The videotaping must be coordinated with the Metro Water Services Inspection Section. All costs will be borne by the developer.
5. All connections to existing manholes shall be by coring and resilient connector method.
6. Reduced Pressure Backflow Prevention Devices (RPBP) or dual check valve will be required on all test and fill lines (jumper) needed for water main construction and must be approved by the Metro Water Services.
7. All water meters shall be a minimum of 24" not to exceed a maximum of 28" below finished grade.
8. Upon completion of construction of water and/or sewer, the engineer shall provide the department with a complete set of as-built plans on moist erasable mylars in reverse and in digital (*.dwg) format. Sewer plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include actual field angles between lines, all actual service lines and tee locations, the distance of the end of the service line to property corners and lines and/or station and offset from sewer centerline to end of service line, the depth to the top of the end of the service line, and shall reflect all alignment and grade changes. Water line plans shall be sealed by a licensed professional engineer or a registered land surveyor and shall include offset distance from the roadway centerline, or property line right of way, line depth, locations of hydrants, valves, reducers, tees and pressure reducing devices where applicable. All drawings must be completed and submitted prior to acceptance of the sewers or water mains into the public system and any connections being made.
9. Pressure regulating devices will be required on the customer side of the meter when pressures exceed 100 psi.
10. Pressure regulating devices will be required on the street side of the meter when pressures exceed 150 psi.
11. All water mains must be located within the paved area including all blow-off assemblies.

Landscape Notes

1. The landscape contractor shall coordinate all construction with the appropriate utility company and shall be responsible for and damage to utilities. Ehe landscape contractor shall verify the exact location of all utilities and take precautions to prevent damage to the utilities.
2. All planting and mulch beds shall be sprayed with round-up (contractor's option) prior to the installation of mulch.
3. Plant materials and stumps indicated for removal shall be removed and disposed off-site by the contractor. Backfill holes with topsoil free of roots and rocks.
4. The landscape contractor shall be responsible for the fine grading of all planting areas.
5. All planting areas shall be fertilized with 12#/1000 s.f. of 6-12-12 fertilizer.
6. All planting beds shall have a minimum of 3" depth of shredded hardwood bark mulch.
7. The landscape contractor shall verify all material quantities. In the event of a discrepancy, the quantities shown on the plan will take precedence.
8. The landscape contractor shall provide the owner with written instructions on the proper care of all specified plant materials prior to final payment.
9. Existing trees to remain shall be protected from construction damage. Selectively prune dead wood.
10. All disturbed areas shall be planted with turf as indicated on the materials schedule.
11. All deciduous trees, existing and proposed shall be pruned to provide 4' minimum clear trunk unless otherwise noted.
12. The landscape contractor shall provide a one year warranty on all plant materials and replace any dead or dying material within that time period.
13. No plant materials should be substituted without authorization by Dale & Associates. Plant sizes shown are minimums required by the local municipality and materials shown have been selected specifically for this project.
14. All wire baskets shall be completely removed and disposed of, burlap should be removed or punctured in at least 5 places. Remove all twine from burlapped materials.
15. Guying is not allowed unless required by municipality or site conditions. The landscape contractor shall remove wires after a one year period.
16. No canopy tree shall be located within 15' of an overhead utility. No tree shall be located within a public utility easement. Locating plant materials within a drainage easement is acceptable, but only if installed as not to disturb existing drainage flow. In such instances, the materials shall be located no closer than 5' from the centerline of drainage.
17. Lighting plan to be coordinated with proposed planting plan. no light poles to be located in tree islands. See lighting plan for proposed light locations.



Vicinity Map NTS

Property Information
5916 Morrow Road
Metro Tax Map 91-06, Parcel 23 & Part of L900CO
10,687 SQ. FT. or 0.245 Acres
Council District 20 (Mary Carolyn Roberts)

Owners of Record/Developer
IKERD Consulting, LLC
2505 A Valux Ln
Nashville, Tennessee 37204

Civil Engineer
Dale & Associates (Michael Garrigan, PE)
516 Heather Place
Nashville, Tennessee 37204
615.297.5166

Survey Provided by
Dale & Associates (Steve Matthews, RLS)
516 Heather Place
Nashville, Tennessee 37204
615.297.5166

Floodnote
This property is located on a Panel not Printed on the current Flood Insurance Rate Map (FIRM) Number 4700400211F. Dated April 20, 2001.

Electric Service
Nashville Electric Service (NES)
1214 Church Street
Nashville, Tennessee 37246
615.747.6807

Gas Service
Nashville Gas (Piedmont)
615.734.0734

Water Service
Metro Water Service
1600 2nd Avenue North
Nashville, Tennessee 37208
615.862.4598

Sewer Service
Metro Water Services
1600 2nd Avenue North
Nashville, Tennessee 37208
615.862.4598

Telephone Service
Bellsouth
866.620.6000

Utility Location
Tennessee One-Call
800.351.1111

APPLICATION #:T2015	PROJECT NAME: 60th & Morrow
MAP/PARCEL: Map 91-06, Parcel 23 & Part L900	EXAMINER:

USE - CHAPTER 17.08 & 17.16	
DETERMINE THE USE	Mixed Use (4 Residential Units and Commercial)
PROPERTY ZONING MUN-A OVERLAY(s) UZO SURROUNDING ZONING CS & R6	
USE CHARTS: P, PC, SE, A	PERMITTED
SITE CRITERIA (Bulk Standards based upon MUN-A Zoning)	
SUBDIVISION PLAT: N/A	
MINIMUM LOT SIZE	NONE
FAR	0.60 MAX
ISR - Adjustments / Slopes over 15%	0.80 MAX, 0.69 Proposed
STREET SETBACKS:	5'-15' Build to Zone (Satisfied)
SIDE YARD	None Required
REAR YARD	20' Rear Setback
HEIGHT STANDARDS	3 Stories in 45'
PARKING AND ACCESS - CHAPTER 17.20	
RAMP LOCATION AND NUMBER	One access of 60th Ave North
DISTANCE TO NEAREST EXISTING RAMP (MINIMUM 30')	30'+ to the North along 60th Ave North
DISTANCE TO INTERSECTION	140'± to the South to Morrow Road
50' MINOR STREET 100' COLLECTOR	185' ARTERIAL STREET 250' CONTROLLED ACCESS RAMP
REQUIRED PARKING BASED ON USES	4 Units @ 2.5 Stalls per Unit = 10 Req'd 1,750 sf Retail = 0 Req'd (Exempt) 10% Reduction for Pedestrian Connection 10% Reduction for Bus Transit = 8 Req'd/11 Proposed*
REQUIRED LOADING BASED ON USES	None Required
SURFACING OVER 5 SPACES 1,750 SQ. FT.	Provided
SPACE SIZES, AISLE WIDTHS, ANGLE DATA	Varies (See Sheet C3.0)
QUEUING LANES	None
OVER 10 SPACES 20' QUEUING AT EXIT	Per MPW, Not Required
NUMBER OF COMPACT SPACES / %	4 or 29%
NUMBER OF ACCESSIBLE SPACES	1 Proposed
SIDEWALKS REQUIRED	Public Sidewalk exists Morrow and Proposed along 60th
LANDSCAPING STANDARDS - CHAPTER 17.24	
REQUIRED BUFFERYARDS	10' Buffer
PERIMETER LANDSCAPING	Provided
SIDE LINES ADJACTENT TO PARKING AREAS 5' MINIMUM WITH TREES-2.5' WITH TREE ISLANDS	Provided
INTERIOR LANDSCAPING MINIMUM 8% AREA	Provided
SCREENING AROUND DUMPSTERS (NO CHAIN LINK FENCE PERMITTED)	Provided
TREE DENSITY	Provided

SHEET SCHEDULE

1	C0.0	NOTES AND PROJECT STANDARDS
2	C1.0	EXISTING CONDITIONS AND EROSION CONTROL PLAN
3	C2.0	INTERMEDIATE & FINAL EPSC PLAN
4	C3.0	LAYOUT AND UTILITY PLAN
5	C4.0	SITE GRADING AND DRAINAGE PLAN
6	L1.0	BIORETENTION PLANTING PLAN

Codes Tracking # T2019
Stormwater SWGR # T2019036419

Notes and Project Standards

TENNESSEE ONE CALL SYSTEM, INC. 1-800-351-1111 STOP - CALL BEFORE YOU DIG

REVISIONS:

Preparation Date: April 2019

60th & Morrow
Mixed Use Development
Site Plan
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06
Nashville, Davidson County, Tennessee

MICHAEL CHRISTOPHER GARRIGAN REGISTERED ENGINEER AGRICULTURE COMMERCE No. 00110726 STATE OF TENNESSEE 7/9/19

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying

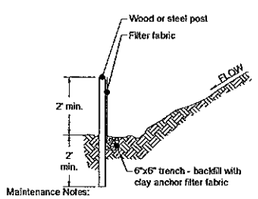
516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

PROJECT # 14042
60th & Morrow
Mixed Use Development
C0.0

McB (MAURY), HYDROLOGICAL SOIL GROUP "B"

Erosion Control and Grading Notes

1. Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
2. All cutfill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 6-12-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
3. Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management manual, volume four, section tcp-14.
4. Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
5. The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
6. Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
7. The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
8. The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.
9. The contractor shall locate and stake the layout of the site in the field for inspection by the engineer. The contractor shall check the grades and final dimensions on the ground, and report any discrepancies to the engineer immediately for a decision.
10. Surplus excavation of topsoil shall be placed on the site as approved by the owner for the purpose of future landscape use.
11. The contractor shall furnish and install all necessary temporary works for the protection of the public and employees, including warning signs and lights.
12. The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
13. All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinance or regulations relating to portions of work which he is to perform.
14. All erosion control measures shall remain in place until site is stabilized & construction is complete.
15. Contractor to provide an area for concrete wash down and equipment fueling in accordance with metro cp-10 and cp-13, respectively. Contractor to coordinate exact location with npdes department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, filter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the epsc plan.
16. The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.



Maintenance Notes:

1. Inspect weekly and after each rainfall.
2. Repair wherever fence is damaged.
3. Remove sediment when it reaches 1/3 the height of the fence.
4. Inspect silt fence when rain is forecast. Perform required maintenance before the storm event.
5. Remove silt fence when no longer needed. Fill and compact past holes and anchor trench remove sediment accumulation, and grade alignment to blend with adjacent ground.

Notes:

1. Filter fabric fence to be placed prior to start of rough grading.
2. Steel posts shall be approved by owner prior to use.
3. Wood posts shall be 2"x 2" min., oak or similar hardwood.
4. Posts shall be spaced at 6' intervals.
5. Filter fabric shall be securely bound to posts with either staples or wire ties.
6. Filter fabric shall be polypropylene fabric by Corps of Engineers guide spec. CW 02215. With equivalent opening size (eos) of no.100 sieve min., no.40 sieve max., as determined.

SILT FENCE DETAIL
REFER TO METRO DETAIL TCP-13

STABILIZATION OF DISTURBED SOILS

a. Soil Stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days.

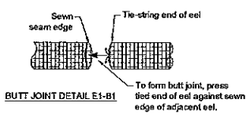
As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method

b. The areas to be seeded will be uniform and will conform to the finished grade and cross Section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.

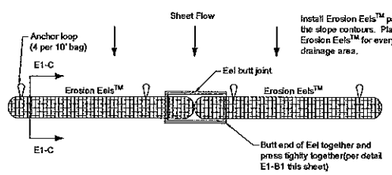
c. The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

TDEC Notes

1. Sediment to be removed from all Controls at or before 50% of Design Capacity. Remove sediment as needed to prevent failure of Sediment Control Structures including silt fence, check dams and all other Controls shown on this plan.
2. All EPSC Measures to be installed prior to moving any material to or from the site as well as onsite.

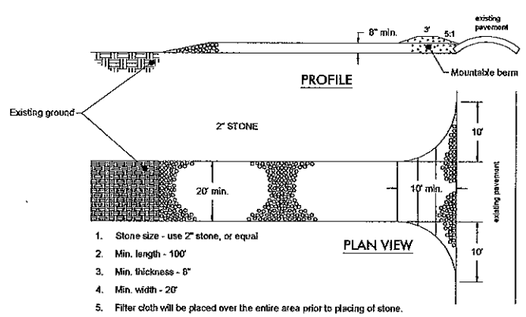


BUTT JOINT DETAIL E1-B1



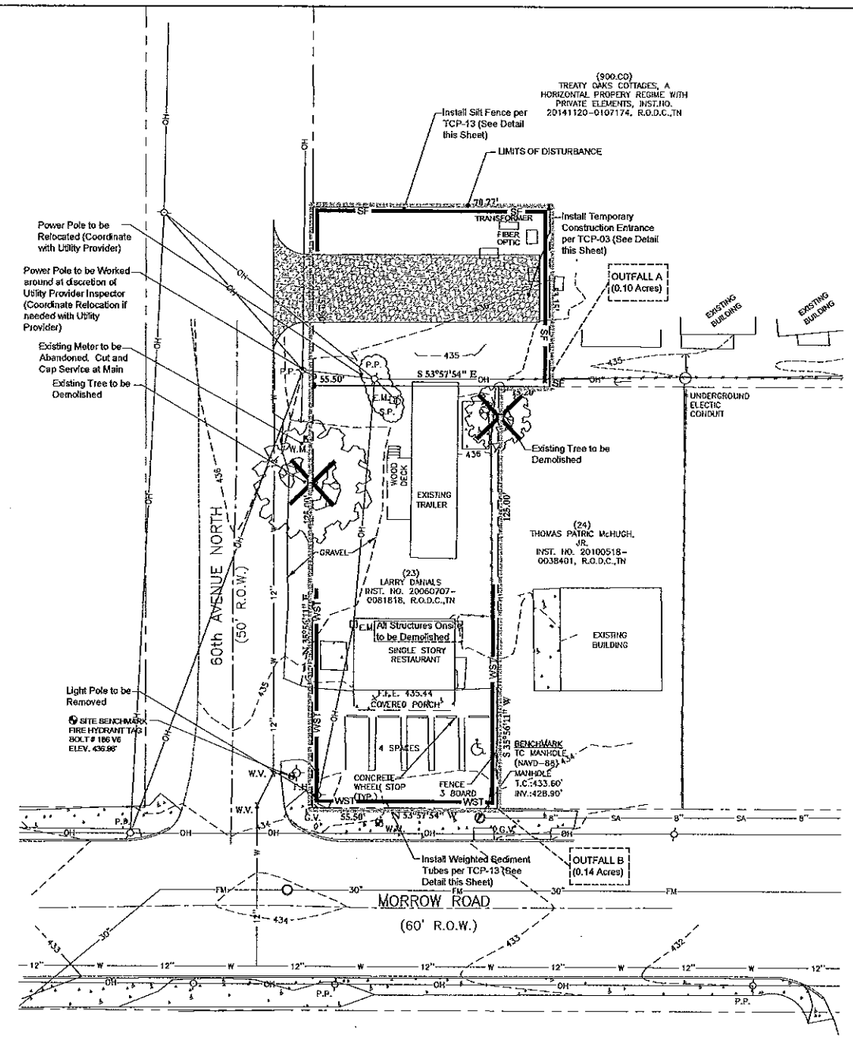
DETAIL E1-B: INTERCEPTING SHEET FLOW PERPENDICULAR TO FLOW PATH - PLAN VIEW

EROSION EEL DETAIL
(TCP-14)
N.T.S.



1. Stone size - use 2" stone, or equal
2. Min. length - 100'
3. Min. thickness - 6"
4. Min. width - 20'
5. Filter cloth will be placed over the entire area prior to placing of stone.
6. Surface water all surface water flowing or diverted toward construction entrances shall be piped across the entrance.
7. Maintenance - the entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.

TEMPORARY CONSTRUCTION ENTRANCE
N.T.S.
Refer to Metro Detail TCP-03



Scale 1" = 20'

TOTAL AREA = 10,687.68 S.F.
= 0.245 ACRES

DISTURBED AREA = 11,055.23 S.F.
= 0.254 ACRES

I _____, AS THE "CERTIFIED" EROSION CONTROL SPECIALIST FOR THIS SITE, HAVE REVIEWED AND APPROVED THE EROSION PREVENTION AND SEDIMENT CONTROL BMP's OF THIS PLAN ON

8/10/16
DATE

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I DO HEREBY CERTIFY THAT THIS DEVELOPMENT WILL DISTURB LESS THAN (1) ONE ACRE.

ENGINEER _____ DATE 8/10/16

Codes Tracking # T2019
Stormwater SWGR # T2019036419

Existing Conditions and Erosion Control Plan

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying

516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

REVISIONS:

Preparation Date: April 2019

60th & Morrow

Mixed Use Development

Site Plan

Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06

Nashville, Davidson County, Tennessee

PROJECT # 14042
60th & Morrow
Mixed Use Development

C1.0

Sheet 2 of 6

Erosion Control and Grading Notes

1. Expose as small an area of soil as possible on the site for no more than 15 days. Keep dust within tolerable limits by sprinkling or other acceptable means.
2. All cutfill areas to have a minimum of 6" of topsoil cover. Areas dressed with topsoil shall receive 12 lbs. per 1000 sq. ft. of 6-12-12 fertilizer (unless otherwise specified in written specifications), 5 lbs. or more of Kentucky 31 fescue seed per 1000 sq. ft., and a straw mulch cover of 70%-80% coverage (approximately 125 lbs. per 1000 sq. ft.), unless otherwise noted within written specifications.
3. Erosion control barrier is called out on plans and is to comply with the Metropolitan stormwater management manual, volume four, section tcp-14.
4. Disturbed areas are to be graded to drain as indicated in the plan to sediment barriers during and upon the completion of construction.
5. The contractor shall be responsible for the verification and the location of any existing utilities. It shall be the responsibility of the contractor to avoid damage to all existing utilities during construction. If damage does occur to any such installation, full repair will be accomplished as per the current specification governing such work.
6. Any access routes to the site shall be based with crushed stone, ASTM #1 stone, 100' long and at least 8" thick.
7. The placing and spreading of any fill material is to be started at the lowest point and brought up in horizontal layers of 8" thickness (or as directed by the soils investigative report). Said fill material is to be free of sod, roots, frozen soils, or any other decomposable material. Said fill is to be compacted to a minimum of 95% standard proctor, or as otherwise specified by the soils report or written specifications.
8. The contractor shall notify the Metro Davidson County department of Public Works construction compliance division, three days prior to beginning the work.
9. The contractor shall locate and stake the layout of the site in the field for inspection by the engineer. The contractor shall check the grades and final dimensions on the ground, and report any discrepancies to the engineer immediately for a decision.
10. Surplus excavation of topsoil shall be placed on the site as approved by the owner for the purpose of future landscape use.
11. The contractor shall furnish and install all necessary temporary works for the protection of the public and employees, including warning signs and lights.
12. The contractor shall be responsible for any damage done to the premises or adjacent premises or injuries to the public during the construction caused by himself, his sub-contractors, or the carelessness of any of his employees.
13. All work is to be completed with compliance to the rules and regulations set forth by Metro Water Services. The contractor shall give all necessary notice, obtain all permits, and pay fees required for the completion of his portion of the work. He shall also comply with all city, county and state laws and ordinance or regulations relating to portions of work which he is to perform.
14. All erosion control measures shall remain in place until site is stabilized & construction is complete.
15. Contractor to provide an area for concrete wash down and equipment fueling in accordance with metro cp-10 and cp-13, respectively. Contractor to coordinate exact location with npdes department during the preconstruction meeting. Grading permittee to include bmp's designed to control site wastes such as discarded building materials, chemicals, litter and sanitary wastes that may cause adverse impacts to water quality. The location of and/or notes referring to said bmp's shall be shown on the epsc plan.
16. The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.

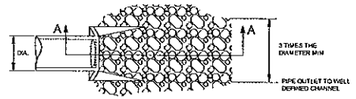
STABILIZATION OF DISTURBED SOILS

a. Soil Stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days.

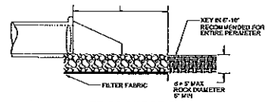
As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method

b. The areas to be seeded will be uniform and will conform to the finished grade and cross Section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.

c. The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

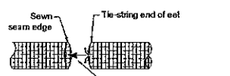


OUTLET PROTECTION
PLAN VIEW
N.T.S

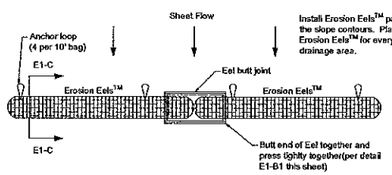


OUTLET PROTECTION
PESC-07 / TCP-25
SECTION A-A
N.T.S

PIPE DIAMETER (in)	DISCHARGE (ft./s)	APRON LENGTH, L (ft)	RIP-RAP D, DIAMETER MIN (in)
15"	4.9	10	4
	9.89	13	6
18"	9.89	10	6
	20.13	16	8
	30.01	23	12
	39.90	26	16
24"	30.01	16	8
	39.90	26	8
	50.14	26	12
	60.03	30	16

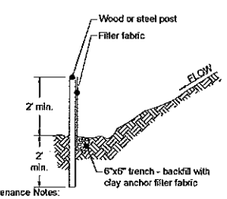


BUTT JOINT DETAIL E1-B1



DETAIL E1-B: INTERCEPTING SHEET FLOW
PERPENDICULAR TO FLOW PATH - PLAN VIEW

EROSION EEL DETAIL
(TCP-14)
N.T.S.



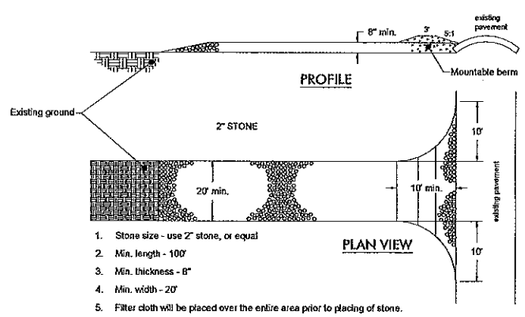
Maintenance Notes:

1. Inspect weekly and after each rainfall.
2. Repair wherever fence is damaged.
3. Remove sediment when it reaches 1/3 the height of the fence.
4. Inspect silt fence when rain is forecast. Perform required maintenance before the storm event.
5. Remove silt fence when no longer needed. Fill and compact past holes and anchor trench remove sediment accumulation, and grade alignment to blend with adjacent ground.

Notes:

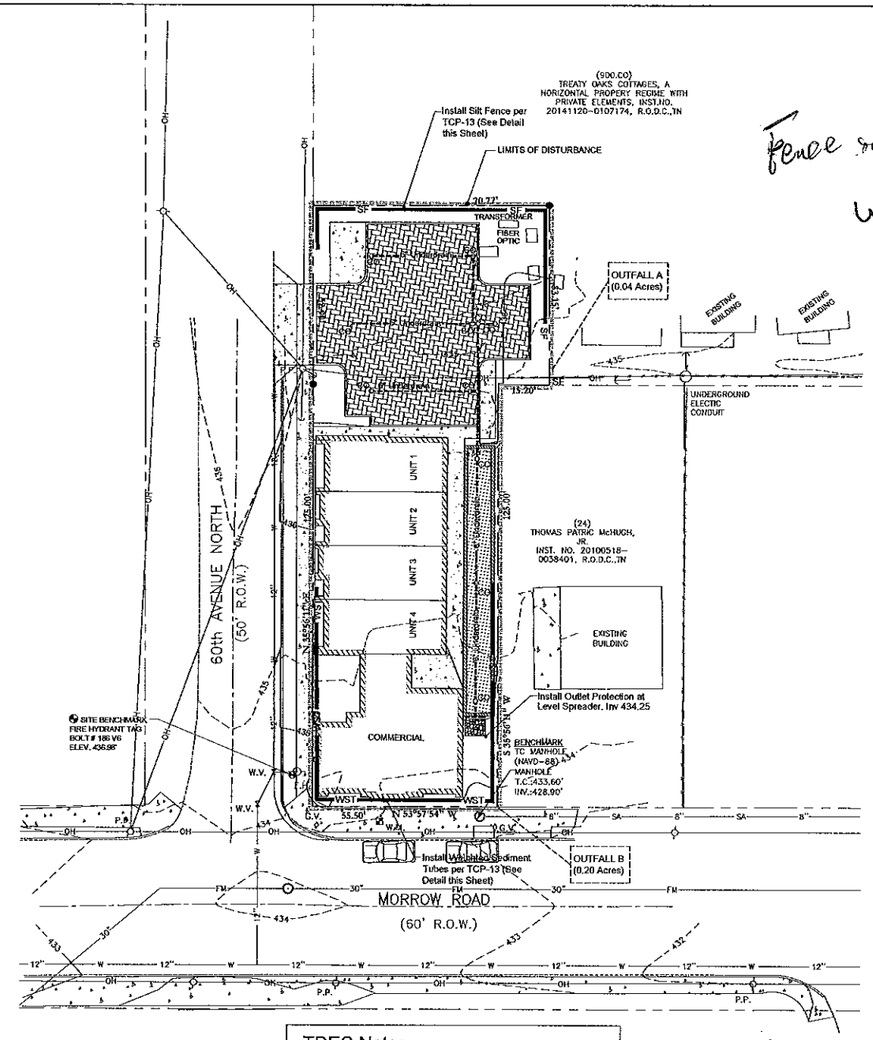
1. Filter fabric fence to be placed prior to start of rough grading.
2. Steel posts shall be approved by owner prior to use.
3. Wood posts shall be 2"x 2" min., oak or similar hardwood.
4. Posts shall be spaced at 6' intervals.
5. Filter fabric shall be securely bound to posts with either staples or wire ties.
6. Filter fabric shall be polypropylene fabric by Corps of Engineers guide spec. CW 02215. With equivalent opening size (eos) of no.100 sieve min., no.40 sieve max., as determined.

SILT FENCE DETAIL
REFER TO METRO DETAIL TCP-13



1. Stone size - use 2" stone, or equal
2. Min. length - 100'
3. Min. thickness - 8"
4. Min. width - 20'
5. Filter cloth will be placed over the entire area prior to placing of stone.
6. Surface water all surface water flowing or diverted toward construction entrances shall be piped across the entrance.
7. Maintenance - the entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand, and repair and/or clean out of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.

TEMPORARY CONSTRUCTION ENTRANCE
N.T.S.
Refer to Metro Detail TCP-03



Fence instead of wall on landscaping

TDEC Notes

1. Sediment to be removed from all Controls at or before 50% of Design Capacity. Remove sediment as needed to prevent failure of Sediment Control Structures including silt fence, check dams and all other Controls shown on this plan.
2. All EPSC Measures to be installed prior to moving any material to or from the site as well as onsite.

I _____, AS THE "CERTIFIED" EROSION CONTROL SPECIALIST FOR THIS SITE, HAVE REVIEWED AND APPROVED THE EROSION PREVENTION AND SEDIMENT CONTROL BMP's OF THIS PLAN ON

8/10/16
DATE

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I DO HEREBY CERTIFY THAT THIS DEVELOPMENT WILL DISTURB LESS THAN (1) ONE ACRE.

ENGINEER _____ DATE 8/10/16

Scale 1" = 20'

TOTAL AREA = 10,687.68 S.F.
= 0.245 ACRES

DISTURBED AREA = 11,055.23 S.F.
= 0.254 ACRES

Codes Tracking # T2019
Stormwater SWGR # T2019036419

Intermediate & Final EPSC Plan

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying
516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

REVISIONS:

Preparation Date: April 2019

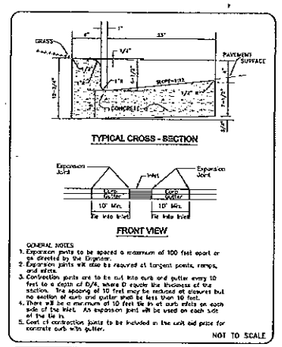
60th & Morrow

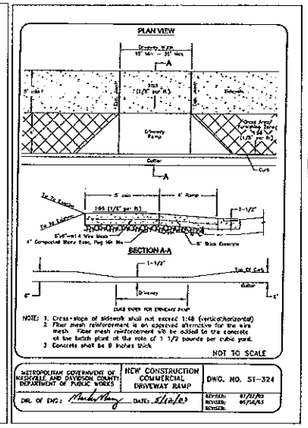
Mixed Use Development
Site Plan
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06
Nashville, Davidson County, Tennessee

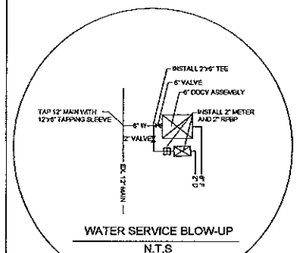
PROJECT # 14042
60th & Morrow
Mixed Use Development

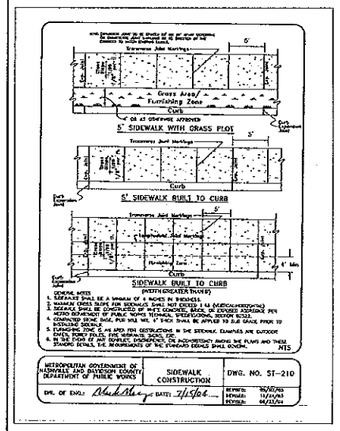
C2.0

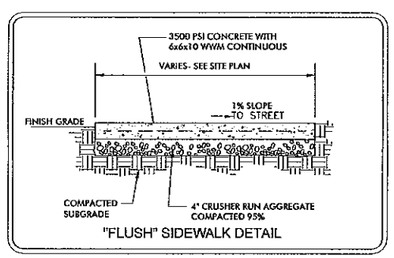
Sheet 3 of 6

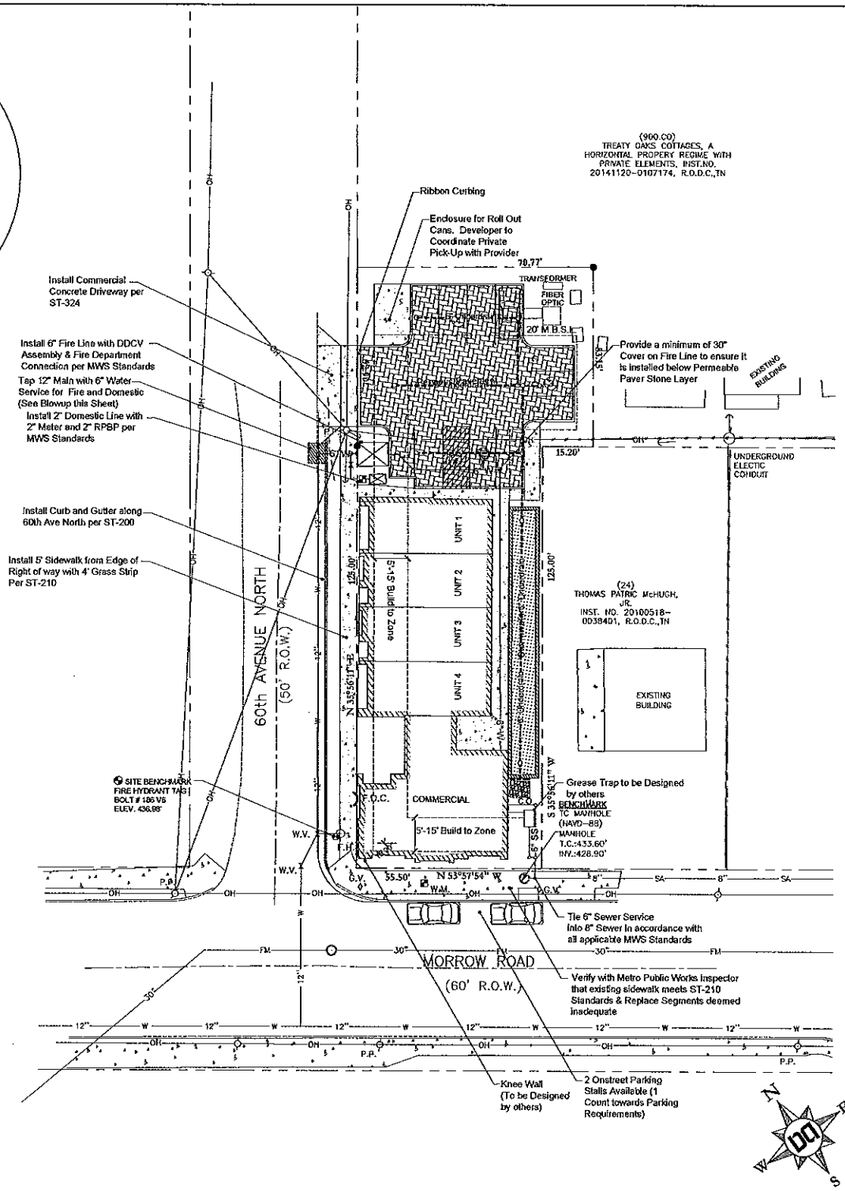








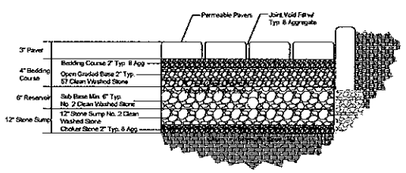




Sewer Service Note:
All Private Sewer Shall be Class 45 PVC & Sloped @ 1.0%
Minimum with Cleanouts 60' O.C. & A Minimum Cover of 30", Unless Otherwise Noted

Water and Sewer Service Notes

1. All water and/or sewer services, along with appurtenances, shall be installed in accordance with specifications and standard details of the Metro Water Services.
2. All connections to existing manholes shall be by coring and resilient connector method.
3. Vertical Double Check Valve Assemblies that are located in interior rooms can only be used for fire services.
4. All water meters shall be a minimum of 24" not to exceed a maximum of 28" below finished grade.
5. Irrigation line shall be copper from the meter to the backflow preventer.
6. The minimum fees outlined in the capacity letter must be paid before commercial construction plans can be reviewed.
7. All sewer services shall be 6 inches in diameter from connection at the main until the first cleanout assembly.
8. Backflow device to remain accessible at all times.
9. Plan size shall be 24"x36" and shall show contours around the meter boxes.



PERVIOUS PAVER PARKING DETAIL (GIP-03)
N.T.S

NOTE: CONTRACTOR, ENGINEER, OWNERS REP SHALL NOTIFY MWS DEVELOPMENT REVIEW AT LEAST 24 HRS PRIOR TO THE INSTALLATION OF THE PERVIOUS LAYTER TO OBSERVE THE SUB BASE MATERIAL

VEHICULAR TRAFFIC SHALL BE PROHIBITED ON THE PERVIOUS PAVEMENT UNTIL THE SITE IS STABLE TO PREVENT MUD FROM BEING DEPOSITED BY VEHICLES

TOTAL AREA = 10,687.68 S.F.
= 0.245 ACRES

DISTURBED AREA = 11,055.23 S.F.
= 0.254 ACRES

Codes Tracking # T2019
Stormwater SWGR # T2019036419

Layout and Utility Plan

REVISIONS:

Preparation Date: April 2019

60th & Morrow

Mixed Use Development
Site Plan
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06
Nashville, Davidson County, Tennessee

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying
516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

PROJECT # 14042
60th & Morrow
Mixed Use Development

C3.0

Sheet 4 of 6

In accordance with the Metro Stormwater Manual, Volume 1, Section 3.9, as-built certifications, MWS stormwater division must approve the following as-builts prior to issuance of the use & occupancy permit:

- underground detention
- above ground detention
- water quality infrastructure
- public storm sewer infrastructure
- cut & fill in the floodplain
- sink hole alterations
- bioretention areas
- permeable pavement

a) A certification letter from TN registered P.E. stating that the site has ben inspected and that the stormwater management system and stormwater control measures (both structural and non-structural) are complete and functional in accordance with the plans approved by MWS.
b) Hydrologic and hydraulic calculations for as-built conditions, as required.
c) As-built drawings showing the final topographic features of all these facilities. This shall include invert elevations of outlet control structures.
d) Any deviations from the approved plans shall be noted on as-built drawings submitted.
e) Copy of as-built plan in CAD file on a CD and should be registered to the TN State Plane Coordinate System, North American Datum 1983 (NAD83). Data should be placed in separate layers and should be labeled/named for easy identification.
f) Cut and Fill balance certification for floodplain and sinkhole alterations.
g) Water Quality Buffers shall be surveyed and included with the as-built submittal.
h) Any public (to become the responsibility of Metro to maintain) stormwater infrastructure shall be video-inspected to verify proper Installation with video recording and any associated inspection report submitted as part of as-built record.
I) Additional testing may be required as/if warranted by video inspection.

The engineer shall contact stormwater development review staff for submittal requirements.

STABILIZATION OF DISTURBED SOILS

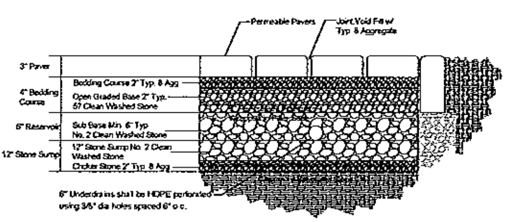
a. Soil Stabilization will be accomplished by the use of seeding in the appropriate areas, as specified. Temporary seeding will be required in those areas that consist of disturbed soils that have remained dormant for periods of more than 14 days.

As a general rule, permanent seeding will be performed within 14 days after the final grade on an area has been established. If disturbed areas on-site are to remain dormant for periods greater than 14 days in duration, the contractor will apply permanent soil stabilization. An allowance in the time schedule will be made for snow cover during periods of construction downtime. Seeding will be performed by hydro-seeding, by hand, or by a mechanical broadcasting method

b. The areas to be seeded will be uniform and will conform to the finished grade and cross Section shown in the plans for this project or as otherwise designated. Owner's representative will perform minor shaping of uneven and rough areas outside the graded section as directed in order to provide for more effective erosion control and for ease of subsequent earth moving operations.

c. The seed bed (including cut slopes) will be loosened to a minimum depth of 3 inches before agricultural lime, fertilizer or seed is applied. The areas to be seeded will be cleared of stones larger than 2.5 inches in dimension, roots, and other debris.

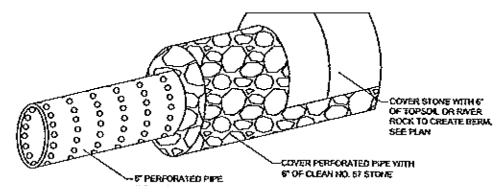
STABILIZATION NOTE
ALL SLOPES 3:1 OR GREATER TO BE STABILIZED WITH TYPE II EROSION CONTROL MATTING OR EQUIVALENT WITHIN 7 DAYS OF DISTURBANCE. ALL OTHER SLOPES TO BE STABIZED IN 14 DAYS.

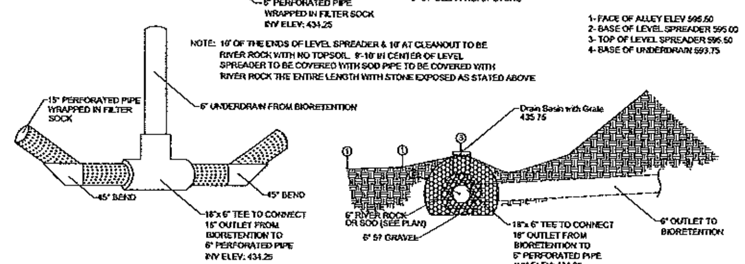


PERVIOUS PAVER PARKING DETAIL (GIP-03)
N.T.S

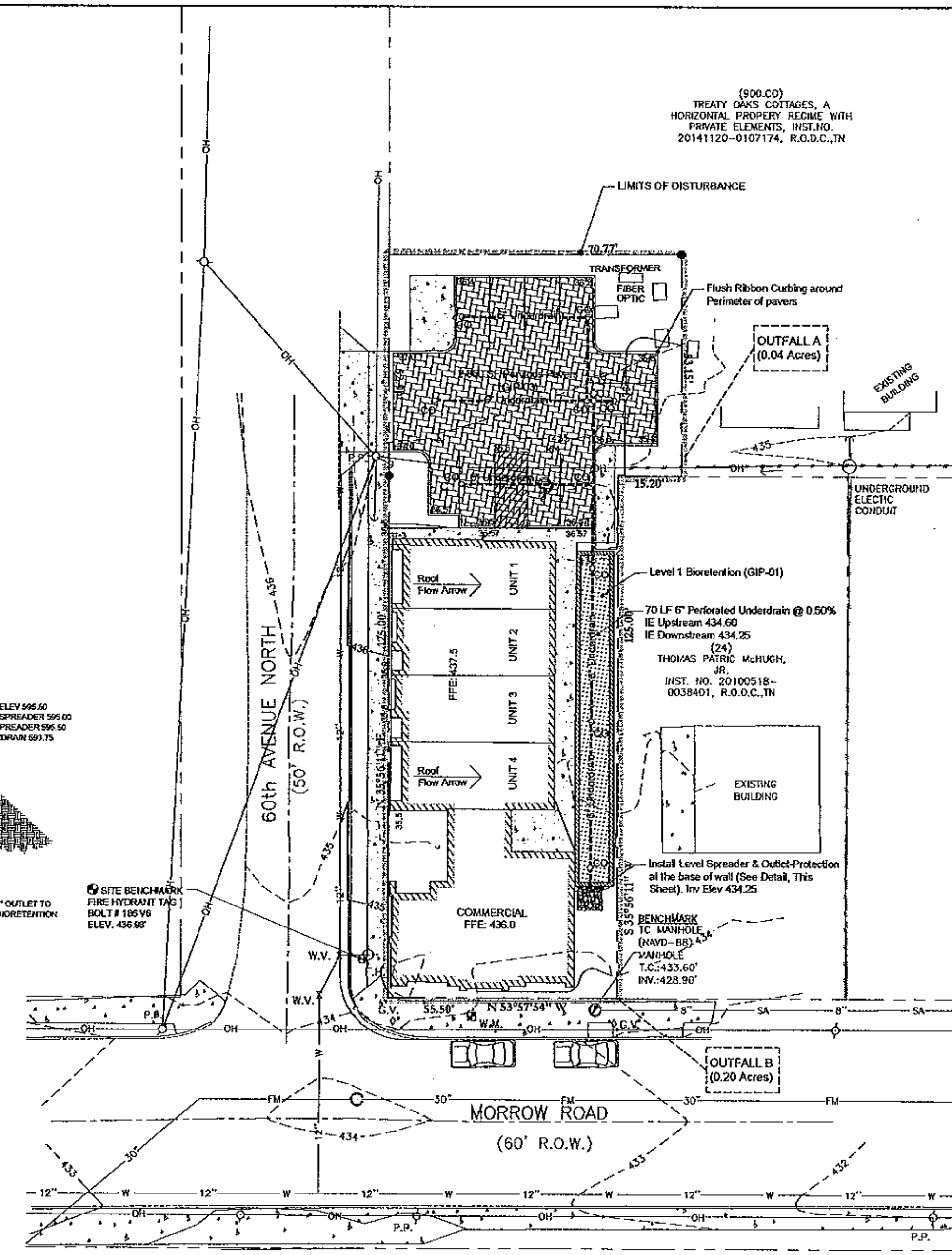
NOTE: CONTRACTOR, ENGINEER, OWNERS REP SHALL NOTIFY MWS DEVELOPMENT REVIEW AT LEAST 24 HRS PRIOR TO THE INSTALLATION OF THE PERVIOUS LAYTER TO OBSERVE THE SUB BASE MATERIAL

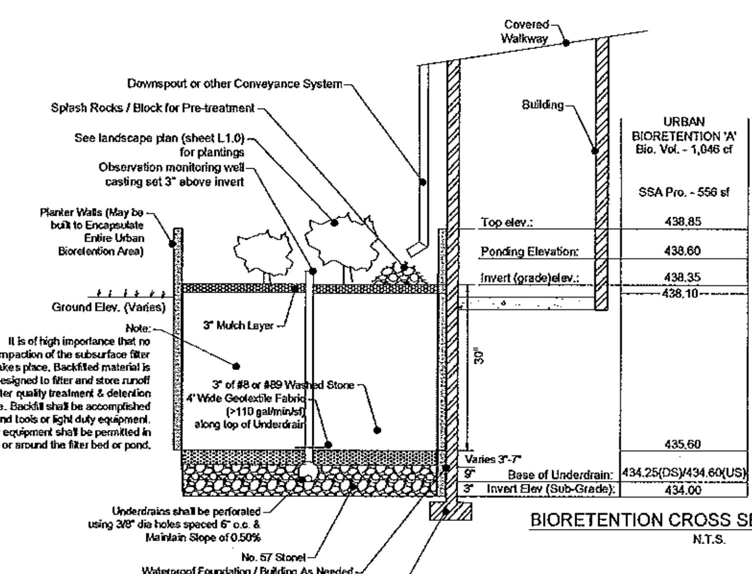
VEHICULAR TRAFFIC SHALL BE PROHIBITED ON THE PERVIOUS PAVEMENT UNTIL THE SITE IS STABLE TO PREVENT MUD FROM BEING DEPOSITED BY VEHICLES





LEVEL SPREADER OUTLET DETAIL
N.T.S.



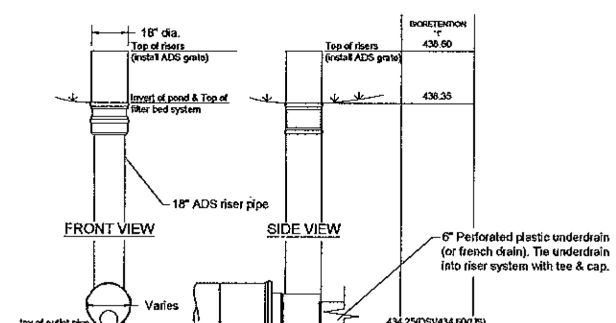


URBAN BIORETENTION 'A' Bio. Vol. - 1,046 cf	
	SSA Pro. - 556 sf
Top elev.:	438.85
Ponding Elevation:	438.60
Invert (grade)elev.:	438.35
	438.10
	435.60
Base of Underdrain:	434.25(DS)/434.60(US)
Invert Elev (Sub-Grade):	434.00

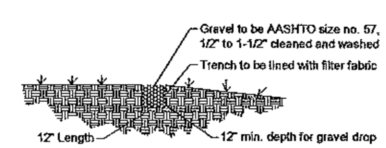
BIORETENTION CROSS SECTION (GIP-01)
N.T.S.

BIORETENTION NOTES:

1. biomedia to consist of:
   70%-85% sand
   5-10% organic matter
   10-20% silt+clay by volume, clay≤10%
2. No heavy machinery shall be used during installation of rain gardens
3. Backfilled material must remain uncompacted to ensure adequate void space for storage.
4. Contractor, engineer or owner shall notify MWS-development review at least 24 hours prior to the installation of the planting soil & filter bed/biomedia.
5. At the completion of installation, the contractor shall collect one sample per biorention bed for analysis & confirmation of the soil characteristics as defined by GIP-01, filter media and surface cover, section 6.6, page 18.



BIORETENTION CONTROL STRUCTURE
N.T.S.



STONE DROP LEVEL SPREADER
N.T.S

Scale 1" = 20'

TOTAL AREA = 10,687.68 S.F.
= 0.245 ACRES

DISTURBED AREA = 11,055.23 S.F.
= 0.254 ACRES

Contractor, engineer, or owners representative shall notify MWS-Develpment review at least 24 hrs prior to the installation of the planting soil filter bed. At the completion of installation, the above referenced person will collect one sample per bio-retention bed for analysis and confirmation of the soil characteristics as defined by GIP-01, filter media and surface cover, section 6.6, page 20.

Codes Tracking # T2019
Stormwater SWGR # T2019036419

Site Grading and Drainage Plan

Dale & Associates
Consulting Civil Engineering
Land Planning & Zoning
Surveying

516 Heather Place
Nashville, Tennessee 37204
(615) 297-5166

TENNESSEE ONE CALL SYSTEM, INC. 1-800-351-1111 STOP - CALL BEFORE YOU DIG

REVISIONS:

Preparation Date: April 2019

60th & Morrow
Mixed Use Development
Site Plan
Being Parcel 23 & Portion of Parcel L900CO on Tax Map 91-06
Nashville, Davidson County, Tennessee

MICHAEL CHRISTOPHER GARRIGAN, REGISTERED ENGINEER, STATE OF TENNESSEE, AGRICULTURE COMMERCE No. 00110726
7/9/19

PROJECT # 14042
60th & Morrow
Mixed Use Development
C4.0
Sheet 5 of 6

PLANT SCHEDULE

TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE
	2	Oklahoma Redbud / Cercis canadensis `Oklahoma` 4` Clear Single Trunk. Evenly Branched. Full Symmetrcal Crown. See Tree Specifications	B & B	2"Cal	10`-12` HT
	2	Willow Oak / Quercus phellos 5` Clear Trunk. Single; Straight Central Leader. Evenly Branched. Full Symmetrcal Crown. Street Tree Quality. See Tree Specifications.	B & B	2"Cal	12`-14` HT
BIORETENTION TREES	QTY	COMMON / BOTANICAL NAME	CONT	CAL	SIZE
	3	American Holly / Ilex opaca Single Stem. 3` Clear Trunk. Full Dense Form. See Tree Specifications	B & B	2"Cal	8` HT
	2	Sweet Bay / Magnolia virginiana `Henry Hicks` 3` Clear Trunk. Single Stem. Full Rounded Head. See Tree Specifications.	B & B	2"Cal	10`-12` HT
	1	Wildfire Tupelo / Nyssa sylvatica `Wildfire` 5` Clear Trunk. Evenly Branched. Full Symmetrcal Crown. See Tree Specifications.	B & B	2"Cal	12`-14` HT
SHRUBS	QTY	COMMON / BOTANICAL NAME	CONT	WIDTH	
	6	Nellie Stevens Holly / Ilex x `Nellie R. Stevens` Full To Base. Full Dense Form. See Tree Specifications	5` HT		
	7	Virginia Sweetspire / Itea virginica `Little Henry` TM Full; Dense Form; Well Rooted	#3 Container		
	30	Dense Yew / Taxus x media `Densiformis` Full; Dense Form	18" HT		
BIORETENTION PLANTS	QTY	COMMON / BOTANICAL NAME	CONT	WIDTH	
	18	Shamrock Inkberry / Ilex globra `Shamrock` Full; Dense; Well Rooted	18" HT		
BIORETENTION PLANTS	QTY	COMMON / BOTANICAL NAME	CONT		
	34	Lanceleaf Tickseed / Coreopsis lanceolata `Early Sunrise` Fulle Well Rooted Containers Install in Single Rows 18" O.C.	1 Quart		
	54	Prairie Dropseed / Sporobolus heterolepsis Full; Well Rooted Containers Install Single Rows 24" O.C.	#1 Container		

PLAN NOTES:

1. ALL LANDSCAPE BEDS SHALL BE NEATLY TRENCHED WITH A BED EDGE AND HAVE 3" MINIMUM DEPTH OF DOUBLE SHREDDED HARDWOOD MULCH.
2. MULCH PACHYSANDRA BED WITH PINE STRAW MULCH
3. ALL AREAS OF DISTURBANCE NOT IN LANDSCAPE BED SHALL BE SODDED WITH REBELL III FESCUE SOD

60th AVE AND MARROW

PART OF M/P: 0910L90000CO
ZONING:CS (UZO OVERLAY)

CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS
METRO ORD # 094-1104
INTERIOR GREEN SPACE - NA

AREA OF LOT:		0.10	ACRES
BUILDING COVERAGE:	-	0.00	ACRES
AREA OF REQUIRED COMPLIANCE:		0.10	ACRES
	x	14.0	
REQUIRED TREE DENSITY UNITS:		1.40	

PROPOSED NEW TREES:
2" CAL @ 0.5 3 x 0.5 = 1.5
CREDIT FOR NEW TREES: 1.5
PROVIDED TREE DENSITY UNITS: 1.5

- IRRIGATION TO BE PROVIDED BY AUTOMATIC IRRIGATION SYSTEM
- TREE CUT PERMIT REQUIRED PRIOR TO ISSUANCE OF GRADING PERMIT

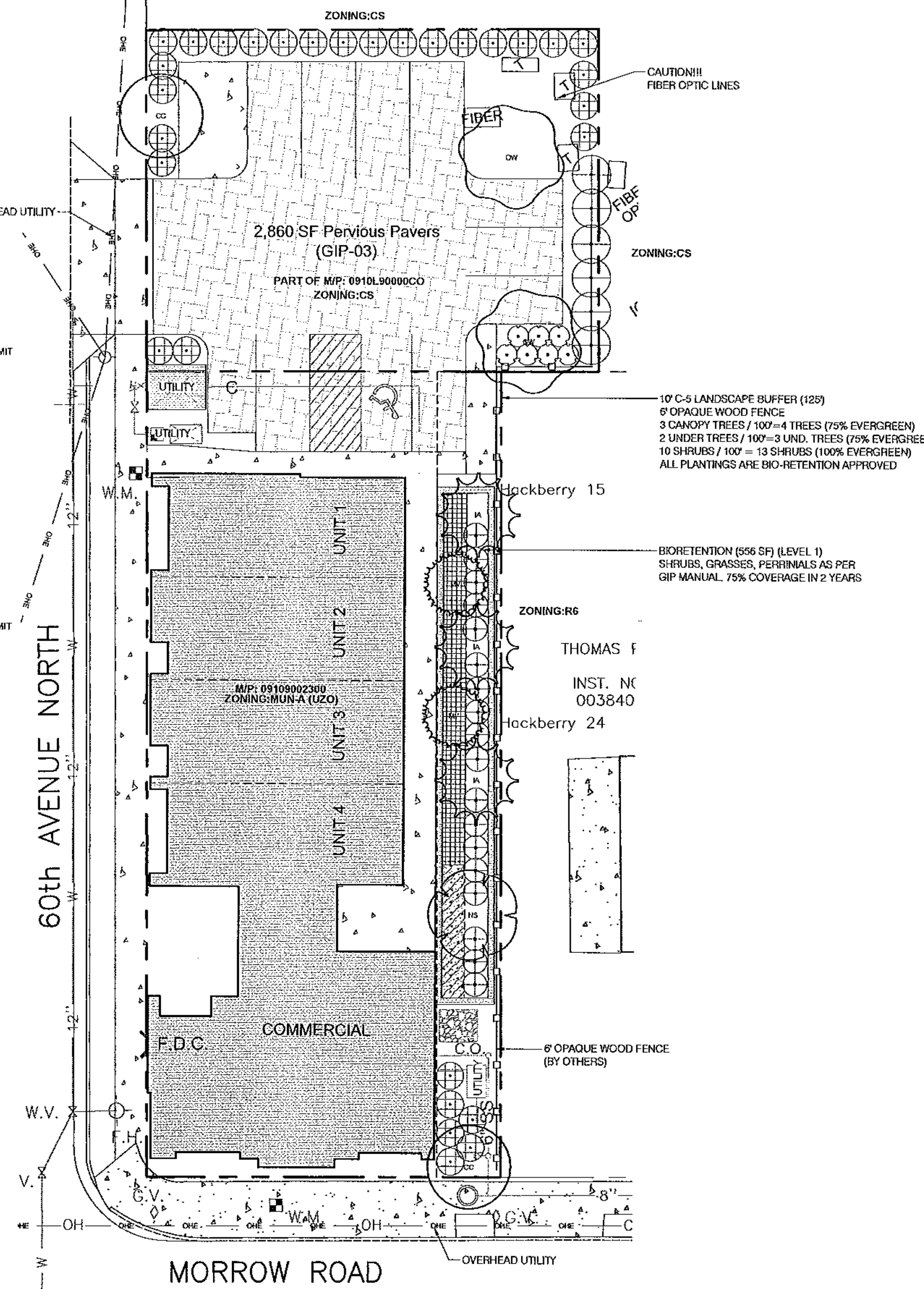
60th AVE AND MARROW
5916 MARROW ROAD

ZONING:MUN-A (UZO OVERLAY)
M/P: 09109002300
CALCULATIONS WORKSHEET FOR TREE DENSITY REQUIREMENTS
METRO ORD # 094-1104
INTERIOR GREEN SPACE - NA

AREA OF LOT:		0.16	ACRES
BUILDING COVERAGE:	-	0.09	ACRES
AREA OF REQUIRED COMPLIANCE:		0.07	ACRES
	x	14.0	
REQUIRED TREE DENSITY UNITS:		0.98	

PROPOSED NEW TREES:
2" CAL @ 0.5 7 x 0.5 = 3.5
CREDIT FOR NEW TREES: 3.5
PROVIDED TREE DENSITY UNITS: 3.5

- IRRIGATION TO BE PROVIDED BY AUTOMATIC IRRIGATION SYSTEM
- TREE CUT PERMIT REQUIRED PRIOR TO ISSUANCE OF GRADING PERMIT



SUBSTITUTION NOTE:

1. Requirements shown are as per City Zoning Ordinance.
   Substitutions are not allowed unless approved by Heibert+Ball Land Design.
2. After installation, the landscape will be maintained by the owner.
3. Additional screening may be required if the inspection for the release of the performance bond reveals that the screening is not effective.

TO AVOID OVERHEAD UTILITY CONFLICTS:

In the event proposed canopy trees are in conflict (within 25') with proposed or existing overhead utility locations, the landscape contractor shall stop work and contact Heibert+Ball Land Design immediately for coordination and field adjustment.

PLANT STANDARDS

The standards set forth in "American Standard for Nursery Stock" represent general guideline specifications only and will constitute minimum quality requirements for plant material. All plants must meet minimum size noted at the materials schedule. And meet the characteristics stated on this drawing. All material installed on the site MUST meet or exceed these specifications. Any trees or shrubs not meeting these standards can be rejected at time of inspection.

TREE SPECIFICATIONS: ALL TREES SHALL HAVE THE FOLLOWING CHARACTERISTICS:

1. Deciduous trees shall have one dominant single straight trunk with the tip of the leader on the main trunk left intact and the terminal bud on the central leader is at the highest point on the tree.
2. Trees with forked trunks are acceptable if all the following conditions are met:
   a. The fork occurs in the upper 1/3 of the tree.
   b. One fork is less than 2/3 the diameter of the dominant fork.
   c. The top 1/3 of the smaller fork is removed at the time of planting.
3. No branch is greater than 2/3 the diameter of the trunk directly above the branch.
4. The trunk and/or major branches shall not touch
5. Several branches are larger in diameter and obviously more dominant.
6. Branching habit is more horizontal than vertical, and no branches are oriented nearly vertical to the trunk.
7. Branches are evenly distributed around the trunk with no more than one major branch located directly above another and the crown is full of foliage evenly distributed around the tree
8. Crown spread shall look proportional to the tree.
9. NO flush cuts or open trunk wounds or other bark injury
10. Root ball meets all ANSI standards and is appropriately sized

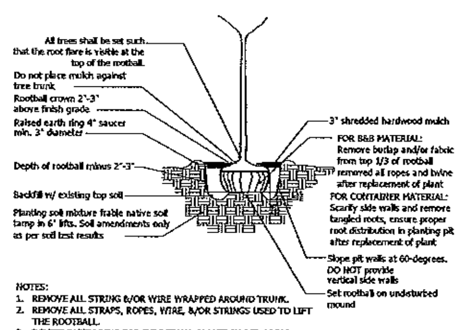
DEFICIENCIES NOT ACCEPTED:

1. Tip dieback on 5% of branches
2. Crown thin/spasely folated
3. Included bark
4. Major Branches touching
5. Asymmetrical branching

LANDSCAPE SHALL NOT OBSTRUCT VISIBILITY OR ACCESS TO FIRE PROTECTION EQUIPMENT INCLUDING, BUT NOT LIMITED TO, FIRE HYDRANTS AND FIRE DEPARTMENT CONNECTIONS

PLANTING NOTES:

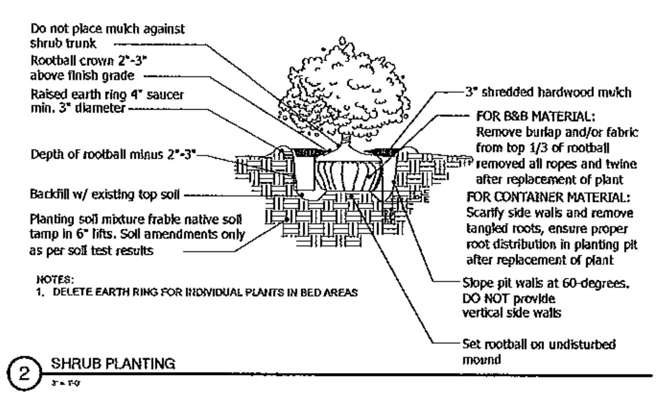
1. Refer to all written specifications; adhere to Plans and Specifications for all phases of work.
2. Verify all utility locations in the field before work begins. Repair damaged utilities to owners satisfaction at no additional cost.
3. Verify all material quantities on the drawing during bidding and pricing. In the event of a discrepancy, the quantities drawn on the plan will take precedence over the material schedule.
4. All materials are subject to the approval of the Landscape Architect and Owner.
5. Once unloaded from truck, immediately stand all trees up. DO NOT lie the trees down. This will reduce the risk of sunscald.
6. Plants shall meet specifications. Root balls shall meet or exceed size standards as set forth by 'American Standards for Nursery Stock'. Main leaders of all trees shall remain intact.
7. Mulch plant pits and planting beds with specified mulch to the depth indicated on drawings.
8. Prepare all topsoil used in tree, shrub, and seed mixes in accordance with the specifications
9. Discard any material which turns brown or defoliates within 5 days after planting. Replace immediately with approved specified material at no additional cost.
10. Maintain all plant material and lawns until project is accepted in full by the Landscape Architect, unless otherwise specified.
11. Guarantee all workmanship and materials for a period of 1 calendar year.
12. Install all plant material in accordance with all local codes and ordinances. Obtain any required permits necessary to complete the work.
13. Provide 6" of topsoil for lawn areas (12" min. over rock), min. 24" of topsoil for shrub zones, and min. 48" deep for tree pits. Refer to specific root ball sizes for the min. diameter tree pit.
14. If tree are staked, the tree stakes and guys shall be regularly monitored to ensure there are no detrimental effects to the tree. All the stakes and guys shall be removed no later than one growing season after planting
15. Trees shall be first quality representatives of their species and shall meet all requirements otherwise stipulated. The Landscape Architect reserves the right to reject plant materials in the field, at the growing location, or at the job site at any time during the project.
16. Test all tree pits for drainage. Any tree pit that holds water for more than 24 hours shall be installed using filter fabric wrapped perforated drainage tube (sloped to low point) and a washed pea gravel pit well drain



NOTES:

1. REMOVE ALL STRING &/OR WIRE WRAPPED AROUND TRUNK.
2. REMOVE ALL STRAPS, ROPES, WIRE, &/OR STRINGS USED TO LIFT THE ROOTBALL.
3. DELETE EARTH RING FOR INDIVIDUAL PLANTS IN BED AREAS

3 TREE PLANTING



NOTES:

1. DELETE EARTH RING FOR INDIVIDUAL PLANTS IN BED AREAS

2 SHRUB PLANTING

Heibert+Ball LAND DESIGN
1894 Gen. Geo. Patton Dr. Suite 400
Franklin, TN 37067
Tel: 615.376.2421
www.hblanddesign.com

PROPOSED SITE FOR:
60th & Morow
NASHVILLE, DAVIDSON CO., TENNESSEE

CONNOR L. BALL REGISTERED LANDSCAPE ARCHITECT TENNESSEE NO. 808

RELEASE DATE: 00/00/00
REV 1:

L1.0 LANDSCAPE PLAN

From: Kivett, Stephan (Codes)
To: Lifsey, Debbie (Codes)
Cc: Lamb, Emily (Codes); Michael, Jon (Codes)
Subject: RE: landscape
Date: Thursday, October 31, 2019 10:16:24 AM

Like most buffer variance requests, I don't have a problem with them going forward assuming there is no opposition
Let me know if you or the board has any specific questions, and I will be there to enlighten

Stephan Kivett
Urban Forester

Subject: landscape

Appeal 2019-474 & 475 landscape buffer

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant: Gamble Design Collab
Date: 9/17/2019
Property Owner: Embrey
Case #: 2019- 475
Representative: : Jeffrey Rosiak
Map & Parcel: 07012.001100

Council District 02

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

Purpose: Multi-family Residential

Activity Type: Mixed-USE

Location: 101 Athens Way

This property is in the MUG 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: landscape Buffer

Section(s): 17.24.240.B

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.

Jeffrey Rosiak
Appellant Name (Please Print)

Representative Name (Please Print)

324 Liberty Pike Suite 145
Address

Address

Franklin, TN 37064
City, State, Zip Code

City, State, Zip Code

615. 545. 4121
Phone Number

Phone Number

jeff@gdc-tn.com
Email

Email

Zoning Examiner: WM

Appeal Fee: $ 200

3713086

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 - 20190056339
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07012001100 **APPLICATION DATE:** 09/17/2019

SITE ADDRESS:

101 ATHENS WAY NASHVILLE, TN 37228
LOT 18A METROCENTER RESUB LOTS 36 & 18A

PARCEL OWNER: ATHENS WAY NASHVILLE, LLC **CONTRACTOR:**

APPLICANT:

PURPOSE:

Requesting a landscape variance per METZO section table 17.24.240 (B). see master permit 2018045159. BZA staff please note: applicant has discussed this case with Stephan Kivett, Urban Forrester. Council District #2. POC Jeffrey Rosiak 615-545-4121.

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.

gamble design collaborative

September 17, 2019

Metropolitan Board of Zoning Appeals
Department of Codes and Administration
Metro Office Building
700 2nd Avenue South, Nashville, TN

Regarding: 0 Athens Way, Landscape Variance Request

This letter provides a summary of conditions related to a Landscape Variance Request for a landscape buffer reduction for the multifamily development at 0 Athens Way (Metro Master Permit Number: T2018045159).

The basis for appeal is that the buffer requirements under which the previous landscape plans and buffers were approved are no longer applicable. At the time of site plan submittal, a Type B buffer was required between the project parcel (metro parcel 07012001100 with MUG zoning) and the adjacent parcel to the south (metro parcel 07016003000 zoned IWD). Nashville has since deemed buffer requirements from less intense uses to more intense uses (as is the case between MUG and IWD zoning) to be an undue hardship and has adopted a new landscape ordinance which eliminates this requirement. As shown in attached plans and exhibits, this request does not seek to reduce landscape materials, but only seeks to reduce the buffer width in an area where, if site plans were submitted today, no buffer would be required at all. The developer would also introduce a wood privacy fence in this area and would re-arrange plant materials to provide evergreen screening of the fences and buildings from the south.

Because this buffer would not be required if submitted today, we hope you will consider the approval of a variance to reduce the landscape buffer width for this project. In support of this request, find the following attached:

- Cover letter and description of hardship (this page),
- Application for Variance Request,
- Exhibit of proposed buffer and landscape plan revisions,
- Excerpt from revised landscape ordinance illustrating buffer requirements.

Please contact me with any questions or concerns.

Sincerely,

Jeffrey A. Rosiak, RLA
Gamble Design Collaborative
615.545.4121
jeff@gdc-tn.com

greg.gamble@gdc-tn.com
615.975.5765 cell
324 Liberty Pike, Suite 145
Franklin, Tennessee 37064

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.

Jeff Rosiak, GDC — 9-17-19

APPELLANT — **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.

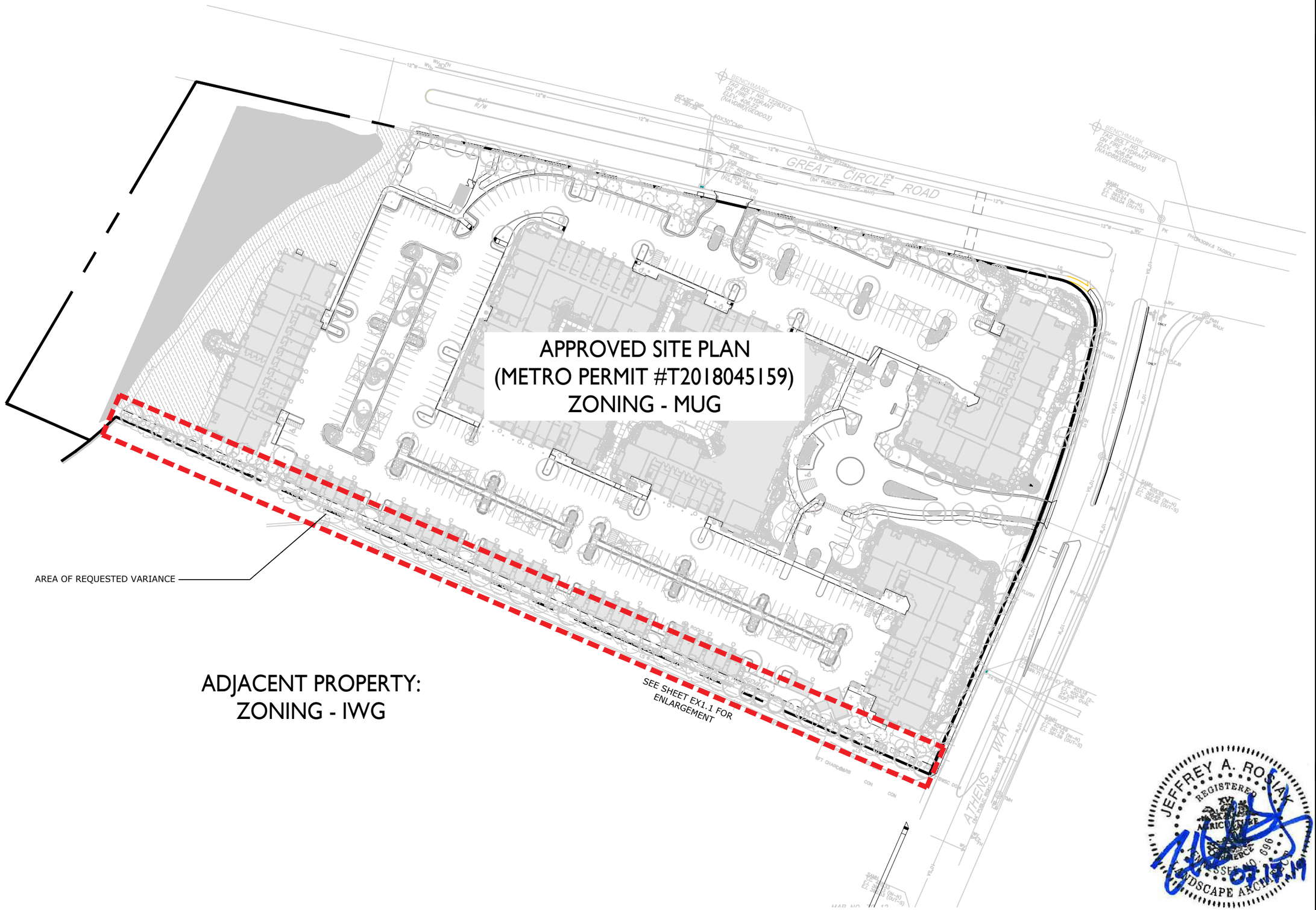
In Simple terms, for the Board to gran you a variance in the zoning ordinance, you must convey to the Board what your hardship is. Hardships are narrowness, shallowness, irregular shape, and topography of property. The Board can also consider other practical difficulties such as mature trees, easements, and 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?

Landscape ordinance under which the approved landscape buffer plans were
submitted are no longer applicable. A new landscape ordinance has eliminated
what was deemed to be an undue hardship where less intense uses were required
to provide landscape buffers from less intense zoning classifications to more
intense zoning classifications. This variance seeks to reduce buffer-widths
in a condition where, if the project were submitted today, buffers would not be
required at all.



GDC
GAMBLE DESIGN COLLABORATIVE
DEVELOPMENT PLANNING AND LANDSCAPE ARCHITECTURE

EMBREY - ATHENS WAY

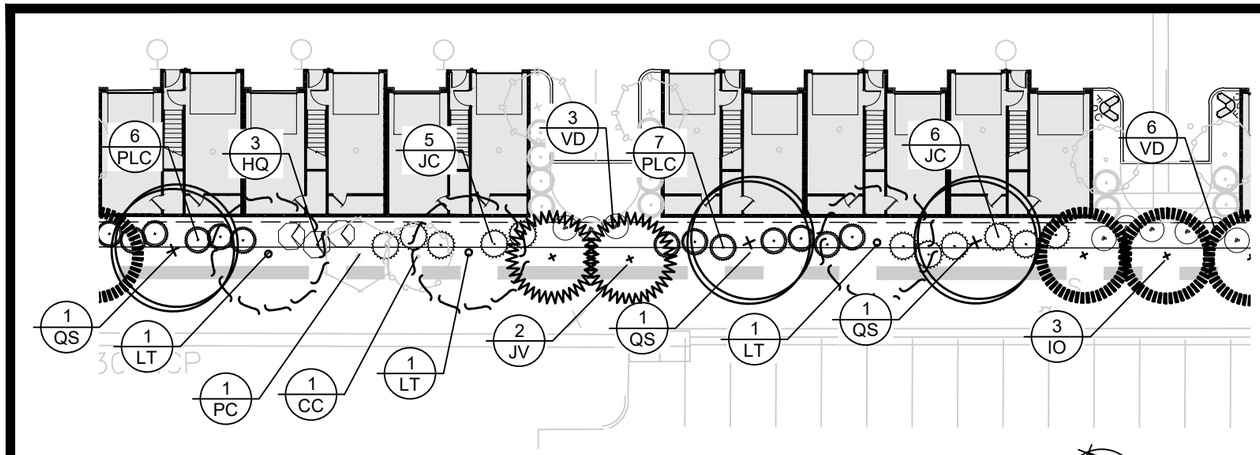
Nashville, Davidson County, Tennessee

JEFFREY A. ROSIAK
REGISTERED
LANDSCAPE ARCHITECT
07.17.19

Revision	Date
△	
△	
△	
△	

BZA REQUEST

EX1.0



1 / EX1.1 SAMPLE SECTION OF APPROVED BUFFER (TYPICAL)

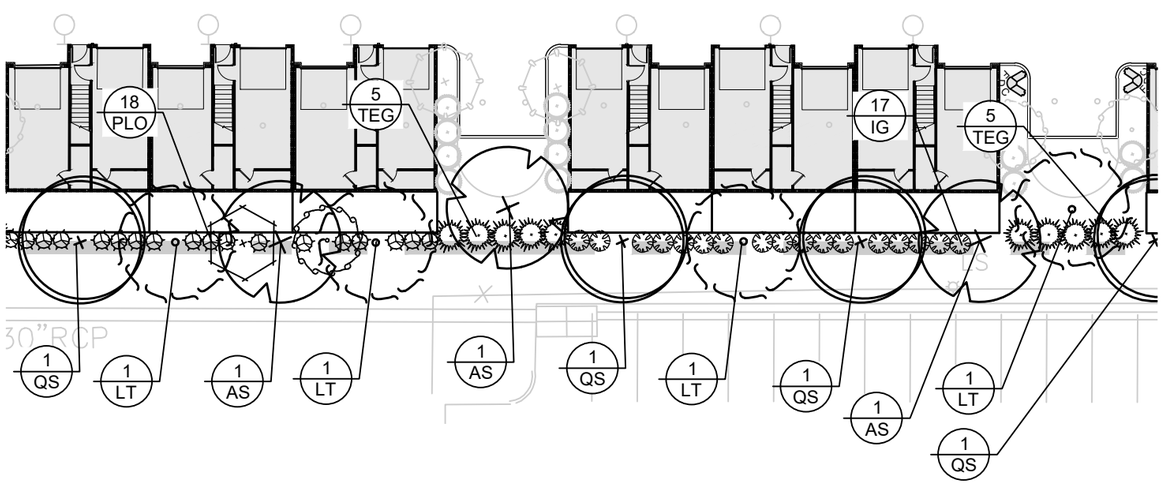
PLAN

0' 30' 60'

LF TYPE 'B' BUFFER LENGTH: 972.6 LF
CANOPY TREES REQUIRED (4.5 / 100 LF): 43.77
UNDERSTORY TREES REQUIRED (1.8 / 100 LF): 17.51
SHRUBS REQUIRED (13 / 100 LF): 126.44

APPROVED LANDSCAPE SCHEDULE FOR OVERALL BUFFER

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	LEAF	SPACING	NOTES
CANOPY TREES								
6	AS	ACER SACCHARUM	SUGAR MAPLE	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
6	LT	LIRIODENDRON TULIPIFERA	TULIP POPLAR	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
10	QS	QUERCUS SHUMARDII	SHUMARD OAK	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
11	JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
11	IO	ILEX OPACA	AMERICAN HOLLY	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
UNDERSTORY TREES								
5	CC	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" CAL, B/B	8'-10'	DECIDUOUS	AS SHOWN	BALANCED CANOPY
9	PC	PRUNUS CAROLINIANA	CHERRY LAUREL	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING; TREE FORM
4	MV	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
SHRUBS								
45	JC	JUNIPERUS CHINENSIS	CHINESE JUNIPER	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
45	PLS	PRUNUS LAUROCERASUS 'SCHIPKAENENSIS'	SCHIP LAUREL	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
18	VD	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM		30" MIN	DECIDUOUS	AS SHOWN	
40	HQ	HYDRANGEA QUERCIFOLIA	OAKLEAF HYDRANGEA		30" MIN	DECIDUOUS	AS SHOWN	



2 / EX1.1 SAMPLE SECTION OF PROPOSED BUFFER (TYPICAL)

PLAN

0' 30' 60'

PROPOSED LANDSCAPE SCHEDULE FOR OVERALL BUFFER

QTY	SYM	BOTANICAL NAME	COMMON NAME	SIZE	HEIGHT	LEAF	SPACING	NOTES
CANOPY TREES								
10	AS	ACER SACCHARUM	SUGAR MAPLE	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
9	LT	LIRIODENDRON TULIPIFERA	TULIP POPLAR	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
13	QS	QUERCUS SHUMARDII	SHUMARD OAK	3" CAL, B/B	12'-14'	DECIDUOUS	AS SHOWN	CENTRAL LEADER
9	JV	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
3	IO	ILEX OPACA	AMERICAN HOLLY	3" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
UNDERSTORY TREES								
5	CC	CARPINUS CAROLINIANA	AMERICAN HORNBEAM	2" CAL, B/B	8'-10'	DECIDUOUS	AS SHOWN	BALANCED CANOPY
9	PC	PRUNUS CAROLINIANA	CHERRY LAUREL	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING; TREE FORM
4	MV	MAGNOLIA VIRGINIANA	SWEETBAY MAGNOLIA	2" CAL, B/B	8'-10'	EVERGREEN	AS SHOWN	FULL BRANCHING
SHRUBS								
17	IG	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	3 GAL	30" MIN	EVERGREEN	AS SHOWN	
20	JC	JUNIPERUS CHINENSIS	CHINESE JUNIPER	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
36	PL0	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	OTTO LUYKEN LAUREL	3 GAL	30" MIN	EVERGREEN	AS SHOWN	
16	PLS	PRUNUS LAUROCERASUS 'SCHIPKAENENSIS'	SCHIP LAUREL	5 GAL	36" MIN	EVERGREEN	AS SHOWN	
21	TEG	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN ARBORVITAE	B&B	5'-6'	EVERGREEN	AS SHOWN	
38	TM	TAXUS X MEDIA 'DENSIFORMIS'	DENSE YEW		30" MIN	EVERGREEN	36" O.C.	
29	VD	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM		30" MIN	DECIDUOUS	AS SHOWN	

GDC
GAMBLE DESIGN COLLABORATIVE
DEVELOPMENT PLANNING AND LANDSCAPE ARCHITECTURE

EMBREY - ATHENS WAY

Nashville, Davidson County, Tennessee

Revision Date
△
△
△
△

BZA REQUEST

EX1.1

Case # 2019-475

Section 12. That Section 17.24.230 of the Code of the Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting Table 17.24.230, Table of Landscape Buffer Yard Requirements, and substituting therefore the following:

MUG Buffer to IWD no longer required

Table 17.24.230 TABLE OF LANDSCAPE BUFFER YARD REQUIREMENTS

ABUTTING ZONING DISTRICT	ZONING DISTRICT PROVIDING BUFFER YARD						
	1 AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	**2** R8, R8-A, RS7.5, RS7.5-A, R6, R6-A, RS5, RS5-A, RS3.75, RS3.75-A, RM6, RM9, RM9-A	**3** RM15, RM15-A, RM20, RM20-A, RM40, RM40-A, RM60, RM60-A, RM80-A, RM100-A, MHP	**4** ON, CN, CN-A, MUN, MUN-A, SCN, OL, OR20, OR20-A, OR40, OR40-A	**5** CL, CL-A, CS, CS-A, MUL, MUL-A, SCC	**6** CA, CF, SCR, MUG, MUG-A, MUI, MUI-A, ORI, ORI-A, OG	**7** IWD, IR, IG
1 AG, AR2a, RS80, R80, RS40, R40, RS30, R30, RS20, R20, RS15, R15, RS10, R10, RM2, RM4	-	B	C	C	C	D	D
2 R8, R8-A, RS7.5, RS7.5-A, R6, R6-A, RS5, RS5-A, RS3.75, RS3.75-A, RM6, RM9, RM9-A	-	-	B	C	C	D	D
3 RM15, RM15-A, RM20, RM20-A, RM40, RM40-A, RM60, RM60-A, RM80-A, RM100-A, MHP	-	-	-	B	B	C	D
4 ON, CN, CN-A, MUN, MUN-A, SCN, OL, OR20, OR20-A, OR40, OR40-A	-	-	-	-	A	B	C
5 CL, CL-A, CS, CS-A, MUL, MUL-A, SCC	-	-	-	-	-	A	B
6 CA, CF, SCR, MUG, MUG-A, MUI, MUI-A, ORI, ORI-A, OG	-	-	-	-	-	-	B
7 IWD, IR, IG	-	-	-	-	-	-	-

Note 1: The zoning administrator may allow a necessary adjustment to the landscape buffer yard located along a rear property line to provide for necessary building area after determining an adjustment to a required build-to zone is necessary as permitted by Table 17.12.020.D. The zoning administrator may allow a necessary adjustment to the landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department.

Page Extracted from
Revised Landscape Ordinance
Effective September 1, 2019

From: Kivett, Stephan (Codes)
To: Lifsey, Debbie (Codes)
Cc: Lamb, Emily (Codes); Michael, Jon (Codes)
Subject: RE: landscape
Date: Thursday, October 31, 2019 10:16:24 AM

Like most buffer variance requests, I don't have a problem with them going forward assuming there is no opposition
Let me know if you or the board has any specific questions, and I will be there to enlighten

Stephan Kivett
Urban Forester

Subject: landscape

Appeal 2019-474 & 475 landscape buffer

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Ashleigh Suarez
Date: 7-24-19
Property Owner: Ashleigh Suarez
Case #: 2019-392
Representative: Ashleigh Suarez
Map & Parcel: 11704040900

Council District: 18

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: 1512 Paris 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:
Item A appeal, challenging the Zoning Administrator's denial of a short term rental permit.
Appellant operated after the issued STRP permit expired.

Section: 17.16.250 E

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Appellant Name: Ashleigh Suarez
Representative:
Phone Number: 615 545-3284
Phone Number:
Address: 1512 Paris Ave
Address:
Nashville, TN 37212
Email address: ashleighsuarez3@gmail.com
Email address:

Appeal Fee: $100.00

P.D.K.

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.

3694535

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 - 20190044057
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11704040900 **APPLICATION DATE:** 07/24/2019

SITE ADDRESS:

1512 PARIS AVE NASHVILLE, TN 37212
PT. LOT 53 VICTORIA PLACE

PARCEL OWNER: SUAREZ, ASHLEIGH MARIE **CONTRACTOR:**

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

Rental Unit Record

1512 Paris Ave, Nashville, TN 37212, USA

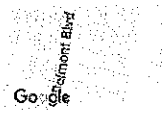
Active ●
Identified ✓
Compliant ✓

PRINT

Listing(s) Information

Airbnb - 34319404 | Airbnb - 11097839

Rental Unit Information



Identified Address

1512 Paris Ave, Nashville, TN 37212, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.122435, -86.793516

Parcel Number

11704040900

Owner Name

SMALLMAN, WILLIAM H.

Owner Address

PO Box 158444
Nashville, TN 37215, US

Registration / Permit Number

2016028212, 501320

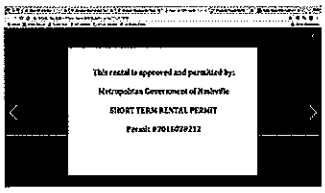
Matched Details

Analyst CHN6

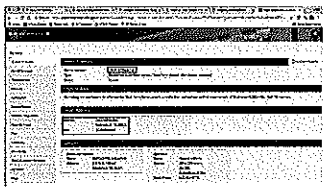
Explanation

Listing image contains permit that links to located address. Owner of record matches owner on listing.

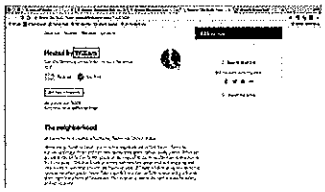
Listing Photos | **Matching 3rd Party Sources**



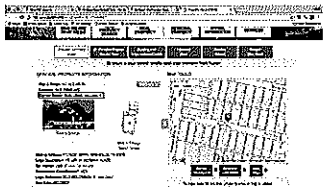
=



Permit identifies located address.



=



Timeline of Activity

View the series of events and documentation pertaining to this property

Owner of record matches owner on listing.

Zip Code Match
Owner Name Match
City Name Match

Listing Details

Listing URL	https://www.airbnb.com/rooms/11097839
Listing Status	Inactive
Host Compliance Listing ID	air11097839
Listing Title	Heart of 12th South: 1 bed cottage
Property type	Guesthouse
Room type	Entire home/apt
Listing Info Last Captured	Jun 02, 2019
Screenshot Last Captured	May 31, 2019
Price	$97/night
Cleaning Fee	$79

Information Provided on Listing

Contact Name	William
Latitude, Longitude	36.123156, -86.793828
Minimum Stay (# of Nights)	1
Max Sleeping Capacity (# of People)	3
Max Number of People per Bedroom	3
Number of Reviews	245
Last Documented Stay	05/2019

Listing Screenshot History

View Latest Listing Screenshot

May 9 | June 0 | July 0

1 Documented Stay
July, 2019

2 Documented Stays
June, 2019

Listing air34319404 Identified
June 14th, 2019

Listing air34319404 First Crawled
June 6th, 2019

Listing air11097839 Removed
June 6th, 2019

Listing air34319404 First Activity
June 6th, 2019

4 Documented Stays
May, 2019

7 Documented Stays
April, 2019

5 Documented Stays
March, 2019

4 Documented Stays
February, 2019

Listing air11097839 Reposted
February 26th, 2019

Listing air11097839 Removed
February 25th, 2019

Listing air11097839 Reposted
February 13th, 2019

Listing air11097839 Removed
February 13th, 2019

4 Documented Stays
January, 2019

5 Documented Stays
December, 2018

4 Documented Stays
November, 2018

8 Documented Stays
October, 2018

8 Documented Stays
September, 2018

5 Documented Stays
August, 2018

6 Documented Stays
July, 2018

First Warning - No STR Permit: Delivered
July 11th, 2018

First Warning - No STR Permit: Sent
July 4th, 2018

7 Documented Stays
June, 2018

Listing air11097839 Reposted
June 23rd, 2018

Listing air11097839 Removed
June 22nd, 2018

9 Documented Stays
May, 2018

5 Documented Stays
April, 2018

Airbnb Letter: Delivered
April 8th, 2018

Airbnb Letter: Sent
April 3rd, 2018

7 Documented Stays
March, 2018

3 Documented Stays
February, 2018

Listing air11097839 Reposted
February 4th, 2018

Listing air11097839 Removed
January 31st, 2018

5 Documented Stays
January, 2018

4 Documented Stays
December, 2017

8 Documented Stays
November, 2017

11 Documented Stays
October, 2017

7 Documented Stays
September, 2017

7 Documented Stays
August, 2017

Listing air11097839 Identified
August 2nd, 2017

9 Documented Stays
July, 2017

6 Documented Stays
June, 2017

7 Documented Stays
May, 2017

9 Documented Stays
April, 2017

7 Documented Stays
March, 2017

4 Documented Stays
February, 2017

4 Documented Stays
January, 2017

5 Documented Stays
December, 2016

6 Documented Stays
November, 2016

7 Documented Stays
October, 2016

9 Documented Stays
September, 2016

- 6 Documented Stays
  August, 2016
- 7 Documented Stays
  July, 2016
- Listing air11097839 First Crawled
  July 21st, 2016
- 9 Documented Stays
  June, 2016
- 6 Documented Stays
  May, 2016
- 6 Documented Stays
  April, 2016
- 5 Documented Stays
  March, 2016
- Listing air11097839 First Activity
  March 5th, 2016

May 31, 2019 - 03:29AM America/Chicago

Search

Become a host Help Sign up Log i

May 31, 2019 3:29am CT

Share Save

View Photos

Heart of 12th South: 1 bed cottage

Nashville

William

Entire guesthouse
3 guests 1 bedroom 1 bed 1 bath

William is a Superhost
Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Sparkling clean
14 recent guests said this place was sparkling clean.

Self check-in
Check yourself in with the keypad.

$97 per night
★★★★★ 245

Dates
06/01/2019 → Checkout

Guests
1 guest

Request to Book

You won't be charged yet

Report this listing

Located in the heart of Nashville's most hip neighborhood, 12th South, our guest cottage is around the corner from some of the best restaurants and shops in town. Walk to the coffeeshops and boutiques along 12th South, Belmont or Hillsboro Village.

The space

So you're looking for the perfect place to stay in Nashville? Centrally and conveniently located in the heart of 12th South, you can easily walk to many shops, coffee houses and restaurants, many of which have been featured in magazines like Garden&Gun, Southern Living, and even US magazine ;)

With Sevier park only one block away, you can experience 12th South like we Nashvillian's do! Our guest cottage is just around the corner from the best burgers in Nashville (Burger Up), Reese Witherspoons flagship store, "Draper James", several awesome coffee shops, Bar Taco, Epice and Edley's BBQ and much more. So, if you are car-less, arrive late, or just feel like having an excuse to walk in the morning, it's a great location.

Downtown is a just a quick Uber, taxi, scooter or city bike away (which can be picked up just 1 block away at Sevier Park...a park that on a pretty day quickly becomes the place to be).

YOUR SPACE: one bedroom (with Queen Bed) one bathroom with a shower, WIFI, efficiency kitchenette (no stove or oven but trust me, with proximity to all the restaurants, you won't need one), open living/dining area, TV (No cable, just Netflix on Apple TV), easy access street parking, plenty of closet space and all the basic amenities.

My place is perfect for a couple, or a couple of friends. - I always like to leave something to make your stay more authentic. You will be comfortable with helpful appliances and lots of clean linens.

The cottage does not have a full kitchen (no stove or oven) but it is well-stocked with a toaster, microwave, wine opener, utensils, assorted dishware, and a Craft Beer growler from The Filling Station (a one-of-a-kind craft beer dispensery located just around the corner which we highly recommend visiting), condiments like coffee, sugar, and more! Can I provide something else? Help me improve the Nashville experience by letting me know!

Convenient interstate access for quick trips to the airport, Opryland, East Nashville, etc. We hope you find our place comfy, cozy, and convenient. We certainly do.

Guest access

You have access to the entire guest cottage from a private entrance.

Interaction with guests

I've met so many lovely people through Airbnb and hope to meet you. However, you have lots of privacy, peace and quiet here and I will only check in to see that you have everything you need. If I'm traveling during your stay, I am always available via cell.

Other things to note

My street is right in the heard of a vibrant historic neighborhood. It's quiet a quite at cozy carriage house (apartment above a detached garage). Within walking distance are a couple of really great Nashville landmarks like Frothy Monkey, Five Daughters Bakery, many hip local restaurants, tons of shopping, Sevier Park, and Belmont (Website hidden by Airbnb) a fun area to explore and again, couldn't be more conveniently located to the rest of Nashville.

-Everything is pretty self-explanatory, though I understand visiting a brand new place can be tough to navigate. So I'll send you detailed driving directions for your arrival and helpful tips to make your stay seamless.
-Keep in mind, if you're a lounger! There IS a TV for connecting a laptop via HDMI for watching iTunes or streaming online. There is no cable TV for basic channel but an Apple TV is provided.

Hide ^

Contact host

X

Amenities

Basic

Wifi
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

Essentials
Towels, bed sheets, soap, and toilet paper

Heating
Central heating or a heater in the listing

Air conditioning

Hot water

Facilities

Free street parking

Guest access

Keypad
Check yourself into the home with a door code

Bed and bath

Hangers

Hair dryer

Shampoo

Safety features

Fire extinguisher

Carbon monoxide detector

Smoke detector

First aid kit

Not included

~~Kitchen~~

~~Washer~~

~~Private entrance~~

Sleeping arrangements

Bedroom 1
1 queen bed

Common spaces
1 couch

House Rules

Not suitable for children and infants
No smoking
No pets
No parties or events
Check-In is anytime after 3PM
Check out by 11AM
Self check-in with keypad

-We aren't prudes but this is a cottage house and we live in the main home. Nashville is amazing city and we want our guests to have a good time, but please keep the noise to a minimum and be respectful of our family and our neighbors.

-Please keep the party to your party - and only the people in your party.
-NO smoking inside or out.
-Shoes off when you're in...(mainly for cleanliness...but it's more comfortable right?)

You must also acknowledge

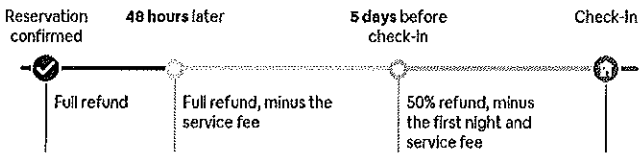
Must climb stairs

Security Deposit - if you damage the home, you may be charged up to $150

Hide rules ^

Cancellations

Moderate - Free cancellation for 48 hours
After that, cancel up to 5 days before check-in and get a full refund, minus the service fee.

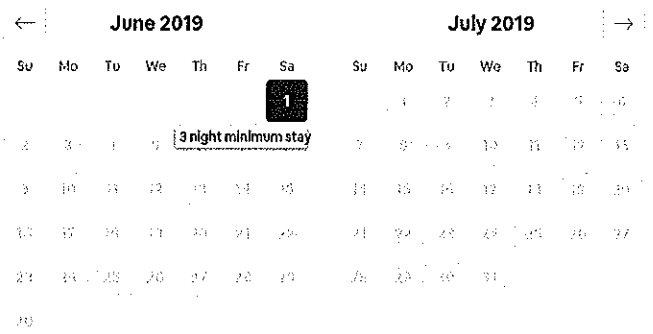


Get full details

Hide policies ^

Availability

3 night minimum stay Clear dates



245 Reviews ★★★★★

Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-In	★★★★★
Cleanliness	★★★★★	Value	★★★★★

Brenda & Barbara
May 2019

Very nice place; great location!

Grace Anne
May 2019

It was great!

Cameron
May 2019

This place was fantastic. I would highly recommend it to anyone looking to stay in the 12 South neighborhood. It came recommended to us after some family members stayed there and we are so glad they told us about it. Loved all of the personal touches and the space was clean and...Read more

Nadine
May 2019

Very nice but needs more then two towels

Zoë
April 2019

A perfect place to stay for a long weekend. Close to everything!

Amber
April 2019

Great place to stay! We really enjoyed it!

Kathy
April 2019

This is a very enjoyable and unique experience. It's close enough to downtown to enjoy everything Nashville has to offer yet in an area that has a personality all its own.

1 2 3 ··· 35 >

Hosted by William

Nashville, TN · Joined in November 2015

★ 248 Reviews ✓ Verified

William is a Superhost · Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

William supports the Living Wage Pledge
People who clean this host's listing are paid a living wage. Learn more

Response rate: 100%

Response time: within an hour

Contact host

Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. Learn more

About the home

When you stay in an Airbnb, you're staying in someone's home.

This is William's place.

Ashleigh helps host.

The neighborhood

William's home is located in Nashville, Tennessee, United States.

Welcome to the neighborhood of 12th South - home to numerous shops, cool restaurants, great coffee, and fun murals. The main destination is 1/2 block away from our cottage...12th Ave South, booming with fun: great food, shopping and cool events to welcome you to Nashville. Although 12th South could keep you occupied all day, take a quick 2 mile ride up 12th Avenue and you'll plop down right in the heart of Downtown. This location is one of the best in town for safety and accessibility.

More about the area: At the corner of 12th and Paris, you are so close to all the

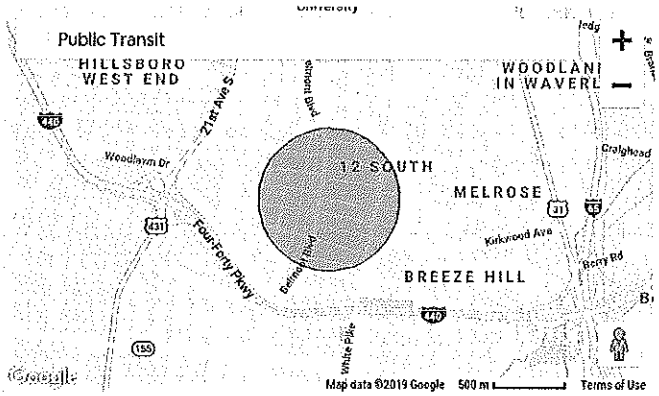
music venues, food & coffee 12th South offers. 8th south, Midtown and Music Row are only a few minutes away! Stuff I love: Frothy Monkey coffee right around the corner! Other great 12th Ave S spots: Bar TacoTaqueria del Sol Mexican, Mafiaozas, 12 South Taproom, Epice, and especially The Filling Station. Please see my House Manual on Airbnb to get a full map of personal recommendations!

Getting around

I also recommend Uber, the taxi smartphone app. Since everything is conveniently close, the cost to get around Nashville is incredibly low, better than the old taxi service. Try it! You'll thank me.

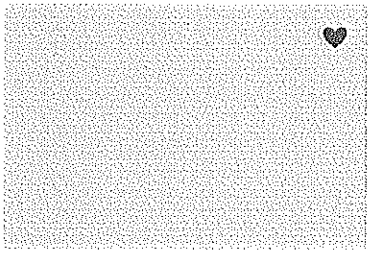
Hide ^

See guidebook

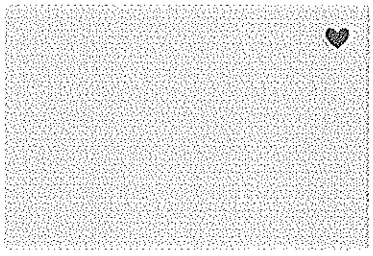


Exact location information is provided after a booking is confirmed.

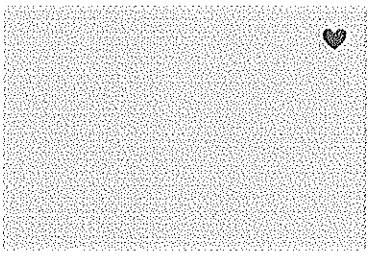
More homes you may like



ENTIRE GUEST SUITE · NASHVILLE
Private Vaulted Suite! King,Wet Bar,Bath/5 min DT!
$80 per night
★★★★★ 671



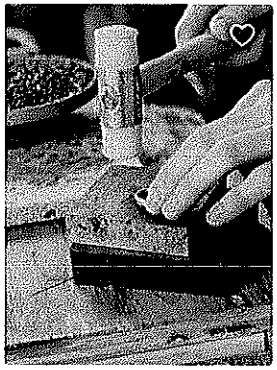
ENTIRE APARTMENT · NASHVILLE
Vandy/Belmont/10 mins to Broadway - Sunny 800 sqft
$75 per night
★★★★★ 546



ENTIRE APARTMENT · NASHVILLE
Modern Condo & Pool,Downtown Close!
$75 per night
★★★★★ 509

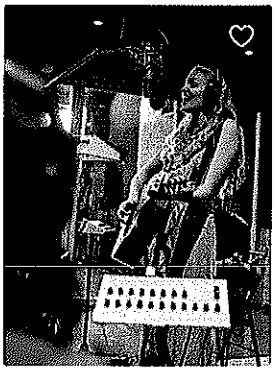
Things to do near this home

PHOTO SHOOT
Instagram Photowalk Tour of the Gulch
$45 per person
4.97★ (214)



WORKSHOP
Smith up to 10 Silver and Brass Rings
$75 per person
4.95★ (153)

PHOTO SHOOT
Photo Tour of Famous Nashville Murals
$45 per person
4.88★ (89)



MUSIC LESSON
Attend a Nashville recording session
$92 per person
4.91★ (22) · All languages welcome

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Houses · Bed and breakfasts · Lofts · Villas

Nashville	Vetralla	Heringsdorf
Lauenen	Duingt	Osceola
La Granja	Sketty	Orxeta
Saint-Maurice-de-Gourdans	Dellfeld	Rognano
Villa Rica	Walton-le-Dale	Waver
Basin View	Saint Madoes	Guarne

Airbnb **Discover** **Hosting**

David Branson
1522 B Kirkwood Ave
Nashville, TN 37212

Metropolitan Government of Nashville and Davidson County
Planning Department, Metro Office Building
800 Second Avenue South
PO Box 196300
Nashville, TN 37219-6300

Dear Department of Codes & Building Safety,

This letter is to show my opposition to my neighbors request for rezoning to application. My family lives near this property and our streets are already a congested, with cars on the street. Kirkwood Avenue & Paris already have numerous short-term rentals (Airbnb) full time properties on our street. I'm concerned about the safety of having large groups of tourist & visitors on our street. **Please deny their request.**

Appeal Case Number: 2019-392
1512 Paris Ave
Map Parcel: 11704040900
Council District: 18

Sincerely,

David Branson

From: Will Hughes
To: Board of Zoning Appeals (Codes)
Subject: Appeal Case # 2019-392
Date: Monday, October 14, 2019 1:36:49 PM

Metro Board of Zoning Appeals-
Please accept this message as evidence of my strong opposition to the STRP permit at 1512 Paris Ave. As a close neighbor to this property, I do not approve of the transient renters and general lack of oversight from an Airbnb. We have many families (with young children) in the neighborhood and STRP permits allow for constant, unknown traffic patterns. In turn, this causes stress and introduces possible safety issues. Lastly, as evidenced by this appeal, it's clear that the owner of this property has violated a contractural agreement to keep & maintain a STRP permit.
Sincerely-
Will & Katye Hughes

DAVID BRILEY
MAYOR

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

ZONING APPEAL: NOTICE TO NEIGHBORING OWNERS

RE:	Appeal Case Number:	2019-392
	1512 PARIS AVE	
	Map Parcel:	11704040900
	Zoning Classification:	R8
	Council District:	18

This is to inform you that Ashleigh Suarez filed an appeal **for the property at the above referenced location.** The appellant requested an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired. Should this request be approved, it would allow the applicant to obtain a STRP permit.

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

You are hereby notified that the Board of Zoning Appeals will conduct public hearings on THURSDAY **11/7/2019**, **beginning** at **1:00 p.m.** in the Sonny West Conference Center of the Howard Office Building, 700 2nd Avenue South. If you wish to show support or opposition to your neighbor's request, you may do so in person. In lieu of a personal appearance, you may submit written communication to the Board prior to the scheduled board meeting date. **We cannot guarantee written communication to be a part of the record unless it is received no later than close of business the Thursday before the meeting date.**

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

hould you have questions or require special accommodations (handicap accessibility), you mail us at BZA@nashville.gov. You can view this case at epermits.nashville.gov and searc ermit # **20190044057** or search by the address.

ETROPOLITAN BOARD OF ZONING APPEALS

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Autumn Ryan
Date: 8-15-19
Property Owner: Autumn Ryan
Case #: 2019-434
Representative: Autumn Ryan
Map & Parcel: 08204042100

Council District: 05

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

Purpose: To obtain a STRP permit

Activity Type: Short Term Rental

Location: 998 McFerrin

This property is in the R5 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:

Item A appeal, challenging the Zoning Administrator's denial of a short term rental permit.
Appellant operated after the issued STRP permit expired.

Section: 17.16.250 E

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Appellant Name: Autumn Ryan
Representative: Same

Phone Number: 615 415-7356
Phone Number:

Address: 998 McFerrin Ave
Nashville, TN 37206
Address:

Email address: aryan@aseptichealth.com
Email address:

Appeal Fee: $100.00

3702453

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 - 20190049202
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08204042100 **APPLICATION DATE:** 08/15/2019

SITE ADDRESS:

998 MCFERRIN AVE NASHVILLE, TN 37206
LOT 1 ALEXANDER PETWAY AVE. SUB RESUB OF LT 1

PARCEL OWNER: RYAN, AUTUMN N. **CONTRACTOR:**

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING—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.

8.15.19

Dashboard

Rental Unit Record

998 Mcferrin Ave, Nashville, TN 37206, USA

Active ●
Identified ✓
Compliant X

PRINT

Listing(s) Information

Airbnb - 16237658

Rental Unit Information

Identified Address

998 Mcferrin Ave, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.187771, -86.754387

Parcel Number

08204042100

Owner Name

RYAN, AUTUMN N.

Owner Address

998 McFerrin Ave
Nashville, TN 37206, US

Registration / Permit Number

503158

Matched Details

Analyst CDZT

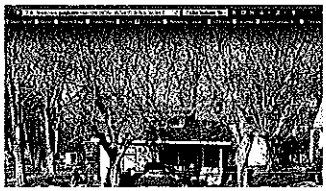
Explanation

Exterior matches in street view. The house has been completely remodeled. New house has been built next door. The property map shows the new house construction next door. http://prntscr.com/g7atvl

The contact name, Autumn, matches the name of the owner, Ryan, Autumn N., on the property records, tax records, and the short-term rental permit records for this address.

The Nashville records and map confirm the location and address and show APN 08204042100. http://prntscr.com/g7atvl

Listing Photos **Matching 3rd Party Sources**

=


Same house and same old trees. #998 is visible on the mailbox in street view.

Timeline of Activity

View the series of events and documentation pertaining to this property

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	https://www.airbnb.com/rooms/16237658
Listing Status	Active
Host Compliance Listing ID	air16237658
Listing Title	1930 bungalow in ♡ of East Nash!
Property type	House
Room type	Entire home/apt
Listing Info Last Captured	Aug 15, 2019
Screenshot Last Captured	Aug 13, 2019
Price	$300/night
Cleaning Fee	$125

Information Provided on Listing

Contact Name	Autumn
Latitude, Longitude	36.186863, -86.753718
Minimum Stay (# of Nights)	2
Max Sleeping Capacity (# of People)	6
Max Number of People per Bedroom	2
Number of Reviews	49
Last Documented Stay	08/2019

Listing Screenshot History

View Latest Listing Screenshot

June (9) July (9) August (4)

First Warning - No STR Permit: Delivered
August 10th, 2019

First Warning - No STR Permit: Sent
August 5th, 2019

1 Documented Stay
August, 2019

2 Documented Stays
July, 2019

2 Documented Stays
June, 2019

2 Documented Stays
May, 2019

3 Documented Stays
April, 2019

3 Documented Stays
March, 2019

Listing air16237658 Reposted
February 15th, 2019

Listing air16237658 Removed
February 13th, 2019

2 Documented Stays
November, 2018

3 Documented Stays
October, 2018

3 Documented Stays
September, 2018

2 Documented Stays
August, 2018

1 Documented Stay
July, 2018

1 Documented Stay
June, 2018

3 Documented Stays
May, 2018

3 Documented Stays
April, 2018

Airbnb Letter: Delivered
April 8th, 2018

Airbnb Letter: Sent
March 29th, 2018

1 Documented Stay
March, 2018

Listing air16237658 Reposted
February 5th, 2018

Listing air16237658 Removed
January 31st, 2018

1 Documented Stay
January, 2018

1 Documented Stay
November, 2017

tip: 998 Mcferrin Ave , Nashville
November 6th, 2017

- 4 Documented Stays
  October, 2017
- 2 Documented Stays
  September, 2017
- 3 Documented Stays
  August, 2017
- Listing air16237658 Identified
  August 14th, 2017
- 1 Documented Stay
  July, 2017
- 1 Documented Stay
  June, 2017
- 3 Documented Stays
  May, 2017
- 1 Documented Stay
  April, 2017
- Listing air16237658 First Crawled
  April 22nd, 2017
- Listing air16237658 First Activity
  April 20th, 2017

August 13, 2019 - 09:39AM America/Chicago

Amenities

Basic

Wifi
Continuous access in the listing

Cable TV

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Coaker Travels
Date: 9-9-19
Property Owner: L.P. Sudekum
Case #: 2019- 467
Representative: Amanda Coaker
Map & Parcel: 092160H10500CO

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 obtain a STRP permit
Activity Type: Short Term Rental
Location: 4141 Woodlawn Dr. Apt. #44

This property is in the RM6 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason:
Item A appeal, challenging the Zoning Administrator's denial of a short term rental permit.

Appellant operated after the issued STRP permit expired.

Section: 17.16.250 E

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Appellant Name: Amanda Coaker
Representative: Same

Phone Number: 615 627-6301
Phone Number:

Address: PO Box 1911
Address:

Nashville, TN 37116

Email address: amanda@coakertravels.com
Email address:

Appeal Fee: $100.00

P.D.K.

3710427

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 - 20190054470
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10315003700 **APPLICATION DATE:** 09/09/2019

SITE ADDRESS:

4141 WOODLAWN DR 44 NASHVILLE, TN 37205
LOT 2 SUDEKUM SUB.

PARCEL OWNER: SUDEKUM, L.P. **CONTRACTOR:**

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated after the issued STRP permit expired.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of our request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of the property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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

Any correspondence to the Board must be submitted to our office by close of business, the Thursday prior to public hearing to be included in the record.

I am aware that I am responsible for removing the Sign(s) after the public hearing.

APPELLANT 9/9/19 **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.

Rental Unit Record

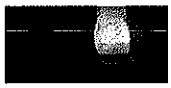
4141 Woodlawn Dr, Nashville, TN 37205, USA

Active ●
Identified ✓
Compliant X

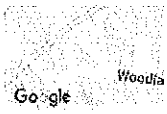
PRINT
SEND A LE

Listing(s) Information

Booking - 4884902 Airbnb - 34416983



Rental Unit Information



Identified Address

4141 Woodlawn Dr, Nashville, TN 37205, USA

Identified Unit Number

44

Identified Latitude, Longitude

36.125945, -86.843225

Parcel Number

10315003700

Owner Name

SUDEKUM, L.P.

Owner Address

2002 RICHARD JONES RD STE 200 A
NASHVILLE, TN 37215, US

Registration / Permit Number

504207

Matched Details

Analyst 9TIP

Explanation
Address provided on listing

Listing Details

Listing URL	– https://www.booking.com/hotel/us/the-southern-belle-suite-belle-meade.en-gb.html
Listing Status	● Active
Host Compliance Listing ID	– bkg4884902
Listing Title	– The Southern Belle Suite - Belle Meade
Property type	– holiday home

Timeline of Activity

View the series of events and documentation pertaining to this property

Room type	– Entire home/apt
Listing Info Last Captured	– Sep 08, 2019
Screenshot Last Captured	– Sep 04, 2019

Information Provided on Listing

Contact Name	– Not provided
Last Documented Stay	–

Listing Screenshot History

View Latest Listing Screenshot

July 9 | August 9 | September 2

- Listing bkg4884902 Reposted
  September 8th, 2019
- Listing air34416983 Removed
  August 28th, 2019
- First Warning - No STR Permit: In Transit
  August 17th, 2019
- 1 Documented Stay
  August, 2019
- First Warning - No STR Permit: Sent
  August 5th, 2019
- 1 Documented Stay
  July, 2019
- Listing bkg4884902 Removed
  July 9th, 2019
- 2 Documented Stays
  June, 2019
- Listing air34416983 Identified
  June 14th, 2019
- Listing bkg4884902 Identified
  May 17th, 2019
- Listing bkg4884902 First Crawled
  May 17th, 2019
- Listing bkg4884902 First Activity
  May 17th, 2019
- 1 Documented Stay
  May, 2019
- Listing air34416983 First Crawled
  May 8th, 2019
- Listing air34416983 First Activity
  May 8th, 2019
- tip: 4141 Woodlawn Dr 44, Nashville
  July 5th, 2018

September 04, 2019 - 06:16PM America/Chicago

Booking.com US$ List your property Register Sign in

Accommodation Flights Flight + Hotel Car rentals Tours & ... 6:16pm CT

Welcome back! It's always a pleasure to see you. Sign in to see deals of up to 50% off and get Genius Week benefits, too.

Sign in

Get a more personalised search

Home > USA > Tennessee > Nashville > Holiday rentals > Holiday homes > The Southern Belle Suite - Belle ...

We Price Match

Holiday home info & price Facilities Ho...

Search

Destination/property name:

Nashville

Check-in date

Check-in date

Check-out date

Check-out date

2 adults

No children 1 room

I'm travelling for work

Search

179 people are currently looking for a place in Nashville

Show on map

Google Map data ©2019

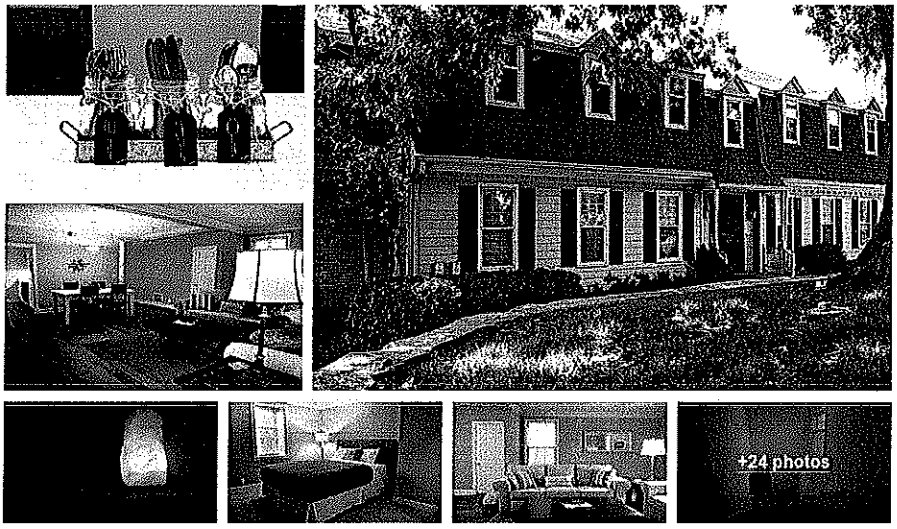
Like this one, but not quite sure yet?

Show similar properties

We're sorry, but this property isn't taking reservations on our site right now. Don't worry, you can find tons of other nearby properties right here.

Holiday home **The Southern Belle Suite - Belle Meade** Great for two travellers

Nashville, 37205, USA – Show map



The Southern Belle Suite - Belle Meade is situated in the Green Hills district of Nashville, 3.1 miles from Vanderbilt University, 4.3 miles from Bridgestone Arena and 4.3 miles from Ryman Auditorium. Featuring private parking, the holiday home is 2.7 miles from The Parthenon.

This air-conditioned holiday home features 3 bedrooms, a satellite TV, a dining area, and a kitchen with a dishwasher and a microwave.

Show me more

Guests love...

Private parking available

Most popular facilities

Parking Private parking

Lock in a great price for your upcoming stay

Get instant confirmation with FREE cancellation on most rooms!

Availability

We Price Match

When would you like to stay at The Southern Belle Suite - Belle Meade?

Check-in date Check-out date

Check-in date Check-out date Check availability

Rooms 1 Adults 2 Children 0

Property surroundings

Show map

Closest airports *

Nashville International Airport	9.7 miles

* All distances are measured in straight lines. Actual travel distances may vary.

Are you missing any information about this area? Yes / No

Facilities of The Southern Belle Suite - Belle Meade

Most popular facilities

Parking Private parking

Parking

Private parking is possible at a location nearby (reservation is needed) and costs USD 100 per hour.

Internet

Wired internet is available in public areas and charges are applicable.

Kitchen

Freedom to eat when you want

- Coffee machine
- Stovetop
- Oven
- Tumble dryer
- Kitchenware
- Dishwasher
- Microwave
- Refrigerator

Bathroom

- Hairdryer

Living Area

Space for everyone to be together

- Dining area

Media & Technology

Fun for everyone under one roof

- Satellite Channels
- TV

Room Amenities

Extra comfort

- Air conditioning
- Heating
- Ironing Facilities

Pets

Pets are not allowed.

Missing some information? Yes / No

House rules

The Southern Belle Suite - Belle Meade takes special requests - add in the next step!

Check-in

12:00

From 12:00 hours

Guests are required to show a photo identification and credit card upon check-in

You'll need to let the property know in advance what time you'll arrive.

Check-out

11:00

Until 11:00 hours

Cancellation/ prepayment

Cancellation and prepayment policies vary according to accommodation type. Please enter the dates of your stay and check the conditions of your required room.

Children and beds

Children of any age are welcome.

To see correct prices and occupancy information, please add the number of children in your group and their ages to your search.

There is no capacity for cots at this property.

There is no capacity for extra beds at this property.

Cards accepted at this property

The Southern Belle Suite - Belle Meade accepts these cards and reserves the right to temporarily hold an amount prior to arrival.

Pets

Pets are not allowed.

The fine print

Guests will receive a rental agreement which must be signed and returned to the property prior to arrival. If the agreement is not received, the guest should contact the property management company at the number on the booking confirmation. Guests must be 21 years of age or older to check-in.

Guests are required to show a photo identification and credit card upon check-in. Please note that all Special Requests are subject to availability and additional charges may apply.

Please inform The Southern Belle Suite - Belle Meade in advance of your expected arrival time. You can use the Special Requests box when booking, or contact the property directly with the contact details provided in your confirmation.

Please note that the full amount of the reservation is due before arrival. Coaker Travels will send a confirmation with detailed payment information. After full payment is taken, the property's details, including the address and where to collect keys, will be emailed to you.

License number: GE-019-129-3440-01

Didn't find the right property?

Continue search

Save time, save money!

Sign up and we'll send the best deals to you

Your email

Subscribe

Send me a link to get the FREE Booking.com app!

Invite hosts

List your property

Tablet version | Mobile version | Your account | Make changes to your booking online | Customer Service help | Become an affiliate | Booking.com for Business

Countries
Regions
Cities
Districts
Airports
Hotels
Places of interest

Homes
Apartments
Resorts
Villas
Hostels
B&Bs
Guest houses

Unique places to stay
Reviews
Unpacked: Travel articles
Invite hosts New
Travel Communities New

Car hire
Flight finder
Restaurant reservations
Booking.com for Travel Agents

About Booking.com
Give website feedback
Customer Service help
Partner help
Careers
Press centre
Investor relations
Terms & Conditions
Privacy & Cookie Statement
Corporate contact

Booking.com B.V. is based in Amsterdam in the Netherlands, and is supported internationally by 198 offices in 70 countries.

Extranet login

Copyright © 1996–2019 Booking.com™. All rights reserved.

Booking.com is part of Booking Holdings Inc., the world leader in online travel and related services.

Booking.com priceline.com KAYAK agoda.com Rentalcars.com OpenTable

Terry and Bernie Rosenblum
4215 Harding Pike, Apt. 1112
Nashville, Tennessee 37205

October 14, 2019

Metropolitan Board of Zoning Appeals
P.O. Box 196300
Nashville, TN 37219-6300

Re:	Appeal Case Number:	2019-467
	4141Woodlawn Drive 44	
	Map Parcel:	10315003700
	Zoning Classification:	RM6
	Council District:	19

Dear Board Members:

We are native Nashvillians. We are opposed to the appellant's challenge to the zoning administrator's denial of a short term rental permit. We do not want to see a short term permit issued to the appellant. Further, if we understand correctly that the appellant continued to operate after the issued STRP permit expired, then we believe the appellant should be sanctioned for doing so – certainly not rewarded.

Our neighborhood is an old, established, stable, primarily owner-occupied neighborhood, and we do not want to see its wonderful character destroyed by short-term rentals.

Please take our position into consideration when you decide this matter.

Thank you.

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

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellants: Anne Wigle-Occhipinti & Thomas Occhipinti **Date:** 9/13/19

Property Owner: Anne Wigle Occhipinti **Case #:** 2019- 468

Representative: Self/Anne Wigle-Occhipinti & husband Thomas Occhipinti **Map & Parcel:** 11707011500

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 obtain a short term rental permit

Activity Type: Short Term Rental

Location: 3420 Hopkins St.

This property is in the R20 **Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:**

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Appellant operated on an expired permit.

Section(s): 17.16.250 E

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

Anne Wigle-Occhipinti
Appellant Name (Please Print)

3420 Hopkins St
Address

Nashville, TN 37215
City, State, Zip Code

615-948-1832
Phone Number

amgrace@comcast.net
Email

Thomas Occhipinti
Representative Name (Please Print)

Same
Address

Same
City, State, Zip Code

615-948-1834
Phone Number

paintedeyes1@hotmail.com
Email

Zoning Examiner: RGB

Appeal Fee: _____

DAVID BRILEY
MAYOR

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

September 3, 2019

Occhipinti, T.J., & Wigle, Anne E.
3420 Hopkins St
Nashville, TN 37215

RE: Permit CASR #2017022514
3420 Hopkins St

Dear Mr. Occhipinti:

The enclosed short term rental renewal documentation was provided on August 12, 2019, which was past the expiration date of May 11, 2019. The permit is, therefore, expired and you must apply for a new permit. Accordingly, enclosed please find the renewal check that you recently submitted.

All short term rental activity, including advertising and operating, must immediately cease at this address. Any such activity at the subject address will be a violation of law and could subject you to further court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Lamb
Metro Codes

Lifsey, Debbie (Codes)

From: ANNE WIGLE-OCCHIPINTI <amgrace@comcast.net>
Sent: Thursday, September 12, 2019 1:56 PM
To: Lamb, Emily (Codes); Lifsey, Debbie (Codes); paintedeyes1
Subject: Reply-RE: Please advise-moving foreword- re:Permit CASR#2017022514 3420 Hopkins St.,

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

Ms. Lamb,

Thank you for your advise-

I have made arrangements to arrive before 7:30 tomorrow morning to meet with a Zoning Examiner to file an appeal with the Board of Zoning Appeals as we would like to operate our STRP in the future.

Best,

Anne Wigle-Occhipinti

> On September 12, 2019 at 1:09 PM "Lamb, Emily (Codes)" <Emily.Lamb@nashville.gov> wrote:
>
> Ms. Wigle-Occhipinti,
>
> While I am certainly sympathetic to your situation, as I said in my email yesterday Codes is unfortunately legally prohibited from renewing or issuing a permit on this property, and you will need to meet with a zoning examiner to file an appeal with the Board of Zoning Appeals if you would like to operate your STRP in the future. That board has the authority to allow you to re-apply for your permit. Zoning Examiners see customers Monday through Friday from 7:30 am to 4:00 pm. I would encourage you to arrive as close to 7:30 as possible, if not earlier, as we often fill up for the day early in the morning.
>
> Best,

Emily Lamb

Metro Codes Department

From: ANNE WIGLE-OCCHIPINTI <amgrace@comcast.net>
Sent: Wednesday, September 11, 2019 1:19 PM
To: Lamb, Emily (Codes) <Emily.Lamb@nashville.gov>; Lifsey, Debbie (Codes) <Debbie.Lifsey@nashville.gov>; paintedeyes1 <paintedeyes1@hotmail.com>
Subject: Please advise-moving foreword- re:Permit CASR#2017022514 3420 Hopkins St.,

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

Ms. Emily Lamb re:Permit CASR#2017022514

3420 Hopkins St.,

My husband Tom and I have worked tirelessly to build our small business to supplement our income as pubic school educators. We run an AirB@B in the front part of the house where our children's bedrooms used to be. It takes a lot of time and energy to make the space represent both us and Nashville as being comfortable, kind, and affordable (95$ per night). We pride ourselves on being clean and put fresh flowers from our home garden in vases in each of the 2 bedrooms. Our rating with AirB&B is 5 Stars/Superhosts - a result of a lot of hard work.

As I believe has been explained, there has been a mistake made, and as a result, our Metro STRP permit is no longer ...and our business has halted.

Question-

*How exactly do we move forward so that we can operate our AirB&B?

*Please advise.

Sincerely,

Anne Wigle-Occhipinti and husband Tom Occhipinti

P.S. As soon as we became aware of our not currently being permitted we contacted guests cancelling their stays-

*We have lost this income- they must find other accommodations.

*Not only have we lost income, but we have been fined by Airbnb for the cancellations. We are working now with Airbnb to permanently deactivate the web page...as the reservation cancellations we have made triggered a deactivated page process.

*Our 5 Star Super-host rating will have most likely dropped once we begin again.

---

*We hope to move forward in a positive way as quickly as possible- for us- this is devastating.

*Please advise-

On September 10, 2019 at 10:20 AM ANNE WIGLE-OCCHIPINTI <amgrace@comcast.net> wrote:

Ms. Lamb-

I am not able meet with you at 1:00 today as Ms. Lifsey had arranged with you when I was at the Metro Codes Office yesterday regarding Permit CASR#2017022514 3420 Hopkins St.

I will phone Ms. Lifsey to reschedule.

Sent from my iPhone

Zoning Examiner
615-862-6621

1st email 8-08-2019
Sent to Mr. Harper

From: Thomas Occhipinti <paintedeyes1@hotmail.com>
Sent: Thursday, August 08, 2019 5:32 PM
To: Harper, Clint (Codes) <clint.harper@nashville.gov>
Subject: Re: AIRB&B Permit

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

Mr. Harper,

We have not received our renewal information for operating our Short Term Rental. We continue to make our hotel and tax payments each month of operation.

Two questions:

Has the fee been increased as we have heard proposed by Mayor Briley?

Will we receive renewal info by mail?

Tom Occhipinti

From: Harper, Clint (Codes) <clint.harper@nashville.gov>
Sent: Thursday, May 4, 2017 7:30 AM
To: 'Thomas Occhipinti' <paintedeyes1@hotmail.com>
Subject: RE: AIRB&B Permit

If he has passed you then you just need to come in to pay.

Clint Harper
Zoning Examiner
615-862-6621

From: Thomas Occhipinti [mailto:paintedeyes1@hotmail.com]
Sent: Wednesday, May 03, 2017 2:53 PM
To: Harper, Clint (Codes)
Cc: anne wigle-occhipinti
Subject: Re: AIRB&B Permit

Dear Clint,

Firemarshall Patrick Williams passed us on his first inspection of our home at 3420 Hopkins St., this morning. He said it would be a few days for his paperwork to reach you.

Please advise us how to purchase our permit as a final step. Do we need to make another appointment? Do we just show up and pay for it?

Case # 2019-468

2nd Email Sent to Mr. Harper 8-13-2019

Re: AIRB&B Permit

Thomas Occhipinti
Tue 8/13/2019 3:43 PM

To: Harper, Clint (Codes) <clint.harper@nashville.gov>
Cc: Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov <robert.osborn@nashville.gov>; anne wigle-occhipinti <amgrace@comcast.net>

Dear Clint,

Thank you again for your recent help. My wife and I completed the paperwork your emailed last week and notarized as directed. Instead of mailing the paperwork and $313.00 permit renewal fee, we had planned on hand delivering it to you this week.

(See our original email of August 8th and your response August 9th below..)

This afternoon, my wife and I received a notification in the mail from a Robert Osborne, that we were in violation of operating our STRP due to not having a STRP permit.

My wife, Anne, will promptly deliver the check and required renewal paperwork tomorrow to your office.

Hopefully, this will clear up the matter, which arose from our not understanding that it is up to the STRP permit holders, to renew their permits each year, without awaiting notification.

Please accept our apologies for not understanding initially that it was our responsibility to renew the paperwork, and we look forward to this matter being cleared up ASAP.

Tom Occhipinti & Anne Wigle-Occhipinti
615-948-1834

CC: Councilman Russ Pulley
Robert Osborn

Email 1st Response from Mr. Harper 8-09-2019

From: Harper, Clint (Codes) <clint.harper@nashville.gov>
Sent: Friday, August 9, 2019 7:49 AM
To: 'Thomas Occhipinti' <paintedeyes1@hotmail.com>
Subject: RE: AIRB&B Permit

Renewal info is sent as a courtesy only, you are still responsible to have all documents in by the required date. I have attached a blank renewal form.

The renewal and permit fee is $313.00

Clint Harper

Case # 2019-468

3rd Email to Mr. Harper 8-14-2019

Fw: AIRB&B Permit

Thomas Occhipinti
Wed 8/14/2019 2:13 PM

To: Harper, Clint (Codes) <clint.harper@nashville.gov>
Cc: Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov <robert.osborn@nashville.gov>; anne wigle-occhipinti <amgrace@comcast.net>

Dear Mr. Harper,

Thank you for helping my wife this morning as she provided you our STRP renewal notarized documents and payment of $313.00, in person.

We consider the matter successfully resolved from when we first contacted you last THursday, August 8th, unless we hear otherwise.

Thank you again for your kindness and help.

Tom Occhipinti
3420 Hopkins St.
Nashville, TN. 37215

From: Thomas Occhipinti <paintedeyes1@hotmail.com>
Sent: Tuesday, August 13, 2019 3:43 PM
To: Harper, Clint (Codes) <clint.harper@nashville.gov>
Cc: Pulley, Russ (Council Member) <Russ.Pulley@nashville.gov>; robert.osborn@nashville.gov <robert.osborn@nashville.gov>; anne wigle-occhipinti <amgrace@comcast.net>
Subject: Re: AIRB&B Permit

Dear Clint,

Thank you again for your recent help. My wife and I completed the paperwork your emailed last week and notarized as directed. Instead of mailing the paperwork and $313.00 permit renewal fee, we had planned on hand delivering it to you this week.

(See our original email of August 8th and your response August 9th below..)

This afternoon, my wife and I received a notification in the mail from a Robert Osborne, that we were in violation of operating our STRP due to not having a STRP permit.

My wife, Anne, will promptly deliver the check and required renewal paperwork tomorrow to your office.

Hopefully, this will clear up the matter, which arose from our not understanding that it is up to the STRP permit holders, to renew their permits each year, without awaiting notification.

Lifsey, Debbie (Codes)

Subject:	Cancelled STRP
Location:	In your office
Start:	Tue 9/10/2019 1:00 PM
End:	Tue 9/10/2019 1:30 PM
Recurrence:	(none)
Organizer:	Lamb, Emily (Codes)

3420 Hopkins permit canceled due to renewal was turned in to Metro 2 months late.

Anne 615-948-1832 or 615-948-1834

DAVID BRILEY
MAYOR

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

September 3, 2019

Occhipinti, T.J., & Wigle, Anne E.
3420 Hopkins St
Nashville, TN 37215

RE: Permit CASR #2017022514
3420 Hopkins St

Dear Mr. Occhipinti:

The enclosed short term rental renewal documentation was provided on August 12, 2019, which was past the expiration date of May 11, 2019. The permit is, therefore, expired and you must apply for a new permit. Accordingly, enclosed please find the renewal check that you recently submitted.

All short term rental activity, including advertising and operating, must immediately cease at this address. Any such activity at the subject address will be a violation of law and could subject you to further court proceedings.

Please be advised that you have the right to appeal this decision at the Board of Zoning Appeals.

Sincerely,

Emily Lamb
Metro Codes

Date: Sept. 12th, 2019

To Metro Zoning Examiner:

To Whom It May Concern-Letter detailing the basis for the appeal-specifically addressing the error in interpretation.

My husband, Tom, and I(Anne) have worked tirelessly to build our small business to supplement our income as current and recently retired MNPS school educators. We have legally operated an owner occupied AirB@B in the front part of the house, where our children's bedrooms used to be, since May 2017. It takes a lot of time and energy to make the space represent both us and Nashville as being comfortable, kind, and affordable (95$ per night). We pride ourselves on the suite being clean and put fresh flowers from our home garden in vases in each of the 2 bedrooms. Our rating with AirB&B is 5 Stars/Superhosts - a result of a lot of hard work. We have always faithfully operated our STRP within Metro guidelines, to the best of our knowledge, and have promptly paid hotel occupancy tax each month, and local and state taxes (paid by AirBNB on our behalf), with no complaints from neighbors. We have had zero problems from our guests. Many of our guests are parents and grandparents of local university students or first time visitors to Nashville. We have always acted proudly as ambassadors to our city and community.

A mistake has been made by us as a result of an error of interpretation. We own the mistake. I think if you read closely what follows, you will come to understand how miscommunication from Metro Codes contributed to it. We would like to move forward and continue legally renting our AirB&B, and not be penalized further with a year suspension. Please read the detailed explanation below and advise us as to how we can move forward.

Section specifically addressing the error in interpretation

*We had the impression that we would get a renewal notification in the mail as we had the previous year-May 2018. My husband kept saying, "I wonder when we will get our Renewal Notice in the mail?" He even included a note with our May Hotel Occupancy payment, but never received a response back.

*We were also aware of the proposed increase of 600% for permits and Tom made an appointment and spoke publicly at Metro Council meeting at the end of May, about how such an increase feels punitive for folks on a budget with in home AirB&B's such as ours.

*Therefore, we thought the renewal notice had possibly been postponed as a result of the pending fee increase. We were wrong to make that assumption.

*When the fee increase bill passed in late June...we still did not get a renewal in July.

*We continued to operate and pay our monthly Hotel tax occupancy in July and August.

*After not hearing back by the beginning of August, Tom emailed Mr. Clint Harper with Metro Codes on Thursday, August 8, 2019, inquiring about the missing renewal notice.

*Friday, August 9th, Tom also spoke with Mr. Harper on the phone to confirm Mr. Harper's email. Mr. Harper clearly explained that **Codes only sent renewal notices as a courtesy after the first year.** Tom apologized for not knowing and asked if we would have to reapply and be inspected again? Mr. Harper assured Tom on the phone that day, that since nothing had changed with our property listing, we would not have to reapply and go through the process. Mr. Harper referred Tom to his earlier email to us, which directed us to download and complete the attached renewal documents, complete the forms, have the forms notarized, and pay the new amount by check of **$313.00.** To repeat, Mr. Harper twice clearly communicated his directive in a written email on August 8th, and again orally by phone, August 9th, and <u>led us to believe</u> we would then be in compliance with Metro Codes.

*Monday, August 12th we completed the necessary paperwork at our bank in order to notarize the material.

*Tuesday, August 13th we received a letter from a codes worker, Robert Osborne, informing us we were in violation of STRP because we did not have a registered permit to operate. Tom sent email to Mr. Harper (see attached) and explained the letter contents.

*Wednesday, August 14th I (Anne) hand delivered the notarized materials and check to Mr. Harper and asked him to review to make sure all was in order and that everything required was present. Mr. Harper reviewed the materials while I/Anne stood in front of him and he said, that all was correct as required- leading me to believe all was well.

*Wednesday, August 14th Tom emailed Mr. Harper thanking him and that we considered the matter closed unless we heard otherwise.

*On September 7th, nearly one month later, we received a lengthy formal letter by mail from Ms. Emily Lamb, that our renewal paperwork provided by Mr. Clint Harper, was rejected. All of the paperwork and check I had hand delivered were enclosed.

*We were perplexed by the letter since we were clearly led to believe earlier by Mr. Harper by email and phone to us, that we were to download papers, complete the renewal application, have the papers notarized, and return those materials with a check for $313.00 -and we followed his directive in a timely manner.

To recap:

- Once we contacted Metro Codes and learned that Metro Codes did not send out renewal notices after the first renewal year, (which was only done as a "courtesy,") we complied with the renewal application and instructions as provided by Mr. Harper.
- We have always faithfully operated our STRP within Metro guidelines, to the best of our knowledge, and have promptly paid hotel occupancy tax each month, and local and state taxes (paid by AirBNB on our behalf).
- Further, as soon as we became aware of our not currently being permitted to operate, we complied with Ms Lamb's letter, and we delisted our AIrBNB Web site. Additionally, we cancelled 9 guests booked for weekends for the next two months-
- As a result, We have lost over $1000.00 income- the guests must find other accommodations.
- Our 5 Star Superhost rating is gone.
- We were fined $250 by AIRBNB for cancellations.

We hope to move forward in a positive way as quickly as possible-

***Question-**

*How exactly do we move forward to appeal this initial ruling, so that we can receive permission to continue to operate our Airbnb, as part of our monthly earnings which supplement my MNPS & State Teacher retirement earnings?

We hope you will help us successfully resolve this unfortunate error in interpretation.

Sincerely,

Anne Wigle-Occhipinti and husband Tom Occhipinti (615-948-1834)

3420 Hopkins St.
Nashville, TN. 37215

October 7, 2019

Richard Glaze
208 Stokesboro Ct
Nashville, TN 37215

Metropolitan Government of Nashville
Department of Codes and Building Safety
800 Second Ave South
Nashville, TN 37210

RE: Appeal Case Number: 2019-468

Dear Sirs:

I am opposed to short term rentals in my neighborhood which includes the proposed one at 3420 Hopkins Street.

Regards,

Richard Glaze

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Sheryl Marsella
Date: 9/16/2019
Property Owner: Sheryl Marsella
Case #: 2019- 471
Representative: Sheryl Marsella
Map & Parcel: 081082T00200CO

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 obtain a STRP permit

Activity Type: Short Term Rental

Location: 1812 6th Ave N B

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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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 here by requested in the above requirement as applied to this property.

Appellant Name: Sherly Marsella
Representative: Same
Phone Number: (847)867-6400
Phone Number:
Address: 1812 6th Ave N B
Nashville, TN 37208
Address:

Email address: sherylmarsella@gmail.com
Email address:
danamclendon@icloud.com

Appeal Fee:

APPLICATIONS FOR INTERPRETATION AGAINST THE ZONING ADMINISTRATOR AND NON-COMPLYING/NON-CONFORMING USES

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of our request. Zoning staff will notify the district councilmember of the hearing. You will be responsible for preparing the envelopes and notices for mailing to the owners of the property within 1,000 feet of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Fold and insert the notices into the envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

The day of the public hearing, it will be your responsibility to convey to the Board your request and the reasons for the request. In the case of questioning the Zoning Administrator in his interpretation of the Zoning Code, it is your job to explain to the Board why he is wrong and you are right. In the case of non-conforming or non-complying, it is your job to explain to Board how this change/enlargement, etc. would result in less of an impact on the surrounding area. **It would be to your benefit to contact your neighbors and explain to them what you are doing and attempt to obtain their support and evidence that support in some form at the public hearing.**

Any party can appeal the Board's decision to Chancery or Circuit Court within sixty (60) days from the date the order in the case is entered. Should your request be granted, we would remind you that it is your responsibility to obtain the permit for which you have applied. You should also be aware that you have two (2) years to obtain the permit or you would have to re-file your request with the Board.

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

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

I am aware that I am responsible for removing the Sign(s) after the public hearing.

[signature] 9/16/19

APPELLANT **DATE**

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

3485905

RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394
PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO *HTTP://STRP.NASHVILLE.GOV* FOR RENEWAL INSTRUCTIONS

PARCEL: 081082T00200CO **APPLICATION DATE:** 04/20/2018
SITE ADDRESS: **ISSUED DATE:** 05/03/2018

1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL OWNER: Sheryl Marsella

APPLICANT: Sheryl Marsella
1812 B 6th Ave. N
Nashville, TN 37208
847 867-6400

CONTACT: Jonny Lee
210 12th Ave. S
Nashville, TN 37203
615 429-3032

PURPOSE:
By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association
Renew Short Term Rental Permit

Inspection requirements may change due to changes during construction.

3712462

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 - 20190055907
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081082T00200CO **APPLICATION DATE:** 09/16/2019

SITE ADDRESS:

1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL OWNER: SHERYL MARSELLA **CONTRACTOR:**

APPLICANT:

PURPOSE:

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association

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.

Case # 2019-471

Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety

800 Second Avenue South, Nashville, TN 37210

3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

ISSUED ON:

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required) Date

SITE ADDRESS:
1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL: 081082T00200CO
Tax District: USD
Census Tr: 37019400

PARCEL OWNER:

PURPOSE:

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association

PERMIT DETAILS:

Estimated Value:		Number of Floors:	
Const Type:		Sewer or Septic:	
Sq Footage:		Total # Buildings:	
Parking Required:	N	Total # Units:	
Parking Provided:	N	Garage:	N
Sprinklers?	N	Number of Bedrooms:	
Metro Water:		Number of Kitchens:	
Public Constr?	N		

ZONING ASSIGNMENTS:

OV-UZO	URBAN ZONING OVERLAY
R6-A	ONE&TWO FAMILY 6,000 SQUARE FOOT LOT

Case # 2019-471

Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety

800 Second Avenue South, Nashville, TN 37210

3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

ISSUED ON:

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required) Date

CAAZ

FEE / PAYMENT:

[2019/09/16] CA ZONING APPEAL...	$ 250.00	$ -
PERMIT FEE/PAYMENT.....	$ 250.00	$ -

Payment Detail:

Pmt Total:

Issue Date: This Permit Has NOT Been Issued

Issued By:

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

IN RE
SHERYL MARSELLA Appeal No. 2019-471
1812B 6th Avenue North
Nashville, TN

SHERYL MARSELLA'S POSITION

Sheryl Marsella has appealed the administrative denial of her STRP per it denial because the Metropolitan government mistakenly did not process her timely filed renewal application. As is clear from the attached documents, Ms. Marsella submitted her check, dated April 15, 2019, to Metro which, for reasons that are entirely unclear, returned the check with the explanation that Metro was uncertain why she submitted the check. The attached affidavit demonstrates Ms Marsella executed the renewal application contemporaneously with the check, and Ms Marsella's testimony will be that she tendered the check and application by mail in a timely fashion, in the same envelope. It appears that a Metro employee made a clerical/administrative error by allowing the check and the renewal application to be separated rather than properly processed. This Board should renew the permit as that is the just and proper way to remedy the error made by Metro in the first place.

As to the allegations made by the Lights, most of them are irrelevant in this forum, and inaccurate in many respects. First, Ms Marsella never knew of any covenants and restrictions on her property before the Lights intervened in this process. Neither, apparently, did the Lights know of them until recently because the Lights have had two opportunities in General Sessions Court to present the covenants and restrictions but did not do so. See attached orders of Metro courts dismissing Metro's petitions to revoke Ms Marsella's STRP permit. One would think if the Lights had known of the covenants and restrictions, they would have brought them to the previous court hearings. Also, the Lights did not form the entity contemplated by the covenants and restrictions until earlier this year, and they have done nothing whatsoever to include Ms Marsella in the creation or governance of the entity. The Lights have conveniently and in a self-serving way grasped the reins of power to accomplish here what they could not in two prior court appearances.

Further, the Lights are simply wrong about Ms Marsella's use of the property, as they have been from the beginning. Ms Marsella is retired and has many family members who have come to visit her in her home, or who have used her home free of charge. Frankly, it's none of the Light's business who Ms Marsella has a houseguest, but the videos the Lights have submitted as "proof" of something include Ms Marsella's family and friends.

The Lights have presented to this Board issues that are not properly resolved by this body. This represents the Light's ongoing campaign to deny Ms Marsella her rights as a property owner by any means available to them. Many of the Lights' complaints either were resolved or could have been addressed in the prior litigation. This Board should stick to the issue at hand and find that Metro should have, but did not, issue an STRP permit renewal to Ms Marsella and then issue or direct the issuance of said renewal.

Dana C. McLendon III (#16214)
2020 Fieldstone Parkway #900-217
Franklin TN 37069
615-310-3195 P
615-807-3790 F
danamclendon@icloud.com

The foregoing has been served on counsel for Mr and Mrs Light by electronic delivery on 31 October 2019.

Copy

Case # 2019-471

FILED
2019 JUN 11 PM 4:23
RICHARD R. ROOKER, CLERK
S. Neal D.C.

IN THE GENERAL SESSIONS COURT OF
DAVIDSON COUNTY TENNESSEE

THE METROPOLITAN
GOVERNMENT OF NASHVILLE
AND DAVIDSON COUNTY,
Plaintiff,

APPEALED

v.

#18GC15615

Environmental Court

SHERYL MARSELLA,
Defendant

ORDER

This cause came before the Honorable Allegra Walker on May 21, 2019 upon the timely-filed request for a rehearing filed by Sheryl Marsella following a hearing in Environmental Court on 18 November 2018. The parties were present with counsel.

The issue to be decided was this: Is Ms. Marsella a permanent resident of 1812B Sixth Avenue North, Nashville, Tennessee? If so, she has a proper short term rental permit for the property and is entitled to maintain that permit so long as she maintains compliance with applicable regulations. If not, she is not entitled to maintain the short term rental permit for the property.

The court heard the testimony of Robert Osborn, Zoning Examiner of the Metro Codes Department, as well as the testimony of Jeremy Light, a neighbor of Ms. Marsella's, and Ms. Marsella. The court received various exhibits into evidence and heard the argument of counsel.

The court is of the opinion that, while there is contradictory evidence in this case, the petitioner has failed to prove by a preponderance of the evidence that Mrs. Marsella is not a permanent resident of 1812B 6th Avenue North, Nashville,

Tennessee. The court is satisfied that Ms. Marsella is, indeed, a permanent resident of 1812B Sixth Avenue North, Nashville, Tennessee. As such, Ms. Marsella is entitled to maintain her short term rental permit provided she maintains compliance with applicable regulations.

The complaint filed by the plaintiff is dismissed, with prejudice, with costs taxed to the plaintiff for which execution shall issue if necessary.

It is so ORDERED this 11 day of June, 2019.

Allegra Walker

Allegra Walker, Judge

Submitted for Entry:

APPEALED

Dana C. McLendon III (#16214)
2020 Fieldstone Parkway #900-217
Franklin TN 37069
615-310-3195 P
615-807-3790 F
danamclendon@icloud.com

Certificate of Service

The undersigned certifies that the foregoing has been served by United States mail on May 23, 2019 upon

Quan Poole
Assistant Metropolitan Attorney
Metro Legal Department
Metropolitan Courthouse Suite 108
PO BOX 196300
Nashville TN 37219

2019 JUL 25 AM 8:31
METRO DEPT. OF LAW
METRO GOV. OF NASHVILLE & DAVIDSON CO.

IN THE FIFTH CIRCUIT COURT FOR DAVIDSON COUNTY, TENNESSEE

METROPOLITAN GOVERNMENT OF NASHVILLE & DAVIDSON COUNTY,	)	
Plaintiff,	)	**Docket No. 19C1403**
v.	)	
	)	**NON-JURY TRIAL**
SHERYL MARSELLA	)	
Defendant.	)	

AGREED ORDER OF DISMISSAL

As evidenced by the signatures of counsel below, Plaintiff and Defendant hereby agree to the dismissal, *with prejudice*, of the claims brought by Plaintiff in the civil warrant used to initiate this cause of action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. The claims asserted by Plaintiff in the July 18, 2018 civil warrant are hereby dismissed with prejudice;
2. Each party shall bear its own discretionary costs allowable under Rule 54.04 of the Tennessee Rules of Civil Procedure, if any; and
3. Upon assessment, the Metropolitan Government shall pay the bill of costs prepared by the clerk of the court, for which execution may issue, if necessary.

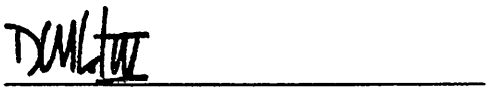
Entered this _____ day of _____, 2019.

_____
JUDGE JOSEPH BINKLEY, JR.

APPROVED FOR ENTRY:

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
JON COOPER, #23571
Director of Law

Quantavius Poole, #32314
Assistant Metropolitan Attorney
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219



Dana C. McLendon, #16214
2020 Fieldstone Parkway #900-217
Franklin, Tennessee 37069
Attorney for Defendant

EFILED 07/26/19 07:46:36 CASE NO. 19C1403 Richard R. Rooker, Clerk

Case Title: METRO CODES DEPARTMENT(ROBERT OSBORN) V MARSELLA

Case Number: 19C1403

Type: AGREED ORDER

So Ordered

DAVID BRILEY
MAYOR

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 196350
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

September 3, 2019

ALM Enterprises, Inc.
S. Marsella
1519 Shire
Inverness, FL 60067

Dear ALM Enterprises, Inc.:

We received this check today in the amount of $50, but there was nothing to indicate what this payment was for. Please provide more information along with the check so your payment may be applied correctly.

If you have any questions, please contact me at 615-862-6598.

Thank you,

Julie Welch
Administrative Services Officer III

jw:

Encl.:

Case # 2019-471

ALM ENTERPRISES INC

70-2546/719

1357

DATE Apr. 15, 2019

Pay to the order of metro

$ 50.00/xx

fifty dollars 00/100 DOLLARS

Village Bank & Trust

MEMO 1812 6th ave

AUTHORIZED SIGNATURE

Security features included. Details on back.

⑈001357⑈ ⑆071925460⑆ ⑈1142529254⑈

ENDORSE HERE

082T00200 CO

DO NOT WRITE, STAMP OR SIGN BELOW THIS LINE
RESERVED FOR FINANCIAL INSTITUTION USE

Padlock design is a certification mark of the Check Payment Systems Association

Warning:

Absence of the following Security Features may indicate alteration

MF Microprint

Security Perfectionment

Warning Bond Mark Pattern

Security Bond Bar

Other Printed Information

*FEDERAL RESERVE BOARD OF GOVERNORS REG. CC

Case # 2019-471

Lisa Moeller

Notary Public

27 August 2019

To Whom It May Concern:

I, Lisa Moeller, being a notary public in McHenry County, Illinois, notarized a document for Sheryl Marsella on April 5, 2019.

This document is regarding renewal permit for a property Sheryl Marsella owns in Nashville, Tennessee.

My commission expires November 2020 (see below):

OFFICIAL SEAL
LISA A MOELLER
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 11/15/20

Lisa Moeller

$575,000 $253/sqft **- Sold -**
(Last List $579,000 - $255/sqft)

1812B 6th Ave
Nashville, TN 37208
3 Beds, 3 Full Baths, 2274 SqFt

Directions: North on Rosa Parks Blvd, Right on Garfield St, Left on 7th Ave N, Home is on the Right.

MLS #: 1903013

Status:	Closed 3/22/18
Year Built:	2016 Existing
Area:	3 - Davidson
Subdivision:	Salemtown
Class - Type:	Residential - Site Built
Annual Taxes:	$3,500 | 081-08-2T-002.00-CO
Days On Market:	3

Public Remarks: Barely lived in recent build, move in ready. Completed first of 2016, single owner, great layout, nice fenced yard, detached two car carport, roof top living space, exceptional master with his/her closets and private sitting terrace. Must see if Germantown/Salemtown is on your radar.

Private Remarks: Sellers moving south! Can close quick, barely lived in, great finishes, great layout. Walk to the Sounds game, downtown, restaurants/shops in Germantown. Washer/dryer do not remain. Call Ryan with questions - 615.517.0232.

General Information

Acres: Less than 0.25
Basement: None / Crawl
Construction: Frame / Hardboard
Floors: Carpet / Finished Wood / Tile
Listing Detail: Exclusive Right To Sell - Standard
Lot: 50x175 / Level
Parking (Garage): 2 / Attached - REAR
Parking (Open): / Concrete
Roof: Membrane
Stories: 2
Style: Traditional

Rooms and Dimensions

Living Room:	21x16 / Fireplace
Kitchen:	18x13 / Eat-In
Master Bath:	Shower Only / Double Vanities
Bed 1:	16x14 / Master Bedroom Up
Bed 2:	12x11 / Bath
Bed 3:	12x11 / Bath
Dining Room:	14x10
Hobby Room:	7x6 / Other

Room Totals and Square Footage

Main Floor:	1 Bed	1 FB	0 HB	1137 SF
Second Floor:	2 Beds	2 FB		1137 SF
Total:	3 Beds	3 Full Bath	0 Half Bath	2274 SqFt / Other

Utilities
City Water / Sewer
Electric Central Cooling
Gas/Electric Central Heat

Appliances
Electric Stove
Electric Single Oven
Disposal / Grill / Microwave / Refrigerator / Dishwasher

Interior Features
1 Fireplace

Exterior Features
Privacy Fence
Garage Door Opener
Gas Grill
Deck

Schools

Elementary 1:	Buena Vista Enhanced Option
Elementary 2:	Harpeth Valley Elementary
Middle/JR:	John Early Paideia Magnet
High:	Pearl Cohn Magnet High School

Miscellaneous

Office and Showing Information

Showing Info:	Call Showing Center
Showing Phone:	(615) 327-0101
List Agent:	Ryan Miller / (615) 517-0232
List Office:	PARKS / (615) 383-6600
Co-List Agent:	
Co-List Office:	
Subagency:	0
Buyer Broker:	3
Facilitator:	0
Owner Name:	

Contract Information

Sales Agent:	Ryan Turbeville
Sales Office:	The Ashton Real Estate Group of RE/MAX Advantage
Co-Sales Agent:	
Co-Sales Office:	
Terms:	Conventional
Possession:	Date of Deed
List Date:	2/17/18
Available for Showing Date:	
Under Contract Date:	2/20/18
Closing Date:	3/22/18
Contract to Closed Days:	30
Sales Price:	$575,000
Seller Paid Closing Costs:	
New Construction PreSale:	No
Original List Price:	$579,000

Information believed to be accurate but not guaranteed. Buyers should independently verify all information prior to submitting any offer to purchase.
© 2019 RealTracs, Inc.

Gmail

Sheryl Marsella <sherylmarsella@gmail.com>

Fwd: Metro v. Marsella

1 message

Dana McLendon <danamclendon@icloud.com> Fri, Jul 19, 2019 at 12:15 PM
To: Sheryl Marsella <sherylmarsella@gmail.com>

Dana McLendon
615-310-3195 voice/text

Begin forwarded message:

From: "Poole, Quan (Legal)" <Quan.Poole@nashville.gov>
Subject: RE: Metro v. Marsella
Date: July 19, 2019 at 12:14:29 PM CDT
To: 'Dana McLendon' <danamclendon@icloud.com>

Correct—no need to file a response. Good luck with the move.

Quan M. Poole
Assistant Metropolitan Attorney
P:615.880.3767

From: Dana McLendon [mailto:danamclendon@icloud.com]
Sent: Friday, July 19, 2019 12:12 PM
To: Poole, Quan (Legal)
Subject: Re: Metro v. Marsella

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

Understood. Can I count on not having to file a response by Monday, then? I'm trying to get my wife and kid out the door for a two day drive to move him to Denver, then I'm flying out to catch up with them after a few appearances next week.

Dana McLendon
615-310-3195 voice/text

On Jul 19, 2019, at 11:45 AM, Poole, Quan (Legal) <Quan.Poole@nashville.gov> wrote:

Hi Dana,

There's still a chance this case won't move forward. Similar to me filing the notice of appeal to preserve Metro's right, I was approaching the 45 day time limit and had to file the motion to set. I will know prior to the hearing whether the litigation team will pursue the case. (will likely have a final answer by the middle of next week.)

If the case does move forward, we can certainly enter an agreed order or just move the motion date.

Thanks,

Quan M. Poole
Assistant Metropolitan Attorney
P:615.880.3767

From: Dana McLendon [mailto:danamclendon@icloud.com]
Sent: Thursday, July 18, 2019 11:29 AM
To: Poole, Quan (Legal)
Subject: Metro v. Marsella

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

Quan,

I received your motion to set.

I remain baffled that Metro continues to press this case against Mrs. Marsella when the proof is what we know it to be.

Notwithstanding, I don't oppose your motion to set as long as we allow ample time for discovery. Also, I will be out of town next Thursday so if we can do an agreed order or reset your motion that would be great.

Dana McLendon
615-310-3195 phone/text
Danamclendon@icloud.com

Nashville.gov | Metro Government of Nashville & Davidson County, Tennessee

FIS PayDirect

Metro Codes

Thank you for your payment.

A 2.30% convenience fee has been added to your transaction. By signing this receipt, you agree to pay this fee. This fee is charged by a third party and no part of it goes to Metro.

Please keep a copy of this receipt for your records.

User ID : drobinson

Payment Type	Reference Number		Payment Amount
caaz	20190055907		$100.00
		Payment Amount:	**$100.00**
		Convenience Fee:	**$2.30**
		Total Payment Amount:	**$102.30**

Receipt Number: 3765804104

Transaction Date: 09/16/2019 08:35:49 AM

Payment Type:

Account Number: *1003

x_____

Cardholder signature

Flags **CACODES :** CODES FLAG [**FLAG**].....

Summary | Main | Address | People | DataGroup | Workflow | Fees

Payment | **Notes** | Rel Docs

Type/SubType: CASR - CAZ10A001 Number: **2018022394** Status: EXPIRED

Notes

Notes

Code	Notes	Created	Modified
	permit cancelled due to court order for operatin...	12/10/2018	5/22/2019

Size: 10 Go 1 Found: 1 Displaying: 1 to 1

Edit Notes

» Submit Query

Comment Code:

Notes:

permit cancelled due to court order for operating a non-owner occupied strp with an owner occupied permit. on 5-21-19 judge walker ruled in favor of Ms. Marsella. Permit changed back to issued. It is not known if Metro will appeal at this time. -RSO

Print On Case: ☐

Created By: ROSBORN

Date Created: 12/10/2018 10:24:55 AM

Modified By: ROSBORN

Date Modified: 5/22/2019 3:10:40 AM

Permit expired 5-3 moved back to issued status

Cancel

4 months Late

James Ellis 615 522 4943

Will apply for a new permit.

owner. Sheryl Marsella 847 867 6400

Will file an appeal

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Sheryl Marsella
Date: 9/16/2019
Property Owner: Sheryl Marsella
Case #: 2019-
Representative: Sheryl Marsella
Map & Parcel: 081082T00200CO

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 obtain a STRP permit
Activity Type: Short Term Rental
Location: 1010 B Caldwell Ave.

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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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 here by requested in the above requirement as applied to this property.

Appellant Name: Sherly Marsella
Representative: Same
Phone Number: (847)867-6400
Phone Number:
Address: 1812 6th Ave N B
Nashville, TN 37208
Address:

Email address: sherylmarsella@gmail.com
Email address:
danamclendon@icloud.com

Appeal Fee:

Metropolitan Government of Nashville & Davidson County

PERMIT RECEIPT

PERMIT#: CAAZ 20190055907

APN: 081082T00200CO
DATE ISSUED: 9/16/2019
PERMIT: CAAZ 20190055907
SCOPE: Zoning Board Appeal
SITE ADDRESS: 1812 6TH AVE
SUBDIVISION:
CITY: NASHVILLE TN, 37208

PARCEL OWNER: SHERYL MARSELLA
ADDRESS: 1812 6TH AVE UNIT B
CITY/STATE/ZIP: NASHVILLE, TN 37208

PERMIT OWNER:
ADDRESS:
CITY/STATE/ZIP:

Contractor	Company	Role

Fee Date	Fee Code	Description	Paid to Date	This Receipt	Balance Due
16-Sep-19	CACONVFEE	CA - Convenience Fee	$0.00	$2.30	$0.00
16-Sep-19	CAZAPPEAL	CA ZONING APPEAL	$0.00	$100.00	$0.00
				$102.30	**$0.00**

Payment Type	Ref #	Receipt	Date		Amount
CREDIT	1003	1820825	2019-09-16		$102.30
				Tendered:	$102.30
				Balance Due:	$0.00

11/7
Starts at 1:00

week of 9/24 receive an Email Jessica

A 2.3% convenience fee is charged on all debit and credit card transactions. This fee is collected by a third-party processor and Metro does not receive any part of it. When making a debit or credit card payment, you acknowledged that you understood that the convenience fee would be charged and agreed to pay it.

Metropolitan Government of Nashville & Davidson County

PERMIT RECEIPT

PERMIT#: CAAZ 20190055907

APN: 081082T00200CO
DATE ISSUED: 9/16/2019
PERMIT: CAAZ 20190055907
SCOPE: Zoning Board Appeal
SITE ADDRESS: 1812 6TH AVE
SUBDIVISION:
CITY: NASHVILLE TN, 37208

PARCEL OWNER: SHERYL MARSELLA
ADDRESS: 1812 6TH AVE UNIT B
CITY/STATE/ZIP: NASHVILLE, TN 37208

PERMIT OWNER:
ADDRESS:
CITY/STATE/ZIP:

Contractor	Company	Role

Deposit Slip:

Category	Description	Check Number	AMOUNT
CREDIT	Credit Card	1003	$102.30

A 2.3% convenience fee is charged on all debit and credit card transactions. This fee is collected by a third-party processor and Metro does not receive any part of it. When making a debit or credit card payment, you acknowledged that you understood that the convenience fee would be charged and agreed to pay it.

001024404: Nonprofit Corporation - Domestic

Printer Friendly Version

Name: 1812 6TH AVENUE NORTH TOWNHOMES

Status: Active

Formed in: TENNESSEE

Fiscal Year Close: December

Term of Duration: Perpetual

Principal Office: KAREN M LIGHT
1812A 6TH AVE N
NASHVILLE, TN 37208-1602 USA

Mailing Address: KAREN M LIGHT
1812A 6TH AVE N
NASHVILLE, TN 37208-1602 USA

AR Exempt: No

Mutual Benefit Corporation: Yes

Initial Filing Date: 04/21/2019

Delayed Effective Date:

AR Due Date: 04/01/2020

Inactive Date:

Obligated Member Entity: No

Assumed Names | History | Registered Agent

Name	Status	Expires
No Assumed Names Found...		

dotloop signature verification: www.dotloop.com/my/verification/DL-317466951-7-1L2
Authentisign ID: [illegible]

ashton REAL ESTATE GROUP RE/MAX ADVANTAGE

PURCHASE AND SALE AGREEMENT

1. **Purchase and Sale.** For and in consideration of the mutual covenants herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned buyer Sheryl Marsella ("Buyer") agrees to buy and the undersigned seller Robert Cory ("Seller") agrees to sell all that tract or parcel of land, with such improvements as are located thereon, described as follows: All that tract of land known as: 1812 6th Ave (Address) Nashville (City), Tennessee, 37208 (Zip), as recorded in Davidson County County Register of Deeds Office, _____ deed book(s), _____ page(s), and/or _____ instrument number and as further described as: _____ together with all fixtures, landscaping, improvements, and appurtenances, all being hereinafter collectively referred to as the "Property."

   A. **INCLUDED** as part of the Property (if present): all attached light fixtures and bulbs including ceiling fans; permanently attached plate glass mirrors; heating, cooling, and plumbing fixtures and equipment; all doors, storm doors and windows; all window treatments (e.g., shutters, blinds, shades, curtains, draperies) and hardware; all wall-to-wall carpet; range; all built-in kitchen appliances; all bathroom fixtures and bathroom mirrors; all gas logs, fireplace doors and attached screens; all security system components and controls; garage door opener and all (at least 1) remote controls; an entry key; swimming pool and its equipment; awnings; permanently installed outdoor cooking grills; all landscaping and all outdoor lighting; mailbox(es); attached basketball goals and backboards; TV mounting brackets (but excluding flat screen TVs); antennae and satellite dishes (excluding components); and central vacuum systems and attachments.

   B. Other items that **REMAIN** with the Property at no additional cost to Buyer:
   Refrigerator

   C. Items that **WILL NOT REMAIN** with the Property:
   Washer/Dryer

   D. **LEASED ITEMS**: Leased items that remain with the Property: (e.g., security systems, water softener systems, fuel tank, etc.): _____.
   Buyer shall assume any and all lease payments as of Closing. If leases are not assumable, the balance shall be paid in full by Seller at or before Closing.
   - [x] Buyer does not wish to assume a leased item. **(THIS BOX MUST BE CHECKED IN ORDER FOR IT TO BE A PART OF THIS AGREEMENT.)**
   Buyer does not wish to assume Seller's current lease of _____; therefore, Seller shall have said lease cancelled and leased items removed from Property prior to Closing.

   E. **FUEL:** Fuel, if any, will be adjusted and charged to Buyer and credited to Seller at Closing at current market prices.

2. **Purchase Price, Method of Payment and Closing Expenses.** Buyer warrants that, except as may be otherwise provided herein, Buyer will at Closing have sufficient cash to complete the purchase of the Property under the terms of this Purchase and Sale Agreement (hereinafter "Agreement"). The purchase price to be paid is: $ 575,000.00 , Five Hundred Seventy-Five Thousand U.S. Dollars, ("Purchase Price") which shall be disbursed to Seller or Seller's Closing Agency by one of the following methods:
   i. a Federal Reserve Bank wire transfer;
   ii. a Cashier's Check issued by a financial institution as defined in 12 CFR § 229.2(i); OR
   iii. other such form as is approved in writing by Seller.

   A. **Financial Contingency – Loan(s) To Be Obtained.** This Agreement is conditioned upon Buyer's ability to obtain a loan(s) in the principal amount up to 80 % of the Purchase Price listed above to be secured by a deed of trust on the Property. "Ability to obtain" as used herein means that Buyer is qualified to receive the loan described

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

dotloop signature verification:
Authentisign ID: [illegible]

herein based upon Lender's customary and standard underwriting criteria. In consideration of Buyer, having acted in good faith and in accordance with the terms below, being unable to obtain financing by the Closing Date, the sufficiency of such consideration being hereby acknowledged, Buyer may terminate this Agreement by providing written notice via the Notification form or equivalent written notice. Seller shall have the right to request any supporting documentation regarding loan denial. Upon termination, Buyer is entitled to a refund of the Earnest Money/Trust Money. Lender is defined herein as the financial institution funding the loan.

The loan shall be of the type selected below (**Select the appropriate boxes. Unselected items will not be part of this Agreement**):

☒ Conventional Loan ☐ FHA Loan; attach addendum

☐ VA Loan; attach addendum ☐ Other _____

Buyer may apply for a loan with different terms and conditions and also Close the transaction provided all other terms and conditions of this Agreement are fulfilled, and the new loan does not increase any costs charged to Seller. Buyer shall be obligated to Close this transaction if Buyer has the ability to obtain a loan with terms as described herein and/or any other loan for which Buyer has applied and been approved.

Loan Obligations: ***The Buyer agrees and/or certifies as follows:***

(1) Within three (3) days after the Binding Agreement Date, Buyer shall make application for the loan and shall pay for credit report. Buyer shall immediately notify Seller or Seller's representative of having applied for the loan and provide Lender's name and contact information, and that Buyer has instructed Lender to order credit report. Such certifications shall be made via the Notification form or equivalent written notice;

(2) Within fourteen (14) days after the Binding Agreement Date, Buyer shall warrant and represent to Seller via the Notification form or equivalent written notice that:

a. Buyer has secured evidence of hazard insurance which will be effective at Closing and Buyer shall notify Seller of the name of the hazard insurance company;

b. Buyer has notified Lender of an Intent to Proceed and has available funds to Close per the signed Loan Estimate; and

c. Buyer has requested that the appraisal be ordered and affirms that the appraisal fee has been paid.

(3) Buyer shall pursue qualification for and approval of the loan diligently and in good faith;

(4) Buyer shall continually and immediately provide requested documentation to Lender and/or loan originator;

(5) Unless otherwise stated in this Agreement, Buyer represents that this loan is not contingent upon the lease or sale of any other real property and the same shall not be used as the basis for loan denial; and

(6) Buyer shall not intentionally make any material changes in Buyer's financial condition which would adversely affect Buyer's ability to obtain the Primary Loan or any other loan referenced herein.

Should Buyer fail to timely comply with section 2.A.(1) and/or 2.A.(2) above and provide notice as required, Seller may make written demand for compliance via the Notification form or equivalent written notice. If Buyer does not furnish Seller the requested documentation within two (2) days after such demand for compliance, Buyer shall be considered in default and Seller's obligation to sell is terminated.

☐ **B. Financing Contingency Waived (THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT.)** (e.g. "All Cash", etc.): Buyer's obligation to close shall not be subject to any financial contingency. Buyer reserves the right to obtain a loan. Buyer will furnish proof of available funds to close in the following manner: _____ (e.g. bank statement, Lender's commitment letter) within five (5) days after Binding Agreement Date. Should Buyer fail to do so, Seller may make written demand for compliance via the Notification form or equivalent written notice. If Buyer does not furnish Seller with the requested notice within two (2) days after such demand for compliance, Buyer shall be considered in default and Seller's obligation to sell is terminated. Failure to Close due to lack of funds shall be considered default by Buyer.

In the event this Agreement is contingent upon an appraisal (See Paragraph 2.C. below), Buyer must order the appraisal and provide Seller with the name and telephone number of the appraisal company and proof that appraisal was ordered within five (5) days of the Binding Agreement Date. Should Buyer fail to do so, Seller may make written demand for compliance via the Notification form or equivalent written notice. If Buyer does not furnish Seller with the requested notice within two (2) days after such demand for compliance, Buyer shall be considered in default and Seller's obligation to sell is terminated.

C. Appraisal (Select either 1 or 2 below. The sections not checked are not a part of this Agreement).

☐ **1.** This Agreement **IS NOT** contingent upon the appraised value either equaling or exceeding the agreed upon Purchase Price.

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

dotloop signature verification:
Authentisign ID: [illegible]

☒ 2. This Agreement **IS CONTINGENT** upon the appraised value either equaling or exceeding the agreed upon Purchase Price. If the appraised value is equal to or exceeds Purchase Price, this contingency is satisfied. In consideration of Buyer having conducted an appraisal, the sufficiency of such consideration being hereby acknowledged, if the appraised value of the Property does not equal or exceed the Purchase Price, Buyer shall promptly notify the Seller via the notification form or written equivalent notice. Buyer shall then have 3 days to either:

1. waive the appraisal contingency via the notification form or equivalent written notice **OR**
2. terminate the agreement by giving notice to seller via the notification form or equivalent written notice. Upon timely termination, Buyer is entitled to a refund of the Earnest money.

In the event buyer fails to either waive the appraisal or terminate the agreement as set forth above, this contingency shall be deemed satisfied. Thereafter, failure to appraise shall not be used as the basis for loan denial or termination of contract. Seller shall have the right to request any supporting documentation showing appraised value did not equal or exceed the agreed upon purchase price.

D. Closing Expenses.

1. **Seller Expenses.** Seller shall pay all existing loans and/or liens affecting the Property, including all penalties, release preparation costs, and applicable recording costs; any accrued and/or outstanding association dues or fees; fee (if any) to obtain lien payoff/estoppel letters/statement of accounts from any and all associations, property management companies, mortgage holders or other liens affecting the Property; Seller's closing fee, document preparation fee and/or attorney's fees; fee for preparation of deed; notary fee on deed; and financial institution (Bank, Credit Union, etc.) wire transfer fee or commercial courier service fee related to the disbursement of any lien payoff(s). Seller additionally agrees to permit any withholdings and/or to pay any additional sum due as is required under the Foreign Investment in Real Property Tax Act. Failure to do so will constitute a default by Seller.

   In the event Seller is subject to Tax Withholding as required by the Foreign Investment in Real Property Tax Act, (hereinafter "FIRPTA"), Seller additionally agrees that such Tax Withholding must be collected from Seller by Buyer's Closing Agent at the time of Closing. In the event Seller is not subject to FIRPTA, Seller shall be required as a condition of Closing to sign appropriate affidavits certifying that Seller is not subject to FIRPTA. ***It is Seller's responsibility to seek independent tax advice or counsel prior to the Closing Date regarding such tax matters.***

2. **Buyer Expenses.** Buyer shall pay all transfer taxes and recording fees on deed of conveyance and deed of trust; Buyer's closing fee, document preparation fee and/or attorney's fees; preparation of note, deed of trust, and other loan documents; mortgage loan inspection or boundary line survey; credit report; required premiums for private mortgage, hazard and flood insurance; required reserved deposits for insurance premiums and taxes; prepaid interest; re-inspection fees pursuant to appraisal; insured Closing Protection Letter; association fees as stated within paragraph 4.E.; and any costs incident to obtaining and closing a loan, including but not limited to: appraisal, origination, discount points, application, commitment, underwriting, document review, courier, assignment, photo, tax service, notary fees, and any wire fee or other charge imposed for the disbursement of the Seller's proceeds according to the terms of this Agreement.

3. **Title Expenses.** Cost of title search, mortgagee's policy and owner's policy (rates to be as filed with the Tennessee Department of Commerce and Insurance) shall be paid as follows:
   Seller to Pay.
   Simultaneous issue rates shall apply.

Not all of the above items (Seller Expenses, Buyer Expenses and Title Expenses) are applicable to every transaction and may be modified as follows:

_____

_____

Closing Agency for Buyer: Tennessee Title Services

Closing Agency for Seller: Tressler & Associates - Todd Tressler - 615.444.2345

3. **Earnest Money/Trust Money.** Buyer has paid or will pay within 5 days after the Binding Agreement Date to RE/MAX Advantage (name of Holder) ("Holder") located at 210 12th Ave S, Suite 201, Nashville TN 37203 (address of Holder), a Earnest Money/Trust Money deposit of $ 5000 by check (OR _____) ("Earnest Money/Trust Money").

A. Failure to Receive Earnest Money/Trust Money. In the event Earnest Money/Trust Money (if applicable) is not timely received by Holder or Earnest Money/Trust Money check or other instrument is not honored for any reason

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification:
Authentisign ID:

by the bank upon which it is drawn, Holder shall promptly notify Buyer and Seller of the Buyer's failure to deposit the agreed upon Earnest Money/Trust Money. Buyer shall then have one (1) day to deliver Earnest Money/Trust Money in immediately available funds to Holder. In the event Buyer does not deliver such funds, Buyer is in default and Seller shall have the right to terminate this Agreement by delivering to Buyer or Buyer's representative written notice via the Notification form or equivalent written notice. In the event Buyer delivers the Earnest Money/Trust Money in immediately available funds to Holder before Seller elects to terminate, Seller shall be deemed to have waived his right to terminate, and the Agreement shall remain in full force and effect.

B. Handling of Earnest Money/Trust Money upon Receipt by Holder. Earnest Money/Trust Money (if applicable) is to be deposited promptly after the Binding Agreement Date or the agreed upon delivery date in this Earnest Money/Trust Money paragraph or as specified in the Special Stipulations paragraph contained at paragraph 19 herein. Holder shall disburse Earnest Money/Trust Money only as follows:

(a) at Closing to be applied as a credit toward Buyer's Purchase Price;

(b) upon a written agreement signed by all parties having an interest in the funds;

(c) upon order of a court or arbitrator having jurisdiction over any dispute involving the Earnest Money/Trust Money;

(d) upon a reasonable interpretation of the Agreement; or

(e) upon the filing of an interpleader action with payment to be made to the clerk of the court having jurisdiction over the matter.

Holder shall be reimbursed for, and may deduct from any funds interpleaded, its costs and expenses, including reasonable attorney's fees. The prevailing party in the interpleader action shall be entitled to collect from the other party the costs and expenses reimbursed to Holder. No party shall seek damages from Holder (nor shall Holder be liable for the same) for any matter arising out of or related to the performance of Holder's duties under this Earnest Money/Trust Money paragraph. Earnest Money/Trust Money shall not be disbursed prior to fourteen (14) days after deposit unless written evidence of clearance by bank is provided.

4. Closing, Prorations, Special Assessments and Warranties Transfer.

A. Closing Date. This transaction shall be closed ("Closed") (evidenced by delivery of warranty deed and payment of Purchase Price, the "Closing"), and this Agreement shall expire, at 11:59 p.m. local time on the 21st day of March, 2018 ("Closing Date"), or on such earlier date as may be agreed to by the parties in writing. Such expiration does not extinguish a party's right to pursue remedies in the event of default. Any extension of this date must be agreed to by the parties in writing via the Closing Date/Possession Date Amendment or equivalent written agreement.

1. Possession. Possession of the Property is to be given (**Select the appropriate boxes below. Unselected items will not be part of this Agreement**):

☒ at Closing as evidenced by delivery of warranty deed and payment of Purchase Price;

OR

☐ as agreed in the attached and incorporated Temporary Occupancy Agreement;

B. Prorations. Real estate taxes, rents, dues, maintenance fees, and association fees on said Property for the calendar year in which the sale is Closed shall be prorated as of the Closing Date. In the event of a change or reassessment of taxes for the calendar year after Closing, the parties agree to pay their recalculated share. Real estate taxes, rents, dues, maintenance fees, and association fees for prior years and roll back taxes, if any, will be paid by Seller.

C. Special Assessments. Special assessments approved or levied prior to the Closing Date shall be paid by the Seller at or prior to Closing unless otherwise agreed as follows:

_____.

D. Warranties Transfer. Seller, at the option of Buyer and at Buyer's cost, agrees to transfer Seller's interest in any manufacturer's warranties, service contracts, termite bond or treatment guarantee and/or similar warranties which by their terms may be transferable to Buyer.

E. Association Fees. Buyer shall be responsible for all homeowner or condominium association transfer fees, related administration fees (not including statement of accounts), capital expenditures/contributions incurred due to the transfer of Property and/or like expenses which are required by the association, property management company and/or the bylaws, declarations or covenants for the Property (unless otherwise specifically addressed herein and/or unless specifically chargeable to Seller under applicable bylaws, declarations, and/or neighborhood covenants).

5. Title and Conveyance.

A. Seller warrants that at the time of Closing, Seller will convey or cause to be conveyed to Buyer or Buyer's assign(s) good and marketable title to said Property by general warranty deed, subject only to:

(1) zoning;

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification:
Authentisign ID: [illegible]

(2) setback requirements and general utility, sewer, and drainage easements of record on the Binding Agreement Date upon which the improvements do not encroach;

(3) subdivision and/or condominium declarations, covenants, restrictions, and easements of record on the Binding Agreement Date; and

(4) leases and other encumbrances specified in this Agreement.

If title examination, closing or loan survey pursuant to Tenn. Code Ann. § 62-18-126, boundary line survey, or other information discloses material defects, Buyer may, at Buyer's discretion:

(1) accept the Property with the defects **OR**

(2) require Seller to remedy such defects prior to the Closing Date. Buyer shall provide Seller with written notice of such defects via the Notification form or equivalent written notice. If defects are not remedied prior to Closing Date, Buyer and Seller may elect to extend the Closing Date by mutual written agreement evidenced by the Closing Date/Possession Amendment form or other written equivalent. If defects are not remedied by the Closing Date or any mutually agreed upon extension thereof, this Agreement shall terminate, and Buyer shall be entitled to refund of Earnest Money/Trust Money.

Good and marketable title as used herein shall mean title which a title insurance company licensed to do business in Tennessee will insure at its regular rates, subject only to standard exceptions. The title search or abstract used for the purpose of evidencing good and marketable title must be acceptable to the title insurance agent and the issuing title insurance company. Seller agrees to execute such appropriate affidavits and instruments as may be required by the issuing title insurance company.

B. Deed. Deed is to be made in the name of Sheryl Marsella. The manner in which Buyer takes title determines ownership and survivorship rights. It is the Buyer's responsibility to consult the closing agency or attorney prior to Closing.

6. Lead-Based Paint Disclosure (Select the appropriate box. Items not selected are not part of this Agreement).

☒ does not apply. ☐ does apply (Property built prior to 1978).

7. Inspections.

A. Buyer's Right to Make Inspection(s). All inspections/reports, including but not limited to the home inspection report, those required/recommended in the home inspection report, Wood Destroying Insect Infestation Inspection Report, septic inspection and well water test, are to be made at Buyer's expense, unless otherwise stipulated in this Agreement. The parties hereto agree that in the event Buyer shall elect to contract with a third party inspector to obtain a "Home Inspection" as defined by Tennessee law, said inspection shall be conducted by a licensed Home Inspector. However, nothing in this paragraph shall preclude Buyer from conducting any inspections on his/her own behalf, nor shall it preclude Buyer from retaining a qualified (and if required by law, licensed) professional to conduct inspections of particular systems or issues within such professional's expertise or licensure, including but not limited to inspection of the heating/cooling systems, electrical systems, foundation, etc., so long as said professional is not in violation of Tenn. Code Ann. § 62-6-301, et seq. as may be amended. **Seller shall cause all utility services and any pool, spa, and similar items to be operational so that Buyer may complete all inspections and tests under this Agreement.** Buyer agrees to indemnify Seller from the acts of himself, his inspectors and/or representatives in exercising his rights under this Purchase and Sale Agreement. Buyer's obligations to indemnify Seller shall also survive the termination of this Agreement by either party, which shall remain enforceable. **Buyer waives any objections to matters of purely cosmetic nature (e.g. decorative, color or finish items) disclosed by inspection. Buyer has no right to require repairs or alterations purely to meet current building codes, unless required to do so by governmental authorities.**

B. Initial Inspections. Buyer and/or his inspectors/representatives shall have the right and responsibility to enter the Property during normal business hours, for the purpose of making inspections and/or tests of the Property. Buyer and/or his inspectors/representatives shall have the right to perform a visual analysis of the condition of the Property, any reasonably accessible installed components, the operation of the Property's systems, including any controls normally operated by Seller including the following components: heating systems, cooling systems, electrical systems, plumbing systems, structural components, foundations, roof coverings, exterior and interior components, any other site aspects that affect the Property, and environmental issues.

C. Wood Destroying Insect Infestation Inspection Report. If desired by Buyer or required by Buyer's Lender, it shall be Buyer's responsibility to obtain ***at Buyer's expense*** a Wood Destroying Insect Infestation Inspection Report (the "Report"), which shall be made by a Tennessee licensed and chartered pest control operator.

The foregoing expense may be subject to governmental guidelines relating to VA Loans (See VA/FHA Loan Addendum if applicable).

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification:
Authentisign ID: [illegible]

The inspection shall include each dwelling, garage, and other permanent structure on the Property excluding None for evidence of active infestation and/or damage. Buyer shall cause such Report to be delivered to Seller simultaneously with any repairs requested by the Buyer or the end of the Inspection Period, whichever is earlier. If the Report indicates evidence of active infestation, Seller agrees to treat infestation at Seller's expense and provide documentation of the treatment to Buyer prior to Closing. Requests for repair of damage, if any, should be addressed in the Buyer's request for repairs pursuant to Subparagraph 8.D., Buyer's Inspection and Resolution below.

D. **Buyer's Inspection and Resolution.** Within 10 days after the Binding Agreement Date ("Inspection Period"), Buyer shall cause to be conducted any inspection provided for herein, including but not limited to the Wood Destroying Insect Infestation Inspection Report AND shall provide written notice of such to Seller as described below. ***In the event Buyer fails to timely make such inspections and respond within said timeframe as described herein, the Buyer shall have forfeited any rights provided under this Section 7, and in such case shall accept the Property in its current condition, normal wear and tear excepted.***

In said notice Buyer shall either:

(1) In consideration of Buyer having conducted Buyer's good faith inspections as provided for herein, the sufficiency of such consideration being hereby acknowledged, Buyer shall furnish Seller with a list of written specified objections and immediately terminate this Agreement via the Notification form or equivalent written notice. All Earnest Money/Trust Money shall be returned to Buyer upon termination.

OR

(2) accept the Property in its present "AS IS" condition with any and all faults and no warranties expressed or implied via the Notification form or equivalent written notice. Seller has no obligation to make repairs.

OR

(3) furnish Seller a written list of items which Buyer requires to be repaired and/or replaced with like quality or value in a professional and workmanlike manner. Seller shall have the right to request any supporting documentation that substantiates any item listed.

a. Resolution Period. Seller and Buyer shall then have a period of 4 days following receipt of the above stated written list ("Resolution Period") to reach a mutual agreement as to the items to be repaired or replaced with like quality or value by Seller, which shall be evidenced by the Repair / Replacement Amendment or written equivalent(s). ***The parties agree to negotiate repairs in good faith during the Resolution Period.*** In the event Seller and Buyer do not reach a mutual written resolution during such Resolution Period or a mutually agreeable written extension thereof as evidenced in an Amendment to this Agreement signed by both parties within said period of time, this Agreement is hereby terminated. If terminated, Buyer is entitled to a refund of the Earnest Money/Trust Money.

☐ **E. Waiver of All Inspections. THIS BOX MUST BE CHECKED TO BE PART OF THIS AGREEMENT. Buyer, having been advised of the benefits of inspections, waives any and all Inspection Rights under this Section 7 (including but not limited to the Wood Destroying Insect Infestation Inspection Report).**

8. **Final Inspection.** Buyer and/or his inspectors/representatives shall have the right to conduct a final inspection of Property on the Closing Date or within 2 day(s) prior to the Closing Date only to confirm Property is in the same or better condition as it was on the Binding Agreement Date, normal wear and tear excepted, and to determine that all repairs/replacements agreed to during the Resolution Period, if any, have been completed. Property shall remain in such condition until Closing at Seller's expense. Closing of this sale constitutes acceptance of Property in its condition as of the time of Closing, unless otherwise noted in writing.

9. **Buyer's Additional Due Diligence Options.** If any of the matters below are of concern to Buyer, Buyer should address the concern by specific contingency in the Special Stipulations Paragraph of this Agreement.

A. **Survey and Flood Certification.** Survey Work and Flood Certifications are the best means of identifying boundary lines and/or encroachments and easements or flood zone classifications. Buyer may obtain a Mortgage Inspection or Boundary Line Survey and Flood Zone Certifications.

B. **Insurability.** Many different issues can affect the insurability and the rates of insurance for property. These include factors such as changes in the Flood Zone Certifications, changes to the earthquake zones maps, the insurability of the buyer, and previous claims made on the Property. It is the right and responsibility of Buyer to determine the insurability, coverage and the cost of insuring the Property. It is also the responsibility of Buyer to determine whether any exclusions will apply to the insurability of said Property.

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

dotloop signature verification:
Authentisign ID: [illegible]

C. **Water Supply.** The system may or may not meet state and local requirements. It is the right and responsibility of Buyer to determine the compliance of the system with state and local requirements. [For additional information on this subject, request the "Water Supply and Waste Disposal Notification" form.]

D. **Waste Disposal.** The system may or may not meet state and local requirements. It is the right and responsibility of Buyer to determine the compliance of the system with state and local requirements. In addition, Buyer may, for a fee, obtain a septic system inspection letter from the Tennessee Department of Environment and Conservation, Division of Ground Water Protection. [For additional information on this subject, request the "Water Supply and Waste Disposal Notification" form.]

E. **Title Exceptions.** At Closing, the general warranty deed will be subject to subdivision and/or condominium declarations, covenants, restrictions and easements of record, which may impose obligations and may limit the use of the Property by Buyer.

10. **Disclaimer.** It is understood and agreed that the real estate firms and real estate licensee(s) representing or assisting Seller and/or Buyer and their brokers (collectively referred to as "Brokers") are not parties to this Agreement and do not have or assume liability for the performance or nonperformance of Seller or Buyer. Buyer and Seller agree that Brokers shall not be responsible for any of the following, including but not limited to, those matters which could have been revealed through a survey, flood certification, title search or inspection of the Property; the insurability of the Property or cost to insure the Property; for the condition of the Property, any portion thereof, or any item therein; for any geological issues present on the Property; for any issues arising out of the failure to physically inspect Property prior to entering into this Agreement and/or Closing; for the necessity or cost of any repairs to the Property; for hazardous or toxic materials; for the tax or legal consequences of this transaction; for the availability, capability, and/or cost of utility, sewer, septic, or community amenities; for any proposed or pending condemnation actions involving Property; for applicable boundaries of school districts or other school information; for the appraised or future value of the Property; for square footage or acreage of the Property; for any condition(s) existing off the Property which may affect the Property; for the terms, conditions, and availability of financing; and/or for the uses and zoning of the Property whether permitted or proposed. Buyer and Seller acknowledge that Brokers are not experts with respect to the above matters and that they have not relied upon any advice, representations or statements of Brokers (including their firms and affiliated licensees) and waive and shall not assert any claims against Brokers (including their firms and affiliated licensees) involving same. Buyer and Seller understand that it has been strongly recommended that if any of these or any other matters concerning the Property are of concern to them, that they secure the services of appropriately credentialed experts and professionals of Buyer's or Seller's choice for the independent expert advice and counsel relative thereto.

11. **Brokerage.** As specified by separate agreement, Seller agrees to pay Listing Broker at Closing the agreed upon compensation. The Listing Broker will direct the closing agency to pay the Selling Broker, from the compensation received, an amount in accordance with the terms and provisions specified by separate agreement. The parties agree and acknowledge that the Brokers involved in this transaction may receive compensation from more than one party. All parties to this Agreement agree and acknowledge that any real estate firm involved in this transaction shall be deemed a third party beneficiary only for the purposes of enforcing their commission rights, and as such, shall have the right to maintain an action on this Agreement for any and all compensations due and any reasonable attorney's fees and court costs.

12. **Default.** Should Buyer default hereunder, the Earnest Money/Trust Money shall be forfeited as damages to Seller and shall be applied as a credit against Seller's damages. Seller may elect to sue, in contract or tort, for additional damages or specific performance of the Agreement, or both. Should Seller default, Buyer's Earnest Money/Trust Money shall be refunded to Buyer. In addition, Buyer may elect to sue, in contract or tort, for damages or specific performance of this Agreement, or both. In the event that any party hereto shall file suit for breach or enforcement of this Agreement (including suits filed after Closing which are based on or related to the Agreement), the prevailing party shall be entitled to recover all costs of such enforcement, including reasonable attorney's fees. In the event that any party exercises its right to terminate due to the default of the other pursuant to the terms of this Agreement, the terminating party retains the right to pursue any and all legal rights and remedies against the defaulting party following termination. The parties hereby agree that all remedies are fair and equitable and neither party will assert the lack of mutuality of remedies, rights and/or obligations as a defense in the event of a dispute.

13. **Home Protection Plan.** This is not a substitution for Home Inspection. Exclusions to coverage may apply. **(Select the appropriate box below. Items not selected are not part of this Agreement).**

☐ **Home Protection Plan.** _____ to pay $_____ for the purchase of a limited home protection plan to be funded at Closing. Plan Provider: _____.
Ordered by: _____ (Real Estate Company)

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification:
AuthentiSign ID: [illegible]

☒ **Home Protection Plan waived.**

14. Other Provisions.

A. Binding Effect, Entire Agreement, Modification, Assignment, and Binding Agreement Date. This Agreement shall be for the benefit of, and be binding upon, the parties hereto, their heirs, successors, legal representatives and assigns. This Agreement constitutes the sole and entire agreement between the parties hereto and no modification of this Agreement shall be binding unless signed by all parties or assigns to this Agreement. No representation, promise, or inducement not included in this Agreement shall be binding upon any party hereto. It is hereby agreed by both Buyer and Seller that any real estate agent working with or representing either party shall not have the authority to bind the Buyer, Seller or any assignee to any contractual agreement unless specifically authorized in writing within this Agreement. Any assignee shall fulfill all the terms and conditions of this Agreement. The parties hereby authorize either licensee to insert the time and date of receipt of the notice of acceptance of the final offer and further agree to be bound by such as the Binding Agreement Date following the signatory section of this Agreement, or Counter Offer, if applicable.

B. Survival Clause. Any provision contained herein, which by its nature and effect is required to be performed after Closing, shall survive the Closing and delivery of the deed and shall remain binding upon the parties to this Agreement and shall be fully enforceable thereafter.

C. Governing Law and Venue. This Agreement is intended as a contract for the purchase and sale of real property and shall be governed by and interpreted in accordance with the laws and in the courts of the State of Tennessee.

D. Time of Essence. Time is of the essence in this Agreement.

E. Terminology. As the context may require in this Agreement: (1) the singular shall mean the plural and vice versa; (2) all pronouns shall mean and include the person, entity, firm or corporation to which they relate; (3) the masculine shall mean the feminine and vice versa; and (4) the term day(s) used throughout this Agreement shall be deemed to be calendar day(s) ending at 11:59 p.m. local time unless otherwise specified in this Agreement. Local time shall be determined by the location of Property. **In the event a performance deadline**, other than the Closing Date (as defined in paragraph 4 herein), Date of Possession (as defined in paragraph 4 herein), Completion of Repair Deadline (as defined in the Repair/Replacement Amendment), and Offer Expiration Date (as defined in paragraph 20 herein), occurs on a Saturday, Sunday or legal holiday, the performance deadline shall extend to the next following business day. Holidays as used herein are those days deemed federal holidays pursuant to 5 U.S.C. § 6103. In calculating any time period under this Agreement, the commencement shall be the day following the initial date (e.g. Binding Agreement Date).

F. Responsibility to Cooperate. Buyer and Seller agree to timely take such actions and produce, execute, and/or deliver such information and documentation as is reasonably necessary to carry out the responsibilities and obligations of this Agreement. Except as to matters which are occasioned by clerical errors or omissions or erroneous information, the approval of the closing documents by the parties shall constitute their approval of any differences between this Agreement and the Closing. Buyer and Seller agree that if requested after Closing, they will correct any documents and pay any amounts due where such corrections or payments are appropriate by reason of mistake, clerical errors or omissions, or the result of erroneous information.

G. Notices. Except as otherwise provided herein, all notices and demands required or permitted hereunder shall be in writing and delivered either (1) in person; (2) by a prepaid overnight delivery service; (3) by facsimile transmission (FAX); (4) by the United States Postal Service, postage prepaid, registered or certified, return receipt requested; or (5) Email. **NOTICE** shall be deemed to have been given as of the date and time it is actually received. Receipt of notice by the real estate licensee or their Broker assisting a party as a client or customer shall be deemed to be notice to that party for all purposes under this Agreement as may be amended, unless otherwise provided in writing.

H. Risk of Loss. The risk of hazard or casualty loss or damage to Property shall be borne by the Seller until transfer of title. If casualty loss prior to Closing exceeds 10% of the Purchase Price, Seller or Buyer may elect to terminate this Agreement with a refund of Earnest Money/Trust Money to Buyer.

I. Equal Housing. This Property is being sold without regard to race, color, sex, religion, handicap, familial status, or national origin.

J. Severability. If any portion or provision of this Agreement is held or adjudicated to be invalid or unenforceable for any reason, each such portion or provision shall be severed from the remaining portions or provisions of this Agreement, and the remaining portions or provisions shall be unaffected and remain in full force and effect. In the

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification:
Authentisign ID: [illegible]

event that the contract fails due to the severed provisions, then the offending language shall be amended to be in conformity with state and federal law.

K. **Contract Construction.** This Agreement or any uncertainty or ambiguity herein shall not be construed against any party but shall be construed as if all parties to this Agreement jointly prepared this Agreement.

L. **Section Headings.** The Section Headings as used herein are for reference only and shall not be deemed to vary the content of this Agreement or limit the scope of any Section.

15. **Seller's Additional Obligations.** If Seller has any knowledge of an exterior injection well, a sinkhole as defined pursuant to Tenn. Code Ann. § 66-5-212(c), and/or a percolation test or soil absorption rate on the Property, Seller shall be obligated to counter this offer by disclosure of the existence of the above including any tests and reports unless disclosure has already been received and acknowledged in writing by Buyer. Seller shall also disclose in the same manner whether any single family residence located on the Property has been moved from an existing foundation to another foundation where such information is known to the Seller. Seller shall also be obligated to counter this offer to disclose if the Property is located in a Planned Unit Development (PUD) as defined pursuant to Tenn. Code Ann. § 66-5-213 unless said disclosure has already been received in writing and acknowledged by Buyer. If the Property is in a PUD, Seller agrees to make available copies of the development's restrictive covenants, homeowner bylaws, and master deed to Buyer upon request.

16. **Method of Execution.** The parties agree that signatures and initials transmitted by facsimile, other photocopy transmittal, or by transmittal of digital signature as defined by the applicable State or Federal law will be acceptable and may be treated as originals and that the final Purchase and Sale Agreement containing all signatures and initials may be executed partially by original signature and partially on facsimile, other photocopy documents, or by digital signature as defined by the applicable State or Federal law.

17. **Exhibits and Addenda.** All exhibits and/or addenda attached hereto, listed below, or referenced herein are made a part of this Agreement:

18. **Special Stipulations.** The following Special Stipulations, if conflicting with any preceding paragraph, shall control:

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

dotloop signature verification: www.dotloop.com/my/verification/DL-31746/0/1-7-NLJ/
Authentisign ID: [illegible]

19. Time Limit of Offer. This Offer may be withdrawn at any time before acceptance with Notice. Offer terminates if not countered or accepted by 10:00 o'clock ☒ a.m./ □ p.m.; on the 20th day of February, 2018.

LEGAL DOCUMENTS: This is an important legal document creating valuable rights and obligations. If you have any questions about it, you should review it with your attorney. Neither the Broker nor any Agent or Facilitator is authorized or qualified to give you any advice about the advisability or legal effect of its provisions.

NOTE: Any provisions of this Agreement which are preceded by a box "□" must be marked to be a part of this Agreement. By affixing your signature below, you also acknowledge that you have reviewed each page and have received a copy of this Agreement.

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

Buyer hereby makes this offer.

Authentisign
Sheryl Marsella
2/19/2018 8:08:50 PM CST

BUYER Sheryl Marsella	**BUYER**
_____ at _____ o'clock □ am/ □ pm	_____ at _____ o'clock □ am/ □ pm
Offer Date	**Offer Date**

Seller hereby:

☑ **ACCEPTS** – accepts this offer.

□ **COUNTERS** – accepts this offer subject to the attached Counter Offer(s).

□ **REJECTS** this offer and makes no counter offer.

Robert Wade Cory
dotloop verified
02/19/18 9:08PM CST
S2TE-NGTC-JRH7-HWLQ

SELLER Robert Cory	**SELLER**
_____ at _____ o'clock □ am/ □ pm	_____ at _____ o'clock □ am/ □ pm
Date	**Date**

Binding Agreement Date. This instrument shall become a "Binding Agreement" on the date ("Binding Agreement Date") the last offeror, or licensee of the offeror, receives notice of offeree's acceptance.
Notice of acceptance of the final offer was received by Authentisign Ryan Turbeville on _____ at _____ o'clock □ am/ □ pm
2/19/2018 9:22:42 PM CST

For Information Purposes Only:

Listing Company: PARKS	Selling Company: The Ashton Real Estate Group of RE/MAX Advantage
Listing Firm Address: 4025 Hillsboro Pk.	Selling Firm Address: 210 12th Ave South
Firm License No.:	Firm License No.: 263106
Firm Telephone No.: 615-383-6600	Firm Telephone No.: 615-301-1650
Listing Licensee: Ryan Miller	Selling Licensee: Ryan Turbeville
Licensee License Number: 0	Licensee License Number: 332054
Licensee Email: ryanmillerrealestate@gmail.com	Licensee Email: ryan.turbeville@nashvillerealestate.com

Home Owner's / Condominium Association ("HOA/COA"):

HOA / COA Phone: _____ HOA/COA Email: _____
Property Management Company: _____
Phone: _____ Email: _____

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

InstanetFORMS

dotloop signature verification: www.dotloop.com/my/verification/DL-31/466951-51L21
Authentisign ID: [illegible]

RE/MAX ADVANTAGE
ashton REAL ESTATE GROUP

ADDENDUM 1
TO THE PURCHASE AND SALE AGREEMENT

Property Address: 1812 6th Ave Nashville TN 37208
Buyer: Sheryl Marsella
Seller: Robert Cory

This ADDENDUM (hereinafter "Addendum"), between the undersigned Seller and Buyer is entered into and is effective as of the Offer Date provided in the Purchase and Sale Agreement for the purpose of changing, deleting, supplementing or adding terms to said Purchase and Sale Agreement. In consideration of mutual covenants herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- The following furnishings included with sale of property:
  - Downstairs guest Bedroom + furnishings + electronics (mattress included)
  - Upstairs guest Bedroom + furnishings + electronics (mattress included)
  - Dining Table + Chairs
  - Master Bedroom - Bed + Mattress and Mirror
  - All 4 TVs. TV in downstairs living room and master bedroom custom mounted to wall.
  - Small Table + 2 outdoor chairs on downstairs back deck
  - Kitchen Hutch
  - Small Highboy table in kitchen
  - Entryway table with Wine rack

This Addendum is made a part of the Purchase and Sale Agreement as if quoted therein verbatim. Should the terms of this Addendum conflict with the terms of the Purchase and Sale Agreement or other documents executed prior to or simultaneous to the execution of this Addendum, the terms of this Addendum shall control, and the conflicting terms are hereby considered deleted and expressly waived by both Seller and Buyer. In all other respects, the Purchase and Sale Agreement shall remain in full force and effect.

The party(ies) below have signed and acknowledge receipt of a copy.

Authentisign
Sheryl Marsella
BUYER Sheryl Marsella — BUYER

_____ at _____ o'clock □ am/ □ pm — _____ at _____ o'clock □ am/ □ pm
Date — Date

The party(ies) below have signed and acknowledge receipt of a copy.

Robert Wade Cory
dotloop verified 02/19/18 9:08PM CST SW50-YHRR-INSC-SHOE
SELLER Robert Cory — SELLER

_____ at _____ o'clock □ am/ □ pm — _____ at _____ o'clock □ am/ □ pm
Date — Date

NOTE: This form is provided by TAR to its members for their use in real estate transactions and is to be used as is. By downloading and/or using this form, you agree and covenant not to alter, amend, or edit said form or its contents except as where provided in the blank fields, and agree and acknowledge that any such alteration, amendment or edit of said form is done at your own risk. Use of the TAR logo in conjunction with any form other than standardized forms created by TAR is strictly prohibited. This form is subject to periodic revision and it is the responsibility of the member to use the most recent available form.

This form is copyrighted and may only be used in real estate transactions in which Mr. Ryan Turbeville is involved as a TAR authorized user. Unauthorized use of the form may result in legal sanctions being brought against the user and should be reported to the Tennessee Association of Realtors® at (615) 321-1477.

Bonnie O'Shea 1809b 6th Ave N Nashville, TN 37208

October 29, 2019

Metropolitan Board of Zoning Appeals
PO Box 196300
Nashville, TN 37219-6300

RE: Appeal Case Number 2019-471
1812B 6th Ave N
Map Parcel: 081082T00200CO
Zoning Classification: R6-A
Council District: 19

VIA EMAIL to BZA@nashville.gov

Dear Sir/Madam:

I was notified that Sheryl Marsella has filed an appeal for the above referenced location. The appellant is challenging the administrator's denial of a short term rental permit. I urge the Board to uphold that decision and continue to deny a short term rental permit at this location.

Ms. Marsella has shown a disregard for Nashville's zoning codes. Despite claims and certifications to the contrary, she does not live in the home. I have only observed Ms. Marsella in Nashville on dates that coincide with court appearances regarding the short term rental permit for the home.

Despite claims that she lives in Nashville, Ms. Marsella continues to work as a real estate agent in the greater Chicago area. She registered as a real estate agent in Nashville on May 1, 2018. To date, I have not seen any listing in the Nashville area in her name, however, she continues to have many active listings in the greater Chicago area.

While I have not kept a log of dates that the property has been rented, I know for certain it has been rented a number of weekends since the short term rental permit expired in May of this year. Two weekends do stand out to me. The first was the weekend of September 13-15, 2019. The property was rented and I observed what appeared to be a Metro codes worker placing a Stop Work Order on the front door.

The second weekend I recall the property being rented was the weekend of October 5-6, 2019. The Bills were in Nashville playing the Titans.

Metro has done a great job working with the short term rental permits to maintain neighborhoods that are pleasant to live in, which allow tourists to experience that same thing. When a permit holder does not adhere to the rules, their permit should be revoked, or if expired, not renewed.

Thank you for your consideration,

Bonnie O'Shea

From: Joyce Safley
To: Board of Zoning Appeals (Codes); Karen Light; Jeremy Light
Cc: Poole, Quan (Legal)
Subject: TRP Appeal Case Number 2019 1812B 6th Ave. North Map Parcel 081082T00200CO
Date: Monday, September 30, 2019 10:41:20 AM

Appellant: Sheryl Marsella Owner of 1812B 6th Ave. North
My clients (Neighboring Owners): Jeremy and Karen Light Owners and residents of 1812A 6th Ave. North

Please be advised that I represent Jeremy and Karen Light. They have received a "Zoning Appeal: Notice to Neighboring Owners" for the above referenced matter. As neighboring owners, Mr. and Ms. Light have standing to appear at the Zoning Appeal Hearing scheduled for 11/7/2019 and contest Ms. Marsella's appeal.

It appears from the Notice that Ms. Marsella, the appellant, is appealing the denial of a STRP permit. Despite a thorough search, I am unable to find any application at the Codes site online that reflects that Ms. Marsella has applied for a new STRP permit.
The online site appears to be current as of September 19, 2019.

There are currently two warrants pending that have been issued against Ms. Marsella for operating her property as a STRP without a permit. I have contacted Mr. Quan Poole at the Metro Department of Law
to determine when those two actions will be held in Environmental Court.

If Ms. Marsella has applied for a new permit, I would appreciate your forwarding it to me. If she has not applied for a new permit, I will be filing a motion on behalf of the Lights with the Board of Zoning Appeals to dismiss this appeal for lack of standing.

Thank you very much for your assistance.

Sincerely,
Joyce Grimes Safley

Joyce Grimes Safley, J.D., M.S.N.
Attorney at Law
8161 Highway 100 P.O. Box 233
Nashville, TN 37221
Telephone: 615-500-4570
Email: Joyce@safleylaw.com
www.safleylaw.com

Emails from this firm normally contain confidential and attorney-client privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited. If you believe that you have received this email in error, please do not read this email or any attached items, and delete the same. Safley Law replies to e-mail inquiries do not constitute an attorney - client

relationship.

From:	Joyce Safley <joyce@safleylaw.com>
Sent:	Friday, October 25, 2019 3:20 PM
To:	Board of Zoning Appeals (Codes)
Cc:	Dana McLendon
Subject:	To the BZA Karen and Jeremy Light's Opposition to Sheryl Marsella STRP Permit Appeal No. 2019-471
Attachments:	BZA Karen and Jeremy Light's Opposition to Marsella Appeal.pdf; Collective EXHIBIT 6 MARSELLA DEEDS AND HOA COVENANTS AND RESTRICTIONS.pdf

My clients: Karen and Jeremy Light, interested parties who reside at 1812A 6th Ave. North, Nashville, TN 37208
BZA Case set for November 7, 2019
Appeal Case No. 2019-471 In re: Sheryl Marsella Appeal 1812B 6th Ave. North, Nashville, TN 37208

To the Board of Zoning Appeals:

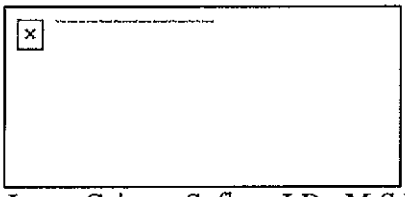
Mr. and Ms. Light oppose Ms. Marsella's STRP Permit Appeal, and submit the following in support of their opposition:

1) Karen and Jeremy Light's Opposition to appellant Sheryl Marsella's Seeking Issuance of STRP Permit
with Exhibits 1 through 7 (attached below)

Exb. 1 - Marsella STRP Permit Summary 5/3/2018 (Collective)
Exb. 2 - Marsella STRP Permit Application 9/16/2019 (Collective)
Exb. 3 - Environmental Court Warrant Issued against Marsella 9/23/2019
Exb. 4 - Affidavit of Karen Light (with attached Exhibits: A - Site Plans, B - Marsella STRP Bookings, C- Google Earth Photograph of 1812 6th Ave. Townhomes)
Exb. 5 - Affidavit of Jeremy Light (with attached Exhibits: A - Site Plans, B - Marsella STRP Bookings, C- Google Earth Photograph of 1812 6th Ave. Townhomes)
Exb. 6 - Certified Warranty Deed, Declaration of Covenants, Conditions, and Restrictions for 1812 6th Ave. Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), and Quit Claim Deed for Marsella (Collective)
Exb. 7 - Google Earth Photograph of 1812 6th Ave. Townhomes

Videos will be submitted by separate emails due to the size of the attachments.

Respectfully submitted,
Joyce Grimes Safley



Joyce Grimes Safley, J.D., M.S.N.
Attorney at Law
8161 Highway 100 P.O. Box 233
Nashville, TN 37221
Telephone: 615-500-4570
Email: Joyce@safleylaw.com
www.safleylaw.com

Emails from this firm normally contain confidential and attorney-client privileged material, and are for the sole use of the intended recipient. Use or distribution by an unintended recipient is prohibited. If you believe that you have received this email in error, please do not read this email or any attached items, and delete the same. Safley Law replies to e-mail inquiries do not constitute an attorney - client relationship.

BEFORE THE
METROPOLITAN BOARD OF ZONING APPEALS

IN RE:	)	
	)	
SHERYL MARSELLA	)	**APPEAL CASE NO. 2019-471**
1812B 6th AVE. NORTH	)	**(STRP PERMIT DENIAL APPEAL)**
MAP PARCEL: 081082T00200CO	)	
ZONING CLASSIFICATION: R6-A	)	
COUNCIL DISTRICT: 19	)	

KAREN AND JEREMY LIGHT'S OPPOSITION TO
APPELLANT SHERYL MARSELLA'S SEEKING ISSUANCE OF STRP PERMIT

Karen and Jeremy Light ("the Lights") are interested parties in the above-styled appeal for issuance of a Short-Term Rental Property (STRP) permit, by virtue of the fact that they are the owners and reside in the townhome located at 1812A 6th Avenue North, Nashville, TN. The Lights' townhome and Appellant Marsella's townhome occupy a Horizontal Property Regime (HPR), 1812 6th Avenue North Townhomes, a planned unit development. *See* Karen Light and Jeremy Light's Affidavits, attached hereto as **Exhibit 4 (Karen Light)** and **Exhibit 5 (Jeremy Light).** The Lights, by and through counsel, oppose the issuance of a STRP permit to Appellant Marsella for the reasons set forth below.

Ms. Marsella is illegally operating a Short-Term Rental Property in violations of STRP ordinances for the following reasons:

1. Appellant Marsella's STRP permit expired in May, 2019, yet Appellant Marsella continued to operate the STRP.

2. Appellant Marsella did not apply for another STRP permit by the "grace period" permit application deadline of June 28, 2019.

3. Appellant Marsella has continued to operate her townhome at 1812B 6th Avenue North without a permit until the present time, in violation of the Metropolitan Code of Ordinances ("the Code") §17.16.250, and subsections, as amended.

4. Ms. Marsella first applied for a STRP permit on May 3, 2018. *See* attached Permit Summary, **Exhibit 1.** Ms. Marsella incorrectly stated on the STRP permit application that the subject STRP property is not in violation of a Homeowners' Association. (Discussed in detail, below.)

5. Appellant Marsella applied for the current STRP permit which is the subject of the appeal before this Board, on September 16, 2019. See **Collective Exhibit 2, attached hereto.** The Zoning Administrator denied Appellant Marsella application for a STRP permit pursuant to Metro Codes Department §17.16.250 and subsections, as amended. **Collective Exhibit 2,** attached.

6. Thereafter Ms. Marsella appealed to the Board of Zoning Appeals. **Collective Exhibit 2,** attached.

7. Despite the lack of a STRP permit, Appellant Marsella has continued to operate her townhome at 1812B 6th Avenue North as a STRP. Further, Appellant Marsella continued operations of her STRP even after being issued a "stop work" notice by the Metro Codes Department on or about September 13, 2019, to cease STRP operations, in violation of Code §17.16.250 and subsections, as amended.

8. On September 23, 2019 an Environmental Civil Warrant was sworn out against Appellant Marsella by the Metro Codes Department for advertising and operating a STRP without a permit, and for failing to stop work when a "stop work" notice was posted at the address. *See* Environmental Court Warrant, attached hereto as **Exhibit 3.**

9. Appellant Marsella or someone on her behalf removed the "stop work" notice placed on her door by the Codes Department, despite instructions to leave the notices on display. *See* **Karen Light and Jeremy Light Affidavits**, attached to this Opposition Statement respectively as **Exhibits 4 and 5.**

10. From Appellant Marsella's initiation of STRP operations, she has operated her STRP illegally in violation of Code §17.16.250 and subsections, as amended, because the Lights' townhome and Appellant Marsella's townhome both occupy the same parcel of land and are designated a Horizontal Property Regime (HPR) in the properties' respective deeds. Ms. Marsella cannot legally operate a STRP on HPR property unless she owns the adjacent townhome on the property and resides in the adjacent townhome, which Ms. Marsella does not. *See* **Collective Exhibit 6**, attached. *See also*, **Site Plans for 1812 6th Avenue North Townhomes, attached to Exhibit 4, Karen Light's Affidavit (Exhibit A), and Exhibit 5, Jeremy Light's Affidavit (Exhibit A).**

11. Appellant Marsella has continuously operated her STRP illegally in violation of Code §17.16.250 and subsections, as amended. The Homeowners Association's "Covenants, Conditions, and Restrictions" for the Lights' and the Appellant's townhomes specifically prohibit the operation of STRP's by the owners. Ms. Marsella purchased her townhome unit by Warranty Deed. Ms. Marsella a real estate agent herself, had closing attorneys, and received the "Declaration of Covenants, Conditions, and Restrictions for 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development)" attached as an Exhibit to Appellant Marsella's Warranty Deed. **Collective Exhibit 6**, attached.

12. The townhome at 1812B 6th Avenue North was first deeded to the Sheryl B. Marsella Living Trust (Warranty Deed Recorded April 9, 2018, #20180409-0033309). After

apparently discovering that a Trust could not own and operate a STRP, Ms. Marsella quitclaimed the HPR unit to herself on April 20, 2018 (Quitclaim Deed recorded with Register of Deeds Office on 4/20/2018, #20180409-0033309). Certified Copies of Appellant Marsella's Warranty Deed, the Exhibit to the Deed the "Declaration of Covenants, Conditions, and Restrictions for 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development)." The certified copies of the "Declaration of Covenants, Conditions, and Restrictions" for the subject property, along with certified copies of Appellant's Deeds are attached as **Collective Exhibit 6.**

13. Appellant Marsella has completed two (2) STRP permit applications in which she has incorrectly represented that there is no Homeowners' Association Covenants or By-laws which restrict STRP operations, in violation of Code §17.16.250 and subsections, as amended. *See* Ms. Marsella's STRP Permit Summary, attached as **Collective Exhibit 1 and Collective Exhibit 2.**

14. The Appellant's and the Lights' Homeowners Association's "Covenants, Conditions, and Restrictions" clearly state, in relevant part:

> No unit may be offered by its owner to the public at large for temporary transient accommodations.

See ¶18, page 13, **Collective Exhibit 6,** *"Declaration of Covenants, Conditions, and Restrictions"* attached as an Exhibit to Warranty Deed.

15. Appellant Marsella's advertisements for her STRP on the internet did not comply with Code §17.16.250 and subsections, as amended, the which requires (a) a prominent display of the permit number for the STRP unit; or (b) an image of the permit, or a link to the permit. *See* **Karen Light Affidavit, Exhibit 4.**

16. Despite the lack of a permit, and despite Appellant's receipt of at least one "stop work" notice, Ms. Marsella's advertisements reflected online bookings for her STRP through

November 2019, with almost every weekend booked through October, 2019. Marsella's Online booking calendars showing Ms. Marsella's STRP booked from the present through November 2019. Marsella's Online STRP Bookings Calendar attached to **Karen Light Affidavit,** attached hereto as **Exhibit 4, and Jeremy Light Affidavit, Exhibit 5.** Specifically, Marsella rented out her STRP for the following dates despite the fact that she did not possess a STRP permit: August 22, 23, 24, 30, 31; September 12, 13, 14, 19, 20, 21; October 4, 5, 6, 12, 13, 17, 18, 19, 20, 24, 25,26; November 8, 9,10.

17. Regularly, Appellant Marsella has rented her townhome to STRP renters who come as visitors to Nashville to "party." The renters generally come in large groups who are boisterous, noisy, inebriated, and uninhibited. The Lights have had to endure loud music, people shouting and laughing outside during hours most people are asleep, loud singing outside, loud rowdy games of "corn hole", "touch football", and "beer can toss", etc. *See a sampling of videos* attached via e-mail to BZA@nashville.gov. The Lights have been awakened during the night to Ms. Marsella's STRP inebriated clients screaming and laughing about bringing "bitches" to the party; shouting offensive language; and on two separate occasions Ms. Marsella's STRP clients were so inebriated that they tried to enter the Lights' residence, believing it to the STRP they had rented from Ms. Marsella. On one occasion, a client of Marsella's came over to the Lights' home and destroyed their property. **Karen Light Affidavit, Exhibit 4, and Jeremy Light Affidavit, Exhibit 5.**

18. Ms. Marsella's STRP clients are renting her unit almost every weekend. The two townhomes are on common property and have very little space between the townhomes. See true and correct Google Earth photograph of the properties, attached hereto as **Exhibit 7.**

19. Appellant's STRP clients regularly violate the "nuisance" provisions contained in the Codes STRP ordinances. *See* Code §17.16.250, and subsections, as amended. Appellant's

illegal operation of her STRP disturbs the Lights' quiet enjoyment of their home. **Karen Light Affidavit, Exhibit 4,** and **Jeremy Light Affidavit, Exhibit 5.**

For all the above reasons, Karen and Jeremy Light oppose the Board of Zoning Appeals granting Appellant Marsella's request to issue Ms. Marsella the STRP permit which the Codes Department has rightfully denied.

Respectfully submitted,

/s/Joyce Grimes Safley

Joyce Grimes Safley BPR# 13809
SAFLEY LAW
8161 Highway 100 P.O. Box 233
Nashville, TN 37221
Telephone: (615) 500-4570
Email: joyce@safleylaw.com

Attorney for Karen and Jeremy Light

Certificate of Service

I hereby certify that a true and correct copy of the foregoing motions have been served upon:

the Metropolitan Board of Zoning Appeals *via email at* BZA@nashville.gov

Mr. Dana McClendon, Attorney for Appellant Marsella *via email at* danamclendon@icloud.com

on this 25th day of October, 2019.

/s/Joyce Grimes Safley

Joyce Grimes Safley

Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety

800 Second Avenue South, Nashville, TN 37210

3485905

RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394

ISSUED ON: 5/3/2018 ***EXPIRES ON: 05/03/2019***

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided.

Approval (Where Required) Date Sheryl Marsella

SITE ADDRESS:
1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL: 081082T00200CO
Tax District: USD
Census Tr: 37019400

Parcel Owner: Sheryl Marsella

PURPOSE:
By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association

APPLICANT:
Sheryl Marsella
1812 B 6th Ave. N
Nashville, TN 37208

CONTACT:
Jonny Lee
210 12th Ave. S
Nashville, TN 37203

PERMIT DETAILS
Maximum Occupancy: 10
Maximum Bedrooms:
Unit Number:

ZONING ASSIGNMENTS:

OV-UZO	URBAN ZONING OVERLAY
R6-A	ONE&TWO FAMILY 6,000 SQUARE FOOT LOT

EXHIBIT
1

Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety

800 Second Avenue South, Nashville, TN 37210

3485905

RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394

ISSUED ON: 5/3/2018 ***EXPIRES ON: 05/03/2019***

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided.

Approval (Where Required) Date Sheryl Marsella CASR

FEE / PAYMENT:

[2018/04/20] SHORT TERM RENTAL PERMIT FEE...	$ 50.00	$ 50.00
PERMIT FEE/PAYMENT.....	$ 50.00	$ 50.00

Payment Detail:

05/03/2018 CASH **Pmt Total:** $ 50.00

Issue Date: 5/3/2018 **Issued By:** MPOTTER

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

3485905

RESIDENTIAL SHORT TERM RENTAL / CASR - 2018022394
PERMIT EXPIRES ONE (1) YEAR FROM DATE OF ISSUANCE UNLESS RENEWED. REFER TO *HTTP://STRP.NASHVILLE.GOV* FOR RENEWAL INSTRUCTIONS

PARCEL: 081082T00200CO **APPLICATION DATE:** 04/20/2018
SITE ADDRESS: **ISSUED DATE:** 05/03/2018

1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL OWNER: Sheryl Marsella

APPLICANT: Sheryl Marsella
1812 B 6th Ave. N
Nashville, TN 37208
847 867-6400

CONTACT: Jonny Lee
210 12th Ave. S
Nashville, TN 37203
615 429-3032

PURPOSE:

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association
Renew Short Term Rental Permit

Inspection requirements may change due to changes during construction.

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety

Site Address: 1812 B 6TH AVE N NASHVILLE, TN 37208 **Permit #: 2018022394**

SHORT TERM RENTAL PERMIT

Issue Date: May 3, 2018
Applicant: Sheryl Marsella
Contact: Jonny Lee

Expiration Date: May 03, 2019
Parcel: 081082T00200CO
Number of Bedrooms:
Maximum Occupancy: 10

NOTICE

Permit Expires Annually Unless Renewed

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

Appellant: Sheryl Marsella
Date: 9/16/2019
Property Owner: Sheryl Marsella
Case #: 2019- 471
Representative: Sheryl Marsella
Map & Parcel: 081082T00200CO

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 obtain a STRP permit

Activity Type: Short Term Rental

Location: 1812 6th Ave N B

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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Operating without a permit 2.

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 here by requested in the above requirement as applied to this property.

Appellant Name: Sherly Marsella
Representative: Same
Phone Number: (847)867-6400
Phone Number:
Address: 1812 6th Ave N B
Nashville, TN 37208
Address:

Email address: sherylmarsella@gmail.com
Email address:
danamclendan@icloud.com

Appeal Fee:

EXHIBIT
2

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 noon, the Monday prior to public hearing to be included in the record. You must provide eight (1) copy of you information to staff.

I am aware that I am responsible for removing the Sign(s) after the public hearing.

[signature] 9/16/19

APPELLANT **DATE**

Metro Codes Administration - BZA Tracker

Wed Oct 23 2019 08:37:56 GMT-0500 (Central Daylight Time)

Case Information

Application Submittal	9/16/2019
Case #	2019-471
Property Address / Location	1812 B 6TH AVE N 37208
Parcel ID	081082T00200CO
Council District / Member	19 (Freddie O'Connell)
Property Owner	SHERYL MARSELLA
Appellant	SHERYL MARSELLA
BZA Hearing Date	11/7/2019
Deferred From Date	
Application Scope	BY MAKING THIS APPLICATION FOR A RESIDENTIAL SHORT TERM RENTAL PERMIT, I CERTIFY THAT I WILL COMPLY WITH ALL REQUIREMENTS OF ORDINANCE BL2014-951.PROPERTY IS OWNER OCCUPIED, 3 SLEEPING ROOMS, 10 PERSON MAXIMUM OCCUPANCY.PROOF OF RESIDENCE HAS BEEN VERIFIED.OWNER COMPLIANCE LETTER VERIFIED.FLOOR PLAN AND SMOKE DETECTORS VERIFIED.NOTIFICATION TO ADJACENT RESIDENCES CONFIRMED.*APPLICANT HAS CONFIRMED THAT SUBJECT PROPERTY IS NOT IN VIOLATION OF A HOMEOWNERS ASSOCIATION*
Reason	AN ITEM A APPEAL CHALLENGING THE ZONING ADMINISTRATOR'S DENIAL OF A SHORT TERM RENTAL PERMIT. THE APPELLANT OPERATED AFTER THE PREVIOUSLY ISSUED PERMIT EXPIRED
Purpose	TO OBTAIN A PERMIT
Deny Section	17.16.250.E
Use	SHORT TERM RENTAL
In UZO?	No
Zoning District	R6-A
Item A Appeal?	Yes
Item B Appeal?	No
Item C Appeal?	No
Item D Appeal?	No
BZA Action	
BZA Results	
View Permit	View Scanned Documents

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

3712462

ZONING BOARD APPEAL / CAAZ - 20190055907
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 081082T00200CO **APPLICATION DATE:** 09/16/2019

SITE ADDRESS:
1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL OWNER: SHERYL MARSELLA **CONTRACTOR:**

APPLICANT:

PURPOSE:
By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association

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

3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

ISSUED ON:

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required) Date CAAZ

FEE / PAYMENT:

[2019/09/16] CA ZONING APPEAL...	$ 250.00	$ -
PERMIT FEE/PAYMENT.....	$ 250.00	$ -

Payment Detail:

Pmt Total:

Issue Date: This Permit Has NOT Been Issued

Issued By:

Metropolitan Government
of Nashville and Davidson County, Tennessee
Department of Codes and Building Safety

800 Second Avenue South, Nashville, TN 37210

3712462

ZONING BOARD APPEAL / CAAZ - 20190055907

ISSUED ON:

I hereby certify that I am the agent of the owner, or other person in control of this property, and that the information given herein, and as shown on the application and the permit, is true; and that I am authorized by said owner, or other person in control of this property, to obtain this permit. I understand that if the construction and/or installation for which this permit is issued is contrary to the requirements of Metropolitan codes or regulations, said violations must be corrected, and the permit may be voided. I further certify that I am in compliance with the State of Tennessee statutes relating to licensing contractors for the work described in this permit. Work must start within six(6) months and must be completed within two(2) years of issue date. Permits become invalid if work does not start within six(6) months or is suspended for one(1) year after start date. Extensions of ninety(90) days each may be allowed in writing by the Director.

Approval (Where Required) Date

SITE ADDRESS:
1812 B 6TH AVE N NASHVILLE, TN 37208
UNIT B 1812 6TH AVENUE NORTH TOWNHOMES

PARCEL: 081082T00200CO
Tax District: USD
Census Tr: 37019400

PARCEL OWNER:

PURPOSE:

By making this application for a Residential Short Term Rental Permit, I certify that I will comply with all requirements of Ordinance BL2014-951.
Property is Owner occupied, 3 sleeping rooms, 10 person maximum occupancy.
Proof of residence has been verified.
Owner compliance letter verified.
Floor Plan and smoke detectors verified.
Notification to adjacent residences confirmed.
Applicant has confirmed that subject property is not in violation of a Homeowners Association

PERMIT DETAILS:

Estimated Value:		Number of Floors:	
Const Type:		Sewer or Septic:	
Sq Footage:		Total # Buildings:	
Parking Required:	N	Total # Units:	
Parking Provided:	N	Garage:	N
Sprinklers?	N	Number of Bedrooms:	
Metro Water:		Number of Kitchens:	
Public Constr?	N		

ZONING ASSIGNMENTS:

OV-UZO	URBAN ZONING OVERLAY
R6-A	ONE&TWO FAMILY 6,000 SQUARE FOOT LOT

Copy

STATE OF TENNESSEE, COUNTY OF DAVIDSON

FILED

2019 SEP 13 PM 2:28

RICHARD R. ROOKER, CLERK

D.C.

To Any Lawful Officer to Execute and Return:

Summon **SHERYL MARSELLA 081082T00200CO**

To appear before the Metropolitan General Sessions Court of Davidson County, Tennessee, to be held in Courtroom 1A, Justice A. A. birch Building, 408 Second Avenue North, Nashville, Tennessee, on Wednesday,

23rd day of October, 2019 at 1:00 p.m., then and there to answer in civil action brought by the Plaintiff(s)

SEPTEMBER 13, 2019,VIOLATION OF METRO NASHVILLE CODE SECTION 17.16.250.E.1.a, or 17.16.070.U.1.a- ADVERTISING AND/OR OPERATING A SHORT TERM RENTAL PROPERTY WITHOUT A PERMIT AND FAILURE TO STOP SAME AT ADDRESS 1812 B 6TH AVE N. NASHVILLE TN 37208. Metro seeks an Order to remedy violations. Bonell McBroom III (615-862-6590)

NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED BY THIS CITATION/WARRANT CAN RESULT IN: THE COURT ORDERING YOU TO PAY A CIVIL FINE/PENALTY, COURT COSTS AND LITIGATION TAXES TO THE METROPOLITAN GOVERNMENT; THE ISSUANCE OF AN EXECUTION AND GARNISHMENT TO COLLECT THE FINE/PENALTY, COSTS AND TAXES; AND THE ISSUANCE OF A BENCH WARRANT FOR YOUR ARREST FOR CONTEMPT OF COURT, WITH A PENALTY OF UP TO FIVE (5) DAYS IN JAIL AND/OR A FINE OF UP TO TEN DOLLARS ($10.00). IN ADDITION, YOU MAY BE SUBJECT TO OTHER CIVIL REMEDIES INCLUDING MANDATORY INJUNCTION.

JUDGMENT

☐ Judgment for Plaintiff against Defendant(s) for $ _____ and Cost,

☐ Dismissed with cost taxed to Plaintiff,

☐ Dismissed with cost taxed to Defendant(s), for which execution may issue.

Entered: _____ 20 _____

If you have a disability and require assistance, please contact 880-3309

_____

Judge/Referee Division IV, Metropolitan General Sessions Court

COURTROOM 1A

No. 19GC 19699

ENVIRONMENTAL COURT

Plaintiff(s) Metropolitan Government of Nashville & Davidson County (405) vs.

Defendant SHERYL MARSELLA

Address 1812 6TH AVE UNIT B NASHVILLE, TN 37208

Defendant

Address

CIVIL WARRANT

Metropolitan General Sessions Court

Issued 9.23 2019

Richard Rooker

By: [illegible]

Deputy Clerk

Day of the week Wednesday

Set for 1:00 p.m. on 23rd day of October, 2019

Courtroom 1A — Justice A. A. Birch Building, 408 Second Avenue North, P.O. box 196304, Nashville, Tennessee

Reset for: _____

Came to hand same day issued and executed as commanded on

_____

Served _____ 20 _____

_____

Sheriff/Process Server

Quantavius Poole (#32314)

EXHIBIT 3

BEFORE THE
METROPOLITAN BOARD OF ZONING APPEALS

IN RE:	)	
	)	
SHERYL MARSELLA	)	**APPEAL CASE NO. 2019-471**
1812B 6th AVE. NORTH	)	**STRP PERMIT DENIAL APPEAL**
MAP PARCEL: 081082T00200CO	)	
ZONING CLASSIFICATION: R6-A	)	
COUNCIL DISTRICT: 19	)	

County of Davidson)
State of Tennessee)

AFFIDAVIT OF KAREN LIGHT

Affiant after being duly sworn according to law, based upon my personal knowledge, would state as follows:

1. I am a resident of Nashville, Davidson County, Tennessee and am over eighteen (18) years of age.

2. I am married to Jeremy Light. Our residence is located at 1812A 6th Avenue North, Nashville, Tennessee 37208.

3. My husband and I purchased our home, a townhouse in a Horizontal Property Regime (HPR) on April 2, 2015. A true and accurate copy of the site plans for our home is attached to this Affidavit as **Collective Exhibit A.**

4. The site plans attached as **Collective Exhibit A**, A1.1, show both our home and the adjacent townhome, 1812B 6th Avenue North, Nashville, Tennessee 37208.

5. It should be noted that 1812A 6th Avenue North, Nashville, Tennessee 37208 (our townhouse) and 1812B 6th Avenue North, Nashville, Tennessee 37208 (currently Sheryl Marsella's townhouse sit on common property as an HPR. *As the site plans depict, our respective townhomes are a mere 6 feet apart. See* **Exhibit A,** (Site Plans), and **(Exhibit B),** a true and accurate Google Earth photograph of the adjacent townhomes, attached to this Affidavit.

6. The person who originally purchased 1812B 6th Avenue North, Nashville, Tennessee 37208 was a delightful next-door neighbor. While he would occasionally entertain or have friends over, there were never any problems with excessive noise or any acts by him which interfered with our enjoyment of our home.

EXHIBIT
4

7. Around March, 2018, Sheryl Marsella bought the townhome at 1812B 6th Avenue North, Nashville, Tennessee 37208 from our previous neighbor.

8. Around May or June, 2018, Ms. Marsella began operating her townhome as a Short-Term Rental Unit.

9. There seemed to be STRP renters or clients at Ms. Marsella's townhome almost every weekend. Large groups of people from out of town would come, stay at Ms. Marsella's townhome, and "party." The problems with parking, the noise from Ms. Marsella's STRP clients, and frankly the loud, drunken partying was very annoying and upsetting. Candidly, we could not go out on our rooftop terraces in the evenings or on the weekends when STRP renters were present and enjoy our home.

10. One evening in early Fall of 2018, my husband and I had another couple over for dinner on a weekend. We were sitting out on our rooftop terrace having a nice dinner. We mentioned that our next-door neighbor was operating a STRP, and we had experienced noise issues from her short term renters.

11. One of our dinner guests was an attorney. She immediately stated that she did not believe Ms. Marsella could legally operate a STRP on our HRP property. She also opined that Marsella's STRP clients were violating nuisance ordinances. She advised us to get an attorney to try to put a stop to the "loud parties" by STRP clients, and to check into whether or not Ms. Marsella could legally operate an STRP in her townhome.

12. We consulted an attorney, and attempted to get Ms. Marsella to exert some control over her clients for disturbing the peace.

13. At the same time, we talked to employees at the Codes Department who opined that Ms. Marsella could not operate her STRP unless she was actually a "resident" of Nashville and lived at the STRP (townhome.)

14. The situation did not improve. The loud "partying", offensive language, drunken behavior, etc. by Ms. Marsella's STRP clients has continued almost every weekend until the present time.

15. Metro Codes took action against Ms. Marsella on the basis that she was not a "resident" and did not actually live in her townhome. There was a proceeding in Environmental Court, and a proceeding in General Sessions Court.

16. Thereafter, we asked our attorney to research and determine if Ms. Marsella was violating any other Codes sections.

17. We knew that Ms. Marsella's permit expired in May, 2019.

18. We also knew that Ms. Marsella did not apply for a new permit by the June 28, 2019 deadline.

19. STRP clients continued to come in large groups almost every weekend, often for "long weekends." The noise, the parties, the parking problems, the inconvenience, etc., continued. On one occasion, a client of Marsella's came over to our home and destroyed their property. On two occasions, STRP clients who appeared inebriated tried to enter our home believing it was Ms. Marsella's townhome. The STRP clients ruined our enjoyment of our home almost every weekend.

20. At the advice of our attorney, we documented STRP clients' stays. We had security cameras installed prior to Ms. Marsella's purchase of her adjacent townhome for safety and security reasons. The security cameras captured STRP clients coming and going.

21. Long after Ms. Marsella's STRP expired in May, 2019, Ms. Marsella continued to operate her STRP.

22. Ms. Marsella advertised her STRP online through Airbnb. I looked up the listing, which did not have the required STRP permit information on it.

23. I also looked up Ms. Marsella's STRP's "online bookings."

24. Ms. Marsella's "online booking" from her Airbnb advertisement showed bookings almost every weekend. See a true and correct copy of the bookings for August, September, October, and November, 2019 attached as **Collective Exhibit C** to this Affidavit.

25. On the advice of our attorney, my husband and I began reporting Ms. Marsella's continued operations of her STRP to the Codes Department.

26. A Codes Inspector came to Ms. Marsella's townhome at 1812B 6th Avenue North, Nashville, Tennessee 37208, talked to the STRP clients, took photographs, and verified that Ms. Marsella was operating her STRP without a permit.

27. On one occasion, a Codes Inspector placed "stop work" notices on Ms. Marsella's townhome's front door. Ms. Marsella took the "stop work" notice down, and continued her STRP online bookings, along with continuing to operate her STRP.

28. My husband and I were amazed that Ms. Marsella continued to operate her STRP when she had received a "stop work" notice from the Codes Department for operating a STRP without a permit.

29. We later learned that the Codes Department had sworn out a warrant in Environmental Court against Ms. Marsella.

30. Jeremy and I have reviewed the "Opposition Statement" prepared by our attorney. The facts stated in the "Opposition Statement" are true and correct.

31. We supplied our attorney with several videos taken of STRP clients. Our security cameras captured Marsella's STRP clients' coming and going, or presence near our home. The copies of the videos attached via email to the BZA filing are true and correct, and were recorded on our security cameras.

Further Affiant Saith Not.

Karen Light

Sworn to and subscribed before me
this 24th day of October, 2019.

Joyce Grimes Safley, Notary

My Commission Expires: 05-03-21

JOYCE GRIMES SAFLEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires 05-03-2021

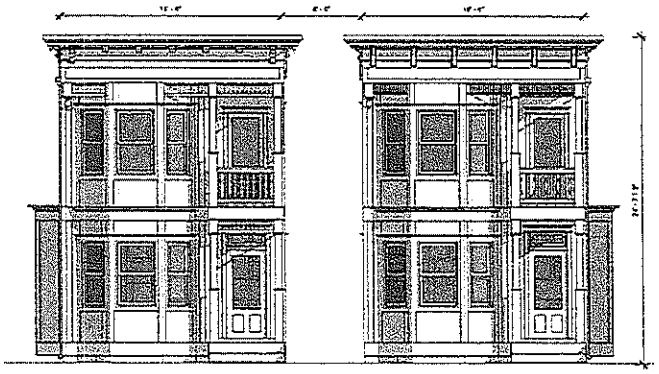
Case # 2019-471

GENERAL NOTES:

SUBCONTRACTORS ARE RESPONSIBLE FOR VERIFYING SITE CONDITIONS IN FIELD FOR REMOVAL OF EXISTING FENCES, TREES, ETC.

VERIFY THAT ALL UTILITIES WILL COMPLY (OR EVEN BE AVAILABLE FOR THIS PROPERTY). I.E. GAS, ELECTRIC, WATER, SEWER

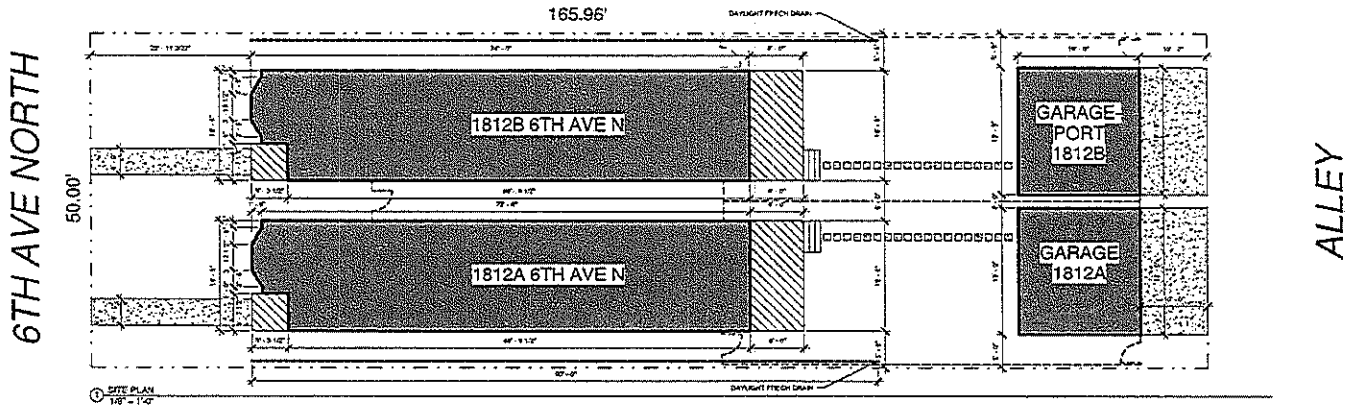
Karen Light



SITE ELEVATIONS
1/8" = 1'-0"

LEGEND

- BUILDING FOOTPRINT
- DECK FOOTPRINT
- CONCRETE FOOTPRINT
- UPGRADED 6' TALL PRIVACY FENCE
- INCLUDED 6' TALL PRIVACY FENCE
- PROPERTY LINE
- PAVERS
- MODIFIED FRENCH DRAIN (18" DEEP) - SEE APPENDIX H OF STORMWATER'S REGULATED RESIDENTIAL INFILL GUIDELINES



SITE PLAN
1/8" = 1'-0"

AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

EXHIBIT A

1812A 6TH AVE N
SITE PLAN

PLAN NAME	EARL_FRANKL.02
Date	04/09/15
Drawn by	NK
Checked by	
Scale	As indicated

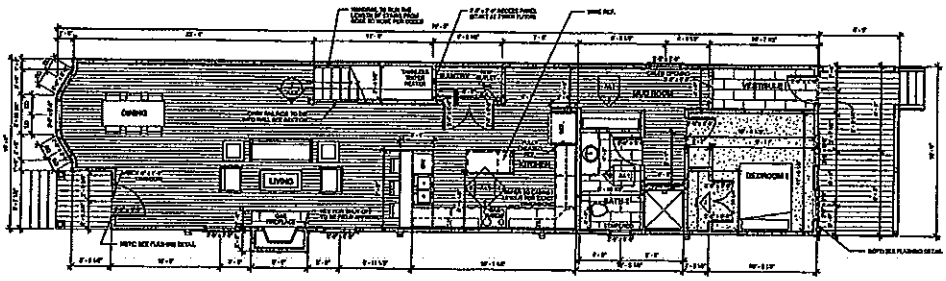
A1.1

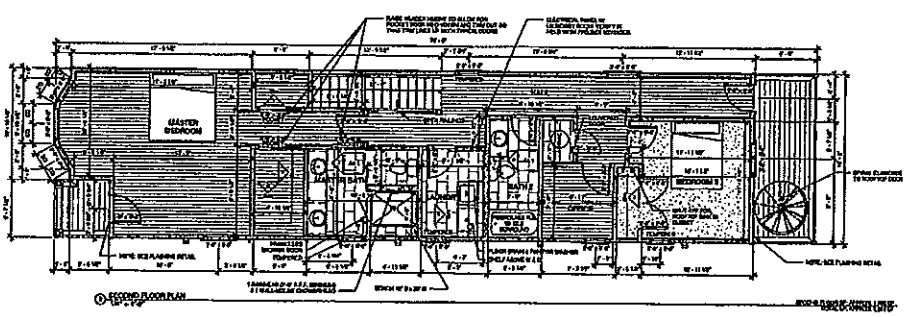
GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING DOWNS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING

SPECIAL NOTES / BUYER UPGRADES:

- CAT 6 CABLE / ETHERNET - TERMINATE IN LAUNDRY ROOM (APPROVED UPGRADE)
- FLOOR OUTLET IN LIVING ROOM
- KITCHEN CABINET UPPERS TO CEILING WITH CROWN (APPROVED UPGRADE)
- 4 CAR GARAGE INCLUDED - NEED A WALL OUTLET
- 4' TALL PRIVACY FENCE (INCLUDED)
- ADD SINGLE BOWL SINK TO ROOFTOP KITCHENETTE
- SEE WINDOW & DOOR SCHEDULE FOR SPECIAL INSTRUCTIONS FOR THIS JOB





AERIAL DEVELOPMENT GROUP

Floor Finish Schedule

Room Name	Finish Floor
BEDROOM 1	CARPET
MUD ROOM	HARDWOOD
BATH 1	TILE
KITCHEN	HARDWOOD
PANTRY	HARDWOOD
LIVING	HARDWOOD
BEDROOM 2	CARPET
OFFICE	HARDWOOD
HALL	HARDWOOD
BATH 2	TILE
LAUNDRY	TILE
MASTER BATH	TILE
MASTER BEDROOM	HARDWOOD
DINING	HARDWOOD
VESTIBULE	TILE

1812A 6TH AVE N

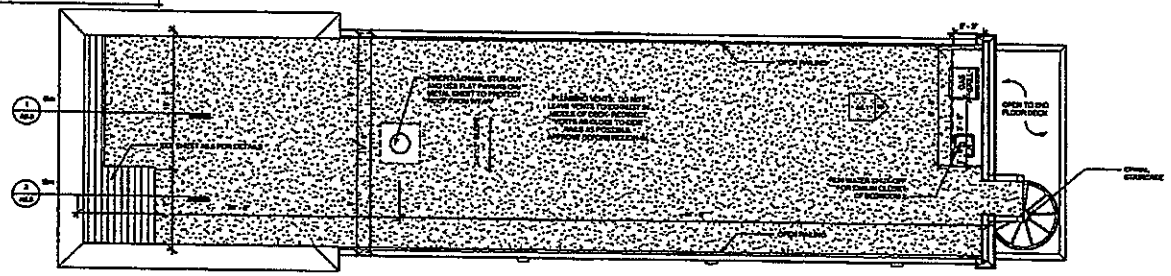
FLOOR PLANS

A2.1

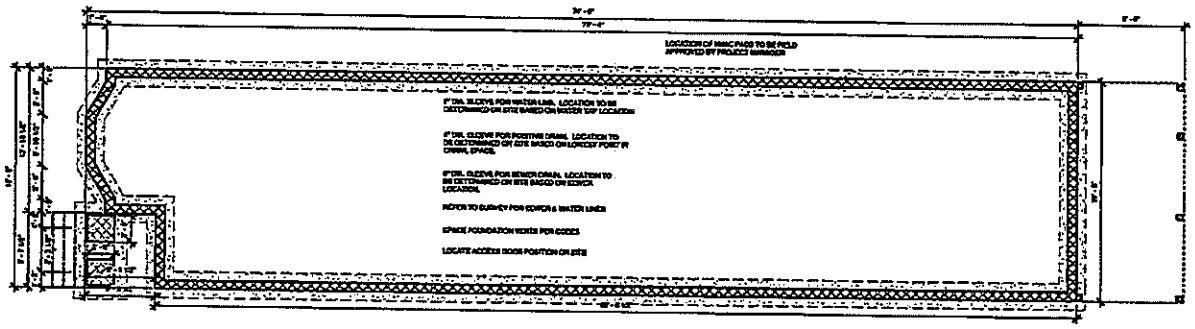
Case # 2019-471

GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 3/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



1 ROOFTOP DECK PLAN
1/4" = 1'-0"



2 FOUNDATION PLAN
1/4" = 1'-0"

AERIAL
DEVELOPMENT GROUP

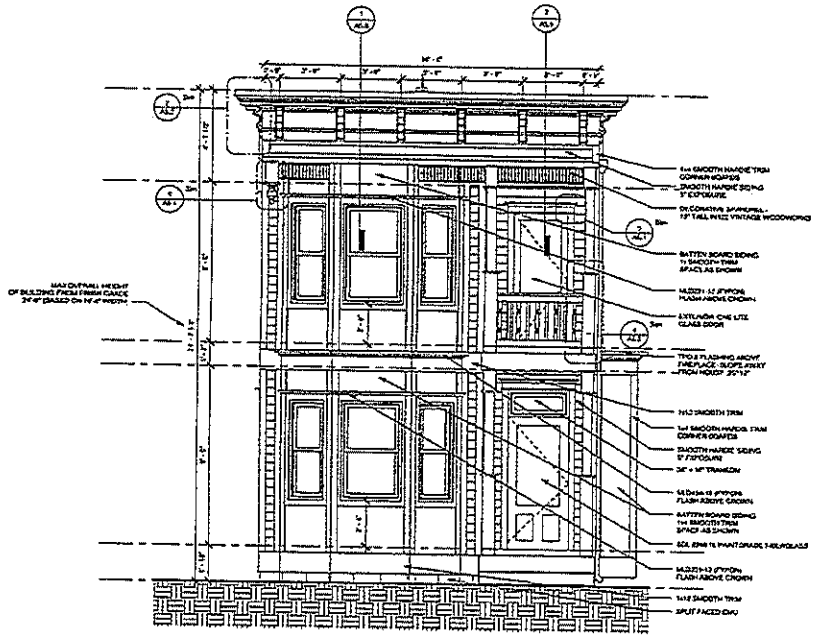
1812A 6TH AVE N
FLOOR PLANS

PLAN NAME	EARL_FRANKLIN
Date	06/08/15
Drawn by	ML
Checked by	
	A2.2
Scale	1/4" = 1'-0"

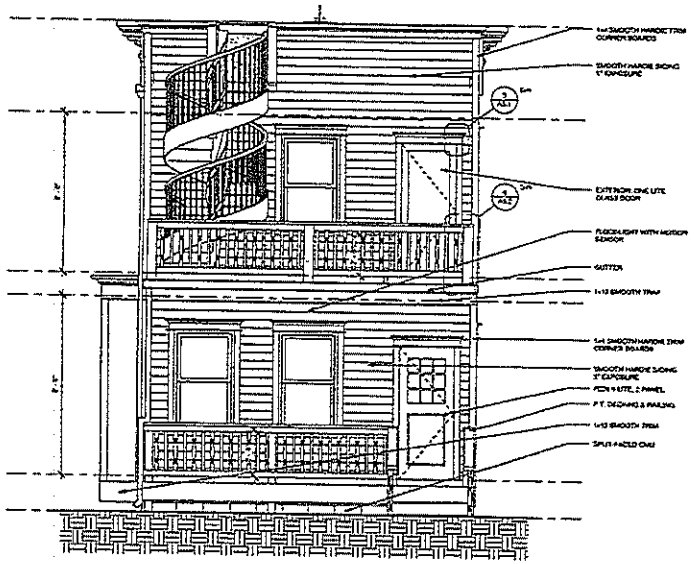
Case # 2019-471

GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



1 FRONT ELEVATION
3/8" = 1'-0"



2 REAR ELEVATION
3/8" = 1'-0"

AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

1812A 6TH AVE N

ELEVATIONS

PLAN NAME	CARL FRANKLIN
Date	06/08/15
Drawn By	ML
Checked By	

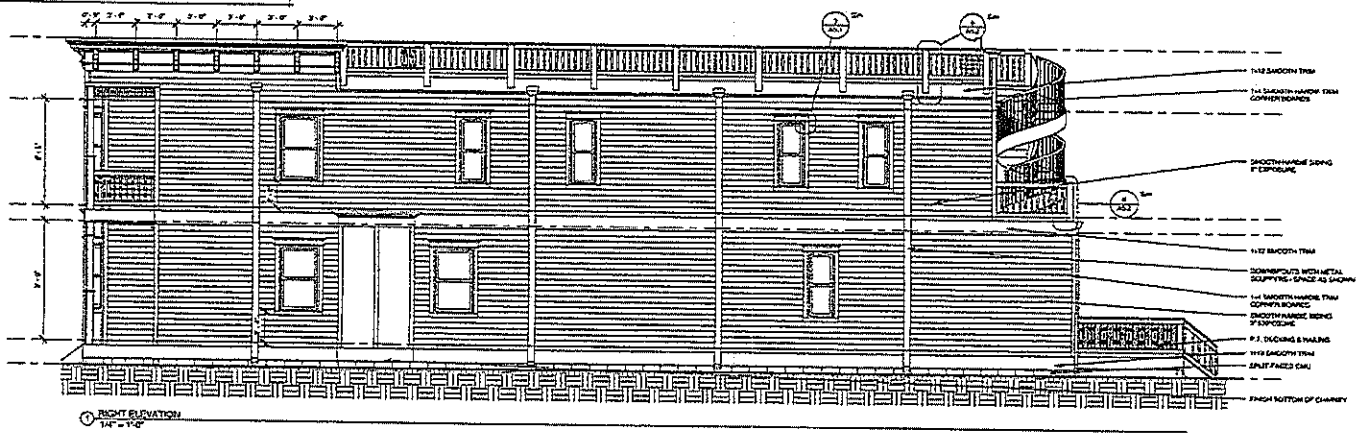
A3.1

Scale 3/8" = 1'-0"

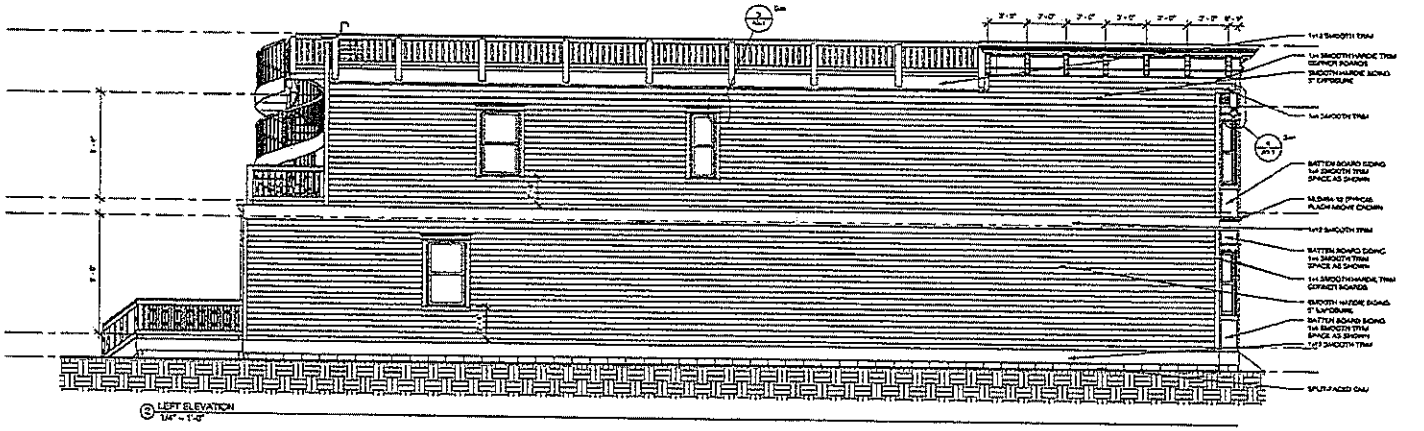
Case # 2019-471

GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



1 RIGHT ELEVATION
1/4" = 1'-0"



3 LEFT ELEVATION
1/4" = 1'-0"

AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

1812A 6TH AVE N

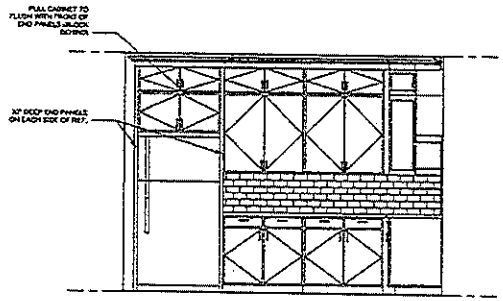
ELEVATIONS

PLAN NAME	EARL FRANKLIN
Date	05/08/15
Drawn by	TJL
Checked by	

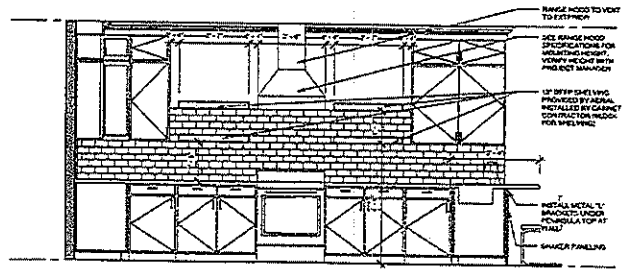
A3.2

Scale 1/4" = 1'-0"

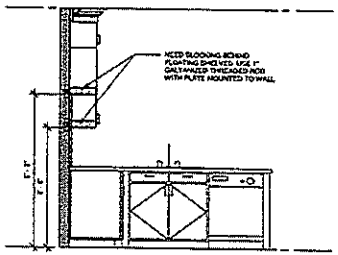
Case # 2019-471



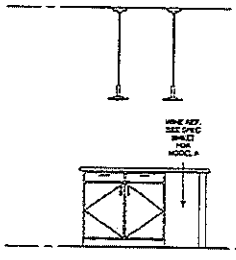
2 ELEVATION - KITCHEN REFRIGERATOR WALL
1/2" = 1'-0"



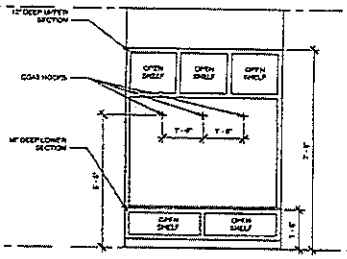
5 ELEVATION - KITCHEN RANGE WALL
1/2" = 1'-0"



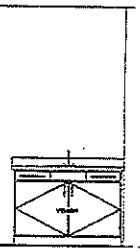
3 ELEVATION - KITCHEN SINK WALL
1/2" = 1'-0"



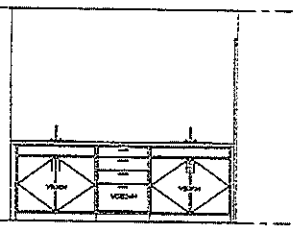
4 ELEVATION - ISLAND
1/2" = 1'-0"



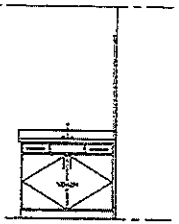
5 ELEVATION - MUD ROOM
1/2" = 1'-0"



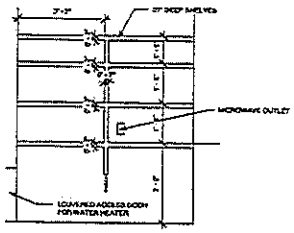
6 ELEVATION - BATH 1
1/2" = 1'-0"



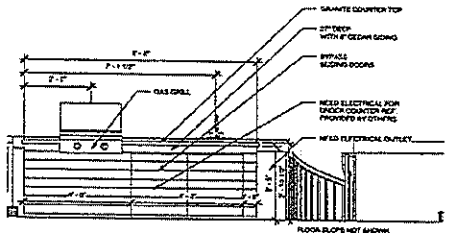
7 ELEVATION - MASTER BATH
1/2" = 1'-0"



8 ELEVATION - BATH 2
1/2" = 1'-0"



9 SHELVING - PANTRY
1/2" = 1'-0"



10 ELEVATION - ROOFTOP KITCHENETTE
1/2" = 1'-0"

AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

1812A 6TH AVE N
CASEWORK

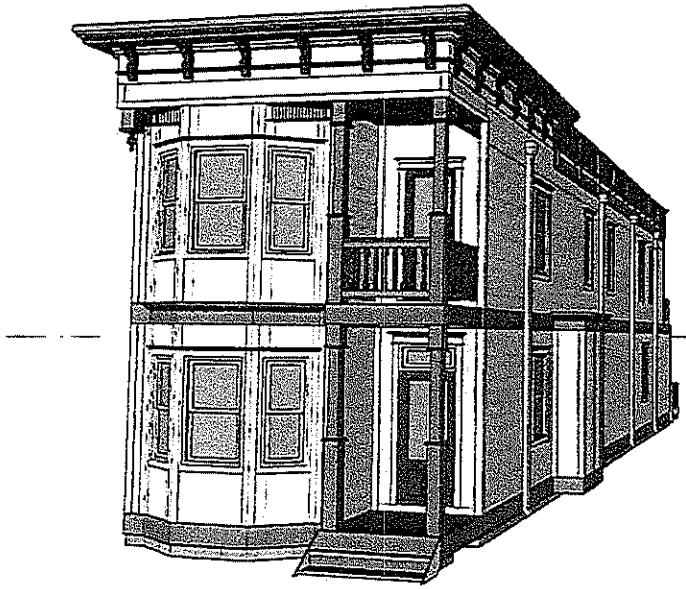
FILENAME	EARL FRANKLIN
Date	05/03/13
Drawn by	ML
Checked By	

A4.1

Scale 1/2" = 1'-0"

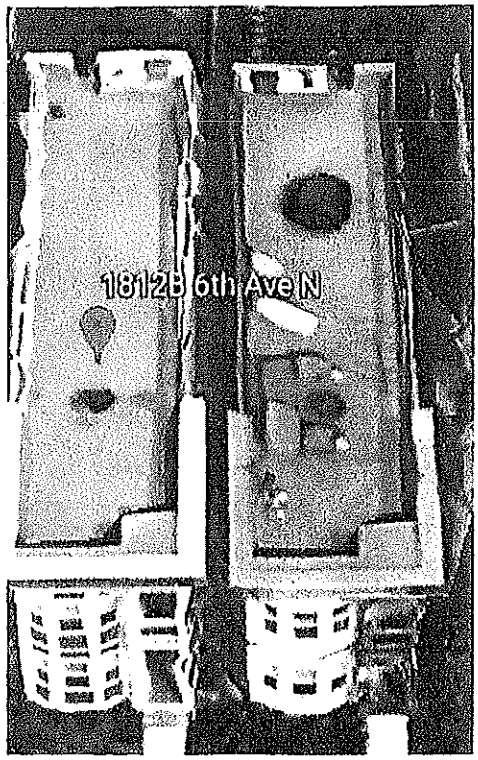
Case # 2019-471

AuthentiSign ID: AF0966E4-A537-4BB8-B36B-444FD07ED0AD



Authentisign
6/15/2015 8:48:00 PM

Authentisign
Karen Light
6/15/2015 7:08:02 PM



EXHIBIT

B

$395 / night

★★★★★14

Dates

Check-in → Checkout

← **August 2019** →

Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	**16**	**17**
18	**19**	**20**	**21**	22	23	24
25	**26**	**27**	**28**	**29**	30	31

Updated today

EXHIBIT
C

$395 / night

★★★★★14

Dates

Check-in → Checkout

← **September 2019** →

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Updated today

$395 / night

★★★★★ 14

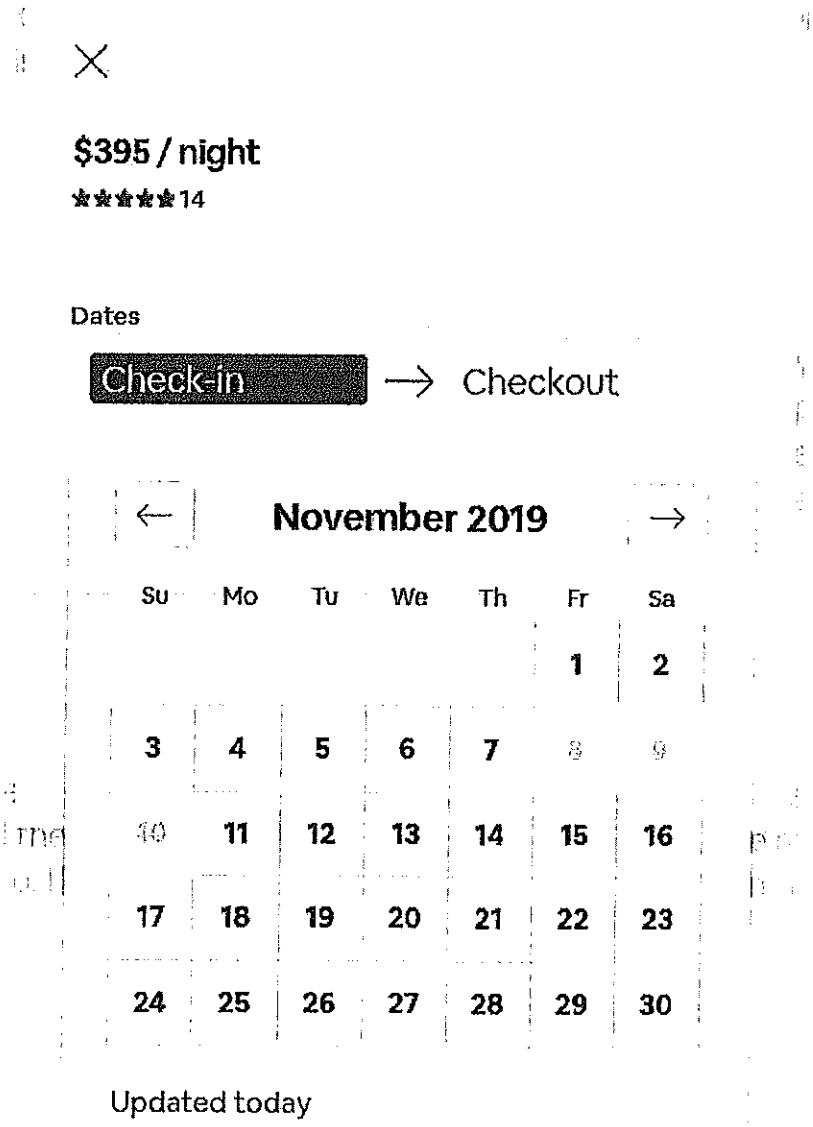
Dates

Check-in → Checkout

← October 2019 →

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Updated today


$395 / night
14
Dates
Check-in
Checkout
November 2019
Su Mo Tu We Th Fr Sa
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30
Updated today

BEFORE THE
METROPOLITAN BOARD OF ZONING APPEALS

IN RE:	)	
	)	
SHERYL MARSELLA	)	**APPEAL CASE NO. 2019-471**
1812B 6th AVE. NORTH	)	**(STRP PERMIT DENIAL APPEAL))**
MAP PARCEL: 081082T00200CO	)	
ZONING CLASSIFICATION: R6-A	)	
COUNCIL DISTRICT: 19	)	

County of Davidson)
State of Tennessee)

AFFIDAVIT OF JEREMY LIGHT

Affiant after being duly sworn according to law, based upon my personal knowledge, would state as follows:

1. I am a resident of Nashville, Davidson County, Tennessee and am over eighteen (18) years of age.

2. I am married to Karen Light. Our residence is located at 1812A 6th Avenue North, Nashville, Tennessee 37208.

3. My wife and I purchased our home, a townhouse in a Horizontal Property Regime (HPR) on April 2, 2015. A true and accurate copy of the site plans for our home is attached to this Affidavit as **Exhibit A.**

4. The site plans attached as **Collective Exhibit A** show both our home and the adjacent townhome, 1812B 6th Avenue North, Nashville, Tennessee 37208. The two townhomes have a distance of six (6) feet between them, as demonstrated by the site plans.

5. It should be noted that 1812A 6th Avenue North, Nashville, Tennessee 37208 (our townhouse) and 1812B 6th Avenue North, Nashville, Tennessee 37208 (currently Sheryl Marsella's townhouse) sits on common property as an HPR. As the site plans depict, our respective townhomes are a mere 6 feet apart. See **Collective Exhibit A,** p. A1.1 and **Exhibit B,** a true and accurate Google Earth photograph of the adjacent townhomes.

6. The person who originally purchased 1812B 6th Avenue North, Nashville, Tennessee 37208 was a delightful next-door neighbor. While he would occasionally entertain or have friends over, there were never any problems with excessive noise or any acts by him which interfered with our enjoyment of our home.

7. Around March, 2018, Sheryl Marsella bought the townhome at 812B 6th Avenue North, Nashville, Tennessee 37208 from our previous neighbor.

8. Around May or June, 2018, Ms. Marsella began operating her townhome as a Short-Term Rental Unit.

9. The remaining paragraphs of this Affidavit are identical to my wife, Karen Light's Affidavit. I am in agreement and confirm the facts set forth in Karen Light's Affidavit.

10. There seemed to be STRP renters or clients at Ms. Marsella's townhome almost every weekend. Large groups of people from out of town would come, stay at Ms. Marsella's townhome, and "party." The problems with parking, the noise from Ms. Marsella's STRP clients, and frankly the loud, drunken partying was very annoying and upsetting. Candidly, we could not go out on our rooftop terraces in the evenings or on the weekends when STRP renters were present and enjoy our home.

11. One evening in early Fall of 2018, my wife and I had another couple over for dinner on a weekend. We were sitting out on our rooftop terrace having a nice dinner. We mentioned that our next-door neighbor was operating a STRP, and we had experienced noise issues from her short-term renters.

12. One of our dinner guests was an attorney. She immediately stated that she did not believe Ms. Marsella could legally operate a STRP on our HRP property. She also opined that Marsella's STRP clients were violating nuisance ordinances. She advised us to get an attorney to try to put a stop to the "loud parties" by STRP clients, and to check into whether or not Ms. Marsella could legally operate an STRP in her townhome.

13. We consulted an attorney, and attempted to get Ms. Marsella to exert some control over her clients for disturbing the peace.

14. At the same time, we talked to employees at the Codes Department who opined that Ms. Marsella could not operate her STRP unless she was actually a "resident" of Nashville and lived at the STRP (townhome.)

15. The situation did not improve. The loud "partying", offensive language, drunken behavior, etc. by Ms. Marsella's STRP clients has continued almost every weekend until the present time.

16. Metro Codes took action against Ms. Marsella on the basis that she was not a "resident" and did not actually live in her townhome. There was a proceeding in Environmental Court, and a proceeding in General Sessions Court.

17. Thereafter, we asked our attorney to research and determine if Ms. Marsella was violating any other Codes sections.

18. We knew that Ms. Marsella's permit expired in May, 2019.

19 We also knew that Ms. Marsella did not apply for a new permit by the June 28, 2019 deadline.

20. STRP clients continued to come in large groups almost every weekend, often for "long weekends." The noise, the parties, the parking problems, the inconvenience, etc., continued. On one occasion, a client of Marsella's came over to our home and destroyed their property. On two occasions, STRP clients who appeared inebriated tried to enter our home believing it was Ms. Marsella's townhome. The STRP clients ruined our enjoyment of our home almost every weekend.

21. At the advice of our attorney, we documented STRP clients' stays. We had security cameras installed prior to Ms. Marsella's purchase of her adjacent townhome for safety and security reasons. The security cameras captured STRP clients coming and going.

22. Long after Ms. Marsella's STRP expired in May, 2019, Ms. Marsella continued to operate her STRP.

23. Ms. Marsella advertised her STRP online through Airbnb.

24. I looked at Ms. Marsella's STRP's "online booking." Ms. Marsella's "online booking" from her Airbnb advertisement showed bookings almost every weekend. See a true and correct copy of the bookings for August, September, October, and November, 2019 attached as **Collective Exhibit C** to this Affidavit.

25. On the advice of our attorney, my wife and I began reporting Ms. Marsella's continued operations of her STRP to the Codes Department.

26. A Codes Inspector came to Ms. Marsella's townhome at 1812B 6th Avenue North, Nashville, Tennessee 37208, several times, talked to the STRP clients, took photographs, and verified that Ms. Marsella was operating her STRP without a permit.

27. On at least one occasion, a Codes Inspector placed a "stop work" notice on Ms. Marsella's townhome's front door. Ms. Marsella or someone on her behalf took the "stop work" notice down, and continued her STRP online bookings, along with continuing to operate her STRP.

28. My wife and I were amazed that Ms. Marsella continued to operate her STRP when she had received a "stop work" notice from the Codes Department for operating a STRP without a permit.

29. We later learned that the Codes Department had sworn out a warrant in Environmental Court against Ms. Marsella.

30. Karen and I have reviewed the "Opposition Statement" prepared by our attorney. The facts stated in the "Opposition Statement" are true and correct.

31. We supplied our attorney with several videos taken of STRP clients. Our security cameras captured Marsella's STRP clients' coming and going, or presence near our home. The copies of the videos attached via email to the BZA filing are true and correct, and were recorded on our security cameras.

Further Affiant Saith Not.

Jeremy Light

Sworn to and subscribed before me
this 24th day of October, 2019.

Joyce Grimes Safley, Notary

My Commission Expires: 05-03-2021

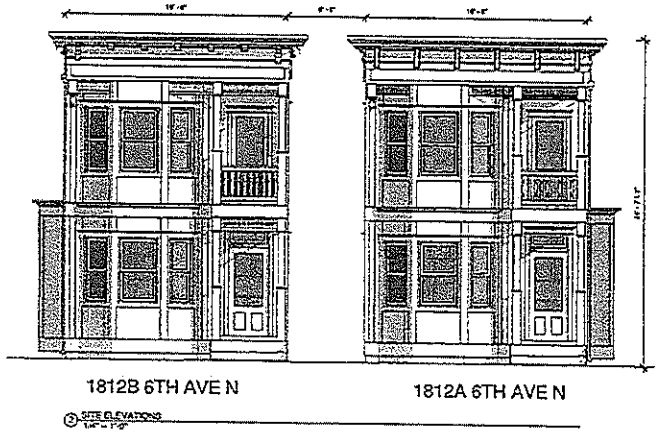
JOYCE GRIMES SAFLEY
STATE OF TENNESSEE NOTARY PUBLIC
DAVIDSON COUNTY
My Commission Expires 05-03-2021

Case # 2019-471

GENERAL NOTES:

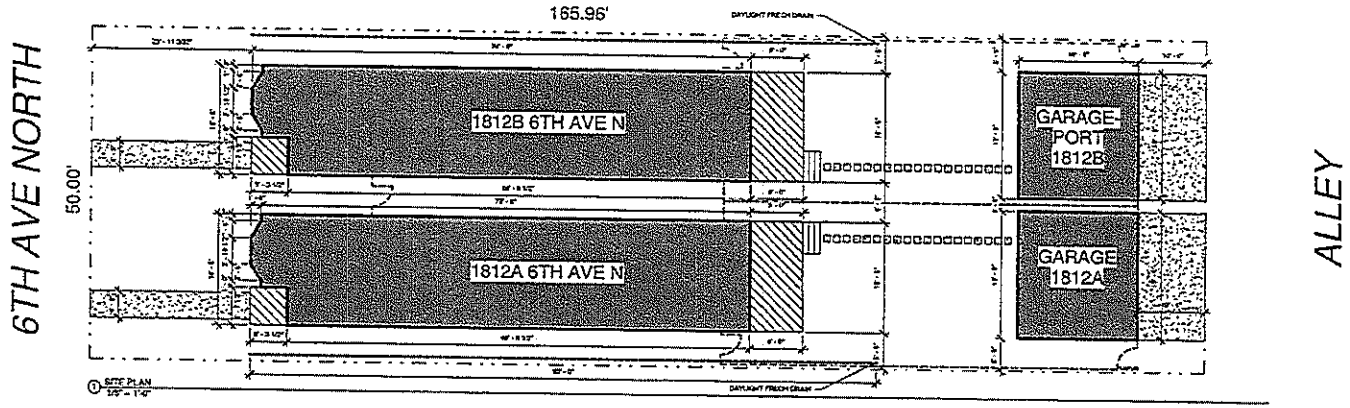
-SUBCONTRACTORS ARE RESPONSIBLE FOR VERIFYING SITE CONDITIONS IN FIELD FOR REMOVAL OF EXISTING FENCES, TREES, ETC.

-VERIFY THAT ALL UTILITIES WILL COMPLY (OR EVEN BE AVAILABLE FOR THIS PROPERTY). I.E. GAS, ELECTRIC, WATER, SEWER



LEGEND

- BUILDING FOOTPRINT
- DECK FOOTPRINT
- CONCRETE FOOTPRINT
- UPGRADED 6' TALL PRIVACY FENCE
- INCLUDED 6' TALL PRIVACY FENCE
- PROPERTY LINE
- PAVERS
- MODIFIED FRENCH DRAIN (18" DEEP) - SEE APPENDIX H OF STORMWATER'S REGULATED RESIDENTIAL INFILL GUIDELINES



AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

EXHIBIT A

1812A 6TH AVE N
SITE PLAN

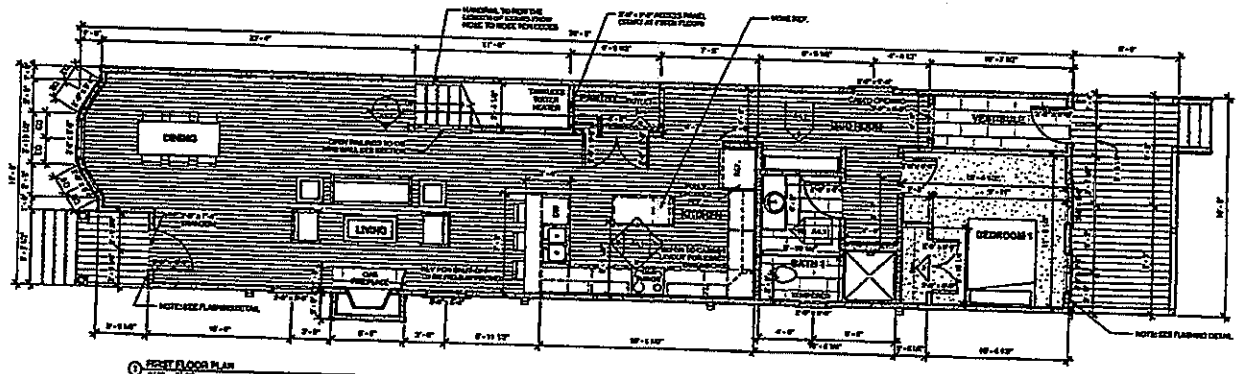
PLAN NAME	CARL FRANKLIN
Date	06/06/18
Drawn by	MIL
Checked by	
	A1.1
Scale	As indicated

GENERAL NOTES:

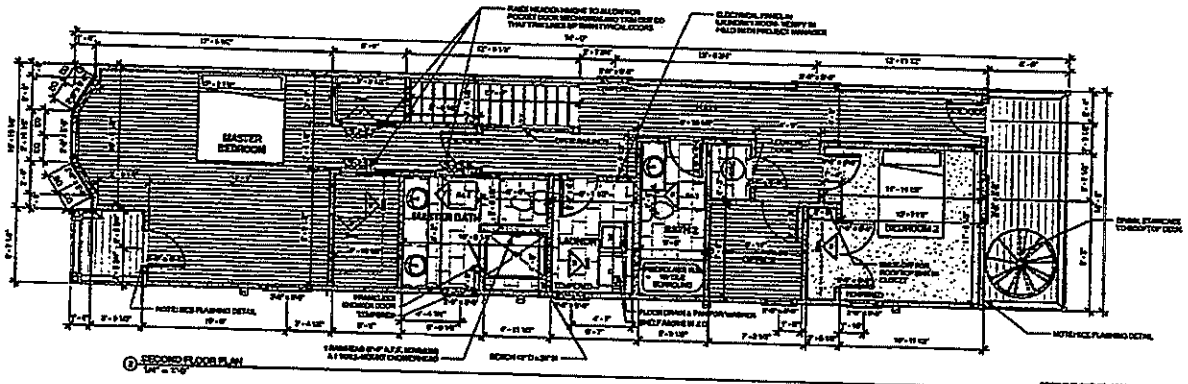
- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING

SPECIAL NOTES / BUYER UPGRADES:

- CAT 6 CABLE / ETHERNET - TERMINATE IN LAUNDRY ROOM (APPROVED UPGRADE)
- FLOOR OUTLET IN LIVING ROOM
- KITCHEN CABINET UPPERS TO CEILING WITH CROWN (APPROVED UPGRADE)
- 2-CAR GARAGE INCLUDED - NEED A WALL OUTLET
- 6' TALL PRIVACY FENCE (INCLUDED)
- ADD SINGLE BOWL SINK TO ROOFTOP KITCHENETTE
- SEE WINDOW & DOOR SCHEDULE FOR SPECIAL INSTRUCTIONS FOR THIS JOB



1 FIRST FLOOR PLAN
1/4" = 1'-0"



2 SECOND FLOOR PLAN
1/4" = 1'-0"

AERIAL
DEVELOPMENT GROUP

Floor Finish Schedule	
Room Name	Finish Floor
BEDROOM 1	CARPET
MUD ROOM	HARDWOOD
BATH 1	TILE
KITCHEN	HARDWOOD
PANTRY	HARDWOOD
LIVING	HARDWOOD
BEDROOM 2	CARPET
OFFICE	HARDWOOD
HALL	HARDWOOD
BATH 2	TILE
LAUNDRY	TILE
MASTER BATH	TILE
MASTER BEDROOM	HARDWOOD
DINING	HARDWOOD
VESTIBULE	TILE

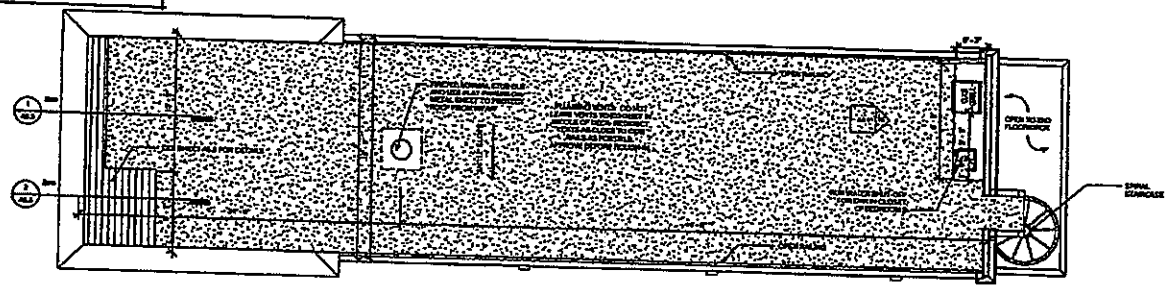
1812A 6TH AVE N
FLOOR PLANS

Plan Name	EARL_FRANKLIN
Date	08/08/19
Drawn by	ML
Checked by	
Scale	1/4" = 1'-0"

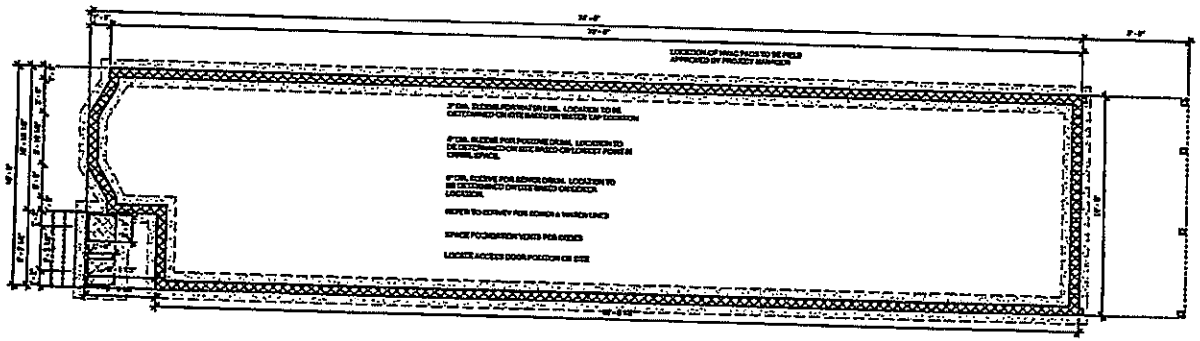
A2.1

GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



1 ROOFTOP DECK PLAN
1/4" = 1'-0"



2 FOUNDATION PLAN
1/4" = 1'-0"

AERIAL
DEVELOPMENT GROUP

1812A 6TH AVE N
FLOOR PLANS

PURNAME:	EARL_FRANKLIN
Date	08/08/15
Drawn by	ML
Checked by	
Scale	1/4" = 1'-0"

A2.2

Case # 2019-471

GENERAL NOTES:

-DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION

-ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION

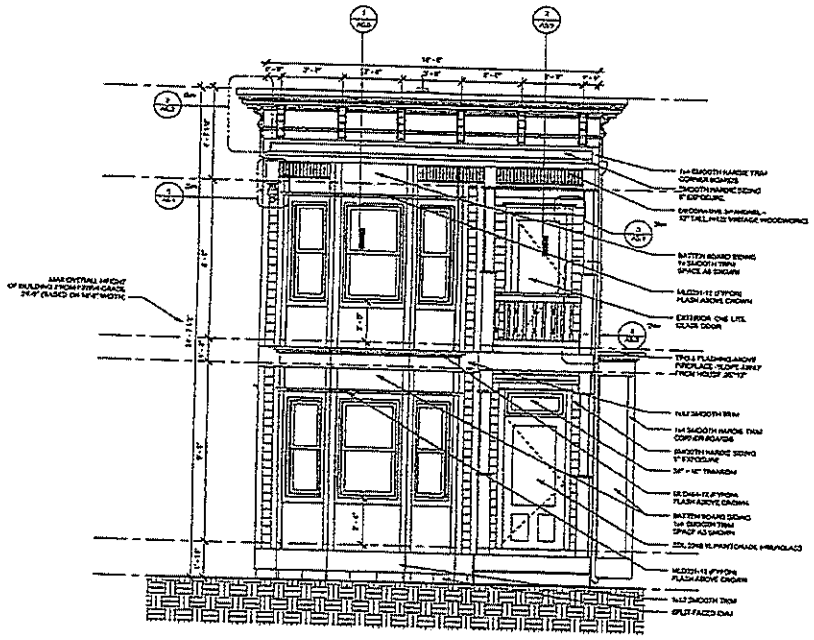
-ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER

-USE 5/4" THICK TRIM

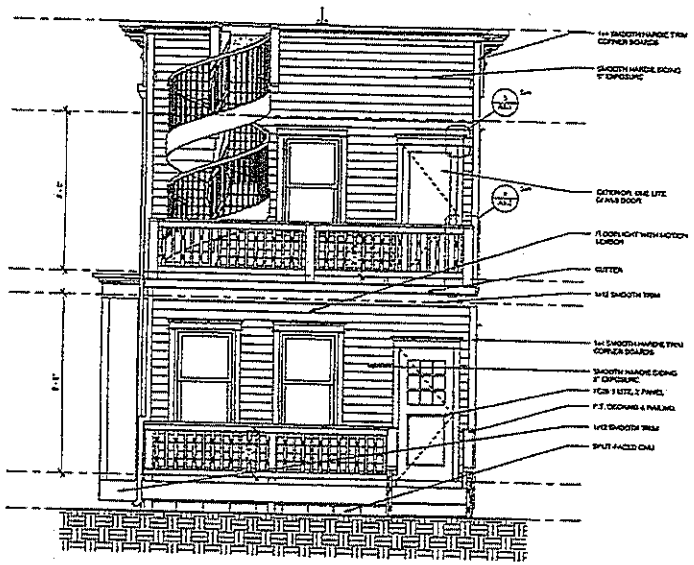
-FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL

-ALL DECKING BOARDS TO BE CROWN UP

-FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



1 FRONT ELEVATION
3/8" = 1'-0"



3 REAR ELEVATION
3/8" = 1'-0"

AERIAL DEVELOPMENT GROUP

http://aerialdevelopmentgroup.com/

1812A 6TH AVE N

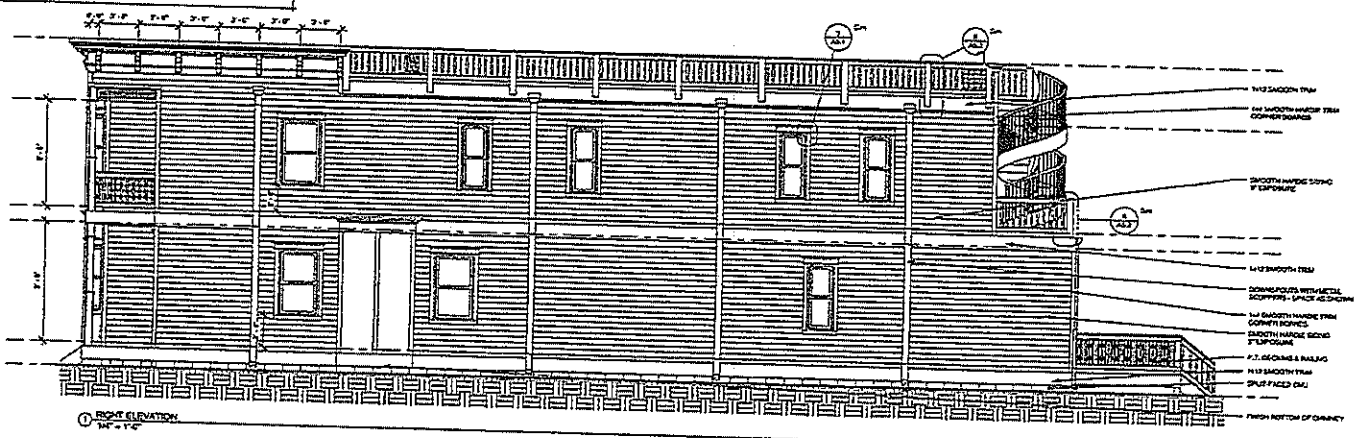
ELEVATIONS

PLAN NAME	EARL_FRANKLIN
Date	06/08/15
Drawn by	ML
Checked by	
	A3.1
Scale	3/8" = 1'-0"

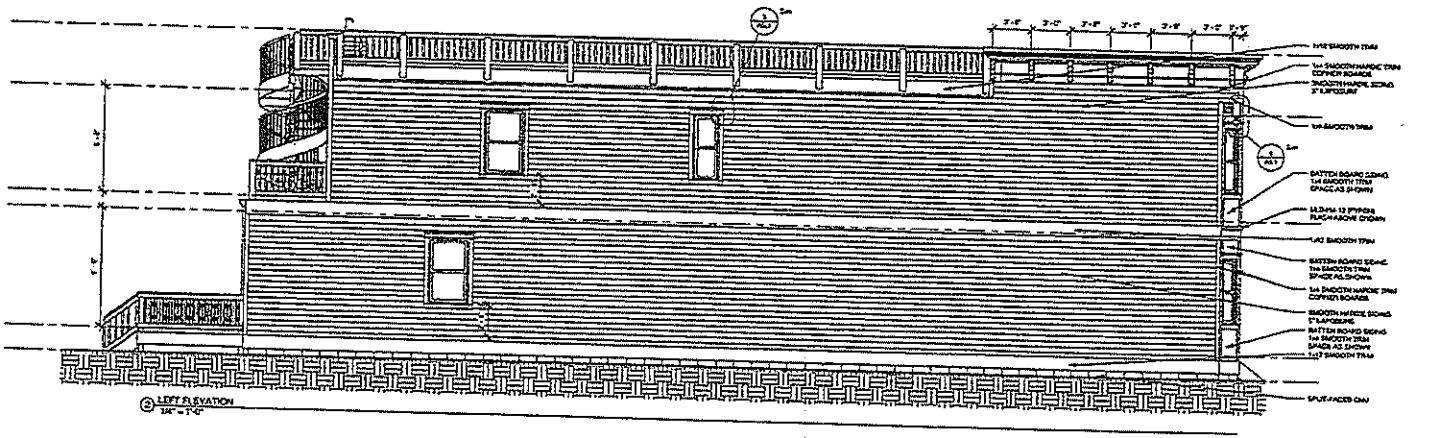
Case # 2019-471

GENERAL NOTES:

- DOOR PANS TO BE INSTALLED UNDER ALL EXTERIOR DOORS & TAPED PRIOR TO INSTALLATION
- ELECTRICAL, PLUMBING AND HVAC TO BE FIELD VERIFIED BY SUBCONTRACTORS AND PROJECT MANAGERS PRIOR TO INSTALLATION
- ELECTRICAL PANEL & DISCONNECT BOX LOCATIONS TO BE DETERMINED IN THE FIELD - SEE PROJECT MANAGER
- USE 5/4" THICK TRIM
- FLASHING ABOVE ALL WINDOW & DOOR TRIM PER DETAIL
- ALL DECKING BOARDS TO BE CROWN UP
- FRAMERS ARE RESPONSIBLE FOR PRICING FURR DOWNS FOR PLUMBING



① RIGHT ELEVATION
1/4" = 1'-0"



② LEFT ELEVATION
1/4" = 1'-0"

AERIAL DEVELOPMENT GROUP

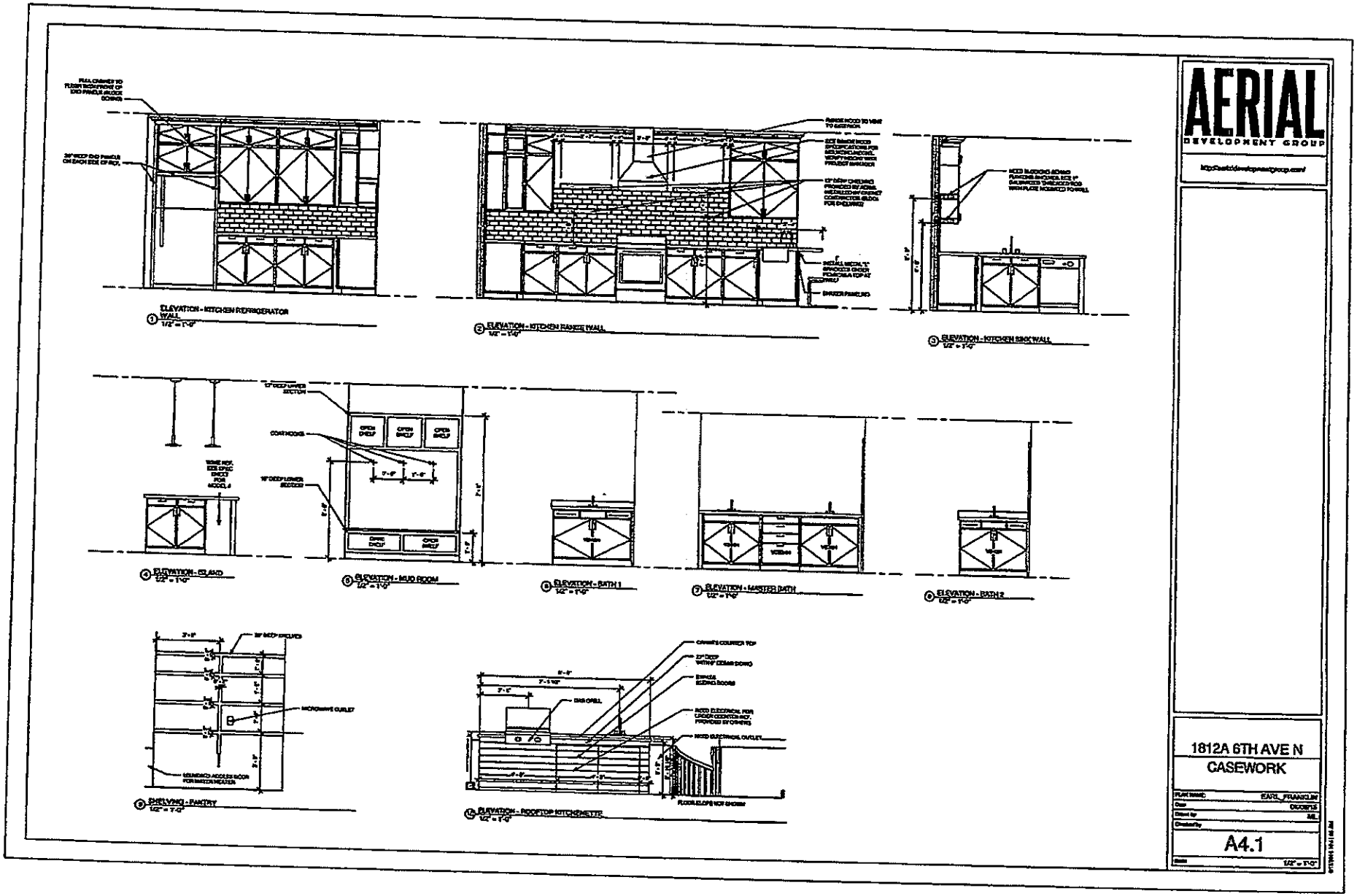
1812A 6TH AVE N

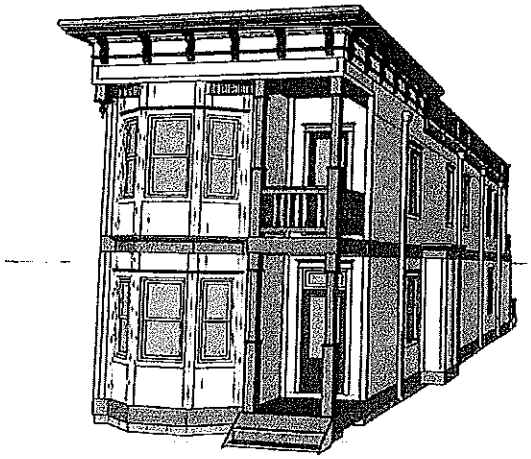
ELEVATIONS

PLAN NAME	EARL_FRANKLIN
Date	06/08/15
Drawn by	ML
Checked by	
Scale	1/4" = 1'-0"

A3.2

Case # 2019-471





Authentique
[illegible]
6/15/2015 8:43:56 PM

Authentique
Karen Light
6/15/2015 7:06:02 PM

EXHIBIT
B

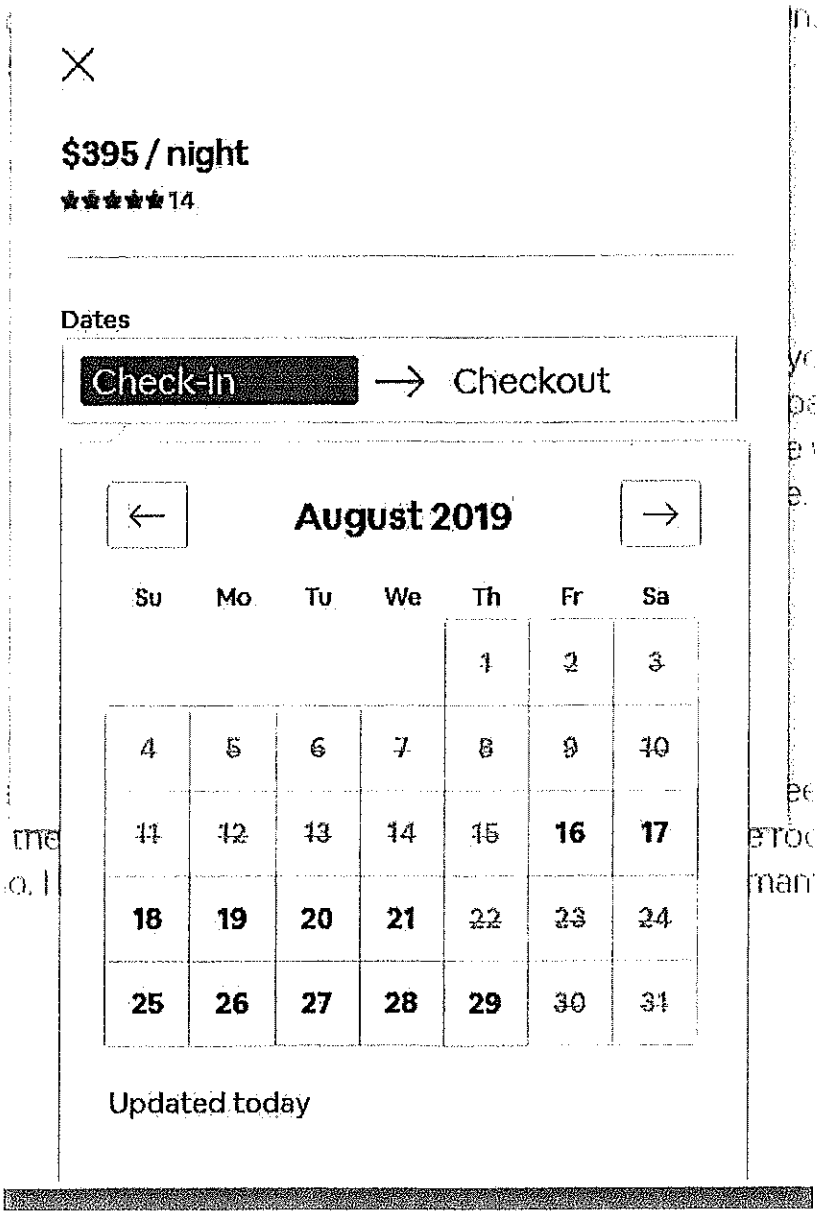

$395 / night
14
Dates
Check-in
Checkout
August 2019
Su Mo Tu We Th Fr Sa
1 2 3
4 5 6 7 8 9 10
11 12 13 14 15 16 17
18 19 20 21 22 23 24
25 26 27 28 29 30 31
Updated today

EXHIBIT
C

$395 / night

★★★★★ 14

Dates

Check-in → Checkout

← **September 2019** →

Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Updated today

$395 / night

★★★★★14

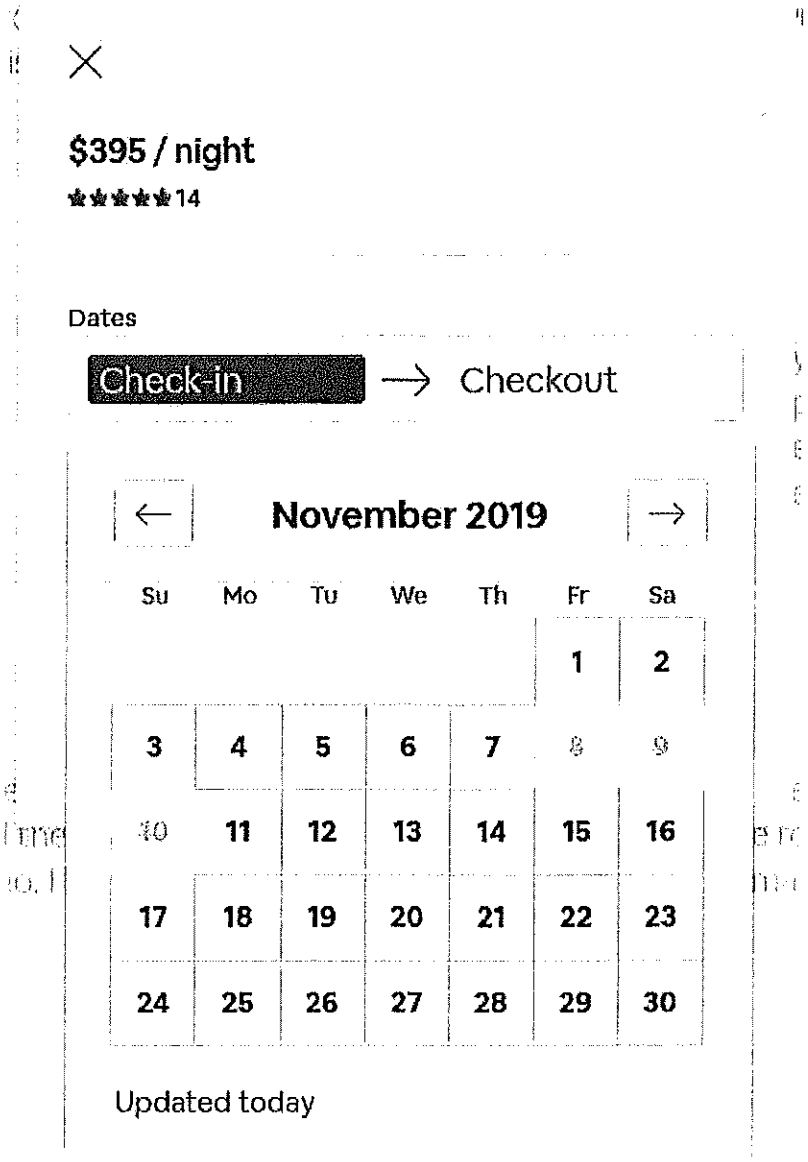
Dates

Check-in → Checkout

← October 2019 →

Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Updated today

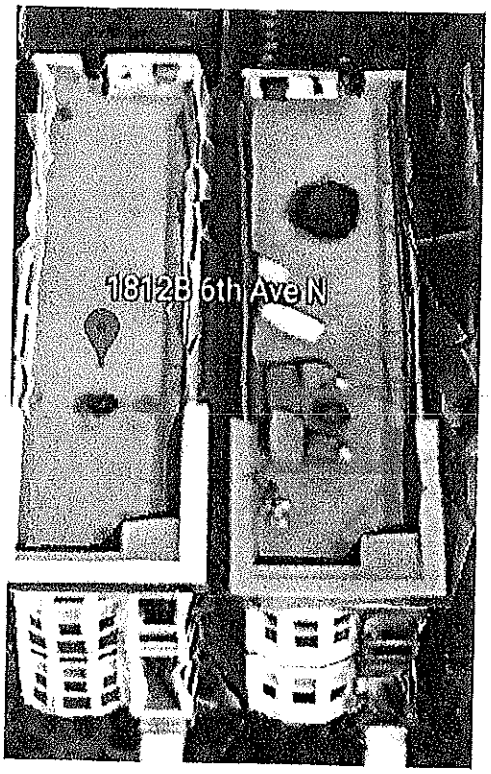

$395 / night
14
Dates
Check-in
Checkout
November 2019
Su Mo Tu We Th Fr Sa
1 2
3 4 5 6 7 8 9
10 11 12 13 14 15 16
17 18 19 20 21 22 23
24 25 26 27 28 29 30
Updated today

COLLECTIVE EXHIBIT 6

Certified Copies of Appellant Marsella's Warranty Deed, the Exhibit to the Deed the "Declaration of Covenants, Conditions, and Restrictions for 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), and Appellant Marsella's Quitclaim Deed recorded with Register of Deeds Office on 4/20/2018, #20180409-0033309

Due to the size of the attachment, Collective Exhibit B is attached separately to the email filing with the BZA via email.

EXHIBIT
6



EXHIBIT

tabbies

7

Certified copies of the "Declaration of Covenants, Conditions, and Restrictions" for the subject property, along with certified copies of Appellant's Warranty and Quitclaim Deeds.

Collective Exhibit 6.

NEW OWNER:

Sheryl Marsella
1812 6th Avenue
Nashville, TN 37208

SEND TAX BILLS TO:

New Owner

THIS INSTRUMENT PREPARED BY:

TRESSLER & ASSOCIATES, PLLC
Attorneys at Law
212 North Castle Heights Avenue
Lebanon, TN 37087

FILE NO: 18-0147 MJ

Map 081 Group 082-T Parcel 002.00

Space for Recorder's Stamp

Bill Garrett Davidson County
Batch# 77432 DEEDWARR
04/09/2018 01:43:44 PM 3 pgs
Fees: $18.00 Taxes: $2,127.50

20180409-0033309

WARRANTY DEED

FOR AND IN CONSIDERATION of the sum of Five Hundred Seventy-Five Thousand and 00/100 Dollars ($575,000.00) cash in hand paid, the receipt of which is hereby acknowledged, ROBERT W. CORY("Grantor") has this day bargained and sold and by these presents does hereby transfer and convey unto SHERYL B. MARSELLA AS TRUSTEE OF SHERYL B. MARSELLA LIVING TRUST DATED 10/07/97, AMENDED 12/23/98, TRUST, ("Grantee"), her successors and assigns, forever, the following tract or parcel of land, situated and lying in Davidson County, Tennessee, bound and described as follows, to-wit:

Land in Davidson County, Tennessee, Being Unit No. B on The Plan of 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), as shown in Exhibit "A" of 1812 6th Avenue North Townhomes, of record in Instrument No. 20160318-0025758, Register's Office for Davidson County, Tennessee, to which reference is hereby made for a more complete description.

BEING the same property conveyed to Robert W. Cory, by Warranty Deed from Alpha One, LLC, dated March 10, 2016, and of record in Instrument No. 20160318-0025758, Register's Office for Davidson County, Tennessee.

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as Instrument # 201804090033309.
KAREN JOHNSON, Register of Deeds

Register/Deputy Register Jul 22, 2019

REGISTER OF DEEDS KAREN JOHNSON DAVIDSON COUNTY, TENN.

This is IMPROVED property known as 1812 6th Avenue, Nashville, Tennessee 37208.

TO HAVE AND TO HOLD said property, together with any and all appurtenances and improvements thereunto, belonging to the said Grantee, his heirs and assigns, in fee simple, forever.

GRANTOR covenants with said Grantee that Grantor is lawfully seized and possessed of said property; that Grantor has a good and lawful right to make this conveyance; that the same is free, clear and unencumbered, except as noted herein; and Grantor will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

THIS CONVEYANCE is made subject to all visible easements, rights-of-way, and any and all restrictions, existing roadways, easements and rights-of-way of record.

POSSESSION shall be given with deed.

PROPERTY TAXES for the current year shall be prorated.

IN WITNESS WHEREOF, Grantor has executed or caused this instrument to be executed by its duly authorized representative, this 22nd day of March, 2018.

X

ROBERT W. CORY

STATE OF TENNESSEE

COUNTY OF DAVIDSON

Personally appeared before me, the undersigned authority, a notary public in and for the state and county aforesaid, ROBERT W. CORY, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who acknowledged that he executed the within instrument for the purposes therein contained.

WITNESS my hand and official seal at office this 22nd day of March, 2018.

NOTARY PUBLIC

My commission expires: 10/26/21

HUNTER B. THRASHER STATE OF TENNESSEE NOTARY PUBLIC WILSON COUNTY

****

The actual consideration or value, whichever is greater, for this transfer is $ 575,000.00 .

AFFIANT

Sworn to and subscribed to before me this 22nd day of March, 2018.

NOTARY PUBLIC

My commission expires: 12/15/21

REBECCA SHUKIS
TENNESSEE NOTARY PUBLIC
My Comm Exp. 12/15/2021
COUNTY OF WILLIAMSON

THIS INSTRUMENT PREPARED BY:
Mid-State Title & Escrow, Inc.
128 Holiday Court, Suite 125
Franklin, TN 37067
File No. 2014-0946.

Davidson County DEEDMAST
Recvd: 06/23/15 13:49 40 pgs
Fees:202.00 Taxes:0.00
20150623-0060106

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 1812 6th AVENUE NORTH TOWNHOMES, A HORIZONTAL PROPERTY REGIME WITH PRIVATE ELEMENTS (a Planned Unit Development)

THIS DECLARATION, made and entered into by ALPHA ONE, LLC, hereinafter referred to as the "Developer".

W I T N E S S E T H :

WHEREAS, the Developer is the record owner and holder of the legal title of a tract or parcel of real property located in Davidson County, Tennessee, and more particularly described on Exhibit "B" attached and made a part hereto (hereinafter referred hereto as the "Property"); and,

WHEREAS, the Developer desires to submit the Property described on Exhibit "B" together with all buildings, structures, improvements, and other permanent fixtures of whatever kind thereon, and all rights and privileges belonging or in anyway pertaining thereto, to the provisions of the Horizontal Property Act of the State of Tennessee as the same may be amended from time to time for the express purpose of establishing thereon a horizontal property regime with private elements to be known as 1812 6th AVENUE NORTH Townhomes; and,

WHEREAS, the Developer further desires to establish for their own benefit and for the mutual benefit of all future owners and/or occupants of the Property or any part thereof, certain rights, easements, and privileges in, over and upon the said premises and certain mutually

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as instrument # 201506230060106.
KAREN JOHNSON, Register of Deeds

Register/Deputy Register Jul 22, 2019

REGISTER OF DEEDS KAREN JOHNSON DAVIDSON COUNTY TENN

beneficial restrictions and obligations with respect to the proper use, conduct and maintenance thereof, for the purpose of enhancing and perfecting the value, desirability and attractiveness of the Property.

NOW, THEREFORE, the Developer declares as follows:

1. **Definitions.** As used herein, unless the context otherwise requires:

   (a) "Act" means the Horizontal Property Act of the State of Tennessee, Tennessee Code Annotated, Section 66-27-101, et seq., as the same may be amended from time to time.

   (b) "Association" means 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation.

   (c) "Board" means the Board of Directors of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation.

   (d) "Buildings" mean the buildings located on the parcel and forming a part of the property and containing the Units. The buildings are delineated on the Plat.

   (e) "By-Laws" mean the By-Laws of the 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. attached hereto as Exhibit "C" and made a part hereof, as amended from time to time. For purposes of the Act, all provisions contained in the body of this Declaration dealing with the administration and maintenance of the property shall be deemed to be part of the By-Laws.

   (f) "Common Elements" shall mean and include General Common Elements and Limited Common Elements as those terms are as defined herein.

   (g) "General Common elements" shall mean all of the property, except the units and private elements.

   (h) "Limited Common Elements" shall mean those portions of the General Common Elements designated herein for the exclusive use of the one (1) unit to which it is assigned.

   (g) "Private Elements" shall mean and include the lot area upon which the unit is located. Exclusive ownership in fee simple and use of the Private Elements for each Unit is reserved to such Unit. The area of the Private elements for each Unit is shown on the Plat. Lots, as referenced on the Plat, shall be deemed to refer to the Private Elements.

(h) "Developer" shall refer to Alpha One, LLC, its successors, heirs and assigns.

(i) "Majority" or "majority of the Unit Owners" mean at least fifty-one (51%) percent of the Owners of the Units.

(j) "Declaration" means this instrument as amended from time to time.

(k) "Occupant" means a person or persons in possession of a Unit, regardless of whether said person is a Unit Owner.

(l) "Parcel" means the parcel(s) or tract(s) of real estate described on Exhibit "B" attached to this Declaration and submitted hereby to the provisions of the Act.

(m) "Person" means a natural individual, corporation, partnership, trustee, or other legal entity capable of holding title to real property.

(n) "Plat" means the Plat, Plats of survey or site plans of the Parcel or Parcels submitted to the provisions of the Act showing the number of each Unit and the exterior boundary of its private elements and other data necessary for identification, said Plat or Plats being attached hereto as Exhibit "A".

(o) "Property" means all the land, property and space comprising the Parcel as defined in Item (n) above, and all improvements and structures erected, constructed or contained therein or thereon, including the Buildings and all easements, rights and appurtenances belonging thereto, and all furniture, furnishings, fixtures, and equipment intended for the mutual use, benefit or enjoyment of Unit Owners, submitted to the provisions of the Act.

(p) "Record" or "Recording" refers to the record or recording in the Register's Office for Davidson County, Tennessee.

(q) "Rules and regulations" refer to the rules and regulations concerning the use of the Units and the Common Elements, as adopted from time to time by the Board in accordance with the Declaration and By-Laws.

(r) "Unit" shall mean a portion of the Property as shown and designated in the Plat for separate ownership and shall include the Private elements and the residence and improvements now and hereafter located hereon. The Units are identified by an alphabetic letter on the Plat and may be held and conveyed by reference to such letter. Conveyance of a Unit shall automatically convey the undivided membership of each Unit Owner in the Association. Each Unit is assigned a letter as shown on the Plat. Any Unit may be jointly or commonly owned in any state recognized under applicable law. For

purposes herein, the term "Unit" shall equate to the same meaning as the term "apartment" in the Horizontal Property Act.

(s) "Unit Owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple ownership of a Unit, its respective Private Elements, and of the undivided interest in the Common Elements appurtenant thereto, and shall be deemed the same as "co-owner" under the Act. Unless specifically provided otherwise herein, Developer shall be deemed a Unit Owner so long as he is the legal title holder of any Unit.

2. **Submission of Property to the Act.** The Developer does hereby submit and subject the parcel and the property to the provisions of the Horizontal Property Act of the State of Tennessee as amended from time to time and does hereby establish a Horizontal Property Regime to be known as 1812 6th AVENUE NORTH Townhomes.

3. **Plat.** The Plats or site plan sets forth the numbers and location of each Unit and other data as required by the Act.

4 **Units.** The legal description of each Unit shall consist of the identifying letter of each Unit as shown on the Plat. Every deed, lease, mortgage, deed of trust, or other instrument shall legally describe a Unit by its identifying number as shown on the Plat and every such description by number shall be deemed good and sufficient for all purposes, as provided in the Act. Except as provided by the Act, no Unit Owner shall, by deed, plat, court decree or otherwise, subdivide or in any other manner cause his Unit to be separated into tracts or parcels different from the whole Unit as shown on the Plat.

5. (a) **Association of Unit Owners and Administration and Operation of the Property.** There has been formed an Association having the name 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation, which Association shall be the governing body for all Unit owners, and shall be operated to provide guidelines for the maintenance, repair, replacement, administration, and operation of the property, as provided in the Act, this Declaration and the By-Laws. The Unit Owners shall be members of the Association, with each Unit holding an undivided membership interest appurtenant to a Unit being in an equal share, subject to the provisions concerning voting hereinafter set forth. The By-Laws for the Association shall be the By-Laws attached to this Declaration as Exhibit "C" and made a part hereof. The Board of Directors of the Association shall be elected and serve in accordance with the provisions of the By-Laws.

The fiscal year of the Association shall be determined by the Board, and may be changed from time to time as the Board deems advisable. The Association shall not be deemed to be conducting a business of any kind. All activities undertaken by the Association shall be for the sole benefit of the Unit Owners, and any funds received by the Association shall be held and applied by it for the use and benefit of Unit Owners, in accordance with the provisions of this declaration and By-Laws. A Unit Owner's membership shall automatically terminate when he ceases to be a Unit Owner. Upon the conveyance or transfer of a Unit Owner's ownership interest to a new Unit Owner, the new Unit Owner shall simultaneously succeed to the former Unit Owner's membership in the Association. The aggregate number of votes for all members of the Association shall be divided among the respective Unit Owners with one (1) vote granted to each Unit (except that the Developer shall have three (3) votes per Unit as provided below).

(b) **Voting Membership**

Class A. Class A members shall be all Unit Owners, with the exception of the Developer, and shall be entitled to one (1) vote for each Unit owned. When more than one person holds any interest in any Unit, all such persons shall be members. The vote for such Unit shall be exercised as they determine, but in no event shall more than one (1) vote be cast with respect to any unit.

Class B. The Class B member shall be the developer and shall be entitled to three (3) votes for each Unit owned. The class B membership shall cease the earlier of (i) when 100% of the Units are sold or three years from the date of the first Unit sold.

(c) **Management of the Property.** The Board shall have the authority to engage the services of an agent (the "Managing Agent") to maintain, repair, replace, administer and operate the property, or any part thereof, to the extent deemed advisable by the Board, subject to the provisions of subparagraph (d) below. Said agent shall be required to maintain fidelity bond coverage on its employees handling Association Funds. The cost of said services shall be a common expense.

(d) **Initial Management Contract.** First Board, appointed as provided herein, shall ratify and approve the Management Agreement between the Developer (if applicable) on behalf of the Association, and a management corporation, to act as

Managing Agent for the Property, for a term as approved by the First Board, but not to exceed one year.

(e) **Use by the Builder.** During the period of sale by the Developer (and or any builders of any units), the Developer and/or any such builder or their agents, employees, contractors, etc. shall be entitled to access, ingress, egress from the buildings and property as may be required for purposes of sale of the Units.

(f) **Non-Liability of the Directors, Board, Officer and Developer.** To the extent permitted by law, neither the directors nor officers of the Association shall be personally liable to Unit Owners for any mistake of judgment or for any other acts or omissions of any nature whatsoever as such directors or officers, except for any acts or omissions found by a court to constitute gross negligence or fraud. Unit Owners shall indemnify and hold harmless each of the directors or officers and their respective heirs, executors, administrators, successors and assigns in accordance with the Charter of the Association and By-Laws.

(g) **Interests of association in Common Elements.** Ownership of the Common Elements shall be vested in the Association.

6. **Board's Determination Binding.** In the event of any dispute or disagreement between any Unit Owners relating to the property, or any questions of interpretation or application of the provisions of this Declaration or By-Laws, the determination thereof by the Board shall be final and binding on all Unit Owners.

7. **Ownership of the Common Elements.** Subject to the provisions concerning voting rights herein above contained, each Unit is hereby allocated an equal percentage ownership in the Association. The percentage of ownership interests shall remain constant unless hereafter changed by recorded amendment to the Declaration consented to in writing by the Unit Owners, in accordance with the requirements hereafter contained. Said ownership interest shall be undivided interest, and the undivided interests in the Association shall be owned by the Unit Owners as Tenants in Common accordance with their respective percentages of ownership. The ownership of a Unit shall not be conveyed separate from the undivided ownership in the Common Elements appurtenant to such Unit. The undivided interest in the Common Elements appurtenant to any Unit shall be deemed conveyed or encumbered with

that Unit, even though the legal description in the instrument conveying or encumbering such Unit may refer only to the fee title to that Unit.

8. **Use of the Common Elements.** Each Unit Owner shall have the right to use the Common Elements in common with all other Unit Owners, as may be required for the purposes of access, ingress to, egress from, use, occupancy and enjoyment of the respective Unit owned by such Unit Owner. Such right to use the Common Elements shall extend not only to each Unit Owner, but also to his agent, servants, tenants, family members, customers, invitees, and licenses. However, each Unit Owner shall have the right to the exclusive use and possession of the Private Elements and Limited Common Elements, and shall be used by each respective Unit Owner, and shall be used by such Unit Owner(s) subject to the Rules and Regulations of the Association. .

9. **Ingress/Egress Easement and Parking Spaces.** Except as otherwise specified on the site plan attached hereto as Exhibit "A", parking areas and/or driveways on the property shall be part of the Limited Common Elements, Parking shall be allowed only on the designated parking areas as specified on Exhibit "A". There shall be an ingress and egress easement which shall benefit both Unit Owners. Said easement is delineated on Exhibit A and inures to the benefit of each Unit Owner. In no event shall either Unit Owner or their guests park in said easement area. Parking areas shall be used by such Unit Owner (s) subject to the Rules and Regulations of the Association.

10. (a) **Common Expenses and Enforcement.** Each Unit Owner shall be responsible for paying his equal proportionate share of the expenses of the administration and operation of the Common Elements and of any other expenses incurred in conformance with this Declaration and By-Laws (which expenses are herein sometimes referred to as "common expenses"), including, but not limited to, the maintenance and repair of the property and any and all replacements and additions thereto. Except for its responsibilities as a Unit Owner, as provided herein, Developer shall not have any responsibility for the maintenance, repair or replacement of any part of the Common Elements after the date this Declaration is recorded. Each Unit Owner shall be responsible for paying an equal share of the common expenses. The payment of common expenses shall be in such amounts and shall be payable at such times as determined in the manner provided in the By-Laws. No Unit Owner shall be exempt from payment of his equal share of the common expenses by waiver or nonuse of enjoyment of the Common or Limited Common Elements or by abandonment of his Unit. If any Unit

Owner shall fail to make such payment for common expenses when due, the remaining Unit Owner may pay said payment and the amount thereof together with interest at the rate of Ten (10%) percent per annum, after said payments become due and payable shall be subject to a lien on the Unit against which benefit the payment is made on behalf of the remaining Unit Owners. Each Unit Owner shall be personally liable for his portion of payments due while he is the owner of a Unit; however, said personal obligation shall not pass to successors in title unless assumed by them or as required by Tennessee Code Annotated, Section 66-27-101, et seq.

Common Expense Liability – Unit A and Unit B may be responsible for the following Common Expense Liabilities: (i) Annual Cost to Secretary of State for the homeowner's association annual report; (ii) homeowner's association liability insurance for common area (if applicable); (iii) annual property taxes for the common area (if applicable); and (iv) cost payable to Register Agent to bill the above fees and taxes.

(b) Mortgage and Deed of Trust Protection. The lien against a Unit Owner shall be subordinate to the lien of a recorded first Mortgage or Deed of Trust on the interest of such Unit Owner, except for the amount of the proportionate share of common expenses which become due and payable from and after the date on which the Mortgagee or Beneficiary thereunder either takes possession of the Unit encumbered thereby, accepts a conveyance of any interest therein (other than as security) or forecloses its Mortgage or Deed of Trust. This subparagraph shall not be amended, changed, modified, or rescinded without the prior written consent of all Mortgagees and Beneficiaries of records.

11. Mortgages and Deeds of Trust. Each Unit Owner shall have the right, subject to the provisions herein, to mortgage his Unit together with his respective ownership interest in the Common Elements. No Unit Owner shall have the right or authority to mortgage or place a lien on the property or any part thereof, except to the extent of his own Unit and its appurtenant interest in the Common Elements.

12. Separate Real Estate Taxes. Real estate taxes shall be separately taxed to each Unit Owner for his Unit, its Private Elements, Limited Common Elements, and its appurtenant interest in the Common Elements, as provided in the Act. In the event that such taxes for any year are not separately taxed to each Unit Owner, but rather are taxed on the property as a whole, then each Unit Owner shall pay its proportionate share thereof in accordance with such unit owners respective percentage of ownership of the entire development, calculated using each

respective unit square footage, of the total tax obligation, and, in said event, such taxes shall be deemed a common expense.

13. **Insurance.** The Board may obtain insurance for the Common Elements against loss or damage by fire, vandalism, malicious mischief and such other hazards as are covered under standard extended coverage provisions, for the full insurable replacement cost of the Common Elements, and against such other hazards and for such amounts as the Board may deem advisable. Insurable replacement cost shall be deemed the cost of restoring the Common Elements, or any part thereof, to substantially the same condition in which they existed prior to damage or destruction. Such insurance coverage shall be written in the name of, and the proceeds thereof shall be payable to, the Board, as the Trustee for the Unit Owner in proportion to the Unit Owners' respective percentages of ownership in the Common Elements, as set forth in this Declaration, and for the holders of mortgages on the Units, if any. The policy of insurance should also contain, if possible, a waiver of subrogation rights by the insurer against the Unit Owners. The premiums for such insurance shall be a common expense; however, premiums for such insurance shall be separately billed equally to Unit Owners.

    In the event of damage to or destruction of any Common Elements as a result of fire or other casualty covered by insurance proceeds (unless more than two-thirds (2/3) of all buildings require reconstruction), the Board shall, in its sole and absolute discretion, determine and without intervention of any Unit Owner arrange for the prompt repair and restoration of the damaged portions of all Common Elements substantially in accordance with the original plans and specifications therefore. Where the insurance indemnity is insufficient to cover the cost of such repairs and restoration, the deficit shall be paid by all Unit Owners with each Unit Owner to bear an equal proportion thereof. The Board shall not be responsible for the repair, replacement or restoration of any Unit or Private Elements for which the responsibility of maintenance and repair is that of a Unit Owner, or for furniture, furnishings, fixtures, appliances, or equipment installed in the Unit by a Unit Owner or occupant.

The Board shall also obtain comprehensive public liability insurance, in such amounts as it deems desirable, and workmen's compensation insurance and other liability insurance in such amounts as it deems desirable, insuring each Unit Owner, mortgagee of record, the Association,

its officers, directors, and employees, Owner, and the Managing Agent, if any, from liability in connection with the property. The premiums for such insurance shall be common expenses; however, premiums for such insurance shall be separately billed equally to each Unit Owner.

The Board may also obtain Fidelity Coverage covering officers, directors and employees who hand or are responsible for handling Association funds. Such bonds shall be in such amounts as the Board may determine, but in no event less than one hundred fifty percent (150%) of the monthly operating expenses of the Association, and shall contain waivers of any defense based upon the exclusion of persons serving without compensation.

The Board may also obtain such other insurance as it deems desirable, in such amounts, from such sources and in such forms as it deems desirable, insuring the property and each member of the Board and officer of the Association, and each member of any committee appointed pursuant to the By-Laws of the Association, from liability arising from the fact that said person is or was a director or officer of the Association, or a member of such a committee.

In the event the Board does not maintain hazard insurance, each Unit Owner shall be responsible for obtaining hazard insurance which includes liability coverage on his Unit, contents of his Unit and Private Elements, and the Limited Common Elements serving his Unit, as well as his additions and improvements thereto, and those parts of the Unit for which the responsibility of maintenance and repair is that of the Unit Owner, and for decorations, furnishings, and personal property therein, and personal property stored elsewhere on the property, if any. **Each Unit Owner shall be required to list the Association as an additional insured on said Unit's hazard insurance policy.**

14. **Maintenance, Repairs, Replacements and Easements.** Each Unit Owner, at his own expense, shall furnish and be responsible for all maintenance of, repairs to and replacements within and to the exterior of his Unit and its private elements. Except to the extent hereinafter set forth, maintenance of, repairs to and replacements within the Common Elements shall be the responsibility of and shall be furnished by the Association, and the cost thereof shall be part of the common expenses, subject to Item No. 10 (a) herein and further subject to the By-Laws, and Rules and Regulations of the Association. The expenses for the

maintenance, repair or replacement of a Unit's water heater, furnace, air conditioner, heating, and air conditioning ducts, and plumbing and electrical wiring and other items including, but not limited to the Limited Common Elements, serving only such Unit, shall be borne by the Owner of the Unit to which such Limited Common Elements are appurtenant. The Board shall direct Unit Owners who stand to be benefited by maintenance of, repairs to, and replacements to the exterior of said Unit, its private elements and/or within the Limited Common Elements to arrange for such maintenance, repairs and replacements in the name and for the account of such benefited Unit Owners, pay the cost thereof with their own funds, and procure and deliver to the Board such lien waivers and contractor's and subcontractor's sworn statements as may be required to protect the property from all mechanic's or materialmen's lien claims that maintain, repair, or replace the electrical wiring, plumbing, or other utilities of a Unit. Should the benefited Unit Owner fail or refuse to maintain, repair and/or replace, as directed by the Board, the exterior of the benefited Unit, its private elements, and/or within its Limited Common Elements, the Board or any other Unit Owner (or Owners) may cause said maintenance of, repairs to and/or replacements be made to the exterior of said Unit, its Private Elements and/or within its Limited Common Elements, and perfect remedies as recited in Article No. 19 hereinafter recited.

If, due to the act or neglect of a Unit Owner, or of his agent, servant, tenant, family member, invitee, licensee or household pet, damage shall be caused to the Private Elements owned by others, or if general maintenance of utility lines, etc are required and such repair or damage is on another unit owner's private elements, then the Unit Owner to which said utility services shall pay for such damage or such maintenance, repairs and replacements.

An easement hereby exists for any installation, maintenance, repair and replacement of any and all pipes, wires, conduits, or other utility lines running through or around any unit's private elements or common elements, if applicable. An easement exists for ingress and egress and maintenance in favor of any public utility providing utility services to the apartments and the units.

The authorized representatives of the Association, Board, or of the Managing Agent with approval of the Board, shall be entitled to reasonable access to the Private Elements as may be

required in connection with the preservation of any individual Unit or Limited Common Elements in the event of an emergency, or in connection with maintenance of, repairs to, or replacements within the Common Elements, Limited Common Elements, Private Elements or any equipment, facilities or fixtures affecting or serving other Units, its Private Elements, Common Elements and Limited Common Elements, or to make any alteration required by any governmental authority.

15. **Alterations, Additions or Improvements.** Except as provided in paragraph No. 16 herein, no alteration of any Common Elements, or any additions or improvements thereto, shall be made by any Unit Owner without the prior written approval of the Board. The Board may authorize alterations, additions and improvements of the Common Elements as provided in the By-Laws. Any Unit Owner may make alterations, additions or improvements within his Unit without the prior written approval of the Board, but such Unit Owner shall be responsible for any damage to other Units, the Common Elements, the Property, or any part thereof, resulting from such alterations, additions or improvements. Any alteration and/or maintenance made by a Unit Owner to the exterior of his Unit shall be in strict conformity to the architectural design and scheme of the Unit as of the date of this instrument unless modified by the unanimous agreement of the Unit Owners.
16. **Decorating.** Each Unit Owner, at his own expense, shall furnish and be responsible for all decorating within his Unit and Limited Common Elements serving his Unit, as may be required from time to time, including painting, wallpapering, washing, cleaning, paneling, floor covering, draperies, window shades, curtains, lighting, and other furnishings and decorating. Each Unit Owner shall be entitled to the exclusive use of the interior surfaces of the perimeter walls, floors and ceilings of his Unit, and such Unit Owner shall maintain said interior surfaces in good conditions at his sole expense, as may be required from time to time. Said maintenance and use of interior surfaces shall be subject to the rules and regulations of the Association, but each Unit Owner shall have the right to decorate such interior surfaces from time to time as he may see fit and at his sole expense. All windows and screens of a Unit shall be cleaned and washed, and any damage thereto repaired, at the expense of the Unit Owner of that Unit.
17. **Encroachments.** If any portions of the Common Elements shall actually encroach upon any Unit or its Private or Limited Common Elements, or if any Unit or its Private or Limited

Common Elements shall actually encroach upon any portions of the Common Elements, there shall be deemed to be mutual easements in favor of the owners of the Common Elements and the respective Unit Owners involved, to the extent of such encroachments, so long as the same shall exist.

18. **Use and Occupancy Restrictions.** Subject to the provisions of the By-Laws, no part of the property may be used for purposes other than housing and the related common purposes for which the property was designed and as allowed by zoning laws. Each Unit shall be used as one single family residence or such other use permitted by this Declaration, and for no other purpose, except that professional and quasi-professional people may use their residence (not in violation of municipal zoning laws) as an ancillary or secondary facility to an office established elsewhere. No unit may be offered by its owner to the public at large for temporary transient accommodations; however, nothing in this Section shall prohibit Unit Owners from leasing their Units to others to be used as a residence. The foregoing restrictions as to residence shall not, however, be construed in such manner as to prohibit a Unit Owner from: (a) maintaining his personal professional library; (b) keeping his personal business or profession records or accounts; or (c) handling his personal business or professional telephone calls or correspondence. Such uses are expressly declared customarily incident to the principal residential use and not in violation of said restrictions.

The Common Elements, if applicable shall be used only by Unit Owners and their agents, servants, tenants, family members, customers, invitees, and licensees for access, ingress to, and egress from the respective Units and for such other purposes incidental to use of the Units. The use, maintenance and operation of the Common Elements shall not be obstructed, damaged or unreasonably interfered with by any Unit Owner.

19. **Remedies.** In the event of any violation of the provisions of the Act, this Declaration, By-Laws, or rules and regulations of the Association by any Unit Owner (either by his own conduct or by the conduct of any Occupant of his Unit), the Association, or its successors or assigns, shall have each and all of the rights and remedies which may be provided for in the Act, this Declaration, By-Laws, or said rules and regulations, or which may be available at law or in equity, and may prosecute an action or other proceedings against such defaulting Unit Owner and/or others for enforcement of any lien and the appointment of a receiver for

the Unit and ownership interest of such Unit Owner, or for damages or injunction or specific performance, or for judgment for payment of money and collection thereof, or the right to 0ake possession of the Unit and to sell the same as provided hereinafter in this Paragraph No. 19, or for any combination of remedies, or for any other relief. All expenses in connection with any such actions or proceedings, including court costs and attorney's fees and other fees and expenses and all damages, liquidated or otherwise, together with interest thereon at the rate of Fifteen (15%)percent per annum or such other uniform lawful rate as the Board shall determine, until paid, shall be charged to and assessed against such defaulting Unit Owner, and shall be added to and deemed part of his respective share of the common expenses, and the Board or Paying Unit Owner shall have a lien for all of the same, as well as for nonpayment of common expenses, upon the Unit, and its appurtenant interest in the Common Elements of such defaulting Unit Owner and upon all of his additions and improvements thereto and upon all of his personal property in his Unit or located elsewhere on the property; provided, however, that such lien shall be subordinate to the lien of a recorded first mortgage or deed of trust on the Unit, to the extent herein able set forth in Paragraph No. 10 (b) hereof. In the event of any such default by a Unit Owner, the Board and/or Paying Unit Owner, shall have the authority to correct such default, and to do whatever may be necessary for such purpose and all expenses in connection therewith shall be charged to and assessed against such defaulting Unit Owner. Any and all such rights and remedies may be exercised at any time and from time to time, cumulatively or otherwise, by the Board. This Paragraph shall not be amended, changed, modified or rescinded without the prior consent of all holders of record of mortgage and deed of trust liens against the Units.

The violation of any restriction or condition or regulation adopted by the Board or the breach of any covenant or provision herein contained, shall give the Board the right, in addition to any other rights provided for in this Declaration: (a) to enter (either peaceably or forcibly without liability to such Unit Owner for such entry) upon the Unit, or any portion of the property upon which or as to which such violation or breach exists, and to summarily abate and remove, at the expense of the defaulting Unit Owner, any structure, thing or condition that may exist thereon contrary to the intent and meaning of the provisions hereof, and the Board, or its employees or agents, shall not thereby be deemed guilty in any manner of trespass; or (b) to enjoin, abate or

remedy by appropriate legal proceedings, either at law or in equity, the continuance of any breach; or (c) to take possession (either peaceably or forcibly without liability to such Unit Owner for such entry) of such Unit Owner's interest in the property and to maintain an action for possession of such Unit in the manner provided by law.

If any Unit Owner (either by his own conduct or by the conduct of any other Occupant of his Unit) shall violate the Act, or any of the covenants or restrictions or provisions of this Declaration, the By-Laws, or the regulations adopted by the Board, and if such default or violation shall continue for ten (10) days after notice to the Unit Owner in writing from the Board or Paying Unit Owner, or shall occur repeatedly during any ten (10) day period after such written notice or request to cure such violation from the Board, then the Board shall have the power to issue to said defaulting Owner a notice in writing terminating the rights of said defaulting Owner to continue as a Unit Owner and to continue to occupy, use, or control his Unit, and thereupon an action in equity may be filed by the Board against said defaulting Owner for a decree of mandatory injunction against such defaulting Owner or Occupant, or in the alternative, for a decree declaring the termination of said defaulting Owner's right to occupy, use, or control the Unit owned by him on account of said violation, and ordering that all the right, title and interest of said defaulting Owner in the property shall be sold (subject to the lien of any existing deed of trust or mortgage) at a judicial sale upon such notice and terms as the court shall determine, except that the court shall enjoin and restrain the said defaulting Owner from reacquiring his interest at such judicial sale. The proceeds of any such judicial sale shall first be paid to discharge court costs, court reporter charges, reasonable attorney's fees, and all other expenses of the proceeding and sale, and all such items shall be taxes against said defaulting Unit Owner in said decree. Any balance of proceeds, after satisfaction of such charges and any unpaid assessments hereunder, or any liens, shall be paid to said defaulting Unit Owner. Upon the confirmation of such sale, the purchaser shall thereupon be entitled to a deed to the Unit and the Unit Owner's corresponding percentage of ownership in the Common Elements, and to immediate possession of the Unit sold and may apply to the court for a writ of assistance for the purpose of acquiring such possession, and it shall be a condition of any such sale, and the decree shall so provide, that the purchaser shall take the interest in the Unit Ownership sold subject to this Declaration.

20. **Amendments.**

(a) Amendments Annexing Additional Phases. The Developer may on its own (without the necessity of the consent or agreement of any Unit Owner or other person), but shall not be obligated to, incorporate additional area into additional phases of the horizontal property regime governed by this Declaration. The annexation of such additional phases shall be accomplished by the unilateral execution by the Developer, and recording, of an amendment to this instrument setting forth the additional real property to be brought within the provisions of this Declaration and reciting that it shall be held and conveyed subject to the provisions hereof as an additional phase or phases of 1812 6th AVENUE NORTH Townhomes. Upon the addition of additional Units to the 1812 6th AVENUE NORTH Townhomes, horizontal property regime, then the percentage ownership in the Association of the Unit Owners shall be automatically adjusted so that each Unit Owner owns an equal undivided interest in the Association.

(b) Other Amendments. The provisions of this Declaration may be amended by an instrument in writing, setting forth such amendment, signed by sixty-seven (67%) percent of the Unit Owners; provided, however, that all lien holders or record have been notified by certified mail of such amendment, and an affidavit by the Secretary of the Association certifying to such mailing is made a part of such instrument.

However, if the Act, this Declaration or the By-Laws require the consent or agreement of all Unit Owners or of all lien holders for any action specified in the Act or in this Declaration, then any instrument amending any provision of this Declaration with respect to such action shall be signed by all Unit Owners and/or all lien holders or both as required by the Act or this Declaration. Any amendment shall be effective upon the recording of such instrument in the Office of the Register of Davidson County, Tennessee; provided, however, that no provisions in this Declaration may be amended so as to conflict with the provisions of the Act.

Notwithstanding the above, the Developer shall have the right to make and record any necessary amendment to this instrument for the express purpose of completion of development or correction of clerical errors, or as may be required to obtain FHA/VA, FNMA and/or FHLMC approval for the horizontal property regime.

21. **Perpetuities and Restraints on Alienation.** If any of the options, privileges, covenants, or rights created by this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, when such provision shall continue only until twenty-one (21) years after the death of the survivor of the now living descendants of the Governor of Tennessee holding office as of the date of this Declaration.

22. **Rights and Obligations.** Each Grantee of Developer, by the acceptance of a deed of conveyance, accepts the same subject to all restrictions, conditions, covenants, reservations, liens, and charges, and the jurisdiction, rights, and powers created or reserved by this Declaration. All future Unit Owners and Occupants shall be subject to and shall comply with the provisions of this Declaration. Any restrictions or rules in the By-Laws which are more than administrative in nature such as, but not limited to, reservations and future rights of Developer are hereby incorporated into and made a part of this Declaration by reference. All rights, benefits and privileges hereby imposed shall be deemed and taken to be covenants running with the land, and shall bind any person having at any time any interest or estate in said land, and shall inure to the benefit of such grantee in like manner as though the provisions of this Declaration were recited and stipulated at length in each and every deed of conveyance or contract for conveyance.

All present and future Unit Owners and Occupants of a Unit shall be subject to, and shall comply with the provisions of the By-Laws appended hereto and recorded herewith, pursuant to Tennessee Code Annotated, Section 66-27-111, as they may be amended from time to time. The acceptance of a deed of conveyance, devise, or lease to a Unit, or the entering into occupancy of any Unit shall constitute an agreement that the provisions of the By-Laws, and any Rules and Regulations promulgated thereunder, as they may be amended from time to time, are assumed, accepted and ratified by such Unit Owner or Occupant, and all of such provisions shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited and stipulated at length in each and every deed, conveyance or lease thereof.

The terms and conditions of the Declaration, By-Laws, and rules and regulations of the Association may be incorporated by reference in, and become part of, the agreement between

any first mortgagee and any present or future Unit Owner who enters into such an agreement with a first mortgagee. When so incorporated, any default in the terms and conditions of this Declaration, By-Laws, and rules and regulations may be considered by the first mortgagee as a default, whereupon said first mortgagee, after exercising its option to declare a default, shall then have all of the rights and privileges arising as a result of a default under its agreement with said Unit Owner.

23. **Condemnation.** In the event of a taking of part of the Common Elements in condemnation or by eminent domain, the award made for such taking shall be payable to the Association. If a majority of the Board in their sole and absolute discretion approves the repair and restoration of such Common Elements, the Board shall arrange for the repair and restoration of such Common Elements, and the Board shall disburse the proceeds of such award to the contractors engaged in such repair and restoration in appropriate progress payments. In the event the Board does not approve the repair and commence restoration of such Common Elements within one hundred twenty (120) days after taking by the public or private authority, the Board shall disburse the net proceeds of such award on the basis of such Unit's percentage of ownership in the Common Elements.

24. **Rights Reserved.** Unit Owner's right of enjoyment in the Common Elements shall be subject to:

(a) The right of the Association, as provided in its By-Laws or rules and regulations, to suspend the enjoyment rights of any member for any period during which any assessment remains unpaid, and for such period as it considers appropriate for any infraction of its published rules and regulations;

(b) The right of the Association to charge reasonable fees for the use of any part or parts of the Common Elements;

(c) The right of the Association to diminish in any way or to dedicate or transfer all or any part of the Common Elements to any public agency or authority for such purposes and subject to such conditions as may be agreed to by the members entitled to vote thereon, provided that no such diminution or dedication or transfer or determination as to the purposes or as to the conditions thereof, shall be effective unless both members of the Association have agreed to such dedication, transfer, purpose, or condition;

(d) The right of the Association to grant such easements and rights-of-way to such utility companies or public agencies or authorities as it shall deem necessary for the proper servicing and maintenance of the Common Elements and the Units.

25. **Federal Home Loan Mortgage Corporation and Federal National Mortgage Association Regulations.** Notwithstanding anything to the contrary contained in this Declaration or in the By-Laws of the Association, all terms, conditions, regulations, and requirements which are now existing, or which may be amended from time to time by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, pertaining to Planned Unit Developments or condominiums, if applicable, are hereby incorporated as terms and conditions of this Declaration and By-Laws and such shall be governing upon the Property, Developer, and the Association, so long as such terms or conditions are not inconsistent with the laws of the State of Tennessee as found in T.C.A., Section 66-27-101, et seq., as amended.

Specifically, without limitation upon the foregoing, the following declarations shall be controlling over any terms of this Declaration or By-Laws which are in conflict therewith. Any portions of this Declaration or By-Laws which are in conflict with this paragraph, or any portion of the regulations of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, pertaining to apartments, are hereby deleted and the following rights of mortgagees are itemized as follows:

(a) A first mortgagee of a Unit at his request is entitled to written notification from the Association of any default by the mortgagor of such Unit in the performance of such mortgagor's obligations under this Declaration, By-Laws, or any of the condominium documents, which is not cured within thirty (30) days.

(b) Any first mortgagee of a Unit who comes into possession of the Unit pursuant to the remedies provided in the mortgage, or deed of trust, or by foreclosure of the mortgage or deed of trust, or by deed in lieu of foreclosure, shall take the property free of any claims for unpaid assessments or charges against the mortgaged Unit which accrue prior to the time such holder comes into possession of the Unit (except for claims for a pro rata share of such assessments or charges resulting from a pro rata real location of such assessments or charges to all Units including the mortgaged Unit).

(c) Unless all of the first mortgagees (based upon one (1) vote for each mortgage owned) of Units have given their prior written approval, the Association shall not be entitled to:

(i) Change the pro rata interest or obligations of any Unit for (a) purposes of levying assessments or charges or allocating distributions of hazard insurance proceeds or condemnation awards, and for (b) determining the pro rata share of each Unit in appurtenant real estate and any improvements thereon, which are owned by Unit Owners in undivided pro rata interests (Common Elements);

(ii) Use hazard insurance proceeds for losses to the Common Elements for other than the repair, replacement or reconstruction of such improvements, except as provided by T.C.A. Section 66-27-118, in case of substantial loss to the Common Elements.

(d) First mortgagees shall have the right to examine the books and records of the Association.

(e) An adequate reserve fund for the replacement of the Common Elements will be established and funded by regular monthly payments rather than by special assessments.

(f) As set forth in T.C.A., Section 66-27-120, all taxes, assessments, and charges which may become liens prior to the first mortgage under the laws of the State of Tennessee shall relate only to the Unit and not to the property as a whole.

(g) No Unit Owner, or any other party, shall have priority over any rights of the first mortgagees of Units in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units and/or Common Elements.

(h) Any agreement for professional management of the property, whether it be by Owner, her successors and assigns, or any other person or entity, may be terminated on ninety (90) days' written notice, and the terms of any such contract shall so provide and shall not be of a duration in excess of three (3) years.

(i) The Association shall give to the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, or any lending institution servicing such mortgages as are acquired or insured by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Home Loan Bank Board, notice in writing of any loss to or the taking of Common Elements if such loss or taking exceeds Ten Thousand ($10,000.00) Dollars. The Association may rely upon the information contained in the book entitled "Mortgage of Units" as must be established pursuant to the By-Laws, for a list of mortgagees to be notified hereby.

(j) The interest of a first mortgagee in a mortgaged Unit shall be superior to the interests of any person, group, partnership, corporation, or entity of any kind, including any interest the Association, Developer, or any Unit Owner may have in any portion of the property, regardless of the nature of the interest or the manner in which it is acquired.

(k) Notwithstanding the above, any first mortgagee shall have all of the rights granted to a first mortgagee herein, and in addition shall have all of the rights granted to an institutional first mortgagee under its deed of trust, and under the laws of the State of Tennessee.

26. Trustee as Unit Owner. In the event title to any Unit is conveyed to a land title-holding trust, under the terms of which all powers of management, operation, and control of the Unit remain vested in the trust beneficiary or beneficiaries, then the beneficiaries thereunder shall be considered Unit Owners for all purposes and they shall be responsible for payment of all obligations, liens or indebtedness and for the performance of all agreements, covenants and undertakings chargeable or created under this declaration against such Unit. No claim shall be made against any such title-holding trustee personally for payment of any lien or obligation hereunder created, and the trustee shall not be obligated to sequester funds or trust property to apply in whole or in part against such lien or obligation. The amount of any such lien or obligation shall continue to be a charge or lien upon the Unit and the beneficiaries of such trust, notwithstanding any transfers of the beneficial interest of any such trust or any transfer of title to such Unit.

27. Notices. Notices provided for in the Act, Declaration or By-Laws shall be in writing and shall be addressed to the Association or any Unit Owner, as the case may be, at 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., or at such other address as hereinafter provided. The Association may designate a different address or addresses for notices to it by giving written notice of such change of address to all Unit Owners. Any Unit Owner may designate a different address for notices to him by giving written notice to the Association. Notices addressed as above shall be deemed delivered when mailed by United States registered or certified mail, or when delivered in person with written acknowledgement of the receipt thereof.

Upon written request to the Board, the holder of any recorded mortgage or trust deed encumbering any Unit shall be given a copy of all notices permitted or required by this

Declaration to be given to the Owner or Owners whose Unit is subject to such mortgage or trust deed.

28. **Severability.** If any provision of this Declaration or By-Laws, or any section, sentence, clause, phrase, word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of this Declaration and the By-Laws and of the application of any such provision, section, sentence, clause, phrase, or word in any other circumstances shall not be affected thereby, and the remainder of this Declaration of the By-Laws shall be construed as if such invalid part was never included therein.
29. **Common Open Space.** Any Common Open Space established by an adopted final master development plan for apartments shall be subject to the following:

(a) The Metropolitan Planning Commission and the Metropolitan County Council may require that the landowner provide for and establish an organization for the ownership and maintenance of any Common Open Space, and such organization shall not be dissolved nor shall it dispose of any Common Open Space, by sale or otherwise (except to an organization conceived and established to own and maintain the Common Open Space), without first offering to dedicate the same to the Metropolitan Government of Nashville and Davidson County and the said dedication be approved by the Metropolitan Planning Commission. However, the conditions of any transfer shall conform to the adopted final master development plan.

(b) In the event that the organization established to own and maintain Common Open Space, or any successor organization, shall at any time after the establishment of the Condominium fail to maintain the Common Open Space in reasonable order and condition in accordance with the adopted master development plan, the zoning administrator may serve written notice upon such organization and/or the owners or residents of the Condominium and hold a public hearing. After thirty (30) days when deficiencies of maintenance are not corrected, the zoning administrator shall call upon any public or private agency to maintain the Common Open Space for a period of one (1) year. When the zoning administrator determines that the organization is not prepared for the maintenance for the Common Open Space such agency shall continue maintenance for yearly periods.

(c) The cost of such maintenance by such agency shall be assessed proportionally against the properties within the Condominium development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties.

30. **Captions.** The captions herein are inserted only as a matter of convenience, and in no way define, limit or describe the scope of these provisions or the intent of any provision hereof.

31. **Gender.** The use of the masculine gender in this Declaration and in the By-Laws shall be deemed to include the feminine gender and the use of the singular shall be deemed to include the plural whenever the context so requires.

32. **Attorney's Certificate.** The attorney's opinion as required under the terms of the TCA, Section 66-27-103 is attached hereto as Exhibit "D" and made a part hereof.

33. **Fences.** Except as to existing fencing in place at the filing of this document, fencing shall be made of wood, aluminum, steel or iron and shall not exceed 8 feet in height.

34. **Party Walls.** If applicable, each wall built as a pail of the original construction of a structure upon the Private Elements and placed on the dividing line between two Units shall constitute a party wall and, to the extent not inconsistent with the provisions of this Declaration, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts or omissions shall apply thereto.

    The following provisions shall apply to all party walls constructed in the Property:

    (i) The cost of reasonable repair and maintenance of a party wall shall be shared by the Unit Owners who make use of the wall in proportion to such use. (ii) If a party wall is destroyed or damaged by fire or other casualty, any Unit Owner who has used the wall may restore it. If other Unit Owners make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use; subject, however, to the right of any Unit Owners to call for a larger contribution from the others under any rule of law regarding liability for negligence or willful acts or omissions. (iii) The Unit Owner may construct or reconstruct a party wall subject to and within the limitations of architectural control and other limitations of this Declaration with the right to go upon the adjoining Lot to the extent reasonably necessary to perform the construction. The construction shall be done expeditiously. Upon completion of the construction, the Unit Owner shall restore, as is reasonably practicable, the adjoining Unit to as near the same condition, which prevailed on or before the commencement of the construction. (iv) The right of any Unit Owner to contribution from any other Unit Owner under this Section shall be appurtenant to the land and shall pass to the

Unit Owner's successors in title. (v) If any Unit Owner desires to sell his Unit, he may, in order to assure a prospective purchaser that no adjoining Unit Owner(s) has a right of contribution as provided in this Article, request that the adjoining Unit Owner(s) provide a certification that no right of contribution exist. It shall be the duty of each adjoining Unit Owner to make a certification as to whether there is any pending claim of contribution immediately upon request and without charge.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this 23rd day of June, 2015.

DEVELOPER:

Alpha One, LLC

By: _____

Title: Agent

STATE OF TENNESSEE
COUNTY OF Williamson

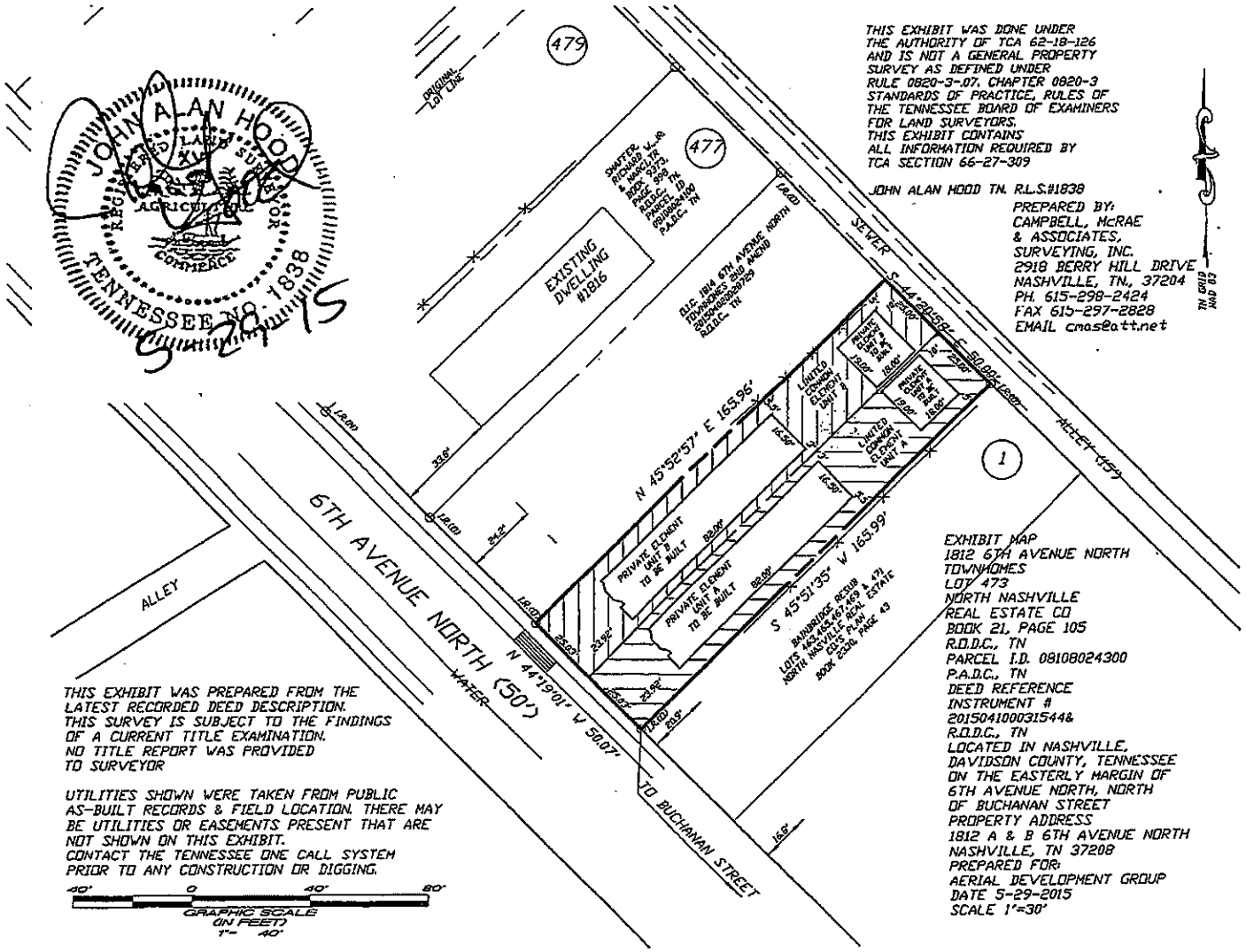
Personally appeared before me, the undersigned, a Notary Public in and for said County and State, Monte Poe, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), who made oath that the statements contained in the foregoing instrument are true of his/her own knowledge, and who, upon oath, acknowledged himself/herself to be an authorized signer of the maker, and that s/he, acting in such capacity, and authorized so to do, executed the foregoing instrument in behalf of the maker, for the purposes therein contained.

Witness my hand and seal this 23rd day of June, 2015.

_____
Notary Public

D. MACKEY
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY
My Commission Expires 10-17-2016

My Commission Expires: 10/17/16



THIS EXHIBIT WAS DONE UNDER THE AUTHORITY OF TCA 62-18-126 AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-.07, CHAPTER 0820-3 STANDARDS OF PRACTICE, RULES OF THE TENNESSEE BOARD OF EXAMINERS FOR LAND SURVEYORS. THIS EXHIBIT CONTAINS ALL INFORMATION REQUIRED BY TCA SECTION 66-27-309

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

PREPARED BY:
CAMPBELL, McRAE
& ASSOCIATES,
SURVEYING, INC.
2918 BERRY HILL DRIVE
NASHVILLE, TN., 37204
PH. 615-298-2424
FAX 615-297-2828
EMAIL cmas@att.net

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

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

40' 0 40' 80'
GRAPHIC SCALE (IN FEET) 1" = 40'

EXHIBIT MAP
1812 6TH AVENUE NORTH
TOWNHOMES
LOT 473
NORTH NASHVILLE
REAL ESTATE CO
BOOK 21, PAGE 105
R.O.D.C., TN
PARCEL I.D. 08108024300
P.A.D.C., TN
DEED REFERENCE
INSTRUMENT #
20150410003154 4&
R.O.D.C., TN
LOCATED IN NASHVILLE,
DAVIDSON COUNTY, TENNESSEE
ON THE EASTERLY MARGIN OF
6TH AVENUE NORTH, NORTH
OF BUCHANAN STREET
PROPERTY ADDRESS
1812 A & B 6TH AVENUE NORTH
NASHVILLE, TN 37208
PREPARED FOR:
AERIAL DEVELOPMENT GROUP
DATE 5-29-2015
SCALE 1"=30'

EXHIBIT B

Land in Davidson County, Tennessee, being Lot No. 473 on the Plan of North Nashville of record in Plat Book 21, Page 105, in the Register's Office for Davidson County, Tennessee, to which Plan reference is hereby made for a more complete description of the property.

Said Lot No. 473 fronts 50 feet on the easterly margin of Sixth Avenue North, formerly High Street, and extends back between parallel lines 166 feet to an alley in the rear.

Being the same property conveyed to Alpha One, LLC, a Tennessee Limited Liability Company, by Special Warranty deed of Mid South Environmental Company, Inc., of Middle Tennessee, of record in Instrument number 20150519-0046165, Register's Office of Davidson County, TN.

THIS INSTRUMENT PREPARED BY:
Mid-State Title & Escrow, Inc.
128 Holiday Court, Suite 125
Franklin, TN 37067

EXHIBIT "C"

BY-LAWS OF

1812 6th AVENUE NORTH Townhomes Owners Association, Inc.

ARTICLE I
Members (Unit Owners)

Section 1. Eligibility. The members of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc., a Tennessee not-for-profit corporation, shall consist of the Unit Owners of the property know as 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. located at Nashville, Davidson County, Tennessee (the "property"). If a Unit Owner is a trust, then the member shall be a beneficiary of such trust, and if a Unit Owner or such a beneficiary is a corporation or partnership, the member may be an officer, partner or employee of such Unit Owner or beneficiary.

Section 2. Secession. The membership of each Unit Owner shall terminate when he ceases to be a Unit Owner, and upon the sale, transfer, or other disposition of his ownership interest in the property, his membership in the Association shall automatically be transferred to the new Unit Owner succeeding to such ownership interest.

Section 3. Regular Meetings. The first regular meeting of the Unit Owners (the "First Meeting") may be held, subject to the terms hereof on any date, at the option of the Board. All such meetings of Unit Owners shall be held at such place in Davidson County, Tennessee, and at such time as specified in the written notice of such meeting which shall be delivered to all Unit Owners at least ten (10) days prior to the date of such meeting.

Section 4. **Special Meetings**. Special meeting of Unit Owners may be called by a majority of the Unit Owner. Special meetings shall be called by delivering written notice to all Unit Owners not less than ten (10) days prior to the date of the meeting, stating the date, time and place of the special meeting and the matters to be considered.

Section 5. **Delivery of Notice of Meetings**. Notices of meetings shall be delivered either personally or by mail to Unit Owners at the addresses given to the Board by Unit Owners for such purpose, or to a Unit Owner's unit if no separate address for such purpose has been given to the Board.

Section 6. **Voting**. Each Unit shall have one (1) vote. If any Unit Owner consists of more than one (1) person, the voting rights of such Unit Owner shall not be divided, but shall be exercised as if the Unit Owner consisted of only one (1) person in accordance with the proxy or other designation made by the persons constituting such Unit Owner.

No Unit Owner who is in default in the payment of his assessments hereunder shall be entitled to exercise his right to vote until he has cured such default. A Unit Owner shall be deemed to be in default if he has not paid his assessments to the Board, its agent, or a paying Unit Owner within fifteen (15) days after the due date thereof. A Unit Owner may protest the amount of the assessment, but it still must be paid during the pendency of his protest to the Board.

Section 7. **Quorum**. A quorum of Unit Owners for any meeting shall be constituted by Unit Owners represented in person or by proxy and holding a majority of the votes entitled to be case at such meeting.

ARTICLE II
Board of Directors

Section 1. **Number, Election and Term of Office**. The Board of Directors of the Association (referred to in the Horizontal Property Act of the State of Tennessee as the "board of administrators" and sometimes referred to herein as the "Board") shall consist of three (3) members (hereinafter referred to as "Directors"). Every Director, except for members of the

First Board, shall hold office for the term of three (3) years and until his successor shall be elected and qualified.

Section 2. Qualification. The three (3) person serving on the Board of Directors shall be Owners in 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. unless members of the First Board.

Section 3. Vacancies. Any vacancy occurring in the board shall be filled by majority vote of the remaining members thereof. Any Director so elected or appointed to fill a vacancy shall hold office for a term equal to the unexpired term of the Director whom he succeeds.

Section 4. Meetings. A regular annual meeting of the Board shall be held following the regular annual meeting of Unit Owners, Special meetings of the Board shall be held upon call by the President or by a majority of the Board on not less than forty-eight (48) hours' notice in writing to each Director, delivered personally or by mail or telegram. Any Director may waive notice of a meeting, or consent to the holding of a meeting without notice, or consent to any action proposed to be taken by the Board without a meeting. A Directors attendance at a meeting shall constitute his waiver of notice of said meeting.

Section 5. Removal. Any non-Unit Owner Director may be removed from office with or without cause by the vote of a majority of the Unit Owners.

Section 6. Compensation. Directors shall receive no compensation for their services as Directors, unless expressly provided for in resolutions duly adopted by Unit Owners.

Section 7. Quorum. A simple majority of Directors shall constitute a quorum.

Section 8. Powers and Duties. The Board shall have the following powers and duties:

a) To elect and remove the officers of the Association;
b) To administer the affairs of the Association and the property;

c) To engage the services of an agent (hereinafter sometimes called the "Managing Agent") to maintain, repair, replace, administer, and operate the property or any part thereof for all Unit Owners, upon such terms and for such compensation and with such authority as the Board may approve;

d) To formulate policies for the administration, management and operation of the property and the Common Elements;

e) To adopt rules and regulations, with written notice thereof to all Unit Owners, governing the administration, management, operation and use of the property and the Common Elements, and to amend such rules and regulations from time to time and to establish reasonable financial assessments for infractions thereof;

f) To provide for the maintenance, repair and replacement of the Common Elements and payments therefore, and to approve payment vouchers or to delegate such approval to the officers or the manager or Managing Agent;

g) To provide for the designation, hiring and removal of employees and other personnel, including accountants and attorneys, and to engage or contract for the services of others, and to make purchases for the maintenance, repair, replacement, administration, management, and operation of the property and the Common Elements, and to delegate any such powers to the Managing Agent (and any such employees or other personnel who may be the employees of a Managing Agent);

h) To appoint committees of the board and to delegate to such committees the Board's authority to carry out certain duties of the Board;

i) To determine the fiscal year of the Association and to change said fiscal year from time to time as the Board deems advisable;

j) To fix the estimated annual budget, and to provide the manner of assessing and collecting from Unit Owners their respective shares of such estimated expenses, as hereinafter provided;

k) To borrow money for the purpose of repair or restoration of Common Elements without the approval of the members of the Association;

l) To secure insurance policies as required by the Declaration, and in this regard, annually to review the amounts of coverage afforded by such policies;

m) Unless otherwise provided herein or in the Declaration, to comply with the instructions of a majority of Unit Owners as expressed in resolutions duly adopted at any annual or special meeting of Unit Owners;

n) To be responsible for and maintain all streets, roads, utilities, and any other services of a public nature that are classified as Common Elements in the Declaration.

o) To exercise all other powers and duties of Unit Owners as a group referred to in the Horizontal Property Act of the State of Tennessee or in the Declaration or these By-Laws.

Section 9. Power to Take Any Action. Whenever in these By-Laws the Association is given the power to take any action, it is the intention of these By-Laws that the Board shall act for the Association in all cases, except and to the extent that it is expressly provided that action be taken upon vote of the Unit Owners.

Section 10. Non-Delegation. Nothing in these By-Laws shall be considered to grant to the Board, the Association, or to the officers of the Association, any powers or duties which, by law, have been delegated to Unit Owners.

ARTICLE III
Officers

Section 1. Designation. At each regular annual meeting of the Board, the Directors present at such meeting shall elect the following officers of the Association by a majority vote:

a) A President, who shall be a Director, who shall preside over meetings of the Board and of Unit Owners, and who shall be the chief executive officer of the Association;

b) A Secretary/Treasurer, who shall keep the minutes of all meetings of the Board and of Unit Owners, financial records, and who shall, in general, perform all the duties incident to the office of Secretary/Treasurer;

c) Such additional officers as the Board shall see fit to elect.

Section 2. Powers. The respective officers shall have the general powers usually vested in such officers; provided that the Board may delegate any specific powers to any other officer or impose such limitations or restrictions upon the powers of any officer as the Board may see fit.

Section 3. Term of Office. Each officer shall hold office for the term of one (1) year and until his successor shall have been appointed or elected and qualified.

Section 4. Vacancies. Vacancies in any office shall be filled by the Board by a majority vote of the remaining members thereof at a special meeting of said Board. Any Director so elected to fill a vacancy shall hold office for a term equal to the unexpired term of the officer he succeeds. Any officer may be removed for cause at any time by vote of two-thirds (2/3) of the total membership of the Board at a special meeting thereof.

Section 5. Compensation. The officers shall receive no compensation for their services as officers, unless expressly provided for in a resolution duly adopted by Unit Owners.

ARTICLE IV
Assessments

Section 1. Annual Budget. The Board shall establish an annual budget to provide for the needs of the units. Such budget shall take into account the estimated common expenses and cash requirements for the year, including, but not limited to, salaries, wages, payroll taxes, legal and accounting fees, working capital fund, supplies, materials, parts, services, maintenance, repairs, replacements, landscaping, insurance, fuel, power, and all other common expenses.

Section 2. Lien. It shall be the duty of every Unit Owner to pay his equal share of the expenses as provided in the Declaration, and as assessed in the manner provided.

If any Unit Owner shall fail or refuse to make any such payment when due, such delinquent payment shall be subject to a late charge in an amount established by the Board, and such delinquent payment shall also bear interest at the highest permissible rate of interest

allowed in the State of Tennessee. Such delinquent payment, together with penalty and interest, shall constitute a lien, as provided in the Act and Declaration, enforceable by the Board and/or Paying Unit Owner, on the interest of such Unit Owner in the property.

The Association, acting through the Board or its agents, shall have the right to maintain a suit to foreclose any such lien, and there shall be added to the amount due the costs of said suit and other fees and expenses, together with legal interest and reasonable attorney's fees to be fixed by the court. Furthermore, if any Unit Owner shall fail or refuse to pay when due his proportionate share of the expenses, the Association, acting through its Board, shall have the authority to exercise and enforce any and all rights and remedies as provided for in the Horizontal Property Act, the Declaration, or these By-Laws, or as are otherwise available at law or in equity, for the collection of all unpaid assessments.

Section 3. Records and Statement of Account. The Board shall cause to be kept detailed and accurate records in chronological order of expenditures affecting the Common Elements, specifying and itemizing the common expenses incurred.

Section 4. Discharge of Liens. The Board may cause the Association to discharge any mechanic's lien or other encumbrances which in the opinion of the Board may constitute a lien against the property or the Common Elements, rather than a lien against only a particular Unit. When less than all the Unit Owners are responsible for the existence of any such lien, the Unit Owners responsible shall be jointly and severally liable for the amount necessary to discharge the same and for all costs and expenses, including attorney's fees, incurred by reason of such lien.

ARTICLE V
Use and Occupancy Restrictions

Section 1. General. No unlawful, noxious or offensive activities shall be carried on in any Unit or elsewhere on the property, nor shall anything be done therein or thereon which shall constitute a nuisance or which shall in the judgment of the Board cause unreasonable noise or disturbance to others.

Each Unit Owner shall maintain his Unit, Limited Common Elements and its Private Elements in good condition and in good order and repair, at his own expense, and shall not do or allow anything to be done which may increase the cost or cause the cancellation of insurance on other Units or on the Common Elements.

Section 2. Trash. Trash, garbage and other waste shall be kept only in sanitary containers, and shall be disposed of in a clean and sanitary manner.

Section 3. Storage. Articles of personal property belonging to any Unit Owner, such as baby carriages, bicycles, wagons, toys, furniture, clothing, and other articles, shall not be stored or kept in the General Common Elements, if any.

Section 4. Single Family Residence. Each unit shall be used as one single family residence only.

Section 5. Rules and Regulations. Unit Owners shall be subject to such further restrictions as may be contained rules and regulations of the Association concerning the use of Units and the Common Elements which may be enacted from time to time by the Board. Such rules and regulations shall be binding rules and regulations of the Association and copies of such rules and regulations and any amendments or additions thereto shall be furnished to all Unit Owners upon request.

ARTICLE VI
Contractual Powers

No contract or other transaction between this Association and one (1) or more of its Directors, or between the Association and any corporation, firm or association in which one (1) or more of the Directors of the Association are Directors, or are financially interested, is void or voidable because such Director or Directors are present at the meeting of the Board or a committee thereof which authorizes or approves the contract or transaction or because his or their votes are counted, if the circumstances specified in either of the following subparagraphs exists:

a) The fact of the common directorship or financial interest is disclosed or known to the Board or committee and noted in the minutes and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient for the purpose without counting the vote or votes of such Director or Directors; or

b) The contract or transaction is just and reasonable as to the Association at the time it is authorized or approved.

Common or interested Directors may be counted in determining the presence of a quorum at a meeting of the Board or a committee thereof which authorizes, approves or ratifies a contract or transaction.

ARTICLE VII
Amendments

These By-Laws may be amended or modified from time to time by action or approval of a majority of the Unit Owners. Such amendments shall be recorded in the Office of the Register's Office of Davidson County, Tennessee.

ARTICLEVIII
Indemnification

Section 1. General. To the extent permitted by law, the Association shall indemnify and hold harmless each of its Directors and officers, each member of any committee appointed pursuant to these By-Laws, against all contractual and other liabilities to others arising out of contracts made by, or other acts of such Directors, officers, or committee members on behalf of Unit Owners, or arising out of their status as Directors, officers, or committee members, unless any such contract or act shall have been made fraudulently or with gross negligence or criminal intent. It is intended that the foregoing indemnification shall include indemnification against all costs and expenses (including, but not limited to, counsel fees, amounts of judgments paid and amounts paid in settlement) reasonably incurred in connection with the defense of any claim, action, suit, or proceeding, whether civil, criminal, administrative or otherwise, in which any such Director, officer or committee member may be involved by virtue of such person's being or having been such Director, officer, or committee member, provided, however, that such indemnity shall not be operative with respect to (1) any matter as to which such person shall have been finally adjudged in such action, suit or proceeding to be liable for gross negligence or fraud in the performance of his duties as such Director, officer, or committee member, or (b) any matter settled or compromised, unless, in the opinion of independent counsel selected by or in a manner determined by the Board, there is not reasonable ground for such person's being adjudged liable for gross negligence or fraud in the performance of his duties as such Director, officer or committee member.

Section 2. Success on Merits. To the extent that a member of the board, or an officer of the Association, or a member of any committee appointed pursuant to these By-Laws has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in Section 1, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorney's fees) actually and reasonable incurred by him in connection therewith.

Section 3. Advance Payment. Expenses incurred in defending a civil or criminal action, suit or proceeding may be paid by the Association in advance of the final disposition of such action, suit or proceeding as authorized by the Board in the specific case upon receipt of an undertaking by or on behalf of the persons or entity seeking such indemnification or payment in advance to repay such amount unless it shall ultimately be determined that he is entitled to be indemnified by the Association as authorized in this Article VIII.

Section 4. Miscellaneous. The Association and the Board shall have the power to raise and the responsibility for raising, by special assessment or otherwise, any sums required to discharge its obligations under this Article; provided, however, that the liability of any Unit Owner arising out of any contract made by or other acts of the Directors, officers, or members of such committees, or out of the aforesaid indemnity in favor of the Directors, officers, or members of such committees, shall be limited to such proportion of the total liability hereunder as said Unit Owner's percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. Every agreement made by the Directors, officers, or members of such committees, or by the Managing Agent on behalf of Unit Owners shall provide that the Directors, officers, members of such committees, or the Managing Agent, as the case may be, are acting only as agents for Unit Owners and shall have no personal liability thereunder (except as Unit Owners), and that each Unit Owner's liability thereunder shall be limited to such proportion of the total liability thereunder as his percentage of interest in the Common Elements bears to the total percentage interest of all Unit Owners in the Common Elements. The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled under any statute, agreement, vote of members of the Association, or disinterested members of the Board or

otherwise, both as to action in his official capacity and as to action in another capacity while holding such office. Such right to indemnification shall continue as to a person or entity who has ceased to be a member of the Board, officer of the Association, or a member of such committee, and shall inure to the benefit of their heirs, executors, administrators, successors, and assigns of such person or entity.

ARTICLE IX
Mortgages

Section 1. Notice to Board. A Unit Owner who mortgages his Unit shall notify the Board of the name and address of his mortgagee and shall file a conformed copy of the note and deed of trust or mortgage with the Board; and the Board shall maintain such information in a book entitled "Mortgages of Units".

Section 2. Notice of Unpaid Charges. The Board, whenever so requested in writing by a mortgagee of a Unit, shall promptly report any then unpaid charges due from, or any other default by, the owner of the mortgaged Unit.

Section 3. Notice of Default. The Board, when giving notice to a Unit Owner of a default in paying charges or other default, shall send a copy of such notice to each holder of a mortgage covering such Unit whose name and address has therefore been furnished to the Board.

Section 4. Examination of Books. Each Unit Owner and each mortgagee of a Unit shall be permitted to examine the books of account of the Association at reasonable times, on business days, but not more often than once a month.

Section 5. Interest of Valid First Mortgagee. The interest of valid first mortgagee shall be superior to the interest of the Board in the event of a default, and nothing in this instrument shall be construed to the contrary. If the first mortgagee has incorporated the terms of these By-Laws, the Declaration and the contract in its deed of trust, then said first mortgagee may at its option declare a default in its deed of trust by reason of any default hereunder, and may proceed to enforce its rights according to the terms of the deed of trust notwithstanding any enforcement instituted by the Board.

ARTICLE X
Definition of Terms

The terms used in these By-Laws, to the extent they are defined therein, shall have the same meaning as set forth in the Declaration for 1812 6th AVENUE NORTH Townhomes Association, Inc., of record in the Office of the Register of Deeds for Davidson County, Tennessee.

The term "member", as used in these By-Laws, means "Unit Owner" as defined in the Declaration.

ARTICLE XI
Conflicts

These By-Laws are set forth to comply with the requirements of Chapter 27 of Title 66, Tennessee Code Annotated, as it may be amended from time to time, and to allow the By-Laws to control in specific situations where such law allows. In the event any of the By-Laws conflict with the provisions of said statute or of the Declaration, the provisions of said statute or of the Declaration, as the case may be, shall control.

EXHIBIT "D"

TO

1812 6th AVENUE NORTH Townhomes

A HORIZONTAL PROPERTY REGIME

WITH PRIVATE ELEMENTS

ATTORNEY'S CERTIFICATE

This document is intended to serve as the attorney's opinion which is required under the terms of Tennessee Code Annotated, Section 67-27-103. The undersigned, an attorney licensed to practice law in the State of Tennessee, hereby declares that the engineer for construction of the homes shown on the plan for 1812 6th AVENUE NORTH Townhomes is John Allen Hood, a licensed surveyor in the State of Tennessee (No. 1838). As certified by John Allen Hood, all improvements are/or will be in substantial compliance with local building codes and that upon proper recording of this certificate and the following additional documents, all legal requirements for the creation of a Planned Unit Development under the terms of the Tennessee Horizontal Property Act, Tennessee Code Annotated, Section 66-27-103(b) et seq., have been met:

1.) The Declaration of Covenants, Conditions and Restriction for 1812 6th AVENUE NORTH Townhomes, a Horizontal Property Regime with Private Elements.
2.) By-laws of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc. Owners Association, Inc.
3.) The plan for 1812 6th AVENUE NORTH Townhomes, a Horizontal Property Regime, which plat shows private elements.
4.) The Charter of 1812 6th AVENUE NORTH Townhomes Owners Association, Inc.

Witness my hand this 23rd day of June, 20 15.

Yvette Meldrum

Bill Garrett Davidson County
Batch# 83173 DEEDQC
04/20/2018 11:29:30 AM 3 pgs
Fees: $17.00 Taxes: $0.00
20180420-0037421

Prepared By and Return To:
Sheryl Marsella
1812 6th Ave, Unit B
Nashville TN
37208

THIS INSTRUMENT HAS BEEN PREPARED FROM INFORMATION FURNISHED BY THE PARTIES WITHOUT THE BENEFIT OF A TITLE EXAMINATION.

State of Tennessee
County of Williamson

The actual consideration of true value whichever is greater is
$ 0.00

Affiant

Subscribed and sworn to before me this 20th day of April, 2018.

Notary
Commission Expires: 1/19/22

TAYLOR GRILLS
TENNESSEE NOTARY PUBLIC
My Comm Exp. 1/19/2022
COUNTY OF WILLIAMSON

QUITCLAIM DEED

OWNER	SEND TAX BILLS TO:	MAP & PARCEL
Sheryl Marsella 1812 6th Avenue, Unit B Nashville, TN 37208	NEW OWNER	Map 081 Group 082-T Parcel 002.00

FOR AND IN CONSIDERATION OF THE SUM OF TEN DOLLARS, CASH IN HAND PAID BY THE HEREINAFTER NAMED GRANTEE, AND OTHER GOOD AND VALUABLE CONSIDERATIONS, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDEGED, **SHERYL B. MARSELLA AS TRUSTEE OF THE SHERYL B. MARSELLA LIVING TRUST DATED 10/07/97, AMENDED 12/23/98, TRUST,** HEREINAFTER CALLED THE GRANTORS, DOES HEREBY QUITCLAIM, TRANSFER, AND CONVEY ALL THEIR RIGHT, TITLE, AND INTEREST UNTO, **SHERYL MARSELLA,** HEREINAFTER CALLED THE GRANTEE, HER HEIRS AND ASSIGNS, A CERTAIN TRACT OR PARCEL OF LAND IN DAVIDSON COUNTY, STATE OF TENNESSEE, DESCRIBED AS FOLLOWS, TO-WIT:

Land in Davidson County, Tennessee, being Unit No. B of The Plan of 1812 6th Avenue North Townhomes, a Horizontal Property Regime with Private Elements (a Planned Unit Development), as shown on Exhibit "A" of 1812 6th Avenue North Townhomes, of record in Instrument No. 20150623-0060106 Register's Office of Davidson County, Tennessee, to which plat reference is hereby made for a more complete and accurate legal description.

201804200037421

I hereby certify that this is a true and correct copy of the original on file in the Davidson County Register of Deeds office as Instrument # 201804200037421.
KAREN JOHNSON, Register of Deeds

Register/Deputy Register Jul 22, 2019

REGISTER OF DEEDS KAREN JOHNSON DAVIDSON COUNTY, TENN.

Being the same property conveyed to Robert W. Cory by Warranty deed from Alpha One, LLC of record in Instrument No. 20160318-0025758 Register's Office for Davidson County, Tennessee, dated March 14, 2016 and recorded on March 18, 2016. (Value of consideration shown in aforementioned deed $519,900.00.)

Being the same property conveyed to Sheryl B. Marsella as Trustee of Sheryl B. Marsella Living Trust Dated 10/07/97, Amended 12/23/98, Trust, by Warranty Deed from Robert W. Cory dated 3/22/2018 and recorded 4/0/2018 in Instrument No. 20180409-0033309 in the Register's Office of Davidson County, Tennessee.

This is improved (X) unimproved ( ) property, known as 1812 6th Avenue, Unit B, Nashville, Tennessee 37208.

Whenever used, the singular number shall include the plural, the plural the singular and the use of any gender shall be applicable to all genders.

Witness my hand this 20 day of April, 2018.

Sheryl B. Marsella, Trustee

STATE OF TENNESSEE
COUNTY OF Williamson

Personally appeared before me, a Notary Public of said County and State, **Sheryl B. Marsella, Trustee** the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged that, as the Trustee, she executed the foregoing instrument for the purposes therein contained.

Witness my hand and official seal this 20th day of April, 2018.

Notary Public

Commission Expires: 1/19/2022

TAYLOR GRILLS
TENNESSEE NOTARY PUBLIC
My Comm Exp. 1/19/2022
COUNTY OF WILLIAMSON

201804200037421

True Copy Certification

I, Marjorie Kaup Haines, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

Marjorie Kaup Haines
Signature

State of TN

County of Williamson

Personally appeared before me, Chris Mule, a notary public for this county and state, Marjorie Kaup Haines who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: 1/13/2020
Notary' Seal (if on paper)

CHRIS MULE
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY

True Copy Certification

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

Signature – Yvette Meldrum

State of Tennessee
County of Williamson

Personally appeared before me, the undersigned, a notary public for this county and state, Yvette Meldrum who acknowledges that this certification of an electronic document is true and correct and whose signature I have witnessed.

Notary's Signature

My Commission Expires: 10/17/16

D. MACKEY
STATE OF TENNESSEE NOTARY PUBLIC
WILLIAMSON COUNTY
My Commission Expires 10-17-2016

October 29, 2019

Metropolitan Government of Nashville and Davidson County
Department of Codes and Building Safety
Post Office Box 196300
Nashville, TN 37219-6300

RE: Appeal Case Number 2019-471
1812B 6th Ave. N.
Map Parcel: 081082T00200CO
Zoning Classification: R6-A
Council District: 19

Dear Metro Board of Zoning Appeals:

In regard to the above-referenced property, my husband and I wish to voice our strong **opposition** to this zoning appeal. We are homeowners at 1807 7th Avenue North, just one block over from 1812B 6th Ave. N. Over the past four years, we have seen significant growth and change in the landscape of our Salemtown community and not all of it has been positive. This growth and change has brought a significant increase in traffic, reduced parking for homeowners, and increased late night disturbances due to the many tourists who are renting through AirBNB and VRBO in our neighborhoods. Where previously one home was built on a lot, most have torn down the original structure and built at least 2 (if not more) structures to replace the original home. This has put actual homeowners who live here at a disadvantage for street parking close to our homes, not to mention the increased traffic and noise.

Traffic is particularly bad on the weekends when carloads of tourists in groups of 6-8 (bridal parties) come and go 24 hours a day. Sixth Ave. is not a wide street when you factor in homeowners that park on both sides of the street. Ms. Marsella continues to rent this property out as a short-term rental. The weekend of October 18-20 was particularly bad at 1812B 6th Ave. N. when a large Nashville Party Barge vehicle blocked the street for several minutes while trying to parallel park (3 car lengths) in front of this property. On my way home from the grocery store, I was stuck on 6th behind the oversized vehicle trying to park, wait for his customers to come out of 1812B 6th Ave., plus an Uber driver who stopped in the middle of 6th and put his flashers on while he waited for his customer next door. There was no open lane for traffic to move so all I could go do was just sit and wait. This is not safe and it is a real nuisance. The noise on many weekend nights is so load, we have had to call police at 2:00- 3:00 am to ask them to patrol our streets and ask these party-goers to quiet down. We wake to find empty beer cans and all sorts of trash strewn about the street and our front yards.

Salemtown does <u>not</u> need any more of these short-term rental properties! Actual homeowners want real neighbors – folks that plan to live in the home they are purchasing and who take a sense of pride in their property and our community.

Thank you for your consideration and we urge the board to <u>not</u> approve this zoning appeal – please.

William and Yvonne Snyder
1807 7th Ave. N.
Nashville, TN 37208

Yvonne A. Snyder