

D O C K E T

11/1/2018

1:00 P.M.

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

**Meetings held in the MNPS of Education Meeting Room
2601 Bransford Avenue**

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

Previously Heard Cases Requiring Board Action

Case-2018-504 (Rosa L Parks Blvd) This case failed to secure four votes previously heard on 10/18/18

CASE 2018-369 (Council District - 5)

ONADEKO, OLAYINKA ET UX, appellant and owner of the property located at **720 MCFERRIN AVE**, requesting a variance from sidewalk requirements in the CN District, to construct attached duplex to rear of existing building. Referred to the Board under Section 17.20.120. The appellant has alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Duplex
Results:

Map Parcel 08208028500

CASE 2018-479 (Council District - 19)

REGIONS BANK, appellant and **PRIM ONE NASHVILLE PLACE, LLC**, owner of the property located at **150 4TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's determination regarding a sign permit in the DTC District, obtain a permit for two skyline signs. Referred to the Board under Section 17.40.180 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Commercial

Map Parcel 09306110300

Results:

CASE 2018-501 (Council District - 5)

JAY FULMER, appellant and **KEY MOTEL, LLC**, owner of the property located at **1414 DICKERSON PIKE**, requesting a variance from sidewalk requirements in the CS District, to renovate an existing hotel without updating the sidewalks. 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-Commercial

Map Parcel 07111000500

Results: Withdrawn

CASE 2018-522 (Council District - 17)

THE MC2 GROUP, INC, appellant and owner of the property located at **1704 CARVELL AVE**, requesting a variance to allow front loading garage in the R6-A District, to construct a single-family residence with front loading garage. Referred to the Board under Section 17.12.020 (A). The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 10511019200

Results:

CASE 2018-550 (Council District - 23)

RYAN HINKLE, appellant and **LARENCE & DAVIS PROPERTIES, LLC**, owner of the property located at **807 BROOK HOLLOW RD**, requesting a variance from sidewalk requirements in the RS40 District, to construct a single family residence without building sidewalks. 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 10215009700

Results:

CASE 2018-551 (Council District - 6)

MATT MILLSAP, appellant and owner of the property located at **1211 N 14TH ST**, requesting a variance from the conditions that restrict detached accessory dwelling units in the R6 District, to create a new parcel for the detached accessory dwelling unit. Referred to the Board under Section 17.16.030 G 3 b and c. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Two Family

Map Parcel 083020P00200CO

Results: Deferred

CASE 2018-560 (Council District - 2)

World Finance Corporation of Tennessee, appellant and **ROSS BROTHERS PROPERTIES, LLC**, owner of the property located at **3134 DICKERSON PIKE**, requesting a variance from distance requirements to another alternative financial service in the CS District, to obtain use and occupancy for an alternative financial service. Referred to the Board under Section 17.16.050 (d)1. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-ALTERNATIVE FINANCIAL SERVICE

Map Parcel 06004011200

Results:

CASE 2018-566 (Council District - 19)

15TH & CHURCH EQUITY INVESTORS, LLC appellant and owner of the property located at **1506 CHURCH ST 100**, requesting a variance from parking requirements in the MUI-A District, to construct short term rental condominiums. Referred to the Board under Section 17.20.030. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-MULTIFAMILY

Map Parcel 09212034000

Results: Deferred 11/15/18

CASE 2018-567 (Council District - 19)

BAILEY HEFLIN, appellant and **SOMERA ROAD - GIBSON NASHVILLE, LLC**, owner of the property located at **1102 GRUNDY ST**, requesting a variance from sidewalk requirements in the DTC District, to renovate a commercial building 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

Map Parcel 09309008300

Results:

CASE 2018-569 (Council District - 20)

ADAM SCULLY, appellant and owner of the property located at **4711 MICHIGAN AVE**, requesting a variance from side setback requirements in the R6 District, to construct chimney 1' from side setback. Referred to the Board under Section 17.12.040 e 4. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09107046500

Results:

CASE 2018-570 (Council District - 20)

ADAM SCULLY, appellant and **KALIL, JILAH**, owner of the property located at **4809 A KENTUCKY AVE**, requesting a variance from side setback requirements in the R6 District, to construct chimney 1' from side setback. Referred to the Board under Section 17.12.040 e 4. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Single Family

Map Parcel 09107024100

Results:

CASE 2018-571 (Council District - 15)

CASEY GODDARD, appellant and owner of the property located at **2502 MIAMI AVE**, requesting a variance from sidewalk requirements in the R15 District, to construct a single family residence without building sidewalks. Referred to the Board under Section 17.12.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 06201000300

Results:

CASE 2018-572 (Council District - 21)

Woodbine Community Organization, appellant and **METRO GOV'T BT BACK TAX SALE**, owner of the property located at **1607 KNOWLES ST**, requesting a variance from sidewalk requirements in the RS5 District, to construct a single family residence without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 08115034400

Results:

CASE 2018-575 (Council District - 17)

Chelsea Hannan, appellant and **KURIO PROPERTIES INC.**, owner of the property located at **353 GLENROSE AVE**, requesting variances from facade and sidewalk requirements in the MUL-A District, to complete the proposed mixed use development. Referred to the Board under Section 17.12.020 (D), (H) & 17.20.1120. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Mixed Use

Map Parcel 11901003400

Results:

CASE 2018-576 (Council District - 27)

Shawn Hackett, appellant and owner of the property located at **5209 GREEN LEAF DR**, requesting a variance from sidewalk requirements in the R10 District, to construct a single family residence 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 161080C00200CO

Results:

CASE 2018-577 (Council District - 19)

Jeffrey Kellar, appellant and **METROPOLITAN TEACHERS CREDIT UNION**, owner of the property located at **1605 JEFFERSON ST**, requesting a 10' variance from front setback requirements in the CS District, to construct a ground sign on property with a 5' setback. Referred to the Board under Section 17.32.070 b. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Sign

Map Parcel 08115060700

Results:

CASE 2018-578 (Council District - 11)

Robert Berry, appellant and owner of the property located at **138 RAY AVE**, requesting a variance from front setback requirements in the RS15 District, to construct a single-family residence. Referred to the Board under Section 17.12.030 B 3. The appellant alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 05316031200

Results:

CASE 2018-579 (Council District - 6)

Kirk McConnell, appellant and owner of the property located at **551 N 20TH ST**, requesting a variance from sidewalk requirements in the R6 District, to construct a single-family residence without building sidewalks. 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 083060V00200CO

Results:

CASE 2018-582 (Council District - 7)

Samuel A. Gray, appellant and **MATYSIAK, JOHN & MICHELLE**, owners of the property located at **1125 GREENLAND AVE**, requesting a variance from side setback requirements in the RS10 District, to construct a carport addition to existing single family residence. Referred to the Board under Section 17.12.020 a. The appellant alleged the Board has jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 06111022700

Results:

CASE 2018-585 (Council District - 34)

Gordon Siebert, appellant and owner of the property located at **3817 ABBOTT MARTIN RD**, requesting a variance from parking requirements in the RS20 District, to construct a detached garage. Referred to the Board under Section 17.20.060 d. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 11612012300

Results:

CASE 2018-586 (Council District - 15)

United Rentals, appellant and **723 MASSMAN PARTNERS GP**, owner of the property located at **723 MASSMAN DR**, requesting a variance from sidewalk requirements in the IR District, to conduct interior building renovations without building sidewalks. 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

Map Parcel 09513003400

Results:

CASE 2018-589 (Council District - 20)

Land Development Solutions, appellant and **OAKLEY, ALAN D.**, owner of the property located at **600 45TH AVE N**, requesting a variance from side setback requirements in the R6 District, to construct a single-family residence. Referred to the Board under Section 17.12.30 c 2. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(B).

Use-Single Family

Map Parcel 09112014300

Results:

CASE 2018-590 (Council District - 24)

Brad Bars, appellant and owner of the property located at **4404 A WESTLAWN DR**, requesting an Item A appeal, challenging the zoning administrator's determination that the duplex is not legally non-conforming. Appellant is also requesting rear and side setback variances in the OV-UZO, RS7.5 District, to convert a duplex and detached garage into two separate residences. Referred to the Board under Section 17.40.180 a, 17.12.020 A, 17.12.020 A. The appellant has alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Two Family

Map Parcel 10308006800

Results:

SHORT TERM RENTAL CASES

CASE 2018-425 (Council District - 7)

PAULI, REBEKAH L. & LAMBERTH, ANGELA M., appellant and owners of the property located at **1402 B CHESTER AVE**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 (E). The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 072144L00200CO

Results:

CASE 2018-514 (Council District - 17)

MCDONALD, ROBERT BRANDON, appellant and owner of the property located at **1067 B 2ND AVE S**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after transfer of ownership name. Referred to the Board under Section 17.16.250 e. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 105030I00400CO

Results:

CASE 2018-523 (Council District - 3)

DELOIS CROCKETT, appellant and owner of the property located at **4409 FALLING LEAF LN**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.050 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-SHORT TERM RENTAL

Map Parcel 03213008300

Results:

CASE 2018-573 (Council District - 24)

LEITH & STEPHANIE LOFTIN, appellant and owners of the property located at **823 NEARTOP DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 10310009400

Results:

CASE 2018-581 (Council District - 17)

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

Use-Short Term Rental

Map Parcel 105040A00100CO

Results:

CASE 2018-587 (Council District - 4)

MARION, JON & PATRICIA, appellant and owners of the property located at **2765 CALL HILL RD**, requesting an Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required permit. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180(A).

Use-Short Term Rental

Map Parcel 172120B28600CO

Results:

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Philip Neal

Date: 8/7/18

Property Owner: Richard A. Lewis

Case #: 2018-504

Representative: Philip Neal, Richard A. Lewis

Map & Parcel: 08104022900

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:

TO CONSTRUCT 2 COMMERCIAL BUILDINGS FOR 2 RESTAURANTS AND 1 RETAIL BUSINESS

Activity Type: NEW COMMERCIAL CONSTRUCTION

Location: 2030 ROSA PARKS BLVD

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: LANDSCAPE AND SIDEWALK VARIANCES

Section(s): 17.24.240 AND 17.12.120

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.

Philip Neal
Appellant Name (Please Print)

Representative Name (Please Print)

214 Oceanside Drive
Address

Address

Nashville, TN, 37204
City, State, Zip Code

City, State, Zip Code

615-564-2711
Phone Number

Phone Number

philipneal@kimley-horn.com
Email

Email

Appeal Fee:



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



3542962

ZONING BOARD APPEAL / CAAZ - 20180046531
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08104022900

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

2030 ROSA L PARKS BLVD NASHVILLE, TN 37228
LOT 1 RE-SUB METROCENTER TRACT 21-B

PARCEL OWNER: METRO DEE PARTNERS

CONTRACTOR:

APPLICANT:**PURPOSE:**

BZA Appeal of (1) 17.24.240 Required 5 ft landscape buffer along rear property line. Requesting a 0 ft buffer for 90 linear foot section containing a parking easement (see plans)

(2) 17.12.120 Variance to Sidewalk Requirements. Requesting to use existing sidewalks.

No Permit Application on file.

*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.

Kimley»Horn

Transmittal

Date: 8/7/2018 Job Number: 118267000
 Project Name: Bullseye Center
 To: Bill Herbert
Metropolitan Board of Zoning Appeals
Nashville, TN

We are sending these by

- US Mail FedEx UPS
 Hand Deliver Courier Other

We are sending you

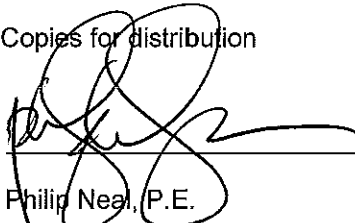
- Attached Under separate cover via _____ the following items
 Shop drawings Prints/Plans Samples Specifications Change Order Other

Number	Date	Copy	Description
1	8/7/18	1	Bullseye Center Variance Request Letter
2	8/7/18	8	Bullseye Center Variance Sidewalk Variance
3	8/7/18	8	Bullseye Center Variance Screening Variance
4	8/7/18	1	Bullseye Center Variance Request Application

These are transmitted as checked below:

- For your use Approved as submitted Resubmit
 As requested Approved as noted Submit
 For review and comment Returned for corrections Return
 Copies for approval Copies for distribution Corrected prints

Copy to:

Signature: 

Phone: (615) 564-2711

Print Name: Philip Neal, P.E.

Kimley»»Horn

August 7, 2018

Mr. David Ewing
 Chairman
 Metropolitan Board of Zoning Appeals
 Metro Office Building
 Nashville, TN 37219

**RE: *Variance Requests – Sidewalk and Perimeter Landscaping*
 2030 Rosa L. Parks Blvd.**

Dear Mr. Ewing,

On behalf of our client, Richard A. Lewis, we are submitting a Variance Request for the proposed redevelopment of the existing Trinity Automotive, located at 2030 Rosa L Parks Blvd, Map 081, Parcel 900. The variances requested are as follows:

1. **Sidewalk Variance** – The adopted Master Collector and Street Plan (MCSP) identifies a standard ROW section including 6' bikeway width, 6' grass strip width, and 8' sidewalk width. The Applicant proposes to use the existing 9' sidewalk and 8' bikeway (6' striped lane + 2' shoulder to gutter line) as is rather than building a new 8' sidewalk with 6' grass strip behind curb as outlined in the MCSP and BL2016-493. This proposal does not include any modification or disturbance to existing features within ROW or the dedication of additional ROW. This variance is requested for the following reasons and hardships:
 - a. **Existing Sidewalk and Bikeway:** The existing conditions feature a sidewalk of 9' width along the entire property frontage, and a 8' bikeway (6' striped lane + 2' shoulder to gutter line) on pavement. Building a new sidewalk will result in a substantial disturbance of existing features, adjacent roadway, storm infrastructure, TDOT street lighting, and underground cables as marked.
 - b. **Steep Slopes:** Due to steep slopes at the southern property frontage, the addition of ROW and sidewalk width will require approximately 250 sf of retaining wall with subgrade reinforcement materials likely encroaching in ROW.
 - c. **Existing Pylon Sign:** The existing pylon sign is within approximately 4' of the existing ROW line. Adding sidewalk width and dedicating additional ROW will create a sign encroachment onto TDOT ROW and violate code setbacks.

These items are also outlined in the attached Exhibit 1. Considering these hardships, using the existing sidewalk section, with the addition of a 10' perimeter landscape strip behind the sidewalk will meet the intent of the sidewalk ordinance, maintain consistency with adjacent sidewalk network, and provide a safe means of alternate transportation methods for the Metrocenter community. For the reasons outlined above, we ask that the Board of Zoning Appeals consider and grant our request to use the existing 9' sidewalk and 6' bikeway with redevelopment of this parcel.

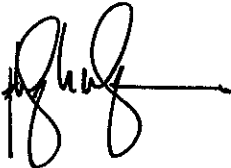
2. **Perimeter Parking Screening Variance** – Code 17.24.150.B requires a perimeter landscape strip to separate parking areas from adjacent property lines. Applicant requests a waiver of perimeter parking area screening along a portion of the rear eastern property line for a length of 90' that coincides with the existing 90' x 8' parking easement on the adjacent property (Parcel 08104003700). The applicant intends to continue using the existing parking easement as it is used currently. This parking area is also elevated by an existing retaining wall approximately 6' from the adjacent property's average grade at the face of wall which inherently provides sufficient screening as confirmed by code verbiage in 17.24.150.A.3. Waiving perimeter screening in this circumstance is also consistent with the intent of Code 17.24.150.E which applies to conditions where easements are in place that make the relationship of parking areas with nearest property line unique. These circumstances are illustrated in the attached Exhibit 2.

With this letter, please find the attached items:

1. Variance Exhibits 1 and 2
2. \$200 Submittal Fee check
3. Variance request application

Please contact me at (615) 564-2711 or philip.neal@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Philip Neal, P.E.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 the case number. Fold and insert the 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

Richard A. Lewis

APPELLANT

8/07/2018

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-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.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

1. EXISTING CONDITIONS: EXISTING SIDEWALK AND BIKELANE, TOPOGRAPHIC AND UTILITY CONFLICTS
2. EXISTING PARKING EASEMENT ON ADJACENT PROPERTY

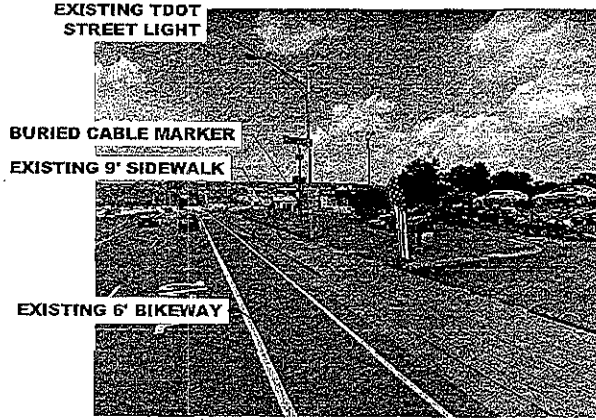


PHOTO 1
NORTH ALONG ROSA L PARKS BLVD

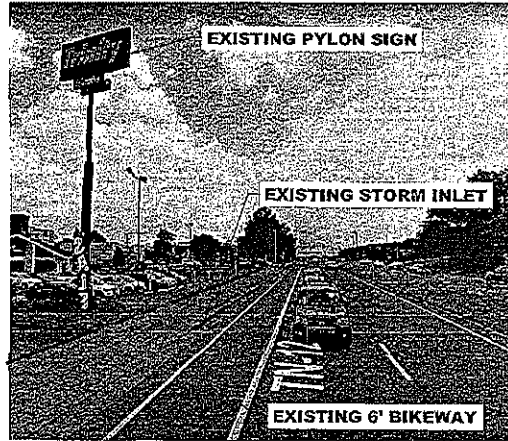


PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD

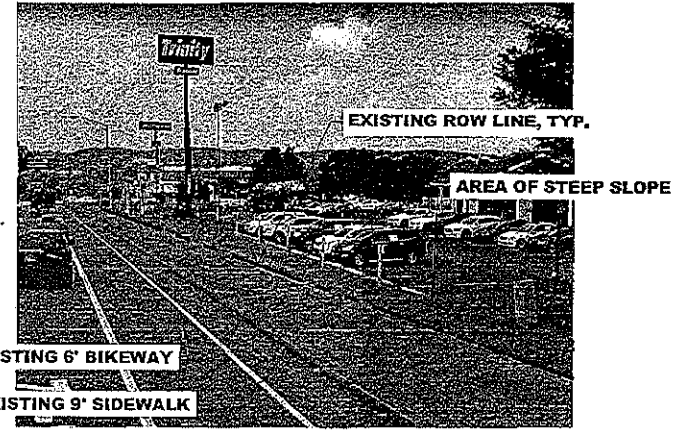
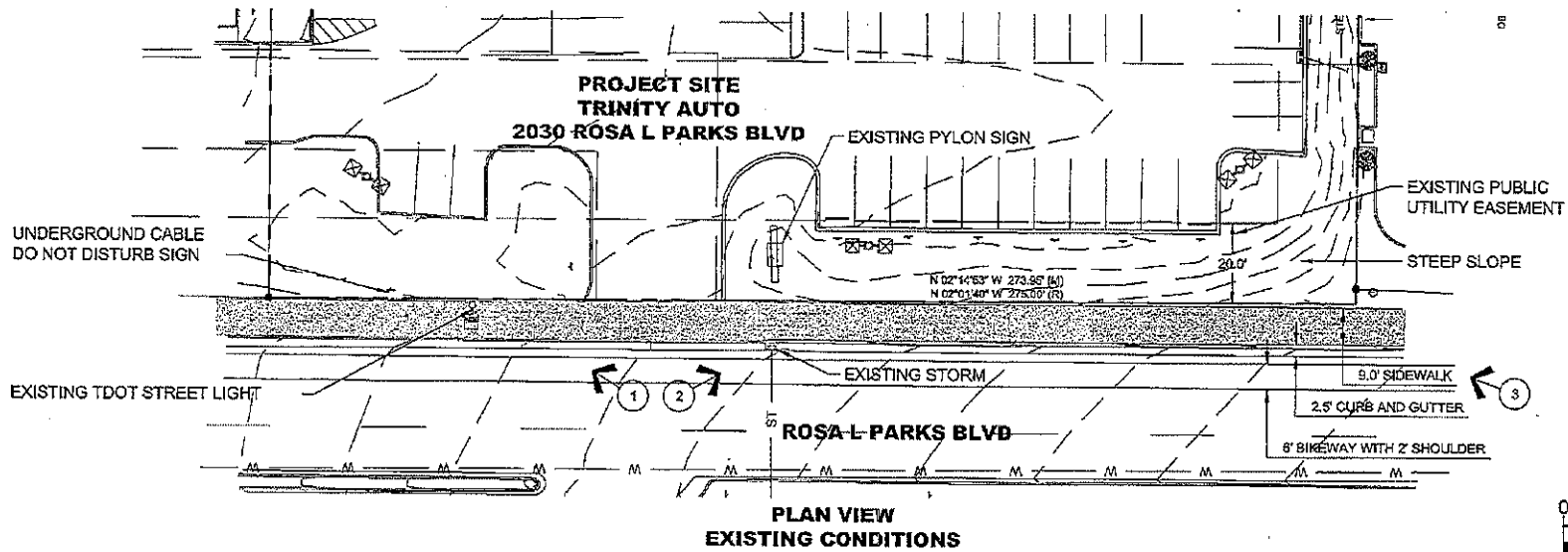


PHOTO 3
NORTH ALONG ROSA L PARKS BLVD



PLAN VIEW
EXISTING CONDITIONS

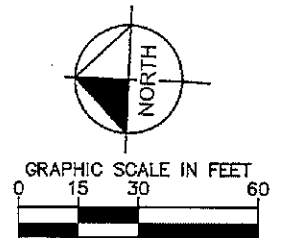


EXHIBIT 1 - SIDEWALK VARIANCE

2030 ROSA L PARKS BLVD, NASHVILLE, TN 37228

Kimley»Horn

AUGUST 7, 2018

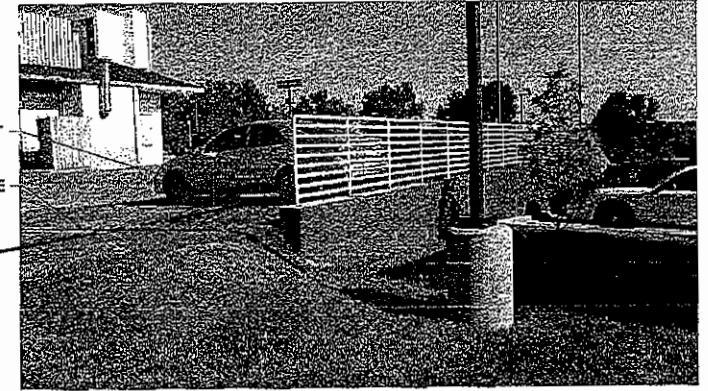
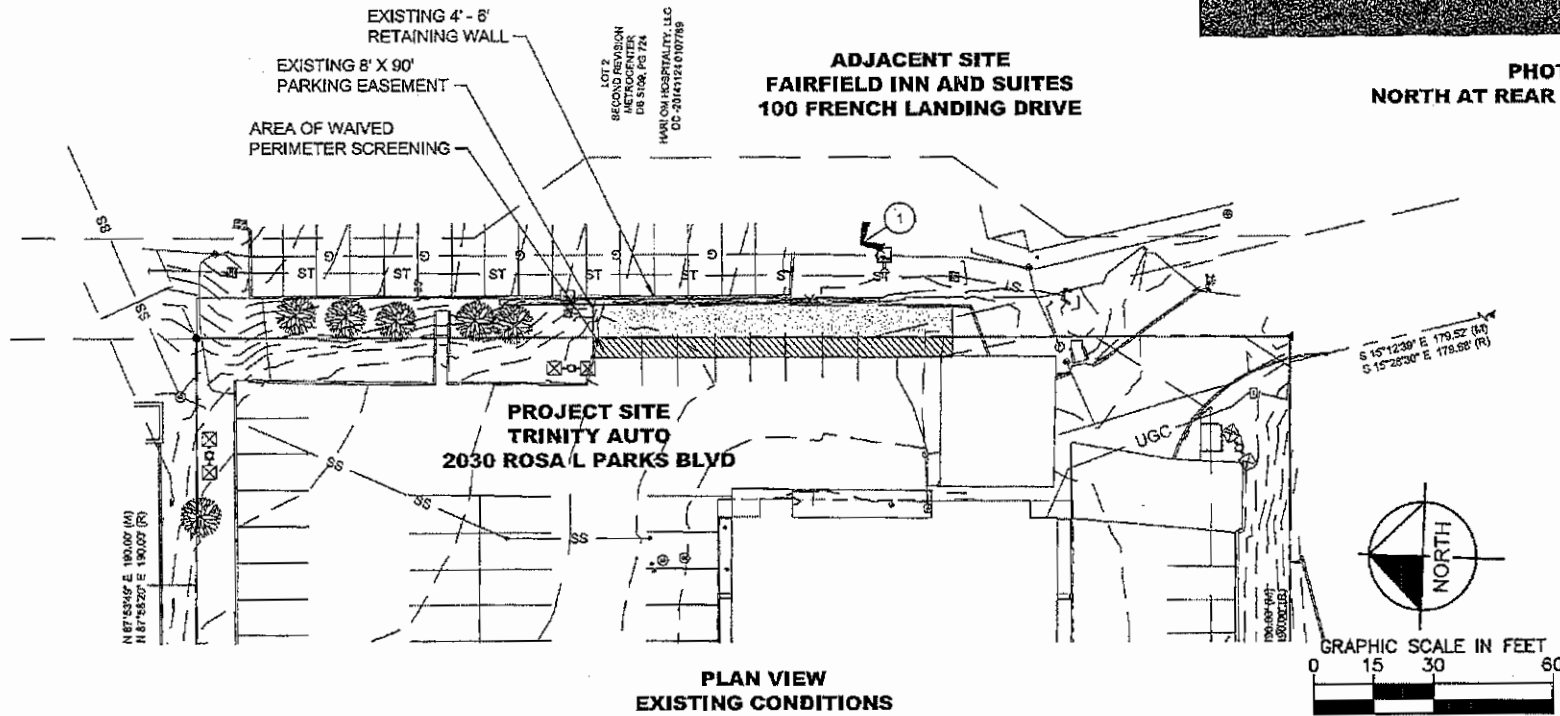


PHOTO 1
NORTH AT REAR PROPERTY LINE

EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

Kimley»Horn

2030 ROSA L PARKS BLVD, DAVIDSON COUNTY, NASHVILLE, TN 37228

AUGUST 7, 2018

Case #2018-504



August 20, 2018

Mr. David Ewing
Chairman
Metropolitan Board of Zoning Appeals
Metro Office Building
Nashville, TN 37219

**RE: *Variance Requests – Sidewalk and Perimeter Landscaping
2030 Rosa L. Parks Blvd.***

Dear Mr. Ewing,

On behalf of our client, Richard A. Lewis, we are submitting a Variance Request for the proposed redevelopment of the existing Trinity Automotive, located at 2030 Rosa L Parks Blvd, Map 081, Parcel 900. The variances requested are as follows:

1. **Sidewalk Variance** – The adopted Master Collector and Street Plan (MCSP) identifies a standard ROW section including 6' bikeway width, 6' grass strip width, and 8' sidewalk width. The Applicant proposes to use the existing 9' sidewalk and 8' bikeway (6' striped lane + 2' shoulder to gutter line) as is rather than building a new 8' sidewalk with 6' grass strip behind curb as outlined in the MCSP and BL2016-493. This proposal does not include any modification or disturbance to existing features within ROW or the dedication of additional ROW. This variance is requested for the following reasons and hardships:
 - a. **Topographic Hardship:** Due to steep slopes at the southern property frontage, the addition of ROW and sidewalk width will require approximately 250 sf of retaining wall with subgrade reinforcement materials that will likely encroach into the TDOT ROW. TDOT is resistant to accepting retaining walls in their ROW.
 - b. **Infrastructure Hardship:** The construction of a new sidewalk will severely impact existing city and municipality owned infrastructure resulting in relocation and re-working of large storm water and electric service lines that service several businesses up-and-down Rosa Parks Blvd. Additionally, the new sidewalk would require the relocation of TDOT street lighting and the existing 60' tall pylon sign.
 - c. **Existing Conditions:** The existing conditions feature a sidewalk of 9' width along the entire property frontage (larger than current code requires), and an 8' bikeway (6' striped lane + 2' shoulder to gutter line) on pavement. The existing conditions provide very accessible 2-way pedestrian traffic on the sidewalk and the recently installed TDOT bike lane not only provides safe conditions for bikers, but is an excellent buffer for pedestrian traffic from the vehicular traffic. The existing conditions substantially provide all of the benefits of the new sidewalk section.

These items are also outlined in the attached Exhibit 1. Considering these hardships, using the existing sidewalk section, with the addition of a 10' perimeter landscape strip behind the sidewalk will meet the intent of the sidewalk ordinance, maintain consistency with adjacent

sidewalk network, and provide a safe means of alternate transportation methods for the Metrocenter community. For the reasons outlined above, we ask that the Board of Zoning Appeals consider and grant our request to use the existing 9' sidewalk and 6' bikeway with redevelopment of this parcel.

2. **Perimeter Parking Screening Variance** – Code 17.24.150.B requires a perimeter landscape strip to separate parking areas from adjacent property lines. Applicant requests a waiver of perimeter parking area screening along a portion of the rear eastern property line for a length of 90' that coincides with the existing 90' x 8' parking easement on the adjacent property (Parcel 08104003700). The applicant intends to continue using the existing parking easement as it is used currently. This parking area is also elevated by an existing retaining wall approximately 6' from the adjacent property's average grade at the face of wall which inherently provides sufficient screening as confirmed by code verbiage in 17.24.150.A.3. Waiving perimeter screening in this circumstance is also consistent with the intent of Code 17.24.150.E which applies to conditions where easements are in place that make the relationship of parking areas with nearest property line unique. These circumstances are illustrated in the attached Exhibit 2.

With this letter, please find the attached items:

1. Variance Exhibits 1 and 2
2. \$200 Submittal Fee check
3. Variance request application

Please contact me at (615) 564-2711 or philip.neal@kimley-horn.com should you have any questions. Thank you and we look forward to working with you on this project.

Sincerely,



Philip Neal, P.E.

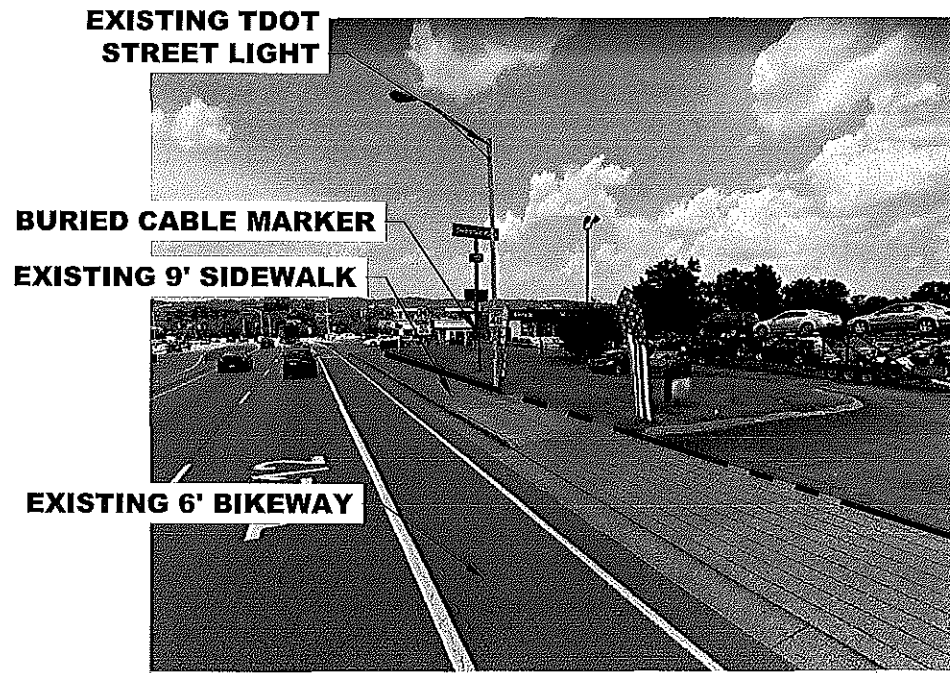


PHOTO 1
NORTH ALONG ROSA L PARKS BLVD



PHOTO 2
SOUTH ALONG ROSA L PARKS BLVD

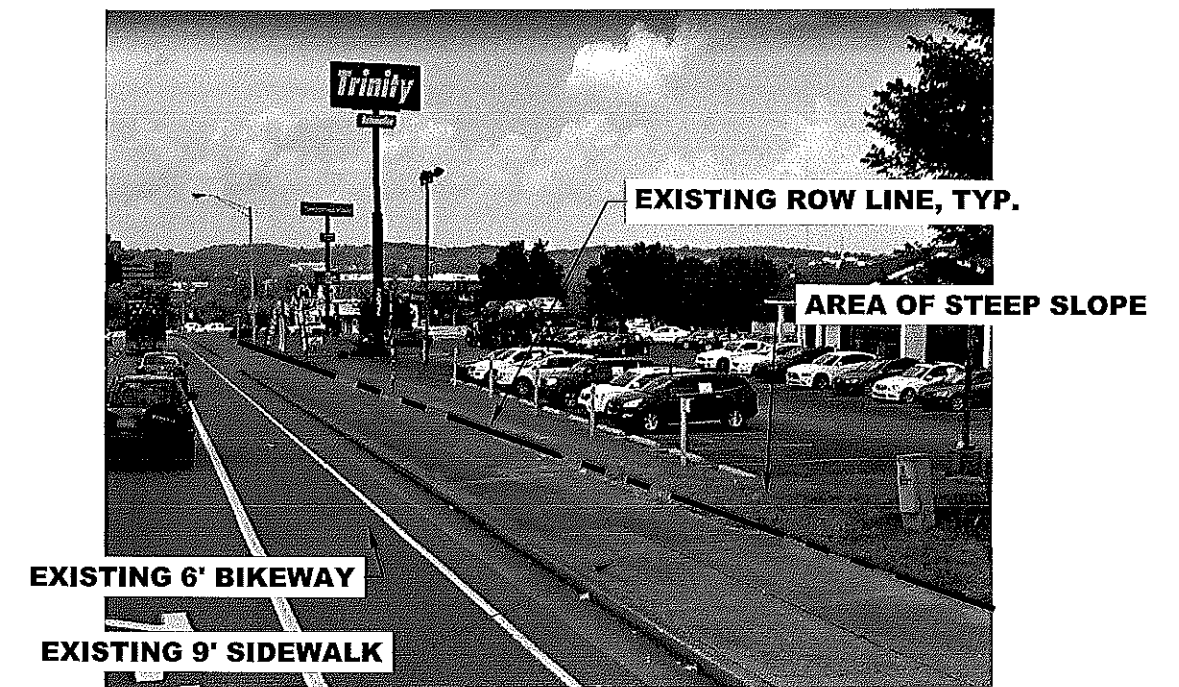
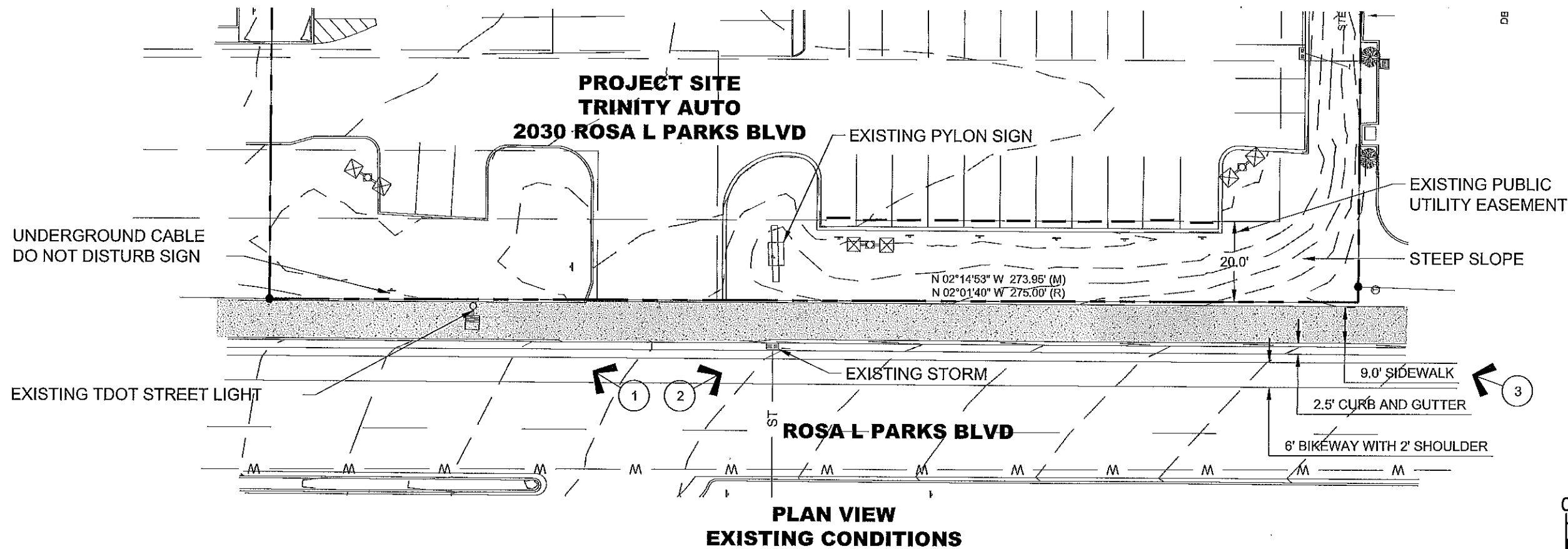


PHOTO 3
NORTH ALONG ROSA L PARKS BLVD



PLAN VIEW
EXISTING CONDITIONS

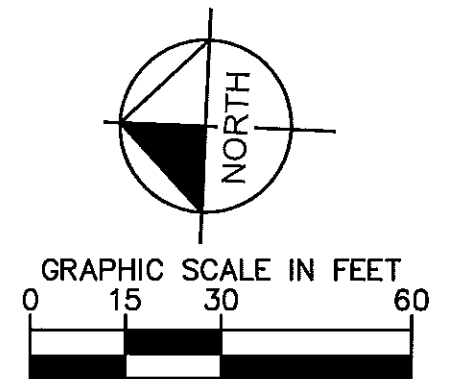
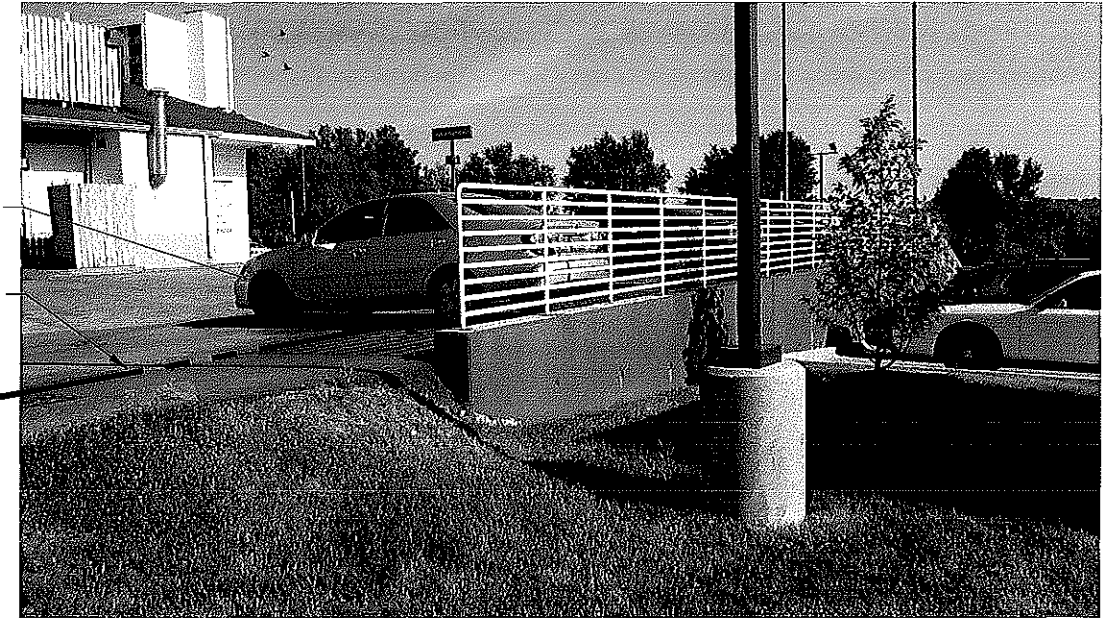


EXHIBIT 1 - SIDEWALK VARIANCE

Kimley»Horn



PARKING EASEMENT

PROPERTY LINE

ADJACENT SITE
FAIRFIELD INN AND SUITES
100 FRENCH LANDING DRIVE

PHOTO 1
NORTH AT REAR PROPERTY LINE

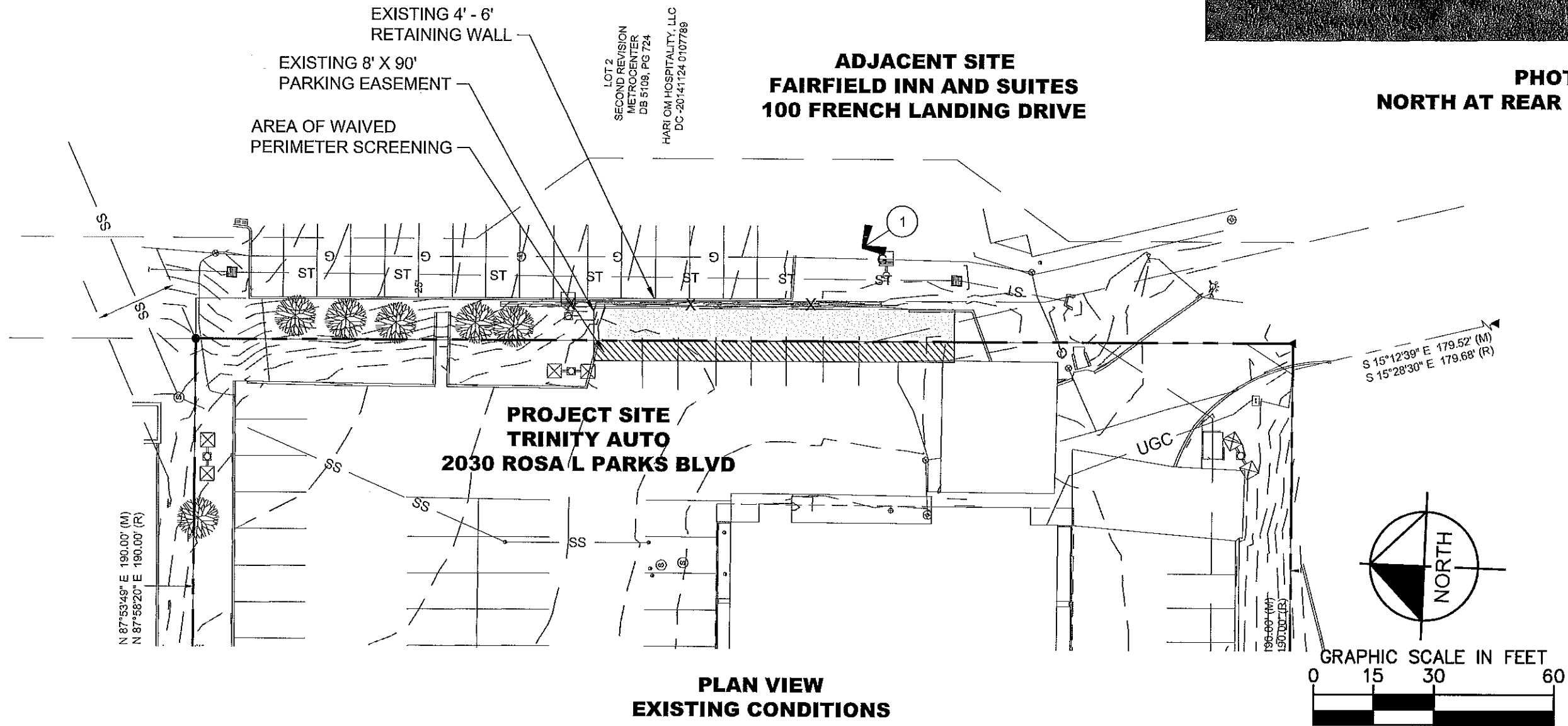


EXHIBIT 2 - PERIMETER PARKING SCREENING VARIANCE

Kimley»Horn

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-504 (2030 Rosa Parks Boulevard)

Metro Standard:	6' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not upgrade sidewalks; construct a 10' landscape buffer behind existing sidewalks
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	T3-M-AB4-LM
Transit:	400' from #42 – St. Cecilia/Cumberland
Bikeway:	Existing Bike Lane

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant proposes constructing two commercial buildings to accommodate two restaurants and four retail businesses, and requests not to construct sidewalks to the Arterial-Boulevard standard due to the presence of an existing sidewalk along the frontage of the site, steep slopes, and the potential encroachment into the clear zone of TDOT right-of-way. Planning evaluated the following factors for the variance request:

- (1) A 9' sidewalk with no grass strip exists, as well as an 8' bike lane, along Rosa Parks Boulevard for the entire block from Vantage Way to 3rd Avenue North.
- (2) The applicant proposes constructing a 10' landscape buffer behind the existing sidewalk. This infrastructure would ideally separate the travel lanes from the sidewalk. Along an Arterial-Boulevard in this location, this solution does not contribute to a more comfortable walking environment.

Given the factors above, staff recommends **disapproval and recommends that the applicant construct the sidewalks to the Major and Collector Street Plan standard for the property frontage along Rosa L. Parks Boulevard. If the Board of Zoning Appeals finds that the variance should be granted based on the Review Standards of Section 17.40.370 of the Metro Zoning Code, staff recommends that the applicant pay the in-lieu contribution and dedicate right-of-way for future sidewalk construction.**



METROPOLITAN COUNCIL

Member of Council

DeCosta Hastings

Metro Councilman District 2

2412 14th Avenue North • Nashville, TN 37208

Telephone 615-779 1565 • decosta.hastings@nashville.gov

October 17, 2018

Chairman, David Ewing and Members
Metropolitan Board of Zoning Appeals
2601 Bransford Avenue
Board of Education Meeting Room
Nashville, TN 37204

**RE: Appeals Case No. 2018-504
2030 Rosa L. Parks Blvd.**

Dear Mr. Ewing and Members,

I am writing to express my support of the above reference Case No. 2018-504, requesting variances from sidewalk and landscape requirements in the CS District, to construct two commercial buildings without upgrading the existing sidewalks.

I have not meet with any opposition of this request.

Thank you for your attention in this request and I sincerely appreciate your service to Metro Nashville.

Regards,

A handwritten signature in black ink, appearing to read "DeCosta Hastings".

DeCosta Hastings, Councilmember
Metro Council, District 2

DH/dc

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Olajinka Onadeko Date: 6/5/18

Property Owner: IC U

Case #: 2018-369

Representative: " "

Map & Parcel: 82-8-285

Council District 5

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

Purpose:

Construct Duplex attached to rear of Bldg

Activity Type:

Medical Office + Duplex

Location:

720 McFerrin Av N.E., 37208

This property is in the CN 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:

Not to Install + Not to Contribute

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.

Completed and witnessed, Date

de kornel@msn.com

Print Applicant's e-mail address

Dr. Olajinka Onadeko
Name (Please Print)

[Signature]
Signature

413 Hampstead S.
Mailing Address

Antioch, TN 37013
City, State, Zip Code

615-973-8940
Phone Number

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

Appeal Fee: \$ 200⁰⁰

- ① H2C
- ② P.G.
- ③ Storm water



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



3518654

**APPLICATION FOR BUILDING COMMERCIAL - ADDITION / CACA - T2018031127
THIS IS NOT A PERMIT**

PARCEL: 08208028500

APPLICATION DATE: 05/31/2018

SITE ADDRESS:

720 MCFERRIN AVE NASHVILLE, TN 37206
LOT 11 J W HART ADDITION

PARCEL OWNER: ONADEKO, OLAYINKA ET UX

APPLICANT:**PURPOSE:**

EXISTING APPROX 1400 SQFT DUPLEX.

****SEE 2018-031953....

1....RENOVATE THE EXISTING BLDG AND CONVERT TO MEDICAL OFFICE.....UZO....NO PARKING REQUIRED FOR THE MEDICAL OFFICE.

*****THIS PERMIT.....

TO CONSTRUCT A NEW ONE STORY APPROX 1400 SQFT ADDITION ATTACHED TO REAR TO BE USED AS A DUPLEX.
UZO...REQUIRED 3 PARKING FOR THE DUPLEX.

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

***COMMERCIAL PROJECT OVER \$25,000 REQUIRES THAT THE PERMIT BE ISSUED TO A LICENSED CONTRACTOR.

DENIED:

SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE.

***REQUEST....NOT TO INSTALL....AND NOT TO CONTRIBUTE...17.20.120

POC:

DR. OLAYINKA ONADEKO 615-973-8940

dekomd@msn.com

*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		
[A] Site Plan Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[D] Grading Plan Review For Bldg App BZA Hearing	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov 615-862-6505 Debbie.Lifsey@nashville.gov
[E] Cross Connect Review For Bldg App	COND	615-566-9388 steve.edwards@nashville.gov
[E] Water Availability Review For Bldg	IGNORE	615-566-9388 steve.edwards@nashville.gov
[E] Water Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Availability Review For Bldg	IGNORE	615-566-9388 steve.edwards@nashville.gov
[E] Sewer Variance Approval For Bldg	N/A	615-566-9388 steve.edwards@nashville.gov

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 the case number. Fold and insert the 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

6/5/18

DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

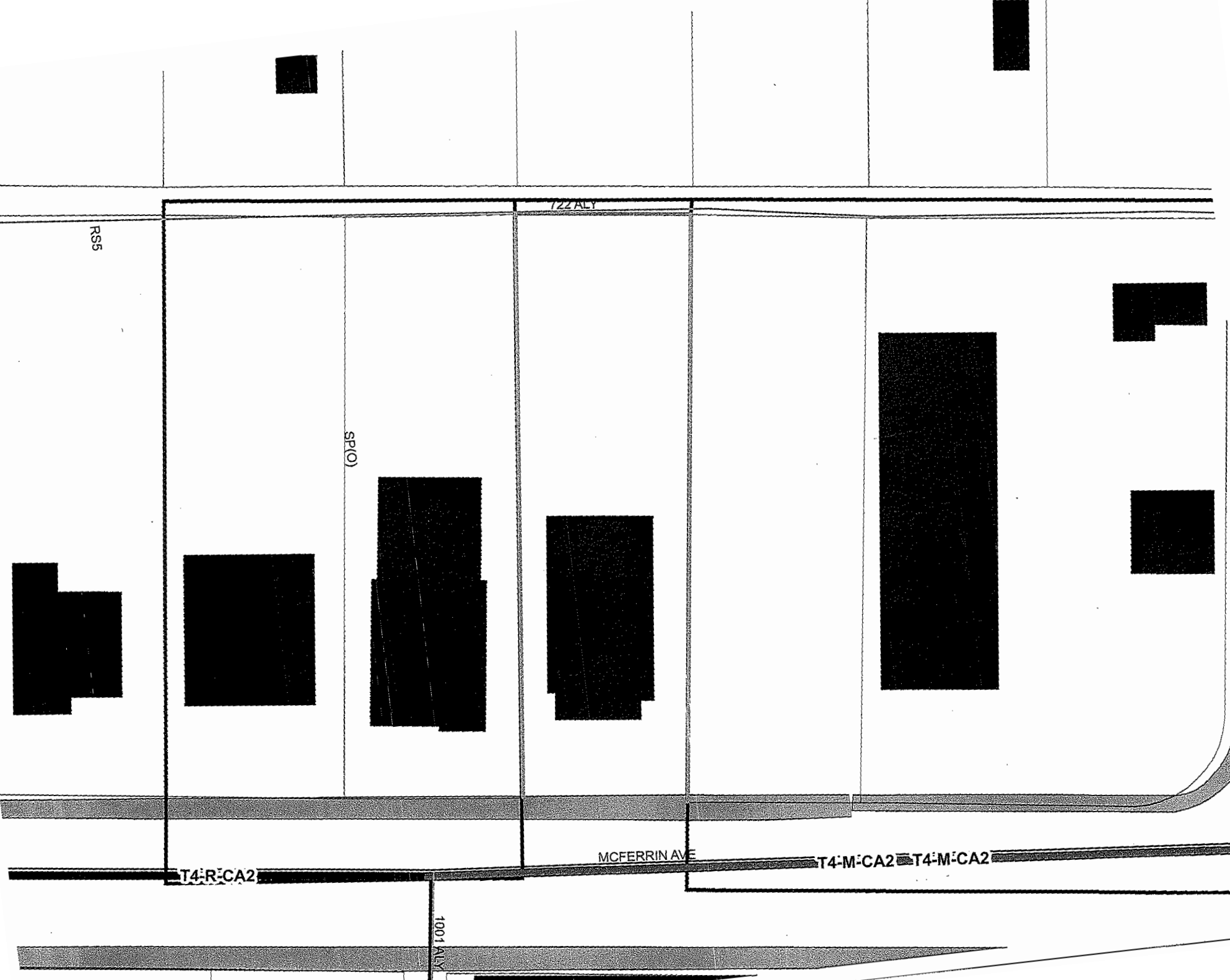
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Sidewalks exist

r construction to rear



RSS

722 ALY

SP(O)

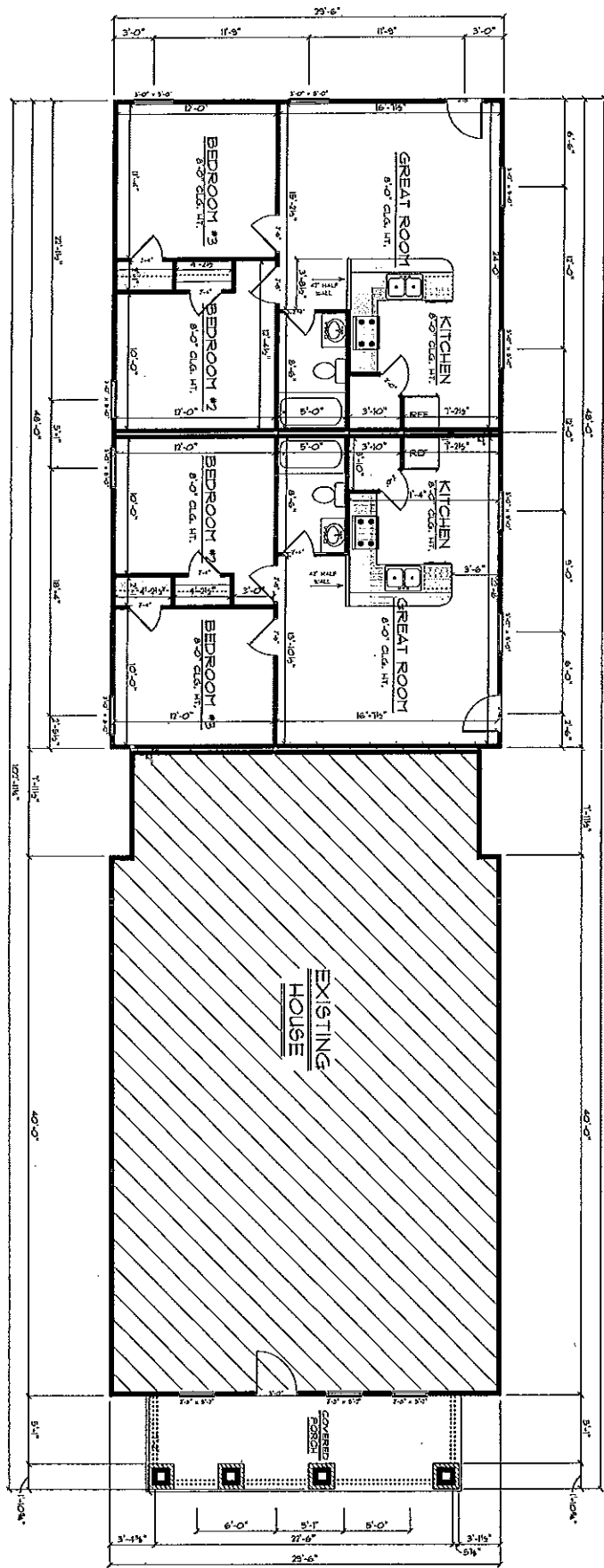
MCFERRIN AVE

T4-R-CA2

T4-M-CA2 T4-M-CA2

1001 ALY

1ST FLOOR PLAN



PLAN NOTES:
 1. THE RESPONSIBILITY OF THE DESIGNER TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT AND PROVIDER TYPES PRIOR TO CONSTRUCTION. PROVIDER AND VERIFY THE CONDITIONS AND ALL DIMENSIONS SHOWN ON THIS DRAWING.

- EXHIBIT NOTES:**
1. ALL DIMENSIONS TO FACE OR FINISH.
 2. EXTERIOR WALLS DIMENSIONED @ 3/4" FT.
 3. INTERIOR WALLS DIMENSIONED @ 3/4" FT.

Main Floor Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

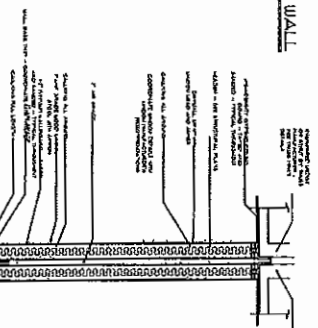
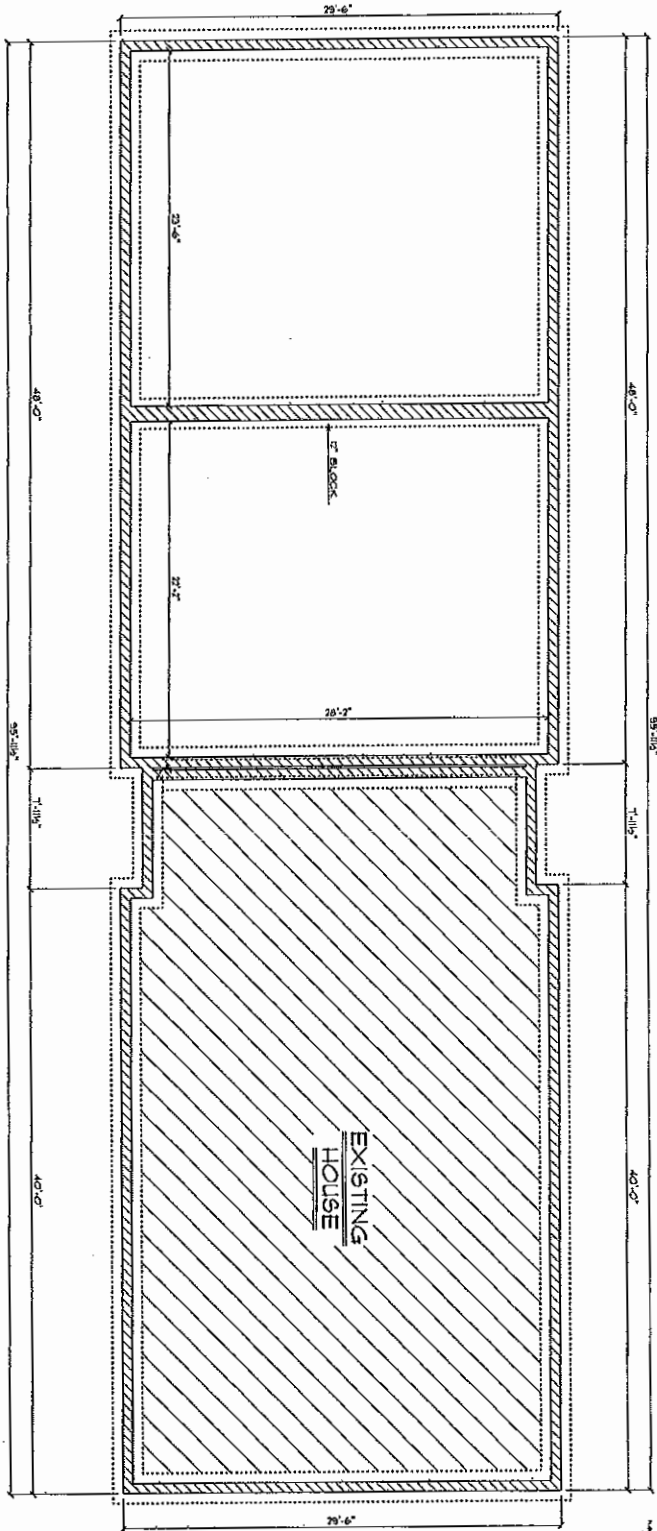
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Exl. Footage	1320 SF
Main	628 SF
Second	264 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY CONSTRUCTION PRACTICE OR EXCEEDS ALL CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND SYSTEMS WITH THE PLUMBING, AND FINISHES OF THE HOME.



FOUNDATION
 IT IS THE RESPONSIBILITY OF THE BILLER TO VERIFY
 THE ACCURACY OF THE INFORMATION ALL LOCAL
 CODES AND REGULATIONS ARE OBSERVED AND ALL
 DECISIONS MADE PRIOR TO CONSTRUCTION.



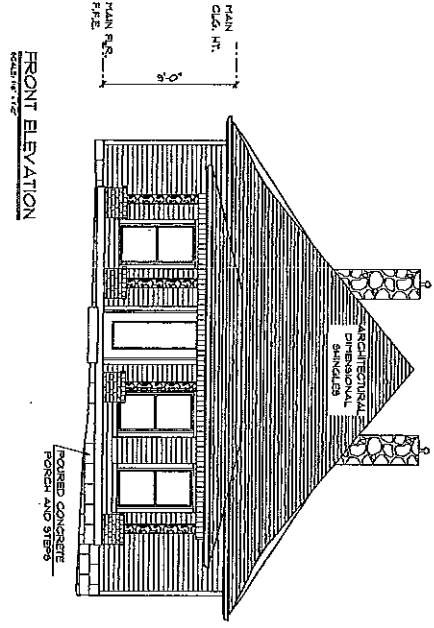
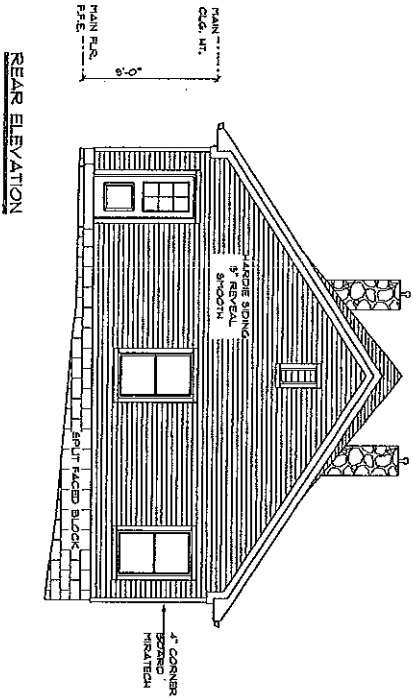
A-2

Foundation Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, TN

Ext. Footage	1320 SF
Main	1220 SF
Total	2540 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN
 CONSTRUCTION PERMITS OR ENFORCE ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, ELECTRICAL, PLUMBING AND SYSTEMS
 WITH THE FOUNDATION AND ASSEMBLY OF THE HOME.



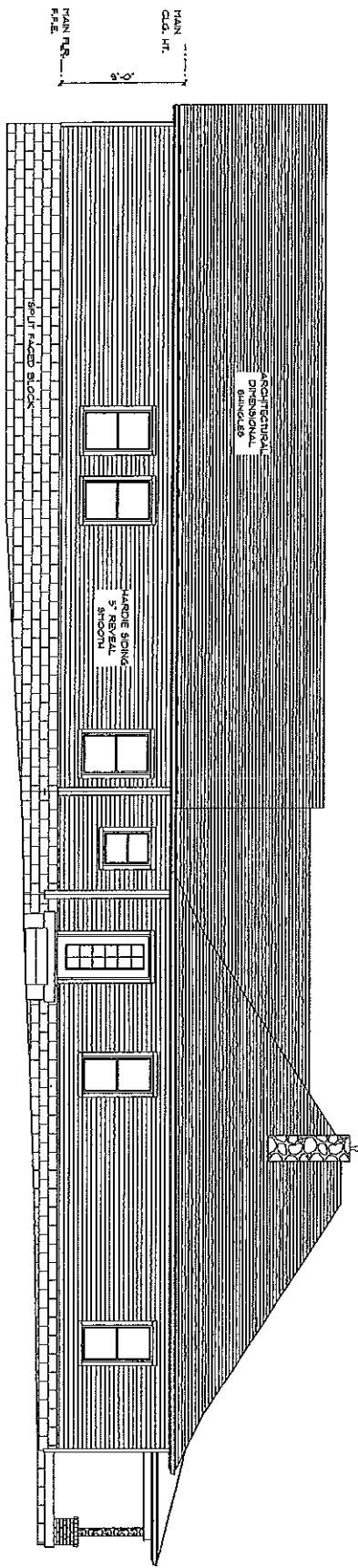
A-3

Front and Rear Elevations
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

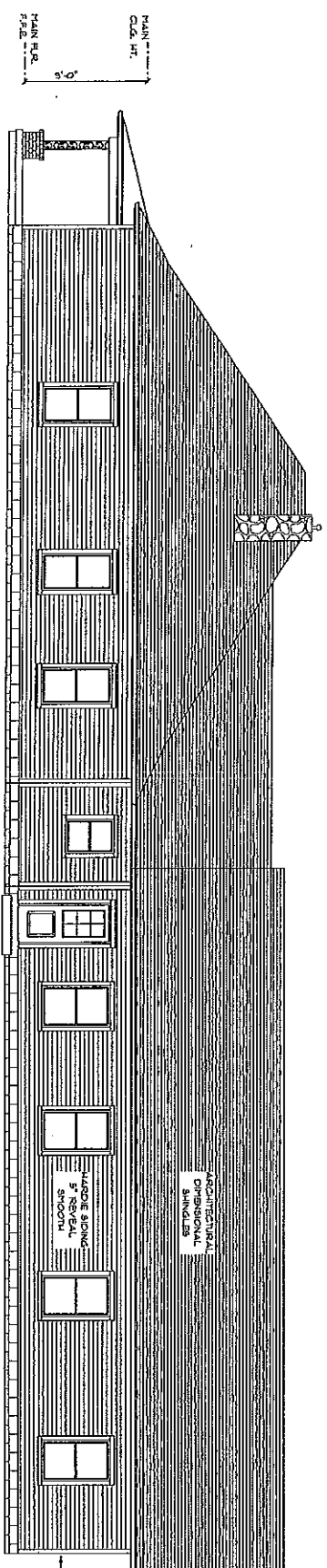
OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Est. Footage	1320 SF
Main	1320 SF
Second	1320 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE
 CONSTRUCTION PERFORMS TO EXCEED ALL CODES.
 IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE
 ALL MECHANICAL, ELECTRICAL, AND SYSTEMS
 WITH THE ARCHITECTURAL AND AESTHETICS OF THIS HOME



LEFT ELEVATION



RIGHT ELEVATION

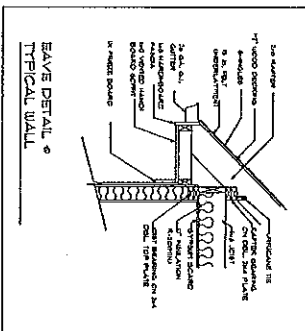
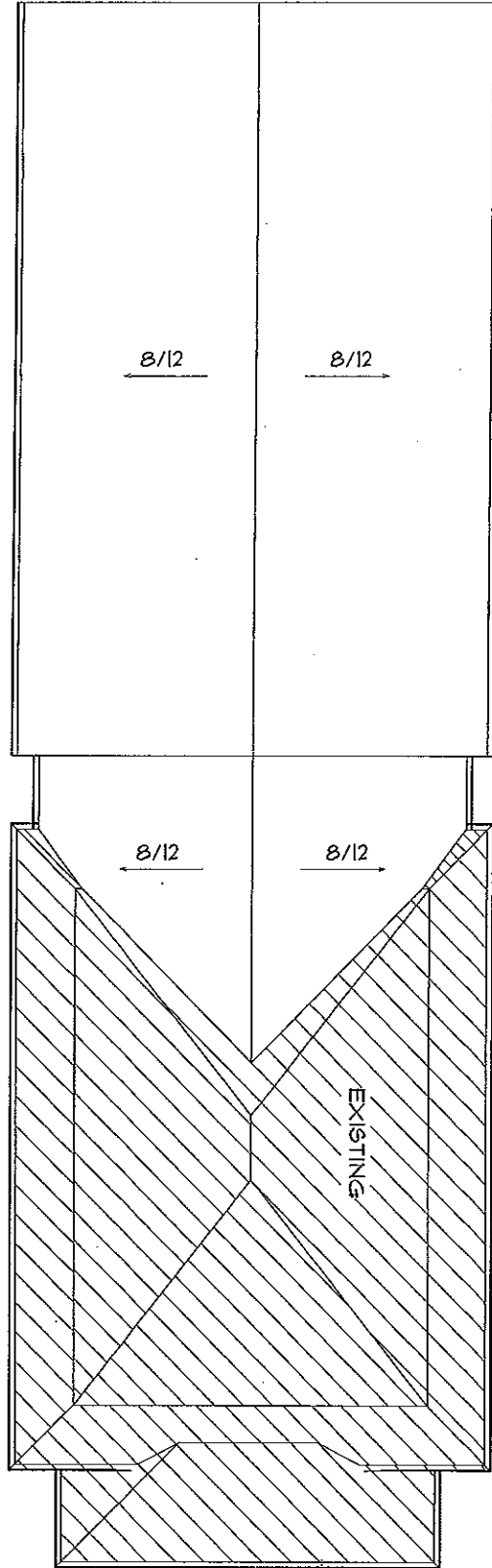
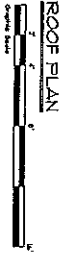


Ext. Footage	
First	1320 SF
Second	1320 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE CONSTRUCTION MEETS OR EXCEEDS ALL CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL MECHANICAL, STRUCTURAL, ELECTRICAL AND SYSTEMS WITH THE PROGRAMME AND AESTHETICS OF THIS PROJECT.

OLAYINKA ONADEKO
 120 McFerrin Ave.
 Nashville, Tn 37206

Right and Left Elevations
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x11" PAPER



A-B

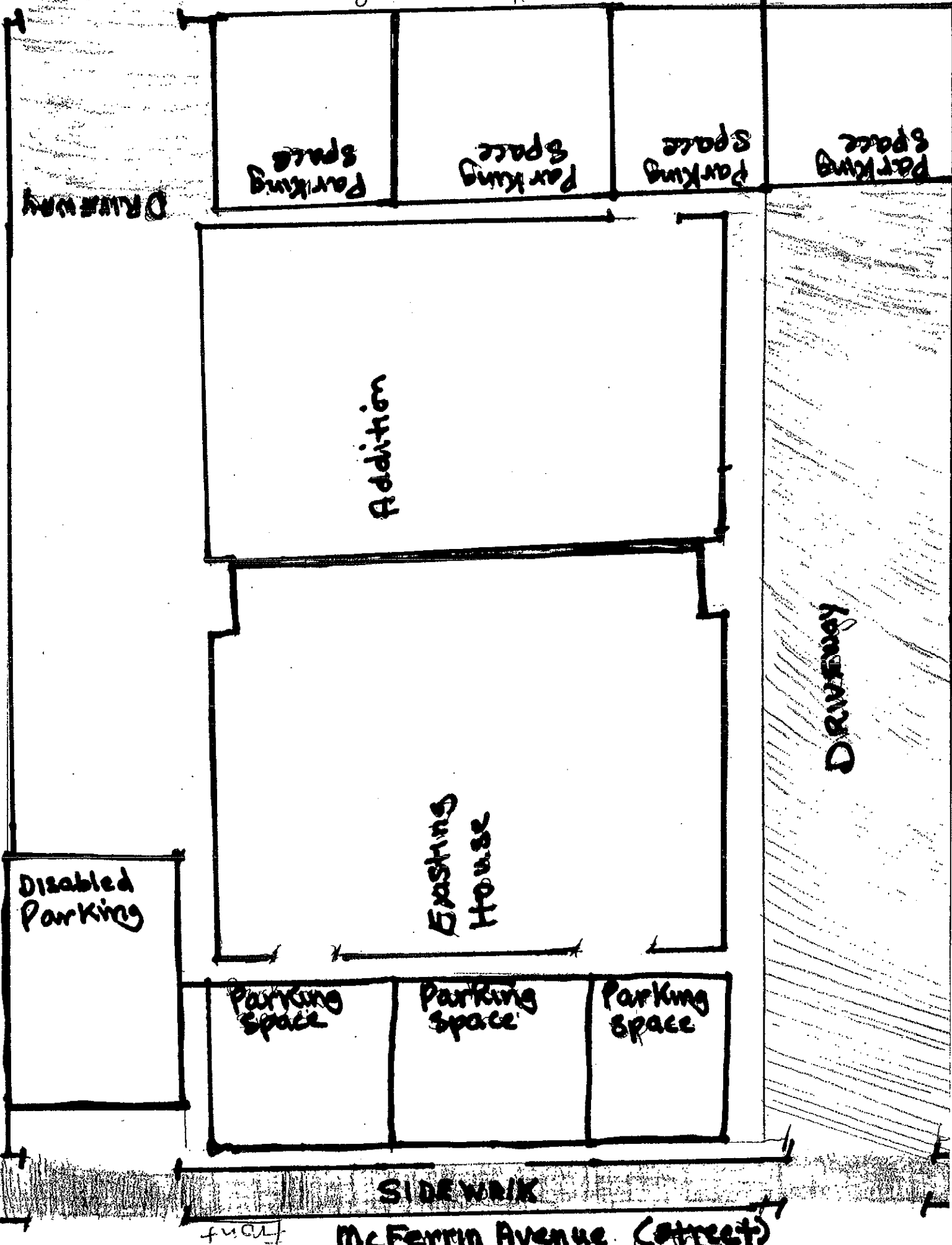
Roof Plan
 Scale 1/4" = 1' ON 24"x36" PAPER
 Scale 1/8" = 1' ON 11"x17" PAPER

OLAYINKA ONADEKO
 720 McFerrin Ave.
 Nashville, Tn 37206

Excl Footage	1370 SF
First	1320 SF
Second	2640 SF
Total	2640 SF
Covered Porch	130 SF

THESE DRAWINGS ARE FOR DESIGN INTENT ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE CONSTRUCTION MEETS OR EXCEEDS ALL CODES. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE ALL MECHANICAL, STRUCTURAL, ELECTRICAL, AND HYDRAULIC WITH THE ARCHITECTURAL AND ASPECTS OF THIS PROJECT.

Alley Back



Disabled Parking

Addition

Existing House

Parking Space

Parking Space

Parking Space

Parking Space

Parking Space

Parking Space

Parking Space

Driveway

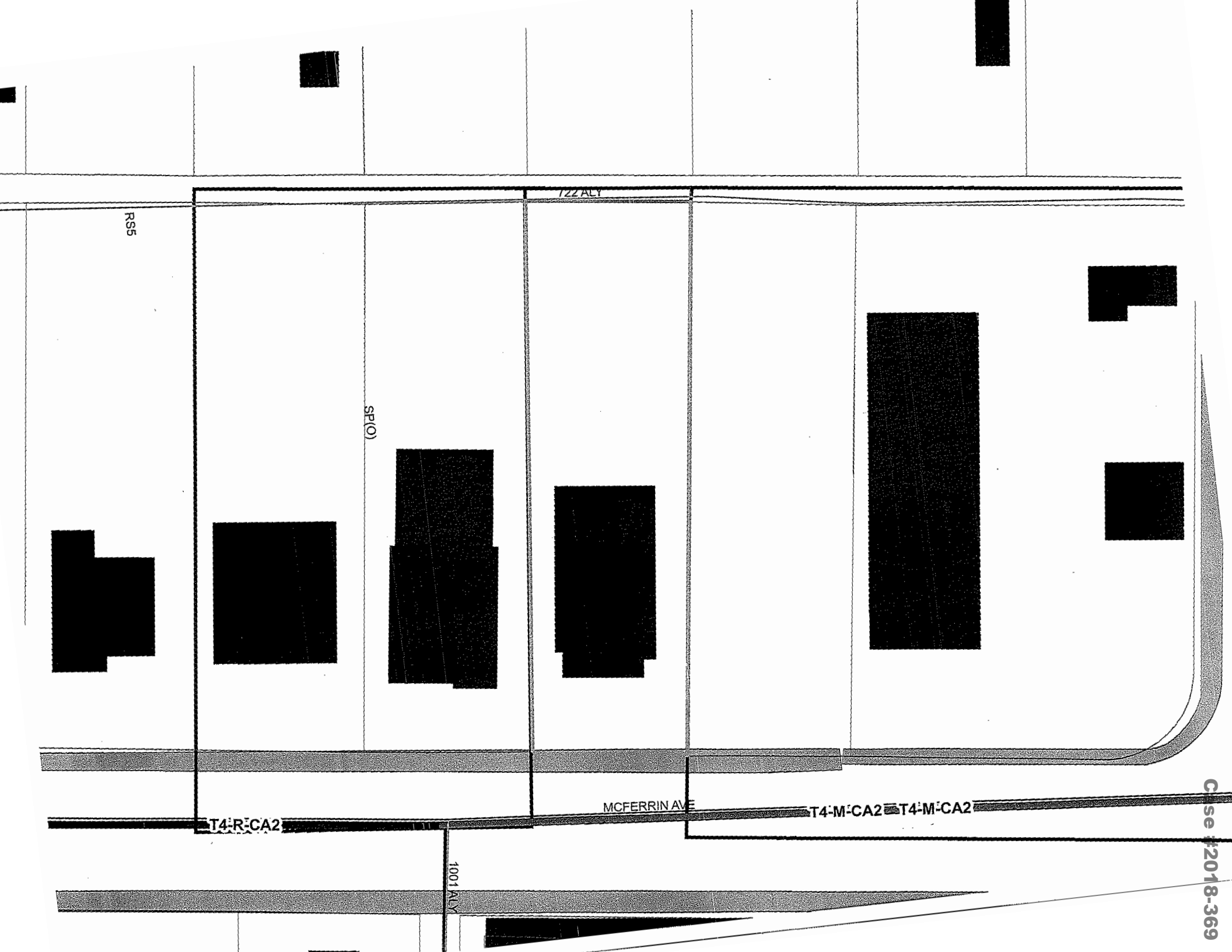
SIDEWALK

McFerrin Avenue (Street)

Front

sidewalks exist





RSS

122 ALY

SP(O)

MCFERRIN AVE

1001 ALY

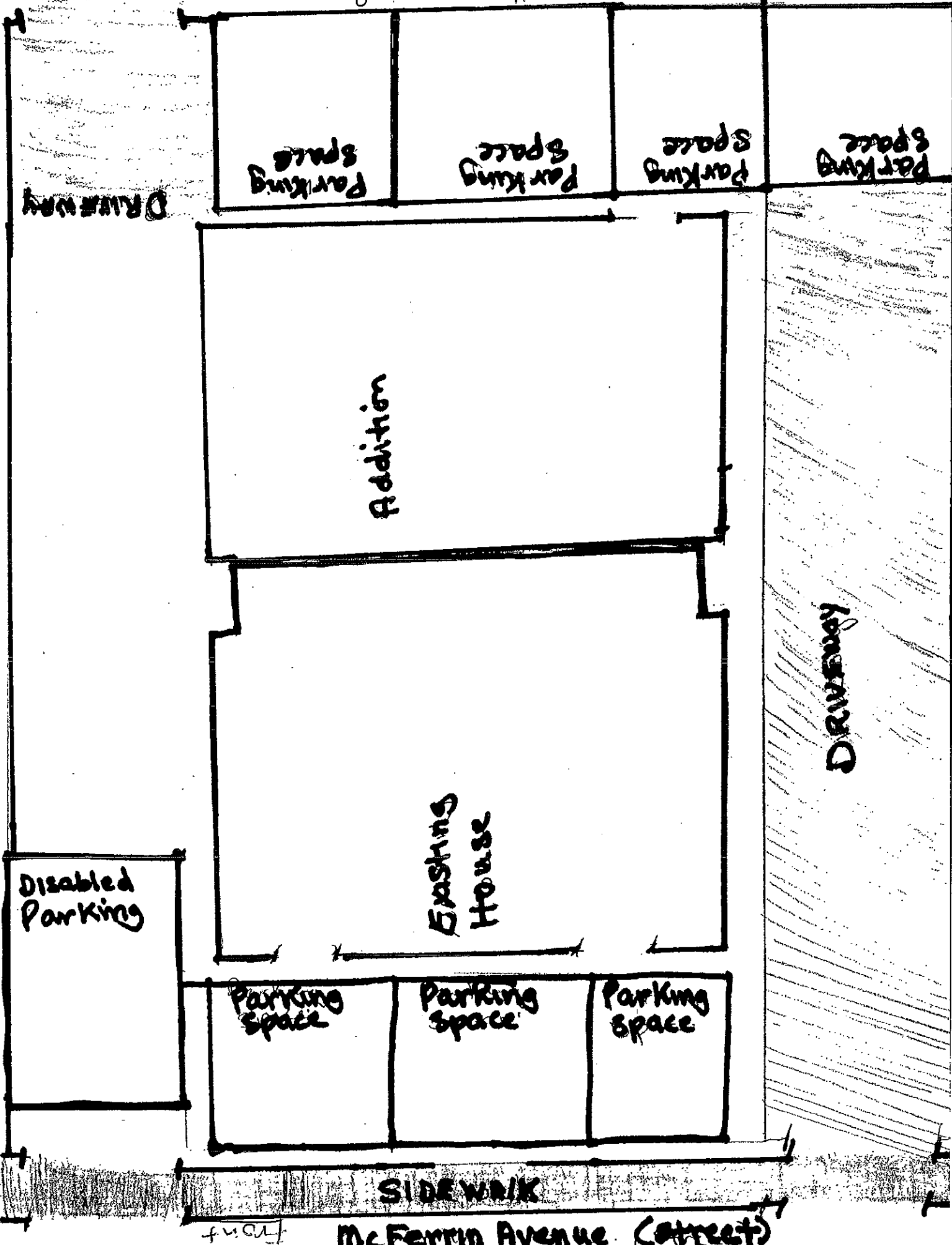
T4-R-CA2

T4-M-CA2

T4-M-CA2

Back

Alley



Driveway

Addition

Existing House

Driveway

Disabled Parking

Parking Space

Parking Space

Parking Space

SIDEWALK

McFerrin Avenue (Street)

Front

sidewalks exist



02/26/2018

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Olayinka Onadeko APPEAL CASE 2018-369
720 McFerrin Avenue
Map: 82-8 Parcel: 285
Zoning Classification: CN

ORDER

This matter came to be heard in public hearing on 7/19/2018, before the Metropolitan Board of Zoning Appeals, upon application for a variance from sidewalk requirements without upgrading the sidewalk.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- 1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- 2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.
- 3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted, subject to the following conditions: Appellant shall follow Planning's recommendations.

UPON MOTION BY: David Ewing

Seconded by: David Harper

Ayes: Alma Sanford, Christina Karpynech

Nays:

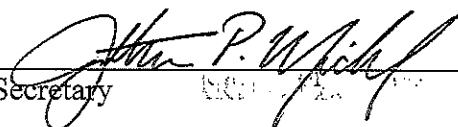
Abstaining:

Absent: Cynthia Chappell, David Taylor, Richard King

ENTERED THIS 24th DAY OF July, 2018

METROPOLITAN BOARD OF ZONING APPEALS


Chair


Secretary

DAVID BRILEY

MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

July 12, 2018

Board of Zoning Appeals
c/o Jon Michael

RE: 720 McFerrin Avenue

Dear BZA:

Staff with the MHZC support the request to continue the existing sidewalk at 720 McFerrin in the Maxwell Heights Neighborhood Conservation Zoning Overlay with the same dimensions in the existing location because of the established historic pattern; however, but we do not support the request for front-yard parking as front-yards are not used for parking in this historic district. The parking was not included on the site plan given to us for our review when the addition was proposed.

The majority of homes on this block are contributing buildings, which means there will be few projects that will trigger the new sidewalk dimensions anywhere else on this block-face. If this project is required to adhere to the new standards, there would be one section that did not match the existing sidewalk design.

Because our role is to review design, we are not taking a position on whether or not the applicant should pay in-lieu-of fees or whether or not the existing sidewalk should be repaired or replaced.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Zeigler".

Robin Zeigler
Historic Zoning Administrator

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-369 (720 McFerrin Avenue)

Metro Standard:	4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (not eligible)
Community Plan Policy:	T4 NC (Urban Neighborhood Center)
MCSP Street Designation:	T4-M-CA2
Transit:	#30 – McFerrin
Bikeway:	Minor Protected Bike Lanes per WalknBike

Planning Staff Recommendation: *Approval with conditions*

Analysis: The applicant is renovating the existing single family home on the property as a medical office, and constructing a new one-story addition at the rear of the existing building to be used as a duplex, and requests not to upgrade sidewalks due to existing sidewalks the fact that the existing building will remain. Planning evaluated the following factors for the variance request:

- (1) 6' sidewalks with no grass strip currently exist on the property frontage. This is consistent with the street and block face.
- (2) Ideally, a Collector-Avenue will include a grass strip to accommodate signs, utility poles, and other obstructions. In this instance, the sidewalk design is well-established with adjacent on-street parking, which provides additional buffer for pedestrians in a more urban context. A contribution in-lieu of construction will supplement Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property.

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

1. The applicant shall contribute in lieu of construction for the property frontage.

From: [David Kern](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Cc: [Davis, Scott \(Council Member\)](#)
Subject: Please deny Appeal of 2018-369 for 720 McFerrin
Date: Tuesday, June 19, 2018 12:12:44 PM

Dear Board of Zoning Appeals,

Please deny Appeal of 2018-369 for 720 McFerrin. I own a property right around the corner and desperately feel the need for sidewalks and community improvements. Quality sidewalks are vital for safety and needed for this part of town. Please do not make exceptions to the new law. The new plan will improve the look and feel of our part of town with better sidewalks. This particular area is near many restaurants and high density housing projects both of which produce many pedestrians.

Thank you for your consideration and help with this,

David Kern

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Regions Bank Date: 7/24/18
Property Owner: Pinnacle Nashville Case #: 2018-479
Representative: Juneid Odebeke Map & Parcel: 93-6-1 103.00

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: BLDG - Sign Permit 18-055052
was not issued in compliance with
DTC

Activity Type: Office Bldg Sky Line Sign

Location: 150 4th Ave N, N.T. 37219

This property is in the DTC 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

Section(s): 17, 40, 180A

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.

Regions Bank
Appellant Name (Please Print)

Address

City, State, Zip Code

Phone Number

Email

Juneid Odebeke
Representative Name (Please Print)

Bradley Arcant Boulton Cummings LLP
Address

N.T. 37203
City, State, Zip Code

615-252-4635
Phone Number

jodebeke@bradley/
Email con.

Appeal Fee: 2000



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



3538143

ZONING BOARD APPEAL / CAAZ - 20180043188
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09306110300

APPLICATION DATE: 07/24/2018

SITE ADDRESS:

150 4TH AVE N NASHVILLE, TN 37219
LOT 1 ONE NASHVILLE PLACE

PARCEL OWNER: PRIM ONE NASHVILLE PLACE, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

BZA--ITEM A APPEAL....CONCERNING ZONING ISSUANCE OF WEWORK SKY LINE SIGN.

POC: JUNAID ODUBEKO

615-252-4635

jodubeko@bradley.com

see permit 2018-005002:

SIGN PERMIT FOR WEWORK...."Sign permit for WeWork..... Request two skyline signs at 49'x5' each in DTC approved under 2017-010076 and approved again using an alternate square footage calculation approved by MDHA DRC on February 20, 2018....."

1....SEE DRC APPROVAL: MDHA: PARKER BROWN..615-252-3750.

2...EXTERNAL ILLUMINATION NOT ALLOWED.

3...ul numbers....E 72418982 - 995.

4....*** NEED TO COMPLY WITH MDHA APPROVED 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.

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 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 the case number. Fold and insert the 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 your request and the reasons for this 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 a non-conforming or non-complying structure, it is your job to explain to the 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 the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

7/24/18
DATE



Junaid Odubeko
jodubeko@bradley.com
615.252.4635 direct

July 24, 2018

Jon Michael
Secretary
Metropolitan Board of Zoning Appeals
800 Second Avenue South
Nashville, Tennessee 37210

Re: Proposed Skyline Signage at 150 4th Avenue North (Parcel ID # 09306110300)

Dear Jon:

I represent Regions Bank, an Alabama state banking association (“Regions”), in connection with the issuance of a Building Sign Permit, CASN 2018005002, issued on February 21, 2018 (the “Permit”), by the Department of Codes and Building Safety (“Metro Codes”). A copy of the Permit is attached hereto as **Exhibit A**. The Permit authorizes the placement of two 49' by 5' 10" skyline signs for WeWork on the One Nashville Place building located at 150 4th Avenue North, Parcel ID # 09306110300 (the “Subject Property”). Regions appeals the decision by Metro Codes to issue the Permit pursuant to Section 17.40.180A of the Zoning Code and Tennessee Code Annotated 13-7-207.

Facts

Regions has leased the Subject Property since 2013. As a tenant, Regions obtained a building-sign permit for two skyline signs totaling 990 square feet of signage.

WeWork became a tenant at the Subject Property in 2017. On February 13, 2017, WeWork first applied for a permit to erect two 45' by 11' skyline signs. The application for a permit was denied in part by Metro Codes because the signage required approval of the design review committee established by the Metropolitan Development and Housing Agency (“MDHA”) and because the signage exceeded the design standards for skyline signs because they exceeded 60% of the width of the building façade. MDHA’s design review committee reviewed and approved the initial WeWork signage on May 16, 2017. On August 4, 2017, Regions appealed the issuance of the permit to WeWork before the Board of Zoning Appeals. In the appeal, Regions argued that the initial permit was issued in error, as the WeWork signage did not comply with the applicable sign standards. The Board of Zoning Appeals heard Regions’ appeal on September 21, 2017. After hearing testimony from both sides, the Board decided that Regions had demonstrated that the permit was issued in error. A copy of the Board’s Order is attached hereto as **Exhibit B**.

Litigation regarding the Board's decision is currently pending in the Chancery Court for Davidson County.

On January 29, 2018, WeWork filed a second application with Metro Codes for approval of two skyline signs. The original application notes that the size of the signs would be 49' by 5' 10" each. WeWork's application was approved by MDHA's design review committee and the Permit was issued by Metro Codes on February 21, 2018.

Regions is aggrieved by the approved issuance of the Permit authorizing the placement of the WeWork Signage on the Subject Property. There is no relationship between Regions and WeWork besides being co-tenants at the Subject Property. However, the combination of the Regions and WeWork signage on the Subject Property will cause public confusion about the relationship between the two companies. To the public, the co-branding of the Subject Property with skyline signs of the same size will signal a business relationship between Regions and WeWork that would be misleading and damaging to Regions' brand.

The WeWork signage Does Not Comply with Section V of the DTC

In approving the WeWork signage, the MDHA's design review committee determined that, under the applicable provisions of the Downtown Code, attachment to Ordinance No. BL 2009-586, as adopted on February 2, 2010 (the "DTC"), the total allowable skyline signage area for the Subject Property is sufficient to allow the addition of the WeWork signage. MDHA's design review committee apparently based its conclusion in part on its interpretation of the DTC as allowing the consideration of non street-facing building facades of the Subject Property in computing the total allowable signage area. This interpretation is in error, however, as it contravenes the plain language of the applicable Code as to what areas an applicant can consider in computing allowable signage area.

Regulation of signage on the Subject Property falls under Section V ("Sign Standards") of the DTC. Under Section V, the Regions signage and the WeWork signage would be classified as skyline signage. Pursuant to Section V, buildings are entitled to 720 square feet of skyline signage per street-facing frontage. The DTC provides, at pages 109 and 110, tables organized by street types. Each street is classified as a street type and is shown on the map entitled "signs: Map of Street Types for Signage Standards" on page 107 of the DTC (the "map"). According to the Map, Commerce Street and 4th Avenue North are both classified as "Pedestrian Street." Notably, the Map shows that the portion of Printer's Alley abutting the Subject Property is not classified as a street type. At page 106, the text of the DTC makes it clear that the "Printer's Alley" street type is limited to the "public, pedestrian-only street with businesses on the ground floor and upper floors." The portion of Printer's Alley that abuts the Subject Property does not fit the description, as it is open to vehicular traffic and does not contain businesses on the ground floor. Consequently, for purposes of calculating the maximum allowable skyline signage allowable for the Subject Property, only two street frontages (Commerce Street and 4th Avenue, North) should have been considered. Relevant portions of Section V of the DTC, including the Map, are attached hereto as Exhibit C. Thus, the maximum allowable skyline signage on the Subject Property is 1,440 square feet (720 square feet per Pedestrian Street multiplied by two qualifying Pedestrian Streets). The

Regions signage currently utilizes 990 of the permitted square footage, and only 450 square feet of additional skyline signage is available for future use at the Subject Property.

In its second permit application, WeWork contended that the total allowable signage space available on the Subject Property was 1,751 square feet, as opposed to 1,440 square feet. WeWork calculated this total square footage by including area for non street-facing signage, as provided on page 105 of the DTC. According to the DTC, non street-facing building facades are allocated 1 square foot of sign area per 1 linear foot of building façade, to a maximum of the sign area permitted for the primary street frontage. Here, the increase in the total signage area would increase the allowable signage to a total of 731 square feet, which would permit the addition of the 587 square feet of the WeWork signage. WeWork's argument on including area for non street-facing signage is clearly in error. Page 117 of the DTC provides for the design standards for skyline signage. The standards clearly limit the maximum area of skyline signage to the tables contained on pages 109-110 of the DTC. The tables found at pages 109-110 do not list non street-facing facades as area allowed in computing total allowable signage. Indeed, the non street-facing provisions are found on page 105—a totally different, and inapplicable, section of the DTC. Thus, to the extent the MDHA's design review committee accepted this interpretation of the permissible signage for the Subject Property, it ignored the plan language of the DTC.

WeWork also argued that the size of the signage should be computed using the method for building-mounted signs found in Section 17.32.160(D) of the Metropolitan Code of Laws, which applies to signs directly attached to facades, windows, doors or marquees. The WeWork Signage is skyline signage and therefore must be computed using the requirements for skyline signs found in Section 17.32.160(C) of the Metropolitan Code of Laws. Section 17.32.160(D) of the Metropolitan Code of Laws allows an applicant to use a combination of shapes to measure the size of a sign, as opposed to using the smallest area of a single shape—as required by Section 17.32.160(C) of the Metropolitan Code of Laws. Measuring the signage by using Section 17.32.160(D), WeWork contended that the size of each sign was 223 square feet (a total of 446 square feet for both signs). By using the appropriate computation method for skyline signs from Section 17.32.160(C) of the Metropolitan Code of Laws, each sign would measure 49' by 5' 10", or 587 square feet—137 square feet more than permissible under Section V. WeWork's permit application makes clear that it is applying for skyline signage and not a building-mounted sign. Therefore the MDHA's design review committee ignored the correct method for computing the size of the signage to the extent it accepted WeWork's argument that the area should be computed under Section 17.32.160(D) of the Metropolitan Code of Laws. A copy of the relevant Code is attached as Exhibit D.

BZA Has Jurisdiction to Hear the Appeal

The Board of Zoning Appeals is authorized by statute to hear and decide this appeal. Tennessee Code Annotated Section 13-7-207 gives the Board of Zoning Appeals the power to “hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the municipal building commissioner or any other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this part and part 3 of this chapter.” Regions asserts that issuance of the Permit

of error for which the Board of Zoning Appeals is granted authority to consider under Tennessee Code Annotated Section 13-7-207. Therefore, the Board of Zoning Appeals is authorized to hear and decide this appeal.

As discussed above, the WeWork Signage as approved, does not comply with the skyline signage requirements in Section V of the DTC. Therefore the Board of Zoning Appeals should find that the permit was issued in error and should be revoked by the Zoning Administrator.

Sincerely,

James Murphy w/ permission by J.O.

James L. Murphy, Jr.

Junaid Odubeko

Junaid A. Odubeko



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



3441940

BUILDING SIGN PERMIT / CASN - 2018005002

ISSUED ON: 2/21/2018

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:

150 4TH AVE N NASHVILLE, TN 37219
LOT 1 ONE NASHVILLE PLACE

PARCEL: 09306110300
Tax District: CBID
Census Tr: 37019500

PARCEL OWNER:

PURPOSE:

SIGN PERMIT FOR WEWORK....

****REQUEST TWO SKYLINE SIGNS AT 49'X5' EACH IN DTC.....REMOVE THE TWO 45'X11' SKYLINE SIGNS APPROVED UNDER 2017-010076 AND APPROVED BY MDHA DRC.....AND REPLACE WITH 49' X 5'...IN SAME LOCATION.

****ALSO SEE PERMIT 2013-07460 FOR TWO 45'X11' SKYLINE SIGNS FOR REGIONS...APPROVED BY DRC.

- 1....SEE DRC APPROVAL: MDHA: PARKER BROWN..615-252-3750.
 - 2....SKYLINE...PEDESTRIAN STREET TYPE...EXCEED SKYLINE DESIGN STANDARDS C...MAX WIDTH ALLOWED 60% OF FACADE...REQUEST 100%
 - 3...ALSO RACEWAYS ARE NOT PERMITTED.
 - 4...EXTERNAL ILLUMINATION NOT ALLOWED.
 - 5...ul numbers....E 72418982 - 995.
- POC: CALVIN LEE 646-776-2273
calvin.lee@wework.com

***TO COMPLY WITH MDHA APPROVED PLAN.

MEGAN ADAMSKI 217-522-8417 EXT 156
megan@acesignco.com

CONTRACTOR:

JARVIS AWARD SIGN AND FLAG CO
310 MADISON ST

APPLICANT:

61701 STBC-27 JARVIS AWARD SIGN AND FLAG CO

RODNEY JARVIS - QA
MADISON, TN

6158656062

MADISON, TN

PERMIT DETAILS:

Estimated Value: \$160,000.00

Const Type:

Sq Footage:

Parking Required: N

Parking Provided: N

Sprinklers? N

Metro Water:

Public Constr? N

Number of Floors:

Sewer or Septic:

Total # Buildings:

Total # Units:

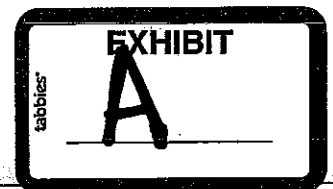
Garage:

N

Number of Bedrooms:

Number of Kitchens:

F



BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Regions Bank APPEAL CASE 2017-232
150 4th Avenue North
Map: 93-61 Parcel: 103
Zoning Classification: DTC

ORDER

This matter came to be heard in public hearing on 9/21/2017, before the Metropolitan Board of Zoning Appeals, upon application for an Item A appeal, challenging the issuance of building permit 2017010076 to stop construction.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 (A) of the Metropolitan Code.
- (3) The appellant HAS DEMONSTRATED that the Zoning Administrator erred in application of law with this issuance of the subject permit.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be GRANTED.

UPON MOTION BY: David Harper Seconded by: David Ewing

Ayes: David Taylor, Alma Sanford, Cynthia Chappell, Christina Karpynec

Nays:

Abstaining:

Absent:

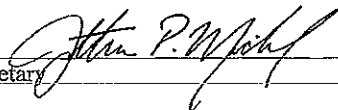
ENTERED THIS 4th DAY OF October, 2017

METROPOLITAN BOARD OF ZONING APPEALS

Chair



Secretary



Section V: Sign Standards

Introductory Provisions

Intent

The purpose of these regulations is to set specific sign standards that accomplish the following:

- Establish reasonable and improved standards for Downtown business identification;
- Encourage creative and innovative approaches to regulating signs consistent with the principles of the Downtown Community Plan;
- Promote economic vitality in Downtown;
- Enhance the overall visual environment in Downtown by discouraging signs that contribute to the visual clutter of the streetscape;
- Ensure signs are designed for the purpose of identifying a business in an attractive and functional manner; and
- Ensure signs reinforce the existing and envisioned character and are complementary to the architectural design of Downtown.

Applicability

- These sign regulations apply to all properties zoned DTC and are not in an Historic Zoning Overlay. See map on Page 107.
- In addition to the standards set forth within this section, the following Sections of the Metro Zoning Code shall apply to all regulated signage within the DTC.
 - Section 17.04.06 - Definitions of general terms
 - Within Chapter 17.32 SIGN REGULATIONS:
 - Section 17.32.020 - General Provisions
 - Section 17.32.040 - Signs allowed without a permit
 - Section 17.32.050 - Prohibited signs
 - Section 17.32.060 - Permitted on-premises temporary signs
 - Section 17.32.145 - Landmark signs
 - Section 17.32.160 - Computations
 - Within Article XI. Sign Procedures
 - 17.40.490 - Permits and compliance tag
 - 17.40.510 - Unsafe, illegal, dilapidated and abandoned signs

Sign Permit Applications

Applications for sign permits shall be made with and reviewed by the Codes Department. All sign applications that do not involve Modifications shall only require Codes Department approval, regardless of whether the property is subject to additional design guidelines (e.g. MDHA redevelopment districts).

Applicants for sign permits shall submit the following information. Incomplete applications will not be accepted.

- Design and details of the signage depicting size and shape (including height, width and depth), anchoring, materials, lighting and other data necessary to determine compliance with the requirements of this section and with the requirements of the Metropolitan building code and the Metropolitan electrical code. Additional information may be required by Codes.
- Drawings and specifications, including building elevations or artist's rendering depicting the sign faces, and dimensions indicating sign placement on the building.
 - For ground signs and signs seeking a ROW encroachment, the distance of the signs from the corner of the building or property line should be included.
- A site plan, drawn to scale, depicting the location of the proposed signage and all relevant features of the site, including location and size of other regulated signs.
- The property address, applicant and sign designer's name and contact information.

Common Sign Plan

A common signage plan regulates signage for multiple businesses or tenants within one building or complex. A common sign plan is mandatory for all new developments and sign Modifications.

- A common signage plan shall provide for consistency among signs with regard to at least four of the following: materials; location of each sign on the building; sign proportions; color scheme; lighting; lettering or graphic style.
- The common signage plan shall establish an allowable area of signage for existing and future tenants with regard to all allowed signs types.
- The common signage plan shall indicate existing nonconforming signs as well as the amount and location of on-premises signage to be allocated to each tenant under the new plan.



Section V: Sign Standards

Modifications

Sign Permit Modifications

Requests for modifications to sign standards are reviewed through the process outlined on pages 14 and 15.

Modifications are reviewed by Planning staff and either the MDHA Design Review Committee or the DTC Design Review Committee.

The applicant may appeal a decision through the process described on pages 14 and 15.

All sign Modifications are Major Modifications. Two additional types of Modifications for signage related permits may be requested and are outlined below.

Modifications for Exceptional Design

Creative signage that does not fit the specific regulations of this section may be considered by the appropriate reviewing body (listed above), based on its merits, as they relate to all of the following design criteria:

- architecture
- the configuration or location of the building or property
- building scale
- legibility
- technical competence and quality in design, construction and durability

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structures (i.e. canopy) will require review by all applicable agencies. Exceptional design modifications shall not permit electronic changeable copy where it is otherwise not permitted.

Modifications for Tourist-oriented Businesses

Tourist-oriented businesses within DTC zoning may receive Modifications to allow greater sign area and use of digital technology. To qualify as a tourist-oriented business a business shall:

- have a minimum permanent fixed seating capacity of 500; and
- offer lawful activities or services to the general public of cultural, historical, recreational, educational, or entertainment purposes.

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structures (e.g. canopy) will require review by all applicable agencies. Tourist-oriented business Modifications shall be reviewed according the design criteria listed under Modifications for Exceptional Design, above, in addition to the following:

- Large electronic or illuminated signs shall not adversely impact residential or hotel uses.
- All signs shall conform to the lighting standards of the DTC.
- See page 119 for additional information on changeable copy.

Right-of-way Encroachments

Where a sign is proposed to encroach into the public right-of-way an application shall be made with the Public Works Department in addition to the sign permit application with the Codes Department. Both applications shall include the requirements of the Public Works Department available at their website: <http://www.nashville.gov/pw/permits.asp>, in addition to the submittal requirements listed on the previous page.

Nonconforming Signs

Nonconforming Signs

Sections 17.40.660 and 17.40.690 of the Metro Zoning Code apply. This section further clarifies them.

Building Signs

A sign shall be brought into compliance with the provisions of the above mentioned sections if a sign permit is required to rebuild the sign. This does not include a panel change in a non-conforming cabinet sign, which shall be permitted. All new panels shall conform to all illumination standards herein.

Ground Signs

An existing ground sign may change the face or panel of a sign that does not meet the area or height standards within this section. However, in no instance shall there be an increase in the degree of nonconformity. All new panels shall conform to all illumination standards herein.

A sign shall be brought into compliance with the provisions of this title if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent (50%) of the estimated replacement cost of the sign (in current dollar value). All permits within any six consecutive calendar months shall be aggregated for purposes of measuring the fifty percent standard.

Repair and Maintenance

If the alteration or repair is caused by involuntary damage or casualty, the sign may be altered or repaired to its pre-damaged condition.

A sign may be removed and taken off-site for repair and maintenance. The sign must be returned to the original location within 120 days of removal.

Section V: Sign Standards

General Standards

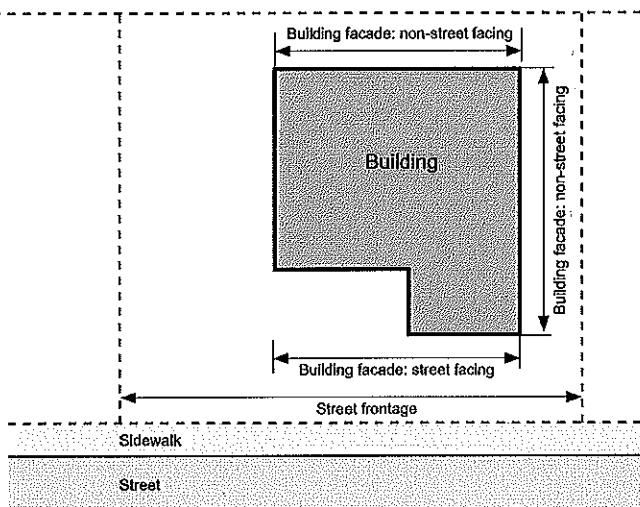
Materials

All permanent, on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, MDO plywood, aluminum, steel, PVC, glass and/or Plexiglas. On-premises, permanent signs shall not be constructed of nonrigid materials including, but not limited to, vinyl, fabric, canvas, or corrugated plastic. The provisions of this subsection shall not apply to approved, permitted canopies, awnings, and porticoes.

Voluntary Removal of a Legally Non-conforming Ground Sign

Any property voluntarily removing a legally non-conforming ground sign shall be permitted to a bonus to one hundred fifty percent (150%) of the building signs allocated to the property. For example, if a property is allocated 200 sq ft of building signs, the property will be allowed 300 sq ft of buildings signs if a legally non-conforming ground sign is removed.

Building Facade and Street Frontage Measurement



Other Sign Types

Non Street-Facing Signs

Non street-facing building facades and alley frontages, not otherwise regulated, are allocated 1 square foot of sign area per 1 linear foot of building facade, to a maximum of the sign area permitted for the primary street frontage.

This includes lots adjoining open spaces, pedestrian walkways, or parking areas. Ground signs are not permitted on non street-facing building facades or alley frontages.

Temporary Signs

Temporary signs shall follow the standards of 17.32.060.

Murals

Only the company name, text relating directly to products or services sold on site, and logos shall count toward the sign area allocation. Otherwise, murals are exempt from this code.

Auto-oriented canopy/awning Signs

The allocation of signage for auto-oriented canopies and awnings shall be measured as walls signs and shall only be used on the canopy/awning. See the Auto-oriented Canopies and Awnings section of the Downtown Code for information on the design of canopies and awnings.

Parking Lot Signs

A pole-mounted projecting sign is allowed for surface parking lots with no associated building. One sign per street frontage is allowed. The maximum size shall be 36 square feet per sign. The side of the sign shall be attached to the pole, and the pole will be considered the "building facade". All projecting sign standards shall apply (Page 114); parking lot signs shall follow the standards of a 1-story building.

Section V: Sign Standards

Street Types

Pedestrian Streets

- Pedestrian streets are roadways with high pedestrian activity and slower moving vehicular traffic. Buildings along these streets are located at the back of the sidewalk creating a streetscape with active uses including retail, office and entertainment businesses.
- Pedestrian streets are generally located in the Downtown core, where more of the original street wall remains intact, and less opportunities exist for surface parking.
- Some streets outside of the Downtown core, such as Korean Veterans Boulevard (KVB), require Pedestrian designation. The MDHA and UDO standards for KVB require pedestrian-focused building design and streetscape. The standards for Pedestrian Street signage allow greater flexibility for such streets.

Gateway Streets

- Gateway streets are wider roadways that serve pedestrians, but focus primarily on automobile traffic and typically carry traffic at higher speeds than Pedestrian Streets.
- Generally located on the fringe of Downtown, Gateway streets serve as the key automobile entry points into Downtown.

Transitional Streets

- Transitional streets currently contain a mix of different building characters, transitioning from more auto oriented buildings and uses to a more mixed use pedestrian environment.
- As these street redevelop, buildings will be sited close to the sidewalk with a more pedestrian focus.

Interstate

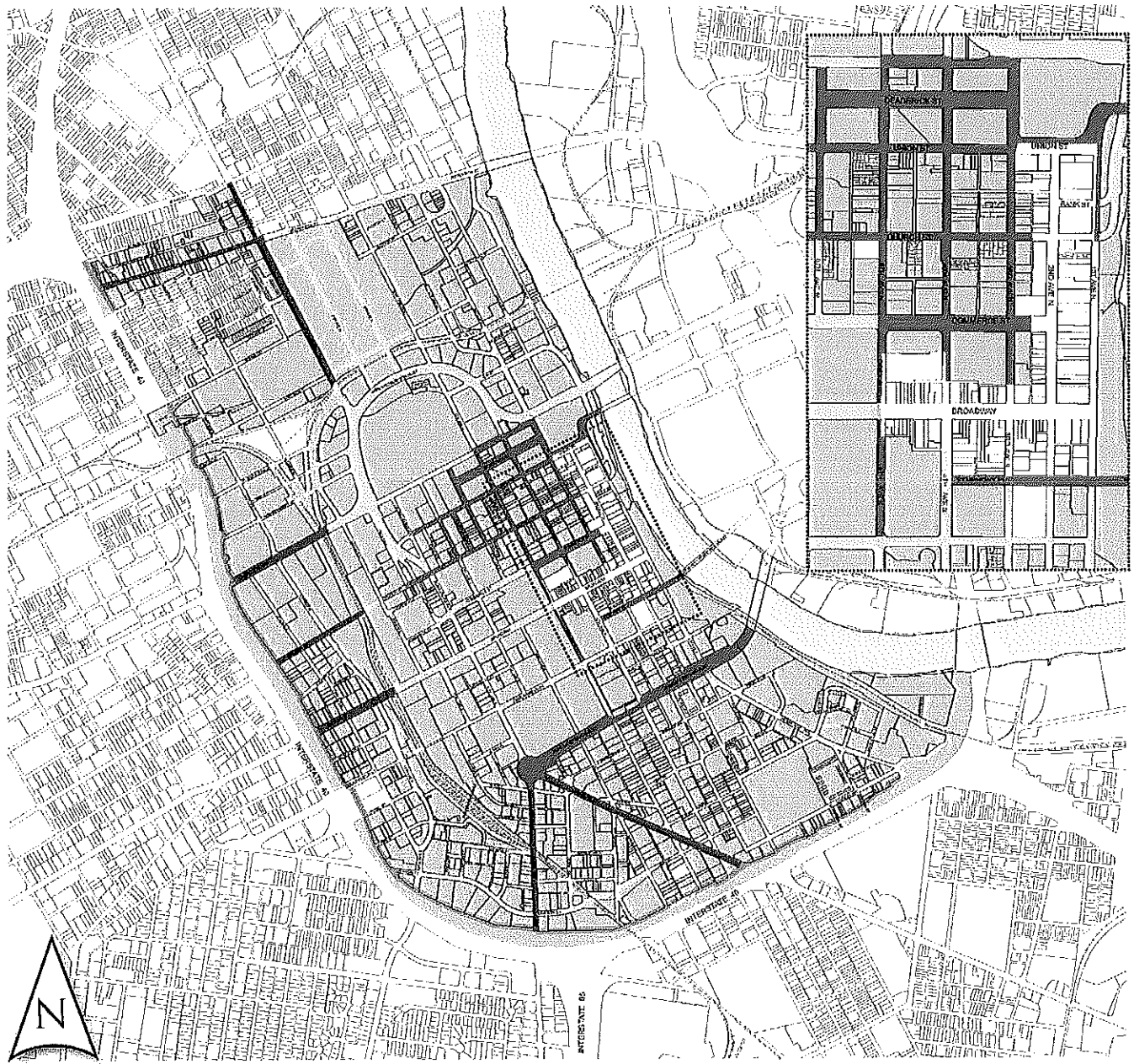
- Many properties are visible from the interstate loop which moves vehicles into and through Downtown.
- The opportunity to advertise to the interstate must be balanced with the safety of drivers and preservation of Nashville's iconic skyline.

Printers' Alley







- Printers' Alley is a unique, iconic alley in Downtown. As a public, pedestrian-only street with businesses on the ground floor and upper floors, unconventional standards apply to this street only.

Section V: Sign Standards

Signs: Map of Street Types for Signage Standards



Legend

	Transitional Street		Interstate
	Pedestrian Street		Printers' Alley
	Gateway Street		Applicable properties

- New streets that are not in existence as of the adoption of this ordinance shall be categorized as Transitional Streets.
- Properties within an Historic Zoning Overlay and/or with SP zoning are not subject to the sign standards of DTC zoning.

Section V: Sign Standards

Determining Sign Entitlements

Use this page as a guide to determine the sign entitlements of a property. You will need to know the length of the building on all street frontages, the length of alley frontages, and the length of all interior property lines.

STEP 1

What Street Types is the property on? Page 107

- Pedestrian
- Transitional
- Gateway
- Interstate
- Printers' Alley

STEP 2

How much square footage of signage is allowed? Pages 109-110

- Pedestrian
 - Building _____
 - Ground _____
 - Skyline _____
- Transitional
 - Building _____
 - Ground _____
 - Skyline _____
- Gateway
 - Building _____
 - Ground _____
 - Skyline _____
- Interstate
 - Building _____
 - Skyline _____
- Printers' Alley
 - Building _____
 - Skyline _____

STEP 3

What are the standards for the signs? Pages 111-117

STEP 4

What are the illumination standards for signs? Pages 118-119

STEP 5

Is changeable copy allowed? Page 119

STEP 6

- For a multi-tenant development: submit a Common Sign Plan to the Codes Department. Page 103
- For an individual tenant: submit a Sign Plan Proposal to the Codes Department. Page 103
- Additional types of signs may be allowed, depending on site conditions. Page 105

KEEP IN MIND

- There is no limit to the number of Building Signs per property.
- Sign entitlements are limited only by the total amount of square footage of signs allowed on the property, the maximum sizes of signs and the required placement of signs.
 - For example, if a building is allowed 100 sq ft of Building Signs, that can be used in one 100 sq ft sign or in five 20 sq ft signs. The only limit is the maximum dimensions of the sign type.
- Non street-facing facades are allowed signs. Page 105
- Contact the Codes Department with questions.

Section V: Sign Standards

Allocation of Sign Area by Street Type

The maximum sign area for each type of sign is determined by the Street Type and is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

For each cell in the table below, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

The measurements for "linear feet" shall be at grade.

Pedestrian Street Type		Transitional Street Type	
Building Signs		Building Signs	
Wall Sign	1.5 square foot of sign area per 1 linear foot of building facade or 36 square feet, whichever is greater.	Wall Sign	1.5 square foot of sign area per 1 linear foot of building facade or 36 square feet, whichever is greater.
Awning Sign	When a Projecting Sign is used on the building, an additional 0.5 square feet of sign area per 1 linear foot of building facade shall be permitted, for a total of 2.0 square feet per 1 linear feet of building facade.	Awning Sign	Where no ground sign exists, an additional 0.5 square feet of sign area per 1 linear foot of building facade shall be permitted for a total of 2.0 square feet per 1 linear feet of building facade.
Canopy Sign		Canopy Sign	
Projecting Sign		Projecting Sign	
Shingle Sign	9 square feet per sign	Shingle Sign	9 square feet per sign
Ground Signs		Ground Signs	
Monument Sign	24 square feet	Monument Sign	32 square feet Properties with 300 or more feet of frontage are allowed one additional monument sign of an additional 32 square feet
Skyline Signs - area determined by average height of building		Skyline Signs - area determined by average height of building	
75' to 100'	480 square feet	75' to 100'	480 square feet
101' - 200'	600 square feet	101' - 200'	600 square feet
201' and taller	720 square feet	201' and taller	720 square feet
Gateway Street Type			
Building Signs			
Wall Sign	1.5 square foot of sign area per 1 linear foot of building facade or 36 square feet, whichever is greater.	** More Street Types on next page**	
Awning Sign	Where no ground sign exists, an additional 0.5 square feet of sign area per 1 linear foot of building facade shall be permitted, for a total of 2.0 square feet per 1 linear feet of building facade.		
Canopy Sign			
Projecting Sign			
Shingle Sign	9 square feet per sign		
Ground Signs			
Monument Sign	64 square feet Properties with 300 or more feet of frontage are allowed one additional monument sign of an additional 64 square feet		
Skyline Signs - area determined by average height of building			
75' to 100'	480 square feet		
101' - 200'	600 square feet		
201' and taller	720 square feet		

Section V: Sign Standards

Allocation of Sign Area by Street Type

The maximum sign area for each type of sign is determined by the Street Type and is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

For each cell in the table below, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

The measurements for "linear feet" shall be at grade.

Interstate Street Type	
Building Signs	
Wall Sign	1 square foot of sign area per 1 linear foot of street frontage
Awning Sign	
Canopy Sign	
Projecting Sign	
Shingle Sign	9 square feet per sign
Ground Signs	Not allowed
Skyline Signs - area determined by average height of building	
75' to 100'	480 square feet
101' - 200'	600 square feet
201' and taller	720 square feet

Printers' Alley Street Type	
Building Signs	
	Ground floor: 2.0 square foot of sign area per 1 linear foot of street frontage
Wall Sign	Second floor: 1.5 square foot of sign area per 1 linear foot of street frontage
Awning Sign	Upper floors: 1 square foot of sign area per 1 linear foot of street frontage
Canopy Sign	Signage allowed for each floor shall be used on that floor and shall not be redistributed to other parts of the building.
Projecting Sign	
Shingle Sign	9 square feet per sign
Ground Signs	Not allowed
Skyline Signs - area determined by average height of building	
75' to 100'	480 square feet
101' - 200'	600 square feet
201' and taller	720 square feet

Section V: Sign Standards

Skyline Sign

Description

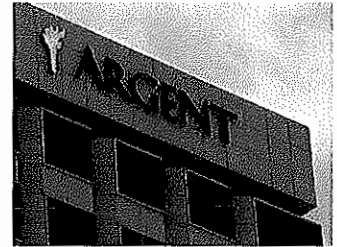
A building sign is attached flat to or mounted away from the building facade. Sign may be parallel to the building facade or vertical. Located on the upper band of a building.

General Standards

- A skyline sign is only allowed on buildings greater than 75 feet in height.
- A skyline sign must be located within the top third of the building.
- No portion of a skyline sign may extend above the roof line or above a parapet wall of a building with a flat roof.
- No more than one skyline sign per facade is allowed. However, additional skyline signs may be allowed as a Modification for Exceptional Design. See additional information on page 104.
- Raceways are not permitted on skyline signs.
- A skyline sign can be internally (but not externally) illuminated in accordance with page 118.

Design Standards

- | | |
|----------------------------------|-------------------|
| Ⓐ Area (max) | See pages 109-110 |
| Ⓑ Height (max) | 14 feet |
| Ⓒ Width (max % of facade length) | 60% |



17.32.160 - Computations.

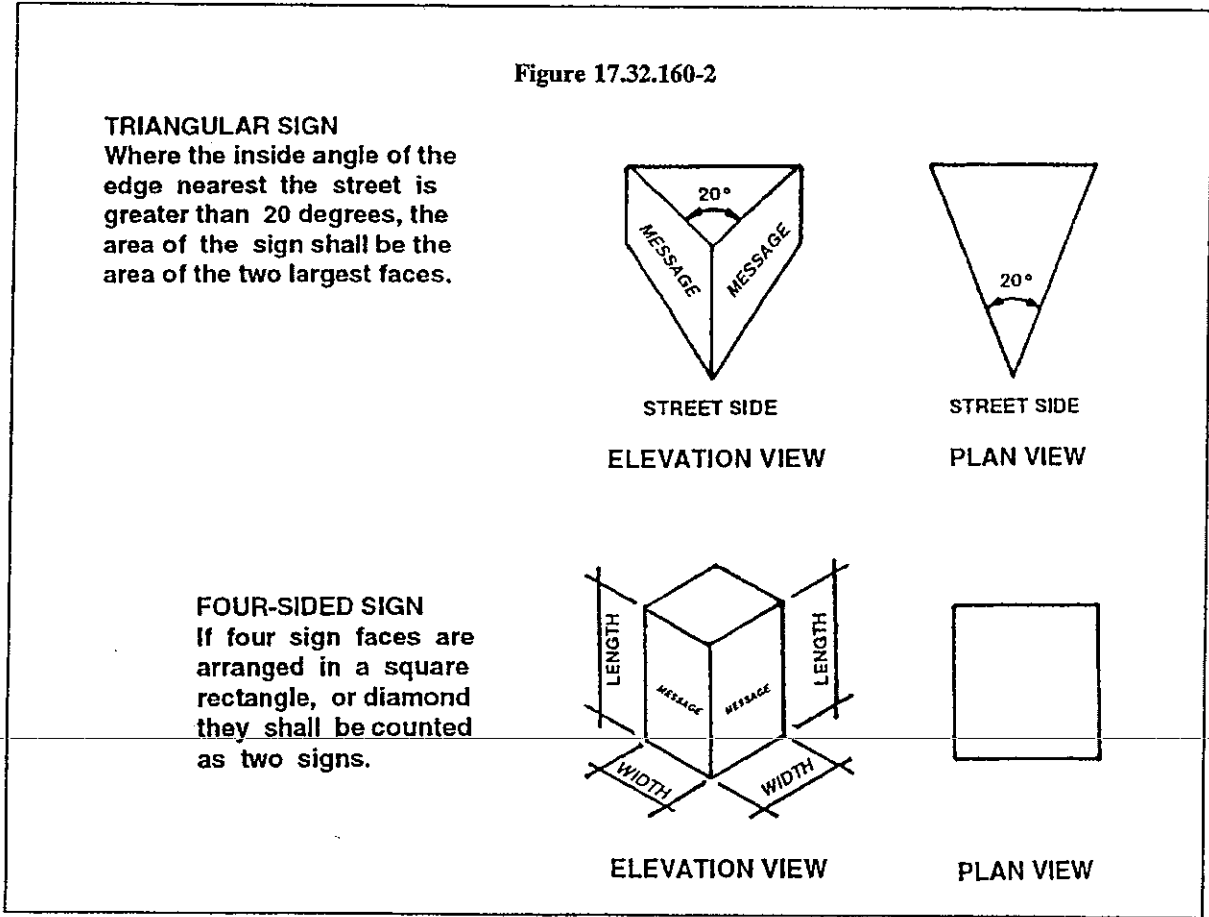
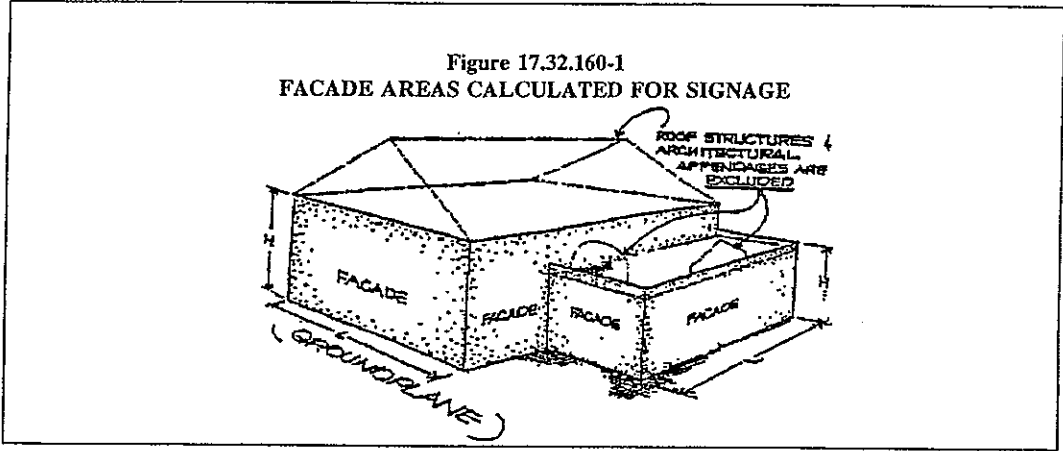
The following determinants shall control the calculation of sign area, height, and placement.

- A. **Distance Between Signs.** The minimum required distance between signs shall be measured along street rights-of-way from the closest parts of any two signs.
- B. **Facade Area.** The facade area for the purpose of calculating permitted on-premises building sign area may be determined as follows:
1. When architectural elevations are provided that accurately and to scale depict the facade of the structure, the area of the facade shall be calculated as the true structural building facade exclusive of roofs, parapets, and false facia. Parapets of a uniform height on three sides of a structure and of a similar and uniform building material may be included in the facade areas, but decorative parapet extensions of irregular height are excluded.
 2. When architectural plans are not provided, it shall be assumed that the height of the facade of the first floor is twelve feet, and that the height of the facade of all stories above the first floor is ten feet per floor. Facade area shall be calculated based on the following formula:

$$[\text{Facade length} \times 12 \text{ ft. (first floor)}] + [\text{facade length} \times 10 \text{ ft. per each additional floor}] = \text{facade area}$$
- C. **Sign Area.** The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall, when such fence or wall otherwise meets the provisions of this title, and is clearly incidental to the display itself.
- D. **Building-Mounted Letters and Pictures.** Where a sign is composed of letters or pictures attached directly to a facade, window, door or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle or combination thereof, the sides of which touch the extreme points of the letters or pictures.
- E. **Four-Sided On-Premises Sign.** Where four sign faces are arranged in a square, rectangle or diamond, the area of the on-premises sign shall be the area of the two largest faces.
- F. **Triangular On-Premises Sign.** Where the inside angle of the edge nearest the street is greater than twenty degrees, the area of the sign shall be the area of the two largest faces.
- G. **Multiple-Face On-Premises Sign.** For a multiple-faced on-premises sign, the sign area shall be computed by including all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such signs are part of the same sign structure and not more than forty-two inches apart, the sign area shall be computed by the measurement of one of the faces. If the forty-two inch space is used for any message, it will be counted as a sign face.
- H. **Height.** Sign height shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign, or the nearest curb level of the surface street providing access to the site, whichever provides the greatest height. Normal grade shall be construed to be the existing grade prior to construction or the newly established grade after construction exclusive of any filling, berming, mounding or excavating solely for the purpose of locating the sign.
- I. **Maximum On-Premises Sign Area.** The permitted sum of the area of all individual on-premises signs on a lot shall be computed by applying the formula under each district to the lot frontage or ground floor area, and building facade, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted on-premises ground



sign area for each street frontage; however, the total on-premises ground sign area that is oriented toward a particular street may not exceed the portion of the lot's total on-premises ground sign area allocation that is derived from that street or from the total ground floor area.



(Ord. BL2016-309 § 5(Exh.), 2016)



DOUGLAS BERRY

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October 1, 2018

Mr. Jon Michael
 Secretary
 Metropolitan Nashville Board of Zoning Appeals
 800 Second Avenue South
 Nashville, TN 37210

Re: **CASE 2018-479 (Council District - 19)**—Appeal filed by Regions Bank and Concerning Building Permit CASN 2018005002 for Skyline Signage at 150 4th Avenue North (Parcel ID #09306110300)

Dear Mr. Michael:

This firm represents 150 4th Ave N Tenant LLC, dba “WeWork” (hereinafter “WeWork”) with regard to the above appeal filed by Regions Bank,¹ which is set for hearing before the Board of Zoning Appeals (“Board”) on Thursday, October 4 at 1:00 P.M. WeWork objects to the Board’s considering this appeal at this time because all of the issues raised in this appeal and upon which the Board’s decision would be based have been raised or could have been raised before the Davidson County Chancery Court in the case of *150 4th Ave N Tenant LLC DBA WeWork v. the Metropolitan Board of Zoning Appeals*, No. 17-1287-I. That case concerns the same signs, was argued on August 14, 2018, and the parties await the Court’s decision. The Board should stay consideration of this appeal pending the Court’s forthcoming decision, because doing otherwise risks creating inconsistent or contradictory judgments concerning the same signs. If, however, the Board elects to consider this appeal, the appeal should be dismissed because it lacks any legal or factual basis.

FACTS

Regions’ statement of the facts and procedural history is accurate, but omits a critical and dispositive piece of information. When WeWork submitted its application for the second permit, that application was supported by two relevant sets of calculations. (Exhibit 1, attached)

¹ The Board’s agenda lists the appellants as Regions Bank and Prim One Nashville Place, LLC. However, there is no indication in the appeal itself that the latter is an appellant.

Mr. Jon Michael
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 Page 2

One calculation made use of the 155.5 feet of additional sign area available for an alley-facing sign. Under this calculation, with two signs, the total available square footage for signage on the building, when added to the 1,440 square feet allocable to street frontage of Commerce and Fourth, was 1,751 square feet. WeWork chose not to make this argument in the Chancery Court and does not rely upon this argument here. More important and indeed determinative are the supporting calculations in the application showing that the total sign square footage of WeWork's signs, when measured according the correct ordinance standard, i.e. by the total square footage of the letters, was only 446 square feet.

When the second permit was issued on February 20, 2018, it contained this language:

SIGN PERMIT FOR WEWORK. . .

*****REQUEST TWO SKYLINE SIGNS AT 49'X5' EACH IN DTC...REMOVE THE TWO 45'X11'SKYLINE SIGNS APPROVED UNDER 2017-010076 AND APPROVED BY MDHA DRC...AND REPLACE WITH 49'X5'...IN SAME LOCATION.

WeWork's undersigned attorney sought clarification of this ruling, because it seemed to presuppose the wasteful and unnecessary removal and remounting of the two existing signs. On March 13, 2018, the Codes Department sent the following clarification:

SIGN PERMIT FOR WEWORK. . . "Sign permit for WeWork...Request two skyline sings at 49'x5' each in DTC approved under 2017-010076 and **approved again using an alternate square footage calculation approved by MDHA DRC on February 20, 2018....**" (Exhibit 2, attached (emphasis added))

A copy of this March 13, 2018 email was immediately forwarded to Regions' counsel. (Exhibit 3, attached)

LEGAL ARGUMENT

1. *The issues raised in this appeal are currently pending before the Davidson County Chancery Court.*

Although this case deals with a new sign permit in which the sign size is calculated under a different Zoning Ordinance provision than the Board applied to WeWork's first permit concerning the same signs, the issues raised by Regions have been argued (or could have been argued) before the Chancery Court. These issues include: (1) the appropriate method of calculating total square footage for signage allowed on the building, including whether Printers' Alley should be treated as a street for purposes of

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Page 3

such calculation; and (2) which provision of the Zoning Ordinance applies to the calculation of the signs' square footage.

The Chancery Court's ruling on these issues will be binding on the parties (subject of course to appeals) and on this Board. The Court may rule entirely in one party or the other's favor, in which case the losing party will either accept the Court's ruling or appeal. Another possibility is that the case will be remanded to this Board for further hearing consistent with the Court's ruling. If that is the case, then only at that time will it be appropriate for this Board to decide further issues concerning WeWork's signs. For this Board to make any rulings now will be duplicative of what the Chancery Court is already doing and would run the risk of procedural confusion and inconsistent adjudications.

The Board's attention is directed to the well-established legal doctrine of "prior suit pending." This means that when two actions involving the identical subject matter have been filed and are between the same parties, the court will dismiss or stay the second suit, while the first is pending. This doctrine applies here.

Without waiving to any extent its argument that the Board's consideration of this appeal is premature and inappropriate, WeWork attaches as Exhibit 4 hereto portions of its Brief filed in the Chancery Court concerning the issues identified above.

2. If the Board considers the appeal, it should uphold the DTC and the Codes Department.

First, Regions' argument that WeWork improperly calculated the total allowable square footage for signs on the building misinterprets the decision and rationale of the Codes Department in issuing the second permit, as evidenced in the March 13, 2018, email of Richard Thomopolous, the official issuing the permit. The Codes Department simply recalculated the square footage of the existing signs using the proper measure. The most straightforward way to explain the Codes Department's decision is that when the total square footage of WeWork's signs is calculated using only the area around the letters, as it should be, pursuant to Section 17.32.160 (D) of the Zoning Code, the total area of each sign is only 223 square feet, giving WeWork 446 square feet of signage. Thus, Regions' argument is a complete red herring: Even if the Board adopts Regions' view that only 1,440 square feet of signage is allowed on the building, the total square footage of WeWork's signs, properly calculated, and Regions' signs (990 square feet total), is **1,436** square feet and within that limit.

Second, Regions' argument that WeWork relied on the improper provision of the Zoning Code to calculate the square footage of its signs is meritless. Specifically, Regions argues that WeWork improperly relied on Section 17.32.160, D of the Zoning Code because that provision only applies to "building mounted" signs and WeWork

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Page 4

applied for a “skyline sign and not a building-mounted sign.” Regions’ construction of the DTC and Zoning Ordinance to suggest that a “skyline sign” and a “building mounted sign” are mutually exclusive categories is nonsensical.

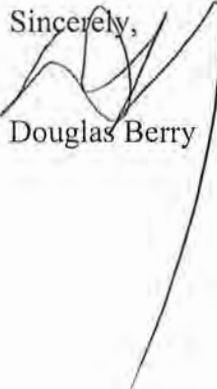
The DTC adopts by reference the provisions of the Zoning Ordinance relating to signs. (See DTC, at page 12, Exhibit 5 attached) Provisions of statutes or ordinances are to be construed to harmonize them. Further, zoning ordinances are to be construed to allow the free use of one’s property.

Sections 17.32.160, C and D both sit within Section 17.32.160 of the Metro Code, titled “Computations”—thus, both subsections on their face are what the statute says they are: computational methods, and not independent sign categories.

Section 17.32.160, D provides that for signs consisting of “Building-Mounted Letters and Pictures”—like WeWork’s signs—the computation of sign square footage is the “area within the smallest rectangle, parallelogram, triangle, circle or semi-circle or combination thereof, the sides of which touch the extreme points of the letters or pictures.”

For *types* of signs, one must consult the Sign Standards, located in Section V of the Downtown Code. “Building-mounted sign” does not exist as an independent category of sign in that provision, or any other provision in the Downtown Code. Regions’ argument that WeWork should have applied for one is asking the impossible. Rather, a “building-mounted sign” is described by the Downtown Code as a type of “Skyline Sign.” Indeed, at page 117 of the DTC, a skyline sign is specifically described as “a **building sign** . . . attached to or **mounted** away from the building façade or vertical” and “[l]ocated on the upper band of the building.” “Skyline” is just a way of describing where the sign is located with reference to the vertical dimension of the building. Clearly, such a sign could be either “attached to” or “mounted away” from a building, and consist of letters only, like the WeWork signs, or letters against a background, like the Regions signs.

The second permit is therefore valid. If the Board reaches this issue, it should uphold the decision of the Codes Department.

Sincerely,

Douglas Berry

Mr. Jon Michael
October 1, 2018
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Cc:

Clients

Opposing attorneys

DB/dw

Enclosure

* See Page 2 for Additional Details

THE CODE OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY, TENNESSEE

Section 17.32.160 - Computations

D. Building-Mounted Letters and Pictures. Where a sign is composed of letters or pictures attached directly to a facade, window, door or marquee, and the letters or pictures are not enclosed by a border or trimming, **the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle or combination thereof, the sides of which touch the extreme points of the letters** or pictures.

Section 17.37 - Nashville Downtown Code

Attachment to Ordinance No. BL2009-586 as adopted on February 02, 2010

Section V - Sign Standards:

Non Street-Facing Signs

Non street-facing building facades and alley frontages, not otherwise regulated, are allocated 1 square foot of sign area per 1 linear foot of building facade, to a maximum of the sign area permitted for the primary street frontage. This includes lots adjoining open spaces, pedestrian walkways, or parking areas. Ground signs are not permitted on non street-facing building facades or alley frontages.

THUS, the northwest and northeast facades MAY only allowed 155.5 square feet of signage on each facade.

Allocation of Sign Area by Street Type

- The maximum sign area for each type of sign is determined by the Street Type and is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

- For each cell in the table below, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

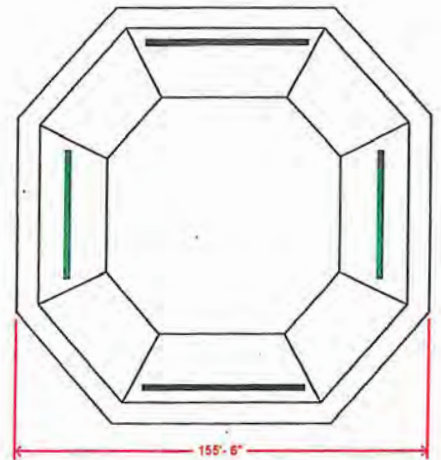
- The measurements for "linear feet" shall be at grade

Skylight Sign

Design Standards:

Max Height: 14 ft.

Max Width: 60% of Facade Width = 93'-3" (155'-6")

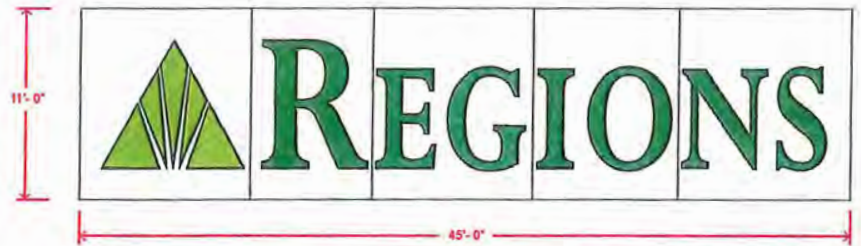


Pedestrian Street Type	
Building Signs	
Wall Sign	1.5 square foot of sign area per 1 linear foot of building facade or 36 square feet, whichever is greater.
Awning Sign	When a Projecting Sign is used on the building, an additional 0.5 square feet of sign area per 1 linear foot of building facade shall be permitted, for a total of 2.0 square feet per 1 linear foot of building facade.
Canopy Sign	
Projecting Sign	
Shingle Sign	9 square feet per sign
Ground Signs	
Monument Sign	24 square feet
Skylight Signs - area determined by average height of building	
7'5" to 10'0"	480 square feet
10'1" - 20'0"	600 square feet
20'1" and taller	720 square feet

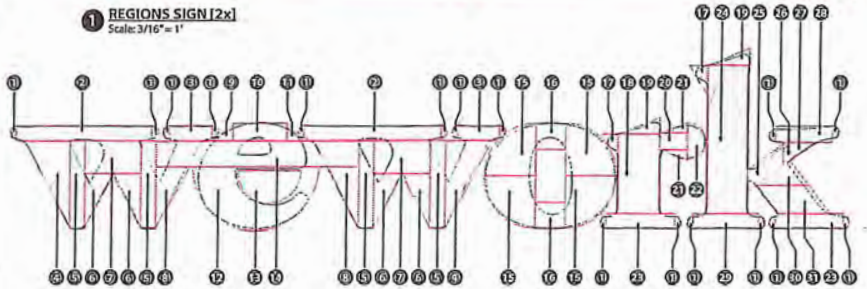


Zone ID	Qty.	Shape	Dim 1 (in.)	Dim 2 (in.)	Calculation	Area (Sq. Ft.)	Total (Sq. Ft.)
1	16	Half-Circle	r=4.5"	-	$(\pi r^2)/2$	0.2209	3.5342917
2	2	Rectangle	96	10.5	a*b	7	14
3	2	Rectangle	29.75	10.5	a*b	2.1692708	4.3385417
4	2	Triangle	32.5	60.75	$(b*h)/2$	6.8554688	13.710938
5	4	Rectangle	10.5	60.75	a*b	4.4296875	17.71875
6	4	Triangle	20.375	38	$(b*h)/2$	2.6883681	10.753472
7	2	Rectangle	40	23	a*b	6.3888889	12.777778
8	2	Triangle	22.875	42.625	$(b*h)/2$	3.3855794	6.7711589
9	1	Triangle	15	10.5	$(b*h)/2$	0.546875	0.546875
10	1	Rectangle	37.75	12.375	a*b	3.2441406	3.2441406
11	1	Triangle	11.5	10.5	$(b*h)/2$	0.4192708	0.4192708
12	1	Half-Circle	r=44.5"	-	$(\pi r^2)/2$	21.6012	21.601177
13* (Subt)	1	Half-Circle	r=22.25"	-	$(\pi r^2)/2$	-5.4003	-5.4002941
14	1	Rectangle	142.375	18.25	a*b	18.044054	18.044054
15	4	Quarter-Circle	r=36.5"	-	$(\pi r^2)/4$	7.2663	29.065186
16	2	Rectangle	21	18.25	a*b	2.6614583	5.3229167
17	2	Triangle	12.75	21.375	$(b*h)/2$	0.9462891	1.8925781
18	1	Rectangle	28	55	a*b	10.694444	10.694444
19	2	Triangle	29	11.5	$(b*h)/2$	1.1579861	2.3159722
20	1	Rectangle	19.5	11.75	a*b	1.5911458	1.5911458
21	2	Triangle	19.5	7.125	$(b*h)/2$	0.4824219	0.9648438
22	1	Half-Circle	r=26"	-	$(\pi r^2)/2$	7.3740	7.3740161
23	2	Rectangle	47.625	10.5	a*b	3.4726563	6.9453125
24	1	Rectangle	28	103	a*b	20.027778	20.027778
25	1	Parallelogram	15.5	12.5	a*h	1.3454861	1.3454861
26	1	Triangle	7.5	15.5	$(b*h)/2$	0.4036458	0.4036458
26	1	Triangle	22.5	9.75	$(b*h)/2$	0.7617188	0.7617188
28	1	Rectangle	40	11.875	a*b	3.2986111	3.2986111
29	1	Rectangle	45.375	10.5	a*b	3.3085938	3.3085938
30	1	Triangle	36.5	17.625	$(b*h)/2$	2.233724	2.233724
31	1	Parallelogram	24.375	19.25	a*h	3.2584635	3.2584635

TOTAL SQ. FT. = 222.86



1 REGIONS SIGN [2x]
Scale: 3/16" = 1'



2 WEWORK SIGN [2x]
Scale: 1/4" = 1'

Parcel Zone Code:
Street Type (SW and SE):
Street Type (NE and NW):
Sign Types:
Building Height:
Max. Sign Area Per Pedestrian Facade:
Max. Sign Area Per Alley Facade:

DTC
Pedestrian
Non, Alley Frontage
[4x] Skyline
201' and Taller
720 Sq. Ft.
155.5 Sq. Ft.

Regions Sign Area: — 495 Sq. Ft.
wework Sign Area: — 223 Sq. Ft.
Total Sign Area: 1436 Sq. Ft.
Total Allowed Skyline Sign Area: 1751 Sq. Ft.



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



**BUILDING SIGN PERMIT / CASN - 2018005002
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09306110300

APPLICATION DATE: 01/29/2018

SITE ADDRESS:

150 4TH AVE N NASHVILLE, TN 37219
LOT 1 ONE NASHVILLE PLACE

PARCEL OWNER: PRIM ONE NASHVILLE PLACE, LLC

CONTRACTOR:

APPLICANT: JARVIS AWARD SIGN AND FLAG CO

JARVIS AWARD SIGN AND FLAG CO 61701 STBC-27

MADISON, TN 6158656062

PURPOSE:

SIGN PERMIT FOR WEWORK....."Sign permit for WeWork..... Request two skyline signs at 49'x5' each in DTC approved under 2017-010076 and approved again using an alternate square footage calculation approved by MDHA DRC on February 20, 2018....."

- 1....SEE DRC APPROVAL: MDHA: PARKER BROWN..615-252-3750.
- 2...EXTERNAL ILLUMINATION NOT ALLOWED.
- 3...ul numbers....E 72418982 - 995.
- 4...*** NEED TO COMPLY WITH MDHA APPROVED 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.*

Commercial Building Final	(615)862-6550 John.Puckett@nashville.gov
Commercial Building Footing	(615)862-6550 John.Puckett@nashville.gov
Building Framing - Ceiling	Charles.Hayes@nashville.gov
Building Final	Charles.Hayes@nashville.gov
Building Floor Elevation	Charles.Hayes@nashville.gov
Building Footing	Charles.Hayes@nashville.gov
Building Foundation	Charles.Hayes@nashville.gov
Building Framing	Charles.Hayes@nashville.gov
Building Framing - Wall	Charles.Hayes@nashville.gov
CA Building Progress Inspection	Charles.Hayes@nashville.gov
Building Slab	Charles.Hayes@nashville.gov
Electrical Sign Final	Jeremy.Barber@nashville.gov
Non-Electrical Sign Final	Jeremy.Barber@nashville.gov
U&O Property Standards Zoning	862-6590
U&O Zoning Final	(615)862-6550 John.Puckett@nashville.gov

Inspection requirements may change due to changes during construction.



Doug Berry

From: Doug Berry <Doug.Berry@millermartin.com>
Sent: Wednesday, March 14, 2018 1:58 PM
To: 'Murphy, Jim'; Fox, Lora (Legal)
Cc: Emily Meyers; Benjamin Wolfert
Subject: WeWork v. Regions and Metro [M&M-content.29926.0001]
Attachments: Building Permit 20180005002.PDF

Lora and Jim. On March 13, 2018, the Codes Department issued the attached permit, which computes the sign square footage according to the requirements of Section 17.32.160D of the Zoning Ordinance, resulting in a total square footage of the two signs of 490 square feet, which has also been approved by the Design Review Committee of the MDHA. It is my client's position that this should resolve all outstanding issues concerning the signs. Please call me at your convenience if you wish to discuss. Doug

Douglas Berry

d (615) 744-8620
f (615) 744-8635
Suite 720 | 401 Commerce Street | Nashville, TN 37219

**CONFIDENTIALITY NOTICE**

The information contained in this e-mail message is legally privileged and confidential, and is intended only for the use of the addressee. If you are not the intended recipient, please be aware that any dissemination, distribution or copy of this e-mail is prohibited. If you have received this e-mail in error, please immediately notify us by reply e-mail and delete this message and any attachments. Thank you.



if it undermines the statute's or ordinance's validity.” *Whittemore v. Brentwood Planning Comm'n*, 835 S.W.2d 11, 15-16 (Tenn. Ct. App. 1992).

Courts apply the same rules in construing zoning ordinances as they do in interpreting other statutes. The courts will read all sections of the ordinance dealing with the same subject matter *in pari materia* and construe them together to ascertain the intention of the legislative body. *Lions Head Homeowners Ass'n. v. Metro. Bd. Of Zoning Appeals*, 968 S.W.2d 296, 301 (Tenn. Ct. App. 1997). They will seek the interpretation that is most consistent with the ordinance’s general purposes, and will resolve ambiguities in favor of the property owner's right to the unrestricted use of its property. *See SNPCO v. City of Jefferson City*, 363 S.W.3d 467, 474 (Tenn. 2012); *421 Corp. v. Metro. Gov't. of Nashville & Davidson County*, 36 S.W.3d 469, 475 (Tenn. Ct. App. 2000).

IV.

ARGUMENT

A. THE BOARD OF ZONING APPEALS ACTED ARBITRARILY AND CAPRICIOUSLY WHEN IT OVERTURNED THE INTERPRETATION OF THE DOWNTOWN CODE BY DRC AND THE ZONING ADMINISTRATOR.

Regions argued, and the Board agreed, that the portion of Printers’ Alley adjacent to the Building should not constitute a street frontage for purposes of calculating the total allowable square footage for skyline signs on the Building. But a review of the entire DTC reveals that the Board acted arbitrarily in interpreting the DTC in this manner.³

³ The DTC is part of the Zoning Ordinance. *See* Zoning Ordinance, Section 17.37.010, Appendix 1. Appendix 1 contains all provisions of the Zoning Ordinance relied upon in this Brief and Appendix 2 contains the cited and relevant provisions of the DTC, including the illustrative maps relied upon by the Board. Citations to the Zoning Ordinance will be to the Section. Citations to the DTC, which are codified entirely under Section 17.37 of the Zoning Ordinance, will be to the Section number of the DTC and page number. *Id.* will be used where appropriate. The Court may take judicial notice of the Zoning Ordinance and DTC under Rule 202 of the Tennessee Rules of Evidence. (Hereinafter “Tenn. R. Evid. _____”).



1. Applicable Regulations

The Building is located within the “Core Historic Subdistrict.” The Core Historic Subdistrict is shown on the map at page 22 of Section II of the DTC. The DTC describes the Core Historic Subdistrict as follows:

The Core Historic neighborhood has two historic urban spaces – the Arcade and Printers’ Alley. This neighborhood is comprised [sic] several historic buildings, many of which have been recently renovated. The height maximums for this subdistrict reflect historic urban design features – lower buildings mid-block and taller buildings to “book-end” the blocks at the corners. The adaptive reuse of historic buildings is encouraged and new construction should be of appropriate scale and detailing, maintaining the existing storefront rhythm. Pedestrian comfort and safety should be prioritized with an interesting sidewalk realm, activity on the ground level of buildings, and controlled vehicular access.

Id.

The DTC “Sign Standards” are at Section V. Allowable square footage for skyline signs is determined by reference to the “Street Types” that the relevant building fronts. This section describes Printers’ Alley as follows:

Printers’ Alley is a unique, iconic alley in Downtown. As a public pedestrian-only street with businesses on the ground floor and upper floors, unconventional standards apply to this street only.

DTC, Section V, at page 106. “Pedestrian Streets” is also defined. *Id.* at 105.

The “Map of Street Types for Signage Standards,” relied upon by the Board, is at page 107 of the DTC. An enlargement of a portion of this map included as an insert to the right of the main map appears to depict Printers’ Alley colored in green from Union Street to Church Street. There is no dispute that Commerce Street and Fourth Avenue are classified on this map as “Pedestrian Streets.” *Id.*

Section V of the DTC at page 109 provides under “Allocation of Sign Area by Street Type” that “(t)he maximum sign area for each type of sign is determined by the Street Type and is established in the following tables.” For both “Pedestrian Street Type[s]” *and* “Printers’ Alley

Street Type[s],”—and, for that matter, every type of street type referenced in Section V of the DTC—the area of “skyline signs” is determined by the average height of the building according to the following formulas:

75’ to 100	480 square feet
101’ to 200’	600 square feet
201’ and taller	720 square feet

Id. at 109-10.

Finally, Section V of the DTC describes the standards for “skyline signs.” *Id.* at 117. Such signs are, among other things, allowed only on buildings greater than 75 feet in height. *Id.*

2. **The Board ignored the plain language of the Downtown Code and Zoning Ordinance when it ruled that Printers’ Alley between Church and Commerce should not be counted as a street for purposes of sign face computation.**

The Board based its decision on findings that (i) only the “historic” portion of Printers’ Alley between Church and Union with “pedestrian traffic, . . . ground floor retail, restaurant, bar, (and) nightclub use” should be treated as a street for purposes of calculating allowable skyline sign square footage, and not the portion of Printers’ Alley between Church and Commerce that is adjacent to the Building; and (ii) the “historic” portion of Printers’ Alley is identified with green highlighting on an enlarged portion of the “Map of Street Types for Signage Standards” at page 107 of the DTC. (*See* AR 143, lines 7-19). In doing so, the Board ignored the plain text of the DTC, and disregarded well-established principles of statutory interpretation.

First, the Board ignored the plain text of the DTC in adopting Regions’ definition of what constitutes the “historic” portion of Printers’ Alley. Indeed, the portion of Printers’ Alley within the Core Historic District (*see* AR 076) is larger than the “historic” portion of Printers’ Alley running from Union to Church described by the Board and includes sections of Printers’ Alley

that have no pedestrian oriented retail businesses.⁴ For example, the Regulating Plan for the Core Historic District also includes four (4) properties that are south of Church Street. The fact that the Core Historic District includes sections of Printers' Alley without pedestrian oriented retail businesses belies the Board's conclusion that "pedestrian traffic, . . . ground floor retail, restaurant, bar, (and) nightclub use" are the *sine qua non* of what constitutes "historic."

Second, the Board acted arbitrarily and capriciously in adopting Regions' argument that the definition of Printers' Alley in the DTC warrants treating portions of Printers' Alley differently than any other pedestrian street type for purposes of skyline signs. The DTC defines Printers' Alley as a "unique, iconic alley" warranting "unconventional standards" due to it being a "public, pedestrian-only street with business on the ground floor and upper floors." See DTC, Section V, at page 109-10. Far from providing blanket authorization to treat Printers' Alley differently for purposes of skyline signs, this definition clearly provides an explanation as to why Section V of the DTC contains certain "unconventional" standards for Printers' Alley. The only ways in which Section V of the DTC actually treats Printers' Alley in an unconventional manner,

⁴ Just as the Board effectively took judicial notice of the character of certain segments of Printers' Alley, so too may this Court. Under Tenn. R. Evid. 201 (a) the Court may take judicial notice of an adjudicative fact when it is "not subject to reasonable dispute, in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." See, e.g., *Chandler v. Edgar W. Long, Inc.*, 623 F.2d 1139, 1142 (6th Cir. 1980) ("whether an automobile accident was in the residential or commercial part of the city"); *Clariday v. State*, 552 S.W.2d 759, 770 (Tenn. Crim. App. 1976) ("that the intersection of Lakeland Drive and McGavock Pike lies within the boundaries of Davidson County"); *Laughter & Fisher v. McLain*, 229 F. 280, 282 (W.D. Tenn. 1916) ("that the laws of Tennessee, establish public schools, and also of the fact that within four miles of the plaintiff's place of business at No. 520 South Main street in Memphis, there are several schoolhouses, both public and private, wherein schools are kept"); *Creative Restaurants, Inc. v. City of Memphis*, 795 S.W.2d 672, 676 (Tenn. Ct. App. 1990) ("This Court can certainly take judicial notice of the fact that Beale Street in times past enjoyed a cultural and historical reputation nationwide[.]"); *State v. Kimbrough*, No. M2003-00719-CCA-R3-CD, 2005 WL 292419, at *11 n.2 (Tenn. Crim. App. Jan. 31, 2005) ("The trial court took judicial notice of the fact that 'Old Hickory Boulevard becomes Bell Road in the Antioch area, and that the Antioch area is relatively small[.]").

however, have nothing to do with skyline signs, and everything to do with building signs and other street-level activity. For example, no “Ground Signs” are allowed in Printers’ Alley, though they are allowed for all other street types. The obvious reason for this is that ground signs would interfere with pedestrian traffic. In addition, Printers’ Alley is the only type of street for which “Building Signs” are allowed on the “ground floor.” *Id.* Printers’ Alley is also the only type of street for which wall, awning, and canopy signs are regulated by which floor the sign is on. No other street type has such classifications. *Id.* The patent reason for these more liberal standards is that the restaurants and nightclubs on the alley have long relied on such signs.

Nowhere does the DTC instruct, however, that skyline signs fronting onto Printers’ Alley be treated differently than those fronting elsewhere. Critically, Section V of the DTC at 109-10 on its face applies the *exact same* numerical standards for skyline signs fronting Printers’ Alley as it does for every other type of regulated street type.

Based on the plain text of the regulations read as a whole, it is clear that the unique pedestrian nature of Printers’ Alley warrants different and generally more liberal standards for building signs and other street level activity. Treating Printers’ Alley differently for skyline signs hung 200 feet above street level, however, bears no support in logic or the DTC.

Third, the cornerstone of Regions’ argument and the Board’s decision—that the “green line” drawn on the map at page 107 of the DTC is intended to depict the lone “historic” portion of Printers’ Alley intended to qualify as a street frontage—is completely unsupported by the DTC. Such interpretation is inconsistent with other maps included in the DTC, and contrary to the present-day reality of the relevant portions of Printers’ Alley. For example, the Core Historic Subdistrict includes four properties to the north of an unnamed alley (hereinafter “the east-west alley”) running parallel to and south of Union Street and north of Church Street that, like the

portion of Printers' Alley adjacent to the Building, also have no ground-floor retail businesses, restaurants, bars or nightclubs fronting Printers' Alley, but nevertheless are highlighted green on the map that the Board found conclusive.⁵ Further, no portion of Printer's Alley lying south of Church Street is colored green, even though this segment includes the four (4) properties that are within the Core Historic Subdistrict. Because there is no support for the conclusion that the green highlighting indicates the "historic" portion of Printers' Alley, there is no legislative intent discernible from this miniscule green line that the Metro Council intended to exclude any portion of Printers' Alley from consideration in calculating the allowable sizes for skyline signs.

Fourth, the Board's decision, and Regions' argument, makes no allowance for the possibility that building owners along those stretches of Printers' Alley that *presently* have no retail businesses might *in the future* renovate their buildings to provide for such. It is illogical and unworkable to adopt an interpretation of land use regulations that changes depending on the fleeting intent of individual building owners.

Fifth, the Board's size restrictions on skyline signs make no sense, furthermore, when read *in pari materia* with the other restrictions for Printers' Alley. The height restrictions on buildings in Printers' Alley's historic core are six (6) stories for the mid-block area and ten (10) stories for the corners. Yet, skyline signs for buildings with frontage on Printers' Alley are permitted for buildings that clearly exceed six (6) or even ten (10) stories: 480 square feet for a 75 to 100 foot building, 600 square feet for a 101 to 200 foot building, and 720 square feet for a building 201 feet and taller. The *only* building adjacent to Printers' Alley that is 201 feet or taller is, in fact, the Building. It is not credible to assume that the Metro Council would have

⁵ The facts as they relate to the nature of businesses within the Core Historic Subdistrict are not subject to reasonable dispute, are generally known within the territorial jurisdiction of the trial court and are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. *See* cases cited *supra*, at note 4.

granted a building of this size with frontage on Printers' Alley the right to have a 720 square foot sign if the frontage on Printers' Alley did not count in the computation.

Sixth, the Board erred by refusing to defer to the DRC's interpretation of the DTC. The DRC is the sole agency charged with interpreting the DTC. DTC, Section I, pages 13-14. The Board acted outside of its authority, and contrary to the intent of the DTC, in overturning the DRC's interpretation.

Finally, had the Council intended to exclude the portion of Printers' Alley not colored in green, or any other portion of the alley, from consideration in computing street frontage for sign square footage, it could have easily done so with one sentence of text. It chose not to do this.

3. **The Board acted arbitrarily by ignoring the fact that, under calculation methods mandated by the Zoning Ordinance, which are incorporated into the DTC, the signs are compliant even under Regions' theory of the case and the Board's interpretation of the DTC.**

Even assuming the Board was correct in its argument as to how Printers' Alley should be treated, which the Petitioner, of course, does not concede, the Board also ignored appropriate square footage calculation methods prescribed by the Zoning Ordinance in determining that Petitioner's signs are too big.

The DTC expressly incorporates by reference Chapter 17.32 of the Zoning Ordinance, titled "SIGN REGULATIONS." *See* DTC, p. 12 (listing sections of the Zoning Ordinance that apply "in addition" to the standards set forth in the DTC). That provision of the Zoning Ordinance prescribes the methods for calculating a sign's area. It is clear from the face of the Zoning Ordinance that sign area is calculated differently depending on whether or not the lettering is enclosed by a border or trimming (like Regions' signs) or is "attached directly to a façade" and "not enclosed by a border or trimming" (like WeWork's).

With respect to signs, like Regions', where the lettering sits atop a rectangular background, the area is computed as follows:

- C. Sign Area. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof which will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed,

Chapter 17.32.160.C. The WeWork signs, however, have no background and consist only of letters. A separate provision of the Zoning Ordinance governs such signs:

- D. Building-Mounted Letters and Pictures. Where a sign is composed of letters or pictures *attached directly to a façade . . .*, and the *letters or pictures are not enclosed by a border or trimming*, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle or combination thereof, the sides of which touch the extreme points of the letters or pictures.

Id. § D (emphasis added).

Petitioner has attached as Exhibit 8 to the Petition a graphic showing the calculation of the area of the WeWork signs according to this formula. Measured this way, the square footage of each WeWork sign is only 223 square feet per sign. Thus, even if the Board was correct in its ruling and there was only 450 square feet of remaining available signage, the WeWork signs would fit within that area.

Petitioner did not rely upon this provision of the DTC in its application, nor did the DRC or Zoning Administrator apply it. WeWork used the same method of computing the sign square footage that Regions used, because even if that method produced an exaggerated square footage calculation, it placed the signs well within the total square footage that WeWork interpreted the regulation to allow. Indeed, all parties and the Board treated the signs as if they were like Regions' signs and governed by Section 17.32.160, C., "Sign Area."

Despite this, the Court may still find that the Board acted arbitrarily in failing to account for the appropriate method of calculation. *See* Tenn. Code Ann. § 27-9-111(b) (in reviewing board’s decision, “[t]he hearing shall be on the proof introduced before the board or commission contained in the transcript, and upon such other evidence as either party may desire to introduce.”). Courts have allowed the introduction of evidence not presented to the Board to determine “whether the Board exceeded its jurisdiction or acted illegally, arbitrarily or capriciously.” *Weaver v. Knox Cnty. Bd. Of Zoning Appeals*, 122 S.W.3d 781, 786 (Tenn. Ct. App. 2003); *City of Knoxville v. City of Knoxville Pension Bd.*, No. E2012-00703-COA-R3-CV, 2012 WL 6477024, at *5 (Tenn. Ct. App. Dec. 14, 2012). Petitioner, moreover, has not waived this issue, because the issue is purely legal and does not add new facts to the record. *See O’Bryan v. Holy See*, 556 F.3d 361, 375, n.5 (6th Cir. 2009); *Bryant v. Dollar Gen. Corp.*, 538 F.3d 394, 400 (6th Cir. 2008); *Scottsdale v. Flowers*, 513 F.3d 546, 552 (6th Cir. 2008).

Here, there can be no dispute that the Board acted arbitrarily and capriciously in failing to calculate WeWork’s signs as though they were “Building-Mounted Letters and Pictures” pursuant to Chapter 17.32.160.D. It was arbitrary and capricious for the Board to ignore a “plainly relevant part” of the Zoning Ordinance. *Cf. Arkansas v. Oklahoma*, 503 U.S. 91, 113, 112 S.Ct. 1046, 1060, 117 L.Ed. 2d 239 (1992).

B. THE BOARD EXCEEDED ITS JURISDICTION AND FAILED TO PROVIDE A FAIR HEARING BY CONSIDERING IRRELEVANT TESTIMONY FROM THE VIRIDIAN RESIDENTS CONCERNING THE BRIGHTNESS OF THE SIGNS.

The Board exceeded its jurisdiction in considering and basing its decision in part on the testimony of the Viridian residents concerning the brightness of Petitioner’s signs.

The Court, in reviewing agency action under a common law writ of certiorari, must reverse the agency’s decision if it determines the agency followed “an unlawful procedure.”

Section I: Introduction

Application of the DTC

General Provisions

If necessary, to adhere to the laws and regulations of Federal, State, or local departments or agencies, the regulations in this chapter may be modified. Such modifications may be approved by the Planning Commission, the DTC Design Review Committee or Planning Staff, in accordance with the Modifications section of this Chapter.

To the extent that the provisions of the Downtown Code is inconsistent or in conflict with the provisions of the Gateway Urban Design Overlay District that is also zoned DTC, the provisions of the DTC zoning shall be controlling; however, any provisions of the Gateway UDO may be used provided that the standards of the DTC zoning are met.

Applicable Chapters and Sections of the Zoning Code

In addition to the standards set forth within this document, the following Chapters and Sections of the Metro Zoning Code shall apply to properties with DTC zoning.

- All of Chapter 17.04 GENERAL PROVISIONS AND DEFINITIONS
- Within Chapter 17.08 ZONING DISTRICTS AND LAND USE TABLES
 - Section - 17.08.010 Zoning districts established.
 - Section - 17.08.020 Zoning districts described.
- All of Chapter 17.16 LAND USE DEVELOPMENT STANDARDS
- Within Chapter 17.20 PARKING, LOADING AND ACCESS
 - Section - 17.20.050 Handicapped parking.
 - Section - 17.20.060 Parking area design standards.
 - Section - 17.20.070 Queuing requirements for drive-through facilities.
 - Section - 17.20.130 Loading space requirements.
- Within Chapter 17.24 LANDSCAPING, BUFFERING AND TREE REPLACEMENT
 - Section - 17.24.010 Purpose and intent.
 - Section - 17.24.020 Landscape plan required.
 - Section - 17.24.030 Standards for form and quality of plants.
 - Section - 17.24.040 Spacing standards.
- Article II. Tree Protection and Replacement
 - Section - 17.24.090 Removal of protected trees.
 - Section - 17.24.100 Replacement of trees.
 - Section - 17.24.110 Protection of trees during development activities.
 - Section - 17.24.120 Less desirable trees.
 - Section - 17.24.160 Interior planting requirements.
 - Section - 17.24.170 Nonconforming parking areas.
- All of Chapter 17.28 ENVIRONMENTAL AND OPERATIONAL PERFORMANCE STANDARDS
- All of Chapter 17.32 SIGN REGULATIONS
- All of Chapter 17.36 OVERLAY DISTRICTS, except Article XII, Urban Zoning Overlay (UZO) District.
- All of Chapter 17.40 ADMINISTRATION AND PROCEDURES, except as otherwise provided for within this document.



2018-479
OPPOSE

TO: METROPOLITAN BOARD OF
ZONING APPEALS:

RECEIVED
CODES ADMINISTRATION

SUBJECT: APPEAL CASE # 2018-479

AUG 24 2018

I WOULD LIKE YOU TO DENY REGION
FINANCIAL BANKS REQUEST/APPEAL FOR A
SIGN PERMIT.

THE REASON IS THE SAME AS
BEFORE WHEN THEY VIOLATED THE LAW.

THE REQUESTED SIGN IS TO
BRIGHT AND TO CLOSE TO MY BUILDING
THE VISION CONDOS AND SHINES INTO
MY UNIT WHICH AFFECTS MY QUALITY
OF LIFE AND OTHERS.

PLEASE MAKE REGIONS ADHERE TO
PRESENT LAW, RULES AND ORDINANCES
LIKE EVERYONE ELSE HAS TO !!

ADDRESS:

2403 CHURCH ST.
UNIT #2403
NASHVILLE, TN. 37219

THANK-YOU
J. Rieger
JAMES L. RIEGER

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jay Fulmer Date: 8-7-18
Property Owner: Key Motel, LLC Case #: 2018-501
Representative: Jay Fulmer Map & Parcel: 71-11-5

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: Requesting variance from sidewalk requirement on previously issued permit 2018012638.

Activity Type: Commercial Rehab - Hotel

Location: 1414 Dickerson 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: Requesting variance from sidewalk requirement

Section(s): 17.12.120

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.

Same
Appellant Name (Please Print)

JAY FULMER
Representative Name (Please Print)

Address

2002 RICHMOND JONES RD CS04
Address

City, State, Zip Code

NASHVILLE, TN 37215
City, State, Zip Code

Phone Number

615-345-3771
Phone Number

Email

JAY@FULMERENG.COM
Email

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



3542932

ZONING BOARD APPEAL / CAAZ - 20180046522
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 07111000500

APPLICATION DATE: 08/07/2018

SITE ADDRESS:

1414 DICKERSON PIKE NASHVILLE, TN 37207
WEST SIDE DICKERSON PIKE NORTH OF FERN AVENUE

PARCEL OWNER: KEY MOTEL, LLC

CONTRACTOR:

APPLICANT:**PURPOSE:**

requesting variance from sidewalk requirement on previously issued permit of 2018012638.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

SIDEWALK IS IN CONFLICT WITH EXISTING SIGNS
AND UTILITY POLES. IF POLES ARE MOVED, THEN
EASEMENTS WOULD BE REQUIRED ON ADJACENT
PROPERTY, ORIGINAL DESIGN WAS BUILT OFF
DRIVE LANE STRIPING SHOWN, AND FIELD
VERIFICATION IDENTIFIED CONFLICTS WITH
SIGNS AND POLES.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6580

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


APPELLANT

8/7/18
DATE



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



3452671

**BUILDING COMMERCIAL - REHAB / CACR - 2018012638
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 07111000500

APPLICATION DATE: 03/07/2018

SITE ADDRESS:

1414 DICKERSON PIKE NASHVILLE, TN 37207
WEST SIDE DICKERSON PIKE NORTH OF FERN AVENUE

PARCEL OWNER: KEY MOTEL, LLC

CONTRACTOR:

APPLICANT: PHIPPS CONSTRUCTION CO INC

PHIPPS CONSTRUCTION CO INC

03090 STBC

P O BOX 50026
NASHVILLE, TN 37205 (615)352-5292

PURPOSE:

EXISTING MOTEL IN THREE BLDGS.

THIS PERMIT TO RENOVATE ALL THREE BLDGS.....19 UNITS IN ONE BLDG....6 IN ONE BLDG AND 2 IN THE OTHER BLDG.

****SIDEWALKS REQUIRED AND NOT ALLOWED TO CONTRIBUTE...

**TRIPLE FEE PER BLDG.

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

U&O PW Sidewalk FA - CA Final Approval		862-8758 Benjamin.york@nashville.gov
U&O Life Safety Final Approval		615-862-5230 FMORrequest@nashville.gov
U&O Cross Connect Final Approval		862-7225
Commerical Building Framing -Ceiling	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Footing	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Final		615-862-6568 Joe.Bone@nashville.gov
Commercial Building Framing	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Framing - Wall	REJ-NOFEE	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Progress	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Building Slab	APPROVED	615-862-6568 Joe.Bone@nashville.gov
Commercial Temporary Final		615-862-6568 Joe.Bone@nashville.gov
Building Zoning Final		615-862-6568 Joe.Bone@nashville.gov
U&O Letter		(615) 862-6527 Carmina.Howell@nashville.gov

Inspection requirements may change due to changes during construction.

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



Appellant: Rob Cushman

Date: 8-14-18

Property Owner: The MCA Group

Case #: 2018-522

Representative: Rob Cushman

Map & Parcel: 105-11-192

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 to allow front loading garage

Activity Type: New Construction - Single Family (HPR)

Location: 1704 Corvell 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: Zoning does not allow front loading garages

Section(s): 17-12-020(A)

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

The MCA Group, Inc.
Appellant Name (Please Print)

Rob Cushman
Representative Name (Please Print)

639 E Main St, Ste B202
Address

1019 Avery Trace Cir
Address

Hendersonville, TN 37075
City, State, Zip Code

Hendersonville, TN 37075
City, State, Zip Code

615-559-2212
Phone Number

615-559-2212
Phone Number

rob@stratosdevelopment.com
Email

rob@stratosdevelopment.com
Email

Appeal Fee: \$100.00



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



3545850

ZONING BOARD APPEAL / CAAZ - 20180048569
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10511019200

APPLICATION DATE: 08/14/2018

SITE ADDRESS:

1704 CARVELL AVE NASHVILLE, TN 37203
W SIDE CARVELL AVE S OF SOUTHGATE AVE.

PARCEL OWNER: THE MC2 GROUP, INC

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting variance to allow front loading garage

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

This lot is exceptionally shallow making side or rear entry garage very difficult. Also the topography of the lot makes rear load garage detrimental to height and impervious surfaces.

The lot slopes steeply from the street to the rear of the property, making front load garages more usable.

The other hardships include dedication of ROW to widen the street in the future, sewer easement in the rear of the property making parking in the rear more difficult in the future, and requirement for the appellant to replace the entire water main (1000') down Carvell Ave.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



APPELLANT

8-14-18

DATE

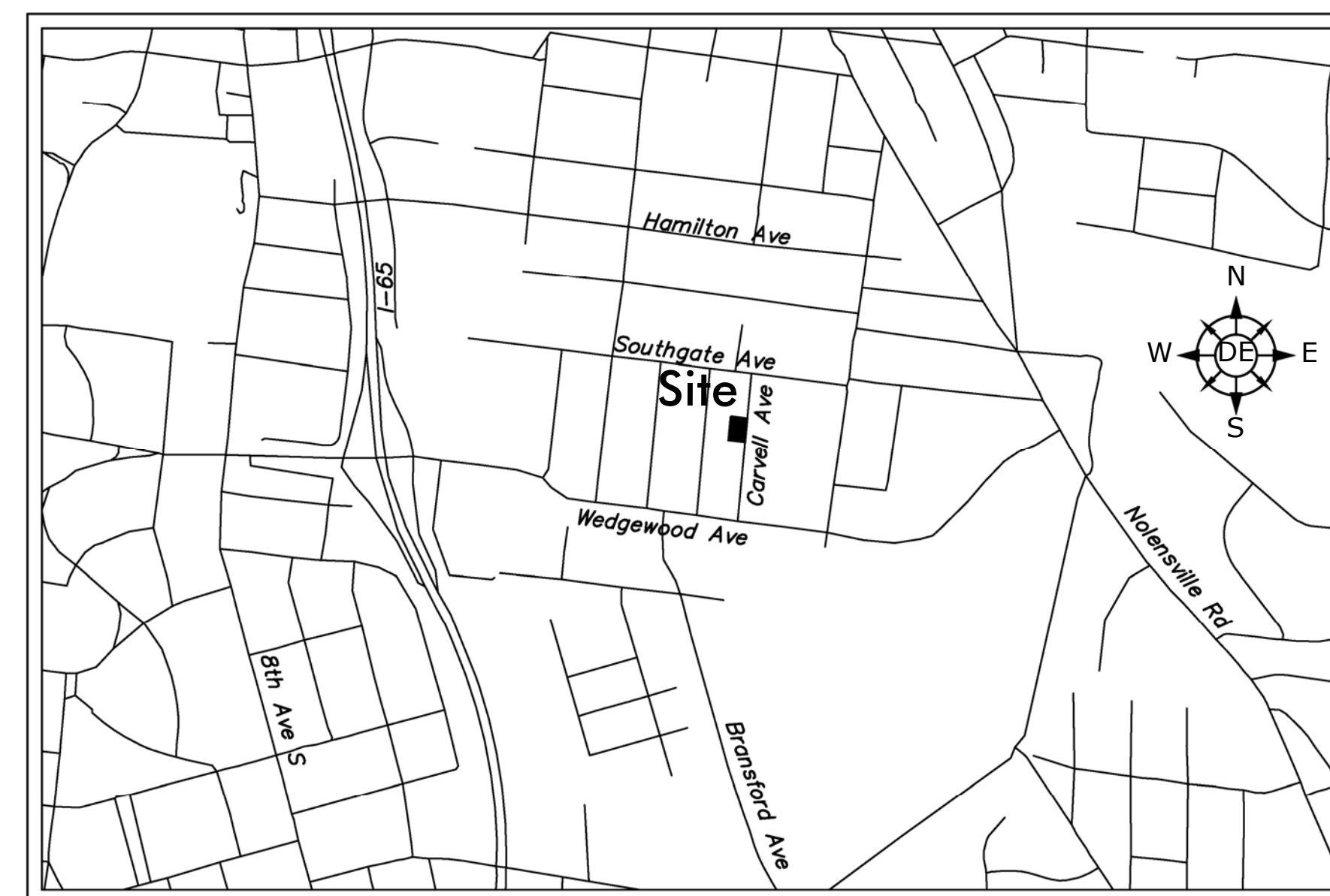
1704 Carvell Ave

Being Parcel 192 on Tax Map 105-11
Nashville, Davidson County, Tennessee

Revisions:

Drawing Notes:

Date: July 27, 2018



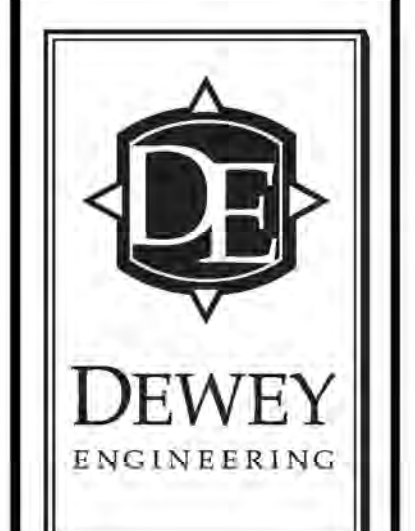
Vicinity Map
N.T.S.

<p>Engineer Dewey Engineering Contact: Michael Dewey, PE 2925 Berry Hill Drive Nashville, TN 37204 Phone: (615) 401-9956</p>	<p>Flood Note This Property is Not Located Within a Flood Hazard Area as Designated by "Zone X" on Firm Panel #47037C0244H. Dated April 5, 2017.</p>
<p>Owner The MCZ Group, Inc 639 E Main St Hendersonville, TN 37075</p>	<p>Site Benchmark Water Meter Lid Located Approximately 32 ft South of the Northeast Corner of the Site NAVD88 Elev. = 493.73</p>

Sheet Schedule

1	C0.0	Cover Sheet
2	C1.0	Existing Conditions and Erosion Control Plan
3	C2.0	Layout and Utilities Plan
4	C3.0	Grading & Drainage Plan
5	C4.0	Details
6	L1.0	Landscape Plan

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee



Cover Sheet

Job No. 17037

C0.0

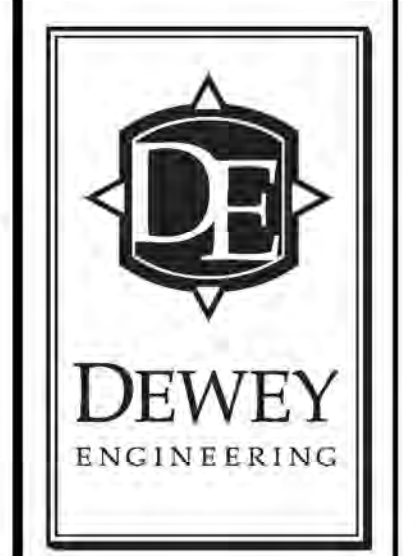


Revisions:

Drawing Notes:

Date: July 27, 2018

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

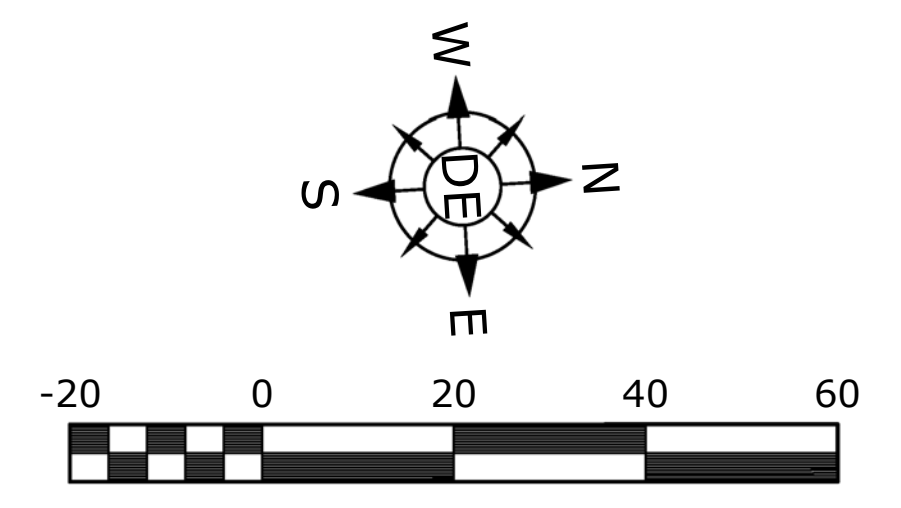


Existing Conditions & Initial Erosion Control Plan

Job No. 17037

C1.0

2 of 6



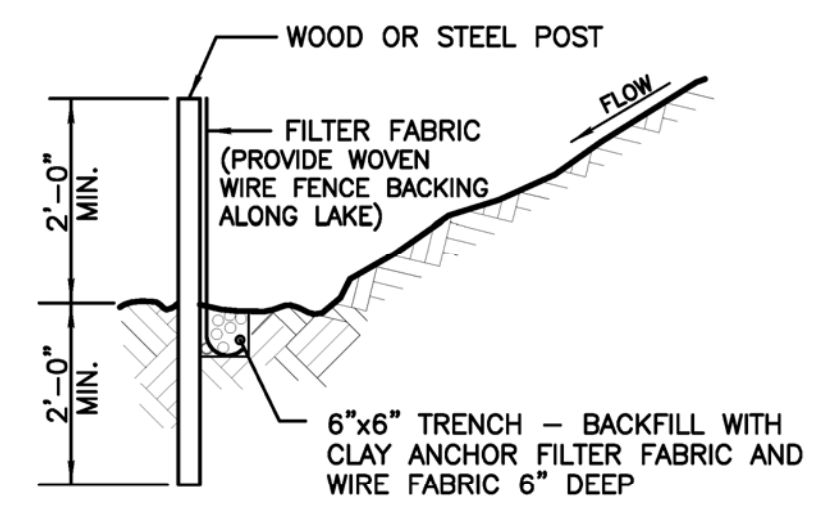
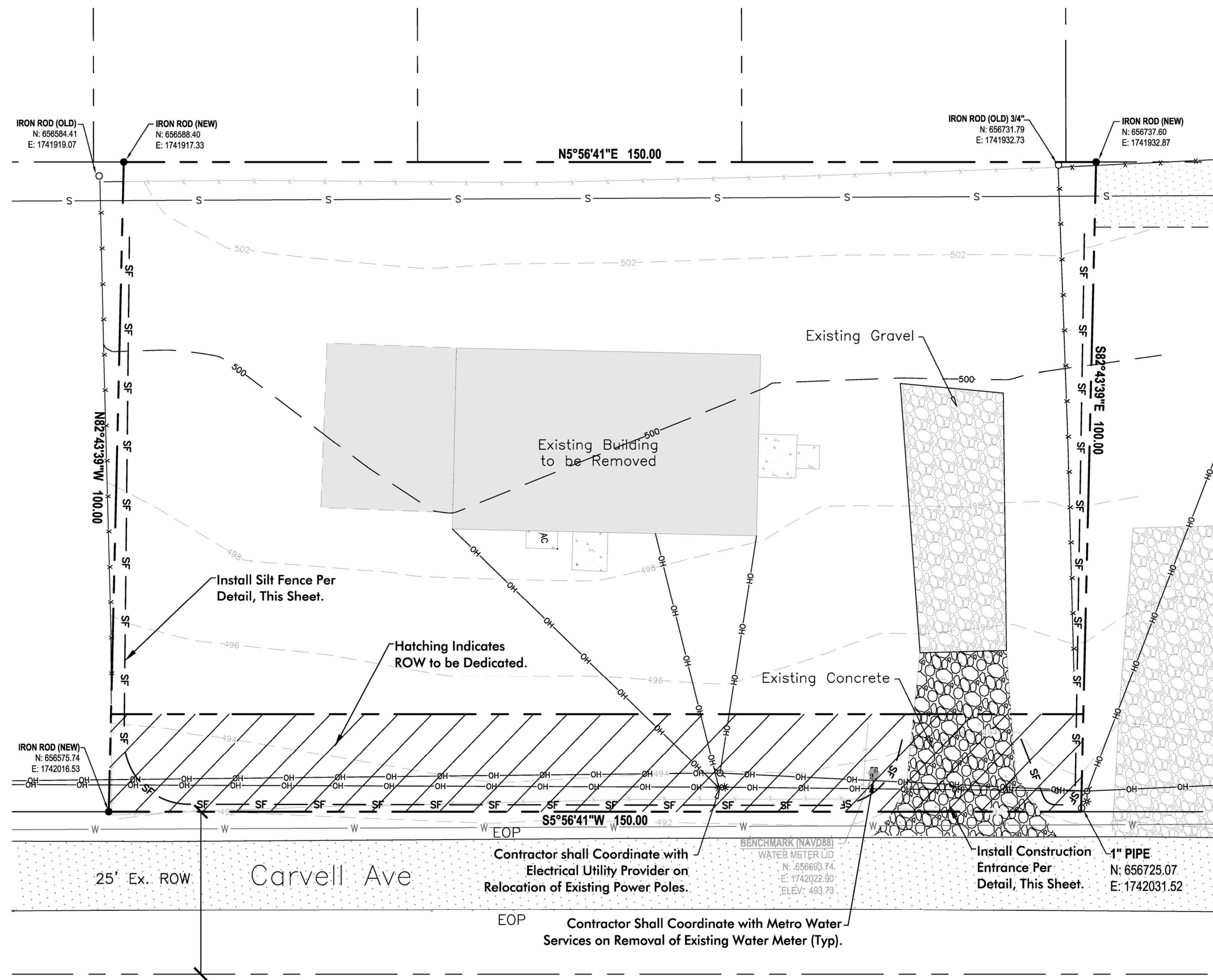
Engineer
Dewey Engineering
Contact: Michael Dewey, PE
2925 Berry Hill Drive
Nashville, TN 37204
Phone: (615) 401-9956

Owner
The MC2 Group, Inc
639 E Main St
Hendersonville, TN 37075

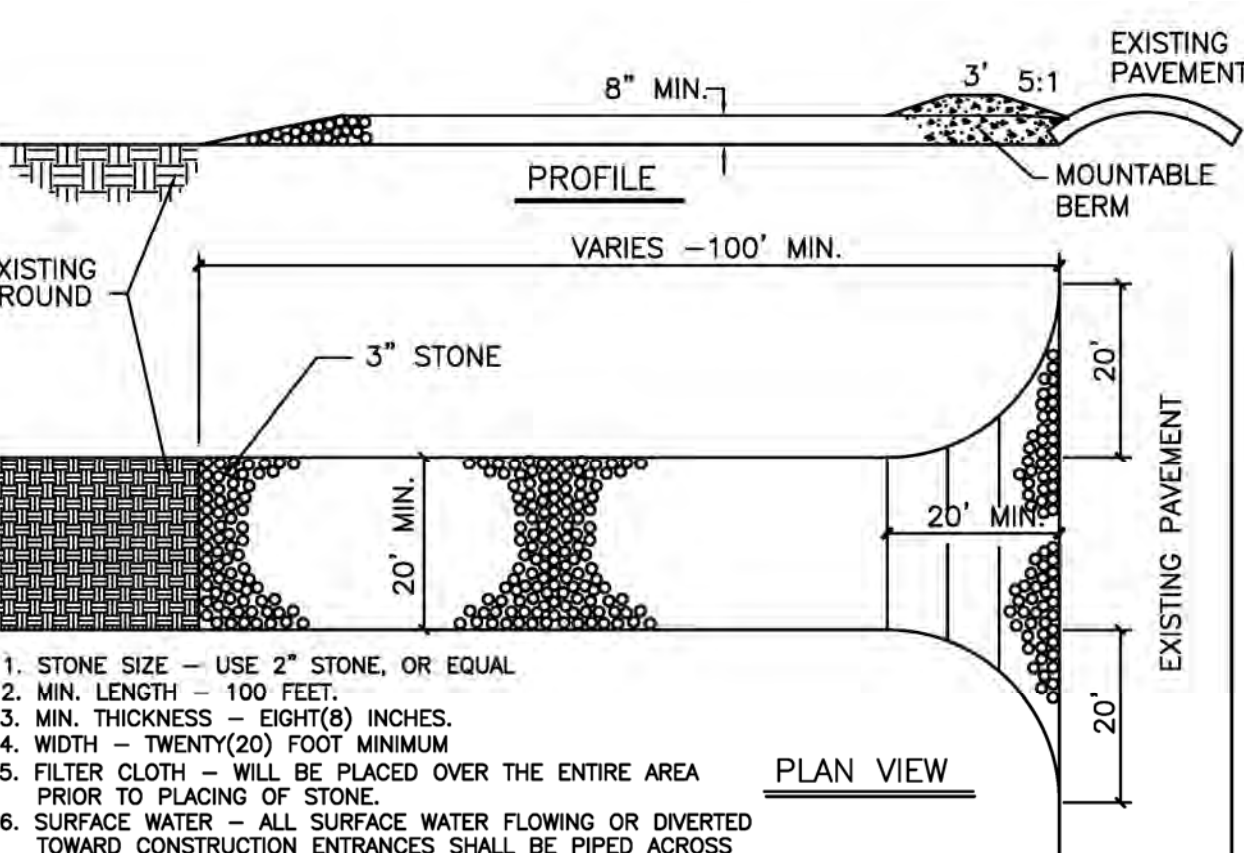
Flood Note
This Property is Not Located
Within a Flood Hazard Area as
Designated by "Zone X" on Firm
Panel #47037C0244H.
Dated April 5, 2017.

Site Benchmark
Water Meter Lid Located
Approximately 32' South of the
Northeast Corner of the Site
NAVD88 Elev. = 493.73

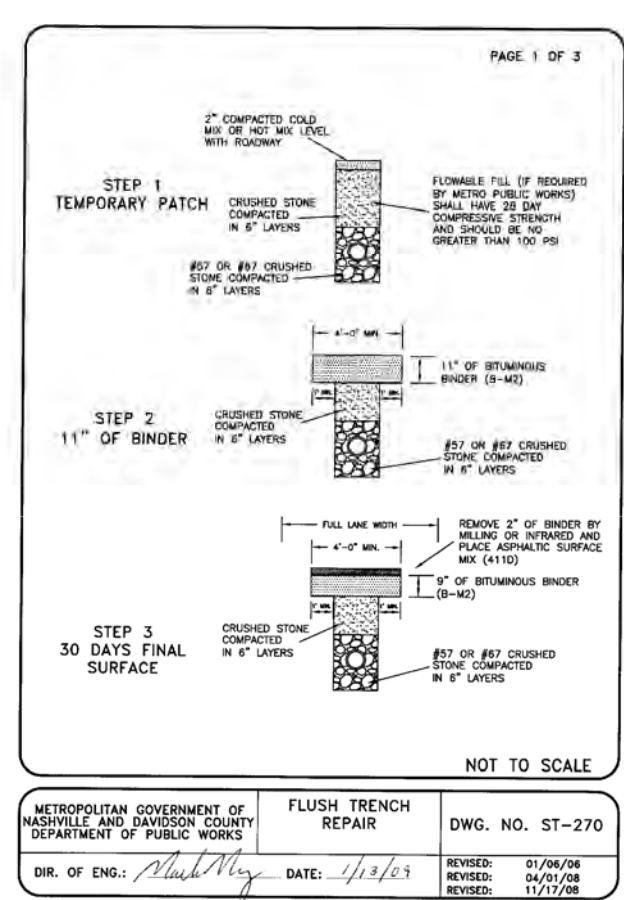
- Erosion Control & Grading Notes:**
1. ALL PERIMETER EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE COMMENCEMENT OF GRADING.
 2. EXPOSE AS SMALL AN AREA OF SOIL AS POSSIBLE ON THE SITE FOR NO MORE THAN 15 DAYS. KEEP DUST WITHIN TOLERABLE LIMITS BY SPRINKLING OR OTHER ACCEPTABLE MEANS.
 3. ALL CUT/FILL AREAS TO HAVE A MINIMUM OF 6" OF TOPSOIL COVER. AREAS DRESSED WITH TOPSOIL SHALL RECEIVE 12 POUNDS PER 1000 SQUARE FEET OF 6-12-12 FERTILIZER (UNLESS OTHERWISE SPECIFIED IN WRITTEN SPECIFICATIONS), 5 POUNDS OR MORE OF KENTUCKY 31 FESCUE SEED PER 1000 SQUARE FEET, AND A STRAW MULCH OF 70%-80% COVERAGE (APPROXIMATELY 125 POUNDS PER 1000 SQUARE FEET), UNLESS OTHERWISE NOTED.
 4. EROSION CONTROL BARRIER IS CALLED OUT ON THE PLANS AND IS TO COMPLY WITH THE METROPOLITAN STORMWATER MANAGEMENT MANUAL VOLUME FOUR, SECTION TCP-14.
 5. DISTURBED AREAS ARE TO BE GRADED TO DRAIN AS INDICATED IN THE PLAN TO SEDIMENT BARRIERS DURING AND UPON THE COMPLETION OF CONSTRUCTION.
 6. 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.
 7. ANY ACCESS ROUTES TO THE SITE SHALL BE BASED WITH CRUSHED STONE, ASTM #1 STONE, 100 FEET LONG AND AT LEAST 8" THICK.
 8. 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.
 9. THE CONTRACTOR SHALL OBTAIN A GRADING PERMIT FROM THE METRO WATER SERVICES NPDES DEPARTMENT (880-2420) PRIOR TO COMMENCING WORK.
 10. 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.
 11. SURPLUS EXCAVATION OF TOPSOIL SHALL BE PLACED ON THE SITE AS APPROVED BY THE OWNER FOR THE PURPOSE OF FUTURE LANDSCAPE USE.
 12. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL NECESSARY TEMPORARY WORKS FOR THE PROTECTION OF THE PUBLIC AND EMPLOYEES, INCLUDING WARNING SIGNS AND LIGHTS.
 13. 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.
 14. ALL WORK IS TO BE COMPLETED IN ACCORDANCE WITH THE APPROVED PLANS AND SHALL BE IN COMPLIANCE WITH THE RULES AND REGULATIONS SET FORTH IN THE METRO WATER SERVICES STORM WATER MANAGEMENT MANUAL. THE CONTRACTOR SHALL GIVE ALL NECESSARY NOTICE, OBTAIN ALL PERMITS, AND PAY FEES REQUIRED FOR THE COMPLETION FOR HIS PORTION OF THE WORK. HE SHALL ALSO COMPLY WITH ALL CITY, COUNTY, AND STATE LAWS AND ORDINANCES OR REGULATIONS RELATING TO PORTIONS OF WORK WHICH HE IS TO PERFORM.
 15. ALL EROSION CONTROL MEASURES SHALL REMAIN IN PLACE UNTIL SITE IS STABILIZED AND CONSTRUCTION IS COMPLETE.
 16. CONTRACTOR SHALL PROVIDE AN AREA FOR CONCRETE WASH DOWN AND EQUIPMENT FUELING IN ACCORDANCE WITH METRO CP-10 & CP-13. CONTRACTOR TO COORDINATE EXACT LOCATION WITH NPDES DEPARTMENT DURING PRECONSTRUCTION MEETING. CONTROL OF OTHER SITE WASTES SUCH AS DISCARDED BUILDING MATERIALS, CHEMICALS, LITTER, AND SANITARY WASTES THAT MAY CAUSE ADVERSE IMPACTS TO WATER QUALITY IS ALSO REQUIRED BY THE GRADING PERMITEE. LOCATIONS OF AND/OR NOTES REFERRING TO THESE BMP'S SHALL BE SHOWN ON THE EPSC PLAN.
 17. IT IS RECOMMENDED THAT THE CONTRACTOR OBTAIN THE SERVICES OF A LICENSED GEOTECHNICAL ENGINEER PRIOR TO COMMENCING WITH CONSTRUCTION TO DETERMINE THE POTENTIAL OF THE EXISTENCE OF UNSUITABLE SOIL MATERIAL ONSITE. IF IT IS DETERMINED THAT THE SUBSURFACE IS NOT SUITABLE FOR CONSTRUCTION AND UNDERCUTTING IS REQUIRED, THE CONTRACTOR SHALL CONTACT THE OWNER AND THE ENGINEER IMMEDIATELY.
 18. THE CONTRACTOR SHALL NOTIFY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO THE COMMENCING OF ANY CONSTRUCTION ACTIVITIES LOCATED WITHIN PUBLIC RIGHT OF WAY.
 19. STEEP SLOPES TO BE STABILIZED WITHIN 7 DAYS OF FINAL GRADING.



- 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
- MAINTENANCE NOTES:**
1. INSPECT TWICE WEEKLY, 72 HOURS APART AND AFTER EACH RAINFALL
 2. REPAIR WHEREVER FENCE IS DAMAGED.
 3. REMOVE SEDIMENT WHEN IT REACHES 1/3 THE HEIGHT OF THE FENCE
 4. REMOVE SILT FENCE WHEN NO LONGER NEEDED. FILL AND COMPACT PAST HOLES AND ANCHOR TRENCH REMOVE SEDIMENT ACCUMULATION, AND GRADE
- SILT FENCE DETAIL**
SEE METRO STORMWATER MANAGEMENT MANUAL VOLUME 4, TCP-13
NOT TO SCALE



1. STONE SIZE - USE 3" STONE, OR EQUAL
 2. MIN. LENGTH - 100 FEET.
 3. MIN. THICKNESS - EIGHT(8) 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, TCP-02
NOT TO SCALE



I, *Michael Dewey*, 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
DATE: 7/27/18

AS THE DESIGN ENGINEER RESPONSIBLE FOR THE DEVELOPMENT OF THESE PLANS, I HEREBY CERTIFY THAT THIS PROJECT DOES NOT REQUIRE COVERAGE UNDER A TENNESSEE CONSTRUCTION GENERAL PERMIT. THE TOTAL DISTURBANCE IS 0.34 ACRES.

Michael Dewey, 7/27/18
ENGINEER DATE

Revisions:

Drawing Notes:

Date: July 27, 2018

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

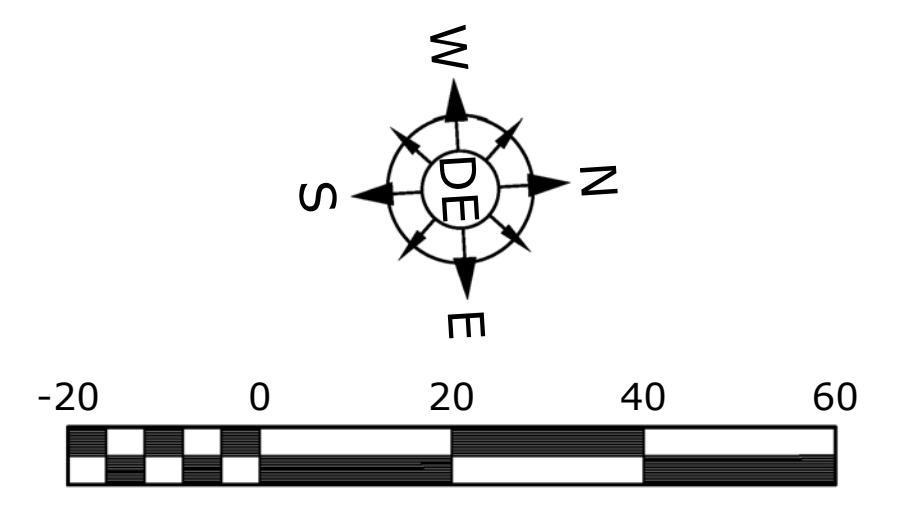


Layout and Utilities Plan

Job No. 17037

C2.0

3 of 6



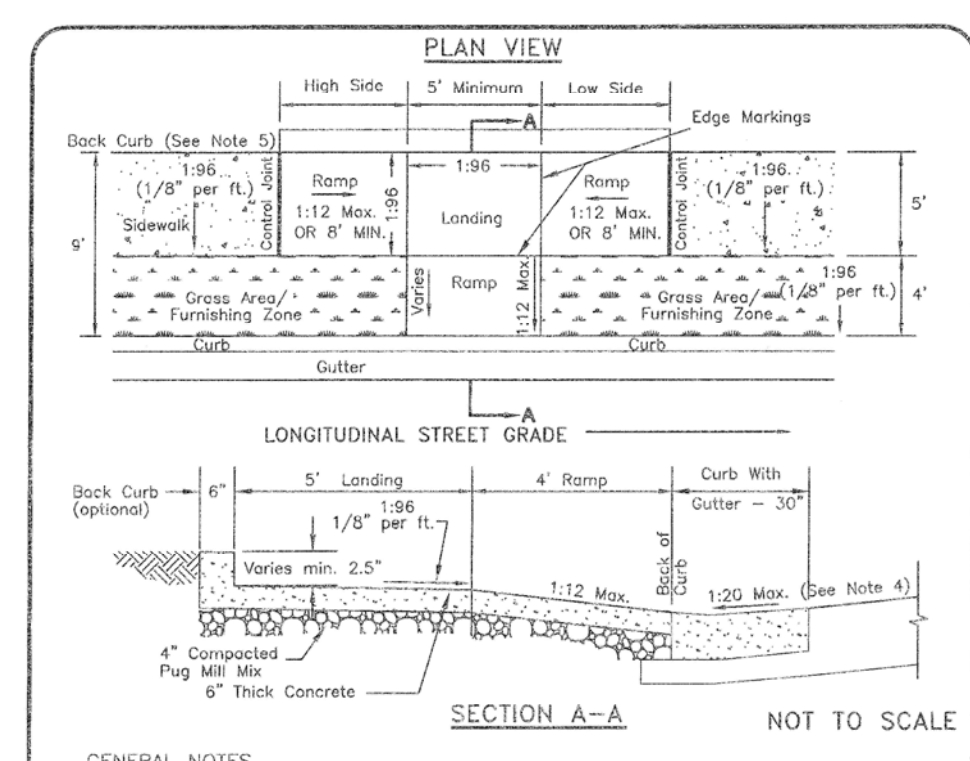
Scale 1" = 20'
Total Site Acreage: 0.29 Acres
Limits of Disturbance: 0.34 Acres

Engineer
Dewey Engineering
Contact: Michael Dewey, PE
2925 Berry Hill Drive
Nashville, TN 37204
Phone: (615) 401-9956

Flood Note
This Property is Not Located
Within a Flood Hazard Area as
Designated by "Zone X" on Firm
Panel #47037C0244H.
Dated April 5, 2017.

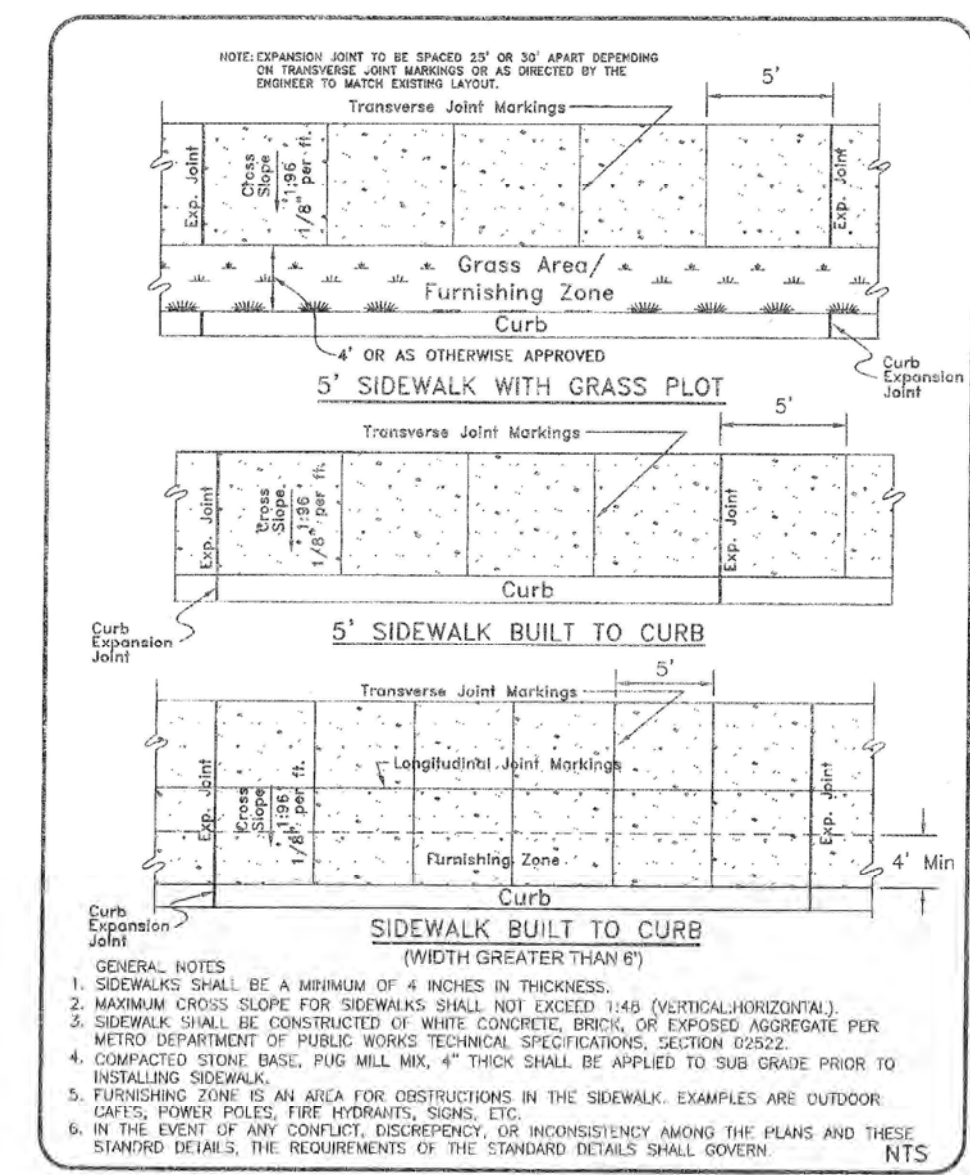
Owner
The MC2 Group, Inc
639 E Main St
Hendersonville, TN 37075

Site Benchmark
Water Meter Lid Located
Approximately 32' South of the
Northeast Corner of the Site
NAVD88 Elev. = 493.73

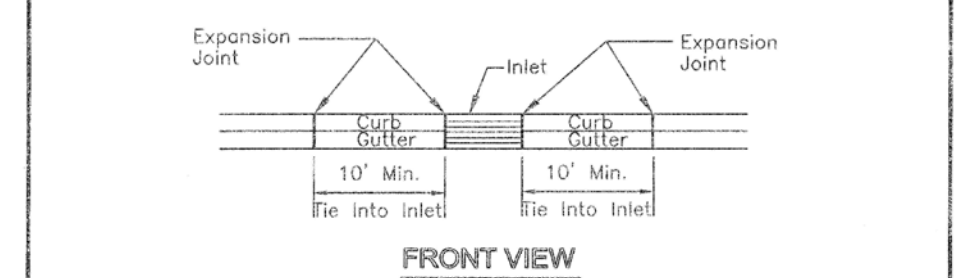
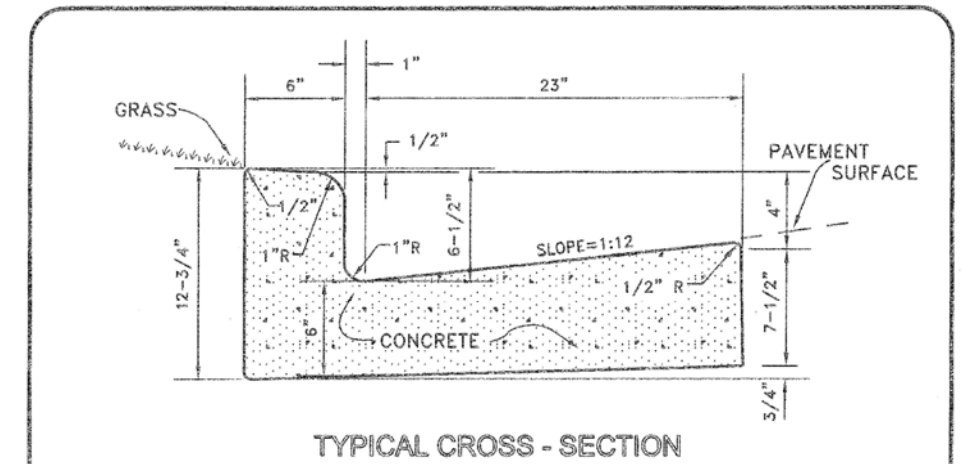
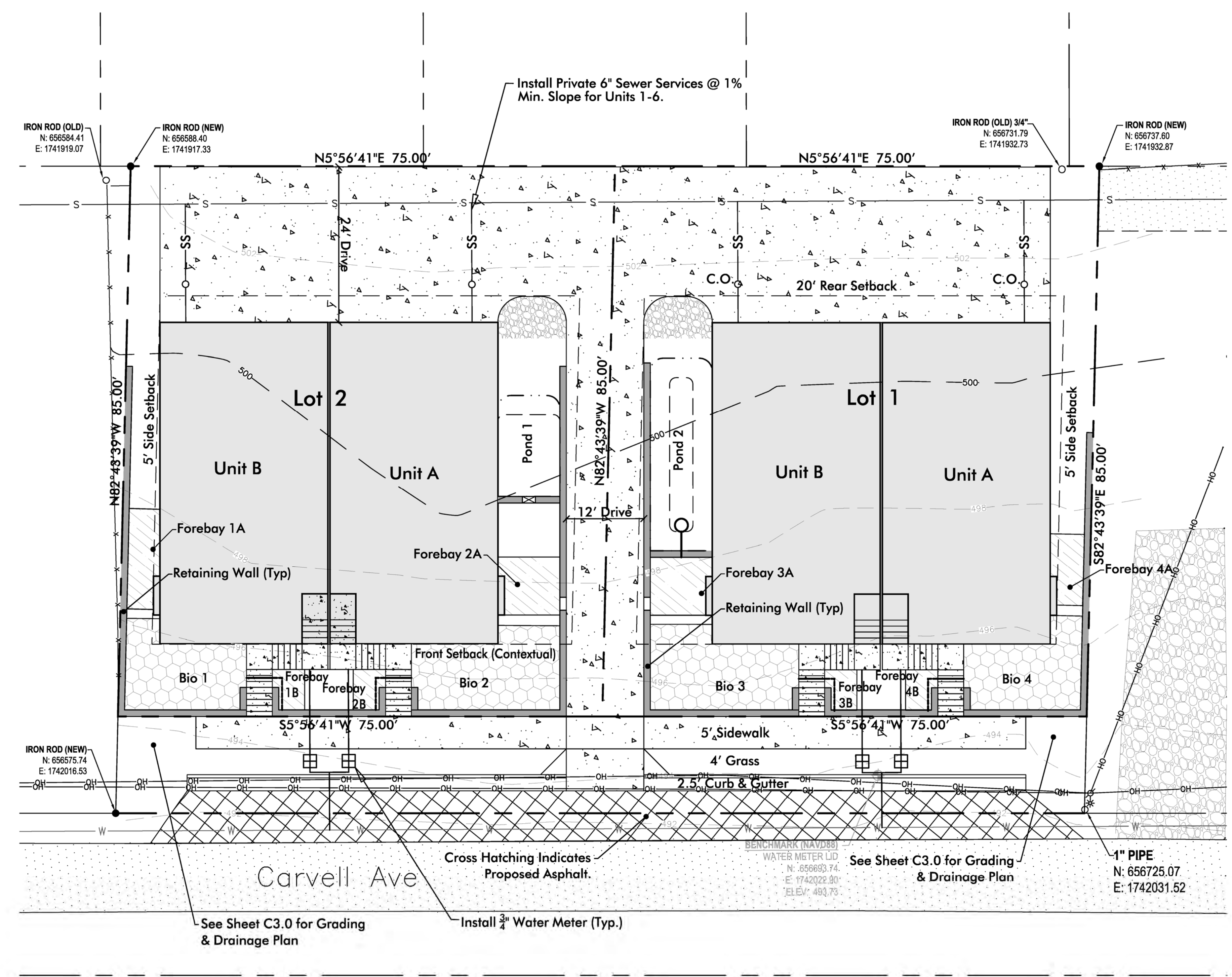


- GENERAL NOTES: 1. Ramp shall be flush with the gutter or edge of pavement. 2. Cross-slope of landing and of sidewalk shall not exceed 1:48 (vertical:horizontal). 3. Surface texture of the curb ramp shall be stable, firm, and slip-resistant. 4. The normal gutter slope of 1:12 (vertical:horizontal) shall be reduced to 1:200 (vertical:horizontal) at the ramp when the curb and gutter is poured before the ramp, or the gutter at the ramp must be cut out, removed, and repoured when the ramp is poured. 5. Back curb shall be constructed at the direction of Public Works, and if required, back curb height along ramp shall transition from 0 inches at expansion joints to the proposed height of back curb at landing and shall be a constant height through landing. Deletion of back curb requires approval of inspector. Removal to be noted in project file and on inspection report. 6. High side and low side ramps shall have a maximum slope of 1:12 (vertical:horizontal) or shall be 6 feet (96 inches) minimum in length.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
NEW CONSTRUCTION CURB RAMP
DWG. NO. ST-320
DIR. OF ENG.: [Signature] DATE: 5/10/03
REVISED: 07/16/02
REVISED: 05/08/03



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
SIDEWALK CONSTRUCTION
DWG. NO. ST-210
DIR. OF ENG.: [Signature] DATE: 7/15/04
REVISED: 05/03/03
REVISED: 11/24/03
REVISED: 06/21/04



- GENERAL NOTES: 1. Expansion joints to be spaced a maximum of 100 feet apart or as directed by the Engineer. 2. Expansion joints will also be required at tangent points, ramps, and inlets. 3. Contraction joints are to be cut into curb and gutter every 10 feet to a depth of D/4, where D equals the thickness of the section. The spacing of 10 feet may be reduced at closures but no section of curb and gutter shall be less than 10 feet. 4. There shall be a minimum of 10 feet tie in at curb inlets on each side of the tie in. An expansion joint will be used on each side of the tie in. 5. Cost of contraction joints to be included in the unit bid price for concrete curb with gutter.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY DEPARTMENT OF PUBLIC WORKS
STANDARD CURB WITH GUTTER
DWG. NO. ST-200
DIR. OF ENG.: [Signature] DATE: 5/10/03
REVISED: 07/21/00
REVISED: 05/02/03



Revisions:

Drawing Notes:

Date: July 27, 2018

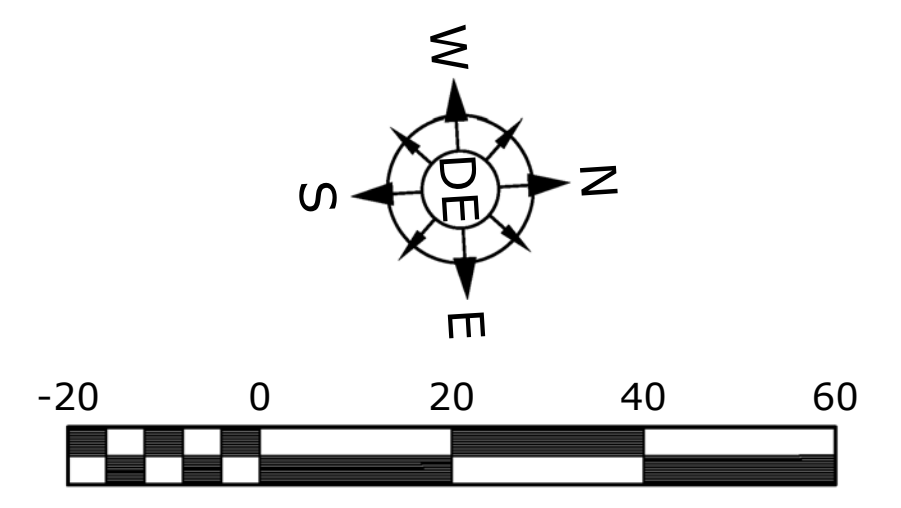
1704 Carvell Ave
 Tax Map 105-11, Parcel 192
 Nashville, Davidson County, Tennessee



Grading & Drainage Plan

Job No. 17037

C3.0



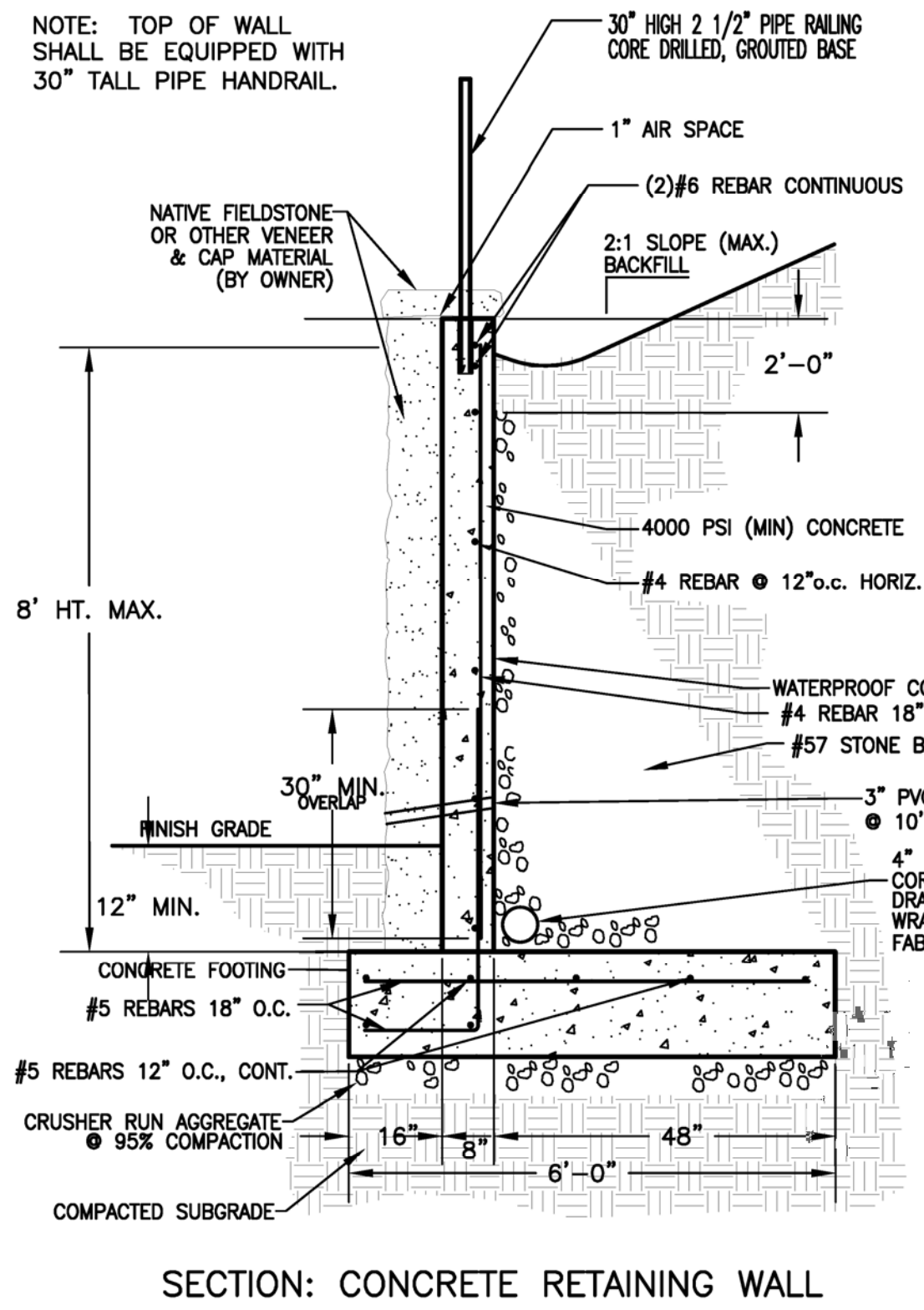
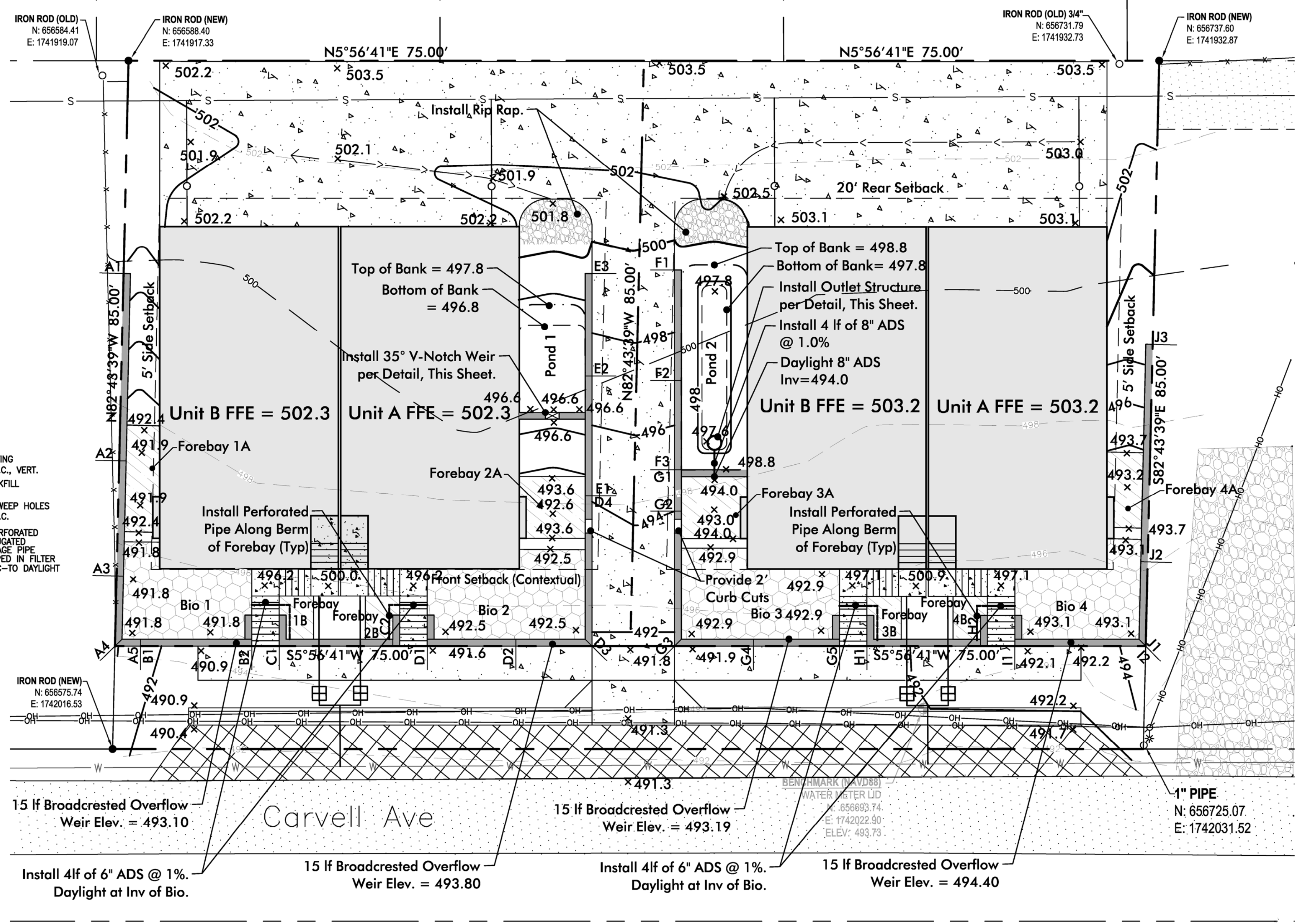
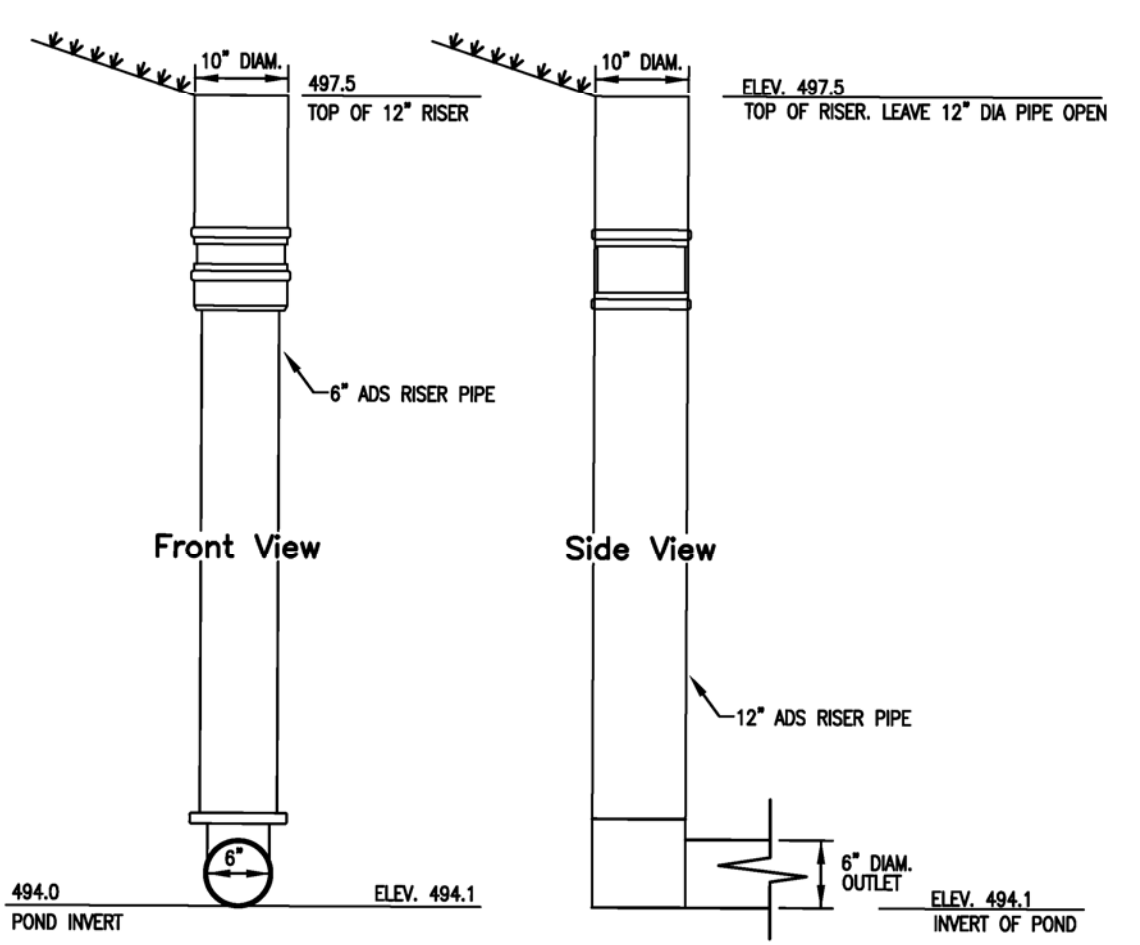
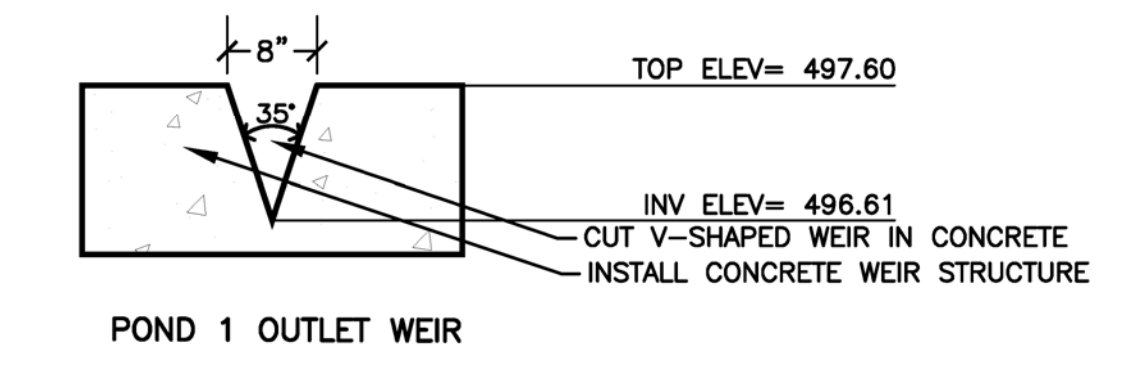
Scale 1" = 20'
 Total Site Acreage: 0.29 Acres
 Limits of Disturbance: 0.34 Acres

Engineer
 Dewey Engineering
 Contact: Michael Dewey, PE
 2925 Berry Hill Drive
 Nashville, TN 37204
 Phone: (615) 401-9956

Flood Note
 This Property is Not Located
 Within a Flood Hazard Area as
 Designated by "Zone X" on Firm
 Panel #47037C0244H.
 Dated April 5, 2017.

Owner
 The MC2 Group, Inc
 639 E Main St
 Hendersonville, TN 37075

Site Benchmark
 Water Meter Lid Located
 Approximately 32 If South of the
 Northeast Corner of the Site
 NAVD88 Elev. = 493.73



Retaining Wall 'A' Table

Section	T.O.W.	B.O.W.	Height
A1	499.7	499.7	0.0
A2	497.2	492.4	4.8
A3	495.4	491.8	3.6
A4	494.2	491.8	2.4
A5	493.1	491.8	1.3

Retaining Wall 'B' Table

Section	T.O.W.	B.O.W.	Height
B1	493.1	493.1	0.0
B2	493.1	491.0	2.1

Retaining Wall 'C' Table

Section	T.O.W.	B.O.W.	Height
C1	493.1	491.9	1.2
C2	493.1	491.5	1.6

Retaining Wall 'D' Table

Section	T.O.W.	B.O.W.	Height
D1	493.8	491.6	2.2
D2	493.8	491.7	2.1
D3	493.8	491.8	2.0
D4	494.5	494.0	0.5

Retaining Wall 'E' Table

Section	T.O.W.	B.O.W.	Height
E1	494.5	494.0	0.5
E2	497.5	496.6	0.9
E3	499.8	499.3	0.5

Retaining Wall 'F' Table

Section	T.O.W.	B.O.W.	Height
F1	500.2	499.7	0.5
F2	498.8	497.0	1.8
F3	498.8	494.5	4.3

Retaining Wall 'G' Table

Section	T.O.W.	B.O.W.	Height
G1	495.0	494.0	1.0
G2	494.5	494.0	0.5
G3	494.2	491.8	2.4
G4	494.2	491.9	2.3
G5	494.2	492.0	2.2

Retaining Wall 'H' Table

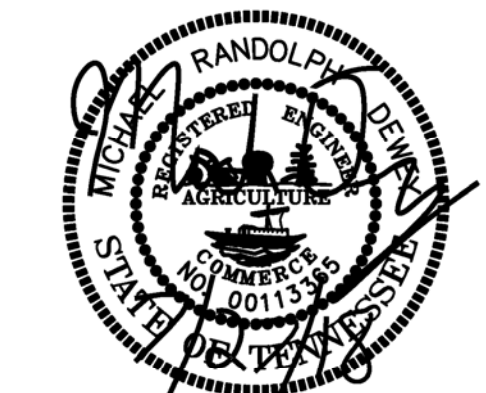
Section	T.O.W.	B.O.W.	Height
H1	493.7	493.5	0.2
H2	493.7	493.7	0.0

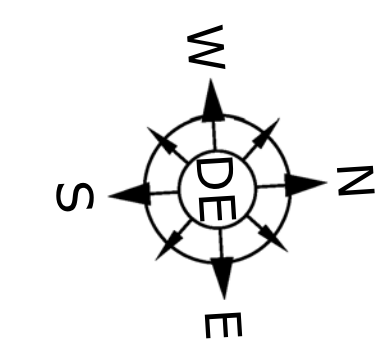
Retaining Wall 'I' Table

Section	T.O.W.	B.O.W.	Height
I1	494.4	492.1	2.3
I2	494.4	494.4	0.0

Retaining Wall 'J' Table

Section	T.O.W.	B.O.W.	Height
J1	494.4	494.4	0.0
J2	496.1	493.1	3.0
J3	499.0	499.0	0.0





Scale 1" = 20'

Engineer
Dewey Engineering
Contact: Michael Dewey, PE
2925 Berry Hill Drive
Nashville, TN 37204
Phone: (615) 401-9956

Owner
The MC2 Group, Inc
639 E Main St
Hendersonville, TN 37075

Flood Note
This Property is Not Located
Within a Flood Hazard Area as
Designated by "Zone X" on Firm
Panel #47037C0244H.
Dated April 5, 2017.

Site Benchmark
Water Meter Lid Located
Approximately 32 ft South of the
Northeast Corner of the Site
NAVD88 Elev. = 493.73

Revisions:

Drawing Notes:

Date: July 27, 2018

1704 Carvell Ave
Tax Map 105-11, Parcel 192
Nashville, Davidson County, Tennessee

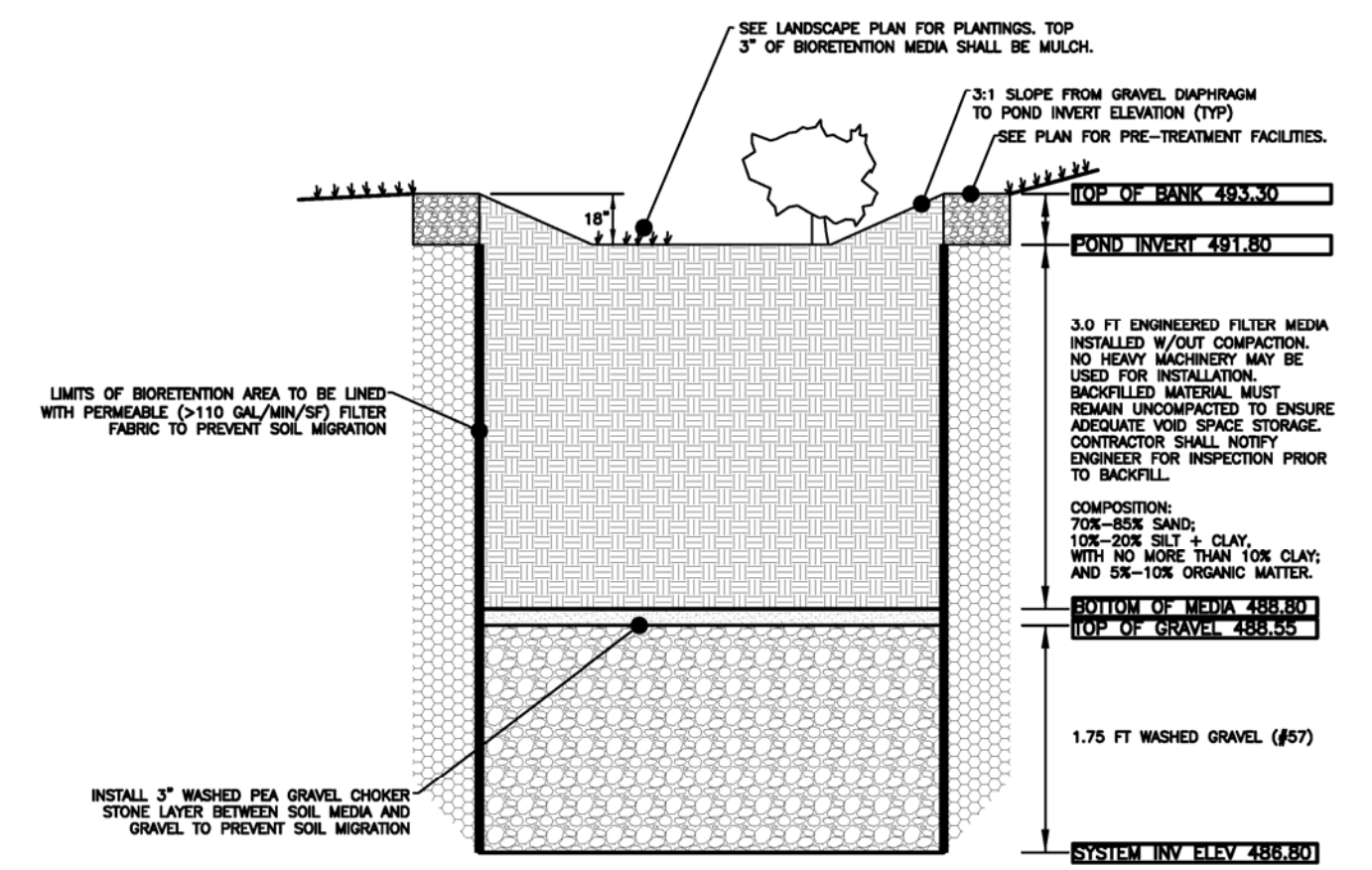


Details

Job No. 17037

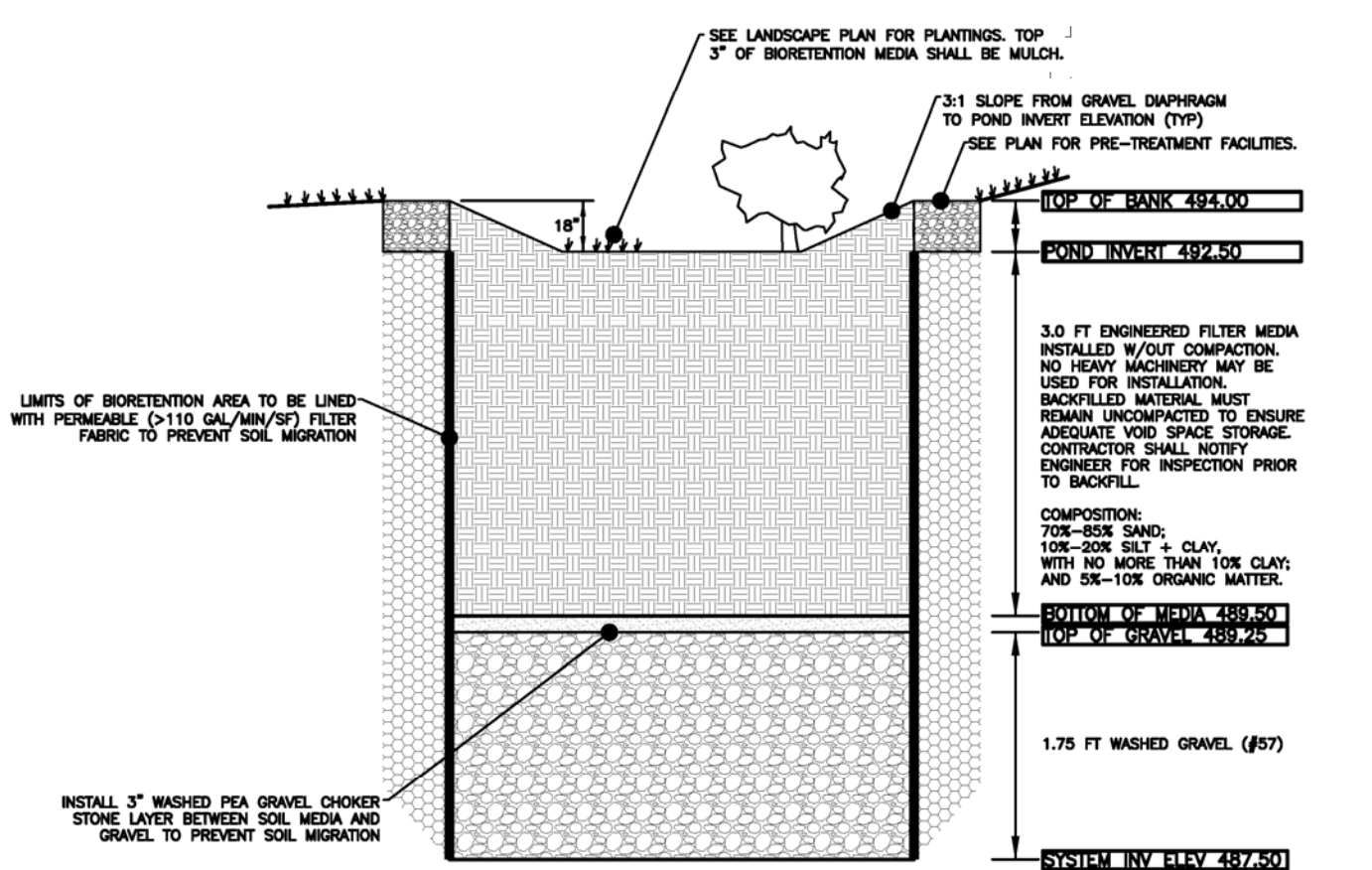
C3.0

5 of 6



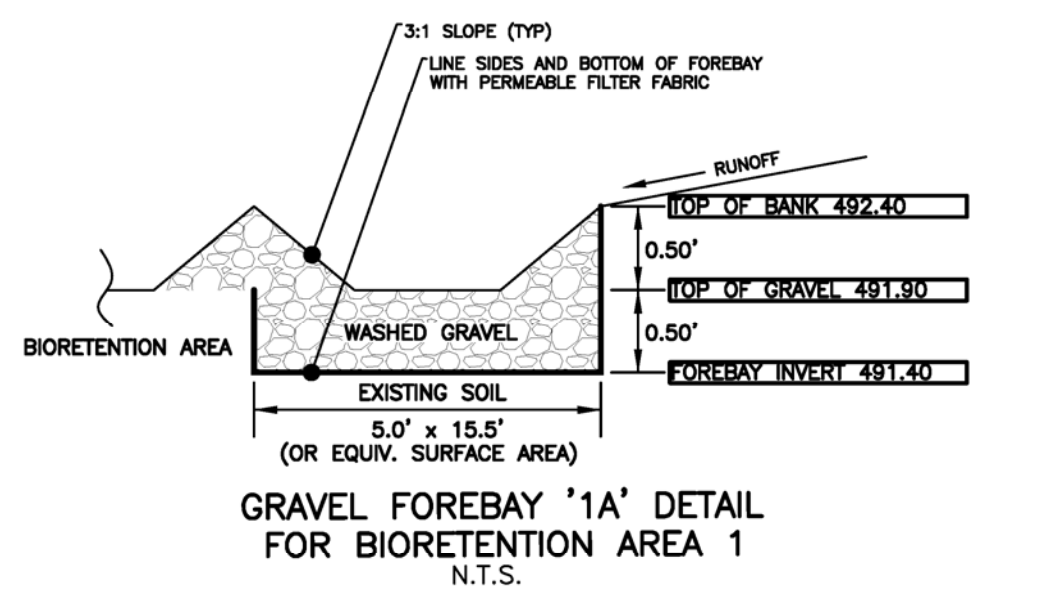
BIORETENTION AREA 1 DETAIL (GIP-01) (LEVEL 2)

MATERIAL SCHEDULE (BIORETENTION AREA 1 ONLY):
SURFACE AREA = 214 sf
ENGINEERED FILTER MEDIA = 642 cf (3.00' X 214 sf)
WASHED GRAVEL (#57) = 375 cf (1.75' X 214 sf)
CHOKER STONE (#8) = 54 cf (0.25' X 214 sf)

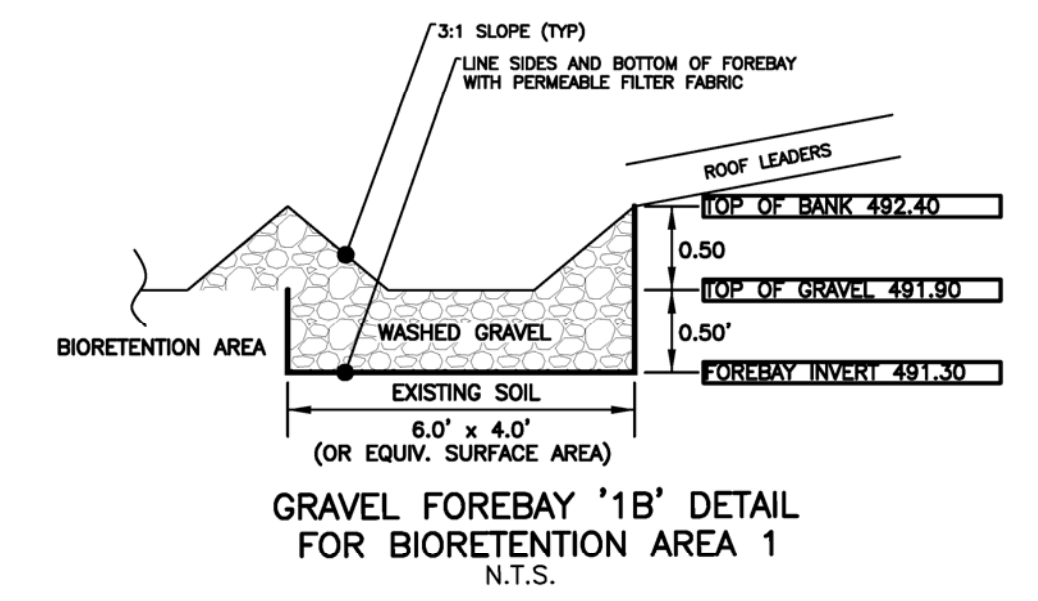


BIORETENTION AREA 2 DETAIL (GIP-01) (LEVEL 2)

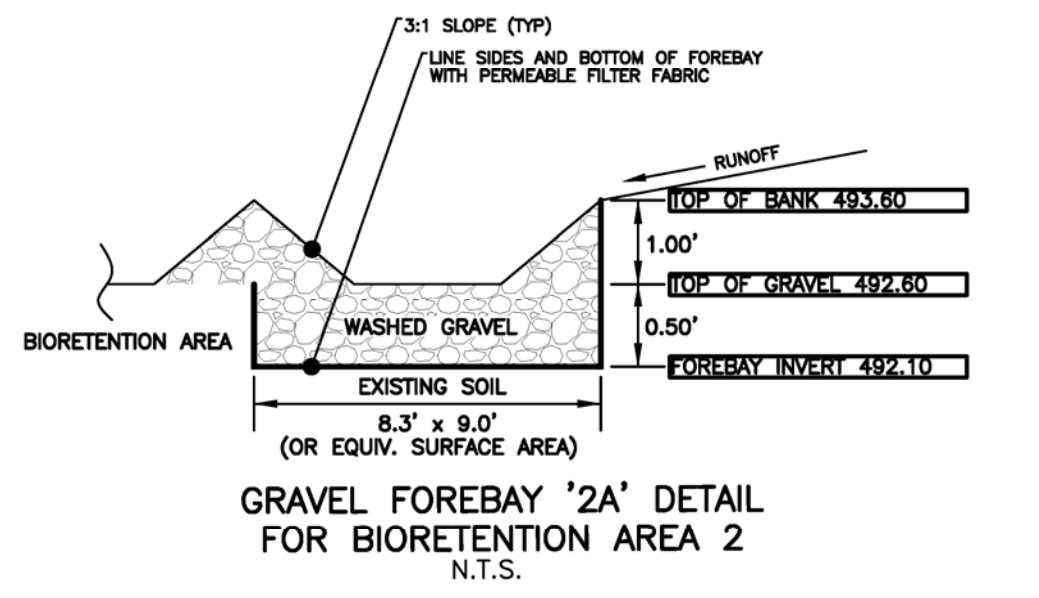
MATERIAL SCHEDULE (BIORETENTION AREA 2 ONLY):
SURFACE AREA = 277 sf
ENGINEERED FILTER MEDIA = 831 cf (3.00' X 277 sf)
WASHED GRAVEL (#57) = 485 cf (1.75' X 277 sf)
CHOKER STONE (#8) = 70 cf (0.25' X 277 sf)



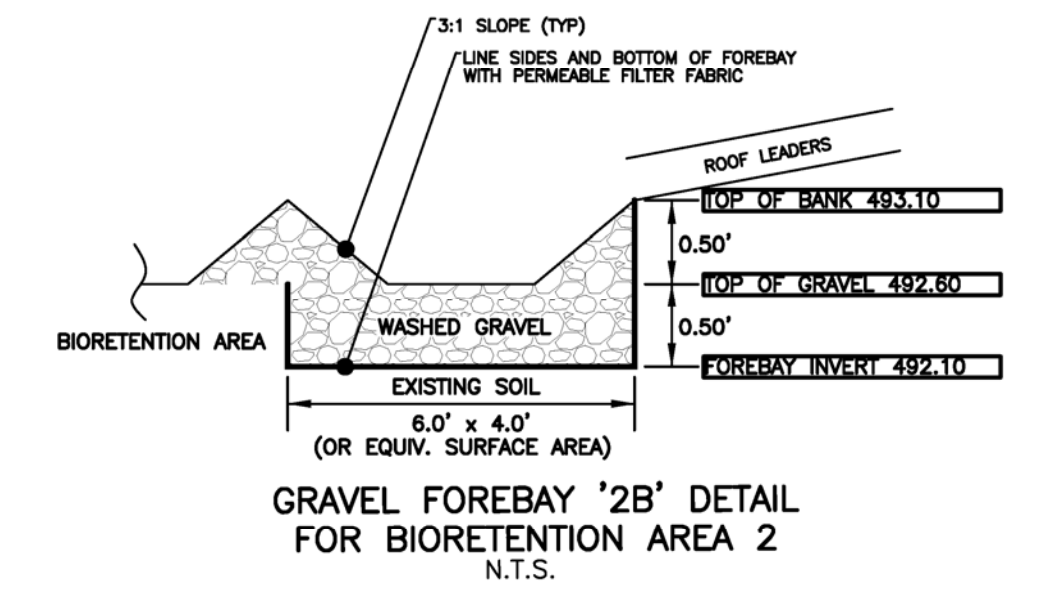
GRAVEL FOREBAY '1A' DETAIL FOR BIORETENTION AREA 1 N.T.S.



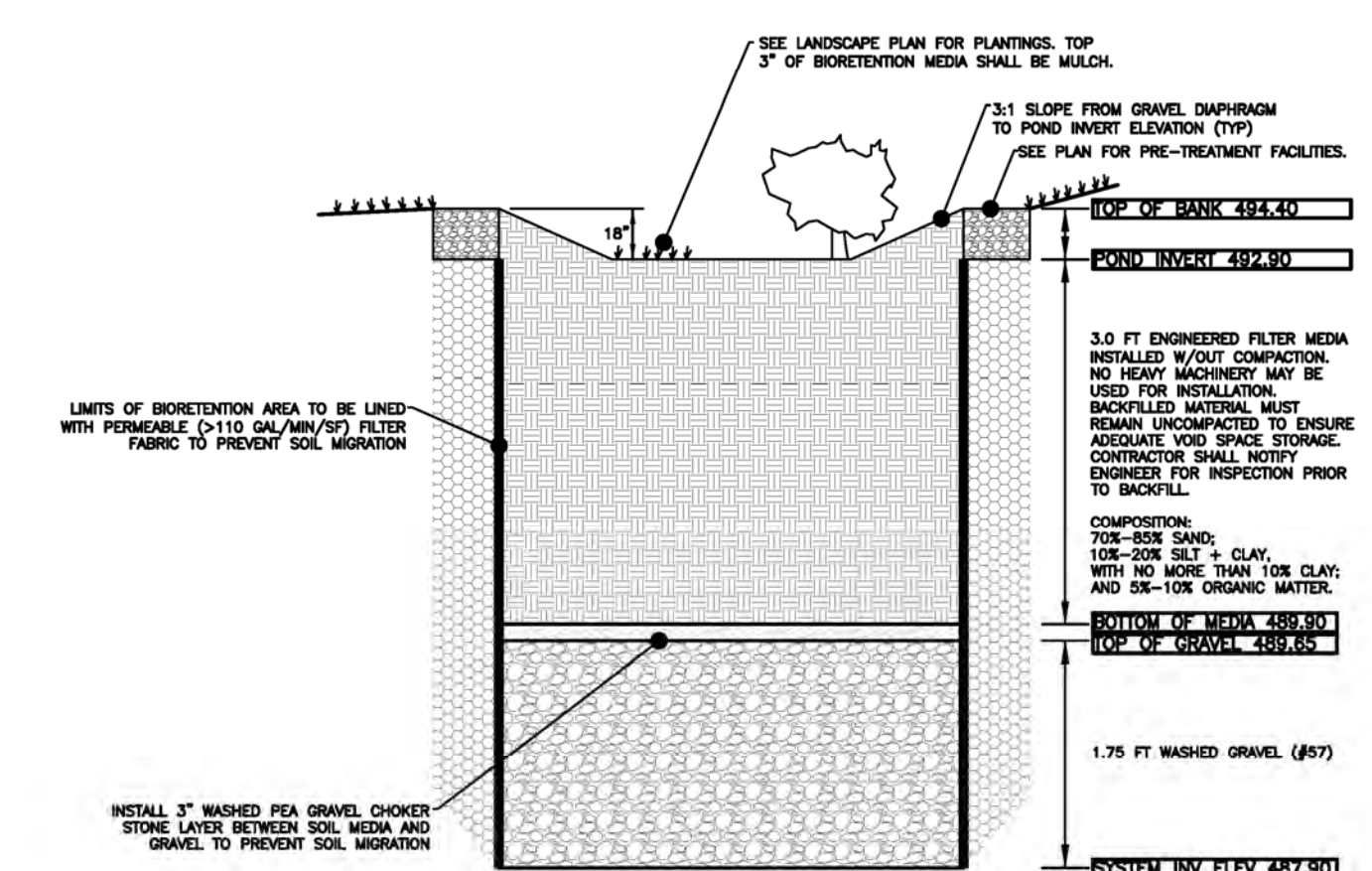
GRAVEL FOREBAY '1B' DETAIL FOR BIORETENTION AREA 1 N.T.S.



GRAVEL FOREBAY '2A' DETAIL FOR BIORETENTION AREA 2 N.T.S.

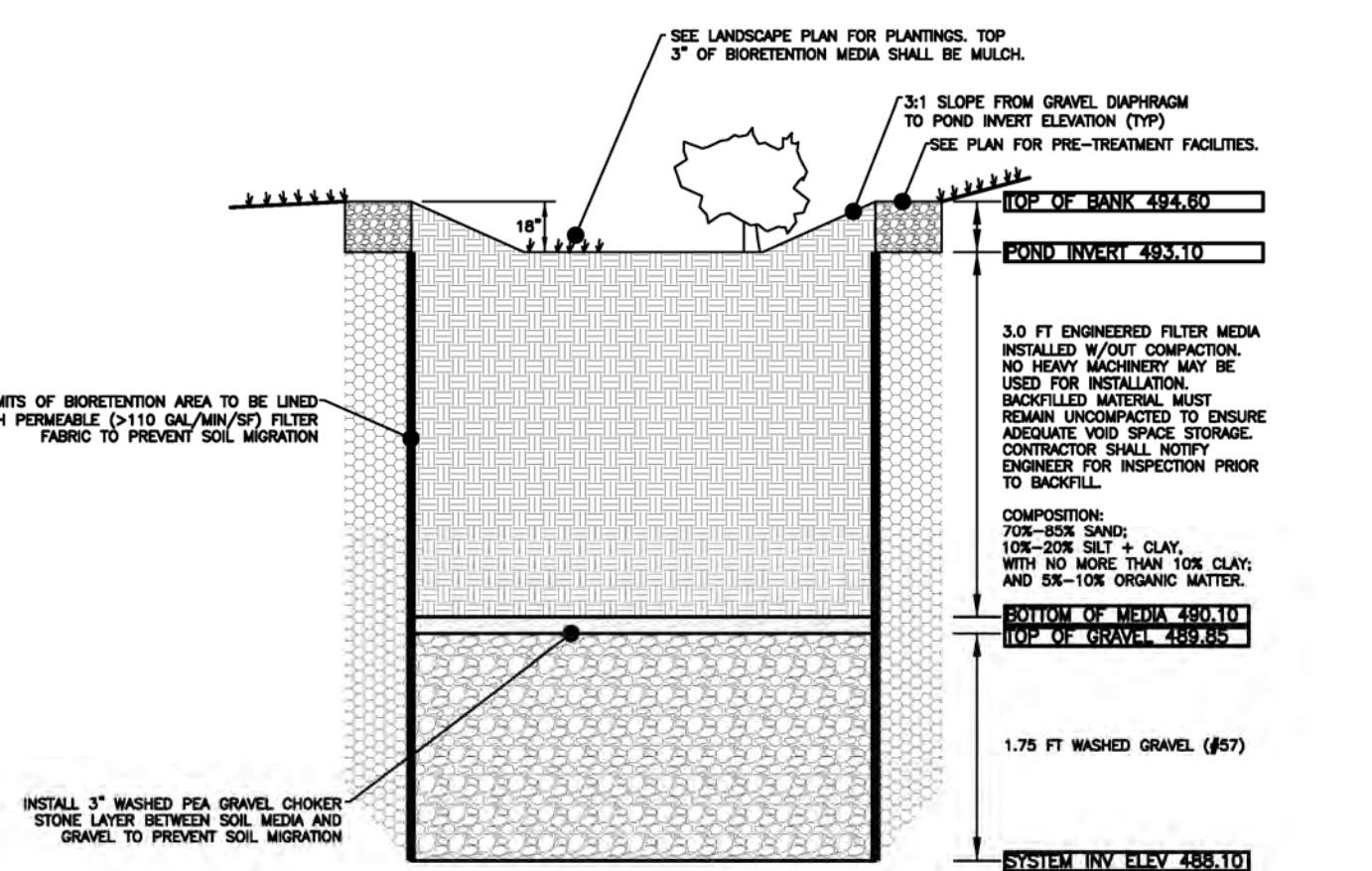


GRAVEL FOREBAY '2B' DETAIL FOR BIORETENTION AREA 2 N.T.S.



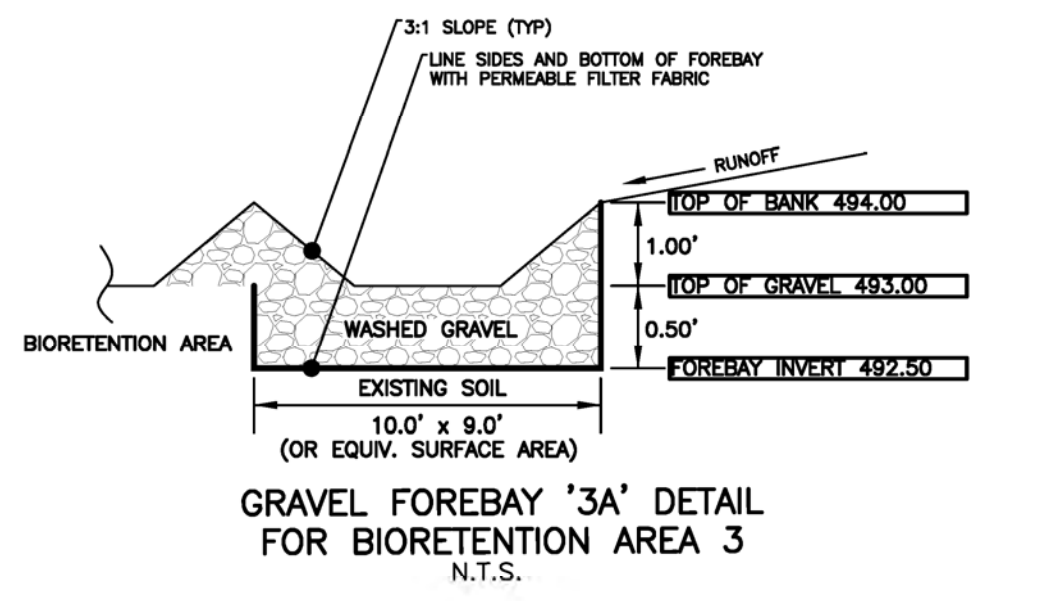
BIORETENTION AREA 3 DETAIL (GIP-01) (LEVEL 2)

MATERIAL SCHEDULE (BIORETENTION AREA 3 ONLY):
SURFACE AREA = 277 sf
ENGINEERED FILTER MEDIA = 831 cf (3.00' X 277 sf)
WASHED GRAVEL (#57) = 485 cf (1.75' X 277 sf)
CHOKER STONE (#8) = 70 cf (0.25' X 277 sf)

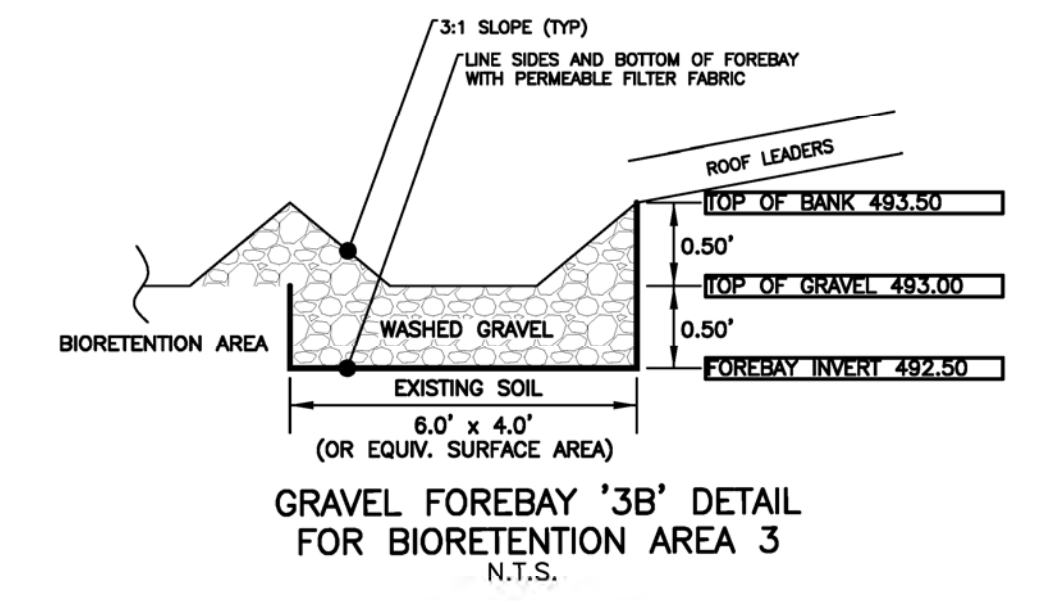


BIORETENTION AREA 4 DETAIL (GIP-01) (LEVEL 2)

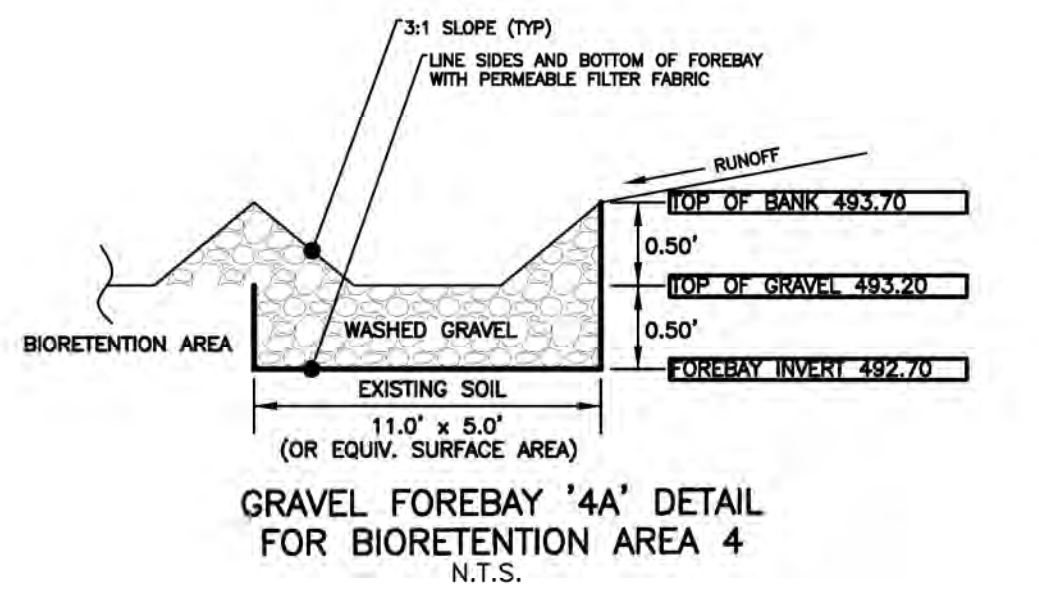
MATERIAL SCHEDULE (BIORETENTION AREA 4 ONLY):
SURFACE AREA = 207 sf
ENGINEERED FILTER MEDIA = 621 cf (3.00' X 207 sf)
WASHED GRAVEL (#57) = 363 cf (1.75' X 207 sf)
CHOKER STONE (#8) = 52 cf (0.25' X 207 sf)



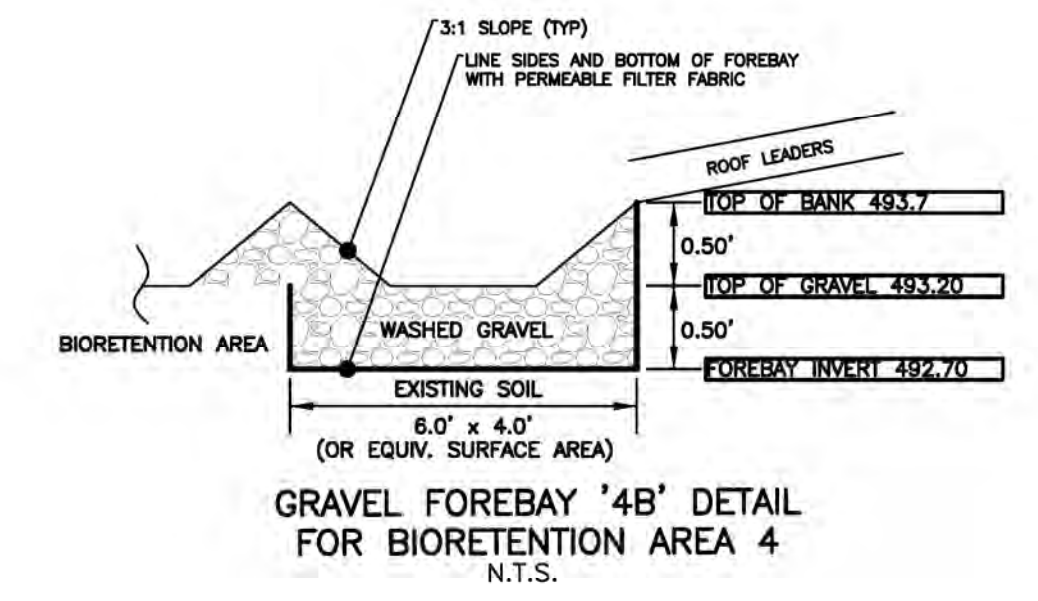
GRAVEL FOREBAY '3A' DETAIL FOR BIORETENTION AREA 3 N.T.S.



GRAVEL FOREBAY '3B' DETAIL FOR BIORETENTION AREA 3 N.T.S.



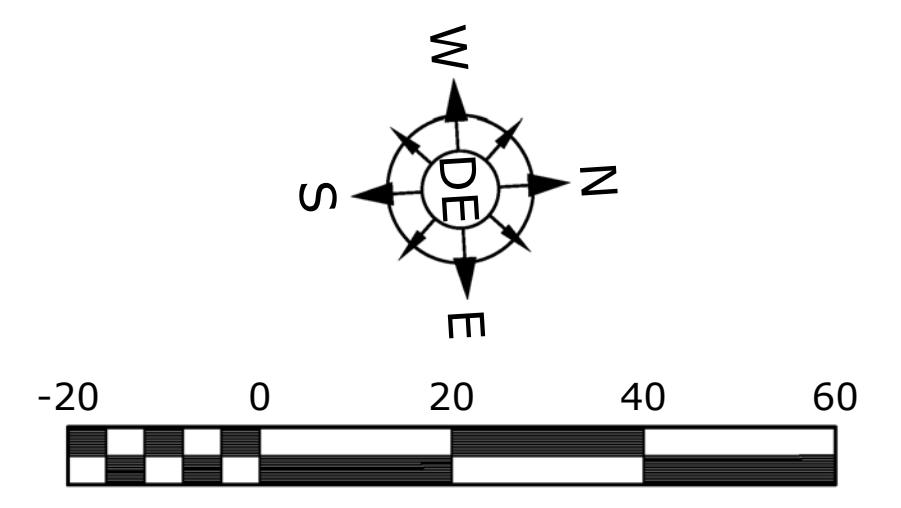
GRAVEL FOREBAY '4A' DETAIL FOR BIORETENTION AREA 4 N.T.S.



GRAVEL FOREBAY '4B' DETAIL FOR BIORETENTION AREA 4 N.T.S.



Tree Density Requirements
 Site Acreage (0.29 Ac) - Building Coverage (0.12 Ac) = 0.17 Ac of Compliance
 Trees Required: 1.4 x 0.17 = 2.38 TDU
 Trees Proposed: 5 Trees* @ 0.5 TDU each = 2.5 TDU (OK)



Engineer
 Dewey Engineering
 Contact: Michael Dewey, PE
 2925 Berry Hill Drive
 Nashville, TN 37204
 Phone: (615) 401-9956

Flood Note
 This Property is Not Located
 Within a Flood Hazard Area as
 Designated by "Zone X" on Firm
 Panel #47037C0244H.
 Dated April 5, 2017.

Owner
 The MC2 Group, Inc
 639 E Main St
 Hendersonville, TN 37075

Site Benchmark
 Water Meter Lid Located
 Approximately 32' South of the
 Northeast Corner of the Site
 NAVD88 Elev. = 493.73

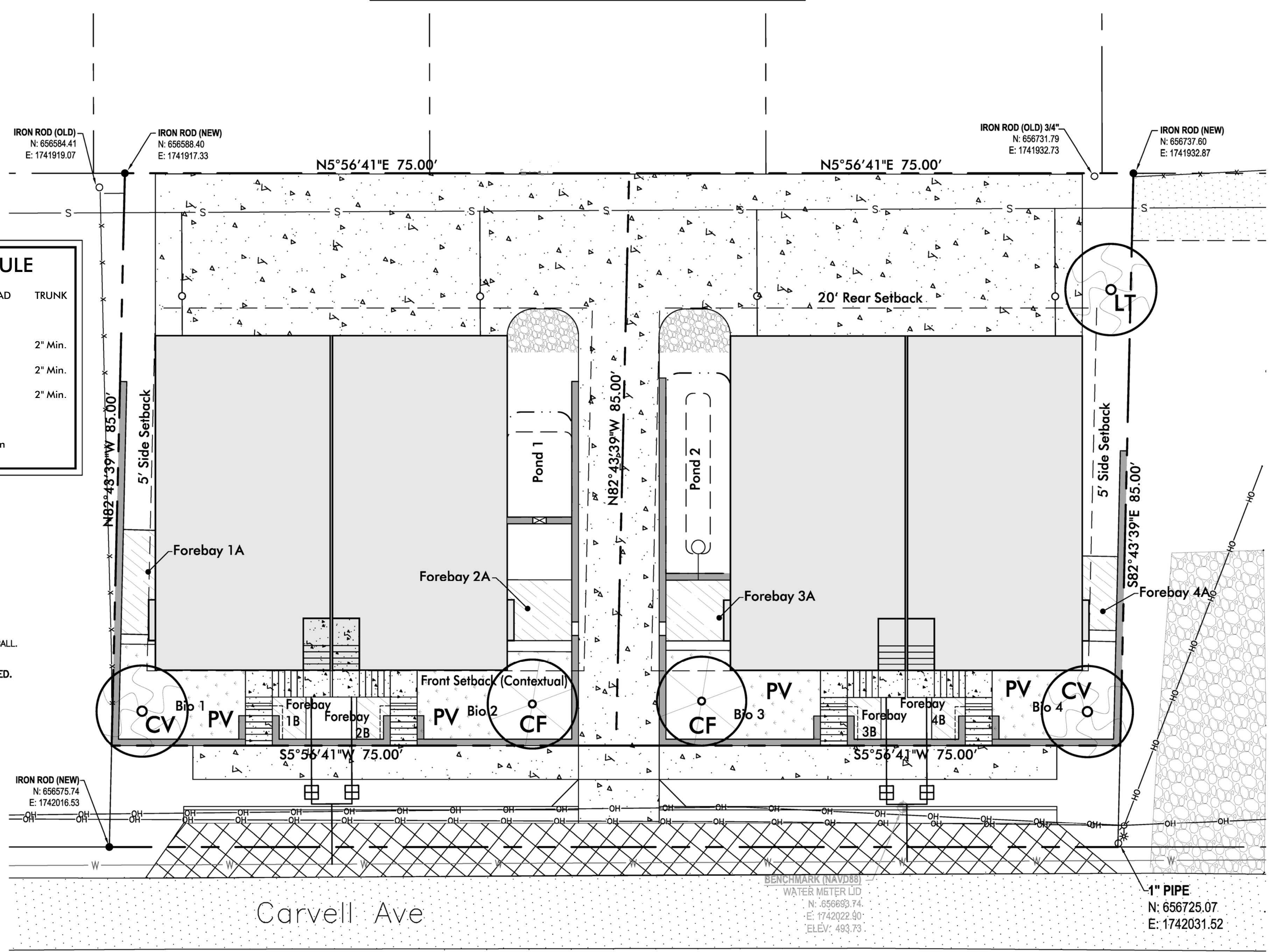
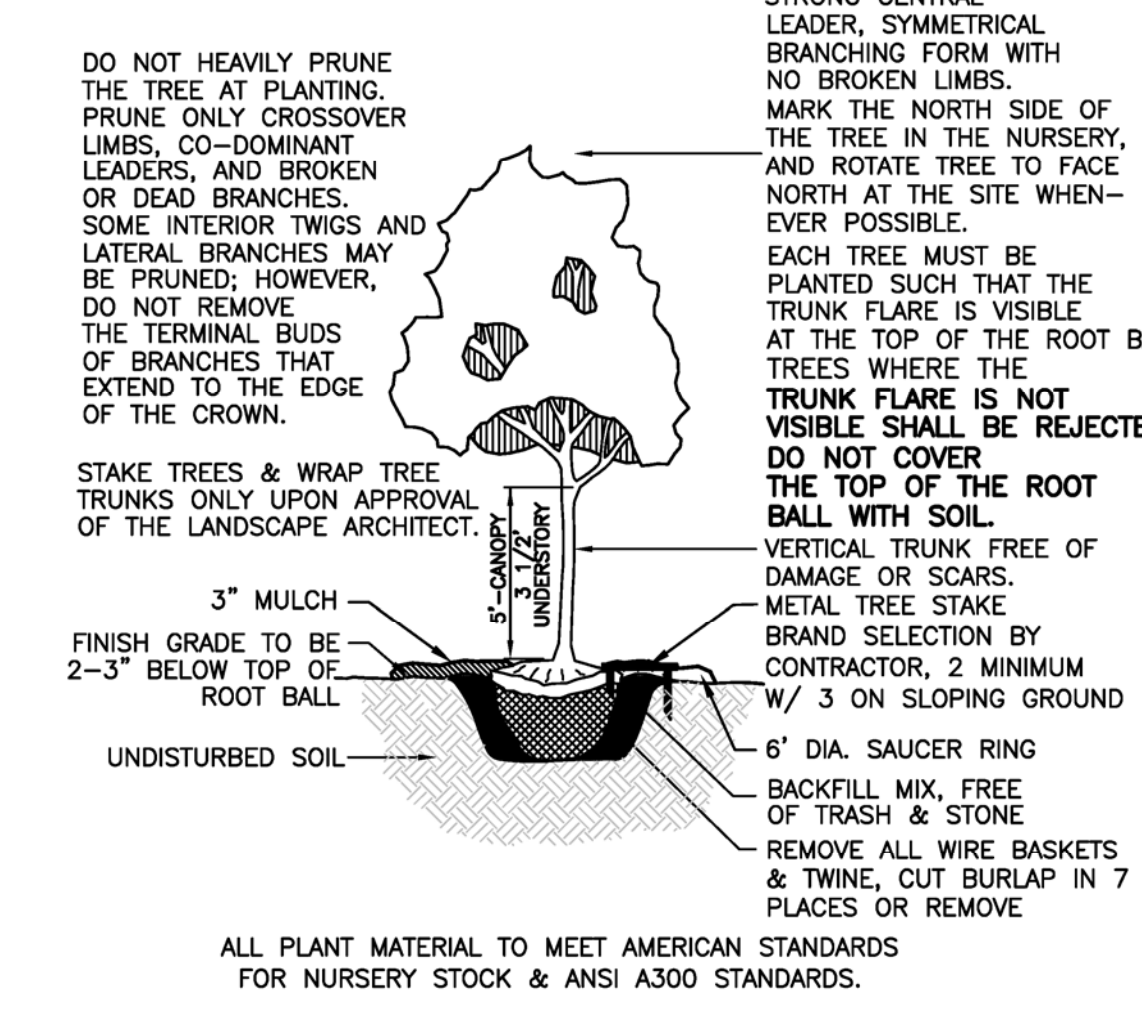
Revisions:

Drawing Notes:

Date: July 27, 2018

OVERALL LANDSCAPE MATERIALS SCHEDULE

KEY	AMOUNT	SCIENTIFIC NAME/ COMMON NAME	HEIGHT	SPREAD	TRUNK
NATIVE TREES					
CF	3	Cornus florida/ Dogwood	6' Min.	2'-3'	2" Min.
CV	2	Chionanthus virginicus/ Fringetree	6' Min.	2'-3'	2" Min.
LT	1	Liriodendron tulipifera/ Tulip Poplar	12'-14'	6'-7'	2" Min.
NATIVE GRASSES					
PV	71	Panicum virgatum/ Switchgrass	Plugs at 48" O.C. in triangular pattern		



- LANDSCAPE NOTES**
- THE LANDSCAPE CONTRACTOR SHALL COORDINATE ALL CONSTRUCTION WITH THE APPROPRIATE UTILITY COMPANY AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES. THE LANDSCAPE CONTRACTOR SHALL VERIFY THE EXACT LOCATION OF ALL UTILITIES AND TAKE PRECAUTIONS TO PREVENT DAMAGE TO THE UTILITIES.
 - ALL PLANTING AND MULCH BEDS SHALL BE HAND WEEDED OR SPRAYED WITH ROUND-UP (CONTRACTOR'S OPTION) PRIOR TO THE INSTALLATION OF MULCH.
 - 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.
 - THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE FINE GRADING OF ALL PLANTING AREAS.
 - ALL PLANTING AREAS SHALL BE FERTILIZED WITH 12#/1000 S.F. OF 10-10-10 FERTILIZER.
 - ALL PLANTING BEDS SHALL HAVE A MINIMUM OF 3" DEPTH OF SHREDDED HARDWOOD BARK MULCH.
 - THE LANDSCAPE CONTRACTOR SHALL VERIFY ALL MATERIAL QUANTITIES. IN THE EVENT OF A DISCREPANCY, THE QUANTITIES SHOWN ON THE PLAN WILL TAKE PRECEDENCE.
 - THE LANDSCAPE CONTRACTOR SHALL PROVIDE THE OWNER WITH WRITTEN INSTRUCTIONS ON THE PROPER CARE OF ALL SPECIFIED PLANT MATERIALS PRIOR TO FINAL PAYMENT.
 - ALL DISTURBED AREAS SHALL BE PLANTED WITH TURF AS INDICATED ON THE MATERIALS SCHEDULE.
 - ALL DECIDUOUS TREES, EXISTING AND PROPOSED SHALL BE PRUNED TO PROVIDE 4' MINIMUM CLEAR TRUNK UNLESS OTHERWISE NOTED.
 - THE LANDSCAPE CONTRACTOR SHALL PROVIDE A ONE YEAR WARRANTY ON ALL PLANT MATERIALS AND REPLACE ANY DEAD OR DYING MATERIAL WITHIN THAT TIME PERIOD.
 - NO PLANT MATERIALS SHOULD BE SUBSTITUTED WITHOUT AUTHORIZATION BY THE DESIGN PROFESSIONAL. PLANT SIZES SHOWN ARE MINIMUMS REQUIRED BY THE LOCAL MUNICIPALITY AND MATERIALS SHOWN HAVE BEEN SELECTED SPECIFICALLY FOR THIS PROJECT.
 - 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.

1704 Carvell Ave
 Tax Map 105-11, Parcel 192
 Nashville, Davidson County, Tennessee

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 214/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 64/100 X 18.5 = 12 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUNDCOVERS.

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 277/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 127/100 X 18.5 = 24 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUNDCOVERS.

BIORETENTION AREA 1 REQUIREMENTS

COVERAGE REQUIREMENTS:	75% IN TWO YEARS
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BIORETENTION AREA 1 REQUIREMENTS

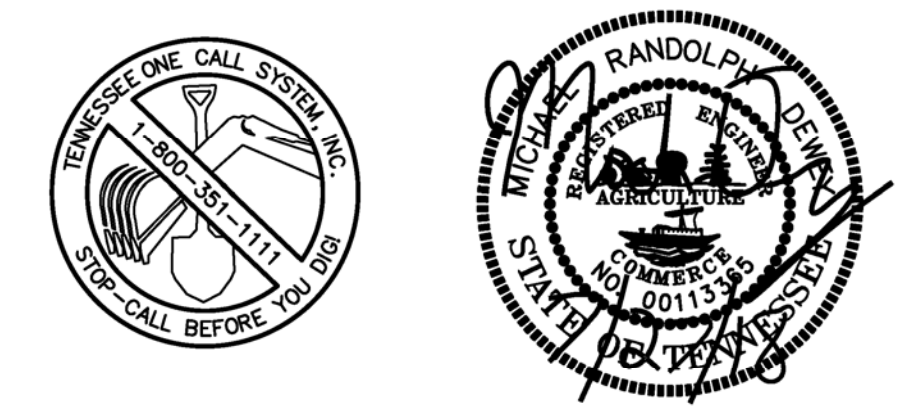
COVERAGE REQUIREMENTS:	75% IN TWO YEARS
1 TREE PER 400 SF	1/400 SF 207/400 = 1 TREE*
GROUND COVER/GRASSES	30' O.C. 57/100 X 18.5 = 11 PLUGS
SMALL SHRUBS	3' O.C. 0/100 X 12.8 = 0 SHRUBS
MEDIUM SHRUBS	4' O.C. 0/100 X 7.23 = 0 SHRUBS

*EACH TREE IS CALCULATED TO OCCUPY 150 SF AND SUBTRACTED FROM TOTAL SQUARE FOOTAGE PLANTING REQUIREMENTS FOR SHRUBS AND GROUNDCOVERS.

BIORETENTION NOTES

LANDSCAPE MATERIALS HAVE BEEN SELECTED FROM THE VOLUME 5 LID MANUAL. THE BIORETENTION PLANTING PLAN FOLLOWS A MIXED MEADOW AND ORNAMENTAL PLANTING DESIGN APPROACH.

SEE CIVIL PLANS FOR SECTION, MEDIA BED SPECIFICATIONS, AND UNDERDRAIN DETAILS.



Landscape Plan
 Job No. 17037
L1.0
 6 of 6

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: THE MC2 GROUP, INC
1704 CARVELL AVE

Appeal Case 2018-522

Map Parcel: 10511019200
Zoning Classification: R6-A

ORDER

This matter came to be heard in public hearing on 10/4/2018, before the Metropolitan Board of Zoning Appeals, upon application for a variance to allow front loading garage to construct multiple single family residences with front loading garages.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- (1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- (2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED.

UPON MOTION BY: David Taylor

Seconded By: Christina Karpynech

Ayes: David Ewing, David Harper, Alma Sanford, Cynthia Chappell

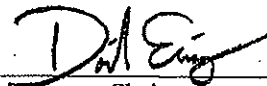
Nays:

Abstaining:

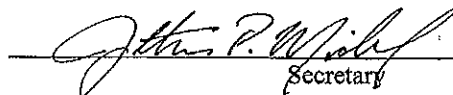
Absent:

ENTERED THIS 9th DAY OF October, 2018

METROPOLITAN BOARD OF ZONING APPEALS



Chair



Secretary



From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: District 17 stances for Nov. 1
Date: Monday, October 29, 2018 7:59:02 AM

From: Sledge, Colby (Council Member)
Sent: Friday, October 26, 2018 4:05 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Subject: District 17 stances for Nov. 1

BZA members,

Good Friday afternoon! Below are my stances on District 17 items before you on Thursday, Nov. 1. Thank you, as always, for your service.

- I **oppose** a request for a variance to build front loading garages at 1704 Carvell Ave. (2018-522)
- I **oppose** a sidewalk variance request at 353 Glenrose Ave. (2018-575)
- I am **neutral** on a short-term rental permit appeal at 1067 B 2nd Ave S., as there appeared to be some sort of paperwork mixup. (2018-514)
- I **support** a short-term rental permit appeal at 14 A Garden St., as the owners contacted me and have neighbor support. (2018-581)

Thanks again,

Colby

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

From: [Michael, Jon \(Codes\)](#)
To: [Shepherd, Jessica \(Codes\)](#); [Lifsey, Debbie \(Codes\)](#)
Subject: FW: 1704 Carvell BZA Variance
Date: Wednesday, September 26, 2018 2:01:19 PM

By copy of this email, I'm forwarding the email to the staff members who will make sure that the information is included in the case file.

JM.

From: rob@stratosdevelopment.com [mailto:rob@stratosdevelopment.com]
Sent: Wednesday, September 26, 2018 1:15 PM
To: Michael, Jon (Codes)
Subject: 1704 Carvell BZA Variance

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

Good Afternoon John,

I wanted to reach out and let you know we met with Councilman Sledge regarding our request for a variance from the rear load garage requirement on 1704 Carvell Ave. After a site walk and brief rundown, CM Sledge told us he is not opposed to our request for front load garages on the 4 houses to be built here. Should I forward this info to anybody else to be part of the review process? Thanks John,

Rob Cushman | Stratos Development

639 East Main St, Ste. B202
Hendersonville, TN 37075
stratosdevelopment.com

(615) 559-2212
rob@stratosdevelopment.com

2018-550

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Ryan Hinkle Date: 8/23/18
Property Owner: Eric Lawrence / Davis Case #: 2018-550
Representative: Ryan Hinkle Map & Parcel: 10215009700
Council District 23

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

Purpose: NEW CONSTRUCTION RESIDENTIAL SINGLE FAMILY RESIDENCE.

Activity Type: RESIDENTIAL CONSTRUCTION
Location: 807 BROOK HOLLOW RD

This property is in the RS40 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: VARIANCE TO 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.

[Signature]
Completed and witnessed, Date
Eric@elconstruction.com
Ryan@ELconstruction.com
Print Applicant's e-mail address

Ryan Hinkle
Name (Please Print)
[Signature]
Signature

95 white Bider rd
Mailing Address
Nashville TN 37205
City, State, Zip Code

615 808 1441
Phone Number

[Signature]
8-23-18

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

Appeal Fee: \$ 100.00



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



3488182

ZONING BOARD APPEAL / CAAZ - 20180023007
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10215009700**APPLICATION DATE:** 04/24/2018**SITE ADDRESS:**

807 BROOK HOLLOW RD NASHVILLE, TN 37205
LOT 194 SEC C HORTON HGTS

PARCEL OWNER: LARENCE & DAVIS PROPERTIES, LLC**CONTRACTOR:****APPLICANT:****PURPOSE:**

BZA Appeal of Sidewalk Requirements per 17.20.120 requires new sidewalks. Requesting to not build Nor construct sidewalks.

New Construction Residence permitted 2018013957 issued on 4/24/2018

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



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



**APPLICATION FOR BUILDING RESIDENTIAL - NEW / CARN - T2018013957
THIS IS NOT A PERMIT**

PARCEL: 10215009700

APPLICATION DATE: 03/13/2018

SITE ADDRESS:

807 BROOK HOLLOW RD NASHVILLE, TN 37205
LOT 194 SEC C HORTON HGTS

PARCEL OWNER: KIMBRO, D. J. ETUX

APPLICANT:

PURPOSE:

PERMIT TO CONSTRUCT A NEW SINGLE FAMILY RESIDENCE AT SQFT... ..93' MINIMUM FRONT SETBACK...15' MINIMUM SIDE SETBACK... 20' MINIMUM REAR SETBACK... ..SEE SITE PLAN FOR HOUSE PLACEMENT... ..MAXIMUM HEIGHT: THREE STORIES FROM NATURAL GRADE... ***MUST COMPLY WITH METRO COUNCIL BILL 2017-835*** 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. ***

SIDEWALKS ARE REQUIRED FOR THIS PROJECT BECAUSE THIS PARCEL IS WITHIN THE USD AND ON A STREET IN THE MAJOR AND COLLECTOR STREET PLAN.

YOU ARE 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] Zoning Review	APPROVED	Thomas.Corcoran@nashville.gov 862-5230
[B] Fire Life Safety Review On Bldg App		
[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
[A] Bond & License Review On Bldg App		
[F] Address Review On Bldg App	APPROVED	615-862-8781 Bonnie.Crumby@nashville.gov
[D] Grading Plan Review For Bldg App	REJECTED	(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Bldg App	IGNORE	615-862-5464 Eli.Anderson@nashville.gov
[F] Ramps & Curb Cuts Review For Bldg A	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov
[F] Sidewalk Review For Bldg App	COND	615-862-6558 Jonathan.Honeycutt@nashville.gov

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-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.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

This is causing undue cost & delay on my project in an area where there are no side walks whatsoever for many blocks in every direction. The likelihood that sidewalks will be built is almost zero.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district councilmember, *The Tennessean*, and the neighboring property owners within 300 feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

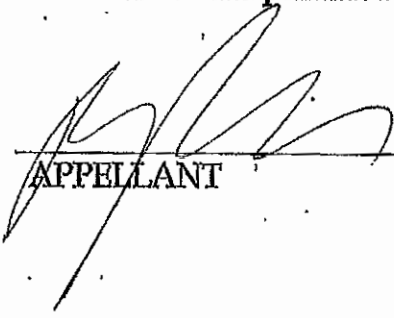
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

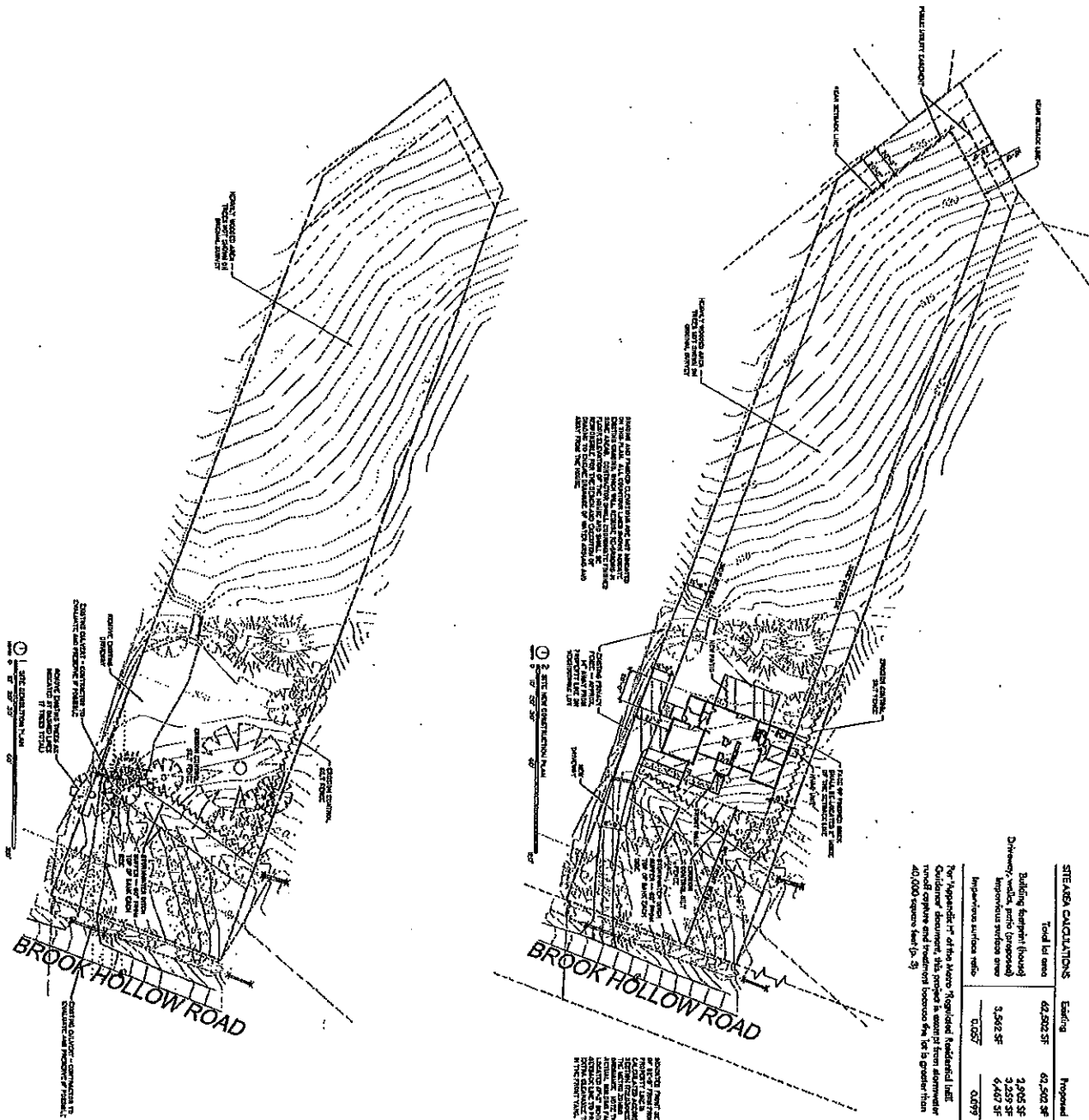
I HEREBY GIVE PERMISSION TO the Department of Codes and Building Safety to post the required sign(s) on the subject property as required by the Zoning Code. I am aware that I am responsible for removing the sign(s) after the public hearing.



APPELLANT

8-23
-18

DATE



STEVEN CALCULATIONS

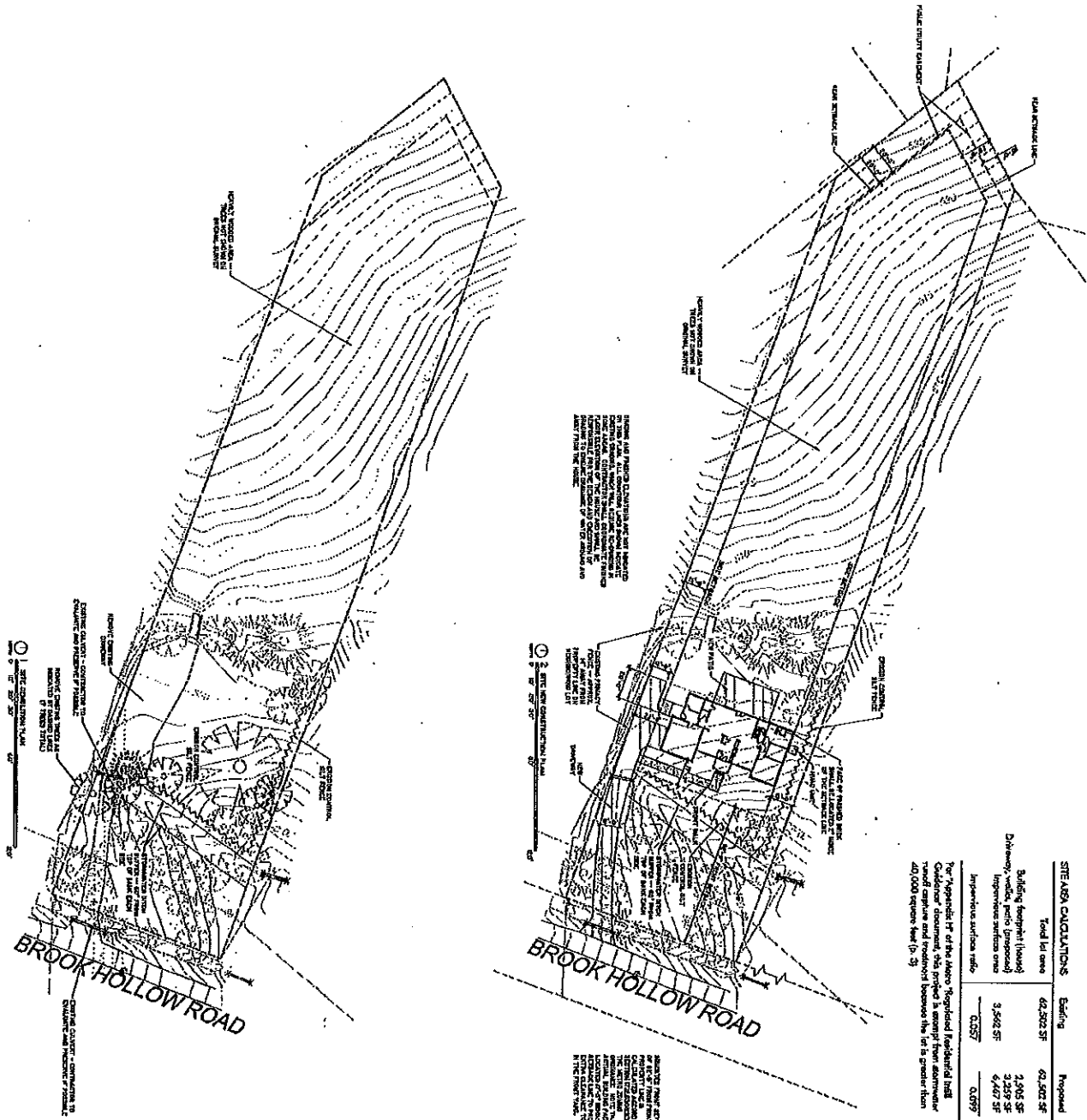
	Existing	Proposed
Total lot area	62,502 SF	62,502 SF
Building footprint (footing)		2,935 SF
Driveway		4,427 SF
Impervious surface area	3,562 SF	7,362 SF
Impervious surface ratio	0.057	0.097

Per Appendix "F" of the Metro Residential Residential Unit Ordinance document, this project is exempt from administrative and/or other provisions (ordinance 96-115) greater than 40,000 square feet (1.0).

PROPOSED AND EXISTING CALCULATIONS ARE NOT BASED ON THE TOTAL LOT AREA. THE CALCULATIONS ARE BASED ON THE TOTAL LOT AREA LESS THE AREA OF THE EXISTING DRIVEWAY AND EXISTING IMPERVIOUS SURFACE AREA. THE CALCULATIONS ARE BASED ON THE TOTAL LOT AREA LESS THE AREA OF THE EXISTING DRIVEWAY AND EXISTING IMPERVIOUS SURFACE AREA. THE CALCULATIONS ARE BASED ON THE TOTAL LOT AREA LESS THE AREA OF THE EXISTING DRIVEWAY AND EXISTING IMPERVIOUS SURFACE AREA.

PROPOSED IMPERVIOUS SURFACE AREA IS CALCULATED AS FOLLOWS: THE CALCULATIONS ARE BASED ON THE TOTAL LOT AREA LESS THE AREA OF THE EXISTING DRIVEWAY AND EXISTING IMPERVIOUS SURFACE AREA. THE CALCULATIONS ARE BASED ON THE TOTAL LOT AREA LESS THE AREA OF THE EXISTING DRIVEWAY AND EXISTING IMPERVIOUS SURFACE AREA.

<p>DATE: 11/15/2018</p> <p>PROJECT: 180249</p> <p>SCALE: 1/8" = 1'-0"</p> <p>DATE: 11/15/2018</p> <p>PROJECT: 180249</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>A1.0</p> <p>SITE PLAN</p>	<p>A New Residence</p> <p>807 Brook Hollow Road</p> <p>Nashville, Tennessee</p>	<p>John TeSelle ARCHITECTURE</p> <p>405 Fairfax Avenue Nashville TN 37212 #6297-1919 www.jtsarch.com</p> <p>© Copyright 2018</p>
	<p>DATE: 11/15/2018</p> <p>PROJECT: 180249</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 11/15/2018</p> <p>PROJECT: 180249</p> <p>SCALE: 1/8" = 1'-0"</p>	<p>DATE: 11/15/2018</p> <p>PROJECT: 180249</p> <p>SCALE: 1/8" = 1'-0"</p>



SITE AREA CALCULATIONS

	Existing	Proposed
Total lot area	62,502 SF	62,502 SF
Building footprint (house)		2,906 SF
Driveway		2,100 SF
Impervious surface area	3,562 SF	4,447 SF
Impervious surface ratio	0.057	0.071

For Appendix B of the Metro Regional Residential Code Ordinance, the proposed impervious surface area is less than 40,000 square feet (1.5).

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-550 (807 Brook Hollow Road)

Metro Standard:	6' grass strip, 6' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning	RS40
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	T3-R-CA2
Transit:	None existing; none planned
Bikeway:	Minor separated bikeway planned per WalknBike

Planning Staff Recommendation: *Disapprove.*

Analysis: The applicant is constructing a single family dwelling, and requests a variance from constructing sidewalks due to the lack of existing sidewalks and topography along the Brook Hollow Road block face. Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro's annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, within one of Metro's sixteen pedestrian benefit zones. Staff finds no unique hardship for the property.

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

From: maggiethecat06@aol.com <maggiethecat06@aol.com>

Sent: Thursday, October 11, 2018 1:52 PM

To: Board of Zoning Appeals (Codes) <bza@nashville.gov>

Subject: Re:2018-550

To Metropolitan Board of Zoning Appeals:

I am contacting you concerning the sidewalks on Brook Hollow Road Rd and Appeal Case Number 2018-550. We need to keep the sidewalks intact on Brook Hollow Rd so the children can safely get to the bus stop, and the elderly can walk their pets in the evening. The cars on Brook Hollow drive at a high rate of speed and we have many elderly and children out here. I live on Starlit just off Brook Hollow.

Thank you,

Margaret Coleman

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Matt Millsap
Property Owner: " "
Representative: " "

Date: 8/23/18
Case #: 2018-551
Map & Parcel: 83-2-P-2

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:

HISTORICAL HAS APPROVED DADU.
**A DADU CANNOT BE ON AN HPR PROPERTY.
**A DADU CANNOT BE SOLD INDIVIDUALLY.

Activity Type: DADU

Location: 1211 N. 14th ST N.T. 37206

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

- 1.....REQUEST TO SELL OFF INDIVIDUALLY...THEREFORE IT HAS TO HAVE HPR MAP AND PARCEL NUMBERS. 17.16.030 G 3 b and c... see below.
- b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.
- c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.

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.

Matt Millsap
Appellant Name (Please Print)

Representative Name (Please Print)

615 main st.
Address

Address

City, State, Zip Code

City, State, Zip Code

615-891-2398
Phone Number

Phone Number

matt@buildco7.com
Email

Email

Appeal Fee: _____



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



3549131

**ZONING BOARD APPEAL / CAAZ - 20180050768
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 083020P00200CO

APPLICATION DATE: 08/23/2018

SITE ADDRESS:

1211 N 14TH ST NASHVILLE, TN 37206
UNIT 1211 MCKENNNIE AVENUE RESIDENCES

PARCEL OWNER:**CONTRACTOR:****APPLICANT:****PURPOSE:**

HISTORICAL HAS APPROVED DADU.

**A DADU CANNOT BE ON AN HPR PROPERTY.

**A DADU CANNOT BE SOLD INDIVIDUALLY.

DENIED;

1.....REQUEST TO SELL OFF INDIVIDUALLY...THEREFORE IT HAS TO HAVE HPR MAP AND PARCEL NUMBERS.

17.16.030 G 3 b and c... see below.

b. The detached accessory dwelling cannot be divided from the property ownership of the principal dwelling.

c. The detached accessory dwelling shall be owned by the same person as the principal structure and one of the two dwellings shall be owner-occupied.

POC: MATT MILLSAP 615-891-2398

matt@buildco7.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

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

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Integrity of Master Development Plan - The granting of the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-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.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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.

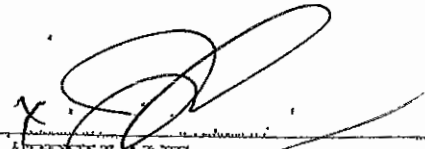
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

8/23/18
DATE

Justin Cross
for Matt Millsep

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

08301028800 174.4	08302000100 176.2	08302000200 178
75	50 R6	50

174

08302001500 50	08302001400 50	08302001300 75	08302001200 50	08302001400 75
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MCKENNIE AVE

08301029900 50	08302001600 50	08302001700 50
187.9	190.7	193.5
50	50	50

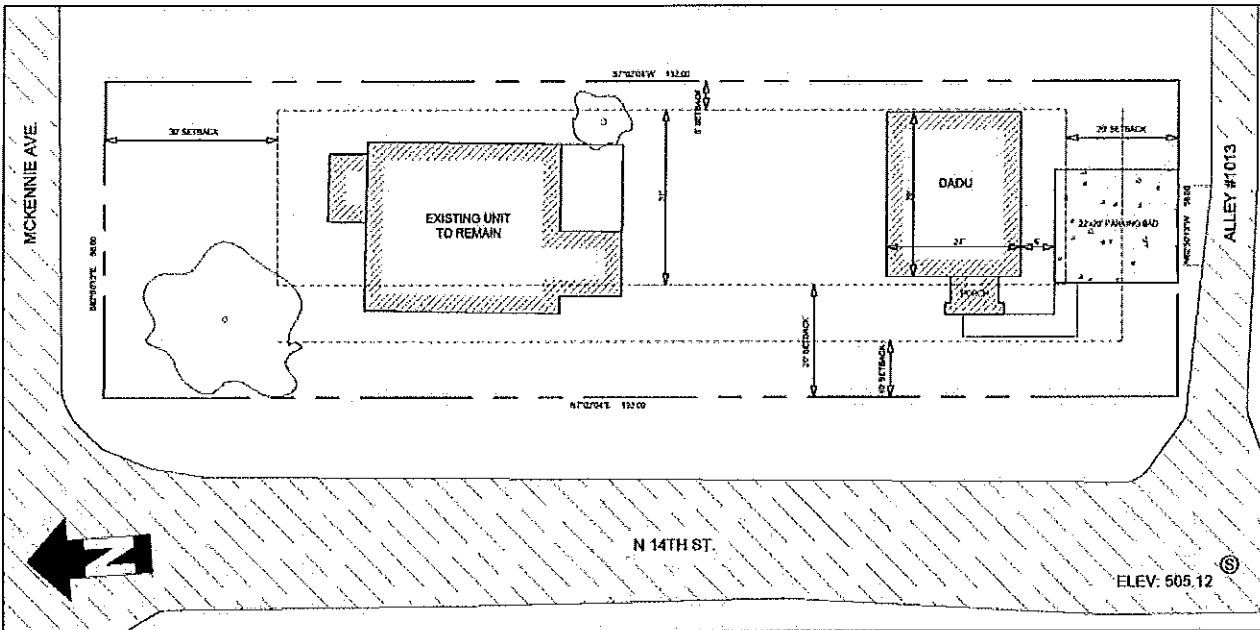
N 14TH ST
T4-R-CA2

083020P00100CO 192	083020P00200CO 192	08302002200 56	08302002300 52	08302002400 67	08302002500 45	08302002600 50
56	56	R6				
1013 ALY						

08301030100 50	08302001800 50	08302001900 50
24.89	67.97	100
134.94	83.06	50
51	118.35	30.3

GREENWOOD AVE

08302004900 64	08302004800 52	08302004700 52	08302004600 50	08302004500 50
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HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37206

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
SCALE: 1/4" = 1' - 0"
SITE PLAN

A00

HISTORICAL COMMISSION PERMIT 2018001656
CALL 615-862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

1. Please refer to notes on pages 1-2.
2. Staff must approve the construction progress at the following points:
 - a. After the building footprint has been field staked
 - b. After the foundation has been constructed
 - c. After the rough framing has been completed
3. The following must be submitted for final approval before purchase:
 - a. Windows and doors
 - b. Roof color (unless matching house)
 - c. Masonry



3437704

METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
 3000 Granny White Pike
 Nashville TN 37204
 (615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

Entered on: 09-Jan-2018

Site Address:

1400 McKennie Avenue
 Nashville, TN 37206

Historic District:

Eastwood NCZO

Parcel Owner: JONES, KATHERINE M. & TIMOTHY L. & HENRY L. & MARCIA

Purpose: Construct Outbuilding with DADU (See attached architectural plans)

FOUNDATION

- Foundation material shall be split-faced block.

CLADDING & TRIM

- Siding, trim, fascia, soffits, and like features are to be wood or cement fiberboard.
- Wood or cement fiberboard shall be smooth without simulated wood grain pattern or rough, unfinished appearance.
- All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.
- Overlapped siding shall have a reveal of five inches (5"), or match the exposure on the house.

WINDOWS & DOORS

- Window and door selections shall be approved by MHZC Staff prior to purchase/installation.
- Divided-light sashes shall have muntins on the outside and inside surfaces, with a spacer bar between.
- There shall be a four inch (4") mullion between any paired windows.
- Windows on clapboard structures shall not have brick-mold and shall have four inch (4") nominal wood casings.

ROOF

- Roof shall be asphalt shingles.
- Roof color may match the color of the house's roof; or roof color shall be approved by MHZC Staff prior to purchase/installation.

HVAC

- HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the building.

3437704

**METRO HISTORIC ZONING COMMISSION**

Sunnyside at Sevier Park
3000 Granny White Pike
Nashville TN 37204
(615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656**GENERAL**

MHZC Staff may have added notes to submitted drawings that are a part of this permit. Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken or materials being purchased.

All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.

This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.

THIS IS NOT A BUILDING PERMIT nor does it permit any particular type of use. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration: Howard School Building Campus (615) 862-6500.

REVIEWS REQUIRED - Call: (615) 862-7970:

ROOFING COLOR APPROVAL PRIOR TO INSTALL

WINDOWS APPROVAL PRIOR TO INSTALL

LIGHTING APPROVAL PRIOR TO INSTALL

DOOR APPROVAL PRIOR TO INSTALL

MASONRY APPROVAL PRIOR TO INSTALL

INSPECTIONS REQUIRED - Call: (615) 862-7970:

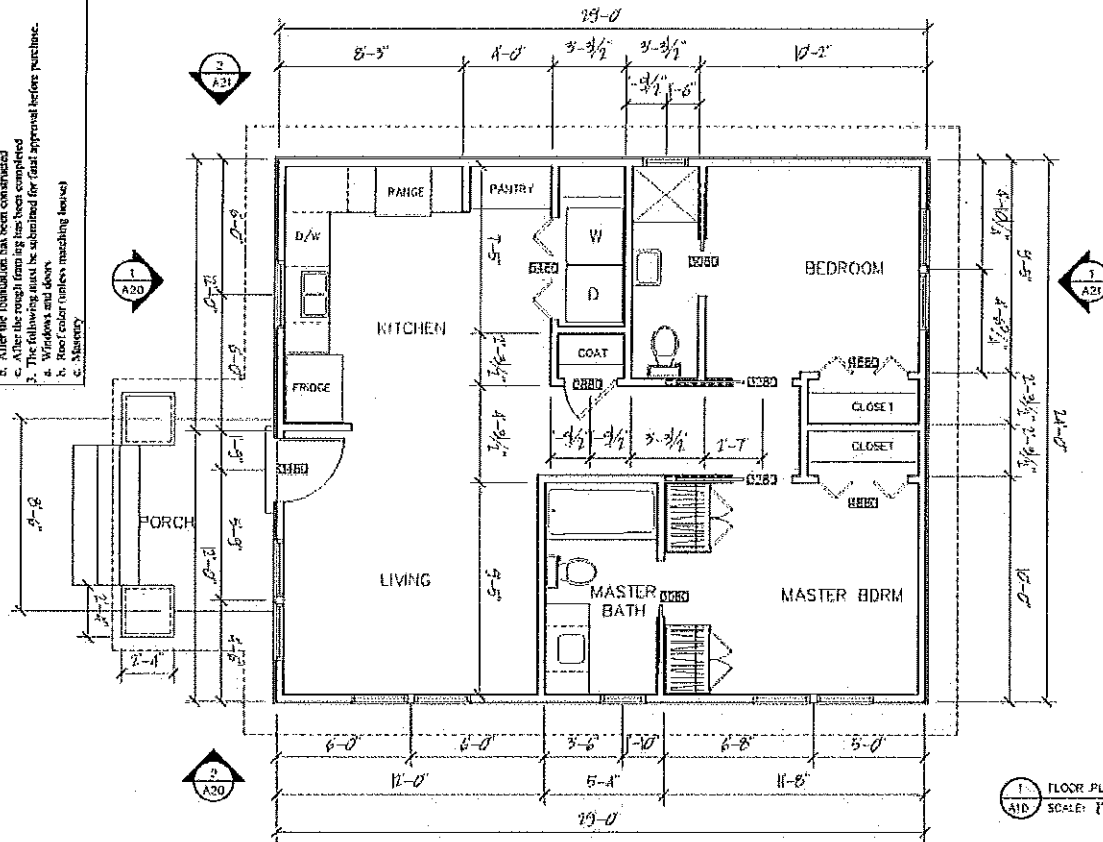
FIELD STAKING INSPECTION

FOUNDATION CHECK INSPECTION

ROUGH FRAMING INSPECTION

APPLICANT: Tim Jones**Issued Date:** 09-Jan-2018 **Issued By:** Sean Alexander

HISTORICAL COMMISSION PERMIT 20180166A
 CALL 615-862-7979 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS
 1. Please refer to notes on page 1-2.
 2. Staff must approve the construction progress at the three following points:
 a. After the building footprint has been field staked.
 b. After the foundation has been completed.
 c. After the rough framing has been completed.
 3. The following must be submitted for final approval before purchase:
 a. Windows and doors.
 b. Exterior finishes (matching house).
 c. Siding.



1 FLOOR PLAN
 A10 SCALE: 1" = 1'-0"

HYBRID PHOENIX
 317 ASH STREET
 NASHVILLE, TN 37206

1400 MCKENNIE AVE.
 NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
 SCALE: 1" = 1'-0"
 FLOOR PLAN

A10



HISTORICAL COMMISSION PERMIT 2018001656

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being requested to reflect the approved drawings.

2. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.

3. This permit does not regulate use.

4. Exterior materials shall be finish grade (smooth and square). Split wall lumber or embossed wood grain is not appropriate.

5. Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.

7. Four inch (4" nominal) casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.

8. Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-865-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

1. Please refer to notes on pages 1-2.

2. Staff must approve the construction progress at the following points:

- After the building footprint has been field staked
- After the foundation has been constructed
- After the rough framing has been completed

3. The following must be submitted for final approval before purchase:

- Windows and doors
- Roof color (unless matching house)
- Masonry

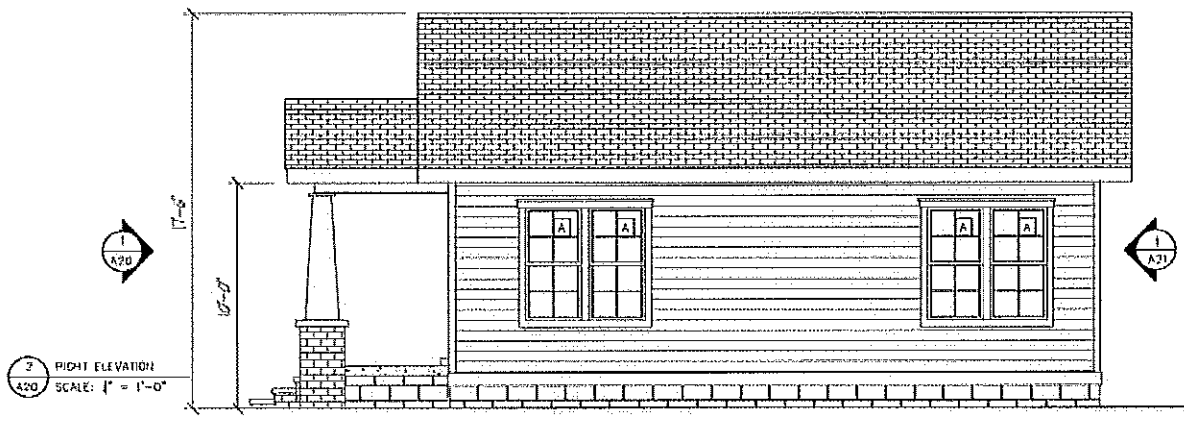
HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37208

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE
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DATE: 12-20-17
SCALE: 1/4" = 1'-0"
FRONT & RIGHT ELEV

A20





1 REAR ELEVATION
A21 SCALE: 1" = 1'-0"

HISTORICAL COMMISSION PERMIT 2018001656

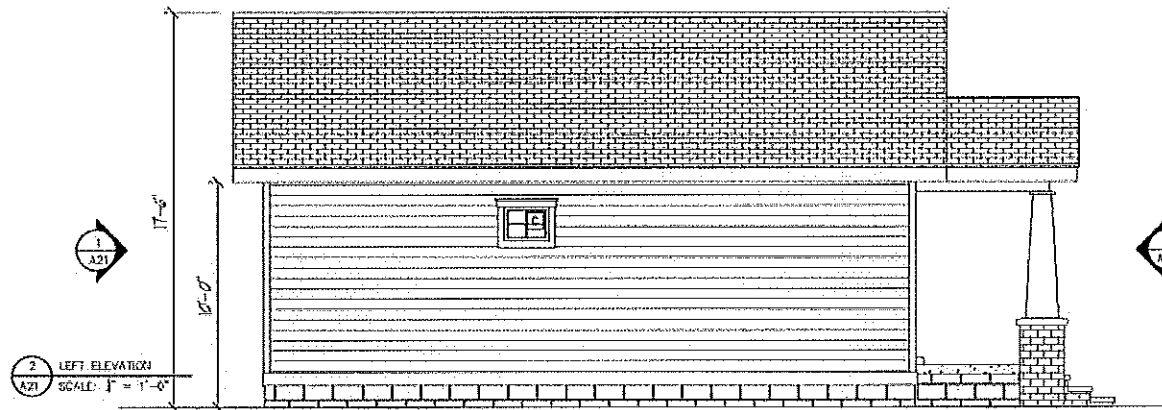
- Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being requested to reflect the approved drawings.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Slat wall lumber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4" nominal) castings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615 862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

- Please refer to notes on pages 1-2.
- Staff must approve the construction progress at the following points:
 - After the building footprint has been field staked
 - After the foundation has been constructed
 - After the rough framing has been completed
- The following must be submitted for final approval before purchase:
 - Windows and doors
 - Roof color (unless matching house)
 - Masonry

HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37206

1400 MCKENNIE AVE.
NASHVILLE, TN 37206



2 LEFT ELEVATION
A21 SCALE: 1" = 1'-0"

NO.	DESCRIPTION	DATE
	REAR & LEFT ELEV	12-20-17

A21

08301028800
174.4
08302000200
176.2
08302000200
178
75
50
R6
50

174

08302001500
08302001400
08302001300
08302001200
50
50
75
50
08302001400
75

MCKENNIE AVE

50
08301029900
187.9
08301030000
08302001600
190.7
08302001700
193.5
50
50
08301030100
50
83.06
128.5

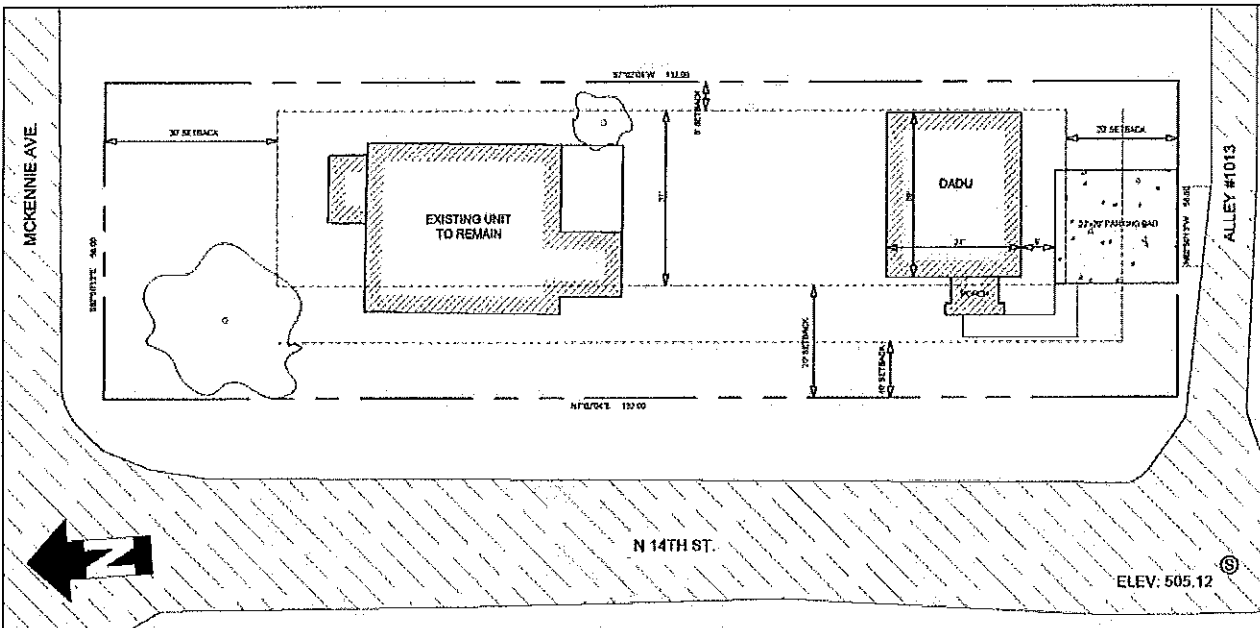
N 14TH ST
T4-R-CA2

56
52
67
45
50
083020P00100CO
192
083020P90000CO
083020P00200CO
192
56
08302002200
R6
08302002300
08302002400
08302002500
08302002600
1013 ALY

200
67.97
50
100
50
08302001800
24.89
08302002000
134.94
08302001900
118.35
51
30.3

200
08302004900
08302004800
08302004700
08302004600
08302004500
64
52
52
50
083020

GREENWOOD AVE



HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 00000

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17

SCALE: 1/4" = 1'-0"

SITE PLAN

A00

HISTORICAL COMMISSION PERMIT 2018001656
CALL 615-462-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

1. Please refer to notes on pages 1-2.
2. Staff must approve the construction progress at the following points:
 - a. After the building footprint has been field staked
 - b. After the foundation has been constructed
 - c. After the rough framing has been completed
3. The following must be submitted for final approval before purchase:
 - a. Windows and doors
 - b. Roof color (unless matching house)
 - c. Masonry



3437704

METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
 3000 Granny White Pike
 Nashville TN 37204
 (615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

Entered on: 09-Jan-2018

Site Address:

1400 McKennie Avenue
 Nashville, TN 37206

Historic District:

Eastwood NCZO

Parcel Owner: JONES, KATHERINE M. & TIMOTHY L. & HENRY L. & MARCIA

Purpose: Construct Outbuilding with DADU (See attached architectural plans)

FOUNDATION

- Foundation material shall be split-faced block.

CLADDING & TRIM

- Siding, trim, fascia, soffits, and like features are to be wood or cement fiberboard.
- Wood or cement fiberboard shall be smooth without simulated wood grain pattern or rough, unfinished appearance.
- All exposed exterior lumber should be grade number #1 or #2. Lower grade lumber is unsuitable for exterior work.
- Overlapped siding shall have a reveal of five inches (5"), or match the exposure on the house.

WINDOWS & DOORS

- Window and door selections shall be approved by MHZC Staff prior to purchase/installation.
- Divided-light sashes shall have muntins on the outside and inside surfaces, with a spacer bar between.
- There shall be a four inch (4") mullion between any paired windows.
- Windows on clapboard structures shall not have brick-mold and shall have four inch (4") nominal wood casings.

ROOF

- Roof shall be asphalt shingles.
- Roof color may match the color of the house's roof; or roof color shall be approved by MHZC Staff prior to purchase/installation.

HVAC

- HVAC/Mechanical/Utility vents, pipes, lines, and all associated components, condensers or boxes shall be located behind the midpoint of the building.

3437704



METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
3000 Granny White Pike
Nashville TN 37204
(615) 862-7970
histlap1@nashville.gov

HISTORICAL COMMISSION PERMIT - 2018001656

GENERAL

MHZC Staff may have added notes to submitted drawings that are a part of this permit. Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken or materials being purchased.

All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.

This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.

THIS IS NOT A BUILDING PERMIT nor does it permit any particular type of use. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration; Howard School Building Campus (615) 862-6500.

REVIEWS REQUIRED - Call: (615) 862-7970:

- ROOFING COLOR APPROVAL PRIOR TO INSTALL
- WINDOWS APPROVAL PRIOR TO INSTALL
- LIGHTING APPROVAL PRIOR TO INSTALL
- DOOR APPROVAL PRIOR TO INSTALL
- MASONRY APPROVAL PRIOR TO INSTALL

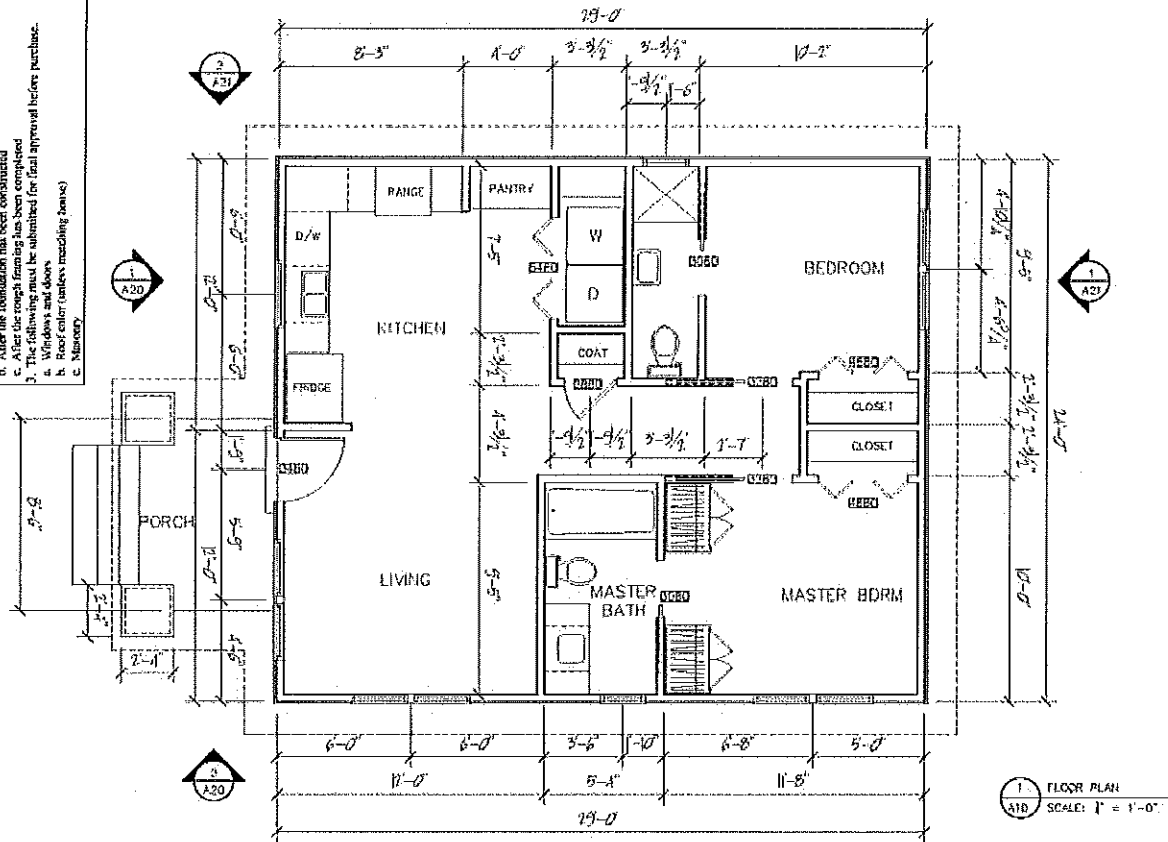
INSPECTIONS REQUIRED - Call: (615) 862-7970:

- FIELD STAKING INSPECTION
- FOUNDATION CHECK INSPECTION
- ROUGH FRAMING INSPECTION

APPLICANT: Tim Jones

Issued Date: 09-Jan-2018 Issued By: Sean Alexander

HISTORICAL COMMISSION PERMIT 201800166
CALL 615-962-7979 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS
 1. Please refer to notes on pages 1-2.
 2. Staff must approve the construction progress at the three following points:
 a. After the building footprint has been field marked.
 b. After the foundation has been constructed.
 c. After the rough framing has been completed.
 3. The following must be submitted for final approval before purchase:
 a. Photos and details.
 b. Masonry (detail's including beams)
 c. Masonry.



1 FLOOR PLAN
 A10 SCALE: 1" = 1'-0"

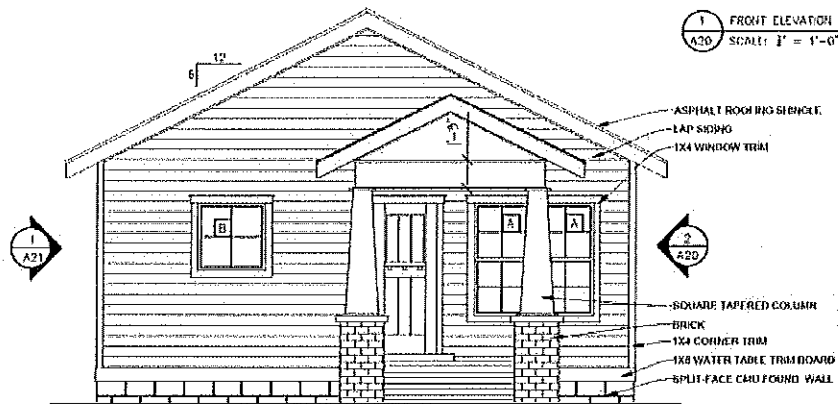
HYBRID-PHOENIX
 317 ASH STREET
 NASHVILLE, TN 37206

1400 MCKENNIE AVE.
 NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE

DATE: 12-20-17
 SCALE: 1" = 1'-0"
 FLOOR PLAN

A10



HISTORICAL COMMISSION PERMIT 2018001656

1. Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in changes being required to reflect the approved drawings.

2. All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to commencing with the project.

3. This permit does not regulate use.

4. Exterior materials shall be finish grade (smooth and square). Slat wall lumber or embossed wood grain is not appropriate.

5. Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.

7. Four inch (4") pointed casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.

8. Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-861-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

1. Please refer to notes on pages 1-2

2. Staff must approve the construction progress at the following points:

- After the building footprint has been field staked
- After the foundation has been constructed
- After the rough framing has been completed

3. The following must be submitted for final approval before purchase:

- Window and door
- Roof color (unless matching house)
- Masonry

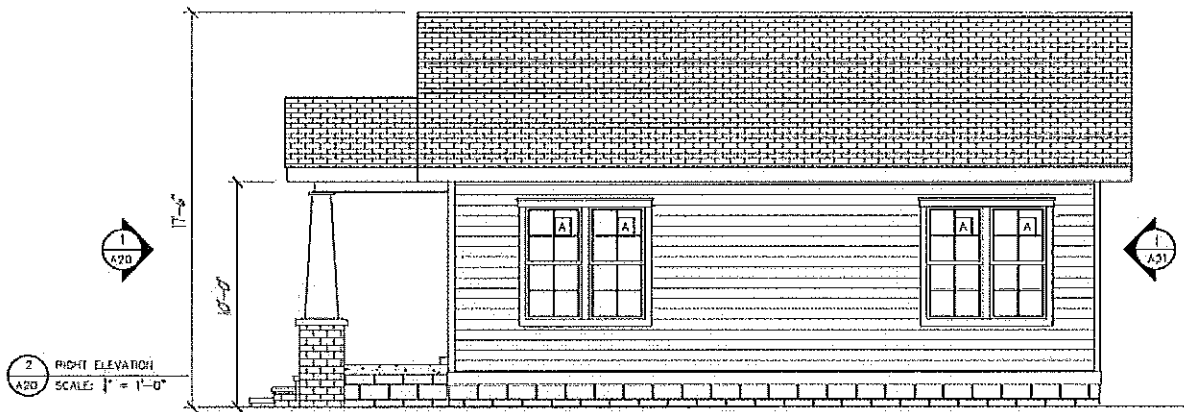
HYBRID PHOENIX
317 ASH STREET
NASHVILLE, TN 37208

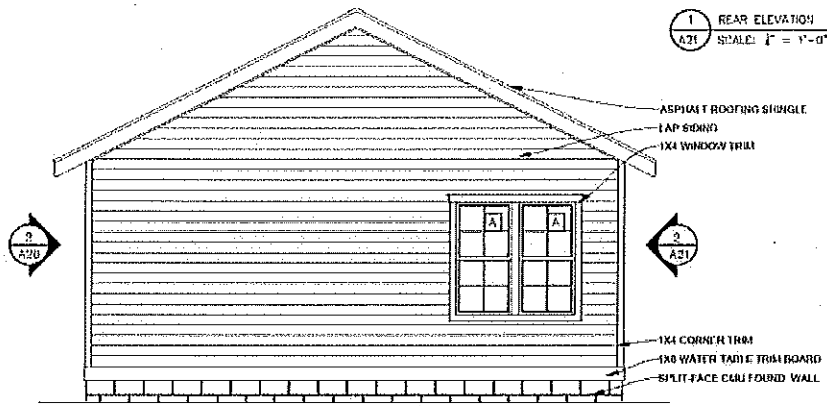
1400 MCKENNIE AVE.
NASHVILLE, TN 37208

NO.	DESCRIPTION	DATE

DATE: 12-20-17
SCALE: 1/4" = 1'-0"
FRONT & RIGHT ELEV.

A20



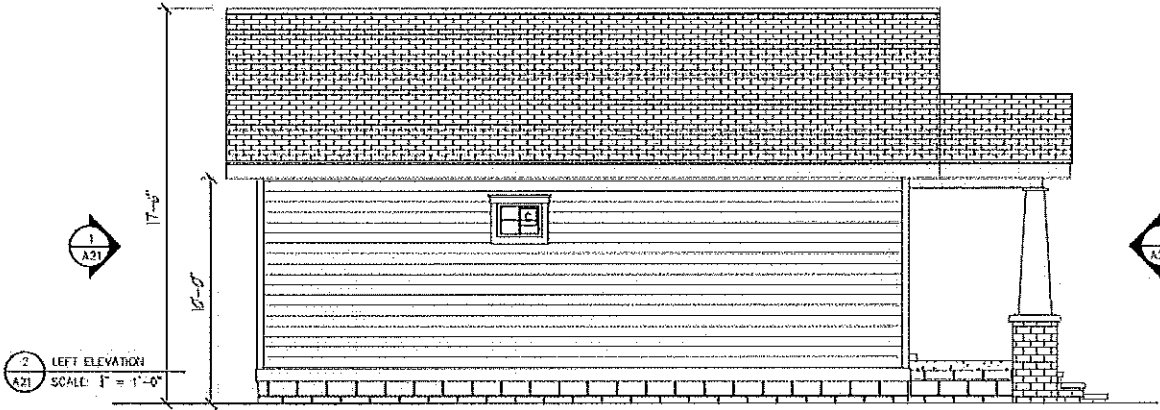


HISTORICAL COMMISSION PERMIT 2018001656

- Structure to be constructed in accordance with attached scaled site plan and elevations. Any deviation from the approved plans could result in **changes being reversed** to reflect the approved drawings.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to HHCZC staff prior to continuing with the project.
- This permit does not regulate use.
- Exterior materials shall be finish grade (smooth and square). Snd wall humber or embossed wood grain is not appropriate.
- Siding and trim shall be wood or cement-fiberboard. Siding shall have a maximum reveal of five inches (5") or shall match the existing siding.
- Four inch (4" nominal) casings are required around doors, windows and vents within clapboard walls. Windows on brick walls shall have brick-mold.
- Four inch (nominal) corner-boards are required at the face of each exposed corner on frame walls.

CALL 615-862-7970 FOR QUESTIONS AND TO SCHEDULE INSPECTIONS

- Please refer to notes on pages 1-2.
- Staff must approve the construction progress at the following points:
 - After the building footprint has been field staked
 - After the foundation has been constructed
 - After the rough framing has been completed
- The following must be submitted for final approval before purchase:
 - Windows and doors
 - Roof color (unless matching house)
 - Masonry



HYBRID-PHOENIX
317 ASH STREET
NASHVILLE, TN 00000

1400 MCKENNIE AVE.
NASHVILLE, TN 37206

NO.	DESCRIPTION	DATE
		DATE: 12-20-17
		SCALE: 1/4" = 1'-0"
		REAR & LEFT ELEV

A21

DAVID BRILEY

MAYOR

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

October 15, 2018

Board of Zoning Appeals
c/o Jon Michael

RE: 1400 McKennie

Dear BZA:

Staff with the MHZC does not support the request for a detached duplex.

At the time the Detached Accessory Dwelling Ordinance (DADU) was created, it was for historic overlays only. Neighborhoods and councilmembers agreed to the allowance of detached units specifically with the conditions that they would not be sold separately and the owner would live in one of the two units, and that is codified in the DADU ordinance. Staff does not recommend a change to that requirement without a larger discussion with those that were promised (neighborhoods and councilmembers) that the two units would not be conveyed separately and without an official change to the ordinance. To grant a variance now may, in a sense, be changing the ordinance without the appropriate process since the proposed hardship has no bearing (a utility easement) on how the property is sold. MHZC is concerned that if the Commission's ability to apply the DADU ordinance is not upheld, it could undermine the Commission's ability to continue to make decisions about the appropriateness of DADUs and the appropriate attachment for 2nd units in the historic overlays.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Zeigler".

Robin Zeigler
Historic Zoning Administrator

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

World Finance Corporation of

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Tennessee Date: 8/29/18
Property Owner: Ross Brothers Properties LLC Case #: 2018-560
Representative: Tim Graves Map & Parcel: 0600401120

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: Renovations and Use & Occupancy for World Finance Corporation of Tennessee

Activity Type: Commercial Renovation & Use and Occupancy

Location: 3134 Dickerson Pike, Nashville

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: Variance to Permitted with Conditions

Section(s): 17.16.050 D1

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

World Finance Corporation of Tennessee
Appellant Name (Please Print)

108 Frederick Street
Address

Greenville SC 29607
City, State, Zip Code

864-298-9800 ext 608
Phone Number

stes@worldacceptance.com
Email

Tim Graves
Representative Name (Please Print)

8 Industrial Park
Address

Hendersonville TN 37075
City, State, Zip Code

615-512-2901
Phone Number

tim.graves@worldacceptance.com
Email

Appeal Fee: \$100.00



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



3542561

**APPLICATION FOR BUILDING COMMERCIAL - REHAB / CACR - T2018046294
THIS IS NOT A PERMIT**

PARCEL: 06004011200

APPLICATION DATE: 08/06/2018

SITE ADDRESS:

3134 DICKERSON PIKE NASHVILLE, TN 37207
LOT 3 COATS INDUSTRIAL PARK 1ST REV

PARCEL OWNER: ROSS BROTHERS PROPERTIES, LLC

APPLICANT:**PURPOSE:**

Need survey to reflect distance from ALL other alternative financial services establishments. 3101 Dickerson Pike is a SPEEDY CASH, CASH LOAN an alternative financial services business.

Tenant improvement of existing space for World Finance

POC: Beverly Washington 615-504-6009

office 615-255-7725**

*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

*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	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[F] Address Review On Bldg App		862-8781 bonnie.crumby@nashville.gov
CA - Zoning Sidewalk Requirement Review		
[B] Building Plans Received		615-862-6614 teresa.patterson@nashville.gov
[B] Building Plans Review		615-862-6581 Teresa.Patterson@nashville.gov
[B] Fire Life Safety Review On Bldg App		862-5230
[B] Fire Sprinkler Requirement		862-5230
[E] Cross Connect Review For Bldg App	COND	615-862-6825 Sara.Jinnette@nashville.gov
[A] Bond & License Review On Bldg App		
[B] Plans Picked Up By Customer		615-880-2649 Ronya.Sykes@nashville.gov
[E] Grease Control Review On Bldg App		862-4590 ECO@nashville.gov
[D] Grading Plan Review For Bldg App	APPROVED	(615) 862-6038 Logan.Bowman@nashville.gov

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a **HARDSHIP** as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Please see attached letter sent to Lisa Butler, Zoning Examiner I, on

August 20, 2018 outlining how our business model is substantially different than Speedy Cash, Cash & Title Loans; the distance is only 264 feet short of the required 1320 feet; and past tenants classified as "alternative financial services have been allowed to operate at this location in the recent past.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 of the property at issue in this case. The envelopes must include the return address for the BZA and the case number. Hold and insert the 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

Tim Graves, on behalf of World Finance
 Corporation of Tennessee

8/29/18

 DATE

Measur. Distanc

1200

17.16.060

6. Community education facilities having a valid use and occupancy permit on the effective date of the ordinance codified in this code, and which cannot satisfy the locational or design standards of this section, may petition the board of zoning appeals as a special exception use under the provisions of Article III of this chapter.

7. Required School Site Dedications. All required school site dedications shall follow the zoning requirements in effect at the time the dedication requirement was approved by the metropolitan council through the adoption of an amendment to the official zoning map, or the current requirements of Section 17.16.040, whichever is the least restrictive.

8. Adaptive Reuse. Community education facilities shall be permitted to operate within an existing structure, regardless of lot size, subject to the following conditions:

a. A valid use and occupancy permit was issued for the structure for use as a community education facility or a religious institution at any point within the previous five year period.

b. The property upon which the structure is located has not been subdivided since the cessation of the previous use as a community education facility or religious institution in such a manner so as to reduce the lot size below the minimum lot size for community education facilities provided in this section.

B. Vocational School.

1. Landscape Buffer Yard. Screening in the form of landscape buffer yard B shall be applied along common property lines.

2. Setback. Whenever a vocational school structure intended for vehicle repair, truck driving, manufacturing, production, or industrial equipment abuts a residential zone district or district permitting residential use, there shall be a minimum setback of fifty feet.

3. Street Standard. At a minimum, a vocational school shall have driveway access on a collector street. (Ord. BL2015-1098 §§ 2, 3, 2015; Amdt. 1 with Ord. BL2002-1273 § 6, 2003; Amdt. 1, 2 with Ord. BL2002-1171 § 6, 2002; Ord. 98-1268 § 1 (part), 1998; Ord. 96-555 § 4.2(B), 1997)

17.16.050 Office uses.

(Refer to zoning district land use table)

A. Financial Institution. Financial institutions in the MUN, MUN-A, ON, CN and CN-A zoning districts shall be limited to two thousand five hundred square feet of gross floor area per establishment.

B. General Office. A general office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

C. Leasing/Sales Office. A leasing/sales office shall be limited to two thousand five hundred square feet of gross floor area per establishment.

D. Alternative Financial Services.

1. No alternative financial services establishment shall be located less than one thousand three hundred twenty linear feet from the property line of another property upon which another alternative financial services establishment is located.

2. Alternative financial services establishments in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred square feet of gross floor area per establishment. (Ord. BL2016-132 § 5, 2016; Amdt. 1 to Ord. BL2016-117 § 4, 2016; Ord. BL2016-117 § 4, 2016; Ord. BL2015-1153 § 15, 2015; Ord. BL2014-908 § 3, 2014; Ord. BL2008-169 § 3, 2008; Ord. 96-555 § 4.2(C), 1997)

17.16.060 Medical uses.

(Refer to zoning district land use table)

A. Medical Office. Medical offices shall be limited to two thousand five hundred square feet of gross floor area per establishment, with no more than two establishments per lot.

B. Veterinarian. The building footprint of veterinary offices and facilities shall be limited to two thousand five hundred square feet with no more than two establishments per lot. The following shall apply:

1. Animal boarding shall occur within completely enclosed structures.

2. Landscape Buffer Yard. Outdoor exercise yards shall be completely fenced and used only between seven a.m. and seven p.m. Where such outdoor activities abut a residential zone district or district permitting residential use, landscape buffer yard Standard B shall apply along common property lines. A six-foot opaque vertical fence may substitute for landscaping; however the buffer yard width of landscape buffer yard Standard B shall still apply along common property lines.

3. Boarding Kennel. Kennels for the boarding of companion animals not undergoing medical treatment are permitted as an ancillary use subject to the following conditions.

a. No more than thirty percent of the gross floor area of the veterinary clinic may be used as a boarding kennel.

b. No outdoor kennels or runs are permitted.

c. No part of any building or structure in which animals are housed shall be closer than fifty feet from any existing residence located on an adjacent parcel.

d. Cages. For a kennel, each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to



World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
 ATTN: Lisa Butler, Zoning Examiner II
 Department of Codes & Building Safety
 PO Box 196300
 Nashville, TN 37219

RE: 3134 Dickerson Pike
 Request for Variance of Zoning Ordinance 17.16.050 D(1)

Dear Ms. Butler:

World Finance Corporation of Tennessee d/b/a World Finance Loan and Taxes ("World") is in the midst of negotiating a lease agreement for the property known as 3134 Dickerson Pike. In doing so, it has come to our attention that there is a Zoning Ordinance 17.16.050 D(1) ("Ordinance") which may impact our plans to use this space.

The location's previous tenant was Advance America which was offering title loans. Speedy Cash, Cash & Title Loans ("Speedy Cash") is currently offering title loans at 3101 Dickerson Pike. These similar businesses are located 0.2 miles or 1,056 feet from one another and were both in operation as recently as November 2017 (see attached **Exhibit A**).

World is requesting a variance on the grounds stated below.

1. While we understand that World and Speedy Cash are both considered "alternative financial services", our company does not offer title loans. World offers installment loans and tax preparation services which we believe makes our business model substantially different than Speedy Cash.
2. The distance between the two properties is only 264 feet short of the required 1,320 feet set forth in the Ordinance.
3. Past tenants classified as "alternative financial services" have been allowed to do business at this location.

Please let World know if you need any further information or have any questions about our company as we would like to continue to grow and support the Nashville area. Our aim is to be a good corporate citizen and assist the local government as best we can.

Feel free to contact me to discuss. My telephone number is 864-298-9801 ext. 216 or you may email me at rknight@worldacceptance.com. Thank you in advance for your time and consideration. I look forward to hearing from you.

Best regards,

Roland Knight
 Corporate Counsel

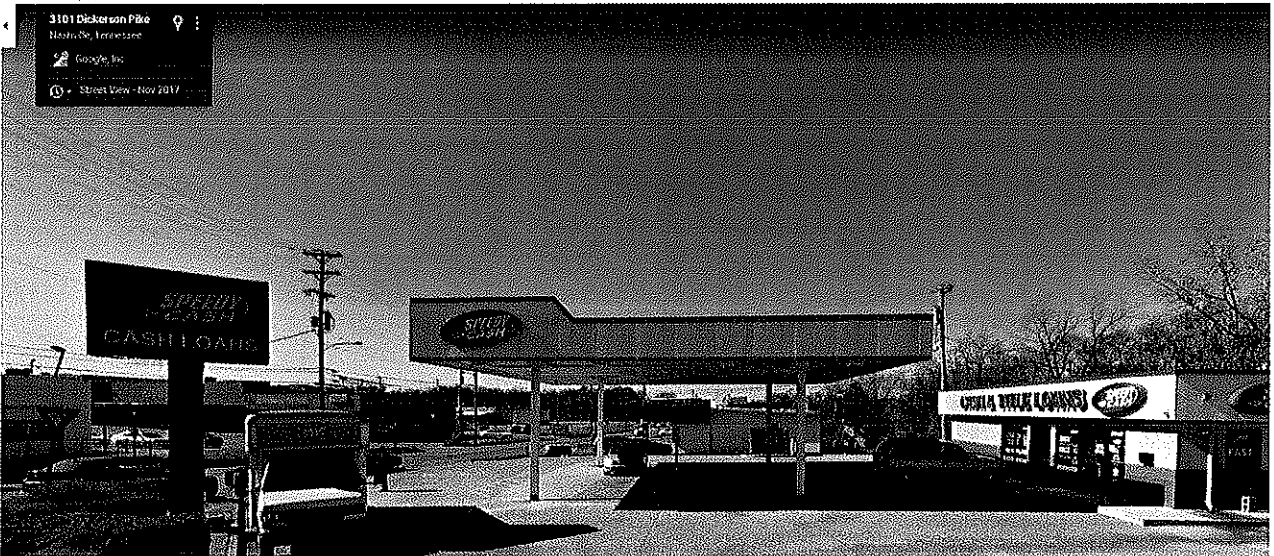
cc: Stacey Estes, Vice President Lease Administration

Enclosure

Exhibit A



3134 Dickerson Pike as of November 2017



3101 Dickerson Pike as of November 2017

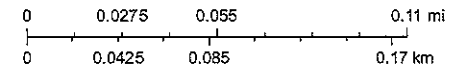
Nashville / Davidson County Parcel Viewer



August 24, 2018

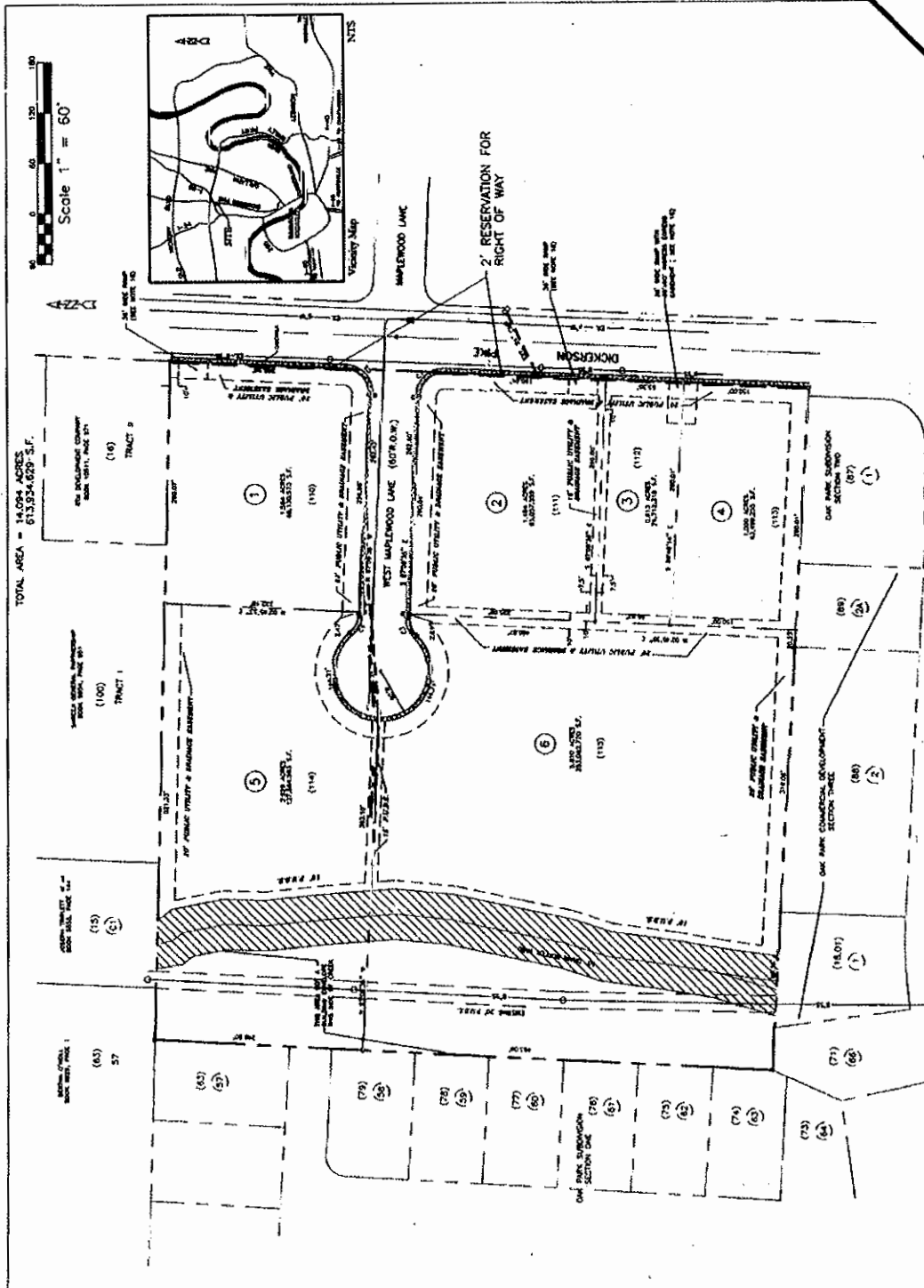
- polygonLayer**
- Override 1
 - Ownership Parcels
 - Planned Unit Development
 - Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS



DALE & ASSOCIATES
 Consulting Civil Engineers
 Landscape Architects
 Land Planners
 Surveyors
 2001
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ALL RIGHTS RESERVED
 © 2018 DALE & ASSOCIATES, INC.

FIRST REVISION
COATS INDUSTRIAL PARK
 AIR COUNCILMANIC DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 DATE: JANUARY 2, 2003
 JOB NO. 01039

DALE & ASSOCIATES, INC.
 516 HEATHER PLACE
 NASHVILLE, TN 37204
 (615) 297-5166

CERTIFICATE OF OWNERSHIP

I, hereby certify that I am (we are) the owner(s) of the property shown and described herein as indicated on the plat attached hereto, and that I (we) have no interest in the property other than as owner(s). I (we) have no knowledge of any other persons, firms or corporations who may have any interest in the property shown and described herein, and I (we) have no knowledge of any other persons, firms or corporations who may have any interest in the property shown and described herein.

Date: 1-2-2003

SURVEYOR'S CERTIFICATE

I, hereby certify that to the best of my knowledge and belief the above shown subdivision plat represents a true and correct subdivision of the land described therein into lots of 110,000 and 60,000 and is true and correct. Appropriate endorsements have been placed as indicated. All state lot lines are of equal length and are 10' 0" street unless otherwise noted.

Surveyor: [Signature] Date: 1-2-2003

COMMISSION APPROVAL

Approved by the Metropolitan Planning Commission of Davidson and Franklin Counties, Tennessee.

Secretary: [Signature] Date: 1/2/03

SUBDIVISION NUMBER 2001S-141U-04

RECORDED
 BOOK 113 PAGE 113
 20030102-000215
 20030107-000216

- CRITICAL NOTES:**
- The balance of the easements to be shown are not shown on this plat and are shown on the plat of the easements for the site of the proposed subdivision, and the easements for the site of the proposed subdivision are shown on the plat of the easements for the site of the proposed subdivision.
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World Acceptance Corporation

Post Office Box 6429 · Greenville, South Carolina 29606

August 20, 2018

VIA USPS and Email (lisa.butler@nashville.gov)

Metropolitan Government of Nashville and Davidson County
 ATTN: Lisa Butler, Zoning Examiner II
 Department of Codes & Building Safety
 PO Box 196300
 Nashville, TN 37219

RE: 3134 Dickerson Pike
 Request for Variance of Zoning Ordinance 17.16.050 D(1)

Dear Ms. Butler:

World Finance Corporation of Tennessee d/b/a World Finance Loan and Taxes ("World") is in the midst of negotiating a lease agreement for the property known as 3134 Dickerson Pike. In doing so, it has come to our attention that there is a Zoning Ordinance 17.16.050 D(1) ("Ordinance") which may impact our plans to use this space.

The location's previous tenant was Advance America which was offering title loans. Speedy Cash, Cash & Title Loans ("Speedy Cash") is currently offering title loans at 3101 Dickerson Pike. These similar businesses are located 0.2 miles or 1,056 feet from one another and were both in operation as recently as November 2017 (see attached **Exhibit A**).

World is requesting a variance on the grounds stated below.

1. While we understand that World and Speedy Cash are both considered "alternative financial services", our company does not offer title loans. World offers installment loans and tax preparation services which we believe makes our business model substantially different than Speedy Cash.
2. The distance between the two properties is only 264 feet short of the required 1,320 feet set forth in the Ordinance.
3. Past tenants classified as "alternative financial services" have been allowed to do business at this location.

Please let World know if you need any further information or have any questions about our company as we would like to continue to grow and support the Nashville area. Our aim is to be a good corporate citizen and assist the local government as best we can.

Feel free to contact me to discuss. My telephone number is 864-298-9801 ext. 216 or you may email me at rknight@worldacceptance.com. Thank you in advance for your time and consideration. I look forward to hearing from you.

Best regards,

Roland Knight
 Corporate Counsel

cc: Stacey Estes, Vice President Lease Administration

Enclosure

Exhibit A



3134 Dickerson Pike as of November 2017



3101 Dickerson Pike as of November 2017

Nashville / Davidson County Parcel Viewer



August 24, 2018

polygenLayer

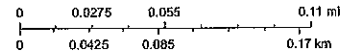
Override 1

Ownership Parcels

Planned Unit Development

Zoning

1:2,257



Nashville Planning Department, MetroGIS
Metro GIS

Made by: Metro GIS

CERTIFICATE OF OWNERSHIP
 I, hereby certify that I am the owner(s) of the property shown and described in the subdivision plan of subdivision with my (our) true correct and that this plan complies with all applicable laws, ordinances, regulations and orders of the Metropolitan Planning Commission of Metropolitan Nashville, Davidson County, Tennessee.

Name: DALE & ASSOCIATES, INC. Date: 1-3-2003

SURVEYOR'S CERTIFICATE
 I hereby certify that to the best of my knowledge and belief, the survey herein on undivided plots of precision Class I (1:10,000) and is true and correct. Approved measurement and computation of this survey was made by me or by a duly engaged or recalled to street under authority noted.

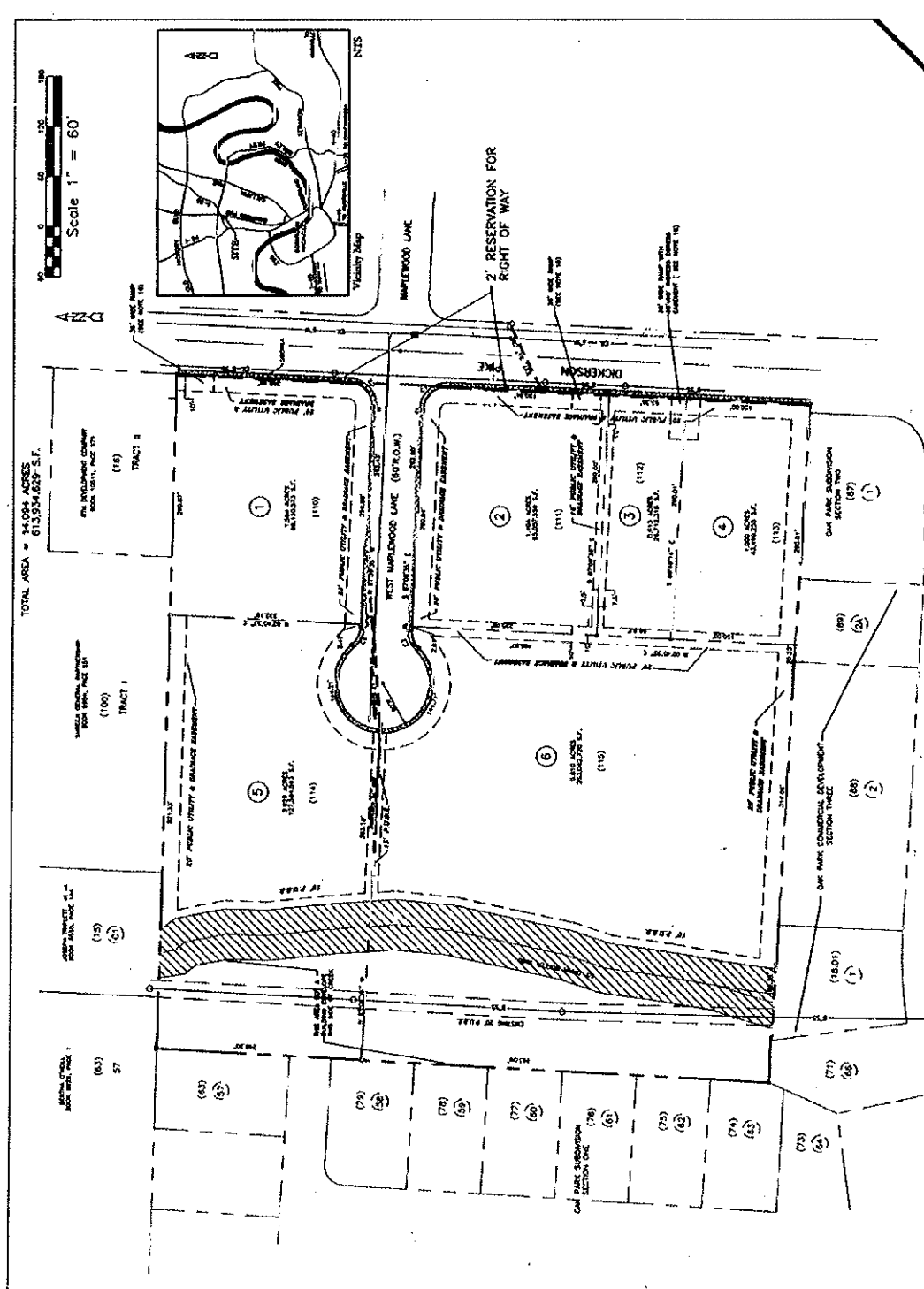
Name: [Signature] Date: 1-3-03

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

Secretary: [Signature] Date: 1/3/03

SUBDIVISION NUMBER: 2001S-141U-04

RECORDED
 20030107-0002910



Dale & Associates
 Consulting Civil Engineers
 Landscape Architects
 Land Planners
 Surveyors
 185 Woodland Drive
 Nashville, TN 37204
 (615) 297-5166

FIRST REVISION
COATS INDUSTRIAL PARK
 4th COUNCILMANIC DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE
 DATE: JANUARY 3, 2003
 SCALE: 1" = 60'
 JOB NO. 01039

SECTION	AREA (SQ. FT.)	AREA (ACRES)
1	1,113,200	25.41
2	1,113,200	25.41
3	1,113,200	25.41
4	1,113,200	25.41
5	1,113,200	25.41
6	1,113,200	25.41
7	1,113,200	25.41
8	1,113,200	25.41
9	1,113,200	25.41
10	1,113,200	25.41
11	1,113,200	25.41
12	1,113,200	25.41
TOTAL	13,558,400	310.92

- CONTRACT NOTES**
1. ALL RIGHTS OF THE PROPERTY TO BE RECORDED, CONTRACTS NOT RECORDED.
 2. CONTRACTS RECORDED BY THE METROPOLITAN PLANNING COMMISSION ARE SUBJECT TO THE COMMISSION'S POLICY AND PROCEDURES FOR THE REVIEW OF RECORDED DOCUMENTS.
 3. CONTRACTS RECORDED BY THE METROPOLITAN PLANNING COMMISSION ARE SUBJECT TO THE COMMISSION'S POLICY AND PROCEDURES FOR THE REVIEW OF RECORDED DOCUMENTS.
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SPECIAL EXCEPTION REQUESTS

On May 1, 2003, the Board of Zoning Appeals approved a new condition/requirement for all special exception applications. It reads as follows:

"BZA Rules of Procedure Item 9. (2) e In the interest of having informed stake holders in special exception cases, it is required that the appellant make contact with the district councilperson and neighbors within 300 feet of the subject property from a mailing list provided by the board staff. Information to be furnished by the applicant shall include a contact person and include a reasonable representation of your 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."

In other words, we location designated people (within 300 : on the mail list, give there is opposition, hearing.

You must make do these people. Failure

Not sure if they need this form? if so please sign and attach. Otherwise toss.
Thank you, Betty

persons within 300 feet of the quired by law to notify these hat you contact those persons a and discuss your request. If r concerns prior to the public

erning your efforts to contact of your request.

Signature of Appellant or Representative

From: [Ammarell, Beverly \(Public Works\)](#)
To: [Lifsey, Debbie \(Codes\)](#); [Shepherd, Jessica \(Codes\)](#)
Cc: [Doyle, Devin \(Public Works\)](#)
Subject: 10/18/18 BZA meeting
Date: Friday, September 28, 2018 2:34:07 PM

2018-560 3134 Dickerson PK World Finance Renovations and U&O

Variance: 17.16.050 D1 variance to permitted with conditions

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2018-565 829 Lischey Ave residential and office mixed use

Variance: 17.12.035D front setback; 17.12.060F height variance

Response: Public Works takes no exception. This does not imply approval of the submitted site plan as access and design issues will be addressed and coordinated during the permitting process.

2018-566

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: 15th Church Equity Investors

Date: 9/5

Property Owner: 15th Church Eq Investors

Case #: 2018-566

Representative: Lee Molette

Map & Parcel: 92-12/340

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 reduce parking spaces

Activity Type: Residential - Short Term Rental Condos

Location: 1506 Church St Nashville 37203

This property is in the MU1-A Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: 17.20.030

Section(s): Variance from parking requirements.

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.

15th Church Equity Investors
Appellant Name (Please Print)

Lee Molette
Representative Name (Please Print)

1506 Church St #130
Address

1506 Church St #131
Address

Nashville, TN 37203
City, State, Zip Code

Nashville, TN 37203
City, State, Zip Code

(615) 300.7862
Phone Number

(615) 300.7862
Phone Number

lee.fs.developers@gmail.com
Email

lee.fs.developers@gmail.com
Email

Appeal Fee: _____



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



3556264

**ZONING BOARD APPEAL / CAAZ - 20180056649
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 09212034000

APPLICATION DATE: 09/05/2018

SITE ADDRESS:

1506 CHURCH ST 100 NASHVILLE, TN 37203
LOTS 61 & 62 & PT LOT 60 STATE PRISON

PARCEL OWNER: 15TH AND CHURCH EQUITY INVESTORS, I

CONTRACTOR:

APPLICANT: 15TH & CHURCH EQUITY INVESTORS
LEE MOLETTE
1506 CHURCH ST
Nashville, TN 37203 615-300-7862

PURPOSE:

TO CONSTRUCT SHORT TERM RENTAL CONDOMINIUM BUILDING WITH 50 ONE BEDROOM UNITS, 2 TWO BEDROOM UNITS AND 2000 SQFT OF RETAIL SPACE ON FIRST FLOOR... ..

REQUEST TO PROVIDE 11 PARKING SPACES FOR PROJECT

REJECTED: 17.20.030 MINIMUM 37 PARKING SPACES REQUIRED (53 SPACES ADJUSTED FOR TRANSIT, PEDESTRIAN ACCESS, PUBLIC PARKING TO 37 SPACES)

*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.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-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.B.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

See Attached.

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

8.31.18

Re: Variance Request

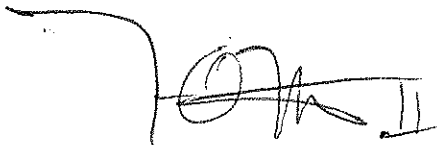
Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short- term rental condominium building. We are appealing to have the required parking requirement of 53 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. We will submit supporting documentation and studies prior to our hearing. However, with the growth of ride-share and other alternative means of transportation including buses, most visitors are no longer driving. Therefore, they do not require as much parking. Our location is within walking distance of the majority of Nashville's entertainment districts & venues for our guests.

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas.

We respectfully submit this appeal for your consideration.

Warm regards

A handwritten signature in black ink, appearing to read 'Lee O. Molette, II', with a large, stylized initial 'L' and 'M'.

Lee O. Molette, II

President

Frank Stanton Developers, LLC

1506 Church St #130

Nashville, TN 37203

(615) 600.7862

10.14.18

Re: Variance Request Case #2018-566

Dear Zoning Appeals Board

The property at 1506 Church is being developed as a Short- term rental condominium building. We are appealing to have the required parking requirement of 37 spaces reduced to 11. This requirement burdens the development with significant excessive parking requirements. In support of our request, we have provided the following:

- A letter from a seasoned short-term rental management company
- A parking study used to secure a similar request a couple of blocks away
- Several pictures of nearby free and pay parking within 10-500 feet from the site

This reduction will allow us to create a more pedestrian friendly environment while avoiding both above grade parking and un-utilized building areas. Furthermore, this aligns with Metro's objective to promote the use of alternative means of transportation. Finally, urban planners are advising developers we should plan for fewer drivers and even build garages so that can be converted to office or other uses. Especially in neighborhoods like Church Street.

We respectfully submit this appeal for your consideration.

Warm regards

A handwritten signature in black ink, appearing to read 'Lee O. Molette, II', with a stylized flourish at the end.

Lee O. Molette, II

President



A Luxury Vacation Rental Management Company

806 Third Avenue South, Nashville, Tennessee 37210

Mr. Lee O Molette II, President
Frank Stanton Developers, LLC
533 Church Street #130
Nashville, Tn 37219

Dear Lee:

It was great speaking with you and discussing our experience with parking for vacation rentals in downtown Nashville. As you know we have managed properties in downtown for over five years. We believe that we understand the market.

After our discussion, I went back and confirmed our experience with downtown guests that stay in our properties. Approximately 30% of the visitors to our properties require parking for their stay. In one building on Second Avenue North, we have 15 units, and we offer parking for guests renting those units. However, we only secured 8 dedicated spaces for the 15 units. We also have additional spaces for the other guests that stay in other downtown properties. In three years of offering these parking options, we have not used all the spaces at one time.

Having nearby pay parking lots and some small percentage of dedicated spaces for guests to purchase would be my recommendation, based on our experience. Please let me know, if we can assist you further.

Sincerely,

Alfonzo Alexander
Chief Executive Officer



Graduate Parking Demand



6/3/2017

Table
Project: Graduate
Description: Mixed-use Development

SHARED PARKING DEMAND SUMMARY

PEAK MONTH: AUGUST - PEAK PERIOD: 9 PM WEEKEND

Land Use	Project Data Quantity Unit	Weekday					Weekend					Weekday			Weekend		
		Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Base Rate	Mode Adj	Non-Captive Ratio	Project Rate	Unit	Peak Hr Adj 9 PM	Peak Hr Adj August	Estimated Parking Demand	Peak Hr Adj 9 PM	Peak Hr Adj August	Estimated Parking Demand
Hotel/Lodging	200 Rooms	0.90	0.95	1.00	0.92	Rooms	1.00	0.95	1.00	0.95	Rooms	0.95	1.00	61	0.95	1.00	67
Restaurant/Lounge	5,800 sq ft GLA	10.00	0.40	0.50	3.60	sq ft GLA	10.00	0.50	0.80	3.60	sq ft GLA	0.67	0.99	12	0.67	0.99	12
Conference Ctr/Banquet (20 to 50 sq ft/gst)	7,500 sq ft GLA	30.00	0.60	0.25	3.75	sq ft GLA	30.00	0.50	0.25	3.75	sq ft GLA	1.00	1.00	28	1.00	1.00	28
Employee		0.25	0.50	1.00	0.13	Rooms	0.18	0.60	1.00	0.09	Rooms	0.20	1.00	5	0.55	1.00	10
ULI base data have been modified from default values.												Customer Employee Reserved Total	101 5 0 106	Customer Employee Reserved Total	107 10 0 117		

Our review includes both the Nashville Code requirement for a project in the UZO district as well as the "market demand" as prepared by Hastings Architecture. Also, as a comparison of these two methods of determining parking demand, we have also prepared an estimate of the parking needed for the Graduate using the Urban Land Institute's Shared Parking Model. This model allows for using the ULI established baselines for parking demand but also incorporating the variables unique for each development. The variables to be used in the model include estimates of how many of the hotel guests will use alternative methods of transportation to arrive at the hotel (other than personal or rented automobile) and how many of the customers of the restaurant/ bar and meeting space will also be guests of the hotel and therefore not generate additional parking demand.

My analysis (using the ULI model) projects the following peak parking demand for the Hotel:

- Hotel - 67 Spaces
 - Employee - 10 Spaces
 - Restaurant/Bar - 12 Spaces
 - Meeting - 28 Spaces
- TOTAL - 117 Spaces**

Please note that the variables used in the calculations are based upon our own experience and empirical data of similar product hotels and also reflect the local conditions of this Nashville area.

Using the ULI model calculations and our experience the results are that the estimate for parking demand aligns with the market demand as prepared by Hastings Architecture and that building the requirement per the Nashville UZO code would result in excessive parking supply and the negative impact of wasted land resources, unnecessary maintenance and capital repair/replacement costs.

Please let me know if we can provide further information or clarification for our analysis.

Thanks,
Ryan

Ryan Hunt / COO - Partner / 615-554-7472 / ryanhunt@premierparking.com
Premier Parking Office: 615-238-2250
421 Church Street / Nashville, TN 37219 / www.premierparking.com

NASHVILLE HOTELS ANALYSIS

DRIVE UP

DRIVE UP

55 PARKING SPACES 44%

68 PARKING SPACES 30%

74 PARKING SPACES 41%

25 PARKING SPACES 20%

HOTEL

FAIRFIELD INN & SUITES/THE GULCH

THOMPSON NASHVILLE

KIMPTON AERTSON

ZIG NASHVILLE

ROOMS

126

224

180

124

AVERAGES

hotel occupancy: 60%

overnight valet rate: \$35

drive up ratio: 30%

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: HP Architecture APPEAL CASE 2017-272
 2000 West End Avenue
 Map: 92-16 Parcel: 4
 Zoning Classification: MUI-A

ORDER

This matter came to be heard in public hearing on 11/16/2017, before the Metropolitan Board of Zoning Appeals, upon application for a variance from parking requirements to reduce parking spaces from 202 to 117.

Based upon the entire record as recorded on the video recording and contained in the file, from all of which the Board finds that:

- 1) Proper legal and written notice of the public hearing had been complied with as set forth in Section 17.40.720 of the Metropolitan Code.
- 2) The appellant sought this permit under Section 17.40.180 (B) of the Metropolitan Code.
- 3) The appellant HAS satisfied all of the standards for a variance under Section 17.40.370 of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be Granted.

UPON MOTION BY: David Ewing

Seconded by: Cynthia Chappell

Ayes: David Taylor, Richard King
 Nays: Christina Karpynec, David Harper
 Abstaining:
 Absent: Alma Sanford

ENTERED THIS 20th DAY OF November, 2017

METROPOLITAN BOARD OF ZONING APPEALS

Chair

Secretary

10/12/2018

Up to 15 parking spaces available for development Alto

Photo - Google Photos

Case #2018-566

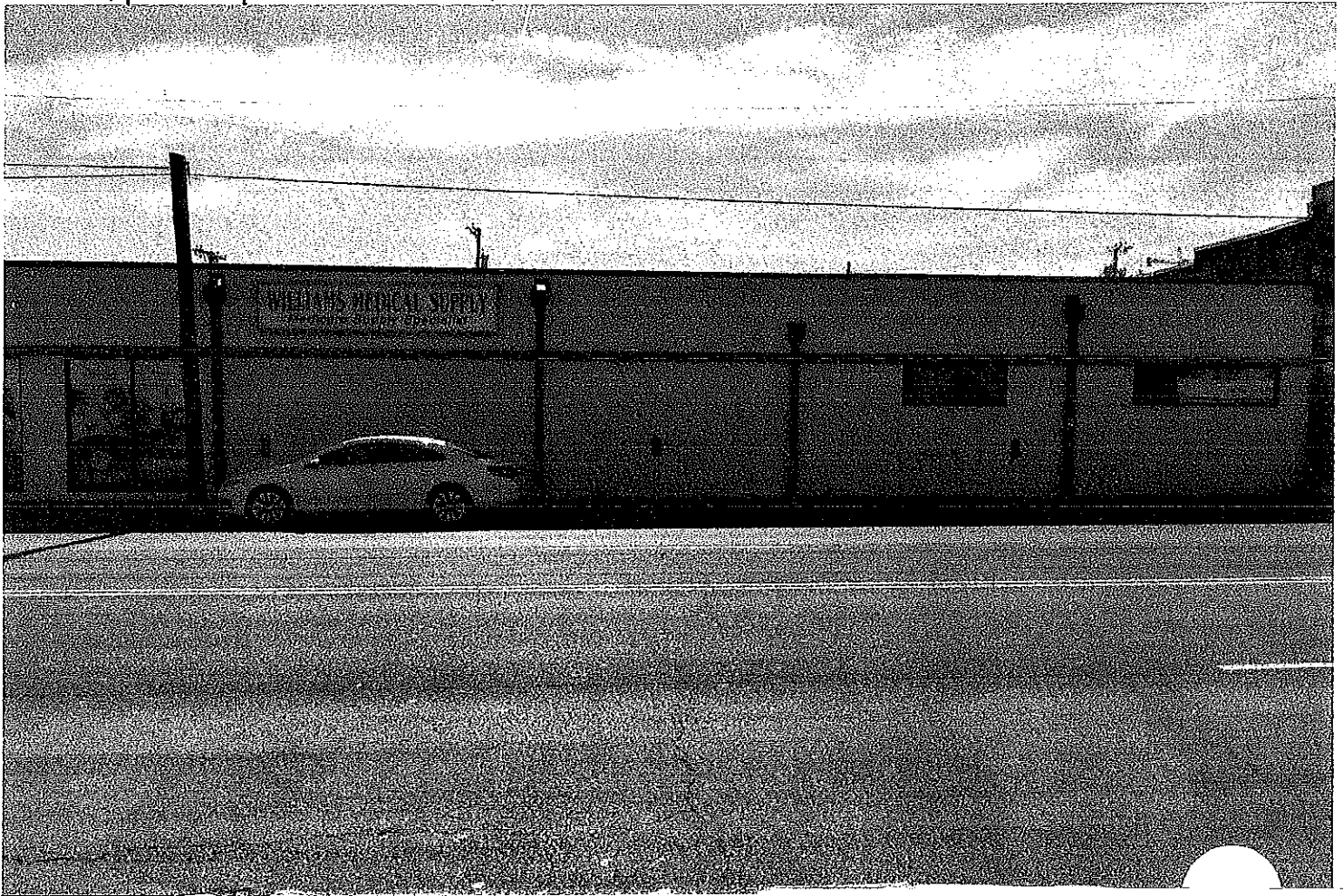


8+ parking spaces on McMillan Contrato is at Church + McMillan

10/12/2018

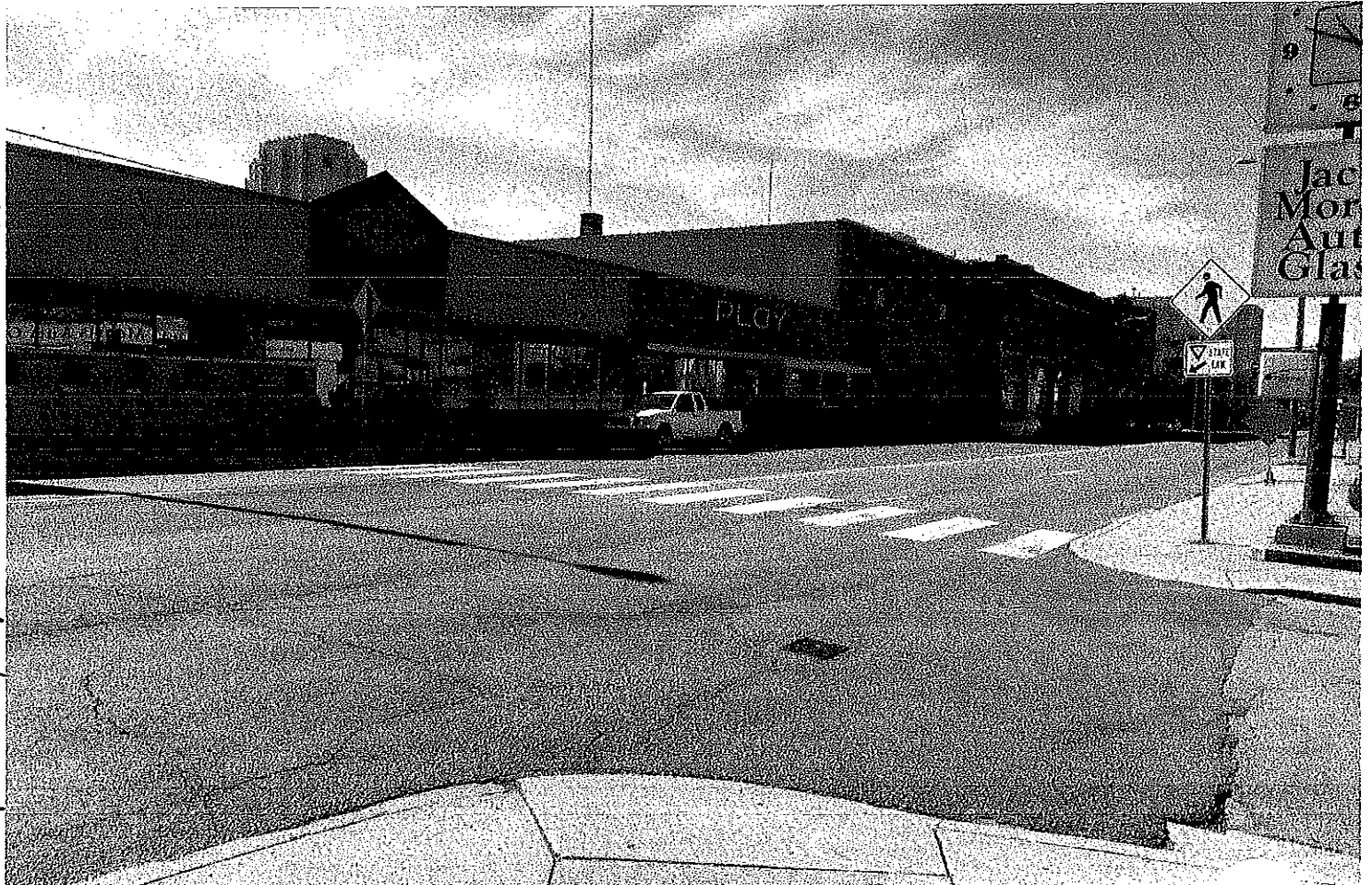
Photo - Google Photos





10/12/2018

Photo - Google Photos



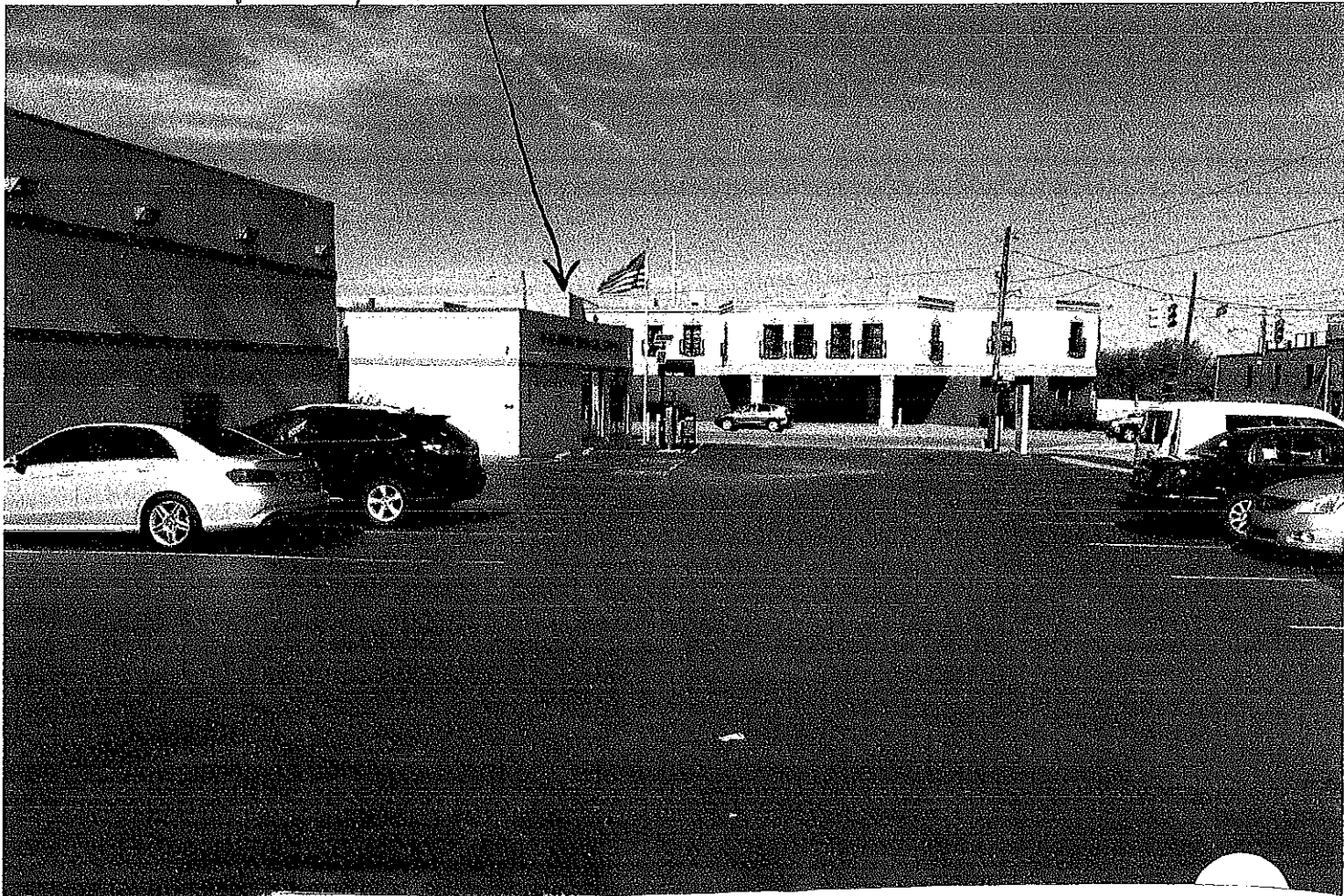
20 parking spaces across the street

Church Street

10/12/2018

33 pay parking spaces across the street
Photo - Google Photos

Case #2018-566



10/12/2018

33 pay parking spaces across the street
Photo - Google Photos



GENERAL NOTES - FLOOR PLAN

1. SEE STRUCTURAL DRAWINGS FOR LOCATION OF ALL REINFORCING BARS AND WALL PENETRATIONS.
2. SEE ELECTRICAL AND MECHANICAL SCHEDULES FOR ALL EQUIPMENT, CONDUIT, AND PIPING.
3. SEE MECHANICAL SCHEDULES FOR ALL VENTILATION SYSTEMS.
4. SEE MECHANICAL SCHEDULES FOR ALL FLOOR DRAINAGE SYSTEMS.
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20. SEE MECHANICAL SCHEDULES FOR ALL FLOOR DRAINAGE SYSTEMS.

CODED NOTES - FLOOR PLAN

1. SEE ELECTRICAL SCHEDULE FOR SCHEDULES OF ALL ELECTRICAL SYMBOLS.
2. SEE MECHANICAL SCHEDULES FOR SCHEDULES OF ALL MECHANICAL SYMBOLS.
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WALL PATTERN LEGEND

1. FINISH WALL

2. CONCRETE WALL

3. BLOCK WALL

4. BRICK WALL

5. STUCCO WALL

6. GLASS WALL

7. METAL WALL

8. OTHER WALL

Change Description	By	Date

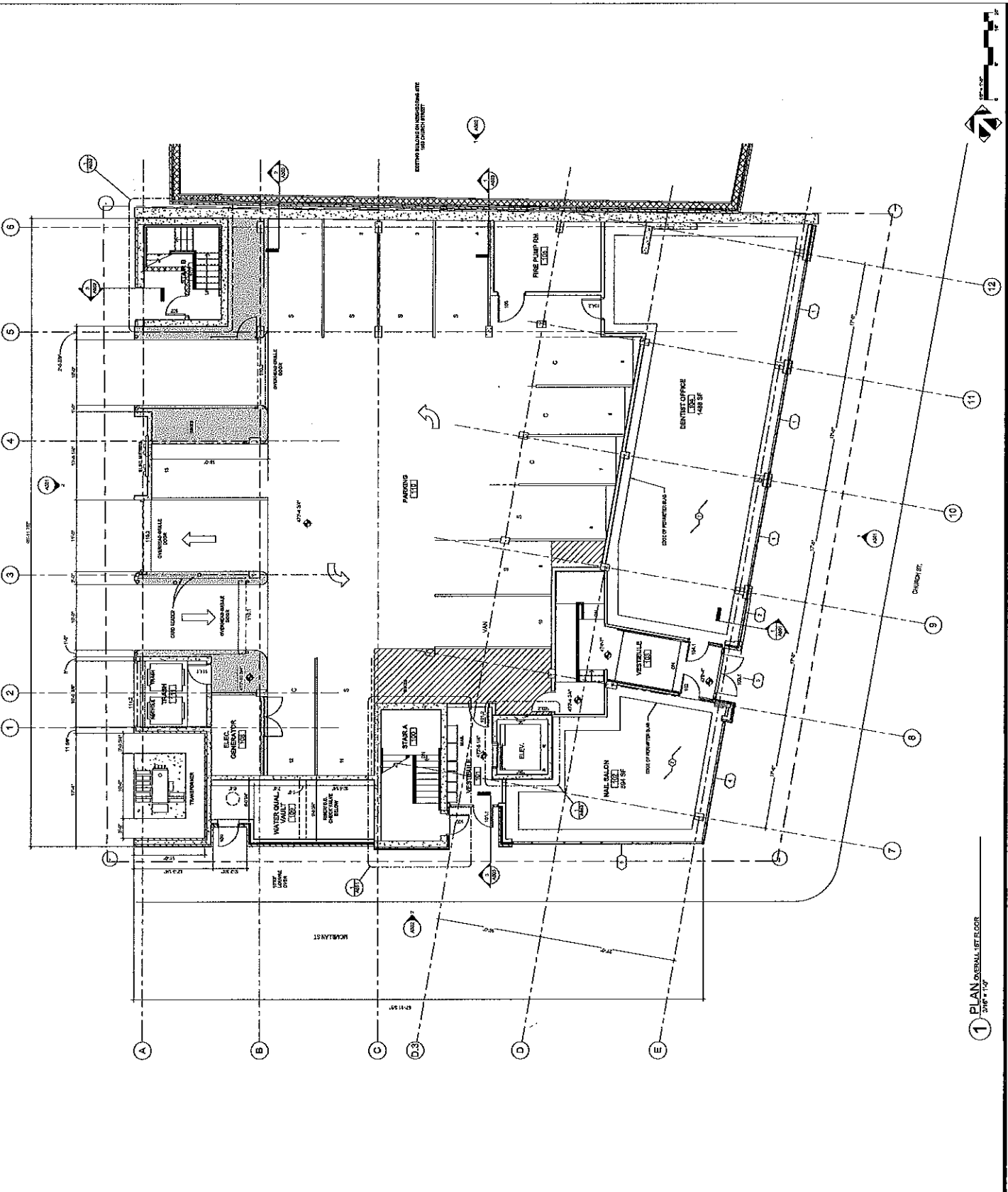
Church Street Residences
 185 Church Street
 Nashville, TN 37203

Moody-Nolan
 Responsive Architecture
 1000 Broadway
 Nashville, TN 37203

Frank Stanton Development
 Project #18-200000
 Construction

Doc. Date: 07/18/2018
 Title: General Contractor
 #14183-01

OVERALL FIRST FLOOR PLAN
 100% CD CHECKSET
 06/05/2017



1 PLAN OVERALL 1ST FLOOR
 3/16" = 1'-0"

MOODY-NOLAN ARCHITECTURE, INC. 185 CHURCH STREET, NASHVILLE, TN 37203. PROJECT #18-200000. CHURCH STREET RESIDENCES. GENERAL CONTRACTOR. 07/18/2018. 100% CD CHECKSET. 06/05/2017.

From: [Justin W. Leach](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 2018-566 / 15th & Church Equity Investors
Date: Monday, October 1, 2018 1:05:18 PM

To Whom It May Concern:

I am a neighbor to the subject property owner. I own a historic home located at 227 15th Avenue North, and I support the appellant's request for a variance from parking requirements. This neighborhood needs more thoughtful development like that contemplated by the appellant.

Please feel free to contact me with any questions. Thank you.

Sincerely,
Justin Leach

Case #2018-566
2018 Sep
oppose



E.S.S., Inc.
203 McMillin St. • Nashville, TN 37203-2912
(615) 340-9033 • Fax (615) 340-9642
www.essnashville.com

September 27, 2018

RE: Appeal Case Number: 2018-566
1506 Church Street 100
Map parcel 09212034000

To whom it may concern,

We are in receipt of your notice dated September 11th regarding the zoning appeal for a variance from the parking requirements. At this time, we must very firmly state our opposition to the parking variance. ESS owns a lot immediately adjacent to this lot (ours is on McMillin Street and shares the alley with the lot in question), and we already struggle greatly to keep others from parking in our spaces. It is an enormous problem. We frequently have vehicles towed. We have no parking and no trespassing signs. We have also erected physical barriers to try to keep others from parking or trespassing on our lot when we are not here. Nevertheless, people will move those barriers and enter the lot anyway. In one case, a man drove his vehicle over one of our barriers and dragged it down the street. He saw it, stopped and drove over it anyway. It is inevitable that the occupants of this building will need more than 11 spaces and will attempt to use ours and those belonging to others nearby. I see that the regular parking requirements were already reduced to 37 from 53 because of pedestrian access, public transportation access and access to public parking. However, the public parking options in the area are extremely limited and already overwhelmed by the demands of existing businesses – most notably the Déjà vu Gentleman's Club already located on 15th Avenue. Mr. Mollette is very well aware of the problems we and other businesses have experienced because we have been communicating with each other about it via email. He is extremely aware that there is not enough parking in the neighborhood. As it is, the entire project is extremely ill advised. The very notion of locating an entire building full of short term rental units right across the street from a strip club is not a good idea at all. It would inevitably become a haven for a myriad of various criminal activities. Such a location would not attract desirable short term rental guests and would attract extremely unsavory guests. As it is, other local businesses have had to tolerate drug use and fornication in their parking lots and fire escapes. If this short term rental building were present, it would become a haven for prostitution and illegal drugs. It is my understanding that this short term rental building is in compliance with the STRP regulations as presently written, but I think that this is not a desirable project for the neighborhood or the city. A parking variance would impose undue hardship and inconvenience for existing businesses and residents. Therefore, absolutely no parking variances should be granted under any circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read "Ann E. Braun", with a long horizontal flourish extending to the right.

Ann E. Braun
Owner & President, ESS Inc.

From: [Ann Braun](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: CAAZ 20180056649 Zoning Appeal for 1506 Church Street
Date: Wednesday, October 17, 2018 2:10:38 PM
Importance: High

To whom it may concern, I sent a letter to your department via USmail on our company letterhead just after I received your notice about this appeal. I want to make sure you got my letter since I am not sure if I will be able to attend the hearing tomorrow. I am pasting the full text below, but I would also like to add more points. The empty lot at 1506 Church Street is presently a significant parking resource for the neighborhood. Once that is gone, the remaining public parking will be even more limited than it is now. Furthermore, I have also heard that the big parking lot owned by Jim Reed is now going to be used for staging equipment for the big tower being built on the Palmer property, so that is yet another parking resource that will be eliminated placing even more strain on local parking resources. Mr. Mollette is extremely aware of the parking challenges in this neighborhood because he has been part of the discussions between myself and other local business owners. I have asked him multiple times why he isn't building a parking garage. I was absolutely astounded that he requested this variance under the circumstances. He is very well aware of the problems we have had here. Furthermore, he also knows about the problems that Déjà vu has had here and persists with this plan nevertheless. As an example of the many problems we have experienced here, Mr Mollette personally witnessed an individual being beaten one night in the street next to his lot by a mob of people that included Déjà vu personnel. He was very afraid that the poor man would get killed, so he yelled that he was going to call the cops and the crowd dispersed. The victim did not press charges, so nothing could be done about what happened, but I can't understand why he thinks his vacation rental plan is a viable one given the level of criminal activity in the neighborhood.

Here is the original text of the letter I sent:

We are in receipt of your notice dated September 11th regarding the zoning appeal for a variance from the parking requirements. At this time, we must very firmly state our opposition to the parking variance. ESS owns a lot immediately adjacent to this lot (ours is on McMillin Street and shares the alley with the lot in question), and we already struggle greatly to keep others from parking in our spaces. It is an enormous problem. We frequently have vehicles towed. We have no parking and no trespassing signs. We have also erected physical barriers to try to keep others from parking or trespassing on our lot when we are not here. Nevertheless, people will move those barriers and enter the lot anyway. In one case, a man drove his vehicle over one of our barriers and dragged it down the street. He saw it, stopped and drove over it anyway. It is inevitable that the occupants of this building will need more than 11 spaces and will attempt to use ours and those belonging to others nearby. I see that the regular parking requirements were already reduced to 37 from 53 because of pedestrian access, public transportation access and access to public parking. However, the public parking options in the area are extremely limited and already overwhelmed by the demands of existing businesses – most notably the Déjà vu Gentleman's Club already located on 15th Avenue. Mr. Mollette is very well aware of the problems we and other businesses have experienced because we have been communicating with each other about it via email. He is extremely aware that there is not enough parking in the neighborhood. As it is, the entire project is extremely ill advised. The very notion of locating an entire building full of short term rental units right across the

street from a strip club is not a good idea at all. It would inevitably become a haven for a myriad of various criminal activities. Such a location would not attract desirable short term rental guests and would attract extremely unsavory guests. As it is, other local businesses have had to tolerate drug use and fornication in their parking lots and fire escapes. If this short term rental building were present, it would become a haven for prostitution and illegal drugs. It is my understanding that this short term rental building is in compliance with the STRP regulations as presently written, but I think that this is not a desirable project for the neighborhood or the city. A parking variance would impose undue hardship and inconvenience for existing businesses and residents. Therefore, absolutely no parking variances should be granted under any circumstances.

Sincerely,

Ann E. Braun
Owner/President
"The Headset Lady"
E.S.S., Inc.
203 McMillin Street
Nashville TN 37203
Ph: 615-340-9033
Fax: 615-340-9642
Cell: 615-305-9931
Email: ABraun@essnashville.com

From: [Patrick Schipani](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2018-566
Date: Friday, October 5, 2018 11:24:30 AM

Jon Michael, Zoning Administrator

METRO BOARD OF ZONING APPEALS

My wife and I are Frank Moore Holdings, owners of the building at 1500 Church St. that is adjacent to this proposed project. We are opposed to any variance for parking as requested for 1506 Church St. All parking presently in the area is private except on street parking. The demand for this parking is already beyond capacity.

We are opposed to this variance as it will create illegal parking on our property and the surrounding neighbors.

We are not in the core business district that has many public parking garages available for those businesses.

There are no physical or unique characteristics associated with 1506 Church St. that we feel would justify the granting of this proposed variance. We see none listed on the application nor are there any visible unique characteristics at the property.

The VRBO as requested is something like a private residence/hotel. This will bring many renters and their visitors into the area looking for parking even though some will use taxis or Uber/Lyft.

The retail will also attract customers along with the employees that will need parking. We need our parking for the employees and staff at 1500 Church.

We feel that if adequate parking is not required it will cause injury to our property and require constant monitoring of illegal parking. We all want to be neighborly.

Church St. is a busy road and the alley in the rear needs to remain open to traffic at all times as we all use it several times a day. I cannot imagine all the renters, customers, employees, repairmen, etc. converging onto 11 parking spaces.

Mr. Lee Molette is a good man and has been a good neighbor to us all. We are not against his project, just very much opposed to the parking variance and the injury it will cause to the neighborhood.

We are opposed to granting any variance as requested in: Appeal Case Number 2018-566.

Thank You

Patrick Schipani
Frank Moore Holdings
1500 Church St./221, 223 15th Ave North. 37203
615.969.0829

From: [Linda Schipani](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case # 2018-566
Date: Thursday, October 4, 2018 3:32:46 PM

To: Metropolitan Board of Zoning Appeals,

I am writing to voice my opposition regarding the variance request by Mr. Lee Molette/ 15th & Church Equity Investors. As we are all painful aware of the parking issues in our area, I find it inconceivable Mr. Molette would think he could build a short term rental condominium and retail with only 11 parking spaces! I own the parking lot running parallel to the back of proposed building site and need parking for my employees and patients. If there are only 11 parking spaces, my lot would be constantly used by overnight guest and patrons/employees of the potential retail offerings. Even if every unit were filled with shared riders (and this would never be the situation), there would not be enough parking for employees of the retail area much less their customers.

As I understand, most variance request REQUIRE a hardship. What is his specific hardship? I would respectfully ask the hardship to be clearly defined before the board votes.

Also, is the building approved for a condo or is it short term rentals? The proposed building's actual use is stated as an short term rental like VRBO, AirBnB etc. This would be more like a hotel than a residential development. What evidence is there that short-term rental one-bedroom condos would be occupied by people who don't rent/drive cars? How many parking spaces /room are required by hotels?

I am aware the city does allow properties to provide parking as required by codes off-site within a reasonable distance. Why is this property different from these others and why wouldn't the property owner be required to secure parking elsewhere if it's not incorporated in the site?

Lastly, the zoning board should take into consideration the structure of the deeds/condo association rules. Are the rentals restricted to less than 28 days and also are there restrictions regarding condos from being "owner-occupied". What happens if the condo association changes these rules and allows owners to occupy the units? Where is the parking then?

Again, I am apposed to permit # 20180056649/appeal case # 2018-566. I would appreciate your consideration.

Sincerely,
Linda

Linda Moore Schipani, MSN, RN
President & CEO
Clinical Research Associates, Inc.
1500 Church Street
Nashville, TN 37203
615-329-0197

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Bailey Heflin Date: 9/6/18
Property Owner: Somera Road-Gibson
Representative: Bailey Heflin Nashville, TN Case #: 2018-567
Map & Parcel: 09309008300

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: Commercial Renovation

Activity Type: Commercial

Location: 1102 Grundy Street

This property is in the DTC 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: to request not to build sidewalk or pay into sidewalk fund.

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.

Bailey Heflin
Appellant Name (Please Print)

Representative Name (Please Print)

1108 Woodvale
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615-872-8414
Phone Number

Phone Number

brc100@comcast.net
Email

Email

brc100@comcast.net

Appeal Fee: _____

43, 624

Nov 1, Agenda

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Not Enough Space to build
New sidewalk Existing building and street

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

Barly Neff
APPELLANT

9-6-2018
DATE

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-567 (1102 Grundy Street)

Metro Standard:	11 th Avenue North – 5' grass strip, 6' sidewalk, and 5' bikeway as defined by the Major and Collector Street Plan
	Grundy Street – 4' grass strip, 8' sidewalk, as defined by the Major and Collector Street Plan
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (not eligible)
Zoning:	DTC
Community Plan Policy:	T6 DC (Downtown Neighborhood)
MCSP Street Designation:	11 th Avenue North – T6-M-AB2
	Grundy Street – T6-M-LS2
Transit:	#17 – 12 th Avenue South
Bikeway:	Existing low stress bikeway on 11 th Avenue North per WalknBike

Planning Staff Recommendation: *Approve.*

Analysis: The applicant is conducting interior demolitions within the existing commercial building in preparation for future renovation for a restaurant use and requests a variance from sidewalk requirements. Planning evaluated the following factors for the variance request:

- (1) A 5' grass strip with 6' sidewalks and a 5' bikeway were constructed as part of the 11th Avenue North Complete Street project and comprises the 11th Avenue North frontage which is consistent with adjacent properties to the north. The existing sidewalk meets the Major and Collector Street Plan standard.
- (2) An 8' sidewalk without a grass strip is located along the Grundy Street frontage which is consistent with adjacent properties to the west within the block face. The applicant cannot upgrade the sidewalks and/or construct a grass strip along the property frontage to the Major and Collector Street Plan standard without adversely impacting the existing structure. Due to the orientation of the existing building, right of way dedication is not possible.

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

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Adam Scully Date: 9/2/18
Property Owner: Joseph Labridan Case #: 2018-569
Representative: Adam Scully Map & Parcel: 91-7-465

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: Single Family House

Activity Type: S.F
Location: 4711 Michigan Av N.T. 37209

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: Chimney required to be min 3' from side lot line, Request 1.
Section(s): 17. R. 040 E 4

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.

Adam Scully
Appellant Name (Please Print)

Representative Name (Please Print)

4713 Michigan Av
Address

Address

N.T. 37209
City, State, Zip Code

City, State, Zip Code

615-642-1880
Phone Number

Phone Number

adam.scully7@yahoo.com
Email

Email

Appeal Fee: 100.00



File

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



3288267

APPLICATION FOR BUILDING RESIDENTIAL - NEW // CARN - T2016058213
THIS IS NOT A PERMIT

PARCEL: 09107046500

APPLICATION DATE: 10/21/2016

SITE ADDRESS:

0 UNKNOWN NASHVILLE, TN 00000
LOT 6 BLK 1 EXTENSION WEST NASH 1

PARCEL OWNER: SCULLY, ADAM M. & TIA LOWRY

APPLICANT: SCULLY, ADAM CONSTRUCTION, LLC

NASHVILLE, TN 37209 615-642-1880

PURPOSE:

TO CONSTRUCT A NEW SINGLE FAMILY RES AT 2007 SQFT WITH PORCHES AND DECKS...RETURN TO ORIGINAL LOT LINES... FROM 91-7-347...LOT 6 AT 25X150....SIDE SETBACKS REQUIRED TO BE AT 3'...REAR MIN 20'...FRONT MIN 20'...MAX HT AT 3 STORIES AND 35'...MUST COMPLY WITH DEFINITION OF STORY....Story" means a portion of a building between the surface of any floor and the surface of the floor above it, or, if there is no floor above it, the space between such floor and the ceiling above it. A basement or cellar shall not be deemed a story if the finished floor level directly above is not more than six feet above the average elevation of the adjacent finished grade.

For every 30 feet of LOT frontage, or fraction thereof, one 2 inch caliper tree as listed in the Urban Forestry approved tree list shall be planted (Pursuant Ordinance # 200 construction & demolition approved landfill. Further of any provision of Metr

Before a bu
The Applicant i

*4809 A KENTUCKY AVE
17.12.040
E. 4 #*

4711 MICHIGAN AVE

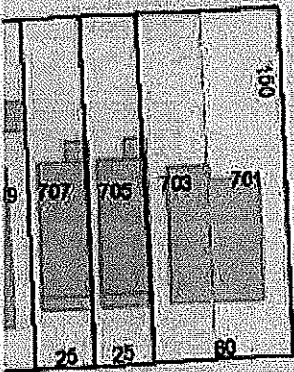
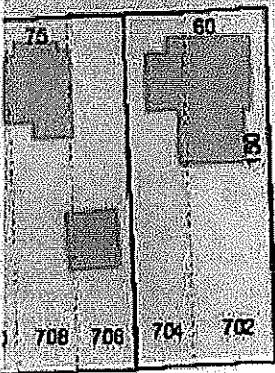
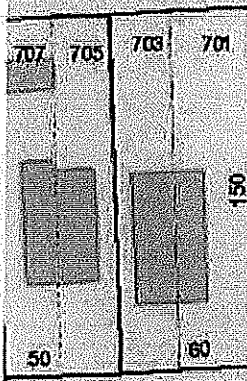
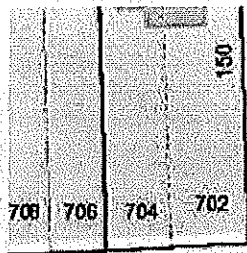
*Need Variance
For Side Setback
RE: 2 foot cantilever in
3 foot setback*

on this permit) hereby certify that all d by this permit shall be disposed of in an e shall be stored on the property in violation

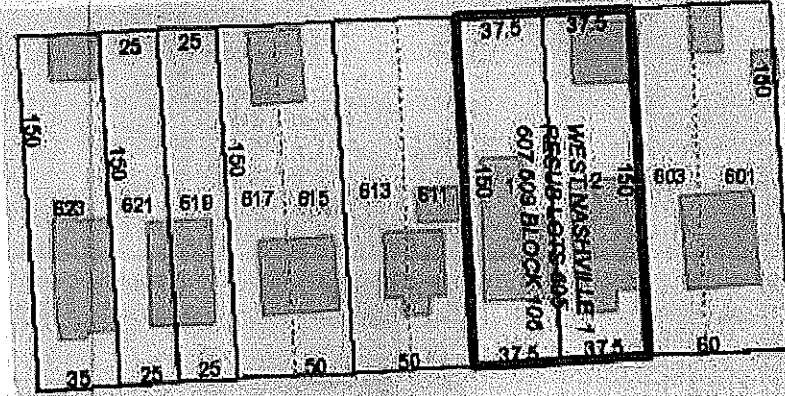
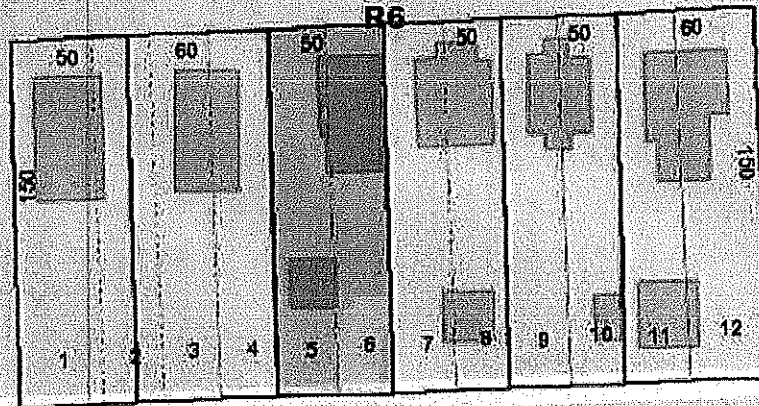
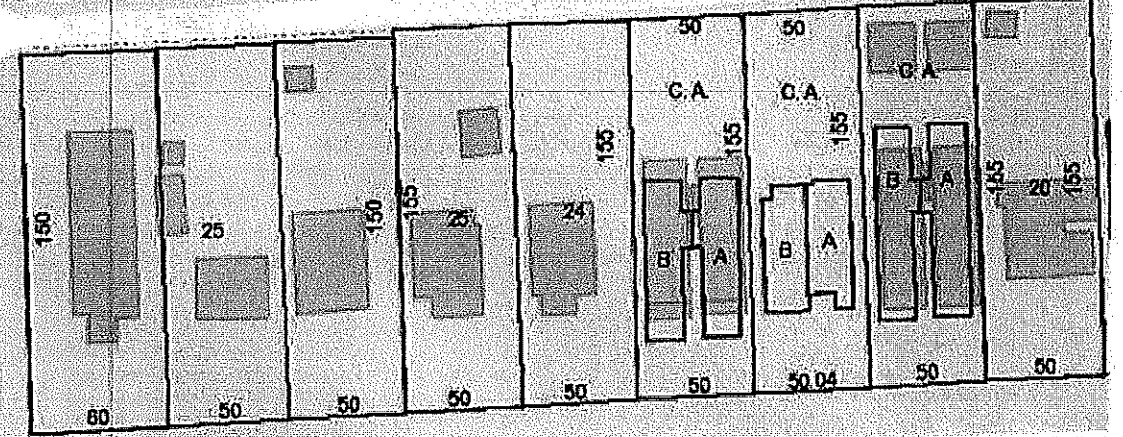
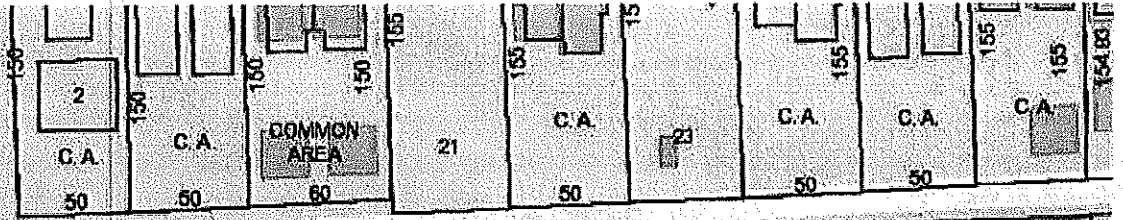
Following approvals are required.
Information to the individual agencies

- [A] Site Plan Review
- [A] Zoning Review
- [B] Fire Life Safety Review O
- [E] Sewer Availability Review
- [E] Sewer Variance Approva
- [E] Water Availability Review
- [E] Water Variance Approva
- [A] Bond & License Review O
- [F] Address Review On Bldg
- [D] Grading Plan Review For

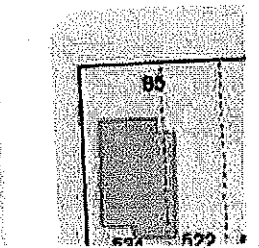
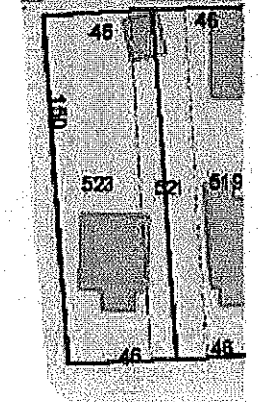
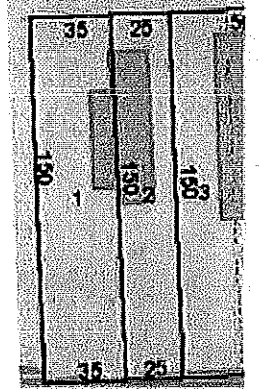
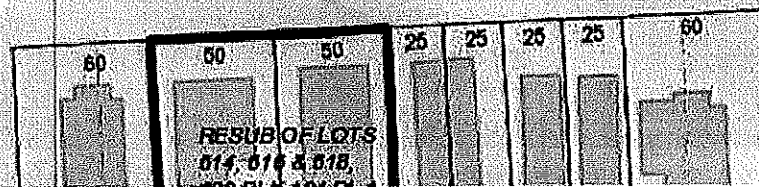
- 62-6545 Richard.Thomopoulos@nashville.gov
- 62-6545 Richard.Thomopoulos@nashville.gov
- 230
- 225
- 225
- 62-6545 Richard.Thomopoulos@nashville.gov
- 781 bonnie.crumby@nashville.gov
- (615) 862-6038 Logan.Bowman@nashville.gov



48TH AVE N



ILLINOIS AVE



IMPERVIOUS AREA CALCULATIONS:

TOTAL LOT SQUARE FOOTAGE = 7,500.00

EXISTING IMPERVIOUS AREAS BEING REMOVED:

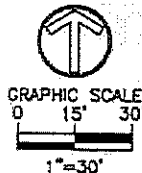
HOUSE = 1145.3
 MISC. CONCRETE = 221.3
 ASPHALT DRIVE = 968.9
 GARAGE = 400.4
TOTAL = 2736.9

PROPOSED IMPERVIOUS AREAS:

HOUSE LOT 5 = 1357.22
 DRIVE LOT 5 = 154.52
 HOUSE LOT 6 = 1277.80
 CARPORT = 380.00
 DRIVE = 198.52
TOTAL = 3,328.06

NET IMPERVIOUS AREA

(PROPOSED I.A.) 3,328.06
 - (EXISTING I.A.) 2,736.90
 = (NET I.A.) 591.16



AREA PARCEL 347.00

7500.00 SQ. FT. OR 0.17 ACRES

OWNER INFORMATION

SCULLY, ADAM & TIMOTHY S. & MAUREEN A.
 4711 MICHIGAN AVENUE
 NASHVILLE, TN 37209
 TAX MAP 91-07, PARCEL 347.00
 DB-20060317-0031107, R.O.D.C.

PLAT REFERENCE

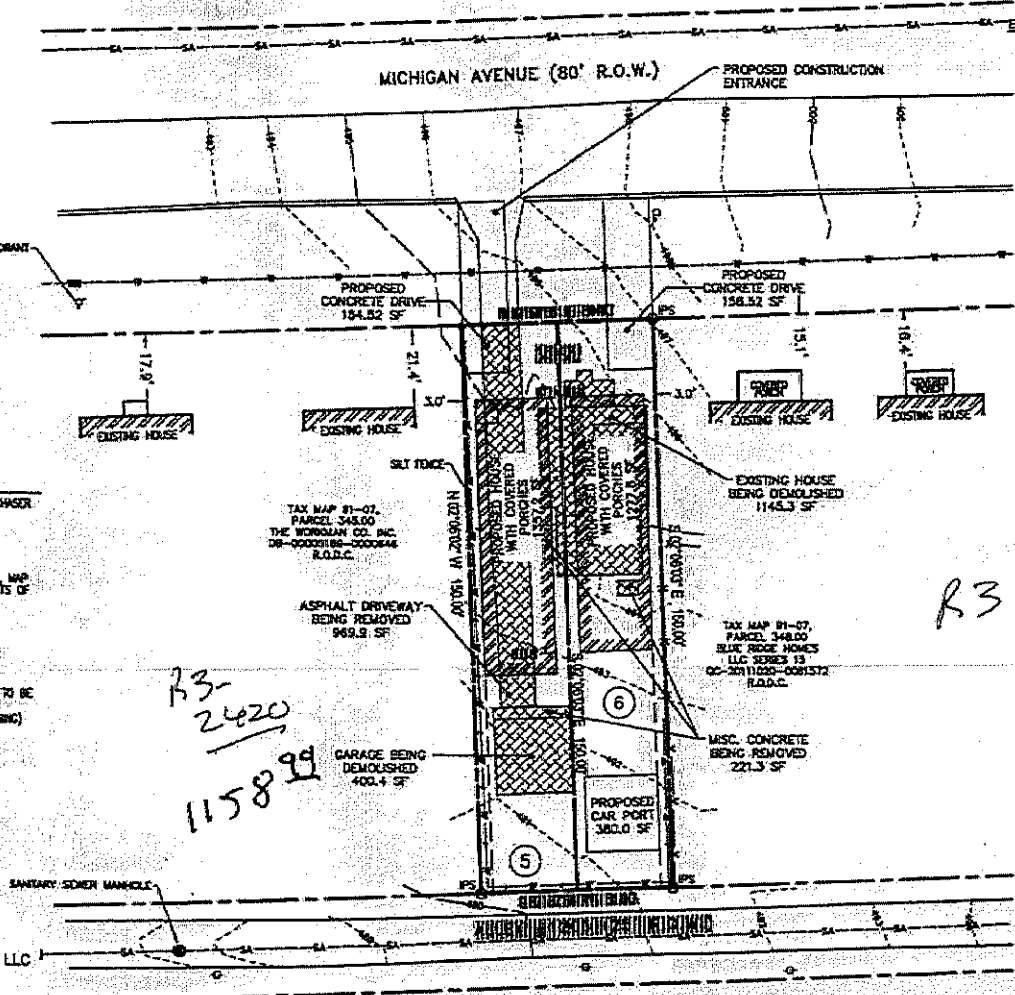
BEING LOT 5 & 6, BLOCK 1 OF THE PLAN OF
 WEST NASHVILLE No. 1 EXTENSION
 PLAT BOOK 421, PAGE 1, R.O.D.C.

LEGEND:

- POWER POLE
- LIGHT POLE
- SANITARY SEWER MANHOLE
- IRON PIN FOUND
- SILT FENCE

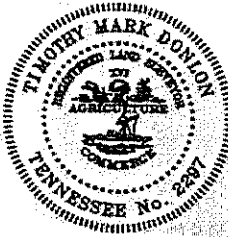
NOTES:

- 1) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNINNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-COGNITION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
- 2) THE TOPOGRAPHY SHOWN HEREIN IS FOR METRO PERMITTING PURPOSES ONLY.
- 3) UPON RECEIVING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 470702211 F, DATED APRIL 20, 2021, IT HAS BEEN DETERMINED THAT THE LIMITS OF THE FEMA STUDY DO NOT REACH THE SUBJECT PROPERTY. (FLOOD ZONE "X")
- 4) BASIS OF BEARING, REFERENCES TENNESSEE STATE PLANE.
- 5) FRONT SET BACK MINIMUM ON SUBJECT PROPERTY WAS DERIVED BY AVERAGING THE FOUR NEAREST ADJACENT EXISTING HOUSES = 17.2'.
- 6) THE SUBJECT PROPERTY IS CURRENTLY ZONED RL. SET BACKS AND BULK RESTRICTIONS TO BE DETERMINED BY METRO ZONING ORDINANCE AND METRO PLANNING DEPARTMENT.
 FRONT: 17.7' (ADJACENT HOUSES) 20.00' (ZONING)
 REAR: 20.00'
 SIDE: 5.00'



R3 - 2007

R3-2420
 115899



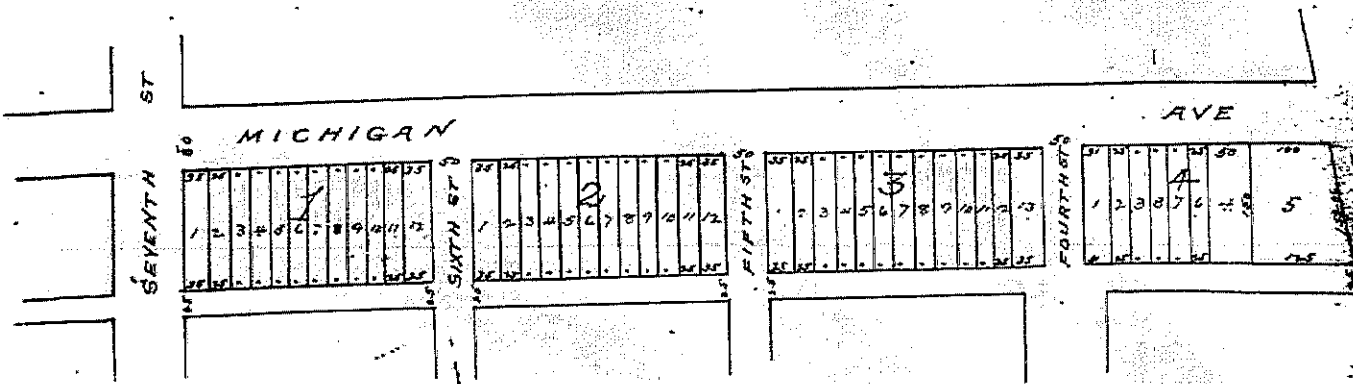
PREPARED BY:
 DONLON LAND SURVEYING, LLC
 TIMOTHY MARK DONLON
 8120 CARTER BROWN RD.
 SUITE 110
 NASHVILLE, TN 37221
 TEL: (615) 672-3116, FAX: (615) 673-6117
 TMS@donlonlandsurveying.com
 www.donlonlandsurveying.com

STORMWATER PLAN
 FOR
TAX MAP 91-07
PARCEL 347.00

DB-20060317-0031107
 DAVIDSON COUNTY, TENNESSEE
 PREPARED FOR:
ADAM SCULLY
 4711 MICHIGAN AVENUE
 NASHVILLE, TN 37209
 DATED: OCTOBER 20, 2016

FILED FOR RECORD MARCH 15 1907 AT 10 O'CLOCK P.M.

PA-41 7-00
JULY 22, 1907. SCALE 100' = 1" W. H. LYLE
FILED FOR RECORD APR. 5, 1912, AT 11:01 O'CLOCK P.M.



MAP OF
EAST EXTENSION OF PLAN No. 1
WEST NASHVILLE
N. L. I. CO.

NASHVILLE REALTY & TRUST CO.
JAN. 3, 1907. W. H. LYLE, SURV.
FILED FOR RECORD APR 5, 1912 AT 10:30 O'CLOCK P.M.

W. H. LYLE, SURV.
CADDEN P.M.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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.

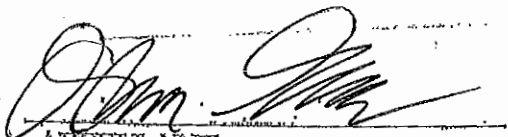
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

9/7/18
DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this Zoning Code based upon findings of fact related to the standards in Section 17A0.370. 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Already Built



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

Case #2018-569



3557322

ZONING BOARD APPEAL / CAAZ - 20180057370
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09107046500

APPLICATION DATE: 09/07/2018

SITE ADDRESS:

4711 MICHIGAN AVE NASHVILLE, TN 37209
LOT 6 BLK 1 EXTENSION WEST NASH 1

PARCEL OWNER:

CONTRACTOR:

APPLICANT:

PURPOSE:

EXISTING SINGLE FAMILY RES CONSTRUCTED UNDER PREVIOUS PERMIT WITH A REQUIRED 3' SIDE SETBACK TO INCLUDE THE CHIMNEY.

DENIED:

REQUEST TO CONSTRUCT CHIMNEY 1' SIDE LOT LINE.

17.12.040 E 4.

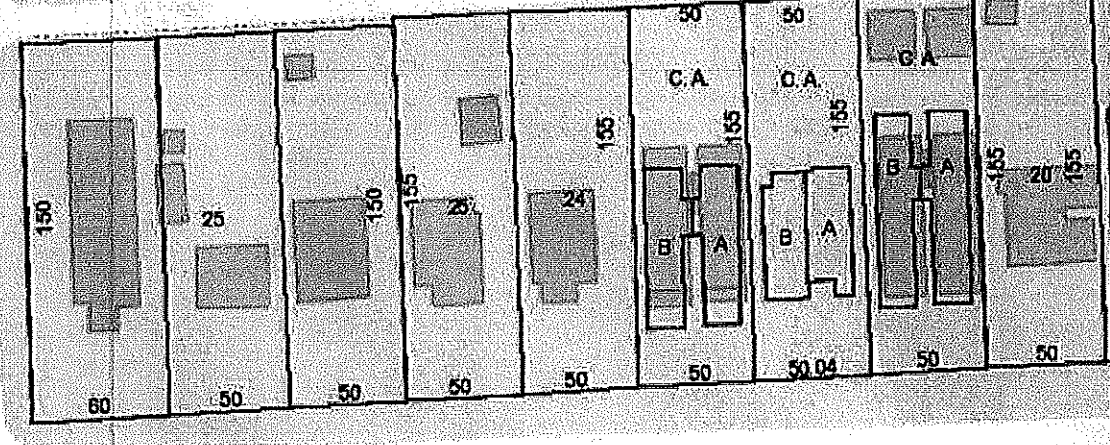
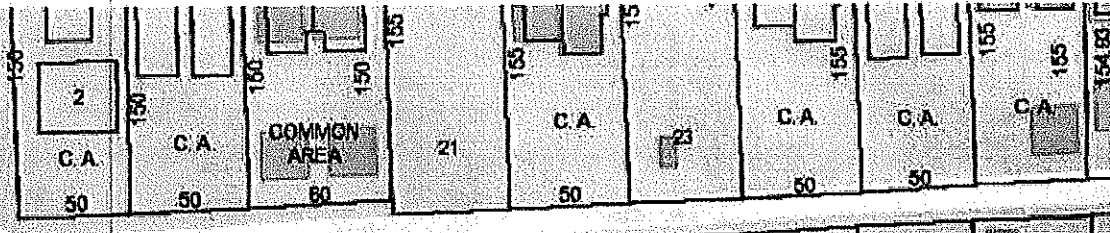
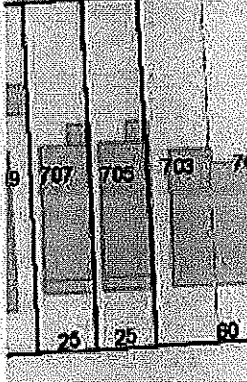
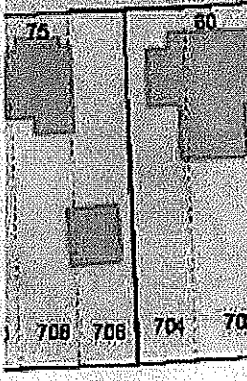
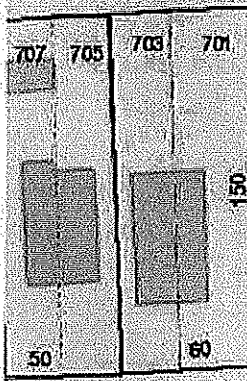
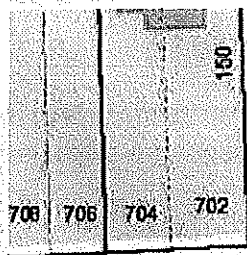
POC: ADAM SCULLY 615-642-1880

adam.scully7@yahoo.com

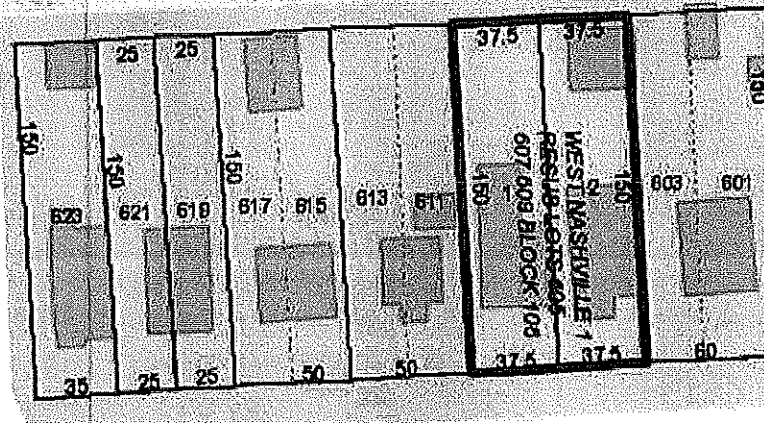
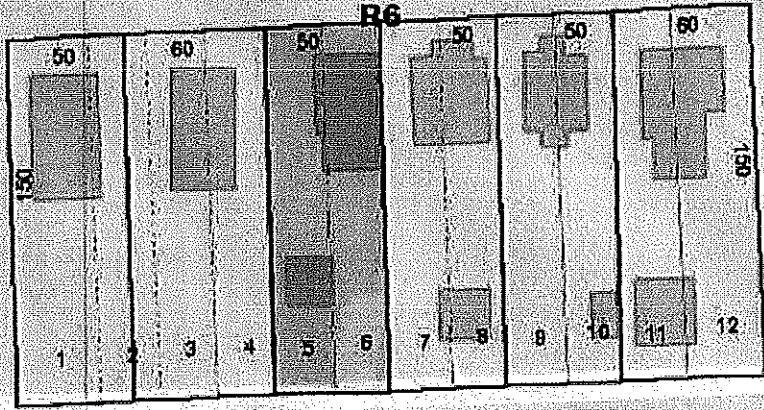
*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
Inspections Foundation = before concrete poured, Framing = before covering wall and after rough-in inspections.*

There are currently no required inspections

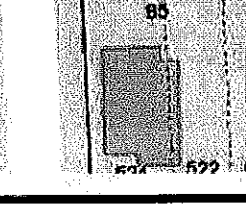
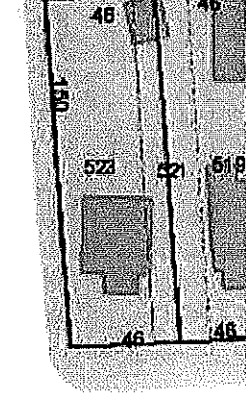
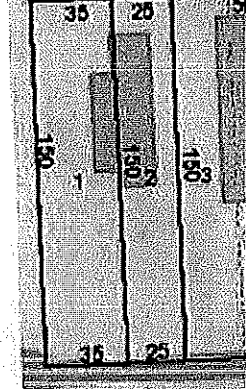
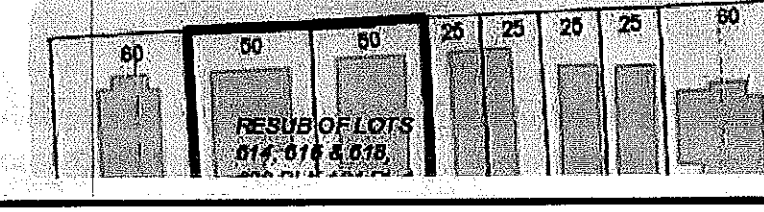
Inspection requirements may change due to changes during construction.



48TH AVE N



ILLINOIS AVE



IMPERVIOUS AREA CALCULATIONS:
TOTAL LOT SQUARE FOOTAGE = 7,500.00

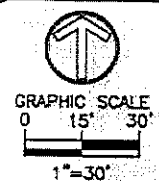
EXISTING IMPERVIOUS AREAS BEING REMOVED

HOUSE	= 1145.3
MISC. CONCRETE	= 221.3
ASPHALT DRIVE	= 989.9
GARAGE	= 400.4
TOTAL	= 2756.9

PROPOSED IMPERVIOUS AREAS

HOUSE LOT 5	= 1367.22
DRIVE LOT 5	= 154.52
HOUSE LOT 6	= 1277.50
CARPORT	= 380.00
DRIVE	= 158.52
TOTAL	= 3,328.06

NET IMPERVIOUS AREA
(PROPOSED I.A.) 3,328.06
- (EXISTING I.A.) 2,756.90
= (NET I.A.) 591.16



AREA PARCEL 347.00
7500.00 SQ. FT. OR 0.17 ACRES

OWNER INFORMATION
SCULLY, ADAM & TIMOTHY S. & MAUREEN A.
4711 MICHIGAN AVENUE
NASHVILLE, TN 37209
TAX MAP 91-07, PARCEL 347.00
DB-20060317-0031107, R.O.D.C.

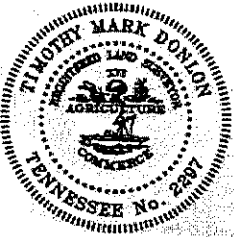
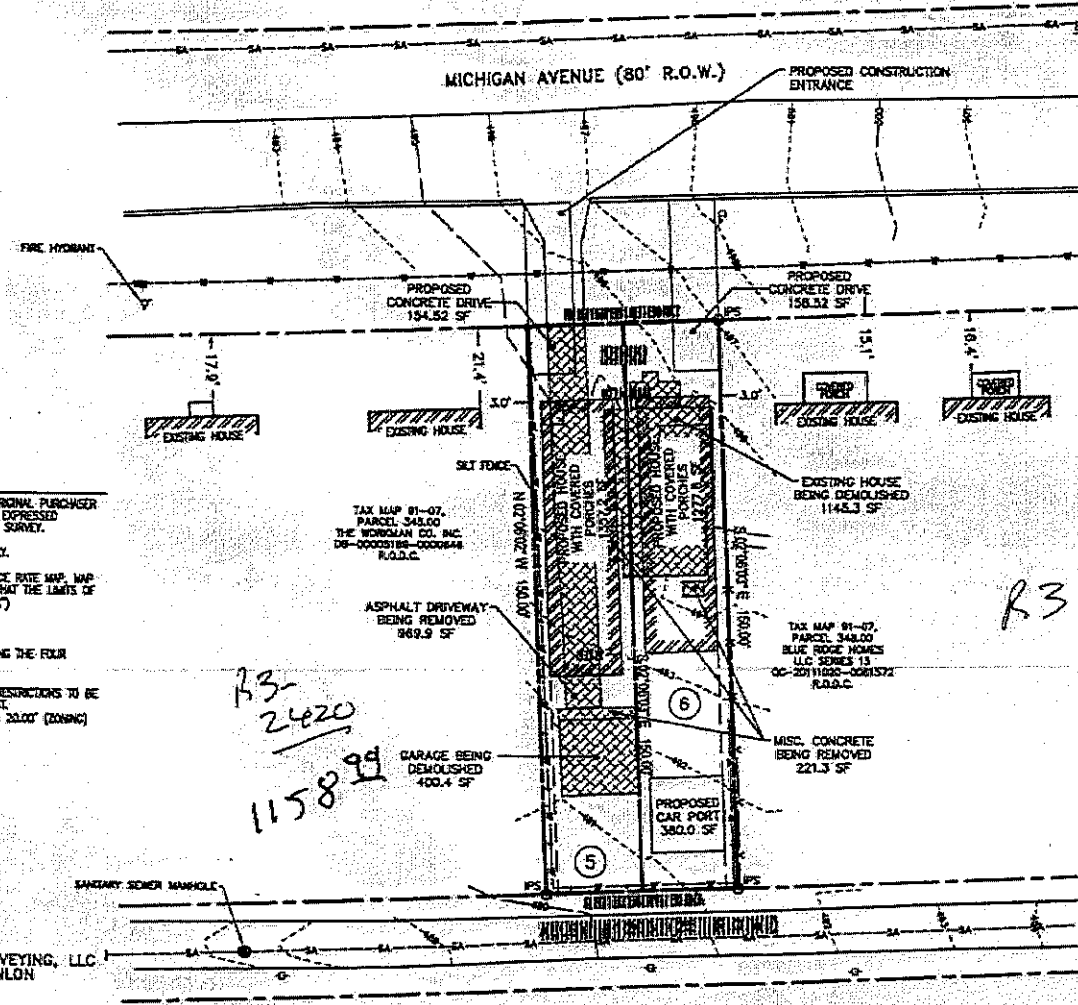
PLAT REFERENCE
BEING LOT 5 & 6, BLOCK 1 OF THE PLAN OF
WEST NASHVILLE No. 1 EXTENSION
PLAT BOOK 421, PAGE 1, R.O.D.C.

LEGEND:

	POWER POLE
	LIGHT POLE
	SANITARY SEWER MANHOLE
	IRON PIN FOUND
	SALT FENCE

- NOTES:**
- 1) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
 - 2) THE TOPOGRAPHY SHOWN HEREIN IS FOR METRO PERMITTING PURPOSES ONLY.
 - 3) UPON RECEIVING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 47037D0211 (F. DATED APRIL 20, 2001), IT HAS BEEN DETERMINED THAT THE LIMITS OF THE DEED STUDY DO NOT REACH THE SUBJECT PROPERTY. (FLOOD ZONE "X")
 - 4) BASIS OF BEARING, REFERENCES TENNESSEE STATE PLANE.
 - 5) FRONT SET BACK MINIMUM ON SUBJECT PROPERTY WAS DERIVED BY AVERAGING THE FOUR NEAREST ADJACENT EXISTING HOUSES = 17.7.
 - 6) THE SUBJECT PROPERTY IS CURRENTLY ZONED RE. SET BACKS AND BELK RESTRICTIONS TO BE DETERMINED BY METRO ZONING ORDINANCE AND METRO PLANNING DEPARTMENT.

FRONT:	17.7' (ADJACENT HOUSES) 20.00' (ZONING)
REAR:	20.00'
SIDE:	5.00'

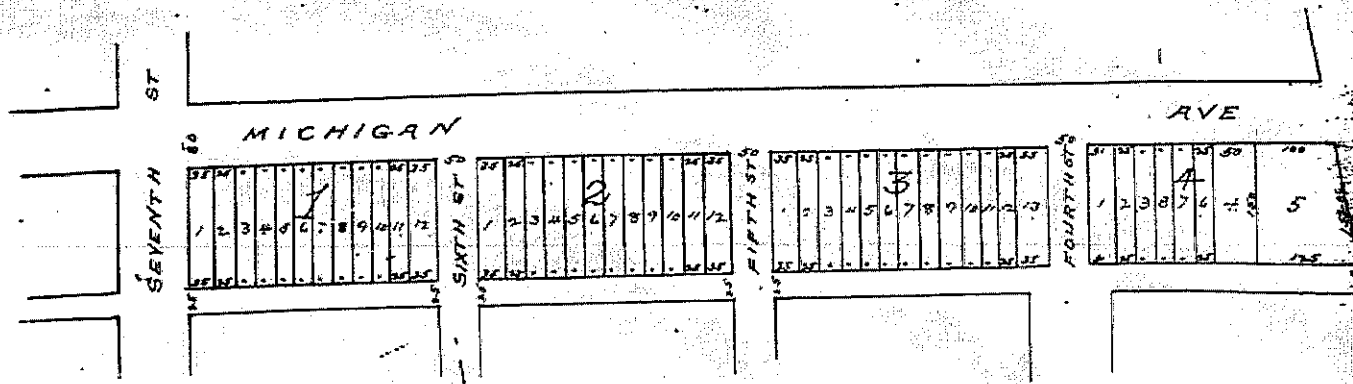


PREPARED BY:
DONLON LAND SURVEYING, LLC
TIMOTHY MARK DONLON
8120 SARTER BROWN RD.
NASHVILLE, TN 37221
TEL: (615) 673-5114, FAX: (615) 673-6117
www.DonlonsLandSurveying.com

STORMWATER PLAN
FOR
TAX MAP 91-07
PARCEL 347.00
DB-20060317-0031107
DAVIDSON COUNTY, TENNESSEE
PREPARED FOR:
ADAM SCULLY
4711 MICHIGAN AVENUE
NASHVILLE, TN 37209
DATED: OCTOBER 20, 2016

FILED FOR RECORD MARCH 25 1912 AT 10 O'CLOCK P.M.

DA-41 P.30
JULY 22, 1907 W.H. LYLE
Scale 1/8" = 1'
FILED FOR RECORD APR. 5, 1912 AT 11 O'CLOCK P.M.



MAP OF
 EAST EXTENSION OF PLAN No. 1
 WEST NASHVILLE
 N. L. I. Co.
 NASHVILLE REALTY & TRUST Co.
 JAN. 3, 1907 W.H. LYLE, SURV.
 FILED FOR RECORD APR. 5, 1912 AT 10 O'CLOCK P.M.

W.H. LYLE, SURV.
CLOCK P.M.

From: [Herbert, Bill \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: FW: 2018-570 and 2018-569
Date: Tuesday, October 23, 2018 10:08:21 AM


From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Tuesday, October 23, 2018 9:48 AM
To: Michael, Jon (Codes); Herbert, Bill (Codes)
Subject: 2018-570 and 2018-569

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 would like to express my approval for the two cases coming before you on 11/1 (2018-570 and 2018-569). I have found the builder, Adam Scully, to be a responsible builder who lives in the neighborhood and has been quick to correct the issues that have arisen from the bump outs.

Thank you,


Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

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



Appellant: Adam Scully Date: 9/2/18
Property Owner: Jiliah Kelil Case #: 2018-570
Representative: Adam Scully Map & Parcel: 91-7-241

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: Single Family House

Activity Type: S.F 4809A Michigan

Location: 4809A Kentucky Av N.T. 37209

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: Chimney required to be min 3' from side lot line, Request 1
Section(s): 17. R. 040 E 4

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.

Adam Scully
Appellant Name (Please Print) Representative Name (Please Print)

4713 Michigan Av
Address Address

N.T. 37209
City, State, Zip Code City, State, Zip Code

615-642-1880
Phone Number Phone Number

adam.scully7@yahoo.com
Email Email

Appeal Fee: _____



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 - T201555303**
THIS IS NOT A PERMIT

Parcel: 09107024100

Application Date: December 18, 2015

Permit Tracking #: 2090848

Site Address:

Parcel Owner:

4809 KENTUCKY AVE NASHVILLE, TN 37209

ARMISTEAD, LYDIA & HENDERSON, SUSAN

Location Description: LOTS 718 720 BLK 109 WEST NASH 1

Purpose:

to construct a single family residence with 1900 sf living area and 75 sf porch areas. 24' min front s/b; 3' min side s/b; 20' min rear s/b. max allowed height is 35'. must comply with metro council bill 2013-419.Pursuant to Ordinance No. 2006-1263 of the Metropolitan code of Laws, I (the holder on 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 and demolition waste shall be stored on the property in violation of any provision of the Metropolitan Code....

Applicant: SCULLY, ADAM CONSTRUCTION, LLC
6601 WILHUGH PLACE
NASHVILLE TN 37209

*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.*

APPROVED [A] ZONING REVIEW	862-6606	walter.morgan@nashville.gov
APPROVED [A] SITE PLAN REVIEW	862-6606	walter.morgan@nashville.gov
APPROVED BOND & LICENSE REVIEW ON BLDG APP	862-6606	walter.morgan@nashville.gov
[E] SEWER AVAILABILITY REVIEW FOR BLDG	862-7225	
[E] WATER AVAILABILITY REVIEW FOR BLDG	862-7225	
[B] FIRE LIFE SAFETY REVIEW ON BLDG APP	862-5230	
[C] FLOOD PLAIN REVIEW ON BLDG APP	862-6038	logan.bowman@nashville.gov
[D] GRADING PLAN REVIEW FOR BLDG APP	862-6038	logan.bowman@nashville.gov
[F] ADDRESS REVIEW ON BLDG APP	862-8781	bonnie.crumby@nashville.gov

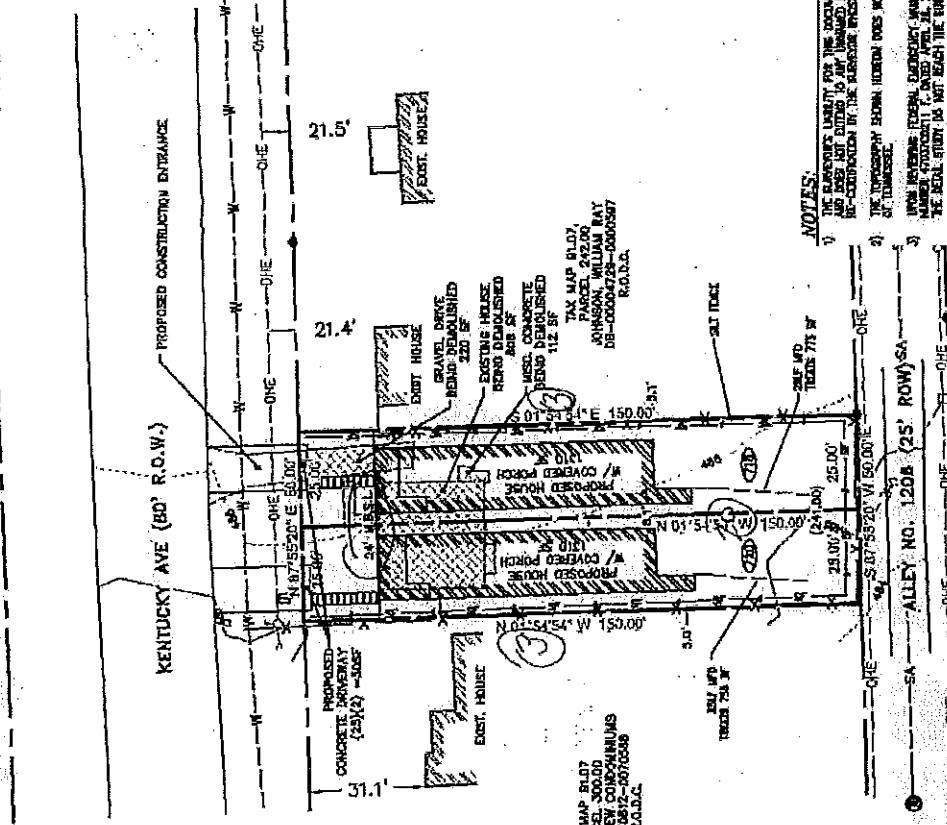
If you are a registered user of the E-Permit system and would like to pay for this permit online, please e-mail the permit tracking number to buildingpermits@nashville.gov after all activities have been approved.

IMPERVIOUS AREA CALCULATIONS
 TOTAL LOT SQUARE FOOTAGE = 7,468.67
 EXISTING IMPERVIOUS AREAS BEING DEMOLISHED
 PORTION OF POLES = 100
 CONCRETE DRIVEWAYS = 112
 GRAVEL DRIVEWAY = 220
 TOTAL = 432

PROPOSED IMPERVIOUS AREAS
 HOUSE UNIT A = 1,310
 HOUSE UNIT B = 1,310
 CONCRETE DRIVEWAYS 38 EA. @ 80
 TOTAL = 2,570

NET IMPERVIOUS AREA
 PROPOSED LA 2,570 - EXISTING LA 432 = NET LA 2,138

LEGEND:
 - - - POWER POLE
 - - - LIGHT POLE
 - - - SANITARY SEWER MAIN
 - - - ROW POLE
 - - - SALT FENCE



TAX MAP 81.07
PARCEL 241.00
 400-20151112-011-0722, R.O.D.C.
 DAVIDSON COUNTY, TENNESSEE

PREPARED FOR:
SUSAN HENDERSON
 4609 KENTUCKY AVENUE
 NASHVILLE, TN 37209
 DATED: OCTOBER 15, 2018

NOTES:

1. THE DRAWING'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY TRANSFEREE FROM THE CITIES, TOWNS, OR ANY OTHER JURISDICTION IN THE ABSENCE OF WRITTEN AGREEMENTS TO THE CONTRARY.
2. THE TERRAIN SHOWN HEREON DOES NOT MEET THE STANDARDS A PRACTICE FOR THE STATE OF TENNESSEE.
3. UPON RECEIVING FEDERAL DEFENSE MANAGEMENT AGENCY (DFMA) RELEASES THAT THE PARCEL NUMBER (20151112-011-0722) HAS BEEN DETERMINED TO BE THE LANDS OF THE FEDERAL GOVERNMENT TO MEET EACH THE FEDERAL PROPERTY (PLANS 2018-10).
4. BASIS OF SQUARE FEETAGE REFERENCED TENNESSEE STATE POLICE.
5. FRONT SET BACKS SHOWN ON EXISTING PROPERTY ARE LOCATED BY ADDRESSING THE TOWN MARKET ADJACENT EXISTING HOUSES - 21.00'.
6. THE SUBJECT PROPERTY IS CURRENTLY ZONED IN SET BACKS AND ALL REQUIREMENTS TO BE DETERMINED BY LOCAL ZONING DEPARTMENT AND METRO PLANNING DEPARTMENT.
 FRONT 24.00' (ADJACENT HOUSES)
 REAR 20.00'
 SIDE 30.00'

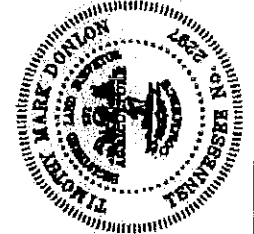
GRAPHIC SCALE
 0 15 30
 1" = 30'

AREA PARCEL 241
 7,468.67 SQ. FT. OR 0.17 ACRES

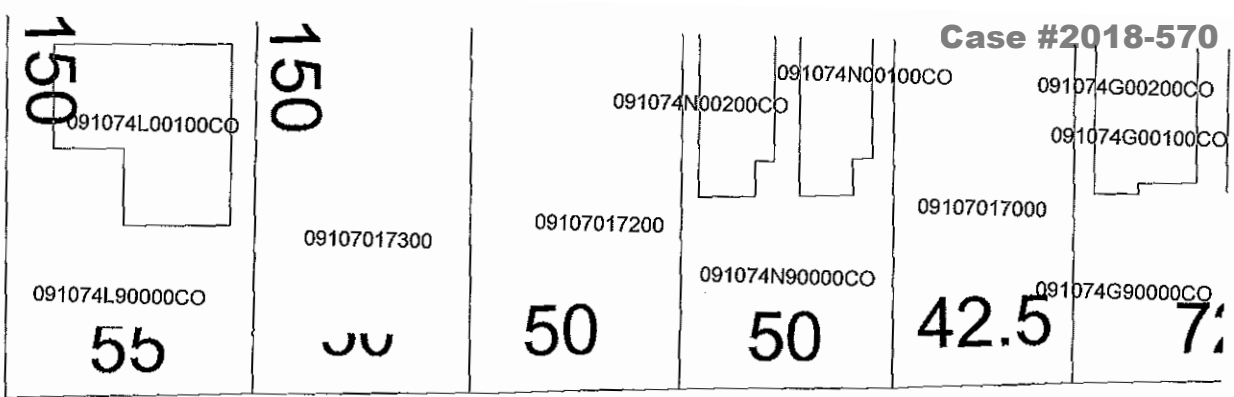
OWNER INFORMATION
 ANDREW LYNN & HENDERSON, SUSAN
 4109 KENTUCKY AVE
 NASHVILLE, TN 37209
 TAX MAP 81-07, PARCEL 241.00
 DC-20151112-011-0722, R.O.D.C.

PLAT REFERENCE
 PLAT BOOK 37, PAGE 74 & 75, R.O.D.C.

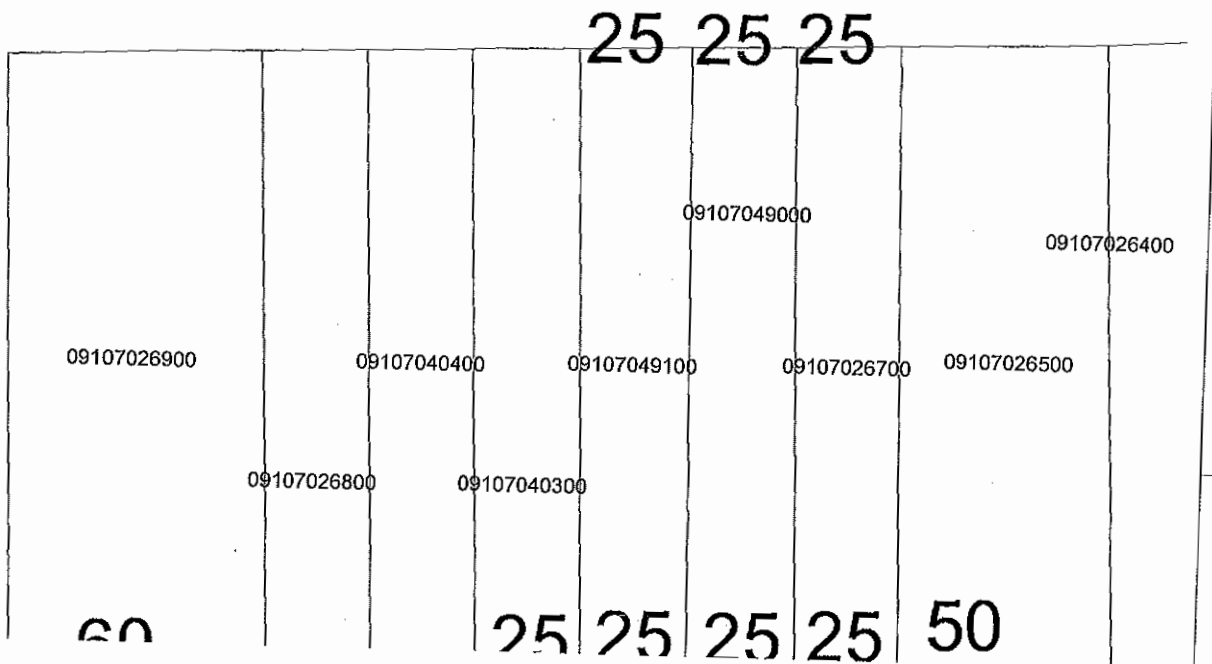
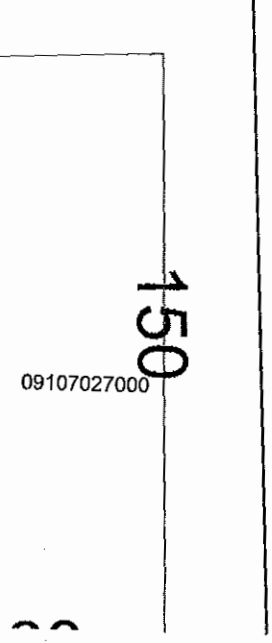
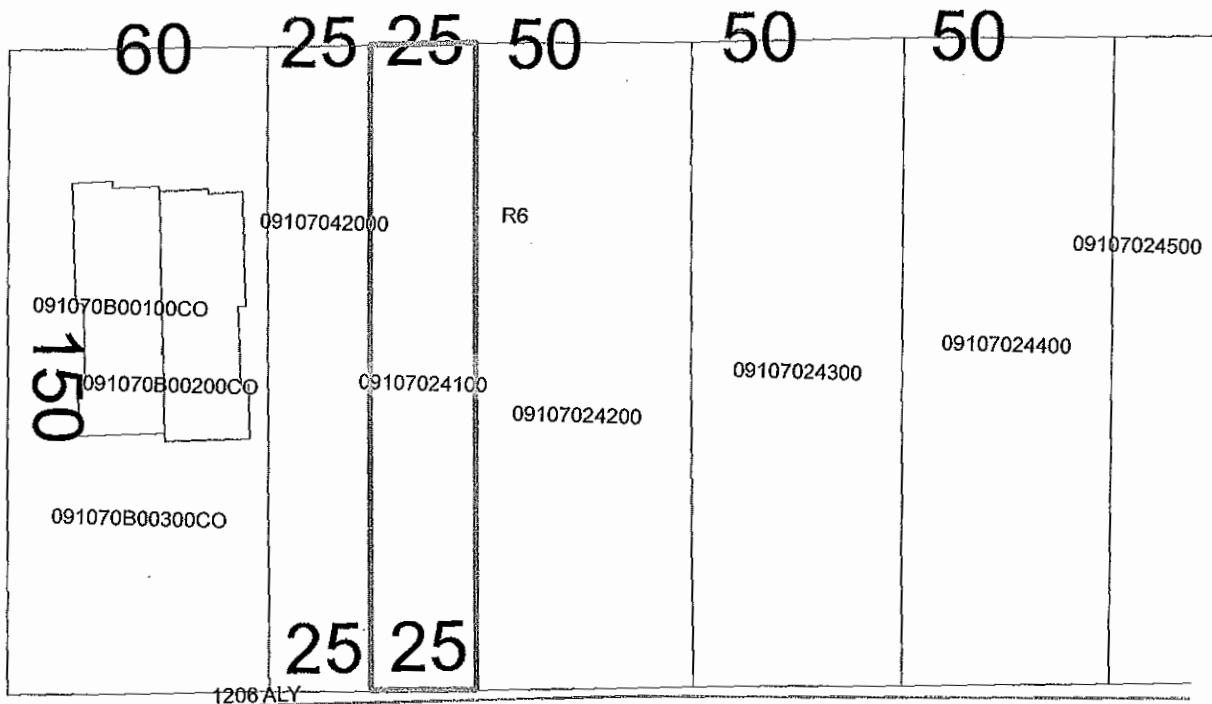
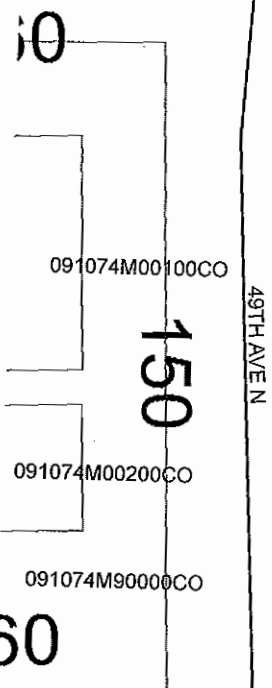
TAX MAP 81-07
 PARCEL 241.00
 400-20151112-011-0722, R.O.D.C.



PREPARED BY: SURVEYING, LLC
 DONLON, LAND SURVEYING, LLC
 TRACY MARK DONLON
 1000 17TH AVENUE, NW
 NASHVILLE, TN 37203
 TEL: (615) 251-1211 FAX: (615) 272-8117
 WWW.DONLONLANDSURVEYING.COM



KENTUCKY AVE



APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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.

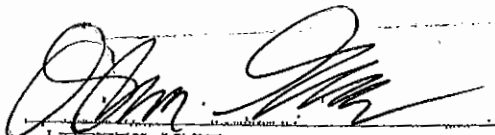
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

9/7/18
DATE

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Already Built



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



3557325

ZONING BOARD APPEAL / CAAZ - 20180057372
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 09107024100

APPLICATION DATE: 09/07/2018

SITE ADDRESS:

4809 A KENTUCKY AVE NASHVILLE, TN 37209
LOT 718 BLK 109 WEST NASH 1

PARCEL OWNER: KALIL, JILAH

CONTRACTOR:

APPLICANT:

PURPOSE:

EXISTING SINGLE FAMILY RES CONSTRUCTED UNDER PREVIOUS PERMIT WITH A REQUIRED 3' SIDE SETBACK TO INCLUDE THE CHIMNEY.

DENIED:

REQUEST TO CONSTRUCT CHIMNEY 1' SIDE LOT LINE.
17.12.040 E 4.

POC: ADAM SCULLY 615-642-1880
adam.scully7@yahoo.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.



GRAPHIC SCALE
0 15 30'

1"=30'

AREA PARCEL 241

7,498.87 SQ. FT. OR 0.17 ACRES

OWNER INFORMATION

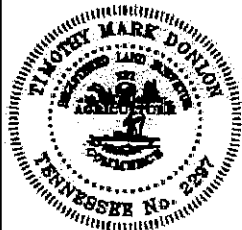
AGRESTAD, LYDA & HENDERSON, SUSAN
4809 KENTUCKY AVE.
NASHVILLE, TN 37209
TAX MAP 91-07, PARCEL 241.00
QC-20151112-0114722, R.O.D.C.

PLAT REFERENCE

MEMO LOTS 718 & 720, BLOCK 100
NO. 1 PLAN OF WEST WISNILLE
PLAT BOOK 57, PAGE 74 & 75, R.O.D.C.

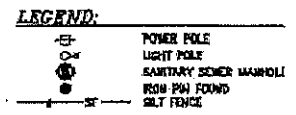
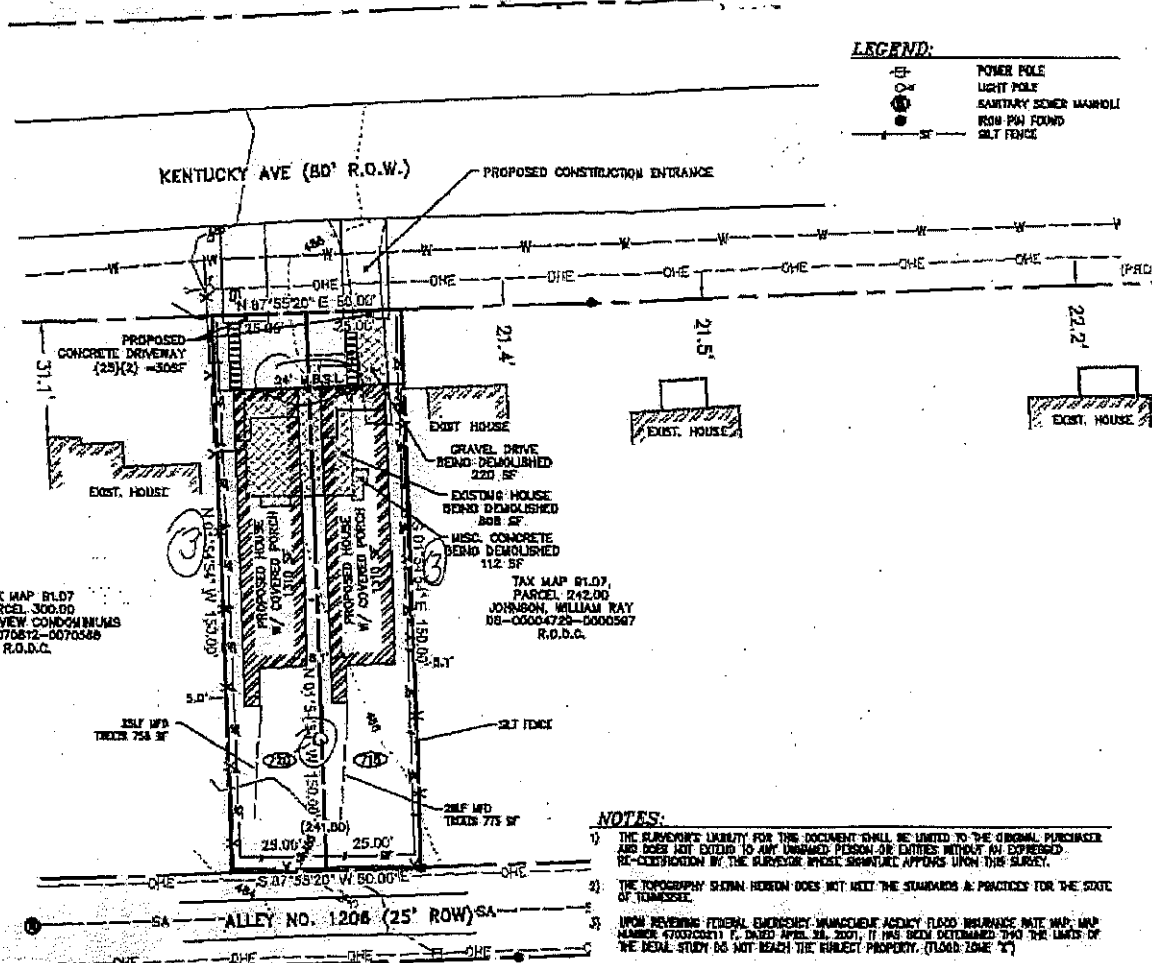
TAX MAP 81.07
PARCEL 300.00
HIGHLAND VIEW CONDOMINIUMS
MA-20070812-0070588
R.O.D.C.

TAX MAP 91.07,
PARCEL 242.00
JOHNSON, WILLIAM RAY
DS-00004729-0000597
R.O.D.C.



PREPARED BY:
DONLON LAND SURVEYING, LLC
TIMOTHY MARK DONLON

2015 OCT 13 11:14 FAX (615) 873-6117
1500 W. WOODLAND BLVD. SUITE 200
NASHVILLE, TN 37203
http://www.donlonlandsurveying.com/



IMPERVIOUS AREA CALCULATIONS:

TOTAL LOT SQUARE FOOTAGE = 7,498.87

EXISTING IMPERVIOUS AREAS BEING REMOVED:

- PORTION OF HOUSE = 608
- CONCRETE SIDEWALKS = 112
- GRAVEL DRIVEWAY = 220
- TOTAL = 1,140

PROPOSED IMPERVIOUS AREAS:

- HOUSE UNIT A = 1,310
- HOUSE UNIT B = 1,310
- CONCRETE DRIVEWAYS 28 EA. = 60
- TOTAL = 2,679

NET IMPERVIOUS AREA:

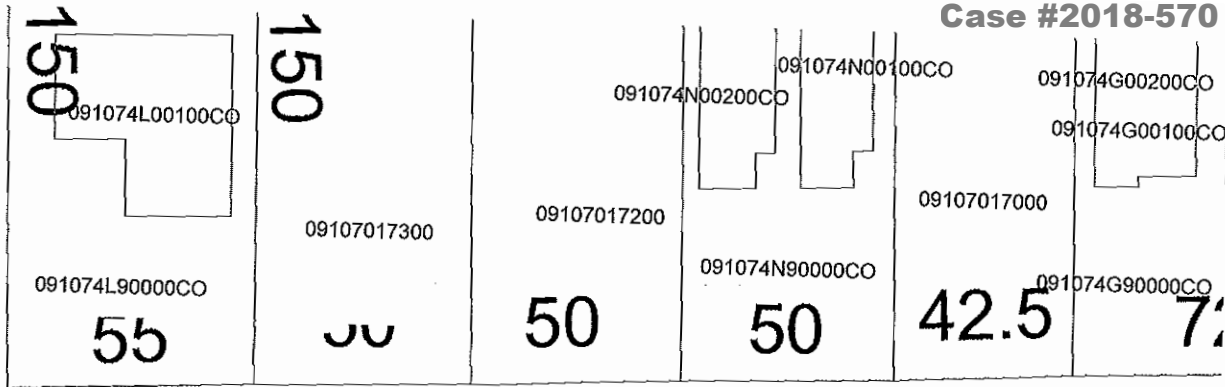
(PROPOSED I.A. 2,679 - EXISTING I.A. 1,140 = NET I.A. 1,539)

- NOTES:**
- 1) THE SURVEYOR'S LIABILITY FOR THIS DOCUMENT SHALL BE LIMITED TO THE ORIGINAL PURCHASER AND DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITIES WITHOUT AN EXPRESSED RE-COORDATION BY THE SURVEYOR WHOSE SIGNATURE APPEARS UPON THIS SURVEY.
 - 2) THE TOPOGRAPHY SHOWN HEREON DOES NOT MEET THE STANDARDS & PRACTICES FOR THE STATE OF TENNESSEE.
 - 3) UPON RECEIVING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP MAP NUMBER 47037C0211 F, DATED APRIL 28, 2001, IT WAS DETERMINED THAT THE LIMITS OF THE FLOOD STUDY DO NOT REACH THE SUBJECT PROPERTY. (FLOOD ZONE "X")
 - 4) BARS OF BEARING, REFERENCED TENNESSEE STATE PLANE.
 - 5) FRONT SET BACK MEASUREMENT ON SUBJECT PROPERTY WAS DETERMINED BY AVERAGING THE FOUR NEAREST ADJACENT EXISTING HOUSES = 24.00'
 - 6) THE SUBJECT PROPERTY IS CURRENTLY ZONED DS. SET BACKS AND BULK RESTRICTIONS TO BE DETERMINED BY METRO ZONING ORDINANCE AND METRO PLANNING DEPARTMENT.
- FRONT: 24.00' (ADJACENT HOUSES)
REAR: 20.00'
SIDE: 5.00'

STORMWATER PLAN
FOR
TAX MAP 91.07
PARCEL 241.00
QC-20151112-0114722, R.O.D.C.
DAVIDSON COUNTY, TENNESSEE

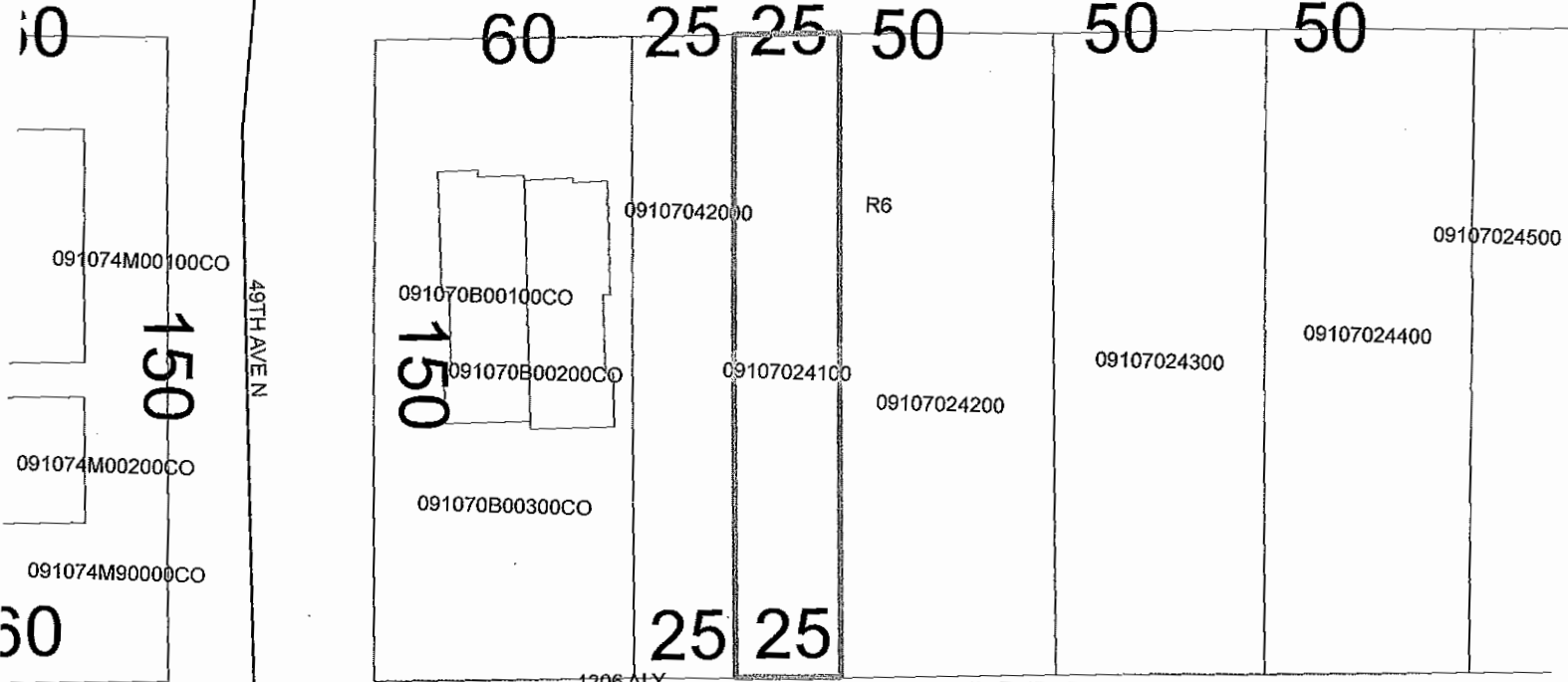
PREPARED FOR:
SUSAN HENDERSON
4809 KENTUCKY AVENUE
NASHVILLE, TN 37209
DATED: OCTOBER 13, 2015

205119 ARRESTED



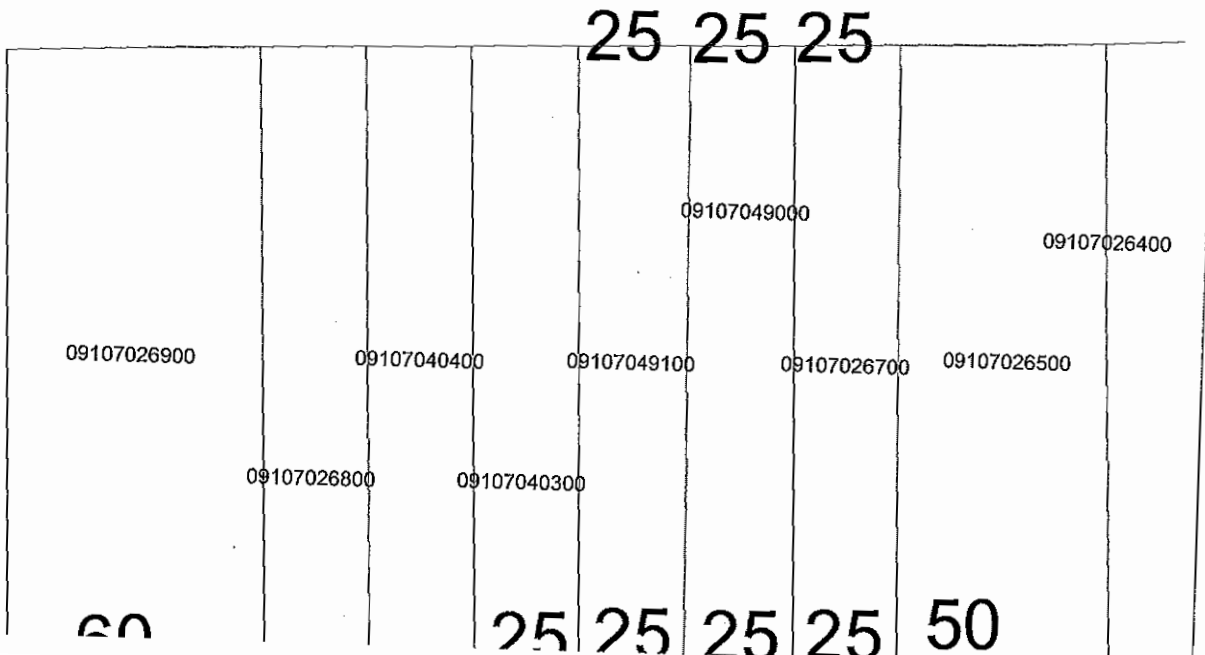
09107037900

KENTUCKY AVE



49TH AVEN

1206 ALY



09107027000

30

From: [Herbert, Bill \(Codes\)](#)
To: [Lifsey, Debbie \(Codes\)](#)
Cc: [Michael, Jon \(Codes\)](#)
Subject: FW: 2018-570 and 2018-569
Date: Tuesday, October 23, 2018 10:08:21 AM


From: Mary Carolyn Roberts [mailto:marycarolynroberts@gmail.com]
Sent: Tuesday, October 23, 2018 9:48 AM
To: Michael, Jon (Codes); Herbert, Bill (Codes)
Subject: 2018-570 and 2018-569

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 would like to express my approval for the two cases coming before you on 11/1 (2018-570 and 2018-569). I have found the builder, Adam Scully, to be a responsible builder who lives in the neighborhood and has been quick to correct the issues that have arisen from the bump outs.

Thank you,


Mary Carolyn Roberts
Village Real Estate
615-977-9262 (c)
615-383-6964 (w)
Metro Council, District 20

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Casey Goddard
 Property Owner: Casey Goddard
 Representative: Mike Murdock

Date: 7th sep 18
Case #: 2018-571
Map & Parcel: 06201000300

Council District 15

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

Purpose: single family residence

Activity Type: New single family residential construction
 Location: 2502 Miami Avenue

This property is in the R15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: sidewalk variance

Section(s): 17.12-120

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.

Casey Goddard
Appellant Name (Please Print)
2506 Miami Ave
Address
Nashville TN 37214
City, State, Zip Code
615-738-1267
Phone Number
soccernash09@yahoo.com
Email

Mike Murdock
Representative Name (Please Print)
2511 Miami Ave
Address
Nashville TN 37214
City, State, Zip Code
615-905-5660
Phone Number
mike.murdock@comcast.net
Email

Appeal Fee: _____



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



3556193

ZONING BOARD APPEAL / CAAZ - 20180056606
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 06201000300

APPLICATION DATE: 09/05/2018

SITE ADDRESS:

2502 MIAMI AVE NASHVILLE, TN 37214

LOT 54-55 PT 46-56-57-47-48-49-50 MCCAULEYS SUB-PT CL ST

PARCEL OWNER: GODDARD, CASEY LEE

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a Sidewalk variance for proposed single family residence per METZO Section 17.20.120.

*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.

STANDARDS FOR A VARIANCE

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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 the effective date of this Zoning Code.

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

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

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

- A) There is not enough right of way on Miami Avenue to construct a sidewalk. Miami Ave only has a 20' right of way. the roadway is 19' wide
- B) Both properties are in a floodplain. Building a sidewalk would require significant uncompensated fill in a floodplain
- c) Building sidewalks will exacerbate the current drainage problems found on both Miami's Broomie and Pennington bend

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 the case number. Fold and insert the notices into envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

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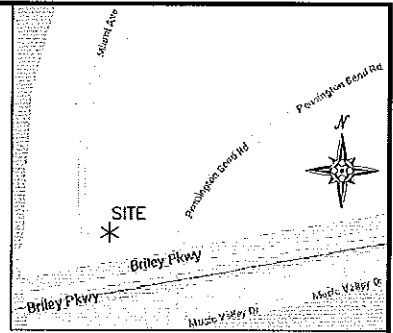
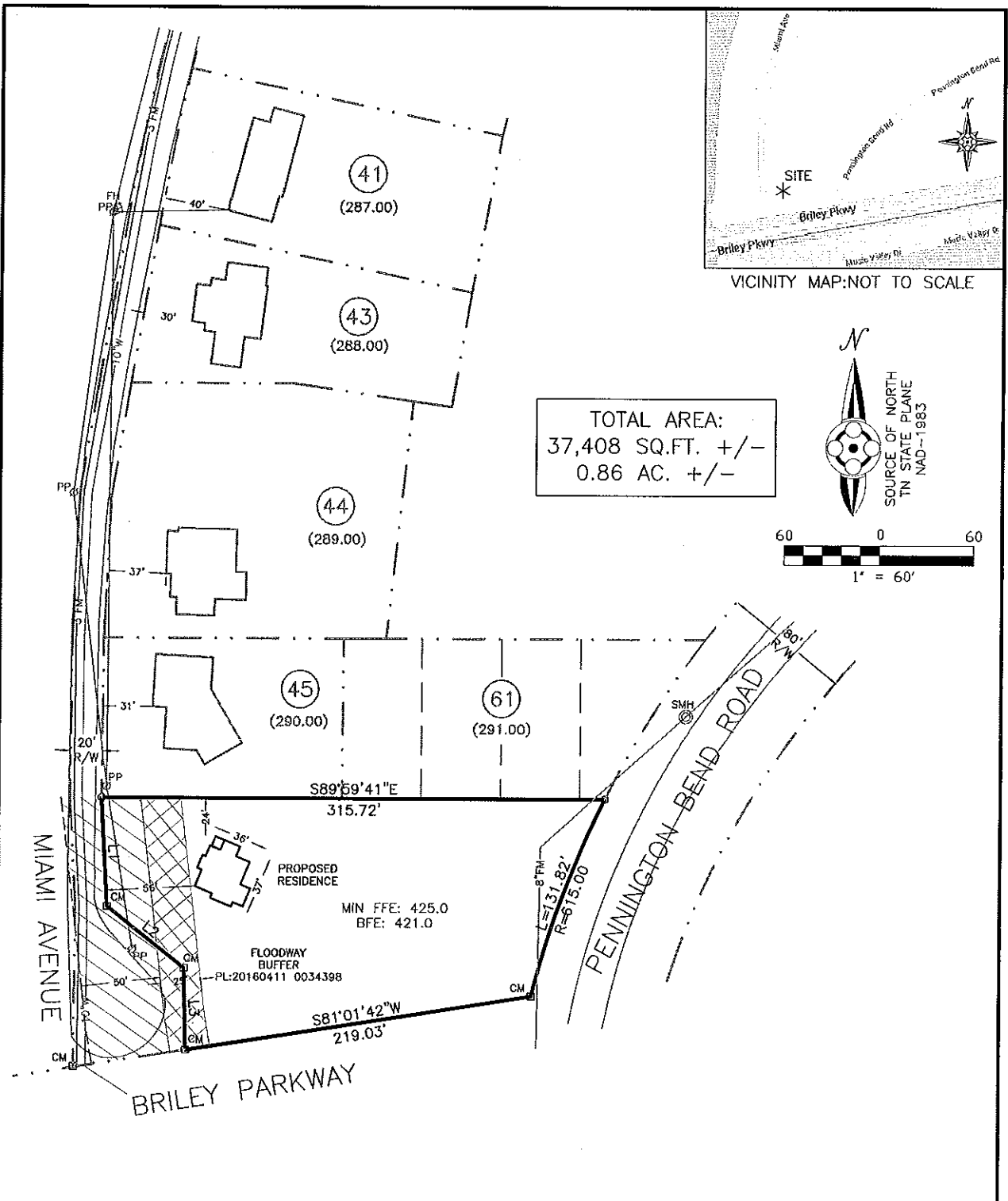
METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

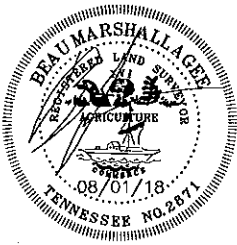
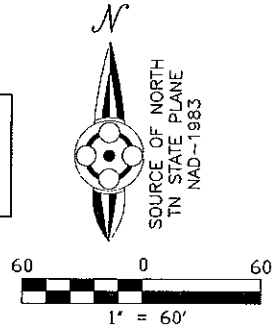
APPELLANT

9/6/18

DATE



TOTAL AREA:
 37,408 SQ.FT. +/-
 0.86 AC. +/-

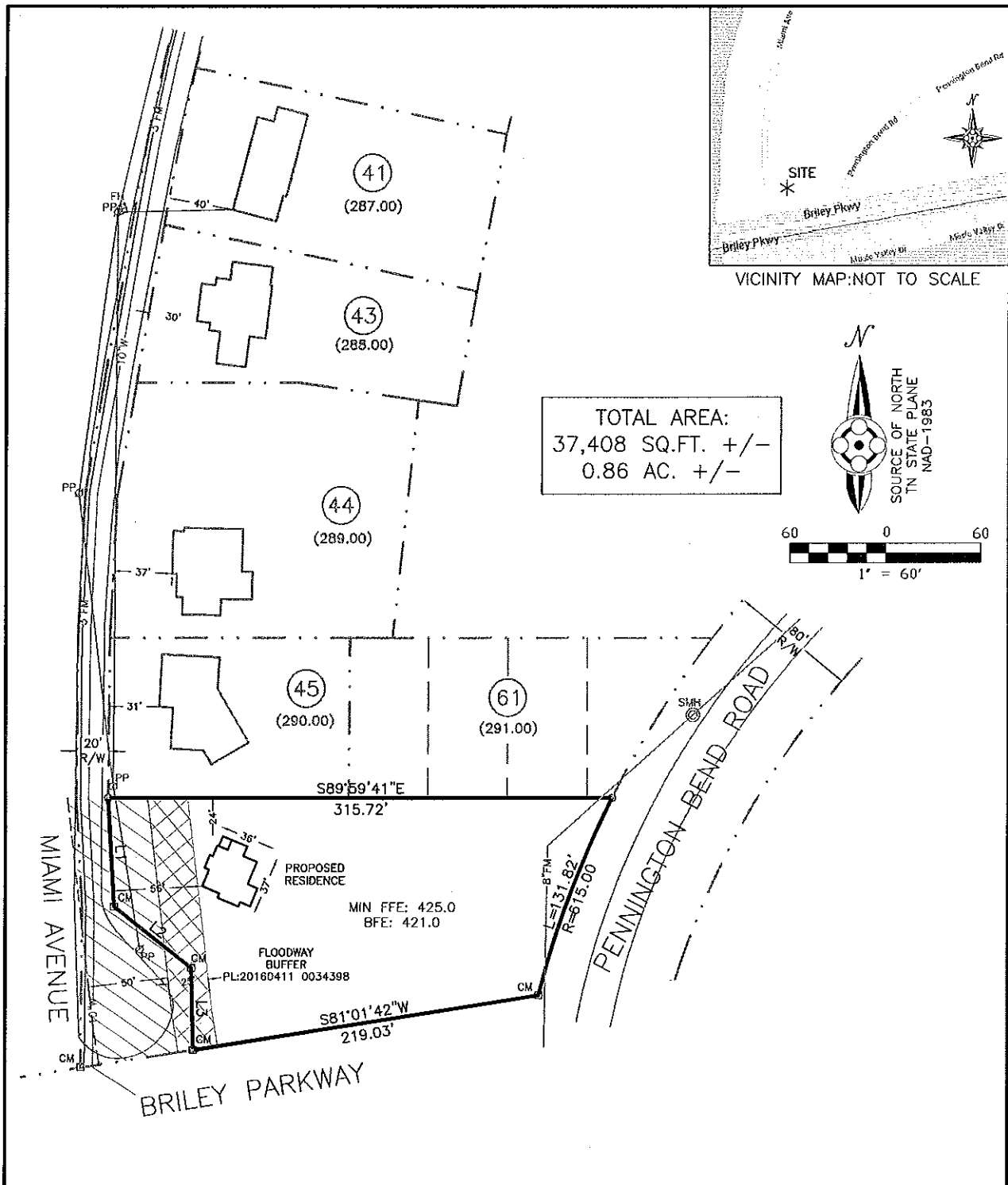


LINE TABLE		
LINE	BEARING	LENGTH
L1	N03°01'24"W	68.08'
L2	S51°47'56"E	61.89'
L3	S01°19'40"E	51.23'

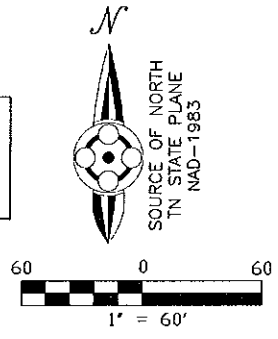
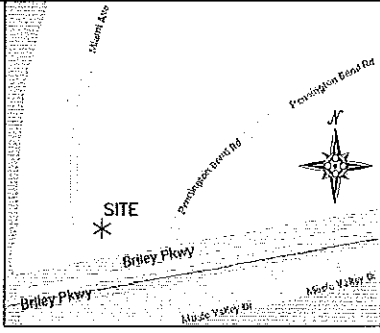
PROPERTY INFO:
 OWNER: CASEY LEE GODDARD
 DB: 20160916 0097348, R.O.D.C.

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

SITE PLAN EXHIBIT OF
2502 MIAMI AVENUE
 NASHVILLE TN, 37214
 MAP 62-01, PARCEL 3.00
 15TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
 DATE: AUGUST 1, 2018 JOB # 18-0501-A1149



TOTAL AREA:
37,408 SQ.FT. +/-
0.86 AC. +/-



LINE TABLE		
LINE	BEARING	LENGTH
L1	N03°01'24"W	68.08'
L2	S51°47'56"E	61.89'
L3	S01°19'40"E	51.23'

PROPERTY INFO:
OWNER: CASEY LEE GODDARD
DB: 20160916 0097348, R.O.D.C.

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

SITE PLAN EXHIBIT OF
2502 MIAMI AVENUE
NASHVILLE TN, 37214
MAP 62-01, PARCEL 3.00
15TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
DATE: AUGUST 1, 2018 JOB # 18-0501-A1149

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-571 (2502 Miami Avenue)

Metro Standard:	Pennington Bend Road – 6’ grass strip, 6’ sidewalk, as defined by the Major and Collector Street Plan
	Miami Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	R15
Community Plan Policy:	CO (Conservation - floodplain)
MCSP Street Designation:	Pennington Bend Road – T3-R-CA2
	Miami Avenue - Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new single family home on the property and requests not to construct sidewalks or contribute in lieu due to insufficient right-of-way and storm water implications, given that the property’s Miami Avenue frontage resides within a floodplain buffer.

Planning evaluated the following factors for the variance request:

- (1) The parcel is a double frontage lot. No sidewalks exist on Pennington Bend Road or Miami Avenue.
- (2) Constructing sidewalks on the Pennington Bend Road frontage would require removing many mature trees. The Miami Avenue frontage can be constructed; however construction of sidewalks at the end of a street would likely not connect in the future.
- (3) Per the Zoning Ordinance, the applicant is eligible to contribute in lieu of construction. Electing to make the contribution in lieu of construction supplements Metro’s annual sidewalk capital program by increasing sidewalk construction funds for areas surrounding this property, which is within one of Metro’s sixteen pedestrian benefit zones. Staff finds no unique hardship for the property’s Miami Avenue frontage, as a sidewalk could be constructed on the site.

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

1. The applicant shall contribute in lieu of construction for the Miami Avenue frontage.
2. Prior to the issuance of building permits, dedicate right-of-way along the Miami Avenue frontage to accommodate future sidewalks per the Local Street standard and along the Pennington Bend Road frontage to accommodate future sidewalks per the Major and Collector Street Plan standard.

GANGAROLE LLC

608-239-4934
mangarole@gmail.com

2124 Wooddale Ln
Nashville, TN
37214

October 25, 2018

Metro BZA

Reference:	Appeal Case #:	2018-571
	2502 Miami Ave	
	Map Parcel:	06201000300
	Zoning Classification:	R15
	Council District:	15

Metro BZA,

My name is Michael Angarole. I reside at 2124 Wooddale Ln and have additional property at 2540 Miami Ave.

I am writing in support of a sidewalk variance on behalf of Casey Goddard [2502 Miami Ave, Nashville 37214].

I am adamantly against any sidewalks and/or "modified" sidewalks being built along Miami Ave and Pennington bend connected with Casey's lot.

There are a multitude of negative stormwater issues associated with attempting to build any such sidewalks. This along with the fact that NONE of the residents on Miami Ave and myself on Wooddale Ln/Pennington Bend do not want our rural setting disturbed with such a random attempt at satisfying an ordinance that dictates a "one size fits all" mentality.

Please let me remind you of the wise, twofold precedent set by our BZA hearing [sidewalk variance along Wooddale Ln] this past summer. 1) a compromise dealing with ROW allowed for any type of sidewalk NOT to be built. 2) Paying into the "sidewalk fund" was negated by virtue of our councilman voicing it wasn't logical considering the residents in our specific location would never want sidewalks and therefore not benefits from monies collected by the fund.

Please allow yourselves the latitude granted by the two aforementioned precedents, to allow Casey Goddard a sidewalk variance along with NO payment into the sidewalk fund.

Respectfully,

Michael Angarole



Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Woodbine Community Org.

Date: 9/10/18

Property Owner: Woodbine Community

Case #: 2018- 572

Representative: ; Jeff Stromatt

Map & Parcel: 08115034400

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 construct a single family residence

Activity Type: Single Family

Location: 1607 Knowles Street

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: variance from sidewalk requirements, requesting not to build or pay into the sidewalk fund.

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.

Completed and witnessed, Date

STROMATT 34@gmail.com

Print Applicant's e-mail address

JEFF STROMATT
Name (Please Print)

[Signature]
Signature

643 SPENCE LA,

Mailing Address

NASH, TN 37217

City, State, Zip Code

615-509-7905

Phone Number

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

Appeal Fee: \$ 100.00



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



3557644

**BUILDING RESIDENTIAL - NEW / CARN - T2018057581
Permit Tracking Checklist**

PARCEL: 08115034400

APPLICATION DATE: 09/10/2018 PERMIT TRACKING #: 3557644

SITE ADDRESS:

1607 KNOWLES ST NASHVILLE, TN 37208

LOT 13 UNDERWOOD PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE

CONTRACTOR:

APPLICANT: WOODBINE COMMUNITY ORGANIZATIOI

WOODBINE COMMUNITY ORGANIZATION (WCO)

TONY WOODHAM - CMC- C

NASHVILLE, TN 37217

PURPOSE:

to construct a single family residence with 2758 sf living area and 180 sf porch area. 29' 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. requesting a sidewalk variance per METZO 17.20.120.

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

[A] Site Plan Review	
[A] Zoning Review	
CA - Zoning Sidewalk Requirement Review	
[B] Fire Life Safety Review On Bldg App	862-5230
[E] Sewer Availability Review For Bldg	862-7225
[E] Sewer Variance Approval For Bldg	
[E] Water Availability Review For Bldg	862-7225
[E] Water Variance Approval For Bldg	
[A] Bond & License Review On Bldg App	
[F] Address Review On Bldg App	862-8781 bonnie.crumby@nashville.gov
[D] Grading Plan Review For Bldg App	(615) 862-6038 Logan.Bowman@nashville.gov
[C] Flood Plain Review On Blgd App	862-6038 logan.bowman@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
BZA Hearing	615-862-6505 Debbie.Lifsey@nashville.gov



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



3557650

ZONING BOARD APPEAL / CAAZ - 20180057586
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 08115034400

APPLICATION DATE: 09/10/2018

SITE ADDRESS:

1607 KNOWLES ST NASHVILLE, TN 37208
LOT 13 UNDERWOOD PLAN

PARCEL OWNER: METRO GOV'T BT BACK TAX SALE

CONTRACTOR:

APPLICANT:**PURPOSE:**

Requesting a sidewalk variance for proposed new residence per METZO section 17.20.120.

*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.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-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.B.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.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. Notices will be sent to the district council member, *The Tennessean*, and the neighboring property owners within ~~800~~⁶¹⁵ feet of the property. The neighbor notices will be mailed approximately twenty-three (23) days prior to the public hearing.

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

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

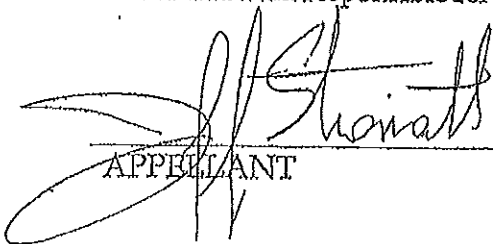
Once your request is filed, the staff will review your request to verify that the submittal is complete. Incomplete submittals will not be scheduled for a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


 APPRELIANT

DATE 2/10/18

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

THIS HOME IS BEING BUILT AS AFFORDABLE HOUSING
SELLING TO PEOPLE MAKING 80% OF MEDIUM INCOME.
BUILT WITH M.D.H.A. AND BARNES FUND.

OWNER / DEVELOPER:
 NASHVILLE METROPOLITAN GOVERNMENT
 P.O. BOX 196300
 NASHVILLE, TN 37219

PROPERTY ADDRESS:

1607 KNOWLES STREET
 NASHVILLE, TN 37208

PROPERTY TITLE REFERENCE:

THE SURVEYED PREMISES IS ALL OF THE SAME PROPERTY AS CONVEYED TO: FRED TENNESSEE LLC ORGANIZATION AS OF RECORD IN INSTRUMENT 200604180044155 REGISTER'S OFFICE, DAVIDSON COUNTY, TN.

N.E.S. NOTE:

N.E.S HAS AUTHORITY TO CLEAR OR TRIM ANYTHING WITHIN 5' TO 10' OF A POWER LINE, WHETHER OF RECORD EASEMENT OR NOT, EVEN IF THE POWER LINE IS NOT CENTERED DIRECTLY WITHIN THE EASEMENT.

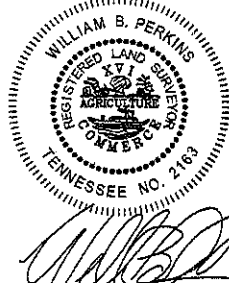
BUILDING SETBACK NOTE:

ALL MBSL DISTANCES AS SHOWN HEREON ARE SUBJECT TO THE ZONING CODE AND WILL HAVE TO BE APPROVED BY THE CODES DEPARTMENT PRIOR TO CONSTRUCTION.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY TO: FRED TENNESSEE LLC THAT THIS LOT SURVEY IS A CATEGORY 1 SURVEY; THAT THE SURVEY WAS PERFORMED IN ACCORDANCE WITH THE CURRENT STANDARDS OF PRACTICE FOR LAND SURVEYORS IN THE STATE OF TENNESSEE (UNDER THE AUTHORITY OF TCA 62-18-126), AND THE UNADJUSTED ERROR OF CLOSURE EXCEEDS 1:10,000 AS SHOWN HEREON.

BY: **ADVANTAGE LAND SURVEYING**



SIGNED: *William B. Perkins*
 NAME: WILLIAM B. PERKINS
 TENNESSEE R.L.S. # 2163
 DATE: JULY 26, 2018

PREPARED BY:
ADVANTAGE LAND SURVEYING
 4636 LEBANON PIKE # 327
 PHONE # 615-319-4701

LEGEND

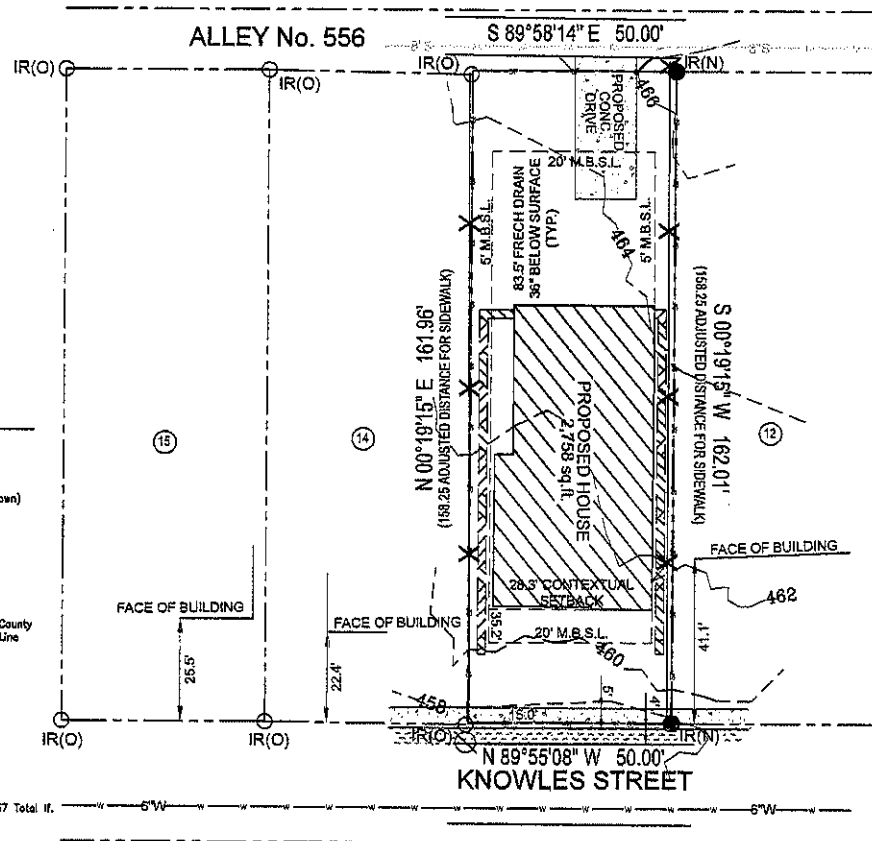
- Existing Iron Rod - IR(O)
- Existing Iron Pipe - IP(O)
- Iron Rod (New) - IR(N)
- Nailbox (Metal on Pole)
- ⊕ Sign/Marker Post (Type Shown)
- ⊗ Natural Gas Meter
- ⊗ Water Meter
- ⊗ Water Valve
- ⊗ Fire Hydrant
- ⊗ Anchor or Guy Wire
- ⊗ Utility And Light Pole
- ⊗ Utility Pole
- ⊗ Sanitary Sewer Manhole
- ⊗ Register's Office Davidson County
- ⊗ Minimum Building Setback Line
- SF — SILT FENCE
- X — Metal Chainlink Fence
- W — Existing 6" Water Main
- S — Existing 8" Sanitary Sewer
- — Property Lines
- ▨ Proposed 5' Sidewalk
- ▨ Proposed 4' Grass Strip
- ▨ Proposed French Drain 167 Total If.

TOTAL AREA IN SURVEYED PREMISES =

8,099 S.F. ± OR
Or 0.19' Of An Acre ±

POST IMPERVIOUS AREAS:

HOUSE: 2,758 sq. ft.
 PARKING AREA: 527.2 sq. ft.
 TOTAL AREA: 3,285.2 sq. ft.



GENERAL NOTES:

1. BEARINGS ARE BASED ON MAGNETIC NORTH.
2. THE TOTAL AREA WITHIN THE SURVEYED PREMISES (LOT #13) IS 8,099.2 S.F.± OR 0.19' OF AN ACRE MORE OR LESS.
3. ALL LOT / PROPERTY CORNERS ARE MARKED AS SHOWN ON THIS SURVEY.
4. FRONT MINIMUM BUILDING SETBACK LINE AS SHOWN HEREON WAS DERIVED FROM THE AVERAGE OF ALL THE RESIDENCES LOCATED ALONG KNOWLES STREET AS SHOWN HEREON. SIDE AND REAR ARE AS PER ZONING CODE.
5. BY GRAPHIC PLOTTING AND MAP SCALING LOCATION ONLY, THIS PROPERTY IS NOT WITHIN AN AREA OF FLOOD INUNDATION AS DESIGNATED BY CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS (FEMA) WHICH MAKE UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT AS SHOWN ON FEMA MAP NUMBER 4703700241H WHICH IS THE MOST CURRENT (VIA THE FEMA WEB-SITE) FOR WHICH THE SURVEYED PREMISES IS SITUATED IN THE SURVEYED PREMISES LIES ENTIRELY WITHIN ZONE "X".
6. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED ANY 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 COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT 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. COORDINATE WITH TENNESSEE ONE-CALL SYSTEM, INC. - PHONE: 811.
7. ANY EXCAVATION, FILL OR DISTURBANCE OF THE EXISTING GROUND ELEVATION MUST BE DONE IN ACCORDANCE WITH STORM WATER MANAGEMENT ORDINANCE NO. 78-840 AND APPROVED BY THE METROPOLITAN DEPARTMENT OF WATER SERVICES.
8. SIZE DRIVEWAY CULVERTS PER THE DESIGN CRITERIA SET FORTH BY THE METRO STORM WATER MANAGEMENT MANUAL (MINIMUM DRIVEWAY CULVERT SIZE IN METRO R.O.W. IS 15" CMP).
9. ANY DEVELOPMENT OF THIS PROJECT SHALL COMPLY WITH REQUIREMENTS OF THE ADOPTED TREE ORDINANCE 084-1104 (METRO CODE CHAPTER 17.24. ARTICLE II, TREE PROTECTION AND REPLACEMENT; CHAPTER 17.40, ARTICLE X, TREE PROTECTION AND REPLACEMENT PROCEDURES).
10. THIS SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH / REPORT MAY DISCLOSE.; THEREFORE, THIS SURVEY IS SUBJECT TO ALL MATTERS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY REVEAL.
11. THE SURVEYED PREMISES IS SUBJECT TO ALL GOVERNMENTAL AGENCIES REQUIREMENTS FOR ANY TYPE OF EXCAVATION, IMPROVEMENTS, DEMOLITION

LOT EXHIBIT

LOT No. 13, ON THE UNDERWOOD ADDITION
 TO NASHVILLE, TN
 RECORDED IN PLAN BOOK 21, PAGE 117 (R.O.D.C.T.)
 METRO PARCEL IDENTIFICATION No. 08115034400
 21st COUNCIL DISTRICT
 NASHVILLE, DAVIDSON COUNTY, TENNESSEE



DRAWN BY: D. R. CLAYBROOKS GRAPHIC SCALE - 1" = 30 FEET DATE: JULY 26, 2018
 CHECKED BY: BILLY PERKINS Sheet 1 Of 1 JOB NO. 32-2018

Case #2018-572

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-572 (1607 Knowles Street)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Local Street Standard
Requested Variance:	Not construct sidewalks; not contribute in lieu of construction (eligible)
Zoning:	RS5
Community Plan Policy:	T4 NM (Urban Neighborhood Maintenance)
MCSP Street Designation:	Local Street
Transit:	980' east from #21 – University Connector
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is constructing a new single family structure on the property through the Barnes Housing Trust Fund, which helps to provide more affordable housing in the city. Planning evaluated the following factors for the variance request:

- (1) A right-of-way dedication will ensure that Metro does not have to purchase a portion of the property in the future to construct sidewalks.
- (2) Requiring additional infrastructure on properties already donated by Metro through the Barnes Fund for affordable housing competes with Metro's priority to provide more affordable housing in Nashville.

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

1. The applicant shall dedicate right-of-way across the property's frontage to accommodate a future 4' grass strip and 5' sidewalk.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Chelsea Hannan

Date: 9-13-18

Property Owner: Kurio Properties

Case #: 2018- 575

Representative: Jeff Parnell

Map & Parcel: 1190100 3400 AND
1190100 8300

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 BUILD A MIXED USE DEVELOPMENT
WITH 2 OFFICE BUILDINGS AND MULTIPLE
RESIDENTIAL BUILDINGS.

APPEAL ONLY AT THIS POINT, PERMIT NOT STARTED

Activity Type: NEW COMMERCIAL CONSTRUCTION

Location: 353 AND 355 COLEROSE AVE

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

Reason: VARIANCE TO FACADE REQUIREMENT AND SIDEWALKS

Section(s): 17.12.020D hill AND 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.

Chelsea Hannan
Appellant Name (Please Print)

Jeff Parnell
Representative Name (Please Print)

2200 Rosa L Parks Blvd
Address

2200 Rosa L Parks Blvd
Address

Nashville, TN 37228
City, State, Zip Code

Nashville, TN 37228
City, State, Zip Code

615-244-2040
Phone Number

615-244-2040
Phone Number

channan@dbsengr.com
Email

jparnell@dbsengr.com
Email

Appeal Fee: _____

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

Variance from 60% frontage due to sewer easement and existing
Railroad bridge causing sit issues. Sidewalk variance to include
2' grass strip and 5' sidewalk and no 4' frontage zone
with dedicated ROW for 4' grass strip and 8' sidewalk.
Topography creates a hardship for ~~access~~ providing a connected
pedestrian walkway

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


 APPELLANT

9-13-18
 DATE



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



3558861

ZONING BOARD APPEAL / CAAZ - 20180058385
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11901003400

APPLICATION DATE: 09/13/2018

SITE ADDRESS:

353 GLENROSE AVE NASHVILLE, TN 37210
LOT 19 G P ROSE

PARCEL OWNER: KURIO PROPERTIES INC.

CONTRACTOR:

APPLICANT:

PURPOSE:

BZA Variance for future Mixed Use Development. No permit application has been started.

17.12.020D

h. In the UZO:

iii. A parcel less than sixty feet wide shall have the building's front facade extend across the full width of the parcel in mixed-use, office and commercial districts.

Requesting 2 buildings with facades extending 50% along width of parcel.

17.20.120

Sidewalks required. Requesting to 2 ft grass strip and 5 ft sidewalk and dedicating the required Dedication of Right-of-Way for sidewalk/grass strip as required by 17.20.120.

POC: Chelsea Hannan 615-244-2040

*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.

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-575 (353 Glenrose Avenue)

Metro Standard:	Glenrose Avenue – 4’ grass strip, 8’ sidewalk, as defined by the Major and Collector Street Plan standard
	Hester Avenue – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street standard
Requested Variance:	Construct alternate sidewalk design; dedicate right of way along Glenrose Avenue
Zoning:	MUL-A
Community Plan Policy:	T4 MU (Urban Mixed Use Neighborhood)
MCSP Street Designation:	Glenrose Avenue – T4-M-CA2
	Hester Avenue – Local Street
Transit:	Property approximately 835’ east of #52 – Nolensville Pike BRT Lite; Future high capacity transit per nMotion Plan.
Bikeway:	Planned Minor Separated Bikeway per WalknBike Plan.

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing two office structures (1,000 and 1,118 square feet) and ten residential units on three parcels and requests a variance to construct an alternate sidewalk design along the properties’ frontage with Glenrose Avenue. The applicant indicates hardships with topographic features and right of way conflicts with the location of the existing railroad crossing to the east of the property over Glenrose Avenue.

Planning evaluated the following factors for the variance request:

- (1) The property currently has a 1.5’ grass strip and a 4’ sidewalk along the Glenrose Avenue frontage which is consistent with properties to the west. Meanwhile, the property does not have a sidewalk along the Hester Avenue frontage.
- (2) A CSX railroad above-grade crossing is located directly adjacent to the east of the property. A 5’ sidewalk without a grass strip exists along the south side of Glenrose Avenue due to the narrow width of the separation between the existing pillars under the crossing. The applicant proposes to construct a 2’ grass strip and a 5’ sidewalk to tie into the sidewalk to the east and to dedicate 12’ of right of way to accommodate a future 4’ grass strip and 8’ sidewalk.
- (3) The existing 2’ grass strip and 4’ sidewalk has a retaining wall located at the back of the sidewalk that provides access to the property. This condition is consistent across several properties along this block face. Upgrading the sidewalks to the Major and Collector Street Plan standard and moving the retaining wall back on the property will impact adjacent parcels to the west.

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

1. Applicant shall construct a 2’ grass strip and 5’ sidewalk and dedicate right of way to accommodate a future 4’ grass strip and 8’ sidewalk as shown on the attached site plan along Glenrose Avenue.

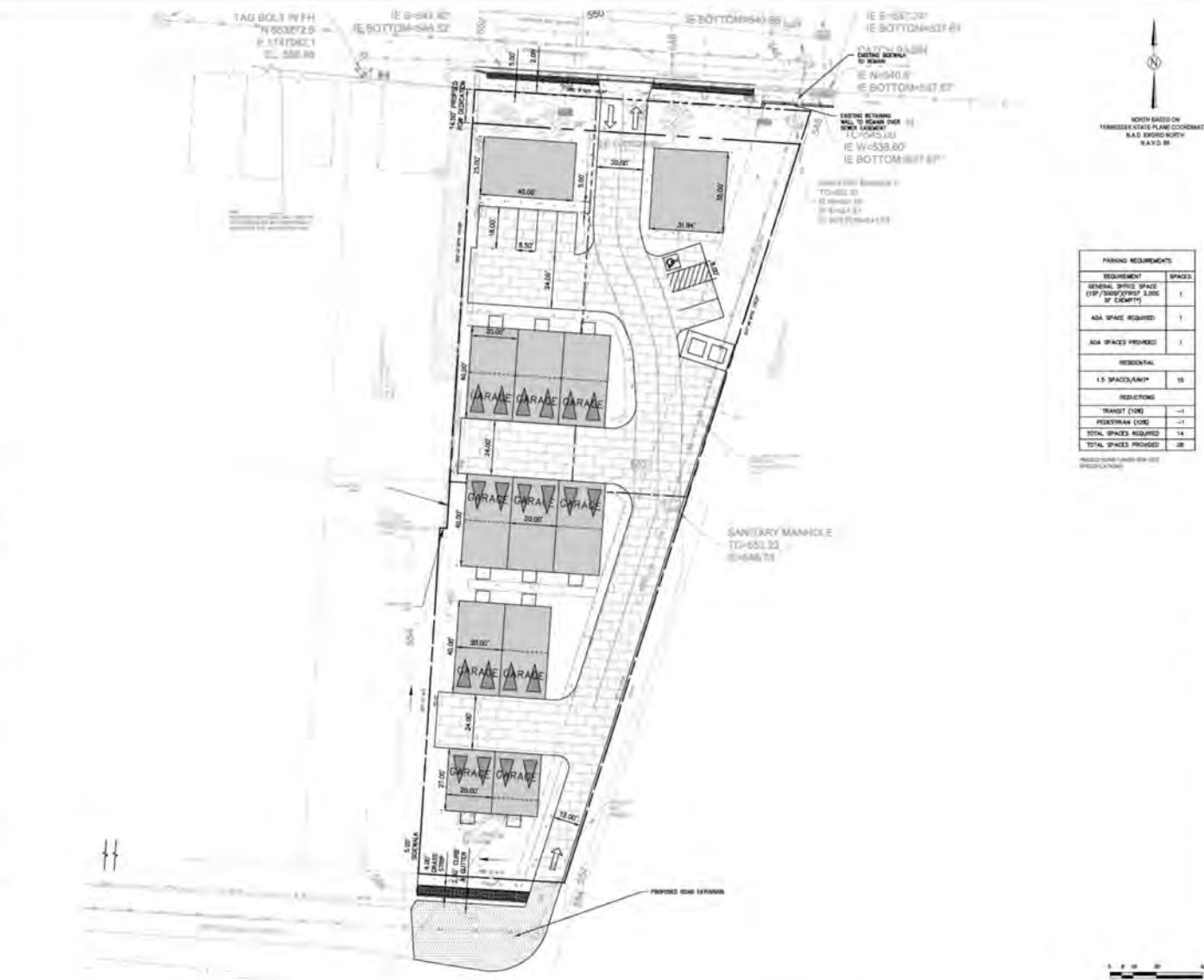
2. The applicant shall construct a 4' grass strip and 5' sidewalk and dedicate right-of-way to back of the new sidewalk as shown on the attached site plan along Hester Avenue.

SITE LEGEND

---	BOUNDARY LINE	---	PROPERTY LINE
---	EXISTING CURB AND GUTTER	---	EXISTING CURB
---	EXISTING SIDE OF PAVEMENT	---	EXISTING FENCE
---	EXISTING OVERHEAD POWER LINE	---	EXISTING SANITARY TRENCH
---	EXISTING STORM DRAINAGE	---	EXISTING WATER LINE
---	EXISTING CONTOUR	---	PROPOSED CURB AND GUTTER
---	PROPOSED CURB		

	GAS VALVE		SAN METER
	WATER VALVE		WATER METER
	FIRE HYDRANT		UTILITY POLE
	SANITARY SEWER MANHOLE		DAY SIGN
	TELEPHONE MANHOLE		BENCHMARK
	STORM SEWER CATCH BASIN		PROPOSED ADA PARKING SPACE
	TREE		RESIDENTIAL DETENTION
	BUILDING		WOOD DECK
	CONCRETE		STRUCTURE
	PERMEABLE PAVERS		ASPHALT
	GRAVEL		

- GENERAL NOTE:**
- ALL UTILITY LOCATIONS ARE APPROXIMATE AND AS SHOWN DEPENDING ON LOCATION OF UTILITIES BY LOCAL UTILITY AGENCIES. VISIBLY APARTMENTS OR MAPS PREPARED BY OTHERS. THESE LOCATIONS ARE NO GUARANTEE THAT THERE ARE NO CONFLICTS EITHER PUBLIC OR PRIVATE THAT ARE NOT SHOWN ON THIS SURVEY. ALL UTILITIES SHALL BE FIELD VERIFIED BEFORE CONSTRUCTION BEGINS.
 - CONTRACTORS SHALL VERIFY LOCATION, DEPTH, AND USE OF EXISTING UTILITIES PRIOR TO BEGINNING CONSTRUCTION AND SHALL BE RESPONSIBLE FOR MAKING THE NECESSARY ARRANGEMENTS WITH THE APPROPRIATE UTILITY COMPANY FOR UTILITIES REQUIRING RELOCATION.
 - BOUNDARY & TOPOGRAPHIC SURVEY PROVIDED BY DBS & ASSOCIATES ON AUGUST 2, 2018.
 - THE FINAL SITE PLAN BUILDING PERMIT SITE PLAN SHALL DEPICT THE REQUIRED PUBLIC SIDEWALKS AND REQUIRED GRASS STRIP OR FRONTAGE ZONE AND THE LOCATION OF ALL EXISTING AND PROPOSED VERTICAL OBSTRUCTIONS WITHIN THE REQUIRED SIDEWALK AND GRASS STRIP OR FRONTAGE ZONE. PRIOR TO THE ISSUANCE OF USE AND OCCUPANCY PERMITS, EXISTING VERTICAL OBSTRUCTIONS SHALL BE RELOCATED OUTSIDE OF THE REQUIRED SIDEWALK. VERTICAL OBSTRUCTIONS ARE ONLY PERMITTED WITHIN THE REQUIRED GRASS STRIP OR FRONTAGE ZONE.
- PUBLIC WORKS NOTES:**
- FINAL CONSTRUCTION DRAWINGS SHALL COMPLY WITH THE DESIGN REGULATIONS ESTABLISHED BY THE DEPARTMENT OF PUBLIC WORKS IN EFFECT AT THE TIME OF THE APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN OR FINAL DEVELOPMENT OR BUILDING PERMIT, AS APPLICABLE. FINAL DESIGN MAY VARY BASED ON FIELD CONDITIONS.
 - ROW AND LANEWAY DESIGNATIONS ARE TO BE RECEIVED PRIOR TO ANY PUBLIC WORKS SIGN OFF ON THE BUILDING PERMIT.
 - ALL CONSTRUCTION WITHIN THE ROW SHALL BE CONDUCTED IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND SPECIFICATIONS.
 - SOILS AND REVISIONS FOR THE ROW DESIGN SHALL BE IN COMPLIANCE WITH PUBLIC WORKS OR CONFORMANCE WITH DEVELOPMENT, PRIVATE CONSTRUCTION PROJECTS AS PROVIDED BY THE DEVELOPER'S CONFORMANCE ASSOCIATION.
 - STREET FRAMES ON PUBLIC STREETS SHALL BE CONSTRUCTED IN ACCORDANCE WITH METRO PUBLIC WORKS STANDARDS AND SPECIFICATIONS.
 - THE CITY SHALL BE THE OWNER OF AND MAINTENANCE RESPONSIBILITY FOR THE PUBLIC SIDEWALK.
 - ALL WORK WITHIN THE PUBLIC RIGHT OF WAY REQUIRES AN EXCAVATION PERMIT FROM THE DEPARTMENT OF PUBLIC WORKS.
 - PROOF ROLLING OF ALL STREET SURFACES IS REQUIRED IN THE PRESENCE OF ANY PUBLIC WORKS INSPECTOR. INSPECTION OF THE ROAD CURBS IS REQUIRED PRIOR TO FINAL FINISHES IN THE PRESENCE OF THE PUBLIC WORKS INSPECTOR. THESE REQUIREMENTS ARE TO BE MADE IN WRITING IN ADVANCE.
 - STREET SIGNS ARE TO BE 36 INCH BY 36 INCH.
 - STREET SIGNS TO HAVE 6/8 INCH HIGH LETTERS ON A WHITE BACKGROUND, ALUMINUM BACK, HIGH INTENSITY REFLECTIVE.
 - ALL FINISHMENT DRAWINGS ARE TO BE DIMENSIONAL.
- METRO PLANNING NOTES:**
- THE FINAL SITE PLAN BUILDING PERMIT SITE PLAN SHALL DEPICT A MINIMUM 8 FOOT CLEAR PATH OF TRAVEL FOR PEDESTRIAN WALKWAYS INCLUDING PUBLIC SIDEWALKS AND THE LOCATION OF ALL EXISTING AND PROPOSED OBSTRUCTIONS PRIOR TO THE ISSUANCE OF USE AND OCCUPANCY PERMITS. EXISTING OBSTRUCTIONS WITHIN THE PATH OF TRAVEL SHALL BE RELOCATED TO PROVIDE A MINIMUM OF 8 FEET OF CLEAR ACCESS.
 - IF A DEVELOPER/STAKEHOLDER HAS ANY REQUIRED PERMITS OR APPROVALS FROM THE CITY PLANNING DEPARTMENT, THE PROPERTY SHALL BE SUBJECT TO THE STANDARDS, REGULATIONS AND REQUIREMENTS OF THE METRO PLANNING DEPARTMENT AS OF THE DATE OF THE APPLICABLE REQUEST OR APPLICATION.
 - MAJOR MODIFICATIONS TO THE PRELIMINARY SP PLAN MAY BE APPROVED BY THE PLANNING COMMISSION OR BY THE PERMITTING BOARD UPON ARCHITECTURAL, ENGINEERING OR SITE DESIGN AND ACTUAL SITE CONDITIONS. ALL MODIFICATIONS SHALL BE CONSISTENT WITH THE REGULATIONS AND OBJECTIVES OF THE APPROVED PLAN. MODIFICATIONS SHALL NOT BE PERMITTED THROUGH AN ORDINANCE APPROVED BY METRO COUNCIL THAT INCREASES THE PERMITTED DENSITY OR FLOOR AREA, ADDS USES NOT OTHERWISE PERMITTED, OR IMPOSES SPECIFIC CONDITIONS OR REQUIREMENTS CONTAINED IN THE PLAN AS ADOPTED THROUGH THE EXISTING ORDINANCE ON ANY DEVELOPMENT ACTING AS A CONDITION OF PERMIT OR APPROVAL.
 - THE FINAL SITE PLAN BUILDING PERMIT SITE PLAN SHALL DEPICT THE REQUIRED PUBLIC SIDEWALKS AND REQUIRED GRASS STRIP OR FRONTAGE ZONE AND THE LOCATION OF ALL EXISTING AND PROPOSED VERTICAL OBSTRUCTIONS WITHIN THE REQUIRED SIDEWALK AND GRASS STRIP OR FRONTAGE ZONE. PRIOR TO THE ISSUANCE OF USE AND OCCUPANCY PERMITS, EXISTING VERTICAL OBSTRUCTIONS SHALL BE RELOCATED OUTSIDE OF THE REQUIRED SIDEWALK. VERTICAL OBSTRUCTIONS ARE ONLY PERMITTED WITHIN THE REQUIRED GRASS STRIP OR FRONTAGE ZONE.



PARKING REQUIREMENTS

REQUIREMENT	SPACES
GENERAL OFFICE SPACE (1/3 FLOOR AREA LESS 3' OF EXEMPT)	1
ADA SPACE REQUIRED	1
ADA SPACES PROVIDED	1
RESIDENTIAL	
U.S. SPACES/UNIT	15
REDUCTIONS	
TRANSIT (10%)	-1
PEDESTRIAN (10%)	-1
TOTAL SPACES REQUIRED	14
TOTAL SPACES PROVIDED	28

PROPOSED GRASS STRIP OR FRONTAGE ZONE (SEE SPECIFICATIONS)

811 Know what's below. Call before you dig. 811 www.call811.com

OWNER
TONQUE DEVELOPMENT GROUP
801 AVINA COURT
GREENSBORO, TN 37072

SURVEYOR & ENGINEER
DBS & ASSOCIATES ENGINEERS
2200 ROSA PARKS BLVD
NASHVILLE, TN 37203

PERMIT COMPLIANCE NOTE:
ALL DEVELOPMENT WITHIN THE BOUNDARIES OF THIS PLAN MEETS THE REQUIREMENTS OF THE APPLICABLE CITY ORDINANCES AND THE FEDERAL AND STATE ACTS. FOR MORE INFORMATION, VISIT THE U.S. AGENCY FOR INTERNATIONAL TRADE AND COMMERCE (U.S. ITC) WEBSITE: <http://www.usitc.gov/office/industry/01>

SWGR #
Sewer #

DBS & ASSOCIATES ENGINEERS
95 White Bridge Road
Suite 250
Nashville, TN 37205
Phone: 615.944.4718
www.dbs-engineers.com

GLENROSE & HESTER
SITE AND SURFACE MATERIALS
353-355 GLENROSE AVENUE, NASHVILLE
DAVIDSON COUNTY, TENNESSEE

REVISIONS

DRAWN BY: --
CHECKED BY: --
C 2.00

From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: District 17 stances for Nov. 1
Date: Monday, October 29, 2018 7:59:02 AM

From: Sledge, Colby (Council Member)
Sent: Friday, October 26, 2018 4:05 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Subject: District 17 stances for Nov. 1

BZA members,

Good Friday afternoon! Below are my stances on District 17 items before you on Thursday, Nov. 1. Thank you, as always, for your service.

- I **oppose** a request for a variance to build front loading garages at 1704 Carvell Ave. (2018-522)
- I **oppose** a sidewalk variance request at 353 Glenrose Ave. (2018-575)
- I am **neutral** on a short-term rental permit appeal at 1067 B 2nd Ave S., as there appeared to be some sort of paperwork mixup. (2018-514)
- I **support** a short-term rental permit appeal at 14 A Garden St., as the owners contacted me and have neighbor support. (2018-581)

Thanks again,

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



Appellant: Shawn Hackett Date: 9/13/18
Property Owner: Shawn Hackett Case #: 2018- 576
Representative: Shawn Hackett Map & Parcel: 161080C00200C0

Council District 27

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

Purpose: to construct a single family residence

Activity Type: _____

Location: 5209 Green Leaf Dr

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: Variance from sidewalks requesting not to pay or build

Section(s): 17.12.120

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.

Shawn Hackett
Appellant Name (Please Print)

Representative Name (Please Print)

5228 Wilmar Dr.
Address

Address

Nashville, TN 37220
City, State, Zip Code

City, State, Zip Code

615-300-3467
Phone Number

Phone Number

shawnhackett@gmail.com
Email

Email

Appeal Fee: 100.00

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you, as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

There are not any existing sidewalks anywhere on Brewer Drive or Green Leaf Drive, so sidewalks would not be consistent with the neighborhood.

Plus, the deep drainage ditches at the street would not be conducive to side walks and would be cost prohibitive if it remains a requirement. So the home could not be built, due to the cost of sidewalks.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

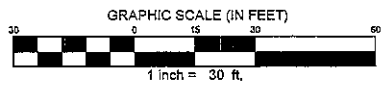
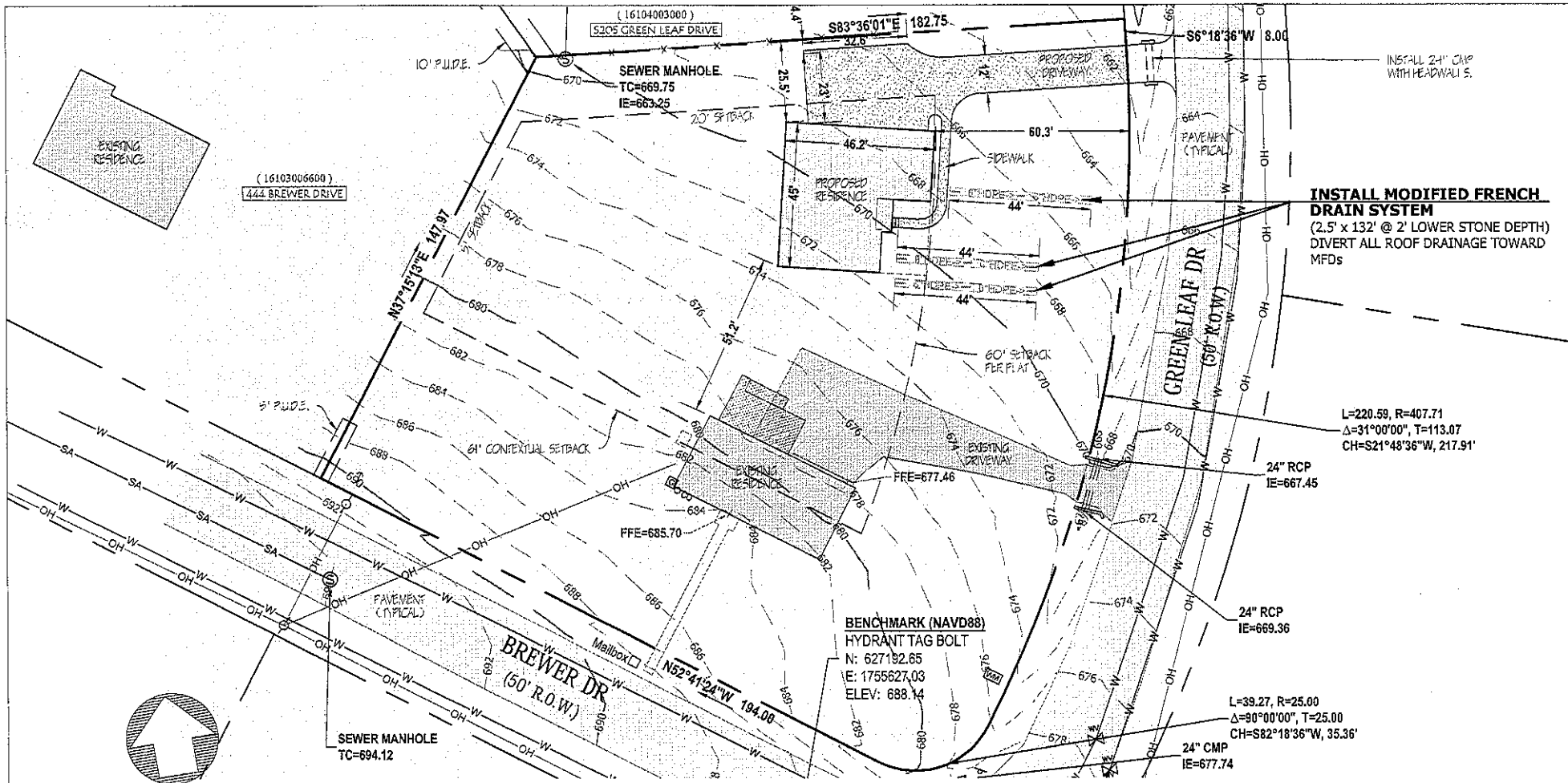
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

APPELLANT

DATE




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



Site Plan
442 Brewer Drive
Nashville, Davidson County, Tennessee

Sheet No.
V-2.1

Case #2018-576

PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-576 (5209 Green Leaf Drive)

Metro Standard:	Brewer Drive – 6’ grass strip, 6’ sidewalk, as defined by the Major and Collector Street Plan
	Green Leaf Drive – 4’ grass strip, 5’ sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not construct sidewalks; not contribute in-lieu of construction (eligible)
Zoning:	R10
Community Plan Policy:	T3 NM (Suburban Neighborhood Maintenance)
MCSP Street Designation:	Brewer Drive – T3-R-CA2 Green Leaf Drive - Local Street
Transit:	None existing; none planned
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant proposes constructing a new single family home on the property and requests not to construct sidewalks or contribute in lieu, due to lack of connecting sidewalks and storm water implications.

Planning evaluated the following factors for the variance request:

- (1) No sidewalks currently exist on Brewer Drive or Green Leaf Avenue, however, Metro Public Works has two currently planned capital sidewalk projects for Brewer Drive. The capital sidewalk project to the east of Green Leaf Avenue is currently in design for the north side of Brewer Drive. The capital sidewalk project that traverses this parcel is currently identified as planned.
- (2) Metro Stormwater has indicated that the existing ditch on the Green Leaf Avenue frontage is not atypical for residential areas, and does not present a unique hardship for sidewalk construction.
- (3) Dedicating right-of-way on Brewer Drive will enable Metro Public Works to complete a sidewalk project connecting the property to Nolensville Pike.

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

1. The applicant shall construct sidewalks along the Green Leaf Avenue frontage per the Local Street standard.
2. The applicant shall dedicate right-of-way for the Brewer Drive frontage for future capital sidewalk construction per Public Works guidance.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: Jeffrey KELLAR Date: 9-17-18
Property Owner: Metropolitan Teachers Credit Union Case #: 2018-577
Representative: Jeffrey KELLAR Map & Parcel: 08115060700

Council District 19

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

Purpose: to construct a new ground sign

Activity Type: Sign

Location: 1605 Jefferson St.

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: Variance from front setback requirements

Section(s): 17.32.070 B

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.

Jeffrey KELLAR
Appellant Name (Please Print)

Representative Name (Please Print)

1605 Jefferson St
Address

Address

Nashville, TN. 37208
City, State, Zip Code

City, State, Zip Code

615-319-8721
Phone Number

Phone Number

jekellar01@gmail.com
Email

Email

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**



3559745

**ZONING BOARD APPEAL / CAAZ - 20180058892
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 08115060700

APPLICATION DATE: 09/17/2018

SITE ADDRESS:

1605 JEFFERSON ST NASHVILLE, TN 37208
LOT 3 ANDREW HARDING

PARCEL OWNER: METROPOLITAN TEACHERS CREDIT UNIO

CONTRACTOR:

APPLICANT:**PURPOSE:**

SIGN PERMIT FOR CREDIT UNION....THIS IS THE ONLY GROUND SIGN ON THIS PROPERTY.

- 1...FRONT SETBACK MIN 15' asking for a 5' setback
- 2....SIDE SETBACK MIN 2'.
- 3...HT AT 5.5'.
- 4....SIZE AT 4'X5'...MONUMENT TYPE SIGN.
- 5.....ILLUMINATION BY SPOT LIGHT.

DENIED:

REQUIRED FRONT SETBACK MI 15'.
REQUEST A 5' FRONT SETBACK
FOR A VARIANCE OF 10'.
17.32.070 B.

*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.

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

We are asking for a 5 foot variance for the construction of a new sign.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

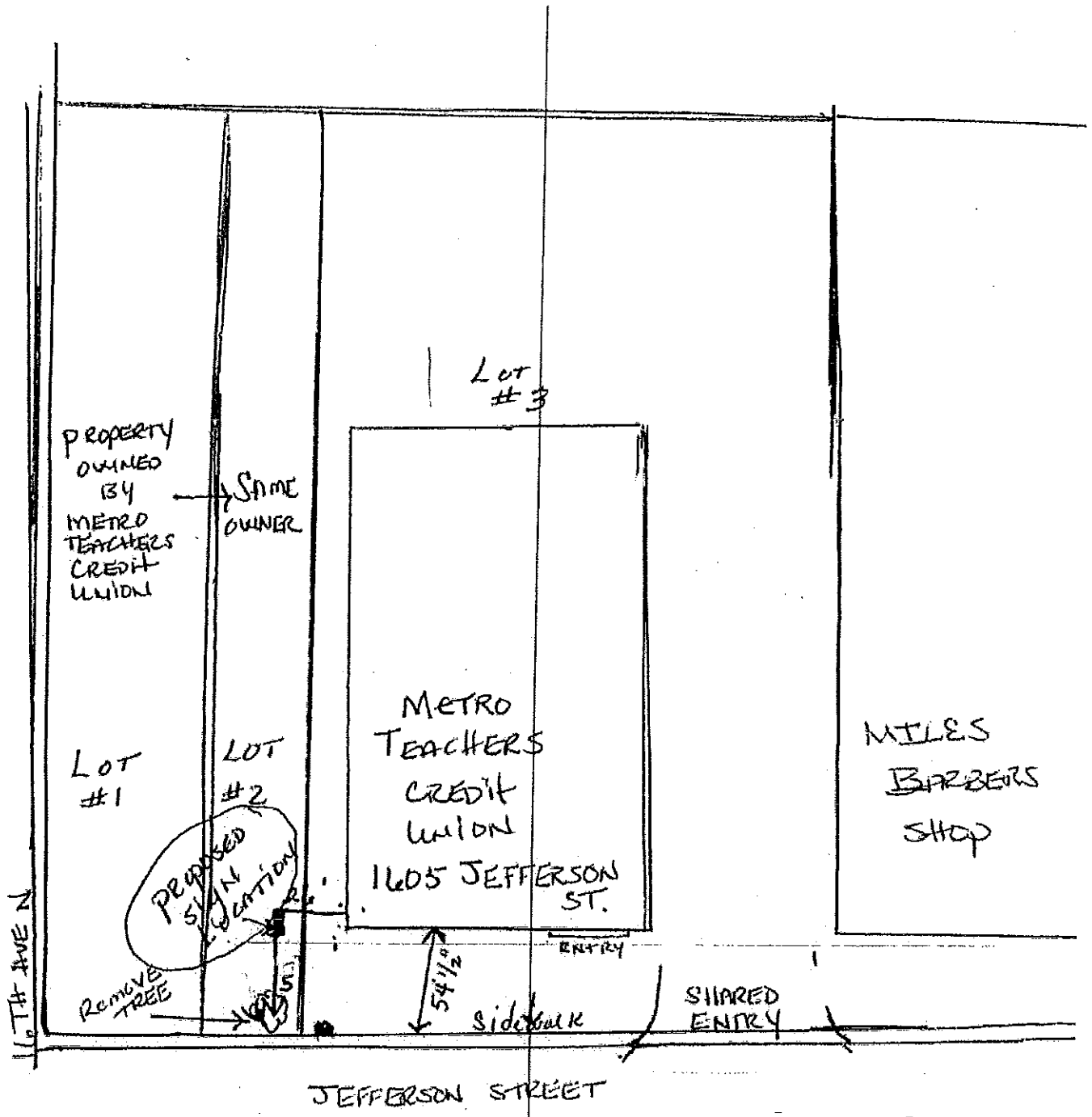
I am aware that I am responsible for posting and also removing the sign(s) after the public hearing.



 APPLICANT

9/17/2018

 DATE

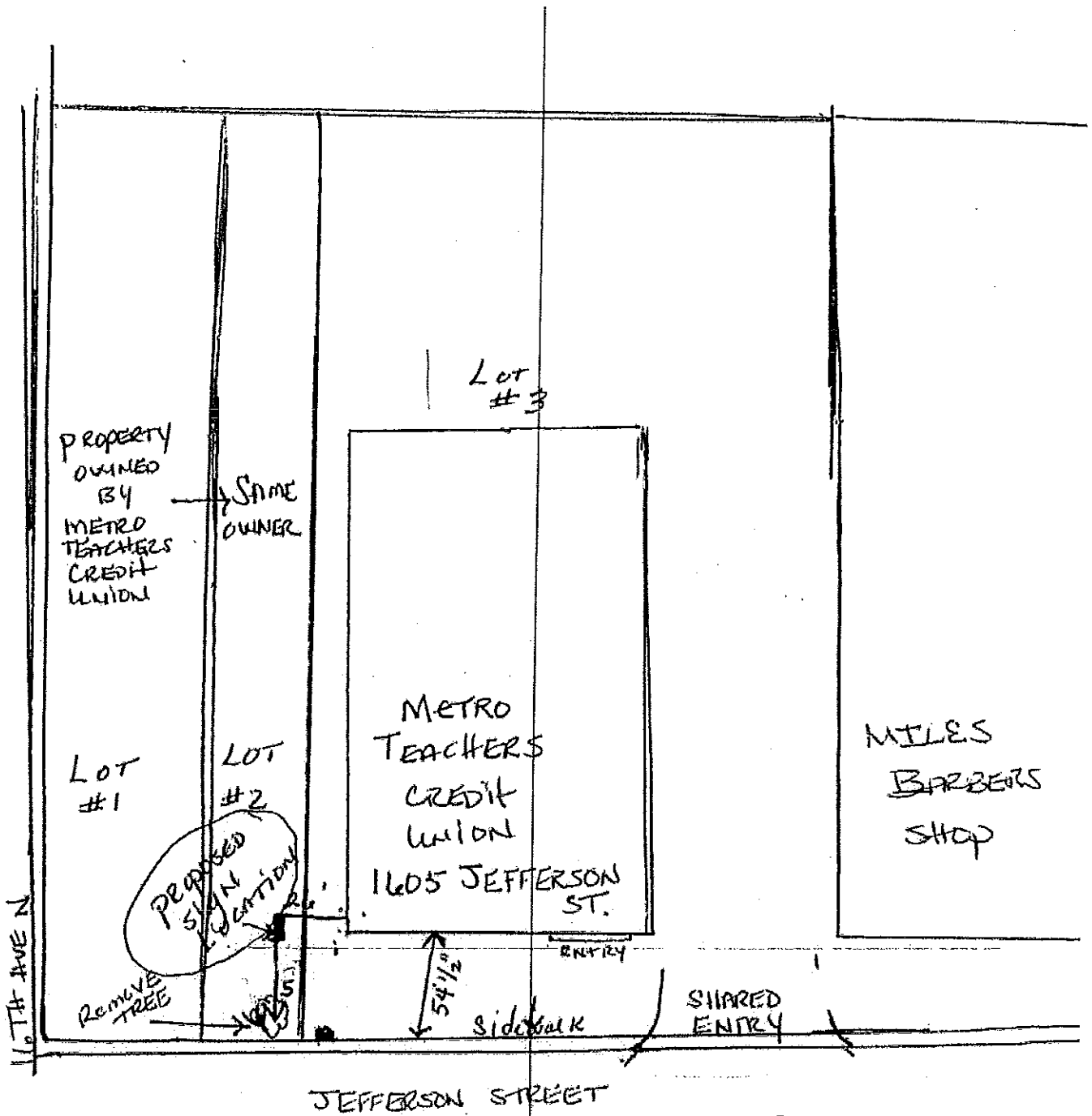


Ms. Shephard - Zoning Appeals

Parker Brown - MDTA

?

Zoning Appeals



Ms. Shephard - Zoning Appeals

Parker Brown - MDTA

?

Zoning Appeals

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Robert Berry
Property Owner: Robert Berry
Representative: Robert Berry

Date: 9-17-18
Case #: 2018-578
Map & Parcel: 53-16-312

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: Requesting 16' front setback. Minimum front setback based on average is 31.7'

Activity Type: New Construction - Single Family

Location: 138 Bay Ave

This property is in the RS15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Does not meet minimum front setback

Section(s): 12.12.030 (B) 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.

Robert Berry
Appellant Name (Please Print)

Same
Representative Name (Please Print)

201 De West Dr.
Address

Address

Mant Juliet TN, 37122
City, State, Zip Code

City, State, Zip Code

65-481-6304
Phone Number

Phone Number

Blake@teamwilsonfn.com
Email

Email

Appeal Fee: \$100.00



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



3559749

ZONING BOARD APPEAL / CAAZ - 20180058894
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 05316031200

APPLICATION DATE: 09/17/2018

SITE ADDRESS:

138 RAY AVE OLD HICKORY, TN 37138
LOT 2 TOM SAPIENZA & HELEN BELSKY PARTITION PLAT

PARCEL OWNER: BERRY, ROBERT

CONTRACTOR:

APPLICANT:

PURPOSE:

requesting front setback reduction. minimum front setback of 31.7' per average, requesting 16' front setback. a reduction of 15.7'

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

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

Current set back would not allow house to be built.
We wish to mirror the neighboring house so
it can be built. Need 16' set back on front.

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 envelopes, seal the envelopes, and apply first class postage. These neighbor notices must be delivered to Zoning staff at least twenty-three (23) days before the public hearing. Additionally, you will be responsible for purchasing, posting, and removing the red Zoning Appeal signs for the subject property. (See attached Metro Code of Laws requirements regarding sign placement.)

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Any 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.

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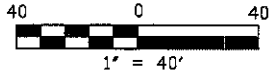
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

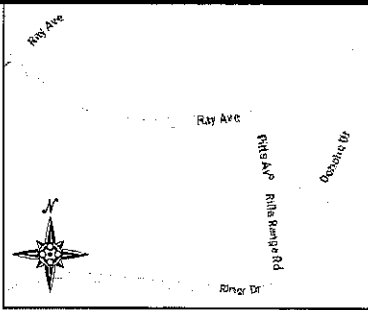

APPLICANT

9-17-18
DATE

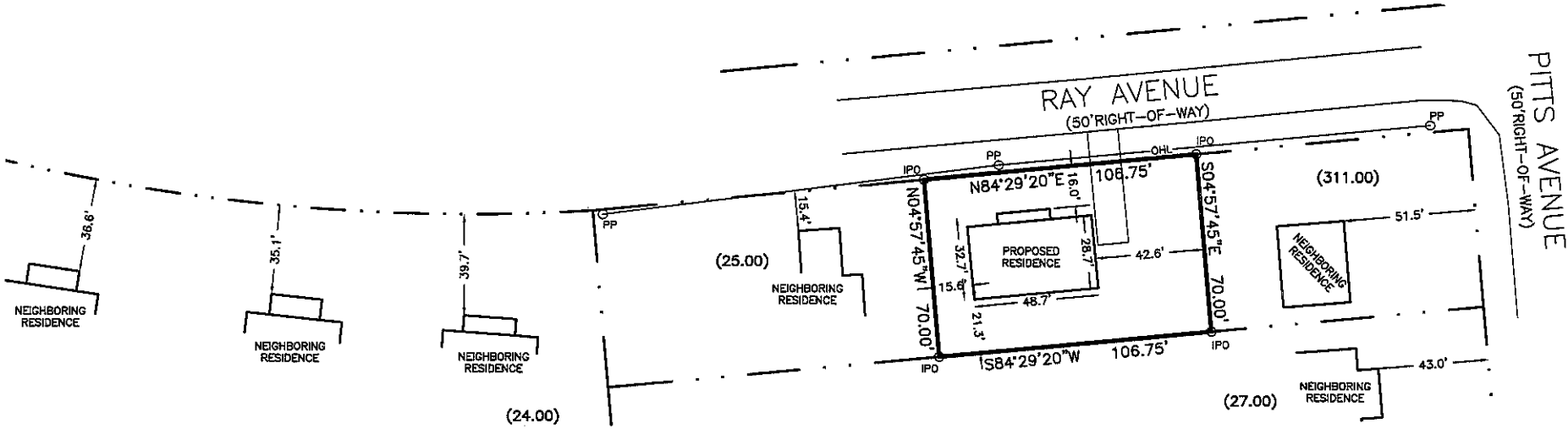


IMPERVIOUS SURFACE CALCULATIONS
 PRE-CONSTRUCTION: 0 SQ.FT. +/-
 POST-CONSTRUCTION: 1860 SQ.FT. +/-

TOTAL AREA:
 7,472 SQ.FT. +/-
 OR 0.17 AC. +/-



VICINITY MAP: NOT TO SCALE



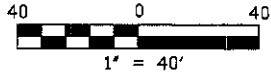
PROPERTY INFO:
 OWNER: ROBERT BERRY
 DB: 20180713 0068363, R.O.D.C.



APALS
 AGEES PROFESSIONAL
 LAND SURVEYING, LLC
 1221 S. HARTMANN DR. STE. F
 LEBANON, TN 37090
 615.887.1371
 becuagee1@gmail.com

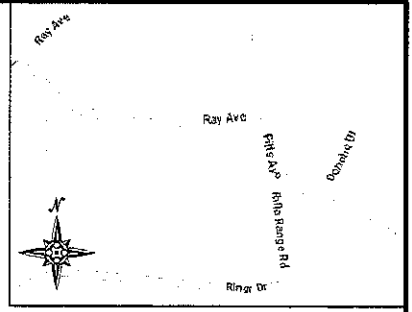
PLOT PLAN EXHIBIT
138 RAY AVENUE
OLD HICKORY, TN 37138
MAP 53-16, PARCEL 312.00
 11TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
 DATE: AUGUST 16, 2018 JOB # 18-0814-A1193
 REVISED: SEPTEMBER 7, 2018

Case #2018-578

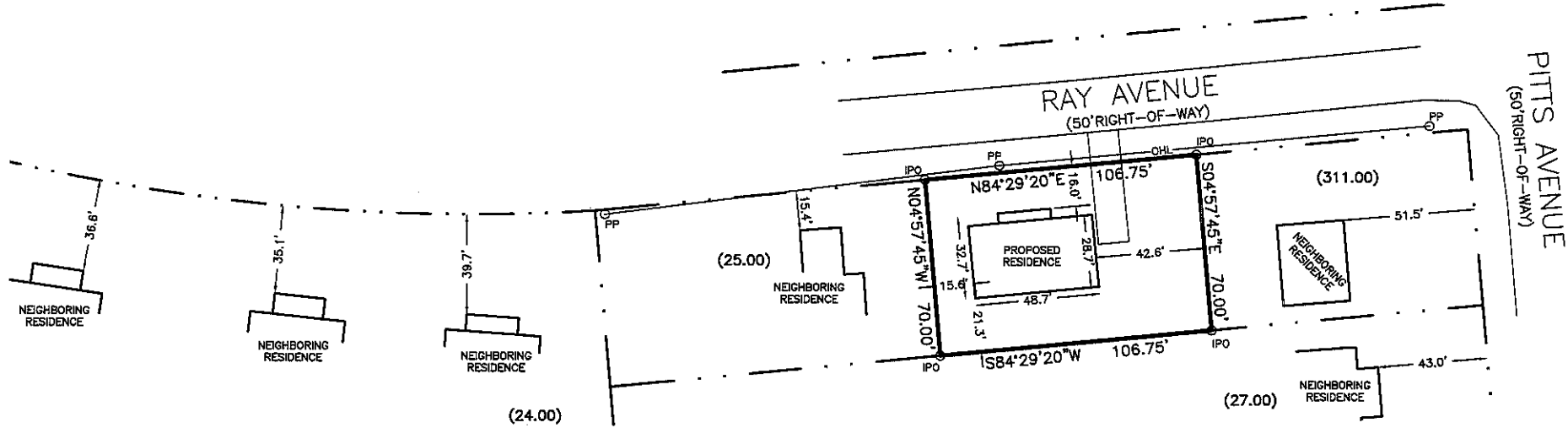


IMPERVIOUS SURFACE CALCULATIONS
 PRE-CONSTRUCTION: 0 SQ.FT. +/-
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 OR 0.17 AC. +/-



VICINITY MAP: NOT TO SCALE



PROPERTY INFO:
 OWNER: ROBERT BERRY
 DB: 20180713 0068363, R.O.D.C.

PLOT PLAN EXHIBIT
138 RAY AVENUE
OLD HICKORY, TN 37138
MAP 53-16, PARCEL 312.00

11TH COUNCIL DISTRICT of DAVIDSON COUNTY, TN
DATE: AUGUST 16, 2018 JOB # 18-0814-A1193
REVISED: SEPTEMBER 7, 2018



APALS
 AGE E PROFESSIONAL
 LAND SURVEYING, LLC
 1221 S. HARTMANN DR. STE. F
 LEBANON, TN 37090
 615.887.1371
 beauagee1@gmail.com

Case #2018-578

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant: Kirk McConnell
Property Owner: Kirk McConnell
Representative: Kirk McConnell

Date: 9/17/18
Case #: 2018- 579
Map & Parcel: 083060V0020000

Council District 06

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

Purpose:

TO CONSTRUCT A SINGLE
FAMILY RESIDENCE.
2ND UNIT OF HPR DUPLEX PROPERTY.

Activity Type: NEW RESIDENTIAL CONSTRUCTION

Location: 551 N 20TH ST

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: VARIANCE TO 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 _____ 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.

Kirk McConnell
Appellant Name (Please Print)

Representative Name (Please Print)

551 N 20th St
Address

Address

Nashville, TN 37206
City, State, Zip Code

City, State, Zip Code

404-993-5928
Phone Number

Phone Number

trevor@mcconnellcustom
homes.com
Email

Email

Appeal Fee:

We are requesting variance to eliminate or reduce the requirement for the sidewalk ordinance at 1912 Truett Ave. There are a few aspects that create hardships that are specific to our small piece of land at 551 N 20th Street, which is the small back half of an HPR.

1. Topography

- a. The topography on the 20th street side of the lot has a 3+ foot elevation drop from house foundation.
- b. The width of road is approximate 15 feet wide.
- c. Several utilities will be affected.
 1. Storm water
 2. Power pole
 3. Fire hydrant

2. Storm Water/Hardship not self-imposed

- a. Stormwater catch basin located at the corner of 20th Street and alley adjacent to property would have to be reengineered, not only on our property, but also on the property South and East of property, which incorporates homes built recently and would therefore be detrimental to the neighborhood.
- b. Complete reengineering of 20th Street widening/utilities/grading is necessary if sidewalk improvement is implemented. Both sides of road.
- c. There are several hardships that would occur with the drop in elevation including flooding of the road due to the slope and grade.
- d. Curb/gutter/catch basins

3. Unique Characteristics

- a. Surrounding area of new homes within a ½ mile radius/no sidewalks
- b. Constructions of a sidewalk in front of property would look peculiar/odd since sidewalks are not prevalent to other properties in the general area.

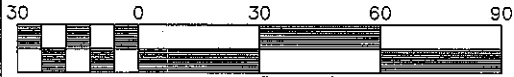
We have provided photos of the slope and grade as well as photos of the surrounding areas of the home to provide a good understanding the difficulty enforcing this ordinance.

We believe that a feasible solution to the variance would be to install the sidewalk on Truett Avenue and eliminate the sidewalk on 20th Street because of the hardships stated above.

We also agree with the masterplan for Nashville and understand its importance, but there needs to be some reasonable thought involved.

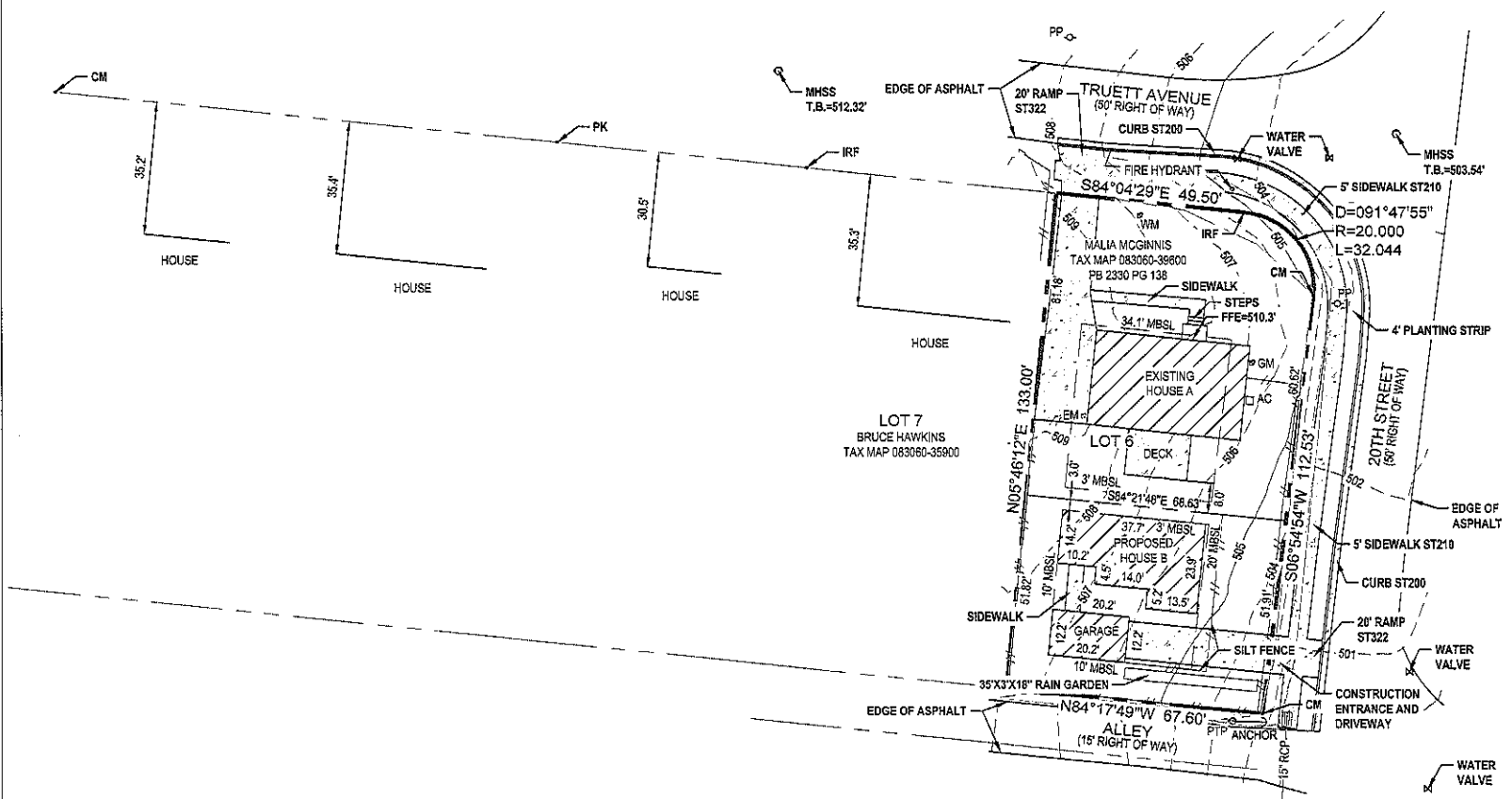
Thank you again for your time and consideration in review of this variance.

Trevor McConnell
Kirk McConnell
McConnell Custom Homes/Coal Mountain Builders



DRAWN BY : KSL
 DATE: 02/20/18
 REV: 08/29/16
 JOB #

SITE PLAN
1912 TRUETT AVENUE
 TAX MAP 083060-35900
 NASHVILLE, TENNESSEE



IMPERVIOUS TABLE	
EXISTING: BUILDING	0 SQ. FT.
DRIVEWAYS	0 SQ. FT.
SIDEWALK/MISC.	0 SQ. FT.
TOTAL	0 SQ. FT.
PROPOSED: BUILDING	976 SQ. FT.
DRIVEWAYS	380 SQ. FT.
SIDEWALK/MISC.	50 SQ. FT.
TOTAL	1406 SQ. FT.
NET GAIN	1406 SQ. FT.

CERTIFICATION OF SURVEY ACCURACY
 I (WE) HEREBY CERTIFY THAT TO THE BEST OF MY (OUR) KNOWLEDGE AND BELIEF THIS IS A TRUE AND ACCURATE SURVEY OF THE PROPERTY SHOWN HEREON THAT THIS A CATEGORY "1" LAND SURVEY AS DEFINED IN TITLE 62, CHAPTER 18, TENNESSEE CODE ANNOTATED, AND THAT THE RATIO OF PRECISION IS GREATER THAN OR EQUAL TO 1:10,000.



02/20/18
 DATE NAME STEVEN D. DELLE

Delle Land Surveying
 1104 Partridge Road
 Ashford, Tennessee 37015
 (615) 642-9146

SHEET 1 OF 2













STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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 2.8, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

See attached letter

APPLICATIONS FOR VARIANCE REQUESTS

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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.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

9/17/14
DATE

To: Metropolitan Government Zoning Department

Date: 10/23/18

Re:

- Appeal Case Number: 2018-579
- 551 N. 20th St.
- Map Parcel: 083060V00200CO
- Zoning Classification: R6
- Council District: 6

I am writing in firm opposition of the Zoning Appeal Case Number 2018-579 for a sidewalk variance. The thing most lacking in our neighborhood is sidewalks and to allow a new construction to not fulfill this is a terrible precedent; all new construction should have sidewalks and the infill / connection will hopefully soon follow.

The building at this address is already almost fully framed so they absolutely knew where the building would be in relation to the requirement – it was their choice to build what is the largest/tallest house possible on a lot that used to be simply a backyard.

Again, I am firmly in opposition of this request.

Sincerely,

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

Marie Winget
409 Bushnell St.
Nashville, TN 37206

From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: Case 2018-579 for property located at 551 N 20th Street / 1912 Truett Ave
Date: Monday, October 29, 2018 10:41:52 AM

From: Withers, Brett (Council Member)
Sent: Monday, October 29, 2018 10:17 AM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Cc: Michael, Jon (Codes) <Jon.Michael@nashville.gov>; Trevor McConnell <tlmcccon@gmail.com>
Subject: Case 2018-579 for property located at 551 N 20th Street / 1912 Truett Ave

Members of the Board of Zoning Appeals:

Case number 2018-579 on this week's agenda for property located at 551 N 20th Street / 1912 Truett Ave in District 6 is a sidewalk variance appeal. An earlier appeal had been brought forward for this property by a previous appellant seeking neither to construct sidewalks nor to contribute to the in-lieu fund for the permit to construct a new second home on this duplex-eligible parcel. At the time I had raised the issue of heavy pedestrian traffic in this area which is a concern because there are no sidewalks present and the streets are unusually narrow. That appeal failed.

In this case a new appellant is bringing an appeal for the same property, which is a corner lot on which an HPR has been established to construct a new home on the N 20th Street frontage behind an existing home that faces Truett Ave.

I was able to speak with the appellant over the weekend. It is becoming common for sidewalk variance hearings on corner lots to apply the sidewalk requirements to the lot frontage, which in this case would be the linear feet along Truett, and not along the side length of the property, which in this case would be the N 20th Street frontage which the new house faces. The appellant has suggested to me that a similar consideration for applying sidewalk requirements only to the lot frontage is acceptable.

Constructing a new sidewalk along only a portion of the N 20th Street frontage in front of the new home would not be logical, as there would only be a sidewalk in the middle portion of a parcel and not on the corner. Similarly, constructing new sidewalks along the Truett frontage could be difficult in this case and would require obtaining temporary construction or other easements from the owner of the existing house that faces Truett. The appellant would be somewhat dependent on another homeowner agreeing to easement requests in order to

construct the sidewalk along Truett.

I did not find a staff recommendation for this case in your packet. My recommendation under these circumstances is that the appellant who is constructing a new home along the N 20th Street frontage of the parcel be allowed to contribute to the in-lieu fund for an amount equal to the linear feet of the Truett Ave frontage of the parcel. This in-lieu fund assessment is consistent with the manner in which other corner lots have been assessed in several cases.

Thank you for your consideration.

Brett A. Withers

Metro Council, District 6

615.427.5946 | Facebook.com/ Brett A. Withers | twitter.com/@brettawithers

Sent via iPhone

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: SAMUEL A. GRAY Date: 9-17-18
Property Owner: JOHN + MICHELLE MATYSIACK Case #: 2018-582
Representative: JOHN + MICHELLE MATYSIACK Map & Parcel: 06111022700

Council District 07

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 16 FT x 20 FT
CARPORT ADDITION TO SIDE OF
EXISTING SINGLE FAMILY HOME.

Activity Type: RESIDENTIAL ADDITION

Location: 1125 GREENLAND AVE

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: VARIANCE

Section(s): 17.12.020A

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

SAMUEL A. GRAY
Appellant Name (Please Print)

JOHN + MICHELLE MATYSIACK
Representative Name (Please Print)

700 BAKER RD
Address

~~1125~~ 515 NORTH 175T
Address

COLUMBIA, TN 38401
City, State, Zip Code

NASHVILLE, TN 37206
City, State, Zip Code

615-727-4088
Phone Number

310-570-8765 / 310-795-7070
Phone Number

SAMUELA.GRAY@GMAIL.COM
Email

JFINEMICHELLE@GMAIL.COM
Email

Appeal Fee: _____



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



3560066

**ZONING BOARD APPEAL / CAAZ - 20180059051
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 06111022700

APPLICATION DATE: 09/17/2018

SITE ADDRESS:

1125 GREENLAND AVE NASHVILLE, TN 37216
PT LOT 15 GREENLAND SUB

PARCEL OWNER: MATYSIAK, JOHN & MICHELLE

CONTRACTOR:

APPLICANT:**PURPOSE:**

Site Plan rejected, does not meet 5 ft minimum side setback as required per 17.12.020A .

BZA Appeal requesting a Variance from 5 ft required side setback, requesting a 3 ft side setback.

To construct a 16 ft x 20 ft attached carport addition to side of Existing Single Family Residence. Minimum 5 ft side and 29 ft rear setbacks. Must conform with all easements. Maximum building coverage on total parcel not to exceed 40%..... 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.

*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**



3560048

**APPLICATION FOR BUILDING RESIDENTIAL - ADDITION / CARA - T2018059040
THIS IS NOT A PERMIT**

PARCEL: 06111022700

APPLICATION DATE: 09/17/2018

SITE ADDRESS:

1125 GREENLAND AVE NASHVILLE, TN 37216
PT LOT 15 GREENLAND SUB

PARCEL OWNER: MATYSIAK, JOHN & MICHELLE

APPLICANT:**PURPOSE:**

Site Plan rejected, does not meet 5 ft minimum side setback as required per 17.12.020A .

BZA Appeal requesting a Variance from 5 ft required side setback, requesting a 3 ft side setback.

To construct a 16 ft x 20 ft attached carport addition to side of Existing Single Family Residence. Minimum 5 ft side and 29 ft rear setbacks. Must conform with all easements. Maximum building coverage on total parcel not to exceed 40%.... 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.

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

[A] Site Plan Review	REJECTED	(615) 862-4138 Lisa.Butler@nashville.gov
[D] Grading Plan Review For Bldg App		(615) 862-6038 Logan.Bowman@nashville.gov
[A] Zoning Review		
CA - Zoning Sidewalk Requirement Review		
[B] Fire Life Safety Review On Bldg App		862-5230
[A] Bond & License Review On Bldg App		

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

THE CURRENT SET BACK DOES NOT ALLOW FOR SUFFICIENT SPACE FOR VEHICLE TO PARK UNDER ROOF W/ STAIRS ON HOME

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 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 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 a hearing until complete.

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

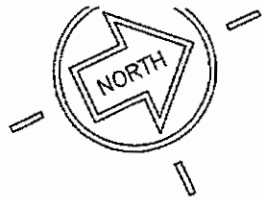
We hope that this information will be of help to you in understanding the variance procedure and if our office can be of further assistance, please do not hesitate to contact us.

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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


APPELLANT

9/17/2018
DATE

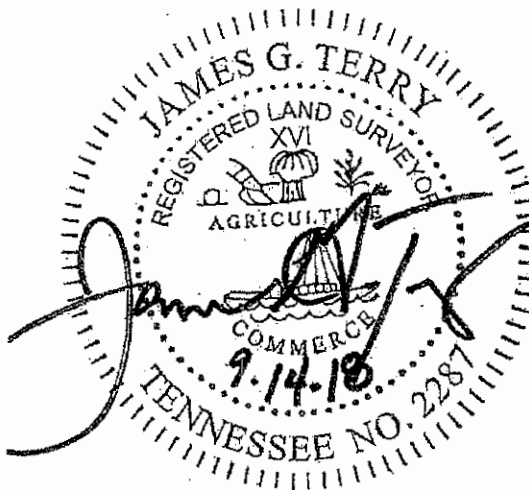


MAGNETIC NORTH



GRAPHIC SCALE

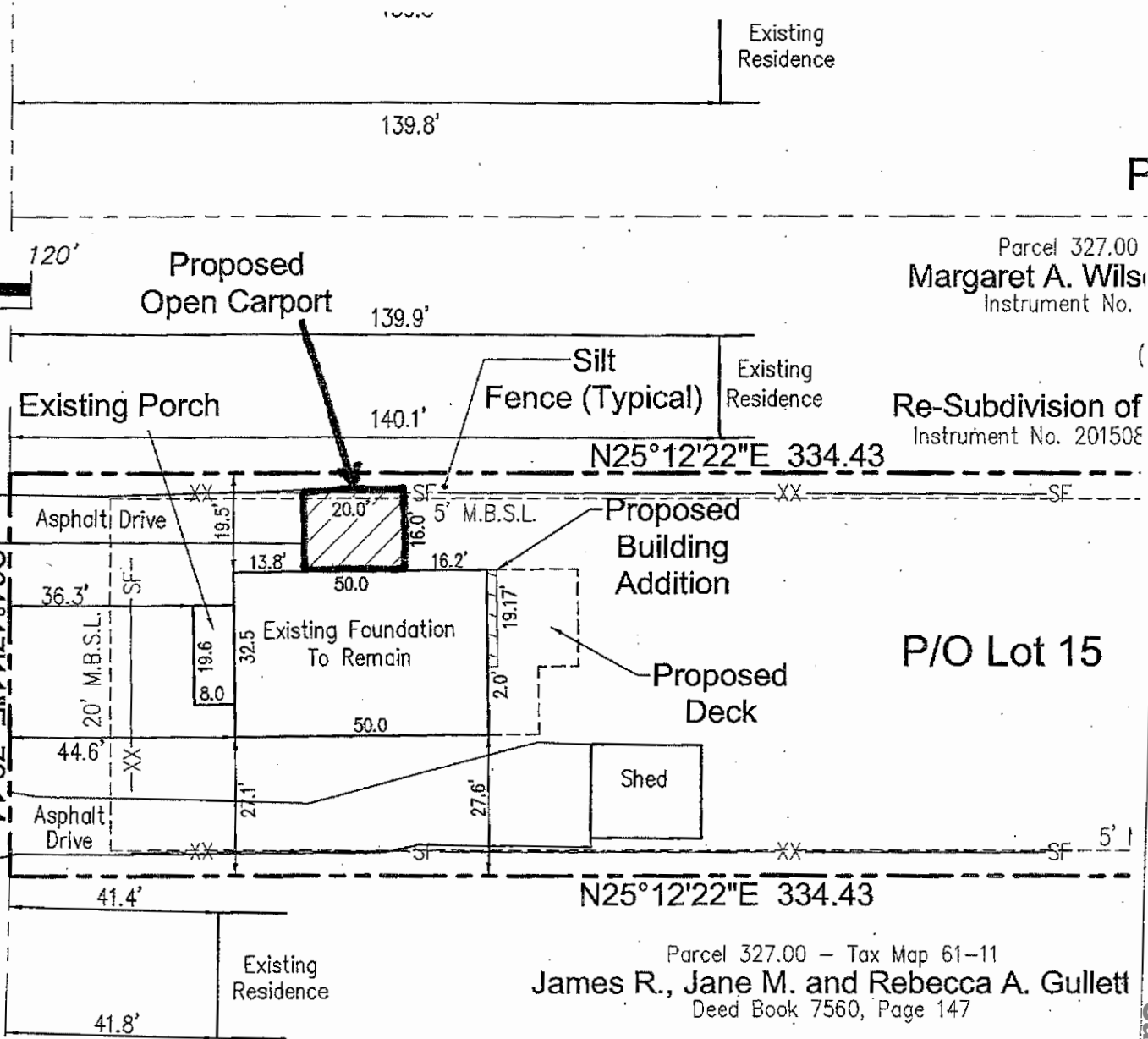
GREENLAND AVENUE



CURRENT ZONING: RS10

PROPERTY LOCATED

ix Map 61-11, Parcel 227.00
318 11th Avenue North



Parcel 327.00
Margaret A. Wils
Instrument No.

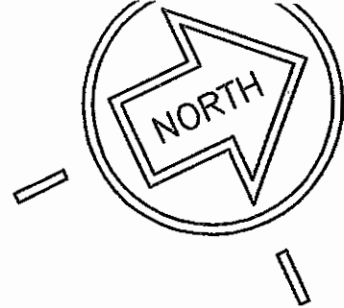
Re-Subdivision of
Instrument No. 201508

P/O Lot 15

Parcel 327.00 - Tax Map 61-11
James R., Jane M. and Rebecca A. Gullett
Deed Book 7560, Page 147

P/O Lots 15 & 17
Plan of the Greenland Tract
Book 421 Page 40

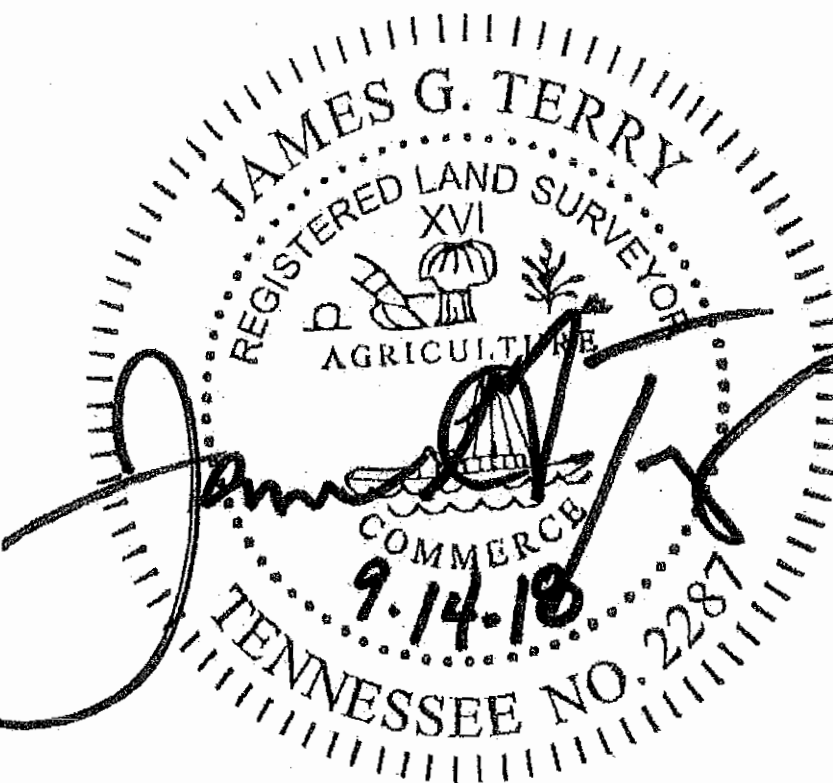
Case #2018-582



MAGNETIC NORTH

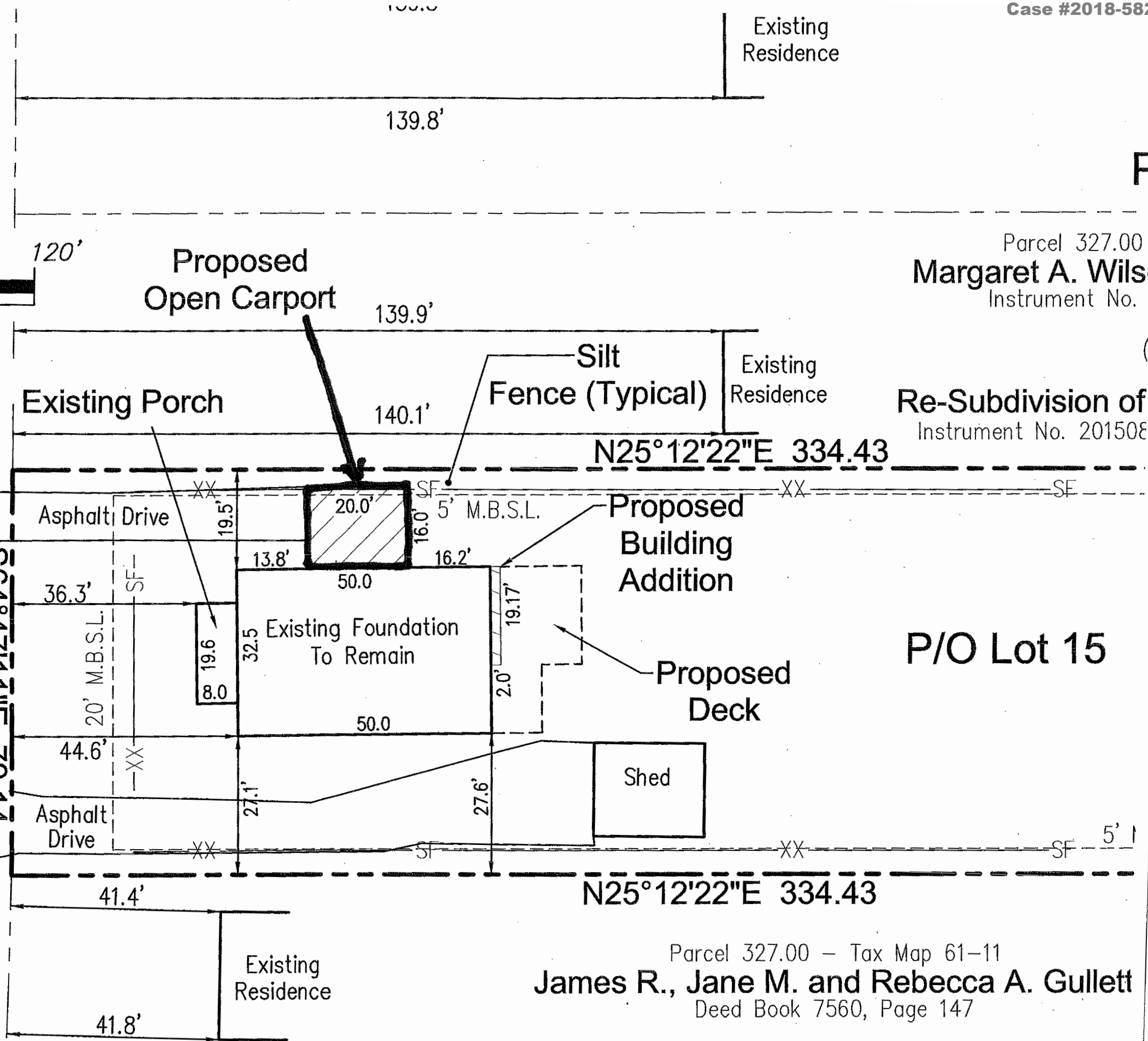


GRAPHIC SCALE



GREENLAND AVENUE

S64°47'11"E 79.14'



Parcel 327.00
Margaret A. Wils
Instrument No.

Re-Subdivision of
Instrument No. 201508

P/O Lot 15

Parcel 327.00 - Tax Map 61-11
James R., Jane M. and Rebecca A. Gullett
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Plan of the Greenland Tract

CURRENT ZONING: RS10

PROPERTY LOCATED

Parcel 227.00
318 11th Avenue North

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210



Appellant: GORDON SIEBERT
Property Owner: GORDON SIEBERT
Representative: GORDON SIEBERT

Date: 9-5-18
Case #: 2018-585
Map & Parcel: 11612012300

Council District 34

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

Purpose: TO CONSTRUCT 36 FT x 24 FT (864 SQ FT)
DETACHED GARAGE

Activity Type: RESIDENTIAL CONSTRUCTION

Location: 3817 ABBOTT MARTIN RD.

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

Reason: VARIANCE TO PARKING REQUIREMENTS

Section(s): 17.20.060D

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection RS20 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.

GORDON SIEBERT
Appellant Name (Please Print)

SAME
Representative Name (Please Print)

3817 ABBOTT MARTIN RD
Address

Address

NASHVILLE, TN 37215
City, State, Zip Code

City, State, Zip Code

650-399-5433
Phone Number

Phone Number

GORDON.SIEBERT@GMAIL.COM
Email

Email

Appeal Fee: _____



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



3556197

ZONING BOARD APPEAL / CAAZ - 20180056607
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 11612012300

APPLICATION DATE: 09/05/2018

SITE ADDRESS:

3817 ABBOTT MARTIN RD NASHVILLE, TN 37215
S W CORNER OF ABBOTT MARTIN RD AND DORCAS DRIVE

PARCEL OWNER: SIEBERT, ESTHER F. & GORDON S.

CONTRACTOR:

APPLICANT:**PURPOSE:**

Site Plan rejected does not meet 20 ft parking requirement per 17.20.060D on Dorcas Drive.
BZA Appeal requesting a reduction from 20 ft requirement to a 10 ft requirement per 17.20.060D.

To construct a 36ft x 24 ft (864sq ft) detached garage to rear of property, behind existing house. Minimum 10 ft building setback and 20 ft garage door setback (17.20.060D) from Dorcas Drive and 20 ft minimum rear setback. Must conform to all easements. Restrictive Covenant required prior to any trade authorization. 1. Acknowledges applying for this self building permit in own name, & will act as own contractor accepting full responsibility for code compliance, for hiring & employing individuals & has ultimate responsibility for my own work & for the work of others. Acting as my own general contractor, I further understand that I may forfeit certain protections, which might be available to me through the State of Tenn general contractor's licensing process. I further acknowledge that as a self

*Before a Use and Occupancy Letter can be issued for this project, the following approvals are required.
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There are currently no required inspections

Inspection requirements may change due to changes during construction.

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

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SEE ATTACHED LETTER

APPLICATIONS FOR VARIANCE REQUESTS

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METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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APPELLANT

9/17/18
DATE

**Gordon & Esther Siebert
3817 Abbott Martin Road
Nashville, TN 37215**

RE: ZONING BOARD APPEAL CAAZ 20180056607

To the Honorable Members of the Metropolitan Board of Zoning Appeal

We, the Appellants who own and reside at 3817 Abbott Martin Road respectfully request that our property be granted a variance to allow garage doors for our proposed garage to be placed no less than 10' from the property line fronting the side street, Dorcas Drive, rather than the 20' as stated in the Municipal Code, Parking section 17.20.060D.

Our request is based on the desire to be able to construct the garage so that all of its three bays are readily accessible from Dorcas Drive and that the garage itself does not so deeply intrude into the rear yard of our property so as to significantly interfere with our quiet enjoyment of the view from our master bedroom.

Esther Siebert has suffered from Myalgic Encephalomyelitis/Chronic Fatigue Syndrome for over thirty years and is largely house-bound. Her sense of freedom is heavily dependent upon being able to not feel trapped in our house. To that end, we recently remodeled our master bedroom to install a 6' picture window and 6' patio doors at the southwest corner of the bedroom. These openings act together to give Esther a feeling of relief from some of her symptoms and that important sense of freedom by being able to look into our backyard. If the garage doors, and therefore the front of the garage, had to be set an additional 10' farther back from Dorcas Drive, our view to the south from our master bedroom would be blocked, more impervious surface would need to be constructed and more earth would be disturbed. We believe that the following facts support our request and meet a number of the standards required for the Board to find in favor of the Appeal.

Attached are the 4 page set of plans Attachment A), 4 photographs taken from Dorcas Drive with a key showing where they were taken (B), supporting petition from our neighbors who were home and able to be contacted (C) and a copy of a message from our Council member (D) which we relied upon that our plans were OK.

Under the Standards for a Variance, the following evidence is presented:

Physical characteristics

See Attachments A and B

1. Dorcas Drive is a side street to our property and is partially improved as a 14 foot wide paved access. Although shown on property maps as a through street, adjacent to our property it extends about three-quarters of the way from Abbott Martin Road, and ends in a grassy area. It is a cul-de-sac and is not connected to the remainder of Dorcas Drive to the south. It is one of the rare partially improved streets in the Green Hills area. **B-2**
2. Our house is the only single family house on this portion of Dorcas Drive; the two houses on the other side of Dorcas Drive are part of a condominium development. Both houses access their garages from Dorcas Drive, as we propose to do. **B-3**
3. Dorcas Drive slopes upward from Abbott Martin Road; in the portion fronting our proposed garage the elevation rises about 4 to 5 feet. It would be impractical to access the garage from its upper, southern side end as the ground is about 4 feet higher than the garage floor. It is impractical to access the garage from its lower, northern end as there is not enough room to pull into our property and then turn into our proposed garage without doing a large amount of grading and removal of mature trees. **B-4**

**Gordon & Esther Siebert
3817 Abbott Martin Road
Nashville, TN 37215**

4. The house fronts on Abbott Martin Road, a collector street: a garage access off of Abbott Martin Road is not desirable and would detract from the view of and from the house.

Unique characteristics

1. As noted, the property is served by a side street that looks like and functions as a private driveway, to be maintained by its adjacent property owners, including us

Hardship not self-imposed

2. The slope of the lot that renders access to the garage difficult appears to be the same as existed when the house was constructed.
3. The street appears to have been only partially improved when the house was constructed, circa 1950, and does not appear to have been changed since.
4. In fact, we removed a set of patio doors that would have provided a view of the side of the proposed garage and installed a picture window as far west as possible in order to have a view of the lot landscaping. See Attachment B

Financial gain not the only basis

1. There is no financial gain to us if the variance were granted.
2. We are not adding any area to the house itself.
3. The garage is precluded from being rental quarters, a restriction which we support.

No Injury to neighboring properties.

(See Attachment C)

1. We believe that there would be no adverse impact on our neighbors if the garage doors were allowed as requested. In fact, they would face our nearest neighbor across Dorcas Drive whose garage doors also face our property. Since the side yard setback is maintained at 10 feet, we believe that the view of garage doors from Dorcas Drive is preferred to that of a blank wall.
2. We have agreed to cooperate with our southern neighbor at 3919 Dorcas Drive to install screen planting all along our common boundary.

No harm to public welfare

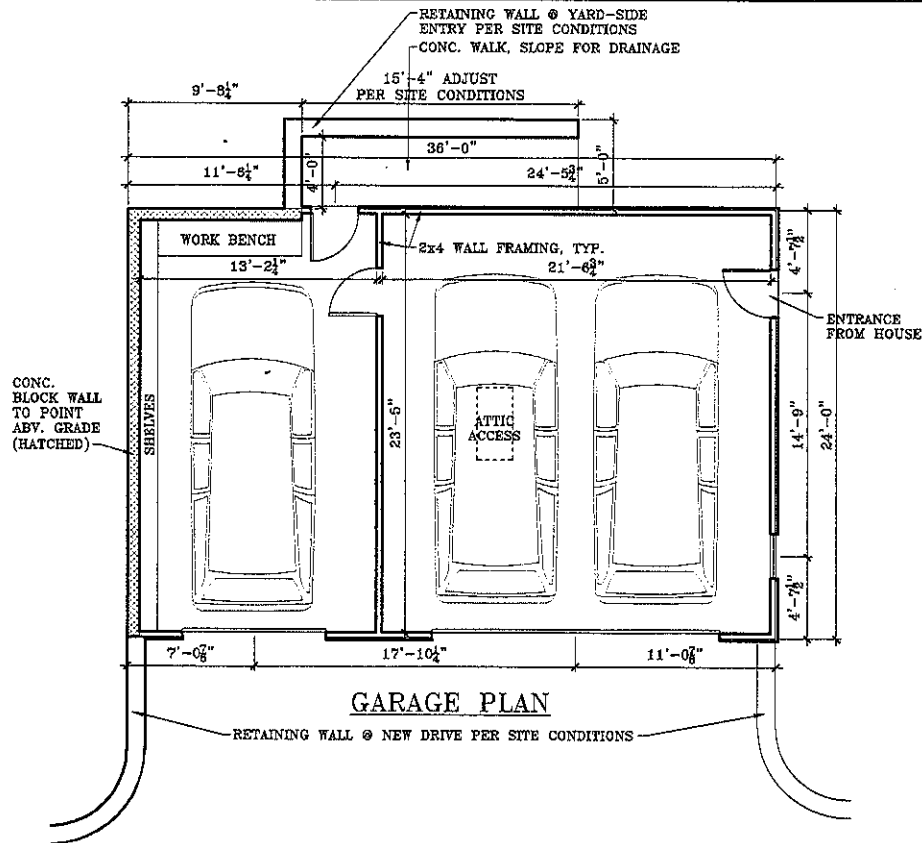
1. We have been working with our Council member since December 12, 2017 to conform to Metropolitan Codes, and received a message dated July 24, 2018 that "It looks like from the plans that they are meeting this requirement (see attachment D). Our setback conforms to the retired side yard setback, so we proceeded to have our architect finalize our plans. it seemed reasonable to assume that garage doors set to the same setback would be acceptable, and nothing was mentioned by the Zoning Administrator about the need to meet a 20 foot setback.
2. If the variance is granted, the garage doors would be at least 23 feet from the improved portion of Dorcas Drive, so even if a vehicle were parked in front of the doors, it would not block the street, nor any walk, as there are no sidewalks on this unimproved street.

Integrity of Master Plan Development

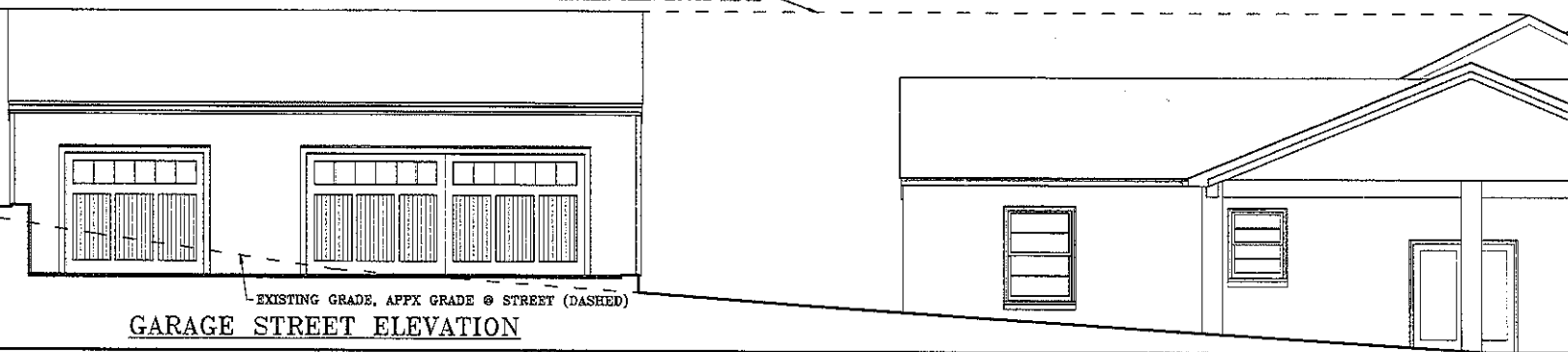
Not applicable

Gordon Siebert

Esther Siebert



ZONING ORDINANCE DOES NOT ALLOW GARAGE RIDGE TO BE HIGHER THAN HOUSE RIDGE



A-1

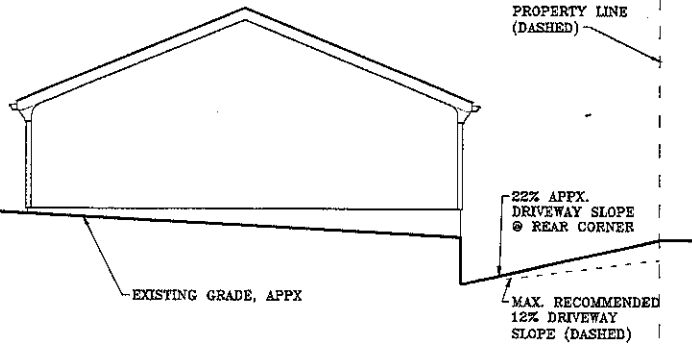
SCALE:
3/32" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

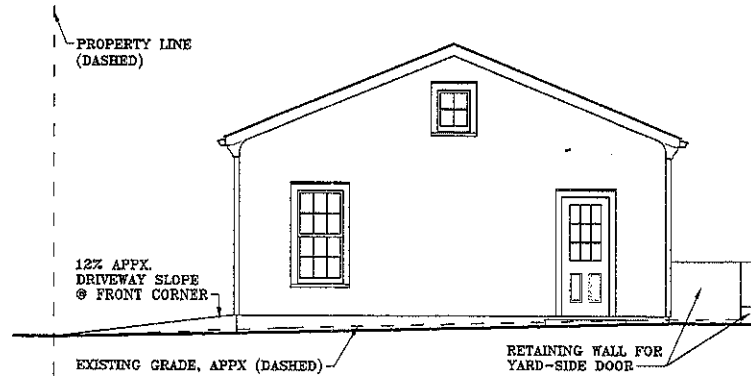
SUSAN A.B. HAGER ARCHITECTURE
(615)669-8097
www.sabhagerarchitecture.com

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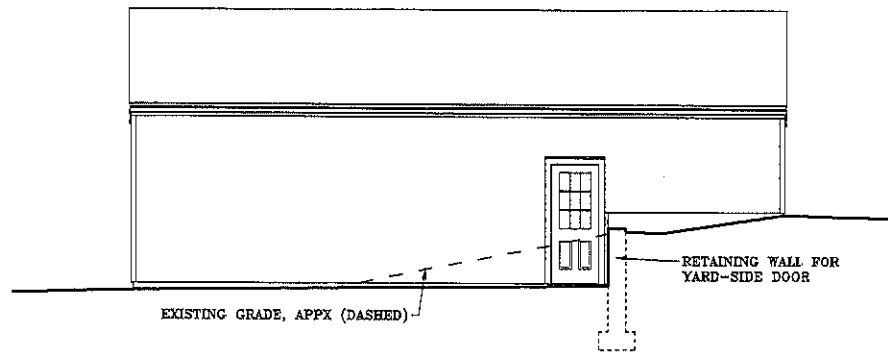
©SUSAN A.B. HAGER ARCHITECTURE 20 AUG, 2018



GARAGE REAR ELEVATION



GARAGE HOUSE-SIDE ELEVATION




GARAGE YARD-SIDE ELEVATION

A-2

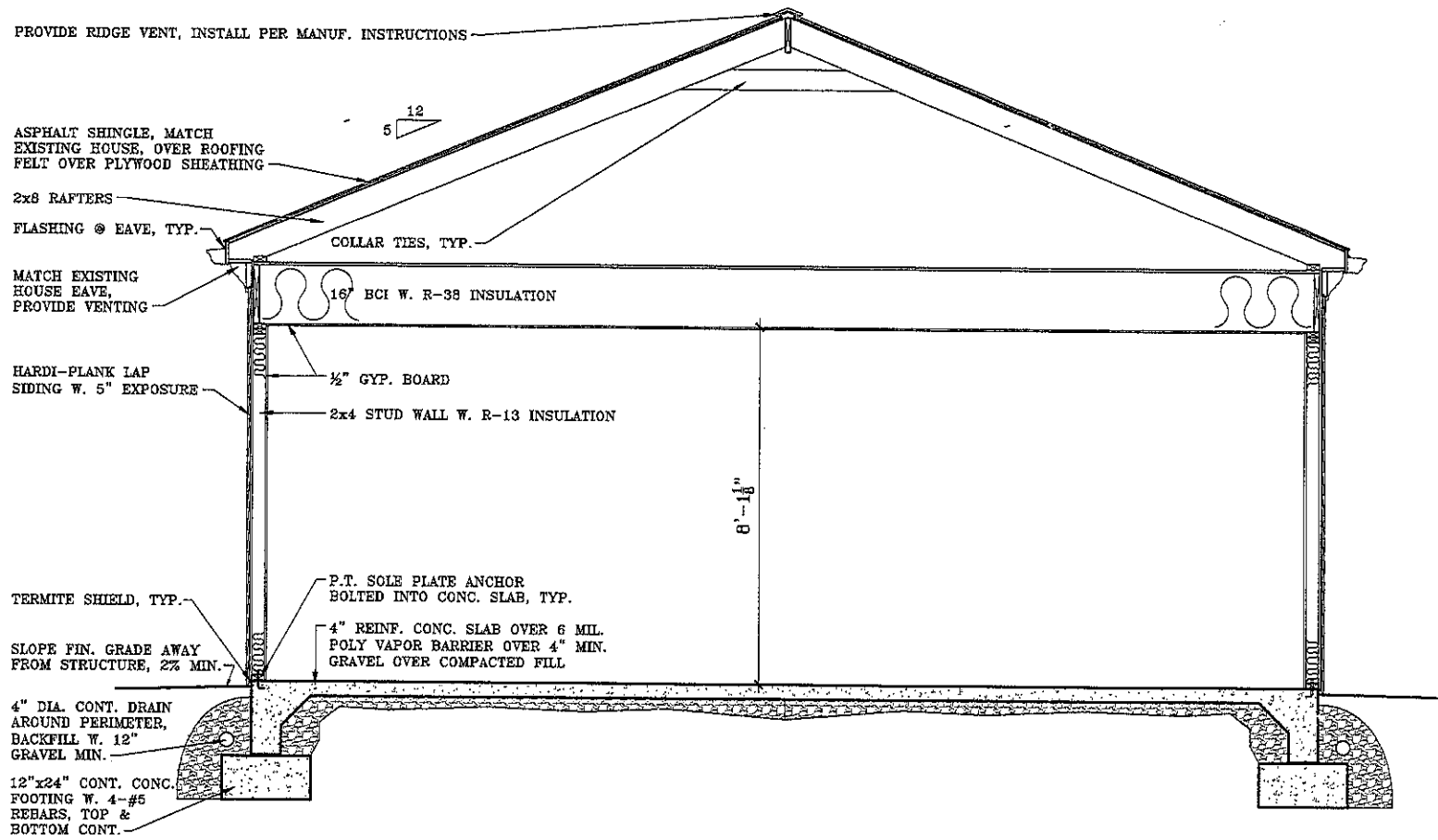
SCALE:
3/32" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

 **SUSAN A.B. HAGER ARCHITECTURE**
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GARAGE SECTION

A-3

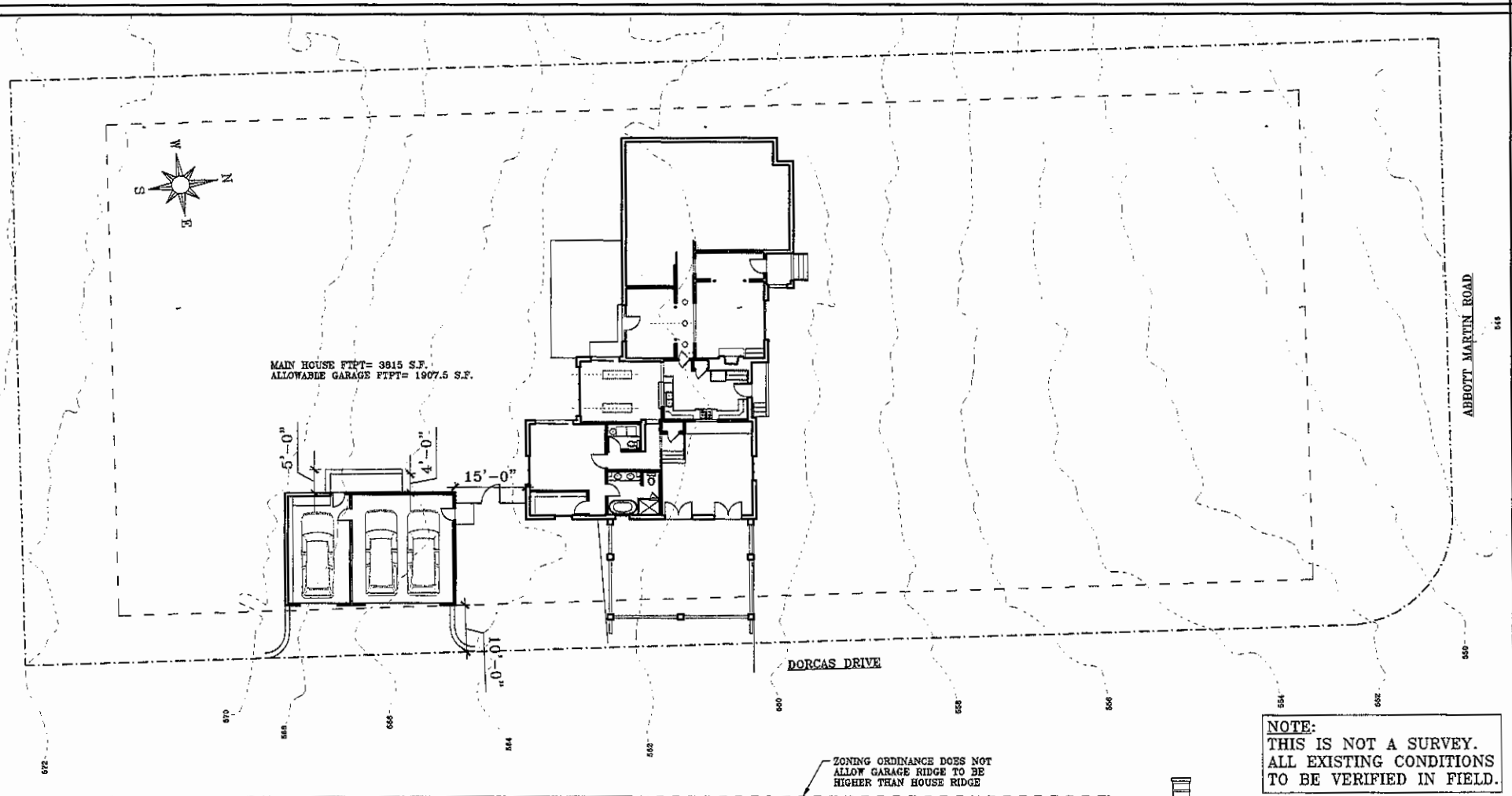
SCALE:
1/4" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

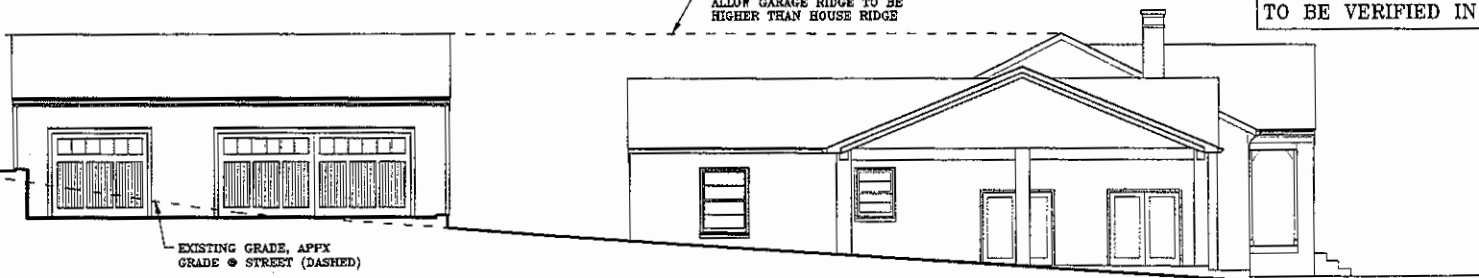
 **SUSAN A.B. HAGER ARCHITECTURE**
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NOTE:
THIS IS NOT A SURVEY.
ALL EXISTING CONDITIONS
TO BE VERIFIED IN FIELD.



EXISTING GRADE, APPX
GRADE • STREET (DASHED)

SIDE-STREET ELEVATION & SITE DIAGRAM

A-4

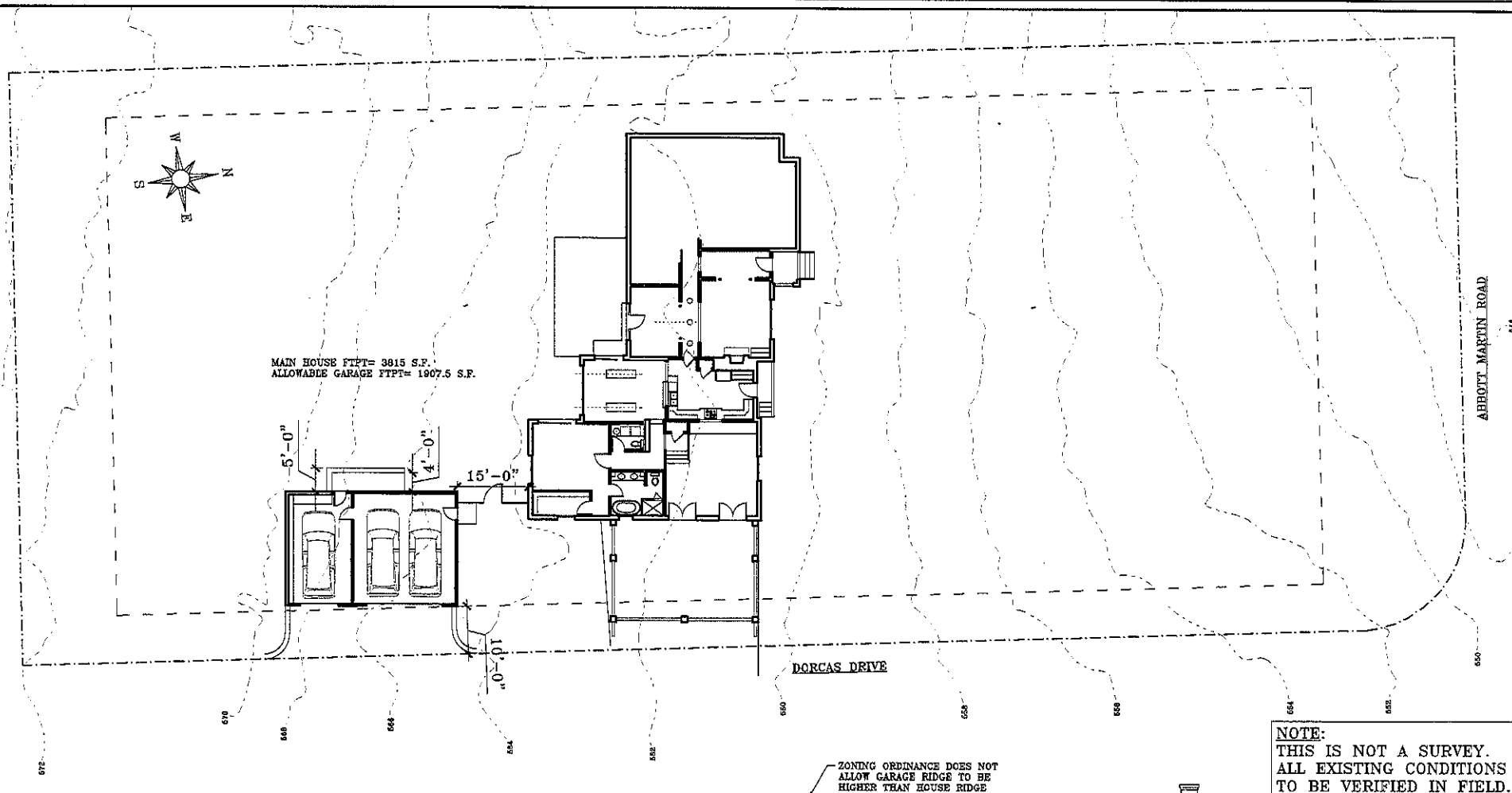
SCALE:
1/32" = 1'-0"
&
1/16" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

SUSAN A.B. HAGER ARCHITECTURE
(615)669-8097
www.sabhagerarchitecture.com

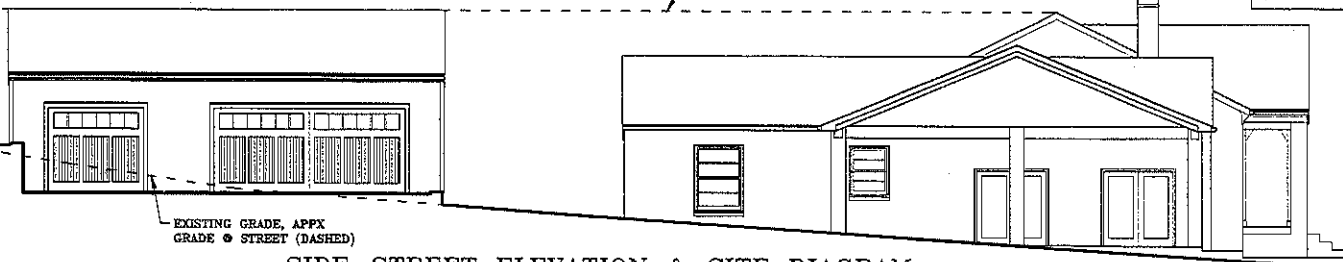
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NOTE:
THIS IS NOT A SURVEY.
ALL EXISTING CONDITIONS
TO BE VERIFIED IN FIELD.

ZONING ORDINANCE DOES NOT
ALLOW GARAGE RIDGE TO BE
HIGHER THAN HOUSE RIDGE



SIDE-STREET ELEVATION & SITE DIAGRAM

Attachment
B-1

SCALE:
1/32" = 1'-0"
&
1/16" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

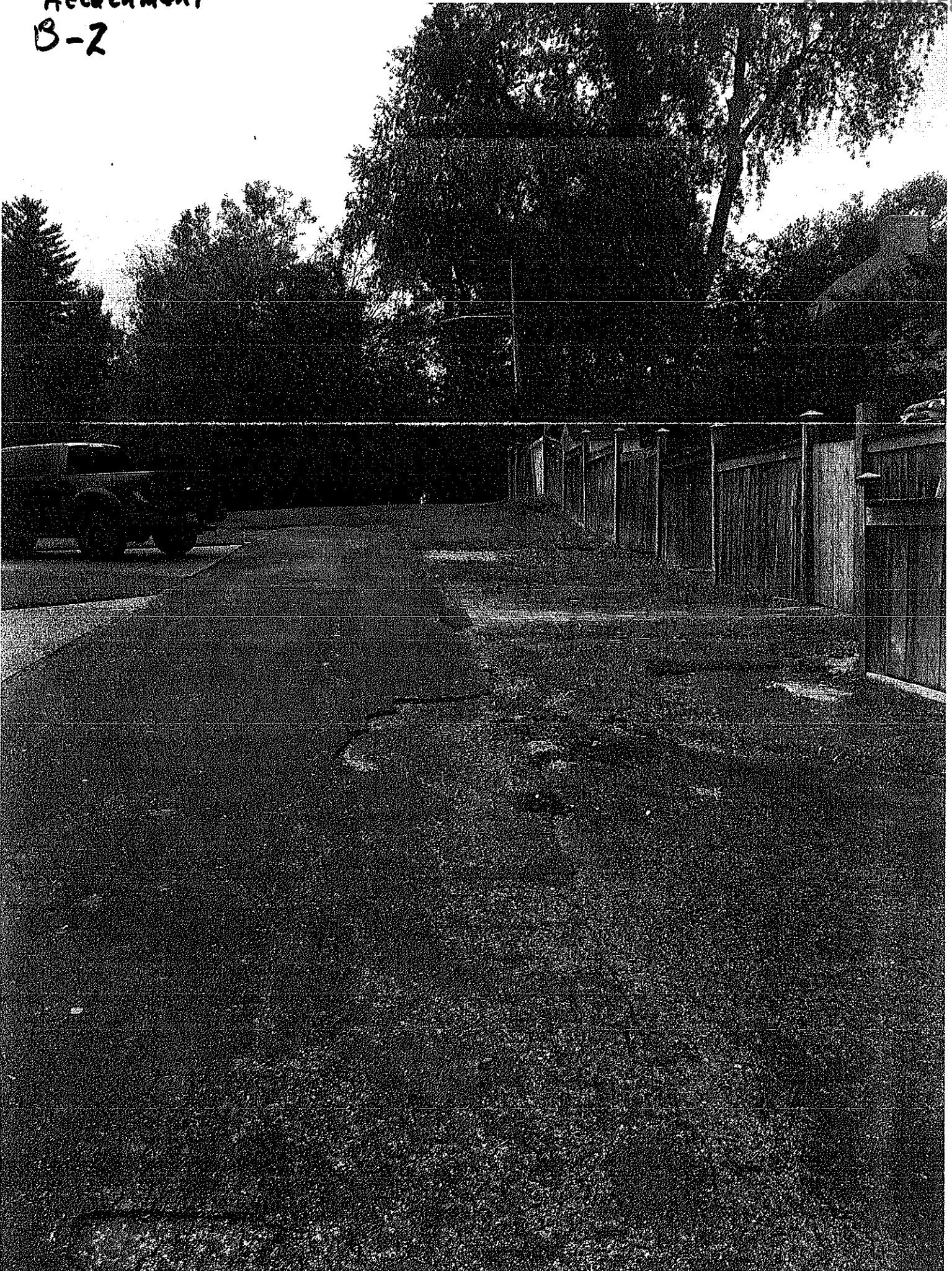
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Attachment
B-2

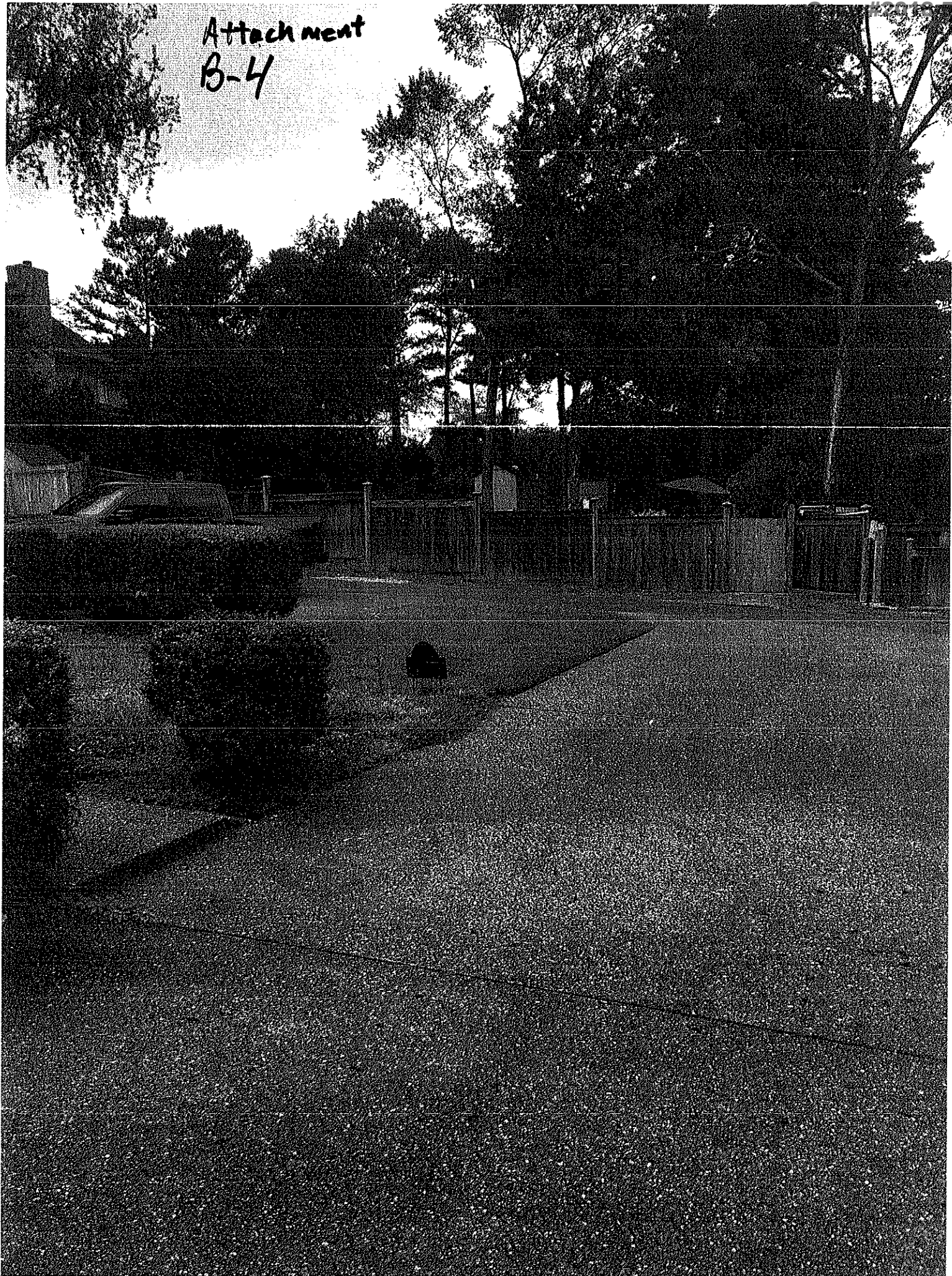
#2012-585



Attachment
B-3



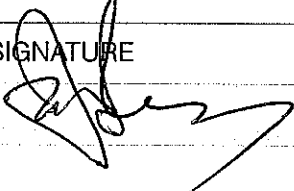

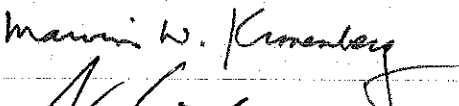



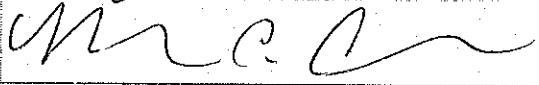
Attachment
B-4



**Gordon & Esther Siebert
3817 Abbott Martin Rd.
Nashville, TN 37215**

To the Honorable members of the Metropolitan Government of Nashville & Davidson County Board of Zoning Appeals.

We the undersigned owners of real property adjacent to and/or in the vicinity of the above referenced property do respectfully request that the Board of Zoning Appeals grant the requested variance to allow garage doors to be set back no less than ten feet (10') from the side street (Dorcas Drive) property line.

ADDRESS	NAME	SIGNATURE
3919 DORCAS DR	JOHN & BIANCA PARKER	
3921 DORCAS DR	GARY & TARA CAVAZOS	
3918 DORCAS DR	SCOTT & LESLIE MCWILLIAMS	
3815 ABBOTT MARTIN	STEVE & DINA ENRICH	
3813 ABBOTT MARTIN	MARVIN KRONENBERG	
3819 ABBOTT MARTIN	NICHOLAS WOEHRLE & REBECCA HANSEN	
3810 ABBOTT MARTIN	CHARLES BIEDERBECKE	
3812 ABBOTT MARTIN	DANIELLE KALES	
3814 ABBOTT MARTIN	BAYLOR & RICHARD RYAN SWINDELL	
3816 ABBOTT MARTIN	JOHN & CAREY PEEK	
3818 ABBOTT MARTIN	ALEXANDER & MARJORIE CURTIS	

Attachment C



From: Henderson, Angie (Council Member) Angie.Henderson@nashville.gov
Subject: Determination Fwd: Siebert, 3817 Abbott Martin Rd 07-08-18 Garage.pdf
Date: July 24, 2018 at 11:57 AM
To: Gordon Siebert gordon.siebert@gmail.com

Mr. Siebert,
Please see below.

Angie Emery Henderson,

Metro Council, District 34

Newsletter Sign-up: www.angieforcouncil.org<<http://www.angieforcouncil.org>>

www.facebook.com/angieforcouncil<<http://www.facebook.com/angieforcouncil>>

twitter: angienashville

instagram: angieforcouncil & walkablenashville

angie.henderson@nashville.gov<<mailto:angie.henderson@nashville.gov>>

615-260-5530

Sent from my iPhone

Begin forwarded message:

From: "Milligan, Lisa (Planning)" <Lisa.Milligan@nashville.gov<<mailto:Lisa.Milligan@nashville.gov>>>
Date: July 24, 2018 at 10:31:58 AM CDT
To: "Henderson, Angie (Council Member)" <Angie.Henderson@nashville.gov<<mailto:Angie.Henderson@nashville.gov>>>
Cc: "Michael, Jon (Codes)" <Jon.Michael@nashville.gov<<mailto:Jon.Michael@nashville.gov>>>
Subject: RE: Siebert, 3817 Abbott Martin Rd 07-08-18 Garage.pdf

Councilmember Henderson – Jon Michael and I took a look at this together.

This would be treated as a side yard for the purposes of setback of the accessory structure (garage). The side yard setback requirement in RS20 is 10 feet. It looks like from the plans that they are meeting this requirement.

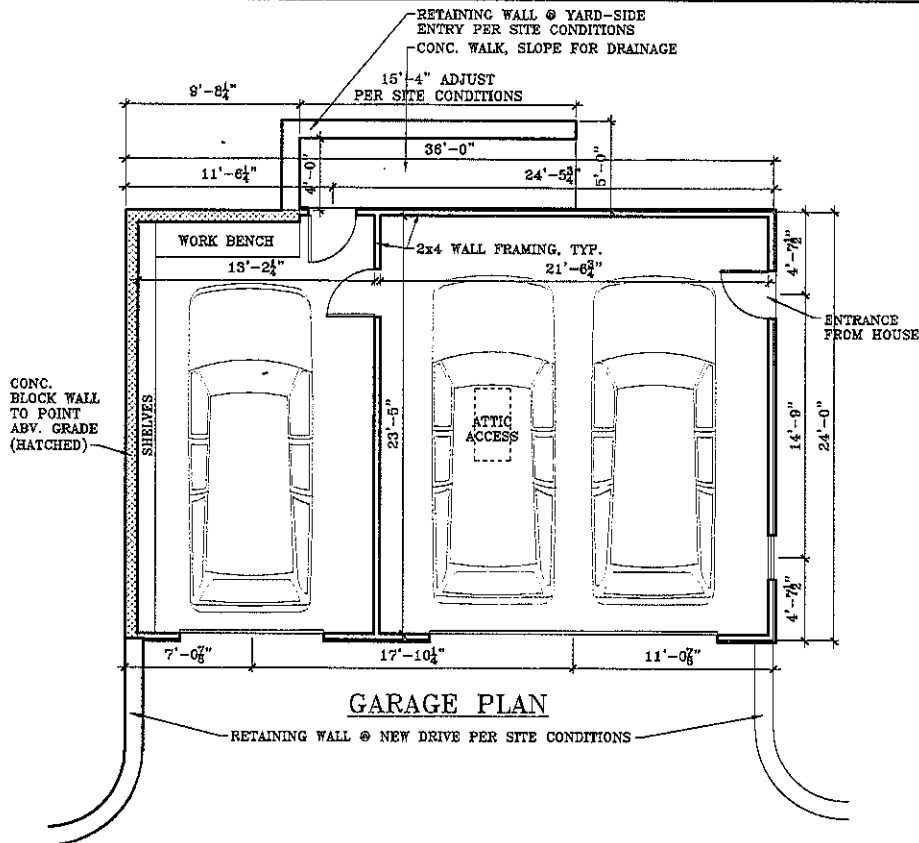
Let me know if you need anything else,
Lisa

From: Henderson, Angie (Council Member)
Sent: Monday, July 23, 2018 12:16 PM
To: Milligan, Lisa (Planning)
Subject: Siebert, 3817 Abbott Martin Rd 07-08-18 Garage.pdf

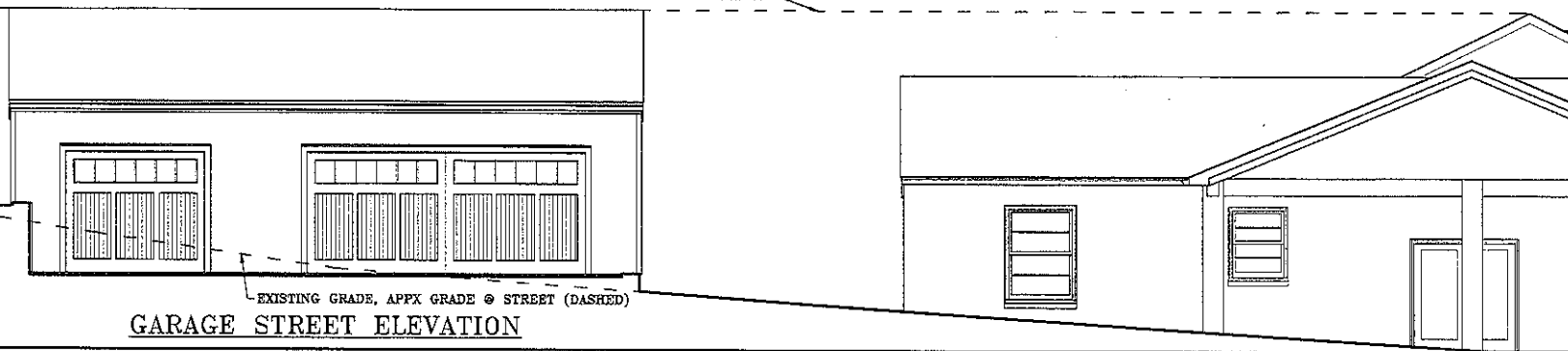
Just received this morning. Thank you.

Attachment

D



ZONING ORDINANCE DOES NOT ALLOW GARAGE RIDGE TO BE HIGHER THAN HOUSE RIDGE



A-1

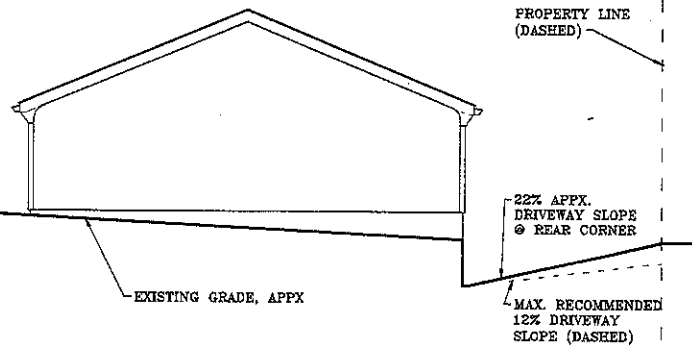
SCALE:
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SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

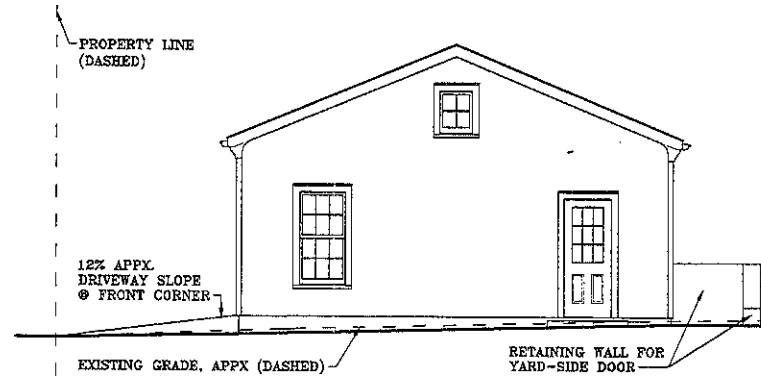
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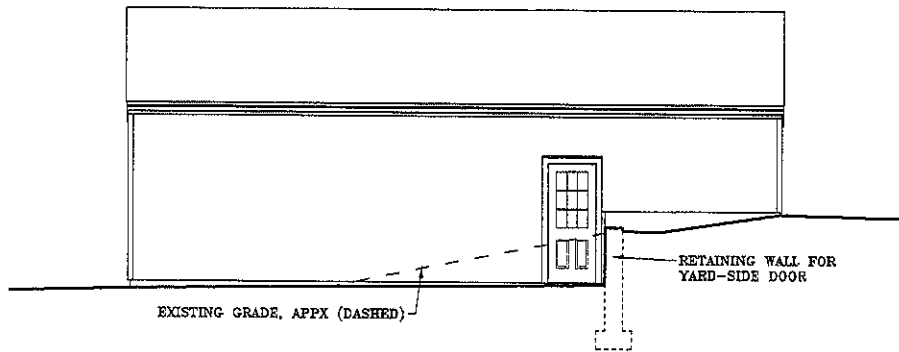
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GARAGE REAR ELEVATION



GARAGE HOUSE-SIDE ELEVATION



GARAGE YARD-SIDE ELEVATION

A-2

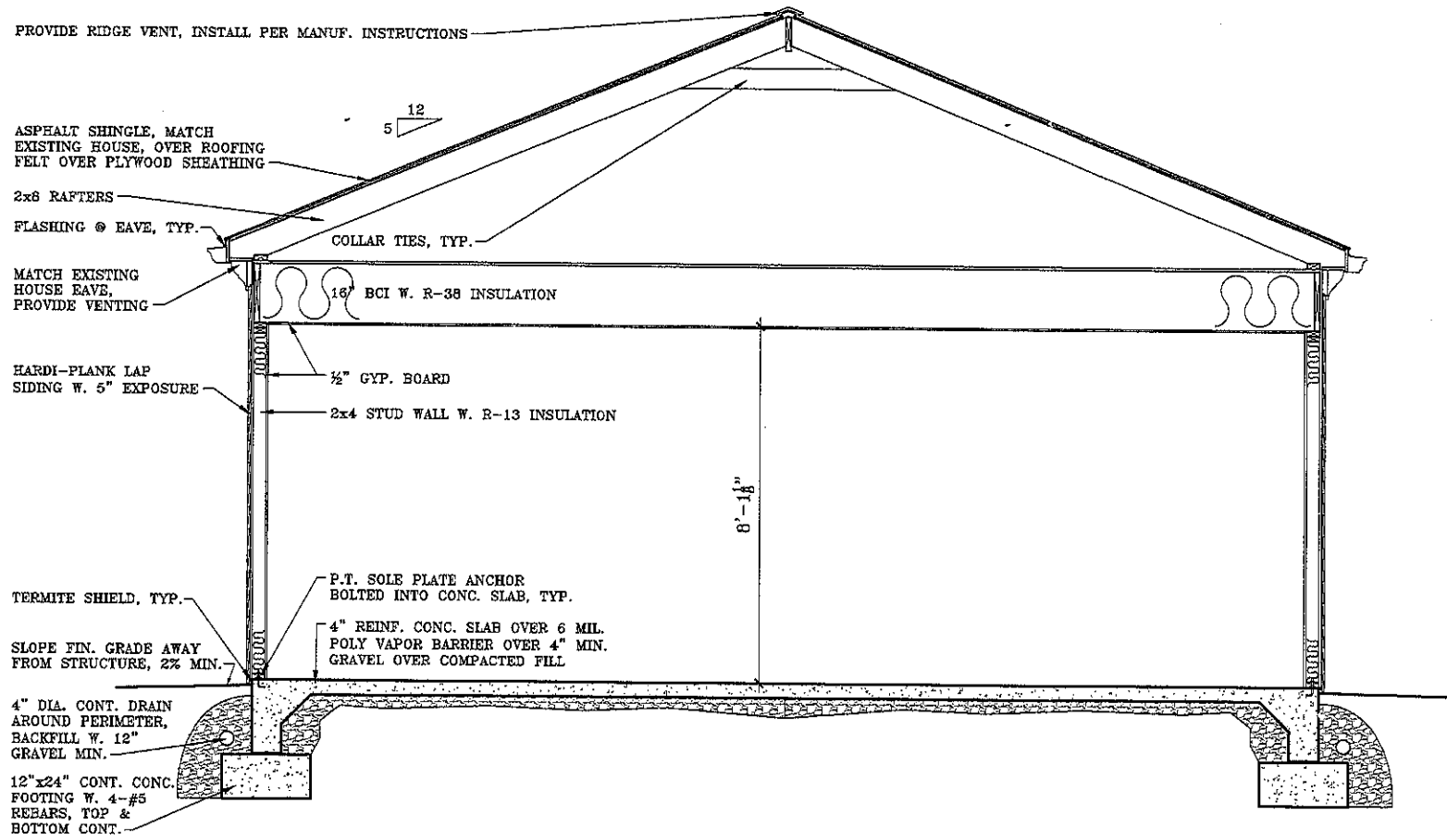
SCALE:
3/32" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

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GARAGE SECTION

A-3

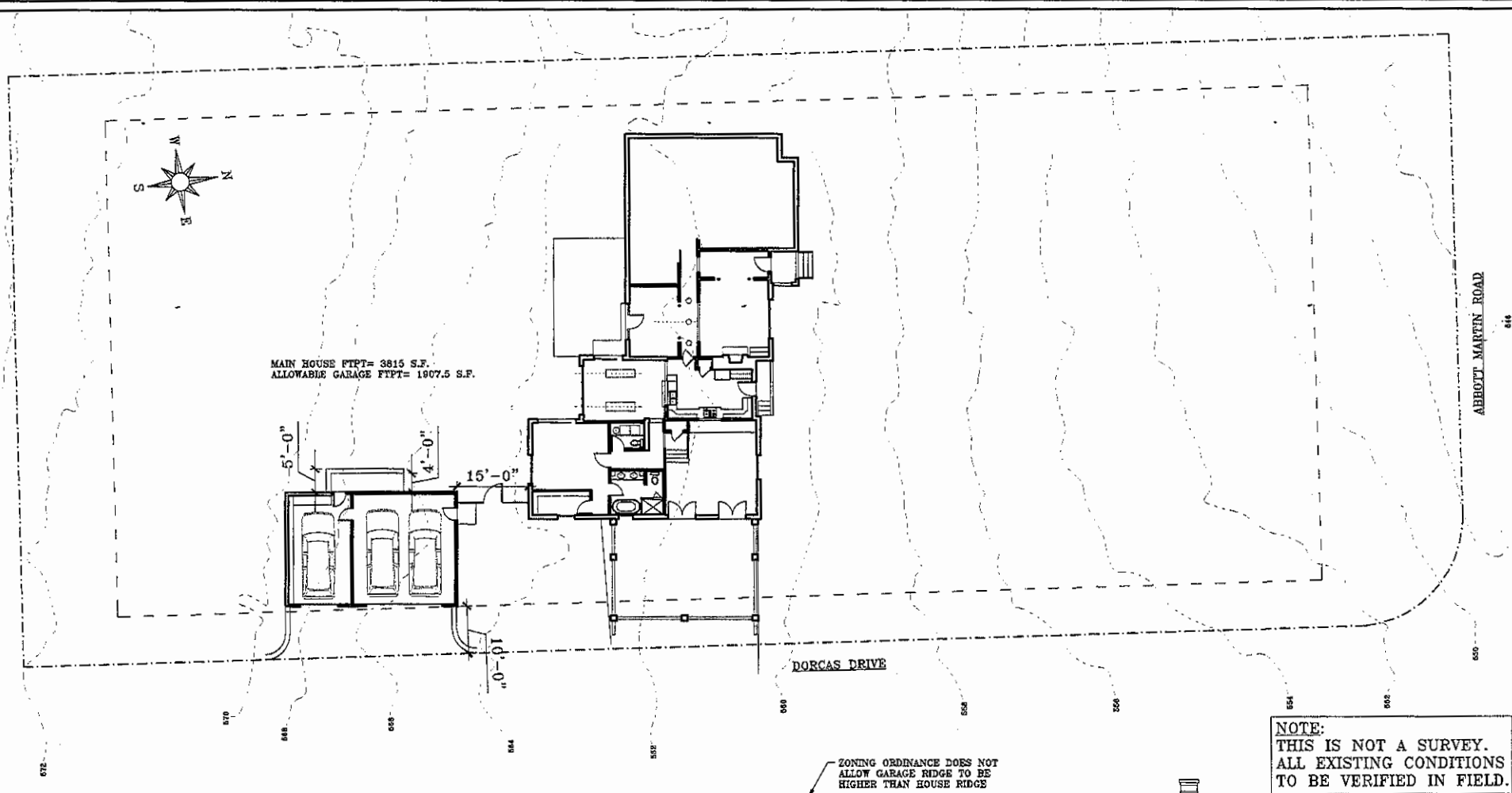
SCALE:
1/4" = 1'-0"

SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

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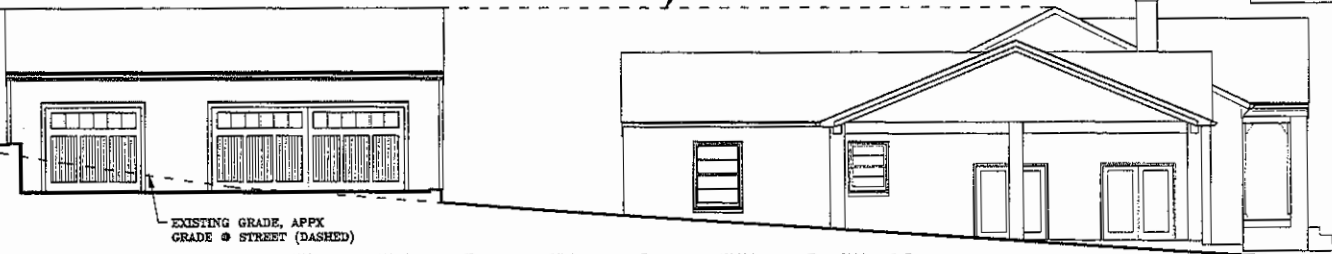
MAIN HOUSE FTPT= 3815 S.F.
ALLOWABLE GARAGE FTPT= 1907.5 S.F.

DORCAS DRIVE

ABBOTT MARTIN ROAD

NOTE:
THIS IS NOT A SURVEY.
ALL EXISTING CONDITIONS
TO BE VERIFIED IN FIELD.

ZONING ORDINANCE DOES NOT
ALLOW GARAGE RIDGE TO BE
HIGHER THAN HOUSE RIDGE




EXISTING GRADE, APPX
GRADE @ STREET (DASHED)

SIDE-STREET ELEVATION & SITE DIAGRAM

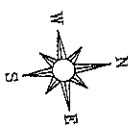
A-4

SCALE:
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&
 $\frac{1}{16}'' = 1' - 0''$

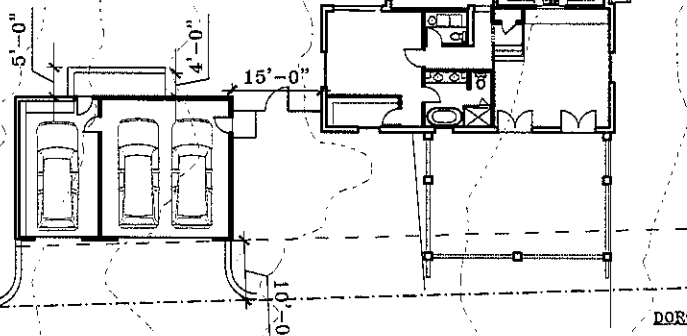
SIEBERT RESIDENCE
3817 ABBOTT MARTIN ROAD
NASHVILLE, TN

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MAIN HOUSE F1PT= 3815 S.F.
 ALLOWABLE GARAGE F1PT= 1907.5 S.F.

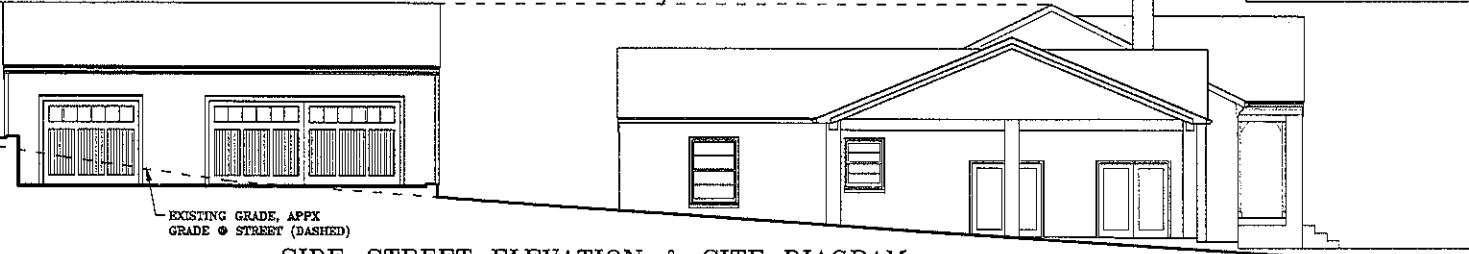


DORCAS DRIVE

ABBOTT MARTIN ROAD

ZONING ORDINANCE DOES NOT
 ALLOW GARAGE RIDGE TO BE
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NOTE:
 THIS IS NOT A SURVEY.
 ALL EXISTING CONDITIONS
 TO BE VERIFIED IN FIELD.



EXISTING GRADE, APPX
 GRADE @ STREET (DASHED)

SIDE-STREET ELEVATION & SITE DIAGRAM

Attachment

B-1

SCALE:
 $\frac{1}{32}'' = 1'-0''$
 &
 $\frac{1}{16}'' = 1'-0''$

SIEBERT RESIDENCE
 3817 ABBOTT MARTIN ROAD
 NASHVILLE, TN

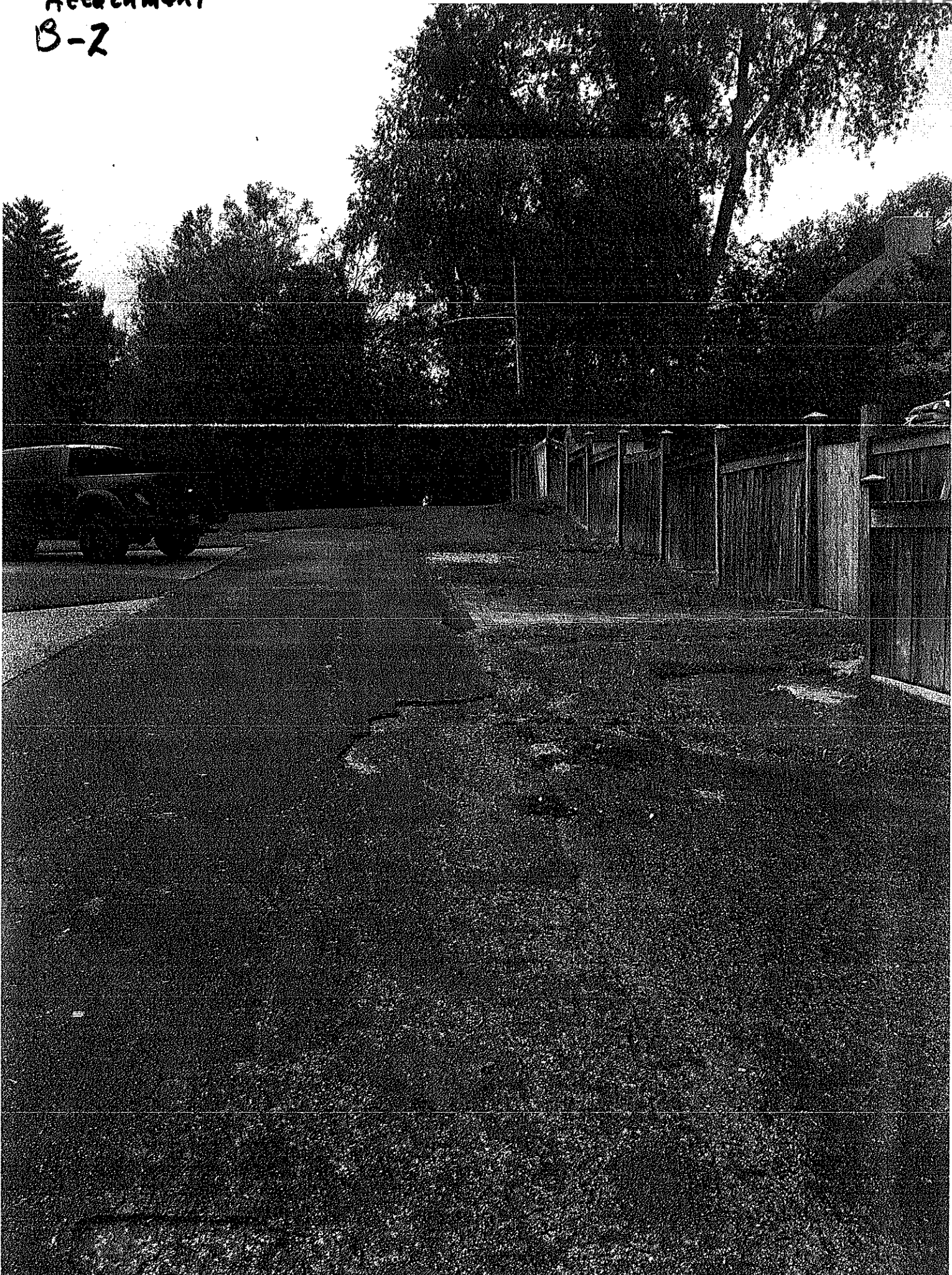
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Attachment
B-2

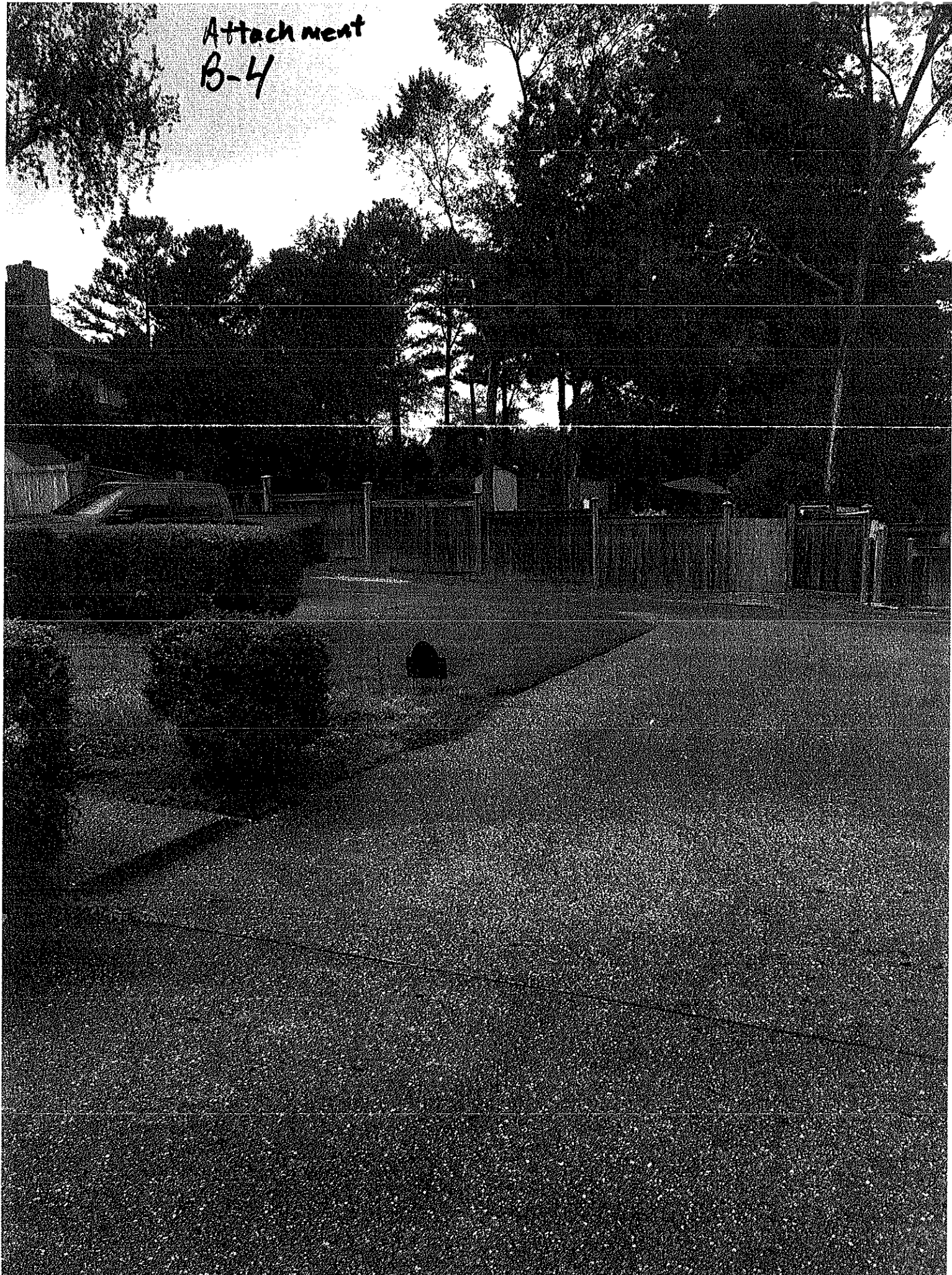
#2012-585



Attachment
B-3



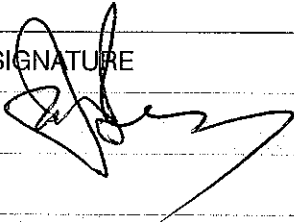
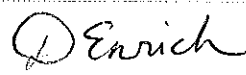
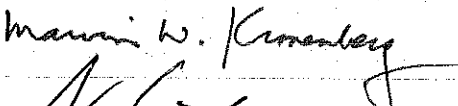
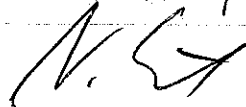



Attachment
B-4



**Gordon & Esther Siebert
3817 Abbott Martin Rd.
Nashville, TN 37215**

To the Honorable members of the Metropolitan Government of Nashville & Davidson County Board of Zoning Appeals.

We the undersigned owners of real property adjacent to and/or in the vicinity of the above referenced property do respectfully request that the Board of Zoning Appeals grant the requested variance to allow garage doors to be set back no less than ten feet (10') from the side street (Dorcas Drive) property line.

ADDRESS	NAME	SIGNATURE
3919 DORCAS DR	JOHN & BIANCA PARKER	
3921 DORCAS DR	GARY & TARA CAVAZOS	
3918 DORCAS DR	SCOTT & LESLIE MCWILLIAMS	
3815 ABBOTT MARTIN	STEVE & DINA ENRICH	
3813 ABBOTT MARTIN	MARVIN KRONENBERG	
3819 ABBOTT MARTIN	NICHOLAS WOEHRLE & REBECCA HANSEN	
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3812 ABBOTT MARTIN	DANIELLE KALES	
3814 ABBOTT MARTIN	BAYLOR & RICHARD RYAN SWINDELL	
3816 ABBOTT MARTIN	JOHN & CAREY PEEK	
3818 ABBOTT MARTIN	ALEXANDER & MARJORIE CURTIS	

Attachment C



METROPOLITAN COUNCIL

Member of Council

October 30, 2018

Mr. Bill Herbert and Mr. Jon Michael
Metropolitan Department of Codes Administration
P.O. Box 196300
800 Second Avenue South
Nashville, Tennessee 37219

RE: 3817 Abbott Martin Road, Nashville, TN 37215 (Council district 34)
BZA Case Number: 2018-585 / CAAZ-20180056607

Dear Mr. Herbert and Mr. Michael,

I write to convey my support for the variance request submitted on behalf of Gordon and Esther Siebert for property located at 3817 Abbott Martin Road. This appeal is scheduled for hearing November 1, 2018. As you know, Mr. & Mrs. Siebert seek a variance from the twenty foot (20') parking setback requirement applied to a proposed garage design, seeking instead a ten foot (10') setback.

While deeper setbacks can effectively prevent vehicles from blocking sidewalks and other rights of way, a setback of twenty feet (20') in this instance would serve no practical function because of the unimproved nature of the side street. The Siebert's property abuts a segmented portion of Dorcas Drive that is not connected to the remainder of Dorcas Drive. It effectively functions solely as a shared driveway for the Sieberts and their two (2) neighbors. As proposed, the garage would be separated by thirteen feet (13') between the street and the Siebert's fence and an additional ten foot (10') setback inside the fence.

Mr. Siebert has spoken personally with me and as well as with most of his surrounding neighbors regarding this variance request, and I am in support of the proposal.

Thank you for your service to Nashville, and for your consideration of this request.

Sincerely,

Angie Henderson
Member of Council, District 34

CC: Gordon and Esther Siebert

Metropolitan Board of Zoning Appeals

Metro Howard Building
 800 Second Avenue South
 Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF METROBLAND DAVIDSON COUNTY



Appellant: UNITED RENTALS Date: 8-31-18
 Property Owner: 723 MASSMAN PARTNERS Case #: 2018-586
 Representative: PALMER ENGINEERING Map & Parcel: 095 13 034 00
BILL FORTE

Council District 15

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

Purpose: INTERIOR BUILDING RENOVATIONS
REPLACE 20'X30' CONCRETE FUEL ISLAND
ADD APPROXIMATELY 50' CONCRETE SIDEWALK

Activity Type: CONSTRUCTION EQUIPMENT RENTAL
 Location: 723 MASSMAN DR. NASHVILLE, TN 37210

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: EXISTING POWER POLE, STEEP SLOPES / 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.

Jonathan Smith
 Appellant Name (Please Print)
 11 S Gilmer ST
 Address
 Cartersville GA
 City, State, Zip Code
 7703831436
 Phone Number
 Jsmith@jasco-LLC.com
 Email

BILL FORTE - PALMER ENGINEERING
 Representative Name (Please Print)
 2817 ERICA PLACE
 Address
 NASHVILLE, TN 37204
 City, State, Zip Code
 615.297.8957
 Phone Number
 Bforte@palmernet.com
 Email
 Appeal Fee: \$200



September 17, 2018

Board of Zoning Appeals
Metro Codes Department
800 Second Avenue
Nashville, TN 37210

Board of Zoning Appeals - Variance
723 Massman Drive
Nashville, TN 37210
T2018044667

Dear Sir or Madam:

On behalf of our client, United Rentals, we are requesting a variance to Section 17.20.120 of the Metropolitan of Nashville and Davidson County Code.

The following documentation is enclosed as part of this request:

- BZA Checklist
- Signed BZA Application
- Eight (8) copies of a site plan (11"x17")
- Check for BZA fee - \$200.00.
- Photographs of the site

This site, located at 723 Massman Drive, does not have a designation in the MCSP (Major and Collector Street Plan). There is an existing power pole, with a transformer, which would have to be relocated. There is an existing drainage ditch with significant slopes in several places, which would make it difficult if not impossible to provide a 4' grass strip and 5' sidewalk. In addition, there is the potential for lost, required parking spaces. The site portion of this project consists of the replacement of an existing 20'x30' concrete pad/fuel area and approximately 50 linear feet of sidewalk.

Please do not hesitate to contact me at 615.297.8957 or BForte@palmer.net if you have any questions or comments.

Sincerely,


Bill Forte

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 the case number. Fold and insert the 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

DocuSigned by:

93810524811402
APPELLANT

9/18/2018 6:23:48 AM PDT

DATE

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

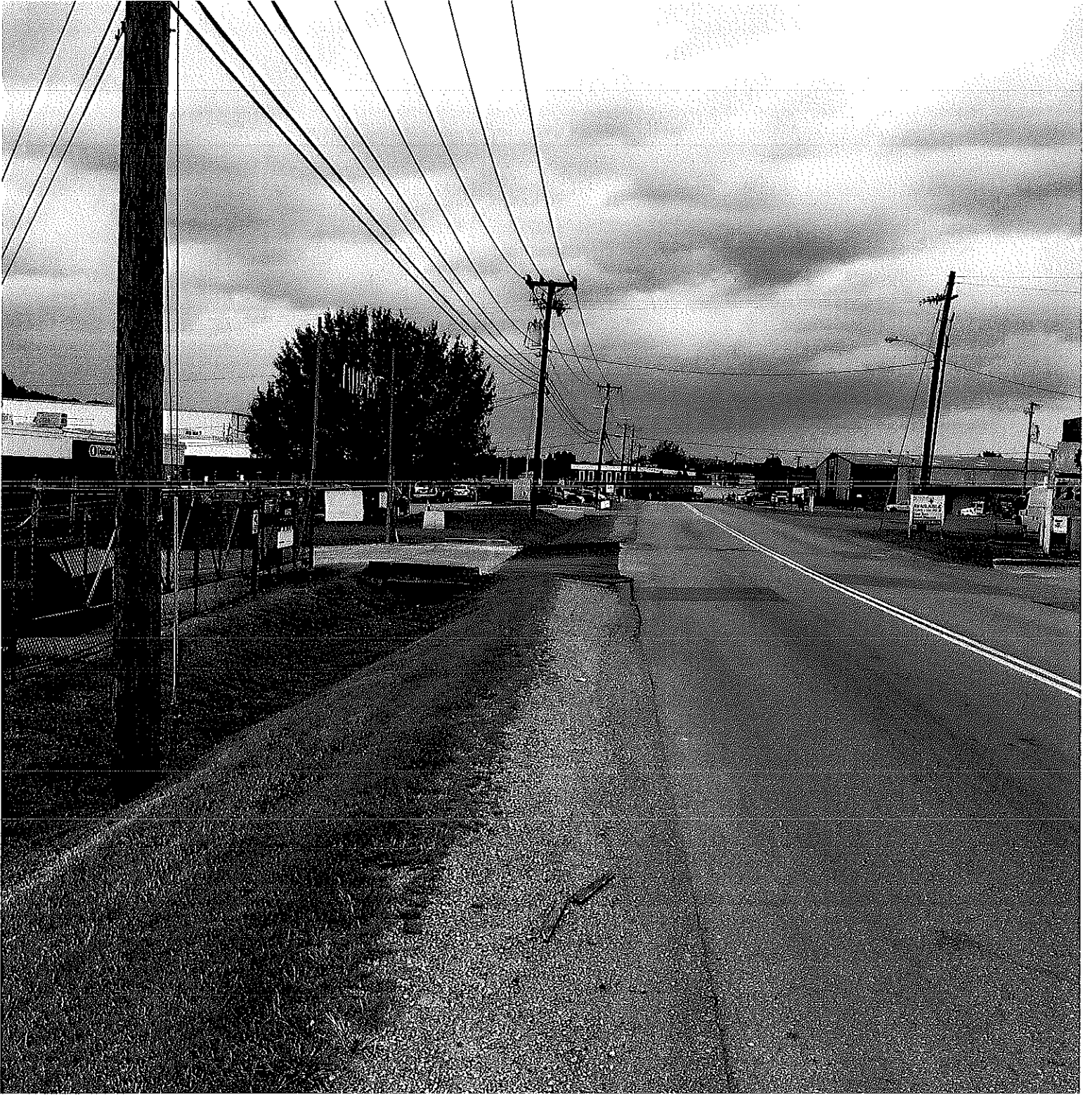
At the public hearing, please be prepared to tell the Board what your hardship is, why you can not build in accordance with zoning without requesting a variance and why you feel you have a legitimate hardship.

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

EXISTING POWER POLE, STEEP SLOPES AT
DRAINAGE DITCH, EXISTING ENDWALL,
TRANSFORMER ON EXISTING POWER POLE. ALL
WOULD HAVE TO BE RELOCATED.









PLANNING DEPARTMENT SIDEWALK VARIANCE RECOMMENDATION

BZA Case 2018-586 (723 Massman Drive)

Metro Standard:	4' grass strip, 5' sidewalk, as defined by the Metro Local Street Standard
Requested Variance:	Not construct sidewalks
Zoning:	IR
Community Plan Policy:	D IN (District Industrial) CO (Conservation: floodplain at rear of property)
MCSP Street Designation:	Local Street
Transit:	#18 – Airport/Downtown
Bikeway:	None existing; none planned

Planning Staff Recommendation: *Approve with conditions.*

Analysis: The applicant is conducting interior renovations within an existing equipment rental and supplier facility and requests a variance from constructing sidewalks due to its location within an existing industrial area that is anticipated to be industrial in the foreseeable future and due to a drainage ditch along the frontage of the property. Planning evaluated the following factors for the variance request:

- (1) The property is located within a District Industrial policy area. Given the high intensity industrial uses and unlikelihood of future redevelopment for residential or mixed use development, construction of sidewalks is premature.
- (2) A drainage ditch is located along the frontage of the property which is consistent across several properties to the east and west. Strict adherence to the sidewalk requirement at the Local Street standard would necessitate in the reconstruction of drainage facilities along the Massman Drive frontage and will impact adjacent parcels.

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

1. The applicant shall dedicate right-of-way along the property frontage to accommodate future sidewalks per the Local Street standard.
2. If the site is redeveloped or sidewalks are triggered in the future, the redevelopment or site improvements shall incorporate appropriate site work to construct a sidewalk to current standards unless a new sidewalk variance is granted by the Board of Zoning Appeals.

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Land Development Solutions
Appellant: Duane Cuthbertson
Property Owner: Alan Oakley
Representative: Duane Cuthbertson

Date: 9.18.18
Case #: 2018- 589
Map & Parcel: 09112014300

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: Side street setback of 10'

Request 3' side yard setback on Lot 49 (underlying lot)

Activity Type: New Construction - Single

Location: 600 45th Av. N.

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: violation of side street setback

Section(s): 17.12.30.C.2

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)

2814 12th Av. S.
Address

Address

Nashville, TN 37204
City, State, Zip Code

City, State, Zip Code

615.924.9618
Phone Number

Phone Number

dcuthber@gmail.com
Email

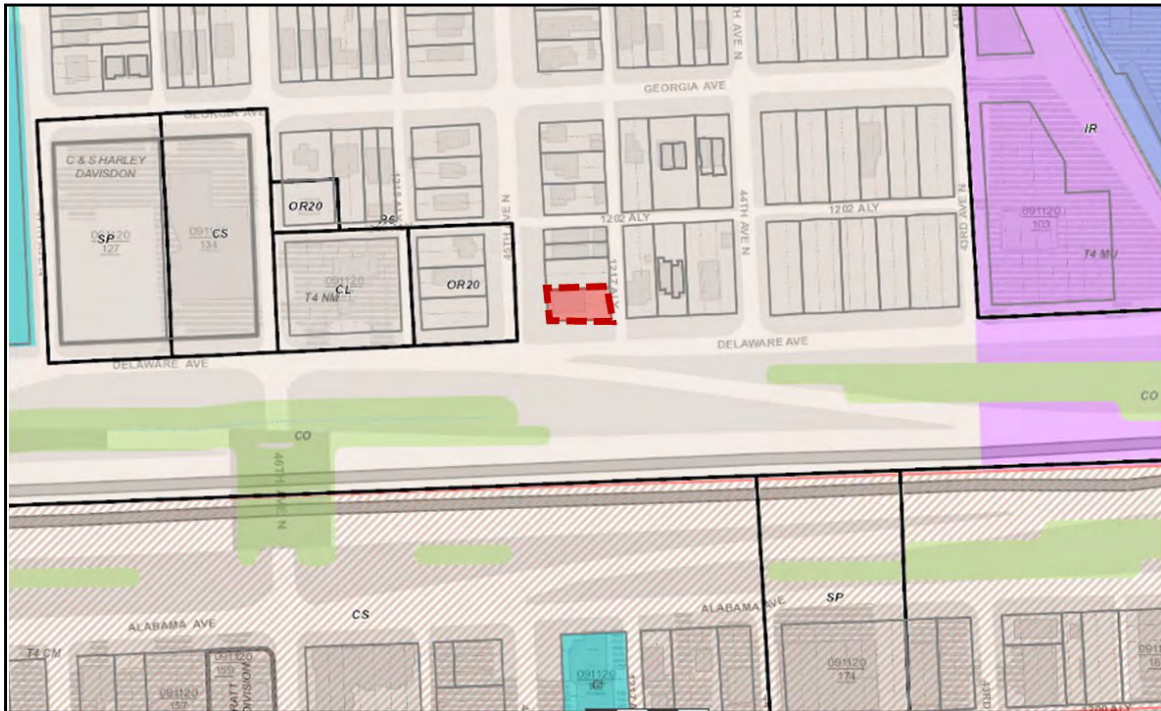
Email

Appeal Fee: _____

BZA: 2018-589

600 45th Avenue North

November 1, 2018

**REQUEST:**

1. Variance of the street setback along Delaware Avenue from 10' to 3'

PROPOSAL:

To construct a standard two-story single-family dwelling on an existing 25' wide residential lot. The 25' x 105' lot is legal non-conforming. The proposed dwelling will be one of four homes constructed on the four remaining original platted lots on this block. The proposed home is intended to blend with the pattern emerging along this block in the neighborhood. It is not dissimilar to development patterns existing throughout the greater neighborhood (19' wide two-story homes on 25 wide lots).

600 45th Avenue North
BZA 2018-589



Four 25 ft. wide originally platted lots intended to accommodate four single-family dwellings

CHALLENGE:

The subject property (part of 600 45th Avenue North) consists of only 25' of lot width. As the property is a corner lot it is subject to two street setbacks. The side street setback is situated along Delaware Avenue (south property line). The Code allows the side street setback (20 ft.) to be reduced by 50% - to 10 ft. The application of the side street setback of 10' in combination with a 3' setback on the north side **reduces the lot's building envelop to 12 feet wide.** While possible, it is not practical or desirable to construct a 12' wide house on the subject property. A 12' wide house would not be compatible with the surrounding neighborhood.

REQUEST:

Variance of the side street setback from 10' to 3' – in order to expand the lot's building envelope to 19 feet. The requested 19' wide building envelope is consistent with the building envelopes permitted on the remaining similar lots on this block face and the multitude of 25' wide lots found in the greater neighborhood.

UNIQUE CONDITIONS:

- The lot was originally created in 1887 as part of the West Nashville subdivision (attached).
- The lot is existing and contains a width of 25' and a depth of 105'.
- It is uniquely small even for an originally platted 'shotgun' lot.
- It is a narrow corner lot. Established prior to current code requirement for a street (larger) setback along a lot's side yard abutting a public street. It is not uncommon for corner lots (the current subdivision regulations require it) to be established with a larger width to accommodate a practical and legislative requirement for a deeper setback from a side street. While there can be found similar 25' wide corner lots in the surrounding neighborhood, many appear to have been originally platted with additional width.
- Further, while there are other 25' wide corner lots in the neighborhood, most of those contain near 150' of depth. When combined with another 25' wide lot (as many are) they qualify as duplex eligible parcel. This allows for flexibility across the combined parcel to accommodate two dwellings and comply with the current Code requirement for a side street setback. The subject lot only contains 105' of depth.
- The Rights of Way adjacent to the site are significantly wide and if sized per the current requirements would likely contribute / transfer sufficient additional buildable area to the subject property. 45th Avenue to the west was established with 100' of ROW while Delaware Avenue to the south was established with 80' of ROW. Neither street is a major street. Current standards would likely only require approximately 50' of width. There is 50' of additional ROW in 45th Avenue North and 30' additional feet of ROW associated with Delaware Avenue.
- There is a 32.7' setback for the subject lot from the back of the existing sidewalk on Delaware; a distance greater than the width of the lot. This area is unbuildable and will perform practically as the 'side setback' for the proposed dwelling – providing for the intent of the code requirement.
- The subject lot provides a side yard to Delaware (to the south). It is separated from other lots facing Delaware by an alley. All other lots front Delaware Avenue and do not present side yards to Delaware similar to the subject lot.
- The property is situated on the fringe of the neighborhood effectively adjacent to an interstate highway.

600 45th Avenue North
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600 45th Avenue North
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The requested Variance will enable a standard two-story dwelling to be constructed on the lot in a manner that is consistent with those proposed on the other three available 25' wide lots on this block. There are six lots on this block – all containing widths of 25'. The subject lot is the only lot subject to a side setback larger than 3 feet. It is also the only lot on the block face with a side yard abutting a public street. The other two – 25' wide lots on the north side of the subject block contain 19' wide homes recently constructed.

The variance requested will allow this block to be redeveloped in a consistent manner.



The Variance requested will not impair the spirit and / or intent of the Code. The separation between this lot and the back of the sidewalk will provide more than sufficient spacing between the street /travelway and proposed home. The alley to the east provides a buffer between this lot and others fronting Delaware Avenue. The lot abuts an interstate highway while OR20 zoned office uses are located immediately to the west. There is no uniform pattern of development immediately around this property that will be disrupted as a result of the variance being granted.

The home, if permitted, will provide one additional traditional housing unit in an urban neighborhood where infrastructure and services exist. Allowing one additional household to live within close proximity to necessary services and employment reduces demand on traffic

600 45th Avenue North
BZA 2018-589

and mitigates impacts to the environment while adding to the vitality and viability of Nashville's urban neighborhoods.

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF SHIPLEY AND DAVIDSON COUNTY



Appellant: Brael Bers

Date: 9/19/18

Property Owner: " "

Case #: 2018-590

Representative: " "

Map & Parcel: 103-8-68

Council District _____

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

Purpose: NCF Duplex

Activity Type: NCF Duplex

Location: 4404 Westlawn Dr. N.T. 37209

This property is in the R57+ 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:

- 1.....ITEM A.....REQUEST NON-CONFORMING DUPLEX BASED ON NES RECCORDS AND LETTERS ...17.40.180 A
- 2.....VARIANCE....REQUIRED REAR SETBACK MIN 20'....REQUEST 3'.....17.12.020 A.
- 3.....VARIANCE....REQUIRED SIDE SETBACK MIN 5'....REQUEST 3'.....17.12.020 A.

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

Brael Bers
Appellant Name (Please Print)

Representative Name (Please Print)

4404 Westlawn Dr.
Address

Address

City, State, Zip Code

City, State, Zip Code

615-418-1706
Phone Number

Phone Number

bracbers31@gmail.com
Email

Email

Appeal Fee:



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



3560863

**ZONING BOARD APPEAL / CAAZ - 20180059594
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 10308006800

APPLICATION DATE: 09/19/2018

SITE ADDRESS:

4404 A WESTLAWN DR NASHVILLE, TN 37209
LOT 9 RESUB 346 WEST LAWN

PARCEL OWNER: BARS, BRADLEY J. & PROCTOR, ELAINE C.

CONTRACTOR:

APPLICANT:**PURPOSE:**

ZONED RS 7.5

EXISTING DUPLEX RES WITH DETACHED GARAGE WITH 3' REAR AND 3' SIDE SETBACKS.

WILL OBTAIN ADDITIONAL PERMITS TO.

- 1....CONVERT FRONT DUPLEX TO SINGLE FAMILY HOUSE.
- 2....DEMO THE DETACHED GARAGE.
- 3.....CONSTRUCT NEW 2ND HOUSE.

THIS PERMIT TO REPLACE THE GARAGE WITH A NEW 2ND HOUSE....25' WIDE WITH 20' DEEP...MAX HT

DENIED:

- 1.....ITEM A....REQUEST NON-CONFORMING DUPLEX BASED ON NES RECCORDS AND LETTERS ...17.40.180 A.
- 2.....VARIANCE....REQUIRED REAR SETBACK MIN 20'....REQUEST 3'.....17.12.020 A.
- 3.....VARIANCE....REQUIRED SIDE SETBACK MIN 5'....REQUEST 3'....17.12.020 A.

POC: BRAD BARS 615-418-1706

bradbars31@gmail.com

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

P(MU)

RS7.5

WESTLAWN DR

R6

44TH AVE N

CHEROKEE STATION DR



A BOUNDARY SURVEY OF THE BRADLEY J. BARS AND ELAINE C. PROCTOR PROPERTY 24TH COUNCIL DISTRICT NASHVILLE, DAVIDSON COUNTY TENNESSEE

JULY 17, 2018



1188 OLD PINNACLE RD. JOISTON, TN 37080
 PHONE: (615) 212-5703 E-MAIL: b2l@b2l.com

THE SURVEYORS LIABILITY FOR THIS DOCUMENT SHALL EXTEND TO ANY UNLAWFUL PERSON OR ENTITY WITHOUT ANY EXPRESS RECAPITULATION BY THE SURVEYOR WHOSE NAME APPEARS ON THIS SURVEY.



SURVEYOR
 JEFFREY A. LEONARD, RLS 2415

GENERAL NOTES:

- 1) BEARINGS BASED ON TENNESSEE STATE PLUMB COMPASSMENT SYSTEM CALCULATED FROM GPS OBSERVATIONS.
- 2) NO TITLE REPORT FURNISHED TO THE SURVEYOR. THEREFORE THIS SURVEY IS BASED ON THE SURVEYOR'S OWN FIELD OBSERVATIONS.
- 3) ALL DISTANCES MEASURED WITH E.C.M. EQUIPMENT AND ADJUSTED FOR TEMPERATURE.
- 4) THE PROPERTY BOUNDARY ON THIS PLAT IS SUBJECT TO ALL COVENANTS, EASEMENTS, RIGHTS OF WAY, AND INSTRUMENTS OF RECORD.
- 5) THE SURVEYOR MUST BE OBTAINED TO THE ORIGINAL HAND COPY ISSUED BY THE COUNTY CLERK'S OFFICE TO VERIFY THE ACCURACY OF THIS SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.
- 6) THIS DOCUMENT MUST BE OBTAINED TO THE ORIGINAL HAND COPY ISSUED BY THE COUNTY CLERK'S OFFICE TO VERIFY THE ACCURACY OF THIS SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.
- 7) HORIZONTAL DISTANCE MEASUREMENTS SHALL BE MADE TO THE CENTER OF THE PINS OR MARKERS.
- 8) PROPERTY CURRENTLY ZONED R142 PER TAX CARD.
- 9) THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.
- 10) THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE TENNESSEE SURVEYING ACT AND THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.

ANY USE OF SAID WITHOUT THE EXPRESS WRITTEN PERMISSION OF B2L HOME AND PROPERTY SOLUTIONS IS PROHIBITED.

REVISION TABLE

NO.	DATE	DESCRIPTION
1.	-	-

ORDERED BY: BRAD BARS
PROPERTY ADDRESS: 4402 WESTLAWN DRIVE NASHVILLE, TN 37209
OWNER: BRAD BARS 4402 WEST LAWN DRIVE NASHVILLE, TENNESSEE

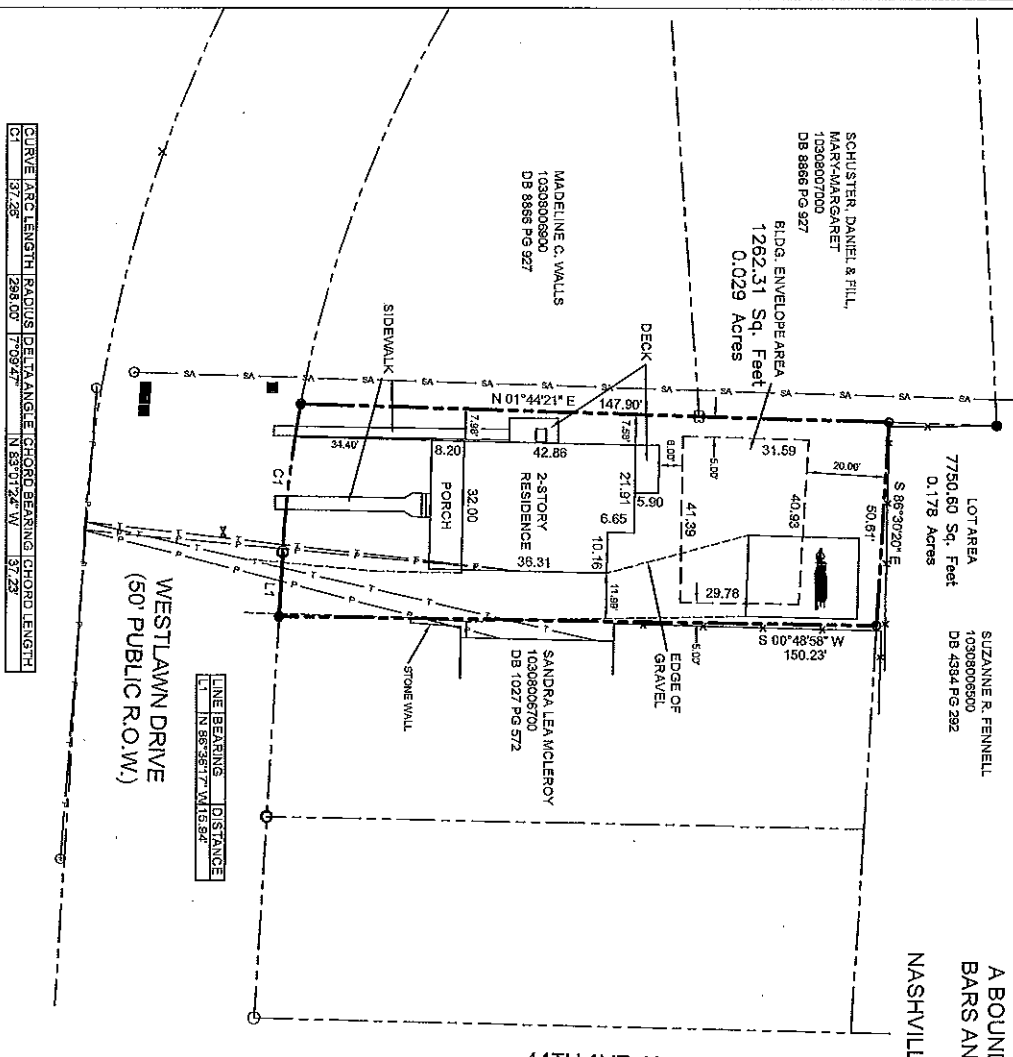
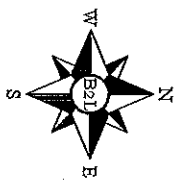
DEED REFERENCE: DEED BOOK 1912 PAGE 111
PLAT REFERENCE: NA
TAX MAP ID: 1039006890
DAVIDSON COUNTY, TENNESSEE

DRAWN BY:	DATE:	PROJ. #:
JL	7-26-18	0078
CS	7-26-18	
JLB	7-17-18	



NOTE: THIS SURVEY WAS PREPARED FROM CURRENT MEASUREMENTS AND IS NOT A REVISION OF A PREVIOUS SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.

- LEGEND**
- These standard symbols will be found in the drawing:
- IRON PIN (FOUND)
 - IRON PIN (SET)
 - IRON PIPE
 - MAGNETIC NAIL
 - WATER VALVE
 - SANITARY SEWER MANHOLE
 - POWER POLE
 - DROP INLET



THIS SURVEY WAS CONDUCTED TO THE MINIMUM STANDARDS AS REGULATED UNDER THE AUTHORITY OF SECTION 2923.3 OF THE TENNESSEE LAND SURVEYING ACT. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.

NOTE: THE CERTIFICATION IS PROVIDED ON THIS SURVEY IS PURELY A STATEMENT OF THE SURVEYOR'S BELIEF AND IS NOT A GUARANTEE OF THE ACCURACY OF THE SURVEY. THE SURVEYOR'S LIABILITY IS LIMITED TO THE ACCURACY OF THIS SURVEY AND NOT TO THE ACCURACY OF ANY INSTRUMENTS OF RECORD.

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NASHVILLE ELECTRIC SERVICE

ELECTRIC POWER BOARD OF THE METROPOLITAN
GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

NES Public Records Request Form

Name: Brian Bars

Address: 4404 Westlawn Dr

Nashville TN 37209

Telephone: 6154181706

Form of ID: DL 114117749

Are you a citizen of the state of Tennessee*: YES or NO?

**Requesting parties will be required to provide a photo identification issued by a governmental agency as verification of Tennessee citizenship.*

Is this a request for: Inspection or Copies?

Detailed description of records requested: Copies of premise
records back to 1997. Thank you so much!

Address: 4404 Westlawn Dr > 2 meters
Nashville, TN 37209

~~There~~ There are Two (2) meters I need
plz

Signature of Requestor: Brian Bars

Date of Request: 2/2/2018

Received by: Debra Jones

Date of Receipt: 3/2/18

NO change

10:26:51 Friday, March 02, 2018

PHST
CS512-639NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY3/02/18
10:26:39

PREMISE	52336	LINE	___	METER	138700	CONSTANT	1
4404 WESTLAWN DR				POLE-PAD	95	42 66	1
NASHVILLE		TN	37209-4924	RISER			

ITEM	CUST.	CUSTOMER NAME/ALIAS	TURN-ON	TURN-OFF
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01

02

03

04

05

06	52792	TOTTY, S K	4/01/72	1/19/17 TNOF
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07	1332036	BARS, BRADLEY JOSEPH BARS, JOSEPH J	1/19/17 TNNC	
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NO MORE RECORDS EXIST

PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

10:27:30 Friday, March 02, 2018

PHST
CS512-639

NASHVILLE ELECTRIC SERVICE
PREMISE HISTORY

3/02/18
10:27:21

PREMISE 52335 LINE _____ METER 144229 CONSTANT 1
4404 WESTLAWN DR _____ UPPER POLE-PAD 95 42 66 1
NASHVILLE TN 37209-4924 RISER

ITEM	CUST.	CUSTOMER NAME/ALIAS	TURN-ON	TURN-OFF
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01

02

03

04

05

06	52791	TOTTY, S K	5/29/84	1/19/17 TNOF
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07	1332036	BARS, BRADLEY JOSEPH BARS, JOSEPH J	1/19/17 TNAD	
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NO MORE RECORDS EXIST

PF1=HELP 3=RETN 7=BACK 8=FOWD 9=PACT 10=TNON 11=TNOF 12=MENU 13=CHST 14=FACT

Affidavit
State of Tennessee
County of Davidson

I, Sandra McLeroy, make oath and say:

That 4404 Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Sandra McLeroy 27 Aug, 2018

I, Madeline Walls, make oath and say:

That ~~4404~~ Westlawn Drive, Nashville, TN 37209 has been used as a duplex as long as I have been here.

Madeline Walls ~~Sept~~ Sept 10, 2018

Actually, 4404 Westlawn has been used as a duplex for about 45+ years, according to Erla + Kormit Totty, the previous owners.

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 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 the case number. Fold and insert the 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 your request and the reasons for this 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 a non-conforming or non-complying structure, it is your job to explain to the 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 the public hearing to be included in the record. You must provide eight (8) copies of your information to staff.

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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

APPELLANT

DATE



9/19/18

STANDARDS FOR A VARIANCE

The Metropolitan Board of Zoning Appeals may grant variances from the strict application of the provisions of this 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 owner 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 the effective date of this Zoning Code.

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

No injury to neighboring property. - The granting of the variance will not be injurious to other property or improvements in the area, impair an 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 the 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, the density of Floor Area Ratio (FAR) standards of Tables 3-B and 3-C, nor the required size of residential lots approved by the Planning Commission under the authority of Section 3.7 (Lot Averaging), Section 3.8 (Cluster Lot Option) or Section 9.E.3 (PUD). Further the Board shall not act on a variance application within a Planned Unit Development (PUD), Urban Design Overlay or Institutional Overlay district without first considering a recommendation from the Planning Commission.

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

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

The Board can not grant a variance based solely on an inconvenience to the applicant nor solely on a financial consideration. It is incumbent on you as the appellant to complete this form by conveying a HARDSHIP as outlined. At the meeting it is important that you explain this hardship as effectively as possible.

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

APPLICATIONS FOR VARIANCE REQUESTS

After your appeal is filed, Zoning staff will visit the site to take photographs for the Board members so that they will have a better idea of the nature of your request. 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 the case number. Fold and insert the 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 a hearing until complete.

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

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

METROPOLITAN BOARD OF ZONING APPEALS (615) 862-6530

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



 APPELLANT

9/19/18

 DATE

4400 Westlawn Drive
Nashville, TN 37209

October 12, 2018

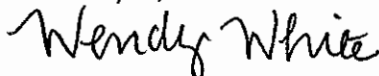
RE: Appeal Case Number 2018-590
4404A WESTLAWN DR
Map Parcel: 10308006800
Zoning Classification OV-UZO, RS7.5
Council District 24
Permit# 20180059594

Dear Metropolitan Board of Zoning Appeals,

This letter, in lieu of my personal appearance, is to inform you that I have no objections to the appeal filed by Mr. Brad Bars. He has made tremendous improvements to our neighborhood, which I am confident he will continue to do.

Please make record of my approval of Mr. Bar's request.

Thank you,



Wendy White

From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: BZA Case# 2018-590 - Opposition
Date: Monday, October 29, 2018 9:02:19 AM

From: Suzanne Fennell <suzanne.fennell@gmail.com>
Sent: Monday, October 29, 2018 8:56 AM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Cc: Murphy, Kathleen (Council Member) <Kathleen.Murphy@nashville.gov>
Subject: BZA Case# 2018-590 - Opposition

Dear BZA,

This email is being sent to state my objection to the Zoning Appeal Case Number **2018-590**. My property is directly behind the property at **4404 A Westlawn Drive** (the entire left side of my backyard). We share a fence. My address is 90 44th Ave North.

I do not know the validity of whether the property is truly a duplex so I'm not speaking to that.

However, I will firmly oppose the request for a rear and side setback of 3' to build a two story single family home. This is in a **backyard** not side by side other homes. No specific architectural plans have been provided, with the ultimate height and design of the house unknown. To have a 2 story house within almost an arms reach covering 25 feet of my left side of yard, towering over my backyard, will diminish privacy and possibly decrease my property value. My neighbor (Sandy Mcleroy) at 4402 will even more significantly be impacted, since it's a smaller backyard and almost the entire left side of her backyard will have a 2 story building covering it, 3 ft from the fence. It will possibly require the significant trimming a beautiful tree in her backyard very close to where this house will be built.

I'm hoping to attend the BZA appeal public hearing but am unsure if I can leave work for the afternoon. Please consider this letter in my absence.

Thank you,

Suzanne R. Fennell
90 44th Ave North
Nashville, TN 37209
cell 615-812-3954

29 Oct 2018

Metro Government of Nashville and Davidson County
Department of Codes & Building Safety
P.O. Box 196300
Nashville, TN 37219-6300

Re: Appeal Case Number: 2018-590
4404A Westlawn Dr
Map Parcel: 10308006800
Zoning Classification: OV-UZO, RS7.5
Council District: 24

To the Board:

I am the next door neighbor to the property at 4404 Westlawn Dr. I am at 4402 Westlawn Dr. I have lived at this property since 1993. The zoning appeal would affect my back left side.

Upon much deliberation, I have decided I am against the zoning appeal for the following reasons:

1. My understanding is that there is a request to tear down the existing garage and replace it with another garage and apartment above the garage per Mr. Bars. At the present time the existing garage is approximately 29 – 30 inches from my side property line. Mr. Bars has told me that he wants the new structure to be constructed on the same footprint as the existing garage. I firmly believe that if a new structure is built, the setback should be according to codes which is 5 feet.
2. I also want to make it clear that I am against a second home being built on the property as per the appeal. I would probably be ok with the proposal of a garage with a garage apartment per verbal discussion with Mr. Bars, although cannot commit to agreement on this without seeing the final plans. I do know that I am firmly against a second home being built on the property per the appeal notice.

Thank you very much for the opportunity to voice my opinion on this appeal.

Sandra McLeroy
4402 Westlawn Dr.
Nashville, Tn 37209
615-294-9877

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



Appellant : Rebekah Pauli & Angela Lamberth Date: 6-25-18
Property Owner: Rebekah Pauli & Angela Lamberth Case #: 2018-425
Representative: Rebekah Pauli & Angela Lamberth Map & Parcel 072144L00200CO
Council District 07

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: 1402 B Chester 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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

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.

R. David Lamberth 6-25-18
Completed and witnessed, Date

Rebekah Pauli & Angela Lamberth
Name (Please Print)

alamberth@live.com

Applicant's e-mail address

Signature

(307) 871-4339

Applicant's phone

1402 B Chester Ave.
Mailing Address

Nashville, TN 37206
City, State, Zip Code

(307) 871-4339
Phone Number

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

Appeal Fee: \$ 100.00



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



3528499

ZONING BOARD APPEAL / CAAZ - 20180036958
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 072144L00200CO

APPLICATION DATE: 06/25/2018

SITE ADDRESS:

1402 B CHESTER AVE NASHVILLE, TN 37206
UNIT B TOWNHOMES AT 1402 CHESTER LANE

PARCEL OWNER: PAULI, REBEKAH L. & LAMBERTH, ANGEL

CONTRACTOR:

APPLICANT:

PURPOSE:

****6-25-18**** Permit application is being generated to allow applicant to appeal to BZA for advertising/ operating a STR without a permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

MEGAN BARRY
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

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.

Angela Jenkins

Rebekah Paul

6/25/18

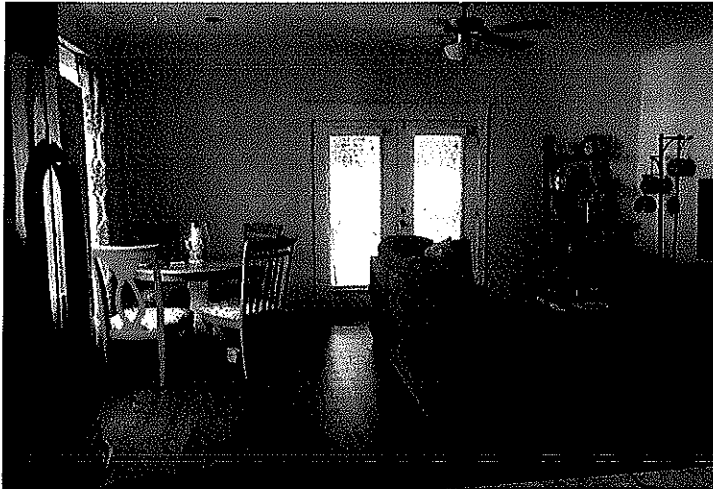
Rental Unit Record

1402 Chester Ave, Nashville, TN 37206, USA

Removed X
Identified ✓
Compliant ✓

PRINT

Airbnb - 16701299



Identified Address

1402 Chester Ave, Nashville, TN 37206, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.194511, -86.734577

Parcel Number

072144L00200

Owner Name

PAULI, REBEKAH L. & LAMBERTH, ANGELA M.

Owner Address

1402B Chester Ave
Nashville, TN 37206, US

Matched Details

Analyst

QZ4P

Explanation

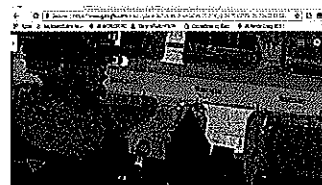
The property was successfully identified after finding the home via google maps then validating the address with the pictures on the listing and the Images from google maps, then since the home was not yer built when the google street view images were taken, we used the information from the tax assessor site, and from the airbnb profile to find the user's linkedin profile validating all other information.

Listing Photos



matching roof and home shape

Matching 3rd Party Sources

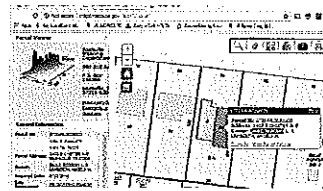


Timeline of Activity

View the series of events and documentation pertaining to this property

X Listing air16701299 Removed
January 20th, 2018

same person page shows her full name



full name match gave us the address.

Zip Code Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/16701299
Listing Status	● Inactive
Host Compliance Listing ID	- air16701299
Listing Title	- Beautiful 3 bed/3 bath East Nashville Home
Listing Info Last Captured	- Jan 13, 2018
Screenshot Last Captured	- Jan 16, 2018
Price	- \$275/night
Cleaning Fee	- \$100

Information Provided on Listing

Contact Name	- Bekah
Latitude, Longitude	- 36.194725, -86.734979
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 8
Number of Reviews	- 18
Last Documented Stay	- 11/2017

Listing Screenshot History

View Latest Listing Screenshot

April 0

May 0

June 0

- ✔ First Warning - No STR or Tax: Delivered January 6th, 2018
- ✔ First Warning - No STR or Tax: Sent December 29th, 2017
- ✔ Listing air16701299 Identified December 26th, 2017
- 📅 1 Documented Stay November, 2017
- 📅 2 Documented Stays October, 2017
- 📅 2 Documented Stays September, 2017
- 📅 2 Documented Stays August, 2017
- 📅 2 Documented Stays July, 2017
- 📅 1 Documented Stay June, 2017
- 📅 1 Documented Stay May, 2017
- 📅 3 Documented Stays April, 2017
- 📅 2 Documented Stays March, 2017
- ✳ Listing air16701299 First Crawled January 14th, 2017
- Listing air16701299 First Activity January 11th, 2017

January 05, 2018 - 11:35PM America/Chicago



Search

Become a host Help Sign Up Log In

Jan 5, 2018 9:20pm PT

Share

Save



View Photos

Overview · Reviews · The Host · Location

Beautiful 3 bed/3 bath East Nashville Home

Entire townhouse · Nashville



Bekah

8 guests 3 bedrooms 3 beds 3 baths

Brand new, modern home. 2 bedrooms are located upstairs and 1 is downstairs. All bedrooms have a full bathroom. The house is open concept, which is a great feature for large parties to spread out, relax, and enjoy the home. Covers deck & porch are delightful.

So many bars and restaurants are near by. Several places are within walking distance. Downtown Nashville is a 5-10 min Lyft ride away. East Nashville is constantly booming with amazing food options and they are close to the house. Enjoy!!

Read more about the space

Contact host

Amenities

- Elevator
- Pets allowed
- Doorman
- Smoking allowed
- Free parking on premises
- Cable TV
- Essentials
- Laptop friendly workspace
- Iron

\$245 per night
★★★★ 18

Check In → Check Out

1 guest

Request to Book

You won't be charged yet

Report this listing

Matched property listing

Buzzer/wireless-intercom

Kitchen

Hot tub

Wheelchair-accessible

Family/kid friendly

Gym

Wireless Internet

Suitable for events

Pool

Indoor fireplace

Breakfast

Family amenities

Baby bath

Baby monitor

Babysitter recommendations

Bathtub

Changing table

Children's books and toys

Children's dinnerware

Crib

Fireplace guards

Hide amenities ^

Hangers

Dryer

Hair dryer

Washer

TV

Heating

Air conditioning

Free parking on street

Private entrance

Ethernet connection

Paid parking off premises

Game console

High chair

Outlet covers

Pack-n-Play/travel crib

Room-darkening shades

Stair gates

Table corner guards

Window guards

Sleeping arrangements



Bedroom 1
1 queen bed



Bedroom 2
1 queen bed



Bedroom 3
1 double bed

House Rules

- No smoking
- Not suitable for pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 11AM
- Self check-in with keypad

Cancellations

Moderate

Cancel up to 5 days before check in and get a full refund (minus service fees).
Cancel within 5 days of your trip and the first ni...Read more

Get details


18 Reviews ★★★★★

Search reviews


Accuracy ★★★★★ Location ★★★★★

Matched property listing


Communication	★★★★★	Check In	★★★★★
Cleanliness	★★★★★	Value	★★★★★

 **John**
November 2017


great really nice home would stay here again next time im in town

 **Amy**
October 2017


We enjoyed our Nashville trip and loved Bekah's house! We had 7 in our group and the house was perfect. Great location and the house was gorgeous and very clean. Thanks Bekah!

 **Erica**
October 2017

Bekah's place was modern and well maintained. It was nice that she laid out an air mattress because she knew we would need it. Her communication was very accurate and prompt. The only complaint was that there is a loud train that goes by a couple times a night and a neighbors...Read more

 **Kristie**
September 2017


Such a cute home! We had a great time.

 **Amy**
August 2017

Bekah was an amazing host. Her home is beautiful and very accommodating. We had a group of 8 with plenty of room and comfort. I would recommend this home to anyone staying in the Nashville area. Thank you, again, Bekah!

 **Shana**
August 2017

Bekah is a great host and a wonderful communicator. She was very accommodating on the check in time, as it is automated. I appreciate that and recommend this place highly. :-)

 **Andrea**
July 2017



The house was beautiful, and the owners were very helpful with any questions we had! The stay was perfect for our large group, and close enough to downtown that it wasn't a hassle for us to go places!

1 2 3 ▶

Hosted by Bekah

Nashville, Tennessee, United States · Joined in January 2017



 Reviews  Verified

Young professional who loves to travel and meet new people. Definitely an extrovert and enjoy new experiences.

Contact host

Response rate: 100%
Response time: within a day

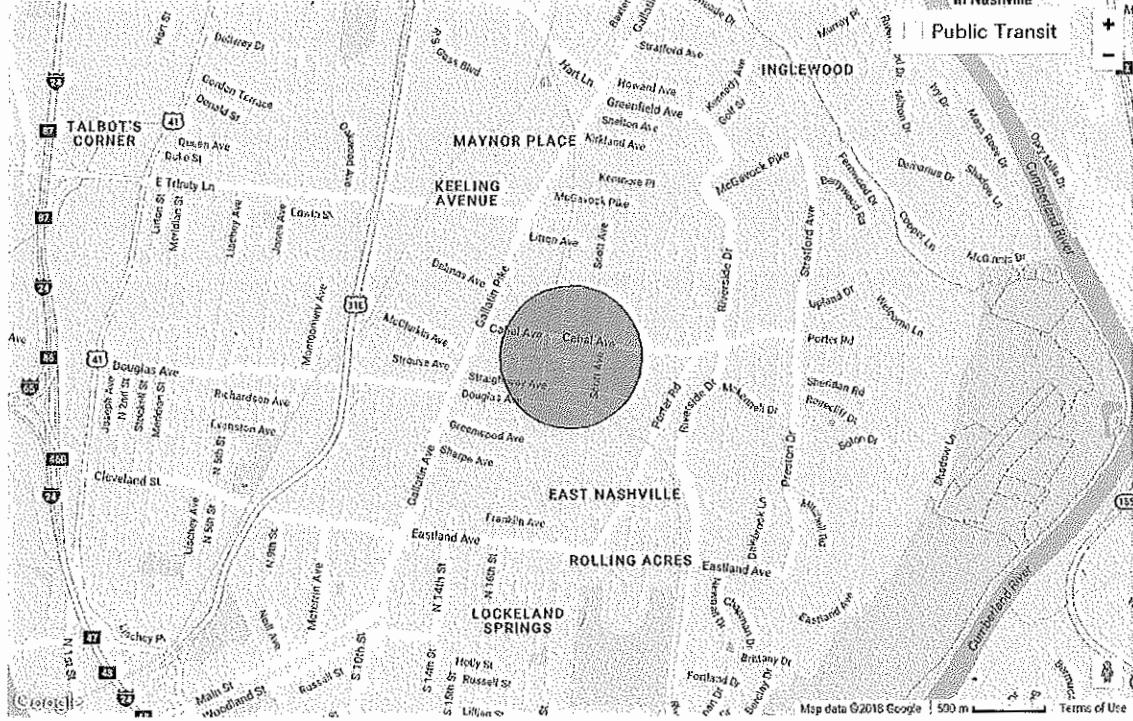
Always communicate through Airbnb · To protect your payment, never transfer money or communicate outside of the Airbnb website or app. [Learn more](#)

The neighborhood

Bekah's home is located in Nashville, Tennessee, United States.

[Read more about the neighborhood](#) ▾

Things to do in Nashville



Exact location information is provided after a booking is confirmed.

Similar listings

...

Explore other options in and around Nashville

More places to stay in Nashville: Apartments · Houses · Bed & Breakfasts · Lofts · Villas

Apopka Vacation Rentals
 Longmont
 West Tisbury
 West Coates

Mackinaw City Vacation Rentals
 Rhododendron
 Wilmington
 Cannon Lake

Charlotte Vacation Rentals
 Wellesley
 Ocean City
 Paradise

2018 4205 8-425
OPPOSE

October 12, 2018

Metropolitan Board of Zoning Appeals
PO Box 196300
Nashville, TN 37219-6300
Permit # - 20180036958

Dear Madam or Sir:

My name is Kevin McCormack. I reside at 1306 Chester Avenue, Nashville, TN, 37206. I received notification that the owners of 1402B Chester Avenue, Nashville, TN are appealing to be granted a permit to operate a short term rental at the residence.

I wish to give my written opposition to granting them this request. There are more than enough short term rentals in East Nashville and all of Nashville period. These "short term rental businesses" have made the lives of many of us who live next door, or close by to one, a literal nightmare.

The home next door to me, 1302 Chester Avenue is a full time short term rental. In the last 3 years, my life has been turned upside down numerous times due to the tenants in this property. Loud music, beer cans thrown into my yard, overflowing garbage that blows into my yard, drunk people screaming at all hours of the night, the illegal use of recreational drugs on the property that I smell frequently, and other more minor things. However, even minor things are not something any full time homeowner should have to deal with on a regular basis. I have called the police several times due to issues at the property. Adding another short term rental on the street will only add to the misery of those of us trying to live a normal life in East Nashville.

Furthermore, if these homeowners were operating without a permit previously, AND breaking the law in doing so, why would they now be allowed to even apply for a permit? That, in and of itself, makes no sense to me.

There is also a great safety issue with all of these short term rentals throughout Nashville, Davidson County and the rest of the country for that matter. We have no clue who these people are renting these homes. They could be anyone. The 'vetting' process of AirBnB, HomeAway and others, is simply making sure that the potential renters have enough room on their credit card to pay the nightly rent.

I've had people tell me that those who rent hotel rooms do not go through a security screening prior to renting a room and the vetting process is the same with the comment about the credit card. The big difference is, hotels have an entire security staff and elaborate security systems that keep other guests and neighbors of the property much safer. With short term rentals, those of us who live next door, or close by, do not have that security feature when it comes to those staying in those places. Full time renters in a property are typically required to sign a long term lease, go through a background screen, and if they are a sex offender are required, by law, to register as one, or face the consequences. This is not true with short term rental tenants and, to me, is quite scary, when there are anonymous people staying 10 feet from my house each night.

It is my hope that the owners of 1402B Chester Avenue will have their request for a permit permanently denied.

Sincerely,



Kevin R. McCormack
615-344-3086

Metropolitan Board of Zoning Appeals

Metro Howard Building

800 Second Avenue South

Nashville, Tennessee 37210

615-862-6530

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Brandon McDonald

Date: 8-9-18

Property Owner: Brandon McDonaldCase #: 2018-514Representative: Brandon McDonald

Map & Parcel 105030I00400CO

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 obtain a STRP permit.Activity Type: Short Term RentalLocation: 1067 B 2nd Ave. S

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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after transfer of ownership name.

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.

Completed and witnessed, DateBrandon McDonald

Name (Please Print)

brandonm@urbandwellhomes.com

Applicant's e-mail address

Signature

(615) 594-6838

Applicant's phone

203 Point East Dr.

Mailing Address

Nashville, TN 37216

City, State, Zip Code

(615) 594-6838

Phone Number

*This will also serve as a receipt of (cash) (check) to**partly compensate for the expenses under this appeal.*Appeal Fee: \$ 100.00



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



3544024

ZONING BOARD APPEAL / CAAZ - 20180047285
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 105030I00400CO

APPLICATION DATE: 08/09/2018

SITE ADDRESS:

1067 B 2ND AVE S NASHVILLE, TN 37210
UNIT 2B 1067 2ND AVENUE SOUTH TOWNHOMES

PARCEL OWNER: MCDONALD, ROBERT BRANDON

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after transfer of ownership name.

*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.

A handwritten signature in black ink, enclosed in a large, irregular oval shape.

8.9.18

From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: District 17 stances for Nov. 1
Date: Monday, October 29, 2018 7:59:02 AM

From: Sledge, Colby (Council Member)
Sent: Friday, October 26, 2018 4:05 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Subject: District 17 stances for Nov. 1

BZA members,

Good Friday afternoon! Below are my stances on District 17 items before you on Thursday, Nov. 1. Thank you, as always, for your service.

- I **oppose** a request for a variance to build front loading garages at 1704 Carvell Ave. (2018-522)
- I **oppose** a sidewalk variance request at 353 Glenrose Ave. (2018-575)
- I am **neutral** on a short-term rental permit appeal at 1067 B 2nd Ave S., as there appeared to be some sort of paperwork mixup. (2018-514)
- I **support** a short-term rental permit appeal at 14 A Garden St., as the owners contacted me and have neighbor support. (2018-581)

Thanks again,

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
615-862-6530



Appellant : Delois Crockett

Date: 8-14-18

Property Owner: Joe & Delois Crockett

Case #: 2018-523

Representative: Joe & Delois Crockett

Map & Parcel 03213008300

Council District 03

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: 4409 Falling Leaf Ln.

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: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated after transfer of ownership name.

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.

Delois Crockett 8-14-18
Completed and witnessed, Date

Delois Crockett
Name (Please Print)

Delois Crockett
Signature

delois1217@comcast.net
Applicant's e-mail address

(615) 876-5787
Applicant's phone

4409 Falling Leaf Ln.
Mailing Address

Nashville, TN 37207
City, State, Zip Code

(615) 876-5787
Phone Number

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

Appeal Fee: \$ 100.00



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.

Debra Crockett



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



Case #2018-523
3545862

ZONING BOARD APPEAL / CAAZ - 20180048576
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 03213008300

APPLICATION DATE: 08/14/2018

SITE ADDRESS:

4409 FALLING LEAF LN NASHVILLE, TN 37207
LOT 87 TIMBERTRAIL SEC 4

PARCEL OWNER: CROCKETT, JOE & DELOIS

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

*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.

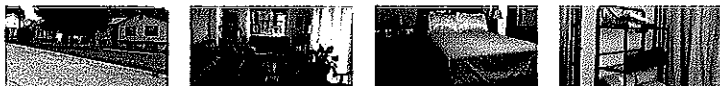
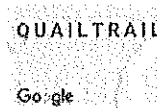
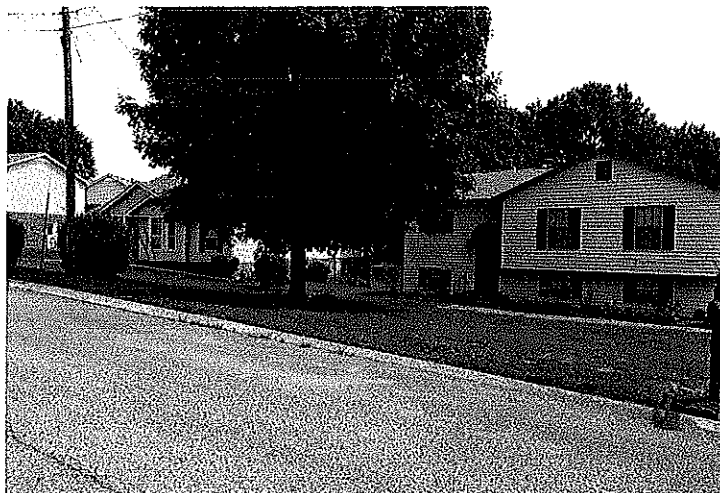
Rental Unit Record

4409 Falling Leaf Ln, Nashville, TN 37207, USA

Active ●
Identified ✓
Compliant ✕

PRINT

Airbnb - 25451893



Identified Address

4409 Falling Leaf Ln, Nashville, TN 37207, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.284254, -86.788250

Parcel Number

03213008300

Owner Name

CROCKETT, JOE & DELOIS

Owner Address

4409 Falling Leaf Ln
Nashville, TN 37207, US

Matched Details

Analyst LYY3

Explanation

Matched street view to listing photo. Matched name (Delois) to parcel records (owner #: CROCKETT, JOE & DELOIS).

Listing Photos

Matching 3rd Party Sources



Same exterior.

Zip Code Match

Owner Name Match

City Name Match











Timeline of Activity

View the series of events and documentation pertaining to this property

First Warning - No STR or Tax: Delivered August 11th, 2018

Listing Details


Listing URL	- https://www.airbnb.com/rooms/25451893
Listing Status	● Active
Host Compliance Listing ID	- air25451893
Listing Title	- Downtown Nashville within 10 minutes
Property type	- House
Room type	- Shared room
Listing Info Last Captured	- Aug 10, 2018
Screenshot Last Captured	- Aug 05, 2018
Price	- \$95/night
Cleaning Fee	- \$0

-  1 Documented Stay
August, 2018
-  First Warning - No STR or Tax: Sent 
August 4th, 2018
-  1 Documented Stay
July, 2018
-  Listing air25451893 Identified
July 13th, 2018
-  Listing air25451893 Reposted
June 23rd, 2018
-  Listing air25451893 Removed
June 22nd, 2018
-  1 Documented Stay
June, 2018
-  Listing air25451893 First Crawled
June 1st, 2018
-  Listing air25451893 First Activity
June 1st, 2018

Information Provided on Listing

Contact Name	- Delois
Latitude, Longitude	- 36.283470, -86.787613
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 6
Number of Reviews	- 3
Last Documented Stay	- 08/2018

Listing Screenshot History

 View Latest Listing Screenshot

August 05,
2018

June 5

July 4

August 1

August 05, 2018 - 03:01AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Aug 5, 2018 3:01am America/Chicago

Share Save



View Photos

SHARED ROOM IN HOUSE

Downtown Nashville within 10 minutes

Nashville



Delois

6 guests 1 bedroom 3 beds 2 baths

HOME HIGHLIGHTS

Self check-in · Easily check yourself in with the lockbox.

Helpful · Not helpful

Nice 3 bedroom 2 bath upstairs area with a deck. There is a separate entrance area for the guests to enter the home. 2 bedrooms are set up for guest functionality and the 3rd bedroom has exercise equipment however there is a let out couch for 3rd bedroom capabilities.

Contact host

Amenities

- Kitchen
- TV
- Cable TV
- Hangers
- Iron
- Shampoo

Show all 15 amenities

\$95 per night

Dates

Check In → Check Out

Guests

1 guest



Book

You won't be charged yet

This home is on people's minds. It's been viewed 171 times in the past week.

Report this listing

Steeping arrangements

 <p>Bedroom 1 1 queen bed</p>	 <p>Common spaces 1 sofa bed</p>
---	--

House Rules

- No smoking
- Not suitable for pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 12PM (noon)
- Self check-in with lockbox

Quiet time after 10pm

You must also acknowledge

- Must climb stairs
- Hide rules ^

Cancellations

Flexible policy - Free cancellation within 48 hours
 Cancel within 48 hours of booking to get a full refund.
 Read more about the policy v

Availability

Updated today


August 2018						September 2018					
Su	Mo	Tu	We	Th	Fr	Su	Mo	Tu	We	Th	Fr
5	6	7	8	9	10	1	2	3	4	5	6
11	12	13	14	15	16	7	8	9	10	11	12
18	19	20	21	22	23	13	14	15	16	17	18
25	26	27	28	29	30	19	20	21	22	23	24
						25	26	27	28	29	30

2 Reviews

Search reviews

 **Alicia**
July 2018

The homey touches to this Airbnb went above and beyond our expectations. We accidentally locked ourselves out the first night. Our message was answered immediately and we were met right in! On the day of check-out, fresh home-baked bread was delivered first thing in the morning. There were so many little amenities taken care of during our stay that we were not expected either. Awesome place and would highly recommend!

 **Response from Delois:**
 Thank you for your review it is our hope to extend warmth and love to all.
 July 2018

 **John**
June 2018

Only a ten minute drive to downtown Nashville and all the attractions you seek!
Great family atmosphere, very hospitable owner!!!

Hosted by Delois

Joined in May 2018



★ 2 Reviews

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](#)

The neighborhood

Delois's home is located in Nashville, Tennessee, United States.

Things to do in Nashville

Exact location information is provided after a booking is confirmed.

Explore other options in and around Nashville

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Appellant : Leith & Stephanie LoftinDate: 9-12-18Property Owner: Leith & Stephanie LoftinCase #: 2018-573Representative: Leith & Stephanie LoftinMap & Parcel: 10310009400Council District 24

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 RentalLocation: 823 Neartop Dr.

This property is in the RS10 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the proper 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.

Leith & Stephanie Loftin
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

823 Neartop Dr.
Address

Address

Nashville, TN 37205
City, State, Zip Code

City, State, Zip Code

(662) 392-8257
Phone Number

Phone Number

stephey1124@gmail.com
Email

Email

Appeal Fee: \$100.00

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

OFFICE ADDRESS
METRO OFFICE BUILDING--3rd FLOOR
808 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

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.

[Handwritten Signature]
9/12/18

[Handwritten Signature]
9/12/18



3558624



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 - 20180058236
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 10310009400

APPLICATION DATE: 09/12/2018

SITE ADDRESS:

823 NEARTOP DR NASHVILLE, TN 37205
LOT 1 HILLWOOD TERRACE

PARCEL OWNER: LOFTIN, LEITH

CONTRACTOR:

APPLICANT:**PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

*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.

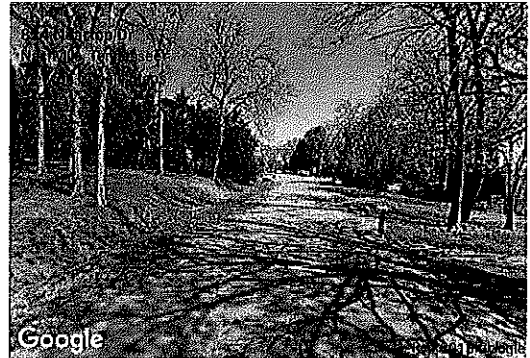
Rental Unit Record

823 Neartop Dr, Nashville, TN 37205, USA

Removed
Identified
Compliant

PRINT

Airbnb - 16612324



Identified Address

823 Neartop Dr, Nashville, TN 37205, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.132185, -86.859876

Parcel Number

10310009400

Owner Name

LOFTIN, LEITH

Owner Address

823 Neartop Dr
Nashville, TN 37205, US

Matched Details

Analyst

9XN5

Explanation

Listing is by Leith and Stephanie and unit is called "The Loft" Lieth Loftkin owns 2 houses next to each other and 823 shows the same AC unit with 2 tiny side windows and same red tiled patio and garbage storage as the listing exterior photos.

Listing Photos

Matching 3rd Party Sources



same window/ac unit placement



can see same width of wall with grabage cans and 2 white drain pipes on with side. Same red tile at beginning of porch in back

Timeline of Activity

View the series of events and documentation pertaining to this property

Listing air16612324 Removed July 30th, 2018

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL - <https://www.airbnb.com/rooms/16612324>

Listing Status ● Inactive

Host Compliance Listing ID - air16612324

Listing Title - The Loft Inn

Property type - Apartment

Room type - Entire home/apt

Listing Info Last Captured - Jun 17, 2018

Screenshot Last Captured - Jul 27, 2018

Price - \$65/night

Cleaning Fee - \$25

Information Provided on Listing

Contact Name - Leith And Stephanie

Latitude, Longitude - 36.131378, -86.860145

Minimum Stay (# of Nights) - 1

Max Sleeping Capacity (# of People) - 2

Number of Reviews - 141

Last Documented Stay - 07/2018

Listing Screenshot History

View Latest Listing Screenshot

July 10, 2018

July 4

August 0

September 0

- 2 Documented Stays
July, 2018
- 10 Documented Stays
June, 2018
- Listing air16612324 Reposted
June 23rd, 2018
- ✕ Listing air16612324 Removed
June 22nd, 2018
- First Warning - No STR or Tax: Delivered
June 9th, 2018
- First Warning - No STR or Tax: Sent
June 1st, 2018
- 10 Documented Stays
May, 2018
- ✓ Listing air16612324 Identified
May 24th, 2018
- 11 Documented Stays
April, 2018
- 8 Documented Stays
March, 2018
- 3 Documented Stays
February, 2018
- 3 Documented Stays
January, 2018
- 4 Documented Stays
December, 2017
- 2 Documented Stays
November, 2017
- 7 Documented Stays
October, 2017
- 5 Documented Stays
September, 2017
- 9 Documented Stays
August, 2017
- 11 Documented Stays
July, 2017
- 13 Documented Stays
June, 2017
- 17 Documented Stays
May, 2017
- 9 Documented Stays
April, 2017
- 9 Documented Stays
March, 2017
- 5 Documented Stays
February, 2017
- 3 Documented Stays
January, 2017
- ✱ Listing air16612324 First Crawled
January 7th, 2017
- Listing air16612324 First Activity
January 3rd, 2017

July 27, 2018 - 01:48PM America/Chicago



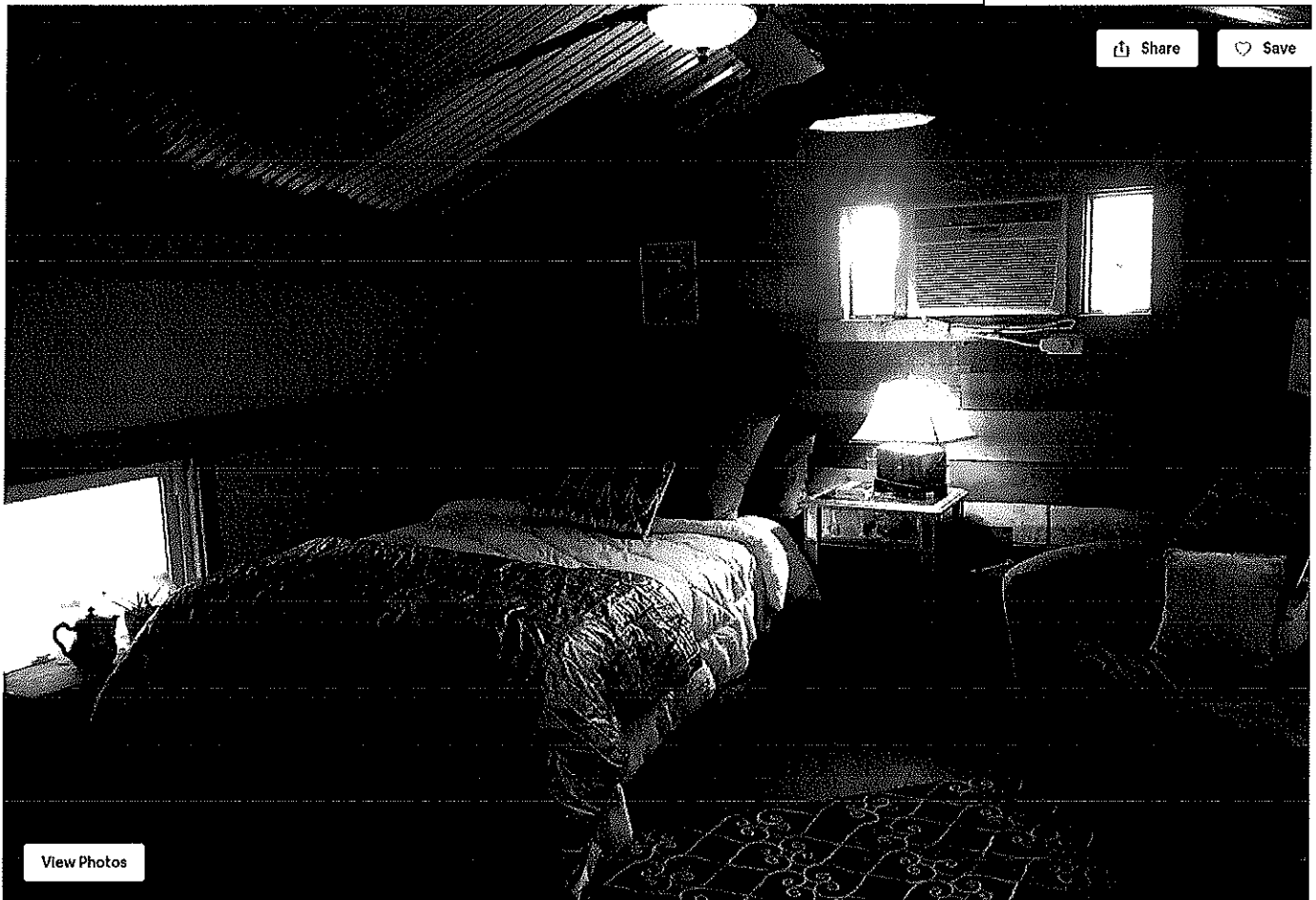
Search

Become a host Earn credit Help Sign up Log in

Jul 27, 2018 1:48pm America/Chicago

Share

Save



View Photos

ENTIRE APARTMENT

The Loft Inn

Nashville



Leith And Stephanie

2 guests 1 bedroom 1 bed 1 bath

HOME HIGHLIGHTS

Great location · 95% of recent guests gave this home's location a 5-star rating.

Helpful · Not helpful

Sparkling clean · 14 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Self check-in · Easily check yourself in with the lockbox.

Helpful · Not helpful

My place is close to parks, nightlife, the airport, and the city center. You'll love my place because of the ambience, the outdoors space, and the neighborhood. My place is good for couples, solo adventurers, business travelers, and furry friends (pets). It's cozy loft that has a country feel right in the middle of the city action. Totally Nashville!!! Come stay with us.

The space

Private entrance from the back porch to a private cozy loft. Also a nice fire pit area with lots of firewood. Very quiet peaceful neighborhood that is close to everything you will need. Very quick and easy ride to airport and to downtown.

Guest access

Dates

Check In → Check Out

Guests

1 guest

Request to Book

You won't be charged yet

Report this listing

Guest access

Several good restaurants within a mile. Descent shopping within a mile. Lots of things are walking distance such as Target, Starbucks, Chipotle, Panera Bread, two sushi restaurants, an awesome bagel place and several other cool spots to checkout. A very quick and easy Uber ride to downtown. There is a laundry mat .9 miles away.







Interaction with guests

We tend to give our guest their privacy and hardly even know when our guests are here. The Loft is very private but we are always willing to help our guests in any way to make their stay as comfortable as possible.

Hide ^

Contact host

Amenities

-  Free parking on premises
-  Laptop friendly workspace
-  Wifi
-  TV
-  Iron
-  Hangers

Show all 18 amenities



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 parking on premises

Guest access

Lockbox

Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure

Long term stays allowed
Allow stay for 28 days or more

Bed and bath

Hangers

Hair dryer

Shampoo

Outdoor

Patio or balcony

Garden or backyard

Safety features

Smoke detector

Not included



Kitchen

Washer

Private entrance

Carbon monoxide detector

Sleeping arrangements

 Bedroom 1 1 queen bed	 Common spaces 1 couch
--	--

House Rules

- No smoking
- No parties or events
- Check-in is anytime after 2PM
- Check out by 11AM
- Self check-in with lockbox

You must also acknowledge

- Pet(s) live on property
- Must climb stairs
- Hide rules ^

Availability

141 Reviews ★★★★★

Q Search reviews

Accuracy	★★★★★	Location	★★★★★
Communication	★★★★★	Check-in	★★★★★
Cleanliness	★★★★★	Value	★★★★★



Brenda
July 2018

P

great hosts I highly recommend this location to anyone visiting Nashville. thanks for all you do. we had a great time.



Jana
June 2018

P

This is a great space- comfortable inside and nice outdoors area as well. Close to restaurants and an easy Uber into downtown. Beautifully decorated with a spa quality shower and a comfy bed.



Christina
June 2018

P

The Loft is the perfect place to stay for a Nashville getaway! An awesome quiet location and beautifully decorated space (with fabulous shower!). Stephanie gave us some great recommendations for restaurants/places to explore and was such a warm and welcoming host. We would definitely come back on our next trip to Nashville and would highly recommend!



Heather
June 2018

P

Such a great place to stay and not far from downtown! Great to meet Leith and the pups too. Such a cute and cozy space, and we would definitely stay there again!



Nick
June 2018

P

It's an awesome little Loft & a great location near downtown! Only a 10\$ Uber ride & a very quiet area



Tabitha
June 2018

P

Our room was cozy and just perfect for our overnight trip. Stephanie was friendly and helpful and I would definitely recommend them to friends and family.



Jessica
June 2018

P

Loved this place! So adorable- even better than the photos. It's also very private and feels like you're in a little treehouse of your own. The air conditioner works excellent and kept it so cool, and the shower looks like it was newly remodeled and really cute! They even had little snacks for us. We met Leith, who was very friendly and inviting. Would certainly recommend staying here and would stay again.

Hosted by Leith And Stephanie

Joined in August 2015



★ 143 Reviews ✨ Verified

Leith And Stephanie is a Superhost - Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

We are hosts in Nashville and like to travel ourselves. Enjoy meeting new people and love animals.

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

The neighborhood

Leith And Stephanie's home is located in Nashville, Tennessee, United States.

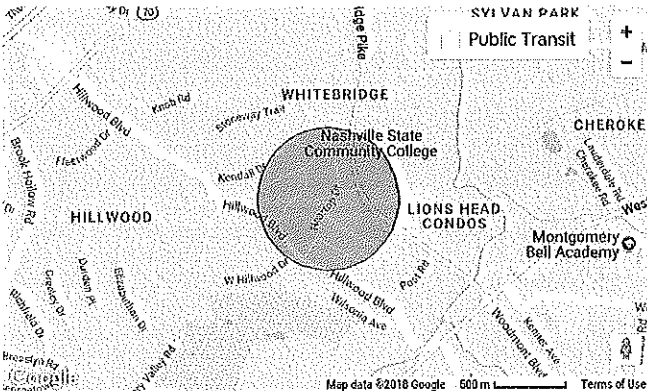
Several good restaurants within a mile. Descent shopping within a mile. Lots of things are walking distance such as Target, Starbucks, chipotle, Panera Bread, two sushi restaurants, an awesome bagel place and several other cool spots to checkout. Quick commute downtown. We recommend Uber because the expensive parking downtown. There is a laundry mat .9 miles away.

Getting around

I would recommend Uber to take downtown to avoid having to pay high prices for parking.

Hide ^

Things to do in Nashville



Exact location information is provided after a booking is confirmed.

Similar listings

Explore other options in and around Nashville

More places to stay in Nashville: Houses · Bed and breakfasts · Lofts · Villas · Condominiums

- Asheville Vacation Rentals
- Seaside Heights
- Folsom
- St Louis
- Memphis
- Frostburg

- Barnstable Vacation Rentals
- Louisville
- Nashville
- Geneva
- Ozark
- Doylestown

- Fort Pierce Vacation Rentals
- Vacaville
- Atlanta
- Greenbelt
- Meridian
- South Fork

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 parking on premises

Guest access

Lockbox

Logistics

Luggage dropoff allowed

For guests' convenience when they have early arrival or late departure

Long term stays allowed

Allow stay for 28 days or more

Bed and bath

Hangers

Hair dryer

Shampoo

Outdoor

Patio or balcony

Garden or backyard

Safety features

Smoke detector

Not included

Kitchen

Washer

Private entrance

Carbon monoxide detector

Airbnb

Discover

Hosting



Randolph & Earline McKinney
4506 Price Circle Road
Nashville, TN 37205

October 11, 2018

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

Appeal Case Number: 2018-573
823 Neartop Drive
Map Parcel: 10310009400
Zoning Classification RS10
Council District: 24

I received your letter that the owner of this property requested an Item A appeal to operate a short-term rental. We live at 4506 Price Circle Drive and own the property at 843 Neartop Drive where my father lives. Both residences are within 600 feet of the house at 823 Neartop Drive.

Please disapprove their appeal because it will significantly interfere with our peaceful use of our properties, decrease our property values and increase traffic on a narrow street.

Sincerely,

Earline McKinney

Randolph McKinney

From: [Garney B Scott, III](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal Case Number 2018-573 / 823 Neartop Dr
Date: Saturday, October 13, 2018 9:59:55 AM

Dear Board of Zoning Appeals:

I am the owner of 839 Neartop Drive which is within 600 feet of the above named address. I received the Zoning Appeal Notice to Neighboring Owners.

I write in **OPPOSITION** to the neighbor's request for a short term rental permit. The administrator was correct to deny the permit due to the owner's disregarding the rules requiring obtaining a permit. In light of this and also the fact that short term rentals can be disruptive to the neighborhood, I respectfully request that you uphold the denial.

Thank you,
Regards,
Garney Scott
Cell: 812-881-8903

Metropolitan Board of Zoning Appeals

Metro Howard Building
800 Second Avenue South
Nashville, Tennessee 37210

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



Appellant : Daniel & Amanda Burt

Date: 9-17-18

Property Owner: Daniel & Amanda Burt

Case #: 2018-581

Representative: Daniel & Amanda Burt

Map & Parcel: 105040A00100CO

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 obtain a STRP permit.

Activity Type: Short Term Rental

Location: 14 A Garden St.

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. Applicant operated under an expired STRP 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.

Daniel Burt
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

14 A Garden ST.
Address

Address

Nashville, TN 37210
City, State, Zip Code

City, State, Zip Code

(615) 512-0537
Phone Number

Phone Number

djburt@gmail.com
Email

Email

Appeal Fee: \$100.00



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



3559984

**ZONING BOARD APPEAL / CAAZ - 20180059000
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification**

PARCEL: 105040A00100CO**APPLICATION DATE:** 09/17/2018**SITE ADDRESS:**

14 A GARDEN ST NASHVILLE, TN 37210

UNIT A GARDEN STREET HOMES

PARCEL OWNER: BURT, DANIEL J. & AMANDA L.**CONTRACTOR:****APPLICANT:****PURPOSE:**

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated under an expired short term rental permit.

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

There are currently no required inspections

Inspection requirements may change due to changes during construction.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



DEPARTMENT OF CODES & BUILDING SAFETY

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

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

NOTICE

Pending your appeal of the denial of your application for a short term rental permit (STRP), you are prohibited from operating the STRP. Should you continue to advertise and/or operate the STRP at the subject property, the matter will be referred to Metro Legal for prosecution in Environmental Court.

A handwritten signature in blue ink, appearing to be a stylized name.

9/17/18

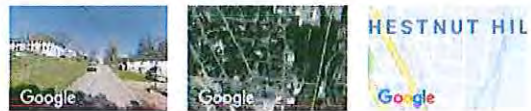
Rental Unit Record

14 Garden St, Nashville, TN 37210, USA

Removed ✗
Identified ✓
Compliant ✓

PRINT

Airbnb - 13493836



Identified Address

14 Garden St, Nashville, TN 37210, USA

Identified Unit Number

A

Identified Latitude, Longitude

36.143323, -86.760057

Parcel Number

105040A00100

Owner Name

BURT, DANIEL J. & AMANDA L.

Owner Address

14 A Garden St
Nashville, TN 37210, US

Registration / Permit Number

501159

Matched Details

Analyst 1YDJ

Explanation

Searching the neighborhood on Google Maps for a Town home led me th 14 Garden Street looking this address up I found a Zillow listing for a different unit but that clearly showed the outside of the building and matched one of the photos in the rental listing. Tax records show one matching name for the building and that is in unit A

Listing Photos



Matching 3rd Party Sources



A Zillow listing (for a different unit) shows the outside of the building which matches photos from the rental listing.



Timeline of Activity

View the series of events and documentation pertaining to this property

✗ Listing air13493836 Removed

Listing describes a remodeled town home owned by Daniel property records list this home as owned by a Daniel



Screenshot of google maps showing coordinates

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/13493836
Listing Status	● Inactive
Host Compliance Listing ID	- air13493836
Listing Title	- Spacious 4BR/2.5B Whole House near Downtown!
Property type	- Townhouse
Room type	- Entire home/apt
Listing Info Last Captured	- Sep 11, 2018
Screenshot Last Captured	- Sep 14, 2018
Price	- \$299/night
Cleaning Fee	- \$85

Information Provided on Listing

Contact Name	- Daniel
Latitude, Longitude	- 36.142658, -86.759476
Minimum Stay (# of Nights)	- 3
Max Sleeping Capacity (# of People)	- 8
Number of Reviews	- 22
Last Documented Stay	- 09/2018

Listing Screenshot History

View Latest Listing Screenshot

July 5

August 3

September 2

September 17th, 2018

- ✈ First Warning - No STR Permit: Delivered September 13th, 2018
- ✈ First Warning - No STR Permit: Sent September 5th, 2018
- 📅 1 Documented Stay September, 2018
- 📅 1 Documented Stay August, 2018
- Listing air13493836 Reposted June 23rd, 2018
- ✘ Listing air13493836 Removed June 22nd, 2018
- 📅 1 Documented Stay April, 2018
- ✈ Airbnb Letter: Delivered April 9th, 2018
- ✈ Airbnb Letter: Sent April 3rd, 2018
- 📅 1 Documented Stay March, 2018
- 📅 1 Documented Stay December, 2017
- 📅 1 Documented Stay October, 2017
- 📅 1 Documented Stay September, 2017
- ✓ Listing air13493836 Identified August 22nd, 2017
- 📅 1 Documented Stay August, 2017
- 📅 1 Documented Stay July, 2017
- 📅 1 Documented Stay June, 2017
- 📅 3 Documented Stays May, 2017
- 📅 2 Documented Stays April, 2017
- 📅 2 Documented Stays March, 2017
- 📅 1 Documented Stay January, 2017
- 📅 1 Documented Stay November, 2016
- 📅 1 Documented Stay October, 2016
- 📅 2 Documented Stays September, 2016
- ✳ Listing air13493836 First Crawled July 21st, 2016
- Listing air13493836 First Activity

June 29th, 2016

September 09, 2018 - 06:51AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Sep 9, 2018 6:51am America/Chicago

Share

Save



View Photos

ENTIRE TOWNHOUSE

Spacious 4BR/2.5B Whole House near Downtown!

Nashville



Daniel

8 guests 4 bedrooms 3 beds 2.5 baths

HOME HIGHLIGHTS

Sparkling clean · 5 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Great check-in experience · 100% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

Self check-in · Easily check yourself in with the keypad.

Helpful · Not helpful

We live 1.5 miles from downtown Nashville in this spacious ~2,000 sq ft town home. It has an open floor plan with a stocked kitchen, large dining table and comfortable living room. Your sleeping accommodations include 4 bedrooms with 2 queen beds, 1 XL twin bed, 2 cribs, a queen & twin air mattress, and a very long couch. There are 2.5 baths.

Close to the Adventure Science Center, Nashville Zoo, Cumberland Park, Gabby's Burgers and Fries, Clawson's Pub, and a \$6 Uber ride to downtown!

[Read more about the space](#)

[Contact host](#)

\$299 per night

★★★★★ 22

Dates

Check in



Check out

Guests

1 guest



Request to Book

You won't be charged yet




[Report this listing](#)

Amenities

- Free parking on premises
- Iron
- Kitchen
- Laptop friendly workspace
- Wifi
- TV

Show all 31 amenities

Sleeping arrangements

 **Bedroom 1**
1 queen bed
  **Bedroom 2**
1 queen bed
  **Bedroom 3**
1 air mattress, 2 cribs

Availability

Updated 1 day ago



22 Reviews ★★★★★

Search reviews

- Accuracy ★★★★★
- Location ★★★★★
- Communication ★★★★★
- Check-in ★★★★★
- Cleanliness ★★★★★
- Value ★★★★★

 **Ishaan**
September 2018

The Airbnb was a great, well-furnished place. Daniel and his wife were attentive and answered all of our questions. The rooms and bathrooms were all clean and there was ample space for our group to enjoy ourselves during our 3 day stay. Would recommend!

 **Angela**
April 2018

Daniel and Amanda were excellent. They were very accommodating with our check in and out times. The house was spotless and super nice. House was a quick 5 min ride to Broadway, so very convenient.

 **Hannah**
March 2018

I would definitely stay here again!

 **David**
December 2017

Great location for the Nashville experience.



Jessica
October 2017

Felt very welcomed when we walked in the door. They definately have everything set up to make you feel right at home. House was extremely neat and very comfortable sleeping arrangements. Location is close to so many restaurants and centrally located. Highly recommend!



Laurelyn
September 2017

Great hosts with a beautiful home. The communication prior to our visit was excellent, and check-in with the key code entry for our big group with different schedules was smooth. Small details down to white noise machines were attended to. We highly recommend this home!



Allison
August 2017

This home was so spacious and everything we needed for our trip to Nashville this weekend. As a group of 8 women, we needed plenty of space to get ready and this Air B&B did not disappoint with 2.5 baths, PLUS a huge double vanity with 3 mirrors. The kitchen is huge with plenty o...[Read more](#)



Hosted by Daniel



Nashville, Tennessee, United States · Joined in June 2016

★ 23 Reviews

We are a family of five who live next door to several friends and families as part of the Castanea community. Though most of our days are spent just surviving with three children, we have been known to enjoy playing outside, eating and hanging out with friends, visiting grandpare...[Read more](#)

Daniel supports the Living Wage Pledge

People who clean this host's listing are paid a living wage. [Learn more](#)

Languages: English

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 Daniel's place.



Amanda helps host.



The neighborhood

Daniel's home is located in Nashville, Tennessee, United States.

Our neighborhood, called Chestnut Hill, is small, but diverse and beautiful. There is everything from luxury town homes to old, single family homes to affordable housing units. We know many neighbors, some who have lived in this area their entire lives and have seen this neighborhood change immensely. Our neighborhood is very hot right now for development (mostly 2 story town homes and occasional small apartment buildings) due to its proximity to downtown

and occasional small apartment buildings, due to its proximity to downtown. You'll likely see new construction on your way in.

[Read more about the neighborhood](#) ▾

[Daniel's Guidebook](#) [Things to do in Nashville](#)

Nearby landmarks

Country Music Hall of Fame and Museum	1.6 mi
Ryman Auditorium	1.8 mi
Frist Art Museum	1.9 mi
Centennial Park	3.5 mi
The Parthenon	3.7 mi

Exact location information is provided after a booking is confirmed.

Policies

House Rules

- No smoking
- No pets
- No parties or events
- Check-in is anytime after 3PM
- Check out by 10AM
- Self check-in with keypad

[Read all 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.

[Read more about the policy](#) ▾

From: [Jason Adkins](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal # 2018-581 AirBNB Daniel and Amanda Burt
Date: Sunday, October 21, 2018 10:33:07 PM

Dear Metro Board of Zoning Appeals,

We live 3 doors down from Daniel and Amanda Burt. We understand they missed their yearly renewal recently and are making an appeal to continue operating their short term rental. They live in the home and rent it out only once a month or so, but I know it's helpful for them financially. We fully support them - they are good neighbors and are managing their AirBNB responsibly. We know they do a good job screening their guests to eliminate problem guests. I'm glad you are keeping a close eye on Air BNB because there are ways in which it can do harm to the neighborhood. These are the good guys and we hope you will grant them their appeal (Appeal # 2018-581).

Sincerely,
Jason and Stephani Adkins
14 D Garden St, Nashville,
TN 37210

From: [Laura Flemming](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Appeal #2018-581 | Taylor and Laura Flemming | 14 Garden Street Unit C Nashville, TN 37210
Date: Wednesday, October 17, 2018 5:19:51 PM

Dear Metro Board of Zoning Appeals,

Our neighbors Daniel and Amanda Burt have been renting out their home about once a month for two years now, and we understand they missed their yearly renewal recently and are making an appeal to continue operating their short term rental. We fully support them - they are good neighbors and we have had no issues with their Airbnb rentals to date. We know they do a good job screening their guests to eliminate problem renters. They live in the house in question, and only rent occasionally, and in our opinion this is what Airbnb was made for. We hope you will favorably grant them their appeal (Appeal # 2018-581).

Sincerely,
Taylor and Laura Flemming
14 Garden St, Nashville, TN 37210

From: [Josh Corlew](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: 14 Garden St Appeal #2018-581
Date: Sunday, October 14, 2018 7:15:38 AM

14 Garden St, Nashville, TN 37210
APPEAL #2018-581

Dear Metro Board of Zoning Appeals,

My neighbors Daniel and Amanda Burt have been renting out their home about once a month for two years now on AirBnB. I understand they missed their yearly renewal recently and are making an appeal to continue operating their short term rental. I fully support them in this renewal and the continued ability for them to occasionally rent out their home. Since they began this process years ago, we have had no issues with their Airbnb rentals. My wife and I talk often with Daniel and Amanda about their rental experiences, so we know they do a good job screening their guests to eliminate problem renters. They live in the house in question, and only rent occasionally, which means that they have a vested interest in the quality of our community's roads, schools, and local government. In our opinion this is exactly the kind of use of AirBnB that the recent regulations were made to facilitate, and we were discouraged to hear they were having so much difficulty in renewing their permit. We hope you will favorably grant them their appeal (Appeal # 2018-581).

Warmly,

Josh Corlew
14 Garden St, Unit B
Nashville, TN 37210

From: [John](#)
To: [Board of Zoning Appeals \(Codes\)](#)
Subject: Comment on Appeal #2018-581
Date: Wednesday, October 10, 2018 9:48:01 AM

Dear Metro Board of Zoning Appeals,

My neighbors Daniel and Amanda Burt have been renting out their home about once a month for two years now, and we understand they missed their yearly renewal recently and are making an appeal to continue operating their short term rental. I live in the building right next to theirs (we share a parking lot), and I've never had an issue with their short-term renters. They do a good job screening their guests to eliminate problem renters. The Burts (Daniel and Amanda and their three young children) live in the house in question, and only rent occasionally, and in my opinion this is what Airbnb was made for. We hope you will favorably grant them their appeal (Appeal # 2018-581).

Sincerely,

John Rosenwinkel
12 Garden St, Apt 103
Nashville, TN 37210

From: [Board of Zoning Appeals \(Codes\)](#)
To: [Braisted, Sean \(Codes\)](#)
Subject: FW: District 17 stances for Nov. 1
Date: Monday, October 29, 2018 7:59:02 AM

From: Sledge, Colby (Council Member)
Sent: Friday, October 26, 2018 4:05 PM
To: Board of Zoning Appeals (Codes) <bza@nashville.gov>
Subject: District 17 stances for Nov. 1

BZA members,

Good Friday afternoon! Below are my stances on District 17 items before you on Thursday, Nov. 1. Thank you, as always, for your service.

- I **oppose** a request for a variance to build front loading garages at 1704 Carvell Ave. (2018-522)
- I **oppose** a sidewalk variance request at 353 Glenrose Ave. (2018-575)
- I am **neutral** on a short-term rental permit appeal at 1067 B 2nd Ave S., as there appeared to be some sort of paperwork mixup. (2018-514)
- I **support** a short-term rental permit appeal at 14 A Garden St., as the owners contacted me and have neighbor support. (2018-581)

Thanks again,

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



Appellant : Patricia Marion

Date: 9-18-18

Property Owner: Patricia Marion

Case #: 2018-587

Representative: Patricia Marion

Map & Parcel: 172120B28600CO

Council District 04

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: 2765 Call Hill Rd.

This property is in the R15 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the proper 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.

Patricia Marion
Appellant Name (Please Print)

Same as Appellant
Representative Name (Please Print)

2765 Call Hill Rd.
Address

Address

Nashville, TN 37211
City, State, Zip Code

City, State, Zip Code

(615) 775-3061
Phone Number

Phone Number

tjcjbl@gmail.com
Email

Email

Appeal Fee: \$100.00



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



3560429

ZONING BOARD APPEAL / CAAZ - 20180059278
Inspection Checklist for Use and Occupancy
This is not a Use and Occupancy Notification

PARCEL: 172120B28600CO

APPLICATION DATE: 09/18/2018

SITE ADDRESS:

2765 CALL HILL RD NASHVILLE, TN 37211

LOT 458 BRADFORD HILLS SEC 13

PARCEL OWNER: MARION, JON & PATRICIA

CONTRACTOR:

APPLICANT:

PURPOSE:

Item A appeal, challenging the zoning administrator's denial of a short term rental permit. Applicant operated prior to obtaining the legally required short term rental permit.

*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--2nd 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.

Patricia K. Marion 9-18-18

Rental Unit Record

2765 Call Hill Rd, Nashville, TN 37211, USA

Active ●
 Identified ✓
 Compliant X



Airbnb - 21682850



Identified Address

2765 Call Hill Rd, Nashville, TN 37211, USA

Identified Unit Number

None

Identified Latitude, Longitude

36.022412, -86.721427

Parcel Number

172120B28600

Owner Name

MARION, JON & PATRICIA

Owner Address

2765 Call Hill Rd
Nashville, TN 37211, US

Timeline of Activity

View the series of events and documentation pertaining to this property

First Warning - No STR or Tax: Delivered September 13th, 2018

Matched Details

Analyst PK9V

Explanation

I was able to confirm Patricia's full name was Patricia Marion which matched tax record, co-owned with her husband Jon, who was also mentioned in the reviews of the listing.

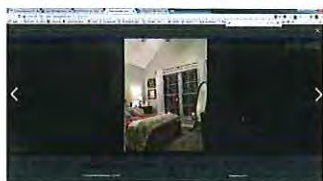
Listing Photos



Matching 3rd Party Sources



Confirmed Patricia's photo as well as full name and husband name, which matched the tax record for 2765 Call hill



Interior matches

Zip Code Match

Owner Name Match

City Name Match

Listing Details

Listing URL	- https://www.airbnb.com/rooms/21682850
Listing Status	● Active
Host Compliance Listing ID	- air21682850
Listing Title	- Nashville Ballet Room. CLEAN*
Property type	- House
Room type	- Private room
Listing Info Last Captured	- Sep 16, 2018
Screenshot Last Captured	- Sep 11, 2018
Price	- \$55/night
Cleaning Fee	- \$10

Information Provided on Listing

Contact Name	- Patricia
Latitude, Longitude	- 36.021236, -86.720871
Minimum Stay (# of Nights)	- 1
Max Sleeping Capacity (# of People)	- 2
Number of Reviews	- 47
Last Documented Stay	- 09/2018

Listing Screenshot History

View Latest Listing Screenshot

July 4

August 4

September 2

- 5 Documented Stays
September, 2018
- First Warning - No STR or Tax: Sent
September 5th, 2018
- 5 Documented Stays
August, 2018
- Listing air21682850 Reposted
August 19th, 2018
- ✕ Listing air21682850 Removed
August 15th, 2018
- 4 Documented Stays
July, 2018
- ✓ Listing air21682850 Identified
July 13th, 2018
- 8 Documented Stays
June, 2018
- 6 Documented Stays
May, 2018
- 7 Documented Stays
April, 2018
- 5 Documented Stays
March, 2018
- Listing air21682850 Reposted
March 2nd, 2018
- ✕ Listing air21682850 Removed
March 2nd, 2018
- 3 Documented Stays
February, 2018
- 2 Documented Stays
January, 2018
- 1 Documented Stay
December, 2017
- ✱ Listing air21682850 First Crawled
November 25th, 2017
- Listing air21682850 Reposted
November 25th, 2017
- ✕ Listing air21682850 Removed
November 18th, 2017
- Listing air21682850 First Activity
November 14th, 2017

September 11, 2018 - 02:46AM America/Chicago



Search

Become a host Earn credit Help Sign up Log in

Sep 11, 2018 2:46am America/Chicago

Share Save



View Photos

PRIVATE ROOM IN HOUSE

Nashville Ballet Room. CLEAN*

Nashville



Patricia

2 guests 1 bedroom 1 bed 1 private bath

HOME HIGHLIGHTS

Sparkling clean · 13 recent guests have said that this home was sparkling clean.

Helpful · Not helpful

Great value · 90% of recent guests gave this home's value a 5-star rating.

Helpful · Not helpful

Great check-in experience · 95% of recent guests gave this home's check-in process a 5-star rating.

Helpful · Not helpful

This It green ballerina themed room contains a full-sized bed, 2 nightstands, a full length mirror and a closet for hanging clothes. There are custom blinds and curtains on the windows and a remote controlled ceiling fan/light on the vaulted ceiling. There is also a small fan for sleeping noise. You will have a bath, towels and bottled water and muffins in the a.m. 9.5 mi from downtown Nashville

[Read more about the space](#)

[Contact host](#)

\$55 per night

★★★★★ 46

Dates

Check in → Check out

Guests

1 guest

[Book](#)

You won't be charged yet

This home is on people's minds. It's been viewed 102 times in the past week.

[Report this listing](#)

Amenities

- Free parking on premises
- Hangers
- Wifi
- Hair dryer
- Iron
- Shampoo

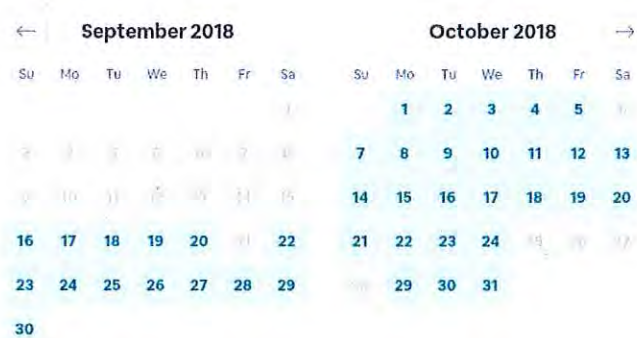
[Show all 16 amenities](#)

Accessibility

Wide doorway to the home's entrance

Availability

Updated today



46 Reviews ★★★★★

Search reviews

- Accuracy ★★★★★
- Location ★★★★★
- Communication ★★★★★
- Check-in ★★★★★
- Cleanliness ★★★★★
- Value ★★★★★

Bailey
September 2018

We very much enjoyed our stay, and felt welcomed and at home. We also got a muffin each when we woke up in the morning! Very cute stay!

Anna
September 2018

This is a beautiful home in a safe area where you can easily get a Lyft or Uber into the city from. They were very nice and the pets were friendly just as everyone has said.

Zack
September 2018

Neat and clean, good communication and comfortable bed. All I could as for in a quality nights stay.

Daniella
August 2018

Great hospitality and a great house! Very friendly people and pets!

Brett
August 2018

Patricia is the perfect host and her room is clean, quiet and comfortable. Patricia met us upon arrival and welcomed us into her home. The room and the bathroom were very clean. The next morning, Patricia gave us a great suggestion for breakfast. We will come back to this place w...[Read more](#)



Elissa
August 2018



Very clean. Extremely nice host. Everything was perfect and they did many extra touches that made our stay better.



Janette
August 2018



Nice clean home in a great neighborhood.



Hosted by Patricia



Nashville, Tennessee, United States · Joined in July 2017

★ 47 Reviews · Verified

My husband and I have been married 30 years. We lived in Wisconsin until the fall of 2017. We have 4 grown children who all live in the Nashville area. I am a ballet instructor at Nashville Ballet and my husband is an OT at Vanderbilt Ortho. Our home is all freshly paint...[Read more](#)

Languages: English

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](#)

The neighborhood

Patricia's home is located in Nashville, Tennessee, United States.

1 mile away is a Burger Republic, No 1 China, Blue Coast Burrito, Sports Bar, Azucar's Ice Cream, El Sombrero, Walmart, and more.

[Read more about the neighborhood](#) ▾

Things to do in Nashville

Nearby landmarks

Nashville Zoo at Grassmere 5.8 mi

Exact location information is provided after a booking is confirmed.

Policies

House Rules

Not suitable for children and infants - I do not have a crib.

No smoking

No pets

No parties or events

Check-in time is 3PM - 11PM

Check out by 11AM

[Read all rules](#) ▾

Cancellations

Flexible - Free cancellation for 48 hours

After that, cancel up to 24 hours before check-in and get a full refund, minus the service fee.

[Read more about the policy](#) ▾

October 16, 2018

RE: Appeal Case Number 2018-587
 2765 CALL HILL RD
 Map Parcel: 172120B28600C0
 Zoning Classification: R15
 Council District: 4

TO: Board of Zoning Appeals
 Metropolitan Board of Education
 2601 Bransford Avenue
 Nashville, Tn

Please accept this letter as my voice NOT IN FAVOR of granting the permit for short term rental at the residence located at 2765 Call Hill Rd., Nashville, Tn. subdivision of Bradford Hills. This is a family residential community to young families with small children, not a commercial community. I am most likely the most senior citizen residing in this community and do not wish to travel downtown to your meeting.

Thank you for notifying me of the meeting otherwise, we the surrounding residents would have never known. Again, respectfully request permit disapproval.


Loy M. Fulford
2777 Call Hill Rd
Nashville, Tn 37211
615-834-5139