

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Rylan Aaseby Appeal Case 2023-151  
222, 222 B OLD AMQUI RD  
Map Parcel: 04204011700, 042040B90000CO  
Zoning Classification: RM9-NS Council District: 8

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a variance in allowable height requirements. The appellant is seeking to construct 8 single family townhomes, for 4 of which the applicant seeks to penetrate the height control plane to 35.5' as depicted in the exhibits submitted by the applicant in support of its application.

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: Mr. Lawless Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpyneec, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRURARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jonathan McNabb Appeal Case 2023-154  
1805 RIDLEY BLVD (745 E. Argyle)  
Map Parcel: 10510035500  
Zoning Classification: ORI/UZO Council District: 17

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for special exceptions to increase the maximum height at the height control plane from 65’ to 70’ as depicted, to reduce the side street setback along Ridley from 10’ to 2’, and to reduce the rear setback along the alley from 20’ to 10’. The appellant is seeking to construct a multi-family development.

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 C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Sections 17.12.030C and 17.12.060D.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED, subject to the following conditions:

- 1. Widen East Argyle Avenue sidewalk to 8 feet; and
- 2. Provide street trees along Ridley Boulevard as buffer to I-65.

UPON MOTION BY: Ms. Karpynec

Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynec, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jay Fulmer Appeal Case 2023-156  
921 WOODLAND ST  
Map Parcel: 08212034000  
Zoning Classification: MUL-A/OV-UZO Council District: 6

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a variance to allow a structure in the rear setback. The appellant is seeking to construct an open-air structure portable kitchen.

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 based upon the steep grade topography present at the site.

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

UPON MOTION BY: Mr. Pepper

Seconded By: Ms. Karpyniec

Result: (4-2)

Ayes: Members Bradford, Karpyniec, Pepper, and Ransom

Nays: Members Davis and Lawless

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Catalyst Design Group Appeal Case 2024-008  
230 CUMBERLAND BND  
Map Parcel: 07113001500  
Zoning Classification: MUG-NS/OV-FLD Council District: 2

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a variance to reduce the required parking from 570 spaces To 540. The appellant is seeking to construct a mixed-use development.

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 based upon flood mitigation easements that encumber portions of the lot.

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

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpyne, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: John Gore - Barge Civil Associates Appeal Case 2024-009  
2491 MURFREESBORO PIKE  
Map Parcel: 14900032700  
Zoning Classification: OV-COM/R15/AR2A/OV-AIR Council District: 28

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a special exception – safety services to construct a new police precinct.

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 C of the Metropolitan Code.
- (3) The appellant HAS satisfied all of the conditions for a special exception under Section 17.16.150 and 17.16.220A.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant’s request shall be GRANTED, subject to the following conditions:

Installation of a type “C” landscape buffer along the western property line.

UPON MOTION BY: Mr. Pepper Seconded By: Mr. Lawless

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynec, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Farhad Roozbahan Appeal Case 2024-011  
109 EDGEMEADE BLVD  
Map Parcel: 03413005400  
Zoning Classification: CS/OV-FLD Council District: 9

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a variance in street setback requirements. The appellant is seeking to maintain and existing carport.

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 to 3/21/2024 for further hearing regarding removing the shed from the public right of way.

UPON MOTION BY: Mr. Bradford                      Seconded By: Mr. Pepper

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynec, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Preston Ayer Appeal Case 2024-013  
1212 BAPTIST WORLD CENTER DR  
Map Parcel: 07114025200  
Zoning Classification: IWD Council District: 2

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for variances to eliminate the perimeter landscape strip along the southerly property line, and to reduce the driveway width from 24' to 20'. The appellant is seeking to construct a mixed use development.

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 based upon the narrowness of the lot.

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

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynech, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Jolo Enterprises, LLC Appeal Case 2024-014  
2629 GALLATIN PIKE  
Map Parcel: 07210010600  
Zoning Classification: MUL-A/OV-UZO/OV-UDO Council District:5

**ORDER**

This matter came before the Metropolitan Board of Zoning Appeals 2/1/2024, upon application for variances in frontage and drive aisle requirements for a drive-thru restaurant.

Based upon the request of the appellant, and without objection from any members of the community, it is hereby ORDERED by the Metropolitan Board of Zoning Appeals that this application shall be DEFERRED to 3/7/2024.

UPON MOTION BY: Mr. Pepper Seconded By: Ms. Karpynec

Result: (6-0)  
Ayes: Members Bradford, Davis, Karpynec, Lawless, Pepper and Ransom  
Nays:  
Abstaining:  
Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.



**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Todd Shirk Appeal Case 2024-019  
1312 SWEETBRIAR AVE  
Map Parcel: 11801002200  
Zoning Classification: R8/OV-UZO Council District: 18

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct an offsite parking lot.

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 C of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED for further hearing to 4/4/2024.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynec, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.

**BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS**

RE: Father Boutros Appeal Case 2024-020  
5065 CHERRYWOOD DR  
Map Parcel: 16103002800  
Zoning Classification: R10/OV-AIR Council District: 27

**ORDER**

This matter came to be heard in public hearing on 2/1/2024, before the Metropolitan Board of Zoning Appeals, upon application for a special exception. The appellant is seeking to construct a new gym and fellowship hall.

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 C of the Metropolitan Code.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant's request shall be DEFERRED to 3/21/2024 for further review of proposed landscape screening and sound mitigation plans, and information of the height and elevation specifications for the proposed structure.

UPON MOTION BY: Mr. Lawless Seconded By: Mr. Bradford

Result: (6-0)

Ayes: Members Bradford, Davis, Karpynech, Lawless, Pepper and Ransom

Nays:

Abstaining:

Absent: Mr. Cole

ENTERED THIS 2nd DAY OF FEBRUARY, 2024.