



## MINUTES

# The Metropolitan Government of Nashville and Davidson County

## Board of Fire and Building Code Appeals

Meeting Date: **Tuesday – April 8, 2025**  
Place: Development Service Conference Center, Metro office Building  
800 President Ronald Reagan Way  
Time: 9:00 A.M.

FIRE AND BUILDING BOARD MEMBERS	MEMBER TERM EXPIRES	MEMBER ATTENDANCE	STAFF PRESENT
Andy Berry Ilke Hanloser Marina Ntoupis - Chairman Tim Prow -Vice Chairman Devinder Sandhu Christopher Dunn Anthony Locke Laura Hollier	July 20, 2025 July 19, 2026 June 20, 2025 July 19, 2026 July 20, 2025 March 1, 2027 March 1, 2026 March 2, 2027	Present Present Present Present Absent Present Present Present	Shannon Roberts Tessa Ortiz-Marsh Sam Rider Joe Almon Will Dodd John Tyler Byron Hall Theresa Hayes

### AGENDA TOPICS

- I. **Call Meeting To Order**
- II. **Open Public Comment Period**
- III. **Appeal Cases**
- IV. **Other Business**
- V. **Approval Of Last Month's Minutes**
- VI. **Adjournment**

### **I. CALL THE MEETING TO ORDER**

**II. OPEN PUBLIC COMMENT PERIOD** – No one to comment at start of meeting. PERSONS WHO WISH TO COMMENT ON MATTERS THAT ARE GERMANE TO ITEMS ON THE AGENDA, MUST SIGN UP PRIOR TO THE BEGINNING OF THE MEETING. PLEASE SEE SECRETARY FOR SIGN UP SHEET.

**TIME LIMIT ON TESTIMONY:** The appellant along with all persons in support shall have 15 minutes total time to present their case. The appellant may petition the Board for additional time. If there is opposition, both sides shall be granted equal time. Any member of the Board may directly question a witness at any time during the testimony. Upon the conclusion of testimony, the public hearing shall be closed, and no further testimony or evidence shall be admitted except as the Board may permit.

### III. APPEAL CASES

**Appeal Case No. 20250023992**

Site Address: **75 Elberta Street**  
**Nashville, TN 37210**

Represented by: David Kimbro  
Debra Massengille

Map/Parcel Number: 11906006900

**Appellant: David Kimbro**

Parcel Owner: Massengille, Debbie & Kimbro, David

**Code Provision:** 16.04.200 F. Fences shall be constructed in such a manner so that all fence cross beams and cross bracing shall face the interior of the property and shall not be oriented toward the street or an adjacent property.

**Applicant Appeals:** Appellant seeks to keep the existing fence as built, due to hardship of trees encroaching on property.

Discussion:

**Stipulation- Allow fence to be repaired in as/is condition. To restore to original condition as originally built.**

Motion: Approve/w  
Stipulation

First: Locke  
Second: Prow

Approved / Denied:

**Approved w/  
Stipulation  
7-0**

**Appeal Case No. 20250025464**

Site Address: **94 Peabody Street**  
**Nashville, TN 37210**

Represented by: Corey Moulton  
Gina Emmanuel

Map/Parcel Number: 09311002100

**Appellant: Corey Moulton**

Parcel Owner: D Briggs & Associates, LLC & Warren G Farms, LLC

**Code Provision:** Per 2018 IBC Definitions: Sleeping Unit. A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping rooms.

**Applicant Appeals:** Applicant proposes to have both a bathroom and a full kitchen including a stove, which may be allowable per the 2024 IBC, which has the same definition, but 2024 IBC 310.2 for R-1 says 'Residential Group R-1 occupancies containing more than two Dwelling units where the occupants are primarily Transient in nature'. The 2024 definition for Dwelling Unit includes 'A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.' Therefore 2024 IBC appears to allow cooking in R-1 occupancies.

Discussion:

Motion: Approve

First: Berry  
Second: Hollier

Approved / Denied:

**Approved  
7-0**

**Appeal Case No. 20250026430**

Site Address: **160 2<sup>nd</sup> AVE N**  
**Nashville, TN 37201**

Represented by: David Powell  
Matt Spaulding

Map/Parcel Number: 09306206900

**Appellant: Nathan Buck**

Parcel Owner: Cumberland Partners 1, LLC

**Code Provision:** This project proposes two additional stories added on top of an existing, historic, 3-story structure on 2nd Avenue. Table 504.4 in the International Building Code (IBC) allows for 5 stories above grade for this construction type (Type IIIA). An existing lower level below the existing 3-story structure was preliminarily interpreted as a story by the Rehab Committee.

**Applicant Appeals:** The applicant is appealing Code Provision Section 202 Definitions 'Story Above Grade Plane' Item 2, where stated 'at any point'. Additional clarify provided in the IBC Code Illustrator, the applicant believes in this scenario, it is too strict of an interpretation and this story should be considered a basement, and therefore not a story, based on the IBC's definitions of "basement", "grade plane", and "story above grade plane."

Discussion:

Motion: Approve

Approved / Denied:

First: Berry  
Second: Locke

**Approved**  
**6-1**  
**1-Recused- Hollier**

IV. <b><u>OTHER BUSINESS</u></b>		
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V. <b><u>APPROVAL OF MINUTES:</u></b>  Changes: Approval By:  Signature of Chairman _____	
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VI. <b><u>MOTION FOR ADJOURNMENT:</u></b>		
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If any accommodations are needed for individuals with disabilities who wish to be present at this meeting, please request the accommodation through hub Nashville at <https://nashville.gov/hub-ADA-boards> or by calling (615) 862-5000. Requests should be made as soon as possible, but 72 hours prior to the scheduled meeting is recommended.