



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-788, **Version:** 1

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from RS20 to SP zoning for property located at 4020 Estes Rd, approximately 430 feet north of Hobbs Road (1.03 acres), all of which is described herein (Proposal No. 2021SP-033-001).

WHEREAS, the current owners purchased 4020 Estes Rd in April of 2017, which was marketed as having an existing detached 1,644 sq. ft. guest house and garage; and

WHEREAS, in the fall of 2020, the owners applied for and received a building permit (#2020074463) to renovate the existing guesthouse/garage into a pool-house/guesthouse by converting the garage into additional living space to relocate the existing bedrooms to the first level and constructing a carport in front of the existing structure; and

WHEREAS, after significant work was completed on the renovations, including all plumbing, electrical, and framing work, Codes determined that the building permit was issued in error and halted the permit, as the guesthouse was classified as a detached accessory dwelling unit (DADU), which is not a permitted use in the RS20 zoning district; and

WHEREAS, in January of 2021, the owners filed for an Item A appeal, challenging the Zoning Administrator's decision to halt the building permit; and

WHEREAS, on March 4, 2021, the Board of Zoning Appeals denied the owners' Item A Appeal and upheld the Zoning Administrator's decision, as the Zoning Administrator made the appropriate decision to halt the permit and granting the appeal would result in a "variance for use"; and

WHEREAS, per Section 17.40.340.A of the Metro Code, the Board of Zoning Appeals cannot grant variances to Section 17.08.030 of the Metro Code, which regulates land uses and the zoning districts they are allowed in; and

WHEREAS, if this zoning change is not granted, the only remedy to make the pool-house/guesthouse compliant would be to construct a connection between it and the main house, which would result in the removal of a healthy, 144 inch (12 ft.) circumference heritage oak tree; and

WHEREAS, it is the intent of the owners of 4020 Estes Rd to utilize this proposed DADU for friends and family and not rent it out; and

WHEREAS, the owners have voluntarily agreed to place a deed restriction on the property prohibiting the DADU from being rented, either as a short term rental or a long term rental; and

WHEREAS, this SP will not permit either owner-occupied or not owner occupied short term rental uses on the property.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF

NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from RS20 to SP zoning for property located at 4020 Estes Rd, approximately 430 feet north of Hobbs Road (1.03 acres), being Property Parcel No. 089 as designated on Map 116-16 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the uses of this SP shall be limited to all uses permitted by the RS20 zoning district and one Detached Accessory Dwelling Unit.

Section 3. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Short Term Rental Property Owner-Occupied and Short Term Rental Property Not Owner-Occupied uses shall be prohibited.
2. Prior to the issuance of a permit, an instrument shall be prepared and recorded with the register's office covenanting that the detached accessory dwelling is being established accessory to a principal structure and may only be used under the conditions listed in Section 17.16.030.G of the Metro Code, excluding Subsection 17.16.030.G.7.
3. The structure to be utilized as a DADU shall be restricted to its existing footprint and square footage and a 568.8 sq. ft. carport as shown on the plan. The living space and footprint of the DADU may exceed the requirements of Subsection 17.16.030.G.7.
4. The structure to be utilized as a DADU shall not be altered to increase its height.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. The final SP may be waived and combined with building permit review.
7. All conditions and requirements of Metro reviewing agencies shall be complied with.

Section 4. Be it further enacted, a corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 5. Be it further enacted, minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee, based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increases the permitted density or floor area, adds uses not otherwise permitted, eliminates specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or adds vehicular access points not currently present or approved.

Section 6. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations, and requirements of RS20 zoning districts as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 7. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 116 of said Official Zoning

Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.