

KARL F. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

June 21, 2008

Mr. Billy DeVasher
131 Forest Retreat Road
Hendersonville, TN 37075

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RE: Case Number: 2008-034
Riverside Drive Map: 83-11 Parcels: 80, 193

Dear Mr. DeVasher:

At its regularly scheduled meeting June 19th, 2008, the Metropolitan Board of Zoning Appeals considered your appeal case and GRANTED your request for a variance in rear setback to allow the construction of 18 single family residences.

Enclosed is a copy of the Board's Order as it pertains to your case. The appellant or any aggrieved property owner may request a rehearing within sixty (60) days of the entered Order. Further, the appellant or any aggrieved property owner may appeal the Board's decision to Chancery Court within that sixty (60) day period. After that time, the Board's decision becomes final and no further action may be taken.

Prior to construction, it will be necessary for you to come to this office to have proper plans approved and to obtain the required permit. It should be noted this approval pertains only to zoning; therefore, all other requirements must be met.

Section 17.40.250 of the Metro Zoning Ordinance states as follows: "All permits for variances or special exception uses authorized by the board must be obtained within two years from the date of approval."

Sincerely,

Joel K. Hargis
Secretary, Board of Zoning Appeals

BEFORE THE METROPOLITAN BOARD OF ZONING APPEALS

RE: Riverside Development APPEAL CASE #2008-034
Riverside Drive
Map: 83-11 Parcels: 80, 193
Zoning Classification: R10

ORDER

This matter came to be heard in public hearing on June 19th, 2008, before the Metropolitan Board of Zoning Appeals, upon application of the appellant for a variance in rear setback requirements to allow the construction of eighteen single family residences.

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 Board found that the appellant has satisfied the standards for a variance under Section 17.40.370 of the Metropolitan Code due to the railroad and TVA easements encumbering the property.

It is therefore, ORDERED by the Metropolitan Board of Zoning Appeals that the appellant SHALL BE ISSUED the requested variance, subject to the following conditions for the protection of the adjoining properties:

1. All dwelling improvements to be constructed upon any lot shall consist of single family dwellings.
2. No construction, which term shall include within its definition staking, clearing, excavation, grading, and other site work, shall take place until plans and specifications for the improvements are approved in writing by the Architectural Review Committee ("ARC"). The ARC shall consist of three (3) members, which shall include one member of the Fortland Farms Homeowners Association and will initially be appointed by the Declarant. The ARC shall have exclusive jurisdiction over all new construction on any portion of the Properties, as well as modifications, additions, or alterations made on or to existing Lots or structures located on Lots. Plans shall include, but not be limited to, front and rear elevations, all exterior materials and color of said materials, site plan of proposed improvement, landscape plan, and location and material of driveway. Decision of the ARC on such matters is deemed final.
3. No building shall be constructed or maintained on any lot nearer the front of the lot than the setback line as shown on the recorded plat.
4. No sign or billboard shall be displayed to the public view on any lot except for:
 - a. "For sale" signs not exceeding two feet in height and three feet in length, not to exceed one such sign per lot.
 - b. Signs advertising garage sales may be posted only on the home site of the owner conducting the garage sale provided the signs are erected no more than three days prior to the date of the garage sale and removed upon completion of the sale.
 - c. Directional signs established by the developer and/or builder and promotional signs advertising homes for sale by the developer and/or builder.
5. All vehicles must be parked in the driveway or garage of the owner except in the event of a social function at the home of an owner.
6. All garage doors must face either the side or rear of the Lot. No front entry garages shall be allowed.
7. No tractor trailers, buses, or other commercial type vehicles shall be parked or stored on driveways or in the public street right-of-way. No trailers, boat trailers, travel/camping trailers, inoperative or unlicensed automobiles or motor homes shall be parked or stored in the public street right-of-way or forward of the front building setback line. Storage of such items and vehicles must be screened from public view, either within the garage or behind a fence or screen type structure, which is subject to the approval of the ARC prior to construction.
8. No animals, livestock, or poultry of any kind shall be kept, raised, bred, pastured, or maintained on any Lot except for household pets, such as dogs or cats which may be kept, in reasonable numbers, for the sole pleasure of the Owner. In no instance may any such animals be raised or kept for commercial purposes.

9. No building shall be constructed with a foundation of exposed block (concrete). Brick, split face block, or stoned veneer is required to grade. The use of vinyl siding as an exterior material on any improvement on any Lot is prohibited.
10. No houses shall be permitted to be moved from a former location and be placed or erected on any Lot.
11. No fence or fences of any kind shall be erected closer to any street than the rear line of the main dwelling. Plans for any fencing or screening, including location and materials, must be approved by the ARC prior to construction.
12. No structure of a temporary character, mobile home, camper, trailer, basement, tent, shack, garage, barn or other outbuilding shall be erected or moved on to any Lot, and/or used at any time as a residence, nor shall any residence of a temporary character be permitted. No structure of any kind except a dwelling house may be occupied as a residence.
13. Each Lot shall be used only for private, single family residential purposes except that the Developer may, during the initial construction period and so long as Developer owns and interest in the property, maintain construction and/or sales offices.
14. This Declaration shall be construed as covenants running with the land and shall remain in full force and effect for Fifty (50) Years from the date executed on restrictive covenant.
15. Invalidation of any one or more of these restrictions by judgment or court order shall not affect any of the other provisions not expressly held to be void or unenforceable, and all such remaining provisions shall remain in full force and effect.

UPON MOTION BY: Whitson

Seconded by: Randels

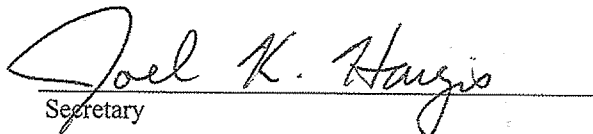
Ayes: Bedne, Cleveland, Ewing, Randels, Surface, Whitson

Nays: Lyford

ENTERED THIS 20th DAY OF June, 2008

METROPOLITAN BOARD OF ZONING APPEALS


Chair


Secretary