

# Town of Nashville

BRENDA BROWN, MAYOR  
RANDY LANSING, TOWN MANAGER

TOWN COUNCIL  
LOUISE W. HINTON  
KATE C. BURNS  
LYNNE HOBBS  
LARRY D. TAYLOR



BOARD OF ADJUSTMENT  
ROSS STRICKLAND  
EDDIE THOMAS  
TOMMY SASSER  
DENNIS EVANS  
BRIAN WEST  
BILL LUMPP  
WAYNE SEARS

## REGULAR MEETING AGENDA TOWN OF NASHVILLE BOARD OF ADJUSTMENT TOWN COUNCIL CHAMBERS 114 W. Church Street, Nashville NC 27856 TUESDAY, MARCH 28, 2023

1. **CALL TO ORDER & ROLL CALL:** 6:00pm (or immediately after Planning Board Meeting)
2. **MINUTES OF THE PRECEDING MEETING:** February 28, 2023
3. **BOARD OF ADJUSTMENT PROCEDURE FOR EVIDENTIARY HEARINGS**
4. **NEW BUSINESS (AGENDA & STAFF REPORT ATTACHED):**

**EVIDENTIARY HEARING:** To allow reduced distance from the ½ mile minimum requirement from another family care home of the Nashville Code of Ordinances for property located at 1848 First Street Extension; ParID# 304499; PIN# 3811 1036 8326. The property is zoned A-1 (Agricultural) Zoning District.

5. **ANNOUNCEMENT OF NEXT MEETING:** April 25, 2023, at 6pm (or immediately after Planning Board Meeting)
6. **ADJOURNMENT**

# Town of Nashville

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BOARD OF ADJUSTMENT  
ROSS STRICKLAND, CHAIRMAN  
EDDIE THOMAS, VICE CHAIRMAN  
TOMMY SASSER SR.  
DENNIS EVANS  
BRIAN WEST  
BILL LUMPP  
WAYNE SEARS

## TOWN OF NASHVILLE BOARD OF ADJUSTMENT MINUTES Tuesday, February 28, 2023

The Town of Nashville Board of Adjustment held a regular scheduled meeting on Tuesday, February 28, 2023, at approximately 6:50 PM in the Nashville's Parks and Recreation Facility located at 108 S. Boddie Street in Nashville, NC.

**Members Present:** Ross Strickland, Eddie Thomas, Tommy Sasser, Sr., Dennis Evans, Brian West, and Bill Lumpp

**Members Absent:** Wayne Sears

**Staff:** Sherry Moss, Planning Director and Shawn Lucas, Planner

### 1. CALL TO ORDER:

The meeting was called to order by Chairman Ross Strickland at approximately 6:50pm. A quorum was present.

### 2. APPROVAL OF MINUTES OF THE PRECEDING MEETING (January 31, 2023):

Chairman Ross Strickland called for a motion to approve the January 31, 2023, minutes. A motion was made by Board Member Tommy Sasser to approve the minutes. Board Member Bill Lumpp seconded the motioned. The motion passed unanimously 5-0. There was no further discussion.

### 3. NEW BUSINESS (AGENDA & STAFF REPORT ATTACHED): REVIEW & UPDATE OF NASHVILLE'S BOARD OF ADJUSTMENT RULES OF PROCEDURE

Planning Director Sherry Moss presented to the Board of Adjustment, the existing draft of the Board of Adjustment Rules of Procedure with revisions. She mentioned that the rules haven't been updated in a while. Therefore, she prepared markups for what needed to be changed. Changes/revisions included: correct Chapter number to "160D-302; change "zoning ordinance" to "code of ordinances"; change term of office from "July 1" to "January 1"; change all "he" to "he/she"; change meeting date and time to "last Tuesday prior to the first Town Council Meeting of each month at 6pm or immediately after the Planning Board Meeting"; change quorum from three to four; and change the hearing's time and notice to "not later than three weeks" and "published at least once each week for two successive weeks" respectively.

Board Member Bill Lumpp motioned to approve changes as outlined in the sections. Board Member Brian West seconded the motion. The motion passed unanimously 5-0. There were no further discussion.

### 4. ANNOUNCEMENT OF NEXT MEETING: March 28, 2023, at 6pm (or immediately after Planning Board Meeting)

### 5. ADJOURNMENT

Motioned by Board Member Tommy Sasser and seconded by Board Member Bill Lumpp. The meeting adjourned at 6:57pm.

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Secretary

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Chairman Ross Strickland

**The following rules apply to the quasi-judicial public hearing (V 2023-02, Variance Request):**

This application for a variance request requires an evidentiary hearing on the application, which will be heard by the Board of Adjustment acting as a quasi-judicial board. The purpose of the hearing is to gather legally acceptable evidence in order to establish sufficient facts to apply the applicable ordinance. The purpose is not to gather public opinion about the desirability of the project. The Board of Adjustment should not discuss or receive information about the merits of the case from the parties, or members of the public, before the hearing. All testimony before Board of Adjustment must be “sworn” testimony. All persons wishing to speak on this matter must be sworn in. Applicants may elect to be represented by legal counsel.

The applicant has the burden of producing sufficient substantial, competent, and material evidence for the Board of Adjustment to conclude that the criteria of the applicable ordinance(s) have been met.

**PROCEDURE FOR THE HEARING**

The procedure for hearing this case is as follows:

- Anyone who wants to speak at this quasi-judicial public hearing should sign in with Planning Staff and be sworn in to speak. All speakers shall speak from the podium.
- The hearing is opened, and preliminary matters are addressed.
- A staff representative presents a preliminary statement or staff report.
- The applicant is called on to present the argument and evidence in support of the application, followed by others who wish to speak in support or opposition of the application.
  - The applicant should present their argument and evidence to show that the standards of the applicable ordinance(s) have been met as concisely and efficiently as possible.
  - All speakers should address the approval criteria and must avoid inflammatory, irrelevant or repetitious testimony. Groups are encouraged to select a spokesperson to speak about general matters for the group.
  - Speakers may introduce exhibits only to support their testimony at the hearing. Letters from individuals who do not appear at the hearing and petitions are considered unsworn testimony or hearsay, and cannot be considered by council.
  - All speakers should ensure their testimony (i) is relevant to the criteria, (ii) consists of statements and facts about which the speaker can personally testify, and not the statements or words of others who are not testifying and (iii) is not speculative opinions or generalized objections without supporting facts.
  - Only speakers who are qualified as experts in the appropriate field should testify about (i) how the use of property in a particular way would affect the value of other property, (ii) how the increase of vehicular traffic resulting from the proposed development would pose a danger to the public safety, or (iii) other matters that would require expert testimony under the rules of evidence.
  - All speakers should direct their testimony to the criteria that must be met for the particular application.
- Board members may pose questions to the applicant and the speakers who spoke in support or opposition of the application.
- Persons opposed to the application are invited to speak.
- Board members may pose questions to the persons who spoke in opposition to the request.
- Both sides are permitted to question the other side and present rebuttals.
- The Board of Adjustment Chairperson closes the period for public discussion.
- The Board deliberates. In the course of the deliberation, the board members may ask questions of the staff, the applicant or others who have testified, but beyond that, additional comments from the floor will be admitted only at the discretion of the Board of Adjustment Chairperson. Additional cross-examination and rebuttals may be made only on new evidence presented.
- The public hearing is closed.
- Staff may present their recommendation to the Board at this time. All evidence must be presented and considered before a recommendation can be submitted.
- The Board of Adjustment will render a decision.

- For this variance approval the criteria are:

### **QUASI-JUDICIAL REQUIREMENTS FOR VOTING**

The Board of Adjustment should motion on the approval or denial of V 2023-02.

1. If approved, the Board need not make findings of fact.
2. If denied the Board must vote on each specific finding and state a reason as to why the finding was denied. Only one finding must be denied opposing the permit. The findings of fact are as follows:
  - A. That unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
  - B. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
  - C. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
  - D. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

3. If approved, any conditions should be stated in the motion to approve.  
Choices:
  - Denial with specific finding and stated reasoning for such.
  - Approval without conditions (acceptance of project as submitted).
  - Approval with a selection of conditions provided by staff, Board Members and/or applicant.
  - Table for further study.

The Board may place additional restrictions or conditions as deemed necessary.

Important limitations on imposing conditions:

- The ordinance must provide authority and set a process to impose conditions.
- The ordinance must include standards the conditions will address.
- Substantial evidence in the record must support conditions actually imposed.
- Conditions that impose an exaction must be reasonably related and proportionate to the impact of the development.
- A condition cannot be imposed just because the Board thinks it would be a good idea or because it is desired by neighbors.
- Any condition that is imposed must be purposed to bring the permit into compliance with standards that are included in the ordinance.
- All conditions must be based on meeting a relevant standard in the ordinance and the conditions must reasonably relate to that standard.



**TOWN OF NASHVILLE**  
**PLANNING DEPARTMENT**  
 499 S. Barnes Street / Nashville, NC 27856 / 252.459.4511  
 www.townofnashvillenc.gov



**BOARD OF ADJUSTMENT AGENDA-STAFF REPORT**

<b>Variance Case:</b>	V 2023-02
<b>Report By:</b>	Sherry N. Moss, Planning Director
<b>Hearing Date:</b> Board of Adjustment – March 28, 2023	

**ADDRESS OF THE VARIANCE PROPOSAL:**

1848 First Street Extension  
 Nashville, NC 27856

**PROPERTY OWNER:**

Sheila M. McDowell  
 1848 First Street Extension  
 Nashville, NC 27856

**APPLICANT:**

Same

**ANALYSIS OF THE VARIANCE REQUEST:**

**V 2023-02:** This is a variance request by Sheila McDowell to allow reduced distance (+/-195’ feet) from the ½ mile minimum requirements for family care homes of the Nashville Code of Ordinances for property located at 1848 First Street Extension; ParID# 304499; PIN# 3811 1036 8326. The property is zoned A-1 (Agricultural) Zoning District and consists of 2.01 acres. The property owner is proposing to a family care home to be located at the said address. However, another family care home is located at 1522 Glen Eagles Court (Welcome Home Group Home II), which is less than the ½ mile (2,640’ feet) distance requirement from zoning lot to zoning lot. The zoning lot of 1522 Glen Eagles Court is approximately 0.4632 +/- miles (2,445’ +/- feet) from 1848 First Street Extension; a difference of approximately +/-195’ feet. The ordinance requires that “the zoning lot on which a one-family care home is proposed shall not be located within one-half mile of a zoning lot containing another such facility”.

**ZONING & LAND USE:**

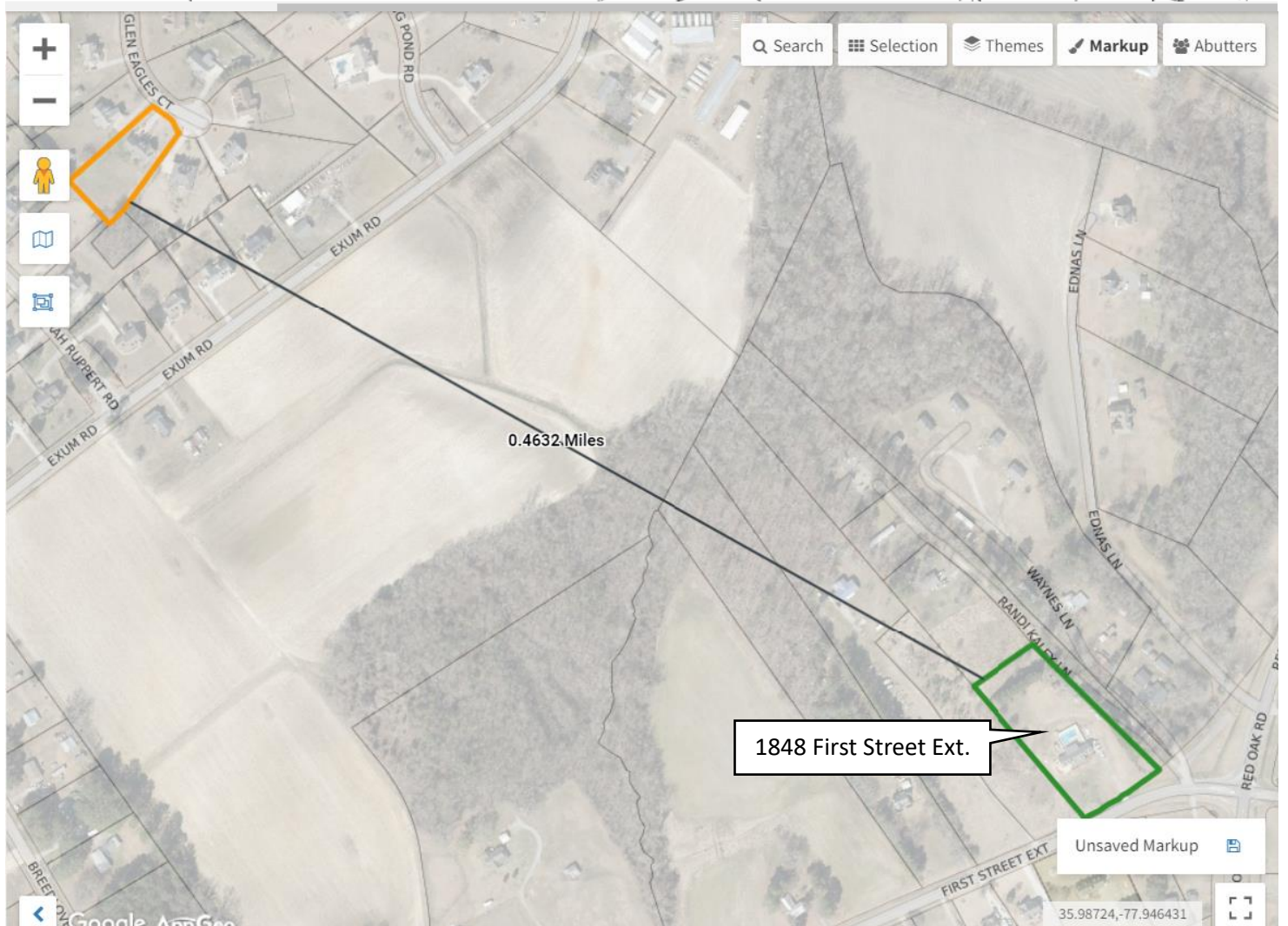
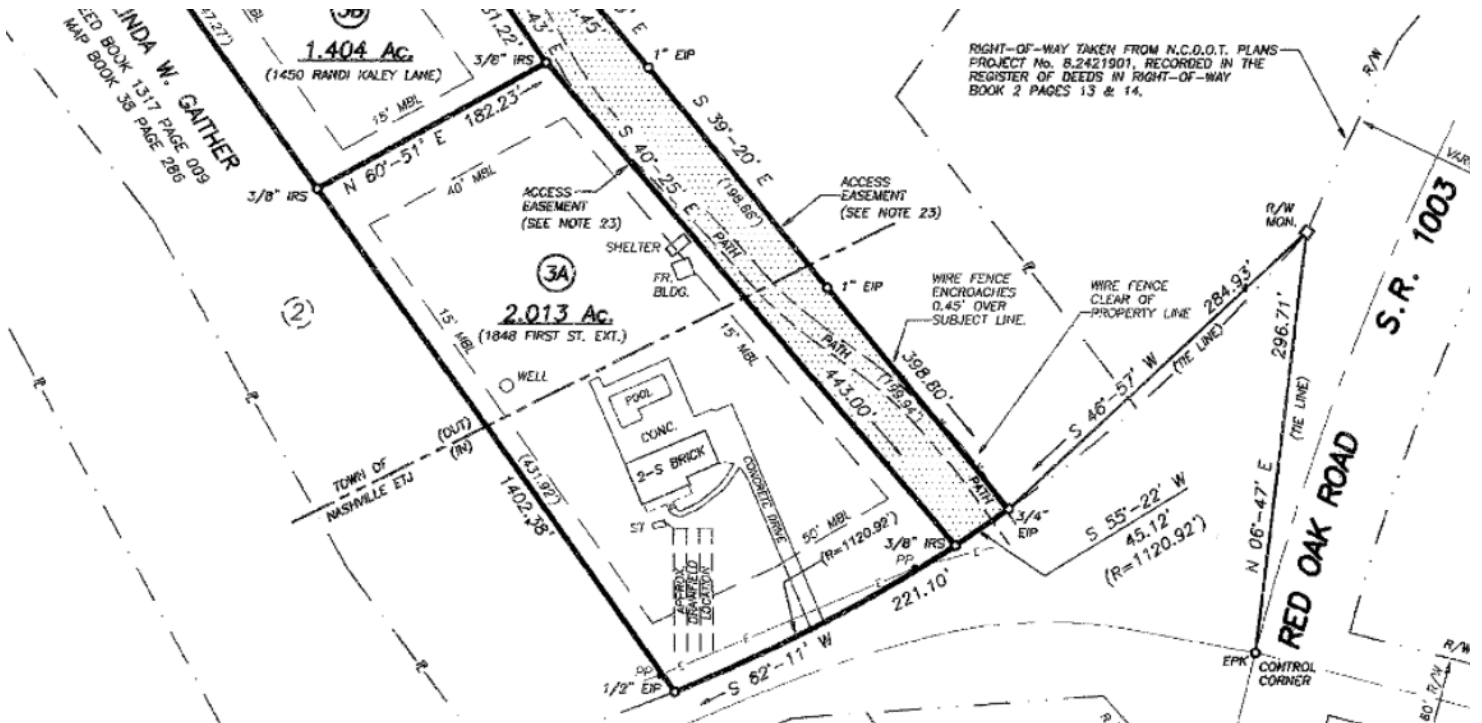
North	South	East	West
<b>Adjacent/Nearby Zoning Designation</b>			
Nash County Zoning	A-1 Agricultural	A-1 & Nash County Zoning	A-1 & Nash County Zoning
<b>Adjacent/Nearby Land Uses</b>			
Residential	Residential	Residential	Residential

**METES AND BOUNDS DESCRIPTION: Book 2830 / Page 996**

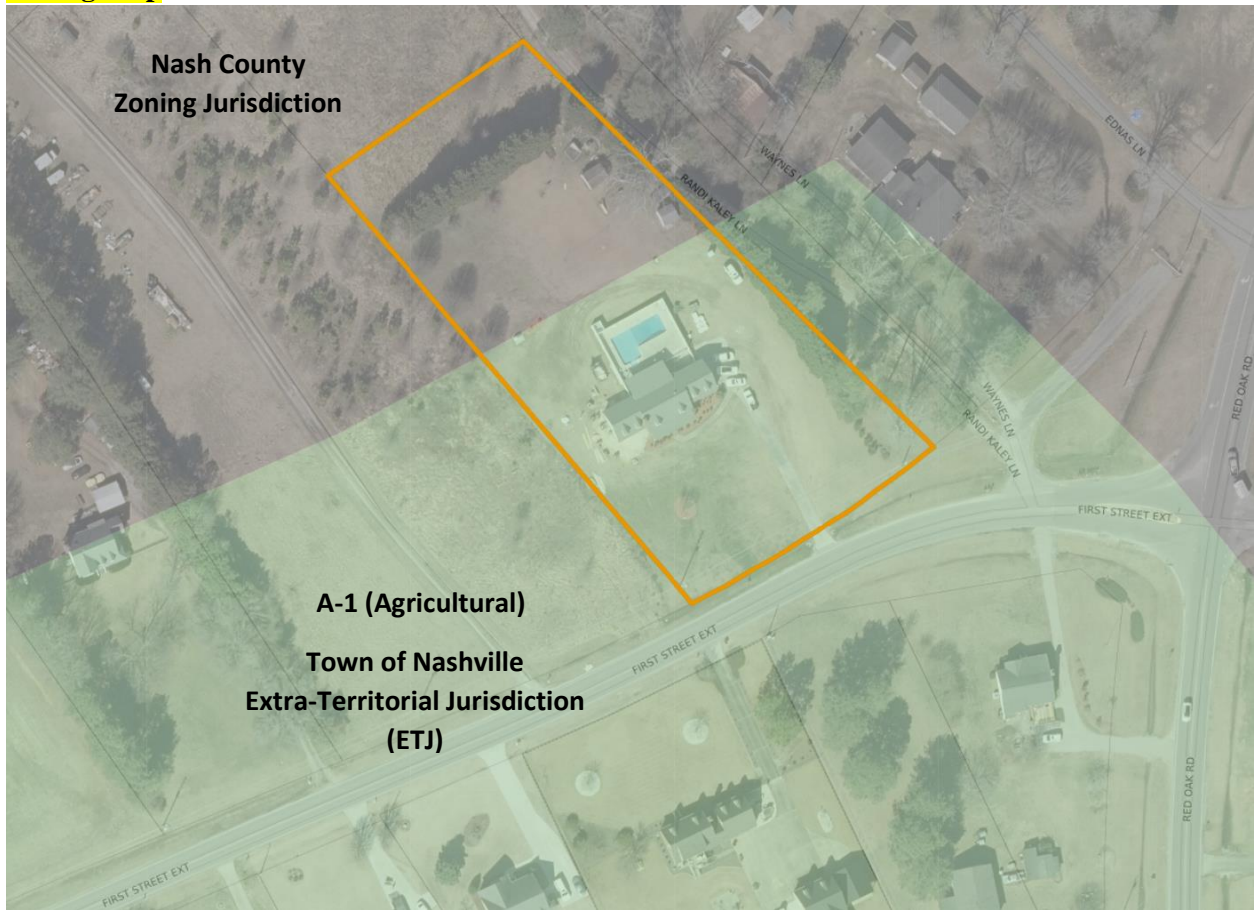
**KNOWN AS 1848 FIRST STREET EXTENSION, NASHVILLE, NASH COUNTY, NORTH CAROLINA, AND BEING LOT 3A, CONTAINING 2.013 ACRES, MORE OR LESS, ALL AS SHOWN ON THE MAJOR FINAL PLAT FOR RANDY C. PRICE AND WIFE, WANDA G PRICE RECORDED IN MAP BOOK 38 PAGE 331 NASH COUNTY REGISTRY.**

**Assessor’s Parcel No: 304499**

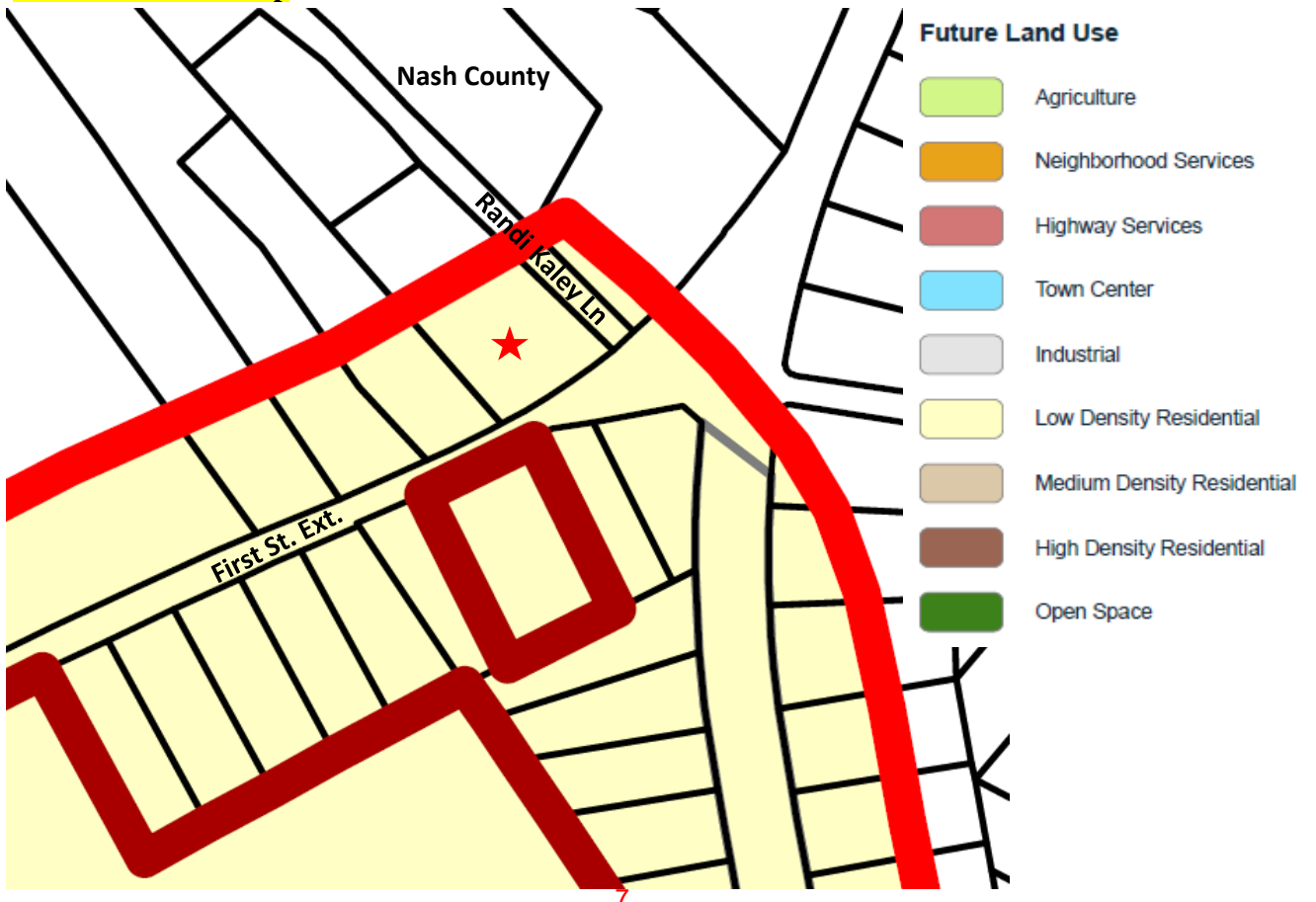
**RECORDED PLAT (SNIPPET): Book 38 / Page 331**



## Zoning Map



## Future Land Use Map



**Photos of Petitioned Property (Posted on 3/16/2023)**





**Section 18-108. Description of District.**

*A-1 agricultural district.* The A-1 district is defined as one to provide land for future development while permitting continued agricultural use until such time that development is appropriate. It is assumed that approved wells and septic tanks will be utilized until such time as municipal water and sewer is available. This district is situated primarily in the town's extraterritorial jurisdiction.

**Dimensional Requirements.**

District	Minimum Lot Size		Minimum Yard Regulations				Maximum Height of Structure  In Feet
	Area in Square Feet	Lot Width	Front Yard Set Back in Feet	Side Yard Set Back in Feet	Side Street Setback in Feet	Rear Yard Depth in Feet	
A-1 Agricultural	30,000 w/o central water & sewer	100	50	15		40	35
	20,000 w central water	100	50	15		40	35
	15,000 w central sewer	100	50	15		40	35

**Section 18-109. Table of Permitted Uses.**

Use	A1	R30	R15	R10	R6M	R6	R4	MF	OI
Family care home	X	X	X	X	X	X	X	X	S

**Section 18-109. Table of Permitted Uses. Note 14**

*Note 14; Family care home.* The zoning lot on which a one-family care home is proposed shall not be located within one-half mile of a zoning lot containing another such facility.

**STAFF NOTES**

- The completed variance application was submitted to the Planning Department on February 27, 2023.
- Letters of Public Hearing Notification was mailed out 3/14/2023 to approximately six property owners, adjacent/abutting 1848 First Street Extension for the March 28, 2023, BOA meeting.
- The Public Hearing Notice was published for two consecutive weeks in the Nashville Graphic (on 3/16 & 3/23) prior to the March 28, 2023, Board of Adjustment meeting.
- The property was posted with a Public Hearing sign on 3/16/2023.
- The subject property is approximately +/-2.01 acres.
- The subject property is not located in a flood hazard zone.
- The subject property is not located in the NCDEQ Water Supply Watershed.

**STAFF ANALYSIS AND FINDINGS:**

In order to meet the requirements of the Town Zoning Ordinance and the NC Statutes for granting a variance, the Planning Department has determined that the Board must find that the following four statements are true as applied to the variance request. Board members should not decide how they will vote on the variance request, until after they have considered each statement on its own merits. According to the NC Institute of Government, if any of the required statements are found not true, then the variance should be denied.

### **APPLICANT'S RESPONSES:**

- a. That unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

*Applicant's response: Strict application of the regulation would prohibit applicant from operating a licensed care facility. Applicant has made significant improvements and upgrades for the property to be inspected and approved by Department of Health and Human Services (DHHS). Applicant has spent \$75,000 for room additions and upgrades to ensure safety, comfort, and general well-being for residents.*

- b. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

*Applicant's response: Applicant currently operates a licensed family care home located at 3619 Cooley Ln., Nashville, NC; approved for 3 residents. New facility will provide better accommodations for persons with disabilities under the Federal-Fair Housing Act. Existing facility will be closed upon transferring to new location.*

- c. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

*Applicant's response: Applicant was unaware at the time of purchasing the home that there was an existing ordinance requiring ½ mile "aerial" distance. Applicant thought distance was measured by road and driving distance which measures at 1.6 miles.*

- d. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

*Applicant's response: Residents will present no threat or harm at all to public safety.*

### **STAFF RECOMMENDATION**

Staff finds that the requested variance will be in harmony with the general purpose and intent of the ordinance and will preserve its spirit and secure the public safety and welfare and do substantial justice.

Therefore, staff recommends that the proposed variance be approved based on the facts of this report.

### **ATTACHMENTS:**

1. Application
2. Adjacent/nearby property owners
3. Board of Adjustment Variance Worksheet
4. Board of Adjustment Voting Action



# TOWN OF NASHVILLE PLANNING DEPARTMENT

499 S. Barnes Street  
Nashville, NC 27856  
252.459.4511 Phone / 252.459.8926 Fax  
[www.townofnashville.com](http://www.townofnashville.com)

## VARIANCE APPLICATION

### FOR ADMINISTRATIVE USE ONLY

Case #	Date Submitted	Fee Paid	Board of Adjustment Date	Public Notice Dates
V 2023-02	2/27/2023	\$200	3/28/2023	3/16 + 3/23

### PROPERTY INFORMATION

Property Address: 1848 1st St. Ext. Acreage of Property: 2.01  
 ParID: 304499 PIN: 3811 1036 8326  
 Existing Land Use: Residence  
 Existing Zoning Description: A1 - Agriculture  
 Required Zoning Setbacks: Front 50 Side 15 Rear 40  
 Actual Zoning Setbacks: Front 120 Side 40/882 Rear 262  
 Proposed Setbacks for Variance Request: Front \_\_\_\_\_ Side \_\_\_\_\_ Rear \_\_\_\_\_  
 List the Zoning Ordinance provision(s) from which the variance is sought: 18-109 Note 14 - the zoning lot on which a one-family care home is proposed, shall not be located within 1/2 mile of a zoning lot containing another such facility.

### APPLICANT / OWNER INFORMATION

Applicant: <u>Sheila M. McDowell</u>	Property Owner: <u>Sheila M. McDowell</u>
Mailing Address: <u>1848 1st St. Ext</u>	Mailing Address: <u>1848 1st St Ext.</u>
City: <u>Nashville</u>	City: <u>Nashville</u>
Phone: <u>252 904 7297</u>	Phone: <u>252 904 7297</u>
Email: <u>smcdowell1959@gmail.com</u>	Email: <u>smcdowell1959@gmail.com</u>

### REQUIRED ATTACHMENTS

- Metes and bounds description attached
- Scaled site plan/sketch of property/area attached



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## VARIANCE APPLICATION

### STATEMENT OF JUSTIFICATION

Application is hereby made for the following variance. Briefly describe your variance request below.

Applicant requesting that a licensed family care home be permitted as a use on subject property which is located at 1848 1st St Ext, Nashville, NC. Applicant's property is located 2,445 ft. +/- from an existing licensed facility located at 1522 Glen Eagles Ct, Nashville, NC as shown on aerial photo. Ordinance does not allow facilities to exist within 2640 ft. The actual distance is 2,445 ft. +/-

To authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in unnecessary hardship. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this article.

Briefly explain how your variance request meets each requirement in the space provided and refer to your site plan where it is useful.

**A variance from the terms of this article shall not be granted by the board of adjustment unless and until it shall make the following findings:**

- A. That unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

strict application of the regulation would prohibit applicant from operating a licensed care facility. Applicant has made significant improvements and upgrades for the property to inspected and approved by the DHHS. Applicant has spent \$75,000 for room additions and upgrades to ensure safety, comfort and general well-being for residents.

- B. That the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

Applicant currently operates a licensed family care home located at 3619 Cooley Ln, Nashville, NC approved for 3 residents. New facility will provide better accommodations for persons with disabilities under the Federal Fair housing act. Existing facility will be closed upon transferring to new location.



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**VARIANCE APPLICATION**

- C. That the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

Applicant was unaware at the time of purchasing the home that there was an existing ordinance requiring 1/2 mile "aerial" distance. Applicant thought distance was measured by road and driving distances which measures at 1.6 miles.

- D. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

Residents will present no threat or harm at all to public safety.

**APPLICATION AFFIDAVIT**

*I certify that all information furnished in this application is accurate to the best of my knowledge.*

APPLICANT (Print Name): Sheila M. McDowell

Signature of Applicant: Sheila M. McDowell Date 02/27/2023

PROPERTY OWNER (Print Name): Sheila M. McDowell

Signature of Property Owner: Sheila M. McDowell Date 02/27/2023

# State of North Carolina

Department of Health and Human Services  
Division of Health Service Regulation

*Effective January 1, 2023, this license is issued to*

***Sheila M. McDowell***

*to operate a mental health facility known as*

***"Moore House"***

*located at 3619 Cooley Lane*

*Nashville, NC 27856*

*County: Nash*

*This license is issued subject to the statutes of the  
State of North Carolina, is not transferable and shall expire  
midnight December 31, 2023*

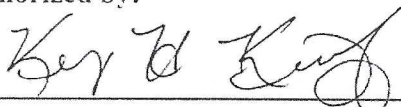
***Facility ID: 140135***

***License Number: MHL-064-148***

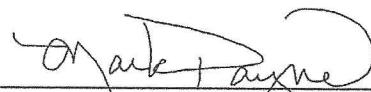
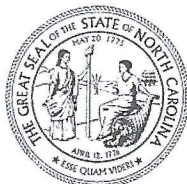
***Capacity: 3***

Program Code	Description	Program Type	Beds
27G.5600F	Supervised Living: Alternative Family Living in a Private Residence	Residential	3

Authorized by:



Secretary, N.C. Department of Health and  
Human Services



Director, Division of Health Service Regulation

V 2023-02: Abutting / Nearby Property Owners -1848 First Street Extension					
PARID	PIN	Owner	Physical Address	Mailing Address	City/State/Zip
304499	3800 1036 8326	MCDOWELL SHEILA M	1848 FIRST ST EXT	1848 FIRST ST EXT	NASHVILLE NC 27856
303899	3811 1036 6316	GAITHER MELINDA WARD & JAMES ELBERT	1818 FIRST ST EXT	1792 FIRST ST EXT	NASHVILLE NC 27856
004476	3811 0046 0477U	LEGGINS EDNA REGINA N ET AL	1880 FIRST ST EXT	1575 EDNA'S LN	NASHVILLE NC 27856
004471	3811 0037 6204	3N PROPERTIES LLC / ATTN: REGINA LEGGINS	1436 WAYNES LN	1575 EDNA'S LN	NASHVILLE NC 27856
304498	3811 1036 5655	PRICE RANDY C & WANDA G	1450 RANDI KALEY LN	114 MEADOWBROOKE CT	CEDAR POINT NC 28584
040033	3811 1046 0042	SULLIVAN BETTY MANNING	1859 FIRST ST EXT	PO BOX 791	NASHVILLE NC 27856
032384	3811 1035 9952	SULLIVAN BETTY MANNING	1835 FIRST ST EXT	PO BOX 791	NASHVILLE NC 27856
030391	3811 1035 8867	CREECH WILLIAM W	1807 FIRST ST EXT	1807 FIRST ST EXT	NASHVILLE NC 27856

**TOWN OF NASHVILLE  
BOARD OF ADJUSTMENT  
VARIANCE WORKSHEET**

The Board of Adjustment for the Town of Nashville, having held a public hearing on the 28<sup>th</sup> day of March 2023 to consider Case # V2023-02, submitted by Sheila McDowell to allow reduced distance (+/- 195' feet) from the minimum requirements of the Nashville Code of Ordinances for property located at 1848 First Street Extension; PIN# 3811 1036 8326. The property is zoned A-1 (Agricultural) Zoning District, and having heard all of the evidence and arguments presented at the hearing, makes the following FINDINGS OF FACT and draws the following CONCLUSIONS:

- A. It is the Board's CONCLUSION that, unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

This CONCLUSION is based on the following FINDINGS OF FACT:

This statement is true/false.

- B. It is the Board's CONCLUSION that the hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

This CONCLUSION is based on the following FINDINGS OF FACT:

This statement is true/false.

- C. It is the Board's CONCLUSION that the hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

This CONCLUSION is based on the following FINDINGS OF FACT:

This statement is true/false.

- D. That the requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

This CONCLUSION is based on the following FINDINGS OF FACT:

This statement is true/false.



**Board of Adjustment Action**

**(Variance Request – V2023-02: 1848 First Street Extension)**

**Motion to Approve Variance Request**

I, \_\_\_\_\_ motion that the Board of Adjustment of the Town of Nashville approve the order granting the variance request for the property located at 1848 First Street Extension.

**Motion to Deny Variance Request**

I, \_\_\_\_\_ motion that the Board of Adjustment of the Town of Nashville deny the variance request for the property located at 1848 First Street Extension and that staff revise the order to reflect the Board’s denial based on finding of fact (a, b, c, or d), because:

**Motion to Approve Variance Request with Conditions**

I, \_\_\_\_\_ motion that the Board of Adjustment of the Town of Nashville approve the order granting the variance request for the property located at 1848 First Street Extension with the following conditions: