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June 16, 2026

Chanelle Acheson

Board of Zoning Appeals
Metro Office Building
800 President Ronald Reagan Way
1st Floor, Codes Department
Nashville, TN 37210
Via Email: bza@nashville.gov

David Bridgers

Julianna Ellerbrock

Re: Appeal Letter Permit Application #2026028967

Angela Karas

Jalyn R. Parks

Ed Powell

Jack Waddey

Bob Walker

1030 16th Avenue S
Suite 300
Nashville, TN 37212
(615) 839-1100

To the Chair and Members of the Zoning Appeals Board:

The enclosed appeal challenges the improper approval of Permit Application #2026028967 ("The Application") by the Metro Zoning Administrator and Plans Examiner in violation of the Metropolitan Zoning Code. TITLE 17 OF THE METROPOLITAN CODE OF LAWS OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY (2026). The Application is for the proposed 204,419 square foot multi-level parking garage on the property of Cheekwood Estate and Gardens ("Cheekwood") that is in clear violation of the current zoning classification for the Cheekwood property as well as any special use permit that may have been obtained by Cheekwood in the past.

Article I of NASHVILLE, TENN., METRO. CODE § 17.40.010(B) (2026) requires that the Zoning Administrator "shall process and review applications for all zoning permits ...to insure [sic] compliance with the provisions of this title..." (i.e. Title 17- Zoning). The Plans Examiner's stamped approval on the Application states "this set of plans has been reviewed for general compliance with the current Metro Nashville codes and local amendments."

The plans do not comply.

Cheekwood is on a parcel of land zoned R20, which Metro defines as a residential district intended for **low to moderate intensity one-family and two-family development**. NASHVILLE, TENN., METRO. CODE § 17.08.020(B)(2)(b) (2026). This type of zoning obviously prohibits an institution of the current size, attendance and event schedule of Cheekwood and in the manner that Cheekwood has operated in recent several years. Cheekwood has purportedly been operating under the special use exception granted in the Metropolitan Board of Zoning Appeals in Appeal Case No. 96-171 (the "1996 Order").

The 1996 Order was granted as a "**Nonassembly, Cultural**" conditional special use. A "Nonassembly, Cultural" use category was a use designed for asynchronous, fluid flow of patrons through a public space such as an art gallery or

botanic garden, and is specifically distinguished from “assembly” uses whose principal characteristic is a static gathering of people assembling at the same time in the same place for an event, performance, meeting, or audience experience. In the Metro Nashville Zoning Code, “non-assembly cultural” refers to uses that provide cultural, educational, or historical enrichment to the public but **do not host large spectator gatherings, events, or assemblies.**

The former Metropolitan Code provision governing nonassembly cultural uses under which the 1996 Order was issued, NASHVILLE, TENN., CODE OF METROPOLITAN ZONING ORDINANCES § 17.124.130(A)–(D) (1996) (“Nonassembly, cultural”), prior code Appx. A § 103.317., imposed specific limitations. In pertinent part, COMZO § 17.124.130(C) (1996) required that “[t]he location and operation of such facility shall be in keeping with the character of the surrounding area and **shall not have an adverse effect on properties within the surrounding area**” (emphasis added).

The 1996 Order also imposed separate *express* conditions. All construction traffic was required to use Highway 100 and Cheek Road as the sole access for ingress and egress to the property. The order required screening, lighting limitations, and compliance with the revised site plan that was made an exhibit to the hearing. Traffic, neighborhood protection, screening, site layout, and operational compatibility were central to the approval.

Cheekwood is currently, and has been for some recent time, in flagrant violation of the legal framework and zoning that governs its use of the property, including but not limited to NASHVILLE, TENN., METRO. CODE § 17.08.020(B)(2)(b) (2026), NASHVILLE, TENN., METRO. CODE §§ 17.40.640–17.40.660 (2026), former COMZO § 17.124.130 (1996), former COMZO § 17.124.040 (1996) as cited in the 1997 Order, and the express conditions imposed by the Metropolitan Board of Zoning Appeals in Appeal Case No. 96-171.

Cheekwood is no longer operating as a quiet botanical garden with occasional special events. In 2025, Cheekwood was listed as the 3rd largest tourist attraction in Nashville by the Nashville Business Journal. Cheekwood’s own public materials show the scale of that transformation: Cheekwood in Bloom drew approximately 66,000 visitors in 2023; Cheekwood Harvest drew more than 98,000 visitors; Holiday LIGHTS drew approximately 89,000 visitors; Thursday Night Out drew more than 20,000 visitors; Exposition of Elegance drew more than 5,000 guests in a single Father’s Day weekend; and Cheekwood presented more than 100 musical performances and concerts throughout the year (i.e. assembly events).

These are not isolated cultural offerings with incidental neighborhood impact. Cheekwood is operating as a year-round regional event destination whose calendar repeatedly drives excessively elevated levels of vehicular traffic through Belle Meade Highlands’ residential roads. Cheekwood’s events calendar are recurring crowd-generating programs: spring festivals, summer concerts, food trucks, seasonal drinks, classic cars and motorcycles, pumpkin villages, beer gardens, festivals, private events, weddings, and weeks of nighttime holiday programming. The practical result is that Belle Meade Highlands is repeatedly forced to absorb regional-destination traffic on roads that were designed for local residential use.

The impact on Belle Meade Highlands is not speculative. In March of 2023, Metro Planning commissioned a consultant team led by Kimley-Horn to conduct the Belle Meade Highlands Mobility Design Study, one part of which was an analysis of existing traffic conditions and patterns in the Highlands neighborhood. That study, released on December 17, 2024, found that the majority of peak neighborhood traffic demand is generated by Cheekwood, and that Cheekwood’s highest attendance “consistently and predictably” aligns with its well-known annual events.¹ This is not ordinary

¹ The study also noted that there were 44 days in 2023 with higher Cheekwood attendance than the August Saturday on which traffic counts were taken, meaning the measured traffic burden was not even limited to Cheekwood’s busiest event days. The same findings show Page Road, Forrest Park Drive, and Belle Meade Boulevard exceeding

neighborhood traffic. It is event-destination assembly event driven traffic pushed through streets that Kimley-Horn described as **too narrow to share safely with heavy traffic**.

The traffic is a safety issue and Kimley-Horn concluded the neighborhood's narrow streets are already burdened by 2.5x-3x TDOT's recommended levels for traffic seen on this type of neighborhood roads. This is before any further expansion from Cheekwood's contemplated parking facility. Cheekwood's attendance has grown from a reported 175,000 visitors in 2008 to nearly 400,000 visitors in 2023 and more than 380,000 visitors in 2024, while the same small residential streets bear the burden of that growth. Every Cheekwood in Bloom weekend, every Thursday Night Out, every Harvest crowd, every festival, every Exposition of Elegance, every Holiday LIGHTS night, and every private event adds more visitor trips through a neighborhood where resident's children walk and play, residents bike and drive to their homes, service vehicles maneuver through narrow lanes, and first responders must be able to move without delay.

Nonassembly cultural use is no longer a permissible use on property zoned R20, and yet Cheekwood has continued to operate as an allegedly legally nonconforming, nonassembly cultural use with nonconforming structures protected under NASHVILLE, TENN., METRO. CODE §§ 17.40.640, 17.40.650, and 17.40.660 (2026). But, to continue operating as a nonassembly cultural use, Cheekwood must either comply with the terms of the 1996 Order for conditional use or cease its current operations.²

The protections provided under the Metropolitan Code of Ordinances do not permit expansion of the nonconforming use on residentially zoned property, absent **express approval** by the Metropolitan Board of Zoning Appeals. Any structure expanded since 1996 without said approval of the Metropolitan Board of Zoning Appeals violates NASHVILLE, TENN., METRO. CODE § 17.40.650(D) (2026), which provides that "alterations other than incidental shall be permitted only [through] the issuance of a permit by the board of zoning appeals..."

The BZA has not approved any expansion of Cheekwood's nonassembly cultural use and has not authorized expansion of its nonconforming structures. Nonetheless, since 1996, Cheekwood has completed serial property improvements, including renovation and reopening of the Frist Learning Center in 2018, construction and opening of the Bracken Foundation Children's Garden in 2020, paving of the brown aggregate lower parking lot (an express violation of the exact language of the 1996 Order) and is now apparently constructing a massive multi-level Parking Pavilion project, currently scheduled for completion in 2027, all without obtaining approval from the BZA reclassifying its underlying nonconforming use or alteration of nonconforming structures under NASHVILLE, TENN., METRO. CODE § 17.40.650(D) (2026).

The location, scale, and purpose of the proposed multi-level Parking Pavillion are incompatible with the residential character of the surrounding R20 district unless and until Cheekwood demonstrates, through the proper BZA process, that the proposed construction and related use comply with NASHVILLE, TENN., METRO. CODE § 17.08.020(B)(2)(b) (2026), NASHVILLE, TENN., METRO. CODE §§ 17.40.640–17.40.660

acceptable neighborhood-street thresholds, with Forrest Park Drive reaching approximately 3,240 vehicles per day on weekends, Belle Meade Boulevard reaching approximately 3,140, and Page Road reaching nearly 2,930.

² As a private nonprofit institutional cultural center, Cheekwood is not protected by TCA § 13-7-208 and therefore does not enjoy the protections of the Grandfathering Statute with respect to its uses or structures. The protections afforded by the Grandfathering Statute are limited to commercial and industrial uses.

(2026), former COMZO §§ 17.124.130 and 17.124.040, the original conditional approval, the revised 1996 site plan exhibit, and all applicable conditions imposed by the Board in its 1996 Order.

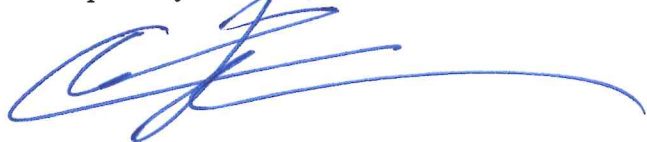
Cheekwood is operating outside the bounds of the residential zoning protections and conditional use approval. Cheekwood's current operation is not the limited nonassembly cultural use that was conditionally approved in 1996. And that approval was not a permanent license to grow without accountability and compliance. It was not permission to convert a residentially surrounded cultural property into a large-scale destination and event venue while forcing the surrounding neighborhood to absorb the consequences – namely safety, traffic and noise. It was a conditional approval, and those conditions matter. Cheekwood cannot be permitted to rely on the benefit of the 1996 conditional approval while ignoring the limitations and site-specific conditions that made that approval lawful.

Metro has repeatedly failed in its duty to enforce the limitations imposed by the zoning code, causing substantial harm to the residents those protections were enacted to serve. Metro must enforce the zoning code as written. By turning a blind eye to continued expansion and intensification of use on residentially zoned property, Metro has deprived surrounding residents of the protections and limitations guaranteed by the established zoning scheme. Neighbors for Safety asks that Cheekwood finally be required to operate within the bounds of the zoning restrictions of the area in which it is located and the conditions of the 1996 Order.

The proposed parking garage is inconsistent with the zoning of Cheekwood's property and the conditions and revised site plan in the 1996 Order. **The permit may not be approved.**

Neighbors for Safety ("NFS"), via its representative and neighbor Jackson Moore, and represented by counsel, are therefore forced to demand that the Board of Zoning Appeals reverse the Zoning Administrator's improper and illegal approval of the building permit application and enforce the Metropolitan Zoning Code and the 1996 Order as written, and issue a Stop Work Order for any further use of the property until Cheekwood can demonstrate how it intends to come into compliance with the terms of the 1996 Order. Neighbors for Safety further requests that any vesting, commencement, or continuation of construction be stayed or otherwise prevented while this appeal is pending, so that the appeal process is meaningful and the neighborhood is not irreparably harmed before the Board has had an opportunity to act.

Respectfully submitted,



Chanelle Acheson

Counsel for Jackson Moore, Representative of Neighbors for Safety

On behalf of the Belle Meade Highlands neighborhood

Waddey Acheson, LLC

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Metropolitan Board of Zoning Appeals

Metro Howard Building
800 President Ronald Reagan Way
Nashville, Tennessee 37210

Appellant: Jackson Moore Date: 6/15/26
Property Owner: 1218 Forrest Park Dr. Case #: _____ (To be completed by staff)
Representative: Chanelle Acheson Map & Parcel: Parcel ID: 12912013400
Council District: 34
Building Permit: 2026028967 (You must have a building permit-initiated before submitting your BZA application)

The undersigned hereby appeals from the decision of the Zoning Administrator, wherein a Zoning Permit/Certificate of Zoning Compliance was refused:

Purpose:
(what is being constructed?) A 750 space parking garage is being constructed by Cheekwood ("CW") on property zoned R20.
CW operates under a special exception cultural, non-assembly permit from 1996 with strict restrictions.
CW is currently in violation of their SEP. This project exacerbates the violation.
Activity Type: Construction, Blasting, Tree Removal, Grading.

Location:
(Property address) 1200 Forrest Park Drive Nashville, TN 37205

This property is in the 34 Zone District, in accordance with plans, application and all data heretofore filed with the Zoning Administrator, all of which are attached and made a part of this appeal. Said Zoning Permit/Certificate of Zoning Compliance was denied for the reason:

Reason: The proposed parking garage does not fall within the accepted use for property zoned R20 nor CW's non-assembly, cultural
(Why are you going before the board) permit from 1996. CW is and has been in flagrant violation of its strict 1996 permit. CW currently regularly violates noise, light, and assembly
ordinances, and has created adverse conditions for adjacent property owners (a violation of 1996 permit). CW has not sought
or received rezoning from this Board or Metro Council which is required for any projects or additions outside of its 1996 Site Plan.

Zoning Code
Section: R20

Based on powers and jurisdiction of the Board of Zoning Appeals as set out in Section 17.40.180 Subsection ____ of the Metropolitan Zoning Ordinance, a Variance, Special Exception, or Modification to Non-Conforming uses or structures is here by requested in the above requirement as applied to this property.

Appellant Name: Jackson Moore Representative: Chanelle Acheson
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