

31. Denied that the officer “invented” ways to comply. The inspector told him he had to stop having artists come to record, but that he could use it for himself.

32. Defendant is without sufficient information to admit or deny.

33. Defendant is without sufficient information to admit or deny.

34. Admitted. The client prohibition citation process is primarily complaint-driven, as are all codes violations.

35-38. Defendant is without sufficient information to admit or deny.

39. Admitted.

40-50. Defendant is without sufficient information to admit or deny.

51. Admitted.

52- 56. Defendant is without sufficient information to admit or deny.

57. Admitted that BK 2011-924 failed on second reading. Defendant is without sufficient information to admit or deny the remainder of the averments.

58-63. Defendant is without sufficient information to admit or deny.

64-65. Defendant is without sufficient information to admit or deny and is still researching these statements.

66-71. Defendant is without sufficient information to admit or deny.

72. Admitted.

73. Admitted.

74. Admitted.

75. Admitted that the client prohibition citation process is primarily complaint-driven, as are all codes violations.

76. Admitted. The complaint system for the Codes Department is anonymous.

77. Admitted.

78. Admitted that the inspector informed her that an inspection was necessary. Defendant is without sufficient information to admit or deny that an inspection date of February 1, 2014 was agreed upon.

79-82. Defendant is without sufficient information to admit or deny.

83. Admitted that an inspection took place that day.

84. Admitted.

85-93. Defendant is without sufficient information to admit or deny.

94.-96. Admitted.

97. Denied.

98. Defendant is without sufficient information to admit or deny.

99. Denied. The client prohibition citation process is primarily complaint-driven, as are all codes violations.

100. Denied. The client prohibition citation process is primarily complaint-driven, as are all codes violations.

101. Denied.

102. Defendant is without sufficient information to admit or deny.

103. Denied.

104. Admitted.

105. Denied. Day care homes are not permitted as of right. They require a special exception permit.

106. Denied. These statements do not fully set forth the requirements for a daycare home special exception permit.

107. Day care homes meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

108. Admitted.

109. Denied. Day care homes are not permitted as of right.

110. Admitted.

111. Denied. Non-owner occupied STRPs are no longer granted permits in all residential districts. Metropolitan Code § 17.08.030.

112. Admitted.

113. STRPs meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

114. Admitted.

115. Admitted.

116. Denied. “Historically significant structure” is limited and defined in Metropolitan Code § 17.04.060.

117. Denied. Historic home events are not permitted in any district as of right. They require a special exception permit.

118. Denied. Parking is set by the Board of Zoning Appeals as part of the grant of a special exception permit. Metropolitan Code § 17.16.160.B.3.

119. Admitted.

120. Historic Home Events meet the broad definition in Metropolitan Code § 17.04.060 but not the additional requirements for a home occupation in §17.16.250.D.

121. Admitted.

122. Denied. The terms of the special events permit govern the number and frequency of events and guests.

123. Admitted.

124. Admitted.

125. Admitted.

126. Admitted.

127. Admitted.

128. Admitted.

129. Admitted.

130. Admitted.

131. Defendant is without sufficient information to admit or deny. However, both ordinances were disapproved by the Planning Commission.

132. Admitted.

133. Defendant is without sufficient information to admit or deny.

134. Denied.

135-138. Defendant is without sufficient information to admit or deny.

139. No response required.

140 Admitted.

141-145. Denied.

146. Admitted.

147. No response required.

148. Admitted.

149. Admitted.

150. Admitted.

151-155. Denied.

156. Admitted.

Respectfully submitted,

DEPARTMENT OF LAW OF THE
METROPOLITAN GOVERNMENT OF
NASHVILLE AND DAVIDSON COUNTY
JON COOPER, #023571
Director of Law

s/ Lora Fox

Lora Barkenbus Fox, #17243
Catherine J. Pham, #28005
Metropolitan Attorneys
Metropolitan Courthouse, Suite 108
P.O. Box 196300
Nashville, Tennessee 37219-6300
(615) 862-6341

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been emailed and mailed to Braden Boucek, Beacon Center of Tennessee, P.O. Box 198646, Nashville, TN 37219 and Keith E. Diggs & Paul V. Avelar, Institute for Justice, 398 South Mill Avenue, Suite 301, Tempe, AZ 85281 on May 21, 2018.

s/ Lora Fox

Lora Barkenbus Fox