

MEGAN BARRY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

**STAFF RECOMMENDATION**  
**1701 Fifth Avenue North**  
**April 20, 2016**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park  
3000 Granny White Pike  
Nashville, Tennessee 37204  
Telephone: (615) 862-7970  
Fax: (615) 862-7974

**Application:** Alteration to Previously Approved Permit  
**District:** Salemtown Neighborhood Conservation Zoning Overlay  
**Council District:** 19  
**Map and Parcel Number:** 08108045200  
**Applicant:** Mike Kenner  
**Project Lead:** Sean Alexander, sean.alexander@nashville.gov

**Description of Project:** The applicant is revising a proposal to construct plans that have been approved for a duplex, but with a deeper front setback and with less distance between the garage and the house than is typically approved. No other changes to the design of the building, or to the design or location of the outbuilding are proposed.

**Recommendation Summary:** Staff recommends approval for the previously approved development to be constructed with a deeper front setback with the conditions that:

- The outbuilding be omitted, or
- The scale of the principal building be reduced enough for there to be at least twenty feet (20') separating it from the outbuilding.

Meeting those conditions, Staff finds that the proposal would meet the applicable design guidelines for the Salemtown Neighborhood Conservation Zoning Overlay.

**Attachments**

- A:** Photographs
- B:** Revised Site Plan
- C:** Previously Approved Elevations



## **Applicable Design Guidelines:**

### **III. NEW CONSTRUCTION**

#### **B. Scale**

1. The size of a new building and its mass in relation to open spaces shall be compatible, by not contrasting greatly, with surrounding historic buildings.

#### **C. Setback and Rhythm of Spacing**

1. The setback from front and side yard property lines established by adjacent historic buildings should be maintained. Generally, a dominant rhythm along a street is established by uniform lot and building width. Infill buildings should maintain that rhythm.
2. The Commission has the ability to determine appropriate building setbacks of the required underlying base zoning for new construction, additions and accessory structures (ordinance no. *17.40.410*).

Appropriate setbacks will be determined based on:

- The existing setback of the contributing primary buildings and accessory structures found in the immediate vicinity;
- Setbacks of like structures historically found on the site as determined by historic maps, site plans or photographs;
- Shape of lot;
- Alley access or lack thereof;
- Proximity of adjoining structures; and
- Property lines.

Appropriate height limitations will be based on:

- Heights of historic buildings in the immediate vicinity
- Existing or planned slope and grade

#### **H. Outbuildings**

1. A new garage or storage building should reflect the character of the period of the house to which the outbuilding will be related. The outbuilding should be compatible, by not contrasting greatly, with surrounding historic outbuildings in terms of height, scale, roof shape, materials, texture, and details.
6. Outbuildings should be situated on a lot as is historically typical for surrounding historic outbuildings.
  - a. Generally new garages should be placed close to the alley, at the rear of the lot, or in the original location of an historic accessory structure.

*Setbacks & Site Requirements.*

- *To reflect the character of historic outbuildings, new outbuildings for duplexes should not exceed the requirements for outbuildings for the entire lot and should not be doubled. The most appropriate configurations would be two 1-bay buildings with or without parking pads for additional spaces or one 2-bay building.*
- *A DADU or outbuilding may only be located behind the principal structure in the established rear yard. The DADU or outbuilding is to be subordinate to the principal structure and therefore should be placed to the rear of the lot.*
- *There should be a minimum separation of 20' between the principal structure and the DADU or outbuilding.*

**Background:** The existing building at 1701 Fifth Avenue North is a one-story frame Minimal Traditional house, constructed circa 1950. The house is not considered to be contributing to the historic character of the area because of its relatively recent construction, and the form is not typical of the historic character of the district.

The lot, at the corner of Garfield Street and Fifth Avenue North, is forty-four feet (44') wide, approximately six feet (6') narrower than the typical lot in the area.

In January, 2016, The MHZC approved a plan to demolish a non-contributing building and to construct a new front-back duplex and detached garage. Since then a twenty foot (20') wide storm sewer easement was discovered, running diagonally through the front of the property, which was not mapped and so not found in the initial research of the lot.

**Analysis and Findings:** The applicant proposes to address the newly found storm sewer easement by pushing the approved building back into the lot. As a result, the new house will not meet the context for the front setback and there will only be six feet (6') between the house and outbuilding, as opposed to the twenty feet (20') approved and recommended by the design guidelines. No other changes to the design of the building, or to the design or location of the outbuilding are proposed.

**Setback:** The plans submitted for review by the Historic Zoning Commission in January did not indicate the setback of the adjacent house to the right at 1703 5<sup>th</sup> Avenue North. The Commission, following the recommendation of Staff, approved the infill with a condition that the front setback matches that of the adjacent historic house. The applicant's survey puts that setback at twenty-five feet, six inches (25'-6"). The storm sewer easement in the front yard discovered by that survey would preclude any new construction from matching that setback.

The applicant has revised their plan and they are requesting to build the duplex with a front setback of approximately thirty-nine feet (39'), nearly fifteen feet (15') deeper than the historic house to the right. Normally the condition of sitting a new building so much farther back from the street would not be appropriate. In this circumstance, the presence of the easement creates a hardship that may make an otherwise inappropriate setback necessary. The project does not meet section III.C of the design guidelines for setbacks.

**Scale:** The scale of the building is two stories tall with a form that extends more than one hundred feet (100') in depth. Since this is a corner lot, the massing of the home will have a significant impact on the character of this portion of the district. By pushing the building toward the rear it would be separated from the garage by only six feet (6'). The combined scale of these buildings so close to each other will read as mass significantly larger than any historic houses in the area and will greatly decrease the amount of perceived open space that is typically seen on rear lots, especially corner lots. The change in the project does not meet section III.B of the design guidelines which require that "a new building and its mass in relation to open spaces shall be compatible, by not contrasting greatly, with surrounding historic buildings."

Outbuildings: The design guidelines recommend that there shall be twenty feet (20') of separation between principal buildings and outbuildings on a lot, in order to effectively meet section III.H.6 of the design guidelines, which require that outbuildings be situated on a lot as is historically typical for surrounding historic outbuildings. The italicized information for section III.H.6, further specifies twenty-feet (20') as being appropriate spacing between an outbuilding and principle building.

While the presence of the easement clearly encumbers the buildable area of the lot, and without knowledge of the easement the application submitted was believed to be complete, the approval was based on a design intended for a lot without such constraint. Staff recommends that any development of the lot be revised accordingly, either by omitting the outbuilding from the plan or by reducing the scale of the principal building enough for there to be at least twenty feet (20') separating it from the outbuilding.

**Recommendation Summary:** Staff recommends approval for the previously approved development to be constructed with a deeper front setback with the conditions that:

- The outbuilding be omitted, or
- The scale of the principal building be reduced enough for there to be at least twenty feet (20') separating it from the outbuilding.

Meeting those conditions, Staff finds that the proposal would meet the applicable design guidelines for the Salemtown Neighborhood Conservation Zoning Overlay.

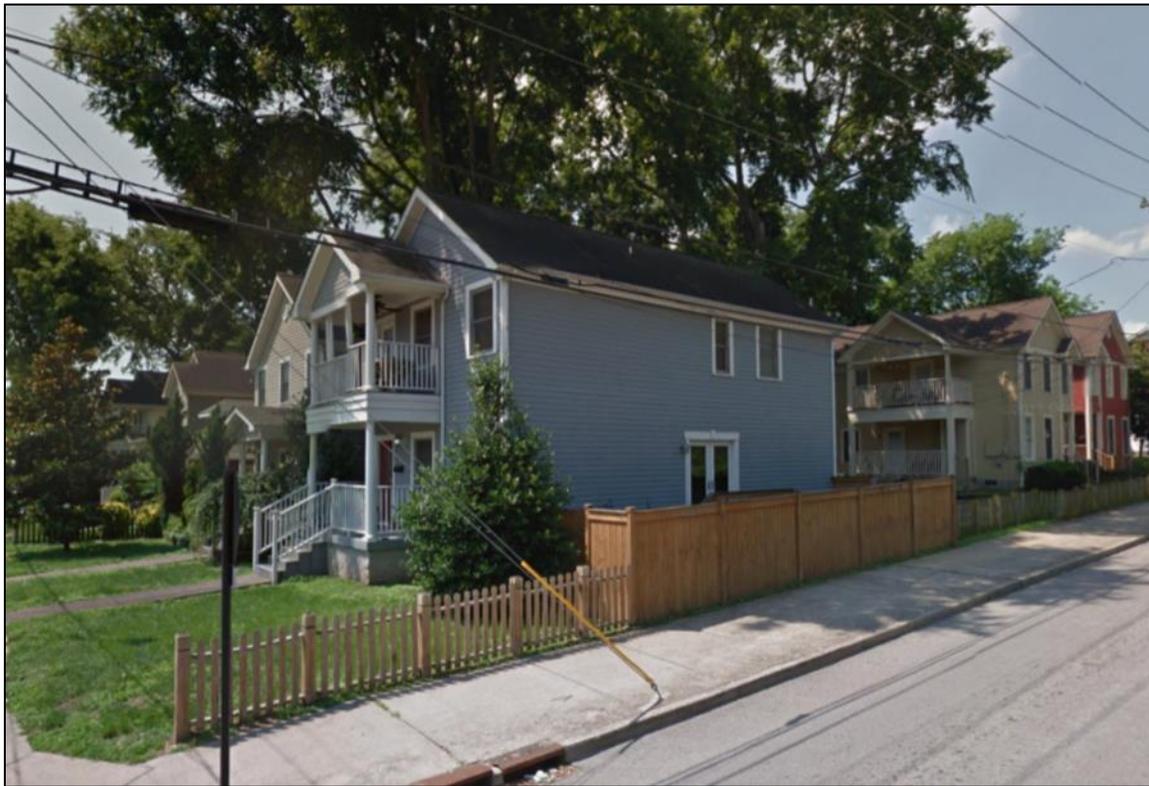
The Commission does not have the authority to approve the use. This recommendation is for the design of the building based on the proposed use.



1701, 1703, and 1705 Fifth Avenue North. 1703 Fifth Avenue North is a contributing building.



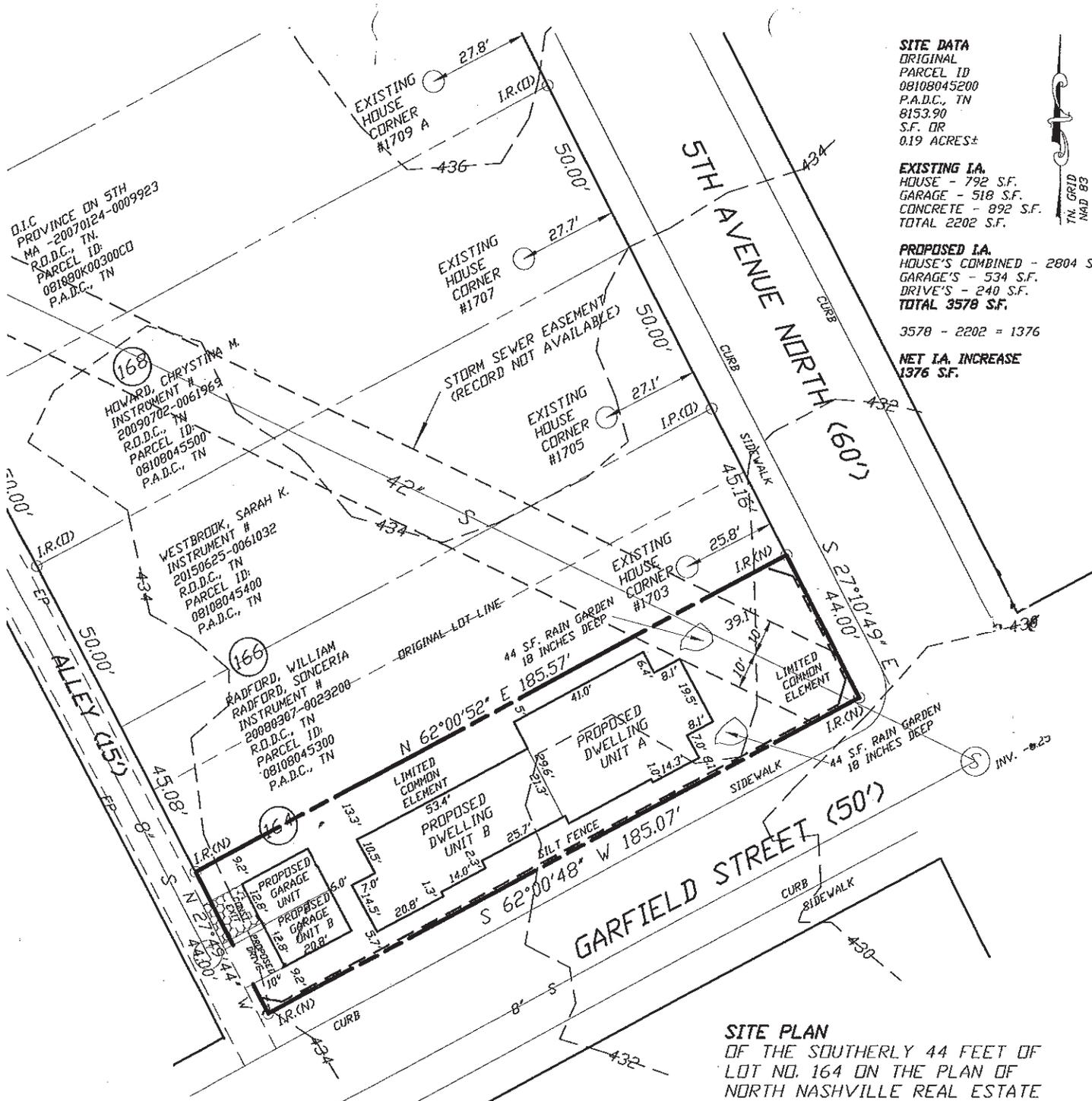
Recent construction across Fifth Avenue North.



Recent construction across Garfield Street.



Historic civic building on southeast corner of Garfield Street and Fifth Avenue South.



**SITE DATA**  
 ORIGINAL  
 PARCEL ID  
 08108045200  
 P.A.D.C., TN  
 8153.90  
 S.F. OR  
 0.19 ACRES±

**EXISTING I.A.**  
 HOUSE - 792 S.F.  
 GARAGE - 518 S.F.  
 CONCRETE - 892 S.F.  
 TOTAL 2202 S.F.

**PROPOSED I.A.**  
 HOUSE'S COMBINED - 2804 S.F.  
 GARAGE'S - 534 S.F.  
 DRIVE'S - 240 S.F.  
 TOTAL 3578 S.F.

3578 - 2202 = 1376

**NET I.A. INCREASE**  
 1376 S.F.



D.I.C  
 PROVINCE ON 5TH  
 MA -20070124-0009923  
 R.D.D.C., TN  
 PARCEL ID:  
 081880K00300CD  
 P.A.D.C., TN

168  
 HOWARD, CHRISTINA M.  
 INSTRUMENT #  
 20090702-0061963  
 R.D.D.C., TN  
 PARCEL ID:  
 08108045500  
 P.A.D.C., TN

WESTBROOK, SARAH K.  
 INSTRUMENT #  
 20150625-0061032  
 R.D.D.C., TN  
 PARCEL ID:  
 08108045400  
 P.A.D.C., TN

166  
 RADFORD, WILLIAM  
 RADFORD, SONCERIA  
 INSTRUMENT #  
 20080307-0023200  
 R.D.D.C., TN  
 PARCEL ID:  
 08108045300  
 P.A.D.C., TN

164  
 PROPOSED GARAGE UNIT  
 PROPOSED GARAGE UNIT B

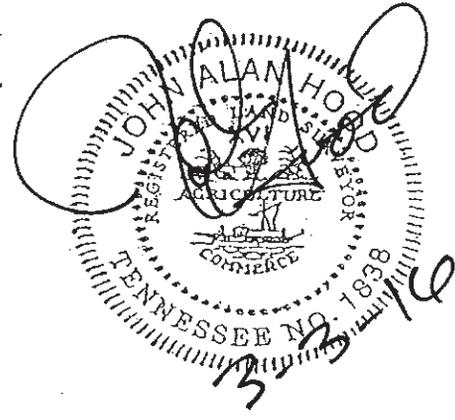
THIS EXHIBIT WAS DONE UNDER  
 THE AUTHORITY OF TCA 62-18-126  
 AND IS NOT A GENERAL PROPERTY  
 SURVEY AS DEFINED UNDER  
 RULE 0820-3-.07, CHAPTER 0820-3  
 STANDARDS OF PRACTICE, RULES OF  
 THE TENNESSEE BOARD OF EXAMINERS  
 OF LAND SURVEYORS.

JOHN ALAN HOOD T.M. R.L.S.#1838

THIS EXHIBIT WAS PREPARED FROM THE  
 TEST RECORDED DEED DESCRIPTION.  
 THIS SURVEY IS SUBJECT TO THE FINDINGS  
 OF A CURRENT TITLE EXAMINATION.  
 TITLE REPORT WAS PROVIDED  
 TO SURVEYOR

UTILITIES SHOWN WERE TAKEN FROM PUBLIC  
 -BUILT RECORDS & FIELD LOCATION. THERE MAY  
 BE UTILITIES OR EASEMENTS PRESENT THAT ARE  
 NOT SHOWN ON THIS EXHIBIT.  
 CONTACT THE TENNESSEE ONE CALL SYSTEM  
 PRIOR TO ANY CONSTRUCTION OR DIGGING.

PREPARED BY:  
 WPBELL, McRAE  
 ASSOCIATES,  
 SURVEYING, INC.  
 18 BERRY HILL DRIVE  
 SHVILLE, TN, 37204  
 615-298-2424  
 X 615-297-2828



**SITE PLAN**  
 OF THE SOUTHERLY 44 FEET OF  
 LOT NO. 164 ON THE PLAN OF  
 NORTH NASHVILLE REAL ESTATE  
 COMPANY'S PLAN  
 BOOK 21, PAGE 105  
 R.D.D.C., TN.

**PROPERTY LOCATED IN THE 19TH  
 COUNCIL DISTRICT OF NASHVILLE,  
 DAVIDSON COUNTY TENNESSEE  
 AT THE NORTHWEST INTERSECTION  
 OF 5TH AVENUE NORTH  
 AND GARFIELD STREET  
 PROPERTY ADDRESS:  
 1701 A & B 5TH AVENUE NORTH,  
 NASHVILLE, TN., 37208**

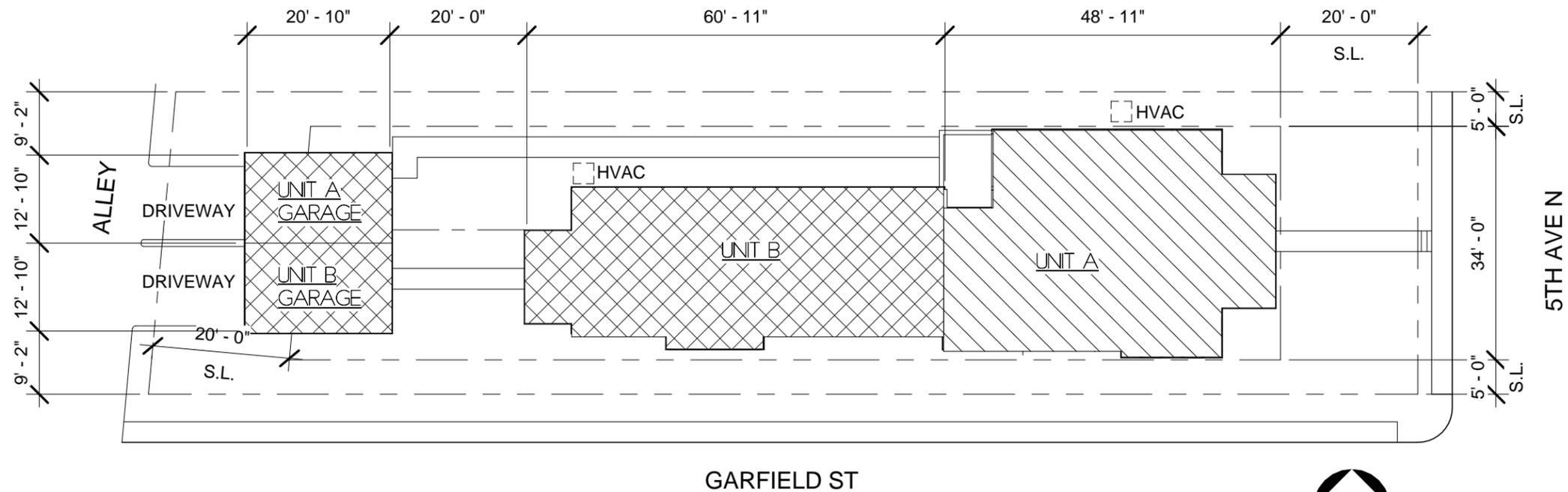
**DEED REFERENCE:**  
 INSTRUMENT #  
 20151026-0108779  
 R.D.D.C., TN.  
**ORIGINAL  
 PARCEL ID:**  
 08108045200  
 P.A.D.C., TN.  
**DATE :** 03-3-16  
**SCALE :** 1"=40'



③ EAST (5TH AVE N) SITE ELEVATION  
1/16" = 1'-0"



② SOUTH (GARFIELD ST) SITE ELEVATION  
1/16" = 1'-0"



① SITE PLAN  
1" = 20'-0"



1701 5TH AVENUE N

1701 5TH AVENUE N  
NASHVILLE TN 37208

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SHEET NAME:  
**SITE PLAN**

JOB NUMBER:  
15028

DRAWN BY	DATE
Author	Checker

**A0**

1701 5TH AVENUE N

1701 5TH AVENUE N  
NASHVILLE TN 37208

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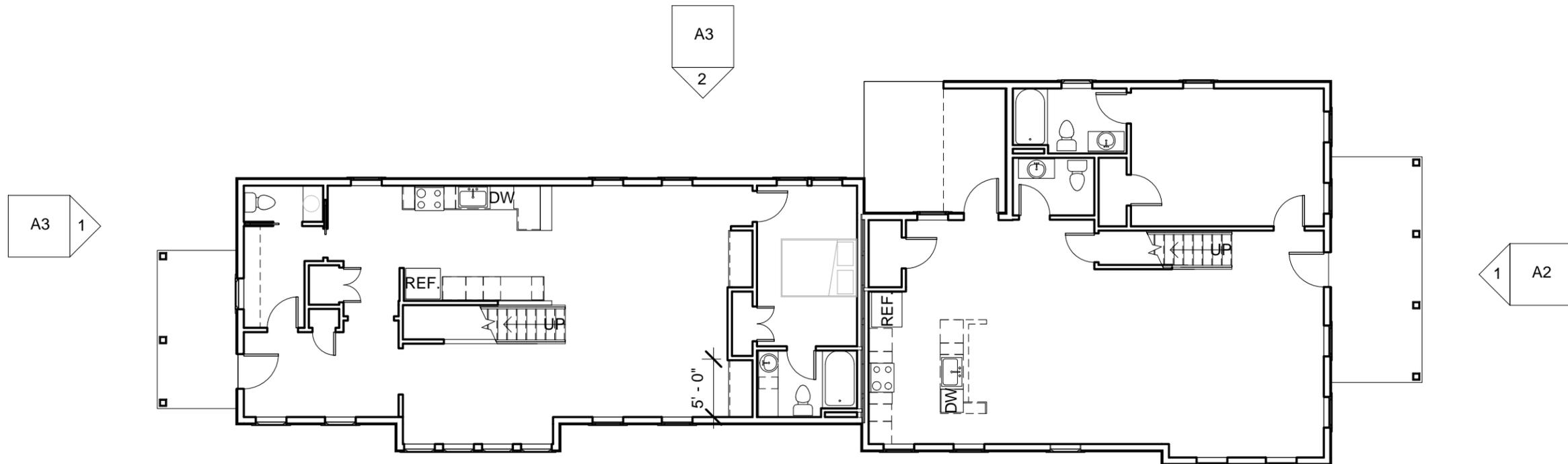
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JOB NUMBER:  
15028

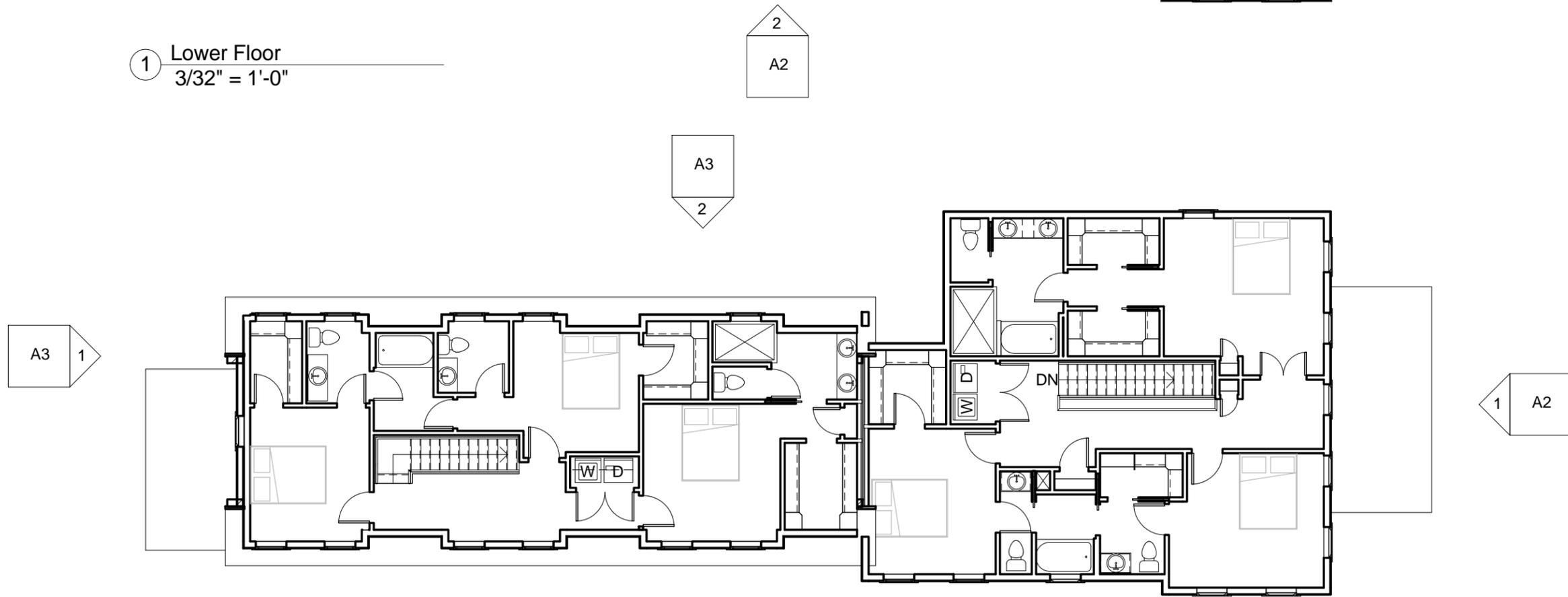
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**A1**

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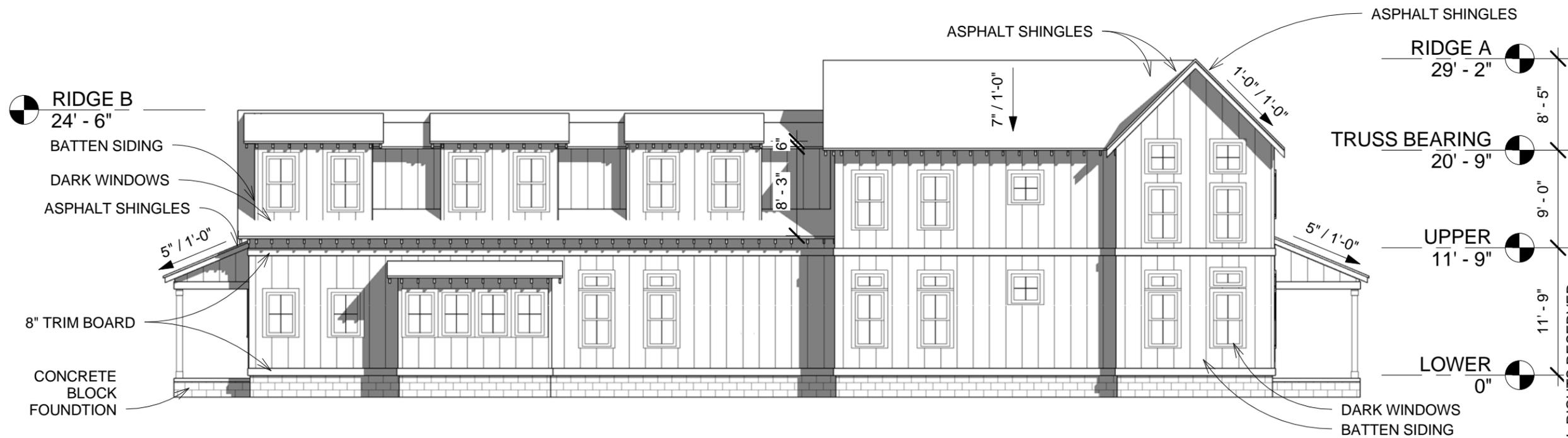
1 Lower Floor  
3/32" = 1'-0"



2 Upper Floor  
3/32" = 1'-0"



① EAST (5TH AVE N) ELEVATION  
3/32" = 1'-0"



② SOUTH (GARFIELD ST) ELEVATION  
3/32" = 1'-0"

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SHEET NAME:

**MAIN ELEVATIONS**

JOB NUMBER:  
15028

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Author	Checker

**A2**



① WEST (REAR/ALLEY) ELEVATION  
3/32" = 1'-0"



② NORTH (SIDE) ELEVATION  
3/32" = 1'-0"

1701 5TH AVENUE N

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NASHVILLE TN 37208

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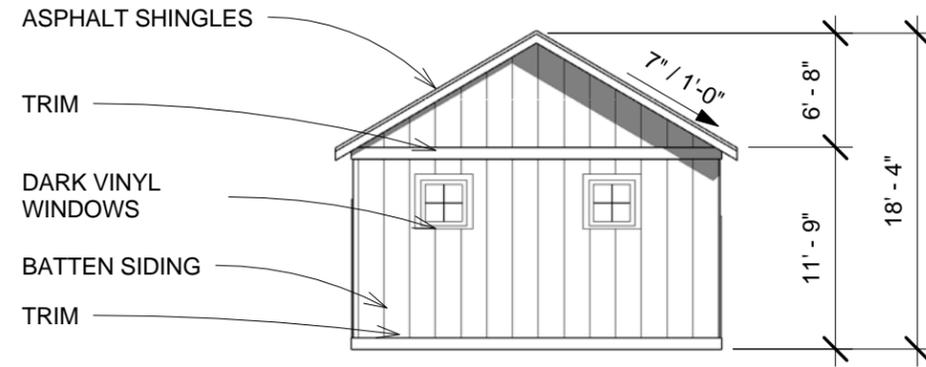
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MAIN ELEVATIONS

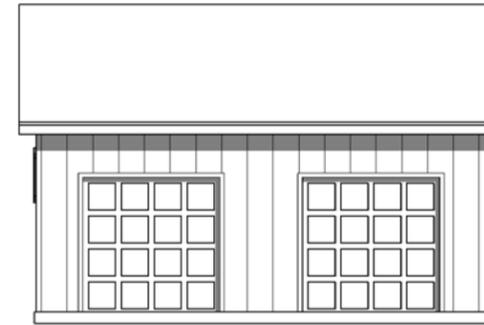
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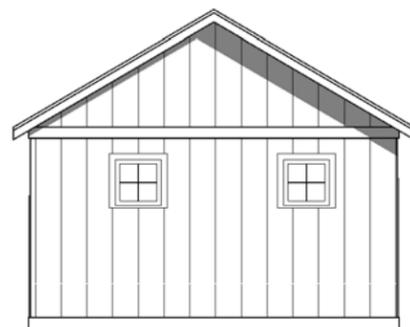
A3



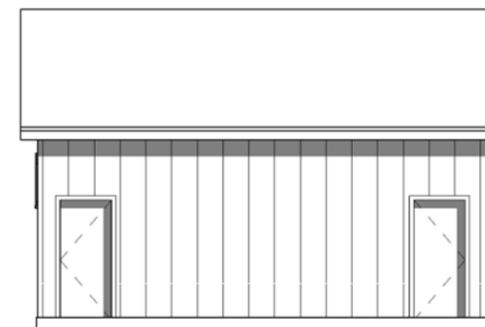
1 SOUTH (GARFIELD ST) GARAGE ELEVATION  
3/32" = 1'-0"



2 WEST (REAR/ALLEY) GARAGE ELEVATION  
3/32" = 1'-0"



3 NORTH (SIDE) GARAGE ELEVATION  
3/32" = 1'-0"



4 EAST GARAGE ELEVATION  
3/32" = 1'-0"

1701 5TH AVENUE N

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NASHVILLE TN 37208

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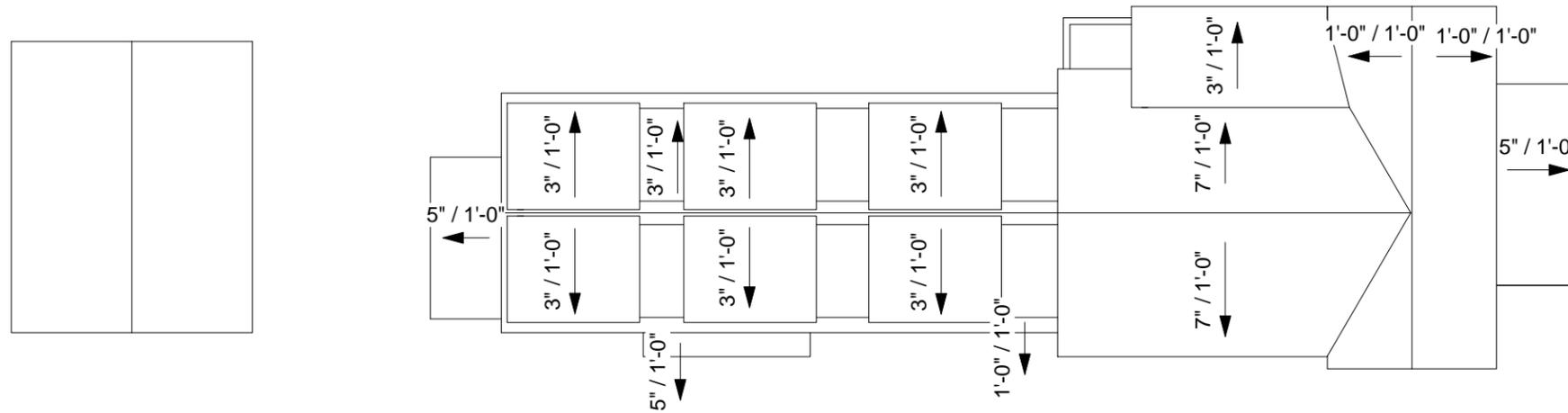
SHEET NAME:  
**GARAGE ELEVATIONS**

JOB NUMBER:  
15028

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A4

ASPHALT SHINGLES FOR ALL ROOF SURFACES



1 Roof Plan  
1/16" = 1'-0"

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**ROOF PLAN**

JOB NUMBER:  
15028

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Author	Checker

**A5**