



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
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## METRO HISTORIC ZONING COMMISSION SUMMARY MEETING MINUTES July 18, 2012

**Commissioners Present:** Brian Tibbs (Chair), Ann Nielson (Vice-chair), Menié Bell; Hunter Gee, and Ben Mosley, Richard Fletcher

**Zoning Staff:** Sean Alexander, Melissa Baldock, Susan T. Jones (City Attorney)

**Applicants:** Frank George, John Root, John Elldridge, Manuel Zeitlin

**Public:** Bob Borzak, Julie Kaalberg, Mark Medley, John Summers, Bill Lewis

Chairperson Tibbs called the meeting to order at 2:00p.m. and read aloud the process for appealing the decisions of the Metro Historic Zoning Commission.

### I. APPROVAL OF MINUTES

**Motion:** Vice-chairperson Nielson moved to approve the June 20, 2012 summary minutes without changes. Commissioner Mosley seconded and it passed unanimously.

### II. CONSENT

#### **817 BOSCOBEL ST**

Application: New construction-addition

Council District: 06

Overlay: Edgefield Historic Preservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1879506

#### **1801 FATHERLAND STREET**

Application: New construction—accessory building and rear addition; Partial Demolition—addition, dormer, exterior stair, and accessory structure; Setback reduction.

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1881122

### **1518 SWEETBRIAR AVENUE**

Application: New construction—addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1881138

Staff member, Melissa Baldock, gave a brief overview of the consent agenda items. Chairperson Tibbs asked if there were any items that the public or the commission wished to be removed from the consent agenda. 1801 Fatherland was pulled based on multiple requests from the public.

#### **Motion:**

**Commissioner Mosley moved to approve the 817 Boscobel Street and 1518 Sweetbriar with staff's recommendation. Vice-chairperson Nielson seconded and the two projects were approved unanimously.**

### **III. NEW BUSINESS**

#### **1801 FATHERLAND STREET**

Application: New construction—accessory building and rear addition; Partial Demolition—addition, dormer, exterior stair, and accessory structure; Setback reduction.

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1881122

Staff member, Melissa Baldock explained the proposed addition and setback reduction for 1801 Fatherland.

Location and Setback: The proposed rear addition meets all base zoning requirements for setbacks, and is located entirely behind the existing historic house. The proposed accessory structure, which will be discussed in detail under the “Outbuildings” section, is located in the rear of the property, with its garage doors facing the alley. It requires a reduction to the rear setback. Base zoning requires an accessory structure that has garage doors facing the alley to be ten feet (10’) from the rear property line. The applicant is proposing to situate the accessory structure just five feet (5’) from the rear property line. Staff finds the proposed reduction to the rear setback to be appropriate in this instance because historically, accessory structures were often situated closer than ten feet (10’) from the property line. In addition, there are at least three other accessory structures on this block of Fatherland Street that do not meet the required setback of ten feet (10’).

Staff finds the location and setback of the proposed addition and accessory structure to meet section II.B.3, II.B.8, and II.B.10.b. of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Height/Scale: The existing house has a maximum height of approximately twenty-two feet (22'). The proposed addition ties into the back slope of the house's gable at the ridge line, matching the height of the house, and continues at that height for a depth of approximately thirteen feet (13'). After that point, the addition's roof slopes up to be a maximum of three feet (3') taller than the existing house. At its tallest point, the addition is approximately twenty-five feet (25') tall. Staff finds the proposed height of the addition to be appropriate because the taller portion of the addition does not occur until forty-feet (40') behind the front of the house, the portion of the addition that is taller is inset from the sidewalls of the historic house, and the taller portion of the addition has a clipped gable roof form which will help minimize its perceived height.

The existing house is approximately forty-three feet, six inches (43'6") deep, including an eight foot (8') deep front porch, and is approximately thirty-one feet, five inches (31'5") wide. The majority of the addition's footprint is inset two feet (2') from the sidewalls of the historic house. On the right side, the addition does include a ten foot (10') deep bay that projects one foot, four inches (1'4") from the wall of the addition, making it inset just eight inches (8") from the wall of the historic house. On the left side, mirroring the location of the bay, the addition has an inset, also ten feet (10') in depth, that steps in one foot, four inches (1'4") from the wall of the addition. The addition's maximum width is twenty-seven feet, five inches (27'5") and its maximum depth is twenty-seven feet, four inches (27'4").

Currently, the site has eighty-one percent (81%) open space. With the demolition of the existing addition and accessory structure and the construction of the new addition and accessory structure, the site's open space will be reduced to approximately seventy-four percent (74%) open space. Staff finds this reduction of open space to meet the neighborhood context, where open space percentages range from as little as sixty percent (60%) to as much as eighty percent (80%).

Staff finds the height and scale of the proposed addition to meet sections II.B.1, II.B.2, and II.B.10 of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Relationship of Materials, Textures, Details, and Material Colors: The addition's primary cladding material will be cement fiberboard with a five inch reveal. Cement board and batten will be used for the rear gable field, and cedar shingle siding will be used to clad the addition's dormers and bays. The foundation will be split face block, and the roof will be architectural asphalt shingles in a graphite color. Decorative wood brackets will be incorporated in the rear clipped gable and the two side dormers, and metal roof awnings with wood brackets will be used over the inset on the left façade and over the rear entryway. The windows will be aluminum clad wood windows; the materials for the doors on the rear and left side elevation were not specified. Staff asks to review and approve the final materials and

specifications for all windows and doors prior to purchase and installation. The rear entryway will have concrete steps. All of the above-mentioned materials have been approved by the Commission in the past and are appropriate for this project.

With the staff's final approval of all windows and doors, staff finds the materials, texture, detail, and material colors for the proposed addition to meet sections II.B.4. and II.B.10.a. of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Roof Shape: The historic house has a side gable roof with a slope of approximately 5/12. The addition's primary roof form will be a clipped front gable with a slope of 10/12. The roof's clipped portion will have a slope of 6/12. Dormers are proposed for each side of the addition. The dormers have clipped gable roofs with a slope of 6/12. The walls of the dormers are inset one foot, four inches (1'4") from the sidewalls of the addition below. Although the Commission normally asks dormers to be inset two feet (2') from sidewalls below, staff finds the inset of one foot, four inches (1'4") to be appropriate in this instance because the wall of the addition is already inset two feet (2') from the wall of the historic house and because the original front dormer of the house sits on the front wall.

Staff finds the addition's proposed roof forms and pitches to meet section II.B.5 and II.B.10.a. of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Proportion and Rhythm of Openings: The addition's proposed window openings are roughly twice as tall as they are wide, and there are no large expanses of wall space without a window or door opening. Staff therefore finds the addition's proposed proportion and rhythm of openings to meet the design guidelines. Staff noticed that the window and door openings on the right façade will be altered as part of the project. Staff asks that a condition of approval be that the applicant submit a revised right façade drawing indicating which window and door openings will be removed and which window openings are new. There did not seem to be any alterations planned for the fenestration pattern on the left façade, but if changes are planned, staff asks to see those changes indicated on a revised elevation as well (see photos below).

With the submission of a revised right façade elevation showing the changes to the window and door openings, staff finds the project's proportion and rhythm of openings to meet section II.B.7 and II.B.10.a. of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Outbuilding: A detached garage that is twenty feet wide and twenty feet deep (20' X 20') is proposed for the rear of the property. The garage will have vehicular doors facing the alley. As discussed in the "Location and Setback" section of the staff recommendation, a rear setback reduction is requested for the structure; the garage is proposed to be five feet (5') from the rear property line, and base zoning

requires that it be ten feet (10') from property line. Staff finds the setback reduction to meet the design guidelines.

The accessory structure will have a height of eighteen feet, eleven inches (18'11") above the foundation line. With the foundation, the total height of the structure will be approximately nineteen feet, three inches (19'3"). The eave height will be approximately nine feet (9'). The garage's roof will be a clipped gable with a 10/12 slope. Staff finds the addition's height and scale to be subordinate to the historic house. The materials for the accessory structure will be similar to those proposed for the addition: cement fiberboard siding with a five inch (5") reveal, split face concrete block foundation, asphalt shingle roof in a graphite color, and a metal awning over the garage doors. The garage door will be painted medium density fiberboard, with a panel design.

An elevation drawing showing the garage's façade that faces the house was not submitted. Staff asks that a condition of approval be that the applicant submit a drawing of this façade, as well as any plan for a pedestrian door into the structure.

With the submission of the elevation drawing, staff finds the proposed outbuilding to meet Section II.B.8. of the *Lockeland Spring-East End Neighborhood Conservation District: Handbook and Design Guidelines*

Recommendation Summary: Staff recommends approval of the application with the following conditions:

1. Staff approve the final materials and specifications for all windows and doors.
2. The applicant submits a revised right façade elevation showing the alteration of the window and door pattern.
3. The applicant submits an elevation drawing showing the outbuilding's façade that faces the house.

With these conditions, staff finds that the project meets II.B and IV.B of the *Lockeland Springs-East End Neighborhood Conservation District: Handbook and Design Guidelines*.

Julie Kaalberg, resident at 1503 Holly Street, stated that she had sent comments via email. She said that she was representing herself and three neighbors who couldn't be present. They had three issues: the historic façade is not preserved in this design because the addition rises three feet above the current height of the house, the property is a corner lot and therefore highly visible, and the arrangement of the windows makes it look like a split-level.

Bob Borzack, a 27 year resident of Lockeland Spring, explained that the policy to allow for additions to rise higher than the house when the addition was approximately 40' feet back from the front wall was not in the original design guidelines and it is nonsense to state that it cannot be seen. He asked if the Commission had received a copy of the letter from ReDiscover East and passed out a copy.

Vice-chairperson asked if the slope of the roof matched the slope of the dormer, how much would that lower the overall height. Staff explained that the architect was not present but that lowering the slope would bring the height down but a quick answer to exactly how much could not be given immediately.

Commissioner Mosley stated that the proposed pitches matched and to change the slope might make the addition even more noticeable.

Commissioner Fletcher asked if the Commission could defer since the applicant was not present. Legal Counsel stated that the applicant would have to agree to a deferral.

Commissioner Mosley explained that 3-dimensional projects were really not viewed in elevation and found that the additional height met the design guidelines since it would be minimally visible, if at all, from the front.

Vice-chairperson Tibbs and Commissioner Mosley discussed the grade.

Commissioner Fletcher asked if the project could be approved with a condition that the addition be three feet lower and Chairperson Tibbs said that it could.

Commissioner Gee stated that the addition would not be seen from the street in the front and that the proposed was a modest addition compared to what they normally see.

**MOTION:**

**Commissioner Gee moved to approve the project with staff conditions. Commissioner Mosley seconded and the project was approved unanimously.**

**1508 ELMWOOD AVENUE**

Application: (VIOLATION) New construction-accessory building

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1881289

Staff member, Sean Alexander, presented the case for 1508 Elmwood Avenue, a one and one-half story Craftsman bungalow with a side-gabled roof. An application to construct a two-car detached garage at the rear of the property was reviewed and approved by Staff, and a permit was issued on April 27, 2012.

In April 2012, the applicant submitted drawings to construct a new detached accessory building. As specified in the drawings submitted by the applicant, the structure was to be twenty feet (20') tall with eaves at twelve feet (12') above the finished floor level. When Staff visited the property to conduct a framing inspection on May 30, 2012, it was observed that the project had deviated from the approved drawings. Most notably, the structure had been constructed with the eaves at fifteen feet (15') above the

finished floor level and the ridge is oriented perpendicular to the street rather than horizontal, which increases the perceived massing of the structure from the public right-of-way. In addition, the dormer does not have the two foot (2') setback required. Staff determined that, as constructed, the structure was not subordinate to the existing structure and was not compatible with surrounding historic accessory structures.

Initially, the applicant asked to come before the Commission; and Staff continued to work with the property owner and builder to find a solution. Staff compromised and allowed the ridge and dormer to remain as-is but required the eave to come down to what was originally proposed. On June 5, 2012, the builder stated that he would lower the ridge. However, recently, the property owner hired a new contractor who now seeks approval of the building as-is and the permission to complete the work.

**Analysis and Findings:** The applicant is requesting approval to keep the existing structure and permission to complete it as started.

**Height, Scale:** The structure was approved to have a six hundred square foot (600 sq. ft.) footprint, and would be twenty feet (20') tall with a twelve foot (12') eave height with a ridge line that was parallel with the alley. As built, the structure has the correct footprint and overall height, but the eaves are fifteen feet (15') above the finished floor level and the ridge is oriented perpendicular to the street rather than parallel, which increases the perceived massing of the structure from the public right-of-way. Due to a rise in grade from the house to the alley, the structure appears to have an additional three feet (3') of height as viewed from the right-of-way.

**Roof, Orientation:** The approved drawings indicated that the structure would have a gable with an 8:12 pitch, with the ridge running parallel to the street. The structure was built with a 5:12 roof pitch and the ridge running perpendicular to the street. What was to be an alley-facing shed dormer was built facing the side, and was not set in as approved but stacked directly on the wall below.

Due to the hilly topography of Nashville, it is not uncommon for the floor level of accessory structures to be higher than their primary structures, but Staff determined that the design and orientation of the submitted drawings would be compatible. However, the combined effect of the higher eave line, rotating the structure, and stacking the dormer gives the structure a significantly taller appearance, to the point that it is not subordinate to the primary building and does not meet the guidelines for new accessory structures in the overlay.

**Recommendation:** Staff recommends disapproval of the application to finish construction of the accessory building in deviation from the permit issued by Staff on April 27, 2012.

Commissioner Mosley asked who was notified and when about the violation. Mr. Alexander explained that the builder was the applicant, was notified in May and there were several discussions on how to

correct the violation; however, that builder was not a licensed contractor and a new contractor has since been hired to complete the project.

Commissioner Mosley asked if the picture was a true indication of the current level of completion and Mr. Alexander stated that it was.

Frank George, current contractor for the project, and Mr. Foster, homeowner, explained that the homeowner was unaware that the contractor had not followed the permit and was not a licensed contractor. Mr. George provided an overview of how the construction deviated from the plans. Mr. Foster passed out photographs.

Mr. George stated that 1204 Elmwood has an identical structure that was approved by the Commission and he asked that they complete the current structure, like 1204 Elmwood.

Chairperson Tibbs asked why the drawings were not very detailed. Mr. Alexander stated that the applicant simply copied the plans originally submitted for 1204 Elmwood and that the construction of that garage also ran into problems with the prior contractor. Although the proportions are off for 1204 in the same way they are for 1210, the grade at 1508 Elmwood accentuates the height.

Commissioner Gee asked if there was recourse for homeowners who have worked with unlicensed contractors. Legal counsel, Susan T. Jones, explained that when a project is inconsistent with a permit, the property owner is typically issued a warrant to appear in environmental court and the home owner is ordered to demolish or remove the structure. Commissioner Gee asked for the process for recourse against the unlicensed contractor. Ms. Jones stated that it was up to the home owner to pursue that issue.

Commissioner Mosley acknowledge the fact that it appears that the property owner trusted in someone and believed that the project was following all laws and that it places the Commission in a tough position when unscrupulous contractors do what they want and beg for forgiveness after the fact.

Commissioner Hunter asked if the project was identical to the one at 1210 Elmwood and would the staff have recommended approval of this project if it had been submitted as is currently constructed. Mr. Alexander stated that staff would not have approved this project as built because of the proportion and eave height and the two projects are not identical because of the grades and the roof pitches.

Commissioner Fletcher asked if the plan submitted contemplated a second floor yet and Mr. Alexander stated that it did have dormers.

Commissioner Mosley pointed out how the building was different than what was approved and stated that if the application process is not what “we live by” then the board will continue to see numerous violations. He explained that there are two-story garages in the district; however, there needs to be consideration of the homes that they relate to and that is different in each case mentioned.

## **Motion:**

**Commissioner Mosley moved to disapprove the application to complete construction based on the fact that the current construction is not consistent with the permit or the design guidelines for accessory structures. In addition, the applicant has 60 days to work with staff on a solution that meets the design guidelines, if they so choose. Commissioner Fletcher seconded and the motion was approved unanimously.**

## **1419 HOLLY STREET**

Application: Demolition, New construction-primary building and accessory building, Setback reduction

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1881231

Staff member, Sean Alexander presented an application to demolish an existing non-contributing building and construct a new single-family home with detached garage. The project includes a three foot, six inch (3'6") wooden picket fence encircling the front of the property with a six foot tall (6') wood privacy fence around the rear of the property, a side setback reduction and a detached garage. The setback reduction requested is only for a portion of the side porch and meets the historic context.

At the rear of the lot sits a c.1950 secondary dwelling that has undergone multiple alterations. It first appears on the Sanborn Fire Insurance maps and in the city directories in 1951. The foundation is concrete block, the siding Masonite and the roof asphalt shingle. Since it was constructed outside of the period of significance for the overlay and does not contribute to the historic character in terms of style or construction method, staff finds demolition to be appropriate.

In the immediate context the homes are mostly one and one-half story homes that range between seventeen and twenty-six feet (17'-26') tall from grade. The width of the historic buildings in the area range between thirty and thirty-five feet (30'-35') and the homes are roughly centered on the lot.

The proposed building is also a one and one-half story building that varies in height due to the grade. It is one foot lower than the previous proposal you saw and staff recommends that it be lowered yet another foot which the applicant has already agreed to. With this alteration the project is similar to the context in terms of overall scale.

The known materials of both the home and garage are appropriate for the district and have been approved in the past. Staff recommends having final approve of windows and doors.

The roof shape, orientation, location of vehicular access and garage--off the alley--and the proportion and rhythm of openings all meet the context and the design guidelines.

To be clear, the applicant previously presented an application for a duplex and initially submitted a site plan showing a ‘future’ footprint on this lot. At this time, the Commission does not have the ability to review detached duplexes and has found that duplexes attached with the narrow eight foot (8’) connector required by current code does not meet the design guidelines. This report and recommendation for approval is only based on the single-family home proposed and does not consider the possibility of a second home on this property.

Staff recommends approval of the project and setback reduction with the conditions that Staff provide final review of windows and doors and that the overall height of the house be lowered by one foot (1’). With this condition, the project meets section II.B for new construction in the Lockeland-Springs Neighborhood Conservation Zoning Overlay.

Commissioner Bell asked for clarification on the duplex issue. Mr. Alexander explained that last month the application was for a detached duplex; however, the Commission did not and does not have the authority to approve a detached duplex. Chairperson Tibbs stated that the duplex issue does not need to be discussed as it is not relevant to the currently proposed plans.

Mr. Root declined to present.

Julie Kaalberg, 1503 Holly Street, passed around a notebook of photographs which she declined to leave for the record. She stated that other design guidelines state that infill must be consistent with “surrounding” homes but that in Lockeland Springs it states that they should be consistent with “adjacent” homes. The home adjacent is 17’ tall and the proposed home is 30’ tall and therefore it is not consistent with the adjacent home.

Bob Borzack stated that the proposed structure is too tall for the context and will create a negative precedent for the neighborhood.

Mark Medley, 1414 Holly Street, stated that he has lived in the neighborhood since 1987 and that Holly Street is one of the most picturesque in the neighborhood. He claimed that the house is out of context for the neighborhood and does not meet the design guidelines in terms of scale.

Bill Lewis, 1416 Holly Street, asked if the overlay still protects property owners and their investment being harmed from inappropriate development. He claimed that the proposed house is too tall for the context as it will be twice as tall as the adjacent home.

John Summers, 5000 Wyoming Avenue, stated that it was his intent, as council person of the overlay at the time of designation, that new construction should not increase by more than 5’ the homes adjacent to the lot. He stated he was surprised that later design guidelines do not follow this language. He asked for greater discussion about where we are and how the guidelines have been interpreted to provide some certainty for property owners and developers.

Commissioner Fletcher asked for clarification of the 5’ limit mentioned by Mr. Summers. Mr. Alexander read the design guidelines that stated that the height of new construction should be

compatible in terms of number of stories and height of adjacent buildings but does not mention a specific number, such as 5'. Ms. Jones, legal counsel for the board stated that there is a definition for adjacent in the zoning ordinance, that adjacent means nearby properties touching the property lines of the property being considered and property across the street.

Commissioner Gee asked for clarification of heights. Mr. Alexander stated that he did not have all the heights used in preparing the staff recommendation as he was not the one who prepared the staff recommendation and Ms. Zeigler was not present. Commissioner Mosley pointed out that the neighborhood was eclectic and historically there are large homes next to cottages. He also stated that the eave height is as important as the height to consider and that in terms of light, the proposed roof form has the appropriate orientation.

Commissioner Gee asked for the ordinance's definition of height and Ms. Jones stated that there was no specific definition of height that was relevant to the board's discussion.

There was a request from a member of the public to speak although the public hearing had been closed. Chairperson Tibbs asked the applicant if he would like to speak since the public portion was being reopened. Mr. Root explained that the grade of Holly St is a dramatic incline and he was trying to split the difference between the heights of the two neighboring buildings.

Bill Lewis, 1416 Holly Street, stated that he was confused about the height of the proposed building.

Julie Kaalberg returned to ask if the Commission had had an opportunity to review her submission and restated her concerns about the height.

Mr. Alexander clarified the proposed height and gave information about the heights of surrounding buildings.

Mr. Summers returned to explain that there was plenty of lot for square footage without pushing the height.

Mr. Root clarified that the proposed height is 27' from finished floor to ridge height.

Public hearing was closed.

Motion:

Commissioner Fletcher moved to approve with the condition that the height not exceed adjacent properties. There was no second. Commissioners Bell, Gee and Mosley voted for the motion and Commissioners Fletcher and Nielson opposed. The motion failed for lack of 4 consenting votes.

Commissioner Gee asked for clarification of height. Mr. Alexander stated that the proposed height was 29' from grade to the highest point and 27' from finished floor. In addition, Staff recommended each be one foot shorter than proposed.

Susan Jones explained to the Commission that the vote did not pass because there were not 4 concurring votes and so the motion did not carry.

**Motion:**

**Commissioner Mosley moved to approved the project and setback reduction with the conditions that Staff provide final review of windows and doors and that the overall height of the house be lowered by one foot (1'), stating that the project meets section II.B for new construction in the Lockeland-Springs Neighborhood Conservation Zoning Overlay. The motion passed with Commissioner Nielson's opposing vote.**

**1601 RUSSELL STREET**

Application: New construction- rear and side additions and accessory building, Setback reduction

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1881290

Background: 1601 Russell Street is a contributing house in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay, constructed in 1914. In June of 2012, the MHZC disapproved an application to construct a second residence, finding the proposal to add an attached second dwelling in the manner proposed did not meet the design guidelines.

Analysis and Findings: The applicant proposes to remove an existing rear porch and construct a new addition at the rear of the structure, and to construct a new side dormer addition. The applicant also proposes to construct a new accessory building.

**Height, Scale - Additions**

The new side dormer will be on the right side of the house, and will be largely obscured behind an existing gable projection on the side of the house and will sit in from the side wall of the existing gable by four feet (4').

The footprint of the new rear addition will be eighty-four square feet (84') in area, roughly half the size of the existing rear porch. The roof of the addition will match the height and location of the existing porch roof. The foundation of the addition will set in from the sides of the house in a manner similar to the existing addition and will be six inches (6") lower than the house foundation, allowing for there to be a trim band at the floor level matching the floor level of the house.

**Height Scale – Accessory building**

The new accessory building will be one-story tall with a four hundred square foot (400 sq. ft.) footprint. The total height will be 19 feet with eaves at 10 feet. This scale is subordinate to the historic house and compatible with other accessory buildings nearby.

**Outbuilding**

The new accessory structure is proposed to be located in the rear-right corner of the property, ten feet (10') from the right side property line and five feet (5') from the rear. For this location, the applicant is requesting a fifty percent (50%) reduction of the rear setback. Because the proposed location is in keeping with the typical location of historic accessory structures, staff finds it to meet guideline II.B.3 and II.B.8.

#### Materials

The materials of the two additions and the accessory building will be smooth cement-fiberboard clapboard siding with wood trim and a fiberglass-asphalt shingle roof and the garage will have a metal roof awning. The applicant will need to submit final material and design specifications for the windows of the additions, vehicular and pedestrian doors, and roof color, but staff otherwise finds the materials to meet guideline II.B.4.

Recommendation: Staff recommends approval of the side dormer addition, rear addition, and new accessory building with the conditions that:

- The applicant submits final material and design specifications for the windows of the additions, vehicular and pedestrian doors;
- 2. Staff shall approve the roof color

With these conditions, Staff finds the proposal to be compatible with the historic structure and to meet the applicable design guidelines for the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

Commissioner Mosley stated that neighborhood correspondence had been received and questioned the double vehicular access. Mr. Alexander stated that the driveway was gravel and staff had not found it to be incompatible.

#### Motion:

**Commissioner Fletcher moved to approve the project with the conditions that the applicant submit final material and design specifications for the windows of the additions, vehicular and pedestrian doors; and Staff shall approve the roof color, based on the fact the project is compatible with the historic structure and meets the applicable design guidelines for the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Commissioner Mosley seconded and the project passed unanimously.**

**The Commission took a break and resumed at 4:05pm.**

#### **a. 1903 LINDEN AVENUE**

Application: New construction-addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1881242

This proposal includes an 1) an alteration to an existing right-side non-historic addition and 2) two-story addition that wraps the rear left corner.

The right side of the home has an existing non-historic porte-cochere with uncovered deck above. The proposal is to reconstruct this element as a first-floor, open, side porch. The alteration will improve a non-historic element and meets the design guidelines in terms of material, location and design. The left side addition will be two-stories that wrap the rear corner of the house, behind the existing side porch. According to the design guidelines, an addition should be situated at the rear of a building in such a way that it will not disturb either front or side facades. There have been cases where the Commission has approved side additions alone and a few cases where they have approved additions that wrap the rear corner, as proposed here. At the most recent annual review of cases, the Commission expressed concern with approving additions that are extend to the rear and the side, while wrapping the corner and thereby changing the form of the house. At that time, they determined that corner wrap additions do not meet design guideline II.B.2.a. This is similar to the Commission's frequent requirements that additions not alter the original roof form of a building.

Since this is a two-story house, an addition that wraps just one level would allow the original form to remain evident. In addition, the existing side porch would greatly obscure the visibility of a one-story addition. Staff recommends removal of the left side addition on the second level and the use of a bay to accommodate the stairwell on the second level, as long as the addition remains below the existing eave.

The addition meets the design guidelines in terms of scale, roof shapes, setback and rhythm of spacing, proportion and rhythm of openings, materials, and known materials. Final staff review of materials, including windows, door, posts, color of fabric awning, railings and trim is recommended.

Staff recommends approval with the conditions that:

- The applicant provide information about the material, design and dimensions of masonry, foundation, windows, doors, roofing, trim and railings; and
- The right/rear addition only wraps the basement and first levels with a bay on the second level to accommodate the stairwell, as long as the entire addition stays below the existing eave.

With these conditions, the project meets the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Architect Manuel Zeitlin explained that the addition was designed to accommodate an existing tree and based on existing wrap additions in the neighborhood and materials were chosen to help distinguish between old and new. He also stated that letters of support from the neighbors on either side had been obtained.

There were no requests from the public to speak to the case.

Commissioner Mosley asked for clarification for the reasoning behind the staff's recommendation.

Mr. Zeitlin requested to come back and explained that he didn't believe that there would be a difference between a bay and having a 2-story addition.

Ms. Baldock explained that the lot is 75' wide in answer to Mr. Mosley's question about lot width.

**Motion:**

**Commissioner Fletcher moved to approved with the condition that the applicant provide information about the material, design and dimensions of masonry, foundation, windows, doors, roofing, trim and railings; based on the width of the lot and the plan, Commissioner Mosley seconded and the motion carried with four votes in favor and Commissioner Nielson voting in opposition.**

**2405 BELMONT BOULEVARD**

Application: New construction-addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1881270

The project at 2405 Belmont includes the demolition of an existing accessory structure and an addition. The existing accessory structure does not add to the historic character of the district and so demolition is appropriate. The proposed addition is located to the rear of the building.

It includes a second level on the left side over an existing one-story addition that will be essentially flush (with the exception of the change in material) with existing side wall.

On the right, the addition will be two-stories, also proposed to be flush with the existing wall. According to the design guidelines, two-story additions should sit in a minimum of two-feet (2') to help distinguish from the new from the old and to lessen the impact of the mass of the addition on the existing house. Since the left side of the addition is over an existing portion of the house, no inset is recommended; however, staff does recommend that the addition sit in two feet (2') on the right side.

The addition meets the design guidelines in terms of height, scale, percentage of open space, roof shape, rhythm of openings, setbacks and known materials. Final staff review of all materials is recommended.

Staff recommends approval with the conditions that:

- The applicant provide information about the material, design and dimensions of masonry, foundation, windows, doors, roofing, trim and railings; and
- The right side sits in from the existing side walls by a minimum of two feet (2').

With these conditions, the project meets the design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Manuel Zeitlin explained that they couldn't step in the side 2' feet because of the bedroom so they changed the roofline and the materials in order to achieve the same intent.

Commissioner Fletcher asked how the connection between the materials was to be detailed. Mr. Zeitlin stated that the details had not been determined yet.

There were no requests from the public to speak to the case.

**Motion:**

**Commissioner Fletcher moved to approve the with the conditions that the material, design and dimensions of masonry, foundation, windows, doors, roofing, trim and railing be approved by staff and that a reveal or point of designation between the old and new construction be designed in a manner that is acceptable to staff. Commissioner Mosley seconded and the motion passed with four in favor and Commissioner Bell in opposition.**

**1402 PARIS AVENUE**

Application: Demolition, New construction-primary building

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1881288

There is currently a one-story brick duplex at 1402 Paris Avenue. This structure was built circa 1960, and does not contribute to the historic character of the district.

The applicant is proposing to demolish the existing duplex and construct a new single-family structure on the lot.

**Demolition**

Because the existing structure does not contribute to the character of the district due to its age, method of construction, materials and historical features, demolition meets guideline III.B.2.b.

**Height, Scale**

The structure will be one and one-half stories tall, thirty-two feet (32') from peak to grade and thirty-six feet (36') wide, similar in scale with historic houses nearby. The form of the structure will resemble a side-gabled bungalow a two-gabled dormer on the front slope of the roof.

The massing of the structure will be primarily in the lower story, with its bulk diminishing as the height increases because of the gabled roof. Staff finds that the height and scale are compatible with the surrounding historic context, and that the proportion of open space that would remain is appropriate. Staff finds the application to meet guidelines II.B.1.a. and I.B.1.b.

**Materials**

The primary exterior material of the new structure will be cement-fiber clapboard siding. The trim, including cornerboards and window casings will be cement-fiberboard, and the columns and railing, will be wood. The structure will also have brick piers on the front porch, a split-faced concrete block foundation and a fiberglass-asphalt shingle roof. Staff will need to approve the brick color and texture as well as roof color prior to permitting.

#### Windows

The house will have aluminum-clad one-over-one wood windows, which is an appropriate material for new construction. The window patten and proportions are generally compatible, but in order to ensure that the upper-story windows are in proper proportion to the lower story windows, staff suggests that they also be double-hung, or that the casements have divided lights rather than a single large pane.

Setbacks, Orientation, Roofs, and Utilities all meet their respective sections of the guidelines.

Recommendation: Staff recommends approval with the condition that staff review the color and texture of the brick, roofing material design and color, and the location of mechanical and utility connections. With this condition, Staff finds the proposal to meet the Design Guidelines for new construction in the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

The Commissioners questioned the fact that the elevations shown on the screen were different than what they received in their packets in terms of fenestration. Ms. Baldock explained that revised drawings were received after the packets were sent and what was on the screen is actually what is proposed.

#### **Motion:**

**Commissioner Mosley moved to approve with the condition that applicant submit a new front elevation showing casement windows that appeared as one-over-one windows or actual one-over-one windows on the upper level and that the applicant makes sure that the brick piers be constructed as drawn. Vice-chairperson Nielson seconded and the motion passed unanimously.**

#### **522 ACKLEN PARK DRIVE**

Application: New construction—primary building and accessory structure

Council District: 24

Overlay: Richland-West End Addition Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1881127

Staff member, Melissa Baldock presented the case for 522 Acklen Park Drive, an application for the construction of a new primary and accessory structure in the Richland West End Addition Neighborhood Conservation district. The site has never been developed and is currently vacant.

The site backs up to the railroad tracks, and on its south (or left) side is an empty lot that extends to Murphy Road. All of the properties within the dotted outline on the map are non-contributing structures.

Many of them are infill developments constructed shortly before the creation of the Richland West End Addition overlay in 2007. The site has no immediate historic context, and therefore the historic houses along Murphy Avenue and Greenway Avenue must provide guidance for new development.

The proposal meets all the base zoning requirements for setbacks. However, the proposed location of the garage adjacent to the house is not typically seen in historic neighborhoods. The Commission typically asks that the garage be placed behind the house, in the rear of the site. However, in this instance staff does find the proposed location of the garage to meet the design guidelines for several reasons:

1. The lot is unusually shallow compared to the lots on Murphy Avenue and Greenway Avenue, where the historic context is found, which restricts the development of the site.
2. Development at the rear of the property is severely restricted because of a steep berm resulting from the railroad tracks.
3. Because there is no historic context in the immediate vicinity, the location of the garage will not significantly impact the historic character of the neighborhood.
4. Finally, the garage is detached from the house, is subordinate to it in height and scale, and is pushed as far back from the front of the house as is practical for the site.

The garage will be accessed via a new curb cut and driveway at Acklen Park Drive. The applicant has agreed to the condition in the staff recommendations that the driveway be single-width to at least the front wall of the house, and the site plan shown here is revised to reflect that condition.

Although there is a pool shown on the site plan, pools are not reviewed by the MHZC or regulated in conservation districts like this one.

The primary structure will have a maximum ridge height of 29 feet, 11 inches, and it will be 33 feet, 4 inches wide, and 46 feet, 10 inches deep. These dimensions fit within the range of heights, widths, and depths of historic structures along Murphy and Greenway Avenues. The garage will be subordinate to the primary structure. It will be approximately 21 feet, 10 inches tall, 21 feet wide, and 27 feet deep. Both structures will have side-gabled roof forms with a 10/12 slope.

Staff finds that the proposed window openings on the primary structure are generally twice as tall as they are wide, and meet the proportions for historic window openings. In addition, there are no large expanses of wall space without a window or door opening, except on the left façade towards the back of the house. Staff finds the lack of window openings in this area to be acceptable since the location of the garage will minimize the visibility of this area.

Both structures will be primarily clad in smooth-face cement fiberboard with a 5 inch reveal and will have asphalt shingle roofs. The primary structure will have a split face concrete block foundation, and its windows will be wood. Staff asks that a condition of approval be that staff review and approve a

brick sample, the asphalt shingle color, all window and door specifications, the material for the front porch floor and steps, the material for the rear deck and railing, and the design and material for any front porch railing.

In conclusion, staff recommends approval of the project with the following conditions:

1. Staff review and approve all final materials;
2. The utilities be located in the rear of the house or along a side façade, beyond the midpoint of the house; and
3. The driveway be single-width to at least the front wall of the house, where it can expand to a double-width concrete driveway – Note that the applicant has already agreed to this last condition.

John Elldridge, applicant for the project stated that he was in agreement with the conditions and was available for questions.

There were no requests from the public to speak to the case.

**Motion:**

**Commissioner Mosley moved to approve with the conditions that staff review and approve all final materials; the utilities be located in the rear of the house or along a side façade, beyond the midpoint of the house; and the driveway be single-width to at least the front wall of the house, where it can expand to a double-width concrete driveway. Commissioner Mosley clarified that the decision was based on the lack of historic context and the findings and facts of the staff recommendation. Vice-chairperson Nielson seconded. Commissioner Gee pointed out that the drawings show the driveway being single lane up to the front porch, not the front wall, and moved to revise the motion to say that the driveway need only be single-width up to the front porch. Commissioner Mosley seconded the amendment and it passed unanimously. The amended motion also passed unanimously.**

**104 5TH AVE SOUTH**

Application: New construction-roof top addition, Alterations

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1881248

Ms. Baldock stated that this project began as a violation in July of 2009. The previous owner created multiple rooftop additions without Preservation or Building Permits and has been tied up in court. There is now a new owner who will remove the unpermitted additions including this stair enclosure, railing and rooftop bar. They are also proposing a new roof top addition, alterations and repairs.

The alterations include replacing all existing non-historic windows with new Jeld-wen wood windows that match the existing dimensions and design. Some secondary windows will be blacked out and others

frosted. In addition, a bricked-in window opening will be restored. A rear/side door will be replaced with a solid metal door. The windows and door are not original and the window openings to be changed are secondary so these alterations meet Section II.H.3 and 4.

The existing terra cotta cap will be repaired and replaced in-kind where necessary, meeting design guideline II.K.1.

The applicant proposes cleaning and repointing of the brick. To meet sections J.2 and 6 of the design guidelines, staff recommends the conditions that the brick not be sandblasted or cleaned with abrasive means and that a flexible mortar, made from mixing hydrated lime cement and natural sand, is used where necessary. Further, mortar should match the historic mortar in width, depth, color, raking profile, composition, and texture.

Appurtenances: No lighting or signage is proposed at this time.

Applicant proposes replacing the existing storefront which is not original with a contemporary storefront that is similar to a historic one with wood bulkheads, and windows and transoms of clear glass. The design of the storefront has what appear to be stacked transoms. Staff recommends one row of transoms above the top of the door line and the applicant has already agreed to that change. Since the exact configuration of the original is unknown, this approach meets the design guidelines.

104 Fifth Avenue includes two attached historic buildings. The north building, which was originally a residential structure, sits back five feet and eight and a half inches (5'-8.5") from the south commercial building. To meet the required thirty feet (30') setback, any rooftop additions would need to be located in approximately the rear five (5') of the north building and the rear ten feet (10') of the south building. The roof shape, height and depth of the north building is somewhat unique for the district. The north building has the least amount of depth for the lot than any other building on the block. It is the shortest building on the block and among the shortest in the district and has a low-sloped gable roof. Only a handful of buildings in the district have gabled roofs. Because of these unique conditions, staff recognizes that a lesser setback is necessary to allow for rooftop use.

On the North building, the closest portion of the addition to the front is a glass railing, set just behind the ridge and rising approximately one and one-half feet (1.5') above the ridge line. Approximately two and one-half feet beyond that is the start of an open steel trellis that rise approximately eight feet (8') above the ridge. In addition, mechanicals will rise approximately four feet above the ridge but are set back approximately six feet (6') from the ridge. A metal wall to shield the view and noise of the mechanicals from patrons will rise perpendicular to the ridge and approximately seven feet (7') above the ridge. Because of the open nature of all elements and the narrow depth of the building, staff finds the rooftop additions on the North building to meet VI.H.2.

On the South building, the tallest part of the one-story proposed rooftop addition will rise approximately nine feet (9') above the parapet wall. The enclosed portion will sit back from the front wall by thirty-two feet (32'), more than meeting the design guideline's requirement of a thirty foot (30') setback; however, overall, the addition begins only eight feet (8') back from the front wall. The portion of the

addition closest to the front is an open railing that only rises one foot (1') above the parapet wall. Staff recommends sitting this wall back from the ridge a total of two feet (2') to assure that it is minimally visible, if at all, and the applicant has agreed to make that change. Due to the shallow depth of the building and the applicant's ability to place the tallest and bulkiest portions of the addition to the back, staff finds that the project meets the design guidelines.

The materials all meet the design guidelines. All materials are appropriate for the historic building or new construction in the district and meet the design guidelines. With the condition for the transoms, staff finds that the project meets the design guidelines for materials and design.

#### Recommendation:

Staff recommends approval with the conditions that:

- the glass wall sit back two feet (2');
- the storefront not have what appears as stacked transoms;
- the brick not be sandblasted or cleaned with abrasive means;
- a flexible mortar, made from mixing hydrated lime cement and natural sand, is used where necessary; and
- mortar matching the existing mortar in width, depth, color, raking profile, composition, and texture is used, where repointing is necessary.

Staff determined that because of the unique conditions of these buildings, an appropriate location for any structural additions is between the ridgeline of the south building and the rear of the buildings, as this location minimizes visibility and does not interfere with the character defining features of the building and that a setback of eight feet (8') is appropriate for roof top railings as it minimizes visibility. With these conditions, Staff finds that the project meets the guidelines for rooftop additions in the Broadway Historic Preservation Zoning Overlay.

The Commission and Staff discussed the proposed and recommended setbacks of front walls.

Manuel Zeitlin, applicant for the project, agreed that a total of 2' of setback for the glass wall was appropriate and they agreed with all the proposed conditions.

#### **Motion:**

**Commissioner Gee moved to approved the project with the conditions that the glass wall sit back two feet (2'); the storefront not have what appears as stacked transoms; the brick not be sandblasted or cleaned with abrasive means; a flexible mortar, made from mixing hydrated lime cement and natural sand, is used where necessary; and mortar matching the existing mortar in width, depth, color, raking profile, composition, and texture is used, where repointing is necessary. Commissioner Mosley seconded and the motion passed unanimously.**

Susan T. Jones updated the Commission on the fact that the MHZC's recommendation for changing the make-up of the board with the recommendation from the Planning Commission to change "downtown core" to "downtown code" passed the third reading with the Council.

RATIFIED BY COMMISSION AUGUST 15, 2012