



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

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

STAFF RECOMMENDATION
3718 Richland Avenue
November 14, 2012

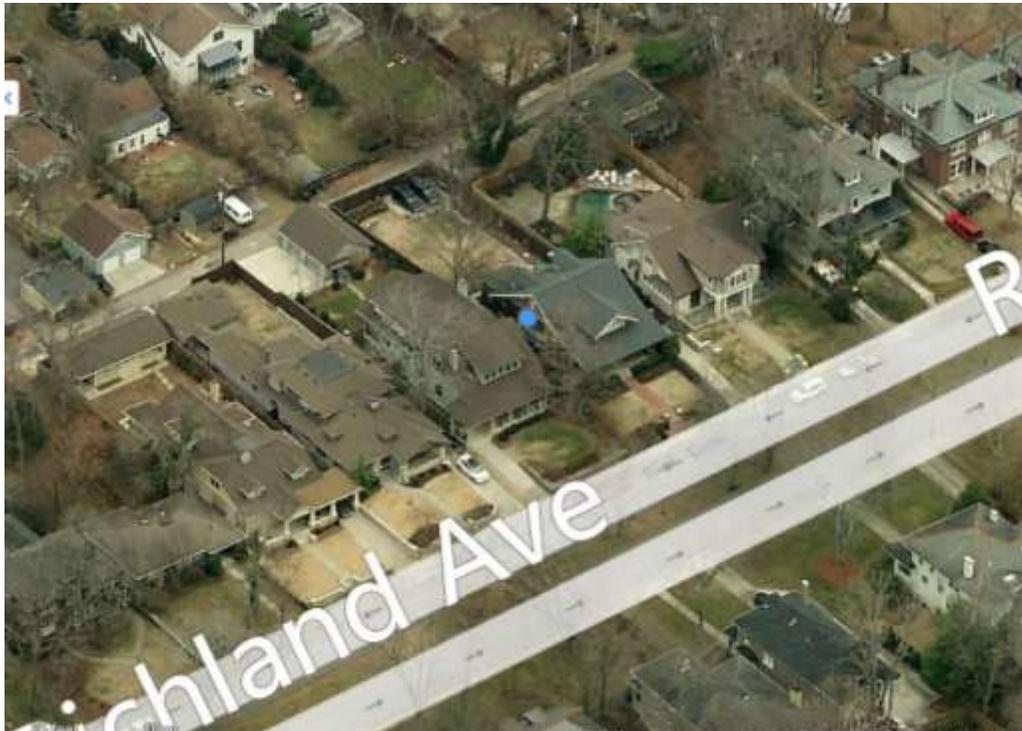
Application: New construction-outbuilding
District: Richland-West End Neighborhood Conservation Zoning Overlay
Council District: 24
Map and Parcel Number: 10409006900
Applicant: Aaron Rosburg, contractor
Project Lead: Robin Zeigler, robin.zeigler@nashville.gov

<p>Description of Project: On October 12, 2012 Staff reviewed and issued a permit for an outbuilding at 3718 Richland Avenue. Due to neighborhood opposition, staff is requesting the Commission review the case for a rear-yard out building.</p>	<p>Attachments A: Plans B. Permit Issued</p>
<p>Recommendation Summary: Staff finds the project to meet section II.h. of the design guidelines for outbuildings and that the structure does not negatively affect the historic character of the overlay as seen from the street. Staff recommends approval.</p>	

Vicinity Map:



Aerial Map:



Applicable Design Guidelines:

II.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.

Historically, outbuildings were either very utilitarian in character, or (particularly with more extravagant houses) they repeated the roof forms and architectural details of the houses to which they related. Generally, either approach is appropriate for new outbuildings. Brick, weatherboard, and board - and -batten are typical siding materials. Outbuildings with weatherboard siding typically have wide cornerboards and window and door casings (trim). Generally, the minimum roof pitch appropriate for outbuildings is 12:4. Decorative raised panels on publicly visible garage doors are generally not appropriate. Publicly visible pedestrian doors must either be appropriate for the style of house to which the outbuilding relates or be flat with no panels. Publicly visible windows should be appropriate to the style of the house.

Roof

- *Generally, the eaves and roof ridge of any new accessory structure should not be higher than those of the existing house.*
- *Roof slopes on simple, utilitarian buildings do not have to match the roof slopes of the main structure, but must maintain at least a 4/12 pitch.*
- *The front face of any dormer must be set back at least 2' from the wall of the floor below.*

Windows and Doors

- *Metal overhead doors are acceptable on garages when they are simple and devoid of overly decorative elements typical on high-style wooden doors.*
- *Publicly visible pedestrian doors must either be appropriate for the style of house to which the outbuilding relates or be flat with no panels.*
- *Publicly visible windows should be appropriate to the style of the house.*
- *Double-hung windows are generally twice as tall as they are wide and of the single-light sash variety.*
- *For street-facing facades, garages with more than one-bay should have multiple single doors rather than one large door to accommodate more than one bay.*
- *Decorative raised panels on publicly visible garage doors are generally not appropriate.*

Siding and Trim

- *Brick, weatherboard, and board-and-batten are typical siding materials. Outbuildings with weatherboard siding typically have wide cornerboards and window and door casings (trim).*
- *Exterior siding may match the existing contributing building's original siding; otherwise, siding should be wood or smooth cement-fiberboard lap siding with a maximum exposure of five inches (5"), wood or smooth cement-fiberboard board-and-batten or masonry.*
- *Four inch (4") (nominal) corner-boards are required at the face of each exposed corner.*
- *Stud wall lumber and embossed wood grain are prohibited.*
- *Four inch (4") (nominal) casings are required around doors, windows, and vents within clapboard walls. (Brick molding is not appropriate on non-masonry clad buildings.)*
- *Brick molding is required around doors, windows, and vents within masonry walls.*

- 2) Outbuildings should be situated on a lot as is historically typical for surrounding historic buildings.

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.

Lots without rear alleys may have garages located closer to the primary structure. The appropriate location is one that matches the neighborhood or can be documented by historic maps. Generally, attached garages are not appropriate; however, instances where they may be are:

- 1. where they are a typical feature of the neighborhood*
- 2. When the location of the attached garage is in the general location of an historic accessory building, the new garage is located in the basement level, and the vehicular access is on the rear elevation.*

Background: 3718 Richland Avenue is a contributing building to the Richland-West End Neighborhood Conservation Zoning Overlay. There are no other outbuildings on the property, which is surrounded in the back with a privacy fence. The MHZC does not review use or interiors, only the exterior design of new construction. The Department of Codes and Building Safety do review use but do not require permits for children’s play structures.

Staff found that the project met the requirements for administrative review as it is less than seven hundred (700 square feet) and with a ridge height no greater than 20’, which are the parameters for administrative review established by the Commission. Typically new construction that cannot be seen from the public right-of-way does not require a permit. According to the design guidelines, “for the purposes of neighborhood conservation zoning, alleys are not considered to be public rights-of-way.”

What can or cannot be seen is not always definitively known from drawings and so staff erred on the side of caution and reviewed the request. A small portion of the eave is all that can be seen from the public right-of-way. In this photograph, the yellow section between the top of the fence and the bottom of the eave is the visible portion of the building during framing.



Analysis and Findings:

Design & Massing: Outbuildings should be compatible, by “not contrasting greatly, with surrounding historic outbuildings in terms of height, scale, roof shape, materials, texture, and details.” The “house” portion itself is approximately one hundred and eight square feet (108 sq. ft.) and is eighteen feet (18’) from grade at its tallest point. The entire structure, including raised platform is approximately three hundred and twenty one (321 sq. ft.). The platform rises approximately eight feet (8’) from grade.

Staff found the height and massing of the structure to be appropriate as it does not contrast greatly with existing historic outbuildings in the district. A 2008 study of historic outbuildings in Richland-West End revealed that in 1951 there were 348 outbuildings in the neighborhood. The largest of these historic structures were in the area of twenty-five feet (25’) tall from grade with footprints of about six-hundred square feet (600 sq. ft.). The average size that was being requested and approved in 2008 was seventeen feet (17’) tall with a six hundred square foot (600 sq. ft) footprint. The following table illustrates that outbuildings of greater mass have been previously approved in the immediate vicinity.

Year Approved	Address	Height	Square Footage
2007	3700 Richland	18’ 5”	620
2005	3706 Richland	Unavailable	629
2007	3711 Central	22’	630
2004	3727 Central	17’	576



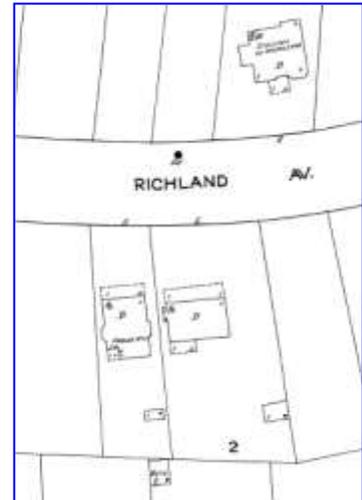
This recent aerial photograph shows multiple accessory buildings that are larger in massing than the playhouse which is presently constructed around the tree noted by the arrow. (The playhouse is not shown in this aerial taken before construction.)

Location: The structure is located between the center and the rear of the lot, which is an appropriate location for an outbuilding. It is forty feet (40') from the main house and twenty-two (22') from the rear alley. It meets all setback requirements of bulk zoning.

Materials: The materials include pressure treated wood, a rope railing, cement-fiber lap siding, salvaged wood windows and doors and a metal roof. All materials are appropriate for the district and have been approved by the Commission in the past.

Roof: The roof pitch of the playhouse itself is 12/12, a typical pitch for historic buildings in the overlay. The platform, which could be considered a roof, if the area beneath is used as storage, would then be a flat roof, also a roofline that can be found on historic outbuildings.

Staff finds the project to meet section II.h. of the design guidelines for outbuildings and that the structure does not negatively affect the historic character of the overlay as seen from the public right-of-way. Staff recommends approval.



This historic 1914 Sanborn map shows outbuildings towards the center of the lot.

PUBLIC COMMENT

10/30/2012, sent via email

Dear Ms. Ziegler,

My name is Linda Nathenson and I live at 3716 Richland Avenue. You previously spoke with my husband, Joel Isenstein, regarding an outdoor structure being built at 3718 Richland Avenue. After his discussion with you, we contacted numerous contractors, neighbors, the fire department and officials in the Department of Codes & Building Safety. We also spoke with our local councilman, Jason Holleman. While all officials have been sympathetic to the obvious and blatant attempt to circumvent the prescribed codes to deal with a house or garage requiring a permit, we have been advised that this "structure" does not require a building permit because it's considered a playhouse.

Our only form of recourse now rests with the Metro Historic Zoning Commission. We hereby request an appeal to the full Metro Historic Zoning Commission as to your approval of this structure. It is our understanding that your administrative approval was based on the guidelines as to "outbuildings" in the Richland West End Neighborhood Conservation Overlay and Design Guidelines. I would argue first that the section is inapplicable to this structure, as it was not identified as one of the specific buildings that the guideline was intended to cover. In the alternative, if you find that it is an outbuilding, the unit does not comply with the guidelines set forth by Historic.

First, the section you relied upon specifically addresses a new "garage or storage building." Apparently the party at issue convinced you that it is a playhouse; not a garage or storage building even though on the permit you provided to my husband, you first identified it as a "New Rear Yard Accessory Structure," then it was considered a playhouse. If, in fact, it is solely a playhouse, all playhouses in our neighborhood are either pre-fabricated jungle gyms sold by retailers or are compatible with the houses behind which they sit. We have scoured the neighborhood looking for some reference point for your decision. There is not one elevated playhouse anywhere on Richland Avenue, Central Avenue or any other street in the area.

The fact that the parties will now use the area underneath the elevated playhouse for storage of both personal property and/or a car is a deliberate attempt to circumvent the rules that we all adhere to in this neighborhood. The new "carport" does not replicate the roofline of the house or comply in any way with any code requirements because it was designated a play structure.

Should you find that this "playhouse" is an "outbuilding" as described in the Guidelines, I respectfully disagree that this structure in any way complies with the requirements set forth in the Historic Guidelines which Mr. Holleman provided to us. First, there is no way that this "outbuilding" is compatible to the character and period of the house. The house is a brick bungalow with a wide but low front porch and simple in detail and mass thereby contributing to its charm. This structure greatly contrasts the original house in terms of materials, height and scale. The "deck level" is 8' above the grade, with a total height of the structure at 18' above the grade. It is 108 square feet of enclosed space on the "second level." From our vantage point, it is not consistent with size or character of the house.

Further, the section suggests that historically the outbuildings were utilitarian in character. The utilitarian aspect comes as a byproduct of elevating this structure. Now the parties have a carport and/or storage area for bikes etc. without complying with codes. There is nothing utilitarian about a child's playhouse, it is merely entertainment value for the family.

Finally, the Guidelines suggest that the outbuilding be situated on a lot as is historically typical for surrounding historic buildings. This playhouse deck is located high above the ground and stretches almost across the entire yard leaving little room to our fence and the Cavallo's fence on the other side. This structure can be seen from the streets of both Richland and Central Avenue. Historically, there is nothing in this neighborhood to indicate that this structure is remotely appropriate.

We personally have renovated our house in compliance with the Historic Overlay Guidelines as well as the Department of Codes & Building Safety. We have had to tailor our plans to adhere to the Historic Guidelines and value the support and purpose of preserving the historic architecture and integrity of our neighborhood. If the parties want to build a playhouse in their backyard, that is their business and we are not seeking to interfere with their personal choices. But the massive nature of this elevated structure to the point of being observed from both Richland and Central Avenue in addition to overlooking our own personal property is a direct insult to the preservation of the beauty and elegance of this neighborhood and contrary to the Guidelines enacted by Metro Historic. Please allow this letter to serve as our formal request that the administrative decision allowing this elevated structure be reviewed by the full Metro Historic Zoning Commission. We look forward to hearing from you when the hearing will take place. Please also be advised that we are supported by the neighbors directly listed below as well as the many others choosing to contact you directly.

Respectfully submitted,

Linda Nathenson and Joel Isenstein - 3716 Richland Avenue; Martyn and Julie Cavallo - 3720 Richland Avenue; Maribeth Geraciotti - 3717 Richland Avenue; Susan and John Hainsworth - 3715 Richland Avenue; Robin and Louis Johnson - 3728 Richland Avenue

Sent via email on 11/5/2012

To: The Metro Historic Zoning Commission

Re: 3718 Richland Avenue

Thank you for reviewing the approval of the structure at 3718 Richland Avenue. The rules and regulations required by the conservation zoning overlay are taken very seriously by the residents of the Richland-West End neighborhood. At times it can be a hardship to abide by them, but the integrity of the overlay is dependent upon compliance and is a prerequisite for living in this urban neighborhood - also one of the main reasons that a once blighted residential area is now a beautiful and popular place to live.

This structure at 3718 Richland is 18 feet tall, 100 square feet surrounded by a deck within a few feet of the fences separating the contingent lots, and it is very visible from the street, front and back. It is my understanding that Codes and Historic regulations govern structures regardless of purpose that are greater than 80 square feet in floor area, and this structure does not conform to historic guidelines. Perhaps there was some confusion about the scale and size of the structure.

Your reconsideration is appreciated as there are many properties in the neighborhood for sale (owned by the former Free Will Baptist Bible College) and a

precedent such as this could negate the many efforts over the years to preserve the neighborhood.

Sincerely,
Maribeth Geraciotti
3717 Richland Avenue

Memo to be Presented During Staff Review of Administrative Decision to Approve Elevated Structure at 3718 Richland Avenue.

1. Chronology of Events

10/15/12 – Construction of structure begins during week.

10/23/12 – Construction on second level becomes apparent. Joel Isenstein contacted Robin Zeigler at Historic Commission and she advised that she made an administrative decision to approve plans. She told him that she was solely responsible for this opinion and once a decision had been made there was nothing he could do. Joel Isenstein contacted Metro Codes in person. Other neighbors voice concerns.

10/25/12 – Julie Cavallo contacted Jason Holleman via e-mail. Jason Holleman advised that he would look into the matter and that he believed that Codes and Historic regulations govern structures regardless of purpose that are greater than 80 square feet in floor area.

10/29/12 – Jason Holleman advised that after speaking with the Metro Zoning Administrator that a “playhouse” does not require a building permit. Any delineation of distinction of criteria between a playhouse and a house or garage would be up to Wade Hill at Codes Department. Holleman advised that Robin Zeigler approved the structure pursuant to the guidelines as to “outbuildings” in the Richland West End Neighborhood Conservation Overlay Design Guides. He advised that Zeigler’s decision was subject to appeal to the full Metric Historic Zoning Commission.

10/30/12 – Letter sent by Linda Nathenson requesting a review by the full Commission.

10/31/12 – No Construction

11/01/12 – No Construction.

11/02/12 – Construction resumed at 4:00 p.m. Julie Cavallo contacted Ms. Zeigler and was informed that the party is aware of appeal and has been advised that should he continue to pursue construction that he is responsible for the costs incurred should the appeal succeed.

2. There is a conflict between Codes and Historic Commission.

- Plan/permit issued by Historic states that it is not a building permit and a permit must be obtained from Codes.
- Codes/Zoning says a permit is not necessary for playground equipment but Codes also say a permit must be obtained for ANY structure that is greater than 80 feet in floor area.

3. Section as to “Outbuilding” does not apply to this structure.

- Section 1 (h) does not apply to this elevated playhouse. It is not “A new garage or storage building.” (Please refer to email from Linda Nathenson for further detail.)
- If it is not used as a storage facility for bicycles, equipment or to serve as a carport, there is no need for it to be elevated.

4. Even if Section regarding “Outbuildings” applies to “playhouse,” this structure does not conform to Historic Guidelines.

- Structure vastly differs from original house in terms of materials, height and scale.
- It is not utilitarian in nature.
- It is not situated on lot as is historically typical for surrounding historic buildings. (Please refer to email from Linda Nathenson for further detail.)

5. Anticipated Concerns by Staff

- There are other elevated structures in the neighborhood.
 - i. These structures are true “tree houses” created around and including a tree and don’t compare in size.
 - ii. Other structures were likely built prior to the institution of Historic Guidelines.
 - iii. These structures cannot be observed from the main streets, but rather are visible from the alley.
- Neighbors trying to interfere with private desire to entertain children.
 - i. The concern is regarding the **elevation** of the playhouse approximately 10 feet above the grade, not that a playhouse is being built.
 - ii. Elevated playhouse and locality of the platform interferes directly with the Cavallos and Nathenson/Isenstein personal privacy in the adjoining homes.
 - iii. The Nathenson/Isenstein home has a pool on their property and they have undertaken the legal obligation to take appropriate precautions and erect a fence to prevent injury. The platform extending from the playhouse ends approximately 3.5 feet from the parties’ fence and it is merely 6 inches to the Nathenson/Isenstein fence thereby creating a dangerous situation when there was none to begin with.

6. Proposed Fair Resolution to include interests of all parties.

- A fair resolution to the situation is to place the playhouse on the ground.
- If it not being used for storage of personal property/car, there is no need to elevate as it is not intertwined with the tree, but merely has additional deck space around the tree.
- There is limited financial burden to placing the playhouse on the ground.
 - i. A certified/insured contractor has advised that all that is required is to merely jack up the house while the posts are removed and then cut the posts and bring the playhouse to the ground.
 - ii. He anticipated no more than a couple of hours work to place the playhouse safely on the ground. Thereby resolving issue for all parties.

Thank you for taking the time to consider our concerns to protect our unique and beautiful neighborhood as we continue to abide by the Richland West End Neighborhood Conservation Overlay Design Guides.

Respectfully Submitted,

Linda Nathenson and Joel Isenstein – 3716 Richland Avenue

Julie and Martyn Cavallo – 3720 Richland Avenue

Margaret and Larry Hartge – 3714 Richland Avenue

Mariesa and Pat Snell - 3719 Central Avenue

Robin and Louis Johnson – 3728 Richland Avenue

Carrie and Dan McCormick – 3727 Richland Avenue

Maribeth Geraciotti – 3717 Richland Avenue

Susan and John Hainsworth – 3715 Richland Avenue



Sent via email 11/4/2012

Dear Ms. Zeigler,

Thank you so much for responding to my phone call at 4:15 on a Friday afternoon regarding the continuation of work at 3718 Richland Avenue despite the pending appeal before the Historic Commission. Based on my understanding of our conversation, Mr. Sandahl has been advised of the pending appeal and has been given the opportunity not to incur any further costs until this matter is resolved. While the Commission has not issued a stop order, he has been advised that this matter is in dispute, and therefore if he continues construction he assumes all costs should the Commission decide to override the current permit.

Thank you for clarifying this matter. It was my assumption, since the work had stopped early last week for two days, that there had been some form of stop order. It was surprising that given the notice of the pending issue, they would elect to proceed construction under the circumstances. Therefore I hope that the Historic Commission will understand that any attempt by Mr. Sandahl to suggest that the structure is complete at the time of our hearing on November 14 was purposefully undertaken once sufficient notice had been given. They elected to proceed despite the notice.

I certainly hope that the Commission will not be influenced by the fact that the structure is complete, particularly since he had the opportunity to not incur any additional costs by complying with the protocol provided. I understand that you cannot make any assurances in this regard, but it was certainly my goal to inform you of our concerns as soon as possible to avoid any one from incurring unnecessary expense.

Thanks Again,

Julie Cavallo

Sent via email on 11/5/2012

Dear Ms. Zeigler,

We moved into the area because it appeared to be "protected" with the historical overlay. It seems that somehow the two story building at 3718 Richland Ave., that can readily look into various rooms of our house, as well and our back yard (and likewise for several neighbors), was able to sneak through the approval process due to calling the two story building a "play structure". That the building department allowed it to be classified as only a play structure sure seems wrong in the first place. Further, it seems that a play structure classification allows an unbounded height, placement in such a manner that it is an annoyance to numerous neighbors.

It would certainly seem that Codes and Historic regulations govern any structure -- regardless of purpose -- that is greater than 80 square feet in area (as I understand it), one would think is sufficient to have the erroneously pulled permit rescinded. Even after such a rescission, the building department should institute processes to avoid such

mistakes in the future, and it also seems that the play structure code needs to be beefed up, with regard to height limits, and probably safety standards.

We've been in contact with Councilman Jason Holleman, and other neighbors. It is very important to the entire Richland Westend neighborhood that a precedent doesn't get set here, as that would facilitate the ruining of the whole neighborhood. We'll be at the appeal hearing.

Thank you.

Larry & Margaret Hartge
3714 Richland Ave.

Sandahl Project
3718 Richland Ave.

10/01/12

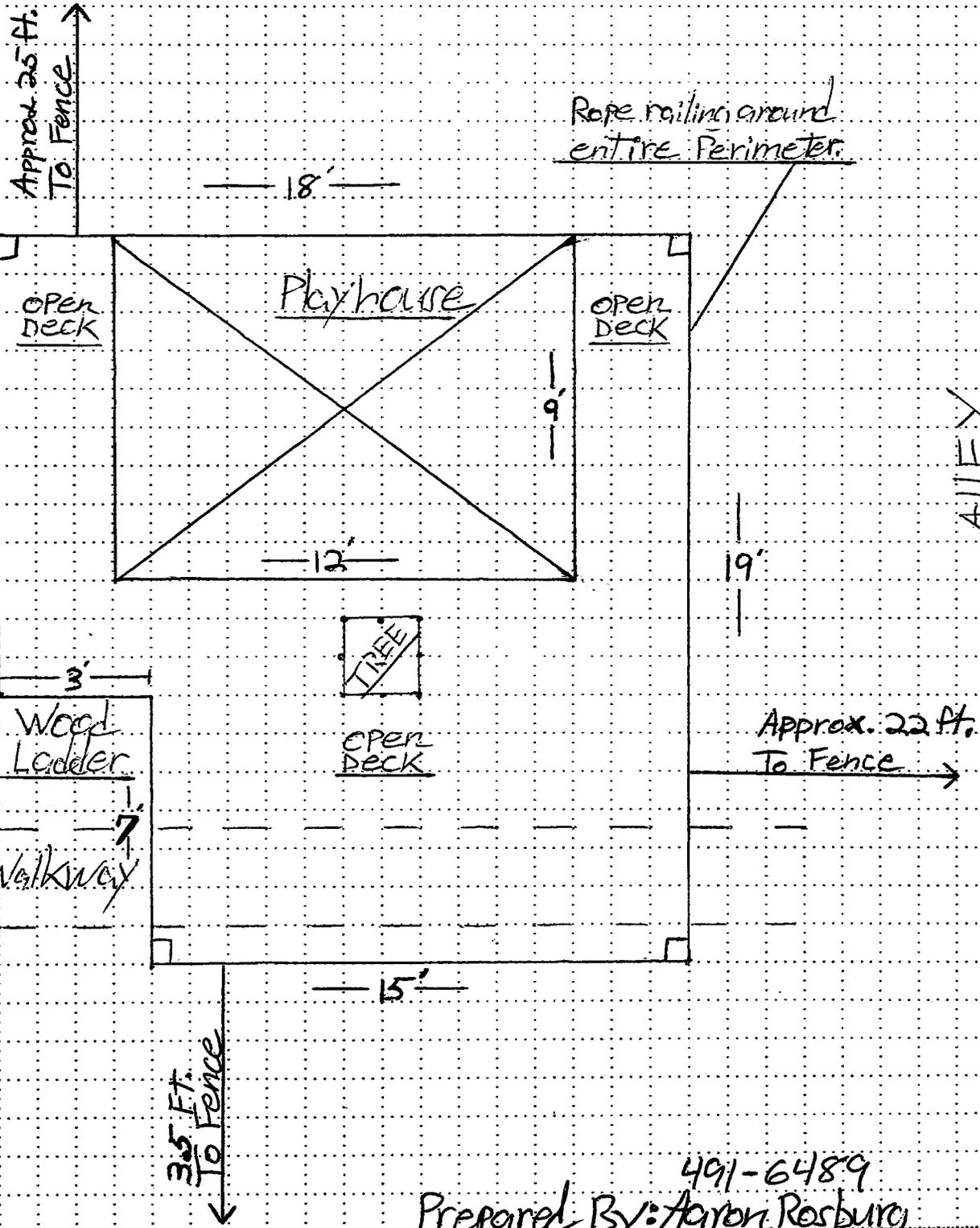
$\frac{1}{4}'' = 2 \text{ ft.}$

Kids Playhouse

Overhead View

NO Elec
NO Water

9
8
7
6
5
4
3
2
1



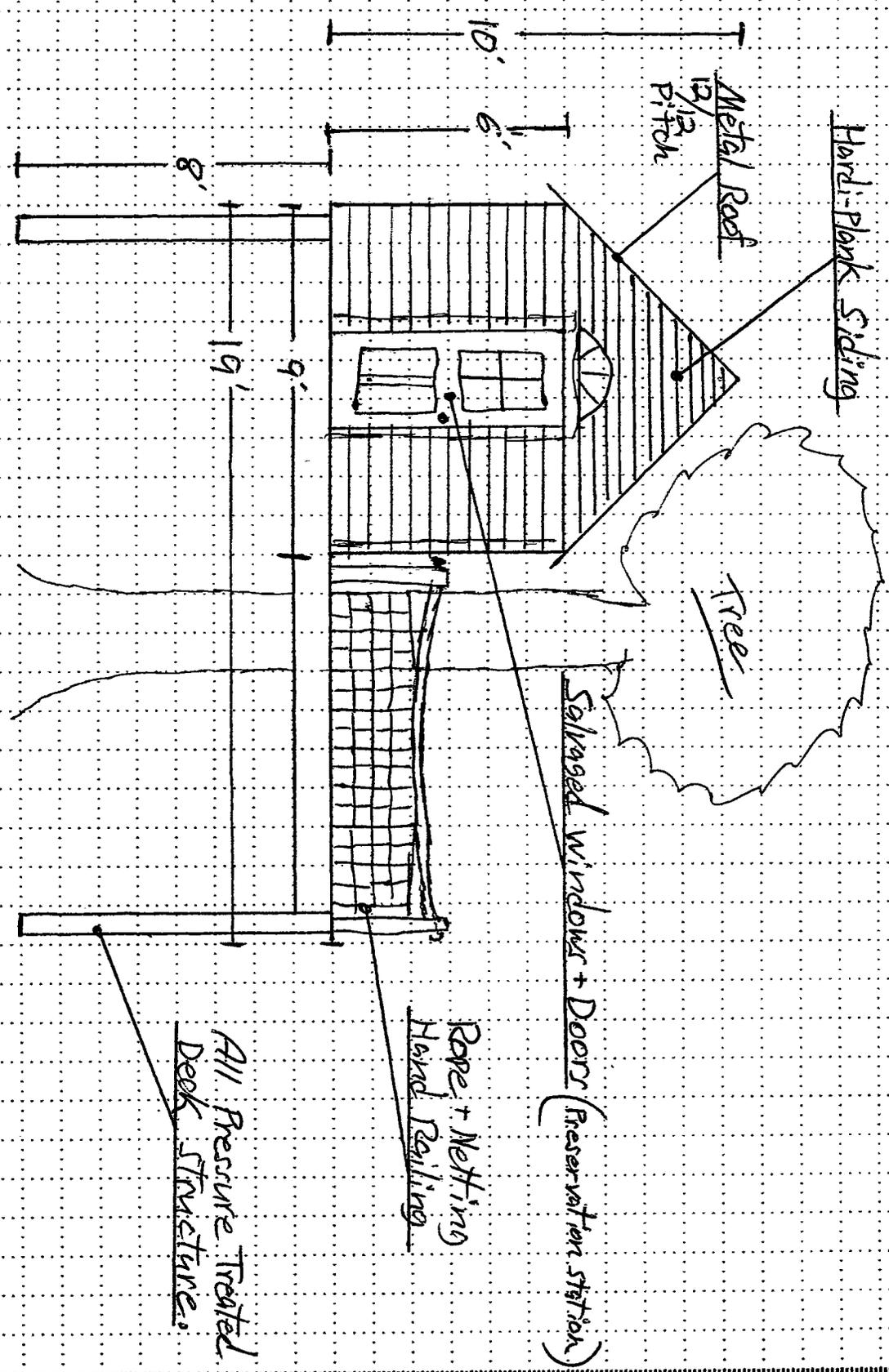
491-6489
Prepared By: Aaron Rosburg

Sandohi Project
3718 Richard Ave

Front/Back View

10/01/12

1/4" = 2' Ft.

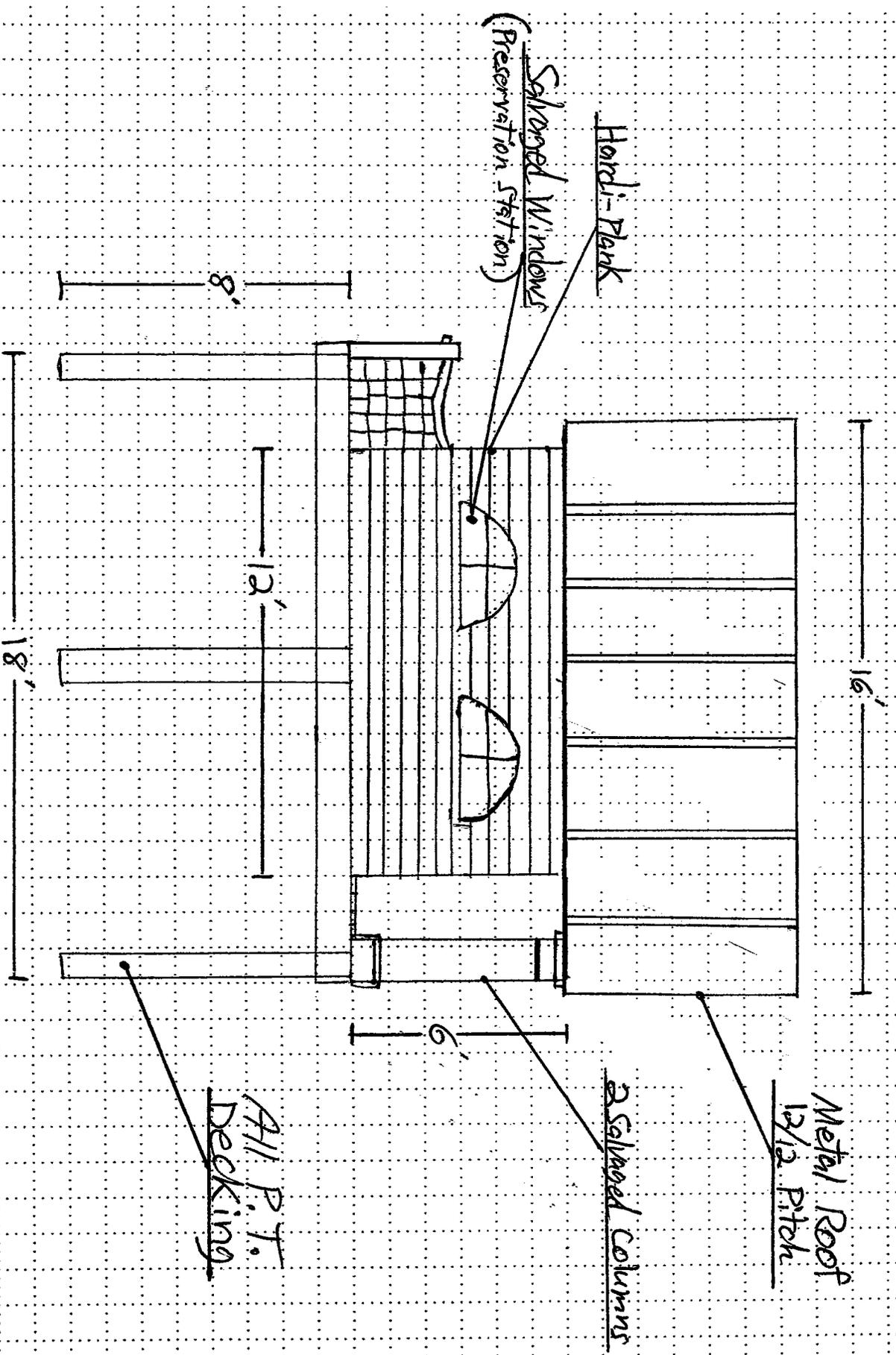


Prepared By: Aaron Rosenberg 491-6489



Sandahl Project
3718 Richard Ave.

Side View



10/01/12
1/4" = 2 ft.

Prepared by: Aaron Rosburo 491-6489

I live in the Richland/West End area, I do not oppose the

Tree house being constructed at 3718 Richland Ave.

Name	Address	Signature
The Gertens	3706 Richland Avenue	Elizabeth Gertens
Mike Haney	3504 Central Ave	Mike Haney
Alice Belsjo	3823 Central Ave	Alice Belsjo