



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
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METRO HISTORIC ZONING COMMISSION SUMMARY MEETING MINUTES March 20, 2013

Commissioners Present: Brian Tibbs (Chair), Menié Bell, Rose Cantrell, Samuel Champion, Richard Fletcher, Hunter Gee, Aaron Kaalberg
Zoning Staff: Robin Zeigler, Sean Alexander, Melissa Baldock, Susan T. Jones (City Attorney)
Applicants: Bill Franklin, Annie Barnes, Brian Wagner
Public: John Brittle, Jr., Peggy Dughman

Chairperson Tibbs called the meeting to order at 2:05 p.m. and read aloud the processes for the consent agenda and appealing the decisions of the Metro Historic Zoning Commission.

I. APPROVAL OF MINUTES

January and February minutes were unanimously approved.

Chairperson Tibbs explained the process of the consent agenda and the appeal process and stated that 513 Fatherland would be removed from the consent agenda due to the receipt of public comment via email. Menie/Rose

Staff member Sean Alexander presented the cases listed on the consent.

II. DESIGNATION

Ms. Zeigler explained that the final reading with Metro Council of the Salemtown district was deferred the previous evening to allow for additional public meetings. She asked that final adoption of the design guidelines be deferred until the next meeting, as those discussions could possibly lead to additional changes to the current draft.

III. CONSENT

328 CHESTERFIELD AVENUE

Application: Demolition-accessory structure; New construction-accessory structure; Setback reduction
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1912079

2802 HAWTHORNE PLACE

Application: Partial demolition; New construction-addition and ridge raise
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 19012078

504 FAIRFAX AVE

Application: New construction-addition of solar panels
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1911691

Sean Alexander, staff for the Commission, presented the cases for the consent items.

Commissioner Gee joined the meeting at 2:09.

There were no requests from the public for items to be removed from the consent agenda. Commissioner Nielson moved to approve the consent items with the staff’s recommended conditions. Commissioner Fletcher seconded and the motion passed unanimously.

III. NEW BUSINESS

1614 BENJMAIN STREET

Application: Demolition
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1912197

Staff member, Sean Alexander presented the case for demolition of 1614 Benjamin Street.

1614 Benjamin is a one-story bungalow with a cut-away porch and two primary entrances. The dormer is not original and there is one small shed roof rear addition. The dwelling was constructed c.1925 and the rear accessory structure was constructed in 2006.

Based on the believed date of construction, it is a contributing building to the Eastwood Neighborhood Conservation Zoning Overlay.

The applicant proposes to demolish the house and accessory building.

Demolishing the accessory building meets guideline III.B.2.b for appropriate demolition because it is not historic and does not contribute to the historic character of the district.

Demolition of the primary building is not appropriate under guideline II.B.1 because the building is a historic house that retains the majority of its original features and form. The applicant wishes to make that the case that denial of demolition would result in an economic hardship under guideline III.B.2.c. and section 17.40.420 of the Metropolitan Code of Laws.

The applicant purchased the property in December of 2012 with the intention of rehabilitating the house as a single family residence. The house was purchased for \$119,000. At \$108 per square foot, for what they applicant believed was a 1,101 Square foot home, this price is comparable to surrounding homes of similar size and condition.

Following the purchase of the property, inspections by a Building Codes official and a structural engineer subsequently discovered that the upper story is not useable as living space because the 2x6 floor joists are too shallow and the stairs do not meet code.

The remaining square footage of the first story including the existing rear addition is eight hundred, twenty-four square feet (824 sq. ft.), based on data from the Assessor of Property for Davidson County.

Staff re-analyzed the value in comparison to sales based on the smaller square footage without the upperstory, and it seems that instead of the value going down, the cost per square foot would go up. In other words, there is a “floor” to home values and this was already pretty low.

Regardless of how significant the change in value from losing the upperstory may be, the applicant claims that structural deficiencies on the foundation and floor system cannot feasibly be repaired without substantial cost.

The structural report submitted by the applicant confirmed that, in addition to the condition of the upperstory, there were significant structural issues with the foundation and floor system that would be very difficult and costly to repair. It noted that there was also significant insect and dry-rot fungal damage on the wooden floor joists, beams, and sills. Combined with water damage on the main level and the under-rated framing of the upperstory, the conclusion was that the structure needed extensive work to bring it up to a safe, habitable condition.

Budget

According to an initial budget submitted by the applicant, the estimated cost to rehabilitate the structure would be approximately \$130,800. Staff consulted with other restoration specialists who have worked in the neighborhood for many years. They provided rough estimates of \$100 to \$150 per square foot to do type of rehabilitation needed, which would support the applicant’s estimate of repairs.

The primary concern in the rehab budget would be the foundation repair, for which the estimates range between \$40,000 and \$49,000 to repair.

Paraphrasing the contractors, *you need to support the house from under the floor to rebuild the foundation or vice versa, so replacing both would be considerably more difficult.*

Including the foundation repair, the applicant’s total investment in the property upon rehabilitation would be \$289,800 to \$298,800, which is significantly more than the estimated value of comparable homes in the area:

Given what is known about the condition of the building, the applicant clearly purchased the house for significantly more than it was worth. Under typical circumstances, this would constitute a self-created hardship for which a demolition application should not be approved. However, the extent of the structural deficiencies of the building is such that the cost to bring the building up to code is more than the value of the property itself.

In conclusion:

Staff recommends approval of the request for demolition as the building meets section III.B.2.c for appropriate demolition as it meets the requirements for economic hardship since the repair costs exceed the value.

New construction is typically not reviewed when there is an existing historic building. Staff has had preliminary discussions with the applicant about subsequent infill, but plans for new construction have not been formally submitted for review at this time.

Commissioner Fletcher asked if the additional foundation work was the tipping point in the analysis and Mr. Alexander explained that it was because of the amount of work that would have to be done elsewhere on the house to repair the foundation. Commissioner Fletcher asked if the applicants reviewed the property before purchase and if that was a factor in the analysis. Mr. Alexander explained that to some extent that it was since purchasing a home over the value was creating a self imposed hardship. Ms. Zeigler explained that in this case Staff compared the repairs to the value, rather than the purchase price so even if they did

Bill Franklin said he purchased the house with the intent of renovating and constructing an addition on the back. He said that they did have an inspection and the inspector hadn’t seen any red flags. Once they started work they saw defects and were told by codes that they couldn’t get repair permits until the foundation was fixed. An engineer told them that they couldn’t lift the house because of termite damage, in order to repair the foundation.

Commissioner Fletcher asked if they intended to spend \$100,000 and the applicant said yes but not more than double that. Commissioner Fletcher asked what they intend to do if approved and Mr. Franklin said that they would construct a new house. He is in the business of flipping houses, not demolishing houses, but in this case the money is not worth fixing it.

Mr. Alexander added that there is not a complete application at this time, but plans for a new house had been submitted. The proposed new residence is similar to the house that is currently there.

Commissioner Kaalberg stated that the inspection showed that there was decayed subflooring. Mr. Franklin said that they originally believed that they could repair it but after they removed plaster and saw the extent of the termite damage in the wall framing they realized how difficult repairs would be.

Commissioner Kaalberg asked if he had looked in the crawl space himself prior to purchase. Mr. Franklin stated that at the time of purchase he believed he could fix what they could see but once they got into the house, they realized the damage was far more extensive than they initially believed.

John Brittle, Jr stated that he is a broker with Village Real Estate and has been selling real estate for 25 years. He had visited the property the day before this meeting because he thought he had never seen a house that would have to be demolished and he stated that if any house should have to be demolished it would be this one. He explained that it was unsafe and that no one element can be repaired without repairing other portions first, and that walls were pieced together.

There were no more requests to speak and the public hearing was closed.

Motion:

Commissioner Nielson moved to approve demolition based on staff recommendation. Commissioner Gee seconded and the motion passed unanimously.

1313 SHELBY AVE

Application: Demolition

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1912069

Ms. Zeigler explained that this case was removed from the agenda at the owner's request.

1517 PARIS AVENUE

Application: New Construction-detached accessory dwelling unit

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1908565

Staff member Sean Alexander presented the case for new construction at 1517 Paris Avenue.

“1517 Paris Avenue is a contributing building in the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. The historic house has the typical form of a one and one-half story side-gabled Craftsman style bungalow, built circa 1925. The house was enlarged in 2012 with a two-story addition encompassing roughly one thousand, five hundred square feet (1,500 sq. ft.).

The applicant proposes to construct a Detached Accessory Dwelling Unit (DADU) at the rear of the property.

The proposed DADU would be one story tall, with a ridge height of thirteen feet (13') and an eave height of eight feet (8'). These measurements are well under the allowed maximum eave height of ten feet (10') and the eave height of the house, which varies from ten feet (10') to fourteen feet (14') with grade.

The floor plan of the building will be U-shaped, with a footprint size of six hundred, eighteen square feet (618 sq. ft.), which is less than the allowed maximum of seven hundred square feet (700 sq. ft.).

With the recently constructed two-story addition, the footprint of the primary building has a footprint size of two thousand, three hundred, ninety-seven square feet (2397 sq. ft.) leaving sixty-four percent (64%) of the lot remaining as open space. The DADU would bring the proportion of open space down to only fifty-five percent (55%). The converse of that is 45% lot coverage,

That is equal to the maximum lot coverage that would be allowed by bulk zoning, but staff is not only looking at footprint but also how the height, massing, distances between buildings, and overall massing compares to "open space".

By comparison, on nearby lots with historic houses and accessory buildings, the typical amount of open space is around seventy-two percent (72%). The lot at 1511 Paris Avenue has a lower amount of open space at sixty-one percent (61%), but it has a larger than average house and a smaller than average lot.

Staff finds the built area in relation to open space to be greater than what is observed on surrounding historic properties and to not meet II.B.1.b.

Although the proposed building is minimal, the recently added rear addition to the residence has two-stories and a partially above-ground basement. The additional height was allowable due to the drop in grade which kept the bulk of the addition hidden behind the primary building. The massing of the addition and the lot coverage of the full project, existing and proposed, all together significantly decrease the open space well below that found historically.

Because the lot already has little open space remaining compared to the historic properties nearby, and because the construction of the proposed DADU would leave the lot with the lowest proportion of open space among all nearby properties, both contributing and non-contributing, staff finds that the proposed DADU does not meet guideline II.B.1.b.

The general location, setbacks, roof, material, meet the respective guidelines for those sections.

In conclusion:

Staff recommends disapproval of the application to construct a Detached Accessory Dwelling Unit at 1517 Paris Avenue, finding the proposed new construction exceeds the open space requirement of design guideline II.B.1.b of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay and Standard 8 of the Detached Accessory Dwelling Unit ordinance.

Vice-chairperson Nielson asked what the size of the building could be and Mr. Alexander explained that the open space was already maxed out with the current addition.

Mr. Alexander stated that two letters of support had been received and those were passed out to the Commission.

Van Pond, architect for the project, introduced the owner of the property, Annie Barns. Historic lot configuration was actually 4 lots that faced Belmont and at some point were subdivided so that two lots were created facing Paris which creates an area where there are more lots than what was intended and there is no rear alley. They explained that the property behind them had additional open space, at this time. The structure will provide privacy for the back of the property which backs up to an apartment building.

Vice-chairperson Nielson asked for clarification of the site plan.

Ms. Peggy Dughman who lives behind 1517 Paris stated that her lot was legally non-conforming and that she could not build back the number of units she currently has but would only be able to construct two duplexes.

Chairperson Tibbs asked for clarification of the use of the building, and if it was not for cars but strictly a dwelling unit. He asked if there were discussions about solutions with staff. Mr. Van Pond explained that because they had already maxed out the open space that no matter what was put in, staff would be required to recommend disapproval.

In answer to the questions of several commissioners, Mr. Alexander clarified that the current open space is 64%, with the proposed garage it would be 55% and the lowest range of open space in the immediate vicinity was 61%.

Ms. Dughman explained that she has owned The Claire, an apartment building behind the proposed lot, for several years. She wrote an email to Mr. Alexander and she wants to be a good neighbor but she felt the building would be highly visible on Belmont Boulevard. She places her trust in the Commission to make the right decision to protect the historic integrity and the property values for the neighborhood.

Ms. Annie Barnes, owner of the property, explained that because of their close proximity to Belmont there is quite a bit of noise and so they wanted to create a structure that provided some privacy and noise protection from Belmont and two apartment buildings.

Ms. Dughman returned to ask about the rear setback and stated that 3' was a little close.

There were no more requests to speak and the public hearing was closed.

Commissioner Gee asked about the standards for detached accessory dwelling units and if that was part of the design guidelines or part of the code and staff explained that it was part of the code.

Commissioner Gee stated that they could lower the open space by constructing a 2-story building but that would likely have more opposition from neighbors and be more visible from Belmont Blvd. Commissioner Champion agreed that it served as a great terminus to the property, provided a buffer between properties and the percentage over open space is minimal.

Commissioner Kaalberg expressed his concern with how much building was on a small lot and if they do approve it they need to be clear as to why and how this case is different.

Commissioners Fletcher and Bell explained that they were concerned that it was 30% too big and they could accomplish what they want with fencing rather than covering the entire back yard.

Commissioner Cantrell summed up the comments by stating that she felt that everyone agreed that it was too big but it was not excessive for the lot.

Commissioner Gee reiterated that in this case the conditions are unique because of the size of the lot, visibility from Belmont, the lack of a rear alley and the adjacency to multi-family.

Motion:

Commissioner Nielson moved to disapprove the project based on staff's recommendation. Commissioner Bell seconded. The motion passed with four votes in favor and Commissioners Cantrell and Champion, voting against it.

320 SOUTH 19TH STREET

Application: New construction-infill and accessory structure

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1912082

Staff member Melissa Baldock presented the case for 320 South 19th Street. 320 S. 19th Street is a non-contributing structure constructed c. 1958. Staff issued a permit for the demolition of the structure and an accessory structure last week. The application before you today is for a new single-family house and an accessory structure. The existing house is oriented towards S. 19th Street, but the applicant is proposing to orient the house towards Boscobel Street. Staff finds this to be appropriate because the houses on the other four corners of the intersection all face Boscobel Street. The infill and the garage all meet base zoning requirements for setbacks. The garage will be located to the side of the house, on the interior of the block. It will be accessed via a new curb cut on Boscobel Street. Because the lot does not have much of a rear yard, and the site does not have alley access, staff finds the location of the garage to be appropriate.

The proposed structure will be one and a half stories tall, with a maximum ridge height of 28 feet and an eave height of 14 feet, 6 inches at the front. It will have a maximum width of 37 feet and a maximum depth of approximately 48 feet. After the construction of the house and the accessory structure, the percentage of open space for the site will be approximately 65% open space. Staff finds that the height and scale of the proposed house meets the historic context and the design guidelines. The primary roof form will be a cross gable with a slope of 12/12. The side elevations have shed dormers with a 4/12 roof pitch. Staff finds that the dormers meet the design guidelines. The proposed window openings are generally twice as tall as they are wide and there are no large expanses of wall space without a door or window opening. The rear gable is clipped, which helps to reduce its perceived height. The proposed materials for the structure include cement fiberboard lap siding and cement board trim, cedar shingle in the gable fields, wood rafter tails, concrete block foundation, architectural asphalt shingles, and wood porch columns. The materials for the windows and doors, porch floor, and rear two-story deck were not specified.

The proposed accessory structure will be 22 feet by 22 feet, with an eave height of approximately 12 feet and a ridge height of approximately 22 feet, 10 inches. It will have a clipped gable roof with a slope of 10/12. The materials will be similar to those on the infill. Since the garage's vehicular entrance faces Boscobel Street, staff asks that there be two separate garage doors rather than one double-width door.

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

- 1) Staff review the asphalt shingle color, porch floor material, material of the rear deck and balcony, and the material and specifications for all windows and doors;
- 2) the mechanicals be located on the side beyond the midpoint of the house or at the rear;
- 3) the garage have two separate vehicular doors; and
- 4) the driveway be concrete strips until at least the front line of 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*.

The applicant was not present and there were no requests from the public to speak.

Vice-chairperson Nielson asked how many homes on Boscobel had curb cuts. Ms. Baldock explained that there really weren't curb cuts and they hadn't required the driveway to be on 19th because the shape of the lot didn't allow for space at the rear for a driveway.

Commissioner Gee pointed out that if the garage was on 19th it would likely be more visible than it is now, because the lot is not very deep.

Commissioner Kaalberg expressed his thoughts that the house was artfully done with an unusually sized lot.

Commissioner Kaalberg moved to approve the project with staff's recommended conditions. Commissioner Bell seconded and the motion passed unanimously.

116 5th AVENUE NORTH

Application: Signage

Council District: 06
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: ROBIN ZEIGLER
Permit ID #: 1912726

Historic zoning administrator, Robin Zeigler, presented the case for 116 5th Avenue North. This project is for two digital signs to replace two existing poster-cabinet signs that are not historic. She described the sign as meeting the design guidelines for location, scale and massing. The top 1/3 of the sign will be internally lit and the bottom half will be a changeable digital image of a poster, neither of which the design guidelines allow for, but which staff found was appropriate for this building.

Ms. Zeigler explained that in the next few months, the Commission would be asked to consider revised design guidelines that allow for internally lit signage if the background is a dark opaque color, so that only the lettering appears to be illuminated. The new design guidelines would also allow for electronic changeable copy for “tourist-oriented businesses only when used in conjunction with a wall sign or a monument sign, provided the changeable copy portion is no greater than 50% of the built sign area.” “Tourist oriented businesses” will be defined as “having a minimum permanent fixed seating capacity of 500; and offer lawful activities or services to the general public of cultural, historical, recreational, educational or entertainment purposes.” The proposed project would meet all those criteria with two exceptions. The background of the top portion is shown on the plans as white; however, the applicant has already agreed to make the background a dark opaque color. The digital portion is slightly more than 50% of the sign area.

If only using the design guidelines in place today, Staff found The Ryman to be an atypical building type in the district both in use, massing and design and so it is appropriate to consider signage here that might not be appropriate for the majority of the buildings in the district. In determining what types of signage would meet the intent of the current design guidelines, staff used the proposed criteria, existing signage and historic signage as a guide and found the proposed signage to be appropriate.

Staff recommends approval with the condition that the internally illuminated portion have a dark, opaque background.

Commissioners Champion and Gee asked for clarification about the angle and size and Ms. Zeigler explained that the angle would match the angle and size of existing signage.

Brian Wagner, marketing manager for the Ryman, explained that the new signs will be lighter and slightly smaller than the existing signs and will use the existing mounts. They will be LCD rather than LED signs which means that it will be more like a TV screen with a low brightness scheme so that it will not look much different than the printed signs.

Commissioner Champion asked if they were lit currently and Mr. Wagner responded that they are not.

Motion:

Commissioner Nielson moved to approve the project based on staff’s recommendation and with the condition that the backlit portion have an opaque and solid background color. Commissioner Bell seconded and the motion passed unanimously.

IV. NEW BUSINESS

Ms. Zeigler provided an update to the Old House Fair stating that almost 400 people attended and reminded the Commission that it was not too late for someone to submit a project for the Annual Preservation Awards.

Meeting adjourned at 3:28.

RATIFIED BY COMMISSION ON APRIL 17, 2013.