



# METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
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## METRO HISTORIC ZONING COMMISSION SUMMARY MEETING MINUTES

July 17, 2013

**Commissioners Present:** Ann Nielson, Vice-chair; Menie Bell, Richard Fletcher, Hunter Gee, Aaron Kaalberg, Ben Mosley  
**Zoning Staff:** Sean Alexander, Melissa Baldock, Robin Zeigler (Historic Zoning Administrator), Susan T. Jones (City Attorney)  
**Applicants:** Tom and Catherine Favreau, Manuel Zeitlin, Doug Revere, Cees Brinkman, Manuel Zeitlin, Nick Dryden, J. Terry Bates  
**Public:** Lindsay Moffat, Don O'Donniley

In the absence of the chair, Vice-chair Nielson led the meeting. She called the meeting to order at 2:14 p.m. and read aloud the processes for appealing the decisions of the Metro Historic Zoning Commission.

### MINUTES:

Commissioner Bell moved to approve the June 19, 2013 minutes without changes. Commissioner Mosley seconded and the motion passed unanimously.

Vice-chairperson Nielson read aloud the process for the Consent Agenda.

### CONSENT AGENDA:

Staff member, Robin Zeigler explained that 2216 29<sup>th</sup> Avenue South is off the agenda because the application is incomplete, 2008 18<sup>th</sup> Ave South is off the consent agenda at the request of the public and 1501 Linden Avenue is off the consent agenda at the request of staff. Because that only left one case on consent, Ms. Zeigler asked for staff to present 1501 Linden, 1114 Chapel and 2008 18<sup>th</sup> Avenue South before beginning the cases under new business.

### NEW BUSINESS

#### 1501 LINDEN

**Application:** New construction – outbuilding (Detached Accessory Dwelling Unit)

**Council District:** 18

**Overlay:** Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

**Project Lead:** SEAN ALEXANDER

**Permit ID #:** 1929550

1501 Linden Avenue is a one-story brick Queen Anne style cottage, constructed circa 1910 or earlier. The house is on a double-lot at the corner of Linden Avenue and 15th Avenue South.

The application is to construct a Detached Accessory Dwelling Unit (DADU), garage on the first story with an upper story apartment. The height, scale, materials, and general character of the building are compatible with the historic context, but there are a few issues to point out: The eaves need to be lowered to 10 feet in height, and the building needs to be located with a ten foot rear setback in order to meet the DADU standards. These standards are written specifically in the ordinance, so the Commission would not have the authority to give a variance, and the applicant said they're OK with making those changes. The reason for discussion on this is the porch on the building. The DADU standards allow for "One partial width, open porch that is six feet deep or less". Staff's understanding of "partial width" is to mean roughly half the width of the building, or less. The porch of the proposed building is nearly full width. (27'6" porch, building is 32' wide)

Staff recommends approval with conditions that the building meet the ten foot minimum setback and that the eave height be lowered to ten feet, and that the Porch width be reduced to half the width of the building.

Tom and Catherine Favreau, owners, stated that they agreed with all conditions with the exception of the porch that they would like to have approved as designed.

There were no other requests from the public to speak.

Commissioners Mosley and Kaalberg clarified that the ability to allow for a porch on a DADU was based on not requiring the porch to be included within the required footprint and therefore requiring the building to be even smaller. Commissioner Kaalberg stated that the size of a porch should be contextual with the primary building and the neighborhood.

**Motion:**

**Commissioner Gee moved to approve the new outbuilding with the conditions that the drawings be revised to reflect the standards of the ordinance, specifically:**

- 1. The eave height be reduced to ten feet (10') above grade; and**
- 2. The rear of the building to be at least ten feet (10') from the rear property line.**

**Additionally, with the conditions that the materials of the windows and doors, and the color of the metal roof and the materials of the porch columns, beams, and railing are approved administratively. Commissioner Fletcher seconded and the motion passed unanimously.**

**1114 Chapel**

**Application: New construction – addition to outbuilding**

**Council District: 06**

**Overlay: Eastwood Neighborhood Conservation Zoning Overlay**

**Project Lead: SEAN ALEXANDER**

**Permit ID #: 1929551**

1114 Chapel Avenue is an application to construct an addition to an existing garage behind a noncontributing house.

The addition will add an upper half-story with stairs and dormers. The upper story is not a DADU. With the addition, the height and scale of the building will be subordinate to the house, and compatible with historic buildings. The new roof and siding sections will match the existing materials. Staff will need to approve the window materials administratively, generally wood: aluminum clad, and fiberglass clad is appropriate, vinyl is not. Similarly, wood, fiberglass or steel are appropriate for doors but vinyl is not.

Staff recommends approval of the addition to the existing outbuilding with a condition that the window and door materials are approved by staff.

There were no requests from the applicant or public to speak.

**MOTION:**

**Commissioner Fletcher moved to approve the project with the condition that the materials of the windows and doors are approved administratively. Commissioner Mosley seconded and the motion passed unanimously.**

**2008 18<sup>th</sup> Avenue South**

**Application: Partial demolition; New construction--addition.**

**Council District: 18**

**Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay**

**Project Lead: MELISSA BALDOCK**

**Permit ID #: 1929583**

Melissa Baldock presented the project for 2008 18<sup>th</sup> Avenue South, an application to demolish an existing addition and outbuilding, and to construct a new rear addition that contains an attached garage. She presented photos of the existing house and site, showing the addition and outbuilding that is to be demolished. Staff finds the proposed demolition to meet the design guidelines.

The applicant is also proposing to alter the window opening on the bay on the right side, as marked with the arrow here. Staff recommends that the window opening remain as is since the opening and the window within it are historic. The addition meets all base zoning setbacks, and steps in appropriately from the back wall of the historic house. It steps in one foot on the south side, which approximates the inset of the existing addition that is to be demolished. On the left side, the addition steps in two feet from the back corner of the house. On both sides, after the initial inset, the addition steps back out to line up with the protruding bays on the historic house. In other words, on both sides, the addition will be wider than the main wall of the house, but will be no wider than the house when the bays are taken into consideration.

The existing house, including the porch and the existing addition that is to be demolished, is approximately sixty-five feet (65') deep. The new addition will increase the depth of the house to ninety-four feet (94'). In total, the depth of the house will increase by approximately 29'. The addition will match the height of the historic house. Staff finds that the addition's height and scale meet the design guidelines. The proposed materials include horizontal lap siding, with board and batten in the gable fields of the second story; stone foundation, brick chimney, screened porch, and aluminum clad windows. Staff asks to review material samples and all materials not called out on the drawings. The addition's proportion and rhythm of openings meets the design guidelines. As was mentioned earlier, the applicant is proposing to alter the window openings on the north side bay, and staff recommends that the original window opening be retained.

The addition's gabled roof forms will largely match the pitch of the existing gable roof. However, on the north façade, a portion of the roof will be flat. Typically, roofs should have a slope of at least 6/12 or should match the slope of the historic house. Staff finds this flat roof acceptable in this instance, because the roof form will be inset approximately nine feet (9') from the line of the historic house, and the roof is toward the back of the addition. At most, this roof form will be minimally visible from the street. An attached, two-bay garage is proposed. Attached garages are not generally appropriate; however, the Commission has allowed for them when they are located at the basement level, located at the rear of the home, and located in the general vicinity of historic outbuildings. The garage is located at the basement level, at the rear of the property, where a garage would have typically been located. Its doors face the alley, and it will be accessed via the alley. Staff therefore finds that it meets the design guidelines.

In summary, Staff recommends approval of the project with the conditions that staff approve the trim material, a stone sample, a brick sample, window and door specifications, and the roof material and color; the siding have a maximum reveal

of five inches (5"); the window openings on the left/north side bay remain unaltered; and the utilities be placed in the rear of the property or on a side façade, beyond the midpoint of the property.

Commissioners discussed the windows and orientation of the garage.

Mr. Terry Bates, architect for the project, asked for consideration of changing the window on north bay because it is a bathroom and will remain a bathroom so privacy is needed. They don't believe it will drastically change in architecture.

Commissioner Kaalberg asked if a flat roof was approved in the past and Ms. Zeigler stated staff found it to be appropriate as it kept the massing down, was not the entire addition and was minimally visible.

There were no requests from the public to speak.

**Motion:**

**Commissioner Fletcher moved to approve the project with the conditions that staff approve the trim material, a stone sample, a brick sample, window and door specifications, and the roof material and color; the siding have a maximum reveal of five inches (5"); the window openings on the left/north side bay remain unaltered; and, the utilities be placed in the rear of the property or on a side façade, beyond the midpoint of the property. Commissioner Kaalberg seconded and the motion passed unanimously.**

**731 McFerrin**

**Application: New construction-outbuilding, Violation**

**Council District: 05**

**Overlay: Greenwood Historic Preservation Zoning Overlay**

**Project Lead: ROBIN ZEIGLER**

**Permit ID #: 1929623**

This project is an out-building that was constructed without Building or Preservation Permits. Staff was unable to issue an after-the-fact permit since the project doesn't meet the design guidelines.

When this violation was discovered, staff also noticed that plastic siding was being used in the previously approved side addition. Because plastic is not an appropriate siding material, staff also can not approve this alteration that was constructed without a permit.

Staff worked with the applicant on potential solutions; however, the applicant would prefer to ask you to keep the structure and the plastic as-is.

The exact height of the structure is unknown as the drawings are not to-scale. Based on a rough measurement and comparison to the house next door which is approximately eighteen feet (18') tall from grade, the outbuilding appears to be approximately sixteen feet (16') from grade at its tallest point. The footprint is three hundred and eighty four square feet (384 sq. ft.). The height is inappropriate since the outbuilding is close to the same height as the primary building next door, which is within the height range of historic buildings in the immediate vicinity, and is highly visible from two public right-of-ways. Typically, outbuildings are subordinate to historic primary buildings. The project does not meet II.B.a and b.

Because this is an outbuilding on a corner lot, it should be located towards the center of the lot and the interior lot line, where historic outbuildings were located. # 1 shows approximately where it is located now and #2 shows a more appropriate location. The setbacks of homes on this block of Chickamauga are between thirty-two and thirty-four feet (32'-34') from the front property line and the building should be far behind those setbacks but is currently only 10' from the property line. The project does not meet sections II.B.c and f and II.B.i.2.

The plastic siding that is installed from the top of the fence to the top of the previously approved side addition is not an appropriate material for cladding and has been disapproved by the Commission in the past. The addition was approved as an open-air structure, without sides.

Staff recommends disapproval of the current outbuilding and of the plastic sides added to the pre-approved side addition. Staff recommends that the structure and the plastic siding be removed within 30 days of the hearing. Staff finds that the projects do not meet the guidelines in terms of location and materials (II.B.a.,b, c, d, f, and i) for the Greenwood Neighborhood Conservation Zoning District.

Cees Brinkman, owner of the property, stated that he was not aware a permit was needed. He explained that its location meets setback requirements and the plastic was only used temporarily but he could apply for something that can be approved.

There were no requests from the public to speak.

Commissioner Kaalberg stated that the use of the property doesn't really match the neighborhood and what is a "rear of the lot" for them was the front of the lot for houses on Chickamauga.

Commissioner Kaalberg said he would feel differently if it was interior to the block but that the corner creates a transition. Commissioner Mosley countered that because it is a commercial there would be a possibility of appropriate infill at this location and that treating Chickamauga like an alley was a step in the wrong direction.

In answer to Vice-chairperson Nielson's query, Ms. Zeigler explained that staff had worked with the application on potential solutions but they would like to ask the Commission to keep it as-is.

Vice-chairperson Nielson invited the applicant back up to speak, at his request. Mr. Brinkman, explained that the building next door was not residential but commercial and there is no alleyway. The reason it was constructed where it was, was because of the slope of the lot and the need for outdoor seating in bad weather.

Commissioner Kaalberg expressed concern with making requirements on how the lot used to be configured and Ms. Zeigler explained the recommendation was based on current conditions.

Commissioner Bell asked for clarification that plastic siding was never approved and Ms. Zeigler explained that it was not allowed where it was visible.

**Motion:**

**Commissioner Gee moved to disapprove the project based on the findings and facts of the staff recommendation. Commissioner Bell seconded and motion passed unanimously.**

**104 5<sup>th</sup> Ave. S.**

**Application: New construction-addition, Violation**

**Council District: 19**

**Overlay: Broadway Historic Preservation Zoning Overlay**

**Project Lead: ROBIN ZEIGLER**

**Permit ID #: 1929626**

The applicants initially received approval for a rooftop addition that included a flat pergola type structure over a rooftop bar but have since decided that shade is needed for the employees and to meet health codes. The applicants came back with a request to increase the height of the addition which was approved. This image shows the addition without the pergola.

The applicants installed a tent, without a permit, and so are requesting a retractable awning to replace the tent. The pergola, previously approved, does not meet either need.

Now that the previously-approved addition with the increased height has been constructed and can be seen from the street, Staff is concerned that it does not meet the design guidelines. To allow further alterations to what was initially approved, increases the addition's incompatibility with the neighborhood and will set a dangerous precedent for future roof top requests. The current additions were approved, even though they do not meet the design guidelines, because the building is not very deep and because of the gable roof form.

The design guidelines require that additions to historic buildings should be "minimal." If approved, the addition will cover the entire flat roof of the north building from the ridge to the back of the building and again, will be highly visible from the street.

The approved additions are already visually jarring and contrast with the historic character of the building and the overlay. The awning will have a slight slope, unlike the pre-approved pergola, and will be highly visible from the street, further bringing the additions out of character with the overlay.

The addition also does not meet the required setback, which is 30'.

The health code requirement is easily addressed with a small box type structure on the bar, in the vicinity where drinks are mixed. Health codes do not require that the entire bar be covered; however, the awning is also desired to provide shade for employees. The awning will retractable but there is no mechanism for monitoring whether or not the awning is retracted each evening at sundown and since this is a restaurant, the awning will likely be extended the majority of the time.

Staff recommends disapproval of the awning based on the fact that the awning will be visually jarring, will contrast with the historic district, does not meet the setback requirements for rooftop additions, and when combined with the additions already approved will not be minimal as required by section 6.H of the design guidelines for rooftop additions in the Broadway Historic Preservation Zoning Overlay. Staff recommends that the unpermitted tent be removed within 15 days of the Commission's decision.

Manuel Zeitlin, architect for the project, stated that the awning was needed for protection of the bartenders from the sun and to meet health code requirements. He argued that it was insignificant because it is temporary and is a reasonable solution because it is retractable.

There were no requests from the public to speak.

The Commission discussed the definition of temporary and whether or not the awning was temporary. It was agreed that "temporary" was not within the Commission's purview, the awning is not temporary, and the applicants would not be able to continuously apply for a temporary tent permit.

Commissioner Gee asked if they had any ability to require removal of the tent. Ms. Jones, counsel for the Commission, stated that temporary tents are to be permitted by the Codes Department and that the Commission does have some ability to require the tent's removal. Commissioner Kaalberg disagreed and asked to focus discussion on the awning.

Commissioner Mosley warned the Commission not to lose sight of project as a whole and where it started. He stated they should look at it as if the awning were before them as part of the entire package.

**Motion:**

**Commissioner Mosley moved disapproval of application based on the findings and facts of the staff recommendations that reflect that the project does not meet the design guidelines. Commissioner Bell seconded and the motion passed unanimously.**

**1818 Wildwood**  
**Application: Demolition**  
**Council District: 18**  
**Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay**  
**Project Lead: ROBIN ZEIGLER**  
**Permit ID #: 1929625**

Wildwood Avenue developed in the early 1940s with “Minimal Traditional” architectural style residential buildings, a common style associated with suburban development after World War II.

Largely because they are not considered as historic as other styles, Minimal Traditional houses are among the most endangered architectural resources. The meteoric rise in their popularity in cities across the country following World War II and its nearly as sudden replacement by Ranch style houses that followed, is certainly a significant era in the history of the Belmont-Hillsboro Neighborhood and throughout Nashville and represents an important chapter in the growth of the neighborhood and city.

These buildings are found throughout Belmont Hillsboro, but Wildwood has a fairly intact collection. Staff’s determination that the buildings are historic was upheld by the Commission when a request to demolish 1820 Wildwood, based on the premise that it was not historic, was disapproved by the Commission in May of 2012.

The applicant has made an offer to purchase the property for \$240,000 but is waiting for confirmation that the home can be demolished before they close. The home’s current condition is due to deferred maintenance, a negative front yard slope and poorly constructed additions— a rear dormer and rear addition.

The poor construction of the rear dormer has caused significant ceiling damage in a rear room. The current owner believes that the rear corner and rear dormer additions were constructed in the 1960s or early 1970s without a permit and has indicated that they have caused problems since they first purchased the home.

The primary concern with the current condition is the negative front yard slope which has allowed water to push against the front foundation. Keith Garman, with Garman Engineering Company states that there are two possible solutions. One to construct a front retaining wall and reconstruct the basement retaining walls and two, to raise the height of the foundation walls. Either scenario will also require repairs to the front porch, subfloor framing, floors, walls and ceilings. The applicant has an estimate of \$115,000 to add the retaining wall and repair the damage caused from the deferred maintenance, rear additions, and negative slope.

Although the repairs needed to correct the negative slope and the damage done are costly, the engineer did not find that the house was in danger of collapsing and the family continues to live there.

The contracted purchase price for the property is \$240,000. Based on recent sales, this appears to be an appropriate price for a home of this age and size, but not of this condition. For several years the house and the land both raised in value but in 2013 the value of the house dropped significantly, by more than \$34,000, while the land value continued to rise. There have been no zoning changes and other properties of similar size and age that have recently sold in the vicinity did not have a similar drop in building value; both values rose concurrently in all cases except for one where the building only dropped in value by just \$1000. The extreme change in building value of the house alone, for 1818 Wildwood, would indicate that the drop in building value was due to the poor condition of the house. The applicant states that the “\$240,000 would be a fair price for the home if not for the perilous state of the structural elements. Therefore, the fair market value for the home will remain at \$240,000 even after the significant repairs.”

If purchased, the new buyers will be creating a self-imposed hardship by purchasing a home significantly above its current value. The property has not been properly maintained, repairs have not been made to fix the leaks and damage created from incorrectly constructed additions, and repairs and corrections have not been made to address the negative front yard slope. All these factors combined lessen the current market value of the property.

Staff recommends disapproval of demolition of this building based on economic hardship, finding that the purchaser will be creating a self-imposed hardship by purchasing the property for more than its current value. Because of the historic value of the house, demolition meets section III.B.1a. for inappropriate demolition and demolition does not meet section III.B.2. for appropriate demolition.

Commissioner Fletcher stated that he didn't understand the difference between this request and other requests they had had where demolition was granted. He believes value is based on what someone is willing to pay and Ms. Zeigler countered that comps are often used to determine fair value.

Manuel Zeitlin, architect for the project, introduced Doug Revere, potential purchaser of the property, and the current owner. He explained that Mr. Revere has demonstrated his intent to do the right thing by renovating a similar house next door. When they renovated it, the back wall fell off, demonstrating that these 1940's homes intrinsically don't have historic value. His intent was to renovate but after doing due diligence he realized that the cost outweighed the value. He read a section of the engineer's report and explained that the owner cannot make necessary repairs and a potential buyer is ready to design something compatible with the neighborhood. He recommended that the Commission approve the demolition and place a requirement on the property that new construction would have to be similar to the existing building in massing and scale.

Doug Revere, potential buyer, and Donald Hunter approached the microphone to answer the Commission's questions. Mr. Kaalberg asked if they had discussed a price reduction, based on the findings of the engineer's report and Mr. Revere stated that they had not.

Mr. Revere, stated that he defined economic hardship from the perspective of the owner who would have to sell the home at just over \$100,000. This home is in horrendous condition and needs significant repairs that the owner cannot make and there is some chance that there will be a water event that will cause the building to collapse.

Lindsay Moffat, with the Belmont-Hillsboro Neighbors, stated that it is important to retain some diversity of housing stock in the neighborhood which is why they went to MHZC to ask that they be considered historic. She agreed that the suggestion that there be parameters for the new construction would be appropriate if demolition is approved.

Commissioner Mosley asked Ms. Jones if they could encumber the property with design specifications. Ms. Jones stated that they had to apply the design guidelines for demolition and that was the only decision before the board. Commissioner Mosley agreed.

Commissioner Kaalberg stated that he was having a hard time finding economic hardship since the property is worth less than the buyer is willing to pay and the price is based on its tear-down value.

Commissioner Mosley explained that there are two values at play, the dollar value and the value of the historic buildings within the community. Commissioner Kaalberg agreed and that they should not apply a sliding scale as to what building may be more contributing than another.

Commissioner Fletcher stated that he did not have enough information to determine economic hardship. Commissioner Bell agreed that an appraisal is needed. Commissioner Kaalberg recommended two appraisals, one in its current condition and one in its rehabilitation condition.

Hunter asked for a definition in the code of economic hardship. Ms. Zeigler stated that the design guidelines have a definition that economic hardship is when repairs outweigh value but it was up to them how to define it further and there was no formula that can be applied.

Mr. Revere was invited back to speak and he stated that he felt that they did have enough information to make a decision.

Mr. Revere stated that he had several letters and offered to read them but was not asked to since the Commission has a policy not to accept new information. A letter that he had given to staff that was not included in the staff recommendation was circulated.

There was discussion that the consideration would be different if the applicant was the owner and not a potential buyer.

Commissioner Gee stated that he thought the intent is to be cautious when the land values exceed value of the homes and if someone overpays for a piece of land then we could run into that a lot and see a lot of demolition. On the other hand, the house is obviously in horrible shape and it seems unreasonable to have to make those kinds of repairs, at the same time, it appears that there is an ability to repair the house and still make a profit.

Commissioner Bell added that there have been many instances where houses in even worse shape have been rehabilitated successfully.

**Motion:**

**Commissioner Kaalberg moved to disapprove demolition. Commissioner Bell seconded. The motion failed with Commissioners Hunter, Mosley and Fletcher in opposition. The motion failed.**

Commissioners continued discussion.

Ms. Jones and Ms. Zeigler clarified that the list of items found in the code are not standards to be applied, with the exception of number 8, but were instead a list of items that they could consider. The standards are in the design guidelines.

Commissioner Fletcher asked if they could still apply the design guidelines on whether or not the building is historic and Ms. Zeigler said they could.

Commissioner Bell pointed out that the applicant did not have a hardship because they have not yet purchased the property.

**Motion:**

**Commissioner Mosley moved to disapprove demolition based on section III.B.2.c. of the design guidelines and 17.40.420.D. 8 of the ordinance and the fact that the hardship would be self-imposed. Commissioner Gee seconded and motion passed with Commissioner Fletcher in opposition.**

Commission took a short break.

**1313 Shelby Ave**

**Application: Demolition**

**Council District: 19**

**Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay**

**Project Lead: ROBIN ZEIGLER**

**Permit ID #: 1912069**

The applicants propose to demolish two structures on this lot, subdivide and construct two new homes. What is before you today is demolition of the two structures, one of them being a contributing building constructed c.1925. A duplex for the newly subdivided lot has already been approved.

Staff recommends demolition of the rear building constructed c. 1950, based on city directories and Sanborn Fire Insurance maps--that is the image on the left. Staff finds demolition of the rear building to be appropriate since it was constructed at the edge of the period of significance for the district and is not an original feature of the property.

The primary building facing Shelby Avenue, shown in the image on the right, was constructed c. 1925 and retains its original historic features and materials. It is a one-story frame building, that according to the footprint provided on the property assessor's webpage, has approximately 994 square feet, not including porches. Since the building is contributing, the

applicant is attempting to show that the building is beyond repair and therefore meets the qualification for economic hardship.

Using the property assessor's website, Staff found eight recent sales of homes in the area that are similar in a square footage and age. Removing the outliers and taking the mean of the remaining sales, the potential value of this home is estimated to be \$161 per square foot or \$160,000.

According to the property assessor's information the last sale was in 12/17/2012 for \$173,900. This places the purchase price approximately \$14 over the mean per square footage value of similar properties in the neighborhood. The high purchase price for a property that is currently inhabitable may be due to the large lot size which can be subdivided allowing for a second home to be constructed.

The applicant submitted a budget for rehabilitation that totals at \$153,799.50. These images show just a few of the needed repairs, additional photographs are included in your packet. Economic hardship is based on simply bringing those elements of the house that require repair up to code. In the budget provided, there are expenses included that are not necessary to bring a building up to code such as surround sound, granite countertops, landscaping, fencing and a \$200 mailbox. Even so, including these expenses the estimate is \$154 per square foot. Staff spoke with two restoration specialists who have worked in the neighborhood for many years. They provided rough estimates of \$100 to \$150 per square foot to rehabilitate a home that needed to be totally gutted. Staff finds the applicant's estimate of repairs to be reasonable as it falls within that threshold.

The applicant purchased the property for approximately \$14,000 more than its potential rehabilitate value; however, this may be due to the fact that the property is wide enough to be subdivided for new construction of a second home. The applicant's Preservation Permit Application states that they intended to demolish this building and the accessory structure and construct three homes. Current zoning would not allow for three homes but would allow for the subdivision of one additional lot. Based on the comps provided by the applicant, new homes in the neighborhood are valued at between \$175 and \$185 per square foot. Taking into account the properties potential value of \$160,000 and rehabilitation costs of \$154,000 and the fact that the high purchase price reflects the ability to construct and sell a second home, the applicant has not made the case for economic hardship.

Staff recommends approval of demolition of the accessory structure as it does not contribute to the historic character of the district, and disapproval of the request for demolition of the primary building as the building meets section II.B.2.a for inappropriate demolition and the project does not meet the requirements for economic hardship since the repair costs do not exceed the value.

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

**Motion:**

**Commissioner Mosley moved to approve demolition of the outbuilding based on the findings and facts of the staff recommendation. Commissioner Gee seconded and the motion passed unanimously.**

In answer to Commission Kaalberg's question, Ms. Zeigler explained that the building retained its historic integrity because the form, major materials and details are still extant, despite the poor condition of the house.

Commissioner Mosley explained that it was typical for cladding to be applied directly to studs in historic homes and that simple homes have been successfully rehabilitated.

Commissioner Mosley asked if it was reasonable to assume that the grade issues can be corrected with the construction of the house next door, and Ms. Zeigler said it was.

Commissioner Gee asked where economic hardship was defined as repairs outweigh value. Ms. Jones explained that they didn't have a hard and fast definition but instead information that could be used to make the determination. Commissioner Mosley further explained that they had to weigh two types of values, the historic value to the neighborhood as well as the number analyses.

Commissioner Fletcher stated that the case was different since the engineer's letter didn't say that the house could not be rehabilitated.

**Motion:**

**Commissioner Gee moved to disapprove demolition of the primary building at 1313 Shelby Street based on the findings and facts of the staff recommendation. Commissioner Bell seconded and the motion passed unanimously.**

**2601 Belmont Blvd**

**Application: Partial demolition; New construction--addition and outbuilding; Setback reduction.**

**Council District: 18**

**Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay**

**Project Lead: MELISSA BALDOCK**

**Permit ID #: 1929576**

Melissa Baldock presented the project for 2601 Belmont Boulevard, an application to demolish an existing rear addition and outbuilding and to construct a new side dormer, rear addition, and outbuilding connected to the house with a second-story walkway. The addition requires a side setback reduction, and the outbuilding requires a reduction to the side and rear setbacks. For this project, staff is recommending approval of the demolition, the construction of the addition, and the setback for the addition, with some conditions. We recommend disapproval of the garage, the setback reduction for the garage, and the second-story balcony connecting the house to the garage.

The lot is situated at the corner of Sweetbriar Avenue, and therefore, base zoning requires a 10' side setback. These photos show that the existing house and an existing one-story garage do not meet the setback. The garage and an existing addition will be demolished, which staff finds meets the design guidelines. The proposed addition does not significantly add to the depth of the house and will decrease its width. It will be inset from the back side walls of the house, and will not be any wider than the existing house. The addition does require a setback reduction – it will be five feet (5') from the property line rather than the required 10 feet. Staff finds that because of the existing location of the house, the setback reduction for the addition meets the design guidelines.

The garage is proposed to be located five feet from the side property line, and will sit on the rear property line. The existing garage also sits on the rear property line, but is only approximately one foot from the side property line. Although a setback reduction for a garage on this property may be appropriate, staff has concerns about the scale and form of the proposed garage, and cannot recommend approval of the setback because of these concerns.

The floor plans illustrate that the garage will be attached to the house with a large, second story balcony. The roof plan shows that a new side dormer is proposed for the Sweetbriar façade, which will match the front dormer, and that the existing rear dormer will be extended. Staff finds the dormers to meet the design guidelines. The addition's roof form will be hipped with a slope to match that of the historic house. The side elevations show the second-story balcony connector between the house and the addition. The second story balcony connecting the house to the garage is not typically seen historically and is not something the Commission has approved in the past in this district. When the Commission has approved connectors between a house and an outbuilding, the connections have been made on the ground floor and have been narrow, typically four feet (4') in width or less. This connector is fourteen feet, six inches (14'6") wide and will in essence create a two-story attachment to a two-story garage. It will make the garage an attached garage. The design guidelines state that attached garages are only appropriate when the vehicular entry is at the basement level and the garage doors are on the rear. The proposed garage does not meet either of those criteria. Moreover, because the site is a corner lot, the connector will be highly visible, and will be visually jarring.

The garage will be approximately 26' by 26'. It will have a maximum height of thirty feet (30'), which is approximately six feet lower than the historic house. While staff finds the ridge height and footprint of the garage to be appropriate, the outbuilding's roof form and overall scale contrast with the historic context. Along Sweetbriar Avenue, the garage forms an 18' high wall. Because the outbuilding requires a setback reduction and is just five feet (5') from the side property line, this high wall will be visually jarring and will not be compatible with either the historic house or other outbuildings in the neighborhood. Setback from the wall is the second story portion of the structure, which is capped with a hipped roof with a slope to match that of the historic house.

While the proposed setback reductions may be appropriate for a garage that is more compatible with the scale and roof form of the historic area, staff finds in this instance the setback reductions do not meet the design guidelines because they will only increase the garage's inappropriate form and scale.

The proposed materials include Hardie plank lap siding and Hardie panel; brick foundation; wood brackets; Marvin integrity windows, and a cable railing.

In conclusion, Staff recommends approval of the demolition of the addition and the outbuilding, the construction of the rear addition and side dormer, and the side setback reduction for the addition with the following conditions: staff review and approve the door materials and specifications, the material for the side door canopy, and the cladding material for the side dormer; the lap siding have a reveal of a maximum of five inches (5"); the mechanicals and utilities be placed at the rear of the house, or on a side façade, beyond the midpoint of the house.

Staff recommends disapproval of the second-story walkway connector and the garage, including the setback reduction, finding that they do not meet Section II.B.1.i. of the *Belmont-Hillsboro Neighborhood Conservation District: Handbook and Design Guidelines*.

In answer to the Commissioner's questions, Ms. Baldock explained that the staff had worked with the applicant on solutions and they made several alterations but have not addressed all of staff's concerns.

Debbie Gordon, home owner, explained that the purpose of the connector is to walk from the garage dry and the ability to walk from the second floor to suitcase storage on the second floor of the garage. They have scaled it down to 4' and they pushed the garage off the street 3', in response to staff's comments.

Commissioner Bell asked if the application showed the scaled down version. Ms. Gordon said she submitted it and Ms. Baldock explained that because it was received after the staff recommendation was written and sent to the Commissioners, it could not be added to the proposal.

Don O'Donniley, who resides south of the property at 2601 Belmont Blvd, claimed he was in support of staff's recommendation. He handed out a letter. He urged the Commission to look at the original building, not the building and an existing addition, and to consider the inappropriate height and scale of the proposed.

Lindsay Moffatt, with Belmont-Hillsboro Neighbors, stated her concerns about the safety of having a large garage so close to the alley and street. She explained that Code would not allow a fence that did not have line of site so the building shouldn't either.

Commissioner Fletcher asked her to clarify her argument. Why aren't the garage doors oriented to the alley, so that a double wide curb cut isn't needed on the side street.

Commissioner Bell asked Ms. Baldock to elaborate on the massing and scale compared to other homes which Ms. Baldock did.

Commissioner Kaalberg asked if it was true that all the outbuildings were one story. Ms. Baldock said that was the case for this particular block but that the Commission has regularly allowed for two-story garages, based on their compatibility to the neighborhood and the primary house.

Commissioner Kaalberg expressed his concern with the modern design. Ms. Zeigler explained that garages should match the house or be utilitarian and modern garages have been approved in the past. Staff's real concern was with the massing and scale.

Manuel Zeitlin requested to speak to the Commission and stated that he was supportive of approving the addition and not the garage.

Mr. O'Donniley rebutted with questions about the size of the garage and the use of the second floor space.

The Commission debated on whether or not to continue to discuss the garage since the applicant was amenable to having it removed and whether or not removal of the garage might significantly change the design of the addition.

Commissioner Kaalberg expressed concern over the fenestration that Mr. Mosley stated helped to identify the new from the old.

**Motion:**

**Commissioner Gee moved to disapprove the garage, connector and associated setback reduction and approve the addition with setback reduction and rear dormer with the conditions staff review and approve the door materials and specifications, the material for the side door canopy, and the cladding material for the side dormer; the lap siding have a reveal of a maximum of five inches (5"); the mechanicals and utilities be placed at the rear of the house, or on a side façade, beyond the midpoint of the house. Commissioner Bell seconded and the motion passed unanimously.**

**1205 Linden**

**Application: Demolition; New construction - infill**

**Council District: 18**

**Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay**

**Project Lead: SEAN ALEXANDER**

**Permit ID #: 1929548**

*Commissioner Gee left the meeting at 5:43.*

Commissioner Bell stated that she would abstain from voting on 1205 Linden Avenue.

The application is to demolish the existing building and construct a new building. The existing building was built as a duplex between 1945 and 1950. This is more recent than the historic buildings nearby and is without the typical architectural features, and therefore it does not contribute to the character of the district. Demolition meets the applicable guidelines.

The new building would be two stories tall with a flat roof topping out at twenty-five feet in height. The front wall would be sixty-one feet wide in total, made up of three distinct sections. It would have a primary brick section on the left, a narrower brick section on the right, and an elevated "bridge" connecting them with a driveway/breezeway below.

In terms of scale, the overall height and width would be appropriate considering that the lot is 76 feet wide, and the surrounding historic houses are in the 23-30 foot tall range. However, the form of the proposed new building is not compatible with the context of Linden Avenue which is 1-story Craftsman Houses, primarily.

The flat roof is something that would typically be seen on a commercial form. There is a building with a similar form on an abutting property that faces 12th Avenue South, but the context of 12th South is very different from Linden. The buildings facing Linden Avenue all have a traditional residential form with either a hipped or gabled roof. The buildings on 12th Avenue are mostly similar residential forms as well, but there is a mixture of some commercial forms.

With our design guidelines, we're looking at the architectural character, not the use. This property is zoned for commercial use, but because it addresses Linden Avenue the building should relate to that residential context.

In addition to the flat roof, the form of the building with the bridge and breezeway has a large open space in the center, which is unlike the form of historic houses in the area. There is a fairly consistent rhythm on the street established by structures with open spaces between buildings. This open space within the mass of the building would also contrast with that. It would not be compatible with the proportion of openings found on historic buildings because of the large vehicular opening in the front of the building; it would be very similar to having a front-facing attached garage door.

The design is architecturally attractive and interesting, and as I said the overall height and width would meet the guidelines, as would the materials, but the form, roof, and impact on the street rhythm are not compatible with the context. As you read in the written recommendation, staff also found the setbacks, porch depth, and window configuration did not meet the design guidelines.

Staff recommends approval of the demolition of the non-contributing structure, finding it to meet guideline III.B.2.b of Design Guidelines. Staff recommends disapproval of the proposed infill construction, finding that it would not meet Design Guidelines II.B.1.b., II.B.1.c., II.B.1.e, II.B.1.f, and II.B.1.g of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Nick Dryden, architect for the project, explained that the current zoning is CS, commercial services and it is next to a commercial strip on 12<sup>th</sup>. The lot is in a transitional context from commercial to residential and they considered the commercial context to be the primary context. There is no alley access and they needed to access the rear of the property and still maximize square footage, hence the driveway going beneath the second level of the buildings.

The Commission and staff discussed the zoning and context.

Commissioner Kaalberg stated that he first thought that Staff's argument was valid but that Mr. Dyrden made several strong points.

Lindsey Moffatt, with Belmont-Hillsboro Neighbors, is also working with a group considering an overlay for 12South and a lot of those areas do go two buildings deep. Even though it is under our overlay it is still zoned commercial so with the right design it is going to be great because it lends itself to a bridge between the commercial and residential area. Keeping it low and keeping it in a form that respects the other houses on the street is something they would support.

Commissioner Mosley spoke to the historic and current development of the area as an argument for the proposal. Vice-chair Nielson stated that she agreed but wasn't sure that the style of the building was appropriate and a more transitional look would be more appropriate. He stated it was a good example of how a design can bridge the gap between commercial and residential.

Fletcher stated that the rendering is misleading and it probably has a softer design than what it appears.

Commissioner Kaalberg said that the future cannot be predicted but pointed out that there is opportunity for development across the street because of the non-contributing buildings and behind this lot because of the two small homes facing 12<sup>th</sup> Avenue South; therefore, the proposal is appropriate because of the potential development around it.

The commissioners and the applicant discussed the setbacks and how they were decided.

Commissioner Kaalberg asked about the blank wall facing the neighborhood, which Mr. Dryden explained it was due to fire code requirements for the stairwell. The Commission and the applicant discussed the possibility of moving the stairwell to the opposite side of the lot, closer to the commercial building.

**Motion:**

**Commissioner Kaalberg moved to approve with the condition that the applicant work with staff to find a solution to mitigate the impact of the right side elevation to facilitate the transition from commercial to residential, considering a number of different options such as windows and materials. Commissioner Mosley seconded and the motion passed unanimously with the Vice-chair voting in favor and Commissioner Bell abstaining.**

Ms. Zeigler reminded the Commission about the mandatory HR training and asked them to be prepared to vote for a new chair and vice-chair next month.

Meeting was adjourned at approximately 6:30 p.m.

MINUTES RATIFIED BY COMMISSION ON AUGUST 21, 2013