



**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**  
**104 Fifth Avenue South**  
**January 16, 2013**

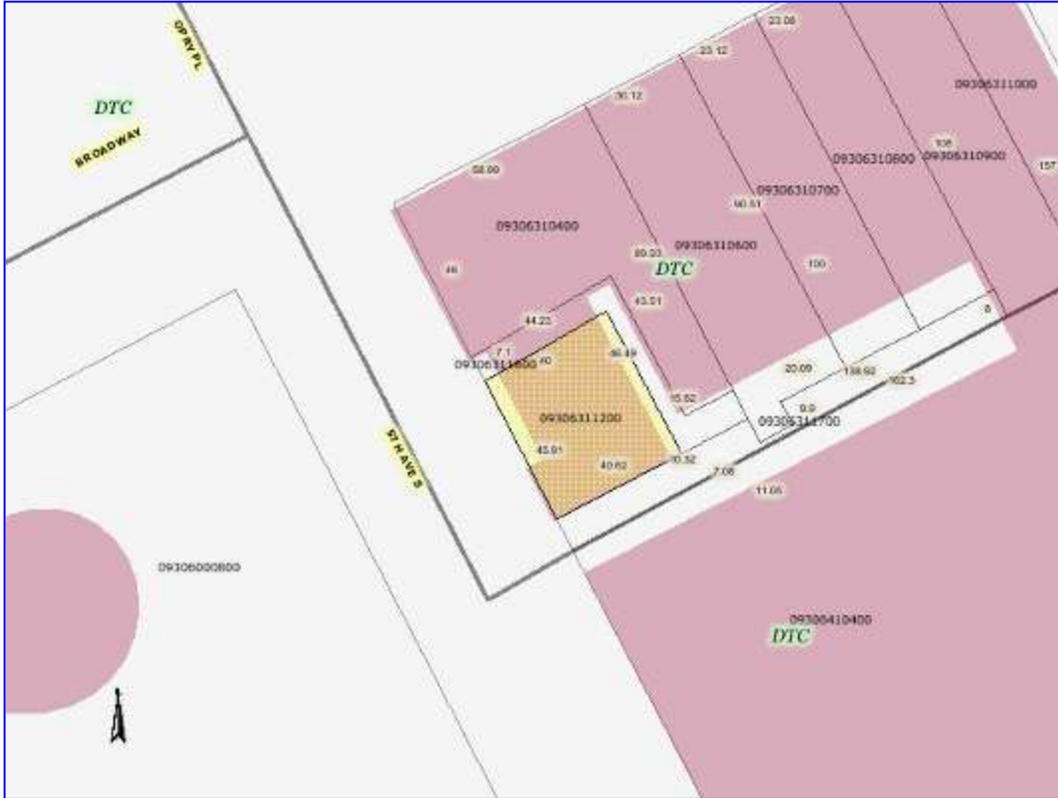
**Application:** New construction-additions  
**District:** Broadway Historic Preservation Zoning Overlay  
**Council District:** 06  
**Map and Parcel Number:** 09306311200  
**Applicant:** Mark Bixler, Manuel Zeitlin Architects  
**Project Lead:** Robin Zeigler, robin.zeigler@nashville.gov

**Description of Project:** The applicant received a permit for an addition in July of 2012 and now proposes alterations to the project that were beyond the scope of administrative review.

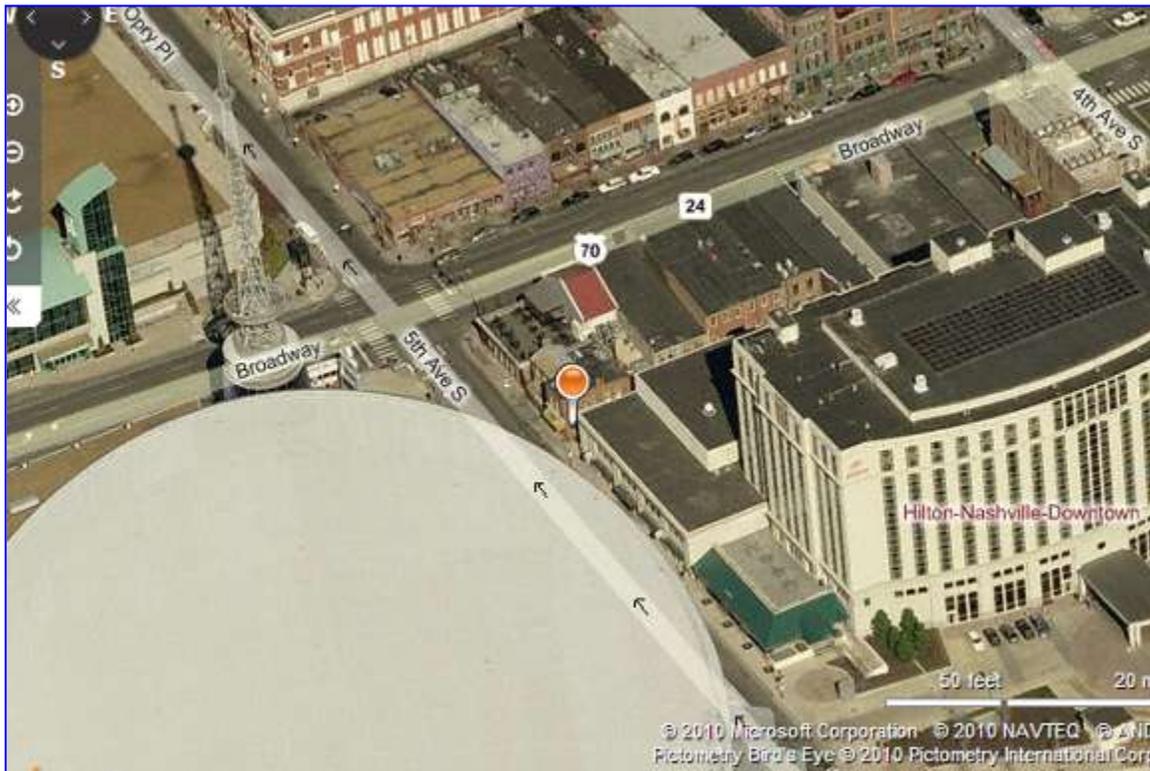
**Recommendation Summary:** Staff recommends disapproval based on the fact that the one-story height, as required by the ordinance, should be minimal since the addition does not meet the setback requirements. Staff finds that the revisions proposed for the previously approved project are not an appropriate scale for the building and therefore do not meet the guidelines for rooftop additions in the Broadway Historic Preservation Zoning Overlay.

**Attachments**  
**A:** Photographs  
**B:** Roof Plan  
**C:** Elevations  
**D:** Material examples

**Vicinity Map:**



**Aerial Map:**



## Applicable Design Guidelines:

### II.P. Mechanical Systems

1. Equipment such as condensers, air conditioners, meters, and conduits should not be visible from the street. Rear elevations and roof locations that are not visible from the public rights-of-way are appropriate locations for this equipment.
2. The installation of mechanical systems should not result in the removal or obstruction of historic building elements.
3. Landscape elements such as fencing or low masonry walls should be used to shield ground-level equipment from view and still allow service access.

### VI.H. Additions to Existing Buildings

1. Additions to existing buildings should be compatible in scale, materials, and texture; additions should not be visually jarring or contrasting. Additions to historic buildings should be minimal. Additions normally not recommended on historic structures may be appropriate for non-historic buildings, if the addition will result in a building that is more compatible with the district.
2. Rooftop additions should not exceed one story in height and should be set back a minimum of 30 feet from the main façade of the building and 20 feet from the secondary street if it is a corner building.
3. Additions should not obscure or contribute to the loss of historic character-defining features or materials.

**Background:** In July of 2012, the applicant received a permit for a rooftop addition to replace a non-permitted rooftop addition constructed in 2009 by the previous owner. The applicant now proposes alterations due to the inability to locate the mechanical equipment in the originally planned location. They now propose to place the mechanicals on top of the previously approved addition, thereby increasing the height and altering the roof form. Since these alterations did not meet the design guidelines, staff could not approve the alteration administratively.

Additional alterations to the building were approved by the Commission in July of 2012, some of which have had slight revisions approved by Staff. This proposal does not cover any of those alterations or revisions.

### Analysis and Findings:

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



of these unique conditions, the Commission recognized that a lesser setback of twelve feet (12') on the north building was necessary to allow for rooftop use and so allowed a pergola to encroach into the setback area.

In the version that the Commission approved in July 2012, the fully roofed portions of the addition were placed at the back of the building. In keeping with the design guidelines requirement that rooftop additions were no more than one-story and because the project did not fully meet the setback requirements, the applicant worked to make the height of the addition as minimal as possible. It rose between six feet (6') and nine feet (9') above the parapet wall.

Under the new proposal, the alterations to the addition are now approximately eleven feet (11') tall from the parapet wall. This additional height runs across approximately thirty-two feet (32') of the front façade, where initially only a small portion of the addition reached the peak height of nine feet (9'). In addition little of the original roof form was evident in the previously-approved plans, but in order to screen the mechanicals there will now be what appears as a side gable roof.



Because the addition does not fully meet the setback requirements, the additional height is inappropriate and pushing beyond the limits of the definition of a one-story height as required in the design guidelines.

A metal wall to shield the view and noise of the mechanicals from patrons was approved in July to rise perpendicular to the ridge and approximately seven feet (7') above the ridge. If the Commission disagrees with staff recommendation and chooses to approve the project, Staff recommends that the wall be removed and posts be used instead, like the opposite side of the pergola, since there is no longer any need to shield patrons from the mechanical equipment.

**Design & Materials:** The cladding material for the fire stair (right side) was unknown at the time of review for the former proposal but is now requested to be metal panels. If

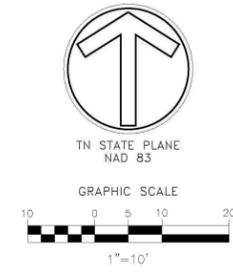
approved, staff recommends review of the paint color of the panel to assure that it is not a reflective color. All other materials will stay the same as what was approved prior.

Recommendation:

Staff recommends disapproval based on the fact that the one-story height, as required by the ordinance, should be minimal since the addition does not meet the setback requirements. Staff finds that the revisions proposed for the previously approved project are not an appropriate scale for the building and therefore do not meet the guidelines for rooftop additions in the Broadway Historic Preservation Zoning Overlay.



**TOTAL AREA**  
1,868 Sq. Ft. (0.043 ACRES ±)



**NOTES**

- 1) THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPURTENANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THIS CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY. IN TENNESSEE, IT IS A REQUIREMENT, PER THE UNDERGROUND UTILITY DAMAGE PREVENTION ACT, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNER, NO LESS THAN THREE (3) NOR MORE THAN TEN (10) WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ALSO TO AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 1-800-351-1111.
- 2) UPON REVIEWING FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP, MAP NUMBER 47037C0217 F, DATED APRIL 20, 2001, IT HAS BEEN DETERMINED THAT THE SUBJECT PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD AREA. (ZONE X)
- 3) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

**LEGEND**

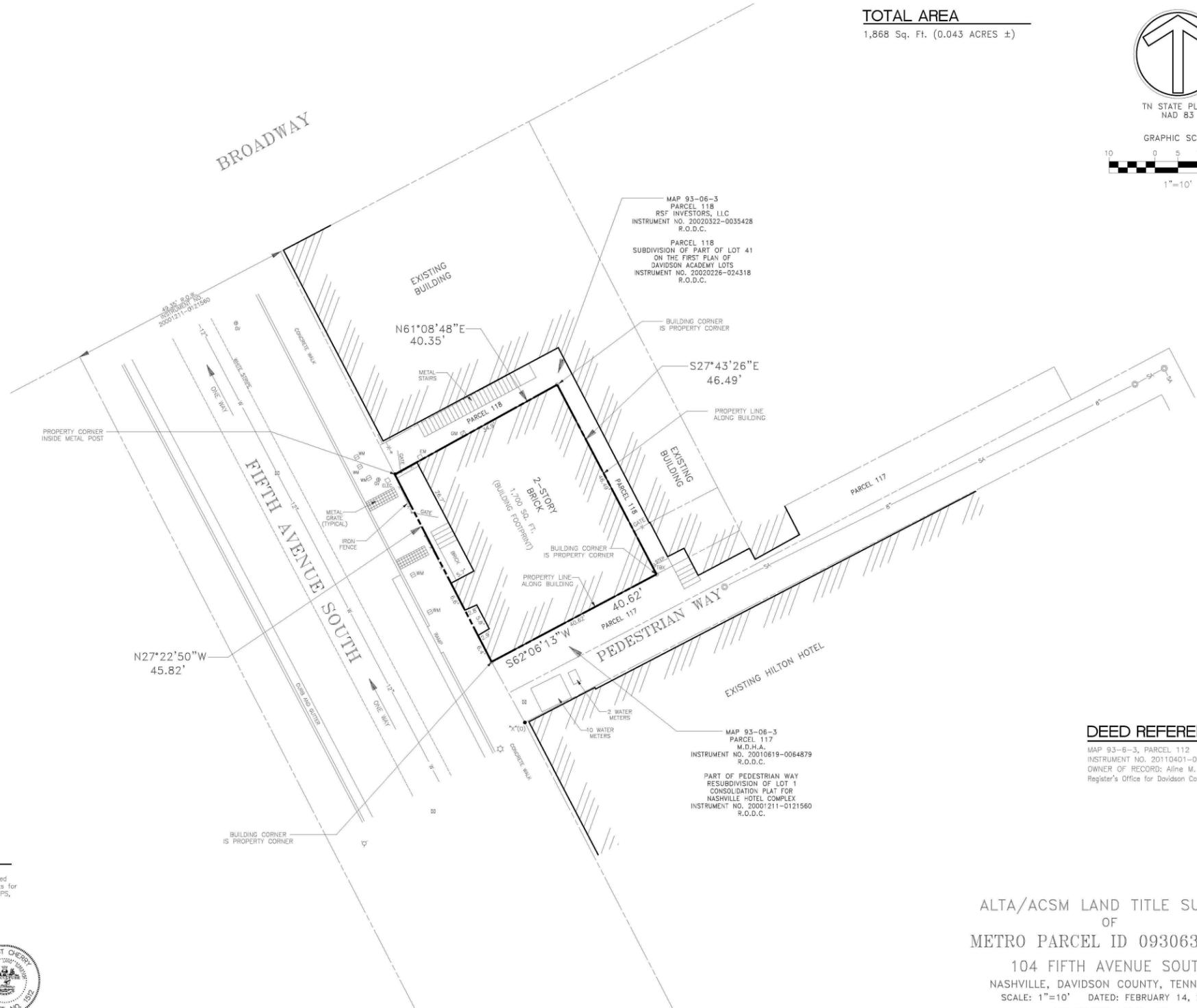
IRON ROD OLD	→	● (R)(0)
CHISELED "X" OLD	→	● (X)(0)
GAS METER	→	⊠ GM
GAS VALVE	→	⊠ GV
LIGHT POLE	→	⊠
MANHOLE	→	⊠
ELECTRIC BOX	→	⊠ ELEC.
ELECTRIC METER	→	⊠ EM
WATER VALVE	→	⊠ WM
WATER METER	→	⊠ WM
FIRE HYDRANT	→	⊠
WALL	→	—
PROPERTY LINE	→	—
WATER LINE	→	—
SEWER LINE	→	—
CURB AND GUTTER	→	—
CURB	→	—
EDGE OF ASPHALT	→	—
EDGE OF CONCRETE	→	—
FENCE	→	—

**SURVEYOR'S CERTIFICATION**

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1.2, 3.4, 7(a), 7(b), 8, 9, 11(b) and 13 of Table A thereof. The field work was completed on February 8, 2012.

We also certify that this is a Category 1 Survey and the survey was performed in accordance with the current standards of practice for surveyors in Tennessee and the unadjusted closure is at least 1:10,000.

—PREPARED BY—  
CHERRY LAND SURVEYING, INC.  
622 WEST IRIS DRIVE  
NASHVILLE, TENNESSEE 37204  
(615) 269-3972 EMAIL RSC-CLS@COMCAST.NET



**DEED REFERENCE**

MAP 93-06-3, PARCEL 112  
INSTRUMENT NO. 20110401-0025354  
OWNER OF RECORD: Aline M. Richardson  
Register's Office for Davidson County, Tennessee

MAP 93-06-3  
PARCEL 117  
M.D.H.A.  
INSTRUMENT NO. 20010619-0064879  
R.O.D.C.  
PART OF PEDESTRIAN WAY  
RESUBDIVISION OF LOT 1  
CONSOLIDATION PLAN FOR  
NASHVILLE HOTEL COMPLEX  
INSTRUMENT NO. 20001211-0121560  
R.O.D.C.

ALTA/ACSM LAND TITLE SURVEY  
OF  
METRO PARCEL ID 09306311200

104 FIFTH AVENUE SOUTH  
NASHVILLE, DAVIDSON COUNTY, TENNESSEE  
SCALE: 1"=10' DATED: FEBRUARY 14, 2012  
JOB NUMBER 12032 BB

12032 BB

**104 5TH AVENUE SOUTH**

SITE PLAN

MHC FILING

JANUARY 2, 2013

**A100**

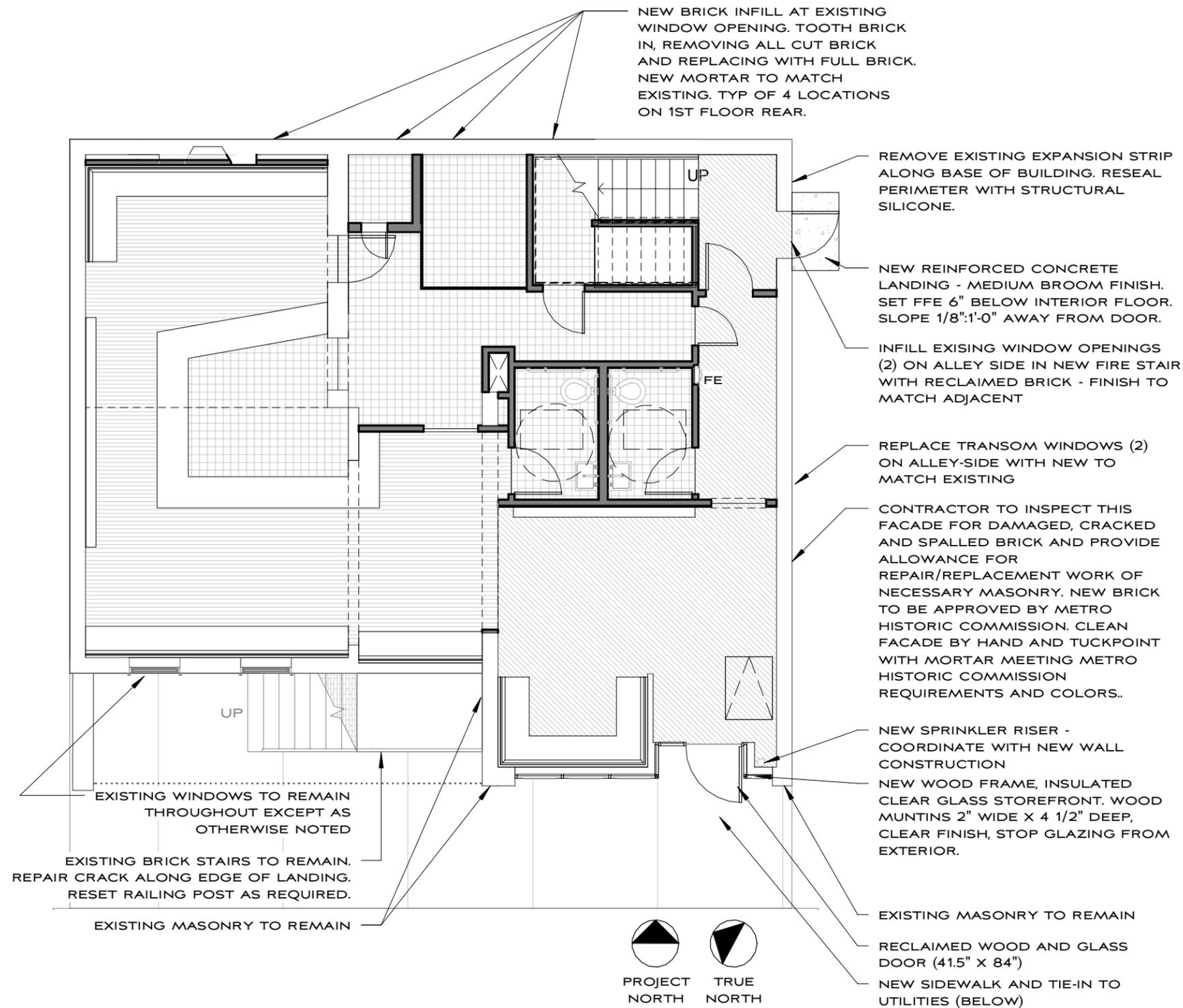
1208

**MANUEL ZEITLIN ARCHITECTS**



TEL 615 256.2880  
FAX 615 256.4839

1819 21ST AVE SOUTH NASHVILLE, TN 37212



1 BAR LEVEL PLAN  
1/8" = 1'-0"

104 5TH AVENUE SOUTH

BAR LEVEL PLAN

MHC FILING

JANUARY 2, 2013

A101

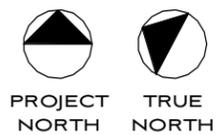
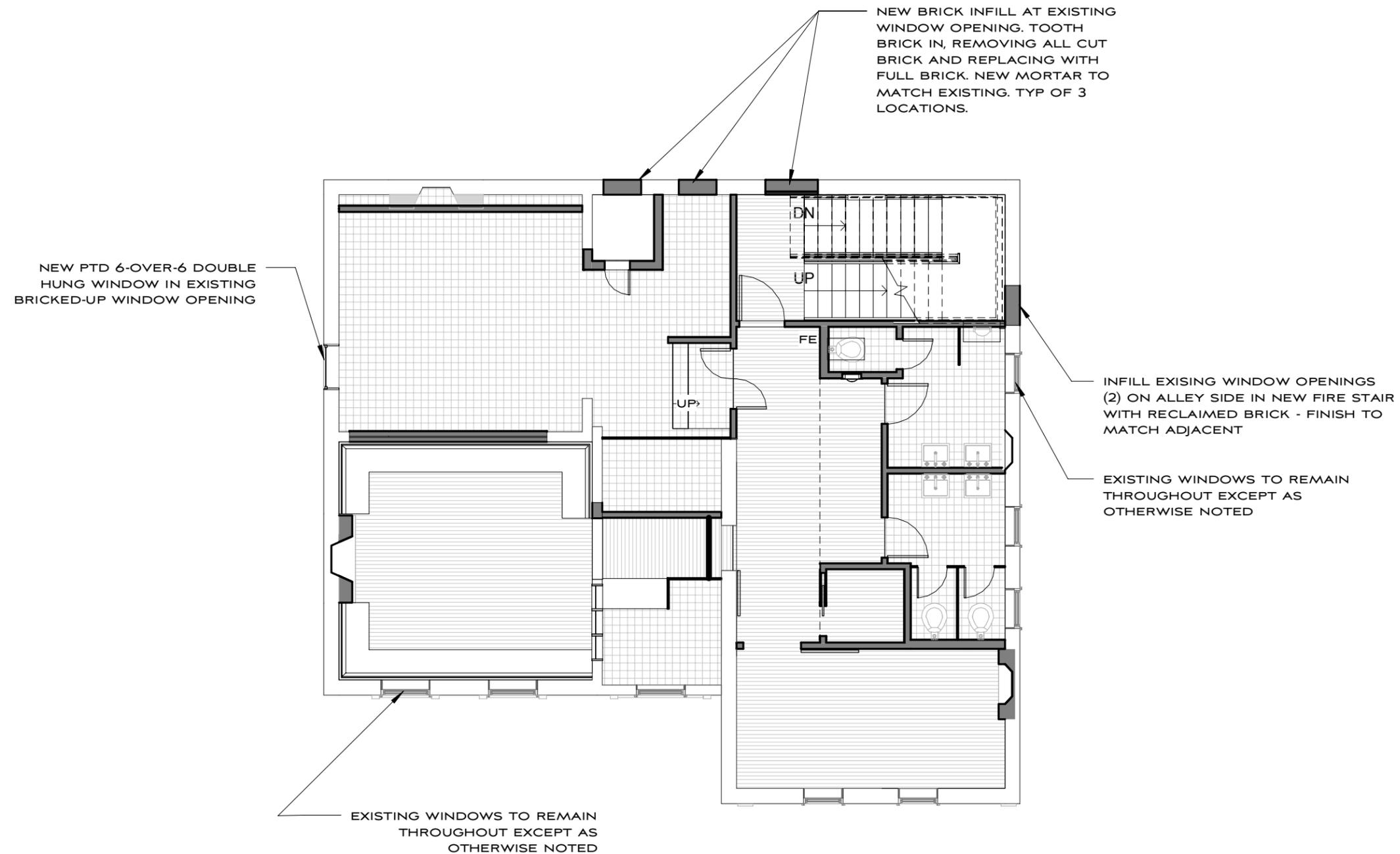
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1819 21ST AVE SOUTH NASHVILLE, TN 37212



1 UPPER LEVEL PLAN  
1/8" = 1'-0"

104 5TH AVENUE SOUTH

UPPER LEVEL PLAN

MHC FILING

JANUARY 2, 2013

**A102**

1208

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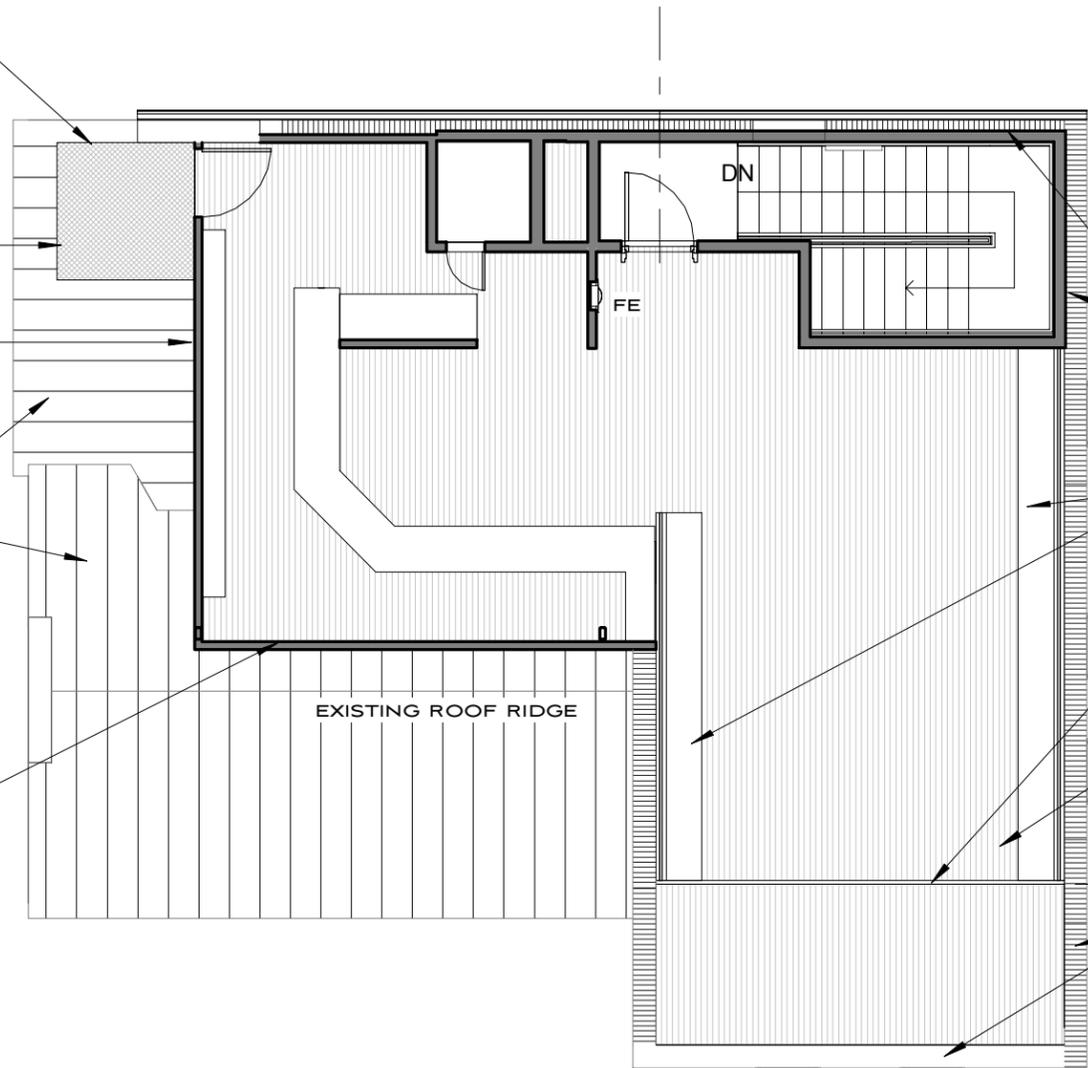
NEW 42" HIGH PAINTED STEEL RAIL AROUND MECHANICAL EQUIPT. WELD TO STEEL SUPPORTS FOR MECH PLATFORM. 3/4" SQ STEEL BALLUSTERS @ 4" O.C. TYP WITH 1" STEEL TOP RAIL

METAL GRATE PLATFORM

PRIVACY/SOUND FENCE - TOP = 8'-0" ABOVE ROOF TERRACE

EXISTING STANDING SEAM METAL ROOF TO REMAIN

42" HIGH GUARD RAIL WALL



NEW METAL PANEL CLAD FIRE STAIR BULKHEAD. FACE OF PANELS SET INBOARD OF EXISTING BRICK WALL

NEW WOOD BANQUETTES

NEW STEEL GUARD RAILING

NEW FIRE-RESISTANT COMPOSITE DECK MATERIAL

EXISTING TERRA COTTA PARAPET CAPS TO REMAIN WHERE EXISTING. PROVIDE NEW TO MATCH WHERE NON-EXISTENT PRESENTLY - TYP WHERE NO WALL BUILT ATOP PARAPET. REMOVE EXISTING EPDM WRAP.

8'-0"

104 5TH AVENUE SOUTH

ROOF TERRACE  
MHC FILING  
JANUARY 2, 2013

**A103**

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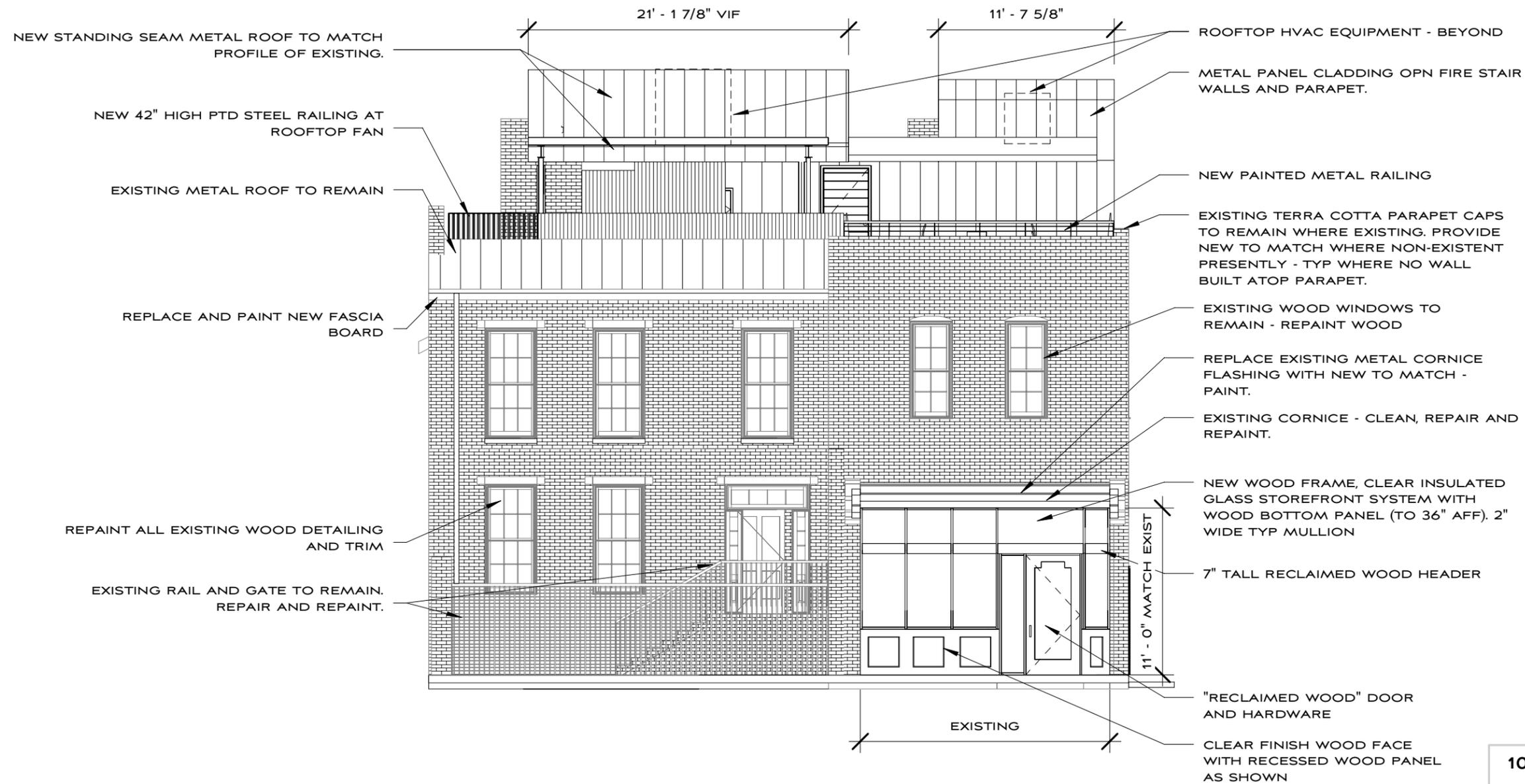
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1 ROOF TERRACE PLAN  
1/8" = 1'-0"



1 STREET FACADE  
1/8" = 1'-0"

104 5TH AVENUE SOUTH

STREET FACADE

MHC FILING

JANUARY 2, 2013

A104

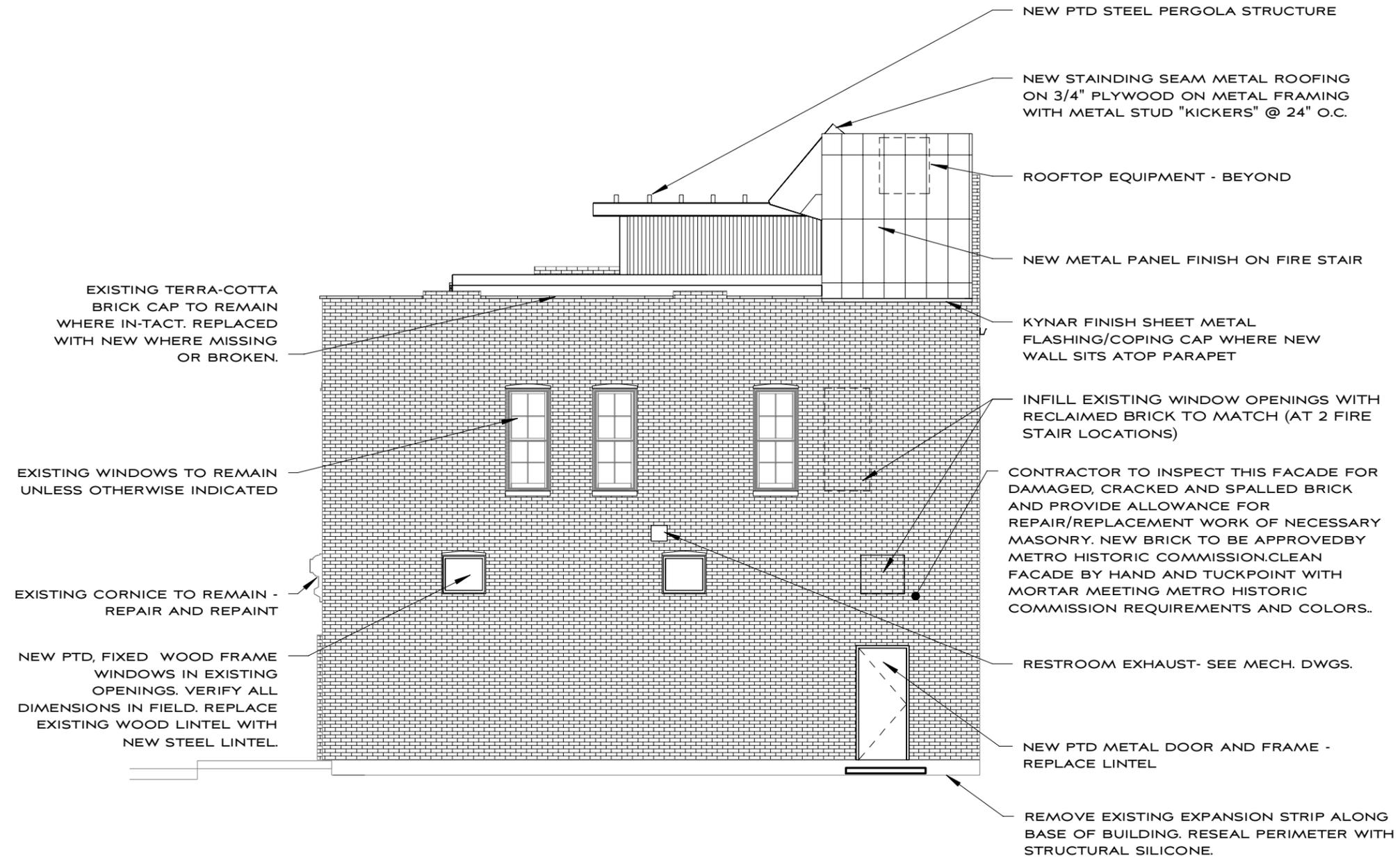
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1819 21ST AVE SOUTH NASHVILLE, TN 37212



1 ALLEY FACADE  
1/8" = 1'-0"

104 5TH AVENUE SOUTH

ALLEY FACADE

MHC FILING

JANUARY 2, 2013

**A105**

1208

MANUEL ZEITLIN ARCHITECTS



TEL 615 256.2880  
FAX 615 256.4839

1819 21ST AVE SOUTH NASHVILLE, TN 37212

1 3D



2 FACADE FROM WEST SIDE OF 5TH AVE SOUTH

104 5TH AVENUE SOUTH

3D

MHC FILING

JANUARY 2, 2013

A106

1208

MANUEL ZEITLIN ARCHITECTS



TEL 615 256.2880  
FAX 615 256.4839

1819 21ST AVE SOUTH NASHVILLE, TN 37212



104 5TH AVENUE SOUTH

EXISTING  
CONDITIONS  
MHC FILING

JANUARY 2, 2013

**A107**

1208

MANUEL ZEITLIN ARCHITECTS



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FAX 615 256.4839

1819 21ST AVE SOUTH NASHVILLE, TN 37212