



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) SUMMARY MEETING MINUTES

May 21, 2014

Commissioners Present: Brian Tibbs, Chair; Ann Nielson, Vice-chair, Menié Bell, Rose Cantrell, Samuel Champion, Hunter Gee, Aaron Kaalberg, Ben Mosley

Zoning Staff: Sean Alexander, Paul Hoffman, Robin Zeigler (Historic Zoning Administrator), Susan Jones (City Attorney)

Applicants: John Barnett, Anita Howard and Gail Wales, Doug Revere, Franz Baudenbacher, Keith Dowd, Hunter Connelly and Blaine Bonadies, Mitch Hodge and Steve Wilson

Public: Lindsey Moffat, Brett Withers, Chris Reynolds

Councilmember: Burkley Allen

Chairman Tibbs called the meeting to order at 2:02 p.m. and read aloud the process for appealing the decisions of the Metro Historic Zoning Commission and the time limits on presentations.

I. RECOGNITION OF COUNCIL MEMBERS

There were no council members present.

II. MINUTES

Motion:

Commissioner Bell moved to approve the minutes for April 16, 2014. Commissioner Champion seconded and the motion passed unanimously.

III. CONSENT

2104 GRANTLAND AVE

Application: Demolition--outbuilding; New construction--outbuilding; Setback determination

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1976172

2004 LINDEN AVE

Application: Demolition--principle building and outbuilding; New construction--infill and outbuilding.

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1976176

4th AVENUE NORTH AND VAN BUREN ST

Application: New construction-infill

Council District:

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1975529

1400 LINDEN AVE

Application: New construction-outbuilding; Setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975585

1703 BEECHWOOD AVE

Application: New construction-addition
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975586

815 FATHERLAND ST

Application: New construction-infill
Council District: 06
Overlay: Edgefield Historic Preservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975589

2400 BARTON AVE

Application: New construction-outbuilding; Setback determination
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975593

1320 ROSA L PARKS BLVD

Application: New construction-infill
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975765

210 MOCKINGBIRD RD

Application: New construction - infill and outbuilding
Council District: 24
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1976274

1235 5TH AVE NORTH

Application: Demolition—outbuilding; New construction--infill
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1976142

1800 HOLLY ST

Application: New construction--outbuilding; Conversion to a detached accessory dwelling unit
Council District: 06
Overlay: Lockleand Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK

Permit ID #: 1976147

1408 ELMWOOD AVE

Application: New construction-outbuilding and Setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: ROBIN ZEIGLER
Permit ID #: 1976290

302 MANCHESTER AVE

Application: New construction--detached accessory dwelling unit
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1976180

2800 OAKLAND AVE

Application: New construction - addition
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1976287

1702 FATHERLAND ST

Application: New construction - addition
Council District: 06
Overlay: Lockleand Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1976293

105 S 11TH ST

Application: Demolition--primary building; New construction--infill
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1976167

224 LAUDERDALE RD

Application: New construction-infill
Council District: 24
Overlay: Cherokee Park Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975861

744 ROYCROFT PL

Application: New construction-infill
Council District: 17
Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1975796

1605 FORREST AVE

Application: New construction - Infill
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER

Permit ID #: 1976298

1320 Rosa Parks Boulevard was removed at the request from consent of Staff.

Commissioner Gee arrived at 2:05p.m.

Staff requested the removal of 1320 Rosa Parks Boulevard. There were no additional requests from the public to remove items from consent.

Motion:

Commissioner Nielson moved to approve all items on consent with their applicable conditions with the exception of 1320 Rosa Parks Boulevard. Commissioner Kaalberg seconded. Commissioner Gee recused himself because he arrived during the presentation. The motion passed.

V. NEW BUSINESS

1320 ROSA L PARKS BLVD

Application: New construction-infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: PAUL HOFFMAN

Permit ID #: 1975765

This application is for a mixed-use retail and residential development. The building will be four (4) stories with retail space facing Rosa L. Parks Boulevard. The Metropolitan Development and Housing Agency (MDHA) has reviewed and approved the proposed project.

Commissioners expressed concerns regarding vehicular access and orientation to Staff, so we thought it would be worthwhile to have a discussion about the project and so requested its removal from the consent agenda.

The project meets the design guidelines in terms of site, building, planning, parking areas, height, scale, massing, and façade articulation so I'll just use this presentation to time to discuss the two issues of concern.

The project includes a vehicular entrance to interior parking. This is not ideal in terms of meeting the design guideline's requirements for walkability and driveways, but is the only way to access one level of the multi-level parking. The other is accessed from the alley.

The entrance is mitigated by a storefront that wraps around to the side facing the vehicular entrance but there may be more that could be done that would not require a great expense or redesign, such as a column between lanes.

The building's primary retail space entrances are oriented toward the street; however, the residential portion will be accessed from the interior of the development. It is possible that the project can better meet the design guidelines for "orientation" with a primary entrance for the residential portion that is closer to the street.

Staff recommends approval of the proposed development at 1320 Rosa L. Parks Boulevard, with the conditions:

- That Staff approve a brick sample;
- Double windows will have a four to six inch (4-6") mullion between them; and,
- That Staff review proposed exterior lighting and location of trash containers.

With these conditions, Staff finds that the project meets Sections 3.0 and 5.0 of the *Germantown Historic Preservation Zoning District: Handbook and Design Guidelines*.

John Barnett, the applicant stated he was available for questions. There were no requests from the public to speak.

Commissioner Cantrell arrived at 2:11 p.m.

Commissioner Gee asked for clarifications about access. Chairman Tibbs and Commissioner Kaalberg stated they thought the project met the design guidelines since there isn't a guideline requiring that all uses have direct access to the street.

Commissioner Mosley arrived at 2:17 p.m.

Motion:

Commissioner Gee moved to approve the project with the conditions that Staff approve a brick sample; double windows will have a four to six inch (4-6") mullion between them; and, that Staff review proposed exterior lighting and location of trash containers. Commissioner Champion seconded and the motion passed unanimously.

1721 5TH AVENUE NORTH

Application: Violation

Council District: 18

Overlay: Salemtown Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1975522

On November 20, the Commission approved an infill duplex for this site which is under construction. The inspector noticed that the siding used has a 7" reveal rather than the 5" reveal required on the permit –both the text portion of the permit and the drawings--and as required in the design guidelines. The applicant requests to retain the existing siding. In all other cases where this has happened applicants have been required to remove siding that does not meet the permit guidelines. There are no conditions that make this project different from any similar project, therefore, if allowed, the Commission should be aware that they will be changing a long-standing design requirement.

The applicant provided several photographs to show different reveals in the district; however, these photographs are not of historic buildings or materials.

Staff recommends disapproval of the lap reveal finding that it does not meet section III.D.b of the *Salemtown Neighborhood Conservation Zoning Overlay: Handbook & Design Guidelines*.

Anita Howards, 200 Carden Avenue, stated that she knows that it was an oversight and not something that they did intentionally. The builder didn't notice because he hadn't worked in a historic overlay before. They discussed it with their builder and noticed that there are other historic buildings that have the siding and they are historic buildings so this fits in better. She explained that she is perplexed about why there is a 5" requirement and why they have to remove it. To remove it all will cost \$18,000. They have talked to neighbors who like what they are doing.

Commissioner Mosley asked who made the decision to go with the 7" reveal and she answered it was the builder. He expressed his empathy with having to remove the siding; however, it is the builder's job to follow the requirements stated in the permit. Her recourse might be with her builder, since he didn't follow the permit. He explained that the 7" reveal dates to a different period than the period of significance for all of the current overlays. Buildings that have a 7" reveal are typically associated with post-WWII homes or is due to a later change in materials.

Gail Wales, 200 Carden Avenue, stated that there are two nearby homes, constructed in 1910 with owners who have been there for a long time and they don't remember their 7" siding being changed. Vice-chairperson Nielson and Commissioner Kaalberg stated that non-historic siding is not taken into account.

There were no requests from the public to speak.

Commissioner Bell asked if there have been similar cases and what happened with those. Ms. Zeigler responded that there have been several similar cases and in all instances the applicant had to replace the siding with something that met the design guidelines.

Commissioners Kaalberg and Champion explained that the property owner's recourse is with the builder as the design guidelines and the permit were clear and they are concerned with not treating everyone the same. Commissioner Gee said that cases like this are the hardest part of their job but if they approve it they will simply have more cases like it. Commissioner Gee asked if staff could verify the examples cited by the property owner and what exists in the neighborhood. Susan Jones, legal counsel for the Commission, further clarified that the code and state law requires them to apply the design guidelines, which state that the siding should have a maximum of a 5" reveal.

Commissioners discussed the possibility of deferral. Commissioner Mosley stated that the design guideline states that the reveal should be a maximum of 5" and that the case before them is a violation; therefore, a deferral is inappropriate.

Motion:

Commissioner Champion moved to deny the applicant's request to retain the inappropriate siding. Vice-chairman Nielson seconded and the motion passed unanimously.

1507 SWEETBRIAR AVE

Application: New construction-addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1975522

The applicant proposes to construct a one and one-half story addition with two one-bay attached garages to an existing one and one-half story historic house, for use as a duplex.

The project includes the demolition of a non-historic rear deck. The project meets section III.B.2 for appropriate demolition and does not meet section III.B.1 for inappropriate demolition. Staff recommends approval of the partial-demolition.

We recommend disapproval of the addition as it does not meet the design guidelines for an appropriately scaled addition.

The project will almost triple the total square footage of the existing house. This existing home is outlined in green (image presented)

This is the proposed addition (shown). The Secretary of Interior Standard #9, on which the design guidelines are based due to state legislation--explains that new additions shall be compatible with the massing, size, and scale of the building in order to protect the historic integrity of the property and its environment. The applicant has worked to minimize the visual impact of the addition and the lot is deeper than usual; however, staff still finds the addition to be out-of-scale because it more than doubles the size of the existing historic house and therefore does not meet section II.B.1.b.

The building's length suggests a form that is more akin to a "house-behind-a-house," rather than a simple addition of an appropriate scale. This form does not exist historically; therefore, Staff finds that the project does not meet section II.B.2.a, f and e.

Background was given on how the house-behind-a-house has been dealt with in the past. The Commission approved a similar scenario but after construction determined that a house-behind-a-house with a connection in between was not a form that existed historically and expressed its intention of not approving similar forms again in the future.

When a similar project was proposed at the corner of Holly and 14th it was denied.

These two examples (*given*) are different in that they don't involve a historic building and they are corner lots. A more similar project would be an addition approved recently in Belmont-Hillsboro.

Although the project was well planned, the addition more than doubles the size of the original house and disrupts the development pattern of this portion of the neighborhood. Staff argues that if new infill construction does not meet the design guidelines, an addition that more than doubles the original size of the home also does not meet the design guidelines. In addition, it does it meet the Secretary of Interior's Standards for Rehabilitation as it has an even greater negative impact on the historic fabric of a neighborhood, since it is attached, than a full new building could.

In addition, the proposal includes two one-bay garages located between the two units. The Commission has a policy to only allow for attached garages if they are at the basement level, as this is the only time that garages were attached historically.

In conclusion, Staff recommends approval of demolition of the existing non-historic deck.

Staff recommends disapproval of the addition because the scale of it is too large compared to the historic home, causing an adverse effect to the historic building. In addition, the attached garages do not meet the Commission's policy--based on historic conditions--for the location of attached garages. The project does not meet sections II.B.2.a, b, f and e. II.B.1.i.

Ms. Zeigler stated that the Commission received public comment from the neighborhood association in support of the staff recommendation.

Doug Revere stated that he worked collaboratively with the staff and understands the points made. To provide a larger context, this part of Sweetbriar runs west of Belmont Boulevard and is surrounded by a large church, single-family homes and, just next door, two duplexes on one lot. The lot is deep, more than 300' in some spots. They are trying to provide an elegant solution to the context of this particular lot, save an elm tree, and minimize the volume behind the house while still leaving extensive amount of green space.

Lindsey Trella-Moffit, representing neighborhood association, explained how concerned the neighborhood is with these large additions that affect the character of the neighborhood. She stated that not all properties are suited for duplexes; the addition is massive in proportion to the other buildings on the street; the orientation is not side-by-side as seen historically; the attached garages are not at the basement level; and the addition is not subordinate. She asked that it be disapproved.

Brett Withers, representing the Eastwood neighborhood, expressed his concern for what approval could mean in his district, which is also primarily zoned for duplexes. He asked the Commission to hold the standards they began when denying a house-behind-a-house in Lockeland Springs-East End by denying this project.

Chris Reynolds, owner of the house to the left, stated that on behalf of his two sons, his wife and his neighbors on the 600 block, he wanted to express their opposition to the project. The current owner is an absentee landlord, the new project will not be owner occupied, and the neighborhood is concerned about subdivision of the project. He hopes the MHZC will uphold disapproval.

Doug Revere returned and apologized for any pain and suffering for the neighborhood but this particular property is unique because it is deep. How to properly execute a front-to-back orientation is more the question rather than whether or not a duplex is appropriate because the property is zoned for duplexes. When you do a duplex like this you are under Nashville's "historic property regime," so you can have two different owners.

Commissioner Mosley asked about the alley and Mr. Revere explained it is not an improved alley.

Commissioner Kaalberg stated that the quadplex next door has no relevance to the project, since it is non-contributing. The massing isn't even close and not what the design guidelines intended. You have an umbilical connection and 2-attached garage, which are just a few ways the project doesn't meet the design guidelines. The answer isn't just butting the addition up to the house and detaching the garage. He agreed that the property is zoned

for duplexes but that there are other ways to accomplish it and the Commission hasn't set a clear message on what is too big.

Vice-chairperson Nielson expressed her concern about opening the door to a series of long buildings along Sweetbriar.

Chairperson Tibbs stated that not every type of building can fit on every lot. Commissioner Gee explained that he voted to approve the 14th and Holly project, used as an example in the presentation, because there are a number of little cottages behind houses seen in some historic neighborhoods. However, those examples are all corner lots and this is an interior lot. Putting on his "planning commissioner hat," he stated that increased density is needed. What we see is councilmembers downzoning neighborhoods, which is frustrating as a planner commission, when they are trying to promote infill. To stretch the limits of what a duplex could be will encourage more political pressure to downzone our neighborhoods which will backfire on development.

Motion:

Commissioner Gee moved to approve the demolition of the rear deck and disapprove the addition. Vice-chairman Nielson seconded and the motion passed unanimously.

2819 HILLSIDE DR

Application: New construction-infill

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 1975524

Ms. Zeigler, historic zoning administrator presented the case for a new home at 2819 Hillside. Staff recommends disapproval because the building is not similar to the historic context in terms of height, scale, roof form, materials, and orientation.

The proposed home is two-stories, as seen from the street, compared to the majority of homes on Hillside which are one or one and one-half stories—like the one (*shown*) on the bottom right. The height of the building, at its tallest point is approximately 32' but the majority of homes are approximately eighteen to 18'-25' tall.

The proposed home is sixty-seven feet (67') wide compared to other homes in the vicinity that range between 48' and 55' in width. The right setback is five feet (5') and the left setback varies but is approximately ten feet (10') at its closest point. Historic homes in the district have narrower widths, thereby creating more open space between homes. Staff finds the side setbacks to be inappropriate as they disrupt the rhythm of spacing created by the historic homes.

The applicant proposes a deconstructed front-gable roof form that is not seen in the overlay. The Commission approved a deconstructed cross-gable form in a different neighborhood, but after construction, concluded that it did not meet the design guideline's requirement that roof forms for new construction be "visually compatible, by not contrasting greatly, with the roof shape, orientation, and pitch of surrounding historic buildings." The Commission expressed its interest in not approving these forms in the future and typically directs applicants to match an existing form in the district. Prevalent roof forms found in the district include cross gable, side gable, and hipped forms. The most common 2-story form found in the vicinity is a side-gable.

The two-bay garage is also oriented to the street, which is incompatible with the vehicular orientation of the neighborhood. Typically vehicular access is either from an alley or from a side driveway leading back to a garage behind the house or to a basement level garage at the rear of the house. In addition it does not meet the design guidelines for outbuildings as it is not in the historically appropriate location. It does not meet the Commission's policy that attached garages only be used when they are at the basement level, as that is the only time they were attached historically.

There are two locations on the front of the building that are large blank spaces, not meeting the rhythm of openings seen historically. One such section is on the central portion of the second level which is approximately 12' wide and the other is the garage on the first level, which is approximately 22 ½" wide. The front facades of historic homes typically have windows every eight to ten feet (8'-10'). Although the central section is close to meeting the appropriate rhythm, its central location and prominence as the tallest and most forward portion of the building keep it from matching the historic context. The project does not meet Section II.B.1.g because it does not maintain the rhythm of openings found on the historic buildings.

Typically primary material changes happen on historic buildings horizontally, rather than vertically, as seen on this proposal.

Also, historic wood is usually a smooth-finished painted wood rather than a raw surface with stain. Although a similar material has been used as an accent material, it has not previously been approved as a primary cladding. All of the materials in this portion of the district are brick. The known materials do not meet section II.B.1.d

Staff recommends disapproval based on the fact that the proposed does not meet sections II.B.1.a, b, d, e, f, g, and h.

Ms. Zeigler informed the Commission that they received a letter from the councilmember, emailed yesterday, and one from a neighbor, emailed today, in opposition to the staff recommendation. To give a little background on process, the applicant applied for a demolition and building permit prior to the overlay expansion becoming official pending legislation. After legislation becomes pending—which is after council's first reading and a reading with the Planning Commission—then it is considered "pending" and staff has authority to delay anything that wouldn't meet the pending design guidelines.

In this case, the owner requested a demolition permit *prior* to the overlay expansion being pending and a building permit *on the day* of pending legislation, which means that all departments would have had to sign-off on their reviews in a manner of hours, which arguably may be an unreasonable expectation. In this case, we did get to it immediately and signed-off on both in the metro-wide permitting database. Our sign off is not an approval but simply stating that we have no authority to review the project.

The demolition permit was issued, having been received in plenty of time to go through all necessary departments for review, but not the building permit. That was not cleared by all departments for issuance until after the pending legislation date. Metro Legal advised us that no matter when the application was first applied for or for what reason issuance was delayed, if it was after the pending date, we had no choice but to require the same process and apply the same design guidelines as everyone else is required to follow.

The applicant is here and would like to provide a presentation.

Legal counsel clarified their recommendation to staff which was to advise departments not to issue permits that would be repugnant with that legislation once a district becomes pending legislation. There was a sign-off before it became pending. After it passed we cannot, explained Ms. Jones, advise the board to go against what an ordinance required. In answer to a question from Commissioner Mosley, she concurred that they are not in a position to determine whether or not the design guidelines apply but to evaluate the project based on the current conditions, which is that the ordinance is in place. Commissioner Kaalberg asked if there is a separate way to challenge the pending legislation and Ms. Jones explained that it was common law, not the doctrines of the court, so there isn't a body that would look at that.

Franz Baudenbacher, owner of the lot, explained that he purchased the property to live there but because it was evident that the property had issues he demolished the existing building. He received his demolition permit prior to the overlay, applied for the building permit on January 23, and historic signed-off on the project. The fire hydrants needed to be tested which didn't happen until after the overlay was in place. A block captain told him that there was a three month grace period for obtaining a permit which wasn't true. He had already designed his project and he explained the green features of the house. He provided information about the context of the neighborhood and the feedback received from staff on a prior design.

He needs the front-loading garage because he needs a garage at the same level as living space and the driveway will be unsafe due to the drop in grade. He will not compromise on the location of the garage.

The building is only 9' wider than the original and only the front portion is 56'. He agreed that the materials may not be ideal and he is willing to replace the wood siding at the basement level with stone and stone for middle with accent material in the center to match the garage. The chimney could be stone above the roof or could be removed completely. He is disappointed that he cannot use back-vented metal roofs as there are homes in the neighborhood that have a metal roof. The roof form is not common but it is compatible and maximizes the living space. He stated that they could approve the windows on the front. The overlay was put into place with the assumption that he had a building permit. He wants approval or recommendations that are binding.

Councilmember Allen explained that the proposed construction is a unique situation. It is a unique part of the district as it has a different character than the rest of the neighborhood, with an eclectic mix of different styles. This area was added late in the process because there were homes on the other side of his property that wanted to be included and they thought he already had a building permit, so would not be affected by the overlay. You also have a letter from Martha Stinson who was involved in creating the extension and she too thought he already had his permit. She asked if they would consider the proposal and approve it with modifications that Mr. Baudenbacher can live with.

Preston Quirk, architect for the project, provided a recap of the elements that the applicant would be willing to change:

- Materials for foundation and cladding but not roof
- Adding a sidewalk to front door
- Adding windows to blank wall areas
- Front setback
- Utilities

He reiterated that the applicant was not willing to move the garage, change the roofline or change the roof material. You have a letter from Martha Stinson and from the Councilmember. In addition the timing on this issue was odd and he requested approval.

Commissioner Mosley asked about clarification of the grade issues.

There were no requests from the public to speak.

Commissioners discussed whether or not they could address the fairness of the process. Several Commissioners stated that they could not, all they could do was apply the design guidelines. Susan Jones, legal counsel for the Commission, agreed that they do not have the authority to address whether or not the process is fair. Commissioner Cantrell asked for more information about the law behind the pending legislation. Ms. Jones, explained that it came out of the Harding Academy case from a few years ago, where there was a piece of legislation that set up the process of pending legislation. Vice-chairman Nielson and Kaalberg said that if they decide to make compromises that don't go along with the overlay that they need to be clear as to why this project is different so that they do not set a precedent.

In discussion about the appropriateness of the roof form, Commissioner Kaalberg pointed out that they allowed for a roofline that didn't exist in the Greenwood overlay but that was because there were examples in the greater neighborhood and he didn't know of any examples of the proposed roofline. Chairman Tibbs expressed his thought that the form is compatible since it is new construction and the slope is appropriate.

Commissioner Kaalberg said he was not in favor of front-loading garages and there is the possibility of taking advantage of the slope to keep it as an attached garage. He was sympathetic to the disability arguments but there are ways to engineer that within the home. Vice-chairperson Nielson expressed her concern that that was the most difficult element of the home to justify.

The Commission took a break at 3:57p.m. and resumed at 4:02 p.m.

Commission invited the applicant back up to explain one of the site plans used in his presentation.

In general, the Commissioners provided the following guidance, in addition to the conditions the applicant already stated he was willing to meet:

- Metal roofing is appropriate because of its minimal visibility
- The building is too wide and should follow the existing historic context
- The left step-back should be deeper—at least starting at the midpoint of the house--in order to minimize the width
- Front-loading garage is inappropriate (the width question may be answered with the reorientation of the garage)
- There was some discussion that the roof form may be appropriate in this eclectic portion of the district, which includes later buildings than the primary portion of the overlay, and others stated it was inappropriate

Motion:

Commissioner Gee moved to disapprove the project. Commissioner Champion seconded and the motion passed unanimously.

1813 BLAIR BLVD

Application: Demolition--primary building and outbuilding; New construction—infill and outbuildings

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1976162

Staff member, Melissa Baldock presented the case for demolition and new construction at 1813 Blair Blvd. 1813 Blair Boulevard is an application to demolish a non-contributing primary structure and an outbuilding, and to construct a new duplex infill and two one-story outbuildings. Staff is recommending approval of the demolition, but disapproval of the new construction.

The existing house at 1813 Blair dates to circa 1950. The structure's materials, form, detailing, and construction date are not consistent with the historic character of this part of the Belmont-Hillsboro conservation overlay. The structure is therefore considered to be non-contributing, and its demolition meets the design guidelines. Also on the site is an outbuilding, constructed in 2009 with a permit from MHZC. Its demolition also meets the design guidelines.

As you can see in the photo (*shown*), the lot is steeply sloped from the front to the back of the lot. There is about a twenty foot (20') difference in grade from front of the lot to the back.

Staff finds that the submitted drawings are not sufficient for adequate review and approval of an application for new infill and outbuildings for several reasons. The drawings do not have the major measurements called out on them, and key information on the drawings are obscured by plants and other landscape features that are not reviewed by the Commission. In addition, there are some discrepancies between the drawings for certain key measurements. Lastly, the submitted drawings seem to be a poor copy of the original drawings, which make deciphering some of the measurements, building details, and notes difficult. Staff recommends disapproval of the project because the quality of the drawings is insufficient and therefore the application should be considered to be incomplete. However, the quality of the drawings is not the only reason staff is recommending disapproval of the project.

The new duplex infill and the accessory structures will meet all base zoning setbacks. According to the site plan label, the infill will be fifty feet, six inches (50'6") from the front property line, which is appropriate. The applicant is proposing a two-story prairie-style duplex. The structure will have a 5/12 roof slope with deep eave overhangs. Although the design guidelines state that roofs should typically have a slope of 6/12 staff finds the 5/12 slope to be appropriate in this instance because prairie-style, lower sloped roofs with large eave overhangs like this one are found in the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Staff finds that the ridge height matches the historic context, where heights range from twenty to forty-two feet (20' – 42'). The foundation height could not be determined by the drawings. The infill will have a width of about 40', which is appropriate since the lot is sixty feet (60') wide, and the historic houses in the immediate vicinity range

from thirty-five to sixty feet (35'-60') wide. With the approval of the foundation height, staff finds that the structure's height and scale are appropriate.

The front façade has two second-story covered balconies that are each over six feet (6') deep. The duplex's façade behind the balconies are recessed five feet (5') from the primary wall of the house. Staff finds that this type of second story, deep balcony that requires the front wall to be significantly recessed is not found on historic structures in the Belmont-Hillsboro neighborhood. The result of the large second story balconies is the appearance of a two-story covered porch, which is not appropriate. Because of the inappropriateness of the second story balconies, staff finds that the project's orientation does not meet the design guidelines.

The infill includes a large front dormer, which staff finds to be out of scale with typical front dormers. The dormer is seventeen feet (17') wide, meets the ridge of the house, and is not set back from the wall below it. Staff finds that the dormer would have to be significantly reduced in width, would have to be moved off the ridge by two feet (2'), and would have to be set back two feet (2') from the wall below in order for it to meet the design guidelines. Because of the front dormer, staff finds that the infill's roof does not meet the design guidelines.

On the side façade, the windows do not meet the typical rhythm of openings for historic structures. More window openings are required on both levels in order to reduce the expanses of wall space without a door or window opening. On the second floor, the large glass door accessing the balcony is not appropriate, particularly this close to the front façade of the house. Staff finds that the project's proportion and rhythm of openings do not meet the design guidelines.

The applicant is proposing two outbuildings, both of which will be one story in height. In total, the outbuildings are eight hundred and twenty-eight feet (828 sq. ft.). Staff finds that garages' footprints meet the design guidelines. Staff was unable to determine the eave and ridge height of the outbuildings because only the alley facades were submitted, and the drawings do not show the entirety of the outbuilding facades. Staff finds that the drawings submitted for the outbuildings are insufficient to fully assess whether or not they meet the design guidelines.

Because the site is steeply sloped, with a difference in grade of approximately ten to twelve feet (10'-12') from the front property line to the line of the house, the applicant is proposing to construct brick terraces with two sets of steps leading to the two entryways. While the terraces could be appropriate, the drawings did not include adequate information to assess their appropriateness.

On conclusion, staff recommends approval of the demolition of the primary structure and accessory structure, finding that the demolition meets Section III.B.2. of the design guidelines. Staff recommends disapproval of the new infill and outbuildings, finding that the drawings are insufficient and that the front dormer, second story porches, and window openings on the side façade do not meet the *Belmont-Hillsboro design guidelines*.

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

The Commissioners and legal counsel discussed the completeness of the application.

Motion:

Commissioner Kaalberg moved to approve demolition and disapprove the new construction based on the fact that it does not meet sections II.B.1.e. f. g and i. Vice-chair Nielson seconded and the motion passed unanimously.

1510 CEDAR LN

Application: New construction - addition and outbuilding and Setback determination

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1976291

Staff member, Sean Alexander presented the case for 1510 Cedar Lane. The applicant is proposing to remove an existing screened porch addition (built in 2007) and construct a new screened porch in its place, and to construct a new outbuilding.

The addition will tie into the right side of the house in much the same way as the existing porch, but the new porch will be 4' wider than the existing porch and would extend to within 3' of the right property line. A side addition is appropriate for several reasons: the lot is 70' wide, the house is askew, and the width is set back sufficiently from the front of the house, however, this addition would encroach on the 5' setback that bulk zoning requires. Under 17.40.410 of the Metro Code, the Historic Zoning Commission can approve construction with setbacks that deviate from the bulk zoning charts when it is appropriate, but Staff does not find any reason to do so here. In fact, widening the structure, further constricting the space between buildings (in part due to a side addition on the adjacent structure approved in 2012) would not be in keeping with the established rhythm of the street.

The walls of the structure will be wood and screen, but more info is needed on the materials for a chimney and the roof. The height of the addition and location just forward of the rear of the house is similar to the existing addition, and is appropriate.

With a condition that the porch is two feet narrower than proposed so as to not encroach on the setback, staff finds the porch addition to meet the design guidelines.

The proposed outbuilding would be a one and one-half story garage with a bonus area above. The building will have a footprint of 550 sq. ft., and will be located behind the house 4' from the left boundary of the property and 8' from the rear. This meets the side setback but encroaches on the rear. Staff finds this setback reduction to be appropriate because it is in keeping with the typical location of outbuildings historically, which were often located right on an alley.

The roof of the building will be an asymmetrical side-gable with a 12:12 pitch and a ridge at 25' from grade. The height matches the house but is significantly steeper than the 8:12 pitch on the house. Staff finds that lowering the pitch of the roof to 8:12 would be appropriate as it would be more compatible with the house and would be more subordinate as well.

The proposed materials are cement-fiber siding and asphalt shingle roof, which are appropriate, but staff will need to approve the windows and doors.

Staff recommends approval of the side porch addition and the new outbuilding with a rear setback determination with the conditions that:

- The width of the addition shall be reduced to meet the standard side-setback requirements;
- The materials of the brick and roof of the addition are to be approved by Staff;
- The pitch of the outbuilding roof shall be lowered to match the primary roof of the house; and,
- The windows and doors of the outbuilding are also to be approved by Staff.

Meeting these conditions, Staff finds that the addition meets the design guidelines for New Construction in the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Commissioner Kaalberg asked about the open air connector and Mr. Alexander explained it has been approved in the past, as long as it is narrow and remains open.

Hunter Connelly, resident at 1510 Cedar, asked for the side setback reduction because there is a privacy fence between the buildings, the additional space is needed for furniture placement; and there is no objection from his neighbor.

Blaine Bonadies, architect for the project, explained that the porch, as constructed, isn't deep enough to be functional. He passed out two drawings showing what changing the pitch would do to the elevation of the garage. It is shorter than the original house by 2' to 4' and does not exceed 25'. Bonadies said outbuildings did not necessarily match the pitch of the historic buildings and he didn't feel that the design was inappropriate. The garage distinguishes itself, yet is complementary. It looks like more like a story and a half rather than 2-story, with low eaves which helps to provide a human scale.

There were no requests from the public to speak.

Commissioner Kaalberg said that the setback reductions are appropriate for outbuildings because it fits a historic pattern. When a setback reduction is granted for the side of a house there needs to be a reason. Commissioner Mosley agreed that the furniture layout was not a reason to allow for a reduction. Commissioners Mosley and Kaalberg noted the angle of the current house on the lot, and the fact that the porch is close to the rear of the building as possible reasons for the reduction.

Commissioner Gee stated regarding the outbuilding, that the usual request is for a pitch that is too low. This is the opposite and not inappropriate for the style of the primary structure. He agreed that the pitch didn't need to match the pitch of the house. Commissioner Bell pointed out that the pitch will not be very visible because of the orientation of the roof form.

Motion:

Commissioner Cantrell moved to approve the project and the requested setback reduction, due to the unusual siting of the building on the lot and its location far back on the building, with the conditions that the materials of the brick, roof and windows and doors be approved by staff. Commissioner Champion seconded and the motion passed with Vice-chairperson Nielson in opposition.

Commissioner Champion left the meeting at 5:07 p.m.

3618 WESTBROOK AVE

Application: New construction - outbuilding; Setback determination

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1976260

Staff member, Sean Alexander presented the case for 3618 Westbrook Avenue.

The house at 3618 Westbrook Avenue is a one and one-half story bungalow, which was enlarged by a sizeable addition that included a basement-level two-car garage, reviewed in 2013.

The application presented is to construct a new outbuilding at the rear of the lot.

The building would have a footprint of 1248 sf. Other outbuildings in the area average around 737 sf in footprint area. The outbuilding will also have a 560 sf upperstory area, for a total area of 1808. The footprint of the conditioned area of the historic house, prior to the addition, was only 1160 sf.

The building will have an asymmetrical "saltbox" roof with peak height of nearly 25'. The actual height from grade is taller than the historic house, but the perceived height will appear shorter because the grade drops toward the rear of the lot.

The materials will include cement-fiber lap siding and board-and-batten, which are appropriate materials for new construction.

Even with the drop in grade, staff finds the scale of the outbuilding is not subordinate and the form is incompatible with the historic house. In combination with the addition, staff finds that the amount of new construction overwhelms the historic house and would begin to negatively impact the historic character of the neighborhood.

Staff recommends disapproval finding that the height and scale of the building does not meet section II.B.1h. of the Richland West End Neighborhood Conservation Zoning Overlay Design Guidelines.

Mitch Hodge, architect for the project, passed out handouts providing additional information, drawings showing the results of meeting some of staff's recommendations, and letters of support.

Steve Wilson, prospective buyer of the lot, stated that he has lived on Westbrook for the last seven years and currently has an outbuilding with carport but they are moving to the new house because they need additional space. The house does not fit their needs in terms of basement or attic storage so they want to create additional storage space. The massing of the design fits the massing of the house and is appropriate based on other outbuildings on the street. It will create a visual block for the railroad which is across the rear alley from the house.

Mitch Hodge, architect for the project, explained that there are several conditions on this lot that make it unique. This one is larger than others in the neighborhood and backs up to a remote alley that runs along a railroad track, which has a high berm that will make the garage look like it is sitting in a hollow. They tried a cross-gable design to bring the massing down and he interpreted Mr. Alexander's comments to bring the massing down as a single roof form so that is what he presented. He also included two other designs, one is a foot wider and one is two-stories and they were on the consent agenda today—this one falls somewhere between those two. He stated that the rear setback was appropriate due to the fact that the other side of the alley is a railroad track.

Commissioner Mosley stated there was concern about the size of the addition when it came through the Commission and he asked about the use since there was an existing garage within that addition. In response to his question, the applicant explained that the existing house only had crawl space, no basement for storage.

There were no requests from the public to speak.

Commissioners Bell and Gee stated that a reduced rear setback is appropriate since the house backs up to an alley and railroad track, not buildings; and outbuildings were typically close to the rear of the lot.

Commissioner Gee referenced the size of lot, the railroad tracks and berm and the distance from the house as arguments for approving the garage. The applicant did a good job with making the massing 1.5 stories rather than a full 2 stories and the roof form is appropriate.

Commissioner Mosley explained that the garage is essentially a 4-car garage, even if not used that way and he questioned if they wanted to see such a large structure repeated on other lots. Commissioners Cantrell, Bell and Kaalberg and Vice-chairman Nielson expressed concern about the scale, the amount of new construction, the precedent approval could set and the fact that appropriate amount of new construction may have already been "used up" with the addition.

Commissioner Nielson moved to approve the project with the conditions that massing be reduced, the roofline be redesigned and administrative review of materials. Bell seconded.

Commissioner Kaalberg expressed concern that the motion didn't provide the applicant or staff enough guidance. Commissioner Cantrell agreed that it might be problematic to try to approve the project with specifics since they will not know the results of those changes.

Vice-chairperson Nielson withdrew her motion and Commissioner Bell concurred.

In answer to a question from Commissioner Gee, Ms. Zeigler responded that they may have approved large additions and garages in the past, but that the Commission seemed willing to make a change in the amount of new construction approved for existing buildings. For this reason, staff recommended disapproval. Vice-chairperson Nielson stated that the size of garages is increasing so much that they are essentially homes behind a home. Their purpose is to be outbuildings.

Mr. Alexander explained that one of the examples on the consent agenda referenced by the applicant is a one-story building with a 690 square foot footprint, and isn't a good comparison. The other is a two-story garage, but it is subordinate to the four-square house to which it is an accessory building. Staff reviewed the current application in the context of an accessory building associated with a craftsman bungalow, and the accessory building is not subordinate to the principle house and is in fact as large as other historic homes.

Attorney Susan Jones suggested that the commission approach the issue by following the design guideline requirement that the outbuilding should be similar to surrounding outbuildings. Surrounding outbuildings are the

key to the analysis. Also the outbuildings should be situated on the lot in the appropriately historic location. Commission must review the property as a whole, which includes the addition, rather than considering whether they would approve it if submitted with the application for the rear addition. Commissioner Kaalberg stated that the average square footages provided in the staff recommendation show that the proposal is too large.

Motion:

Commissioner Kaalberg moved to approve the project with the conditions:

- **Reduce setback to 10’;**
- **Staff review all materials;**
- **Massing be reduced to be consistent with a range of 850-950 square foot footprint ; and**
- **In reducing the massing the new roof form shall be approved by staff.**

Vice-chairman Nielson seconded and the motion passed with Commissioner Gee in opposition.

Commissioner Kaalberg clarified that the 850-950 sq. ft. range, although greater than the average size of outbuildings in the immediate vicinity is appropriate because of the large lot size and because the lot backs up to a railroad track.

Ms. Zeigler reminded the Commission that they will be voting on officers at the next meeting and will have training prior to the next meeting. Meeting was adjourned.