



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) SUMMARY MEETING MINUTES

June 18, 2014

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

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

Applicants: Manuel Zeitlin, Franz Baudenbacher, Mitch Hodge and Steve Wilson, Randall Morgan, George Clements, Van Pond, Scott Wilson

Public: Amy Gill, Lindsey Moffat, Brett Withers, Sean Sabatini, Gwen Reynolds, Allen Grant, John Staubitz,, Stephanie Grant, Debra Waters, Christie Bradley, Bryan Causner, Dan Schomo, Matt Saur, Robert Terry, Patrick Terry, Bobby Francescon, Josh Rosenblatt, John Sommers, James Trayit, Katherine Hayden, Jim Hardaway, Louise Hardaway, Claire Bratton, Liza Everbush, Pat Williams, Michael Disconte, Audrey DuMcever, Jeannie Brush, Lane Hackerman, Ann Burgeson, Cheryl Pickney, Mark McEveret, Caroline Trost, Bernard Pickney, Miriam Shimmin, Peter Brush, Jerrilyn Hilton, Kathy Chiavola.

Councilmembers: Burkley Allen and Jason Holleman

Note: The training originally scheduled for this date was postponed to the July meeting.

Chairman Tibbs called the meeting to order at 2:07 p.m. and read aloud the process for appealing the decisions of the Metro Historic Zoning Commission and the time limits on presentations.

I. ELECT CHAIR & VICE-CHAIR

Chair requested that this item be moved to the end of the meeting and all members agreed.

II. RECOGNITION OF COUNCILMEMBERS

Councilmembers Jason Holleman and Burkley Allen present.

III. APPROVAL OF MINUTES

a. May 21, 2014

Commissioner Bell moved to approve the minutes and Vice-chair Nielson seconded. Commissioner Gee requested to amend the motion to include a correction to the motion for 1320 Rosa Parks Boulevard. The amended motion passed unanimously.

IV. DESIGNATION RECOMMENDATIONS & ADOPTION OF DESIGN GUIDELINES

b. DESIGNATION OF EXPANSION OF HILLSBORO-WEST END NEIGHBORHOOD CONSERVATION ZONING OVERLAY

Application: Designation

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

The expansion area is included in the National Register of Historic Places district listed by the National Park Service in 1993. Based on the historic resource survey completed in 2013, the expansion area retains a high concentration of historic integrity.

Staff suggests the Commission recommend to City Council that the Hillsboro-West End Neighborhood Conservation Zoning Overlay be expanded. The district meets standard 5 of section 17.36.10.B of the zoning ordinance because it is listed in the National Register of Historic Places.

Staff recommends adoption of the current design guidelines to guide future change in the expansion area.

If agreed, please provide two separate motions—one for the recommendation to Council and one for adoption of the design guidelines.

Councilmember Burkley Allen requested an opportunity to speak on two other issues. Chairman Tibbs suggested that she provide comments on the expansion and then provide her additional comments after review of the expansion. She expressed support of the expansion and explained that it was initially included in the most recent expansion of the neighborhood but due to a clerical error it was not included. All the property owners are in full support and they had an additional public meeting just to be sure that they had all the information.

There were no requests for public comments.

Commissioner Mosley clarified that their role isn't to determine if people want the overly or not, although they will certainly take that into consideration, but whether or not it is applicable based on the five requirements of the ordinance.

Motion:

Commissioner Kaalberg moved to adopt the design guidelines for the new properties. Vice-chairperson Nielson seconded and the motion passed unanimously.

Commissioner Kaalberg moved to approve the expansion due to the fact that the area to be added is part of the National Register of Historic Places, meeting section 17.36.120.B. Commissioner Mosley seconded and the motion passed unanimously.

Councilmember Allen returned to provide comments on other projects. She explained that the neighborhood association is opposed to a duplex at 1507 Sweetbriar because the orientation does not meet layout of historic duplexes. The Planning Department discourages flag lots, which is essentially what is being created with a unit behind a unit, and so not good planning. The owners have the option of realizing the second unit as a Detached Accessory Dwelling Unit. She appreciates the work the architect has done but the orientation is still inappropriate. She would also add those statements to the duplex policy that will be discussed later.

2819 Hillside has been seen at meetings prior and she applauds the owner for going back to the drawing board. She reminded the Commission that his situation was somewhat unusual due to the fact that he attempted to apply for a building permit prior to pending legislation.

c. DESIGNATION OF EXPANSION OF LOCKELAND SPRINGS-EAST END NEIGHBORHOOD CONSERVATION ZONING OVERLAY

Application: Designation

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Ms. Zeigler, historic zoning administrator presented the request to extend the Lockeland Springs-East End NCZO. The area proposed to be included, with the exception of Boscobel Street, includes buildings constructed at the turn-of-the-century and helps to tell the story of the Lockeland Springs-East End neighborhood. The majority of the homes were constructed between the 1890s and the 1930s, as were many of the historic homes in the current

boundaries. The extension of the overlay continues the architectural diversity of the rest of the neighborhood with primarily bungalow, and Queen Anne styles. The inclusion of these areas helps to match the neighborhood boundaries with the overlay boundaries. The properties now proposed to be added were not included at time of the initial designation of the neighborhood due to lack of support.

The properties meet standard 3 of section 17.26.120.A. of the design guidelines as embodying the distinctive characteristics of their individual types and the overall period of the neighborhood and meet standard 5 as eligible for listing in the National Register of Historic Places. Not including Boscobel Street, approximately sixty-one percent (61%) of the principle buildings are considered contributing, meaning they contribute to the historic character of the district. Even including the largely non-contributing blocks of Boscobel, more than half of the buildings are contributing.

Ms. Zeigler noted the Commission received letters of support via email and hard copy. None of them were in opposition.

Finding that the majority of the buildings meet the standards of the ordinance, Staff suggests the Commission recommend to City Council that the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay be expanded.

Staff recommends that the Commission adopt the current design guidelines, with the additional italicized guidance for the 1400-1600 blocks of Boscobel, to also apply to the expanded area.

The 1400-1600 blocks of Boscobel Street have characteristics that are unique to the Lockeland Springs-East End Neighborhood Conservation overlay district: it has very few historic structures (only 8 that have frontage on Boscobel) most of which lie near South 17th Street; it lies in a depression where the grade drops more than 20 feet across the length of some of the parcels; one of the block faces lacks an improved alley for vehicular access; there has been significant new construction on these blocks since 2010, most of which is in a contemporary style and two-stories in height with a flat roof form. Despite the lack of historic context, these blocks are important to include in the overlay as new construction here affects the rest of the district, due to its geographic location within the interior of the neighborhood.

Because of the scarcity of historic structures and the other noted unique characteristics of these blocks, the design guidelines for new construction will include italicized information to allow infill on the 1400-1600 blocks to meet these additional criteria that may not be appropriate in other areas where the historic context is more complete:

- The height of new buildings may be up to 2 stories.
- The width of new buildings may be up to 40 feet.
- The roofs of new buildings may be flat or have minimal slopes.
- Attached garages may be appropriate where there is not an improved alley or where there is a significant grade change of more than 15 feet across the parcel.
- Front loaded garages may be appropriate if there is no improved alley access to the parcel, but they should have a recessed entry.

Staff recommends that the Commission adopt the current design guidelines to apply to the extended area with this additional italicized information added for the 1400-1600 blocks of Boscobel.

Robin Zeigler mentioned the councilmember for this district was not present, but he did send his comments to the council in support of the expansion.

The Commission discussed the additional design guidelines, how they were determined and how they would be applied. Ms. Zeigler explained that guidelines came from a survey of what is in place now and that the Councilmember has agreed to the new design guidelines.

Amy Gill, 1500 Block of Boscobel, spoke representing the neighborhood and spoke in favor of the expansion. She is a resident and a builder. She expressed her desire to see the overlay expanded to unite the East-End neighborhood to the Lockeland Springs neighborhood. She explained that the neighborhood was concerned about inappropriate new construction and they would like to have the design guidelines in place. Forty-two percent of the owners are in

favor, based on a door-to-door survey she conducted. Others were in favor but not quite ready to sign a petition. She didn't find anyone opposed and only one who was neutral.

Brett Withers, 1113 Granada, spoke in support. He explained that this area was not included in the most recent expansion because it took a little more time to talk to the neighbors. Also, he wanted to reconfirm the councilmember's support of the italicized guidelines.

In answer to Commissioner Bell's question, Ms. Zeigler stated that the piece under consideration to be included in the overlay has more than 50% of contributing properties. In response to a follow-up question from Commissioner Bell regarding the amount of infill in the Boscobel area, Ms. Zeigler stated that much infill has already been done in the 1400-1600 blocks of Boscobel.

Commissioner Mosley asked for clarification on how the guidelines will allow the commissioners to distinguish between site evaluations with front loading garages for steep grade versus alley access for the 1400-1600 Boscobel block. Ms. Zeigler responds that clarification can be added to the guidelines to provide two scenarios that define that a front loading garage may be approved when there is no alley or when the grade allows for no other option.

Vice-Commissioner Bell asks for clarification to be added to the guidelines on what constitutes significant grade change.

Conversation between Ms. Zeigler and Commissioner Gee regarding good examples for future infill projects in this area. Ms. Zeigler recommended that new construction allow for the front door to be more prominent than the front loading garage. Also, that garage opening should be as visually unobtrusive as possible. An example in the Hillsboro-West End area was given as a potential recommendation standard.

Commissioner Gee inquired as to how the Commission should proceed under the proposed italicized guidelines in approving the height of proposed infill. Ms. Zeigler stated that height is regulated by context, not a specific measurement but limited to maximum of 2 stories.

Motion:

Commissioner Mosley moved to approve the existing guidelines that they apply to the expansion with the italicized information with the notation that front-loading garages are only added in the absence of significant context and lot issues and further requests that the italicized text give some clarity that the garage door shouldn't be the most prominent feature of the street-facing façade. Vice-Chair Nielson seconded, and the motion passed unanimously.

Commissioner Gee asked for clarification of the effective date of the zoning change relative to the council action. Ms. Zeigler and legal representative explained that this Commission recommends to Council whether the zoning meets the standards of the ordinance. It becomes pending legislation after the public hearing with the planning department and the first reading with Council. At this point, departments are advised not to issue permits that are repugnant to the pending legislation.

Commissioner Gee inspired conversation regarding the option to add an effective date within the recommendation to council. Legal counsel responds that an effective date can be written into legislation. Commissioner Gee opened conversation to adding an effective date to this particular overlay.

Vice-Chair Nielson and Commissioner Kaalberg express concern at adopting that type of recommendation. Commissioner Kaalberg comments that role lies in the hands of the district's Councilmember.

Commissioner Gee asks to revisit the legality of including the effective date within the recommendation. Legal counsel responds that the language is broad, but an effective date could be added as a condition of a motion to approve with conditions.

Commissioner Gee motions to recommend to Council the expansion of the Lockland Springs-East End Neighborhood Conservation Zoning Overlay with the condition that the overly become active 30 days after third reading at Council. Commissioner Champion seconded and the motion failed five to two.

Legal counsel asks for clarification on the motion. Commissioner Gee clarifies by stating that his goal is to eliminate pending legislation action for the codes department so that permits could be issued up to the effective date. Legal responds that a specific date must be stated.

Commissioner Kaalberg states that pending legislation is already in effect, and it should be the councilmember's decision to delay the effective date, not the Commission.

Legal counsel provides clarification that an effective date would have to be included within the text of the ordinance in order for it to be effective.

Commissioner Kaalberg asks if the clause to recommend and effective date is included with the motion, will it have impacted the effective date of pending legislation at all. Legal counsel states that it would not. The councilmember would have to make an amendment to the original ordinance.

Chair Tibbs recommends the group adhere to the objectives of the Commission in evaluating the overlay.

Motion:

Commissioner Kaalberg moves to recommend to Council to approve the expansion of the overlay based on Article 3 Section 1736.120.A3. Commissioner Fletcher seconded, and motion passed unanimously.

d. DESIGNATION OF EXPANSION OF BROADWAY HISTORIC PRESERVATION ZONING OVERLAY

Application: Designation

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

The area proposed to be included in the Broadway Overlay is completely surrounded, on all four sides, with the existing historic preservation zoning overlay. Extending the overlay to this portion is key to protecting the district as a whole. The area includes historic and non-historic buildings and parking areas.

The properties meet standard 3 of section 17.26.120.A. of the design guidelines as embodying the distinctive characteristics of their individual types and the overall period of the neighborhood. The expansion completes the National Register nomination which includes the entire southern side of the 200 block of Second Avenue; thereby meeting standard 5 as eligible for listing in the National Register of Historic Places.

Finding proposed extension meets the standards of the ordinance, Staff suggests the Commission recommend to City Council that the Broadway Historic Preservation Zoning Overlay be expanded. Staff recommends that the Commission adopt the current design guidelines to also apply to the expanded area.

Commissioner Fletcher inquired as to why this particular section was not included with the original overlay. Ms. Zeigler responded that the properties were initially excluded from the overlay because of an SP project. This SP required that the project conform to the overlay guidelines for historic properties within that block. The current owners want to rezone and in order for them to rezone they must get remove the SP. And in order to remove the SP, they have to apply for the overlay.

Commissioner Fletcher would like to confirm that the current owners are in favor of the overlay. Ms. Zeigler confirmed.

There were no public comments.

Motion:

Commissioner Mosley moved to approve current design guidelines for the overlay expansion. Commissioner Kaalberg seconded. Motion passed unanimously.

Commissioner Fletcher moved to approve of expansion of the district based on Article 3.17.36.120.A.5. Vice-Chair Nielson seconded. Motion passed unanimously.

**e. DESIGNATION OF EXPANSION OF PARK & ELKINS (SYLVAN PARK)
NEIGHBORHOOD CONSERVATION ZONING OVERLAY**

Application: Designation

Council District: 24

Overlay: Park & Elkins (Sylvan Park) Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

This proposal is for the expansion of the existing overlay named Park & Elkins, and renaming of the overlay and design guidelines to Sylvan Park. The inclusion of these areas helps to match the neighborhood boundaries with the overlay boundaries.

The area comprises of buildings constructed at the turn-of-the-century and helps to tell the story of the Sylvan Park neighborhood. The majority of the homes were constructed between the 1890s and the 1940s, as were many of the historic homes in the current boundaries.

The extension of the overlay continues the architectural diversity of the rest of the neighborhood with primarily bungalow, Queen Anne, and Tudor revival styles.

The properties meet standard 3 of section 17.26.120.A. of the design guidelines as embodying the distinctive characteristics of their individual types and the overall period of the neighborhood.

For the record, you received letters of support and opposition that were sent to you via email and provided in hard copy here today. About 58% are in support and 42% in opposition.

Finding that district meets the standards of the ordinance, Staff suggests the Commission recommend to City Council that the Park & Elkins Neighborhood Conservation Zoning Overlay be expanded and renamed to Sylvan Park Neighborhood Conservation Zoning Overlay.

In order to address the concerns of opposition, we propose revising the current design guidelines that exist for Park & Elkins to state that anything constructed after 1945 will be considered non-contributing. This is not nationally accepted best practices, as it does not allow the design guidelines to age with the community; however, it is a compromise that the Councilmember has offered to the neighborhood.

The research portion of the architectural resource survey is approximately 90% complete, and following that data the 1945 construction date would yield 62% of the buildings to be contributing.

Staff recommends that the Commission adopt the current design guidelines for Park & Elkins with the addition of the sentence: "principle buildings constructed after 1945 are considered non-contributing" to also apply to the expanded area and rename the design guidelines to Sylvan Park Neighborhood Conservation Zoning Overlay Design Guidelines.

Councilmember Jason Holleman explained that 9 years ago the neighborhood attempted to adopt neighborhood conservation zoning overlay for the entire neighborhood, but it was not successful. The subject of this potential overlay is something he faces more than anything else, particularly regarding the amount of demolition and protection of Sylvan Park. He admits this is a tough issue because it was contentious last time. In 2011, he brought just Park and Elkins Avenues forward for a zoning overlay as that seemed to be a logical first step. This area has some of the larger and older neighborhood homes. There was no opposition at public hearings for that designation. There was continued public interest in expanding the covered area. Councilmember feels it is important to acknowledge that this proposed area is about half what was seen in 2005. The current proposal is the heart of the

old part that includes many neighborhood landmark buildings. There is opposition. In trying to address those concerns, he realizes that some concerns are philosophical and some are based on not keeping the smaller housing stock. Councilmember has met with opponents, and determined that what works for some in opposition will not work for others. He also acknowledges that the definition of the 1945 contributing date may cause future issues. There are some postwar homes that are arguably contributing, but they don't work for modern families. He hates to see some of those go, but this seems to be a place where the "get" of preserving the older homes is worth the "give" of losing those 1945 homes. There has been so much demolition it wouldn't make sense to include some of those earlier streets.

Vice –Chair Nielson inquired if the concept had been fully explained in the public meetings. Mr. Holleman responded that Robin Zeigler has appeared at 2 neighborhood wide meetings, one on the evening of Monday June 16 and that information is presented on Next-door.

Commissioner Mosley asked where opposition was coming from: neighborhood residents or builders. Councilmember responded that it was coming from both developers and property owners. Some owner opposition results from the belief of owners of large new homes who feel that the overlay says they are not welcome. Other opposition stems from the belief that the overlay detracts from their ability to sell their property, and it depresses property values. However, the highest appreciating property districts have concentrations of historic zoning overlays. Councilmember states that he cannot say overlays add to property value, but there is no evidence that overlays detract.

Commissioner Bell asked if there was more opposition this time than last time. Councilmember Holleman's sense is that the majority is in support. The community discussion has been about procedure rather than the substance of the design guidelines. He also recognizes that if the overly doesn't work it can be undone, but the demolition of 100 year old homes cannot be. Mr. Holleman states that since the last attempt at Sylvan Park designation in 2005, about 10% of the building stock in the neighborhood has been demolished.

Speaking against the overlay were: Allen Grant, 4508 Wyoming, John Staubit, 38th Avenue, Stephanie Grant, 4508 Wyoming, Debra Waters, 4206 Murphy Road, Christie Bradley, 4707 Idaho, Bryan Causner, 138 51st Avenue North, Dan Schomo, 4804 Idaho, Matt Saur, 4301 Nebraska, Robert Terry, 6525 Johnson Hollow Road, Patrick Terry, owns 4509 and 4407 Idaho, Bobby Francescon, Josh Rosenblatt, 4809 Nebraska.

Speaking in favor of the overlay were: John Sommers, 5000 Wyoming, James Trayit, 5002 Wyoming, Katherine Hayden, 5000 Wyoming, Jim Hardaway, 4408 Wyoming, Louise Hardaway, 4408 Wyoming, Claire Bratton, 4802 Nevada, Liza Everbush, 4707 Utah, Pat Williams, 4301 Elkins in the Park and Elkins overlay, Michael Disconte, 4700 Dakota, Audrey DuMcever, 4200 Dakota, Jeannie Brush, 4907 Wyoming, Lane Hackerman, 4701 Utah, Ann Burgeson, 4504 Utah, Cheryl Pickney, 4604 Dakota and owns two other homes in the neighborhood, Mark McEveret, 4200 Dakota, Caroline Trost, 4310 Dakota, Bernard Pickney, 4604 Dakota, Miriam Shimmin, 4406 Idaho, Peter Brush, 4907 Wyoming, Jerrilyn Hilton, 4203 Nevada, Kathy Chiavola, 4107 Colorado.

Chairman Tibbs asked Ms. Zeigler to clarify the restrictiveness of the conservation overlay. Ms. Zeigler replied there are three types of overlays, and this is a neighborhood conservation overlay which is the least restrictive of the three.

Commissioner Fletcher asked Ms. Zeigler to clarify the number of contributing structures. She stated that approximately 62% of structures were considered contributing.

Vice-Chair Nielson stated that an individual could call the office to determine if a specific property were considered to be contributing. She asked when the last time the architectural survey was last conducted. Ms. Zeigler responded that the staff is currently completing a survey, but a windshield survey was also conducted in 2009. The current survey is more detailed than the 2009 survey, and the information in those surveys is available with a call to the staff office.

Commissioner Kaalberg asked Ms. Zeigler how the 62% of contributing homes in this overlay compare to the percentage of contributing structures in other districts. Ms. Zeigler stated that it was very similar as other districts

range from 51-80% contributing structures. She also noted that the ordinance does not require a minimum percentage of contributing structures.

Commissioner Kaalberg repeated that their role is to make a recommendation to the Council, and there will be a time and process for correcting misinformation. He stated that this process is more the beginning than the end.

Motion: Commissioner Mosley moved to approve the guidelines for Park and Elkins to apply to the extended area and further that those guidelines be renamed the Sylvan Park Neighborhood Conservation Zoning Overlay Guidelines, and at the request of the Councilman the 1945 date be included in those guidelines. Vice-Chair Nielson seconded. Motion passed unanimously.

Motion: Commissioner Fletcher moved to approve the expansion of the district and recommendation to Council based on Article 317.17.120.A.3. Commissioner Mosley seconded. Motion passed unanimously.

Commission recessed at 4:06 PM and returned at 4:12 PM.

IV. CONSENT

f. 2203 25TH AVE S

Application: New construction--infill; Setback determination
Council District: 18
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1980757

g. 1412 SHARPE AVE

Application: New construction - infill and outbuilding
Council District: 06
Overlay: Eastwood Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1980816

h. 1308 6TH AVE N

Application: New construction - addition
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1980820

i. 412 BROADWAY

Application: New construction - addition
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1981266

j. 318 BROADWAY

Application: Signage
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1980810

k. 1608 HOLLY ST

Application: New construction-addition

Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1980813

l. 101 BROADWAY

Application: Signage
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1965091

m. 1813 BLAIR BLVD

Application: New construction –infill and outbuildings; Setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1976162

n. 1507 SWEETBRIAR AVE

Application: New construction –addition and outbuilding; Setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1975522

Motion:

Commissioner Nielson moved to approve all consent items with their respective conditions with the exception of 1308 6th Avenue North and 1507 Sweetbriar Avenue which were moved to new business. Commissioner Mosley seconded and the motion passed unanimously.

V. NEW BUSINESS

n. 1507 SWEETBRIAR AVE

Application: New construction –addition and outbuilding; Setback determination
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1975522

Staff member Melissa Baldock noted that the case for 3720 Central has been removed from the agenda. She also noted that the Commission received public comment via email and a recommendation from Councilmember Allen at the beginning of the meeting.

Ms. Baldock presented 1507 Sweetbriar Avenue, an application for an addition, outbuilding, and setback determination. 1507 Sweetbriar Avenue is a historic single-family bungalow. The applicant is proposing to construct an addition to the structure that will create a duplex on the site. The site is zoned R8, which allows for duplexes. The applicant is also proposing a detached garage. The Commission reviewed an application for an addition to this house last month. The Commission voted to disapprove the earlier application and design. The applicant has substantially redesigned the project, and staff is recommending approval of this application before you today.

The addition's footprint will be about fifty square feet less than the footprint of the historic house, and staff finds this to be appropriate. The addition ties into the back wall of the house with a sunroom that is inset approximately four feet (4') on the right side and twelve feet (12') on the left side. The application includes a new outbuilding that has a footprint of 800 square feet. Staff finds the outbuilding's footprint to be appropriate since the site is unusually

large at nearly fifteen thousand square feet (15,000 sq. ft.). The outbuilding requires a reduction to the rear setback. Base zoning requires that outbuildings that are larger than seven hundred square feet (700 sq. ft.) be situated a minimum of twenty feet (20') from the rear property line. The applicant is proposing to situate the outbuilding a minimum of five feet (5') from the rear property line. Staff finds the rear setback to be appropriate in this instance because historically outbuildings were located close to the rear of the property. The garage will be accessed via an existing curb cut on Sweetbriar and a driveway that is to be extended.

Even though the addition is to be used as a separate duplex unit, it is designed so that it reads as an addition to the historic house. The historic house will retain its orientation with a primary entrance facing Sweetbriar Avenue. No changes are proposed to this front façade. The entrance to the second duplex unit will be located at the rear of the addition, not visible from street. The proposed addition will be no taller than the historic house when grade is taken into consideration. The known materials all meet the design guidelines, and the addition's roof form is compatible with the historic house and with the historic neighborhood. The addition's proportion and rhythm of openings also meet the design guidelines.

The project includes a detached garage that is 25' X 32'. The outbuilding will have an eave height of approximately ten feet (10') and a ridge height of approximately twenty-four feet (24'), both of which are subordinate to the historic structure.

In conclusion, Staff recommends approval of the project with the condition that staff review and approve the shingle color and the materials for the trim, porch, and porch railings prior to purchase and installation of these materials. With this condition, staff finds that the project meets Section II.B. of the *Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.

Commissioner Fletcher asked if there are any other duplexes that have a side entrance, and Ms. Baldock showed a project that was approved at 1820 Wildwood.

Commissioner Bell asked where the primary entrance is for the proposed rear duplex, and Ms. Baldock explained that it was towards the rear. Staff feels the rear entrance is appropriate to reduce the impact of the addition on the historic house.

Ms. Baldock explained that the duplexes next door are non-contributing, in answer to Commissioner Fletcher's question. The house to the left is contributing.

Manuel Zeitlin, architect of the project, explained that he worked with Staff and significantly changed the size of the addition. The rear entrance is similar to a rear door on a single-family house.

Lindsey Moffatt, representing the Belmont-Hillsboro neighborhood, said that they love the fact that there neighborhood is adjacent to the urban core. They support urban density, detached accessory dwelling units, duplexes and alternatives for affordable housing but all with an eye towards protecting their historic neighborhood character. She disagrees with Staff on the interpretation of guidelines, as orienting a duplex one behind the other is a non-historic orientation. Ms. Moffatt references the Staff recommendation for 1813 Blair Boulevard in regards to proper orientation of duplexes, which appears on this consent agenda. She also recognizes that this area is blanket zoned R8 for duplexes; however, this zoning does not necessarily allow for a duplex due to the conservation overlay. Just because the blanket zoning allows for one guideline, the conservation overlay provides further stipulations. Under the new duplex ordinance, duplexes can be detached, but planning and codes will defer to you to determine the location of two houses on one lot. If this orientation is allowed for this lot, every house will be subject to another house located behind it which would change the historic character of the neighborhood.

Sean Sabatini, 1504 Sweetbriar, lives across the street. He is not here to vilify contemporary duplexes. The purpose is to make sure they are in the correct places and in the correct context. The scale of the addition frightened him just from perspective. As the lot is very narrow and very long, he speculated that alley was removed and the lot split. He posed that a jumbo could land on the driveway and stated his concern regarding car lights and water run-off. Mr. Sabatini questioned whether this proposal fits the context of the property and declared that this particular duplex does not make sense for this property. He does state that this orientation may be an option for a different property, but not in this particular case as it looks like it doesn't fit in the context.

Gwen Reynolds, 1505 Sweetbriar, spoke in opposition to the project as it doesn't fit with the character of their neighborhood. The Commission also should have received letters from other neighbors voicing their concern on the ability of this project to fit into the neighborhood (1511, 1514, and one from 1400 block Sweetbriar). This zone is single-family homes with the exception of the duplex next door and one other, but everyone else is families with kids. She would like to keep this a single family neighborhood. This isn't in keeping with the neighborhood. She asked that they deny the project.

Brett Withers, 1113 Granada Avenue, commented the precedent issue of a house behind a house is a concern to his neighborhood. He encouraged the Commission to consider the neighborhood opposition that arose with a house behind a house at 1419 Holly, which they denied at that time. He conceded that the project is greatly improved over last month, but the plan is essentially an umbilical cord duplex turned sideways, which is not what the neighborhoods want. It is a bad precedent to set for the duplex zoned properties. You have the ability to add a second unit with a detached accessory dwelling unit. That would be a much more appropriate way to allow for a second residence on the property.

Commissioner Fletcher asked Ms. Moffat for a section in the design guidelines that would prohibit the project. She responded that one is the character of the neighborhood and also orientation. The historic duplexes have side-by-side entrances. The entrance to the second unit doesn't face the street.

Mr. Zeitlin asked where in the design guidelines it talked about the orientation of duplexes. He responded to the previous comments in stating that there is a misunderstanding of use based code and form based code. Residents are have an issue with a use base which is about zone code not about historic zoning which are purely form based code. He provided several examples of adaptive reuse of buildings. There is nothing in the Secretary of Interior's Standards that addresses use, just form. In response to the plan not being reflective of the character of the neighborhood, the design guidelines are very specific about how to relate to the neighborhood and they were very careful about meeting those requirements. This character is still of character of form, not character of use. He argued that the side-by-side entrance of duplexes would not be contextually accurate for this neighborhood, as houses with two front doors are not seen in the neighborhood.

Commissioner Fletcher asked for clarification on the driveway and how the second tenant would enter the duplex. Mr. Zeitlin responded that the original design had two separate garages closer to the house to eliminate the driveway, but this was not supported. The driveway is approximately ten feet (10') wide, and he will come back to 700 square feet on the garage. Applicant mentioned they have added four trees on the west side and would plant screening trees on the east side as well. He comments that there is not much more that can be done to the plan to fit the guidelines.

Commissioner Kaalberg stated it is a tough case as a house behind a house is not something that the design guidelines contemplated. As Mr. Withers said, there are some precedent issues that this type of project is something that the Commission really hasn't approved, and there are some similarities to the umbilical duplex issue on a corner lot but straightened. This application is very close to meeting the guidelines, but the guidelines aren't set up to address this issue. There is some guidance in the guidelines that are relevant, specifically section 2.d that talks about contemporary designs for additions. The Commissioner thinks this project could be read as a house-behind-a-house from the side elevations, and that design would need to have compatible massing, scale and character. The character is what we need to focus on because a house behind a house would not be found in the historic neighborhood. Also, Section 2 states that additions should follow guidelines for new construction, and sub-section F on orientation has some language about one front street related porch that is accessible from the front street. It talks about new buildings, and this raises the question to the Commissioner whether the addition is considered a new building or if that's not meant to apply here. Commissioner Kaalberg is trying to consider try to consider all options in how to apply the guidelines to again something he doesn't think the guidelines had in mind to address when they were originally drafted.

Commissioner Gee explained that the reason the guidelines don't address a house behind a house is because it is a use issue that the guidelines don't address. If there was no floor plan, this would be seen as an addition. He read the guidelines for additions. "An addition should be situated at the rear of the building and should be situated in such a way that it does not disturb the front or side facades. To distinguish between an historic structure and an addition, it

is desirable to set the addition in from the building side wall or for the addition to have a different cladding.” He states that the Commission has accepted the inset so there is a precedent for this being acceptable. He cannot imagine another way or a more appropriate way to do a duplex on the lot because certainly adding a front door to the front of the historic home would not be appropriate. He postulates that the house-behind-a-house issue is even something this commission should be debating.

Commissioner’s Gee and Kaalberg debated whether or not the project met the design guidelines and the type of precedent that approval would set. Commissioner Gee mentions this project preserves the majority of the historic home, while Commissioner Kaalberg suggests it still looks like a house behind a house if the connector did not exist. If something like this encourages down zoning, this is the last thing the city wants.

Commissioner Champion stated that the house still addresses the street and the addition doesn’t detract from the historic neighborhood and the urbanism of the area.

Vice-chair Nielson and Commissioner Bell agreed it is well designed; however, allowing for this will change the character of the neighborhood, as this could set a precedent.

Commissioner Mosley sympathized how the pattern of use affects in-town neighborhoods. If use were not a part of the discussion, the addition meets the design guidelines. They have already asked the applicant to go back to the drawing board and they accomplished all the elements to meet the design guidelines that were requested. This house faces the street, the fact there is another door to allow for a second unit is a zoning issue. Maybe if the argument to is to save single family in town neighborhoods, this is the wrong tool to address the use issue. We are put in the wrong position to be the saving grace to make the use decision.

Commissioner Champion stated that they would not be having this conversation if it was simply an addition, and use is not their issue to address. Use is not under the Commission’s guise to deliberate. Commissioner Fletcher mostly agreed, but if a new building is required to have at least one street facing porch, the project is really a “new building.” That’s where he thinks the opponents could have some support. A new home doesn’t have a rear primary entrance.

Commissioner Gee maintained that the project is an addition that preserves the original orientation and that there is no way to add a second entrance on the front of the house that meets the design guidelines. Commissioner Kaalberg asked if it was possible that existing homes without two front doors simply don’t meet the design guidelines to be a duplex but there is still an opportunity to take advantage of the two-family use with a detached accessory dwelling unit.

Commissioner Kaalberg expressed his concern that the connector is the same as an umbilical cord connector, or the perception of two different homes, on which the Commission has been clear does not meet the design guidelines. Commissioner Gee argued that the connector was an ideal way to address additions because it lessened the impact of new construction on the existing house. The two commissioners discussed options for the design of the connector to better fit the design guidelines.

Chairman Tibbs stated that he believes not every lot is the right place for a duplex; however, this project meets the design guidelines.

Commissioner Champion moved to approve with staff’s recommendation. Commission Gee seconded. Commissioner Gee, Mosley and Champion voted in favor with Commissioners Kaalberg, Bell, Fletcher and Nielson voting in opposition. The motion failed without the required four concurring votes.

Commissioner Kaalberg moved to disapprove the project based the fact that the design is incompatible with the historic building and contrasts greatly with the character of the neighborhood, thereby not meeting section 2b2.d and f the design and because the additions does not meet the orientation requirements of 2.b.f . Commissioner Fletcher seconded. Commissioner’s Bell, Fletcher and Kaalberg voted in favor and Commissioners Mosley, Gee, Champion and Vice-chair Nielson voting in opposition. The motion failed without four concurring votes.

The Commission invited the applicant back to speak to the Commission prior to voting on the second motion. He recommended alternative designs for the connection. Commissioner Fletcher stated that the design guidelines for a new building should be applied rather than an addition.

Commissioner Gee stated that identical footprints and massings have been approved in the past and that the duplex issue, which is one they cannot address, is the reason driving them towards this motion.

Motion:

Commissioner Gee moved to approve with the condition that roof over the connector is a gable roof to give the appearance of a single structure. Commissioner Champion seconded. The motion passed with Commissioners Fletcher and Bell in opposition.

Commissioner Champion left at 5:14 pm.

h.1308 6TH AVE N

Application: New construction - addition

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1980820

Sean Alexander presented an application to construct an addition to an historic house at 1308 6th Avenue North.

The house is a one story, brick, Transitional Victorian house, with a hipped roof and a gabled front porch. The proposed addition would be two stories tall, at the rear of the house, and would not impact the front and sides. In reviewing the application, staff found that the location at the rear, the width and massing of the first story, as well as the materials and the proportion and rhythm of windows all meet the Germantown design guidelines.

Staff also found that the second story component, although set back behind the original structure, in its current configuration would not be compatible. It can be appropriate for an addition to be taller than an historic house, but in general the taller, visible portion should be roof, not vertical walls. Were the original roof a side-oriented gable, an addition like what is proposed might not be visible at all, however, behind the hipped roof of the original house the addition would be highly visible.

Staff recommends approval of the proposed addition with the conditions that:

1. That the height and massing of the upperstory be significantly reduced or eliminated;
2. Staff shall approve the windows and doors as well as roof color and masonry samples;
3. Repairs or alterations to the existing structure, including roofs and windows, shall be reviewed by Staff; and,
4. Changes to the site appurtenances and utilities are reviewed by Staff.

Meeting those conditions, staff finds that the proposal will meet the design guidelines for the Germantown Historic Preservation Zoning Overlay.

Staff and the Director have discussed solutions with the architect and what would be appropriate if there is disapproval.

Mr. Scott Wilson, architect for the project, handed out plans to further explain the project, and explained the history of the project. He explained that the idea behind the design was to retain the original interior features rather than gut the building to add additional bedrooms and bathrooms to make it more compatible with modern use. Therefore, the most responsible approach for the house is to go up. There is an attic with a dormer but due to the roof form there isn't much usable space. The solution was to have a two-story addition that is compatible with the house. They have made an exhaustive study to come up with the best solution.

There were no requests from the public to speak.

Commissioner Mosley and Mr. Alexander discussed when additions are allowed to be wider than the existing house and the diversity of lot sizes within the neighborhood. Mr. Alexander stated this particular area is relatively uniform compared to the rest of the neighborhood.

Commissioner Mosley and Fletcher stated it was a considered solution, and it's clear that there has been a lot of effort by the architect and the owner; however, typically when you take 2 stories and add it to 1 story it ends to be problematic. From the street, it is still evident there will be 2-stories on a 1.5-story building. There is desire that the addition not contrast the original, but it is the vertical wall penetrating the roof line that causes concern.

Commissioner Gee stated that most of the design guidelines are similar but Germantown is very different. Germantown is unique because there are older homes, smaller lots, large historic estate homes, and even narrow shotgun homes, and we don't hear the same kind of opposition from the community to large footprints and large additions. There is a different expectation in terms of what these design guidelines are intended to do. He read several portions of the design guidelines for additions. Commissioner asked for staff to detail how specifically the project does not meet the guidelines. Mr. Alexander responded with specific sections within the staff recommendation. Commissioner Gee feels the project meets the design guidelines because it will be barely visible, if at all from the street.

Motion:

Commissioner Mosley moved to approve with the conditions that the height and massing of the upperstory be significantly reduced or eliminated; Staff shall approve the windows and doors as well as roof color and masonry samples; repairs or alterations to the existing structure, including roofs and windows, shall be reviewed by Staff; and, changes to the site appurtenances and utilities are reviewed by Staff. Commissioner Fletcher seconded. The motion passed with Commissioner Gee in opposition.

The applicant requested the opportunity to rebut. The Chair and staff explained that the rebuttal time was to address comments of the public, not the Commission's deliberation. In this case, there was no public comment.

o. 3618 WESTBROOK AVE

Application: New construction - outbuilding

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1976260

Sean Alexander presented, and explained that the house is a one and one-half story Craftsman style, which was recently enlarged with a substantial three-story rear addition. Last month the Commission reviewed an application to construct a two-story garage with a 1250 s.f. footprint. The Commission moved to approve an outbuilding, but limited it to a maximum footprint of 950.

The applicant is returning with a modified application for an outbuilding, the height of the building has been reduced by about 2' to 22'-5", the form is similar with a 1.5 to 2 story form, and the footprint would be 1136 s.f. footprint. The overall dimensions are 30x32. The historic house (not including the addition) has a footprint of 1160 s.f.

Staff finds that this proposed outbuilding is not subordinate to the historic house, and is not compatible with the scale and character of historic outbuildings and therefore does not meet guidelines. The materials, orientations, setbacks, of the proposed building would be compatible with the house.

In keeping with the decision of the MHZC last month, "Staff recommends approval with the condition that staff review all materials, massing be reduced to be consistent with a range of 850-950 square foot footprint and the roof form be similar to the principle dwelling or other historic outbuildings in the vicinity. "

Steve Wilson, owner of the property, explained that he has an outbuilding at his current home on the street that is about 1100 square feet with the addition of a 500 square foot carport. One of the issues with the house is that there is no attic or basement for storage. Given some of the larger sizes of other outbuildings in the area, this one is appropriate and the lot backs up to the railroad. They have provided signatures from their neighbors who are in

support of the proposal. The 950 is an arbitrary number and not based on math and reduction makes it look like a two-story building rather than the 1.5 for they are trying to create.

Mitch Hodge, architect for the project, tried to meet the requirements of the commission and the needs of the applicant but the result was a two-story structure and that is not what the original plan intended. As you can see on the drawings, he has improved on the previous design by pushing in the footprint and lowering the walls which is more important than just the footprint. This new building meets all the base zoning requirements. He spoke with Councilmember Allen about the project and there is plenty of green space within this project. He handed out a packet of information showing that the neighbors are in support. He said that he recognizes this is on the upper end of garage limitations, but this site is unique because of the drop in grade, the large size of the lot, and the railroad at the rear.

Commissioner Fletcher left the meeting at 5:53pm and returned at 5:57pm.

Commissioner Mosley and the applicant discussed different solutions and the impact those solutions might have on the massing and the roof form.

There were no requests from the public to speak.

Commissioner Kaalberg and Bell said that nothing has changed in terms of context and site so he didn't see that they could make a different decision unless they just say that they are wrong and were convinced this time. Commissioner Gee stated that were additional size reductions in addition to the square footage reduction and Commissioner Bell didn't find that there were enough changes in massing.

Commissioner Mosley and Kaalberg reminded the Commission that the design guidelines require that garage size should be similar to historic garages, and that guided the square footage requirement last time. The Commission discussed whether or not the context included historic buildings, and Commissioner Gee pointed out that the applicant has referenced a 1700 square foot footprint garage in the vicinity. Commissioner Kaalberg stated that this site had unique conditions that could make this project appropriate, which is the reason that they picked the high side and allowed for even a little more last month.

Vice-chair Nielson left the meeting at 6:12 pm and returned at 6:16pm.

The applicant and the Commission continued to discuss the changes made, possible solutions, and the conditions of the site and the context.

Commissioner Gee moved to approve the project based on the large lot size, the fact that the lot backs up to railroad track, the depth and slope of the lot, the size of the primary structure and the fact that the applicant has reduced the massing as well as the just the footprint. Motion failed due to lack of a second.

Motion:

Commissioner Nielson moved to approve the project with the condition that staff review all materials, massing be reduced to be consistent with a range of 850-950 square foot footprint and the roof form be similar to the principle dwelling or other historic outbuildings in the vicinity. Commissioner Bell seconded. The motion passed with Commissioner Gee opposed and Commission Fletcher abstaining based on the fact that he was not present when the case was first heard in May.

p. 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

This is a new design for a project that was denied last month. They have made multiple changes and the new design now meets the design guidelines in terms of height, scale, setback, and rhythm of spacing, most materials, orientation, proportion and rhythm of openings, appurtenances and location of HVAC.

Staff found that the roof form does not meet the design guidelines. The applicant proposes a deconstructed front-gable roof form that is not seen in the overlay. Traditional front-gable roof forms are also not typical in the district. The Commission approved a deconstructed cross-gable form in a different neighborhood, but after construction, expressed its interest in not approving these forms in the future, finding that they are not a good fit with the design guidelines, 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. Two-story building forms typically have a side-gable roof form, in this portion of the district, and hipped elsewhere in the district.

Based on the fact that roof forms should be visually compatible with historic roof forms and should not contrast with these forms and based on the fact that front-gable roof forms are not typical for this neighborhood, staff recommends a side-gable form to meet section II.B.1.e.

Staff also recommends

- All double and triple windows have a 4" to 6" mullion between them, which is likely the case just not clear on the printed version of the plans;
- The porch floor is concrete, wood or a wood composite. The applicant is proposing tile which has not been approved in the past and is not a typical porch floor material;
- The foundation brick is a different color than the first-floor brick which should be a historic brick color. There is a soldier course to distinguish the foundation but historically, foundations were a different material altogether so to assure a clear distinction, staff recommends the different color in addition to the soldier course. This is also in keeping with the Commission's past decisions; and
- And we recommend that Staff provide final review of the masonry and windows and doors, trim, screen porch, walkway and driveway materials/design.

With these conditions, the project meets the design guidelines for new construction in the Hillsboro-West End Neighborhood Conservation Zoning Overlay.

Chairman Tibbs reminded the Commissioners that the Councilmember spoke in favor of the project at the beginning of the meeting.

The applicant presented images to compare the original design to the new design and explain the proposed materials. The screen porch is in the back and they have now decided to make it an open porch.

Commissioner Mosley asked about porch materials. When veneered products are used they look painted on so if there is a thickness to it on the edge, it would provide the appropriate thickness to the porch. The applicant explained that was his plan, and he would use color matched pavers. The pavers will be pulled out and the side will be faced the same to provide the thickness. The porch pavers will be different from those that are used for the driveway and walkway.

There were no requests from the public to speak.

Commissioners agreed that the applicant addressed almost everything that had been requested. Commissioners Commissioners Kaalberg and Mosley stated their support of the deconstructed gable and the foundation, as meeting the design guidelines. Commissioner Mosley expressed his concern with making the foundation a different material, based on its specific design and style, even though that is what may be typically required.

Commissioner Kaalberg moved to approve with the conditions that all double and triple windows have a four inch (4") to six inch (6") mullion between them, which is likely the case just not clear on the printed version of the plans; the porch floor is concrete, wood or a wood composite; and that Staff provide final review of the masonry and windows and doors, trim, screen porch, walkway and driveway materials/design. Vice-chair Nielson seconded and the motion passed with Commissioner Fletcher abstaining since he was not present when the case was first heard.

Motion:

Commissioner Kaalberg moved to rescind the motion. Commissioner Mosley seconded and the motion passed unanimously.

Commissioner Kaalberg moved to approve with the staff's recommendation removing the condition that the roof form be compatible, the condition that the porch floor be concrete, wood, or wood composite and the condition that the foundation color be different from the first-floor brick, and that all changes to porch, roof and foundation are as discussed by the Commission and the applicant; while keeping the conditions that all double and triple windows have a 4" to 6" mullion between them, and that Staff provide final review of the masonry and windows and doors, trim, screen porch, walkway and driveway materials/design. Vice-chair Nielson seconded and the motion passed with Commissioner Fletcher abstaining since he was not present when the case was first heard.

q. 1101 PETWAY AVE

Application: New construction-infill

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: PAUL HOFFMAN

Permit ID #: 1980809

Staff member Paul Hoffman presented the application for infill construction at 1101 Petway Avenue, currently a vacant lot in the Eastwood Neighborhood Conservation Overlay. The proposed residence is a two-family, two-and-a-half story building, with a height 36 feet from grade and width of 40 feet. The proposal would meet most of the design guidelines, for materials, setbacks, proportion and rhythm of openings, and roof form, but the historic houses on this street and nearby are from 15 to 26 feet in height, and 28 to 36 feet in width. The context is one-story and one-and-a-half story bungalows.

Staff's analysis is that the proposed infill does not meet the design guidelines for height, scale, and rhythm of spacing. Staff did not recommend approval with conditions in this case, as altering this project to meet the guidelines would likely require a full redesign.

The applicant, Randall Morgan, provided a presentation as a hand-out and electronically. He explained that he got caught in a couple of transition issues. One has to do with the building permit process and the context of his project being in a new overlay. He has owned the property since 2009. He had a survey completed in January. He began the process of obtaining approval and then the extension of the overlay passed. He received a permit and it was revoked because a Preservation Permit was needed. He met with historic immediately and found out that the property is taller than the homes in the immediate context. The second issue describe the height, scale and massing as larger than the context. He agreed it is larger but because of its location near commercial lots facing Gallatin, the realignment of the alley, and the non-historic context there is an argument that it could be larger to provide a transition from the commercial corridor to the residential neighborhood.

Commissioner Mosley asked if Metro responded to the rear encroachment. The applicant explained that the solution was to receive a permit from Public Works to move the alley that stated they would not issue a permit because trash trucks could not make the turn.

Brett Withers, Greenwood neighborhood president, stated that he loved the design; however, having this building be 10' taller than all the surrounding structures is too much. It is slightly downhill which could be another reason for allowing for additional height but not as much as 10'. The width is justified because of the transition and the location of the rear alley.

Commissioner Mosley left the meeting at 6:56pm and returned at 6:59

Motion:

Commissioner Fletcher moved to approve the project with the condition that it be no more than 32' tall from grade finding that the although the building will be 6' taller than the tallest building in the immediate context it is appropriate due to the commercial context and its location at the edge of the district. Commissioner Gee seconded and the motion passed unanimously.

Commissioner Gee moved to amend the motion to include final approval by staff of materials and to allow for a reduction, not a requirement, of the front setback up to 5' so that the building can also be narrowed allowing for a more appropriate scale. Vice-chair Nielson seconded and the motion passed unanimously.

Commissioners Kaalberg and Fletcher explained that the additional width is appropriate due to the constraints of the alley and because the lot is at the edge of the district, next to a commercial context.

r. 3720 CENTRAL AVE

Application: New construction--addition

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay.

Project Lead: MELISSA BALDOCK

Permit ID #: 1980756

3720 Central Avenue was removed from the agenda at the applicant's request.

s. 1607 DOUGLAS AVE

Application: New construction - infill

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1980819

The applicant agreed to all conditions.

Staff member Sean Alexander explained that this is currently a vacant lot, on which a non-contributing house stood but was recently demolished.

The submitted proposal is to construct a new two-family dwelling on the lot. The building will be 28 feet tall and 40' wide, with a form similar to that of a side gabled Craftsman style house, with a prominent gabled dormer on the front. The height and roof form, as well as the materials and proportion and rhythm of windows are compatible, but staff found the width to be greater than would be appropriate.

Staff recommends approval of the proposed infill construction at 1607 Douglas Avenue with the conditions that:

1. The width of the structure is reduced by four feet;
2. The front and sides of the front dormer have the same siding material;
3. Staff reviews the roof color, the color and texture of the brick, and the windows and doors for administrative approval;
4. Staff reviews the material and location of any driveway or paved parking for administrative approval.

Meeting those conditions, staff finds that the proposal will meet the applicable design guidelines for the Eastwood Neighborhood Conservation Zoning Overlay.

Mr. Alexander explained that he had spoken with the applicant and that they intend to meet all of the conditions.

Brett Withers stated that the reduction of the width is necessary because of the lot being in the middle of the block. He asked where the vehicular access to the lot will be.

Mr. Pond responded that he was not commissioned to explore new vehicular access or a garage and the property owners plan to use street parking. They will not be parking in the front yard.

Commissioner Gee questioned the intent of eliminating the front driveway or extending it to the rear. Mr. Pond responded they were planning to eliminate the curb cut entirely.

Commissioner Mosley asked about the reduction of the width. Mr. Pond stated that they planned to create a projecting bay to maintain some of the original width and that there wasn't concern about the house looking too narrow.

Motion:

Commissioner Gee moved to approve the project with the conditions that the width of the structure is reduced by four feet; the front and sides of the front dormer have the same siding material; staff reviews the roof color, the color and texture of the brick, and the windows and doors for administrative approval; staff reviews the material and location of any driveway or paved parking for administrative approval and that no parking be allowed in the front setback area. Commissioner Bell seconded and the motion passed unanimously.

I. ELECTION OF OFFICERS

Commissioner Nielson moved to approve Chair Tibbs as Chair. Commissioner Bell seconded and the vote was unanimously.

Commissioner Kaalberg moved to nominate Vice-Chair Nielson as Vice-Chair. Commissioner Fletcher seconded. Motion passed unanimously.

t. DUPLEX & ADDITIONS AND DETACHED ACCESSORY DWELLING UNITS AND OUTBUILDINGS POLICIES

Discussion was unanimously deferred.

RATIFIED BY COMMISSION ON JULY 16, 2014