



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) SUMMARY MEETING MINUTES

July 16 2014

Commissioners Present: Brian Tibbs, Chair; Ann Nielson, Vice-chair, Rose Cantrell, Samuel Champion, Richard Fletcher, Jim Forkum (substitute for Menie Bell), Hunter Gee, Aaron Kaalberg, Ben Mosley

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

Applicants: Van Pond, Josh Spence, Preston Quirk, David Powell and Joni Priest

Public: Chuck Schulz, John Brittle

Training was held prior to the public hearing. No action was taken. Commissioners in attendance: Sam Champion, Rose Cantrell, Aaron Kaalberg, Hunter, Gee, Ann Nielson, and Ben Mosley. Brian Tibbs and Richard Fletcher attended the second half of the session. Staff in attendance: Susan Jones, Robin Zeigler, Melissa Baldock, Paul Hoffman, Sean Alexander and Allison Asbrock, intern. Ann Roberts, former MHC director, provided a history of local historic zoning and the importance of the National Register of Historic Places. Susan Jones provided information about processes and the legal authority of the Commission.

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. RECOGNITION OF COUNCILMEMBERS

No councilmembers present.

II. APPROVAL OF MINUTES

a. June 18, 2014

Motion:

Vice-Chair Nielson moved to approve the minutes and Commissioner Champion seconded. Motion passed unanimously.

III. CONSENT

b. 1303 EDGEWOOD PL

Application: New construction--addition and outbuilding; Setback determination

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1985531

c. 1700 PRIMROSE AVE

Application: Partial demolition; New construction - addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 1986092

d. 404 TAYLOR ST

Application: New construction – addition, Setback determination
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1986095

e. 415 N 15TH ST

Application: New construction--Detached accessory dwelling unit
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1985533

f. 116 3RD AVE S

Application: Signage
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1985536

g. 1605 FORREST AVE

Application: Setback determination (Infill approved 5/21/2014)
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1986102

h. 1421 ORDWAY PL

Application: New construction - outbuilding; Detached accessory dwelling unit
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1986091

i. 917 PETWAY AVE

Application: New construction-infill
Council District: 05
Overlay: Greenwood Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1985873

j. 1906 5TH AVE N

Application: New construction-addition and outbuilding; Setback determination
Council District: 19
Overlay: Salemtown Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1985871

k. 2012 20TH AVE S

Application: New construction-Detached accessory dwelling unit
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 1985869

l. 600 FATHERLAND ST

Application: Demolition; New construction - infill; Setback determination
Council District: 06
Overlay: Edgefield Historic Preservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1986101

m. 1813 HOLLY ST

Application: New construction- addition
Council District: 06
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID#: 1986849

Historic zoning administrator Robin Zeigler, introduced the intern, Allison Asbrock, to read the consent agenda items. Ms. Asbrock provided a brief explanation of the proposed work for each case, noting that 1421 Ordway was removed from the agenda and that 1700 Primrose was moved to new business.

Motion:

Vice-chair Nielson moved to approve all consent items with their respective conditions with the exception of 1421 Ordway Avenue and 1700 Primrose Avenue. Commissioner Champion seconded and the motion passed unanimously.

IV. NEW BUSINESS

c. 1700 PRIMROSE AVE

Application: Partial demolition; New construction - addition
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 1986092

Staff member, Sean Alexander presented the case for work proposed at 1700 Primrose Avenue, which is an application to partially demolish an existing rear addition and to construct a new rear addition. The existing rear addition was built after 1957 and does not contribute to the historic character of the house or district.

The new addition would keep a condition where the existing addition steps out two feet (2') from the left side of the original structure, and it would then step out an additional three feet (3') to the left. Typically, additions should step in from the sides of an historic structure to distinguish the new from the old and not to impair or destroy the original form or features. However, in this case the rear corner has already been compromised by the existing addition. Due to this, Staff finds that the stepping out of the addition is not inappropriate.

Also, Staff finds that the visibility of the addition on the left side of the house will be minimal, largely because the differences in grade between this property and the adjacent property as seen in the steep slope of the street. This can be seen in the differences in floor height between this property and the adjacent. Also, there is a significant retaining wall along the boundary of the property. With the retaining wall and the difference in grade, the additional three foot (3') stepping out of the addition would not be greatly visible.

On the right side, the new addition would set-in in a more typical way by setting in 17 feet. This is the same amount as the existing addition that also sets in, but the roof over an existing side porch would be removed. The new addition would have a more defined hyphen than the existing addition. It would then widen, stepping out toward Oakland Avenue. In this way the "hyphen" between old and new will be more apparent than the existing condition from Oakland Avenue, which is the more visible side façade. The additional width, which is also not generally appropriate, may be in this location because the lot is irregularly shaped: 56' wide at the front and widening to 86' at the rear. 730

The height of the addition will match the height of the historic house, with the primary roof, dormer, and side-projecting gable all matching the form of features on the historic house. The primary wall material will be cement-fiber clapboard siding, which is an appropriate material for an addition to a brick house.

Other exterior materials will also be compatible (split-faced block foundation, cement-fiber and wood trim, asphalt shingle roof), and the right side elevation will be largely composed of windows which will have the effect of “lighting” the perceived mass of the addition. The current addition serves as a secondary unit and the proposed addition will retain that use of a secondary unit, as permitted by the base zoning. As a second unit, the addition entrance on the Oakland side will be a “stoop” subordinate to and not competing with the original entrance and orientation. This keeps the original orientation of the house toward Primrose Avenue.

All in all, staff found that the location and configuration of the proposed addition was clearly distinguished from the historic structure as an addition and wouldn’t impact any of the historic features, and that the scale was appropriate because of the grade and the irregular proportions of the lot.

Staff recommends approval of the proposal with the conditions that:

- The selections of windows, doors, brick color, texture and dimensions are approved by MHZC Staff; and
- The HVAC be located on the rear façade, or on a side façade beyond the midpoint of the house.

In meeting these conditions, Staff finds that the partial demolition and new construction meets the applicable design guidelines for the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay.

Van Pond, 1200 Division, architect for the project, stated he was available for questions. There were no requests from the public to speak.

Commissioner Kaalberg expressed his initial concern which was that the addition looked like an umbilical duplex that they have disapproved in the past, especially for corner lots; however, this is a large lot and the addition is an improvement of an existing addition. Commissioners Fletcher and Gee agreed. Commissioner Gee further explained that it is a good example of an appropriate duplex design for a corner lot.

Commissioner Cantrell asked for clarification of the first condition. Mr. Alexander stated the first condition ensures that the home is constructed as designed.

Motion:

Commissioner Mosley moved to approve the project with the conditions that the selections of windows and doors and brick color, texture and dimensions are approved by MHZC Staff; and the HVAC be located on the rear façade, or on a side façade beyond the midpoint of the house. Commissioner Gee seconded and the motion passed unanimously.

n. 2308 WHITE AVE

Application: New construction--infill

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 1985527

Staff member Melissa Baldock presented 2308 White Avenue, an application to construct new infill with an attached garage on a vacant lot. The proposed infill will be one and one-half stories with an eave height of approximately thirteen feet (13’) above grade and a ridge height of approximately twenty-nine feet (29’) above grade. Staff finds that the proposed height meets the immediate historic context.

The primary cladding materials include five inch (5”) wood or cement fiberboard lap siding and board and battens. The roof will be metal or asphalt shingle, both of which meet the design guidelines. Staff asks to approve all final material selections. Staff also asks that the front porch columns have a cap and base, and that the porch rack continue onto the side façade of the front porch.

The infill meets all base zoning setbacks. The front wall of the infill will be situated approximately thirty-four feet, three inches (34'3") from the front property line, which is the approximate average of the two structures on either side. Because the house to the south/right is non-contributing, staff recommends that the building be located back another eighteen inches (18") to line up exactly with the historic house to the north/left.

The infill will be thirty-six feet (36') wide at the front, and after the front porch and front bay, which are twelve feet, eight inches (12'8") deep, the infill expands to be forty feet (40') wide. Staff finds that this meets the historic context, as the historic houses along this block of White Avenue range in width from thirty feet to thirty-six feet (30' – 36'), and there are several historic houses on the block to the north that are between thirty-eight and forty feet (38'-40') wide on fifty foot (50') wide lots.

The infill includes an attached garage, facing the rear of the property and accessed via the rear alley. In the past, the Commission has required that garages be detached from the primary structure, and located in the rear of property where outbuildings were historically located. The Commission has permitted garages to be attached when they are located at the rear of the structure and when they are situated at the basement level. Although the proposed garage is located at the rear of the infill and is accessed from the alley, it is not at the basement level. There is a four to five foot (4' - 5') drop in grade from the front of the house to the rear of the house, which is not sufficient to locate the garage at the basement level. The proposed attached garage is located only partially below the finished first floor level. Because of this, staff finds that the proposed attached garage does not meet Section III.B.2.h. of the *Woodland-in-Waverly Historic Preservation Zoning Overlay: Handbook and Design Guidelines*. Staff recommends that a condition of approval be that the attached garage be eliminated from the primary structure.

Along this block of White Avenue, the houses are predominately one and one-half stories, and they range in height from twenty-two to twenty-five feet (22' – 25') tall, a few feet shorter than the 29' that is proposed for 2308 White Avenue. However, on the northwest corner of White Avenue and Bradford Avenue is a tall, two-story structure that is more than thirty-five feet (35') in height, and there are other tall, two-story structures within two blocks of this site. Therefore, Staff felt that the proposed project met the height and scale of the context.

In summary, Staff recommends approval of the project with the following conditions:

1. Staff verify the construction height of the foundation and floor system in the field to ensure that the finished floor line of the new infill is compatible with the finished floor line of the historic house to the north;
2. The house be pushed back approximately eighteen inches (18") so that its front wall lines up exactly with the historic house to the north/left;
3. Staff approve the metal roof color, brick or stone sample, door specifications, and porch floor material prior to purchase and installation;
4. The front porch columns have caps and bases;
5. The front porch rack continue to the side of the front porch;
6. The attached garage be eliminated from the primary structure and the applicant submit a new application for an outbuilding if an outbuilding is desired ; and,
7. The HVAC unit and other utilities be placed on the rear façade, or on a side façade beyond the midpoint of the house.

With these conditions, staff finds that the infill meets Section III.B.2. of the *Woodland-in-Waverly Historic Preservation Zoning Overlay: Handbook and Design Guidelines*.

Commissioner Fletcher asked if the garage is detached will the staff review the new rear elevation. Ms. Baldock answered that the rear elevation would be reevaluated, and if it were a simple change it would be staff approved and any major changes would come back to the Commission.

Josh Spence, applicant, explained the challenges of the sloping site, and they felt that the garage was indeed at the basement level per a staff discussion. The applicant indicated they were told by Staff that a basement garage must be below finished floor, hence the orientation of a garage below the White Avenue entrance level. It will be a hardship for the owner to not have an attached garage; and it is not visible on the rear of the house. They have no issues with any other conditions. The applicant mentioned they would be willing to tweak the finished floor elevation to accommodate a true basement level garage.

Commissioner Mosley requested clarifications of the plans according to stair and garage heights.

There were no requests from the public to speak.

Commissioner Kaalberg requested clarification on past approvals of attached garages. Ms. Zeigler responded that the Commission has only approved attached garages where the grade was so steep that a whole lower level was created that allowed the entirety of the garage height to be below the finished floor of the living level.

Commissioner Fletcher identifies that this case is attempting to drop a garage to the basement level as opposed to the historic configuration of parking accommodated under a building.

Commissioner Gee stated that, in this case, there is no outbuilding so the design guidelines don't really indicate where the garage has to be as there is no section for 'Garages' only 'Outbuildings.' Commissioner Gee asked for the reason for only allowing for garages to be attached at the basement level. Ms. Zeigler explained that the only time you see vehicles stored within the building, historically, is when that space is at the basement level. Commissioner Gee stated that he believes this application configuration to be appropriate since it appears to be a basement garage. This is not a historic house and therefore the attachment is not affecting the historic district in a negative manner.

Vice-chairperson Nielson expressed concern with setting a precedent to start allowing for attached garages. She also asks if the applicant could excavate the garage area to create the full basement level, and Ms. Zeigler responded that was possible but not ideal as the Staff would prefer the natural basement level due to grade changes.

Commissioner Mosley asked for clarification of condition number 1. Ms. Baldock explained that the condition was based on recent experience with inspections that the floor systems are growing in height and therefore adding another foot or more to the overall height. It was not necessarily based on this specific project but all future projects. Mr. Mosley explained that the reality of construction is the garage could be at 7', and 8' is a "story," so he isn't concerned that they are veering too far to meet the intent of the design guidelines.

Chairman Tibbs stated that the Commission needed assurance that the project was truly a basement, and they need to be careful about changing the site too much to create a basement.

Commissioner Champion stated that he was not convinced that a historically detached garage is a hardship because there is only a three foot (3') grade change from the location of the house to the alley.

Commissioner Champion also asked for clarification regarding the length of the conditions list.

Motion: Commissioner Gee moved to approve with the conditions that: Staff verify the construction height of the foundation and floor system in the field to ensure that the finished floor line of the new infill is compatible with the finished floor line of the historic house to the north; The house be pushed back approximately eighteen inches so that its front wall lines up exactly with the historic house to the north/left; Staff approve the metal roof color, brick or stone sample, door specifications, and porch floor material prior to purchase and installation; The front porch columns have caps and bases; The front porch rack continue to the side of the front porch; and, The HVAC unit and other utilities be placed on the rear façade, or on a side façade beyond the midpoint of the house. Commissioner Cantrell seconded.

Commissioner Kaalberg clarified that an attached garage can be appropriate as long as it is at the rear of the building and not on the side. The Commission has not typically been concerned with the rear façade. Commissioner Gee stated that an attached garage is only appropriate when it is attached to a new building and it has living space above it. Commissioner Kaalberg expressed concern over future massing issues with allowing attached garages. Commissioner Mosley indicated that he felt the applicant met the massing and scale requirements for this project with the attached garage and that natural grading of the site may make the garage be a truly basement level garage. Chair Tibbs recommended a compromise to ask the applicant to attempt to lower the grade to achieve the full basement level.

Commissioner Fletcher stated he agreed with Commissioner Champion in that there shouldn't be such a debate to make the basement level garage work if an outbuilding is possible.

Motion passed with Vice-chair Nielson and Commissioner Fletcher and Champion in opposition.

Ms. Zeigler asked for clarification on the motion in regards of how to give advice to future applicants on attached garages. Commissioner Kaalberg gave his rationale for approval of this project. Commissioner Champion stated that he would not like the Commission to give a blanket statement on this issue. Commissioner Gee stated that a historic home would be treated differently and that applicants should be advised that each case will be assessed individually.

o. 116 OPRY PL

Application: New construction-addition, Signage
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: ROBIN ZEIGLER
Permit ID #: 1985695

Historic Zoning Administrator, Robin Zeigler, presented the project for partial demolition of the existing addition to the Ryman Auditorium that was constructed in 1994 and the construction of a new addition that will pull the building closer to 4th Avenue.

The addition meets the design guidelines in terms of scale, materials, location and its impact on the historic building—which is very minimal since it isn't actually attached to any part of the historic building. It will require minor reconfigurations to the parking and plaza area.

Also included in the project is signage. Your report states that there are two signs because Staff believed that the sign above the entrance was actually an interior sign, beyond the exterior glass wall; however, the applicant has informed us that it is indeed an exterior sign so the square footage amount you will hear today is different than what is in your report.

To summarize proposed signage: One sign will face the 4th Avenue side and be on the wall near the steps. A second sign will be above the new entrance on 4th Avenue. The third sign will face the alley and is integral to the fascia of the one-story portion of the addition. The locations, illumination and materials of all three signs meet the design guidelines. The electronic changeable copy sign meets the design guidelines in terms of duration of image, frequency, type of transitions, and brightness.

On the 4th Avenue side, the sign allotment is 180 square feet. The two wall signs, the one above the entrance and the one on the front wall are a total of 64 square feet and so meet the design guidelines. The alley side is also allocated 180 square feet but 259 sq. ft. is proposed. In addition, changeable copy sign should not cover more than 50% of the built sign area and this one proposes to cover 100%. So in terms of size, there are two design guidelines the signage doesn't meet.

Staff recommends approval of the project with condition that the electronic signage be reduced to be no more than one-hundred and eighty square feet (180'). With this condition, staff finds that the proposed sign meets section IV of the *Broadway Historic Preservation Overlay: Handbook and Design Guidelines*.

Commissioner Fletcher and Champion asked for clarification on the location and types of the signs and signage calculations.

Commissioner Gee asked for clarification on the maximum square footage allowed, how that 180 square footage was calculated, and that the intent of the guidelines was to ensure that the sides of the building did not have more signage than the front of the building. Ms. Zeigler provided clarification and stated an additional intention was to keep electronic signs in the district to a minimum while referencing Commissioner Mosely's role in the creation of the original guidelines.

Commissioner Fletcher asked which width dimension was used to reach the 180 square feet. Ms. Zeigler responded that the width of the historic section along 5th Avenue was used.

David Powell, architect for the project, handed out additional information, summarized the project, and explained the reason for the design choices. The additional size of the sign is requested so that it is integral to the architecture and legible from a great distant, primarily the intersection of 4th Avenue North and Broadway and it is necessary for that signage to be electronic due to the nature of the venue. The architect asks for this additional signage as it is integral to the architectural aesthetic and the necessity of advertising. In terms of setting precedent, Mr. Powell stated that there are no large venues on Broadway other than the arena, which is not in the overlay, so this is the only venue at this scale. Also, this building is not located directly on Broadway. Therefore, the precedent is overcome by the unique function and location of the project.

Joni Priest, Hastings Architecture Associates staff, explained the applicant's calculation of the signage. They request that they should be allowed more on one side since they were not using the maximum sign allocation on other sides. A combined square footage of 720 square feet is allowed, and the applicant is only proposing 404 square feet.

Commissioner Fletcher asked if sign allotment could be taken from one façade and given to another. Ms. Zeigler stated that would not be the Staff's recommendation. That was not the original intent as each side has a different formula for signage allotment calculations. Commissioner Mosley agreed.

Commissioner Mosley inquired about the ownership of the parcels across the alley from the proposed electronic sign.

Commissioner Fletcher reiterated that there are two issues with the proposed electronic sign. The first that it exceeds the maximum square footage allotment. The second that the electronic portion of the sign is more than 50% of the sign area.

Commissioner Champion asked for the height dimension of the sign and the font size. The applicant stated that the fascia is four feet (4') tall and the font size doesn't have a specific number equivalent.

Chuck Shulz, 3514 West End Avenue, spoke in opposition of the signage and the addition based on the high historic value of the building.

John Brittle, 5474 Franklin Pike Circle, spoke in favor of the project as it is a respectful addition to the structure and needed signage.

Commissioner Kaalberg stated that he didn't think it met the intent of the design guidelines to reallocate unused allotment from other sides to justify a larger sign on one side. Also the 50% rule is violated, and he supports the Staff recommendation.

Commissioner Kaalberg asked staff about the sentence that states that electronic changeable copy signs are not allowed in redevelopment districts. Ms. Zeigler explained that staff with MDHA sent her a letter stating that they turned over all review to MHZC and that they did not have an issue with the electronic changeable copy sign. She also pointed out that they approved electronic signage for the arena which is also in a redevelopment district. In answer to Commissioner Kaalberg's second question, Ms. Zeigler noted that electronic changeable copy sign was approved for the other side of The Ryman, with the prior design guidelines and that the new design guidelines were specifically written to allow for electronic signage at The Ryman. Commissioner Mosley, who took part in writing the revised signage design guidelines, confirmed that the intent was to allow for electronic signage for The Ryman.

Commissioner Fletcher asked for clarification as to what the 50% rule actually governs. Ms. Zeigler stated that was a tough point, as the original expectation was that an electronic changeable copy sign would be embedded within a normal sign. From Staff's perspective, meeting the 50% was less critical than meeting the 180 square foot allotment.

Commissioner Cantrell stated that the proposed design and sign enhances the historic value of the auditorium and it will be helpful for tourists.

Commissioner Fletcher agreed with Commissioner Cantrell and believes the design could have been a lot worse. Also, the Commissioner mentioned that the sign may not be fully lit at all times and that only a portion of that area may be used.

Vice-chair Nielson explained that she like the design but was concerned that if it were too large it would take away from the architecture of the building.

Commissioner Gee made the assumption that the signage guidelines were designed for the traditional smaller buildings along Broadway and not for a civic building like the Ryman. Therefore, if the Commission were to make allowance, it would be for a building like the Ryman. He stated that this design is appropriate and doesn't detract from the building.

Commissioner Mosely stated that he agrees that signage is necessary for this venue. However, he expressed his concern for the fact that the sign could become useless if the lot to the south was developed. He questioned if it was the appropriate solution for what is intended and the fact that the sign is integral to the fascia.

Commissioner Champion stated that he was very pleased with the addition and the general design of the signage but that the additional size request was too much. The 180 square feet should be adequate for it to be seen from Broadway.

Commissioner Cantrell moved to approve the project based on the fact that it is good design, enhances The Ryman, views from Broadway and the historic district. Commissioner Fletcher seconded. The motion failed with Commissioners Mosley, Forkum, Champion and Kaalberg and Vice-chair Nielson in opposition.

Motion:

Commissioner Kaalberg moved to approve with condition that the electronic signage be reduced to be no more than one-hundred and eighty square feet (180'), the maximum electronic signage design guideline for the side of the building, with staff's review of the final placement. Vice-chair Nielson seconded.

Commissioner Mosley asked for clarification on the amount of moveable copy signage. Commissioner Kaalberg stated that the 180 square feet could be all electronic signage.

Before the final vote, Commissioner Gee asked for clarification of where the 180 square feet will be, if the reduced amount is approved. The applicant returned to explain that they would need additional time to study how the design would change. Commissioner Gee asked if the decision would mean a change in the other signage. Mr. Powell stated that they may then want to maximize the amount of electronic signage allowed for the 4th Avenue elevation, if they cannot exceed the maximum allowed on the alley side. Since the staff's interpretation, 50% of the east elevation could become electronic copy sign.

The Commissioners discussed potential future designs and how the two conditions could create potential issues. Vice-Chair Nielson stated that the Commission does not need to design the new sign for the applicant, but evaluate the application before them.

Commissioner Kaalberg stated that new signage design would come back to the Commission. Applicant reiterated that the current application violates the 50% and the maximum square footage allotment. One future potential solution would be that additional electronic signage could be added to the whole of the building, totaling more than is currently proposed.

Commissioner Gee stated that is the point the commission needs to be aware of, therefore since this proposal is appropriate, other iterations may not be. Commissioner Kaalberg responded that electronic signage on the other two sides likely wouldn't be usable and he didn't think that someone would litter this historic building with electronic changeable copy sign just out of spite.

Susan T. Jones, legal counsel explained that they are exceeding the 50% and potentially the 180 square feet maximum, which is important as the additional amount approved might be something that they have to approve again in the future.

Commissioner Kaalberg asked if the 50% applies to the total sign area of the building or the specific sign area. Ms. Zeigler explained that Staff looked at the entire fascia as the “sign area” and the sign should be 50% of that area. The maximum sign allotment is 180 square feet, based on the width of the alley side of the building and staff took the larger number as their recommendation. However, the “sign area” may be the same as the “sign allotment” and so the electronic changeable copy sign should be no more than 90 square feet.

Commissioner Fletcher wanted to reiterate that the applicant has only proposed 404 square feet of signage, and that a resubmittal could mean the new design could tattoo the whole building with signs.

Motion:

Commissioner Kaalberg moved to approve with condition that the electronic signage be reduced to be no more than one-hundred and eighty square feet (180’), the maximum electronic signage design guideline for the side of the building, with staff’s review of the final placement. Vice-chair Nielson seconded. The motion passed with Commissioners Cantrell, Mosley, Fletcher and Gee in opposition. Chairman Tibbs voted in favor of the project, breaking the tie. Motion carries.

Commissioner Gee asked to be sure that allowing for staff to review the final placement was not authorizing staff to review something that should come back to the Commission. Commissioner Kaalberg clarified that if the applicant and staff could not agree, it would come back to the Commission and if additional signage was proposed, it would come back to the Commission.

p. 1901 4TH AVE N

Application: New construction--infill and outbuilding; Setback determination
Council District: 19
Overlay: Salemtown Neighborhood Conservation Zoning Overlay
Project Lead: MELISSA BALDOCK
Permit ID #: 1985535

Melissa Baldock presented 1901 Fourth Avenue North, a vacant lot located at the northwest corner of Fourth Avenue North and Coffee Street. The applicant is proposing to construct a new duplex and a four-car carport on the site. Both structures require setback determinations.

Base zoning requires that on corner lots, primary structures be located ten feet (10’) from the side street property line. The bulk of the infill will meet the ten foot (10’) setback along Coffee Street, but the porch and the first story bay will intrude on the setback. The porch will be five feet, six inches (5’6”) from the Coffee Street property line, and the first story bay will be eight feet, six inches (8’6”) from Coffee Street property line. Staff finds the proposed setback for the Coffee Street property line to be appropriate for several reasons. The main portion of the house will meet the side setbacks, and it is only minor façade elements that intrude on the setback. Also, the bay and the wrap-around porch help to break up the Coffee Street façade and add architectural interest to this highly visible part of the infill. Moreover, an analysis of the corner lots nearby show that the historic structures, including the two-story structure across the street, are situated less than ten feet (10’) from the Coffee Street property line.

The proposed carport requires setback determinations for all three of its setbacks. Because the outbuilding is located on a corner lot, and is more than seven hundred square feet (700 sq. ft.), base zoning requires that it be ten feet (10’) from the Coffee Street property line, five feet (5’) from the interior lot property line, and twenty feet (20’) from the rear property line. The applicant is proposing to locate the outbuilding five feet, six inches (5’6”) from the Coffee Street property line, four feet, seven inches (4’7”) from the interior lot property line, and ten feet (10’) from the rear property line. Staff finds the proposed setbacks to be appropriate because historically outbuildings sat close to or on the rear and side property lines. In fact, the 1957 Sanborn Map shows that an outbuilding on this property formerly sat on both the Coffee Street and the rear property lines.

The applicant is proposing a two-story duplex infill that has a ridge height of approximately thirty-two feet (32') from grade. Staff finds the structure's height and scale to meet the neighboring context and the design guidelines. The duplex infill is oriented to face Fourth Avenue North, like the other houses on the corners of Fourth Avenue North and Coffee Street. The duplex has two equal entrances on the front façade of equal importance, which is a typical configuration for historic duplexes. The house's primary materials include cement fiberboard cladding, a split face concrete block foundation and a fiberglass shingle roof. Staff asks to approve all final material choices and colors. The house will be sixty feet (60') deep, not including the front porch, which is six feet, seven inches (6'7") deep. The window proportions and placement meet the design guidelines.

The applicant is proposing a one-story, four-car carport that is eighteen feet, eight inches (18'8") deep and forty feet (40') wide, or approximately seven hundred and forty-seven square feet (747 sq. ft.). The carport will have an eave height of approximately eight feet (8') and a ridge height of approximately twelve feet, seven inches (12'7"). The Commission has rejected requests for four-bay garages and carports behind duplexes in the past. Staff therefore recommends that the applicant redesign the one-story carport so that it has just two bays or so that there are two separate carports that are one bay each. The two bay carport or the two, one bay carports could have uncovered parking pads adjacent to them to provide for additional parking.

Staff recommends approval of the infill, outbuilding, and setback determinations with the following conditions:

1. Staff approve all final material selections
2. The HVAC units and other utilities be placed on the rear façade, or on the interior (non-Coffee Street) side façade, beyond the midpoint of the house.
3. The four-car carport be changed to be either a one-story, two-bay carport or two, one-story, one-bay carports, with or without adjacent uncovered parking pads.

With these conditions, staff finds that the project meets the design guidelines.

Commissioner Fletcher asked about street parking in this area.

Preston Quirk, architect for the project, stated that his client agreed with all conditions with the exception of the carport. He made the argument that it was short with a low-slope roof, under 750 square feet, and had open sides. He asked the Commission to approve it.

John Brittle, 5474 Franklin Pike Circle, stated that he supports two-family structures with two two-bay carports for those structures.

Motion:

Vice-chair Nielson moved to approve the project with the conditions that: Staff approve all final material selections; The HVAC units and other utilities be placed on the rear façade, or on the interior (non-Coffee Street) side façade, beyond the midpoint of the house; The four-car carport be changed to be either a one-story, two-bay carport or two, one-story, one-bay carports, with or without adjacent uncovered parking pads. Commissioner Mosley seconded and the motion passed unanimously.

q. DUPLEX & ADDITIONS AND DADU & OUTBUILDINGS POLICIES

Ms. Zeigler, presented an overview of the two proposed proposals explaining that since there was some overlap between the two she would present all at once.

The Planning Department has made and is in the process of making several changes to the ordinance which provide the Commission with new opportunities. The definition of two-family and new standard for detached accessory dwelling units was effective 6/20 and the bill covering attachment of two-family structures has been deferred to August 19.

Ms. Zeigler presented the proposed policy and explained how the current DADU standards are different than what Planning has approved for DADU's outside of the district.

Commissioners asked for clarifications to the policy. Commissioner Kaalberg thought it was a good decision to consolidate this information into specific policy, and that staff has done a great job in assembling the information.

Chairman Tibbs called for public comment.

John Briddle, 5474 Franklin Pike Circle, stated that he attended each charrette and indicated there may be a deficiency in item 1. He would like clarification on the non-conforming two-family dwellings in the RS zoning districts. This policy should include those as well. He is in favor of building small units on corner lots. He would also like the Commission to discuss second parking units on a legal historic two family structure versus the legal non-conforming.

Commissioner Gee moved to postpone adoption so that a discussion can take place with the Planning Department. Commissioner Champion seconded. Motion passed unanimously.

The meeting was adjourned at approximately 4:45 pm.

RATIFIED BY THE MHZC ON AUGUST 20, 2014.