



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

METRO HISTORIC ZONING COMMISSION SUMMARY MEETING MINUTES

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
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December 17, 2014

Commissioners Present: Chair Brian Tibbs, Vice-chair Anne Nielson, Menie Bell, Rose Cantrell, Sam Champion, Richard Fletcher, Hunter Gee, Aaron Kaalberg

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

Applicants: Duane Cuthbertson

Public: Elizabeth Smith, Carol Norton, Brett Withers, Andrew Duthie, Matthew Stitzlein, Michael Kreyling, Sean Kice, Bob Borzack, Jim Polk

Chairperson Tibbs called the meeting to order at 2:04 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

II. APPROVAL OF MINUTES

- a. November 2014

Motion:

Vice-chairperson Nielson moved to approve the November 2014 minutes. Commissioner Gee seconded and the motion passed unanimously.

III. CONSENT AGENDA

- b. **1208 CEDAR LN**

Application: New Construction-addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 2013760

- c. **1906 SWEETBRIAR AVE**

Application: New construction-addition

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 2013761

d. 1516 ELMWOOD AVE

Application: New construction-addition and DADU
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 2013840

e. 2116 ASHWOOD AVE

Application: New construction-addition
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: PAUL HOFFMAN
Permit ID #: 2013841

f. 3719 PRINCETON AVE

Application: New construction-addition
Council District: 18
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay
Project Lead: SEAN ALEXANDER
Permit ID #: 2009670

g. 1011 PETWAY

Application: New construction-addition and outbuilding
Council District: 18
Overlay: Greenwood Neighborhood Conservation Zoning Overlay
Project Lead: ALISON ASBROCK
Permit ID #: 2014135

h. 1514 ELMWOOD

Application: New construction-outbuilding
Council District: 18
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay
Project Lead: ALISON ASBROCK
Permit ID #: 2014136

Staff member, Paul Hoffman, presented the cases for the consent agenda.

Commissioner Cantrell arrived at 2:08 p.m.

Commissioner Bell asked for clarification of the insets for the project on Ashwood. Staff member, Paul Hoffman explained that the lot is wider than the typical lot and the house is shifted to one side, which allows for wider additions.

Motion:

Vice-chair Fletcher moved to approve all consent items with their applicable conditions. Commissioner Gee seconded and the motion passed unanimously.

IV. PREVIOUSLY DEFERRED ITEMS

There were no deferred items to be discussed.

V. MHZC ACTIONS

i. 1801 WOODLAND ST

Application: Violation

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: ROBIN ZEIGLER

Permit ID #: 2014130

Historic zoning administrator, Robin Zeigler, began the presentation by explaining that the Commission approved construction of a duplex at 1801 Woodland in September of this year.

The foundation has been constructed and the applicant is requesting to alter the plans. Since the staff recommendation was written, we have worked with the applicant and heard from the right-side property owner and so would like to amend our recommendation and description of the request.

The applicant is no longer asking for the window alterations and will be using a parge coat for the foundation, rather than brick, so the building will not be as wide as initially requested and the foundation will no longer stick out beyond the walls of the house. We are concerned that the framing will extend beyond the walls of the foundation and want like to stress that the house should be constructed as shown on the submitted plans with the walls flush with the foundation walls.

Therefore, the applicant is requesting to:

- Increase the width of the house and
- reduce the right and left side setbacks

The left-side setback was approved to be (10'), which meets bulk zoning, and the applicant requests approximately 9'. The right setback was approved to be 5', which meets bulk zoning and the applicant requests approximately 4'8" for a portion of the right side. The width was approved at thirty-five feet (35') and the applicant is requesting (35' 9").

The process of inspections and how the proposal does or does not meet the design guidelines is outlined in detail in the staff recommendation so I will not repeat it. Staff would like to slightly revise the recommendation since we the right-side property owner has notified Staff that she is opposed to a reduction in the right setback.

Staff recommends disapproval, finding that the revised proposal does not meet the design guidelines for rhythm of the street, scale, and setbacks. Staff further recommends that the motion specify that disapproval means the house should be constructed *as originally permitted* with walls flush with the foundation walls.

In response to questions from the Commission, Staff clarified details of the request and the recommendation.

Duane Cuthbertson, representing the applicant, restated the request and that the reason was to use a pre-engineered framing and the "existing" foundation. Through human error a foundation was poured at 38' and it was corrected, but when the blocks were laid they were 9" off and the framing was constructed to meet that measurement. The contractor likes to use a pre-engineered frame as it is a more sustainable process. He reiterated that it would be essentially the same house that was approved, and they have complied with all other requests of staff and the commission. They feel the request is not detrimental to the neighborhood, where there is a variety of housing types and styles nor violates the intent of the design guidelines.

Mr. Cuthbertson said he was surprised by the opposition of the right-side property owner, and that he had spent 30 minutes with her and she stated her support. Because the house is slightly skewed, only a portion of the house encroaches into the right setback and comes closer to compliance on the left side toward the back of the lot. He said there are houses in the area that are more than 35' in width. They do not feel they are setting a precedent or extending beyond the basic parameters.

Elizabeth Smith, president of the neighborhood association, stated they opposed approval of the violation. She noted that construction began without a building permit and based on other projects, there is evidence that the developer doesn't want to

do what is best for the neighborhood and she provided examples. She thinks it is offensive to the Commission for the applicant not to follow the requirements of the permit.

Ms. Smith exhibited a notarized letter from Sarah Fox, the right-side property owner, stating her opposition to the proposal.

Carol Norton, 801 Boscobel, thanked staff for working with the applicant to bring the project into compliance and the Commission for voting on the project in September. She stated that the applicant disregarded the preservation permit and built a foundation that didn't follow the permit, and the process by not obtaining a building permit before constructing the foundation. She stated that the applicant has a habit of not following the design guidelines and the process, and she hopes the Commission will send the message to either do it the right way or quit doing it here.

Brett Withers, 1113 Granada Ave, stated that in September he spoke in favor of the proposed design. If the applicant was successful [approved] it is frustrating that so much energy was spent on getting it right, just for that work to be ignored. He cited several examples of violations that the Commission had required to be corrected.

Andrew Duthie, 1804 Woodland, stated that he lives across the street and he is opposition of the proposal.

Matthew Stitzlein, 1716 Forrest handed out a petition against the project. He explained the process of the construction and the violation.

Michael Kreyling, representing ReDiscover East, suggested that it is not the business of the Commission to provide approval for a contractor's mistakes. Historic character is lost by a 1000 small cuts and replacing the brick veneer here with slurry will be doing that.

Sean Kice, 1800 Forrest, spoke in opposition because the house under construction doesn't match the permit, and cited examples of the contractor's lack of construction ethics throughout the neighborhood. The rear of the building is two-stories. People building houses outside of codes are not the people who are going to be living in it.

Bob Borzak, 1503 Woodland, stated his opposition because the developer has shown his disregard of the design guidelines repeatedly in the neighborhood. Pre-constructed framing can be reconstructed, as Borzak himself has done with Habitat for Humanity's projects. The developer has 15 other projects in the neighborhood, and if they are giving leeway on this project, they will simply do it again.

Jim Polk, 1815 Holly Street, said he appreciated the efforts of the Commission. He encouraged the Commission to stand by what they worked hard to create.

Cuthbertson returned for a rebuttal. He stated that it was obvious that mistakes were made, such as not obtaining a building permit, and they are working on getting the permit. The Commission approved a house they felt would contribute to the neighborhood and they are asking to build the same house with a 9" difference. The setback variations are consistent with those found throughout the neighborhood.

Commissioners Champion and Bell asked for clarification of the project and process.

Commissioner Kaalberg said that on the surface, 9" is fairly insignificant, but the issue is with all the mistakes. The removal of the brick is less attractive. Pre-engineered framing can be reconstructed. The fact that they don't have a building permit is baffling. The details matter and obviously it matters to the neighborhood too.

Commissioner Gee agreed with the emotions around the issue but he thinks it is important that the Commission understands that those were not really the Commission's issues, so they need to determine if the project meets the design guidelines.

Motion:

Commissioner Gee moved to disapprove the project finding that it does not meet the design guidelines. Commissioner Cantrell seconded and the motion passed unanimously.

VII. ADMINISTRATIVE ACTIONS

z. Approve change to Rules of Order and Procedure

Ms. Zeigler stated that she had received some comments from the legal department, and in lieu of explaining each one, it might be easier to bring an updated copy to the Commission next month. The Commission did not have any discussions regarding changes to the Rules of Order and Procedure due to time constraints.

Ms. Zeigler said that she had not received many comments on the electronic packets and she asked for their thoughts on receiving their packets electronically. Commissioners discussed their preferences. No action was taken or needed.

Meeting adjourned at 3:02 p.m.

RATIFIED BY COMMISSION ON JANUARY 22, 2015