

MEGAN BARRY  
MAYOR



## METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

### METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

December 16, 2015

**Commissioners Present:** Chairman Brian Tibbs, Vice-chair Ann Nielson, Menié Bell, Rose Cantrell, Richard Fletcher, Hunter Gee, Sam Champion

**Zoning Staff:** Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Robin Zeigler (historic zoning administrator), Susan Jones (city attorney)

**Applicants:** Preston Quirk, Kayla Joslin, Michael Price, John Waterson, Chad Gore, Sandi Adams

**Public:** Mike Gallagher, 1203 Eastdale; John Phillips, 1115 Marion Ave; Thomas Haehn, 3631 Brush Hill Road; Iris Beran, speaking for Trent Beran, 3622 Brush Hill Road; Tony Claus, does not live in the neighborhood; Zelda Shelton, realtor; Katie Doyle, 1140 Shelton; Keith Spadafino, 1413 Shelton; Rebecca Freeman, 1304 McChesney; Maggie Troutman, 1302 McChesney, Rod Boehmn, 1248 Plymouth; Mary Johnston, 1310 Howard Ave; Matthew Bond, 3519 Golf Street; Melissa Bond, 3519 Golf Street; Lee Garland, 1106 Eastdale Ave; Kim Rellava, 1113 Greenfield Ave; Mark Hosord, 1240 Riverwood Dr; Sheridyn Williamson, 1141 Riverwood Drive; Bob Borzak, 1503 Woodland Street; Susan Foxman, 2006 Cedar Ln; Sam House, 2009 Cedar Ln; Karen Eckman, 2004 Cedar Ln; Dave Workman, 2011 Cedar Ln; Carol Norton 801 Boscobel; Michael Kreyling representing ReDiscover East

Chairman Tibbs called the meeting to order at 2:09 p.m.

**Motion:**

**Commissioner Gee moved to move the consent agenda to be heard before the overlay recommendation.**

**Commissioner Bell seconded and the motion passed unanimously.**

#### I. RECOGNITION OF COUNCILMEMBERS

Councilman Davis stated he was ready to hear from his neighbors for and against the project. He explained the impetus for starting the discussion of an overlay. Development in Nashville is hot and Inglewood Place and Jackson Park are in the middle of this positive change. An overlay would not prevent development but would put controls into place. The first public forum was held at Litton Alumni Center. Neighborhood led effort: fliers and social media. Poll was taken of about 100 people at the first meeting with 90% in favor. A couple of months ago the community notice process began again. A poll of approximately 100 persons was taken with 100% in favor. He felt that was sufficient to move forward and he feels that there is a majority in support. He doesn't want something divisive for the neighborhood.

Councilman Withers said he was able to attend the first community meeting regarding Inglewood and he looks forward to their deliberation. He will reserve his comments for 105 South 11th when that case comes up.

#### II. APPROVAL OF AGENDA

- a. November 18, 2015

**Motion:**

**Vice-chair Nielson moved to approve the minutes as presented. Commissioner Bell seconded and the motion passed unanimously.**

Chairman Tibbs read the instructions for the meeting, appeals process, and the consent agenda.

#### **IV. CONSENT AGENDA**

**NOTICE TO THE PUBLIC:** Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

**b. 510 FAIRFAX AVE**

Application: New construction--addition  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead: MELISSA BALDOCK  
Permit ID #: 2087802

**c. 1206 FERGUSON AVE**

Application: Partial demolition; New construction - addition  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: SEAN ALEXANDER  
Permit ID #: 2086744

**d. 1800 HOLLY ST**

Application: New construction--addition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: MELISSA BALDOCK  
Permit ID #: 2087808

**e. 1209 FORREST AVE**

Application: Demolition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: PAUL HOFFMAN  
Permit ID #: 2088299

**f. 1816 ORDWAY PL**

Application: New construction - addition  
Council District: 06  
Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay  
Project Lead: SEAN ALEXANDER  
Permit ID #: 2088302

Staff member, Paul Hoffman, presented the cases for the consent agenda. There were no additional requests to remove items from the consent agenda.

**Motion:**

**Vice-chair Nielson moved to approve all consent agenda items with their respective conditions. Commissioner Gee seconded and the motion passed with all in favor.**

### III. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTION

Staff member, Robin Zeigler, presented the case for a neighborhood conservation zoning overlay for Inglewood Place-Jackson Park Neighborhood. The proposed overlay includes two districts that have been nominated for listing in the National Register of Historic Places--Jackson Park and Inglewood Place-- They are expected to be approved by the National Park Service in early 2016, as well as an eligible portion between the two.

Inglewood Place survives today as the oldest intact, and most impressive example of an early-20<sup>th</sup> century designed streetcar suburb in Inglewood. Jackson Park is also significant in the area of community planning and development as an excellent representation of the expanding Nashville suburbs and evolving national trends in suburban planning. The area in between the two is similar in terms of development, architecture, and period of development.

Overall the proposed overlay has a high rate of integrity with approximately 80% contributing, and even higher in some areas.

Staff finds the proposed overlay to be eligible for listing in the National Register and therefore meets section 17.36.120.A.5 of the ordinance for a neighborhood conservation zoning overlay.

The guidelines were written following the general format of previous neighborhood conservation design guidelines and based on the National Park Service's Secretary of Interior's Standards (Historic Preservation Act), as required by local and state law. It also includes specific guidance based on an architectural resource surveys conducted by History, Inc., an independent consultant, for the National Register of Historic Places nominations.

Staff suggests that the Commission recommend approval of the overlay to Metro Council finding the proposal meets standard 5 of section 17.36.120A of the code based on the fact that the area is eligible for listing in the National Register of Historic Places.

Staff recommends adoption of the proposed design guidelines finding them to meet the Secretary of Interior's Standards for Rehabilitation, as required by local and state law.

Ms. Susan Jones, legal counsel, stated that they could alter their Rules of Order and Procedure and set alternative time limits or limit the number of speakers. Six persons were present in opposition. Approximately twenty-five stated they wished to speak in favor of the proposal. Commissioner Gee asked that the rules not be suspended.

#### **Motion:**

**Councilman Gee moved to suspend the Rules of Order and Procedure to allow opponents to speak first and proponents to speak second. Vice Chairman Nielson seconded and the motion passed unanimously.**

**Opposition:** Mike Gallagher, 1203 Eastdale; John Phillips, 1115 Marion Ave; Thomas Haehn, 3631 Brush Hill Road; Iris Beran, speaking for Trent Beran, 3622 Brush Hill Road; Tony Claus, does not live in the neighborhood; Zelda Shelton, realtor

**In Favor:** Katie Doyle, 1140 Shelton; Keith Spadafino, 1413 Shelton; Rebecca Freeman, 1304 McChesney; Maggie Troutman, 1302 McChesney, Rod Boehmn, 1248 Plymouth; Mary Johnston, 1310 Howard Ave; Matthew Bond, 3519 Golf Street; Melissa Bond, 3519 Golf Street; Lee Garland, 1106 Eastdale Ave; Kim Rellava, 1113 Greenfield Ave; Mark Hosord, 1240 Riverwood Dr; Sheridyn Williamson, 1141 Riverwood Drive; Bob Borzak, 1503 Woodland Street

Commissioner Kaalberg noted this was just the first step as there will be two more public hearings with Planning Commission and Council. He feels it is a good fit for the neighborhood but he thinks it is important to have more meetings and feels Councilman Davis will do that.

Commissioner Mosley noted that their job is to take the staff's analysis and determine whether the application meets the standards to be an overlay.

Commissioner Gee explained that the design guidelines would be approved by the MHZC, not by council. He noted that Gallatin Pike has not developed as quickly as some other corridors because of the small lots, difficulty in assembling large areas, and the shallow depth of the lots. He asked the Councilmember if we could consider pulling the boundaries back away from Gallatin Pike a lot or two. Councilmember Davis explained that they did consider that when putting together the existing boundaries. He believes that mixed-use will increase since an SP was recently removed and referenced other projects underway that will encourage additional investment.

Staff member, Robin Zeigler, apologized to the neighborhood because the wrong set of design guidelines was attached in the commissioner's packet. Fortunately, the design guidelines available to the neighborhood on the website was correct; however, since the commissioners themselves did not have an opportunity to review the correct version she suggested that they vote on their recommendation for the overlay and allow staff to bring the design guidelines back to them in January. Commissioner Mosley noted that there would not be major changes as the conservation design guidelines are similar in all cases but have details specific to the neighborhood based on the architectural resource survey conducted. She informed the Commission that they could move forward with the recommendation to Metro Council.

**Motion:**

**Commissioner Mosley moved to recommend the overlay to Metro Council based on the fact that it meets section 17.36.120A.5. of the ordinance, since it is eligible for listing in the National Register of Historic Places, noting that review of the design guidelines would be conducted in January. Vice-chair Nielson seconded and the motion passed unanimously.**

**V. PREVIOUSLY DEFERRED ITEMS**

The items below were deferred from a previous MHZC meeting at the request of the applicant.

**h. 2014 CEDAR LN**

Application: Demolition-primary structure; New construction-infill and outbuilding; Setback determination  
Council District: 18  
Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay  
Project Lead: MELISSA BALDOCK  
Permit ID #: 2081765, 2081779, and 2081810

Staff member, Melissa Baldock presented the case for new construction at 2014 Cedar Lane. The applicant for 2014 Cedar Lane is proposing to demolish the existing non-contributing, multi-family structure on the site, and to construct new infill and an outbuilding. The Commission reviewed this same project in November, but the applicant asked for a deferral to investigate increasing the front setback. The existing structure was constructed after 1950, and staff finds it to be non-contributing. Staff recommends approval of its demolition. The site is over 16,000 square feet and is zoned RM20 to allow for 7 residential units. The lot backs up to I-440, and marks the end of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay. The applicant is proposing to build a new multi-family structure and an outbuilding on the site. The multifamily structure will have six units in it, and the outbuilding will contain one additional unit, for a total of 7 units.

The applicant has increased the front setback from 70', as was originally proposed, to 78'. This was accomplished by pushing the accessory structure closer to the rear property line, and by reducing the depth of the primary structure by 1'. This is still forward of the neighboring structures, which have front setbacks ranging from 83' – 86', with an average front setback of approximately 84'. Staff finds that the revised front setback is appropriate for several reasons. This site is the last lot before Cedar Lane dead ends into I-440, and as such, there is not a significant rhythm on the street that will be affected. In addition, the proposed front setback allows the owner to realize the

seven units the lot is zoned for and to keep all associated parking in the rear yard. Staff finds that the proposed front setback meets the design guidelines.

In the previous plan, the outbuilding was placed 10' from the rear property line, and in this plan the applicant has pushed the structure back so that now it is just 3' from the rear property line. Both plans require a rear setback determination. Outbuildings with footprints greater than 700 sq. ft. are required under base zoning to be twenty feet (20') from the rear property line. Staff finds the proposed 3' rear setback to be appropriate because outbuildings historically were located near or on the rear property line. In addition, the three foot (3') setback allows for more space in between the infill and the outbuilding and allows for a larger front setback. Staff also finds the three foot (3') setback to be appropriate because the lot backs up to a larger multi-family development rather than a single-family lot.

The change to the front setback has not significantly altered the design of the proposed infill. Its depth will be reduced by just 1'. The primary structure will be two-stories, with a ridge height of 32'. The surrounding area has houses that are generally one and a half stories tall, ranging in height from twenty-five to thirty-one feet (25'-31'). The non-contributing structure that is to be demolished is two stories and approximately thirty feet (30') tall.

Even though the proposed structure is larger than the other historic houses on the block, staff finds that it is appropriate because the structure is located at the edge of a dead-end street, where it will not greatly impact the historic character of the neighborhood. In addition, the structure is a multi-family structure, and apartment buildings like this were historically taller than single family houses.

Here is the proposed outbuilding. The outbuilding will have a footprint of 1,130 sq. ft. This is larger than what is typically approved, but staff finds it to be appropriate for several reasons. The site is unusually large at over 16,000 sq. ft. and appears even larger because of the right-of-way to the left. In addition, because the lot is zoned RM20, there are parking and fire requirements that are not typical of the single-family lots in the area.

The outbuilding will be two stories, with a ridge height of 24'6". The second story will contain a dwelling unit. The structure is not being reviewed as a Detached Accessory Dwelling Unit because DADUs are not permitted in the RM20 zone. However, the RM20 zoning allows for seven dwelling units on this lot, and it is appropriate for one of those units to be located in the outbuilding. Allowing for one of the units to be separated helps to decrease the large massing of the principal building. As mentioned earlier, the outbuilding requires a change in the setback from 20' to 3'. Staff finds that the proposed outbuilding and the setback determination meet the design guidelines.

Staff recommends approval of the project with the following conditions:

- The applicant submit revised plans showing the reduction of the primary structure's depth by one foot (1');
- The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
- Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
- and Staff approve the roof color and masonry color, dimensions and texture.

With these conditions, staff finds that the project meets Sections II.B. and V. of the *Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.

*Emails received in reference to the project were sent to the Commission via email and one letter, received on the same day, was provided in print to the Commissioners.*

Applicant for the project, Preston Quirk, stated that the concern at the previous meeting seemed to be about the front setback. They moved everything they could as far back as they could and didn't feel they could reduce the units anymore and still have a salable unit. Mr. Bacon, developer of the property, pointed out that there are 13 houses on the block and two of them appear to be closer to the street—they are on the opposite side of the street. Two of them have parking in front of the buildings and he cannot do the same.

Commissioner Kaalberg asked if they considered widening the building since there is nothing and will never be anything next to the left of the building. Mr. Quirk stated that if they are closer than 3' to the side property line they

cannot have windows and that is important to the use of the building. They did look at trying to buy some of the I-440 property but it is a multi-year project.

Susan Foxman, 2006 Cedar Lane, stated she was in contact with the builder and thanked him for making the changes but that she was still against the shallower front setback. She noted that the building with an 81' setback is a non-contributing building and she is concerned about what this approval would mean for the front setback of that property.

Sam House, 2009 Cedar Lane, said that he appreciates the improvements in the neighborhood but that the front setback proposed should not be allowed because it doesn't meet the historic context.

Karen Ekman, 2004 Cedar Lane, said that after looking for a home for months, they picked this block because of the size of lots and are disappointed to learn that 7 units are allowed on the lot. She disagrees that the patios that extend even closer to the front setback are appropriate. The opportunity to change 7 units to 6 units is always available.

Dave Workman, 2011 Cedar Ln, is opposed to the applicant's request, specifically the front setback. He finds staff's conclusions false and offensive.

Commissioner Mosley asked whether they were comparing wall-to-wall or porch-to-porch. The surveyor provided the information and he does not know if it includes porches or not. The house next door does not have a significant front porch. Commissioner Mosley asked if there was any wall on the upper level front porch and Mr. Quirk confirmed there was no wall.

Commissioner Bell stated that the proposal looks more consistent than the context. Vice-chairman Nielson said if they are to approve it they need to be careful about the precedent set and to define why this lot is different. Commissioner Bell noted that the setbacks across the street are quite jagged. Commissioner Gee agreed that the setbacks vary in this area and the lot sizes also vary. He expressed concern about the front patios and suggested the Commission consider them in their review.

Commission invited Mr. Quirk back to speak. He explained the front patios are to provide a front outdoor space to the front units. He suggested that some landscaping inside the proposed fencing might screen any furniture or other items that tenants put out front. He recommended that control over the space be put into the rules of occupancy. Commissioner Gee asked if they looked at porches instead of patios. Mr. Quirk said they went with a single-entrance porch since staff said the building had to look like one building. Vice-chairman Nielson asked if the patios could be moved to the side and Mr. Quirk expressed his concern that it would be a usable patio.

Commissioner Mosley noted that there are multiple HVAC units on the side that aren't set back far enough. Mr. Quirk said that they could push back the units on the right side but since there is no building to the left, the ones on the left shouldn't negatively affect the neighborhood.

Commissioner Mosley stated that the discussion about what someone might put on their front porch or patio is important to the neighborhood but not one of the issues they review.

Commissioner Gee stated that the proposed setback is compatible with the street as there is not a consistent setback on the street. He suggested a motion with a condition that relates the setback to the other homes and verification of the provided information. Mr. Quirk explained it is a survey that was done several years ago and they can certainly confirm its accuracy. Commissioner Gee stressed that it was not his intent to set a precedent that any home can be 8' closer to the street, as every project has to be reviewed on a case-by-case basis.

**Motion:**

**Commissioner Gee moved to approve the project with the following conditions:**

- **The front-wall of the building not extend more than 8.5' from the front-wall of the house to the right, to be verified with a new site plan that shows porches;**
- **The applicant submit revised plans showing the reduction of the primary structure's depth by one foot (1');**

- **The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation; and**
- **Staff approve the roof color and masonry color, dimensions and texture.**

**Commissioner Bell seconded finding that the project meets Sections II.B. and V. of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines. The motion passed with Commissioner Kaalberg opposed.**

## VI. MHZC ACTIONS

### i. 108 SECOND AVE N

Application: Signage modification

Council District: 19

Overlay: Second Avenue and Broadway Historic Preservation Zoning Overlay Districts

Project Lead: MELISSA SAJID

Permit ID #: 2088300

Staff member, Melissa Sajid presented the case for a sign at 108 Second Avenue N.

The request is to install a projecting sign on the Second Avenue façade on a contributing building located at the corner of Broadway and Second Avenue North. The site is located within both the Broadway and Second Avenue Historic Preservation Zoning Overlays. The proposed sign meets the design guidelines for location, size and design, material, and allotment but does not meet for illumination as bare bulb illumination is proposed. Bare bulb illumination is a prohibited light source by the guidelines of both overlays. In conclusion, staff recommends approval with the condition that the bare bulbs are removed from the proposed sign.

Kayla Joslin, Joslin Signs, Michael Price, Joslin Signs, and John Waterson, Sp Hard Rock Café explained the reasoning of exposed bulbs and the history of incandescent bulbs. Mr. Waterson explained the history of previous changes to the building. The door this sign is related to blends into the building and people don't realize it is an entrance and they want to promote the rooftop dining.

Commissioner Kaalberg said that the issue comes up regularly and the guidelines say "shall" rather than "should" and he doesn't see how they can allow it. Commissioner Gee asked about the process of altering design guidelines. Ms. Zeigler clarified that the signage guidelines are essentially the same as those for the DTC and were written by multiple stakeholders, including Joslin Signs. She said there might be some hesitation to change the design guidelines now, since they match the DTC and so many were involved in writing them. Commissioner Mosley, who was a part of the signage discussions, agreed that there didn't seem to be a good reason to alter them now.

#### **Motion:**

**Commissioner Gee moved to approve the proposed projecting sign with the condition that the bare bulbs are removed from the proposed sign. Vice-chair Nielson seconded, finding the project, with the condition, meets the design guidelines for signage in the Second Avenue and Broadway Historic Preservation Zoning Overlays. The motion passed unanimously.**

### j. 1403 ASHWOOD AVE

Application: New construction - detached accessory dwelling unit; Setback determination

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservations Zoning Overlay

Project Lead: MELISSA SAJID

Permit ID #: 2086750

Staff member Melissa Sajid presented the case for new construction of a DADU at 1403 Ashwood Ave.

The request is to permit a detached accessory dwelling unit at 1403 Ashwood Avenue and includes a rear setback determination. The proposed DADU is situated in the rear yard and will have access via the alley. The applicant has requested a rear setback determination to reduce the rear setback from 20' to 10' which staff finds appropriate given the context.

The DADU meets all of the standards from the Zoning Code and the design guidelines for size, height, location, and access, but it does not meet the standards for dormers. The plan proposes wall dormers that are flush with the wall below. The design guidelines recommend against wall dormers as they accentuate height. In addition, both the Zoning Code and the design guidelines require that dormers sit back from the wall below by at least 2'. The proposed dormers do not meet this requirement.

In conclusion, staff recommends approval of the DADU with conditions, including the condition that the wall dormers shall be removed and any dormers shall comply with the DADU standards in Sec. 17.16.030 of the Zoning Code and the design guidelines.

Jamie Pfeffer, architect for the project, handed out alternatives and explained those alternatives.

Commissioner Mosley stated that the applicant makes a valid point; however, this may not be the forum to change requirements of the ordinance that multiple stakeholders were involved with writing.

Commissioner Kaalberg asked if they had the authority to alter the ordinance. Ms. Jones responded that the ordinance contemplates that there may be times when the ordinance might conflict with the board's application of the design guidelines.

Commissioner Gee stated that the applicant makes a good case and there always exceptions to every ordinance. Dormers are such a character defining element of our historic districts and since the ordinance specifically says that these shall not be allowed, he doesn't think they can find a good reason to make an exception to the proposed design. He would be willing to say that the lower alternative seems to meet the height restrictions and so long as the staff finds that the project meets the ordinance, then he would be willing to propose that they approve the alternative.

The commission invited the applicant back to speak. Jamie Pfeffer said that he did send the proposed alternatives to staff. Ms. Sajid said she had seen them but not the full proposal.

**Motion:**

**Commissioner Mosley moved to approve the project with the following conditions:**

- **Wall dormers shall be removed and any dormers shall comply with the DADU standards in Section 17.16.030 of the Zoning Code and the design guidelines;**
- **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
- **Staff approve the roof color; and**
- **The recorded restrictive covenant for the detached accessory dwelling unit shall be submitted to staff prior to permit issuance.**

**Commissioner Kaalberg seconded based on the fact that the project meets Sections II.B. and ordinance 17.16.030 of the Belmont-Hillsboro Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines. The motion passed unanimously.**

**k. 1311 SEVENTH AVE N**

Application: New construction - detached accessory dwelling unit

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay District

Project Lead: MELISSA SAJID

Permit ID #: 2086765

Staff member, Melissa Sajid presented the case for a DADU at 1311 Seventh Avenue N.

The request is to permit a detached accessory dwelling unit at 1311 7<sup>th</sup> Ave North. The property is zoned R6, and the lot is approximately 8,000 square feet. Therefore, the site is eligible for a DADU.

The proposed DADU is located in the rear yard and will be accessed via the alley. The DADU is to be connected to the primary structure by a covered walkway that is approximately 6' 5" wide. Covered walkways have been permitted previously, but the width of the proposed connector is wider than the recommended width of 5'.

The DADU meets all standards of the Zoning Code and design guidelines except for eave height. The average eave height for the DADU is approximately 14' 11" whereas the average eave height of the house is approximately 13' 5". In order to meet the DADU regulations in the Zoning Code, the eave heights on the DADU must be reduced so that the average eave height does not exceed that of the existing house.

In conclusion, staff recommends approval of the DADU with conditions, including the condition that the width of the covered walkway be reduced to no more than 5' and that the average eave height be reduced to comply with the DADU standards in Sec. 17.16.030 of the Zoning Code and the design guidelines.

Van Pond, architect for the project, stated that they have no issue with lowering the eave. They do have concerns with the five-foot (5') width of the walkway which was originally proposed to be 8'. That made the columns proud of the structure of the house so they narrowed it to 6' and they feel that the width should be the same across the entire walkway.

Commissioner Gee asked about the width of the columns which were 8x8 which constricts the walkway to just a bit over 4'.

Commissioner Mosley stated that the 5' rule for covered walk-ways is sensible but giving the conditions that they are working with it would result in an awkward design. Allowing it will not set a precedent.

**Motion:**

**Commissioner Kaalberg moved to approve the project with the conditions that:**

- **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation; and,**
- **The eave height of the DADU shall be reduced so that the average eave height does not exceed the average eave height of the existing house.**

**Commissioner Gee seconded based on the fact that the project meets Section 2.9 of the *Germantown Historic Zoning District: Handbook and Design Guidelines* as well as the standards of Section 17.16.030.F. of the Zoning Code for Detached Accessory Dwelling Units. The motion was approved unanimously.**

**I. 105 SOUTH 11<sup>TH</sup> ST**

Application: New construction - infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: SEAN ALEXANDER

Permit ID #: 2088301

Staff member, Sean Alexander, presented the case for infill construction at 105 S 11<sup>th</sup> Street.

The application is to construct two buildings on a vacant lot in the Five Points area of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

One of the buildings will address the street in the manner typical of a commercial building. The other will be at the rear of the lot, accessed primarily from the alley. There will be an open courtyard between the buildings.

At the front, the building will have a 30' tall two-story façade with a third story stepped back 10 feet from the front and then rising an additional 15 feet.

The first story will have a storefront configuration with aluminum accordion-style doors flanking a recessed central entrance. Typically a storefront would have windows above a bulkhead wall, so staff recommends that this be revised to be more compatible.

The second story will have a row of three three-part windows.

The third story would also have accordion-style doors. In this location, because the third story façade is set back from the parapet it will not be prominently visible and therefore will not contrast with historic buildings.

The building will be clad with a veneer of cast-stone on the front façade – wrapping the right corner, with the remainder of the building clad with brick. Staff finds that brick on the front façade would be more compatible with surrounding historic buildings.

The back building will be two-stories tall, with a flat roof topping at 31’.

This building will be brick as well, with an upperstory balcony screened by a metal screen wall – not a wire mesh but more like an ornamental curtain wall.

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

- The topography be verified so that the height of the two-story front façade is limited to thirty feet (30’) and the third story is limited to forty-five feet (45’) tall;
- The storefront frieze is wood or fiber cement;
- The window and door selections are approved by MHZC Staff prior to purchase;
- The front façade be brick and that all masonry and metal be approved by MHZC Staff prior to purchase;
- An eighteen inch (18”) to thirty-six inch (36”) brick, wood, or fiber cement bulkhead be added below the storefront windows; and
- The HVAC and utility connections are at the rear or behind the midpoint on a non-street-facing façade.

With these conditions, Staff finds that the proposal meets the design guidelines for new construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay.

Architect for the project, Preston Quirk, said he worked with staff and MDHA and made alterations to the project, prior to bringing the project to the Commission. It is about 11’ taller than the bike shop next door and the setback meets MDHA’s requirements. He noted that there were a number of three-story projects approved in the neighborhood in the past. They will make the material change to the storefront frieze and the material and design change to the bulkhead. They would like to keep the proposed masonry material, which is a traditional building material. They are proposing an art sign which they will bring to MDHA for approval.

Councilman Withers said he was primarily present to learn as the overlap between MDHA and historic design guidelines is an interesting one. He has received multiple comments from constituents that are concerned with the height. Councilmember Mike Jamison told him that there were other projects that were approved by both commissions to be 2-stories with a 3rd-story stepped back but neither was constructed.

Mr. Quirk introduced a tenant of the building, who said that he supports the project as it is an amenity to the neighborhood. It’s not another bar but a restaurant with a bakery in the back. Having three stories there will be better for the neighborhood than the abandoned building they have had for years.

Carol Norton, 801 Boscobel urged the Commission to deny the project. As recently as last month, projects for residential buildings were denied for height. Approving it would appear to be playing favorites and the state law requires that the commission follow the secretary of interior standards. Just because a three-story building may be allowed doesn’t mean it’s appropriate for every location. She begged the commission not to set the precedent of approving a sore-thumb.

Michael Kreyling, speaking for ReDiscover East, referenced the memo sent via email earlier in the day.

Commissioner Gee said when MDHA design guidelines were put in place he was involved in creating the design guidelines and there was a lot of discussion about heights. MHZC staff at the time was involved in the development of the MDHA design guidelines.

Commissioner Bell noted that the 3-story buildings approved in the past have been corner lots. Her concern is how new development continues in the future. Commissioner Mosley noted that Five Points is presently dominated by parking. It is not by accident that the design guidelines are written specifically for Five Points.

Commissioner Kaalberg stated he was excited to see something coming to the area that can be a catalyst for more development for the many vacant lots there presently. The amount of possible new construction allows them to be a little more flexible because so much will change over the years but it must be done delicately. Two stories will be just right. He is not opposed to a third story but it needs to step back the way it is and be more like a mezzanine rather than a full 15'. The total should be in the low 30s for total height.

Commissioner Gee said that it is their responsibility to apply the design guidelines in terms of compatibility and they will all have different opinions on that. He tends to be more liberal in terms of consistency and compatibility because the districts are both commercial and residential and you have two-stories next to one-stories. There is a lot of variation. Because of the step back of the third story what you are really going to perceive from the street is the two-stories. He wouldn't be opposed to lowering the height of the third story to be more in keeping with the second story.

Commissioner Kaalberg and Gee stated that they were not opposed to the use of stone on the front veneer.

Commissioner Kaalberg and Vice-Chairman Nielson said rather than approve they would like to see the project come back to them with the height addressed by the applicant in a new manner.

For a three-story building it is all in proportion but it shouldn't be a full three stories, instead the third story should be treated more like a penthouse. Commissioner Gee invited the applicant back to address how much the height could be lowered. Mr. Quirk explained that some of the height was to screen mechanicals and they haven't figured exact floor heights. They can place the mechanicals on the far rear of the building that might help to lower the parapet.

Commissioner Kaalberg suggested dropping one of the B&B units for an alternate mechanicals location and then the parapet could be reduced significantly.

Commissioner Kaalberg stated that two buildings is a lot for the lot but it shouldn't be an issue in terms of how the project meets the street.

**Motion:**

**Commissioner Gee moved to approve the project with the conditions that:**

- **The topography be verified so that the height of the two-story front façade is limited to thirty feet (30') and the third story is limited to forty-five feet (45') tall;**
- **The storefront frieze is wood or fiber cement;**
- **The window and door selections are approved by MHZC Staff prior to purchase;**
- **The front façade be brick and that all masonry and metal be approved by MHZC Staff prior to purchase;**
- **An 18" - 36" brick, wood, or fiber cement bulkhead be added below the storefront windows; and**
- **The third story is reduced in height to a minimum practical height;**
- **The HVAC and utility connections are at the rear or behind the midpoint on a non-street-facing façade.**

**Commissioner Mosley seconded based on the fact that the proposal with the conditions meets the design guidelines for new construction in the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay. Vice-chairman Nielsen and Commissioner Kaalberg voted against the project as proposed.**

**Chairman Tibbs voted in favor of the project, providing the required four concurring votes for the motion to pass.**

**m. 3657 RICHLAND AVE**

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

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 2087814 and 2087815

Staff member, Melissa Baldock, presented the case for new construction at 3657 Richland Avenue. 3657 Richland Avenue is a vacant lot that until recently was part of the Welch College campus. In June 2015, the Metro Historic Zoning Commission approved a preliminary site plan for 22 new infill houses on the former campus, all located within the Richland-West End Neighborhood Conservation Zoning Overlay. The Commission's approval in June was contingent on the applicant returning to the Commission for approval of all infill design and site layout. The Commission today will be considering the design of two new infill structures and their outbuildings. The first one, Lot 1, is located at the corner of Richland and Craighead avenues.

As part of the development, a new private alley will be created at the rear of the properties. The alley will be accessed via Craighead. The site plan for the overall development indicates that a monument sign is to be installed at the alley, stating that the alley is private. Staff recommends a sign similar to a small street sign, to identify the alley instead. Final review of the size, materials, design, and location of the sign is recommended.

The existing stone wall will remain as part of the new development, although portions of the wall will be removed at the back to create the alley. On the top right photo, you will see the back of the Welch library. It is likely that the existing piers and lights at the Library's driveway will be removed, and if that is the case, staff asks that they be relocated to flank the new alley.

Both the infill and the outbuilding require a change to the left side setback. On the left side, base zoning requires a five foot (5') side setback for both the infill and the outbuilding, but the applicant is proposing to set the two structures just three feet (3') from the side property line. Staff finds this reduced side setback to be appropriate because there are other two-story homes in the immediate vicinity that do not meet the required five foot (5') side setback. In addition, the infill is part of a larger development, and the reduced setback will affect the parcel next door at 3653 Richland Avenue, which is also part of the larger development. 3653 Richland Avenue will be set approximately eight feet (8') from this side property line, so that there will be eleven feet (11') between the two houses. Therefore, the reduced side setback will not affect overall rhythm of spacing on the street.

Since the writing of the staff recommendation, the applicant has provided information on the location of the HVAC unit. It will be on the Craighead façade of the house, towards the back of the house, which is appropriate.

The proposed infill will be two stories with a ridge height of approximately thirty-eight feet (38') from grade. Staff finds that this meets the overall historic context, as there are several two-story houses with a similar height across the street from the site.

The applicant has submitted revised elevations showing the grade of the lot in relation to the foundation height, and staff finds that the foundation height as shown in the drawings is appropriate. However, staff will want to inspect the height of the foundation after it has been constructed to ensure its appropriateness.

The primary cladding material will be brick, and staff recommends approval of a brick sample prior to purchase and installation. The primary foundation is also to be brick, with a header brick course separating the foundation from the wall above. Historically, there was a change in material from the foundation to the wall above, and staff therefore recommends that the foundation be another masonry material than brick, like stone or stucco. Alternately, if the foundation is to be brick, then the color of the brick for the foundation should be different from the color of the brick for the wall above. All of the other known materials have been approved by the Commission in the past.

The proposed outbuilding will be 882 sq. ft. in footprint, and staff finds its overall height, scale, and design to meet the design guidelines.

Staff recommends approval of the project with the following conditions:

- Staff approve the foundation height once it is constructed;
- The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
- The foundation material be stone or stucco, or if the foundation is to be brick, it be a different color from the brick on the walls above in order to visually differentiate between the foundation and the wall;
- Staff approve all windows, doors, roof shingle color, and brick and stone samples prior to purchase and installation of these materials;
- The Welch Library piers and lights be relocated to flank the new alley, unless the existing Welch Library entrance is to remain; and
- Staff approves the materials, size, design, and location of the alley sign; and
- The HVAC shall be located behind the house or on the interior side facade, beyond the mid-point of the house.

With these conditions, staff finds that the project meets Section II.B. of the *Richland-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.

Chad Gore, architect for the project, said that they agreed with all the conditions.

There were no requests from the public to speak.

**Motion:**

**Vice-chairman Nielson moved to approve with the conditions that:**

- **The foundation be no taller than two feet (2');**
- **The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- **The foundation material be stone or stucco, or if the foundation is to be brick, it be a different color from the brick on the walls above in order to visually differentiate between the foundation and the wall;**
- **Staff approve all windows, doors, roof shingle color, and brick and stone samples prior to purchase and installation of these materials;**
- **The Welch Library piers and lights be relocated to flank the new alley, unless the existing Welch Library entrance is to remain;**
- **Staff approve the materials, size, design, and location of the alley sign; and**
- **The HVAC shall be located behind the house or on the interior side facade, beyond the mid-point of the house.**

**Commissioner Gee seconded based on the fact that with the conditions, the project meets Section II.B. of the *Richland-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. The vote was unanimous.**

**n. 3653 RICHLAND AVE**

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

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA BALDOCK

Permit ID #: 2087823 and 2087825

Staff member, Melissa Baldock, presented the case for new construction at 3653 Richland Avenue. This lot is located adjacent to the infill just approved/considered on Richland Avenue, just off of Craighead Avenue. Like the previous application, the site will be accessed via a new alley created at the back of the lot. The stone wall along the front will be preserved as part of the project.

Like the previous application, both the infill and the outbuilding require a change to the left side setback from 5' to 3'. Staff finds this reduced side setback to be appropriate because there are other homes in the immediate vicinity that do not meet the required five foot (5') side setback. In addition, the infill is part of a larger development, and the reduced setback will affect the parcel next door at 3649 Richland Avenue, which is also part of the larger development. Staff has yet to review the site plan for 3649, but has directed the applicant that the right side of 3649 needs to be set more than seven feet (7') from the side property line. This will ensure there is at least ten feet (10') in between nos. 3653 and 3649 Richland Avenue and that the reduced side setback will not affect overall rhythm of spacing on the street.

The HVAC unit is shown as being on the right façade, significantly back from the front of the house, which is appropriate.

The proposed infill will be one-and-a-half stories with an eave height of fourteen feet, six inches (14'6") from grade and a ridge height of approximately thirty-two feet (32') from grade. Staff finds that this meets the overall historic context, as there are both one and a half and two-story houses in the immediate vicinity, and these houses have heights ranging from thirty to forty-four feet (30' – 44') in height.

As in the previous application, the applicant has submitted revised elevations showing the grade of the lot in relation to the foundation height, and staff finds that the foundation height as shown on the drawings is appropriate. However, staff will want to inspect the height of the foundation after it has been constructed to ensure its appropriateness.

The primary cladding material will be brick, and staff recommends approval of a brick sample prior to purchase and installation. The primary foundation is also to be brick, with a brick header course separating the foundation from the wall above. Historically, there was a change in material from the foundation to the wall above, and staff therefore recommends that the foundation be another masonry material besides brick, such as stone or stucco. Alternatively, if the foundation is to be brick, then the color of the brick for the foundation should be different from the color of the brick for the wall above.

The proposed outbuilding will be 805 sq. ft. in footprint, and staff finds its overall height, scale, and design to meet the design guidelines.

Staff recommends approval of the project with the following conditions:

- Staff approves the foundation height once it is constructed;
- The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;
- The foundation material be stone or stucco, or if the foundation is to be brick, it be a different color than the brick on the walls above in order to visually differentiate between the foundation and the wall; and
- Staff approves all windows and doors, roof shingle color, and brick and stone samples prior to purchase and installation of these materials.
- The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

With these conditions, staff finds that the project meets Sections II.B. of the *Richland-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.

Chad Gore, architect for the project, said that they agreed with all the conditions.

There were no requests from the public to speak

**Motion:**

**Commissioner Mosley moved to approve the project with the conditions:**

- **The foundation be no taller than two feet (2’);**
- **The finished floor height be consistent with the finished floor heights of neighboring historic houses, to be verified by MHZC staff in the field;**
- **The foundation material be stone or stucco, or if the foundation is to be brick, it be a different color than the brick on the walls above in order to visually differentiate between the foundation and the wall;**
- **Staff approve all windows and doors, roof shingle color, and brick and stone samples prior to purchase and installation of these materials; and**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house.**

**Vice-chair Neilson seconded based on the findings with the conditions the project meets Sections II.B. of the *Richland-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. The vote was unanimous.**

**o. 1108 LILLIAN ST**

Application: New construction - infill

Council District: 06

Overlay: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Project Lead: MELISSA SAJID

Permit ID #: 2086756

Staff member Melissa Sajid, presented the case for infill construction at 1108 Lillian Street.

This is a request to construct a new two-family residence at 1108 Lillian Street. The commission approved the demolition of the existing noncontributing house at last month’s meeting. The plan before you meets the design guidelines for height, scale, setback and rhythm of spacing, materials, roof shape, orientation, and rhythm and proportions of openings.

As proposed, the two-family residence is oriented to Lillian Street with parking off the alley. The front setback is consistent with recently approved infill on this block of Lillian Street. The structure is 1.5 stories with a basement below grade and will have a ridge height of 26’ 4” with an eave height of 11’ 2” at the front.

In conclusion, staff recommends approval of the infill with conditions, as set forth in the staff recommendation, as the request meets the design guidelines.

Sandi Adams, architect for the project stated that she agreed with all conditions.

There were no requests from the public to speak.

**Motion:**

**Vice-chairman Nielson move to approve the project with the conditions that:**

- **The finished floor height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- **Staff approves the final details, dimensions and materials of doors prior to purchase and installation;**
- **The HVAC be located behind the house or on either side, beyond the mid-point of the house; and**
- **Staff approves the roof color, dimensions and texture.**

**Commissioner Mosley seconded based on the fact that the infill will meets Section II.B. of the *Lockeland Springs-East End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. The vote was unanimous**

**V. PRELIMINARY SP REVIEW**

None

**VI. ADMINISTRATIVE ACTIONS**

**p. Revisions to the Rules of Order and Procedure**

Ms. Zeigler, staff, explained that the revisions were to correct typos, meet current practices and provide clarifications.

**Motion:**

**Vice-chair Neilson moved to approve the revised Rules of Order and Procedure. Commissioner Bell seconded and the motion passed unanimously.**

**p. OTHER BUSINESS**

**q. Administrative Permits Issued for Prior month**