

MEGAN BARRY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park

METRO HISTORIC ZONING COMMISSION (MHZC) MINUTES

March 16, 2016

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

Zoning Staff: Sean Alexander, Melissa Baldock, Paul Hoffman, Melissa Sajid, Robin Zeigler (historic zoning administrator), Macy Forrest Amos (city attorney)

Council Member: None attending

Applicants: Louisa Clary, James Fineman, Pete Prosser, Jeremy Walker, Charles Bone, Remick Moore, Erica Garrison, Steve Maxwell, Patrick Bales, Jim Rowan, James Sweeney

Public: Ann Roberts, Charles Bone

Chairman Tibbs called the meeting to order at 2:01 p.m.

Prior to beginning with the agenda, Chairman Tibbs honored outgoing commissioner, Hunter Gee, with a certificate of service.

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

I. RECOGNITION OF COUNCILMEMBERS

II. APPROVAL OF MINUTES

a. February 17, 2016

Motion:

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

Rose Cantrell and Aaron Kaalberg arrived at 2:05 pm.

III. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTION

There are no cases for an overlay.

IV. CONSENT AGENDA

Staff member, Paul Hoffman, presented the cases on consent.

a. 2200 GRANTLAND AVE

Application: Demolition

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Paul Hoffman

Permit ID #: 2099106

b. 3700 CENTRAL AVE

Application: New construction – addition; Setback determination

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Sean Alexander

Permit ID #: 2106301

There were no requests from the public or Commissioners to remove any items from the consent agenda.

Motion:

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

V. PREVIOUSLY DEFERRED ITEMS

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

There were no items deferred at the previous meeting.

VI. MHZC ACTIONS

a. 1718 GREENWOOD AVE

Application: Revision of current permit for infill

Council District: 06

Overlay: Eastwood Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Permit ID #: 2105622

Staff member, Melissa Baldock, noted that Councilmember Withers submitted an email in support of the staff recommendation, a copy of which was handed out at the beginning of the meeting.

1718 Greenwood Avenue is an application to alter the existing preservation permit for infill with a front yard parking pad. In February 2015, the Metro Historic Zoning Commission approved the construction of duplex infill at the site. The infill has a deep front yard setback, which matches the front setback of the adjoining houses. There is no alley access for the site. The site plan the Commission approved provided for four parking spaces (two for each duplex unit) at the rear of the site.

A retaining wall was constructed approximately six to ten feet (6'-10') off the left side property line, and approximately four feet (4') off the rear property line. The retaining wall in this location reduced the area in the rear for parking. The applicant is now proposing parking for two cars in the rear of the property, behind the house, and for two other cars in the front yard, accessed via the existing driveway and curb cut. The front yard parking pad will be twenty feet by twenty feet (20' X 20') and will be located in front of the house.

The design guidelines require that a building's front façade be visually consistent with the surrounding historic properties. Because other buildings with similar setbacks have parking at the rear, staff finds that cars parked in the front yard will change the look of the front façade in a manner that would not be within keeping with the historic context. This is consistent with the Commission's past decisions which are clarified in the italicized language of the design guidelines, which state that "*Front yard parking or driveways which end at the front of the house are not consistent with the character of the historic neighborhoods.*"

If the retaining wall were to be moved back to its original location, staff believes there would be enough room for the original four rear parking pads. Staff therefore finds that the proposed front yard parking pad does not meet the design guidelines or the historic context of the Eastwood neighborhood.

Staff recommends disapproval of the proposed front yard parking plan, and recommends that the applicant provide parking for four vehicles behind the historic house, even if that requires the relocation of the retaining wall.

Sam Champion asked if street parking was allowed. Ms. Baldock said that there was some but she wasn't sure if it was allowed or not.

Louisa Clary, owner of the property, explained that Pete Prosser is the representative who will speak to the inability to sell the property. There isn't enough room for 4 parking spaces. Even without the retaining wall there is really only room for 1 car to park in the back, even though 2 are shown.

Commissioner Mosley asked the applicant about the decision to construct the retaining wall closer to the house, than what was originally planned. James Fineman, also an owner, explained that the retaining wall is only slightly off the property line. Even if you move the retaining wall two feet, the way the house is designed, there is no way to get four cars behind the house.

Mr. Prosser, realtor for the project, said he understands the market and the community but despite multiple showings and open-houses, they consistently receive feedback that people will not make an offer because of the limited parking. People like the house and the neighborhood but they do not like the shared driveway and limited parking. They could sell the homes if there was a way to address the parking.

Jeremy Walker with Urban Development Group, the builder for the project, stated that he submitted three different options including a second drive way, in the location of an existing curb cut and tandem parking that wouldn't take up so much of the yard; however, staff advised them that they could only bring one option to the commission. They are open to any suggestions for correcting the situation. Codes told them that they could not place the retaining wall on the property line, but even if it was, it restricts access to the rear unit. There is no street parking available.

Chairman Tibbs asked if Codes told them they couldn't place the retaining on wall on the property line. Mr. Walker said that his partner said that Codes told them that the originally proposed location would require a different type of wall, bigger foundation and the removal of trees.

Commissioner Mosley asked about the type of construction of the wall and Mr. Walker provided a description and an explanation of what would have been required to have the wall further back on the site.

There were no requests from the public to speak.

Commissioner Champion said he was sympathetic to the problem; however, the approval of the 2015 plan seemed to have worked and should have worked so he doesn't find the issue a problem for this commission.

Commissioner Gee said he was also sympathetic and he realizes that the request seems simple; however, the front yards of these neighborhoods define the character of the neighborhood. Before the overlay was put in place, front yards were paved for parking and it destroyed the streetscape and character of the neighborhood. This is a bit different in that the homes sit back further but a tandem or parallel parking situation would meet the design guidelines and character of the district rather than a parking pad in the front yard. The hardship is self-imposed in that a plan was submitted that doesn't seem to have worked from the beginning.

Commissioner Cantrell visited the property and she agrees that the yards help to define the neighborhood. There were no front yard parking spaces existing and the rhythm should be preserved.

Commissioner Kaalberg noted that when Hobson Church will be developed, he believes that on street parking will be provided as a part of that development.

Motion:

Commissioner Kaalberg moved to disapprove the front yard parking pad, finding that it does not meet Section II.B.f. of the *Eastwood Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. Commissioner Cantrell seconded and the motion was unanimous.

b. 1206 6TH AVENUE NORTH

Application: New construction—infill; Setback determination
Council District: 19
Overlay: Germantown Historic Preservation Zoning Overlay
Project Lead: Melissa Baldock
Permit ID #: 2105638

The applicant requested, prior to the meeting, that the project be moved to the April agenda.

c. 409 BROADWAY

Application: Alterations to storefront
Council District: 19
Overlay: Broadway Historic Preservation Zoning Overlay
Project Lead: Paul Hoffman
Permit ID #: 2105595

Staff member, Paul Hoffman, presented the case for a storefront alteration at 409 Broadway.

The National Register nomination for the Broadway district dates the building to 1910. Jack and Robert Lawrence started their shoe and western wear store here in 1954. They changed it to the Lawrence Brothers Record Shop in 1964. The applicant is proposing to demolish the storefront, and relocate the central entryway to the right side, and then rebuild the storefront to construct a two-story atrium inside.

The storefront includes structural glass, which is considered a character-defining feature.

The *Market and Design Study for the Broadway National Register Historic District* calls the building an “architecturally significant structure.” Among its general recommendations to “reestablish the architectural identity” of the district is to “repair the existing storefront, or install compatible contemporary storefront.” Since the study was commissioned in 1982, however, this storefront has passed 50 years of age, and is itself an historic element of the building.

The applicant is requesting to remove the storefront and reconstruct a new one with a different configuration than the existing historic storefront. Section II of the design guidelines, General Principles, states that “Original street-level facades, including storefronts, doors and entryways, display windows, transoms, bulkheads, and pilasters and columns, should be retained, and if needed, repaired using historically appropriate materials and methods.” In addition, the General Principles on Facades, discourages interior changes that affect the exterior appearance of the building. Sections A, B, C, and E of the Broadway design guidelines specifically state that historic storefronts, doors and entryways, display windows, and bulkheads, respectively, should be retained.

Staff therefore recommends disapproval of the proposed alterations, finding that they do not meet the principles of the Secretary of the Interiors Standards, or the Broadway Historic Preservation Zoning Overlay, specifically sections II A, B, C and E.

Charles Robert Bone, attorney for the applicant, said he believes the storefront has to come out to construct an interior atrium and because the storefront is in disrepair. The storefront is not the original design based on the demarcation of the brick and on the floor. The earliest photograph is from 1957. It’s a narrow building and in order to make that work, the stage has to be to one side, so the door to one side would be safer. The only way to save it is to have a commercially viable use in there. The changes are minimal.

Remick Moore, architect for the project, said he was available to answer any questions. In order to create the atrium, it is difficult to preserve what is there. They have not verified the structural integrity of what is there.

Commissioner Champion asked for clarification of the atrium. Mr. Moore stated that there would be a double height space in the first portion of the building and it would be difficult to accomplish that by keeping the front wall or reconstructing it in its original configuration.

Commissioner Gee asked if the new door was no longer recessed. Mr. Moore said it would still be recessed.

Chairman Tibbs asked if a structural review had been conducted. Mr. Moore responded that it had not been done. Chairman Tibbs asked about the atrium and Mr. Moore said it would just be nice to have that two-story atrium inside the front door. Commissioner Gee asked why structurally the wall would have to be removed in order to construct the atrium. Mr. Moore said it was because it needs to be repaired and they may need to remove the floor it is sitting on. Certainly, if they have to put it back, they will but he doesn't believe they will be able to replace it with the same material.

Ann Roberts thanked the commissioners for their service. I'm here because you have several applications for changes to Broadway buildings on your agenda that, if approved, will turn contributing buildings into non-contributing ones. I've been an advocate for the Broadway historic district since the late 1970s when the Historical Commission moved into the Silver Dollar Saloon at the corner of Second and Broad, and we had to promise the Metro Council that we would walk to our cars together in the interests of safety. The Broadway Revitalization Committee met weekly on Thursday mornings at Tootsie's, usually with the mayor in attendance. It was a wasteland then, and conversations could come to a complete stop when any of us said that we worked on Lower Broad. That was a long time ago, and Broadway's success is international now. But it is as vulnerable – or more so – now than it was in those years after the Ryman was vacated. The threats to its historic character are real. A fellow preservationist – Mary Pearce, who heads the Heritage Foundation in Franklin and Williamson County – says that historic character and significance are lost one reasonable decision at a time. I'll share a conversation I had recently with a successful Broadway property and business owner who has always supported preservation and followed the guidelines. This owner said that it was hard to do that. When I asked what about it was hard, this owner said that it was because not everyone followed the rules, and that they weren't applied evenly. It's hard for business owners on Broadway to speak against their fellow business owners just as it's hard for you to say no to what those owners may want. I appreciate that difficulty. I know it can seem that allowing changes that don't meet the guidelines really won't make that much difference. But I'm here as someone with a long view of our world-famous street asking you to make those hard decisions.

Mr. Bone stated that he appreciated what Ms. Roberts had to say. He is also a business owner three blocks away and he recognizes the differences between preserving what is there and making a property economically viable; however, he believes that what is more important is the economic viability and the atrium and side door is important to that.

Commissioner Bell asked if these changes would mean that building is no longer contributing. Ms. Zeigler explained that removal of the significant character defining features of the building could mean de-listing. In answer to Mr. Gee's questions, Ms. Zeigler noted that even though the storefront is not original, it is historic in its own right due to its age but also because of the story it tells of how Broadway has evolved over time. The Carrera and Vitrolite storefronts came into favor starting in the 1930s as a way to modernize the earlier Victorian buildings so this storefront, which includes the design of a central recessed door, the glass of the bulkhead and above the windows, and the transom above the door.

Commissioner Gee stated that he doesn't respect anyone's opinion more than Ms. Roberts but when the Secretary of Interior Standard's was written, the 50-year rule meant pre-WWII but it might not be relevant for later alterations. Ms. Zeigler clarified that the 50-year guideline was just a guideline established by the National Park Service. It is an arbitrary number believed to be a necessary amount of time to gain perspective on the past. In this case, the glass is not historic just because of its age, but because of the story it tells.

Commissioner Gee stated that he didn't think that the alterations were required to make the property economically viable and that he doesn't believe the storefront needs to be removed in order to create an interior atrium. He questioned whether something just being old was enough to make it historic. Ms. Zeigler noted that the glazing of the storefront windows could be replaced and it may just be that glazing that Commissioner Gee has noted as looking like poor construction.

Commissioner Kaalberg noted that the National Register, in 1982, identified the storefront as non-historic. Ms. Zeigler explained that *A Market Study* was commissioned by the Commission, not the National Register, more than 30 years ago and that now the storefront is considered historic.

Commissioner Mosley said he didn't think that Staff would be opposed to replacement of the storefront in-kind but the applicant wants to cut a hole in the building and use that as a reason to remove the entire storefront. The two issues are not married together in the question of maintaining the building. One is a planned use and the other is the exterior envelope of the building.

Commissioner Champion said that the interior is not the burden of this Commission but the exterior is their burden. He wishes he knew what it looked like originally. Where the stage and atrium goes is not their issue and he's not deliberating that.

Commissioner Kaalberg said his issue is whether or not the storefront is historic. He agrees that the interior doesn't drive or override façade alterations.

Commissioner Gee questioned the historic value of the materials. In response, Ms. Zeigler said that Mainstreets all across the country recognize the Carrera and Vitrolite glass as a historic material that should be maintained rather than replaced. The material is no longer available but there are ways to repair it and create replacement pieces, where needed. She reminded the Commission that the design guidelines call for repair over replacement, where possible. Non-historic storefronts, explained Ms. Zeigler, have routinely been approved for replacement but she could not think of any situations where historic storefronts were approved for full replacement.

Commissioner Champion said the configuration of the storefront is more important than the materials. Another option might be to find the configuration and design of the original storefront.

Commissioner Bell suggested that the applicant continue to work with staff.

Vice-chair Nielson said when the design guidelines were written, the guidelines reference this storefront and that is their reference point. Ms. Zeigler said the overlay was established in 2007 and noted that a photograph of this building was used as an example in the design guidelines (page 9) of historic storefronts that should be preserved. She read the caption.

Motion:

Commissioner Mosley moved to disapprove the application, finding that the proposed alterations to the storefront do not meet the principles of the Secretary of Interior's Standards (section I.B), or sections II. A, B, C, and E of the design guidelines for the Broadway Historic Preservation Zoning Overlay. He further encouraged the applicant to work with staff on repair of the existing character defining elements of the façade. Vice-chair Nielson seconded and the motion passed unanimously,

d. 105 BROADWAY

Application: New construction- addition; Alteration – walls, windows, doors

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Sean Alexander

Permit ID #: 2106295

Staff member, Sean Alexander, explained the project requested for 105 Broadway. 105 Broadway is a four story industrial building, with concrete frame construction and brick curtain walls. The front façade originally had multi-light steel hopper windows and a loading door in the center bay. The building was renovated in the year 2000, and all of the windows were replaced, the center and right bays on the first story were completely opened up, and a two-story addition was constructed above the left third of the building.

The application before the Commission is a proposal to make alterations to the front elevation, to construct side additions, and to construct a rooftop addition.

Part of the plan for the front façade is to reconstruct a missing bulkhead in the right bay and install windows. The bulkhead will be yellow brick to match the original. This meets the guidelines.

The window opening, as well as the left first story bay, is to be roll-up sectional windows with a muntin pattern similar to the missing original windows.

The center bay will remain open as it is now; a storefront will be recessed at the back of a vestibule.

The second story windows would be replaced with roll up sectional windows. The muntin pattern resembles the existing non-historic windows.

Section II.H.4 of the design guidelines says that any new windows should replicate the appearance of the original windows, which again were multi-light steel hopper windows. Overhead windows and windows matching the existing non-historic windows are not appropriate replacements.

With the condition that the replacement windows match the original windows, the project meets sections II.H.3 and II.H.4.

Along the right side of the building is a space that was originally a fifteen foot wide alley, but it was abandoned by Metro and deeded over to the adjacent properties in 2000. It was divided down the center with half going to each side. This condition is unique in the downtown overlays. There are a small number of vacant lots next to historic buildings, and in time there will likely be infill constructed on those lots. There are of course some buildings on lots along side streets or working alleys as well. This is different because the two mid-block buildings adjacent to the abandoned alley now have 7'-6" side yards; no other properties have that.

The side elevation has ten bays. The first bay on the first story has been completely opened up; the upper three stories are intact with original yellow brick, matching the front façade. Staff finds the use of yellow brick to be an indication that this bay was intended to be more of a public facade than the rest of the alley-facing side elevation. The remaining bays have a common red brick; all had their windows replaced, with a storefront configuration added to the third and fifth bays on the first story.

The applicants are proposing side window/wall alterations and to construct side balconies.

The first story first bay would get a new bulkhead and multi-light overhead sectional window. Because the bay has been altered and its original components are missing, Staff finds a new bulkhead and window matching the front may be appropriate. However, as with the front new windows should be appropriate to the style and appearance of the building, Staff finds that the overhead windows would not be appropriate.

The first bay on the second story would be partly opened up to give it a bulkhead and windows. Staff finds this wall, which is intact with original yellow brick that matches the front, to be a public façade and that as such under section II.H.5 of the design guidelines it would not be appropriate to install new windows.

The application also proposes to add a balcony at the second floor level, set back three feet from the front edge of the building. Design guideline section II.H.1 prohibits balconies on public facades; again, because Staff considers the original intact wall of the first bay to be a public façade, a balcony in that location would not be appropriate. Staff recommends that the balcony begin at the second bay, 15 feet back from the front of the building.

This balcony level has a continuous canopy. Staff recommends that canopies be confined to the area directly over the window openings as would be typical of historic window awnings.

Other bays on the first and second story will be altered with larger openings, Staff finds the bays where the wall has a different color brick to be secondary and that alterations there may be appropriate. However, when replacing windows, the design guidelines still require that new windows be appropriate for the building's style and period. Overhead windows are not typical of the upperstory of historic buildings and would not meet guideline II.H.5.

The Broadway HPZO guidelines permit additions to the roofs of buildings to be one story or 15 feet tall, and require that they step back thirty feet from the front of a building. The 2000 rooftop addition is one-bay wide and two-stories tall, its setback is only 15 feet from the front of the building, with another story after stepping back approximately 15 feet more.

The current proposal includes keeping the fifth story, including the portion that's forward of the 30' setback, and expanding it to the full width of the building and all the way to rear. The new addition will set back the required 30 feet from the front. This addition would match the wall and railing height of the existing fifth story, which is 22' taller than the guidelines allow. Although this matches the height of the existing addition at 65' to the top of the railing, Staff recommends that the new fifth story addition, including railings, are no taller than 63' as that is 15' taller than the existing parapet and would meet guideline III.H.2.

This level would also include a projecting balcony to the side, over the abandoned alley. It will begin 90' back from the front and extend to the rear of the building. Again there is no precedent for this type of addition, but because of the unique condition of the side yard and the distance this feature would be set back, Staff finds that it will not have a negative impact on the character of the building.

Also, the existing sixth story would be removed and a new sixth story will be built set back further to the rear. This would not meet the guidelines as they only permit one story additions; however, staff finds that allowing the space to be moved further to the rear without increasing its degree of non-compliance will result in a more appropriate appearance.

The roof of the existing sixth story is 73' above the first floor level. The new sixth story would have a roof deck that is 75' 6" at the railing, and 77' tall at the top of an elevator shaft at the rear. Staff finds that this would increase the degree of non-conformity as the roof deck is a seventh floor level that doesn't exist on the building currently, and that this deck drives the need for the taller railing, walkway, and elevator.

Staff recommends approval of the application to make alterations to the front elevation, to construct side additions, and to construct a rooftop addition with the following conditions:

- New windows on the front façade and the first bay on the first story on the right side shall match the original in appearance;
- The brick wall of the first bay on the second story on the right side of the historic building shall not be altered;
- New windows on the first and second stories on the right side of the historic building shall be appropriate for the building's style and period, which would not have included overhead sectional windows;
- The second-floor balcony shall begin at the second bay, fifteen feet (15') back from the front of the building;
- Awnings above second-level balcony should be limited to the area directly over the window openings;
- The height of the new fifth story shall be no more than fifteen feet (15') taller than the parapet of the front wall of the historic building and any railing necessary shall be parapet wall;
- The height of the new sixth story, including any railings, stairs, or elevators, shall be no taller than the existing addition and shall not include a rooftop patio; and,
- Unknown materials shall be approved administratively prior to permitting.

Meeting those conditions, Staff finds that the proposal would meet the design guidelines for the Broadway Historic Preservation Zoning Overlay.

For clarity, Commissioner Mosley asked if the conditions were centered on bringing the front façade into more compliance by allowing for additional height. Mr. Alexander agreed.

Commissioner Gee stated he would recuse himself based on the fact that he did not feel he could be unbiased. He apologized to the applicant and left the room.

Erica Garrison, legal representation for the applicant, explained the goals for the project. This building was modified in 2000 to be office space. All the windows were removed and a rooftop addition was added at that time. The only historic portion of the building is brick. MDHA's design guidelines state that the building is "not

significantly contributing.” To have a viable building they require an open air space and a quality rooftop deck and this design does not alter the building or the district as a whole. The roll up doors and the rooftop deck are the two most important requests. The request does not significantly alter the building or negatively affect the district.

Patrick Bales, architect for the project, said that the windows proposed are more in keeping with the original windows. They do not agree that the first bay should be considered part of the front façade. There is an existing brick section on the side of the second level that addresses the street and continues the open-air feel. He does not believe the brick to be historic. He has a photograph showing that the brick on the first and second levels are not historic. He believes that the building included operating awning windows and the first bay of the building was originally a roll up door. Overhead operable windows would allow them to better meet the original look of the windows. Sliding and folding windows will not match the design of the original windows, according to Mr. Bales. The side setback was set at 3’ based on a project in Lockeland Springs. It was similar but was one-story. It is important to maintain a connection to Broadway and keep this balcony close to Broadway. The reason to allow for a continuous awning is because the openings below are close together and the result will be little gaps if they are required to only have awnings over the windows. The fifth story is in compliance with the guidelines with the exception of two issues driven by existing conditions, that being the existing handrail on the existing addition, which is just a difference of 20”. It would look better and provide a better view if they were allowed to keep the existing handrail. The requests would allow the existing conditions to be more in keeping with the current design guidelines. They have designed the elevator to be as short as possible and it will be no taller than what would be required for the first level of the rooftop addition.

Commissioner Mosley asked for additional time for the applicant’s presentation due to the complexity of the project and the number of staff recommended conditions.

Commissioner Champion left the meeting at 3:36pm.

Mr. Bone stated that he recognized what they wanted to do and the importance of the work that they are planning. His client does not have any opposition to what they are requesting.

Erica Garrison stated the proposed will not set a precedent for other projects. The project will correct an addition that currently does not meet the design guidelines on a building that is not significantly contributing. The windows selected are historically appropriate and there is nothing in the design guidelines or the Secretary of Interior’s Standards that prohibits roll up doors.

Commissioner Mosley said he worked with the architect who made the 2000 alterations and so has some knowledge of those changes.

Steve Maxwell, owner of the building, stated that the following requests were less important to them; however they wanted everything requested: New windows on the first and second stories on the right side of the historic building shall be appropriate for the building’s style and period, the second-floor balcony shall begin at the second bay, fifteen feet (15’) back from the front of the building; awnings above second-level balcony should be limited to the area directly over the window openings; unknown material shall be approved administratively prior to permitting.

Taking each condition one-by-one, Mr. Alexander explained the conditions.

Commissioner Kaalberg noted that there are quite a number of alterations to the building already and there is a high degree of non-conformity so there should be some give-and-take as long as the outcome is more in compliance. The first bay should be treated as the front façade because of the wrap in materials. He mentioned that they have not allowed them in the past, and the precedent is pretty clear. He clarified that they allowed a roll-up door once, in a different district, to replace an antiquated rollup door. The materials and technology have improved over the years but the precedent is clear that they have not allowed them in the past.

After discussion, commissioners agreed that the rollup doors were not appropriate, even if they appear similar in design to the original windows.

Commissioner Mosley described the existing condition as two-stories without public access to the top of the addition; however what is proposed is two floors with rooftop patios on all three levels. The railings, stairs and elevator are all a part of the request and they provide more than just access but another level of activity.

The owner interjected during the deliberation to explain that the only thing above the current height is 30” of handrail. They lowered the height of the stair and the elevator to meet the requirements that would apply if there was only one additional story rather than two. ADA access will be available with an exterior lift and there is an exterior stair.

Commissioner Mosley stated that in total there is an ask to take off the 6th floor that is more visible and move that back and then to have access above that as well; however, the 5th floor of the addition will not be stepped back to meet the current design guidelines. He said that he was not sure what they have allowed in the past in terms of access to the roof of an addition. Ms. Zeigler stated that she was not aware of any public access to roof top additions having been approved. She explained that if the applicants wanted to make a change to the roof top addition, the Commission could require that the entire addition meet current design guidelines, which in this case, would mean removing the entire 6th floor. She also noted that this addition, as proposed, would have three levels of rooftop patio when everyone else in the district is only allowed one. She understands that the applicant is trying to improve existing conditions and she applauded them for that but that full approval may be inching too far. She mentioned that one member of the MDHA design review committee has also expressed concern about the size of the addition but that they had deferred their decision until after MHZC’s review.

Mr. Maxwell returned to show the Commission a drawing of what Staff has approved. Chairman Tibbs asked him to point out the three decks and Mr. Maxwell showed that there are not three decks on the version permitted by Staff. He explained that they were asking for three things: to take the square footage and height of the existing 6th level and move it 52’ back on the building; 30 more inches of handrail height—not parapet wall--for the 6th floor; more height for the 5th level to match the conditions and for that also to be an open handrail rather than parapet wall. He did not think staff would object to this since they have lowered the height of the stairwell.

Commissioner Kaalberg stated that what they are doing to mitigate existing conditions is being overstated as it doesn’t change much of the street view. They are moving the existing rooftop piece from 15’ to 30’ back but that really doesn’t change much of the street view. He is not sure that they are really getting anything in exchange for three-layers of rooftop decks so he is not sure how much they should “give.” Based on how they have treated other applicants, he is not sure that they should allow so much. Commissioner Bell expressed concern about the extension of the rooftop dining area. Vice-chairman Nielson said that the proposed design is pushing too far and not gaining much in return.

Commissioner Mosley stated that although additional height of a railing might not seem like much of an ask the Commission has been very strict about that in terms of other applications. He agreed with Commissioners Kaalberg and Bell and Vice-chairman Nielson.

Motion:

Commissioner Kaalberg moved to approve with the conditions:

- **New windows on the front façade and the first bay on the first story on the right side shall match the original in appearance;**
- **The brick wall of the first bay on the second story on the right side of the historic building shall not be altered;**
- **New windows on the first and second stories on the right side of the historic building shall be appropriate for the building’s style and period, which would not have included overhead sectional windows;**
- **The second-floor balcony shall begin at the second bay, fifteen feet (15’) back from the front of the building;**
- **Awnings above second-level balcony should be limited to the area directly over the window openings;**
- **The height of the new fifth story shall be no more than fifteen feet (15’) taller than the parapet of the front wall of the historic building and any railing necessary shall be parapet wall;**

- **The height of the new sixth story, including any railings, stairs, or elevators, shall be no taller than the existing addition and shall not include a rooftop patio; and,**
 - **Unknown materials shall be approved administratively prior to permitting.**
- Commissioner Mosley seconded. The motion passed unanimously.**

Commissioner Gee returned at 4:19 pm.

e. 310 BROADWAY

Application: Signage

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Melissa Baldock

Permit ID #: 2105633

Staff member, Melissa Baldock, presented the case for signage at 310 Broadway, an application to install a sign on the side alley façade of the building. The building at 310 Broadway is a brick commercial building, constructed in 2011. In 2015, the Metro Historic Zoning Commission approved an addition to this structure which finished out the second level and included a recessed third floor. Candy Kitchen and its existing signage will remain as part of the project. The proposed signage will be for an establishment on the upper stories, which will be connected to the building next door at 308 Broadway.

The applicant is proposing to install the sign at the corner of the building, on the alley side of the façade. The design guidelines do permit signage on non-street facing facades like this one, and the proposed sign size meets the square footage allotment. However, the design guidelines state that wall signs like this one “shall be located lower than the window sills of the top floor for multi-story buildings.” In this case, the structure is two stories tall at the front, and therefore the sign should be located below the window sills of the second story. Staff finds that the proposed signage location does not meet the design guidelines.

In addition, the sign’s proposed exposed raceway does not meet the design guidelines. The design guidelines limit the exposed raceway to extending just three inches (3”) beyond the largest part of the sign. The proposed raceway extends six to twelve inches (6”-12”) beyond the lettering. Moreover, the raceway is not finished to match the background wall and is not integrated into the overall design of the sign, as is required by the design guidelines.

The applicant is proposing exposed bulbs for illumination. Bare bulb illumination is specifically prohibited by the design guidelines.

Staff recommends disapproval of the signage, finding that its location above the sill of the 2nd story, its raceway size and design, and its bare bulb illumination do not meet the design guidelines.

Jim Rowan, with Sign Me Up, explained that the proposed is the first sign that they designed. He is going to bring the background into compliance in terms of color and size. He made the claim that the building is a three-story building. The placement is key for the project and he loves the bare bulbs.

John TeSelle, architect for the project, claimed there is ambiguity in the design guidelines, since they do not say that the top story has to be in line with the front wall of the building in order to be considered a story. The proposed location would place the sign in line with all other buildings.

Melissa Baldock clarified that the guidelines state that “in determination of number of stories of a building, rooftop additions shall not be considered within the number of stories.” Mr. TeSelle claimed it was not a rooftop addition because, although added later, it could have been constructed up to the front of the building.

Commissioner Mosley, who was involved with writing the DTC guidelines for signage, which match the Broadway design guidelines, explained that the intent was to manage the signage so there wasn’t a race for more and bigger signage. He asked that they keep in mind that the current regulations, while not specific to this configuration, did try to solve the issue of multiple tenancy in the building.

Vice-chairman Nielson asked if there were many situations similar to this that would create a precedent. Ms. Zeigler said there were other buildings with alleys that are similar in conditions.

Commissioner Cantrell asked about the sign at Cotton Eyed Joes, which is a four-story building. Ms. Baldock explained that the signage was in place prior to the current design guidelines.

Commissioner Kaalberg noted that they have set a precedent for not allowing for exposed bulbs and the applicants have agreed to make alterations to the raceway. Ms. Zeigler explained that it was a recommendation for disapproval rather than approval with conditions; the conditions may greatly alter the design. Ms. Baldock added that if they proposed a design that met all the design guidelines, the permit could be administratively issued and would not need to come back to the Commission.

Commissioner Kaalberg noted that the addition reads as a rooftop addition and the building reads from the street as a two-story building so they need to acknowledge that when considering the appropriate placement.

Commissioner Mosely explained that there were people in the sign industry involved with creating the guidelines and the goal was to make sure that signage doesn't dominate the building. Although the applicant argues that the building is three stories, it is two stories since the 3rd story was added later and sits back and the sign should not dominate as an architectural feature.

Motion:

Kaalberg moved to disapprove, finding the project does not meet the design guidelines for signage in terms of placement, raceway configuration and lighting. Vice-chairman Nielson seconded and the motion passed unanimously.

f. 304 BROADWAY

Application: Signage

Council District: 19

Overlay: Broadway Historic Preservation Zoning Overlay

Project Lead: Sean Alexander

Permit ID #: 2106299

Removed from agenda at the request of the applicant.

g. 929 SOUTH DOUGLAS

Application: New construction-infill; Outbuilding

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Permit ID #: 2098955, 2098957

Staff member, Melissa Sajid, presented the case for infill and outbuildings at 929 South Douglas Avenue. This is a request to construct a new two-family residence and two detached, single-bay garages at 929 South Douglas Avenue. A permit was issued in January of this year to demolish the non-contributing house that was located on site.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, roof shape, orientation, and rhythm and proportions of openings. As proposed, the infill is oriented to South Douglas Avenue with parking off the alley located to the right side of the site.

The structure reads as one and one-half stories at the front and is more like two stories at the back and will have a maximum height of twenty-nine feet, six inches (29' 6") with an eave height of fourteen feet, six inches (14' 6") at the front. The historic context in the immediate area ranges from twenty-three to thirty feet (23' to 30') and includes primarily one and one-half story historic homes. The plan also proposes 2 single-story, single-bay detached garages that are not to be DADUs. The outbuildings are consistent with the design guidelines.

In conclusion, staff recommends approval of the infill and outbuildings with conditions, as set forth in the staff recommendation, as the request meets the design guidelines. The applicant has agreed to the conditions.

Commissioner Mosley asked about the unusual proportions of the garages. Ms. Sajid explained that it was necessitated by the size of the lot and a utility easement.

Applicant said he agreed with all conditions. There were no requests from the public to speak.

Commission Mosley noted that there is a cross-slope and he wants to be sure that the porch height be minimized to the extent that it can. Ms. Sajid explained that the area has other examples of tall porches due to the grade conditions.

Motion:

Vice-chair Nielson moved to approve with the conditions:

- **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;**
- **A trim board be incorporated between the siding and foundation;**
- **Staff approve the final details, dimensions and materials of the exterior trim, including cornerboards, window casings, and porch posts and columns prior to purchase and installation; porch steps, masonry, walkway, and driveways;**
- **The HVAC be located behind the house or on either side, beyond the mid-point of the house;**
- **Staff approve the roof material, color, dimensions and texture; and**
- **Staff approve the final selection of doors, windows, garage doors, and roofing material for the outbuildings prior to purchase and installation**

Finding the project meets Section II.B. for new construction in Waverly-Belmont, Commissioner Kaalberg seconded and the motion passed unanimously.

h. 2212 GRANTLAND AVE

Application: Demolition; New construction – infill and outbuilding (DADU)

Council District: 17

Overlay: Woodland-in-Waverly Historic Preservation Zoning Overlay

Project Lead: Sean Alexander

Permit ID #: 2104925, 2104934, 2104937

Removed from the agenda at the request of the applicant.

i. 2211 29TH AVE S

Application: New construction-infill; Outbuilding

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Permit ID #: 2104939, 2104944

Staff member Melissa Sajid presented the case for infill. This is a request to construct a new single-family residence and detached garage at 2211 29th Ave S. The lot is currently vacant.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, roof shape, orientation, and rhythm and proportions of openings. As proposed, the infill is oriented to 29th Ave S with parking off the alley located to the rear of the site. Staff recommends that the plan incorporate a walkway from the front of the house that connects to the public sidewalk.

The structure is one and one-half stories with a maximum height of twenty-nine feet, four inches (29' 4") and an eave height of twelve feet, two inches (12' 2") at the front. The historic context in the surrounding area ranges from nineteen to thirty-four feet (19' to 34') and includes one and one-half and two story historic homes. The plan also proposed a one and one-half story detached garage that is not a DADU. The outbuilding is consistent with the design guidelines.

In conclusion, staff recommends approval of the infill and outbuilding with conditions including the condition pertaining to the walkway, as set forth in the staff recommendation, as the request is consistent with the design guidelines. The applicant has agreed to the conditions.

The applicant stated that he agreed with all conditions. There were no requests from the public to speak.

Motion:

Commissioner Gee moved to approve 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 approve the final details, dimensions and materials of the exterior trim, including cornerboards, window casings, and porch posts as well as masonry prior to purchase and installation;**
- **The HVAC be located behind the house or on either side, beyond the mid-point of the house;**
- **A walkway from the front stoop to the existing public sidewalk be incorporated;**
- **Staff approve the roof color, dimensions and texture; and**
- **Staff approve the final selection of door, windows, garage door, and foundation material for the outbuilding prior to purchase and installation;**

Finding the project meets Section II.B. of the *Hillsboro-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines* for new construction. Commissioner Bell seconded and the motion passed unanimously.

j. 2217 29TH S

Application: New construction-infill; Outbuilding; Setback determination

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid

Permit ID #: 2104952, 21049561

Staff member Melissa Sajid presented the case for new construction at 2217 29th Ave South. This is a request to construct a new single-family residence and detached garage at 2217 29th Ave S. The lot is currently vacant. The request includes a setback determination for the left side setback of the infill.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, and orientation. As proposed, the infill is oriented to 29th Ave S with parking off the alley. Staff recommends that the plan incorporate a walkway from the front of the house that connects to the public sidewalk.

The request includes a setback determination for the left side setback, which staff finds appropriate. In this case, the lot is narrower than other lots in the area. It is forty feet (40') wide at the street and narrows to thirty feet (30') wide at the rear property line. Reducing the left side setback will allow for the building to be wider at the front, which helps maintain the rhythm of the street. In addition, the site is bound on the left side by the alley and there is no building beyond the alley that is oriented to 29th Ave S, so the setback reduction should not have a significant impact on adjacent property.

The structure is two stories with a maximum height of thirty-two feet (32') and an eave height of nineteen feet, two inches (19' 2") at the front. The historic context in the surrounding area ranges from nineteen to thirty-four feet (19'

to 34') and includes one and one-half and two story historic homes. As proposed the dormer on the front elevation is not consistent with the design guidelines. Staff has recommended a condition that the front dormer be set back from the ridge by at least one foot (1') and that it be approximately two feet (2') wider with either a wider window or two narrow windows. The applicant has agreed to this condition.

The right side elevation incorporates three square windows that create a stair-step rhythm and both side façades include horizontal windows that do not meet the design guidelines in terms of rhythm and proportion. Staff recommends conditions that the horizontal windows be twice as tall as they are wide, that only one square window be located in the stairwell, and that the paired windows have four to six inch (4" to 6") mullions between them. The applicant has also agreed to these conditions.

The plan also proposed a one and one-half story detached garage that is not a DADU. The outbuilding is consistent with the design guidelines.

In conclusion, staff recommends approval of the infill and outbuilding with conditions, including the conditions pertaining to the walkway, front dormer and windows, as the request meets the design guidelines. The applicant has agreed to all conditions.

Commissioner Kaalberg questioned the width of the building and the overall proportions. Ms. Sajid explained that staff had encouraged the applicant to apply for a setback determination in order to make the building wider but that the lot is very narrow and narrows further towards the rear.

The applicant stated that he agreed with the conditions. There were no requests from the public to speak.

Motion:

Vice-chairman Nielson moved to approve 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 approve the final details, dimensions and materials of the exterior trim, including cornerboards, window casings, and porch posts as well as masonry prior to purchase and installation;**
- **The HVAC be located behind the house or on either side, beyond the mid-point of the house;**
- **A walkway from the front stoop to the existing public sidewalk be incorporated;**
- **Staff approve the roof color, dimensions and texture;**
- **Staff approve the final selection of door, windows, garage door, and foundation material for the outbuilding prior to purchase and installation;**
- **The front dormer be set off the ridge by at least one foot (1') and that it be approximately two feet (2') wider with either a wider window or two narrow windows;**
- **The windows on the side façades be generally twice as tall as they are wide;**
- **The horizontal windows be twice as tall as they are wide;**
- **Only one square window be located in the stairwell; and**
- **Paired windows incorporate four to six inch (4"-6") mullions between them;**

finding that with these conditions, the project meets Section II.B. of the *Hillsboro-West End Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*. Commissioner Cantrell seconded and the motion passed unanimously.

k. 1035 CHICAMAUGA AVE

Application: New construction—infill

Council District: 05

Overlay: Greenwood Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock

Permit ID #: 2105627

Staff member, Melissa Baldock presented the case for 1035 Chickamauga Avenue, an application to construct infill on a vacant lot. The garage shown on the site plan is not part of the application before you today. The infill meets all base zoning setbacks. The site plan does not show the front setbacks of the two adjacent structures, and staff recommends that the front setback be the average of the two adjoining setbacks. Staff also recommends that the site plan be revised to show the correct location of the bay – the bay is shown on the right façade on the floor plans and elevations, but on the left façade on the site plan. Staff further recommends that the applicant submit more information on the proposed French drains and cisterns.

The infill will be one and one-half stories and will be approximately twenty-eight feet, six inches (28'6") tall above grade, with an eave height of approximately twelve feet, six inches (12'6") and a foundation height of approximately eighteen inches (18"). Staff finds that the overall height meets the historic context, where historic houses range in height from nineteen feet (19') to thirty feet (30'). The primary cladding material will be lap siding. The drawings indicate that the lap siding reveal is proposed to be six inches (6") or larger. Staff recommends that the lap siding be smooth face, with a maximum reveal of five inches (5"). All of the other materials have been approved by the Commission in the past. Staff recommends that either a paired window or two separate windows be added on the left façade in the area marked on the screen.

The applicant is proposing a dormer with a covered porch extending off of the dormer. Staff finds that the proposed dormer's scale is too large. It stacks on the front wall of the house and its porch portion extends over 7 feet onto the porch roof. Historic examples of porch dormers do exist. The applicant and MHZC staff examined several porch dormers in the East Nashville area and found that their average depth is approximately four feet (4'). The historic examples are scaled appropriately to their respective houses, and they typically do not extend any further than the front wall of the house. Staff therefore recommends that the porch dormer be substantially scaled back so that the front porch posts of the dormer do not extend any further than the front wall of the house, and the porch depth be no more than 4'.

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

- The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
- The site plan show the accurate location of the side bay, and show that no part of the house will be located closer than five feet (5') from the side property lines;
- The site plan show the front setbacks of the two adjacent properties, and the infill's front setback be the average of the two adjacent houses' setbacks;
- The lap siding be smooth face, with a maximum reveal of five inches (5");
- Staff approve masonry samples;
- The applicant provide more information about the material between the foundation piers;
- Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
- Staff approve the metal roof color and design;
- The dormer balcony expand no further than the line of the wall below and that the dormer porch depth be a maximum of 4';
- At least two window openings of at least four square feet (4 sq. ft.) be added on the left/west façade, towards the front of the house;
- The applicant provide more information on the French drain cisterns; and
- 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 Section II.B. of the *Greenwood Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines*.

The applicant, James Sweeney, explained some changes he would like to make that Staff felt could be addressed administratively. 608 McFerrin has a similar porch dormer that extends out further and they would like to make theirs as large as they can but they can work with 4'.

The Commission, staff and the applicant discussed the location of the porch/dormer's front posts.

Motion:

Commissioner Cantrell moved to approve with the conditions that:

- **The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- **The site plan show the accurate location of the side bay, and show that no part of the house will be located closer than five feet (5') from the side property lines;**
- **The site plan show the front setbacks of the two adjacent properties, and the infill's front setback be the average of the two adjacent houses' setbacks;**
- **The lap siding be smooth face, with a maximum reveal of five inches (5");**
- **Staff approve masonry;**
- **The applicant provide more information about the material between the foundation piers;**
- **Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
- **Staff approve the metal roof color and design;**
- **The front dormer be recessed at least two feet (2') from the wall below, and the dormer balcony extend no further than the line of the wall below;**
- **At least two window openings of at least four square feet (4 sq. ft.) be added on the left/west façade, towards the front of the house;**
- **The applicant provide more information on the French drain cisterns; and**
- **The HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

finding that with these conditions, the project meets Section II.B. of the *Greenwood Neighborhood Conservation Zoning Overlay: Handbook and Design Guidelines* for new construction. Commissioner Gee seconded and the motion passed unanimously.

VI. ADMINISTRATIVE ACTIONS

There are no cases for administrative review.

VII. OTHER BUSINESS

cc. Administrative Permits Issued for Prior Month

Meeting adjourned at 5:10pm.

RATIFIED BY COMMISSION ON 4/20/16