



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

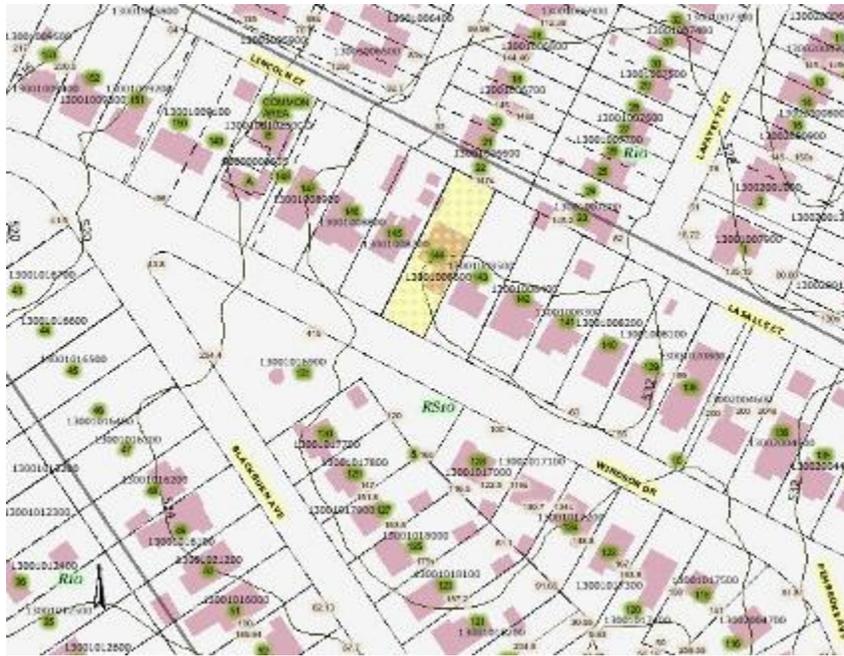
Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

STAFF RECOMMENDATION
144 Windsor Drive
November 7, 2017

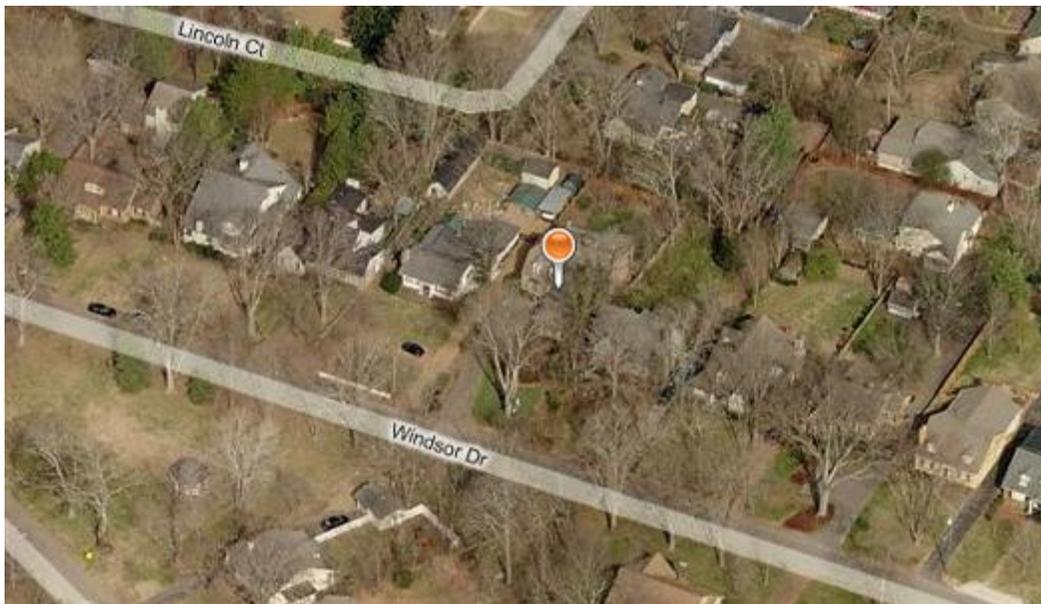
Application: New construction—addition violation
District: Belle Meade Links Triangle Neighborhood Conservation Zoning Overlay
Council District: 23
Map and Parcel Number: 13001008600
Applicant: Jackie Daniel, Owner
Project Lead: Melissa Baldock, Melissa.baldock@nashville.gov

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|---|---|
| <p>Description of Project: The applicant has installed a rear addition without a Preservation Permit and claims that a Preservation Permit is not required. The addition intrudes on the already reduced rear setback.</p> | <p>Attachments A: Photographs B: 2011 Site Plan C: Correspondence</p> |
| <p>Recommendation Regarding Permit Requirement: Staff recommends requirement of a Preservation Permit, finding that the addition meets the definition of “new construction” and meets section 17.40.410.C. for powers of the Commission.</p> | |
| <p>Recommendation Regarding Rear Addition: Staff recommends disapproval of the addition, finding that the project does not meet section II.B.2.a of the design guidelines for placement, section II.B.1.b for scale, section II.B.1.a. for height, and section II.B.1.c. for setbacks.</p> | |

Vicinity Map:



Aerial Map:



Applicable Design Guidelines and Zoning Ordinance:

Design Guidelines

II.B.1 New Construction

a. Height

The height of the foundation wall, porch roof(s), and main roof(s) of a new building shall be compatible, by not contrasting greatly, with those of surrounding historic buildings.

b. Scale

The size of a new building and its mass in relation to open spaces shall be compatible, by not contrasting greatly, with surrounding historic buildings.

Most historic residential buildings have front porches. To keep the scale appropriate for the neighborhood, porches should be a minimum of 6' deep in most cases.

Foundation lines should be visually distinct from the predominant exterior wall material. Examples are a change in material, coursing or color.

c. Setback and Rhythm of Spacing

The setback from front and side yard property lines established by adjacent historic buildings should be maintained. Generally, a dominant rhythm along a street is established by uniform lot and building width. Infill buildings should maintain that rhythm.

The Commission has the ability to reduce building setbacks and extend height limitations of the required underlying base zoning for new construction, additions and accessory structures (ordinance no. BL2007-45).

Appropriate setback reductions will be determined based on:

- *The existing setback of the contributing primary buildings and accessory structures found in the immediate vicinity;*
- *Setbacks of like structures historically found on the site as determined by historic maps, site plans or photographs;*
- *Shape of lot;*
- *Alley access or lack thereof;*
- *Proximity of adjoining structures; and*
- *Property lines.*

Appropriate height limitations will be based on:

- *Heights of historic buildings in the immediate vicinity*
- *Existing or planned slope and grade*

d. Materials, Texture, Details, and Material Color

The materials, texture, details, and material color of a new building's public facades shall be visually compatible, by not contrasting greatly, with surrounding historic buildings. Vinyl and aluminum siding are not appropriate.

T-1-11- type building panels, "permastone", E.I.F.S. and other artificial siding materials are generally not appropriate. However, pre-cast stone and cement fiberboard siding are approvable cladding materials for new construction; but pre-cast stone should be of a compatible color and texture to existing historic stone clad structures in the district; and cement fiberboard siding, when used for lapped siding, should be smooth and not stamped or embossed and have a minimum of a 5" reveal.

Shingle siding should exhibit a straight-line course pattern and exhibit a maximum exposure of seven inches (7").

Four inch (4") nominal corner boards are required at the face of each exposed corner.

Stud wall lumber and embossed wood grain are prohibited.
Belt courses or a change in materials from one story to another are often encouraged for large two-story buildings to break up the massing.
When different materials are used, it is most appropriate to have the change happen at floor lines.
Clapboard sided chimneys are generally not appropriate. Masonry or stucco is appropriate.

e. Roof Shape

The roof(s) of a new building shall be visually compatible, by not contrasting greatly, with the roof shape, orientation, and pitch of surrounding historic buildings.

Roof pitches should be similar to the pitches found in the district. Historic roofs are generally between 6/12 and 12/12.

f. Orientation

The orientation of a new building's front facade shall be visually consistent with surrounding historic buildings.

New buildings shall incorporate at least one front street-related porch that is accessible from the front street.

Side porches or porte cocheres may also be appropriate as a secondary entrance, but the primary entrance should address the front.

Front porches generally should be a minimum of 6' deep, have porch racks that are 1'-3' tall and have posts that include bases and capitals.

g. Proportion and Rhythm of Openings

The relationship of width to height of windows and doors, and the rhythm of solids (walls) to voids (door and window openings) in a new building shall be compatible, by not contrasting greatly, with surrounding historic buildings.

Window openings on the primary street-related or front façade of new construction should be representative of the window patterns of similarly massed historic structures within the district. In most cases, every 8-13 horizontal feet of flat wall surface should have an opening (window or door) of at least 4 square feet. More leniencies can be given to minimally visible side or rear walls. Double-hung windows should exhibit a height to width ratio of at least 2:1.

Windows on upper floors should not be taller than windows on the main floor since historically first floors have higher ceilings than upper floors and so windows were typically taller on the first floor.

Single-light sashes are appropriate for new construction. If using multi-light sashes, muntins should be fully simulated and bonded to the glass, and exhibit an interior bar, exterior bar, as well as a spacer between glass panes.

Four inch (nominal) casings are required around doors, windows and vents on non-masonry buildings. (Brick molding is only appropriate on masonry buildings.)

Brick molding is required around doors, windows and vents within masonry walls.

2. Additions

a. Generally, an addition should be situated at the rear of a building in such a way that it will not disturb either front or side facades.

Placement

- *Additions should be located at the rear of the existing structure.*
- *Additions should be physically distinguished from the historic building and generally fit within the shadow line of the existing building.*

- *Connections to additions should, as much as possible, use existing window and door openings rather than remove significant amounts of rear wall material.*
- *In rare and special circumstances an addition may rise above or extend wider than the existing building, however, no part of any addition may simultaneously rise higher and extend wider than the existing building.*

Additions taller than existing building

Whenever possible, additions should not be taller than the historic building; however, when a taller addition is the only option:

1. *Additions to single story structures may rise as high as 4' above the shadow line of the existing building at a distance of 40' from the front edge of the existing building. In this instance, the side walls and roof of the addition must set in as is typical for all additions. The portion of the roof that can be seen should have a hipped, side gable or clipped gable roof to help decrease the mass of the addition.*

Foundation

- *Foundation walls should set in from the existing foundation at the back edge of the existing structure by one foot for each story or half story. Exception: When an addition is a small one-room deep (12' deep or less) addition that spans the width of the structure, and the existing structure is masonry with the addition to be wood (or appropriate substitute siding) since the change in materials will allow for a minimum of a four inch (4") inset.*
- *Foundation height should match or be lower than the existing structure.*
- *Foundation lines should be visually distinct from the predominant exterior wall material. Examples are a change in materials or a change in masonry coursing, etc.*

Roof

- *The height of the addition's roof and eaves must be less than or equal to the existing structure.*
- *Visually evident roof slopes should match the roof slopes of the existing structure, and roof planes should set in accordingly for rear additions.*
- *Skylights should not be located on the front-facing slope of the roof. Skylights should be flat (no bubble lenses) with a low profile (no more than six inches tall) and only be installed behind the midpoint of the building.)*

- b. *The creation of an addition through enclosure of a front porch is not appropriate.*

Side porch additions may be appropriate for corner building lots or lots more than 60' wide.

- c. *Contemporary designs for additions to existing properties are not discouraged when such additions do not destroy significant historical, architectural, or cultural material; and when such design is compatible, by not contrasting greatly, with the size, scale, color, material, and character of the property, neighborhood, or environment.*

- d. *A new addition should be constructed in such a manner that if the addition were to be removed in the future, the essential form and integrity of the original structure would be unimpaired.*

Connections should, as much as possible, use existing window and door openings rather than remove significant amounts of rear wall material.

- e. *Additions should follow the guidelines for new construction.*

Definitions:

New Construction: *Any building, addition, structure or appurtenance constructed on a lot after the designation of the historic preservation, neighborhood conservation, or historic landmark zoning overlays.*

Zoning Ordinance

- 17.40.410 C. Design and Demolition Review.** The historic zoning commission shall make the following determinations with respect to historic overlay districts:
- 1.The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement;
 - 2.The appropriateness of the exterior architectural design and features of any addition to the existing structure;
 - 3.The appropriateness of exterior alterations and repairs to an existing structure;
 - 4.The appropriateness of relocating any building out of, into, or within the boundaries of an historic overlay district; and
 - 5.The appropriateness of the maximum size of buildings and structures on a lot and the buildable area within which a building can be located, including setbacks and height; and
 - 6.The appropriateness of demolishing any structure or other improvement. As a condition of any permission to demolish a structure or other improvement, the historic zoning commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features, all at the expense of the commission;
 - 7.The historic zoning commission may take into consideration the historical or architectural significance of the subject structure or improvement; and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

Background: The building is a non-contributing house to the Belle Meade Links Neighborhood Conservation Zoning Overlay and was constructed in 1991. Staff recommended disapproval of an addition in 2011 based on the analysis that the addition did not meet the design guidelines in terms of height, massing, scale, roof shape, setbacks and rhythm of solids to voids. The project was approved with the condition that the massing was reduced, and additional fenestration and variations in the wall added.



Figure 1: House as seen from the front in 2011, prior to alterations.

In 2013, a violation was discovered that included work being conducted differently than permitted. The applicant requested to keep the construction but was denied by the Commission on September 9, 2013. The issue was subsequently resolved by Staff.

On April 3, 2017, the Codes Department notified MHZC Staff of construction taking place without a building permit and without a preservation permit. The commission approved that work with conditions that required partial removal of a green wall. As of the writing of this report, the correction required has not been made.

Staff was notified of another violation which was the installation of a rear addition which encroaches on the already reduced rear setback and is taller than the previously approved addition. The property owner was sent a notice of abatement letter on October 9, 2017.

Legal counsel for the applicant claims that a permit is not required. Legal Counsel for the MHZC finds that a Preservation Permit is required. The Codes Department also

agrees that the new construction is a violation. The Codes Department requires either an application for a building permit, an engineer's letter attesting to the structure's safety, or for the structure to be removed. (See Appendix C.)

Analysis and Findings Regarding Permit Requirement:

Permit Requirement: The applicant maintains that a preservation permit is not needed as the addition is not "new construction" and is artwork. The design guidelines define new construction as "any building, addition, structure or appurtenance constructed on a lot after the designation of the historic preservation, neighborhood conservation, or historic landmark zoning overlays." Section 17.40.410C of the ordinance provides the Commission with the power to review the "appropriateness of the exterior architectural design and features of, and appurtenances related to any new construction or improvement," appropriateness of any addition to the existing structure and the appropriate setbacks and height. Since the project is new construction of an addition that has side and rear walls and a roof and that extends into the rear setback area and increases the height, Staff finds that the work meets the definition in the design guidelines for "new construction" and falls within the MHZC's "powers and duties" enabled by the zoning ordinance. Staff recommends that a Preservation Permit is required.

Recommendation: Staff recommends requirement of a Preservation Permit, finding that the addition meets the definition of "new construction" and meets section 17.40.410.C. for powers of the Commission.

Analysis and Findings Regarding Rear Addition:

Staff reviewed the project as new construction, specifically a rear addition because of its location and construction onto the rear of the home. The addition has sides and a roof, extends taller than the addition, and intrudes into the rear setback.

In the past, the Commission has not reviewed paint color in neighborhood conservation zoning overlays; therefore, the mural painted on the rear of the home is not a part of this review.

Because the addition is so small, it could fall into the category of additions that are not typically reviewed by the Commission; however, in this case, the project intrudes



Figure 2: This is the rear of the home. Attached to the blue wall is the latest addition which extends taller than the house.

into the rear setback so a setback determination is required of the Commission. The applicant's legal counsel was provided with directions for notifying abutting property owners about the setback request on November 2, 2017. MHZC requires property owners to notify all adjacent property owners, including those in the rear of the property, of changes to base zoning setbacks.

Scale: The property owner has installed a rear addition that projects into the already reduced rear setback by two feet (2'), leaving a partial rear setback of just eight feet (8') on a block where the average rear wall of homes sets back eighty three feet (83') from the rear property line and bulk standards call for at least a twenty-foot (20') rear setback.

The design guidelines call for the open space of new construction to be compatible with surrounding historic buildings. The average lot coverage of the historic context of the block-face is approximately twenty-three (23%). When the 2011 addition was approved it covered approximately forty percent (40%); however it appears to cover forty-seven (47%) of the lot since the interior courtyard is enclosed on all sides. Since the previously approved addition already greatly exceeds the typically lot coverage for the area, staff does not find additional construction to meet section II.B.1.b. for open space compatibility.



Figure 3: This aerial shows the significant amount of lot coverage already approved for the lot.

Placement: The placement of the addition at the rear is generally an appropriate location; however, staff finds that in this case because of the already reduced rear setback and the extensive lot coverage, an additional addition to the rear of the building is not appropriate. The project does not meet section II.B.2.a of the design guidelines.

Setback: Zoning requires five foot (5') side and twenty foot (20') rear setbacks. The entirety of the addition was initially approved to meet or be slightly over the side setback line and with a rear setback of only ten feet (10'). The existing rear setback is ten feet (10') but now only eight feet (8') since the latest addition protrudes into the rear setback area by an additional two feet (2'). Before this project, there was no historic context for having an entire house meet and/or exceed both the side and rear setbacks. Setback determinations are typically granted when there is a physical reason to do so, such as a truncated lot or an oddly shaped lot. Staff does not find that there is any reason for a setback that is less than what is allowed by bulk standards. In addition, in this case, there is no rear alley to provide further buffer between this property and the one that is behind it. Staff finds that a further reduction of the rear setback beyond the one already granted in 2011 does not meet section II.B.1.c. of the design guidelines.

Height: In May 2017, the MHZC approved additional height for the rear addition in the form of a green screen that was installed without a permit. The current violation extends the original height of the addition but does not exceed the additional height for the green screen; nevertheless, Staff finds the additional height to be inappropriate since it is a solid mass rather than the open design of the approved green screen.

The drawings note a third animal head that is not seen presently. It is unclear as to whether or not the head will be added to the addition. The height does not meet section II.B.1.a. of the design guidelines.

Materials, Texture, Details, and Material

Color: The main material of the sides and roof of the structure is plywood. The material of the three-dimensional animal heads is cast fiberglass. The Commission has not approved fiberglass in a historic district, with the exception of signage and windows; however, in this case, the building is not historic and the addition is not seen from a public right-of-way. The project meets section II.B.1.d. of the design guidelines.



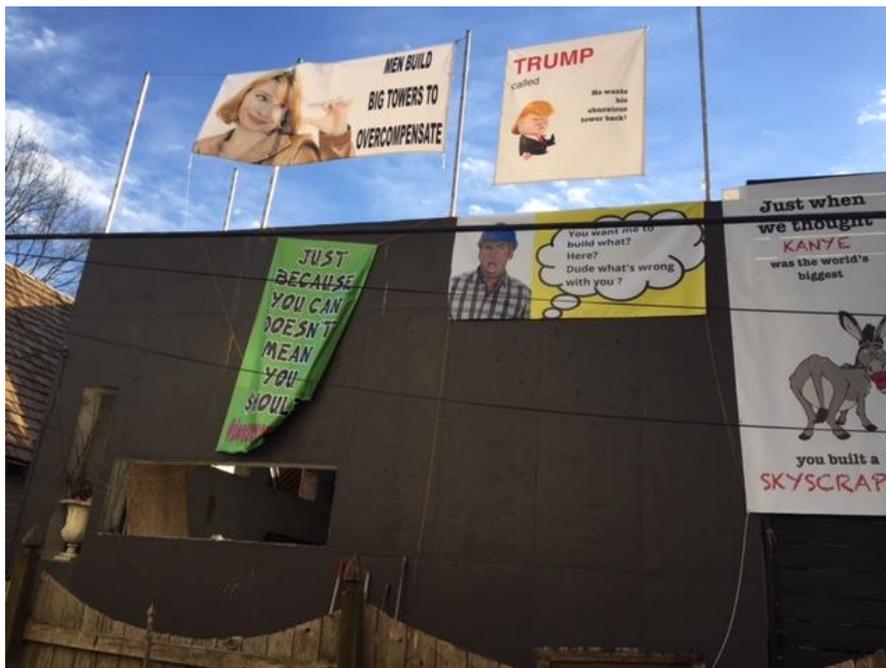
Figure 3: This is a photo from the website the animal heads were purchased from. This head, which is used in the middle, top of the structure is 30.25" long, 21" wide and 32.25" tall.

Recommendation: Staff recommends disapproval of the addition, finding that the project does not meet section II.B.2.a of the design guidelines for placement, section II.B.1.b for scale, section II.B.1.a. for height, and section II.B.1.c. for setbacks.

ATTACHMENT A: PHOTOGRAPHS



Rear of house taken from the back fence, prior to construction of the 2011 addition.



Rear of home with approved 2011 rear addition and with green-wall under construction that was approved with conditions after-the-fact by the Commission in May 2017. (MHZC does not review signage in this district.)



Rear of home seen beyond neighbor's fence. The unpermitted addition is seen to the far left of the blue wall, and the green screen is just beyond.

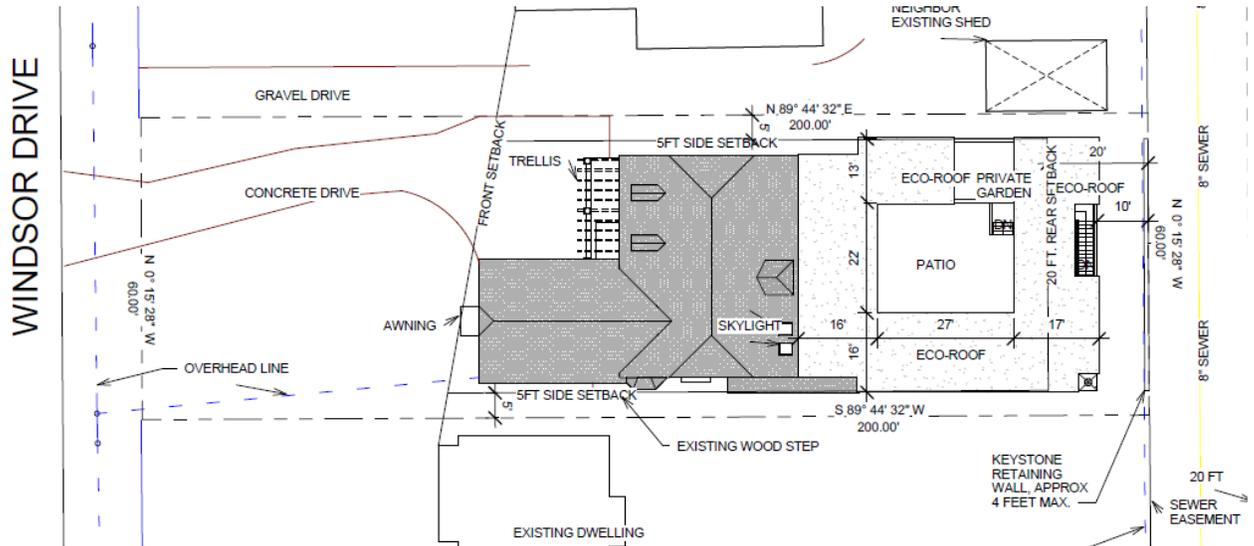


Alligator head that is part of the rear addition.



A dinosaur head is also noted on the plans. It is unclear as to whether or not the head is planned to be added. This dinosaur head is from the same company that provided the other two animal heads.

ATTACHMENT B: 2011 SITE PLAN FROM PERMIT



2011 approved site plan, shows the left wall slightly over the side property line and a rear setback of 10'.

Sculptures by
Design Tesserae

Artwork Paint by
Annie David artist

Wood
slat
fence

Faceted wall

Green 8'
Screen

Green Screen

8'
Green
Screen

Box
HEIGHT: 12ft.

Box
DEPTH/LENGTH
OFF THE WALL:

APPROX. 24 inches.

Box

#1 - APPROX. 24 inches

#2 - APPROX. 30 inches

#3 - APPROX. 24 inches

THREE-DIMENSIONAL
BOXES ARE SECURELY
AFFIXED TO THE
MURAL TO GIVE
THE MURAL A
THREE-DIMENSIONAL
EFFECT. THE REMAINDER
OF THE MURAL IS
FLAT PAINT. THE
"MONSTER" HEADS
ARE SECURELY
ATTACHED TO THEIR
RESPECTIVE BOX

Approx 12' 4 1/2"

BIRD

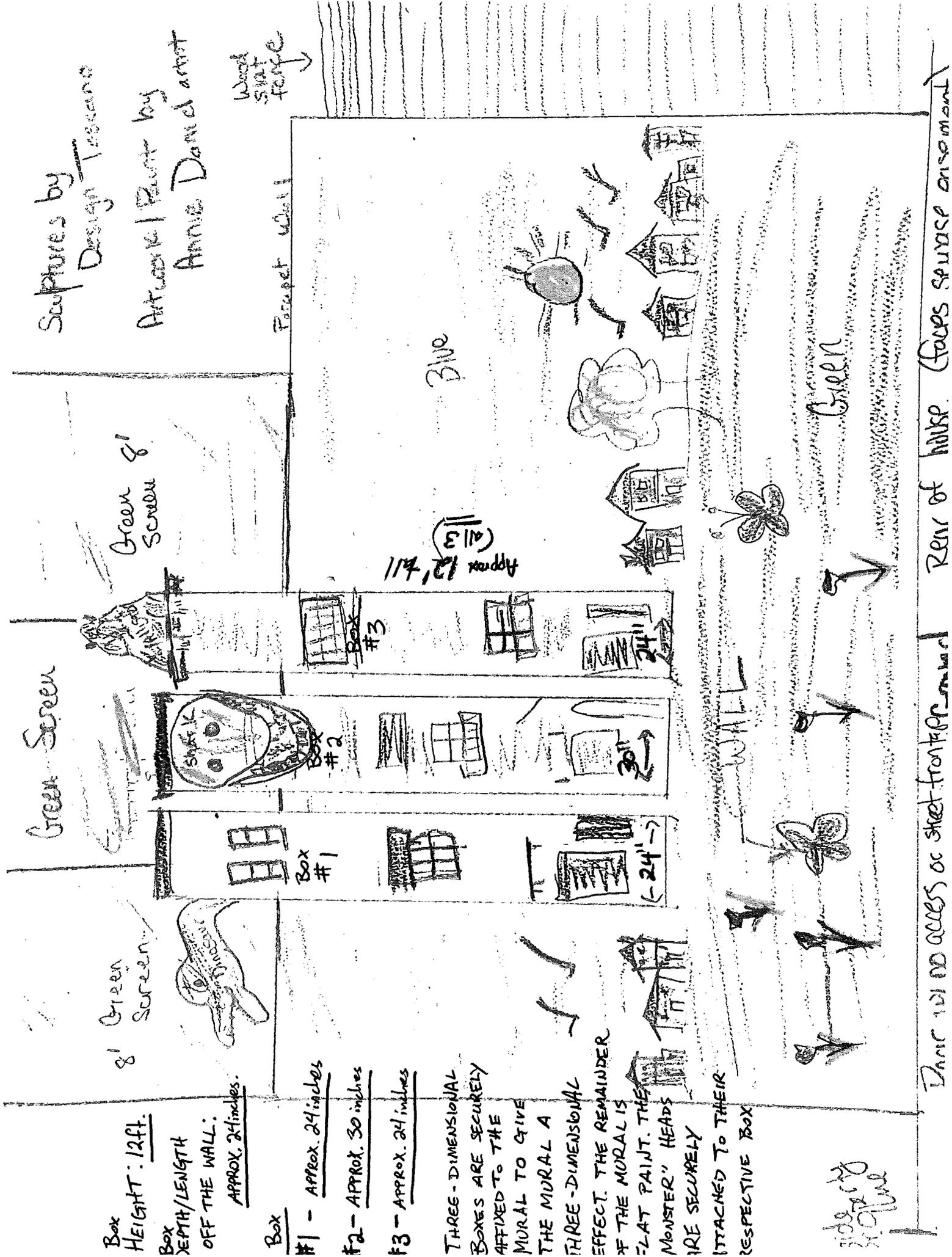
Green

WALL

side of
sculpture

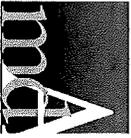
DRIVE WAY NO ACCESS OR STREET FRONTAGE ROAD

REAR OF HOUSE. GARAGE SEPARATE ENTRANCE



10/02/2017 13:09





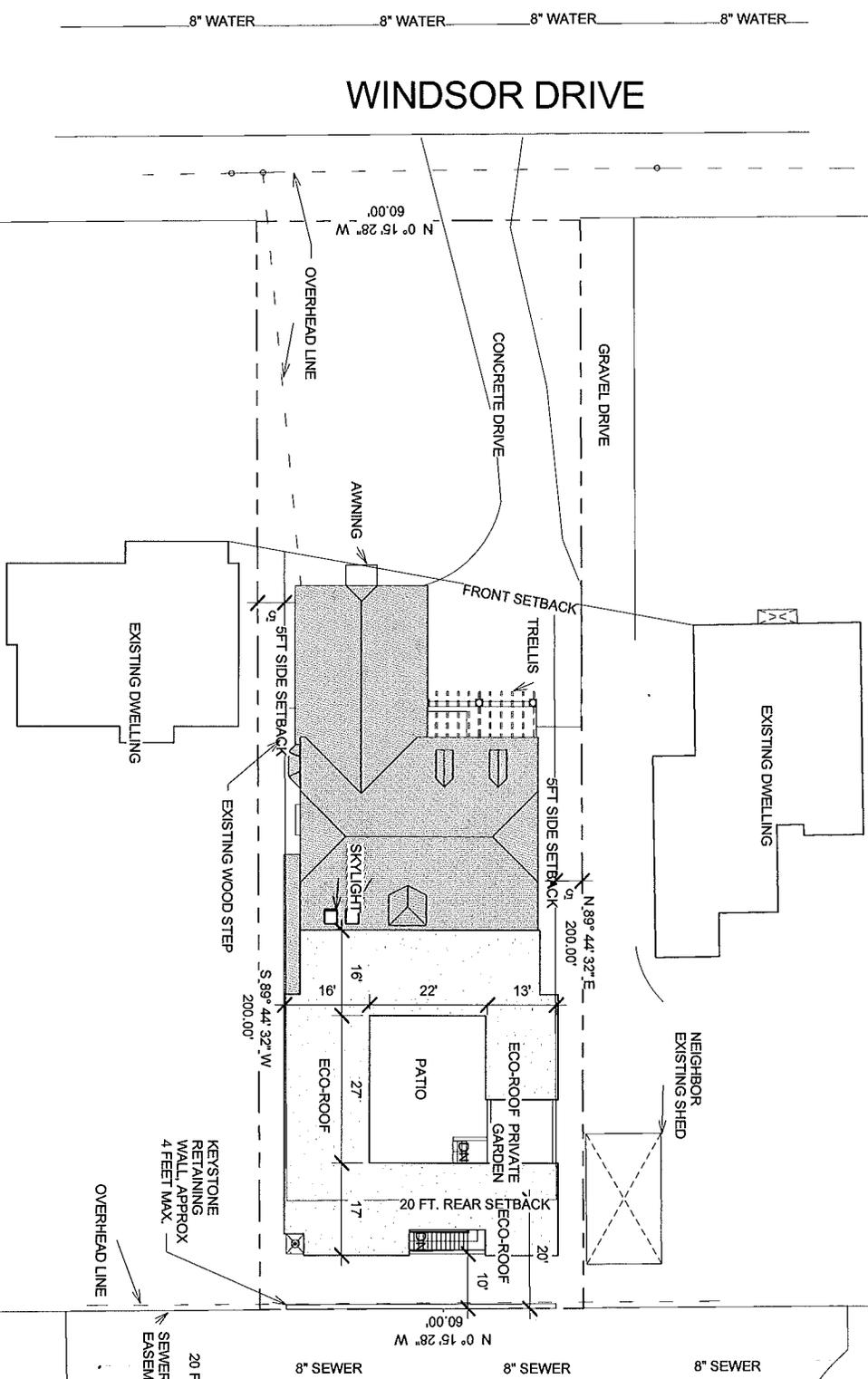
Marcus Di Pietro, Architect
 416 Barrywood Dr.
 Nashville, TN 37211
 615 331-4879
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Jackie & Hardin Daniel Daniel Renovation

| No. | Description | Date |
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| Site Plan | |
|-------------------|----------------|
| Date | August 3, 2011 |
| Drawn by | Author |
| Checked by | Checker |
| Scale 1" = 20'-0" | |
| C1.0 | |

1 Site Plan
 1" = 20'-0"



ATTACHMENT C: CORRESPONDENCE

From: Herbert, Bill (Codes)
Sent: Wednesday, November 08, 2017 8:35 AM
To: Zeigler, Robin (Historical Commission)
Cc: Hall, Byron (Codes)
Subject: 144 Windsor

Robin,

The Codes Department maintains that the structure added to the rear of 144 Windsor is a violation that intrudes into the rear setback. It requires either a building permit or a stamped engineer's letter stating how the structure is attached to the house and verifying that it is structurally sound and safe. A stamped engineer's letter in lieu of a building permit is standard practice for this type of construction. A third option is to simply remove the structure. The Codes Department does not review paint and so this information is referencing only the structure, not the mural on the rear wall of the house. Even if a stamped engineer's letter is submitted, this does not preclude the applicant from the requirement to obtain a Preservation Permit if the Historical Commission finds that a Preservation Permit is required. Please feel free to contact me if I can provide additional information. Bill Herbert

144 Windsor Drive, Nashville, TN 37205

Description of Work:

Three (3) boxes are constructed out of plywood and 1x1 framing lumber screwed securely together to create a three-dimensional effect for the mural. Each box only has three sides and no backside where the respective boxes are flush against the concrete wall. Each three-dimensional box (with its "monster" head) weighs approximately eighty (80 lbs.) or less.

After the boxes were created, they were then attached to cement anchors attached to the cement wall. Each box has its own cement anchor that it is attached to. The cement anchor is properly affixed to the wall. Each box is set on its own cement anchor and securely attached to the cement anchor with long screws. Each cement anchor is certified to be able to hold up to three hundred (300 lbs.) pounds.

Each box has its own "monster" head affixed to it. The "monster" heads were purchased online. Two of the three "monster" heads are made to be wall-mounted. The "monster" heads are securely affixed to each box in the manner that they are made to be wall-mounted and are screwed into the wood boxes with the mounts that were provided by the company when purchased. The "monster" heads are securely attached to the boxes. The third "monster" head (the alligator) is attached to the top of its box in a different manner than the others because it is not intended to be wall-mounted. It is attached to its box on the top, as opposed to being mounted on the side, in consideration of its difference from the other two "monster" heads.