

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

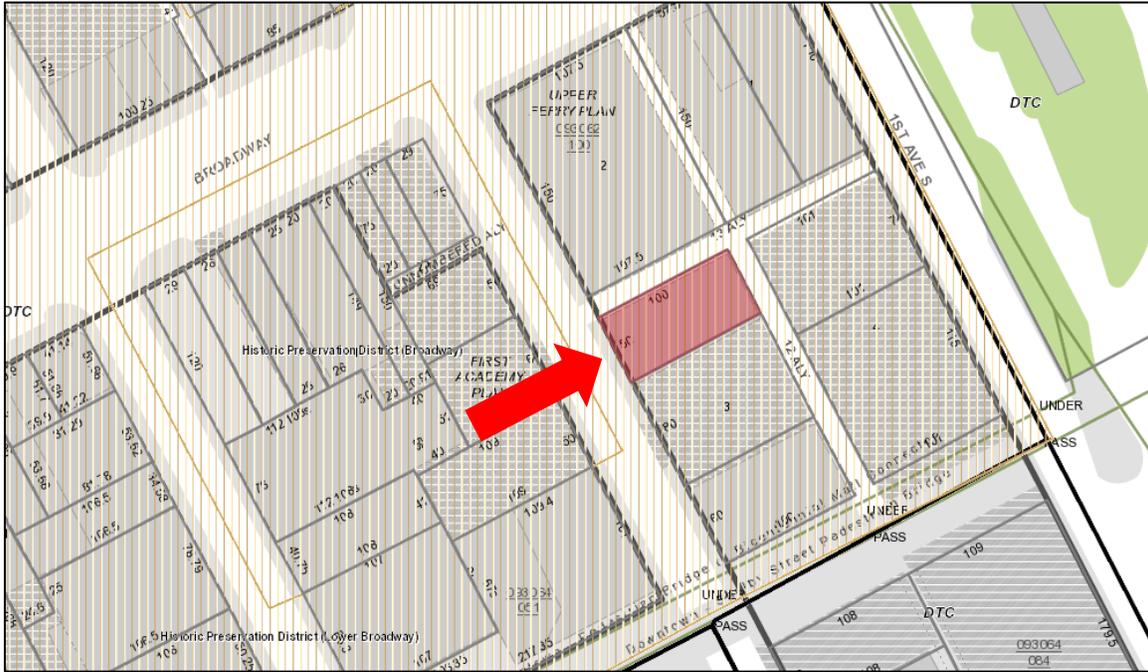
Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
Fax: (615) 862-7974

STAFF RECOMMENDATION
114 2nd Avenue South
July 18, 2018

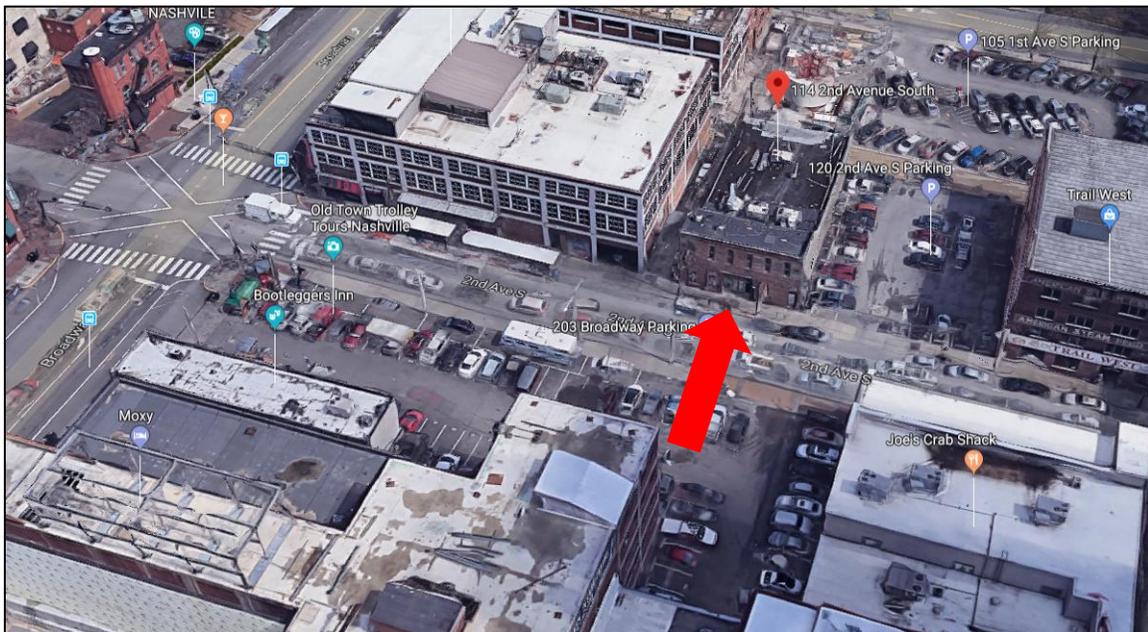
Application: Signage-violation
District: Broadway Historic Preservation Zoning Overlay
Council District: 19
Map and Parcel Number: 09306405800
Applicant: Headquarters Tennessee, LLC c/o I'Ashea Myles-Dhigo, Esq.
Project Lead: Melissa Sajid, melissa.sajid@nashville.gov

<p>Description of Project: Signage has been installed over boarded up windows without a Preservation Permit.</p> <p>Recommendation Summary: Staff recommends disapproval with the condition that the unpermitted signage be removed within 30 days, finding the project does not meet Section IV for Signage.</p> <p><i>This decision would not keep the applicant from applying for additional signage and/or replacement windows that meet the design guidelines, but would correct the violation.</i></p>	<p>Attachments A: Notice of violation</p>
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Vicinity Map:



Aerial Map:



Applicable Design Guidelines:

IV. SIGNAGE

INTRODUCTORY PROVISIONS

Intent

The purpose of these regulations is to preserve the historic character of the overall district and individual historic buildings follow the basic principles and guidance of the “Downtown Codes Sign Standards” as adopted 1/30/2013. The “Downtown Codes Sign Standards” breaks signage guidance up by “street types.” The Broadway Historic Preservation Zoning Overlay closely follows the guidance for “Pedestrian Street” type.

Applicability

- These sign regulations apply to all properties within the Broadway Historic Preservation Zoning Overlay.
- (Not referencing code since our current design guidelines do not reference code and there are permissible signs within the code that would not meet our design guidelines.)
- Signage that is cut into the face of the building is prohibited.
- Signage located on the interior of a building or attached to the inside of glass windows is not reviewed.
- Sandwich board signs and 3-dimensional sidewalk signs that are brought into the building at the close of each business day shall not be reviewed by the MHZC but may require review by Public Works.
- Historic signage should be retained. Removal of historic signage may take place as a Modification.

Sign Permit Applications

Applications for sign permits shall be made with and reviewed by the Metro Historic Zoning Commission (MHZC). All sign applications that do not involve Modifications shall only require MHZC administrative approval.

Common Sign Plan

- A common signage plan regulates signage for multiple businesses or tenants within one building or complex. A common sign plan is mandatory for all new developments and sign Modifications.
- A common signage plan shall provide for consistency among signs with regard to at least four of the following: materials; location of each sign on the building; sign proportions; color scheme; lighting; lettering or graphic style.
 - The common signage plan shall establish an allowable area of signage for existing and future tenants with regard to all allowed sign types.
 - The common signage plan shall indicate existing nonconforming signs as well as the amount and locations of on-premise signage to be allocated to each tenant under the new plan.

MODIFICATIONS

Sign Permit Modifications

Requests for modifications to sign standards are reviewed by the Metro Historic Zoning Commission. If the property is also within a MDHA redevelopment district, approval from the MHZC is all that is needed. Two additional types of Modifications for signage related permits may be requested and are outlined below.

Modifications for Exceptional Design

Creative signage that does not fit the specific regulations of these guidelines may be considered by the MHZC, based on its merits, as they relate to all of the following design criteria:

- Architecture
- The configuration or location of the building or property
- Building scale
- Legibility
- Technical competence and quality in design, construction and durability

Applications for this type of Modification require submittal of a common sign plan for the property in question. Approval of any related structure (i.e. canopy) will require review by all applicable agencies.

Exceptional design modifications shall not permit electronic changeable copy where it is otherwise not permitted.

Allocation of Sign Area

The maximum sign area for each type of sign is established in the following tables. Specific requirements for each sign type are shown on the subsequent pages.

For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of signs associated with that cell, unless otherwise noted.

The measurements for “linear feet” shall be at grade.

Building Signs

Wall, Awning, Canopy and Projecting Signs—1.5 square feet of sign area per 1 linear foot of building façade or 36 square feet, whichever is greater. When a projecting sign is used on a building, an additional .50 square feet of sign area per 1 linear foot of building façade shall be permitted, for a total 2 square feet per 1 linear feet of building façade.

Shingle Sign: 9 square feet per sign

GENERAL STANDARDS

Materials

All permanent, on-premises signs shall be constructed of a rigid, weatherable material such as hard plastic, wood, MDO plywood, aluminum, steel, PVC, glass, fiberglass and or Plexiglass. On-premises permanent signs shall not be constructed of nonrigid materials including, but not limited to, vinyl, fabric, canvas, or corrugated plastic. The provisions of this subsection shall not apply to approved, permitted canopies, awnings and porticoes.

Building Façade and Street Frontage Measurement

In determination of number of stories of a building, rooftop additions shall not be considered within the number of stories.

OTHER SIGN TYPES

Building Sign: Wall Sign

Description

- A wall sign is a building sign that is attached flat to, or mounted away from but parallel to, the building façade.
- A wall sign may be painted on the building façade, in some instances, as a modification.

General Provisions

- A wall sign shall be located lower than the window sills of the top floor for multi-story buildings.
- No portion of a wall sign may extend above the roof line or above a parapet wall of a building with a flat roof.
- No portion of a wall sign may extend above the lower eave line of a building with a pitched roof.
- A wall sign cannot cover windows or architectural details.
- An exposed raceway shall be finished to match the background wall or be integrated into the overall design of the sign.
- A wall sign can be externally or internally illuminated in accordance with the section on Illumination.

Design Standards

- A** Overall area allocation (max)--see allocation of sign area
- B** Projection (max)--2 inch OR 13 inches for internally lighted or neon signage
- C** Exposed Raceway height--50% of the letter height, OR if the Raceway is used as the sign background, the Raceway may extend 3 inches beyond the largest part of the sign. Refer to

Illumination section for additional raceway standards and permitted locations.

Background: 114 2nd Avenue South was constructed c. 1910 and contributes to the historic character of the Broadway Historic Preservation Zoning Overlay (Figure 1). Masonry repair was permitted administratively in 2016, and the existing projecting sign was permitted administratively in 2017.

The applicant was first notified of several violations on the site in June 2017 via email. At the time, the violations included flashing lights, banners that had been up longer than allowed for temporary signage, and signage installed over the window openings. Staff encouraged the applicant to correct the violations or apply to MHZC. The applicant removed the banners in September 2017. Staff sent the applicant an official notice of violation covering the remaining violations on December 14, 2017. The applicant responded with an affidavit dated February 8, 2018 indicating that there were no flashing lights on site. On May 8, 2018, the applicant installed Plexiglas and trim over the remaining signs that covered the window openings; this work was without a permit.



Figure 1: 114 2nd Avenue South

Analysis and Findings: Wall signage was installed without a preservation permit. The signs were installed over boarded up windows and subsequently were covered with Plexiglas and new trim boards, without a preservation permit.

Allocation: The building's allocation for sign area is ninety-six square feet (96 sq. ft.), which is two times the width of the building with a projecting sign included. A projecting sign that is approximately thirty-eight square feet (38 sq. ft.) was installed on

the front façade with a permit. Therefore the remaining allotment for the building is fifty-eight square feet (58 sq. ft.).

Information on the area of the signs installed without a permit was not submitted by the applicant. However, staff finds that it is irrelevant since the sign location does not meet the design guidelines. If the applicant wishes to have signage in that location, it could be achieved by installing windows that meet the design guidelines, removing the window coverings, and installing signage on the inside of the windows. Interior signage seen through windows is not reviewed by MHZC. Another option would be a wall sign above the entrance, which meets the design guidelines.

Location: The signage was installed over boarded up windows without a permit. The Plexiglass over the signs along with trim was installed later, without a permit, after notification of the violation. The windows were boarded up before the applicant acquired the building. In the provisions for wall signs, the design guidelines states that “a wall sign cannot cover windows or architectural details.” In this case, the signs cover the window openings and are in an inappropriate in the current location, whether or not the windows are boarded up.



Figures 2 and 3: Boarded up windows prior to the installation of signage and after installation of signage and trim.

Materials: Materials for the signs and trim were not provided. The signage is likely paper, vinyl or cloth, which are not appropriate signage materials. Plexiglas with trim of an unknown material has been installed over signs. Plexiglas is not an appropriate

material for a window and trim material was not provided. The overall design of trim and Plexiglas do not meet the design guidelines for a replacement window.

Recommendation: Staff recommends disapproval with the condition that the unpermitted signage be removed within 30 days, finding the project does not meet Section IV for Signage.

This decision would not keep the applicant from applying for additional signage and/or replacement windows that meet the design guidelines, but would correct the violation.



4th & Church Building
201 4th Avenue North, Suite 1100
Nashville, Tennessee 37219
Main 615.255.7722
Fax 615.780.2210
Toll-Free 800.421.0980
Direct 615.324.2739
Direct Fax 615.574.6409

IAshea.Myles-Dihigo@leitnerfirm.com

July 3, 2018

VIA EMAIL ONLY (Robin.Zeigler@nashville.gov)
(Melissa.Sajid@nashville.gov)

Robin Zeigler
Melissa Sajid
Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204

RE: 114 2nd Avenue South, Nashville, TN 37201
LWDN No. 10464-00001

Dear Robin and Melissa:

Pursuant to our conversation, please find attached hereto the application for the signage treatment for Headquarters Tennessee, LLC in preparation for the commission meeting on July 18, 2018 at 2:00 p.m.

Should you need additional information or have additional questions, please feel free to reach me directly at my office or via email at 615.255.7722 or iashea.myles-dihigo@leitnerfirm.com. I look forward to your prompt response.

Very truly yours,

My Best,

I'Ashea Myles-Dihigo
For the Firm

IMD/
Enclosures as stated

c: Brian Galati

[Via Email: brian@machinehospitality.com](mailto:brian@machinehospitality.com)



PRESERVATION PERMIT APPLICATION

METROPOLITAN HISTORIC ZONING COMMISSION

3000 Granny White Pike, Nashville, TN 37204

615-862-7970, 615-862-7974 fax, HistoricalCommission@nashville.gov

DEADLINE: Complete applications must be received a minimum of 16 days prior to the next MHZC hearing which takes place on the third Wednesday of the month. Please visit www.nashville.gov for the schedule. Incomplete applications will not be scheduled until all information has been received.

PROPERTY ADDRESS: 114 2nd Avenue South, Nashville, TN

APPLICANT (All communication by phone, fax, email or mail will be with the applicant.)

Name Headquarters Tennessee, LLC c/o l'Ashea Myles-Dihigo, Esq.

Mailing Address Leitner, Williams, Dooley & Napolitan 201 4th Avenue, North Suite 1100

City Nashville Zip Code 37219

Contact Phone 615.324.2739 Fax Number _____ Email iashea.myles-dihigo@leitnerfirm.com

Owner Contractor Architect/Designer Other Tenant- with responsibility for the upkeep of the exterior and interior of the premises

PROPERTY OWNER (If different from applicant.)

Name DuBois Family, et. al c/o Brigit DuBois

Mailing Address 3814 38th Ave.

City Seattle Zip code 98118-1106

Contact Phone 206.218.2357 Fax Number _____ Email brigit.dubois@gmail.com

TYPE OF WORK New Construction (Addition) Demolition Renovation Other installation of Plexiglas
(Only exterior projects are reviewed.)

DESCRIPTION OF WORK (Please use a separate sheet of paper for longer descriptions.)

Headquarters BeerCade would like to be able to place promotional signage on the outside of its leased premises. It was told that if promotional signage was placed in the interior of a window opening, then the signage could be changed regularly.

The only window openings on the outside of this historic building have been boarded up for years (See Exhibit A) and have not been functional windows at any point during the lease by Headquarters nor previous tenants.

Because there are no window openings, Headquarters was informed by the commission that it may cover the boards with glass and proceed with the signage. It purchased plexyglass windows and installed them over the previously installed boards.

After the placement of the Plexiglas it displayed its signage in the "windows" as instructed. The window openings are not windows and would be cost prohibitive to cut into the historic building to reopen windows (Continued on next page)

Any substitution or deviation from the approved work items listed on the Preservation Permit requires further review and approval by the Historic Zoning Commission prior to being undertaken. Accurate scale elevations, drawings, and site plans are needed for project review. The MHZC retains copies of all materials submitted.

Does the project require an alteration to base zoning?

Yes If yes, please see "Setback Determinations" at the bottom of page 2 for notification information. If notice is not met, project review will be delayed until the following public hearing.

NO If no, notification by the applicant is not required.

Estimated Cost of Work n/a- This petition is to be able to keep the solution that is already on the building (Exhibit B)

Code Administration's Temporary Bldg Permit # _____

(This number starts with a "T" followed by the year. It may also be obtained later.)

Covenant Instrument # _____

(Required for Detached Accessory Dwelling Units)

SIGNATURE Brain Galati with permission by [Signature] **DATE** 7/3/18

I/We the above signed do hereby make application for a Preservation Permit following plans and proposals to be undertaken within the boundaries of an historic preservation overlay pursuant to Article IX of the Metropolitan Code.

SUBMIT FORM VIA EMAIL *Please include complete set of drawings in your email submission

that have been closed for at least 5-10 years. The window openings are no longer functional and have not been functional for years. The front wall of the building was rebuilt brick by brick during the renovation of the space, and the windows openings remained in the condition that they are currently in. There are no windows in the lower front façade of the building. Further, as a limited food service restaurant, the front window openings would open directly into the kitchen area of the establishment. Which is not conducive to the kitchen work area or image that Headquarters seeks to portray to the public. Therefore, considering the forgoing position, Headquarters requests that the installed Plexiglas which covers the previously installed boards be allowed to remain in place as a “window” covering for the display of its promotional signage.

**AFFIDAVIT OF BRIAN GALATI, PRINCIPAL OF HEADQUARTERS TENNESSEE,
LLC**

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

The affiant, having been duly sworn, states to the Court as follows:

1. I am over the age of eighteen and competent to testify in this matter. The statements in this affidavit are made from my personal knowledge.
2. I am one of the principals of Headquarters Tennessee, LLC which owns and operates Headquarters Beercade, a bar located at 114 2nd Ave., South, Nashville, TN.
3. The building is owned by Edward DuBois, Sr., Tatiana Kifa-DuBois, Bridget DuBois and Ed DuBois, Jr.
4. The Capacity Beer Group, LLC entered into a lease agreement with the DuBois family to rent the building at 114 2nd Ave., South on September 1, 2015.
5. I am part owner of the Capacity Beer Group, LLC.
6. When my company took occupancy of the building, it had been previously occupied by other bar and nightclub establishments over the years.
7. No member of my company made any modifications or replacements any of the original windows along the front of the building.
8. Prior to my company's occupancy of the building, the front window openings were covered by plywood.
9. When we came into possession of the building, the window openings were still covered with plywood.



10. I located a photograph of the Ace of Clubs which had the same window openings that were covered with plywood prior to my company's lease agreement. A true and correct copy of this photo is attached hereto as **Exhibit A**.

11. The window openings do not contain glass and have not contained glass for many years. The previous lessees removed the glass from the window openings and the interior window openings have been covered with wall material in the interior kitchen space of the building which prevents them from functioning like a true window.

12. It is cost prohibitive for my company to re-create the original window openings that were modified prior to my lease of the building.

13. The lighting on the outside front entrance of our building is not strobe lighting but exterior wash lighting. It is not set to pulsate, flash or create a sequenced lighting display, but instead uses a soft white exterior light to highlight the entrance into the building.

Further Affiant sayeth not.


Brian Galati

STATE OF TENNESSEE)
COUNTY OF DAVIDSON)

Personally appeared before me, the undersigned, a Notary Public in and for said State and County, the within named BRIAN GALATI, with whom I am personally acquainted (or upon the basis of satisfactory evidence presented to me), and who, after being duly sworn, made oath that the facts contained in the Affidavit are true and correct to the best of his knowledge.

Witness my hand and official seal at Davidson County, this the 9th day of ~~January~~ February 2018.


Notary Public

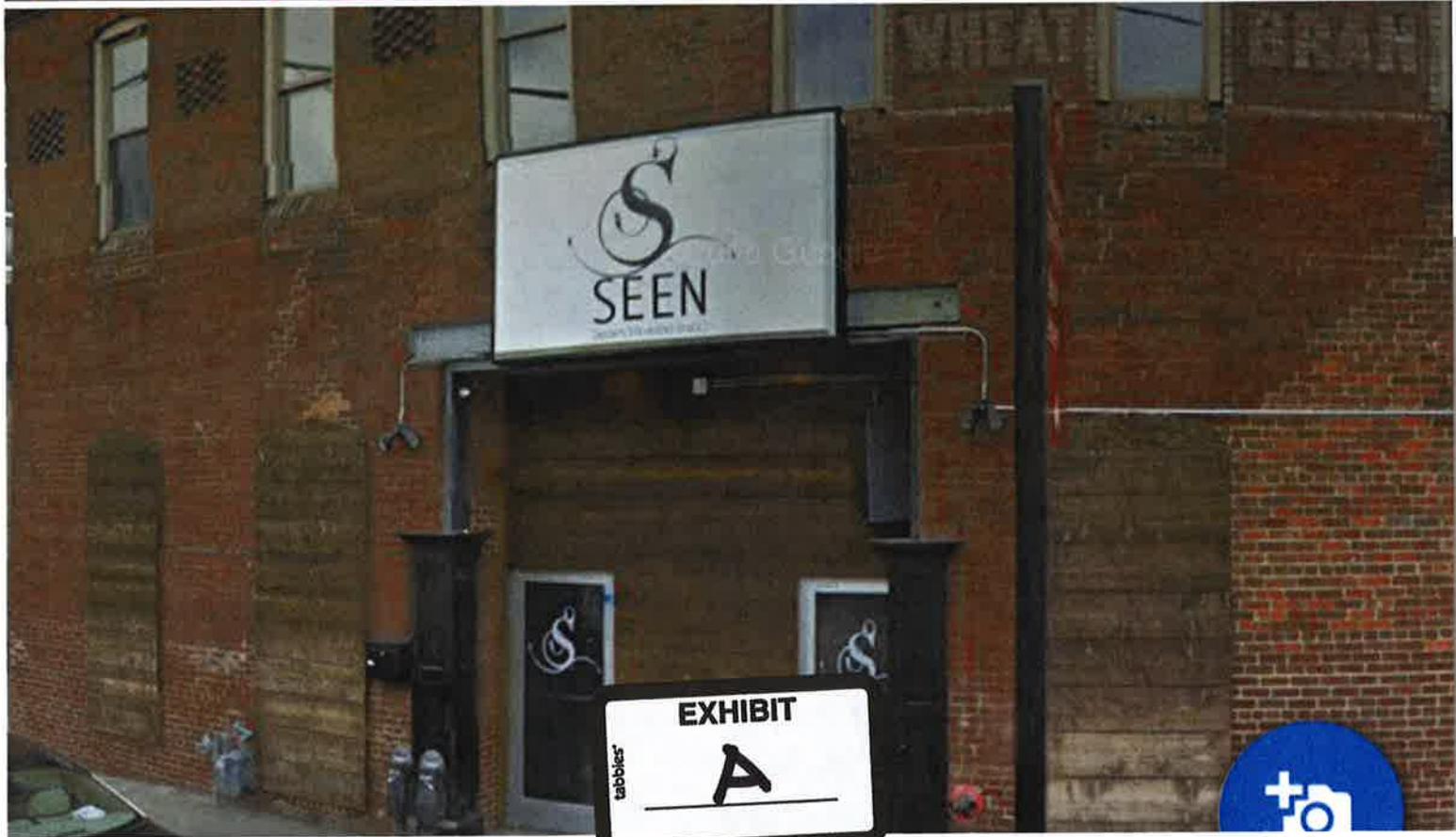
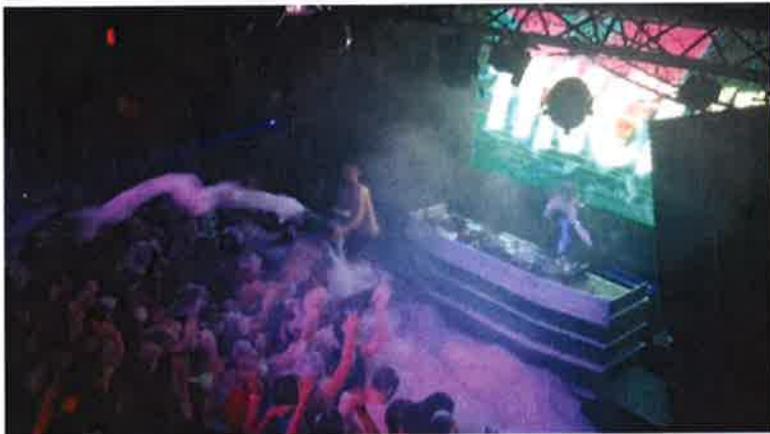
My commission expires:

 May 8, 2018





SEEN Nightlife + Event Space



HEADQUARTERS
... BEERCADE ...

HOME OF THE FAMOUS

BURGER BUNDLE

INCLUDES 1 BURGER, 1 BEER, & 1 SHOT OF BOURBON



\$15 = 1 BURGER
BEER &
SHOT OF
BOURBON

MONDAY - THURSDAY
4PM - 11PM



WWW.HQBEERCADE.COM

THIS MUST
BE THE
PLACE.

HEADQUARTERS
... BEERCADE ...



EXHIBIT

B

tabbies

2 & three