

DAVID BRILEY
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

**STAFF RECOMMENDATION
1313 5th Avenue North, Unit 1
June 19, 2019**

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

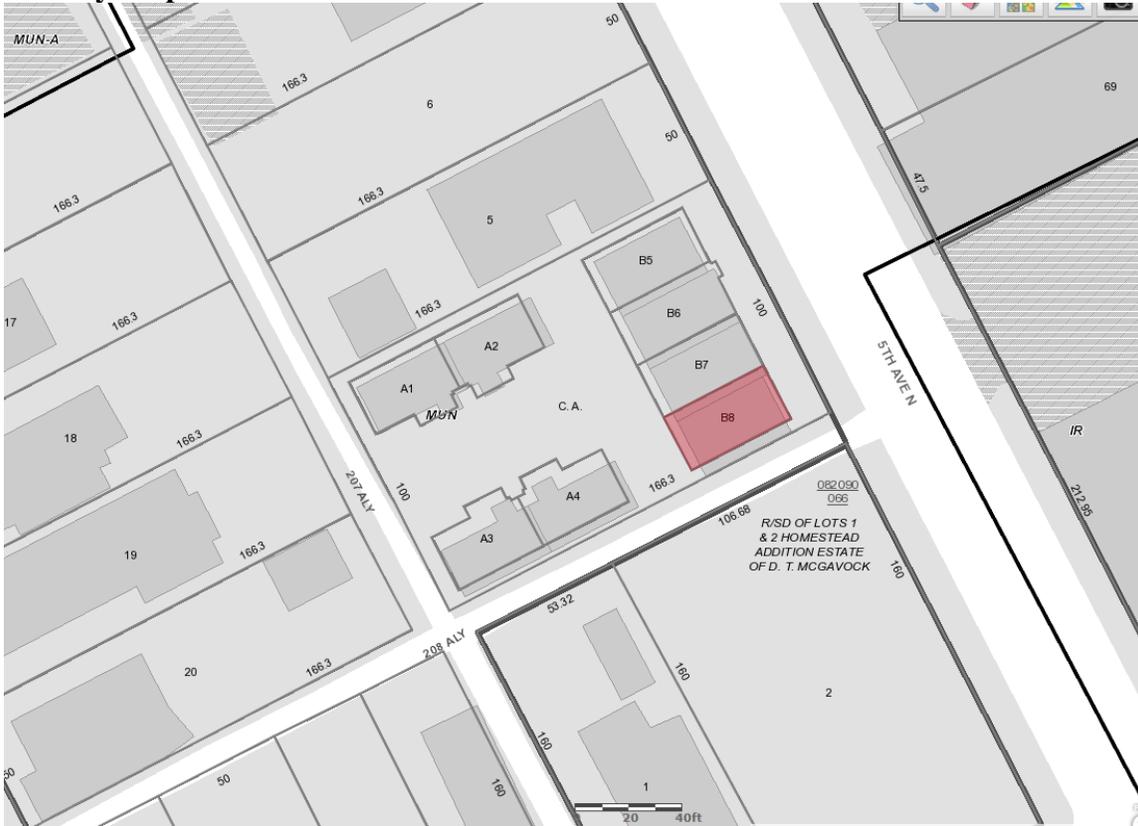
Application: Violation—Addition
District: Germantown Historic Preservation Zoning Overlay
Council District: 19
Base Zoning: MUN
Map and Parcel Number: 082090Y008.00
Applicant: Stephen Light
Project Lead: Melissa Baldock, melissa.baldock@nashville.gov

Description of Project: Application is to keep a rooftop pergola constructed without building or preservation permits.

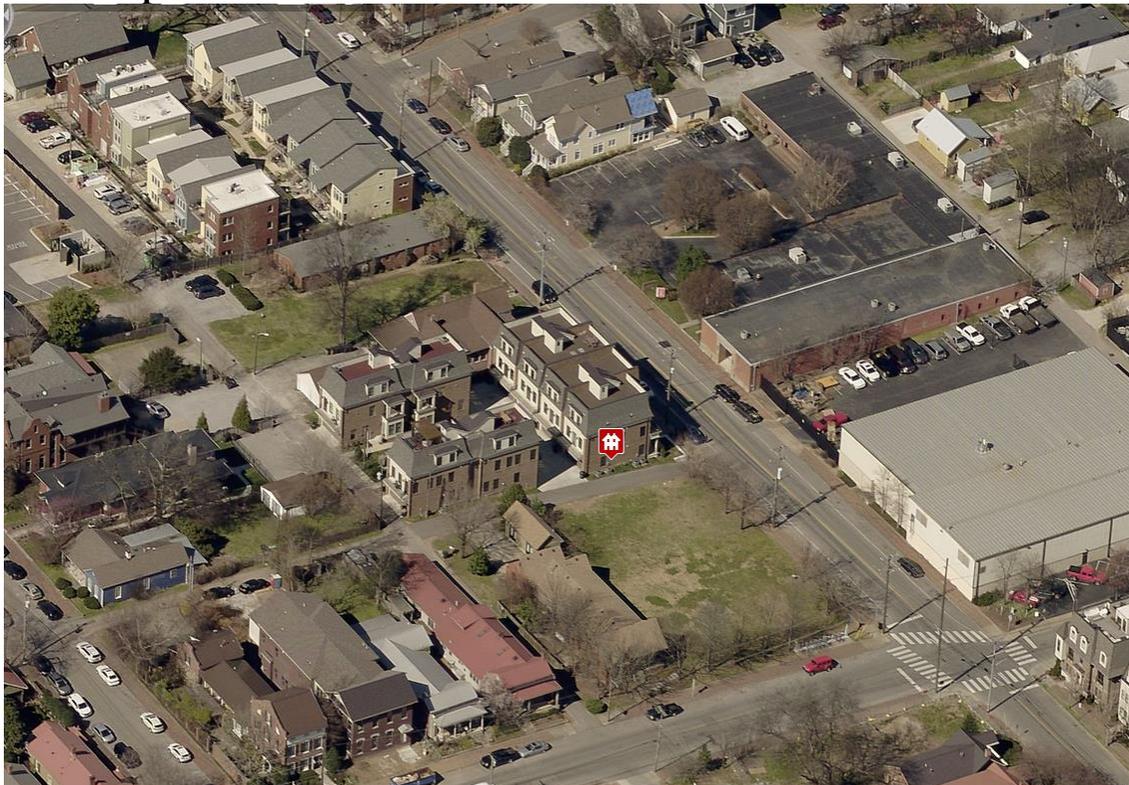
Recommendation Summary: Staff recommends disapproval of the request to keep the rooftop pergola, finding that the pergola does not meet Sections III.D.1.c for height., III.E.9.i. for rooftop decks, and III.E.17.g. for appurtenances of the Germantown Historic Preservation Zoning Overlay design guidelines. Staff further recommends a requirement that the structure be removed within 60 calendar days of the Commission’s decision.

Attachments
A: Photographs

Vicinity Map:



Aerial Map:



Applicable Design Guidelines:

III. New Construction

A. GENERAL PRINCIPLES

Germantown is an eclectic district with distinct that contain different types of development. For this reason, the district is divided into “Development Zones” for site planning and “Building Types” for building design. Each project should meet the guidelines provided for “All Development Zones” and follow the more specific guidance for the “Building Type” and the “Development Zone” in which project is located.

Each “Development Zone” identifies the “Building Types” appropriate for that zone. The “Building Types” are very similar to those found in the Planning Department’s “Community Character Manual” but with additional information and guidance specific to Germantown.

Process for Planning New Construction in Germantown:

1. Determine the proposed “Building Type.”
2. Determine the “Development Zone” in which the project will be located. Check to be sure that the desired “Building Type” is appropriate in that “Development Zone.” If so,
3. Follow the guidelines for the “Building Type” in designing the building, the guidelines for the “Development Zone” when designing the site and the “General Design Guidelines” for both the design of the building and the site.

B. BUILDING TYPES

The Commission only reviews the design of buildings, sites and improvements.

Applicants should check with the Metro Codes Department to assure that the intended use is permitted.

4. Townhouse (Row House) Building Type

A Townhouse is a low-rise attached structure consisting of two or more single-family dwelling units placed side-by-side. It occupies the full frontage of its lot, and generally eliminates most side yards. Vehicular access is from the fronting street or alley and a primary pedestrian entrance for each unit is located along the primary street frontage.

- a. Small courtyards, arcades, recessed entries or other similar entry designs may be desirable to provide privacy to ground floor residents.
- b. Each ground floor unit should have a porch, stoop, or other defined principal entrance facing the street with a walkway leading to the sidewalk. Where possible, these connections between street and entrance should be direct. Where grade dictates, the stairs may be parallel to the building but should generally directly address the street.
- e. The building type may be flat with parapet or front gabled. Typical pitch ranges from 7/12 to 14/12. Mansard roofs are inappropriate.
- f. Patios, and decks are not appropriate for the front setbacks of this building type.

Building Type	# of stories, depending upon zone	Roof Forms	Development Zone
Townhouse	1-2	flat with parapet or front gabled	National Register, Werthan Complex, East, Jefferson, North

C. DEVELOPMENT ZONES

The district is divided into Development Zones to provide guidance on new construction that is specific to that area, particularly as relates to setback and height requirements.

1. National Register District Development Zone: properties located within the National Register of Historic Places boundaries.

D. DESIGN GUIDELINES BY DEVELOPMENT ZONE

1. National Register Development Zone
 - a. Appropriate Building Types: House, Plex House, House Court, Townhouse, Corner Commercial, Low-mid-Rise Mixed Use & Commercial, Civic
 - b. Setbacks
 - Residential building types (House, Plex House, House Court, Townhouse) are appropriate on corner and interior lots. An appropriate front setback shall be one that is approximately half-way between the setbacks of the historic buildings to either side. If the buildings to either side are not historic, are unusual for the neighborhood, or are not of the same development type, such as a church or school, then the average of the historic buildings of the same building type on the entire block face shall be used. Rear setbacks are generally deep to allow for a rear yard and outbuilding.
 - Side setbacks should be similar to the historic context in order to maintain the rhythm of the street. Often this is accomplished by matching the widths of historic buildings on the block face that are on similar sized lots.
 - Wings, porches, and secondary building elements should be at similar setbacks to existing context.
 - c. Height
 - Traditionally residential portions of Germantown had 1 and 2 story homes next to each other; therefore 1, 1.5 and 2 story homes are appropriate. New construction should not exceed 2-stories (~35’ for a pitched roof and ~30’ for a flat roof) from grade to ridge or top of parapet wall as measured at the front two corners. Special features of limited height, such as towers or turrets may be acceptable, as long as they are kept to a minimum.

Summary of Development Zones. Please refer to text for additional guidance.

Development Zone	Setback	Height	Appropriate building types
National Register	Follows Historic Context	1-2 Stories	House, Plex House, House Court, Townhouse, Corner Commercial, Low-mid-Rise Mixed Use & Commercial, Civic

E. DESIGN GUIDELINES FOR NEW CONSTRUCTION IN ALL ZONES

1. General Policy

- a. This section provides design guidelines for all new construction. Additional guidance is provided based on the Building Type proposed and the Development Zone in which the project will be located.
- b. Guidelines apply only to the exterior of new construction. Public facades shall be more carefully reviewed than non-public facades. Public facades are visible from the public right-of-way, street, alley or greenway. Non-public facades are not visible from the public right-of-way, street, alley, or greenway.
- c. Construction in the District has taken place continuously from the mid- 19th century through the present and a variety of building styles and building types have resulted. This variety reflects the style, culture, and values of the District over time. New construction that imitates historic architectural styles may compromise the value of authentic historic structures by confusing genuine history with reproduction. Exterior building design should avoid the creation of themed environments that create a false sense of being in an alternate time or place. The architectural building types of new buildings should be appropriate to the general context of the historic portions of the neighborhood but may be contemporary in design.
- d. Because new buildings should relate to an established pattern and rhythm of existing buildings as viewed along both the same and opposite sides of a street, a dominance of the pattern and rhythm should be respected and not be disrupted.
- e. New construction should be consistent and compatible with existing buildings along a street in terms of height, scale, setback, relationship of materials, texture and color; roof shape; orientation; and proportion and rhythm of openings.

5. Materials

- a. The relationship and use of materials, texture, details and material color of a new buildings shall be visually compatible with and similar to or shall not contrast conspicuously with those of adjacent historic buildings.
- b. The MHZC does not review paint color on wood. The MHZC reviews the inherent color of new materials, such as masonry and metal. Generally, painting masonry materials is inappropriate for existing and new construction.
- d. Materials not listed in section e and f may be appropriate, if they possess characteristics similar in scale, design, finish, texture, durability, workability and detailing to historic materials and meet The Secretary of the Interior's Standards.
- f. Facade Materials:
 - All facades shall be at least 80% brick. Appropriate accent materials include stucco, fiber-cement or metal panels, fiber-cement, milled and painted wood, or metal horizontal siding. A greater percentage of accent materials may be used on facades that are not visible from a public right-of-way. A greater percentage of accent materials may be appropriate to create a more varied and appropriately neighborhood scaled building façade and massing with the Werthan and Rosa Parks Development zone.
 - Lap and horizontal siding should have reveals that do not exceed 5”.
 - Inappropriate materials: T-1-11- type building panels, "permastone", E.F.I.S., vinyl, aluminum, rustic and/or unpainted wood siding, stud wall lumber, embossed wood grain materials. Stone,

board-and-batten and half-timbering are uncommon cladding materials in Germantown and are generally not appropriate.

- Texture and tooling of mortar on new construction should be similar to historic examples.
- Four inch (4") nominal corner boards are required at the face of each exposed corner for non-masonry walls.
- 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 wall materials are used, it is most appropriate to have such changes occur at floor lines.

g. Accent and Trim Materials:

- Appropriate materials: wood or fiber cement
- Shingle siding is appropriate as an accent material and should exhibit a straight-line course pattern or a fish scale pattern and exhibit a maximum exposure of seven inches (7").
- Wood trim and accents were typically painted and milled. Rustic timbers and unpainted wood is generally inappropriate.
- Composite materials may be appropriate for trim if they match the visual and durability characteristics of wood.
- Stucco/parge coating may be appropriate cladding for a new chimney or a foundation.

8. Roof

- a. The roofs of new buildings should be visually compatible by not contrasting significantly with the roof shape, pitch, and orientation of surrounding buildings. See Building Type descriptions.
- b. Roof-top equipment, skylights, and roof penetrations located on or attached to the roof shall be located so as to minimize their visibility from the street. Typically screening does not meet the requirement for "minimal visibility" as it often alters the look and perceived height of a building. Generally, rooftop equipment should be placed behind the mid-point of the building. (For solar panels, please see "utilities.")

9. Rooftop Decks

- a. Rooftop decks (flooring, railing and access structure) shall not be added to historic buildings.
- b. Rooftop decks are not appropriate on new construction within the National Register Development Zones but may be appropriate in other Development Zones.
- c. Rooftop decks are not appropriate for single-story new-construction.
- d. Where Rooftop decks are appropriate:
 - They should not cantilever or project from the building.
 - The lighting of roof decks should point inward and downward and not be located more than 42" above the deck. The access structure shall not be illuminated, other than safety lighting near the entrance.
 - No rooftop deck may be raised more than two feet (2') above the plane that is midway between the lowest and the highest points of the roof surface supporting the rooftop deck.
 - A rooftop deck should sit back from the front wall of the building by at least 8' for a flat roof and 6' behind the ridgeline for a gabled roof or mansard roof. It should sit back a minimum of 5' from the side street-facing wall in the case of corner buildings.
- h. Mechanicals or other elements shall not be located on top of a rooftop access structure.
- i. Roof decks shall not have outside A/V equipment (for instance televisions and speakers but not including small security cameras), flags, signage, permanently installed structures such as pergolas, other than the access structure, or permanently installed furniture and appurtenances.

- j. Access structures may only serve to enclose a single-door access, stair or elevator. Access structures should have flat or slight slope roofs and not exceed 9' in height. The 9' may be in addition to the maximum height allowed based on context, if the rooftop access structure is positioned in a minimally visible location.

17. Appurtenances

Appurtenances include, but are not limited to, features such as curbs, steps, pavement, gravel, fountains, pergolas, pools and ponds, street furniture, bike racks, outdoor fireplaces/pits, vending, public art and mailboxes.

- a. Appurtenances and other work planned in public spaces by any individual, group or agency shall be presented to the MHZC for review of compatibility with the character of the district.
- b. Appurtenances related to new buildings, should be visually compatible with the environment established by surrounding existing buildings and the site on which they are located. They should not contrast greatly with the style of associated buildings in terms of design, size, materials, material color and location and should not contrast greatly with comparable original features of surrounding buildings.
- g. Structures such as gazebos and pergolas that are appropriately sized to the scale of the principle building should generally be located in rear or side yards.

V. New Construction—Additions

Also see “New Construction-infill” for information on materials, roofs, utilities/mechanicals, sidewalks/walkways, exterior lighting, appurtenances and other applicable guidance.

A. GENERAL PRINCIPLES

- 1. Guidelines apply only to the exteriors of new construction. Public facades shall be more carefully reviewed than non-public facades. Public facades are those that are visible from the public right-of-way, street, alley, or greenway. Non-public facades are those not visible from the public right-of-way, street alley or greenway.
- 2. The guidelines for New Construction shall also apply to all additions, where applicable.
- 3. Additions should be sited on their respective parcels in ways that are appropriate to the historic building and, in the case of non-historic buildings, in a way that is appropriate for the general context of the historic portions of the neighborhood.
- 4. The color of paint used on wood surfaces is not reviewed. The inherent color of materials is reviewed.
- 5. In the case of historic buildings, additions should be consistent and compatible with the historic buildings. In the case of non-historic buildings, additions should be compatible with historic buildings along a street in terms of height, scale, setback, relationship of materials, texture and color; roof shape; orientation; and proportion and rhythm of openings.
- 6. Any interior alterations that require exterior alterations or change the look of the exterior such as changing floor lines or removing load bearing walls should not be undertaken. Care should be taken during rehabilitation not to remove stabilizing factors such as plaster lath.

B. GUIDELINES FOR ADDITIONS

- 1. Design
 - a. Additions should not obscure or contribute to the loss of historic character-defining features or materials.
 - b. Additions to existing historic buildings shall be compatible in scale, materials, and texture; additions shall be visually compatible by not contrasting greatly with the existing historic building.

- c. Additions to historic buildings should be done in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the original structure would not be impaired.
 - d. The creation of an addition through enclosure of a front porch is not permitted. The creation of an addition through the enclosure of a side porch may be appropriate if the addition is constructed in such a way that the original form and openings on the porch remain visible and undisturbed.
 - e. Contemporary designs for additions to existing historic properties may be permitted 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, material color, material, and character of the property, neighborhood, or environment.
2. Height & Massing
- a. The height of the addition's roof, eaves and foundation must be less than or equal to the existing structure.
 - b. Foundation lines should be visually distinct from the predominant exterior wall material. This is generally accomplished with a change in materials.
 - c. Visually evident roof slopes should match the roof slopes of the existing structure, and roof planes should set in accordingly for rear additions.
 - d. In order to achieve compatibility in scale, no matter the building's use, an addition should not be larger than the existing house, not including non-historic additions.
 - e. Additions should generally be shorter and narrower than the existing building. Exceptions may be made when unusual constraints make these parameters unreasonable, such as:
 - i. An extreme grade change
 - ii. Atypical lot parcel shape or size..

In these cases, an addition may rise above or extend wider than the existing building; however, generally the addition should not be higher and should not extend wider.

When an addition needs to be taller:

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

When an addition needs to be wider: Rear additions that are wider than an existing historic building may be appropriate when the building is narrower than 30' or shifted to one side of the lot. In these instances, a structural alcove or channel must separate the existing building from the new addition. The structural alcove should sit in a minimum of 1' and be at least twice as long as it is deep. In addition, a rear addition that is wider should not wrap the rear corner

3. Placement

- 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. To distinguish between the historic structure and an addition, it is desirable to set the addition in from the building's side walls or for the addition to have a different exterior cladding. A general rule of thumb is a 1' step-in for 1-story additions and a 2' step-in for 2-story additions. When an addition is small (i.e: one-room deep, 12' deep or less) and extends the full width of the a masonry building, and the addition

is wood (or appropriate substitute siding), the typical insets are not necessary as the change in material from masonry to wood allows for a minimum of a four inch (4") inset.

- b. Rooftop additions (not including dormers) are generally not appropriate for historic buildings. A minimal rooftop access, just large enough to accommodate a stair and that is not visible from a public right-of-way may be appropriate for flat roof historic buildings that are more than 1-story and 9'.
- c. Dormers generally should not be introduced on the front or sides where none originally existed. Rear dormers should be inset from the sidewalls of the building by a minimum of two feet. The top of a rear dormer should attach below the ridge of the main roof or lower.
- d. When a lot width exceeds 60' or the standard lot width on the block, it may be appropriate to add a side addition to a historic structure. The addition should set back from the face of the historic structure (at or beyond the midpoint of the building) and should be subservient in height, width and massing to the historic structure. Side additions should be narrower than half of the historic building width and exhibit a height at least 2' shorter than the historic building. To deemphasize a side addition, the roofing form should generally be a hip or side-gable roof form.

Background: The townhouse development at 1313 5th Avenue North was approved by the Metro Historic Zoning Commission in 2015 and was completed in 2017 (Figure 1). The property is located within the National Register for Historic Places Historic District and zone, but because it is new construction, it is considered to be non-contributing to the district.

The development was approved and constructed under the previous design guidelines for the Germantown Historic Preservation Zoning Overlay. In September 2017, MHZC adopted revised design guidelines for the Germantown Historic Preservation Zoning Overlay; these revised guidelines reduced the maximum height of new development in much of the district and prohibited rooftop decks on new construction within the National Register of Historic Places Historic District.

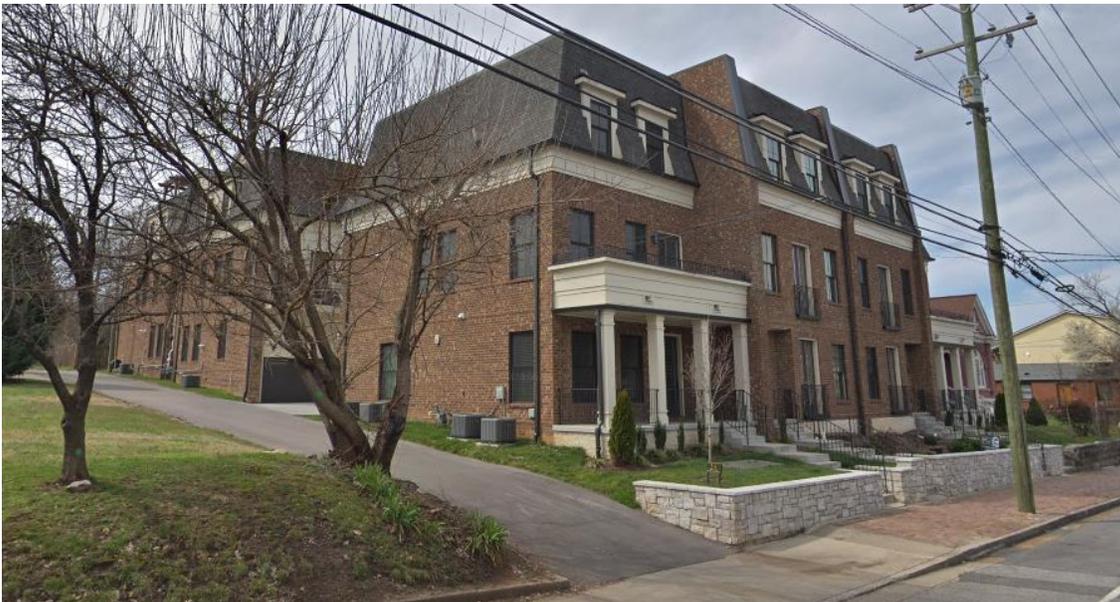


Figure 1. The townhouse development at 1313 5th Avenue North.

Analysis and Findings: The owner of the property constructed a rooftop pergola without a preservation permit. The owner seeks approval of the pergola, after its construction, in order to retain it as is (Figures 1 & 2).



Figures 1 & 2 are photos of the rooftop pergola, as seen from 5th Avenue North. The pergola is highly visible from the street.

Staff finds that the rooftop pergola to be inappropriate for several reasons. The existing townhouse was approved to be two-and-a-half to three stories tall, with an overall height of approximately thirty-nine feet (39') from grade, which was the maximum height allowed by the previous design guidelines. The revised design guidelines from 2017 limit new construction within the National Register district to two-stories and thirty-five feet (35') from grade. This development, therefore, is currently larger than what is allowed under the design guidelines. The addition of the rooftop pergola only further adds to the height and scale of the townhouses, making it over three stories to almost four stories in height, which is not appropriate. Staff therefore finds that the pergola does not meet Section III. D.1.c. of the design guidelines.

The 2017 revisions to the Germantown design guidelines prohibit new rooftop decks within the National Register zone, where 1313 5th Avenue North is located. Because this development was approved prior to the 2017 revisions, its roof top deck is grandfathered. Where rooftop decks are allowed, the design guidelines specifically stipulate that they “shall not have...permanently installed structures such as pergolas, other than the access structure, or permanently installed furniture and appurtenances.” Staff therefore finds that the rooftop pergola does not meet Section III.E.9.i. of the design guidelines.

The design guidelines, in Section III.E.17.g., further state that pergolas or gazebos can be appropriate on rear or side yards, implying that they are not appropriate on rooftops or at the front of a building.

Staff finds that the pergola constructed on the rooftop without a preservation permit does not meet Sections III.D.1.c., III.E.9.i., and III.E.17.g. of the design guidelines.

Recommendation Summary: Staff recommends disapproval of the request to keep the rooftop pergola, finding that the pergola does not meet Sections III.D.1.c for height., III.E.9.i. for rooftop decks, and III.E.17.g. for appurtenances of the Germantown Historic Preservation Zoning Overlay design guidelines. Staff further recommends a requirement that the structure be removed within 60 calendar days of the Commission’s decision.

Attachment A: Photos submitted by applicant





Photo submitted by applicant



Photo submitted by applicant