

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

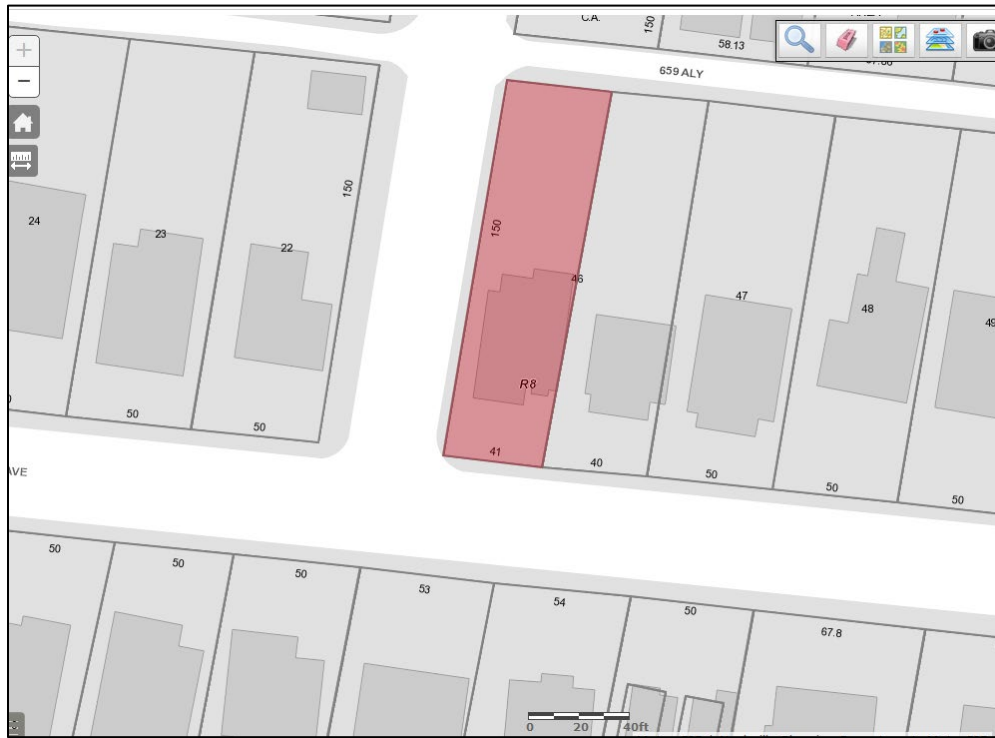
STAFF RECOMMENDATION
1022 Acklen Avenue
December 18, 2019

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, Tennessee 37204
Telephone: (615) 862-7970
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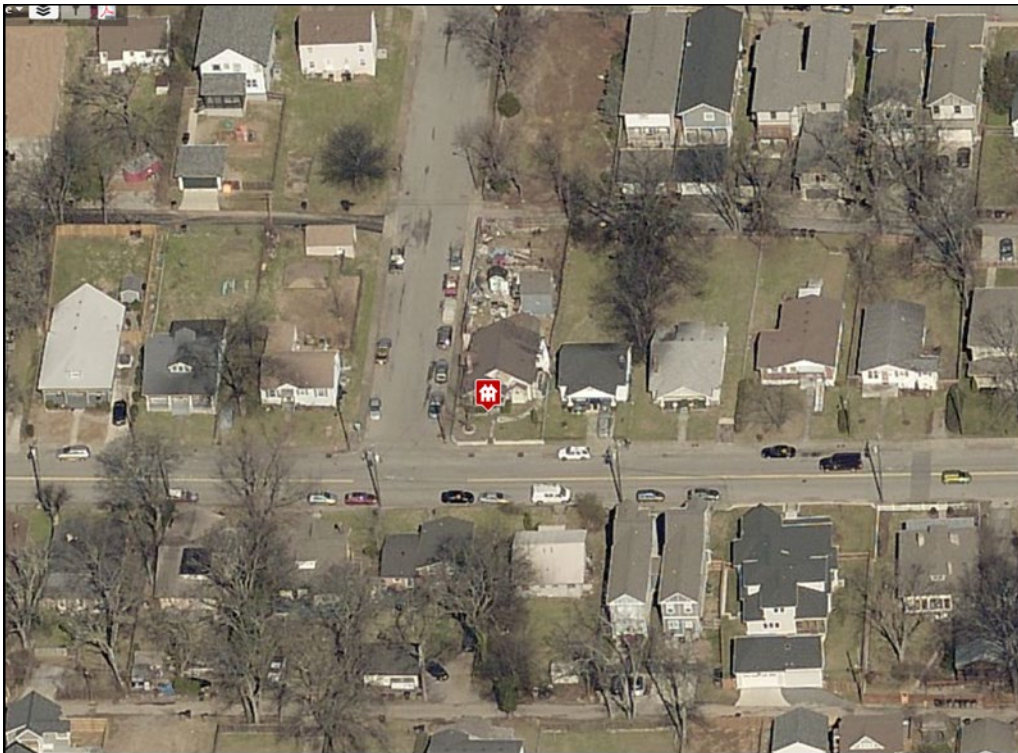
Application: Violation/Show Cause; New Construction—Addition
District: Waverly-Belmont Neighborhood Conservation Zoning Overlay
Council District: 17
Base Zoning: R8
Map and Parcel Number: 1050933100
Applicant: Brian Layton
Project Lead: Jenny Warren, jenny.warren@nashville.gov

<p>Description of Project: Staff has ordered a Show Cause hearing for a rear addition that was constructed differently than permitted. The violation was discovered by MHZC Staff on October 2, 2019 during a routine inspection, and the applicant was notified of the result by phone that day. The applicant's representative met with Staff on October 23, 2019.</p> <p>The applicant is required to appear before the Commission and show cause as to why the work should be allowed to remain as-is, rather than corrected as per the original Preservation Permit.</p> <p>Recommendation Summary: Staff recommends that the middle dormer on the west elevation of the addition be reconstructed in a manner that matches the permit issued in July of 2018, as revised in August and November of 2018: HCP 2018038724 (Addition) within sixty days (60) of the date of this hearing.</p> <p>Staff finds that the addition, as currently constructed, does not meet the design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay, for Section IV.C.1.b for Dormers and III.E. for Roof Shape.</p>	<p>Attachments</p> <p>A: Elevations and Photographs</p> <p>B: Permits HCP 2018038724 (Addition)</p>
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Vicinity Map:



Aerial Map:



Applicable Design Guidelines:

III. New Construction

A. Height

1. 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. Where there is little historic context, existing construction may be used for context. Generally, a building should not exceed one and one-half stories.

B. Scale

1. 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.

C. Setback and Rhythm of Spacing

1. 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.
2. The Commission has the ability to determine appropriate building setbacks of the required underlying base zoning for new construction, additions and accessory structures (ordinance no. *17.40.410*).

Appropriate setbacks 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

3. In most cases, an infill duplex for property that is zoned for duplexes should be one building as seen historically in order to maintain the rhythm of the street. Detached infill duplexes may be appropriate in the following instances:

- There is not enough square footage to legally subdivide the lot but there is enough frontage and depth to the lot to accommodate two single-family dwellings in a manner that meets the design guidelines;
- The second unit follows the requirements of a Detached Accessory Dwelling Unit; or
- An existing non-historic building sits so far back on the lot that a building may be constructed in front of it in a manner that meets the rhythm of the street and the established setbacks.

D. Materials, Texture, Details, and Material Color

1. 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.
 - a. Inappropriate materials include vinyl and aluminum, T-1-11-type building panels, "permastone", and E.F.I.S. Stud wall lumber and embossed wood grain are prohibited.
 - b. Appropriate materials include: pre-cast stone for foundations, composite materials for trim and decking, cement fiberboard shingle, lap or panel siding.
 - Lap siding, should be smooth and not stamped or embossed and have a maximum 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.
 - Stone or brick foundations should be of a compatible color and texture to historic foundations.
 - When different materials are used, it is most appropriate to have the change happen at floor lines.
 - Foundation lines should be visually distinct from the predominant exterior wall material. This is typically accomplished with a change in material.
 - Clapboard sided chimneys are generally not appropriate. Masonry or stucco is appropriate for chimneys.
 - Texture and tooling of mortar on new construction should be similar to historic examples.
 - Generally front doors should be 1/2 to full-light. Faux leaded glass is inappropriate.
2. Asphalt shingle and metal are appropriate roof materials for most buildings.

Generally, roofing should NOT have: strong simulated shadows in the granule colors which results in a rough, pitted appearance; strongly variegated colors; colors that are too light (e.g.: tan, white, light green); wavy or deep color/texture used to simulate split shake shingles or slate; excessive flared form in the shingle tabs; or uneven or sculpted bottom edges that emphasize tab width or edges, unless matching the original roof or a dominant historic example.

E. Roof Shape

1. 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. Common roof forms in the neighborhood include side, front and cross gabled, hipped and pyramidal. Typically roof pitches are between 6/12 and 12/12. Roof pitches for porch roofs are typically less steep, approximately in the 3-4/12 range.
2. Small roof dormers are typical throughout the district. Wall dormers are only appropriate on the rear, as no examples are found historically in the neighborhood.

F. Orientation

1. The orientation of a new building's front facade shall be visually consistent with surrounding historic buildings.
2. Primary entrances are an important component of most of the historic buildings in the neighborhood and include partial- or full-width porches attached to the main body of the house. Infill duplexes shall have one or two doors facing the street, as seen on historic duplexes. In the case of corner lots, an entrance facing the side street is possible as long as it is designed to look like a secondary entrance.
3. Porches should be a minimum of 6' deep, have porch racks that are 1'-3' tall and have posts that include bases and capitals. Front, side, wrap-around and cutaway porches are appropriate. Porches are not always necessary and entrances may also be defined by simple hoods or recessed entrances.

4. Generally, curb cuts should not be added. Where a new driveway is appropriate it should be two concrete strips with a central grassy median. Shared driveways should be a single lane, not just two driveways next to each other. Sometimes this may be accomplished with a single lane curb cut that widens to a double lane deeper into the lot. In the case of duplexes, vehicular access for both units should be from the alley, where an alley exists. A new shared curb cut may be added, if no alley and no driveway exists, but the driveway should be no more than 12' wide from the street to the rear of the home. Front yard parking or driveways which end at the front of the house are not consistent with the character of the historic neighborhoods.
5. For multi-unit developments, interior dwellings should be subordinate to those that front the street. Subordinate generally means the width and height of the buildings are less than the primary building(s) that faces the street. For multi-unit developments, direct pedestrian connections should be made between the street and any interior units. The entrances to those pedestrian connections generally should be wider than the typical spacing between buildings along the street.

G. Proportion and Rhythm of Openings

1. 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.
2. 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.
3. 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.
4. 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.
5. Four inch (nominal) casings are required around doors, windows and vents on non-masonry buildings. Trim should be thick enough to extend beyond the clapboard. Double or triple windows should have a 4" to 6" mullion in between. Brick molding is required around doors, windows and vents within masonry walls but is not appropriate on non-masonry buildings.

IV. Additions

A. Location

1. 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. Additions should be physically distinguished from the historic building and generally fit within the shadow line of the existing building.
 - a. Connections to additions should, as much as possible, use existing window and door openings rather than remove significant amounts of rear wall material.
 - b. Generally rear additions should inset one foot, for each story, from the side wall.
2. When a lot width exceeds 60 feet or the standard lot width on the block, it may be appropriate to add a side addition to a historic structure.
 - a. The addition should sit 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.
 - b. Side additions should be narrower than half of the historic building width and exhibit a height of at

- least 2' shorter than the historic building.
- c. To deemphasize a side addition, the roofing form should generally be a hip or side-gable roof form.

B. Massing

1. In order to assure that an addition has achieved proper scale, the addition should generally be shorter and thinner than the existing building. Exceptions may be made when unusual constraints make these parameters unreasonable, such as an extreme grade change or an 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 extend wider.
 - a. *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 ridge 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.
 - b. *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.
A rear addition that is wider should not wrap the rear corner. It should only extend from the addition itself and not the historic building.
2. No matter its use, an addition should not be larger than the existing house, not including non-historic additions, in order to achieve compatibility in scale. This will allow for the retention of small and medium size homes in the neighborhood. The diversity of housing type and size is a character defining feature of the historic districts.
3. Additions which are essentially a house-behind-a-house with a long narrow connector are not appropriate, as the form does not exist historically. Short or minimal connections that do not require the removal of the entire back wall of a historic building are preferred.
4. When an addition ties into the existing roof, it should be at least 6" below the existing ridge.
5. Ridge raises are most appropriate for one-story; side-gable buildings, (without clipped gables) and that require more finished height in the attic. The purpose of a ridge raise is to allow for conditioned space in the attic and to discourage large rear or side additions. The raised portion must sit in a minimum of 2' from each side wall and can be raised no more than 2' of total vertical height within the same plane as the front roof slope.
6. 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). The change in material from masonry to wood allows for a minimum of a four inch (4") inset. Foundation height should match or be lower than the existing structure.
7. The height of the addition's roof and eaves must be less than or equal to the existing structure.
8. Visually evident roof slopes should match the roof slopes of the existing structure, and roof planes should set in accordingly for rear additions.

C. Roof Additions: Dormers, Skylights & Solar Panels

1. Dormer additions are appropriate for some historic buildings as they are a traditional way of adding ventilation and light to upper stories. The addition of a dormer that would require the removal of historic features such as an existing dormer, chimneys, cupolas or decorative feature is not appropriate.
 - a. Rear dormers should be inset from the side walls of the building by a minimum of 2'. The top of a rear dormer may attach just below the ridge of the main roof or lower.
 - b. Side dormers should be compatible with the scale and design of the building. Generally, this can be accomplished with the following:
 - New dormers should be similar in design and scale to an existing dormer on the building.
 - If there are no existing dormers, new dormers should be similar in design and scale to an existing dormer on another historic building that is similar in style and massing.
 - The number of dormers and their location and size should be appropriate to the style and design of the building. Sometimes the width of roof dormers relate to the openings below. The symmetry or lack of symmetry within a building design should be used as a guide when placing dormers.
 - Dormers should not be added to secondary roof planes.
 - Eave depth on a dormer should not exceed the eave depth on the main roof.
 - The roof form of the dormer should match the roof form of the building or be appropriate for the style.
 - The roof pitch of the dormer should generally match the roof pitch of the building.
 - The ridge of a side dormer should be at least 2' below the ridge of the existing building; the cheeks should be inset at least 2' from the wall below or adjacent valley; and the front wall of the gable should setback a minimum of 2' from the wall below. (These minimum insets will likely be greater than 2' when following the guidelines for appropriate scale.)
 - Dormers should generally be fully glazed and aprons below the window should be minimal.
 - The exterior material cladding of side dormers should match the primary or secondary material of the main building.
 2. 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).
 3. Solar panels should be located at the rear of the building, unless this location does not provide enough sunlight. Solar panels should generally not be located towards the front of a historic building unless this is the only workable location.
- D. The creation of an addition through enclosure of a front porch is not appropriate. 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 original form and openings on the porch remain visible and undisturbed.
- E. 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.
- F. 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.
- G. Additions should follow the guidelines for new construction.

Background: 1022 Acklen Avenue is a Craftsman house built circa 1930 and is a contributing building in the Waverly- Belmont Neighborhood Conservation Zoning Overlay. The property is zoned R8 and sits at the corner of Acklen Avenue and 11th Avenue South.



Figure 1: 1022 Acklen Avenue

In July 2018, the Commission approved (on consent) an application for this property which included partial demolition, construction of an addition and construction of an outbuilding.

As approved, the project included adding a shed roofed dormer to each side elevation of the front-gabled historic house (Figure 2). Following the hearing, the applicant requested to add two additional dormers to the side elevations – these were both proposed for the roof of the addition, rather than the historic house itself. The revised plan was approved administratively by staff (Figure 3). Note that the middle dormer was proposed to be located fully on the front gabled connector portion of the addition and was to be very narrow, measuring about three feet, six inches (3’6”) wide.

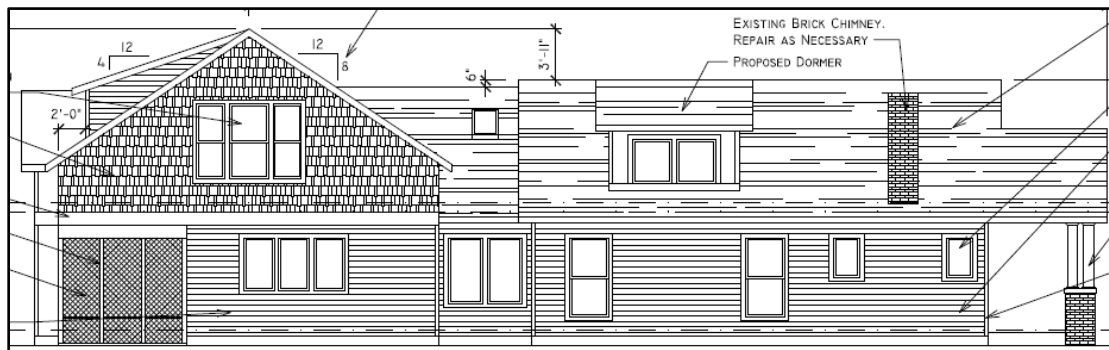


Figure 2: West elevation in original proposal, approved by the Commission in July 2018



Figure 3: West elevation as revised, approved by Staff in November 2018 – note added dormers

In October 2019, MHZC staff was conducting a routine permit inspection and noted that the small middle dormer had been constructed much larger than it was approved. The result is that the dormer extends over the roof valley between the side and front gabled

portions of the addition and that the middle dormer effectively blocks the face of the rear dormer. Dormers traditionally sit fully on a single roof plane – a dormer spanning a valley is not a condition that is seen historically or that staff recommends. Further, this work is on a highly visible side elevation, facing onto 11th Avenue South.



Figure 4: West elevation as constructed – red bubble indicates area of concern

Staff notified the applicant’s architect of the violation by voicemail on October 2nd. Staff and the applicant corresponded by email the following day. Staff discussed this project with the applicant’s representative in person on October 23rd and emails were again exchanged the following week. On October 31st, staff notified the applicant that the dormer needed to be reduced to match the dimensions of what was approved, or they needed to ask the Commission for permission to keep it as constructed.

Analysis and Findings: The addition has been constructed with a dormer much larger than it was approved.

Location & Removability: The location at the rear of the existing structure is in accordance with the design guidelines. The addition is designed so that if it were removed in the future, the primary form and features of the historic home would remain intact. Staff finds that the addition meets sections IV.A and IV.F for location and removability.

Height & Scale: The violation does not impact the overall height and scale of the addition, which staff finds to still meet Sections III.A and III.B for new construction and IV.B for additions. The addition is situated at the rear of the historic building. It is inset two feet (2’) at the rear corners, and then returns to the same width as the house, as required by the Commission in July 2018. The peak of the addition is three feet, eleven inches (3’ 11”) taller than the ridge of the house, as approved by the Commission in July 2018.

Setback & Rhythm of Spacing: The footprint of the addition matches what was approved. Staff finds that the addition meets section III.C of the design guidelines for setbacks.

Materials: The materials have been approved by staff as necessary, in accordance with the July 2018 Commission approval. Staff finds that the project meets section III.D of the design guidelines.

Roof form: As originally approved, the majority of the addition has a side-gabled roof form with a rear-facing shed dormer. It connects to the existing building with a short gabled ‘connector’ section six inches (6”) lower than the existing ridge. Ten foot (10’) wide shed dormers were approved for each side of the existing roof. The additional dormers, seen in Figure 3, were approved administratively by staff as a revision to the original permit. As proposed, those dormers meet the requirement of section IV.C.1.b of the guidelines and were “similar in design and scale to an existing dormer on another historic building that is similar in style and massing”. As constructed, the middle dormer is so wide that it spans the roof valley, a condition that is not present on this or similar historic houses. Staff finds the middle dormer does not meet section III.E for new construction-roof form and IV.C for additions. The dormer should be revised to reflect the dimensions and placement of the approved design.

Proportion and Rhythm of Openings: The violation does not impact the proportion and rhythm of openings. Staff finds the project’s proportion and rhythm of openings to meet section III.G for new construction-proportion and rhythm of openings.

Outbuilding: The violation does not impact the outbuilding.

Recommendation: Staff recommends that the middle dormer on the west elevation of the addition be reconstructed in a manner that matches the permit issued in July of 2018, as revised in August and November of 2018: HCP 2018038724 (Addition) within sixty days (60) of the date of this hearing.

Staff finds that the addition, as currently constructed, does not meet the design guidelines for the Waverly-Belmont Neighborhood Conservation Zoning Overlay, for Section IV.C.1.b for Dormers and III.E. for Roof Shape.