

JOHN COOPER
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

Metropolitan Historic Zoning Commission
Sunnyside in Sevier Park
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STAFF RECOMMENDATION

313 Broadway

May 19, 2021

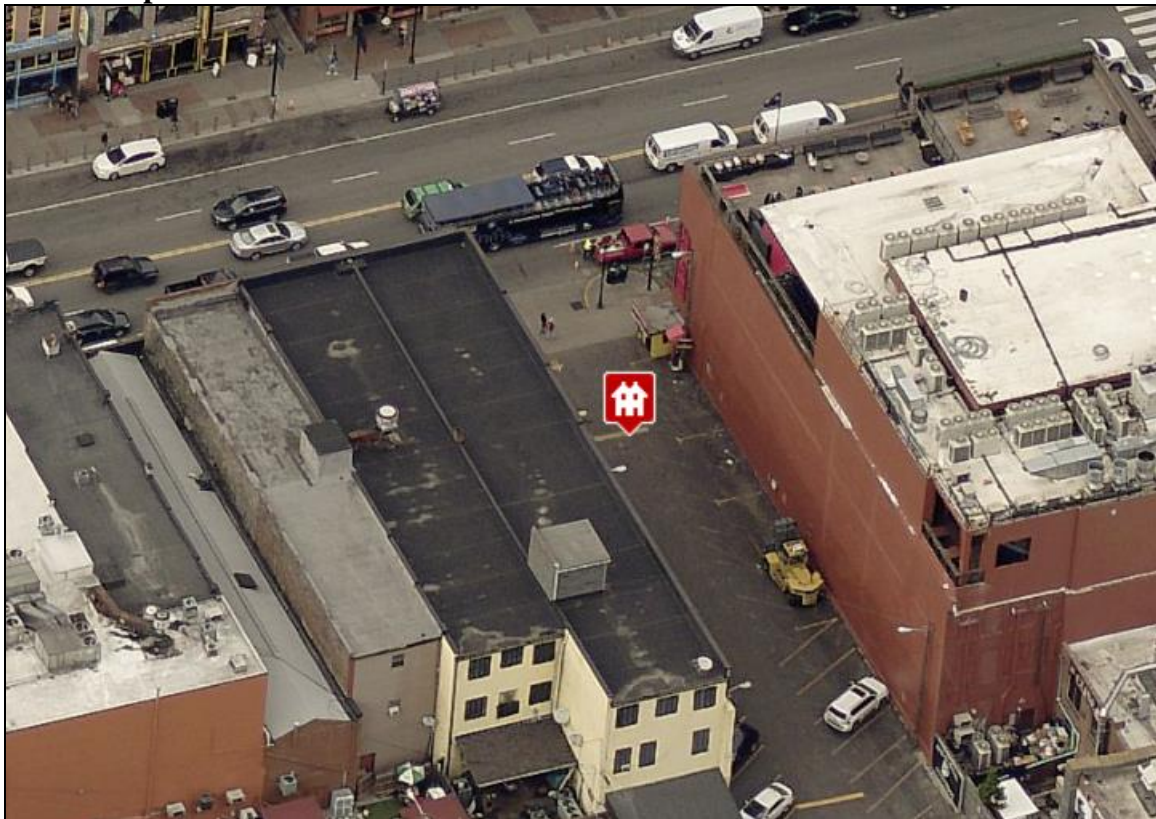
Application: New Construction - Violation
District: Broadway Historic Preservation Zoning Overlay
Council District: 19
Base Zoning: DTC
Map and Parcel Number: 09306402300
Applicant: Troubadour Entertainment, LLC
Project Lead: Paul Hoffman; paul.hoffman@nashville.gov

<p>Description of Project: The applicant is seeking approval of construction that has already taken place without a Preservation Permit, the installation of an ATM in a non-contributing structure on Broadway.</p> <p>Recommendation Summary: Staff recommends disapproval of the ATM, finding that it does not meet Section II of the design guidelines for Rehabilitation, Section III of the design guidelines for New Construction or the intent of the Commission's 2004 interpretation of ATMs. Staff recommends that the unpermitted ATM be removed from the site within 60 days from the Commission's decision.</p>	<p>Attachments None</p>
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Vicinity Map:



Aerial Map:



Applicable Design Guidelines:

II. Rehabilitation

General Principles: Street Level Facades

Original street-level facades, including storefronts, doors and entryways, display windows, transoms, bulkheads, and pilasters and columns, should be retained, and if needed, repaired using historically appropriate materials and methods.

Replacement of street-level facades should be in keeping with the style and period of the building.

ATMs/Vending should not puncture the facade or obscure the architectural features of buildings. They should not be free standing or unassociated with a building. They may be located inside buildings or in a building alcove that is not located on the primary facade.

I. Guidelines: Walls

1. Original walls, including plane, openings, recesses, detailing, and ornamentation, should be retained.

III. New Construction

General Principles: New construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings.

A. Guidelines: Relationship of Materials, Texture, Details, and Material Color

The relationship and use of materials, texture, details and material colors of a new building's public facades shall be visually compatible with or similar to those of adjacent buildings, or shall not contrast conspicuously.

Masonry materials were primarily used in the historic district, and should continue to be predominant. Contemporary materials may be used if they possess characteristics similar in scale, design, finish, texture, durability, and detailing to historic materials and meet *The Secretary's Standards*. Exterior Insulation Finish Systems and vinyl are not appropriate exterior materials.

3. Wood, brick, stone, and metal were used for window, door and storefront surrounds and should be used for new buildings.
4. Storefront façade materials may vary in keeping with the materials of the existing buildings. Stone, glazed tile, painted wood, and brick are all appropriate materials.
5. Tinted glass, reflective glass, or colored glass may not be used for windows.
6. Large expanses of featureless materials are not appropriate.
7. The color of new building materials should be compatible with historic buildings within the district.

Background: 313 Broadway is a parking lot in the Broadway Historic Preservation Zoning Overlay. In November 2020, MHZC staff observed an ATM installed in the concrete block structure attached to the neighboring building. The date of construction for the structure itself is unknown, but it predates the overlay. Staff sent an abatement letter regarding the ATM on November 4th, 2020. On December 16, 2020, prior to the December MHZC meeting, the applicant informed staff that they would remove the ATM. This was not carried out, but rather in March 2021, staff observed that the ATM had been relocated to another side of the same structure.



Figure 1: ATM in current location, relocated to side of structure, March 2021.



Figure 2: ATM at 313 Broadway, November 2020.



Figure 3: The subject structure in 2007.

Analysis and Findings: An ATM was installed, and then relocated in the existing non-contributing structure. No permits were applied for with MHZC or Metro Zoning.

ATM Background

In 2004 Metro Legal provided the opinion that the Commission has the authority to review ATMs. Based on a four-month discussion about ATMs in the adjacent Second Avenue Historic Preservation Zoning Overlay, the Commission voted in favor of an interpretation that would not allow ATMs to puncture the façade or obscure the architectural features of buildings, but that would allow them to be located inside buildings or in an alcove not on the primary façade. Based on that interpretation the Commission disapproved four (4) ATMs in the Second Avenue Historic Preservation Zoning Overlay that were installed without Preservation Permits. The ATMs were removed by the owners in the following month. Recent cases brought to the Commission were two unpermitted ATMs facing Broadway. These were disapproved by the Commission at the July 2020 MHZC meeting, and were subsequently removed.

General Principles, Section III states that “new construction should be consistent with existing buildings along a street in terms of height, scale, setback, and rhythm; relationship of materials, texture, details, and color; roof shape; orientation; and proportion and rhythm of openings.” The historic streetscape includes a minimum of two-story buildings with walls that extend the full width of the lot, storefront windows and upper-level punched-openings. The small shed-like building does not meet the design guidelines; therefore, alterations that take it further out of compliance with the guidelines is not appropriate.

The ATM interpretation that the Commission decided upon in 2004 specifically allows for an ATM inside a building, where it would not be reviewed, or “in an alcove not on the primary facade.” The existing location does not meet the criteria of being inside the structure, nor in an alcove on a non-street facing façade. Installation of the ATM is not consistent with historic street-level facades and therefore does not meet section II for rehabilitation and III for New Construction.

Recommendation

Staff recommends disapproval of the ATM, finding that it does not meet Section II of the design guidelines for Rehabilitation, Section III of the design guidelines for New Construction or the intent of the Commission’s 2004 interpretation of ATMs. Staff recommends that the unpermitted ATM be removed from the site within 60 days from the Commission’s decision.