

JOHN COOPER
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

STAFF RECOMMENDATION

1204 Russell Street

July 21, 2021

Application: Addition—Violation; Demolition—Show Cause

District: Lockeland Springs-East End Neighborhood Conservation Zoning Overlay

Council District: 06

Base Zoning: R6

Map and Parcel Number: 08313002400

Applicant: Jose Hurtado, Owner and Contractor

Project Lead: Sean Alexander, sean.alexander@nashville.gov

Description of Project: The applicant was issued a permit to demolish non-contributing portions of a contributing building. Although the scope of the permit and images attached clearly identified which portions of the structure were to be demolished and which were to remain, the applicant exceeded the scope and demolished major portions of the building that contributed to the historic character of the building. The applicant also started construction on an addition without a Preservation Permit or a Building Permit.

Recommendation Summary: Staff recommends consideration of two motions.

Regarding the unapproved demolition of major portions of a building that contributes to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay district, Staff recommends that the applicant be required to replace or reconstruct portions of the building that were not approved to be removed and provide drawings showing the detail and dimensions of the portion to be reconstructed, finding the partial-demolition does not meet section B.1 of the design guidelines for partial-demolition.

Regarding the construction of an addition without an Preservation Permit or Building Permit, staff recommends that the unpermitted addition be removed in its entirety, finding that the new addition does not meet section VI for additions.

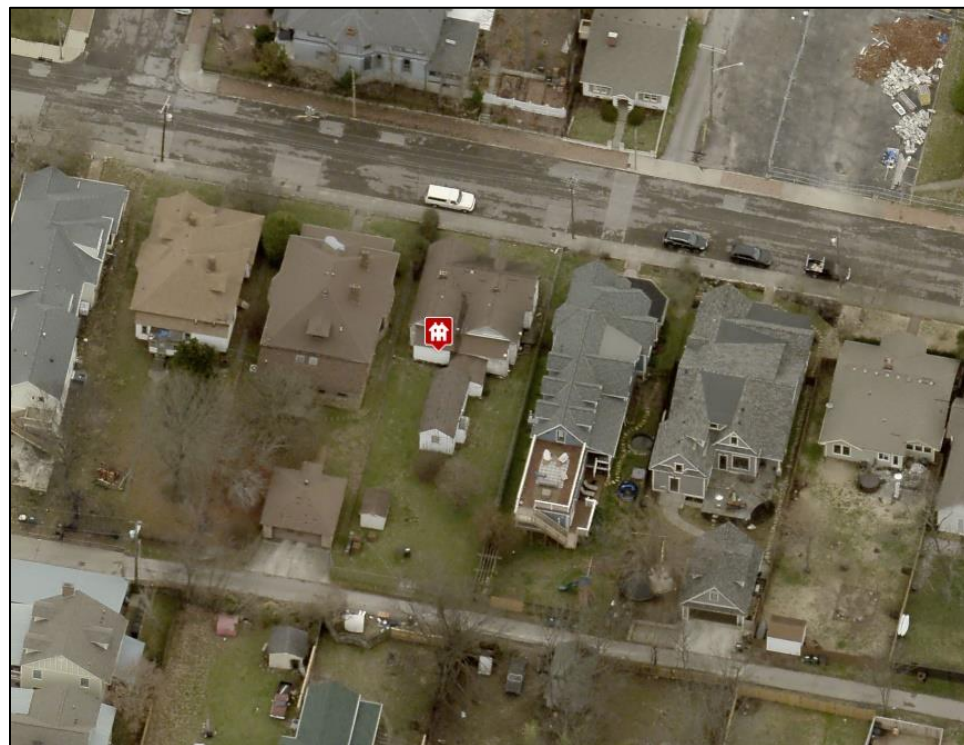
Attachments

- A:** Photographs
- B:** Engineers Letters
- C:** Site Plan
- D:** Correspondence
- E:** Permit

Vicinity Map:



Aerial Map:



Applicable Design Guidelines in Place on April 27, 2021:

III.B. Demolition

1. Demolition is not appropriate

- a. if a building, or major portion of a building, is of such architectural or historical interest and value that its removal would be detrimental to the public interest; or
- b. if a building, or major portion of a building, is of such old or unusual or uncommon design and materials that it could not be reproduced or be reproduced without great difficulty and expense.

2. Demolition is appropriate

- a. if a building, or major portion of a building, has irretrievably lost its architectural and historical integrity and significance and its removal will result in a more historically appropriate visual effect on the district;
- b. if a building, or major portion of a building, does not contribute to the historical and architectural character and significance of the district and its removal will result in a more historically appropriate visual effect on the district; or
- c. if the denial of the demolition will result in an economic hardship on the applicant as determined by the MHZC in accordance with section 17.40.420 (Historic Zoning Regulations), Metropolitan Comprehensive Zoning Ordinance.

Current Applicable Design Guidelines in Place on July 21, 2021:

III. DEMOLITION

A. PRINCIPLE

1. The primary purpose of neighborhood conservation zoning overlays is to prevent demolition of historic buildings and their character-defining features.
2. The demolition of a building or major portion of a building, which contributes historically, culturally, or architecturally to the character and significance of the district, is not appropriate.
3. The historic character-defining features of a historic building should not be altered, removed, or destroyed.
4. Replacement windows and doors that do not change the dimensions and location of the openings is not considered partial-demolition and so is not reviewed. Replacement of historic casings for openings is not appropriate. Alteration of the location and dimensions of window and door opening is partial-demolition and so reviewed.
5. Replacement roofing material that does not require the removal of framing material and roofing details such as trim, or roofing features such as chimneys is not considered partial-demolition and so is not reviewed.
6. The removal of a building's primary cladding material is considered partial-demolition because removal can weaken the structural integrity of most buildings. Replacement of secondary cladding material such as siding in a gable field or on dormer is not reviewed.

B. GUIDELINES

1. Partial-demolition of a structure

- a. Character-defining features of historic buildings shall be retained. Partial-demolition of historic buildings is appropriate if the feature to be removed is not a character-defining feature. Examples of non character-defining features are features that have lost historic integrity or that were added in recent years.
- b. Replacement of historic materials or features may be necessary in the case of extreme deterioration. In those cases, replacement materials and features should match the historic material and feature in terms of design, location, and dimensions. If the original is not known, it shall be similar to common historic examples on buildings of a similar style and form found in the neighborhood. Substitute materials may be appropriate if the material has the same dimensions, texture, design, and workability as the historic material. For instance, smooth-faced fiber-cement lap siding is a common substitute material for wood lap siding.
- c. Historic cladding shall be retained. It is appropriate to remove cladding installed over historic cladding material and repair the historic cladding. Lap siding installed over, or to replace historic masonry, or a masonry veneer installed over, or to replace historic lap siding is not appropriate. When it is appropriate to replace siding, the casings of openings should be retained. And the new siding shall replicate the reveal and dimensions of the historic siding.
- d. Historic window and door dimensions and locations should be retained. Limited changes to window and door openings may be appropriate on the rear or side facades, beyond the midpoint of the house, so long as the new window and door pattern meets the design guidelines for “proportion and rhythm of openings.”
- e. Historic building wall dimensions, exterior cladding, and locations shall be retained. Generally, removal of the rear wall for an addition may be appropriate if the two rear corners are maintained.
- f. Partial-demolition of non-contributing buildings is appropriate if demolition does not result in a form or condition that would not meet the design guidelines for “new construction” or if partial-demolition brings the existing building closer into compliance with the design guidelines for new construction.

2. Full-demolition of a structure

- a. Historic buildings shall be retained unless the denial of the demolition will result in an economic hardship, as determined by the MHZC in accordance with section 17.40.420 (Historic Zoning Regulations), Metropolitan Comprehensive Zoning Ordinance.
- b. Full-demolition of non-contributing buildings is appropriate as they do not contribute to the historic character of the district.

VI. NEW CONSTRUCTION-ADDITIONS

A. GENERAL PRINCIPLES

1. Additions to historic buildings should be compatible with the historic buildings to which they are attached.
2. Additions to non-contributing buildings should be considered in terms of new construction-infill, taking into

account existing conditions and historic context. Existing conditions do not need to be altered to meet the design guidelines; however, if they are to be altered, the result must meet the design guidelines.

3. 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, material, and character of the property, neighborhood, or environment.

B. MASS, SCALE & CONNECTION

1. 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 shadowline of the existing building...
2. In order to ensure that an addition has achieved proper scale, the addition should be shorter and narrower than the existing building. One story additions should set in at least 1' from the rear corner and two-story additions should set in at least 2' from the rear corner.
3. Generally, additions should not exceed the number of stories of the historic building to which it is attached. Exceptions to an addition not being narrower and shorter than the historic building follows in sections 4 and 5; however an addition may not be both taller and wider.
4. Rear additions that extend to be wider than the historic building may be possible when the applicant has exhausted other options and in the following conditions:
 - The lot is unusually shallow for the historic context.
 - The lot is wider than typical lots in the immediate vicinity.
 - The historic building is narrower than 30 feet on a standard lot size.
 - The historic building is shifted greatly to one side of the lot on a typical lot size.
 - The addition is designed to leave the corners of the building visible and intact and does not wrap around a corner.
 - The project does not also include a side addition to the historic building.
 - Eaves and ridges of addition do not exceed the main corresponding elements of the historic building.
 - The portion that extends beyond the side wall does not exceed one-story.
 - The addition does not create a front parking pad by preventing a driveway from extending to the rear of the addition.
5. Rear additions that are taller than the historic building may be possible when the applicant has exhausted other options and in the following conditions:
 - The grade rises steeply towards the rear of the lot
 - The historic building is one or one and one-half stories tall and one to two-feet of additional height will allow for usable second-story space that otherwise is unavailable. Additions that are taller than the historic building are not appropriate on buildings that are two-stories or more.
 - The proposed addition does not extend more than two-feet above the main roof form of the historic building.
 - The taller portion of the addition is fully inset 2' from the historic house's sidewalls.
 - The portion of the proposed addition that extends taller than the historic building is all roof, as seen from the street.
 - No portion of the proposal increases the height of the historic building itself, only the addition, with the exception of "ridge raises."

Background: 1204 Russell Street was built circa 1890 and is a contributing building in the Lockeland Springs-East End Neighborhood Conservation Overlay (Figures 1 and 2).

An application to demolish the home in its entirety was submitted by a previous owner in March. That application was deferred before public hearing at the March 17, 2021 MHZC meeting and the applicant never asked for the application to be rescheduled for the Commission to review.

Rather, the property was subsequently sold, and the new owner applied for and received a permit for partial demolition and repairs on April 27, 2021. The scope of that permit, HCP 2021026159 (Figure 3), included only the following: “Demolish existing rear addition. Repair/replace foundation, siding, roofing, and windows. No alterations to building dimensions, roof shape, or window or door locations or sizes permitted. Demolition of historic house is not permitted.”



Figure 1: 1204 Russell Street.

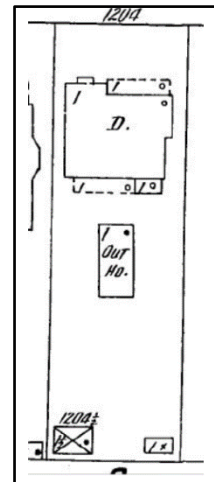


Figure 2: 1914 Sanborn map. “Out” was connected to the house at an unknown time.

Figure 3: Pages 1-3 of Preservation Permit 2021026159 for partial demolition and repair.

On June 24, 2021 MHZC Staff visited the property to inspect the progress of the permitted work. Upon arriving at the property, Staff observed that the contractor had performed demolition well beyond the approved scope. Whereas the permit and the photographs attached to it clearly indicated a section of the house at the rear as the only portion of the building to be demolished, Staff discovered that other significant portions of the historic house had been removed, including much of the side walls and major portions of the roof.

Furthermore, Staff discovered that construction of a two-story addition with a large footprint was underway, for which no permits at all had been issued (Figures 4 and 5). Staff spoke to the contractor, who is also the property owner, and informed him that he would need to stop working until the Commission could review the expanded scope of demolition and addition. Staff also requested a Stop Work Order from the Codes Department.



Figure 4: Photo of 1204 Russell St. from the front.



Figure 5: Photo of the unapproved two-story addition, viewed from the rear-left corner of the historic house.

On a follow-up visit on July 7, 2021, staff observed that progress had continued. The owner was told by phone and email to “DO NO WORK at the property other than cleaning and securing the site.” On another visit to the property on July 14th, however, it was evident to Staff that work had again continued without permits.

Analysis and Findings:

Demolition: At the time the permit HCP 2021026159 for partial demolition was issued, removal of original siding did not need to be approved by the MHZC. However, the applicant also removed portions of the original side walls and portions of the original roof that were visible and contributed to the historic character of the house. Staff finds that this demolition, exceeding the scope of the permit, is not appropriate demolition as outlined in Section III.B.1. of the design guidelines (when demolition is not appropriate) and does not meet Section III.B.2. of the design guidelines (when demolition is appropriate).

Because the applicant exceeded the scope of the permit, Staff recommends that the applicant be required to reconstruct the portions of the building that were not approved to be removed. Staff recommends submittal of drawings providing dimensions and details of what will be reconstructed.

Addition: The addition on which construction has begun was never approved by the MHZC or Codes. Without plans or other information about what the applicant wishes to build, staff is not able to fully review the project under the sections of the design guidelines that pertain to form, scale, fenestration, or materials. That said, the wall height and footprint of the two-story addition that has been built so far will be taller than the historic house and would more than double the area of the footprint. An addition of this scale is not appropriate and does not meet Section VI. of the design guidelines. Therefore, staff recommends complete removal of the partially-constructed addition. If removal is required, it would not preclude the applicant from returning to the Commission with a request for an addition.

Recommendation: Staff recommends consideration of two motions.

Regarding the unapproved demolition of major portions of a building that contributes to the historic character of the Lockeland Springs-East End Neighborhood Conservation Zoning Overlay district, Staff recommends that the applicant be required to replace or reconstruct portions of the building that were not approved to be removed, provide drawings showing the detail and dimensions of the portion to be reconstructed before the work resumes, finding the partial-demolition does not meet section B.1 of the design guidelines for partial-demolition.

Regarding the construction of an addition without a Preservation Permit or Building Permit, staff recommends that the unpermitted addition be removed in its entirety, finding that the new addition does not meet section VI for additions.

ATTACHMENT A: PHOTOGRAPHS



View of the front from the street. (June 24, 2021)



View of the rear wall of the unpermitted addition. (June 24, 2021)



Right side of the historic house and unpermitted addition. (June 24, 2021)



View of addition from rear-left corner of the historic house. (June 24, 2021)



View of the front from the street. (July 7, 2021)



View of the front from the street. (July 17, 2021)

STRUCTURAL ENGINEERS, INC.

738 West Meade Drive
Nashville, TN 37205-3158

Phone 615/589-8962
Email jdews@s-e-inc.com

April 22, 2021

Jose Hurtado
706 Brook Valley Drive
La Vergne, TN 37086-5251

RE: Structural Review of Foundations
1204 Russell Street
Nashville, TN
SEI Job No: 217981

Dear Sir:

The purpose of this letter is to state the findings of the review of the perimeter footings, foundation walls and interior supports for this house that was built in 1915 according to tax records. The house has wood siding. The footing review was done by a visual inspection where possible.

1 FINDINGS.

- 1.1 The foundation system appears to have been placed between original wood posts. This system is functioning as a closure wall.
- 1.2 The foundation wall is eight inch wide concrete masonry units. In some areas, the masonry units are coated with a cementitious material. The units due not appear to be bearing on a contentious concrete footing.
- 1.3 The existing interior supports below the existing girders are a combination of many materials and there are many methods of supporting these materials.

2 CONCLUSIONS

- 2.1 The interior girders should be supported by concrete masonry unit piers. The masonry units should be 8x16 and the top unit should be solid or a solid top. Any shims required should be steel. These piers can, also, be 6x6 pressure treated wood rated for ground contact. These piers should bear on concrete footings that are a minimum of eight inches thick and 22 inches square. The footings should be reinforced with 2-#4's each way.
- 2.2 There should be one of the above piers within 16 inches of the exterior wall.
- 2.3 The rim joist should be supported at the midpoint if the span is less than 10 feet. When the span is greater than 10 feet, then the rim joist should be supported at third points. The supports can be 2-2x4's placed at a 60 degree angle from the horizontal. There should be apposing supports, There should be one under the house and one on the outside. The top should be notched to support the rim joist. The supports should bear on 2-2x10'sx24" nailed together with a minimum of six 12d nails. A 2x4 stake should be driven into the ground on the outside supports. These stakes

should be on the outside but touching the 2x10's and inline with the support. These supports should be installed as the existing foundation is being removed.

- 2.4 For an adequate exterior foundation and wall, the existing system should be removed and a concrete footing poured. This footing should be six inches wider than the foundation wall on each side of the wall. Therefore, if eight inch wide concrete masonry units are used, then the footing should be 20 inches wide. The bottom of the footing should be a minimum of 10 inches below the finished grade. The footing should be reinforced with 2-#4's that are continuous. The concrete for the footing should have a minimum compressive strength of 3,000 pounds per square inch.
- 2.5 The foundation wall can be eight inch wide split face masonry units. The top unit should be a solid top or a solid unit. There should be a minimum of a 2x6 pressure treated mudsill on the top of the top masonry units. A termite shield should be between the top unit and the mudsill. The mudsill should connect to the framing of the house exterior wall and to the floor framing. This can be accomplished with a Simpson FJA at 48 inches on center or equal. This should be connected to the wood framing and the foundation wall following the recommendations of the manufacturer.

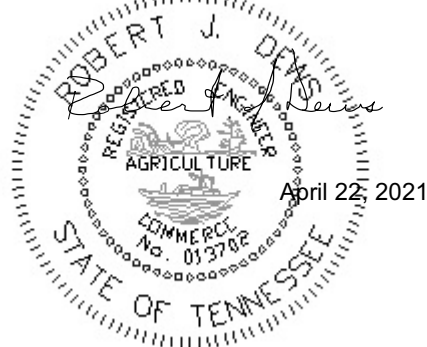
I trust that this is the information that you need. If I can be of any other service to you for this project, please call.

Sincerely,

STRUCTURAL ENGINEERS, INC.



Robert J. Dews, P.E.



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738 West Meade Drive
Nashville, TN 37205-3158

Phone 615/589-8962
Email jdews@s-e-inc.com

April 22, 2021

Jose Hurtado
706 Brook Valley Drive
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SEI Job No: 217981

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- 2.1 For an adequate foundation and wall, the existing system should be removed and a concrete footing poured. This footing should be six inches wider than the foundation wall on each side of the wall. Therefore, if eight inch wide concrete masonry units are used, then the footing should be 20 inches wide. The bottom of the footing should be a minimum of 10 inches below the finished grade. The footing should be reinforced with 2-#4's that are continuous. The concrete for the footing should have a minimum compressive strength of 3,000 pounds per square inch.
- 2.2 The foundation wall can be eight inch wide split face masonry units. The top unit should be a solid top or a solid unit. There should be a minimum of a 2x6 on the top of the top masonry units. This should connect to the framing of the house wall should connect to the floor framing with a Simpson FJA at 48 inches on center or equal.
- 2.3 There should be temporary supports installed beneath the existing girders. These should be approximately 16 inches from the exterior to avoid the new concrete footing. These supports can be either steel or wood.

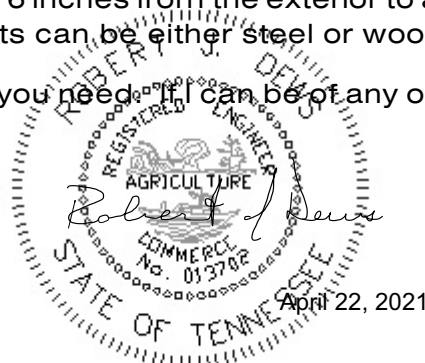
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Sincerely,

STRUCTURAL ENGINEERS, INC.



Robert J. Dews, P.E.



From: [joe hurtado](#)
To: [Sajid, Melissa \(Historical Commission\)](#)
Subject: Re: RUSSELLSTR(1205)SITEPLAN-Model.pdf
Date: Tuesday, June 1, 2021 11:44:21 AM

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Ok got it

Sent from my iPhone

On Jun 1, 2021, at 8:28 AM, Sajid, Melissa (Historical Commission) <Melissa.Sajid@nashville.gov> wrote:

Jose,

In order to review the new addition and outbuilding, we need to see elevations in addition to the site plan. The elevations must be to scale and show how the addition ties into the historic house.

Thanks,
Melissa

Melissa Sajid, AICP
Historic Preservationist
Metro Historic Zoning Commission
Sunnyside in Sevier Park
3000 Granny White Pike
Nashville, TN 37204
615.862.7970 x79781

From: joe hurtado <joeangel0202@yahoo.com>
Sent: Monday, May 31, 2021 7:29 PM
To: Sajid, Melissa (Historical Commission) <Melissa.Sajid@nashville.gov>
Subject: RUSSELLSTR(1205)SITEPLAN-Model.pdf

Attention: This email originated from a source external to Metro Government. Please exercise caution when opening any attachments or links from external sources.

Hey Melissa this is Jose garage and addition and obviously I'm about used same materials of remodeling mentioned on pass splits face block foundation thanks

Sent from my iPhone



3974259
3974259

METRO HISTORIC ZONING COMMISSION

Sunnyside at Sevier Park
3000 Granny White Pike
Nashville TN 37204
(615) 862-7970
historicalcommission@nashville.gov

HISTORICAL COMMISSION PERMIT - 2021026159

Entered on: 27-Apr-2021

Historic District: Lockeland Springs-East End

Site Address

1204 RUSSELL ST
NASHVILLE TN, 37206

Parcel Owner

ANDRADY, AUTUMN
8202 FOXVIEW CT
BRENTWOOD, TN 37027

Purpose: Demolish existing rear addition. Repair/replace foundation, siding, roofing, and windows. No alterations to building dimensions, roofshape, or window or door locations or sizes permitted. Demolition of historic house is not permitted.

- Addition to be demolished in accordance with attached site plan.
- All demolition debris to be removed from the site.
- No debris to be buried or burned on site.
- MHZC Staff may have added notes to submitted drawings. Any substitutions or deviation from the approved work requires further review and approval by the MHZC PRIOR to work being undertaken.
- All measurements and relationships of existing conditions and new construction shall be field checked for accuracy with approved plans at the responsibility of the applicant. Inaccuracies or differences should be reported to MHZC staff prior to continuing with the project.
- The work items listed are approved in accordance with the adopted design guidelines and are NOT applicable beyond the unique facts and circumstances of this particular application.
- This permit becomes invalid TWELVE months after issue date. Expired permits must be reissued prior to work being undertaken.
- THIS IS NOT A BUILDING PERMIT. No work can begin without the appropriate review and approval by the Metropolitan Department of Codes Administration: Howard School Building Campus (615) 862-6500.

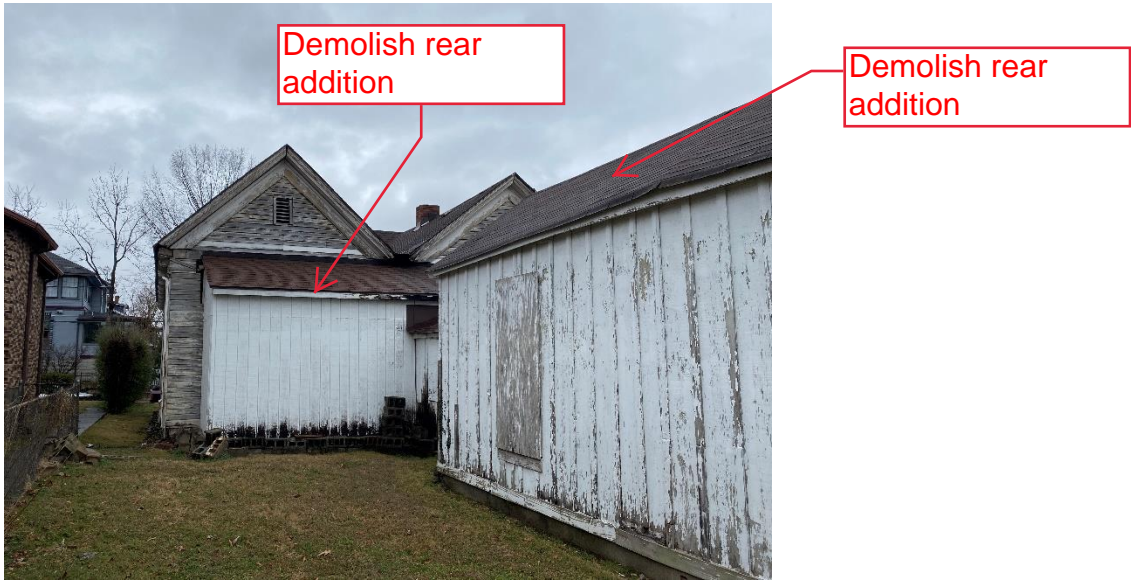
APPLICANT: Jose Hurtado

Activities to be Completed - Call: (615) 862-7970 or Email: historicalcommission@nashville.gov

INSPECTIONS REQUIRED:

Progress Inspection

Issued Date: 27-Apr-2021 **Issued By:** Melissa Sajid

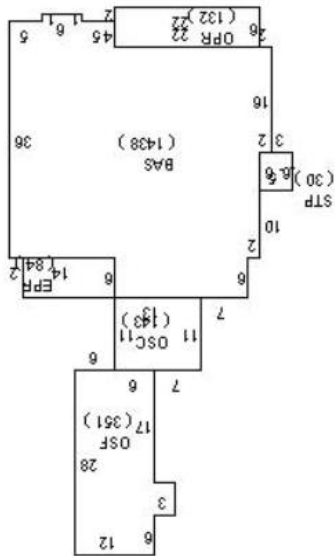




No changes to dimensions of historic house including height or roof pitch approved with this permit.

No changes to window or door openings approved with this permit.

Demolish rear addition only.



STRUCTURAL ENGINEERS, INC.

738 West Meade Drive
Nashville, TN 37205-3158

Phone 615/589-8962
Email jdews@s-e-inc.com

April 22, 2021

Foundation repair/replacement.

Jose Hurtado
706 Brook Valley Drive
La Vergne, TN 37086-5251

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I trust that this is the information that you need. If I can be of any other service to you for this project, please call.

Sincerely,

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Robert J. Dews, P.E.

