

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**

**105 Broadway**  
**August 18, 2021**

**Application:** New Construction - Violation  
**District:** Broadway Historic Preservation Zoning Overlay  
**Council District:** 19  
**Base Zoning:** DTC  
**Map and Parcel Number:** 09306210100  
**Applicant:** Kirk Clements  
**Project Lead:** Kelli Mitchell, kelli.mitchell@nashville.gov

|   |   |
|---|---|
| <p><b>Description of Project:</b> A shed structure was installed to the right of the building, facing Broadway, without a permit.</p> <p><b>Recommendation Summary:</b> Staff recommends disapproval of the shed building at 105 Broadway based on Section III.A – G of the guidelines. Staff recommends that the structure is removed within sixty (60) days of the Commission’s decision.</p> | <p><b>Attachments</b><br/><b>A:</b> Photographs</p> |
|---|---|



## **Applicable Design Guidelines:**

### **III. New Construction**

#### **General Principles**

##### General Principles: New Construction

These guidelines shall apply only to the exteriors of buildings and to areas of lots visible from public rights-of-way.

The public facades – street related elevations – of proposals for new buildings shall be more carefully reviewed than other facades.

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.

Because new buildings usually relate to an established pattern and rhythm of existing buildings, the dominance of that pattern and rhythm must be respected and not disrupted.

New buildings must be constructed to a height that is compatible with the height of adjacent buildings.

Reconstruction of a historic building which no longer exists may be appropriate if it meets these criteria: it was formerly located on the site on which the reconstruction is proposed; it contributed to the historic and architectural integrity of the area; it was compatible in terms of style, height, scale, massing, and materials with the buildings immediately surrounding the site; and pictorial documentation supports its accuracy.

#### **A. Guidelines: Height within National Register District**

1. Infill buildings shall be a minimum of 30 feet tall and two stories in height.
2. The first floor height shall be a minimum of 16 feet from finished floor to finished floor. Upper floor heights should appear to be similar to historic structures in the district.
3. Infill buildings which are constructed within 150 feet of a registered National Historic Landmark shall be subordinate in height to the National Historic Landmark property.
4. Infill buildings which directly front on Broadway shall not exceed a height greater than 65 feet or five stories. Infill buildings which directly front on Broadway may rise an additional 15 feet (80 feet total and six stories), if the additional portion is set back a distance of 30 feet from the main façade of the building.
5. Infill buildings which are constructed on corner lots facing Broadway may rise an additional 15 feet (80 feet total and six stories), if the additional portion is set back at a distance of 30 feet from the main façade of the building and 20 feet from the secondary street.

#### **B: Guidelines: Height outside of National Register District**

Recognizing that the portion of the overlay that is south of Broadway includes vacant parcels that lie outside the Broadway National Register District and parcels that are located on the outer boundaries of the overlay, additional height may be appropriate if the new construction does not abut a contributing property and meets the following criteria.

1. Infill buildings which directly front on First, Second, Third, Fourth and Fifth Avenues and are a minimum of 150 feet from the front Broadway property line shall not exceed a height greater than 80

feet total and six stories.

2. Infill buildings which directly front on Second and Third, Avenues and are a minimum of 200 feet from the front property line of Broadway shall not exceed a height greater than 95 feet and seven stories. Infill buildings, which directly front on First and Fourth Avenues and that are also 200 feet back, because of their limited historic context and location at the far corners of the overlay, may be 12 stories or 150 feet.
3. Infill buildings which directly front on First and Fourth Avenues and are a minimum of 250 feet south from the front property line of Broadway shall not exceed a height greater than 220 feet and 18 stories. The fifth level and above, facing First or Fourth Avenues, should step back from the street a minimum of ten feet (10').

#### **C: Guidelines: Scale**

1. The size of a new building, its mass in relation to open spaces, and its windows, doors, openings, and appurtenances should be visually compatible with the surrounding buildings.
2. In the event that multiple lots or parcels are assembled within the historic district, buildings shall be designed to be compatible with the adjacent structures. Existing traditional and historic buildings are 20 to 50 feet wide and 100 to 150 feet deep. New structures should employ design techniques to break the facades along the right-of-way into multiple vertical elevations as previously described.
3. All new buildings should have a base, middle, and cap. Traditionally, buildings were composed of these three basic elements. Adhering to this form will help reinforce the visual continuity of the area.
4. The first floor height shall be a minimum of 16 feet from finished floor to finished floor. Upper floor heights should appear to be similar to historic structures in the district.

#### **D: Guidelines: Setback and Rhythm of Spacing**

1. The setback from the street and side property lines established by adjacent or contiguous buildings shall be maintained. When a definite rhythm along a street is established by uniform lot, building width, or bay patterns within a building façade, infill buildings should maintain the rhythm.
2. New buildings should be constructed in line with adjacent historic structures. Corner buildings should avoid setbacks or open corner plazas that disrupt the continuity of the street wall.
3. New buildings shall front 100% of the primary street and, where applicable, a minimum of 85% of the secondary street.

#### **E: Guidelines: Roof Shape**

1. The roofs of new buildings shall be visually compatible with the roof shape and orientation of surrounding buildings.
2. The roof forms of buildings within the district are typically flat or have a gentle slope behind a parapet wall.

#### **F: Guidelines: Proportion and Rhythm of Openings**

1. The relationship of width to height of windows and doors and the rhythm of solids-to-voids in new buildings shall be visually compatible with the surrounding buildings.
2. The design of the street level of new buildings is crucial in establishing the commercial vitality. At least 80% of the street level façade of a new building shall be transparent (i.e., doors and windows) to

provide visual interest and access for the pedestrian. This guideline is most important on Broadway where most of the buildings have commercial ground floor storefronts.

3. Define a clear primary entry. Doorways on primary facades shall appear similar to those used historically. The primary entrance should be defined with a canopy or other architectural feature.
4. Upper floor windows should be at least twice as tall as they are wide.  
*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.*
5. Door and window openings should be recessed on masonry buildings, as they are traditionally, rather than flush with the rest of the wall.
6. On corner buildings, glazing shall turn the corner facing the secondary street a minimum of one structural bay or 16 feet, whichever is the greater. (See images on opposite page.)

#### **G. Guidelines: Relationship of Materials, Texture, Details, and Material Color**

1. 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.
2. 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.

#### **H: Guidelines: Orientation**

1. The site orientation of new buildings shall be consistent with that of adjacent buildings and shall be visually compatible.
2. Primary building entrances shall be oriented to the primary street.

**Background:** The primary structure at 105 Broadway is a four-story building with a reinforced concrete frame and brick curtain walls, with a large central entrance and replacement windows on the front facade. The building was constructed circa 1935 to be a wholesale produce warehouse; it currently has a restaurant on the first story with offices above.



Figure 1: The new structure

The violation is a one-story detached wood structure that faces Broadway and sits to the right of the building in space which previously was an alley. The structure is considered new construction and was constructed without a permit.

An abatement letter was sent to MJM Real Estate Investments on May 14, 2021. Staff spoke to Kirk Clements of Nashville Underground regarding the violation on June 8, 2021.

### **Analysis and Findings:**

**Height and Scale:** The building is one-story tall with a single window facing Broadway and a door facing the alley. It is rectangular in shape with a pitched gambrel roof. Surrounding structures include two- and three-story masonry commercial buildings.

The design guidelines state that infill should be “constructed to a height that is compatible with the height of adjacent buildings.” The building should also be a minimum of 30’ tall and two stories in height (Guideline III.A.1) with the first floor being a minimum 16’ tall (Guideline III.A.2 and C.4). The existing shed meets none of the requirements.

The building’s overall massing is not compatible with the surrounding structures (Guideline III.C.1) given that it is significantly smaller than surround buildings and has different void to solid ratios. It also does not have three distinct parts (a base, middle and cap) as the guidelines suggest (Guideline III.B.3).

**Setback and Rhythm of Spacing:** When the building was first discovered it met the contextual front setback but has since been moved to lessen the visual impact. The building does not meet section III (D).

**Roof Shape:** The structure has a gambrel roof with metal sheeting. The buildings immediately surrounding the structure have flat and parapet roofs, as is common with commercial structures. Based on the guidelines, the roof of the structure should be compatible with those on surrounding historic structures. The project does not meet section III (E) of the guidelines.

**Proportion and Rhythm of Openings:** The building has a single window and a rear door with no additional openings. Based on the guidelines, the structure should have defined entrance (Guideline III.F.3). At least eighty percent of the first floor primary facade should also have openings (Guideline III.F.2). Lacking these, the structure should have similar or compatible window and door openings compared to the surrounding structures. This project does meet Section III.F for proportion and rhythm of openings.

**Relationship of Materials, Texture, Details, and Material Color:** The building was constructed with wood planks that sit flush to each other. Overall, the structure is left unadorned with no paint and no decorative elements. Wood is not used in the district as a primary cladding material and so does not meet section III.G of the guidelines. It is also not appropriate for structures to have large areas of featureless materials (Guideline III.F.6). Given the size of the building, the lack of ornamentation is less of an issue, but the overall materials are not compatible since the surrounding structures are predominantly masonry.

**Orientation:** The structure is orientated towards Broadway with a window facing the street. The primary door, however, is at the rear of the building. There is no traditional entryway or storefront as is seen with other commercial buildings in the district.

The guidelines state that a structure should have a recessed primary door that face the road (Guideline III.H). The main door for the structure, however, is on the rear and faces the alley and does not meet the guidelines.

**Recommendation Summary:**

Staff recommends disapproval of the shed building at 105 Broadway finding that the project does not meet section III for new construction. Staff recommends that the structure is removed within sixty (60) days of the Commission's decision.

ATTACHMENT A: PHOTOGRAPHS



January 11, 2021



May 25, 2021





June 3, 2021