

DAVID BRILEY  
MAYOR



**METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY**

Metropolitan Historic Zoning Commission  
Sunnyside in Sevier Park

**METRO HISTORIC ZONING COMMISSION (MHZC)  
MINUTES  
January 16, 2019**

**Commissioners Present:** Chairman Bell and Vice Chair Stewart, LaDonna Boyd, Leigh Fitts, Ben Mosley, David Price, Brian Tibbs

**Zoning Staff:** Melissa Baldock, Paul Hoffman, Melissa Sajid, Jenny Warren, Robin Zeigler (historic zoning administrator), Susan Jones

**Applicants:** Randy Morgan, Van Pond, Jr., Brian Haun, Franz Baudenbacher

**Councilmembers:** None

**Public:** None

Chairman Bell called the meeting to order at 2:04 p.m. and introduced new commissioner, Leigh Fitts.

Chairman Bell read information about the amount of time people have to speak, the process of the consent agenda and the process for appeals.

**I. ADOPTION OF AGENDA**

Ms. Zeigler informed the Commission that there are requests to remove 2819 Hillside from the consent agenda and to defer 2020 10<sup>th</sup> Ave S and 2517 Blair Blvd until next month.

**Motion:**

**Vice-chair Stewart moved to approve the revised agenda. Commissioner Boyd seconded and the motion passed unanimously.**

**II. RECOGNITION OF COUNCILMEMBERS**

None present.

**II. APPROVAL OF MINUTES**

a. December 19, 2018

**Motion:**

**Vice-chair Stewart moved to accept the revised minutes. Commissioner Tibbs seconded and the motion passed unanimously.**

### III. CONSENT AGENDA

Staff member, Jenny Warren presented the cases for the consent agenda, with the exception of 2819 Hillside Dr.

#### b. 3604 RICHLAND AVE

Application: New Construction--Addition and Outbuilding  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)  
PermitID#: T2019000221 and T2019000222

#### c. 3534 RICHLAND AVE

Application: New Construction – Infill  
Council District: 24  
Overlay: Richland-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren [Jenny.Warren@nashville.gov](mailto:Jenny.Warren@nashville.gov)  
Permit ID#: 2018076152

#### d. 2819 HILLSIDE DRIVE

Application: New construction--Infill  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Paul Hoffman [Paul.Hoffman@nashville.gov](mailto:Paul.Hoffman@nashville.gov)  
PermitID#: T2019000401

#### e. 418 FAIRFAX AVE

Application: New Construction: Outbuilding; Setback Determination  
Council District: 18  
Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay  
Project Lead: Jenny Warren [Jenny.Warren@nashville.gov](mailto:Jenny.Warren@nashville.gov)  
PermitID#: T2019000439

#### Motion:

**Vice-chair Stewart moved to approve all items on consent with their applicable conditions with the exception of 2819 Hillside Drive. Commissioner Fitts seconded and the motion passed unanimously.**

### V. OVERLAY RECOMMENDATIONS & DESIGN GUIDELINE ADOPTIONS

None

### VI. PREVIOUSLY DEFERRED ITEMS

The items below were deferred at a previous MHZC meeting at the request of the applicant.

None

### VII. PRELIMINARY & FINAL SP REVIEW

None

### VIII. VIOLATIONS/ ALTERATIONS TO PREVIOUS APPROVALS

None

## **IX. MHZC ACTIONS**

### **f. 2020 10<sup>TH</sup> AVE SOUTH**

Application: New Construction--Addition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov

PermitID#: T2019001466

Deferred by request of the applicant.

### **g. 1011 SOUTH DOUGLAS AVE**

Application: New construction--Addition

Council District: 17

Overlay: Waverly-Belmont Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman Paul.Hoffman@nashville.gov

PermitID#: T2019001472

Staff member, Paul Hoffman presented the case for 1011 S Douglas Ave, an application for a rear addition to this contributing building in Waverly Belmont.

The application includes some changes to the existing structure. First is this barrel-vaulted roof over the front entry, which is proposed to be removed and replaced. The 1969 property assessor's photo is not much help. It is unclear if this may be an original feature of the house, so staff recommends the applicant find evidence to make sure that this has been added, prior to removing it.

Window and door openings on both sides are proposed to be altered. On the right side, the back half of the house was originally an open porch, so staff finds these changes to meet the guidelines for openings. On the building's left side, the door is proposed to be moved approximately to the midpoint, and two new windows added at the rear of that side. Two window sets toward the front of this side are shown being altered. As the Commission has not generally approved alteration of window or door openings toward the front, staff recommends that those be maintained. Those to the rear of the midpoint are appropriate to be altered.

The new construction will add one thousand four hundred and seventeen square feet (1,417 sq. ft.) to the existing footprint of the house. The addition sets in appropriately on each side, and then opens up to match the existing width. Staff finds that the height, scale, materials, location and removability meet those sections of the design guidelines.

The design of the addition is a mirror image of the existing home. Its form includes compatible roof forms, but as designed it creates the look of a house behind a house. The design guidelines and the Secretary of the Interior's Standards require that new work be differentiated from the historic building. Staff's review is that this addition is not differentiated from the historic building, and recommends that the form be revised to meet these requirements.

New dormers are proposed on the historic roof as well as on the addition. These are wider than is normally seen historically, and they do not include much glazing. Generally an existing dormer is used to help guide the design of new dormers. In this case, there is only the one small dormer on the front of the house. Staff recommends that any dormers added to the historic part of the house not exceed the width of the paired windows in the gable field (here), and that the ridge is set at least two feet (2') below the ridge, and the side of the dormer is at least two feet (2') up, and that the dormers be fully glazed, as is required for most dormers added to an existing historic building. Staff also recommends that there be no more than two (2) dormers per side.

The Commission has allowed for larger dormers on an addition than on an existing roof. The shed roof on the left side is therefore okay, but staff recommends increasing the window area as is historically appropriate, or breaking it into two (2) dormers that are fully glazed, etc.

On the addition's other side, the dormer includes this projection that is out of proportion and has no windows. Staff recommends a dormer or dormers that are traditionally scaled and glazed in this location.

Staff recommends approval with the conditions:

1. That the addition's form is redesigned so as not to be a duplicate of the existing house and not appear as a house attached to the rear of a house;
2. That any dormers added to the historic portion of the house not exceed the width of the paired windows in the gable field, including trim; the pitch of the gabled dormer roof matches the pitch of the house; the ridge of the dormer be at least two feet (2') below the existing ridge of the house, the side of the dormer be at least two feet (2) from the valley and the facing of the dormer be fully glazed;
3. That the number of dormers on the historic building should not exceed more than two (2) on each side;
4. The addition's left dormer face be fully glazed or that the long dormer be broken up into two (2) dormers that are primarily glazing; and the right side dormer be a dormer or dormers that are traditionally scaled and glazed;
5. Before removing the front porch roof, the applicant submit photographic or construction evidence that this feature is not original;
6. The existing window openings forward of the midpoint on the left side not be altered;
7. Staff approve the roof color, masonry, windows and doors prior to purchase and installation;
8. HVAC and other utilities are located at the rear, or on a non-street-facing façade beyond the midpoint of the structure.

Meeting these conditions, Staff finds that the application will meet Section IV for Additions in the Waverly-Belmont Neighborhood Conservation Zoning Overlay design guidelines.

Randy Morgan, owner and builder for the project, said that they have already made the majority of the changes requested.

There were no requests from the public to speak.

**Motion:**

**Vice-chair moved to approve with the conditions:**

1. **That the addition's form is redesigned so as not to be a duplicate of the existing house and not appear as a house attached to the rear of a house;**
2. **That any dormers added to the historic portion of the house not exceed the width of the paired windows in the gable field, including trim; the pitch of the gabled dormer roof matches the pitch of the house; the ridge of the dormer be at least two feet (2') below the existing ridge of the house, the side of the dormer be at least two feet (2) from the valley and the facing of the dormer be fully glazed;**
3. **That the number of dormers on the historic building should not exceed more than two (2) on each side;**
4. **The addition's left dormer face be fully glazed or that the long dormer be broken up into two (2) dormers that are primarily glazing; and the right side dormer be a dormer or dormers that are traditionally scaled and glazed;**
5. **Before removing the front porch roof, the applicant submit photographic or construction evidence that this feature is not original;**
6. **The existing window openings forward of the midpoint on the left side not be altered;**
7. **Staff approve the roof color, masonry, windows and doors prior to purchase and installation;**
8. **HVAC and other utilities are located at the rear, or on a non-street-facing façade beyond the midpoint of the structure;**

**finding that with these conditions, the project meets Section IV for Additions. Commissioner Price seconded and the motion passed unanimously.**

#### **h. 3601 RICHLAND AVE**

Application: New Construction--Addition; Setback Determination

Council District: 24

Overlay: Richland-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: T2019000310

Staff member Melissa Sajid presented the case for an addition at 3601 Richland Ave.

The house located at 3601 Richland Avenue was constructed c. 1915 and contributes to the character of the Richland-West End neighborhood. The request is for a rear addition that includes an attached garage. The project includes requests for setback determinations to reduce the rear setback from twenty feet (20') to three feet (3') and to reduce the left side setback along Bowling Avenue from twenty feet (20') to eight feet (8').

The proposed addition is located at the rear, is set in appropriately from the rear corners of the historic house, and does not extend wider than the historic house.

The applicant has requested setback determinations for both the left side and rear setbacks. The site is a corner lot, and the house is located eight feet (8') from the side property line along Bowling Avenue while the bulk standards typically requires ten feet (10') on a side street for new construction, but this increases to twenty feet (20') in cases where garage doors face the side street. Staff finds that the requested side setback determination along the Bowling Avenue property line to be appropriate as the addition is no wider and will be no closer to the side property line than the historic house.

The house is located only twenty-seven feet (27') from the rear property line. With the minimum rear setback requirement of twenty feet (20'), the buildable area behind the house would be limited to approximately seven feet (7') deep. The applicant proposes an addition that increases the depth by twenty-four feet (24'), which would be only three feet (3') from the rear property line. Staff finds that reducing the rear setback could be appropriate in this case but is concerned with the amount of reduction for a lot with no rear alley. In the past, there have been situations in which the Commission has reduced the rear setback to as little as five feet (5').

In this case, the property backs up to the front half of a property that faces Bowling Avenue. Because of the deep setback of 133 Bowling Avenue, staff is concerned that encroaching too far into the required twenty-foot (20') rear setback at 3601 Richland Avenue could negatively impact the adjoining property owner. The bulk standards permit a three feet (3') rear setback for accessory structures that have a footprint of less than seven hundred square feet (700 sq. ft.), but in this case, a three feet (3') rear setback is proposed for a primary structure with a footprint of approximately one-thousand eight-hundred (1800) square feet. In addition, a side setback determination on the Bowling Street side is also requested. For these reasons, staff does not recommend that the rear setback be reduced to less than five feet (5').

The addition ties in two feet (2') below the ridge of the historic house and includes an attached garage on the left side of the addition. The design guidelines allow for attached garages when they are located at basement-level. While the proposed garage is not located at basement level, staff finds that an attached garage could be appropriate in this case given the depth of the lot and the deep front setback. The historic house is set back approximately seventy feet (70') from the front property line. While the deep front setback is consistent with the context, the lot is shallower than most lots on this block of Richland Avenue. The subject property is approximately one hundred twenty-four feet (124') deep whereas most lots are closer to two hundred feet (200') deep. Consequently, the existing house is only twenty-seven feet (27') from the rear property line. Staff finds that incorporating an attached garage would not result in an inappropriate massing for the addition. For these reasons, staff finds that the proposed design with an attached garage could be appropriate in this case.

In conclusion, staff recommends approval of the project with the following conditions:

- 1.** The rear setback shall be increased to a minimum of five feet (5');

2. Staff approve the final details, dimensions and materials of the foundation, roof color, windows doors, and garage doors prior to purchase and installation; and
3. If relocated, the HVAC shall be located behind the house or on either side, beyond the mid-point of the house.

With these conditions, staff finds that the project meets II.B of the *Richland-West End Neighborhood Conservation Zoning District: Handbook and Design Guidelines*.

Commissioners asked clarifying questions of Ms. Sajid.

Van Pond, architect for the project, explained that the lot is constricted. They spoke to Public Works and were told that the garage was fine as long as the face sits beyond the side-wall of the house. Next door there is a detached garage that is either on, or just inches from, the rear setback. They do not feel that a three foot (3') rear setback will encroach any further than the existing conditions next door.

There were no requests from the public to speak.

Commissioner Price stated that because of the size of the lot, the existing conditions next door, and the deep front setback of the house on Bowling, he did not have any issues with granting the rear setback requested.

Commissioner Mosley agreed adding that the size of the proposed addition, the setback of the dormers, and the size of the garage were very reasonable and that the requested setback might not be appropriate for a larger addition.

**Motion:**

**Commissioner Tibbs moved to approve the project with the following conditions:**

1. **Staff approve the final details, dimensions and materials of the foundation, roof color, windows doors, and garage doors prior to purchase and installation; and**
2. **If relocated, the HVAC shall be located behind the house or on either side, beyond the mid-point of the house;**

**finding that with these conditions, the project meets II.B of the *Richland-West End Neighborhood Conservation Zoning District: Handbook and Design Guidelines*. Vice-chair Stewart seconded and the motion passed unanimously.**

**i. 2517 BLAIR BLVD**

Application: New Construction--Addition to Outbuilding; Setback determination

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Baldock Melissa.Baldock@nashville.gov

PermitID#: T2019000215

Deferred at the request of the applicant.

**j. 2116 19TH AVE S**

Application: New Construction—Infill

Council District: 18

Overlay: Belmont-Hillsboro Neighborhood Conservation Zoning Overlay

Project Lead: Melissa Sajid Melissa.Sajid@nashville.gov

PermitID#: T2018076164

Staff member, Melissa Sajid, presented the case for infill at 2116 19<sup>th</sup> Ave S.

This is a request to construct infill at 2116 19<sup>th</sup> Ave S. A permit was issued in November 2018 to demolish the non-contributing house that was located on site, and the structure has since been demolished.

The plan before you meets the design guidelines for height, scale, setbacks and rhythm of spacing, materials, roof shape, and orientation. As proposed, the infill is oriented to 19<sup>th</sup> Ave S and meets all setbacks. The site plan shows a footprint for an outbuilding, but that is not included with this application. Parking will be from the alley.

The structure is two stories with a maximum height of thirty-three feet (33') from grade to ridge. The overall height is similar to nearby historic houses as well as recently approved infill. The house will be primarily clad in brick with siding as a secondary material.

Here are context photos. The photo on the left is 2114 19<sup>th</sup> Ave S, which is recent infill. The photo on the right is 2112 19<sup>th</sup> Ave S, which is contributing.

The photo on the left here is 2113 19<sup>th</sup> Avenue South, and the photo on the right includes 2117 and 2119 19<sup>th</sup> Avenue South.

In conclusion, staff recommends approval of the infill with the following conditions:

1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;
2. The front setback should be consistent with the buildings to either side, to be verified by MHZC staff in the field;
3. The HVAC shall be located at the rear of the home or on the side, beyond the mid-point of the house; and
4. Staff shall review all final material selections including a brick sample prior to purchase and installation.

The applicant was not present and there were no requests from the public to speak.

Commissioners Mosley and Tibbs expressed concern about the drawings and the location of shingles and/or that the side elevations do not match the rear elevations. Ms. Sajid said that Staff can work out the details with the applicant

**Motion:**

**Commissioner Mosley moved to approve with the following conditions:**

- 1. The applicant verify the accuracy of side and rear elevations and return to the Commission if the result does not meet the design guidelines;**
- 2. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 3. The front setback should be consistent with the buildings to either side, to be verified by MHZC staff in the field;**
- 4. The HVAC shall be located at the rear of the home or on the side, beyond the mid-point of the house; and**
- 5. Staff shall review all final material selections including a brick sample prior to purchase and installation;**

**finding that with these conditions, the project meets Section II.B of the *Belmont-Hillsboro Neighborhood Conservation District: Handbook and Design Guidelines*. Commissioner Tibbs seconded and the motion passed unanimously.**

**k. 1328 3RD AVE N**

Application: New Construction--Infill

Council District: 19

Overlay: Germantown Historic Preservation Zoning Overlay

Project Lead: Melissa Baldock [Melissa.Baldock@nashville.gov](mailto:Melissa.Baldock@nashville.gov)

PermitID#: T2019000183

Staff member Melissa Baldock presented the case for 1328 3<sup>rd</sup> Ave N. The existing structure at 1328 3<sup>rd</sup> Avenue North is a c. 1940s frame structure that was formerly a church. It is located at the southeast corner of 3<sup>rd</sup> Avenue North and Taylor Street. When the Germantown neighborhood was re-surveyed in 2016, the structure was deemed non-contributing. MHZC staff issued an administrative demolition permit for the structure in January 2019. The

application is to construct a four (4) unit residential infill. Ms. Baldock showed context photos, noting that the immediate context is varied with larger, four (4) story apartment structures and smaller, one-story historic houses.

Vehicular access to the site will be via the rear alley, which is appropriate. Parking for six (6) cars will be provided via attached parking at the basement level. Staff finds this to be appropriate. The project will meet all base zoning setbacks. The front façade will be five feet (5') from the property line, and staff finds this shallow front setback to be appropriate.

The lot next door to this one is largely vacant, with a non-contributing outbuilding located at the back of the lot. There is no adjacent front setback for comparison to this site. In addition, the historic one-story houses on the street sit very close to the front property line, and the large new apartment building catty-corner from the site sits on the property line, as does the townhouse development to across the alley at 2<sup>nd</sup> Avenue North and Taylor Street. The five foot (5') front setback is therefore appropriate.

The proposed infill will be two stories with a maximum height of thirty-four feet, five inches (34'5") from grade at the front. The lot slopes down towards the rear, allowing for a raised basement in sections of the development. In the immediate vicinity, there is a mixture of older one-story homes and newer, four-story apartment complexes. The Germantown design guidelines allow for new infill to be two stories and up to thirty-five (35') in height if it has a sloped roof – no matter the context. Staff therefore finds that the proposed number of stories and height meet the design guidelines.

The main portion of the house is oriented towards 3<sup>rd</sup> Avenue North. The front façade contains two identical, side by side, entries behind a shallow stoop. Staff finds this to be appropriate. On Taylor Street, two (2) additional entries lead to the other two (2) residential units. They are also behind small stoops and appropriate for this building type. The interior court facades have a higher percentage of lap siding, which staff finds to be appropriate because these facades will not be highly visible from the street.

The residential units have rooftop decks, which can be appropriate in this development zone. Three (3) of the four (4) rooftop decks are located on the interior court of the structure, and will not be highly visible from the street. However, there is a rooftop deck facing Taylor Street that extends up to the edge of the building. The design guidelines state that rooftop decks “should sit back a minimum of five feet (5') from the side street-facing wall in the case of corner buildings.” Staff therefore recommends that this rooftop deck be setback five feet (5') from the edge of the 3<sup>rd</sup> Avenue North wall.

Staff recommends approval of the project with the following conditions:

1. The finished floor height be consistent with the finished floor heights of the neighboring historic houses, to be verified by MHZC staff in the field;
2. The rooftop deck facing Taylor Street be setback five feet (5') from the Taylor Street wall;
3. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;
4. Staff approve all brick and paver samples;
5. Staff approve the roof shingle color and texture;
6. Staff approve the material of the stoop steps and landings; and
7. The HVAC units and other utilities be located on the interior court, or on the roof.

With these conditions, staff finds that the proposed infill meets Section III. of the design guidelines for the Germantown Historic Preservation Zoning Overlay.

In answer to Commissioner's questions, Brian Haun, architect for the project, confirmed that the sidewalk will be brick and connect with the project behind this one that is also designed by their firm and provided additional information about the rooftop deck.

There were no requests from the public to speak.

**Motion:**



**Commissioner Price moved to approve with the following conditions:**

- 1. The finished floor height be consistent with the finished floor heights of the neighboring historic houses, to be verified by MHZC staff in the field;**
  - 2. The rooftop deck facing Taylor Street be setback five feet (5') from the Taylor Street wall;**
  - 3. Staff approve the final details, dimensions and materials of windows and doors prior to purchase and installation;**
  - 4. Staff approve all brick and paver samples;**
  - 5. Staff approve the roof shingle color and texture;**
  - 6. Staff approve the material of the stoop steps and landings; and**
  - 7. The HVAC units and other utilities be located on the interior court, or on the roof;**
- finding that with these conditions, the proposed infill meets Section III. of the design guidelines for the Germantown Historic Preservation Zoning Overlay. Vice-chairman Stewart seconded and the motion passed unanimously.**

**d. 2819 HILLSIDE DRIVE**

Application: New construction--Infill

Council District: 18

Overlay: Hillsboro-West End Neighborhood Conservation Zoning Overlay

Project Lead: Paul Hoffman Paul.Hoffman@nashville.gov

PermitID#: T2019000401

Staff member, Paul Hoffman, presented the case for 2819 Hillside Dr. Mr. Hoffman explained that the applicant requested the item to be removed from the consent agenda because of concern about condition #1.

Franz Baudenbacher, owner and builder of the project, provided back ground on the request and the previous request. He expressed his concern with the floor height condition and the inability to change the existing foundation. He claimed that the previous decision allowed that the foundation be the same and he would like the commission to honor the previous decision. He said that the windows were also approved.

Mr. Hoffman clarified that the previous approval was for a soldier course to delineate the foundation. In answer to Vice-chairman's Stewart's question, Mr. Baudenbacher said he did not agree with keeping conditions for the foundation.

There were no requests from the public to speak.

Commissioner Mosley said that condition #1 is not different than what the Staff routinely recommends and is not different from the previous approval nor is it a request of the applicant to change existing conditions. He recommended leaving condition #1 in case something changes during construction. Commissioner Mosley said that it would be unusual to not have a break between the cladding and foundation and would be contrary to the design guidelines. In addition, he did not see that the proposed design in any way warranted going in a different direction.

To provide additional guidance, Commissioner Mosley stated that the inspected foundation meets the design guidelines. It is not the intent to require the existing foundation be changed.

**Motion:**

**Commissioner Tibbs moved to approve the project with the conditions:**

- 1. The finished floor height shall be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field;**
- 2. The foundation masonry be a different material or color than the cladding brick, to distinguish the foundation;**
- 3. Double and triple windows have a four-six inch (4"-6") mullion between them;**
- 4. Staff approve the roof color, masonry, windows, doors, porch columns, railings, prior to purchase and installation; and**

**5. The HVAC shall be located behind the house or on either side, beyond the mid-point of the house. finding that the application meets Section II.B for New Construction of the design guidelines for the Hillsboro-West End Neighborhood Conservation Zoning Overlay. Vice-chairman Stewart seconded and the motion passed unanimously.**

**X. OTHER BUSINESS**

**I. ADMINISTRATIVE ACTIONS & UPDATES**

**m. ADMINISTRATIVE PERMITS ISSUED FOR PRIOR MONTH**

**OHF**

The meeting adjourned at 3:11 p.m.

RATIFIED BY COMMISSION ON FEBRUARY 20, 2019